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INDEX

FEDERAL REGISTER

Volume 16 ANNUAL INDEX, 1951 Nos. 1–251

A

ACCOUNTING OFFICE. *See* General Accounting Office. Page

ACCOUNTS BUREAU. *See* Treasury Department.

ADVISORY COMMITTEES. *See* Committees, boards, etc.

AERONAUTICS, NATIONAL ADVISORY COMMITTEE FOR. *See* National Advisory Committee for Aeronautics.

AGRICULTURE DEPARTMENT:

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Dairy Industry Bureau.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

Agricultural adjustment:
Committees, county and community, of Production and Marketing Administration, regulations pertaining to selection and functions of; treasurer, eligibility requirements for selection ---- 6098
Conservation programs:
National programs. *See* Conservation programs.
Special programs for Territories and possessions. *See* Alaska; Puerto Rico; *and* Virgin Islands.
Marketing quotas, for various commodities. *See* Corn; Cotton; Peanuts; Rice; Tobacco; *and* Wheat.
Agricultural Research Administration; authority respecting contracts under First War Powers Act -- 2856, 3311

Alaska, Special Agricultural Conservation Programs:
1951 program; practice 11, clearing woodland for tillage ---- 4000
1952 program ---- 12415
Almonds:
See also Nuts.
Handling of almonds grown in California:
Budget of expenses of Almond Control Board and rate of assessment for crop year beginning July 1, 1951 ---- 10164, 11260
Reports by handlers of their receipts of almonds; order respecting ---- 10592
Salable and surplus percentages ---- 9049, 9801
Importation of; proclamation respecting import fee. *See main heading* Presidential documents.
Standards:
In the shell ---- 5447, 7195
Shelled ---- 5448, 7197

AGRICULTURE DEPARTMENT—Continued

Apples:
See also Fruits and vegetables.
Export; minimum quality requirements for ---- 6139, 6217
Export and diversion programs, for fresh and dried apples:
Dried apple export program SMX 95A, fiscal year 1952 ---- 5913
Fresh apple export programs:
Fiscal year 1951, eligibility for payment -- 3629, 5035
Fiscal year 1952 ---- 7761, 11045, 12027
Set aside requirements ---- 4382, 7768
Standards:
Fresh ---- 5619, 6011
Frozen (standards proposed) ---- 9616
Apricots:
See also Fruits and vegetables.
Parity prices, for apricots for processing ---- 1
Set aside requirements ---- 4382, 7768
Asparagus:
See also Fruits and vegetables.
Set aside requirements ---- 3647, 7377
Standards, for frozen asparagus; proposed ---- 12999
Authority, delegations of:
Production and Marketing Administration; delegations of authority to and by:
From Secretary of Agriculture. *See* Secretary of Agriculture.
To and from Defense Transport Administrator; storage and warehouse facilities for certain foods ---- 11510, 11512
To Department officials:
Dairy Branch, Director; authority respecting grading and inspection of dairy products -- 6613
Redelegation to Dairy Inspection and Grading Division, Chief ---- 6766
Fruit and Vegetable Branch, Director; authority respecting inspection, certification, etc.:
Fresh fruits, vegetables and products ---- 11741
Processed fruits and vegetables, processed products thereof, and certain other processed food products ---- 11741
Poultry Branch, Director; authority to issue grading and inspection of poultry and domestic rabbits and edible products thereof ---- 8791
Sugar Branch, Acting Director; authority respecting price and wage proceedings ---- 11784
Secretary of Agriculture, delegations of authority by, to various agencies and officials:
Agricultural Research Administration; contracts under First War Powers act, authority respecting ---- 2856, 3311
Census Bureau; authority to require certain reports under Defense Production Act with respect to voluntary agreements ---- 1963, 3311

AGRICULTURE DEPARTMENT—Continued — Page

Authority, delegations of—Continued
Secretary of Agriculture, delegations of authority by, to various agencies and officials—Con.
Defense Food Delegations; redesignation of certain prior delegations of authority 3311, 3519
Economic Stabilization Agency; authority respecting meat allocation 1272, 3311, 11620
Farmers Home Administrator; authority respecting disaster loans to farmers and stockmen 3388
Forest Service, Chief:
Local advisory board for management and administration of national forest grazing lands, authority respecting constitution and electing of 3538
Timber and timber products, authority under Defense Production Act respecting 2446
Redesignation 3311
Production and Marketing Administrator:
Contracts in connection with national defense programs, authority respecting 2446, 3311
Functions under Defense Production Act, delegation of 2446, 3311
Babassu kernels and oil; import authorization, notice of expiration 9627
Beans:
See also Fruits and vegetables.
Set aside requirements, for green and wax beans, and lima beans 3347, 7357
Standards:
Dry edible beans 10162, 11327, 11763
Green and wax beans, canned; revision 5450, 6790
Lima beans:
Canned; revision 1596, 3607, 5390, 5607
Frozen; proposed revision 3621, 7520
Warehouses, for dry beans; proposed rule making:
Definitions; terms defined, "dockage" and "defects" 6623
Licensed inspectors and weighers; certificate forms 6625
Licensed warehouseman duties:
Shrinkage of beans; deletion 6624
Storage of uncleaned beans, delivery from storage, etc 6624
Warehouse licenses; space to be covered, suspension or revocation, etc 6623
Warehouse receipts; form, lost or destroyed receipts, etc 6623
Beet sugar. *See* Sugar.
Beets:
See also Fruits and vegetables.
Standards, for canned beets 6870, 10013
Berries. *See* Blueberries; *and* Blackberries.
Blackberries:
See also Fruits and vegetables.
Set aside requirements 4982, 7768
Blueberries:
See also Fruits and vegetables.
Set aside requirements 4982, 7768
Standards:
Canned; revision 1663, 2823
Frozen; revision 1666
Broccoli:
See also Fruits and vegetables.
Standards; fresh broccoli, for processing 1595, 2781
Brussels sprouts:
See also Fruits and vegetables.
Standards for frozen brussels sprouts; revision 3103
Butter:
Grading and inspection. *See* Dairy products.
Imports 7936, 8273, 9690, 11602
Cane sugar. *See* Sugar.
Carrots:
See also Fruits and vegetables.
Set aside requirements 3347, 7357
Standards, for frozen diced carrots 6467, 9298
Casein or lactarene:
Grading and inspection. *See* Dairy products.
Imports 7936, 8273, 9690, 11602
Castor oil; restrictions on inventory and use 2970, 6621
Catsup, tomato. *See* Tomatoes and products.

AGRICULTURE DEPARTMENT—Continued — Page

Cauliflower:
See also Fruits and vegetables.
Handling of fresh cauliflower grown in certain counties in Colorado:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 7876, 9028
Shipments; regulation by grades and sizes 6857, 7168
Standards, for frozen cauliflower 6951, 10332, 11206
Certificates, necessity, for certain purposes; delegation of authority from Defense Production Administrator respecting:
Amortization of emergency facilities under section 124A Internal Revenue Code, recommendations for issuance, etc 738, 4594
Loans, purchases, etc., under Defense Production Act 738, 4594
Cheese:
Grading and inspection. *See* Dairy products.
Imports 7936, 8273, 9690, 11602
Standards, for Swiss cheese; proposed 12399, 12573
Cherries:
See also Fruits and vegetables.
Set aside requirements 4982, 7768
Standards, for sulfured cherries; revision 4423, 4802
Chlordane, household insecticides containing; labeling of 9345
Christmas trees and greens; inspection and certification:
Charges, basis for 6337
Fees, for appeal inspections 6337
Citrus fruits (oranges, lemons, grapefruit, and tangerines):
See also Fruits and vegetables.
Export payment program (fiscal year 1952), for fresh lemons 9137
Export program RMX 135a 1474
Eligibility for payment 3630, 5159
Export program SMX 7A (fiscal year 1952), for fresh and processed oranges 12541
Handling of citrus fruits grown in various States:
Arizona:
Grapefruit:
Budget of expenses and rate of assessment for 1951–52 fiscal period 11314, 12333
Limitation of shipments 341, 1627, 2467, 3277, 4369, 10619, 12605
Lemons:
Administrative committee rules and regulations 5530
Limitation of shipments 155, 341, 533, 763, 1003, 1266, 1673, 1788, 2021, 2213, 2214, 2487, 2650, 2830, 3028, 3277, 3458, 3640, 3974, 3975, 4426, 4677, 4959, 5156, 5468, 5740, 5974, 5975, 6357, 6610, 6795, 6911, 7137, 7382, 7638, 7639, 7925, 8233, 8573, 8878, 9139, 9364, 9676, 9939, 10198, 10481, 10723, 10928, 11207, 11475, 11478, 11669, 11855, 12177, 12384, 12633, 12863, 13120
Marketing agreement and order, amendment 4354, 5062, 5525
Oranges:
Budget of expenses and rate of assessment for 1951–52 fiscal year 11456, 12384
Limitation of shipments 160, 342, 533, 764, 1004, 1268, 1674, 1783, 2021, 2215, 2467, 2489, 2651, 2831, 3029, 3331, 3459, 3507, 3640, 3975, 4426, 4427, 4678, 4961, 5157, 5469, 5652, 5742, 5976, 6358, 6610, 6795, 7138, 7383, 7384, 7639, 7926, 8234, 8270, 8575, 8879, 9140, 9142, 9365, 9677, 9939, 10198, 10200, 10431, 10661, 10724, 10725, 10929, 11208, 11478, 11479, 11670, 11855, 12178, 12385, 12636, 12863, 13121
Marketing agreement and order, as amended; hearing respecting termination 12408
California:
Grapefruit (Imperial and Riverside Counties):
Budget of expenses and rate of assessment for 1951–52 fiscal period 11314, 12333
Limitation of shipments 341, 1627, 2467, 3277, 4369, 10619, 12605
Lemons:
Administrative committee rules and regulations 5530

AGRICULTURE DEPARTMENT—Continued — Page

Citrus fruits (oranges, lemons, grapefruit, and tangerines)—Continued
Handling of citrus fruits grown in various States—Continued
California—Continued
Lemons—Continued
Limitation of shipments 155, 341, 533, 763, 1003, 1266, 1673, 1788, 2021, 2213, 2214, 2487, 2650, 2830, 3028, 3277, 3458, 3640, 3974, 3975, 4426, 4677, 4959, 5156, 5468, 5740, 5974, 5975, 6357, 6610, 6795, 6911, 7137, 7382, 7638, 7639, 7925, 8233, 8573, 8878, 9139, 9364, 9676, 9939, 10198, 10481, 10723, 10928, 11207, 11475, 11478, 11669, 11855, 12177, 12384, 12633, 12863, 13120
Marketing agreement and order, amendment 4354, 5062, 5525
Oranges:
Budget of expenses and rate of assessment for 1951–52 fiscal year 11456, 12384
Limitation of shipments 160, 342, 533, 764, 1004, 1268, 1674, 1783, 2021, 2215, 2467, 2489, 2651, 2831, 3029, 3331, 3459, 3507, 3640, 3975, 4426, 4427, 4678, 4961, 5157, 5469, 5652, 5742, 5976, 6358, 6610, 6795, 7138, 7383, 7384, 7639, 7926, 8234, 8270, 8575, 8879, 9140, 9142, 9365, 9677, 9939, 10198, 10200, 10431, 10661, 10724, 10725, 10929, 11208, 11478, 11479, 11670, 11855, 12178, 12385, 12636, 12863, 13121
Marketing agreement and order, as amended; hearing respecting termination 12408
Florida:
Grapefruit:
Budget of expenses and rate of assessment for 1951–52 fiscal period 10859, 11907
Limitation of shipments 339, 531, 931, 1265, 1786, 2212, 3027, 3974, 5156, 6794, 8878, 9352, 9938, 10480, 10925, 11477, 11854, 12383
Oranges:
Budget of expenses and rate of assessment for 1951–52 fiscal period 10859, 11907
Limitation of shipments 337, 529, 761, 1263, 1787, 2212, 3027, 3973, 5155, 6794, 9352, 9937, 10479, 10924, 11476, 11851, 12383
Tangerines:
Budget of expenses and rate of assessment for 1951–52 fiscal period 10859, 11097
Limitation of shipments 153, 340, 532, 763, 1003, 1266, 1786, 2212, 3028, 10480, 10925, 11477, 11854, 12383.
Standards, for fresh oranges (California and Arizona) 2797, 4419
Coconut oil; import authorization, notice of expiration 9627
Committees, boards, etc.:
Agricultural adjustment committees. *See* Agricultural adjustment.
County committees of Production and Marketing Administration; chairmen as contracting officers for Commodity Credit Corporation. *See main heading* Commodity Credit Corporation.
Representation on various committees:
Defense Mobilization Board; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Committees, Regional 1583
Defense Transportation and Storage, Committee on 2473
Domestic Transport, Storage, and Port Utilization, Interagency Advisory Committee on 585
Foreign Supplies and Requirements, Committee on 646
Manpower Policy Committee 1272
Narcotics, Interdepartmental Committee on; Executive order respecting. *See main heading* Presidential documents.
Conservation programs:
National Agricultural Conservation Programs:
1950 program:
Conservation materials and services; deduction respecting materials 1223
Conservation practices and maximum rates of assistance 1223

AGRICULTURE DEPARTMENT—Continued — Page

Conservation programs—Continued
National Agricultural Conservation Programs—Con.
1951 program:
Conservation materials and services; deduction respecting materials 1225
Conservation practices and maximum rates of assistance 1225, 7563
Practices to develop cropping systems that restore, etc., soil productivity; increase farm acreage of legumes and grasses or mixtures of these 1915
Payments:
Application for; final date for filing 5863
General provisions; breaking out permanent vegetative cover 5863
1952 program 9033, 9632
Applicability; farm outside continental United States 12306
Conservation practices and maximum rates of assistance:
Practices to conserve and obtain efficient use of agricultural water; practice D–6, constructing or enlarging dams, pits, and ponds to impound surface water for irrigation 12306
Practices to develop cropping systems that protect the soil, and restore, improve, and maintain soil productivity; practice B–1–f, establishing biennial or perennial legumes and grasses, etc., for green manure 12306
Practices to protect soil from wind and water erosion; practice A–11, managing crop residues 12306
Practices to restore and maintain range and permanent pasture:
Practice C–1; improving and maintaining a desirable vegetable cover on range land 12306
Practice C–2; livestock water development to obtain proper distribution of livestock and prevent overgrazing 12306
State funds, availability 9859
Naval Stores Conservation Program, 1952 9302
Special Conservation Programs for Territories and possessions. *See* Alaska; Puerto Rico; *and* Virgin Islands.
Construction (farm construction, facilities in connection with food production, processing and wholesale distribution); delegation of authority from National Production Authority to Secretary to process applications under NPA Orders M–4 and M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 respecting 5401, 6735, 7628
Contracts and purchases, under First War Powers Act:
Delegations of authority respecting:
To Agricultural Research Administration 2856, 3311
To Production and Marketing Administrator 2446, 3311
Executive order respecting. *See main heading* Presidential documents.
Copra; import authorization, notice of expiration 9627
Corn:
See also Grains.
Hybrid seed corn. *See* Seeds.
Marketing quotas:
1951 Crop:
Acreage allotments; no determination respecting 277
Commercial corn-producing area for; no establishment respecting 277
1952 crop; proclamations and determinations respecting marketing quotas, commercial corn-producing area, and acreage allotments 10658, 11631
Corn, sweet:
See also Fruits and vegetables.
Set aside requirements 3347, 7357

AGRICULTURE DEPARTMENT—Continued Page

Cotton:
Classifications and standards:
Classification under United States Cotton Futures Act:
Cotton and fiber spinning tests; prescribed fees, proposed rule making 12667
Regulations; classification, terms defined:
Mixed packed cotton 2084, 3880
Repacked cotton 2084, 3880
Standards, official, for American-Egyptian cotton 5953, 7499
Cotton standards:
Classification, terms defined:
Mixed packed cotton 2084, 3880
Repacked cotton 2084, 3880
Practical forms of official cotton standards 7501
Export and diversion program; terms and conditions of cotton sales, extension of effective period 12803
Marketing quotas:
1950, regulations; marketing, penalties, records and reports:
Farm marketing excess adjustment 1578
Penalty on farm marketing in excess 7882
Records to be kept and reports to be made by producers; farm operator's reports 1579
1951 marketing year, total supply and normal supply for; notice of determination to be made by Secretary respecting 9045
1952; proclamation:
Acreage allotment 9045, 10591
National quota 9045, 10591
Cranberry sauce:
See also Fruits and vegetables.
Standards, for canned cranberry sauce 1575
Cream:
Grading and inspection. *See* Dairy products.
Handling of. *See* Milk, cream and byproducts.
Standards, for cream for use in manufacture of butter; proposed 860, 3229
Dairy products (butter, cheese, milk, etc.):
Grading and inspection 5280, 5902, 6494
Delegation of authority to Director, Dairy Branch respecting 6662, 6693
Redelegation to Chief, Dairy Inspection and Grading Division 6766
Handling of milk, cream and byproducts. *See* Milk, cream and byproducts.
Imports 7936, 8273, 9690, 11602
Standards, for various dairy products. *See* Cheese; Cream; *and* Dry milk.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Committees, Regional, representation on 1583
Defense Production Act, provisions under, affecting functions of Department:
Delegations of authority:
By Secretary to various officials. *See* Authority, delegations of, *above*.
From Defense Production Administrator 738, 4594
Designation of claimant agencies to present requirements to Secretary with respect to food as defined in section 901 (h) of Executive Order 10161 1289, 3311
Designation of Department as claimant agency for programs under 4914
Foods and food facilities under Act. *See* Foods and food facilities.
Functions under, modification of; Executive order respecting. *See main heading* Presidential documents.
Production and Marketing Administration; designation as claimant agency before the Secretary to present requirements with respect to food:
Domestic food requirements for United States civilians 1289, 3311
Non-military food requirements for certain foreign countries 1289, 3311
Voluntary agreements under Defense Production Act; authority of Census Bureau to require certain reports respecting 1963, 3311
Defense Transportation and Storage, Committee on; representation on 2473

AGRICULTURE DEPARTMENT—Continued Page

Disaster areas:
Designation of counties in various States, and Hawaii and Puerto Rico as disaster areas having need for agricultural credit due to drought, freezes, excessive rainfall and flood conditions, etc. 590, 8145, 8252
Disaster loans, to farmers and stockmen; authority of Farmers Home Administrator respecting 3388
Farm land restoration program, for areas damaged by floods in disaster areas 8230, 11045
Domestic Transport, Storage, and Port Utilization, Interagency Advisory Committee on; representation on 585
Dry milk:
Grading and inspection. *See* Dairy products.
Imports 7936, 8273, 9690, 11602
Standards:
Nonfat dry milk solids 2398, 5420, 5971
Scorched particle 923
Eggs and egg products:
Sampling, grading, grade labeling, etc.:
Prior to recodification:
Definitions; terms defined 5872, 6337
Fees and charges; on a fee basis 5872, 6338
Forms, application, and contracts of agreement for grading service:
Egg products 4660, 6016
Shell eggs 4659, 6013
Licensed graders, inspectors, samplers and supervisors of packaging:
Limited license 5872, 6338
Suspension of license 5872, 6338
Who may be licensed 5872, 6337
Recodification 10193
Trading in eggs and egg products on commodity exchanges; regulations respecting reports, etc. *See main heading* Commodity Credit Corporation.
Export and diversion programs, for various agricultural commodities. *See* Apples; Citrus fruits; Cotton; Honey; Pears; Pecans; Prunes; Raisins; *and* Wheat.
Farm Land Restoration Programs; assistance to farmers in restoring to productive use farm lands damaged by flood or flood waters in designated disaster areas:
1951 program 8230
1952 program 11045
Fats; import controls, notice of expiration 9627
Federal Insecticide, Fungicide, and Rodenticide Act; regulations respecting labeling of household insecticides containing chlordane 9345
Figs:
See also Fruits and vegetables.
Parity prices, for figs for processing 5971
Set aside reqirements 4982, 7768
Filberts:
See also Nuts.
Handling of filberts grown in Oregon and Washington; salable, surplus and withholding percentages 8849, 9678, 11568
Fish. *See* Marine food products.
Flaxseed and screenings, imports of 7936
Flowers, and bulbs; inspection and certification:
Charges, basis for 6337
Fees, for appeal inspections 6337
Food:
See also specific commodities.
Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation
Imports. *See* Imports.
Foods and food facilities, under Defense Production Act:
Construction of facilities in connection with defense foods (farm construction, facilities in connection with food production, processing and wholesale distribution):
Delegation of authority from National Production Authority to Secretary to process applications under NPA Orders M-4 and M-4A, and to make allotments and assign ratings under CMP Regulation No. 6, respecting 5401, 6735, 7628

AGRICULTURE DEPARTMENT—Continued Page

Foods and food facilities, under Defense Production Act—Continued
Construction of facilities in connection with defense foods (farm construction, facilities in connection with food production, processing and wholesale distribution)—Continued
Procedures for filing applications for authorized construction schedules, allotments of controlled materials and DO ratings on other materials and equipment 8464, 9781
Defense Food Delegations; redesignation of certain prior delegations of authority 311, 3519
Defense Food Orders:
Agricultural imports:
Determination relating to imports under Defense Production Act 7937
Import restrictions on certain commodities. *See* Imports.
Regulations governing filing of and action on petitions for relief from hardship and other adjustment, etc., respecting 7568
Foods having industrial uses; allocation and priority functions respecting:
Delegations of authority:
From Administrator of National Production Authority to Production and Marketing Administrator 3669
From Production and Marketing Administrator to Administrator of National Production Authority 3624
Memorandum of agreement between Production and Marketing Administrator and Administrator of National Production Authority 3410
Imports of commodities or products, authority of Agriculture Department respecting 7949
Modification of functions in connection with, under Defense Production Act; Executive order respecting. *See main heading* Presidential documents.
Non-military food requirements for certain foreign countries, and domestic food requirements for United States civilians; Production and Marketing Administration designated as claimant agency respecting by Secretary 1289, 3311
Storage and warehouse facilities:
Delegations of authority:
From Defense Transport Administrator to Production and Marketing Administrator 11512
From Production and Marketing Administrator to Defense Transport Administrator 11510
Memorandum of agreement between Production and Marketing Administrator and Administrator of Defense Transport Administration 11512
Foreign Supplies and Requirements, Committee on; representation on 646
Fruit cocktail:
See also Fruits and vegetables.
Set aside requirements 4982, 7768
Fruits and vegetables:
Export and diversion programs, for fresh and processed fruits. *See* Apples; Citrus fruits; Pears; Prunes; *and* Raisins.
Grading, inspection, and standards, of fruits, berries, and vegetables:
Fresh fruits and vegetables; inspection and certification:
Delegation of authority to Director, Fruit and Vegetable Branch respecting 11741
Fees and charges, for inspection service:
Basis for charges 6337
Fees for appeal inpsections 6337
Processed fruits and vegetables, processed products thereof, etc.; inspection and certification:
Delegation of authority to Director, Fruit and Vegetable Branch respecting 11741
Inspection and certification regulations 6392, 7127, 12381

AGRICULTURE DEPARTMENT—Continued Page

Fruits and vegetables—Continued
Grading, inspection, and standards, of fruits, berries, and vegetables—Continued
Standards, for various fresh or processed fruits and vegetables. *See* Apples; Asparagus; Beans; Beets; Broccoli; Blueberries; Brussel sprouts; Carrots; Cauliflower; Cherries; Citrus fruits; Cranberry sauce; Grape juice; Grapefruit juice and orange juice; Orange marmalade; Pears; Peas; Raisins; Spinach Sweetpotatoes; *and* Watermelon.
Handling of various fruits and vegetables. *See* Cauliflower; Citrus fruits; Grapes; Peaches; Pears; Peas; Plums; Potatoes; Prunes; Raisins; *and* Watermelons.
Parity prices, determination of, for certain deciduous and other fruits (apricots, figs, peaches, olives, pears, plums, prunes) 5971
Set aside requirements, processed fruits and vegetables 3345, 4981
Canned fruits 4981
Table I 4982, 7768
Canned vegetables 3346
Table I 3347, 7357
Grains:
Export programs for wheat. *See* Wheat.
Marketing quotas, for corn, rice, or wheat. *See* Corn; Rice; *and* Wheat.
Standards, for rye 2649
Support prices for various grains. *See main heading* Commodity Credit Corporation.
Grape juice:
See also Fruits and vegetables.
Standards, for canned or bottled grape juice; revision 3209
Grapefruit. *See* Citrus fruits.
Grapefruit juice and orange juice; standards, for frozen concentrated juices:
Blended grapefruit and orange juice 11409
Grapefruit juice 11324
Grapes:
See also Fruits and vegetables.
Handling of Tokay grapes grown in California:
Budget of expenses and rate of assessment for 1951–52 season 7627, 9676
Marketing agreement and order:
Amendments 7874
Recodification 9353, 10016
Shipments; regulation by grades and sizes 8671
Hawaii:
Designation of, as disaster area having need for agricultural credit. *See* Disaster areas.
Sugar requirements and quotas, etc. *See* Sugar.
Honey:
Diversion programs:
1950 marketing season:
Claims:
Period for filing 113
Proof of 113
Information and forms 113
Periods for diversion 113
Records and accounts 113
1951 marketing season 3371
Export programs:
1950 marketing year:
Claims:
Period for filing 114
Proof of 114
Eligible destinations 493
Payment, eligibility for 113
Period for export sales 113
Period for exportation 114
Records and accounts 114
1951 marketing season 3374
Extracted honey; inspection and certification, and standards:
Inspection and certification regulations 6392, 7127
Standards 2463, 5313

AGRICULTURE DEPARTMENT—Continued Page

Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, handling of:
- Budget of expenses of Hop Control Board for marketing season beginning August 1, 1951, and rate of assessment 8682, 9553
- Determination of hop growers' aggregate production of 1951 crop 12635
- Marketing agreement and order, proposed amendments; notice of hearing 2127
- Salable quantity of 1951 crop 8142, 9191
- Standards of quality, minimum; revision 4257, 6185, 6715, 6777
- Supplementary allotments of 1951 crop, increase in 8552, 9719

Imports:
- Agriculture-Import Order. *See* War food orders.
- Agricultural imports; restrictions 6389, 6622, 7934, 8272
- Determinations as to listed commodities 7937
- List of commodities: Appendix A 6391
  - Butter 7936
  - Casein or lactarene 7936
  - Cheese 7936
  - Flaxseed 7936
  - Linseed oil 7936
  - Milk, skimmed, dried 7936
  - Peanuts and peanut oil 7936
  - Rice 7936
- Policy statement; import authorization for certain products:
  - Dairy products 7936, 8273, 9690, 11602
  - Rice, broken, and rice starch 7936, 8273, 9627
- Import quotas and fees; responsibility of Secretary for actions and recommendations respecting 9343
- War food orders:
  - Agriculture-Import Order:
    - Appendix A:
      - Deletion of certain items subject to order 579
      - Revision 1113
    - Import controls on fats, oils, rice and rice products, etc., notice of expiration of 9627
  - War Food Order 63; statements of policy respecting import authorizations for certain oil-containing products, notice of expiration of:
    - Babassu kernels and oil 9627
    - Copra and coconut oil 9627

Insecticides (economic poisons), regulations for enforcement of Federal Insecticide, Fungicide and Rodenticide Act; labeling of household insecticides containing chlordane 9345

Lamb and mutton. *See* Meat and meat products.

Lands:
- Camp Shelby, Miss., certain lands in; transfer of jurisdiction from General Services Administration to Department of Agriculture for administration by Forest Service 10093
- Former Roosevelt Recreational Demonstration Area, North Dakota; transfer of described lands to Agriculture Department from Interior Department 10323
- Land utilization projects under Bankhead-Jones Farm Tenant Act; Executive order respecting exchanged lands. *See main heading* Presidential documents.
- Public lands, certain, withdrawal for use of Department. *See main heading* Land Management Bureau.
- Within national forests. *See* National forests.

Lemons. *See* Citrus fruits.

Lima beans. *See* Beans.

Linseed oil, imports of 7936

Livestock inspection:
- At various stockyards. *See* Packers and Stockyards Division.
- Regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.

Lumber. *See* Timber.

Manpower Policy Committee, representation on 1272

Maple sirup:
- *See also* Sirups.
- Standards, proposed revision 3487, 7520

Maple sugar; inspection and certification 6392, 7127

Marine food products, processed; inspection and certification, regulations governing 6392, 7127

AGRICULTURE DEPARTMENT—Continued Page

Marketing quotas, for various commodities. *See* Corn; Cotton; Peanuts; Rice; Tobacco; *and* Wheat.

Meat and meat products:
- Allocation of meat; delegation of authority by Secretary of Agriculture to Economic Stabilization Agency 1372, 3311, 11620
- Grading and certification; fees for grading service 3402
- Inspection and certification; regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
- Standards:
  - Lamb and mutton:
    - Lamb, yearling mutton and mutton carcasses 1736, 2823
    - Slaughter lambs, yearlings, and sheep 1736, 2823
  - Pork and swine:
    - Pork carcasses; proposed rule making 10217
    - Swine; proposed rule making 10217
  - Veal and vealers:
    - Veal and calf carcasses 861, 2207
    - Vealers and slaughter calves 861, 2210

Milk, cream and byproducts:
- Grading and inspection, of milk, cream and milk products. *See* Dairy products.
- Handling in various marketing and sales areas; amendments to marketing agreements and orders, etc.:
  - Arkansas; Fort Smith 12300
  - Illinois:
    - Chicago 191, 3842, 4621, 5777, 6348
    - Surburban area 191, 3842, 4621, 5777
    - Quad Cities 1740, 2709, 3276, 4140, 8472, 10220, 12027
    - Rockford-Freport 191, 3842, 4621, 4665, 4727, 5777, 6145, 6363, 12101
    - Southern marketing area 179, 191, 990
  - Indiana:
    - Fort Wayne 2399, 3229, 5776, 9816, 10823, 11095, 11993, 12099
    - South Bend-La Porte 308, 730, 5068, 6136, 6359
  - Iowa:
    - Cedar Rapids 4344, 4621
    - Cedar Rapids-Iowa City 6687, 7343
    - Clinton 1740, 2709, 4140, 8472, 10220
    - Dubuque 11873
    - Quad Cities 1740, 2709, 3276, 4140, 8472, 10220, 12027
  - Kansas:
    - Kansas City 10997, 11050
    - Neosho Valley 2841, 5135, 5497, 6000, 9987, 10647, 11051
    - Topeka 9914, 10997, 11057, 11671
    - Wichita 1242, 2519, 2786, 3611, 7627 8551, 8817, 12273, 13146
  - Kentucky:
    - Ashland (Tri-State) 93, 881, 864, 9050, 9912, 10058
    - Louisville 2041, 3307, 3588, 3629, 6625, 7619, 8512, 9097, 9907, 10050
    - Paducah 2041, 5787, 7359, 8431
  - Louisiana; New Orleans 1771, 1899
  - Massachusetts:
    - Boston (Greater) 2160, 2511, 2658, 3136, 3247, 3536, 6873, 7330, 7381, 7520, 9250, 9929, 10645, 11327
    - Fall River 2160, 2517, 2658, 3136 3247, 3536, 7289, 7382, 8241, 9553, 9940, 10107
    - Lowell-Lawrence 2160, 2517, 2658, 3136, 3247, 3536, 7025, 7348, 9264, 9671, 10659, 11329
    - Springfield 2160, 2526, 2658, 3136, 3139, 3403, 3536, 7050, 7348, 9419, 9941, 10663, 11331
    - Worcester 2160, 2527, 2658, 3136, 3139, 3404, 3536, 7060, 7348, 9430, 9949, 10664, 11333
  - Michigan:
    - Detroit 2034, 2685, 4551, 5480, 6271
    - Western marketing area 6573, 8895, 10229
  - Minnesota:
    - Duluth-Superior 92, 155, 4145, 6722, 7461, 8103
    - Minneapolis-St. Paul 7533
  - Missouri:
    - Kansas City (Greater) 67, 9907, 10995, 11050
    - Neosho Valley 2841, 5135, 5497, 6000, 9987, 10647, 11051
    - St. Louis 7157, 10398, 11967, 12170
    - Suburban area 168, 179, 645, 990
    - Springfield 463, 472, 1225, 5176, 7157, 11278, 11931, 12176

AGRICULTURE DEPARTMENT—Continued Page

Milk, cream and byproducts—Continued
- Handling in various marketing and sales areas; amendments to marketing agreements and orders, etc.—Continued
  - New York; New York metropolitan area 2660, 3264, 8049, 8275, 8896, 9318, 11344, 11657, 11973, 12333, 12851.
  - Ohio:
    - Cincinnati 98, 194, 1832, 2443, 2444, 2786, 5455, 7272, 8519, 8816, 9097, 9909, 10051
    - Cleveland 2476, 3014, 4354, 6139, 6362
    - Columbus 691, 796
    - Dayton-Springfield 5497, 8140, 9169, 9481, 9911, 10052, 10978
    - Marietta, Ironton, Gallipolis, etc. (Tri-State) 98, 881, 864, 9050, 9912, 10058
    - Stark County marketing area 8909
    - Toledo 321, 1021, 1932, 4343, 5583, 5704, 6420, 9094, 9985, 10049
  - Oklahoma:
    - Muskogee 2800, 4807, 5037
    - Oklahoma City 1596, 2512, 2514, 2782, 5997, 6468, 7946, 8603, 9528, 10464, 10561, 11048, 11049, 11080.
    - Tulsa 1599, 2514, 2516, 2784
  - Pennsylvania; Philadelphia 502, 1771, 1774, 2383
  - Rhode Island; Providence 5345, 11112
  - South Dakota; Sioux Falls-Mitchell 7941
  - Tennessee:
    - Knoxville 2831, 2852, 3860, 4146, 4680, 5285, 6952, 7264, 7447, 9698, 10661, 10930, 12100
    - Nashville 2005, 3229, 3589, 3643, 4983, 7717, 7876, 7877, 8186, 8603, 8818, 10568, 11690, 12607.
  - Texas:
    - North Texas area 4568, 5285, 7029, 8420
    - San Antonio 7160
    - Wichita Falls 4568, 5285, 7029, 8381, 9698, 10949
  - Washington; Puget Sound marketing area 935, 1089, 1680, 3053, 3072, 3631, 7463, 8469, 8816, 10164, 11656.
  - West Virginia; Huntington and Parkersburg (Tri-State) 98, 881, 864, 9050, 9912, 10058
  - Wisconsin:
    - Milwaukee 3229, 3691, 3841, 4662, 5997, 6339, 9045, 10565, 10922, 12099, 12851
    - Superior-Duluth 92, 155, 4145, 6722, 7461, 8103
- Imports 7936, 8273, 9690, 11602
- Standards, for various dairy products. *See* Cheese; Cream; *and* Dry milk.

Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests are to be sold by Farmers Home Administration, and Federal Farm Mortgage Corporation of Farm Credit Administration:
- Fair market value areas (Schedule A) 1150, 1774, 6318, 7290, 11741, 12203, 12439, 13012
- One dollar areas (Schedule B) 6320, 7290, 11741, 12203, 12439, 13012

Molasses:
- Edible sugarcane molasses, standards; proposed revision 729, 4620, 6777
- Processed, except for stock feed; inspection and certification, regulations governing 6392, 7127

Narcotics, Interdepartmental Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.

National agricultural conservation programs. *See* Conservation programs.

National forests:
- Cherokee National Forest, Tennessee; certain lands transferred to and from, Executive orders respecting. *See main heading* Presidential documents.
- Grazing lands, in national forests; authority of Chief, Forest Service, respecting constituting and electing of local advisory boards for management and administration 8538
- Hoosier National Forest, Indiana; designating certain lands to be administered as 9174
- Nantahala National Forest, North Carolina; enlargement, Executive order respecting. *See main heading* Presidential documents.
- Wayne National Forest, Ohio; designating certain lands to be administered as 9174

AGRICULTURE DEPARTMENT—Continued Page

National School Lunch Act; apportionment of food assistance funds pursuant to. *See* School lunch program.

Naval stores:
- Conservation Program, 1952 9302
- Regulations and standards; proposed rule making 6400, 7288
- Fees and charges for inspection; revision 6402, 7288

Nuts and nut products:
- Export and diversion program, for pecans. *See* Pecans.
- Handling of nuts grown in various States. *See* Almonds; Filberts; Pecans; *and* Walnuts.
- Importation of almonds; proclamation respecting import fee. *See main heading* Presidential documents.
- Imports. *See* Imports, *above.*
- Inspection, certification, and standards:
  - Processed nuts and nut products 6392, 7127
  - Raw nuts:
    - Fees and charges for inspection:
      - Charges, basis for 6337
      - Fees, for appeal inspections 6337
    - Standard, for certain raw nuts. *See* Almonds; Peanuts; *and* Pecans.
- Marketing quotas; peanuts. *See* Peanuts.

Oils:
- Castor oil; restrictions on inventory and use 2970, 6621
- Imports of linseed oil, peanut oil, babassu oil, cocoanut oil, etc 7936, 9627

Olives:
- *See also* Fruits and vegetables.
- Parity prices, for olives for processing 5971

Onion sets; inspection and certification:
- Charges, basis for 6337
- Fees, for appeal inspections 6337

Orange juice. *See* Grapefruit juice and orange juice.

Orange marmalade:
- *See also* Fruits and vegetables.
- Standards 1550, 2799, 4746, 5109

Oranges. *See* Citrus fruits.

Organization, functions and procedures:
- Production and marketing Administration:
  - Commodity assignments to branches, for program and inspection purposes:
    - Key to branch symbols 2007
    - Listing, alphabetical, of agricultural and food commodities:
      - For inspection purposes 2008, 8308
      - For program purposes 2007, 8308
  - Field offices; list of State and Insular area offices, revision 8554, 9584
  - Office of Compliance and Investigation 5177
  - Staff and Service Offices; Office of Audit 6201

Packers and Stockyards Division:
- Price control; exception from, for services performed under Packers and Stockyards Act. *See main heading* Price Stabilization, Office of.
- Stockyards, commission merchants, etc.; notices respecting posting, rates and charges, etc.:
  - Posted stockyards, etc.; designation or removal as:
    - Capitol Stock Yards Co., Inc 7949
    - Central Montana Stockyards 3261
    - Cloud County Livestock Commission Co 12792
    - Culbertson Sale Barn Co 9491
    - Emmett Sales Yard 9481
    - Ford, Hugh W., Livestock Commission Co 7025
    - Gasaway Sale Co 3261
    - Gillette Livestock Exchange 3261
    - Hoover, Jim, Sales Pavilion 4623
    - Medicine Lodge Sales Co 3261
    - Miles City Saleyard Co 9481
    - Mitchell Livestock Sales Co 9481
    - Newell Livestock Exchange, Inc 9481
    - North Houston Stockyards Co 11458
    - Payette Auction Co 12793
    - Platte Livestock Auction Co 9481
    - Platte Valley Livestock Commission 9481
    - Rapid City Livestock Sales Co 646
    - San Antonio Horse and Mule Market 7106
    - Springfield Stockyards 9480
    - Tonkawa Sales Co 2179
  - Rates and charges; petitions for modification, extension, etc.:
    - Allison, Joe, Stock Yards, Inc 12908

AGRICULTURE DEPARTMENT—Continued — Page

Packers and Stockyards Division—Continued
Stockyards, commission merchants, etc.; notices respecting posting, rates and charges, etc.—Con.
Posted stockyards, etc.; designation or removal as—Continued
Denver Union Stock Yards Co 5872, 12359
Denver Union Stockyards, market agencies at 6392
Fort Worth Union Stock Yards, market agencies at 2639
Kansas City Stock Yards, market agencies at 285
Mississippi Valley Stock Yards, market agencies at 4659
Mississippi Valley Stockyards, Inc 12273
Nashville Union Stock Yards, Inc 860
New Jersey Coop Co., Inc., et al 12273
New Orleans Stock Yards, Arabi, La., market agencies at 1021, 7461
Omaha Union Stock Yards, market agencies at 1020, 3014
Peoria Union Stock Yards Co 14
St. Louis National Stock Yards, market agencies at 2368, 11111
St. Louis National Stockyards Co 2552
St. Paul Union Stockyards Co 934
Sioux City Stock Yards, market agencies at 462
Union Stock Yards, Chicago, Ill., market agencies at 10269
Union Stock Yards, Ogden, Utah, market agencies at 729, 4342
Union Stock Yards Co., of Omaha (Ltd.) 1242, 8048
Parity prices for basic and nonbasic commodities, determination of:
Fruits, deciduous and other 5971
Tobacco; cigar-filler, and cigar-binder types 2865
Peaches:
See also Fruits and vegetables.
Handling of peaches grown in various States:
California; Elberta peaches:
Budget of expenses and fixing rate of assessment for 1951–52 season 4943, 5864
Marketing agreement and order, amended:
Finding and determination respecting continuation in effect 2188
Proposed rule making 12839
Recodification 12765
Shipments; regulation by grades and sizes 5465
Colorado (Mesa County):
Administrative rules and regulations 307
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 8471, 9675
Shipments; regulation by grades and sizes 7637
Georgia:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal period 4145, 5532
Committee regulations 2441, 3402
Marketing agreement and order, amended; findings and determination respecting continuation in effect, proposed 323
Shipments; regulation by size and grade 5314, 5741, 6501, 6502
Utah:
Administrative Committee; certain shipments of peaches exempt from inspection by 7505
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 8481, 9675
Proposed rule making 12515
Marketing agreement and order 8426, 8973
Shipments; regulation by grades and sizes 7638
Parity prices, for certain peaches for processing 5971
Set aside requirements 4982, 7768
Peanuts:
See also Nuts.
Imports 7936
Marketing quotas:
1950 crop:
Distribution of proceeds received by Commodity Credit Corporation from sale of excess Virginia and Valencia types of peanuts for cleaning and shelling; proposed 2799, 3886
Regulations; marketing penalties, records and reports (extent to which marketings from farm are subject to penalty) 7876, 8815

AGRICULTURE DEPARTMENT—Continued — Page

Peanuts—Continued
Marketing quotas—Continued
1951 crop:
Determination with respect to types in insufficient supply for 1951–52 marketing year 3455
Proclamation:
Acreage allotment; revision 3275
Apportionment among States; revision 3275
National quota; revision 3275
Referendum among producers; results 337
Regulations:
Marketing, penalties, records and reports 4943, 5672, 7924
Marketing quota; amendment 2419, 3275
1952 crop:
Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotments 10897, 11991
Apportionment among States 10897, 11991
Regulations; marketing quota 11946, 12453
Standards, for white Spanish peanuts, shelled; proposed rule making 6466, 8420
Pears:
See also Fruits and vegetables.
Export; minimum quality requirement for 8139, 9217
Export programs, for fresh Winter pears:
Fiscal year 1951; eligibility for payment 3630
Fiscal year 1952 8031, 11804
Handling of pears grown in various States:
California; Bartlett pears:
Budget of expenses and fixing rate of assessment for 1951–52 season 4943, 5864
Committee regulations; reports of daily shipments and storage holdings 552
Marketing agreement and order, amended:
Findings and determination respecting continuation in effect 2188
Proposed rule making 12839
Recodification 12765
Recodification 6347, 6610, 8233
Shipments; regulation by grades and sizes 5671
Oregon, Washington and California; Beurre d'Anjou, Beurre Bosc, Winter Nelis, etc., varieties:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal period 8682, 9674, 10016
Control committee rules and regulations 9696, 10926
Shipments; regulations by grades and sizes 7873
Parity prices, for pears for processing 5971
Set aside requirements 4982, 7768
Standards:
Canned pears 9726, 11557
Fresh pears, for canning 8511
Peas:
See also Fruits and vegetables.
Handling of fresh peas, grown in certain counties in Colorado:
Budget of expenses and fixing rate of assessment for 1951–52 fiscal year 7876, 9028
Shipments; regulation by grades and sizes 6609
Set aside requirements 3347, 7357
Standards, for frozen peas (field and black-eye) 6571, 9300
Pecans:
See also Nuts.
Export and diversion programs; purchase program SMP 39A (fiscal year 1952), for shelled pecans 12805
Handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina:
Budget of expenses of Pecan Administrative Committee and rate of assessment for fiscal period beginning Oct. 1, 1951 10950, 11910
Grade and size regulations 10801
Standards, for pecans in shell 3485, 5659
Philippines, Republic of; sugar requirements and quotas. *See* Sugar.
Pineapple and juice:
See also Fruits and vegetables.
Set aside requirements for canned pineapple and juice 4982, 7768

AGRICULTURE DEPARTMENT—Continued — Page

Plums:
See also Fruits and vegetables.
Handling of plums grown in California:
Budget of expenses and fixing rate of assessment for 1951–52 season 4943, 5864
Committee regulations; reports of daily shipments and storage holdings 552
Marketing agreement and order, amended:
Findings and determination respecting continuation in effect 2188
Proposed rule making 12839
Recodification 12765
Shipments; regulation by grades and sizes:
Ace plums 6323
Beauty plums 4382
Becky Smith plums 6233
Burbank plums 6232
Climax plums 4884
Diamond plums 6825
Duarte plums 6231
Eldorado plums 5972
Emily plums 6827
Formosa plums 4883
Gaviota plums 5973
Giant plums 7125
Grand Duke plums 7137
Kelsey plums 6826
Late Duarte plums 7136
Late Santa Rosa plums 6825
Late Tragedy plums 6822
Miscellaneous varieties 5633
President plums 6824
Santa Rosa plums 4882, 5314
Sharkey plums 6822
Sugar plums 6821
Tragedy plums 5382, 5971
Wickson plums 5973
Parity prices, for plums for processing 5971
Set aside requirements 4982, 7768
Potatoes:
See also Fruits and vegetables.
Handling of Irish potatoes grown in various States and production areas:
California (Modoc and Siskiyou Counties):
Budget of expenses and fixing rate of assessment:
Fiscal year ending June 30, 1951 100
Fiscal year ending June 30, 1952 10388, 11413, 11804
Exemption certificates and safeguards 1680, 3329
Limitation of shipments 3, 1471, 8234
Colorado:
Budgets of expenses and fixing rates of assessment:
Fiscal period ending May 31, 1951, Area No. 2 9198, 10928, 11855,
Fiscal period ending May 31, 1952:
Area No. 1 7050, 8319
Area No. 2 9198, 10928, 11855
Area No. 3 6637, 7583
Limitation of shipments 5109, 5975, 6176, 9718, 10016, 10114, 12334, 13035
Connecticut. *See* Massachusetts.
Idaho (certain designated counties):
Budget of expenses and fixing rate of assessment for fiscal year ending May 31, 1952 6185, 7275, 7383
Limitation of shipments 1, 1180, 4521, 5833, 6501, 12035
Marketing agreement and order, as amended; recodification 10765, 11261
Indiana. *See* Michigan.
Iowa. *See* Michigan.
Maine:
Marketing agreement and order, order terminating, and providing for liquidation of assets by State of Maine Potato Committee 6502
Referendum among producers, direction concerning 4588

AGRICULTURE DEPARTMENT—Continued — Page

Potatoes—Continued
Handling of Irish potatoes grown in various States and production areas—Continued
Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont:
Budget of expenses and rates of assessment:
Fiscal year ending May 31, 1951 305
Fiscal year ending May 31, 1952 7624, 9718
Exemption certificates and safeguards 907, 2638
Limitation of shipments 493, 7199, 9632
Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana:
District within Wisconsin and Michigan, reestablishment of 2639, 3506
Limitation of shipments 1267, 2559
Marketing agreement and order, order terminating, and providing for liquidation of assets 7538
Referendum among producers; direction concerning 5628
Reports, inspection, from handlers 1603, 2421
Minnesota. *See* Michigan.
New Hampshire. *See* Massachusetts.
New Jersey:
Budget of expenses and rate of assessment for fiscal year ending April 30, 1952 6092, 7817
Limitation of shipments 6234, 6662
North Dakota. *See* Michigan.
Oregon:
Crook, Deschutes, Jefferson, Klamath, and Lake Counties:
Budget of expenses and fixing rate of assessment:
Fiscal year ending June 30, 1951 160
Fiscal year ending June 30, 1952 10388, 11413, 11804
Exemption certificates and safeguards 1680, 3329
Limitation of shipments 3, 1471, 8234
Malheur County:
Budget of expenses and fixing rate of assessment for fiscal year ending May 31, 1952 6185, 7275, 7383
Limitation of shipments 1, 1180, 4521, 5833, 6501, 12035
Marketing agreement and order, as amended; recodification 10765, 11261
Rhode Island. *See* Massachusetts.
South Dakota (Eastern):
Budget of expenses and fixing rate of assessment for fiscal year ending June 30, 1952 7462, 8672
Termination of assessments on shipments 12179
Limitation of shipments 883, 6911
Termination 11953
Vermont. *See* Massachusetts.
Washington:
Budget of expenses and rate of assessment for fiscal year ending May 31, 1952 6402, 7275
Limitation of shipments 3, 1269, 5743
Wisconsin. *See* Michigan.
Poultry and edible products thereof; grading and inspection, specifications for classes, standards, etc.:
Amendments prior to revision; rules governing grading and inspection:
Application for inspection or grading service in official plants; final survey and plant approval 3488, 3827
Grading and inspection programs and services; exemption from certain provisions 3488, 3837
Authority of Director, Poultry Branch 8501
Revision:
Forms and instructions:
Application for grading service with respect to live, dressed, and ready-to-cook poultry 4661, 6017
Forms of official identification 5423
Instructions governing administration of poultry inspection where Federal-State service is desired 3535, 6338
Rules governing grading and inspection of 2350, 5210
Specifications for classes, standards, etc 2350, 5211

AGRICULTURE DEPARTMENT—Continued Page

Prices:
- Parity prices. *See* Parity prices.
- Sugar prices. *See* Authority, delegation of; *and* Sugar.
- Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.

Priorities and allocations:
- *See also* Construction.
- Delegation of authority from Defense Production Administrator respecting ---- 738, 4594

Production and Marketing Administration:
- Delegations of authority to or by. *See* Authority, delegations of.
- Food and food facilities, under Defense Production Act; functions respecting. *See* Foods and food facilities.
- Organization, functions and procedures. *See* Organization, functions and procedures.

Prunes:
- *See also* Fruits and vegetables.
- Export program SMX 95B, for dried prunes-- 8034, 8230
- Handling of prunes in various States:
  - California; dried prunes:
    - Administrative rules and procedures---- 9367, 10621, 10789, 11634, 11712
    - Budget of expenses of Prune Administrative Committee and rate of assessment for 1951–52 crop year---- 10860, 11909
    - Marketing agreement and order, as amended-- 1793, 5794, 6200, 6723, 8437
    - Suspension of certain provisions---- 1817
    - Termination---- 8436
    - Salable percentage and surplus percentage for 1951–52 crop year---- 8672
  - Oregon and Washington, fresh prunes; notice respecting termination of marketing agreement and order---- 13001
- Parity prices, for certain prunes for processing---- 5971

Puerto Rico:
- Designation of, as disaster area having need for agricultural credit. *See* Disaster areas.
- Special Agricultural Conservation Programs:
  - 1951 program; conservation practices and rates of assistance:
    - Practice 4, applying coffee tree fertilizer of grades approved by Insular Department of Agriculture---- 5864
    - Practice 22; constructing and maintaining terraces around individual coffee trees---- 6998
    - Practice 23; constructing and maintaining catch pits on upper side of individual coffee trees---- 6998
  - 1952 program---- 9017
    - Conservation practices and rates of assistance:
      - Practice 1; applying ground limestone, etc., to farm land, except coffee groves, sugarcane land, and pasture and fallow land within sugarcane farms---- 12306
      - Practice 2; applying superphosphate, etc., to permanent pasture, except pastures within sugarcane farms---- 12306
      - Practice 3; applying potash, etc., to permanent pastures, except pastures within sugarcane farms---- 12306
      - Practice 6; applying coarsely shredded pineapple plants to pineapple fields, deletion- 12307
    - Control of funds; allocation---- 12306
    - Definitions; "sugarcane farm"---- 12307
- Sugar requirements and quotas, etc. *See* Sugar.

Pumpkins:
- *See also* Fruits and vegetables.
- Set aside requirements---- 3347, 7357

Rabbits, domestic, and edible products thereof; grading and inspection, specifications for classes, standards, etc.:
- Authority of Director, Poultry Branch---- 8501
- Rules governing grading and inspection---- 3349, 5200
- Specifications for standards---- 3349, 5200

Raisins:
- *See also* Fruits and vegetables.
- Export program SMX 95B, for dried raisins-- 8034, 8230

AGRICULTURE DEPARTMENT—Continued Page

Raisins—Continued
- Handling of raisins produced from raisin variety grapes grown in California:
  - Budget of expenses of Raisin Administrative Committee and fixing rate of assessment for 1951–52 crop year---- 10950, 11909
  - Free, reserve, and surplus percentages for 1951–52 crop year---- 10725, 10978, 12400
  - Marketing agreement and order, proposed amendments:
    - Decision respecting---- 3489
    - Opportunity to file written exceptions respecting---- 2476
    - Suspension of certain provisions; termination---- 10949, 11634, 11712
  - Standards, for processed raisins; proposed revision---- 12400

Refiners' sirup:
- *See also* Sirups.
- Standards, proposed---- 5703

Rice and rice products:
- Imports---- 7936, 8273, 9627
- Marketing quotas:
  - 1950 crop, regulations; apportionment of national acreage allotment among States, revised---- 279
  - 1951 crop; termination of acreage allotments--- 1052
  - 1952 crop; national quotas and acreage allotment---- 10858, 12211
- Standards, for various types of rice:
  - Brown rice---- 771, 3882
  - Milled rice---- 771, 3883
  - Rough rice---- 771, 3881

Rye:
- *See also* Grains.
- Standards---- 2649

School lunch program; apportionments of food assistance funds pursuant to National School Lunch Act:
- Fiscal year 1951---- 1223, 3885, 4959, 6500, 9627
- Fiscal year 1952---- 9927

Seafood. *See* Marine food products.

Seeds, rules and regulations of Secretary of Agriculture, for enforcement of Federal Seed Act; interpretation on labeling and advertisement as to variety of hybrid seed corn---- 10719

Set aside requirements, for certain processed fruits and vegetables. *See* Fruits and vegetables.

Sirups, processed:
- Inspection and certification, regulations governing---- 6392, 7127
- Standards, for various types of sirups:
  - Maple sirup; proposed revision---- 3487, 7520
  - Refiners' sirup; proposed standards---- 5703
  - Sugarcane sirup; proposed standards---- 729, 2685, 5842, 8735

Soil conservation. *See* Conservation programs.

Spinach:
- *See also* Fruits and vegetables.
- Standards, for frozen spinach---- 6755, 9715

Staff and Services Offices; organization. *See* Organization, functions and procedures.

Stockyards; orders, etc., respecting. *See* Packers and Stockyards Division.

Storage and warehouse facilities, for certain foods. *See* Warehouse and storage facilities.

String beans. *See* Beans.

Sugar:
- Farms, determination of; Hawaii, for 1951 and subsequent crops---- 11475
- Inspection and certifications (cane, beet, and maple), regulations governing---- 6392, 7127
- Prices:
  - Authority respecting---- 11084
  - Sugar beets:
    - 1951 crop---- 4173
    - 1952 crop:
      - California, southwestern Arizona and southern Oregon, notice of hearing---- 10135
      - Regions other than California, southwestern Arizona and southern Oregon, notice of hearing---- 11283, 11510

AGRICULTURE DEPARTMENT—Continued Page

Sugar—Continued
- Prices—Continued
  - Sugarcane:
    - Florida; 1951 crop---- 3263, 9218
    - Hawaii:
      - 1951 crop---- 11475
      - 1952 crop; notice of hearing--- 10135, 10577, 12622
    - Louisiana; 1951 crop---- 5819, 9219
    - Puerto Rico:
      - 1950–51 crop---- 12213
      - 1952 crop; notice of hearing---- 9176
    - Virgin Islands:
      - 1951 crop---- 116
      - 1952 crop; notice of hearing---- 9176
- Proportionate shares for farms:
  - Domestic beet sugar and mainland cane sugar areas, and Hawaiian and Virgin Islands areas, 1951 crop---- 8318
  - Puerto Rico; 1951–52 crop---- 11667
- Quotas for sugar. *See* Sugar requirements and quotas.
- Sugar requirements and quotas:
  - Continental United States:
    - Consumption requirements and quotas:
      - *See also* Quotas, *below.*
      - For 1951---- 5607, 10720
      - For 1952---- 10859, 12929
    - Entry of sugar into. *See* Entry of sugar or liquid sugar into continental United States.
  - Cuba; quotas. *See* Quotas.
  - Entry of sugar or liquid sugar into continental United States---- 12098, 12847
    - Certification required when quota has been filled to 80% or more from Cuba, 1951---- 9667, 10791
  - Excess-quota sugar, entry of, for re-export- 11507, 11951
  - Foreign countries; quotas. *See* Quotas.
  - Hawaii; consumption requirements and quotas:
    - *See also* Quotas, *below.*
    - Local consumption requirements and quotas, for 1952; notice of hearing---- 10859
  - Mainland. *See* Continental United States.
  - Philippines, Republic of; quotas. *See* Quotas.
  - Puerto Rico; consumption requirements and quotas:
    - *See also* Quotas, *below.*
    - Allotment of sugar quotas; 1951---- 1668, 4926, 8037, 10723
    - Direct-consumption portion of---- 1671
    - Local consumption requirements and quotas, for 1952; notice of hearing---- 10859
  - Quotas, and proration of quota deficits, for domestic area (Hawaii, Puerto Rico, Virgin Islands, and continental United States), and for Cuba, Republic of Philippines and other foreign countries:
    - 1950 quotas:
      - Proration of quota, for foreign countries other than Cuba and Republic of Philippines---- 5608
      - Revised quotas for Cuba, Republic of Philippines, and other foreign countries---- 5608
    - 1951 quotas:
      - Area deficits; determination and proration of:
        - Cuba---- 10721
        - Domestic beet sugar area---- 10721
        - Foreign countries other than Cuba and Republic of Philippines---- 10722
        - Hawaii---- 10721
      - Proration of quota, for foreign countries other than Cuba and Republic of Philippines---- 10721, 10722
    - 1952 quotas---- 10859, 13032
  - Virgin Islands; quotas. *See* Quotas.
- Wage and price proceedings respecting sugar; authority of Sugar Branch, Director or Acting Director---- 11084
- Wage rates:
  - Authority respecting---- 8501
  - Sugar beets:
    - California, southwestern Arizona, and southern Oregon:
      - 1951 crop---- 3458
      - 1952 crop; notice of hearing---- 10135

AGRICULTURE DEPARTMENT—Continued Page

Sugar—Continued
- Wage rates—Continued
  - Sugar beets—Continued
    - Regions other than California, southwestern Arizona and southern Oregon:
      - 1951 crop---- 2828
      - 1952 crop; notice of hearing and designation of presiding officers---- 11283, 11510
  - Sugarcane:
    - Florida, 1951–52 season---- 3263, 6175
    - Hawaii:
      - 1951 crop---- 114
      - 1952 crop; notice of hearing--- 10135, 10577, 12622
    - Louisiana:
      - 1951 crop (harvesting, production and cultivation)---- 385, 5819, 9350
      - 1952 crop (production and cultivation)---- 13034
    - Puerto Rico, 1952 crop; notice of hearing---- 9176
    - Virgin Islands:
      - 1951 crop---- 115
      - 1952 crop---- 9176, 12850

Sugarcane molasses:
- *See also* Molasses.
- Standards, for edible molasses; proposed revision- 729, 4620, 6777

Sugarcane sirup:
- *See also* Sirups.
- Standards, proposed---- 729, 2685, 5842, 8735

Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.

Surplus property disposal; delegation of authority to Secretary by General Services Administrator respecting disposal of excess telephone and power lines of Department---- 397

Sweetpotatoes:
- *See also* Fruits and vegetables.
- Set aside requirements---- 3347, 7357
- Standards:
  - Canned sweetpotatoes; revision---- 1285, 5421
  - Fresh sweetpotatoes:
    - For canning---- 4467, 5922
    - For dicing or pulping---- 4467, 5923

Swiss cheese; standards. *See* Cheese.

Tangerines. *See* Citrus fruits.

Telephone and power lines, excess, disposal of; delegation of authority to Secretary by General Services Administration---- 397

Timber and timber products; authority of Chief of Forest Service respecting---- 2446

Redesignation---- 3311

Tobacco:
- Marketing quotas:
  - Air-cured, dark:
    - 1951–52, regulations:
      - Acreage allotments, farm, transfer of---- 3886
      - Marketing, penalties, records and reports--- 3588, 5517
    - 1952–53:
      - Proclamation increasing national quota, and apportionment among States---- 10163, 11535
      - Referendum among producers, direction concerning---- 11546
        - Referendum results for marketing year beginning October 1, 1952, and for three-year period beginning October 1, 1952- 13119
      - Regulations; acreage allotments and normal yields---- 6625, 6777, 7921, 12098, 12929
  - Burley:
    - 1951–52:
      - Notice of review by Secretary with respect to national quota proclaimed, and State and farm acreage allotments for---- 1679
      - Proclamation increasing national quota---- 1931
      - Apportionment among States---- 1931
      - Regulations:
        - Acreage allotments, amendments---- 1679, 1932
        - Marketing, penalties, records and reports- 3588, 4920, 5037
    - 1952–53:
      - Proclamation increasing national quota, and apportionment among States---- 10163, 12169
      - Regulations; acreage allotments and normal yields---- 6625, 6777, 9347, 12098, 12927

AGRICULTURE DEPARTMENT—Continued Page

Tobacco—Continued
Marketing quotas—Continued
Cigar-filler, 1952–53:
Proclamation increasing national quota, and apportionment among States 10163, 11474
Referendum among producers, direction concerning 11510
Referendum results for marketing year beginning October 1, 1952, and for three-year period beginning October 1, 1952 13117
Regulations; acreage allotments and normal yields 4471, 6170
Cigar-filler and binder:
1951–52:
Referendum results 69
Regulations; marketing, penalties, records and reports 1679, 5149, 5314
1952–53:
Proclamation increasing national quota, and apportionment among States 10163, 11474
Referendum among producers, direction concerning 11510
Referendum results for marketing year beginning October 1, 1952, and for three-year period beginning October 1, 1952 13117
Regulations; acreage allotments and normal yields 5773, 7502
Fire-cured:
1951–52, regulations:
Acreage allotments, farm, transfer of 3886
Marketing, penalties, records and reports 3588, 5517
1952–53:
Proclamation increasing national quota, and apportionment among States 10163, 11535
Referendum among producers, direction concerning 11546
Referendum results for marketing year beginning October 1, 1952, and for three-year period beginning October 1, 1952 13119
Regulations; acreage allotments and normal yields 6625, 6777, 7921, 12098, 12929
Flue-cured:
1951–52:
Notice of review by Secretary with respect to national quota proclaimed, and State and farm acreage allotments for 1679
Proclamation increasing national quota 1931
Apportionment among States 1931
Regulations:
Acreage allotments, amendments 1679, 1932
Marketing, penalties, records and reports 3588, 4920, 5037
1952–53:
Proclamation increasing national quota, and apportionment among States 10163, 12169
Regulations; acreage allotments and normal yields 6625, 6777, 9347, 12098, 12927
Maryland:
1951–52; referendum results 67
1952–53:
Proclamation increasing national quota and apportionment among the several States 10163, 11537
Referendum among producers, direction concerning 11545
Referendum results for marketing year beginning October 1, 1952, and for three-year period beginning October 1, 1952 13119
Regulations; acreage allotments and normal yields 4471, 6172, 6339
Sun-cured, Virginia:
1951–52, regulations:
Acreage allotments, farm, transfer of 3886
Marketing, penalties, records and reports 3588, 5517
1952–53:
Proclamation of national quota 10163, 11535
Regulations; acreage allotments and normal yields 6625, 6777, 7921, 12098, 12929
Parity prices, for cigar-filler and -binder types; determination of 2865

AGRICULTURE DEPARTMENT—Continued Page

Tobacco—Continued
Standards, inspection, etc.; designation of markets:
Lamar, S. C 3349, 5108
Mountain City, Tenn 9985, 11260
Tomatoes and products:
See also Fruits and vegetables.
Set aside requirements for canned tomatoes, catsup and paste 3347, 7357
Transport, Storage, and Port Utilization, Domestic, Interagency Advisory Committee on; representation on 585
Transportation and Storage, Defense, Committee on; representation on 2473
Vegetable oils. *See* Oils.
Vegetables. *See* Fruits and vegetables.
Virgin Islands:
Special Agricultural Conservation Program, 1952 9023
Control of funds; allocation 12307
Sugar requirements and quotas, etc. *See* Sugar.
Voluntary agreements and programs:
Delegation of authority from Defense Production Administrator respecting consultations and recommendations in connection with 738, 4594
Reports in connection with; authority of Census Bureau to obtain reports 1963, 3311
Walnuts:
See also Nuts.
Handling of walnuts grown in California, Oregon, and Washington:
Budget of expenses of Walnut Control Board and rate of assessment for marketing year beginning August 1, 1951 10130, 10978
Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity:
Walnuts produced in California 8249, 9187
Walnuts produced in Oregon and Washington 8250, 9190
Salable, surplus, and withholding percentages 9268, 10621
War Food Orders. *See* Imports.
Warehouse and storage facilities:
For dry beans. *See* Beans.
For certain foods:
Delegations of authority respecting:
To Defense Transport Administrator from Production and Marketing Administrator 11510
To Production and Marketing Administrator from Defense Transport Administrator 11512
Memorandum of agreement between Production and Marketing Administrator and Administrator of Defense Transport Administration 11512
Price control, for services of warehouses licensed under United States Warehouse Act 10383
Water utilization. *See* Conservation programs.
Watermelons:
See also Fruits and vegetables.
Handling of watermelons grown in designated production area of Florida, Georgia, and South Carolina; notice of hearing with respect to proposed marketing agreement and order 11605
Standards, for fresh watermelons 10931
Wheat:
Export program, wheat and wheat-flour, International Wheat Agreement; terms and conditions of Commodity Credit Corporation programs:
1950–51 program:
Amendment of certain provisions:
Eligible countries 1497
Payment:
Application for; documents to evidence exportation by exporter (bills of lading or shipper's export declaration) 1497
Eligibility for:
Exports to eligible countries 1495
General conditions of eligibility 1495
Reports; declaration of sale and evidence of sale 1497
Sale:
See also Reports.
Confirmation of sale 1495
Exporter, responsibility of 1495
Termination, notice of 5733
1951–52 program 5733

AGRICULTURE DEPARTMENT—Continued Page

Wheat—Continued
Marketing quotas:
1951, regulations; acreage allotments:
National; termination 277
State, county, and farm; termination 2777
1952–53; regulations:
Acreage allotments, 1952 crop 5454, 6500
National quota 5454, 6500
Yugoslav Emergency Relief Assistance Act, transfer of funds to Department for administration of; Executive order respecting. *See main heading* Presidential documents.
AID TO FOREIGN COUNTRIES:
Economic cooperation. *See* Economic Cooperation Administration.
Mutual Security Act, programs under; (Executive Order 10300) 11203

AIR FORCE DEPARTMENT:
Active duty:
Authority to order members and units of Air National Guard and United States Air Force Reserves into active service 6968
Reserves, regulations respecting. *See* Reserve forces.
Air National Guard:
Active duty; authority of Secretary to order members and units into active military service 6968
Enlistment of Guardsmen in grades appropriate to training and experience 9662
Aircraft:
Air Force bases, continental; use of by other than Air Force aircraft:
Fees, landing and parking 2870
Insurance 2870
Policy 2869
Air Force participation in ceremonies, celebrations and exhibitions; revision 1270
Danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Allowances. *See* Pay, allowances.
Appointment of officers; second lieutenants, appointment from distinguished military graduates, Air Force Reserve Officers' Training Corps:
Application, completion of 2870
Processing:
By Headquarters United States Air Force 2870
Field processing 2870
Selection and nonselection 2870
Armed Services Patent Policy Review Board; establishment, membership, and functions 11658
Authority, delegation of, to Secretary, from Secretary of Defense:
Active duty; authority to order members and units of Air National Guard and United States Air Force Reserve into active service 6968
Facilities for administration and training of units of reserve components; authority with respect to acquisition, construction, etc 9823
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
Aviation cadets, enlistment of. *See* Enlistment.
Badges. *See* Decorations and awards.
Boards. *See* Committees, boards, etc.
Chaplains, appointment of, in Officers' Reserve. *See* Reserve forces.
Civil Air Patrol, claims against United States 2026
Civil rights program. *See* Discrimination.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 2907, 6993, 12243
Claims against United States; Civil Air Patrol claims 2026
Committees, boards, etc.:
Armed Services Patent Policy Review Board; establishment, membership, and functions 11658
Contract Appeals Board; charter and rules 4320
Contract Finance Committee, representation on 3554
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Federal Fire Council, representation on; Executive order respecting. *See main heading* Presidential documents.

AIR FORCE DEPARTMENT—Continued Page

Committees, boards, etc.—Continued
Military justice boards of review, uniform rules of procedure; joint regulations of armed forces 4433, 4610
Contract Appeals Board; charter and rules 4320
Contract Finance Committee, representation on 3554
Contracts, Government:
See also Procurement.
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Defense contract financing policy. *See main heading* Defense Department.
Defense production pools; exemption from stipulation of section 1 (a) of Public Contracts Act requiring that contractor be manufacturer or regular dealer in material, supplies, etc., under contract 5847
Exercise of certain contractual authority in connection with emergency powers; joint regulations of armed forces. *See main heading* Defense Department.
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
Court of Military Appeals. *See* Military justice.
Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
Courts-martial proceedings. *See* Military justice.
Decorations and awards:
Badges; honorary awards, deletion 2473
Certificates and lapel buttons:
Accolade 2473
Gold Star Lapel Button 2473
Individual decorations:
Distinguished Flying Cross 2472
Korean Service Medal 9861
Soldier's Medal 2472
Time limitations 2472
Service medals, ribbons and devices 5748
Medal for Humane Action; boundaries of area of Berlin airlift operations 2473
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; modification of functions of Department under act, respecting guarantee of loans, Executive order respecting. *See main heading* Presidential documents.
Dental, medical, and veterinary officers, suspension of examinations for promotion; Executive order respecting. *See main heading* Presidential documents.
Discrimination because of race, color, creed or national origin; nondiscrimination in employment 2627
Enlistment:
Aviation cadets, enlistment of:
Deferment from Selective Service 2471
Examination 2471
Forms and information 2471
Location of aviation cadet-officer candidate examining board 2471
Requirements 2471
Enlisted Reserve. *See* Reserve forces.
Enlistment in grades appropriate to training and experience; revision 641
Reservists and Air National Guardsmen 9662
Extension of enlistments; Executive order respecting. *See main heading* Presidential documents.
Qualifications for enlistment, classes ineligible for enlistment 3032
Examinations for promotion of medical, dental, and veterinary officers, suspension of; Executive order respecting. *See main heading* Presidential documents.
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
Freight, military; preference and priority for transportation. *See main heading* Defense Transport Administration.
Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices. *See main heading* Defense Department.

AIR FORCE DEPARTMENT—Continued — Page

Information, military, safeguarding of:
See also Security.
Dissemination:
Action on requests — 2024
Foreign nationals — 2869
Investigation and clearance:
Private contractors' employees — 12695
Forms — 2026
Investigation; scope — 2026
Required investigations — 2026
Private contractors' facilities — 12695
Facility clearances — 2026
Forms — 2026
Objective — 2026
Plant survey — 2026
Visitors; admission — 2024
Visits of Air Force personnel to Army, Navy, and Atomic Energy facilities, clearance required — 2024, 9805

Labor; procurement procedures. *See* Procurement.
Lands, public; withdrawal of, for use of Department. *See main heading* Land Management Bureau.
Medals. *See* Decorations and awards.
Medical, dental, and veterinary officers, suspension of examinations for promotion; Executive order respecting. *See main heading* Presidential documents.
Medical service officers, appointment in Officers' Reserve. *See* Reserve forces.
Military justice:
Boards of review, uniform rules of procedure; joint regulations of armed forces — 4433, 4610
Court of Military Appeals; rules of practice and procedure — 7279
Courts-Martial Manual, suspension of limitations on certain punishments prescribed by; Executive order respecting. *See main heading* Presidential documents.
Motion Picture Service, Army and Air Force; functions, operations, etc — 3000
National Guard. *See* Air National Guard.
Officers:
Appointment of second lieutenants. *See* Appointment of officers.
Reserves. *See* Reserve forces.
Oil and gas deposits within lands of Barksdale Air Force Base Reservation (bombing and gunnery range), Louisiana; transfer of jurisdiction over, to Interior Department — 1901
Patent Policy Review Board, Armed Services; establishment, membership, and functions — 11658
Pay, allowances, etc., for personnel:
Inactive duty training pay and allowances; Officers' Reserve. *See* Reserve forces.
Quarters, allowances for, pursuant to Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.
Price control; exemption from price control of certain sales of military items to defense agencies. *See main heading* Price Stabilization, Office of.
Procurement:
See also Contracts, Government.
Air Force procurement procedures:
Advertising, formal; procurement by:
Opening of bids and award of contract; award — 2795
Solicitation of bids; preparation of forms — 2795
Use of formal advertising; policy — 2795
Bids. *See* Advertising.
Classified procurements; check list — 2794
General provisions:
Basic policies:
Broadening industrial base of procurement programs — 2794
Classified procurements; check list — 2794
FOB point — 2794
Methods of procurement — 2794
Unauthorized release of procurement information — 2794
Contracting authority outside continental United States, its territories and possessions; construction work outside continental United States (rescission) — 2795

AIR FORCE DEPARTMENT—Continued — Page

Procurement—Continued
Air Force procurement procedures—Continued
General provisions—Continued
Definitions of terms — 2794
Procurement responsibility and authority:
Responsibility of procuring activity — 2794
Secretary, authority of — 2794
Labor — 2624
Convict labor — 2625
Copeland Act — 2626
Davis-Bacon Act — 2625
Eight-Hour Law of 1912 — 2625
Fair Labor Standards Act of 1938 as amended — 2627
General; labor relations, wages, Federal and State laws, etc — 2625
Nondiscrimination in employment — 2627
Security, employment restrictions for — 2628
Walsh-Healey Public Contracts Act — 2626
Negotiation, procurement by:
Circumstances permitting negotiation:
National emergency — 2795
Personal or professional services — 2795
Determinations and findings, distribution of copies of; determination under section 2 (c) (1), Armed Services Procurement Act of 1947 — 2796
Use of negotiation; general requirements for negotiation — 2795
Armed services procurement regulations. *See main heading* Defense Department.
Public utility services; authority with respect to contracts for procurement of, for periods not exceeding ten years — 9666
Public lands, reservation for use of Department. *See main heading* Land Management Bureau.
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years — 9666
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.
Reserve forces:
Active service:
Authority of Secretary of Air Force to order members and units of Air National Guard and Air Force Reserve into active duty — 6968
Delay in orders to active duty. *See* Delay in orders to active duty.
Executive order respecting. *See main heading* Presidential documents.
Officers' Reserve, regulations respecting active duty. *See* Officers' Reserve.
Air Reserve Officers' Training Corps:
Administration and training; revocation — 9644
Dental officer procurement, senior student program; revocation — 9644
Graduates, distinguished; appointment as second lieutenants — 2870
Institutional phase — 9644
Delay in orders to active duty — 2219
Action by commanders when delay is granted — 9806
Air Force outstanding skill requirements and primary interest lists; redesignation — 9807
Basic considerations; request for delay by employer of Reservist — 9806
Category C; criteria for delay — 9806
Requests for delay and appeals; to whom submitted — 9806
Enlisted Reserve:
Applicability of Army Department regulations revoked — 639
Enlistment and re-enlistment — 639
Identification cards — 3032
Mobilization and training — 9310
Voluntary entry on active duty (21 months) — 3648
Enlistment of Reservists — 9862
Extension of enlistments; Executive order respecting. *See main heading* Presidential documents.
Facilities for administration and training of reserve units; authority with respect to acquisition, construction, etc — 9823

AIR FORCE DEPARTMENT—Continued — Page

Reserve forces—Continued
Officers' Reserve:
Active duty:
Short tours for training of individuals and units; revision — 165
Special short tours for medical and dental officers; revision — 165
Appointments:
Appointment of officers — 4771, 4773
Chaplains — 4776
Judge Advocate General officers — 4776
Medical Service officers — 4776
Specialties (auditing, communications, psychology, research, etc.), appointments in — 4779
General officers; revocation — 4771
Identification cards — 3032
Without prior commissioned service; revocation — 4771
Flying training in grade — 9073
Inactive duty training pay and allowances — 2027
Mobilization and training — 9309
Pilot training in grade for Reserve Officers; rescission — 9073
Retired personnel of Regular Air Force, active service for; Executive order respecting. *See main heading* Presidential documents.
Safeguarding military information. *See* Information.
Second lieutants, appointment. *See* Appointment of officers.
Security:
Employment restrictions for security reasons — 2628
Procurement information, unauthorized release of — 2794
Protection of property or places; designation of commanding officers to issue security orders for — 4945
Public information guidance for manufacturers holding contracts awarded by Air Force — 10041
Safeguarding military information. *See* Information, military.
Veterinary officers, suspension of examinations for promotion of; Executive order respecting. *See main heading* Presidential documents.
Visitors:
Admission to Air Force installations or commercial facilities — 2024
Air Force personnel, visits to Army, Navy or Atomic Energy facilities; clearance required — 2024, 9805
Women's Armed Services; separation of certain personnel, Executive order respecting. *See main heading* Presidential documents.

AIR TRANPORTATION ADMINISTRATION, DEFENSE, establishment in Commerce Department in connection with mobilization of civilian air transportation facilities — 11511

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, aircraft; investigation of. *See* Civil Aeronautics Board.
Air Force regulations. *See* Air Force Department.
Airports of entry, for merchandise or aliens. *See* Customs Bureau; Immigration and Naturalization Service; *and* Public Health Service.
Airspace reservations or restricted areas:
Atomic Energy Commission projects, airspace reservations over; Executive orders respecting. *See* Presidential documents.
Lewis Flight Propulsion Laboratory, Cleveland, Ohio. *See* National Advisory Committee for Aeronautics.
Military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Aviation Defense Requirements, Office of; establishment in Civil Aeronautics Administration. *See* Civil Aeronautics Administration.
Civil Air Patrol, claims against United States — 2026
Civil aircraft, navigation, etc. *See* Civil Aeronautics Administration; Civil Aeronautics Board; *and* Immigration and Naturalization Service.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas over military installations, etc., civil air regulations respecting. *See* Civil Aeronautics Administration.

AIR TRANSPORTATION, FACILITIES, ETC.—Con. — Page

Defense Air Transportation Administration, establishment in Commerce Department in connection with mobilization of civilian air transportation facilities — 11511
Hawaii; disposal of airport in Hawaii, authority respecting. *See* General Services Administration.
Immigration regulations; joint air commerce regulations. *See* Immigration and Naturalization service.
International airports for entry of aliens or merchandise. *See* Customs Bureau; Immigration and Naturalization Service; *and* Public Health Service.
Labor dispute involving certain air carriers and employees, emergency board to investigate; Executive order respecting. *See* Presidential documents.
Mobilization of civil air facilities. *See* Defense Air Transportation Administration.
National parks, regulation of aircraft in. *See* National Park Service.
Price control regulation respecting sales of wrecked aircraft. *See* Price Stabilization, Office of.
Public airports, Federal aid for development of. *See* Civil Aeronautics Administration.
Quarantine regulations:
Guam; regulations of Office of Territories. *See* Interior Department.
Public health regulations. *See* Public Health Service.
Radio services. *See* Federal Communications Commission.
Seaplane restricted areas; navigation regulations. *See* Engineers, Corps of.
Security control of air traffic; reporting requirements. *See* Civil Aeronautics Administration.
Seizure, forfeitures, and disposition of aircraft by customs officials in Puerto Rico. *See* Internal Revenue Bureau.
Transportation facilities, utilization of; Executive order respecting. *See* Presidential documents.
Wage Board, Airline. *See* Railroad and Airline Wage Board.
Washington National Airport rules. *See* Civil Aeronautics Administration.

AIRSPACE RESERVATIONS, RESTRICTED AREAS, ETC.:
Airspace reservations over Atomic Energy Commission projects; Executive order respecting. *See* Presidential documents.
Lewis Flight Propulsion Laboratory, Cleveland, Ohio. *See* National Advisory Committee for Aeronautics.
Military installations, designation as danger areas. *See* Civil Aeronautics Administration.

ALASKA:
Agricultural conservation program. *See* Agriculture Department.
Airplanes operated by Alaskan air carriers and Fish and Wildlife Service in; maximum weights for airplanes, civil air regulations respecting. *See* Civil Aeronautics Board.
Alaska Housing Authority; sale of lots in townsites to. *See* Land Management Bureau.
Commercial fisheries. *See* Fish and Wildlife Service.
Customs port of entry, designation; Executive order respecting. *See* Presidential documents.
Eight-hour law, suspension as to laborers and mechanics employed on certain public works; Executive order respecting. *See* Presidential documents.
Land districts and offices. *See* Interior Department.
Mental patients from Alaska, care and treatment. *See* Interior Department.
Navigation and vessel inspection laws and regulations applicable in; hearing respecting. *See* Coast Guard.
Power site classification. *See* Geological Survey.
Price control; ceiling price regulations. *See* Price Stabilization, Office of.
Public lands in. *See* Land Management Bureau.
Radio services, aeronautical, in. *See* Federal Communications Commission.

ALASKA—Continued
Reclamation projects. *See* Reclamation Bureau.
Roads, trails, tolls, etc.:
Functions of Secretary of Interior; Executive order respecting. *See* Presidential documents.
Rights-of way for highways. *See* Interior Department; *and* Land Management Bureau.
Selective Service:
Registration of non-citizens; proclamation respecting. *See* Presidential documents.
Regulations respecting. *See* Selective Service System.
Weeks Municipal Field, Fairbanks, revocation of designation as airport of entry. *See* Customs Bureau.
Wildlife, regulations respecting. *See* Alaska Game Commission; *and* Fish and Wildlife Service.

ALASKA GAME COMMISSION:
Fur management areas, establishment of 1147, 2510
Guides, employment of, and qualifications for guide licenses 1147, 2509
Licenses:
Guides. *See* Guides.
Resident trapping, hunting and fishing licenses 1147, 2510
Poisons prohibited in killing of game, fur animals, and birds; possession, sale, use, etc 1147, 2509
Special permit hunts, for mountain sheep, bison, and moose 1147, 2510

ALASKA HOUSING AUTHORITY, sale of lots or tracts within townsites to. *See* Land Management Bureau.
ALEUTIAN ISLANDS, migratory bird hunting. *See* Fish and Wildlife Service.

ALIEN PROPERTY, OFFICE OF:
Authority, delegations of. *See* Organization.
Blocked assets:
Licensing authority in connection with blocked assets; delegation of authority to Chief, Foreign Funds Section and others 437
Regulations issued by Office of Alien Property; discontinuance of part 10715
Regulations originally issued by Treasury Department:
General licenses:
No. 87; prohibitions with respect to foreign and domestic scheduled securities 535
No. 94; blocked countries generally licensed, redesignation 10715
No. 99; licensing certain property (securities registered in listed names) to be regarded as property in which no blocked country or national thereof has interest 10715
General rulings:
No. 5, prohibitions with respect to foreign scheduled securities 535
List of books, of various countries 536
Deletions, certain 7310
No. 5B; prohibitions with respect to domestic scheduled securities 539
List of books, and stocks, of various companies 540, 545
Deletions, certain 7311
Public circulars; No. 40, effect of prohibitions with respect to domestic and foreign scheduled securities 545
Redesignation 10715
Claims; procedure. *See* Rules of procedure.
Copyrights; vesting orders respecting. *See* Vesting orders. 379,
Costs incurred in court actions in New York State 1112, 2671
Debt claims, time for filing. *See* Rules of procedure.
Dissolution orders; Ritter, H. F., & Co., Inc 1110
Establishment order; functions to include matter in connection with intercustodial conflicts relating to enemy property and Philippine alien property under Executive Orders 10244 and 10254 6895
France, certain nationals of, names unknown; securities owned by 10511

ALIEN PROPERTY, OFFICE OF—Continued
Germany:
Banks, German:
Dollar bond issues 6813, 6814, 6815
Provincial and Communal banks, accounts owned by 297, 9452
Certain German nationals, names unknown; various interests of 758, 1038, 2015, 2112, 2379, 2669, 3205, 7115, 7689, 8571, 8959, 8960, 9329, 10101, 11254, 11902, 11906, 12925
Conversion Office for German Foreign Debts; bank accounts, scrip, claims, etc., owned by 296, 297, 298, 630, 632, 656, 1301, 1656, 1697, 1756, 1807, 1972, 1973, 2241, 2647, 4511, 4602, 6813, 6814, 6815, 8729, 8959, 9206, 9207.
Copyrights; vesting orders respecting:
Certain German nationals, names unknown 1660
2556, 3146, 6222, 11302, 10683, 11906
Music publishers, certain German 11899
German Government:
Claim arising out of requisitioning of vessel S. S. *Arauca* by United States 2015
Debts owing to:
Topken & Farley, debt of 298
Radiomarine Corporation of America, debt of 998
Funds in Special Deposit Account No. 3, Treasury Department 593
German Legation, New York City; account owned by, in Chase National Bank of New York 565
Motion pictures, rights in, owned by German Government 437, 11902
Securities owned by Germany 9330
United States currency and coin owned by Germany; shipped by Bank Deutscher Laender, Frankfurt, to Federal Reserve Bank, New York 9712
Inventions of German nationals; list of inventors and inventions 6593
Japan, certain German citizens residing in; United States currency owned by 9274
Motion pictures, rights in:
Of certain German nationals and German Government 437, 2669, 7760, 11902
Of German producers 6161
Patents, United States, recorded in names of American Hyalsol and Hydronapthene Corporations; interests in 2481, 2485
Railroads Information Office, funds owned by 9329
United States currency (owners unknown) held by Office of United States High Commissioner for Germany 5963
Various states, cities, etc., of Germany; debts owing to, by certain American banks or banking institutions:
Baden, State of (Badische Stadte und Gemeinden/ Consolidated Municipalities of Baden) 9209
Bavaria, Free State of (Freistaat Bayern) 8960
Bavarian Palatinate Consolidated Cities 2142
Berlin, City of 1657, 1972
Bremen, State of (Free Hanseatic City of Bremen) 6163
Cologne, City of 7441
Duisburg 8729
Leipzig, City of 1697
Munich 7532
Nuremberg 9453
Oldenberg, Free State of 1756
Prussia, Free State of 1754, 2241
Saarbrucken, City of 446
Stuttgart, (and other associated cities or towns of Wurttemburg) 7531
Wurttemburg, State of 7531
International agreements for settlement of intercustodial conflicts relating to enemy property; functions respecting:
Executive order respecting. *See main heading* Presidential documents.
Transfer to Office of functions formerly vested in Attorney General by Executive Order 10244 6895

ALIEN PROPERTY, OFFICE OF—Continued
Japan:
Certain Japanese nationals, names unknown, various interests of 758, 1839, 2240, 2459, 3242, 6495, 10800, 11254, 11902
Copyrights of certain Japanese nationals, names unknown; vesting order respecting 10633
German citizens residing in Japan; currency owned by 9274
Japanese Financial Commission 7690
Japanese Government:
Bank accounts; Japanese Consul, Yuki Sato, Ilikawa Maru Special Accounts Nos. 1 and 2, interest, claim, etc., of Japan in 9122
Cash and personal property owned by Imperial Japanese Government 7690, 12925
Motion pictures, rights in, owned by Japanese Government 437, 11902
Property owned or controlled by 2379
Radiomarine Corporation of America; debt of, owing to Imperial Japanese Government 1573
Motion pictures, rights in:
Of certain Japanese nationals and Japanese Government 437, 11902
Of Japanese producers 13152
Netherlands, certain nationals of, names unknown; securities owned by 10097, 10101, 10328, 12684
Organization and delegations of final authority:
Delegation to Chief, Foreign Funds Section and others concerning blocked assets 437
Establishment order; functions to include matters in connection with intercustodial conflicts relating to enemy property and Philippine alien property under Executive Orders 10244 and 10254 6895
Revision 7879
Philippine Office 7881
Patents and trademarks; vesting orders respecting. *See* Vesting orders.
Philippine alien property; transfer to Office of functions formerly vested in Attorney General by Executive Order 10254 6895
Philippine Office; organization description 7881
Return of vested property:
Orders for. *See* Vesting orders.
Rules of procedure for. *See* Rules of procedure.
Rules of procedure; title and debt claims:
Debt claims:
Cases of no vested property; redesignation 3529
Claims against debtors' insolvent estates; redesignation and revision 3529
Determination of aggregate of claims filed against debtor; deletion 3529
Future payments; redesignation and revision 3529
Hearing docket; deletion 3529
Payment of allowed claims; redesignation and revision 3529
Requirements for hearing; redesignation 3529
Time for filing debt claims, bar dates:
Debtors whose property was vested July 1–December 31, 1949 276
Debtors whose property was vested January 1–June 30, 1950 7373
Deutsches Kalisyndikat G. m. b. H 1494
General rules:
Definitions; "parties" 3529
Hearing Examiner's decision; final, unless review is taken or objection is filed 3529
Proposed findings and conclusions; Director or another Hearing Examiner designated by Director to make decisions in event of unavailability of Hearing Examiner presiding at hearing 11137
Title claims:
Decisions, availability for public examination at Office 5105
Return of vested property:
Completion of final audit, etc., to issue after issuance of return order 5105
Orders respecting. *See* Vesting orders, etc.
Publication of notice of intention to return vested property; notice need not be published where return is to be made to a resident of United States or corporation organized under laws of United States or territories or possessions 5105

ALIEN PROPERTY, OFFICE OF—Continued
Rules of procedure; title and debt claims—Continued
Title claims—Continued
Return of vested property—Continued
Return order; issuance of order directing return when no notice of intention has been issued 5105
Title claims. *See* Rules of procedure.
Trademarks and patents; vesting orders respecting. *See* Vesting orders.
Vested property:
Administration and disposal of money, property or interests received as reimbursement of United States under international agreements for settlement of intercustodial conflict; Executive order respecting. *See main heading* Presidential documents.
Return of vested property:
Orders respecting. *See* Vesting orders, etc.
Rules of procedure for. *See* Rules of procedure.
Vesting orders, etc.:
Copyrights:
Adler, Edition 11899
Akademische Verlagsgesellschaft Athenaion m. b. H 749
Beiersdorf, P., & Co., A. G 6414
Beiersdorf, P., Inc 6414
Biondi, Georg 750
Bock, G 11899
Bonz, Adolf 749
Bote, Ed 11899
Breitkopf & Härtel 11899
Chemische Fabrik Pilot A. G 6414
Deutsche Verlagsanstalt 749
Drei Masken Verlag A. G., München 8812
Eckhart-Verlag 749
Edition Adler 11899
Eher, Franz 10303
Eysler, Dr., & Co 749
Fleischel, Egon 749
Forberg, Rob 11899
Franke, Paul 749
Gema 11899
Insel-Verlag 750
Japan Overseas Music Association 10684
Kahnt, C. K 11899
Leuckart, F. E. C 11899
Muller, Albert Langen-Georg 749
Muller, Georg, Verlag AG 749
Nagel, Adolph 11899
Reclam, Philipp 749
Saijo, Yaso 10684
Schott's Söhne, B 11899
Schuberth, Fritz, Jr 11899
Seifert, Walter 749
Simrock, N 11899
Springer, Julius 10683, 11906
Staackmann, L 749
Staatlich Genehmigte Gesellschaft Zur Verwertung Musikalischer Urheberrechte (STAGMA) 11899
STAGMA 11899
Takeoka, Nobuyuki 10684
Vieweg, Chr. Friedrich 11899
Zwissler, Julius 8812
Costs incurred in court actions in New York State 379, 1112, 2671
Dissolution orders; Ritter, H. F., & Co., Inc 1110
Patents and trademarks:
Aktieselskapet Krystal 11850
Becker, Gottfried 11793
Bosch, Robert, G. m. b. H 2616
Daeves, Karl 11793
I. G. Farbenindustrie Aktiengesellschaft 11793
Mitsubishi Shoji Kaisha, Ltd 10760
Radio Patents Corp 487
Scintilla A. G 2616
Steinberg, Fritz 11793
Wangemann, Paul 437
Return of vested property:
A/S. den Horske Remfabrik 6238
Aftalion, Serina 3101
Agenzie Generali Estremo Oriente 5892
Aktieselskapet Krystal 11850
Altschul, Hugo and Emil 636, 2696
America National Trust, Bank of 6228

90000—52——3

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Return of vested property—Continued
America National Trust and Savings Assoc., Bank of (administrator), estate of Nicola Bonfiglio — 219, 6228
Amiot, Felix Jean Louis Alexandre — 4913, 6786
Anciens Etablissements Barbier, Benard & Turenne, Societe Anonyme — 2178, 3605
Antelme, Louis Xavier — 5462
Association des Amis de la Theologie — 7882
Aulisa, Annina, Lorenzo and Pasquina — 5463
Auriol, Albert and Andre — 10845
Azzi, Enrico — 1000
Baldocchi, Alberto — 2178, 3873
Banco di Sicilia — 4913, 6785
Barbier, Benard & Turenne, Anciens Etablissements, Societe Anonyme — 2178, 3605
Bardet, Gerard — 1000, 2716
Baret, Albert Fernand Joseph — 303
Barteczko, Paul Philipp — 10146
Bartel, Gustav Adolph — 920, 2246
Barth, Hedwig — 5103, 6990
Bartolomei, Maria — 12202
Baumgarten, Margit — 9926
Beban, George — 6708
Becher, Hertha Henriette — 2594
Behr, Emily Greg-Holper — 3605
Behrendt, Johanna Eleonore — 920, 3395
Behrens, Wilhelmina — 252
Belz, Frieda Monheimer — 528, 2246
Berges, Andre — 1718
Bernhardt, Charles — 9276
Bertolini, Alice and Massamiliano — 2696
Bier, Eduard — 4517, 6988
Bier, Edward — 6988
Bier, Eric — 7273
Bier, Siegfried Max — 6988, 7273
Birabeau, Andre — 8871
Birnkrant, Maxim — 5462
Blanc, Andre — 5603
Blaschko, Max — 6415
Bleriot Aeronautique Societe Anonyme — 59
Bohm, Theresia, nee Kitzler — 9497
Boldu, Eleanora (Norina) Dolfin — 9498
Boldu, Francesco Dolfin — 9498
Boldu, Count Paolo Dolfin — 9498
Bonasera, Maria — 4824, 6988
Bonfiglio, Cecilia — 219, 3454
Bonfiglio, Giambattista Nicola Giulio — 6228
Bonfiglio, Nicola — 219, 6228
Boudios, Etablissements — 2206, 4170
Brambilla, Gesuina — 5463
Branca, Count Dino (Bernardino) — 9498
Branca, Countess Lina (Carolina) Dolfin — 9498
Branca, Maria Bernardina dei Conti — 9498
Branca, Pierluigi dei Conti — 9498
Branca, Steno dei Conti — 9498
Branca, Contessa Teresa Legrenzi — 9498
Bruder Eisert, A. G — 10146
Bruneau, Gerard Andre — 3605, 6708
Bubik, Juliana, nee Kitzler — 9497
Buehler, Jacob — 416, 2820
Bukofzer, Hella — 2050
Businelli, Antonio — 6330
Businelli, Teresita — 6330
Caluwe, Jan — 11133
Calvorde, Frieda Korner — 9276
Cantacuzene, Georges Servan — 5603
Carnier, Paul — 636
Carrara, Masa — 2696
Casalegno, Fiorino and Graglia Giovanna Maria — 3546
Castelli, Francesco — 4170
Cavalieu, Anna Maria Gras, Bruno, Edgardo, Egle, Emilia, Irma, Nives, Renato, Sergio, and Varese — 2696
Centre National de la Recherche Scientifique — 11548
Cerini, Dr. Leonardo — 2206, 3686
Cerruti, Adelaide, Leonida, Michelina Bianchini and Peter S — 4823
Chauvin, Andre Antoine — 276
Chobert, Jacques Francois G — 452
Clermont, A. Olier, Etablissements — 2206
Clonfero, Erminio — 6330
Cocchi, Maddalena Graziosi — 2903
Coen, Laura — 2696

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Return of vested property—Continued
Cohn, Dr. Egon — 9185
Colletti, Ferdinando and Giovanni — 2178
Compagnie Internationale des Pieux Armes Frankignoul, Societe Anonyme — 5032, 6989
Compagnie Radio Cinema — 5463
Comptoir des Textiles Artificiels, S. a. r. l — 4825
Corset, Lucien Alfred Maurice — 415
Corthals, Auguste Raoul Pierre — 11133
Crohn, Berthold (Happ) — 636, 2205
Crohn de Schlesinger, Margot — 636, 2205
Cuneo, Dusolina Queirolo — 219, 3206
Cuneo, Maria and Valerio — 3206
Curatolo, Felicia — 9669
Dagorno, Jeanne Berthe Marie — 59
Davis, Louisa Bancroft — 9336
De Chambrun, Rene — 2776
Decombe, Georges — 1661, 3024
de Couto, Pedro Vicento — 8967
Delaplace, Julienne Marie — 3024
del Drago, Angela, Maria, Ferdinando, Giovanna — 999
Del Drago, Clemente and Marcel — 790
Del Frate, Carlo — 2903
De Meudon, Forges et Ateliers — 2206
Dennis, William W — 6414
de Paniagua, Ysabel — 7445
De Schlesinger, Margot Crohn — 2205
Desclee & Cie., Societe St. Jean l'Evangeliste — 7882
D'Espinassy De Venel, Georges Marie Paul — 7970
De Venel, Georges Marie Paul D'Espinassy — 7970
Dewas, Raymond — 1661, 3024
Diederichs, Emile Charles Robert — 1661, 2863, 11906
Di Falco, Pietro — 1702
Di Giuseppe, Alde, Arcolino, Assunta, Domenico, Dominico, Ercole, Palmerino, and Romualdo — 5967
Di Nicola, Carmela, Umberto, and Vito — 5967
Dobler, Anton, Erich, and Oskar — 9336
Dobler, Michael — 9336
Dobner, Johanna — 3525, 6227
Dosch, Rudolph — 252
Dreyfus, Georges — 1718
Dubonnet, Andre — 9925
Dubusc, Roger — 790
Dufour, Rene Alphonse — 9714, 10475
Durand, Marcel Paul — 4913, 6786
Ebeler, Emma Zimlick — 1662, 2863
Ecker, Emma — 219, 1701
Eicher, Erich — 8871
Eisert, Bruder, A. G — 10146
Electriciteits Maatschappij, N. V — 9669
Electro Metallurgical Co — 4673, 6707
Elektrokemisk A/S — 5603
Eliat, Ernest Alfred — 5464
Eppenauer, Elizabeth Henley — 5032
Faccaro, Giuseppina Freschi — 6769
Faccaro, Giuseppina, Giuseppina Freschi, Lawrence and Luisa Liliana — 3501
Faccaro, Giuseppina, Lawrence, Luisa Liliana and Pete — 6769
Faggioni, Gio Batta — 6414
Fagliano, Santiago, et al — 707, 3101
Faiveley, Louis — 707, 2205
Faltin, Justine — 9497
Faltin, Karl — 9497
Fanciullacci, Olga Gambari — 5463
Faure, Andre — 7118
Faure, Antoine — 7118
Fausten, Marion C — 2556, 4170
Fedeli, Anna, Marino and Renzo — 2178, 3874
Fedeli, Lola — 3874
Federsel, Justine, nee Kitzler — 9498
Feher, Anna — 11201
Ferigo, Elisa — 1782, 6330
Ferigo, Ines — 6330
Ferigo, Joseph — 6330
Ferrise, Maria Teresa — 2864
Feuchtwang, Wilhelm Gottfried — 12602
Fiat, S. p. A — 9925
Filosomi, Angelo, Ferdinand, Flavio, Maria, and Vincenzo — 10146
Forges et Ateliers de Meudon — 4606
Fratelli Branca & Co., Inc — 9498
Frissora, Ginevra and Marianna Tiberi — 59
Fritze, Emily — 636

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Return of vested property—Continued
Fujinaga, Tatsujiro — 3686
Fusilli, Mariamichele S. and Michelina S — 5463
Galia, Ella and Morris — 3101
Gamba, Maria Francesco, Nicola and Rosa — 3101
Gambari, Carolina, Giovanni, Mario, and Samuele — 5463
Gamble, Catharine Colletti — 2178
Garcin, Louis Marie Antoine — 1702, 4958
Gargiolli, Eugenia, Maria and Maria fu Ettore — 2696
Garnier, Claude Etienne — 4638, 6708
Garnier, Paul — 2381
Gauthier, Ernest — 8226
Gehrmans, Carl, Musikforlag — 2904
Gemminger, Marie — 4913, 6709
Gerli, Anita Rose and Gianfranco — 9498
Giannini, Arcangelo and Giulio — 5463
Giordano, Giovanni — 12110
Giovannoni, Veneranda — 2178, 3874
Gottingnies, Louis Omer Jules and Rodolphe Fernard — 11292
Gravina, Rogiano — 4742
Graziosi, Luca — 2903
Guardiola, Louis Sobrino — 8414
Guillo, Germaine and Marie — 12926
Gunzburger, Jennie — 6770
Gyorgy, Desider — 7273, 11133
Haberpointner, Johann — 1702, 2820
Hachette, Librairie — 7690
Hahne, Nellie (Nelly) — 12242
Halle, Werner — 999
Hamelle, George Edgard, Louis Gilbert and Maison J — 3605, 6708
Hammer-Purgstall, Arthur — 668
Harris, Edward F — 6770
Harry, Gertrude Cady — 4673
Hayakawa, Haruo — 3686
Hecht, Walter — 4517, 6330
Heck, Elsie J — 4825, 6708
Heienbrock, Antjelina — 527, 2648
Hemmerle, Vendelin — 1625
Henricot, Jaques Fernand — 206, 4366
Herbin, Oscar — 5603
Hermsen, Wilhelmus — 6990
Herter, Gustave — 3502
Heugel & Cie — 2206
Hindemith, Paul — 5602
Hirai, Masa — 5463
Hirschland, Henriette H — 415
Hoch, Agatha, nee Dobler — 9336
Hoffmann, Florenz Audrie — 4482, 6708
Horske Remfabrik, A/S. den — 6268
Huber, Josef — 9336
Huber, Karl — 9336
International Forbund Til Beskyttelse Af Komponistrettigheder I. Danmark (KODA) — 2696
Irion, Everett — 2486, 7445
Isenberg, Marion Ellen — 2024, 5516
Jaeger, Karoline, nee Dobler — 9336
Jalbert, Jean Henry — 2178, 4366
Jansen, Willem Johan Bernard — 7815
Jenny, Albert — 10303
Jenny, Dr. Richard — 4824, 6708
Jessacher, Alois — 10511
Jessacher, Marie — 8164
Joachim, Gertrud — 2594
Joachim, Richard H. M — 3101
Johansson, J. R — 1702, 3874
Joseph, Heinz Peter — 10101
Joseph, Kurt — 10100
Kahn, Bernard and Sydney — 2952
Kane, Harry C — 5463
Kauffmann, Willem — 6415
Kaufman, Leopold — 4518, 6414
Kendler, Marcel and Max — 3101
Kersting, Kathleen — 4824, 6786
Kinstead, John G — 6268
Kitzler, Johann, Johanna, and Leopold — 9497
Klein, Madeleine — 4913, 6709
Klestadt, Ernst — 6268
Klestadt, Margot — 6268
Klier, Elsa — 3874, 6228
Klier, Georg Lorenz — 3874, 6228
Klier, Oskar — 3874, 6228

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Return of vested property—Continued
Klofa, Henriette — 11292
Kodak-Pathe Societe Anonyme Francaise — 1662, 3546
Kolb, Emile — 10303
Koninklijke Industrieele Maatschappij Voorheen Noury — 2380
Kooyman, Franciscus — 5602, 2205
Kooyman, Jacob Cornelis — 2205
Kramarenko, Alexandre — 3525, 5516
Kuenzel, Gisela Boekelman — 2050
Kunzel, Else (nee Klier) — 3874, 6228
Lagache, Irene (born Leloup) — 10846
Lagrotteria, Maria and Rocco — 5464
Lancia & C. Fabbrica Automobili Torino—S. A — 1000, 3149
Languepin, Jacques Emile Jules — 2648
Laraque, Roland — 5603
Larson, Wallace M — 1702, 3874
Lassman, Katrinka — 416, 2820
Latte, Margarete — 6415
Lavagetto, Agostino — 4673, 6414
Lavagetto, Luigina — 4673, 6414
Lazzaroni, Edgardo and Giulia Carmen — 2696
Lebertre, Maurice — 10146
Leduc, Henri Auguste — 10475
Lehmann, Gerard — 452
Lemaire, Maurice Henri — 1262, 2863, 3024
Lemboeck, Alma B. and Joseph A — 5103
Lemoigne, Pierre — 1625
Levy, Jacques — 452
Librairie Hachette — 7690
Lichtenstern, Siegfried — 5464
Liesken, Auguste Hubert — 5032
Ligure, Correglia — 3206
Linck, Anna-Marie — 5892
Lindsay, Martin — 5103, 6990
Lochner, Lena C — 1000
Loewi, Simon — 5967
Lo Re, Antoinetta — 4824, 6988
Lorry, Marguerite — 4913, 6709
Lowenfels, Irma — 416, 2820
Lumia, Marietta — 5379
Luzzana, Sofia Mazzoleni — 6268
MacGowan, Gault — 4518, 5911
Maddaus, Hedvig E. S — 2904, 4823
Magis, Auguste Adelin Gustave — 416, 2205
Maillet, Andree — 4913, 6709
Maillet, Raymond — 4482, 6267
Mannheimer, Willi Robert — 5464
Markwald, Paul — 2017, 3396
Marquardt, Emil, George A., Hermon C., Jacob, Kathinka and Lucy — 4673
Martin, Alphonse — 5464
Matsuoka, Shunji — 1262
Mauri, Olga Mazzoleni — 6268
Mazzuca, Antonio — 4824
Menozzi, Giuseppe — 5033, 6989
Metzner, Anna Maria — 2648
Meyron, Davide — 1661
Milani, Lucia — 6330
Mitchell, Beatrice Irene and Merritt J — 2353
Mizuno, Fukuyo — 3686
Molea, Giuseppe and Vito — 2178
Molsen, H., & Co — 7445
Monheimer, Otto — 528, 2246, 3685
Montecatini Societa Generale per l'Industria e Chimica Anonima — 9669
Morel, Charles Emile — 5464
Mori, Lola Fedeli — 2178
Morii, Miwa Noda — 12278
Mozzanini, Georges Gabriel — 10146
Muller, Egon N — 11291
Mundheim, Adolf and Felix — 4913, 6770
Muraoka, Midori Beatrice — 219, 2050
N. V. Electriciteits Maatschappij — 9669
N. V. Ramie Union — 9669
Manassy-Megay, Joyce — 304
Negrea, Silvia — 3101
Nicolle, Charles — 4169, 5911
Nishii, Kenick — 6266
Norske Aktiesclskab for Elektrokemisk Industri — 5603
Noury N. V — 2381
Uunziato, Luigi and Raffaela — 2820
Nussbaum, Bruno, Ernest, and Max — 2952

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property—Continued
Obermeyer, Theodore 6770
Obram, Nicolas 11201
Olier, A., Etablissements 4517
Orfi, Emilie 452
Ortolani, Maria Merlo 7970
Paniagua, Ysabel de 7445
Passardi, Vitaliano 4823
Paul, Mrs. George 1000
Paul, Lena Loehner 1000
Percheron, Maurice 7882
Pernerstorfer, Anton and Rupert 12242
Pernerstorfer, Dr. Martha 11201
Pernstorfer, Leopold 11201
Perreau, Armand Raymond Ernest Andre 12602
Perrot, Henri 11292
Persin, Jean 11133
Pestarini, Joseph Maximus 3099, 5103
Petretti, Silvio 12202
Petter, Charles Gabriel 6268
Pfefferkorn, Alfons (Alfonso), Jakob, Maria (Marie), and Thomas 2904, 4606
Philippi, Enrico 2381, 12602
Piaggio & C.—Societa per Azioni 10146
Piccoli, Charles, Julian and Richard 7970
Pietsch, Charles J 3686
Pitzele, Hannelore 6268
Plus, Rev. Raoul Albert 9133
Polek, Anna M. and Bernard G 415
Poszich, Enid May 415
Pouldjian, Gabrielle (Craponne) 10846
Prat, Emile and Prat-Daniel S. A 252
Pritzl, Emmerich and Herta Bargum 2246, 3605
Pronio, Lucia P 60
Puccinelli, Angelina, Bruna, Emma, Enza, Giorgio and Maria 5463
Quaglietta, Felicia Curatolo 9669
Quaglietta, Rosaria Curatolo 9669
Raba, Alice Henriques and Georges Henriques 12926
Radiotechnique (La) 5603
Ramie Union, N. V 9669
Rarama, Generosa A 452
Ratie (Ratier), Pierre Paul 5967
Ratie (Ratier), Rene Jean 5967
Regoli, Elena Graziosi 2903
Reiffenstein, J. Manfred 5308
Reinicke, Martha 2594
Restivo, Marie Ride 7759
Reygagne, Leonce 1701, 3024
Ride, Antonio 7759
Rindler, Maria Bieri 12602
Rings, Elsie 1702, 3024
Robmer, Joseph 6989
Rocard, Yves Andre 11793
Rohmer, Joseph 7192
Rosenbaum, Paul 2117, 4958
Rothschild, Recha 416, 2820
Rothstein, Norbert 2017, 3396
Rouat, Roger 1662, 3396
Rovaldi, Antonia and Carlotta 9925
Roz, Firmin 8871
Rupp, Charles, & Co 9926
Ruppel, Ernst Ludwig 9926
Rzepecka, I. Maria 2860
Saint-Denis Kuhlmann Saint-Clair Dyestuff Corp 6415
Saito, Ayako 5308
Sakamaki, Francis S 2648
Salani, Ettore 4825
Sallot, Louis Edouard 452
Salvatori, Augusta Graziosi 2903
Santomenna, Lelio 1702, 2864
Sarazin, Raoul Roland Raymond 6988, 10846
Sauerwein, Georges 3874, 6228
Savio, Armando 3546
Scarpellini, Edoardo 1661, 2903
Scarpellini, Francesco 2903
Scarpellini, Odoardo 2903
Schaflechner, David 5464
Schattmann, Johanna and Ursula 10511
Schindler, Annie Elizabeth 1000
Schoen, Catherine 636, 2205
Schubert, Maria 415

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property—Continued
Schuermans, Maurice Florent Edmond 303
Servos, Margot Noafeldt 920, 2648
Share, Hansi 920, 3570
Shimoda, Toshio 220
Shogakkai, Fushiminomiya Kinen 3686
Singer, Rebecca Little 663
Sinicropi, Jessie Miller 668, 3101
Societe Ame "L'Atomic" 2903, 4958
Societa Anonima Fratelli Branca 12242
Societe Anonyme pour les Applications de l'Electricite et des Gaz Rares Etablissements Claude Paz et Silva 2018, 5104
Societe Auxiliaire d'Industrie 6906
Societe Auxiliaire d'Industrie SADI 6906
Societe Auxiliaire d'Industrie SADI–S. P. R. I 5033
Societe Carbochimique S. A 999
Societe Centrale de Chemins de Fer et d'Entreprises 3966, 6228
Societe de Construction d'Appareils Mecaniques et Electriques pour Automobiles 4824
Societe de Construction d'Appareils Mecaniques et Electriques pour Automobiles, S. C. A. M. E. A 6989
Societe de Constructions Mecaniques de Stains, S. A 4824, 6988
Societe de la Viscose Francaise 4823, 7273
Societe des Procedes Serge Beaune 2903, 4606
Societe Francaise de Construction de Bennes Automatiques "Benoto" 6709
Societe Francaise Hispano-Suiza 6988
Societe "L'Aviorex" Dreyfus Freres 1000, 2556
Societe Nobel Francaise 3874, 6228
Societe Nouvelle du Comptoir Lyon Alemand 5033
Societe pour l'Union des Transports Ferroviaries et Routiers 4825, 6770
Societe St. Jean l'Evangeliste 7882
Societe Solex 1715, 3502
Souche, Fernand Charles 1661, 3023
Spinosa, Margherita F 60
Standard Oil Development Co 4286
Stears, Herman 6268
Steffen, Marion Harder 5462
Stern, Rose 2952
Sternheim, Thea 3246, 5308
Strakosch, Mika Marie 59
Strauss, Mrs. Harry 3024, 5516
Stroner, Gertrude 3626, 5462
Svendberg, Mary Mabel Rich 11292
Szczupak, Hannelore Joseph 10101
Tegetmeier, Alice M 5966
Telefon Fabrik Automatic Aktieselskab 2904, 4606
Tescione, Antonio and Cesare 5464
Thalmann, Ernesto Guillermo 5464
Thieuzard, Albert Francois 5033, 6989
Tokairin, J 3686
Tori, Andrea and Assunta 5463
Traverso, Aurelia and Paulino 218, 2117
Trefileries et Laminoirs du Havre 667
Trifiro, Joseph 6988
Union Planters National Bank & Trust Co 6769
Unterweger, Maria 12602
Van Anda, Paul 3502
Van den Bruggen, Arthur 6267
Vancoppenolle, Jean Leon 11793
Van Der Lande N. V 2380
Van Der Lande's Exploitatiemaatschappij 2381
Van der Lee, Pieter Johannes 6415
van Gasselt, Antonius Johannes Mathijs 9925
Van Lammeren, Willem P 276
Van Tongeren-Boers, Maria Justina 2117
Vassallo, Susanna Segre 2903
Velut, Rene 5967
Verderber, John 451
Viggiani, Domenica and Enrico 668, 4742
Viggiani, Raffaele 668, 4742
Vitale, Margherita, Mariannina Mazzei, Nicolino and Pasquale 4825
Vitale, Margherita, Nicolino and Pasquale 6770
Vitale, Maria Concetta 999
Vitale, Mariannina Mazzei 6770
Vivan, Giovanni Battisti 6708
Vivan, Marie (Maria) 6708

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property—Continued
Vom Hofe, Frieda 2542, 4286
Von Arnim, Hermann 572
Von Brul, Anna, nee Huber 9336
Von Stackelberg, Ellen Biddle 451
Watling, Bertha 6414
Weber, Anna Maria 635
Weber, Emile Michel 11133
Weisbecker, Berthold 2952, 4957
Wendt, Edith 6415
Weninger, Francois-Theophile 5892
Westfal, Martha 3206, 4998
Winslow, Ottilie Franke M 59
Yamane, Yayao 3686
Yoda, Hideo and Shigeo 3546, 5379
Ziegler, Kurt 6268
Trademarks and patents. *See* Patents and trademarks.
Various interests, in estates, litigation proceedings, etc.:
A. B. Svenska Handelsbanken 4912, 4957
Aargauische Hypothekenbank 3324
Abbenseth, Anna, Hinrich, Jr. and Sr., Klaus, Sophie and Wilhelm 3422
Abe, Isomatsu 3962
Abegg, Laura 7961
Abrams, Carl Franz 6163
Abrams, Gerhard 6164
Abrams, Johannes Henry 875, 6163
Abrams, Karl Franz 875
Abrams, Lambert John 875, 6163
Abrams, Maria Helena 875, 6163
Achelis, Fritz, Jr 7961
Ackmann, Hildegard 1749, 3819
Actiengesellschaft Hackerbräu 3242
Adam, Margit 4739
Adyama, Itsuo 1778
AEG Cia. Argentina de Electricidad, S. A 661
Aftalion, Serina 4673
A. G. Paulanerbrau Salvator Brauerei and Thomas Brau 55
Agemura, Masami and Saki 269
Ahren, Oscar, Aktiebolaget 4822
Ahrens, Henry 1750
Ahrens, Herman 5408
Ajioka, Tokio 7959, 9213, 11793
Akamine, Moshi Toma 4284
Akiyama, Michiharu 655
Aktiebolaget Oscar Ahren 4822
Aktiebolaget Svenska Handelsbanken 4912
Aktieselskabet Kjobenhavns Handelsbank 4740, 4741
Aktiengesellschaft Sachsische Werke 7378
Aktiengesselschaft fuer Finanzierungen und Beteiligungen 4365
Albers, John 7113
Albers, Klaus 488
Albers, Meta 7113
Albert, Alexander 2112
Albert, Fritz E 206
Albert, Marie 8810
"Albingia" Versicherungs A. G 329
Albrecht, Chester A 6264
Albrecht, Elisabeth 7812
Albrecht, Karl Friedrich 206
Alfred Herbert, Limited 2860
Alianz Versicherungs, A. G 1107
Allgemeine Elektricitaets-Gesellschaft 661, 4285, 5308, 8565, 8366
Allhausen, August Dettlaf 6604
Allianz Lebensversicherung A. G 8506
Allianz Versicherungs 1107
Allmendinger, Benedict 785
Alsleben, Frank Friedrich 523
Alsleben, Franz Friedrich 523
Alte Leipziger Lebensversicherungs 488
Altfatter, Kathie Brunnett 1572
Althaus, Anna 8564
Altmann, Josef 7443
Altschaefel, Anna 4597
Altvater, Katherine 1572
Amann, Helmut 7964
American Exchange National Bank 7437
American Express Co., Inc 4513, 4604

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
American National Bank of Denver 5101, 5462
Amman, Ella 2862
Ammann, Edmund 6487
Ammann, Ella 2862
Amelung, Rosa 151
Amsler, Agnes O. E 8725
Amsterdamsche Bank, N. V 4165, 4167, 5458
Amsterdamsche Effecten & Commissiebank, N. V 4164
Amsterdamsche Goederen-Bank N. V 4514
Amsterdamsche Liquidatekas, N. V 4514
Andermahr, Herbert 1698
Andermahr, Joseph Hubert 1698
Ando, Kekuichi 12201
Andoh, Kakuichi 12201
Andrassy, Karl 8219
Andres, Margarethe 9120
Andresen, Christian and Friedrich 8218
Andresen, Johan 8218
Andrews, N 4514
Androw, N 4514
Anglo Dutch Banking & Trading Co 7689
Anheuser, Annabella 2774
Ano, Hidetaro 9275
Ansler, Agnes O. E 8725
Antes, Anton Heinrich and Maria 9712
Aoki, Hisa and Mrs. Hisako 750, 2862
Aoki, Kikutaro and Shuntaro 365
Aoki, Tokumon and Hisako Kuriyama 750, 2862
Aoki, Yasuharu 294
Aoyoma, Itsuo 1777
Appel, Anne Marie 9842
Araki, Kenichi 9328
Aramaki, Kameki (K., Kameko) 997, 2146, 7532
Arend, Willy 3604, 7758
Arfsten, Chris 8729
Arfsten, Ida 8729
Arfsten, Simon 8729
Argentina de Mandatos, Cia 7531
Argentina de Mandatos-Sociedad Anonima, Compania 7530
Arima, Chiyeko and Rev. Hajime 365
Arima, Tokikuni 7959
Arita, Kimiko 1161
Arita, Mrs. Kimiko 1161
Arita, Mrs. Take 7968
Arita, Toshihiko and Gentaro 635
Arnold, Gertrude and Rudolph 207
Arns, Johann Peter 6488
Arts, Franz and Leonhard 874
Arts, Gerard 874
Asai, Seiji 997
Asami, Shizu (Shizuko) 12534
Asbach & Co. A. G 6222
Aschaffenburger Zellstottwerke A. G 7117
Aschersiebenerbank von Kessel & Co., K. G 8966
Assemacher, Thomas 207
Associatie Cassa 3964
Atlantic & Pacific Comite 7118
Auer, Vesta 7955
Auspitzer, Richard G 2202
Automobil, Max Foerster G. M. B. H 972
Baba, Toshiro 9119
Bach, Klara 7812
Bachman, Leo J 1977
Bachman, Margarete 7965
Bachman, Marguerite E 6605
Bachman, Marie 1980
Bader, Karoline 377
Bader, Liselotte Marie Emma Minna 4598
Badum, Ernst 1650
Baensch, Irma 7439
Baer Custodian Corp 4286
Baer, Hattie (Jettchen) 243
Baer, Julius, and Co 4362
Bains, Sophia 13534
Bartenstein, Reinhold 12924
Barth, Teodoro C. (Teodoro Carlos and Thedoro Carlos) 11756
Baetjer, Heinrich 7960
Baetke, Margaretta 6592
Bahr, Herbert Karl Friedrich 660

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Baldus, Louise Emile — 748
Balthazer, Paula — 1045, 6700
Banca Commerciale Italiana — 6695
Banco Aleman Transatlantico — 918, 1659, 2242, 7531
Banco Alemao Transatlantico — 918, 2242, 7531
Banca d'America e d'Italia — 3683
Banco de Chile y Alemania en Liquidation, bank account in Chase National Bank of New York — 294
Banco di Roma "France" — 4994
Banco Germaico de la America del Sud — 998
Bank-Associate Wertheim & Gompertz — 5146
Bank Deutcher Laender — 6706
Bankag, A. G — 3449
Banker, Georg — 8222
Bankhaus von Wangenheim & Co — 7530
Bankierchantoor, Rebholz — 1295
Bankierskantoor van Mendes Gans & Co., N. V — 5726
Banque Cantonale de Berne — 3324
Banque Cantonale de Schaffhouse — 3325
Banque Cantonale de Zurich — 3325
Banque Cantonale des Grisons — 3450
Banque Cantonale Lucernoise — 3370
Banque Cantonale Neuchateloise — 8224
Banque Cantonale Vaudoise — 3394
Banque Commerciale de Bale — 3942
Banque Commerciale S. A — 7118
Banque Commerciale, S. A., Luxembourg — 6488
Banque de Credit — 143
Banque de Credit Commercial S. A — 3448
Banque de France — 4181
Banque DuPont & Furland — 6435
Banque Generale pour l'Industrie Electrique — 5727
Banque Internationale a Luxembourg, S. A — 5306, 10374
Banque Internationale Luxembourg — 10974
Banque Jordaan, S. A — 4993
Banque Populaire Suisse — 6087
Banque Suisse d'Epargne et de Credit — 3451
Barner, Frau Stadtpfarrer — 9497
Bartenstein, Reinhold — 6700
Barth, Dr. Georg — 4480
Barth, Hedwig — 3147
Barth, Teodoro C — 9711
Bartlberger, Josef — 7962, 7964, 8260
Bartlberger, Josefa — 7964
Bartholdt, Antonie — 1926
Bartholdt, Hans W — 1926
Bartholdt, Toni — 1926
Bartlewski, Elizabeth, Frantz Josef and Kurt — 331
Basedow, Theodor — 8966
Basilius, Alice — 3147
Bass, Jennie — 3244
Bastgen, Josef — 7444
Baudry, Sybil, nee Reinhardt — 9709
Bauer, Fanny — 150
Bauer, Joseph F — 1972
Bauer, Dr. Jurgen — 9334
Bauer, Oscar — 6811
Bauer, Theodor — 4417
Bauer, Paula and Friedrich — 572
Bauer, Pauline — 208
Bauereiss, Eva Barbara — 659
Baum, Wilhelm — 1650
Baumann, Conrad, Elise, Franz, George, Heinrich, Helene, Herta, Kurt, and Paul — 1979
Baumann, Frank — 7437
Baumann, Hugo, and others — 4515, 1979
Baumanns, Gertrud Beerden (Traudchen) — 874
Baumfeld, Herman and Kaneko — 2486
Baumfield, Herman and Kaneko — 1660, 2486
Baumwoll-Handelsgesellschaft, m. b. H — 295
Baunach, Karl — 55
Bayerdorfer, Wilhelmine L — 6655
Bayerische Hypotheken-und Wechsel-Bank — 7962
Bayerische Verinsbank — 7962
Beck, Frederick and Maria — 974, 6603
Beckedorf, Henriette — 8966
Becker, Anna Dorothea Katharina — 1574
Becker, Anna Eleanor — 10300
Becker, Ernst — 7439
Becker, Hans Hermann — 9837

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Becker, Mathilde — 5305
Becker, Sette — 403
Becker, Thekla Theresia, nee Weckenmann — 6896
Becker, Wilhelm — 7437
Beckmann, Carolina (Carrie) — 10870
Beckmann, Elizabeth M. and others — 10870
Beckmann, Karl — 8564
Beerden, Erne and Dora Arts — 874
Beerwart, Erwin — 330
Beesauhr, Annemarie — 488
Behlau, Leni — 6700
Behn, Emma — 9332
Behr Schultz & Co — 1624
Behrens, Lilli Elizabeth Schneider — 1574
Behrens, Rosalie — 701
Behrman, Meta — 636
Beier, Gerhard — 11756
Beiersdorf, P., & Co., Inc. (A. G.) — 6414, 9711
Bellinger, Paul — 7435
Bellmond, Carl — 12923
Bellmond, Wm. (William) — 12923
Bellmund, Wilhelm — 12923
Belz, Ferdinand and Mathilde Louise — 269
Bender, Katherine — 3681
Benl, George Anton (George A.) — 6768
Benner, Friedrich Wilhelm — 6655
Benner, Hedwig — 6655
Benzenberg, Gustave — 1778
Berchtold, Katharina — 2203
Berenberg-Gossler, Sarah D — 967, 998
Berends, Firma H. C — 4671
Berg, Franz — 410
Berg, Wilhelm — 7193
Bergemann, Carl — 8218
Bergener, Carl — 9120
Berger, Eugen — 8730
Berger, Wilhelmine — 1491
Bergman, Michael — 2774
Bergwerksgesellschaft Georg von Giesche's Erben — 7956
Berkel, Adele — 1656
Berliner Kraft und Licht (Bewag) A. G — 106
Berndt, Augusta — 8872
Bernhard, Wilhelm — 1980
Bernstorff, Hans — 8565, 9183
Bernstorff, Julie Ammon — 8565, 9183
Bertsch, Anna Rosa, Friederike Rosine, Karl Friedrich, Karl Heinrich, Luise Katharine Karoline, Margot Luise, Rosa Erika, and Wilhelm — 3204
Berz-Schmitz, Franz — 755
Bessert, Elisabeth and Max — 7962
Best, Robert H — 2860
Betien, Carl, Heinrich, Ludwig — 302
Beul, Josef, Kate, and Peter — 5665
Beyer, Elizabeth — 151
Beyer, Margit — 5193
Blagosch, Curt, Dr. Heinrich, and Karl — 7440
Bibbern, Wilhelmine — 8218
Bickel, Ernest — 10300
Bickel, Nic — 7192
Bierwirth, Heinrich Conrad — 788
Bierwirth, Lena — 107
Binder, Helen — 328
Birkner, Betty — 7437
Bischof, Gesine — 9835
Bischoff, Max — 8569
Bishop, Carrie (C. W., Caroline and Carrie W.) — 6605
Bishop Trust Co., Ltd — 6703
Blanchard, Archibald — 6697, 11251
Blanchard, John A — 6011, 6697, 11251
Blanchard, Rosamond Dove — 6011
Blankhart & Cie — 3523
Blend, Bartholomae — 7966
Bleymueller, Adelheid (Adda) and Hermann A.E — 443
Blinten, Maria — 666
Blome, Eugen, and others — 521, 8226, 10762
Blum, Louis — 7437
Blumel, Alvin, Herman and Ida — 402
Blumenberg, Emil — 4742
Blumner, Anita Werner — 9842

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Bobrik, Mrs. Isa — 1925
Bock, Auguste, Friedrich, Ernst, and Anne — 569
Bock, Catherine and William — 208
Bockemuhl, Hans — 974
Bode, Marie — 5459
Boden, Barbara Eleonore — 7440
Boernert, Hugo and Anna — 524
Boesch & Co — 3871
Boettcher, Anna — 9494
Boettcher, Rudolph — 9494
Bohack, Henry C — 6811
Bohm, Hermann and Ida — 1621
Bollman, Albert and Kaethe — 270, 331
Boos, Gabriel — 10871
Borchers, Adelheid — 6657
Borchers, Agnes and Heinrich — 2379
Borchers, Christian — 8725
Borchers, Hans — 6657
Bordier & Cie — 3394
Borgmann, Elizabeth (Elisabeth) — 8730
Bormann, Martha — 208
Born, August, Herbert, and Helmut — 702
Bornemann, Harry — 520, 785
Borner, Fritz (Fritz Boerner) — 9836
Bose, Franz, Gertrude, and Horst — 7533
Boss, Sophie — 489
Bosshardt, Marianne Bottner — 9213
Bottner-Bosshardt, Marianne — 2172, 9213
Brabender, C. W — 6813
Brabender, Offene Handelsgesellschaft — 6813
Bradley, E. B. & Co — 6550
Braeuninger, William — 4742
Brahm, Fritz — 6164
Brambeer, Ada Ursula — 967
Brambeer, Francis Moran, Jr — 967
Brand, Albert Franz — 7436
Brandenberg Electric Power Co — 9452
Brandt, Anna A. A — 1623
Brandt, Henry — 572
Brass, Alessandro and Lina Widgopf — 276
Brau, Thomas, A. G. Paulanerbrau Salvator Brauerei and — 55
Braubach, Louis and Marie — 209
Braue, Rosa — 9332, 9334
Brauer, Marie — 7112
Brauerei, Salvator, A. G. Paulanerbran Thomas Brau and — 55
Braukmann, Barbara and John — 2114
Braum, Wilhelm A — 7436
Braun, Elise (Lizzie) — 12924
Braun, Elizabeth W — 10303
Braun, Herbert A — 9711
Braun, Margarethe — 659
Braunschweigische Lebensversicherung A. G — 8506
Brauns-Forel, Martha — 8564
Bredehoft, Fred — 6605
Bredschneider, Gertrud Popper and Frederick Popper — 569
Brehmer, Hedwig — 2113
Breitrainer, Benno — 8222
Bremen, State of (Free Hanseatic City of Bremen) — 6163
Bremer, Hugo — 8965
Bremer Bank Filiale de Dresdner Bank — 7960
Bremerkamp, Wilhelmina — 268
Brexel, Anna — 658
Brickenstein, Elsa — 5101
Brill, R. A. L — 295
Brinckmann, Wirtz & Co — 296
Brinkmeier, August, Auguste, Fritz, Heinrich, and Herman — 54
Brochhaus, Hans — 1299, 4911, 7273
Brodersen, August — 1164
Broekmans Administratiekantoor N. V — 487
Brose, Willy — 781, 3099
Brown, Eleanore B — 6699, 7438
Brown, Kiku — 919
Brueggestrat, Else, Julius and Gustave — 786
Bruening, Max — 7529
Bruett, Anna and Friedrich — 7436
Bruhm, Arno F. and Ella F — 209

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Bruhn, Bruno — 1106, 1840
Bruhn, Eva O — 1840
Brumm, Christine — 8222
Brundiers, Friederike Anna Marie — 268
Brunner, Guenther — 6698, 6706
Brunner, Hans — 6706
Brunner, Johanna — 6698, 6706
Brunner, Max J — 6698, 6706
Brunnett, John E — 1572
Brunnett, Louise — 10509, 11904
Brunswick-Balke-Collender Company — 4285
Bubeck, Katharina — 10143
Buchl, Hans — 10912
Buchl, Mrs. Herlein — 10912
Buchl, Teresa — 10912
Budd Company — 5727
Budde, Karl — 7961
Buehler, Heinrich — 328
Buetel, Edith — 7436
Buettner, Babette — 659
Buhler, Maria — 403
Buhre, H., and others — 8957
Bulling, Charles — 6413
Bulling, Karl — 6413
Burganer, Dr. Ludwig — 6606
Burgdorf, Martha E. and Marie — 658
Burmeister, Bertha and Erich Johannes — 54
Busch, Lilly — 2774
Buschermohle, Mrs. Anna — 209
Bushmann, Bernard — 2692
Busse, Alfred — 9211
Busselmann, Anna M — 209
Butenop, Martha — 1977
Buttmann, Heinrich — 9212, 9332, 9334
Buttmann, Heinrich, and others — 9120
C. V. Maatschappij voor Buitenlandschen Handel Mijbuh — 4366, 5725
Caisse d'Epargne et de Credit — 4601
Capito, Eduard, George I, and Wilhelm — 1574
Carlin, Minnie N — 3961
Carlowitz & Co — 1622
Carp, Werner — 6700
Caspar, Dorothea (Dorothy B.) — 6226
Caspar, Heinz — 6226
Caspar, Julius Bernhard — 6226
Cederholm, Metta — 755
Central American Trading Co. et al — 565
Central Bank of German State and Provincial Banks, Inc — 9208
Central Bank of Manchou — 9837
Central China Telecommunications Co., Ltd — 7961
Central Chinese Telegraph Co., Ltd — 7814
Central Hanover Bank & Trust Co — 8565, 9183
Chase Bank — 4634
Chemische Fabrik Pilot A. G — 6414
Chemisch-Pharmazeutische A. G. Bad Homburg — 1294
Choueke, Ezra J — 7530
Christiania Bank og Kreditkasse — 3680
Christians, Beta, nee Hummrich — 10300
Ciano, Edda Mussolini — 7445
Classen, Engelbert L — 210
Clausen, Anna (Anna Meyer) — 7961
Cleff, Hermann, Karl, Katherina and Peter — 303
Cochrane, Theodora — 144
Coenen, Mrs. Helen — 666
Commerce Bank Aktiengesellschaft — 1037
Commerz & Privatbank A. G — 1037, 7273
Commerz Bank Aktiengesellschaft — 1937
Commerzbank A. G — 7117, 7193, 13011
Commerzbank Aktie — 1037
Compania Argentina de Mandatos-Sociedad Anonima — 7530, 9205
Compania Plantaciones Conception De Guatemala and others — 566
Comptoir des Textiles Artificiels, S. a. r. l — 7273
Concordia Lebens-Versicherungs Aktien-Gesellschaft — 6814
Conrades, Stiftung and Werner — 1779
Conrades, Werner — 7273
Conradi, Carl — 4992
Conradi, Carlo — 4992

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Conradi, Karl — 4992
Continental Caoutchouc Export A. G — 4635
Continentale Handelsbank, N. V — 12601
Conversion Office for German Foreign Debts. *See* Germany.
Convert, Adolph — 7116
Cook, Thos. & Son (Bankers), Ltd — 5724
Copenhagens Handelsbank — 4740, 4741
Cotta, Blanca Baronin — 4995, 4996
Crede, Dora Agnes — 6485
Credit Commercial de France, S. A — 4956
Credit Suisse — 2241,
2376, 3395, 3397, 3417, 3427, 3452, 3938, 3959,
4418, 4769, 4911, 4955, 5031, 5097, 5098, 5099,
5824, 5826, 5889, 5890, 6597, 6700, 6818, 9126
Creditanstalt-Bankverein — 3820
Cremer, Mrs. Friederike — 786
Cullison, Katherina Brunnett Hughes — 10508
Curtin, Eleanore F — 6551
Curtin, Michael J — 6550
Cussinick, August, Franz, Hedwig, Jacob, Johanna, Joseph, and Lorenz — 1979
Custodian Trust Co., Ltd — 6768
Czibulka, Laura — 757
D. A. B. Recreational Resort, Inc — 7968
Däehne, Thekla Marie — 2715
Daempfle, Mathias — 8222
Dai Ichi Ginko, Ltd — 1221
Dallaeus, Johanna — 8260
Daly, Marcus — 2202
Dambach, Mary Arpten — 144
Danckwart, Adolph F — 7436
Daniel, Helen and Suye — 1838, 9494
Danker, Dietrich — 53
Danske Landmandsbank, Den — 9713
Danske Landmandsbank Hypothekog Vekselbank, A. S — 4161
Dau, Christina, Mimi, Ludwig, Johanas, August, and Emma — 874
Daube, Carl Friederich — 6600
Daube, Gabriele Elfriede — 6600
Dauchauer, Karolina — 9330
Dauer, George J — 5307
David, Dr. Alice and Ludwig Edward — 367
Davis & Co., Inc — 6899, 6904, 6985
Day, Peter — 6811
de Bary, H. M. H. Albert, & Co., N. V — 4637
DeCair, Julia — 1042
Deicke, Hermann — 3959
Deichmann, August and Elizabeth — 57
De Kramer, Senora Blanca Sabioncello Barbaste — 2014
Demeien, Henry — 8958
Demschenko, Jacob P — 9841
Deng, Martin — 1975
de Roche, Oskar — 6488
Determeyer, Weselingh & Zoon — 5460
Detgen, Paul — 7436
Dette, Cornelia Pauline Hohne — 6896
De Twentsche Bank, Amsterdam — 6598
De Twentsche Bank N. V., The Hague — 6597
De Twentsche Bank, Rotterdam — 6596
Deubel, Karl — 12924
Deubel, Lizzie — 12924
Deuerer, Marie (Marie Theresia; Marie Weinaker) — 12683
Deufel, Mrs. Joseph A — 1036
Deulig-Film A. G — 4672
Deulig-Film G. m. b. H — 4672
Deutsch-Atlantische Telegraphengesellschaft — 7437
Deutsch-Bulgarische Kreditbank — 148
Deutsche Bank — 145, 2541, 7194, 8965, 9132
Deutsche Bau und Bodenbank, A. G — 1699
Deutsche Effecten und Wechsel Bank — 2174, 4517
Deutsche Fanto Mineraloel-Industrie-gesellschaft mit beschraenkter Haftung, Hamburg — 7441
Deutsche Grammophon A. G — 4285, 5308
Deutsche Grammophon G. m. b. H — 4285
Deutsche Landesbankenzentrale Aktiengesellschaft — 9208

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Deutsche Reichsbank — 1217, 1295, 8965
Deutsche Rentenbank Kreditanstalt Landwirtschaftliche Zentralbank — 7374
Deutsche Ueberseeische Bank A. G — 7531
Deutsche Ueberseeische Bank, A. G — 918, 2242
Deutsche Wochenschau G. m. b. H — 4671
Deutscher Freidenker-Verband — 10300
Deutscher Laender, Bank — 6706
Deutsches Kalysyndikat G. m. b. H — 6897, 7273
Deutsch-Sudamerikanische Bank — 998
De Visser, Anna — 1572
Devrient, Anselm Ludwig — 5722
Devrient, Elizabeth — 5722
Devrient, Wilhelm C — 5722
Diakonissen Anstalt Bethanien & Ernestinenhof — 1216
Dichiser, Franz Xavier — 6896
Dichiser, Wilhelm — 6896
Diedenhofen, M — 9496
Diehl, Eugen, George, Heinrich, Johann, Karl, Konrad, and Luitpold — 1979
Diekmann, Gesine — 3820
Dierkes, Bernard — 5196
Diestel, Joh — 9332
Dieter, Phillip A — 1924
Dietsche, O — 1839
Dietz, Alwine (Alwine Golling) — 11665
Dietz, Johanna — 2243
Dietz, Louis — 11665
Dietz, Olli — 2116
Dietze, Johanna — 2243
Dijckerhoff's Cement Handelmaatschappij N. V — 7373
Dikken, Firma Joh. A. H., N. V. Maatschappij — 5726
Dinkelacker, Max — 8219
Dinklage, August J — 1717, 2016
Dinklage, Ulrich, Joerg, and Rudiger — 1717
Direccion del Ferrocarril Verapaz and others — 568
Dirks, Bernard — 5196
Ditrichs, Aleksanders — 9126
Ditting, Emma — 3501
Dittmann, Arthur — 1109
Dittus, Elizabeth Piatek — 53
Dixon, Louise W — 8725
Doebler, Frieda — 9334
Doehringer, Otto — 3244
Doell, Anna — 1043
Doermann, Gustav — 6266
Doersam, Elizabeth — 9495
Dohse, Wilhelm (Wilheim) Heinrich Georg — 9453
Doitsu Senryo Gomei Kaisha — 4363
Dojahn, Frank — 1811
Dolle, John — 1298
Dombois, Alice — 4909
Donate, John P — 7530
Donner, Alice Anita — 3149
Dorn, Karl — 365
Doss, Hans, Banking — 7964
Doss, Lotte Kauenhowen — 4598
Draude, Christine — 4600
Draude, George — 873
Draxler, Frances — 10685
Draxler, Maria — 10685
Drechsler, Paula — 1975
Drendel & Zweiling — 10843
Dresdner Bank — 296, 406, 4479, 7117, 8222
Dressel, Anna Marie — 9706
Dressel, Clara — 9706
Dressel, Fritz — 9706
Dreux, Maurice — 8731
Drewes, Martha — 7112
Drexel, Otto — 7962
Dreyerler, Eugene — 1164
Dreyfus, Les Fils, & Cie, Basle — 3450
Driessen, A (Andre Simon) — 2400
Drissler, Sofie, nee Junker — 7117
Dubuse, Karl Erich — 6488
Ducker, Morris — 10871
Ducker, Mrs. Maria — 3098
Dueringer, Heinrich — 2013
Duisburg, Ella — 8260
Duncan, Laura — 6606

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Duncker, Carl J. and Cora Isabel — 2861
Dunkak, Margaret — 1818
Du Pasquier, Anny — 6901
DuPont & Furland — 6485
Durler, Lorenz — 968
Durwen, Maria Wozabal — 6809
Dwars, G — 492, 7114
Dwars, Wilhelm — 6838, 9838
Dyes, Walter — 3522
Dyjckerhoff's Cement Handelmaatschappij N. V — 7373
Dykerhoff's Cement Handelmaatschappij N. V — 7373
East Prussian Power Co — 296, 8959
Ebeling, Adda and Hans-Wilhelm — 443
Ebeling, Grete — 6827
Ebeling, Kate — 3205
Eckhardt, Gertrude — 376
Eckoldt, Arthur — 12533
Eck'sche Familienstiftung — 446
Edeleanu Geselischaft m. b. H — 483, 484
Edelmann, Magdalena and Maria — 8222
Eder, William — 8222
Eduard, Herbert — 7964
Effecten-en Handelscompagnie C. V — 4741
Egenolf, Maria — 5665
Ehard, Ignaz — 105
Ehinger & Cie — 4069
Ehlen, Adele Bach Gertha, and Werner — 57
Ehler, Lene, Willi, Conrad, Karl-Heinz, and Anna — 728
Ehlert, Ludwig — 476
Ehnies, Jacob — 8219
Eichel, Helene — 873
Eichlinger, Richard — 757
Eisenach, Conrad — 7529
Elektricitatswerke Unterelbe A. G — 1701
Elgermanus, Motiejus — 6226
Elgermanus, Motjies — 6226
Ellerbroek, Antje Kathrin and Gerd Udo — 2380
Ellinghaus, August — 6898
Ellinghaus, Rita — 6898
Ellmann, Eduard — 7964
Elter, Beata — 6265
Emann, Ella — 2862
Emelka-Konzern (Munich) — 4672
Emerich, Heinrich Georg — 1293, 7531
Emig, Katharina — 1574
Emiko, Elizabeth — 1813
Emmann, Ella M — 2862
Emmel, Walter George — 7436
Emmerich, Alma Bahrdt — 9707
Enderle, Charles — 10871
Enderle, Rev. Joseph — 10871
Endo, Haru, Koshiro and Mrs. Sen — 3147
Endo, Sutematsu (S. M.) — 1840, 9496
Endo, Unosuke — 4266
Endow, U — 4266
Endrulat, Emma — 6226
Engel, Hedwig and Max — 5031
Engel, Dr. Max — 5031
Englehard, Karl — 1032
Enz, Helene — 4600
Eple, Rosa, nee Weckenmann — 6896
Eprinchard, Ferdinande Marie-Therese — 1298
Eprinchard, Therese — 1298
Erb, Johanna — 11665
Erben, Herman August Meywald — 1924
Eremic, Joce and Mile — 11042
Eremic, Marko — 11042
Erichsen, J. & Sohn — 9211
Erlacher, Dr. Rose Kuhn — 8219
Erndwein, Frieda O — 451
Ernst, Joseph (W) — 756
Escomptobank, N. V — 4512
Escher, Leo Fritz — 7436
Euler, A. W., and others — 8219
Eurohandel — 6898
Europaische Tanklager und Transport A. G — 6898, 6904, 6985
Eurotank — 6898, 6904, 6985
Eurotank Handelsgesellschaft — 6898
Eversmann, Hilde — 9332
Exploration Boden-Untersuchungs und Verwertungsgesell-Schaft M. B. H — 3420

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Exportkreditbank, A. G — 1991
Evers, Dorothea and William H — 377
Fa. Louise and Magin — 270
Faber, Dora (Theodora) — 667
Fabian, Mary — 55
Fahle, Emma — 2243
Fahrenholtz, Erica Poppenhusen — 4910
Falck, Albert — 11253
Falck, Rudolf (Rudolph; Rud) — 6899, 10843, 11320
Fanning, Katherine Yockel — 403
Farmers' Loan & Trust Co — 403
Fechner, Ada Ursula — 967
Fechter, Elisabeth, nee Freiland — 10961
Fehlauer, Jacob — 2173
Fehlauer, Juliana — 2242
Fehn, Martha, nee Hummrich — 10300
Fehrholz, Sophie — 666
Feifel, Dr. Heinrich — 8961
Feilner, Karl — 7443
Feldhausen, Henry — 6412
Feldhausen, William G — 4737
Feldmuhle Papier and Zellstoffwerke, A. G — 1754
Felten & Guilleaume Carlswerk Actien-Gesellschaft — 1650
Feltes, Paul — 8726
Ferrier Lullin & Cie — 3452
Fetzer, Anna — 403
Feubel, Albert C — 1808
Feubel, Carl Albert — 1808
Feuerabend, Charlotte; Eduard, Heinrich, Margarete, Philliphine, and Richard — 1979
Feyerabend, Frieda — 879
Fick, Ella — 2862
Fick, Ella Maria — 2862
Fick, Ida — 2175
Fides Union Fiduciaire — 3960, 3961
Fiedler, Herbert — 9836
Fils Dreyfus (Les) & Cie Basle — 3450
Fiedler, Hilde — 7580
Findru, Anton — 10685
Findru, Mary — 10685
Finger, Clara — 8962
Finkbeiner, Karl Bernhardt and Michael Friedrich — 1807
Finkelman, Klara (Klaere Leonhardt) — 6551
Finzel, Johann Philipp — 7436
Fischel, Anna — 7964
Fischer, Georg — 9753
Fischer, George — 8728
Fischer, George E — 2117
Fischer, Hans — 6900
Fischer, Joseph — 7529
Fischer, Lina — 2484
Fittkau, Karl — 1756
Fleckstein, Anna (Anna Bach Fleckstein) — 7812
Flegel, Fireda — 144
Fleischhut, Richard — 573
Fleitman, Herman C — 1044
Flesche, Alfred — 8959, 11256
Flinte, Helmut and Maria — 408, 573
Flirkemeyer (nee Wiltmann), Marianne — 4637
Flocke, Robert — 9132
Flörchinger, Karl — 8963
Fluche, Gertrud — 7961
Flynn, Charlotte Dahlmeyer (Charlotte; Charlotte D.) — 11251
Foebel, Katharine — 1574
Foerg, Anna Simmering — 749
Foerste, Dora, Wilmut, Helmut, Artur, Mile, Werner, and Gunter — 738
Foerster, Maria — 972
Foerster, Max, Automobil G. m. b. H — 972
Foreign nationals, unnamed; domestic securities — 11547
Foreign Oil Company, Inc — 6899
Forel, Martha Brauns — 8564
Forg, Johann H — 49
Forster, Irene Johanna Hohne — 6896
Forstmann, Guenther — 973
Fox, Albert, Frank, Charlotte, and William Herbert — 1803, 1809
Frank, Adele Sibylla Ehlen — 57
Frank, Johanna — 4660

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Frank, Marie 873
Frankfurter Bank 7117, 7194
Frantz, Gotthard and Gerda Broel 11094
Franzen, Emmy 11534
Fredrich, Franz 9454
Fredrick, Henry 8224
Free Hanseatic City of Bremen 6163
Free State of Prussia 2241
Freiland, Catharine, nee Schumacher 10301
Freise, Martha Charlotte and M. G 2117
Frenkel, Leo, N. V. Effecten en Bankierskantoor 4822
Frey, Albert, Franziska, and Thomas 49
Freytag, Emilie and Hermann 2012
Freytag, Hugo 781
Frick, Margarete 7966
Frick, Wilhelm 4266
Friederichs, Otto 1573
Friedrich, Oskar 2202
Frisch, Jacob, Karl, and Lorenz 1979
Fritsch, Bianca A. E. O 6769
Fritsch, Louise 245
Fritze, Clara 7961
Fritze, Rudolf 1044
Frommeld, Otto 7436
Froning, Rudolf 53
Frudden, Johannes Marius 10300
Fuchs, Katie Steele 444
Fuchs, Renee 6896
Fuchs, Xavier 6550
Fuchsberger, Centa S 49
Fuelberth, Gretchen 403
Fuerstenau, C. H 3246
Fujie, Koju 10301
Fujihara, Suye 10685
Fujii, Junso 7961
Fujii, Makitaro 9119
Fujii, Mineyoshi 1780
Fujii, Toshio 10301
Fujii, Yoshitoshi and Sumiko 754
Fujino, Chiyono 9635
Fujino, Hideo 1106
Fujishiro, Yasu, Yasuka, Yasuko and Yasushi 2140
Fujitani, George and Mataichi 2204
Fujita, M 6266, 2204
Fukushima, Isamu 7376
Funatsu, Sawahei 10686
Funcke, Julius C 210
Funk, Albert and Franz 11665
Furuhashi, Howard H 9495
Furuhashi, Takaichi 9495
Furuyama, Akiko and Densaku 331
Furuyama, Jiukichi 9133
Futani, Akira and Kaneo 751
Gaebler, Erika 7112
Galia, Ella and Morris 4673
Galvanocor A. G 2202
Gammersbach, Carl and Franz 4417
Gandl, Anton 7962
Gandolfi, L., and Co., Inc 1656
Gantner, Elizabeth, nee Lichter 6896
Gantvoort, Hilde 1651
Garrett, Henrietta E 596, 1261, 4599
Gartling, Rosina, Rosa, Gustav, and Adolf 756
Gas-und Eltwerke Kommunale Aktiengesellschaft Recklinghausen 9207
Gauernack, Frieda 1781
Gebauhr, Hans G. J. F. W. and others 488
Gees, Dr. Hans 7436
Geffcken, Heinrich 1649
Geisselbrecht, Katie 12534
Geissler, Emma 7528
Gelien, Johanna 5101
Gelinsky, Walter 6897
Gemeinschaftsdepot 9132
General Electric Co 8565, 8566
General Machinery Corp 5963
Gergi, Margarete 7440
Georgiades, Thrasyboulos G 6900
Gerard, James W 2202
Gerber, Herta and Ludwig 3205
Gerber, Ludwig and Herta 1299

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Gerdes, Wanda 4909
Gerlach, Kurt (Kurt A.) 7956
German Building and Land Bank 1699
German Central Bank for Agriculture 7374
German-Atlantic Cable Co 7437
German-Language Motion Pictures 6161
Germann, Julia A 2115
Gertz, William 874
Gesellschaft fuer Elektrische Unternehmungen 7690
Gesest and Mix A. G 300
Gesfurel 7690
Gessner, Ottilie 6164
Geyer, Elise 8222
Geyer, Fred 2542
Giese, Rudolf K. H 488
Giese, Waldemar 2951
Gieseking, Anna and Walter 331
Gieseking, Walter 5648
Gilessen, Elisabeth 8570
Gilissen, Theodoor 5460
Gilissen, Theodoor (Bank) 3820
Gillman, Martha 488, 3685
Gillmann, Elisabeth, Eugene, Eugene Gunther, and Peter 488
Girz, Isabella 5030
Gisseler, Karl Albert 7436
Gitterman, John Milton 5666
Gjertsen, Martha 2695, 2715
Glahe, Minna (Minnie Pfarrherr) 7374
Glandorf, Meta 3422
Glass, Emma and Paul W 2692
Goebel, Dr. Carl 4821
Goedecke, Dora Luise 5664
Goedecke, Helmut Hermann 5664
Goedoecke, Wilhelmine Luise 5664
Goerg, Alice 963
Goerg, Nikolaus 7117
Goessling, Anna 974
Goetz, Hermann C. and Erica 412
Goldenstein, Catherine M 490
Goldkraut, Herman 4417
Goller, Emilie, Helmut and Walter 332
Goller, Walter 332, 366, 9121
Golling, Franz (Frans) 11665
Gonzalez, Anita Moll 6818
Goos, Johann Hinrich (Friedrich W) 302
Goosens & Van Rossem 5194
Gornig, Hulda 11933
Gorrissen, Elbert 8507
Gorsler, Auguste 1980
Gosho, Hidekichi and Taka 210
Goto, Sajiro and Uichi 444
Gottschalk, Sophie, nee Ballin 7193
Gotz, Else 967
Grabis, Cecilie 999
Gradaus, Ernst Friedrich 7436
Graf, Dr. Anton (A.) 9121
Graf, Ernest 879
Graf, Lina 3501
Graf, Louise Pauline 5512
Gramenz, Gabriela 967
Grant, Lilma G. E 9127
Grau, Albertine 7444
Greenebaum, Lilly 54
Greiner, Wally 1810
Greiser, Rudolf 8966
Grell, Marie Witt 2951
Grenzner, Franz 3260
Gresham, Wilheimine Katharina 5303
Grewe, Alexandrine 8213
Grewe, William 2775
Grieb, Pauline Karoline 8219
Griesbach, Catharina, nee Viehl 10301
Griesbach, Mr 12601
Griesedieck, Elizabeth 7437
Grimm, Christie 6699
Grix, Arthur E 211
Grceschke, Herman 1222
Grombach, Adele Dolly 8260
Grometer, Zacharius Tobias, Georg, Fritz, Johann, Babette, and Johanna 650
Gronski, Stephan 54

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Groos, Henry 2115
Groskreutz, Luzil 874
Gross, Ernest F 5599
Gross, Frau Prof. Dr. Max 5101
Gross, Edmund 1696
Grossehambrucker, Heinrich 8508
Grossklaus, Herta 11665
Grossman, Pauline 1807
Grote, Anni 2116
Grottian, Maida Delbrueck 2670
Gruben, Heinrich 7960
Gruenig, Anna 7194
Grund, Ella (Ella Bartels) 7960
Grzesiak, Mary Alice 2457
Gsell-Zinsstag, Marie 6551
Gudert, Carl 1261
Guellec, Max Paetau 448
Guernsey, E. A 8224
Guessefeldt, Richard 6 02
Gunzinger, Marie 5462
Gurtling, Rosina, Rosa, Gustav, and Adolf 756
Gutschow, Else 4909
Gutschow, Herbert 245
H. M. H. Albert de Bary & Co., N.V 1619, 2541, 4537
Haack, Alma 9334
Haack, Bertha 1220
Haack, Ottilie 4804
Haarmann, Pastor E 7960
Haas, Marianne, and others 7116, 7194, 9132, 11758, 12123,
Habekost, Susanne Martha 7976
Haefelein, Maria A 49
Haertig, Fritz 6648
Haffner, Louise A. and Dr. Sigmund M 270
Hagemann, Eleanore 5101
Hagemeister, Heinz Juergen 1655
Hagena, Jane Beatrice 1751
Hager, Gottfried, and others 9497
Hahn, Frank 1222
Haisch, William 7111
Haist, Marie 1807
Halbach, Anna Margareth Kohl 6975
Halbach, Walter C 1814, 6815
Haller, Ferdinand 6698
Haller, Franz Wilhelm, Thomas Georg, and Guenther 662
Haller, Martha McMurtrie Gregg 6698
Hallerstede, Johann, and others 8957, 9212, 9334, 11758
Hallgarten & Co 6388
Hamada, Harue 16101
Hamamoto, Buemon 7957
Hamamoto, Hoichi and Yoshiko 211
Hamann, Ernst and Joachim 10143
Hamano, Kiku 1841
Hamberger, Theresia 6209
Hambros Bank Ltd 4163
Hamburg Electric Co 630, 2647
Hamburger Allgemeine Versich A. G 667
Hamburger & Co.'s Bankierskantoor, N .V 6705
Hamburgische Landesbank-Girozentrale 1297
Hamers, Max 7116
Hammacher, August, Franziska, Frederick, Heinrich and Paul 378
Hammack, Valentine C 6266, 6267, 6413
Hammer, Kaethe and Ottfried 332
Hammer, Minnie 243
Hammoser, Anna Wolff 753, 3626
Hampe, Leonore 7440
Handel En Financierings Compagnie 299
Händel, Rudolf 8963
Handelstrust West N. V. and others 1039, 1107
Handwerck, Margarete 2176
Handwerck, Rudolf 2175, 2176
Hanke, Fritz 7440
Hannemann, Otto 5664
Hanow, Hedwig 973
Hansen, Erwin G. (Gunther) 6651
Hansen, Johanna Margaretha 1040
Hara and Co 5304
Hara, Ryozabura, Sue and Tasaburo 5304
Hara, Yekichi 6657

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Harada, Haruo Gary 243
Harada, Toichiro, and others 10301
Haraguchi, T 6649
Haramatsu, Fusa 7375
Harlaeher, Cl 7116
Harlacher, Cl., Bankgeschaeft 7116, 9132
Harlander, Kathi 1032
Harlander, Wilhelm 8222
Harpen Mining Corp 7375
Harpener Bergbau-Aktien-Gesellschaft 7375
Harrassowitz (Harrasowitz), Otto 2242, 6700
Hartkopf, Arthur 6313
Hartl, Carl 9330
Hartleben, Otto 7436
Hartlieb, Rosa, nee Kussmann 6396
Hartmann, Adolf 7951
Hartmann, Elisabeth and Walter 212
Hartman, John 751
Hartmann, Margaret 440
Hartwig, Lisbeth and Willy P 212
Harvard Trust Co 788
Hase, Kiyoshi Richard 406
Hasegawa Menkwa K. K 147
Hasegawa, Tsuneji (Tsunegi) 9122
Hasenclever, Irma 4909
Hassler, Charlotte 6604
Hasuike, Donald, Raiko, and Sumiye 2049
Hasuike, May Mitsuye 271
Hasuike, Mitsuye 1811, 2692
Hasuike, Susumu 271, 1811, 2049, 2692
Hatada, Yoshichi 6486
Hattori, Masakazu (Masakasu William or William Masakasu) 7688
Hattori, Rigaemon and Sueko 4362
Haucis, Margaret 12199
Haug, Wilhelmina 3681
Hauman, Marie 1032
Haupt, August 371
Hawranka, Anna and Alfred 746
Hayakawa, Jiro and Mrs. Taka 570
Hayashi, Fuji 9120
Hayssen, Lilly 8570
Heber, Paul 3524
Hecht, Albertine Emilie Hedwig 5459
Hecht, Albertine Hedwig E 5459
Hecht, Antone, Helen, and Joseph 6550
Heck, Mathilde 3204
Heegard, Henrik and Kathleen 245
Hefter, Dr. Nicolas 56
Heid, Albert and Liesel 7811
Heid, Liesel 2176
Heidelbauer, Louis 524
Heider, Helen 701
Heidingsfeld, Anna Ritz 6906
Heil, Elisabeth, Greta, and Wilhelm (Dr.) 7530
Heilmaier, Zeno 7964
Heim, Herman 1978
Heim, Lilly 525
Heine & Co. A. G 6895
Heine, Pauline Catharine Elisabeth 5664
Heinen, Hendrika Arts (Drika) 874
Heinz, Elise 8726
Heise, Marie 756
Heiser, Adolph 1042
Heisinger, Guenther 1033
Heissing, Anna A 2693
Heissler, Margareta 4373
Heitmann, Henry 4600
Helbig, Rosa and Werner 403
Held, A 7961
Held, Alosi 7441
Held, Anna 1781
Heidring & Pierson 4600
Hellerich, Joseph (Josef) 5647
Hellmaier, Friedrich 8260
Hellmann, Albert 9212
Hellmuth, Eugen 7443
Helm Bros. Ltd 1112
Helm, Marlo 2380
Helmholz, Marilyn D 108
Helmrath, William 11757
Helms, Rudolph 299

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Hemmerle, Charles, Emilie, Jacques, Mathilde and Vendelin — 50
Hendrix, Alex J — 5728
Henken, Kaethe — 7442
Hennes, Theodora (Dorothy) — 400
Henschel, Martha — 144
Henschke, Herta — 211
Hentsch & Cie — 4165
Hentzsch, Rosalie — 732
Herbert, Alfred — 2860
Herde, Emilie — 7444
Herlein-Buchl, Mrs — 10912
Herman, George — 268
Hermes Kreditversicherungs — 1107
Herms, Rudolf — 8957
Herold, Rosa — 205
Herpel, Hilda Bode — 330
Herrmann, Friedrich and Wilhelm Johann — 10301
Herrmann, Maria, nee Schumacher — 10301
Herrn, Anna — 11933
Hertle, Margarete — 7964
Herweg, Dorette — 1810
Herzfeld-Wuesthoff, Dr. Ing. Frank — 2376
Herzog, Maria — 7964
Hessenbruch, Elizabeth — 5647
Hessenbruch, Emmi — 5648
Hessenbruch, Johanne — 5648
Hessinger, Guenther — 1033
Hessling, Arthur Victor Waldemar — 1717
Heuss, Johanna — 10301
Heyder, Dr. Franz, and others — 7962, 9497
Heye, Bernhard — 214
Heyll, Anna — 666
Heyman, Ernst Theodor — 1486
Heyman, Marcel — 6602
Heymann, Ernst Theodor and Johanna — 1486
Heymann, H., & Co. and others — 406
Hiag-Verein Holzverkohlungs-Industrie G. m. b. H — 149
Hidakata, Hisayoshi — 1040
Hidako, Mikio and Tatsuo and list of Japanese nationals — 245
Hide, Ohaski — 2904
Hidikata, Hisayoshi — 1040
Higa, Rensuke — 10301
Higashi, Gozayemon and Shizuo I — 366
Hijikata, Hisayoshi — 1040
Hilbert, Kurt and Louisa Bohnenberger — 146
Hilger, Arnold — 1973
Hiller, Sigmund — 243
Hillers, Annie — 4600
Hillmann, Rudolf — 1301
Hillmers, Luise — 4740
Hinrichs, Lena — 7436
Hinrichsen, Paul — 5512
Hintze, Rudolf F — 7436
Hirama, Harry — 3939
Hirakuri, Mii (Mie) — 3148
Hirano, Kuro Roberto — 10301
Hirano, Masaki — 9183
Hirata, Goruku — 7376
Hirata, Tojin — 407
Hirlehel, Sophie Auguste, Heinrich Wilhelm Christian, and Wilhelm Friedrich Christian — 788
Hiroyama, Takakichi — 444
Hirschfeld, Mrs. George (Georg) Ada — 266, 2380
Hirschfeld, Helene — 8731
Hissink, Dr. Karin — 787
Hitzbleck, Elaine — 245
Hitzeroth, Theodore — 56
Hitzlberger, Barbara — 10912
Hobelsberger, Ludwig — 1840
Hochschildsche Immobiliengemeinschaft — 7194
Hock, Heinrich — 2417
Hoechst, Dr. Theo — 1716
Hoeck, Wilhelmina Rahder — 872
Hoegh, Leif, & Co., A/S — 4669
Hoehmann, August — 525
Hoeller, Wilhelmina — 2773
Hoerning, Juditha Antoinette — 7964
Hoffman, Doris M — 402
Hoffman, Emil — 485

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Hoffman, Fraucke C — 8218
Hoffman, George — 4911
Hoffmann, Heinrich — 6162
Hoffman, Willi — 144
Hoffmann Photographic Collection, 1920–1944 — 6162
Hoffmann-Walbeck, Hans and Alice Louise — 1778
Hoifmeister, Hans — 7444
Hoffschmidt, Mrs. Henny — 7961
Hofler, George — 7964
Hofmann, Heinz Georg — 664
Hofmann, Otto — 8219
Hofmann, Therese — 49
Hofmeister, Josef — 1040
Hohlbein, Hermann, and others — 8505
Hohlen, Eva Jansen — 782
Hohn, Barbara — 1262
Hohne, Adolph Hines — 6897
Hohner, Therese — 6413
Holgermann, Matthaus — 6226
Hollandsche Bank Unie N. V — 5145, 6600, 6601, 6770
Holling, Friedrich August Herman — 964
Hollmann, Anna — 2858
Holtorf, Betty — 3245
Holtorf, Rebecka Susanne — 3245
Homers, Max — 9132
Honda, Chieko — 10301
Honda, Fusa and Minoru — 147
Honda, Mineki — 9454
Honda, Shigeno — 9454
Honma, Tasuke — 12200
Honold, Martha — 5648
Hope & Co — 5725
Hopfe, Paul — 371
Hoppe, Olga I — 2859
Hori, Chiye (Chieko) — 12534
Hori, Mrs. Chiye (Chieko) — 12534
Hori, Tomezo — 2671
Horikiri, Kenzo, and others — 9839
Horn, Carl Georg and Anna Maria Elizabeth — 756
Horomatsu, F — 7375
Horsinka, Theresia — 1488, 1494, 2115
Hoshino, Shizue and Youzo — 271
Hotze, Kurt — 9120
Howard, Fusa and Thomas A — 485
Hoyer, Metta — 9335
Hoyermann, Ernst, Cary and Irma — 5513
Hoyermann, Kary — 5513
Huber, Richard — 7443
Hubert, Ewald Gustav — 7436
Huecking, Victor L. F. H — 1657
Huffmann, Elisabeth — 1751
Huffmann, Frieda — 1216
Huhn, Robert — 377
Huijsinga, Maria — 2201
Hulmann, Frances Wehmer — 8570
Hulsmann, Anton — 874
Humbert, Adrien C and Ida — 213, 272
Humbert, Adrien C., Claude, Ida Marie and Jacques — 213
Hummrich, Heinrich — 10300
Hunn, C. Paul (Christ Paul) — 12201
Hunn, Christian Paul — 7966
Hunnewell, Bertha S — 8163
Hunnewell, Harry H — 8164
Hurscala, Maria — 10143
Husmann, John (Johann) — 570
Hütemann, Anton — 8570
Huth, Konrad — 403
Hutwohl, Jacob — 1656
Huysinga, Maria — 2201
Huyssen, Erika — 6845
I. G. Farbenindustrie Aktiengesellschaft — 662, 6905, 7113, 7581, 11793
Ichihara, A — 2962
Ickrath, Jakob W. F — 7812
Iguchi, Masako and Sadao — 1716
Ihrig, Katherina — 6645
Iijima, Kikujiro and Suzu — 445
Ijuin, Toraichi — 1659
Ikawa, Naokichi & Co — 299
Ikemiya, Kitaye and Shigeaki — 214
Ikemiya, Kitayo — 10301

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Ikert, Mrs. Lilly — 2995
Ikuta, Mrs. Riyu and Toyotara — 2694
Ikuta, Kenju — 147
Ilgen, Bernhard, Hedwig and Lina — 2176
Illenberger, Cella — 9494
Illenberger, Franz — 9494
Ilseder Huttee — 7375
Ilseder Steel Corp — 7375
Imada, Masu and Soichi — 148
Imahashi, Shigeji — 524
Imahashi, Torajiro — 56
Imamura, Tsutomu (Tsutomi) — 3546
Imanishi, Fujiye — 413
Imanishi, Masao — 413
Imanishi, Naokichi — 413, 490
Imanishi, Tsuneo — 490
Imelmann, Elizabeth — 9496
Imhof, Michael — 7444
Immelmann, Elizabeth — 9496
Imperial Japanese Government, debt of Radio-marine Corporation of America — 1573
Incasso Bank, N. V — 5601, 6599
Industrial Bank of Japan, Ltd — 2378, 4363
Ingermann, Katrina — 8729
Inokuchi, Takeshi (George T.) — 58, 7438
Inouye, Hisajiro and Takeyo — 5148
Inouye, K — 6010
Inouye, Kiyoshige — 6010
Inouye, Lee — 1033
Internasjonalt Kvelstoffaksjeselskap — 662
International Telecommunications Co — 7961
Internationale Gesellschaft der Stickshoff-Industrie A. G — 662
In-und auslaendische Werte A. G. fuer — 10686
Irmischer, Max A. W — 757
Isemann, Louisa — 11905
Isenmann, Louisa — 11905
Iseri, K — 380
Ishikawa, G — 1103
Ishikawa, Tamaye and William Sekifumi — 1809
Ishimoto, Shaw — 6698
Ishio, Koemon — 9125
Ishiyama, Heinai and Kiyono — 702
Isshiki, Toraji and Yuri — 214
Itagaki, Mrs. Moto — 6412
Itino, Tokuro and Yosuko — 10301
Ito, Akira — 10301
Ito, Fumi — 8726
Ito, Hiroshi and Yoneo — 245
Ito, Kikuyo and Yasuichi — 214
Ito, Paul — 8726
Itoh, Nobumi — 962
Iwamoto, Rinzo and Yasu — 215
Iwamoto, Tsuyoshi — 975
Jacobs, Hans — 1651
Jaeger, Emmy — 6902, 11256
Jahn, August J. W — 6646, 6770
Jaich, Friedrich — 105
Jannings, Emil Alfons Ludwig Werner (Mukki) — 10761
Jannings, Werner — 10760
Jansen, Arnold, Johann, Mamme, and Antke — 782
Janssen, Lieselotte Benna and Edith — 573
Janssen, Otto (Otto G.) — 573, 2049, 2485, 4169, 5665
Japan China Spinning & Weaving Co., Ltd — 485
Japan Electric Generation & Transmission Co., Inc — 6011
Japan Gasoline Co., Ltd — 6740
Japanese Association of America — 1261
Japanese Chinaware and Novelty Importers' Assn. of New York — 2377
Japanese Financial Commission — 7690
Jarck, Wilhelmine — 6811
Jebenstreit, Elisabeth Wilhelmine Irma Erna Franziska Hedwig and Friedrich — 1493
Jeka, Josef — 105
Jensen, Alma — 1977
Jensen, Erna — 9212
Jentsch, Mara — 204
Jess, Mathilde — 302
Jessen, Amanda — 5102
Jetter, Charlotte — 963
Jetter, Friedericke — 1807

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Jiesche, Otto C. W — 8260
Jockel, Anna S. B., Hans, Peter — 403
Jodlbauer, Fanny and Petronilla — 445
Joensson, Carl J. and Helga — 273
Joerling, Henry — 1108
Joerrens, August — 7968
Johannsen, Helmuth and Max — 5102
Johl, Fritz and wife — 7530
John, Adele Tottien — 3396
John, August — 6646
Johnson, Bertha — 6265
Johnson, Sadye — 6646
Johnson, Walter — 6646
Jordens, Johanne Margarete — 5376
Jordens-Cordes, Mrs. J. M — 5376
Joseph, Freda — 485
Joss, Hedwig — 451
Jung, Alfred — 4601
Jungaberle, Fritz — 9497
Jung, Fritz Leopold Joachim (Josechin) — 5102
Jungblut, Carl — 2244, 2555, 7118, 7436
Junge, Johanna — 6552
Junghans, Siegfried — 2484
Jungwirth, Maria — 2863
Jungwirth, Mary — 2863
Junkers & Co., G. m. b. H — 6816
Junkers Flugzeug-und-Motorenwerke A. G — 656
Jurgens, Ella A — 973
Jurgensen, Augusta Hansen — 1041
Jurgensen, John — 5722
Just, Erich — 368
Just, Francis — 1749
Justus, Christian — 7962, 8260
Kabushiki Kaisha Nippon Kogo Ginko — 4363
Kaczmarek, Stanislawa (Stela) — 5375
Kaerger, Ernst — 6903
Kaerger, Johann Christoph and Margarete — 6903
Kagawa, T — 369
Kage, Maria — 2863
Kage, Mary Jungwirth — 2863
Kahl, Lotta — 634
Kahle, Clara and George — 445
Kahle, Elsie — 8506
Kahn, Lisbeth — 403
Kainz, Ludwig — 570
Kaiser, Genevieve — 204
Kaiser, George — 268
Kaiser, Grete — 702
Kaisha, Hasegawa Shoten Kabushiki — 147
Kaisha, Shinko Menkwa Kabushiki — 1221
Kalbow, Emilie — 293
Kalker & Polack — 5512
Kalle & Co., A. G — 252
Kamei, Yoshitsugu — 294
Kamerbeek, Vincent Josef Herman Anton — 1031
Kamimura, Tane Y — 4602
Kammerer, Heinrich — 8963
Kanazawa, T — 369
Kanazawe, Tai and Fuyonosuke — 1110
Kaneko, Hyotaro (H., R., Reizo, Ryotaro) — 7441
Kaneko, Mine — 10301
Kaneko, R. (Reizo, Ryataro and Hyotaro) — 6649
Kaneshima, Minosuke — 332, 653
Kaneshima, Tsuyako — 332
Kaneyuki, Masujiro and Yone — 703
Kannengiesser, Ella — 5634
Kano, Keize — 6699
Kano, Shiro — 6699
Kanter, Ingenborg Rosemarie — 2014
Kanto Electric Supply Co — 6163
Karasawa, Kozo — 12535
Karstadt, Rudolph, Aktiengesellschaft — 1749
Karstens, Sophie — 7442
Kasai, Ine, and Tomitaro — 484
Kaselitz, Fritz — 975
Kashiwa, Masaye — 3098
Kast, Anna — 7964
Katagiri, Chihaku (CHIHIRO) — 965
Katagiri, Shizu — 964
Katayama, Yoshino — 562
Kato, Hiroshi — 7376
Katscher, Arthur — 9127

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Kauenhowen, Lotte — 4593
Kauer, Joseph — 10685
Kauffeld, Auguste Luster — 503
Kaufman, Hugo, & Co.'s Bank N. V — 4004
Kaufmann, Augusta — 10799
Kaufmann, Benno — 8732
Kaufmann, Ferdinand — 8732
Kaufmann, Ferdinand, Eankgeschaft — 3822
Kaufmann, Martha — 3522
Kaul, Rudolph — 3418, 6488
Kawakita, Tom — 2860
Kawakita, Tomoya — 2860
Kawamoto, Genekichi — 9339
Kawamoto, Keishiro — 3243
Kawamoto, Misuye — 3939
Kawamoto, Takekichi — 7677
Kawamura, Shizuto — 367
Kawanami, George K. and Kurata — 406
Kawanami, Mrs. Tomo G — 447
Kawano, Eijiro — 518
Kawano, Gohachi, Hatsuko and Kengo — 215
Kawasaki, Hana — 333
Kawasaki, Kunihel — 2694
Kawasaki, Rihei — 8167
Kawashima, Masato — 635
Kawate, Yoneichi and Konobu — 1753
Kawato, Harry T — 4528
Kayser, Hans and Kurt E — 7312
Kayser, Scharf and — 978
Kazuo, Fred — 273, 533
Kehrmann, Anneliese and Hans Rulff — 4515
Keijser & Co — 1971
Keil, Alfred — 4364
Keil, Ella — 633
Keller, Bertha, Herman, Louisa, Erich, Johanna, Adolph, and Gerda — 3245
Kellerman, John — 666
Kellers, Else — 4673
Kendler, Marcel and Max — 294
Kensing, Emma (Woerner) — 659
Kernstock, Johann — 525
Kerschl, Lillie Heim — 6699, 7438
Kessemeier, Else — 6699, 7438
Kessemeier, Rudolf T — 665
Kessler, Margaret — 11252
Ketels, William — 2095
Ketelsen, Ernest J — 519
Kieber, Otto — 451
Kiefer, Friedericke O — 5376
Kiesling, Marie — 5648
Kilian, Gustave — 656
Killer, Anna — 293
Kilx, Anna — 519
Kimoto, Masae, and others — 5529
Kimura, Harry — 5599
Kimura, Kamegusu Harry — 633
Kimura, Masahiro and Mrs. Katsu — 6487
Kimura, Seizo — 4821
Kincer, Katherine — 10144
Kiderlen, Hans F — 5722
Kinoshita, Hakuo — 5722
Kinoshita, Itsuko — 294
Kinosita, Kiyoshi S. and Takeo — 414
Kintzel, Marie — 570
Kipl, Grace — 10872
Kipp, Fred — 4636
Kirchner, Christina Schmitt — 4169
Kirchner, Henrich Karl, Joseph and Rudolph Johann — 7964
Kirschner, Hermann — 1650
Kirschstein, Friedrich — 9330, 11757
Kitagawa, Wataru — 917
Kitagawa, Yukie — 4823
Kitani, Akio — 335
Kiyota, Kika and Shoji — 4740, 4741
Kjobenhavns Handelsbank — 4740, 4741
Kjobenhavns Handelsbank A. S — 487
Kladen, Albert — 658, 1103, 7579
Klaeber, Charlotte and Frederick (Frederic) (John Frederick) — 1103
Klaeber, Emma A. C — 6646
Klarer, Josephine — 7444
Klaubert, Wilhelm — 788
Klaus, Marie Henriette Sophie Luise — 244
Klein, Katharina — 8707
Kleine, Frieda, and others — 8966
Kleine, Wilhelmine — 8810
Kleinesorge, Karl — 633
Kleinjung, Rudolf and Horst — 9706
Klibschon, Anny — 363, 367
Klimmer, Bertha, Katherine, (Katchen) and Minna L. (Kretzer) — 2141, 9360
Klinge, Else — 11094
Klingelhoefer, Otto — 7812
Klinger, Klara (Klara Kuehner and Clara Kuehner) — 7530
Klinkerfuss, Albert — 4169
Kloberdanz, Elsie, Karl and Marie — 107
Klose, Margarete — 8506
Klose, Paul — 244
Kloss, John — 1811
Kluftinger, Leonard M — 7957
Klug, Minna — 215
Kluge, William — 1807
Klumpp, Maria Magdalena — 1718
Klung, Anna — 244
Knapp, Clara — 7440
Knauth, Nachod & Kuehne — 2484
Knebel, Henry — 7429, 9132
Kneschke, Andreas, and others — 2693
Knierim, Carl Heinrich and Mushiu Olive — 1030
Kneifel, Julius and Wally — 1162
Knobe, George — 2672
Knoedel, Emma and Christian William — 3418, 6488
Knoetzke, Anna — 6488
Knoetzke, Otto — 1109
Knoll, A. G — 757
Knoll, Rudolph — 6592
Knoop, Allrike — 6592
Knoop, Emilie Elizabeth (Else), J. Allmer, J. Hinrich, Johhanne (Johann), and Gertrud Eva Hanna — 7442
Knoop, Johann H — 3244
Knoren, Erich and Franz — 8720
Knudtsen, Caroline — 6551
Knuth, Anna — 9714
Kobayashi, Hichiro — 1162
Kobayashi, Ken — 403
Kober, Carl, Elise, George M. and Henry Helwig — 10500
Kobs, Frank A — 403
Koch, Barbetta — 5648
Koch, Wm. F — 574
Kochan, Ernestine C. and Robert — 1695
Kock, Marie Nicolai — 1717
Koda, Heii — 370
Kodama, Kenji — 10761
Koehler, Edward J., and others — 10761
Koehler, Henry G — 5911
Koenig, Elfriede E. (nee Schulte) — 7444
Koenig, Johann — 969
Koenig, Joseph Lorene and Rosa L — 241
Koenig, Maria — 788
Koepke, Winfried and Waltraut — 1047
Koeppe, Gertrud Margarete, Hans-Werner, Horst, and Dr. W. H. Leonard — 372
Koeppen, Boris — 570
Koeppl, Krescenc — 7966
Koeppler, Albert and Maria — 6769
Koerbit, Fred — 6769
Koerbitz, Fritz — 7957
Koeth, Carl S — 7957
Koeth, Charlotte — 6604
Koetz, Herman R — 11255
Kogge, John W (John William) — 7116
Kogler, Gertrud — 7437
Kohl, Werner — 8966
Kohler, Aenne — 782
Kohlman, Rent P — 9836
Kohlsdorf, Alice — 664
Kohn, Ludolf Diedrich — 303
Kohnen, Elfriede — 205
Kohrt, Heinrich — 334
Koike, Matsuye and Toyoko — 10302
Koike, Ryohei — 372
Kojima, Kagenobu — 1163
Kolb, Karl — 5648
Koller, Wilhelmine — 54
Komatsu, Oriko and Takashi — 334
Komatsu, Shizuyo and Yusaburo — 975
Kombrowski, Ernst & Co — 447
Komoto, Yenhachi — 518
Kommunale Landesbank, Darmstadt — 7532
Kondo, Hama, Hanako, Isaac, Marico, Yoshiko, and Yukiko — 1652, 2593
Kondo, Seiko — 1220
Kongo Co — 369
Konig, Anne Jeanne — 8961
Konishi & Co., Ltd — 1976
Kono, Seizaburo — 2244
Konversionskasse fuer Deutsche Auslandsschulden — 296, 297, 298, 630, 632, 656, 1301, 1656, 1697, 1756, 1807, 1972, 1973, 2241, 2647, 4511, 6813, 6814, 6815, 8729, 8959, 9206, 9207
Koopmann, Amanda — 969
Koopmann, Hanns — 1034
Koopman, John — 8965
Koper, Lottman & Co — 705
Koperberg, Catharina Helmina — 787
Korff, Adalbert — 6767, 6901
Korijn, L. & Co — 5728
Korijn, Louis, & Co — 5597, 5598, 5599
Korn, Harold E — 6603
Kortmann, Clara — 1298
Kortmann, Joseph, Bernard, August, Felix, Alfons, Ludger, Hedwig, and Marie — 1298
Korwau, Anna — 1573
Kosai, Ben — 1161
Koshi, George — 401
Koshiba, Takezo (Takeji) and Taroemon — 1492
Kota, Hirai — 1750
Kotabe, Eiji and Masataro — 205
Kotzenberg, Gretchen — 2458
Koyano, Kitsue and Taoko — 1715
Kramer, Ernest — 6903
Kramer, Gabriele — 9132
Kramer, Renita — 1041
Krankengagen, Falko, Gernot, Hagen, Heidrun, and Hellen — 8870
Krankenhagen, William (Wilhelm) — 8870
Kranold, Herman and Ursula — 1034
Kratochwil, Rudolf — 783
Kratzer, Hans, & Co — 7444
Kratzke, Emilia (Emilie) — 1042
Krauel, Richard — 1980
Krause, Curt — 9133
Krauss, Luise — 7965
Krautheim, Richard (Richard Hermann Guenther Krautheim) — 2994
Kreditbank — 148
Kreigshauser, Eugene (Eugen) — 3243
Kreisel, Frank J — 6903
Kreisel, Paul — 6903
Krell, Emil Moritz — 877, 4637
Kremer, Joseph and Martin — 9838, 10842
Kremer, Wilhelm — 8505, 8506, 8507, 8570, 8965, 9838, 10842
Krescenz, Purucker — 7964
Kreutzmann, Otto — 7436
Krieg, Johanna Erb — 11665
Krippner, Elsie — 10913
Kroener, Lina — 5664
Kroier, Barbara — 9707
Kroier, Karl Ludwig — 9707
Kroll, Helena — 5458
Krompholz, Heinrich — 12533
Kronauge, Hilda — 1716
Kroog, John D — 5723
Kruck, Friedrich — 8219
Krueger, Julie E — 7436
Krummiede, Emma and Henny — 302
Kruse, Amelia — 8218
Kruse, Heinrich — 666
Kruse, L. F — 4600
Kruse, Mile, Jan, and Eike — 788
Kubo, Mrs. Noye — 6412
Kubota, Takutaro — 5304
Kuchem, Klara — 8965
Kuchiba, Gikyo — 2417
Kuenstler, Carl Freidrich and Elisabeth Marie — 7194
Kuepper, Clemens — 1781
Kuether, Helne Ruth Klein and Klaus — 10872
Kuhfuss, Fritz and Heinrich — 54
Kugel, Emma — 7966
Kuhlemeier, Emma — 788
Kuhn, Eugen — 8726
Kuhn, Mari — 443
Kuhne, Renate — 1811
Kuhn-Erlacher, Dr. Rose — 8219
Kuhnle, Barbara and Frieda — 1262
Kuhule, Barbara and Frieda — 1262
Kuipers, D — 487
Kukowski, Anna — 6226
Kulenkampff, August Gustav Diedrich, Hermann G., and Marie Emmi Madeleine Renate — 5307
Kulke, Anna and Richard — 302
Kulla, Augusta and Norbert — 148
Kullak, Julius — 7442
Kulmeier, Fredrich, Heinrich and Walter — 54
Kummer, August — 10144
Kunath, Kathleen A — 6485
Kunau, Oscar F. C — 3147
Kundt, General Hans — 8225
Kunert, Emil — 1660
Kunitomo, Kamejiu and Tadao — 965
Kunitomo, Wahichi — 10302
Kunkel, Hilde — 9707
Kunkel, Joachim — 9707
Kuntz, Mildred Elsie Pastor — 12200
Kunze, Lisbeth — 8957
Kupfer Paul — 571
Kuramoto, Hideto and Takaichi — 402
Kurashita, Tadashi and Raku — 703
Kuroiwa, Tsunezo — 10302
Kuromi, Ichie, Kiyoshi, and Toshiko — 6601
Kuromi, Isao (Isao James) — 6601
Kurz, Helen — 2378
Kushi, Shigetaro — 205
Kussmann, Friedrich Wilhelm, Josef, and Ruth — 6896
Kussnik, Anna Maria — 1574
Kuwabara, Kazuto — 2694
Kuwamura, Sumio — 447
Labouchere & Co — 6654
Labouchere & Co. N. V — 5595, 5596, 5643
Lachenmeyer, August — 2203
Lachningen, Doris M — 402
Laenderbank Wien Aktiengesellschaft — 11792
Lagemann, Charles W., Emilie, Emma, Frederick and Rudolf — 488, 3685
Lagemann, Frank, Hildegard, Ingrid, Juergen, Ralph, Ranier, and Suzanne — 488
Lahr, Katherine (Kathrina) — 5665
Laise, Elizabeth M — 6326
Lambda, S. A — 6701, 7118
Lambert, Adam — 519
Lamotte, Gertrud, nee Stromeyer — 9842
Land und Seekabelwerke A. G — 1651
Landesgenossenschaft Stade — 8506
Landeshauptstadt München — 7532
Landeszentralbank von Nordrhein-Westfalen, Dusseldorf — 9208, 9329
Landgaeflich Hessische Hauptverwaltung Schloss Philipsruhe — 7117, 7194
Landsee, Carl — 5667
Lanfermann, Peter — 301
Lang, Franc and Kunegude — 1110
Lang, Gertrude and Richard T — 408
Lang, Katharina — 1574
Lang-Aeppli, Alice — 706
Lange, Eda A — 2774
Lange, Joseph Wilhelm — 1574
Langhans, Helmuth Zacharias — 7436
Langkraer, Hermann Freidrich Gustav — 7961
Lanzendorf, Martin — 7440
Laqua, Joseph — 3063
La Roche & Co — 5514

ALIEN PROPERTY, OFFICE OF—Continued — Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Latteman, William 7958
Lauber, Gretel and Margaretha 1574
Lauer, Clara 303
Laun, Otto R. V. (Otto R. v.) 7533
Lauroesch, Lina 5664
Laux, Karl 7966
Le Breton, Clarissa E 2203
Leeser, F 4169
Lefman, Mina 54
Lehmann, Anna 7964
Lehnert, August 7966
Leichs, Mare 659
Leipold, Alfred 7529
Leipzig Overland Power Companies 1841
Leipzig Trade Fair Corp 9206
Leipziger Messe-und Austellungs-Aktingesellschaft 9206
Leiser, Otto 6701
Leistner, Rosemarie Werner 9842
Leitz, E., G. m. b. H 9328
Leitz, E., Inc 9328
Leitz, Ernst, Optische Werke (Ernst Leitz, Optische Werke, G. m. b. H., Ernst Leitz, G. m. b. H.) 9328
Leitz, Josephine Kraft 7193
Lembke, Dorthea Ursula, Hanno, Walter Adolf Otto, and Wolfgang 10684
Lemke, Minna 5031
Lenger, Helen C 971
Lenger, Dr. Walter C 971, 996
Lentz, Otto 8219
Lentz, Dieter and Johanna 2950
Leonhardt, Kaethe C. and Paul B. O 5032
Leschper, Richard 9332, 9334
Leser, Adolf, Erna, Marta and Rudolf 373, 374, 409
Lesser, F 1295
Letocha, Ewald 213
Leu & Co., Zurich 5858
Leu & Co.'s Bank Limited 5858
Leupold, Marie A 274
Leutz, Helene 7111
Leverich, Caroline Emily 4739
Leverkuehn, Paul Martin Adolf 1811
Levis, Aaron 372
Ley, Jennie 243
Leyden Co. Ltd 245, 2016
Lichter, Anna Barbara, Franz, Anton, Johann Jakob, Marie Elizabeth, Marta Franziska, and Wilhelm 6896
Liebegott, Katherina Lukas 1574
Liebgott, Sophia 745
Lieder, Dora 781
Lieker, Marie 703
Lindemann, Karl 6767, 6901
Lindenberg, Barbara 1034
Linder, Johannes 1622
Lindewirth, Alida Magdalena Clara and Ernst F 216, 335
Lindner, Peter Wilhelm 8565
Lipp, Otto 6655
Lippert, Luise Bernstorff 9183
Lippmann Rosenthal & Co 4670
Lisel, Elisabeth 1717
Lissner, Berta Margaret 2457
List, Edmund 7965
Litzenberger, Heinrich Christofer (Heinrich Christoph) 10231
Lobe, Albert, Clara, Elsa, Hedwig, Max, Paul, Richard and Wanda 2775
Locher, Berta and Paul 216
Lochmann, Ernst 6935
Lochner, Alfred 7444
Lodewijk Van Nierop & Co 5459
Loeber, Otto and Robert 6897
Loeffler, Ernest 1487, 1621
Loeper, Emmi (Emmi Muchow) 751, 10146, 11758
Loeper, Erna 446
Loeper, Hermann (Herman) 751, 10146, 11758
Loerky, Karl 1842
Löfberg, Gösta 6699
Lomb, August H 7117

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Lombard, Odier & Cie 4997
Longardt, Alfred and Martha 976
Lonny, Maria 303
Loppach, Gertrude and Heinz Arthur 782
Lorenzen, Carmen J 4598
Losverein der Zwolf 8962, 8963
Lotterhofer, Anna C 2670
Lotzbeck Gebruder Import G. m. b. H 1574
Luddeke, Clara Adolphine Johanna 6164
Luddeke, Werner Walther 6164
Ludicke, Bertha 701
Ludvigsen, Peter E 10684
Ludwig, Oskar 997
Luebsen, Georg 6700
Lueddeke, Clara Adolphine Johanna 6164
Lueddeke, Werner Walther 6164
Lueders, Albert Henry 9703
Lueders, Albert, Irene, Gisela, and Gudrun 1030
Lueders, Jenny Carrie Siemssen 9708
Lueg, Maria 7443
Luermann, Dr. Stephan 7961
Luft, Elise 564
Luft, Karl 7529
Luhrig, Wilhelm 1107
Lukas, Georg, Helma, and Johann 1574
Lullin & Cie, Ferrier 3452
Lupschutz, Kurt 12535
Lutsch, Johann Jacob (J. J.) 6656
Lutz, George 6812
Luxembourg Union Bank 6650
Luxembourger Union Bank, S. A 6650
Maar, Emmy 7444
Maas, F. W. (Friedrich Wilhelm) 6903
Maas, Joachim 1781
Maass, Emma 7960
MacGowan, Gault 1108
Mack, Kaethe 7194
Maeda, Waichi and Kazuma 414
Maerki Baumann & Co 3451
Maerkisches Elektricitaetswerk, A. G 632, 8729, 9452
Maerkle & Co 4266
Magin, Anna (Anna Endl) 7962
Maguchi, Kohichi 407
Mahnert, Franz 969
Maichele, Luise 2177
Maier, Josephine 11904
Mainzer Volksbank e. G. m. b. H 7117
Malck, Helene 489
Mamber, Sophie F 12534
Mamerow, Gertrude 271
Mamerow, Henny 272
Manchuria Telephone and Telegraph Co., Ltd 7965
Mandel, Charlotte 1717
Mangels, Frieda 2616
Mank, William and Marie 1701
Mann, Leland W. and Mona R 293
Mann, Martha E. (Martha Ernestine Schmid) 274
Mannheim Electric Co 297
Mano, Mika and Takichi 1111
Manser, Margarete 1979
Mantei, Ferdinand 8505
Manus, K. P 6484
Manz, Clara Madler 1812
Marechke, Emma 8730
Margreve, William J 335
Mareo, Wooyeno 6467
Märkisches Elektrizitätswerk Aktiengesellschaft 8729, 9452
Marquardt, George 5664
Marquardt, Karl, Jr., Otto, and Pauline 5664
Marquardt, Karl, Sr 5664
Marquardt, Martha 4480
Marterstock, Rosa 519
Martin, Walter 244
Maruzen Company, Ltd 4912
Marx, Ernest Ludwig (Ernesto Lodovico) 8566
Marx, Julius 1111
Maschinenfabrik Augsburg-Nuernberg A. G 5963, 9712
Masuda, Reisuke 10973
Masudo, Sataro and Koyono 704
Matoba, Kay 3682

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Matoba, Kusuichi 3682
Matoba, T 786
Matsubara, Seiiti 10232
Matsubara, Shinichi 11757
Matsuhisa, Shizuo R. and Tero R 245
Matsui, Minoru, Sumiko, and Tsutomu 520
Matsukawa, Yasaburo (Y.) 7444
Matsukuma, Haruyo 1164
Matsukuma, Hisao 407
Matsumoto, Akiye and Hatsujiro 328
Matsumoto, Chujiro 5378
Matsumoto, Tano and Yahachi 7111
Matsumoto, Yonekichi 745
Matsunani, Kazua 407
Matsuzake, Yumi 4736
Mattern, Katharina 2775
Matterstock, Andr 9132
Matthews, August 1166
Matthias, August 1166
Matthiesen, Thomas 6397
Mattutat, Yohannes 448
Mauer, Henry 4737, 7812
Maulbetsch, Fritz and George 1807
Maurer, Marie 403
Maurus, Elfriede and Ernst 7960
Maus, Gustav 269
May, Bertha 7373, 11255, 11256
Mayer, Emma and Theodor 412
Mayer, Hilde 7273
Mayer, Johanna 3147
Mayer, Karl 7436
Mayer, Mary 329
Mayrhofer, Mary 8217
Mazzarovich, Elizabeth and Mario 409
McKee, William Alexander 1043
Mecke, Annemarie and Mary 1030
Meenen, Ida and William C 216
Meenen, Wilhelm, and others 8810
Mees, R. & Zoonen 5146, 5825
Meeske, Amanda 2114
Megata, Shigeyoshi 5600
Mehnert, Herman F 12684
Meier, Auguste, Fritz, Helene, Heinrich and Herman 54
Meier, Frederica 963
Meier, Johanna 7962
Mellinger, Wilhelm 11547
Meiser, Erna 7530
Meissner, Hans Friedrich 7436
Meister, Franziska 49
Melcher, Frances 520, 785
Melchers, C., & Co 6767, 6901
Melchers & Co 6767
Melms, Gustav J 11252
Melms, Juliet 11252
Melzer, Max 6263
Mendes Gans & Co., N. V., Bankierskantoor 5726
Mente, Eugene W 9131
Mercantile-Commerce Bank and Trust Co 2858
Merchants & Manufacturers Insurance Co. Ltd 3941
Mergenschroen, Anna (Anna Haberland) 11665
Merkel, Karl 7194
Merkle, August and Rose M 409
Mertz & Co 9212
Meske, Amanda 2114
Meske, Kurt Alwin Adolf and Gerda 10762
Messamt, Leipziger 12525
Messmer, Josef L 438
Messrs. Helm Bros. Ltd 1112
Metallfrax A. G 9753
Metallgesellschaft A. G 7194
Meth, Johanna Roser 1574
Mettel, F. Anton 6488
Metternich zu Gracht, Wolff 2113
Mettke, Frieda 6647
Mettmann, Elfriede 7962, 7964
Metzger, Peter Paul Adam 217
Mevius, Friedrich Wilhelm K 7436
Meyer, Brunhild E. and Edgar H. P 275
Meyer, Helene and Maria Kath 1979

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Meyer, Mrs. George F 11905
Meyer, Otto 49
Meyerhoff, Carmelita, and others 8965, 11758
Meyn, Johannes A 272
Meyn, Magdalena 1977
Meywald, Hermann A 6818
Meywald, Hermann August 1924
Miag Mill Machinery Co 9209
"Miag" Mühlenbau und Industrie Aktiengesellschaft 9209
Michaels, Max 293
Michel, Friedrich 7437
Michelis Bank Ltd 3684
Michiuye, Kameyoshi and Mrs. Kiyoko Kasahara 217
Middlemann, Else 786
Midzutani, Shozo 6816
Mikami, N. B 1621
Mikami, Nobuo 1621
Miketta, Hans Claus 1036
Milberg, Paul 1699
Milchzack, Erich 8569
Miller, Josephine Weber 4169
Mills, Charles 1777
Minami, Kaha (K.) 7377
Minami, Shinichi 3873
Minami, Shizuko 10302
Minamihata, Kaechi 7377
Minamoto, Kita 1658
Minder, Theresia 49
Mine, Ichiro 9183
Mino, Joe T 8727
Mino, Tsuyoshi (Tsuyoshi J.) 8727
Mishima, Mitsuiko and Yoshito 217
Mitani, Ichijiro 7112
Mitani, Koijiro 7112
Mitsubishi Shoji Kaisha, Ltd 10760
Mitsui Bussan Kaisha, Ltd (Mitsui & Co., Ltd.) 9130
Mitteldeutsche Montanwerke G.m.b.H 7273
Mitteldeutsche Stahlwerke A. G 1108
Mittenberger, Joseph and Mathilda 7193
Mittwoch, Kathe (Kathe Treuherz) 7115
Mittwoch, Manfred (Manfred Siegbert) 7115
Miura, Bernard S 438
Miura, Leonie 50
Miyakoda, Masahiko 8870
Miyakoda, Shigeru 9122
Miyamoto, Kamechiyo 329
Miyamoto, Nihei 7814
Miyamoto, Tsuneyoshi (T.) 9123
Miyamoto, Yasunosuke (Frank Yasunosuke Miyamoto and Frank Y.) 9123
Miyanaga, Aika 407
Miyaoi, Matsujiro and Tora 329
Mizuhara, Hachiro, and others 657
Mizuta, Yone 1750
Mobus, Carolina, Karl, and Henry 12924
Mockel, Lorenz (Heinrich Lorenz Moeckel) 403
Moeller, Karl and Olga 3243
Mohr, August L. and Fritz 1043
Mohr, Rosita 4605
Mohrdieck, Claus II, Helene, Hinrich, Johannes, Klaus, Michel, Paul 1977
Mohrdieck, John 1977
Molck-Ude, Ilse 5723
Molck-Ude, Rudolf 5723
Molhoff, Christhof 6328
Molhoff, George 6328
Molhoff, Gus 6328
Molhoff, Julius 6328
Moll, Ana Dolores Gonzalez 6818
Moller, Capt. Carl and Frau 362
Mollner, John 6264
Momsen, Lorenz 9120
Monn, Caroline 10510
Moremoto, Isabero 9123
Moreshita, George and Isami 245
Morishita, Norris 7959
Morita, Karo 2417
Morita, Karo Saki and Noriaki 746
Morita, Sakigake 2417

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Moritz, Anna 746
Morlock, Christian Karl, Engelhard, and Wilhelm F 12534
Moschkowitz, Ernst 1043
Moser, Heinz 7117
Moser, Wilhelmina 7115, 10846, 12536
Muehlbauer, Friedrich 7116
Mueller, Alfred Werner, Carl, and Jacob 10301
Mueller, Anna 403
Mueller, Anna, nee Bechdoldt 10301
Mueller, Berta 440
Mueller, Emil 9836
Mueller, Georg 7440
Mueller, Gustave A 2017
Mueller, Jakob and Josephine 5665
Mueller, Johann 10301
Mueller, John 244
Mueller, Martha 782
Mueller, Max and Miranda 706
Mueller, Meta 6552
Mueller, Mrs. Alfred 11792
Mueller, Willi 9836
Mueller, William 964
Mueller, William F 11253
Muellershausen, Dr. jur. I. N 7961
Muenchener Rueckversicherungs Gesellschaft 1107, 7964
Muenchmeyer, Mary 4672
Muendnich, Dr. Joseph 7440
Muhlbauer, Fred 7116
Muhlen, Friedrich Wilhelm 654
Muller, Alice and Richard W 265
Muller, E. G 10844
Muller, Marie 403
Munchener 1107
Mundry, Paul, and others 8508
Municipal Bank of the State of Hessen 7532
Municipal Gas and Electric Corp. of Recklinghausen 9207
Murakami, Chizuko 9331
Murakami, Iseko, and others 9331, 10511
Murakami, Masakatsu and Tamaki 50
Murakami, Sentaro (Chas. S. and Charley) 9331
Murakami, Shuzaburo and Kinu 520
Murakami, Teizaburo 10302
Murakawa, Itsuro and Tomoko 51
Murakawa, Masaru 665, 789
Murlock, Johann Christian 12534
Muroi, T. (Tsujio) 7965
Murphy, Anna 8725
Muschkat, Marija 8964
Musfeld, H. N 10973
Musfeld, Hans N 10973
Musman, Clara 9124
Mussbaumer, Anna Marie, nee Weckenmann 6896
Mussehl, Hans 6594
N. V. Bankierskantoor van Mendes Gans & Co 5726
N. V. Bankvereeniing Lodewijk Korijn 5461
N. V. Beleggingsmaatschappij "Ingela" 4365
N. V. Commissie en Handelsbank te Amsterdam 5147
N. V. Effecten en Bankierskantoor Leo Frenkel 4822
N. V. Handelmaatschappij Kong, Smith & Co 6901
N. V. Handelsbureau La Mola 2016
N. V. Hollandsche Buitenland Bank 3683
N. V. Hollandsche Koopmansbank 3822
N. V. Maatschappij Algemeen Beheer 1045
N. V. Maatschappij Vorijn, Firma Joh. A. H. Dikken 5726
N. V. Nederlandsche Standaardbank 3964
N. V. Overzeesche Kali Export Maatschappij 7273
N. V. Staalproducten Handel en Agenturen Mij Prosteel 1108
N. V. Vidutrust Maatschappij voor Beheer en Belegging 9792
Nachlass, R. C. Weigmann 4480
Nache, Elsbeth 3148
Naether, Walter 7440
Nagamatsu, Mrs. Hide 563
Nahnsen, Ella 3522
Nakagawa, Seiitsu and Mune 521
Nakahama, Noburo Frank and others 244, 245
Nakahara, Kimiyo 6412

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Nakahara, Waro 1046
Nakai, Kana 4736
Nakai, Kosumi 273
Nakamura, Kiyoshi 3604
Nakamura, Mrs. Suma 10232
Nakano, Fujio (Fujie) 9210
Nakano, Mrs. Kimiyo 2776
Nakano, Kosuke 1034
Nakao, Fujigoro 10302
Nakashima, George and Kiutaro 51
Nakashima, Haruko and Yoshio 10509
Nakashima, Kiyoko and Shikichi 490
Nakatsuka, Kinsaburo 10302
Nakayama, Takao and Iwao 788
Namba, Sotaro 12925
Namba, Tsenukichi 10302
Narita, Haruo 10302
National City Bank of New York 3871
"National" Lebensversicherungs Aktiengesellschaft 1294
National Life Assurance Co., Ltd 1294
National Savings and Trust Company 4995, 4996
Nationale Handelsbank, N. V 4636
Nazaki, Kimi 965
Nebel, Hans 335, 657
Nebel, Lizetto 335
Nederlandsche Bank voor Zuid Africa N. V 5892
Nederlandsche Credietverzekering Maatschappij N. V 1107
Nederlandsche Handel-Maatschappij, N. V 5665
Nederlandsche Landbouwbank N. V 5195
Nederlandsche Vereeniging Ter Behartiging Van De Belangen Van Houders Van Obligatien Ten Laste Van De Norfolk & Western Rwy Co 5461
Needer, Babette 7442
Negoro, Inosuke 7376
Negrea, Silvia 4673
Nehring, Olly 3522
Nelheiser, Frida and Hermann 4165
Neilsen, Emil 2142
Netherlands Trading Society East, Inc 5666, 5858
Neuberg, H., & Co 4670
Neuhart, Martha and Walter 2245
Neuhaus, Hedwig 3960
Neumann, Alfred 105
Neumann, Berthe A 7192
Neumann, Henry F. E., Emma B., and Henry C 655
Neumann, Max and Paul 10913
Neumann, Meta 57
Neumann, P. & M., K. G 10913
New York Bank and Trust Co 3147
Newman, Jacob 7117
Nibe, Fumio, Hideyo, Kimi and Sumi 3148
Nicholls, Helga 1220
Nidermier, Martin 9131
Nidhida, Yoshifusa 10302
Niedermeier, Martin 266
Niedermeier, Matthaiis (Matthaus, Matthaeus, Mathews) 9131
Niedersaechiche Landesbank Girozentrale 1297
Niederschlesische Bergbau, A. G 1259
Niehaus, Kurt 7533
Nielsen, Emil 2142
Nielson, Emil 2142
Niessl, Johann 7962
Niesters, Peter 961
Nihei, Fumio, Hideyo, Kimi and Sumi 3148
Nihon Kihatsuyu Kabushiki Kaisha 6740
Niimi, Akira and Kaneo 751
Niino, Chisa 1035
Nilsen, Berent (H. B. and Harald Berent) 6904
Nilsson, E. (Emil) 7377, 12536
Ninistiftung in Glarus 7444
Nirmaier, Charles 6227
Nisch, Elizabeth 11904
Nishi, Nakazo 380
Nishi, Sokichi, Sumiko, Miss Toshiko, Miss Yuriko, and Michiko 653
Nishi, Toichi and Fusa 913
Nishida, Jinsuke 1658

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Nishii, Kenick 7815
Nishikawa, Chojiro 8567
Nishikawa, Masato 58, 522, 523
Nishikawa, Mitsugi 8727
Nishikawa, Sueko 300, 523
Nishikawa, Tomiko 301, 523
Nishikawa, Wataru 522
Nishimoto, Minoru and Jotaro 919
Nishimura, George Y 484
Nishimura, J 660
Nishimura, Satoru 10302
Nishioka, Frank Masaichi (F. M.) 6650
Nishiyama, Y 523
Nissl, Hans 7964
Nitag 6399
Nitschmann, Hans 6650
Noak, Emmy 1573
Nobiling, Dr. Hermann 7965
Nobiling, Irene 7962
Nobukawa, Kiyono and Itsuji 1165
Nobusuye, Yoshiko and Shizuo 1165
Noeggerath, Rolanda 6265
Noelp, Margaretha 659
Nohr, Christine 11904
Noltenius, Wilhelm 7436
Nomiyama, Kenjiro 2320
Nomura, Morris 7959
Noodt, Dr. Klara 10302
Noormann, Lisette (Elisabeth) 11904
Norddeutsche Lebensvers A. G 1218
Nord-Deutsche Versicherungs-Gesellschaft, and others 9333
Norddeutscher Lloyd 7960
Nordsterm Allgemeine Versicherungs A. G 6902, 7378
Nordstern Lebensversicherungs-Aktiengesellschaft 6902, 7378
Noriki, Anna 701
Norske Creditbank 4910
North Philadelphia Trust Co 7689
Norton, Herman 218
Nottebohm & Co. and others 566
Nottebohm, Kurt, and Co. and others 567
Nuese, Robert E 11253
Nuesslein, Annie 7443
Numone, Kakujiro 1493
Nunome, Kanji 1493
Nuzum, Lionel J 485
Obata, Nubuo 11255
Oberacher, Adolf, Frederick, Karl and Wilhelm 451
Obermaier, Gerda 2950
Oberpfalz Electric Power Corp 9210
Oberpfalzwerke Aktiengesellschaft für Elektrizitatsversorgung 9210
Oberwalder, Ingrid Lori, Mariachristina, and Rosetta 1996
Obst, Hugo 7430
Ockelmann, Carl 7436
Oda, Ayako and Junichi 576
Oda, Frank M 8871
Oda, T 2961
Oda, Tokuo 2861
Odrich, Martha 7962, 8260
Oefinger, Celestine 1163
Oehmer, Paul Georg 7436
Oehmichen, A. H. J 6222
Oehmichen, Anni Helene Johanna Eva Wilhelm 6222
Oellrich, Charles 962
Oelsner, A. Alfred 3269
Oelsner, Alfred 3269
Oesterreichische Laenderbank A. G 3685
Oettinger, William 10842
Ohara, Toyoji 439
Ohashi, Hikosaburo and Masako 410, 10762
Ohligschlaeger, Dr. Carl Alexander 3682
Ohly, Frieda 403
Ohno Tamotsu 1220
Okabayashi, Nobuya 9125
Okada, Ruth K 1222
Okada, Saichiro 10510
Okada, Tsumayo 8961
Okamoto, Ishimatsu 974

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Okamoto, Mitsuo 485
Okano, Riyoshin 9708
Okano, Yonetoshi 9708
Okazaki, Hamako and Ichimaru 247
Okazaki, Kazuichi and Fukuko 563
Okuda, Kiichi and Ryu 660
Okura & Co 9275, 9839
Okuyama, Toyoaki 10232
Oldach, Viola Juliane 8957
Oldenberg, Free State of 1756
Olsen, Barbara 439
Olson, Anna, and others 747
Oltmanns, Gretchen 4481
Oltmanns, Rudolf 3965
Olufs, Roluf Paul 9334
Omonsky, Rosa (Rosina, Rose) nee Jahn 6647
Onada, Kimiyuke 10510
Onken, Franz 9128
Ono, Fumiko, Henry T., Mojiro and Toshihiko (Toshikiko) 4165
Ono, Gisaku 3523
Ono, Henry T 5390
Ono, Henry T., Matsuno and Mojiro 245
Ono, Hideo, Kiyoji and Nomiye 3965
Ono, Hideo and Kiyoji 2693
Ono, Matsuno and Mojiro 976
Ono, Mitsuo 294
Ono, Toshihiko 5890
Onouye, Hikohachi 150
Onouye, Hikohachi 10510
Opp, Erna 1035
Oriental Development Co., Ltd 4264
Ortenbach, Fritz 6488
Ortenbach, Sophie 6488
Orth, Hans 5664
Orth, Hans Jacob (Jakob) Anton 5664
Ortlepp, Katharina 968
Ortutay, Olica 1035
Osaki, Yozo 11756
Osako, Mrs. Misao 5648
Osako, Seikichi 5648
Osawa, Daisaku 3604
Osram G. m. b. H. Kommanditgeseilschaft 1296
Ostermeier, Markus 6647
Ostpreussenwerk Aktiengesellschaft 8959
Osuga, Harsue 10510
Ota, Eigoro 962
Ota, Kenejiro 10510
Ota, Yoichiro 4161
Otani, Tomokazu 563
Otsuki, Shigeo 526
Ottenberg, Fritz 3245
Otto-Sarauw, Anna Elizabeth 2377, 3101
Overseas Trade and Finance Corp 4167
Oyaba, Dewey K 879
Oyama, Kumaki 9708
Oyama, Suco 9798
Oyens, H., & Zonen, N. V 4515, 5147, 5536, 5646
Ozaki, Fusa 266
Ozaki, Maki and Yutaka 429
Ozalid Corporation 252
Pactau, Max 443
Paetow, Ludwig 247
Pagenstecher, Irma 497
Palatinate Electric Co 257
Palm, Christian (Christ; Christopher) 2246
Palm, Karl Hans Friedrich 7966
Palm, Otto 7436
Panse, Ellen and Paul C. A 247
Pape, George Edward 4418
Pape, Hinrich and Johann 3422
Papenhausen, Gustav Heinrich 247
Pass, Gertrud (Mrs.) 8957
Pass, Gertrud and Hildegarde 8957
Pass & Co 8957
Pastor, Mildred Elsie and Theodore Robert 12200
Patz, Irmgard 11534
Patzer, Paul 1623
Patzig, Edith 243
Paulanerbran, A. G 55
Paulfranz, Rosa 7444
Pausche, Alfred 786

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Pawel, Emilie, nee Schapoks 6812
Paysen, Erick Georg Wilhelm and Gertrud Kockert 336
Peitzner, Friedrich 7436
Peltzer, Alfred R 1974
Peoples Savings and Trust Co. of Pittsburgh 269
Perabo, Claire and Peter 7437
Pesch, Minnie 4283
Peter, Wilhelmine 7966
Peterhansel, Gottlieb 9494
Peterhansel, Ottokar Erich Johannes 9494
Petermann, Maria 7529
Petermann, Wilhelm 7117
Peters, Emmy and Theo 5102
Peters, F. M 1297
Peters, Ida 5647
Peters, Rudolf 7436
Peters, Thiele 5102
Petersen, Alfred Nicolaj 9754
Petersen, Meta 1925
Pfeiffer, Adolf 789
Pfister, George (Georg) 7378
Pflueger, Wayne 2203
Philippi, August Emil 2049
Philippi, Friedrich 8957, 9332
Pichler, Hedwig 300
Pietrock, Elsie 9496
Pictet & Cie 4164
Pierson & Co 5148, 5193, 5194, 5515, 5729, 5827
Pilger, Dora 403
Pilger, Elsa 6551
Pilster, Gustav 9334
Pingel, Ida S. C. E 440
Piper, Pauline 9334
Pizza, Tripolina Curatolo 9669
Plankers, Maria, nee Mueller 10301
Plathe, Wilhelm 2050
Platsch, Arno 7444
Plazek, Horst, Hubertus and Rose 3938, 6810
Poehlmann, Dr. Hermann 8222
Poehls, Alexander Christian, Heinrich Christian, Louise, Louise Pauline, and Ludwig Heinrich 5511
Poetzl, Fred 704
Pollert, Anna 1043
Polyphonwerke A. G 5308
Pommer, Robert W 3959
Pomnitz, Anna 656
Poppe, John, Klaus and Margaret 292
Poppenhusen, Alfred, Conrad Arnold, Friedrich Conrad Garlief, Robert and Werner 4910
Porst-Spiele-Fabrik 7964
Portack, Hails 8221
Posty, J. E 3242
Prag-Film A. G 5963, 11899
Prange, Ernestina Marie 448
Prange, Ida 5647
Pregge, Emelie L 782
Presse-Illustrationen-Heinrich Hoffmann 6162
Preussische Elektrizitäts Aktiengesellschaft 9453
Price, Amelia 205
Primbs, Karl 8222
Privatbanken i Kjobenhavn Akt 4605
Probsthain, Alfred 6552
Probsthain, Elise 6552
Prosl, Carlos 449
Provincial Bank of Westfalia 297
Pruhsmeyer, August 747
Prussian Electric Co 9453
Pryll, Adele 782
Prym, Alex, Dieter, Gert, Hans, Mrs. Hans, Irma, Roland and Dr. Rolf 4909
Puck, Arthur N 1780
Punchera, Helen C 971
Purucker Krescenz 7964
Puschmann, Martha 146, 5664
Puvogel, Frida 8508
Pyttel, Martha 3244
Queitsch, Arthur A., Marie E., and Werner 336
Rabe, Frank and Marie 1754
Rabenstein, Anna Marie and Karl 248
Racke, Anna 2951

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Radeker, Bernhardine Anna 6904
Radeker, Ernest 6905
Raff, Alfred Raymond 7639
Rahlf, Elsa, Nite, and Heine 783
Raichle, Gustav 3521, 8061
Raisch, Jacobine 1807
Rambacher, Rosa 12201
Rambacker, Rosa 12201
Rammler, Emil 301
Ranke, Anna 107
Rapp, Claire (Clara; Klara) 10844
Rapp, Emil 9120
Rapp, Franziska 1109
Rasch, Emilie 7529
Rathhauser, Max 9128
Ratio, S. A 8743
Ratjen, Gustav 6650
Rauch, August 11665
Rauh, Emmy 446
Rausch, Augusta Oschmann 11665
Rebholz, Otto 1295
Rebholz Bankierskantoor 1295, 4160
Rebholz Effectenkantoor 1295, 4160
Rechten, Frieda and Henry 407, 2616, 2691
Recktenwald, Johann, and others 8225
Redmann, Alma 1036
Reh, Willy 1651
Reher, Fritz 1111
Rehr, Fritz 1111
Reich, Matthias 8961
Reiche, Anton, A. G 7814
Reichel, Gustav A 2177
Reichert, Albert 3242
Reichhart, Frieda Horneber 8222
Reichsbank Halle 7440
Reichsbankdirecktorium 11094
Reichskredit Gesellschaft 633
Reil, Karoline 7964, 9330
Reil, Therese 7964
Reil, Theresia 9330
Rein, L., & Co 4162
Reinau, Sophie, and others 8961
Reinbold, Luise Degen 6486
Reinboth, Carl Friedrick 9205
Reincke, William T., Jr 6817
Reindl, Anna 7964, 8260
Reindler, Leonhard 659
Reinhard, Anna Maria, nee Herrmann 10201
Reinhardt, Gisela 9708, 9836
Reinhardt, Gisela, Ilse, Sybil and Walther L 248
Reinhardt, Ilse 9708, 9709
Reinhardt, Sybil 9708
Reinhardt, Walther L. (Ludwig) 1748, 9709
Reinhart, Helga 265
Reinshagen, Ernst W 363
Reiter, Eva 659
Reiter, Paul 9129
Reitkoetter, Johanne (Johanna) 10799
Renn, Emmy 6905
Renner, Christian 8219
Rensch, Adolph and Martha 701
Rensing, Emilie Schmelzkopf 6648
Repp, Gustav (Gus) 7812
Reubke, Anna 1218
Reufeisen, Frank 249
Reuter, Richard 972
Rexroth, Catherine M. (Goldenstein) and Ludwig 490
Rhein Main Donau, A. G 1697
Rheinisch-Westfaelisches Kohlensyndikat 1045
Rheinisch-Westfalisches Elektrizitatswerk A/G 8567, 8568
Rheinische Kampferfabrik, G. m. b. H 1259
Rhine Main Danube Corporation 1697
Rhine Ruhr Water Service Union 298
Rhine Westphalia Electric Power Corp 8567, 8568
Richard, C. B., & Co 6057
Richter, Alice Tottien 3396
Richter, Clara and Kurt Hermann Gottlieb 790
Richter, Hans 1649
Richter, Johanna 7112
Richter, Marie Else, nee Boerner (Elsie Richter) 9836

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Riechelmann, Dr. Ludwig 3418, 6488, 6652
Riede, Richard Hellmuth 446
Riedel, Otto 574
Riedelsheimer, Rosa 49
Rieke, Lina 54
Rieker, Karoline Marie 369
Rieper, Heinrich 8505
Rietkoetter, Johanne (Johanna) 6594
Rikart, Mary 334
Rill, F. W 8963
Rinck, Herman 105
Ringler, Eugenie 8222
Rippert, Olga 4417
Ritz, Louis Alfred, Sr 6906
Ritz, Ottilie 6906
Roberts, Nora 12534
Robinson, Clarinda 1036
Roche, Oskar de 6488
Rock, Carl 9709
Rock, Fred G 9709
Rock, Ludwig 9709
Rockmann, Friedrich 9334
Rockstroh, Martha 6552
Rode, John H 7438
Rodling, Guido 1779, 4635
Roedder, Otto C 1757
Roedling, Guido 1779, 4635
Roehl, Paul, and others 12600
Rochm, Anna 7962, 8260
Roesch, Paula 266
Roese, Henry 1046
Roesing, Gabriele Paula and Hermann Max Fritz 2380
Roesing, Mrs. Hermann 266, 2380
Rogmann, Bruno, Harry, Franz and Wilhelm 3206
Rohde, Amalia 108
Rohde, Bertha and Gustav 1977
Rohmer, Wilhelm 7116
Rohn, Richard 6486
Rohn, Virginia 6486
Rohrer, Emma 1807
Roll, Anna and Karl Jakob 3099
Romacker, Elizabeth Rose and Katherine 5378
Rommel, Candida Eleonore Elisabeth Charlotte 6011
Rommel, Nicholus Theodor Hans Jurgen 6011
Rommel, Selina Bertha Olga Rosamond Annemarie 6011
Rommel, Yvonne von Courten 6697
Ronte, Rev. Gustav, Heinrich, Heinz, and Hulda 440
Ronte, Hulda 8505, 8810
Roos, Simon 6483
Rosahl, Johannes Hermann Curt 972
Rosenhain, Dr. Bruno and Mrs. Salla 8570
Rosenthal, Hedwig 1977
Rositzka, Paul 7436
Roth, John 1812
Rothammer, Frieda A. and Katharina 414
Rothbarth, Helene 7444
Rothenbaecher, Johanna 7194
Rothenbaecher, Paul 7194
Rothenberg, Johanna 243
Rother, Elsa and Oscar 11254
Rother, Erich 7958
Rother, Martha 7958
Rothkehl, Theodor 746
Rotterdamsche Bank 6327
Rotterdamsche Bank N. V 5891, 6327, 6596
Rotterdamsche Bankvereeniging N. V 6327, 6596, 9754
Rotterdamsche Bankvereeniging, Amsterdam 6596, 9754
Rotterdamsche Bankvereeniging, Rotterdam 6327
Rowoldt, Bernhard Anton Friedrich 7812
Rubke, Frieda, Jenny and Leiselotte 3685
Ruchholtz, Gabriele and Hildegard 3522
Ruchversicherungs-Gesellschaft, Munchener 2716
Ruckversicherungsgesellschaft, Munchner 1107
Rudolph, Emil 1978
Ruecker, Carl 7437
Rueger, Maria 7965
Ruething, Alfred Leo and Emelie Augusta 10844
Runge, Alex 1698
Ruppel, Damian 783

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Rusche, Otto 9840, 10762
Ruther, Bertha 10685
Ryan, Cecil Carl 8728
Ryken & Co 5513
Saalfeldt, Margarete 8569
Saftenberger, Hilda 5408
Sahnow, Louise 2014
Saier, Sophie 12534
Saigo, Kenichiro and Takeo 5304
St. Andre, Irene Baronin 2173
Saito, Koji Harry 9335
Sakakura, Tama 7112
Sakamoto, Harue 10510
Sakaye, Warren 629
Sakayeda, Toshiyo 10872
Sako, W 106
Sakurai, Yoshiji 106
Salewski, Kurt 5648
Samson, Frances 1036
Sanchez, Valentine 747
Sandhagen, Anton Friedrich 1216
Sanhein, Peter 1104
Sano, M 4636
Sanwa Bank, Ltd 6653
Sappe, Elizabeth, nee Weckenmann 6896
Sarasin, A. & Cie., Basle 6551, 6552, 6595
Sasada, Kazuo 440
Sasada, Kimiyo 440
Sasaki, Noburo 276
Sasamura, Hatsumi and Shoshichiro 249
Sassoon, Rahmo S 10874
Sato, Katsuya 5724
Sato, Kosajiro and Shigeru 274
Sato, Nobumasa 5724
Satoda, Yorimi 267
Satow, Gensaburo and Sentaro 748
Satow, Teruko 748
Satzger, Josefa 6701, 7118
Satzger, Veronika 6701, 7118
Saueressig, Wilhelm 7437
Sawada, Minoru 1219
Sawamura, Sakuichi 7958
Sawano, Shizue (Mrs. Yoshisuke) 7759, 12202
Saxon Public Works, Inc 7378
Saxon State Mortgage Institution 8569
Sayegusa, Mrs. Tani and Takeo 562
Schaaf, Friedrich M 7436
Schaasburger, August 1980
Schabb, Karl Rolf 3098
Schachte, C. B 6164
Schachtzabel, Anna Helene Marcus 748
Schacker, Henry 1658
Schade, Bruno (Friedrich Edmund B.) 449
Schaefer, Maria 11547
Schaeffauer, Karl K 9710
Schafertons, Amalie 963
Schaeffauer, Mary 9710
Schafer, Marie Magdelena, nee Weckenmann 6896
Schafheitlin, Anna (Anna M.) 7689
Schalk, Elizabeth 2695, 2715
Schall, Helene 7439, 9132
Schapoks, David 6312
Schapoks, Dorothea 6312
Schapoks, Else 6312
Schapoks, Friedrich Hermann 6312
Schapoks, Olga Rokitta, nee Schlemo 6312
Scharf and Kayser 7812
Schauren, Katherine 1622
Scheehl, Hans 7964
Schaeffler, Georg Edwin 6264
Scheible, Carl (Karl) 977
Scheibler, Carl 8966
Schellhorn, Franz 657
Schellhorn, Frida 564
Schelling, Christine 1807
Schenck, Carl A. and Oberst Emanuel 758
Schenk zu Schweinsberg, Alix Louise 1695
Schenk, Gertrude 13012
Schenker & Co 525
Schenker & Co., G. m. b. H 11905
Schenker & Co. S. A. G. L 11905

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Schepelmann, Charlotte 2378
Schepke, Fritz 704
Scherbel, Josef 105
Scherer, Gaston A 1974
Scherf, Alexander 1492
Schering, A. G 1258
Schering Portuguesa, Ltda 9712
Schering S. A. Portuguesa 9712
Scherwas, Olga 6226
Scheu, Wilhelm 8962
Scheuermann, Ella (Ella Falck) 11253
Schierlinger, Jakob 9710
Schierlinger, Rosa J 9710
Schiffert, Elisabeth Maria 667
Schilling Estate Co 2458
Schilling, Josef 7964
Schipper, Frida 449
Schlemmer, Elizabeth 12200
Schlemper, Carl 706
Schlenker, Lisa O 451
Schlens, Gustav A 6264
Schlesische Landschaftliche Bank zu Breslau 7434
Schlichter, Ursula M 7438
Schlicksupp, Kaethe 873
Schliebe, Kurt 8966
Schlieper, Annette Casassa, Georg, and Walter 2116
Schlieper, Hans A 2116
Schlieper, Johannes A 2116
Schlitz, Charlotte 9710
Schlitz, William 9710
Schloetter, Dr. Ing. Max 2202
Schlosser, Martha 2952
Schlubach-Brander, Eric W 3270
Schlund, Ernst and Meta 10974
Schmalenbach, Carl and Agnes 631
Schmauss, John 1036
Schmid, Joseph (Josef), Jr., and Joseph (Josef), Sr 3966
Schmid, Martha Ernestine 274
Schmidt, Alma 6602
Schmidt, Anna 1573
Schmidt, Anna M 1812
Schmidt, Clara Hedwig 50
Schmidt, Dora 1032, 8226
Schmidt, Elizabeth 564
Schmidt, Emmy 8164
Schmidt, Friedrich 8570
Schmidt, Fritz Joachim 9711
Schmidt, George 362, 1812, 7116
Schmidt, Henrietta 362
Schmidt, Johann 5600
Schmidt, John 5600
Schmidt, Kurt 293
Schmidt, Ludwig Otto 7437
Schmidt, Margarete 5665
Schmidt, Mary 9711
Schmidt, William F 8508
Schmidt, William F., and others 8569
Schmidt-Kreinert, Wilhelm 7436
Schmidtpeter, Sophie 54
Schmitt, Emilie 7194
Schmitt, Joseph Phillips and Joseph Wilhelm 1574
Schmitz, Anna 410, 755
Schmitz, Anny 3523
Schmitz, Dietrich A 6905
Schmitz, Eduard 4672
Schmitz, Ernst 410
Schmitz, Mrs. Ernst 3523
Schmitz, Frederick 593
Schmitz, Friedrich 7443
Schmitz, Hermann 6905
Schmitz, Johann 6227
Schmitz, Wilhelm 6327
Schmoll, G 7273
Schmucki, Max A 6986
Schnall, Elsie (Elise, and Elise Klara) 9496
Schneider, Barbara 659
Schneider, Hermann C (Herman C.) 9211
Schneider, Hildegard 2695, 2715
Schneider, Lina, nee Kussmann 6896
Schneider, Lotte 971
Schneidt, Kaethe 7964

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Schneithorst, Henrietta 2694
Schnellbach, Wolfgang 758
Schnitzer, Elizabeth 6266
Schoener, Annie Schmelzkopf 6648
Schoeneshoefer, Helene and William 2418
Schoenfeld, Peter 7436
Scholpp, Sophie 249
Scholz, Siegelinde 873
Schonberg, Adolf E. J. and Marie S. C 267
Schoneshoefer, Helene and William 2418
Schoos, Max 5724
Schoos, Max, Trust 5724
Schott, Katharine 2461
Schotten, Catharina, nee Mueller 10301
Schragenheim, Margaret 6552
Schramm, Elsie 267
Schreiber, Eugen H 5377
Schreiber, Walter 9332, 9334
Schreiner, Carl 8260
Schreiner, Katherina 8962
Schreyer, Hugo 1624
Schroder & Co., J. Henry 2117
Schroder, Margarete 247
Schroeder, Arthur 4739
Schroeder, Elizabeth 705
Schroeder, Emma E 5148
Schroeder, Dr. Fritz 7961
Schroeder, Gertrude 373
Schroeder, Maria 2460
Schroeder, Marie Harms 2460
Schubert, Adolf 7962
Schuberth, Eusebius 594
Schuette, Lydia 10873
Schuetting, Frieda 7193
Schuetting, Wilhelm 7193
Schuetz, Marie 7194
Schuetz, Martha and Sofie 7964
Schuetze, Elizabeth 2485
Schugut, Henry and Paul 13012
Schuhmacher, Christiane C 12534
Schuler, Anna 491
Schuler, L., A. G 6817
Schuler, Leocardo 8505
Schulke, Hedwig 6602
Schullhamen, Eugenie 60
Schult, Maria 3206
Schulte, Helen 2671
Schulten, Wilhelm 8570
Schultz, Behr, & Co 1624
Schultz, Gustav 9841
Schultze, Marie 54
Schulz, Anna 593
Schulz, Frances 1978
Schulz, Mary, Gottlieb, Johann, Christina, Adolph, Pauline, and Louisa 756
Schulz, Paul 6818
Schulz, Ww. Franziska 8222
Schumacher, Carl and Peter 10301
Schumacher, Carl Emil 1043
Schumann, Mrs. Richard A 10144
Schumann, Paula and others 6706
Schumann, Richard A 10144
Schuster, Johann 4283
Schuster, John 4283
Schuster, Martin 9133
Schütte, Franz 9451
Schwaab, Barbara, Dagmar and Helga Krankenhagen 8870
Schwalm, John (Johann; John M.) 6651
Schwalm, Marie (Maria) 6651
Schwartz, Lottie 1035
Schwarz, Bertha 6906, 7113
Schwarz, Eugen Richard 1035
Schwarz Wwe., Frau F. A 9332
Schwarzer, Maria 8730
Schwitters, Antje 782
Security Trust Co. of Rochester 1047
Seeck, Walter 2541, 3270, 4603
Seeger, Richard 1041
Seehausen, Werner 9712
Seehoff, Emma 303
Seevers, Georg 7436

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Seewald, Oscar 6552
Segelken, Robert 2773
Seidel, Carl 1104
Seidel, Friedrich August, Gertrud, and Richard 6552
Seitz, Christine O 451
Seitz, Marie 10143
Seko, Toki 594
Sell, Paul 783
Sellmer, Antonie and others 8260
Selve, Anna Maria 632
Semran, William 6769
Sengstaken, Henry 9184
Senoo, Hisayo 565
Senoo, Kwanji 565
Sera, Kiyoichi and Toku 291
Servay, Auguste and others 6591
Severne, Louise 51
Shaner, Ernest W 250
Shanghai Cotton Manufacturing Co., Ltd 486
Shanghai Power Co 6649
Shaw, Hollis H 8164
Shiba, Otokichi and Souzu 1105
Shibata, Kazuso 1813
Shibukawa, Hisao 10510
Shigeno, K 6266
Shigeru, Gordon 1813
Shimabukuro, Taro and Gozu 594
Shimabukuro, Yamato 268
Shimamoto, Chuji 491
Shimamoto, Suyehiko 10510
Shimoda, Hanjiro 250
Shinden, Kuniyoshi and Shosayemon 966
Shinomura, Iwao 294
Shiojiri, Hikoichi 294
Shiomi, Fred T. and Momoyo 250
Shiomi, Takao (Fred and Fred Takao) 8221
Shiozaki, Sada 6702
Shiozaki, Sannosuke 6702
Shishido, Hisashi 9184
Shishido, Mrs. Shin 9184
Shitamai, Yaneo 407
Shota, Susumu 5378
Siebenlist, Waltrudis 3524
Sieder, Anna 275
Siegel, Friedrich 8219
Sieh, Emil J 10873
Siemens & Halske, A. G 1753, 5100
Siemens-Schuckwerke, G. m. b. H 1753
Siemssen, Edith Courvoisier, Ellen, Hermann, Marianne, Marie Lukas, Nicolaus, Oswald, Werner, and Wilhelm 1030
Sietas, Hilda 781, 3099
Sieveking, Heide and Ludolf 263
Sieveking, Olga N 264
Sieveking, Werner 263, 264
Sievert, Otto Albert A 7436
Silesian Landowners Assn., Bank of 7434
Simmel, Jacob 4737
Simmering, Anna 749
Simon, Elise and Georg Martin 7444
Simon, Friedrich and Georg 7962
Simon, Ludwig 3393
Simons, Mathilde 9841, 10845
Sinram, Oscar Heinrich Theodore 6818
Sioto, G. m. b. H 1259
Skandinaviska Banken A. B 4738, 5305
Skandinaviska Banken Aktiebolag 4738, 5305
Skandinaviska Tank & Mineralolje, A/B 6985
Skibbe, Max 202
Skorzeny, Otto 2483
Smiley, Ida Belle 970
Smithers, F. S., & Co 4634
Sobczak, Mrs. Marie 2818
Sociedad Agricola Vinas-Zapote and others 568
Sociedad Commercial del Plata, S. A 4163
Societe Anonyme de Gerances et de Depots 3939, 3941
Societe Bancaire Geneve 3821
Societe de Banque Suisse 4956, 4993, 5516, 5645, 6223, 6224, 7534, 11256
Societe de Credit Suisse 5099
Societe Financiere de Gerance de Capitaux S. A 3680
Societe Generale Alsacienne de Banque 4516

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Soehnlein, Beatrice 411
Soeken, Geskeanna 6487
Soeker, C. Louise and Franz 2853
Sohst, F. A 149
Soldan, Mathilda (Mathilda Bertha) 7434
Solle, Louise 54
Solomovici, Leopold 9129
Somiya, Shigetaro 11319
Sommer, Thomas J 595
Sonoda, Saburo 6652
Sonnenfeld, Hermann 401
Sonoda, Saburo 1042
Sontheim, Franz 7364
Sorg, Karl Engelbert 7436
Sorg, Pauline 7436
Sormani, N 373
Spanut, Minnie 7831, 9837
Spear, August (Augusta) 527
Specht, Hedwig and Wilhelm 8260
Speer, August 527
Spegele, Maria 8222
Sperling, Wilhelm 1756
Spier, Gustav A 527
Spindler, Karl, and others 8963
Sprang, Gertrud and Mary 2695, 2715
Sprengler, Eugenie 8219
Springer, Marie 401
Staab-van den Vrijhoef, M. B. H 1103
Stachel, Leo 7192
Stadtmueller, Katharina 7444
Stahlknecht, Detmar Fr 7444
Stammer, Alfred Heinrich 7436
Standard Braid & Produce Co. of Japan 1700
Stahl, Carl Gottlob and Emma 4166
Stangen, Carl 1656
Stapff, Adolf and Lissy 977
Stappenbacher, Adam 7444
Staudenmaier, Anna, Emilie, Eugenie, Johannes and Theresia 60
Staudinger, Hermine 7964
Stecher, Frida (Frieda), nee Boerner 9836
Steel, Catharine A 996
Steel, Katharina 996
Steenken, Elisabeth 1717
Steenkolen Handelsvereeniging N. V 1045, 5194
Stegman, Hermine 6266
Stegmiller, Anne 3148
Stegmiller, John 571, 3148
Steidel, Gertrud, nee Stromeyer 9842
Steilmann, Frank 1624
Steimer, Eugene 781, 3099
Stein, Erich 916
Stein, Henry 1105
Steiner, Heinrich 8219
Steinhart, Josef and Franziska 7964
Steinhoff, Imke 7533
Steinmetz, Rudolph and Wilhelm 1980
Steltzer, Emilio Ernesto Borjas Sylvester 1486, 1487
Stelzer, Emilio Ernesto Borjas Sylvester 5510, 5511, 5512
Stempfhuber, Johann, and others 8222, 9924
Stengel, Marcel W 6488
Stern, B., Jr 7440
Stettin, Wohlfahrtsverwaltung 996
Steuernagel, Heinrich 7529
Stichl, Walter 10845
Stickstoff-Syndikat G. m. b. H 662
Stien, Peter 10873
Stier, Mrs. Edith 1026
Stiftung, Conrades 7273
Stillhaltekommissar Abwicklungsstelle In den Westgebieten 7440
Stinnes, Clare Wagenknecht, Sr 7580
Stinnes, Hugo, Jr., and others 7580, 12926
Stinnes, Ernst and Otto 7580
Stockholms Enskilda Bank A. B 3872
Stockholms Enskilda Bank Aktiebolag 3872
Stockmann, Aloys 1841
Stockmann, Amalie 2379
Stoeckle, Helen 1105
Stoever, Erna 9332

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Stoll, Frieda, nee Kussman 6896
Storz, Carl 1220
Straubel, Fritz 1262
Strauss, Rudolph 1037
Strickland, Reeves T 4998
Strobel, Eugenie Augusta Pauline 6550
Strobel, Maria Zopf 6164, 10145
Stroh, Charles 5648
Stromeyer, Adolf Friedrick Julius 9842
Stromeyer, Anna, Erich, Felicie, Heidi, Helmut, Ludwig, and Ursula 9841
Stromeyer, Dr. Fritz 9841
Stroth, Dorothea in der 7530
Strube, Anthony L 11904
Strube, Cornelius, Joseph Willi, Maria, Walter, and Wilhelm 11904
Strube, Martha 7961
Stuetzer, Marie 659
Sturm, Kathe 9332
Sturzenegger, H. & Cie 7581
Stutz, Louis 2202
Stutz, Ludwig 2202
Stutzel, Mary 595
Suess, Hans F. F 5304
Suesser, Frederick 628
Suessmuth, Elizabeth 2819
Suga, F 634
Suga, Yasuo 10510
Sugano, Yashichi 10510
Sugita, Jiro and Mutsue 374
Sukegawa, Denzaburo 10510
Sumida, Saburo 783
Sumii, Haruo 146
Sumikawa, Moto 12277
Sumitomo Bank of Seattle 6266, 6267, 6413, 9122
Sumiyoshi, Shunichi 5723
Sunderbrink, Elizabeth 144
Suomen Petrooli O/Y 6904
Surmann, Julius 1623
Sussmuth, Elizabeth 2819
Sutter, Erich and Rolf 2950
Suwikawa, Moto 12277
Suzikawa, Moto 12277
Suzuki, H. & Co 369
Suzuki, Torishichi and Yaye 374
Svenska Handelsbanken, A. B 4957
Swigart, Emma 6592
Swiss Bank Corp 3965, 4956, 4993, 4995, 5195, 5196, 5595, 5643, 5644, 6223, 6224, 6329, 6330, 6599, 8732.
Swiss Bankverein 5644
Sylvester, Emilio 1302, 1486, 1487, 5510, 5511, 5512
Taber, Gertrude 7962, 8260
Tabushi, Toojiro 628
Tachibana, Itaru 11794
Tachibana, Sosaburo 12535
Tademoto, M 1033, 2617
Taga, Yoshitsuga (Yoshitaugu and Yoshitsugu) 9124
Tajima, Jiro, Shigeji and Yelko 264
Takahashi, Akira 4992, 10510
Takahashi, Atae, and others 11319, 12926
Takahashi, Ichiro and Tokue 7439
Takahashi, Iwakichi 2244
Takahashi, Kaneichi 10510
Takahashi, Kazuo 7440
Takahashi, Kazuyuki 7440
Takahashi, Tokio and Umekichi 143
Takakuwa, Kagitoro 10759
Takasa, Goichiro 9125
Takashima, Sumi (Shumi) 11319
Takatsuka, Juichi and Takatsuka 363
Takeda, Hoshu 1813
Takeda, Jukichi and Takao Arai 367
Takeda, Samonji 1813
Takeda, Tokutaro and Toyo 873
Takenchi, Genichi 51
Takeno, Kuraichi and Ito 629
Taeoka, Yoshi 562
Takesaki, Fumiko and Sakusuke 441
Takeshita, Muneyoshi 10231
Takeshita, Takao 1493
Takeshita, Takesuke 565, 1493, 2141

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Takeuchi, S 2244
Takimoto, Juhei 5030
Takmua, Hideo 571
Tama, Charlotte 977, 978
Tamate, Iso and Kesajiro 363
Tameshige, Geo. H. (Hideo) 9839
Tamori, Kumetaro 7113
Tamori, Yoshiriro 7113
Tanabe, and Riso Yaichi 413
Tanabe, Tadao 1215
Tanaka, Frank and Yoshitaro 758
Tanaka, Kanda (Kansa) 10510
Tanaka, Matakichi 1042
Tanaka, Hidesaburo and Mrs. Miroku 441
Tanaka, Tomekichi 9125
Tanaka, Tomo 3149
Tanaka, Hisayo 595
Tango, Kyoichi 11319
Tanigawa, Tomizo 1112, 2554
Tanimura, Kanreme 966
Tanji, Junnosuke 9277
Tanji, Seiichi 3873
Tannenbaum, Else, Henry, Kurt and Rosa 206
Taoka, Kathleen M 791
Tasaka, Rinkichi 4992
Tatibana, Itaru 11794
Tatsuta, Saichi 784, 1260
Tatsutani, Mrs. Shizi 363
Taxis, Marie 1044
Tegeler, Hermann 962
Teichmann, Frau Wilma 5031
Tekale, Stefan 5376
Tellefesen, Arthur Thomas and Ethel Frances 873, 4600
Telleur, Hermann 8965
Tempel, Fritz, Louis, Minna and Wilhelm 54
Terada, Hisataro (Robert Hisataro) 9276
Teraoka, Takehiko 3962
Terlinden, Emmy 107
Terra-Film-kunst G. m. b. H 1562
Tesch, Julia Gesine Christina 4672
Teshirogi, Harry Teiji 52, 1813
Texas Co 483, 484
Tetsui, Ichiro (Takero) and Iku 4992
Texter, Karl 8810
Theall, Frank A 8164
Theis, Maria 5665
Theis, Marie A 574
Theiss, Emma, Karl and Otto 364
Thelan, Marie 11904
Theuerkauf, Gustave Lindberg and Johann Ernst Otto 10843
Theuner, Helen Marie 995, 1029
Theunissen, Else 8966
Thias, Johanna 2858
Thiel, Elsa, nee von Martin 10686
Thiele, Elsbeth 7966
Thielking, Fritz, Heinrich, and Johann 7436
Thielking, Ludwig 7436
Thiermann, Johann (Hans) F. W 292
Thomas, Sigrid 206
Thomsen, Hertha Edith 3149
Thorer & Co 9211
Thun, Caroline Katrina Maier 3204
Thurm, Alfred, Bertha, and Otto 11933
Thurm, Helen (Helene) 11933
Thurner, Joseph, Alois, Ottilie, and Karl 570
Tiebert-Daeniker, Emma 1753
Tiebert-Daeniker, Emmy 1753
Tiedemann, Carl 4168
Tiegs, Frieda 873
Tiemann, Wm 1219
Tietjen, Henry 7881, 9837
Tietjen, Richard A 6412
Tietz, Bertha 10874
Tillie, Marie Henrici 7437
Tillmans, Marie 2140
Timm, C. L 5100
Timmerberg, Carl Heinz and Eva 10231
Tittmann, Charles T 4995, 4996
To Dew, Hong 3100
Tobis-Film A. G 4672

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Tobis-Filmkunst G. m. b. H 4672
Tobis-Melofilm G. m. b. H 1562
Toelle, Meinrad 1974
Togasaki, Kiyoshi 1813, 1814
Togioka, Tsunegoro 1047
Togosaki, Misu 1813
Toguchi, Seiko 10510
Toho Denryoku Kabushiki Kaisha 6011
Toho Electric Power Co., Ltd 6011
Toji, Keichi 966
Tokunaga, Kakuji 1925
Tokunga, S 753
Tokuno, Yoshihiro, et al 3149
Tokyo Dento Kabushiki Kaisha 6163
Tokyo Electric Light Co., Ltd 6163
Tomita, Kenichi and Kenji Kodama 370
Tomita, Toku and Umanojo 3396
Tomita, Yukio 2695
Tomiyama, Fumio 7958
Tomiyama, Tokikuni 7959
Tomoeda, Shozo 52, 4952
Tomoeda, Sumo 4952
Torasaki, Mosuke 7440
Torasaki, Mrs. Nobue 7440
Torasaki, Toru 7440
Torikai, Kenzo 962
Tottien, Albert and Mary 3396
Toussaint, Herman V 2016
Toyo Takushoku Kabushiki Kaisha 4364
Toyomoto, Y 6487
Transocean 2114
Traum, Otto 8260
Trelle, Ernst 8730
Treptow, Martha 10510
Treser, Louise 403
Treuttinger, Anna N 265
Trianon-Film-Verleih G. m. b. H 4672
Treeltsch, Hermann A 2177
Trog, Christiane, nee Pleschner 10145
Trommershausen, Friedrich K. T 488
Trommershausen, Fritz 3685
Truck, Georg, Ludwig, and Karl 755
Trunzer, Ella 6603
Truxa, Gisela, nee Reinhardt 9709
Truxa, Mrs. Rolf, nee Gisela Reinhardt 9836
Tsubota, Masami (James M.) 450
Tsuchida, Yoshitaro 10510
Tsuda, Noboru Frank (Noboro) 6603
Tsuda, Satoji and Yoshino 629
Tsuda, Tahei 8217
Tsuji, Koichi and Tokio 245
Tsunemitsu, Sanesada (Shuran) 8964
Tsunemoto, Chuso and Tameshi 292
Tsuru, Shigeto 6437
Tsurumi, Kazuko 6437
Tsushima, Y 6413
Tsutakawa, S 12536
Tsutsumi, Migiwa 441
Tunke, Lydia 442
Twentsche Bank 5514, 6596, 6598
Twentsche Bank N. V 6597
Tyroler, Mary 144
Uchimura, Sumire 364
Uchino, Shigeru 10510
Udo, Ichiji 10510
Ufa (Universum-Film A. G) 1488, 4672, 4952
Ufa-Film G. m. b. H 5963, 11899
Uhlmann, Babette 659
Uhrig, Johannes and Katherine 1221
Uhrig, Katharina 1221
Ujigawa Denki Kabushiki Kaisha 6604
Ujigawa Electric Power Co., Ltd 6604
Ullich, Anna 265
Ullrich, Elsa 7436
Ullrich, Irma 52
Umemoto, Nobusada 9184
Ungeheuer, Katherine 575
Unger, Bertel 6656
Unger, Fred E 6656
Ungerer, Erna 5664

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Union Bank of Switzerland 2204, 2457, 2458, 2486, 2555, 3454, 3500, 3940, 4510, 4512, 5308, 5377, 5379, 6986.
United Steel Works Corporation 1219
Union de Banques Suisse 3454, 5308
Union Investment Corp., Inc 4480, 5600
United States Imports and Exports, Inc 6222
Universum-Film, A. G 1489, 1561, 1562, 1565, 1616, 1652, 11899, 11903
Universum-Film A. G. and others 5964, 7759
Universum-Film A. G., "Ufa" 4672, 4952
Uno, Hanayo and Toichi 1814
Uno, Rokuro 10510
Unno, Gozo 407
Unrein, Georg 9132
Unterelbe Power & Light Co 1701
Untergehrer, Kaspar 7962
Uo, Kamekichi 8728
Urbas, Gertrude Wozabal 6809
Uri, Kiku 11319
Usami, John Doe, Masaze, and Shinsaku 328
Usami, Yasu 328, 363
Uyeda, Fujio 414
Uyeda, Mrs. Koyome 11254
Uyeda, Seitaro 11254
Uyeda, Toraichi 629
Uyemura, Mrs. Chiyo, Miyoko, Toshiko, and Yayeko 1810
Uyenaga, Kito and Teisaku 442
Uyesugi, Masaichi and Tadashi 375
Vaas, Sofie, and others 7966
Vahlbruch, Margarete 7444
Van Demask, Fred 8224
Van den Vryhoef, Maria 1102
Van der Stucken, Mary 1925
Van Dissel, Rode & Co., Sucs 6818
Van Lanschot, F 5826
van Laun, Dr. Otto R 7533
van (Van) Laun, Otto (Otto R.) 7533
Van Spengler, Elsa Maria 369
Veers, Elizabeth and Agnes Jakobine 527
Veith, Johannes and Jean 759
Verberne, Irma 2116
Veredelungsgesellschaft Fuer Oele und Fette m. b. H 2012
Vereinigte Glanzstoff-Fabriken A. G 2113
Vereinigte Stahlwerke 8505
Vereinigte Stahlwerke Aktiengesellschaft 1219
Verkaufsvereinigung Fur Teererzeugnisse, G. m. b. H 2861
Vermeer & Co 5602
Western Electric Railways Co 9206
Vestische Kleinbahnen G. M. B. H 9206
Vidutrust Maatschappij voor Beheer en Beleggings, N. V 9792
Viehl, Johann 10301
Vierengel, Michael G 8222, 10510
Vietheer, Peter John 967
Vietor, Friedrich Martin 1755
Vietor, Fritz M 1755
Vieweger, Elizabeth 9335
Vigeluis, Carolina, nee Herrmann 10301
Viohl, George (Georg) 9835
Viohl, Hinrich (Henry) 9835
Vogel, Franz and Julia 107
Vogel, Max 3449
Vogels, Karl 7443
Voggenreiter, Fanny 1032
Vogl, Robert (Robert M.) 7436
Vogler, Theodore 6413
Vogt, Arthur C 375
Vogt, Erna and Karl 411
Vogt, Joseph Franz and Lena 747
Voigt, Alice Anita and Hertha Edith 3149
Voigt, Werner Otto 7436
Voigtländer & Sohn, A. G 1259
Voith, Elsa M. and Thea 151
Voith, Hilar 151, 3942
Voith, J. M., and others 699
Volksbank Baden-Baden-e. G. m. b. H 7117

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Volksbank, Bretten e. G. m. b. H. 7193
Volksbank Kandel-e. G. m. b. H. 7117
Volksbank Kuenzelsau e. G. m. b. H. 8219
Volksbank Staufen e. G. m. b. H. 7193
Volksbank Weikersheim e. G. m. b. H. 8219
Volksbank Weilblingen-e. G. m. b. H. 7117
Vollbrecht, Sophie 6551
von Abercon, C 9334
Von Andreae, Emi 520
Von Andreas, Emi 785
Von Berenberg-Gossler, Sarah 967, 998
Von Biedenfeld, Clara 1036
von Bose, C. de Bains 3269
von Bose, Catherine 3269
von Branca, Wilhelm 7962
von Buchwaldt, Alice Wilkens 6264
von Clemm, Carl F 6812
Von Clemm, Karl 2175
von Colberg, Baroness Ione Loeffelholz 10843, 11320
Von Cottendorf, Freifrau Blanca Cotta 4995, 4996
von Courten, Irene Laura 11252
von Courten, Laura Irene Elisabeth Helene 6011
von Courten, Rosamond Blanchard 6606
von Courten (Rommel), Yvonne 6697
Von Dannenberg, Hildegard 1751, 7273
von dem Bussche-Ippenburg, Barbara M. L. Freiin 2994
Von der Decken, Herwarth 5648
von der Goltz, Elizabeth L 6550
von der Heydt, Eduard (Edward) 8748
Von der Heydt's Bank N. V 3453
Von der Neustadt, Heinrich, Herman and Wilhelmine 2416
Von Der Osten, Hans Henning 275
Von Finckenstein, Elisabeth Grafin Finck 917
von Flotow, Dr. Hans 11792
Von Frauendorfer, Sigmund 1780
von Furstenberg-Stammheim, Graf Egon 8965
von Geische, George, Erben 7956
Von Goldschmidt, Max, and others 406
von Gorrissen, Elbert 8507
von Gorrissen, Theodor 8507
Von Hannekin, Elsa 4517
von Hardenberg, Alice (Alice Louise and Alice Du Pasquier) 6900
von Helmolt, Olga 10760
von Hentig, W. O 8221
von Herff, Katharina 7529
Von Heydekampf, Elizabeth and Gerd Stieler 213
von Heymel, Margarete 8260
von Huelson, W 7530
Von Ilberg, Irmgard 971
Von Ilberg, Konrad 757, 970
von Kirchbach, Margarethe Countess, nee von Martin 10686
Von Knoop, Theodore 2202
von Laer, Augusta and Richard 7436
von Laun, Otto R 7533
von Lindeiner, Arthur Friedrich 6817, 9842
von Martin, Dr. Alfred, Fritz, Hans, and Viktor 10686
Von Martinitz, William F 783
Von Montowt, W. H. J. G 2142
Von Oertzen, Grace H 2416
Von Palm, Baron Alfred, Blanca (Freifrau von Eyb, nee von Palm), Hubertus, Josi, Marina, Silvia, and Verena 4995, 4996
von Platen, Eggert Karl Julius and Ruth 10874
von Plato, Elisabeth Reincke 6817, 9842
Von St. Andre, Alexander Magnus, Bertold, Christa, Irene and Roland 4995, 4996
Von St. Andre, Freiherr Alexander Magnus and Irene 2173
Von Schenk zu Schweinsberg, Alix Louise 2244
von Schilder, Olga 3682
Von Schnitzler, Werner 4994
Von Schuh, Anna 879
Von Seherr-Thoss, Count Wolfgang 450
Von Simson, Walther 1699
von Trenkwald, Marie 7117
von Waltershausen, Charlotte 7962
von Wangenheim, Luise Friefrau 7530

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

von Wangenheim & Co., Bankhaus 7530
Von Warburg-Jkvr, von Lindeiner, E. Ch 1755
Von Warburg-von Lindeiner, E. Ch 1755
Von Weel, Martha 376
von Weizsaecker, Ernst 11291
von Wildau, Arthur 6817, 9842
Vonwiller, Alfred 1696
Vos, Emi (von Andreae) 2819
Voss, Henry 6652
Voss, Henry J 491
Voss, Sophie 6652
Voss, Theodor 10145
Wachenfeld, Gustav O 1106
Wada, K 4911
Wada, Koichiro 4911
Wagner, Caroline 7529
Wagner, Charlotte 634
Wagner, Dr. Max 10511
Wagner, Emma 7437
Wagner, Klara 403
Wakano, Zenjiro 11319
Wakano, Zenziro 9713
Wakida, Tokue 7812
Walliser, Elizabeth 1030
Walter, Johann Friedrich Ernst 1975
Walter, John 1975
Walz-Figdor, Margarete 705
Wanner, Emma 7966
Wantanabe, Juro 781
Warnke, Heinrich 10303
Warns, Olga 8260
Wartman, Kate 11905
Washeim, Anna 1926
Wasmuth, Charlotte 8957
Watanabe, Juro 3099
Watanabe, Kikuyo and Nahjiro 442
Watanabe, Masako 10760
Watanabe, Nakajiro 630
Watanabe, Toro 369
Watanuki, Tetsuo 364
Watashita, Henry C 11319
Watjen, Carl Gustav 6810
Weber, Anna (Anna Funk) 11665
Weber, Franz 11665
Weber, Frederick C 2819, 6550
Weber, Gregor 7444
Weber, Herman 8224
Weber, Hilmar H 2459
Weber, Josephine Proctor 786
Weber, Mrs. Johann 10685
Weber, Rudolph 4169
Wechsler, Jean 9130
Weckenmann, Josef Alois and Karl Josef 6396
Wecoline Products, Inc 2012
Wedekind, Elsa V 9452
Wegener, Elisa 1976
Wehmer-Helmann, Frances and others 8570
Wehr, Elise and Friedrich 8222
Wehrli, Johann, & Cie., A. G 4162, 7534
Weidmann, Luise 1165
Weigand, Drs. C. and E 634
Weigand, Kurt F 6012
Weigand, Margarete 6012
Weikerth, John Joseph 5664
Weilemann, Henriette and Jacob 1979
Weiler, Jakob 1264
Weimer, Martha and William 7437
Weinaker, Martin 1975
Weinrich, Francis J 1494
Weisner, Anna 6656
Weiss, Adele and Paul 380
Weiss, Hans 2617
Weisshaupl, Johann 8965
Weisser, Elizabeth 2695
Welch, Francis C 6011
Welz, Max 3418, 6488
Wemper, Heinrich and Emma 784
Weng, Martin 1975
Wentzky, Alfred and Co 2245
Wenzel, Hedwig M 1216
Werle, Anna 5103

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Werlich, Reginald, and others 9211
Werner, Anna, Else, Gerda, and Heinrich 9842
Werner, Bernhard, Fritz, and Henry 9842
Werner, Elfriede H., Helmut, Joachim P. and Ursula E 49
Werner, Ignatz 7962
Werner, Oscar 9842
Werner, Theodore 4635
Wertheimber, Anna de Bary 753
Wessels, E. A 5377, 10714
Wester, Charles, Helene, Franz, and Ernst 876
Westhaussen, Mathilda 1165
Westhaussen, Robert E 1166
Westholsteinische Bank Altona 972
Westphal, Christoph and Fritz 450
Wetjen, Adele (Adele Budde) 7961
Wetzel, Elizabeth 1047
Wetzel, Kurt and Elizabeth 653
Wetzel, Lilli 1047
Weychardt, Konrad 8219
Weyell, Mrs. Franz 7312
Weyers, Johann 7436
Weyersberg, Herman 1298
Weyh, Sophie Mag 1574
Weyland, Ruth E. (Bredow) 784
Weymann, Henry 1698
Weymann, Paula 1698
Wichern, Gesche 875
Wichern, Henry 371
Wicke, Wilhelmine 371
Wiebelhaus, Anna 10846
Wiebrecht, August, Ernst, Herman and William 107
Wiechmann, Helene Piwowarski 7442
Wiechmann, Herman 4998
Wiemann, Mathias 4364
Wien Film G. m. b. H 1488, 11899
Wilcke, Erina Buss 2773
Wilke, Helmut and Toni 376
Wilkens, Alice 6264
Wilkens, Barabara Marie Leontine (nee Freiin von dem Bussche-Ippenburg) 2994
Wilkens, Christian 4951
Wilkens, William 2994, 4951
Will, L. F. & Co 149
Willenbrock, Marie Louise 197
Williams, Martha R 446
Wilmes, Heribert Wilhelm 7436
Wiltmann, Hans and Marianne 4637
Windau, Frieda and Willy 2358
Windels, Erich 1842
Winterbotham, Joseph E 6592
Winthrop, Bertram 11804
Wippermann, Erich 3098
Wirsig, Margaret 442
Wirth, Berta, Elisabetha C., Emil, Emma, Karl, and Wilhelm Emil 1035
Wisiol, Hanns 12924
Wissmann, Karl 8811
Wistuba, Otto Erich 7436
Wittekind, Franzi 7117
Wittkopp, Joseph 8570
Wittschieben, Clause 375
Wittschief, Sophie Vollbrecht 6551
Woerle, Joseph 49
Woestmann, Anna Amelia Nolte 2776
Wohllebe, Walter 8505
Wolf, Anna 376
Wolf, Ernstine and Gottlieb 443
Wolf, Friedhold 12601
Wolf, Ulrich 5727
Wolff, Marie 5664
Wolff, Paul 753
Wolff-Koch, Aline 978
Wolfrum, George 4481
Wood-Mallabar & Co., Ltd 252
Wozabal, Anton 6265, 6809
Wozabal, Franz 6809
Wrede, Bertha and Henry 251
Wrede, Margaret Korte 7442
Wuerz, Amalia Elfrieda 1035
Wuesthoff, Dr. F 2376
Wulff, Magdalena 450

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Wurst Edith (Loppach) 782
Wyles, Elisabeth Gertrud 7437
Yamada, Mr 11794
Yamada, S. K 9497
Yamagami, Kiuji and Suyekichi 443
Yamagata, Kouko and Sansho 1625
Yamaguchi, Isamu and Katsuichi 968
Yamaguchi, Iwao 3066
Yamaguchi, Kiku and Mokichi 411
Yamakami, Hayamatsu and Nino 1659
Yamakami, Nuio and Hayamatsu 919
Yamakawa, George (Hiroshi) 11320
Yamaki, Ichiro and Mary 631
Yamamoto, Fumiko 654
Yamamoto, Junichi and Yoshino 1493
Yamamoto, Kintaro 3819
Yamamoto, Makiji 9125
Yamamoto, Masashi 294
Yamamoto, Miwako 1700
Yamamoto, Seiichi 4161
Yamamoto, Shizue 7759, 12202
Yamamoto, Takenoba (Takenobu) 3269
Yamamoto, Tsuglo 251
Yamanishi, Gitaro (Jitaro) and Moto 920
Yamao, Enichi 365, 377
Yamao, Matsuyo 365
Yamao, Yoshitaka E 377
Yamasaki, Takazi 11319
Yamasaki, Tom J 11319
Yamashina, Goichi and Toyo 654
Yamashita, Hanjiro 978
Yamato, Mr 11794
Yamauchi, Akira and Takashi D 378
Yamaya, Hisataro 9125
Yamazaki, Tsuneshiro 1695
Yanagimura, Mrs. Masaji 970
Yanamura, Mrs. Masaji and Torahiko 970
Yasuko, Yamada 485
Yasumichi, Fusao and Michitaro 379
Yasutomi, Kinroku and Mrs. Shizuyo 412
Yindra, Anton 10685
Yindra, Mary 10685
Yogi, Toshi 10510
Yokohama Specie Bank, Ltd 2175, 3421, 9275, 9495
Yokomizo, Kaheiji and Matsumi (Hatsumi) 251
Yoneda, Sada 404
Yonemura, Tsuruichi 9213
Yoshida, Masao 10510
Yoshihara, K 6267
Yoshimoto, Daihei 2555
Yoshimoto, Satoru 9185
Yoshimura, Kotaro, Masao, Natsuyo, Ayako, Masako and Tamako 1782
Yoshiwara, Kenroku 3206
Yoshizumi, Shun and Yasumasa 5232
Yoshizumi, Yasumasa 2995
Yrarrazaval Rodridguez y Cia, Ltda 4603
Yunker, George 6657
Yurt, Margaret 1659
Yutake, Mie 3143
Yutani, Koiino Kishino 13012
Zacharias, Maria Katharina, nee Herrmann 10301
Zacharias-Langhans, Helmuth 7436
Zahn, Erwin 8219
Zeimet, Cornelius N 3524
Zeimet, Elizabeth 916, 3524
Zeitler, Helene 8260
Zeitler, Frederike 12534
Zellmer, Edward, August, and William 10412
Zerwick, K. and Franziska 7964
Ziegler, Erika and Kurt 379
Ziegler, Gustav 1762
Ziegler, Louise (Luise and Louise Carrie) 7312
Zimmermann, Emil 7961
Zimmermann, Emilie 655
Zimmerman, Joseph, Jr 5665
Zimmermann, Joseph (Josef) Sr 5665
Zimmermann, Peter 5665, 10685
Zink, Gretchen, nee Geissler 7443
Zinn, Dora 2695, 2715
Zinsstag, Marie Gsell 6551
Zippel, Herbert Ernst 7436

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Zobel, Mathilde Wolf 754
Zoeppritz, Irmgard 5379
Zollenkop, Wilhelm and Will 2201
Zollenkop, William 2141
Zoller, Maria Rosa, nee Lichter 6896
Zollinger, Marie 7964
Zollner, Karl 8966
Zopf, Max 6164, 10145
Zschunke, Selma 875
Zurcher Kantonalbank 3684
Zweck, Maria, nee Herrmann 10301
Zwersehke, Paul 6648
Zweyer, Magdelena and Michael 7964

ALIENS:
Agricultural workers:
Admission of. *See* Immigration and Naturalization Service.
Certification for work by public employment offices. *See* Employment Security Bureau.
Charter of certain vessels to, approval of. *See* Maritime Board, Federal.
Deportation of; immigration regulations. *See* Immigration and Naturalization Service.
Displaced persons. *See* Displaced Persons Commission; Immigration and Naturalization Service; *and* State Department.
Employment on vessels. *See* Coast Guard.
Exchange-visitor program. *See* State Department.
Grants to foreign leaders or students. *See* State Department.
Head tax, aliens not subject to. *See* Immigration and Naturalization Service.
Immigration regulations. *See* Immigration and Naturalization Service.
International airports for entry of; joint regulations of Customs Bureau, Immigration and Naturalization Service, and Public Health Service. *See* Immigration and Naturalization Service.
Military information, exchange of. *See* Air Force Department.
Nationality regulations. *See* Immigration and Naturalization Service.
Nonresident; tax regulations respecting. *See* Internal Revenue Bureau.
Participation of German and Japanese nationals in steamship conferences, etc. *See* Maritime Board, Federal.
Passports and visas. *See* Immigration and Naturalization Service; *and* State Department.
Property of aliens; vesting orders, etc. *See* Alien Property, Office of.
Selective service; classification, registration, etc.:
Executive orders and proclamations respecting. *See* Presidential documents.
Regulations respecting. *See* Selective Service System.
Subversives and undesirables:
Control of persons entering United States, immigration. *See* Immigration and Naturalization Service.
Ineligibility for benefits. *See* Displaced Persons Commission.
Taxation. *See* Internal Revenue Bureau.
Vessels; charter, sale, etc., to aliens. *See* Maritime Board.
Visas. *See* Immigration and Naturalization Service, *and* State Department.

ALLIED HIGH COMMISSION FOR GERMANY; regulations published by German Affairs Bureau. *See* State Department.

ALLOWANCES. *See* Pay, allowances, etc.

AMERICAN BATTLE MONUMENTS COMMISSION:
Transfer of World War II military cemetery at Neuville-en-Condroz, Belgium, to Commission by Army Department 6804

AMORTIZATION OF EMERGENCY FACILITIES: Page
Accounting regulations of Interstate Commerce Commission respecting. *See* Interstate Commerce Commission.
Certifying authority for purposes of; Executive order respecting. *See* Presidential documents.
Income tax regulations respecting. *See* Internal Revenue Bureau.
Policy directive of Defense Mobilization Office. *See* Defense Mobilization Office.

ANCHORAGE REGULATIONS. *See* Coast Guard; *and* Engineers, Corps of.

ANIMAL INDUSTRY BUREAU:
Animal breeds; recognition of breeds and books of record of purebred animals:
Canada:
Animals generally (goats) 1180
Dogs; Stud Book of Canadian Kennel Club, Inc. 3529
Countries other than Canada:
Cattle; The Dun and Belted Galloway Herd Book, recognition of 1019, 2654
Dogs;
Newfoundland Live Stock Register, withdrawal of 3529
Various recognized breeds; Livre des Origines Francais, withdrawal of recognition 1006
Hogs; Herd Book of National Pig Breeders' Assn., Wessex Saddleback Section 3841, 6426
Horses, Thoroughbred and Arabian; Registro-Matricula de caballos de Pura Sangre, withdrawal of record 4
Animal foods, inspection of; certified products for dogs, cats, and other carnivora (inspection, certification, and identification), fees 12931
Anti-hog-cholera serum. *See* Viruses, serums, etc.
Colombia, restrictions on importations from because of rinderpest or foot-and-mouth disease. *See* Exportation and importation of animals and animal products.
Exportation and importation of animals and animal products:
Foot-and-mouth disease. *See* Rinderpest.
Importation of certain animals and poultry into United States (except from Mexico); feed and attendants for animals in quarantine 308
Meats, foreign cured or cooked, from countries where rinderpest or foot-and-mouth disease exists. *See* Rinderpest.
Mexico; special regulations governing export and import of livestock, other animals, and poultry to and from:
Definitions; "poultry" and "communicable disease" 7385
Exportations to; redesignation of certain sections 7385
Importations from; provision respecting poultry 7385
Norway, restrictions on importations from, because of rinderpest or foot-and-mouth disease. *See* Exportation and importation of animals and animal products.
Rinderpest and foot-and-mouth disease; prohibited and restricted importations:
Designation of countries where rinderpest or foot-and-mouth disease exists:
Colombia, importation of certain animals and products from, prohibited 669
Norway 12930
South Africa 1473
Foreign cured or cooked meats from countries where rinderpest and foot-and-mouth disease exists 2955, 10750, 12334
Hog cholera; production, testing, etc., of anti-hog-cholera serum and hog-cholera virus. *See* Viruses, serums, etc.
Meat, foreign cured or cooked, from countries where rinderpest or foot-and-mouth disease exists 2955, 10750, 12334
Mexico; export and import of animals, etc., to and from. *See* Exportation and importation of animals and animal products.
Organization and functions, statement of; revision 1604

ANIMAL INDUSTRY BUREAU—Continued Page

Overtime services, relating to imports and exports; establishment of uniform hourly rate of payment for overtime, night, and holiday inspection and quarantine activities at border, coastal, and airports 3979, 4783
Rabies vaccine; production, testing, etc., at licensed establishments 1640, 2653
South Africa, restrictions on importations from, because of rinderpest or foot-and-mouth disease. *See* Exportation and importation of animals and animal products.
Viruses, serums, etc.:
Anti-hog-cholera serum. *See* Hog cholera.
Biological products; production, testing, etc., at licensed establishments. *See* Licensed establishments.
Hog cholera; anti-hog-cholera serum and hog-cholera virus:
Handling of, in interstate and foreign commerce:
Budget of expenses and fixing rates of assessment for calendar year 1951 3535, 5005
Control agency:
Definition of terms; each handler's prices, discounts and terms of sale 321, 3376
Wholesalers, manner of classifying; proposed rule making 12907
Production and testing, etc.:
Anti-hog-cholera serum; testing:
Dosage, minimum 1640, 2653
Test pigs 1640, 2653
Hog-cholera virus; simultaneous virus:
Holding of 1640, 2653
Sickness and records thereof 1640, 2653
Swine erysipelas 1640, 2653
Licensed establishment; production, testing, etc., of biological products:
Anti-hog-cholera serum or hog cholera virus. *See* Hog cholera, *above*.
Miscellaneous requirements, biological products other than anti-hog-cholera serum and hog-cholera virus; rabies vaccine 1640, 2653
Rabies vaccine; production, testing, etc., at licensed establishments 1640, 2653

ARCHIVIST OF THE UNITED STATES, membership on Federal Fire Council; Executive order respecting. *See* Presidential documents.

ARMED FORCES:
See also Defense Department, *and specific services.*
Absentee ballots for armed forces, free mailing of. *See* Post Office Department.
Active service for military and naval Reserves and for retired personnel of Regular Armed Forces; Executive order respecting. *See* Presidential documents.
Courts-Martial Manual, 1951, Executive orders respecting. *See* Presidential documents.
Enlistments, extension of; Executive order respecting. *See* Presidential documents.
Free importation of gifts; customs regulations. *See* Customs Bureau.
Mail:
A. P. O.'s, postal regulations respecting. *See* Post Office Department.
Free mail privilege for members. *See* Post Office Department.
Naturalization of aliens enlisting or reenlisting in Regular Army. *See* Immigration and Naturalization Services.
Radio operators, amateur, serving in armed forces; waiver of license renewal requirements, extension of time limit on. *See* Federal Communications Commission.
Retired personnel, employment by Federal Civil Defense Administration; Executive order respecting. *See* Presidential documents.
Selective service regulations. *See* Selective Service System.
Tax regulations respecting. *See* Internal Revenue Bureau.
Veterans. *See* Veterans.
Women's Armed Services, separation of certain personnel from Regular Services; Executive order respecting. *See* Presidential documents.

ARMED FORCES DAY, 1951; proclamation respecting. *See* Presidential documents.

ARMED SERVICES PATENT POLICY REVIEW BOARD: Page
Establishment, membership, and functions 11658
Submission of recommendations 11658

ARMISTICE DAY, 1951; proclamation respecting. *See* Presidential documents.

ARMS, AMMUNITION, AND IMPLEMENTS OF WAR; export and import licenses. *See* State Department.

ARMY DEPARTMENT:
See Engineers, Corps of.
Accounts. *See* Claims and accounts.
Active duty:
Authority to order members and units of Army, National Guard, and Organized Reserve Corps into active military service 6968, 8747, 12278
Reserves; Executive order respecting. *See main heading* Presidential documents.
Advance payments, on procurement contracts. *See* Procurement.
Advertising for bids, for procurement of supplies. *See* Procurement.
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Allotments of pay; class Q allotments for dependents of enlisted members. *See* Claims.
Allowances. *See* Pay and allowances.
Appeals, Military, Court of; rules of practice and procedure 7279
Appointment of commissioned officers and warrant officers:
Medical, Dental, Veterinary, Medical Service, Army Nurse and Women's Medical Specialist Corps, Regular Army:
Age and special eligibility requirements:
Medical Service Corps 1475, 10737
Veterinary Corps 1475
Women's Medical Specialist Corps; educational requirements 10737
Application 1476
Evaluation Boards 1476
Grade determination; Medical Corps or Dental Corps 1476
Service credit 1475
National Guard, appointment of medical and dental officers and chaplains; revocation 6919
Officers in Regular Army; general eligibility requirements 6773
Waivers for age; revocation 6773
Waivers of requirements; revocation 6773
Officers' Reserve Corps, appointments in. *See* Reserves, organized.
Armed Services Patent Policy Review Board; establishment, membership, and functions 11658
Armed services procurement regulations, joint regulations of armed forces. *See main heading* Defense Department.
Army Nurse Corps. *See* Medical officers.
Arrest and confinement of persons not subject to military law 5471
Authority, delegation of:
From Secretary to various officials, with respect to release of records information:
Adjutant General 3309
Civilian Personnel Director 3309
Commanding officers:
Of activities of Army Establishment 3309
Of medical treatment facilities 3309
Engineers, Chief of 3309
Surgeon General 3309
To Secretary:
From National Production Authority, to process applications under NPA Order M-4A, and to make allotments and to assign ratings under CMP Regulation No. 6 with respect to certain construction (Civil Works Corps of Engineers projects, Panama Canal Company, Domiciliary Building, Old Soldier's Home) 9784
From Secretary of Defense:
Active duty; authority to order members and units of National Guard, Army, and Organized Reserve Corps, into active military service 6968, 8747
Redelegation of authority to Continental Army Commanders 12278

ARMY DEPARTMENT—Continued — Page

Authority, delegation of—Continued
To Secretary—Continued
From Secretary of Defense—Continued
Facilities for administration and training of units of reserve components — 9823
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years — 9666
Badges. *See* Decorations, medals.
"Benevolence", wreck of, in Pacific Ocean near Golden Gate, Calif.; demolition — 9441
Bids, for procurement of supplies. *See* Procurement.
Blind-made products; interdepartmental procurement — 4030, 4751
Boards. *See* Committees, boards, etc.
Bonds, in connection with procurement — 4077
Burials of military personnel:
Expenses; claims against United States for. *See* Claims and accounts.
In national cemeteries. *See* Cemeteries.
Cemeteries:
National cemeteries; revision — 11914
Administration, control, and supervision — 11914
Construction; roads, rights-of-way, etc — 11915
Defacing, penalty for — 11915
Donations — 11915
Headstones and monuments — 11917
Interments and disinterments — 11915
Who may be interred, listed — 11915
List of national cemeteries under jurisdiction of Army — 11918
World War II United States military cemetery at Neuville-en-Condroz, Belgium; transfer of administrative functions pertaining to, from Department to American Battle Monuments Commission — 6804
Chaplains:
Appointment in Active Reserve — 9072
Appointment in National Guard; revocation — 6919
Private ministrations, sacraments, and ordinances — 12931
Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 11043
Claims and accounts:
Allotments of pay; class Q allotments, for dependents of enlisted members:
Allotment offices — 3986
Definition — 3986
Eligible allottees — 3986
Requirements, amounts, applications for, etc — 3986, 6918
Claims against United States:
Burial expenses; expenses allowable:
Components other than Regular Army — 5931
Military prisoners — 5931
Personnel of Army of United States, Regular Army, and civilian employees of Department of Army:
Interment expenses:
In national or post cemetery — 5931
In private cemetery — 5931
Transportation costs, rescission — 5931
Claims for damage to or loss or destruction of property or for personal injury or death, incident to noncombat activities of Army Department or of Army:
Claims cognizable under Federal Tort Claims Act — 3006
Claims of subrogees — 7822
Depredation — 7822
Procedure — 7822
Claims under various acts, etc.:
Federal Tort Claims Act — 3006
Foreign Claims Act — 7823
Military Claims Act — 7822
Uniform Code of Military Justice (Article 139) — 6245
Enlisted men absent without leave, deserters, and escaped military prisoners; apprehension, etc.:
Apprehension:
Civil officer or civilian, inquiry from — 5618
Civil personnel — 5618
Classes of absentees not to be apprehended — 5618
Military personnel — 5618
State and local police authorities, cooperation of — 5618

ARMY DEPARTMENT—Continued — Page

Claims and accounts—Continued
Claims against United States—Continued
Enlisted men absent without leave, deserters, and escaped military prisoners; apprehension, etc.—Continued
Definitions — 5278
Payment for arrest and delivery of person apprehended — 5278, 11768
Property and personal effects — 5618
General provisions; revision — 7144
Mustering out payments:
Definitions; "member of Armed Forces" — 12547
Payments on behalf of members discharged as mentally incompetent of managing their own affairs — 12547
Payments to survivors; general:
By whom made — 12547
Payments to guardians and committees of survivors — 12547
Time of payment — 12546
To whom payable and not payable — 12546
Tort claims — 3006
Court fees, military:
Depositions, taking of; oaths — 5008
Interpreters — 5008
Reporters — 5008
Witnesses, expert — 5008
Gratuity upon death:
Amount of death gratuity, computation of — 10628
Payment — 10628
Special determination — 10630
Mentally incompetent personnel, payments on behalf of — 3154
Mustering out payments — 12547
Retirement pay; persons who may be designated trustees — 3533
Clubs, service. *See* Military reservations.
Committees, boards, etc.:
Armed Services Patent Policy Review Board; establishment, membership, and functions — 11658
Boards of Review, in connection with military justice. *See main heading* Defense Department.
Contract Appeals, Armed Services Board of. *See main heading* Defense Department.
Contract Finance Committee, representation on — 3554
Correction of Military Records, Army Board on; auhority, proceedings, etc — 767, 8271
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Discharge Review Board, Army; applications, proceedings — 318
Optical Fire Control Integration Committee; membership, and description of voluntary plan — 1965, 3315
Confidential information. *See* Information.
Confidential or secret contracts; procurement regulations respecting — 12338
Construction, certain (civil works projects of Corps of Engineers, Panama Canal Company, and Domiciliary Building, Old Soldiers' Home); delegation of authority to Secretary from National Production Authority to process applications under M-4A, and to make allotments and assign ratings under CMP Regulations No. 6 — 9784
Contract Appeals, Armed Services Board of, charter and rules. *See main heading* Defense Department.
Contract Finance Committee, representation on — 3554
Contracts, Government:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Contractual authority in connection with emergency powers; joint regulations of armed forces. *See main heading* Defense Department.
Defense production pools; exemption from stipulation of section 1 (a) of Public Contracts Act requiring that contractor be manufacturer or regular dealer in materials, supplies, etc., under contract — 5847
Financing defense contracts, policy respecting. *See main heading* Defense Department.
Procurement regulations respecting. *See* Procurement.

ARMY DEPARTMENT—Continued — Page

Contracts, Government—Continued
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years — 9666
Copyrights and patents; procurement regulations — 4063
Correction of Military Records, Army Board on; authority, proceedings, etc — 767, 8271
Courts fees, for military courts or commissions. *See* Claims and accounts.
Court of Military Appeals; rules of practice and procedure — 7279
Courts-Martial Manual, 1951; Executive orders respecting. *See main heading* Presidential documents.
Creditors of military personnel; assistance to — 4889
Debts, of military personnel; assistance to creditors — 4889
Deceased personnel:
Assistance to relatives and others in connection with deceased personnel:
Advice to supposed beneficiary, and furnishing vouchers, rescission — 11430
Correspondence respecting circumstances of death — 11430
Release of information to public or press — 11430
Effects of deceased persons, disposition of:
Civilian employees not subject to military law — 7279
Persons subject to military law, deceased or missing outside theatres of operations — 7278
Notification to emergency addressee in case of death occurring within United States; responsibility of installation commander — 11430
Sympathy letters — 11430
Burial expenses, claims for — 5931
Burials in national cemeteries. *See* Cemeteries.
Gratuity upon death, claims for; amount, payment, etc — 10628
Decorations, medals, ribbons and similar devices:
Awards of decorations:
Awards to be made for specific acts in short period of time — 7765
By whom awarded; brigadier general — 7765
Badges:
General provisions; application for, posthumous award, replacement, exhibition, etc — 11107
Marksmanship badges; rescission — 11108
Qualification badges — 11108
Decorations for individuals:
Air Medal — 2957
Distinguished-Flying Cross — 2957
Purple Heart; standards — 9072
Service medals, Medal for Humane Action; eastern boundary of area of Berlin airlift operations — 391
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act:
Designation as claimant agency for programs under — 4913
Guarantee of loans under Act, modification of functions of Department; Executive order respecting. *See main heading* Presidential documents.
Dental care. *See* Medical and dental care.
Dental officers. *See* Medical officers.
Deserters and men absent without leave; claims for apprehension of. *See* Claims and accounts.
Discharge Review Board, Army; applications, proceedings — 318
Discharge or separation from service; discharge for convenience of Government — 7147
Education, military; Army officer candidate courses, revision — 10520
Eligibility requirements — 10520
Enlistment and agreement to active duty — 10520
Physical requirements — 10520
Enlisted Reserve Corps. *See* Reserves.
Enlistments:
Extension of; Executive order respecting. *See main heading* Presidential documents.
In Regular Army and Air Force:
Classes ineligible for enlistment — 3032
Women, enlistment of; rescission — 10159
Fees, payable to witnesses, interpreters, reporters, etc., in military courts. *See* Claims and accounts.

ARMY DEPARTMENT—Continued — Page

Foreign nationals; medical treatment in Army hospitals — 2146
Foreign purchases; procurement regulations — 4033
Foreign trade and financial investments in Japan. *See* Japan.
Forms of procurement contracts. *See* Procurement.
Freight, military; preference and priority for transportation. *See main heading* Defense Transport Administration.
Hawaii, restoration of described lands in Fort Armstrong and Fort Ruger Military Reservations to Territory of Hawaii; Executive order respecting. *See main heading* Presidential documents.
Hospital care. *See* Medical care.
Hospitals; position of student laboratory technician, exclusion from provisions of Federal Employees Pay Act and Classification Act and stipend for — 5199, 5200
Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices. *See main heading* Defense Department.
Incompetent personnel. *See* Mentally incompetent personnel.
Information, release to public:
Army records, information from — 3296
Authority of various officials respecting — 3309
Deceased personnel, information respecting — 11430
Secret or confidential contracts; procurement regulations — 12338
Security; guidance for manufacturers holding Army contracts as to release of information respecting production, etc — 10041
Insurance, in connection with procurement — 4077
Japan, foreign trade and financial investments in; regulations of interest to American citizens, promulgated by Supreme Commander for Allied Powers:
Control of entry and exit of merchant vessels:
Designation of port of destination on bill of lading for export cargo — 2445
Discharge of cargo consigned to Japan unless licensed for exit — 2445
Entry requirements and business activities; permission to do business — 5904
Justice, military. *See* Military justice.
Labor, provisions in procurement contracts respecting — 4087
Lands, public; withdrawal of, for use by department. *See main heading* Land Management Bureau.
Library service. *See* Military reservations.
Maritime Service, United States, enrollees; medical treatment in Army hospitals — 6506
Medals. *See* Decorations, medals.
Medical and dental care, for Army personnel and others:
Army hospital regulations:
Army and Navy General Hospital; rescission — 11222
Army and Navy Hospital, Hot Springs, Arkansas; regulations applicable to — 11222
Executive order respecting authority to prescribe regulations. *See main heading* Presidential documents.
Disposition of patients — 2125
Persons eligible to receive medical care at Army medical treatment facilities:
Civilian employees — 2146
Foreign governments, nationals of — 2146
Merchant Marine Cadet Corps, members of — 6506
Retired personnel, and dependents — 2146
Seamen, American, within or outside continental United States, its territories or possessions — 3533, 6506, 7824
United States Maritime Service, enrollees in — 6506
Widows, unremarried, of deceased Armed Forces personnel whose death occurred while on active duty or in retired status — 6506
Dental attendance; revision — 12693
Civilian dentists, dental care by — 12694
Payment for services — 12694
Definition — 12693
Dental materials — 12693
Dental officers, private practice by — 12694
For whom authorized — 12693

ARMY DEPARTMENT—Continued Page

Medical and dental care, for Army personnel and others—Continued
Dental attendance; revision—Continued
General provisions; precedence in treatment, selection of professional procedures, dental care by medical officers, etc 12693
Persons on detached service, report to dental officer 12694
Medical care:
By civilian physicians or civilian medical treatment facilities 8886
Civilian physicians practicing upon military reservations, posts, or camps; rescission 7928
Definition of medical care 7929
For whom authorized and manner provided 7929
General; rescission 7928
In medical treatment facilities of Federal agencies outside Department of Defense 8886
Narcotics prescriptions, issuance of, by medical officers, to be filled at civilian pharmacies; rescission 7928
Physical examination of civilians by medical officer; rescission 7928
Private medical practice of civilian physicians within a military installation 7929
Private practice by medical officers; rescission 7928
Medical officers:
Appointment of. *See* Appointment; *and* National Guard.
Contract surgeons; qualifications, duties, contracts, pay, etc 6178
Pay and allowances 10630
Examinations for promotion of medical, dental, and veterinary officers, suspension of; Executive order respecting. *See main heading* Presidential documents.
Officers' Reserve Corps, appointments in. *See* Reserves, organized.
Mentally incompetent personnel, payments on behalf of 3154
Mustering out payments 12547
Retirement pay; persons who may be designated trustees 3533
Merchant Marine Cadet Corps; medical treatment in Army hospitals 6506
Military Academy, West Point. *See* United States Military Academy.
Military Government of Japan. *See* Japan.
Military justice:
Boards of Review, uniform rules of procedure; joint regulations of armed forces. *See main heading* Defense Department.
Court of Military Appeals; rules of practice and procedure 7279
Courts-Martial Manual, suspension of limitations on certain punishments prescribed by; Executive order respecting. *See main heading* Presidential documents.
Military reservations:
Fort Armstrong Military Reservation, Hawaii, restoration of described lands to Territory of Hawaii; Executive order respecting. *See main heading* Presidential documents.
Fort Ruger Military Reservation, Hawaii, restoration of lands to Territory of Hawaii; Executive order respecting. *See main* heading Presidential documents
Libraries. *See* Service clubs and libraries.
Motion picture service; revision 3300
Admission charges 3300
Army and Air Force Motion Picture Service 3300
Command responsibility 3300
Eligible patronage 3300
Films; supply, selection, etc 3300
Insurance and indemnity coverage 3300
Real estate, Army Department, policy respecting use of, for private purposes; seeking competition for use 10963
Security orders; designation of commanding officers of military reservations to issue orders for protection of property or places under their jurisdiction 4945

ARMY DEPARTMENT—Continued Page

Military reservations—Continued
Service clubs and libraries; revision 3556
Service clubs and libraries 3556
Army Library Service 9072
Personnel; qualifications 3556
Service clubs 3556
Alcoholic beverages, use prohibited 3556
Gambling, prohibited
Personnel; appointment, positions and duties, qualifications, etc 3556
Responsibility of various officials and directors 3556
Vending machines, installation and operation 3556
Minerals, in certain lands near Caddoa (John Martin) Dam, Colorado; jurisdiction over 10696
Motion picture service. *See* Military reservations.
Mustering-out payments; claims against United States for. *See* Claims and accounts.
National Guard and State Guard:
National Guard:
Active service; authority to order members and units into active military service 6968, 8747
Redelegation of authority to Continental Army Commanders 12278
Appointment of medical and dental officers and chaplains; revocation 6919
Federal recognition:
Persons eligible for Army National Guard 6919
Requirements for recognition for Army National Guard 6920
Individuals discharged from, eligibility for Enlisted Reserve Corps 12183
Officers' Candidate School, Army extension courses 7824
State Guard regulations; status, mission, cooperation with Federal forces, equipment, training, etc 5473
Negotiation, procurement by. *See* Procurement.
Nurse Corps. *See* Medical officers.
Officers:
Appointment. *See* Appointment; *and* National guard.
Medical officers. *See* Medical officers.
Officer candidate courses. *See* Education, military.
Officers' Reserve Corps. *See* Reserves.
Reserve Officers' Training Corps. *See* Reserves.
Oil deposits within certain military reservations; transfer of jurisdiction over, to Interior Department:
Camp Breckenridge Military Reservation, Kentucky 6132
Sioux Ordnance Depot, Cheyenne County, Nebraska 2441
Optical Fire Control Integration Committee; membership, and description of voluntary plan 1965, 3315
Organization and functions:
Agencies dealing with the public:
Chemical Corps, Chief of; Office of 3808
Civilian Marksmanship, Director of, Office of 3980
Quartermaster General, Office of 3361
Rifle Practice, National Board for Promotion of 3090
Signal Officer, Chief, Office of 7775
Surgeon General, Office of 3090
Transportation, Chief of, Office of 4803
Central and field agencies:
Operations and Administration, Deputy Chief of Staff for 8144
Special Staff; Office of Chief of Psychological Warfare 8144
Organized reserves. *See* Reserves.
Panama Canal, employment in; Executive order respecting. *See main heading* Presidential documents.
Patent Policy Review Board, Armed Services; establishment, membership and functions 11053
Patents and copyrights; procurement regulations 4063
Pay and allowances:
Allotments of pay. *See* Claims and accounts.
Quarters allowances, pursuant to Career Compensation Act; Executive order respecting. *See main heading* Presidential documents. 4933
Reserve Officers' Training Corps 6178, 10630
Surgeons, contract 4837
United States Military Academy

ARMY DEPARTMENT—Continued Page

Payments, advance, on procurement contracts. *See* Procurement.
Personnel review boards:
Army Board on Correction of Military Records; authority, proceedings, etc 767, 8271
Army Discharge Review Board:
Application for review 318
Proceedings of 318
Physicians and surgeons. *See* Medical officers.
Pistol and rifle competition; national matches, 1951 9318
Price control; exemption from price control of certain sales of military items to Defense Agencies. *See main heading* Price Stabilization, Office of.
Prisoners, military:
Apprehension of; claims for payment for. *See* Claims and accounts.
Burial expenses; allowable claims for 5931
Clemency 5930, 6246
Correspondence and visits 5930
Prison-made products; interdepartmental procurement 4030, 4751
Procurement:
Armed services procurement regulations, joint regulations of armed forces. *See main heading* Defense Department.
Army procurement procedure 3987
Acceptance and inspection 4095
Advance payments. *See* Negotiation, procurement by.
Advertising, formal, procurement by; bids 4011
Opening of bids and award of contract:
Distribution of bids and abstracts, Procurement Information Center 10696
Mistakes in bids 7659
Principal purchasing offices 5473
Responsible bidder 12339
Synopses of awards 6507
Qualified products lists; Standards Branch substituted for Current Procurement Branch 10948
Solicitation of bids:
Distribution of invitations for bids:
Procurement Information Center, address of 5473
Reference 5655
Methods of soliciting bids; time allowed before opening 7659, 12339
Newspaper publication; rates, forms to be used 4750
Preparation of forms; compliance with ceiling price regulations 12338
Synopses of invitations for bids 5473
Submission of bids; modification or withdrawal of bids 7659
Use of formal advertising 4749
Lists of bidders, reference 10696
Bids and awards; procurement by formal advertising. *See* Advertising.
Blind-made products; interdepartmental procurement 4030, 4751
Bonds and insurance 4077
Contract clauses and forms 4034
Approved contract forms (Standard, Defense, and Army):
Academic instruction, off duty; contract and order form 4752
Bonds for government contracts 4752
Lease agreement, Government-owned personal property—DA AGO Form R–5704 10696
Form, sample of 10696
List of forms 10696
Purchase Order (WD Form 18), renegotiation 7660
Rental agreement, Government-owned construction or road maintenance equipment; rescission 10696
Security agreement, DD Form 441 5656, 5864
Clauses for fixed-price supply contracts:
Assignment of claims 10248
Ceiling prices, compliance with 12339
Default 6507, 10249
Military security requirements 12339
Neutrality Act of 1939, overseas procurement 5656

ARMY DEPARTMENT—Continued Page

Procurement—Continued
Army procurement procedure—Continued
Contract clauses and forms—Continued
Clauses for fixed-price supply contracts—Con.
Plant protection; Government-owned contractor operated plants 7660
Renegotiation Act of 1948 10696
Renegotiation Act of 1951 4751
Subcontracting 7660, 10696
Title II, First War Powers Act, 1941, as amended 7660
Contracts, types of. *See under* Negotiation, procurement by.
Coordinated procurement 4030
Preparation of procurement requests 10248
Copyrights and patents 4063
Current Procurement Branch. *See* Purchases Branch.
Foreign purchases 4033
Forms. *See* Contract clauses and forms.
General provisions:
Administrative procedures:
Approval clause; renumbering 7651
Contract review; renumbering 7651
Contracts under authority of Title II, First War Powers Act, 1941, as amended 7651
Documentary evidence of purchases; requirement 7651
Exigency and competition impracticable; renumbering 7651
Information to be furnished when requesting approval of contracts or awards:
Information required by Chief, Current Procurement Branch; personnel service contracts 7651
Information required in connection with authority under Title II, First War Powers Act, 1941, as amended 7651
Major oversea commands, reference 10696
Modifications of contracts 7651
Numbered contracts 12338
Numbering agency, Accounting Division 4749
Numbering system, Accounting Division 4749
Secret and confidential contracts 12338
Vendor's certificate 4749
Authority under Title II of First War Powers Act as amended, and Executive Order No. 10210, exercise of 7652
Formalization of informal commitments, conditions under which relief may be granted, reference 10696
Basic policies:
Certificates of necessity, use of; and expediting production funds 12338
Contract awards, synopses of 6506
Action by purchasing offices:
Assistance in letting subcontracts; rescission 7651
Copy of synopsis to be available; rescission 7651
Applicability; unclassified contracts 7651
Contents of synopsis 7651
Reference, correction 7651
Contractors, selection of 12337
Methods of procurement 7659
Synopses of proposed procurements 5472, 12336
Applicability; unclassified procurement 6506, 7651
Statement of policy 7650
Teletyping synopses, instructions for 7651
Definitions of terms; purchasing offices, definition and principal locations 6506
Procurement action reporting:
DA AGO Form 377 (monthly summary); submission by general depots, rescission 5655
Instructions for preparation of DA AGO Form 377 (monthly summary); at Class II installations 10696
Reports in connection with actions taken under authority of Title II, First War Powers Act, 1941, as amended 7652
Retention of procurement action reports 6507
Scope of subpart 7651

ARMY DEPARTMENT—Continued Page

Procurement—Continued
Army procurement procedure—Continued
General provisions—Continued
Procurement responsibility and authority; responsibility of each procuring activity under Title II, First War Powers Act, 1941, as amended 7651
Purchasing offices, principal, Quartermaster Corps; Jeffersonville Quartermaster Depot, deletion 10248
Small purchases procedure:
Contracts to include clauses on Renegotiation Act of 1951, and ceiling prices 4749, 12338
Use of Form 383 as a delivery order 5654
Government property 4093
Contract clauses 10249
Industrial facilities; contractor operated motor vehicles 10249
License plates 4752
Manual for control of Government property in possession of contractors, implementation of 10253
Sales of materials and special items 12339
Inspection and acceptance 4095
Insurance and bonds 4077
Interdepartmental procurement 4030
Blind-made products 4751
Federal Supply Service, procurement from supply centers of 4750
Federal Supply Service Centers, Boston and Los Angeles added 10696
Prison-made products 4751
Labor; convict labor, nondiscrimination, regulations under various acts, etc 4087
Premium wage compensation 8
Negotiation, procurement by 4018
Advance payments:
Authority to make, vested in Assistant Secretary of Army (General Management) 5655
Contract clauses, reference 10696
Deposit of money in special bank account 5655
Security provisions 5655
Circumstances permitting negotiations; Title II, First War Powers Act, 1941, as amended 7659
Contracts, types of:
Conditions for use 5655
Letter contracts:
For research and development; rescission 7659
Supersedure by definitive contract 6507, 10696
Other types of contracts; informal commitment 7659
Determinations and findings (under authority of Title II, First War Powers Act, 1941, as amended):
By contracting officer 4750
By head of procuring activity signed as "chief officer responsible for procurement" 4750, 7659
By Secretary 7659
Forms of determinations and findings; Under Secretary of Army changed to Assistant Secretary of Army (General Management) 5655
Method of contracting 4750
Procedure with respect to 7659
Use of negotiation:
Awards; selection of contractors 12339
General requirements for negotiation 7659
Negotiation as distinguished from formal advertising; requests for proposals, unclassified negotiated procurements 7659
Revocation 12339
Synopses of proposed procurements and awards 5473, 6507
Patents and copyrights 4063
Prison-made products; interdepartmental procurement 4030, 4751
Purchases Branch, and Chief, Purchases Branch substituted for Current Procurement Branch, and Chief, Current Procurement Branch 10696
Reports, of procurement action 5655, 6507, 7651, 7652, 10696
Secret and confidential contracts 12338
Security; public information guidance for manufacturers holding contracts 10041

ARMY DEPARTMENT—Continued Page

Procurement—Continued
Army procurement procedure—Continued
Small purchases procedure; contract clauses and forms 4749, 5654, 12338
Taxes; Federal, State and local 4083
Termination 4057
Joint regulations of armed forces, armed services procurement regulations. *See main heading* Defense Department.
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
Professional and technical personnel; appointment in Officers' Reserve Corps 2936
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
Railroads:
Agreement between carriers and Brotherhood of Railroad Trainmen reached, adjustments in wages and working conditions to be placed in effect 6152
Labor disputes involving certain railroads operated by Army Department; Executive order respecting. *See main heading* Presidential documents.
Real estate, Army Department, policy respecting use of, for private purposes; seeking competition for use 10983
Records and reports:
Access to records and reports, and release of information from Army records to public 3296
Authority of various officials respecting 3309
Army Board on Correction of Military Records: authority, proceeding, etc 767, 8271
Procurement action, reports of 5655, 6507, 7651, 7652, 10696
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.
Reports. *See* Records and reports.
Reserves, organized:
Active service:
Authority to order members and units of Organized Reserve Corps into active military service 6968
Executive order respecting. *See main heading* Presidential documents.
Enlisted Reserve Corps:
Eligibility:
Age:
Applicants with prior service:
Individuals discharged from Organized Reserve Corps and National Guard 12183
Individuals discharged from Regular Army or Air Force 12183
Original enlistment 12183
Dependents 12183
Female applicants, mental qualifications and educational requirements 12183
Hardship, individuals previously discharged because of 12183
Grade 12184
Ineligibility 12183, 13087
Length of enlistment 12184, 13087
Physical examination 12184
Section for which enlisted 12184
Enlistments, extension of; Executive order respecting. *See main heading* Presidential documents.
Facilities for administration and training of units of reserve components; delegation of authority respecting 9823
Officers' Reserve Corps; appointments:
Applications and allied papers 4527
Army Medical Service sections, appointment in 2597
Army Nurse Corps; appointment in grade of second lieutenant 7985
Medical Service Corps; medical laboratory specialists:
For appointment as second lieutenant 7984
For appointment in grades of first lieutenant through colonel 7985
Specialties; medical technology added 7985
Volunteer Reserve, limitation on appointments in 6022
Chaplains section; limitations on appointments in Active Reserve 9072

ARMY DEPARTMENT—Continued Page

Reserves, organized—Continued
Officers' Reserve Corps; appointments—Continued
Professional and technical personnel, appointment of 2936, 12224
Warrant officers and enlisted personnel, appointments of:
Army Extension Courses; State National Guard Officers' Candidate School 7824
Personnel eligible 7824
Vacancies 6771, 7824
Women's Army Corps section, appointment in 5471
Reserve Officers' Training Corps:
Organization and training of units:
Classification of ROTC units:
Junior division, class MS; revocation 6771
Senior division, class MI 6771
Conditions for establishment and retention of units 8982, 13085
Curtailment of courses by professor of military science and tactics 13085
Enrollment in ROTC:
Conditions:
Conviction by civil or military court, waiver of 8982
Physical defects, waiver of 8982
Enrollment in specific course, conditions for:
Academic requirements for basic course, senior division 6771
Age requirements 10807
Senior and junior division units at same institutions; required minimum enrollment to be maintained 13085
Training Camps; establishment, supervision, etc 4932
Attendance 4932
Dismissal and withdrawal 4034
Pay and allowances 4933
Students without funds 6771
Transportation 4933
Retired personnel:
Active service; Executive order respecting. *See main heading* Presidential documents.
Hospital care, for retired personnel and dependents 2146
Mentally incompetent personnel, retired; persons who may be designated trustees to handle retirement pay 3154, 3533
Review boards. *See* Committees, boards, etc.
Rifle and pistol competition; national matches, 1951 9318
Seamen, American; admission and treatment in medical treatment facilities of Department of Army within or outside continental United States, its territories and possessions 3533, 6506, 7824
Secret and confidential contracts; procurement regulations respecting 12338
Security:
Designation of commanding officers of military reservations to issue security orders for protection of property or places subject to their jurisdiction 4945
"Military Security Requirements" clause, to be inserted in certain secret, confidential, etc., supply contracts 12339
Public information security guidance for manufacturers holding contracts awarded by Army 10041
Service clubs. *See* Military reservations.
Small purchases procedure; contract clauses and forms 4749, 5654, 12338
State Guard regulations. *See* National Guard and State Guard.
Surgeons:
See also Medical officers.
Contract surgeons; qualifications, duties, contracts, pay, etc 6178
Pay and allowances 10630
Taxes (Federal, State and local); procurement regulations respecting 4083
Tort claims, against United States. *See* Claims and accounts.
Training camps for reserve officers. *See* Reserves, organized.
Transportation, by rivers, inland waterways, etc., responsibilities in connection with; Executive order respecting. *See main heading* Presidential documents.

ARMY DEPARTMENT—Continued Page

United States Military Academy, admission to; revision 4528
Admission, general 4528
Alternates and competitors, qualified 4530
Appointments 4528
Course of study 4537
Deposit 4536
Direction and supervision 4528
Entrance examinations 4536
Entrance requirements 4530
Nomination, sources of 4528
Pay and allowances 4537
Physical conditioning and requirements 4532
Preparatory school, USMA 4536
Previous qualification 4536
Promotion after graduation 4537
Records, candidate submission of 4536
Veterinarians. *See* Medical officers.
Voluntary plan and regulations of Ordnance Corps governing Optical Fire Control Integration Committee:
Description of plan 1966
List of companies requested to participate in formation and activities of Committee 1965, 3315
Warrant officers, appointment of. *See* Appointment of commissioned officers and warrant officers; *and* Reserves, organized.
West Point. *See* United States Military Academy.
Women's Armed Services:
Appointment of officers in Army Nurse Corps and Women's Medical Specialist Corps. *See* Appointment of commissioned officers; *and* Reserves, organized.
Enlisted Reserve Corps, women applicants for; mental qualifications and educational requirements for 12183
Reserve Corps, Officers', appointments in. *See* Reserves, organized.
Separation of certain personnel; Executive order respecting. *See main heading* Presidential documents.
Women's Army Corps:
Appointments in WAC section, Officers' Reserve Corps 5471
Applications, for subsequent commission in Women's Army Corps, Regular Army:
Loyalty certificates 318
Transcript of college credits 318
Enlistment of women in Army and Air Force; rescission 10159
Wreck of "Benevolence", in Pacific Ocean near Golden Gate, California; demolition 9441

ATOMIC ENERGY COMMISSION:
Airspace reservations, over certain projects; Executive orders respecting. *See main heading* Presidential documents.
Appointment of persons of outstanding ability without compensation; Executive order respecting. *See main heading* Presidential documents.
Claimant agency for programs under Defense Production Act 4913
Committees:
Committee on Government Contract Compliance, representation on; Executive order respecting. *See main heading* Presidential documents.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585
Interagency Defense Mobilization Regional Committees; representation on 8673
Construction, in connection with programs of Commission; authority respecting:
To make allotments of controlled materials and to apply priority (DO) ratings and allotment numbers on direct contracts and purchase orders to meet authorized operations and construction programs as claimant under Defense Production Administration Order No. 1 1508, 7368
Confirmation of prior issuances 738
Director, Division of Construction and Supply; authority to assign or apply DX ratings 10136

ATOMIC ENERGY COMMISSION—Continued Page
Construction, in connection with programs of Commission; authority respecting—Continued
To process applications under NPA Order M-4A and to make allotments and assign ratings under CMP Regulation No. 6 7628
Contract compliance, Government, Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
Contracts and purchases. *See* Procurement.
Defense Mobilization Regional Committees, Interagency; representation on 8673
Housing in critical defense areas; residential credit controls. *See main heading* Housing and Home Finance Agency.
Labor-management relations, security in connection with. *See* Security policies and practices.
Loan guarantees under Defense Production Act, designation of Commission as guaranteeing agency; Executive order respecting. *See main heading* Presidential documents.
Organization and procedures 2404
Procurement:
Construction programs, procurement in connection with; delegation of authority respecting. *See* Construction.
First War Powers Act, contracts and purchases under; Executive order respecting. *See main heading* Presidential documents.
Loan guarantees under Defense Production Act, functions of Commission in connection with; Executive order respecting. *See main heading* Presidential documents.
Policies with respect to methods of procurement 1759
Authority; procurement responsibility and authority, administrative provisions 1764
Award of contracts, justification of; administrative provisions 1764
Basic policies; general provisions 1761
Definitions of terms; general provisions 1761
Procedure; methods:
Procurement by Commission:
With formal advertising 1762
Without formal advertising 1763
Procurement by cost-type contractors 1764
Responsibility, procurement; administrative provisions 1764
Public lands, withdrawal for use of Commission. *See main heading* Land Management Bureau.
Radioisotope distribution 1089, 3251
Residential credit control, relaxation of, in critical defense housing areas near installations of Commission. *See main heading* Housing and Home Finance Agency.
Security policies and practices, relating to labor-management relations 9679
Transport, Storage and Port Utilization (domestic), Interagency Advisory Committee on; representation on 585
Transportation of military freight; preference and priority. *See main heading* Defense Transportation Administration.
Uranium, domestic program:
Bonus for initial production of uranium ores from new domestic mines 3261, 6426
Guaranteed minimum price (1951–1958) for uranium-bearing carnotite-type or roscoelite-type ores of Colorado Plateau area 2333
Schedule I of minimum prices with specifications and conditions 2334
ATTORNEY GENERAL. *See* Justice Department.
AUDUBON CENTENNIAL YEAR; proclamation respecting. *See* Presidential documents.
AVIATION DEFENSE REQUIREMENTS, OFFICE OF; establishment in Civil Aeronautics Administration. *See* Civil Aeronautics Administration.

B

BANKS:
Depositaries of public moneys; regulations of Accounts Bureau, Treasury Department. *See* Treasury Department.
Federal land banks. *See* Farm Credit Administration.
BANKS—Continued Page
Federal Reserve System, member banks of. *See* Federal Reserve System.
Federal savings and loan system. *See* Home Loan Bank Board.
Holding companies, certain banks as; exemption from registration, etc., requirements of Public Utility Holding Company Act of 1935. *See* Securities and Exchange Commission.
Home loan banks. *See* Home Loan Bank Board.
Insured deposits. *See* Federal Deposit Insurance Corporation.
Mail money shipments; excepted from restricted mail service order. *See* Post Office Department.
Reports:
Canadian banks. *See* Securities and Exchange Commission.
Insured banks. *See* Federal Deposit Insurance Company.
BLIND-MADE PRODUCTS, COMMITTEE ON PURCHASES OF:
Agencies employing blind persons; restrictions 12667
National Industries for the Blind, functions in connection with distribution of orders among agencies for blind persons 6753
Purchases of blind-made products; revision 6753
BLIND PERSONS:
Blind-made products. *See* Blind-Made Products, Committee on Purchases of; Army Department; *and* Defense Department.
Employment in sheltered workshops. *See* Wage and Hour Division; *and* Vocational Rehabilitation, Office of.
Library of Congress materials for. *See* Library of Congress.
Price control, exemption from, of sales of blind-made goods by nonprofit agencies. *See* Price Stabilization, Office of.
BLOCKED ASSETS. *See* Alien Property, Office of.
BOARDS. *See* Committees, boards, etc.
BONNEVILLE POWER ADMINISTRATION:
Contracts and purchases:
Renegotiation of; Executive order respecting. *See main heading* Presidential documents.
Under First War Powers Act; delegation of authority from Secretary of Interior respecting 11974
Direction and supervision of affairs by Under Secretary of Interior 11788
Organization and functions 7780
Sale of electric power to Aluminum Company of America, filing rates and charges schedule with Federal Power Commission in connection with 8805
BONUSES, payment of. *See* Salary Stabilization Board; *and* Wage Stabilization Board.
BRIDGE REGULATIONS. *See* Engineers, Corps of.
BRITISH TOKEN IMPORT PLAN. *See* International Trade, Office of.
BUDGET BUREAU:
India, transportation of supplies to; determination by Director respecting advance of funds in connection with, Executive order respecting. *See main heading* Presidential documents.
Statistical information, improvement of work of Federal executive agencies with respect to; Executive order respecting. *See main heading* Presidential documents.
BUSINESS ECONOMICS, OFFICE OF:
Foreign investments; census of American direct investments in foreign countries 5005

C

CANADA:
Bank reports. *See* Securities and Exchange Commission.
Broadcast stations in. *See* Federal Communications Commission.
Civil aircraft in; mechanical work performed on U. S. registered aircraft by certain Canadian mechanics for maintenance, repair, etc., civil air regulations respecting. *See* Civil Aeronautics Board.

CANADA—Continued Page
Priorities, extent to which contracts and orders required to support defense programs of United States and Canada may have benefit of priorities system. *See* National Production Authority.
CANAL ZONE. *See* Canal Zone Government; *and* Panama Canal Company.
CANAL ZONE GOVERNMENT (formerly Panama Canal):
Employment:
In Canal Zone, statutory provision relating to; Executive order respecting. *See main heading* Presidential documents.
On Isthmus of Panama, employment conditions; compensation (Order 24) 11604
Hospital area, Navy, at Coco Solo (Order 23) 7614
Internal revenue, collection district for Canal Zone; Executive order respecting. *See main heading* Presidential documents.
Navy hospital area, Coco Solo (Order 23) 7614
Quarantine; importation of certain things:
Quarantine of animals generally:
Cattle, sheep, etc., and meats, importations prohibited; exceptions 13145
Disposition of animals, etc. refused admission 13145
Equines, canines, felines, birds, etc.; disinfection 13145
Foot-and-mouth diseases or rinderpest, designation of countries; importations prohibited 13144
Garbage or waste material 13145
Organs, blood, glands and other parts and products of animals; importations prohibited 13145
Poultry, dressed; importation restricted 13145
Quarantine of dogs and cats; quarantine period 13144
Redesignation of Panama Canal (agency); Executive order respecting. *See main heading* Presidential documents.
Registration under Universal Military Training and Service Act; proclamation respecting. *See main heading* Presidential documents.
Selective Service registrants; Executive order respecting. *See main heading* Presidential documents.
Tax collection district for Canal Zone; Executive order respecting. *See main heading* Presidential documents.
Wages, salaries and other compensation of employees in; exemption from wage and salary stabilization 10386, 10783
CANCER CONTROL MONTH, 1951; proclamation respecting. *See* Presidential documents.
CAREER COMPENSATION ACT, quarters allowances for members of uniformed services pursuant to; Executive order respecting. *See* Presidential documents.
CENSUS, of American direct investments in foreign countries, by Office of Business Economics 5005
CENSUS BUREAU:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 420
Governments, census of; delegation of authority from Secretary of Commerce respecting 6585
Reports in connection with administration of Defense Production Act; delegation of authority by Secretary of Agriculture to secure certain reports 1963, 3311
Surveys:
Manufacturing area:
Chemicals 512
Listed products 511
Machinery 512
Retail trade establishments 585
CENTRAL INTELLIGENCE AGENCY:
Defense Production Act, programs under; designation of Secretary of Defense as claimant agency for 4913
CERTIFICATES:
Necessity certificates:
Delegations of authority respecting. *See* Defense Production Administration.
Functions of Defense Production Administrator respecting Executive order respecting. *See* Presidential documents.
Loans, purchases, etc., under Defense Production Act; Executive orders respecting. *See* Presidential documents.
CERTIFICATES—Continued Page
Tax amortization certificates, issuance of. *See* Defense Mobilization, Office of; *and* Defense Materials Procurement Agency.
CHILD DAY CARE CENTERS, facilities and services for; Executive order respecting. *See* Presidential documents.
CHILD HEALTH DAY, 1951; proclamation respecting. *See* Presidential documents.
CHILD LABOR, regulations respecting. *See* Labor Department.
CHILDREN'S BUREAU:
Child welfare services:
Definitions:
Child welfare services 4200
Commissioner, substitution for Secretary 4200
Expenditures 4200
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 6336
CHILDREN'S WELFARE WORK, INTERNATIONAL, authority relating to; Executive order respecting. *See* Presidential documents.
CHINA, COMMUNIST:
Restrictions on shipping to; authority of Civil Aeronautics Administrator and Maritime Administrator in connection with administration of transportation orders respecting 12911
Trade agreements with, proclamation respecting. *See* Presidential documents.
CHINESE CITIZENS, participating in program under China Area Aid Act of 1950; employment of. *See* Immigration and Naturalization Service.
CHRISTMAS HOLIDAYS, 1951; administrative workweek for Interstate Commerce Commission 12529
CIVIL AERONAUTICS ADMINISTRATION:
Administrator:
Approval, specifications, etc., by, with respect to air carrier operations, certificates and ratings, and scheduled air carrier rules. *See main heading* Civil Aeronautics Board.
Authority, delegations of, to Administrator:
By National Production Authority; to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction of CAA 260, 738, 8296
By Secretary of Commerce:
Administration of transportation orders, including restrictions on shipping to Communist China, Hong Kong and Macao; authority with respect to 12911
Air traffic, security control of 99
Development of improved transport aircraft, authority respecting 359
To authorize properly qualified private persons to exercise certain functions relating to examination, inspection and testing in connection with issuance of safety certificates 554
By Under Secretary of Commerce for Transportation; authority respecting construction in connection with air navigation facilities and civil airports, construction schedules of prime contractors under CMP Regulation 6 and certain other authority under NPA Delegation No. 14 6405, 7893, 10042
Aeronautical fixed communication. *See* Communications.
Air traffic:
Control rules; airport traffic control 3460
Security control of:
See also Security control of air traffic, *below.*
Delegation of authority to Administrator by Secretary of Commerce respecting 99
Aircraft:
Airworthiness directives, recordation. *See* Recordation.
Components. *See* Technical Standard Orders.
Registration of aircraft; certificates. *See* Registration of aircraft.
Airplanes, small, certification of; delegation option authorization and procedures 3591, 10115

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Airports, public:
Anchorage and Fairbanks Airports, Alaska; operation, maintenance, etc 12497
Federal aid to public agencies for development of:
Costs, project:
Eligibility 2053
United States share of project costs:
Land acquisition costs; deletion 455
Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways 455, 12419
Eligible, airport development; minimum requirements 2053
Procedure, project application; funds 2054
Rehabilitation or repair of airports damaged by Federal agencies; requests for reimbursement for cost of:
Requests for reimbursement:
Eligible 6275
Form and content of 6275
Time limitations 6275
Traffic control. *See* Air traffic.
Washington National Airport:
Gambling and drugs 2701
Organization and functions. *See* Organization and functions.
Anchorage Airport and Fairbanks Airport, Alaska; operation, maintenance, etc 12497
Authority, delegations of. *See* Administrator.
Aviation Defense Requirements, Office of:
Authority with respect to claimancy functions and application of priority ratings 866
Establishment to coordinate activities relating to defense production programs 866
Certificates, safety, issuance of; delegation of authority to Administrator by Secretary of Commerce to authorize properly qualified private persons to exercise certain functions relating to examination, inspection and testing in connection with 554
Civil airways, designation of:
Amber civil airways:
Alaska: Point Barrow to Long Beach, Calif 2564, 11099, 12180
California:
Long Beach to Point Barrow, Alaska 2654, 11099, 12180
Los Angeles to The Dalles, Oreg 7140, 11099
Canadian Border. *See* United States-Canadian Border.
Florida: Key West:
To Caribou, Maine 2054
To United States-Canadian Border 3334, 7140
Hawaiian Islands 12180
Maine: Caribou to Key West, Fla 2054
Montana: Great Falls to El Paso, Tex 1058, 8973
Oregon: The Dalles to Los Angeles, Calif 7140, 11099
Texas: El Paso to Great Falls, Mont 1058, 8973
United States-Canadian Border to Key West, Fla 3334, 7140
Blue civil airways:
Alabama; Montgomery to Erie, Pa 3693, 11099
Alaska:
Anchorage to Nenana, Alaska 8974
Kodiak to Kotzebue, Alaska 8974
Kotzebue to Kodiak, Alaska 8974
Nenana to Anchorage, Alaska 8974
Talkeetna to Pendleton, Oreg 8974
California:
El Centro to Sacramento, Calif 3431
Sacramento to El Centro, Calif 3431
Canadian Border. *See* United States-Canadian Border.
Colorado; Thurman to North Platte, Nebr 3431
Florida; Tallahassee to Sault Ste. Marie, Mich 2054, 7875
Illinois; Quincy to Madison, Wis 3693
Indiana; Goshen:
To Dayton, Ohio 12180
To Saginaw, Mich 2054
Iowa; Des Moines to St. Louis, Mo 1765
Kansas:
Garden City to Hill City, Kans 3431
Hill City to Garden City, Kans 3431

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Blue civil airways—Continued
Kansas—Continued
Hutchinson to Wichita, Kans 9957
Lebo to Topeka, Kans 4487
Salina to Galveston, Tex 3430
Topeka to Lebo, Kans 4487
Wichita to Hutchinson, Kans 9957
Maine:
Augusta to United States-Canadian Border 7141
Bangor:
To Millinocket, Maine 7141
To Presque Isle, Maine 3334
Millinocket to Bangor, Maine 7141
Presque Isle to Bangor, Maine 3334
Michigan:
Muskegon to Abilene, Tex 3693
Saginaw to Goshen, Ind 2054
Sault Ste. Marie to Tallahassee, Fla 2054, 7875
Traverse City to Ypsilanti, Mich 2054
Ypsilanti to Traverse City, Mich 2054
Missouri; St. Louis to Des Moines, Iowa 1765
Nebraska; North Platte to Thurman, Colo 3431
New York:
New York City to United States-Canadian Border 7141
Niagara Falls to Toledo, Ohio 12690
Ohio:
Akron to Charleston, W. Va 2054
Dayton to Goshen, Ind 12180
Toledo to Niagara Falls, N. Y 12690
Oregon; Pendleton to Talkeetna, Alaska 8974
Pennsylvania:
Erie to Montgomery, Ala 3693, 11099
Philadelphia to United States-Canadian Border 9957
Tennessee:
Bristol to United States-Canadian Border 10233
Knoxville to United States-Canadian Border 6235, 6998
Texas:
Abilene to Muskegon, Mich 3693
Galveston to Salina, Kans 3430
United States-Canadian Border:
To Augusta, Maine 7141
To Bristol, Tenn 10233
To Charleston, W. Va 3334
To Knoxville, Tenn 6235, 6998
To New York, N. Y 7141
To Philadelphia, Pa 9957
West Virginia; Charleston:
To Akron, Ohio 2054
To United States-Canadian Border 3334
Wisconsin:
Janesville to Madison, Wis 6235
Madison:
To Janesville, Wis 6235
To Quincy, Ill 3693
Green civil airways:
Alaska:
Cold Bay to Northway, Alaska 8973
Northway to Cold Bay, Alaska 8973
California; Los Angeles:
To Boston, Mass 118, 4270
To Philadelphia, Pa 11099
Canadian Border. *See* United States-Canadian Border.
Hawaiian Islands 12690
Maine; Millinocket to United States-Canadian Border 3693
Massachusetts; Boston:
To Los Angeles, Calif 118, 4270
To Seattle, Wash 7140, 8973
Pennsylvania; Philadelphia to Los Angeles, Calif 11099
Texas; Laredo to Norfolk, Va 8973
United States-Canadian Border to Millinocket, Maine 3693
Virginia; Norfolk to Laredo, Tex 8973
Washington; Seattle to Boston, Mass 7140, 8973
Red civil airways:
Alabama:
Dothan to Crestview, Fla 7875
Montgomery to Lafayette, La 3430

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Red civil airways—Continued
Alaska:
Anchorage to Kodiak, Alaska 8974
Homer to Illiamna, Alaska 2654
Kodiak to Anchorage, Alaska 8974
Iliamna to Homer, Alaska 2654
Arizona; Winslow to San Diego, Calif 4270
California; San Diego to Winslow, Ariz 4270
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo:
To Charleston, S. C 344, 9956, 12180
To St. Joseph, Mo 4487
Florida:
Crestview to Dothan, Ala 7875
Jacksonville to Shreveport, La 7875, 8973
Tallahassee to Florence, S. C 7875
Georgia; Atlanta to Lafayette, La 6235, 8974
Hawaiian Islands 12180
Idaho; Burley to Salt Lake City, Utah 9956
Illinois:
Chicago:
To Cincinnati, Ohio 6235
To Fort Wayne, Ind 6235
To Toledo, Ohio 7140
Vandalia to Evansville, Ind 6235
Indiana:
Evansville to Vandalia, Ill 6235
Fort Wayne to Chicago, Ill 6235
Goshen to Norfolk, Va 2054
Indianapolis:
To Cleveland, Ohio 9957
To Findlay, Ohio 6235
To Louisville, Ky 6235
Iowa; Burlington to Columbus, Ohio 6234, 7140
Kentucky; Louisville:
To Dayton, Ohio 3430
To Indianapolis, Ind 6235
Louisiana:
Lafayette:
To Atlanta, Ga 6235, 8974
To Montgomery, Ala 3430
Shreveport:
To El Paso, Tex 9956, 12180
To Jacksonville, Fla 7875, 8973
Maryland; Baltimore:
To Rochester, N. Y 7140
To St. Louis, Mo 2654, 12180
Massachusetts; Boston:
To New York, N. Y 3430
To Pittsburgh, Pa 119, 1058
Michigan:
Cadillac to Elkins, W. Va 8974, 9957
Detroit:
To Altoona, Pa 7140
To Norfolk, Va 12180
Lansing to Elkins, W. Va 7140
Mount Clemens:
To Albany, N. Y 7140
To Rochester, N. Y 3334
Minnesota; Redwood Falls:
To Huron, S. Dak 6235
To Watertown, S. Dak 6235
Missouri:
Kansas City to Portland, Oreg 1058, 12690
St. Joseph to Pueblo, Calif 4487
St. Louis to Baltimore, Md 2654, 12180
Nebraska; Omaha to Las Vegas, Nev 11099
Nevada; Las Vegas to Omaha, Nebr 11099
New Mexico:
Albuquerque to Las Vegas, N. Mex 3430, 8973
Anton Chico to Santa Fe, N. Mex 9957
Las Vegas to Albuquerque, N. Mex 3430, 8973
Santa Fe to Anton Chico, N. Mex 9957
New York:
Albany to Mount Clements, Mich 7140
Buffalo to New York, N. Y 3430
Elmira:
To Bradford, Pa 6235
To Erie, Pa 7141
Massena to United States-Canadian Border 11099

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Red civil airways—Continued
New York—Continued
New York City:
To Boston, Mass 3430
To Buffalo, N. Y 3430
To United States-Canadian Border 12180
Rochester:
To Baltimore, Md 7140
To Mount Clemens, Mich 3334
Syracuse to Allentown, Pa 4270, 7140
North Carolina; Elizabeth City to Charleston, W. Va 7140
Ohio:
Cincinnati to Chicago, Ill 6235
Cleveland to Indianapolis, Ind 9957
Columbus to Burlington, Iowa 6234, 7140
Dayton:
To Louisville, Ky 3430
To Martinsburg, Pa 6235
To Williamsport, Pa 119
Findlay to Indianapolis, Ind 6235
Mansfield to Toledo, Ohio 9957
Toledo:
To Chicago, Ill 7140
To Mansfield, Ohio 9957
Oklahoma; Oklahoma City to Midland, Tex 12180
Oregon; Portland to Kansas City, Mo 1058, 12690
Pennsylvania:
Allentown to Syracuse, N. Y 4270, 7140
Altoona:
To Detroit, Mich 7140
To Pittsburgh, Pa 12180
Bradford to Elmira, N. Y 6235
Erie to Elmira, N. Y 7141
Martinsburg to Dayton, Ohio 6235
Philipsburg to Pittsburgh, Pa 6235
Pittsburgh:
To Altoona, Pa 12180
To Boston, Mass 119, 1058
To Philipsburg, Pa 6235
Williamsport to Dayton, Ohio 119
South Carolina:
Charleston to Pueblo, Colo 344, 9956, 12180
Florence to Tallahassee, Fla 7875
South Dakota:
Huron to Redwood Falls, Minn 6235
Watertown to Redwood Falls, Minn 6235
Texas:
Big Spring to Culberson, Tex 9957
Culberson to Big Spring, Tex 9957
Dallas to Gordonsville, Va 7140
El Paso to Shreveport, La 9956, 12180
Midland to Oklahoma City, Okla 12180
United States-Canadian Border:
To Massena, N. Y 11099
To New York, N. Y 12180
Utah; Salt Lake City to Burley, Idaho 9956
Virginia:
Gordonsville to Dallas, Tex 7140
Norfolk:
To Detroit, Mich 12180
To Goshen, Ind 2054
West Virginia:
Charleston to Elizabeth City, N. C 7140
Elkins:
To Cadillac, Mich 8974, 9957
To Lansing, Mich 7140
Huntington to Lone Rock, Wis 2054
Wisconsin; Lone Rock to Huntington, W. Va 2054
Communications, fixed, aeronautical; international or overseas operations messages, transmission, types, fees, etc 4257, 5635
Construction in connection with air navigation facilities and civil airports; delegation of authority to Administrator by Under Secretary of Commerce for Transportation with respect to construction schedules of prime contractors under CMP Regulation 6 and certain other authority under NPA Delegation No. 14 6405, 7893, 10042
Construction or alteration of structures on or near civil airways, notice of; proposed rule making 6531

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Control areas, zones, and reporting points; designation of:
Control areas:
Civil airways (amber, blue, green, red):
Amber civil airways:
Alaska:
Nome to United States-Mexican Border--- 11099
Point Barrow to Long Beach, Calif------- 8974
California; Long Beach to Point Barrow, Alaska ---------- 8974
Canadian Border. *See* United States-Canadian Border.
Florida:
Jacksonville to United States-Canadian Border ---------- 2055, 4885, 6236, 11099
Key West to United States-Canadiar Border ---------- 3335, 4885, 8975
Hawaiian Islands---------- 12181
Louisiana; Grand Isle to Milwaukee, Wis---- 3694, 6236, 7141, 8974
Mexican Border. *See* United States-Mexican Border.
Montana; Great Falls to El Paso, Tex------ 3335, 3431, 8974
North Dakota; Minot to Brownsville, Tex--- 3694, 8974
Texas:
Brownsville to Minot, N. Dak---- 3694, 4885, 8974
El Paso to Great Falls, Mont---- 3335, 3431, 8974
United States-Canadian Border:
To Jacksonville, Fla------ 2055, 4885, 6236, 11099
To Key West, Fla---------- 3335, 4885, 8975
United States-Mexican Border to Nome, Alaska ---------- 11099
Wisconsin; Milwaukee to Grand Isle, La---- 3694, 6236, 7141, 8974
Blue civil airways:
Alabama; Montgomery to Erie, Pa---------- 3694, 6239, 8975
Alaska:
Kodiak to Kotzebue, Alaska--------- 8975, 11099
Kotzebue to Kodiak, Alaska-------- 8975, 11099
Talkeetna to Pendleton, Oreg------------ 8976
Canadian Border. *See* United States-Canadian Border.
Florida:
Jacksonville to Shreveport, La---------- 7875
Tallahassee to Sault Ste. Marie, Mich----- 2055, 4886, 6239, 7142, 7875
Illinois; Quincy to Madison, Wis------- 3695, 6239
Indiana; Goshen:
To Dayton, Ohio---------- 12181
To Saginaw, Mich---------- 2055
Iowa; Des Moines to St. Louis, Mo------ 1766, 4270
Kansas:
Hutchinson to Wichita, Kans---------- 9957
Lebo to Topeka, Kans---------- 4487
Salina to Galveston, Tex---------- 3694, 4886
Topeka to Lebo, Kans---------- 4487
Wichita to Hutchinson, Kans---------- 9957
Louisiana; Shreveport to Jacksonville, Fla-- 7875
Maine:
Augusta to United States-Canadian Border- 7142
Bangor to Millinocket, Maine---------- 7142
Millinocket to Bangor, Maine---------- 7142
Michigan:
Muskegon to Abilene, Tex---------- 4694, 6239
Saginaw to Goshen, Ind---------- 2055
Sault Ste. Marie to Tallahassee, Fla------ 2055, 4886, 6239, 7142, 7875
Traverse City to Ypsilanti, Mich---- 2055, 6239
Ypsilanti to Traverse City, Mich----- 2055, 6239
Minnesota; Minneapolis to Houston, Tex--- 1766, 3335, 3694, 4886, 6239, 12690
Missouri:
Advance to United States-Canadian Border---------- 6239, 7142
Columbia to United States-Canadian Border---------- 3335, 6239, 8975
Kansas City to Springfield, Mo---------- 3335
St. Louis to Des Moines, Iowa------- 1766, 4270
Springfield to Kansas City, Mo------- 3335, 4886
New Mexico; Hobbs to Wink, Tex---------- 8976

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Civil airways (amber, blue, green, red)—Con.
Blue civil airways—Continued
New York:
Buffalo to Brookville, Pa---------- 6239
Dunkirk to Front Royal, Va---------- 6239
Niagara Falls to Toledo, Ohio---------- 6239
Ohio:
Akron to Charleston, W. Va---------- 2055
Dayton to Goshen, Ind---------- 12181
Toledo to Niagara Falls, N. Y---------- 6239
Oklahoma:
Ardmore to Tulsa, Okla---------- 3695, 3944
Tulsa to Ardmore, Okla---------- 3695, 3944
Oregon; Pendleton to Talkeetna, Alaska---- 8976
Pennsylvania:
Brookville to Buffalo, N. Y---------- 6239
Erie:
To Charleston, W. Va---------- 8975
To Huntington, W. Va---------- 6239
To Montgomery, Ala---------- 3694, 6239, 8975
Philadelphia to United States-Canadian Border ---------- 9957
South Carolina:
Charleston to Spartanburg, S. C--------- 4886
Spartanburg to Charleston, S. C---------- 4886
South Dakota; Rapid City to Casper, Wyo--- 3335
Tennessee:
Bristol to United States-Canadian Border ---------- 10233
Knoxville to United States-Canadian Border ---------- 4270, 6239
Texas:
Abilene to Muskegon, Mich---------- 3694, 6239
Amarillo to Brownsville, Tex--------- 3694, 6239
Brownsville to Amarillo, Tex--------- 3694, 6239
Galveston to Salina, Kans---------- 3694, 4886
Houston to Minneapolis, Minn---------- 1766, 3335, 3694, 4886, 6239, 12690
Wink to Hobbs, N. Mex---------- 8976
United States-Canadian Border:
To Advance, Mo---------- 6239, 7142
To Augusta, Maine---------- 7142
To Bristol, Tenn---------- 10233
To Charleston, W. Va---------- 3335
To Columbia, Mo---------- 3335, 6239, 8975
To Knoxville, Tenn---------- 4270, 6239
To Philadelphia, Pa---------- 9957
Virginia; Front Royal to Dunkirk, N. Y------ 6239
West Virginia:
Charleston:
To Akron, Ohio---------- 2055
To Erie, Pa---------- 8975
To United States-Canadian Border----- 3335
Huntington to Erie, Pa---------- 6239
Wisconsin:
Janesville to Madison, Wis---------- 6239
Madison:
To Janesville, Wis---------- 6239
To Quincy, Ill---------- 3695, 6239
Wyoming; Casper to Rapid City, S. Dak---- 3335
Green civil airways:
Alaska:
Cold Bay to Northway, Alaska---------- 8974
Fairbanks to Nome, Alaska---------- 8974, 11099
Nome to Fairbanks, Alaska---------- 8974, 11099
Northway to Cold Bay, Alaska---------- 8974
California:
Los Angeles:
To Boston, Mass-- 3334, 3694, 4270, 4885, 8974
To Philadelphia, Pa---- 3334, 3694, 6236, 12180
San Francisco:
To Boston, Mass---------- 2054, 3334
To New York City, N. Y--3693, 7141, 9874, 11099
Canadian Border. *See* United States-Canadian Border.
Hawaiian Islands---------- 12181
Maine; Millinocket to United States-Canadian Border---------- 3693
Massachusetts; Boston:
To Los Angeles, Calif------- 334, 3694, 4270, 8974
To San Francisco, Calif---------- 2054, 3334
To Seattle, Wash---------- 6235, 12690

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Civil airways (amber, blue, green, red)—Con.
Green civil airways—Continued
New York; New York City to San Francisco, Calif---------- 3693, 7141, 9874, 11099
Pennsylvania; Philadelphia to Los Angeles, Calif---------- 3334, 3694, 6236, 12180
United States-Canadian Border to Millinocket, Maine---------- 3693
Washington; Seattle to Boston, Mass-- 6235, 12690
Red civil airways:
Alabama; Birmingham to Memphis, Tenn-- 8975
Alaska:
Anchorage to Kodiak, Alaska---------- 8975
Homer to Iliamna, Alaska---------- 2654
Iliamna to Homer, Alaska---------- 2654
Kodiak to Anchorage, Alaska---------- 8975
Arizona:
Gila Bend to Rodeo, N. M---------- 2654
Winslow to San Diego, Calif---------- 3335, 4270
California; San Diego to Winslow, Ariz-- 3335, 4270
Canadian Border. *See* United States-Canadian Border.
Colorado:
Denver to Minneapolis, Minn---------- 3694, 4886, 7141, 8975
Pueblo:
To Charleston, S. C---------- 4885, 9957
To St. Joseph, Mo---------- 4487, 7141
To Wichita, Kans---------- 1766
Connecticut; Hartford to Philipsburg, Pa--- 6236
District of Columbia; Washington:
To Indianapolis, Ind---------- 6237
To Lansing, Mich---------- 6237
Florida:
Jacksonville to Shreveport, La-------- 4886, 7875
Miami to Tallahassee, Fla---------- 4885, 7875
Tallahassee:
To Florence, S. C---------- 4885, 7875, 10309
To Miami, Fla---------- 4885, 7875
Georgia; Atlanta:
To Detroit, Mich---------- 6237, 7141
To Lafayette, La---------- 6238
Hawaiian Islands---------- 12181
Illinois:
Chicago:
To Cincinnati, Ohio---------- 6238
To Fort Wayne, Ind---------- 6238
To Toledo, Ohio---------- 7142
Moline to Youngstown, Ohio---------- 6238
Peoria to St. Louis, Mo---------- 1766, 6238
Rockford to Detroit, Mich---------- 6237, 7141
Vandalia to Evansville, Ind---------- 6238
Indiana:
Evansville to Vandalia, Ill---------- 6238
Fort Wayne to Chicago, Ill---------- 6238
Goshen to Norfolk, Va---------- 2055, 6237
Indianapolis:
To Cleveland, Ohio---------- 9957
To Findlay, Ohio---------- 6238
To Louisville, Ky---------- 6238
To Washington, D. C---------- 6237
Iowa; Burlington to Columbus, Ohio------- 2055, 6238, 7141
Kansas:
Garden City to Oklahoma City, Okla----- 3694, 8975
Wichita to Pueblo, Colo---------- 1766
Kentucky; Louisville:
To Dayton, Ohio---------- 6238
To Indianapolis, Ind---------- 6238
Louisiana:
Lafayette to Atlanta, Ga---------- 6238
Shreveport:
To El Paso, Tex---------- 8975, 12181
To Jacksonville, Fla---------- 4886, 7875
Maryland; Baltimore:
To Rochester, N. Y---------- 6237, 7141
To St. Louis, Mo---------- 6237
Massachusetts; Boston:
To Enid, Okla---------- 3694, 6236, 8975
To Richmond, Va---------- 6237

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Civil airways (amber, blue, green, red)—Con.
Red civil airways—Continued
Michigan:
Cadillac to Elkins, W. Va---------- 8975
Detroit:
To Altoona, Pa---------- 7141
To Atlanta, Ga---------- 6237, 7141
To Norfolk, Va---------- 12181
To Rockford, Ill---------- 6237, 7141
Lansing:
To Altoona, Pa---------- 6238
To Elkins, W. Va---------- 7142
To Washington, D. C---------- 6237
Mount Clemens:
To Albany, N. Y---------- 7141
To Rochester, N. Y---------- 3335
Minnesota:
Minneapolis to Denver, Colo---------- 3694, 4886, 7141, 8975
Redwood Falls:
To Huron, S. Dak---------- 6238
To Watertown, S. Dak---------- 6238
Rochester:
To Jamestown, N. Dak---------- 3694, 4886
To La Crosse, Wis---------- 6238
St. Paul to Sioux Falls, S. Dak---------- 6236
Missouri:
Kansas City:
To Portland, Oreg---------- 9957, 11099
To Williamsport, Pa---- 1766, 2055, 6236, 7141
St. Joseph to Pueblo, Colo---------- 4487, 7141
St. Louis:
To Baltimore, Md---------- 6237
To Peoria, Ill---------- 1766, 6238
New Mexico:
Albuquerque:
To Hobbs, N. Mex---------- 8975, 9957
To Las Vegas, N. Mex---------- 3431, 8975
Anton Chico to Santa Fe, N. Mex---------- 9957
Hobbs:
To Albuquerque, N. Mex---------- 8975, 9957
To Salt Flat, Tex---------- 3431, 8975
Las Vegas to Albuquerque, N. Mex---- 3431, 8975
Rodeo to Gila Bend, Ariz---------- 2654
Santa Fe to Anton Chico, N. Mex---------- 9957
New York:
Albany to Mount Clemens, Mich-------- 7141
Elmira:
To Bradford, Pa---------- 6238
To Erie, Pa---------- 7142
Massena to United States-Canadian Border---------- 11099
New York City to United States-Canadian Border---------- 3431, 7141
Rochester:
To Baltimore, Md---------- 6237, 7141
To Mount Clemens, Mich---------- 3335
Syracuse to Allentown, Pa---------- 4270, 6237
North Dakota; Jamestown to Rochester, Minn---------- 3694, 4886
Ohio:
Cincinnati to Chicago, Ill---------- 6238
Cleveland to Indianapolis, Ind---------- 9957
Columbus to Burlington, Iowa-- 2055, 6238, 7141
Dayton:
To Louisville, Ky---------- 6238
To Martinsburg, Pa---------- 6238
To Williamsport, Pa---------- 119
Findlay to Indianapolis, Ind---------- 6238
Mansfield to Toledo, Ohio---------- 9957
Toledo:
To Chicago, Ill---------- 7142
To Mansfield, Ohio---------- 9957
Youngstown to Moline, Ill---------- 6238
Oklahoma:
Enid to Boston, Mass---------- 3694, 6236, 8975
Oklahoma City:
To Garden City, Kans---------- 3694, 8975
To Midland, Tex---------- 8975, 9957
Oregon; Portland to Kansas City, Mo-- 9957, 11099

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Civil airways (amber, blue, green, red)—Con.
Red civil airways—Continued
Pennsylvania:
Allentown to Syracuse, Pa 4270, 6237
Altoona:
To Detroit, Mich 7141
To Lansing, Mich 6238
To Pittsburgh, Pa 12181
Bradford to Elmira, N. Y 6238
Erie to Elmira, N. Y 7142
Martinsburg to Dayton, Ohio 6238
Philipsburg:
To Hartford, Conn 6236
To Pittsburgh, Pa 6238
Pittsburgh:
To Altoona, Pa 12181
To Philipsburg, Pa 6238
Williamsport:
To Dayton, Ohio 119, 1766
To Kansas City, Mo 2055, 6236, 7141
South Carolina:
Charleston to Pueblo, Colo 4885, 9957
Florence to Tallahassee, Fla 7875, 10309
South Dakota:
Huron to Redwood Falls, Minn 6238
Sioux Falls to St. Paul, Minn 6236
Watertown to Redwood Falls, Minn 6238
Tennessee; Memphis to Birmingham, Ala 8975
Texas:
Big Spring to Culberson, Tex 9957
Culberson to Big Spring, Tex 9957
Dallas to Gordonville, Va 3694
El Paso:
To Shreveport, La 8975, 12181
To Wichita Falls, Tex 3694
Midland to Oklahoma City, Okla 8975, 9957
Salt Flat to Hobbs, N. Mex 3431, 8975
Wichita Falls to El Paso, Tex 3694
United States-Canadian Border:
To Massena, N. Y 11099
To New York, N. Y 3431, 7141
Virginia:
Gordonville to Dallas, Tex 3694
Norfolk:
To Detroit, Mich 12181
To Goshen, Ind 2055, 6237
Richmond to Boston, Mass 6237
West Virginia:
Elkins:
To Cadillac, Mich 8975
To Lansing, Mich 7142
Huntington to Lone Rock, Wis 2054, 6237, 7141
Wisconsin:
La Crosse to Rochester, Minn 6238
Lone Rock to Huntington, W. Va 2055, 6237, 7141
Extension of control areas:
Alabama:
Birmingham 3695
Dothan 7875
Mobile 3695
Alaska; Fairbanks 8976
California:
Fresno 3335
Long Beach-Honolulu 3336
Los Angeles 3431
Oceanside 3431
San Francisco 11099
North dogleg route 3335
Rhumb line route 3335
San Francisco-Honolulu south dogleg route 3335
Santa Barbara 7142
Santa Barbara - Honolulu (south dogleg route) 3335
Silver Lake 1058
Stockton 3336
Victorville 2055
Colorado:
Colorado Springs 11099
Denver 8976, 12182
Grand Junction 3432
Pueblo 8976, 12182

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas—Continued
Connecticut; Windsor Locks 2055
Florida:
Key West 2056
Miami 2055, 2056, 6240
Tallahassee 7875
Tampa 2055, 3335, 7875, 12182
Valparaiso 10233
Vero Beach 3432
West Palm Beach 2056
Georgia:
Augusta 344, 3695
Columbus 6240, 10233, 10309
Hawaii, Territory of:
Hilo 1058, 12182
Kauai, Port Allen 4686
Illinois:
Belleville 3695
Bradford 6241
Chicago 6240, 7142
Moline 6240
Pontiac 6241
Quincy 3432, 6240, 8976
Springfield 6241
Indiana:
Evansville 6240, 7142
Fort Wayne 6240, 7142
Indianapolis 6240
LaFayette 6241
Millersburg 6241
South Bend 6240
Terre Haute 3695, 6240
Iowa:
Burlington 6240
Des Moines 2055, 8976
Iowa City 3432
Mason City 6241
Ottumwa 3432
Kansas:
Dodge City 12181
Garden City 12182
Goodland 12690
Hutchinson 8976
Lebo 2055
Salina 2654, 12181
Topeka 8976
Wichita 8976
Kentucky:
Bowling Green 1766, 6240
Covington 3695
Lexington 3432
Louisville 6240, 7142
Louisiana:
Lake Charles 1058, 3335
New Orleans 1058, 8976
Shreveport 8976
Maine; Presque Isle 8976
Maryland; Baltimore 6241
Michigan:
Detroit 6240
Flint 3432, 4270
Houghton 8976
Jackson 1766
Lansing 6241, 7142
Litchfield 6241
Mt. Clemens 1766
Muskegon 6240
Saginaw 3432
Sault Ste. Marie 8977
Minnesota:
Alexandria 6240, 7142
Minneapolis 3695, 6240
Redwood Falls 6241
Rochester 6241, 7142
Mississippi; Biloxi 3695
Missouri:
Joplin 11099
St. Joseph 11099
St. Louis 6240, 8976
Springfield 8976
Montana; Miles City 6241

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas—Continued
Nebraska:
Lincoln 8976
Omaha 8976
New Jersey; Fort Dix 4270
New York:
Niagara Falls 7142
Syracuse 6241
Utica 12181
North Carolina; Charlotte 9957
North Dakota:
Bismarck 6240, 7142
Dickinson 6240, 7142
Fargo 6240
Golva 6241
Jamestown 6241, 7142
Minot 6240
Ohio:
Cincinnati 3695, 6240
Columbus 6240
Dayton 6240
Findlay 6241
Mansfield 6241, 7142, 9957
Toledo 6240
Youngstown 2055, 4271
Zanesville 2055
Oklahoma:
Ada 2055
Bartlesville 6240
Enid 9957
Oklahoma City 8976
Tulsa 3336
Oregon; Eugene 3335
Pennsylvania:
Allentown 2055
Erie 2055
Harrisburg 6241
Johnstown 3432
Philipsburg 2055
Pittsburgh 6241
South Carolina:
Charleston 9957
Sumter 10309
South Dakota:
Aberdeen 6241
Huron 6241
Rapid City 8976
Sioux Falls 6241
Watertown 6241
Tennessee:
Memphis 6240, 9957
Nashville 3695, 6240
Smithville 1058
Texas:
Abilene 1058
Amarillo 3336
Austin 6240
Beaumont 3335
Brownsville 1058
Fort Worth 8976
Galveston 1058, 3336
Laredo 3335
Lubbock 3336
San Antonio 6240
Tyler 3336, 8976
Waco 3336
Virginia:
Danville 2055
Front Royal 6241
Manakin 12182
Norfolk 12182
Washington:
Moses Lake 1766
Seattle 3335
Toledo 8976
Whidbey Island 8976
West Virginia:
Elkins 6240
Martinsburg 6240

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas—Continued
Wisconsin:
Grantsburg 6241
Janesville 6241
La Crosse 3695, 6240
Lone Rock 6240, 7142
Madison 8976
Milwaukee 6240
Wyoming:
Casper 8976
Cheyenne 8976, 12182
Sheridan 8976
Control zones:
Additional control zones:
Alabama; Dothan 7875
Alaska:
Anchorage 1059
Fairbanks 7143, 8978
Arkansas; Fort Smith 3433
California:
Ontario 3432
Sacramento 3432
Victorville 2056
Colorado:
Colorado Springs 12182
Pueblo 12182
Delaware; Dover 4271
Florida:
Tallahassee 7875
Tampa 4886
Valparaiso 10233
Vero Beach 3433
West Palm Beach 11099
Georgia:
Atlanta 1766, 3695
Augusta 344, 9958
Columbus 6241
Savannah 1058
Hawaii, Territory of; Upolu Point 12690
Illinois:
Chicago 8977, 8978
Moline 8978
Quincy 3432
Rockford 1766
Springfield 1766, 3433
Indiana:
Evansville 8977
Fort Wayne 8977
Indianapolis 8977
LaFayette 8977
South Bend 8978
Terre Haute 4271
Iowa:
Des Moines 12182, 12690
Iowa City 3432
Ottumwa 3433, 12182
Kansas:
Dodge City 1058, 3432
Garden City 1058, 3432
Goodland 12690
Hutchinson 1058, 3432
Lebo 2056
Salina 2655
Topeka 4487
Kentucky:
Bowling Green 8978
Lexington 3433
Louisville 8977
Louisiana; Lafayette 3433
Maine; Limestone 12182
Maryland; Andrews 9958, 11099
Massachusetts; New Bedford 1059
Michigan:
Detroit 8978
Flint 3432, 4271
Grand Marais 7143
Houghton 7143
Jackson 12182
Lansing 8977
Mt. Clemens 1766

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control zones—Continued
Additional control zones—Continued
Michigan—Continued
Muskegon 8978
Pellston 2056
Saginaw 3433
Sault Ste. Marie 7143
Traverse City 2056
Minnesota:
Alexandria 8977
Minneapolis 9958
Rochester 8978
St. Paul 8978
Willmar 7143
Missouri:
Kansas City 3432
St. Louis 12182
Springfield 12182
Vichy 12182
Nebraska; Omaha 12182
New Mexico:
Hobbs 1059
Roswell 3336
Truth or Consequences 7143
New York:
Dunkirk 3433
New York 2056
North Dakota:
Bismarck 8977
Dickinson 8977
Fargo 8977
Jamestown 8977
Pembina 7142
Ohio:
Akron 8977
Cincinnati 8978
Cleveland 8977, 12182
Columbus 8977
Dayton 4271
Mansfield 3432, 8978
Springfield 3433
Toledo 8978
Youngstown 4271
Zanesville 3432
Rhode Island; Providence 1058, 8977
South Dakota; Aberdeen 1059
Texas:
El Paso 4271
Houston 2056
Longview 7143
San Antonio 6241
Virginia:
Langley AFB 7142
Oceana 8978
Wake Island 3433
Washington; Tacoma 1766
Wisconsin:
LaCrosse 8978
Lone Rock 8977
Madison 8978
Milwaukee 8978
Wyoming; Cheyenne 12182
Five-mile radius zones, around various airports:
Alaska:
Anchorage; Merrill Field 1058
Iliamna; Iliamna Airport 2654
King Salmon; King Salmon Airport, added 12690
Naknek; Naknek Airport, deleted 12690
Nome:
Marks AFB, deletion 1058
Nome Airport 11099
Port Heiden; Port Heiden Airport 8977
Arizona:
Chandler; Williams AFB 11099
Phoenix; Luke AFB 9958
California:
Mountain View; Moffett NAS 9958
Sunnyvale; Moffett Field 9958
Williams; C. A. A. Intermediate Field 8977
Illinois, Chicago; O'Hare International Airport 8977
Kentucky, Louisville; Standiford Field 8977

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control zones—Continued
Five-mile radius zones, around various airports—Continued
Massachusetts, Bedford; Bedford Municipal Airport, amended to read Lawrence G. Hanscom Field 1058
Minnesota, St. Paul; Helman Airport 8977
Nevada, Reno; name of airport changed from Hubbard Field to United Air Lines Airport 9958
New York:
Binghamton; Broome County Airport, added 12182
Westhampton Beach, Long Island; Suffolk County Airport, added 12182
Ohio; Akron; Akron-Canton County Airport 8977
Oregon, Portland; name of airport changed from Portland AAF to Portland International Airport 9958
Pennsylvania, Philipsburg; name of airport changed from Black Moshannon Airport to Philipsburg Airport 9958
Virginia:
Langley Field 7142
Oceana; Naval Auxiliary Air Station 2056, 8977
Washington:
Moses Lake; Larson AFB 1766
Tacoma; McChord Field, deletion 1766
Three-mile radius zones, around various airports:
Arkansas, El Dorado; Goodwin Field 8977
Idaho, Gooding; Gooding Municipal Airport 4886
New Mexico, Columbus; CAA Intermediate Field 4271
New York, Endicott; Tri-Cities Airport 8977
Virginia, Oceana; Naval Auxiliary Air Station, deletion 2056
Reporting points, on various civil airways:
Amber civil airways:
Alaska; Nome to United States-Mexican Border 11099
California; Los Angeles to The Dalles, Oreg 11099
Canadian Border. *See* United States-Canadian Border.
Florida; Key West:
To Caribou, Maine 2056
To United States-Canadian Border 3336, 7143, 8978
Maine; Caribou to Key West, Fla 2056
Mexican Border. *See* United States-Mexican Border.
Montana; Great Falls to El Paso, Tex 1059, 8978
Oregon; The Dalles to Los Angeles, Calif 11099
Tennessee; Bristol to United States-Canadian Border 10235
Texas; El Paso to Great Falls, Mont 1059, 8978
United States-Canadian Border:
To Bristol, Tenn 10235
To Key West, Fla 3336, 7143, 8978
United States-Mexican Border to Nome, Alaska 11099
Blue civil airways:
Alabama; Montgomery to Erie, Pa 3695
Alaska:
Kodiak to Kotzebue, Alaska 8979
Kotzebue to Kodiak, Alaska 8979
Talkeetna to Pendleton, Oreg 8979
Canadian Border. *See* United States-Canadian Border.
District of Columbia; Washington to Elizabeth City, N. C 11100
Florida; Tallahassee to Sault Ste. Marie, Mich 2056, 7143
Idaho; Malad City to Spring Bay, Utah 1059
Illinois, Quincy to Madison, Wis 3695
Indiana; Goshen:
To Dayton, Ohio 12183
To Saginaw, Mich 2056
Kansas:
Hutchinson to Wichita, Kans 9958
Lebo to Topeka, Kans 4487
Topeka to Lebo, Kans 4487
Wichita to Hutchinson, Kans 9958

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points, on various civil airways—Con.
Blue civil airways—Continued
Maine:
Augusta to United States-Canadian Border 7143
Bangor to Millinocket, Maine 7143
Millinocket to Bangor, Maine 7143
Michigan:
Saginaw to Goshen, Ind 2056
Sault Ste. Marie to Tallahassee, Fla 2056, 7143
Traverse City to Ypsilanti, Mich 2056, 7143
Ypsilanti to Traverse City, Mich 2056, 7143
North Carolina; Elizabeth City to Washington, D. C 11100
Ohio:
Akron to Charleston, W. Va 2056
Dayton to Goshen, Ind 12183
Oregon; Pendleton to Talkeetna, Alaska 8979
Pennsylvania:
Erie to Montgomery, Ala 3695
Philadelphia to United States-Canadian Border 9958
Tennessee; Knoxville to United States-Canadian Border 2056, 6999, 7875
United States-Canadian Border:
To Augusta, Maine 7143
To Charleston, W. Va 3336
To Knoxville, Tenn 2056, 6999, 7875
To Philadelphia, Pa 9958
Utah; Spring Bay to Malad City, Idaho 1059
West Virginia, Charleston:
To Akron, Ohio 2056
To United States-Canadian Border 3336
Wisconsin:
Janesville to Madison, Wis 6242
Madison:
To Janesville, Wis 6242
To Quincy, Ill 3695
Green civil airways:
Alaska:
Cold Bay to Northway, Alaska 8978
Fairbanks to Nome, Alaska 8978
Nome to Fairbanks, Alaska 8978
Northway to Cold Bay, Alaska 8978
California:
Los Angeles:
To Boston, Mass 6241
To Philadelphia, Pa 11099
San Francisco to New York, N. Y 6241
Canadian Border. *See* United States-Canadian Border.
Maine; Millinocket to United States-Canadian Border 3695
Massachusetts; Boston:
To Los Angeles, Calif 6241
To Seattle, Wash 7143, 7875
New York; New York to San Francisco, Calif 6241
Pennsylvania; Philadelphia to Los Angeles, Calif 11099
United States-Canadian Border to Millinocket, Maine 3695
Washington; Seattle to Boston, Mass 7143, 7875
Other reporting points
Delaware Springs intersection 2056
Gulfstream intersection 2056
Harrington intersection 2056
La Joya intersection 2056
Omnirange stations:
Alabama; Tuscaloosa 12690
Arkansas; Pine Bluff 12690
Mississippi; Maiden 12690
New Mexico:
Albuquerque 2056
Carlsbad 2056
Hobbs 2056
Hot Springs 2056
Las Vegas 2056
Otto 2056
Raton 2056
Roswell 2056
Santa Fe 2056
Tucumcari 2056

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points, on various civil airways—Con.
Other reporting points—Continued
Omnirange stations—Continued
Oklahoma:
Ardmore 2056
Oklahoma City 2056
Ponca City 2056
Tulsa 2056
Tennessee; Graham 6242
Texas:
Abilene 2056
Big Spring 2056
El Paso 2056
Fort Worth 2056
Midland 2056, 9958
Mineral Wells 2056
Salt Flat 2056
San Angelo 2056
Wichita Falls 2056
Rule intersection 2056
Red civil airways:
Alabama; Montgomery to Lafayette, La 4271
Alaska:
Anchorage to Kodiak, Alaska 8979
Homer to Iliamna, Alaska 2655, 3336
Iliamna to Homer, Alaska 2655, 3336
Kodiak to Anchorage, Alaska 8979
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo to St. Joseph, Mo 4487
District of Columbia; Washington to Lansing, Mich 11100
Georgia; Atlanta to Lafayette, La 6241
Hawaiian Islands 12182
Illinois:
Chicago:
To Cincinnati, Ohio 6241
To Fort Wayne, Ind 6241
To Toledo, Ohio 7143
Vandalia to Evansville, Ind 6241
Indiana:
Evansville to Vandalia, Ill 6241
Fort Wayne to Chicago, Ill 6241
Goshen to Norfolk, Va 2056
Indianapolis:
To Cleveland, Ohio 9958
To Findlay, Ohio 6241
To Louisville, Ky 6242
Kentucky; Louisville to Indianapolis, Ind 6242
Louisiana:
Jacksonville to Shreveport, La 11100
Lafayette:
To Atlanta, Ga 6241
To Montgomery, Ala 4271
Shreveport:
To El Paso, Tex 9958
To Jacksonville, La 11100
Massachusetts; Boston to Enid, Okla 12690
Michigan:
Cadillac to Elkins, W. Va 8979
Detroit:
To Altoona, Pa 7143
To Norfolk, Va 12182
Lansing:
To Elkins, W. Va 7143
To Washington, D. C 11100
Mount Clemens:
To Albany, N. Y 7143, 8978
To Rochester, N. Y 3336
Minnesota; Redwood Falls:
To Huron, S. Dak 6242
To Watertown, S. Dak 7143
Missouri:
Kansas City to Portland, Oreg 12690
St. Joseph to Pueblo, Colo 4487
Nebraska; Omaha to Las Vegas, Nev 11099
Nevada; Las Vegas to Omaha, Nebr 11099
New Mexico:
Anton Chico to Santa Fe, N. Mex 9958
Santa Fe to Anton Chico, N. Mex 9958

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points, on various civil airways—Con.
Red civil airways—Continued
New York:
Albany to Mount Clemens, Mich 7143, 8978
Elmira:
To Bradford, Pa 6242
To Erie, Pa 7143
Massena to United States-Canadian Border 11100
New York to United States-Canadian Border 4271, 7143
Rochester to Mount Clemens, Mich 3336
Syracuse to Allentown, Pa 4271
Ohio:
Cincinnati to Chicago, Ill 6241
Cleveland to Indianapolis, Ind 9958
Dayton to Williamsport, Pa 119, 2695
Findlay to Indianapolis, Ind 6241
Mansfield to Toledo, Ohio 9958
Toledo:
To Chicago, Ill 7143
To Mansfield, Ohio 9958
Oklahoma; Enid to Boston, Mass 12690
Oregon; Portland to Kansas City, Mo 12690
Pennsylvania:
Allentown to Syracuse, N. Y 4271
Altoona:
To Detroit, Mich 7143
To Pittsburgh, Pa 12182
Bradford to Elmira, N. Y 6242
Erie to Elmira, N. Y 7143
Philipsburg to Pittsburgh, Pa 6242
Pittsburgh:
To Altoona, Pa 12182
To Philipsburg, Pa 6242
Williamsport to Dayton, Ohio 119, 3695
South Dakota:
Huron to Redwood Falls, Minn 6242
Watertown to Redwood Falls, Minn 7143
Texas:
Big Spring to Culberson, Tex 9958
Culberson to Big Spring, Tex 9958
El Paso to Shreveport, La 9958
United States-Canadian Border:
To Massena, N. Y 11100
To New York, N. Y 4271, 7143
Virginia; Norfolk:
To Detroit, Mich 12182
To Goshen, Ind 2056
West Virginia:
Elkins:
To Cadillac, Mich 8979
To Lansing, Mich 7143
Huntington to Lone Rock, Wisc 2056
Wisconsin; Lone Rock to Huntington, W. Va 2056
Danger areas over Army, Navy and Air Force installations in various States, territories and possessions 11066, 11335
Designation of areas within various States, territories and possessions 11066
Alabama 11066
Alaska 11066
Arizona 11066
Ajo 11068
Arkansas 11066
California 11066
Colorado 11066
Eads 11568
Galatea 11563
Karval 11569
Kendrick 11569
Delaware 11066
Florida 11066
Panama City; Tyndall Air Force Base 11954
Georgia 11066
Camp Gordon 11068
Hawaii 11066
Island of Kahoolawe 11993
Idaho 11066
Illinois 11066
Indiana 11066

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Danger areas over Army, Navy and Air Force installations in various States, territories and possessions—Continued.
Designation of areas within various States, territories and possessions—Continued
Kansas 11066
Coldwater 11569
Lake City 11569
Ulysses 11569
Kentucky 11066
Louisiana 11066
Maine 11066
Deblois 12307
Presque Isle 11068
Maryland 11066
Aberdeen 11993
Patuxent 12302
Massachusetts 11066
Michigan 11066
Sault Sainte Marie; temporary area 11635
Minnesota 11066
Grand Marais 11068
Upper Red Lake 11068
Mississippi 11066
Missouri 11066
Nebraska 11066
Nevada 11066
Las Vegas 11068
Tonopah 11563
New Hampshire 11066
New Jersey 11066
New Mexico 11066
Deming 11954
New York 11066
North Carolina 11066
Brant Island 11068
Point of Marsh 11068
Ohio 11066
Oklahoma 11066
Oregon 11066
Pennsylvania 11066
Puerto Rico 11066
Culebra Island 11066
Desecheo Island 11066, 12302
Monita Island 11066, 12302
Vieques Island 11066
Rhode Island 11066
South Carolina 11066
South Dakota 11066
Texas 11066
Matagorda Island 11954
Midland 11068, 11954
Utah 11066
Great Salt Lake, temporary area 11063
Vermont 11066
Virginia 11066
Chesapeake Bay 11068
Ship Shoal Island 11061
Tangier Island 12302
Washington 11066
Coulee Dam 11061
Wisconsin 11066
Wyoming 11066
Effective date 11335
Defense Production Act of 1950:
Aviation Defense Requirements, Office of; establishment of, to carry out certain responsibilities and powers of Administrator under 866
Delegation of authority by National Production Authority, to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction of CAA 260, 738, 8296
Programs under; designation of Secretary of Commerce to act as claimant agency for 4914
Enforcement procedures:
Actions taken in; civil penalties 10773
Processes used in; investigations 3547
Fairbanks Airport and Anchorage Airport, Alaska; operation, maintenance, etc 12497
Federal aid for development of public airports. *See* Airports, public.

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Instrument flight rules:
Instrument altitudes, minimum en route, on various civil airways (amber, blue, green and red airways) 7352, 7651, 8521, 9634, 11137
Instrument approach procedures, standard 7352
Automatic direction finding 7352, 12562
Automatic direction finding procedures 10593
Ground controlled approach 7352
High frequency range 7352, 10593, 11275
Instrument landing system 7352
Instrument landing system procedures 10593, 11762
Introduction; persons to whom applicable, use of additional data, etc 12865
Low frequency range 7352, 8584, 10593, 11275, 12562, 12691
Radio range 7352
Very high frequency omni-directional range procedures determination 11238, 11805
Very high frequency omnirange procedures 11276, 12420, 12564
Organization and functions:
Establishment and functions of Office of Aviation Defense Requirements, to carry out certain responsibilities and powers of Administrator under Defense Production Act of 1950 866
Revision 2975
Air Navigation Development Board; establishment, powers, duties, etc 2986
Introduction; creation, authority, addresses and inquiries 2975
Major field facilities:
Aeronautical Center 2986
Technical Development and Evaluation Center 2986
Washington Airport Project; Office of the Director 2986
Washington National Airport; functions 2986
Office of Administrator; functions and principal officials 2975
Program staff offices:
Airports, Office of 2976
Aviation Defense Requirements, Office of 2977
Aviation Development, Office of 2976
Aviation Safety, Office of 2976
Federal Airways, Office of 2977
General Services, Office of 2977
Regional offices; locations and areas served 2977
International Region 2985
Regions 1–9 2978
Airport District Office at Charleston, W. Va.: Consolidation of, with Airport District Office at Richmond, Va 6735
Reestablishment of 8029
Special staff offices:
Aviation Information Office 2976
Budget Office 2976
General Counsel's Office 2976
Organization and Methods Office 2976
Personnel Office 2976
Priority (DO) ratings, and allotment numbers and symbols, delegation of authority from National Production Authority to apply, with respect to contracts and purchase orders to meet authorized programs of CAA 260, 738, 8296
Radio antenna towers and/or supporting structures, construction, marking and lighting of; standards set forth by Federal Communications Commission in conjunction with Civil Aeronautics Administration. *See main heading* Federal Communications Commission.
Recordation, airworthiness directives 23, 3693
Registration of aircraft; aircraft registration certificates:
Display; change of reference, proposed rule making 2161
Duration; change of reference, proposed rule making 2161
Issuance of:
New or previously unregistered aircraft; proposed rule making 2161
Previously registered aircraft; proposed rule making 2161

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Restrictions on shipping to certain areas. *See* Transportation of goods by air.
Safety certificates, issuance of; delegation of authority to Administrator by Secretary of Commerce to authorize properly qualified private persons to exercise certain functions relating to examination, inspection and testing in connection with 554
Security control of air traffic:
Delegation of authority to Administrator by Secretary of Commerce respecting 99
Designated air defense identification zones:
Coastal ADIZ's 280
Alaskan 8448
Atlantic 8881
Hawaii 6745
Pacific 8881
Domestic ADIZ's 280
Alaskan 8448
Albuquerque 8881
Bangor 8881
Great Falls 8881
Knoxville 8881
Los Angeles 8881
Minneapolis 8881
San Francisco 8881
Seattle 8881
Traverse City 8881
International Boundary ADIZ's 280
Canadian 8881
Mexican 8881
Operating rules:
Adherence to DVFR flight plans and air traffic clearance; DVFR flights 1579
Authorized exceptions:
Alaskan Domestic ADIZ 8448
Altitude limitations 8881
Hawaiian ADIZ 6745
Intra-zone VFR flights 1579
Reporting points:
Aircraft entering United States through a Coastal ADIZ, foreign aircraft 6242
Flights within or penetrating domestic ADIZ or entering United States across an International Boundary ADIZ, DVFR flights 1579
Technical Standard Orders—C Series—Aircraft components 675, 10403
Aircraft fabric, external covering material:
Grade A 10430
Intermediate grade 10429
Airspeed tubes 10431
Altimeter, pressure actuated, sensitive type 10418
Automatic pilot 10416
Combustion heaters 10436
Description of Technical Standard Orders previously published by Civil Aeronautics Board 675
Detectors:
Fire 676, 10423
Smoke 10403
Fire extinguishers, portable water-solution type 10434
Fire-resistant aircraft material 10432
Flares, landing 683, 10444
Indicators:
Airspeed 10405
Bank and pitch 10409
Climb 10414
Direction:
Magnetic:
Non-stabilized type 676, 10414
Stabilized type 10412
Non-magnetic, stabilized type 10410
Turn and bank 10407
Life preservers 10428
Life rafts 10427
Light flashers, position 10433
Parachutes 682, 10443
Safety belts 680, 10442
Seats and berths, aircraft 684, 10445
Turnbuckle assemblies and/or safetying devices, special aircraft 10439

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Transport aircraft; delegation of authority to Administrator by Secretary of Commerce respecting development of improved transport aircraft 359
Transportation of goods by air; administration of orders respecting, including Transportation Order T-1 and T-2 respecting restrictions on shipping to Communist China, Hong Kong and Macao, assignment of responsibility by Secretary of Commerce 12911
Washington National Airport:
Gambling and drugs 2701
Organization and functions 2986

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft; investigation of accidents occurring at or near certain cities:
Chicago, Ill.; Chicago Midway Airport 476
Denver, Colo 12623
Flagler, Colo 9915
Fort Collins, Colo 6888
Fort Wayne, Ind 4278
Key West, Fla 4498
Kingston, Jamaica 10092
Miami, Fla 10791
Minneapolis, Minn.; St. Paul-Minneapolis International Airport 2896
Monrovia, Liberia, Africa 7572
Newark, N. J.; Newark Airport 5298
Oakland, Calif 9200, 12233
Ocala, Fla 12517
Philadelphia, Pa.; Philadelphia International Airport 867
Phoenix, Ariz 2896
Reardon, Wash 1095, 6641
Redwood City, Calif 10907
Richmond, Va 8502
Santa Ynez Peak, Calif 3493
Sioux City, Iowa; Sioux City Airport 2408
Tucumcari, N. Mex 12020
Tulsa, Okla 2588
Accounts, accounting requirements, records and reports. *See* Economic regulations.
Air agencies, certificates and ratings for. *See* Certificates and ratings.
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Foreign. *See* Foreign air carrier regulations.
Irregular. *See* Irregular air carrier and off-route rules.
Scheduled. *See* Scheduled air carriers.
Air taxi operators; proposed rule making 1684
Air traffic rules:
Danger areas over Army, Navy, and Air Force installations in various States:
CAA rules 11066, 11274
Designation of areas added, deleted or altered 4, 344, 455, 496, 713, 2051, 2468, 2720, 2865, 3333, 4309, 4607, 5532, 5616, 5834, 6745, 6915, 7277, 7351, 7455, 7696, 7874, 8448, 9070, 9680, 10204
Recodified and transferred 11066
Definitions; traffic pattern, proposed rule making 9099
General:
Air navigation over foreign countries and high seas; proposed rule making 9098
Authority of pilot; proposed rule making 9098
Scope:
Certificates of waiver issued for air shows (CAA policies) 9802
Proposed rule making 9098
General flight rules (GFR):
Acrobatic flight; proposed rule making 9098
Adherence to air traffic clearances required of scheduled air carriers (CAA rules) 9306
Air races, air meets, and air exhibitions; proposed rule making 9098
Danger areas; airspace restricted areas. *See* Danger areas over Army, Navy and Air Force installations in various States, *above*.
Minimum safe altitudes:
Definitions (CAA rules):
"LFR" means low frequency radio range 672
"VOR" means VHF omni range 672

CIVIL AERONAUTICS BOARD—Continued Page

Air traffic rules—Continued
General flight rules (GFR)—Continued
Minimum safe altitudes—Continued
Minimum en route instrument altitudes on various airways, routes between various cities on red, blue, green, and amber airways (CAA rules) 672, 1232, 1233, 1725, 1726, 2182, 2720, 3691, 5614, 6274, 7351
Proposed rule making 9098
Operation on and in vicinity of an airport:
Proposed rule making 9098
Traffic pattern (CAA rules):
Light signals 6828
Right-turn indicators 6828
Traffic patterns:
Anchorage Airport and Lake Hood-Lake Spenard landing area 6828
Fairbanks Airport and Chena River landing area 6831
Instrument altitude minimums. *See* General flight rules.
Instrument flight rules (IFR):
Air traffic clearance required of scheduled air carriers (CAA rules) 9306
Approach procedure, standard (CAA rules) 224, 926, 2121, 3002, 3978, 5434, 7351
Automatic direction finding procedures 226, 931, 3003, 3981, 5433
High frequency range procedures 5437
Instrument landing system procedures 227, 2123, 3983, 5441
Introduction; proposed rule making 22
Low frequency range procedures 225, 927, 2122, 3002, 3979, 5435
Radio range procedures determination 495
Radio communications (CAA rules and policies):
Required of scheduled air carriers 9306
Route of flight and communications procedures 11335
Long distance domestic flights at certain altitudes; extension of effective period, special regulation (SR-363) 6273
Visual flight rules (VFR); proposed rule making:
Ceiling and distance from clouds 9098
Visibility 9098
Airmen; certificates and ratings. *See* Certificates and ratings.
Airworthiness; requirements for various types of aircraft and equipment:
Aircraft, restricted category. *See* Airplane: restricted category aircraft.
Aircraft equipment:
Engine; revision, proposed 11366, 11367
Equipment, various types:
See also Engine; *and* Propeller.
Aircraft components, approval of (CAA rules) 672
Classification of items of equipment; automatic pilots (CAA rules), revocation 672
Rescission of part; proposed 11366, 11392
Safety belts, requirements; exception in case of material shortages, special regulation (SR-360) 420
Propeller; revision, proposed 11366, 11390
Airplane:
Acrobatic category airplane. *See* Normal, utility and acrobatic categories.
Airplane airworthiness:
Airworthiness requirements; approval of aircraft components (CAA rules) 671
Cross references to technical standards orders; revocations 671
Equipment, requirements; approval of aircraft components (CAA rules) 671
Maximum weights for certain airplanes:
Airplanes operated by Alaskan air carriers, extension of special authorization, special regulation (SR-375) 10772
Airplanes operated by Fish and Wildlife Service; extension of special authorization, special regulation (SR-376) 8988, 10772
Safety belts, requirements; exception in case of material shortages, special regulation (SR-360) 420

CIVIL AERONAUTICS BOARD—Continued Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Cargo transport category. *See* Passenger transport and cargo transport categories; *and* Transport categories.
Normal, utility, and acrobatic categories:
Airworthiness requirements:
CAA rules, policies and interpretations:
Airplane categories 3278
Certificates:
Airworthiness, experimental and production certificates 3278
Type certificates; flight tests 3279
Changes of engines 3281
Definitions 3282
Materials, parts, processes, and appliances, approval of 669, 3281
Revision of subpart; proposed 11366, 11370
C-46 type airplane for carriage of persons or property, maximum weight for:
See also under Hearings.
Proposed rule making 6961
Cross references to technical standards orders; revocations 671
Design and construction; CAA rules, policies and interpretations:
Control surfaces (fixed and movable); installation 3289
Control systems 3289
Fuselage:
Emergency provisions 3290
Personnel and cargo accommodations 3291
Pilot compartment 3289
Landing gear:
Retracting mechanism 3289
Skis 3289
Wheels and tires 3289
Structural parts; material strength properties and design values 3289
Wings 3289
Equipment; CAA rules, policies and interpretations:
Electrical systems and equipment:
Batteries 3211
Installation 3292
Lights:
Instrument 3292
Position 3211, 3292, 6743
Switch, master 3292
Radio equipment; installation 3292
Safety equipment; life rafts and life preservers 3292
Flight requirements:
Flight characteristics:
Spinning; CAA interpretations 3284
Stability; CAA policies 3284
Stalls:
CAA policies and interpretations 3284
Stalling demonstration 4174, 5434
Trim; CAA policies 3284
Performance requirements; CAA rules, policies and interpretations:
Climb 3283
Landing 3284
Stalling speed of "not to exceed 70 miles per hour"; revocation 3283
Take-off 3283
Weight range and center of gravity 3282
Operating limitations and information; CAA rules, policies and interpretations:
Airplane flight manual 3293
Markings and placards 3292
Control markings 3293
Instrument markings 3293
Power-plant installations, reciprocating engines; CAA rules, policies and interpretations:
Components; reverse-thrust propellers, revocation 3291
Cooling; tests 3291

CIVIL AERONAUTICS BOARD—Continued Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
Airplane—Continued
Normal, utility, and acrobatic categories—Con.
Power-plant installations, reciprocating engines; CAA rules, policies and interpretations—Continued
Engines and propellers 3291
Fire wall and cowling 3292
Fuel system; fuel tanks installation 3291
Induction system; de-icing and anti-icing provisions 3292
Safety belts, requirement; exception in case of material shortages, special regulation (SR-360) 420
Strength requirements; CAA rules, policies and interpretations:
Control surface loads:
Ailerons, wing flaps, tabs, etc 3288
General 3286
Tail surfaces:
Horizontal 3286
Vertical 3287
Control system loads; primary flight controls and systems 3288
Flight loads; symmetrical and unsymmetrical flight conditions 3284
Ground loads:
Ground loads 3288
Landing cases and attitudes 3288
Skiplanes 3288
Proof of structure 3284
Water loads; general 3288
Weight; gross weight for amphibians of Transocean Air Lines, in Trust Territory of the Pacific Islands, special regulation (SR-364) 6406
Passenger transport and cargo transport categories:
See also Transport categories.
Proposed rule making 11393
Restricted category aircraft; aircraft of a type not previously certificated (CAA policies) 10114
Transport categories:
Airworthiness directives; revocation 671
Cargo transport, operating limitations; special regulation, proposed 11392
Cockpit standardization; special regulation (SR-370) 8973
Design and construction:
Control systems; proposed 11366
Control system details; general 11379
Control system locks 11379
Wing flap intersection 11379
Emergency provisions; emergency evacuation 10131, 11393, 11761
Fire protection; proposed 11366, 11380
Cabin interiors 11380
Cargo compartment classification 11380
Combustion heater fire protection 11381
Flammable fluid fire protection 11381
General 11380
Proof of compliance 11380
General; proposed 11366
Flutter, deformation and vibration 11379
Flutter and vibration prevention measures; rescission 11379
Material strength properties and design values 11379
Stiffness; rescission 11379
Hulls and floats; proposed 11366
Boat hulls 11379
Seaplane floats 11379
Landing gear:
Brakes:
CAA policies 4522
Proposed 11366, 11379
Retracting mechanism; proposed 11366, 11379
Skis; proposed 11366, 11379
Tires; proposed 11366, 11379
Wheels; proposed 11366, 11379

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
- Airplane—Continued
  - Transport categories—Continued
    - Design and construction—Continued
      - Personnel and cargo accommodations:
        - Cargo and baggage compartments; proposed — 11380
        - Controls; proposed — 11380
        - Doors — 10131, 11759
        - Pilot compartment; general, proposed — 11393
        - Pilot compartment vision (CAA policies) — 4523
        - Seats, berths and safety belts; proposed — 11380, 11393
        - Windshield and windows; proposed — 11379
      - Ventilation, heating, and pressurization; proposed — 11366
        - Heating systems — 11380
        - Pressure supply — 11380
        - Pressurized cabins; general — 11380
        - Ventilation — 11380
    - Equipment:
      - Electrical systems and equipment; proposed — 11366, 11384
      - General; proposed — 11366
        - Equipment, systems and installations — 11383
        - Flight and navigational instruments — 11383
        - Powerplant instruments — 11383
      - Instruments; installation:
        - Flight and navigational instruments:
          - Automatic pilot systems (CAA policies) — 1052
          - Proposed rule making — 11366, 11383, 11384
        - Powerplant instruments; rescission, proposed — 11366, 11384
      - Lights:
        - New requirements, special regulation (SR–361) — 909, 2468
        - Position light system installation — 3211
        - Red passing lights (CAA policies) — 3212
      - Miscellaneous equipment; proposed — 11366
      - Hydraulic systems — 11385
        - Design — 11385
        - Fire protection — 11385
        - Strength — 11385
      - Oxygen equipment and supply — 11385
      - Radio and electronic equipment — 11384
      - Vacuum systems — 11385
    - Safety equipment:
      - Accessibility and identification of safety equipment; proposed — 11366, 11384
      - Hand fire extinguishers:
        - Number and installation (portable water-solution-type) (CAA policies) — 1057
        - Proposed rule making — 11366, 11384
      - Safety belt signal; proposed — 11366, 11393
      - Safety belts; proposed — 11366, 11384
- Flight:
  - Characteristics; CAA policies:
    - Ground handling:
      - Demonstrated cross wind — 4522
      - Shock absorption — 4522
      - Stability and control:
        - Directional — 4522
        - Longitudinal — 4522
      - Water handling:
        - Demonstrated cross wind — 4522
        - Spray characteristics — 4522
        - Stability and control — 4522
    - Controllability; proposed — 11366
      - Longitudinal control — 11374
      - Minimum control speed, V_{MC} — 11374
    - General; proposed — 11366
      - Center of gravity limitations — 11374
      - Weight limitations — 11393
    - Performance:
      - Accelerate-stop distance (CAA policies) — 4522
      - General:
        - Humidity accountability respecting airplanes type certificated on or after Feb. 12, 1951 — 314
        - Proposed rule making — 11366, 11374
      - Landplanes (CAA policies) — 4522
      - One-engine-inoperative climb, proposed — 11366, 11374

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
- Airplane—Continued
  - Transport categories—Continued
    - Flight—Continued
      - Stability; static directional and lateral stability, proposed — 11366, 11374
      - Stalling characteristics:
        - Stall warning — 11192, 11374, 12220
        - Stalling, asymmetrical power — 11375
        - Stalling, symmetrical power — 11192, 11374, 12220
      - Trim; longitudinal, directional, and lateral trim, proposed — 11366, 11374
      - Water handling characteristics; proposed — 11366, 11375
    - General:
      - Applicability and definitions; proposed — 11366
        - Applicability of this part — 11393
        - Definitions — 11373
      - Certification:
        - Airplane categories; proposed — 11366, 11393
        - Approval of aircraft components (CAA rules) — 671
        - Eligibility for type and airworthiness certificates (CAA policies) — 4522
        - Flight tests; proposed — 11366, 11393
        - Proposed rule making — 11366, 11373
      - Lights; position light system, new requirements, special regulation (SR–361) — 909, 2468
      - Operating limitations and information:
        - Airplane flight manual (CAA policies) — 1052, 4524
        - Limitations, powerplant; proposed — 11366, 11385
        - Markings and placards:
          - CAA policies — 4524
          - Control markings; general, proposed — 11366, 11385
          - Powerplant instruments; general, proposed — 11366, 11385
      - Passenger transport and cargo transport categories; change in part caption, proposed — 11393
      - Powerplant installation (reciprocating engines):
        - Caption of subpart; revision, proposed — 11366, 11381
        - Cooling system:
          - General (CAA policies) — 4523
          - Liquid cooling system; proposed — 11366, 11382
        - Fuel system components; proposed — 11366
          - Jettisoning system — 11382
          - Lines and fillings — 11382
          - Pumps — 11381
        - Fuel system construction and installation; proposed — 11366
          - Fuel tank vents and carburetor vapor vents — 11381
          - Under-wing fueling provisions — 11381
        - Fuel system operation and arrangement; fuel system independence, proposed — 11366, 11381
        - General; scope (CAA policies) — 4523
        - Induction and exhaust systems; proposed — 11366
          - Exhaust system and installation components — 11382
          - Induction system ducts — 11382
        - Installation; proposed — 11381
          - Engines — 11381
          - General — 11381
          - Propeller de-icing provisions — 11381
        - Oil system; proposed — 11366
          - General — 11382
          - Oil tank construction — 11382
          - Oil tank installation — 11382
        - Powerplant controls and accessories:
          - Engine ignition systems; proposed — 11366, 11382
          - General (CAA policies) — 4523
          - Powerplant accessories; proposed — 11366, 11382
          - Propeller controls:
            - CAA policies — 4523
            - Proposed rule making — 11366 11382
        - Powerplant fire protection; proposed — 11366
          - Cowling — 11383
          - Designated fire zones — 11382
          - Drainage and ventilation of fire zones — 11383
          - Fire detector systems — 11383
          - Fire extinguisher systems — 11383
          - Flammable fluids — 11382

CIVIL AERONAUTICS BOARD—Continued — Page

Airworthiness; requirements for various types of aircraft and equipment—Continued
- Airplane—Continued
  - Transport categories—Continued
    - Powerplant installation (reciprocating engines)—Continued
      - Powerplant fire protection; proposed—Con.
        - Protection of other airplane components against fire — 11383
        - Shut-off means — 11383
      - Safety belts, requirements; exceptions in case of material shortages, special regulation (SR–360) — 420
    - Structure:
      - Control surface and system loads; proposed — 11366
        - General — 11375, 11376
        - Tabs — 11376
      - Emergency landing conditions; general, proposed — 11366, 11378
      - Flight loads; proposed — 11366
        - Effect of high lift devices — 11375
        - Flight envelopes — 11375
        - Rolling conditions — 11375
        - Yawing conditions — 11375
      - General; strength and deformation, proposed — 11366, 11375
      - Water loads:
        - CAA policies — 1630
        - Proposed rule making — 11366, 11376
    - Technical standards orders; deletions, revocations or transfers — 671
  - Utility category airplanes. *See* Normal, utility and acrobatic categories, *above*.
- Certificates for identification and marking of aircraft — 11370, 11697
- Glider airworthiness; proposed rule making — 11369, 11385
- Rotorcraft:
  - Cross references to technical standards orders; revocation — 672
  - Design and construction; landing gear, wheels, proposed — 11366, 11386
  - Flight, performance; power-off landings for multi-engine rotorcraft, proposed — 11366, 11386
  - General:
    - Aircraft components, approval of (CAA rules) — 672
    - Certification; proposed — 11366
      - Changes in type design — 11386
      - Data required — 11386
      - Designation of applicable regulations — 11386
      - Eligibility for type certificates — 11386
      - Type certificate — 11386
    - Changes; rescission, proposed — 11366, 11386
    - Definitions; proposed — 11366, 11386
  - Powerplant installation; fuel system, usable fuel supply, proposed — 11366, 11387
  - Revision (corrections) — 545, 713
  - Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) — 420
  - Structure:
    - Control surface and system loads; life of auxiliary rotor assemblies (CAA interpretations) — 3405
    - Main component requirements; service life of main rotors (CAA policies) — 3405
- Authority, delegation of:
  - Construction of new aircraft; redelegation of authority by Undersecretary of Commerce for Transportation — 6405
  - Military services; authority to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367) — 7522, 8270
  - To various officials of Board, statement respecting. *See* Organization, delegations of authority, information, etc.
- Balloon, free; standards and recommended practices for personal licensing. *See* International Civil Aviation Convention.
- Board; principles of practice of. *See* Procedural regulations.

CIVIL AERONAUTICS BOARD—Continued — Page

- Cargo carriers:
  - Airworthiness. *See* Airworthiness: airplane.
  - Irregular. *See* Irregular air carriers.
  - Noncertificated; filing of reports, proposed rule making — 1683
- Certified air carriers, filing of reports by. *See* Economic regulations.
- Certificates and ratings:
  - Air agencies:
    - Airman agency certificates:
      - Certificates; CAA rules:
        - Advertising — 6866
        - Application; proposed rule making — 3237, 6865
        - Change of location — 6866
        - Curriculum changes — 6866
        - Graduation certificates — 3237, 6866
        - Inspection — 6865
        - Issuance, display, duration, etc — 6858, 6865
        - Maintenance of facilities, equipment, and material — 6866
        - Quality of instruction — 6865
        - Records — 6866
        - School ratings — 6858
        - Student examinations — 6865
      - Requirements:
        - Flying school curriculum — 8186, 9502
        - CAA rules — 3233, 4308, 6859
        - Proposed rule making — 10269
        - Flying school requirements (CAA rules) — 6859
        - Ground school requirements and curriculum (CAA rules) — 3232, 6858
    - Ground instructor rating:
      - Certificate:
        - Airman identification card — 2367, 4176
        - Duration; proposed rule making — 7466
        - Renewal; proposed rule making — 7466
      - Examinations and tests; practical test requirement for original issuance of ground instructor certificate or rating (CAA rules) — 3888
      - Reports, annual experience; revocation — 163
    - Mechanic school certificates; proposed revision — 3663
    - Repair station certificates; proposed revision — 3660
  - Airmen:
    - Airline transport pilot rating:
      - Competency certificate; duration, proposed making — 7464
      - Pilot regulations; airman identification card — 2367, 6912
        - Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
        - Extension of date to December 15, 1951, for compliance with requirements; special regulation (SR–374) — 10114
    - Air-traffic control-tower operator certificates; regulations:
      - Air traffic control procedures to be applied by (CAA rules); revocation — 3459
      - Airman identification card — 2367, 4176
      - Certificates, issuance and expiration of:
        - Duration; proposed rule making — 7465
        - Renewal of certificates and ratings; proposed rule making — 7465
      - Control of air traffic (CAA rules) — 3459
      - Examinations; reexamination after failure — 2561
      - Reports, annual experience; revocation — 163
    - Dispatcher, aircraft, certificates:
      - Certificate:
        - Airman identification card — 2367, 6913
        - Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
        - Extension of date to December 15, 1951, for compliance with requirements; special regulation (SR–374) — 10114
      - Duration; proposed rule making — 7466
      - Reexamination after failure — 2561
      - Renewal of certificates; proposed rule making — 7466
      - Reports, annual experience; revocation — 163
    - Requirements, aeronautical experience; for approved aircraft dispatcher course (CAA rules), proposed rule making — 14, 4302

CIVIL AERONAUTICS BOARD—Continued — Page

Certificates and ratings—Continued
Airmen—Continued
Engineer, flight, certificates:
Certificate requirements:
Experience; requirements for approved flight engineer courses (CAA rules), proposed rule making — 17, 4306
Knowledge, aeronautical; content and scope of written examination required in proof of (CAA policies) — 1630
Limited certificates, under which flight engineers may serve aboard aircraft having less than four engines and incorporating flight engineer station (CAA policies) — 1630
Physical standards; color vision requirements — 1707
Skill, aeronautical; content and scope of practical examination required in proof of (CAA policies) — 1630
Certification rules:
Airman identification card — 2367, 6914
Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
Extension of date to December 15, 1951, for compliance with requirements; special regulation (SR–374) — 10114
Duration; proposed rule making — 7466
Reexamination after failure — 2562
Renewal of certificates; proposed rule making — 7466
Lighter-than-air pilot certificates:
Certificates:
Duration; proposed rule making — 7465
Renewal of certificates and ratings; proposed rule making — 7465
Termination of certificates; rescission — 7465
Pilot regulations; airman identification card — 2367, 4175
Requirements for various grades of certificates:
Commercial pilot certificate, physical condition; color vision requirements — 1704
Free balloon pilot certificate — 991, 2143
Age — 12190, 4302
Experience, aeronautical — 2190, 4302
Private pilot certificate, physical condition; color vision requirements — 1704
Student pilot certificate, physical condition; color vision requirements — 1704
Mechanic certificates:
Certificates; duration, proposed rule making — 7465
Limited mechanic certificate with propeller or aircraft appliance rating, special regulation, (SR–365) — 3658, 6743
Mechanical work performed on U. S. registered aircraft by certain Canadian mechanics; special regulation, proposed rule making — 9530
Regulations:
Airman identification card — 2367, 4175, 6913
Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
Extension of date to December 15, 1951, for compliance with requirements, special regulation (SR–374) — 10114
Renewal of certificates and ratings; proposed rule making — 7465
Reports, annual experience; revocation — 163
Revision, proposed — 3658
Navigator, flight, certificates:
Certificate requirements:
Experience; requirements for approved flight navigator courses (CAA rules) — 16, 4304
Knowledge, aeronautical, content and scope of written examination required in proof of (CAA policies) — 3887
Physical standards; color vision requirements — 1706
Skill, aeronautical, content and scope of practical examination required in proof of (CAA policies) — 3887

CIVIL AERONAUTICS BOARD—Continued — Page

Certificates and ratings—Continued
Airmen—Continued
Navigator, flight, certificates—Continued
Certification rules:
Airman identification card — 2367, 6914
Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
Extension of date to December 15, 1951, for compliance with requirements; special regulation (SR–374) — 10114
Duration; proposed rule making — 7466
Reexamination after failure — 2562
Renewal of certificates; proposed rule making — 7466
Limited flight navigator certificate, requirements for issuance; special regulation (SR–359) — 314
Parachute rigger certificates:
Certification rules:
Duration; proposed rule making — 7465
Exchange of certificates; proposed rule making — 7465
Operating rules; airman identification card — 2367, 4176
Physical standards, for airmen:
First class:
Eye, near vision requirements — 1705
Physical condition, general; blood pressure requirements — 1705
Second class; eye, color vision requirements — 1705
Third class; eye, color vision requirement — 1705
Waiver of physical standards — 1705
Pilot certificates:
See also Airline transport pilot rating; *and* Lighter than-air pilot certificates.
Certification rules:
Airman identification card — 2367, 4175, 6912
Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
Extension of date to December 15, 1951, for compliance with requirements; special regulation (SR–374) — 10114
Duration, proposed rule making — 7464
Renewal of certificates and ratings; proposed rule making — 7464
Commercial pilot rating:
Aeronautical experience — 7464, 9801
Physical standards, powered aircraft (color vision requirements) — 1704
Private pilot rating:
Age — 2189, 4301
Experience, aeronautical — 693, 2190, 4301
Knowledge, aeronautical — 693, 2189, 4301
Physical standards; powered aircraft (color vision requirements) — 1703
Skill, aeronautical — 693, 4301
Ratings:
Aircraft rating competence — 4302
Instrument ratings; experience requirements (CAA interpretations) — 4429
Student pilot certificate, physical standards; powered aircraft (color vision requirements) — 1703
Radio operator, flight, certificates:
Certificate requirements; physical standards, color vision requirements — 1706
Certification rules:
Duration, proposed rule making — 7466
Exchange of certificates — 2143
Renewal of certificates, proposed rule making — 7466
Operating rules; airman identification card — 2367, 6913
Extension of date to October 1, 1951, for compliance with requirements; special regulation (SR–371) — 9070
Extension of date to December 15, 1951, for compliance with requirements, special regulation (SR–374) — 10114

CIVIL AERONAUTICS BOARD—Continued — Page

Certificates and ratings—Continued
Airmen—Continued
Radio operator, flight, certificates—Continued
Qualifications for certificates:
Experience requirements for approved flight radio operator courses (CAA rules) — 16, 4304
Knowledge, aeronautical; content and scope of written examination required in proof of (CAA policies) — 3405
Skill, aeronautical; content and scope of practical examination required in proof of (CAA policies) — 3405
Commercial operator certification. *See* Commercial operator certification and operation rules.
Certificates of public convenience and necessity; temporary suspension of service by local area carriers, proposed rule making — 1961
Certification, identification, and marking of aircraft and related products; proposed:
Aircraft nationality and registration marks; identification marks for nonconventional aircraft (CAA rules) — 11697
Airworthiness certificates:
Display of airworthiness certificate (CAA rules) — 11697
Duration — 11370
Experimental certificates; requirements for issuance (CAA rules) — 11697
Special flight permits; requirements for issuance (CAA rules) — 11697
Submitting application (CAA rules) — 11697
Applicability and definitions; type design — 11366, 11370
Changes in type design:
Classification of changes — 11366, 11370
General — 11366, 11370
Major changes, approval of — 11366, 11370
Minor changes, approval of — 11366, 11370
Service experience changes — 11366, 11370
Production certificates (CAA rules):
Modification of production limitation record; submitting application for modification — 11697
Submitting application — 11697
Type certificates:
Application (CAA rules) — 11697
Redesignations — 11366, 11370
Requirements for issuance — 11366, 11370
Statement of conformity (CAA rules) — 11697
Type design changes; rescission — 11366, 11370
Charter trips, by certificated air carriers — 2700, 10693
Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 2487
Claimant under DPA Administration Order 1 with respect to construction of new aircraft; redelegation of authority by Undersecretary of Commerce for Transportation — 6405
Classification of air carriers. *See* Economic regulations.
Commercial operator certification and operation rules:
Emergency evacuation provisions for aircraft presently certificated; special regulation, proposed — 13151
Maximum weights for certain airplanes operated by Alaskan air carriers; extension of special authorization, special regulation (SR–375) — 8988, 10772
Military services, delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367) — 7522, 8270
Construction of new aircraft, claimant under DPA Administration Order 1; redelegation of authority by Undersecretary of Commerce for Transportation — 6405
Danger areas over Army, Navy, and Air Force installations. *See* Air traffic rules.
Defense contract operations; accounting and reporting requirements. *See* Economic regulations.
Defense Production Act, programs under; designation of Secretary of Commerce to act as claimant agency for — 4914

CIVIL AERONAUTICS BOARD—Continued — Page

Economic regulations:
Accounts, records and reports; filing of financial and statistical, etc., reports:
Cargo carriers, noncertificated; proposed rule making — 1683
Certificated air carriers. *See* Certificated air carriers.
Irregular air carriers; proposed rule making — 1683
Air taxi operators; proposed rule making — 1684
Cargo carriers, noncertificated; filing of reports by. *See* Accounts, records and reports.
Certificated air carriers, filing of reports by, and uniform accounting requirements — 12937
Balance sheet accounts — 12939
Defense contract operations, accounting and reporting requirements applicable to — 12976
General instructions — 12938
Income taxes — 12966
Non-operating income and expense accounts — 12965
Operating expense accounts — 12955
Operating revenue accounts — 12953
Reporting procedure — 12966
Certificates of public convenience and necessity; temporary suspension of service by local area carriers, proposed rule making — 1961
Charter trips and special services by certificated air carriers — 2700
Temporary authorization for National Defense transportation, extended — 10693
Classification and exemption:
Of Alaskan air carriers; extension of temporary exemption — 7878, 9633
Of irregular air carriers; operational limitations on exercise of temporary exemption by large irregular aircraft:
Extension of effective date — 3005, 4309, 5159, 6503
Large irregular carriers; conditions on operating authority, extent of operations — 1683, 2217
Statement of policy regarding role of large irregular carrier — 1683, 2217
Irregular air carriers, filing of reports by. *See* Accounts, records and reports.
Rules of practice in economic proceedings. *See* Procedural regulations.
Special services, by certificated air carriers. *See* Charter trips.
Transportation, free and reduced-rate; notice of oral argument — 2105
Equipment, aircraft:
Airworthiness requirements. *See* Airworthiness.
Maintenance, repair and alteration. *See* Maintenance, repair.
Foreign air carrier regulations; operations specifications:
Application for operations specifications by foreign air carriers (CAA rules) — 19, 9722
Ceiling and visibility minimums (CAA policies) — 11334
Free and reduced-rate transportation; notice of oral argument — 2105
Glider:
Airworthiness requirements. *See* Airworthiness.
Pilots; standards and recommended practices for personal licensing. *See* International Civil Aviation Convention.
Hearings, investigations, etc.:
Accidents, aircraft, and missing aircraft. *See* Accidents and missing aircraft.
Companies and cases, list of. *See list at end of this agency.*
Economic proceedings, rules of practice in. *See* Procedural regulations.
International Civil Aviation Convention, Annex 1, "Standards and Recommended Practices for Personal Licensing"; summary of substantive differences between Civil Air Regulations and proposed amendments respecting certain requirements for glider and free balloon pilots — 2189
Irregular air carrier and off-route rules:
Aircraft equipment:
Basic required instruments and equipment for aircraft; proposed — 11933

CIVIL AERONAUTICS BOARD—Continued — Page

Irregular carrier and off-route rules—Continued
Aircraft equipment—Continued
First-aid and emegency equipment; first-aid kits (CAA rules), proposed 11698
Radio communication system and navigational equipment for large aircraft 1710, 8038
Aircraft requirements:
Aircraft limitations for IFR and land aircraft overwater operations; proposed 12366
Aircraft required:
Exclusive use (CAA policies); revocation 926
Leasing of aircraft (CAA policies); revocation 926
Listing of aircraft (CAA rules); revocation 926
Minimum performance requirements for large airplanes used in passenger operations (airplanes certificated as basic type after July 1, 1951) 4963
Rescission of requirement for mandatory certification in transport category and redesignation; proposed 11787
Boeing S–307 aircraft, performance data on (CAA rules) 1681, 4485
C–46 airplane for carriage of persons or property, maximum weight for:
See also Hearings.
Proposed rule making 6961
Cargo carriers:
See also Cargo transport.
Continuance of temporary authorization for operation of air carriers, pending further determination, special regulation (SR–368) 7505
Cargo transport, operating limitations; special regulation, proposed 11392
Classification and exemption of irregular air carriers. *See* Economic regulations.
Emergency evacuation provisions for aircraft presently certificated; special regulation, proposed 13151
Flight crew requirements:
Pilot qualification for large aircraft 8165
Proficiency of crew serving on large aircraft; familiarization with aircraft involved in interchange of equipment (CAA policies), revocation 926
Flight operation rules; standard instrument approach procedures (CAA rules) 7351
Maintenance requirements; maintenance manual, passenger and crew weights (CAA rules) 3232, 11415
Maximum weights for certain airplanes operated by Alaskan air carriers, extension of special authorization; special regulation (SR–375) 8988, 10772
Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367) 7522, 8270
Operating limitations for large passenger-carrying airplanes:
Aircraft not certificated in transport category, performance data on Boeing S–307 aircraft (CAA rules) 1681, 4485
En route limitations; one engine inoperative; proposed 11369, 11392
Landing distance limitations, airport of destination; proposed 11369, 11392
Take-off limitations to provide for engine failure; proposed 11369, 11392
Reports, financial and statistical, filing of, by irregular air carriers; proposed rule making 1683
Resort Airlines, Inc.; extension of special authorization, special regulation (SR–373) 8943, 9322
Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
Trust Territory of the Pacific Islands, operation of amphibians by Transocean Air Lines; waiving of provisions respecting alteration or addition to structure of aircraft, special regulation (SR–364) 6406
Maintenance, repair, and alteration of certificated aircraft and of aircraft engines, propellers, and instruments:
Mechanical work performed on U. S. registered aircraft by certain Canadian mechanics, special regulation (SR–377) 9530, 11671
Revision; proposed 3656

CIVIL AERONAUTICS BOARD—Continued — Page

Operating certification for scheduled air carriers. *See* Scheduled air carriers.
Operation rules, general, for aircraft:
Commercial pilot privileges and limitations; recent flight experience, proposed rule making 7466
Maintenance (CAA rules):
Annual inspections 10132, 13035
Periodic inspection 10133, 13036
Mechanical work performed on U. S. registered aircraft by certain Canadian mechanics; special regulation, proposed rule making 9530
Private pilot privileges and limitations; recent flight experience 4303
Proposed rule making 7466
Safety belts, requirements respecting; exception in case of material shortages, special regulation (SR–360) 420
Student pilot limitations:
Flight area limitations 4308, 7140
Requirement for first solo 4308
Organization, delegations of authority, information, etc.:
Delegations of authority, final statement of:
Prior to revision:
Director, Bureau of Economic Regulations; Letters of Registration issued pursuant to Part 296 of Economic Regulations 1908
Revocation 2530
Director, Bureau of Safety Regulations; waiver of civil air regulations for operations conducted under contract with the Armed Services 1908
Revocation 2530
Revision 2530
Chief, Office of Enforcement 2531
Chief Examiner 2531
Director, Alaska Office 2531
Director, Bureau of Air Operations 2531
Director, Bureau of Safety Investigation 2533
Director, Bureau of Safety Regulation 2533
Examiners and presiding officers 2531
Officers and employees 2531
Organization, central and field, statement of:
Central organization:
Bureau of Air Operators 2606
Offices of members; general pattern of organization 2606
Field organization; Accounting and Statistics Division 2607
Passenger transport categories; airworthiness requirements. *See* Airworthiness.
Procedural regulations:
Civil Aeronautics Board, principles of practice of 2932
Economic proceedings, rules of practice in:
Hearings, argument, etc., recommended decisions 5835
Informal mail rate conference procedure 75
Petitions to conduct charter trips and special services in foreign and overseas transportation 4524
Procedure in rate proceedings, etc 5835
Rehearing, reargument, or reconsideration, successive petitions for 10978
Revision; proposed rule making 5704, 6316
Ratings. *See* Certificates and ratings.
Records and reports. *See* Economic regulations.
Rotorcraft; airworthiness requirements. *See* Airworthiness.
Rules of practice. *See* Procedural regulations.
Scheduled air carriers:
Certification and operation rules (interstate, overseas, or foreign passenger operations utilizing multiengine aircraft), proposed redesignation and revision of part; supplemental notice 286
Certification, operating:
Air carrier operating certificate:
Amendment of (CAA rules) 19, 9719
Application for (CAA rules) 19, 9719
Issuance of:
For local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–366) 7418

CIVIL AERONAUTICS BOARD—Continued — Page

Scheduled air carriers—Continued
Certification, operating—Continued
Air carrier operating certificate—Continued
Issuance of—Continued
To persons holding temporary certificates of public convenience and necessity, special regulation (SR–369) 8735
Emergency evacuation provisions for aircraft presently certificated, special regulation, proposed 13151
General minimum requirements, route requirements; visual-contact night operations (CAA rules) 1057
Long distance domestic flights at certain altitudes, extension of effective period, special regulation (SR–363) 6273
Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367) 7522, 8270
Passenger minimum requirements:
Miscellaneous requirements, weather minimums; ceiling and visibility minimums (CAA policies) 1630, 10513
Qualifications; rescission of requirement for mandatory certification in transport category, proposed 11787
Route requirements:
Day operation, visual-contact; radio facilities:
Communication facilities required for air traffic control (CAA policies) 11414
Communication facilities required for domestic scheduled air carrier operational control (CAA interpretations) 11414
Night operation, visual-contact; (CAA rules) 1057
Revision of part; proposed 286, 8923, 11874
Filing of reports by certificated air carriers, and uniform accounting requirements. *See* Economic regulations.
Operations outside continental limits of United States:
Cargo transport, operating limitations; special regulation, proposed 11392
Certificate, issuance of:
Air carrier operating certificate, application for (CAA rules) 19, 9721
Airmen records (CAA rules), proposed rule making 4588
Ceiling and visibility minimums (CAA policies) 1632
Emergency evacuation provisions for aircraft presently certificated, special regulation, proposed 13151
Flight time limitations for pilots not regularly assigned to one type of crew; special regulation (SR–372) 9280
Maximum weights for certain airplanes operated by Alaskan air carriers; extension of special authorization, special regulation (SR–375) 10772
Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367) 7522, 8270
Passenger operation rules:
Aircraft requirements; proposed:
Certification limitations; rescission of requirement for mandatory certification in transport category 11787
En route limitations 11369, 11392
First-aid and emergency equipment; first-aid kits (CAA rules) 11698
Instruments and equipment; powerplant failure or precautionary stoppage 583
Landing distance limitations 11369, 11392
Operating limitations upon airplanes certificated under transport category requirements 11369, 11392
Take-off limitations to provide for engine failure 11369, 11392

CIVIL AERONAUTICS BOARD—Continued — Page

Scheduled air carriers—Continued
Operations outside continental limits of United States—Continued
Passenger operation rules—Continued
Airman rules:
Duty time limitations for flight dispatchers; proposed rule making 10166
First pilot rules, emergency decisions (CAA interpretations) 4524
Flight time limitation for pilots not regularly assigned to one type of crew, proposed rule making 1833
Flight operation rules; standard instrument approach procedures (CAA rules) 7351
Redesignation and revision of part, proposed; supplemental notice 286
Resort Airlines, Inc.; extension of special authorization, special regulation (SR–373) 8943, 9822
Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
Operations within continental limits of United States:
Air carrier operating certificate, issuance of:
For local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–366) 7418
To persons holding temporary certificates of public convenience and necessity, special regulation (SR–369) 8735
Aircraft; first aid equipment, kits (CAA rules), proposed 11698
Airmen:
Airmen records (CAA rules), proposed rule making 4589
Airmen utilization; failure to complete instrument competency check (CAA interpretations) 10483
Rescission 11238
First pilot; instrument competency:
Aircraft used in flight check (CAA policies) 10484
Rescission 11238
Flight simulator (CAA policies) 10484
Rescission 11238
General standards (CAA policies) 10483
Rescission 11238
Proficiency requirements (CAA rules); proposed rule making 10491
Purpose of observing performance (CAA policies) 10484
Rescission 11238
Cargo transport, operating limitations; special regulation, proposed 11392
Emergency evacuation provisions for aircraft presently certificated; special regulation, proposed 13151
Flight operations:
Dispatching rules (for clearance):
Landing distance limitations; proposed 11369, 11392
Take-off limitations to provide for engine failures; proposed 11392
Weather minimums, visual-contact clearance, dispatch-visual contact night operation (CAA rules) 1058
En route limitations; all airplanes, one engine inoperative, proposed 11369, 11392
Flight altitude rules 12243
Instrument approach rules; altitude maintenance on initial approach 12245
Interruption rules, flight:
Mechanical failure in flight 583, 3405
Mechanical interruptions:
Powerplant failure or precautionary stoppage (CAA policies and interpretations); revocation 499, 5834
Redesignation 3405
Powerplant failure or precautionary stoppage 583, 3405
Pilot rules, general; emergency decisions (CAA interpretations) 4524
Preparation and take-off rules, flight; radio ground check (CAA interpretation) 3943
Standard instrument approach procedures (CAA rules) 7351

CIVIL AERONAUTICS BOARD—Continued — Page

Scheduled air carriers—Continued
Operations within continental limits of United States—Continued
Long distance domestic flights at certain altitudes; extension of effective period, special regulation (SR-363) — 6273
Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR-367) — 7522, 9270
Revision; proposed — 286, 8923, 11874
Safety belts, requirements; exception in case of material shortages, special regulation (SR-360) — 420
Taxes, income, for certificated air carriers. *See* Economic regulations.
Trust Territory of the Pacific Islands, operation of aircraft service in, by Transocean Air Lines; special provision respecting weight or structure of aircraft, special regulation (SR-364) — 6406

Hearings, investigations, etc.:
Additional service to Kansas case — 9701
Aero Finance Corp., exemption application — 3140
Aerovias Guest, S. A.; service to Bermuda — 2686
Aerovias "Q", S. A., et al — 3314, 3389
Aerovias Sud Americana, Inc — 9446
Air star route, proposed — 4728
Air Transport Associates, Inc — 2131, 9200, 9784
Aircoach Transport Association, Inc — 9200, 9784
Airline Pilots Association — 9200, 9784
Airline Transport Carriers, Inc — 2130, 6803, 7334
Airnews, Inc — 8298
Airport Package Service, Inc — 9446, 10791
Alaska Airlines, Inc — 3519, 4148, 5820, 10671, 11659
Alaska Scenic Air Service — 3519, 4148, 5820
All American Airways, Inc — 1252, 3493, 3594, 4728, 10042
American Air Transport, Inc — 6693, 9200
American Airlines, Inc — 4944, 8942, 9446, 10467, 11511, 11976
"Area" Aerovias Ecuatorianas, C. A.; service to Miami — 2477, 2588
Asbury Park, N. J., service case — 1252, 3493
Bahamas Airways, Ltd — 13012
Big Four mail rate proceeding and efficiency investigation — 4944
Bohrer Air Freight Co — 9446, 10791
Braniff Airways, Inc — 3493, 6803, 9532
British Overseas Airways Corp — 426, 10791
C-46 airplanes, maximum weight for — 9200, 9784
California Central Airlines; interlocking relationship — 6803, 7334
Capital Airlines, Inc — 8722
Cargo case — 7188, 7523
Caribbean American Lines, Inc — 9446, 9915
Central Airlines, Inc — 11511
Chicago and Southern Air Lines, Inc — 1554, 7188, 8097, 8298, 11511
Christensen Air Service — 3519, 4148, 5820
Colonial Airlines, Inc — 99, 8802
Compagnie National Air Force — 7893, 8555, 10579
Compania Cubana de Aviacion, S. A.; Havana-New York foreign air carrier permit case — 3314
Continental Air Lines, Inc — 6803, 11511
Continental Charters, Inc — 9200, 9784
Counsel for C-46 Engineering — 9200, 9784
DC-6 daylight coach case — 2046, 5720
Delta Air Lines, Inc — 4728, 11086
Eastern Air Lines, Inc — 1963, 2046, 2235, 3493, 4944, 5178, 9532, 9734, 10467
El Al Israel Airlines, Ltd — 8747, 10227
Empire Air Lines, Inc — 5820
Empire certificate renewal case — 5820
Expreso Aereo Inter-Americano, S. A.; Havana-New York foreign air carrier permit case — 3314
Florida-Bahamas service case — 5880
Flying Tiger Line, Inc — 9200, 9784, 10467
Free and reduced-rate transportation — 2105
Frontier Airlines, Inc — 6258
Golden Airways, Inc — 6200, 7431
Great Lakes Airlines, Inc — 6200, 7431
Havana-New York foreign air carrier permit case — 3314
Havana-West Palm Beach service; foreign air carrier authorization — 3389
Horne, C. F — 10005

CIVIL AERONAUTICS BOARD—Continued — Page

Hearings, investigations, etc.—Continued
Indiana-Ohio local service case — 1554, 10167
Inland Air Lines, Inc — 3672, 9784
Inland Airways, Inc — 5820
K. L. M. Royal Dutch Airlines — 11123
Kenai Peninsula service case — 3519, 4148, 5289
Kiewel, J. W — 738, 954, 1801
Knuth, George F — 10005
Lake Central Airlines — 1554, 9200, 9784
Latin American air freight case — 9446
Lehman Brothers interlocking relationships investigation — 11658, 12913
Lineas Aereas Nacionales, S. A — 1611
Mackey Air Transport, Inc., et al.; Florida-Bahamas service case — 5880
Miami Airline, Inc — 5084, 5368, 9200, 9784
Mid-Continent Airlines, Inc — 954, 6803, 9784, 12730
Mid-West Airlines, Inc — 2166, 7469, 11038
Modern Air Transport, Inc.; exemption application — 3097
National Airlines, Inc — 2046, 3493, 5178, 5720, 9532, 9734, 10579
New England Air Express, Inc — 6736, 6803, 7290, 8191, 9053, 9701
New York-Balboa through service proceeding — 9532
North Atlantic Route Transfer case reopened, for determination of certain employee seniority problems — 5024
North Central Route Investigation case — 2166, 2477, 10005
Northeast Airlines, Inc — 11976
Northwest Airlines, Inc — 7188, 7523, 11745, 12795
Oxnard Sky Freight; enforcement proceedings — 197
Ozark Air Lines, Inc — 2166
Pan American Airlines Inc — 9532
Pan American-Grace Airways, Inc — 5178, 11511
Pan American World Airways, Inc — 3493, 5024, 5178, 8098, 8298, 9053, 9701, 10829, 12913
Peninsular Air Transport; exemption application — 3813
Philadelphia-Transatlantic service — 8098, 9053, 12913
Piedmont Aviation, Inc — 1963, 7431
Pioneer Air Lines, Inc — 11511
Reeve Aleutian Airways, Inc.; pilot flight time limitations — 4148
Renewal of foreign air carrier permit — 10167
Reopened North Atlantic route transfer case — 10466
Resort Airlines, Inc — 9200, 9784, 10467
Richardson, J. R — 738, 954, 1801
Robin Airlines, Inc.; exemption application — 7999
Robinson Airlines Corp — 12670
Roscoe Charter Service — 99, 9701
S. S. W., Inc — 9200, 9784
Safeway Airways — 3519, 4148, 5820
Salt Lake City-Rapid City extension — 9784
Samoan Airlines — 1801, 9701
Scandinavian Airlines System — 10167
Scranton/Wilkes-Barre and Harrisburg, via Hazelton, Pa — 3594
Sky Coach Air Travel, Inc — 6200, 7431
Skytrain Airways, Inc — 9446
Southwest Airways Co — 5178, 9701
Southwest renewal—United suspension case — 9701
Southwest-West Coast merger case — 5178
Summer excursion fares case; DC-6 daylight coach — 2046
Swissair, Swiss Air Transport Co., Ltd.; service to Frankfurt am Main, Germany — 7999, 8723
Tabor, Edward Ware — 6200, 7431
Through service investigation; Twin Cities-Washington and Detroit-Washington — 8097, 3493
Tour basing fares — 6200, 7431
Trans American Airways, Inc., et al — 1554, 4944, 6201, 8098, 9053, 9784, 10467, 11976, 12232, 12913
Trans World Airlines, Inc — 2130
Transcontinental coach type service case — 9177, 9290, 10227
Trans-National Airlines, Inc — 11511
Trans-Texas Airways — 12913
Tucker, Alfred F — 8097
Twin Cities-Washington and Detroit-Washington; through service investigation — 2046, 4944, 5820, 6200, 6258, 9701, 9784, 10467
United Air Lines, Inc — 10005
Wade, Malcolm S — 5178, 5820, 6200
West Coast Airlines, Inc — 5820, 6200
West Coast certificate renewal case — 46, 360, 11745
West Coast common fares case — 289, 426, 2166, 5880
Westair Transport case — 3672, 9784, 10042
Western Air Lines, Inc

CIVIL AERONAUTICS BOARD—Continued — Page

Hearings, investigations, etc.—Continued
Wiggins, E. W., Airways, Inc — 11699, 11976
Wisconsin Central Airlines, Inc — 476, 2166, 8098
Wisconsin central certificate renewal case — 8098
Youngstown Airways, Inc.; Indiana-Ohio local service case — 1554

CIVIL AIR PATROL:
Personnel of; claims for damage to property, injuries or death. *See* Air Force Department.
Radio frequencies for, etc. *See* Federal Communications Commission.

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL RIGHTS PROGRAM:
Government contracts; provisions respecting discrimination because of race, religion, etc.:
Air Force and Army procurement regulations; provisions respecting — 2627, 4087
Executive order respecting. *See* Presidential documents.
Government employees; fair employment program. *See* Fair Employment Board.

CIVIL SERVICE COMMISSION:
See Loyalty Review Board.
Annual leave. *See* Leave regulations.
Appeals:
Hearing examiners, appeals respecting reductions in force — 11321
Preference eligibles under Veterans' Preference Act of 1944, appeals of; applicability of regulations — 1471
Mothers of deceased ex-servicemen or ex-servicewomen — 1471
Appointment:
Appointment of employees of other agencies without reemployment rights and of former Federal employees; agency authority and general requirements respecting indefinite noncompetitive appointments:
In any agency; appointment of former indefinite employees separated not more than 90 days by reduction in force — 11259
In defense agencies; appointment of indefinite employees of non-defense agencies after break in service of not more than 30 days — 11259
Restrictions; appointments to be subject to certain restrictions — 6661
Veterans; preference to be given to veterans with and without status — 4269
Educational requirements. *See* Education (formal) requirements.
Hearing examiners. *See* Hearing examiners, *below.*
Higher grade, appointments at; restrictions on. *See* Promotion, demotion, and reassignment.
Noncompetitive indefinite appointments. *See* Appointment of employees of other agencies without reemployment rights and of former Federal employees.
Reemployment, reinstatement, etc. *See* Reemployment, reinstatement, etc., *below.*
Through competitive system:
Apportionment, appointment to certain positions without regard to:
Engineering aid — 4743
Physical science aid — 4743
Eligible registers; restoration to registers of permanent or indefinite eligibles separated from service — 10329
Indefinite appointment:
Appointments are made in absence of eligibles, restrictions — 6661
Postal employees, special provisions respecting — 1843
To positions excepted from competitive service. *See* Exceptions from competitive service.
Apportionment. *See* Appointment: through competitive system.
Committees:
Defense Mobilization Regional Committees, interagency; representation on — 8673
Manpower Policy Committee, representation on — 1272
Competitive service:
Appointments through. *See* Appointment.
Competitive status, acquisition of. *See* Status.
Exceptions from. *See* Exceptions from competitive service.

CIVIL SERVICE COMMISSION—Continued — Page

Defense agencies, appointments in:
Indefinite employees of non-defense agencies after break in service of not more than 30 days — 11259
Permanent employees with reemployment rights. *See* Promotion, demotion, and reassignment, and movement of employees.
Defense Mobilization Regional Committees, interagency; representation on — 8673
Demotion. *See* Promotion, demotion, and reassignment.
Discrimination; fair employment program respecting. *See main heading* Fair Employment Board.
Education (formal) requirements, for appointment to certain scientific, technical or professional positions:
Instructor, Army reconditioning centers; revocation — 5389
Medical student aid, GS-7 — 12847
Physiologist (human), redesignation — 305
Social worker (psychiatric and medical) — 2997
Enforcement of regulations, authority of commission respecting. *See* Regulations, investigation and enforcement.
Exceptions from competitive service; various agencies and positions listed:
Positions excepted from examination (Schedule A):
Air Force Department:
Air Matériel Command:
Directorate of Procurement and Industrial Planning, certain special assistants — 2907
Revocation — 6993
Air Research and Development Command; positions of Civilian Chief of Engineering Operations, Technical Director of Electronics, Director of Geophysical Research, and Director of Physics, Research Group — 6993
Headquarters:
Civilian Director of Logistics Plan and Civilian Director of Industrial Resources, Deputy Chief of Staff, Matériel — 2907
Special agents in Office of Inspector General and in district offices of Office of Special Investigation — 12243
Office of Secretary; Deputy for Contract Financing, Office of Assistant Secretary (Management) — 2907
Army Department; special services, positions in Army Motion Picture Service and positions paid from appropriation "Welfare of Enlisted Men" — 11043
Census Bureau; program planners for electronic computing and tabulating equipment — 420
Children's Bureau; ten professional and consultative positions in connection with White House Conference on Children and Youth, revocation — 6336
Civil Aeronautics Board; Executive Director — 2487
Commerce Department. *See* Census Bureau; Civil Aeronautics Board; National Production Authority; *and* Public Roads Bureau.
Court of Military Appeals; private secretaries and technical assistants to Judges — 6272
Defense Department:
See Air Force Department; Army Department; Court of Military Appeals; Joint Chiefs of Staff; Munitions Board; Navy Department; *and* Research and Development Board.
Military Liaison Committee; one private secretary or confidential assistant to Chairman — 8229
Defense Materials Procurement Agency:
Deputy Administrator and Assistant to Deputy Administrator — 12027
Private secretary or confidential assistant — 12027
Defense Mobilization, Office of; certain positions — 453
Defense Production Administration; Special Assistants to Administrator in grades GS-14 or GS-15 — 1783
Economic Stabilization Agency:
See Price Stabilization, Office of; Railroad and Airline Wage Board; Salary Stabilization Board; *and* Wage Stabilization, Office of.
Private secretaries or confidential assistants to Administrator — **305**
Special assistants to Administrator, grades GS-13, GS-14, GS-15 — **637**

90000—52——10

CIVIL SERVICE COMMISSION—Continued Page

Exceptions from competitive service; various agencies and positions listed—Continued
Positions excepted from examination (Schedule A)—Continued
Education, Office of; private secretary or confidential assistant to Commissioner 12243
Entire Executive civil service; positions in foreign countries or outside continental limits of United States 8509
Executive Office of President. *See* Defense Mobilization, Office of.
Federal Civil Defense Administration; fifty positions 420
Federal Security Agency:
See Children's Bureau; Education, Office of; *and* Public Health Service.
Assistant Administrator, revocation 63
Immigration Appeals Board; chairman and members 10687
Immigration and Naturalization Service; pilot engineers, CPC–4 in Puerto Rico and Virgin Islands 8509
Indian Affairs Bureau; housekeeper positions 1001
Interior Department.
See Indian Affairs Bureau.
Division of Territories and Island Possessions, certain positions concerned with government of Virgin Islands 8509
Joint Chiefs of Staff; private secretary or confidential assistant to Chairman 8229
Justice Department:
See Immigration and Naturalization Service.
Immigration Appeals Board, chairman and members 10687
Munitions Board; private secretary or confidential assistant to Chairman 8229
Narcotics Bureau, fifty positions of agents for undercover work 4641
National Production Authority; industrial executives in grades GS–14 and GS–15 420
Navy Department; student trainees in naval shipyards 305
Price Stabilization, Office of:
Private secretaries or confidential assistants to Director 305, 3151
Special assistants to Director, grades GS–13, GS–14, GS–15 637
Public Health Service; trainees in cancer research, revocation 7309
Public Roads Bureau; positions of highway and bridge engineer in Puerto Rico and Virgin Islands 8509
Railroad and Airline Wage Board; Chairman and members of Board 11137
Reconstruction Finance Corporation:
Agency Division, Chief; revocation 881
Board of Directors, Office of; Manager and Assistant Manager, Office of Defense Loans 881
Chief accountant; revocation 881
Controller, Office of; Research and Economics Division, Chief, revocation 881
Executive Directors of Defense Plants Office, Metals Reserve Office and Defense Supplies Office; revocation 881
Loan Agency Managers; forty-two positions 881
Price Adjustment Board; Chief, Administrative Officer, revocation 881
Production Office; Manager and Assistant Manager 881
Treasurer, Office of; position of one Assistant Treasurer, revocation 881
Research and Development Board; private secretary or confidential assistant to Chairman 8229
Salary Stabilization Board:
Chairman and members of Board 6609
Confidential secretary to Chairman 7447
Small Defense Plants Administration; private secretary or confidential assistant and two Deputy Administrators 11631
Treasury Department:
See Narcotics Bureau.
Comptroller of Currency; positions of national bank examiners whose salaries are assessed against national banks and other financial institutions 9502

CIVIL SERVICE COMMISSION—Continued Page

Exceptions from competitive service; various agencies and positions listed—Continued
Positions excepted from examination (Schedule A)—Continued
Treasury Department—Continued
United Savings Bonds Division, State Directors and Deputy State Directors 6336
Wage Stabilization, Office of:
Construction Industry Stabilization Commission; industry, labor and public members of 6907
National Enforcement Commission and Regional Enforcement Commissions, members of 8733
National Wage Stabilization Board:
Confidential assistants to industry and labor groups GS–9 or lower 8311
Executive and technical assistants 6907, 8311
Private secretary or confidential assistant to Chairman of Board 305
Special assistants to Chairman of Board, grades GS–13, GS–14, GS–15 637
Regional Wage Stabilization Boards:
Executive assistants to members 10305
Industry, labor, and public members of Boards 6907
Review and Appeals Committee, members of 10305
Tool and Die Industry Study Committee, economist for 8733
Positions filled from noncompetitive examination (Schedule B):
Civil Service Commission; assistant to Chairman 5649
Price Stabilization, Office of:
Positions in grades GS–13 through GS–15 2119
Positions of Regional Director, Deputy Regional Director, District Director, and Deputy District Director 2697, 6711
State Department; certain positions in foreign service, positions requiring specialized knowledge with respect to foreign affairs, certain specialists in Institute of Inter-American Affairs and Inter-American Educational Foundation, Inc 6336
Executive orders affecting Government employees. *See main heading* Presidential documents.
Foreign duty of Government employees:
Compensation for designated posts. *See main heading* State Department.
Home leave, creditable service for 13032
Positions excepted from competitive service:
Positions excepted from examination 8509
Positions filled from noncompetitive examination; certain specialists in Institute of Inter-American Affairs and Inter-American Educational Foundation, Inc 6336
Travel time for return to United States, leave regulations respecting 13032
Hearing examiners, appointment, removal, etc.:
Prior to revision; appointment from position other than hearing examiner position 3527
Revision 9623
Reductions in force, appeals respecting 11321
Higher grade, promotions to; restrictions. *See* Promotion, demotion, and reassignment.
Home leave, creditable service for 13032
Hospitals, Government, certain positions in:
Exclusion from provisions of Federal Employees Pay Act and Classification Act, revision 1985
Practical nurse affiliate, St. Elizabeths Hospital 12605
Student laboratory technician of Army Department and Public Health Service 5199
Student medical interns, Gallinger Municipal Hospital 2649
Stipends; revision 1985
Practical nurse affiliate, St. Elizabeths Hospital 12605
Student laboratory technicians, Army Department and Public Health Service 5200
Student medical and dental interns in Government hospitals:
Gallinger Municipal Hospital 2649, 12308
Other than Gallinger and Freedmen's Hospitals 6272

CIVIL SERVICE COMMISSION—Continued Page

Indefinite appointment, promotion, etc.:
Appointment, competitive and noncompetitive. *See* Appointment.
Promotion, demotion and reassignment; procedure. *See* Promotion, demotion, and reassignment.
Restoration rights of indefinite employees after service in armed forces 6165
Within-grade salary steps for indefinite employees with reemployment rights 1845
Investigations by Commission. *See* Regulations, investigation and enforcement, *and* Separations, suspensions, and demotions.
Leave regulations, for annual and sick leave:
Prior to revision:
Annual leave, accrual of:
Full-time employees 9067, 11711
Intermittent employees 11711
Part-time employees 9067, 11711
Non-pay status; deductions in annual and sick leave credits 9067, 11712
Restoration of pre-existing regulations for period July 1, 1951 through January 5, 1952 11711
Revision 13029
Administration 13032
Annual leave; note respecting issuance of regulations 13031
Definitions 13029
General provisions 13031
Home leave, creditable service for 13032
Part-time employees 13032
Recredit of annual and sick leave 13032
Sick leave 13031
Travel time for return to United States 13032
Uncommon tours of duty 13032
Veterans, recredit of leave 13032
Manpower Policy Committee, representation on 1272
Movement of employees between agencies with reemployment rights. *See* Appointment; *and* Promotion, demotion, and reassignment.
Part-time and intermittent employees, annual leave regulations for. *See* Leave regulations.
Pay regulations:
Foreign duty in designated posts. *See main heading* State Department.
Government hospitals; stipends for trainees. *See* Hospitals, Government.
Retention by employees in classified service of same rates of basic compensation regardless of demotion, while remaining in same positions occupied on effective date of Title VI of Classification Act of 1949, general provisions 8229
Within-grade salary steps for indefinite employees with reemployment rights 1845
Physical examination prior to entry into armed services, leave of absence for 6165
Postal employees; indefinite appointment, special provisions respecting conversion of war-service indefinite appointment 1843
Promotion, demotion, and reassignment and movement of employees between agencies with reemployment rights:
Appointment of employees with reemployment rights; authority of agencies to give indefinite appointments 6662
Indefinite promotions, demotions, and reassignments 1001
Pay, on demotion; retention of same rates of basic compensation regardless of demotion, while remaining in same positions occupied on effective date of Title VI of Classification Act of 1949, general provisions 8229
Permanent status of certain demotions and reassignments 1001
Reduction in force; status of permanent employees on indefinite assignment 1001
Reemployment rights of permanent employees transferring to defense agency:
Appointment of employees 1845
Within-grade salary steps, eligibility to 1845
Granting of 1845
Restrictions on promotion, transfer or appointment at higher grade and reassignment to different line of work 6662, 11555
Positions at or below GS–5 or equivalent 6662
Positions below GS–12 1662, 7119

CIVIL SERVICE COMMISSION—Continued Page

Puerto Rico. *See* Territories.
Reassignments. *See* Reemployment, reinstatement, etc.
Reductions in force:
Hearing examiners, appeals of 11321
Permanent employees on indefinite appointment, reached in reduction in force, status of 1001
Retention preference regulations. *See* Retention preference regulations.
Reemployment, reinstatement, etc.:
Reassignment. *See* Promotion, demotion, and reassignment; *and* Retention preference regulations for use in reductions in force.
Reemployment: *See* Appointment; Promotion, demotion, and reassignment; Regulations, investigation and enforcement; *and* Separation, suspensions and demotions.
Reinstatement; appointment of employees of other agencies without reemployment rights and of former Federal employees. *See* Appointment.
Restoration of Federal employees after service in armed forces; revision 6165
Register of persons eligible for appointment; restoration to registers of permanent or indefinite eligibles separated from service 10329
Regulations, investigation and enforcement; disqualification for examination for listed types of appointment for certain reasons, for period of not more than three years 7499
Restoration of Federal employees after service in armed forces; revision 6165
Retention preference regulations for use in reductions in force; actions, reassignments to continuing positions in local commuting area 6609, 10477
Security:
Loyalty investigations. *See main heading* Loyalty Review Board.
Separation from employment in interest of national security; determination by Commission as to employability by another agency 8509
Separation, suspensions and demotions:
Authority of Commission to investigate; investigations denied when agencies fail to follow prescribed procedure 8509
Removal on charges, effect on future employment 3271
Separation in interest of national security; determination by Commission as to employability by another agency 8509
Sick leave. *See* Leave regulations.
Status, competitive:
See also Appointment, *and* Promotion, demotion, and reassignment.
Acquisition of; regulations under Executive Order 10157:
Basic requirements:
Date of entrance on duty 4639
Veterans, recommendation by agency 4367
Continuous service; 44 work days equivalent of 60 calendar days 4640
Submission of recommendations:
Forms to be submitted 4367
Time limit in case of veterans 4367
Veterans:
Basic requirements 4367
Submission of recommendations 4367
Territories, service in; certain positions excepted from examination:
Puerto Rico; highway and bridge engineers 8509
Virgin Islands:
Engineers, highway and bridge 8509
Government of, certain positions concerned with 8509
Tours of duty, uncommon; leave regulations respecting 13032
Transfer to position of higher grade, restrictions on. *See* Promotion, demotion, and reassignment.
Travel time for return to United States, leave regulations respecting 13032
Veterans:
Appeals under Veterans' Preference Act. *See* Appeals.
Indefinite appointments in defense agencies; preference to be given veterans with and without status 4269
Leave, recredit of leave for 13032

CIVIL SERVICE COMMISSION—Continued — Page

Veterans—Continued
- Removal from employment on charges; investigation as to reemployability, period of time in which cases will be considered — 3271
- Restoration of Federal employees after service in armed forces; revision — 6165
- Status, competitive, acquisition of. *See* Status, competitive.
- War service indefinite postal employees serving December 1, 1950, not to be converted to indefinite appointment — 1843
- Within-grade salary steps for indefinite employees with reemployment rights — 1845

COAST AND GEODETIC SURVEY:
- Pay, allowances, etc., for members of uniformed service under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.

COAST GUARD:
- Aids to navigation; costs and charges for employment of vessels, and materials used to construct, repair and maintain — 4657
- Alaska, navigation and vessel inspection laws and regulations applicable in; notice of hearing respecting — 10465
- Allotments of seamen; bond allotments on shipping articles, revocation — 1830
- Anchorage and navigation regulations, St. Marys River, Michigan. *See* Navigation regulations.
- Authority, delegations of:
  - From National Production Authority; authority to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction programs, confirmation of prior delegation by National Production Administration — 738
  - From Secretary of the Treasury to Commandant, United States Coast Guard; authority with respect to waivers of navigation and vessel inspection laws — 731
- Bays, sounds and lakes, vessels in; lifesaving equipment, etc. *See* Vessels in various waters.
- Boilers. *See* Marine engineering.
- British Ministry of War Transport, cargo vessels equipped with certificates issued by; waiver of certain navigation and vessel inspection laws and regulations respecting loading of passengers at United States ports for outward transportation, revocation — 1830
- Coast Guard military personnel:
  - Coast Guard Reserve, United States:
    - Active duty order; Executive order respecting. *See main heading* Presidential documents.
    - Enlistments in Reserve, extension of; Executive order respecting. *See main heading* Presidential documents.
    - Regulations:
      - Administration, organization, and general policy:
        - General policy respecting strength of Reserve — 7769
        - Precedence of officers: — 7769
          - Between officers of Reserve
          - Between officers of Reserve and officers of Coast Guard — 7770
          - Former officers of Navy or Coast Guard appointed in Reserve, date of rank of — 7770
          - Running mate, determination and redetermination of — 7770
        - Precedence of officers. *See* Administration.
        - Promotion; Commissioned Officers: — 7771
          - After failing of selection — 7771
          - Certain officers on active duty — 7771
          - Date of rank upon promotion — 7771
          - Procedures for effecting — 7770
          - Promotion boards; membership, procedures for, reports of, etc — 7771
          - Promotion lists — 7770
          - Promotion zone — 7771
          - Reversion from temporary rank — 7771
          - Types of promotion
- Mentally incompetent Coast Guard personnel, payment of amounts due to — 10636

COAST GUARD—Continued — Page

Coast Guard military personnel—Continued
- Retired personnel of Regular Coast Guard, active service for; Executive order respecting. *See main heading* Presidential documents.
- Trustee, for mentally incompetent personnel; appointment, bonding, etc., to receive pay in behalf of incompetent — 10636
- Coast Guard Reserve, United States. *See* Coast Guard military personnel.
- Coastwise waters, vessels in:
  - Equipment, operating requirements, etc. *See* Vessels in various waters.
  - Load lines for passenger vessels. *See* Load lines.
- Combustible liquids. *See* Explosives or other dangerous articles.
- Commandant, U. S. Coast Guard, delegation of authority to, from Secretary of Treasury, with respect to waivers of navigation and vessel inspection laws — 731
- Construction of vessels; engineering. *See* Marine engineering.
- Contracts, renegotiation of; Executive order respecting. *See main heading* Presidential documents.
- Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
- Courts-martial proceedings; joint regulations of armed forces. *See main heading* Defense Department.
- Crews of vessels; seamen. *See* Merchant Marine officers and seamen.
- Dangerous articles. *See* Explosives or other dangerous articles.
- Defense Production Act of 1950:
  - Delegation of authority by National Production Authority, to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction programs, confirmation of prior delegation by National Production Administration — 738
  - Programs under; designation of Secretary of Defense as claimant agency for — 4913
- Discharge or termination of services of seamen, reporting of; waivers respecting — 1830
- Dry ice:
  - Classification as dangerous article for ships' stores and supplies — 1085
  - Transportation of vehicles loaded with, on board vessels — 1084
- Emergency, war:
  - Officers, licensed; regulations during emergency, to permit alien officers to serve on merchant vessels. *See* Merchant marine officers and seamen.
  - Waivers of certain navigation and vessel inspection laws and regulations during. *See* Waivers of certain navigation and vessel inspection laws and regulations.
- Employment of seamen. *See* Merchant marine officers and seamen.
- Engineering, marine; provisions respecting boilers, material piping systems, etc. *See* Marine engineering.
- Enlistments, extension of; Executive order respecting. *See main heading* Presidential documents.
- Equipment:
  - *See also* Tank vessels; *and* Vessels in various waters.
  - Approval of miscellaneous items — 508, 1685, 1686, 2578, 2579, 2580, 5136, 6150, 8553, 10133, 10134, 12366
  - Terminations or withdrawals of approval — 509, 510, 2580, 5138, 8554, 8941, 10135
  - Specifications, for various types of equipment and materials:
    - Construction; doors, watertight, sliding (and door controls), for merchant vessels — 1086
    - Engineering equipment; fusible plugs for merchant vessels — 8138, 11965
    - Flares; distress signals. *See* Lifesaving equipment.
    - Lifesaving equipment, for merchant vessels:
      - Lifeboat winches for merchant vessels, construction of — 5543
      - Mechanical disengaging apparatus, lifeboat; proposed changes in regulations — 8139
      - Preservers, fibrous glass — 1832, 7257

COAST GUARD—Continued — Page

Equipment—Continued
- Specifications, for various types of equipment and materials—Continued
  - Lifesaving equipment, for merchant vessels—Con.
    - Pumps, bilge, lifeboat — 1085
    - Signals, distress, pistol-projected parachute red flare (and signal pistol) — 1832, 7259, 7262
  - Materials, incombustible, for merchant vessels; asbestos millboard — 5133
- Evacuation, emergency, vessels requisitioned by United States for; waiver of certain navigation and vessel inspection laws and regulations — 12792
- Explosives or other dangerous articles or substances, transportation or storage on board vessels, use as ships' stores, etc.:
  - On tank vessel. *See* Tank vessels.
  - Ship's stores and supplies on board vessels, use of dangerous articles as; Table S-classification, ships' stores and supplies of a dangerous nature, carbon dioxide, solid (dry ice) — 1085
  - Supervision and control of; regulations for protection of vessels, harbors, etc — 5770, 8677, 11311
  - Transportation or storage:
    - Comparison of old section numbers and new section numbers — 7211, 7212
    - Definition; flammable, or inflammable — 1832, 7212
    - Explosives, detailed regulations governing; proposed changed in regulations — 8139
    - Gases, compressed, detailed regulations governing; proposed changed in regulations — 8138
    - Hazardous articles, detailed regulations governing; Table K-classification, hazardous articles, requirements regarding carbon dioxide, solid (dry ice, carbonice) — 1084
    - Liquids, flammable or inflammable; detailed regulations governing — 1831, 7219, 10857
    - List of explosives or other dangerous articles containing shipping name or description of articles subject to regulations:
      - Carbon dioxide, solid (dry ice) — 1083
      - Liquids, flammable or inflammable; proposed changes in regulations — 1832
      - Revision — 7212
    - Poisonous articles, detailed regulations governing:
      - Proposed changes in regulations — 8138
      - Table H-classification, deletion of article "Acrolein" — 7257
    - Shippers requirements re: packing, marking, labeling, and shipping papers, prescribed containers — 8013
    - Temporary amendments to regulations; authority to waive or relax regulations, cancellation — 3013
    - Vehicles loaded with solidified carbon dioxide (dry ice) and transported on board cargo vessels or railroad car ferries:
      - Highway vehicle, stowage of — 1084
      - Railroad vehicle, stowage of — 1084
- Ferryboats, on bays, sounds, Great Lakes and other lakes and rivers:
  - Life preservers — 8139
  - Load lines, for passenger vessels on Great Lakes — 1073
  - Subdivision and watertight integrity — 1081, 1083
- Fire-fighting equipment for tank ships and barges — 1512, 1535
- Gases, transportation or storage of:
  - Compressed gases. *See* Explosives.
  - Petroleum gases, liquefied, on tank vessels. *See* Tank vessels.
- Great Lakes, vessels in:
  - Lifesaving equipment, etc. *See* Vessels in various waters.
  - Load lines for passenger vessels — 1073
  - Pilot rules. *See* Navigation regulations.
  - Seamen, employment of; waivers respecting — 1830, 5059
- Harbors, safeguarding of. *See* Security.
- Hours of labor of seamen on Great Lakes tugs — 1830
- Identification and exclusion of persons from vessels, harbors, and waterfront facilities. *See* Security.
- Inland waters, pilot rules for; navigation requirements. *See* Navigation regulations.

COAST GUARD—Continued — Page

- Lakes, vessels in:
  - *See also* Great Lakes, vessels in.
  - Equipment, operating requirements, etc. *See* Vessels in various waters.
- Lifesaving equipment and appliances:
  - For tank vessels. *See* Tank vessels.
  - For vessels in bays, lakes, rivers, ocean and other waters. *See* Vessels in various waters.
  - Specifications for. *See* Equipment.
- Liquids, combustible or inflammable. *See* Explosives or other dangerous articles; *and* Tank vessels.
- Load lines, for passenger vessels:
  - Foreign and coastwise voyages:
    - Ash chutes — 1073
    - Doors, location of allowed types; doors that may be opened at sea, doors between coal bunkers, and doors in trunkways with refrigerated cargo — 5132
    - Inlets and discharges — 1073
    - Pumping arrangements — 1073
    - Steering apparatus, auxiliary, proposed cancellation — 8138
    - Watertight doors, types: operation and fittings, design and installation, tests, etc — 5132
  - Great Lakes voyages; exceptions applicable to subdivision Great Lakes vessels — 1073
- Marine engineering:
  - Boilers:
    - *See also* Construction; *and* Installations.
    - Low-pressure heating; proposed changes in regulations — 8137
  - Brazing. *See* Welding, arc and gas, and brazing.
  - Construction:
    - Boilers:
      - Fire-tube, combustion chambers and tube sheets of; detail requirements — 1073
      - Proposed changes in regulations — 8137
      - Tubes for; detail requirements — 1073
    - Valves, safety; installation — 1074
  - General provisions; proposed changes in regulations — 8136
  - Inspections. *See* Installations, tests, inspections, repairs, etc.
  - Installations, tests, inspections, repairs, etc.:
    - Fusible plugs; cancellation of provisions respecting — 8138, 11965
    - Repairs; boilers, pressure vessels, etc — 1078
    - Tests and inspections; boilers, steam pipes, etc — 1077
  - Materials:
    - Carbon-steel bolting material, workmanship and finish — 1073
    - Proposed changes in regulations — 8137
  - Piping systems, pumps, refrigeration machinery, and fuel tanks:
    - Detail requirements:
      - Bolting; materials — 1075
      - Expansion and flexibility — 1074
      - Installation — 1076
      - Joints and flanged connections; tables — 1075
      - Pipes, design pressures and thickness — 1074
      - Tests — 1076
      - Valves; class I piping — 1075
    - Proposed changes in regulations — 8137
    - Pumping arrangements and piping systems; lubricating oil system — 1076
    - Steering apparatus, proposed changes in regulations — 8133
  - Pressure vessels, unfired:
    - Proposed changes in regulations — 8137
    - Repairs, tests — 1077, 1078
    - Tests, for new pressure vessels — 1074
  - Repairs. *See* Installations, tests, inspections, etc.
  - Safety valves, installation — 1074
  - Tests:
    - *See also* Installations, tests.
    - Pressure vessels, unfired; tests for new vessels — 1074
  - Welding; arc welding, gas welding, and brazing:
    - Proposed changes in regulations — 8138
    - Tests and inspections, hydrostatic and hammer tests — 1076

COAST GUARD—Continued Page

Materials:
Engineering materials, piping, castings, etc. *See* Marine engineering.
Lifesaving equipment; specifications for. *See* Equipment.
Mentally incompetent military personnel, payment of amounts due to 10636
Merchant marine, regulations respecting:
Officers and seamen. *See* Merchant marine officers and seamen.
Security check and clearance of merchant marine personnel, for security of vessels. *See* Security.
Vessels. *See* Vessels.
Merchant Marine Council; public hearing, notice of, and agenda for:
Changes in inspection and navigation regulations, proposed 1831, 8136
Explosives; new regulations respecting handling of explosives for security of waterfront facilities, proposed 5770
Termination of approval of certain buoyant cushions, proposed 509, 510
Merchant marine officers and seamen:
Aliens, employment of, as officers on merchant vessels 12704, 12705
Crews, nationality of, on non-subsidized merchant vessels. *See* Seamen.
Investigations, hearing, suspensions, etc.:
Investigation regulations; marine casualties and accidents, violations, etc.:
See also Suspension and revocation proceedings.
Persons in service of Coast Guard, testimony by 8848
Revocation proceedings. *See* Suspension and revocation proceedings.
Suspension and revocation proceedings; testimony by Coast Guard personnel 8848
Military justice. *See* Military justice, *below.*
Officers, licensed:
Regulations during emergency; alien officers 12705
Waivers of navigation and vessel inspection laws and regulations; employment of aliens as watch officers on merchant vessels 12702, 12704
Seamen:
Allotments:
Comparison of old and new section numbers 4546
Revised regulations 4546, 4547
Certification, general requirements for; collection of fees for duplicate documents at time of issuance 5132
Crews, nationality of, of non-subsidized merchant vessels; waiver respecting. *See* Waivers.
School ships for seamen; minimum standards for vessels used as 3218
Waivers of certain regulations respecting seamen, during war emergency 1829, 5059, 5060, 9090
Allotments of seamen; bond allotments, on shipping articles, revocation 1830
Bond allotments. *See* Allotments of seamen.
Crews of non-subsidized merchant vessels:
Nationality of 9090, 9093
Percentage of citizens required in 5059, 5060
Discharge or termination of seamen; reporting of:
On tugs, towboats and seagoing barges; revocation 1830
On vessels employed exclusively in trade on lake other than Great Lakes, bays, sounds, bayous, canals, and harbors 1830
Employment:
On Great Lakes vessels. *See* Great Lakes vessels, *below.*
On vessels other than Great Lakes vessels; able seamen employed on cargo and tank vessels 5059, 5060, 10856, 10857
Previous employment, chronological record of 1830
Reporting of:
On tugs, towboats and barges; revocation 1830
On vessels employed exclusively in trade on lakes other than Great Lakes, bays, sounds, bayous, canals, and harbors 1830

COAST GUARD—Continued Page

Merchant marine officers and seamen—Continued
Seamen—Continued
Waivers of certain regulations respecting seamen during war emergency—Continued
Great Lakes, vessels, seamen on:
Able seamen employed on Great Lakes merchant cargo and tank vessels 5059, 5060
Eight-hour day on tugs navigating Great Lakes and tributary waters 1830
Engine department, qualified members of, on Great Lakes merchant cargo and tank vessels 5059, 5060
Hours of labor; eight-hour day on tugs navigating Great Lakes and tributary waters 1830
Record, chronological, of seamen's previous employment 1830
Shipping articles, bond allotments on; revocation 1830
Military justice:
Boards of Review, uniform rules of procedure; joint regulations of armed forces. *See main heading* Defense Department.
Courts-Martial Manual, suspension of limitation on certain punishments prescribed by; Executive order respecting. *See main heading* Presidential documents.
Mobile River and Mobile Harbor, pilot rules for 11699
Nautical school ships, public, for seamen; minimum standards for vessels used as 3218
Navigation regulations; aids to navigation, navigation requirements for inland waters, etc.:
Aids to navigation; costs and charges for employment of vessels, and material used to construct, repair and maintain 4657
Navigation requirements, for vessels in various waters:
Great Lakes, pilot rules for; signals and rules of the road, warning signals for Coast Guard vessels while handling or servicing aids to navigation 1831, 5767
Inland waters, pilot rules for; special day or night signals, warning signals for Coast Guard vessels while handling or servicing aids to navigation 1831, 5767
St. Marys River, Michigan:
Anchorage and navigation regulations, proposed changes in regulations 10161
Emergency speed limits:
Between Everens Point and Big Point 7460
Between Little Rapid Cut Lighted Buoy No. 87 and 6-Mile Point Range Rear Light 7460
General provisions; St. Marys River patrol:
Lookout stations 10162
Sound signals used by patrol 10162
Navigation regulations:
Channels:
Middle Neebish Channel, special sound signal for 10162
Passing and approaching in 10162
Pipe Island passages 10162
Speed limit in St. Marys River 10162
Western rivers, pilot rules for; vessels passing each other, warning signals for Coast Guard vessels while handling or servicing aids to navigation 1831, 5767
Ocean and coastwise waters, vessels in:
Equipment, operating requirements, etc. *See* Vessels in various waters.
Load lines for passenger vessels. *See* Load lines.
Pacific Northwest, Maritime industry in; navigation and vessel inspection laws and regulations, notice of hearing 10668
Passenger vessels, in various waters:
Equipment, operating requirements, etc. *See* Vessels in various waters.
Load lines. *See* Load lines.
Pay, allowances, etc.:
Mentally incompetent Coast Guard personnel, on active or retired list of the Coast Guard Reserve, entitled to Federal pay; payment of amounts due 10636

COAST GUARD—Continued Page

Pay, allowances, etc—Continued
Quarters allowances under Career Compensation Act, Executive order respecting. *See main heading* Presidential documents.
Petroleum, utilization for motive power of steam vessels; revocation of waiver respecting 1830
Pilot rules:
For inland waters, Great Lakes, and Western rivers; navigation requirements. *See* Navigation regulations.
For Mobile River and Mobile Harbor; notice of hearing 11699
Pipes and piping systems for vessels. *See* Marine engineering.
Poisonous articles. *See* Explosives or other dangerous articles.
Port security. *See* Security.
Pressure vessels. *See* Marine engineering.
Price control; exemption from price control of certain sales of military items to Defense Agencies. *See main heading* Price Stabilization, Office of.
Priority, for transportation of military freight and mail. *See main heading* Defense Transport Administration.
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 738, 1509
Revocation 8096
Protection and security of vessels, harbors, and waterfront facilities. *See* Security.
Reserves, United States Coast Guard Reserves. *See* Coast Guard military personnel.
Retired personnel of Regular Coast Guard, active service for; Executive order respecting. *See main heading* Presidential documents.
Rivers:
Pilot rules for Western rivers; navigation requirements. *See* Navigation regulations.
St. Marys River; navigation requirements. *See* Navigation regulations.
Vessels in; lifesaving equipment. *See* Vessels in various waters.
Sabotage and other subversive activities, safeguarding of vessels against. *See* Security, of vessels, harbors, and waterfront facilities.
Safety valves, installation 1074
St. Marys River; anchorage and navigation regulations for. *See* Navigation regulations.
School ships, nautical, public; minimum standards for vessels used as 3218
Seamen. *See* Merchant marine officers and seamen.
Security, of vessels, harbors, and waterfront facilities:
Dangerous cargoes (explosives, etc.); handling of, within or contiguous to waterfront facilities 5770, 8677, 11311
Identification of persons:
Credentials for persons requiring access to waterfront facilities or vessels. *See* Waterfront facilities.
Identification and exclusion of persons from vessels and waterfront facilities 7537
Merchant marine personnel, security check and clearance of. *See* Merchant marine personnel.
Merchant marine personnel, security check and clearance:
Application for security clearance; basis for rejection 9312
Employment of personnel on merchant vessels; security provisions with respect to certain vessels 817
Requirements for documents bearing security clearance endorsement 6180
Extension of effective period 6868, 8846
Protection and security of vessels, harbors, and waterfront facilities; regulations under Executive Order 10173, as amended by Executive Order 10277 7537
General provisions; enforcement of rules and regulations 7537

COAST GUARD—Continued Page

Security, of vessels, harbors, and waterfront facilities—Continued
Protection and security of vessels, harbors, and waterfront facilities; regulations under Executive Order 10173, as amended by Executive Order 10277—Continued
Identification and exclusion of persons from vessels and waterfront facilities:
Identification credentials 7537
Issuance of documents and employment of persons aboard vessels 7537
Waterfront facilities, and vessels in port, security of:
Condition of waterfront facilities a danger to vessels 7538
Safety measures 7537
Vessels, security of:
See also Protection and security; *and* Waterfront facilities.
Merchant marine personnel, security check and clearance:
Application for security clearance; basis for rejection 9312
Employment of personnel on merchant vessels, security provisions with respect to certain vessels 817
Requirements for documents bearing security clearance indorsement 6180
Extension of effective period 6868, 8846
Waterfront facilities, security of:
See also Protection and security.
Explosives or other dangerous cargoes within or contiguous to waterfront facilities, safety measures re handling of 5770, 8677
Conditions for designation as designated waterfront facility; adequacy of guarding, fire extinguishing equipment, and lighting 11311
Identification credentials, for persons requiring access to waterfront facilities or vessels:
Basis for denial 9313
Basis for temporary witholding 9313
Coast Guard Port Security Card:
Application for 2151
Notification of denial or revocation of 817
Requirements for credentials; towing vessels or barges engaged in trade on Great Lakes or western rivers 8273
Shipping articles of seamen, bond allotments on; revocation 1830
Ships' stores and supplies on board vessels, use of dangerous articles as. *See* Explosives or other dangerous articles.
Sounds and bays, vessels in; lifesaving equipment, etc. *See* Vessels in various waters.
Steering apparatus; proposed regulations 8138
Tank vessels:
Equipment, special, machinery, and hull requirements, for tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1513
Main and auxiliary machinery, steering apparatus, proposed cancellation 8138
Revision of regulations 1518
Fire-fighting equipment for tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Revision of regulations 1535
Gases, petroleum, liquefied; transportation by tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Proposed changes in regulations 8137
Revision of regulations 1545
General provisions:
Comparison of old section numbers and new section numbers 1511, 1512
Revision of regulations 1514
Hull requirements. *See* Equipment, special, machinery, and hull requirements.
Inspection and certification of tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1512
Revision of regulations 1516

COAST GUARD—Continued Page

Tank vessels—Continued
Lifesaving appliances, for tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1513
Revision of regulations 1528
Liquids, inflammable or combustible, having lethel characteristics; transportation by tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
New regulations 1548
Proposed changes in regulations 8137
Machinery, for tank ships and barges. *See* Equipment, special, machinery.
Operations, tank ship and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Revision of regulations 1539
Trustee, for mentally incompetent military personnel; appointment, bonding, etc., to receive Federal pay on behalf of incompetent 10636
Vessels:
Crews. *See* Merchant marine officers and seamen.
Emergency evacuation, vessels requisitioned by United States for; waiver of certain inspection and navigation laws and regulations 12792
Equipment, operating requirements, etc., for vessels in various waters (bays, sounds, lakes, ocean and coastwise). *See* Vessels in various waters.
Navigation. *See* Navigation regulations.
Safeguarding of vessels against sabotage and other subversive activity. *See* Security, of vessels, harbors, and waterfront facilities.
Waivers of certain vessel inspection laws and regulations, during war emergency. *See* Waivers of certain navigation and vessel inspection laws and regulations.
Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast); equipment, operating requirements, etc.:
Bays, sounds, and lakes other than Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances:
Boats, requirements for; mechanical means for lowering, limit switches and emergency disconnect switches in control circuits of lifeboat winches 1831, 5443
Passenger vessels, subdivision and watertight integrity 1082
Steering apparatus, proposed cancellation 8138
Ferryboats; subdivision and watertight integrity of ferry vessels 1083
Coastwise. *See* Ocean and coastwise.
Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances:
Boats, requirements for; mechanical means for lowering, limit switches and emergency disconnect switches in control circuits of lifeboat winches 1831, 5443
Passenger vessels, subdivision and watertight integrity of 1080
Steering apparatus, proposed cancellation 8138
Ferryboats; subdivision and watertight integrity of ferry vessels 1081
Lakes. *See* Bays, sounds, and lakes other than Great Lakes; *and* Great Lakes.
Ocean and coastwise:
Boats, rafts, bulkheads, and saving appliances:
Coastwise:
Boats, requirements for; mechanical means for lowering, limit switches and emergency disconnect switches in control circuits of lifeboats winches 1831, 5443
Bulkheads on passenger vessels 100 gross tons and over; cancellation 5133
Passenger vessels of less than 150 gross tons, subdivision and watertight integrity of 1079
Steering apparatus, proposed changes in regulations 8138
Ocean:
Boats, requirements for; mechanical means for lowering, limit switches and emergency disconnect switches in control circuits of lifeboat winches 1831, 5443

COAST GUARD—Continued Page

Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast); equipment, operating requirements, etc—Continued
Ocean and coastwise—Continued
Boats, rafts, bulkheads, and saving appliances—Continued
Ocean—Continued
Bulkheads on passenger vessels 100 gross tons and over; cancellation 5133
Passenger vessels of less than 150 gross tons, subdivision and watertight integrity 1079
Steering apparatus, proposed changes in regulations 8138
Operating requirements, special; lookouts, fire patrolmen, and additional watches when necessary 3218
Rivers:
Boats, rafts, bulkheads and lifesaving appliances:
Passenger vessels; subdivision and watertight integrity of 1083
Steering apparatus, proposed cancellation 8138
Ferryboats:
Life preservers, proposed changes in regulations 8139
Subdivision and watertight integrity 1083
Waivers of navigation and vessel inspection laws and regulations, during war emergency:
Aliens, employment of, as watch officers on United States merchant vessels 12702, 12704
Authority, delegation of, to Commandant, U. S. Coast Guard from Secretary of Treasury, with respect to waivers 731
British Ministry of War Transport certificates, cargo vessels equipped with; permission to load at United States ports for outward transportation, revocation 1830
Officers, waivers respecting. *See* Merchant marine officers and seamen.
Petroleum, utilization for motive power of steam vessels; revocation 1830
Seamen, waivers respecting. *See* Merchant marine officers and seamen.
Vessels requisitioned by the United States, for emergency evacuation 12792
Waivers:
Continuation in effect of certain, regulations and instructions, effective July 1, 1950; revocation 1830
Procedure for effecting general waivers 5060
Procedure for effecting individual waivers 1959
Revocation or cancellation of prior waivers 1830
Waterfront facilities, safeguarding of, against sabotage and other subversive activity. *See* Security, of vessels, harbors, and waterfront facilities.
Welding, arc and gas. *See* Marine engineering.
Western rivers, pilot rules for. *See* Navigation regulations.

COLLECTIVE BARGAINING:
Preservation of; Executive order respecting. *See* Presidential documents.
Rights of employees under National Labor Relations Act. *See* National Labor Relations Board.

COLUMBUS DAY, 1951; proclamation respecting. *See* Presidential documents.

COMMERCE, UNDERSECRETARY FOR TRANSPORTATION. *See* Commerce Department.

COMMERCE DEPARTMENT:
See Census Bureau.
Civil Aeronautics Administration.
Civil Aeronautics Board.
Foreign and Domestic Commerce Bureau.
Maritime Administration.
Maritime Board, Federal.
National Bureau of Standards.
National Production Authority.
Patent Office.
Public Roads Bureau.
Weather Bureau.
Authority, delegation of:
Assistant Secretary for Domestic Affairs, and as alternate, Assistant Secretary for Administration; authority respecting loan guarantee program 6968
Census Bureau, Director; authority to conduct periodic census of governments 6585

COMMERCE DEPARTMENT—Continued Page

Authority, delegation of—Continued
Civil Aeronautics Administrator:
Certificates, safety, issuance of; authority of Administrator to delegate to qualified private persons certain functions relating to examination, inspection and testing in connection with 554
Security control of air traffic 99
Transport aircraft; authority with respect to development of improved aircraft 359
Transportation orders, administration of, including Transportation Orders T–1 and T–2 respecting restrictions on shipping to Communist China, Hong Kong and Macao 12911
Federal Maritime Board; temporary delegation of authority under Reorganization Plan No. 21 of 1950, correction of headnote 360
International Trade, Office of, Compliance Commissioner for Export Control; authority to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges 1094
Maritime Administration; authority to administer transportation orders including Transportation Orders T–1 and T–2 respecting restrictions on shipping to Communist China, Hong Kong and Macao 12911
National Production Authority, Administrator; authority with respect to distribution of coal chemicals produced as by-products of coke made from coal 6585
Patent Office, Appeals Board; authority to hear appeals in trade-mark cases 1094, 2771
Under Secretary of Commerce for Transportation; authority delegation and redelegation. *See* Under Secretary of Commerce for Transportation, *below.*
Boards. *See* Committees, boards.
Census of governments; delegation of authority to Director of Census Bureau to conduct periodic census 6585
Certificates:
Certificates under title VI of Civil Aeronautics Act, issuance by qualified private persons; delegation of authority to Civil Aeronautics Administrator to authorize 554
Necessity certificates for certain purposes, delegation of authority from Defense Production Administrator respecting:
Amortization of emergency facilities under section 124A Internal Revenue Code, recommendations for issuance, etc 738, 4594, 11245
Loans, purchases, etc., under Defense Production Act 738, 4594, 11245
Claimant agency for various programs:
Claimant for materials and manpower for construction, operation, maintenance, and repair of merchant vessels, Executive order respecting. *See main heading* Presidential documents.
Designation as claimant agency:
By Defense Production Administration 4914
By Secretary of Agriculture with respect to domestic uses of food for manufacturing non-food commodities or products 1289
Coal chemicals produced as by-products of coke made from coal, distribution of; delegation of authority from Defense Solid Fuels Administrator respecting 4590
Committees, boards, etc:
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on, Office of Defense Mobilization; representation on 2335
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on, representation on 585
Foreign Supplies and Requirements, Committee on, Office of Defense Mobilization; representation on 646
Loan Guarantee Advisory Board, establishment, membership, and functions 6967

COMMERCE DEPARTMENT—Continued Page

Committees, boards, etc—Continued
Loan Policy Board, representation on, under Reorganization Plan No. 1 of 1951 3690, 3825
Communist China, restrictions on shipping to; authority of Civil Aeronautics Administrator and Maritime Administrator in connection with administration of transportation orders respecting 12911
Construction; delegation of authority respecting, from National Production Authority to various officials with respect to certain NPA Orders:
Directors of Regional Offices and Managers of District Offices; authority to administer NPA Order M–4 with respect to construction 1071, 1277, 2446, 2941, 3412, 5401, 6469
Revocation 7628
Secretary of Commerce; to process applications under NPA Orders M–4 and M–4A and make allotments and assign ratings under CMP Regulations No. 6 with respect to certain construction 5401, 6735, 7628
Redelegation. *See* Under Secretary of Commerce for Transportation.
Contracts and purchases:
Contracting authority of heads of certain primary organization units with respect to advertised and negotiated contracts 8298
Loan guarantee program in connection with defense production contracts. *See* Loan guarantee program.
Under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Defense Air Transportation Administration; establishment and functions in connection with mobilization of civilian air transportation facilities 11511
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act:
Delegation of authority, etc., respecting various matters pursuant to. *See main heading* Defense Production Administration.
Modification of functions under; Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on, Office of Defense Mobilization; representation on 2335
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; representation on 585
Food, domestic uses of, for manufacturing non-food commodities or products; Department designated as claimant agency respecting by Secretary of Agriculture 1289
Foreign excess property fabricated from critical materials for defense purposes, importation of; determination of Secretary and regulations respecting 320
Foreign Supplies and Requirements, Committee on, Office of Defense Mobilization; representation on 646
Hong Kong, restrictions on shipping to; authority of Civil Aeronautics Administrator and Maritime Administrator in connection with administration of transportation orders respecting 12911
India, transportation of supplies to; activation and operation of vessels in connection with, Executive order respecting. *See main heading* Presidential documents.
Loan Guarantee Advisory Board, establishment, membership, and functions 6967
Loan guarantee program in connection with defense production contracts:
Delegation of authority respecting to Assistant Secretary of Commerce for Domestic Affairs, and, as alternate, Assistant Secretary of Commerce for Administration 6968
Derivation of authority 6967
Loan Guarantee Advisory Board, establishment, membership and functions 6967
Loan Policy Board, representation on, under Reorganization Plan No. 1 of 1951 3690, 3825

COMMERCE DEPARTMENT—Continued — Page

Macao, restrictions on shipping to; authority of Civil Aeronautics Administrator and Maritime Administrator in connection with administration of transportation orders respecting — 12911
Necessity certificates. *See* Certificates.
Organization and functions:
Authority, delegation of:
Assistant Secretary of Commerce for Administration — 8189, 8190
Assistant Secretary of Commerce for Domestic Affairs — 8189, 8191
Assistant Secretary of Commerce for International Affairs — 8189, 8190
Defense Air Transportation Administration; establishment and functions in connection with mobilization of civilian air transportation facilities — 11511
Heads of certain primary organization units; authority with respect to advertised and negotiated contracts and accompanying bonds — 8298
Exceptions with respect to Inland Waterways Corporation, Civil Aeronautics Administration, Bureau of Public Roads, and Maritime Administration — 8298
Public Information Office and Officer, redesignation — 11745
Public Relations Officer — 8189
Security Control Officer — 8189
Solicitor — 8189
Transportation Office:
Continuation of Office — 8190
Director, appointment of — 11975
Under Secretary of Commerce for Transportation. *See* Under Secretary of Commerce for Transportation, *below*.
Patent protection, foreign; functions of Secretary, as represented by Office of Technical Services respecting administration, licensing, etc — 2508
Priorities and allocations, delegation of authority respecting from Defense Production Administrator — 4594
Security control of air traffic; delegation of authority to Civil Aeronautics Administrator respecting — 99
Storage. *See* Transportation and storage.
Trade-mark cases; appeals to be heard by Appeal Board of Patent Office — 1094
Transportation and storage; functions in connection with:
Defense Air Transportation Administration; establishment and functions in connection with mobilization of civilian air transportation facilities — 11511
Representation on committees in connection with. *See* Committees, boards, etc.
Transport aircraft, improvement of; authority of Civil Aeronautics Administrator respecting — 359
Transportation orders, including Transportation Orders T–1 and T–2 respecting restrictions on shipping to Communist China, Hong Kong and Macao; administrative authority delegated to Civil Aeronautics Administrator and Maritime Administrator respecting — 12911
Under Secretary of Commerce for Transportation. *See* Under Secretary of Commerce for Transportation, *below*.
Utilization of facilities (air transportation, highways, shipping, etc.); Executive order respecting. *See main heading* Presidential documents.
Under Secretary of Commerce for Transportation; administration of transportation activities:
Administration of transportation orders including Order T–1 and T–2 respecting restrictions on shipping to Communist China, Hong Kong and Macao, functions respecting assigned to Civil Aeronautics Administrator and Maritime Administrator — 12911
Defense Air Transportation Administrator to report to Under Secretary — 11511

COMMERCE DEPARTMENT—Continued — Page

Under Secretary of Commerce for Transportation; administration of transportation activities—Con.
Delegation of authority by Secretary of Commerce with respect to air transportation, shipping, etc.:
Construction; authority to process applications under NPA orders M–4 and M–4A and make allotments and assign ratings under CMP Regulation No. 6 with respect to programs — 6404, 7892, 8189, 10041
Application under NPA order M–4; revocation — 10042
Redelegation of authority to Civil Aeronautics Administration, Maritime Administration and Public Road Bureau respecting air navigation facilities and civil airports, shipyards and highways, respectively — 6405, 7893, 10042
Functions under Executive Orders 10161, 10200, 10219, and DPA Delegation 1 — 1130, 2553, 6404, 7892, 8189
Redelegation of authority to Maritime Administrator respecting shipping — 2553
Priority (DO) ratings and allotment numbers on direct contracts and purchase orders, authority to apply, and to make allotment of controlled materials to meet certain programs as claimant under DPA Administrative Order 1 — 6404, 7892, 8189
Redelegation of authority to Civil Aeronautics Board, Civil Aeronautics Administration, Maritime Administration and Public Roads Bureau respecting new civil aircraft, air navigation facilities and civil airports, shipyards, and highways, respectively — 6405
Revocation of prior delegations of authority — 8189
Subpoena, right to — 6405, 7892, 8189
Deputy Under Secretary for Transportation; functions — 11974
Organization, duties and responsibilities:
See also Delegation of authority by Secretary of Commerce.
Revision — 8189
Revocation of prior organization material — 8189
Reassignment of chapter — 808
Voluntary agreements and programs:
Delegation of authority from Defense Production Administrator respecting consultations and recommendations in connection with — 738, 4594, 11254
Function respecting transferred to Defense Production Administrator; Executive order respecting. *See main heading* Presidential documents.
Tanker capacity, contribution of. *See main heading* Maritime Administration.
COMMISSIONS. *See* Committees, boards, etc.
COMMITTEES, BOARDS, ETC.:
Aeronautics. National Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Alaska Game Commission. *See* Alaska Game Commission.
Blind-Made Products, Committee on Purchases of. *See* Blind-Made Products, Committee on Purchases of.
Compliance Policy Committee, establishment. *See* Economic Stabilization Agency.
Concessions Committee, Defense Department; establishment. *See* Defense Department.
Construction Industry Stabilization Commission, establishment. *See* Wage Stabilization Board.
Contract Appeals, Armed Services Board of, charter and rules. *See* Defense Department.
Contract Compliance, Government, Committee on, establishment; Executive order respecting. *See* Presidential documents.
Contract Finance Committee, composition and functions; defense contract financing policy, office of Secretary of Defense. *See* Defense Department.
Copper and non-ferrous metals industry, board of inquiry to investigate disputes affecting; Executive order respecting. *See* Presidential documents.

COMMITTEES, BOARDS, ETC.—Continued — Page

County and community committees of Production and Marketing Administration, selection and functions. *See* Agriculture Department; *and* Commodity Credit Corporation.
Declaration of Independence, Commission for the Commemoration of the One Hundred and Seventy-Fifth Anniversary of the Signing of; Executive order respecting. *See* Presidential documents.
Defense Mobilization Board, establishment and membership. *See* Defense Mobilization, Office of.
Defense Mobilization Regional Committees, interagency. *See* Defense Mobilization, Office of.
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; establishment. *See* Defense Transport Administration.
Emergency boards, to investigate labor disputes; Executive orders respecting. *See* Presidential documents.
Federal Fire Council, General Services Administration, membership, functions, etc.; Executive order respecting. *See* Presidential documents.
Foreign and Domestic Commerce Bureau Appeals Board. *See* Foreign and Domestic Commerce Bureau.
Foreign Supplies and Requirements, Committee on; establishment in Office of Defense Mobilization. *See* Defense Mobilization, Office of.
Industry Advisory Committees, under Defense Production Act. *See* Price Stabilization, Office of.
Industry committees, special, for Puerto Rico, Virgin Islands. See Wage and Hour Division.
Inter-American Defense Board, immunities and privileges of; Executive order respecting. *See* Presidential documents.
Internal Security and Individual Rights, President's Commission on; Executive orders respecting. *See* Presidential documents.
International Fisheries Commission; Pacific halibut fisheries regulations. *See* International Fisheries Commission.
International Security Affairs Committee, termination of; Executive order respecting. *See* Presidential documents.
Labor disputes:
Emergency boards to investigate; Executive orders respecting. *See* Presidential documents.
Inquiry, board of, to investigate disputes affecting copper and non-ferrous metals industry; Executive order respecting. *See* Presidential documents.
Labor-Management Manpower Policy Committee, establishment. *See* Labor-Management Manpower Policy Committee.
Loan Guarantee Advisory Board, establishment. *See* Commerce Department.
Loan Policy Board, establishment. *See* Reconstruction Finance Corporation.
Manpower Policy, Committee on; creation of. *See* Defense Mobilization, Office of.
Merchant Marine Council. *See* Coast Guard.
Migratory Labor, President's Commission on, termination date; Executive order respecting. *See* Presidential documents.
Military justice, Boards of Review; procedures. *See* Defense Department.
Military Renegotiation Policy and Review Board. *See* Defense Department.
Mobilization Policy, National Advisory Board on, establishment; Executive order respecting. *See* Presidential documents.
Narcotics, Interdepartmental Committee on, establishment, functions, and membership; Executive order respecting. *See* Presidential documents.
National Enforcement Commission. *See* Wage Stabilization Board.
National Park Trust Fund Board, functions of Secretary of Interior in connection with appointment of members; Executive order respecting. *See* Presidential documents.
Navy Department boards in connection with personnel matters. *See* Navy Department.
Optical Fire Control Integration Committee. *See* Army Department.

COMMITTEES, BOARDS, ETC.—Continued — Page

Patent Office Appeals Board. *See* Patent Office.
Patent Policy Review Board for armed services; establishment. *See* Armed Services Patent Policy Review Board.
Priorities Administration, Advisory Committee on. *See* National Production Authority.
Radio Advisory Committee, Interdepartmental, to assist Telecommunications Advisor to President; Executive order respecting. *See* Presidential documents.
Railroad and Airline Wage Board. *See* Railroad and Airline Wage Board.
Railway Wage Panel, temporary; appointment, etc. *See* Economic Stabilization Agency.
Real Estate Board, Federal, abolishment of; Executive order respecting. *See* Presidential documents.
Renegotiation Board. *See* Renegotiation Board.
Review board, Reconstruction Finance Corporation. *See* Reconstruction Finance Corporation.
Salary Stabilization Board; establishment. *See* Salary Stabilization Board.
Senate Committee on District of Columbia; inspection of tax returns by Committee, Executive order respecting. *See* Presidential documents.
Senate Committee on Expenditures in Executive Departments; inspection of tax returns by Committee, Executive order respecting. *See* Presidential documents.
Senate Special Committee to investigate organized crime in interstate commerce; inspection of tax returns by Committee, Executive order respecting. *See* Presidential documents.
Special Advisory Committee, War Claims Commission. *See* War Claims Commission.
Trade agreements:
Interdepartmental Committee. *See* Trade Agreements, Interdepartmental Committee on.
Reciprocity Information Committee. *See* Reciprocity Information Committee.
Transportation and Storage, Defense, Committee on; establishment. *See* Defense Mobilization, Office of.
Transportation and Storage, Defense, Committee on; establishment. *See* Defense Mobilization, Office of.
Veterans' Education Appeals Board. *See* Veterans' Education Appeals Board.
Voluntary plans of various committees in connection with defense production. *See* Defense Production Administration.

COMMODITY CREDIT CORPORATION:
Authority, delegation of, to chairmen of PMA county committees as contracting officers in certain matters:
Castor beans, production and harvesting of, in Oklahoma and Texas — 3311
Cottonseed, contracts or agreements relating to, in cotton producing States — 7724
Leases:
Bin site real estate leases, in connection with grain storage program, agreements terminating — 589
Storage structures, Commodity Credit Corporation-owned, execution of leases for — 4945
Loans, farm-storage facility, releases in connection with — 7882
Barley:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 711
Warehouse receipts — 63
1951 program — 4177
Settlement of loans — 9001
Support rates, basic, at designated terminal markets — 5412
Warehouse charges, for barley stored by Eastern common carriers — 9001
Beans:
See also Grains and related commodities.
Castor beans. *See* Oilseeds.
Dry edible beans; loan and purchase agreement program, 1951 — 7339
Butterfat. *See* Dairy products.
Castor beans. *See* Oilseeds.

COMMODITY CREDIT CORPORATION—Continued — Page

Construction in connection with CCC commodity loan programs, loans for, not subject to Regulation X, real estate construction credit; interpretation of Board of Governors, Federal Reserve System — 495, 2506
Corn:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, basic, for Milwaukee County, Wis — 3425
Warehouse receipts — 64
1951 program — 8873
Support rates — 10687, 10879
Reseal loan programs:
1949 program; extension of — 6787
1950 program — 5917, 7921
Cotton:
Loan programs:
1950 program; notice of pooling of 1950-crop loan cotton — 5819
1951 program; upland cotton — 5609, 6745
Schedules of basic loan rates:
For farm-stored cotton, by counties — 8268
For warehouse-stored cotton, by warehouse locations — 8311, 10106
Price support for 1952-crop Amsak and Pima 32 varieties of American-Egyptian cotton; notice of hearing — 12371, 12516
Purchase program, 1951; American-Egyptian, Amsak and Pima 32 cotton — 554, 1250, 3207, 11011
Cottonseed. *See* Oilseeds.
Dairy products; milk and butterfat price support program (April 1, 1951–March 31, 1952 period) — 2719
Driers, mechanical; loans for purchase of. *See* Grains and related commodities; storage facilities.
Export program, for wheat and wheat flour. *See main heading* Agriculture Department.
Farm storage facilities. *See* Grains and related commodities.
Fiber (jute substitute); 1951-crop planting. *See* Kenaf program.
Flaxseed:
See also Grains and related commodities.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 712
Warehouse receipts — 64
1951 program — 3875
Settlement of loans — 9455
Support rates, county, for No. 1 flaxseed in Maine and Oklahoma — 10920
Warehouse charges, for flaxseed stored by Eastern common carriers — 9455
Purchase program, 1951; Texas flaxseed — 3425
Food commodities acquired through price support operations, disposal of:
Pricing policy for commodities available for sale (including Mexican canned meats acquired under other programs); sales of certain commodities at fixed prices pursuant to. *See* Sales of certain commodities at fixed prices.
Sales of certain commodities at fixed prices:
Domestic price list:
January — 589
February — 1208
March — 2408
April — 3366
May — 4498
Supplement 1 — 4766
June — 5627
July — 6765
August — 8144
September — 9444
October — 10323
November — 11544
December — 12591
Export price list:
January — 590
February — 1209
March — 2409
April — 3367
May — 4499
June — 5628

COMMODITY CREDIT CORPORATION—Continued — Page

Food commodities acquired through price support operations, disposal of—Continued
Sales of certain commodities at fixed prices—Con.
Export price list—Continued
July — 6766
August — 8145
September — 9445
October — 10324
November — 11545
December — 12592
Price control, for sales of agricultural commodities. *See main heading* Price Stabilization, Office of.
Grain sorghums:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 712, 3027
Warehouse receipts — 65
1951 program — 4179
Settlement of loans — 9002
Support rates — 6168, 11260
Warehouse charges, for grain sorghums stored by Eastern common carriers — 9002
Grains and related commodities:
Farm storage facilities for. *See* Storage facilities.
General provisions; 1951 crops — 1987, 2182, 7126
Price support programs. *See specific commodities.*
Storage facilities:
Commercial storage facilities. *See* Storage use guarantee program.
Delegation of authority respecting. *See* Authority, delegation of.
Farm storage facilities:
Loan program, 1951–52 — 6492
Mechanical driers, program to finance purchase of; 1951–52 — 6494
Eligible driers — 10013
Storage use guarantee program, to encourage construction of commercial facilities for storage of commodities; discontinuance — 2165
Warehouse-storage loans made under 1950 Price Support Programs; notice of final date of redemption — 2606
Warehouse storage loans. *See* Storage facilities.
Hay and pasture seed. *See* Seeds.
Honey; price support program, 1951 — 4483
Kenaf program, for production of fiber (jute substitute); notice of 1951-crop planting — 6257
Loans for construction made pursuant to CCC commodity loan programs, not subject to Regulation X, real estate construction credit; interpretation by Board of Governors, Federal Reserve System — 495, 2506
Mohair; price support purchase program, 1951 — 3429
Naval stores, gum price support loan program, 1951 — 5389
Milk. *See* Dairy products.
Oats:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 712
Warehouse receipts — 65
1951 program — 4287
Settlement of loans — 9003
Support rates — 5918, 10921
Warehouse charges, for oats stored by Eastern common carriers — 9003
Oilseeds:
See also Grains and related commodities.
Castor beans; production and procurement program, 1951 crop — 6492
Cottonseed:
Loan and purchase agreement program, 1951 — 6745
Warehouse receipts — 8877
Purchase program, 1951 — 7691, 10011, 10237
American-Egyptian cottonseed purchase program — 9005
Cottonseed products purchase program, 1951 — 8415
Off-quality products — 10921
Purchase by CCC; option to tender products, table — 10921
Purchases by crusher — 10921

COMMODITY CREDIT CORPORATION—Continued — Page

Peanuts:
See also Grains and related products.
Price support programs:
1950 crop:
Availability; method of support, and time — 8792
Determination of grade — 981
1951 crop — 6851, 7200
Emergency purchases of excess peanuts with high moisture content — 10692
Prices, for net weight merchantable farmers stock peanuts delivered in Southeastern peanut area — 6857
Real estate construction loans made pursuant to programs of Corporation, not subject to Regulation X, Federal Reserve Board — 495, 2506
Rice:
See also Grains.
Loan and purchase agreement program, 1951 — 6907
Availability of price support; eligible producer — 11557
Determination of quality — 11557
Eligible rice — 10106
Settlement:
Farm-storage and identity-preserved warehouse-storage loans — 10106
Purchase agreements — 11557
Support rates, basic — 7869, 10106
Rye:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 713
Warehouse receipts — 66
1951 program — 3427
Settlement of loans — 9005
Support rates — 4915, 11713
Warehouse charges, for rye stored by Eastern common carriers — 9004
Seeds:
See also Grains; *and* Oilseeds.
Hay and pasture grass seeds:
Loan and purchase agreement programs:
1950 program:
Delivery of seed to CCC — 3631
Schedule of basic specifications and rates — 3025, 3631
1951 program — 5415, 5608
Delivery of seed to CCC — 12497
Schedule of basic rates and specifications — 9627, 11260
Reseal loan program, 1950-crop — 3151
Delivery of seed to CCC — 12496
Winter cover crop (vetch, crimson clover, ryegrass, etc.); loan and purchase agreement program, 1951 — 5309
Winter cover crop and Kobe lespedeza seeds; loan and purchase agreement program, 1950:
Charges, warehouse and other — 795
Delivery of seed to CCC; packaging, net capacity, etc — 795
Loans, maturity of — 795
Price support, availability of; when to apply — 793
Schedule of basic specifications and rates — 795
Soybeans:
See also Grains and related commodities.
Loan and purchase agreement programs:
1950 program:
Support rates, county — 712
Warehouse receipts — 65
1951 program — 4999
Settlement of loans — 9004
Support rates — 7869, 11712
Warehouse charges, for soybeans stored by Eastern common carriers — 9004
Tobacco; loan programs:
1950 program; advances to growers:
Connecticut Valley broadleaf tobacco, type 51 — 2182, 2421
Maryland tobacco (loose leaf form), types 32 and 32b — 3327
New York seed tobacco, type 53 — 1498
Ohio filler tobacco, types 42, 43, and 44 — 2121, 2216
Pennsylvania tobacco:
Type 41, filler tobacco — 795
Type 53, seed tobacco — 1498
Puerto Rican tobacco, type 46 — 1765

COMMODITY CREDIT CORPORATION—Continued — Page

Tobacco; loan programs—Continued
1951 program — 5419, 10717
Advances to growers:
Burley tobacco, type 31 — 10718
Connecticut Valley:
Broadleaf tobacco, type 51 — 11471
Havana seed tobacco, type 52 — 11473
Dark air-cured tobacco, types 35 and 36 — 10718
Flue-cured tobacco, types 11–14 — 6715
Kentucky fire-cured tobacco, types 22 and 23 — 10718
New York Havana seed tobacco, type 53 — 11471
Ohio filler tobacco, types 42, 43, and 44 — 11471
Pennsylvania Havana seed tobacco, type 53 — 11471
Tennessee fire-cured tobacco, types 22 and 23 — 10718
Virginia tobacco:
Fire-cured, type 21 — 10718
Sun-cured, type 27 — 10719
Wisconsin:
Northern tobacco, type 55 — 11473
Southern tobacco, type 54 — 11473
Vegetables, fresh; general purchase program, for cabbage (fiscal year 1951) — 5313
Wheat:
See also Grains.
Loan and purchase agreement programs:
1950 program:
Support rates, county; amendment — 713
Warehouse receipts — 66
1951 program — 2777, 10515
Support rates — 5651, 7119, 11206
Warehouse charges and settlement — 8267
Wheat acreage allotments, for 1951; termination — 1931
Wheat and wheat flour; export program for. *See main heading* Agriculture Department.
Winter cover crop seeds. *See* Seeds.
Wool; price support purchase program, 1951 — 3430

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
Orders of Commodity Exchange Commission; limits on position and daily trading in commodities for future delivery:
Eggs — 321, 8106
Soybeans — 321, 8107
Special provision applicable to various commodities; reports:
Cotton:
Form 300; information shown on daily reports by clearing members — 925
Form 304:
Information shown on reports — 5447, 6828
Merchandisers, processors, and dealers holding or controlling open contracts of specified size to report on — 5447, 6828
Cottonseed meal; Form 1100, information shown on daily reports by clearing house members — 11336
Eggs and egg products; Forms 503 and 504, proposed rule making — 10949
Fats; Form 900, information shown on daily report by clearing members — 925
Flaxseed; Forms 201, 203 and 204, amounts fixed for reporting on — 12336
Oils; Form 1000, information shown on daily reports by clearing members — 925
Soybean meal; Form 1100; information shown on daily reports by clearing house members — 11336
Soybeans; Forms 201, 203 and 204, amounts fixed for reporting on — 12336

COMMUNICATIONS FACILITIES:
Control of radio communication or radio transmission of energy; Executive order respecting. *See* Presidential documents.
Priority orders respecting. *See* National Production Authority.
Regulations and hearings respecting. *See* Federal Communications Commission.
Telecommunications Advisor to President on communications facilities; Executive order respecting. *See* Presidential documents.
COMMUNIST PARTY, registration; hearing respecting. *See* Subversive Activities Control Board.

COMMUNITY FACILITIES SERVICE, HOUSING AND HOME FINANCE AGENCY. *See* Housing and Home Finance Agency. Page

COMMUNITY FACILITIES AND SERVICES, in critical defense housing areas, functions relating to; Executive order respecting. *See* Presidential documents.

COMPENSATION. *See* Pay, compensation, allowances, etc.; *and* Wages and hours.

COMPTROLLER GENERAL OF THE UNITED STATES:
- Contracts under First War Powers Act, availability of records pertaining to; Executive order respecting. *See main heading* Presidential documents.

CONDEMNATION OF PROPERTY, functions in connection with under Defense Production Act; Executive order respecting. *See* Presidential documents.

"CONFLICT OF INTEREST" STATUTES, exemptions; Executive order respecting. *See* Presidential documents.

CONSTITUTION OF UNITED STATES; amendment relating to terms of office of President, certification of. *See* General Services Administration.

CONSTRUCTION:
- Commodity loan program, construction in connection with. *See* Commodity Credit Corporation.
- Controlled Materials Plan. *See* National Production Authority.
- Farm dwellings, temporary credit restrictions. *See* Farmers Home Administration.
- Labor standards for federally financed construction. *See* Labor Department.
- Price control regulation for construction services. *See* Price Stabilization, Office of.
- Priority orders, etc. *See* National Production Authority.
- Real estate (construction) credit:
  - Regulations respecting. *See* Federal Reserve System.
  - Relaxation in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
- School facilities in areas affected by Federal activities:
  - Application for funds, payment, etc. *See* Education, Office of.
  - Determination of areas. *See* Defense Mobilization, Office of.
  - Procurement in connection with. *See* General Services Administration.
- Ship construction, responsibility for; Executive order respecting. *See* Presidential documents.
- Structures along civil airways or landing areas, notice of construction or alteration. *See* Civil Aeronautics Administration.
- Tennessee River system, structures in. *See* Tennessee Valley Authority.
- Wage stabilization for construction industry. *See* Wage Stabilization Board.

CONSTRUCTION INDUSTRY STABILIZATION COMMISSION. *See* Wage Stabilization Board.

CONSUMER CREDIT; installment sales and financing:
- National defense regulations. *See* Federal Reserve System.
- Trade practice rules. *See* Federal Trade Commission.

CONTEST PRIZES; status of merchandise certificates under consumer credit. *See* Federal Reserve System.

CONTRACTS:
- *See also* Procurement.
- Agricultural commodities; contracts relating to cottonseed, authority respecting. *See* Commodity Credit Corporation.
- Amortization of emergency facilities:
  - Accounting regulations of Interstate Commerce Commission respecting. *See* Interstate Commerce Commission.
  - Certifying authority for purposes of; Executive order respecting. *See* Presidential documents.
  - Policy directive of Defense Mobilization Office. *See* Defense Mobilization Office.

CONTRACTS—Continued Page
- Canada, contracts benefiting, under priorities system. *See* National Production Authority.
- Defense contract financing policy. *See* Defense Department.
- Discrimination, compliance with provisions of Federal contracts respecting; Executive order respecting. *See* Presidential documents.
- Future delivery contracts, general ceiling price regulation. *See* Price Stabilization, Office of.
- Instructional and research programs, contracts for; authority of Labor Department. *See* Labor Department.
- Leases, authority of certain officials respecting. *See* General Services Administration; Post Office Department; Southeastern Power Administration; *and* Southwestern Power Administration.
- Loan guarantees in connection with contracts under Defense Production Act:
  - Executive order respecting. *See* Presidential documents.
  - Policy of Commerce Department respecting. *See* Commerce Department.
- Minimum wage determinations under Walsh-Healey Public Contracts Act. *See* Public Contracts Division.
- Power contracts between REA borrowers in Region IX and consumers, authority to approve. *See* Rural Electrification Administration.
- Priority system and ratings. *See* International Trade, Office of; *and* National Production Authority.
- Renegotiation of contracts:
  - By various agencies; Executive orders respecting. *See* Presidential documents.
  - Military renegotiation, joint regulations of armed forces. *See* Defense Department.
  - Renegotiation Act of 1951; administration of. *See* Renegotiation Board.
  - Renegotiation article in listed defense contracts. *See* Defense Department.
- Secret and confidential contracts in connection with military procurement. *See* Army Department.
- Security guidance for manufacturers holding contracts awarded by Army, Navy or Air Force, public information respecting. *See* Defense Department.
- Solicitation of contracts, warranty in contracts relating to:
  - Contracts of Federal Civil Defense Administration respecting. *See* Federal Defense Administration.
  - Executive order respecting. *See* Presidential documents.
- Standards, *See* Labor Department; *and* Federal Civil Defense Administration.
- Supplies and services; authority of certain officials. *See* National Park Service; *and* Southwestern Power Administration.
- Under First War Powers Act; Executive orders respecting. *See* Presidential documents.
- Vessel repair, contracts for. *See* National Shipping Authority.

CONTROLLED MATERIALS PLAN. *See* National Production Authority.

COPYRIGHT OFFICE, LIBRARY OF CONGRESS:
- Copyright protection of works of authors who are citizens of Finland and Italy; Proclamations respecting. *See main heading* Presidential documents.

COPYRIGHTS, of aliens:
- Copyright protection, extension of, to works of authors who are citizens of Finland or Italy; proclamations respecting. *See* Presidential documents.
- Vesting of. *See* Alien Property, Office of.

COST OF LIVING INCREASES. *See* Wage Stabilization Board.

COURT, DISTRICT, OF PUERTO RICO, Acting Judge of; Executive order respecting. *See* Presidential documents.

COURT, TAX. *See* Tax Court of United States.

COURT OF MILITARY APPEALS: Page
- Civil Service Rules; certain positions excepted from competitive service (Schedule A)---------- 6272
- Rules of practice and procedure, Uniform Code of Military Justice---------- 7279, 10159
- Seal, official:
  - Establishment by Executive order. *See main heading* Presidential documents.
  - Rules of practice and procedure respecting------- 10159

COURTS-MARTIAL MANUAL, 1951; Executive orders respecting. *See* Presidential documents.

CREDIT:
- Consumer credit. *See* Federal Reserve System.
- Farm ownership loans, temporary credit restrictions, regulations respecting. *See* Farmers Home Administration.
- Federal credit unions. *See* Federal Credit Unions Bureau.
- Real estate (construction) credit:
  - Regulations respecting. *See* Federal Reserve System.
  - Relaxation in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.

CRIME, ORGANIZED, IN INTERSTATE COMMERCE, investigation by Senate Special Committee; inspection of tax returns by Committee, Executive order respecting. *See* Presidential documents.

CRITICAL DEFENSE HOUSING AREAS, functions in connection with:
- Executive order respecting. *See* Presidential documents.
- Functions of various agencies. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.

CRITICAL AND STRATEGIC MATERIALS. *See* Scarce, strategic and critical materials.

CULTURAL-COOPERATION PROGRAM; grants to foreign leaders and students. *See* State Department.

CUSTOMS BUREAU:
- Abandoned merchandise; form for advertising notice of sale---------- 3797
- Accounting procedure, customs. *See* Financial and accounting procedure.
- Air commerce regulations:
  - Airports of entry:
    - List of:
      - Cleveland Hopkins Airport (international airport); change of name from Cleveland Municipal Airport---------- 9503
      - Palm Beach International Airport; addition--- 7421, 8796
      - Tampa International Airport; addition--- 7461, 8796
      - Weeks Municipal Field; revocation------- 7772, 9502
    - Redesignation as "International Airports"------ 2468
  - Customs airport; redesignation as "international airport"---------- 2468
  - Documents for clearance of aircraft departing from one area for another; general declaration and air cargo manifest:
    - Disposition of copies by aircraft commander; copy of each sent to headquarters port in lieu of delivery to customs officer at place of entry---------- 11672
    - Extra copies (two) prepared when carrying merchandise, other than residue cargo, between mainland and Puerto Rico---------- 11672
  - Documents for entry; aircraft commander's general declaration:
    - Baggage list---------- 2468
    - Crew manifest---------- 3023
    - Passenger manifest---------- 3023
  - Entry and clearance; clearance required for residue cargo or merchandise destined to or through Puerto Rico---------- 11672
  - International airport; redesignation of airports of entry and customs airports as---------- 2468

CUSTOMS BUREAU—Continued Page
- Air commerce regulations—Continued
  - Scheduled airlines:
    - Clearance of aircraft departing from any area for another; required when carrying residue cargo or merchandise destined to or through Puerto Rico---------- 11672
    - Entry of aircraft coming from one area to another; required when carrying merchandise in bond (deletion)---------- 11672
  - Scope and definitions; applicability of regulations, deletion of "Philippine Islands"---------- 2468
- Airports of entry. *See* Air commerce regulations.
- Antidumping Act, appraisement procedure under; findings of dumping with respect to wool knitted berets from France, revocation of---------- 1789
- Appraisement:
  - Examination of merchandise, procedure; transfer to place of examination by bonded cartman (deletion)---------- 5934
  - Findings of dumping with respect to wool knitted berets from France; revocation---------- 1789
  - Reappraisement. *See* Protests and reappraisements.
- Armed forces, United States, importation of bona fide gifts from members of; privileges extended to July 1, 1953---------- 4771
- Articles conditionally free, subject to reduced rate, etc.:
  - Articles free under 6-months bond:
    - Cancellation of bond; relief from payment of liquidated damages on payment of nominal sum---------- 4429
    - Professional equipment and tools of trade imported for own use by nonresident sojourning in United States, entry, bond---------- 6428
  - International organizations, public, entitled to free entry privileges; addition of Inter-American Defense Board to list---------- 4526
  - *See also main heading* Presidential documents.
  - Seed potatoes and seed corn or maize---------- 8321
  - Trade fairs, articles imported in connection with. *See* Trade fairs.
  - United States Government importations---------- 12220
    - American goods returned---------- 12221
    - Entry, examination, and tariff status---------- 12221
    - Importations by Departments of Army, Navy and Air Force and by General Services Administration---------- 12221
- Authority, delegations of:
  - *See also* Organization, delegations of authority, etc.
  - Commissioner; delegation of authority from Secretary of Treasury:
    - Certification of documents---------- 8747
    - Waivers of navigation laws---------- 731
- Balls (parts of toys), colored, resembling table-tennis balls; tariff classification of---------- 8553, 10952
- Bar-le-duc (product made from currants), prospective tariff classification of---------- 11839
- Berets:
  - French berets, wool knitted; findings respecting under Antidumpting Act; revocation---------- 1789
  - Fur felt berets; tariff classification of---------- 476, 3807
- Briquets, imported from designated countries; taxable status for 1951---------- 2477
- Cartage and lighterage; transfer of merchandise by other than bonded cartman or lighterman:
  - Classes of cartage---------- 5394
  - Government cartage; merchandise to be examined at importer's premises, etc---------- 5394
  - Licensed cartmen and lightermen---------- 5394
- Certification of copies of official documents; delegation of authority respecting---------- 8747
- Chicago International Trade Fair, March 22–April 6, 1952; importation of articles in connection with--- 13036
- Abandonment of articles, voluntary or involuntary- 13037
- Appraisement---------- 13036
- Bond---------- 13036
- Customs officers, detail of, to protect revenue; expenses---------- 13037
- Entry; procedure---------- 13036
- Federal Food, Drug, and Cosmetic Act of June 25, 1938; compliance with---------- 13037
- Invoices---------- 13036

CUSTOMS BUREAU—Continued — Page

Chicago International Trade Fair, March 22–April 6, 1952; importation of articles in connection with—Continued
Marking, not required except in cases where articles are withdrawn for consumption 13036
Plant Quarantine Act of 1912, compliance with 13037
Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry 13037
China (except Formosa) or Korea, imports from; foreign assets control provisions respecting customs procedure. *See main heading* Treasury Department.
Cigarette lighters, combination pocket and table model; tariff classification of 9490
Cigar-manufacturing warehouses; customs inspection stamps, increased sales price for 12222
Claims against United States, customs; for salaries, services, etc. *See* Financial and accounting procedure.
Classification, tariff; of certain imports for purpose of assessing duties thereon. *See* Liquidation of duties.
Clearance:
Aircraft. *See* Air commerce regulations.
Vessels. *See* Vessels.
Coal and coke, imported from designated countries; taxable status for 1951 2477
Comptroller of Customs, New York, exemption from compulsory retirement for age; Executive order respecting. *See main heading* Presidential documents.
Convict, forced, or indentured labor; merchandise produced by. *See* Special classes of merchandise.
Corn, seed; entry conditionally free, subject to reduced rate, etc 8321
Cotton, long-staple, supplemental import quota on; proclamation respecting. *See main heading* Presidential documents.
Crab meat, canned in USSR; importation prohibited 776
Customs districts and ports of entry:
Customs agency districts; headquarters for Europe and Near East designated as London, England, in lieu of Paris, France 12930
Functions of Secretary of Treasury respecting establishment, consolidation, etc., of customs districts and ports of entry. *See main heading* Presidential documents.
Port of documentation, designation of commercial port of Guam as; under supervision of collector of customs at Honolulu 10931
Ports of entry; changes effected by Executive Order 10228:
See also main heading Presidential documents.
Alaska, Pelican; designation 3627
Connecticut, New London; extension 3627
Delaware, Lewes; revocation 3627
Massachusetts, Provincetown; revocation 3627
Disposition of unclaimed and abandoned merchandise; form for advertising notice of sale 3797
Distilled spirits, certain imported; procedure for computing internal revenue taxes 456
Documentation of vessels. *See* Vessels.
Drawback of duties and taxes:
Articles manufactured or produced wholly or in part from imported or substituted merchandise:
Allowance of drawback, footnote respecting substitution of merchandise in articles for export; addition of metals and ores, flaxseed, linseed, and their oils 9803
Application for establishment of drawback rate; abandonment of, by filing written statement, proposed 8920
Bills of lading; deletion, proposed 8922
Completion of drawback claims; proposed rule making 8921
Notice of exportation, copies of, to be filed with drawback entry and certificate of manufacture 8921
Redesignations 8921
Shipment, uncertified as to name of exporter, for which outward manifest not required, and exported to Canada or Mexico; drawback entry, and notice of exportation and supporting documents, acceptance of 8921

CUSTOMS BUREAU—Continued — Page

Drawback of duties and taxes—Continued
Articles manufactured or produced wholly or in part from imported or substituted merchandise—Continued
Diversion of shipments, notice of; deletion, proposed 8921
Examination; proposed rule making:
Of merchandise exported with benefit of drawback; substitution for "Notice of intent required to complete the record" 8921
Of records of carriers in case of failure to obtain inspection and supervision of lading; deletion 8921
Failure to obtain inspection and supervision of lading, examination of records of carriers in case of; deletion, proposed 8921
Identification of imported merchandise, and quantity permitted, for allowance of drawback when substituted merchandise is used in production of articles for export; addition of metals and ores, flaxseed, linseed, and their oils 9803
Inspection, sampling, weighing, gauging and measuring; deletion, proposed 8921
Notice of exportation; proposed rule making:
Amendment of; substitution for "Receipts for notices of intent" 8921
Government shipments; substitution for "Notice of intent to export, mail exportations" 8921
Mail shipments; substitution for "Notice of intent to export, transportation and exportation shipments" 8921
Numbering of, for mail or government shipments; substitution for "Diversion of shipments," notice of 8921
Substitution for "Notice of intent to export, local or direct shipments from a seaboard or frontier port" 8920
Notices of intent to export; deletions, proposed 8920, 8921
Redesignation, proposed 8920, 8921, 8922
Supplies for certain vessels and aircraft, drawback allowed for; proposed rule making:
Affidavit:
Proving, under certain circumstances, that supplies were used on board vessel 8922
Supporting drawback entry 8922
Execution of on copy of notice of lading, or separately furnished 8922
With respect to entering of supplies in stores log book 8922
Notices of lading 8922
Filing procedure 8922
Return of copies of 8922
To be filed in lieu of notices of exportation 8922
Redesignations 8922
Flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured from domestic tax-paid alcohol; redesignations proposed 8922
General regulations applicable to all drawback claims; proposed rule making:
Redesignations 8923
Verification of drawback claims by Customs Agency Service 8923
Merchandise:
Exported from continuous customs custody; proposed rule making:
Entry and completion thereof 8923
Bill of lading 8923
Alternative to 8923
Extracts from 8923
Unacceptable forms of 8923
Landing certificate:
To be filed in order to complete entry; deletion 8923
When required, filing of 8923
Redesignations 8922, 8923
Not conforming to sample or specifications:
Applications for export of such merchandise from importer or owner, acceptance of 6369
Redesignations; proposed 8923
Employees and officers; compensation due. *See* Financial and accounting procedures.

CUSTOMS BUREAU—Continued — Page

Entry:
Aircraft. *See* Air commerce regulations.
Imported merchandise. *See* Entry of imported merchandise.
Vessels. *See* Vessels.
Entry of imported merchandise:
See also Free entry of certain imports.
For consumption; release of packages, form submitted with deposit of estimated duties or taxes for (number of copies required) 11954
Foreign excess property fabricated from critical materials. *See* Excess property.
Invoices for single shipments entered at different ports; collector at port of certification authorized to deliver extracts from invoices to importers upon request 10625
Evacuation, emergency; waivers of navigation laws to permit operation of vessels requisitioned by United States for 12763
Examination packages released from custody; storages charges, etc 11954
Excess property, foreign; fabricated from critical materials (metals, rubber, etc.):
Commerce, Secretary of; determinations and regulations respecting importation 329
Customs collectors authorized to permit entry 329
Metal articles. *See* Metal articles *below*.
Export shipments to designated countries; customs regulations for clearance of vessels 1961
Faeroe Islands, Denmark; marking of products to indicate country of origin 5590
Financial and accounting procedure, customs:
Claims of deceased or incompetent public creditors, including contractors, importers, or owners of merchandise 3236
Employees and officers; compensation:
Deceased employees; unpaid salaries and death benefits 4181
Overtime compensation rate for night service immediately preceding or following Sundays and holidays; proposed rule making 10823
Forms, salable; elimination of Form 5109 as receipt 5008
Storage charges on examination packages 11954
Vouchers, vendors' bills of sale, invoices:
For passenger transportation for customs officers or employees, on Government transportation requests 5929
For purchases or services for payment from official funds; certification 5929
For transportation of freight and express furnished on Government bills of lading; deletion 5929
Fish, fresh or frozen; tariff-rate quota for calendar year 1951 554
Foreign-trade zones; proposed rule making 10699
Carriers, use of zone by 10701
Customs expenses, reimbursement of 10701
Maintenance for vessels or aircraft; supplies, equipment and repair material 10701
Merchandise, foreign and domestic; admission, treatment within zone, exportation, etc 10701
Free entry of certain imports:
Articles conditionally free. *See* Articles conditionally free.
Gifts, bona fide, from members of armed forces of United States, importations free of duty during war; privileges extended to July 1, 1953 4771
Metal articles; entry free of duty and import tax for use in remanufacture by melting 983
French Indochina; marking of products of Cambodia, Laos and Vietnam to indicate country of origin 5294
Fur felt berets; tariff classification of 476, 3807
Gloves; cotton work gloves from Nagoya, Japan, found not to have been made by convict labor 4897
Information, disclosure of; suspension for security reasons, with respect to exportation of merchandise 2164
International airports. *See* Air commerce regulations.
International Food Exposition, Inc., Chicago, Ill.; importation of articles in connection with, under Public Law 705, 81st Congress 1579
Entry; compliance, exemptions, and procedural provisions 1579

CUSTOMS BUREAU—Continued — Page

International Food Exposition, Inc., Chicago, Ill.; importation of articles in connection with, under Public Law 705, 81st Congress—Continued
Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under general tariff law 1580
International organizations entitled to free entry privileges. *See* Articles conditionally free.
International Trade Fair, Chicago; importation of articles in connection with. *See* Chicago International Trade Fair.
Invoices, extracts from. *See* Entry of imported merchandise.
Japanese Trade Fair, at Seattle, Washington, June 17–July 3, 1951; importation of articles in connection with 6018
Abandonment of articles, voluntary or involuntary 6019
Appraisement 6019
Bond 6018
Customs officers, detail of, to protect revenue; expenses 6019
Entry; procedure 6019
Federal Food, Drug, and Cosmetic Act, June 25, 1938; compliance with 6019
Invoices 6018
Marking, not required except in cases where articles are withdrawn for consumption 6018
Plant Quarantine Act of 1912, compliance with 6019
Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry 6019
Korea or China (except Formosa), imports from; foreign assets control provisions respecting customs procedure. *See main heading* Treasury Department.
Lighterage. *See* Cartage and lighterage.
Liquidation of duties:
Procedure for computing internal revenue taxes on certain imported distilled spirits 456
Tariff classification of certain imports:
Balls (parts of toys), colored, resembling table-tennis balls 8553, 10952
Bar-le-duc; proposed rule making 11839
Cigarette lighters; combination pocket and table models 9490
Fur felt berets 476, 3807
Poppadums, East Indian; proposed rule making 12403
Ring watchcases made as single unit; proposed rule making 10997
Wallboard, arborite 12670
Macau or Macao, Portugese colony in Asia; marking of products of, to indicate country of origin 5498
Mail:
Exportation by; export entries or withdrawals on imported articles, requirements for filing 1115
Foreign, involving customs revenue; joint regulations with Post Office Department. *See main heading* Post Office Department.
Marking of articles to indicate country of origin:
Faeroe Islands, Denmark 5590
French Indochina (Cambodia, Laos, Vietnam) 5294
Macau or Macao, Portugese colony in Asia 5498
Trieste, Italy 1711, 4622
Measurement of vessels. *See* Vessels.
Metal articles:
Entry free of duty and import tax for use in remanufacture by melting; regulations respecting 983
Excess property, foreign:
Customs collectors; authorization respecting articles fabricated from critical materials 329
Entry. *See* Entry free of duty and import tax for use in remanufacture by melting.
Navigation laws, waivers of. *See* Waivers of navigation laws.
North Korea, imports from; foreign assets control provisions respecting customs procedure. *See main heading* Treasury Department.
Organization, delegations of authority, etc.; revision 6964
Delegations of authority 6965
Commissioner of Customs, authority to authorize officials to certify copies of certain official documents 8747

CUSTOMS BUREAU—Continued Page

Organization, delegations of authority, etc.; revision—Continued
Organization and functions:
Central 6964
Field 6964
Procedures 6966
Sources of and methods of securing information 6965
Substantive rules 6966
Personnel, exemptions of certain personnel from compulsory retirement for age; Executive orders respecting. *See main heading* Presidential documents.
Petroleum and petroleum products; tariff-rate quota for calendar year 1951 2235
Poppadums, East Indian; proposed tariff classification as nonenumerated manufactured articles 12403
Ports of entry. *See* Customs districts and ports of entry.
Potatoes:
Seed; entry conditionally free, subject to reduced rate, etc 8321
White or Irish, other than seed; tariff-rate quotas 9700
Professional equipment and tools of trade imported for use by nonresident sojourning in United States; entry free under 6-months bond 6428
Protests and reappraisements, appeal for reappraisement; authorization to officials to certify documents for use in reappraisement proceedings 8738
Reappraisement proceedings, certification of copies of official documents for use in 8738
Ring watcheases, made as single unit; proposed tariff classification 10907
Seed potatoes, seed corn, etc.; entry conditionally free, subject to reduced rate, etc 8321
Special classes of merchandise; produced by convict, forced or indentured labor:
Crab meat, canned in USSR; importation prohibited 776
Gloves; cotton work gloves from Nagoya, Japan, found not to have been made by convict labor 4897
Tariff classification of certain imports. *See* Liquidation of duties.
Tariff-rate quotas pursuant to trade agreements:
Fish, fresh or frozen 554
Petroleum and petroleum products 396, 2235
Proclamation respecting. *See main heading* Presidential documents.
Potatoes, white or Irish, other than certified seed 9700
Taxes:
Computation of internal revenue taxes on certain imports. *See* Liquidation of duties.
Drawback of taxes on domestic tax-paid alcohol used in manufacture of flavoring extracts, medicinal or toilet preperations. *See* Drawback of duties and taxes.
Import; on coal, coke, and briquets from designated countries, taxable status for 1951 2477
Tonnage duties, imposts, etc., suspension of, on certain vessels; Executive order respecting. *See main heading* Presidential documents.
Tools of trade imported for use by nonresident sojourning in United States; entry free under 6-months bond 6428
Trade agreements:
Customs duties under:
Letters of President to Secretary of Treasury respecting. *See main heading* Presidential documents.
Proclamations respecting. *See main heading* Presidential documents.
Tariff-rate quotas pursuant to. *See* Tariff-rate quotas.
Trade fairs; importation of articles in connection with:
Chicago International Trade Fair 13036
Food Exposition, International, Inc., Chicago, Ill 1579
Japanese Trade Fair 6018
Transportation in bond and merchandise in transit; direct exportation from customs custody of merchandise unentered or covered by unliquidated consumption entry 1115
Trieste; continuation of period for marking of products to indicate Italy as country of origin 1711, 4622

CUSTOMS BUREAU—Continued Page

Unclaimed merchandise; form for advertising notice of sale 3797
United States Government importations, free entry of 12220, 12221
Vessels:
Clearance:
See also In foreign and domestic trades.
Designated countries; outward foreign manifest and export declarations for vessels to 1961
Documentation of; registration of house flag and funnel mark:
California Oil Co 1091
Chesapeake and Ohio Railway Co 12622
Pegor Steamship Corp 8942
United States Petroleum Carriers, Inc 7467
Victory Carriers, Inc 7467
Emergency evacuation, operation of vessels requisitioned by United States for; waiver of navigation laws 12763
Entry, of vessels in foreign and domestic trades. *See* In foreign and domestic trades.
In foreign and domestic trades.
Arrival and entry; correction of manifest with respect to discrepancies in marks or numbers on packages of merchandise and vessel manifests 6834
Clearance:
Filing of cumulative manifest of all outward foreign cargo on board at final port of clearance 8578
Foreign clearance. *See* Foreign clearance.
Records of entry and clearance, inspection of; restrictions 2164
Coastwise procedure, vessels proceeding foreign via domestic coast ports; filing of cumulative manifest of all outward foreign cargo on board at final port of clearance from United States 8578
Fish ..ies; privileges and limitations upon use of foreign fishing vessels 12614
Foreign clearances:
Incomplete manifest or export declarations 1933
Exception to provisions; notice with respect to designated countries 1961
Requirements; compliance with restricted shipping orders 1933
Transportation orders 1933
Landing and delivery of cargo, release of cargo; delivery of packages of merchandise bearing marks or numbers differing from those on manifest, application for 6834
Records of entry and clearance, inspection of; restrictions relieved 2164
Measurement of:
Air spaces. *See* Light and air spaces.
Enclosed spaces exempted from inclusion in gross tonnage; approval of exemption of certain types of skylights by Commissioner (deletion) 8884
Engine room, spaces included in; referral to Commissioner for decision when fuel oil settling tanks not part of propelling machinery space (deletion) 8884
Light and air spaces:
Addible space, rule for computing, with respect to granting of propelling-power reduction:
By collector 8884
By Commissioner; deletion 8884
Application, written, for allowance:
Substantiating matter to accompany application; deletion 8884
To collector of customs of district in which vessel located 8884
To Commissioner, deletion 8884
Superstructures, open, permanent, on or above upper deck, with one 4 x 5 foot tonnage opening; exemption from inclusion in gross tonnage not allowed without Bureau's approval (deletion) 8884
Waivers of navigation laws; delegation of authority to Commissioner of Customs from Secretary of Treasury 731

CUSTOMS BUREAU—Continued Page

Vouchers for purchases or services intended for payment from official funds 5929
Waivers of navigation laws:
Delegation of authority respecting to Commissioner of Customs from Secretary of Treasury 731
For operation of vessels requisitioned by United States for emergency evacuation 12763
Wallboard, arborite; tariff classification 12670
Warehouses:
Customs warehouses and control of merchandise therein:
Cigar-manufacturing warehouses; customs inspection stamps, increased sales price for 12222
Foreign-trade zones, entry of merchandise into, etc., proposed deletion 10701
Extensions of time for merchandise in general-order and bonded warehouse, under sections 491, 557, and 559, Tariff Act of 1930, pursuant to proclamation of President; note respecting 10593
See also main heading Presidential documents.

D

DAIRY INDUSTRY BUREAU:
Sanitary inspection of processed or renovated butter; regulations respecting standards, inspection, labeling, etc 6686, 6777, 10149, 10486

DANGER AREAS AND ZONES:
Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Navigation danger zones. *See* Engineers, Corps of.

DAYS OF OBSERVANCE; proclamations respecting. *See* Presidential documents.

DECLARATION OF INDEPENDENCE, commemoration of signing; Executive order respecting. *See* Presidential documents.

DECORATIONS, MEDALS, ETC.:
Civil defense insignia. *See* Federal Civil Defense Administration.
Military personnel. *See* Air Force Department; *and* Army Department.

DEFENSE AIR TRANSPORTATION ADMINISTRATION, establishment in Commerce Department in connection with mobilization of civilian air transportation facilities 11511

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Munitions Board.
Navy Department.
Active service order for Reserves of Armed Forces and retired personnel of Regular Armed Forces:
Delegation of authority to Secretaries of Army, Navy, and Air Force to order members and units of reserve components into active service 6968, 8747
Executive order respecting. *See main heading* Presidential documents.
Manpower program for machine tool industry, responsibility of Department respecting, in calling reserves to active duty 7578
Advertising, procurement by; opening of bids 10980
Air carriers, certificated, charter trips and special services by, pursuant to contracts; extension of temporary authorization, regulations of Civil Aeronautics Board respecting 10693
Aircraft programs; delegations of authority from National Production Authority respecting 128, 867, 1508, 2941, 4907, 5719, 9270
Airport and other properties located in Hawaii, disposal of; delegation of authority to Secretary by General Services Administrator respecting 12528
Armed Services Board of Contract Appeals 4320
Authority, delegations of:
From Secretary to various officials:
To Director of Administration, Assistant for Administration, and Director, Office Services Division; authority to enter into contracts for supplies, equipment and services 11509

DEFENSE DEPARTMENT—Continued Page

Authority, delegations of—Continued
From Secretary to various officials—Continued
To General Counsel or Acting General Counsel, authority with respect to claims under Federal Tort Claims Act 2529
To Secretaries of Army, Navy, and Air Force:
Active service; authority to order members and units of reserve components into active Federal service 6968, 8747
Facilities for administration and training of units of reserve components 9823
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
To Secretary:
From General Services Administrator:
Airport and other properties located in Hawaii, disposal of 12528
Barracks structures, temporary, disposal of 7831
Civil defense medical supplies and equipment for Federal Civil Defense Administration; authority to make purchases and contracts 8216
Public utility services, contracts for procurement of 8309
Representation of Government agencies in connection with various matters:
Before certain Government agencies:
Federal Trade Commission; Consolidated Gas Utilities Corp., application to abandon and remove certain natural gas facilities 10393
Interstate Commerce Commission:
Arlington County Board; petition for investigation of transportation facilities, services and rates in Washington, D. C., metropolitan area 5505
Panhandle Eastern Pipe Line Company; application to abandon service 11704
Pullman Company; petition to increase rates 5505
Southern Carriers; petition to increase passenger fares and charges 7305
Maritime Board, Federal; presentation of claims for freight adjustments 5821
Before certain public utilities commissions:
Arkansas Public Service Commission; Arkansas-Louisiana Gas Company, application to increase rate for service to large industrial customers 10393
California Public Utilities Commission:
California Electric Power Company; rates 3601
Electric power 4766
Natural gas 3865
New Jersey Public Utilities Commission; Public Service Electric and Gas Co., electric rates 3319
West Virginia Public Service Commission; Hope Natural Gas Company, application for rate increase 12407
From National Production Authority:
To assign or apply DO and DX ratings to contracts and purchase orders to meet authorized procurement and construction programs 128, 738, 1508, 6405, 10136
Aircraft programs, aluminum and magnesium forms and products, etc.; authority to reschedule deliveries 128, 867, 1508, 2941, 4907, 5719, 9270
Confirmation 738
To process applications under NPA-Order M-4A, and to make allotments and assign ratings unter CMP Regulation No. 6 with respect to certain construction (military housing, Navy, Army, Air Force and military command construction) 7628
Barracks, temporary, disposal of; delegation of authority from General Services Administrator respecting 7831
Bids, for procurement of supplies; opening of 10980
Blind-made and prison-made products; interdepartmental procurement 10981

DEFENSE DEPARTMENT—Continued Page

Boards. *See* Committees, boards, etc.
Buy American Act, list of supplies excepted from, in foreign purchases 10982
Civil defense medical supplies and equipment, contracts and purchases; delegation of authority from General Services Administrator respecting 8216
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 8229
Claims:
  Penalties for prosecuting claims against United States, exemption from, of certain personnel of outstanding experience and ability, serving without pay 2218
  Under Federal Tort Claims Act; delegation of authority to General Counsel with respect to 2529
Committees, boards, etc.:
  Armed Services Board of Contract Appeals 4320
  Concessions Committee, establishment of, for administration and operation of services essential to health, welfare and morale of employees 11240
  Contract Appeals, Armed Services Board of 4320
  Contract Compliance, Government, Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
  Contract Finance Committee, composition and functions of; defense contract financing policy, regulations 3554
  Advance payments 12546
  Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
  Defense Mobilization Committees, Regional; representation on 1583
  Defense Transportation and Storage, Committee on; representation on 2335
  Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; representation on 2335
  Foreign Supplies and Requirements, Committee on, established in Office of Defense Mobilization; representation on 646
  Military justice, Boards of Review; procedures 4433, 4610
  Narcotics, Interdepartmental Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
  Renegotiation (Military) Policy and Review Board; regulations adopted by. *See* Joint regulations of armed forces.
Concessions Committee, establishment of, for administration and operation of services essential to health, welfare and morale of employees 11240
Construction (military housing and military command construction):
  Contracts, cost principles; allowable and unallowable items 10983
  Defense housing; relaxation of real estate construction credit controls in areas certified to be critical defense housing areas by Secretary of Defense and Director of Defense Mobilization 9734
  Delegation of authority from National Production Authority to Secretary respecting 7628
Contract Appeals, Armed Services Board of; charter and rules 4320
Contract Compliance, Government, Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
Contract Finance Committee, Composition and functions; defense contract financing policy, regulations 3554
  Advance payments 12546
Contracts:
  Armed services procurement regulations respecting. *See* Joint regulations of armed forces.
  Construction contracts, cost principles; allowable and unallowable items 10983
  Contract Appeals, Armed Services Board of 4320
  Contract Compliance, Government Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
  Contract Finance Committee, composition and functions of 3554, 12546

DEFENSE DEPARTMENT—Continued Page

Contracts—Continued
  Contracts and purchases under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
  Contracts for supplies, equipment and services, authority respecting 11509
  Contractual authority in connection with emergency powers; standards governing amendments and formalizing of informal commitments 2623
  Defense contract financing policy 3554
  Advance payments 12546
  List of contracts entered into by Defense Department (including Army, Navy, and Air Force Departments) through December 31, 1950, which contain renegotiation article 1185, 4377
  Medical supplies and equipment for Federal Civil Defense Administration, authorization to make purchases and contracts 8216
  Public utility services, contracts for; authority respecting 8309, 9666
  Renegotiation regulations, exemptions, etc. *See* Joint regulations of armed forces.
  Supplies, equipment and services, authority respecting contracts for 11509
Courts-Martial Manual, 1951; Executive Order respecting. *See main heading* Presidential documents.
Courts-martial proceedings. *See* Joint regulations of armed forces.
Cremation urn, for remains of deceased members of armed forces; notice regarding design and manufacture 10002
Critical defense housing areas, determination and certification of by Secretary and Director of Defense Mobilization 10610, 10863, 10960
Deceased personnel; cremation urn for remains, notice regarding design and manufacture 10002
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Committee, Regional; representation on 1583
Defense Production Act; designation of Department as claimant agency with respect to food requirements of military, civilian relief for occupied areas, etc 1289, 4913
Defense Transportation and Storage, Committee on; representation on 2335
Detail of military personnel to United Nations, allowances and perquisites; Executive order respecting. *See main heading* Presidential documents.
"Dollar-a-year men"; exemption of personnel of outstanding experience and ability, serving without compensation, from provisions of law respecting penalties for prosecuting claims against United States 2213
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; representation on. *See main heading* Defense Transport Administration.
Eight-hour law, suspension as to laborers and mechanics employed on certain public works; Executive order respecting. *See main heading* Presidential documents.
Electric power and rates; delegation of authority to Secretary from General Services Administration to represent Government agencies before certain public utilities commissions. *See* Authority, delegations of.
Enlistments in armed forces, extension of; Executive order respecting. *See main heading* Presidential documents.
Far East, Commander in Chief, punishment of persons under command; Executive order respecting. *See main heading* Presidential documents.
Federal Supply Service contracts; interdepartmental procurement 10981
Food, for military requirements, civilian relief for occupied areas, etc.; Department designated as claimant agency respecting, by Secretary of Agriculture 1289, 4913

DEFENSE DEPARTMENT—Continued Page

Foreign purchases; list of supplies excepted from Buy American Act 10982
Foreign Supplies and Requirements, Committee on; representation on 646
Freight, military; transportation and storage of. *See main heading* Defense Transport Administration.
Gas and electric rates; delegation of authority to Secretary from General Services Administration to represent Government agencies before certain public utilities commissions. *See* Authority, delegations of.
Government property in possession of contractors; manual for control of 4322
Grants of Federal funds to States, under National Defense Facilities Act of 1950 10751
Hawaii, disposal of airport and other properties located in; delegation of authority to Secretary of Defense by General Services Administrator respecting 12528
Housing, defense, construction of. *See* Construction.
Housing projects; uniform instructions for selection of sponsors and processing of, under provisions of Title VIII, National Housing Act 357
Informal commitments, standards governing amendments, corrections, and formalization of 2623
Inspection policies:
  Agreement with General Services Administration respecting. *See* Standards, specifications, packaging, and inspection.
  Armed services procurement regulations. *See* Joint regulations of armed forces.
Interdepartmental procurement, armed services procurement regulations respecting:
  Blind-made and prison-made products 10981
  Federal Supply Service contracts 10981
Joint regulations of armed forces:
  Armed services procurement regulations:
    Acceptance. *See* Inspection and acceptance.
    Advertising, formal, procurement by; opening of bids 10980
    Armed Services Board of Contract Appeals, charter and rules; Appendix A 4320
  Buy American Act, list of supplies excepted from, in foreign purchases 10982
  Contract clauses and forms; clauses for fixed-price supply contracts:
    Applicability 10982
    Assignment of claims 10982
    Bill of materials 10982
  Contract cost principles; construction contracts:
    Allowable costs, examples of items 10983
    Unallowable costs, examples of items 10983
  Foreign purchases; list of supplies excepted from Buy American Act 10982
  General provisions, definitions of terms:
    Head of procuring activity 10979
    Procuring activity 10979
    Sources of supply 2834, 10979
  Government property 4312
    Contract clauses 4316
    General; contractor-furnished property, control of Government property, effective date, etc 4312
    Industrial facilities; contracts for, maintenance, disposal, etc 4314
    Manual for control of government property in possession of contractors; Appendix B 4322
    Material; fixed-price contracts, cost-reimbursement type contracts, disposal 4313
    Special tooling 4313
  Inspection and acceptance 4319
    Contract provisions 4319
    Inspection requirements 4319
    Points of inspection 4319
    Responsibility of inspection 4319
  Interdepartmental procurement:
    Blind-made and prison-made products 10981
    Federal Supply Service contracts 10981
  Labor, Walsh-Healey Public Contracts Act; applicability 10983
  Manual for control of government property in possession of contractors; Appendix B 4322

DEFENSE DEPARTMENT—Continued Page

Joint regulations of armed forces—Continued
  Armed services procurement regulations—Con.
    Negotiation, procurement by:
      Circumstances permitting negotiation; application 10981
      Use of negotiation:
        Aids to small business in negotiated procurement 10980
        Negotiation distinguished from formal advertising 10980
  Courts-martial proceedings. *See* Military justice.
  Exercise of certain contractual authority in connection with emergency powers, regulations governing; standards governing amendments, corrections and formalization of informal commitments 2623
  Contractual provisions and record requirements 2624
  Exercise of authority 2623
    Standards governing 2623
  General considerations 2623
  Reports 2624
  Military justice:
    Boards of Review, regulations pertaining to, uniform rules of procedure 4433, 4610
    Courts-Martial Manual, suspension of limitations on certain punishments prescribed by; Executive order respecting. *See main heading* Presidential documents.
  Renegotiation regulations, military; determination of renegotiable business and costs:
    Contracts containing renegotiation article entered into by or on behalf of Department:
      Through December 31, 1950 4377
      Through September 30, 1950 1185
    Exemptions; general classes of contracts and subcontracts exempted from renegotiation by Military Renegotiation Policy and Review Board and Secretary of Defense:
      Individual services 282
      Perishable subsistence supplies 282
      Supplies purchased for authorized resale 282
  Labor; provisions in procurement contracts respecting applicability of Walsh-Healey Public Contracts Act 10983
  Lands, public; withdrawn for national defense purposes. *See main heading* Land Management Bureau.
  Manpower program for machine tool industry, responsibility of Department respecting, in calling reserves to active duty 7578
  Medical supplies and equipment for Federal Civil Defense Administration; delegation of authority from General Services Administrator to make purchases and contracts respecting 8216
  Military and technical assistance to foreign countries under Mutual Security Act; Executive order respecting. *See main heading* Presidential documents.
  Military freight and mail, transportation and storage of. *See main heading* Defense Transport Administration.
  Military justice. *See* Joint regulations of armed forces.
  Mutual Security Act, functions under; Executive order respecting. *See main heading* Presidential documents.
  Narcotics, Interdepartmental Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
  National Defense Facilities Act of 1950, grants of Federal funds to States under; policies governing provisions to be included in agreements 10751
  Negotiation, procurement by; armed services procurement regulations. *See* Joint regulations of armed forces.
  Packaging requirements, agreement respecting. *See* Standards, specifications, packaging, and inspection.
  Peaceful settlement of international disputes, support of United Nations activities directed toward; Executive order respecting. *See main heading* Presidential documents.

DEFENSE DEPARTMENT—Continued Page

Personnel of outstanding ability serving without compensation; exemption from provisions of law respecting penalties for prosecuting claims against United States 2218
Price control; exemption from price control of certain sales of military items to Defense Agencies. *See main heading* Price Stabilization, Office of.
Priority (DO and DX) ratings; delegation of authority from National Production Authority respecting 128, 1508, 6405, 10136
Prison-made and blind-made products; interdepartmental procurement 10981
Procurement; armed services procurement regulations. *See* Joint regulations of armed forces.
Public utilities commissions; delegation of authority to Secretary from General Services Administration to represent Government agencies before certain commissions with respect to gas and electric rates, etc. *See* Authority, delegations of.
Public utility services, contracts for procurement of: Secretaries of Army, Navy, and Air Force; authority respecting services for periods not exceeding ten years 9666
Secretary of Defense; authority from General Services Administrator respecting 8309
Radio antenna towers and/or supporting structures, construction, marking and lighting of; standards set forth by Federal Communications Commission in conjunction with Department. *See main heading* Federal Communications Commission.
Radio communication or radio transmission of energy, emergency control over, functions relating to; Executive order respecting. *See main heading* Presidential documents.
Renegotiation (Military) Policy and Review Board; regulations adopted by. *See* Joint regulations of armed forces.
Renegotiation regulations, military; determination of renegotiable business and costs. *See* Joint regulations of armed forces.
Representation of Government agencies in connection with various matters; delegation of authority from General Services Administration respecting. *See* Authority, delegations of.
Reserves:
Active service order:
Authority to order members and units of reserve components into active Federal service 6968, 8747
Executive order respecting. *See main heading* Presidential documents.
Facilities for administration and training of units of reserve components, authority respecting 9823
Secretary of Defense; delegations of authority to or by. *See* Authority, delegations of.
Security:
Orders for protection of property or places, designation of military commanders to issue 4945
Public information guidance for manufacturers holding contracts awarded by Army, Navy or Air Force 10041
Specifications, agreement respecting. *See* Standards, specifications, packaging, and inspection.
Standards, specifications, packaging, and inspection; agreement between General Services Administration and Department respecting, pursuant to President's letter of July 1, 1949 11893
Supplemental agreement 11895
Supplies, equipment and services, contracts for; delegation of authority to Director of Administration, Assistant for Administration, and Director, Office Services Division, respecting 11509
Surplus property, Hawaii; disposal of airport and other properties, delegation of authority to Secretary by General Services Administrator respecting 12528
Tort claims; delegation of authority to General Counsel or Acting General Counsel respecting 2529
Transportation and storage:
Committee on Defense Transportation and Storage, representation on 2335
Coordination and utilization of; Executive order respecting. *See main heading* Presidential documents.

DEFENSE DEPARTMENT—Continued Page

Transportation and storage—Continued
Functions in connection with, Executive order respecting. *See main heading* Presidential documents.
Transportation of United States Military freight and United States mail; reference and priority. *See main heading* Defense Transport Administration.
United Nations, support of, in settlement of international disputes; Executive order respecting. *See main heading* Presidential documents.
Urn, cremation, for remains of deceased members of armed forces; notice regarding design and manufacture 10002
Voluntary plan for contribution of tanker capacity. *See main heading* Maritime Administration.
Walsh-Healey Public Contracts Act, applicability of, in armed services procurement 10983

DEFENSE ELECTRIC POWER ADMINISTRATION:
Actions and authority; confirmation of defense actions and redelegation of authority 904
Authority, delegation of:
Editorial change respecting authority under Executive Order 10161 9531
From various officials to Administrator:
Interior Department, Secretary; authority to exercise functions vested in or delegated to Secretary of Interior relating to electric power 5024
National Production Administrator; authority to redelegate functions under NPA Order M-50, with respect to priorities assistance to electric utility borrowers, to Administrator of Rural Electrification Administration 3950
To various officials with respect to exercise of functions and powers under NPA Order M-50:
Maintenance, Repair and Operating Requirements Branch, Chief, authority as to establishment and adjustment of MRO quotas, and of program material quotas for minor requirements, and as to quantity adjustments or exceptions to inventory restrictions 3197
Materials and Equipment Division, Chief 3197
Materials and Equipment Requirements Branch, Chief, authority to use and order program materials for major plant additions 3197
Rural Electrification Administrator; authority in connection with procurement assistance to electric utility borrowers for major plant additions 3949
Electric power utilities, etc.:
Delegations of authority respecting. *See* Authority.
Construction of power facilities, materials and equipment for; requests for procurement assistance, revision 5056
Electric energy, limitation of consumption and deliveries of, in Pacific Northwest; order respecting 9523
Nonutility electric power projects; information to be filed in connection with production and delivery of heavy electric power equipment 6254
Plant additions, information to be filed, forms required 933, 3301, 3927, 9658
Revocation of DEPA Order EO-1 9658
REA electrification borrowers, procurement assistance; delegations of authority respecting. *See under* Authority, delegations of.
Establishment order revised 2231
Organization and functions:
See also Authority, delegation of.
Administrator: responsibility to Secretary of Interior, deletion 5846
Priorities assistance for electric utility borrowers; authorization to redelegate functions under NPA Order M-50 to Administrator of Rural Electrification Administration 3950
Reassignment of chapter 803
Redesignation 1283

DEFENSE FISHERIES ADMINISTRATION: Page

Authority, delegation of:
Editorial change respecting authority under Executive Order 10161 9531
From Secretary of Interior to exercise functions vested in him or delegated to him relating to fishery commodities 5024
Establishment order revised 2231
Organization and functions:
See also Authority, delegation of.
Administrator; responsibility to Secretary of Interior, deletion 5846
Reassignment of chapter 808

DEFENSE MANPOWER, OFFICE OF:
Defense Mobilization Regional Interagency Committees:
Regional directors to serve as co-chairman 1948
Representation on 1583

DEFENSE MATERIALS PROCUREMENT AGENCY:
Authority, delegation of, to various officials and agencies:
Deputy Administrator:
Contract documents, commitments, guarantees, etc.; authority to make or modify contract documents 10960
Exercise of functions and authority of Administrator in absence or disability of Administrator 9617
General Services Administrator; authority to exercise certain staff functions in connection with administrative management services, financial management services, etc 11459
Interior Department, Secretary; authority respecting domestic exploration and development of critical and strategic minerals and metals pursuant to section 304 of Executive Order 10161 11038, 11546
To certain officers and agencies under Defense Production to assure uninterrupted performance of functions 9446
Certification of essentiality of loans to Reconstruction Finance Corporation and Export-Import Bank of Washington, delegation of authority to Administrator by Defense Production Administrator 10861
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 12027
Claimant agency under Defense Production Act; designation by Defense Production Administrator with respect to production and beneficiation of ores and other minerals 11038
Committee on Government Contract Compliance, representation on; Executive order respecting. *See main heading* Presidential documents.
Contracts:
Authority of Deputy Administrator to make or modify contract documents 10960
Committee on Government Contract Compliance, representation on; Executive order respecting. *See main heading* Presidential documents.
Renegotiation of; Executive order respecting. *See main heading* Presidential documents.
Critical and strategic minerals and metals. *See* Minerals and metals.
Establishment and functions; Executive order respecting. *See main heading* Presidential documents.
Exploration and development of critical and strategic minerals and metals pursuant to section 304 of Executive Order 10161; delegation of authority to Secretary of Interior respecting 11038, 11546
Minerals and metals, critical and strategic, exploration and development of, pursuant to section 304 of Executive Order 10161, delegation of authority to Secretary of Interior respecting 11038, 11546

DEFENSE MINERALS EXPLORATION ADMINISTRATION (formerly Defense Minerals Administration):
Action and authority; confirmation of defense actions and redelegation of authority 904

DEFENSE MINERALS EXPLORATION ADMINISTRATION (formerly Defense Minerals Administration)—Continued Page

Authority, delegation of:
By Secretary of Interior to exercise functions vested in or delegated to Secretary 5024
Editorial change respecting authority under Executive Order 10161 9531
Critical and strategic minerals and metals, exploration for sources of:
Delegation of authority from Secretary of Interior respecting 5024
Procedures for obtaining Government aid 3183, 6840
Establishment order revised 2231
Exploration projects, Government aid in:
Delegation of authority from Secretary of Interior respecting 5024
Procedures 3183, 6840
Manganese ore. *See* Priority and allocation orders.
Mines and mineral processing plants, serialization. *See* Serialization of mines, smelters, and mineral processing plants.
Molybdenum concentrates. *See* Priority and allocation orders.
Organization and functions:
See also Authority, delegation of.
Administrator; responsibility to Secretary of Interior, deletion 5846
Establishment order revised 2231
Priority and allocation orders:
Bureau of Mines Form 6-1086M substituted for Form MF-2 11542
Bureau of Mines Form 6-1087W substituted for Form MF-3 11542
Manganese ore:
Allocation authorizations; requirements and exemptions 1637
Forms; substitution of "Form MF" for "DMA Form" 3408
Records, reports, etc 1637
Molybdenum concentrates, conservation and distribution (MO-8) 5431
Scheelite. *See* Tungsten.
Tungsten:
Concentrates; directed deliveries to specific purchasers 1585
Revocation 3013
Ore; conservation and distribution 3012
Zinc ore; toll agreements for processing, authorization 3217
Reassignment of chapter 808
Redesignation 11934
Scarce materials, designation of mineral and metals in short supply 85
Scheelite. *See* Priority and allocation orders.
Serialization of mines, smelters, and mineral processing plants, for purpose of providing priority and alocation assistance 3344, 4239
Smelters, serialization. *See* Serialization of mines, smelters, and mineral processing plants.
Tungsten. *See* Priority and allocation orders.
Voluntary agreements, temporary powers of Director respecting; letters of President 3690, 3691
Zinc ore. *See* Priority and allocation orders.

DEFENSE MOBILIZATION BOARD. *See* Defense Mobilization, Office of.

DEFENSE MOBILIZATION, OFFICE OF:
Air transportation, transfer or assignment of aircraft to Defense Department approved by Office; Executive order respecting. *See main heading* Presidential documents.
Amortization; policy directive governing issuance of tax amortization certificates under Section 124A of Internal Revenue Code, and defining extent to which accelerated amortization is allowable as cost in negotiated contract pricing 8098
Authority, delegation of, to Defense Production Administrator to determine, with respect to need for school facilities in areas which are critical by reason of national defense activities 7523
Certificates of necessity, for tax amortization. *See* Amortization.

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Civil Service Rules; certain positions excepted from competitive service (Schedule A) 453
Committees, boards:
Defense Mobilization Board; establishment, membership and functions:
Designation of additional members:
Defense Production Administrator 808
Economic Stabilization Agency Administrator 808
Secretary of State 3094
Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on; establishment, functions and membership 2335, 2473
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; observer to be designated by Office to attend meetings of Committee 585
Foreign Supplies and Requirements, Committee on; establishment, functions and membership 646, 948
Labor-Management Manpower Policy Committee, establishment, membership, functions, etc., prior orders modified 3932
Manpower Policy, Committee on; establishment, functions and membership 1272, 7576
Mobilization Policy, National Advisory Board on; Director of Office to act as Chairman, Executive order respecting. *See main heading* Presidential documents.
Regional Committee, Interagency, on Defense Mobilization:
Establishment, functions and membership 1593, 8673, 9758
Provision for co-chairmen 1948
Cooperation of Government agencies in furnishing personnel, information, etc., to Economic Stabilization Agency, on request of Director; Executive order respecting. *See main heading* Presidential documents.
Critical defense housing areas:
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
Alabama; Anniston 12107
Alaska; Kodiak 13109
Arizona:
Fort Huachuca 13109
Tucson 11747
Arkansas:
Benton 11283
Camden-Shumaker 10960
Pine Bluff 12407
California:
Barstow 10908
Marysville-Yuba City 12108
Monterey-Fort Ord 12407
Oxnard-Port Hueneme 12407
Pittsburg-Camp Stoneman 12407
Pleasanton-Livermore-Haywood 12595
Solano County 10611
Colorado; Colorado Springs 11746
Connecticut; Hartford 10863
Delaware; Dover 10863
Florida:
Cocoa-Melbourne 11284
Green Cove Springs 12796
Sanford 13108
Key West 12108
Pensacola 12108
Georgia:
Camp Stewart 10908
Marietta 11747
Valdosta 13108
Idaho; Mountain Home 12107
Illinois; Braidwood (Joliet) 11747
Indiana; Indianapolis 10611
Kansas:
Salina 13109
Wichita 11875
Kentucky:
Camp Breckenridge 10612
Fort Campbell 11459
Fort Knox 11459
Paducah 13108

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Critical defense housing areas—Continued
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense—Continued
Louisiana; Camp Polk 10612
Maine; Presque Isle-Limestone 10612, 11977
Maryland:
Aberdeen 10864
Bainbridge-Elkton 10863
Mississippi; Gulfport-Biloxi-Pascagoula 11875
Nebraska; Sidney 10563
New Jersey:
Dover-Denville 13108
Fort Dix 10610, 11977
New Mexico:
Alamogordo 10863
Clovis-Portales 12407
North Carolina:
Fort Bragg 12108
Kinston 13108
Ohio; Lorain 11284
Pennsylvania:
Bristol-Morrisville 10611
Indiantown Gap 12108
South Carolina; Parris Island 12408
South Dakota; Rapid City-Sturgis 10864
Texas:
Florence-Killeen 10611
Hondo 12595
Kingsville 12594, 13109
Lone Star 11284, 13108
Mineral Wells-Weatherford 10863
San Marcos 12796
Wichita Falls 12796
Virginia:
Camp Pickett 10610
Newport News 10611
Quantico 12595
Washington:
Hanford-Kennewick-Pasco 10611
Othello 12594
Whidbey Island 12108
Wisconsin; Camp McCoy 12021
Findings and determinations under Defense Housing and Community Facilities and Services Act of 1951:
Alabama:
Anniston 11659, 11746
Camp Rucker 10794, 11745
Huntsville 10206, 11745
Alaska:
Anchorage 10495, 11745
Fairbanks 10495, 11745
Kodiak 12595
Arizona:
Flagstaff 13014
Fort Huachuca 12595
Tucson 11459, 11746
Yuma 13014
Arkansas:
Benton 11794, 11745
Camden-Shumaker 11459, 11746
Pine Bluff 11936
California:
Barstow 10206, 11745
Camp Cooke–Camp Roberts 10206, 11745
Corona 11788
Herlong 12408
Imperial County 10206, 11745
Inyokern–Ridgecrest–China Lake 11459, 11746
Lancaster 10206, 11745
Marysville–Yuba 11459, 11746, 12021
Monterey–Ford Ord 12021
Oxnard–Port Hueneme 12021
Pittsburg–Camp Stoneman 12205
Pleasanton–Livermore–Haywood 12109
San Diego and Oceanside 10206, 11745
Solano County 10206, 11745
Victorville 13014
Colorado, Colorado Springs 10206, 11745
Connecticut:
Bridgeport 11936
Hartford 10495, 11745
New London 11788

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Critical defense housing areas—Continued
Findings and determinations under Defense Housing and Community Facilities and Services Act of 1951—Continued
Delaware; Dover 10206, 11745
Florida:
Cocoa–Melbourne 10794, 11745
Green Cove Springs 12738
Key West 11706, 11746
Palatka 12595
Pensacola 11659, 11746, 12109
Sanford 10206, 11745
Georgia:
Bainbridge 12021
Camp Stewart 11459, 11746
Fort Benning 11459, 11746
Marietta 11513, 11746
Savannah River, AEC installation 10206, 11745
Valdosta 10206, 11745
Idaho:
Arco 10206, 11745
Blackfoot 10206, 11745
Idaho Falls 10206, 11745
Mountain Home 11459, 11746
Soda Springs 12595
Illinois:
Braidwood (Joliet) 11459, 11746
Quad Cities 10206, 11745
Rantoul (Chanute Air Force Base) 11459, 11746
Indiana:
Columbus 10206, 11745
Indianapolis 10206, 11745
La Porte 12021
Iowa; Quad Cities 10206, 11745
Kansas:
Salina 12738
Topeka 10794, 11745
Wichita 10206, 11745
Kentucky:
Camp Breckenridge 10794, 11745
Fort Campbell 11459, 11746
Fort Knox 11459, 11746
Paducah 10206, 11745
Louisiana:
Alexandria 11513, 11746
Camp Polk 10794, 11745
Lake Charles 11513, 11746
Maine:
Brunswick 12408
Presque Isle-Limestone 10206, 11745
Winter Harbor 12595
Maryland:
Aberdeen 10908, 11745
Bainbridge-Elkton 10908, 11745
Fort Meade-Laurel 11546, 11746
Frederick 11513, 11746
Patuxent 10206, 11745
Michigan; Ishpeming-Negaunee 12595
Minnesota; Babbitt 10794, 11745
Mississippi; Gulfport-Biloxi-Pascagoula 11513, 11746
Missouri:
Knob Noster 13014
Rolla; Fort Leonard Wood 10206, 11745
Nebraska; Sidney 10206, 11745
Nevada:
Hawthorne 12595
Pioche 12408
New Jersey:
Dover-Denville 11976
Fort Dix 10794, 11745
New Mexico:
Alamogordo 10206, 11745
Carlsbad-Artesia 12021
Clovis-Portales 12021
Las Cruces 10206, 11745
New York:
Sampson Air Force Base 10206, 11745
Star Lake 10206, 11745
Utica-Rome 12408
North Carolina:
Camp LeJeune 10206, 11745
Fort Bragg 11546, 11746
Kinston 12738

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Critical defense housing areas—Continued
Findings and determination under Defense Housing and Community Facilities and Services Act of 1951—Continued
Ohio:
Dayton; Wright-Patterson Air Force Base 10206, 11745
Lorain 10794, 11745
Oklahoma; Fort Sill, Lawton 11459, 11746
Oregon:
Astoria 11459, 11746
Umatilla-Hermiston 12408
Pennsylvania:
Allentown-Bethlehem 11706, 11746
Bucks County 10206, 11745
Indiantown Gap 11459, 11746
Midland 13014
South Carolina:
Parris Island 12299
Savannah River Installation, AEC 10206, 11745
South Dakota:
Edgemont 13014
Rapid City-Sturgis 10908, 11745
Tennessee; Tullahoma 11788, 12109
Texas:
Big Spring 12408
Borger 10206, 11745
Brazoria County 10206, 11745
Bryan 11659, 11746
Florence-Killeen 10206, 11745
Hondo 12021
Kingsville 10206, 11745
Lone Star 10206, 11745
Mineral Wells-Weatherford 10206, 11745
San Marcos 11788
Victoria 12738
Wichita Falls 10206, 11745
Utah; Tooele 10206, 11745
Virginia:
Camp Pickett 10794, 11745
Chincoteague 11936
Newport News 10206, 11745
Norfolk-Portsmouth 10206, 11745
Quantico 12738
Washington:
Bremerton 10206, 11745
Hanford-Kennewick-Pasco 10206, 11745
Othello 11788
Whidbey Island 11788
Wisconsin; Camp McCoy 11844
Defense Materials Procurement Agency, direction, control and coordination of functions; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Board:
Establishment, membership and functions 808, 3094
Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on; establishment, functions and membership 2335, 2473
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; observer to be designated by Office to attend meetings of Committee 585
Food, allocation of, functions of Director relating to; Executive order respecting. *See main heading* Presidential documents.
Foreign Supplies and Requirements, Committee on; establishment, functions and membership 646, 948
Manpower policies:
Labor-Management Manpower Policy Committee, establishment, membership, functions, etc., prior orders modified 3932
Machine tool industry, manpower program for; statement of policy respecting 7577
Responsibilities of various agencies in connection with 7578
Manpower Policy, Committee on; establishment, functions and membership 1272, 7576
Procurement and production scheduling, policy respecting; implementation of President's memorandum of January 17, 1951, to heads of departments and agencies 7576

90600—52——13

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Mobilization Policy, National Advisory Board on; Director of Office to act as Chairman, Executive order respecting. *See main heading* Presidential documents.
Organization and functions:
Assistant to Director for Housing and Community Facilities; establishment of position, and functions 11936
Functions under Defense Housing and Community Facilities and Services Act relating to; Executive order respecting. *See main heading* Presidential documents.
Priorities and allocations, providing for effective use, in achieving economic stabilization 803
Food, allocation of, functions of Director relating to; Executive order respecting. *See main heading* Presidential documents.
Wage adjustments, applications for, filed on grounds of present or imminent manpower shortages, policy and procedure with respect to 8213
Reassignment of chapter 803
Regional Committees, Interagency, on Defense Mobilization; establishment, functions and membership 1583, 1948, 8673, 9758
School facility needs on account of defense activities, determination by Administrator of critical areas:
Delegation of authority to Defense Production Administrator respecting 7523
Executive order respecting. *See main heading* Presidential documents.
Voluntary agreements approved by Administrator. *See main heading* Defense Production Administration.
Wage adjustments, applications for, filed on grounds of present or imminent manpower shortages, policy and procedure with respect to 8213

DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE POWER ADMINISTRATION. *See* Defense Electric Power Administration.

DEFENSE PRODUCTION ADMINISTRATION:
Acting Administrator, designation by President 3690
Army Ordnance Integration Committees. *See under* Voluntary plans.
Authority, delegation of:
Agriculture Department, Commerce Department, Interior Department, Interstate Commerce Commission; functions under Defense Production Act and Executive Order 10161:
Certificates of necessity:
Emergency facilities, amortization of; issuance of certificates under section 124A of Internal Revenue Code 738, 45945, 11245
Loans, purchases, etc.; issuance of necessity certificates in connection with 738, 4594, 11245
Priorities and allocations 738, 4594, 11245
Allocation responsibilities for certain metals and minerals, mining machinery and equipment, etc., delegated to Secretary of Interior 738, 11245
Voluntary agreements and programs 738, 4594, 11245
Defense Materials Procurement Agency, Administrator, to certify essentiality of loans to Reconstruction Finance Corporation and Export-Import Bank of Washington 10861
Certificates:
Certificates of necessity for loans to private business enterprises; Executive order respecting. *See main heading* Presidential documents.
Certification of DMPA programs; Executive order respecting. *See main heading* Presidential documents.
Delegation of authority respecting issuance of. *See* Authority, delegation of:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 1783
Claimant agencies, designation of, pursuant to Executive Order 10200, for specified programs and areas 4913, 11038

DEFENSE PRODUCTION ADMINISTRATION—Con. Page

Claimant agencies, designation of, pursuant to Executive Order 10200, for specified programs and areas—Continued
Defense Materials Procurement Agency; claimant agency with respect to production and beneficiation of ores and other minerals, addition 11033
Interior Department; claimant agency with respect to production and processing of certain minerals and metals listed in Appendix D of NPA delegation No. 5, deletion 11033
Committees, boards, etc:
Army Ordnance Integration Committees; voluntary plans. *See* Voluntary plans.
Defense Mobilization Board; Administrator designated member of 803
Defense Transportation and Storage, Committee on; representation on 2335
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; observer to be designated by Administration to attend meetings of Committee 585
Foreign Supplies and Requirements, Committee on, established in Office of Defense Mobilization; representation on 645
Manpower Policy Committee, representation on 1272
Regional Committees, Interagency, on Defense Mobilization:
Regional directors to serve as co-chairman 1948
Representation on 1583
Condemnation of property. *See* Requisition, condemnation, and disposal of property.
Defense Housing and Community Facilities and Services Act, functions under; Executive order respecting. *See main heading* Presidential documents.
Disposal of property. *See* Requisition, condemnation, and disposal of property.
Establishment, functions, etc., Executive order respecting. *See main heading* Presidential documents.
Priorities and allocations:
Delegation of authority to various agencies under Defense Production Act respecting. *See* Authority.
Order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 803
Transportation and storage, priorities in connection with; Executive order respecting. *See main heading* Presidential documents.
Reassignment of chapter 808
Requisition, condemnation, and disposal of property:
Definitions 12431
Disposal procedures 12432
Functions under Defense Production Act respecting condemnation of property; Executive order respecting. *See main heading* Presidential documents.
Just compensation in requisition proceedings 12432
Procedures 12431
Reports 12433
Requisition and condemnation procedures 12431
School facility needs in areas which are critical by reason of national defense activities, delegation of authority from Director of Office of Defense Mobilization to Administrator to make determinations respecting 7523
Transportation and storage, priorities in connection with; Executive order respecting. *See main heading* Presidential documents.
Voluntary plans, agreements, programs:
Authority respecting under Defense Production Act, resumption by Defense Production Administrator, note 8375, 8851, 8852, 8853
Delegations of authority to various agencies or officials respecting 738, 4594, 11245
Temporary powers of Director in connection with:
Presidential letter respecting 3690, 3691

DEFENSE PRODUCTION ADMINISTRATION—Con. Page

Voluntary plans, agreements, programs—Continued
Various plans and lists of companies requested to participate:
Army Ordnance Integration Committees:
Light Gun Tanks and Allied Combat Vehicles Committee; list of companies accepting request to participate in plan 9826
M34 Modification Kit, Committee on; agreement and list of companies accepting request to participate 10467
Optical fire control; participating members 1965, 3315, 6806
Small Arms Ammunition (excepting 20MM), revised; plan and list of companies accepting request to participate 12203
Tracks for Tracklaying Type Vehicles, Committee on; agreement and list of companies accepting request to participate 10791
B-47 Production Committee, agreement and list of companies accepting request to participate 8852
Newsprint, saving of by Boston Daily newspapers; list of companies accepting request to participate 11314
Petroleum supply to friendly foreign nations, agreement and list of companies accepting request to participate 8375, 8377, 11038, 12517
Small business enterprise production pools, operation by certain manufacturers:
Central California War Industries, Inc., requested to operate as pool, and list of companies accepting request to participate 10042
Coordinated Manufacturers of Santa Clara County, Inc., requested to operate as pool, and list of companies requested to participate 6544
Greater New York Manufacturing Pool; list of companies accepting request to participate 8851
Omaha Industries, Inc., request to resume operation, and requests to certain companies to participate 4475
Peoria Consolidated Manufacturers, Incorporated; list of companies accepting request to participate 8852
Tanker capacity, contribution of, and list of companies participating 1964, 3315, 3931, 6545, 8378, 9734

DEFENSE SOLID FUELS ADMINISTRATION:
Actions and authority; confirmation of defense actions and redelegation of authority 904
Authority, delegation of:
Editorial change respecting authority under Executive Order 10161 9531
From Administrator, Petroleum Administration for Defense; authority respecting distribution of petroleum coke 4475
From Secretary of Interior; solid fuels, authority to exercise functions respecting, vested in or delegated to Secretary of Interior 5024
To Secretary of Commerce with respect to distribution of coal chemicals produced as by-products of coke made from coal 4590
Coal mines, coke plants, and coal and coke preparation and processing plants:
Delegation of authority to Secretary of Commerce respecting distribution of coal chemicals produced as by-products of coke made from coal 4590
Serialization or classification of, reports respecting 3439, 5022
Establishment order revised 2231
Priority assistance to solid fuels industries to obtain materials for maintenance and repair purposes, for operating supplies, and for major capital additions 10853
Reassignment of chapter 808
Shipments of solid fuels; directives for 3655

DEFENSE TRANSPORT ADMINISTRATION:
Authority, delegation of:
See also Organization and functions.
From Administrator:
To Administrator of Petroleum Administration for Defense, with respect to facilities required for bulk storage of petroleum and gas 4149

DEFENSE TRANSPORT ADMINISTRATION—Con. Page

Authority, delegation of—Continued
From Administrator—Continued
To listed officials of Administration to serve as Acting Administrator:
Deputy Administrator 3950
Executive Assistant to Administrator 3950
General Counsel 3950
To Motor Carriers Bureau Director, Interstate Commerce Commission, respecting street and highway transportation 2046
To Production and Marketing Administrator with respect to certain storage and warehouse facilities 11512
To various officials respecting preference and priority in port terminal storage and handling of bulk grain for export:
To Port Utilization Division director 3367
To Warehousing and Storage Division Director 2104
Revocation 3367
To Administrator:
From National Production Authority; to process applications under NPA Order M-4 and M-4A and make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for domestic transportation, storage, and port facilities 5401, 6735, 7628
From Production and Marketing Administrator with respect to certain storage and warehouse facilities 11510
Canadian vessels, transportation of grain by (DTA 2) 10788
Committees:
Defense Mobilization Regional Committees, interagency; representation on 8673
Defense Transportation and Storage, Committee on; representation on 2335
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; establishment and organization of 585
Manpower Policy Committee, interagency; membership on 7576
Construction of transportation, storage and port facilities, applications for allotments and preference ratings, procedure governing; appeals (DTA 1 as amended) 10024, 11504
Action on applications; reconsideration 10025, 11505
Appeals; grounds for, rules for filing, decisions 10026, 11506
Applications and requests; forms 10025, 11504
Definitions 10024, 11505
Intervention by interested parties 10026, 11506
Purpose 10024, 11504
Defense Mobilization Regional Committees, interagency; representation on 8673
Defense Production Act, designation as claimant agency for programs under 4914
Defense Transportation and Storage, Committee on; representation on 2335
Foods and food facilities, under Defense Production Act; storage and warehouse facilities:
Delegation of authority:
To Administrator from Production and Marketing Administrator 11510
To Production and Marketing Administrator from DTA Administrator 11512
Memorandum of agreement between Production and Marketing Administrator and DTA Administrator 11512
Functions. *See* Organization and functions.
Gas, bulk storage facilities. *See* Petroleum and gas.
Grain:
Preference and priority in port terminal storage and handling of bulk grain. *See* Preference and priority.
Transportation of, by vessels of Canadian Registry (DTA 2) 10788
Highway and street transportation, delegation of authority to Motor Carriers Bureau, Interstate Commerce Commission, respecting 2046
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; establishment and organization of 585
Manpower Policy Committee, interagency; membership on 7576

DEFENSE TRANSPORT ADMINISTRATION—Con. Page

Military freight and mail, United States; transportation of 1130
Revocation 2004
Organization and functions:
Authority, delegations of 8557
See also Authority, delegations of, *above.*
Central office, location of 8558
Creation and authority 1677, 8556
Field offices 8558
Functions 8556
Information, submittals, and requests 8557
Operating divisions 8557
Records available for public inspection 8559
Staff officials 8556
Petroleum and gas, facilities for bulk storage of; delegation of authority to Petroleum Administration for Defense with respect to 4149
Preference and priority in port terminal storage and handling of bulk grain for export (DTA 2) 2035, 3254
Authority, delegations of, respecting:
To Port Utilization Division Director 3367
To Warehousing and Storage Division Director 2104
Revocation 3367
General provisions:
Communications 2036, 3254
Definitions 2036, 3254
Hardship, petitions for relief from 2036
List of port areas; appendix A 2036, 3254
Permit required 2035, 3254
Applications for permits 2036, 3254
Effective period for permits 2035, 3254
Records, reports, and investigations 2036, 3254
Violations 2036
Limited temporary grain port handling permits:
For domestic sale or use when on hand or loaded for movement on or before given dates in 1951:
March 24 2397
April 7 2682
April 16 3111
For export 2127
Military freight and mail, United States: transportation of 1130
Revocation 2004
Reassignment of chapter; note 808
Storage and warehouse facilities:
Authority, delegation of, respecting:
From Production and Marketing Administration 11510
To Production and Marketing Administration 11512
Construction. *See* Construction.
Street and highway transportation, delegation of authority to Motor Carriers Bureau, Interstate Commerce Commission, respecting 2046
Transportation, storage, and port facility construction, applications for allotments and preference ratings, procedure governing; appeals (DTA 1). *See* Construction.
Warehouse facilities. *See* Storage and warehouse facilities.

DEFENSE TRANSPORTATION AND STORAGE; COMMITTEE ON; establishment. *See* Defense Mobilization, Office of.

DISASTERS; alleviation of damage, hardships, etc., caused by floods, drought, etc.:
Administration of disaster relief; Executive order respecting. *See* Presidential documents.
Cattle and meat; price control adjustments for sales in distress areas. *See* Price Stabilization, Office of.
Controlled materials for repair of damage. *See* National Production Authority.
Credit, in connection with:
Agricultural credit, disaster areas in need of; designation. *See* Agriculture Department.
Real estate construction credit, for reconstruction of property destroyed by flood, fire, etc. *See* Federal Reserve System, Board of Governors.
Disaster communications service, radio regulations. *See* Federal Communications Commission.
Disaster loan program; farm property. *See* Farmers Home Administration.
Disaster relief program of Housing and Home Finance Agency. *See* Housing and Home Finance Agency.

DISASTERS; alleviation of damage, hardships, etc., caused by floods, drought, etc.—Continued Page
Farm land restoration program for 1952. *See* Agriculture Department.
Loans, mortgages, etc., in connection with. *See* Farmers Home Administration; Federal Housing Administration; *and* Housing and Home Finance Agency.
Mutual mortgage insurance, non-applicability of provisions respecting requirements. *See* Federal Housing Administration.

DISCRIMINATION, because of race, color, creed, or national origin:
Contract provisions relating to:
Executive orders respecting. *See* Presidential documents.
Procurement regulations of Air Force and Army: provisions respecting 2627, 4087
Fair employment program for Government employees. *See* Fair Employment Board.

DISPLACED PERSONS; admission to United States. *See* Displaced Persons Commission; Immigration and Naturalization Service; *and* State Department.

DISPLACED PERSONS COMMISSION:
Admission of displaced persons under Displaced Persons Act; selection and eligibility:
Selection of applicants 6662
Subversives and undesirables, ineligible to receive benefits under act 3031, 5470

"DOLLAR A YEAR MEN"; appointment of certain persons of outstanding ability to serve without compensation;
Executive orders respecting. *See* Presidential documents.
Regulation of Defense Department respecting. *See* Defense Department.

DRUGS:
Certification, tests, etc. *See* Food and Drug Administration.
Custody of vessels, aircraft and vehicles seized for violations involving narcotics. *See* Internal Revenue Bureau.
Mailing; excepted from restricted mail service order. *See* Post Office Department.
Narcotics, Interdepartmental Committee on; Executive order respecting. *See* Presidential documents.
Opiates having addiction-forming and addiction-sustaining liability. *See* Narcotics Bureau.
Sale, administration, etc., at Washington National Airport. *See* Civil Aeronautics Administration.
Virgin Islands, drugs, (cocoa, opium, marihuana, etc.), purchase of, taxes, etc.; Executive order respecting. *See* Presidential documents.

E

ECONOMIC COOPERATION ADMINISTRATION:
Abolishment, liquidation of affairs, and transfer of functions to Mutual Security Agency; Executive order respecting. *See main heading* Presidential documents.
Authorization procedure, procurement by Government agencies; procurement Authorization and Purchase Requisition (Form ECA 303G) 4966
Bare-boat charter of vessels; continuance of charters, finding respecting, by Federal Maritime Boards 11086
Charges for transportation:
Individual relief packages. *See* Relief packages.
Reimbursement for. *See* Procedures.
Committees; representation on:
Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization 646
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization, Defense Transport Administration 585
Defense Production Act, designation as claimant agency for programs under:
By Agriculture Department with respect to food 1289
By Defense Production Administration 4914
Far Eastern Economic Assistance Act of 1950, countries assisted under; inclusion as participating countries 4966

ECONOMIC COOPERATION ADMINISTRATION—Continued Page

Food, non-military requirements for foreign countries having ECA programs; designation as claimant agency to present requirements with respect to, under Defense Production Act, by Secretary of Agriculture 1289
Importers and suppliers, responsibility respecting marking commodities, containers, etc. *See* Procedures.
Participating country, definition; inclusion of countries assisted under Far Eastern Economic Assistance Act of 1950 4966
Priority (DO) ratings, for replacement of parts and materials for foreign civil air carriers registered in certain countries, request for which ECA is claimant agency 1990
Procedures, for furnishing assistance to participating countries:
Authorization procedure, procurement by Government agencies; procurement Authorization and Purchase Requisition (Form ECA 303G) 4966
Participating country, definition; inclusion of countries assisted under Far Eastern Economic Assistance Act of 1950 4966
Reimbursement, documents required for:
Cost of any commodity including freight, insurance, etc. Supplier's Certificate (Form ECA–280) 4966
Cost of services other than ocean transportation: Supplier's Certificate (Form ECA–280) 4966
Voucher SF–1034 4966
Ocean transportation; Supplier's Certificate (Form ECA–280) 4966
Responsibilities of importers and suppliers, marking requirements:
ECA Emblem 4966
Exemption from requirements 4966
Reimbursement for assistance, documents required for. *See* Procedures.
Relief agencies, voluntary nonprofit; commercial freight shipments of supplies to specified foreign countries (Austria, parts of China, France, Greece, India, Italy, Republic of Korea, Norway, Germany, and Trieste) 7650
Relief packages, individual:
Ocean freight charges; commercial shipments:
Charges payable on packages to specified countries (Austria, parts of China, Italy, Republic of Korea, Trieste) 7650
Manner of payment of charges, table 7650
Parcel post shipments; ocean freight charges to specified countries (Austria, parts of China, Italy, Republic of Korea and Trieste) 7650
Suppliers and importers, responsibility respecting marking commodities, containers, etc. *See* Procedures.
Vessels, war-built dry cargo, for use in ECA export programs; request of Administration to Maritime Board to consider applications for bareboat charter 1151
Voluntary nonprofit relief agencies, commercial freight shipments of supplies to specified foreign countries (Austria, parts of China, France, Greece, India, Italy, Republic of Korea, Norway, Germany, and Trieste) 7650
Yugoslav Relief Assistance Act, transfer of funds for administration of; Executive order respecting. *See main heading* Presidential documents.

ECONOMIC STABILIZATION AGENCY:
See Price Stabilization, Office of.
Railroad and Airline Wage Board.
Rent Stabilization Office.
Salary Stabilization Board.
Salary Stabilization Office.
Wage Stabilization Board.
Acting Administrator; designation of officials to act in absence of Administrator:
Assistant Administrator (Operations) 10009
General Counsel 12411
Airline wage stabilization. *See* Railroad and airline wage stabilization.

ECONOMIC STABILIZATION AGENCY—Continued Page

Authority, delegation of:
Assistant Administrator (Operations); authority to serve as Acting Administrator 10009
Chief Executive Officer; transfer of personnel of certain abolished offices (Management, Field Operations, Public Information, and Economic Policy) to Office of Price Stabilization and Wage Stabilization Board, authority respecting 1948
General Counsel:
Authority to serve as Acting Administrator 12411
Transfer of personnel with legal division of ESA to Office of Price Stabilization and Wage Stabilization Board 1948
Price Stabilization, Office of: authority of director respecting various matters:
Allocation of meats 1273, 11875
Disallowance of price violation payments in determining business costs or expenses 11626
Price stabilization functions 100, 738
Rent Stabilization Office, Director; authority respecting veterans preference in sale or rental of housing accommodations under Title I of Housing and Rent Act 10752, 12023
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 305, 637
Committees, boards:
Compliance Policy Committee, establishment and functions 8560
Defense Mobilization Board; Administrator designated member of 808
Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; representation on 585
Foreign Supplies and Requirements, Committee on; representation on 1948
Priorities Administration, Advisory Committee on; representation on 1129
Regional Committees on Defense Mobilization, interagency; representation on 8673
Compliance and enforcement programs:
Compliance Policy Committee; establishment 8560
Constituent agencies to which applicable 8559, 11314
Policies 8559
Cooperation by Government agencies, availability of information, personnel, etc.; Presidential letter respecting. *See main heading* Presidential documents.
Credit, real estate construction credit, relaxation of, in critical defense housing areas. *See* Critical defense housing areas.
Critical defense housing areas:
Approval of areas for rent control purposes:
List 9961
Procedure 9960
Legal basis 11306
Certification of areas by Secretary of Defense and Director of Defense Mobilization and relaxation of real estate construction credit by Federal Reserve Board and Housing and Home Finance Agency 9584, 9734, 10009, 10505, 10584
Determination that real estate construction credit controls have been relaxed sufficiently to encourage housing construction; various areas:
Alabama:
Anniston 12237
Camp Rucker 11128
Huntsville 10009
Arizona: Tucson 11875
Arkansas:
Benton 11513
Camden-Shumaker 11627
Pine Bluff 12593
California:
Barstow 11128
Camp Cooke-Camp Roberts 9734
Marysville-Yuba City 12237
Oxnard-Port Hueneme 12593
Pittsburg-Camp Stoneman 12593
Pleasanton-Livermore-Hayward 12799
San Diego 9584
Solano County 10711
Colorado: Colorado Springs 11875
Connecticut: Hartford 11128

ECONOMIC STABILIZATION AGENCY—Continued Page

Critical defense housing areas—Continued
Determination that real estate construction credit controls have been relaxed sufficiently to encourage housing construction; various areas—Continued
Delaware: Dover 10907
Florida:
Cocoa-Melbourne 11513
Key West 12593
Pensacola 12799
Georgia:
Camp Stewart 11938
Marietta 11875
Valdosta 9734
Idaho:
Arco-Blackfoot-Idaho Falls 9584
Mountain Home 12237
Illinois:
Braidwood (Joliet) 11875
Rock Island-Moline 9584
Indiana:
Camp Atterbury 10505
Indianapolis 10961
Iowa: Davenport 9584
Kansas:
Topeka 11128
Wichita 11977
Kentucky:
Camp Breckenridge 11128
Fort Campbell 11627
Fort Knox 11627
Paducah 10584
Louisiana; Camp Polk 11128
Maine; Presque Isle-Limestone 10961, 12207
Maryland:
Aberdeen 11128
Bainbridge-Elkton 11128
Mississippi; Gulfport-Biloxi-Pascagoula 11977
Missouri; Fort Leonard Wood 9734
Nebraska; Sidney 10961
New Jersey; Fort Dix 11128, 12207
New Mexico:
Alamogordo 10907
Clovis-Portales 12593
North Carolina:
Camp LeJeune, Cherry Point 10505
Fort Bragg 12237
Ohio; Lorain 11513
Oklahoma; Fort Sill-Lawton 11627
Pennsylvania:
Bristol-Morrisville 10961
Indiantown Gap 12237
Savannah River 9584
South Carolina; Parris Island 12799
South Dakota; Rapid City-Sturgis 11128
Texas:
Borger 9584
Brazoria County 9584
Florence-Killeen 10711
Hondo 12799
Kingsville 12799
Lone Star 11513
Mineral Wells-Weatherford 10907
San Marcos 13107
Wichita Falls 13107
Utah; Toole 10009
Virginia:
Camp Pickett 11128
Newport News 10961
Norfolk-Portsmouth 10584
Washington:
Bremerton 10505
Hanford-Kennewick-Pasco 10711, 11040
Othello 12799
Wisconsin; Camp McCoy 12593
Defense Production Act:
Legal basis for various orders; amendment of orders to read Defense Production Act, as amended 11314
Modification of functions pursuant to act, Executive order respecting. *See main heading* Presidential documents.
Enforcement programs. *See* Compliance and enforcement programs.

ECONOMIC STABILIZATION AGENCY—Continued Page

Iron and steel mill industry; request for stabilization of prices on certain listed products 555
Liquidation of certain affairs of the Office of Housing Expediter; Executive order respecting. *See main heading* Presidential documents.
Meats, allocation of; delegation of authority respecting, from Secretary of Agriculture to Economic Stabilization Agency 1272, 3311, 11620
Redelegation to Director of Price Stabilization 1273, 11875
Organization and functions:
Abolishment of certain offices (Management, Field Operations, Public Information, and Economic Policy), and transfer of personnel to Office of Price Stabilization and Wage Stabilization Board 1948, 5112
Acting Administrator; designation of Assistant Administrator (Operations) and General Counsel to act in absence of Administrator 10009, 12411
Constituent agencies, organization of. *See specific agencies.*
Delegations of authority. *See* Authority, delegation of, *above.*
General Counsel; functions 739, 12411
Regional and district offices, locations of 987
Priorities and allocations; order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 808
Railroad and airline wage stabilization, with respect to employees subject to Railway Labor Act:
Railroad and Airline Wage Board. *See main heading* Railroad and Airline Wage Board.
Railroad wage adjustments, payments permissible 3559
Temporary Railroad Wage Panel:
Appointment, functions, etc 3239, 8450
Presidential recommendation respecting establishment 3559
Report respecting wage payments 3560
Supersedure 10010
Reassignment of chapter 808
Records, confidential, transferred from Housing and Home Finance Agency, restrictions on use; Executive order respecting. *See main heading* Presidential documents.
Rent control; functions under Housing and Rent Act of 1947:
See also main heading Rent Stabilization Office.
Approval of areas for rent control purposes 9961
Legal basis 11306
Transfer of functions to Agency; Executive order respecting. *See main heading* Presidential documents.
Seal, official; establishment by Executive order. *See main heading* Presidential documents.
Subsidies for stabilization purposes 12237
Functions of Administrator in connection with; Executive order respecting. *See main heading* Presidential documents.
Veterans preference in sale or rental of housing accommodations under Title I of Housing and Rent Act; delegation of authority to Director of Rent Stabilization respecting 10752, 12023
Voluntary plan for stabilization of prices for iron and steel mill industry; request for stabilization of prices 555

EDUCATION, OFFICE OF:
Areas affected by Federal activities:
Construction of school facilities:
Deadline for applications for payments and order of certification from funds available for fiscal year 1951 769
Extension of deadline for applications to April 6, 1951 2840
From funds available April 6, 1951 2840
Order of priority 2840
From funds available June 30, 1951 5022, 2840
Redesignation 10558
Deadline for applications for payments and order of certification from funds available for fiscal year 1952 10558

EDUCATION, OFFICE OF—Continued Page

Areas affected by Federal activities—Continued
Construction of school facilities—Continued
Grants to certain local educational agencies:
Definitions and explanation of terms 4619
Grant made after approval of application 4619
Grant made before approval of application 4619
Hearings in connection with. *See* Hearings, *below.*
Maximum amount of grant 4619
Order of making grants if funds insufficient 4619
Reservation of funds for grants 4619
Hearings in connection with school construction 3515
Current expenditures for public schools in areas affected by Federal activities, financial assistance for 5901
Hearings in connection with 3515
Authority, delegation of, from Administrator of Federal Security Agency to listed officials to process applications under NPA Order M-4 in connection with school and library construction:
Assistant Commissioner and Director, National Scientific Register 5821
Commissioner 5821
Director, Civilian Education Requirements Branch 5821
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 12243
Critical defense areas, school facilities in; responsibility of Office to furnish information concerning; Executive order respecting. *See main heading* Presidential documents.
Hearings, in connection with school construction and financial assistance to local education agencies, and school survey grants to States 3515
Library construction, process of application under NPA Order M-4, authority respecting. *See* Authority.
Organization 6642
School construction:
Authority respecting. *See* Authority.
Regulations respecting. *See* Areas affected by Federal activities; Hearings; Surveys and state plans for school construction.
State plans for school construction. *See* Surveys and state plans for school construction.
Surveys and state plans for school construction 2707
Definitions 2706
Denial of application, withholding of certification and hearings 2706
Office of Education, services of 2706
Payments to States and fund accounting 2706
Purposes of Federal assistance to States 2706
State applications 2706
State reports 2706

EDUCATION APPEALS BOARD, VETERANS'. *See* Veterans' Education Appeals Board.

EDUCATIONAL FACILITIES:
Areas in need of school facilities by reason of national defense activities:
Construction of facilities, application for funds, etc. *See* Education, Office of.
Delegation of authority to Defense Production Administration respecting 7523
Functions respecting determination of; Executive order respecting. *See* Presidential documents.
Army extension courses for personnel, Officers Reserve Corps. *See* Army Department
Civil defense training and education program. *See* Federal Civil Defense Administration.
Grants and surveys in connection with school construction. *See* Education, Office of.
History program for certain Government agencies, procurement of services of educational institutions in connection with. *See* General Services Administration.
Housing for educational institutions, authority of Community Facilities Service respecting. *See* Housing and Home Finance Agency.
Instructional programs with various educational institutions, contracts for; delegation of authority to Labor Department respecting. *See* Labor Department.
Price regulations, exemption of educational services from. *See* Price Stabilization, Office of.

EDUCATIONAL FACILITIES—Continued Page

Procurement in connection with, delegation of authority respecting. *See* General Services Administration.
Vocational rehabilitation and education. *See* Veterans' Administration.
EIGHT-HOUR LAW, suspension as to certain laborers and mechanics; Executive orders respecting. *See* Presidential documents.
ELECTRIC POWER ADMINISTRATION. *See* Defense Electric Power Administration.
EMERGENCY BOARDS:
Certification of findings respecting wages to Railroad and Airline Wage Board. *See* Railroad and Airline Wage Board.
Investigation of labor disputes, Executive orders respecting. *See* Presidential documents.

EMERGENCY MANAGEMENT, OFFICE FOR:
Philippine Alien Property Administration, termination and transfer of functions; Executive order respecting. *See main heading* Presidential documents.

EMERGENCY PROCUREMENT SERVICE:
Authority, delegation of:
From General Services Administrator:
To Commissioner, respecting purchase for Government use or resale of metals, minerals and raw materials, and transportation and storage incident thereto 7471
Redelegation to Directors and Deputy Directors of Rubber Division and Purchase Division and to Managers of Foreign Offices 7471
Supersedure of delegation of authority of January 29, 1951, to Commissioner and Director and Deputy Director, Rubber Division, respecting rubber procurement 7471
To Regional Directors, authority respecting domestic manganese program:
Certification of participation in program 8216
Purchase of ore at Deming, New Mexico, Butte and Philipsburg, Montana 8216
Transportation and storage of ore 8216
To various officials, redelegation of authority:
Foreign Offices, Managers; authority in connection with purchases and contracts:
Bids, advertising, tests, etc 6763
Fair market value of strategic and critical materials acquired in exchange for agricultural commodities, etc 6763
Purchase for Government use or resale of metals, minerals and raw materials and transportation and storage incident thereto 7471
Purchase Division, Director and Deputy Director; authority in connection with purchases and contracts:
Bids, advertising, tests, etc 6763
Fair market value of strategic and critical materials acquired in exchange for agricultural commodities, etc 6763
Purchase for Government use or resale of metals, minerals and raw materials and transportation and storage incident thereto 7471
Rubber Division, Director and Deputy Director; authority respecting purchase of rubber and latex for Government use or resale 6763, 7471

EMPLOYEES' COMPENSATION APPEALS BOARD:
Rules of procedure, decisions; deletion of parenthetical reference to Form AB-4 5316

EMPLOYEES' COMPENSATION BUREAU:
Civilian American citizens detained by or in hiding from the Imperial Japanese Government, compensation for injury, disability or death:
General provisions 2933
Procedures. *See* Procedures.
Employees of contractors with United States, compensation for injury, disability, death or enemy detention; administrative provisions:
Compensation payable, general provisions 2933
Deductions from benefits, exclusions; time of detention otherwise collected 2933

EMPLOYEES' COMPENSATION BUREAU—Con. Page
Non-citizen employees outside United States; special schedule of compensation for disability or death 2059
Pacific Islands, Territory of; compensation for disability and death under United States Employees' Compensation Act 2059
Procedures, statement of; compensation for injury, disability or death of civilian American citizens incurred while detained by or in hiding from the Imperial Japanese Government 2932
United States Employees' Compensation Act; compensation for disability and death of non-citizens outside United States, extension of special schedule to Territory of Pacific Islands 2059

EMPLOYMENT SECURITY BUREAU:
Agricultural and related industry workers, employment of. *See* Public employment offices.
Cooperation of United States Employment Service and States in establishing and maintaining public employment offices; confidential character of records 5316
Foreign labor, certification and use 9142
Occupational testing, policy of United States Employment Service respecting 6751, 6777
Older workers, service to; policy of United States Employment Service respecting 6751
Placement service, policy of United States Employment Service respecting 6020
Agricultural and related industry workers 9142
Policies of United States Employment Service:
Occupational testing 6751, 6777
Placement service 6020
Service to older workers 6751
Public employment offices, national system of; cooperation of United States Employment Service and States in establishing and maintaining offices:
Agricultural and related industry workers:
Foreign labor, certification and use 9142
Placement services 9142
Recruitment 9142
Renumbering of sections 9142
State plan of operation under Wagner-Peyser Act, instructions to State agencies for preparation and submittal of; revision 11336

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
Anchorage regulations:
Anchorage grounds:
California:
Los Angeles and Long Beach Harbors 11964
San Diego Harbor 11963
Florida, Tortugas Harbor, in vicinity of Garden Key, Dry Tortugas 11963
Hawaii, Honolulu Harbor; anchorage for nitrate laden vessels 4758
Virginia; Hampton Roads 7287
Washington; Puget Sound area:
Kilisut Harbor berthing area; revocation 4758
Port Townsend explosives anchorages 4758
Special anchorage areas:
California:
Morro Bay Harbor 4758
San Diego Harbor 11963
Massachusetts, Plum Island Sound off Great Neck 11963
New York Port and vicinity; Flushing Bay, north and central area 4758
Authority, delegation of, to Chief of Engineers by Secretary of Army, with respect to release of information from records 3309
"Benevolence," wreck of, in Pacific Ocean near Golden Gate, Calif.; demolition 9441
Bridge regulations:
California:
Los Angeles and Long Beach Harbors:
Cerritos Channel:
Commodore Schuyler F. Heim highway bridge 6842
Henry Ford railroad and highway bridge 6842
Long Beach Harbor Entrance Channel pontoon bridge 6842
San Joaquin River:
Atchison, Topeka and Santa Fe Railway Co. bridge 6842
San Joaquin County highway bridge, Middle River 6842

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY—Continued Page
Bridge regulations—Continued
Delaware, St. Jones River; Delaware State Highway Department bridge at Lebanon 6841
District of Columbia, Washington; Potomac River 11029
Florida:
Hillsboro River, Tampa; city of Tampa highway bridges 6842
Kissimmee River:
Seaboard Air Line Railway Co. bridge 6842
State Road Department bridge 6842
St. Jones River:
Florida East Coast Railway Co. bridge 6842
State Road Department of Florida bridge 6842
St. Marys River, State Road Department of Florida bridge 6842
Georgia, St. Marys River; Seaboard Air Line Railway Co. bridge at Kingsland 6842
Maryland, South River; Anne Arundel County highway bridge at Riva 6842
Michigan, Saginaw River bridges; not required to open for certain pleasure craft 6842
New York, Buffalo Harbor; city of Buffalo bridges 6842
Ohio, Sandusky Bay; cross reference deleted 6842
Chief Joseph Dam Project, Washington; withdrawal of public land for use in construction of. *See main heading* Land Management Bureau.
Danger zone regulations:
Atlantic Ocean. *See* Florida; *and* North Carolina.
California; Pacific Ocean:
In vicinity of San Pedro; practice firing ranges for United States Army Reserve, National Guard and Coast Guard units 818
Off Point Reyes, northwest of Farallon Islands; bombing target area, Naval Air Station, Alameda 2577
Delaware coast, Atlantic Ocean off; antiaircraft artillery firing areas, Second Army 643, 2397, 3408
Florida:
Banana River, northerly end, Navy area for aerial mining exercises 7460
Gulf of Mexico:
From St. Andrew Bay to Choctawhatchee Bay, aerial gunnery and bombing ranges, Air Force Proving Ground Command, Eglin Field 2722
Off Matagorda Peninsula and Matagorda Island, Tex; Air Force practice gunnery, bombing, and rocket firing ranges 8113, 8550
St. Joseph Bay, in vicinity of St. Joseph Peninsula; air-to-ground target range, Tyndall Air Force Base 2722
South from Choctawhatchee Bay; guided missiles test operations area, Air Force Proving Ground Command, Eglin Field 2722
South and west of Apalachicola, San Bals, and St. Joseph Bays; air to air-firing-practice range, Tyndall Air Force Base, Florida 7460
South of Pensacola Bay; firing range, Fort Pickens and Fort McRee Military Reservations 2722
Southeast of St. Andrew Bay East Entrance; small-arms firing range, Tyndall Air Force Base 2722
West of St. Andrew Bay West Entrance; test operations area, Navy Mine Countermeasures Station, Panama City 2722
Lake George; naval bombing area 10992
Mosquito Lagoon and adjacent waters in Atlantic Ocean; naval bombing and strafing areas 10992
Georgia coast, Atlantic Ocean off; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, United States Air Force 818, 2397
Maryland:
Atlantic Ocean and Sinepuxent and Chincoteague Bays; target areas, United States Navy (revocation) 818
Bloodsworth Island, Chesapeake Bay in vicinity of; shore bombardment, air bombing, air strafing, and rocket firing area, U. S. Navy 10992
Massachusetts; Nantucket Sound, Buzzards Bay and adjacent waters, danger zones for naval operations 7460

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY—Continued Page
Danger zone regulations—Continued
New York, Gardiners Point, Block Island Sound in vicinity of; naval bombing, rocket firing, and strafing area 10992
North Carolina:
Albemarle Sound, Pamlico Sound, and adjacent waters, danger zones for naval operations 3131, 7460
Pamlico Sound, Bogue Sound, and adjacent waters in Atlantic Ocean; danger zones for Marine Corps operations 10992
Ohio, west end of Lake Erie north of Erie Ordnance Depot, Lacarne; seasonal antiaircraft artillery firing area 3408, 7419
Rhode Island, Narragansett Bay and adjacent waters; danger zones for naval operations 10992
Texas:
See also Gulf of Mexico.
Laguna Madre and Corpus Christi Bay; restricted area, Naval Air Training Bases, Corpus Christi (revocation) 2397
Virginia; Myrtle Island, Atlantic Ocean and waters in vicinity of, Air Force practice bombing, rocket firing, and gunnery range 7541
Washington, Hood Canal and Dabob Bay; naval nonexplosive torpedo testing areas 10993
Dumping ground regulations; Gulf of Mexico off Texas coast:
Galveston, southeast of 11343
Sabine Bank, in vicinity of 11343
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
Fishing and hunting regulations:
See also Reservoir areas, public use of.
Maryland and Virginia, Chesapeake Bay and navigable tributaries; fishing structures 904
Virginia; Chesapeake Bay. *See* Maryland and Virginia.
Washington; Everett Harbor and vicinity, gill nets 904
Flood control regulations:
North Dakota, Heart River; Heart Butte Dam and Reservoir 1183
South Dakota, Perkins County, Grand River; Shadehill Dam and Reservoir 11773
Texas, Colorado River; Marshall Ford Dam and Reservoir 4543
Housing projects, uniform instructions issued by Office of Secretary of Defense; additional information obtainable from Corps. *See main heading* Defense Department.
Houseboats, use of, in reservoir areas. *See* Reservoir areas, public use of.
Hunting. *See* Fishing and hunting regulations; *and* Reservoir areas, public use of.
Navigation regulations:
California, San Francisco Bay; seaplane restricted area, Naval Air Station, Alameda 7211
Chesapeake Bay entrance; naval restricted area 7210
Florida, Coconut Grove, Miami, Biscayne Bay, seaplane restricted area, Coast Guard Air Station 3047
Great Lakes, connecting waters from Lake Huron to Lake Erie; use, administration, and navigation 7211
Maritime Administration Reserve Fleets, restricted areas in vicinity of 7211
Maryland, Chesapeake Bay near Annapolis; seaplane restricted areas 1016
Michigan, St. Marys Falls Canal and Locks; security 7210
New York:
Block Island Sound southeast of Fishers Island; naval restricted area 7210
Hudson River Lock at Troy; navigation 7210
North Carolina, Neuse River and tributaries; Marine Corps Air Station, Cherry Point, restricted area 2577
Texas, Corpus Christi Bay and Laguna Madre; seaplane restricted area, Naval Air Station, Corpus Christi 2397

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY—Continued Page
Records, release of information from; authority, delegation of, to Chief of Engineers from Secretary of Army respecting 3309
Reservoir areas, public use of:
See also Fishing and hunting regulations.
Arkansas, Bull Shoals Reservoir Area, White River 7329
Hunting of deer with rifles 10993
Georgia; Clark Hill Reservoir Area, Savannah River 10993
Kansas, Hulah Reservoir Area, Caney River 7329
Houseboats 7329
Missouri, Bull Shoals Reservoir Area, White River 7329
Hunting of deer with rifles 10993
Ohio, Dillon Reservoir Area, Licking River 7329
Oklahoma:
Fort Supply Reservoir Area, Wolf Creek; houseboats 7329
Hulah Reservoir Area, Caney River, houseboats 7329
Oregon, Dorena Reservoir Area, Row River 7329
Houseboats prohibited 10993
South Carolina; Clark Hill Reservoir Area, Savannah River 10993
Wreck of "Benevolence", in Pacific Ocean near Golden Gate, Calif.; demolition 9441

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Authority, delegation of, with respect to Golden Nematode Suppressive Program, 1951 season:
Agency to act for Federal Government 8989
Agent of Secretary of Agriculture to determine eligibility for payments 8989
Chief of Bureau 8989
Cooperative suppression, of plant diseases and insect pests; golden nematode suppressive program, 1951 season 8972
Delegation of authority respecting. *See* Authority, delegation of.
Exports, overtime services relating to inspection at border, air ports, etc. *See* Overtime services.
Golden nematode suppressive program. *See* Cooperative suppression.
Hawaii; quarantine with respect to movement of various fruits and vegetables. *See* Quarantine notices.
Overtime services, relating to imports and exports; establishment of uniform hourly rate of payment for overtime, night, and holiday inspection and quarantine activities at border, coastal, and airports 3972
Puerto Rico; quarantine with respect to movement of various fruits and vegetables. *See* Quarantine notices.
Quarantine notices:
Domestic:
Domestic movement of plants and plant products from Territories, possessions and districts of United States; notice of hearing to consider advisability of modifying, lifting, etc., certain quarantines governing 1203
Hawaii and Puerto Rico; quarantine with respect to various fruits and vegetables:
Banana plants, movement of; revocation 934, 3828
Fruits and vegetables; Puerto Rico, movement of mangoes from, after approved ethylene dibromide fumigation 9859
Various States and District of Columbia; quarantine to prevent spread of various insects, plant diseases, etc.:
Black stem rust; interstate movement of barberry, mahonia, and mahoberberis plants 5135, 8269
Gypsy moth and brown-tail moth; exemption of certain articles from requirements of regulations (timber products, plant and plant parts, stone and quarry products) 11206
Japanese beetle:
Notice of hearing to consider revocation of present quarantine, or extension of quarantine to Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina and South Carolina 1184

90000—52——14

ENTOMOLOGY AND PLANT QUARANTINE BUREAU—Continued Page
Quarantine notices—Continued
Domestic—Continued
Various States and District of Columbia; quarantine to prevent spread of various insects, plant diseases, etc.—Continued
Japanese beetle—Continued
Provisions respecting new regulated areas, shippers of cut flowers, etc 5954, 7971
Certificates and permits, conditions governing issuance of; limited permits 5954, 7974
Inspection of shipments en route 5954, 7974
Regulated areas, addition to 5954, 7973, 10720
Regulated articles:
Articles the movement of which is regulated 5954, 7974
Conditions governing movement; certification 5954, 7974
Pink bollworm; quarantine in Louisiana, Oklahoma and Texas 5003
Movement of cottonseed from heavily infested areas, proposed rule making 11506
White-fringed beetle:
Articles exempt from certification requirements; administrative instructions respecting 2973, 4519
Disinfecting vehicles, machinery, etc 2973, 4297
Regulated areas 2972, 4294
Regulated articles, movement of 2972, 4297
White-pine blister rust; designation of State of Maryland as area into which movement of gooseberry and currant plants is regulated or prohibited 10607, 12382
Virgin Islands; notice of hearing to consider advisability of prohibiting or restricting movement of certain plants and plant products from, to other parts of United States 1203
Foreign; prohibition of importation of various plants, etc., from foreign countries:
Banana plants; revocation 934, 3828
Cotton, cotton products, and cotton wrappings; notice of hearing to consider revising various quarantines, orders, etc., on importation into United States and movement between Territories and possessions and mainland 1204
Flag smut disease; notice of hearing on advisability of revising, extending, etc., of quarantine respecting 1207
Mexico, certain fruits from; instructions prescribing treatment, for oranges, grapefruit, tangerines and Manila mangoes 12331
Virgin Islands; notice of hearing on advisability of applying provisions of certain quarantines, orders, etc., restricting importation of plants and plant products into United States from 1205
Virgin Islands; quarantine with respect to movement of certain plants and plant products. *See* Quarantine notices.

EXCESS PROPERTY. *See* Surplus property.

EXCHANGE-VISITOR PROGRAM, regulations respecting. *See* State Department.

EXECUTIVE OFFICE OF THE PRESIDENT:
See Budget Bureau.
Defense Mobilization, Office of.
National Security Resources Board.
President's Committee on Internal Security and Individual Rights; establishment. *See main heading* Presidential documents.
Telecommunications Advisor to President, appointment and functions under Executive Order 10297 10329

EXECUTIVE ORDERS. *See* Presidential documents.

EXPLORATION FOR MINERALS. *See* Defense Material Procurement Agency; *and* Defense Minerals Exploration Administration.

EXPLOSIVES, transportation of. *See* Coast Guard; *and* Interstate Commerce Commission.

EXPORT CONTROL. *See* International Trade, Office of.

EXPORT-IMPORT BANK OF WASHINGTON:
Committee on Foreign Supplies and Requirements, representation on 1948

EXPORT-IMPORT BANK OF WASHINGTON—Con. Page
Loans to private business enterprises in foreign countries, functions under Defense Production Act; Executive order respecting. *See main heading* Presidential documents.
Personnel; exemption of Herbert E. Gaston from retirement, Executive order respecting. *See main heading* Presidential documents.

EXPORTS. *See* Imports and exports.

F

FAIR EMPLOYMENT BOARD:
Discrimination on account of race, color, etc. *See* Fair Employment program under Executive Order 9980.
Fair employment program under Executive Order 9980, instructions for carrying out, revision 3271

FARM CREDIT ADMINISTRATION:
Administrative officers, functions of:
Cooperative Bank Commissioner, Deputy Cooperative Bank Commissioner, Assistant Cooperative Bank Commissioner, and Assistant Deputy Cooperative Bank Commissioner; functions, powers, authority and duties 7830, 8145
Federal land bank officials; authorization to approve collateral and loans:
Federal land bank loans for purposes of collateral security for farm loan bonds 9053
Federal land bank loans in excess of $25,000 9053
Banks for cooperatives; loan interest rates and security:
Eligible commodities, as security for loans; petroleum products, addition to list 669
Interest rates:
Continental loans and loans made in Puerto Rico:
Facility loans in continental United States and in Puerto Rico 10237
For financing operations 10237
Upon security of commodities 4827, 6336, 7538, 8229, 8999, 10237
Upon security of Commodity Credit Corporation loan documents 4827, 6336, 7538, 8228, 8999, 10237
Loans made by Central Bank for Cooperatives 4827, 6336, 10237
Central Bank for Cooperatives, loans by; interest rates. *See* Banks for cooperatives.
Employees and officers of Farm Credit Administration and of corporations functioning thereunder, prohibition of acts for personal benefit, etc.; provisions of law respecting 12803
Federal Farm Mortgage Corporation; disposition of reserved minerals:
Designation of counties in various States as areas in which mineral interests are for sale:
Fair market value areas (Schedule A) 1150, 1774, 6318, 7290, 11741, 12203, 12439, 13012
One dollar areas (Schedule B) 6320, 7290, 11741, 12203, 12439, 13012
Mineral interests, disposal of 1177, 3527
Contract, real estate sales, reservations contained in 8671
Title requirements; review required by district personnel 8671
Federal land banks:
Fees, regulations respecting, issued by individual banks:
Baltimore Federal Land Bank; partial release fees 4369
Springfield Federal Land Bank; appraisal fee, revocation 6492
General provisions respecting payments, stock, mortgages, etc.:
Insurance requirements 4269
Interest rates on loans made through associations 6272
Payments; future payment funds 6557
Refinancing mortgages purchased from joint stock land banks; revocation 8733
Stock; retirement of, to complete payment of loan with future payment funds 6557
Joint stock land banks; revocation 8733
Minerals, reserved, disposition of. *See* Federal Farm Mortgage Corporation.

FARM CREDIT ADMINISTRATION—Continued Page
National farm loan associations:
Loans. *See* Federal land banks.
Personnel, provisions respecting:
Cases involving trivial interest or relationship; revocation 12803
General provisions; prohibition of certain acts, revocation 12803
Production credit associations, rules and regulations for, revision 10915
Surplus property disposal; revocation 112

FARM LAND RESTORATION PROGRAM, 1951; assistance to farmers in restoring to productive use farm lands damaged by flood or flood waters in disaster areas. *See* Agriculture Department.

FARM MORTGAGE CORPORATION, FEDERAL. *See* Farm Credit Administration.

FARM SAFETY WEEK, NATIONAL, 1951; proclamation respecting. *See* Presidential documents.

FARMERS HOME ADMINISTRATION:
Account servicing:
Debt settlement 11799
Routine, for servicing loans:
Borrowers entering armed forces, servicing accounts of 3826
Farm housing loans:
Final payment, redesignation 12537
Revocation 12537
Farm ownership and farm housing loans 12537
Farm ownership loans, insured 6994
Security servicing and liquidations:
Farm ownership loans:
Management and disposition of acquired farms; State Office routine subsequent to acquisition of farms, taxation on acquired farms 5411
Sale of farms not suitable for purpose of Title I; terms and conditions of sale, eligible purchasers 5831
Operating loans; liquidations:
Assumption agreements, authority to approve 7379
Real estate security (other than farm ownership), transfer of, and assumption of indebtedness; authority of State Directors to recommend release of borrower from personal liability, revocation 7379
Taxes, farm ownership and farm housing:
Servicing delinquent taxes related to farm housing loan when Government does not hold first mortgage 4745
Servicing delinquent taxes when Government holds first mortgage 4745
Armed forces, borrowers entering; servicing accounts of 3826
Authority, delegation of:
By Administrator, to various officials:
Assistant Administrators; 1948 flood damage and property damage loans 4475
County Committeemen; making and servicing of loans under Bankhead-Jones Farm Tenant Act, and Rural Rehabilitation Corporation Trust Liquidation Act 12104
County Supervisors:
Disaster loans; release of security other than real estate 9279
Loans, making and servicing of, under Bankhead-Jones Farm Tenant Act, and Rural Rehabilitation Corporation Trust Liquidation Act 12104
Deputy Administrator; 1948 flood damage and property damage loans 4475
Disaster Loan Supervisors; release of security other than real estate 9279
Production Loan Division, Director; 1948 flood damage and property damage loans 4475
State Directors:
Execution of certain documents in connection with certain transferred real and personal property of State Rural Rehabilitation Corporations 12104
Ratification of previous action of Directors respecting 12104
Loans, making and servicing of, under Bankhead-Jones Farm Tenant Act and Rural Rehabilitation Corporation Trust Liquidation Act 12104

FARMERS HOME ADMINISTRATION—Continued Page
Authority, delegation of—Continued
By Administrator, to various officials—Continued
State Field Representatives making and servicing of loans under Bankhead-Jones Farm Tenant Act, and Rural Rehabilitation Corporation Trust Liquidation Act 12104
To Administrator from Secretary of Agriculture; disaster loans 3388
Credit restrictions on dwelling construction. *See* Farm housing loans and grants; *and* Farm ownership loans.
Debt settlement; compromise, adjustment, etc., of debts owed United States which are under the jurisdiction of Farmers Home Administration 11799
Disaster loans, to farmers and stockmen:
Delegation of certain powers, functions and duties respecting:
Administrator; authority respecting production disasters 3388
Deputy Administrator, Assistant Administrators, and Director, Production Loan Division; authority respecting 1948 flood damage, and property damage loans 4475
Loans under Public Law 38, 81st Congress, Section 2 3967
Interest rate, increase in, for loans approved on or after July 1, 1951 6273, 9279
Loan purposes; advances to obtain pasture or grazing privileges, and use of farm buildings 9279
Security requirements; first lien on all crops growing or to be grown, with certain exceptions 9279
Servicing disaster loans; release of security other than real estate, County Supervisors and Disaster Loan Supervisors, authority respecting 9279
Loans under Public Law 71, 81st Congress, item "Loans to Farmers, Property Damage" 3972
Farm housing loans and grants:
Account servicing (payments, taxes, etc.). *See* Account servicing, *above.*
Applicants:
Criteria for selection; requirements and limitations 6713
Reaching proper understanding with, regarding types of assistance available 2821
Basic regulations, respecting loans and grants:
Credit restrictions, temporary, on dwelling construction 2821
Revocation 10305
Waiver of credit restrictions to protect Government's security for outstanding loans 9295
Types of financial assistance:
Section 502 loans 9297
Section 503 loans 9298
Section 504 loans and grants 9298
Borrowers entering armed forces, servicing accounts of 3826
Credit restrictions on dwelling construction. *See* Basic regulations.
Farm and home management, year end servicing; annual checkout for Section 503 borrowers, constructions on farm housing loans 11795
Indians, certain restricted, farm housing assistance for; loans and grants 6713
Processing loans and grants; subsequent loans and grants 112
Revocation of prior approval of Administrator 11795
Types of financial assistance. *See* Basic regulations.
Farm ownership loans:
Account servicing (payments, taxes, etc.). *See* Account servicing, *above.*
Basic regulations, respecting loans; restrictions and limitations, etc.:
Credit restrictions on dwelling construction. *See* General provisions.
General provisions 7917
Credit restrictions, temporary, on dwelling construction:
Exemption respecting extended to all Territories and possessions 2821
Farm housing or farm ownership funds, construction financed by 10305
Waiver of credit restrictions, to protect Government's security for outstanding loans 9298

FARMERS HOME ADMINISTRATION—Continued Page

Farm ownership loans—Continued
Basic regulations, respecting loans; restrictions and limitations, etc.—Continued
General provisions—Continued
Redemption of nondelinquent insured mortgages 12415
Loan limitations:
Average values of farm and investment limits, in counties in various States, and Puerto Rico:
Arizona 6272
Colorado 4745, 5829, 8972, 12331
Connecticut 2121
Delaware 9137
Florida 2823, 11712
Georgia 3825
Idaho 8733
Illinois 2823
Indiana 5409, 8735
Kansas 112, 6821
Kentucky 7980, 7981
Louisiana 6558
Maine 579
Maryland 9137
Massachusetts 2121, 8229, 8972, 9671
Michigan 2119, 2953, 6994
Minnesota 7309, 10477
Mississippi 5409, 7200
Nebraska 1179
New Hampshire 2121
New Jersey 577, 5861, 10477, 10479
New York 1474, 5861
North Dakota 577, 921, 1179, 7980
Ohio 7309
Oregon 921, 5831
Pennsylvania 577, 7980, 7981, 10147
Puerto Rico 2955, 10479
Rhode Island 2121, 6273
South Dakota 5831
Tennessee 2119
Texas 11323
Utah 8735
Vermont 2121, 3967, 10147
Virginia 10147
Washington 921, 5831
West Virginia 6819
Wisconsin 3826
Limitations applicable to farm ownership loans 3399
Borrowers entering armed forces, servicing account of 3826
Credit restrictions on dwelling construction. *See* Basic regulations.
Processing direct loans, County office routine; deferring initial installments 10920
Flood loans. *See* Disaster loans.
Fur loan program; increase in interest rate for loans approved on or after July 1, 1951 6273
Grants, farm housing. *See* Farm housing loans and grants.
Housing, farm, loans and grants. *See* Farm housing loans and grants; *and* Farm ownership loans.
Indians, certain, farm housing assistance for; loans and grants 6713
Minerals, reserved, disposition of:
Designation of counties in various States as areas in which mineral interests are for sale:
Fair market value (Schedule A) 1150, 1774, 6318, 7290, 11741, 12203, 12439, 13012
One dollar areas (Schedule B) 6320, 7290, 11741, 12203, 12439, 13012
Sales of reserved mineral interests 1927, 5411
Payments on loans. *See* Account servicing.
Rural Rehabilitation Corporations; dissolution of joint investment relationships between the Government and various State Rural Rehabilitation Corporations 10465
Taxes; servicing of. *See* Account servicing.
Water facilities loan:
Approval authority; authorization to State Directors 5861
County supervisors, loan approval authority which may be redelegated to 5863

FARMERS HOME ADMINISTRATION—Continued Page

Water facilities loan—Continued
Policies:
Eligibility requirements for water facilities loans; associations 1180
Purposes for which water facilities, loans and assistance may be extended 1180

FEDERAL CIVIL DEFENSE ADMINISTRATION:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 420
Contracts and purchases:
Contractural standards to be followed by Administrator under Executive Order 10243 10808
Medical supplies and equipment, procurement for Administration by Defense Department: delegation of authority by General Services Administrator respecting 8215
Renegotiation of contracts; Executive order respecting. *See main heading* Presidential documents.
Solicitation of contracts, warranty in contracts respecting 10809
Training schools and staff colleges for civil defense purposes; delegation of procurement authority by General Services Administrator in connection with instructional program 3676
Under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act, designation as claimant agency for programs under 4913
Definitions of terms used in regulations 4934
Financial assistance for civil defense projects, equipment, etc.:
Federal contributions to states for various purposes:
Equipment (other than personal equipment) for State and local organizations 4935
Stopping or withholding funds under section 201 (i) of Federal Civil Defense Act 4936
Training and education programs and projects, Federal contributions for; procedures 9507
From Reconstruction Finance Corporation for various projects (procurement and distribution of supplies and equipment, construction of buildings, shelters, etc.); procedure for certifying projects to RFC 8342
Health services and special weapons defense functions, certain, transferred to Administration from National Security Resources Board; Executive order respecting. *See main heading* Presidential documents.
Insignia, official 13002
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585
Loyalty oath required of civil defense personnel (other than Federal employees) in State or local civil defense organizations as prerequisite for receiving financial assistance for equipment 4935
Medical supplies and equipment, procurement for Administration by Defense Department; delegation of authority by General Services Administrator respecting 8215
Organizational statement 1909
Personnel:
Loyalty oath, for personnel in State or local organizations; requirement 4935
Part-time, voluntary, etc.; Executive order respecting. *See main heading* Presidential documents.
Procurement of supplies, equipment, etc. *See* Contract and purchases.
Radio frequencies available in providing for civil defense communications. *See main heading* Federal Communications Commission.
State organizations:
Financial assistance. *See* Financial assistance for civil defense projects, equipment, etc.
Loyalty oath for personnel other than Federal employees; prerequisite for receiving financial assistance for equipment 4935
Terms used in regulations, definitions 4934

FEDERAL CIVIL DEFENSE ADMINISTRATION—Con. Page

Training and education programs and projects:
Federal contributions for; procedures 9507
Procurement in connection with; delegation of authority from General Services Administrator respecting 3676
Weapons; functions respecting special defense weapons and health services transferred to Administration from National Security Resources Board; Executive order respecting. *See main heading* Presidential documents.

FEDERAL COMMUNICATIONS COMMISSION:
Accounts, of telephone and telegraph companies. *See* Telephone and telegraph companies.
Aeronautical radio services:
Advisory aeronautical stations:
Civil defense communications with private aircraft; use of frequency 122.8 mc 7265, 10857
Definitions; aeronautical advisory station used for advisory and civil defense communications with private aircraft 7265, 10858
Eligibility for station license; operator of landing area not served by airdrome control station 7265, 10858
Scope of service; advisory and civil defense service 7265, 10858
Additional use of frequency 122.8 mc in civil defense activities 7265, 10858
Use and location of stations 10858
Air carrier aircraft stations; frequencies available 5539, 8367
Aircraft radio stations; frequencies available 5539, 8367
Airdrome control stations; frequencies available 5539, 8367
Alaska, services and stations in 909, 4549, 4589, 4759
Applications, filing of:
Place of filing 4550, 4759
Seattle, Wash.; deletion 11274
Place and method of filing; table 11285
Fixed stations; frequencies available 4550
Land stations, service authorized; provision that all stations guard frequency 3105 kc 4550
Deletion 4589, 4765, 7519
Applications:
Alaska; place of filing applications 4549, 4550, 4759, 11274, 11285
Antennas, changes in 4760
Ground station authority; antennas 4760
Civil Air Patrol:
Frequencies available for civil air patrol stations 2039, 12836, 12917
Priority order to assist in obtaining materials for maintenance, repair, and capital additions to stations 10214
Civil defense communications with private aircraft 7265, 10857
Fixed stations, in Alaska; frequencies available 4550
Flight test stations, supervision of airdrome control operator; facilities for communication to ground flight test station transmitter:
Deletion 12515
Use of remote microphone connection or other means of communication 7998, 10133, 12515
International frequency list; aeronautical fixed and other aviation assignments proposed for implementation of 431
Land stations:
Frequencies available 4550, 4759
In Alaska; all stations to guard frequency 3105 kc 4550
Deletion of provision 4589, 4765, 7519
Logs, information required in; antennas 4760
Navigational aid radio stations; radio beacon stations:
Frequencies available, 200–400 kc 7265, 7878, 12436
Unattended operation of domestic radio beacon stations, conditions under which permitted 7265, 7878, 12436
National defense; provision for rendering stations inoperative for purposes of 12436
Permissible communications; messages concerning sickness, weather, etc 4550

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Aeronautical radio services—Continued
Posting station licenses and transmitter identification cards 3190
Radio beacon stations. *See* Navigational aid radio stations.
Technical specifications; inspection and maintenance of tower marking and associated control equipment 4760
Aeronautical study:
Applications requiring; procedures for handling 1793
Special aeronautical study in connection with construction, marking and lighting of antenna towers and supporting structures 100
Agreements, international. *See* International agreements.
Aircraft, radio services for. *See* Aeronautical radio services.
Aircraft radiotelephone operator authorization. *See* Commercial radio operators.
Alaska, radio stations in:
See also Aeronautical radio services.
International frequency list; assignments for fixed and coast stations, proposed for implementation of 431
Land stations; frequencies 4550, 4589, 4765, 7519, 7521
Police radio service, frequency 5135 kc available for 7521, 11737
Stations other than amateur and broadcast; aviation services, deletion 909, 4549, 4759
Amateur radio service 6519
Appendix 6529
Examination points for operators 6529
Extracts from General Radio Regulations (Cairo revision) 6530
Extracts from Radio Regulations (Atlantic City, 1947) 6530
Radio districts 6529
Basis and purpose 1239, 6519
Civil defense communication, frequency bands for 649, 5622
Definitions 6519
Aircraft landing area 4762, 6519
Antenna structure 4762, 6519
Remote control 6519
Liberia, Republic of; third party messages between amateur stations of United States and of Republic 2667
Operators, amateur 6520
Armed forces, amateur operators serving in; waiver of license renewal requirements, extension of time limit on 13100
Conditional class amateur licenses; delegation of authority to Chief, Safety and Special Radio Services Bureau, to cancel under certain conditions 10365
Cooperation requested of operators to make frequencies available for military maneuvers in North and South Carolina, during August–September 1951 4153
Emergency radio communications networks and associated activities; priority order to assist amateur radio operators and Civil Air Patrol members in obtaining materials for maintenance, repair, and capital additions to stations 10214
Examinations 6521
Additional examination for holders of conditional class operator licenses 1283
Code test procedure 1240
Credit, examination 1240
Allowance of credit; redesignation 12516
Credit allowed to applicants for extra class operator license who had previously held valid operator's license, proposed rule making 12516
Elements 1240
Grading 1284
Manner of conducting 1240
Procedure 2686, 4940
Reexamination, eligibility for 1284
Requirements for various classes 1240

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Amateur radio service—Continued
Operators, amateur—Continued
Licenses; privileges 6520
Application for license 1283
Classes of amateur operator licenses 1239
Extra Class or Advanced Class license required for operation of station using type A-3 emission and narrowband frequency or phase modulation for radiotelephony in 3800–4000 kc and 14,000 to 14,400 kc bands 11282
Eligibility for license 1239
Extra class license; examination requirements waived in case of certain experienced amateur operators, proposed rule making 12516
Persons who may operate stations 1283
Physically handicapped persons; delegation of authority to Chief, Safety and Special Radio Services to waive certain requirements for licenses in case of 11752
Privileges for various classes of amateur operator licenses 1239
Renewal of amateur operator license 1239, 2686, 4940
Scope of operator authority; deletion 2686, 4940
Term of license 1239
Radio printer and similar operations:
Request for operation on all amateur frequencies below 27 mc 11281
Subdivision of 7000–7300 kc band for, proposed 11281
Radiotelephony, frequencies for; proposed rule making:
Amplitude modulated radiotelephony, subdivision of 7000–7300 kc band for use of 11281
Authorization of use of narrow-band frequencies or phase modulation for radiotelephony, in bands 3800 to 4000 kc and 14,000 to 14,400 kc 11282
Stations, amateur radio 6522
Call signs 6524
Systematic assignment of, without exception 8989
Equipment and operation 6527
Frequencies and types of emission:
Allocations of frequencies 1240, 5622, 6525
220–225 mc band (near White Sands, New Mexico); availability of, to authorized amateur stations for national defense 5622
1800–2000 kc band; proposed transfer of "Minnesota" in table of frequency allocations 7520
"Minnesota", proposed transfer of, from "Mississippi River to East Coast U. S. Area" to "Mississippi River to West Coast U. S. Area" in table of frequency allocations, proposed 7520
Narrow-band frequencies or phase modulation for radio-telephony, authorization of use for, in bands 3800 to 4000 kc and 14,000 to 14,400 kc; to be used only by stations with certain licensed operators, proposed rule making 11282
Subdivision of 7000–7300 kc band for radio printer and similar operations, for amplitude modulated radiotelephony, and for providing frequency shift keying in one or more lower frequency amateur bands; proposed rule making and notice for submittal of written comments on 11281
Frequency shift keying (type F–1 emission); requests for authorization of, on all frequencies below 27 mc and on 7250–7300 kc for radio printer and similar operation, proposed rule making 11281
Licenses 6522
Antenna structures, limitation on 4762
Application for license 2686, 4940
Application Form 602, editorial change 10606
Eligibility of corporations or organizations to hold license 2686, 4940
License period 1240, 2686, 4940
Portable and mobile stations 6524
Special conditions to be observed by licensee 6528
Use of amateur stations 6525

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Antenna structures, construction, marking, and lighting of:
Aeronautical study, special, by Airspace Subcommittee of Air Coordinating Committee:
CAA regional offices in which Airspace Subcommittees located 100
Procedure to be followed by Airspace Subcommittee in cases requiring special study 100
Assistance in selection of sites:
At CAA regional offices and Defense Department air bases 100
Charts and publications of assistance in determining where proposed antenna sites lie with respect to airport and approach areas; list of 100
Criteria for determining whether applications for radio towers require special study 89
General information 88
Commission consideration of proposed antenna structures; with respect to possible hazard to air navigation 89
Definitions 88
Form to be used to describe proposed structures 89, 3190
Limitations on 4762
Marking and lighting of antenna structures, specifications for 90
Procedure and standards for, worked out in conjunction with Civil Aeronautics Administration, Department of Defense, and other Government agencies 86
Armed forces, amateur operators serving in; extension of time limit on waiver of license renewal requirement 13100
Auxiliary radio broadcast services. *See* Experimental and auxiliary broadcast services.
Cable companies. *See* Telephone and telegraph companies.
Call signs:
Allocation and use of. *See* Frequency allocations and radio treaty matters.
Amateur stations. *See* Amateur radio service.
Canada, assignment of radio frequencies to broadcast stations in; changes under North American Regional Broadcasting Agreement 202, 2168, 4732, 6849, 8214, 9791, 12440
Channels, allocation of. *See* Frequencies and channels.
Check list of rules and regulations as of January 16, 1951 1152
Citizens radio service:
Applications and licenses:
Applications, where to file; proposed rule making 11739
Forms to be used:
Antenna structures, description of; use of Form 401–A, proposed 11739
Construction permit and license for station using type-approved equipment or equipment not type-approved; application for 92, 4763
Form 505; use, proposed 11739
Construction permit when air-navigation-hazard antenna is proposed; deletion 4763
Prior provisions, deletion proposed 11739
Licensing and operation of stations for control of objects or devices by radio in 460–470 mc band; provision for new class of station on 27.255 mc frequency, proposed rule making 11738
Procedure for obtaining station license; deletion, proposed 11739
Definitions:
Antenna structure 4763
Bandwidth, authorized, proposed 11739
Class C station, proposed 11739
Landing area 4763
Remote control; redesignation, proposed 11739
Equipment:
See also Technical specifications and type of equipment.
Standards to serve as guide for manufacturers in design of equipment for operation on frequency 27.255 mc, proposed 11738
Frequencies and emissions. *See under* Technical specifications.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Citizens radio service—Continued
Operating requirements:
Inspection and maintenance of tower marking and associated control equipment 4764
Permissible communications; operation of station used for radio control of devices or objects, involving continuous radiation of energy, permitted only for brief tests or when making adjustments (proposed) 11740
Recording of tower light inspections 4764
Suspension of transmission required upon deviation from rules, proposed rule making 11740
Stations, operation and licensing of, for control of objects or devices by radio in 460–470 mc band; revision of rules to provide for new class of station on 27.255 mc frequency, proposed rule making 11738
Technical specifications and type of equipment; proposed rule making:
Equipment:
Composite equipment, acceptance of:
Class A, Class B, and noncrystal controlled Class C station equipment 11740
Class C equipment employing crystal control 11740
Minimum equipment specifications; Class A, B, and C stations 11740
Type approval of equipment:
Class A, Class B, and noncrystal controlled Class C equipment, submission for approval 11739
Class C stations:
Crystal control; approval not required 11740
Non-crystal controlled; submission for approval 11739
Composite equipment; requirements when type approval has not been obtained 11740
Frequencies and emissions, etc.:
Communication band; deletion 11739
Emission:
Limitations 11739
Type of emission; provisions respecting Class A, B, and C stations 11739
Extra band radiation; deletion 11739
Frequencies available; assignment, on non-exclusive basis, subject to certain interference, of frequency bands:
Class A and B stations; 460–470 mc band 11739
Class C; 27.255 mc frequency 11739
Frequency tolerance 11739
Carrier frequency maintenance of Class C stations 11739
Walkie-talkie transmitter receivers; frequency tolerance for Class B stations increased, to facilitate production of 92
Station power table; 27.23–27.28 mc—5 watts, added 11739
Civil Air Patrol. *See* Civil defense.
Civil defense:
Civil Air Patrol:
Emergency radio communications networks and associated activities; priority order to assist Civil Air Patrol members and amateur radio operators in obtaining materials for maintenance, repair, and capital additions to stations 10214
Frequencies available for 2039, 12836, 12917
Communication for civil defense purposes between aeronautical advisory stations and private aircraft 7265, 10857
Frequencies available for amateur participation:
Frequency bands, listed 649, 5622
Near White Sands, New Mexco 649, 5623
Classification and compensation of employees of Classes A and B telephone companies. *See* Telephone and telegraph companies.
Coastal and marine radio relay services:
See also Maritime radio services.
Coastal service to coastal-harbor stations, frequencies for 4139, 7357
Redesignation as "Stations on land in maritime services" 6036

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Commercial radio operators:
Examinations; proposed rule making:
New class, additional requirements 2855
Renewal examination 2856
Requirements 2855
Licensed operators of lesser grade than normally required; applications for temporary permission to operate standard and FM broadcast stations with 3309, 7263
Authority respecting 3319
Licenses:
Classes of licenses; temporary limited radiotelegraph second class operator license; proposed rule making 2855
Dual holding of licenses; proposed rule making 2855
Eligibility for new license; proposed rule making 2855
Renewal requirements 3306
Temporary limited radiotelegraph second class operator license 2855, 3305, 9692
Operator's authority:
Aircraft radiotelephone operator authorization; proposed addition 1148
Restricted radiotelephone operator permit; 50 watt limitation on ship stations or aircraft stations (proposed rule making) 1148
Service; statement in lieu of service endorsement, by holder of radiotelegraph license or restricted radiotelegraph operator permit 9692
Common carrier regulations, for telephone and telegraph companies. *See* Telephone and telegraph companies.
Conservation agencies, non-Federal; radio frequency allocations 1131
Control over Government and non-Government radio stations engaged in radio communication or radio transmission of energy; Executive order respecting. *See main heading* Presidential documents.
Cuba, assignment of radio frequencies to broadcast stations in; changes under North American Regional Broadcasting Agreement 1256, 9703, 11195, 12440
Delegations of authority. *See* Organization and delegations of authority.
Developmental broadcast stations. *See* Experimental and auxiliary broadcast services.
Disaster radio communications service 2079
Definitions:
Aircraft landing area 4764
Antenna structure 4764
Distress, disaster and emergency communications 1869
Frequency band 1750–1800 kc available for 649, 1830, 2079, 3516, 8366, 13096, 13099
General information 2080
Operating requirements 2083
Station license or authorization 2081
Antenna structure, limitations on 4764
Use of station 2082
Distress, disaster, and emergency communications. *See* Emergency, distress, and disaster radio communications.
Dominican Republic, assignment of radio frequencies to broadcast stations in; changes under North American Regional Broadcasting Agreement 4595, 6407, 9792, 10866, 11893, 12624
Educational broadcast stations. *See* Radio broadcast stations.
Emergency, distress, and disaster radio communications 1869
See also Disaster radio communications service.
Emergency radio communications networks; priority order for materials for Civil Air Patrol members and amateur radio operators. *See* Civil defense.
Employees of telephone companies, classification of. *See* Telephone and telegraph companies.
Energy, radio transmission of, emergency control over Government and non-Government stations engaged in; Executive order respecting. *See main heading* Presidential documents.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Experimental and auxiliary radio broadcast services 1132
See also Experimental radio services.
Administrative procedure 1133
Broadcast services covered by regulations, list of 1133
Developmental broadcast stations 1138
Facsimile broadcast stations, experimental 1136
License, renewal of 4803
Remote pickup broadcast stations 1140
Licensing requirements; base stations licensed to provide communication between studio and transmitter of broadcast stations utilizing FM or standard broadcast STL or television STL stations for program transmission 2161, 9527
ST broadcast stations 1142
Television broadcast stations:
Auxiliary 1144
Experimental 1134
Experimental radio services:
See also Experimental and auxiliary broadcast services.
Common carrier experimental Class 2 stations; extension of license term 8159
International frequency list; experimental stations not to be subject of international registration, policy respecting authorizations, etc 431
Maritime experimental stations. *See* Maritime radio services.
FM broadcast stations:
Channels, allocations of. *See* Frequencies and channels.
Regulations. *See* Radio broadcast services.
Facsimile broadcasting:
Experimental stations 1136
FM stations, facsimile broadcasting and multiplex transmission by 4717
Fixed radio service, United States; proposed assignments for implementation of international frequency list 429, 431
Forest products radio service. *See* Industrial radio services.
Forms. *See* Practice and procedure.
Frequencies and channels, allocation and use of:
See also Frequency allocations and radio treaty matters.
Allocations of frequencies, table of 1848
Amendments 1131, 1830, 3516, 5622, 7520, 8366, 10028, 10607
Frequency bands:
200–400 kc 7265, 7878, 12436
1614 kc 5061
1750–1800 kc 649, 1830, 2079, 3516, 8366, 13098, 13099
1800–2000 kc 649, 1240, 7520, 11282
1900–1925 kc 7521
1975–2000 kc 7521
2000–3500 kc 429
2006–2050 kc 1240
2374 kc 2039, 12917, 12836
2398 kc 431
3105 kc 4549, 4589, 4759, 7519
3492.5 kc 431
3500–4000 kc 649, 1240
3800–4000 kc 11282
4325 kc 12917, 12836
4507.5 kc 12917, 12836
4585 kc 12836
5135 kc 7521, 11737
7000–7300 kc 1240, 11281
14,400–14,400 kc 1240, 11282
2–3.5 mc 4139, 7357, 8114
26.960–27.230 mc 1240
27.255 mc 11739
28.6–29.7 mc 1240
28.55–28.75 mc 649
29.45–29.65 mc 649
35–44 mc 12103
35.58 mc 12103
43.58 mc 12103
47.0 mc 1552
50.0–54.0 mc 1240
50.35–50.75 mc 649
53.35–53.75 mc 649
76–88 mc (Hawaii) 12436
98–108 mc (Hawaii) 12436
118.1–126.7 mc 5539, 8367

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequencies and channels, allocation and use of—Con.
Frequency bands—Continued
122.8 mc 7265, 10858
144–148 mc 1240
145.17–145.71 mc 649
146.79–147.33 mc 649
148.14 mc 2039, 12836
162–174 mc 1131
220–225 mc 649, 1240, 5622
235–240 mc 1240
420–450 mc 1240
460–470 mc 11739
470–500 mc 10028
470–890 mc 196, 233, 234, 507, 508, 3072, 3441, 3516, 4138, 4818, 5852, 6545, 6886, 7432, 7517, 7867, 8075, 8095, 8992, 9448, 10028, 11614
1215–1300 mc 1240
2300–2450 mc 1240
2450–2500 mc 6757, 10607
2900–3246 mc 3517, 10607, 13099, 13100
3266–3300 mc 3517, 10607, 13099, 13100
3300–3500 mc 1240
3500–3700 mc 6757
5250–5440 mc 3517, 10607, 13099, 13100
5460–5650 mc 3517, 10607, 13099, 13100
5650–5925 mc 1240
6425–6575 mc 6757
9000–9300 mc 3517, 10607, 13099, 13100
9320–9500 mc 3517, 10607, 13099, 13100
10000–10500 mc 1240
11700–12200 mc 6757
21000–22000 mc 1240
30000 mc 1240
International frequency list, assignments proposed for implementation of 429
Services and stations:
Aeronautical services 431, 2039, 4549, 4550, 4589, 4759, 4765, 5539, 7265, 7519, 7878, 8367, 10858, 12436, 12836, 12917
Alaska, land stations in 4550, 4589, 4765, 7519, 7521
Amateur radio service 649, 1240, 4153, 5622, 6525, 7520, 11281, 11282
Canadian broadcast stations 202, 2168, 4732, 6849, 8214, 9791, 12440
Citizens radio service 92, 11738
Civil Air Patrol 2039, 12836, 12917
Civil defense communication 649, 1240, 5622
Coastal service to coastal harbor stations 4139, 7357
Conservation agencies, non-Federal 1131
Cuban broadcast stations 1256, 9703, 11195, 12440
Disaster communications service 649, 1830, 2079, 3516, 8366, 13096, 13099
Dominican Republic broadcast stations 4595, 6407, 9792, 10866, 11893, 12624
FM broadcast stations; Class B:
In Hawaii 12436
Revised tentative allocation plan 649, 2535, 3263, 4818, 7266, 9170, 10708, 10866, 12442, 12515
Forest products radio service 1553, 8468, 8481
Geological radio service 5061
Industrial radio services 1553, 1830, 3516, 5061, 6757, 8366, 8468, 8481, 13099
Low-power industrial radio service 6757
Maritime service 429, 430, 4139, 7357, 8114
Mexican broadcast stations 202, 649, 2168, 2668, 4988, 6408, 7269, 8215, 8991, 9056, 9791, 10866, 11195, 11461, 12440.
Motion picture radio service 1553, 8468, 8481
Navigational aeronautical aid radio stations 7265, 7878, 12436
Petroleum radio service 1553, 5061, 8468, 8481
Petroleum radiolocation 1830, 2079, 3516, 8366
Police radio service in Alaska 7521
Power radio service 1553, 8468, 8481
Press relay radio service 1553, 8468, 8481
Public radio communication services (other than maritime mobile) 12103
Hawaii, inter-island communications; proposed rule making 12436
Public safety radio services; police radio service in Alaska 11737
Radiolocation service 1830, 2079, 3516, 8366, 10607, 13099
Relay stations, fixed or mobile 8481

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequencies and channels, allocation and use of—Con.
Services and stations—Continued
Ship telephone stations, communication with coastal-harbor stations 4139, 7357, 8114
Television stations 196, 233, 234, 507, 508, 3072, 3441, 3516, 4138, 4818, 5852, 6545, 6886, 7432, 7517, 7867, 8075, 8095, 8992, 9448, 10028, 11614, 12437.
Theatre television service 4154, 7865, 10136
Frequency allocations and radio treaty matters; general rules and regulations 1845
Call signs, for identification of radio communication; allocation and use 1868
Channels:
Standard broadcast stations, assignment of channels to, pending ratification and entry into force of North American Regional Broadcasting Agreement, 1950; provisions respecting consideration of applications for 11186, 11187
Television channels, allocation of, to cities along United States-Mexican border; agreement with Mexico 11614
Definitions 1845
Aeronautical advisory station (FAA); civil defense communications included in definition of 10857
Disaster communications service 13098
Radiolocation service:
Land radiopositioning station (PL) 10607, 13100
Mobile radiopositioning station (PO) 10607, 13100
Television stations:
Inter-city relay station (FXN) 168
Pickup station (MLT) 168
STL (studio-transmitter link) station (FXT) 168
Distress, disaster and emergency communications 1869
Emissions 1867
Frequencies; allocation, assignment, and use of 1848
Station symbols:
FXN; television inter-city relay station 168
MLT; television pickup station 168
MOT; television pickup station (deletion) 168
PL; land radiopositioning station 10607, 13100
PO; mobile radio positioning station 10607, 13100
Table of frequency allocations 1848
Amendments 1131, 1830, 3516, 5622, 7520, 8366, 10028, 10607, 12436, 13098
Assignment of frequency bands 76–88 mc and 98–108 mc, in Territory of Hawaii, to fixed services for use by common carrier fixed stations for inter-island communications only, proposed rule making 12437
Radiolocation service; land and mobile radiopositioning stations 13100
Identification of radio communication; allocation and use of call signs 1868
List of international agreements, treaties, Federal Laws, etc., relating to radio in which United States participates 1870, 2658, 9094
"Functional music" operations of FM stations; statement of policy respecting 4501
Geological radio service, frequencies; discontinuance of use of 1602 kc 5061
Gulf of Mexico; extension of temporary allocation of frequencies to radiolocation service for purpose of locating petroleum products in 8366
Hawaii, Territory of; allocation of frequency bands 76–88 mc and 98–108 mc to fixed services, for inter-island communications only, proposed rule making 12437
Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
Industrial assignments proposed for implementation of international frequency list 431
Industrial radio services:
See also Industrial, scientific and medical service.
Applications, authorizations, and notifications:
Application forms to be used:
Construction permit for base and fixed stations 4762
Revision, proposed 10316
Changes in authorized stations; conditions under which prior Commission approval is, or is not necessary; proposed rule making 10317

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Industrial radio services—Continued
Applications, authorizations, and notifications—Continued
Changes in equipment; revision and redesignation, proposed 10317
Construction period; proposed rule making:
Application for extension of time for station construction field on Form 400–A 10317
Station construction permit to specify date of grant; redesignation 10317
Filing of applications; proposed rule making:
In duplicate; rescission 10316
Incompleteness of required information or application to constitute defect in application 10316
Temporary locations, operation at; length of time base or fixed stations may be considered temporary extended to one year 10316
Modification of station authorization must be requested after one year 10316
Frequencies, policy governing assignment of; revision and redesignation, proposed 10317
Station authorizations, applications for; proposed rule making:
Instructions for completion of Form 400 10319
Procedure for obtaining authorization and for commencement of operation 10316
Station license, procedure for obtaining; revision and redesignation, proposed 10316
Supplemental information required:
With applications for control, repeater, or relay stations 1553, 8468
Revision and redesignation, proposed 10317
With application for station authorization; proposed rule making 10317
Definitions:
Antenna structure 4761
Landing area 4761
Relay stations, fixed and mobile 1553, 8467
Repeater station; deletion 1553, 8467
General information:
Frequencies, policy governing assignment of; proposed rule making 10316
Station authorization, transfer and assignment of; procedure for submitting requests for authority to assign authorization or transfer control of corporation, proposed rule making 10316
Operating requirements:
Inspection and maintenance of tower marking and associated control equipment 4762
Permissible communications; tests for proper station and system maintenance, conducting of; proposed rule making 10318
Records of base or fixed stations having antenna structures required to be illuminated 4762
Technical standards; radio station tests, revision and redesignation, proposed 10318
Various services:
Forest products radio service, frequencies for 1553, 8468, 8481
Geological explorations, radiolocation service 3516, 13098
Geological radio service, former, stations in; discontinuance of use of frequency 1602 kc 5061
Low-power industrial radio service; proposed rule making:
Frequencies available for mobile stations on shared basis with other services, under terms of developmental grant only; 2450–2500, 3500–3700, 6425–6575, and 11700–12200 mc 6757
Special restrictions:
25 feet maximum distance between transmitter and radiating portion of antenna, except for stations aboard aircraft 6757
Exceptions in case of station operating on frequencies above 2450 mc 6757
Motion picture radio service, frequencies for 1553, 8468, 8481
Petroleum radio service, frequencies for 1553, 5061, 8468, 8481
Power radio service, frequencies for 1553, 8468, 8481

90000—52——15

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Industrial radio services—Continued
Various services—Continued
Press relay radio service, frequencies for 1553, 8468, 8481
Radiolocation service 3516, 13098
Frequencies for 1830, 3516, 8366, 13099
Relay stations, fixed and mobile 1553, 3194, 8467
Repeater station; deletion 8467, 8468
Special service:
Eligibility 3256
Frequencies for 1553, 8468, 8481
Industrial, scientific, and medical radio service; suspension of effective date of regulations with respect to welding devices 1284, 7827
International agreements relating to radio in which United States participates:
Frequencies:
International frequency list, proposed assignments for implementation of. *See* International Telecommunication Union.
North America; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
List of international agreements, etc., relating to frequency allocations and radio treaty matters 1870, 2658, 9094
Mexico, agreements with:
See also North American Regional Broadcasting Agreement.
Agreement respecting allocation of television channels along Border 11614
International broadcast stations. *See* Radio broadcast services.
International Telecommunication Union, Extraordinary Administrative Radio Conference of; frequency assignments, especially in band 2000–3500 kc., to be recommended by United States for international registration 427
Aeronautical fixed and other aviation assignments (Appendix 6) 431
Alaska, fixed and coast stations in (Appendix 8) 431
All non-Government assignments (including coastal and ship services, fixed, remote pickup, industrial, aeronautical, police, etc., services) (Appendix 1) 429
Experimental stations (not to be subject of international registration); policy respecting authorizations, etc. (Appendix 9) 431
Fixed service, United States; assignments (Appendix 7) 431
Industrial assignments (Appendix 5) 431
Marine telephony assignments (Appendix 2) 430
Public safety assignments (Appendix 4) 430, 431
Remote pickup assignments (Appendix 3) 430
Land transportation radio services:
Applications, authorizations, and notifications:
Change in equipment; revision and redesignation, proposed 10319
Changes in authorized stations; conditions under which prior Commission approval is, or is not, necessary, proposed rule making 10319
Construction period; proposed rule making:
Extension of time to construct station, application for; to be filed on Form 400 10319
Station construction permit to specify date of grant; renumbering 10319
Filing of applications; proposed rule making:
Incompleteness of application or required information to constitute defect in application 10318
Temporary locations, applications for operation at; base or fixed station at single location one year considered temporary 10318
Stations at single locality over one year; modification of authorization required 10318
Time of filing, provision respecting; rescission 10318
Forms to be used:
Application for construction permit for base and fixed stations 4763
Revision and redesignation, proposed 10318
Station authorization applications; instructions for completion of Form 400 10319
Frequencies, selection of; revision and redesignation, proposed 10318
Informal application; redesignation, proposed 10318

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Land transportation radio services—Continued
Applications, authorizations, and notifications—Continued
Radio station authorization; procedure for obtaining authorization and for commencement of operation, proposed rule making 10318
Radio station license, procedure for obtaining; revision and redesignation, proposed 10318
Special temporary authority, application for; filing on Form 403, proposed rule making 10318
Supplementary information to be submitted with application; proposed rule making 10319
Repeater stations; deletion 1554, 8469
Definitions:
Antenna structure 4762
Landing area 4762
Relay stations, fixed and mobile 1553, 3194, 8468
Repeater station; deletion 1553, 8468
General information:
Frequencies, policy governing assignment of, proposed rule making 10318
Station authorization; transfer and assignment of; procedure and requirements for assignment of station authorization, or transfer of control of corporation, proposed rule making 10318
Operating requirements:
Inspection and maintenance of tower marking and associated control equipment 4763
Permissible communications; tests for proper station and system maintenance, conducting of, proposed 10319
Records:
Land Transportation Radio Services regulations to be made part of station records, proposed rule making 10319
Records of base or fixed stations whose antenna structure is required to be illuminated 4763
Railroad radio service; relay stations, fixed and mobile, authorization and use 8468
Relay stations, fixed and mobile:
Definitions; deletion 1553, 3194, 8468
Use of frequencies allocated to mobile services 8481
Repeater station; deletion 1553, 8468
Technical standards; radio station tests, revision and redesignation, proposed 10319
Liberia, Republic of; third party radio messages between amateur stations of, and of United States 2667
Low-power industrial radio service. *See* Industrial radio service.
Maritime radio services:
Coastal and marine relay and ship services; proposed revision of regulations covering; oral argument, order of presentation of, and time allotted each party 197, 5844, 8992, 10136
Experimental (maritime) stations, Class 2; extension of license term 4154
VHF specialized operational radiotelephone stations 4154, 10865
Frequencies:
For coastal service to coastal-harbor stations 4139, 7357
For ship telephone stations for communication with coastal harbor stations 4139, 7357, 8114
International frequency list, proposed assignments for implementation of 429, 430
Land stations 5844, 6036, 8114
Applications 6042
Changes in footnote indicators 10560
Coastal stations:
Limited coast stations and marine-utility stations; use of telephony 6069
Public coast stations; use of telephony 6064
Carrier frequencies below 30 mc available to class II stations under certain conditions, amendment of 7363
Radiotelephone operating procedure, general 6067
Use of telegraphy 6060
Definition of terms 6039
Developmental stations 6076
Hearings; designation of issues for oral argument 5844
Maritime mobile service, fixed stations associated with 6074
Maritime radiolocation service, land stations 6074

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Operating requirements, general 6056
Operator requirements 6055
Station authorization 6046
Station requirements, general 6049
Technical requirements, standard 6052
Violations 6077
Marine relay service. *See* Coastal and marine relay and ship services.
Ship service. *See* Coastal and marine relay and ship services.
Shipboard stations 5844, 6036, 6078, 8114
Applications 6083
Changes in footnote indicators 10560
Definition of terms 6080
Developmental stations 6115
Distress calls, procedure in event of 6100
Equipment, shipboard, compulsory; type approval of 6122
Foreign ship stations in United States waters 6101
Hearings; designation of issues for oral argument 5844
Message charges 6102
Operating requirements, general 6097
Operator requirements 6096
Radio installations, shipboard, compulsory 6116
Radiolocation, use of 6114
Radiotelegraphy, use of 6103
Radiotelephony, use of 6106
Frequencies below 5000 kc for public correspondence available for use when different radio channels used alternately for transmission by ship station and coast station 7358
Service provided by ship stations and shipboard marine-utility stations; nature of service provided 6102
Station authorizations 6087
Station requirements, general 6088
Technical requirements, general 6092
Violations 6130
Watches, general purpose 6099
Watches and auto-alarms for safety purposes 6098
Mexico; assignment of frequencies or channels to broadcast stations in:
Agreement respecting allocation of television channels to cities along United States-Mexican border; proposed rule making 11614
Assignment of radio frequencies to broadcast stations in; changes under North American Regional Broadcasting Agreement 202, 649, 2168, 2668, 4988, 6408, 7269, 8215, 8991, 9056, 9791, 10866, 11195, 11461, 12440.
Motion picture radio service. *See* Industrial radio services.
National defense radio communications:
See also Civil defense.
Frequencies for 649, 5622, 7265, 7878
Radio beacon stations, unattended; provision for rendering stations inoperative for purposes of national defense 7265, 7878, 12436
North American Regional Broadcasting Agreement:
Assignment of channels to standard broadcast stations pending ratification of NARBA, 1950; provisions respecting consideration of applications for 11186, 11187
Lists of changes in assignments for stations in various countries:
Canada 202, 2168, 4732, 6849, 8214, 9791, 12440
Cuba 1256, 9703, 11195, 12440
Dominican Republic 4595, 6407, 9792, 10866, 10893, 12624
Mexico 202, 649, 2168, 2668, 4988, 6408, 7269 8215, 8991, 9056, 9791, 10866, 11195, 11461, 12440
Organization, delegations of authority, etc.:
Authority, delegations of, to various officials:
Chairman; delegation of authority to, from General Services Administrator, to negotiate contracts and purchases for twelve radio receivers without advertising 7732
Chief, Broadcast Bureau; transfer to, of authority formerly vested in Chief Accountant, Chief Engineer, General Counsel or Secretary with respect to matters within functions of Bureau 5368

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Organization, delegations of authority, etc.—Con.
Authority, delegations of, to various officials—Continued
Chief, Common Carrier Bureau; authority with respect to fixed public and fixed public press service, deletion of "in connection with special news events" 2688
Chief, Safety and Special Radio Services Bureau:
To cancel conditional class (Class C) amateur radio licenses under certain conditions 10865
To waive certain requirements for amateur radio licenses in case of physically handicapped person 11752
Engineer in charge at each local headquarter office; authority to act upon applications for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required 3319
Engineers in charge of port offices; deletion of provisions 3264
Secretary, authority delegated to, upon securing approval of Bureaus of Law and Engineering; requests for temporary operation of radio stations with licensed operators of lesser grade than normally required 3319
Motions Commissioner, designation of:
For January 1951 324
For February 1951 1256
For April 1951 2947
For May 1951 4262
For June 1951 5298
For July 1951 6738
For August 1951 7867
For October 1951 10228
For November, 1951 11247
For December, 1951 12105
Organization and functions:
Chief Accountant, Office of; functions 4500, 5298
Chief Engineer, Office of; functions 4500
General Counsel, Office of; functions 4499
Safety and Special Radio Services Bureau; unit to carry on enforcement functions 3198
Place and method of filing of applications for radio station authorizations, Alaska; table 11285
Operators:
Amateur. *See* Amateur radio service.
Commercial. *See* Commercial radio operators.
Patents, for rendering electrical communication services; preparation and filing of annual patent reports, proposed rule making 12438, 12911
Petroleum products in Gulf of Mexico, temporary allocation of frequencies to radiolocation service for purpose of locating 8366
Petroleum radio service. *See* Industrial radio services.
Physically handicapped persons, waiving of certain requirements for amateur radio licenses in case of; delegation of authority to Chief, Safety and Special Radio Services Bureau, respecting 11752
Pickup, remote, broadcast stations. *See* Experimental and auxiliary broadcast services.
"Planned music"; "functional music" operations of FM stations, statement of policy respecting 4501
Police radio service; frequencies for:
Alaska; additional use of frequency 5135 kc in, for fixed police point-to-point radiotelephone communication 7521, 11737
International frequency list; proposed assignment of frequencies for implementation of 429
Power radio service. *See* Industrial radio services.
Practice and procedure:
Forms:
Application Forms 400 and 400–A; new forms for radio station authorizations, for use by industrial, land transportation, and public safety radio services, proposed rule making 10312
Instructions for completion of Form 400 10319
Forms for use with radio license applications. *See under* Radio licenses.
Table of forms currently in effect:
Form 400, added 10313
Form 400–A, added 10313
Form 401–B, deleted 10313
Form 401–C, deleted 10313

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
Forms—Continued
Table of forms currently in effect—Continued
Form 402, deleted 10313
Form 404–A, revised 715
Form 455, deleted 10313
Form 525, added 2039
Form 602, amended 10606
Form 610, amended 10606
Hearings and decisions, rules relating to; standard broadcast station assignments, special provisions respecting procedure for consideration of applications for, under provisions of North American Regional Broadcasting Agreement of 1950, pending its ratification and entry into force 11186
Applications inconsistent with NARBA or which would cause objectionable interference to stations in North American countries not signatory to NARBA 11187
Radio licenses, applications and proceedings affecting:
Filing of applications, and description of forms:
Application for station license where no construction permit required:
Form 404–A (private aircraft radio station license) 715
Form 500 (ship radiotelephone station license) 5871
Form 525 (disaster communications station construction license) 2039
Form 602, amateur station license; editorial change 10606
Construction permit for radio services other than broadcast; Forms 400, 400–A, 401, and 401–A to be used for certain listed radio services 5657, 5902, 10313
Extension of construction permit; Form 400–A (application for extension of time) to be used for public safety, industrial, and land transportation radio services (proposed) 10313
Informal applications, filing of; proposed rule making:
For requests from stations for extension of authority to operate without certain equipment, how and to whom made 11614
For temporary operation without specified items of equipment or with auxiliary equipment 11614
Installation or removal of apparatus, broadcast and nonbroadcast; exception to requirement of prior authorization for listed equipment of public safety, industrial, and land transportation radio services (proposed) 10313
License following construction permit; use of Form 400 (station authorization in public safety, industrial, and land transportation services), proposed 10314
Modification of license, broadcast and nonbroadcast:
Form 400 (station authorization in public safety, industrial, and land transportation services), proposed 10314
Form 404–A (application for private aircraft radio station license) 715
Form 525 (application for disaster communications station construction permit and license) 2039
Operators; application for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required 3309, 7263
Renewal of license, broadcast and nonbroadcast:
Form 400 (station authorization in public safety, industrial, and land transportation services), proposed 10314
Form 404–A (application for private aircraft radio station license) 716
Form 525 (application for disaster communications station construction permit and license) 2039
Time for filing applications 194, 2973, 4803

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
Radio licenses, applications and proceedings affecting—Continued
Filing of applications, and description of forms—Continued
Voluntary assignment or transfer of control, nonbroadcast; use of Form 400 (station authorization in public safety, industrial and land transportation services), proposed 10314
Processing of applications:
Applications requiring special aeronautical study; procedures for handling 1793
Television permits or licenses; modification to be considered on case-to-case basis 7517
Formal applications to be considered with regard to coverage within the 500 uv/m contour and effective radiated power 7519
Informal applications for special temporary authority to operate under certain terms and conditions 7519
Standard broadcast station assignments, special provisions respecting procedure for consideration of applications for, under provisions of North American Regional Broadcasting Agreement (NARBA) of 1950 pending ratification and entry into force of Agreement 11186
Applications inconsistent with NARBA or which would cause objectionable interference to stations in North American counties not signatory to NARBA 11187
Reports required of telephone and telegraph common carriers:
International radiotelegraph carriers; reports on traffic 2039
Telephone companies, Class A and B, reports required to be submitted by; "Annual Report Form M—revision of 1951," adoption of revised form and provisions respecting preparation and filing 7365, 10638
Schedules 70C and 71 amended with respect to telephone operators 11188
Telephone and telegraph companies; reports required of. *See* Reports.
Press, relay, radio service. *See* Industrial radio services.
Public radio communication services (other than maritime mobile); technical standards, allocation of frequencies, etc.:
Changes in zones and assignment of frequencies in 35–44 mc band (involving no changes in existing services), proposed rule making 12103
Domestic public land mobile radio service, use of, in Miami-Ft. Lauderdale, Florida area, hearing 10577
Hawaii, inter-island communications in; allocation of certain frequencies (76–88 mc and 98–108 mc) to fixed services in Territory of Hawaii, proposed rule making 12436
One-way signaling service to mobile receivers; assignment of 35.58 mc and 43.58 mc frequencies for 12103
Public landline message telephone service; base station frequencies and zone allocation plan, 35–44 mc band 12103
Public safety assignments proposed for implementation of international frequency list 430, 431
Public safety radio services:
See also Police radio service.
Applications, authorizations, and notifications:
Change in equipment; revision and redesignation, proposed 10315
Changes in authorized stations; conditions under which prior Commission approval is or is not necessary, proposed rule making 10315
Construction period; proposed rule making:
Redesignation 10315
Time extension application for construction permit to be filed on Form 400–A 10315
Coordinated service, supplemental statement regarding; revision and redesignation, proposed 10315

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Public safety radio services—Continued
Applications, authorizations, and notifications—Continued
Filing of applications; proposed rule making:
Incompleteness of application or required information to constitute defect in application 10314
Installation of new equipment 10314
Removal of equipment; prior provision respecting, deletion 10314
Temporary location, operation at; procedure respecting applications for operation of base or fixed stations remaining in locality less than one year and for those remaining more than one year 10314
Forms to be used:
Construction permit for base stations and fixed stations 4761
Description of antenna structure (FCC Form 401–A) 4761
Proposed rule making 10314
Station authorization applications; instructions for completion of Form 400, proposed rule making 10319
Frequency requested, statement with respect to; redesignation, proposed 10315
Radio station authorization; procedure for obtaining authorization and for commencement of operation, proposed rule making 10314
Supplementary information to be submitted with application for station authorization; proposed rule making 10315
Temporary location, operation at; revision and redesignation, proposed 10315
Definitions:
Antenna structures 4761
Landing area 4761
General information:
Coordinated service; application requirements for mobile station, proposed rule making 10314
Frequency coordination procedures; assignment of frequency, application requirements and procedures, proposed rule making 10314
Restrictions, general, on transfer and assignment of station authorization; forms to be used, transfer, etc., of station authorization 10314
Operating requirements:
Inspection and maintenance of tower marking and associated control equipment 4761
Records of station:
Regulations for Public safety radio services to be made part of records; proposed rule making 10316
Stations whose antenna is required to be illuminated 4761
Tests for proper station and system maintenance permitted under certain conditions; proposed rule making 10315
Technical standards; radio station tests, revision and redesignation 10315
Radio beacon stations. *See* Aeronautical radio services.
Radio broadcast services 820
Educational broadcast stations, noncommercial:
FM stations; reissuance of regulations 841
Facsimile broadcasting and multiplex transmission 4717
Equipment, rules relating to; proposed:
Changes in equipment and antenna system:
Indicating instruments, specific authority requirements for change in; deletion 11613
Other changes; renumbering 11613
Frequency monitor 11612
Modulation monitor 11612
Indicating instruments; elimination of requirement for application and authorization to operate without indicating instruments for 60 days, under stated conditions, and provision for extension of time limit, proposed rule making 11610
Logs, maintaining and retaining; proposed rule making 2161
"Permittee", addition of term 12514
Technical operation; indicating instruments, proposed rule making 11612

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Educational broadcast stations, noncommercial—Continued
Television, stations. *See* Television broadcast stations.
FM broadcast stations 833
Administrative procedure:
License period, normal; expiration date 194, 2973, 4804.
Renewal of license 194, 2973, 4803
Channels, allocation of:
Hawaii; use of channels 251–300 for inter-island communication, proposed 12436
Revised tentative allocation plan for channels allocated to Class B stations 649, 2535, 3263, 4818, 7266, 9170, 10708, 10866, 12442, 12515
Classification of stations; Class A stations, main studio (repeal) 2682
Educational FM broadcast stations. *See* Educational broadcast stations.
Equipment, rules relating to; proposed:
Changes in equipment and antenna system:
Indicating instruments, specific authority requirements for change in, deletion 11613
Other changes; renumbering 11613
Frequency monitor 11611
Modulation monitor 11612
"Functional music' operations, statement of policy respecting 4501
Indicating instruments; elimination of requirement for application and authorization to operate without indicating instruments for 60 days, under stated conditions, and provision for extension of time limit, proposed rule making 11610
Logs, maintaining and retaining; proposed rule making 2161
"Permittee", addition of term 12514
Operators; applications for temporary permission to use licensed operators of lesser grade than required by Commission rules to operate standard and FM stations 3309, 7263
Reissuance of regulations with exception of standards of good engineering practice) 833
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services, *above*.
Standards of Good Engineering Practice; indicating instruments, proposed rule making 11613
Change or replacement of instruments indicating current or voltage, written authority for; deletion 11614
Technical operation:
Facsimile broadcasting and multiplex transmission 4717
Indicating instruments, proposed rule making 11612
International broadcast stations; reissuance of rules governing 855
Logs, maintaining and retaining; proposed rule making 2161
"Permittee", addition of term 12514
Operators; applications for temporary permission to use licensed operators of lesser grade than required by Commission rules to operate standard and FM stations 3309, 7263
Standard broadcast stations 821
Frequency allocations by classes of stations:
Assignment of Class IV stations to regional channels, deletion (proposed) 5658
Normal license period 2973, 4803
Applications for new license within 3 months of expiration date of license term; deletion 4804
Expiration dates; proposed rule making 194
Stations located in various States, listed 4803
Indicating instruments; elimination of requirement for application and authorization to operate without indicating instruments for 60 days, and provision for extension of time limit, proposed rule making 11610
Logs, maintaining and retaining; proposed rule making 2161
"Permittee", addition of term 12514

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Standard broadcast stations—Continued
North American Regional Broadcasting Agreement, 1950; no assignment to be made, pending ratification and entry into force of Agreement, which would be inconsistent with terms of Agreement and which would cause interference to stations in countries not signatory to NARBA 11187
Operators; applications for temporary permission to use licensed operators of lesser grade than required by Commission rules to operate standard and FM stations 3309, 7263
Reissuance of regulations (with exception of Standards of Good Engineering Practice) 821
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services, *above*.
Standards of Good Engineering Practice:
Allocation, engineering standards of; proposed rule making:
Assignment of Class IV stations to regional channels 5658
Table IV, protected service contours and permissible interference signals; assignment of Class IV stations to regional channels, deletion of footnote respecting 5658
Indicating instruments 11613
Change or replacement of instruments indicating current or voltage, written authority for; deletion 11613
Technical operation; proposed rule making:
Frequency monitor 11611
Indicating instruments 11611
Modulation 11611
Operating power, direct measurement; prohibitions respecting changes made in antenna ammeter, deletion 11611
Television broadcast stations 847
Administrative procedure:
License period, normal; expiration date 195, 2973, 4804
Renewal of license; time for filing application 194, 2973, 4803
Applications; acceptance of pending applications and those hereafter filed for modification of existing permits or licenses to be considered on case-to-case basis 7517
Formal applications to be considered with regard to coverage within the 500 uv/m contour and effective radiated power 7519
Hearings respecting. *See* Hearings, *below*.
Informal applications for special temporary authority to operate under certain terms and conditions 7519
Auxiliary broadcast stations. *See* Experimental and auxiliary broadcast services, *above*.
Channels. *See* Frequencies and channels.
Educational television stations, noncommercial, reservation of channels for; hearings 196, 233, 234, 507, 508
See also Hearings, *below*.
Equipment, rules relating to; proposed rule making:
Change in equipment and antenna system:
Indicating instruments, specific authority requirements for change in; deletion 11613
Other changes, redesignation 11613
Frequency monitors 11613
Modulation monitors 11613
Experimental broadcast stations. *See* Experimental and auxiliary broadcast services, *above*.
Frequencies and channels, allocation of:
Hearings respecting. *See* Hearings, *below*.
In Hawaii; use of channels 5 and 6 for interisland communication, proposed 12436
Mexican Border; assignment of channels to cities within 250 miles of United States-Mexican Border, agreement respecting, proposed rule making 11614

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Television broadcast stations—Continued
Hearings, on proposed amendment of rules and regulations and engineering standards, allocation of channels, and use of 470–890 mc band for television broadcasting 196, 233, 234, 507, 508, 3072, 3441, 3516, 4138, 4818, 5852, 6545, 6886, 7432, 7517, 7867, 8075, 8095, 9448, 10028, 11614.
Indicating instruments; elimination of requirement for application and authorization to operate without indicating instruments for 60 days, and provision for extension of time limit, proposed rule making 11610
Logs, maintaining and retaining; proposed rule making 2161
"Permittee", addition of term 12514
Mexico; agreement between United States and Mexico respecting assignment of 12 television channels to cities along border, and certain operating conditions for stations, proposed rule making 11614
Reissuance of regulations (with exception of Standards of Good Engineering Practice) 847
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services, *above*.
STL stations. *See* Experimental and auxiliary broadcast services, *above*.
Standards of Good Engineering Practice:
Applications, pending, and those hereafter filed for modification of existing permits and licenses to be considered on case-to-case basis and with regard to coverage within 500 uv/m contour and effective radiated power, and other terms and conditions 7517
Hearings respecting. *See* Hearings, *above*.
Indicating instruments 11614
Technical operation:
Indicating instruments, proposed rule making 11613
Separate operation of aural and visual transmiters 4547
Theatre television service. *See* Theatre television service, *below*.
Violations of laws by applicants for licenses; uniform policy to be followed respecting licensing in case of violations 3187
Radio communication or radio transmission of energy, emergency control over Government and non-Government stations engaged in; Executive order respecting. *See main heading* Presidential documents.
Radio operators:
Amateur. *See* Amateur radio service.
Commercial. *See* Commercial radio operators.
Radio printer operation, requests for use of frequencies for. *See* Amateur radio service.
Radiolocation service (land and mobile radio-positioning stations):
Frequencies for 3517, 10607, 13099, 13100
Sharing of frequency band 1750–1800 kc with disaster communications service 13096
Temporary allocation of frequencies for location of petroleum products in Gulf of Mexico 1830, 3516, 8366
Industrial radiolocation service, for use in connection with geological, etc., activities 3516, 13098
Radiotelephony, use of. *See* Amateur radio service; Maritime radio services; *and* Police radio service.
Railroad radio service. *See* Land transportation radio services.
Relay press radio service. *See* Industrial radio services.
Remote pickup assignments proposed for implementation of international frequency list 430
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services.
Safety and Special Radio Services Bureau, delegation of authority to Chief of. *See* Organization, delegations of authority, etc.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Ship radio service:
See also Maritime services.
Frequencies for ship telephone stations for communication with coastal-harbor stations 4139, 7357, 8114
STL broadcast stations. *See* Experimental and auxiliary broadcast services.
Standard broadcast stations. *See* Radio broadcast services.
Telecommunications Advisor to President, cooperation with Commission; Executive order respecting. *See main heading* Presidential documents.
Telecommunication Union. *See* International Telecommunication Union.
Telephone and telegraph companies; common carrier regulations:
Accounts, uniform system of:
Radiotelegraph carriers; retirement units 2600
Telephone companies:
Class A and Class B companies:
Balance sheet accounts, investments; telephone plant acquisition adjustment (carriers permitted to write off certain debit or credit amounts not exceeding $2,000 to operating expenses) 4341, 5871
General instructions:
Classification of companies 2938, 4341
Records; cross reference 4341
Operating expense accounts, depreciation and amortization expenses; amortization of telephone plant acquisition adjustment 5871
Telephone Accounting Bulletin No. 1 (Appendix A); accounting on basis of acquisition cost rather than original cost to predecessors with certain limitations 4341, 5871
Class C companies; general instructions:
Classification of companies 2939, 4496
Definitions, proposed 2939
Records; cross reference 2939, 4496
Subdividing of accounts 4496
Class D companies:
Classification of companies 4496
Definition of 4497
Keeping of accounts by 4496
Employees of Class A and Class B telephone companies, occupational classification and compensation of 9170, 11188
Applicability 9170, 11189
Information with respect to employees; annual report of number of employees, hours worked, compensation, etc 9170, 11189
Classification, on basis of character of service 9171, 11189
All employees, not elsewhere classified 9173, 11191
Building, supplies, and motor vehicle employees 9173, 11191
Business office and sales employees 9171, 11190
Clerical employees 9172, 11190
Construction, installation, and maintenance employees 9172, 11190
Motor vehicle employees. *See* Building, supplies, and motor vehicle employees.
Officials and managerial assistants 9171, 11189
Professional and semi-professional employees 9171, 11190
Telephone operators 9172, 11190, 11343
Data required to be maintained of record; employees, included in count, hours worked, weekly compensation, hourly rate of pay, etc 9171, 11189
Definitions; restrictive use of such terms as "joint employees", "general officer", "hourly rate of pay", etc 9170, 11189
Records; data required to be maintained 9171, 11189
Hawaii, allocation of frequency bands 76–88 mc (television channels 5 and 6) and 98–108 mc (FM channels 251–300), on petition of Mutual Telephone Co., to fixed services in Hawaii, for use by common carrier fixed stations for interisland communications only, proposed rule making 12437

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Telephone and telegraph companies; common carrier regulations—Continued
Patents, for rendering electrical communication services; preparation and filing of annual patent reports, proposed rule making 12438, 12911
Rates, charges, tariffs, etc.; investigations and hearings respecting:
American Telephone and Telegraph Co., and associated companies of Bell System:
Rates and charges for interstate and foreign communications 740, 1801, 6693, 10137, 12105
Bell System earnings and net plant book cost data relating to proceedings 12106
Television channels, intercity 911
DuMont Laboratories, Inc., et al.; allocation of usage of intercity video transmission facilities 515
International Bank for Reconstruction and Development and International Monetary Fund, international telegraph communications of 912
Jordaphone Corp. of America, et al.; use of answering and recording devices in connection with interstate and foreign telephone service 514, 1152
Radiomarine Corp. of America; ship-shore radiotelephone service via foreign coastal stations, investigation of tariffs 1252
Western Union Telegraph Co.:
Tariff schedules for sports-ticker, quotation, baseball-sports, and telemeter services, and leased facilities 5369
Television channels, intercity 911
Records of wire-telegraph, ocean-cable, and radiotelegraph carriers, preservation of; scheduling of oral argument respecting records of outbound traffic, Commercial Pacific Cable Co., and others 11285
Reports required to be submitted by common carriers:
"Annual Report Form M—revision of 1951", applicable to Class A and B telephone companies:
Adoption of revised form 7365, 10638
Schedules 70C and 71 amended with respect to telephone operators 11188
International radio telegraph carriers; reports on traffic 2039
"Monthly Report of Revenues, Expenses, and Other Items—Class A Telephone Companies"; new form, with certain amendments, substitution for Form 901, proposed 12102
United States Government telegraph communications, charges for; term, through June 30, 1952 (cable landing licenses) 4342, 5134
Television service:
Broadcast stations. *See* Experimental and auxiliary broadcast services; *and* Radio broadcast services.
Frequencies for. *See* Frequencies and channels.
Theatre television service, allocation of frequencies to, for relaying television programs for exhibition in motion picture theatres; date of hearing on petitions for rule making 4154, 7865, 10136
Transmission facilities; intercity television channels 911
Walkie-talkie transmitter-receivers; frequency tolerance for Class B stations in citizens radio service 92
Welding devices using radio frequency energy; suspension of effective date 1284, 7827

Hearings, etc.:
Aeronautical Radio Inc 627
Air Trails, Inc 11247, 12442
Alabama-Gulf Radio 7523, 9200, 12624
Alexandria Broadcasting Co., Inc. (KALB) 11316
All America Cables & Radio, Inc. 912, 9790, 11285, 11430
Allentown Broadcasting Corp 648, 1555, 4730
Amateur Radio Council 11231
American Broadcasting Co 9178, 10612
American Broadcasting—Paramount Theaters, Inc 9178
American Cable and Radio Corp 11285
American Newspaper Publishers Assn 5370
American Radio Relay League 11231

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

American Telephone Answering Service 1555
American Telephone and Telegraph Co 427, 514, 515, 740, 911, 1152, 1252, 1801, 5907, 6693, 10137, 11315, 12105.
Anderson, George Basil 515, 10187, 11661
Ark-Valley Broadcasting Co., Inc. (KGAR) 515, 1612
Atlass, H. Leslie, Jr 11660
Atlass Amusement Co 11660
Atlass Amusement Co., Inc 11660
Aurora Broadcasters, Inc 2945, 4502
Automotive Communications Co 1555
Azalea Broadcasting Co 4632, 6737, 10137
Badger Broadcasting Co. (WIBA) 10187, 11661
Balaban & Katz Corp 8159, 9178
Baltimore, David M 648
Banks Independent Broadcasting Co. (WINX) 4595, 6761, 6865, 9201
Bartell Broadcasters, Inc. (WOKY) 7268, 8502, 10753
Bell System, associated companies 1801, 12105
Bell Telephone Co. of Nevada 740
Bell Telephone Co. of Pennsylvania 740
Berger, George W 9702
Biddle, Joseph F. Publishing Co. (WHUN) 2946, 4502, 6762, 9200, 11460
Big State Broadcasting Corp. (KTXC) 4155, 6761, 9449, 10137, 10753
Birch, Fred 8159, 9702
Black Hawk Broadcasting Co. (KWWL) 11661
Blue Ridge Broadcasting Co. (WGGA) 5502, 6546, 9790, 11660
Bogalusa Broadcasting Co. (WIKC) 3316, 4766
Boone County Broadcasting Co. (KUMO) 10138
Booth Radio & Television Stations, Inc 1253, 1687, 2106, 2370
Bowen, Virginia P 10909
Brazil, Waldo Haggberg 8253, 9449
Brazoria Broadcasting Co 4261, 5830
Brazosport Broadcasting Co 4261, 5880
Bremerton Broadcasting Co. (KBRO) 11316, 12441, 12730
Bridgeport Broadcasting Co. (WLIZ) 7369, 7864, 9918, 10753, 12280
Broadcasting Corp. of America (KPRO) 1802
Brown, Lyman, Enterprises 10577
Bryan Broadcasting Co. (KORA) 199
Business and Professional Telephone Exchange 1555
Butcher, Robert H 912
Buttrey Broadcast, Inc. (KFBB) 8159, 9702
Byrd, James Cozby, Jr 10186
Cain, Charles L 426
Camellia Broadcasting Co., Inc. (KLFY) 432
Capital Broadcasters 7369
Capital Broadcasting Co. (KFNF) 515, 1612
Capitol Radio Enterprises 3198, 3814, 6157
Caribbean Radio 2608
Carolina Mountain Telephone Co 8296
Carrell, Adelaide Lillian 1253, 1687, 2106, 2370, 4731
Cedar Valley Broadcasting Co., Inc. (KAUS) 4731
Centerville Broadcasting Co. (KCOG) 2667, 4155, 4903, 6157
Central City-Greenville Broadcasting Co 915
Central Ohio Broadcasting Co 426
Central Radio Telegraph Company 2608
Chamberlain, Charles H 360, 3197, 4987
Champion City Broadcasting Co. (WJEL) 426, 2411
Chapin, Edward W 233
Chesapeake & Potomac Telephone Co 740
Chesapeake & Potomac Telephone Co. of Baltimore City 740
Chesapeake & Potomac Telephone Co. of Virginia 740
Chesapeake & Potomac Telephone Co. of West Virginia 740
Christian County Broadcasting Co. (WTIM) 261, 2167, 4630
Cimarron Broadcasters (KHWP) 7865
Cincinnati & Suburban Bell Telephone Co 740
Circle Broadcasting Corp 914, 2168, 3197, 4903, 7573, 9055, 9918
City Broadcasting Corp 2107, 3520, 6546
Civil Air Patrol 12917
Clark-Montgomery Broadcasting Co., Inc 201, 1612
Clarksville Broadcasting Co 2948
Clinton Broadcasting Corp. (KROS) 10187, 11661
Coast Fork Broadcasting Co 6849, 8214

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Coastwise Line 2167
Columbia Broadcasting System, Inc 507, 9178
Commercial Cable Co 912, 11285
Commercial Pacific Cable Co 11285
Commonwealth Broadcasting Corp. (WLOW) 1557, 3814, 5852, 6157
Communications Research Corp 4717
Community Broadcasting Co. (KUNO) 2946, 4902, 8214
Community Radio Corp. (KNOX) 12233
Condado Broadcasting Co 3540
Cosmopolitan Broadcasting Corp. (WCMA) 914
Court House Broadcasting Co 426
Covington Broadcasting Co., Inc 5501, 7268, 8991
Crabb, Robert C 913, 1153, 1555
Crabtree, Johnnie Weston 7865, 9532
Craig, Claude H. (KCHC) 202
Craven Broadcasting Co 11460
Crosley Broadcasting Corp. (WINS) 647, 3197, 3519, 7572
Custer County Broadcasting Co. (KCNI) 201, 4730, 7369, 8561, 8630, 10137, 11194
Dallas Electronics, Inc 2010
Daphne Investment Trust 1152
Decatur Broadcasting Co. (WMGR) 7267
Desert Radio and Telecasting Co 7864, 9055, 9702, 9918, 10865, 10909
Diamond State Telephone Co 740
Doctors' Telephone Exchange and Huntington Telephone Answering Service 200
Domestic Public Land Mobile Radio Service 1556
Dooley, Roger E 912
Dowlander Broadcasting Co. (WOOF) 914, 2369
DuMont, Allen B., Laboratories, Inc 515, 8075, 8160
Durham Radio Corp. (WDNC) 11316
Eastern Carolina Broadcast Co 9054, 9918, 11460
Eastern Idaho Broadcasting and Television Co. (KEIO) 1802
Eastland County Broadcasting Co 10577
Easton Publishing Co 648, 1555, 4730
Electro Craft, Inc 200
Electronic Secretary, Inc 1152
Electronic Secretary Industries, Inc 1152
Elizabethtown Broadcasting Co. (WIEL) 1801
Ellis, Edward A 4261
English Radio Dispatch Company 2010
Enterprise Publishing Co. (WBET) 2945
Epperson, Ralph D. (WPAQ) 1255
Fairmont Corp 8159, 9702
Family Broadcasting Corp. (KEYD) 4631
Farmers Broadcasting Service, Inc. (WELS) 2815, 5881, 6737, 6848
Fayette Broadcasting Co 426
Fayetteville Broadcasting Co., Inc. (KGRH) 4946, 5457
Federal Communications Bar Assn 5852
Floral City Broadcasting Co 2946
Florida West Coast Broadcasters, Inc. (WPIN) 12917
Formby, Marshall 200, 1256, 2945, 5820
Forrest, William C 7128, 8561
Fort Hamilton Broadcasting Co. (WMOH) 201
Fort Industry Co. (WJBK) 11284, 12441
Fort Myers Broadcasting Co. (WINK) 9055
Fort Stockton Broadcasting Co. (KFST) 4631, 9449, 10137
Freke-Hayes, J. J 200
Frequency Broadcasting System, Inc 4987, 7303, 10138, 10864
Gadsden Radio Co 4632, 6737
Galesburg Broadcasting Company (WGIL) 2668
Gardner Bradcasting Co. (WHOB) 2107, 3520, 6546
Garfield Medical Apparatus Co 11285, 11752
Garnett, Guy, Broadcasting Services (WGAN) 5503
General Teleradio, Inc. (WOR) 7865
Georgia-Alabama Broadcasting Corp. (WGBA) 3318, 5820, 6761, 9531
Gerity, James, Jr. (WABJ) 11284, 12441
Gila Broadcasting Co 198, 2167
Globe Wireless Ltd 2607, 11285
Good Neighbor Broadcasting Co., Inc (KIWW) 199, 2946
Graf, Harold W 200
Grand Island Broadcasting Co 8561, 8630, 10137, 11194
Great Northern Radio, Inc. (WWSC) 1255

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Greater New Castle (Newcastle) Broadcasting Corp 1557, 8991
Green Bay Broadcasting Co 7189
Greenhow, W. H., Co. (WWHG) 10186, 10909, 11752, 12623
Greenville Broadcasting Co. (WESC) 648
Gulf Beaches Broadcasting Co., Inc 3367, 7523, 9200, 12624
Gulf Radio Service 2608
Guy, Raymond F 233
Halifax Broadcasting Co. (WHLF) 6157
Hampden-Hampshire Corp. (WHYN) 5503
Harbenito Broadcasting Co. (KGBS) 2944
Harding College (WHBQ) 5502, 6407
Harmco, Inc (KROY) 197, 2533, 3317, 4987, 9053, 9056, 12441
Hawthorn Broadcasting Co 1254, 1910
Hearst Radio, Inc 2010
Heart of the Black Hills Station (KDSJ) 431, 646, 1687
Helena Broadcasting Co. (KFFA) 1556, 3265, 10864
Henry, Michael 11660
Hillsboro Broadcasting Co. (WEBK) 6848, 8030, 10138
Hirsch Communication Engineering Corp 1254, 1910
Hoffman Answering Service 913, 7368
Hogan Laboratories, Inc 4717
Hornell Broadcasting Corp. (WLEA) 10186, 10909, 11752, 12623
Huntington-Montauk Broadcasting Co., Inc 12281
Huntsville Times Co., Inc. (WHBS) 3317
Hush-A-Phone Corp 5907, 11315
Illinois Bell Telephone Co 740
Indiana Bell Telephone Co 740
Inter-American Radio Corp 912, 2010
Inter City Advertising Co. of Charlotte, North Carolina, Inc. (WAYS) 11316
Inter-City Broadcasting Co. (WHIM) 5502, 7269, 8030
Interlake Broadcasting Corp. (KXRN) 647
International Bank for Reconstruction and Development 912
International Monetary Fund 912
Interstate and Foreign Communication Services 10137
Ionia Broadcasting Co 2947
Jennings Broadcasting Company, Inc. (KJEF) 3316, 4766, 9056
Johns-Embury Co 3539, 4502
Joint Industry Committee on High Frequency Stabilized Arc Welders 1284
Joliet Broadcasting Co. (WJOL) 10187
Jones, Roy C 10577
Jordaphone Corp. of America 514, 1152
KALB 11316
KBOX 9702
KBRO 11316
KDAC 2608, 4155
KECA, KECA-FM, and KECA-TV 9178
KELT 11315
KFRU, Inc 2668
KFST 9449, 10137, 10753
KFTM 2944, 4155
KGO, KGO-FM, and KGO-TV 9178
KIRO 12624
KMOD 9702
KPLW 200
KPRC-TV 9201
KRLD Radio Corp 11892
KROY 12441
KSVC 11316
KTLA 8159
KTRB Broadcasting Co., Inc 9702, 10228
KTXC 2609, 4155
KWEM 9703, 10909
KWEM, Inc 9703, 10909
KWG 12441
KWHK Broadcasting Co., Inc 647
KWSH 12917
KWWL 11661
KXO 9702, 9918
Kada Broadcasting, Inc. (KWSH) 12917
Kankakee Daily Journal Co. (WKAN) 10187, 11661
Kansas City Broadcasting Co., Inc 6761
Katz, Harry 2944
Kennedy, Bennett Thornton 7635, 9531
Kentucky Broadcasting Corp., Inc. (WINN) 5881

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Key, Earl M. (WKEY) 200, 4903, 6738, 7866
Key Broadcasting Corporation 12281
Kinston Broadcasting Co. (WFTC) 2815, 5881, 6737, 6848
Kirpatovsky, Sergei Vladimar 912, 2010
Knights Packard Service 200
K9 Patrol by Kennedy Detective Agency 7685, 9531, 10577
Kovalan, Stephen H 5907
Lake Carriers' Assn 427
Lake County Mobile Radio Dispatching Co 912
Lake Huron Broadcasting Corp. (WKNX) 2944
Lakeland Broadcasting Corp 2944
Lakewood Broadcasting Co 426, 9177, 9918, 10271, 11892
Lamar Life Insurance Co. (WJDX) 5502, 6546, 9790, 11660
Lassetter, Norman B 3540
Lawrence County Broadcasting Co 914, 2370, 5503, 10752, 12623
Lawrenceburg Broadcasting Co. (WDXE) 5503
Leavenworth Broadcasting Co., Inc. (KCLO) 2944
Lee, Thomas S., Enterprises, Inc 12280
Lee County Broadcasting Co 11316
Logan Broadcasting Corp. (WVOW) 2105, 3316, 4766, 9056
Long Island Broadcasting Corp. (WWRL) 9201
Lorain County Radio Corp 427
Lubbock County Broadcasting Co. (KVLU) 5906, 5907
Lundeen, Lawrence G 11460
Lyman Brown Enterprises 10577
Lynett, Edward J., Jr., and Elizabeth R., and Scranton Times (WQAN) 648, 11659
Lyon, Leonard R 3318, 4155
Mackay Radio and Telegraph Co., Inc 912, 2607, 9790, 11285, 11460
Mackinac Radio Service 2608, 6407
Madison Broadcasting Co., Inc 1801
Magic City Broadcasting Co., Inc. (WEDR) 4902, 7864
Manitowoc Broadcasting Co. (WWOC) 12623
Marine Telegraph Services 9056
Marion Broadcasting Co. (WMRN) 11284, 12441
Martin, Don H 5881
Matrangola, Francis J 2106, 3314
May Broadcasting Company (KMA) 5369
McBride, Arthur B 10909
Mendocino Coast Broadcasters 2608
Menefee, Henry W 9201, 11893
Mendocino Coast Broadcasting Co. (KDAC) 4155
Miami Broadcasting Co. (WQAM) 915
Michigan Bell Telephone Co 740
Midwest Broadcasting Co. (WMAW) 2534
Midwestern Broadcasting Co 198, 1910, 9918
Miller, Leonard M 10578, 12441
Milwaukee Broadcasting Co. (WEMP) 1555
Minnesota Valley Broadcasting Co. (KTOE) 431, 646, 1687, 10908
Mississippi Broadcasting Co., Inc. (WCOC) 1255
Mobile Marine Radio 2608
Mobile Radio Dispatch Service 200
Mohawk Broadcasting Co. (KSMN) 4631
Monona Broadcasting Co. (WKOW) 11660
Morrisville Broadcasting Co. (WBUD) 9055
Mt. Airy Broadcasters, Inc 431
Mountain States Telephone & Telegraph Co 740
Muhlenberg County Broadcasting Co 915
Music Broadcasting Co 10578
Mutual Telephone Co. (Hawaii) 12437
National Association of Broadcasters 196
National Broadcasting Co 427
National Broadcasting Co. (WSCR) 11660
National Broadcasting Co., Inc. (KOA) 198
National Federation of American Shipping 427
Nelson, Wayne M. (WHIP) 2815, 4261
New England Telephone & Telegraph Co 740
New Jersey Bell Telephone Co 740
New York Telephone Co 740
New-Tex Broadcasting 5907
News-Journal Corp. (WNDB) 1255, 2944
Noe, James A. (WNOE) 4946, 5457
North Carolina Broadcasting Co., Inc. (WBIG) 1253, 1254, 1687
North Plains Broadcasting Corp. (KDDD) 5907
North Shore Broadcasting Co., Inc 10187, 11661
North Shore Radio-Telephone Dispatch Service 912

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Northwest Broadcasting Company (KVFD) ----- 2668
Northwestern Bell Telephone Co----- 740
Oakland Broadcasting Co----- 2106, 2370, 4731
O'Brien, Bernard C----- 233
Ohio Bell Telephone Co----- 740
Ohio Broadcasting Co. (WHBC)----- 1557
Oil City Broadcasting Co----- 11315
Olympic Radio Company----- 2608
Oneida Broadcasting Co. (WOBT)----- 12623
Opp Broadcasting Co., Inc----- 5501, 7268, 8991
Orange County Radiotelephone Service----- 1555
Pacific Coast Broadcasting Co. (KXLA)----- 514
Pacific Telephone & Telegraph Co----- 740
Palo Alto Radio Station, Inc. (KYA)----- 197, 2533, 4901, 4902, 7269, 8159, 9178, 9531
Paramount Pictures Corp----- 8159, 9178
Paramount Pictures, Inc----- 8159, 9178, 10612
Paramount Television Productions, Inc----- 8159
Patterson, S. H. (KJAY)----- 1802, 4903
Peay, Lawrence William, Jr----- 5370
Peoples Broadcasting Corp. (WOL)----- 4584, 6546, 7266, 8630, 10186, 11195, 12441
Physicians' Exchange----- 1555
Pixley, Grace M., Lloyd A., and Martha P---- 11247, 12442
Pixleys, Inc----- 11247, 12442
Plains Radio Broadcasting Co. (KFYO)----- 5907
Pollard, Wilton Harvey (WBHP)----- 914, 9919
Pomeroy, John C----- 1253, 1687, 2106, 2370, 4731
Pomeroy, W. A----- 4731
Portage Broadcasting Company----- 3539, 4502
Prairie Broadcasting Co----- 1555, 2947, 3539, 4502
Pratt Broadcasting Co----- 199, 1254, 2371
Primm, Waldo W----- 7369
Public Service Radio Corp----- 2010
Pulaski Broadcasting Co. (WKSR)----- 643, 1612, 3814, 7188, 8214
Queen City Broadcasting Co. (KIRO)----- 5457, 7865, 9056, 12442
Quinones, Jose Ramon----- 3540
RCA Communications, Inc---- 427, 912, 2608, 11285, 11460
Racine Broadcasting Corp----- 7189
Racine Radio Dispatch Service----- 912
Radio Broadcasting Inc. (KTHS)----- 4946, 5457
Radio California----- 1556, 2663, 3198, 3814, 6157
Radio Contact Company----- 2010
Radio Corp. of Toledo----- 198, 1910, 9918
Radio Message Service and Television Answering Service----- 1555, 2010
Radio Modesto, Inc. (KMOD)----- 9702
Radio and News, Inc----- 10577
Radio Reading----- 1612, 2534, 2947, 3519
Radio Station WSOC, Inc. (WSOC)----- 199, 2010, 10612, 12233
Radio Sumter----- 199, 2010, 10612, 12233
Radio Tahoe----- 9053
Radiomarine Corp. of America---- 427, 1252, 2370, 2607
Radio-Television Manufacturers Assn----- 233
Reorganized Church of Jesus Christ of Latter Day Saints----- 6761
Resort Broadcasting Co., Inc----- 11316, 12442
Richards, E. V., Jr----- 8159
Richland Radio----- 7188, 8214
Rivers, E. D., Jr----- 9703
Rivers, E. D. Sr----- 9703, 10909
Rivers, James S----- 9703, 10909
Rock River Broadcasting Co----- 11661
Roberts, Cecil W. (KREI)----- 2105, 3521, 7866, 9531
Roger Williams Broadcasting Co., Inc. (WPAW)---- 5502, 7269, 8030
Rogers, Ward C----- 912, 913, 1153, 1154
Rolfe Armored Truck Service, Inc---- 7685, 9531, 10577
Rollins Broadcasting Inc. (WRAD)----- 7866
Rounsaville, Robert S. (WQXI)----- 2106, 3539
Rural Broadcasting Co. of Ohio----- 198, 1910, 9918
S & G Co----- 2535
Sagert Radin Co----- 912
Saginaw Broadcasting Co----- 10578
St. Joseph Valley Broadcasting Corp. (WJVA)---- 2667, 3197, 4261, 10185, 10864
Salik, Charles E. (KCBQ)----- 2369, 3197
San Mateo County Broadcasters (KVSM)----- 197, 2533, 4901, 4902, 7268, 9531
Saratoga Broadcasting Co----- 2370

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Schafitz, Sanford A----- 1557, 8991
Schiller, Solomon----- 200
Scranton Radio Corp----- 3539
Scranton Times (WQAN), and Elizabeth R. Lynett and Edward J. Lynett, Jr----- 648, 11659
Seattle Harbor Radio----- 2608
Seismograph Service Corp----- 8366
Seneca Radio Corporation----- 2947
Sevier Valley Broadcasting Co----- 11316
Shawano County Leader Publishing Co. (WTCH)---- 5368, 7573
Sherby, Daniel----- 10909
Silver Gate Broadcasting Co----- 10865
Sinyard, James D. (WMOD)----- 1557, 8991
Sky Way Broadcasting Corp----- 5907
Smith, Thomas L., Jr----- 201, 431
South Porto Rico Sugar Company----- 912
South Shore Radio Telephone, Inc----- 2370
Southeast Colorado Broadcasting Co. (KLMR)---- 515, 1612
Southern Bell Telephone & Telegraph Co----- 740, 8296
Southern New England Telephone Co----- 740
Southern Tier Radio Service, Inc. (WINR)----- 1153
Southernair Broadcasting Co----- 10186
Southland Broadcasting Co----- 4987, 7303, 10138, 10864
Southwestern Bell Telephone Co----- 740
Spa Broadcasters, Inc----- 2370
Spartan Radiocasting Co. (WORD)----- 648, 2011, 2553
Springfield Broadcasting Co. (WJKO)----- 4631, 5852, 7866, 9201, 11316, 12442
Squier, Lloyd E. (WDEV)----- 5503
Stanislaus County Broadcasters, Inc (KBOX)----- 9702
Star Broadcasting Co., Inc. (KCSJ)----- 1152
Steere, Howard D. (WFEC)----- 9055, 9918
Stone Broadcasting Corp----- 6157
Streight, E. R----- 912
Suburban Radiotelephone----- 200
Sudbury, Harold L. (KLCN)----- 1255
Sumter Radio----- 199, 2010, 10612, 12233
Sun Coast Broadcasting Corp. (WMIE)----- 9703, 10909
Sunland Broadcasting Co. (KSET)----- 2944
Sweezy, Edith Wood----- 6407
Tacoma Broadcasters, Inc. (KTBI)----- 198
Taylor County Broadcasting Co., Inc. (WLCK)---- 201, 1612
Tarrant Broadcasting Co----- 10577
Tefft, Frank D., Jr----- 10578, 11892
Telanserphone, Inc----- 201, 431, 913, 1153, 1154
Telemaster Co----- 1152
Telephone Answering Bureau----- 1555, 2010
Telephone Answering Exchange----- 200
Telephone Message Service of Yonkers----- 200
Telephone Secretarial Service, Inc----- 200
Teletronics, Inc. (WACL)----- 9703, 10909
Television Broadcast Service----- 4818, 5852
Television Broadcasters Assn----- 508, 3441
Texo Broadcasting Co----- 2948
Tisdale, James M. (WVCH)----- 12281
Toledo Blade Co----- 198, 1910, 9918
Tomek, John R----- 2944
Tone, Albert----- 1252
Towery, R. W----- 648, 1612, 3814
Travelers Broadcasting Service Corp. (WTIC)----- 11892
Trent Broadcasting Corp----- 5852
Tribune Publishing Co----- 11316, 12441, 12730
Tri-City Radio Dispatch Co----- 1555
Tri-County Broadcasting Co., Inc----- 7267
Tri-State Broadcasting Co. (WCPM)----- 514, 1154
Tri-State Broadcasting Co. (WEIR)----- 12917
Tropical Radio, Inc. (TRT)----- 427
Tropical Radio Telegraph Co----- 2607, 2608, 9056, 11285
Turlock Broadcasting Corp (KTUR)----- 1556
Tuttle, Harry C----- 5907
Twin Valley Broadcasters, Inc. (WTVB)---- 4630, 5881, 8630
Union Broadcasting Co. (WARM)----- 7266, 8991
Union Carbide and Carbon Corp----- 1284
United Broadcasting Co., Inc. (WANT)----- 1558
United Broadcasting Co., Inc. (WAPX)----- 3316
United Broadcasting Co., Inc. (WOOK)----- 3541
United Paramount Theatres, Inc----- 8159, 9178
United Radio Communications----- 1555
United Corp., Inc. (WTOD)----- 198, 1910, 9918
Uvalde Broadcasters----- 3540
Vacationland Broadcasting Co----- 8253, 10138
Valley Broadcasting Co. (KLOK)----- 2369, 3197, 3519

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Valradio, Inc. (KXO)----- 7864, 9702, 9918, 10909
Vidalia Broadcasting Co. (WVOP)----- 3540, 5369, 7268, 9701, 11316
WABD----- 8159
WACL----- 10909
WAYS----- 11316
WBHP----- 9919
WBIK-FM----- 8159
WBKB----- 8159
WBKB-TV----- 9178
WBMD----- 12281
WBSM----- 12281
WCOL and WCOL-FM----- 11247, 12442
WDNC----- 11316
WDTV----- 8159
WEIR----- 12917
WENR, WENR-FM, and WENR-TV----- 9178
WHBL----- 11661
WHBL, Inc----- 11661
WHBY, Inc. (WBAY)----- 1555
WHO----- 8253
WHQ----- 6407
WICC----- 12280
WING----- 11247
WISE, Inc----- 2534
WIVY----- 9919, 11247, 11892
WIVY, Inc----- 9919, 11247, 11892
WIZE----- 11247
WJZ, WJZ-FM, and WJZ-TV----- 9178
WKAN----- 11661
WKMH, Inc----- 2944, 5852
WKOW----- 11660
WMIE----- 10909
WOAX, Inc (WTNJ)----- 1255, 1712
WOBT----- 12623
WOW, Inc----- 1152
WQAN----- 11659
WSCR----- 11660
WSMB and WSMB-FM----- 8160, 9178
WSMB, Inc----- 4632, 6737, 8160, 9178, 10137
WSOC----- 199, 2010, 10612, 12233
WSRS, Inc----- 11284
WTIC----- 11892
WTTG----- 8159
WTNJ----- 913, 1255, 2106, 2534
WVCH----- 12281
WVOP----- 9701
WWOC----- 12623
WXYZ, WXYZ-FM, and WXYZ-TV----- 9178
WXYZ, Inc----- 9178
Walker Newspapers, Inc. (KFGT)----- 2944
Warner Brothers (KWBR)----- 1253, 2371, 9054
Warren Tribune Radio Station, Inc. (WHHH)----- 1557
Watertown Radio, Inc----- 7188, 8561
Weitbrecht, Robert H----- 11281
West Alabama Broadcasting Co. (WNPT)----- 7268
West Coast Telephone Co----- 647
West Florida Broadcasting Service----- 8253, 10138
West Memphis Broadcasting Corp----- 9703, 10909
West Side Radio- 3315, 4730, 5457, 7268, 7572, 10271, 12623
Westchester Mobilfone System, Inc----- 200
Western Broadcasting Associates----- 3315, 4730, 5457, 7268, 7572, 10271, 12623
Western Union Telegraph Co----- 911, 912, 2607, 2608, 5369, 9056, 11285
Westinghouse Radio Stations, Inc----- 7434
Wetherington, Luke H----- 9054, 9918
Wharton County Broadcasting Co., Inc. (KULP)---- 2371
Willamette Broadcasting Corp----- 6849, 8214
Willett Radio Corp----- 912
Williamsburg Radio Co., Inc----- 1154
Winnebago Broadcasting Co----- 11661
Winter Garden Broadcasting Co----- 199
Wisconsin Telephone Co----- 740
Wolpert, Newton Z----- 913, 7369, 9448
Wooster Republican Printing Co. (WWST)----- 2944

FEDERAL CREDIT UNIONS BUREAU:

Disclosure of official records and information; information which may be disclosed, and to whom---- 4590, 5175
Organization and operation of Federal credit unions; fee for examination----- 4590, 5175
Records and information, official; information which may be disclosed and to whom----- 4590, 5175

FEDERAL CROP INSURANCE CORPORATION: Page

Beans, dry edible, crop insurance; 1950 and succeeding crop years:
Availability of insurance----- 7695, 9302
Policy----- 3973, 9302
Citrus crop insurance; annual contracts for 1952 crop year----- 11566
Corn crop insurance; 1950 and succeeding crop years:
Availability of insurance; counties, and types of coverage----- 7695, 9301
Coverage policy:
Commodity----- 9301
Monetary----- 9301
Cotton crop insurance:
1951 and succeeding crop years:
Application for insurance----- 4173
Availability of insurance----- 4171
Coverage policy:
Commodity----- 7695, 11565
Monetary----- 4173, 7695, 11565
1952 and succeeding crop years----- 7975, 11565
Flax crop insurance; 1950 and succeeding crop years:
Application for insurance----- 4297
Availability (counties for 1951 crop year)----- 4297
Death, incompetence, or disappearance of insured; provision respecting crops insured for 1952 and succeeding crop years----- 7694
Policy; provision respecting crops insured for 1952 and succeeding crop years----- 7694
Multiple crop insurance; 1950 and succeeding crop years----- 4300, 12111
Applications, 1951 crop year----- 579, 4300
Availability, 1951 crop year----- 4300
Fractional units, rounding of; 1952 crop year----- 4300
Policy and riders, 1952 crop year----- 4300
Various areas:
Alabama:
Butler County (corn, cotton, peanuts, strawberries, sweetpotatoes, tobacco)----- 4829
Henry County (corn, cotton, peanuts)----- 4831
Arkansas:
Arkansas County (corn, cotton, hay, lespedeza seed, oats, rice, soybeans)----- 4832, 12113
White County (corn, cotton, hay, lespedeza, oats, Irish-potatoes, soybeans, strawberries, sweet potatoes)----- 4833, 12114, 12765
Colorado:
Conejos County (alfalfa hay, barley, oats, Irish potatoes, wheat)----- 12115
Las Animas County (alfalfa hay, barley, corn, dry edible beans, grain sorghums, wheat)---- 12120
Morgan County (barley, corn, dry edible beans, grain sorghums, oats, Irish potatoes, wheat)----- 12117
Otero County (alfalfa hay, barley, corn, dry edible beans, dry onions, grain sorghums, oats, wheat)----- 12118
Weld County (barley, corn, dry edible beans, oats, Irish potatoes, wheat)----- 12119
Delaware; Kent County (barley, corn, soybeans, wheat)----- 12121
Florida; Jefferson County (corn, cotton, oats, sweetpotatoes, peanuts, tobacco)----- 4834
Georgia:
Colquit County (corn, cotton, peanuts, tobacco)----- 4835
Emanuel County (corn, cotton, peanuts, tobacco)----- 4838
Jefferson County (corn, cotton, oats, peanuts, winter wheat)----- 4839, 12122
Jenkins County (corn, cotton, peanuts, tobacco)----- 4837
Mitchell County (corn, cotton, peanuts, tobacco)----- 4840
Sumter County (corn, cotton, oats, peanuts, soybeans, winter wheat)----- 4841, 12123
Illinois:
Hamilton County (corn, oats, soybeans, winter wheat)----- 12125
Jasper County (corn, oats, soybeans, winter wheat)----- 12124
Johnson County (corn, oats, soybeans, wheat)---- 4842
Saline County (corn, oats, soybeans, winter wheat)----- 12126
Wayne County (corn, oats, soybeans, winter wheat)----- 12126

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1950 and succeeding crop years—Continued
Various areas—Continued
Indiana:
Hamilton County (corn, oats, soybeans, winter wheat) 12127
Spencer County (barley, corn, oats, soybeans, tobacco, types 31 and 35, winter wheat) 12128
Iowa:
Delaware County (corn, oats, soybeans) 4845
Emmett County (corn, flax, oats, soybeans) 4843
Howard County (corn, oats, soybeans) 4846
Humboldt County (corn, oats, soybeans) 4844
Ida County (corn, oats, soybeans) 4847
Kossuth County (corn, oats, soybeans) 4847
Tama County (corn, oats, soybeans) 4848
Union County (corn, oats, soybeans) 4849
Warren County (corn, oats, soybeans) 4850
Winnebago County (corn, oats, soybeans) 4851
Kansas:
Allen County (corn, flax, grain sorghums, oats, soybeans, winter wheat) 12130
Anderson County (corn, flax, grain sorghums, oats, soybeans, winter wheat) 12131
Bourbon County (barley, corn, flax, grain sorghums, oats, soybeans, winter wheat) 12131
Cherokee County (barley, corn, flax, grain sorghums, oats, soybeans, winter wheat) 12132
Franklin County (corn, flax, grain sorghums, oats, soybeans, winter wheat) 12129, 12765
Leavenworth County (barley, corn, grain sorghums, oats, soybeans, winter wheat) 12133
Linn County (barley, corn, flax, grain sorghums, oats, soybeans, winter wheat) 12135
Montgomery County (barley, corn, flax, grain sorghums, oats, soybeans, winter wheat) 12134
Louisiana:
Acadia Parish (corn, cotton, rice, sweet potatoes) 4854
Lafayette Parish (corn, cotton, rice, sugarcane, sweet potatoes) 4852, 12136
St. Landry Parish (corn, cotton, lespedeza hay, rice, sugarcane, sweet potatoes) 4853
St. Martin Parish (corn, cotton, rice, sugarcane sweet potatoes) 12137
Vermilion Parish (corn, cotton, rice, sugarcane, sweet potatoes) 12138
Maryland; Talbot County (barley, corn, oats, soybeans, sweet corn, wheat) 12139
Michigan:
Allegan County (barley, corn, oats, Irish potatoes, winter wheat) 12143
Gratiot County (barley, corn, dry edible beans, oats, soybeans, winter wheat) 12140
Jackson County (alfalfa hay, clover hay, corn, dry edible beans, oats, winter wheat) 12142
Kent County (alfalfa hay, clover hay, corn, dry edible beans, oats, winter wheat) 12140
Lapeer County (barley, corn, dry edible beans, oats, Irish potatoes, winter wheat) 12144
Montcalm County (corn, dry edible beans, oats, Irish potatoes, winter wheat) 12141
Minnesota:
Dakota County (barley, corn, flax, oats, soybeans, wheat) 4855
Dodge County (barley, corn, flax, oats soybeans, wheat) 4856
Goodhue County (barley, corn, flax, oats, soybeans, wheat) 4857
Kandiyohi County (barley, corn, flax, oats, soybeans, wheat) 4858
McLeod County (barley, field corn, flax, oats, soybeans, sweet corn, wheat) 4859
Nicollet County (barley, corn, flax, oats, soybeans, wheat) 4863
Sherburne County (corn, oats, rye, soybeans) 12145
Stearns County (barley, corn, flax, oats, wheat) 4860
Stevens County (barley, corn, flax, oats, soybeans, wheat) 4861
Swift County (barley, corn, flax, oats, soybeans, wheat) 4862
Mississippi:
Alcorn County (corn, cotton, hay, soybeans) 4865
Panola County (corn, cotton, oats, soybeans) 4863

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1950 and succeeding crop years—Continued
Various areas—Continued
Missouri; Audrain County (corn, oats, soybeans, wheat) 4866
Nebraska:
Antelope County (barley, corn, oats, rye, winter wheat) 12147
Pawnee County (alfalfa hay, corn, grain sorghums, oats, winter wheat) 12146
Washington County (corn, oats, soybeans, winter wheat) 12147
New Jersey; Monmouth County (barley, corn, Irish potatoes, snap beans, soybeans, sweet corn, tomatoes, wheat) 12148
New York; Monroe County (barley, cabbage, canning peas, corn, dry edible beans, oats, tomatoes, winter wheat, etc.) 12149
North Carolina; Perquimans County (corn, cotton, peanuts, soybeans) 4867
North Dakota:
Barnes County (barley, corn, flax, oats, rye, wheat) 4868
Dickey County (barley, corn, flax, oats, rye, wheat) 4870
Pierce County (barley, flax, oats, rye, wheat) 4871
Ransom County (barley, corn, flax, oats, rye, wheat) 4869
Sargent County (barley, corn, flax, oats, rye, wheat) 4869
Ohio:
Ashtabula County (alfalfa hay, clover hay, corn, spring oats, winter wheat) 12150
Clermont County (corn, soybeans, tobacco-type 31, winter wheat) 12151
Oklahoma; Cleveland County (corn, cotton, grain sorghums, oats, winter wheat) 12152
Oregon:
Linn County (Austrian winter peas, barley, oats, rye grass, vetch, wheat, etc.) 12153
Malheur County (alfalfa hay, barley, oats, Irish potatoes, red clover, sugar beets, wheat) 12154
Marion County (alta fescue, alfalfa hay, barley, clover hay, vetch, oats, wheat, etc.) 12155
Pennsylvania:
Lebanon County (barley, corn, oats, tobacco-type 41, wheat) 12156
Somerset County (barley, corn, oats, Irish potatoes, wheat) 12157
South Carolina; Aiken County (corn, cotton, peanuts, soybeans, sweetpotatoes) 4872
South Dakota:
Bon Homme County (barley, corn, oats, rye, wheat) 4873
Deuel County (barley, corn, flax, oats, rye, wheat) 4876
Hamlin County (barley, corn, flax, oats, rye, wheat) 4877
Hutchinson County (barley, corn, oats, rye, wheat) 4874
Lake County (barley, corn, flax, oats, soybeans, wheat) 4875
Miner County (barley, corn, flax, oats, rye, wheat) 4878
Tennessee:
Franklin County (alfalfa hay, corn, cotton, crimson clover, Irish potatoes, tobacco-type 31, wheat) 12158
Henry County (corn, cotton, sweetpotatoes, tobacco) 4878
Lincoln County (alfalfa, corn, cotton, lespedeza, tobacco) 4880
Texas:
Johnson County (barley, corn, cotton, grain sorghums, oats, peanuts, winter wheat) 12159
Runnels County (cotton, grain sorghums, oats, winter wheat) 12160
Tarrant County (corn, cotton, grain sorghums, oats, peanuts, winter wheat) 12161
Taylor County (barley, cotton, grain sorghums, oats, winter wheat) 12162
Utah; Duchesne County (alfalfa hay, barley, corn, oats, wheat, etc.) 12163
West Virginia; Berkeley County (barley, corn, oats, winter wheat) 12164

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1950 and succeeding crop years—Continued
Various areas—Continued
Wisconsin:
Fond du Lac County (barley, corn grain, corn silage, flax, oats, wheat, canning peas) 4881
Waupaca County (alfalfa hay, clover hay, barley, corn, oats) 12165
Wyoming:
Platte County (alfalfa hay, barley, corn, dry edible beans, oats, sugar beets, wheat) 12166
Washakie County (corn, barley, dry edible beans, oats, sugar, beets, tame hay) 12167
Tobacco crop insurance; 1950 and succeeding crop years, availability (counties for 1951 crop year, plans of insurance, and insurable types for each county) 4297, 4609
Wheat crop insurance:
1950 and succeeding crop years:
Applications for insurance 4298, 9302
Availability of insurance 4298, 9302
1953 and succeeding crop years; the policy 9628, 11565

FEDERAL DEPOSIT INSURANCE CORPORATION:
Reports, of insured banks:
Mutual savings banks, insured, not members of Federal Reserve System:
Condition, report of; Form 64 (Savings) 239, 6736
Earnings and dividends; annual report, Form 73 (Savings) 239, 6736
State banks, insured, not members of Federal Reserve System (except banks in District of Columbia and mutual savings banks):
Condition, report of; Form 64:
Call No. 34 (short form) 240
Call No. 35 6736
Earnings and dividends; annual report, Form 73 240, 6736
Summary of deposits, Form 89, Call No. 6 9445

FEDERAL EMPLOYEES. *See* Government employees.

FEDERAL FIRE COUNCIL, GENERAL SERVICES ADMINISTRATION, membership, functions, etc.; Executive order respecting. *See* Presidential documents.

FEDERAL HOME LOAN BANK SYSTEM. *See* Home Loan Bank Board.

FEDERAL HOUSING ADMINISTRATION:
Alaska; eligibility requirements in connection with farm mortgage insurance, cooperative housing insurance, mutual mortgage insurance, property improvement loans, and war housing insurance:
Defense Production Act controls, inapplicability of provisions to territories 421, 422, 423
Higher maximum for principal obligation of mortgages, authority for 9142, 9143, 9144, 9145, 9503
Authority, delegations of, from Housing and Home Finance Administrator to FHA Commissioner and his designees:
Construction, multi-unit residential housing under National Production Authority Order M-4 and NPA CMP Regulation 6 5720, 6008, 7687, 8254
Residential credit controls in critical defense housing areas 3865
Construction, multi-unit residential housing; delegation of authority respecting, by Housing and Home Finance Administrator to Commissioner and his designees:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
Cooperative housing. *See* Multifamily and group housing insurance.
Debentures of designated denominations and series; call for partial redemption before maturity:
2¾% Housing Insurance Fund Debentures, Series D 2816
2¾% Mutual Mortgage Insurance Fund Debentures, Series E 2816, 3368, 9920
2½% War Housing Insurance Fund Debentures, Series H 9921
Correction of serial numbers for denomination $1,000 10094

FEDERAL HOUSING ADMINISTRATION—Continued Page

Farm mortgage insurance; eligibility requirements:
Applications, return of accompanying fee 423
Mortgages, eligible:
Alaska, authorization for higher maximum for principal obligation of mortgages 9503
Defense Production Act of 1950 controls:
Exceptions under certain circumstances:
Condemned residence; purchase or construction of substitute therefor, by owner 9503
Damage by flood, fire, etc.; replacement or repair of residence 9503
Expired commitments, reopening of 9503
Maturity of mortgage 9503
Property with three- or four-family residences thereon 423
Territories or possessions of United States, property located in; inapplicability of provisions 423
Military service cases, owner-occupancy requirement; nonapplicability where mortgagor enters military service 9503
Temporary limitation upon maximum amount of mortgage; applicability of exceptions. *See* Defense Production Act of 1950 controls.
Floods, fires, etc., damage due to, replacement or repair of residences; inapplicability of Defense Production Act of 1950 controls in connection with:
Farm mortgage insurance loans 9503
Property improvement loans 4429
Group housing insurance. *See* Multifamily and group housing insurance.
Military rental housing insurance, for civilian and military personnel of armed forces, or the Atomic Energy Commission:
Eligibility requirements 9146
Application and commitment 9146
Insurance of advances during construction 9150
Ineligibility for, in case of non-compliance with prevailing wage and labor standards requirements 6505
Mortgagees, approval of 9146
Mortgages, eligible 9147
Mortgagors, eligible 9148
Mortgagors, supervision of 9148
Properties, eligible 9149
Title 9150
Rights and obligations of mortgagee under insurance contract 9150
Assignments 9153
Definitions 9151
Housing fund, no vested rights in 9154
Insurance endorsement 9151
Premiums 9151
Rights and duties of mortgagee under contract of insurance 9152
Military service cases, owner-occupancy requirement in connection with farm mortgage insurance, property improvement loans and war housing insurance; owner-occupancy requirement inapplicable where mortgagor enters military service 9143, 9145, 9503
Multifamily and group housing insurance:
See also War housing insurance.
Cooperative housing insurance; eligibility requirements:
Individual mortgages covering properties released from lien of project mortgage; eligible mortgages:
Charges:
Brokers' charges 10732
Maximum charges and fees to be collected by mortgagee 10732
Defense Production Act of 1950 controls 422, 9144
Project mortgages:
Eligible mortgages:
Alaska, authorization for higher maximum for principal obligation of mortgages 9144
Defense Production Act of 1950 controls:
Maturity of mortgage 9144
Territories or possessions of United States, property located in; inapplicability of provisions 422
Temporary limitation upon maximum amount of mortgage 422, 9144

FEDERAL HOUSING ADMINISTRATION—Continued Page

Multifamily and group housing insurance—Con.
Cooperative housing insurance; eligibility requirements—Continued
Project mortgages—Continued
Supervision of certain mortgagors, required with respect to control of funds during construction; ineligibility for insurance of advances under mortgage in case of noncompliance with prevailing wage and labor standards requirements 6504
Rental housing insurance; eligibility requirements of mortgage covering multifamily housing:
Eligible mortgages:
Eligibility for insurance 9143
Limitation upon maximum amount of mortgage 422, 9143, 12931
Supervision of private mortgagors, required with respect to control of funds during construction; ineligibility for insurance of advances under mortgage in case of noncompliance with prevailing wage and labor standards requirements 6504
Mutual mortgage insurance; eligibility requirements of mortgage covering one- to four-family dwellings:
Application and commitment; fee to accompany application 421, 12711
Mortgages, eligible:
Alaska, authorization for higher maximum for principal obligation of mortgages 9143
Charges and fees, maximum, to be collected by mortgagee 10732
Defense Production Act of 1950 controls:
Exceptions under certain circumstances:
Condemned residence; purchase or construction of substitute therefor by owner 4429
Damage by flood, fire, etc.; replacement or repair of residence 4429
Expired commitments, reopening of 4429, 7540
Maturity of mortgage 4429, 9143
Property with three- or four-family residences thereon 421
Territories or possessions, United States, property located in; inapplicability of provisions 421
Military service cases, owner-occupancy requirement; nonapplicability where mortgagor enters military service 9143
Temporary limitation upon maximum amount of mortgage; applicability of exceptions. *See* Defense Production Act of 1950 controls.
National defense housing insurance:
One- to two-family dwellings:
Eligibility requirements 11415
Application and commitment 11415
Fee to accompany application; with respect to proposed construction 12711
Mortgagees, approval of 11415
Mortgages, eligible 11416
Mortgagors, eligible 11417
Properties, eligible 11417
Rights and obligations of mortgagee under insurance contract 11418
Assignments 11420
Definitions 11418
Endorsement of insurance 11418
Premiums 11418
Rights and duties of approved mortgagee 11419
Procedures 13124
Rental housing:
Eligibility requirements 11421
Advances during construction, insurance of 11425
Agreement and certification as to costs, mortgagors 11425
Application and commitment 11421
Mortgagees, eligible 11424
Mortgages, eligible 11421
Mortgagors, eligible 11422
Mortgagors, supervision of 11423
Properties, eligible 11424
Title 11424
Wages, prevailing 11425

FEDERAL HOUSING ADMINISTRATION—Continued Page

National defense housing insurance—Continued
Rental housing—Continued
Rights and obligations of mortgagee under insurance contract 11426
Assignments 11429
Definitions 11426
Endorsement of insurance 11427
Housing fund, no vested rights in 11429
Premiums 11426
Rights and duties of mortgagee under insurance contract 11427
One- to four-family dwellings. *See* Military rental housing insurance; Mutual mortgage insurance; National defense housing insurance; *and* War housing insurance.
Organization, field; location of offices, changes of address 361, 6008, 10328
Procedure; general procedure with respect to national defense housing insurance 13124
Processing and closing 13124
Purpose 13124
Property improvement loans:
Loans, unsecured, by Federal savings and loan associations for property alteration, repair or improvement; removal of former limitation on loans insured by FHA 3195, 4930
Title I mortgage insurance for housing renovation and modernization; eligibility requirements:
Application and commitment; fee to accompany application, with respect to proposed construction 421, 12709
Mortgages, eligible:
Alaska, authorization for higher maximum for principal obligation of mortgages 9142
Charges and fees, maximum, to be collected by mortgagee 10732
Defense Production Act of 1950 controls:
Exceptions under certain circumstances:
Condemned residence; purchase or construction of substitute therefor by owner 4429
Damage by flood, fire, etc.; replacement or repair of residence 4429
Expired commitments, reopening of 4429, 7540
Territories or possessions, United States, property located in; inapplicability of provisions 421
Increased mortgage amount and term on account of major disasters 7928
Military service cases, owner-occupancy requirement; non-applicability where mortgagor enters military service 9143
Temporary limitation upon maximum amount of mortgage; applicability of exceptions. *See* Defense Production Act of 1950 controls.
Renovation or modernization of housing; mortgage insurance. *See* Property improvement loans.
Rental housing. *See* Military rental housing insurance; Multifamily and group housing insurance; National defense housing insurance; *and* War housing insurance.
Residential credit controls in critical defense housing areas; delegation of authority respecting, by Housing and Home Finance Administrator to Commissioner and his designees 3865
Single-family dwellings. *See* One- to four-family dwellings.
Sponsors, selection of, and processing of specified housing projects; instructions issued by Office of Secretary of Defense, approved by FHA. *See main heading* Defense Department.
Territories or possessions of United States, property located in, eligibility requirements in connection with farm mortgage insurance, cooperative housing insurance, mutual mortgage insurance, property improvement loans, and war housing insurance; inapplicability of provisions of Defense Production Act of 1950 controls 421, 422, 423

FEDERAL HOUSING ADMINISTRATION—Continued Page

War housing insurance:
Multifamily rental housing insurance:
Eligibility requirements of mortgage; insurance of advances during construction, ineligibility for, in case of non-compliance with prevailing wage and labor standards requirements 6505
United States Government housing, sold, eligibility requirements under section 608 pursuant to section 610, National Housing Act; mortgages, eligible, limitation upon maximum amount 424
One- to four-family dwellings:
Eligibility requirements of mortgage; eligible mortgages:
Charges:
Brokers' charges 10733
Maximum charges and fees to be collected by mortgagee 10733
Defense Production Act of 1950 controls:
Expired commitments, reopening of; inapplicability of provisions 9144
Maturity of mortgage with respect to single-family or two-family residence 9144
Property with three- or four-family residences thereon 423
Territories or possessions of United States, property located in; inapplicability of provisions 423
Rights and obligations of mortgagee under insurance contract, upon default in mortgage; provision for agreement between mortgagee and mortgagor (owning project of at least 10 rental units insured under section 603, National Housing Act) for deposit with mortgagee of entire net income from property during one year 10850
United States Government housing, sold; eligibility requirements of mortgage under section 603 pursuant to section 610, National Housing Act; eligible mortgages:
Charges:
Brokers' charges 10733
Maximum charges and fees to be collected by mortgagee 10733
Defense Production Act of 1950 controls:
Expired commitments, reopening of; inapplicability of provisions 9145
Maturity of mortgages with respect to single-family or two-family residence 9144
Property with three- or four-family residences thereon 423
Territories or possessions of United States, property located in; inapplicability of provisions 423
Single-family project loans; project and individual mortgages, eligibility requirements:
Individual mortgages covering property released from lien of project mortgage; eligible mortgages:
Alaska, authority for higher maximum for principal obligation of mortgages 9145
Charges:
Brokers' charges 10733
Maximum charges and fees to be collected by mortgagee 10733
Defense Production Act of 1950 controls 424, 9145
Military service cases, owner-occupancy requirement; nonapplicability where mortgagor enters military service 9145
Project mortgages covering group of single-family dwellings; eligible mortgages:
Alaska:
Higher maximum for principal obligation of mortgages, authority for 9145
Requirement that mortgaged property be free and clear of all liens, inapplicability of 9145
Temporary limitation upon maximum amount of mortgage 424
War rental housing. *See* War housing insurance.
Yield insurance:
Eligibility requirements; eligible projects:
Ineligibility of project in case of non-compliance of construction contract with prevailing wage and labor standards requirements 6505

FEDERAL HOUSING ADMINISTRATION—Continued Page

Yield insurance—Continued
Eligibility requirements; eligible projects—Con.
Title, good; debentures payable from net income of project not to be considered as "unpaid obligations" 9145
Rights and obligations of investor under insurance contract:
Contract of insurance 9146
Definitions; "Excess earnings," "investor," and "minimum annual return" 9146

FEDERAL MARITIME BOARD. *See* Maritime Board, Federal.

FEDERAL NATIONAL MORTGAGE ASSOCIATION:
Mortgage purchases, servicing and sales; mortgage purchase program:
Eligible FHA-insured mortgages:
Defense area housing; insurance 7585
Insurance 5748
Eligible VA-guaranteed and FHA-insured mortgages:
Amortization 5748
Interest 5748
Period of eligibility; new eligibility dates 7585

FEDERAL PERSONNEL. *See* Government employees.

FEDERAL POWER COMMISSION:
Delegations of final authority, etc. *See* Organization.
Hearings, etc.:
Aiken, Lee 10678, 12281
Alabama Power Co 10613
Alabama-Tennessee Natural Gas Co 2413, 6479, 6695, 6847, 7189, 8215, 9180, 10678
Alaska Packers Assn 4819
Algonquin Gas Transmission Co 433, 2131, 2197
Allegany Gas Co 2168, 2710, 9179
Allentown-Bethlehem Gas Co 9492
Allied Gas Co 8954, 9058, 9491
Alum Rock Gas Co 2168, 2710
Aluminum Co. of America 6738, 8254, 9325, 12235
Amere Gas Utilities Co 6586
Appalachian Electric Power Co 6478, 7808, 10324, 11788, 12528
Arizona Edison Co., Inc 13107
Arizona Power Co 2900, 10679, 11936
Arkansas Louisiana Gas Co 101, 476, 1257, 1689, 1911, 2478, 2587, 2710, 2899, 3140, 4262, 9617, 10840, 11704, 12372.
Arkansas Power and Light Co 1910, 7334
Associated Natural Gas Co 5373, 6846, 7631
Athol Gas Co 3414
Athol Gas and Electric Co 1611
Atlantic Gulf Gas Co 432, 2131, 5503
Atlantic Seaboard Corp 2236, 3446, 4733, 5025, 7368, 8993, 10931, 12593
Atomic Energy Commission 7334
Auburn, Illinois 4279, 6006, 7303, 8629, 9271, 9532, 10962
Austin Field Pipe Line Co 1689, 2689
Badley Investment Co 9705, 10006
Bangor Gas Co 697, 2587, 12527
Biddeford and Saco Gas Co 323
Billings Gas Co 2108, 4156, 5078, 12372
Black Hills Power and Light Co 2237, 3019, 6694, 9919, 11705
Black River Development Corp 5626
Blackstone Valley Gas and Electric Co 7574
Blue Ridge Electric Membership Corp 7574, 10324, 11040
Bonneville Power Administration 8805
Bonneville Project, Columbia River, Washington-Oregon 324, 994, 2109, 12731
Boogard, Andrew 5505
Border Counties Power Cooperative, Inc 10840
Bowling Green Gas Co 7303
Brazos River Conservation and Reclamation District 915, 2413, 3625
Brazos River Transmission Electric Cooperative, Inc 3625
Bristol, Benjamin H 3932
Brooklyn Union Gas Co 1968, 2108, 2688, 3140, 4898, 5371, 10139, 12234
Brookville Electric Co 2711
Burns, Herbert A 8215
Busby, T. A 10679
Bushati, Elias 7809
California Electric Power Co 3493, 3541, 4989, 6201, 8412, 13013, 13162

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc—Continued
California Oregon Power Co 1912, 4279, 5592, 6807, 10470, 12233, 12528
California Pacific Utilities Co 5504, 8098, 9272, 10005
Cal-Ore Mining and Development Co 10679
Canadian River Gas Co 555, 1558, 1712, 2197, 2688, 2710, 7523, 9291, 10299, 12372
Carolina Aluminum Co 6738, 9254, 9325, 12235
Carolina Natural Gas Corp 695, 1910, 5627
Carrico, G. L 6696
Carrollton, Kentucky 476
Central Electric & Gas Co 6694, 9919
Central Illinois Electric & Gas Co 7303
Central Illinois Light Co 7303
Central Illinois Public Service Co 7303, 12406
Central Indiana Gas Co 953, 12371
Central Kentucky Natural Gas Co 3240, 3815, 4733, 5025, 8215, 8993, 9491, 10093, 11091
Central Massachusetts Electric Co 1611
Central Natural Gas Co 8629
Central Nebraska Public Power and Irrigation District 2413
Central Power and Light Co 5592, 12406, 12680
Central States Power & Light Corp 2711
Central West Utility Co 2236, 4733, 6006, 7303, 9271, 9532, 10962
Chambers, Leo F 7574
Chicago District Electric Generating Corp 10392
Chicago District Pipeline Co 3020, 4504, 7304, 8785, 10139, 11936
Cities Service Gas Co 101, 868, 1290, 2197, 3600, 4766, 6154, 7335, 8723, 8994, 9920, 10044, 10187, 11091, 12439, 12796, 13107
Citizens Gas Co 697, 2587, 12527
Citizens Gas Co. of Hannibal 7303
Citizens Power Co 2710
City Gas Co. of Phillipsburg, N. J 5504, 5660
Claytor, Graham 1776
Cole, Eugene H 1776, 3413, 5591, 6006
Colorado Interstate Gas Co 1712, 2197, 2688, 2710, 2990, 4632, 7523, 9291, 10299, 11622, 12372
Colorado-Wyoming Gas Co 4732, 5592, 11286
Commonwealth Edison Co 11705
Commonwealth Natural Gas Corp 10753
Community Public Service Co 290
Compania Electrica Matamoros, S. A 5592
Concord Electric Co 5592
Connecticut River Power Co 3265, 3543, 8502
Consolidated Edison Co. of New York, Inc 2107, 2688, 3140, 5371
Consolidated Gas Electric Light and Power Co. of Baltimore 3412
Consolidated Gas Utilities Corp 993, 1911, 9533, 10470, 12234, 12680
Consumers Gas Co 1155, 2689, 6984, 13014
Cooper, L. B 5592
Costello, Joseph M 10679
Craig, A. E 11705
Crumb, K. B 1776
Crystal City Gas Co 697, 2587, 6889, 7831, 8994, 12527
Cumberland and Allegheny Gas Co 6888, 9202, 10391, 10470
Cunningham, Ruby H 3933, 6847
Dalbeck, Harold L 5078
Dallas Power & Light Co 290
Davis, Claude Owen 1155
Dayton Power and Light Co 7334
Deer Creek Natural Gas District 5143
Delaware Power & Light Co 739, 2898, 3932
Delaware River Development Corp 361, 7335
Dempseytown Gas Co 2168, 2710
Dixon, Edgar H 8308, 13163
Dome Gas Co., Inc 10840
Duke Power Co 2446, 3142, 3624
East Ohio Gas Co 397, 3240, 3815, 4359, 5078, 5503
East Tennessee Natural Gas Co 2643, 2896, 7304, 8993
El Paso Electric Co 323, 593, 5078, 10840
El Paso Natural Gas Co 513, 555, 593, 1290, 1713, 2371, 2412, 2666, 3368, 3444, 3814, 3815, 3933, 4504, 4990, 5372, 5373, 5504, 6260, 6738 ,6762, 6846, 6888, 7189, 7304, 7732, 8099, 8215, 9447, 9533, 9617, 9784, 10043, 10391, 10579, 10794, 11091, 11248, 11285, 11315, 11462, 11622, 11980, 12106, 12372, 12406, 12439, 13013

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc—Continued
Electric Power Co. of New Jersey 1611
Electrica Matamoros, S. A., Compania 5592
Equitable Gas Co 101, 593, 697, 1911, 2412, 2689, 2990, 3542, 6007, 6847
Erie Gas Service Co., Inc 5591, 6006
Espen, Elmer J., and others 11129
Eugene, Oregon 10679
Fairfield, Illinois 1968, 11129
Fall River Gas Works Co 7574
Finley, H. A 11705
Florida Power Corp 3368, 5025, 5853, 11462, 12106
Florida Power & Light Co 5853
Gaffney Pipeline Co 6586
Gardner Electric Light Co 1611
Gardner Gas Fuel and Light Co 779
Gas Lateral Co 10840
Gas Service Co 7303
Gas Service, Inc 323
Georgia Gas Co 9448, 11248, 11704
Georgia Natural Gas Co 5078
Georgia Power Co 1553, 4990
Glacier Gas Co 10866, 10867
Godshalk, E. L 10679
Goss, Edna M 10006
Grand River Dam Authority 9057
Grand River Gas Transmission Co 1776, 3413, 6006, 6888
Grand River-Erie Gas Transmission Co 6888, 9920
Green Mountain Power Corp 11705
Greenfield Gas Co., Inc 6694
Greenfield Gas Light Co 324
Gulf Public Service Co., Inc 779
Gulf States Utilities Co 2411, 3142, 3933, 10506, 11512, 12106
Gulf-Michigan Gas Transmission Corp 3389
Halbig, John P 1713
Hall-Interstate Mining Co 9920
Hanley and Bird 1910
Hartman, J. Reed 7574
Haverhill Gas Light Co 11844
Herrmann, Carl S 8308
Highland Mary Mines, Inc 6007
Hill, Forrest E 9752
Holy Cross Electric Assn., Inc 11129
Home Gas Co 6888, 8629, 9179, 10187, 10391, 11091
Hook-Aston Mining Milling Co 5143
Hooper, M. C 1912
Hope Natural Gas Co 476, 1023, 2667, 4279, 5298, 5908, 6201, 7335, 7470, 8215, 8502, 8994, 9180, 11315, 12795.
Hope Producing Co 11407
Houston Lighting & Power Co 650
Idaho Power Co 916, 2132, 2588, 3142, 3933, 4053, 5505, 7375, 9057, 9919, 10139, 10298, 12679, 12708
Illinois Commerce Commission 7303
Illinois Power Co 7303
Independent Natural Gas Co 867, 1936, 4766
Indiana Co 6260, 7631
Indiana Gas & Water Co., Inc 1023, 1690, 7303, 9058, 11091
Indiana & Michigan Electric Co 7631, 9272
Indiana Power and Light Co 5853
Indianapolis Power & Light Co 7334
Interior Department 1558, 1713
International Paper Co 11407
Interstate Light & Power Co. (Wisconsin) 6888
Interstate Natural Gas Co., Inc 11407
Interstate Power Co 203, 2535, 3140
Interstate Power Co. of Wisconsin 2711
Iowa Electric Co 2711
Iowa Power and Light Co 915, 5959, 6847
Iowa Public Service Co 2689, 5189, 6323, 6806
Iowa-Illinois Gas and Electric Co 915, 6587, 9179, 12107
Iroquois Gas Corp 4279, 7952, 9447
Jamis, Bill 4819
Jersey Central Power and Light Co 6007, 9202, 9920, 12235
Jones, Chandler W 13163
Kammer, H. A 11705
Kansas City Power & Light Co 4503, 12708
Kansas-Colorado Utilities, Inc 1481
Kansas-Nebraska Natural Gas Co., Inc 1688, 2131, 2132, 4899, 9920, 11704, 11753
Kellett, Ernest G 2689
Kings County Lighting Co 1967, 2688, 3140, 5371
Knoxville Power Co 6738, 8254, 9325, 12235

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Kosar, Everett and Oscar E 324
LaCroix, Arthur E 8308
Lake Shore Pipe Line Co 1776, 3413, 5591, 6006, 6888, 9920
Le Flore County Gas & Electric Co 593
Leoni, N. M 9833
Lother, Elmer H 5078
Louisiana Natural Gas Corp 12917
Louisiana Nevada Transit Co 5907, 8805, 9447
Louisiana Power & Light Co 779
Louisville Gas and Electric Co 2769, 3805, 3816, 4157, 4766, 4819, 9271, 9704, 11546, 13107
Loup River Public Power District 2413
Lower Valley Power and Light, Inc 6695
Luthringer, Marshall S 9920
Luz y Fuerza de Reynosa, S. A 12403
Lynchburg Gas Co 2587, 5627
Lynchburg Pipe Line Co 2412, 2587, 5627
Madison Co 6260
Madison Light and Power Co 6260, 7574
Manufacturers Light and Heat Co 2643, 2770, 4157, 4732, 5143, 5505, 5592, 5660, 6260, 6585, 6888, 8357, 9179, 9202, 10391, 10470, 12593
Marquis, V. M 11705
Marysville, Michigan 6006, 7303, 8629, 9271, 9532, 10299
McAffee, J. Wesley 10241
McClanahan, Ralph E 4319
McCrary, J. B., Engineering Corp 3320
McGlone, M. P 1713
McMeekin, Silas C 10679
Melvin, Howard H 11705
Mercer Gas Light and Fuel Co 360, 592, 2168, 5660
Metropolitan Utilities District of Omaha 3541, 11461
Michigan Consolidated Gas Co 1689, 2689, 6006, 7303, 7470, 8629, 8994, 9271, 9532, 9920, 10962
Michigan Gas Storage Co 397, 1690, 2491, 3493, 7303, 10266, 11091, 12680
Michigan Gas Utilities Co 10840, 10962
Michigan-Wisconsin Pipe Line Co 868, 993, 1154, 2169, 2197, 2898, 3600, 3816, 5188, 5853, 7470, 8994, 9920, 10579, 11547.
MidSouth Gas Co 993, 1911, 4504, 7469
Miller, Betty M., Chester O., Faye S. and Henry W 1256
Minnesota Power & Light Co 1481, 2710, 5371, 6694, 6846
Mississippi Power & Light Co 477, 4375, 5143, 6694, 7574, 7575, 8785, 9533, 10391
Mississippi River Fuel Corp 360, 1209, 1713, 2899, 3241, 6983, 8306, 9100, 10391, 11315
Missouri Central Natural Gas Co 4278, 6006, 7303, 8629, 9271, 9532, 10962
Missouri Edison Co 7303
Missouri Power & Light Co 5143, 6323, 7303
Missouri Public Service Co 5143, 6323, 11623, 13107
Missouri Utilities Co 7303
Missouri Western Gas Co 7303
Monarch Gas Co 10139, 11248, 12106
Montana Power Co 2688, 3493, 5078, 6155, 7470, 8562, 9291, 11843, 12323
Montana-Dakota Utilities Co 323, 915, 1689, 2108, 2412, 2770, 3020, 3624, 4156, 4766, 5078, 5371, 6007, 6408, 6480, 6694, 7190, 7470, 8994, 9705, 10711, 11621, 12372.
Montgomery, Daniel T 2689
Moody, R. E 5503, 10841
Moore, C. E 1713
Moore, Irwin L 3933, 8308
Mountain States Power Co 593, 2411, 3019, 3389, 3624, 11090, 11705, 11936
Namekagon Hydro Co 12918
Nantahala Power and Light Co 11130
National Gas & Oil Corp 1482, 3445, 5504
National Utilities Co. of Michigan 2553, 7303, 8629, 9271, 9532, 10840
Natural Gas Co. of West Virginia 4732, 5592
Natural Gas Pipeline Co. of America 47, 3816, 5372, 5373, 7687, 10580, 11286, 11406, 11936, 12324
Natural Gas Service Corp 2132, 3445
Natural Gas Storage Company of Illinois 8562
Nelson, George M 1558
Nevada Natural Gas Pipe Line Co 7189, 7732, 12372
New England Power Co 290, 993, 3019
New Jersey Zinc Co 6201
New River Gas Co 2587, 12527

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
New York State Natural Gas Corp 137, 513, 593, 1154, 1290, 1690, 2237, 2689, 3240, 3815, 4359, 5078, 5372, 5503, 5626, 5660, 5908, 6006, 6155, 7686, 8806, 8994, 9057, 9180, 9705, 10506, 11129, 11315, 11461, 11512, 12106, 12107
New York, State of; Power Authority 46
Niagara Falls Power Co 650, 5627, 6409
Niagara Mohawk Power Corp 137, 650, 1558, 2536, 2816, 9920
Nock, Ralph E 13163
North Penn Gas Co 2168, 2710, 6889, 7831, 8994
Northeastern Gas Transmission Co 136, 203, 434, 650, 2131, 2197, 2710, 10139, 10711
Northern Indiana Fuel & Light Co 4278, 6006, 7303, 8629, 9271, 9532, 10962
Northern Indiana Public Service Co 1688, 2689, 7334
Northern Natural Gas Co 592, 867, 1291, 1642, 1713, 2169, 3541, 4766, 4980, 5288, 6684, 6695, 9492, 10299, 10794, 11461, 12282, 12323
Northern Pennsylvania Power Co 11936
Northern States Power Co 12372
Northwest Power Supply Co 4157, 5925
Oakdale Irrigation District 3142, 4157, 4375, 12528
Ohio Fuel Gas Co 593, 1481, 1643, 3390, 3493, 4156, 4733, 5025, 5504, 6762, 7609, 7952, 8993, 9290, 9447, 9785, 10578, 11461, 12107, 12630
Ohio River Pipeline Corp 9058
Oklahoma Gas and Electric Co 2197, 9058
Oroville-Wyandotte Irrigation District 9752
Ott, Walter J 7574
Otter Tail Power Co 1095, 2689
Oyer, Clarence M 10679
Ozark Utilities Co 2711
Pacific Gas and Electric Co 650, 3493, 3542, 6762, 7951, 8099, 9447, 10005, 10227, 10392, 11040, 11285, 12106.
Pacific Power & Light Co 1691, 4989, 5821, 6693, 6694, 7470, 11705
Panhandle Eastern Pipe Line Co 953, 2371, 3033, 4504, 5908, 6006, 6223, 6479, 6480, 6641, 6694, 7303, 8254, 8629, 8806, 9271, 9532, 10298, 10580, 10962, 12371.
Pasadena, California 9057
Pearce, Llewellyn F 10579
Pelican Cold Storage Co 3020
Pelican Utility Co 3020
Pen Argyl Gas Co 697, 587, 12527
Penn-Jersey Pipe Line Co 5505
Pennsylvania Gas Co 2413, 3141, 4262
Pennsylvania Water & Power Co 3412, 11130
Penn-York Natural Gas Corp 2412, 2710
Peoples Natural Gas Co 3019
Peterstown Gas Co., Inc 3446
Philadelphia Electric Co 739, 1911, 2587, 2898, 3932, 5627, 11462, 11623
Phillips Petroleum Co 2109, 3493, 5400, 9057
Piedmont Gas Co., Inc 2412
Piedmont Natural Gas Co., Inc 695, 5627, 11091, 12406, 13107
Pierce, Richard E 13163
Pittsburgh and West Virginia Gas Co 697, 1911, 2689
Pittsfield Electric Co 2711
Placer County, California 5592, 11130
Platte Valley Public Power and Irrigation District 2413, 7574
Pollock, Charles R 5592
Pond, Charles 9920
Port Huron, Michigan 6006, 7303, 8629, 9271, 9532, 10298
Portland General Electric Co 10227
Potomac Electric Power Co 1558
Potomac Gas Co 8857, 11247
Pourtless, R. C 9920
Public Power and Water Corp 477
Public Service Commission of Maryland 3412
Public Service Commission of Wisconsin 10580, 11547
Public Service Co. of Colorado 12528
Public Service Co. of Indiana, Inc 4360, 5853, 6260, 7334, 7574, 7631, 9272
Public Service Co. of North Carolina, Inc 695, 5627
Public Service Co. of Northern Illinois 11705
Public Service Corp. of North Carolina, Inc 1481
Public Service Corp. of Texas 3020, 11622

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Public Utility District No. 1, Washington:
Chelan County ---- 4280
Lewis County ---- 6762
Okanogan County ---- 2768
Pend Oreille County ---- 2132, 11194, 11705
Puget Sound Power & Light Co ---- 4280, 11705
Ready, W. J ---- 10679
Republic Light, Heat and Power Co., Inc ---- 4262, 4990, 5853, 6847, 8784, 9447
Rio Grande Valley Gas Co ---- 2412
Rockland Light and Power Co ---- 6807, 12680
Rose, W. J ---- 1776, 11705
Rushmore G. & T. Electric Cooperative, Inc ---- 2237, 3019
Safe Harbor Water Power Corp ---- 3412
St. Anthony Falls Water Power Co ---- 11513, 12372
St. Charles Gas Corp ---- 7575
St. Clair, Michigan ---- 6006, 7303, 8629, 9271, 9532, 10299
St. Joseph Light & Power Co ---- 11462
San Diego Gas & Electric Co ---- 9059
Sanford, Dudley ---- 5503
Schaefer, Otto ---- 7190
Schettler, A. H ---- 10841
Seattle, Washington ---- 137
Selby, Edna L ---- 6696
Servicios Electricos de Piedras Negras, S. A ---- 12680
Shapiro, E. J ---- 6006, 10841
Shenandoah Gas Co ---- 2586, 3445
Shippensburg Gas Co ---- 6642, 6695
Sierra Pacific Power Co ---- 5078
Simmons, H. A ---- 11130
South Atlantic Pipe-Lines, Inc ---- 3624
South Carolina Electric Co ---- 4766
South Carolina Electric & Gas Co ---- 2711, 5505, 11753
South Carolina Public Service Authority ---- 7575
South Central Alabama Natural Gas Company, Inc ---- 5078
South Georgia Natural Gas Co ---- 5078
South San Joaquin Irrigation District ---- 3142, 4157, 4375, 12528
Southeastern Michigan Gas Co ---- 6006, 7303, 8629, 9271, 9532, 10962
Southern California Edison Co ---- 1967, 2588, 3954, 7335, 7732, 8413, 11285, 11752, 11843, 12106, 12796
Southern California Gas Co ---- 1690, 2371, 5660, 6479, 6586, 7686, 8099, 9447, 11040, 12708
Southern Counties Gas Co. of California ---- 3932, 6479, 6586, 7686, 8099, 9447, 10325, 11285, 11752, 11843, 12708
Southern Indiana Gas and Electric Co ---- 7334
Southern Natural Gas Co ---- 136, 193, 360, 432, 1289, 1558, 1836, 2131, 2412, 2666, 2769, 3019, 4262, 5143, 5853, 6408, 6985, 8805, 9447, 9617, 10581, 10679, 10866, 11315, 11623, 12235, 12324, 12372, 12708.
Southern Union Gas Co ---- 3865, 5372, 7190, 8784, 9617, 11622, 12106, 12439
Southern Utah Power Co ---- 432, 1558, 3520, 4360, 12106, 13163
Southwest Gas Corp., Ltd ---- 3600, 6201, 7189
Southwestern Electric Service Co ---- 290
Southwestern Power Administration ---- 477, 1558, 1713, 7334
Southwestern Virginia Gas Co ---- 6006
Southwestern Virginia Gas Transmission Co ---- 261, 867, 6006, 6807, 11704
Spencer Gas Co ---- 1611
Sporn, Philip ---- 1776
Standard Gas Co ---- 3624
Standard Pacific Gas Line, Inc ---- 11512
Starkey, L. P ---- 6696
State Line Gas Co ---- 3020
Susquehanna Electric Co ---- 11623
Susquehanna Power Co ---- 11462, 11623
Susquehanna Transmission Co. of Maryland ---- 3412
Swanson, Ernest O ---- 6694
Sweet, L. D ---- 7432
Sylvania Corp ---- 1643, 3141, 4262
Tacoma, Washington ---- 4820, 9448, 11462
Telluride Power Co ---- 1558
Tennessee Gas Co ---- 3390, 6479, 6695, 7189
Tennessee Gas Transmission Co ---- 290, 324, 779, 1291, 1643, 2197, 2236, 3140, 3445, 3543, 4819, 5025, 5503, 6694, 6738, 7107, 8308, 8993, 9054, 10613, 11936, 12107.
Tennessee Valley Authority ---- 7334
Tenney, Charles H., II ---- 8215
Tenney, Rockwell C ---- 8215

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Terral, Thomas Ernest ---- 11936
Texas Eastern Transmissions Corp ---- 360, 433, 994, 1154, 1155, 1689, 1690, 1713, 2131, 2197, 2587, 2710, 3240, 3390, 3600, 3815, 5078, 5458, 5505, 5821, 6155, 6479, 6694, 7189, 10299, 10866, 11129, 12107
Texas Electric Service Co ---- 290
Texas Gas Transmission Corp ---- 47, 48, 477, 555, 779, 954, 993, 1023, 1256, 1641, 1690, 1713, 1911, 2169, 2197, 2898, 4157, 4262, 4819, 5143, 5853, 9271, 9703, 11546, 11844, 11546, 11844, 12730
Texas Illinois Natural Gas Pipeline Co ---- 2197, 2897, 3673, 7335, 9057, 9491, 11704, 13013
Texas Northern Gas Corp ---- 12918
Texas Power & Light Co ---- 290
Texas-Ohio Gas Co ---- 10962
Texoma Natural Gas Co ---- 47
Thorne, Hans and Helen A ---- 1256
Transcontinental Gas Pipe Line Corp ---- 695, 953, 1209, 2132, 2412, 2587, 3140, 3446, 3624, 4819, 5627, 5882, 6006, 6201, 6260, 6409, 6586, 6807, 7368, 7574, 7831, 9100, 9272, 9492, 10139, 10299, 10613, 11129, 12283, 12593, 12795, 13107
Transcontinental Pipe Line Corp ---- 2898
Trinidad, Colorado ---- 47
Trunkline Gas Supply Co ---- 10298
Tuolumne County Water District No. 2 ---- 4157
Turner, Harold ---- 1713
Uintah Power and Light Co ---- 8215
Union Electric Co. of Missouri ---- 3198, 12372
Union Electric Power Co ---- 13107
Union Gas & Electric Co ---- 9202, 10044, 10840
United Electric Light Co ---- 2711
United Fuel Gas Co ---- 3816, 8253, 8857, 9179, 9447, 10794, 12593
United Gas Pipe Line Co ---- 136, 433, 867, 1776, 2131, 2132, 2587, 3624, 3673, 3932, 4503, 4632, 4819, 5503, 5504, 7574, 7809, 9271, 9705, 11315, 11513, 11547, 11704, 12281, 12593
United Natural Gas Co ---- 1643, 2236, 3140, 3141, 3445, 3541, 3542, 4262, 5504, 5821, 6007, 6738, 6847, 9057.
Utah Power and Light Co ---- 1558, 3933
V-M Pipeline Co ---- 9292, 10324, 11091
Valdez Cold Storage Corp ---- 12707
Virginia Electric and Power Co ---- 1611, 5188, 10867
Virginia Gas Transmission Corp ---- 2412, 10391
Wabash Natural Gas Co ---- 1023, 2689, 13014
Wachusett Electric Co ---- 1611
Walker, Alfred S ---- 2689
Warwick Gas Corp ---- 697, 2587, 12527
Washington Gas Light Co ---- 3954, 7269
Washington Water Power Co ---- 2769, 3493, 9752, 11705
Watt, Robert M ---- 13163
West Texas Gas Co ---- 5372, 6846, 7809, 11753, 12106, 12439
Western Colorado Power Co ---- 9491
White, R. D ---- 10841
Whiting-Plover Paper Co ---- 11194
Whyte, William G ---- 13163
Wilking, George H ---- 5143
Willmut Gas & Oil Co ---- 1776, 3673
Winchendon Electric Light & Power Co ---- 1611
Windsor Locks Canal Co ---- 6807
Winter Electric Light and Power Co ---- 396
Wisconsin Electric Power Co ---- 11705
Wisconsin Michigan Power Co ---- 2768, 2769, 5505, 10139, 12528
Wisconsin Power & Light Co ---- 6888
Wisconsin Public Service Corp ---- 4360, 11130
Wisconsin River Power Co ---- 5592
Wisconsin Water Power Co ---- 2769
Worcester County Electric Co ---- 1611
Worcester Suburban Electric Co ---- 1611
Wunderlich, Martin ---- 10678, 12281
Young, L. C ---- 7952
Young, Scott ---- 10711
Zehntbauer, John A ---- 12371
Organization, statement of (functions, delegations of final authority, offices, etc.); revision ---- 137
Personnel; exemption of Claude L. Draper from compulsory retirement for age, Executive order respecting. *See main heading* Presidential documents.

FEDERAL POWER COMMISSION—Continued Page

Rate schedules and tariffs; filing, hearings, approval or rejection, etc.:
Atlantic Seaboard Corp ---- 10391
Bonneville Project, Columbia River, Washington-Oregon ---- 324, 994, 12731
Bonneville Project Administrator ---- 2109, 8805, 11705
Central Kentucky Natural Gas Co ---- 9491
Colorado Interstate Gas Co ---- 2990
Commonwealth Natural Gas Corp ---- 10753
El Paso Natural Gas Co ---- 5373, 10043, 11462
Hope Natural Gas Co ---- 8994
Michigan-Wisconsin Pipeline Co ---- 3816
Mississippi River Fuel Corp ---- 2899
Natural Gas Pipeline Co. of America ---- 5373, 11286
New England Power Co ---- 3019
Northeastern Gas Transmission Co ---- 10711
Northern Natural Gas Co ---- 1291, 1642, 12281
Ohio Fuel Gas Co ---- 9290
Panhandle Eastern Pipe Line Co ---- 4504
Public Service Co. of New Hampshire ---- 11979
South Jersey Gas Co ---- 13012
Southern Counties Gas Co. of California ---- 10325
Southwestern Power Administration ---- 477, 1558, 1713, 7334, 10298
Tennessee Gas Transmission Co ---- 7107, 8308
Texas Eastern Transmission Corp ---- 2197, 3390, 3600
Texas Gas Transmission Corp ---- 1641
Transcontinental Gas Pipe Line Corp ---- 5882, 12283
Union Electric Power Co ---- 13107
United Fuel Gas Co ---- 9179
Virginia Gas Transmission Corp ---- 10391
Regulations under Federal Power Act and Natural Gas Act:
Federal Power Act:
Rate schedules, filing of; changes relating to suspended rate schedules or parts thereof ---- 2388
Reports, annual; Form 1 required for electric utilities and licensees (classes A and B) ---- 5075, 11766
Securities, issuance of, or assumption of liabilities; application for authorization:
Commission action ---- 6963
Contents of application; description of method of issuing and selling securities to be issued by applicant, obligation or liability as guarantor, etc ---- 6963
Required exhibits; Exhibit L ---- 6963
Requirement of public invitation of proposals for purchase or underwriting of securities ---- 6962
Acceptance of bids, procedure ---- 6963
Statement of compliance, redesignation and revision ---- 6963
Natural Gas Act:
Applications:
For authorization to export or import natural gas; who shall apply ---- 6751
For certificates of public convenience and necessity under section 7 of Natural Gas Act:
Applications for non-"grandfather" clause certificates of public convenience and necessity; proposed rule making ---- 2400
Applications for temporary certificates in cases of emergency, requirements for temporary certificate applications; proposed rule making ---- 2400
Miscellaneous regulations under certificate provisions of Natural Gas Act; proposed rule making ---- 2400
Rate schedules and tariffs; changes relating to suspended tariffs, executed service agreements or parts thereof ---- 2389
Reports, annual; Form 2 required of natural gas companies (classes A and B) ---- 5075, 11767
FEDERAL REAL ESTATE BOARD, abolishment of; Executive order respecting. *See* Presidential documents.

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
Banking regulations:
Cash collateral accounts; interpretation ---- 9306
Classification of reserve cities ---- 1871
Deposits, payment of interest on:
Interpretation regarding "six months" ---- 2559
Savings accounts passbooks, presentation of ---- 580
Time deposits, transfers of ---- 580

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued Page

Banking regulations—Continued
Discounts of notes, drafts and bills for member banks by Federal Reserve Banks; determination of eligibility ---- 2719
Interest on deposits. *See* Deposits.
Interlocking relationships under section 32, Banking Act of 1933, with member banks; open-end investment companies ---- 4963
Investment companies, relations with member banks; service of open-end investment company ---- 4963
Loans, for purchasing stocks. *See* Stocks and securities.
Reserves of member banks:
Cash collateral accounts; interpretation ---- 9306
Classification of reserve cities ---- 1871
Reserves required to be maintained ---- 162
Savings accounts passbooks, presentation of ---- 579
Rules of practice for formal hearings ---- 6612
Savings accounts passbooks, presentation of ---- 579
Stocks and securities; loans, etc., in connection with:
Credit by brokers, dealers, and members of national securities exchanges. *See* Stocks and securities, *below*.
Loans by banks for purpose of purchasing or carrying registered stocks; maximum loan value of stocks (25% of current market value) ---- 455
Trust powers of national banks:
Common Trust Funds, for general investment; miscellaneous limitations ---- 1629
Custody of trust securities and investments; footnote amended ---- 1629
Direct transfer of United States Bonds from individual trust to common trust fund ---- 4641
Investment, collective, of trust funds; footnote amended ---- 1629
Valuation of nonmarketable direct obligations of United States in Common Trust Funds ---- 2832
Voluntary program for credit restraint; request to financing institutions respecting ---- 2372, 3674
Brokers, dealers and members of national securities exchanges, credit by. *See* Stocks and securities.
Construction credit. *See* Real estate credit.
Consumer credit (Regulation W) ---- 221, 1586
Automobile "appraisal guide value":
Discontinuance of regulations respecting ---- 12231, 13132
Interpretations ---- 1586, 2037, 3408, 5321
Definitions:
"Cash price"; interpretation of trade-in with respect to ---- 9287
Instalment sale or loans over $5,000; credits considered singly or collectively; interpretation ---- 5321
"Merchandise Certificates", use of, for contest prizes; interpretation ---- 12666
Down payments:
See also Sales, *and* Supplement.
Amount of, in cash and in property accepted as trade-in ---- 7716, 9287
Exempt credits:
Credits over $2,500 (not involving automobiles); credits considered singly or collectively ---- 5321
Disaster credits (floods, etc.) ---- 4757
Sewerage installations, credit for ---- 7716
Temporary rentals, certain ---- 1829, 4757
Instalment loans. *See* Loans.
Instalment sales. *See* Sales.
Interpretations:
Air conditioners; large units ---- 4340
Air coolers, evaporative, leasing arrangements of ---- 2439
Automobile appraisal guides ---- 1586, 2037, 3408, 5321
"Balloon" notes or payments, refinancing of, in case of contracts outstanding on September 18, 1950 ---- 5538
Contest prizes; use of "Merchandise Certificates" ---- 12666
Cooking stoves or ranges ---- 5950
Credits:
Over $2,500 (not involving automobiles); credits considered singly or collectively ---- 5321
Over $5,000, considered singly or collectively ---- 5321
Free merchandise, discounts or rebates, effect on amount of down payment ---- 5930, 12666

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Consumer credit (Regulation W)—Continued
Interpretations—Continued
Labor; exclusion of "self-labor" from cash price of "services" in making repairs, improvements, etc., to residential property — 280
Refund of finance charges at time of add-on sale — 9032
Suction cleaner attachments — 5950
Trade-ins — 9287
Loans, instalment; general rules — 7716
Amounts and intervals of instalments; editorial corrections — 7716
Minimum instalment payments; deletion — 7716
Statement of borrower; editorial change — 13132
Maximum loans and maturities. *See* Supplement.
Miscellaneous provisions:
Contracts outstanding on September 18, 1950; "balloon" notes, refinancing of, interpretation — 5538
Records:
Inspections of records; editorial corrections — 7716
Preservation of records; requirements with respect to records of trade-ins, interpretation — 9287
Records. *See* Miscellaneous provisions.
Redesignations — 221, 1586
Renewals, revisions, and additions — 7716
Minimum instalment payments on renewed, revised, or consolidated obligation; deletion — 7716
Statement of changed conditions — 7716
Minimum instalment payments on credit refinanced; deletion — 7716
Sales, instalment; general rules:
Amounts and intervals of instalments; record — 7716
Free merchandise, discounts or rebates, effect on amount of down payment; interpretation — 5950
Minimum instalment payments; deletion — 7716
Record of instalment sale — 7716, 9287
Time of down payment — 7716
Group D; delay of down payment until completion of repairs, alterations or improvements — 7716
Reference to Supplement, editorial correction of — 7716
Scope and application of regulation; editorial corrections — 7715
Supplement; down payments, maximum loan value, and maturities:
Calculation of down payment and maximum loan value for listed articles (discontinuance of regulations relating to "appraisal guide value" and certain provisions for credit extension for articles under price regulations) — 12231, 13132
Calculation of down payments — 7716
For articles in Groups B, C, and D:
Deletion — 12231, 13132
Down payment in cash, by trade-in, or both — 7716
Interpretation with respect to trade-in — 9287
For automobiles:
Appraisal guides — 1586, 2037, 3408, 5321, 12231, 13132
Editorial correction — 7716
Revision and redesignation — 12231, 13132
Listed articles, down payment and loan values:
Automobiles, used older model, exclusion from minimum down payment and maximum loan value requirements — 11195
Editorial change — 13132
Household equipment; articles in Group B:
Air conditioners, large units — 4340
Cooking stoves and ranges — 5950
Minimum down payment and maximum loan value; change in percentage amount required — 7716
Suction cleaner attachments — 5950
Residential repairs, improvements, etc. (Group D); interpretation respecting exclusion of "self-labor" from cash price of "services" — 280
Maturities, maximum, for Groups A–D and unclassified instalment loans, changes in — 7716
Refinancing pursuant to statement of changed conditions; time of maximum maturity extended to 21 months — 7716

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Consumer credit (Regulation W)—Continued
Technical provisions:
Evasive side agreements; use of "Merchandise Certificates" for contest prizes, interpretation — 12666
Record of instalment sale — 7716
Amount of down payment in cash and in property accepted as trade-in — 7716
Interpretation — 9287
Editorial corrections — 7716
Trade-in — 7716
Interpretation — 9287
Purchase of article in lieu of trade-in; revision and redesignation — 7716
Trade-ins — 7716, 9287
Voluntary plan for credit restraint; request to financing institutions respecting — 2372, 3674
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Regional Committees, interagency; representation on — 8673
Defense Production Act; modification of functions of Board pursuant to act, Executive order respecting. *See main heading* Presidential documents.
Loan guarantees for defense production (Regulation V); redesignation — 1586
National securities exchange, credit by. *See* Stocks and securities.
Organization, rules of:
Division of Bank Operations, functions; deletion of reference to administrative matters arising under Regulation W, relating to consumer instalment credit — 434
Division of International Finance; establishment and functions — 434
Division of Selective Credit Regulation; establishment and functions — 434
Real estate credit (Regulation X) — 308, 1586
Codification; transfer of regulations to Title 32A, Chapter XV — 1585
Cooperative development, loan for purchase of participating share in — 2969
Critical defense housing areas, relaxation of controls in — 2078, 9032
By Housing and Home Finance Agency, with approval of Board. *See main heading* Housing and Home Finance Agency.
Definitions — 309, 1586
Construction credit, real estate; Commodity Credit Corporation loans not subject to Regulation X, interpretation — 495, 2506
Defense construction; designation of areas. *See main heading* Housing and Home Finance Agency.
Family unit — 310
Farm property; redesignation — 310
Labor, allowance for, in determining value of residential property; interpretation — 2505
Major addition or improvement; painting, reroofing and repairs as "major improvement," interpretation — 2505
Maximum loan value:
Appraised value of lot and residence, where lot was acquired previously; interpretation — 5320
Builder's profit and costs of sale, allowance for; interpretation — 2507
Determination of value based on appraisal rather than on estimated cost (where construction delayed); interpretation — 5950
Residential property; allowance for labor in determining value of, interpretation — 2505
Multi-unit residence — 310
Multi-unit residential property — 310
Nonresidential property — 1588
Nonresidential structure — 1588
Church construction, church unit engaged in extending credit; interpretation — 4981
Dining cars as nonresidential structures; interpretation — 7460
Medical centers and clinics as hospitals; interpretation — 12225

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Real estate credit (Regulation X)—Continued
Definitions—Continued
Nonresidential structure—Continued
Newspaper printing plant; interpretation — 4340
Public utility; public warehouse, privately owned, not public utility, interpretation — 4980
Radio and television broadcasting companies not public utilities; interpretation — 2552
Warehouses; interpretations:
Public warehouse, privately owned — 4980
Warehouses and office buildings used in processing goods — 2551
Public utility — 1588
Public warehouse, privately owned; interpretation — 4980
Radio and television broadcasting companies not public utilities; interpretation — 2552
Trucking companies, interstate, as public utilities; interpretation — 2552
Real estate construction credit; Commodity Credit Corporation loans not subject to Regulation X, interpretation — 495, 2506
Residence:
Motels and tourist courts; interpretation, obsolete — 2506
Fraternity house; interpretation, obsolete — 2506
Residential property:
Multi-unit residence — 310
Multi-unit residential property — 310
Redesignation — 310
Unavoidable delay in credit extension — 8048
Exemptions and exceptions — 311, 1589
Casualties:
Property condemned, or damaged by fire, flood, etc. — 3345
Tenants, casualty exemptions for; interpretation — 8048
Construction credits, short-term:
Interpretations — 2506, 5320
Maximum maturity of converted short-term construction credit; obsolete — 2506
Residential — 311, 1589
Multi-unit residential short-term construction credits — 311
Redesignation and revision — 1589
Other short-term construction credits — 1589
Contemplated construction — 2575
Exemptions for; interpretation — 2506
Converted short-term construction credit, maximum maturity of; interpretation, obsolete — 2506
Defense construction, essential nonresidential — 9032
Disaster credits; deletion — 311
Materials, articles, and services used in new construction — 312
Maximum period for exempt loans, extension to 36 months — 11837
New construction:
Exemption for certain new construction — 312, 1590
Credit extension; date changed — 2575
Unavoidable delay in credit extension; interpretation — 8048
Materials, articles and services used in — 312
Revision and redesignation — 312
Sales delay. *See* Unavoidable sales delay.
Short-term construction credits. *See* Construction credits.
Unavoidable sales delay; extension of credit with respect to property purchased when proceeds of sale of old property are temporarily unavailable — 11837
Extension of credit — 310, 1588
Amount, maturity, amortization; registrants, provisions respecting, interpretations:
Credit secured by mortgage collateral, statement of borrower respecting — 2504
Instruments evidencing exempt credit — 2505
Real estate brokers — 1593, 2507
Sale of new residence subject to pre-effective date indebtedness — 2505
Ascertaining nature of credit — 311
Nonregulated credit, registrant's records of; interpretation, obsolete — 2505

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Real estate credit (Regulation X)—Continued
Extension of credit—Continued
Statement of borrower:
For nonregulated credit — 2505
Where credit secured by mortgage collateral — 2504
Hearings; rules of practice for. *See* Rules of practice.
Interpretations:
Amortization provisions, compliance with — 2551
Appraised value of improved real property — 2552
Appraised value of lot and residence, where lot was acquired previously — 5320
Brokers, real estate — 1593, 2507
Builder's profit and costs of sale, allowance for — 2506
Casualty exemptions for tenants — 8048
Church construction; church unit engaged in extending credit — 4981
Commitments:
Firm commitment prior to effective date — 2505
Modification of pre-effective date firm commitment — 2506
Commodity Credit Corporation loans not subject to Regulation X — 495, 2506
Construction credits, short-term — 2506, 5320
Maximum maturity of converted short-term construction credits; obsolete — 2506
Contemplated construction, exemptions for — 2506
Converted short-term construction credit, maximum maturity of — 2506
Cooperative development, participating share in — 2969
Date credit is extended, definition of — 2551
Determination of value of residential property to be based on appraisal rather than on estimated cost (where construction delayed) — 5950
Dining cars as nonresidential structures — 7460
Family unit basis, loan values computed on — 495, 2506
Firm commitment prior to effective date — 2505
Fraternity house — 2506
Improved real property, appraised value of — 2552
Improvement of property; painting, reroofing and repairs considered "major improvements" — 2505
Instruments evidencing exempt credit — 2505
Labor, allowance for — 2505
Loan values computed on family unit basis — 495, 2506
Maturity, maximum — 1593, 2506, 2507, 2551
Medical centers and clinics as hospitals (nonresidential structures) — 12225
Mixed purpose loans — 2506
Motels and tourist courts — 2506
Newspaper printing plant — 4340
Nonregulated credit:
Registrant's records of; obsolete — 2505
Statement of borrower, necessity for — 2505
Painting, reroofing and repairs as "major improvement" — 2505
Public warehouse, privately owned — 4980
Radio and television broadcasting companies not public utilities — 2552
Records:
Preservation of — 2506
Registrant's records of nonregulated credit; obsolete — 2505
Residential property, determination of value of to be based on appraisal rather than on estimated cost (where construction delayed) — 5950
Sale of new residence subject to pre-effective date indebtedness — 2505
Short-term construction credits — 2506, 5320
Maximum maturity of converted short-term construction credits; obsolete — 2506
Statement of borrower:
Where credit secured by mortgage collateral — 2504
For nonregulated credit — 2505
Television and radio broadcasting companies not public utilities — 2552
Tourist courts and motels; obsolete — 2506
Trailers, house — 2506
Trucking companies, interstate, as public utilities — 2552
Warehouses:
Public warehouse, privately owned — 4980
Warehouses and office buildings used in processing goods — 2551

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

Real estate credit (Regulation X)—Continued
- Miscellaneous provisions — 1590
- Contracts, enforceability of; redesignation — 1591
- Contracts and obligations, outstanding; interpretations respecting:
  - Firm commitment prior to effective date — 2505
  - Instruments evidencing exempt credit — 2505
  - Modification of pre-effective date firm commitment — 2506
- Credit, extension of, for mixed purposes — 313
- Redesignation — 1591
- Critical defense housing areas, suspension or relaxation of provisions in favor of — 9032
- Defense construction; different terms may be authorized by Board in areas designated by Housing and Home Finance Administrator — 2078, 9032
- Areas designated after September 1, 1951, excepted — 9032
- Designation of areas. *See main heading* Housing and Home Finance Agency.
- False statements; redesignation — 1591
- Maturity, maximum, calculation of — 313
- Interpretations — 1593, 2507
- Actual date credit is extended, definition of — 2551
- Supersedure of Interpretation 11 — 2506
- Redesignation — 1591
- Penalties, statutory; redesignation — 1591
- Records; interpretations, obsolete:
  - Preservation of — 2506
  - Registrant's records of nonregulated credit — 2505
- Registrant, right of, to impose stricter requirements; redesignation — 1591
- Residences, three- and four-unit — 313
- Redesignation — 1591
- State housing programs — 313
- Redesignation — 1591, 2969
- State and municipal programs — 2969
- Statement of borrower, reliance upon; redesignation — 1591
- Veterans' programs under State law — 313
- Redesignation — 1591
- Registration, general requirements — 1588
- Registration of persons engaged in business of extending residential real estate credit — 1588, 4466
- Suspension of registration — 1588
- Scope and application of regulation — 308, 1586
- Interpretations respecting:
  - Appraised value of improved real property, determination of, under Regulation X — 2552
  - Brokers, real estate — 1593, 2507
  - Cooperative development, participating share in — 2969
  - Mixed purpose loans — 2506
  - Sale of new residence subject to pre-effective date indebtedness — 2505
  - Trailers, house — 2506
- Supplement — 313, 1591
- Schedule I; one-to-four-unit residential property and farm residences — 313, 1591
- Amortization provisions, compliance with; interpretation — 2551
- Maturity; credit extended with respect to property having value per family of $12,000 or less — 9033
- Maximum loan value:
  - Family unit basis, loan values computed on; interpretation, obsolete — 495, 4506
  - Per family unit, table, amendment of — 9032
- Schedule II; multi-unit residential property — 313, 1592
- Maximum loan value; family unit basis, loan values computed on; interpretation, obsolete — 495, 2506
- Schedule III; nonresidential property — 1592
- Amortization provisions, compliance with; interpretation — 2551
- Veterans' programs under State law — 313, 1591
- Voluntary program for credit restraint; request to financing institutions respecting — 2372, 3674
- Rules of practice for formal hearings with purpose of taking evidence — 6612
- Issuance of subpoenas by designee of Board — 6612
- Payment of fees to witnesses — 6612

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued — Page

- Stocks and securities, loans, etc., in connection with:
  - Credit by brokers, dealers and members of national securities exchanges:
    - Accounts:
      - Permission for creditor to make subordinate capital contribution loans to member firms, with certain provisos — 8880
      - Transactions on given day with respect to creation or increase of not over $100 of margin — 8880
    - Maximum loan value and margin requirements for short sales in general accounts — 453
    - Withdrawal of interest, dividends, or other distributions, from undermargined accounts; clarification of provisions respecting — 8880
  - Loans by banks for purpose of purchasing or carrying registered stocks; maximum loan value of stocks (25% of current market value) — 455
- Voluntary plan for credit restraint; request to financing institutions respecting — 2372, 3674

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION. *See* Home Loan Bank Board.

FEDERAL SAVINGS AND LOAN SYSTEM. *See* Home Loan Bank Board.

FEDERAL SECURITY AGENCY:

See Education, Office of.
Freedman's Hospital.
Public Health Service.
St. Elizabeths Hospital.
Social Security Administration.
Vocational Rehabilitation, Office of.

- Authority, delegation of, to various officials:
  - Education, Office of; authority of listed officials to process applications under NPA Order M-4 with respect to all school and library construction:
    - Asst. Commissioner and Director, National Scientific Register — 5821
    - Commissioner — 5821
    - Director, Civilian Education Requirements Branch — 5821
  - Public Health Service; authority of listed officials to process applications under NPA Order M-4 with respect to hospital and health facility construction other than Veterans' Administration and military hospitals, and all other health and sanitation programs:
    - Chief, Division of Civilian Health Requirements — 5821
    - Executive Officer for Administration — 5821
    - Surgeon General — 5821
  - Regional directors and regional property coordinators; authority with respect to surplus real property for health and educational purposes — 1713
- Child-care centers in critical defense housing areas, functions relating to; Executive order respecting. *See main heading* Presidential documents.
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 63
- College housing, construction for; authority respecting. *See* Construction.
- Committees:
  - Defense Mobilization Committees, Regional; representation on — 1583
  - Manpower Policy, Committee on; representation in connection with community services — 1272
- Construction (schools, libraries, hospital and health facilities, health and sanitation programs, college housing); delegation of authority to Administrator from National Production Authority to process applications under NPA Orders N-4 and M-4A, to make allotments and to assign ratings under CMP Regulation No. 6 respecting — 5401, 6735, 7628
- Redelegation to listed officials of Office of Education and Public Health Service — 5821
- Defense Production Act, designation as claimant agency for programs under — 4913
- Functions under Defense Housing and Community Facilities and Services Act; Executive order respecting. *See main heading* Presidential documents.
- Health facilities and programs, construction for. *See* Construction.

FEDERAL SECURITY AGENCY—Continued — Page

- Hospital construction, authority respecting. *See* Construction.
- Libraries:
  - Construction, authority respecting. *See* Construction.
  - In critical defense housing areas, functions relating to; Executive order respecting. *See main heading* Presidential documents.
- Manpower program:
  - Machine tool industry; responsibility of Agency to conduct training to meet requirement of industry — 7578
  - Manpower Policy Committee, representation in connection with community services — 1272
- Motion pictures and film strips, distribution of; authority of Administrator to act as contracting officer on Contract No. GS-OOS-3085 — 1482
- Recreation and child day-care centers in critical defense housing area, functions relating to; Executive order respecting. *See main heading* Presidential documents.
- Sanitation programs, construction for. *See* Construction.
- School construction, authority respecting. *See* Construction.
- Surplus real property, disposal for health and educational purposes; authority of regional directors and regional property coordinators respecting — 1713
- Training responsibilities in connection with manpower needs for machine tool industry — 7578

FEDERAL SUPPLY SERVICE:

- Standards, specifications, packaging, and inspection; agreement between Defense Department and General Services Administration respecting, pursuant to President's letter of July 1, 1949 — 11893
- Supplemental agreement — 11895

FEDERAL TRADE COMMISSION:

- Authority, delegation of, from Director of Price Stabilization, to require reports in connection with statistical surveys or programs — 8868
- Cease and desist orders and/or dismissals of complaints:
  - Abraham, Edward — 11069
  - Acme Breweries — 6242
  - Acme Brewing Co — 6242
  - Acme Steel Co — 10335
  - Affiliated Credit Exchange — 9249
  - Agaloy Tubing Co — 10335
  - Agate Sewer Pipe Co — 6916
  - Ahlstrom, Paul A — 4928
  - Alberty, Ada J. and Harry R — 1991
  - Alberty Food Products — 1991
  - Alberty Products — 1991
  - Alberty Products Sales Co — 1991
  - Allegheny Ludlum Steel Corp — 10335
  - Alvi Co — 2470
  - Alvi, Inc — 2470
  - Amasia Importing Corp — 9860
  - American Academy of Applied Science — 1719
  - American Bridge Co — 10335
  - American Camera Corp — 8449
  - American Candle Co., Inc — 2793
  - American Chain & Cable Co., Inc — 10335
  - American Extension Service — 2867
  - American Iron & Steel Institute and others — 10334, 10339
  - American Maize Products Co — 884
  - American Rolling Mill Co — 10335
  - American Steel & Wire Co. of New Jersey — 10335
  - American Supercraft Corp — 8449
  - American Textile Converters, Inc — 2125
  - American Tobacco Co — 8883
  - American Vitrified Products Co — 6916, 10623
  - Anchor Drawn Steel Co — 10335
  - Anderson, Bessie E — 1500
  - Anderson, Raymond C — 4928
  - Anheuser-Busch, Inc — 884
  - Appleton-Century-Crofts, Inc — 8673
  - Arabian Toilet Goods Co., Inc — 11805
  - Arluck Blanket Corp — 10205
  - Arluck, Elmer M — 10205
  - Armco Steel Corp — 10336
  - Arms Textile Mfg., Co — 3107
  - Arnold Coat Co., Inc — 3381
  - Aron, Morris — 2595

FEDERAL TRADE COMMISSION—Continued — Page

- Cease and desist orders and/or dismissals of complaints—Continued
  - Aronberg, Earl — 5927
  - Asco Vending Machine Exchange Corp — 4492
  - Atlantic Steel Co — 10335
  - Atlantic Wire Co — 10335
  - Atlas Supply Co — 9755
  - Atomic Products, Inc — 11069
  - Automatic Voting Machine Corp — 4927
  - Babcock & Wilcox Tube Co — 10335
  - Baden, Eleanor Schultz — 6243
  - Baden, George — 6243
  - Bailey, Alaric R — 4928
  - Ball, C. L., Jr — 10877
  - Basic Food Materials, Inc — 3253
  - Baskin, Ned R — 3106
  - Beerend, Ray F — 3253
  - Bell Diathermy Co., Inc — 2621
  - Bengor Products Co — 8794
  - Bensinger, Pearl Sherr — 3107
  - Berkshire Manufacturing Co — 4491
  - Bernstein, David — 9249
  - Bertin, Robert — 9958
  - Bethlehem Pacific Coast Steel Corp — 10335
  - Bethlehem Steel Co — 10335
  - Bethlehem Steel Corp — 10335
  - Bibb Manufacturing Co — 5616
  - Bishop, Elbert W., Harold S., and Willard R — 12335
  - Blackmer & Post Pipe Co — 6916
  - Blackwelder, Bascom B — 5533, 5617
  - Bliss & Laughlin, Inc — 10335
  - Bliss Syrup and Preserving Co — 884
  - Blumenfeld, Julius J — 8979
  - Bohemian Distributing Company, Ltd — 6242
  - Bonner, Charles W — 387
  - Bonner Packing Co — 387
  - Borman, Irving — 3381
  - Bowling, Wilson C — 10877
  - Brady, Elizabeth A. and Frederick W — 10118
  - Brady, Mildred J. and Richard H — 10118
  - Brady, W. H., & Co — 10118
  - Brady, William H., Jr — 10118
  - Branch, Charles U — 2999
  - Brandwein Sportswear, Inc — 2124
  - Brentley's, Inc — 12503
  - Brockway Clay Co — 10623
  - Broudo, Louis — 2595
  - Buchheister, Gustave A — 10877
  - Buchheister, James J — 10877
  - Buffalo Bolt Co — 10335
  - Buffalo Eclipse Corp — 10336
  - Bundy Tubing Co — 10335
  - Burnett, Coy — 7315
  - Burnett, W. D — 7315
  - Busch, A., and Co., Inc — 884
  - Busch, A. A., and Co. of Mass — 884
  - Business Research — 9249
  - Byers, A. M., Co — 10335
  - California Brewing Assn — 6242
  - Callahan, Cornelius A — 3108
  - Camera Man, The — 9688
  - Cannelton Sewer Pipe Co — 6916
  - Cap-Lone Co — 1991
  - Carbola Chemical Co., Inc — 3253
  - Carmel, David B — 3107
  - Carnegie-Illinois Steel Corp — 10335
  - Carnerie, Don N — 2867
  - Carpenter Steel Co — 10335
  - Carter Products, Inc — 5926, 8320
  - Cassels-Smith, George — 10877
  - Caster, Clarence R — 10878
  - Central Iron and Steel Co — 10335
  - Central Leaf Tobacco Co — 10877
  - Central Soya Co., Inc — 2833
  - Chamberlain, Ernest — 3108
  - Cheno Products — 1991
  - Chicago Steel & Wire Co — 10335
  - Christie, James H — 120
  - Civil Preparation Service — 2867
  - Clay City Pipe Co — 6916, 10623
  - Clay Products Assn., Inc — 6915
  - Clay Sewer Pipe Assn. Inc — 10623
  - Claymont Steel Corp — 10336
  - Cleveland Mill & Power Co — 5533, 5617
  - Cliftwood Coats, Inc — 9308

FEDERAL TRADE COMMISSION—Continued — Page

Cease and desist orders and/or dismissals of complaints—Continued

Clinton Industries, Inc. 884
Clinton Sales Co. 884
Cohan, Ed. 8449
Cohen, Alexander S. 4492
Cohen, Lawrence I. 2368
Collin, Myron J. 8979
Colorado Fuel and Iron Corp. 10335
Columbian Steel Co. 10335
Columbia Steel & Shafting Co. 10335
Columbia Tool Sheet Co. 10335
Columbia Tool Steel Co. 10336
Compressed Steel Shafting Co. 10335
Connors Steel Co. 10335
Consolidated Cigar Corp. 10118
Consolidated Companies, Inc. 10877
Consumer Sales Corp. 8979
Continental Copper & Steel Industries, Inc. 10336
Continental Radio Tube Co. 7143, 11858
Continental Steel Corp. 10335
Continental-United Industries Co. 10335
Copperweld Steel Co. 10335
Corn Products Refining Co. 884
Corn Products Sales Co. 884
Crouch, Leon A. 1719
Crucible Steel Company of America 10335
Curtiss Candy Co. 10235
Cuyahoga Steel & Wire Co. 10335
Cycle Jobbers Assn. of America, Inc. 3378
Cycle Parts and Accessories Assn. 3378
Dabrol Products Corp. 2490
Daresh Garment Co., Inc. 2058
Davis, Anna 6177
Davis, G. Nelson and Orville 10377
Davis, Morton 6177
Deeter, Larry M. 495
Dekle, Arthur U. 10338
Dekle Brokerage Company, Inc. 10338
Dennison Sewer Pipe Corp. 10623
Denver Sewer Pipe & Clay Co. 6916
Detroit Steel Corp. 10335
Dickey, W. S., Clay Manufacturing Co. 6916
Disston, Henry, & Sons, Inc. 10335
Doner, Isidore 3107
Dranow, Benjamin H. 12503
Duhling, J. M. 10877
Dupuy, Colquitt O. 10878
Durfee, B. R. 7315
Duvall, Peter W. 10877
Dweck, Bert, Isaac, Jack, and Ralph 4491
E. G. Sales & Mfg. Co. 6242
Eastern Stainless Steel Corp. 10335
Edelen Brothers Warehouse, Inc. 10877
Edelstein, Etta and George 2621
Edgewater Steel Co. 10335
Educational Surveys 495
Eisenberg, Harold 9554
Eisenberg, Sam 9554
Electric Clock Corporation of America 8449
Electrovox Co., Inc. 3549
Elgin Razor Corp. 8448
Elias, Samuel 11102
Emerson Coat Co., Inc. 3530
Empire Steel Corp. 10335
Evans Pipe Co. (estate of T. T. Evans and estate of Eugene Evans, copartners) 10623
Evens & Howard Sewer Pipe Co. 6916
Excelsior Cloak Manufacturing Co. 12381
Fashion Towne, Inc. 6176
Feitler, Bernice 7315
Feitler, Erwin 7315
Fine, H. D., Co. 2721
Fine, Herbert D. 2721
Fine, Herbert D., Co. 2721
Firth Sterling Steel & Carbide Corp. 10335
Fitzsimons, E. Owen 5617
Folds, Jessie D. 8979
Folds, Jessie May 8979
Folds, Milton W. 8979
Follansbee Steel Corp. 10335
Freeman, Leonard 12335
Frelich, Inc. 2058
Fretz-Moon Tube Co., Inc. 10335
Fried, Henry 419

FEDERAL TRADE COMMISSION—Continued — Page

Cease and desist orders and/or dismissals of complaints—Continued

G. H. P. Cigar Co., Inc. 10118
Gaber, Jacob L. and Martin 7143, 11858
Galter, Dora M. 8449
Galter, Jack 8449
Galter, William 8449
Gardner & Co. 7315
Gardner, Hattie G. 7315
Geneva Steel Co. 10335
Gerstel, Jack 9958
Gieske, Edward 10877
Gieske & Niemann 10877
Ginsberg, Sam 11069
Globe Cardboard Novelty Co., Inc. 2595
Globe Printing Co. 2595
Goldcraft Portrait Studio 317
Goldstein, Edward, Enterprises, Inc. 12503
Gomperts, Jack, & Co., Inc. 1498
Gomperts, Jacob 1498
Goodall Fabrics, Inc. 3108
Goodall-Sanford, Inc. 3108
Gordon, Ben 8794
Gordon, Louis 8794
Graff-Kittaning Clay Products Co. 10623
Gramer, Walter W. 8882
Grand Ledge Clay Products Co. 10623
Granger, Everett J. 7315
Granite City Steel Co. 10335
Great Lakes Steel Co. 10335
Great Lakes Steel Corp. 10336
Green, Conard E. 1719
Griffin Manufacturing Co. 10335
Griffon, Alfred L. 4641
Griffon Cutlery Corp. 4641
Gross, Harold B. 6366
Gross, Jean L. 6366
Gustavson, Alvin N. 4928
Hackworth, Helen M. Alberty, and Kenneth 1991
Hall, Frank M. and Robert L. 10877
Halstead, Paul B. 5533, 5617
Handelsman, Birdye 9688
Handelsman, Henry J., Jr. 9688
Handelsman, Henry J., Jr., Inc. 9688
Handelsman, William 9688
Harrisburgh Steel Corp. 10335
Harvey, J. Shields and L. L. 10877
Hauptman, Abraham 10401
Hauptman Feather Co., Inc. 10401
Hauptman, Mitchell 10401
Hayes, Herman G. 2833
Hayes Hi-Grade Hatchery 2833
Heatade Appliances, Inc. 1500
Heigis, Evelyn M. 12335
Henry, W. P. 10877
Hensler, Ben A. 6367
Herbold Laboratory, Inc. 7875
Herbold, Milton 7875
Hesmer, Inc. 5316
Hessel, Lee, Morris, and Tillie 11335
Hessel, Morris, Inc. 11335
Holloway, Eugene 10878
Hooper, Wm. E., & Sons Co. of Baltimore 5533
Horowitz, Jack 11210
House of Plate, Inc. 8882
Houston Cotton Mills Co. 5617
Hubinger Co. 884
Hunt, C. Howard, Pen Co. 5927
Hutter, Daniel 10337
Inland Steel Co. 10335
Inland Steel Products Co. 10336, 10339
International Brokerage Co. 6243
International Detrola Corp. 10335
International Service Bureau & Associates 12335
Interstate Training Service Corp. 1719
Iowa Pipe & Tile Co. 6916
Jacoby, David and Evelyn 3549
Jackson, P. D. 7143, 11858
Jameson, Robert S. 10877
January & Wood Co. 5617
Joelle Coats, Inc. 3433
Johnson, Eugene K. and Muriel C. 11807
Jones, Harrison 5315
Jones & Laughlin Steel Corp. 10335
Jones, Ralph H., Co. 7428

FEDERAL TRADE COMMISSION—Continued — Page

Cease and desist orders and/or dismissals of complaints—Continued

Joslyn Manufacturing & Supply 10335
Judson Steel Corp. 10335
Junction City Clay Co. 10623
Kaplan, Herman L. 4641
Karesh, Hannah, Sam, and Sol 3477
Karol, Irene 2057
Karpf, Louis 2057
Kaul Clay Manufacturing Co. 10623
Keystone Drawn Steel Co. 10335
Keystone Steel & Wire Co. 10335
Kilpatrick, Martin E. 5315
Kimberley Girl Coats, Inc. 5928
Kinberger, Edmund and James M., Jr. 10878
King, A. Hamilton 10877
Kleerex Co. 8979
Klein, Jack 3531
Klein, Jack, Inc. 3531
Klinefelter, George Y. 10877
Koch Laboratories, Inc. 10731
Koch, Louis G. 10731
Koch, William F. 10731
Koenig, Henry T. 3253
Kurzweg, Charles J., Frank T., Margaret L., Paul H., Jr., Victor J., Jr., and Victor J., Sr. 10378
Lacks, George 9860
Lacks, Harold G. 9860
Laclede Christy Clay Products Co. 6916
Laclede Steel Co. 10335
Larry Quinn Fashions, Inc. 2868
Lasser Garment Co., Inc. 3475
Lasser, Joseph C. and Kenneth J. 3475
Latrobe Electric Steel Co. 10335
Le Blanc, Henry J. 10878
Lehigh Sewer Pipe & Tile Co. 6916
Leight, Albert I. 8449
Levy, David 4491
Lewis, Arthur R. 6366
Lewis, Jean 6366
Lewis, Julius B. (Jack) 8796
Lipscomb, James I. 10878
Locke, Sidney 3475
Loesberg, Nathan 9958
Logan Clay Products Co. 10624
Lorraine Roanoke Shop, Inc. 11295
Lorraine Smart Shops, Inc. 11293
Lovell Clay Products Co. 6916
Lukens Steel Co. 10335
Lyon, Donald A. and Rene D. 11101
Lyon, Rene D., Co., Inc. 11101
Maas, Thekla 7315
Mahoning Valley Steel Co. 10335
Malasky, Harry J. 3381
Marlboro Tobacco Board of Trade 10877
Marlboro Tobacco Market, Inc. 10877
Martin, Frances 7315
Mary Muffet, Inc. 2057
Masonite Corp. 10064
Master Copying Studio 9802
Match King, Inc. 8449
Maury, Greenhow, Jr. 10877
McFarland, Charles H. and Lucille E. 1500
McKetterick, W. G. 4928
McMillen Feed Mills, Inc., of Ohio 2833
McMillen Feed Mills, Inc., of Tenn. 2833
Medart Co. 10335
Mercer Tube and Manufacturing Co. 10335
Miami Margarine Co. 6427
Midvale Co. 10335
Milcor Steel Co. 10335, 10339
Miller, Leroy 9802
Mills Sales Co. of N. Y., Inc. 3549
Mink, Abraham 3530
Mitchell, Ed., Co. 5316
Mitchell, Edward A. 5316
Modell, Henry, & Co., Inc. 8040, 8106
Modell, Henry, Rose and William 8040, 8106
Modern Manner Clothes 1991
Moeckel, Clarence S. 5315
Molitor, Max M. 10118
Moltrup Steel Products Co. 10335
Monarch Manufacturing Co. 8449
Monolith Portland Cement Co. 7315
Monolith Portland Midwest Co. 7315

FEDERAL TRADE COMMISSION—Continued — Page

Cease and desist orders and/or dismissals of complaints—Continued

Mt. Vernon-Woodberry Mills, Inc. 5617
Muojo, Casimiro 2470
Mutual Togs Co. 11101
National Dress Goods Co. 2057
National Ozone Corp. 2619
National Standard Co. 10335
National Starch Products, Inc. 884
National Steel Corp. 10335
National Supply Co. 10335
National Surveys 2997
National Surveys and Educational Development Co. 2999
National Tea Co. 7927
National Tea Company-Standard Grocery Division 7928
National Toilet Co. 3611
National Tube Co. 10335
Needleman, Tiby 11069
New Standard Publishing Co. 8795
New York Feather Co., Inc. 11806
Newell, J. Ross 10877
Newport Steel Corp. 10336
Northwestern Steel & Wire Co. 10335
Nutter, F. Everett 3108
Nye, R. E. 12336
O. K. Hat Novelties 419
Oakdale Cotton Mills 5617
O'Blasney, Andrew 2490
O'Brien, Edw. J., & Co. (Inc.) 10877
O'Brien, Edw. J., Jr., James Graves, and Joseph Boyd 10877
Obropta, Gertrude 3433
Orenstein, Max 2057
Osborne, Frank A. 4492
Ostrow, Jack 11102
Pacific Gamble Robinson Co. 6243
Pacific States Steel Corp. 10335
Pan American Food Co., Inc. 1498
Partin, Mame 7315
Patton Clay Manufacturing Co. 10623
Peebles, Phillip L. 5315
Peerless Clay Manufacturing Co. 10623
Penick and Ford, Ltd. 884
Penn, George R. 10877
Pennsylvania Oil Terminal, Inc. 11807
Petrey, Eugene D. and Dorothy T. 317
Phoenix Iron Co. 10335
Pittsburgh Steel Co. 10335
Pittsburgh Tool Steel Wire Co. 10335
Pittsburgh Tube Co. 10335
Planters Tobacco Warehouse, Inc. 10877
Plastic Coating Co. 2721
Plasti-Kote Co. 2721
Plate, Robert T. 8882
Plotkin, Samuel 5928
Plymouth Textiles 9554
Plymouth Woolen Mill 9959
Poindexter, H. T., & Sons Merchandise Co. 10337
Pollak Steel Co. 10335
Pomars, Harold A. 7982
Pomars, Ida May 7982
Potter, Lewis 5928
Pratt & Pomars Associates, Inc. 7982
Premier Knitting Co. 9860, 11480
Price, Douglas and Clara 11807
Price, Julian 5315
Princess Ann Girl Coat, Inc. 11210
Progressive Brokerage Co., Inc. 10878
Propos, Nat 3433
Puritan Cordage Works 5533
Puro, Arthur, Jack, and Joe 10204
Puro, Louis 10204
Puro, Sam 10204
Purofied Down Products Corp. 10204
Quaker Distributors, Inc. 9958
Quinn, Larry, Fashions, Inc. 2868
Quinn, Margaret M, Alberty 1991
Rabinowitz, Jean 10401
Raffles, Frank, Harry, and Julius 119
Ravitch, Leonard H. 3381
Red Wing Sewer Pipe Corp. 6916
Reed, Harry J. and Mary W. 1500
Reed, William A., Co. 10693
Reeves Steel and Mfg. Co. 10335
Rembrandt Studio 317

FEDERAL TRADE COMMISSION—Continued Page

Cease and desist orders and/or dismissals of complaints—Continued
- Rempert, Erwin F 7143, 11858
- Republic Steel Corp 10335
- Reynolds, R. J., Tobacco Co 10877
- Ridgeley Sportswear Manufacturing Co 3433
- Robinson, Bernard 9802
- Robinson Clay Product Co 10623
- Robinson Clay Products Co 6916
- Roebling's, John A., Sons Co 10335
- Rocker, William P 5315
- Rockford Manufacturing Co 5533, 5617
- Ronald Co 5928
- Roseline Fabrics, Inc 7765
- Rosen, Morris 7764
- Rosenblum, Joseph and Sadie 1991
- Ross Clay Products Co 10623
- Rotary Electric Steel Co 10335
- Rothstein, Herman 3531
- Russell, Stanley W 7315
- Ryan, Charles N., and Mrs. Margaret 2619
- St. Clair, Florence M. Alberty 1991
- St. Mary's Sewer Pipe Co 10623
- Salable Coat Co., Inc 3477
- Sales, E. G., & Mfg. Co 6242
- Saltzman, Arnold A. and Irving 9861, 11480
- Sampson Cordage Works 5532, 5617
- Sandy Fashions 8041
- Sanitary Feather Co 10337
- Schiff, Benjamin A 8449
- Schiff, Frances R 8449
- Schiff, Henry T 8449
- Schiff, Robert M 8449
- Schoenbrod, Robert D 8449
- Schorr, Herbert 419
- Schult, W. R 10877
- Schultz, Eleanor 6243
- Schwab, Richard N 5315
- Schwab, Robert W., Jr 5315
- Scully, D. B., Syrup Co 884
- Seder, Robert J 12335
- Selbst, Hyman, Jacob, and Milton 12381
- Selviz, Ben, Inc 12335
- Seydel, C. H. and Herman 11100
- Seydel Chemical Co 11100
- Shapiro, Arnold F 8449
- Shapiro, Max 9308
- Sharon Steel Corp 10335
- Sheerr, Alvin, Robert and Stanley I 3107
- Sheerr Bros. & Co 3107
- Sheer, Philip L., & Sons 3107
- Sheffield Steel Corporation of Ohio 10335
- Shepherd, Ruby 11295
- Shuford Mills, Inc 5533, 5617
- Silk Skin, Inc 9860
- Silk-O-Lite Manufacturing Corp 7981
- Silogerm Co 12334
- Small & Seiffer, Inc 8320
- Smith, Charles W 4492
- Soble, Morris 10693
- Southern Maryland Tobacco Company 10877
- Southern Mills Corp 5533
- Southern Spring Bed Co 5315
- Southern Syrup Co., Inc 884
- Spatz, Jacob W 1719
- Staley, A. E., Mfg. Co 844
- Staley Sales Corp 884
- Standard Fire Brick Co 6916
- Standard Oil Company (Indiana) 9757
- Standard Oil Company of California 9757
- Standard Oil Company (Kentucky) 9757
- Standard Oil Company (New Jersey) 9757
- Standard Oil Company (Ohio) 9757
- Standard Tube Co 10335
- Staring, William H. (deceased) 4928
- Steadle, Leo F 1724
- Stein, Oscar 8041
- Stevenson, George S 4928
- Stillwater Clay Products Co 10623
- Stone, Frank P 4928
- Stratton Fire Clay Co 10623
- Streator Drain Tile Co 6916
- Street & Finney 5927
- Summers, Paul F 10877
- Superior Clay Corp 10623

FEDERAL TRADE COMMISSION—Continued Page

Cease and desist orders and/or dismissals of complaints—Continued
- Superior Steel Corp 10335
- Sun Crown Food Corp 1498
- Swanson Oscar F 4928
- Sweet's Steel Co 10335
- Sylk, Albert J 10693
- Sylk, Harry S 10693
- Sylk, William H 10693
- Tafler, Louis 9958
- Talley, Arthur R 10877
- Taylor, J. B 5315
- Tennessee Coal, Iron & Railroad Co 10335
- Thomas Steel Co 10335
- Timken Roller Bearing Co 10335
- Tolzman, Alfred H 10877
- Tremaine, Burton G., Jr 4928
- Tremaine, Burton G., III 4928
- Trubowitch, Jacob and Victor 1498
- Truscon Steel Co 10335
- Tuck, Mrs. A. B 10877
- Underwood Industries, Inc 8449
- Underwood Laboratories, Inc 8449
- Union Clay Manufacturing Co 10623
- Union Sales Corp 884
- Union Starch & Refining Co 884
- United Investment Corp 10878
- United Pressed Products Co 119
- United States Steel Corp 10335
- United Surveys 120
- Universal Cyclops Steel Corp 10335
- Universal Sewer Pipe Corp 10623
- Vanadium-Alloys Steel Co 10335
- Varacska, Julia and William 3433
- Vawne Foundations 6366
- Vawne Foundations Co 6366
- Vicknair, George T 10878
- Virginia Bridge Co 10335
- Vulcan Crucible Steel Co 10335
- Waguespack, Henry J 10878
- Waisman, Leon 5928
- Walcutt, Lowell and Robert G 3549
- Wander Co 10333
- Ward, Elmer L 3108
- Washington Steel Corp 10335
- Wasserman, Seymour 11210
- Wax Bros. & Rosenberg Dress Co., Inc 2058
- Waxman, S 8041, 8106
- Weinberg, Bernard 10693
- Weinstock, Jack 9958
- Weirton Steel Co 10335
- West, Lawless E 11101
- Western Automatic Machine Screw Co 10335
- What Cheer Clay Products Co 6916
- Wheatland Tube Co 10335
- Wheeling Steel Corp 10335
- White Hall Sewer Pipe & Stoneware Co 6916
- Wilkerson, R. J 10877
- Williams, Thomas H 5315
- Wisconsin Steel Co 10335
- Wispese, Inc 6366
- Wood, Alan, Steel Co 10335
- Worth Steel Co 10335
- Wyckoff Steel Co 10335
- Youngstown Sheet & Tube Co 10335
- Yurkowitz, Joseph and Mandel 11806
- Zimmermann, Carl J., and Gladys G 3253

Defense Production Act; modification of functions pursuant to act, Executive order respecting. *See main heading* Presidential documents.

Hearings, etc.:
- *See also* Trade practice rules.
- American Tack Co., Inc 2948
- Block, Arthur 3140
- Candler, Harold E 7074
- Casket Manufacturers Assn. of America 2644
- Cohn, Albert 10754
- Continental Radio Tube Co 954
- Crosby-Paige Industries, Inc 3140
- Electrovox Co., Inc 434
- Farrell, Robert W 7074
- Ferraro, Albert R., and Don F 3140
- Gaber, Jacob L. and Martin 954
- Goodrich, B. F., Co 2948
- Hair Experts, Inc 7074

FEDERAL TRADE COMMISSION—Continued Page

Hearings, etc.—Continued
- Jackson, P. D 954
- Jacobson, Abram 7074
- Jewel Radio and Television Corp. of America 3140
- Kurash, Irving and Louis 10754
- Lieberman, A. Robert 3140
- Marine Tobacco Co 290
- Markman, Michael and Molly 2948
- Markwin Industries, Inc 2948
- Monroe Sales Co 740
- Philco Corp 994
- Professional Reminder Service 10754
- Puro Co 11287
- Rempert, Erwin F 954
- Shapiro, Louis 11287
- Silk-O-Lite Mfg. Corp 1558
- Smith, John E., Jr 5821
- Specter, Sam 3140
- Sylvania Electric Products, Inc 994
- Tackanail Co 2948
- United States Travel Agency, Inc 5821
- Walcutt, Lowell and Robert G 434
- Weinberg, Anna, Edward H., Harold M., and James L 2948

Policies; injunctive proceedings by Commission 280

Practice, rules of; complaints, defaults, consent settlements 4641

Price control:
- General overriding regulation to adjust ceiling prices, in cases where FTC has found that Robinson-Patman Act has been violated 8830
- Reports in connection with statistical surveys or programs by FTC, delegation of authority from Director of Price Stabilization respecting requirement of 8868

Price stabilization, on certain iron and steel products; consultation with Economic Stabilization Agency respecting. *See main heading* Economic Stabilization Agency.

Trade practice rules; notice of hearings, regulations, etc.:
- Acetate textile industry 9099, 12424
- Canvas cover industry 3382
- Complaints and answers 3185
- Cosmetic and toilet preparations industry 11993
- Fabrics, narrow, industry; notice of hearing 10679
- Feather and down products industry 3550
- Floor machinery industry:
  - Conference, notice of 203
  - Hearing, notice of 10581
- Floor wax and floor polish industry; notice of hearing 3360
- Fur Products Name Guide, tentative list of animal names to be included; notice of hearing 11195
- Gladiolus bulb industry:
  - Conference, notice of 3265
  - Hearing, notice of 11090
- Grocery industry, notice of hearing 10328
- Milk bottle cap and closure industry 2676
- Motor vehicles; installment sale and financing 1059
  - Effective date postponed 2024, 4181, 5434
- Paper box, set-up, industry; notice of hearing 5402
- Pearl, cultured pearl, and imitation pearl industry:
  - Conference, notice of 3601
  - Hearing, notice of 10471
- Radio receiving set manufacturing industry, notice of conference 5025
- Radio and television industry, notice of conference 5025, 8854
- Rayon and acetate textile industry 9099, 12424
- Rayon industry:
  - Notice of holding of conference 2161
  - Supersedure 12424, 12503
- Refrigerated storage industry, public; notice of hearing 553
- Seam binding industry 5144, 6367
- Set-up paper box industry; notice of conference 1482
- Sun glass industry, revision and redesignation of regulations 11070
- Toilet preparations and cosmetic industry 11993
- Upholstery and drapery fabrics industry; notice of hearing 2604
- Wool and wool products, use of certain terms in connection with; notice of hearing 1741

FEDERAL TRADE COMMISSION—Continued Page

- Trial examiner; appointment, in the case of United States Travel Agency, Inc. and John E. Smith, Jr. 5821

Voluntary agreements, consultations with representatives of Commission respecting. *See main heading* Defense Production Administration; Federal Reserve System; *and* Maritime Administration.

FELLOWSHIPS, GRANTS, ETC.:
- Public health. *See* Public Health Service.
- Scientific research. *See* National Science Foundation.
- Technical and cultural cooperation programs for foreign leaders and students. *See* State Department.

FIRE COUNCIL. *See* Federal Fire Council.

FIRE PREVENTION WEEK, 1951; proclamation respecting. *See* Presidential documents.

FISH AND WILDLIFE SERVICE:

Alaska:
- Air patrol, in connection with game and fish law enforcement activities; maximum weights for airplanes, extension of special authorization by Civil Aeronautics Board 8988, 10772
- Aleutian Islands National Wildlife Refuge, management of; hunting 8849
- Animals, birds, and game fishes, taking of. *See* Wildlife protection.
- Fisheries, commercial:
  - Authority to adjust seasons:
    - Fishery Management Supervisor of Region 6 4356
    - Regional Director and Assistant Regional Director 4356
  - Definitions 2154
  - Gear, fishing, legal limit of 2154
  - Latitude and longitude, regulations in 2154
  - Local representative of Service 2154
  - Personal use fishing 2154
  - General provisions:
    - Amendment of regulations, with one exception, by deletion of the word "mouth" and insertion in lieu thereof the word "terminus" 2155
    - Boat marking for aerial identification; deletion 2154
    - Gear, fishing:
      - Trawls; restrictions 2155
      - Trolling boats, limitations on 2155
    - Personal use fishery; prohibited near weirs and ladders 2155
    - Reports:
      - Daily reports; new headnote 2154
      - Required of fishery operators 2154
    - Restrictions, additional, imposition of, and extensions of open seasons 2154
    - Salmon fishery:
      - Boats and gear 2155, 4497
      - Boats limited to one seine; deletion 2155
      - Closed areas, near salmon streams 2154, 4497
      - Gear. *See* Boats and gear.
      - Protection of smal king salmon; deletion 2155
      - Traps, method of closing 2155, 4497
    - Seasons:
      - Closed seasons for trolling, exception; deletion 2155
      - Extension of open and closed seasons. *See* Restrictions.
    - Seines, operation of; deletion 2155
  - Salmon, herring, etc., fishing; various areas:
    - *See also* General provisions.
    - Alaska Peninsula:
      - Latitude and longitude, all expressions of, in Part; amendment 2156
      - Salmon fishery:
        - Catch limitation, Port Heiden waters; deletion 2156
        - Closed waters 2156
        - Open season, Port Moller district 2155
        - Seines, beach, size of 2156, 4497
        - Traps, areas open to 2156
    - Bering River; salmon fishery:
      - Closed period, weekly 2157
      - Closed seasons 2157
      - Closed waters 2158
      - Nets, gill:
        - Aggregate length 2158, 4497
        - Drift gill nets, fishing limited to 2158

FISH AND WILDLIFE SERVICE—Continued — Page
Alaska—Continued
Fisheries, commercial—Continued
Salmon, herring, etc., fishing; various areas—Con.
Bristol Bay:
Personal use fishery; notification of intention to take — 2155
Salmon fishery:
Boats:
Fishing boats and gear — 4497
Motor-propelled — 2155
Closed period, weekly — 2155
Closed waters — 2155
Gear. *See* Boats.
Nets; stake and set, location of — 2155
Chignik:
Latitude and longitude, all expressions of, in Part; deletion — 2156
Salmon fishery:
Catch limitation; Chignik River red salmon — 2155
Closed waters; Chignik Lagoon — 2156
Seines, beach, size of — 2156, 4497
Traps, areas open to — 2156
Cook Inlet:
Personal use fishery:
Closed waters — 2157, 4497
Intention to take, notification of — 2157
Salmon fishery:
Closed period, weekly — 2156
Closed waters — 2156
Nets, gill:
Boats and gear — 4497
Use of gill nets; total aggregate length, restriction — 6868
Open seasons — 2156
Traps, areas open to — 2156
Copper River:
Personal use fishery:
Closed waters — 2157
Intention to take fish, notification of — 2157
Salmon fishery:
Closed period, weekly — 2157
Closed seasons — 2157
Closed waters — 2157
Nets, gill:
Drift gill nets, fishing limited to — 2157
Size of — 2157, 4497
Shellfish (Dungeness crabs) fishery:
Closed season — 2157
Crab pots, limitation of — 2157
Kodiak:
Definitions, fishing districts:
Alitak district; all waters between Cape Trinity and Low Cape — 2156
Red River district; all waters from Low Cape to Cape Karluk — 2156
Salmon fishery:
Catch limitations:
Karluk district — 2156
Red River district — 2156
Closed waters — 2156
Fishing limited, Olga and Moser Bays — 2156
Gear, Red River district — 2156
Open seasons:
Alitak district — 2156
General district — 2156
Karluk district — 2156
Red River district — 2156
Seines:
Beach seines, operation of — 2156
Purse seines and leads, size of — 2156
Traps, areas open to — 2156
Kotzebue-Yukon-Kuskokwim; salmon fishery:
Districts open — 2155
Gear permitted, types of:
Exception — 2155
Yukon and Kuskokwin districts — 2155
Salmon, maximum take of — 2155
Prince William Sound:
Latitude and longitude, all expressions of, in Part, with certain exceptions; amendment — 2157

FISH AND WILDLIFE SERVICE—Continued — Page
Alaska—Continued
Fisheries, commercial—Continued
Salmon, herring, etc., fishing; various areas—Con.
Prince William Sound—Continued
Salmon fishery:
Closed waters — 2157
Robe River, Lowe River, etc., deletion — 4497
Nets, set, gear restricted to; Port Valdez, deletion — 2157
Traps, areas open to — 2157
Shellfish (Dungeness crabs) fishery:
Closed season — 2157
Crab pots, limitation of — 2157
Resurrection Bay; salmon fishery:
Boats:
Maximum length of seine boats; deletion — 2157
Registration and reporting of; Resurrection Bay, deletion — 2157
Closed period, weekly — 2157
Nets, gill; size of mesh — 2157
Open season — 2157
Opening date, for red salmon fishing; deletion — 2157
Seines:
Purse seines prohibited — 2157
Purse seines and leads, size of; deletion — 2157
Traps prohibited — 2157
Southeastern Alaska:
Fisheries other than salmon:
Herring fishery:
Catch limitations; exceptions — 2158
Prohibited near Craig; deletion — 2158
Restricted and prohibited; West Coast of Prince of Wales Island — 2158
Seines, size of; Klawak Harbor, deletion — 2158
Shellfish (shrimp and Dungeness crabs) fishery:
Closed season:
Crabs, Dungeness — 2158
Shrimp — 2158
Shrimp, small, protection of; deletion — 2158
Salmon fisheries:
General provisions:
Closed season:
Coho salmon — 2158
King salmon, troll caught — 2158
King salmon, small, protection of — 2158
Nets, stake and set:
Fishing with; prohibited — 2158
Operation of; deletion — 2158
Seines, purse, and leads, size of — 2158
Traps, prohibited after September 20 — 2158
In certain districts:
Clarence Strait District:
Boats, registrations and reporting of; Chalmondeley Sound, deletion — 2159
Open season:
Central, southeast, southwest, and north Behm Canal sections — 2159
Northern section — 2159
Eastern District:
Boats, registration and reporting of; deletion — 2159
Closed waters — 2159
Port Houghton — 8115
Taku Inlet, deletion from listing under prior designation — 7684
Windham Bay — 8115
Open seasons, exception — 2159
Taku Inlet, Port Snettisham, and adjacent waters; season and gear restrictions — 2159
Traps, areas open to; certain periods, Frederick Sound and Stephens Passage areas — 7684
Icy Strait District:
Boats, registration and reporting of; Excursion Inlet, deletion — 2158
Closed waters:
For trolling; Icy Point to Lituya Bay, deletion — 2158
Port Frederick; deletion — 2158

FISH AND WILDLIFE SERVICE—Continued — Page
Alaska—Continued
Fisheries, commercial—Continued
Salmon, herring, etc., fishing; various areas—Con.
Southeastern Alaska—Continued
Salmon fisheries—Continued
In certain districts—Continued
Icy Strait District—Continued
Gear restriction:
Glacier Bay — 2158
Port Frederick — 2158
Open seasons:
East of Point Carolus — 2158
West of Point Carolus — 2158
South Prince of Wales Island District:
Open seasons — 2159
Registration by fishing boats — 2159
Southern District:
Closed waters; Portland Canal — 2159
Open season — 2159
Stikine District:
Closed period, weekly — 2159
Gear restriction — 2159
Registration of fishermen and reporting of catches; deletion — 2159
Sumner Strait District:
Closed waters — 2159
Blake Channel and Eastern Passage; exception — 2159
Open season:
Ernest Sound and Anan — 2159
Exception — 2159
Western District:
Boats, registration and reporting of; Tanakee Inlet and northern section, deletion — 2159
Closed waters; Port Frederick — 2159
Nets:
Gill nets, size of — 2159
Set nets:
Operation of — 2159
Size of — 2159
Open season:
Central, southern, and western sections — 2159
Northern section; Sullivan Island:
North of — 2158
South of — 2158
Yakutat; salmon fishery:
Catches, reporting of; deletion — 2158
Closing date — 2158
Closed period, weekly — 2158
Closed waters:
Dry Bay — 2158
Italio River — 2158
Situk River — 2158
Nets, gill:
Marking of — 2158
Size of; exceptions — 2158
Open seasons — 2158
Opening date, exception; deletion — 2158
Time, means, and methods of taking commercial fish; proposed amendments — 7573, 8252
Fishing:
Commercial. *See* Fisheries, commercial.
Game fishes, taking of. *See* Wildlife protection.
Taking of certain animals, birds and game fish. *See* Wildlife protection.
Wildlife protection:
Alaska Game Commission regulations, respecting guides, poisons, etc. *See main heading* Alaska Game Commission.
Migratory birds and certain game mammals, taking of. *See* Hunting and possession of wildlife, *below*.
Taking of animals, birds, and game fishes:
Birds:
Game birds, Migratory Bird Hunting Stamp (Duck Stamp) — 3802
Nongame birds; closed areas — 3802
Closed seasons, continuous:
On all animals (except coyotes and wolves) and birds, for other than scientific purposes; various drainage areas:
Charles Creek — 3803
Chestochina River — 3803

FISH AND WILDLIFE SERVICE—Continued — Page
Alaska—Continued
Wildlife protection—Continued
Taking of animals, birds, and game fishes—Con.
Closed seasons, continuous—Continued
On certain game and fur animals; various areas:
Alaska Peninsula — 3803
Anchorage — 3803
Copper River Delta area — 3803
Kodiak-Afognak Island group — 3803
Shoemaker Bay — 3803
Steese Highway — 3803
Sullivan Island Taiya area — 3803
Inspection and reports:
General provisions — 3801
Taxidermists — 3801
Licenses; general provisions — 3801
Limits. *See* Methods, seasons, and limits.
Methods, seasons, and limits:
Fur animals:
Methods and means — 3802
Seasons for various animals:
Beaver — 3802
Fur District 5, Kobuk River Drainage — 1147, 2154
Coyotes. *See* Wolves.
Fox, lynx, and weasel (ermine) — 3802
Lynx. *See* Fox.
Marten — 3802
Mink and land otter — 3802
Muskrat — 3802
Otter, land. *See* Mink.
Weasel (ermine). *See* Fox.
Wolverines. *See* Wolves.
Wolves, coyotes and wolverines, permits to take during closed season for other fur animals — 3802
Game animals:
Methods and means — 3801
Seasons for various animals:
Bear, large brown and grizzly — 3802, 3939
Caribou, except calves — 3801
Deer, bucks (antlers of 3 inches or more) — 3801
Elk — 3802
Moose, bulls (forked horns or larger) — 3801, 5227
Mountain goat-except kids — 3802
Mountain sheep, rams (¾ curl or larger) — 3802
Game birds:
Duck Stamp — 3802
Migratory Bird Hunting Stamp (Duck Stamp) — 3802
Game fishes; methods and means, seasons and limits — 3802
General provisions — 3801
Possession. *See* Transportation and possession.
Reports. *See* Inspection and reports.
Seasons. *See* Methods, seasons, and limits.
Transportation and possession; export by resident — 3801
Animals (game, fur, etc.), taking of. *See* Alaska; *and* Hunting and possession of wildlife.
Authority, delegation of, by Director to various officials with respect to adjustment of commercial fishing seasons in Alaska:
Fishery Management Supervisor of Region 6 — 4356
Regional Director, and Assistant Regional Director — 4356
Birds (migratory, game, etc.), taking of. *See* Alaska, *and* Hunting and possession of wildlife.
Conservation areas, wildlife; management of. *See* Wildlife conservation areas.
Cooperative wildlife refuges. *See* Wildlife conservation areas.
Federal aid to States in wildlife restoration. *See* States.
Fishing:
In Alaska (commercial fisheries, and taking of game fishes). *See* Alaska.
In wildlife conservation areas. *See* Wildlife conservation areas.
Game birds, fishes, and mammals, taking of, etc. *See* Alaska; Hunting and possession of wildlife; *and* Wildlife conservation areas.

FISH AND WILDLIFE SERVICE—Continued Page

Herring fisheries, commercial, in Alaska. *See* Alaska.
Hunting and possession of wildlife:
See also Wildlife protection.
Alaska, taking of animals, birds and game fishes in. *See* Alaska: wildlife protection.
Migratory birds and certain game mammals, taking of 4983, 7513, 7938, 8894, 9249
Depredation of birds; prior orders pertaining to killing of certain birds, readopted 8896
Means by which migratory gamebirds may be taken; use of salt or feed in hunting areas, prohibitions respecting 8894
Open seasons, bag limits, and possession of certain migratory game birds, revision and redesignation 8894
New schedules for migratory waterfowl and coot, Atlantic, Central, Mississippi, and Pacific Flyway States 8895, 9249
Wildlife development areas; prior regulations respecting, readopted 8896
Lands within various national wildlife refuges, public land orders, etc., affecting. *See main heading* Land Management Bureau.
Migratory birds, hunting, possession, etc., of:
See Alaska: Hunting and possession of wildlife; *and* Wildlife conservation areas.
Functions of Secretary of Interior respecting promulgation of regulations; Executive order respecting. *See main heading* Presidential documents.
National wildlife refuges. *See* Wildlife conservation areas.
Procurement in connection with programs of Service; Secretary of Interior authorized by General Services Administrator to make purchases and contracts of certain supplies and services 515
Salmon fisheries, commercial, in Alaska. *See* Alaska.
Shellfish (crabs and shrimp) fisheries, commercial, in Alaska. *See* Alaska.
States, Federal aid to, in wildlife restoration; restoration of game birds and mammals, revision 4941
Wildlife conservation areas, management of:
Batchtown Wildlife Refuge, Calhoun County, Illinois. *See* Cooperative refuges.
Cooperative refuges; Batchtown Wildlife Refuge, Illinois:
Addition of Refuge to tabulation of list of areas, reference 9665
Notice of addition of certain lands to Refuge; description and list of lands added and prohibition of hunting and trapping thereon 7025, 9666

Refuges in various regions:
Alaska region; Aleutian Islands National Wildlife Refuge, hunting 8849
Central region:
Arrowwood National Wildlife Refuge, North Dakota:
Deer hunting; expiration of provisions respecting 2637
Ice fishing 990
Chautauqua National Wildlife Refuge, Illinois; fishing 7517
Crab Orchard National Wildlife Refuge, Illinois:
Commercial fishing; period of fishing 4201
Hunting of squirrel 8896
Des Lacs National Wildlife Refuge, North Dakota:
Deer hunting; expiration of provisions respecting 2637
Fishing 7264
Horicon National Wildlife Refuge, Wisconsin; deer hunting, provisions respecting 7828
Revocation 10750
Lostwood National Wildlife Refuge, North Dakota; deer hunting, expiration of provisions respecting 2637
Lower Souris National Wildlife Refuge, North Dakota:
Deer hunting; expiration of provisions respecting 2637
Fishing 7938

FISH AND WILDLIFE SERVICE—Continued Page

Wildlife conservation areas, management of—Con.
Refuges in various regions—Continued
Central region—Continued
Mud Lake National Wildlife Refuge, Minnesota; deer hunting permitted, provisions respecting 10028
Sand Lake National Wildlife Refuge, South Dakota; deer hunting 11656
Slade National Wildlife Refuge, North Dakota; deer hunting, expiration of provisions respecting 2637
Swan Lake National Wildlife Refuge, Missouri; fishing 2683
Tamarac National Wildlife Refuge, Minnesota; deer hunting permitted, provisions respecting 10087
Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin; deer hunting, expiration of provisions respecting 2637
Upper Souris National Wildlife Refuge, North Dakota; deer hunting, expiration of provisions respecting 2637
Waubay National Wildlife Refuge, South Dakota, deer hunting 11656
Pacific Region:
Charles Sheldon Antelope Range, Nevada; deer hunting, expiration of provisions respecting 2637
Merced Wildlife Management Area, California; hunting 9783
Minidoka National Wildlife Refuge, Idaho:
Fishing and public use; provisions respecting 10560
Public use, recreational purposes 10561
Use of boats 10561
Pathfinder National Wildlife Refuge, Wyoming; fishing, provisions respecting 10312
Red Rock Lakes National Wildlife Refuge, Montana; fishing 7938
Southeastern region:
Carolina Sandhills National Wildlife Refuge, South Carolina, hunting 233, 9528
Everglades National Wildlife Refuge, Florida, fishing, expiration of provisions respecting 10750
Lake Isom National Wildlife Refuge, Tennessee, fishing 7994
Mattamuskeet National Wildlife Refuge, North Carolina; hunting, shooting areas, enlargement of 11737
Piedmont National Wildlife Refuge, Georgia; quail hunting 716
St. Marks National Wildlife Refuge, Florida, hunting:
Dogs, restrictions on hunting with 11313
Hunting permitted; removal of time limit 11313
Southwestern region; Muleshoe National Wildlife Refuge, Texas, fishing 5345
Wildlife protection:
Aid to States in wildlife protection. *See* States.
Alaska, taking of animals, birds, and game fishes in. *See* Alaska: wildlife protection.
Hunting of wildlife, migratory birds and certain game animals; seasons, limits, and shooting hours. *See* Hunting and possession of wildlife.
Management of wildlife conservation areas and refuges. *See* Wildlife conservation areas.
Wildlife refuges, national. *See* Wildlife conservation areas.
FISHERIES, COMMERCIAL, in Alaska; regulations respecting. *See* Fish and Wildlife Service.
FISHERIES ADMINISTRATION. *See* Defense Fisheries Administration.
FISHING. *See* Hunting and fishing.
FLAG DAY, 1951; proclamation respecting. *See* Presidential documents.
FLOOD CONTROL. *See* Engineers, Corps of.
FOOD AND DRUG ADMINISTRATION:
Antibiotic drugs (aureomycin, bacitracin, penicillin, streptomycin, etc.). *See* Drugs.
Aureomycin. *See* Drugs.
Bacitracin. *See* Drugs.

FOOD AND DRUG ADMINISTRATION—Continued Page

Cheeses, cheese foods, etc.:
Definitions and standards of identity, etc.:
Cream cheese with other foods 1632, 1818
Neufchatel cheese spread, pasteurized, with (and) other foods 1634, 1818
Skim milk cheese, use of, for manufacturing in pasteurized process cheese food and spread; statement of policy 2722
Chloramphenicol. *See* Drugs.
Corn, canned; definition and standards 5874, 5878, 7644, 7648
Definitions and standards of identity, etc., for various foods:
Cheeses, cheese foods, etc 1632, 1634, 1818
Corn, canned 5874, 5878, 7644, 7648
Fruit preserves, fruit jellies and fruit butter; proposed rule making 7070, 7290
Milk, evaporated 731, 5903, 7819, 9457
Mushrooms, canned; proposed rule making 1797
Oleomargarine, margarine; proposed rule making 1640, 10492, 11787
Pineapple, canned, and canned pineapple juice; postponement of hearing and revised proposed standards 8743
Tomatoes, canned 6543, 9699, 12763
Vegetables, canned; proposed rule making 1797, 2130
Drugs:
Antibiotic drugs:
Certification of batches. *See* Certification of batches.
Labeling of antibiotic drugs sold for veterinary use; statement of policy 8270
Tests and methods of assay. *See* Tests and methods of assay.
Certification of batches of drugs:
Antibiotic and antibiotic-containing drugs:
Imported, for investigational use; exemptions 10309
Various drugs:
Aureomycin 985, 4182, 6999, 7006, 7008, 7316, 7277, 8237, 10157, 10847, 11338, 11910
Bacitracin 715, 1581, 2471, 3648, 4183, 6999, 7004, 7008, 7277, 10594, 11338
Chloramphenicol 985, 1475, 7983, 10593, 10878
Penicillin 714, 3647, 4964, 5395, 5471, 5699, 6999, 7000, 7004, 7277, 8821, 10157, 10847, 11807, 11910.
Penicillin-bacitracin troches 985
Penicillin-streptomycin-bacitracin ointment, and penicillin - dihydrostreptomycin - bacitracin ointment 12425
Streptomycin 2471, 3648, 5699
Insulin, drugs composed wholly or partly of:
Certificates, conditions on effectiveness of 10157
Requests for certification, samples, storage, etc. 10157
Imports; regulations for enforcement of Federal Food, Drug and Cosmetics Act 4929
Insulin, certification of batches of drugs containing. *See* Certification of batches.
New drugs, provisions respecting certain drugs under Federal Food, Drug, and Cosmetic Act; status of salt substitutes 1725
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Aureomycin 4182, 6999, 7000, 7277, 7315, 8236, 10847, 11337
Bacitracin 714, 1581, 2471, 4182, 4963, 4964
Chloramphenicol 985, 1475, 6999, 7000, 7277, 7983, 10593
Penicillin 984, 5395, 5471, 6999, 7004, 7277, 10157, 10593, 11807
Penicillin-bacitracin troches 984
Penicillin-streptomycin-bacitracin ointment, and penicillin - dihydrostreptomycin - bacitracin ointment 12425
Streptomycin 4182, 5699, 6999, 7000, 7006, 7277, 10593
Foods, repackaged in retail food establishments, labeling of; statement of policy, proposed rule making 11458
Fruit preserves, jellies and butter; definitions and standards 7070, 7290
Glands, hog. *See* Hog carcasses.
Hog carcasses, removal of suprarenal glands from, prior to final inspection; statement of policy 2722

FOOD AND DRUG ADMINISTRATION—Continued Page

Imports; regulations for enforcement of Federal Food, Drug and Cosmetic Act 4929
Authorizations 4929
Bonds 4929
Costs chargeable in connection with relabeling and reconditioning inadmissible imports 4929
Districts, list of 4929, 5470
Hearings, on refusal of admission 4929
Labeling 4929
Samples 4929
Insulin. *See* Drugs.
Labeling:
Antibiotic drugs sold for veterinary use; policy 8270
Foods, repackaged in retail food establishments; proposed rule making 11458
Imported foods, drugs, cosmetics 4929
Milk, evaporated; definitions and standards 731, 5903, 7819, 9457
Monosodium glutamate and other hydrolyzed vegetable protein products, notice to manufacturers and users; statement of policy 5394
Mushrooms, canned; definitions and standards, proposed rule making 1797
Oleomargarine; definitions and standards, proposed rule making 1640, 10492, 11787
Organization, field service; revised list 3817
Penicillin. *See* Drugs.
Pineapple and juice, canned; definition and standards, revised proposed standards 8743
Repackaging of foods in retail food establishments, labeling exemptions; proposed rule making 11458
Salt substitutes, status of, under Federal Food, Drug, and Cosmetic Act; statement of policy 1725
Sea food inspection; inspection of fresh and frozen shrimp 8370, 11072
Shrimp, fresh and frozen; inspection 8370, 11072
Statements of general policy or interpretation; notices respecting labeling, use, etc., to manufacturers, packers, shippers and distributors of various products:
Antibiotic drugs for veterinary use, labeling of 8270
Foods, repackaged in retail establishments, labeling of; proposed rule making 11458
Monosodium glutamate and other hydrolyzed vegetable protein products 5394
Salt substitutes, status under Federal Food, Drug, and Cosmetic Act 1725
Skim milk cheese, use of, for manufacturing in pasteurized process cheese food and spread 2722
Suprarenal glands, removal from hog carcasses prior to final inspection 2722
Tomato products, comminuted, containing rotten tomato material 6999
Streptomycin. *See* Drugs.
Suprarenal glands, removal from hog carcasses prior to final inspection; statement of policy 2722
Tea Importation Act, enforcement of; tea standards 1934
Tomato products:
Canned tomatoes; definitions and standards 6543, 9699, 12763
Comminuted tomato products, containing rotten tomato material; statement of policy 6999
Vegetables, canned; definition and standards, proposed rule making 1797, 2130
Veterinary use, antibiotic drugs for; labeling, statement of policy 8270
FOREIGN ASSETS CONTROL; regulations respecting. *See* Treasury Department.
FOREIGN ASSISTANCE:
Children's welfare work, international; authority of Secretary of State in connection with; Executive order respecting. *See* Presidential documents.
Economic Cooperation Administration. *See* Economic Cooperation Administration.
India, shipment of supplies to; Executive order respecting. *See* Presidential documents.
International children's welfare work, authority relating to; Executive order respecting. *See* Presidential documents.
Korea, collection of clothing and supplies for people of; proclamation respecting. *See* Presidential documents.

FOREIGN ASSISTANCE—Continued
Relief packages, shipment of. *See* International Trade, Office of.
Under Mutual Security Act; Executive order respecting. *See* Presidential documents.
Yugoslav Emergency Relief Assistance Act, Executive order respecting. *See* Presidential documents.

FOREIGN AND DOMESTIC COMMERCE BUREAU:
See Business Economics, Office of.
International Trade, Office of.
Appeals Board; decisions in Office of International Trade case respecting suspension of license privileges of Kersten Shipping Agency, Inc. 910
Field Service Office; location of field offices 4815

FOREIGN DUTY OF FEDERAL EMPLOYEES:
Civil service regulations respecting. *See* Civil Service Commission.
Compensation for. *See* State Department.

FOREIGN LEADERS AND STUDENTS, grants to, in connection with cultural-cooperation program. *See* State Department.

FOREIGN MONEYS, values of; Mint Bureau regulations. *See* Treasury Department.

FOREIGN SERVICE. *See* State Department.

FOREIGN SUPPLIES AND REQUIREMENTS, COMMITTEE ON; establishment in Office of Defense Mobilization. *See* Defense Mobilization, Office of.

FOREIGN TRADE ZONES:
Customs regulations relating to. *See* Customs Bureau.
Operation, procedures, etc. *See* Foreign-Trade Zones Board.

FOREIGN-TRADE ZONES BOARD:
Foreign-trade zones:
General regulations respecting operation, procedures, etc., proposed rule making 10706
Zone 1, New York City; boundaries to include Piers 15 and 16 with adjacent slips and upland, Stapleton, Staten Island, New York 10829

FOREST SERVICE:
Administration, general; appeals from administrative action 6622
Associations using national forest lands, requirements to be recognized as "user organizations" 5952
Authority, delegations of, to Chief from Secretary of Agriculture:
Local Advisory Boards; authority respecting constitution and electing, for management and administration of grazing resources 3538
Timber and timber products, authority under Defense Production Act 2446
Camp Shelby, Miss., certain lands in, transfer of jurisdiction from General Services Administration to Department of Agriculture for administration by Forest Service 10093
Grazing:
Local Advisory Boards, constituting and electing, for management and administration of grazing resources 3533
Delegation of authority to Chief from Secretary of Agriculture respecting 3538
Range improvements 12620
Stockmen, cooperation with 12620
Hoosier National Forest, Indiana; designating certain lands to be administered as 9174
Los Padres National Forests, California; withdrawal of lands in, for condor sanctuary. *See main heading* Land Management Bureau.
Nantahala National Forest, enlargement; Executive order respecting. *See main heading* Presidential documents.
Public lands reserved for use by Service. *See main heading* Land Management Bureau.
Shasta National Forest; certain lands added to Lava Beds National Monument, Executive order respecting. *See main heading* Presidential documents.
Timber and timber products, delegation of authority respecting. *See* Authority, delegations of.
Trespassing animals; orders for removal from certain national forests:
Carson National Forest (Jicarilla Ranger District), New Mexico; removal of horses 7106

FOREST SERVICE—Continued
Trespassing animals; orders for removal from certain national forests—Continued
Challis National Forest (Pahsimeroi Ranger District), Idaho; removal of horses 590
Deerlodge National Forest, Whitehall Ranger District; removal of horses 10952
Modoc National Forest (Happy Camp, Doublehead, and Goose Lake Districts), California; removal of horses 2368
Ochoco National Forest (Snow Mountain Ranger District), Oregon; removal of horses 646
Salmon National Forest (Copper Creek Ranger District), Idaho; removal of horses 1209
Tonto National Forest, Arizona; removal of burros 2165
Wayne National Forest, Ohio; designating certain lands to be administered as 9174

FOSTER, STEPHEN, MEMORIAL DAY, proclamation respecting. *See* Presidential documents.

FREEDMEN'S HOSPITAL, PUBLIC HEALTH SERVICE:
Admission and out-patient treatment 11081, 12356

G

GAMBLING, WAGERING:
Excise tax regulations. *See* Internal Revenue Bureau.
Registration and filing of reports by manufacturers and dealers. *See* Justice Department.
Washington National Airport; regulations respecting gambling 2701

GAS AND OIL. *See* Petroleum and petroleum products.

GENERAL ACCOUNTING OFFICE:
Advertising procedure; revocation 1223
Claims for payments of amounts due in case of deceased or incompetent public creditors and civilian employees of United States 5197
Death of Government employees or public creditors, payment of claims due 5197
Incompetents, payment of claims due 5197
Transportation of passengers, Government requests for:
Lost or stolen transportation requests 5199
Symbol letters approved for use in identifying agencies using prescribed request 7307

GENERAL SERVICES ADMINISTRATION:
See Emergency Procurement Service.
Federal Supply Service.
National Archives and Records Service.
Public Buildings Service.
Airport and other properties located in Hawaii; delegation of disposal authority to Secretary of Defense 12528
Archives and records management; preservation and use of historical material in Franklin D. Roosevelt Library:
Admission fee; waiver for uniformed members of armed forces 9093
Checking of certain personal property 9093
Armed forces, members of; free admission to Franklin D. Roosevelt Library 9093
Authority, delegation of:
By Administrator to various officials:
Agriculture Department; authority of Secretary respecting disposal of surplus telephone and power lines 397
Assistant Administrator for Defense Coordination; authority with respect to modification of contracts, commitments, guarantees, etc., under Defense Production Act of 1950 7631
Attorney General of the United States:
Authority to take possession and dispose of unclaimed privately owned personal property of value of $100 or less 7335
Authority to purchase twenty Motorola Handie Talkies as technical equipment, without advertising 10613
Budget Bureau, Director; authority to procure services of educational institutions in connection with Federal History program of agencies engaged in emergency activities 12021
Comptroller; authority respecting guarantees of loans under Defense Production Act 994

GENERAL SERVICES ADMINISTRATION—Con.
Authority, delegation of—Continued
By Administrator to various officials—Continued
Defense Department:
Medical supplies and equipment for Civil Defense Administration, purchases and contracts for 8216
Property, disposal of:
Certain temporary barracks structures 7831
Hawaii; disposal of airport and other properties located in 12528
Public utility services:
Contracts for period not to exceed ten years 8309
Rates and charges. *See* Representation of Government agencies before certain bodies in connection with rates and charges.
Representation of Government agencies before certain bodies in connection with rates and charges:
Arkansas Public Service Commission, in regard to application by Arkansas-Louisiana Gas Company to increase rate for service to large industrial customers 10393
California Electric Power Company, in regard to rates 3601
California Public Utilities Commission:
Electric power 4767
Natural gas 3865
Federal Power Commission in connection with application of Panhandle Eastern Pipe Line Company to abandon service 11704
Federal Trade Commission, in regard to application of Consolidated Gas Utilities Corp. for authority to abandon and remove certain natural gas facilities 10392
Interstate Commerce Commission:
Petition of Arlington County Board for investigation of transportation facilities, services and rates in Washington, D. C., metropolitan area 5505
Petition by Pullman Company to increase rates 5505
Petition of Southern Carriers to increase passenger fares and charges 7305
Maritime Board, in matter of rule-making proceeding in connection with limits on presentation of claims for freight adjustments 5821
New Jersey Board of Public Utility Commissioners with respect to electric rates of Public Service Electric and Gas Co 3319
West Virginia Public Service Commission in connection with application of Hope Natural Gas Company for rate increase 12407
Federal Civil Defense Administrator; procurement authority of Administration in connection with establishment and operation of training schools and staff colleges for civil defense purposes 3676
Federal Communications Commission, Chairman; authority to negotiate contracts and purchases for twelve radio receivers without advertising 7732
Federal Security Administrator; authority to act as contracting officer for distribution of certain motion pictures and film strips 1482, 12107
Heads of Services, staff officers and regional directors, general delegation of authority:
Budget and accounting; authority of Comptroller respecting guarantees of loans under Defense Production Act 994
Claims and litigation; redelegation of authority by General Counsel respecting:
To Assistant General Counsel:
Claims not to exceed $5000 or 20 percent of contract price 957
Disposition of property subject to pending court proceedings for forfeiture 957
Representation of Executive agencies in connection with public utility services 957
Tort claims 957
To Associate General Counsel 957

GENERAL SERVICES ADMINISTRATION—Con.
Authority, delegation of—Continued
By Administrator to various officials—Continued
Heads of Services, staff officers and regional directors, general delegation of authority—Con.
Emergency Procurement Service:
Commissioner:
Metals, minerals and raw materials, authority respecting purchase for Government use or resale, and transportation and storage incident thereto 7471
Rubber procurement 1072
Supersedure 7471
Strategic and critical materials, authority to execute contracts for sale of materials released from stockpile 9456
Director and Deputy Director, Rubber Division, rubber procurement 1072
Supersedure 7471
Regional Directors; authority respecting transportation, participation, payment, etc.:
Domestic manganese program 8216
Domestic tungsten program 5593
General provisions; drawback documentation to include authority to execute necessary certificates and to endorse bills of lading 994
Public buildings acquisition, construction, management and operation; Public Buildings Commissioner and Regional Directors, authority respecting property leases:
Authority to issue certain permits and licenses 994
Authority under 210 (a) (5) and 210 (a) (8) of Defense Production Act 994
Housing and Home Finance Agency:
Disaster alleviation; authority of Administrator acting through Community Facilities Service to alleviate flood disaster in Nevada 102
Procurement in connection with school facilities in areas affected by Federal activities, for use by Community Facilities Service 1802
Interior Department:
Disposal of surplus power lines of Department 557, 2990
Procurement for various purposes:
Fish and Wildlife Service programs 515
Helium gas, production and distribution of 2816
Mines Bureau projects; funds transferred to Bureau by Air Force, Army, and Navy, Coast Guard, or National Advisory Committee for Aeronautics 2643
National Academy of Science, advance payments to, in connection with research contract 11317
National Park Service, educational institutions in connection with scientific, research and investigatory programs of 12624
Representation of Reclamation Bureau in proceedings involving carriers in connection with construction activities, before Federal and State regulatory bodies 1155
Labor Department, Secretary, authority with respect to contracts for instructional and research programs with colleges, universities and educational institutions 5461, 6546
Postmaster General; authority with regard to procurement for improvement of postal operations and other activities 3319
Reconstruction Finance Corporation; authority respecting purchase of tin for Government use or resale 2170
State Department, Secretary; procurement authority in connection with technical cooperation programs (Point IV program) under International Development Act 11249
Tennessee Valley Authority, Board of Directors; authority with respect to acquisition of general-purpose space by lease 10952

GENERAL SERVICES ADMINISTRATION—Con. Page

Authority, delegation of—Continued
By General Counsel:
To Assistant Counsel, Claims and Litigation Division; redelegation of authority respecting certain claims and litigation vested in General Counsel:
Claims not to exceed $5000 or 20 percent of contract price 957
Disposition of property subject to pending court proceedings for forefeiture 957
Representation of Executive agencies in connection with public utility services 957
Tort calims 957
To Associate General Counsel; redelegation of authority of General Counsel respecting claims and litigation 957
From Defense Materials Procurement Administrator to General Services Administrator to perform certain staff functions in connection with administrative and financial management services, etc 11459
From National Production Authority; authority to process applications under NPA Order M-4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to construction of certain Federal buildings and facilities 7628
Barracks, temporary; authority of Secretary of Defense to dispose of 7831
Chrome ore concentrates, domestic; purchase of ore at Grants Pass, Oregon for stockpiling. *See* Minerals, metals, and other raw materials.
Civil defense program:
Medical supplies and equipment; authority of Secretary of Defense to make purchases and contracts for 8216
Training schools and staff colleges; procurement authority of Federal Civil Defense Administrator in connection with 3676
Claims and litigation; redelegation of authority respecting by General Counsel to Associate General Counsel and Assistant General Counsel, Claims and Litigation Division 957
Committee on Government Contract Compliance, representation on; Executive order respecting. *See main heading* Presidential documents.
Constitution of the United States; certification of amendment relating to terms of Office of President 2019
Construction of certain Federal buildings and facilities; delegation of authority from National Production Authority to process applications under NPA Order M-4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to 7628
Contracts and purchases. *See* Procurement.
Critical materials, stockpiling of. *See* Stockpiling of strategic and critical materials.
Defense Materials Procurement Agency; delegation of authority to General Services Administrator to perform certain staff functions 11459
Defense Production Act:
Designation as claimant agency for programs under 4914
Functions under, modification of; Executive order respecting. *See main heading* Presidential documents.
Guarantee of loans under, authority of Comptroller respecting 994
Disasters caused by floods in Nevada, alleviation of; delegation of authority respecting to Housing and Home Finance Administrator, acting through Community Facilities Service 102
Drawback entries, issuance of certificates in support, pursuant to customs regulations; authority of Heads of Services respecting 994
Educational institutions, services of; procurement in connection with various programs:
Labor Department instruction and informational programs; delegation of authority to Labor Department respecting contracts for services in connection with 5144, 6546
National Park Service scientific, research and investigatory programs; delegation of authority to Secretary of Interior respecting contracts for services in connection with 12624

GENERAL SERVICES ADMINISTRATION—Con. Page

Exports; authority of Heads of Services to endorse export bills of lading and to execute certificates of exportation 994
Federal Fire Council, membership, functions, etc.; Executive order respecting. *See main heading* Presidential documents.
Fish and wildlife programs, procurement in connection with; authority of Secretary of Interior respecting 515
Foreign Supplies and Requirements, committee on, established in Office of Defense Mobilization; representation on 646
Guarantee of loans under Defense Production Act; authority of Comptroller respecting 994
Hawaii, airport and other properties located it; delegation of disposal authority to Secretary of Defense 12528
Helium gas, procurement of; delegation of authority to Secretary of Interior respecting 2816
History program of Government agencies engaged in emergency activities, procurement of services of educational institutions in connection with; delegation of authority to Director, Budget Bureau respecting 12021
Inspection policies, agreement respecting. *See* Standards, specifications, packaging, and inspection.
Installations in public or privately owned industrial facilities; transfer of functions under Defense Production Act, Executive order respecting. *See main heading* Presidential documents.
International Development Act, technical cooperation programs under (Point IV programs); delegation of procurement authority in connection with, to Secretary of State 11249
Leased property:
Authority to Board of Directors, Tennessee Valley Authority with respect to acquisition of general-purpose space by lease 10952
Authority of Public Buildings Commissioner and Regional Directors respecting 994
Leased building space; real property management 2657
Litigation and claims; redelegation of authority respecting by General Counsel to Associate General Counsel and Assistant General Counsel, Claims and Litigation Division 957
Manganese procurement. *See* Minerals, metals, and other raw materials.
Medical supplies and equipment for civil defense purposes; authority of Secretary of Defense to make purchases and contracts for 8216
Minerals, metals and other raw materials; procurement for Government use or resale:
See also Stockpiling of strategic and critical materials.
Chrome ore concentrates, domestic, stockpiling of; purchase program for domestic chrome ore concentrates at Grants Pass, Oregon 8680
Prices 8894
Termination date, correction 8848
Defense Materials Procurement Agency, transfer of functions respecting minerals, metals and other raw products under Defense Production Act to Agency; Executive order respecting. *See main heading* Presidential documents.
Delegation of authority to Emergency Procurement Service respecting purchase, sale, and transportation and storage incident thereto 7471
Managanese ore, domestic:
Delegation of authority to regional directors, Emergency Procurement Service respecting procurement program 8216
Montana, Butte and Philipsburg 7155
Deliveries 11542
Extension of time for filing of notice of intention to participate 11542
New Mexico, Deming 7155
Extension of time for filing of notice of intention to participate 11542
Rubber:
Authority of certain officials of Emergency Procurement Service respecting 1072
Supersedure 7471

GENERAL SERVICES ADMINISTRATION—Con. Page

Minerals, metals and other raw materials; procurement for Government use or resale—Continued
Rubber—Continued
Importation of, regulations respecting 13, 3440
Authorization of persons selling crude rubber or rubber latex to GSA under certain contracts to import crude rubber or rubber latex 5657
Tin for Government use or resale; delegation of authority respecting to Reconstruction Finance Corporation 2170
Tungsten program, domestic:
Authority of Regional Directors of Emergency Procurement Service respecting transportation, participation, payment, etc 5593
Duration of program 5901
Extension of time for filing notice of intention to participate in domestic tungsten program 7329, 11542
Molybdenum allowance in sheelite 12981
Purchase of tungsten concentrates of domestic origin for fiscal years 1951–1956 4373
Stockpiling of tungsten; exemption of tungsten from DMA order MO-6 3012
Mines Bureau projects, procurement in connection with; delegation of authority to Secretary of Interior respecting 2643
Molybdenum allowance in sheelite (tungsten). *See* Minerals, metals, and other raw materials.
Motion pictures and film strips, processing and distribution of; delegation of authority to Federal Security Administrator to act as contracting officer in connection with 1482, 12107
National Academy of Science, research contract with; delegation of authority to Secretary of Interior by Administrator to make advance payments in connection with 11317
National Park Service, scientific, research and investigatory programs of; delegation of authority to Secretary of Interior with respect to procurement of services from educational institutions in connection with 12624
Packaging requirements, agreement respecting. *See* Standards, specifications, packaging, and inspection.
Personal property. *See* Property, real and personal.
Point IV programs under International Development Act, procurement in connection with; authority of Secretary of State respecting 11249
Postal operations improvement, delegation of authority to Postmaster General respecting procurement 3319
Power lines, surplus; disposition of. *See* Surplus property.
Price control; exemption of certain sales to Administration. *See main heading* Price Stabilization, Office of.
Privately owned personal property of value of $100 or less; authority of Attorney General to take possession and make disposition of unclaimed property 7335
Procurement:
Civil defense program:
Medical supplies and equipment; delegation of authority to Secretary of Defense to make purchases and contracts for 8216
Training schools and staff colleges; procurement authority of Federal Civil Defense Administrator in connection with 3676
Defense Production Act, contracts, commitments, guarantees, etc. pursuant to; authority of Assistant Administrator for Defense Coordination to perform functions related to 7631
Discrimination, contract provisions relating to; representation of Administration on Committee on Government Contract Compliance, Executive order respecting. *See main heading* Presidential documents.
Educational institutions, services of; procurement in connection with various programs:
Labor Department instruction and informational programs; delegation of authority to Labor Department respecting contracts for services in connection with 5144, 6546

GENERAL SERVICES ADMINISTRATION—Con. Page

Procurement—Continued
Educational institutions, services of; procurement in connection with various programs—Con.
National Park Service scientific, research and investigatory programs; delegation of authority to Secretary of Interior respecting contracts for services in connection with programs 12624
First War Powers Act, contracts and purchases under, exercise of certain functions respecting; Executive order respecting. *See main heading* Presidential documents.
Fish and Wildlife Service programs, purchases and contracts in connection with; authority of Secretary of Interior respecting 515
Helium gas; delegation of authority to Secretary of Interior respecting 2643
History program for Government agencies engaged in emergency activities, procurement of services from educational institutions in connection with; delegation of authority to Director of Budget Bureau respecting 12021
International Development Act, technical cooperation programs under (Point IV programs); delegation of procurement authority in connection with, to Secretary of State 11249
Leased property. *See* Leased property, *above*.
Minerals, metals, and other raw materials. *See* Minerals, metals, and other raw materials, *above*.
Mines Bureau projects; delegation of authority to Secretary of Interior respecting 2643
Motion pictures and film strips, processing and distribution of; delegation of authority to Federal Security Administrator to act as contracting officer in connection with 1482, 12107
Personal property management; directed procurement, supplies and services. *See* Property, real and personal.
Postal operations improvement; delegation of authority to Postmaster General respecting 3319
Public utility services, contracts for procurement of, for period not to exceed ten years, delegation of authority to Secretary of Defense respecting 8309
Radio equipment:
Motorola Handie Talkies; authority of Attorney General to purchase twenty instruments with advertising 10613
Radio receivers, contracts and purchases for twelve receivers; authority of Chairman of Federal Communications Commission respecting 7732
Rubber. *See* Minerals, metals and other raw materials.
School facilities in areas affected by Federal activities; procurement in connection with, for use by Community Facilities Service, authority of Housing and Home Finance Administrator respecting 1802
Property, real and personal:
Personal property:
Disposal agencies, designation of, and procedures for reporting; rescission 12514
Personal property management; directed procurement; supplies and services:
Communications service, changes in 2796
Public utility services 2796
Special supplies:
Refrigerators 2796
Water coolers 2796
Stock piling of strategic and critical materials; rescission 12514
Surplus personal property; rescission 12514
Unclaimed privately owned property; delegation of authority to Attorney General respecting possession and disposal of property valued at $100 or less 7335
Real property:
Authority of Secretary of Defense to dispose of certain temporary barracks structures 7831
Real property management; leased building space 2657

GENERAL SERVICES ADMINISTRATION—Con. Page

Public buildings acquisition, construction, management and operation; general delegation of authority to Public Buildings Commissioner and Regional Directors respecting property leases 994

Public utility services:
- Contracts for procurement of, for period not to exceed ten years, delegation of authority to Secretary of Defense respecting 8309
- Rates and charges; authority of Secretary of Defense to represent Government agencies in hearings in connection with. *See* Authority.

Purchases. *See* Procurement.

Radio equipment:
- Motorola Handie Talkies; authority of Attorney General to purchase twenty instruments without advertising 10613
- Radio receivers, contracts and purchases for twelve receivers; authority of Chairman of Federal Communications Commission respecting 7732

Rates and charges by public carriers and utilities, representation of Government agencies in connection with; authority of Defense Department respecting. *See* Authority.

Real property. *See* Property, real and personal.

Records management. *See* Archives and records management.

Representation of agencies of Federal Government in various matters; delegation of authority to Secretary of Defense respecting. *See under* Authority.

Roosevelt (Franklin D.) Library, preservation and use of historical material in. *See* Archives and records management.

Rubber procurement. *See* Minerals, metals, and other raw products.

Scheelite (tungsten). *See* Minerals, metals, and other raw materials.

Specifications, agreement respecting. *See* Standards, specifications, packaging, and inspection.

Standards, specifications, packaging, and inspection; agreement between GSA and Defense Department respecting, pursuant to President's letter of July 1, 1949 11893
- Supplemental agreement 11895

Stockpiling of strategic and critical materials:
- Purchase program for domestic chrome ore concentrates at Grants Pass, Oregon 8880
- Prices 8894
- Termination date correction 8848
- Rescission 12514
- Sale of materials released from stockpile; authority of Commissioner, Emergency Procurement Service respecting 9456
- Tungsten; exemption of tungsten from DMA order MO-6 3012

Storage facilities, utilization of; Executive order respecting. *See main heading* Presidential documents.

Strategic and critical materials, stockpiling of. *See* Stockpiling of strategic and critical materials.

Surplus property:
- Airport and other properties located in Hawaii; delegation of disposal authority to Secretary of Defense 12528
- Certain lands in Camp Shelby, Miss., transfer of jurisdiction to Department of Agriculture for administration by Forest Service 10093
- Power lines, authority respecting:
  - Agriculture Department 397
  - Interior Department 557, 2990
  - Telephone lines, authority of Agriculture Department respecting 397
- Temporary barracks structures; authority of Secretary of Defense to dispose of certain structures 7831

Telephone lines, surplus, disposition of; authority of Agriculture Department respecting 397

Tin. *See* Minerals, metals, and other raw materials.

Transfer of national defense regulations from Chapter X, Title 32A to Chapter XIV, Title 32A 1072

Tungsten procurement. *See* Minerals, metals and other raw materials.

GEOLOGICAL SURVEY: Page

Agreements:
- Sales agreements or contracts covering disposal of oil and gas lease products (not applicable to Indian or naval petroleum reserve lands), filing and approval of 10519
- Authority of regional oil and gas supervisors respecting 10579

Unit or cooperative agreements, of holders of Federal oil and gas leases 77

Authority, delegation of, to regional oil and gas supervisors by Secretary of Interior to approve oil and gas sales contracts and agreements 10579

Contracts:
- Renegotiation of; Executive order respecting. *See main heading* Presidential documents.
- Sales contracts and agreements, filing and approval of. *See* Sales agreements or contracts.
- Under Title II, First War Powers Act; delegation of authority from Secretary of Interior respecting 11974

Cooperative agreements of holders of oil and gas leases 77

Leases, Federal oil and gas; unit or cooperative agreements by holders of 77

Power site classifications:
- Alaska:
  - No. 415, Sheep Creek 9325
  - No 419, Ward Cove Creek, Revillagigedo Island 11658
- California; No. 414, Mitilija, Piru and Sespe Creeks 6317
- Idaho:
  - No. 417, Clearwater River and tributaries 6543
  - No. 420, Snake River 10860
- Oregon:
  - No. 416, North Umpqua River 5355
  - No. 421, Snake River 12404
- Washington:
  - No. 422, Pend Oreille and Snake Rivers 11658
  - No. 423, Hamma Hamma, Dosewallips, and Duckabush Rivers 12405

Producing oil and gas fields; definitions of known geologic structures of producing fields in various States:
- Louisiana 3410
- Montana 777
- New Mexico 777, 1484
- Wyoming 3410

Sales agreements or contracts, covering disposal of gas lease products (not applicable to Indian or naval petroleum reserve lands); filing and approval of 10519
- Authority of regional oil and gas supervisors respecting 10579

Unit agreements of holders of oil and gas leases 77

GERMAN AFFAIRS BUREAU. *See* State Department.

GERMANY:
- American Consulate General at Dusseldorf opened to public. *See* State Department.
- Exchange of persons programs. *See* State Department.
- German Affairs Bureau. *See* State Department.
- Property of Germany, German cities and States, and nationals of. *See* Alien Property, Office of.
- Steamship conferences, etc., participation of German nationals in. *See* Maritime Board, Federal.
- Termination of state of war with; proclamation respecting. *See* Presidential documents.
- United States High Commissioner for Germany, Office of. *See* State Department.

GIFT PARCELS, general license for; export control. *See* International Trade, Office of.

GOLD AND SILVER, transactions involving:
- Executive order respecting. *See* Presidential documents.
- Required certificates for sale of, by persons abroad, or for re-exportation. *See* Treasury Department.

GOVERNMENT EMPLOYEES:
- Civil service. *See* Civil Service Commission.
- Claims for payments due. *See* Employees Compensation Bureau; *and* General Accounting Office.

GOVERNMENT EMPLOYEES—Continued Page
- Executive orders affecting. *See* Presidential documents.
- Fair employment program under Executive Order 9980. *See* Loyalty Review Board.
- Foreign duty:
  - Allowances for living, quarters, etc., Executive order respecting. *See* Presidential documents.
  - Compensation for designated posts. *See* State Department.
  - Leave regulations respecting. *See* Civil Service Commission.
  - Positions excepted from competitive service. *See* Civil Service Commission.
- Inventions, policies and regulations respecting. *See* Government Patents Board; Interior Department; *and* Veterans' Administration.
- Loyalty investigations. *See* Loyalty Review Board.
- Transportation requests, lost or stolen; regulations respecting. *See* General Accounting Office.
- Travel and transportation from one station to another: Executive order respecting. *See* Presidential documents.
- Treasury Department, former officers and employees, special enrollment of; regulations of Office of Secretary. *See* Treasury Department.

GOVERNMENT PATENTS BOARD:
- Inventions, domestic and foreign, program and policy respecting:
  - Foreign patent protection procedure; administration of program for patent protection abroad of inventions resulting from Government-financed research to which Government has acquired certain rights 2507
- Inventions made by Government employees, administration of uniform patent policy with respect to domestic rights in; revision 3927

GOVERNMENT PRINTING OFFICE:
- Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
- Price regulations; exception of printing and binding services rendered by commercial firms pursuant to "Standard Rate Contracts" 2909
  - Revocation 6664

GRANTS:
- For study. *See* Fellowships, grants.
- To States. *See* States.

GREECE, aid to, under Mutual Security Act, Executive order respecting. *See* Presidential documents.

GUAM. *See* Territories and possessions.

GULF OF MEXICO:
- Oil and gas operations on submerged lands. *See* Interior Department.
- Radiolocation of petroleum deposits. *See* Federal Communications Commission.

H

HANDICAPPED PERSONS:
- Blind-made products. *See* Army Department; *and* Blind-Made Products, Committee on Purchases.
- Employ the Physically Handicapped Week, proclamation respecting. *See* Presidential documents.
- Employment in sheltered workshops. *See* Wage and Hour Division.
- Vocational rehabilitation. *See* Veterans' Administration; *and* Vocational Rehabilitation, Office of.

HARBORS:
- In Canal Zone, safeguarding of. *See* Panama Canal Company.
- Security and protection of:
  - Executive order respecting. *See* Presidential documents.
  - Regulations respecting. *See* Coast Guard.
- Utilization as transportation facility; Executive order respecting. *See* Presidential documents.

HAWAII:
- Airport and other property, disposal of; authority of Secretary of Defense respecting. *See* General Services Administration.
- Banana plants; quarantine with respect to movement from. *See* Entomology and Plant Quarantine Bureau.

HAWAII—Continued Page
- Lands in, comprising portions of certain military reservations, restoration to Territory of Hawaii; Executive orders respecting. *See* Presidential documents.
- Price control; ceiling price regulation affecting commodities sold in. *See* Price Stabilization, Office of.
- Radio regulations; allocation of frequency bands to fixed services in, for use by common carrier fixed stations. *See* Federal Communications Commission.
- Selective Service:
  - Registration of noncitizens; proclamation respecting. *See* Presidential documents.
  - Regulations. *See* Selective Service System.
- Sugar requirements and quotas. *See* Agriculture Department.

HISTORIC SITES, NATIONAL; designation of Dorchester Heights National Historic Site. *See* National Park Service.

HOLIDAYS, CHRISTMAS; Interstate Commerce Commission administrative workweek during holidays. *See* Interstate Commerce Commission.

HOME LOAN BANK BOARD:
- Federal Home Loan Bank System:
  - Operations of banks; depositaries, elimination of certain restrictions on use of 11338
  - Organization of banks; election of directors, procedure 3194, 4680
- Federal Savings and Loan Insurance Corporation:
  - Bonds, debentures, notes, and other obligations; sale to public 3532
  - Insurance of accounts; operations:
    - Appraisal requirements; Home Owners' Loan Corporation loans, elimination of certain provisions relative to 8165
    - Dividends, payment of, and charging of losses; additional proviso 395, 1818
    - Home Owners' Loan Corporation loans, elimination of certain provisions relative to 8165
    - Loans and investments; Home Owners' Loan Corporation loans, elimination of certain provisions relative to 8165
    - Reserve accounts:
      - Credits, regular, "in event of reduced reserve account of institution insured over 20 years 395, 1818
      - Dividends, payment of, and charging of losses; reserve accounts of institutions insured over 20 years 395, 1818
      - Setting up, designation and purpose 4666, 6558
- Federal Savings and Loan System:
  - By laws; amendments approved for adoption, proposed proviso 2162
  - Bonus on savings accounts; provision for adoption or abolishment of plans for payment 2162
  - Operations:
    - Bonus plan, for bonus on savings accounts:
      - Amendments to bylaws. *See* Bylaws, *above*.
      - Requirements of board of directors. *See* Capital.
    - Capital:
      - Bonus on savings accounts, requirements of board of directors respecting adoption of plans for 2162
      - Withdrawals 456
    - Offices, change of location; approval required for change involving move of more than one mile, or outside of municipality 2102, 3406
    - Loans:
      - Real estate loans, prepayment of; charging of penalties, clarification of provisions respecting 10628
      - Unsecured loans:
        - Emergency limitation on; termination 10119
        - For property alteration, repair or improvement; limitation of $2,500 removed in case of loans insured in Federal Housing Administration or guaranteed by Veterans' Administration 3195, 4930

HOSPITALS:
- Army hospitals; military personnel, medical and dental attendance. *See* Army Department.

HOSPITALS—Continued
Army and Navy Hospital at Hot Springs, Arkansas; Executive order respecting. *See* Presidential documents.
Civilian disabled, hospital care of. *See* Vocational Rehabilitation, Office of.
Construction of Government hospitals:
Authority of Federal Security Agency and Veterans' Administration to process applications in connection with. *See* National Production Authority.
Real estate credit (Regulation X); interpretation respecting hospitals, medical centers, etc. *See* Federal Reserve System.
Freedmen's Hospital, admission and out-patient treatment. *See* Freedmen's Hospital.
Hospital ships, suspension of tonnage duties, etc.; Executive order respecting. *See* Presidential documents.
Marine hospitals of Public Health Service; redesignation. *See* Public Health Service.
Services, price regulations. *See* Price Stabilization, Office of.
Stipends for certain positions in Government hospitals. *See* Civil Service Commission.

HOUSING EXPEDITER, OFFICE OF:
Procedure; adjustments, administrative review and interpretations (service of papers) 4309
Rent control regulations under Housing and Rent Act of 1947, as amended:
For regulations issued after transfer of functions, see main heading Rent Stabilization Office.
Housing, controlled:
Rent regulation 1233, 1726, 2934, 3614, 4271
Amendments affecting areas in listed States, territory and possession:
Alaska 2386
California 6, 164, 231, 282, 499, 547, 766, 926, 1934, 2179, 2386, 2591, 2869, 3434, 3509, 4526, 4930, 5035, 5398, 5893, 6369, 6615
Colorado 499, 2491, 3797
Connecticut 255, 499, 887, 2386
Delaware 255
Florida 231, 2936, 6369
Georgia 4526, 5893
Illinois 887, 1270, 1789, 2869, 3110, 3434, 3797, 4930, 5398, 5654, 5893, 6369, 6370, 6616, 6797, 7201.
Indiana 231, 499, 1634, 2060, 3110, 3797, 4527, 5109
Iowa 164, 231, 255, 282, 766, 1270, 1934, 2491, 3110, 5654
Kansas 877, 3554
Kentucky 231, 499
Louisiana 164, 350, 2335, 3213, 7455
Maine 6177, 6866
Maryland 255, 350, 499, 2491, 3828
Massachusetts 5893
Michigan 255, 282, 547, 766, 1634, 1789, 1934, 2060, 2680, 2869, 3110, 3509, 3797, 4527, 4930, 5398, 5895, 6276, 6370, 6616, 6797, 7156, 7201
Minnesota 255, 499, 1270, 2869, 5037
Missouri 164, 231, 232, 350, 887, 2386, 3554, 5398
Montana 766, 2386, 2492, 4271, 6370
New Hampshire 255, 766, 887
New Jersey 164, 255, 350, 499, 887, 1270, 2059, 2179, 2386, 2491, 2680, 2869, 2935, 3213, 4527, 5398, 6616.
Atlantic County. *See* Special area.
New Mexico 499, 2386
North Carolina 164, 1789, 2386, 6616
Ohio 6, 164, 231, 255, 350, 499, 887, 1475, 1634, 1789, 2060, 2179, 2386, 2491, 2680, 3110, 3434, 4527, 5654, 6370, 7201
Oregon 77, 282
Pennsylvania 231, 255, 256, 350, 499, 887, 1270, 1789, 2386, 2491, 2680, 3434, 4527, 5895, 6370, 6616, 6797
Puerto Rico 256, 350, 499, 887, 1270, 2386
Rhode Island 231, 350, 887
South Carolina 547, 6797
South Dakota 2179, 2935, 4682
Washington 350, 2386, 6616
West Virginia 256, 499, 2386, 6516
Special area, regulation; Atlantic County, N. J 877, 1726, 2934, 3614, 4271

HOUSING EXPEDITER, OFFICE OF—Continued
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooming houses and other establishments, controlled rooms in; rent regulation 1233, 2934, 3613, 4271
Amendments affecting areas in listed States, territory and possession:
Alaska 2386
California 6, 164, 231, 282, 499, 547, 766, 926, 1934, 2179, 2386, 2491, 2869, 3434, 3509, 4526, 4930, 5035, 5398, 5893, 6369, 6615
Colorado 499, 2491, 3797
Connecticut 255, 499, 887, 2386
Delaware 255
Florida 231, 2936, 6369
Georgia 4526, 5893
Illinois 887, 1270, 1789, 2869, 3110, 3434, 3797, 4930, 5398, 5654, 5893, 6369, 6370, 6616, 6797, 7201.
Indiana 231, 499, 1634, 2060, 3110, 3797, 4527, 5109
Iowa 164, 231, 255, 282, 766, 1270, 1934, 2491, 3110, 5654
Kansas 887, 3554
Kentucky 231, 499
Louisiana 164, 350, 2335, 3213
Maine 6177, 6866
Maryland 255, 350, 499, 2491, 3828
Massachusetts 5893
Michigan 255, 282, 547, 766, 1634, 1789, 1934, 2060, 2680, 2869, 3110, 3509, 3797, 4527, 4930, 5398, 5895, 6276, 6370, 6616, 6797, 7156, 7201
Minnesota 255, 499, 1270, 2869, 5037
Missouri 164, 231, 232, 350, 887, 2386, 3554, 5398
Montana 766, 2386, 2492, 4271, 6370
New Hampshire 255, 766, 887
New Jersey 164, 255, 350, 499, 887, 1270, 2059, 2179, 2386, 2491, 2680, 2869, 2935, 3213, 4527, 5398, 6616.
New Mexico 499, 2386
North Carolina 164, 1789, 2386, 6616
Ohio 6, 164, 231, 255, 350, 499, 887, 1475, 1634, 1789, 2060, 2179, 2386, 2491, 2680, 3110, 3434, 4527, 5654, 6370, 7201
Oregon 77, 282
Pennsylvania 231, 255, 256, 350, 499, 887, 1270, 1789, 2386, 2491, 2680, 3434, 4527, 5895, 6370, 6616, 6797.
Puerto Rico 256, 350, 499, 887, 1270, 2386
Rhode Island 231, 350, 887
South Carolina 547, 6797
South Dakota 2179, 2935, 4682
Washington 350, 2386, 6616
West Virginia 256, 499, 2386, 6616
Termination and disposition of affairs; Executive order respecting. *See main heading* Presidential documents.

HOUSING AND HOME FINANCE AGENCY:
See Federal Housing Administration.
Home Loan Bank Board.
Public Housing Administration.
Atomic Energy Commission, certain installations of; relaxation of residential credit controls in areas near. *See* Residential credit controls in critical defense housing areas.
Authority, delegations of:
By Administrator to designated HHFA officials. *See* Organization, delegations of authority, etc.
To Administrator from various agencies:
Construction, certain; authority delegated by National Production Authority to process applications under NPA Order M-4 or M-4A, and to make allotments and to assign ratings under NPA CMP Regulation No. 6 5401, 6735, 7628
Flood disaster in Nevada; authority delegated by General Services Administrator to HHFA Administrator to act through Community Facilities Service for alleviation of 102
School facilities in areas affected by Federal activities; delegation of authority to Administrator by General Services Administrator respecting procurement in connection with, for use by Community Facilities Service 1802, 5505
Water rates case, in California; delegation of authority from General Services Administrator to represent Executive agencies 8854

HOUSING AND HOME FINANCE AGENCY—Con.
California, water rates; delegation of authority to Administrator from General Services Administrator to represent Executive agencies of Government before Public Utilities Commission of California in connection with application of California Water and Telephone Company for increase in water rates 8854
Committees, representation on:
Defense Mobilization Committees, Regional 1583
Manpower Policy, Committee on 1272
Community Facilities Service:
Flood disaster in Nevada; Housing and Home Finance Administrator authorized by General Services Administrator to act through Service for alleviation of 102
Housing program for students and faculties of certain educational institutions; delegation of authority by HHFA Administrator respecting 741
Public works, functions respecting:
Advance planning; redesignation 5022
Procedures; redesignation 5022
School facilities in areas affected by Federal activities, procurement in connection with; delegations of authority:
From General Services Administrator to HHFA Administrator, for use by Community Facilities Service 1802
From HHFA Administrator to Commissioner and Division Engineers 5505
Community facilities and services:
See also Community Facilities Service.
Delegation of authority to Public Housing Commissioner and his designees respecting 12236
Functions of HHFA Administrator respecting. *See main heading* Presidential documents.
Construction; delegations of authority:
To Administrator, from National Production Authority, to process applications under NPA Order M-4 or M-4A, and to make allotments and to assign ratings under NPA CMP Regulation No. 6 with respect to certain construction 5401, 6735, 7628
To officials of Housing and Home Finance Agency with respect to certain construction:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
Defense housing:
Delegation of authority to Public Housing Commissioner and his designees respecting 12236
Functions of HHFA Administrator respecting critical defense housing areas; Executive order respecting. *See main heading* Presidential documents.
Relaxation of residential credit controls in critical defense housing areas, provisions for. *See* Residential credit controls.
War housing projects operated through Public Housing Administration; authority of HHFA Administrator to designate dwelling units as necessary for occupancy and use in connection with national defense or other governmental purpose 9071
Defense Production Act, designation as claimant agency for specified programs under 4914
Disaster relief:
Administration of; Executive order respecting. *See main heading* Presidential documents.
Delegation of authority respecting Disaster Relief Program to Regional Representatives 7576
Flood disaster in Nevada; Administrator authorized by General Services Administrator to act through Community Facilities Service for alleviation of 102
Disposition of temporary war and veterans' housing by sale, transfer, removal, etc., Executive order respecting. *See main heading* Presidential documents.
Educational institutions:
See also School facilities.
Housing, for students and faculties; responsibility of HHFA Administrator and delegation of authority to Community Facilities Service 741
Flood disaster in Nevada. *See* Disaster relief.

HOUSING AND HOME FINANCE AGENCY—Con.
Organization, delegations of authority, etc.:
Administrator, Office of:
Accounting Officer and Assistant Accounting Officer; authority to approve vouchers for disbursement of funds in connection with loans for factory-built and prefabricated housing 1157
Withdrawal of authority 5909
Attesting Officers, designation of 3319
Plans and Programs, Division of:
Assistant Administrator; authority respecting residential construction under NPA CMP Regulation 6 8254
Defense Liaison Staff, Director; authority respecting residential construction:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
Prefabricated Housing Loans Division; statement of temporary organization and delegation of authority to Director:
Collateral security for prefabricated housing loans, release or satisfaction of 5909, 9292
Rescission 12918
Regional Representatives:
Construction, multi-unit residential, by educational institutions; authority respecting, under NPA Order M-4 5720, 6008
Revocation 7687
Disaster Relief Program, authority respecting 7576
Slum Clearance and Urban Redevelopment Division:
Acting Director, designation of; provisions respecting functions, authority, etc 290, 4477
Contracts for financial assistance, authority respecting 11788
Special Representatives of Administrator; authority respecting relaxation of housing credit controls in areas near certain installations of Atomic Energy Commission 2610, 3319, 6779, 12407
Community Facilities Service:
Commissioner:
Housing program for educational institutions; authority respecting 741
School facilities, procurement in connection with; authority respecting 5505
Division Engineers; authority with respect to procurement in connection with school facilities 5505
Community Facilities and Special Operations Division; delegations of authority to Commissioner and Director of Special Operations Branch with respect to financing production and distribution of prefabricated housing 5909, 9292, 12918
Federal Housing Commissioner and his designees:
Construction, of multi-unit residential housing; authority respecting:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
Residential credit control in critical defense housing areas, functions in connection with CR 3 3865
Public Housing Commissioner and his designees:
Construction of multi-unit residential housing by Federal, State or local agencies, authority respecting:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
Defense housing and community facilities and services, authority respecting 12236
Prefabricated housing loans; authority of certain officials respecting 1157, 5909, 9292, 12918
Procurement in connection with school facilities. *See* School facilities.
Residential credit controls in critical defense housing areas:
Atomic Energy Commission installations, in areas of Savannah River, S. C. and Ga., Paducah, Ky., and Idaho:
Delegation of authority to Special Representatives of Administrator respecting relaxation of housing credit controls 2610, 3319, 6779, 12407

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Atomic Energy Commission installations, in areas of Savannah River, S. C. and Ga., Paducah, Ky., and Idaho—Continued
Housing for employees. *See* Defense housing programs *below.*
Policy and procedure for processing and approval of exceptions and terms 2231, 3302, 3834
Approval by Board of Governors, Federal Reserve System 2232, 3303, 3835
Regulation for processing and approval of exceptions and terms 2232, 3303, 11728
Owner-occupancy, housing built or sold for 2234, 3305, 11731
Rent, housing to be held for 2233, 3304, 11729
Authority, delegations of, respecting:
To Federal Housing Commissioner and his designees with respect to critical defense housing areas 3865
To Special Representatives of HHFA Administrator with respect to areas near certain Atomic Energy Commission installations 2610, 3319, 6779, 12407
Critical defense housing areas:
Delegation of authority to Federal Housing Commissioner and his designees respecting applications for exceptions from residential credit controls 3865
Policy and procedure for processing and approval of exceptions and terms 3834
Approval by Board of Governors, Federal Reserve System 3835
Regulation for processing and approval of exceptions and terms for certain areas 3835, 7611, 11731
Owner-occupancy, housing to be built for 3837, 7613, 11734
Rent, housing to be held for 3836, 7612, 11733
Special credit exceptions:
For persons displaced by defense activities 11735
For purchasers of other than approved housing 3838, 7614, 11735
Various areas, listed:
See also listed areas under Defense housing programs, *below.*
Alabama:
Anniston 11737
Camp Rucker 10947, 11736
Huntsville 6777, 11736
Arizona:
Fort Huachuca 13089
Tucson 11737
Arkansas:
Benton 10947, 11736
Camden-Shumaker 11737
Pine Bluff 12355
California:
Barstow 6465, 11736
Camp Cooke 5433, 11736
Camp Pendleton Area 5871
See also San Diego and Oceanside.
Camp Roberts 6465, 11736
Camp Roberts-Camp Cooke 11736
Corona 4199, 11737, 12355
El Centro-Imperial Area 6777
See also Imperial County.
Herlong 13089
Imperial County 11736
Inyokern-Ridgecrest-China Lake 11737
Lancaster 7937, 11736
Lancaster—Palmdale—Mojave area 7937
Marysville-Yuba 11737, 12355
Monterey-Fort Ord 12355
Oxnard-Port Hueneme 12355
Pittsburg, Camp Stoneman 12355
Pleasanton-Livermore-Haywood 12355
San Diego and Oceanside 3838, 11736
Solano County 6315, 11736
Colorado; Colorado Springs 4199, 11736
Connecticut:
Bridgeport 12355
Hartford 10947, 11736
New London 12355

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Critical defense housing areas—Continued
Regulation for processing and approval of exceptions and terms for certain areas—Continued
Various areas, listed—Continued
Delaware; Dover 7614, 11736
Florida:
Cocoa-Melbourne Area 10947, 11736
Key West 11737
Palatka 13089
Pensacola 11737, 12355
Sanford 10161, 11736
Georgia:
Bainbridge 12355
Camp Stewart 11737
Fort Benning 11737
Marietta 11737
Valdosta 5871, 11736
Idaho:
Mountain Home 11737
Soda Springs 13089
Illinois:
Braidwood (Joliet) 11737
Quad Cities 6315, 11736
Rantoul 11737
Indiana:
Columbus 7287, 11736
Dana 6777, 11737
Indianapolis 10161, 11736
La Porte 12355
Iowa; Quad Cities 6315, 11736
Kansas:
Salina 13089
Topeka 10947, 11736
Wichita 7287, 11736
Kentucky:
Camp Breckenridge 10947, 11736
Fort Campbell 11737
Fort Knox 11737
Louisiana:
Alexandria 11737
Camp Polk 10947, 11736
Lake Charles 11737
Maine:
Brunswick 13089
Presque Isle-Limestone 10161, 11736
Winter Harbor 13089
Maryland:
Aberdeen 11311, 11737
Bainbridge-Elkton 11311, 11737
Fort Meade-Laurel 11737
Frederick 11737
Patuxent 6614, 11736
Michigan; Ishpeming-Negaunee 13089
Minnesota; Babbitt 10947, 11737
Mississippi; Gulfport-Biloxi-Pascagoula 11737
Missouri; Fort Leonard Wood, Rolla 4802, 11736
Nebraska; Sidney 10161, 11736
Nevada:
Hawthorne 13089
Pioche 13089
New Jersey:
Dover-Denville 12355
Fort Dix 10947, 11736
New Mexico:
Alamogordo 6841, 11736
Carlsbad-Artesia 12355
Clovis-Portales 12355
Las Cruces 6841, 11736
New York:
Sampson Air Force Base 7937, 11736
Star Lake 4802, 11736
Utica-Rome 13089
North Carolina:
Camp Lejeune 7614, 11736
Fort Bragg 11737
Kinston 13089
Ohio:
Lorain 10947, 11737
Wright-Patterson Air Force Base, Dayton 7937, 11736
Oklahoma; Fort Sill, Lawton 11737

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Critical defense housing areas—Continued
Regulation for processing and approval of exceptions and terms for certain areas—Continued
Various areas, listed—Continued
Oregon:
Astoria 11737
Umatilla-Hermiston 13089
Pennsylvania:
Allentown-Bethlehem 11737
Bucks County 10161, 11736
Indiantown Gap 11737
South Carolina; Parris Island 13089
South Dakota; Rapid City-Sturgis Area 11311, 11737
Tennessee; Tullahoma 5871, 11737, 12355
Texas:
Big Spring 13089
Borger 6777, 11736
Brazoria County 6465, 11736
Bryan 11737
Florence-Killeen 11736
Hondo 12355
Killeen-Fort Hood area 7614
See also Florence-Killeen.
Kingsville 10161, 11736
Lone Star 7614, 11736
Mineral Wells-Weatherford 6841, 11736
San Marcos 5433, 11737, 12355
Victoria 13089
Wichita Falls 10161, 11736
Utah; Tooele 6465, 11736
Virginia:
Camp Pickett 10947, 11736
Chincoteague 12355
Newport News 10161, 11736
Norfolk-Portsmouth 7937, 11736
Quantico 13089
Washington:
Bremerton 5433, 11736
Hanford-Kennewick-Pasco 6465, 11736
Othello 7937, 11737, 12355
Whidbey Island 12355
Wisconsin; Camp McCoy 12355
Defense housing programs; needed housing units for use of employees in designated activities 10962, 11980, 12731
Various areas, listed, with amendments, and additions:
Alabama:
Anniston 12733
Camp Rucker 11983
Huntsville 10969, 11981
Arizona; Tucson 11985
Arkansas:
Benton 11983
Camden-Shumaker 11986
Pine Bluff 12734
California:
Barstow 10969, 11981
Camp Roberts-Camp Cooke 10986, 11981
Corona 12734
Imperial County 10967, 11981
Inyokern-Ridgecrest-China Lake 11985
Lancaster 10970, 11981
Marysville-Yuba 11985, 12731
Oxnard-Port Hueneme 12736
Pittsburg-Camp Stoneman 12736
Pleasanton-Livermore 12736
San Diego and Oceanside 10964, 11981, 11987
Solano County 10964, 11981
Colorado; Colorado Springs 10966, 11981
Connecticut:
Bridgeport 12734
Hartford 11982
Delaware; Dover 10967, 11981
Florida:
Cocoa-Melbourne 11983
Key West 12733
Sanford 10970, 11981

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Defense housing programs; needed housing units for use of employees in designated activities—Continued
Various areas, listed, with amendments, and additions—Continued
Georgia:
Bainbridge 12735
Camp Stewart 11986
Fort Benning 12732
Marietta 12732
Savannah River Installation, AEC 10963, 11980, 11981
Valdosta 10968, 11981
Idaho:
Arco-Blackfoot-Idaho Falls (AEC) 10964, 11981
Mountain Home 12732
Illinois:
Braidwood (Joliet) 11985
Quad Cities 10965, 11981
Rantoul (Chanute Air Force Base) 11986
Vienna 11963
Indiana:
Columbus 10968, 11981
Indianapolis 10970, 11981
LaPorte 12735
Iowa; Quad Cities 10965, 11981
Kansas:
Topeka 11983
Wichita 10966, 11981, 11988
Kentucky:
Camp Breckinridge 11982
Fort Campbell 11985
Fort Knox 11987
Paducah (including AEC) 10963, 11980
Louisiana:
Alexandria 11987
Camp Polk 11982
Lake Charles 11987
Maine; Presque Isle-Limestone 10971, 11981
Maryland:
Aberdeen 11984, 12736
Bainbridge-Elkton 11984
Fort Meade, Laurel 12732
Frederick 12732
Patuxent 10968, 11981
Minnesota; Babbitt 11983
Mississippi; Gulfport-Biloxi-Pascagoula 11987
Missouri; Fort Leonard Wood, Rolla 10967, 11981
Nebraska; Sidney 10970, 11981
New Jersey:
Dover-Denville 12735
Fort Dix 11982
New Mexico:
Alamogordo 10970, 11981
Carlsbad-Artesia 12735
Clovis-Portales 12735
Las Cruces 10967
Geographic description 11981
Proportion of sales and rental units changed 11981
New York:
Sampson Air Force Base 10969, 11981
Star Lake 10964, 11981
North Carolina:
Camp Lejeune 10969, 11981
Fort Bragg 12732
Ohio:
Lorain 11984, 11989
Wright-Patterson Air Force Base 10964, 11981
Oklahoma; Fort Sill, Lawton 11986
Oregon; Astoria 11984
Pennsylvania:
Allentown-Bethlehem 12733
Bucks County 10971, 11981
Indiantown Gap 11986
South Carolina; Savannah River Installation, AEC 10963, 11980, 11981
South Dakota; Rapid City-Sturgis 11984
Tennessee; Tullahoma 12733

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Defense housing programs; needed housing units for use of employees in designated activities—Continued
Various areas, listed, with amendments, and additions—Continued
Texas:
Borger 10966
Geographic description 11981
Sales units eliminated 11981
Brazoria County 10965, 11988
Geographic description 11981
Sales units increased 11981
Bryan 12733
Florence-Killeen 10969, 11981
Hondo 12735
Kingsville 10970, 11981
Lone Star 10965, 11981, 11988
Mineral Wells-Weatherford 10969, 11981, 11989
San Marcos 12733
Wichita Falls 10971, 11981
Utah; Tooele 10967, 11981
Virginia:
Camp Pickett 11982
Chincoteague 12734
Newport News 10965, 11981, 11988
Norfolk-Portsmouth 10965, 11981, 11988
Washington:
Bremerton 10968, 11981
Hanford-Kennewick-Pasco (including AEC) 10968, 11981
Othello 12734
Wisconsin; Camp McCoy 12734
School facilities in areas affected by Federal activities; delegation of authority to Administrator by General Services Administrator respecting procurement in connection with, for use by Community Facilities Service 1802, 5505
Slum clearance and Urban Redevelopment Division; designation of Acting Director and delegations of authority 290, 4477, 11788
Veterans' housing:
Disposition of temporary housing; Executive order respecting. *See main heading* Presidential documents.
Loans, made or assisted by Administrator of Veterans' Affairs, credit restrictions pursuant to Defense Production Act of 1950 on; findings by HHFA Administrator 357, 580, 2599, 9315, 11456
Transfer of functions respecting to and from Agency; Executive order respecting. *See main heading* Presidential documents.
War housing:
Disposition of temporary housing; Executive order respecting. *See main heading* Presidential documents.
War housing program, projects operated through Public Housing Administration; authority of HHFA Administrator to designate dwelling units as necessary for occupancy and use in connection with national defense or other governmental purpose 9071
Water rates case, in California; delegation of authority to Administrator by General Services Administrator to represent Executive agencies of Government before Public Utilities Commission of California in connection with application of California Water and Telephone Company for increase in water rates 8854
HOVENWEEP NATIONAL MONUMENT, enlargement; proclamation respecting. *See* Presidential documents.
HUNTING AND FISHING; regulations respecting. *See* Alaska Game Commission; Fish and Wildlife Service; Engineers, Corps of; International Fisheries Commission; *and* National Park Service.

I

"I AM AN AMERICAN DAY", 1951; proclamation respecting. *See* Presidential documents.

IMMIGRATION AND NATURALIZATION SERVICE: Page

Civil Service Rules; certain positions excepted from competitive service (Schedule A) 8509
Decentralization of certain functions with respect to immigration and nationality regulations 11058, 12035
Field offices, powers and duties; remittance of fees 5391
Immigration regulations:
Agricultural workers, Mexican; temporary admission under special legislation 7348, 10975
Adjustment of status of certain agricultural workers in United States 7350
Revocation 10978
Admission:
Conditions 7349, 10977
Extension of period of admission 7350, 10978
Period for which admitted 7349
Extension of period beyond Feb. 11, 1952 subject to extension of Migratory Labor Act of 1951 10977
Arrest and deportation of agricultural workers 7349, 10977
Definitions 7349, 10975
Deportation, previous; permission to reapply 7349
Employer, compliance by 7349, 10977
Extension of stay; conditions 7349, 10977
Identification cards; duplicates 7350
Immigration inspection at reception centers; authority to admit, hearings before board of special inquiry 7350
Readmission after temporary visits to Mexico 7349, 10977
Recontracting in the United States 7350
Recruitment centers; preliminary inspection 7350, 10977
Aircraft; civil air navigation regulations. *See* Civil air navigation.
Airports of entry:
See also Civil air navigation; *and* Primary inspection and detention.
Redesignation as international airports 2468
Arrest and deportation of aliens. *See* Deportation.
Boards of special inquiry, in case of alien excluded for removable cause; permission to reapply 11060
Bonds, immigration:
Public charge bonds, form of; deletion of provision for action where bond is no longer believed necessary 11058
Violation of conditions; cancellation and appeal 11062
Border crossing identification cards for resident aliens, issuance of; cards not to be issued or renewed where probable grounds for exclusion exist 6315, 9633
Canadian citizen or British subject domiciled in Canada, visiting Cuba, Bahamas, etc., not required to present passport or visa 5652
China Area Aid Act of 1950; employment of selected Chinese citizens participating in program under Act 3250
Civil air navigation:
Aircraft, how considered; "foreign contiguous territory", deletion of "Newfoundland" as 8319
Airports of entry; redesignation as international airports 2468
Aliens arriving by aircraft; safekeeping, detention, expenses and deportation (proposed rule making) 12572
Customs airports; redesignation as international airports 2468
Documents for clearance of aircraft departing from one area for another; general declaration and air cargo manifest:
Disposition of copies by aircraft commander; copy of each sent to headquarters port in lieu of delivery to customs officer at place of entry 11671
Extra copies (two) prepared when carrying merchandise, other than residue cargo, between mainland and Puerto Rico 11671
Documents for entry, aircraft commander's general declaration:
Baggage list 2468
Crew manifest 2023
Passenger manifest 2023
Entry and clearance; clearance required for residue cargo or merchandise destined to or through Puerto Rico 11671

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Immigration regulations—Continued
Civil air navigation—Continued
International airport; redesignation 2468
Designation of international airports; prior approval and designations:
As port of entry for aircraft and its merchandise from any place outside United States 8320
As quarantine inspection place 8320
Withdrawal of designation of international airport, provision for 8320
Penalties for violations; lien and seizure of aircraft by immigration officers 9573, 12111
Preexamination in Canada of aircraft passengers; surrender of endorsed form at international airports 8319
Scheduled airlines:
Clearance of aircraft departing from any area for another; required when carrying residue cargo or merchandise destined to or through Puerto Rico 11671
Entry of aircraft coming from one area into another; required when carrying merchandise in bond (deletion) 11671
Scope and definitions; applicability, deletion of "Philippine Islands" 2468
Contract laborers. *See* Laborers.
Control of persons entering United States:
In wartime; passports and permits to enter required 10931, 11414
Under Subversive Activities Control Act of 1950; definitions of certain terms 2907
Deportation:
Agricultural workers, Mexican, temporarily admitted to United States; arrest and deportation 7349, 10977
Aircraft, aliens, arriving by; deportation of excluded aliens (proposed rule making) 12572
Deportation proceedings:
Hearing and adjudication; conduct of hearing, hearing officer's duties respecting:
General duties; certification of testimony when transcribed, with exception of off-the-record statements 7817
Specific duties; advice to aliens under deportation proceedings regarding privilege of applying for discretionary relief 8185, 12638
Investigation and arrest:
Attorneys 74
Decision, Commissioner's 75
Definitions; section renumbered 74
Disposition by examiner 75
Evidence 74
Examination 74
Procedure, special; termination 75
Suspension of deportation; application prior to hearing 74
Displaced persons, deportation of aliens entering United States under Displaced Persons Act, 1948; affidavit upon arrival, proposed deletion of reference to list of subversive organizations 7981
Distressed aliens, removal from United States; final disposition and appeal 1231, 11060
Liability for failure to deport excluded aliens. *See* Fines.
Detention of aliens arriving by aircraft or vessel:
Aircraft, aliens arriving by; safekeeping, detention, expenses, etc. (proposed rule making) 12572
Detention expenses; redesignation, proposed 12572
Vessel, aliens arriving by; detention, safekeeping, etc. (proposed rule making):
Expenses, detention:
Bills, expense; presentation to steamship companies, revocation 12572
Payment of 12572
Reimbursement to transportation companies in certain cases 12572
Place of detention 12572
Removal and care of aliens, liability of transportation companies for; definition of terms 12572

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Immigration regulations—Continued
Detention of aliens arriving by aircraft or vessel—Continued
Vessel, aliens arriving by; detention, safekeeping, etc. (proposed rule making)—Continued
Safe keeping of arriving aliens pending final decision as to their admissibility; responsibility for 12572
Displaced Persons Act of 1948; admission and deportation of aliens entering the United States under:
Affidavit upon arrival; reference to list of subversive organizations, proposed deletion of 7981
Head tax, exemption from; certain persons qualifying for admission under Displaced Persons Act, 1948 3332
Distressed aliens, removal of, from United States; final disposition:
Appeal 11060
Notification to Central Office when application for removal is denied; deletion of requirement 1231
Documentary requirements for aliens:
Aliens, except seamen and airmen, entering United States, joint regulations with State Department; nonimmigrants not required to present passport or visas:
Canadian citizen or British subject domiciled in Canada, visiting Cuba, Bahamas, etc. 5652
Members of armed services of North Atlantic Treaty countries entering temporarily on official duty 10931
Aliens possessing proper documents, who entered without examination; procedure and appeal 11058
Border crossing identification cards for resident aliens, issuance of; cards not to be issued or renewed where probable grounds for exclusion exist 6315, 9633
In wartime, control of persons entering United States; passports and permits to enter required 10931, 11414
Permit to reenter. *See* Readmission.
Students, records of admission and readmission 1231, 1900, 10483
Employment of aliens:
Agricultural workers, Mexican, temporarily admitted to United States. *See* Agricultural workers.
Chinese citizens participating in program under China Area Aid Act of 1950; permission for employment 3250
Contract laborers, alien. *See* Laborers.
Exchange visitors. *See* Visitors, exchange.
Fines, imposition and collection of:
Decisions, notice of; appeal 3547, 11061
Hearings; submission of evidence and report 11060
Liability for failure to receive and deport excluded aliens, accepting security for return expenses, and bringing alien previously excluded or deported 11060, 12035
Seamen:
Liability for failure to detain or deport 11060
Mitigation or remission of fines in connection with 11061
Head tax, aliens not subject to; eligible displaced persons, eligible displaced orphans, persons of German ethnic origin and adopted children of American citizens, qualifying for admission under Displaced Persons Act of 1948 3332
Inspection of aliens:
See also Preexamination.
Agricultural workers, Mexican:
Immigration inspection at reception centers 7350
Preliminary inspection at recruitment centers 7350, 10977
Examination, aliens entering without, who possessed proper documents; procedure and appeal 11058
International airports for entry of aliens. *See* Civil air navigation; *and* Primary inspection and detention.
Laborers (contract), alien:
Agricultural workers, Mexican. *See* Agricultural workers.

IMMIGRATION AND NATURALIZATION SERVICE—Continued — Page

Immigration regulations—Continued
- Laborers (contract), alien—Continued
  - Applications for importation of contract laborers, action on:
    - By Central Office; revoked — 11059
    - By Field Office; appeal — 11059, 12035
  - Exemptions of certain aliens from contract labor, definitions; otherwise admissible skilled labor — 11059
  - "Student laborers", procedure for importing; appeal — 11059
  - Officials, change of status for; conditions and appeal — 11058
  - Passports. *See* Documentary requirements for aliens.
  - Permits to reenter United States. *See* Readmission.
  - Petitions for nonquota or preference quota status; where submitted, initial action, decision and appeal — 11062
  - Ports of entry. *See* Primary inspection and detention.
  - Preexamination of aliens:
    - Aircraft passengers; preexamination in Canada; surrender of endorsed form at international airports — 8319
    - Within the U. S.; authorization of preexamination:
      - Authority of district director — 11060
      - Notification of authorization — 1231
  - Primary inspection and detention:
    - Airports of entry:
      - Redesignation as "International airports for entry of aliens" — 8319
      - Temporary, for aliens; deletion — 8319
    - Examination, aliens entering without, who possessed proper documents; procedure and appeal — 11058
    - International airports for entry of aliens:
      - List of:
        - Cleveland, Ohio, Cleveland Hopkins Airport; change of name from Cleveland Municipal Airport — 11414
        - Fairbanks, Alaska, Weeks Municipal Airfield; deletion — 11414
        - Tampa, Fla., Tampa International Airport; addition — 11414
        - West Palm Beach, Fla., Palm Beach International Airport; addition — 11414
      - Redesignation — 8319
      - Emergency or forced landing, correction of reference to — 8319
      - Temporary airports of entry for aliens; deletion — 8319
    - Ports of entry, except by aircraft, Class A:
      - District No. 9 of Chicago, Illinois; Lancaster, Minn — 495
      - District No. 14 of San Antonio, Texas; Los Ebanos, Texas — 2595
    - Public charge bonds, form of; deletion of provision for action where bond is no longer believed necessary — 11058
    - Reapplication for admission and appeal:
      - By aliens previously arrested and deported — 11058
      - By aliens previously rejected — 11058
    - Status, change of, for visitors, traders, officials, students; conditions and appeal — 11058
  - Quotas; nonquota or preference quota status. *See* Status.
  - Readmission:
    - Agricultural workers, Mexican; readmission after temporary visits to Mexico — 7349, 10977
    - Aliens excluded for removable cause; boards of special inquiry, permission to reapply — 11060
    - Aliens previously rejected or deported; reapplication and appeal — 11058
    - Permanent resident alien; permit to reenter:
      - Action on application; forwarding of, in emergent cases — 11061
      - Application; execution of, in single copy — 7585
      - Disposition at port of entry; permit of admitted alien transmitted from Central Office to district office maintaining alien's file — 11062
      - Emergent cases — 11061, 12035

IMMIGRATION AND NATURALIZATION SERVICE—Continued — Page

Immigration regulations—Continued
- Readmission—Continued
  - Permanent resident alien; permit to reenter—Continued
    - Extensions — 1231, 11062
    - Issuance, effect, delivery and appeal:
      - Delivery of permit — 11061, 12035
      - Denied application; appeal — 11061
      - Fee returned in case of denied application; notification to Central Office, deletion — 1231
      - Notice of issuance to Central Office; deletion — 1231
    - Students, records of readmission for — 1231
  - Recording of arrival, departures, and registrations:
    - Form 256a; recording of information on, respecting admission of excluded alien after appeal — 4270
    - Passports, endorsement of, by inspector, when alien is admitted permanently to United States — 5159
  - Registration and fingerprinting of aliens in accordance with Alien Registration Act, 1940:
    - New alien registration receipt card in changed name, or in lieu of one lost, mutilated, destroyed or on Form AR–3 or AR–103; issuance of — 3333
    - Notification of address of resident aliens:
      - By aliens in other than lawful nonquota immigrant student status — 7520, 11065
      - Form I–53, use of, and procedure for filing — 7520, 11065
  - Removal of aliens. *See* Deportation.
  - Seamen, alien; employed on vessels arriving from any foreign port or place:
    - Application for admission by seamen previously excluded; when instruction to be sought — 11058
    - Detention on board of seamen previously deported or removed or apparently excludable under section 1 of the act of October 16, 1918, as amended; not permitted to land except under certain conditions — 11059
    - Violations in connection with; fines for — 11060, 11061
  - Status:
    - Change of status for visitors, traders, officials, students; conditions and appeal — 11058
    - Petitions for nonquota or preference quota status; where submitted, initial action, decision, and appeal — 11062
  - Students:
    - Conditions of admission — 11059
    - Extension of stay; procedure:
      - Form I–94, use of — 10483
      - Passport, endorsement on — 1900, 2121
    - Laborers, student; procedure for importing and appeal — 11059
    - Records of admission and readmission:
      - Admission:
        - Form I–94; issuance of and use as notification to school of student's admission to United States — 10483
        - Passport marking — 1900
      - Readmission; transfer of files — 1231
    - Schools:
      - Petition for approval; appeal — 11059, 12035, 12245
      - Withdrawal of approval — 11060
    - Status, change of; conditions and appeal — 11058
    - Transfers from one school to another:
      - Form G–81; deletion — 1231
      - Form I–94; use of — 10483
  - Subversive Activities Control Act of 1950, control pursuant to, of persons entering United States; definitions of terms "members of" and "affiliated with" to include only voluntary affiliation — 2907
  - Traders, change of status for; conditions and appeal — 11058
  - Transportation companies (air carriers, steamship companies, etc.); liability for safekeeping, detention and expenses of aliens. *See* Detention of aliens.
  - Vessels, aliens arriving by; detention, safekeeping, etc. *See* Detention of aliens.
  - Visas. *See* Documentary requirements for aliens.
  - Visitors:
    - Exchange visitors, special provisions for; application for extension of stay — 8368, 11065
    - Status, change of; conditions and appeal — 11058

IMMIGRATION AND NATURALIZATION SERVICE—Continued — Page

- Witnesses, subpenaing of; issuance and service of subpena, invoking aid of court, deletion of requirement for report by district officials to Central Office — 11061

Nationality regulations:
- Certificates. *See* Citizenship papers; *and* Naturalization papers.
- Citizenship papers:
  - Certificates of citizenship, under Section 339, Nationality Act of 1940; issuance and appeal:
    - Decision by Commissioner when district director is in doubt about granting application; revocation of provision — 11063
    - Notification to Central Office if no appeal is taken; deletion of requirement — 1231, 1474
    - Report of findings by examining officer; Form N–635 — 7139
  - Replaced citizenship papers. *See* Naturalization papers.
  - Revocation of citizenship documents. *See* Naturalization papers.
- Classes of persons who may be naturalized; special classes:
  - Enemies, alien:
    - Exception from alien enemy classification:
      - Appeal — 11063
      - Certificate of loyalty on Form N–438 — 5442
    - Petition, final hearing of; notice of waiver of 90-day period, on Form N–424 — 5442
  - Former United States citizens who lost citizenship through service in Allied armies during World War I or II; procedure — 5455, 7455
  - Persons misinformed as to their citizenship status; preliminary application and petition for naturalization, affidavit on Form N–420 — 5442
  - Veterans of U. S. Armed forces, World War I or II:
    - Exemptions and fees; aliens enlisted or reenlisted in Regular Army — 4962
    - Persons eligible; aliens enlisted or reenlisted in Regular Army — 4962
- Enemy aliens, naturalization of. *See* Classes of persons who may be naturalized.
- Nationality Act of 1940, documentation of aliens pursuant to:
  - Certificates of citizenship under Section 339, Nationality Act of 1940. *See* Citizenship papers.
  - Registry of aliens under. *See* Registry of aliens.
- Naturalization hearings; substitute witnesses, execution of Form N–451 — 5442
- Naturalization papers:
  - Arrival, certificate of; use of form N–235 — 4301
  - Declaration of intention; disposition of form N–235 — 4301
  - Forms, official, for use of clerks of naturalization courts; list — 5442
  - Replaced naturalization and citizenship papers, including issuance of new certificate in changed name:
    - Action on application for new papers; proofs — 11064
    - Application for replacement of lost, mutilated or destroyed naturalization or citizenship paper — 11064
    - Evidence of naturalization under section 317 (b), Nationality Act of 1940, replacement of — 11064
    - Issuance of new papers; forms, numbering, and appeal — 1231, 11064
  - Revocation of naturalization and citizenship documents issued by the commissioner:
    - Answer — 11065
    - Criminal prosecution — 11065
    - Findings and recommendations — 11065
    - Report and notice — 11064
  - Special naturalization certificate, for recognition by a foreign state; issuance, disposition, and appeal — 11063

IMMIGRATION AND NATURALIZATION SERVICE—Continued — Page

Nationality regulations—Continued
- Naturalization papers—Continued
  - Veterans of 1st or 2nd World War allied forces, or persons voting in a foreign political election; naturalization or repatriation certificates:
    - Application for certificate of naturalization or repatriation:
      - Action by field office; proofs — 11063
      - Forms, procedure, and fees — 11063, 12035
    - Certificates; by whom issued, forms, numbering, appeal — 11063
  - Records; fees and procedure to obtain certifications of or information from:
    - Application for certification:
      - Contents — 5589, 11064
      - Form — 5589, 11064
    - Declaration of intention; certification of, appeal, etc — 5589, 11064
    - Evidence of oath of renunciation and allegiance under act of June 25, 1936, as amended by act of July 2, 1940, replacement of — 11064
  - Registry of aliens under Nationality Act of 1940; record, recommendation, review and disposition:
    - Decision by Commissioner when district director is in doubt about granting application; revocation of provision — 11063
    - Notification to Central Office; deletions:
      - When appeal is not taken — 1231
      - When application for registry is granted — 1231
    - Residence and absence, with respect to qualifications for naturalization; action on application, and appeal, for benefits in case of absences — 11063
  - Veterans of World War I and II, naturalization of. *See* Classes of persons who may be naturalized; *and* Naturalization papers.

IMPORTS AND EXPORTS:
- Agricultural commodities. *See* Agriculture Department; *and* Commodity Credit Corporation.
- Almonds, import fee; Executive order respecting. *See* Presidential documents.
- Animals and animal products, importation of. *See* Animal Industry Bureau.
- Arms, ammunition, and implements of war; export and import licenses for. *See* State Department.
- Cotton, long-staple, supplemental import quota on; proclamation respecting. *See* Presidential documents.
- Crab meat canned in USSR; importation of convict, forced, or indentured labor-produced merchandise prohibited. *See* Customs Bureau.
- Chicago International Trade Fair, imports for. *See* Customs Bureau.
- Customs districts, establishment, consolidation, etc; Executive order respecting. *See* Presidential documents.
- Customs regulations respecting. *See* Customs Bureau.
- Entry of certain commodities free of duty and import tax. *See* Customs Bureau.
- Export control. *See* International Trade, Office of.
- Fish, tariff quota on; customs regulations respecting. *See* Customs Bureau.
- Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
- Food, drugs and cosmetics; regulations respecting. *See* Food and Drug Administration.
- Foreign aid; bareboat charter applications in connection with ECA programs. *See* Maritime Board.
- Foreign assets control, respecting imports. *See* Treasury Department.
- Foreign excess property; importation of. *See* Commerce Department; *and* Customs Bureau.
- Foreign-trade zones:
  - Customs regulations relating to. *See* Customs Bureau.
  - Rules of procedure. *See* Foreign-Trade Zones Board.
- Gas, natural; authorization to import or export. *See* Federal Power Commission.

IMPORTS AND EXPORTS—Continued Page
International Food Exposition, Inc., at Chicago, Ill.; customs regulations respecting imports for. *See* Customs Bureau.
Investigations respecting imports. *See* Tariff Commission.
Japanese Trade Fair, Seattle, Wash., importation of articles in connection with. *See* Customs Bureau.
Livestock, poultry, etc., regulations respecting importation of. *See* Animal Industry Bureau.
Merchandise in general-order and bonded warehouses, extension of time; proclamation respecting. *See* Presidential documents.
Merchandise to designated countries, regulations applicable; clearance of vessels. *See* Customs Bureau.
Overtime services, relating to inspecting and quarantine activities at border, coastal, and air ports. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.
Parcel post regulations, for various countries. *See* Post Office Department.
Petroleum and petroleum products, tariff quota on:
Customs regulations respecting. *See* Customs Bureau.
Proclamation respecting. *See* Presidential documents.
Price control regulations respecting. *See* Price Stabilization, Office of.
Quarantine regulations:
Animals, poultry, etc., imported into Canal Zone. *See* Canal Zone Government.
Plants and plant products. *See* Entomology and Plant Quarantine Bureau.
Radioisotopes; transfer regulations. *See* Atomic Energy Commission.
Rubber, importation for Government use or resale; regulations respecting. *See* General Services Administration.
Tariff-rate quotas for specified imports. *See* Customs Bureau.
Taxes, import. *See* Customs Bureau.
Tonnage duties, imposts, etc., suspension of; Executive order respecting. *See* Presidential documents.
Trade agreements respecting. *See* Trade agreements.
INDEPENDENCE, DECLARATION OF, commemoration of signing; Executive order respecting. *See* Presidential documents.
INDIA, transportation of supplies to, under India Emergency Food Aid Act; Executive order respecting. *See* Presidential documents.

INDIAN AFFAIRS BUREAU:
Agricultural assistance, contracts for; delegation of authority to Commissioner from Secretary of Interior 473
Appeals; authority of Associate Commissioner, Assistant Commissioners, and Executive Officer 2939
Assessments for construction costs for irrigation projects. *See* Irrigation projects.
Attorneys and agents:
Attorney contracts with Indian Tribes, proposed revision 7939, 9250, 10464, 11873
Contracts for general counsel or special services 7939, 9250, 10464, 11873
Contracts for prosecution of claims against the United States 7939, 9250, 10464, 11873
Recognition of attorneys and agents to represent claimants; proposed revision 7939, 9250, 10464, 11873
Authority, delegations of:
From Commissioner to various officials:
Area Directors; functions respecting various matters 2940, 5456, 7467
Credit matters 5456
Education of Indians 5457
Extension problems 5456
Forest and range management 7467
Funds and fiscal matters 7467
Irrigation projects, Indian 5457
Lands and minerals 2940
Law and order 5457
Medical, hospital and nursing services 7467
Trading with Indians 5457

INDIAN AFFAIRS BUREAU—Continued Page
Authority, delegations of—Continued
From Commissioner to various officials—Continued
Associate Commissioner, Assistant Commissioners, and Executive Officer 2939, 8252
Appeals 2939
Contracts and various matters affecting Indians 2939
Redesignation 8252
Chief, Branch of Lands 8252, 8238
Defense Electric Power Administration, Administrator; authority to exercise functions vested in or delegated to Secretary relating to electric power 2231, 5024, 5846
Defense Fisheries Administration, Administrator; authority to exercise functions vested in or delegated to Secretary relating to fishery commodities 2231, 5024, 5846
Defense Minerals Exploration Administration, Administrator; authority to exercise functions vested in or delegated to Secretary relating to metals and minerals 2231, 5024, 5846
Redesignation 11924
Defense Solid Fuels Administration, Administrator; authority to exercise functions vested in or delegated to Secretary relating to solid fuels 2231, 5024, 5846
From Secretary of Interior to various officials:
Commissioner:
Education; contract authority 473
Funds and fiscal matters:
Investments and expenditures 473
Trust agreements, loan assignments, etc 11620
Health and welfare matters:
Contracts for agricultural assistance 473
Liquor traffic among Indians, suppression of; issuance of special deputy officers' commissions in connection with 11620
Irrigation matters; San Carlos Indian irrigation project, Arizona 474
Lands and minerals:
Leases, oil, gas and other mining purposes, approval of 473
Tribal membership rolls, approval of 11974
Subdelegation of authority by Commissioner 474
Headquarters officials; repeal of provisions delegating authority 474
Navajo Agency, officials of; repeal of provisions delegating authority 474
State directors; repeal of provisions delegating authority 474
Superintendent of Osage Indian Agency; approval of oil leases 474
Charges, operation and maintenance, for irrigation projects. *See* Irrigation projects.
Civil Service rules; certain positions (housekeeper) excepted from competitive service(Schedule A) 1001
Contracts, authority respecting:
Agricultural assistance, contracts for; delegation of authority to Commissioner from Secretary of Interior 473
Authority of Commissioner respecting contracts; delegation to Associate Commissioner, Assistant Commissioners and Executive Officer 2939
Education contracts:
Area Directors, delegation of authority to, from Commissioner 5457
Commissioner, delegation of authority to, from Secretary of Interior 473
Credit to Indians:
Authority of Area Directors respecting 5456
Loans to Navajo and Hopi Indians, proposed rule making 11240
Deeds. *See* Mortgages and deeds of trust.
Education (contracts); delegations of authority respecting:
From Commissioner to Area Directors 5457
To Commissioner from Secretary of Interior 473
Extension problems; authority of Area Directors 5456
Fiscal matters. *See* Funds and fiscal matters.
Five Civilized Tribes, Oklahoma; leasing of lands of members, for mining 9192
Forest lands, Menominee Indian Reservation; sale of timber products and use of forest lands for nonforest purposes 10881
Forest management; authority of Area Directors 7467

INDIAN AFFAIRS BUREAU—Continued Page
Funds and fiscal matters:
See also Moneys, tribal and individual.
Delegations of authority respecting:
To Area Directors, from Commissioner 7467
To Commissioner from Secretary of Interior respecting:
Investments and expenditures 473
Trust agreements, loan assignments, etc 11620
Gasoline royalties accruing from Federal and restricted Indian lands in Arizona, New Mexico, southeastern Utah, and southwestern Colorado, computation of 10829
Grazing lands, range management; authority of Area Directors 7467
Guam. *See* Territories, Office of.
Health and welfare matters; delegation of authority to Commissioner from Secretary of Interior respecting:
Contracts for agricultural assistance 473
Liquor traffic among Indians, suppression of 11620
Hopi Indians:
Credit to; proposed rule making 11240
Traders on Hopi Reservation; licenses and licensees 3001
Hospital services; authority of Area Directors 7467
Indian agencies, approval of certain tribal acts, etc., appropriations, trust periods on Indian lands, etc.; fuctions of Secretary in connection with, Executive order respecting. *See main heading* Presidential documents.
Irrigation projects:
Authority, delegations of, respecting:
To Area Directors from Commissioner 5457
To Commissioners from Secretary of Interior, with respect to San Carlos Indian irrigation project, Arizona 474
Costs, construction, assessments, Crow Indian irrigation project, Montana 11765
Operation and maintenance charges for various projects:
Blackfeet Indian irrigation project, Montana:
Assessments, basic and excess water 2603, 3695, 3696
Payments 2603, 3696
Crow Indian irrigation project, Montana:
Assessments, construction, partial, Willow Creek storage reservoir; revocation 11765
Charges, for various districts 3001
Big Horn irrigation district 4892, 6616
Lower Little Horn and Lodge Grass irrigation district 4892, 6616, 8980
Willow Creek Storage Works, notice of assessment 6950
Upper Little Horn irrigation district 4892, 6617, 8980
Willow Creek Storage Works, notice of assessment 6950
Payment 1903, 2189, 3532
Time of payment of assessment 6950, 8980
Flathead Indian irrigation project, Montana:
Charges for various districts and divisions:
Camas divisions 1960
1951 regulations 2189
Flathead irrigation district 2767, 3949
Jocko division 1960, 3001
1951 regulations 2189
Jocko Valley irrigation district 2768, 3949
Mission irrigation district 2767, 3949
Mission Valley division 1960, 3001
1951 regulations 2189
Delivery point 1903, 3000
Payment 2189, 3532
1951 regulations 2189, 3532
Fort Belknap Indian irrigation project, Montana:
Charges 2160, 3532
Payment 2160, 3532
Water users, responsibility of 2160, 3532
Klamath Indian irrigation project, Oregon:
Assessments 2218
Rates, proposed rule making 234
San Carlos Indian irrigation project, Arizona:
Assessment, annual basic, increase in:
Joint works 5134
Change in rate 6370
Tribal and Trust Patent Indian Lands (Pima Indian Reservation) 5134
Change in rate 6370

INDIAN AFFAIRS BUREAU—Continued Page
Irrigation projects—Continued
Operation and maintenance charges for various projects—Continued
Wapato Indian irrigation project, Washington; Wapato-Satus Unit, increase in annual charges 6950, 9503
Wind River Indian irrigation project, Wyoming:
Charges 2160, 3533
Payment 2160, 3533
Lands and minerals; delegations of authority respecting:
To Area Directors from Commissioner 2940
To Commissioner from Secretary of Interior:
Leases, oil, gas, etc.; approval of 473
Tribal membership rolls, approval of 11974
Law and order; authority of Area Directors 5457
Leases; oil, gas, etc.:
See also Mining, mineral leasing.
Delegations of to various officials:
Commissioner; authority in connection with approval of oil and gas leases, etc 473
Superintendent, Osage Indian Agency; authority to approve oil leases 474
Liquor traffic among Indians, suppression of; delegation of authority to Commissioner from Secretary of Interior 11620
Medical, hospital and nursing services; authority of Area Directors 7467
Menominee Indians; use of forest lands on Reservation 10881
Mining, mineral leasing:
Delegations of authority respecting. *See* Lands and minerals.
Five Civilized Tribes, Oklahoma; leasing of restricted lands of members, for mining:
Crediting advance annual payments, procedure for 9192
Definitions; use of term "Area Director" 9192
Disposition of income from leases; rescission 9192
Division orders; lessees responsibilities respecting operation of lease 9192
Manner of payment of rents and royalties 9192
Leasing of tribal lands for mining; acreage limitation:
For beds of placer gold, gypsum, phosphate, etc 7277
For oil or gas, rescission 7277
Moneys, tribal and individual:
See also Funds and fiscal matters.
Indian money accounts 6178
Individual Indian money regulations 6178
Judgment and payments in lieu of allotment funds; Shoshone Tribe, Wind River Reservation, Wyoming:
Allowances for support 10695
Approval of programs; preference given to certain programs, deletion 10695
Disposition of funds in event of death 10695
Education; authorization of expenditures for clothing, tuition, etc. for minors 10695
Fee patent Indians 10696
Funds not available for payment of certain debts; Arapaho Tribe, deletion 10695
Land purchases, individual 10695
Medical treatment, expenditures for 10695
Program required, purposes for which expenditures may be made; medical and hospital service, deletion 10695
Purchase orders, issuance of 10695
Real property, purchase of 10695
Repayment of loans 10695
Right of appeal from action of superintendent in withholding funds or disapproving programs; procedure 10695
Scope of programs 10695
Trust status of property 10695
Mortgages and deeds of trust to secure loans to Indians; approval of mortgages and deeds of trust 9690
Navajo Indians:
Authority, delegations of, to officials of Navajo Agency; repeal 474
Credit to; proposed rule making 11240
Traders on Navajo Reservation; licenses and licensees 3001
Nursing services; authority of Area Directors 7467
Osage Indian Agency, Superintendent; authority to approve oil leases 474

INDIAN AFFAIRS BUREAU—Continued Page

Range management; authority of Area Directors 7467
Reservations, Indian:
Menominee Indian Reservation; forest lands, use, etc 10881
Traders on Navajo, Zuni and Hopi Reservations, licenses and licensees 3001
Rights-of-way over Indian lands; revision 8578
Rolls of Indians. *See* Tribal membership rolls.
Shoshone Tribe; judgments and payments in lieu of allotment funds 10695
State Directors; delegations of authority to, repeal 474
Trading with Indians:
Authority of Area Directors 5457
Traders on Navajo, Zuni and Hopi Reservations; licenses and licensees 3001
Tribal membership rolls, approval of; delegation of authority to Commissioner from Secretary of Interior 11974
Zuni Indians; traders on Zuni Reservation, licenses and licensees 3001

INDIANS:
Farm housing assistance, for certain restricted Indians. *See* Farmers Home Administration.
Functions of Secretary of Interior respecting Indian agencies, approval of certain tribal acts, etc., appropriations, trust periods on Indian lands, etc.; Executive order respecting. *See* Presidential documents.
Irrigation projects. *See* Indian Affairs Bureau; *and* Land Management Bureau.
Regulations, etc., respecting. *See* Indian Affairs Bureau.

INFORMATION. *See* Records, information, etc.

INSTALLMENT SALE AND FINANCING:
Consumer credit. *See* Federal Reserve System.
Motor vehicles; trade practice rules. *See* Federal Reserve System; *and* Federal Trade Commission.

INSURANCE, GOVERNMENT:
Crop insurance. *See* Federal Crop Insurance Corporation.
Housing; insurance of loans, mortgages. *See* Federal Housing Administration; *and* Home Loan Bank Board.
Insured banks, reports of. *See* Federal Deposit Insurance Corporation.
Old age and survivors insurance. *See* Old Age and Survivors Insurance Bureau.
Railroad Unemployment Insurance Act, regulations under. *See* Railroad Retirement Board.
Veterans' life insurance. *See* Veterans' Administration.
War-risk insurance in connection with shipping and ship construction administration of; Executive order respecting. *See* Presidential documents.

INTERAGENCY ADVISORY COMMITTEE ON DOMESTIC TRANSPORT STORAGE AND PORT UTILIZATION; establishment and functions. *See* Defense Transport Administration.

INTER-AMERICAN DEFENSE BOARD, immunities and privileges of; Executive order respecting. *See* Presidential documents.

INTERDEPARTMENTAL COMMITTEES. *See* Committees, boards, etc.

INTERIOR DEPARTMENT:
See Bonneville Power Administration.
Defense Electric Power Administration.
Defense Fisheries Administration.
Defense Minerals Administration.
Defense Solid Fuels Administration.
Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.
Southeastern Power Administration.
Southwestern Power Administration.

INTERIOR DEPARTMENT—Continued Page

Alaska:
Commercial fisheries. *See main heading* Fish and Wildlife Service.
Mental patients from; delegation of authority by Secretary to Director of Office of Territories respecting charges for care and treatment 12405
Rights of way for highways in; width of public highways and procedure for establishment of rights-of-way or easements over easements over or across public lands for such highways 10752
Roads and trails, functions of Secretary in connection with; Executive order respecting. *See main heading* Presidential documents.
Allocation responsibilities. *See* Priorities and allocations.
Authority, delegation of:
By Secretary to various agencies or officials:
Assistant Secretaries; to exercise authority of Secretary in connection with certain agencies and resources fields with certain exceptions 5845
Bonneville Power Administration; authority to make contracts and purchases under Title II, First War Powers Act 11974
Geological Survey:
Director; authority to make contracts and purchases under Title II, First War Powers Act 11974
Regional oil and gas supervisors, authority with respect to oil and gas sales contracts and agreements 10579
Heads of Bureaus or offices of Department; authority to dispose of and transfer personal property under jurisdiction of 6318
Indian Affairs Bureau; authority of designated officials of Bureau in connection with various matters with respect to Indians:
Education; contracts 473
Funds and fiscal matters:
Investments and expenditures 473
Trust agreements, loan assignments, cooperative associations 11620
Health and welfare matters:
Contracts for agricultural assistance 473
Liquor traffic among Indians, suppression of; issuance of special duty officers' commissions in connection with 11620
Irrigation matters 474
Lands and minerals:
Leases 473
Tribal membership rolls, approval of 11974
Leases:
Osage Indian Agency, oil leases of 474
Restricted tribal and allotted Indian lands, approval of leases for oil and gas and other mining purposes 473
Land Management Bureau, Director:
Airports and air-navigation 6805
Minerals, phosphate and potassium leases 6805
Public sales 6806
Railroad grants 6806
Range management, appropriation of water 6806
Roads 6805
Mines Bureau; Director, Chief of Administrative Division, and Regional Directors, procurement authority:
Contracts and purchases under Title II, First War Powers Act, authority of Director respecting 11974
Helium gas, purchases and contracts necessary for production and distribution of 4416
Manganese program 130
Research projects, procurement in connection with 3366
National Capital Parks, Superintendent; authority to permit officers or members of Park Police to perform duties on days off 4984
National Park Service:
Associate and Assistant Directors:
Designation as Acting Director in absence, sickness, etc. of Director 1835
Exercise of functions of Director under his supervision 5846

INTERIOR DEPARTMENT—Continued Page

Authority, delegation of—Continued
By Secretary to various agencies or officials—Continued
National Park Service—Continued
Director:
Membership on certain commissions, boards, etc 5846
National parks, functions in connection with administration of; revision 5846
Payments to State of Wyoming for tax losses in connection with certain lands in Grand Teton National Park 11934
Recreational demonstration project lands, approval of disposition of, and execution of releases 11934
Redelegation of authority; renumbering of section 11934
General Counsel; designation as Acting Director in absence, sickness, etc., of Director 1835
Reclamation Bureau, Commissioner:
Acquisition of land and water rights, authority respecting; prior action affected 3311
Contracts and purchases under Title II, First War Powers Act 11974
Contracts for rehabilitation and betterment work by water users' organizations, authority respecting 2813
Dedication of public lands in Columbia Basin Project 9051
Findings under Columbia Basin Project Act as condition precedent to execution of recordable contracts 9700
Investigation, construction and operation of Federal Reclamation Projects, farm unit plats in connection with Columbia Basin and other reclamation projects 6693
Southwestern Power Administration, Special Assistant to Administrator; authority to perform duties of Administrator in certain situations 9199
Territories, Office of; authority of Director respecting charges for care and treatment of mental patients from Alaska 12405
Under Secretary; exercise of authority of Secretary with respect to defense matters concerning electric power, fishery commodities, metals and minerals, or solid fuels 5845
To Secretary, from various agencies or officials:
Agriculture Department:
Fishery commodities 6998
Food requirements for civilians in Territories and possessions of United States and Trust Territory of Pacific, authority as claimant agency 1289
Defense Materials Procurement Administration respecting exploration and development of critical and strategic minerals and metals 10998, 11546
Defense Production Administrator:
Certificates, necessity, for certain purposes:
Amortization of emergency facilities under section 124A Internal Revenue Code, recommendations for issuance, etc 738, 4594, 11245
Loans, purchases, etc., under Defense Production Act 738, 4594, 11245
Priorities and allotments 738, 4594, 11245
Voluntary agreements and programs, consultations and recommendations in connection with 738, 4594, 11245
General Services Administrator:
Disposal of surplus power lines of Department 557, 2990
Procurement for various purposes:
Fish and Wildlife Service programs 515
Helium gas, production and distribution of 2816
Redelegation to Director, Chief of Administrative Division, and Regional Director of Region VI, of Mines Bureau 4416
Mines Bureau projects; authority to make purchases and contracts, without advertising, from certain funds transferred to Bureau by Air Force, Army, Navy, Coast Guard, or National Advisory Committee for Aeronautics 2643

INTERIOR DEPARTMENT—Continued Page

Authority, delegation of—Continued
To Secretary, from various agencies or officials—Continued
General Services Administrator—Continued
Procurement for various purposes—Continued
National Park Service, scientific, research and investigatory programs of; delegation of authority to Secretary by General Services Administrator to procure services from educational institutions in connection with 12624
Representation of Reclamation Bureau in proceedings before Federal and State regulatory bodies involving carriers in connection with construction activities 1155
National Production Authority:
Chemicals used principally in petroleum industry (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) 1908
Construction; delegation of authority from National Production Authority to process applications under NPA Orders M-4 and M-4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for solid fuels, electric power, metals and minerals, fishing commodities, etc 5401, 6735, 7628
Electric power facilities for generation, transmission and distribution of power, deletion of authority respecting 9784
Minerals and metals; allocations responsibilities in connection with 4907
Certificates, necessity, for certain purposes, delegation of authority from Defense Production Administrator respecting:
Amortization of emergency facilities under section 124A Internal Revenue Code, recommendations for issuance, etc 738, 4594, 11245
Loans, purchases, etc., under Defense Production Act 738, 4594, 11245
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 8509
Claimant agency for programs of Department, designation as:
By Defense Production Administrator with respect to Department programs 4914
Deletion of authority with respect to production and processing of minerals and metals listed in Appendix A of NPA Delegation 5 11038
By Secretary of Agriculture with respect to food requirements for civilians in Territories and possessions of United States and Trust Territory of Pacific 1289
Committees, representation on:
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on 2335
Foreign Supplies and Requirements, Committee on, Office of Defense Mobilization 646
Interagency Advisory Committee on Domestic Transport, Storage, and Port Utilization 585
Construction; delegation of authority from National Production Authority to process applications under NPA Orders M-4 and M-4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for solid fuels, electric power, metals and minerals, fishing commodities, etc 5401, 6735, 7628
Electric power facilities for generation, transmission and distribution of power; deletion of authority respecting 9784
Contracts and purchases:
Mines Bureau projects; delegation of authority by General Services Administrator to make purchases and contracts, without advertising, from certain funds transferred to Bureau by Air Force, Army, Navy, Coast Guard, or National Advisory Committee for Aeronautics 2643
Research contract with National Academy of Science; delegation of authority to Secretary by General Services Administrator to make advance payments in connection with 11317

INTERIOR DEPARTMENT—Continued Page

Contracts and purchases—Continued
Under First War Powers Act:
Delegation of authority respecting to Mines Bureau, Geological Survey, Bonneville Power Administration, and Reclamation Bureau 11974
Functions in connection with; Executive order respecting. *See main heading* Presidential documents.
Eight-hour law, suspension as to laborers and mechanics employed on certain public works; Executive order respecting. *See main heading* Presidential documents.
Excess Government property for use in Territories and island possessions; delegation of authority by Secretary in connection with transfers to Department 2130
Redelegation authorized 2130
Exploration and development, domestic, of critical and strategic minerals and metals; delegation of authority by Defense Materials Procurement Administration respecting 10998, 11546
Food, civilian requirements in Territories and possession of United States and Trust Territory of Pacific; Department designated as claimant agency respecting by Secretary of Agriculture 1289
Functions of Secretary respecting various matters (Alaskan roads and trails, drugs in Virgin Islands, Indians, land districts and offices, helium, transportation of petroleum products, recreational demonstration projects, migratory birds, moneys in Puerto Rico, National Parks Trust Fund Board, etc.); Executive order respecting. *See main heading* Presidential documents.
Grand Teton National Park:
Authority of Director of National Park Service to make payments to State of Wyoming for tax losses in connection with certain lands in 11934
Boundaries; prior order amended 3311
Guam. *See* Territories, Office of.
Helium gas, purchases and contracts necessary for production and distribution:
Delegation of authority to Secretary by General Services Administrator respecting 2816
Redelegation to certain officials of Mines Bureau 4416
Determinations by officials of Mines Bureau and Secretary in connection with advertising requirements 4416
Highways in Alaska, rights of way for; width of public highways and procedure for establishments of rights-of-way or easements over or across public lands for such highways 10752
Indians and Indian lands:
Delegation of authority to Indian Affairs Bureau respecting. *See* Authority.
Natural-gas gasoline royalties accruing from Federal and restricted Indian lands in Arizona, New Mexico, Southeastern Utah, and Southwestern Colorado 10829
Industrial chemicals used principally in petroleum industry; delegation of authority from Administrator of National Production Authority with respect to production and distribution 1908
Inventions by employees. *See* Patent regulations.
Land districts and offices, Alaska:
Fairbanks land office; consolidation of Nome and Fairbanks offices, on discontinuance of Nome office 9052
Land district boundaries:
Anchorage district 9052
Fairbanks district 9052
Lands:
In Alabama; transfer of certain lands in Limestone County to Tennessee Valley Authority; Executive order respecting. *See main heading* Presidential documents.
In Idaho, transfer of certain lands between Agriculture and Interior Departments; Executive order respecting. *See main heading* Presidential documents.
In North Dakota; transfer of described lands in former Roosevelt recreational demonstration area to Agriculture Department from Interior Department 10323

INTERIOR DEPARTMENT—Continued Page

Lands—Continued
Oil and gas lands. *See* Petroleum and petroleum products.
Public lands. *See* Land Management Bureau.
Lignite Research Laboratory, Charles R. Robertson, Grand Forks, North Dakota; designation 7366
Manganese program of Department. *See* Minerals and metals.
Mental patients from Alaska, charges for care and treatment; authority of Director of Office of Territories respecting 12405
Minerals and metals:
Allocation responsibility respecting listed metals and minerals; delegation of authority from National Production Authority respecting 4907
Construction in connection with. *See* Construction.
Exploration and development of critical and strategic minerals and metals; delegation of authority by Defense Materials Procurement Administration respecting 10998, 11546
Manganese program of Department:
Determinations by Secretary 130
Procurement authority, delegation of, to designated officials of Bureau of Mines 130
National Academy of Science, research contract with; delegation of authority to Secretary by General Services Administrator to make advance payments in connection with 11317
National Park Service:
Delegation of authority by Secretary. *See* Authority.
Scientific, research and investigatory programs, procurement of services from educational institutions in connection with; delegation of authority to Secretary by General Services Administrator respecting 12624
Oil and gas. *See* Petroleum and petroleum products.
Organization and functions:
See also Authority, delegations of.
Under Secretary, functions respecting various matters 5846
Supervision of Bureau of Reclamation, Bonneville Power Administration, Southwestern Power Administration and Southeastern Power Administration 11788
Water power development, functions respecting 11788
Patent regulations; inventions by employees, revision 6181
Petroleum industry, delegation of authority to Secretary from National Production Administrator respecting certain industrial chemicals used in; production and distribution of various listed products (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) 1908
Petroleum and petroleum products:
Leases:
Acquired lands, leasing of oil and gas deposits in; use of Form 4–1155 11658
Potash areas. *See* Potash areas.
Operations in submerged coastal lands of Gulf of Mexico:
Authorization for continuance 1203, 2195, 3624, 6404, 8721, 10998
Payments required by State leases 953
Pipelines, responsibility for utilization of; Executive order respecting. *See main heading* Presidential documents.
Potash areas; oil and gas, and potash leasing and development within potash area, New Mexico; described lands 10669
Tracts with outstanding leases, note 10671
Tracts within known geologic structure of producing oil or gas field, note 10671
Production and distribution of listed chemicals used in petroleum industry; delegation of authority to Secretary from National Production Administrator respecting 1908
Royalties; natural-gas gasoline royalties accruing from Federal and restricted Indian lands in Arizona, New Mexico, southeastern Utah, and southwestern Colorado basis for computation 10829
Sales contracts and agreements; delegation of authority to regional oil and gas supervisors, Geological Survey, with respect to 10579

INTERIOR DEPARTMENT—Continued Page

Pipelines, responsibility for utilization of; Executive order respecting. *See main heading* Presidential documents.
Potash areas; oil and gas and potash leasing and development within potash area, New Mexico 10669
Power lines, facilities, etc., disposal of; authority of Secretary respecting 2990
Priorities and allocations in connection with various programs, delegation of authority respecting:
From Defense Production Administration 738, 4594, 11245
From National Production Authority respecting allocation responsibility of Secretary in connection with metals and minerals 4907
Procurement in connection with various programs:
Advertising procedures in connection with purchases and contracts from certain working funds transferred to Bureau of Mines; delegation of authority to Secretary from General Services Administrator 2643
Fish and Wildlife Service; Secretary authorized by General Services Administrator to make purchases and contracts of certain supplies and services 515
Helium gas, production and distribution of, procurement in connection with; delegation of authority to Secretary by General Services Administrator respecting 2816
Redelegation to certain officials of Mines Bureau 4416
Manganese program; delegation of authority to certain officials of Bureau of Mines 130
Mines Bureau research projects, redelegation of authority to various Mines Bureau officials respecting 3366
National Park Service, scientific, research and investigatory programs of; delegation of authority to Secretary by General Services Administrator to procure services from educational institutions in connection with 12624
Reclamation construction activities; authority delegated to Secretary by General Services Administrator to represent Reclamation Bureau in proceedings involving carriers before Federal and State regulatory bodies 1155
Records:
Availability of official records, determinations respecting; limitations with respect to classified material 2127, 3586
Charges:
Copies furnished by managers of land offices 1638
Inapplicability of provisions in specified cases 1638
Recreational demonstration project lands, approval of disposition of, and execution of releases; delegation of authority to Director, National Park Service respecting 11934
Representation of interests of Reclamation Bureau in proceedings involving carriers, before Federal and State regulatory bodies; delegation of authority to Secretary by General Services Administrator respecting 1155
Rights-of-way for highways in Alaska 10752
Royalties; natural-gas gasoline royalties accruing from Federal and restricted Indian lands in Arizona, New Mexico, southeastern Utah, and southwestern Colorado, basis for computation 10829
Samoa. *See* Territories, Office of.
Solid fuels industry; delegation of authority to Secretary from National Production Authority with respect to priorities assistance for maintenance, repair and operating supplies and major capital additions, under NPA Order M–87 11788
Submerged coastal lands of Gulf of Mexico, oil and gas operations in. *See* Petroleum and petroleum products.
Surplus power lines, disposal of; delegation of authority to Secretary by General Services Administrator 557, 2990
Territories, Office of:
Alaska, charges for care and treatment of mental patients from Alaska, delegation of authority to Director of Office of Territories respecting 12405
Excess Government property; authority of certain officials to request transfer to Department for use in Territories and possessions 2130

INTERIOR DEPARTMENT—Continued Page

Territories, Office of—Continued
Food requirements for civilians in Territories and possessions, designation of Department as claimant agency with respect to, by Secretary of Agriculture 1289
Guam, quarantine regulations 2974
Samoa:
Government of 9052
Jurisdiction of; Executive order respecting. *See main heading* Presidential documents.
Trust Territory of Pacific Islands:
Civilian food requirements in; Department designated as claimant agency respecting, by Secretary of Agriculture 1289
Government of 9052
Jurisdiction of; Executive order respecting. *See main heading* Presidential documents.
Virgin Islands:
Drugs (coca, opium, marihauana, etc.), purchase of, taxes, etc.; Executive order respecting. *See main heading* Presidential documents.
Public works program; redesignation of part 5022
Transportation and storage for defense purposes:
Defense Transportation and Storage, Committee on; representation on 2335
Responsibilities of Secretary in connection with; Executive order respecting. *See main heading* Presidential documents.
Tanker capacity, voluntary plan for contribution of. *See main headings* Defense Production Administration; *and* Maritime Administration.
Trust Territory of Pacific Islands. *See* Territories, Office of.
Under Secretary, functions of. *See* Organization and functions.
Virgin Islands. *See* Territories, Office of.
Voluntary agreements and programs:
Delegation of authority from Defense Production Administrator respecting consultations and recommendations in connection with 738, 4594, 11245
Voluntary plan for contribution of tanker capacity. *See main heading* Defense Production Administration; *and* Maritime Administration.

INTERNAL REVENUE BUREAU:
Administrative provisions common to various taxes:
Seizure of vessels, vehicles, and aircraft transporting contraband articles (narcotics); authorization of Collector of Customs for District No. 49, Puerto Rico, to hold in custody vessels, vehicles, and aircraft seized for violation involving contraband articles 10519
Tax returns, inspection of: by various Senate Committees:
Executive orders respecting. *See main heading* Presidential documents.
Senate Committee on District of Columbia 11636
Senate Committee on Expenditures in Executive Departments 7316
Senate Special Committee to Investigate Organized Crime in Interstate Commerce 8270
Treasury notes, acceptance of, in payment of income (including corporation and excess profits), estate, and gift taxes 12615
Treasury Decision 5686; supersedure 12615
Treasury notes of tax Series A–1943, B–1943, A–1944, B–1944, A–1945, tax Series C, and Treasury savings notes, Series A, C, and D:
Acceptance of, in payment of taxes 12615
Procedure with respect to 12615
Aircraft supplies (gasoline, oil, and matches), excise tax on; credit or refund allowed for tax paid by manufacturer 4527
Aircraft transporting narcotics, seizure and custody of; authorization of Collector of Customs No. 49, Puerto Rico 10519
Alcohol, excise tax on. *See* Excise tax regulations.
Armed forces, members of; provisions respecting:
Employment tax; wages 797
Estate tax; extension of time for filing claims for refund 9644
Income tax 2390

INTERNAL REVENUE BUREAU—Continued Page

Armed forces, members of; provisions respecting—Continued
Transportation tax; exemption from, when traveling on official leave, furlough or pass 3110
Beer, malt liquors; excise tax on. *See* Excise tax regulations.
Bowling alleys; excise tax on. *See* Excise tax regulations.
Brandy, excise tax on. *See* Excise tax regulations.
Canal Zone, collection district for; Executive order respecting. *See main heading* Presidential documents.
Cigarettes, excise tax on. *See* Excise tax regulations.
Coin-operated gaming devices, excise tax on. *See* Excise tax regulations.
Contraband (narcotics), seizure and custody of vessels, vehicles, and aircraft transporting; authorization of Collector of Customs for District No. 49, Puerto Rico 10519
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Distilled spirits, excise tax on. *See* Excise tax regulations.
Emergency facilities, amortization deductions for, in computation of net income 3256, 8042
Employment tax regulations:
Collection of income tax at source on wages on or after January 1, 1945:
Addition to tax; failure of employer to file return 807
Adjustments and refunds; limitations on credits and refunds 807
Alien residents of Puerto Rico; withholding at source of income from sources outside United States 12563
Assessment of tax, period of limitation on 806
Definitions:
Employee 801
Employer 801
Exclusions from wages of compensation or remuneration in certain cases:
Agricultural labor, remuneration paid for 798
Aliens; compensation paid to nonresident alien individual 800
Armed forces of United States, compensation of members of 798
Foreign government, compensation paid by 800
Ministers, etc.:
Compensation paid after 1950 for services performed by minister or by member of religious order 801
Compensation paid before 1951 for services performed as minister of gospel 800
Newspapers, etc.:
Delivery or distribution of newspapers or shopping news 801
Sale of newspapers or magazines 801
Service not in course of employer's trade or business, remuneration for 800
Service performed outside United States, remuneration for, paid on or after January 1, 1948:
To citizens in possessions of United States 800
To citizens resident in foreign countries 800
Trusts or annuities, remuneration from 801
Terms; general definitions and use:
Identification number; redesignation 801
Military or naval forces of United States, etc 801
Wages:
Agricultural labor; statutory provisions 798
Armed forces, members of; statutory provisions 797
Foreign governments, compensation paid by 798
Puerto Rico; statutory provisions 797
Remuneration for services performed outside United States 798
Retirement pay 798
Social Security Act Amendments of 1950; statutory provisions 797

INTERNAL REVENUE BUREAU—Continued Page

Employment tax regulations—Continued
Collection of income tax at source on wages on or after January 1, 1945—Continued
Determination of tax:
Application of withholding exemptions:
In general 805
Period not a payroll period 805
Period or elapsed time less than one week 805
Requirement to withhold 805
Supplemental wage payment; in general 805
Wage bracket withholding:
See also Withholding.
In general 805
Period not a payroll period 805
Period or elapsed time less than one week 805
Rounding off wage payment 805
Withholding:
Effective date; statutory provisions 805
Percentage method; statutory provisions 801
Wage bracket; statutory provisions 801
Payment of tax. *See* Returns and payment of tax.
Receipts:
Armed forces, members of; statutory provisions 805
Employees; statutory provisions 805
Penalties; statutory provisions 806
Social Security Act Amendments of 1950; statutory provisions 805
Tax withheld at source; receipts:
Extension of time for furnishing statements to employees; redesignation 806
In general 806
Information returns, Form 1099 806
Penalties for fraudulent statement or failure to furnish statement 806
Statements for members of armed forces of United States 804
Wages paid after December 31, 1950 806
Refunds. *See* Adjustments and refunds.
Returns and payment of tax; income tax withheld on wages 806
Federal Insurance Contributions Act, employee and employer tax under, applicable on and after January 1, 1951 5540, 12453, 12615
Adjustments of employee tax and employer tax 5540, 12487
Definitions of terms and categories (types of employer and employee, services, occupations, organizations, etc.) 5540, 12454
Employee tax 5540, 12480
Adjustments of 12487
Computation, rates, measure and collection of employee tax and liability for 12480
Manner and time of payment 12481
Receipts for employees 12481
When tax attaches 12481
Employer tax 5540, 12481
Adjustments of 12487
Computation, rates, and measure of employer tax and liability for 12482
Manner and time of payment 12482
When employer tax attaches 12482
Identification of taxpayers; employers' identification numbers, employees' account numbers and duties respecting 5540, 12482
Miscellaneous provisions respecting assessments, interest, additions to tax, collection of taxes in Puerto Rico and Virgin Islands, mitigation of effect of statute of limitations in certain cases, agents' functions, and promulgation of regulations 5540, 12492
Refunds, credits, and abatements 5540, 12489
Federal and State employees, special rules pertaining to 12491
Returns, payment of tax, and records 5540, 12484
Puerto Rico and Virgin Islands; forms prescribed for employers in 12485
Railroad Retirement Tax Act, payment of employers' tax and employees' tax under; use of Federal Reserve Banks and authorized commercial banks as depositories for taxes 4256, 5929

INTERNAL REVENUE BUREAU—Continued Page

Estate and gift taxes regulations:
Acceptance of Treasury notes in payment of taxes. *See* Administrative provisions, *above*.
Estate tax; regulations relating to taxes on estates of decedents dying after February 10, 1939:
Armed forces, certain members of:
Exemption from additional estate tax 2422
Extension of time for filing claims for refund by estates of 9644
Claims for refund by estates of certain members of armed forces, extension of time for filing 9644
Description of tax:
Armed forces, certain members of:
Exemption from additional estate tax 2422
Extension of time for filing claims for refund by estates of 9644
Exemption. *See* Armed forces.
In general; redesignations 2422
Determination of tax liability; gross estate:
Bequests, etc., to surviving spouse:
Proceeds held by insurer under life insurance, endowment, or annuity contract, with power of appointment in surviving spouse; determining whether terms of contract satisfy conditions for allowance of marital deduction, with respect to operation of section 812 (e) (1) (D) 9557
Trust with power of appointment in surviving spouse; operation of section 812 (e) (1) (D) in case of transfer described in section 812 (e) (1) (F) 9557
Transfers by decedent during life subject to tax:
Power relinquished in contemplation of death:
Reciprocal trusts, certain; special rule 2426
Statutory provisions 2423
Redesignations 2426
Transfers during life, classes of; transfers effective after decedent's death 2424
Transfers in contemplation of death; transfers prior to June 7, 1932 2424
Release, tax free, of certain life estates; statutory provisions 2423
Transfers taking effect at death:
On or after decedent's death; regulations 2424
Statutory provisions 2423
Transfers with possession or enjoyment retained:
Estates of decedents dying before January 1, 1950 2426
General rule 2426
Redesignations 2426
Transfers with right retained to designate who shall possess or enjoy 2426
Transfers in contemplation of, or taking effect at death; statutory provisions, amended headnote and amendatory provisions 2423
See also Transfers by decedent during life subject to tax.
Liability, tax; determination. *See* Determination of tax liability.
Gift tax:
Under chapter 4 of Internal Revenue Code:
Cessation of donor's dominion and control:
Redesignations 2427
Relinquishment of powers over certain reciprocal trusts 2427
Statutory provisions 2427
Imposition of tax; exceptions to tax 2427
Transfers reached:
In general; reference to special provisions 2427
Life estates, certain, and other rights over income; transfers 2427
Release, tax free, of certain life estates; statutory provisions 2427
Under Revenue Act of 1932; imposition of tax, relinquishment of powers in case of reciprocal trusts 2427, 2428
Estates and trusts, income tax on. *See* Income and excess profits taxes regulations.
Excess profits tax. *See* Income and excess profits taxes regulations.

INTERNAL REVENUE BUREAU—Continued Page

Excise tax regulations:
Aircraft, supplies of gasoline, lubricating oil, and matches for; credit or refund allowed for tax paid by manufacturer 4527
Alcohol. *See* Liquors, distilled spirits, etc.
Beer, malt liquors. *See* Liquors, distilled spirits, etc.
Bowling alleys and billiard and pool tables:
Federal agencies or instrumentalities, tax applicable to; statutory provisions 548
Liability, tax; persons liable for tax (Federal agencies or instrumentalities) 548
Scope of regulations 548
Brandy. *See* Liquors, distilled spirits, etc.
Cigarettes. *See* Tobacco and products.
Coin-operated gaming devices:
Effective dates of tax 548
Federal agencies or instrumentalities, tax applicable to; statutory provisions 548
Liability, tax; persons liable for tax (Federal agencies or instrumentalities) 548
Rates and computation of tax; increase in tax on slot machines 548
Scope of regulations 548
Wagering tax, exemption from 11213
Distilled spirits. *See* Liquors, distilled spirits, etc.
Floods; spirits lost in floods of 1951. *See* Liquors, distilled spirits, etc.
Gambling; wagering. *See* Wagering.
Gaming devices. *See* Coin-operated gaming devices.
Gasoline, lubricating oil, and matches, sold as supplies for aircraft; credit or refund allowed for tax paid by manufacturer 4527
Industrial alcohol. *See* Liquors, distilled spirits, etc.
Liquors, distilled spirits, etc.:
Alcohol:
Denatured. *See* Denatured alcohol.
Withdrawal of, free of tax. *See* Withdrawal of distilled spirits.
Beer. *See* Malt liquors.
Brandy:
Fruit brandies; blending with straight whiskies. *See* Rectification of spirits and wines.
Production of. *See* Production of brandy, distilled spirits, etc.
Denatured alcohol, rum, etc.:
Disposition of denatured alcohol, denatured rum, and substances or preparations containing denatured alcohol or rum; republication 5110
Formulae for completely denatured alcohol; rubber hydrocarbon solvents 3228, 6020
Distilled spirits:
Disposition of substances used in manufacture of; republication 3111
Floor stocks taxes on. *See* Floor stocks taxes.
Importation of. *See* Importation of distilled spirits.
National emergency transfers of. *See* National emergency transfers of distilled spirits.
Rectification of. *See* Rectification of spirits and wines.
Production of. *See* Production of brandy, distilled spirits, etc.
Spirits lost in floods of 1951, tax refund on. *See* Spirits lost in floods of 1951.
Warehousing of. *See* Warehousing of distilled spirits.
Withdrawal of. *See* Withdrawal of distilled spirits.
Floods, spirits lost in. *See* Spirits lost in floods of 1951.
Floor stocks taxes, 1951, on distilled spirits, beer and other fermented malt liquors, and wines; payment of tax, floor stocks subject to taxation, identification and preparation of inventories, filing of returns, forms prescribed 10883
Fortification of wine. *See* Wine.

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
- Liquors, distilled spirits, etc.—Continued
  - Importation of distilled spirits, wines, and fermented liquors — 8530
  - Bulk, importation of distilled spirits in — 8540
  - Definitions — 8534
  - General requirements — 8536
  - Exemption from stamping, marking, bottling, and labeling requirements — 8538
  - Labeling of distilled spirits — 8536
  - Marking and stamping of distilled spirits — 8536
  - Marking, stamping, and labeling of wines and fermented liquors — 8536
  - Permit for importation of distilled spirits and wines — 8536
  - Red strip stamps for containers of distilled spirits — 8536
  - Laws of common application pertaining to importation of distilled spirits, wines, and fermented liquors — 8530
  - Marking, stamping, branding, and labeling of distilled spirits, wines, etc — 8536
  - Exemption from stamping, marking, bottling, and labeling requirements — 8538
  - Permit for importation of distilled spirits and wines — 8536
  - Records and reports:
    - Collectors of Customs, reports of — 8541
    - Importer's records and reports — 8540
    - Additional requirements — 8540
    - Imported distilled spirits — 8540
    - Red strip stamps — 8540
  - Red strip stamps:
    - Affixed in customs bonded warehouse — 8539
    - Affixed in foreign country — 8538
    - Affixed under customs supervision by bottler in foreign country — 8539
    - Exchange and redemption of — 8541
    - Stamps for containers of distilled spirits — 8536
  - Taxes:
    - On imported distilled spirits, wines, fermented liquors, and imported perfumes containing distilled spirits — 8535
    - Collection of tax — 8536
    - Special (occupational) — 8535
- Industrial alcohol, formulae for completely denatured alcohol; rubber hydrocarbon solvents, addition to list of denaturants — 3228, 6020
- Malt liquors, fermented:
  - Floor stocks taxes on. *See* Floor stocks taxes.
  - Importation of. *See* Importation of distilled spirits, wines and fermented liquors, *above*.
  - Laws relating to production and sale — 9384
  - Manufacture and taxpayment, regulations relating to — 9382
  - Bonds and consents of surety — 9394
    - Action by District Supervisor; consents of surety, and additional and superseding bonds — 9400
    - Termination of bonds — 9400
  - Breweries:
    - Changes in name, proprietorship, control, location, premises and equipment — 9397
    - Special tax stamps — 9398
    - Construction — 9391
    - Pipeline, for transfers to bottling house — 9391
    - Equipment — 9392
    - Location and use of brewery premises — 9390
    - Plats and plans — 9396
    - Qualifying documents — 9393
    - Sign, posting of — 9392
  - Cereal beverage; production, etc — 9410
  - Changes in name, proprietorship, location, etc., of breweries — 9397
  - Commissioner, action by; original establishments, review of documents — 9400
  - Construction, equipment, etc., of breweries — 9391
  - Definitions — 9390
  - Discontinuance of business, form of notice of — 9400
  - District Supervisor, action by — 9399
    - Changes in name, proprietorship, location, premises, construction, apparatus, or equipment; action concerning — 9399

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
- Liquors, distilled spirits, etc.—Continued
  - Malt liquors, fermented—Continued
    - Manufacture and taxpayment, regulations relating to—Continued
      - District Supervisor, action by—Continued
        - Consents of surety, and additional and superseding bonds; procedure applicable — 9400
        - Original establishment — 9399
      - Equipment for breweries — 9392
      - Exportation, free of tax — 9406
      - Inspection — 9411
      - Locks and seals — 9411
      - Marks, brands, and labels, for containers — 9401
        - More than one brewery premises owned by same person — 9401
      - Meters, beer — 9392
      - Plats and plans for breweries — 9396
      - Purchase of beer from another brewer — 9410
      - Qualifying documents — 9393
      - Records, reports, and returns — 9411
      - Removals:
        - Beer, removal of:
          - From brewery to warehouse — 9404
          - To contiguous alcohol plants — 9404
          - Sour beer — 9405
        - Brewer's yeast, malt and malt sirup — 9403
        - Samples, removal from bottling house or brewery for analytical purposes — 3840, 7201, 9412
      - Samples, authorization for brewers to remove, without payment of tax, from bottling house or brewery for analytical purposes, and procedure governing removals — 3840, 7201, 9412
      - Seals and locks — 9411
      - Sign, posting of, by breweries — 9392
      - Stamps — 9402
        - Special tax stamps; liability with respect to changes in name, proprietorship, or location — 9398
      - Supplies for vessels and aircraft — 9409
      - Surety. *See* Bonds and consents of surety.
      - Tax-paid beer returned to brewery premises — 9405
      - Taxes:
        - On fermented liquors — 9401
        - Special tax — 9400
    - National emergency transfers of distilled spirits — 7421, 11295
    - Bond and consent of surety; carrier, or consignor or consignee — 7424, 11298
    - Carrier; transportation permit, bond and consent of surety — 7424, 11298
    - Containers, approved, such as storage and weighing tanks, pipelines, tank trucks, cars, ships, or barges — 7423, 11297
    - Marking of containers — 11298
    - Sealing of conveyances — 11298
  - Definitions — 7422, 11297
  - Denaturing plants, establishment of — 7430, 11305
  - Designation of distilled spirits or alcohol:
    - As "neutral spirits — mixed", "spirits — mixed", "unfinished alcohol—mixed", etc — 11299
    - When deposited in distilleries, industrial alcohol plants, or internal revenue and other bonded warehouses — 11300
  - Exemptions from statutory requirements — 7425, 11300
    - Authorizations, temporary, by Commissioner — 7425, 11300
    - Rectification taxes, commodity and occupational — 7425, 11300
    - Sunday and night time operations — 7424, 11299
  - Gauging of distilled spirits — 7425, 11299
    - Determination of proof — 7425, 11299
    - Received in distillery or industrial alcohol plant for weighing only — 7425, 11299
    - Removed for use of United States or for other tax-free purpose, or upon tax payment — 7425, 11299
    - Transferred between bonded premises — 7424, 11299

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
- Liquors, distilled spirits, etc.—Continued
  - National emergency transfers of distilled spirits—Continued
    - General regulations; losses, mingling, establishment of denaturing plants, etc — 7430, 11305
    - Losses of distilled spirits transferred, or removed for transfer — 7430, 11305
    - Mingling during course of removal; same or different premises — 7430, 11305
    - Permit, carrier — 7424, 11305
    - Rectification taxes, commodity and occupational; exemption from statutory requirements — 7425, 11298
    - Removals:
      - For exportation without payment of tax — 7430, 11305
      - Free of tax:
        - For denaturation — 1428, 11303
        - For scientific purposes, use of hospitals, etc — 7429, 11304
        - For use of the United States — 7429, 11304
      - Mingling during course of removal — 7430, 11305
    - Sealing of conveyances — 7423, 11298
    - Sunday and night time operations for purposes of national defense only; proviso — 7425, 11300
    - Termination of regulations five years from effective date — 7431, 11305
    - Transfers in bond — 7426, 11301
      - From industrial alcohol plants and bonded warehouses to distilleries and internal revenue bonded warehouses — 7428, 11303
      - To distilleries — 7426, 11300
      - To industrial alcohol plants and bonded warehouses — 7427, 11302
      - To internal-revenue bonded warehouses — 7426, 11301
    - Transfers permitted — 7423, 11297
  - Production of brandy, distilled spirits, etc.:
    - Brandy; transfer of brandy from distillery, temporary use of tank trucks for transfers in bond and removals for fortification of wine — 121
    - Distilled spirits; transfer of distilled spirits from cistern room:
      - Temporary use of tank trucks for transfers in bond — 121
    - Vodka, authorized removals of:
      - Removal, upon tax payment, by pipeline — 7506
      - Transfers to internal revenue bonded warehouses by pipeline, in addition to certain other authorized methods — 7505
  - Wine. *See* Wine.
  - Rectification of spirits and wines:
    - Blending of straight whiskies and pure fruit brandies:
      - Exemption from tax; substitution of 80 proof limit instead of 90 proof in requirements for reduction of blends — 12427
      - Failure to observe conditions; 80 proof limit instead of 90 proof allowed in reduction of blends — 12427
    - Commodity taxes on rectified spirits and products, exemption from rectification tax; substitution of 80 proof limit instead of 90 proof in requirements for reduction of blends — 12427
  - Spirits lost in floods of 1951, tax refunds on — 12222
    - Claims procedure — 12222
    - Definitions of terms used — 12222
    - Destruction of spirits, supervision of — 12223
    - Payment of refunds; by and to whom paid — 12222
  - Tax refunds on spirits lost in floods of 1951. *See* Spirits lost in floods.
  - Warehousing of distilled spirits:
    - Deposit of spirits in storage tanks in warehouse; receipt of vodka by pipeline on or contiguous to distillery premises — 7506
    - Storage of distilled spirits in warehouse in certain kinds of containers; proviso that tanks for storage of vodka be metal, porcelain, glass or paraffin-lined — 7506
    - Tare, method of determination of; use of average tare method, extension of time — 4967, 12387

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
- Liquors, distilled spirits, etc.—Continued
  - Warehousing of distilled spirits—Continued
    - Temporary use of tank trucks for transfers in bonds and removals for fortification of wine — 123
    - Transfers of packages between warehouses in same district; extension of time for use of average tare method of gauging packages of distilled spirits for withdrawal — 4967, 12387
    - Withdrawal from warehouse:
      - Drawing-off spirits from gauging tanks — 7506
      - Kinds of containers; pipeline — 7506
  - Whiskies; blending with brandies. *See* Rectification of spirits and wines.
  - Wines:
    - Floor stocks taxes on. *See* Floor stocks taxes.
    - Importation of. *See* Importation of distilled spirits, wines.
    - Production, fortification, or amelioration of wine:
      - Amendments to prescribe standards for solids content of wines, ameliorated or sweetened with sugar or a sugar and water solution, consistent with those in Federal Alcohol Administration Regulation 4 — 1676
      - Fortification; manner of procuring brandy from fruit distilleries and Internal Revenue bonded warehouses — 122
      - Nonstandard wines; labeling — 1675
      - Standard wines:
        - Fruit and berry wines:
          - Amelioration, proviso — 1675
          - Sweetening, proviso — 1675
        - Natural wine:
          - Amelioration, proviso — 1675
          - Sweetening, proviso — 1675
        - Pure sweet wine; total solids content — 1675, 1818
    - Rectification of. *See* Rectification of spirits and wines.
    - Withdrawal of distilled spirits free of tax from registered distilleries and internal revenue bonded warehouses and of alcohol free of tax from industrial alcohol plants and bonded warehouses for use of United States; revocation, proposed — 7431
  - Malt liquors. *See* Liquors, distilled spirits, etc.
  - Manufacturers' excise taxes:
    - Aircraft supplies; credit or refund of tax paid on certain supplies for certain aircraft — 9467
    - Quick-freeze units and components — 4720, 9464
    - Television sets and components — 4720, 9464
  - Matches. *See* Gasoline, lubricating oil, and matches.
  - Pool tables. *See* Bowling alleys and billiard and pool tables.
  - Quick-freeze units, tax on sales by manufacturers; proposed rule making — 4720
  - Slot machines. *See* Coin-operated gaming devices.
  - Snuff. *See* Tobacco and products.
  - Television sets, tax on sales by manufacturers; proposed rule making — 4720
  - Tobacco and products (cigars, cigarettes, snuff, etc.), taxes on:
    - Floor stocks taxes, 1951, on small cigarettes; rate and payment of tax, filing of returns, claims for refunds, etc — 11998
    - Promulgation of regulations; redesignation — 11998
    - Rates of tax, effective November 1, 1951:
      - Cigarettes, weighing not more than three pounds per thousand; increase in rate of tax on — 12545
      - Tobacco and snuff; decrease in rate of tax on — 12545
  - Transportation of property by rail, water, air, or by motor vehicle:
    - Application of tax — 456
    - Export shipments; transportation beyond boundaries of United States — 457
    - Scope of tax; general provisions respecting — 456
    - Transportation which begins and ends in United States; statutory provisions — 456

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Transportation services, tax on; exemption for members of military and naval services when traveling on official leave, furlough or pass — 3110
Wagering, excise and special tax on — 11211
Definitions — 11212
Excise tax on wagering:
Administrative provisions respecting credits or refunds, overpayment of tax, jeopardy assessment, payment of taxes, penalty and interest for failure to file return within time limit, returns, and records — 11213
Effective period and scope of tax — 11212
Excluded wagers; certain games, drawings, parimutuel wagering enterprise, coin-operated machines, exempted — 11213
Person liable for tax — 11213
Rate and computation of tax — 11213
Territorial extent — 11213
When tax attaches — 11213
Introductory provisions; scope of regulations respecting taxes imposed by Chapter 27A of Internal Revenue Code — 11212
Occupational tax on wagering:
Administrative provisions respecting:
Address, business, change of — 11220
Assessment:
Jeopardy assessment — 11221
Of taxes not paid by stamp — 11221
Claims for refund or abatement of special taxes and certain penalties — 11222
Liability:
For failure to register change of ownership or address and removal of business — 11220
Partnership liability — 11219
Ownership, change of — 11219
Partnership liability — 11219
Penalties:
For delinquency and fraudulent return — 11220
Penalty and interest for nonpayment of tax — 11221
Public record of special taxpayers — 11221
Records of agent or employee — 11219
Registry, return, and payment of tax — 11218
Returns:
Penalties for delinquency and fraudulent return — 11220
Registry, return, and payment of tax — 11218
Special tax stamp:
Certificates in lieu of stamps lost or destroyed — 11219
Claims for redemption — 11222
Tax payment evidenced by — 11219
To be posted as evidence of payment of tax — 11219
Special taxpayers, public record of — 11221
Tax payment:
Claims for refund — 11222
Evidenced by special tax stamp — 11219
Notice and demand for tax; penalty and interest — 11221
Registry, return, and payment of tax — 11218
Violation of Federal or State law, doing business in — 11221
Effective date of occupational tax, persons liable for, and rate and computation of — 11218
Whiskies. *See* Liquors, distilled spirits, etc.
Wines. *See* Liquors, distilled spirits, etc.
Floods; spirits lost in floods of 1951. *See* Excise tax regulations.
Gambling; wagering, tax on. *See* Excise tax regulations.
Gaming devices, coin-operated; excise tax on. *See* Excise tax regulations.
Gasoline, for aircraft. *See* Aircraft supplies.
Gift tax. *See* Estate and gift taxes regulations.
Income and excess profits taxes regulations:
Acceptance of Treasury notes in payment of taxes. *See* Administrative provisions, *above*. — 4227, 6276
Consolidated income and excess profits tax returns — 7820, 7928
Editorial corrections — 7820, 7928

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Excess profits, special provisions under income tax regulations respecting:
Filing of returns by corporations and fiduciaries — 10805
Personal service corporations; exception from excess profits tax of shareholders because of certain elections (proposed rule making) — 7288
Relief from excess profits tax under section 722 (Internal Revenue Code) because of inadequate excess profits credit; allowances granted to listed companies, fiscal year ended June 30, 1951 — 10999
Supplemental list, fiscal year ended June 30, 1950 — 11037
Excess Profits Tax Act of 1950, regulations under — 2247
Capital, invested, in connection with certain exchanges and liquidations — 2315
Adjusted basis of assets received in certain intercorporate liquidations — 2322
Exchanges — 2322
Invested capital adjustment at time of tax-free intercorporate liquidations — 2325
Credit, excess profits, based on income in connection with certain exchanges — 2315, 8115, 11569
Abnormalities in income in taxable year, treatment of — 8131, 11586
Acquiring corporations:
Definition of, by types of transactions — 8115, 11570
Existence of; consideration of, for certain purposes — 8117, 11572
General rules for determining average base period net income — 8119, 11574
Minimum average base period net income under Part II — 8131, 11586
Allocation rules in case of Part II transactions described in section 461 (a) (1) (E) — 8126, 11581
Alternative average base period net income:
Based on growth — 8121, 11576
Under sections 442, 443, 444, 445, or 446 — 8122, 11577
Application for benefits of sections 442 to 446 — 8123, 11578
Commencement of business — 8123, 11577
Method of determination:
In case of transactions described in section 461 (a) (1) (E) — 8123, 11578
With respect to assets, interest, and gross receipts — 8123, 11577
Rule applicable if all parties were previously entitled to alternative average base period net income — 8123, 11577
Application of sections 442–446 with respect to determination of average base period net income — 8123, 11578
Average base period net income:
Alternative average base period net income — 8121, 11576
Based on growth — 8121, 11576
Under section 442, 443, 444, 445, or 446 — 8122, 11577
Application of sections 442–446 with respect to determination of — 8123, 11578
General rules for determining of, in case of acquiring corporation — 8119, 11574
Minimum average base period net income of acquiring corporation — 8131, 11576
Capital:
Base period:
Capital addition in case of successive transactions — 8136, 11591
Capital additions — 8134, 11589
Capital changes in case of successive transactions — 8134, 11589
Net capital addition or reduction — 8134, 11586
Component corporations:
Definition of, by types of transaction — 8116, 11570
Excess profits credit of, in transactions described in section 461 (a) (1) (E) — 8117, 11573
Existence of; consideration of, for certain purposes — 8118, 11572
When classed as acquiring corporation in previous transaction — 8118, 11573

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Excess Profits Tax Act of 1950, regulations under—Continued
Credit, excess profits, based on income in connection with certain exchanges—Continued
Definitions:
Base period experience — 8119, 11573
Corporations; definition of, by types of transactions:
Acquiring — 8115, 11570
Component — 8116, 11570
Existence, relative, of acquiring and component corporations, consideration of — 8118, 11572
General rules for determining average base period net income of acquiring corporation — 8119, 11574
General average method — 8121, 11575
Method of recomputation of excess profits net income of acquiring corporation with reference to that of its component corporations — 8119, 11574
Limitations — 8120, 11575
Special rules for partnerships and sole proprietorships — 8120, 11574
Limitations:
Under section 462 (j) (1):
Base period capital additions — 8135, 11591
Certain stock acquisitions — 8129, 8469, 11582
Net capital addition or reduction of acquiring corporation — 8134, 11589
Under section 462 (j) (2) — 8130, 11585
With respect to recomputation of excess profits net income of acquiring corporations, in certain cases — 8130, 11575
Minimum average base period net income of acquiring corporation — 8131, 11586
Net capital addition or reduction — 8131, 11586
Partnerships and sole proprietorships — 8131, 11585
Component corporations — 8118, 11573
Acquiring corporations — 8116, 11574
Provisions generally applicable — 8119, 11573
Certain types of transactions described in section 461 (a) (1) (E) — 8119, 8469, 11573
Definition of "base period experience" — 8119, 11573
Excess profits credit of component corporations in transactions described in section 461 (a) (1) (E) — 8119, 11573
Purpose and scope of Part II, Excess Profits Tax Act, 1950 — 8115, 11569
Statutory provisions — 2315
Stock acquisitions, limitations under section 462 (j) (1) in case of certain — 8127, 11582
Treatment of abnormalities in income in taxable year — 8131, 11586
Rate and computation of tax — 2249
Abnormalities in income:
In net income. *See* Net income.
In gross income, in taxable period — 2306
Accounting, elections respecting, in case of installment basis taxpayers and taxpayers with income from long-term contracts — 2304
Adjusted profits net income, computation of — 2251
Definition — 2251
Excess profits credit. *See* Credit.
Assets, admissible and inadmissible — 2272
Base period net income. *See* Net income.
Capital credit:
Borrowed capital — 2272
Historical invested capital — 2311
Invested capital credit, adjusted — 2267
New capital credit changes — 2270
Civil Aeronautics Act, corporations subject to; exemption — 2304
Corporations exempt from excess profits tax. *See* Exempt corporations.
Credit, excess profits:
See also Capital credit.
Allowance — 2259
Based on income — 2260
Based on invested capital — 2266
Assets, admissible and inadmissible — 2272
Public utilities, regulated — 2251
Rules for determining — 2273
Unused excess profits credit, adjustment — 2251

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Excess Profits Tax Act of 1950, regulations under—Continued
Rate and computation of tax—Continued
Depressed industry subgroups. *See* Industries, depressed.
Exempt corporations — 2304
Expenditures (advertising, etc.), capitalization of — 2288
Foreign corporations; exemption — 2304
Foreign personal holding companies; exemption — 2304
Industries, depressed; average base period net income for depressed industry subgroups — 2281
Adjusted rates of return, tentative — 1118, 2282
Determinations, tentative — 1118, 2282
Industry base period rates of return, proclaimed by Secretary — 1118, 2282
Classification of various industries — 2282
Installment basis taxpayers; election to accrue income — 2304
Investment companies, regulated; exemption — 2304
Long-term contracts, taxpayers with income from; election respecting accounting — 2304
Merchant Marine Act, corporations completing contracts under — 2311
Mining corporations:
Nontaxable income. *See* Nontaxable income.
Strategic minerals; exemption of corporations mining — 2287
Natural gas operations; nontaxable income. *See* Nontaxable income.
Net income for taxable years, computation of:
Average base period net income:
Abnormalities during base period — 2275
Change in products or services — 2277
Depressed industry subgroups — 2281
Determination of — 2260
Increase in capacity for production or operation — 2278
New corporations — 2279
Excess profits net income:
For taxable years ending after June 30, 1950 — 2252
For taxable years in base period — 2256
Nontaxable income, from certain mining and timber operations, and from natural gas properties — 2292
Personal holding companies; exemption — 2304
Personal service corporations; taxability — 2286
Public utilities, regulated; excess profits credit — 2284
Rates of tax — 2250
Tax liability; adjustments in case of position inconsistent with prior income tax liability — 2289
Timber operations, certain; nontaxable income. *See* Nontaxable income.
Income tax, for taxable years beginning after December 31, 1923, and prior to January 1, 1939; overpayments, period of limitations on claim for refund when waiver is filed (amendments of Regulations 103 and 111 made applicable to Regulations 65, 69, 74, 77, 86, 94, 101) — 3213
Income tax, for taxable years beginning after December 31, 1938, and prior to January 1, 1942:
Computation of net income:
Exclusions from gross income; employees' annuities — 3839, 8980
Inventories, under elective method; involuntary liquidation and replacement of inventories accounted for on last-in first-out basis — 4931
Estates and trusts:
Employees' trusts — 3839, 8981
Taxability of beneficiary of trust under section 165 (a) — 3839, 8981
Treatment of beneficiary of trust not exempt under section 165 (a) — 3839
Overpayments, period of limitations on claim for refund when waiver is filed — 3213

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941:
Aliens, taxation of:
Alien residents of Puerto Rico, taxation of 12567, 12568, 12571
Withholding tax 12568
Alien residents of United States 12568
Capital gains of aliens temporarily present in United States 12569
Capital gains of nonresident aliens temporarily in United States; statutory provisions 12569
Application of regulations to special classes of taxpayers (nonresident alien individuals, employees of United States working in Possessions or Canal Zone, and residents of Puerto Rico); proposed rule making 12567
Armed forces, members; provisions respecting: Compensation; exclusion from gross income 2390
Definitions 2390
Computation of net income:
Bonds and bond premiums. *See* Deductions; *and* Gain or loss.
Credits, for individuals, exemptions, personal, surtax, and for both normal tax and surtax; alien resident of Puerto Rico 12567
Deductions:
Bond premium, amortization deduction:
Callable and convertible bonds; amount of convertible bond premium not to include any amount attributable to conversion features of bond 6721, 10804
Municipal bonds, short-term, held for sale to customers by dealers in tax-exempt securities 6721, 10803
Circulation expenditures of newspapers, magazines, and other periodicals:
Adjusted basis, for taxable years beginning after December 31, 1945; chargeable to capital account 12545
Deduction from gross income; election to capitalize, and limitations on retroactive application 9480, 12544
Contributions or gifts:
Charitable and other contributions, unlimited deduction; determination of applicability of 15% limitation in case of husband-wife joint return, without regard to self-employment income tax 6565, 9458
Contributions or gifts by United States employees in Possessions or Canal Zone 12567
Emergency facilities, amortization deduction for 3256, 3260, 8042
Stock options, employee; treatment of, proposed rule making 10642
Operation of section 130A, with respect to taxable years ending after December 31, 1949; rules applicable to restricted stock options, holding period and disposition of stock acquisition of other stock or securities 10643
Distribution in redemption or cancellation of stock taxable as dividend; relationships of shareholders considered, proposed 10312
Exclusions from gross income. *See* Gross income.
Gain or loss:
Basis for determining:
Adjusted basis (proposed):
Circulation expenditures of periodicals chargeable only to capital account, for taxable years after December 31, 1945 9481
Short-term municipal bonds held for sale to customers by dealers in tax-exempt securities 6721, 10804
In case of property received in certain corporate liquidations 5953, 9643
Stock shares acquired by employees under restricted stock option, disposition of, proposed 10645

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Gain or loss—Continued
Capital gains and losses:
Aliens, nonresident, percentage of capital gain or loss 12568
Gains attributable to amortization deductions for emergency facilities 3261, 8046
Involuntary conversions, and sales or exchange of certain property used in trade or business; artistic work or invention with respect to taxable years after September 23, 1950, inapplicability of, proposed 9571
Meaning of terms; definition of artistic work or invention as non-capital asset, when determined on basis of creation through personal effort, and with respect to taxable years after September 23, 1950, proposed 9571
Short sales, certain, of capital assets, with respect to taxable years after September 23, 1950; proposed rule making 9571
Commodity futures 9572
Husband-wife short sale of property 9573
Substantially identical property 9572
Treatment of 9571
Corporate liquidations in calendar month in 1951 5952, 9643
Gain, recognition of, on stock owned by qualified electing shareholders at liquidation 5953, 9643
Qualified electing shareholder 5953, 9643
Records to be kept and information to be filed with return, by qualified electing shareholder receiving distribution in complete liquidation of domestic corporation 5953, 9643
Losses, uncompensated; nonresident aliens and employees of United States working in Possessions or Canal Zone 12567
Gross income; inclusions and exclusions:
Exclusions:
Armed forces, members of; specified compensation of:
Members of armed forces of United States for service in combat zone after June 24, 1950, and prior to January 1, 1952 2390
Members of military and naval forces; compensation received prior to January 1, 1949, redesignation 2390
Bond premiums, treatment of, in case of dealers in tax exempt securities 6720, 10803
Adjustments, certain, required by dealers with respect to premiums paid on short-term municipal bonds held for sale to customers 6720
Adjustments dependent upon method of accounting used in computing gross income from trade or business:
Inventories not used or valued at cost 6721
Inventories not valued at cost, use of 6720
Earned income derived from sources outside United States, within Puerto Rico 12567
Employees' annuities 3839, 8980
Income from discharge of indebtedness, extension of time to January 1, 1952 for 3478
Inventories, under elective method; involuntary liquidation and replacement of inventories accounted for on last-in first-out basis 4931
Inclusions; property transferred by employer to employee, special provisions respecting stock transfers 10645
Income from sources within United States:
Alien residents of Puerto Rico excepted from provisions for taxable year beginning on or after January 1, 1951 12568

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Income from sources within United States—Continued
United States employees in Possessions or Canal Zone 12568
Stock options, employees. *See* Deductions; *and* Gain or loss.
Terms, meaning of; certain nonresident aliens, determination of capital gains for taxable years on or after January 1, 1950 12568
Credits against tax:
Allowance of credit, conditions of; attestation of forms 12568
Analysis of credit for taxes of foreign countries and possessions of United States:
Bona fide resident of Puerto Rico 12568
Self-employment income tax, disallowance of credit against 6565, 9458
Limitations on credit for taxes paid to foreign country or possession of United States; exclusion of Victory tax and self-employment income tax in computing tax against which credit is taken 6565, 9458
Definitions; military or naval forces and armed forces of United States 2390
Emergency facilities, amortization deduction for 3256, 8042
Employees of United States working in Possessions of United States or in Canal Zone; wages deemed to be derived from sources within United States 12571
Estates and trusts:
Amortization of emergency facilities of 3256, 3261, 8046
Employees' trusts 3839, 8981
Taxability of beneficiary of trust under section 165(a) 3839, 8981
Treatment of beneficiary of trust not exempt under section 165(a) 3839, 8981
Net income, allocation of; annual information return respecting 1288, 3479
Self-employment income tax not to be applied to income of estates and trusts 6565, 9458
Estimated tax, declarations of; taxable years beginning after December 31, 1947:
Addition of Puerto Rico, for taxable years beginning on or after January 1, 1951, to listed countries affected by provisions 12567
Filing of declaration of estimated tax, Puerto Rico:
By nonresident aliens residing in 12567
Extension of time for filing 12568
Form and contents of declaration; Puerto Rico considered as part of United States, after January 1, 1951, for purposes of existing regulations 12567
Joint declarations by husband and wife; alien who is bona fide resident of Puerto Rico 12567
Husband and wife:
Contributions; 15% limitation without regard to self-employment income tax 6565, 9458
Estimated tax, joint declarations; aliens, bona fide residents of Puerto Rico 12567
Short term sale of property; gain or loss 9573
Introductory provisions, division of regulations into subparts; Subpart D (Victory Tax on Individuals, prior to January 1, 1944, and Self-Employment Income Tax, after December 31, 1950) 6565, 9458
Life insurance companies; figure to be used in computing reserve and other policy liability credit for taxable year 1950 2218
Mitigation of effect of limitation and other provisions in income tax cases:
Application of section 3812 in correction of certain type of error involving both self-employment income tax and employment tax 6571, 9464
Effective date of self-employment tax in Puerto Rico (January 1, 1950); addition 6570, 9463

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Mitigation of effect of limitation and other provisions in income tax cases—Continued
Law applicable in determination of error in treatment of self-employment income or wages; law and regulations applicable with respect to period when error was made 6571, 9464
Purpose and scope of section 3801; provision for correction of effect of certain types of errors under certain circumstances not to be applied to any tax relating to employment taxes 6570, 9463
Newspapers, magazines, and other periodicals, circulation expenditures of; deductions from gross income for, or charged to capital account 12544, 12545
Nonresident alien individuals, taxation of 12567, 12569
Capital gains of aliens temporarily present in United States 12569
Capital gains or losses 12570
Credits to nonresident aliens, no United States business; aggregate more than $15,400; definition of income 12570
Deductions allowed nonresident aliens:
Aliens with no United States business; deductions subject to certain limitations 12571
Aggregate more than $15,400; definition of income 12571
Deductions allowed for taxable years beginning on or after January 1, 1950 12570
Aggregate more than $15,400; provisions respecting allocable deductions 12570
Gross income of nonresident alien individuals; provisions respecting taxable years beginning on or after January 1, 1950 12570
Partnerships; definition of income 12571
Return of income; no United States business:
Aggregate more than $15,400; certain gains from transactions in taxable year beginning on or after January 1, 1950, must be shown on return 12571
Definition of income 12571
Overpayments. *See* Returns and payment of tax.
Partnerships:
Amortization of emergency facilities 3256, 3261, 8046
Nonresident aliens; definition of income 12571
Payment of tax. *See* Returns and payment of tax.
Penalties in connection with estimated tax; additions to tax to be applied without regard to self-employment income tax 6566, 9458
Personal service corporations; tax of shareholders:
Supplement S, Internal Revenue Code:
Applicability of; definitions 7288, 11076
Net income; method of computing, example with respect to income tax for 1951 7288, 11076
Taxability of shareholders with respect to exception from excess profits tax by reason of election under section 449 or 725 of Excess Profits Tax Act of 1950 7288, 11076
Possessions of United States, income from sources within; taxation of citizens of United States and domestic corporations:
Definition; use of term "Puerto Rico" (and citizens of) 12571
Determination of income from sources within United States 12571
Gross income of certain United States employees in 351
Income received within United States; use of term "Possession" 12571
Returns and payment of tax, extension of time for filing declaration of estimated tax for certain United States employees in 5471
Sources of compensation, provisions respecting, for taxable years beginning on or after January 1, 1951 12571

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Possessions of United States, income from sources within; taxation of citizens of United States and domestic corporations—Continued
Status of citizens of United States Possessions; certain provisions not applicable to citizens of Puerto Rico for taxable years beginning after December 31, 1950 — 12571
Term "Possession of United States", use of, instead of "Puerto Rico" — 12571
Puerto Rico, residents of, income tax regulations applicable to; proposed rule making — 12567
Aliens residing in — 12567, 12571
Withholding tax — 12568
Bonafide residents of — 12567, 12568
Estimated tax — 12567
Foreign tax credit — 12568
Income from sources within — 12568, 12571
United States citizens, residing in — 12571
Withholding tax on aliens residing in — 12568
Rates of tax:
Artistic work or invention, treatment of gain from sale or exchange of, as non-capital asset, in case of taxable years after September 23, 1950; proposed — 9570
Nonresident alien individuals liable to tax, rates for — 12567
Nonprofit organizations, exemption from tax on corporations, proof of exemption on or after January 1, 1943; miscellaneous amendments respecting use of Form 990–A, etc — 1288, 3479
Personal services, artistic work or invention (for period of 36 months or more), compensation and back pay; application of provisions respecting, without regard to self-employment income tax — 6565, 9458
Returns and payment of tax:
Aliens, nonresident, withholding of tax at source from; time of payment — 5355, 10806
Corporation returns respecting excess profits for taxable years ending after June 30, 1950, and before December 31, 1950, filing of — 5353, 10805
Excess profits tax returns — 5354, 10805
Filing of returns, time and place for:
Affiliated corporations, members of a group of; time for filing income and excess profits tax returns, for taxable years ending after June 30, 1950, and before May 1, 1951 — 2390, 5748
Extension of time for filing nontaxable returns of income to December 31, 1951 — 10805
Fiduciary of estate or trust, filing by — 5354, 10805
United States employees:
Employees outside United States; extension of time for filing declaration of estimated tax for 1950 — 351
Employees working in possessions of United States or in Canal Zone, extension of time for filing returns of income for 1950 — 5471
Individual returns; taxable years beginning after December 31, 1947:
Alien individuals who are bona fide residents of Puerto Rico; provisions applicable after January 1, 1951 — 12567
Time for filing returns; exception respecting bona fide resident of Puerto Rico — 12567
Information returns:
By corporations; information respecting corporate liquidations:
Dissolution or liquidation, contemplated; contents of return in cases of liquidation within one calendar month of 1951 — 5953, 9643
Distributions in liquidation — 552, 5953, 9643, 9758
Payment of dividends — 552, 9758

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Returns and payment of tax—Continued
Information returns—Continued
By individuals; information respecting payments of $500 or more to any person as fixed income:
As to actual owner — 552, 9758
As to foreign items — 552, 9758
As to payments of $500 or more — 552, 9758
Cases where no return of information required; payments to employees in Puerto Rico, on or after January 1, 1951 — 12569
Foreign items, definitions; Puerto Rico classed as part of United States on or after January 1, 1951 — 12569
By tax-exempt organizations and trusts claiming charitable or other deductions under section 162 (a):
Nonprofit organizations (charitable, religious, scientific, etc.) — 1287, 3478
Trusts claiming deductions for income set aside for charitable, religious, scientific, etc., purposes — 1287, 3479
Payment of tax:
Dates on which tax shall be paid in case of tax year ending before, on or after December 31, 1950 — 5354, 10806
Installment payments — 5355, 10806
Overpayments; period of limitations on claim for refund when waiver is filed — 3213
Records and income tax forms — 1288, 3479
Self-employment income tax; contents of declaration of estimated tax, with respect to — 6565, 9458
Withholding of tax at source; income of nonresident aliens, from sources outside United States, alien residents of Puerto Rico included in term "nonresident aliens" — 12568
Self-employment income — 6565, 9458
Definition of self-employment income as net earnings from $400 to $3600 derived from self-employment after December 31, 1950, by individuals other than nonresident aliens — 6569, 9462
Employee and wages, definition of, with respect to self-employment income tax — 6570, 9463
Net earnings from self-employment — 6567, 9460
Excluded from net earnings; computation of gross income, allowable deductions, etc., in accordance with special rules respecting:
Agricultural activity, income from — 6568, 9461
Community income in cases of individuals or partnerships — 6568, 9461
Dividends and interest — 6568, 9468
Gain or loss from disposition of property — 6568, 9461
Net operating loss deduction — 6568, 9461
Puerto Rican residents and nonresident citizens who are also citizens of United States — 6569, 9461
Rentals from real estate — 6567, 9460
Included in net earnings; gross income and deductions attributable to trade or business and individual's distributive share (as partner) of net income and losses of trade or business — 6567, 9460
Returns to be made on Form 1040 by all individuals, other than nonresident aliens, with self-employment income of $400 or more, for taxable years after December 31, 1950 — 6570, 9463
Joint returns, husband-wife; computation of tax on separate self-employment income of each spouse — 6570, 9463
Social security account number to be shown on return — 6570, 9463
Scope of self-employment — 6566, 9459

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, for taxable years beginning after December 31, 1941—Continued
Self-employment income—Continued
Trade or business, net earnings from self-employment to be derived from; activities excluded as trades or businesses:
Employees — 6569, 9462
News dealers, certain; exception — 6569, 9462
Ministers or members of religious orders — 6569, 9462
Professions, certain, members of, such as physicians, lawyers, professional engineers, etc — 6569, 9462
Public office — 6569, 9462
Railroad Retirement System, individuals as employees or employee representative under — 6569, 9462
Treaty obligations (Revenue Act of 1950); amendments to Act not applicable where contrary to any treaty obligation — 12569
Victory tax on individuals and self-employment income tax — 6566, 9459
See also Self-employment income.
Withholding of income tax at source; alien residents of Puerto Rico, income from sources outside United States — 12568
Self-employment income tax and Victory Tax on individuals. *See* Income tax, for taxable years beginning after December 31, 1941.
Switzerland; regulations affecting taxation of nonresident aliens who are residents of Switzerland. *See* Treaties, taxation pursuant to.
Treasury notes, acceptance of in payment of income tax. *See under* Administrative provisions, *above*.
Treaties, taxation pursuant to; Switzerland, regulations established at income tax convention between United States and Swiss Confederation, May 1951, affecting nonresident alien individuals and foreign corporations, for taxable years beginning after December 31, 1950 — 11910
Withholding of income tax at source on wages. *See under* Employment tax regulations, *above*.
Inspection of tax returns:
Information returns of certain tax exempt organizations and certain trusts claiming charitable or other deductions, availability for public inspection — 1287, 3214, 3478
Inspection, under special Executive orders, of income, excess-profits, capital stock, estate, and gift tax returns, by various Senate Committees:
Executive orders respecting. *See main heading* Presidential documents.
Senate Committee on District of Columbia — 11636
Senate Committee on Expenditures in Executive Departments, to investigate sale of tanker ships by United States Maritime Commission — 7316
Senate Special Committee to Investigate Organized Crime in Interstate Commerce, for any period to and including 1950 — 8270
Insurance Contributions Act, Federal; employment taxes under. *See* Employment tax regulations.
International organizations, public, tax exemptions of members of; designation of Inter-American Defense Board, Executive order respecting. *See main heading* Presidential documents.
Liquors, distilled spirits, wines, beer, etc.; excise tax on. *See* Excise tax regulations.
Matches, sold as supplies for aircraft. *See* Aircraft supplies.
Motor vehicles transporting narcotics, seizure and custody of; authorization of Collector of Customs for District No. 49, Puerto Rico — 10519
Narcotics, seizure and custody of vessels, vehicles, and aircraft transporting; authorization of Collector of Customs for District No. 49, Puerto Rico — 10519
Oil, lubricating, for aircraft. *See* Aircraft supplies.
Overpayments of income tax for years 1924 through 1941 — 3213
Pool and billiard tables; excise tax on. *See* Excise tax regulations.

INTERNAL REVENUE BUREAU—Continued — Page

Puerto Rico:
Custody of vessels, vehicles, and aircraft seized for violations involving contraband articles (narcotics). *See* Seizure of vessels.
Employment tax, for residents of:
Employment tax regulations. *See* Employment tax regulations.
Self-employment tax; effective date (January 1, 1950) — 6570, 9463
Quick-freeze units, excise tax on. *See* Excise tax regulations.
Railroad Retirement Tax Act; employment taxes under. *See* Employment tax regulations.
Seizure of vessels, vehicles, and aircraft transporting contraband articles (narcotics); authorization of Collector of Customs for District No. 49, Puerto Rico, to hold in custody vessels, vehicles, and aircraft seized for violation involving contraband article — 10519
Self-employment income tax. *See* Income and excess profits tax regulations.
Slot machines; gaming devices, excise tax on. *See* Excise tax regulations.
Switzerland; taxation of residents pursuant to treaty, *See* Income and excess profits tax regulations.
Tax returns, inspection of. *See* Inspection of tax returns.
Television sets, excise tax on. *See* Excise tax regulations.
Transportation of persons, excise tax on; exemption of members of armed forces when traveling on official lease, furlough, or pass — 3110
Transportation of property by rail, water, air, or by motor vehicle; excise tax on. *See* Excise tax regulations.
Treasury notes, acceptance of, in payment of taxes. *See* Administrative provisions.
Treaties, income taxation pursuant to. *See* Income and excess profits tax regulations.
Vessels or vehicles transporting narcotics, seizure and custody of; authorization of Collector of Customs for District No. 49, Puerto Rivo — 10519
Virgin Islands, part of internal revenue collection district of Maryland; Executive order respecting. *See main heading* Presidential documents.
Wagering, tax on. *See* Excise tax regulations.
Whiskies, blending of. *See* Excise tax regulations.
Wines, excise tax on. *See* Excise tax regulations.
Withholding of income taxes at source of wages. *See* Employment tax regulations.

INTERNATIONAL AGREEMENTS, CONVENTIONS, ETC.:
Claims Convention between United States and Republic of Panama, claims under. *See* State Department.
International Civil Aviation, Convention on; regulations pursuant to. *See* Civil Aeronautics Board.
International Wheat Agreement; terms and conditions of export programs. *See* Agriculture Department.
Pacific Halibut Fishery Convention between United States and Canada, regulations pursuant to. *See* International Fisheries Commission.
Radio agreements, international. *See* Federal Communications Commission.
Tax Convention between Swiss Confederation and United States respecting nonresident aliens. *See* Internal Revenue Bureau.
Trade agreements; proclamations respecting. *See* Presidential documents.
Yugoslav Claims Agreement, claims under. *See* State Department.

INTERNATIONAL CHILDREN'S WELFARE WORK, authority relating to; Executive order respecting. *See* Presidential documents.

INTERNATIONAL CLAIMS COMMISSION:
General rules of practice and procedure; attorneys, exhibits, dockets, depositions, hearings, subpenas, decisions, etc — 9692, 11102
Panama, Republic of, Claims Convention between United States and; special rules for claims under Articles I and II (c) — 11105

INTERNATIONAL CLAIMS COMMISSION—Con. Page

Payment on account of awards of claims; regulations of Accounts Bureau (Treasury Department) respecting 457
Yugoslav Claims Agreement of 1948, special rules for claims under 11105

INTERNATIONAL DEVELOPMENT, functions under Mutual Security Act relating to; Executive order respecting. *See* Presidential documents.

INTERNATIONAL DISPUTES, peaceful settlement of; Executive order respecting. *See* Presidential documents.

INTERNATIONAL FISHERIES COMMISSION:

Pacific halibut fisheries; revised regulations 3803
Catch, limit of, in each area 3804
Closed season, length of 3804
Closed small halibut grounds 3806
Dealers, statistical returns by, of halibut handled 3806
Gear, dory, prohibited 3806
Halibut taken with other fish under permit, retention of 3805
Licenses, issuance of, and conditions limiting their validity 3804
Nets prohibited 3806
Permits, issuance of, and conditions limiting their validity 3805
Regulatory areas 3803
Tagged halibut retention of 3806
Unloading, and weighing, supervision of 3807
Vessels:
Licenses for; issuance of. *See* Licenses.
Permits for; issuance of. *See* Permits.
Responsibility of master or operator 3806
Statistical return by, of halibut taken during fishing operations 3805
Unloading, supervision of. *See* Unloading.

INTERNATIONAL ORGANIZATIONS:
Inter-American Defense Board, immunities and privileges of; Executive order respecting. *See* Presidential documents.
United Nations:
Detail of military personnel to, on authorization of Secretary of State; Executive order respecting. *See* Presidential documents.
International disputes, peaceful settlement of; Executive order respecting. *See* Presidential documents.

INTERNATIONAL SECURITY AFFAIRS COMMITTEE, termination of; Executive order respecting. *See* Presidential documents.

INTERNATIONAL TRADE, OFFICE OF:

Authority, delegations of:
From Director, to Assistant Director for Export Supply; authority to deny license (export) privileges 6750
To Compliance Commissioner for Export Control, from Secretary of Commerce; authority to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges 1094
To Director, from National Production Authority; authority to make allotments of controlled materials, and to assign to exporters right to apply ratings and allotment numbers and symbols for procurement of materials which they are licensed to export 4909, 6152
British Token Import Plan:
Introduction, what plan is; 20% changed to 40% 4309
Procedure, obtaining certification of prewar exports:
Action by Office of International Trade:
Application filed after April 30 but prior to July 1, 1951 4310
Issuance of token scrip:
Quota of import licenses for United States not to exceed 40% 4310
Time of final issuance of scrip 4310
Applying for certification, time and manner of submitting application; final date of acceptance 4310
Eligibility; 20% changed to 40% 4310
Defense Production Act, designation as claimant agency for programs under 4914

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control:
Amendments, extensions, or transfers of licenses. *See* Licenses.
Belgian Congo, exportations to. *See* Licensing policies.
China (including Manchuria), Hong Kong and Macao; order revoking general licenses to. *See* General orders.
Denial or suspension of export privileges:
Appeals in connection with. *See main heading* Foreign and Domestic Commerce Bureau.
Authority to deny license (export privileges) 6750
Compliance Commissioner for Export Control; delegation of authority from Secretary of Commerce to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges 1094
Orders affecting various firms or persons. *See* Suspension of license privilege, *below.*
Redesignation 6749
Substitution of "Export Supply Divisions," "Investigation Staff" and "Chief, Export Control Investigation Staff" for "Commodities Division," "Enforcement Staff" and "Director of Enforcement Staff," respectively 3612
Temporary suspensions, suspensions by charging letter 6750
Enforcement provisions:
Destination control 315
Interpretations 1767
Prohibition against diversion 797
Ultimate destination, statement regarding, on declaration, bill of lading, and commercial invoice 797, 3613
Return or unloading of cargo at direction of Department of Commerce 7820
Export clearance:
Authenticated shipper's export declaration; procedure for authentication:
Intermediate consignee 6749
Note respecting country of ultimate destination for shipments of fresh fruit or vegetables 11857
Certain commodities, clearance by Collectors of Customs on posting of bond, Far East and intransit shipments; note 1117
Presentation for export:
Commodities; use of license for shipments 5924
Presentation of shipper's export declarations 5925
Shipments via mail 5925, 9308
General orders:
Export clearance of certain commodities by Collectors of Customs on posting of bond; Far East and intransit shipments, note 1117
Practice before OIT 5108, 12688
Revalidation of certain revoked licenses 9684, 10486
Revocation of certain general licenses:
To Hong Kong and Macao:
Cut flowers, shipments permitted 4888
Fresh fruit and vegetables, shipments permitted 316, 797, 2702, 4888
To subgroup A destinations, exportation of all commodities prohibited 2023
Revocation of certain licenses for copper, steel, and aluminum 9683
Validity of certain export licenses, orders modifying; raw cotton 316, 5108, 9308
Extension of validity period for exportations from Atlantic Coast ports 11069, 11672
Gift parcels, general licenses for. *See under* Licenses.
In-transit shipments without unloading, note 6612
Licenses:
See also Licensing policies.
Amendments or alterations of licenses:
Disclosure on amendment requests of prior action on shipment 9222
Intermediate consignee 6749
Persons authorized to amend licenses 3646
Price amendments; note 8038
Procedure for submitting requests for amendments 3646, 7540
Where to file 3646, 7540

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Licenses—Continued
BLT (Blanket) licenses; commodities subject to procedure 2563, 8793
Extension of licenses; disclosure of prior action on shipment 9223, 10486
General licenses:
All commodities, export of to subgroup A destinations prohibited 2023
All commodities not on Positive List, shipments to all destinations except subgroup A countries, Hong Kong and Macao permitted; general license GRO 3612
Fresh fruit, vegetables, and cut flowers; shipments to Hong Kong and Macao permitted 4886
Coal, overland exports of; general license G-Coal 10727
Cotton, unmanufactured, of any North or South American country other than United States; general license GMC 6917, 10484
Flowers, export of cut flowers to Hong Kong and Macao permitted 4888
Fruit and vegetables, fresh; export of to Hong Kong and Macao permitted 316, 797, 2702, 4888
General provisions:
Applicability 3612
Use of general license symbol 5924
Gift parcels, general license for 2469, 3645
Commodity, weight, and other limitations:
Excluded destinations; renumbered 12307
Other limitations; renumbered 12307
Postal, size, and weight limitations 12307
Weight limitations; deletion 12307
Definition 12307
In-transit shipments, general license GIT:
Excepted commodity list 3645, 4610, 5924, 10484, 10727
Special provisions 3645, 11763
Limited value, shipments of, general license GLV; general provisions, definitions 221, 9306
Personal baggage and tools of trade; note respecting reasonable quantities of food 5391
Publications, export of; general license G-PUB:
Excluded destinations, China, Manchuria, and North Korea 5653, 7314
List of exportable publications 1989, 7314
Bibles 5653
Return of certain commodities imported into United States to all destinations except Subgroup A countries, Hong Kong, and Macao, general license GLR:
Containers returned empty 3612
Machinery or parts shipped to United States for repair, except precision instruments and tools 3612
Newsprint cores 3612
Technical data:
Authorization and use of general license GTD 3612, 9307
Definition 9306
Vessels, certain, export of; general license VMC, deletion 5924
Individual and other validated licenses, provisions for:
Applicability and general provisions 223
Applications for licenses; intermediate consignee 6749
Disclosure of prior action on shipment 9221
How to file application for export license 224, 637, 1115, 1767, 6749, 11261
Data supplementing license application; amendment of note 3613, 11261
Information required; amendment of note 3612
Time of submission 3612
Issuance and use of export licenses; partial shipments 5924
Reexportation from country of destination; general provisions 3613
Weight and volume tolerance 224, 1989, 2562, 9222, 11856
Project licenses:
Amendment to licenses; information required 9682
Applications, bases for consideration of 9682

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Licenses—Continued
Project licenses—Continued
Dollar limit (DL) licenses, manner and time of submission of Form IT-375 4887
Export clearance:
Presentation of license 5924
Shipper's export declaration 9683
Identification; note 9682
List of restricted commodities, Supplement 1 119, 224, 1767, 2702, 5392, 9307, 9860, 10155, 10728, 11764
SP (special) project licenses:
Authorizations required by other government agencies; redesignation 9682
Letter of explanation 9682
License application form; note 9682
Other than petroleum projects or programs, commodity requirements for; Form IT-375 4887, 9682
Petroleum projects and programs, commodity requirements for 9682, 11857
Preparation of application form 9682
Revalidation of certain revoked licenses 9684, 10486
Suspension of licenses of certain persons or firms. *See* Suspension of license privilege, *below.*
Transfer of licenses, information from transferor and transferee 7539
Licensing policies and related special provisions:
Applications covering commodities for which supply assistance is requested 8524
Belgian Congo, exportations to 8038
Chemicals and medicinals; bismuth salts and compounds 6612
Coal and coke, special provisions for 10727
Cobalt, commodities containing 2702
Commodities, certain, special provisions for; evidence of availability 2469, 6612, 8524, 10484, 12687, 13123
Cotton duck 9860
Cotton mill waste:
Additional provisions for 3376
Cotton hard wastes, redesignation 7820
Soft cotton waste, deletion 7820
Deletion 10727
Cotton, raw, special provisions for 545
Deletion 10484
Diamonds, special provisions for; export clearance of loose diamonds 10727
Export licensing general policy:
Accepted orders, evidence and certification ("Director, Commodities Division" changed to "Assistant Director for Export Supply") 3612
Commodities subject to 545, 1116, 2563, 10154, 10484, 11856, 12687, 13123
Export licensing policy for materials covered by NPA M (Materials) orders 637
Ferrous or nonferrous commodities, including ores, concentrates, or unrefined products, special provisions for 1990, 10154
Hides and skins, raw, of foreign origin; special provisions for 5, 12687
Iron and steel 11763
Machinery and parts, special provisions for:
Automotive replacement parts:
List of commodities 7539, 11763
List of destinations 7539
Information required with license applications to export machinery and parts 7539
Pumps, compressors, blowers, exhausters, fans, and parts 7539
Military wearing apparel 2702
Mines, smelters and mineral prospecting operations abroad, serialized; special provisions for exports to 10485
Past participation in exports for certain commodities:
All controlled materials, and commodities with processing code NONF 9681
DDT and BHC 9222
Plumbers' brass goods 10484
Rubber tires and casings 5107, 5391
Petroleum products, certain; application requirements 546
Skins. *See* Hides and skins.

INTERNATIONAL TRADE, OFFICE OF—Continued — Page

Export control—Continued
Licensing policies and related special provisions—Continued
Sugar, special provisions:
Application requirements — 6917
Deletion — 12687
Sweden, exportations to — 4310, 8038
Switzerland, exportations to — 4310
Time schedules, supplement 1, for submission of applications for licenses — 5, 119, 1117, 2469, 4887, 5108, 5392, 7820,8792, 9681, 10155, 10727, 11763, 12307, 12688, 13124.
Tin plate, licensing policies for — 13123
Totally allocated commodities, certain; special provisions for — 10485
Wool rags, waste, and yarns — 5391, 9307, 11856
Mutual assistance on United States imports and exports; declaration of destination on selected imports into United States — 7313
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities — 5, 119, 316, 546, 924, 925, 1181, 1473, 1767, 2023, 2470, 2545, 2702, 3212, 3377, 3613, 4099, 4525, 4888, 5043, 5393, 5653, 5925, 6613, 6750, 7314, 7821, 8527, 10059, 10064, 10728, 10729, 11713, 11804, 12778, 12780.
Additions or deletions of specific commodities in listed categories:
Abrasives — 3377
Acids and anhydrides — 2545, 3613
Air-conditioning and refrigeration equipment and parts — 10059
Aluminum:
Aluminum and aluminum-base alloy manufactures — 1768, 4888, 5653
Ores, compounds, and concentrates — 3377, 3613
Ammonium compounds except fertilizers — 11805
Animal dips. *See* Insecticides.
Asbestos — 3377, 10059, 12778
Automobiles, parts and equipment — 1768, 10059
Balancing and correcting machines, automatic — 10059
Blankets and bedding (relief or charity) — 4311
Boot and shoe cut stock — 3377
Bridges and parts, steel, military — 10059
Carbon or graphite products; lighting carbons — 8527
Chemicals; industrial, organic and specialty compounds — 1182, 1473, 1768, 3377, 3613, 4525, 5044, 6614, 10059
Clay and products — 1768
Clothing:
Relief or charity — 4311
Used — 3377, 11805
Coal, anthracite and bituminous — 10728
Coal tar intermediates except acids — 1768, 5653, 10059
Construction equipment and parts — 5044
Conveying equipment and parts — 10059
Copper and manufactures — 1768
Copper sulfate — 11713
Cotton:
Cloth, duck and tire fabric — 10059
Manufactures — 1767, 2702, 10729
Mill waste — 10729
Raw, except linters — 10729
DDT — 2545
Druggists' preparations. *See* Medicinal preparations.
Dynamometers and parts — 10059
Electric hoists — 10059
Electric incandescent and fluorescent lamp parts:
Molybdenum filaments — 7314
Tungsten contacts and filaments — 6613
Electrical apparatus and parts:
Sound recorders, magnetic, and recording discs — 4888
Therapeutic apparatus, except X-ray — 5044
Tungsten wire coils — 6613
Engines, turbines, and parts — 546, 1768
Fats; inedible — 2545
Fertilizer materials:
Nitrogenous — 11805
Phosphatic — 11713

INTERNATIONAL TRADE, OFFICE OF—Continued — Page

Export control—Continued
Positive List of Commodities and related matters—Continued
Appendix A, Positive List of Commodities—Con.
Additions or deletions of specific commodities in listed categories—Continued
Fibers, synthetic, and manufactures — 1182
Flame-hardening, machines for — 10059
Fluorescent lamp parts. *See* Electric incandescent and fluorescent lamp parts.
Food (relief or charity) — 4311
Foundry equipment and parts — 10059
Fumigants, household and industrial, containing turpentine — 11713
Fungicides and insecticides, agricultural — 2545, 11713
Glass and products — 1768
Graphite, natural — 8527
Graphite products. *See* Carbon or graphite products.
Hair and manufactures — 5
Hides and skins — 2023, 3377, 4888
Horsehair, bleached — 2702
Industrial machinery and parts — 5394, 10059
Industrial trucks and tractors — 10059, 10064
Insecticides and fungicides, agricultural — 2545, 11713
Instruments, apparatus and supplies; scientific and professional — 317, 1768
Iron and steel; manufactures, products, materials, etc — 5, 1182, 1768, 5653, 10059, 12778
Irrigation systems and parts — 2702
Jute bags, sacks and burlaps — 3377
Kyanite and allied minerals — 317
Laboratory apparatus — 10059
Lamb skins, wet and dry — 10059
Latex and rubber compounds — 10059
Leather and tanned skins — 3377, 10059
Logs. *See* Wood.
Lumber. *See* Wood.
Machinery; electrical, construction, industrial, metal-working, agricultural — 317, 1182, 1768, 2702
Medicinal preparations:
Druggists nonproprietary preparations; elixirs, tablets, etc — 4888, 7821
Medicinal chemicals — 1768, 4888, 7821
Proprietary preparations, for human use; malaria, chill and fever, etc — 7821
Merchant vessels, 18 feet in length and over — 5926
Metals, alloys and metal composition manufactures — 3377
Metals, precious — 1768
Metalworking machine tools, power-driven — 10059
Military and naval equipment, miscellaneous — 10059
Military apparel — 119
Molybdenum filaments for electric lamps — 7314
Nails and bolts — 1182
Naval stores, gums and resins — 1182, 1767
Nickel and manufactures — 1768
Nitrogenous fertilizer materials — 11805
Nitrogenous phosphatic types — 11805
Nonmetallic minerals — 1182
Nylon webbing for parachute harness — 5393
Oil, tall. *See* Tall oil.
Oils; sperm, coconut, palm, expressed and castor — 2545, 7821, 10728
Ores and concentrates — 3377
Paint brushes — 4888
Palm oil, crude and refined — 10728
Paper base stocks — 1768
Photographic and projection goods — 1768
Pipe fittings, cast-iron; new and used — 10728
Plated ware — 317, 1768
Platinum and allied metals — 5653
Polishes — 2545
Precious metals — 317
Propriatory preparations for human use for malaria, chills and fever, etc — 7821
Radio apparatus; tantalum rings — 10059
Rags for paper stock — 2702
Railway-track material — 1182
Reflectoscopes, ultrasonic or supersonic — 5394
Refrigeration and air-conditioning equipment and parts — 10059
Rotary drilling hose, high pressure — 5925

INTERNATIONAL TRADE, OFFICE OF—Continued — Page

Export control—Continued
Positive List of Commodities and related matters—Continued
Appendix A, Positive List of Commodities—Con.
Additions or deletions of specific commodities in listed categories—Continued
Rubber and manufactures — 924, 1767, 10059
Sheep skins, wet and dry — 10059
Silk and manufactures — 546
Sodium compounds; sodium nitrate — 11805
Sound recorders, magnetic, and wire, tape, or recording discs for — 4888
Spark plugs — 10059
Sperm oil — 7821
Steam engines, boilers, and accessories — 10059, 12780
Steel. *See* Iron and steel.
Tall oil, crude and refined — 11713
Tankers and whaling factories — 5926
Thermocouples — 317
Timber. *See* Wood.
Trucks and tractors, industrial — 10059
Tungsten contacts and filaments for electric lamps — 6613
Vehicles and parts — 1768
Warburg apparatus — 317
Watercraft, pleasure purposes — 5926
Whale (sperm) oil — 7821
Wood, lumber, logs, timber and manufactures — 1767, 1768, 2702, 10064
Wool rags, woven and knit — 11805
Wool semimanufactures — 1767
Wool wearing apparel, blankets, fabrics and felts — 2702
X-ray apparatus; tungsten targets — 6613
Zinc ore and concentrates — 3377
Appendix B, interpretations:
Ball and roller bearings and parts — 4101, 6614
Diamonds, use of, as tool in machine — 6614
Machinery and parts — 6750
Parachutes, parts and fittings — 6750
Pipe; casing and oil-line — 6614
Quartz crystal plate — 6751
Soil irrigation systems, portable — 6615, 10064
Steel springs — 11715
Thermometers — 6614
Appendix C, Commodity Processing Codes — 925, 1474, 1769, 3213, 3378, 4889, 5394, 6615, 7821, 10064, 10156, 10731, 11715, 11805, 12780.
Practice before Office of International Trade:
Activities of persons appearing in connection with export control matters — 12688
By former employees — 5108
Priority ratings and supply assistance assigned by OIT:
Controlled Materials Plan materials, assignment of DO ratings by OIT for. *See* Export allocations and procedures (CMP).
DDT (dichlorodiphynyl trichloroethane), priority assistance for (DO) — 8794
Export allocations and procedures (CMP) — 5392, 6613, 8524, 9884
Exceptions to time schedules — 9685
List of controlled materials — 10486, 11764
Quotas and symbols for controlled materials — 12689
Maintenance, repair, and operating supplies for export; priority rating for (DO–MRO) — 4311, 8038
Exporters other than manufacturers — 9860
Note — 10155
Mining operations, foreign:
Mines, smelters and mineral processing plants, serial numbers for; serialization number required on license applications — 4310, 10486
Submission of requests, content — 4888
Supply assistance for; MRO and capital additions — 9223
Petroleum operations, foreign; supply assistance for — 9685, 11857, 12036
Priority assistance for essential export requirements — 4610
Redesignation — 8793
Steel drums for shipment of petroleum products — 6612
Special supply assistance for essential export requirements — 8793

INTERNATIONAL TRADE, OFFICE OF—Continued — Page

Export control—Continued
Revocation and revalidation of certain licenses. *See* General orders.
Scope of export control by Commerce Department:
Foreign trade zones, shipments entering; general provisions — 3611
In-transit shipments without unloading — 5652
Vessels, other than vessels of war — 5924
Supply assistance. *See* Priority ratings and supply assistance assigned by OIT.
Suspension of license privilege. *See* Suspension of license privilege, *below*.
Sweden and Switzerland, exportations to. *See* Licensing policies, *above*.
Gift parcels, general licenses for. *See* Export control.
Hong Kong and Macao; shipments of fresh fruit and vegetables to — 316, 797, 2702, 4888
Cut flowers, shipment of — 4888
Imports, declaration of destination on; mutual assistance on United States imports and exports — 7313
Macao, shipments of fruit and vegetables to. *See* Hong Kong and Macao.
Mutual assistance on United States imports and exports; declaration of destination on selected imports into United States — 7313
Petroleum operations and products:
Application for license to export certain products; requirements — 546
Foreign petroleum operations, supply assistance for — 9685, 11857, 12036
Practice before OIT:
Activities of persons appearing in connection with export control matters — 12688
By former employees; exception to prohibition in certain cases — 5108
Priority ratings, making allotments of controlled materials, and assignment to exporters of right to apply ratings and allotment numbers and symbols for procurement of materials which they are licensed to export:
Delegation of authority to Director from Administrator of National Production Authority — 4909, 6152
Export control regulations respecting. *See* Export control.
Suspension of license privilege:
Authority respecting. *See* Authority, delegations of.
Orders affecting various firms or persons:
American Industrial Products Co — 8097
American Marocan Products Exchange — 6001
Arnholz, Thomas A — 11742, 11875
Barsamian, Leon — 5295
Becker, Nathan M — 10862
Bergman, Erwin — 10862
Beydoun, Ihsan M — 3671
Borkan, William N — 5295
Brandes, Mr — 10088
British American & Eastern Co. Inc — 10862
Cacheiro, Edward — 8297
Carson M. Simon & Co — 9199
Ching Sen Lee — 8097
Comptoir, S. A., N. V. Paul Stevens & Co — 9667
Continental Pharma — 13105
Cordova Export Corp — 5295
David Zetland Corp — 5295
Edelman, M. H — 8297
Fromer, Adolph — 6001
Gambaro Corp. Construction Co — 3670
Gambaro, Hans and Johann — 3670
Guyon, Wm. F., Jr — 9199
Hecht, Eugene — 13105
Hohenstein, Wm. H — 9199
Hutmacher, Dr — 10088
Italian Nova Works — 10088
Kersten Shipping Agency, Inc., Appeals Board decision — 910
Kolisch, Mr — 10088
Lloyds, H. G — 5295
Lloyds Trading Co — 5295
Lynch, Thomas A — 8097
Madison Mercantile Products, Inc — 10862
Manning, Maxwell, & Moore, Inc — 8297
Novawerke — 10088
Parisi, Francesco — 12794
Ratner, A. E — 13105
Ratner, A. E., Chemical Co — 13105

90000—52——23

INTERNATIONAL TRADE, OFFICE OF—Continued Page
Suspension of license privilege—Continued
Orders affecting various firms or persons—Con.
Rediker Bros. Shipping Co., Inc 1610
Ronai, John H 10862
Satis, A. G 10088
Schorine, Boris 13105
Siegel Chemical Co. Inc 11742, 11875
Siegel, Robert 11742, 11875
Simon, Carson M 9199
Smoliner & Kratky 12794
Soong, E. Y 5845, 8097
Stevens, Paul 9667
Sunley, Frederick L 10862
Thomson, Jacobs & Moran, Inc 9289
Ungarische Allegemeine Transport (Masped) 10088
Van Uden's Transport-Bureau 10088
White Laboratories, Inc 5954
Yangtze Trading Corp 5845, 8097
Zetland, David 5295
Revalidation of certain revoked licenses 9684, 10486
Temporary suspensions, suspensions by charging letter 6750

INTERNATIONAL TRADE FAIRS, importation of articles in connection with, Seattle, Wash. *See* Customs Bureau.

INTERSTATE COMMERCE COMMISSION:
See Defense Transport Administration.
Accidents, while handling or shipping explosives; regulations respecting 4210, 10035, 11781
Accounts, uniform system of. *See* Uniform system of accounts.
Agreements, motor carrier. *See* Motor carriers.
Alabama intrastate express rates and charges, investigation of 1744
Amortization of emergency facilities:
Accounting procedures. *See* Uniform system of accounts.
Certificates of necessity for, delegation of authority from Defense Production Administrator respecting 738, 4594, 11245
Army, Navy, and Air Force; shipments of explosives at request of, emergency regulations 4201, 5322
Authority, delegation of:
From Defense Production Administrator, respecting certificates of necessity, voluntary agreements and programs, etc 738, 4594, 11245
From Defense Transport Administrator to Director of Motor Carriers Bureau, respecting street and highway transportation 2046
Bills of lading, regulations relating to 13101
Bonds, surety, and policies of insurance. *See* Surety bonds.
Canadian shipments of explosives; notes respecting 4206, 4209, 5322, 5326, 5327
Canned goods and foodstuffs, loading requirements for. *See* Car service.
Car service:
Appointment of refrigerator car agent; revision 3619
Canned goods and foodstuffs:
Appendix A, list of 5769
Loading requirements 5768, 6135, 12096
Permits, general, to rail carriers to disregard certain provisions of order respecting listed shipments:
Barrels or drums 6780, 12300
Carload freight 6780, 12301
Carload import freight 7733, 8724, 12300
Cartons 6780
Drums or barrels 12300
Exemptions of certain loading requirements 12301
Fish 7733, 12301
Mixed commodities 6780, 6848, 12301
Syrup packed in glass 10681, 12301
Various commodities when packed in glass, tin, or plastic containers in cartons, or in mixed carloads 8100
Charges:
Demurrage:
On freight cars 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102
Suspension of provisions with respect to certain cars where unloading is interfered with due to strike 11313

INTERSTATE COMMERCE COMMISSION—Con. Page
Car service—Continued
Charges—Continued
Demurrage—Continued
Saturdays included in computing demurrage on all freight cars 3929, 10560
Saturdays and Sundays to be included in computing demurrage on all freight cars 818, 2894, 3619
Free time:
Box cars unloaded at ports 2895, 6843, 10750, 10995
Freight cars loaded at ports 2895, 6843, 10995
Cotton, transporting of in refrigerator cars, in Arizona and California 10130
Embargo of lake-cargo coal; appointment of agent 3133, 9900
Feed, livestock, loading requirements for. *See* Grain and grain products.
Ferry cars. *See* Trap and ferry cars.
Fish. *See* Canned goods.
Fish meal, fish roe meal, and/or fish scrap meal; loading requirements for 3521, 9549
Follow-lot and two-for-one rule, suspension of 2895, 6184, 12096
Freight car movement, railroad operating regulations for 13102
Fruit and vegetable containers and box shooks, substitution of refrigerator cars for box cars to transport 819, 4551, 10994
Grain and grain products:
Loading requirements 2940, 3133
Permits, general, to rail carriers to disregard certain provisions of order respecting listed companies and shipments:
Blatchford Calf Meal Co 2944, 9549
Buttermilk feeds, condensed 3867, 9550
Central Soya Co., Inc., and Wabash Railroad Co 2612, 9548
Clinton Foods, Inc 2690
Cooperative G. L. F. Exchange, Inc., Mills Division 2614, 9548
Corn gluten feed, and/or corn gluten meal 3819, 4283, 9550
Corn syrup. *See* Starch, dextrine.
Decatur Milling Co 3678, 3867, 10582
Distillers dried feed, distillers solubles, brewers dried grains, and/or dried spent grain mash 3321, 4283, 9550
Eastern States Farmers' Exchange 2536, 9548
Evans Milling Co 3678, 3867, 4989, 10582
Fish meal, fish roe meal, and/or fish scrap meal 3521, 9549
Glucose. *See* Starch, dextrine.
Grain products and byproducts 9548
Hubinger Co 2645
Liquid starch, liquid dextrine, corn syrup, and/or glucose 9549
Livestock feed with high molasses content 4597, 9550, 12110, 12738
Merchants Distilling Corp 2817
Moses Bros. Co 2856
National Starch Products, Inc 2536
Packing Service Corp 2644
Ralston Purina Co 2857, 9548
Rice bran, rice polish, and rice hulls 8100, 8257, 9249, 9550
Schreiber Mills, Inc 3321, 3391
Staley, A. E., Mfg. Co 2536, 2644, 3495
Starch, dextrine, liquid; corn syrup and/or glucose 3818, 9549, 10680
Stein, Hall & Co 3142
Wabash Railroad Co. and Central Soya Co., Inc 9548
Webster, H. K., Co 3495, 9549
Wheat germ 2591
Movement to terminal elevators by permit:
Appointment of agents 1549, 2637, 5657, 8184
Expiration date 10560
Loading requirements:
Canned goods. *See* Canned goods.
Grain and grain products. *See* Grain and grain products.
Lumber. *See* Lumber and forest products.

INTERSTATE COMMERCE COMMISSION—Con. Page
Car service—Continued
Lumber and forest products:
Loading requirements 3620, 4276, 4506, 4633, 4735, 4948, 4989, 6220, 9900, 1006, 1007
Railroad freight cars to be stopped to complete loading 819, 3133
Restrictions on reconsigning 819, 1284, 1678, 2005, 4550, 9901, 13102
Railroad operating regulations for freight car movement 2894, 13102
Refrigerator cars:
Agent; appointment of 3619
For shipments between Oregon, California, Arizona and Nevada 5061
For shipments of fruit and vegetable containers 10994
For transporting cotton in Arizona and California 10130
Giant, reduced rates on, in Arizona and California 6531
Passenger type: reduced rates on 8681
Substitution of, for box cars 989, 10994
Use of, for certain commodities prohibited 2040, 3619, 10994
Starch, liquid; loading requirements. *See* Grain and grain products.
Syrup, packed in glass. *See* Canned goods.
Tank cars, control of; appointment of agent 1131, 7359
Trap and ferry cars, restrictions on 2895, 6184, 12096
Two-for-one rules. *See* Follow-lot and two-for-one rules.
Certificates, necessity, for certain purposes, delegation of authority from Defense Production Administrator respecting:
Amortization of emergency facilities under section 124A Internal Revenue Code, recommendations for issuance, etc 738, 4594, 11245
Loans, purchases, etc., under Defense Production Act 738, 4594, 11245
Charges:
Demurrage. *See* Car service.
Express or freight charges. *See* Rates and charges.
Long-and-short-haul charges provision; relief from, for certain commodities. *See* Tariffs and schedules.
Chicago passenger fares. *See* Fares.
Christmas holiday, 1951, administrative workweek for 12529
Coal:
Lake-cargo; embargo. *See* Car service.
Long-and-short-haul charges; application for relief. *See* Tariffs and schedules.
Virginia intrastate rates, investigation of 3199
Commercial zones. *See* Motor carriers.
Contracts:
Between motor carriers and freight forwarders 2367, 5623
Written contracts, for transportation of property 11605
Defense Production Act:
Delegation of authority respecting certificates of necessity, priorities and allocations, voluntary agreements, etc 738, 4594, 11245
Functions under; Executive order respecting. *See main heading* Presidential documents.
Defense projects, amortization accounting for. *See* Uniform system of accounts.
Delaware Memorial Bridge, use of by common and contract motor carriers subject to Interstate Commerce Act 6255
Demurrage charges. *See* Car service.
Disaster area; reduced rates on hay to certain counties in Kentucky 10094
Electric railroads. *See* Railroads.
Emergency facilities, charges for service loss of. *See under* Uniform system of accounts.
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of:
Accidents; shipment of explosives 4210, 10035, 11781
Appendix; reasons for various amendments 6541, 10039, 10271
Proposed rule making 13010, 13011
Army, Navy, and Air Force shipments, emergency regulations 4201, 5322
Canadian shipments, by carriers; note added 4206, 4209, 5322, 5326, 5327

INTERSTATE COMMERCE COMMISSION—Con. Page
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes and additions 4201, 5322, 6532, 9372, 10029, 10271, 11775
Proposed rule making 13003
Common and contract carriers by public highway. *See* Motor carriers.
Containers:
Specifications. *See* Shipping container specifications.
Use of, for packing various dangerous articles. *See specific categories under* Shippers, regulations applying to.
Express carriers, rail. *See* Rail express carriers.
Freight carriers. *See* Motor carriers; *and* Rail freight carriers.
Motor carriers, common or contract; regulations applying to:
Accidents; vehicles and shipment in transit 4210, 10035, 11781
Applicability of regulations, proposed 4209
Canadian shipments; note, addition 4209, 5327
Emergency shipments, proposed 4210
Export shipments, proposed 4209
Flammable liquids, transportation of, proposed 4209
Loading and storage chart 4211, 4212, 10035, 11781
Proposed rule making 13009
Loading and unloading 10035, 11781
Compressed gases, etc 4210, 4211, 5327
Poisons 10035, 11781
Purpose and scope, proposed 4209
Vehicles and shipment in transit; accidents 4210, 10035, 11781
Rail express carriers:
Acceptable articles 4209
Protection of packages 10035, 11781
Railway Express Agency, Inc., shipments of explosives by 9380, 9665
Waybills, proposed rule making 13009
Rail freight carriers:
Acceptable articles; proposed 4206
Canadian shipments; note, addition 4206, 5326
Forbidden explosives 10034, 11780
Handling; waybills, switching orders, or other billing 4208, 5327, 5768, 10035, 11781
Loading and storage chart 4207, 10034, 11780
Proposed rule making 13008
Loading packages of explosives in cars; selection, preparation, inspection of car and certificate 4206, 5326
Proposed rule making 13008
Placards on cars 6540, 9380, 10034, 11780
Proposed rule making 13008
Tank cars, empty; examination of 4209, 5327
Unloading from cars 10035
Proposed rule making 13008
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.):
Acids and other corrosive liquids, definition and preparation 4205, 5325, 6535, 9375, 9665, 10032, 10271, 11778, 11779
Proposed rule making 13006
Canadian shipments; note added 4201, 5322
Classification, dangerous articles; proposed rule making 13003
Compressed gases, definition and preparation 4205, 5325, 6536, 9376, 9665
Containers. *See* Preparation of articles for transportation.
Explosives; definitions and preparation:
Class A—dangerous explosives 4202, 5323, 6534, 9374
Proposed rule making 13004
Class B—less dangerous explosives: ammunition, fireworks, powder, etc. 4202, 5323, 6534, 9373
Proposed rule making 13005
Class C—relatively safe explosives 4202, 5323, 6534, 9374, 10030, 11775
Proposed rule making 13006

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.)—Continued
Flammable liquids; definition and preparation— 4203, 5324, 6534, 9374, 10030, 10271, 11777
Proposed rule making— 13006
Flammable solids and oxidizing materials; definitions and preparation— 4203, 5324, 5768, 6534, 9374, 10031, 11777, 11778
Proposed rule making— 13006
Gases, compressed. *See* Compressed gases.
Labeling explosives. *See* Marking and labeling explosives.
Marking and labeling explosives and other dangerous articles:
Labeling dangerous articles— 6539, 9380
Proposed rule making— 13007
Labels for mixed packing, cancellation— 6539, 9380
Proposed rule making— 13007
Propellent explosives label for express shipment; proposed rule making— 13008
Poisonous articles; definition and preparation— 6537, 9377, 9665, 10033, 11779, 11780
Proposed rule making— 13007
Preparation of articles for transportation by carriers by rail freight, rail express, highway or water:
Carboys. *See* Containers.
Cargo tanks, qualification, maintenance, and use of; excess-flow valves— 6533
Containers:
Empty containers— 4202, 5323
Reused containers; proposed rule making— 13003
Single-trip containers, proposed rule making— 4201
Specification containers, addition— 6532, 9372
Specification containers in outside containers— 6532, 9372
Cylinders, qualification, maintenance, and use of:
Marking; serial numbers— 6533, 9373
Repairs— 6534, 9373
Safety devices— 6533, 9372
Tests; revision of table and exceptions— 6533, 9373
Proposed rule making— 13003
Tank cars, qualification, maintenance, and use of— 6533, 9372, 9665, 10030, 11775
Proposed rule making— 13003
Radioactive materials:
Cleaning cars and vehicles contaminated by radioactive materials— 6539, 9379, 9665, 10034
Exemptions for radioactive materials— 6539, 9379
Handling of radioactive materials— 6539, 9379, 10034
Scope, deletion; proposed— 4201, 5322, 5768
Transportation of flammable liquids by private carriers; note, deletion, proposed— 4201, 5322, 5768
Shipping container specifications:
Barrels, steel— 4214, 5329, 6540, 9381
Proposed rule making— 13009
Boxes:
Fiberboard— 4214, 5329, 6541, 9381, 9665, 10037, 11783
Metal— 4214, 5329, 6540, 9381
Proposed rule making— 13009
Carboys, jugs in tubs, and rubber drums— 10035, 10271, 11781
Cases, metal— 6540, 9381
Proposed rule making— 13009
Containers for motor vehicle transportation— 11783
Cylinders, steel— 4212, 5327, 6540, 9380, 10037, 11783
Proposed rule making— 13009
Drums:
Fiberboard— 4214, 5329, 6541, 9381, 9665, 10037, 11783
Proposed rule making— 13009
Metal— 4214, 5329, 6540, 9381
Proposed rule making— 13009
Rubber— 10035, 10271, 11781
Jugs, in tubs— 10035, 10271, 11781
Kegs— 6540, 9381
Proposed rule making— 13009
Mailing tubes, fiberboard— 4214, 5329, 6541, 9381, 9665, 10037, 11783
Proposed rule making— 13009

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Shipping container specifications—Continued
Tank cars— 4215, 4219, 4220, 5330, 5337, 5768, 9381, 10037, 11783
Correction— 5768
Trunks, metal— 6540, 9381
Proposed rule making— 13009
Express rates and charges. *See* Rates and charges.
Fares; increased passenger fares, petitions of listed railroads:
Boston and Maine Railroad commutation fares— 5626
Chicago, Milwaukee, St. Paul and Pacific R. R., Illinois intrastate multiple-ride and commutation fares; investigation— 2238
Chicago North Shore and Milwaukee Railway Co— 6155
Chicago passenger fares, petition of New York Central R. R— 2591
New York Central R. R., Chicago passenger fares— 2591
South Shore and South Bend Railroad— 6155
Southern railroads, listed— 5506
Forms, list of:
Freight forwarders. *See* Freight forwarders.
Motor carriers. *See* Motor carriers.
Free time, charges. *See* Car service; charges.
Free transportation, rail and water carriers. *See* Passes and free transportation.
Freight classification, consolidated:
Special rule of practice— 11549
Uniform classification of freight to be filed by companies transporting property by railroad— 11549
Freight commodity statistics for steam railroads, cancellation of certain requirements. *See* Reports and statistics.
Freight forwarders:
Agreements:
Between freight forwarders and motor carriers; revocation— 3838
Motor carriers. *See* Motor carriers.
Contracts between, and motor common carriers— 2367, 5623
Forms, list of:
Added:
FF 40— 6754
Amendment— 7828
FF 41— 6754
FF 42— 6754
FF 43— 6754
FF 44— 6754
Revoked:
FF 31— 6754
FF 33— 6754
FF 36–B— 6754
FF 37— 6754
FF 38— 6754
Joint tariffs; striking of motor carrier concurrences in joint forwarder-motor rates— 9816
Reports:
Class A, Annual Report Form F–a prescribed— 1902, 12231
Class B, Annual Report Form F–b prescribed— 12231
Surety bonds and policies of insurance:
Extension of effective date— 5539
Forms and procedure, filing of blanket certificate of insurance (FF 40)— 6755
Insurance for automobile bodily injury and property damage liability; Form FF 40, amendment— 7828
Limits of liability, public liability, and property damage— 3588
Freight rates, increased; 1951. *See* Rates and charges.
Freight station costs and other performance factors, annual reports; proposed rule making— 7724
Grains:
Loading requirements. *See* Car service.
Long-and-short-haul charges provision; applications for relief. *See* Tariffs and schedules.
Movement to terminal elevators. *See* Car service.
Highway and street transportation; delegation of authority to Director of Motor Carriers Bureau, from Defense Transport Administrator, respecting— 2046
Illinois intrastate multiple-ride and commutation fares. *See* Fares.

INTERSTATE COMMERCE COMMISSION—Con. Page

Inspection and testing:
Locomotives other than steam, air brake equipment; main reservoir system— 1019, 11966
Self-propelled units of equipment designed to carry freight and/or passengers in multiple-unit service; investigation and proposed rule making— 2235
Insurance, policies of, and surety bonds. *See* Surety bonds.
Insurance companies filing certificates of insurance— 6765
Iowa intrastate rates and charges, investigation of— 2447
Kansas intrastate freight rates, investigation of— 7633
Lease and interchange of vehicles by motor carriers— 4804, 7329, 8469, 12097
Loading requirements for various commodities. *See* Car service.
Loans, purchases, etc., under Defense Production Act; certificates of necessity for— 738, 4594, 11245
Locomotive inspection and testing. *See* Inspection and testing.
Long-and-short-haul charges. *See* Tariffs and schedules.
Louisiana intrastate rates and charges, investigation of— 3021
Lumber:
Loading requirements. *See* Car service.
Long-and-short-haul charges provision; applications for relief. *See* Tariffs and schedules.
Restrictions on reconsigning. *See* Car service.
Minnesota intrastate rates and charges, investigation of— 2133
Mississippi intrastate express rates and charges; investigation in response to petition of Railway Express Agency— 2110
Motor carriers:
Accounts, uniform system of. *See* Uniform system of accounts.
Agreements relating to rates, regulations, etc.:
Between freight forwarders and motor carriers; revocation— 3838
Central States Motor Common Carriers; agreement governing transportation of property within central territory— 4478
Chicago Suburban Motor Carriers Assn., Inc.; agreement respecting transportation of property to, from or between points in Illinois, Indiana, and Wisconsin, within area extending 75 miles from Chicago, Ill— 2772
Columbia River Tariff Bureau; agreement respecting transportation of property between Oregon, Washington, and California by way of coastwise routes and on Columbia and Willamette Rivers— 2772
Middlewest Motor Freight Bureau; agreement respecting transportation of property between middlewest and central States and southwestern territories— 4988
Oil Field Haulers Assn., Inc.; agreement governing shipment of oilfield, refinery and pipe line machinery and supplies in interstate and foreign commerce— 5506
Southern Illinois motor rate conference— 12632
Tobacco Transporters Freight Traffic Committee; agreement governing shipments of tobacco, containers and supplies between points in North Carolina, South Carolina, and Virginia— 2690
Wearing apparel, transportation of, by motor vehicle between points in New York, New Jersey, Connecticut, Delaware, Maryland, Pennsylvania and West Virginia— 8724
Applications for certificates and permits; application form— 3587
Authority, delegation of, to Director of Motor Carriers Bureau from Defense Transport Administrator, respecting street and highway transportation— 2046
Bureau of Motor Carriers, certain offices of. *See* Organization and assignment of work.
Commercial zones and terminal areas:
New Jersey, commercial zones of municipalities in, within 5 miles of New York— 11787
New York, N. Y— 11786
Westchester and Nassau counties, N. Y., commercial zones of municipalities in— 11787

INTERSTATE COMMERCE COMMISSION—Con. Page

Motor carriers—Continued
Contracts:
Between motor carriers and freight forwarders— 2367, 5623
For transportation of property to be in writing— 11605
Delaware Memorial Bridge, use of by common and contract motor carriers subject to Interstate Commerce Act— 6255
Explosives, shipment and handling of. *See* Explosives and other dangerous articles.
Forms, list of; Part II, Interstate Commerce Act:
Added:
BMC 78— 3587
BMC 80— 6754
Amendment— 7827
BMC 81— 6754
BMC 82— 6754
BMC 83— 6754
BMC 84— 6754
BMC 85— 6754
BMC 86— 6754
Revised, BMC 76— 5061
Revoked:
BMC 31— 6754
BMC 33— 6754
BMC 36–B— 6754
BMC 37— 6754
BMC 38— 6754
BMC 39— 6754
Superseded:
BMC 73— 3587
BMC 74— 3587
Insurance:
Cargo insurance; exempt commodities— 2153
Forms and procedure, filing of blanket certificate of insurance (BMC 86)— 6754
Minimum amounts for bodily injury and property damage liabilities— 3587, 5539
Joint tariffs of freight forwarders and motor carriers; striking of motor carrier concurrences in joint fowarder-motor rates— 9816
Lease and interchange of vehicles, effective date— 4804, 7329, 8469, 12097
Pennsylvania Turnpike, use of, by common and contract motor carriers subject to Interstate Commerce Act— 11277
Rates:
Complaints regarding— 11753
Motor-rail rates; applications for relief from long-and-short-haul charges provisions of Interstate Commerce Act. *See* Tariffs and schedules.
Reports:
Annual:
Carriers of passengers or property:
Class I carriers; form A prescribed— 285, 6869, 7774
Other than class I carriers:
Passengers; form C prescribed— 3534
Property; form B prescribed— 3409
Expenses, certain, to be omitted— 10842
Quarterly reports:
Passenger revenues, expenses and statistics; Class I carriers— 8185
Property revenues, expenses and statistics; Class I carriers— 8185
Safety regulations; notice of proposed rule making— 23, 44
Accessories necessary for safe operation— 30
Definitions, general, of types of motor vehicles— 23
Driving of motor vehicles— 26
Hours of service of drivers— 41
Inspection and maintenance— 41
Maintenance and inspection— 41
Parts and accessories necessary for safe operation— 30
Qualifications of drivers— 24
Transfer of operating rights; applications for substitution of parties, etc— 2768, 5061, 7771
Uniform system of accounts. *See* Uniform system of accounts.
Organization and assignment of work:
Bureau of Informal Cases; handling of informal complaints concerning motor carrier rates— 11753

INTERSTATE COMMERCE COMMISSION—Con. Page

Organization and assignment of work—Continued
Bureau of Motor Carriers:
Arkansas, Little Rock; status changed from District headquarters to District Supervisor's office 11942
Florida, Tallahassee; closing of office 11942
Field offices, location of 12736
Parmelee Transportation Co.; investigation to determine if subject to Interstate Commerce Act 12242
Passes and free transportation; rail and water carrier passes:
Forms:
List of forms 2709, 3441
Record of free and reduced fare tickets issued 2709, 3441, 9901
General classes of passes 2708, 3441
Preparation of passes 2709, 3441
Pullman Co.; free transportation issued and requested, special periodic reports 645
Signatures:
Of issuing officers 2708, 3441
On requests for passes 2709, 3441
Pennsylvania Turnpike, use of by common and contract motor carriers subject to Interstate Commerce Act 11277
Personnel; exemption of William E. Lee from compulsory retirement, Executive order respecting. *See main heading* Presidential documents.
Persons furnishing cars or protective services against heat or cold:
Emergency carrier facilities, amortization accounting for; cancellation 13145
Reports:
Persons owning 100 but less than 1000 cars; annual report form B–2 prescribed 12231
Persons owning 1,000 cars or more; annual report form B–1 prescribed 12231
Uniform system of accounts. *See* Uniform system of accounts.
Pipeline companies:
Reports; annual report form prescribed 11456
Taxes on leased pipe-line property; note respecting 11966
Priorities and allocations, delegation of authority respecting, from Defense Production Administrator 738, 4594, 11245
Protective services against heat or cold, persons furnishing. *See* Persons furnishing cars or protective services.
Pullman Company:
Free transportation. *See* Passes and free transportation.
Reports; monthly report form required 7287, 7288
Settlements made under standard sleeping car contracts, accounting regulations for Steam roads. *See* Uniform system of accounts.
Radioactive materials, regulations applying to shippers of. *See* Explosives and other dangerous articles.
Railroads:
Accounts, uniform system of. *See* Uniform system of accounts.
Car service. *See* Car service.
Electric railroads; prescribed annual report form G 11456, 12097
Explosives and other dangerous articles, packing and transporting of. *See* Explosives.
Fares. *See* Fares.
Free transportation. *See* Passes and free transportation.
Freight classification to be filed. *See* Freight classification.
Freight station costs and other performance factors, annual reports; proposed rule making 7724
Inspection and testing. *See* Inspection and testing.
Long-and-short haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Passes and free transportation. *See* Passes and free transportation.
Rates and charges. *See* Rates and charges.
Reports; signal, interlocking, train-control, and train-order annual reports:
Instructions and list of forms 11277
Periodical reports required 11277

INTERSTATE COMMERCE COMMISSION—Con. Page

Railroads—Continued
Routing and rerouting of traffic. *See* Routing of traffic.
Steam railroads:
Pullman Company, settlements made by, for operation of sleeping cars 11287
Reports and statistics:
Free transportation issued and requested; special periodic reports 645
Freight commodity statistics; cancellation of requirements relating to reports by geographic area 11839, 12998
Appendix II, list of geographic areas, cancellation 11839
Freight commodity statistics 11838
Items to be reported 11839
Report forms and date of filing 11839
Freight station costs and other performance factors, annual reports; proposed rule making 7724
Large railroads; annual report form A prescribed 1594
Lessors to steam railways; annual report form E prescribed 12097
Medium railroads; annual report form A prescribed 1594
Small railroads; annual report form C prescribed 232, 12097
Uniform system of accounts. *See* Uniform system of accounts.
Railway Express Agency, Inc.:
See also Explosives.
Shipments of explosives by 9380, 9665
Rates and charges:
See also Tariffs and schedules.
Class rate investigation, 1939; special rule of practice 11549
Complaints regarding motor carrier rates 11753
Demurrage charges. *See* Car service.
Disaster area; reduced rates for shipment of hay from official territory to designated counties in Kentucky 10094
Express rates and charges:
Alabama intrastate express rates and charges, investigation of 1744
Increased rates, 1951 651, 1097, 2554
Mississippi intrastate express rates and charges; investigation in response to petition of Railway Express Agency 2110
Fares. *See* Fares.
Freight rates:
Increased rates, 1951 650, 868, 869, 1157, 3392, 3414, 4633, 12529, 12603
Intrastate freight rates and charges, investigation of, in listed States:
Iowa 2447
Kansas 7633
Louisiana 3021
Minnesota 2133
Virginia; coal rates 3199
Reduced rates on shipments of hay from official territory to designated disaster area in Kentucky 10094
Hay, from official territory to designated counties in Kentucky; reduced rates to disaster area 10094
Long-and-short-haul provision; applications for relief from, in connection with various commodities. *See* Tariffs and schedules.
Motor carrier rates, complaints regarding 11753
Refrigerator cars, giant; reduced rates on, in Arizona and California 6531
Refrigerator cars:
Car service. *See* Car service.
Rates and charges. *See* Rates and charges.
Reports and statistics:
Electric railroads, annual report form G prescribed 11456, 12097
Free transportation issued and requested; special periodic reports 645
Freight commodity statistics for steam roads, reports by geographic area. *See* Steam railroads.
Freight forwarders; annual report forms prescribed 12231
Freight station costs and other performance factors, annual reports; proposed rule making 7724

INTERSTATE COMMERCE COMMISSION—Con. Page

Reports and statistics—Continued
Lessors to steam railroads, annual report form E prescribed 12097
Persons furnishing cars or protective service:
Persons owning 100 but less than 1000 cars; annual report form B–2 prescribed 12231
Persons owning 1000 cars or more; annual report form B–1 prescribed 12231
Pipeline companies, annual report form prescribed 11456
Signal, interlocking, train-control, and train-order annual reports:
Instructions and list of forms 11277
Periodical reports required 11277
Steam railroads:
Freight commodity statistics; cancellation of requirements relating to reports by geographic area 11839, 12998
Appendix II, list of geographic areas, cancellation 11839
Freight commodity statistics 11838
Items to be reported 11839
Report forms and date of filing 11839
Large railroads; annual report form A prescribed 1594
Lessors to steam railroads, annual report form E prescribed 12097
Medium railroads; annual report form A prescribed 1594
Small railroads; annual report form C prescribed 232, 12097
Switching and terminal companies, annual report forms prescribed:
Large and medium companies; form A 1594
Small companies; form C 232, 12097
Water carriers; annual report forms prescribed:
For carriers by inland and coastal waterways, class A and class B 2127, 12199
For carriers by water, class C 12199
Routing of traffic; rerouting of traffic:
Appointment of agent 4551
Authority and direction to carriers to reroute or divert certain traffic:
Ann Arbor Railroad Co 9181
Baltimore and Ohio Railroad Co 6481, 13165
Central of Ga. Ry. Co 1210, 1291, 1691
Chesapeake and Ohio Railroad Co. 6696, 7633, 9059, 9833
Pere Marquette District 9181
Chicago, Milwaukee, St. Paul and Pacific Railroad Co 4597, 4940, 4989, 8583, 8681, 9752, 12097
Grand Trunk Western Railroad Co 9181
Kansas, Missouri, Illinois and Kentucky railroads 6848, 7336, 8257, 9116, 9617
Meridian and Bigbee River Ry. Co 3322, 3521
Nashville, Chattanooga and St. Louis Ry 3020
New York Central R. R. Co 3094, 3267
Pennsylvania Railroad Co 9181
Reading Co 6847
Southern Ry. Co 1210
Union Pacific Railroad Co 6411
United States, certain railroads in; expiration dates 516, 1713, 2591
Safety regulations; motor carriers. *See* Motor carriers.
Securities, issuance of; assumption of obligations; and filing of certificates and reports (applications for authority to sell securities without competitive bidding, reinstatement in Code of Federal Regulations, 1949 Edition) 2398
Sleeping car companies:
Monthly report of sleeping car companies, cancellation 7287
Pullman Company, new monthly report form to be submitted 7288
Standard time zone boundaries; boundary line between mountain and Pacific zones, note amended 3349
Statistics. *See* Reports and statistics.
Steam railroads. *See* Railroads.
Street and highway transportation; delegation of authority to Director of Motor Carriers Bureau, from Defense Transport Administrator, respecting 2046
Strikes, unloading of freight cars interfered with due to; suspension of demurrage charges provisions 11313
Surety bonds and policies of insurance, for freight forwarders and motor carriers 2153, 3587, 3588, 5539, 6754, 6755, 7828

INTERSTATE COMMERCE COMMISSION—Con. Page

Switching and terminal companies; annual report forms prescribed:
Large and medium companies; form A 1594
Small companies; form C 232, 12097
Tank cars; control. *See* Car service.
Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Abrasives, from Anniston, Ala., to North Tonawanda, N. Y 11548
Acetaldehyde, from Oklahoma and Texas:
To Garfield, N. J 47
To Kobuta, Pa 6547
To St. Louis, Mich 102, 6587
To southern and official territories 957
Acetone and related articles:
From Brownsville, Texas, to official territory 1803
From Kingsport and Holston, Tenn., to Houston, Tex 3495
Acids:
Acetic:
From southwest to Norfolk, Newport News and Hopewell, Va 956
From southwest to southern and official territories 3096
Adipic, from Orange, Tex.:
To Martinsville, Va 9793
To Washington, West Va 9181
From Baton Rouge and North Baton Rouge, La., to St. Louis, Mo., and East St. Louis, Ill 8786
From Pulaski, Va., to Birmingham, Ala., and points grouped therewith 8808
Sulphuric acid:
From Albany, Ga., to Armour, Fla 7372
From Arkansas, Louisiana, Oklahoma and Texas to Davis, Miss 3265
From Baton Rouge and North Baton Rouge, La., to Florence, Ala., and specified points in Florida 10140
From Dubuque to Sioux City, Iowa 3867
From East St. Louis, Ill., and St. Louis, Mo., to Davis, Miss 2374
From Front Royal, Va., to Kingsport and Holston, Tenn 10472
From Houston, Tex., to Hattiesburg, Miss 11531
From Louisiana to south 1774
From Louisiana, Arkansas and Texas to Natchez, Miss 2538
From McAdory, Ala., to Albany, Ga 6548
From Mobile, Ala.:
To Montgomery, Ala 10140
To St. Louis, Mo., and East St. Louis, Ill 9618
From Norco, La., to Florence, Ala., Americus and Tifton, Ga., and Wales, Tenn 12845
From points in southwest to Gautier, Miss 11469
From Wilmington, N. C., to Alabama City, Ala 6644
Acrylonitrile, from Charleston, Institute, and South Charleston, W. Va., to Lugoff, S. C 6698
Agricultural implements:
From Anniston, Ala., Cedartown, Ga., and Memphis, Tenn., to specified points in western trunkline territory 12376
From Memphis, Tenn., to North Atlantic ports 9922
Alcohol:
From Crossett, Ark., Sterlington, La., Tallant, Okla., and certain Texas points to Macon Mo 7109
From Joplin, Mo., to Kentucky, Indiana, and Pennsylvania 10972
From Longview, Tex., to Kingsport and Holston, Tenn 8808, 9325
From Louisiana to Texas points 11459
From New Orleans and Port Chalmette, La., to Ohio, Indiana, Missouri and Illinois 5909
From New Orleans, La.:
To Columbus, Ga 11706
To eastern ports 1969
From points in southwest to Madison, Ind 11709
From Port Neches, Tex., to Louisville, Ky 8806

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Alcohol—Continued
From South Point, Ohio, to Michigan, Missouri, New York and other points in official territory 4282
From southwest to Twin Cities 1803
From Texas, Arkansas, Louisiana, and Oklahoma, to North Jefferson, Mo 12920
All and/or various commodities:
See also Merchandise.
Between Chicago, Ill.:
And Council Bluffs, Iowa 3095
And St. Paul, Minn 3602
Between Kansas City, Mo., and stations in Nebraska, Kansas, and Missouri 12241
Between Memphis, Tenn., and stations in Arkansas 12241
Between New Haven, Conn., and Harlem River, N. Y. and Boston, Mass 3676
Between points in southern and official territory 10680
Between points in Texas 5027, 6643
Between Providence, R. I., and Harlem River, N. Y 1211, 1293, 3142
Between Providence, R. I., and/or Springfield and Worcester, Mass., and Harlem River, N. Y 49, 957
Between Providence, R. I., Boston, Springfield and Worcester, Mass., Hartford and New Haven, Conn., on one hand and New Haven, Conn., and Harlem River, N. Y., on other 48
Between St. Joseph, Mo., and stations in Kansas 12240
Between specified points in official territory 8785, 11091
From and to points in south 1645
From Bridgeport, Hartford, Meriden, and New Britain, Conn.:
To Atlanta, Ga. and Charlotte, N. C 7471
To Birmingham, Ala., and Jacksonville and South Jacksonville, Fla 7471
From Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., and Providence, R. I., to southern territory points 3142
From Charlotte, N. C., and Greenville, S. C., to St. Louis, Mo., and Illinois 2538
From Chicago and St. Louis groups to points in Texas 2991
From Easthampton, Mass., and Hartford, Conn. to Kansas City, Mo., and Kansas 4820
From Illinois points to points in southern territory 8161
From New York, N. Y., to Memphis, Tenn., and New Orleans, La 3199
From official territory to south 1775
From Philadelphia, Pa., to Jacksonville and South Jacksonville, Fla 11318
From southern territory:
To Baltimore, Md 2237
To southern and official territories 478, 2537, 3494, 6782, 7524, 8256, 8257, 9546
From Syracuse, N. Y., to Milwaukee, Wis 1484
From trunkline and New England territories:
To central territory 4767, 6261
To southern territory 2942, 6009, 10867
Alumina:
From Baton Rouge and North Baton Rouge, La.:
To Cincinnati, Ohio 12631
To South Augusta, Ga 3414
From Bauxite, Ark.:
To Chicago, Ill., group 3934
To Muskogee, Okla 3321
From Louisiana to St. Louis, Mo 1714
Aluminum:
Pigs and ingots, from New Orleans and Port Chalmette, La., to points in official territory 11288
Plate or sheet, from Chicago, Ill., to North Carolina and South Carolina 2668

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Aluminum—Continued
Scrap:
Tennessee, Alabama, and southern territory to southern and official territories 5403
From Texas to Heath, Ohio 1155
Ammonia:
From official territory to south 1775
From Southwest to Louisville, Ky 47
From Velasco, Tex., to southern territory 3022
Anhydrous ammonia, from El Dorado, Ark., Etter, Tex., Military, Kans., Lake Charles, and Sterlington, La., and Velasco, Tex., to points in southern territory and Cincinnati, Ohio 8000
Anodes, zinc, from points in Tex. to Chicago, Ill. and points taking same rates 5190
Anti-freeze preparations. *See* Alcohol; *and* Methanol.
Aplite rock, from Piney River, Va., to Indiana and Ohio 1257
Asbestos fibre, from Quebec to New Orleans and Marrero, La 9922, 11201
Asphalt or asphalt compounds:
Between Illinois territory and south 1743
From Baltimore, Md., and Catlettsburg, Ky., to points in Virginia 7999
From St. Louis, Mo., and Illinois points to Kentucky 10300
From Rogerslacy, Miss., to Indiana 1156
From southwest to New Mexico 9188
In official territory 1211
Asses. *See* Horses, mules, burros and asses.
Automobiles and parts:
Between California points 3601
Between points in western trunk-line territory 11844
From Chattanooga, Tenn.:
To Atlanta, Ga., and Memphis, Tenn 586
To Louisville, Ky., Cincinnati, Ohio, and St. Louis, Mo 6763
From Kansas and Missouri points to Arkansas, Missouri, Oklahoma and Texas 10616
From McKeesport, Pa., to trunk-line and New England territories 2133
From Muncie, Ind., to Chicago, Ill., and Louisville, Ky 2537
From official territory to south 1775
From Ohio points:
To Boston, Mass., Chester, Pa., New Jersey and Norfolk, Va 2537
To Chicago, Ill 2537
To Detroit, Mich 2537
To Kentucky points 263, 2611
To St. Louis, Mo 2611
From St. Louis, Mo., to points in New Mexico 10615
From trunk-line and New England territories to central territory 2943
From Wayne, Mich., to points in trunk-line and New England territories 11754
Springs, from Chicago, Ill., to Baltimore, Md., Boston, Mass., Newport News and Norfolk, Va., New York, N. Y., and Philadelphia, Pa. 6782
Bagging; from points in southern territory to St. Louis, Mo 8956
Bags:
Burlap, new or old, from Lake Charles, La., Houston, Tex., and Texas points to Hollandale, Minn 7169
Paper bags. *See* Paper.
Bakery goods, from Houston, Tex., to Arkansas and Oklahoma 11092
Batteries, electric, from Ohio to Atlanta, Ga., and Chemway, N. C 935
Battery shells, zinc dry, from Muncie, Ind., to Jackson, Tenn 3676
Beach or lake sand. *See* Sand, gravel, or crushed stone.
Beef, cured; from El Paso, Tex. (on traffic originating in Mexico) to Madison, Wis 12663
Benzene hexachloride. *See* DDT.

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Benzol:
From Alabama, Georgia and Tennessee to Texas points 478
From Minnequa, Colo.:
To Brownsville, Tex 5960
To Kansas, Missouri, and Illinois points 3626
From points in official, southern, and western trunk-line territories, and Geneva, Ironton, and Provo, Utah, to Frontier, Kans 12300
From Solvay, N. Y., to Brownsville, Tex 7109
Beverages, cereal or carbonated, from Duluth, Minn., to Nebraska and South Dakota and from St. Louis, Mo., to Michigan and Wisconsin 3320
Binder twine. *See* Twine.
Blacks, dry; from producing points in southwestern territory to points in Illinois, Missouri, Mississippi, Tennessee and Louisiana 10680
Blackstrap molasses. *See* Molasses.
Boot and shoe factory supplies, from Boston, Mass., to Fayetteville, Tenn 9618
Bottle caps, from Dallas, Tex., to southwest and west 1744
Boxes or crates:
Between trunk-line and New England territories, and points in North Carolina, southern Virginia, Kentucky, and Tennessee 12845
Paper boxes. *See* Paper.
Brick and related articles:
Between points in Minnesota 8855
From Hebron, N. Dak., to points in Iowa, Minnesota, and South Dakota 11789
From Illinois to points in Kansas 11287
From Locher, Va.:
To Atlanta, Ga 8255
To southern territory 11755
From Niagara Falls and Suspension Bridge, N. Y., to south 3369
From Oreminea, Pa., to southern territory 3391
From Richlands, Va., to southern territory, and from southern territory to stations in Virginia and North Carolina 6587
Building materials, from Pacific Coast territory to Bristol, Va.-Tenn., Harrisonburg, and West Point, Va., Washington, D. C., and points on Southern Railway Company 12377
Burros. *See* Horses, mules, burros, and asses.
Butter, from Winona, Minn., to Chicago, Ill. 1714, 12025
Camphene, chlorinated:
Between border territory and Washington, D. C 2011
From Brunswick, Ga.:
To Colorado, Missouri, Iowa, and Minnesota 4506
To Elsmere, Colo 4263
Candy:
Between points in trunk-line and New England territories and points in North Carolina, southern Virginia, Kentucky, and northeastern Tennessee 9115
From Amarillo to El Paso, Tex 697
Canned goods:
Between border territory and Washington, D. C 2612
Between points in Illinois and points in southern territory 10754
From Hagerstown, Md., group to southern territory 2772
From New Orleans, La., to Montgomery, Ala 103
From Texas ports (on import traffic) to El Paso, Tex 12920
Canned milk or cream, from Abingdon and Galax, Va., to southern territory, and from southern territory to Sale Creek, Tenn 7305
Canned pineapple. *See* Pineapple.
Cans and drums:
Fibreboard, paper or pulpboard from trunkline, Buffalo-Pittsburgh and New England territories, to points in North Carolina, Kentucky, southern Virginia, and northeastern Tennessee 3955

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Cans and drums—Continued
From Chicago, Ill., and St. Louis, Mo., to Texas 742
From Laurel, Miss., to Alabama City, Ala 2047
Metal; from Kansas City, Mo.-Kans. to Wichita, Kans 5298
Old iron, from New Orleans, La., to Chattanooga, Tenn 2991
Old tin, from southern territory to points in official territory 6008
Carbon dioxide, solidified, from Saltville, Va., to specified points in southern territory 6781
Carbon electrodes. *See* Electrodes.
Carpets, from Glasgow, Va., to Dallas, Tex 3143
Carriers, refrigerating, returned; from Galesburg, Ill., to Bedford, Ind., and Tecumseh, Mich 7893
Catalogs:
From Chicago, Ill., to Alexandria, La 5822
From Devil's Slide, Utah, to points in western Texas and eastern New Mexico 5625
From Illinois points:
To North Carolina and Tennessee 3369
To points in Texas 10868
From Louisville, Ky.:
To points in Illinois, Michigan, Ohio, and West Virginia 5299
To points in Maine, Maryland, New Hampshire, New York, Pennsylvania, and Virginia 5299
Caustic potash, from Corpus Christi, Tex., to East St. Louis and Wood River, Ill 7688
Caustic soda. *See* Soda ash and caustic soda.
Cement:
Between points in Kansas, Missouri, Nebraska and Oklahoma 6643, 6644, 9618
From Birmingham, Ala.:
To La Grange, Ga 1714
To Nashville, Tenn 262, 2612
From Colorado and Wyoming points to points in Minnesota 11664
From Des Moines, Iowa, to North Dakota and South Dakota 2590
From Giant, S. C., to South Carolina points 3096
From Ladds, Ga., to points in Florida 12630
From Lone Star, Va., to southern territory 1156
From Manitowoc, Wis., to Holland, Mich 11531
From Northampton and York, Pa., to McAllen, Tex 5299
From Pennsylvania:
To Beloit, Kans 4375
To Kansas and Iowa points 2478
To southwest 1292
To western points 3021
From points in Arkansas, Illinois, Kansas, Missouri, Nebraska, Oklahoma and Texas, to Chilli, Okla 19141
From points in Illinois, Indiana and southwestern territory to Point Comfort, Tex 5144
From Pregnall, S. C., to Fayetteville, N. C 1968
From Presidio, Tex., to points in New Mexico 5625
From Spokane and Irvin, Wash., to Butte and Helena, Mont 3446
Cereals and cereal products, between points in Pacific Coast territory 6643
Charcoal:
Briquettes, from Michigan and Wisconsin to official territory 1024
Wood, from Crosset, Ark., to Tennessee 1097
Cheese and oleomargarine, from and to points in southern territory 11399
Chemicals:
See also specific chemicals.
From So. Charleston, W. Va., to southwest 3677
Chicory, from Port Huron, Mich., to southern territory 557
Chlorinated camphene between trunkline and New England territories and points in southern territory 9115

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Chlorine gas, liquefied:
From McIntosh, Ala., to Hattiesburg and Natchez, Miss., and Memphis, Tenn 9203
From Memphis, Tenn., to Terre Haute, Ind 1211
From Ohio, Michigan and West Virginia to southern territory 3677
Cigarettes and tobacco, from Richmond and Petersburg, Va., to Ohio, Pennsylvania, and Kentucky 10393
Cinders, clay or shale:
From Ottawa, Kans., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas 6325
From Strawn, Tex., to Oklahoma City, Okla 9518
Citrus fruits, from New Orleans, La., to points in Illinois, central and trunkline territories 6587
Citrus pomace:
From Ocala, Fla., to Florida points 3266
From points in Florida to points in the southwest 9203
Clay, kaolin, or pyrophyllite:
Between points in south 3199
From Kona, N. C., to Anderson, S. C 8502
From Macon, Huber, and Reids, Ga., to Houston, Tex 12299
From points in Georgia, North Carolina and South Carolina to Anderson, S. C 9832
From producing points in Georgia and South Carolina, to Albertville, Ala 6409
Clothing, from Chicago, Ill., to Maspeth and New York, N. Y 1559
Coal:
Cinders, from Alabama to El Dorado, Ark 1968
From Alabama:
To Columbia, Fort Jackson and Reed, S. C 4376, 8256
To Houston, Texas 1744
From Alabama, Kentucky, Tennessee, and southwest Virginia, to London, Pike Road, Dingley, Steiner, and Montgomery, Ala 5855
From Belleville, Ill., southern Illinois and western Kentucky groups to Humboldt, Iowa 9703
From Illinois and Indiana:
To Humboldt, Iowa 3866
To Windom, Minn 397
From Illinois mines to Illinois points 3143, 7434
From Kentucky:
To central territory 3601
To Charleston, S. C 995
To Indianapolis, Ind 1836
To Nashville, Tenn 327, 3676
To Windom, Minn 397
From Kentucky and Tennessee to Charleston, S. C 11942
From Lake Superior docks in Wisconsin to points in Minnesota 11092
From Milwaukee, Wis., to Rockford and Freeport, Ill 9203
From mines in Illinois, Indiana, and western Kentucky to Black Dog, Minn 12299
From mines in Southwest to Broadmoor and Highland Park, Iowa 7524
From mines in Tennessee, Kentucky, Virginia and West Virginia to points in South Carolina 11990
From Missouri to Iowa 2237, 4282
From Oklahoma points to western trunkline and Illinois territories 2645
From points in northern Illinois to Humboldt, Iowa 7831
From southern Illinois:
To Indiana 4477
To Quincy, Ill 4506
From southern territory to Acme, N. C 11754
From southwest to Iowa 2237
From Tennessee and Virginia to Indianapolis, Ind 1836
From Virginia and West Virginia to Birmingham, Ala., district 3321
From Virginia to central territory 3601

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Coal—Continued
Semi-distilled, from Champion, Pa., to points in Michigan, New York, Pennsylvania, Ohio, and West Virginia 9793
Coal tar and pitch:
From Daingerfield and Lone Star, Tex., to Granite City, Ill 8786
From Minnequa, Colo., to Denison, Tex 7525
Coffee:
From New Orleans and Port Chalmette, La., Mobile, Ala., Gulfport, Miss., and Pensacola, Fla., to St. Louis, Mo., and points in Illinois 12920
From North Atlantic ports:
To Dunkirk, N. Y., and Sunbury, Ohio 140
To Grove City, Pa 2011
Coke:
From Alabama City, Ala., to Fort Smith, Ark 8503
From Birmingham, Ala., group:
And Chattanooga, Tenn., to Tulsa, Okla 3521
To Atlanta, Decatur, and Union City, Ga 13115
To Decatur, Ga 5404
From Chicago and Lockport, Ill., to New York and Ontario 2133
From Coalmont, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin 6763
From Hopewell, Va., to Wilson, N. C 1257
From Texas to Richmond, Ill., and Carrollsville, Wis 3368
Concentrates, citrus and pineapple; frozen, from border territory to east 697
Concrete mix, from Minneapolis, Minn., to points in western trunk line territory 11664
Conduit, cement, from New Orleans, La., to Pensacola, Fla 2990
Cordage (manila and sisal), from Louisiana to Illinois, Missouri, Wisconsin and related points 6325
Corn:
From Illinois to New Orleans, La., and Mobile, Ala 2611
From Iowa and Nebraska to Colorado points 3625
From points in Kansas, Nebraska, and Wyoming, to points in Colorado 11754
Corn steep water:
From Chicago and Pekin, Ill., to Willow Island, W. Va 7894
From Indianapolis, Ind., to Peoria, Ill 12329
Corn syrup, from specified points in western trunk-line territory to Dade City and Highlands City, Fla 12329
Cotton:
See also Bagging; *and* Piece goods.
From Missouri and Arkansas to points in United States and Canada 9203
From Oklahoma and Texas to southern territory 12377
Goods:
From Delaware to Illinois, Indiana, Missouri and other points in central territory 7733
From Morrilton, Ark., to Waynesboro, Va 8255
Linters; from Cairo, Ill., to North Chattanooga, Tyner, and Jersey, Tenn 8695
Nets, from Memphis, Tenn., to New Orleans, La 12109
Cottonseed:
Cake and meal, from southwest to Canon City and Rockvale, Colo 585
Hull shavings pulp, from Chattanooga, Tenn., to Celco and Pepper, Va 9273
Oil, foots, and sediment, from Kansas and Missouri to New Orleans, La., and Memphis, Tenn 12630
Products, from Memphis to Kingport, Tenn 1045
Cranberries, from Dancy and Knowlton, Wis., to Springfield, Mo 7473
Crates. *See* Boxes or crates.
Cullet (broken glass), from Kansas City, Mo.-Kans., to Chicago and Streator, Ill 10095

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Cups, drinking; paper or pulpboard, from southern and western trunkline territories and Canada to southwestern territory 3676
DDT and/or benzene hexachloride:
Between border territory and Washington, D. C 2011
From Delaware, New York and Pennsylvania to Arkansas, Louisiana and Texas 1613
From Indiana:
To Arkansas, Louisiana and Texas 1613
To Chicago, Ill 2447
To Mississippi and Tennessee 2771
To south 2771
From New Jersey, Delaware and Pennsylvania to southern territory 3818
From Pine Bluff and Baldwin, Ark., to Middleport, N. Y., and Bound Brook, N. J 4505
From Terre Haute, Ind., to Elkton, Md 4477
From West Virginia:
To Alabama, Florida, Georgia, North Carolina and South Carolina 1484
To Memphis, Tenn 1484
Doors, frames, sashes and related articles, from southwest to southern territory 3494
Drugs and medicines:
From Detroit, Mich.:
To Atlanta, Ga., and other points in Georgia taking same rates 8000
To New Orleans, La 7305
From Detroit and Upjohn, Mich., to Memphis, Tenn 7305
From Elkhart, Ind., to Memphis, Tenn 11942
From Kalamazoo and Upjohn, Mich., to Atlanta, Ga., and other points in Georgia 7632
From Peoria, Ill., to Indian Orchard, Mass 4477
Drums, metal. *See* Cans.
Dump wagon parts. *See* Grader or dump wagon parts.
Electrical transformers, from Sharon, Pa., to south 327
Electrodes:
From Black Fork, Ohio, to Natco, Tenn 7632
From Fostoria, Ohio, to Brooklyn and New York, N. Y., and Jersey City, N. J 7687
Ethylene glycol, from Port Neches, Tex.:
To Cleveland, Ohio, and/or Pennsylvania points 2375, 2709, 7632
To Dayton, Ohio 7111
To Ishpeming, Mich 5626
To New York points 2709
Feed; animal, poultry, or pigeon:
Between border territory and east 2011
Between points in New England 4360
Between points in Pacific coast territory 6643
From Auburndale and Ocala, Fla., to points in southern territory 6410
Fence posts, from points in Southwest to points in Iowa, also Emmons, Iowa-Minn 12631
Ferro-manganese, ferro-silicon, etc:
From Birmingham and North Birmingham, Ala., to Houston, Tex 5881
From Calvert, Ky.:
To Alcoa, Tenn 5960
To Houston, Tex 586, 12738
From Emco, Ala.:
To Houston, Tex 2375, 12738
To Litchfield, Ill 741
From north Atlantic ports to central territory 3267, 9272
Fertilizer and materials:
Ammoniating solution, from South Point, Ohio, to points in southern territory 10471
Between Carthage, N. C., and points in southern and official territory 2709
Between points in Kentucky, Ohio, Virginia and West Virginia 6008
Between southern and official territories 3625
From Albany, Ga., to specified points in Florida 11041

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Fertilizer and materials—Continued
From Armour, Fla., to Albany, Ga 6156
From Beckville, Miss., to points in official territory 11549
From Braithwaite, La.:
To Hattiesburg, Miss 556
To Helena, Ark., and Memphis, Tenn 4505
From Charlestown, Ind., to south 910
From Kentucky, Ohio, Virginia, and West Virginia to points in southern territory 6156
From Louisiana and Kansas to points in Virginia 11041
From New Orleans, La.:
To Hattiesburg and Laurel, Miss 7894
To Memphis, Tenn., and Helena, Ark 8786
From Norfolk, Va., to Plymouth, N. C 3320
From points in Louisiana and Arkansas to points in southern and southwestern Virginia 10507
From Texas, Louisiana, and Arkansas to points in Virginia 5624
Fibreboard. *See* Pulpboard and fibreboard.
Flavoring syrup:
Between points in Oklahoma, Texas, Louisiana, and Mississippi River crossings 10471
From Baltimore, Md., to Canton, Ohio 2991
From Iowa and South Dakota to south 263
Foreign woods. *See* Woods, foreign.
Formaldehyde:
Dry, from Bishop, Tex., and Tallant, Okla.:
To Avon Lake, Ohio, and Glenbrook, Conn 8955
To Bound Brook, and Newark, N. J., Pittsfield, Mass., and Trafford, Pa 7894
To Louisville, Ky., and Kankakee, Ill 6325
From Oklahoma and Texas points:
To official territory 262
To south 1258
Liquid:
From Bishop and Winnie, Tex., and Tallant, Okla.:
To Moss Point, Miss 8808
To Tottenville, N. Y., and Winchester, Va 12110
From Tallant, Okla., to east 48
Fruits, citrus. *See* Citrus fruits.
Furnace slag, from Siglo and Mount Pleasant, Tenn., to Denver, Colo 10394
Furniture, from north central States to Denver, Colo., and points taking same rates 4820
Gasoline. *See* Petroleum and petroleum products.
Glass:
Broken. *See* Cullet.
Rods or tubing from Logan, Ohio, to Bowling Green, Ky 8161
Window, from Arkansas, Louisiana, and Oklahoma to Illinois, Iowa, and Missouri 2047
Glassware:
Between trunkline and New England territories, and southern territory 5960
From Illinois and points in Missouri to Memphis, Tenn., and southern territory 4376
From Wichita Falls, Tex., to Denver, Colo 3866
Glycerine:
From Dallas and Houston, Tex., to Ampthill and Deep Run Spur, Va 3267
From Dallas, Tex., to Virginia 48
From Kansas City, Mo.-Kans., to southern territory 2590
Grader or dump wagon parts, iron or steel; from Omaha, Nebr., to Joliet, Ill 9059
Grain and grain products:
Between Leavenworth, Kans., and points in Illinois, Iowa, Minnesota, Missouri, and South Dakota 10094
Between northeast Oklahoma R. R. points and the southwest 10680
Between points in Kansas 6481
Between points in Kansas and Oklahoma and points in Louisiana west of the Mississippi 5721, 6009

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Grain and grain products—Continued
Between points in Kansas, Nebraska, and Iowa 10507
Export grain:
From Colorado, Kansas, Missouri, New Mexico, Oklahoma, and Superior, Nebr., to Baton Rouge, La 3626
From Kansas City, Mo.-Kans., to Texas ports 5909
From Lowell, Ill., to points in official territory 11287
From Oklahoma to gulf ports 3677
From Arkansas, Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Tennessee, to points in Texas 3866
From Atchison and Leavenworth, Kans., and St. Joseph, Mo., to points in Iowa 8855
From Council Bluffs, Iowa, Omaha and South Omaha, Nebr.:
To Kansas City, Mo.-Kans 7472
To points in Missouri and Kansas 7472
From Iowa, Minnesota, and Missouri to gulf ports for export 1484
From Kansas City, Mo., to Louisiana points 3602
From Minneapolis, Minnesota Transfer, and St. Paul, Minn., and Peoria, Ill., to points in Oklahoma 10506
From Nebraska and Iowa to New Mexico 4505
From Nebraska, and points in Colorado, Kansas, and Oklahoma to points in Louisiana 6262
From Ohio River crossings to south 697
From Oklahoma to Missouri 3096
From Omaha and South Omaha, Nebr., and Council Bluffs, Iowa, to Chicago, Ill 12300
From points in Iowa and Minnesota to Port Arthur and Texas City, Tex., Lake Charles and New Orleans, La 6643
From points in Kansas and Colorado to points in Texas 6644
From Preston, Md., to south 2610
From St. Joseph, Mo., to points in Oklahoma 5026
From St. Louis, Mo., and East St. Louis, Ill., to points in Louisiana 7110
From Sioux City, Iowa, to points in Iowa, Minnesota, and South Dakota 6324
From, to, and between points in western district 7632
From Twin Cities and Kansas City, Mo., area to Illinois, Iowa, Missouri and certain adjacent points 2900
From western trunkline, Illinois and southwestern territories to Baton Rouge, La 3866
Gravel. *See* Sand, gravel, and crushed stone.
Gums and resins, from Charleston and other points in W. Va., to Jersey City, N. J., and vicinity 4948
Gypsum or plaster blocks, and related articles; from Savannah, Ga., Plasterco and Saltville, Va., and Jacksonville, Fla., to points in Florida 8806
Hay:
From, to, and between eastern Colorado, New Mexico, Kansas, southern Missouri and Mississippi River crossings 6781
From points in Oklahoma to points in Arkansas 10616
Hides, pelts and skins:
From Baton Rouge and New Orleans, La., to trunk-line and New England territories 1128
From Helena, Ark., Natchez, Miss., and Memphis, Tenn., to specified points in trunkline and New England territories 9793
From southern territory to trunkline and New England territories 1096
Horses, mules, burros and asses, between Pacific coast territory and points in Rocky Mountain territory 10228
Horses for slaughter:
From Arkansas, Colorado, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, to Los Angeles, Calif 7110

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Horses for slaughter—Continued
From points in Arkansas and Missouri to Ogden, Utah 7110
Houses, prefabricated or portable:
From Baton Rouge, La., to points in Colorado and Wyoming 5190
From Dallas, Tex., and Tulsa, Okla., to Colorado and Cheyenne, Wyo 3494
From Lafayette, Ind., to Missouri and Nebraska 1836
Hydrol, between Texas points 2012
Ilmenite ore. *See* Ore.
Ingot molds, from Cleveland, Ohio, to Worcester, Mass 11319
Iron and steel:
Articles:
Between Rome, Ga., and Alabama points 10910
From Atlanta, Ga., and Chattanooga and Knoxville, Tenn., to Dyersburg, Bells and Jackson, Tenn 956
From Baltimore, Md., to Georgia, North Carolina, South Carolina and Virginia 1024
From Birmingham, Ala., group to Atlanta, Ga 1096
From Cincinnati, Ohio, to Lake City and Vasper, Tenn 3266
From defined territories to Louisiana and Texas gulf ports 1097
From Kentucky, West Virginia and/or Ohio to Tennessee 651, 1775
From Minneque, Colo., to Wichita Falls, Tex 12603
From Missouri to Tennessee 1775
From points in southern territory to St. Louis, Mo., group and Ohio River crossings 4947
From south to Ohio River crossings 516
From southern ports to Knoxville, Tenn 1292
Castings:
From Birmingham, Ala., to Indiana, Michigan, and Ohio 516
From Buffalo, N. Y., to Detroit, Mich 1645
Cylinders or tanks, steel; from Baton Rouge, La., to Evansville, Ind 8807
Grader or dump wagon parts. *See* Grader or dump wagon parts, *above*.
Guy rods and anchors, from Centralia, Mo., to Memphis, Tenn., and lower Mississippi River crossings 6410
Pig iron:
From Buffalo and Harriet, N. Y., to Claymont, Del., and Chester, Pa 12604
From Daingerfield and Lone Star, Tex., to Greenville, S. C 8956
From Daingerfield, Lone Star, and McCrossin, Texas:
To Buffalo and Suspension Bridge, N. Y 9292
To Crown Point, Ind 4767
To Elkhart and Terre Haute, Ind 12025
From Hampton Roads, Va., and related ports, to Erie, Pa 13114
From Minnequa, Colo., to Ohio and Indiana 10228, 11041
From New York and Pennsylvania, to the south 3818
From North Atlantic ports:
To Barberton and Cleveland, Ohio 10712
To Canton and Mansfield, Ohio 1023
From Ohio and Pennsylvania points to Worcester, Mass 10713
From points in Texas to Evansville, Ind 11706
From south Atlantic ports to Alabama 1802
From Texas:
To Alabama 1744
To Garrett, Ind 3447
To Greenville, S. C 955
To Illinois and Indiana 2589, 2645
To Toccoa, Ga 956
To Wisconsin 2374
From Troy and Green Island, N. Y. to Greensboro, N. C 11753

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Iron and steel—Continued
Pipe:
Between southern points 3391
From Alabama City and Gadsden, Ala., to specified points in Ohio and Enon, Pa 9293
From Alabama points to points in Florida 8787
From Cranston and Providence, R. I., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas 5145
From Haines City, Fla. to points in southern territory 5190
From Houston, Tex., to points in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee 6548
From Kewanee, Ill., to southwestern territory 3520
From official territory to Vinson, Tex 10713
From points in official territory to Addicks and Hennessey, Tex 4376
From points in southern territory:
To New Mexico 6696
To points in Colorado and Wyoming 11549
From producing points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia to points in southern territory 12330
From producing points in Alabama, Georgia, North Carolina, and Tennessee:
To points in Colorado and Wyoming 9921
To Rocky, Colo 12529
From St. Louis, Mo., and East St. Louis, Ill., to Texas 1025
From Texas points to St. Louis, Mo., East St. Louis and Alton, Ill 9180
From Texas to western trunkline, Illinois and official territories 1802
From Virginia points to southwestern territory 10680
From Wharton, N. J., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Tex 6220
From Wilmington, Del., to Arkansas, Louisiana, New Mexico, Oklahoma and Texas 478
In official territory 557
Rods:
From Illinois, Indiana and other points in Chicago switching district, to Kansas City, Mo 7524
From Portsmouth and New Boston, Ohio, to Kansas City, Mo.-Kans 5660
Scrap:
Between Rome, Ga., and Alabama points 10971
From Albany, Ga., to Alabama City and Gadsden, Ala 6644
From Milwaukee, Wis., to Hamilton, Ont 2990
From North Atlantic ports, to Franklin, Pa 5882
From Oak Ridge and Blair, Tenn., to Erie, Pa 7524
From Pensacola, Fla., to Birmingham, Ala., and points grouped therewith 1024, 12448
From points in southern territory:
To Lima and Marion, Ohio 12448
To New Boston and Portsmouth, Ohio 12844
To Portsmouth, Ohio 6410
From West Virginia to Radford, Va 10868
In south 2771
Slabs, from Birmingham, Ala., to Longview, Tex 2198
Stands or cradles, tilting type, from points in North Carolina, southern Virginia, Kentucky, and northeastern Tennessee to points in trunk-line and New England territories 9618
Strip steel:
From Illinois, Indiana and western trunkline territories to Colorado and Wyoming 2942
From points in official territory to points in Colorado, Nebraska, and Wyoming 6547

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Iron and steel—Continued
Wheel bands and rims, tractor; from Ohio and Michigan to Chicago, Ill., and Louisville, Ky 5027
Wire fabric, from southwestern and western trunkline territories to Texas and Louisiana gulf ports 1096
Juice, pineapple. *See* Pineapple.
Kaolin. *See* Clay, kaolin, or pyrophyllite.
Kyanite, from Clover, S. C.:
To Canfield, Ohio 9832
To points in official territory 10472
Lard and lard substitutes:
From Dallas, Fort Worth, North Fort Worth, and Sherman, Tex., to points in Kansas and Oklahoma, and Joplin, Mo 1210, 8161
From Davenport and Dubuque, Iowa, to New Orleans, La 11896
Latex:
See also Rubber.
From Baton Rouge and North Baton Rouge, La., to specified points in official, southern, and western trunk-line territories 12844
From trunkline and New England territories to southern territory 2942
Lecithin:
Between border territory and Eastern port cities 11318
Between points in trunk-line and New England territories, and points in North Carolina, southern Virginia, Kentucky, and northeastern Tennessee 9547
Less-than-carload freight in containers:
Between Kansas City, Mo.-Kans., and points in Kansas, Nebraska and western Missouri 3677
Between Memphis, Tenn., and Arkansas 104
From Amarillo to El Paso, Tex 7109
Lime:
From Cleburne, Tex., to south 261
From Des Moines, Iowa, to North Dakota and South Dakota 2590
From Le Moyne, Ohio, to points in southern territory 4263
From Ludington, Mich.:
To points in Pennsylvania, Maine, Massachusetts, and Vermont 12844
To points in trunkline, New England, and central territories 5822
From Oklahoma, Texas, Missouri and Arkansas to Baton Rouge and New Orleans, La 3022
From southern points to Wakulla, Fla 1292
Limestone, ground:
From Buchanan, Va., to Dover and Kinston, N. C 10615
From Plum Run, Ohio, to points in West Virginia 11201
Liquors, malt or alcoholic:
Between Baltimore, Md., and border territory 2589
From Belleville, Ill., and St. Louis, Mo.:
To Cherry Point, N. C 9547
To Memphis, Tenn 8309
From Duluth, Minn., to Nebraska and South Dakota 3320
From Illinois to southern territory 2109, 2197
From Missouri and Illinois to Michigan and Wisconsin 3320
From Peoria, Ill., to Flour Bluff, Tex 11200
From Terre Haute, Ind., to Tennessee 955, 2992
Livestock:
From points in western trunk-line territory to points in southern territory 9273
From west to south 1923
Logs. *See* Lumber and forest products.
Lumber and forest products:
See also Doors; *and* Woods.
Between California points 3601
Between points in the southwest 5026
Between Southern Ry. points 398

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Lumber and forest products—Continued
From Alabama and Mississippi to Memphis, Jackson, and Dyersburg, Tenn 6411
From Alabama, Florida, Georgia, North and South Carolina, and Tennessee, to Illinois 3313
From Brookhaven, Miss., to St. Louis, Mo., and East St. Louis, Ill 1156
From Cousins, Kans., to southwestern, Illinois, and western trunkline territories, and Mississippi River crossings 3818
From Erwin, Tenn., to points in trunkline and New England territories and in Ohio 3391
From Gentilly and Michoud, La., to western trunkline territory 2646
From Harrodsburg, Ky., to Smyrna, Tenn 2374
From Hattiesburg, Miss., group to New Orleans, La., group 6549
From Live Oak and Slade, Fla., to points in southwestern territory 7632
From Logan, Man, and Omar, W. Va., to Lincolnton, N. C 4734
From Michigan, Minnesota and Wisconsin to south 2611
From Murphy, N. C., to Jackson, Tenn 10393
From Norfolk, Newport News, and Portsmouth, Va., to points in southwest 8256
From North Carolina, South Carolina, and Virginia to Wisconsin 698
From North Pacific coast territory to points in Oklahoma 8955
From points in southern territory to Baltimore, Md., and points grouped therewith 12630
From South Pacific coast territory to Richfield, Minn 7336
From south to stations in Missouri on St. Louis-San Francisco Ry 1644
From southern territory:
To Fairfield, Ill 911
To Millburn, N. J 4734
Machinery, from Richmond, Ind., to Glencliff, Tenn 5027
Magazines and periodicals:
From Des Moines, Iowa, to Atlanta, Ga., Jacksonville, Fla., and Nashville, Tenn 7525
From Kokomo, Ind.:
To Kansas City, Mo., Omaha, Nebr., and Minneapolis, Minn 9326
To Philadelphia, Pa 5593
From Louisville, Ky.:
To east 556
To points in Ohio and Indiana 9832
From Springfield, Ohio, to Albany, N. Y., Portland, Maine, Philadelphia, Pa., and other specified eastern cities 9325
Meats and packing-house products:
See also Beef, cured.
Cooked, from Gulf and south Atlantic ports to Atlanta, Ga 5026
Fresh, and packinghouse products:
From Amarillo, Tex. to the south 4361
From Dallas, Tex., to Austin, Minn 5144
From Eagle Pass, Tex., to points in central territory 10754
From Fargo, N. Dak., to north Pacific Coast territory 434
From Fremont, Nebr., to destinations in southern territory 7472
From north Pacific Coast territory to points in western trunk-line, Illinois, and southwestern territories, and adjacent points 12242
From Oklahoma points and/or Texas points:
To Louisiana and Texas points 3602
To southwestern territory, Illinois, Iowa, Kansas, Mississippi River crossings and Austin, Minn 3095
From points in Illinois territory to points in southern territory 9794, 12919

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Meats and packing-house products—Continued
Fresh, and packinghouse products—Continued
From points in western trunk-line territory to points in southern territory 8922, 12919
From St. Louis, Mo., and East St. Louis, Ill., to points in southern territory 12376
Horse meat, frozen, from Missouri points to south 516
Medicines. *See* Drugs and medicines.
Merchandise, in mixed carloads:
Between specified points in southern territory and Ohio, Missouri, and Illinois 12330
From Barrington, Ill., to Dedie, Tenn 10713
From Charlotte, N. C., and Greenville, S. C., to Chicago and East St. Louis, Ill., and St. Louis, Mo 7109
From Chicago, Ill.:
To Dunbarton, S. C 8256
To Greenville and Orangeburg, S. C 6587
To Orangeburg, S. C 103
To Sheffield and Florence, Ala 12377
From Cincinnati, Ohio, to Dunbarton, S. C 5960
From Greensboro, N. C., to Memphis, Tenn 5960
From New York, N. Y., to Montgomery, Ala 9547
From St. Louis, Mo., and East St. Louis, Ill., to Greenville, S. C 3677
From specified points in Connecticut and Massachusetts to Memphis, Tenn., and New Orleans, La 12109
Methanol and anti-freeze preparations, from Military, Kans.:
To Indiana, Ohio, Pennsylvania and West Virginia 3096
2942
To Macon, Mo 5403
To St. Louis, Mo., and East St. Louis, Ill 11706, 12708
To western trunkline territory 5403
Milk, canned. *See* Canned milk or cream.
Molasses:
Blackstrap:
From Alabama and Mississippi points to Chicago, Ill 2589, 10394
From Gulf ports and points in Louisiana, to Chicago, Ill 12738
From Louisiana:
To Chicago, Ill 2589
To Oklahoma 1257
From New Orleans, La., and points grouped therewith:
To points in Oklahoma 6764
To points in Texas 10615
From points in Louisiana to St. Louis, Mo., and East St. Louis, Ill 9272
From Savannah and Port Wentworth, Ga., to Augusta, Ga 587
From southern points to Chicago, Ill 11288
From Texas to Kansas and Oklahoma 742
Distillery molasses residuum; from Alabama, Mississippi, and Louisiana points to Chicago, Ill 10394
Molding sand. *See* Sand, gravel, and crushed stone.
Motor vehicle parts. *See* Automobile parts.
Mules. *See* Horses, mules, burros and asses.
Netting, poultry, from defined territories to Louisiana and Texas gulf ports 1097
Newsprint. *See* Paper.
Nursery stock, from points in southern territory to points in official territory 6781
Oils:
Creosote, from Gulfport, Miss., to Oliver, La 556
Fuel oil. *See* Petroleum.
Linseed; from points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to stations in Florida 8414
Road oil, between Illinois territory and south 1743
Tall, crude. *See* Tall oil.
Oleomargarine and cheese, from and to points in southern territory 11399

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Onion sets, from Illinois to south 1211
Oranges. *See* Citrus fruits.
Ore:
Ilmenite, from Melbourne, Fla.:
To Illinois, Wisconsin and Pennsylvania 4478
To Ohio and Michigan 327
Manganese, from eastern and New England ports to Holston, Tenn 1836
Paint materials, from Illinois and Wisconsin to Arkansas, Oklahoma and Texas 2012
Paper and paper articles, etc.:
See also Cups, drinking.
Articles:
From and to points in southwest territory 8807
From Cornell, Wis., to Illinois 5721
From Georgia and Florida to St. Louis, Mo 4506
From Knoxville, Tenn., to Culbertson, Pa 3267
From Memphis, Tenn., to stations in Kansas 8255
From points in southwestern, official, southern, and western trunk-line territories to points in southwestern territory 12919
From south to official and Illinois territories 291
From specified points in Arkansas, Louisiana, and Texas to points in Iowa and Missouri 7471
Bags:
From Baldwin and Pine Bluff, Ark.:
To New Orleans, La 5854
To Washington, D. C., Cincinnati, Ohio, and certain points in Virginia, Indiana, and Kentucky 7372
From Fort Worth, Tex., and Spring Hill, La., to Chicago, Ill 10141
From New Orleans and Port Chalmette, La., to Crete, Nebr 11288
Boxes:
From Arkansas, Louisiana, Oklahoma and Texas to St. Louis, Mo., and East St. Louis, Ill 2669
From Bogalusa, La., to St. Louis, Mo., and East St. Louis, Ill 6782
From Conover, N. C., to official territory 2616
From Dairypak, Ga., to St. Louis, Mo., and Illinois points 3095
From southern territory to St. Louis, Mo., and East St. Louis, Ill 2590
Labels; from, to, and between points in southwestern territory 5909
Newsprint:
From Beaumont to Dallas, Tex 10615, 12377
From Coosa Pines, Ala., to St. Louis, Mo 11664
From Coosa Pines and Childersburg, Ala., to Houston and Galveston, Tex 6325
From Missouri and Illinois to Texas 11200
From St. Louis, Mo., and upper Mississippi River crossings to points in Texas 6009
From Virginia and south Atlantic ports to Nashville and Murfreesboro, Tenn 8854
Printing and wrapping paper:
From Canton, N. C., Holston and Kingsport, Tenn., to Kansas City, Mo.-Kans 7809
From Virginia, Pennsylvania, and Maryland, to Minden, Nebr 4948
Scrap or waste paper:
From Abilene, Tex., to points in central territory 11469
From Advance, Bastrop, Monroe, Spring Hill, and West Monroe, La., Camden and Crossett, Ark., Houston and Herty, Tex., to specified points in official and Illinois territories 12603
From Boulevard, Dewey, Ewing, Port Tampa, and Port Tampa City, Fla., to points in official and Illinois territories 12604
From High Point, N. C., to points in southern territory 11132
From Hutchinson, Topeka, and Wichita, Kans., to Chillicothe, Ohio 8855
From points in Kansas to Monroe, Mich 10299
From southwest to Buena Vista, Va 3095

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Paper and paper articles, etc.—Continued
Scrap or waste paper—Continued
From Texas to New Orleans, La 240
From Washington, D. C., to High Point, N. C 2133, 5593
Toilet paper, from Memphis, Tenn., to New Orleans, La 2536
Wrapping paper:
From Fort Worth, Tex., and Spring Hill, La., to Chicago, Ill 10141
From New Orleans and Port Chalmette, La., to Crete, Nebr 11288
Peanuts:
From south to official territory 1292
From Texas to Missouri, points in western trunk-line and official territories, and Kentucky 5026
Hulls:
From Aulander, N. C., to points in trunk-line and New England 10712
From Courtland, Va., to trunkline and New England territories 911
Shelled, between Oklahoma and Texas 102
Pecans, from south to official territory 1292
Pelts. *See* Hides, pelts, and skins.
Periodicals. *See* Magazines and periodicals.
Perlite:
Between points in official territory 3267
From Louisiana to Illinois, Kentucky, Tennessee, and Mississippi 6643
From New Orleans and Port Chalmette, La., to Cairo, Ill., and Memphis, Tenn 5959
Petroleum and petroleum products:
Between points in Georgia 11623
Between Texas points 1775
Between Virginia points 5145
Crude:
From Kansas City, Mo.-Kans., to specified points in Pennsylvania, West Virginia, Ohio and New York 10045
From New Orleans, La., to points in New York, Ohio, Pennsylvania, and West Virginia 11041
Cyclodiene dimer concentrate, from points in New Orleans-Baton Rouge, La., group to Ladora, Colo 6764
From Baton Rouge, La.:
To Cincinnati, Ohio 4361
To Mississippi 556
From Cheyenne, Wyo., to Sterling, Colo 741
From Chicago and Lockport, Ill., to New York and Ontario 2133
From Fluor, Okla., to points in Illinois, official, southern, southwestern, and western trunkline territories 12330
From Hampton Roads ports to Martinsville, Va 1968
From Hoefer, Tex., to points in Illinois and western trunkline territories 7336
From Mobile, Ala.:
To Columbus, Miss 3494
To points in Alabama 4734, 4820
From Norfolk and Portsmouth, Va., to Henderson, N. C 4597, 6781, 8723
From Norfolk, Newport News, and Portsmouth, Va., to Koehler, Va 10095
From Oklahoma to Texas points 11092
From points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas:
To East Raleigh and Glenwood Yard, N. C 6261
To Hale and Dismal Yard, Va 6261
From points in southwestern territory:
To Lone Star, Va 12802
To points in New Mexico on Texas-New Mexico Railway 10754
From points in upper midwest to points in Minnesota, North Dakota, and South Dakota 11896

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Petroleum and petroleum products—Continued
From southwest:
To Oklahoma 1969
To Springfield, Vt 3818
From Stanocola, Ark., to stations in Arkansas on Arkansas & Ozarks Ry 2589
From Texas:
To Arkansas, Kansas, Louisiana, Missouri and Oklahoma 2817
To points in Colorado, Kansas, Oklahoma, and Texas 7110
To southwestern territory and adjacent points 47, 103
From Ulysses, Kans., to points in southwestern, southern, official, and western trunkline territories 10755
From Virginia to North Carolina , 262
From Wilmington, N. C., to points in western North Carolina and South Carolina 5403, 10910
Fuel oil:
Between California points 3601
From Baton Rouge-New Orleans, La., district to Coosa Pines, Ala 2943
From Mobile, Ala.:
To Birmingham, Ala 3143
To specified points in Alabama 10910
From New Orleans-Baton Rouge, La., district, to Alabama, Mississippi, and certain other points 7371
From Savannah and Port Wentworth, Ga., to Wilmington, N. C 11764
Gasoline:
Between California points 3601
From and to points in southern territory 10794
From Baton Rouge-New Orleans, La., group to central, trunkline and New England territories 2943
From Butler and Hocker, Okla.:
To destinations in Montana 7732
To official, southern, southwestern and western territories 956
From Mobile, Ala., to official territory east of Illinois-Indiana state line 5403
From Oklahoma points to official, southern, southwestern and western territories 956
From points in Texas to points in Oklahoma 10141
From Ringer, Kans., to Iowa, Minnesota, Nebraska, North Dakota, and South Dakota 11131
Naphtha, from points in southwestern territory to Duluth, Minn., and Superior, Wis 7111
Oil, road, between Illinois territory and south 1743
To Illinois, official, southern and western trunkline territories:
From Farmer Spur, La 140
From Jourdanton, Tex 240
Piece goods (cotton, woolen, etc.), and related articles:
From east to border territory 2478
From New England to central territory 2479
From southern territory to official and Illinois territories 48
Phosphate rock:
From Florida:
To Gadsden, Ala 4263
To Hattiesburg, Miss 8256, 9704
To Harrisonburg, Va 9704
To Indianapolis, Ind 12377
To Jackson, Tenn 10909
To points in Tennessee 10140
To St. Louis and East St. Louis 4361
To Southwest 326
From New Orleans, La., to Memphis and Nashville, Tenn., St. Louis, Mo., East St. Louis, Ill., Tampa, Fla., and Charlotte, N. C 10140
Pig iron. *See* Iron.
Pineapple, canned, and pineapple juice, from Gulf and south Atlantic ports, to Denver, Colo., Cheyenne and Fort Francis E. Warren, Wyo., and specified points in Colorado 12604

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Pipe:
Cement, from New Orleans, La., to Pensacola, Fla 2990
Iron. *See* Iron and steel.
Pitch. *See* Coal tar and pitch.
Plaster blocks. *See* Gypsum or plaster blocks.
Plaster-wallboard:
From Medicine Lodge, Kans., to western trunkline and Illinois territories 3447
From Sweetwater, Tex., to Arkansas and Louisiana 1803
Plastics, from Kingsport, Tenn., to Pacific coast 4376
Polyethylene glycol, from Texas to Louisiana 4361
Potash:
From Carlsbad and Loving, N. Mex., to Eudora, Ark., Delhi and Oak Grove, La 2817
From Corpus Christi, Tex., to Kansas City, Mo.-Kans 3692
Potassium, from points in Ohio to points in Alabama 10868
Potatoes, from Maine:
To New Jersey points 1802, 3021
To points in Pennsylvania 11896
To trunkline territory 240
Printing paper. *See* Paper.
Pulpboard and/or fibreboard:
From and to southwestern territory and Kansas 1155
From Detroit, Mich.:
To Memphis, Tenn., and New Orleans, La 1559
To southern territory 742
From East Moss Point and Kreole, Miss., to Kansas City, Mo.-Kans 7895
From Florida and Georgetown, S. C.:
To Lowell, Mass 2589
To New York, New Jersey, Massachusetts and Pennsylvania 397, 6410
From Hartford City, Ind., to Georgetown, S. C 5624
From Hutchinson, Kans., to Sweetwater, Tex 911
From Kalamazoo, Mich., and Garwood, N. J. to Medicine Lodge, Kans 8955, 10095
From Mead, Ga., to St. Louis, Mo 12205
From Plymouth, N. C., to Westbrook, Maine 11249
From Port Wentworth and Savannah, Georgia, to Richmond, Va 5722
From southern territory to St. Louis, Mo., and East St. Louis, Ill 2590
From specified points in Wisconsin, to Dallas, Tex 10045
From West Carrollton, Ohio, and Cheboyan, Mich, to Atlanta, Ga 12109
Pulpwood:
From Atlantic Coast Line R. R. stations in Florida to Panama City, Fla 1775
From Cairo, Ill., to Chillicothe, Ohio 8955
From Florida origins to Panama City, Fla 4375, 11131
From North Carolina to York Haven, Pa 2447
From points in Florida to Panama City, Fla 5593, 10394
Pumice, crude:
From Bernalillo, Domingo, and Santa Fe, N. Mex.:
To points in official territory 12631
To specified points in Illinois and western trunk-line territories 12683
From points in Colorado to points in Illinois, Iowa, Kansas, Minnesota, Missouri to western trunkline territory 10971
From Superior, Wyo., Antonito and Mesito, Colo., Iona, Idaho, and other points in Idaho to specified points in Illinois and western trunk-line territories 12630
Pyrophyllite. *See* Clay, kaolin, or pyrophyllite.
Range boilers, tanks and cylinders, between points in official territory 2690
Ranges, from Illinois to south 1211

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Rates:
Class and commodity rates:
Between Bonnie, Fla., on one hand, and points in United States and Canada on other 8995
Between New Orleans, La., and points in trunkline and New England territories, also Ontario and Quebec 4375
Between points in Arkansas, Louisiana, New Mexico, and Texas 6547
Between points in Arkansas, Texas, Louisiana, Oklahoma, and Kansas 6481, 6546
Between points in California 2588
Between points in Oklahoma and Texas 8099
Between points in Southwest 12205
Between points in western and eastern territories over routes partly by rail and partly by motor carrier 12026
Between Smithfield, Va., and southern, southwestern and Kansas-Missouri territories 3266
Between Tennessee, Arkansas, Mississippi, and points in Louisiana east and west of Mississippi 8100
Of Atlantic and Danville Ry 102
Class rates, between official territory and eastern Canada 2374
Commodity rates:
Between Dosaga, Ga., and points in the United States and Canada 5624
Between Fairless, Pa., and points in United States and Canada 12448
Between Lone Star, Va., and points in southern territory 5027
Between points in California 3601
Between points in western trunkline territory 5403
Between Unionville, Laclede, and Green City, Mo., and adjacent points 12631
In Texas 103
Motor-rail-motor rates:
Between Boston, Mass., and Providence, R. I., and Harlem River, N. Y. 11288, 12241
Between Chicago, Ill.:
And Council Bluffs, Iowa 3095
And Kansas City, Mo 10755
And St. Paul, Minn 3602
Between Connecticut, Rhode Island, New York, and Massachusetts 12920
Between New England points and Harlem River, N. Y 48, 49, 957, 1211, 1293, 3676, 5854, 7809, 10140
Between points in southwestern and southern territory 6547
Between St. Paul, Minn., on one hand, and Council Bluffs and Des Moines, Iowa, and Kansas City, Mo., on other 8309
Between St. Paul, Minn., and Chicago, Ill., Council Bluffs, Iowa, and Kansas City, Mo 6324
Between Springfield, Mass., and Harlem River, N. Y 5625, 9704
Rail-motor-rail rates between Providence, R. I. and Harlem River, N. Y. and between Boston, Mass. and New Haven, Conn 5189
Water-rail rates on alcoholic liquors between Baltimore and border territory 2589
Rice, from Arkansas, Louisiana, and Texas to North Carolina 2538
Rock:
See also Sand, gravel, and crushed stone.
Phosphate. *See* Phosphate rock.
Roofing, from Chicago, Ill., to Birmingham, Ala 2611
Rubber:
See also Latex.
Crude, from points in Texas and Louisiana:
To Albertville, Ala 11200
To official territory 3266
To points in central trunkline and New England territories 12448

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Rubber—Continued
Crude, from points in Texas and Louisiana—Continued
To Randolph, Mass., and Grove City, Ohio 8786
To Washington, Pa 47
Scrap, from New Orleans, La., to Akron, Ohio 11289
Tile. *See* Tile.
Upholstery pads. *See* Upholstery pads.
Rye, from Minnesota and Wisconsin to Peoria, Ill 2109
Salt:
Between California points 3601
From Texas and Louisiana to trunk-line and New England territories 3934
Salt cake:
From Akron, Ohio, Baltimore, Md., and points in official territory to Kansas City, Mo.-Kans 5854
From Deep Run Spur, Va., to Natchez, Miss 11289
Salts, waste; from Coosa Pines, Ala.:
To Houston, Tex 10472
To Texas, Arkansas, and Louisiana points 7733
Sand, gravel, and crushed stone:
Gravel:
From Cayuga, Terre Haute, and Greencastle, Ind., to Charleston, Ill 6781
From Dickason Pit, Ind., to Pauline and Royal, Ill 9546
From Kern, Ind., to Mayview and St. Joseph, Ill 9831
From La Grange, Mo., to Illinois 10972
From Louisiana, Mo., to Murrayville, Ill 4734
From Medford, N. J., to trunkline, New England and Central territories 2198
From Missouri points:
To Illinois 1803, 2590, 2610
To Sedalia, Mo 2479
Sand:
Beach or lake sand, from Ludington and Manistee, Mich., to Cleveland, Ohio 10972
From Cayuga, Terre Haute and Greencastle, Ind., to Charleston, Ill 6781
From Georgia and Vincennes, Ind., to Cisne, Ill 10972
From Illinois to Lexington, Ky 1644
From Indiana and Michigan points to southern territory 2645
From Kern, Ind., to Farmer City, Ill 3955
From Lexington, Tenn., to Topeka, Kans 1774
From Medford, N. J., to central, New England and trunkline territories 2198
From Missouri points:
To Illinois points 2590, 2610
To Sedalia, Mo 2479
From Montezuma and Vincennes, Ind., to Taylorville, Ill 12241
From Riverton, Ind.:
To Pesotum, Ill 5026
To Vandalia, Ill 5145
From Tennessee to specified points in official and western trunk-line territories 8562
From Vincennes, Ind., to Texas City, Ill 3955, 11132
Molding sand:
From Blue Pond., Ala., to Tyler, Tex 6156
From Galrd and Glencoe, Ala., to specified points in Arkansas, Louisiana, Oklahoma, and Texas 12603
From Joffre, Ala., to Texas points 5822
From Lexington, Tenn., and Tishomingo, Miss.:
To Herrin, Ill 7371, 9921
To Ohio 262
To Richmond, Ill 6548
From Lexington, Tenn., to points in Pennsylvania 11664
From Little River, Ala., to Swan and Tyler, Tex 8723
Silica sand:
From Guion, Ark., to points in southern territory 12026

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Sand, gravel, and crushed stone—Continued
Sand—Continued
Silica sand—Continued
From Iowa, to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas 8255
Stone, crushed:
From Cayuga, Terre Haute, and Greencastle, Ind., to Charleston, Ill 6781
From Clarkson and Rock Hill, Ky., to Oolitic and Perkins, Ind 6548
From Kansas City, Mo., to Sedalia, Mo 2479
From Lehigh, Ill., to Norris City, Ill 3625, 9325
Stone dust, from Plum Run, Ohio, to specified points in West Virginia 3934
Sawdust, green, from Memphis, Tenn., to St. Louis, Mo 12329
Scrap paper. *See* Paper.
Sewing machine cabinets, stools, tables, and carrying cases; from South Bend, Ind., to Anderson, S. C 8563
Sheanut oil, cake or meal, between points in trunk-line and New England territories, and points in North Carolina, southern Virginia, Kentucky, and northeastern Tennessee 9059
Shingles, from Chicago, Ill., to Birmingham, Ala 2611
Shrubs, vines, etc. *See* Nursery stock.
Silica sand. *See* Sand, gravel, and crushed stone.
Skins. *See* Hides, pelts, and skins.
Slag:
From Copperhill, Tenn., to Giant, S. C 6409
From Mt. Pleasant and Siglo, Tenn., to Missouri, Oklahoma, and Texas 5853
Soda ash and caustic soda:
Between points in official territory 1024
Between stations on Minneapolis, St. Paul & Sault Ste. Marie Ry. on one hand and official territory on other 1644
From Alabama to South Point, Ohio 586
From Arkansas, Louisiana and Texas, to Kansas City, Mo.-Kans 10506
From Arkansas to Iowa, Ohio, Kentucky, Illinois and Indiana 9326
From Baldwin and Pine Bluff, Ark., to points in Alabama 9832
From Baldwin, Ark. to Dallas, Tex 4820
From Baton Rouge, La., to Listerhill, Ala 2238
From Baton Rouge and North Baton Rouge, La., to East Moss Point, Miss 11132
From Corpus Christi and Houston, Tex., to Kansas City, Mo.-Kans 3955
From Detroit, Wyandotte, and Midland, Mich., to Cincinnati, Ohio 9547
From Huntsville and Redstone Arsenal, Ala., to Johnsville, Miss 7270
From Louisiana and Texas:
To Military, Kans 10868
To specified points in Illinois and Indiana, also Madison, Wis 7894
From Louisiana to Ohio River crossings and points in Illinois, Indiana and Wisconsin 5144
From Michigan, Virginia, and specified points in Ohio and New York, to Kansas City and St. Joseph, Mo., and Leavenworth, Kans 9547
From points in Michigan and Ohio to Joliet, Ill 11200
To Cincinnati, Ohio:
From Midland, Mich., to Cincinnati, Ohio 955
From New Jersey, Virginia and New York 1025
From New York and Pennsylvania 1096
Sodium phosphate:
From Delaware, Illinois, Michigan, New Jersey, and Pennsylvania, to Alabama, Louisiana and Tennessee 10471
From Trenton, Mich., to Alabama, Louisiana, and Tennessee 6696, 6764
Sound deadening compounds, from Chicago, Ill., to Syracuse and Utica, N. Y 6764

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Soup mix, from Texas ports to Texas points 2991
Soybeans, etc.:
From Pensacola, Fla., to New Orleans and other Gulf ports 2772
Oil meal, from Redfield, Iowa, to Gulf ports 291, 3143
Spodumene ore, from Kings Mountain, N. C., to points in Michigan, Pennsylvania, Illinois, Ohio, New York, and Kentucky 12109
Stands or cradles, iron or steel. *See* Iron and steel.
Starch, liquid, between Texas points 2012
Steel. *See* Iron and steel.
Stone, crushed. *See* Sand, gravel, and crushed stone.
Stoves, from Illinois to south 1211
Straw. *See* Hay and straw.
Strawboard, from Detroit, Mich., to southern territory 742
Sugar:
From Louisiana to Indiana, Michigan and Ohio 2645
From Palm Beach, Fla., to Florida points 994
From points in California to Dallas, Tex 12241
From points in Louisiana and Texas, to Memphis, Tenn 7832
From Sugar Land, Tex.:
To Hugo, Okla 8723
To points in Texas 5189
Sulphate black liquor skimmings, from Texas, Arkansas, and Louisiana, to Natchez, Miss 5402
Sulphate of ammonia, from points in Ohio, Pennsylvania, and New York, to North Atlantic ports 8807
Sulphur:
From Alabama and Florida to Arkansas and Louisiana 1644
From points in Louisiana and Texas:
To Bentonville, Front Royal, and Roanoke, Va 9326
To Calvert, Ky 1257
To Cincinnati, Ohio 5027
To Cottondale, Pensacola, and North Pensacola, Fla 8807
To Florida 2943
To Gulfport, Miss 2538
To Hamilton, Ohio 1804
To Norfolk, Va 6261
To Piney River, Va 955
To South Atlantic ports 3320
Sulphur paste, from points in Texas and Louisiana to points in southern territory, Oklahoma, Texas, and Colorado 12330
Sulphuric acid. *See* Acid.
Superphosphate:
From Atlas, Mo., and Tulsa, Okla.:
To Gering, Nebr 12110
To Scottsbluff, Nebr 10393
From Holston, Tenn., to western trunkline territory 434
From points in Arkansas, Kansas, Louisiana and Texas 10044
From southern producing points to Antigo, Wis 2133
Syrup. *See* Corn syrup, Flavoring syrup, *and* Molasses.
Tall oil, crude:
From Advance, La., Houston, Tex., and specified points in Arkansas, Louisiana, and Texas, to Hattiesburg, Miss 8161
From specified points in Southwest to Hopewell, Va 9115
Tangerines. *See* Citrus fruits.
Tankage, from Lafayette, La., to Atlanta, Ga., group 3953
Tape, paper, to and within southwest 1644
Tea and tea dust, from Texas ports to Louisiana and/or Texas 651, 2710

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Tile, facing or flooring, rubber; from Albertville, Ala., to points in official and Illinois territories 10713
Tile and other commodities, between Chicago, Ill., and Missouri River cities 11469
Tin, scrap, or terneplate:
From official and southern territories to Farmers Branch, Tex 262
From Orlando, Fla., to Pittsburgh and Neville Island, Pa 5404
From southern and official territories to Arlington, Tex 6156
Tires:
Fabric, from south to official territory 741
Rubber tires:
From certain points in Massachusetts to southern points 11287
From Conshohocken to Elba, Pa 11789
From Indiana, Michigan, and Ohio to points in southern territory 11249
From Ohio, Indiana, Michigan, Massachusetts and Connecticut to southern territory 3022
From Ohio to south 586
From points in trunkline territory to Mississippi River crossings, and south 5854
From Waco, Texas, to Illinois, Kansas, Missouri, and Tennessee 1096
Tobacco, leaf or scrap:
See also Cigarettes.
From Goldsboro, Kinston, and New Bern, N. C., to Charleston, S. C 9116
From Richmond and Petersburg, Va., to Ohio, Pennsylvania, and Kentucky 10393
Toilet preparations. *See* Drugs and medicines.
Tractor parts, from Peoria, Ill., to Shreveport, La 5822
Trolley busses, trackless, from St. Louis, Mo., to Akron, Ohio, and other points in central territory 6782
Twine, binder:
From Gulf and south Atlantic ports, to points in western trunk-line, Illinois, and central territories 12844
From Louisiana to western trunkline and Illinois territories 2047
From New Orleans, La., to Kansas City, Mo.-Kans 3321
Upholstery pads:
From Ohio points to central territory 3446
Rubber, from Ohio, to Maryland, Massachusetts, New Jersey, New York and Delaware 4733
Urea from South Point, Ohio:
To central territory 3625
To Philadelphia and Lansdale, Pa 3521
Various commodities. *See* All and/or various commodities.
Wallboard, from Rio Grande crossings to points in Kansas, Missouri, and Oklahoma 8502
Washing machines and other articles, from Illinois points to North Carolina and Tennessee 3369
Waste salts. *See* Salts.
Water, corn steep. *See* Corn steep.
Welding bars, rods, or wire, from points in official and western trunk-line territories to points in Colorado and Wyoming 5299
Wheel bands and rims, from Ohio to points in Iowa, Wisconsin, and Illinois 11942
Wire, from Portsmouth and New Boston, Ohio, Ashland, Ky., and Huntington, W. Va., to Listerhill, Ala 12919
Woodpulp:
From Acme, N. C.:
To points in official and Illinois territories 10713
To points in western trunk-line territory 11531
From Coosa Pines, Ala., to points in official territory 3933, 9546
From Ontonagon, Mich., to Cincinnati and Middletown, Ohio 7472
From St. Marys, Ga., to Gilman, Vt 5855

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Woodpulp—Continued
From South Jacksonville, Fla., to official and western trunk-line territories 10299
Woods, foreign:
See also Lumber.
From Goodyear and Marion, Miss., and Laurinburg, N. C., to points in southern territory 9704
From Goodyear, Miss., to points in Central and Illinois territory 11132
From Junction City, Ky.:
To central and Illinois territories 1156
To southern territory 1155
From Lacoochee, Fla.:
To points in official territory 10394
To southern territory 6409
From Marion, Miss., to points in Central and Illinois territory 9793
From Mississippi to southern territory 327
From New Orleans, La., Mobile, Ala., Gulfport and Pascagoula, Miss., and Pensacola, Fla., to Marion, Miss 7953
From Pascagoula and Moss Point, Miss., to central and Illinois territories 3447
From Tarboro and West Tarboro, N. C., to official territory 5594
Woolen piece goods. *See* Piece goods.
Wrapping paper. *See* Paper.
Zinc ammonium chloride, from Chicago, Ill., to Ohio and West Virginia 557
Zinc anodes. *See* Anodes.
Zinc dust, from Sand Springs, Okla., to Bristol, Pa., and Buffalo, N. Y 11532
Zirconium ore, from points in Pennsylvania to Nashville, Tenn 11789
Posting tariffs at stations, location of public files of tariffs; Chesapeake and Ohio Railway Co 7771
Taxes on leased pipe-line property; note respecting 11936
Terminal and switching companies; annual reports. *See* Switching and terminal companies.
Testing; locomotives. *See* Inspection and testing.
Time zone boundaries. *See* Standard time zone boundaries.
Transportation, domestic, and storage, responsibilities in connection with; Executive order respecting. *See main heading* Presidential documents.
Uniform system of accounts:
Defense projects, amortization accounting for. *See* Persons furnishing cars or protective services against heat or cold; Steam roads; *and* Water carriers.
Electric railways; telephone and telegraph service changed to communication service 9316
Emergency facilities, charges for service, loss of 8745, 9582, 11249
Motor carriers; property, class I common and contract carriers of:
Balance sheet accounts; asset side:
Current assets; prepayments 11615, 12837
Deferred debits; prepayments, cancellation 11616, 12837
Income accounts:
Operating rents; cancellation 11617, 12839
Operation and maintenance expenses:
Joint garage expense:
Credit 11616, 12837
Debit 11616, 12837
Joint operating expense:
Credit 11617, 12839
Debit 11617, 12839
Joint terminal facilities:
Credit 11617, 12838
Debit 11617, 12838
Other general expenses; operating rents 11617, 12839
Other insurance and safety expenses; operating rents 11617, 12839
Other maintenance expenses; operating rents 11616, 12837

INTERSTATE COMMERCE COMMISSION—Con. Page

Uniform system of accounts—Continued
Motor carriers; property, class I common and contract carriers of—Continued
Income accounts—Continued
Operation and maintenance expenses—Con.
Other terminal expenses; operating rents— 11617, 12838
Other traffic expenses; operating rents 11617, 12839
Other transportation expenses; operating rents— 11617, 12838
Purchased transportation:
Equipment rents:
Credit — 11616, 12838
Intercity, with drivers— 11616, 12838
Intercity, without drivers— 11616, 12838
Pickup and delivery, with drivers— 11616, 12838
Pickup and delivery, without drivers— 11616, 12838
Other purchased pickup and delivery— 11616, 12838
Other purchased transportation; intercity— 11616, 12828
Instructions:
Allocation of expenses between line-haul and pick-up and delivery— 6777, 8742
Joint facilities— 11615, 12837
Persons furnishing cars or protective services against heat or cold; emergency carrier facilities, amortization accounting for— 9582, 11249, 13146
Car service facilities; cancellation— 9582, 13146
Heater service facilities; cancellation— 9582, 13146
Icing facilities; cancellation— 9582, 13146
Refrigeration service facilities; cancellation— 9582, 13146
Pipe-line companies, taxes on leased pipe-line property; note— 11966
Protective services. *See* Persons furnishing cars or protective services.
Steam roads:
Communications systems, revenue from— 6802, 8742
Emergency carrier facilities, amortization accounting for:
Equipment; amortization of defense projects, cancellation— 8745, 9548, 11249, 13145
Road; amortization of defense projects, cancellation— 8745, 9548, 11249, 13145
Expense accounts:
Emergency carrier facilities. *See* Emergency carrier facilities.
Transportation:
Operating sleeping cars— 12272
Settlements made by Pullman Company— 11287
Train motormen, account eliminated; requirements consolidated into train enginemen account— 8049, 9288, 9528
Yard motormen, account eliminated; requirements consolidated into Yard enginemen account— 8049, 9288
Income accounts:
Credit:
Floating equipment, rent from— 6256, 7619
Freight cars, hire of; credit balance— 6256, 7618
Locomotives, rent from— 6256, 7618
Passenger-train cars, rent from— 6256, 7619
Road and equipment, income from lease of— 7619
Work equipment, rent from— 6256, 7619
Debit:
Floating equipment, rent for— 6256, 7619
Freight cars, hire of; debit balance— 6256, 7619
Locomotives, rent for— 6256, 7619
Passenger-train cars, rent for— 6256, 7619, 12272
Roads and equipment, leased; rent for— 7619
Work equipment, rent for— 6256, 7619
Locomotive-mile accounts; train switching locomotive-miles— 11183
Revenue accounts:
Communication systems, revenue from— 6802, 8742
Transportation, other passenger-train— 12272
Water carriers, amortization of emergency facilities; cancellation— 9582, 13146
Virginia intrastate rates and charges, investigation of; coal rates— 3199

INTERSTATE COMMERCE COMMISSION—Con. Page

Voluntary agreements and programs; delegation of authority from Defense Production Administrator respecting consultations and recommendations in connection with— 738, 4594, 11245
Water carriers:
Emergency carrier facilities, amortization accounting for; cancellation— 9582, 13146
Passes. *See* Passes and free transportation.
Reports; annual report forms prescribed:
For carriers by inland and coastal waterways of class A and class B— 12199
For carriers by water of class C— 12199
Wearing apparel; agreement respecting transportation by motor vehicle between points in New York, New Jersey, Delaware, Connecticut, Maryland, Pennsylvania and West Virginia— 8724
Workweek, for Christmas holiday, 1951— 12529
Zones, commercial. *See* Motor carriers.
INVENTIONS:
By employees of Veterans' Administration, regulations respecting. *See* Veterans' Administration.
By Navy personnel. *See* Navy Department.
Of German nationals. *See* Alien Property, Office of.
Patent policies respecting. *See* Government Patents Board; *and* Interior Department.
INVENTORY CONTROL. *See* National Production Authority.
IRRIGATION PROJECTS; regulations respecting. *See* Indian Affairs, Office of; Land Management Bureau; *and* Reclamation Bureau.

J

JAPAN:
Claims against closed institutions in. *See* State Department.
Foreign trade and financial investments in; regulations of Supreme Commander for Allied Powers. *See* Army Department.
Participation in steamship agreements. *See* Maritime Board, Federal.
Persons detained by or in hiding from Imperial Japanese Government, compensation for injury, death, etc. *See* Employees' Compensation Bureau.
Property of; vesting orders, etc. *See* Alien Property, Office of.
JAPANESE TRADE FAIR, Seattle, Wash., imports in connection with. *See* Customs Bureau.

JOINT CHIEFS OF STAFF:
Civil Service Rules; certain positions excepted from competitive service (Schedule A)— 8229

JUSTICE DEPARTMENT:
See Alien Property, Office of.
Immigration and Naturalization Service.
Civil Service Rules; certain positions excepted from competitive service (Schedule A)— 10687
Compliance and enforcement program of Economic Stabilization Agency:
Handling of criminal civil matters under Defense Production Act— 8560
Special Assistants to United States Attorney to handle price stabilization litigation— 8560
Enemy property, settlement of intercustodial disputes; Executive order respecting. *See main heading* Presidential documents.
Gambling devices; registration and filing of reports by manufacturers and dealers, designation of officers to perform certain functions, etc— 3509
Intercustodial conflicts relating to enemy property; transfer of functions respecting to Office of Alien Property— 6895
Narcotics, Interdepartmental Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
Organizations designated by Attorney General as communist, fascist, etc. *See* Loyalty Review Board.
Philippine alien property, transfer of functions respecting:
To Justice Department; Executive order respecting. *See main heading* Presidential documents.
To Office of Alien Property— 6895

JUSTICE DEPARTMENT—Continued Page

Property, personal, unclaimed, privately-owned, having value of $100 or less; delegation of authority from General Services Administrator to Attorney General respecting possession and disposal, settlement of claims, etc— 7335
Redelegation of authority to Administrative Assistant Attorney General and Deputy Administrative Assistant Attorney General— 7811
Purchase of twenty Motorola Handie Talkies as technical equipment without advertising; delegation of authority to Attorney General by General Services Administrator respecting— 10613
Vested property, administration and disposal of; Executive order respecting. *See main heading* Presidential documents.
Voluntary plans by business and industry under Defense Production Act, approved by Attorney General. *See main heading* Defense Production Administration.

K

KOREA:
Collection of clothing and supplies for people of; proclamation respecting. *See* Presidential documents.
Imports from; foreign assets control, procedure respecting. *See* Treasury Department.

L

LABOR DEPARTMENT:
See Employees' Compensation Appeals Board.
Employment Security Bureau.
Employees' Compensation Bureau.
Public Contracts Division.
Wage and Hour Division.
Age; State certificates of age for minors. *See* Child labor regulations.
Certificates, State, of age, employment, or working certificates or permits for minors. *See* Child labor regulations.
Certification of unemployment compensation laws. *See* Unemployment compensation laws.
Child labor regulations:
Prior to revision; State certificates (age, employment, etc.), acceptance as having same force and effect as Federal certificates; list of States having acceptable certificates— 6371
Recodification on transfer from Chapter IV— 7008
Revision— 7008
Certificates of age— 7009
See also State certificates.
Employment of minors:
Minors between 14 and 16 years of age; occupations, periods and conditions of employment, etc— 7011
Minors between 16 and 18 years of age; employment in hazardous occupations. *See* Hazardous occupations for minors.
Fair Labor Standards Act of 1938, as amended, general statements of interpretation of child labor provisions; coverage, exemptions, enforcement, etc— 7018
Hazardous occupations, for minors, between 16 and 18 years of age or detrimental to their health or well-being— 7012
Determinations of; procedure governing determinations of hazardous occupations— 7011
Various occupations:
Bakery machines, occupations involved in operation of; proposed rule making— 13104
Power-driven woodworking machines, occupations involved in operation of; exemptions— 9822, 11859
Slaughtering and meat packing establishments and rendering plants, occupations in or about; proposed rule making— 13103
Inspections by State agencies— 7017
Investigations by State agencies— 7017
Procedure governing determinations of hazardous occupations— 7011
State agencies, utilization for investigations and inspections— 7017
State certificates; age, employment, or working certificates or permits, acceptance of— 7010

LABOR DEPARTMENT—Continued Page

Committees, etc., representation on:
Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization— 646
Construction Industry Stabilization Commission; staff and services, responsibilities of Department of Labor respecting— 6641
Contract compliance, Government, Committee on, representation on; Executive order respecting. *See* Presidential documents.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization— 585
Manpower Policy Committee— 1272
Construction, Federally financed; labor standards. *See* Labor standards.
Defense Manpower Administration; responsibilities in connection with implementation of President's memorandum on national manpower mobilization policy of January 17, 1951 with respect to procurement and production scheduling and program for machine tool industry— 7576, 7577
Defense Production Act; modification of functions respecting labor supply on establishment of Defense Production Administration, Executive order respecting. *See main heading* Presidential documents.
Hazardous occupations for minors. *See* Child labor.
Instructional and research programs, contracts for, with colleges, universities and educational institutions, delegation of authority from General Services Administrator respecting— 5144, 6546
Labor standards:
Contracts covering federally financed and assisted construction— 4430
Contract provisions for construction under Defense Housing and Community Facilities and Services Act; wage and hour provisions— 11592
Purposes and scope, legal basis, addition of Defense Housing and Community Facilities and Services Act of 1951— 11592
Fair Labor Standards Act of 1938, general statement of interpretation of child labor provisions; coverage, exemptions, enforcement, etc— 7018
Manpower Administration. *See* Defense Manpower Administration.
Minors, employment of. *See* Child labor regulations.
Organization functions, and delegations of final authority:
Child labor functions, Office of Secretary— 7008
Revision— 8147
Personnel; appointment of Stanley C. Wollaston without compliance with Civil Service Rules, Executive order respecting. *See main heading* Presidential documents.
State agencies; investigations and inspection of places of employment of minors— 7017
State certificates of age, employment, or work certificates or permits, in connection with employment of minors. *See* Child labor regulations.
Unemployment compensation laws; certifications of laws of the States, Alaska, Hawaii, District of Columbia and to Secretary of Treasury:
Certification for taxable year 1950— 325
Certification with respect to reduced rate of contributions for taxable year 1950— 325
Reduced rates of contributions to pooled fund, certification to Director of Division of Employment and Security of Minnesota— 6323
LABOR DISPUTES:
Emergency boards to investigate; Executive orders respecting. *See* Presidential documents.
Inquiry, board of, to investigate disputes affecting copper and non-ferrous metals industry; Executive order respecting. *See* Presidential documents.
Jurisdiction of Wage Stabilization Board, Executive order respecting. *See* Presidential documents.
Security policies in cases involving atomic energy installations. *See* Atomic Energy Commission.
LABOR MANAGEMENT MANPOWER POLICY COMMITTEE; establishment in Office of Defense Mobilization— 3932

LABOR SUPPLY, functions in connection with, under Defense Production Act; Executive order respecting. *See* Presidential documents. — Page

LAND MANAGEMENT BUREAU:
- Agriculture Department, lands withdrawn for use of, in Alaska and Idaho. *See under* Withdrawals.
- Air Force Department:
  - Lands withdrawn for use of, in Alaska, California, and Nevada. *See under* Withdrawals.
  - Oil and gas deposits, in certain Air Force Reservations; jurisdiction over. *See* Oil lands, rights, etc.
- Air-navigation sites, withdrawals of lands for, in Alaska, Arizona, Idaho and Utah. *See under* Withdrawals.
- Airports and air navigation facilities, leases of public lands for; authority of regional administrators respecting — 6804, 6805
- Alaska:
  - Air-navigation site withdrawals. *See under* Withdrawals, *below*.
  - Alaska Housing Authority, reservation of right-of-way for access road over described lands (PLO 724) — 5132
  - Alaska Railroad; withdrawal of certain lands for use by (PLOs 746, 755, 771) — 8465, 9816, 12726, 12727
  - Alaska Road Commission; withdrawal of certain lands in Nenana Town Site for use as aviation field, revocation (PLO 716) — 4138
  - Chugach National Forest. *See* National forests.
  - Classification of lands; certain lands withdrawn for (PLOs 713, 737) — 3441, 3442, 7618
  - Communications; lands transferred from Federal Communications Commission to Army Department, for use in connection with Alaska Communications System (PLO 723) — 5131
  - Highways:
    - Establishment of reservations or easements for — 12397
    - Withdrawal of lands lying along Alaska Highway, and Richardson, Glenn, Haines, Seward-Anchorage, Anchorage-Lake Spenard, and Fairbanks-College Highways, by PLO 601:
      - Amendment (PLO 757) — 10749
      - Withdrawal of described lands for use of Army Department (PLO 765) — 12000
  - Homesites; described tracts excluded from Chugach and Tongass National Forests, Alaska, and restored for purchase as (PLO 696, 700, 749) — 581, 1771, 8848
  - Homesteads:
    - Commutation of entries — 9315
    - In Tongass National Forest; orders opening lands to entry under Forest Homestead Act revoked as to certain described lands — 1482
    - Lands opened to entry for. *See* Lands opened to entry.
  - Indian reservations. *See* Native villages and Indian reservations.
  - Land districts and offices; boundaries, etc. *See main heading* Interior Department.
  - Lands opened to entry, by veterans and general public — 1686, 2581, 2812, 3310, 3538, 3810, 3930, 4752, 8095, 10608, 11394, 11396, 13160
  - Legislation; certain lands withdrawn in aid of (PLOs 697, 738) — 7618, 7630
  - Manufacturing sites. *See* Trade and manufacturing sites.
  - Mt. McKinley National Park; certain lands withdrawn for national defense purposes (PLO 697) — 1184, 1203
  - National defense purposes, withdrawal of certain lands for (PLO 697) — 1184
  - National forests:
    - Chugach National Forest:
      - Homesites; described tracts excluded and restored for purchases as (PLO 696, 700) — 581, 1771
      - Power purposes, restoration of lands reserved for — 1482
      - Recreation areas; reservation of described lands for Summit Lake and Lower Summit Lake Recreation Areas (PLO 725) — 5444
      - Trade and manufacturing sites; described tracts excluded and restored for purchase as (PLO 696) — 581

LAND MANAGEMENT BUREAU—Continued — Page
- Alaska—Continued
  - National forests—Continued
    - Chugach National Forest—Continued
      - Wildlife refuge, preserves and breeding grounds for muskrat and beaver; prior order (EO 4502), partially revoked (PLO 720) — 4752
    - Tongass National Forest:
      - Alaska Communications System; land withdrawn by PLO 175 transferred from Federal Communications Commission to Army Department for use in connection with — 5131
      - Army radio receiving site, at Juneau; withdrawal order (EO 6050) partially revoked (PLO 708) — 2893
      - Edna Bay Administrative Site, reservation of lands for (PLO 725) — 5445
      - Homesites; described tracts excluded and restored for purchase as (PLO 696, 700, 749) — 581, 1771, 8848
      - Homesteads; orders opening lands to entry under Forest Homestead Act revoked as to described lands — 1482
      - Natives of Angoon Community (established by PLO 593); described lands added to administrative reserve for use of (PLO 774) — 13095, 13105
      - Trade and manufacturing sites; described tracts excluded and restored for purchase as (PLO 696) — 581
      - Whipple Creek Public Service Site, reservation of lands for use of Forest Service and Land Management Bureau as (PLO 734) — 7329
  - Native villages and Indian reservations, lands reserved for; orders of Secretary of Interior respecting results of voting:
    - Hydaburg, Indians of; approval of establishment of reservation, as result of affirmative vote — 2477
    - Kobuk, Shungnak, and Barrow Villages; revocation of proclamation reserving certain lands for, as result of negative vote — 2477
  - Natives:
    - Of Angoon Community; lands excluded from Tongass National Forest added to administrative reserve for use of (PLO 774) — 13095, 13105
    - Protection of right of, in certain lands reserved for use of Air Force Department (PLO 715) — 3586
  - Office of Territories; application by, for transfer of jurisdiction over certain lands under Alaska Public Works Act, will effect segregation of lands involved from all forms of appropriation, pending issuance of transfer order — 1792
  - Park, recreational and cemetery sites; redesignation — 1792
  - Power site reserves, etc., restoration of lands for entry:
    - Alaska, No. 1 — 11840
    - Power project No. 119 — 1482, 7573
    - Power site classification No. 409 — 7573
    - Power site reserves:
      - No. 485 — 7629
      - No. 674 — 1482
  - Public uses of lands:
    - Application for transfer of jurisdiction over certain lands, under Alaska Public Works Act, by Office of Territories — 1792
    - Redesignation — 1792
  - Railroad reserve. *See* Alaska Railroad.
  - Rights-of-way:
    - For access road over described lands; reservation of, for Alaska Housing Authority (PLO 724) — 5132
    - Reservations or easements for public highways, establishment of — 10752, 12397
  - Scenic and recreational areas, preservation of; withdrawal of certain land for (PLOs 725, 735) — 5444, 7571, 7573
  - Shore space reserves; restorations:
    - No. 452 — 1686
    - No. 453 — 1686
    - No. 454 — 1687
    - No. 455 — 1834
    - No. 456 — 2812
    - No. 457 — 2812
    - No. 458 — 2812
    - No. 459 — 3093
    - No. 460 — 3310

LAND MANAGEMENT BUREAU—Continued — Page
- Alaska—Continued
  - Shore space reserves; restorations—Continued
    - No. 461 — 3930
    - No. 462 — 6317
    - No. 463 — 8482
    - No. 464 — 10668
    - No. 465 — 10669
    - No. 466 — 10669
    - No. 467 — 11396
    - No. 468 — 11394
  - Small tract classifications:
    - No. 18, correction — 8989
    - No. 36 — 1288
    - No. 37 — 1962
    - No. 38 — 1963
    - No. 39 — 3518, 3930
    - No. 40 — 4277
    - No. 41 — 6735
    - No. 42 — 7331
    - No. 43 — 8482
    - No. 44 — 10608
    - No. 45 — 10609
    - No. 46 — 13160
  - Surveys; notice of filing of plats of survey — 1202, 2581, 3538, 3810, 4622, 5659, 8720, 10579
  - Timber reserve (Copper River) withdrawal of lands for (PLO 752) — 9316, 9320
  - Tongass National Forest. *See* National forests.
  - Townsites:
    - Nenana Townsite: withdrawal of lands for use as aviation field by Alaska Road Commission, revocation (PLO 716) — 4138
    - Notice of sale of lots:
      - Anchorage Townsite — 4498, 5905, 6585, 12590
      - Dillingham Townsite — 7332
      - Kenai Townsite — 11394
      - Portage Townsite — 129
      - Seward Townsite — 7724
      - Tok Townsite — 7830, 9582, 11841
    - Townsites entered by trustee; sale to Alaska Housing Authority — 1736
    - Withdrawal of certain lands for townsite purposes:
      - McGrath (PLO 761) — 11079
      - Seward Meridian (PLO 751) — 9044, 9051
  - Trade and manufacturing sites; described tracts excluded from Chugach and Tongass National Forests, Alaska, and restored for purchase as (PLO 696) — 581
  - Wildlife refuge, preserves and breeding grounds for muskrat and beaver; prior order (EO 4592) partially revoked (PLO 720) — 4752
  - Withdrawals of lands for use by various Government agencies. *See under* Withdrawals, *below*.
- Army Department:
  - Lands withdrawn for use of, in Alaska, Arizona, Idaho, New Mexico, Oregon, Utah and Washington. *See under* Withdrawals.
  - Oil and gas deposits in certain Army Reservations; jurisdiction over. *See* Oil lands, rights, etc.
- Atomic Energy Commission, lands withdrawn for use of, in Colorado and Utah. *See under* Withdrawals.
- Authority, delegations of:
  - From Director of Bureau to various officials:
    - Acting regional administrators; keeping of records of dates and hours of service — 6804
    - Adjudication Division chief and chiefs of subdivisions; copies of records, revocation — 3019
    - Administration Division chief and designated employees; copies of records; revocation — 3019
    - Regional administrators:
      - Designation of acting managers, authority respecting — 6804
      - Excess property, authority respecting — 4622
      - Lands and resources, authority in connection with:
        - Airports and air navigation facilities, leases of public lands for — 6804
        - Classifications, withdrawals, and restorations; opening lands acquired by exchanges — 6804
        - Public sales — 6804

LAND MANAGEMENT BUREAU—Continued — Page
- Authority, delegations of—Continued
  - From Directors of Bureau to various officials—Con.
    - Regional administrators—Continued
      - Lands and resources, authority in connection with—Continued
        - Range management:
          - Appropriation of water — 6805
          - Grazing district administration — 6804
        - Roads; rights-of-way for access roads on grant lands in Oregon — 6804
  - From regional administrators to various regional officials (Administrative Officers, Chiefs of Divisions of Adjudication, Engineering, Forestry, Land Planning, and Range Management, Counsels, district foresters, managers of land offices, and range managers); authority to perform various described functions in specified regions:
    - Region I — 8610
    - Region II — 8614
    - Region III — 8617
    - Region IV — 8620
    - Region V — 8622
    - Region VII — 8625
  - From Secretary of Interior to Director; authority in connection with lands and resources:
    - Airports and air-navigation — 6805
    - Minerals; phosphate and potassium leases — 6805
    - Public sales — 6806
    - Railroad grants — 6806
    - Range management; appropriation of water — 6806
    - Roads; rights-of-way for access roads on grant lands in Oregon — 6805
- Beaver and muskrat preserves. *See* Wildlife refuges.
- Bird refuges. *See* Wildlife refuges.
- Christmas trees; free use permit for removal of not more than three trees from public lands — 10606
- Classification, lands withdrawn for, in Alaska, Arizona, and North Dakota. *See under* Withdrawals.
- Coal leases. *See* Mineral lands.
- Color of title claims; Michigan — 461
- Communications System, Alaska; transfer of certain loads to Army Department for use in connection with (PLO 723) — 5131
- Condor sanctuary. *See* Wildlife refuges.
- Deer pastures. *See* Wildlife refuges.
- Disposal of certain materials. *See* Sale, lease or use, and acquisitions of lands.
- Elk refuges. *See* Wildlife refuges.
- Excess property, authority of regional administrators respecting — 4622
- Exchange of lands:
  - General regulations governing exchanges; revocation — 8113
  - Lands acquired by exchanges, opening of; authority respecting — 6804
- Federal range code. *See* Grazing lands.
- Flood control; lands in Oregon withdrawn for use of Army Department for (PLO 727) — 5622
- Forest Service, lands in California, Idaho, and Utah withdrawn for. *See* Withdrawals.
- Gas, natural. *See* Oil loads, rights, etc.
- Grant lands. *See* Oregon grant lands; *and* State and railroad grants.
- Grazing lands:
  - Federal range code for grazing districts; fees:
    - Notice of range improvement fees in various districts. *See* Grazing districts.
    - Regular licenses and permits; note — 232
  - Grazing districts:
    - Administration; authority respecting — 6804
    - Districts in various States:
      - Arizona:
        - Grazing district No. 1; enlargement — 510
        - Grazing district No. 4; notice of range improvement fee — 6543
      - California:
        - Grazing district No. 1 (Navy radio installation in) (PLO 719) — 4753
        - Grazing district No. 2 (lands reserved for use in connection with waterfowl management areas (PLOs 758, 759) — 10948
      - Colorado; grazing district No. 6:
        - Enlargement — 6200
        - Notice of range improvement fee — 6543

LAND MANAGEMENT BUREAU—Continued — Page

Grazing lands—Continued
Grazing districts—Continued
Districts in various States—Continued
Idaho:
Grazing district No. 1 (Army Department target range in) (PLO 726) — 5622
Grazing district No. 3 (lands in, withdrawn for use in connection with Sand Creek Elk Refuge) (PLO 742) — 8184
Montana; grazing district No. 5 (Forest Service administrative site in) (PLO 736) — 7571
Nevada:
Grazing district No. 2; modification — 2687
Grazing district No. 6; establishment — 1604
New Mexico; grazing district No. 2, use of lands by Navy Department for experimental work (PLO 722) — 5059
Oregon; grazing district No. 1, notice of range improvement fee — 1800
Grazing leases; rental — 232
Range management; authority respecting:
Appropriation of water — 6805, 6806
Grazing district administration — 6804
Highways:
In Alaska. *See* Alaska.
Rights-of-way for highways; lands subject to application by States for, or as source of materials for construction of highways, in various States:
California — 3518, 6404, 7522
Colorado — 3518, 11619
Idaho — 3518, 7522
Oregon — 6404, 7522
Utah — 11619
Washington — 3518, 3812
Homesites, in Chugach and Tongass National Forests, Alaska; described tracts restored for purchase as (PLOs 696, 700, 749) — 581, 1771, 8848
Homesteads:
Lands opened to entry by veterans and general public. *See* Lands opened to entry.
National forest lands:
Orders opening certain lands to entry under Forest Homestead Act revoked as to described lands:
Alaska; Tongass National Forest — 1482
California:
Los Padres National Forest — 1482
Six Rivers National Forest — 1482, 3310
Restoration to homestead entry of certain lands in Tahoe National Forest, California, released from Federal power project — 4814
Original, additional, second, and adjoining farm homesteads, authorized by general provisions of homestead laws; commutation proof — 9315
In Alaska — 9315
Requirements for commutation proof; contest after 14 months' residence — 9315
Indian reservations:
Colville Indian Reservation, Washington; order reserving certain lands for use in connection with irrigation project or power or reservoir site, revoked as to certain described lands — 3492
In Alaska. *See* Alaska.
Irrigation projects. *See* Reclamation and irrigation.
Japanese Relocation Center, lands reserved for; PLO 88 as amended by EO 9526, revocation (PLO 763) — 11838
Land districts and offices:
Executive orders respecting. *See main heading* Presidential documents.
In Alaska; boundaries, etc. *See main heading* Interior Department.
Lands opened to entry by veterans and general public:
Alabama — 2530
Alaska — 1686, 1962, 2581, 2812, 3310, 3538, 3810, 3930, 4752, 8095, 9570, 10608, 11394, 11396, 13160
Arizona — 1092, 2192, 4138, 6757, 6805, 6948, 7365, 7998, 8187, 8483, 11395, 11740
Correction of land description in PLO 680 (PLO 747) — 8465
California — 511, 694, 731, 1092, 1150, 1201, 1202, 1835, 2006, 2194, 2664, 2665, 2811, 3196, 3490, 3491, 3518, 6404, 7522, 10040, 10959, 11933, 12020, 12369, 12840, 13161
Colorado — 1149, 1638, 2192, 3518, 5024, 11125, 11193, 11242, 11509, 11619, 12727

LAND MANAGEMENT BUREAU—Continued — Page

Lands opened to entry by veterans and general public—Continued
Idaho — 952, 1483, 3364, 3492, 3518, 5023, 6317, 6638, 7522, 8143, 8366, 9442, 11241, 11395, 11973, 13162
Minnesota — 11193
Montana — 425, 4474
Nebraska — 3348, 6257
Nevada — 234, 359, 1149, 1288, 2006, 2665, 2811, 12370, 12840
New Mexico — 4138, 12591
North Dakota — 13095
Oregon — 6404, 7522, 8188, 8473, 8484, 9441, 11874
South Dakota — 3348
Utah — 1800, 2190, 2191, 2194, 2580, 7828, 9269, 10495, 11124, 11618, 11619 11838
Washington — 3518, 3812, 4814, 5059, 8483, 9173, 9289
Wyoming — 3537, 7366, 8186, 10388, 10608, 12841, 12842
Leasing of mineral lands. *See* Mineral lands and minerals.
Legislation, lands withdrawn in aid of, in Alaska and Idaho. *See under* Withdrawals.
Mineral lands and minerals:
Army Department, transfer to, of jurisdiction over certain minerals in lands near Caddoa Dam on Arkansas River, Colorado (PLO 756) — 10606
Coal leases, permits, and licenses; revision — 2889
Leases — 2890
Licenses for taking of coal, without payment of rent or royalty, by certain individuals, municipalities, relief agencies, etc — 2893
Overriding royalties, limitation on — 2893
Prospecting permits — 2892
Transfers of leases or permits — 2893
Lands, described, opened to location, entry and patenting, in various States:
Arizona — 7998
California — 731
Colorado — 1149
Utah — 10495
Mineral leases:
Mineral deposits in acquired lands and under rights-of-way; leases for future or fractional interests — 11655
Minerals subject to lease under special laws; mineral leases in lands patented for park or other public purposes, form of lease — 11837
Oil and gas leases:
See also Oil lands, rights, etc.
Bonds:
Amount of, required of lessee — 582, 7420
Form of bonds — 583, 7420
Offer to lease, and issuance of lease — 7419
Royalty interests in oil and gas leases and assignments thereof — 7420
Royalty on production — 7420
Transfers, requirements for filing of — 7420
Phosphate leases:
Authority respecting — 6805
Leases and use permits; overriding royalties — 7617
Potassium leases, authority respecting — 6805
National forests, lands in:
Alabama; William B. Bankhead National Forest, reservation of described lands for Sipsey River and Kinlock Camp Recreation Areas (PLO 725) — 5444
Alaska; Chugach and Tongass National Forests. *See* Alaska, *above.*
Arizona:
Coronado National Forest, reservation of described land for Madera Canyon Recreation Area (PLO 725) — 5445
Prescott National Forest; reservation of described lands for Sycamore Ranger Station, Granite Basin Recreation Area, Camp Wood Administrative Site, and Walnut Creek Ranger Station (PLO 725) — 5445
Arkansas, Ouachita National Forest:
Modification of boundaries (PLO 707) — 2637, 2642
Reservation of described lands for South Fourche Camp Ground, Crystal Camp Ground, and Shady Lake Recreation Area (PLO 725) — 5445
California:
Eldorado National Forest; described land reserved for Georgetown Administrative Site (PLO 725) — 5445

LAND MANAGEMENT BUREAU—Continued — Page

National forests, lands in—Continued
California—Continued
Lassen National Forest; transfer of lands to and from Plumas National Forest; prior order (PLO 556) amended (PLO 728) — 5901
Los Padres National Forest:
Condor sanctuary; withdrawal of certain public lands for use as (PLO 695) — 581
Homestead; orders opening lands to entry under Forest Homestead Act revoked as to described lands — 1482
Modoc National Forest; orders opening lands to entry revoked as to described lands — 7629
Plumas National Forest; transfer of lands to and from Lassen National Forest; prior order (PLO 556) amended (PLO 728) — 5901
San Bernardino National Forest; described land reserved for Snow Valley Recreation Area (PLO 725) — 5445
Six Rivers National Forest:
Homesteads; orders opening lands to entry under Forest Homestead Act revoked as to described lands — 1482, 3310
Panther Flat Recreation Area described lands reserved for (PLO 725) — 5445
Tahoe National Forest, restoration to homestead entry of certain lands released from Federal power project — 4814
Colorado:
Gunnison National Forest; described land reserved for Pioneer Winter Sports Area (PLO 725) — 5445
San Isabel National Forest; described lands reserved for Monarch Pass Winter Sports Area, Monarch Park Picnic ground, and Shavano and Garfield Campgrounds (PLO 725) — 5445
Roosevelt National Forest; described lands reserved for Fort Collins Mountain Recreation Area, Red Rock and Chambers Lake Guard Stations, Rainbow Lake Picnic Ground, Middle St. Vrain and Laramie River Road Campgrounds, and Rollinsville Ranger Station (PLO 725) — 5445
Florida; Ocala National Forest:
Addition of certain lands to (PLO 750) — 9044
Juniper Springs Recreation Area, described lands reserved in connection with (PLO 725) — 5445
Idaho:
Boise National Forest; described lands withdrawn for Idaho City Airport Administrative Site and Elk Creek Administrative Site (PLO 773) — 13095
Clearwater National Forest; described land reserved for North Fork Clearwater River Roadside Zone and Right-of-Way No. 250 (PLO 725) — 5446
Payette National Forest; described lands reserved for Burgdorf Administrative Site, campground, etc. (PLO 725) — 5445, 5446
Sawtooth National Forest; described land reserved for Boardman Recreation Area (PLO 725) — 5446
Montana:
Deerlodge National Forest; described lands reserved for administrative sites:
Forest Service use, as administrative site (PLO 736) — 7571
Highland, Fleecer, and Knotty Pine Administrative Sites (PLO 725) — 5446, 6135
Lolo National Forest; described land reserved for Trout Creek Roadside Zone and Right-of-Way No. 250 (PLO 725) — 5446
Nevada; Humboldt National Forest, transfer of lands to, from Toiyabe National Forest (PLO 740) — 7826, 7184
New Mexico:
Carson National Forest; described land reserved for Tres Ritos Administrative Site (PLO 725) — 5446
Cibola National Forest; described lands reserved for Doc Long and Sulphur Recreation Area, and Magdelena Ranger Station (PLO 725) — 5446
Coronado National Forest, described lands excluded from (PLO 772) — 13094

LAND MANAGEMENT BUREAU—Continued — Page

National forests, lands in—Continued
Oregon:
Deschutes National Forest; described land reserved for Todd Lake Forest Camp (PLO 725) — 5446
Whitman National Forest; described land reserved for Marble Creek Forest Camp (PLO 725) — 5446
South Dakota:
Black Hills National Forest; described land reserved for Dark Canyon Recreation Area (PLO 725) — 5446
Harney National Forest; described land reserved for Sheridan Lake Recreation Area (PLO 725) — 5446
Utah, Ashley National Forest; described lands withdrawn for use as Dutch John Administrative Site (PLO 769) — 12703
Washington:
Olympic National Forest; exclusion of described lands (PLO 721) — 5059
Wenatchee National Forest; described land reserved for Swauk Creek Recreation Area (PLO 725) — 5446
Wyoming:
Shoshone National Forest; orders opening lands to entry revoked as to described lands — 5023
Teton National Forest; described land reserved for Teton Wilderness Area (PLO 725) — 5446
National Guard, lands withdrawn for use of:
Alaska; lands reserved for use of War Department for National Guard by PLO 660, revocation (PLO 764) — 11838
Arizona; described lands withdrawn for use of Arizona National Guard (PLO 739) — 7618, 7630
Idaho; described lands withdrawn for National Guard target range (PLO 726) — 5622
National monuments, California; Joshua Tree National Monument, described lands excluded from, restored to entry — 10040, 10959
National parks; Mt. McKinley National Park, Alaska. *See* Alaska.
Native villages, in Alaska. *See* Alaska.
Natives of Angoon Community, lands for use of. *See* Alaska.
Navy Department, lands withdrawn for use of, in Alaska, California, and New Mexico. *See under* Withdrawals.
Office of Territories; jurisdiction over certain land in Alaska. *See* Alaska.
Oil lands, rights, etc.:
Oil and gas deposits:
In lands in Alaska; right of Navy Department to continue explorations in certain lands reserved for use of Air Force Department (PLO 715) — 3586
In lands within certain military reservations; transfer of jurisdiction over, to Interior Department:
From Air Force Department; lands in Barksdale Air Force Base Reservation, Louisiana (PLO 701) — 1901
From Army Department:
Camp Breckenridge Military Reservation, Kentucky (PLO 729) — 6132
Sioux Ordnance Depot, Cheyenne County, Nebr. (PLO 704) — 2441
In lands within Condor Sanctuary in Los Padres National Forest, California; limitation on development and extraction (PLO 695) — 581
Oil and gas leases. *See* Mineral lands.
Oil and gas pipelines, rights-of-way for; common carrier stipulation required — 7570
Oregon grant lands:
Authority respecting acquisition of rights-of-way for access roads — 6804, 6805
Withdrawal of lands for rights-of-way for timber access roads (PLO 702) — 2234
Organization and procedure, etc.:
Appeals from actions of regional chiefs, range managers and district foresters in various regions — 8613, 8616, 8619, 8622, 8625, 8628
Delegations of authority. *See* Authority, delegations of, *above.*

LAND MANAGEMENT BUREAU—Continued — Page

Organization and procedure, etc.—Continued
Organization and procedure—Continued
Designation of officials to serve as acting regional chiefs, range managers and district foresters in various regions_ 8611, 8614, 8617, 8620, 8623, 8626
Park lands, mineral leases in. *See* Mineral lands and minerals.
Payments, fees and commissions chargeable in all States; transcripts of records and certificates as to information of record, revocation_____ 1638
Petroleum deposits. *See* Oil lands, rights, etc.
Petroleum Reserve No. 54, Montana No. 7 (established by Executive Order of February 26, 1917); lands withdrawn in connection with Sun River Winter Elk Range subject to (PLO 766)_____ 12095
Phosphate lands and reserves:
Leases. *See* Mineral lands.
Reserves in certain lands in Florida, withdrawal from appropriation and transfer to Tennessee Valley Authority; Executive order respecting. *See main heading* Presidential documents.
Pipelines, right-of-way for; common carrier stipulation required_____ 7570
Potassium leases. *See* Mineral lands.
Power projects, power site reserves, etc., restoration of lands to entry:
Alaska. *See* Alaska, *above*.
Arizona; power project No. 767_____ 8483
California:
Power site classification No. 163_____ 6404
Power site reserves:
No. 87_____ 3518
No. 216_____ 7522
No. 261_____ 3518
No. 416_____ 3518
No. 560_____ 7522
Colorado:
Power project No. 163_____ 3518
Power-site classifications:
No. 89_____ 12727
No. 92_____ 11619
No. 372_____ 3518
Power-site reserves:
No. 105_____ 11619
No. 244_____ 11619
Idaho:
Power-site classification No. 280_____ 3518
Power site reserve No. 345_____ 7522
Salt Lake Meridian, South Willow Creek Project_ 11619
Oregon:
Power projects:
No. 143_____ 8484
No. 850_____ 8483
Power site reserves:
No. 273_____ 8483
No. 623_____ 7522
No. 661_____ 6404
No. 662_____ 7522
Water power designation No. 14_____ 6404
Utah; restoration order No. 1306_____ 10495
Washington:
Colville Indian Reservation; order reserving certain lands for use in connection with irrigation project or power or reservoir site on, revoked as to described land_____ 3492
Power site classifications:
No. 126_____ 8483
No. 214_____ 8483
No. 349_____ 3518
Wyoming; power site reserve No. 348_____ 7366
Public use of lands. *See* Sale, lease or use, and acquisitions of lands.
Public water reserves:
Arizona, public water reserve No. 107; prior order (Executive Order of April 17, 1926) revoked as to described lands (PLO 717)_____ 4137
Montana, public water reserve No. 107; removal of tract of land from (deletion of Interpretation No. 212)_____ 6638, 6967
New Mexico:
No. 50; prior order (Executive Order of April 28, 1917) revoked as to described lands (PLO 717)_____ 4137

LAND MANAGEMENT BUREAU—Continued — Page

Public water reserves—Continued
New Mexico—Continued
No. 65; prior order (Executive Order of July 10, 1919) revoked as to described lands (PLO 717)_____ 4138
Utah, public water reserve No. 16, Utah No. 7 (established by Executive Order of March 9, 1914); certain lands in, withdrawn within Ashley National Forest as Dutch John Administrative Site (PLO 769)_____ 12703
Radio purposes, lands withdrawn for:
In Alaska:
Alaska Communications System; transfer of certain lands to Army Department for use in connection with (PLO 723)_____ 5131
Radio receiving station site, at Juneau; withdrawal order (EO 6050) revoked as to described lands (PLO 708)_____ 2893
In California; for radio installation for Navy Department (PLO 719)_____ 4753
Railroad grants. *See* State and railroad grants.
Railroad reserve, in Alaska. *See* Alaska.
Range lands. *See* Grazing lands.
Reclamation and irrigation:
Flathead Irrigation Project, Montana:
Assignments; amendatory farm-unit plats_____ 7157
Cancellation of entries; payment of appraised price and reclamation of land necessary_____ 7157
Final and commutation proofs, certificates and patents; when lien in patent will be released_ 7157
Mortgages, notation of mortgage interest; effect of notation_____ 7157
Reclamation projects; lands restored from, opened to entry:
Arizona:
Colorado River Storage and Yuma Projects_____ 11740
Salt River Project_____ 2192
California; Colorado River Storage Project_____ 11933
Colorado:
Blue-South Platte Project_____ 11125, 11242
Gunnison-Arkansas Project_____ 11193, 11509
South Platte Project_____ 11125
Idaho; Boise Project_____ 6638, 8143, 11241
Montana; Milk River Project_____ 4474
Nebraska; North Platte Project_____ 6257
Oregon:
Baker Project_____ 9441
Deschutes Project_____ 11874
Umatilla Project_____ 8188
Utah:
Colorado River Storage Project_____ 11124
Green River Project_____ 9269
Strawberry Valley Project_____ 7828
Washington:
Kittitas Project_____ 4814
Yakima Project_____ 9173, 9289
Wyoming:
Kendrick Project_____ 10388, 10608
Shoshone Project_____ 8186
Records:
Copies of records; authority of certain employees respecting, revocation_____ 3019
Field reports, availability of data in_____ 3586
Payments; transcripts of records and certificates as to information of record, revocation_____ 1638
Service, dates and hours of; authority of acting regional administrators in connection with keeping of records of_____ 6804
Recreational areas:
National forest lands used for recreational purposes. *See* National forests.
Protection of certain scenic and recreational areas. *See* Scenic and recreational areas.
Recreational sites; payments for lands classified as subject to sale or lease_____ 10947
Rights-of-way:
Alaska. *See* Alaska .
Highways; lands subject to application by States for, or as source of materials for construction of, in various States. *See* Highways.
Mineral deposits under rights-of-way. *See* Mineral lands and minerals.

LAND MANAGEMENT BUREAU—Continued — Page

Rights-of-way—Continued
Oil and natural gas pipe lines and pumping plant sites, rights-of-way through public lands and reservations for; common carrier stipulation required_____ 7570
Oregon grant lands:
Authority respecting acquisition of rights-of-way for access roads_____ 6804, 6805
Withdrawal of lands for location of right-of-way for timber access roads (PLO 702)_____ 2234
Rio Grande Canalization Project; withdrawal of lands in New Mexico for use of State Department in connection with (PLO 709)_____ 3348
Roads; rights-of-way for. *See* Rights-of-way.
Sale, lease or use, and acquisitions of lands:
Airports and aviation fields, leases of public lands for; authority of regional administrators respecting_____ 6804, 6805
Alaska; public uses of lands in. *See* Alaska.
Disposal of materials; application for permit_____ 10606
Permit for removal of not more than three Christmas trees_____ 10606
Public sales of lands:
Action after purchaser is declared_____ 4340
Authority of regional administrators respecting_____ 6804, 6806
Recreational sites; payments for lands classified as subject to sale or lease_____ 10947
Scenic and recreational areas, protection and preservation of; withdrawals of lands for:
In Alaska (PLO 735)_____ 7571, 7573
In Oregon; Quartzville Canyon (PLO 702)_____ 2234, 2236
Shore space reserves, in Alaska. *See* Alaska.
Small tract classifications:
Alabama; No. 1_____ 2530
Alaska. *See* Alaska, *above*.
California:
No. 44, partial revocation_____ 10791
No. 203, amendment_____ 1150
No. 249_____ 694
No. 251_____ 1201
No. 252_____ 1202
No. 255_____ 1835
No. 258_____ 2006
No. 260_____ 9783
No. 261_____ 2665, 3490
No. 262_____ 2194, 2811
No. 265_____ 2664
No. 267_____ 2811, 3389, 3863
No. 268_____ 3196
No. 270_____ 3490
No. 271_____ 3491
No. 272_____ 3491
No. 278_____ 5905
No. 279_____ 7167
No. 282_____ 7333
No. 283_____ 7333
No. 285_____ 8800
No. 307_____ 9582
No. 309_____ 9583
No. 317_____ 10790
No. 322_____ 12020
Correction_____ 12840
No. 323_____ 12369, 12840
Colorado; No. 11_____ 4897
Nevada:
No. 62_____ 12370
No. 63_____ 234
No. 64_____ 359, 1149
No. 65_____ 1288
No. 67_____ 2008
No. 68_____ 2665
No. 69_____ 2811
No. 71_____ 6637
No. 72_____ 7829
No. 74_____ 9700
No. 75_____ 12370
No. 76_____ 12840
New Mexico; No. 30_____ 12591
Wyoming:
No. 9_____ 3537, 4622
No. 10_____ 9288

LAND MANAGEMENT BUREAU—Continued — Page

Soil Conservation Service, lands withdrawn for use of, in Alaska. *See under* Withdrawals.
State Department, lands in New Mexico withdrawn for use of, in connection with Rio Grande Canalization Propect (PLO 709)_____ 3348
State and railroad grants:
Carey Act grants to States:
Extensions of segregations; applications for extensions_____ 10993
Grants to States for irrigation under State supervision; statutory authority_____ 10993
Railroad grants:
Delegation of authority respecting, to Director from Secretary of Interior_____ 6806
Patents; issuance of patents for lands sold to innocent purchasers for value by certain railroad carriers_____ 11079
Stock-driveways; withdrawal of lands for, in Arizona, New Mexico and Wyoming. *See under* Withdrawals.
Surveys; notice of filing of plats of survey in various States:
Alaska. *See* Alaska, *above*.
Arizona_____ 5140, 11395
California_____ 511, 1092, 13161
Colorado_____ 952, 2192, 3623
Florida_____ 1742
Idaho_____ 260, 952, 1093, 1483, 2193, 3364, 3492, 11395, 11973, 13162
Minnesota_____ 11193
Montana_____ 425, 511, 2193
Nevada_____ 1093, 1149
Oklahoma_____ 4984
Utah_____ 1800, 2190, 2191, 2194, 2580, 3811, 3812
Territories, Office of; jurisdiction over certain lands in Alaska. *See* Alaska.
Townsites:
In Alaska. *See* Alaska.
Notice of sale of lots, in various States:
California; Ford Townsite and first addition_____ 2663
Colorado; Whitepine Townsite_____ 5139
Withdrawals for, in Alaska and California. *See* Withdrawals.
Veterans, homestead rights of, in lands opened to entry. *See* Lands opened to entry.
War Department. *See* Army Department.
War Relocation Authority, lands reserved for; prior order (PLO 88 as amended by EO 9526), revoked (PLO 763)_____ 11838
Water reserves. *See* Public water reserves.
Waterfowl refuges. *See* Wildlife refuges.
Wildlife refuges, etc.:
Alaska; preserves and breeding grounds for muskrat and beaver, prior order (EO 4592) partially revoked (PLO 720)_____ 4752
California:
Condor sanctuary; withdrawal of certain lands within Los Padres National Forest for (PLO 695)_____ 581
Honey Lake Waterfowl Management Area; certain public lands reserved in connection with (PLO 759)_____ 10948, 10959
Madeline Plains Waterfowl Management Area; certain public lands reserved in connection with (PLO 758)_____ 10948, 10959, 11506
Idaho; certain public lands reserved for use of State Fish and Game Department in connection with Sand Creek Elk Refuge (PLO 742)_____ 8184, 8188
Montana, Sun River Winter Elk Range; described lands reserved for use by State Department of Fish and Game (PLO 766)_____ 12095, 12104
Oregon, Government Island Game Management Area; described lands withdrawn for use by Game Commission in connection with (PLO 768)_____ 12703
Wisconsin; certain lands reserved in connection with Totogatic Conservation Area (PLO 741)_ 8113, 8144
Wyoming; Sybille Deer Winter Pasture, lands withdrawn for use of State Game and Fish Commission in connection with (PLO 699)_____ 1639

LAND MANAGEMENT BUREAU—Continued — Page

Withdrawals, of lands in Alaska and in various States:
- Alaska:
  - Agriculture Department; described lands transferred from War Department, for use of Soil Conservation Service for building purposes (PLO 743) — 8366
  - Air Force Department; lands withdrawn for use of, for military purposes (PLOs 690, 715, 731, 738, 748) — 1476, 3586, 6391, 6404, 7618, 7630, 8465
  - Air-navigation site withdrawals:
    - No. 1, establishment — 8379, 8628
    - No. 2, establishment — 10296
    - No. 145, modification — 11079
    - No. 148, revocation — 10296
    - No. 156, modification (PLO 751) — 9044, 9051
    - No. 157, description amended — 10297
    - No. 169, enlargement — 9320
    - No. 171, extension — 10297
    - No. 185, addition — 10297
    - No. 186, modification — 10297
    - No. 189, enlargement — 8746
    - No. 192, revocation — 10297
    - No. 193, revocation — 10298
    - No. 194, revocation — 10298
    - No. 195, modification — 10388
    - No. 196, modification — 10298
    - No. 197, modification — 10388
    - No. 201, modification — 10388
    - No. 209, modification — 10298
    - No. 210, revocation (PLO 753) — 9569
    - No. 239, revocation — 10298
    - No. 242, amendment — 7331
    - No. 258, enlargement — 8143
    - No. 267 — 3811
    - No. 268 — 4259
  - Alaska Housing Authority; reservation of right-of-way for access road over described lands (PLO 724) — 5132
  - Alaska Railroad; described lands reserved for use of:
    - As source of gravel (PLO 755) — 9816
    - For railroad purposes (PLOs 746, 771) — 8465, 12726, 12727
  - Alaska Road Commission, land reserved for use of:
    - Anchorage Townsite, lands reserved for construction of roads, bridges, etc.; prior order (EO 4258) revoked (PLO 746) — 8465
    - Nenana Townsite, lands reserved for aviation field purposes; prior order (EO 8223) revoked (PLO 716) — 4138
  - Army (War) Department:
    - Artillery range, proposed withdrawal of public lands near Gulkana for use as; notice of hearing — 3409
    - Military purposes, lands withdrawn for (PLOs 718, 724, 733, 743, 761, 765) — 4374, 5132, 5140, 7287, 7290, 8366, 11079, 11999, 12020
    - National Guard purposes; lands reserved for by PLO 660, revocation (PLO 764) — 11838
    - Radio communications; lands in Tongass National Forest transferred from Federal Communications Commission, for use in connection with Alaska Communications System (PLO 723) — 5131
    - Radio receiving station site, at Juneau; withdrawal order (EO 6050) revoked as to described lands (PLO 708) — 2893
    - Rights-of-way along Alaska Highway for telephone and oil pipe lines; prior order (PLO 386) revoked in part (PLO 765) — 12000
  - Classification; described lands temporarily withdrawn for (PLOs 713, 715, 737) — 3441, 3442, 3586, 7618
  - Restoration to public domain of lands withdrawn by PLO 225 — 11543
  - Federal Communications Commission; lands in Tongass National Forest reserved for, by PLO 175, transferred to Army Department (PLO 723) — 5131
  - Highway purposes, lands withdrawn for, by PLO 601:
    - Amendment (PLO 757) — 10749

LAND MANAGEMENT BUREAU—Continued — Page

Withdrawals, of lands in Alaska and in various States—Continued
- Alaska—Continued
  - Highway purposes, lands withdrawn for, by PLO 601—Continued
    - Withdrawal of described lands along Alaska Highway for Army Department use (PLO 765) — 12000
  - Indian reservations and native villages, lands withdrawn or reserved in connection with; orders of Secretary of Interior respecting results of voting:
    - Hydaburg Reservation; approval of establishment of, as result of affirmative vote — 2477
    - Kobuk, Shungnak, and Barron Villages; revocations of proclamations withdrawing lands for, as result of negative vote — 2477
  - Interior Department:
    - Land and improvements available for use by (PLO 718) — 4374
    - Prosecution of war, lands and minerals reserved under jurisdiction of Secretary for, by PLOs 82 and 250; precedence of order reserving lands for use of Air Force Department (PLO 715) — 3586
  - Land Management Bureau; lands withdrawn for use of:
    - Administrative site, in Eagle Townsite (PLO 753) — 9569
    - Timber reserve (Copper River) (PLO 752) — 9316, 9320
  - Legislation, withdrawal of certain lands in aid of; prior orders (PLO 538 and EO 7309) revoked (PLOs 697, 738) — 1184, 1203, 7618, 7630
  - National defense purposes; public lands in described area withdrawn for (PLO 697) — 1184, 1203
  - Navy Department:
    - Lands near Seward reserved for use of, for wharves, coal storage, etc.; prior order (EO 3149) amended to transfer interest in lands to Army Department (PLO 718) — 4374
    - Naval petroleum reserve established by EO 3797–A and PLO 289; precedence of order reserving lands for use of Air Force Department (PLO 715) — 3586
    - Naval purposes, lands withdrawn for; prior order (Executive Order of June 21, 1890) revoked respecting described tract at Sitka (PLO 767) — 12398
  - Scenic and recreational areas, described lands withdrawn for protection and preservation of (PLO 735) — 7571, 7573
  - School reserves, lands in, at Kotzebue, withdrawn for use of Army Department for National Guard purposes; prior order (PLO 660) revoked (PLO 764) — 11838
  - Townsite purposes, described lands withdrawn for:
    - McGrath (PLO 761) — 11079
    - Seward Meridian (PLO 751) — 9044, 9051
  - Wildlife refuge (preserves and breeding grounds for muskrat and beaver); prior order (EO 4592), partially revoked (PLO 720) — 4752
- Arizona:
  - Air-navigation site withdrawal No. 271 — 8096
  - Army Department:
    - Aerial gunnery range purposes; correction of land description in prior order (PLO 680), opening lands to entry (PLO 747) — 8465
    - Arizona National Guard activities described lands withdrawn for use in connection with (PLO 739) — 7618, 7630
  - Classification and in aid of legislation, described lands withdrawn for; prior order (EO 5522) revoked (PLO 732) — 6948
  - Public water reserve No. 107; prior order (Executive Order of April 17, 1926) revoked as to described lands (PLO 717) — 4137
  - Stock driveway withdrawal No. 56, Arizona No. 2, reduced — 3623, 12590
- Arkansas; Ouachita National Forest:
  - Lands added to (PLO 707) — 2637
  - Lands withdrawn for camp grounds and recreation areas (PLO 725) — 5445

LAND MANAGEMENT BUREAU—Continued — Page

Withdrawals, of lands in Alaska and in various States—Continued
- California:
  - Air Force Department; described lands withdrawn for military purposes (PLO 770) — 12703
  - Forest Service; lands in Los Padres National Forest withdrawn for condor sanctuary under jurisdiction of (PLO 695) — 581
  - Navy Department:
    - Naval supply depot; lands withdrawn for use in connection with (PLO 706) — 2578
    - Radio installation (PLO 719) — 4753
    - Use of certain lands on Mount Diablo Meridian; notice of revocation by Secretary of Interior of use permit — 425
  - Townsite purposes, lands withdrawn for (PLO 730) — 6391, 6404
  - Wildlife refuges; described lands reserved for use of State Fish and Game Commission in connection with certain refuges:
    - Honey Lake Waterfowl Management Area (PLO 759) — 10948, 10959
    - Madeline Plains Waterfowl Management Area (PLO 758) — 10948, 10959, 11506
- Colorado:
  - Atomic Energy Commission, lands and reserved minerals in certain patented lands withdrawn for use of; prior orders (PLOs 494 and 459) revoked as to described lands (PLO 698) — 1638
  - Historical value of certain lands, examination to ascertain, lands withdrawn for; order of Secretary of Interior of September 16, 1889 revoked as to described lands — 5024
- Idaho:
  - Agriculture Department, withdrawal of certain lands for use of; Executive order respecting. *See main heading* Presidential documents.
  - Air-navigation site withdrawal No. 272 — 8096
  - Army Department; described lands withdrawn for use as National Guard target range (PLO 726) — 5622
  - Forest Service; described lands withdrawn for use of, in connection with administration of Boise National Forest (PLO 773) — 13095
  - Legislation, lands withdrawn for; prior order (EO 5482) revoked (PLO 744) — 8366
  - Sand Creek Elk Refuge; certain public lands reserved for use of State Fish and Game Department in connection with (PLO 742) — 8184, 8188
- Montana:
  - Petroleum Reserve No. 54, Montana No. 7 (established by Executive Order of February 26, 1917); use of certain lands in, in connection with Sun River Winter Elk Range (PLO 766) — 12095
  - Public water reserve No. 107; removal of tract of land from (Interpretation No. 212 deleted) — 6638, 6967
  - Sun River Winter Elk Range, described lands reserved for use by State Fish and Game Department (PLO 766) — 12095, 12104
- Nebraska; described lands withdrawn for soil classification, withdrawal order (EO 6604) revoked (PLO 711) — 3348
- Nevada, Air Force Department; described land withdrawn in connection with bombing and gunnery range (PLO 712) — 3440
- Correction of land description (PLO 762) — 11689
- New Mexico:
  - Army (War) Department:
    - Military purposes, described areas withdrawn for use of Department (PLO 703) — 2440
    - Revocation of use permit respecting described lands; New Mexico Principal Meridian — 12841
  - Navy Department; reservation of lands for experimental work (PLO 722) — 5059
  - Public water reserves:
    - No. 50; prior order (Executive Order of April 28, 1917) revoked as to described lands (PLO 717) — 4137
    - No. 65; prior order (Executive Order of July 10, 1919) revoked as to described lands (PLO 717) — 4138

LAND MANAGEMENT BUREAU—Continued — Page

Withdrawals, of lands in Alaska and in various States—Continued
- New Mexico—Continued
  - State Department; described land withdrawn for use of, in connection with Rio Grande Canalization Project (PLO 709) — 3348
  - Stock driveway withdrawals:
    - No. 16 — 8484
    - No. 20, New Mexico No. 2, reduced — 12590
- North Dakota; classification and in aid of legislation, lands temporarily withdrawn for, prior order (EO 5258) revoked (PLO 775) — 13095
- Oregon:
  - Army Department; described lands withdrawn for use of, for flood control purposes (PLO 727) — 5622
  - Government Island Game Management Area; described lands withdrawn for use by Game Commission in connection with (PLO 768) — 12703
  - Interior Department; described lands withdrawn for use of for timber access-road purposes and for protection and preservation of scenic and recreational areas in Quartzville Canyon (PLO 702) — 2234, 2236
  - Land Management Bureau; described lands withdrawn for use of, for timber preservation purposes (Oregon myrtle) (PLO 754) — 9570, 9582
  - Public water reserve No. 107; removal of described land from (Interpretation No. 199 deleted) — 6638
- South Dakota; described lands withdrawn for soil classification, withdrawal order (EO 6604) revoked (PLO 711) — 3348
- Utah:
  - Air-navigation sites:
    - No. 1, revision — 11618
    - No. Utah R–IV–1 — 11618
    - No. 206, revocation — 11618
  - Army (War) Department, lands withdrawn for use of, as ordnance depot; prior orders (PLOs 15, 66, 104 and 452) amended as to jurisdiction (PLO 705) — 2441
  - Atomic Energy Commission, described lands withdrawn for use of (PLOs 745, 760) — 8465, 10948
  - Forest service, described lands within Ashley National Forest reserved for use as Dutch John Administrative Site (PLO 769) — 12703
  - Japanese Relocation Center, lands reserved for; PLO 88 as amended by EO 9526, revocation (PLO 763) — 11838
  - Public Water Reserve No. 16, Utah No. 7 (established by Executive Order of March 9, 1914); certain lands in, withdrawn within Ashley National Forest as Dutch John Administrative Site (PLO 769) — 12703
  - War Relocation Authority, lands reserved for; PLO 88 as amended by EO 9526, revocation (PLO 763) — 11838
- Washington; Army Department:
  - Chief Joseph Dam Project, Columbia River, described land withdrawn for use in connection with (PLO 714) — 3586
  - Military purposes, lands withdrawn for; withdrawal order (PLO 261) revoked as to described lands (PLO 710) — 3348
- Wisconsin; certain public lands reserved in connection with Totogatic Conservation Area (PLO 741) — 8113, 8144
- Wyoming:
  - State Game and Fish Commission, lands withdrawn for use of, in connection with Sybille Deer Winter Pasture (PLO 699) — 1639, 1641
  - Stock driveway withdrawals:
    - No. 23, Wyoming No. 6, reduced — 12841
    - No. 36, Wyoming No. 7, reduced — 12842
    - No. 144, Wyoming No. 18, reduced — 11839
    - No. 188, Wyoming No. 31, modification — 4258, 5906
    - No. 204, Wyoming No. 36, reduced — 11839

LIBRARIES:
- Construction of, authority respecting. *See* Federal Security Agency.
- In critical defense housing areas, functions relating to; Executive order respecting. *See* Presidential documents.

LIBRARY OF CONGRESS: Page
See Copyright Office.
Hours of service 6990
Loans of Library materials for blind persons; procedure 690

LIVING ALLOWANCES, for Federal personnel on foreign duty; Executive order respecting. *See* Presidential documents.

LOAN GUARANTEE ADVISORY BOARD, establishment. *See* Commerce Department.

LOAN POLICY BOARD, establishment. *See* Reconstruction Finance Corporation.

LOYALTY PROGRAM:
Civil defense personnel (other than Federal employees) in State or local civil defense organizations; requirement respecting loyalty oath 4935
Investigation of loyalty of Government employees. *See* Loyalty Review Board.
Public Health Service commissioned officers, application of procedures to, Executive order respecting. *See* Presidential documents.
"Reasonable doubt" of loyalty, grounds for removal; Executive order respecting. *See* Presidential documents.

LOYALTY REVIEW BOARD:
Appeals to heads of departments and agencies 12218
Communist organizations, list of. *See* Operations of Board.
Directives to Departments and agencies; cases of incumbent and excepted employees and excepted applicants:
Directive I, general instructions:
Procedural instructions 12217
Resignation after adverse adjudication; revocation 2717
Directive II, initial consideration of loyalty cases:
Action where initial consideration indicates that removal may be warranted 2717
Notice of proposed removal action 2717
Reasonable doubt as to loyalty; standard in refusal of, or removal from employment 12217
Responsibility for consideration of loyalty cases 12218
Standard; activities and associations 12217
Directive IV; appeals to heads of departments and agencies 12218
Directive VI; records, files and reports:
Instructions 12218
Procedure in cases of separation, withdrawal, transfer, conversion or furlough 12219
Directives to regional loyalty boards; cases of applicants and appointees in competitive service:
Directive I; general instructions:
Notice by regional loyalty board and right of appeal 12219
Resignation after adverse adjudication, revocation 2717
Directive II, initial consideration of loyalty cases:
Reasonable doubt as to loyalty, standard in refusal of, or removal from employment 12219
Responsibility for consideration of cases 12220
Standard; activities and associations 12219
Directive VI, records, files and reports; procedure in cases of separation, withdrawal and furlough 2717
Fascist organizations, list of. *See* Operations of Board.
Furloughed employee, file of loyalty case involving; procedure 12219
Operations of Board:
Grounds for determination of disloyalty 12214
List of organizations designated by Attorney General as totalitarian, fascist, communist or subversive, etc., Appendix A:
Changes in list:
Alabama Peoples Educational Association 4675
Communist Political Association 4675
Dante Alighieri Society (between 1935 and 1940) 1986
Jikyoku Iinkai (Committee of the Crisis) 1986
National Blue Star Mothers of America (not to be confused with Blue Star Mothers of America organized in February 1942) 4677
Workers Alliance, date of designation as Communist organization 12214
Revision 12214

LOYALTY REVIEW BOARD—Continued Page
Operations of Board—Continued
Reasonable doubt of loyalty, grounds for determination of disloyalty 12214
"Reasonable doubt" as to loyalty; grounds for determination of loyalty and for refusal of or removal from employment 12214, 12217, 12219
Records, files and reports of loyalty cases. *See* Directives to departments and agencies, *and* Directives to regional loyalty boards.
Separated employee, file of loyalty case involving; procedure 12219
Subversive organizations, list of. *See* Operations of Board.
Transferred employee, file of loyalty case involving; procedure 12219

M

MAIL:
Importations by mail; customs regulations. *See* Customs Bureau.
Postal regulations. See Post Office Department.
Preference and priority for transportation of. *See* Defense Transport Administration.

MANPOWER, in connection with national defense:
Defense Manpower Administration. *See* Labor Department.
Labor-Management Manpower Policy Committee, establishment in Office of Defense Mobilization 3932
Manpower Policy Committee, membership. *See* Defense Mobilization, Office of.
Policies respecting. *See* Defense Mobilization, Office of.

MARIHUANA, functions of Interdepartmental Committee on Narcotics in connection with; Executive order respecting. *See* Presidential documents.

MARINE CORPS. *See* Navy Department.

MARITIME ADMINISTRATION:
See National Shipping Authority.
Accounting procedures, under operating-differential subsidy agreements (General Order 74) 6716
Agreements, transportation, filed with Federal Maritime Board for approval. *See main heading* Maritime Board.
Aliens; sale, charter, transfer, etc., of certain vessels to 691, 5768
Authority, delegation of, to Administrator:
By Secretary of Commerce:
Administration of transportation orders, including restrictions on shipping to Communist China, Hong Kong and Macao 12911
Functions under Reorganization Plan No. 21 of 1950; temporary delegation of authority by Secretary of Commerce respecting, correction of headnote 360
By Under Secretary of Commerce for Transportation:
Shipping 2553, 6405
Shipyard construction, under National Production Authority Order M-4, CMP Regulation 6, Delegation No. 14 6405, 7893, 10042
Charter of vessels:
Applications for charter of war-built vessels. *See main heading* Maritime Board.
Approval of charters, transfers, etc., of certain vessels to aliens 691, 5768
China; restrictions on shipping to certain areas. *See* Shipping.
Citizenship oath by owners or mortgagees of vessels of United States, regulations respecting 12997
Claimant under DPA Administration Order 1 with respect to shipping and ship construction; delegation of authority by Under Secretary of Commerce for Transportation respecting 6405
Compensation, deposit of, by Administration, for use of S. S. "Farida"; notice respecting 6345
Construction of shipyards. *See* Shipyards construction.
Documentation of vessels; citizenship oath by owners or mortgagees of vessels of United States 12997
Maritime carriers; regulations:
Agreements, transportation. *See main heading* Maritime Board.

MARITIME ADMINISTRATION—Continued Page
Maritime carriers; regulations—Continued
Charter, transfer or documentation of vessels:
Aliens:
Charter of certain vessels to, approval of 691
Sales, mortgages, leases, charters, deliveries, or transfers of vessels of less than 40 feet over-all length and less than 50 horsepower to aliens or their agents, approval of 5768
Exceptions 5768
Citizenship oath required of owners or mortgagees of vessels of United States 12997
Statements and agreements filed by; reports. *See main heading* Maritime Board.
National Shipping Authority; establishment within Maritime Administration 2642, 3668
Organization and functions 44, 2642, 3668
National Shipping Authority; establishment and functions 2642, 3668
Price control, exemption from, of certain sales of military items to Defense Agencies. *See main heading* Price Stabilization, Office of.
Shipping, intercoastal, coastwise, and overseas:
Delegation of authority to Administrator by Under Secretary of Commerce for Transportation respecting 2553
Prior orders confirmed 2553
Transportation of goods by water; administration of orders respecting, including Transportation Order T–1 and T–2 respecting restrictions on shipping to Communist China, Hong Kong and Macao, assignment of responsibility by Secretary of Commerce 12911
Shipyards construction; delegation of authority to Administrator by Under Secretary of Commerce for Transportation with respect to construction schedules of prime contractors under National Production Authority Order M–4, CMP Regulation 6, and Delegation No. 14 6405, 7893, 10042
Subsidized vessels and operators, regulations affecting; procedures to be followed by operators in rendition to Maritime Administration of annual and final accountings under operating-differential subsidy agreements (General Order 74) 6716
Tanker capacity, voluntary plan for contribution of, for national defense requirements 239, 1965, 3315
Transportation orders. *See* Shipping.
Voluntary plan for contribution of tanker capacity for national defense requirements 239, 1965, 3315

MARITIME BOARD, FEDERAL:
Agreements:
Operating-differential subsidy agreements. *See* Subsidies.
Transportation agreements. *See* Transportation agreements.
Alaska; hearing on increase in rates by Alaska Steamship Co 6468
Charter of vessels:
To aliens. *See main heading* Maritime Administration.
War-built dry cargo vessels, bareboat chartering. *See* Merchant Ship Sales Act of 1946.
Claims for freight adjustments, carrier-imposed time limits on presentation of; proposed rule making 3807
Economic Cooperation Administration, war-built dry-cargo vessels for use of:
Annual review of bareboat charters 11086
Request of Administration for hearing on applications of designated companies 1151
Forms for filing certain cargo and passenger reports 859
Freight adjustments, claims for, time limit on presentation of, proposed rule making 3807
Functions under Reorganization Plan No. 21 of 1950; temporary delegation of authority by Secretary of Commerce respecting, correction of headnote 360
German nationals; participation in conferences and agreements, order respecting 197
Japanese nationals; participation in conferences and agreements, order respecting 197
Merchant Marine Act of 1936, operating-differential subsidy under. *See* Subsidies.

MARITIME BOARD, FEDERAL—Continued Page
Merchant Ship Sales Act of 1946; bareboat chartering of war-built, dry-cargo vessels:
Annual review of charters:
Commercial bareboat charters 11086, 11243
American President Lines, Ltd 11086
Alaska Steamship Co., Inc 11086
Coastwise Line 11086
Isthmian Steamship Co., Inc 11086
Luckenbach-Gulf Steamship Co., Inc 11086
Pacific Far East Lines, Inc 11086
Economic Cooperation Administration, bareboat charters 11086
Military Sea Transportation Service (MSTS), bareboat charters 11086
Preliminary determination and payment of "additional charter hire"; time of payments 7517
Reserves to be taken into account in determination of "Net Voyage Profit" under SHIPSALES-DEMISE FORM No. 303 (Military Sea Transportation Service) Bareboat Charter Agreements 9168
Economic Cooperation Administration, war-built dry-cargo vessels for use of:
Annual review of charters 11086
Request of Administration for hearing on applications of designated companies 1151
Military Sea Transportation Service, war-built dry-cargo vessels for use of:
Annual review of charters 11086
Application by Navy Department for time charter; notice of hearing 1801
Rules and regulations for charter of war-built vessels to citizens; net voyage profit:
Absence of physical inventories; adjustment 551
Post redelivery overhead expenses 5444
Priced differences between delivery and redelivery inventory lists 552
Various companies, listed, applications of; hearings, etc.:
Alaska Herring Packers Assn 3240, 3666
Alaska Steamship Co 3240, 3666, 4499
American Export Lines, Inc 128, 3030
American President Lines, Ltd 953, 2687, 4728, 5500, 6000
American-Hawaiian Steamship Co 10961
Coastwise Line 2639, 4499
Dolphin Steamship Corp 1151
Grace Line, Inc 2528, 3442, 10961, 11544, 11741
Isbrandtsen Co., Inc 2102, 2687, 2940
Isthmian Steamship Co 2369, 2770
Luckenbach Steamship Co., Inc 1022, 1151, 2813, 7469
Lykes Bros. SS Co., Inc 128, 1774, 7892, 9269, 9446, 9667
Maine Steamship Corp 1151
Mississippi Shipping Co., Inc 9445, 10960, 11194
Moore-McCormack Lines, Inc 10610
Orion Shipping & Trading Co., Inc 1151
Pacific-Atlantic Steamship Co 2687, 2813, 7367, 7469, 11194
Pacific Far East Line, Inc 2687
Ponce Cement Corp 3813, 4260
Pope & Talbot, Inc 2637, 2813, 7469, 11193
Prudential Steamship Corp 5906, 11243, 11620
Shephard Steamship Co 1151
South Atlantic Steamship Line, Inc 1151, 5400
Stevenson, T. J., & Co., Inc 1151
United States Lines Co 1151
United States Navigation Co 1151
Military Sea Transportation Service, war-built dry-cargo vessels for use of:
Application by Navy Department for time charter use of bareboat chartered vessels; notice of hearing 1801
Annual review of bareboat charters 11086
Reserves to be taken into account in determination of profit 9168
Operating-differential subsidy agreements. *See* Subsidies.
Organization and functions 44, 3667
Reports, cargo and passenger; forms for filing 859
Statements and agreements to be filed by maritime carriers:
Reports, cargo and passenger, to be filed on Administration Forms 7801, 7802, 7803, and 7804 859
Supersedures of cited sections 859

MARITIME BOARD, FEDERAL—Continued Page

Subsidies; operating-differential subsidy:
- Accounting procedures under operating-differential subsidy agreements: Maritime Administration Genral Order 74 — 6716
- Amount of subsidy payment, investigation and hearing respecting certain agreements between carriers to determine; prehearing conference notice — 7949
- Hearings, etc., for various companies:
  - American-President Lines, Ltd.; application for resumption of subsidy, etc — 4629, 5590
  - Farrell Lines Inc.; Trade Route No. 15–A (U. S. Atlantic-South and East Africa), operation of combination passenger and freight vessels on — 12793
  - Grace Line Inc.; Trade Route No. 2 (United States Atlantic/West Coast South America), operation of combination passenger and freight vessels on — 9177, 9915
  - Lykes Bros. Steamship Co., Inc.; application for increase in subsidized sailings — 5500
  - Mississippi Shipping Co., Inc.:
    - Trade Route No. 14, Service No. 2 (United States ports/West Coast of Africa), operation of vessels on — 10610, 12278
    - Trade Route No. 20 (U. S. Gulf/East Coast South America), operation of combination passenger and freight vessels on — 8801, 10167, 11934
  - New York and Cuba Mail Steamship Co.; application for resumption of subsidy — 4629

Transportation agreements; approval, hearings, etc.:
- German and Japanese nationals; permission to participate — 197
- Investigation of certain pooling and sailing agreements, to determine amount of operating-differential subsidy payment; notice of prehearing conference — 7940
- Listed companies affected by agreements:
  - A/B Svenska Amerika Linien (agreement No. 7549) — 7949
  - A/B Evenska Amerika Mexiko Linien (agreement No. 7549) — 7949
  - A/S J. Ludwig Mowinckels Rederi (agreement No. 7815) — 3019
  - Aksjerederiet Julian (agreement No. 7807) — 260
  - Alaska Steamship Co. (agreement No. 8110) — 10709
  - Alcoa Steamship Co., Inc. (Alcoa Line) (Agreement No. 7824) — 6967
  - American Mail Line, Ltd. (agreement No. 7806) — 1963
  - American Mediterranean Levant Line (agreement No. 7548–1) — 3950
  - American President Lines, Ltd.:
    - Agreement No. 6015–2 — 6758
    - Agreement No. 7805 — 46
  - American-Hawaiian Steamship Co. (agreement No. 5870–4) — 12438
  - Anchor Line, Ltd. (agreement No. 7804) — 46
  - Associated Steamship Lines (Manila) Conference; member lines (agreement No. 5600–18) — 8296
  - Atlantic Conference:
    - Agreement No. 7840–15 — 2770
    - Agreement No. 7840–18 — 2770
  - Atlantic and Gulf-Indonesia Conference:
    - Agreement No. 125–2 — 3950
    - Agreement No. 125–3 — 12592
  - Atlantic and Gulf-Straits Settlements, Malay States and Siam Conference:
    - Agreement No. 5870–3 — 3950
    - Agreement No. 5870–4 (member lines) — 12438
  - Atlantic Ocean Transport Corp.:
    - Agreement No. 7812 — 1963
    - Agreement No. 7812–1 — 7831
  - Atlantic (Passenger) Conference; member lines:
    - Agreement No. 7840–19 — 7572
    - Agreement No. 7840–20 (modifies basic agreement No. 7840) — 10709
  - Bank Line, Ltd. (Agreement No. 6015–2) — 6758
  - Barber-West African Lines (agreement No. 7747–1) — 554
  - Bristol City Line of Steamships, Ltd. (agreement No. 7803) — 46
  - Brocklebank, Thos. & Jno., Ltd. (agreement No. 7814) — 5456

MARITIME BOARD, FEDERAL—Continued Page

Transportation agreements; approval, hearings, etc.—Continued
- Listed companies affected by agreements—Con.
  - Bull Insular Line, Inc.:
    - Agreement No. 7758 — 46
    - Agreement No. 7768 — 46
    - Agreement No. 7803 — 46
    - Agreement No. 7804 — 46
    - Agreement No. 7811 — 3314
    - Agreement No. 7821 (supersedes agreement No. 7774) — 5177
    - Agreement No. 7826 — 6758
    - Agreement No. 7827 — 6758
    - Agreement No. 7828 — 7830
  - Capca Freight Conference, member lines:
    - Agreement No. 6170–6 — 3813
    - Agreement No. 6170–7 — 3314, 7628
  - Cia Sud-America de Vapores:
    - Agreement No. 7796–2; modifies pooling agreement No. 7796 as amended — 10709
    - Agreement No. 7797–1; modifies pooling agreement No. 7797 — 10709
  - City Line, Ltd.:
    - Agreement No. 7788–1 — 7368
    - Agreement No. 7814 — 5456
  - Coastwise Line (agreement No. 8110) — 10709
  - Compagnie Generale Transatlantique (Agreement No. 7826) — 6758
  - Compagnie Maritime Belge, S. A. (agreement No. 7688–1) — 2770
  - Compagnie Maritime Congolaise, S. C. R. L. (agreement No. 7688–1) — 2770
  - Compania Anonima Venezolana de Navigacion (agreement No. 7833) — 11126
  - Compania Sud Americana de Vapores (agreement No. 7796 and amendment No. 7796–1, Chilean Pooling Agreement) — 7949
  - Continental U. S. A. Gulf Westbound Freight Conference (agreement No. 6150–3) — 1093
  - Cunard Steamship Co., Ltd. (agreement No. 7814) — 5456
  - Dell New York Rate Agreement member lines (Agreement No. 7190–1, revised) — 6967
  - East Coast Colombia Conference (agreement No. 7590–4) — 2166
  - Elder Dempster Lines, Ltd. (agreement No. 7746–1) — 554
  - Ellerman and Bucknall Associated Lines (agreement No. 7814) — 5456
  - Ellerman & Bucknall Steamship Co., Ltd.:
    - Agreement No. 7788–1 — 7368
    - Agreement No. 7814 — 5456
  - Ellerman Lines, Itd.:
    - Agreement No. 7788–1 — 7368
    - Agreement No. 7814 — 5456
  - Far East Conference:
    - Agreement No. 17–24 — 2166
    - Agreement No. 17–25 — 7168
    - Agreement No. 17–26 — 7572
  - Farrell Lines Inc.:
    - Agreement No. 7745–1 — 554
    - Agreement No. 7746–1 — 554
    - Agreement No. 7747–1 — 554
    - Agreement No. 7818 — 4765
  - Federal Commerce & Navigation Company Limited (agreement No. 7807) — 260
  - Federal New Zealand Lines (agreement No. 7814) — 5456
  - Federal Steam Navigation Co., Ltd. (agreement No. 7814) — 5456
  - Fern Line Joint Service (agreement No. 7655–1) — 554
  - Fern-Ville Line joint service (agreement No. 7655–2; modifies agreement No. 7655 as amended) — 10709
  - Flota Mercante Grancolombiana, S. A. (Agreement No. 7792–1) — 7168
  - Forenede Dampskibs-Selskab Aktieselskab (Det), (agreement No. 7828) — 7830
  - Funch, Edye & Co., Inc., agents (agreement No. 7814) — 5456
  - Furness, Withy & Co., Ltd. (agreement No. 7805) — 46
  - Grace Line, Inc.:
    - Agreement No. 7792, and supporting agreement No. 7795, Colombian Coffee Pooling Agreement — 7949

MARITIME BOARD, FEDERAL—Continued Page

Transportation agreements; approval, hearings, etc.—Continued
- Listed companies affected by agreements—Con.
  - Grace Line, Inc.—Continued
    - Agreement No. 7792–1 — 7168
    - Agreement No. 7796 and amendment No. 7796–1, Chilean Pooling Agreement — 7949
    - Agreement No. 7796–2; modifies pooling agreement No. 7796 as amended — 10709
    - Agreement No. 7813 — 2770
    - Agreement No. 7832 — 9826
    - Agreement No. 7833 — 11126
  - Gulf & South American Steamship Co., Inc. (agreement No. 7797–1; modifies pooling agreement No. 7797) — 10709
  - Gulf and South Atlantic Havana Steamship Conference (agreement No. 4188–17) — 2771
  - Gulf/United Kingdom Conference (agreement No. 161–17) — 3314
  - Hall Line, Ltd.
    - Agreement No. 7788–1 — 7368
    - Agreement No. 7814 — 5456
  - Hamburg-Amerika Linie:
    - Agreement No. 7754–1 — 7830
    - Agreement No. 7825 — 6758
  - Hamburg Chicago Line (agreement No. 7822) — 5177
  - Harrison Line (agreement No. 7616–1) — 2166
  - Harrison, Thos. & Jas. (agreement No. 7616) — 7949
  - Hilmar Reksten (agreement No. 7807) — 260
  - Hogh Lines joint service:
    - Agreement No. 7593–2; modifies basic agreement No. 7593 — 10907
    - Agreement No. 7838 — 11544
  - Home Lines joint service (agreement No. 7702, as amended, modified by agreement No. 7702–2) — 5177
  - Iino Kaiun Kaisha, Ltd. (agreement No. 7816) — 4765
  - International Freighting Corp., Inc. (agreement No. 7821, supersedes and cancels agreement No. 7774) — 5177
  - Isthmian Steamship Co. (Agreement No. 6015–2) — 6758
  - Japan-Atlantic Coast Freight Conference member lines:
    - Agreement No. 3103–4 — 260
    - Agreement No. 3103–5 — 11843
  - Java Pacific Line:
    - Agreement No. 7594–C — 11126
    - Agreement No. 7838 — 11544
  - Java-New York Rate Agreement:
    - Agreement No. 90–5 — 2166
    - Agreement No. 90–6 (modifies member lines' basic agreement No. 90) — 5719
  - Kirsten, A. (agreement No. 7822) — 5177
  - Knutsen Line, member lines, (agreement No. 7623–2) — 3950
  - Kokusai Kaiun Kaisha, Ltd. (agreement No. 7816) — 4765
  - Kokusai Line joint service, carriers:
    - Agreement No. 17–25 — 7168
    - Agreement No. 57–37 — 10088
  - Lancashire Shipping Co., Ltd. (agreement No. 6015–2) — 6758
  - Leeward and Windward Islands and Guianas Conference (agreement No. 7540–4) — 2166
  - Levant Line (agreement No. 7812–1) — 7831
  - Lykes Bros. Steamship Company, Inc.:
    - Agreement No. 7616 — 7949
    - Agreement No. 7616–1 — 2166
    - Agreement No. 7792, and supporting agreement No. 7795, Colombian Coffee Pooling Agreement — 7949
  - M. A. N. Z. Line (agreement No. 7814) — 5456
  - Marseilles/North Atlantic U. S. A. Freight Conference; member lines (agreement No. 7960–1) — 7831
  - Mediterranean Lines Inc. (agreement No. 7702–2, modifies agreement No. 7702, as amended) — 5177
  - Mediterranean-North Pacific Coast Freight Conference, member lines (agreement No. 8090–1) — 3950
  - Mississippi Shipping Co., Inc:
    - Agreement No. 7745–1 — 554
    - Agreement No. 7813 — 2770
    - Agreement No. 7818 — 4765
    - Delta Line, Agreement No. 7824 — 6967

MARITIME BOARD, FEDERAL—Continued Page

Transportation agreements; approval, hearings, etc.—Continued
- Listed companies affected by agreements—Con.
  - Mitsubishi Kaiun Kaisha, Ltd. (agreement No. 7816) — 4765
  - Moller, A. P. Maersk Line (agreement No. 7673–2) — 8801
  - Montreal Australia New Zealand Line Limited (agreement No. 7814) — 5456
  - Moore-McCormack Lines, Inc.:
    - Agreement No. 7594 — 7949
    - Agreement No. 7811 — 3314
  - Mowinckels Rederi, J. Ludwig, A/S (agreement No. 7815) — 3019
  - New York Committee of Inward Far East Lines (agreement No. 5500–4) — 6758
  - New Zealand Shipping Co., Ltd. (agreement No. 7814) — 5456
  - Nippon Yusen Kaisha (agreement No. 7831) — 9268
  - Nissan Kisen Kaisha, Ltd. (agreement No. 7816) — 4765
  - Norddeutscher Lloyd:
    - Agreement No. 7755–1A — 7830
    - Agreement No. 7825 — 6758
  - Norske Amerikalinje A/S (Norwegian America Line) (agreement No. 7827) — 6758
  - North American Terminal Corp.:
    - Agreement No. 7812 — 1963
    - Agreement No. 7812–1 — 7831
  - North Atlantic Mediterranean Freight Conference (agreement No. 7980–2) — 4765
  - Norton, Lilly & Co., agents:
    - Agreement No. 7788–1 — 7368
    - Agreement No. 7814 — 5456
  - O. S. K.—Shinnihon New York Line:
    - Agreement No. 17–26 — 7572
    - Agreement No. 57–36 — 8801
    - Agreement No. 7823 — 5906
    - Agreement No. 7829 — 8801
  - Osaka Shosen Kaisha, Ltd. (Agreement No. 7823) — 5906
  - Pacific Coast-Australasian Tariff Bureau (agreement No. 50–10) — 3813
  - Pacific Coast/Caribbean Sea Ports Conference; member lines:
    - Agreement No. 4294–13 — 3813
    - Agreement No. 4294–14 — 3314, 7628
  - Pacific Coast European Conference (agreement No. 5200–L) — 1093
  - Pacific Coast/Mexico Freight Conference (agreement No. 7570–4) — 3813
  - Pacific Coast/Panama Canal Freight Conference; member lines:
    - Agreement No. 7170–4 — 3813
    - Agreement No. 7170–5 — 3314, 7628
  - Pacific Coast/River Plate Brazil Conference; member lines:
    - Agreement No. 6400–5 — 2771, 5456
    - Agreement No. 6400–6 — 7628
  - Pacific Far East Line, Inc. (agreement No. 7832) — 9826
  - Pacific/Indonesian Conference; member lines:
    - Agreement No. 6050–8 — 3314, 7628
    - Agreement No. 6050–9 (modifies basic agrement No. 6060) — 5719
  - Pacific Lumber Carriers' Association (agreement No. 6310–4) — 1610
  - Pacific/Straits Conference; member lines (agreement No. 5680–6) — 3314, 7628
  - Pacific Transport Lines, Inc. (agreement No. 7817) — 4765
  - Pacific/West Coast of South America Conference:
    - Agreement No. 4630–11 — 3813
    - Agreement No. 4630–12 — 3314, 7628
  - Pacific Westbound Conference, member lines:
    - Agreement No. 57–33 — 1094
    - Agreement No. 57–36 — 8801
    - Agreement No. 57–37 — 10088
  - Port and Associated Lines (agreement No. 7814) — 5456
  - Port Line, Ltd. (agreement No. 7814) — 5456
  - Rederiaksjeselskapet Hadrian (agreement No. 7807) — 260
  - Rederiaksjeselskapet Nerva (agreement No. 7807) — 260
  - Rederiaksjeselskapet Vespasian Skipsaksjeselskapet Trajan (agreement No. 7807) — 260
  - Rederiaktiebolaget Clipper (agreement No. 7758) — 46
  - Rederiaktiebolaget Transatlantic (agreement No. 7549) — 7949

MARITIME BOARD, FEDERAL—Continued Page
Transportation agreements; approval, hearings, etc.—Continued
Listed companies affected by agreements—Con.
Santiago de Cuba Conference:
Agreement No. 7650–2 3314
Agreement No. 7650–3 2165
Sartori & Berger (agreement No. 7822) 5177
Shinnihon Steamship Co., Ltd. (agreement No. 7823) 5906
Silver Line Ltd. (agreement No. 7594–C) 11126
Silver-Hoegh Line Joint Service (agreement No. 7603–C; cancels No. 7603) 9268
Skipsaksjeselskapet, Trajan (agreement No. 7807) 260
South Atlantic Lines, Inc. (agreement No. 7702–2, modifies agreement No. 7702, as amended) 5177
Spain-Portugal North Atlantic Range Conference (agreement No. 7350–3) 2771
States Steamship Co. (agreement No. 7819) 5177
Stockard Steamship Corp.:
Agreement No. 7812 1963
Agreement No. 7812–1 7831
Straits/New York Conference (agreement No. 6010–8) 3019
Strick, Frank C., & Co., Ltd. (agreement No. 7547–2) 3019
Swiss/North Atlantic Freight Conference; member lines:
Agreement No. 7860–5 (modifies basic agreement No. 7860) 5906
Agreement No. 7960–1 7831
Toho Kauin Kaisha, Ltd. (agreement No. 7816) 4765
Trans-Pacific Freight Conference of Japan:
Agreement No. 150–3 260
Agreement No. 150–4 11843
United Fruit Co.:
Agreement No. 7673–2 8801
Agreement No. 7792–1 7168
Agreement No. 7829 8801
Agreement No. 7831 9268
United States Atlantic and Gulf/Haiti Conference:
Agreement No. 5590–5 (revised) 6468
Agreement No. 5590–7 2166
Agreement No. 8120 10907
United States Atlantic & Gulf-Puerto Rico Conference (agreement No. 6120–4) 1093, 2166
United States Navigation Co., Inc.:
Agreement No. 7723–1 2770
Agreement No. 7754–1 7830
Agreement No. 7755–IA 7830
Waterman Steamship Corp.:
Agreement No. 7806 1963
Agreement No. 7817 4765
Agreement No. 7819 5177
West Coast Line Service (agreement No. 7768) 46
War-built vessels, dry cargo; chartering of. *See* Merchant Ship Sales Act of 1946.
MARITIME COMMISSION, sale of tanker ships by, investigation of; Executive order respecting. *See* Presidential documents.
MARITIME DAY NATIONAL, 1951; proclamation respecting. *See* Presidential documents.
MEDALS. *See* Decoration, medals, etc.
MERCHANT MARINE; regulations, etc., respecting merchant marine and personnel. *See* Coast Guard; Maritime Administration; Maritime Board, Federal; *and* Navy Department.
MERCHANT MARINE COUNCIL. *See* Coast Guard.
MERCHANT MARINE RESERVES. *See* Navy Department.
METALLURGICAL CONGRESS, WORLD; proclamation respecting. *See* Presidential documents.
MEXICO:
Broadcast stations in. *See* Federal Communications Commission.
Export and import of livestock, other animals, and poultry to and from; regulations respecting. *See* Animal Industry Bureau.
MIGRATORY BIRDS. *See* Fish and Wildlife Service.
MIGRATORY LABOR, PRESIDENT'S COMMISSION ON, termination date; Executive order respecting. *See* Presidential documents. Page
MILITARY APPEALS, UNITED STATES COURT OF. *See* Court of Military Appeals.
MILITARY CEMETERIES. *See* American Battle Monuments Commission.
MILITARY JUSTICE:
Board of Review, uniform rules of procedure; joint regulations of armed forces. *See* Defense Department.
Court of Military Appeals. *See* Court of Military Appeals.
Courts-Martial Manual, limitations on certain punishments prescribed by; Executive orders respecting. *See* Presidential documents.
MILITARY PARKS, NATIONAL; licensed guide service regulations 10993
MILITARY RENEGOTIATION POLICY AND REVIEW BOARD; regulations. *See* Defense Department.
MILITARY RESERVATIONS:
Airspace restricted areas over military installations, etc.; designation as danger areas. *See* Civil Aeronautics Board.
Public lands withdrawn for use of Army, Navy and Air Force. *See* Land Management Bureau.
Restoration of certain lands to Territory of Hawaii; Executive orders respecting. *See* Presidential documents.
MILITARY SEA TRANSPORT SERVICE, bare-boat charter of vessels. *See* Maritime Board.
MINERALS EXPLORATION ADMINISTRATION. *See* Defense Minerals Exploration Administration.
MINERALS AND METALS:
Coal analysis. *See* Mines Bureau.
Exploration and development:
Authority respecting. *See* Defense Materials Procurement Agency; and Defense Minerals Exploration Administration.
Functions of various agencies; Executive order respecting. *See* Presidential documents.
Priority orders. *See* Defense Minerals Exploration Administration; *and* National Production Authority.
Procurement for Government use or resale:
Executive order respecting. *See* Presidential documents.
Manganese, tin, tungsten, etc. *See* Emergency Procurement Service; General Services Administration; *and* Mines Bureau.
Sale of interest in minerals lands. *See* Agriculture Department.
Scare materials, designation of. *See* Defense Minerals Exploration Administration.
Stockpiling of. *See* General Services Administration.
Uranium. *See* Atomic Energy Commission.
MINES BUREAU:
Coal analysis for non-Federal applicants; revision 9504
Contracts and purchases:
Helium gas. *See* Helium gas.
Manganese program, procurement in connection with; delegation of authority from Secretary of Interior to Chief, Administrative Division, and regional directors 130
Renegotiation of; Executive order respecting. *See main heading* Presidential documents.
Research projects and related undertakings, procurement of supplies and services with certain funds transferred for purpose of; delegation of authority respecting to Director, Regional Directors, and Chief, Administrative Division by Secretary of Interior 3366
Under Title II, First War Powers Act; delegation of authority from Secretary of Interior respecting 11974
Electrical equipment, etc.; junction boxes and electric motor-driven mine equipment:
Approval; conditions under which approval may be granted:
Cable reels for portable cable 10737
Circuits and equipment, automatic protection of 10737
Mechanical safeguards 10737

MINES BUREAU—Continued Page
Electrical equipment, etc; junction boxes and electric motor-driven mine equipment—Continued
Approval; conditions under which approval may be granted—continued
Portable cables 281, 10736
Cable reels for portable cables 10737
Switches for locomotives 10736
Detail requirements for Class 1 parts; enclosure casings, lead entrances 281
Portable cables:
Cable reels for portable cable 10737
General requirements 281, 10736
Run-over test and flame-resistance test 281
Tests; portable cable run-over test and flame-resistence test 281
Helium gas, purchases and contracts necessary for production and distribution:
Delegation of authority respecting, from Secretary of Interior to Director, Regional Director, and Chief, Administrative Division 4416
Determinations by certain officials of Mines Bureau and Secretary of Interior in connection with advertising requirements 4416
Lignite Research Laboratory, Charles R. Robertson; designation 7366
Manganese program, procurement in connection with; delegation of authority from Secretary of Interior to Chief, Administrative Division, and regional directors 130
Purchases. *See* Contracts and purchases.
Records, authentication of; delegation of authority to Chief, Administrative Division respecting 584
Research projects and related undertakings, procurement of supplies and services with certain funds transferred for purpose of; delegation of authority respecting to Director, Regional Directors, and Chief, Administrative Division by Secretary of Interior 3366
MINT BUREAU. *See* Treasury Department.
MOBILIZATION POLICY, NATIONAL ADVISORY BOARD ON. *See* National Advisory Board on Mobilization Policy.
MOTHER'S DAY, 1951; proclamation respecting. *See* Presidential documents.
MOTOR CARRIER CLAIMS COMMISSION:
Procedure, general rules of:
Exceptions to findings; time for filing briefs 6949
Proposed findings of fact, 15 days to file 6949
Report by Commissioner or Assistant Commissioner within 20 days 6949
MOTOR CARRIERS, in interstate commerce:
Claims. *See* Motor Carriers Claims Commission.
Regulations, etc., respecting. *See* Interstate Commerce Commission.
MUNITIONS BOARD:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 8229
Contract Finance Committee, representation on; defense contract financing policy, regulations of Office of Secretary of Defense. *See main heading* Defense Department.
Standards, specifications, packaging, and inspection; agreement between Defense Department and General Services Administration respecting, pursuant to President's letter of July 1, 1949 11893
Supplemental agreement 11895
MUTUAL SECURITY AGENCY:
Functions under Mutual Security Act respecting economic cooperation, international development, military aid, etc.; Executive order respecting. *See main heading* Presidential documents.

N

NARCOTICS, INTERDEPARTMENTAL COMMITTEE ON, establishment, membership, and functions; Executive order respecting. *See* Presidential documents.
NARCOTICS BUREAU: Page
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 4641
Drug 3 methoxy-N-methylmorphinan, determination that drug has an addiction-forming or addiction-sustaining liability similar to morphine and is an opiate, proposed 10645
NATIONAL ACADEMY OF SCIENCE, advance payments to in connection with research contact between Interior Department and National Academy of Science 11317
NATIONAL ADVISORY BOARD ON MOBILIZATION POLICY, establishment; Executive order respecting. *See* Presidential documents.
NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS:
Claimancy authority; designation of Secretary of Defense as claimant for programs of National Advisory Committee for Aeronautics under Defense Production Act 4913
Construction:
Delegation of authority from National Production Authority, to process applications under NPA Order M–4A, and to make allotments and to assign ratings under CMP Regulation No. 6 with respect to certain construction 7628
Exemption from priorities requirement by National Production Authority 2569
Contracts and purchases:
Renegotiation of contracts; Executive order respecting. *See main heading* Presidential documents.
Priority ratings, authority to apply to. *See* Priority (DO) ratings.
Under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Lewis Flight Propulsion Laboratory, Cleveland, Ohio, declared to be restricted area 11093
Priority (DO) ratings, authority to apply to direct Government contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 1509
Confirmation of prior delegation 738
Revocation 8096
NATIONAL ARCHIVES AND RECORDS SERVICE:
Archives and records management; historical material in Franklin D. Roosevelt Library. *See main heading* General Services Administration.
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
NATIONAL BUREAU OF STANDARDS:
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
Organization and procedures, establishment, purpose, and function; changes in organization:
Director, Office of:
Assistant Director for Administration 10135
Executive Assistant, deletion 10135
Field stations; revised tabulation of domestic and overseas field stations and laboratories 10136
Scientific and technical divisions, Heat and Power Division; Section (iv) combustion, deletion 10136
Standard samples and reference standards:
Purchase procedure; terms of shipping:
Domestic and foreign shipments, preparation and methods 5745
Payment for foreign orders 5745
Schedule of weights and fees:
Colors, standard, for kitchen and bathroom accessories 5747
Hydrocarbons and organic sulfur compounds 5745
Limestone slabs for caulking compound tests 5748
Nonferrous alloys 5745
Oils, standards:
For use as viscometer calibrating liquids 5747
For use with Saybolt viscometers 5747
*p*H standards 5745
Steels (chemical standards) 5745

NATIONAL BUREAU OF STANDARDS—Continued Page
Standard samples and reference standards—Continued
Schedule of weights and fees—Continued
Radioactive standards:
Beta-ray 5747
Gamma-ray:
Cobalt 5747
Radium 5747
Radon 5747
Rock and ore samples 5747
Resolution test charts 5748
Standards of reference, list 5748
Test fee schedules:
Atomic and molecular physics:
Mass spectrometry; chemical and isotope analysis, deletion 5744
Radioactive standards 5744
Rock and ore samples, standard:
See under Standard samples and reference standards.
Deletion 5744
Electricity, inductance and capacitance; resistors (above 1 megohm) 5744
Heat and power:
Standard viscosity samples, deletion 5744
Internal combustion engine fuels 2422
Length:
Haemacytometers 5744
Tapes, invar base-line 5744
Mechanics; mercurial barometers and manometers 2422
Metrology; capacity, density and fluid meters:
Density of solids and liquids 2422
Hydrometers and thermo-hydrometers 2422
Metal capacity standards 2422
Volumetric apparatus 2421
Optics:
Enamel standards for raw silk; deletion 5744
Luminance and chromaticity standards for television tubes 5744
Photography; deletion 5745
Reflectometry; standards issued 5744
Television tubes, luminance and chromaticity standards 5744

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1951; proclamation respecting. *See* Presidential documents.

NATIONAL FARM SAFETY WEEK, 1951; proclamation respecting. *See* Presidential documents.

NATIONAL GUARD:
Public lands withdrawn for use of. *See* Land Management Bureau.
Regulations respecting. *See* Army Department.

NATIONAL LABOR RELATIONS BOARD:
Atomic energy installations, labor relations cases; security policies and practices, regulations of Atomic Energy Commission 9679
Collective bargaining; disputes respecting representation of employees for purpose of. *See* Procedure; *and* Rules and regulations.
Organization description; field organization:
Appendix A; addresses of regional offices 1969
Regional Directors; authority to refer to hearing officers motions to revoke subpenas in representation cases 3091
Procedure:
Representation of employees:
Referendum cases:
Initiation of rescission of authority cases:
Deletion of former section 11637
Revision 11637
Investigation of petition; withdrawals and dismissals:
Deletion of former section 11637
Revision 11637
Representation cases under section 9 (c) of Act:
Consent adjustments before formal hearing; editorial changes 1935, 11637
Formal hearings; editorial changes 1935
Unfair labor practice cases under section 10 (a) to (i) of Act and Telegraph Merger Act cases (cases involving right of employees to organize, bargain collectively, etc.):
Compliance of labor organizations with certain requirements, notification respecting 11637
Hearings, editorial changes 1935

NATIONAL LABOR RELATIONS BOARD—Continued Page
Representation of employees. *See* Procedure; *and* Rules and regulations, Series 6.
Rules and regulations, Series 6; procedures under various sections of National Labor Relations Act, respecting prevention of unfair labor practices, representation of employees, referendum, disputes, injunctions, etc. (revision) 1935
Representation of employees:
Determination of questions concerning representation of employees; consent election agreement, editorial changes 11637
Referendum cases:
Contents of petition to rescind authority:
Deletion of former section 11638
Revision 11638
Investigation of petition by regional director in connection with consent or directed referendum 11638
Petition for referendum:
Deletion of former section 11636
Revision 11635
Subsequent proceedings; deletion 11638
Unfair labor practice cases. *See* Procedure.

NATIONAL MARITIME DAY, 1951; proclamation respecting. *See* Presidential documents.

NATIONAL MEDIATION BOARD:
Emergency boards to investigate disputes between certain carriers and their employees; Executive order respecting. *See main heading* Presidential documents.

NATIONAL MONUMENTS. *See* National parks, forests, monuments, etc.

NATIONAL PARK SERVICE:
Aircraft, landing of, in certain national parks. *See under* National parks, monuments.
Authority, delegations of:
By Director to certain officials; contracts, execution and approval of:
Contracts entered into in their respective regions and by National Capital Parks 866
Contracts for supplies and services not in excess of $10,000 6967
By Secretary of Interior, to various officials:
Associate and Assistant Directors:
Authority to exercise authority of Director with respect to described functions of National Park Service 5846, 11934
Order of precedence to act as Acting Director 1835
Director; authority with respect to all functions (described) of National Park Service 5846
Functions in connection with administration of national parks (lands, forests, animals, concessions, roads, procurement, etc.) 5846
Grand Teton National Park, tax losses on certain lands in; payments to State of Wyoming for 11954
Membership on National Capital Park and Planning Commission, Zoning Commission of District of Columbia, and District of Columbia Recreation Board 5846
Recreation demonstration project lands; approval of disposition of lands and execution of releases 11934
Redelegation of authority; redesignation 11934
General Counsel; order of precedence to act as Acting Director 1835
Superintendent, National Capital parks; authority respecting performance of duties, on days off, by Park Police 4984
Boats, in certain national parks. *See* National parks, monuments.
Concessioners of Service, sales by; price control regulations. *See main heading* Price Stabilization, Office of.
Contracts, exception and approval of; delegations of authority by Director to certain officials respecting 866, 6967
Dorchester Heights National Historic Site, Boston, Mass., designation by Secretary of Interior 3410
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.

NATIONAL PARK SERVICE—Continued Page
Fees, for certain national parks, monuments, etc. *See* National parks, monuments.
Fishing, in certain national parks. *See* National parks, monuments.
Grand Portage National Historic Site, Minnesota; designation by Secretary of Interior 9666
Motor vehicles, in national parks, etc.:
Driving, speed, etc., in various national parks. *See* National parks, monument.
Reckless driving on government roads within national parks, etc 7994
National Capital parks; regulations:
Admission fees, for Lee Mansion and Lincoln Museum 4891
Elevator fee, for Washington Monument 4891
Park Police:
Authority, delegation of, to Superintendent by Secretary of Interior to permit officers or members of Park Police to perform duties on days off 4984
False reports to 6868
National military parks; licensed guide service regulations, license 10993
National parks, monuments, recreational areas, etc.:
Dorchester Heights National Historic Site, Boston, Mass.; designation 3410
Everglades National Park; fishing 2187, 5479
Fort Jefferson National Monument, Florida:
Aircraft, landing of, on waters 11930
Anchorage of vessels, prohibition of, and exception thereto 5131
Refuse, dumping of 5131
Wildlife, protection of 5131
Fredericksburg and Spotsylvania County Battlefields Memorial; speed of automobiles, revocation 13089
Grand Portage National Historic Site, Minnesota; designation 9666
Grand Teton National Park:
Aircraft; redesignation 10893
Fishing 3656, 5434
Tax losses on certain lands in; payments to State of Wyoming 11934
Hawaii National Park; fee, rest house, revocation 12272
Hovenweep National Monument, enlargement; proclamation respecting. *See main heading* Presidential documents.
Katmai National Monument, Alaska; aircraft, redesignation 4724
Kennesaw Mountain; guide fees, revocation 9313
Lake Mead Recreational Area:
See also Recreational areas, *below.*
General rules and regulations respecting national parks, etc.; deletion of provisions respecting Lake Mead Recreational Area 4724
Operation of privately owned boats:
Permits for 3132
Revocation 4724
Speed of automobiles 4618
Lassen Volcanic National Park; commercial automobiles and busses, admission prohibition, exception to 5341
Lava Beds National Monument, California, enlargement; proclamation respecting. *See main heading* Presidential documents.
Lee Mansion in Arlington National Cemetery; admission fee 4891
Lincoln Museum and House Where Lincoln Died; admission fees 4891
Mammoth Cave National Park; redesignations 9313
Montezuma Castle National Monument; guide fees, deletion 11654
Mount McKinley National Park, Alaska; withdrawal of lands within, for national defense purposes 1184, 1203
Mount Rainier National Park; speed of automobiles and other vehicles 3655
Muir Woods National Forest, California, administration of; Executive order respecting. *See main heading* Presidential documents.
Natchez Trace Parkway; speed of automobiles 12667
Ocmulgee National Monument, Museum, and Earth Lodge; admission fee 8987

NATIONAL PARK SERVICE—Continued Page
National parks, monuments, recreational areas, etc.—Continued
Rocky Mountain National Park; fishing:
Along eastern shores of Shadow Mountain Lake and Granby Reservoir 3655
Elsewhere in park 3655
Sequoia-Kings Canyon National Parks:
Commercial automobiles and busses; admission prohibition, exception to 5341
Fishing 4658
Washington Monument; elevator service fee 4891
Yellowstone National Park:
Fishing; catch, bait, season, etc 3655
Speed of automobiles and other vehicles, on Mammoth-North Entrance road 3656
Park Police, United States. *See* National Capital parks.
Reckless driving of motor vehicles. *See* Motor vehicles.
Recreation demonstration project lands; delegation of authority to Director, by Secretary of Interior, respecting disposition of lands and execution of releases 11934
Recreational areas (Lake Mead, Millerton Lake, Coulee Dam); general rules and regulations respecting camping, hunting, fishing, public use, etc 4724
Research and investigatory programs. *See* Scientific, research and investigatory programs.
Scientific, research and investigatory programs of National Park Service, procurement of services from educational institutions in connection with; delegation of authority to Secretary of Interior by General Services Administrator respecting 12624
Speed of motor vehicles. *See* Motor vehicles.
Tax losses on certain lands in Grand Teton National Park; delegation of authority to Director from Secretary of Interior respecting payments to State of Wyoming for 11934

NATIONAL PARKS, FORESTS, MONUMENTS, ETC.
Dorchester Heights National Historic Site, Boston, Mass.; designation 3410
Gifford Pinchot National Forest; proposed hydroelectric development, Packwood Project, Lewis County, Wash., application for permit 6763
Grand Portage National Historic Site, Minnesota; designation 9666
Grand Teton National Monument, boundaries. *See* Interior Department.
Hovenweep National Monument, enlargement to include certain ruins; proclamation respecting. *See* Presidential documents.
Lava Beds National Monument, California, enlargement; proclamation respecting. *See* Presidential documents.
Muir Woods National Monument, California; enlargement and administration, proclamation respecting. *See* Presidential documents.
Nantahala National Forest, enlargement; Executive order respecting. *See* Presidential documents.
National Capital Parks; duties of police. *See* National Park Service.
Public lands in. *See* Land Management Bureau.
Regulations. *See* National Park Service.
Shasta National Forest; certain lands added to Lava Beds National Monument, Executive order respecting. *See* Presidential documents.
Sierra National Forest (Fresno and Madera Counties, California), notice respecting Federal Power Commission hearing on Mammoth Pool Project 7335

NATIONAL PRODUCTION AUTHORITY:
Actions, official; methods of signature to be used (Notice 2) 8802
Adversary proceedings. *See* Hearings.
Appeals; procedure respecting, and operations of NPA Appeals Board 3617, 8831, 10386
Business transfer, rules governing; transfer of quotas, ratings and other privileges granted (Regulation 6) 11683
Canada:
Operation of priorities system to support defense programs of 3340, 5839, 6441
Petroleum and gas industries in. *See under* Priority orders.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Chief Hearing Commissioner. *See* Hearings.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 420
Coal chemicals produced as by-products of coke made from coal, distribution of; delegation of authority from Secretary of Commerce respecting 6585
Compliance; hearing procedures. *See* Hearings.
Controlled Materials Plan. *See* Priorities system operation.
Defense Production Act, designation as claimant agency for programs under 4914
Delegations of authority:
From Petroleum Administrator for Defense; authority respecting certain products of petroleum and gas origin 3389
From Production and Marketing Administrator, with respect to food having industrial uses 3624
From Secretary of Commerce respecting distribution of coal chemicals produced as by-products of coke made from coal 6585
To various agencies or officials:
Agriculture, Secretary of; authority to process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
Army, Secretary of; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 9784
Atomic Energy Commission; construction:
To make allotments of controlled materials and to apply priority (DO) ratings and allotment numbers on direct contracts and purchase orders to meet authorized operation and construction programs as claimant under Defense Production Administration Order No. 1 (Delegation 2) 1508, 7368
Confirmation of prior issuance 738
Director, Division of Construction and Supply; authority to assign or apply DX ratings (Supp. 1) 10136
To process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 (Delegation 14) 7628
Chief Hearing Commissioner. *See* Hearings.
Civil Aeronautics Administration; authority to make allotments of controlled materials and to apply DO ratings and allotment numbers and symbols with respect to contracts and purchase orders to meet authorized programs of CAA (Delegation 6) 260, 8296
Confirmation of prior issuance 738
Coast Guard, U. S.; authority to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs (Delegation 4) 1509
Confirmation of prior issuance 738
Revocation 8096
Commerce Department:
Directors of Regional Offices and Managers of District Offices; authority to administer NPA Order M–4 with respect to construction (Delegation 7) 1071, 1277, 2446, 2941, 3412, 5401, 6469
Revocation 7628
Secretary of Commerce; to process applications under NPA Orders M–4 and M–4A and make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
Defense, Department of; construction:
Authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 (Delegation 14) 7628

NATIONAL PRODUCTION AUTHORITY—Continued Page

Delegations of authority—Continued
To various agencies or officials—Continued
Defense, Department of; construction—Continued
Secretary of Defense; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs (Delegation 1) 128, 1508, 6405
Assigning or applying DX ratings (Supp. 2) 10136
Confirmation of prior issuance 738
Rescheduling deliveries of certain materials required for aircraft, ships and tank-automotive programs (Supp. 1) 867, 2941, 4907, 5719, 9270
Defense Electric Power Administrator; authorization to redelegate functions vested in him by NPA Order M–50 (priorities assistance for electric utility borrowers), to Administrator of Rural Electrification Administration (Delegation 11) 3950
Defense Transport Administrator; authority to process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
Federal Security Administrator; authority to process applications under NPA Orders M–4 and M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
General Services Administration; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 7628
Housing and Home Finance Administrator; authority to process applications under NPA Orders M–4 and M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
Interior, Secretary of:
Allocation responsibilities for listed metals and minerals, claimant responsibility for various listed facilities, and manufacture and distribution of mining machinery and equipment (Delegation 5) 4907
Redelegation of authority by Defense Production Administrator 738
Chemicals; authority respecting certain industrial chemicals used principally in petroleum industry (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) (Delegation 9) 1908
Construction; authority to process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 (Delegation 14) 5401, 6735, 7628
Electric power facilities; deleted 9784
Solid fuels industry, priorities assistance for MRO supplies and major capital additions for; under NPA Order M–87 (Delegation 15) 11788
International Trade, Office of, Director of; authority to make allotments of controlled materials, and to assign to exporters right to apply ratings and allotment numbers and symbols for procurements of materials which they are licensed to export (Delegation 12) 4909, 6152
National Advisory Committee for Aeronautics:
Construction; authority to process applications under NPA Order M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 (Delegation 14) 7628
Procurement and construction programs; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized programs (Delegation 3) 1509
Confirmation of prior issuance 738
Revocation 8096

NATIONAL PRODUCTION AUTHORITY—Continued Page

Delegations of authority—Continued
To various agencies or officials—Continued
Petroleum Administrator for Defense; construction:
Storage facilities construction incident to petroleum and gas industries, authority with respect to use of DO–48 rating for procurement of materials for (Delegation 13) 5024, 5295
Further authority as to certain materials (Supp. 1) 6406
To process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 (Delegation 14) 5401, 6735, 7628
Production and Marketing Administrator; authority with respect to food having industrial uses (Delegation 10) 3669
State, Secretary of; authority to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs (Delegation 8) 1509
Veterans Affairs Administrator; authority to process applications under NPA Orders M–4 and M–4A, and to make allotments and assign ratings under CMP Regulation No. 6 with respect to certain construction (Delegation 14) 5401, 6735, 7628
Disaster areas; rules to assist in obtaining construction, maintenance and repair, and steel supplies for repair of disaster damage 7988, 7989, 7990, 8602, 10263, 10264
Establishment and functions 1129
Advisory Committee on Priorities Administration:
Discontinuance 12592
Membership; Economic Stabilization Agency, added 1129
Prior actions, confirmed 1130
Redelegations of authority by Administrator to any officer or agency of Government 1129
Foods having industrial uses; allocation and priority functions respecting:
Delegation of authority to NPA Administrator from Production and Marketing Administrator 3624
Delegation of authority to Production and Marketing Administrator from NPA Administrator 3669
Determination relating to imports under Defense Production Act 7937
Memorandum of agreement between Production and Marketing Administrator and NPA Administrator 3410
Imports of commodities or products, authority of Agriculture respecting 7949
Hearings, of cases involving non-compliance with orders and regulations:
Chief Hearing Commissioner, establishment of and delegation of authority to, in order to effect procedure for hearing of cases which involve non-compliance with orders and regulations issued (Gen. Admin. Order 16–06) 8628
Rules of practice before hearing commissioners (Implementation 1) 8799
Designated as RP 1 8894
Suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
Armstrong-Norwalk Rubber Corp 12793
Armstrong Rubber Co 12793
Armstrong Rubber Mfg. Co., Inc 12793
Armstrong Tire and Rubber Co., Inc 12793
Breyfogle, James C 12278
Delaware Avenue Holding Corp 12278
Hoffberger, Jerold Co 12279
National Brewing Co 12279
Inventory control of certain listed materials, such as building materials, chemicals, forest products, leather products, iron and steel, metals and minerals, rubber materials, textile materials, etc. (Regulation 1) 10784, 12666
Controlled Materials Plan. *See* Priorities system operation.
Interpretations:
Action required to adjust orders (Int. 1) 10787
Deliveries through intervening dealers after adjustment of orders (Int. 3) 10787

NATIONAL PRODUCTION AUTHORITY—Continued Page

Inventory control of certain listed materials, such as building materials, chemicals, forest products, leather products, iron and steel, metals and minerals, rubber materials, textile materials, etc. (Regulation 1)—Continued
Interpretations—Continued
Imported materials, persons subject to exemption of (Int. 2) 10787
Iron and steel scrap; note 257
Priority orders respecting inventory limitations for specific materials. *See* Priority orders.
Loan Guarantee Advisory Board, representation on 6968
Petroleum and gas products; delegation of authority from Petroleum Administrator for Defense respecting 3389
Priorities Administration, Advisory Committee on:
Discontinuance 12592
Membership; Economic Stabilization Agency, added 1129
Priorities system operation; regulations:
See also Priority orders.
Appeals; procedure respecting, and operations of NPA Appeals Board (Regulation 5) 3617, 8831, 10386
Basic rules respecting DO ratings (Regulation 2) 352, 1953, 6944, 9413
Automatic conversion of certain delivery orders bearing certain ratings (Direction 1) 6033
Delivery orders during third quarter, 1951; status of certain orders (Direction 2) 9417, 12513
Electron tubes and resistors sequence of deliveries for small orders (Direction 4) 12788
List of items not subject to DO ratings, or subject to regulation by other Government agencies (List A) 355, 1956, 6948, 9417
Ratings for chemicals, restrictions upon use of (Direction 3) 9725, 12225
Signature for certification on purchase or delivery orders (Int. 2) 12789
Canada; extent to which contracts and orders required to support defense programs of United States and Canada may have benefit of priorities system (Regulation 3) 3340, 5839, 6441
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1) 4127, 6800, 7610, 8548, 10082, 11860
Aluminum, copper, and steel, various forms and shapes (Schedule I) 4133
Minimum mill quantities (Schedule IV) 4135
Producers of class B products; procedure for obtaining minimum quantities of materials (Direction 1) 5534, 6801, 11869
Producers of controlled materials, assignment of rating authority to obtain production materials, other than controlled materials (Direction 2) 5534
Receipt of authorized controlled materials ordered for delivery prior to July 1, 1951 (Direction 5) 7510
Revocation 11870
Restrictions on placing authorized controlled material orders (Direction 3) 6032, 8109, 9518
Right to specify allotment quarter (Direction 6) 8548
Shipments of controlled materials in fourth quarter, 1951, which were scheduled for shipment in third quarter, 1951 (Direction 7) 10082, 10788
Short form of allotment (Schedule II) 4133
Steel:
Conversion steel (Direction 8) 10605
Imported, use of (Direction 4) 6921, 10022, 11870
Time for placing authorized orders (Schedule III) 4134
Construction materials, method for manufacturers of class A products to obtain (CMP Regulation 6) 5945, 7709
Materials for reconstruction or repair of disaster damage (Direction 2) 7989, 10264
Shipments of controlled materials in fourth quarter, 1951, which were scheduled for shipment in third quarter, 1951 (Direction 3) 10082, 10788

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priorities system operation; regulations—Continued
Controlled Materials Plan—Continued
Construction materials, method for manufacturers of class A products to obtain (CMP Regulation 6)—Continued
Small quantities of materials for use in construction projects, procedure for obtaining (Direction 1) 7714, 8549
Delivery orders, preference status of (CMP Regulation 3) 4135, 6564, 9417
Automatic conversion of delivery orders bearing certain ratings (Direction 2) 6564, 7765
Orders for controlled materials during fourth quarter, 1951, certain; status of (Direction 3) 8458, 9725
Orders for delivery during September 1951, status of (Direction 1) 6033
Distributors' deliveries of controlled materials (CMP Regulation 4) 4372
Effect on producers of farm equipment, machine tools, components and related products, *see specific item under* Priority orders, *below.*
Inventories of controlled materials (CMP Regulation 2) 4370, 10489
Maintenance, repair and operating supplies and minor capital additions under Controlled Materials Plan (CMP Regulation 5) 6666, 6936, 7989, 12823
List of materials to which allotment symbol MRO or rating DO-MRO may not be applied or extended (Schedule I) 6669, 6940, 7989, 12827
Materials for repair of disaster damage (Direction 2) 7988, 10263
Materials subject to regulation by other Government agencies not subject to DO rating (Schedule II) 6669, 6940
Printing plates and anodes as operating supply (Direction 1) 7709
Repair parts and materials for repairmen (CMP Regulation 7) 6669, 12827
Maintenance, repair and operating (MRO) supplies, and minor capital additions, use of DO–97 rating to obtain materials for (Regulation 4) 1956, 3342, 4799
See also Controlled Materials Plan.
Materials subject to regulation by other Government agencies and therefore not subject to DO rating (Table II) 4802
Materials to which DO–97 rating may not be applied or extended (Table I) 3344, 4802
Replacement parts and accessories for export (Direction 2) 3925, 6034
Revocation of regulation 6666, 6673
Transitional provisions (Direction 1) 1959
Priority orders:
Aluminum:
Aluminum foil, restrictions for use of, in containers or packaging material (M–67) 5274, 7457
List of products with limitations as to use of aluminum foil for packaging (Schedule I) 5275, 7458
Closures made of. *See* Containers and closures.
Consumer goods, certain, and related products, use of aluminum in. *See* Metals.
Controlled Materials Plan for. *See under* Priorities system operation, *above.*
Destructive uses of; limitations and restrictions on use of aluminum (M–84) 9197
Distribution to retailers. *See* Controlled materials, *below.*
Distributors; rules for accepting, filling and placing orders, and obtaining replacement of stock (M–88) 11181
Manufacture of certain components and related products using. *See* Components and related products.
Printing plates, use of aluminum in. *See* Printing plates.
Rules for placing, accepting and scheduling rated orders (M–5) 1182, 2228, 2764, 6677
Order acceptance (Direction 1) 8459, 9087, 12511
Reservation of fourth quarter, 1951, production (Direction 2) 8459, 9723

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders—Continued
Aluminum—Continued
Rules for placing, accepting and scheduling rated orders (M–5)—Continued
Shipments on and after October 1, 1951 (Direction 3) 10083
Scrap, distribution of (M–22) 391, 719, 9282, 12722
Smelters and fabricators (Lists A and B) 391, 686, 721, 2033
Deleted 9282
Tubes, collapsible; use of aluminum in. *See* Tubes.
Use by electric utilities. *See* Electric utilities.
Use in civilian economy (M–7) 1122, 2337, 2922, 3118, 3510, 3916, 5259
Base periods; applications for adjustment for use during certain months:
December 1950 (Direction 1) 2340
First calendar quarter, 1951 (Direction 2) 2341
Redesignation 1122, 1124
March, 1951 (Direction 3) 2341
Redesignation 1122, 1125
List of products in which use of aluminum is prohibited (Lists A and B) 1126, 1792, 2339, 2923, 3120, 3512, 2918, 5261
Revocation 6443
Aniline. *See* Chemicals.
Anthraquinone vat dyes, types of. *See* Chemicals.
Antimony; limitations on inventories of antimony and materials (other than ores and concentrates) containing antimony (M–39) 1709
Artificial graphite. *See* Graphite.
Automobiles and automobile wreckers. *See* Motor vehicles.
Axles and rails, used. *See* Iron and steel.
Babbitt. *See* Tin.
Barium carbonate. *See* Chemicals.
Batteries, starting, lighting, and ignition electric storage; prohibition of manufacture or rebuilding certain batteries, and requirements for distribution (M–93) 12790
Binder and baler twine. *See* Twine.
Bismuth; deliveries, uses, inventories and limitations on acceptance of rated orders (M–48) 2347, 7991
Schedule of permitted uses 2349, 7993
Brass and bronze:
Brass mill products. *See* Copper and copper-base alloys.
Tin content. *See* Tin.
Brass mill products. *See* Copper and copper-base alloys.
Bristles, pigs' and hogs', and bristle products; limitations on inventories and processing of bristles, and on manufacture, distribution and export of brushes (M–18) 230, 392, 2835, 6561, 10261
Brush schedule 6563, 10262
Painters' brushes 2836, 2837
Brushes. *See* Bristles.
Butyl. *See* Rubber.
Cabrettas. *See* Hides and skins.
Cadmium; deliveries from producer or distributor, inventory controls, and purposes for which listed products containing cadmium may be produced (M–19) 2549, 3651, 7510
Calfskins and kips. *See* Hides and skins.
Camelback. *See* Rubber.
Canada:
Benefit of priorities system. *See* Priorities system operation, *above.*
Petroleum and gas industries in. *See* Petroleum and gas industries.
Cans, tin-plate and terneplate; specifications and use, and list of products packed in cans (M–25) 897, 1824, 2571, 3121, 3582, 5172, 6455, 7826, 8592, 10264.
Determination of adjustment (Direction 1) 2437, 3919, 4276
Distribution by can manufacturers (Direction 2) 12556
Carbon electrodes. *See* Graphite, artificial, and carbon electrodes.
Carbon tetrachloride. *See* Chemicals.
Cars, passenger. *See* Motor vehicles.
Cattlehides. *See* Hides and skins.

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders—Continued
Chemicals:
Allocation of chemicals and allied products (M–45) 2565
Appendix A materials:
Methylene chloride (Schedule 9) 8831
Plastic type nylon (Schedule 4) 3514, 9248
Poly tetrafluor ethylene (Schedule 2) 3129
Resorcinol (Schedule 6) 4466
Thiokol (Schedule 10) 10744
Appendix B materials:
Methyl chloride (Schedule 8) 6250
Naphthenic acid (Schedule 1) 2880
Polyethylene (Schedule 5) 4465
Sebacic acid (Schedule 7) 6249
Sulfuric acid (Schedule 3) 3437
General instructions for preparation of certified statements and forms (Appendix D) 2568
Chlorine; rules for placing, accepting and scheduling rated orders (M–31) 726
Methylene chloride, limitations on use (M–21) 355
Revocation 8831
Ratings for chemicals; restrictions on use (Regulation 2, Direction 3) 9725, 12225
Rules for placing, accepting and scheduling rated orders (M–32) 725, 1127, 1999, 3920, 6940, 8359
List of chemicals (Schedule A):
Aniline 8360
Anthraquinone vat dyes, types of 3921
Barium carbonate 2000
Carbon tetrachloride 3921
Chlorobenzene 8360
Chrome orange 6941
Chrome yellow 6941
Dichloro-difluoromethane (Freon–12) 3921
DDT 1127
Ethyl ether of cellulose 725
Melamine and melamine-containing compounds 2000
Methylene chloride 3921
Monochloro-difluoromethane (Freon–22) 3921
Paratertiary butyl phenol 8360
Perchlor-ethylene 3921
Phenol 8360
Phenol formaldehyde resin 6941
Phthalic anhydride 8360
Styrene 8360
Trichloro-monofluoromethane (Freon–11) 3921
Use of vegetable tanning materials in manufacture of tannic acid, gallic acid, pyrogallic acid, etc. *See* Tanning material.
Chlorobenzene. *See* Chemicals.
Chrome orange and chrome yellow. *See* Chemicals.
Chromium and chromium nickel. *See* Iron and steel; *and* Nickel.
Coal and coke industries. *See* Solid fuels industries.
Cobalt:
Alloying materials. *See* Iron and steel.
Distribution for national defense and civilian production, and limitation on inventories (M–10) 11
Revocation 10083
Columbium and tantalum:
Alloying materials. *See* Iron and steel.
Distribution and use (M–49) 2497, 3653
Revocation 10084
Steels bearing. *See* Iron and steel.
Communications:
Radio. *See* Radio stations.
Rules for procurement and use of materials for MRO and operating construction by operators of systems (M–77) 7458
Applications for allotments 12090
Components and related products (abrasive products, files, saws, bolts, gas welding rods, cutting tools, gears, power-transmission equipment, valves and fittings, fractional horsepower motors, arc welding electrodes), using aluminum, copper, iron and steel, manufacture of; use of DO–70 rating, etc. (M–60) 4540, 6387
Effect of CMP regulations (Direction 1) 6387
Revocation of Order and Direction 1 10084

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders—Continued
Components or parts (electrical ceramic products, electron tubes, fixed composition resistors, rigid electrical conduit); required acceptance and equitable distribution of rated orders (M–17) 2655
Construction:
Controlled Materials Plan for. *See* Priorities system operations, *above.*
Limitation on construction and on use of certain critical materials in (M–4A) 7703, 8361
Agencies to which communications should be directed (Table II) 7705, 8363
Delegation of authority to various agencies to process applications under M–4 and M–4A, and to make allotments and assign ratings under CMP 6 (Delegation 14) 5401, 6735, 7628, 9784
Recreational, entertainment, and amusement construction (Table I) 7705, 8363
Machinery. *See* Machines and machinery.
Materials; copper and copper-base alloys, conservation of, and list of items in which use of is prohibited (M–74) 6517, 7708
Prohibition of or limitation on construction which does not further defense effort (M–4) 459, 1583, 1728, 2568, 3336, 4196, 4653, 6513
Exemptions 460, 4654
Construction for Government agencies:
Atomic Energy Commission 460
Defense Department 460
National Advisory Committee for Aeronautics 2569
Construction of industrial plant, facility or factory for which certificate of necessity has been issued 4464
Maintenance and repair 460
Printing establishments for newspapers, books, periodicals 1584
Radio and television broadcasting purposes 1584
Reconstruction following fire, etc 460
Small jobs of new construction 460, 729, 4463
Terminal warehouses for common carrier systems 2570
List A; prohibited construction 460, 461, 1585, 1730, 2570, 3338, 4198, 4464, 4655, 6516
List B; construction where authorization is required 460, 461, 1585, 1730, 2570, 3339, 4198, 4464, 4655, 6516
List C; additional construction where authorization is required 4198, 4656, 6516
Revocation 7701
Consumer durable goods, use of controlled materials in. *See* Metals.
Containers and closures:
Aluminum foil, in containers and packaging material. *See* Aluminum.
Closures; packaging closures made of aluminum or tin plate, restrictions on use (M–26) 901, 3127, 5479
Limitation on inventory (Interpretation 1) 4199
List of products in which use of aluminum packaging closures permitted (Schedule II) 3129, 5479
List of products in which use of tin plate packaging closures permitted (Schedule I) 3129, 5479
Glass containers; simplification and use of (M–51) 2882
Simplified designs (Schedule I) 3775
Metal strappings for shipping containers. *See* Strappings.
Controlled materials (aluminum, copper, steel):
Controlled Materials Plan for. *See under* Priorities system operation, *above.*
Distribution to retailers; maintenance of inventories, and limitations on orders and sales (M–89) 11725
List of controlled materials and amounts that may be purchased on orders (Schedule I) 11727
Manufacture of certain components and related products. *See* Components and related products.
Priority orders. *See specific commodities.*
Use of, in certain consumer goods. *See* Metals.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Copper and copper-base alloys:
Anodes, used in printing process; operating supply. *See* Printing plates.
Brass mill products; distribution to distributors (M–82) 8984
Consumer goods, certain, and related products, use of copper in. *See* Metals.
Controlled Materials Plan for. *See under* Priorities system operation, *above*.
Distribution to retailers. *See* Controlled materials.
Manufacture of components and related products. *See* Components and related products.
Printing plates, use of copper in. *See* Printing plates.
Rules for placing, accepting and scheduling rated orders (M–11) 6443
Brass mill products and copper wire products, procedure for distributors to obtain (Direction 1) 7990
Revocation 10387
Order acceptance (Direction 2) 8460, 9087, 11273, 12511
Production and shipment to fill orders calling for delivery after October 1, 1951 (Direction 4) 8984
Reservation of fourth quarter, 1951, production (Direction 3) 8460, 9724
Scrap; acceptance, delivery, distribution (including toll agreements, etc.), and accumulation (M–16) 987, 6837, 12719
Advance authorizations (Direction 1) 11728
Use by electric utilities. *See* Electric utilities.
Use in civilian economy (M–12) 124, 1730, 2342, 2957, 3175, 6516, 6940
Base period, applications for adjustment, and use during first calendar quarter, 1951 (Direction 1) 1016, 2437
Base period, application for adjustment, and use during second calendar quarter, 1951 (Direction 2) 2765
Lists of products in which use of copper is prohibited (building materials, burial equipment, clothing accessories, furniture and fixtures, hardware, electrical appliances, jewelry, gifts, novelties, motor vehicle equipment, street and railroad car equipment, refrigeration and air conditioning machinery and equipment, and miscellaneous items) (Lists A and B) 126, 1733, 2344, 2960, 3178
Building materials (fins for unit heaters, ventilators, etc., added) 1952, 2958
Deleted 6516, 6940
Revocation of Order, and Directions 1 and 2 10083
Use in construction materials. *See* Construction.
Wire mill products, distribution of (M–86) 10215
Cotton duck; rules for placing, accepting, and scheduling rated orders for (M–53) 2884, 9518
Cotton sales yarn, carded; rules for placing, accepting and scheduling rated orders for (M–23) 394, 2879, 11310
DDT. *See* Chemicals.
Deerskins. *See* Hides and skins.
Dichloro-difluoromethane (Freon–12). *See* Chemicals.
Drums, steel. *See* Shipping drums.
Electric equipment. *See* Power equipment, and electric equipment.
Electric utilities; procurement and use of materials by (M–50) 2880, 3180, 3921, 5271, 6941, 8460, 12829
Aluminum (Appendix A) 6944, 8463, 12832
Aluminum conductor (Appendix A) 2882, 3183, 3924, 5273
Aluminum conductor accessories (Appendix B) 2882, 3183, 3924, 5274
Copper (Appendix B) 6944, 8463, 12832
Copper wire mill products, brass mill products, and foundry products (Appendix C) 3183, 3924, 5274
Steel (carbon, alloy, stainless) (Appendix D, E, F) 5274, 6944, 8463, 12833

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Electrical ceramic products, electron tubes, electrical conduit, etc. *See* Components or parts.
Electron tubes and resistors, sequence of deliveries for small orders (Regulation 2, Direction 4) 12788
Engines. *See* Power equipment.
Ethyl ether of cellulose. *See* Chemicals.
Export licensing policy for materials covered by M (Materials) orders. *See main heading* International Trade, Office of.
Export, procedure to meet requirements for MRO supplies for; exporters' quotas (M–79) 7931, 11723
Farm machinery and equipment:
Use by electric utilities. *See* Electric utilities.
Use by producers of DO–87 ratings for delivery of materials and component parts, and limitation on production of farm machinery and equipment:
Farm machinery, equipment, or repair parts (Schedule 1) 2931, 4495
June 1951 use (M–55) 2930
Revocation 8271
July, August and September 1951 use (M–55A) 4494
Effect of CMP regulations (Direction 1) 6387
Revocation of Order and Direction 1 10084
Feathers, waterfowl; restrictions on sale, use and processing (M–56) 3339, 8271
Foil, aluminum and tin content of. *See* Aluminum; *and* Tin.
Freight car programs. *See* Iron and steel.
Fuels, solid. *See* Solid fuels industries.
Gas industries. *See* Petroleum and gas industries.
Generators. *See* Power equipment.
Glass containers. *See* Containers and closures.
Goatskins. *See* Hides and skins.
Graphite, artificial, and carbon electrodes; conservation and distribution (M–66) 5173, 6464, 9285
Hides and skins:
See also Leather.
Cattlehides, calfskins and kips, allocation of; prohibition of sales or deliveries prior to March 15, 1951, and required reports on hides tanned during calendar 1950 (M–35) 1071, 2000, 4464
Deerskins:
See also under Horsehides.
Restrictions on tanning, sale and use (M–29) 550, 1727, 4537
Horsehide fronts; deleted 4537
Revocation 10084
Horsehides, horsehide parts, goatskins, cabrettas, sheepskins, shearlings, and kangaroo skins; restrictions on tanning, sale and use (M–62) 4541, 6452, 7610, 8109, 8272, 10084
Deerskins and sheepskin parts included 10084
Horsehides. *See* Hides and skins.
Insect wire screening, rules for placing and accepting rated orders (M–42) 2033
Iron and steel:
Alloying materials and alloy products, requirements for melters and processors of, and authorization of melting or processing schedules (M–80) 8171
Chrome and chromium nickel (Schedule C) 12724
Cobalt (Schedule 2) 8180
Columbium and tantalum (Schedule 5) 8181, 11451
Molybdenum (Schedule 4) 8181
Nickel; list of prohibited products (Schedule 1) 8178
Nickel-bearing stainless steel, high nickel alloy, and nickel silver; list of prohibited products (Schedule A) 8174, 8550, 9521
Tool steel and high speed steels (Schedule B) 8177, 12789
Tungsten (Schedule 3) 8180
Columbium- and tantalum-bearing steels; production, distribution, and use (M–3) 2497, 3118, 3174, 4462
Revocation 10083
Scrap, conservation of 3118, 4462
Controlled Materials Plan for. *See under* Priorities system operation, *above*.
Distribution to retailers. *See* Controlled materials.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Iron and steel—Continued
Distributors:
Requirements regarding shipments, and identification and acceptance of purchase orders (M–6A) 10210
Earmarked stocks—aircraft quality alloy steel products (Schedule 1) 10947
Industrial steel and merchant trade steel products (List A) 10212
Rules to assist in obtaining supplies of steel or carrying out normal functions (M–6) 2502
Authorized controlled materials orders during third quarter, 1951; allotments, and tonnage and item limitations (Direction 1) 5841
Flood damaged area relief (Direction 3) 7990, 8602
Industrial steel products (List A) 2504
Merchant trade steel products (List B) 2504
Required shipments of alloy or stainless steel (Direction 2) 7677
Manufacture of certain components and related products. *See* Components and related products.
Molybdenum-bearing steels; production and use of (M–52) 2884
Revocation 10084
Rails and axles, used; distribution and use (M–64) 5021, 8364
Cast-iron car wheels, used 8364
Rules for placing, accepting and scheduling rated orders (M–1) 716, 1821, 2499, 3114, 4754, 4785, 5535, 6674
Authorized controlled materials orders during third quarter, 1951; allotments for conversion, production limitations, and precedence of DO and ACM orders for September 1951 tonnage (Direction 1) 5841
Canadian freight car program (Supplement 3) 229
Revocation 10783
Directives and certificates (Supplement 2); revocation 10783
Freight car program (Supplement 1) 549
Revocation 10783
Lead time, required filling of orders, required converter and distribution allotments of stainless and alloy, carryover (Direction 2) 7676
List of products to which regulation applies (Tables I and II) 718, 1823, 2501, 2502, 3116, 4756, 4757, 5537, 5538, 6676, 7676
Order acceptance; set-aside cancellation (Direction 3) 8458, 9086, 11180, 11341, 12511
Repair and conversion of seagoing vessels (Supplement 4) 1717
Revocation 10783
Tonnage reservation (Direction 4) 8458, 9723
Scrap:
Allocation and inventory limitation (M–20) 257, 903, 5018
Inventory control (Regulation 1) 257
Steel shipping drums. *See* Shipping drums.
Use by electric utilities. *See* Electric utilities.
Use in manufacture and assembly of consumer durable goods (M–47) 2186, 2968, 3130, 3582, 5267, 5269
See also Metals.
List of items subject to provisions of order (furniture, fixtures, household appliances and equipment, utensils and cutlery, jewelry, games, musical instruments, radios and television sets, sporting goods, toys, aircraft, motor vehicles, bicycles, boats, cameras, coin-operated amusement machines, mortician's goods, wire hangers, etc.) (List A) 2187, 2969, 3131, 3583, 5119, 5269, 5270
25% of average quarterly use for manufacture of passenger automobiles, during June 1951 4199
Jacks, mechanical, hydraulic, air, and electrically-operated; limitation on manufacture and assembly (M–83) 8986
Schedule A; list of devices commonly known as jacks 8987

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Jacks, mechanical, hydraulic, air, and electrically-operated; limitation on manufacture and assembly (M–83)—Continued
Schedule B; jacks not subject to standardization and simplification 8987
Kangaroo skins. *See* Hides and skins.
Laboratories, technical and scientific; priorities assistance in procurement of supplies and materials (M–71) 6250, 7706, 8590
Lead:
Allocation of supply and limitations on required acceptance of rated orders (M–76) 7517, 10990
Limitations on distribution and use, toll agreements, and inventories (M–38) 1708, 2927, 5019, 7410
Leather:
Rules for placing, accepting and scheduling rated orders (M–28) 549
Sole leather, of military weight and quality, production and distribution (M–34) 1128, 2229, 6385
Revocation 7568
Lumber and wood products.
Plywood. *See* Plywood.
Wood pulp. *See* Wood pulp.
Machines and machinery:
Components and related products using aluminum, copper, iron and steel; use of DO–70 rating, etc. (M–60) 4540
Effect of CMP regulations (Direction 1) 6387
Revocation of Order and Direction 1 10084
Construction machinery, rules for placing, accepting and scheduling rated orders (M–43) 2034
Farm machinery. *See* Farm machinery and equipment.
Machine tools and certain related equipment, manufacture of; use of DO–75 rating, etc. (M–61) 4540
Effect of CMP regulations (Direction 1) 6387
List of products (List A) 4541
Revocation of Order and Direction 1 10084
Metalworking machines:
Delivery of (M–41) 2002, 11447, 12225
Limitation of applications for ratings (M–41A) 11450
Pool orders, authorization of (M–40) 2001
Revocation 11451
Power equipment (turbines, engines, generators, transformers, etc.). *See* Power equipment.
Maintenance, repair, and operating supplies:
Priority orders for specific industries (solid fuels, marine maintenance, petroleum and gas, etc.), *see specific industries*.
Regulations respecting. *See under* Priorities system operation, *above*.
Marine maintenance, repair, operating supplies, and minor capital additions (M–70):
Application of DO–91P rating during third quarter, 1951 5899, 6671
Application of DO–R–9 rating during fourth quarter, 1951 10127
Melamine. *See* Chemicals.
Metal strappings. *See* Strappings.
Metals (aluminum, copper, iron and steel), use of, in certain consumer durable goods:
See also Iron and steel.
To prohibit use of copper and aluminum for certain ornamental, decorative, nonfunctional and nonoperational purposes (M–47A) 6029, 7679, 10461
Filing of CMP–4B application forms covering manufacture during fourth quarter of products subject to NPA Order M–47A (Direction 1) 7209
Iron and steel; deleted 10461
List of items subject to provisions of order:
Containers, furniture, fixtures, baby carriages and strollers, sewing machines, lighting equipment, bottling machinery, beauty and barber shop equipment, clocks and watches, electric devices, horse-drawn buggies, sleighs, accessories, etc. (List B) 6032, 7622, 10463

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Metals (aluminum, copper, iron and steel), use of, in certain consumer durable goods—Continued
  - To prohibit use of copper and aluminum for certain ornamental, decorative, nonfunctional and nonoperational purposes (M–47A)—Con.
    - List of items subject to provisions of order—Continued
      - Furniture, fixtures, household appliances and equipment, utensils and cutlery, radio and television receivers and phonographs, motor vehicles, bicycles, boats, aircraft, games and toys, jewelry, garden tools, musical instruments, desk equipment, smokers' articles, morticians' goods, advertising displays, gambling and amusement devices, luggage, binoculars, accessories, etc. (List A) ---- 6031, 7681, 10462
    - Status of adjustments granted under NPA Orders M–47, M–7 and M–12 (Direction 2) - 7456
  - To provide for flexibility in production and to prohibit use of copper and aluminum for certain ornamental and decorative purposes (M–47B) ---- 10023
    - Furniture, fixtures, morticians' goods, domestic appliances, lamps, fans, corsets and allied garments, tinware, cutlery, silverware, brooms, brushes, fabricated products, musical instruments, jewelry, smokers' articles, etc. (Schedule I) ---- 10024
- Metalworking machines. *See* Machines and machinery.
- Methylene chloride. *See* Chemicals.
- Mining industries; priorities for obtaining MRO material for maintenance, repair and operating supplies and capital additions (M–78) ---- 7765, 9724
- Molybdenum:
  - *See also* Tungsten and molybdenum.
  - Distribution, use and allocation of (M–33) ---- 904, 2766, 3902
  - Revocation ---- 10084
- Steels bearing. *See* Iron and steel.
- Monochloro-difluoromethane (Freon–22). *See* Chemicals.
- Motor vehicles:
  - Automobile wreckers; required inventory report, limitations on acceptance of deliveries of motor vehicles or car-units, and certain other requirements (M–92) ---- 12512
  - Passenger cars, limitation on use of controlled materials in manufacture of (M–68) ---- 5275, 6387, 9286
    - Percentage of industry for each person engaged in manufacture of passenger cars (Schedule A) ---- 5276, 6389, 9287
  - Use of controlled materials. *See* Aluminum; Copper; *and* Iron and steel.
- Naphthenic acid. *See* Chemicals.
- Nickel:
  - Alloying materials. *See* Iron and steel.
  - Printing plates, use of nickel in. *See* Printing plates.
  - Use in civilian economy (M–14) --- 721, 1278, 1996, 2963
    - Extension of restriction on consumption to include third quarter, 1951 ---- 6451
    - List of products subject to prohibitions (List A) ---- 723, 1280, 1997, 2965
    - Revocation ---- 10083
- Nylon, plastic type. *See* Chemicals.
- Oil country tubular goods. *See* Petroleum and gas industries.
- Oil industries. *See* Petroleum and gas industries.
- Paper; rules for placing, accepting and scheduling Government orders (M–36) ---- 1281, 2598, 3513, 5897, 10603
- Paratertiary butyl phenol. *See* Chemicals.
- Passenger cars. *See* Motor vehicles.
- Perchlor-ethylene. *See* Chemicals.
- Petroleum and gas industries:
  - *See also* Solid fuels industries.
  - Construction limitations (M–46B) ---- 5266

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Petroleum and gas industries—Continued
  - Delegation of authority from Petroleum Administration for Defense with respect to production and distribution of listed products of petroleum or gas origin ---- 3389
  - Foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A) ---- 8168, 9088
  - Authorizations for oil country tabular goods (Direction 1) ---- 10605
  - Schedule I; ECA countries, list of ---- 8170, 9089
  - Schedule II; controlled material, list of --- 8170, 9090
  - United States and Canada, petroleum operations in; priorities for obtaining MRO material for maintenance and repair purposes, as operating supplies, or laboratory equipment (M–46) ---- 2394, 2551, 5262, 12556
  - Authorization of allotment symbols and rules pertaining to use (Supplement 1) ---- 6451
    - Revocation ---- 12561
  - Authorizations for oil country tabular goods (Direction 1) ---- 10604
  - Schedule A; materials for use in production (casing-tubing-drillpipes) ---- 2397, 5265
  - Schedule B; petroleum administration for defense districts ---- 2397, 5266
  - Schedule C; administrative operational materials, procurement of ---- 2397, 5266
  - Schedule D; materials for which symbols may not be used, list of ---- 5266
- Phenol. *See* Chemicals.
- Phenol formaldehyde resin. *See* Chemicals.
- Phthalic anhydride. *See* Chemicals.
- Plastic type nylon. *See* Chemicals.
- Platinum; limitations on distribution and use of (M–54) ---- 2928
  - Jewelry and miscellaneous items, use in, prohibited (List A) ---- 2930
- Plywood, softwood; conservation and distribution (M–63) ---- 4656, 7701
- Polyethylene. *See* Chemicals.
- Poly tetra-fluor ethylene. *See* Chemicals.
- Power equipment, and electric equipment (turbines, engines, generators, transformers, etc.); production and delivery (M–44) ---- 2077, 10212
- Printing plates:
  - Conservation of metal (aluminum, copper, zinc, etc.) in (M–65) ---- 5172, 9519
  - Operating supply, printing plates and anodes as (CMP Regulation 5, Direction 1) ---- 7709
- Radio stations, amateur and used by Civil Air Patrol for emergency radio communications and associated activities; assistance in obtaining materials for maintenance, repair and capital additions (M–85) ---- 10214
- Rail transportation systems; priorities for obtaining MRO supplies for maintenance and repair purposes, as operating supplies and minor capital additions (M–73) ---- 6452
- Rails and axles, used. *See* Iron and steel.
- Rayon yarn, high tenacity; rules for placing, accepting and scheduling rated orders (M–13) -- 1677, 4714
  - Limitation on acceptance of rated orders; percentage ---- 4656
- Resorcinol. *See* Chemicals.
- Rubber; distribution, use and allocation of natural and synthetic rubber for tires, tubes, camelback, and various household and industrial products and equipment (M–2) ---- 8, 1119, 2065, 2909, 3117, 3161, 3903, 4785, 6249, 6922, 8832, 10699, 12653.
  - Butyl; list of agency programs for which additional quantities of butyl can be made available (Appendix B) ---- 12666
  - Limitations on production of tires and tubes and certain industrial products (belts, hose, wire and cable) (Supplement 1) ---- 1727
  - List of agency programs for which additional quantities of rubber can be made available (Appendix C) ---- 6936, 8846

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Rubber; distribution, use and allocation of natural and synthetic rubber for tires, tubes, camelback, and various household and industrial products and equipment (M–2)—Continued
  - List of products subject to limitation on new rubber consumption (Appendix B) ---- 3916, 4799, 6936, 8846
  - List of products subject to simplification and manufacturing specification (Appendix A) -- 2068, 2913, 3165, 3907, 4789, 6926, 8836
- Scarce materials, certain, designation of (building materials, chemicals, iron and steel, forest products, metals and minerals, hog bristles, certain textile materials (nylon and rayon yarn, burlap, and cotton pulp), rubber, etc.) (Notice 1) ---- 319, 11341, 11452, 13132
- Screening. *See* Insect wire screening.
- Selenium; conservation and distribution, and prohibitions for delivery and use (M–91) ---- 12433
- Shearlings. *See* Hides and skins.
- Sheepskins. *See* Hides and skins.
- Shipping drums, steel; restrictions on sale or delivery and on uses to which containers may be put (M–75) ---- 6679, 12833
  - List of commodities which may not be packed in steel drums (Schedule 1) ---- 6680, 12835
- Skins. *See* Hides and skins.
- Softwood plywood. *See* Plywood.
- Solder, tin. *See* Tin.
- Solid fuels industries; priorities assistance for obtaining material for maintenance, repair, operating supplies and capital additions (M–87) --- 10853
  - Delegation of authority to Secretary of the Interior respecting ---- 11788
- Steel. *See* Iron and steel.
- Strappings, metal, for use on shipping containers; limitations on inventories and restrictions on use (M–59) ---- 3924
- Styrene. *See* Chemicals.
- Sulfur, conservation of (M–69) ---- 5277
  - Forms NPAF–98 and NPAF–99, general instructions for preparation of (Appendix A) ---- 5278
  - Limitations on inventory ---- 11504
- Sulfuric acid. *See* Chemicals.
- Tanning materials, vegetable; restrictions on use (M–57) ---- 3340 9283
- Tantalum. *See* Columbium and tantalum; *and* Iron and steel.
- Television, color; prohibition of manufacture of sets except for certain uses (M–90) ---- 11773
- Textiles; cotton duck. *See* Cotton duck.
- Thiokol. *See* Chemicals.
- Tin:
  - *See also* Tin plate and terne plate.
  - Tubes, collapsible; use of tin in. *See* Tubes.
  - Use in civilian economy (M–8) ---- 283, 891, 2431, 2872, 6445, 7411, 9724
    - List of items or processes in which use of pig tin is restricted (List A) --896, 2436, 2876, 6448, 7414
    - Schedules of permitted uses of pig tin or permissible tin content in various items or processes:
      - Babbitt (Schedule III) ---894, 2434, 2877, 6449, 7415
      - Brass and bronze (Schedule I) ---- 894, 2434, 2876, 6448, 7414
      - Foil (Schedule V) ----895, 2434, 2878, 6450, 7416
      - Miscellaneous items; tin pipe, tubes, dental alloys, pipe organs, printing plates, bismuth alloys, etc. (Schedule VII) ---- 896, 2436, 2878, 6450, 7416
      - Plating and coating (Schedule IV) ---- 894 2434, 2877, 6449, 7415
      - Solders (Schedule II) ---- 894, 2434, 2876, 6448, 7414
      - Tin chemicals and tin oxide (Schedule VI) -- 896, 2436, 2878, 6450, 7416
- Tin chemicals and tin oxide. *See* Tin.
- Tin plate and terne plate:
  - *See also* Cans; *and* Containers and closures.
  - Permitted uses (M–24) ---- 889, 2924
    - List of products in which use of tin materials permitted (Schedule A) ---- 2926
- Tires and tubes. *See* Rubber.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Tool steel. *See* Iron and steel.
- Tools:
  - Components (aluminum, copper, iron and steel) and related products, manufacture of. *See* Components and rejated products.
  - Machine tools. *See* Machines and machinery.
- Transformers. *See* Power equipment.
- Transit systems (rail). *See* Rail transportation systems.
- Transportation carriers (rail). *See* Rail transportation systems.
- Trichloro-monofluoromethane (Freon–11). *See* Chemicals.
- Tubes, collapsible; restrictions on use of aluminum and tin (M–27) ---- 896
- Tungsten and molybdenum:
  - Alloying materials. *See under* Iron and steel.
  - Pure tungsten and molybdenum; conservation, distribution and use (M–81) ---- 8182
  - Tungsten; conservation and distribution (M–30) - 686
    - Revocation ---- 10084
- Turbines. *See* Power equipment.
- Twine, binder and baler; limitations on inventories (M–58) ---- 3439
- Utilities, electric. *See* Electric utilities.
- Water transportation systems. *See* Marine maintenance.
- Waterfowl feathers. *See* Feathers.
- Wheels, car; cast-iron. *See* Iron and steel.
- Wire mill products, copper. *See* Copper and copper-base alloys.
- Wire screening. *See* Insect wire screening.
- Wood pulp, chemical; limitations on inventories and consumption (M–72) ---- 6252
  - Northern European pulp, seasonal inventory exeeption for (Direction 1) ---- 7993
- Wreckers, automobile. *See* Motor vehicles.
- Yarn, cotton. *See* Cotton sales yarn.
- Zinc:
  - Distribution of; use in civilian economy (M–9) -- 6560, 11871
  - Printing plates, use of zinc in. *See* Printing plates.
  - Rules for placing, accepting and scheduling rated orders (M–9) ---- 5015
  - *See also* Distribution of.
  - Revoked ---- 6560
  - Scrap; acceptance, delivery and distribution (including toll agreements, etc.), and accumulation (M–37) ---- 1636
  - Use in civilian economy (M–15) ---- 458, 5017, 5840
- Quotas, ratings and other privileges granted, transfer of; rules governing transfer of business as a going concern (Regulation 6) ---- 11688
- Reassignment of chapter ---- 808
- Rules of practice before hearing commissioners. *See* Hearings.
- Scarce materials, designation of building materials, chemicals, iron and steel, forest products, metals and minerals, hog bristles, certain textile materials (nylon and rayon yarn, burlap, and cotton pulp), rubber, etc. (Notice 1) -- 319, 11341, 11452, 13132
- Signature of official actions; methods to be used (Notice 2) ---- 8802
- Suspension orders, issuance of, to various firms, after hearings on non-compliance with regulations and orders. *See* Hearings.
- Violations. *See* Hearings.

NATIONAL SCIENCE FOUNDATION:
- Fellowships:
  - Postdoctoral fellowships ---- 12621
  - Predoctoral graduate fellowships ---- 12620
- Grants for scientific research ---- 12835
- Organization description ---- 12624

NATIONAL SECURITY RESOURCES BOARD:
- Certificates, necessity, for emergency facilities under section 124A Internal Revenue Code, termination of certifying authority of Board; Executive order respecting. *See main heading* Presidential documents.
- Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.

NATIONAL SECURITY RESOURCES BOARD—Con. Page

Defense Production Act; designation of claimant agencies for purposes of priorities and allocations, termination of function by Executive order. *See main heading* Presidential documents.
Health services and special weapons defense functions transferred to Federal Civil Defense Administration; Executive order respecting. *See main heading* Presidential documents.
Radio communication or radio transmission of energy, emergency control over; Executive order respecting. *See main heading* Presidential documents.

NATIONAL SHIPPING AUTHORITY:

Agents, general agents, and berth agents:
See also Insurance.
Compensation of general agents for services rendered in connection with Service agreement GAA, 3–19–51 9983
Husbanding services, etc., compensation for 12019
Procedure for preparation of invoices and payment of compensation 10026
Duties of berth agents and general agents 12434
Handling of assigned vessels; service agreements. *See* Service agreements.
Repairs and equipment, authority of general agents respecting. *See* Repairs and service equipment of vessels.
Service agreements:
Applications for service agreements 2888
Between National Shipping Authority and berth agents 10747, 10856
For vessels of which United States is owner or owner pro hac vice 2703
Addendum to GAA 3–19–51; general agents required to execute addendum to Service agreement, procedure 9982
Continental United States, defined 9982
Handling of vessels assigned to agents, general agents, and berth agents under service agreements:
Between National Shipping Authority and berth agents 10747, 10856
For vessels of which United States is owner or owner pro hac vice 2703, 9982
Bonding of ship's personnel:
Bonding requirements prescribed respecting amount, posting, and form of bond, premiums, protection of payroll 6751
Form of bond, deletion 9527
Posting of bond; executed copy to be retained in general agent's principal office 9527
Surety and form of bond 9527
Charter terms under "Warshipvoy" charter. *See* Transportation of various commodities under "Warshipvoy" charter.
Compensation for general agents. *See* Agents, general agents, and berth agents.
Contracts for ship repairs. *See* Repairs and service equipment of vessels.
Dry-cargo vessels, operation of; instructions for recording voyage data by general agents 5950
Establishment; statement respecting 2642
Financial transactions under agency agreements:
General agents, procedures to be followed by, in preparation of invoices and payment of compensation 10026
Procedural rules respecting accounts, disbursements, etc 2885
Insurance; marine protection and indemnity insurance instructions under general agency and berth agency agreements 5057, 10749
Assumption of risk by owner and attachment date of commercial insurance:
Vessels redelivered from bareboat charter and allocated under General Agency Agreement, 3–19–51 10749
Vessels transferred from one general agent to another general agent 10749
Premiums, insurance:
Military Sea Transportation Service clause 10749
Vessels transferred to another general agent, return premium on 10749
Settlement of claims; authority of berth agents to settle cargo claims 10749

NATIONAL SHIPPING AUTHORITY—Continued Page

Launch services; authority and circumstances under which launch hire will be accepted as vessel operating expense 12791
LUMPSUMREP contracts. *See* Repairs and service equipment of vessels.
Operation of vessels under general agency agreement:
Slop chests, requirements and general provisions respecting 4137
Voyage data; instructions for recording, by general agents, of voyage activities of dry-cargo vessels operated for account of NSA 5950
Rates, freight, under "Warshipvoy" charter. *See* Transportation of various commodities under "Warshipvoy" charter.
Repairs and service equipment of vessels:
Contracts for repairs:
LUMPSUMREP contracts, vessel repairs under; procedure 9811
WORKSMALREP contracts:
For minor repairs; procedure 11837
Responsibilities of heads of local offices, Division of Ship Repair and Maintenance, and of general agents with respect to procedure for preparation of documents 5423
Emergency repairs and service equipment; authority and responsibilities of general agents:
In continental United States ports. *See* Voyage repairs and service equipment of vessels.
In foreign ports, emergency repairs 5321
Expenditure control, job orders and WORKSMALREP contracts; procedure for preparation of documents respecting 5433
General agents; authority and responsibilities:
Emergency repairs in foreign ports 5321
In filing foreign repair entries and obtaining relief from customs on equipment purchased for repairs 9658
Voyage repairs and service equipment of vessels in continental United States ports 5322, 10893
Redesignation 10893
Minor repairs, individual WORKSMALREP contracts for; procedure 11837
Responsibility of, and procedure to be followed by general agents in filing foreign repair entries and obtaining relief from customs duties on equipment purchased for repairs 9658
Vessel repairs under NSA Master lump sum repair contract (NSA LUMPSUMREP); procedure to be followed, order respecting 9811
Voyage repairs and service equipment of vessels; authority and responsibility of general agents in continental United States ports 5322, 10893
Redesignation 10893
Slop chests, requirements and general provisions respecting, under general agency agreement 4137
Transportation of various commodities under "Warshipvoy" charter; rates, terms, and conditions required:
Coal, bulk; rates between certain ports (Baltimore, Charleston, Hampton Roads, Mobile or Philadelphia) and various countries:
Africa, French North 5123
Africa, West Coast (including the Canary, Madeira and Cape Verde Islands) 5124
Angola (Lobito) 5124
Belgian Congo (Matadi) 5124
Belgium 5121
Canary Islands 5124
Cape Verde Islands 5124
Denmark 5120
Eire 7682, 9168, 12198
France 5122, 12791
French North Africa 5123
Germany:
Excluding Baltic Ports 5120, 5174
Kiel 6255
Greece 5124
Ireland, Northern 7682, 9168, 12198
Italy (including ports on the Adriatic Sea) 5123, 7683, 9168
Madeira Islands 5124
Netherlands 5121
Norway 5119

NATIONAL SHIPPING AUTHORITY—Continued Page

Transportation of various commodities under "Warshipvoy" charter; rates, terms and conditions required—Continued
Coal, bulk; rates between certain ports (Baltimore, Charleston, Hampton Roads, Mobile or Philadelphia) and various countries—Continued
Portugal 5122
Senegal (Dakar) 5124
Sierra Leone (Freetown) 5124
Sweden 12271
United Kingdom 7683, 9168, 12198
Freight payment clause, optional use in charter 5174
Grain, bulk; rates between United States ports and various countries:
Adriatic Ports (Italy) 5129
Africa, French North 5129
Belgium 5126
Denmark 5125
Eire 5128
France 5127
French North Africa 5129
Germany (excluding Baltic Ports) 5125
Greece 5130
India 4200, 10086
Ireland, Northern 5128
Italy (including ports on the Adriatic Sea) 5129
Netherlands 5126
Norway 5124
Portugal 5128
Sardinia 5129
Sicily 5129
Turkey 5130
United Kingdom 5127
Iron ore, bulk; rates between Baltimore or Philadelphia and various countries:
Liberia, Monrovia 5951
Narvik 5951
Voyage data; instructions for recording, by general agents, of voyage activities of dry-cargo vessels operated for account of NSA 5950
"Warshipvoy" charter, freight rates and charter terms under. *See* Transportation of various commodities under "Warshipvoy" charter.
WORKSMALREP contracts. *See* Repairs and service equipment of vessels.
NAVAL ACADEMY, admission to. *See* Navy Department.
NAVIGATION LAWS AND REGULATIONS:
Airways. *See* Civil Aeronautics Administration; Civil Aeronautics Board, *and* Immigration and Naturalization Service.
Waterways. *See* Coast Guard; Customs Bureau; Engineers, Corps of; Maritime Board; *and* Navy Department.

NAVY DEPARTMENT:

Academy, Naval *See* Naval Academy.
Active service order:
For members of Naval Reserve. *See* Reserves.
For retired personnel of Regular Navy and Marine Corps; Executive order respecting. *See main heading* Presidential documents.
Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
Authority, delegations of, to Secretary from Secretary of Defense:
Active service; authority to order Reserves into active service. *See* Reserves.
Facilities for administration and training of units of reserve components 9823
Public utility services; authority with respect to contracts for procurement of services for periods not exceeding ten years 9666
Aviation, naval; college program, revocation 8168
Aviators, Naval Reserve. *See* Reserves.
Boards. *See* Committees, boards, etc.
Canal Zone; establishment of naval reservation at Coco Solo for hospital 7614
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 305

NAVY DEPARTMENT—Continued Page

Claims:
Administrative claims under Act of December 28, 1945:
Foreign countries, claims arising in 8340
Non-combat claims 9504
Scope of Act 8340
Federal tort claims:
Action against United States:
Statute of limitations 8340
Statutory authority 8340
Administrative claims:
Statute of limitations 8339
Statutory authority 8339
Foreign countries, claims arising in 8340
Non-combat claims 9504
General provisions; investigation and procedure:
Claims:
Approval of 8341
Payment of 8341
Submission of 8341
District legal officer, action by 8341
Investigation, responsibility for 8341
Guam claims; revocation 8168
College program, naval aviation; revocation 8168
Committees, boards, etc.:
Armed Services Patent Policy Review Board; establishment, membership, and functions 11658
Contract Appeals Board, charter and rules 4320
Contract Finance Committee, representation on; defense contract financing policy, regulations of Office of Secretary of Defense. *See main heading* Defense Department.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
Medical boards. *See* Physical examinations.
Military justice, Boards of Review, uniform rules of procedure; joint regulations of armed forces 4433, 4610
Compensation:
See also Pay, allowances, and compensation.
For disability. *See* Pensions, disability compensation.
Contract Appeals Board; charter and rules 4320
Contract Finance Comittee, representation on; defense contract financing policy, regulations of Office of Secretary of Defense. *See main heading* Defense Department.
Contracts:
Government contracts with defense production pools; exemption from stipulation of section 1 (a) of Public Contract Act requiring that contractor be manufacturer or regular dealer in materials, supplies, etc., under contract 5847
Public information guidance for manufacturers holding contracts awarded by Navy 10041
Public utility services; delegation of authority from Secretary of Defense with respect to contracts for procurement of, for periods not exceeding ten years 9666
Under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Contractual authority, exercise of, in connection with emergency powers; joint regulations of armed forces. *See main heading* Defense Department.
Correspondence courses, for instruction of Naval Reserves 10348
Court of Military Appeals. *See* Military justice.
Courts, naval, and certain fact-finding bodies; regulations, revision 9804
Attendance of witnesses:
Before courts of inquiry 9805
Before investigations 9805
Authority to administer oaths 9804
Courts-martial, records of 9804
Fees of civilian witnesses 9804
Records of courts-martial 9804
Spectators 9804
Suspension of counsel 9804

NAVY DEPARTMENT—Continued — Page

Courts-martial:
- Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
- Proceedings. *See* Military justice.
- Records — 9804

Death gratuity; payment of, to widow, child, or dependent relative:
- Delegations — 8339
- General provisions — 8339

Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.

Defense Production Act, modification of functions of Department under, respecting guarantee of loans; Executive order respecting. *See main heading* Presidential documents.

Disability, disposition of cases involving. *See* Physical examinations.

Enlistments, extension of, for Navy and Marine Corps; Executive order respecting. *See main heading* Presidential documents.

Executive orders, proclamations, and public land orders applicable to the Navy, tabulation of:
- Amendments:
  - Executive orders and public land orders; covering naval reservations, installations and facilities — 10201, 10446
  - Regulatory Executive orders:
    - Declaring closed ports — 10200
    - Establishing defensive sea areas — 10201
    - Establishing naval airspace reservations — 10200
- Revocation — 13125

Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.

Fleet Reserve. *See* Reserves.

Foreign claims. *See* Claims.

Freight, military, and mail; preference and priority for transportation. *See main heading* Defense Transport Administration.

Guam claims; revocation — 8168

Hospitals:
- Army and Navy Hospital at Hot Springs, Arkansas; Executive order respecting authority to prescribe regulations. *See main heading* Presidential documents.
- Coco-Solo, Canal Zone; establishment of naval reservation for hospital area — 7614
- Hospital benefits, for Naval Reserve personnel. *See* Pensions, disability, compensation, retirement pay, or hospital benefits.

Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices — 357

Inventions by Navy personnel; administration of uniform patent policy with respect to. *See* Patents.

Lands, public, withdrawn for use by department. *See main heading* Land Management Bureau.

Lights, navigation, on naval vessels, of special construction; certificates by Secretary for exception to statutory requirements for listed types of vessels:
- Auxiliary, miscellaneous, AG146 class — 695
- Frigates, PF3 class — 129
- Ocean tugs, auxiliary, ATA–121 class — 2445

Marine Corps:
- Executive orders respecting. *See main heading* Presidential documents.
- Naval Reserve Officers' Training Corps. *See* Reserves.
- Organization. *See* Organization statement.

Medical boards, etc. *See* Physical examinations.

Merchant Marine Reserve. *See* Reserves.

Midshipmen:
- Admission of candidates to Naval Academy as. *See* Naval Academy.
- Appointment of, from enlisted men — 10344

Military justice:
- Boards of Review, uniform rules of procedure; joint regulations of armed forces — 4433, 4610
- Court of Military Appeals; rules of practice and procedure — 7279
- Courts, naval, and certain fact-finding bodies — 9804

NAVY DEPARTMENT—Continued — Page

Military justice—Continued
- Courts-Martial Manual, suspension of limitations on certain punishments prescribed by; Executive order respecting. *See main heading* Presidential documents.

Military Sea Transportation Service; Department request to Maritime Board for time charter use of war-built dry cargo vessels — 1801, 9168, 11086

Naval Academy, admission of candidates into, as midshipmen; revision — 11140
- Admission, methods of — 11145
- Appointments. *See* Nominations and appointments.
- Course of instruction — 11145
  - Appendix A, course of instruction 1950–51 — 11160
- Entrance procedure and equipment — 11159
- Examinations:
  - Mental; time schedule for — 11151
  - Physical — 11152
    - List of Naval hospitals for preliminary examination — 11152
- General; nomenclature, engagement to serve — 11141
- Graduation, disposition after — 11145
- Nominations and appointments — 11141
- Qualifying mentally, methods of:
  - By certificate — 11148
  - By certificate and substantiating examination — 11149
  - By regular examination — 11150
- Requirements; age, moral, citizenship, marriage — 11145
- Subjects:
  - Definition of subjects listed in certificate — 11150
  - Scope of subjects in entrance examination — 11151

Naval aviation college program; revocation — 8168

Naval Reserve. *See* Reserves.

Naval Retiring Review Board. *See* Physical examinations.

Nurse Corps, Naval Reserve; revocation of regulations — 10351

Officer Personnel Act of 1947, suspension of certain provisions respecting grades, promotion, etc., of certain officers of Navy and Marine Corps; Executive order respecting. *See main heading* Presidential documents.

Oil, crude; notice of public sale of. *See* Petroleum and oil shale reserves.

Organization statement; revision — 12573
- Civilian executive assistants — 12574
- Command assistant, naval — 12579
- Creation and authority — 12573
- Naval Establishment — 12573
- Operating forces — 12587
- Purpose — 12573
- Secretary of Navy — 12574
- Shore establishment — 12588
- Technical assistants, naval — 12580

Patents:
- Armed Services Patent Policy Review Board; establishment, membership, and function — 11658
- Uniform patent policy, for inventions by Navy personnel — 8733
  - Appeals and petitions — 8739
  - Department responsibilities — 8739
  - Determination and assertion of rights — 8739
  - Foreign rights — 8739
  - Determination and reporting of invention — 8740
  - Patent protection — 8740
  - Scope — 8740

Pay, allowances, and compensation:
- Naval Reserve personnel. *See* Reserves.
- Under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.

Pensions, disability compensation, retirement pay, or hospital benefits for Naval Reserve personnel:
- Certificates for — 13126
- Designation of beneficiaries — 10351
- Reservists receiving, not to participate in activities in pay status — 13126

Petroleum and oil shale reserves, naval; notice of public sale of crude oil from listed oil zones in naval petroleum reserve No. 1, Elk Hills, Kern County, California:
- Shallow zone — 2662
- Stevens zone — 2642

NAVY DEPARTMENT—Continued — Page

Physical examinations:
- Examinations:
  - For enlisted personnel — 10341
  - For Naval Reserve officers — 12932
- Naval Retiring Review Board:
  - Procedure; hearing — 8339
  - Recorder (counsel for Board) — 8339
- Physical disability, disposition of cases involving — 12781
  - Medical Boards — 12781
  - Periodic physical examinations — 12785
  - Physical Disability Appeal Board — 12785
  - Physical Evaluation Boards — 12782
    - Authentication and transmission of record — 9029
    - Composition — 932, 3112
    - Findings — 932
    - Rebuttal — 9029
  - Physical Review Council — 9029, 12784
- Records and reports of physical examinations — 12932

Price control, exemption from, of certain sales of military items to Defense Agencies. *See main heading* Price Stabilization, Office of.

Procurement:
- Of personnel, for Naval Reserve. *See* Reserves.
- Of supplies, equipment, etc.; joint regulations of armed forces. *See main heading* Defense Department.

Public utility services; delegation of authority to Secretary, from Secretary of Defense, with respect to contracts for procurement of, for periods not exceeding ten years — 9666

Records:
- Naval Reserve records — 12932, 12936
- Official records, availability of, in civil court — 12504

Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.

Reserve Officers' Training Corps. *See* Reserves.

Reserves:
- Active service order:
  - Delegation of authority to Secretary, from Secretary of Defense, to order members and units of Naval Reserve and Marine Corps Reserve into active service — 6968
  - Executive order respecting. *See main heading* Presidential documents.
- For members of Naval Reserve, regulations respecting — 10342, 12932, 13126
- Enlistments, extension of; Executive order respecting. *See main heading* Presidential documents.
- Facilities for administration and training of units of Reserve components; delegation of authority to Secretary from Secretary of Defense respecting — 9832
- Merchant Marine Reserve. *See* Naval Reserve.
- Naval Reserve:
  - Aviators:
    - Composition:
      - Naval aviation cadets, V5 and officers with 1325, 1335, or 1395 officer designator codes — 12936
      - Naval aviation pilots, class V8; revocation — 12388
      - Other pilots — 12936
    - Insurance; naval aviation cadets V5 and officers of basic classification A1 or A2; revocation — 13125
    - Pay and allowances, naval aviation cadets V5; when traveling under orders — 10351
    - Pilots, naval aviation, class V8; general requirements, pilot ratings, insurance, etc., revocation — 12388
    - Procurement, aviation cadets V5; civilian candidates — 10351
  - Discipline, discharges, resignations and retirement:
    - Discharges; discharge of enlisted personnel — 10350
    - Discipline:
      - Administration of discipline — 10350
      - Naval Reservists subject to Naval regulations — 10350
      - Retention on or return to duty status for disciplinary action — 10350
      - Termination of amenability to Naval jurisdiction — 10350
    - Fleet Reserve, members subject to Naval discipline — 10351

NAVY DEPARTMENT—Continued — Page

Reserves—Continued
- Naval Reserve—Continued
  - Discipline, discharges, resignations and retirement—Continued
    - Retired list, honorary:
      - Active duty for training or inactive duty training — 10120
      - Retirement for age-in-grade — 12935
    - Fleet Reserve, discipline; members of Fleet Reserve subject to Naval discipline — 10351
  - General, administration and organization; all classes:
    - Administration:
      - Bureau of Naval Personnel, administrative duties of — 10340
      - Commanding officers of Naval Reserve organizations, administrative duties of — 10340
      - Merchant Marine Reserve flag — 10340
      - Naval Reserve yacht pennant — 10340
      - Ship and station keepers — 10340
    - Classes, purpose and composition:
      - Merchant Marine Reserve, composition of — 10339
      - Organized Reserve, composition of; qualifications in submarines:
        - Enlisted men — 10339
        - Officers — 10339
    - Duty, active and training; orders to:
      - Orders to personnel to active duty:
        - In time of peace — 10342, 12932
        - In time of war or national emergency — 10342
      - Release of personnel from active or training duty in time of peace — 10342
      - Training duty:
        - Enlisted personnel, individual orders to — 10342
        - Officers and enlisted personnel, group orders for — 10342
    - Miscellaneous; midshipmen, appointment of, from enlisted men — 10344
    - Organization:
      - Electronic warfare companies and platoons — 10340
      - Laboratory research units; revocation — 10351
      - Medical specialists units; revocation — 10351
      - Tables of organization of Naval Reserve — 10339
    - Physical examinations and standards:
      - Enlisted personnel, physical examinations — 10341
      - Officers, physical examination of:
        - By whom conducted — 12932
        - Quadrennial physical examinations — 10340
        - Reports and records of physical examinations of officers on active duty, and of inactive officers — 12932
        - When required — 10340
      - Physical standards — 10341
      - Repeated period of training duty, group training duty of 30 days or less, physical examination for — 10341
      - Reports and records of physical examinations — 10341
      - Of officers — 12932
- Precedence:
  - Former officers of Naval Reserve reappointed therein, date of rank of — 10119
  - Former officers of Navy or Coast Guard appointed in Naval Reserve, date of rank of — 10340
- Records, correspondence and reports:
  - Classification records and Navy job classifications; enlisted personnel — 10120
  - Continuous-service certificates, revocation — 10351
  - Enlisted service records — 12932
  - File numbers of personnel — 10343
  - Fitness report and qualification questionnaire; officers — 10343
  - Forms to be used — 10344
  - Identification for members of Naval Reserve; officers of Merchant Marine Reserve — 10119
  - Marks for professional qualification — 10343
  - Official designation of personnel — 10342
  - Permission to travel and reside abroad — 12932
  - Physical examinations of officers on active duty and of inactive officers; records — 12932
  - Service records, preparation of, entries in, and disposition of; instructions for Reserve Service Records — 10342, 10343

NAVY DEPARTMENT—Continued Page

Reserves—Continued
Naval Reserve—Continued
Instruction and training:
Instruction of Naval Reserve:
Correspondence courses; application for enrollment in 10348
Naval War College correspondence courses 10348
Naval correspondence course centers; enrollment in correspondence courses:
Eligibility for enrollment, method of enrollment; report of results 10349
Enrollment in correspondence courses other than U. S. Naval Correspondence Course Center courses 10350
Reports required 10350
U. S. Naval Correspondence Course Center 10349
Naval Reserve Inspection Boards, duties of 12935
Training of Naval Reserve:
Appropriate duty 10348
Equivalent instruction or duty 10348
Regular drills 10348
Training duty without pay 10348
Maintenance; Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve:
Armories; redesignation 12935
Government property:
Accountability and responsibility for government property 12936
Allowance lists of equipment and material for Naval Reserve activities 12936
Records of invoices and issues 12936
Naval Reserve Training Centers:
Expenses 12936
Joint occupancy 12936
Procurement of centers 12935
Policy relative to furnishing equipment 12935
Vessels and floating equipment for training purposes; maintenance, operation, and repairs 12936
Merchant Marine Reserve:
Composition 10339
Enlisted personnel; by whom enlisted 10345
Flag 10340
Identification for members; use of Naval Reserve insignia on uniforms while on inactive duty 10119
Maintenance of equipment. *See* Maintenance.
Official designation of personnel 10342
Pay and allowances. *See* Pay, allowances, and compensation.
Promotion of officers in peacetime 10346
Reports and records of physical examinations 10341
Nurse Corps, Naval Reserve; revocation of regulations 10351
Pay, allowances, and compensation; Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve:
Aviation cadets V5, pay and allowances when traveling under orders 10351
Compensation for injuries:
Certificate for disability allowance or waiver thereof 13126
Naval reservists in receipt of pensions, retirement pay, disability allowance or compensation, not to participate in activities in pay status 13126
Naval reservists ordered to active duty 13126
Inactive duty pay and allowances:
Compensation for drills, equivalent instruction or duty or appropriate duties, limitation of 10350
Compensation for performance of administrative duties 10351
Drill pay and pay for performance of equivalent instruction of duty and appropriate duties 10350, 12935
Hazardous duty incentive pay for reservists on active duty 10350
Pensions, compensation, retirement pay, and hospital benefits; designation of beneficiaries 10351
Procurement:
Aviation cadets V5; civilian candidates 10351
Enlistments and reenlistments:
Ages for original enlistments 10345

NAVY DEPARTMENT—Continued Page

Reserves—Continued
Naval Reserve—Continued
Procurement—Continued
Enlistments and reenlistments—Continued
Enlisted personnel; by whom enlisted 10345
Enlistments in Volunteer Reserve:
Classes V1 and V2 10346
Class V3 10346
Persons holding radio licenses issued by Federal Communications Commission 12935
Class V7 10346
Naval Reserve Recruiting Officers 10345
Reenlistments; chief petty officers, pay grade E–7 10346
Terms of enlistment, reenlistment, and extension of enlistment 10345, 12934
Vaccination and inoculation of Naval Reservists 10346
General requirements:
Officers, procurement of; foreign born persons naturalized less than 10 years, revocation 13125
Persons eligible for Naval Reserve 12934
Procedure for making application for appointment 10344
Promotion; Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve:
Advancement and changes in ratings of enlisted personnel:
Reports of examination for advancement in rating 10348
Requirements for advancement:
In classes 01 and 02 10347
In classes V1 and V2 10347
In class V3 10347
In class V6 10347
Requirements for change in status from chief petty officer, acting appointment to permanent appointment 10347
General; promotion of officers:
In time of peace 10346
In time of war; aviation flight officers, revocation 10351
Professional examinations; records of proceeding to be forwarded to statutory Naval Examining Boards 10347
Promotions of officers above grade of lieutenant commander, in Volunteer Reserve 10346
Retirement. *See* Discipline, discharges, resignations and retirement.
Transfers; between classes of Naval Reserve:
Transfer of enlisted personnel between classes of Naval Reserve; personnel of Class V6 who are over age limit for original enlistment in Class 01, 02, V1 and V2 10348
Transfer of officers to Volunteer Reserve; aviation officers 10348
Transfers of personnel from Organized Reserve 10348
Women's Reserve; revocation of regulations 10351
Naval Reserve Officers' Training Corps; revision 8321
Administration 8327
Conditions of service 8322
Equipment. *See* Facilities, supplies, and equipment.
Facilities, supplies, and equipment 8335
Forms and reports 8336
General principles; authorization, mission, etc 8321
Insignia. *See* Uniforms and insignia.
Marine Corps 8330
Organization 8322
Pay and allowances 8332
Reports. *See* Forms and reports 8336
Supplies. *See* Facilities, supplies, and equipment.
Training 8328
Uniforms and insignia 8334
Nurse Corps, Naval Reserve; revocation of regulations 10351
Women's Reserve; revocation of regulations 10351
Retired personnel of Regular Navy and Marine Corps, active service for; Executive order respecting. *See main heading* Presidential documents.
Retirement pay, for Naval Reserve personnel. *See* Pensions, disability compensation, retirement pay.

NAVY DEPARTMENT—Continued Page

Retiring Review Board, Naval 8339
Samoa, transfer of administration to Interior Department; Executive order respecting. *See main heading* Presidential documents.
Security:
Contracts awarded by Navy; public information guidance for manufacturers 10041
Protection of property or places, designation of commanding officers to issue orders for 4945
Shore establishment, organization of. *See* Organization.
Tort claims. *See* Claims.
Trust Territory of Pacific Islands, transfer of administration to Interior Department; Executive order respecting. *See main heading* Presidential documents.
Vessels:
Navigation lights, exception to statutory requirements for certain types of vessels. *See* Lights, navigation.
War-built dry cargo vessels, time charter use by Military Sea Transportation Service under bareboat charter; notice of Federal Maritime Board of hearing on request of Department 1801, 9168, 11086
Women's Armed Services:
Separation of certain personnel; Executive order respecting. *See main heading* Presidential documents.
Women officers; regulations governing termination of commissions 8338
Women's Reserve; revocation of regulations 10351
NECESSITY CERTIFICATES; Executive orders respecting. *See* Presidential documents.
NETHERLANDS, KINGDOM OF; tariff quota on petroleum products under trade agreement, proclamation respecting. *See* Presidential documents.

O

OIL AND GAS. *See* Petroleum and petroleum products.

OLD-AGE AND SURVIVORS INSURANCE BUREAU:
Federal old-age and survivors insurance:
Regulations effective after August 1950 (Reg. 4) 13038
Benefits and lump-sum payments:
Basic computation 13041
Deductions from amount of benefits 13049
Evidence as to right to benefits and lump-sum payments 13054
Filing of applications for benefits; applicability of Regulation 3 13054
Increases in amount of benefits 13049
Insurance benefits 13045
Modification in amount of benefits and lump-sum payments; reductions, increases, deductions, etc 13049
Overpayments and underpayments 13053
Quarters of coverage and insured status 13038
Reduction of benefits 13049
Veterans, World War II, benefits to 13084
Coverage of employees of State and local governments 13078
Definitions 13060
Family relationships 13077
Governments, State and local, employees of; coverage 13078
Lump-sum payments. *See* Benefits and lump-sum payments.
Railroad retirement program, interrelationship of old-age and survivors insurance program with 13086
Records of wages and self-employment income, maintenance and revision of 13058
Self-employment income, record of. *See* Records of wages and self-employment income.
State and local governments; coverage of employees of 13078
Wages, record of. *See* Records of wages and self-employment income.

OLD-AGE AND SURVIVORS INSURANCE BUREAU—Continued Page

Federal old-age and survivors insurance—Continued
Regulations effective prior to September 1950 (Reg. 3):
Lump sum death payments:
Persons equitably entitled to 12336
Procedure; evidence as to right to receive evidence as to death 9029
Supersedure, with certain exceptions 13040
ORGANIZED CRIME IN INTERSTATE COMMERCE, investigation by Senate Special Committee; inspection of tax returns by Committee, Executive order respecting. *See* Presidential documents.
OVERTIME PAY:
Custom employees. *See* Customs Bureau.
Inspection and quarantine of animal and plant products. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.
Laborers and mechanics, Executive order respecting. *See* Presidential documents.

P

PACIFIC ISLANDS:
Administration of Trust Territory; Executive order respecting. *See* Presidential documents.
Compensation of employees in Territory. *See* Employees Compensation Bureau.
PAN AMERICAN DAY, 1951; proclamation respecting. *See* Presidential documents.
PANAMA, REPUBLIC OF, Claims Convention with. *See* International Claims Commission.
PANAMA CANAL COMPANY (formerly Panama Railroad Company):
Defense Production Act; designation of Secretary of Army to act as claimant agency for requirements of 4913
Employment in Canal Zone, statutory provisions relating to; Executive order respecting. *See main heading* Presidential documents.
Explosives and other dangerous cargo; supervision and control of, in safeguarding vessels, harbors, ports, and waterfront facilities in Canal Zone 2675
Facilities, property, personnel, etc., of; Executive order respecting. *See main heading* Presidential documents.
Internal revenue, collection district for Canal Zone; Executive order respecting. *See main heading* Presidential documents.
Personnel, suspension in interest of national security; Executive order respecting. *See main heading* Presidential documents.
Price regulations; exemption of Canal Zone from operation of 1791
Redesignation; Executive order respecting. *See main heading* Presidential documents.
Sabotage and subversive activity. *See* Safeguarding of vessels, harbors, ports, and waterfront facilities in Canal Zone.
Safeguarding of vessels, harbors, ports, and waterfront facilities in Canal Zone:
Executive order respecting. *See main heading* Presidential documents.
Regulations:
Definitions 2673
Explosives and other dangerous cargo, supervision and control of 2675
General provisions 2673
Identification and exclusion of persons from vessels and waterfront facilities 2673
Penalties 2675
Sabotage and subversive activity 2675
Security. *See* Safeguarding of vessels, harbors, ports, and waterfront facilities.
Tax regulations affecting Government employees working in Canal Zone. *See main heading* Internal Revenue Bureau.
Wages, salaries and other compensation of employees in; exemption from wage and salary stabilization 10386, 10783
PANAMA CANAL ZONE. *See* Canal Zone Government; *and* Panama Canal Company.

PANAMA RAILROAD COMPANY. *See* Panama Canal Company. Page

PATENT OFFICE:
- Trade-mark cases:
  - Appeals:
    - Authority of Appeal Board to hear appeals 1094, 2771
    - Ex parte appeals, time and manner of; proposed rule making 9440
    - To Commissioner, from decision of Examiner of Interferences; proposed rule making 9440
  - Applications for registration. *See* Rules of practice.
  - Attorneys for applicants:
    - Correspondence with, proposed rule making 9440
    - Opposition to registration of trade mark, filing of notice by Attorney; proposed rule making 9440
  - Certificate of entitlement to registration of trade mark; proposed rule making 9440
  - Classification of goods and services. *See* Rules of practice.
  - Forms for trade-mark cases; applications for registration, proposed rule making 9440
  - Fuels, classification 11281
  - Labels for wines, approval by Alcohol Tax Unit, Internal Revenue Bureau; proposed rule making 9440
  - Lubricants, classification of 11281
  - Oils, waxes, and lubricants, classification of 11281
  - Protective and decorative coatings, classification of 11281
  - Rules of practice; proposed rule making:
    - Appeals:
      - Ex parte appeals, time and manner of 9440
      - To Commissioner from decision of Examiner of Interferences 9440
    - Applications for registration:
      - Interferences, motions to dissolve 9440
      - Opposition; notice filed by attorney 9440
      - Requirements for written application 9440
    - Attorneys for applicants:
      - Correspondence with 9440
      - Opposition to registration of trade mark, filing of notice by Attorney 9440
    - Certificate of entitlement to registration of trade mark 9440
    - Classification of goods and services:
      - Fuels 11281
      - Oils, waxes, and lubricants 11281
      - Protective and decorative coatings 11281
    - Labels for wines, approval by Alcohol Tax Unit, Internal Revenue Bureau 9440
  - Waxes, classification of 11281

PATENT POLICY REVIEW BOARD, ARMED SERVICES. *See* Armed Services Patent Policy Review Board.

PATENTS:
- Foreign patent protection. *See* State Department.
- Inventions by Government employees, patent policies respecting. *See* Government Patents Board; Interior Department; *and* Navy Department.
- Property of foreign nationals; vesting orders, etc. *See* Alien Property, Office of.

PATENTS BOARD, GOVERNMENT. *See* Government Patents Board.

PAY; COMPENSATION, ALLOWANCES, ETC.:
- *See also* Wages and hours.
- Air Force or Army personnel. *See* Military personnel, pay and allowances for.
- Canal Zone, employment in. *See* Canal Zone Government.
- Deceased, disabled, or incompetent Government employees; payment of claims. *See* Employees' Compensation Bureau; *and* General Accounting Office.
- Foreign duty of Government employees:
  - Compensation for designated posts. *See* State Department.
  - Living and quarters allowances; Executive order respecting. *See* Presidential documents.
- General agents of shipping companies, compensation of. *See* National Shipping Authority.
- Hospitals, Government, stipends for certain positions in. *See* Civil Service Commission.
- Inspection and quarantine of animal and plant products. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.

PAY, COMPENSATION, ALLOWANCES, ETC.—Con. Page
- Laborers and mechanics; Executive order respecting. *See* Presidential documents.
- Military personnel, pay and allowances for:
  - Air Force Reserve Officers inactive duty training pay and allowances. *See* Air Force Department.
  - Army personnel:
    - Contract surgeons, pay and allowances of. *See* Army Department.
    - Officers' Reserve; inactive duty training pay and allowances. *See* Army Department.
  - Detail of military personnel to United Nations, allowances and perquisites; Executive order respecting. *See* Presidential documents.
  - Military and naval retirement pay, veterans' claims for. *See* Veterans' Administration.
  - Naval Reserve personnel. *See* Navy Department.
  - Under Career Compensation Act; Executive order respecting. *See* Presidential documents.
- Overtime compensation:
  - Customs Bureau employees. *See* Customs Bureau.
  - Inspection and quarantine activities. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine.
- Pacific Islands Territory, compensation of Government employees in. *See* Employees Compensation Bureau.
- Participants in technical and cultural-cooperation program; student allowances. *See* State Department.
- Persons of outstanding ability, appointment without compensation:
  - Executive order respecting. *See* Presidential documents.
  - Exemption from provisions of law respecting penalties for prosecuting claims against United States 2218
- Public Health Service officers:
  - Quarters allowances, under section 302 of Career Compensation Act; Executive order respecting. *See* Presidential documents.
  - Travel and transportation allowances. *See* Public Health Service.
- Quarters allowances:
  - Canal Zone, employees in; Executive order respecting. *See* Presidential documents.
  - Foreign duty, civilian personnel; Executive order respecting. *See* Presidential documents.
  - Under Career Compensation Act; Executive order respecting. *See* Presidential documents.
- Salary and wage stabilization. *See* Railroad and Airline Wage Board; Salary Stabilization Board; *and* Wage Stabilization Board.
- Travel and transportation allowances:
  - Civilian officers and employees when transferred from one station to another; Executive order respecting. *See* Presidential documents.
  - Public Health Service officers. *See* Public Health Service.
- Veterans; compensation, subsistence allowances, etc. *See* Veterans' Administration.

PEACEFUL SETTLEMENT, of international disputes; Executive order respecting. *See* Presidential documents.

PENAL INSTITUTIONS:
- Exemption from price control of sales of commodities produced and services supplied by. *See* Price Stabilization, Office of.
- Prison made goods, Army procurement of. *See* Army Department.

PETROLEUM ADMINISTRATION FOR DEFENSE:
- Actions and authority; confirmation of defense actions and redelegation of authority 904
- Authority, delegation of:
  - By Administrator to various agencies:
    - Defense Solid Fuels Administration, Administrator, authority with respect to distribution of petroleum coke 4475
    - National Production Authority, Administrator; authority with respect to production and distribution of listed products of petroleum and gas origin 3389

PETROLEUM ADMINISTRATION FOR DEFENSE—Con. Page
- Authority, delegation of—Continued
  - From National Production Authority:
    - Construction; authority to process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 with respect to facilities for production and distribution of petroleum and gas 5401, 6735, 7628
    - Materials used for operations of petroleum, gas, and related industries:
      - Authorizations and directions with respect to materials used in petroleum, gas and related industries, issuance of 5295
      - Priority rating DO–48 for procurement of steel for storage facilities incident to petroleum and gas industries; authority to use 5024
      - Rescheduling of deliveries of controlled material 6406
- Aviation gasoline, manufacture and use of. *See* Production and distribution orders.
- Blending agents (alkylate and other agents) and feed stocks, aviation quality; restrictions on use, delivery, and receipt 10745
- Construction; delegation of authority from National Production Authority to process applications under NPA Orders M–4 and M–4A and to make allotments and assign ratings under CMP Regulation No. 6 5401, 6735, 7628
- Defense Production Act, designation as claimant agency for programs under 4914
- Directives in connection with delivery, receipt, or use of petroleum, gas, or other products, relating to matters under jurisdiction of PAD; regulation respecting issuance of 10026
- Establishment and organization; revision 932
  - Deputy Administrator, functions respecting petroleum and gas 2896
  - Purpose 2896
- Natural gas, limitation of use, order respecting 8111
  - Areas affected by order (Schedules A and B) 8113
  - Inapplicability of Section 3 of order, in various States; notice of certification of authority of agency listed to restrict use of natural gas:
    - Maryland; Public Service Commission 8379
    - New Hampshire; Public Utilities Commission 9270
    - Ohio; Public Utilities Commission 8989
    - Pennsylvania, Public Utility Commission 10323
    - Virginia; State Corporation Commission 8555
    - West Virginia; Public Service Commission 8851
    - Wisconsin; Public Service Commission 8747
- Priorities assistance for petroleum and gas industries in United States, Canada, and foreign countries; priority orders respecting. *See main heading* National Production Authority.
- Priority rating DO–48 for procurement of materials for storage facilities incident to petroleum and gas industries; delegation of authority by National Production Authority to use 5024
- Production and distribution orders:
  - Aviation gasoline, manufacture and use of:
    - Blending agents and feed stocks, aviation quality; order respecting restrictions on use, delivery, and receipt 10745
    - Specifications for aviation gasoline; order respecting 10746
  - Natural gas, limitation of use. *See* Natural gas, *above.*
- Reassignment of chapter 808
- Storage facilities incident to petroleum and gas industries; delegations of authority to Administrator respecting:
  - From Defense Transport Administration; authority to perform certain functions with respect to facilities required for bulk storage of petroleum and gas 4149
  - From National Production Authority to use DO–48 priority rating for procurement of steel for storage facilities 5024, 5295, 6406
- Tetraethyl lead fluid, automotive, "anti-knock compound"; limitation on use by petroleum refiners in interest of national defense and military aviation gasoline program 1898

PETROLEUM AND PETROLEUM PRODUCTS: Page
- Barksdale Air Force Base Reservation, Louisiana; jurisdiction over oil and gas deposits in. *See* Land Management Bureau.
- Coastal lands, submerged, oil and gas deposits in; operations. *See* Interior Department.
- Foreign nations; voluntary plan for petroleum supply to friendly foreign nations. *See* Defense Production Administration.
- Foreign petroleum operations, supply assistance for; priority ratings. *See* International Trade, Office of.
- Imports and exports of natural gas. *See* Federal Power Commission.
- Interstate transportation of:
  - Certain functions with respect to; Executive order respecting. *See* Presidential documents.
  - Tariffs and schedules. *See* Interstate Commerce Commission.
- Leases, oil and gas, Federal:
  - Oil and gas lands. *See* Indian Affairs Bureau; *and* Land Management Bureau.
  - Potash area, New Mexico. *See* Interior Department.
  - Unit or cooperative agreements by holders. *See* Geological Survey.
- Natural gas, restrictions on use. *See* Petroleum Administration for Defense.
- Naval Petroleum Reserves, sale of oil from. *See* Navy Department.
- Petroleum Administration for Defense. *See* Petroleum Administration for Defense.
- Pipelines:
  - Responsibility for utilization of; Executive order respecting. *See* Presidential documents.
  - Rights-of-way for pipelines and pumping plant sites, applications for; regulation respecting. *See* Land Management Bureau.
- Price control regulations. *See* Price Stabilization, Office of.
- Priority orders respecting. *See* National Production Authority.
- Producing oil and gas fields. *See* Geological Survey.
- Pumping plant sites, rights of way for. *See* Land Management Bureau.
- Radio-location of petroleum deposits, extension of temporary allocation of frequencies for purpose of; radio regulations. *See* Federal Communications Commission.
- Royalties, computation of, on Indian and Federal lands. *See* Interior Department.
- Sales agreements or contracts for disposal of oil and gas lease products, authority of Geological Survey. *See* Interior Department.
- Tankers for transportation purposes, contribution of, voluntary agreements and program respecting. *See* Defense Production Administration; *and* Maritime Administration.
- Tariff quota on, under Venezuelan trade agreement:
  - Customs regulations respecting. *See* Customs Bureau.
  - Proclamation respecting. *See* Presidential documents.
- Vessels, steam, use of petroleum for motive power for; revocation of waiver respecting 1830

PHILIPPINE ALIEN PROPERTY ADMINISTRATION:
- Termination and transfer of functions; Executive order respecting. *See main heading* Presidential documents.

PHILIPPINE ISLANDS, military forces of; claims for burial expenses. *See* Veterans' Administration.

PHILIPPINE OFFICE. *See* Alien Property, Office of.

PHYSICALLY HANDICAPPED PERSONS. *See* Handicapped persons.

PIPELINES, transportation by:
- Executive order respecting. *See* Presidential documents.
- Rights-of-way for, over public lands. *See* Land Management Bureau.

PORTS:
- Construction of port facilities. *See* Defense Transport Administration.
- In Canal Zone, safeguarding of. *See* Panama Canal Company.

PORTS—Continued — Page
Ports of entry. *See* Customs Bureau; *and* Immigration and Naturalization Service.
Safeguarding of:
Executive orders respecting. *See* Presidential documents.
Regulations respecting. *See* Coast Guard; *and* Panama Canal Company.
Utilization as transportation facility; Executive order respecting. *See* Presidential documents.

POST OFFICE DEPARTMENT:
Accounts. *See* Estimates, appropriations.
Armed forces, absentee ballots for, and postal regulations respecting A. P. O.'s — 357, 2152, 5657, 5871, 6753, 8241, 11274, 12095, 12566
Authority, delegations of:
Accounts, Bureau of; delegation from Comptroller to designated Bureau officials to sign checks withdrawing funds from symbol account nos. 47001 and 48050 — 99
Finance, Bureau of; delegation from Third Assistant Postmaster General to designated officials to sign checks withdrawing funds from symbol account nos. 47001 and 48050 — 99
Postmaster General:
Delegation of authority by General Services Administrator with regard to procurement for improvement of postal operations and other activities — 3319
Supplies and services, authority respecting. *See* Supplies and services.
British Armed Forces; mail for personnel in certain Commands may be accepted subject to rates, etc., applicable to mail for Great Britain, with certain exceptions — 11543
Collect-on-delivery service. *See* Registry system, insurance and collect-on-delivery services.
Contracts, supply. *See* Supplies and services, procurement of.
Delivery service:
Rural delivery:
Delivery and collection of mail; acceptance of all mail required, note respecting — 12726
Patrons' boxes, concerns authorized to manufacture and sell; deletion of Diamond Metal Products Corporation from list — 12566
Special delivery; rates on stamps — 13092
Department and Postal Service:
Bureau of Facilities; transfer of various additional functions to the Budget and Administrative Services, Buildings Management, Post Office Quarters, Equipment and Supplies, and Traffic Divisions — 7167
Contracts, supply. *See* Supply contracts.
Damage to person or property by postal operations; miscellaneous provisions:
Investigations and reports; when report to be made to inspector in charge; rescission — 3801
Provisions respecting appropriations therefor; rescission — 2398
Establishment and organization of Post Office Department:
Organization of Department:
Facilities, Bureau of. *See* Fourth Assistant Postmaster General.
Finance, Bureau of. *See* Third Assistant Postmaster General.
Fourth Assistant Postmaster General; Bureau of Facilities:
See also Bureau of Facilities, *above*.
Divisions of Bureau and assignment of duties; Division of Engineering — 1019
Duties of Assistant Postmaster General; public buildings, design, leasing, etc — 1019
Joint Committee on Postal Service — 13090
Third Assistant Postmaster General; Bureau of Finance:
Finance, Postal: Division of — 1019
Investments; Division of Postal Savings and Investments — 1019
Savings, Postal, and Investments; Division of — 1019
Postmaster General, Office of:
Accounts Bureau, Divisions, and Regional Accounting Offices — 3052

POST OFFICE DEPARTMENT—Continued — Page
Department and Postal Service—Continued
Establishment and organization of Post Office Department—Continued
Organization of Department—Continued
Postmaster General, Office of—Continued
Hearing examiners; establishment of office of hearing examiner, assignment and duties — 6623
Officers attached to, addition of hearing examiner — 6623
Solicitor for the Post Office Department; duties, in connection with cases for hearing examiner — 6623
Postmaster General:
See also Organization of Department.
General duties of — 2440
Special services, fees for — 13090
Postage stamps and other stamped paper and securities:
Postal cards — 13091
Stamps, unlawful pledging or sale of; prohibitions, note — 13090
United Nations postage stamps. *See* United Nations Postal Administration, *below*.
Postal revenues and other public funds; care of public funds:
Deposits, money orders used to remit surplus funds; deletion — 5989
When office is closed — 2188
Supply contracts:
See also Supplies and services, *below*.
Advertisements for proposals; rates — 2398
Domestic mail matter:
Classification and rates of postage:
Air mail:
Air parcel post, postage rates for; regulations:
Forwarding and return — 5022
Special delivery — 9569
Domestic air mail, definition; handling of air mail and air parcel post — 9568
Armed forces; rates of postage:
A. P. O.'s, mail addressed to:
Cigarettes and tobacco products; additions to list of A. P. O.'s prohibiting mailing of — 5657, 8241, 12566
Prohibition also applies to organizations bearing hyphenated suffix to A. P. O. numbers; note — 12566
Conditions applicable to certain A. P. O.'s — 5871, 8241
Parcels addressed to certain A. P. O.'s — 2152
Parcels requiring customs declaration; list of A. P. O.'s, additions or deletions — 5871, 8241, 12095
Free mail privilege for members of armed forces of the United States, extension of time limit — 6753
Free mailing of absentee ballots for armed forces; application cards to be delivered in hand to each person — 11274
Special marking of letters of soldiers, sailors, and marines — 357
First class matter:
Private mailing cards ("post cards"); postage rate shall be 2 cents — 13091
Rates of postage:
Business reply cards and envelopes; rate of postage for cards shall be 3 cents — 13091
Letters sent in bulk to another post office; 2 and 3 cents rates shall apply — 13091
Local delivery, certain; rate shall be 2 cents for each ounce — 13091
Postal cards and post cards; rate of postage shall be 2 cents — 13091
Weight and size limit — 12726
Fourth class matter:
Parcel post description:
Agricultural commodities — 12726
Diversion of parcels prohibited — 12726
Indorsement of parcels — 12726
Limits applicable to other matter — 12726
Mailable matter, provisions respecting — 12725
Official matter, provisions respecting; renumbered — 12725
Size and weight, new limitation on — 12725

POST OFFICE DEPARTMENT—Continued — Page
Domestic mail matter—Continued
Classification and rates of postage—Continued
Fourth class matter—Continued
Parcel post description—Continued
Surface parcels — 12726
Rates of postage:
Books:
Library books; note — 13092
Other books; note — 13092
By zones — 5278
Individually addressed catalogs — 5279
Pound basis of postage rates; note — 12726
Special handling; note — 13092
Post offices in the Caroline, Marshall, and Mariana Islands; postage rates and conditions applicable to mail — 6868
Second class matter:
Conditions for admission as; maximum amount of advertising permitted — 13093
Free-in-county matter, and rates at letter-carrier offices — 13094
Manner in which two or more copies bearing different addresses may be returned together — 11274
Note — 13093
Postage rates — 13094
Transient postage rates — 13094
Undeliverable matter — 2839
Third class matter:
Books, seeds, etc., special rate for — 13092
Books (students' work books); redesignation — 13092
Minimum postal charge — 13092
Nonprofit organizations or associations, certain; special minimum per-piece rate for — 13092
Rate of postage — 13091
Special rates, application to mail at — 13092
Collect-on-delivery service. *See* Registry system.
Insurance service. *See* Registry system.
Money orders. *See* Money order system.
Provisions applicable to the several classes of mail matter:
General provisions; radios, packing of — 4374
Matter liable to damage mails or injure person; preparation and packing where admissible:
Air mail service, prohibited and acceptable matter; alligators deleted from list of items prohibited — 9479
Film, roll, and flat negatives (acetate safety) — 8274
Mailable nonintoxicating, noninflammable, and noninjurious matter:
Insecticides, fungicides, and germicides, redesignation — 7994
Toxaphene, provisions respecting mailing — 7994
Silverplating solutions and silverware polishes containing cyanide, not mailable — 7994
Warfarin, mailability of — 3838
Provisions respecting and redesignation — 7994
Television picture tubes (cathode ray) — 7994
Weight and size limit:
First class matter — 12726
Weight; provisions respecting — 12726
When weight limit not applicable; section reference — 12726
Rates of postage. *See* Classification and rates of postage.
Registration of domestic mail matter. *See* Registry system.
Treatment of domestic mail matter. *See* Treatment of domestic mail matter.
Unmailable matter:
Lottery and related matter; fishing contest — 2398
Pistols, revolvers, and other firearms, mailing of; for officers and employees of enforcement agencies; redesignation — 7696
Affidavit and certificate, requirement of, exception — 7696
Postmaster not to give opinion on questionable matter; firearms — 551
Envelopes, stamped, sale to or by Post Office Department; exemption from price control — 8347

POST OFFICE DEPARTMENT—Continued — Page
Estimates, appropriations, disbursements, and accounts; settlement of accounts, legal proceedings and compromises:
Accounts of Department; rescission — 2440
Administering of oaths to postal accounts; rescission — 11871
Claims against United States when claimant is indebted to United States; rescission of cited subparagraph — 2398
Federal Fire Council, membership on; Executive order respecting. *See main heading* Presidential documents.
Forms. *See* Procedures and forms.
Free mail privilege for members of armed forces. *See* Domestic mail matter: classification and rates of postage.
Insured mails:
Domestic insurance. *See* Registry system, insurance and collect-on-delivery services.
International postal service. *See* International postal service.
International postal service:
Customs revenue, foreign mail involving (joint regulations adopted by Secretary of Treasury and Postmaster General):
Collection of customs duty by postmasters or Navy mail clerks:
Form of remittance to customs officer — 3485
Procedure — 3485
Record of customs receipts and disbursements — 3485
Great Britain; mail addressed to British Armed Forces. *See* British Armed Forces, *above*.
Insured mails. *See* Postage rates, service available and instructions for mailing.
Miscellaneous:
Foreign vessels; mails carried by:
Must be deposited in post office, repealed — 12095
Transportation and protection of outgoing mails between post office and ships — 12095
Retaliatory postage on certain foreign matter; repealed — 12095
Money-order service, international. *See* Money-order system, *below*.
Ocean noncontract service; compensation for transportation of foreign mails, exceptions to specified rate — 1829
Postage rates, service available and instructions for mailing:
Insurance; special provisions applicable to listed countries — 688
Additions to list of countries having insurance service:
Gold Coast Colony — 7569
Italy — 6801
Netherlands West Indies — 1900
Ryukyu Islands — 2682
Parcel post:
General information:
U. S. A. gift parcels; deletions from list of countries eligible:
Greece — 6801
Japan — 7357
Weight limit; parcel post sacks, Gold Coast Colony — 7569
Parcels for foreign countries:
Export declarations, revisions — 5096
Export licenses required for articles and parcels addressed to certain foreign countries — 2657
Certain technical data may be exported without validated licenses — 11313
Printed matter acceptable without export licenses in:
China, except Taiwan (Formosa), including Manchuria — 7570
Tibet — 7570
Procedures, general information, etc — 5996
Group shipments — 688, 1900, 2682, 9569
Sealing — 688, 1900, 2682, 7569
Parcels from foreign countries; storage (demurrage) charge, Netherlands New Guinea — 1900

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
Postage rates, service available and instructions for mailing—Continued
Regular (Postal Union) mails:
General information and instructions:
Post cards:
Cards admitted as printed matter; cross reference 10027
Cards issued by Post Office Department, with imprinted postage, are subject to conditions 10027
Conditions not fulfilled; note, rescinded 10027
International reply-paid cards 10027
Printed matter; reproductions of handwriting or typewriting, conditions for acceptance under "prints" rates 9568
Small packets; Netherlands New Guinea 1900
Special delivery (Express) service 4374
Prohibitions and restrictions; diamonds 9568
Treatment of mails; unpaid or short-paid matter, treatment of, where full prepayment of postage is required 9568
Various countries, conditions applicable to service in:
Abyssinia. *See* Ethiopia.
Aden (including Kamaran and Perim); regular mails 7157
Albania; parcel post:
Observations; deletion of certain provisions 12566
Prohibitions 12566
Austria; parcel post:
Gift parcels 4891
Postage stamps shipments 4892
Belgium; parcel post 688
Bank notes & currency, prohibitions 4374
Gold, silver, jewelry, etc., insurance of surface parcels containing 4374
Observations; import licenses for most types of merchandise 11872
Brazil; parcel post:
Consular and import license requirements for certain shipments; procedure respecting mailing parcels to and from Brazil 10027
Gift shipments; provisions respecting 10027
Rescission of prior regulations respecting certain shipments 10027
Redesignations 10027
British New Guinea. *See* Papua.
Brunei; parcel post, prohibitions 11872
Canada:
Parcel post 689, 1901
Regular mails 689
Chile; parcel post, air parcels 9569
China, including Taiwan (Formosa) and Kwangchowwan (Fort Bayard); parcel post:
Prohibitions; tobacco, certain piece goods, cosmetics, etc 6255
Service available only to Taiwan, and import licenses 6255
Table of rates; air parcels:
Air parcel post to Taiwan (Formosa) resumed 9664
Service available only to Taiwan (Formosa) 9569
Colombia:
Parcel post:
Air parcels 9569
Commercial invoices for shipments of books 12566
Declaration of origin does not require consular legalization 12566
Regular mails; observations 12566
Cyrenaica:
Parcel post:
Observations 11872
Prohibitions 11872
Redesignation 11872
Regular mails; prohibitions, deletion of certain provisions 11872
Czechoslovakia; parcel post 689
Denmark:
Parcel post 6802
Regular mails 6802

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
Postage rates, service available and instructions for mailing—Continued
Various countries, conditions applicable to service in—Continued
Dominican Republic; parcel post 9569
Ecuador:
Parcel post:
Air parcels 9569
Observations:
Authorities' requirements with respect to parcels; redesignation 12566
Disposal of parcels 12566
Regular mails:
Observations 12566
Prohibitions; redesignation 12566
Eritrea; parcel post:
Observations 11872
Prohibitions:
Redesignation 11872
State monopolies, etc 11872
Ethiopia (Abyssinia); parcel post, table of rates 10130
Finland; parcel post 4374, 6802, 6868
French Settlements in India (Chandernagore, Karikal, Mahe, Pondicherry and Yanaon); parcel post, prohibitions 4374
Germany:
Parcel post:
Indemnity 689
Insurance 689
Prohibitions 6802, 12095, 12566
Table of rates 689
Regular mails; prohibitions, rescission 6255
Soviet Zone and Berlin; prohibitions 6255
Gibraltar; parcel post 689
Gilbert and Ellice Islands Colony; parcel post, table of rates relating to Christmas, Ocean, Gilbert and Ellice Islands 11872
Gold Coast Colony (including Ashanti, British Togoland, and Northern Territories):
Parcel post:
Air parcels; table of rates 7569
Indemnity 7570
Insurance 7570
Prohibitions respecting:
Bullion, gold, silver, watches, clocks, etc.; admitted in insured parcels only 10028
Protection of animals and importation of certain plants and plant products 10028
Regular mails; prohibitions respecting admittance of bullion, gold, currency, jewelry, etc 10027
Greece (including Crete and Dodecanese Islands):
Parcel post, observations 11872
U. S. A. gift parcels; rescission of provisions respecting 6801
Guatemala; parcel post, air parcels 9569
Hong Kong (including Kowloon); parcel post, prohibitions 11872
Hungary; parcel post:
Gift parcels; certain preserved food prohibited 11542
Other parcels; duty, rates and certain conditions regarding payment of 11313
India (including the Andaman Islands, Nepal and Tibet); parcel post:
Observations 9569
Prohibitions 4374, 11872
Indonesia (Bali, Banka, Billiton, Netherlands Borneo, Celebes, Java, Little Soenda (Sunda), Madoera, Moluccas (Moloques), Rhio (Riouw), Sumatra, and Netherlands Timor):
Parcel post 1900
Regular mail 1900
Israel (State of):
Parcel post:
Observations 1901
Prohibitions, for sanitary reasons; certain pharmaceutical preparations 12095
Regular mails; air mail service 11313

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
Postage rates, service available and instructions for mailing—Continued
Various countries, conditions applicable to service in—Continued
Italy (including the Republic of San Marino):
Parcel post; insurance 6801
Regular mails; prohibitions 11543
Japan:
Parcel post 689, 12095
Regular mails:
Correspondence with Japanese Government; deletion 12095
Special delivery (Exprès) service 4374
Rates 4374
U. S. A. gift parcels; rescission of provisions respecting 7357
Korea:
Gift parcels, U. S. A.; rescission 12566
North Korea, no mail service to 12404
Parcel post; prohibitions 12566
Regular mails:
Observations:
Addressed articles; redesignation 12566
International reply coupons not accepted 12566
Service available only to provinces comprising Republic of Korea 12566
Prohibitions 12566
Service to Republic of Korea resumed:
Parcel post (except U. S. A. gift parcels) 12398, 12404, 12566
Regular mails 12398, 12404, 12566
Air mail service for articles other than letters and post cards 12590
Liberia; regular mails, air mail service 11313
Madeira Islands; parcel post, table of rates for air parcels 10638
Malaya; parcel post, prohibitions 11872
Mexico; parcel post 2349, 2840, 9569
Nauru Island; parcel post, table of rates 11872
Netherlands and Netherlands West Indies; parcel post 690, 1900, 11872
New Guinea, Mandated Territory; parcel post, table of rates 11872
New Hebrides (including the Banks and Torres Islands); parcel post, table of rates 10028
Pakistan:
Parcel post; prohibitions, list of 11873
Regular mails; prohibitions:
Parcel post restrictions also applicable in regular mails 11873
Redesignation 11873
Papua (British New Guinea); parcel post, table of rates 11872
Paraguay; parcel post 9569
Temporary suspension of service 6779
Exception to temporary suspension 8252
Suspension removed 9490
Peru:
Parcel post; prohibitions 4892
Regular mail; prohibitions 4892
Poland; parcel post, table of rates, revision 6519, 6802
Portuguese India; parcel post, gold, silver, and precious stones, prohibitions respecting 4374
Rumania:
Gift parcels; restrictions 9569, 12095
Parcel post 9569
Ryukyu Islands; parcel post 2682
Salvador (El); parcel post, air parcels 9569
Santa Cruz Islands; parcel post, table of rates 11872
Senegal; regular mails, air mail service 11313
Solomon Islands (except Bougainville and Buka); parcel post, table of rates 11872
Switzerland; parcel post 9569
Turkey; parcel post 1901
Turks Island (including Caicos Island); parcel post, rates 4619
Uruguay; parcel post, air parcels 9569
Venezuela:
Parcel post:
Air parcels 9569
Prohibitions; coins, importation of, revision 5657

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
Postage rates, service available and instructions for mailing—Continued
Various countries, conditions applicable to service in—Continued
Venezuela—Continued
Regular mails; prohibitions include banknotes, platinum, gold, silver, and certain precious stones and jewelry 12095
Yugoslavia; parcel post 690
Postal agencies; agents on mail steamers, repealed 12095
Money-order system:
Domestic-international money-order service:
Advices; orders issued for payment in Canada 5995
Application and fees:
Full particulars in application, revision 5995
Limitation and fees 5995
Correspondence 5995
Duplicate orders; applications for, disposition and record 5995
General provisions:
Countries with which the United States maintains direct exchange of money orders on the domestic-international basis; Canton Island, addition to list of 4496
Domestic regulations govern, revision 5994
Form of order, revision 5994
Invalid order, deletion 5995
Repayment 5995
International money-order service; direct and indirect exchange, exchange offices:
Philippines (Republic of), addition to direct exchange list 3013
United States exchange offices list; additions 3013
Issue of domestic money orders:
Advices; entry on application, deletion 5990
Application and issue:
Application for money order:
Filing; deletion 5990
Form, filling in; revisions 5990
Issue of money order 5990
Requirement as to payee 5990
Errors and changes:
Errors and corrections; before purchaser leaves post office 5990
Request for change in order; money order returned for correction 5990
Fees and limitations; note 13093
General provisions:
Identification of payee by signature 5989
Orders not to be drawn on a particular post office 5989
Money-order forms:
Blank; deletion 5990
"Not issued" form; deletion 5990
Responsibility for safety of; deletion 5990
Theft of; deletion 5990
Postmasters' signatures to money orders; signing of money orders, deletion 5990
Miscellaneous provisions; correspondence, inquiries relating to payment of money orders, revision 5989
Payment of domestic money orders:
See also Repayment of money orders.
General provisions:
Alleged wrong payment 5992
Payable at any money order office:
At stations or branches; deletion 5991
Money order variously receipted or indorsed 5991
Repayment upon application of remitter; authorization 5991
Terms of payment 5991
Payment of orders from out-of-town banks or Government agencies; deletion 5992
Precautions in paying orders 5991
Provision for payment of orders; revision 5991
Requirements when paying orders 5991
Stamping of paid money orders; deletion 5992
Payment of orders to other than payees:
Order presented by payee after being indorsed by others; deletion 5993
Payment to bank; deletion 5993

90000—52——30

POST OFFICE DEPARTMENT—Continued Page

Money-order system—Continued
Payment of domestic money orders—Continued
Payment of orders to other than payees—Con.
Payment to other than person named as payee:
Stamped impressions of collecting banks not considered indorsements 5993
Transfer of orders 5993
Payment to remitter; deletion 5993
Substitution by payee or remitter of name written in error, revision 5993
Treatment of coupons and paid orders:
Disposition of paid money orders 5993
Punched-card money orders, note 5993
Filing of separate advice, deletion 5993
When orders shall not be paid:
Payment by issue of new order, deletion 5993
Payment of orders withheld; circumstances, revision 5993
Postal notes; recission of cited sections 2475
Repayment of money orders:
Duplicate orders; application and issue:
Application for duplicate of order mutilated, defaced, or illegally indorsed; revision, Form 6402 to be used 5994
Application for duplicate order; deletion 5994
Duplicate money orders 5993
Recovery of lost order; revision 5994
Invalid orders payable by settlement check:
Application for settlement check; revision, Form 6403 to be used 5994
Bond of indemnity; application by legal representative 5994
Payment of lost invalid money order:
Application for settlement check; revision 5994
Conditions for issuance of settlement check; revision 5994
Payment and repayment of duplicate orders:
Precautions against double payment at issuing office 5994
Record of payment or repayment of duplicate order; deletion 5994
Where duplicate order may be paid 5994
Repayment of domestic orders:
To agent of remitter; deletion 5993
Upon application of remitter; deletion 5993
Rural routes, money-order business on:
Conduct of business at rural stations; money-order facilities at rural postal stations:
Authorization; revision 5995
Permitted to cash orders conditionally; revision 5995
Payment of orders through carriers; receipt of carrier for money from postmaster, revision 5995
Purchase of money orders through rural carriers, delivery of order to applicant, treatment of receipt and money order at post office, revision 5995
Organization. *See* Department and Postal Service.
Personnel, general regulations; charges, preferment of, disciplinary action, emergency cases, revision 6802
Post offices:
Leases, allowances, and supplies; leasing of premises, rescission of paragraph 2440
Letter, call, and lock boxes; rent of boxes after beginning of quarter, computation of 7569
Treatment of mail matter in post offices. *See* Treatment of domestic mail matter.
Postal notes. *See* Money-order system.
Postmaster General:
Delegation of authority to. *See* Authority, delegations of.
Office of. *See* Department and Postal Service.
Preference and priority for transportation of United States mail. *See main heading* Defense Transport Administration.
Procedures and forms:
Forms of Department; used by:
First Assistant Postmaster General:
Form 22; order to change address 2840
Form 22–S; notice to publisher of change of address 2840
Second Assistant Postmaster General; Form 5050 for requesting transfer of mail 395

POST OFFICE DEPARTMENT—Continued Page

Procedures and forms—Continued
Forms of Department; used by—Continued
Third Assistant Postmaster General:
Form 6401 5995
Form 6402 5995
Form 6403 5996
Post Office Department, procedures of:
General Purchasing Agent; redesignation 6682
Postmaster General under Administrative Procedure Act 6682
Second Assistant Postmaster General:
Assistant Postmaster General in charge of transportation; subpart amended 1147
Fines and deductions:
Regulations affecting messengers, contractors, and carriers 1147
Rescission of cited sections 1147
Railway common carrier:
Pay claims; reports of service performed 395
Transporting mails, relief from; request 394
Procedures before Solicitor:
Rules of practice in cases arising under postal fraud, lottery, and fictitious statutes; rescission 6685, 7826
Rules of practice in formal proceedings arising under postal fraud, lottery, and fictitious statutes; complaints 2440
Procurement:
Improvement of postal operations; authority of Postmaster General. *See* Authority, delegations of.
Supplies and services. *See* Supplies and services, *below*.
Registry system; insurance and collect-on-delivery services:
Domestic insurance and collect-on-delivery services; indemnity:
Amendment of insured or c. o. d. mail 2600
Collect-on-delivery mail:
Fees 13093
Where service is available 7287
Insured mail:
Fees and limits of indemnity for 13093
Return receipts 13093
Loss, rifling, or damage; no indemnity for shellac or wax phonograph records 394
Notification of and conditions under which local or nearby senders' representatives may accept undeliverable c. o. d. parcels 2600
Nursery stock 2600
Remittance of c. o. d. charges or forwarding of undelivered c. o. d. parcels to other than actual mailer 2600
Undeliverable matter; c. o. d. or insured parcels 2600
Domestic mail matter, registration of; registry fees and limits of indemnity 13092
Indemnity for losses; fees and amounts of indemnity 13093
Treatment of matter at post offices of mailing and in transit; return receipts 13092
Restricted service, temporary; orders:
Categories restricted:
See also Discontinuance of temporary service restrictions.
Definition, with extension and supersedure 1091, 1092, 1250
Exceptions (drugs, bank shipments of money, etc.) 1091, 1092, 1250
Discontinuance of temporary service restrictions 1289
Locations where restrictions effective:
See also Discontinuance of temporary service restrictions.
List with extension and supersedure 1091, 1092, 1250
Rural delivery service. *See* Delivery service.
Rural money-order business. *See* Money-order system.
Special delivery service. *See* Delivery service.
Stamps; United Nations postage stamps. *See* United Nations Postal Administration.
Supplies and services, procurement of:
Delegation of authority to Postmaster General from General Services Administrator respecting 8319
Delegation of authority to purchasing agent 3518

POST OFFICE DEPARTMENT—Continued Page

Supplies and services, procurement of—Continued
Supply contracts, service property, etc.:
Contracts, exchangeable items; rescission 3534
Procedure; establishment of office of Purchasing Agent and assignment of duties 3534
Purchases and contracts for supplies and services 3534
Purchasing and the Purchasing Agent:
Authority, rescission 3534
Procedure 3534
Waste paper and twine; proposals for sale of 3052
Temporary mail service restrictions. *See* Restricted service.
Transportation of mails:
Equipment; restricted use of bags 2188
Preference and priority for transportation of United States mail. *See main heading* Defense Transport Administration.
Star steamship and steamboat routes, and vehicle service in cities; transportation of mails by regulation panel body vehicle service 11872
Tubes, pneumatic, and similar devices, service by; rescission of designated provisions 2600
Treatment of domestic mail matter:
See also Registry system, insurance and collect-on-delivery services.
Post offices of mailing and at post offices in transit:
Diversion of mail; note 12726
Postmarking 3217
Second-, third-, and fourth-class matter, where may be mailed; note 12726
Receiving post offices:
Delivery of mail for persons adjudicated incompetent or of unsound mind 357
Forwarding of mail 2838, 6801, 13093
Unclaimed matter, return and disposal:
Perishable matter; when baby fowl may be sold, redesignation 10638
Postal and post cards, undeliverable:
Disposal of other undeliverable domestic cards; supersedure 357
Double cards not bearing sender's return card and pledge; rescission 357
Third- and fourth-class matter; return:
Definition; "obvious value" 2839
Holding, period of; deletion 2839
Manner in which sender's pledge should be indicated 2839
Rates 2839
Redesignation 2839
Return postage 2839
Returned to sender 2839
Sender's pledge; matter not bearing sender's pledge, deletion 2839
United Nations Postal Administration, Postal Agreement to become operative on "United Nations Day"; use of United Nations postage stamps 10951
Valuables, shipment of, by Government agencies and employees; Executive order respecting. *See main heading* Presidential documents.
Withdrawal of funds from symbol account nos. 47001 and 48050; authority delegations respecting. *See* Authority, delegations of.
POWER ADMINISTRATION. *See* Defense Electric Power Administration.

PRESIDENT, THE: Page

Executive orders, letters, proclamations, reorganization plans. *See* Presidential documents.
International Fisheries Commission; regulations pursuant to Pacific Halibut Fishery Convention approved by President 3803
National manpower mobilization policy, implementation of President's memorandum of January 17, 1951, to heads of departments and agencies 7576
President's Commission on Internal Security and Individual Rights; establishment and revocation of establishment order (Executive Order 10207, 10305) 709, 11667
President's Commission on Migratory Labor; termination date (Executive Order 10236) 3607
Railroad wage panel, temporary; letter of recommendation by President to Administrator of Economic Stabilization Agency respecting establishment 3559

PRESIDENT, THE—Continued Page

Special Assistant to President; representation on Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization 646
Standards, specifications, packaging, and inspection methods and procedures of military and civil agencies; agreement between General Services Administration and Defense Department pursuant to letter of President of July 1, 1949 11893
Telecommunications Advisor to President, appointment and functions under Executive Order 10297 10329
Term of Office, amendment to Constitution of United States relating to; certification by General Services Administrator 2019

PRESIDENTIAL DOCUMENTS:
Aeronautics, National Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Agriculture Department:
See also Forest Service; *and* Soil Conservation Service.
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10216) 1815
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, functions under; modification on establishment of Defense Production Administration (EO 10200, 10281) 61, 8789
Food and food facilities functions respecting under Defense Production Act (EO 10200, 10281) 61, 8789
Land utilization projects under Bankhead-Jones Farm Tenant Act, provisions respecting exchanged lands (EO 10234) 3505
Nantahala National Forest, enlargement to include certain lands in Swain County, North Carolina, transferred from Tennessee Valley Authority (EO 10267) 6553
Narcotics, International Committee on; representation on (EO 10302) 11257
Yugoslav Emergency Relief Association Act, funds for administration of, transferred to Department from Economic Cooperation Administration (EO 10208) 709
Aid to foreign countries. *See* Foreign assistance.
Air carriers. *See* Aircraft.
Air Force Department:
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Limitations on punishments:
Enlisted personnel; reduction in grade (EO 10256) 6013
Suspension of limitations on punishments for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) 5035
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, loan guarantees under, in connection with procurement; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61
Enlistments, extension of (EO 10270) 6659
Examinations for promotion of officers of Medical, Dental, and Veterinary Corps; suspension during national emergency (EO 10262) 6333
Federal Fire Council, membership on (EO 10257) 6013
Quarters allowances for members of service under section 302 Career Compensation Act (EO 10204) 417
Reserves:
Active service order, authority of Secretary of Defense respecting (EO 10271) 6659
Enlistments, extension of (EO 10270) 6659
Retired personnel of Regular Air Force; order into active service, authority of Secretary of Defense respecting (EO 10271) 6659
Women's Armed Services; separation of certain personnel serving in Regular Air Force (EO 10240) 3689

PRESIDENTIAL DOCUMENTS—Continued Page

Aircraft:
- Airspace reservations, establishment of:
  - Over Las Vegas Project, Las Vegas, Nevada (EO 10218) 1983
  - Over Savannah River Plant of United States Atomic Energy Commission (EO 10291) 9843
- Labor disputes involving air carriers; investigation of. *See* National Mediation Board.
- Transportation facilities, utilization of; responsibilities respecting (EO 10219) 1983

Airspace reservation. *See* Aircraft.

Alaska:
- Customs port of entry; designation of Pelican as port of entry in Customs Collection District Number 31 (EO 10238) 3627
- Eight-hour law, suspension as to laborers and mechanics employed by Interior Department on public works essential to national defense (EO 10282) 8813
- Roads, trails, etc.; functions of Secretary of Interior respecting (EO 10250) 5385
- Selective Service under Universal Military Training and Service Act. *See* Selective Service System.

Aliens:
- Property of:
  - Intercustodial conflicts relating to enemy property, functions of Secretary of State and Attorney General respecting (EO 10244) 4639
  - Philippine Alien Property Administration; termination and transfer of functions, personnel, property, etc., to Justice Department (EO 10254) 5829
  - Vested property; administration and disposal of property received as reimbursement by United States (EO 10244) 4639
- Selective Service:
  - Classification rules and principles (EO 10202, 10292) 381, 9843
  - Registration:
    - Duty and responsibility to register (EO 10232, 10292) 3423, 9843
    - Exemption from registration (Proc. 2938, 2942) 8265, 8969

Allocations of materials and facilities. *See* Priorities and allocations.

Allowances. *See* Pay, allowances, etc.

Almonds, shelled and prepared; import fee (Proc. 2955) 12413

Amortization of emergency facilities under section 124A Internal Revenue Code; certifying authority for purposes of:
- Defense Production Administrator; functions respecting (EO 10200) 61
- National Security Resources Board; termination of functions respecting (EO 10200) 61

Appeals Board, Selective Service. *See* Selective Service System.

Appeals, Military, United States Court of; official seal (EO 10295) 10011

Archivist of United States; membership on Federal Fire Council (EO 10257) 6013

Armed Forces Day, 1951 (Proc. 2921) 2953

Armed services:
- *See also* Defense Department; *and specific services.*
- Civil service competitive status, acquisition of, by former Government employees on termination of military service (EO 10217, 10288) 1843, 9187

Armistice Day, 1951 (Proc. 2951) 11043

Army Department:
- *See also* Engineers, Corps of.
- Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) 1049
- Courts-Martial Manual, 1951 (EO 10214) 1303
- Limitations on punishments:
  - Enlisted personnel; reduction in grade (EO 10256) 6013
  - Suspension of limitations on punishments prescribed by, for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) 5035
- Defense Mobilization Board, representation on (EO 10200) 61

PRESIDENTIAL DOCUMENTS—Continued Page

Army Department—Continued
- Defense Production Act, loan guarantees under, in connection with procurement; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61
- Enlistments, extension of (EO 10270) 6659
- Examinations for promotions in Regular Army of officers of Medical, Dental, and Veterinary Corps; suspension during national emergency (EO 10262) 6333
- Hawaii, restoration of described lands in certain military reservations to Territory of Hawaii:
  - Fort Armstrong Military Reservation, Honolulu (EO 10309) 12304
  - Fort Ruger Military Reservation, Oahu (EO 10268) 6607
- Hospitals; Army and Navy Hospital at Hot Springs, Arkansas, authority of Secretary of Army to prescribe rules, regulations and restrictions respecting (EO 10272) 6711
- Panama Canal; employment conditions, rentals, rates, etc., revocation of prior orders respecting (EO 10263) 6333
- Quarters allowances for members of service under section 302 Career Compensation Act (EO 10204) 417
- Railroads operated by Secretary, labor disputes affecting. *See* National Mediation Board.
- Reserves:
  - Active service order, authority of Secretary of Defense respecting (EO 10271) 6659
  - Enlistments, extension of (EO 10270) 6659
- Retired personnel:
  - Active service order for retired personnel of Regular Army; authority of Secretary of Defense respecting (EO 10271) 6659
  - Employment by Federal Civil Defense Administration (EO 10242) 4267
- Transportation facilities; responsibility of Secretary with respect to rivers, harbors, inland waterways (EO 10219) 1983
- Women's Armed Services; separation of certain personnel serving in Regular Army (EO 10240) 3689

Atomic Energy Commission:
- Airspace reservations, establishment:
  - Over Las Vegas Project (EO 10218) 1983
  - Over Savannah River Plant, Georgia and South Carolina (EO 10291) 9843
- Appointment of persons of outstanding ability without compensation; applicability of prior orders (EO 10223) 2247
- Contracts and purchases:
  - Contract Compliance, Government, Committee on; representation on (EO 10308) 12303
  - Under Defense Production Act; designation of Commission as agency to guarantee loans in connection with procurement (EO 10223, 10281) 2247, 8789
  - Under First War Powers Act; exercise of functions respecting (EO 10216) 1815

Attorney General. *See* Justice Department.

Audubon Centennial Year (Proc. 2945) 9551

Authors, foreign; copyright protection. *See* Copyright protection.

Bennett, Hugh H., Soil Conservation Service; exemption from compulsory retirement for age (EO 10229) 2865

Boards. *See* Committees, boards, etc.

Bonneville Power Administration; contracts, renegotiation of (EO 10299) 11135

Budget Bureau:
- India, transportation of supplies to; determination by Director respecting funds to be advanced by Reconstruction Finance Corporation in connection with (Proc. 2931) 5969
- Statistical information, functions of Bureau in connection with improvement of work of Federal executive agencies (EO 10253) 5603

Canal Zone. *See* Canal Zone Government; *and* Panama Canal Company.

Canal Zone Government:
- Employment of certain personnel:
  - Conditions of employment; revocation of certain provisions respecting quarters (EO 10263) 6333

PRESIDENTIAL DOCUMENTS—Continued Page

Canal Zone Government—Continued
- Employment of certain personnel—Continued
  - Security; suspension of employment of certain personnel in interest of security, authorization for (EO 10237) 3627
  - Statutory provisions relating to employment, suspension of (EO 10311) 12451
- Internal revenue; inclusion of Canal Zone in Collection District of Florida (EO 10252) 5517
- Redesignation of Panama Canal (agency) (EO 10237) 3627
- Registration:
  - Selective Service registrants, regulations respecting (EO 10232) 3423
  - Universal Military Training and Service Act, registration under (Proc. 2937) 8263
- Vessels, harbors, ports and waterfront facilities, safeguarding of (EO 10226) 2673
- Cancer Control Month, 1951 (Proc. 2919) 2543
- Career Compensation Act, quarters allowances for members of uniformed services under section 302 (EO 10204) 417

Certificates and certification:
- Appointment of persons of outstanding ability under Defense Production Act to positions other than advisory or consultative; certification by employing agency (EO 10205) 419
- Certification of programs of Defense Materials Procurement Agency, functions respecting (EO 10281) 8789
- Necessity certificates:
  - Amortization of emergency facilities under section 124A Internal Revenue Code; certifying authority for purposes of:
    - Defense Production Administrator; authority respecting (EO 10200) 61
    - National Security Resources Board; termination of authority respecting (EO 10200) 61
  - Loans, purchases, etc., under Defense Production Act, certificates in connection with:
    - Issuing agencies, with respect to certain facilities and materials:
      - Agriculture Department; food and food facilities (EO 10200, 10281) 61, 8789
      - Defense Production Administration; all materials and facilities other than food and food facilities (EO 10200, 10281) 61, 8789
    - Modification of functions respecting on establishment of Defense Production Administration and Defense Materials Procurement Administration (EO 10200, 10281) 61, 8789

Child day-care centers, in critical defense housing areas, facilities and services for; functions in connection with (EO 10296) 10103

Child Health Day, 1951 (Proc. 2922) 3455

Children's welfare work, international. *See* International children's welfare work.

Civil Defense Administration. *See* Federal Civil Defense Administration.

Civil rights program. *See* Discrimination.

Civil service:
- Allowances for living, quarters, etc., for Federal personnel on foreign duty (EO 10313) 12687
- Appointments:
  - Without compensation, of persons of outstanding ability (EO 10205, 10223, 10242) 419, 2247, 4267
  - Without compliance with competitive provisions of Civil Service Rules; Stanley C. Wollaston, Labor Department (EO 10220) 2051
- Classification of positions of grades 16, 17, and 18 essential for administration of Defense Production Act, prior order amended (EO 10200) 61
- "Conflict of interest statutes"; exemption of certain appointees of outstanding ability from certain provisions of:
  - Amendment of section 201 (d) of EO 10182 respecting (EO 10205) 419
  - Atomic Energy Commission; exemption of certain appointees (EO 10223) 2247
  - Federal Civil Defense Administration; exemption of certain appointees (EO 10242) 4267
- Death expenses of certain civilian officers and employees, payment of; prior order amended (EO 10209) 1001

PRESIDENTIAL DOCUMENTS—Continued Page

Civil service—Continued
- Eight-hour law; suspension as to laborers and mechanics employed on public works essential to national defense:
  - By Defense Department (EO 10251) 5465
  - By Interior Department (EO 10282) 8813
- Foreign duty of Federal personnel:
  - Allowances for living, quarters, etc (EO 10313) 12687
  - Unhealthful posts, designation and cancellation by Secretary of State (EO 10261) 6271
- Loyalty program:
  - President's Commission on Internal Security and Individual Rights:
    - Establishment (EO 10207) 709
    - Liquidation (EO 10305) 11667
  - "Reasonable doubt" of loyalty grounds for removal from employment; prior order amended (EO 10241) 3690
- Panama Canal Zone, employment in:
  - Conditions of employment; revocation of certain provisions respecting quarters (EO 10263) 6333
  - Security; suspension of employment of certain personnel in interest of security, authorization for (EO 10237) 3627
  - Statutory provisions relating to employment, suspension of (EO 10311) 12451
- Postal employees, substitute, acquisition of competitive status (EO 10288) 9187
- Records relating to employees; availability to President's Commission on Internal Security and Individual Rights (EO 10207) 709
- Retirement; exemptions from compulsory retirement for age:
  - Bennett, Hugh H., Soil Conservation Service (EO 10229) 2865
  - Cone, Howell, Collector of Customs for Customs Collection District No. 17, Savannah, Georgia (EO 10239) 3627
  - Draper, Claude L., Federal Power Commission (EO 10255) 5971
  - Gaston, Herbert E., Export-Import Bank of Washington (EO 10273) 6907
  - Lee, William E., Interstate Commerce Commission (EO 10315) 12803
  - Pyke, Bernice, Collector of Customs, District No. 41, Cleveland, Ohio (EO 10225) 2544
  - Quinn, Arthur A., Comptroller of Customs, New York (EO 10215) 1703
- Security program; consideration by President's Commission on Internal Security and Individual Rights (EO 10207) 709
- Status, competitive, acquisition of; recommendation by agency, requirement respecting certain employees:
  - Postal employees, substitute (EO 10288) 9187
  - Veterans (10217) 1843
- Transfer of personnel:
  - To Defense Materials Procurement Agency from certain agencies affected by establishment of Agency (EO 10281) 8789
  - To Economic Stabilization Agency from Office of Housing Expediter (EO 10276) 7535
  - To Federal Civil Defense Administration from Health Resources Office, National Security Resources Board (EO 10222) 2247
  - To Housing and Home Finance Agency from Office of Housing Expediter (EO 10276) 7535
  - To Mutual Security Agency:
    - From Economic Cooperation Administration, pursuant to section 504 (b) of Mutual Security Act (EO 10300) 11203
    - From State Department (EO 10300) 11203
- Travel and transportation expenses of civilian employees when transferred from one official station to another for permanent duty; prior order amended (EO 10274) 6991
- Unhealthful posts in foreign service; designation by Secretary of State (EO 10261) 6271
- Veterans, acquisition of competitive civil service status:
  - Applicability of term of service in armed forces (EO 10288) 9187
  - Recommendation by agency on discharge from service, requirement (EO 10217, 10288) 1843, 9187

PRESIDENTIAL DOCUMENTS—Continued — Page

Claims against United States in connection with contracts under First War Powers Act; provisions respecting assignment (EO 10210) — 1049
Applicability of provisions to various agencies (EO 10210, 10216, 10227, 10231, 10243, 10281, 10298) — 1049, 1815, 2675, 3025, 4419, 8789, 11135
Coast and Geodetic Survey; quarters allowances for members of uniformed service under section 302 of Career Compensation Act (EO 10204) — 417
Coast Guard:
Contracts, renegotiation of (EO 10260) — 6271
Courts-Martial Manual, 1951 (EO 10214) — 1303
Limitations on punishments; enlisted personnel, reduction in grade (EO 10256) — 6013
Enlistments, extension of (EO 10270) — 6659
Quarters allowances for members of uniformed service under section 302 Career Compensation Act (EO 10204) — 417
Reserves:
Active service order, authority of Secretary of Treasury respecting (EO 10271) — 6659
Enlistments, extension of (EO 10270) — 6659
Retired personnel of Regular Coast Guard; order into active service, authority of Secretary of Treasury respecting (EO 10271) — 6659
Security of waterfront facilities and vessels in port, etc.; amendment of regulations:
General provisions respecting enforcement, employment and identification credentials (EO 10277) — 7537
Responsibility of owners, masters, operators, agents, etc., for security (EO 10277) — 7537
Security of waterfront facilities and vessels in port (EO 10277) — 7537
Coca. *See* Drugs.
Collective bargaining between labor and management, responsibility of Wage Stabilization Board respecting, (EO 10233) — 3503
Columbus Day, 1951 (Proc. 2940) — 8669
Commerce Department:
Claimant for materials and manpower for construction, operation, maintenance, and repair of merchant vessels (EO 10219) — 1983
Contracts and purchases, under First War Powers Act, exercise of functions respecting (EO 10210) — 1049
Defense Mobilization Board, representation on (EO 10200) — 61
Defense Production Act; functions under, modification on establishment of Defense Production Administration (EO 10200) — 61
Loan Policy Board, representation on (Reorganization Plan No. 1 of 1951) — 3690, 3825
Roads, highways, etc.:
Critical defense housing areas, roads and highway projects in; functions respecting (EO 10296) — 10103
Utilization of facilities; functions respecting (EO 10219) — 1983
Transportation and storage; responsibilities of Secretary respecting air transportation, highways, shipping, ship construction, etc. (EO 10219) — 1983
Commissions. *See* Committees, boards, etc.
Committees, boards, etc.:
Aeronautics, National Advisory Committee for:
Contracts and purchases under First War Powers Act, exercise of functions respecting (EO 10216) — 1815
Renegotiation of contracts with (EO 10260) — 6271
Contract Compliance, Government, Committee on; establishment, membership and functions (EO 10308) — 12303
Declaration of Independence, Commission for Commemoration of One Hundred and Seventy-Fifty Anniversary of Signing; establishment (EO 10245) — 4675
Defense Mobilization Board; establishment in Office of Defense Mobilization (EO 10200) — 61
Emergency boards to investigate disputes between certain carriers and their employees. *See* National Mediation Board.
Federal Fire Council, General Services Administration; membership, functions, etc. (EO 10257) — 6013

PRESIDENTIAL DOCUMENTS—Continued — Page

Committees, boards, etc.—Continued
Inter-American Defense Board; designation as public international organization entitled to certain privileges and immunities (EO 10228) — 2676
Internal Security and Individual Rights, President's Commission on:
Establishment (EO 10207) — 709
Liquidation of affairs by Treasury Department (EO 10305) — 11667
International Security Affairs Committee; termination (EO 10300) — 11203
Metals industry (copper and non-ferrous); Board of Inquiry to investigate disputes affecting (EO 10283) — 8873
Migratory Labor, President's Commission on; termination date (EO 10236) — 3607
Mobilization Policy, National Advisory Board on; establishment (EO 10224) — 2543
Narcotics, Interdepartmental Committee on; establishment, functions, and membership (EO 10302) — 11257
National Park Trust Fund Board, appointment of members; functions of Secretary of Interior respecting (EO 10250) — 5385
Radio Advisory Committee, Interdepartmental, to report to and assist Telecommunications Advisor to President (EO 10297) — 10329
Real Estate Board, Federal, abolishment of (EO 10287) — 9137
Reconstruction Finance Corporation Loan Policy Board; establishment, membership, functions, etc. (Reorganization Plan No. 1 of 1951) — 3690, 3825
Selective Service Appeal Board, regulations respecting (EO 10232) — 3423
Senate Committee on District of Columbia; inspection of tax returns (EO 10304) — 11631
Senate Committee on Expenditures in Executive Departments; inspection of tax returns for purpose of investigating sale of tanker ships by Maritime Commission (EO 10275) — 7307
Senate Special Committee, to investigate organized crime in interstate commerce; inspection of tax returns (EO 10279) — 8227
Communications facilities:
Advisor to President on telecommunications facilities; appointment (EO 10297) — 10329
Emergency control over certain Government and non-Government stations engaged in radio communication or radio transmission to energy (EO 10297) — 10329
Communist areas, trade agreements with. *See* Trade agreements.
Community facilities and services in critical defense housing areas:
Recreation and child-care centers, functions of Federal Security Agency and Housing and Home Finance Agency respecting (EO 10296) — 10103
Roads and highway projects, functions of Housing and Home Finance Agency respecting (EO 10296) — 10103
Comptroller General of the United States; availability to, of records pertaining to contracts under First War Powers Act (EO 10210) — 1049
Condemnation of property, functions of Defense Production Administrator respecting under section 201 (b) of Defense Production Act of 1950, as amended (EO 10281) — 8789
Cone, Howell, Collector of Customs for Customs Collection District No. 17 Savannah, Georgia; exemption from compulsory retirement for age (EO 10239) — 3627
"Conflict of interest statutes"; exemption of certain appointees of outstanding ability from certain provisions of:
Atomic Energy Commission; exemption of certain appointees (EO 10223) — 2247
Federal Civil Defense Administration; exemption of certain appointees (EO 10242) — 4267
Salary of appointee paid by private employer; exemption (EO 10205) — 419
Contract Compliance, Government, Committee on; establishment, membership and functions (EO 10308) — 12303

PRESIDENTIAL DOCUMENTS—Continued — Page

Contracts and purchases:
Discrimination on account of race, color, creed, etc.; provisions respecting, in certain contracts:
Contracts under First War Powers Act (EO 10210) — 1049
Federal contracts; improving means for obtaining compliance with nondiscrimination provisions (EO 10308) — 12303
Renegotiation of contracts; designation of agencies pursuant to section 103 (a) of Renogotiation Act in connection with:
Bonneville Power Administration (EO 10299) — 11135
Coast Guard (EO 10260) — 6271
Defense Materials Procurement Agency (EO 10294) — 9927
Federal Civil Defense Administration (EO 10260) — 6271
Geological Survey (EO 10294) — 9927
Mines Bureau (EO 10294) — 9927
National Advisory Committee for Aeronautics (EO 10260) — 6271
Tennessee Valley Authority (EO 10260) — 6271
Solicitation of contracts; warranty respecting, in contracts under First War Powers Act (EO 10210) — 1049
Applicability of provisions to various agencies (EO 10210, 10216, 10227, 10231, 10243, 10281, 10298) — 1049, 1815, 2675, 3025, 4419, 8789, 11135
Under Defense Production Act:
Atomic Energy Commission, designation as guaranteeing agency (EO 10223, 10281) — 2247, 8789
Modification of functions pursuant to Act on establishment of Defense Production Administration and Defense Materials Procurement Agency (EO 10200, 10281) — 61, 8789
Under First War Powers Act, Title II; exercise of certain functions respecting, by various agencies:
Agriculture Department (EO 10216) — 1815
Air Force Department (EO 10210) — 1049
Army Department (EO 10210) — 1049
Atomic Energy Commission (EO 10216) — 1815
Commerce Department (EO 10210) — 1049
Defense Department (EO 10210) — 1049
Defense Materials Procurement Agency (EO 10281) — 8789
Federal Civil Defense Administration (EO 10243) — 4419
General Services Administration (EO 10227) — 2675
Government Printing Office (EO 10216) — 1815
Interior Department (EO 10298) — 11135
National Advisory Committee for Aeronautics (EO 10216) — 1815
Navy Department (EO 10210) — 1049
Tennessee Valley Authority (EO 10231) — 3025
Copper and non-ferrous metals industry, labor disputes affecting; board of inquiry to report on (EO 10283) — 8873
Copyright protection, extension of, to works of authors who are citizens of various countries:
Finland (Proc. 2953) — 11707
Italy (Proc. 2958) — 12685
Cotton, long-staple; import quota supplemented to include additional quantity of cotton having staple 1 3/16 inches or more but less than 1 3/8 inches in length (Proc. 2934) — 6489
Court, District, of United States for Puerto Rico; designation of Honorable A. Cecil Snyder as Acting Judge (EO 10310) — 12449
Court of Military Appeals, United States; official seal (EO 10295) — 10011
Courts-Martial Manual, in effect in armed forces after May 31, 1951 (EO 10214) — 1303
Limitations on punishments:
Enlisted personnel; reduction in grade (EO 10256) — 6013
Suspension of limitations on punishments for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) — 5035
Credit restrictions, residential, in critical defense housing areas; functions of Housing and Home Finance Agency respecting (EO 10296) — 10103

PRESIDENTIAL DOCUMENTS—Continued — Page

Crime, organized, in interstate commerce, Senate Special Committee to investigate; inspection of tax returns (EO 10279) — 8227
Critical areas by reason of defense activities:
Housing and community facilities and services for; functions respecting (EO 10296) — 10103
School facilities for; functions respecting (EO 10269) — 6659
Critical and strategic minerals and metals. *See* Minerals, metals, and other raw materials.
Customs Bureau:
Almonds, import fee (Proc. 2955) — 12413
Bonding of certain customs officials; functions of Secretary of Treasury respecting (EO 10289) — 9499
Cotton, long-staple; import quota supplemented to include additional quality of cotton having staple 1 3/16 inches or more but less than 1 3/8 inches in length (Proc. 2934) — 6489
Customs districts and port of entry; consolidation, location, establishment, etc., by Secretary of Treasury (EO 10289) — 9499
Personnel; exemption of certain persons from compulsory retirement for age:
Cone, Howell, Collector of Customs for Customs Collection District No. 17, Savannah, Georgia (EO 10239) — 3627
Pyke, Bernice, Collector of Customs, District No. 41, Cleveland, Ohio (EO 10225) — 2544
Quinn, Arthur A., Comptroller of Customs, New York (EO 10215) — 1703
Ports of entry (customs) in United States and Alaska; changes in designation (EO 10238) — 3627
Tonnage duties, imposts, etc., suspension of, on certain vessels (yachts, hospital ships, foreign vessels); functions of Secretary of Treasury respecting (EO 10289) — 9499
Trade agreements, customs duties under. *See* Trade agreements.
Warehouses, general-order and bonded, extensions of periods for imported merchandise in; certification to customs collector of consent of warehouse proprietor or of payment of charges by principal for storage or handling or merchandise (Proc. 2948) — 10589
Customs districts; consolidation, location, establishment, etc., by Secretary of Treasury (EO 10289) — 9499
Day-care centers for children in critical defense housing areas; functions respecting (EO 10296) — 10103
Days of observance:
Armed Forces Day, 1951 (Proc. 2921) — 2953
Armistice Day, 1951 (Proc. 2951) — 11043
Audubon Centennial Year (Proc. 2945) — 9551
Cancer Control Month, 1951 (Proc. 2919) — 2543
Child Health Day, 1951 (Proc. 2922) — 3455
Columbus Day, 1951 (Proc. 2940) — 8669
Employ the Physically Handicapped Week, 1951 (Proc. 2939) — 8266
Farm Safety Week, National, 1951 (Proc. 2926) — 3943
Fire Prevention Week, 1951 (Proc. 2936) — 7971
Flag Day, 1951 (Proc. 2930) — 5517
Foster, Stephen, Memorial Day (Proc. 2957) — 12633
"I Am An American Day", 1951 (Proc. 2918) — 2383
Maritime Day, National, 1951 (Proc. 2928) — 4607
Mother's Day, 1951 (Proc. 2923) — 3687
Pan American Day, 1951 (Proc. 2920) — 2697
Physically handicapped persons; National Employ the Physically Handicapped Week, 1951 (Proc. 2939) — 8266
Pulaski (General) Memorial Day, 1951 (Proc. 2941) — 8669
Red Cross Month, 1951 (Proc. 2917) — 1627
Thanksgiving Day, 1951 (Proc. 2952) — 11293
United Nations Day, 1951 (Proc. 2944) — 9295
United Nations Human Rights Day, 1951 (Proc. 2956) — 12449
World Trade Week, 1951 (Proc. 2927) — 4367
Death expenses of certain civilian officers and employees, payment of; prior order amended (EO 10209) — 1001
Declaration of Independence, Commission for Commemoration of the One Hundred and Seventy-fifth Anniversary of Signing of; establishment (EO 10245) — 4675

PRESIDENTIAL DOCUMENTS—Continued — Page

Defense Department:
See also Air Force Department; Army Department; *and* Navy Department.
Active service order for Reserves of Armed Forces and retired personnel of Regular Armed Forces; authority of Secretary of Defense respecting (EO 10271) — 6659
Contract Compliance, Government, Committee on; representation on (EO 10308) — 12303
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) — 1049
Courts-Martial Manual, 1951 (EO 10214) — 1303
Limitations on punishments:
Enlisted personnel; reduction in grade (EO 10256) — 6013
Suspension of limitations on punishments for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) — 5035
Defense Mobilization Board; representation on (EO 10200) — 61
Detail of military personnel to United Nations; provisions regarding expenses and perquisites (EO 10206) — 529
Eight-hour law, suspension as to laborers and mechanics employed on public works essential to national defense (EO 10251) — 5465
Enlistments in armed forces, extension of; responsibility of Secretary of Defense respecting (EO 10270) — 6659
Far East, Commander in Chief, persons under command of; suspension of limitations on punishments for violations of certain Articles of Uniform Code of Military Justice (EO 10247) — 5035
Mutual Security Act, functions of Secretary under, with respect to furnishing military items and technical assistance to foreign countries (EO 10300) — 11203
Narcotics, Interdepartmental Committee on; representation on (EO 10302) — 11257
Peaceful settlement of international disputes, support of United Nations' activities directed toward; detail of personnel, furnishing of facilities, services, etc., on request of Secretary of State (EO 10206) — 529
Radio communication or radio transmission of energy, emergency control over; duties in connection with (EO 10312) — 12452
Reserves, and retired personnel of Regular Armed Forces, active service order for; authority of Secretary of Defense respecting (EO 10271) — 6659
Transportation and storage; cooperation in coordination and utilization of facilities (EO 10219) — 1983
Defense Materials Procurement Agency:
Contracts and purchases:
Contract Compliance, Government, Committee on; representation on (EO 10308) — 12303
Renegotiation of contracts (EO 10294) — 9927
Under Defense Production Act; guarantee of loans, functions respecting (EO 10281) — 8789
Establishment and functions (EO 10281) — 8789
Installations in public or privately owned plants, factories and other industrial facilities; function respecting (EO 10281) — 8789
Minerals, metals, and other materials:
Critical and strategic minerals and metals, exploration, development and mining of; functions respecting (EO 10281) — 8789
Procurement for Government use or resale; functions respecting (EO 10281) — 8789
Subsidy payments under Defense Production Act; authority of Administrator respecting (EO 10281) — 8789
Defense Mobilization Board; establishment in Office of Defense Mobilization (EO 10200) — 61
Defense Mobilization, Office of:
Air transportation: Director to approve transfer or assignment of aircraft to Defense Department (EO 10219) — 1983
Cooperation of Government agencies in furnishing personnel, information, etc., to Economic Stabilization Agency, on request of Director (Letter of January 26, 1951) — 793

PRESIDENTIAL DOCUMENTS—Continued — Page

Defense Mobilization, Office of—Continued
Critical areas, by reason of national-defense activities, determination by Director in connection with need for certain facilities:
Defense housing and community facilities and services (EO 10296) — 10103
School facilities (EO 10269) — 6659
Defense Housing and Community Facilities and Services Act, functions under (EO 10296) — 10103
Defense Mobilization Board, establishment in Office; Director of Office to serve as Chairman of Board (EO 10200) — 61
Defense Production Act, direction, control and coordination of functions delegated or assigned under (EO 10281) — 8789
Temporary transfer of powers to Director of Defense Mobilization (Letters of April 27, 1951) — 3690, 3691
Food, allocation of, for industrial needs and human and animal consumption; functions of Director respecting (EO 10200) — 61
Mobilization Policy, National Advisory Board on; Director of Office to act as Chairman of Board (EO 10224) — 2543
School facilities, in critical areas; determined by Director to be critical by reason of defense activities (EO 10269) — 6659
Voluntary agreements, temporary powers of Director respecting (Letters of April 27, 1951) — 3690, 3691
Defense Production Act:
Appointment, without compensation, of persons of outstanding ability, under Act (EO 10205, 10223, 10242) — 419, 2247, 4267
Contracts and purchases under Act. *See* Contracts and purchases.
Economic stabilization under Act; new provisions (EO 10233) — 3503
Functions under Act; modification on establishment of Defense Production Administration and Defense Materials Procurement Agency (EO 10200, 10281) — 61, 8789
Temporary transfer of powers to Director of Defense Mobilization (Letters of April 27, 1951) — 3690, 3691
Defense Production Administration:
Acting Administrator, designation of (Letter of April 27, 1951) — 3690
Certificates, under Defense Production Act:
Certificates of necessity for loans to private business enterprises for all materials and facilities excepting food and food facilities (EO 10281) — 8789
Certification of programs of Defense Materials Procurement Agency, functions respecting (EO 10281) — 8789
Condemnation of property, functions of Administrator respecting (EO 10281) — 8789
Defense Housing and Community Facilities and Services Act, functions under (EO 10296) — 10103
Defense installations (defined by Administrator) in isolated areas; Administrator to make findings in connection with acquisition of land by Housing and Home Finance Administrator, necessary housing or community facilities, etc. (EO 10296) — 10103
Establishment, functions, etc. (EO 10200) — 61
Transportation and storage; priorities in connection with, to be subject to policies and orders of Administrator (EO 10219) — 1983
Voluntary agreements; temporary transfer of powers respecting, to Director of Defense Mobilization (Letters of April 27, 1951) — 3690, 3691
Dental Corps of armed services:
Examinations, professional, for promotion of officers of Dental Corps of Regular Army and Air Force; suspension during emergency (EO 10262) — 6333
Selective Service regulations respecting (EO 10292) — 9843
Disaster relief, administration of (EO 10221) — 2051
Discrimination on account of race, creed, color, or national origin; provisions respecting, in certain contracts:
Contracts under First War Powers Act (EO 10210) — 1049

PRESIDENTIAL DOCUMENTS—Continued — Page

Discrimination on account of race, creed, color, or national origin; provisions respecting, in certain contracts—Continued
Federal contracts, improving means for obtaining compliance with nondiscrimination provisions (EO 10308) — 12303
District of Columbia, Senate Committee on; inspection of tax returns (EO 10304) — 11631
"Dollar-a-year men"; appointment under Defense Production Act, without compensation, of certain persons of outstanding ability and prescribing regulations for their exemption from certain "conflict of interest statutes" (EO 10205, 10223, 10242) — 419, 2247, 4267
Draper, Claude L., Federal Power Commission; exemption from compulsory retirement for age (EO 10255) — 5971
Drugs (coca, opium and derivatives, and marihuana):
Interdepartmental Committee on Narcotics; functions respecting drugs and marihuana (EO 10302) — 11257
Virgin Islands; purchase of drugs, taxation, etc., functions of Secretary of Interior respecting (EO 10250) — 5385
Economic Cooperation Administration:
Abolishment, and transfer of functions, personnel, property, and records to Mutual Security Agency (EO 10300) — 11203
Liquidation of affairs by Mutual Security Agency (EO 10300) — 11203
Yugoslav Emergency Relief Assistance Act, transfer of funds to Agriculture Department for administration of (EO 10208) — 709
Economic Stabilization Agency:
See also Price Stabilization, Office of; *and* Wage Stabilization Board.
Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) — 793
Liquidation of certain affairs of Office of Housing Expediter (EO 10276) — 7535
Rent control, transfer of functions respecting under Title II of Housing and Rent Act of 1947 to Agency from Office of Housing Expediter (EO 10276) — 7535
Seal of office, establishment (EO 10235) — 3607
Subsidy payments for stabilization purposes, Administrator to make recommendations respecting (EO 10281) — 8789
Veterans' housing; administration of certain functions under Title I of Housing and Rent Act of 1947 formerly vested in Housing and Home Finance Agency (EO 10293) — 9927
Voluntary agreements by industry, business, etc., under Defense Production Act; modification of functions of Administrator on establishment of Defense Production Administration (EO 10200) — 61
Education, Office of; school facilities in critical defense areas, responsibility of Office to furnish information to Director of Defense Mobilization respecting (EO 10269) — 6659
Eight-hour law, suspension as to mechanics and laborers employed on public works essential to national defense:
By Defense Department (EO 10251) — 5465
By Interior Department (EO 10282) — 8813
Emergency boards, to investigate disputes between certain carriers and their employees. *See* National Mediation Board.
Emergency facilities; amortization. *See* Amortization of emergency facilities.
Employ the Physically Handicapped Week, 1951 (Proc. 2939) — 8266
Employment:
In Canal Zone. *See* Panama Canal Company.
In defense industry and essential employment. *See* Labor supply.
In Foreign Service. *See* State Department.
In Government. *See* Civil service.
Enemy property; functions of Secretary of State and Attorney General respecting settlement of intercustodial conflicts relating to (EO 10244) — 4639

PRESIDENTIAL DOCUMENTS—Continued — Page

Energy, radio transmission of; emergency control over certain Government and non-Government stations engaged in (EO 10297) — 10329
Engineers, Corps of; Federal Fire Council, membership on (EO 10257) — 6013
Enlistments in armed forces, extension of (EO 10270) — 6659
Europe, Special Representatives:
Special Representative of Mutual Security Agency; applicability of provisions of prior orders (EO 10300) — 11203
United States Special Representative in Europe; effective date of abolishment (EO 10300) — 11203
Examinations, professional, for promotion of officers of Medical, Dental, and Veterinary Corps of Regular Army and Air Force; suspension during emergency (EO 10262) — 6333
Executive Departments, Expenditures in, Senate Committee on; inspection of tax returns (EO 10275) — 7307
Executive Office of the President:
See also Defense Mobilization, Office of.
Telecommunications Advisor to President, appointment and functions (EO 10297) — 10329
Export-Import Bank of Washington:
Loans to private business enterprises in foreign countries, functions under Defense Production Act (EO 10281) — 8789
Personnel; exemption of Herbert E. Gaston from compusory retirement for age (EO 10273) — 6907
Farm Safety Week, National, 1951 (Proc. 2926) — 3943
Federal Civil Defense Administration:
Contracts and purchases:
Renegotiation of contracts (EO 10260) — 6271
Under First War Powers Act; exercise of functions respecting (EO 10243) — 4419
Health services and special weapons defense functions related to civil defense; transfer to Administration from Health Resources Office, National Security Resources Board, together with certain funds, personnel, property, etc. (EO 10222) — 2247
Personnel; regulations with regard to employment of part-time or temporary advisory personnel, employment of retired personnel of armed services, utilization of voluntary and uncompensated services, etc. (EO 10242) — 4267
Federal Communications Commission:
Radio communications or radio transmission of energy, emergency control over certain Government and non-Government stations engaged in; authority respecting (EO 10312) — 12452
Telecommunications Advisor to President to cooperate with Commission on problems of mutual concern (EO 10297) — 10329
Federal Fire Council, General Services Administration; membership, functions, etc. (EO 10257) — 6013
Federal personnel:
Civil service regulations. *See* Civil service.
Foreign Service. *See* State Department.
Federal Power Commission; further exemption of Claude L. Draper from compulsory retirement for age (EO 10255) — 5971
Federal Real Estate Board, abolishment of (EO 10287) — 9137
Federal Reserve System, Board of Governors:
Defense Mobilization Board, representation on (EO 10200) — 61
Defense Production Act; functions respecting guarantee of loans, voluntary agreements, etc., modification on establishment of Defense Production Administration (EO 10200) — 61
Federal Security Agency:
See also Education, Office of; *and* Public Health Service.
Child day-care centers. *See* Recreation and child-care centers.
Functions under Defense Housing and Community Facilities and Services Act (EO 10296) — 10103
Interdepartmental Committee on Narcotics, representation on (EO 10302) — 11257
Libraries in critical defense housing areas; Housing and Home Finance Agency to utilize facilities of Federal Security Agency (EO 10296) — 10103

PRESIDENTIAL DOCUMENTS—Continued Page

Federal Security Agency—Continued
Recreation and child-care centers in critical defense housing areas, functions respecting (EO 10296) 10103
Federal Trade Commission; modification of functions under Defense Production Act respecting voluntary agreements, on establishment of Defense Production Administration (EO 10200) 61
Finland; copyright protection, extension of, to works of authors who are citizens of Finland (Proc. 2953) 11707
Fire Council. *See* Federal Fire Council.
Fire Prevention Week, 1951 (Proc. 2936) 7971
First War Powers Act, contracts and purchases under. *See* Contracts and purchases.
Fish and Wildlife Service; migratory birds, regulations respecting taking, possession, etc.; functions of Secretary of Interior in connection with (EO 10250) 5385
Five Civilized Tribes; functions of Secretary of Interior respecting agencies, approval of acts, etc. (EO 10250) 5385
Flag Day, 1951 (Proc. 2930) 5517
Food:
Allocation for industrial needs and human and animal consumption, functions respecting (EO 10200) 61
Certificates of necessity for loans with respect to food and food facilities (EO 10281) 8789
Purchase for Government use or resale (EO 10281) 8789
Foreign assistance:
Children's welfare work, international, authority of Secretary of State respecting (EO 10259) 6271
Korea, collection of clothing and supplies for people of (Proc. 2943) 8999
Mutual Security Act, functions pursuant to (EO 10300) 11203
Yugoslav Emergency Relief Assistance Act, administration of (EO 10208) 709
Foreign duty of Federal personnel. *See* Civil service.
Foreign Service. *See* State Department.
Forest Service:
Cherokee National Forest, Polk County, Tennessee:
Inclusion of certain lands (EO 10213) 1170
Transfer of certain lands and rights-of-way to Tennessee Valley Authority (EO 10212) 1167
Nantahala National Forest, addition of certain lands (EO 10213, 10267) 1170, 6553
Shasta National Forest, certain lands in, added to Lava Beds National Monument (Proc. 2925) 3823
Foster, Stephen, Memorial Day (Proc. 2957) 12633
Gaston, Herbert E., Export-Import Bank of Washington; exemption from compulsory retirement for age (EO 10273) 6907
General Services Administration:
Contract Compliance, Government, Committee on; representation on (EO 10308) 12303
Contracts and purchases, under First War Powers Act; exercise of certain functions respecting (EO 10227) 2675
Defense Production Act; modification of functions under, respecting disposal of requisitioned property, productive capacity and supply, etc., on establishment of Defense Production Administration (EO 10200) 61
Federal Fire Council; membership, functions, etc. (EO 10257) 6013
Installations in public or privately owned plants, factories and other industrial facilities; transfer of functions, personnel, records, etc., in connection with, to Defense Materials Procurement Agency (EO 10281) 8789
Metals, minerals, and other raw materials, procurement for Government use or resale; transfer of functions, personnel, etc., in connection with to Defense Materials Procurement Agency (EO 10281) 8789
Storage facilities, utilization of, in cooperation with Interstate Commerce Commissioner responsible for Bureau of Service (EO 10219) 1983
Geologic phenomena; addition to Lava Beds National Monument, California, of lands containing prehistoric and geologic phenomena (Proc. 2925) 3823

PRESIDENTIAL DOCUMENTS—Continued Page

Geological Survey; contracts, renegotiation of (EO 10294) 9927
Germany, termination of state of war with (Proc. 2950) 10915
Gold and silver, transactions in; Secretary of Treasury to issue regulations respecting (EO 10289) 9499
Government employees:
Civil service regulations. *See* Civil service.
Foreign Service. *See* State Department.
Government Printing Office; contracts and purchases under First War Powers Act, exercise of functions respecting (EO 10216) 1815
Greece, aid to; functions of Mutual Security Agency respecting (EO 10300) 11203
Guam:
Income-tax laws of United States to be in force in Guam, pursuant to section 31 of Organic Act of Guam (EO 10211) 1167
Selective Service in. *See* Selective Service System.
Harbors. *See* Vessels, harbors, inland waterways, ports, and waterfront facilities.
Hawaii:
Restoration of certain lands in military reservations to Territory of Hawaii:
Fort Armstrong Military Reservation (EO 10309) 12304
Fort Ruger Military Reservation (EO 10268) 6607
Selective Service under Universal Military Training and Service Act. *See* Selective Service System.
Health Resources Office, National Security Resources Board, transfer of health services and special weapons defense functions related to civil defense to Federal Civil Defense Administration, together with certain funds, personnel, property, etc. (EO 10222) 2247
Health services:
In critical defense areas, functions respecting (EO 10296) 10103
Transfer of functions respecting, to Federal Civil Defense Administration from National Security Resources Board (EO 10222) 2247
Helium, production and sale of; authority of Secretary of Interior to approve regulations respecting (EO 10250) 5385
Highways. *See* Roads, highways, etc.
Hospitals:
Army and Navy Hospital at Hot Springs, Arkansas, authority of Secretary of Army to prescribe rules, regulations and restrictions respecting (EO 10272) 6711
Hospital ships, suspension of tonnage duties, imposts, etc. on; functions of Secretary of Treasury respecting (EO 10289) 9499
Housing Expediter, Office of; termination, transfer of functions to Economic Stabilization Agency and Housing and Home Finance Agency, and liquidation of remaining functions by Economic Stabilization Agency (EO 10276) 7535
Housing and Home Finance Agency:
See also Public Housing Administration.
Acquisition of lands for defense installations and housing and community facilities in isolated areas; functions of Administrator respecting (EO 10296) 10103
Child day-care centers. *See* Recreation and child day-care centers.
Credit restrictions. *See* Residential credit restrictions.
Critical defense housing areas, functions respecting under Defense Housing and Community Facilities and Services Act (EO 10296) 10103
Disaster relief, administration of (EO 10221) 2051
Libraries in critical defense housing areas:
Functions of Administrator respecting (EO 10296) 10103
Utilization of facilities of Federal Security Agency (EO 10296) 10103
Recreation and child day-care centers, community facilities and services for, functions respecting:
Facilities; functions of Administrator respecting (EO 10296) 10103
Services; transfer of certain functions to Federal Security Agency (EO 10296) 10103

PRESIDENTIAL DOCUMENTS—Continued Page

Housing and Home Finance Agency—Continued
Residential credit restriction in critical defense housing areas, suspension and relaxation; functions of Administrator respecting (EO 10296) 10103
Roads and highway projects in critical defense housing areas; Administrator to consult with Secretary of Commerce respecting (EO 10296) 10103
Veterans' housing:
Administration of certain functions under Title I of Housing and Rent Act of 1947:
By Economic Stabilization Agency (EO 10293) 9927
By Housing and Home Finance Agency (EO 10276) 7535
Disposition of temporary structures by sale or transfer to local public agencies, or by removal; extension of time relating to (EO 10284) 8971
War housing (temporary); disposition by sale or transfer to local public agencies, or by removal, extension of time relating to (EO 10284) 8971
Water utilization and sewage disposal in critical defense housing areas, functions respecting (EO 10296) 10103
Hovenweep National Monument, Colorado and Utah; enlargement to include lands containing Hackberry and Goodman Point Ruins (Proc. 2924) 3687
"I Am An American Day", 1951 (Proc. 2918) 2383
Imports:
Almonds, shelled and prepared; import fee (Proc. 2955) 12413
Import quota on long-staple cotton supplemented to include additional quantity of cotton having staple $1^{3}/_{16}$ inches or more but less than $1^{3}/_{8}$ inches in length (Proc. 2934) 6489
Merchandise in general-order and bonded warehouses, extensions of time; certification respecting consent of warehouse proprietor to extension, or payment of charges for storage or handling of merchandise (Proc. 2948) 10589
Trade agreements respecting. *See* Trade agreements.
Independence, Declaration of, Commission for the Commemoration of the One Hundred and Seventy-Fifth Anniversary of the Signing of; establishment (EO 10245) 4675
India, transportation of supplies to, under India Emergency Food Aid Act; activation and operation of vessels in connection with (Proc. 2931) 5969
Indians; functions of Secretary of Interior respecting agencies, approval of acts, etc., of Five Civilized Tribes, appropriations, trust periods on lands, etc. (EO 10250) 5385
Information. *See* Records, information, etc.
Inland waterways. *See* Vessels, harbors, inland waterways, ports, and waterfront facilities.
Insurance, war-risk, in connection with shipping and ship construction; administration by Secretary of Commerce (EO 10219) 1983
Inter-American Defense Board; designation as public international organization entitled to certain immunities (EO 10228) 2676
Interdepartmental Committee on Narcotics; establishment, functions, and membership (EO 10302) 11257
Interdepartmental Radio Advisory Committee, to report to and assist Telecommunications Advisor to President (EO 10297) 10329
Interior Department:
See also Bonneville Power Administration; Fish and Wildlife Service; Forest Service; Geological Survey; Land Management Bureau; Mines Bureau; *and* National Park Service.
Contracts and purchases, under First War Powers Act, Title II, exercise of functions respecting (EO 10298) 11135
Defense Mobilization Board, representation on (10200) 61
Defense Production Act; functions under, modification on establishment of Defense Production Administration and Defense Materials Procurement Agency (EO 10200, 10281) 61, 8789
Eight-hour law, suspension as to laborers and mechanics employed on public works essential to national defense (EO 10282) 8813

PRESIDENTIAL DOCUMENTS—Continued Page

Interior Department—Continued
Functions of Secretary respecting Alaskan roads and trails, drugs in Virgin Islands, Indians, land districts and offices, certain lands and moneys in Puerto Rico, helium, transportation of petroleum products, disposal of recreational demonstration projects, migratory birds, appointment of members of National Park Trust Fund Board, etc. (EO 10259) 5385
Lands:
Alabama; transfer of certain lands in Limestone County, comprising Elk River Fish Hatchery, to Tennessee Valley Authority (EO 10246) 4743
Idaho; transfer of certain lands between Agriculture and Interior Departments, and withdrawal of certain public lands for use of Agriculture Department (EO 10234) 3505
Pipelines, transportation by. *See* Transportation and storage.
Samoa, American; transfer of administration to Interior Department from Navy Department (EO 10264) 6417
Transportation and storage; responsibilities of Secretary respecting pipelines, coordination of inland and ocean transportation, etc. (EO 10219) 1983
Trust Territory of Pacific Islands; transfer of administration to Interior Department from Navy Department (EO 10265) 6419
Internal Revenue Bureau:
Amortization of emergency facilities under section 124A, Internal Revenue Code; certifying authority for (EO 10200) 61
Collection districts:
Florida; inclusion of Canal Zone in district (EO 10252) 5517
Maryland; inclusion of Virgin Islands in district (EO 10201) 337
Inspection of income, excess-profits, declared value excess profits, capital stock, estate, and gift tax returns:
By Senate Committee on District of Columbia (EO 10304) 11631
By Senate Committee on Expenditures in Executive Departments for purpose of investigating sale of tanker ships by Maritime Commission (EO 10275) 7307
By Senate Special Committee to investigate organized crime in interstate commerce, providing for inspection of tax returns of 1950 (EO 10279) 8227
Internal Security and Individual Rights, President's Commission on:
Establishment (EO 10207) 709
Liquidation of affairs by Treasury Department (EO 10305) 11667
International agreements for settlement of intercustodial conflicts involving enemy property; functions of Attorney General and Secretary of State respecting (EO 10244) 4639
International children's welfare work, authority of Secretary of State relating to (EO 10259) 6271
International Development Act, Title IV, technical cooperation programs under; coordination, direction and supervision of programs by Director of Mutual Security (EO 10300) 11203
International disputes, support of United Nations' activities directed to peaceful settlement of; responsibilities of Secretary of State and Secretary of Defense respecting (EO 10206) 529
International organizations; Inter-American Defense Board, designation as public international organization entitled to certain immunities and privileges (EO 10228) 2676
International Security Affairs Committee, termination of (EO 10300) 11203
Interstate Commerce Commission:
Defense Production Act, functions under; modification of functions respecting priorities and allocations, productive capacity and supply, requisitioning, voluntary plans, etc., on establishment of Defense Production Administration (EO 10200) 61

PRESIDENTIAL DOCUMENTS—Continued Page

Interstate Commerce Commission—Continued
Personnel; exemption of William E. Lee from compulsory retirement for age (EO 10315) 12803
Transportation, domestic, and storage; responsibilities respecting (EO 10218) 1983
Italy; copyright protection, extension of, to works of authors who are citizens of Italy (Proc. 2958) 12685
Justice Department:
Alien property, functions of Attorney General respecting:
Philippine Alien Property Administration, transfer of functions, personnel, property, etc., to Attorney General and to Department (EO 10254) 5829
Settlement of intercustodial conflicts respecting enemy property (EO 10244) 4639
Vested property; administration and disposal of property received as reimbursement by United States (EO 10244) 4639
Interdepartmental Committee on Narcotics, representation on (EO 10302) 11257
Korea, collection of clothing and supplies for people of (Proc. 2943) 8999
Labor Department:
Contract compliance, Government, Committee on; representation on (EO 10308) 12303
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, functions under; modification of functions respecting labor needs on establishment of Defense Production Administration (EO 10200) 61
Personnel; appointment of Stanley C. Wollaston without compliance with competitive provisions of Civil Service Rules (EO 10220) 2051
Labor disputes:
Emergency boards, to investigate disputes between certain carriers and their employees. *See* National Mediation Board.
Inquiry, Board of, to investigate disputes affecting-copper and non-ferrous metals industry (EO 10283) 8873
Wage Stabilization Board, jurisdiction respecting (EO 10233) 3503
Labor, Migratory, President's Commission on; termination date (EO 10236) 3607
Labor supply; functions of Defense Production Administration respecting (EO 10200) 61
Laborers. *See* Mechanics and laborers.
Land districts and offices. *See* Lands.
Land Management Bureau:
Prosphate reserves in certain lands in Florida, withdrawal from appropriation and transfer to Tennessee Valley Authority (EO 10278) 7917
Withdrawal of certain public lands for use of Agriculture Department under Title III of Bankhead-Jones Farm Tenant Act (EO 10234) 3505
Lands:
Alabama; transfer of certain lands in Limestone County, comprising Elk River Fish Hatchery, from Interior Department to Tennessee Valley Authority (EO 10246) 4743
Forest lands, in national forests. *See* Forest Service.
Hawaii; restoring certain lands comprising portions of military reservations to jurisdiction of Territory of Hawaii:
Fort Armstrong (EO 10309) 12304
Fort Ruger (EO 10268) 6607
Idaho; transfer of certain lands from Agriculture Department to Interior Department, and withdrawal of certain public lands for use of agriculture Department (EO 10234) 3505
Indian lands, trust periods on; functions of Secretary of Interior respecting (EO 10250) 5385
Isolated areas; acquisition of lands in, by Housing and Home Finance Agency for defense installations and housing and community facilities (EO 10296) 10103
Land districts and offices:
Functions of Secretary of Interior respecting establishment and boundaries of land districts, discontinuance and change of location of land offices, etc. (EO 10250) 5385

PRESIDENTIAL DOCUMENTS—Continued Page

Lands—Continued
Land districts and offices—Continued
Transfer of described lands from Sacramento, California, land district to Los Angeles, California, land district (EO 10248) 5197
National monuments, certain lands in. *See* National Park Service.
Puerto Rico, lands in; acceptance or disposal of certain lands by United States, functions of Secretary of Interior respecting (EO 10250) 5385
Lava Beds National Monument, California; enlargement to include certain lands containing prehistoric and geologic phenomena (Proc. 2925) 3823
Lee, William E., Interstate Commerce Commission; exemption from compulsory retirement for age (EO 10315) 12803
Libraries, in critical defense housing areas, functions of Federal Security Agency and Housing and Home Finance Agency respecting (EO 10296) 10103
Liquidation of certain agencies:
Housing Expediter, Office; liquidation by Economic Stabilization Agency (EO 10276) 7535
President's Commission on Internal Security and Individual Rights; liquidation of affairs by Treasury Department (EO 10305) 11667
Loan Policy Board of Reconstruction Finance Corporation; establishment, membership, etc. (Reorganization Plan No. 1 of 1951) 3690, 3825
Loyalty program; "reasonable doubt" of loyalty, grounds for removal from employment (EO 10241) 3690
Applicability of procedures to commissioned officers of Public Health Service (EO 10280) 8227
Manpower necessary in utilization of transportation and storage facilities; designation of Interstate Commerce Commission and Commerce Department as claimant agencies in connection with (EO 10219) 1983
Marihuana. *See* Drugs.
Marine Corps:
Courts-Martial Manual, 1951 (EO 10214) 1303
Suspension of limitations on punishments prescribed by, for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) 5035
Enlistments, extension of (EO 10270) 6659
Officer Personnel Act of 1947, suspension of certain provisions respecting grade, promotion, etc., of officers in grades of lieutenant and ensign (EO 10266) 6420
Quarters allowances under section 302 Career Compensation Act (EO 10204) 417
Reserves:
Active service order, authority of Secretary of Defense respecting (EO 10271) 6659
Enlistments, extension of (EO 10270) 6659
Retired personnel of Regular Marine Corps; order into active service, authority of Secretary of Defense respecting (EO 10271) 6659
Women's Armed Services; separation of certain personnel serving in Regular Marine Corps (EO 10240) 3689
Maritime Commission, sale of tanker ships by; inspection of tax returns by Senate Committee on Expenditures in Executive Departments in connection with investigation of (EO 10275) 7307
Maritime Day, National, 1951 (Proc. 2928) 4607
Mechanics and laborers employed on public works essential to national defense; suspension of eight-hour law with respect to:
By Defense Department (EO 10251) 5465
By Interior Department (EO 10282) 8813
Medical Corps of armed services:
Examinations, professional, for promotion of officers of Medical Corps of Regular Army and Air Force; suspension during emergency (EO 10262) 6333
Selective Service regulations respecting (EO 10292) 9843
Merchant marine, navigation aids for; functions of Secretary of Treasury respecting (EO 10219) 1983
Metallurgical Congress, World, recognition and welcome (Proc. 2947) 10513
Metals. *See* Minerals, metals, and other raw materials.

PRESIDENTIAL DOCUMENTS—Continued Page

Metals industry (copper and non-ferrous), Board of Inquiry to investigate labor disputes effecting (EO 10283) 8873
Migratory birds, regulations respecting taking, possession, etc., functions of Secretary of Interior respecting (EO 10250) 5385
Migratory Labor, President's Commission on; termination date (EO 10236) 3607
Military aid to foreign countries; functions under Mutual Security Act respecting (EO 10300) 11203
Military Appeals, United States Court of; official seal (EO 10295) 10011
Military installations and reservations:
Defense housing and community facilities in military installations; functions in connection with (EO 10296) 10103
Hawaii; restoration of certain lands in military reservations to Territory of Hawaii:
Fort Armstrong Military Reservation (EO 10309) 12304
Fort Ruger Military Reservation (EO 10268) 6607
Military justice; limitations on punishments prescribed by Courts-Martial Manual:
Enlisted personnel; prisoners sentenced to punitive discharge (EO 10256) 6013
Suspension of limitations on punishments for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) 5035
Minerals, metals, and other raw materials:
Copper and non-ferrous metals industry, labor disputes affecting; board of inquiry to report on (EO 10283) 8873
Critical and strategic minerals and metals, exploration, development, and mining of; functions of various agencies under Defense Production Act respecting (EO 10281) 8789
Procurement for Government use or resale, functions of Defense Materials Procurement Agency respecting EO 10281) 8789
Mines Bureau; contracts, renegotiation of (EO 10294) 9927
Mobilization Policy, National Advisory Board on; establishment (EO 10224) 2543
Monuments, national. *See* National Park Service.
Mother's Day, 1951 (Proc. 2923) 3687
Muir Woods National Monument, California; enlargement (Proc. 2932) 6269
Mutual Defense Assistance Act, administration of; functions respecting, under Mutual Security Act (EO 10300) 11203
Mutual Security Act, functions pursuant to (EO 10300) 11203
Mutual Security Agency:
Economic Cooperation Administration:
Liquidation of affairs by Agency (EO 10300) 11203
Transfer of functions, personnel, property and records to Agency (EO 10300) 11203
Foreign policy; Director and Secretary of State to coordinate programs of Agency with established policy (EO 10300) 11203
Functions under Mutual Security Act (EO 10300) 11203
Greece and Turkey, aid to; functions of Director respecting (EO 10300) 11203
International development, technical cooperation programs in connection with; functions of Director respecting (EO 10300) 11203
Military aid and technical assistance to foreign countries; coordination, direction, and supervision by Director (EO 10300) 11203
Nantahala National Forest, enlargement (EO 10267) 6553
Narcotics. *See* Drugs.
National Advisory Board on Mobilization Policy; establishment, functions, membership, etc. (EO 10224) 2543
National Advisory Committee for Aeronautics:
Contracts and purchases under First War Powers Act, exercise of functions respecting (EO 10216) 1815
Renegotiation of contracts with (EO 10260) 6271
National Archives and Records Service; Federal Fire Council, membership on (EO 10257) 6013
National Bureau of Standards; Federal Fire Council, membership on (EO 10257) 6013
National Employ the Physically Handicapped Week, 1951 (Proc 2939) 8266

PRESIDENTIAL DOCUMENTS—Continued Page

National Farm Safety Week, 1951 (Proc. 2926) 3943
National forests, parks, and monuments. *See* Forest Service; *and* National Park Service.
National Maritime Day, 1951 (Proc. 2928) 4607
National Mediation Board; emergency boards to investigate disputes between certain carriers and their employees:
American Airlines, Inc. (EO 10203) 385
Baltimore & Ohio Railroad Company, including Buffalo Division and Buffalo & Susquehanna District (EO 10303) 11321
Carriers represented by Eastern Carriers' Conference Committee, Western Carriers' Conference Committee and Southeastern Carriers' Conference Committee (EO 10303) 11321
Chicago & North Western Railway Company (EO 10303) 11321
Chicago, St. Paul, Minneapolis & Omaha Railway (EO 10303) 11321
Denver & Rio Grande Western Railroad Co. (EO 10285, 10306) 9135, 11709
Denver & Salt Lake Railroad Co. (EO 10285) 9135
Federally managed transportation systems operated by Army Department (EO 10285, 10303, 10306) 9135, 11321, 11709
Listed carriers not otherwise subject to specific orders (EO 10306) 11709
Louisville & Nashville Railroad Company (EO 10303, 10306) 11321, 11709
Pan American World Airways, Inc. (EO 10314) 12709
Pullman Co. (EO 10286, 10306) 9135, 11709
Terminal Railroad Association of St. Louis (EO 10303, 10306) 11321, 11709
National monuments. *See* National Park Service.
National Park Service:
Federal Fire Council, membership on (EO 10257) 6013
Hovenweep National Monument, Colorado and Utah; enlargement to include lands containing Hackberry and Goodman Point Ruins (Proc. 2924) 3687
Lava Beds National Monument, California; enlargement to include certain prehistoric and geologic phenomena (Proc. 2925) 3823
Muir Woods National Monument, California; administration of (Proc. 2932) 6269
National Park Trust Fund Board; functions of Secretary of Interior with respect to appointment of members (EO 10250) 5385
National Security Resources Board:
Certificates, necessity, in connection with amortization of emergency facilities under section 124A of Internal Revenue Code; termination of function of Chairman as certifying authority (EO 10200) 61
Claimant agencies under Defense Production Act, designation of; termination of function of Chairman respecting (EO 10200) 61
Defense Mobilization Board, representation on (EO 10200) 61
Health services and special weapons defense functions performed by Health Resources Office transferred to Federal Civil Defense Administration, together with certain property, personnel, records, etc. (EO 10222) 2247
Radio communication or radio transmission of energy, emergency control over; concurrence of Board required in connection with (EO 10312) 12452
Navigation aids; functions of Secretary of Treasury respecting, in connection with transportation by merchant marine (EO 10219) 1983
Navy Department:
Contracts and purchases under First War Powers Act, exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Limitations on punishments:
Enlisted personnel; reduction in grade (EO 10256) 6013
Suspension of limitations on punishments for violations of certain Articles by persons under Commander in Chief, Far East (EO 10247) 5035

PRESIDENTIAL DOCUMENTS—Continued — Page

Navy Department—Continued
- Defense Mobilization Board, representation on (EO 10200) — 61
- Defense Production Act, loan guarantees under, in connection with procurement; modification of functions respecting, on establishment of Defense Production Administration (EO 10200) — 61
- Enlistments, extension of (EO 10270) — 6659
- Federal Fire Council, membership on (EO 10257) — 6013
- Hospital, Army and Navy, at Hot Springs, Arkansas; authority of Secretary of Army to prescribe rules, regulations and restrictions respecting (EO 10272) — 6711
- Marine Corps. *See* Marine Corps.
- Officer Personnel Act of 1947; suspension of certain provisions respecting grade, promotion, etc., of officers in grades of lieutenant and ensign (EO 10266) — 6420
- Quarters allowances for members of Navy and Marine Corps under section 302 Career Compensation Act (EO 10204) — 417
- Reserves, Naval:
  - Active service, authority of Secretary of Defense respecting (EO 10271) — 6659
  - Enlistments, extension of (EO 10270) — 6659
- Retired personnel of Regular Navy; order into active service, authority of Secretary of Defense respecting (EO 10271) — 6659
- Samoa, American; transfer of administration from Navy Department to Interior Department (EO 10264) — 6417
- Trust Territory of Pacific Islands; transfer of administration to Interior Department from Navy Department (EO 10265) — 6419
- Women's Armed Services; separation of certain personnel serving in Regular Navy and Marine Corps (EO 10240) — 3689

Necessity certificates. *See* Certificates.
Netherlands, Kingdom of; tariff quota on petroleum products under trade agreement (Proc. 2916) — 109
Opium. *See* Drugs.
Organized crime in interstate commerce, Senate Special Committee to investigate; inspection of tax returns (EO 10279) — 8227
Overtime pay for laborers and mechanics employed by Defense Department on public works essential to national defense (EO 10251) — 5465
Pacific Islands, Trust Territory of. *See* Trust Territory of Pacific Islands.
Pan American Day, 1951 (Proc. 2920) — 2697
Panama Canal Company (formerly Panama Railroad Company):
- Employment of certain personnel:
  - Conditions of employment; revocation of certain provisions respecting quarters (EO 10263) — 6333
  - Security; suspension of employment of certain personnel in interest of security, authorization for (EO 10237) — 3627
  - Statutory provisions relating to employment, suspension of (EO 10311) — 12451
- Facilities, property, personnel, etc. (EO 10263) — 6333
- Redesignation of Panama Railroad Company (EO 10263) — 6333

Panama Canal Zone. *See* Canal Zone Government; *and* Panama Canal Company.
Panama Railroad Company:
- Redesignation as Panama Canal Company (EO 10263) — 6333
- Transfer of facilities, certain property and personnel, etc., in connection with Panama Canal (waterway and agency) to Company (EO 10263) — 6333

Pay, allowances, etc.:
- Detail of military personnel to United Nations; provisions regarding expenses and perquisites (EO 10206) — 529
- Foreign duty of Federal civilian personnel; allowances for living quarters, etc. (EO 10313) — 12687
- Foreign Service personnel. *See* State Department.
- Overtime pay for laborers and mechanics employed by Defense Department on public works essential to national defense (EO 10251) — 5465

PRESIDENTIAL DOCUMENTS—Continued — Page

Pay, allowances, etc.—Continued
- Persons of outstanding ability, appointment without compensation (EO 10205, 10223, 10242) — 419, 2247, 4267
- Quarters allowances:
  - Civilian personnel on foreign duty (EO 10313) — 12687
  - Under section 302 of Career Compensation Act (EO 10204) — 417

Peaceful settlement of international disputes, support of United Nations' activities directed toward; responsibilities of Secretary of State and Secretary of Defense respecting (EO 10206) — 529
Petroleum and products:
- Functions of Secretary of Interior respecting transportation, storage, etc. (EO 10219) — 1983
- Tariff quota on, under Venezuelan trade agreement (Proc. 2916) — 109

Philippine Alien Property Administration: termination and transfer of functions, personnel, property, etc., to Justice Department (EO 10254) — 5829
Phosphate reserves in certain lands in Florida, withdrawal from appropriation and transfer to Tennessee Valley Authority (EO 10278) — 7917
Physically handicapped persons, employment of; National Employ the Physically Handicapped Week, 1951 (Proc. 2939) — 8266
Pipelines, utilization in connection with national defense; responsibilities of Secretary of Interior respecting (EO 10219) — 1983
"Point IV program," international development; functions respecting, under Mutual Security Act (EO 10300) — 11203
Ports. *See* Vessels, harbors, inland waterways, ports, and waterfront facilities.
Post Office Department:
- Federal Fire Council, membership on (EO 10257) — 6013
- Postal employees, substitute, acquisition of competitive status (EO 10288) — 9187
- Shipment of valuables by Government agencies and employees, joint regulations respecting to be issued by Post Office and Treasury Departments (EO 10289) — 9499

Prehistoric and geologic phenomena; addition of lands containing, to Lava Beds National Monument, California (Proc. 2925) — 3823
President's Commission on Internal Security and Individual Rights:
- Establishment (EO 10207) — 709
- Liquidation of affairs by Treasury Department (EO 10305) — 11667

President's Commission on Migratory Labor; termination date (EO 10236) — 3607
Price Stabilization, Office of; cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) — 793
Priorities and allocations:
- Food; allocation for industrial needs and human and animal consumption, functions respecting (EO 10200) — 61
- Modification of functions respecting on establishment of Defense Production Administration (EO 10200) — 61
- Transportation and storage, priorities and allocations in connection with, responsibility for (EO 10219) — 1983

Procurement. *See* Contracts and purchases.
Procurement Agency, Defense Materials. *See* Defense Materials Procurement Agency.
Productive capacity and supply; modification of functions respecting on establishment of Defense Production Administration (EO 10200) — 61
Property, disposal of:
- Alien property. *See* Aliens.
- Condemnation of property, functions of Defense Production Administrator respecting under section 201 (b) of Defense Production Act of 1950, as amended (EO 10281) — 8789
- Requisitioned property, disposal of; functions of General Services Administrator respecting (EO 10200) — 61
- Temporary structures, disposal by sale, transfer to local public agencies, etc.; extension of time for (EO 10284) — 8971

PRESIDENTIAL DOCUMENTS—Continued — Page

Public Buildings Service; Federal Fire Council, membership on (EO 10257) — 6013
Public Health Service:
- Critical defense housing areas:
  - Functions of Surgeon General in connection with health, refuse disposal, sewage treatment, and water purification (EO 10296) — 10103
  - Utilization of facilities and services of Housing and Home Finance Agency in connection with functions respecting defense areas (EO 10296) — 10103
- Functions under Defense Housing and Community Facilities and Services Act (EO 10296) — 10103
- Loyalty program procedures; applicability for investigation, separation, etc., of commissioned officers where there is reasonable doubt of loyalty (EO 10280) — 8227
- Quarters allowances for members of uniformed service under section 302 Career Compensation Act (EO 10204) — 417

Public Housing Administration; disposition of war and veterans' housing (temporary) by sale or transfer to local public agencies, or by removal; extension of time relating to (EO 10284) — 8971
Public Printer. *See* Government Printing Office.
Public roads. *See* Roads, highways, etc.
Public works, mechanics and laborers employed on. *See* Mechanics and laborers.
Puerto Rico:
- District Court of United States for; designation of Honorable A. Cecil Snyder as Acting Judge (EO 10310) — 12449
- Lands in, acceptance or disposal of certain lands by United States; functions of Secretary of Interior respecting (EO 10250) — 5385
- Selective Service under Universal Military Training and Service Act. *See* Selective Service System.
- Taxes, special purpose; functions of Secretary of Interior respecting (EO 10250) — 5385

Pulaski (General) Memorial Day, 1951 (Proc. 2941) — 8669
Punishments prescribed by Courts-Martial Manual (EO 10214) — 1303
- Enlisted personnel; reduction in grade (EO 10256) — 6013
- Suspension of limitations with respect to persons under Commander in Chief, Far East (EO 10247) — 5035

Pyke, Bernice, Collector of Customs, District No. 41, Cleveland, Ohio; exemption from compulsory retirement for age (EO 10225) — 2544
Quarters:
- Employees in Canal Zone; revocation of certain provisions respecting quarters (EO 10263) — 6333
- Quarters allowances:
  - Civilian personnel on foreign duty (EO 10313) — 12687
  - Under section 302 of Career Compensation Act (EO 10204) — 417

Quinn, Arthur A., Comptroller of Customs, New York; exemption from compulsory retirement for age (EO 10215) — 1703
Radio Advisory Committee, Interdepartmental, to report to and assist Telecommunications Advisor to President (EO 10297) — 10329
Radio communication or radio transmission of energy, emergency control over certain Government and non-Government stations engaged in (EO 10312) — 12452
Railroads; emergency boards to investigate labor disputes involving. *See* National Mediation Board.
Real Estate Board, Federal, abolishment of (EO 10287) — 9137
Reconstruction Finance Corporation:
- Administrator and Deputy Administrator; functions, compensation, etc. (Reorganization Plan No. 1 of 1951) — 3690, 3825
- Board of Directors; abolition, transfer of functions, etc. (Reorganization Plan No. 1 of 1951) — 3690, 3825
- Defense Mobilization Board, representation on (EO 10200) — 61
- India, transportation of supplies to; advance of funds to Commerce Department for activation and operation of vessels in connection with (Proc. 2931) — 5969
- Loan Policy Board; establishment, membership, functions, etc. (Reorganization Plan No. 1 of 1951) — 3690, 3825

PRESIDENTIAL DOCUMENTS—Continued — Page

Reconstruction Finance Corporation—Continued
- Loans to private business enterprises under Defense Production Act, modification of functions respecting on establishment of Defense Materials Procurement Agency (EO 10281) — 8789
- Review board to make recommendations on loan in in excess of $100,000 (Reorganization Plan No. 1 of 1951) — 3690, 3625

Records, information, etc., relating to various matters:
- Classification, transmission, and handling of official information by Government agencies, regulations establishing minimum standards (EO 10290) — 9795
- Contracts under First War Powers Act; availability to Comptroller General of United States (EO 10210) — 1049
- Government employees; availability to President's Commission on Internal Security and Individual Rights (EO 10207) — 709
- Information, official; classification, transmission, and handling by Government agencies, regulations establishing minimum standards (EO 10290) — 9795

Recreation and child care centers, in critical defense housing areas, functions in connection with (EO 10296) — 10103
Recreational demonstration projects, disposal of; funtions of Secretary of Interior respecting (EO 10250) — 5385
Red Cross Month, 1951 (Proc. 2917) — 1627
Registration, Selective Service. *See* Selective Service System.
Renegotiation of contracts. *See* Contracts and purchases.
Rent control, transfer of functions respecting under Title II of Housing and Rent Act of 1947 to Economic Stabilization Agency from Office of Housing Expediter (EO 10276) — 7535
Reporting, Foreign Service; functions of State Department with respect to obtaining data (EO 10249) — 5309
Requisitioning under Defense Production Act; modification of functions respecting on establishment of Defense Production Administration (EO 10200) — 61
Reserve components of armed forces. *See specific services.*
Retirement for age; exemption of certain personnel. *See* Civil service.
Rights of individuals:
- Civil rights program. *See* Discrimination.
- President's Commission on Internal Security and Individual Rights:
  - Establishment (EO 10207) — 709
  - Liquidation of affairs, by Treasury Department (EO 10305) — 11667

Roads, highways, etc.:
- Alaskan roads and trails; functions of Secretary of Interior respecting (EO 10250) — 5385
- Critical defense housing areas, roads and highway projects in; functions respecting (EO 10296) — 10103
- Utilization for national defense purposes; functions of Secretary of Commerce respecting (EO 10219) — 1983

Ruins, Hackberry and Goodman Point; enlargement of Hovenweep National Monument to include lands containing ruins (Proc. 2924) — 3687
Samoa, American; transfer of administration from Navy Department to Interior Department (EO 10264) — 6417
School facilities, in areas affected by national-defense activities; determination of critical areas by Director of Defense Mobilization (EO 10269) — 6659
Seals, official:
- Economic Stabilization Agency, establishment (EO 10235) — 3607
- United States Court of Military Appeals (EO 10295) — 10011

Security:
- *See also* Loyalty program.
- Canal Zone; suspension of employment of certain personnel in interest of security of vessels, harbors, ports and waterfront facilities (EO 10226) — 2673

PRESIDENTIAL DOCUMENTS—Continued Page

Security—Continued
- Coast Guard Port Security Card; credentials for employees on vessels or within waterfront facilities, prior order amended (EO 10277) 7537
- International Security Affairs Committee, termination of (EO 10300) 11203
- President's Commission on Internal Security and Individual Rights:
  - Establishment (EO 10207) 709
  - Liquidation (EO 10305) 11667
- Radio communication or radio transmission of energy, emergency control over certain Government and non-Government, in interest of national security and defense (EO 10312) 12452
- Trust Territory of Pacific Islands, authority of President to close areas in interest of security (EO 10265) 6419
- Vessels, harbors, ports, and waterfront facilities, security and protection of (EO 10277) 7537
- In Canal Zone (EO 10226) 2673

Selective Service System:
- Aliens not required to register (EO 10232) 3423
- Appeal to Appeal Board (EO 10232, 10258, 10292) 3423, 6229, 9843
- Appeal to President (EO 10292) 9843
- Appearance before local board (EO 10292) 9843
- Calls. *See* Quota and calls.
- Classification, preparation for (EO 10202, 10232, 10292) 381, 3423, 9843
- Classification procedures (EO 10202, 10292) 381, 9843
- Classification rules and principles (EO 10202, 10230, 10292) 381, 2905, 9843
- Conscientious objectors, register of (EO 10292) 9843
- Definitions (EO 10232, 10292) 3423, 9843
- Delinquents (EO 10202, 10258, 10292) 381, 6229, 9843
- Delivery and induction (EO 10202, 10292) 381, 9843
- Induction. *See* Delivery and induction.
- Medical, dental, and allied specialist categories; registration, classification, physical examination, selection and induction (EO 10292) 9843
- Notice of requirements of Act (EO 10292) 9843
- Physical examination (EO 10202, 10292) 381, 9843
- Quota and calls (EO 10202, 10292) 381, 9843
- Registration:
  - Canal Zone (Proc. 2937) 8263
  - Continuation of registration (Proc. 2942) 8969
  - Duty and responsibility to register (EO 10232, 10292) 3423, 9843
  - Guam (Proc. 2938) 8265
  - Persons not citizens of United States:
    - Duty and responsibility to register (EO 10232, 10292) 3423, 9843
    - Exemption from registration (Proc. 2938, 2942) 8265, 8969
- Reopening and considering anew registrant's classificaton (EO 10292) 9843
- Selective Service officers (EO 10202, 10292) 381, 9843
- Veterinary Corps. *See* Medical, dental, and allied specialist categories.
- Volunteers (EO 10202, 10292) 381, 9843

Senate Committees authorized to inspect certain income, excess-profits, declared value excess-profits, capital stock, estate, and gift tax returns:
- Committee on District of Columbia (EO 10304) 11631
- Committee on Expenditures in Executive Departments; inspection of tax returns for purpose of investigating sale of tanker ships by Maritime Commission (EO 10275) 7307
- Special Committee, to investigate organized crime in interstate commerce (EO 10279) 8227

Shipping and ship construction; responsibilities of Secretary of Commerce and other agencies respecting (EO 10219) 1983

Ships, tanker, sold by Maritime Commission; inspection of tax returns by Senate Committee in connection with investigation of sale (EO 10275) 7307

Silver and gold, transactions in; Secretary of Treasury to issue regulations respecting (EO 10289) 9499

Snyder, Hon. H. Cecil; designation as Acting Judge for Puerto Rico (EO 10310) 12449

Soil Conservation Service; exemption of Hugh H. Bennett from compulsory retirement for age (EO 10229) 2865

PRESIDENTIAL DOCUMENTS—Continued Page

Solicitation of contracts; warranty respecting, in contracts under First War Powers Act (EO 10210) 1049

State Department:
- Children's welfare work, international, authority of Secretary of State respecting (EO 10259) 6271
- Detail of military personnel to United Nations on authorization of Secretary of State (EO 10206) 529
- Enemy property, functions of Secretary with respect to settlement of intercustodial conflicts (EO 10244) 4639
- Foreign duty, compensation, allowances, etc., for: *See also* Foreign Service personnel.
  - Allowances for living expenses, quarters, etc.; functions of Secretary respecting (EO 10313) 12687
  - Publication of regulations (EO 10261) 6271
- Foreign Service personnel:
  - Allowances, salary, etc.:
    - Extra credit for service at unhealthful posts. *See* Unhealthful posts.
    - Salary differentials for service at certain posts (EO 10261) 6271
  - Consular and diplomatic officers, authentication of foreign documents, and fees in connection therewith; authority of Secretary of State to make regulations respecting (EO 10307) 11907
  - Fees in connection with taking of testimony with respect to authentication of foreign documents, authority of Secretary of State to prescribe regulations respecting (EO 10307) 11907
  - Reporting functions, regulations with respect to (EO 10249) 5309
  - Unhealthful posts (extra credit posts); designation and cancellation of certain posts (EO 10261) 6271
- Mutual Defense Assistance Act, administration of; revocation of prior order respecting (EO 10300) 11203
- Mutual Security Act, functions of Secretary pursuant to (EO 10300) 11203
- Narcotics, Interdepartmental Committee on; representation on (EO 10302) 11257
- Shipping agencies, foreign, Secretary of Commerce to be guided by State Department in dealing with (EO 10219) 1983
- Technical cooperation programs under Title IV of Act for International Development, to be subject to coordination, direction and supervision by Director for Mutual Security (EO 10300) 11203
- Tonnage duties, imposts, etc., suspension of, on vessels from countries to be designated by Secretary of Treasury in consultation with Secretary of State (EO 10289) 9499
- Transfer of certain personnel, property records and funds to Mutual Security Agency (EO 10300) 11203
- Trust Territory of Pacific Islands, responsibility of Secretary of State respecting foreign policy matters affecting Trust Territory (EO 10265) 6419
- United Nations' activities directed to peaceful settlement of international disputes, support of (EO 10206) 529
- Yugoslav Emergency Relief Assistance Act, functions and authority of Secretary respecting (EO 10208) 709

Statistical information, functions of Budget Bureau in connection with improvement of work of Federal executive agencies with respect to (EO 10253) 5605

Status, competitive, acquisition of, in civil service. *See* Civil service.

Storage. *See* Transportation and storage.

Strategic and critical materials. *See* Minerals, metals, and other raw materials.

Subsidy payments under Defense Production Act:
- Authority of Defense Materials Procurement Administrator respecting (EO 10281) 8789
- Stabilization purposes; use of subsidies on recommendation of Economic Stabilization Administrator (EO 10281) 8789

Subversive activity. See Loyalty program; *and* Security.

Surplus property (condemned, requisitioned, temporary). *See* Property.

PRESIDENTIAL DOCUMENTS—Continued Page

Tanker ships sold by Maritime Commission; inspection of tax returns in connection with investigation of sale (EO 10275) 7307

Tariff Commission:
- Almonds, shelled and prepared; import fee, imposing of, on basis of investigation by Commission (Proc. 2955) 12413
- Cotton, long-staple; import quota supplemented to include additional quantity of cotton having staple $1^{3}/_{16}$ inches or more but less than $1^{3}/_{8}$ inches in length (Proc. 2934) 6489
- Tonnage duties, imposts, etc., suspension of; Commissioner to furnish information to Secretary of Treasury in connection with (EO 10289) 9499
- Trade agreements, tariffs under. *See* Trade agreements.

Taxes:
- Amortization of emergency facilities under section 124A, Internal Revenue Code; certifying authority for (EO 10200) 61
- Collection districts. *See* Internal Revenue Bureau.
- Inspection of income, excess-profits, declared value excess-profits, capital stock, estate, and gift tax returns:
  - By Senate Committee on District of Columbia (EO 10304) 11631
  - By Senate Committee on Expenditures in Executive Departments for purpose of investigating sale of tanker ships by Maritime Commission (EO 10275) 7307
  - By Senate Special Committee to investigate organized crime in interstate commerce (EO 10279) 8227
- Puerto Rico; special purpose taxes, functions of Secretary of Interior respecting (EO 10250) 5385
- Virgin Islands; special and transfer taxes on persons administering, importing, selling, etc., marihuana, functions of Secretary of Interior respecting (EO 10250) 5385

Technical cooperation programs under Title IV of International Development Act; functions of Director for Mutual Security respecting (EO 10300) 11203

Telecommunications Advisor to President; appointment and functions (EO 10297) 10329

Tennessee Valley Authority:
- Contracts and purchases:
  - Renegotiation of contracts (EO 10260) 6271
  - Under First War Powers Act; exercise of functions respecting (EO 10231) 3025
- Lands; transfer of certain lands to and from Authority:
  - Alabama, Limestone County; transfer from Interior Department of certain lands comprising Elk River Fish Hatchery (EO 10246) 4743
  - Cherokee National Forest, certain lands in, transfer from Agriculture Department (EO 10212) 1167
  - Florida; phosphate reserves in certain lands, withdrawal from appropriation and transfer to Authority (EO 10278) 7917
  - North Carolina, Swain County; transfer of certain lands to Agriculture Department for inclusion in Nantahala National Forest (EO 10267) 6553

Thanksgiving Day, 1951 (Proc. 2952) 11293

Tonnage duties, imposts, etc., suspension of, on certain vessels (yachts, hospital ships, certain foreign vessels); functions of Secretary of Treasury respecting (EO 10289) 9499

Trade agreements:

General Agreement on Tariffs and Trade:
- Modification of (Proc. 2929, 2949, 2954) 5381, 10763, 11943
- Notification of Secretary of Treasury respecting tariff concessions to signatories of Torquay Protocol to Agreement (Letters of June 2, June 29, July 23, September 10, 18, 20, October 2, October 31) 5386, 6607, 7379, 9215, 9551, 9715, 10047, 11205
- Torquay Protocol to General Agreement for Tariffs and Trade, carrying out provisions of (Proc. 2929) 5381
- Notification of Secretary of Treasury respecting tariff concessions to signatories of Protocol (Letters of June 2, June 29, July 23, September 10, 18, 20, October 2, October 31) 5386, 6607, 7379, 9215, 9551, 9715, 10047, 11205

PRESIDENTIAL DOCUMENTS—Continued Page

Trade agreements—Continued
- Various countries, modification, etc., of trade agreements with:
  - Albania. *See* Communist areas.
  - Austria, tariff concessions to, on signing of Torquay Protocol to General Agreement on Tariffs and Trade (Letter of October 2, 1951) 10047
  - Bulgaria. *See* Communist areas.
  - China, Communist. *See* Communist areas.
  - China, Republic of; modification of General Agreement on Tariffs and Trade because of withdrawal of Republic of China from Agreement (Proc. 2954) 11943
  - Communist areas; concessions to be withheld and importation of certain furs and skins to be prohibited from areas to be designated by President (Proc. 2935) 7635
  - Areas from which concessions are to be withheld; notification of Secretary of Treasury respecting:
    - Albania (Letter of September 1, 1951) 7635
    - Bulgaria (Letter of September 17, 1951) 9502
    - China, Communist (Letter of August 1, 1951) 7635
    - Czechoslovakia (Letter of October 2, 1951) 10047
    - Estonia (Letter of August 1, 1951) 7635
    - Germany; Soviet Zone of Germany and Soviet Sector of Berlin (Letter of August 1, 1951) 7635
    - Indochina, Associated States of (Letter of August 1, 1951) 7635
    - Korea, Communist (Letter of August 1, 1951) 7635
    - Kurile Islands (Letter of August 1, 1951) 7635
    - Latvia (Letter of August 1, 1951) 7635
    - Lithuania (Letter of August 1, 1951) 7635
    - Mongolia, Outer (Letter of August 1, 1951) 7635
    - Poland and areas under Polish domination or control (Letter of November 20, 1951) 11851
    - Rumania (Letter of August 1, 1951) 7635
    - Sakhalin, Southern (Letter of August 1, 1951) 7635
    - Tanna Tuva (Letter of August 1, 1951) 7635
    - Union of Soviet Socialist Republics (Letter of November 20, 1951) 11851
  - Areas from which importation of certain furs and skins is prohibited; notification of Secretary of Treasury respecting:
    - China, Communist (Letter of August 1, 1951) 7637
    - Poland and areas under Polish domination or control (Letter of November 20, 1951) 11851
    - Union of Soviet Socialist Republics (Letter of November 20, 1951) 11851
  - Costa Rica; termination of trade agreement proclamation of July 3, 1937 (Proc. 2933) 6417
  - Cuba, exclusive trade agreement with:
    - Notification of Secretary of Treasury of modification of tariff concessions to Cuba on signing of Torquay Protocol by various countries (Letters of June 2, September 10, 18, 20, October 31) 5386, 9215, 9551, 9715, 11205
    - Supplementary provisions on termination of trade agreement with Peru (Proc. 2946) 10191
  - Czechoslovakia. *See* Communist areas.
  - Esthonia. *See* Communist areas.
  - Germany:
    - Soviet Germany. *See* Communist areas.
    - Tariff concessions to, on signing of Torquay Protocol to General Agreement on Tariffs and Trade (Letters of September 10 and 20, 1951) 9215, 9715
  - Indochina. *See* Communist areas.
  - Indonesia, signatory to Torquay Protocol, tariff concessions to (Letter of October 31, 1951) 11205
  - Italy, signatory to Torquay Protocol, tariff concession to (Letter of October 31, 1951) 11205
  - Korea, Communist. *See* Communist areas.
  - Kurile Islands. *See* Communist areas.
  - Latvia. *See* Communist areas.
  - Lithuania. *See* Communist areas.
  - Mongolia. *See* Communist areas.
  - Netherlands, tariff quota on petroleum products under trade agreement (Proc. 2916) 109

PRESIDENTIAL DOCUMENTS—Continued Page

Trade agreements—Continued
Various countries, modification, etc., of trade agreements with—Continued
Norway, tariff concessions to, on signing of Torquay Protocol to General Agreement on Tariffs and Trade (Letter of July 23, 1951) -- 7379
Peru:
Tariff concessions to, on signing of Torquay Protocol to General Agreement on Tariffs and Trade (Letter of September 18, 1951) - 9551
Termination of trade agreement proclamation of June 29, 1942 (Proc. 2946) ---------- 10191
Poland. *See* Communist areas.
Rumania. *See* Communist areas.
Sakhalin. *See* Communist areas.
Switzerland, modification of trade agreement with (Proc. 2954) ---------- 11943
Tanna Tuva. *See* Communist areas.
Turkey, tariff concessions to, on signing of Torquay Protocol to General Agreement on Tariffs and Trade (Letter of October 2, 1951) ---- 10047
Union of Soviet Socialist Republics. *See* Communist areas.
Venezuela; allocating tariff quota on certain petroleum products (Proc. 2916) ---------- 109
Transportation and storage; functions of various agencies respecting air transportation, domestic transportation and storage, pipelines, shipping and ship construction, etc. (EO 10219) ---------- 1983
Transportation of supplies under India Emergency Food Aid Act (Proc. 2931) ---------- 5969
Travel and transportation expenses of civilian officers and employees when transferred from one official station to another for permanent duty; prior order amended (EO 10274) ---------- 6991
Treasury Department:
See also Coast Guard; Customs Bureau; *and* Internal Revenue Bureau.
Active service order for members of Reserve components of Coast Guard and for retired personnel of Regular Coast Guard, authority of Secretary of Treasury respecting (EO 10271) - 6659
Bonding of certain customs officials; functions of Secretary of Treasury respecting (EO 10289) -- 9499
Customs districts, consolidation, establishment, etc.; authority of Secretary of Treasury respecting (EO 10289) ---------- 9499
Customs enforcement areas, on high seas; authority of Secretary of Treasury respecting (EO 10289) ---------- 9499
Defense Mobilization Board, representation on (EO 10200) ---------- 61
Enlistments, extension of, in Coast Guard and Coast Guard Reserve; responsibility of Secretary of Treasury respecting (EO 10270) ------ 6659
Exercise of certain functions of President by Secretary of Treasury with respect to customs districts, exemption of vessels from duties, transactions in silver and gold, etc. (EO 10289) ---- 9499
Gold and silver, transactions in; Secretary of Treasury to issue regulations respecting (EO 10289) - 9499
Liquidation of affairs of President's Commission on Internal Security and Individual Rights (EO 10305) ---------- 11667
Loan Policy Board, representation on (Reorganization Plan No. 1 of 1951) ---------- 3690, 3825
Narcotics, Interdepartmental Committee on; representation on (EO 10302) ---------- 11257
Ports of entry, discontinuance and establishment; authority of Secretary of Treasury respecting (EO 10289) ---------- 9499
President's Commission on Internal Security and Individual Rights; liquidation of affairs by Department (EO 10305) ---------- 11667
Shipments of valuables by Government agencies and officials; joint regulations respecting to be issued by Secretary of Treasury and Postmaster General (EO 10289) ---------- 9499
Trade agreements, tariff concessions under; notification of Secretary of Treasury respecting. *See* Trade agreements.
Transportation; responsibilities of Secretary respecting navigation aids (EO 10219) ------- 1983

PRESIDENTIAL DOCUMENTS—Continued Page

Treasury Department—Continued
Vessels:
Foreign-built vessels admitted to American registry, suspension of certain requirements (EO 10289) ---------- 9499
In territorial waters, anchorage and movement of; regulations respecting to be issued by Secretary of Treasury (EO 10289) ---------- 9499
Tonnage duties, imposts, etc., suspension of, on certain vessels (yachts, hospital ships, certain foreign vessels); functions of Secretary of Treasury respecting (EO 10289) ---------- 9499
Trust Territory of Pacific Islands:
Administration; transfer from Navy Department to Interior Department (EO 10265) ---------- 6419
Foreign policy matters affecting trust territory, responsibilities of Secretary of Interior and Secretary of State in connection with (EO 10265) - 6419
Security; President to specify areas closed for security reasons (EO 10265) ---------- 6419
Turkey, aid to; functions of Mutual Security Agency respecting (EO 10300) ---------- 11203
United Nations:
Detail of military personnel to United Nations on authorization of Secretary of State (EO 10206) ---------- 529
Peaceful settlement of international disputes, activities in support of (EO 10206) ---------- 529
United Nations Day, 1951 (Proc. 2944) ---------- 9295
United Nations Human Rights Day, 1951 (Proc. 2956) - 12449
Valuables, shipment of, by Government agencies and employees; joint regulations respecting to be issued by Treasury and Post Office Departments (EO 10289) ---------- 9499
Venezuela; tariff quota on petroleum products under trade agreement (Proc. 2916) ---------- 109
Vessels, harbors, inland waterways, ports, and waterfront facilities:
Activation and operation of vessels:
For defense and foreign and domestic commerce purposes (EO 10219) ---------- 1983
For transportation of supplies under India Emergency Food Aid Act (Proc. 2931) ---------- 5969
Foreign-built vessels admitted to American registry, suspension by Secretary of Treasury of certain requirements (EO 10289) ---------- 9499
Navigation aids, functions of Secretary of Treasury respecting (EO 10219) ---------- 1983
Ports of entry, discontinuance and establishment of (EO 10289) ---------- 9499
Security and protection of harbors, vessels, and waterfront facilities (EO 10226, 10277) ---- 2673, 7537
Shipping and ship construction, allocation, etc.; functions respecting (EO 10219) ---------- 1983
Tanker ships sold by Maritime Commission; inspection of tax returns in connection with investigation of sale (EO 10275) ---------- 7307
Territorial waters of United States, vessels in; regulation of anchorage and movement, functions of Secretary of Treasury respecting (EO 10289) - 9499
Tonnage duties, imposts, etc., suspension of, on certain vessels (yachts, hospital ships, certain foreign vessels); functions of Secretary of Treasury respecting (EO 10289) ---------- 9499
Transportation facilities; responsibilities of various agencies in connection with:
For defense and foreign and domestic commerce purposes (EO 10219) ---------- 1983
For transportation of supplies under India Emergency Food Aid Act (Proc. 2931) ---------- 5969
Vested property; property received by United States under certain agreements to be administered and disposed of as vested property by Attorney General (EO 10244) ---------- 4639
Veterans:
Housing:
Administration of certain functions under Title I of Housing and Rent Act of 1947:
By Economic Stabilization Agency (EO 10293) - 9927
By Housing and Home Finance Agency (EO 10276) ---------- 7535
Disposition of temporary and veterans' housing by sale, transfer, removal, etc.; extension of time relating to (EO 10284) ---------- 8971

PRESIDENTIAL DOCUMENTS—Continued Page

Veterans—Continued
Status, civil service, acquisition of:
Applicability of term of service in armed forces (EO 10288) ---------- 9187
Recommendation by agency on discharge from service, requirement (EO 10217, 10288) -- 1843, 9187
Veterinary Corps of armed services:
Examinations, professional, for promotion of officers of Veterinary Corps of Regular Army and Air Force; suspension during emergency (EO 10262) ---------- 6333
Selective Service regulations respecting (EO 10292) - 9843
Virgin Islands:
Drugs (coca, opium, and derivatives, and marihuana), purchase of, taxes, etc., functions of Secretary of Interior respecting (EO 10250) --- 5385
Internal revenue collection; inclusion of Virgin Islands in collection district of Maryland (EO 10201) ---------- 337
Selective Service under Universal Military Training and Service Act. *See* Selective Service System.
Voluntary agreements, under Defense Production Act:
Modification of functions respecting on establishment of Defense Production Administration (EO 10200) ---------- 61
Temporary transfer of powers respecting, to Director of Defense Mobilization (Letters of April 27, 1951) ---------- 3690, 3691
Wage Stabilization Board:
Alternate members of Board, providing for (EO 10301) ---------- 11257
Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) ---------- 793
Labor disputes, jurisdiction respecting (EO 10233) - 3503
Membership, functions, etc., new provisions, (EO 10233) ---------- 3503
Warehouses, general-order and bonded, extensions of time for merchandise in; requirement respecting consent of warehouse proprietor to extension of payment of charges for storage or handling of imported merchandise (Proc. 2948) ---------- 10589
Water utilization and purification for critical defense housing areas; functions of Housing and Home Finance Agency and Public Health Service (EO 10296) ---------- 10103
War-risk insurance. *See* Insurance.
Waterfront facilities. *See* Vessels, harbors, inland waterways, ports, and waterfront facilities.
Wollaston, Stanley C.; appointment in Labor Department without compliance with competitive provisions of Civil Service Rules (EO 10220) --------- 2051
Women's Armed Services; separation from service of certain personnel serving in Regular Services (EO 10240) ---------- 3689
World Metallurgical Congress, recognition and welcome (Proc. 2947) ---------- 10513
World Trade Week, 1951 (Proc. 2927) ---------- 4367
Yugoslav Emergency Relief Assistance Act, administration of (EO 10208) ---------- 709

PRESIDENT'S COMMISSION ON INTERNAL SECURITY AND INDIVIDUAL RIGHTS; establishment by Executive order. *See* Presidential documents.

PRESIDENT'S COMMISSION ON MIGRATORY LABOR, termination; Executive order respecting. *See* Presidential documents.

PRICE STABILIZATION, OFFICE OF: Page

Abrasive products ---------- 4121, 8356
Adjustments:
Adjustments under Defense Production Act of 1950 (GOR 21) ---------- 12310
Authority of Regional and District Directors. *See* Authority, delegations of.
Ceiling price adjustment for commodities or services governed by specific regulations, *see specific commodities.*
General procedure for adjustments, protests, etc. *See* Procedural regulations.
Manufacturers' prices; adjustments. *See* Manufacturers' prices.
Adjustments—Continued
Small business concerns, ceiling price adjustments for (GOR 20) ---------- 12014
Advertising:
See also Publications.
Exemption ---------- 814
Agricultural commodities:
Agricultural liming materials. *See* Fertilizer and fertilizer materials.
Commodity Credit Corporation, sales of commodities by (GCPR, SR 14) ---------- 2597, 3436
Exceptions, "parity" adjustments, etc. *See* General Ceiling Price Regulation.
Farm, commodities grown and processed on, when sales do not exceed $200 a month; exemption-- 815
Grocery commodities (dried, canned, etc.). *See* Foods.
Manufacturers' prices. *See* Manufacturers' prices.
Raw and unprocessed agricultural commodities, certain; exemption---------- 815, 1503, 2548, 5119
Wooden containers for. *See* Containers.
Agriculture Department. *See* Government agencies.
Air-conditioning equipment---------- 4122, 8356, 12553
Aircraft and aircraft parts:
See also Automotive or aircraft parts.
Ceiling prices for aircraft and aircraft parts------ 4890, 5869, 8356, 12869
Suspension from price control (GOR 9) ---------- 12811
Wrecked aircraft, sales of. *See* Aluminum scrap and secondary aluminum ingot.
Alaska. *See* Territories and possessions of United States.
Alcoholic beverages. *See* Liquors, distilled spirits.
Alpaca fleece, noils and top. *See* Wool and wool products: fibres.
Aluminum scrap and secondary aluminum ingot (CPR 54) ---------- 6431
Applications by certain producers for permission to sell secondary aluminum ingot after August 13, 1951, at prices in excess of established ceiling prices (SR 1) ---------- 8047
Ceiling prices, f. o. b. point of shipment---------- 10067
Definitions ---------- 10067
General pricing provisions for aluminum scrap; computation of total charge for wrecked aircraft and irony aluminum, including sales by United States or agencies---------- 10067
Ambulances. *See* Motor vehicles.
American Can Company: canning machinery, certain, leased by (GCPR, SR 22) ---------- 3831
Ammonium para-tungstate. *See* Tungsten and products.
Anchors---------- 4122, 8356
Animal waste materials. *See* Fats and oils.
Animals:
Dead. *See* Dead stock.
Live; exemption---------- 815
Antennas; radio and television---------- 4122, 8356
Anthrafilt. *See* Coal, coke, etc.
Anti-freeze:
Ceiling prices for (CPR 57) ---------- 7553
Definitions---------- 10122
Information required to be placed on containers---------- 8830, 9078
Sellers who cannot price otherwise---------- 10121
Special order; N. E. W. Tritone Corp---------- 10296
Standard types S, SC and P---------- 10121
Supplementary regulation; standard type N antifreeze, ceiling prices for (SR 1) -------- 9078, 10310
Manufacturers of; extension of effective date for (CPR 22, SR 12) ---------- 6429, 7661, 9961, 12185
Antimony metal, antimony oxide, and sodium antimonate (CPR 96) ---------- 11683
Antimony ores, domestic; exemption (GOR 9) -------- 12651
Antiques (commodities made prior to 1850); exemption ---------- 814
Anvils---------- 4122, 8356, 12553
Apparel:
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) ---------- 10984, 11179

PRICE STABILIZATION, OFFICE OF—Continued Page

Apparel—Continued
Continuation of ceiling prices in effect on June 30, 1951, for commodities or services covered by specified manufacturers' regulations (GOR 13) 6435, 7208, 7209
Regulations in effect as to manufacturers on June 30, 1951 (Int. 1) 6776
Revocation 7546
Manufacturers' general ceiling price regulation (CPR 45) 5753, 9230
Calculation of ceiling prices:
Base period price 5755, 9230
General description of pricing method 5755, 7986, 9233
Labor cost adjustment:
Direct labor cost adjustment 5756, 9235
Indirect labor cost adjustment 5758, 9238
Materials cost adjustment:
Indirect material cost adjustment 5758, 9238
Manufacturing materials cost adjustment 5756, 9236, 12393
New articles falling within established categories 5759, 7986, 9239
New categories, new classes of purchasers, new sellers 5760, 9241
Recalculation of ceiling prices. *See* Miscellaneous provisions.
Retail markup on cost adjustments 9238
Worksheets and forms, for calculations and records (Appendix B) 5765, 9246
Changes in manufacturers' prices. *See* Changes, *above.*
Coverage:
Articles covered, and articles not covered, examples of (Appendix A) 5765, 9246
Sales and sellers covered 5754, 9233, 12392
Small business exemption 5755, 9233
When to begin pricing under rules 5755, 7986, 9233, 12393
Effective date 5765, 7986, 9246
Forms, for preparing certain records (Appendix B) 5765, 9246
Miscellaneous provisions; adjustments, recalculation and modification of ceiling prices, taxes, records, definitions, etc 5762, 9242, 12393
Rounding ceiling prices 5761, 9242
Worksheets, for certain calculations required in determining ceiling prices (Appendix B) 5765, 9246
Retail prices. *See* Consumer goods.
Apple products. *See* Fruits, vegetables.
Apricots. *See* Fruits, vegetables.
Architectural terra cotta, sales and installation services by producers and resellers; exemption (GOR 9) 6560, 9809
Armed forces; allocation of beef to the military. *See* Livestock and meat.
Arms, ammunition, etc.; sales of military items to Defense Agencies. *See* Government agencies.
Asbestos, raw; exemption (GOR 9) 7987, 9809
Asphalt and asphalt products. *See* Petroleum products.
Asphalt mixing and attendant plants 4122, 8356, 12553
Augers, earth 4122, 8357, 12553
Authority, delegations of:
From Economic Stabilization Administrator to Director of Price Stabilization:
Meat, allocation of 1273
Supersedure of prior delegation 11875
Price stabilization 100, 738, 11314
Confirmation and ratification of actions taken under Economic Stabilization General Orders 2 and 5 3594
Disallowance of price violation payments in determining business costs or expenses 11626
To Federal Trade Commission; authority to require reports in connection with statistical surveys or programs (Delegation of Authority 19) 8868
To various officials:
Assistant Director, Commodity Divisions; authority to act as Acting Director in absence of Director (Admin. Order 4, redesignated Delegation of Authority 2) 1071, 1676, 3594

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Assistant Director for Enforcement:
Authorization of District Enforcement Directors respecting enforcement. *See* Procedural regulations, *below.*
Disallowance of price violation payments in determining business costs or expenses; authority with respect to enforcement functions (Delegation of Authority 40) 12411
Enforcement functions, authority with respect to (Admin. Order 22, redesignated Delegation of Authority 4) 2336, 3595
Issuance of subpenas, inspection authorizations and letters respecting investigations (Admin. Order 22, Supp. 2, redesignated Delegation of Authority 4, Supp. 2) 2447, 3594
Meat, allocation of; enforcement functions relating to (Admin. Order 22, Supp. 3, redesignated Delegation of Authority 4, Supp. 3) 2478, 3594
Redelegation of functions relating to enforcement. *See* Directors, Enforcement.
Enforcement procedure regulations issued by. *See under* Procedural regulations.
Assistant Director for Management; budget, personnel management, organization, and general administration, authority with respect to (Admin. Order 1, redesignated Delegation of Authority 1) 889, 3594
Assistant Director for Price Operations:
Acting Director of Price Stabilization, authority to act as, in absence of Director (Delegation of Authority 2) 3594
Ceiling prices, to request further information regarding, or to disapprove or establish ceiling prices, proposed under any ceiling price regulation (Delegation of Authority 6) 3672, 5659
Redelegation of authority. *See* Directors of Divisions of Office of Price Stabilization.
Coupon exchange plans, to disapprove or request further information concerning; under GCPR, SR 25 (Delegation of Authority 10) 6260
Redelegation of authority. *See* Directors of Divisions of Office of Price Operations.
Livestock distribution; authority to request further information, to grant or deny certain applications, under DR 1 (Delegation of Authority 12) 6478, 9668
Redelegation of authority. *See* Director, Food and Restaurant Division.
Petroleum products, price action or adjustment, under CPRs 13, 17, 32 (Delegation of Authority 15) 7432
Redelegation of authority. *See* Director, Transportation, Public Utilities and Fuels Division.
Chief, Livestock and Meat Distribution Branch; livestock distribution, authority to request further information, to grant or deny certain applications, under DR 1 (Delegation of Authority 12, Supp. 2) 8000, 9668
Chiefs of Branches of various Divisions; authority to request further information concerning ceiling prices, proposed under any ceiling price regulation (Delegation of Authority 6, Supp. 2–10):
Consumer Durable Goods Division (Supp. 3) 4153
Consumer Soft Goods Division (Supp. 7 and 10) 4628, 5880
Food and Restaurant Division (Supp. 5) 4153
Forest Products Division (Supp. 6) 4503
Industrial Materials and Manufactured Goods Division (Supp. 9) 5367
Services, Export-Import Division (Supp. 4) 4153
Transportation, Public Utilities and Fuel Division (Supp. 2) 4153

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Counsel, Chief, or Acting Chief Counsel:
To act as Acting Director in absence of Director and Assistant Director for Price Operations (Admin. Order 4, redesignated Delegation of Authority 2) 1676, 3594
To issue official price interpretations (Admin. Order 11, redesignated Delegation of Authority 3) 1583, 3595
Counsels, Division and Regional; authority to issue official price interpretations (Delegation of Authority 3, Supp. 1) 4260
Director, Food and Restaurant Division; livestock distribution, authority to request further information, to grant or deny certain applications, under DR 1 (Delegation of Authority 12, Supp. 1) 6478, 9668
Redelegation of authority. *See* Chief, Livestock and Meat Distribution Branch.
Director, Transportation, Public Utilities and Fuels Division; petroleum products, price action or adjustment, under CPRs 13, 17, 32 (Delegation of Authority 15, Supp. 1) 7432
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations):
All Directors:
Fair Trade Act, State; adjustments (GCPR, SR 19) 3387, 3651
Manufacturers' prices; adjustments (GOR 10) 4455
Motor vehicles; rental and leases of certain commercial vehicles, under CPR 70 (Delegation of Authority 29) 11703
Warehouses licensed under United States Warehouse Act, rates and charges filed by, under CPR 34, SR 5 (Delegation of Authority 26) 11406
Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont):
All Directors:
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 15) 12411
Machinery and related goods, reports, under CPR 67 (Redeleg. 14) 10618
Directors in designated offices:
Boston, Mass.:
Food and restaurant commodities, under CPR 11 (Redeleg. 3) 7686
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 7685
Ice, under GCPR, SR 45 (Redeleg. 4) 8560
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) 7685, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 8) 10092
Hartford, Conn.:
Food and restaurant commodities, under CPR 11 (Redeleg. 7) 8561
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 6) 8561
Ice, under GCPR, SR 45 (Redeleg. 4) 8560
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 5) 8561, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 8) 10092
Manchester, N. H.:
Food and restaurant commodities, under CPR 11 (Redeleg. 3) 7686
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 7685
Ice, under GCPR, SR 45 (Redeleg. 4) 8560
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) 7685, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 8) 10092
Montpelier, Vermont:
Food and restaurant commodities, under CPR 11 (Redeleg. 11) 10326

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont)—Continued
Directors in designated offices—Continued
Montpelier, Vermont—Continued
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 10) 10326
Ice, under GCPR, SR 45 (Redeleg. 12) 10327
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 9) 10326, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 13) 10327
Portland, Maine:
Food and restaurant commodities, under CPR 11 (Redeleg. 11) 10326
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 10) 10326
Ice, under GCPR, SR 45 (Redeleg. 12) 10327
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 9) 10326, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 13) 10327
Providence, R. I.:
Food and restaurant commodities, under CPR 11 Redeleg. 3) 7686
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 7685
Ice, under GCPR, SR 45 (Redeleg. 4) 8560
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) 7685, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 8) 10092
Springfield, Mass.:
Food and restaurant commodities, under CPR 11 (Redeleg. 3) 7686
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 7685
Ice, under GCPR, SR 45 (Redeleg. 4) 8560
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) 7685, 12523
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 8) 10092
Region II (New York and New Jersey, except Camden District) Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 17) 12913
Contract motor carrier rates; adjustments, under GCPR, SR 39, (Redeleg. 7) 12238
Farm equipment; reports, under CPR 100 (Redeleg. 15) 12743
Food and restaurant commodities, under CPR 11 (Redeleg. 3) 9751
Food and restaurant commodities under CPRs 14, 15, 16 (Redeleg. 2) 9751
Ice, under GCPR, SR 45 (Redeleg. 4) 9752
Lamb, yearling and mutton products sold at wholesale, under CPR 92 (Redeleg. 8) 12238
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) 10677
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 1) 9751, 12238
Milk; issuance of area milk price regulations to adjust ceiling prices, under GCPR, SR 63 (Redeleg. 18) 12913
Non-profit clubs, under CPR 11 (Redeleg. 12) 12524
Pork, sales at wholesale, under CPR 74:
Applications filed (Redeleg. 10) 12523
Authority to act under other provisions (Redeleg. 11) 12524
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 5) 10677, 10796, 10867

PRICE STABILIZATION, OFFICE OF—Continued — Page
Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region II (New York and New Jersey, except Camden District) Directors—Continued
Sausage; applications filed, under GCPR, SR 34 (Redeleg. 13) — 12524
Services; pricing and reports, under CPR 34 (Redeleg. 9) — 12523
Small business concerns, applications filed by; under GOR 20 (Redeleg. 14) — 12743
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 16) — 12913
Region III (Pennsylvania, Delaware, and Camden District of New Jersey):
All Directors:
Food and restaurant commodities, under CPR 11 (Redeleg. 7) — 12239
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) — 6639
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1 and 5) — 6639, 11876
Reports filed by certain restaurant operators, under CPR 11 (Redeleg. 6) — 12238
Camden, N. J., Director:
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 4) — 7302
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 3) — 7302
Region IV (Maryland, North Carolina, Virginia, West Virginia, and District of Columbia) Directors:
Food and restaurant commodities, under CPR 11 (Redeleg. 3) — 12446
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) — 12446
Ice, under GCPR, SR 45 (Redeleg. 4) — 12446
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) — 12446
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) — 12446
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 5) — 12446
Services; pricing and reports, under CPR 34 (Redeleg. 7) — 12446
Region V (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee) Directors:
Food and restaurant commodities, under CPR 15 (Redeleg. 2) — 9114
Ice, under GCPR, SR 45 (Redeleg. 4) — 11039
Machinery and related goods; reports, under CPR 67 (Redeleg. 5) — 11039
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1 and 6) — 9114, 12025
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 3) — 10327
Services; pricing and reports, under CPR 34 (Redeleg. 7) — 12524
Region VI (Kentucky, Michigan, and Ohio) Directors:
Farm equipment; reports, under CPR 100 (Redeleg. 14) — 12745
Food and restaurant commodities, under CPR 11 (Redeleg. 3) — 7303
Cleveland, Ohio, Director (Supp. 1) — 9114
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 1) — 6639, 7302
Cleveland, Ohio, Director (Supp. 1) — 9114
Ice, under GCPR, SR 45 (Redeleg. 4) — 7783
Cleveland, Ohio, Director (Supp. 1) — 9115
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 7) — 12744
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) — 10677
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 2) — 6639, 11876
Cleveland, Ohio, Director (Supp. 1) — 9114
Non-profit clubs, under CPR 11 (Redeleg. 11) — 12744

PRICE STABILIZATION, OFFICE OF—Continued — Page
Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region VI (Kentucky, Michigan, and Ohio) Directors—Continued
Pork sold at wholesale, under CPR 74:
Applications filed (Redeleg. 9) — 12744
Authority to act under other various provisions (Redeleg. 10) — 12744
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 5) — 9115
Sausage, certain items of; under GCPR, SR 34 (Redeleg. 12) — 12744
Services; pricing and reports, under CPR 34 (Redeleg. 8) — 12744
Small business concerns, applications filed by; under GOR 20 (Redeleg. 13) — 12745
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) — 12745
Region VII (Illinois, Indiana, and Wisconsin) Directors:
Food and restaurant commodities, under CPR 11 (Redeleg. 5) — 11467
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 3) — 11467
Ice, under GCPR, SR 45 (Redeleg. 4) — 11467
Machinery and related goods; reports, under CPR 67 (Redeleg. 7) — 12525
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 6) — 12524
Non-profit clubs, under CPR 11 (Redeleg. 8) — 12525
Petroleum products, retail, under CPR 13 (Redeleg. 2) — 11467
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 1) — 11467
Region VIII (Minnesota, North Dakota, South Dakota, and Montana) Directors:
Contract motor carrier rates; under GCPR, SR 39 (Redeleg. 7) — 12239
Food and restaurant commodities, under CPR 11 (Redeleg. 3) — 10327
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 4) — 10328
Ice, under GCPR, SR 45 (Redeleg. 2) — 10327
Lamb, yearling and mutton products sold at wholesale under CPR 92 (Redeleg. 8) — 12239
Machinery and related goods; reports, under CPR 67 (Redeleg. 6) — 10907
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 1) — 10327, 12239
Non-profit clubs, under CPR 11 (Redeleg. 10) — 12525
Pork, sales at wholesale, under CPR 74:
Applications filed (Redeleg. 9) — 12525
Authority to act under other provisions (Redeleg. 12) — 12525
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 5) — 10328
Services; pricing and reports, under CPR 34 (Redeleg. 11) — 12525
Region IX (Illinois, Iowa, Kansas, Missouri, and Nebraska) Directors:
Contract motor carrier rates, under GCPR, SR 39 (Redeleg. 9) — 12239
Food and restaurant commodities, under CPR 11 (Redeleg. 6) — 7951
Food and restaurant commodities, under CPRs 14, 15, 16; price action and adjustments (Redeleg. 2 and 4) — 7951
Ice, under GCPR, SR 45 (Redeleg. 5) — 7951, 8158
Lamb, yearling and mutton products sold at wholesale, under CPR 92 (Redeleg. 11) — 12914
Machinery and related goods; reports, under CPR 67 (Redeleg. 8) — 10908
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 3) — 7951, 11876
Non-profit clubs, under CPR 11 (Redeleg. 14) — 12914
Petroleum products, under CPR 13 (Redeleg. 1) — 7950
Pork; sales at wholesale, under CPR 74:
Applications filed (Redeleg. 12) — 12914
Authority to act under other provisions (Redeleg. 13) — 12914

PRICE STABILIZATION, OFFICE OF—Continued — Page
Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region IX (Illinois, Iowa, Kansas, Missouri, and Nebraska) Directors—Continued
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 7) — 10092
Sausage; applications filed, under GCPR, SR 34 (Redeleg. 15) — 12914
Services; pricing and reports, under CPR 34 (Redeleg. 10) — 12525
Small business concerns, applications filed by; under GOR 20 (Redeleg. 16) — 12914
Region X (Louisiana, Oklahoma, Arkansas, and Texas) Directors:
Contract motor carrier rates, under GCPR, SR 39 (Redeleg. 5) — 12239
Food and restaurant commodities, under CPR 11 (Redeleg. 3) — 10092
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) — 7686
Ice, under GCPR, SR 45 (Redeleg. 4) — 12239
Machinery and related goods; reports, under CPR 67 (Redeleg. 8) — 12915
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1 and 6) — 7686, 12240
Non-profit clubs, under CPR 11 (Redeleg. 10) — 12916
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 9) — 12915
Services; pricing and reports, under CPR 34 (Redeleg. 7) — 12915
Region XI (Colorado, New Mexico, Utah, and Wyoming):
All Directors:
Adjustment of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 18) — 12916
Contract carrier motor rates, under GCPR, SR 39 (Redeleg. 13) — 12746
Farm equipment; reports, under CPR 100 (Redeleg. 17) — 12916
Non-profit clubs, under CPR 11 (Redeleg. 15) — 12746
Services; pricing and reports, under CPR 34 (Redeleg. 14) — 12746
Small business concerns, applications filed by; under GOR 20 (Redeleg. 16) — 12915
Directors in designated offices:
Albuquerque, New Mexico, Director:
Food and restaurant commodities, and reports filed by restaurant operators, under CPR 11 (Redeleg. 11) — 12746
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 10) — 12745
Ice; adjustments, under GCPR, SR 45 (Redeleg. 12) — 12746
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 9) — 12745
Cheyenne, Wyo.:
Food and restaurant commodities, and processing of reports, under CPR 11 (Redeleg. 7) — 11876
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 6) — 11876
Ice, under GCPR, SR 45 (Redeleg. 8) — 11892
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 5) — 11876
Denver, Colo.:
Food and restaurant commodities, and initial reports filed by restaurant operators, under CPR 11 (Redeleg. 3) — 10618
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) — 10618, 11788
Ice, under GCPR, SR 45 (Redeleg. 4) — 11040
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 1) — 10618

PRICE STABILIZATION, OFFICE OF—Continued — Page
Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region XI (Colorado, New Mexico, Utah, and Wyoming)—Continued
Directors in designated offices—Continued
Salt Lake City, Utah:
Food and restaurant commodities, and initial reports filed by restaurant operators, under CPR 11 (Redeleg. 3) — 10618
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) — 10618, 11788
Ice, under GCPR, SR 45 (Redeleg. 4) — 11040
Markups and pricing methods on consumer goods, under CPR 7 (Redeleg. 1) — 10618
Region XII (Arizona, California, and Nevada):
All Directors; services, pricing and reports, under CPR 34 (Redeleg. 9) — 12411
Directors in designated offices:
Fresno, Calif.; food and restaurant commodities under CPRs 11, 14, 15, 16, and markups on consumer goods, under CPR 7 (Redeleg. 6) — 11890
Los Angeles, Calif.:
Beef, retail prices, under CPR 25 (Redeleg. 4; redesignated Redeleg. 5) — 10588, 11467
Food and restaurant commodities, under CPR 11 (Redeleg. 1, redesignated Redeleg. 2) — 10587, 11467
Food and restaurant commodities, under CPR 14 (Redeleg. 2, redesignated Redeleg. 3) — 10588, 11467
Food and restaurant commodities, under CPRs 15, 16, and markups on consumer goods, under CPR 7 (Redeleg. 1, redesignated Redeleg. 2) — 11467, 11890
Machinery and related goods; reports, under CPR 67 (Redeleg. 7) — 11890
Phoenix, Ariz.:
Beef, retail prices, under CPR 25 (Redeleg. 4, redesignated Redeleg. 5) — 10588, 11467
Food and restaurant commodities, under CPR 11 (Redeleg. 1, redesignated Redeleg. 2) — 10587, 11467
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2, redesignated Redeleg. 3, and Redeleg. 8) — 10588, 11467, 11892
Markups on consumer goods, under CPR 7 (Redeleg. 3, redesignated Redeleg. 4) — 10588, 11467
Sacramento, Calif:
Beef, retail prices, under CPR 25 (Redeleg. 4, redesignated Redeleg. 5) — 10588, 11467
Food and restaurant commodities, under CPR 11 (Redeleg. 1, redesignated Redeleg. 2) — 10587, 11467
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2, redesignated Redeleg. 3, and Redeleg. 8) — 10588, 11467, 11892
Markups on consumer goods, under CPR 7 (Redeleg. 2, redesignated Redeleg. 3) — 10588, 11467
San Diego, Calif.:
Beef, retail prices, under CPR 25 (Redeleg. 4, redesignated Redeleg. 5) — 10588, 11467
Food and restaurant commodities, under CPR 11 (Redeleg. 1, redesignated Redeleg. 2) — 10587, 11467
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2, redesignated Redeleg. 3, and Redeleg. 8) — 10588, 11467, 11892
Markups on consumer goods, under CPR 7 (Redeleg. 3, redesignated Redeleg. 4) — 10588, 11467

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, District (authority respecting price action or price adjustment for specific commodities under various price regulations)—Con.
Region XII (Arizona, California, and Nevada)—Continued
Directors in designated offices—Continued
San Francisco, Calif.;
Beef, retail prices, under CPR 25 (Redeleg. 4, redesignated Redeleg. 5) 10588, 11467
Food and restaurant commodities under CPR 11 (Redeleg. 1, redesignated Redeleg. 2) 10587, 11467
Food and restaurant commodities, under CPR 14 (Redeleg. 2, redesignated Redeleg. 3) 10588, 11467
Food and restaurant commodities, under CPRs 15, 16, and markups on consumer goods, under CPR 7 (Redeleg. 1, redesignated Redeleg. 2) 11467, 11890
Region XIII (Idaho, Oregon, and Washington) Directors:
Food and restaurant commodities, and reports filed by certain restaurant operators, under CPR 11 (Redeleg. 3) 12526
Food and restaurant commodities, under CPRs 14, 15, 16 (Redeleg. 2) 12411
Machinery and related goods; reports, under CPR 67 (Redeleg. 4) 12526
Markups and pricing methods for consumer goods, under CPR 7 (Redeleg. 1) 12240
Services; pricing and reports, under CPR 34 (Redeleg. 5) 12526
Region XIV. *See* Directors, Territorial, *below.*
Directors, Enforcement, District and Regional:
Enforcement functions, authority with respect to (Admin. Order 22, Supp. 1, redesignated Delegation of Authority 4, Supp. 1) 2408, 3595
Revised; Regional Directors omitted 4359
Inspection authorizations, authority to sign and issue (Admin. Order 22, Supp. 5, redesignated Delegation of Authority 4, Supp. 5) 2529, 3594
Letters respecting investigations, authority to sign and issue (Admin. Order 22, Supp. 6, redesignated Delegation of Authority 4, Supp. 6) 2529, 3594
Subpenas, authority to sign and issue (Admin. Order 22, Supp. 4, redesignated Delegation of Authority 4, Supp. 4) 2529, 3594
Directors, Regional, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations):
All Directors:
Adjustments of ceiling prices under Defense Production Act of 1950; applications, under GOR 21 (Delegation of Authority 39) 12376
Beef, processed; under GCPR, SR 61 (Delegation of Authority 45) 12802
Beef, retail prices, under CPR 25 (Delegation of Authority 42) 12747
Construction services; adjustments, etc., under CPR 93 (Delegation of Authority 44) 12802
Contract carriers relating to intrastate operations, under GCPR, SR 39 (Delegation of Authority 25) 11406
Fair Trade Acts, State; adjustments (GCPR, SR 19) 3387, 3651
Farm equipment; reports, under CPR 100 (Delegation of Authority 37) 12299
Food and restaurant commodities, under CPR 11 (Delegation of Authority 13) 6806
Food and restaurant commodities, under CPRs 14, 15, 16 (Delegation of Authority 8) 5659, 6640
Ice, under GCPR, SR 45 (Delegation of Authority 14) 7431
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Delegation of Authority 27) 11468

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, Regional, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
All Directors—Continued
Livestock and meat distribution; authority to request further information, to grant or deny certain applications, under DR 1 (Delegation of Authority 11) 6478, 7338, 8953, 10391
Machinery and related goods; reports, under CPR 67 (Delegation of Authority 22) 10010
Manufacturers' prices, adjustments of; applications filed by certain manufacturers, under GOR 10 (Delegation of Authority 43) 12747
Markups and pricing methods for consumer goods, under CPR 7 (Delegation of Authority 5) 3672, 11128
Milk; issuance of area milk price regulations to adjust ceiling prices, under GCPR, SR 63 (Delegation of Authority 41) 12679
Motor vehicles; rental and leases of certain commercial vehicles, under CPR 70 (Delegation of Authority 29) 11703
Non-profit clubs, under CPR 11 (Delegation of Authority 34) 11979
Petroleum products; sales at retail, adjustments for (CPR 13) 2628
Pork sold at wholesale, under CPR 74:
Applications filed, authority to modify, revise or request further information concerning (Delegation of Authority 31) 11752
Authority to act under other various provisions (Delegation of Authority 32) 11891
Reports, initial, filed by restaurant operators, under CPR 11 (Delegation of Authority 17) 8158
Sausage, certain items of; under GCPR, SR 34 (Delegation of Authority 35) 12025
Services; pricing and reports, under CPR 34 (Delegation of Authority 28) 11703
Small business concerns, applications filed by; under GOR 20 (Delegation of Authority 36) 12025
Veal; ceiling prices at wholesale, under CPR 101 (Delegation of Authority 38) 12299
Warehouses licensed under United States Warehouse Act; review, affirm or reverse, order issued by District Director concerning rates and charges filed under CPR 34, SR 5 (Delegation of Authority 26) 11406
Directors in designated regions:
Region 1; motor carriers, rate adjustments for interstate services (GCPR, SR 23) 3832
Region 6; contract motor carrier rates, under GCPR, SR 39 (Delegation of Authority 23) 10475
Region 7; contract carriers engaged in transportation of milk, fruit or vegetables, under GCPR, SR 39 (Delegation of Authority 21) 9790
Region 11:
Contract motor carrier rates, under GCPR, SR 39 (Delegation of Authority 33) 11891
Motor carriers; rate adjustments for interstate services (GCPR, SR 23) 3832
Region 12:
Contract carriers, under GCPR, SR 39:
Engaged in transportation of fruit and vegetables (Delegation of Authority 16) 7527
Engaged in transportation of milk (Delegation of Authority 20) 9177
Dried apricots, under GCPR, SR 77 (Delegation of Authority 24) 11246
Motor carriers; rate adjustments for interstate services (GCPR, SR 23) 3832

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various officials—Continued
Directors, Regional, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Directors in designated regions—Continued
Region 13:
Contract carriers engaged in transportation of milk, fruit or vegetables, under GCPR, SR 39 (Delegation of Authority 18) 8158
Graders and scalers, applications of, under CPR 97 (Delegation of Authority 30) 11752
Region 14:
Commodities sold in territories and possessions, under CPR 9 (Delegation of Authority 7) 4503, 10752
Needlework industry in Puerto Rico, under CPR 44 (Delegation of Authority 7, Supp. 1) 5593
Redelegations of authority. *See* Directors, District; *and* Directors, Territorial.
Directors, Territorial, Region XIV, Alaska, Hawaii, Puerto Rico, Virgin Islands, and Guam; authority respecting price action or price adjustment for specific commodities under various price regulations:
All Directors:
Commodities sold in territories and possessions, under CPR 9 (Delegation of Authority 7, Supp. 5; redesignated Redeleg. 4) 9200, 10677
Food and restaurant commodities, under CPR 11 (Delegation of Authority 13, Supp. 1; redesignated Redeleg. 3) 7187, 10678
Ice, under GCPR, SR 45 (Redeleg. 1) 7757
Reports, initial, filed by restaurant operators, under CPR 11 (Redeleg. 5) 10678
Puerto Rico, Director of; needlework industry in Puerto Rico, under CPR 44 (Delegation of Authority 7, Supp. 2; redesignated Redeleg. 2) 6806, 10677
Directors of Divisions of Office of Price Operations:
Ceiling prices, to request further information regarding, or to disapprove or establish ceiling prices, proposed under any ceiling price regulation (Delegation of Authority 6, Supp. 1) 3672, 7187
Redelegation of authority. *See* Chiefs of Branches.
Coupon exchange plans, to disapprove or request further information concerning; under GCPR, SR 25 (Delegation of Authority 10, Supp. 1) 6640
Economic Adviser; authority to act as Acting Director in absence of Director, Assistant Director for Price Operations, and Chief Counsel or Acting Chief Counsel (Delegation of Authority 2) 6668
Recording Secretary; authority to issue official collations of regulations prepared for republication in the Federal Register (Delegation of Authority 9) 5660
Automobiles:
See also Motor vehicles.
Antique automobiles; exemption for certain industrial materials and manufactured goods (GOR 9) 8347, 9809
Hawaii, sales of automobiles at retail and wholesale in (CPR 103) 12352
New and used; retail prices (GCPR, SR 5) 1769, 2151, 2548, 3010, 4652, 6028, 8456, 9472
Special orders:
Chrysler automobiles, certain 6204, 6806
Chrysler Corp 7370
Packard Motor Car Co 7370
New, passenger:
Increase in manufacturers' prices (CPR 1) 2030, 3828, 9154, 11769
Conversion steel adjustment 12388
Extra equipment adjustment and alternative method for computing price increase adjustment factor 12427

PRICE STABILIZATION, OFFICE OF—Continued Page

Automobiles—Continued
New, passenger—Continued
Increase in manufacturers' prices (CPR 1)—Con.
Supplementary regulation; adjustments under Defense Production Act of 1950 (SR 1) 12389
Sales at retail and wholesale (CPR 83) 10594
Definitions; Federal excise tax 11504
Invoices; effective date, postponement 11504
Notice to be posted 11504
Effective date; postponement 11504
Special orders, for various firms:
Chrysler Corp 12671
Crosley Motors, Inc 12748
Ford Motor Co 12674
General Motors Corp 12676
Hudson Motor Car Co 12747
Kaiser-Frazer Corp 12297
Nash-Kelvinator Corp 13174
Packard Motor Car Co 11890
Studebaker Corp 12447
Willys-Overland Motors, Inc 12526
Tires and tubes for. *See* Tires and tubes.
Used passenger automobiles; listed prices for sales by wholesalers, retailers, or individuals (CPR 94) 11639
Appendix A, extension of effective date for prices listed in 12549
Rounding ceiling prices 12549
Warranty service, certain. *See* Services.
Automotive and farm tractor repair services. *See* Services.
Automotive or aircraft parts, accessories or equipment, manufacturers of; rounding ceiling prices (GCPR, SR 81) 12320
Automotive trucks, motorcycles, busses, trailers, etc., and parts and equipment 4122, 8357
Bakery products; emergency adjustment for manufacturers (GCPR, SR 80) 11921
Ballets; statutory exemption of admission charges (Gen. Int. 5) 11686
Barber shops. *See* Beauty and barber shops.
Barrels. *See* Containers.
Barley. *See* Grains.
Bathroom accessories (housewares). *See* Consumer goods.
Batteries, storage 4122, 8357, 12553
Beans. *See* Fruits, vegetables.
Bearings and bushings 4122, 8357
Beauty and barber shops, services performed by (Int. 37, to GCPR) 4194
Bedding:
Alternative pricing methods and use of grade charts for manufacturers (CPR 22, SR 4) 4682
Manufacturers' prices. *See* Manufacturers' prices.
Mattresses. *See* Mattresses and matching box springs.
Retail prices. *See* Consumer goods.
Beef. *See* Livestock and meat.
Beet pulp. *See* Feeds.
Belting, leather and textile 4122, 8357, 12553
Berries. *See* Fruits, vegetables, and berries.
Beryl ores; exemption (GOR 9) 7987, 9809
Beverages, gift food packages containing. *See* Holiday gift food packages.
Bicycles and bicycle accessories. *See* Consumer goods.
Binding. *See* Publications.
Blind-made goods, sale by nonprofit agencies; exemption (GOR 1) 2834
Blocks and tackle 4122, 8357, 12553
Boats; marine equipment 4123, 8358
Boilers 4122, 8357, 12009, 12553
Bolts, nuts, screws and rivets; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Bonds, stocks; exemption 814, 1949
Books:
See also Publications.
Exemption 814
Boots. *See* Footwear.
Botanical drugs, crude; exemption for certain listed drugs (GOR 3) 9478
Bottles. *See* Containers.
Boxboard. *See* Paper, paperboard, etc.

PRICE STABILIZATION, OFFICE OF—Continued Page

Boy Scouts of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 3485
Branch stores (Int. 41, to GCPR) 4194
Brass. *See* Copper and copper base alloy.
Broom corn; exemption 1504
Brushes, industrial 4122, 8357, 12553
Building construction. *See* Services.
Building materials, certain; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805
Burlap. *See* Textiles.
Business concerns, small; adjustments. *See* Adjustments.
Business costs or expenses, disallowance of price violation payments in determining; functions delegated to Director and Assistant Director for Enforcement 11626, 12411
Butadiene; exemption of certain chemical commodity transactions (GOR 3) 8359
Butter. *See* Foods.
Buttons, plastic, for apparel; extension of effective date for manufacturers (CPR 22, SR 12) 12807
Cable. *See* Wire and cable.
Cake, fruit. *See* Fruit cake.
Calfskins. *See* Hides and skins.
Camp Fire Girls, Inc.; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 5870
Camps. *See* Summer camps.
Canned foods. *See* Fish and seafood; Foods; Fruits, vegetables, and berries; *and* Soups.
Canners, vegetable. *See* Fruits, vegetables, and berries.
Canning machinery, certain, leased by American Can Company and Continental Can Company, Inc (GCPR, SR 22) 3831
Canning supplies, home. *See* Home canning supplies.
CARE relief packages; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 3833
Carpets. *See* Floor coverings.
Cars, freight, rail, etc 4122, 8357, 12553
Castings (CPR 60) 7592, 8890, 10886, 12430
Effective date 9079, 10068
Catalogs. *See* Publications.
Cattle. *See* Livestock and meat.
Cattlehides. *See* Hides and skins.
Cement; adjustments for out-of-area purchases (GCPR, SR 66) 9862
Certificates, redeemable for premium articles. *See* Coupon exchange rates.
Chain, power transmision 4122, 8357, 12553
Chain stores and mail order establishments:
Mail order establishments, certain, modified methods of celing price determination for (GCPR, SR 28) 4713
Special pricing methods for 1895, 2564, 3615, 3650, 6374, 6375, 7148, 8823, 9807, 13129
Chapter; reassignment 808
Charts. *See* Publications.
Cheese. *See* Foods.
Chemical commodity transactions, certain; exemption (GOR 3) 3216, 8359
Chemicals, containing lead and zinc:
Increase in ceiling prices for (GCPR, SR 75) 10851
Modifications and alternative provisions for manufacturers of (CPR 22, SR 7) 5981, 7541, 8887, 10850
Products, certain; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12428, 12805
Chestnut extract wood. *See* Wood and wood products.
Chinaware. *See* Consumer goods.
Christmas items:
Decorations:
See also Consumer goods.
Certain, and Christmas tree holders; exemption (GOR 5) 10738
Gift food packages. *See* Holiday gift food packages.
Tree lighting sets, decorative; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805
Trees, Christmas; exemption 10780, 12505
Chrome ores; exemption (GOR 9) 7987, 9809
Cigarettes. *See* Tobacco and products.

PRICE STABILIZATION, OFFICE OF—Continued Page

Citrus juices:
Canned or frozen. *See* Foods.
Texas citrus juices; emergency adjustment (GCPR, SR 10) 2060
Civil Service Rules; certain positions excepted from competitive service or which may be filled on noncompetitive examination (Schedules A and B) 305, 637, 2119, 2697, 3151, 6711
Cleansers, household. *See* Soaps.
Clocks. *See* Consumer goods.
Clockwork systems 4122, 8357, 12553
Cloth. *See* Textiles.
Clothing. *See* Apparel.
Coal, coke, etc.:
Anthracite (Pennsylvania):
Delivered from mine or preparation plant (CPR 4) 1011
Records 3719
Sales or delivery of anthracite at prices above ceiling; service charges to certain consumers and sales pursuant to bona fide contract containing premium and penalty provision 3719
Special services 8344
Supplementary regulation; briquets produced or made at plants in Pennsylvania anthracite field (SR 1) 2031
Sales by producers and distributors; exempted when sold and delivered under trade name "Anthrafilt" (GOR 12) 5319
Bituminous coal, sales by producers or distributors; exempted when sold and delivered as seacoal facing (GOR 12) 5319
Bunker fuel, coal sold for direct use as (CPR 21) 3157
Coal, petroleum coke, and packaged fuel, produced at certain plants; increases in ceiling prices (GCPR, SR 78) 11308
Coal (except Pennsylvania anthracite) delivered from mine or preparation plant (CPR 3) 1008, 1476, 3702
Supplementary regulation; briquets or semidistilled coal produced at or near coal fields (SR 1) 2563
Coke, coal chemicals and coke oven gas (GCPR, SR 13) 2473, 4784, 6381, 6921, 10081
Coke oven doors and jambs 5868, 8357
Exporters of coal (GCPR, SR 8) 1950
Lake coal dock operators (CPR 27) 3891
Preparation equipment 4122, 8357, 12553
Retail dealers, authority to increase ceiling prices (GCPR, SR 2) 1060, 3046, 6664, 10122
Royalties to owner; in return for grants of licenses to mine and carry away coal, not exempt (Int. 36, to GCPR) 4194
Tidewater coal dock dealers (GCPR, SR 4) 1635, 3901, 10488
Transportation of coal in colliers from Hampton Roads, Va., to certain North Atlantic points; maximum rates (GCPR, SR 62) 9510
Cobalt ores and metal; exemption (GOR 9) 7987, 9809
Cobalt oxide included 10489
Cocoa:
Dry cocoa. *See* Foods.
Raw cocoa beans; sales other than retail (GCPR, SR 3) 1505
Coffee:
Beverage coffee, dry. *See* Foods.
Green coffee; sales other than retail (GCPR, SR 3) 1505
Coke. *See* Coal, coke, etc.
Columbite-tantalite ores; exemption (GOR 9) 7987, 9809
Commodity Credit Corporatoin. *See* Government agencies.
Commodity exchanges:
Establishment of settlement price and assessment of damages for default on futures contract (Gen. Int. 1) 5896
Margin requirements; exemption 814
Compliance and enforcement program:
Compliance Policy Committee, establishment in Economic Stabilization Agency; representation on 8560
Delegation of authority to Director to conduct program 8559

PRICE STABILIZATION, OFFICE OF—Continued Page

Compressors 4122, 8357, 12553
Conduit 4122, 8357
Confidential information; inspection of documents, procedure respecting. *See* Procedural regulations.
Confirmation and ratification of actions taken under Economic Stabilization General Orders 2 and 5 3594
Construction machinery, used. *See* Machines and machinery.
Construction services. *See* Services.
Consumer goods, certain:
Exemptions for certain commodities of minor significance which have trifling effect on cost of living, defense costs, etc.:
Durable goods (GOR 5):
Equipment and supplies (three dimensional anatomical models, wire forms and wire easels for floral wreaths and displays) 10738
Furniture (custom built household furniture, hand decorated articles, spinning wheels, etc.) 10738
Interpretation 13132
Household accessories (ceramic ornaments, Christmas decorations, picture frames, figurines, pictures, bells and chimes, etc.) 10738
Housewares, certain (coffee and pepper grinders, cork wire swabs, toothpicks) 10738
Miscellaneous (game calls, ice creepers, miniature nativity stables) 10739
Notions and novelties (artificial items for decorative use, hand-decorated bottles, novelties made of glass, china, wood, plaster, marble, etc.) 10738
Personal accessories (comb cleaners, certain costume jewelry, hair rolls, pin cushions, shoe horns, etc.) 10738
Pet supplies (bird cages, bird houses, dog and cat beds, dog license tags, pet toys, etc.) 10738
Pipe organs, custom built 10738
Precious stones and precious jewelry 5870
Rugs, oriental, hand-woven, imported 5621
Sphygmo-oscillometers 3408
Soft goods (GOR 4):
Fibers, certain; kenaf 11836
Indian and Eskimo handicraft objects, certain 5870
Raw and unprocessed landfowl and waterfowl feathers, certain 10782
Untanned skins of sheep and lambs 3407
Imported commodities 4185, 4370, 5167, 7591, 8826, 9894
Manufacturers' prices. *See* Manufacturers' prices.
Retail ceiling prices (CPR 7) 1872, 5227
Authority of Regional and District Directors. *See* Authority, delegations of.
Category markups, tables for (Appendix D, E, F) 1893, 1895, 2564, 3010, 3615, 5251, 6373, 6374, 8823, 10258, 10259, 11109.
Commodities covered (Appendix B) 1874, 1884, 5238
See also Supplementary regulations.
Apparel:
Infants' apparel and accessories 1886, 2564, 5240
Men's and boys' apparel and accessories 1884, 2564, 5238
Shoes and other footwear 1887, 5241
Women's, girls', and children's apparel and accessories 1886, 1890, 1949, 2564, 5240, 5247
Consumer durable goods (furniture, bedding, rugs, lamps, etc.) 1889, 2564, 3007, 5243
Bedding 5244
Floor coverings (rugs, linoleum, etc.) 5244
Furniture, household 5243
Housewares 3007, 3615, 5244, 5254, 6373
Jewelry, watches and clocks 3009, 3615, 5247
Lamps 5244
Luggage, sporting goods and bicycles 3009, 5246
Musical instruments 3007, 5244
Notions 3008, 3615, 5245, 6373
Phonographs and recorders 3007, 5244
Radios 3007, 5244
Silverwear, china and glassware 3009, 5246
Television sets and accessories 3007, 5244
Household textile commodities, drapery hardware and certain yard goods 1888, 5242
Yarn and crochet thread, laces, trimmings, and ribbons 6373
Toys, games and Christmas decorations 6373

PRICE STABILIZATION, OFFICE OF—Continued Page

Consumer goods, certain—Continued
Retail ceiling prices (CPR 7)—Continued
Comparable categories (Appendix C) 1891, 2564, 5249, 5254, 6374, 10257
Computing ceiling prices 1877, 2564, 3006, 3614, 5230, 5254, 5836, 6373, 6374, 13127
General provisions 1880, 5234
Definitions 5236
Enforcement 5236
Marking, etc 1880, 5234, 6373
Prohibitions 5236
Records and reports 1880, 2564, 3649, 5235, 6373
Sales slips 1882, 5236
Taxes 1880, 5234, 5254
Pricing charts 1875, 2564, 3007, 3614, 3650, 5228, 5254, 6372, 6374
See also Supplementary regulations.
Examples (Appendix A) 1883, 2564, 5237
Pricing rules, beginning dates 1874, 2564, 3006, 3649, 5228, 6372
Scope; sales and sellers covered 1874, 5227, 6372
Election by small-volume retailers to price certain articles pursuant to GCPR 5008
Sellers (chain stores) 3614
Special cases 1879, 5233
Chain stores and mail order establishments 1879, 5233
See also. Supplementary regulations.
Transfers of business 1879, 5233
Uniform prices 1880, 3649, 5234
Limitation on further applications 12644
"Up stream" and "cross stream" sales 1879, 5233
Special orders for various firms:
See list at end of this agency.
Limitation on further applications 12644
Supplementary regulations:
Chain stores and mail order establishments, special pricing methods for (SR 1) 1895, 2564, 3615, 3650, 6374, 6375, 7148, 8823, 9807, 13129
Home canning supplies, certain, retail prices for (SR 3) 3616
Pricing, alternative method for, and for preparing pricing chart (SR 2) 1897
Silverware, jewelry, watches and clocks 5254
Toys, games and Christmas decorations 6375, 8824
Containerboard. *See* Paper, paperboard, etc.
Containers:
Agricultural containers, wooden, manufactured in certain eastern and central States (CPR 90) 10985
Deposit charges for containers (Gen. Int. 2) 7825
Glass containers; bottles, catsup and chili sauce, sold for use during 1951 bottling season (GCPR, SR 35) 6179
New tight cooperage (CPR 86) 10739
Reels, spools, etc., furnished in connection with copper wire mill products. *See* Wire and cable.
Returnable containers; cost adjustments for manufacturers (CPR 22, SR 9) 6309, 7590, 7930
Used steel drums and services in connection with reconditioning and lining (CPR 36) 4451
Continental Can Company, Inc.; canning machinery, certain, leased by (GCPR, SR 22) 3831
Continuation of existing regulations, notice of 7696
Contract motor carriers. *See* Motor vehicles.
Contract prices; differing from ceiling prices (Int. 42, to GCPR) 4194
Conversion steel. *See* Iron and steel.
Conveyors 4122, 8357, 12553
Cooperage. *See* Containers.
Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Presidential Letter of January 26, 1951) 793
Cooperative for American Remittances to Europe, Inc. *See* CARE relief packages.
Copper and copper base alloy:
Brass mill products; sales by producers (CPR 68) 8542
Brass mill scrap (CPR 47) 5940, 7592
Copper scrap and copper alloy scrap (CPR 46) 5932, 7591
Effective date; correction 7825
Refined copper, sold by refiners who use imported raw materials; adjustments in ceiling prices for certain quantities (GCPR, SR 46) 7353

PRICE STABILIZATION, OFFICE OF—Continued Page

Copper and copper base alloy—Continued
Wire mill products. *See* Wire and cable.
Corn. *See* Grains.
Corn cobs; exemption. *See* Foods.
Corn oil. *See* Fats and oils.
Corporate issuers of securities (manufacturing and nonmanufacturing corporations), which are subject to Securities Exchange Act of 1934; quarterly financial reports to be furnished upon request of Securities and Exchange Commission in order to provide information for OPS (Survey Report Regulation 1) 10557
Cosmetic gift sets, new; ceiling prices for packagers and resellers (GCPR, SR 67) 9978
Cotton:
American-Egyptian; exemption 815
American Upland (CPR 8) 2060
Supplementary regulations:
Future delivery contracts, certain, validation of (SR 2) 3560
Futures trading on cotton exchanges and exemption of producers' contracts (SR 1) 2150
Extra long staple, grown outside United States; exemption 2907
Ginning services. *See* Services.
Sold by producer; exemption 815
Textiles. *See* Textiles.
Cottonseed:
Exemption 1504
Oil. *See* Fats and oils.
Products (meal, slab cake, sized cake, pellets and hulls); emergency adjustment for processors and other sellers (GCPR, SR 31) 5170, 12395
Coupon exchange rates and other premium programs (GCPR, SR 25) 4125, 5944, 10460
Authority of Assistant Director for Price Operations and Directors of Divisions of Office of Price Operations. *See* Authority, delegations of.
Critical materials; sales to Defense Agencies. *See* Government agencies.
Crystals, synthetic; exemption (GOR 9) 12651
Customs warehouses, commodities stored in (Int. 6, to GCPR) 4192
Cuttings:
New cotton, linen and underwear cuttings (CPR 28) 3895
Sales to other than consumers; exemption (GOR 8) 3901
Cyclohexane. *See* Petroleum products.
Cylinders 4122, 8357, 12553
Dam and lock machinery 4123, 8358, 12553
Damaged commodities, exemption 814
Dead stock (dead animals); wastes sold for recovery of inedible products:
Fat-bearing and oil-bearing. *See* Fats and oils.
Inedible food and restaurant commodities. *See* Foods.
Decontrol or exemption of certain commodities. *See* Consumer goods; General Ceiling Price Regulation; *and specific commodities*.
Defense Agencies. *See* Government agencies.
Deposit charges. *See* Containers.
Derricks 4122, 8357, 12553
Diamond tools 4122, 8357, 12553
Die castings. *See* Castings.
Dies, jigs, and fixtures 4122, 8357, 12553
Diesel fuels. *See* Petroleum products.
Directories. *See* Publications.
Distilled spirits. *See* Liquors, distilled spirits.
Distribution of livestock and meat. *See* Livestock and meat.
District and regional offices:
Location of 2028, 3444, 4476, 5959, 6322, 7266, 7338, 8158
Organization and functions 8953
Dollies, industrial 4122, 8357, 12553
Dolomite, Drummond, modification of ceiling prices for resellers of (GCPR, SR 36) 5988
Dozers, angle, bull and push 4122, 8357, 12553
Draperies and hardware. *See* Consumer goods.
Drinks, soft; bottled (GCPR, SR 43) 7207, 7675, 8241
Drug commodity transactions, certain; exemption (GOR 3) 3216, 9478
Drums, used steel. *See* Containers.
Dry cleaning services. *See* Services.
Ducks. *See* Poultry.
Economizers 4122, 8357, 12553

PRICE STABILIZATION, OFFICE OF—Continued Page

Educational institutions; rates, charges, etc., for services:
Excepted services. *See* Services.
Exception for (GCPR, SR 15) 2908
Revocation 6664
Eggs:
See also Foods.
Exemption 2548, 5119, 10385
Electrical appliances, small (housewares). *See* Consumer goods.
Electronic devices, equipment and parts 4122, 8357, 12553
Electronic products, certain; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805
Electroplating equipment 4122, 8357, 12553
Enforcement; authority and procedure respecting. *See* Authority, delegations of; Compliance and enforcement program; *and* Procedural regulations.
Engines 4122, 5869, 8357, 12553
Envelopes, stamped; sales to United States. *See* Government agencies.
Escalator clause (Int. 9, to GCPR) 4192
Escalators and elevators 4122, 8357, 12553
Excelsior bolts. *See* Wood and wood products.
Exported commodities:
See also specific commodities.
Exemption of sales and deliveries of exported commodities under existing contracts (GCPR, SR 9) 2063, 4194
Exemptions limited to sales other than those governed by other regulations (Int. 1) 3114
Exports (CPR 61) 7597
Effective date 7601, 7697
General provisions; taxes, records, exemptions, definitions, etc 7599
Pricing method 7598, 8798
Scope 7597
Manufacturers' sales. *See* Manufacturers' prices.
Extract wood. *See* Wood and wood products.
Fabrics. *See* Textiles.
Fair Trade Acts, State; adjustment of ceiling prices to conform to minimum prices under (GCPR, SR 19) 3387, 3651
Fair trade commodities, in territories and possessions. *See* Territories and possessions of United States.
Fair trade items (Int. 12, to GCPR) 4193
Fans and blowers 4122, 8357, 12553
Farm equipment. *See* Machines and machinery.
Farm products. *See* Agricultural commodities.
Fasteners, metal slide, and parts for; extension of effective date for manufacturers (CPR 22, SR 12) 12807
Fats and oils (CPR 6) 1501, 6436
See also Foods; *and* Shortening.
General provisions; prohibitions, records, definitions, etc 1502, 2226, 3720, 5534, 6436, 7589, 7876, 8588
Petroleum products. *See* Petroleum products.
Scope 1501, 2225, 6436
Various oils, fats, etc., ceiling prices for:
Animal waste materials, fat-bearing and oil-bearing 2226, 5534, 6440
Alternative pricing method for U. S. Government agencies selling fat-bearing and oil-bearing animal waste materials under fixed term contract 5398
Corn oil 1501, 2146, 2148, 6438
Cottonseed oil 1501, 2146, 2147, 2681, 6437
Fish oils 4611, 4754, 6441
Shortening, and salad and cooking oils 2146, 2148, 2681, 6438
Soybean oil 1501, 2146, 2148, 6438
Tallows and greases 2225, 3157, 6440, 7589, 7876, 8588
Vegetable oil soapstocks, raw and acidulated 4104, 6440

Feathers:
Processed, new and used, waterfowl feathers and down, and processed chicken and turkey feathers (CPR 87) 10777
Raw and unprocessed chicken and turkey feathers and fibre, and certain goose and duck feathers; exemption 10781
Deletion 11770
Raw and unprocessed landfowl and waterfowl feathers, certain; exemption (GOR 4) 10782

PRICE STABILIZATION, OFFICE OF—Continued Page

Feature service material. *See* Publications.
Federal agencies or instrumentalities. *See* Government agencies.
Feeds:
See also Foods.
Beet pulp, wet, dried and pressed; adjustable pricing for sales by processors (GCPR, SR 69) 9972
Manufactured; prices for processors (GCPR, SR 7) 1819, 7206
Decrease in value of ingredients, effect of (Int. 1) 3113
Mill feeds, etc. *See* Grains.
Felts, industrial. *See* Textiles.
Fertilizer and fertilizer materials:
Agricultural liming materials; ceiling prices for all sellers (CPR 77) 9962
Certain; exemption (GOR 3) 12822
Mixed; sold in Puerto Rico by mixers and packers (CPR 72) 9084, 11957
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 10814, 11179
Fibers:
Kenaf; exemption (GOR 4) 11836
Wool. *See* Wool and wool products.
Figs. *See* Fruits, vegetables, and berries.
Film scrap, motion picture, of cellulose triacetate base (GCPR, SR 56) 9977
Fire fighting services in connection with oil and gas wells. *See* Oil and gas wells.
Fish and seafood:
See also Foods.
Canned Maine sardines, ceiling prices for mos' sales by canners of (CPR 85) 10634
Fish sold in Puerto Rico 6381, 9900
Fish oils. *See* Fats and oils.
Frozen fish and shellfish:
Exemption 815, 4697
Not "fresh" (Int. 38, to GCPR) 4194
Meal, scrap, solubles and specialty fish feed products. *See* Marine feed products.
Salmon, canned:
Canners' prices for (CPR 65) 7668, 7931, 8890
Primary distributors of; ceiling prices (GCPR, SR 64) 9657
Salt flat lake herring; sales by processors (CPR 109) 12871
Fittings and valves, certain; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805

Flaxseed. *See* Grains.
Floor coverings (rugs, carpets, linoleum, etc.):
Oriental rugs, hand-woven, imported; exemption (GOR 5) 5621
Retail prices. *See* Consumer goods.
Wool and various substitute yarns; increase in manufacturers' and wholesalers' prices (GCPR, SR 11) 2336, 3830, 6510, 9167, 12650, 13089
Floor surfacing and floor maintenance machinery 4122, 8357, 12553

Flour. *See* Grains.
Flowers and floral products:
Exemption 2681
Wire forms and easels for floral wreaths and displays; exemption (GOR 5) 10738
Fluorspar, acid grade; exemption (GOR 9) 7987, 8809, 12651

Foods:
See also specific commodities.
Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
Authority of Regional and District Directors. *See* Authority, delegations of.
Imported commodities 4185, 4370, 5167, 7591, 8826, 9894
Retail:
Groups 1 and 2 stores (CPR 16) 2750, 4438, 6799, 8108, 8454, 9469, 10367, 12868
Commodities not covered, lists of:
Excluded from price control 2758, 4694, 10372
Subject to other applicable regulations 4694, 10372

PRICE STABILIZATION, OFFICE OF—Continued Page

Foods—Continued
Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods)—Continued
Retail—Continued
Groups 1 and 2 stores (CPR 16)—Continued
Lists of commodities covered:
Definitions 2757, 4694, 8454, 10372
Dry groceries 10372
Perishables 10066, 10375
Postponement of date on which ceiling prices must be established 3651
Groups 3 and 4 stores (CPR 15) 2735, 4437, 6022, 6799, 8453, 9468, 10351, 12867
Commodities not covered, lists of:
Excluded from price control 2744, 4689, 10358
Subject to other applicable regulations 4689, 10358
Lists of commodities covered:
Definitions 2743, 4689, 8454, 10358
Dry groceries 10358
Perishables 10066, 10361
Postponement of date on which ceiling prices must be established 3650
Wholesale (CPR 14) 2725, 4435, 6798, 8452, 8674, 8824, 9468, 10520, 10521, 12866
Commodities not covered, lists of:
Excluded from price control 2734, 4685, 10530
Subject to other applicable regulations 4685, 10530
List of commodities covered; definitions 2733, 4685, 8452, 10530
Postponement of date on which ceiling prices must be established 3650
Exemption of certain food and restaurant commodities which have trifling effect on cost of living, defense costs, etc. (GOR 7) 11340
Corn cobs 11340
Dead stock or dead animals, when sold for the recovery of inedible products 3720
Fur seal meal 8889
Molasses, edible 11685
Safflower oil and seeds 5945
Specialty foods (various imported foods and beverages, luxury food items, etc.) 4688, 12822
Water, bottled; natural or distilled 7328, 11770
Grain products (flour, semolina, farina, meal, grits, etc.). *See* Grains.
Hawaiian wholesale grocery regulation (CPR 69) 9079
Revised to include sales at various price levels 11673
Puerto Rico, certain food products sold in (CPR 51) 6379, 6716
Effective date 7666
Fish 6381, 9900
General provisions; scope 6380, 9899
Livestock 9899
Meat 9899
Suspension:
Notice of 7150
Revocation of 7666
Sold in restaurants. *See* Restaurants.
Virgin Islands, food products sold in (CPR 73) 9310, 10698
Livestock; cattle, sheep, and goats 10698
Footwear:
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 5011, 5319, 9196, 11179
Continuation of ceiling prices in effect on June 30, 1951, for commodities or services covered by specified manufacturers' regulations (GOR 13) 6435, 7208, 7209
Regulations in effect as to manufacturers on June 30, 1951 (Int. 1) 6776
Revocation 7546
For military use, exemption (GCPR, SR 1) 3113
Retail prices. *See* Consumer goods.
Shoe manufacturers' prices (CPR 41) 5044
Changes in manufacturers' prices. *See* Changes, *above.*

PRICE STABILIZATION, OFFICE OF—Continued Page

Footwear—Continued
Shoe manufacturers' prices (CPR 41)—Continued
Determination of ceiling prices for shoes:
Manufacturer-retailer, sales by, to ultimate consumer 5048
New price lines and new unit shoes 5047
New sellers, new categories, sellers who cannot price otherwise 5047
Outside price lines 5046, 5897
Within price lines 5045, 5897
Export sales 5048
Extension of time 7545, 7986
General provisions; rounding ceiling prices, taxes, adjustments, records, definitions, etc 5048, 7986
Scope 5045
Foreign governments, exemption from price control of sales of military items to (GOR 9) 11309
Forest products. *See* Wood and wood products.
4-H Clubs; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 5870
Freight cars 4122, 8357, 12553
Freight rates, rail:
Increases for grain, grain products and by-products, and articles taking same rail freight rate (GCPR, SR 73) 10600, 11860
Increases in transportation cost (Int. 1, to GCPR) 3112
Railroad; inclusion of freight and increased freight rates in ceiling prices is determined by specific regulation applicable to seller (Gen. Int. 3) 9196
Soybean oil mean processors. *See* Soybean oil meal.
Frozen foods:
See also Foods; Fruits, vegetables, and berries; *and* Soups.
Frozen foods not "fresh" (Int. 38, to GCPR) 4194
Lockers, for certain wild game; processing charges. *See* Services.
Fruit cake, holiday; exemption 8888
Fruits, vegetables, and berries:
Apricots, dried, of 1951 pack; ceiling prices for sales by processors (GCPR, SR 77) 11236
Authority of Regional Director, Region 12. *See* Authority, delegations of.
Beans, canned fresh shelled; raw material adjustment for Maine processors (GCPR, SR 85) 12821
Canned and frozen berries, fruits and vegetables, certain, their juices, and canned soups; adjustable pricing for sales by processors (GCPR, SR 51) 8346, 9964
Canned vegetables, certain, of the 1951 spring pack, canners' prices for (CPR 42) 5112, 5656
Dried:
Beans and peas, dry edible; exemption 2548, 5119, 10385
Certain (figs, raisins, prunes); exemption 1504
Fresh:
Exemption 815, 5053
Services in connection with harvesting, preparing for market, etc., exception for rates and charges in connection with (GCPR, SR 15) 4195
Frozen fruits and berries of 1951 pack, ceiling prices for (CPR 82) 10454, 11859
Ceiling prices for products in new retail carton sizes 10935
Different price classes 11111
Effective date 10936, 11638
Supplementary regulation; optional pricing (SR 1) 12247, 12871
Uniform delivered pricing by zones or areas 10936
Frozen vegetables of 1951 pack, ceiling prices for (CPR 81) 10447
Ceiling prices for certain processors; correction 11809
Ceiling prices for products in new retail carton sizes 10935
Different price classes 11110
Effective date 10935, 11638
Supplementary regulation; optional pricing (SR 1) 12246, 12870
Uniform delivered pricing by zones or areas 10935
Processed fruits and berries of 1951 pack, certain, ceiling prices for (CPR 56) 7546, 11223
Ceiling prices for processors:
Adjustment 8452
Processors unable to figure ceiling prices otherwise 10534

PRICE STABILIZATION, OFFICE OF—Continued Page

Fruits, vegetables, and berries—Continued
Processed fruits and berries of 1951 pack, certain, ceiling prices for (CPR 56)—Continued
Ceiling prices for processors—Continued
Sales of items not sold during base period 10534
Recalculation of ceiling prices under section 4, as amended (Int. 1) 12639
Sales of items sold during base period 8588, 9086, 9557, 10533
Coverage; products and sellers covered 8587, 9557, 10533
Definitions 9558, 10534
Effective date 7553, 7697, 8048, 8546
Reports which must be filed 8048, 8546, 9558
Supplementary regulations:
Apple products, processed, certain; adjustable pricing (SR 2) 12245
Canned fig ceiling price adjustment (SR 1) 10852
Prunes, canned (fresh); ceiling price adjustment (SR 3) 13088
Processed vegetables of 1951 pack, certain; ceiling prices for (CPR 55) 7318, 10937
Ceiling prices:
Grower-processors, grower-owned cooperatives, etc., who purchase raw materials on an open-end contract 10209
Individual adjustment of processors' ceiling prices 8451
Processors of items sold during base period 8586, 10208, 10698, 12011
Processors unable to figure ceiling prices under other sections 10209
Processors who did not sell item during base period but who sold other items during that period 10209
Recalculation of ceiling prices under section 4, as amended (Int. 1) 12639
Coverage; products and sellers covered 8586, 10208, 12011
Maine canned fresh shelled beans, removal of 12814
Definitions 8587, 10209
Effective date 7697, 8542
Reports which must be filed 7697, 8542, 8587, 10209
Supplementary regulations:
Canned pumpkin adjustment (SR 6) 12012
Canned spinach, optional pricing for (SR 8) 12644
Canned sweetpotato ceiling price adjustments (SR 7) 12071
Peas, canned:
Adjustment of ceiling price (SR 3) 10776
Certain processors of; modification of raw material adjustment (SR 2) 9961
Tomato processors, certain; modification of raw material adjustment (SR 1) 9655
Tomato products, canned (catsup, tomato puree, sauce, paste):
Adjustable pricing (SR 4) 10936
Effective date 11430
Revocation, automatic; date extended to November 29, 1951 11654
Ceiling price adjustment (SR 5) 12011, 12430
Fuel:
Oils. *See* Petroleum products.
Packaged. *See* Coal, coke, etc.
Solid (anthrafilt). *See* Coal, coke, etc.
Funeral cars. *See* Motor vehicles.
Fungicides. *See* Insecticides, fungicides.
Fur seal meal; exception. *See* Foods.
Furnaces and ovens, industrial and laboratory 4122, 5869, 8357, 12553
Furniture:
Alternative pricing methods and use of grade charts; manufacturers' prices (CPR 22, SR 4) 4682
Certain (custom built furniture, hand decorated articles, etc.); exemption (GOR 5) 10733
Interpretation 13132
Manufacturers' prices. *See* Manufacturers' prices.
Retail prices. *See* Consumer goods.
Upholstered household furniture, made by certain manufacturers; extension of effective date (CPR 22, SR 12) 12185, 12805
Future Farmers of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 3485

PRICE STABILIZATION, OFFICE OF—Continued Page

Futures trading. *See* Commodity exchanges; Cotton; *and* Wool and wool products.
Galvanized ware, certain; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805
Galvanometer movements 4122, 8357, 12553
Game:
Exemption 815
Wild; processing charges in connection with frozen foods lockers for certain game. *See* Services.
Games. *See* Consumer goods.
Garden equipment (housewares). *See* Consumer goods.
Gas:
Burners 4122, 8357, 12553
Casinghead, liquefied petroleum, natural, refinery. *See* Petroleum products.
Gas wells. *See* Oil and gas wells.
Gaskets and packings 4122, 8357
Gasoline. *See* Petroleum products.
Gauges 4122, 8357, 12553
Gears 4122, 8357, 12553
Geese. *See* Poultry.
General Ceiling Price Regulation 808, 5424
Agricultural commodities, certain:
See also Exemptions and exceptions; *and* Supplementary regulations.
Parity adjustments in ceiling prices 813, 5051, 5427, 10384
Distributors 1503
List of commodities 1503, 2546
Goat's milk (added) 13088
Honey (added) 1503
Soybeans (deleted) 1503
Sugarcane:
Added 5767
Deleted 1503
Methods of computing "parity" adjustments; commodity exchanges 1503
Notice of "parity" adjustment increases 1503
For producer-processor or cooperative-processor 4454
Processors and manufacturers 814, 5119, 6774
"Costs incurred" 1503
Deletion of "at least in substantial part" 2546, 2548
Processed products; pricing of:
Co-products (Int. 32) 4194
End products (Int. 34) 4194
Increases by a distributor (Int. 30) 4194
Pork cuts, wholesale (Int. 2) 3216
Producer-processors, cooperatives, etc., adjustments for 4454
Definitions and explanations 816, 5431, 11179
Calculations of ceiling prices involving fractions 2548
"Commodity", "seller" and "service" 1790
Purchasers of same class:
Commodities delivered by manufacturer to users at different prices (Int. 42) 4194
Seller; sales through branch outlets or establishments (Int. 41) 4194
Where wholesaler established different prices to retailers in different zones (Int. 43) 4194
"Sell" to include contracts for future delivery 2546
Determination of ceiling prices:
See also Modification of ceiling prices, *below.*
All sellers 812, 1790, 1995, 5425, 12787
Applicability; sequence of regulatory provisions, etc. (Int. 4, 5) 4192
Base period deliveries:
Computing price by formula; effect on base period price (Int. 16) 4193
Price paid after January 25 for delivery made during base period (Int. 18) 4193
"Promotional" discounts (Int. 15) 4193
Where deliveries were made with understanding that price was to be increased (Int. 14) 4193
Where deliveries were not made (Int. 10) 4192
Where increased prices were cancelled before payment (Int. 17) 4193
Where purchasers were notified that prices were being increased (Int. 13) 4193
Contract price (Int. 8, 9) 4192
Escalator clause (Int. 9) 4192
Fair trade transactions (Int. 12) 4193

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Determination of ceiling prices—Continued
All sellers—Continued
General increases by manufacturers and wholesalers 1769, 1994
Effective date, March 7, 1951 1995
New commodities:
Pricing methods (Int. 11) 4192
"Same" commodities, determining (Int. 19) 4193
"Squeeze" situations (Int. 3) 4192
Customary price differentials 813, 5426
Service stations; free parking for certain customers (Int. 23) 4193
Where seller's practice allowed discounts to new customers (Int. 22) 4193
Freight rates; increases in transportation costs (Int. 1) 3112
Highest price line limitation for manufacturers of wearing apparel and consumer durable goods 814, 5429
Manufacturers 10384
New categories, new services, new sellers 812, 5426, 10384, 11178, 11812, 12556
New commodities:
Manufacturers' prices 812, 5425
Current unit direct cost (Int. 20) 4193
Wholesalers' and retailers' prices 812, 5426
Net invoice cost (Int. 21) 4193
Retail sellers, group of, under common control 814, 5429
Sellers who cannot price otherwise 813, 5426
Wholesalers and retailers 10384
Exemptions and exceptions 814, 5429
See also Supplementary regulations.
Abandoned property; sales of property abandoned by Government agencies 815
Advertising, rates charged 814
Agricultural commodities, certain, when sold by producers 815, 1503, 1504, 5053, 5119
Animals, live 815
Broom corn 1504
Christmas trees 10780
Cotton:
American-Egyptian 815
Extra long staple, grown outside United States 2907
Sold by producer 815
Cottonseed 1504
Dried figs, raisins, prunes 1504
Dry edible beans and peas 2548, 5119, 10385
Eggs 2548, 5119, 10385
Farm, commodities grown and processed on, when sales do not exceed $200 a month 815
Feathers; raw and unprocessed chicken and turkey feathers and fibre, and certain goose and duck feathers 10781, 11770
Foods:
Fish and seafood 815
Frozen fish and frozen foods not "fresh" (Int. 38) 4194
Frozen fish and shellfish 4697
Fruit cake, holiday 8888
Fruits and vegetables, fresh 815
Including berries and tree nuts 5053
Game 815
Goat's milk 10389
Milk, pasteurized, homogenized bottled; not exempt (Int. 39) 4194
Mohair 5053
Nursery products; greens, flowers, etc 2681
Nuts, tree 815
Oils, oilseeds, etc 815, 1504
Pine gum, crude 1504
Popcorn 2548, 5119, 10385
Poultry, domestic and imported, luxury items (geese, guineas, pheasants, quail, etc.) 5118, 10781
Rabbits and hares, domestic and imported 5118, 10781
Raw, natural-state, or unprocessed agricultural commodities, certain 815, 1503, 2548, 5119
Seeds 815
Sugarcane, sugar 1504
Tobacco 1504
Vegetable plants 6664
Wool, raw 815, 5053

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Exemptions and exceptions—Continued
Antiques (commodities made prior to 1850); sales of 814
Bonds, stocks and other evidences of indebtedness representing monetary obligations only, sale of 814, 1949
Books 814
Commodity exchange, margin requirements 814
Confiscated property; sale of property confiscated by Government agencies or pursuant to court decree 815
Damaged commodities, sales and deliveries 814
Home, commodities produced by seller at; sales and deliveries 814, 10310
Indian and Eskimo handicraft objects, sales of 814
Insurance, selling or underwriting, rates charged 814
Magazines 814
Military and strategic commodities, sales of 814
Motion pictures 814
Newspapers 814
Packers and stockyards services, rates regulated by Agriculture Department 815
Paintings and other objects of art, sales of 814
Periodicals 814
Personal or household effects, used:
Sales at auction 814
Sales by private owner 814
Precious stones, sales of 814
Professional services, rates or fees 814
Services performed by beauty and barber shops, not exempt (Int. 37) 4194
Public utilities, rates charged 814
Radio-broadcasting or television station, rates charged 814
Real property, prices or rentals 814
Coal; royalties to owner, in return for grants of licenses to mine and carry away coal, not exempt (Int. 36) 4194
Pasture land, lease of; exempt (Int. 35) 4194
Sales of commodities and services, ceiling prices of which are established by other regulations or by voluntary agreements 814
Stamps and coins, collectors', sales of 814
Theatres 814
Symphony orchestras, operas and ballets, statutory exemption of admission charges for (Gen. Int. 5) 11686
Used supplies or equipment not acquired or produced for purpose of sale 12819
Exporters and importers; prices 813, 5426
Adjustments for increased landed costs; imports:
Commodities covered (Int. 29) 4194
Effect on price of seller buying from importer (Int. 25) 4193
Imports for post-January 26 contracts (Int. 28) 4194
Reporting requirement (Int. 27) 4193
Qualifying for (Int. 26) 4193
Applicability of GCPR to sales outside and within the United States and its territories and possessions (Int. 24) 4193
General provisions; records, evasion, penalties, etc. 815, 5430
Evasion:
Parts warranties by manufacturers of television sets (Int. 45) 13131
Tie-in sales (Int. 40) 4194
Excise, sales or similar taxes 11178
Cigarette excise taxes (Int. 44) 11339
Records, base period; statements to be prepared as to deliveries of commodities or services (due dates for statements, March, 1951) 1791, 1995
Importers. *See* Exporters and importers.
Modification of ceiling prices 813, 5426
New commodities, categories, services, or sellers. *See* Determination of ceiling prices.
Scope; applicability, effective date, etc 812, 5425
Base period 2546, 5051
Customs warehouses, commodities in (Int. 6) 4192
Sales not in regular course of business (Int. 7) 4192

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supersedure of GCPR as to certain commodities, services, etc., by tailored price regulations, *see specific commodities and services.*
Supplementary regulations:
Agricultural commodities. *See* Commodity Credit Corporation; Feeds; Food, agricultural and related commodities; *and* Grains.
Apricots, dried, of 1951 pack; ceiling prices for sales by processors (SR 77) 11236
Authority of Regional Director, Region 12. *See* Authority, delegations of.
Automobiles. *See* Motor vehicles.
Automotive or aircraft parts, accessories or equipment, manufacturers of; rounding ceiling prices (SR 81) 12320
Bakery products; emergency adjustment for manufacturers (SR 80) 11921
Beans, canned fresh shelled; raw material adjustment for Maine processors (SR 85) 12821
Beet pulp, wet, dried and pressed; adjustable pricing for sales by processors (SR 69) 9972
Canning machinery, certain, leased by American Can Company and Continental Can Company, Inc. (SR 22) 3831
Cement; adjustments for out-of-area purchases (SR 66) 9862
Cigarettes; "loss-leader" prices covered by Arkansas statute, adjustment of (SR 53) 8798, 11262
Citrus juices, Texas; emergency adjustment (SR 10) 2064
Coal, coke, etc.:
Briquets, petroleum coke briquets, and packaged fuel, produced at certain plants; increases in ceiling prices (SR 78) 11308
Coke, coal chemicals, and coke oven gas (SR 13) 2473, 4784, 6381, 6921, 10081
Exporters of coal (SR 8) 1950
Retail dealers, authority to increase ceiling prices (SR 2) 1060, 3046, 6664, 10122
Tidewater coal dock dealers (SR 4) 1635, 3901, 10488
Transportation of coal in colliers from Hampton Roads, Va., to certain North Atlantic points; maximum rates (SR 62) 9510
Commodity Credit Corporation; sales of agricultural commodities acquired through price support operations (SR 14) 2597, 3436
Containers, glass; bottles, catsup and chile sauce, sold for use during 1951 bottling season (SR 35) 6179
Copper, refined, sold by refiners who use imported raw materials; adjustments in ceiling prices for certain quantities (SR 46) 7353
Cosmetic gift sets, new; ceiling prices for packagers and resellers (SR 67) 9978
Cottonseed products (meal, slab cake, sized cake, pellets and hulls); emergency adjustment for processors and other sellers (SR 31) 5170, 12395
Coupon exchange rates and other premium programs (SR 25) 4125, 5944, 10460
Authority of Assistant Director and Directors of Divisions of Office of Price Operations. *See* Authority, delegations of.
Defense Agency pricing (SR 1) 1006
Adjustments in hardship cases 1007, 1234, 1949
Contracts and deliveries pending disposition of adjustment applications 1008, 1234, 1949
Agencies as buyers, relief from liability 1008
Definitions; "Defense Agency" (list of agencies), "defense contracts", etc 1008
Addition of Office of Rubber Reserve as "Defense Agency" with respect to sales of soap for use in manufacture of synthetic rubber 2185
Exemption from GCPR of certain sales to agencies or their suppliers 1006
Developmental contracts 1007
Emergency sales 1007
Military arms, ammunition, equipment, etc. 1007
Secret contracts 1007
Services 1007
Strategic and critical materials 1006

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Defense Agency pricing (SR 1)—Continued
Exemption from GCPR of certain sales to agencies or their suppliers—Continued
Temporary exemption for military needs 1006, 1707, 3046
Wool products 1234, 1707, 3046
Interpretations as to "commodities for military use":
Fabrics, certain (Int. 1) 3113
Footwear, certain (Int. 2) 3113
Dolomite, Drummond, modification of ceiling prices for resellers of (SR 36) 5988
Drinks, soft; bottled (SR 43) 7207, 7675, 8241
Exported commodities, exemption of sales and deliveries of, under existing contracts (SR 9) 2063, 4194
Exemptions limited to sales other than those governed by other regulations (Int. 1) 3114
Fair Trade Acts, State; adjustment of ceiling price to conform to minimum prices under (SR 19) 3387, 3651
Feeds, manufactured, processors of (SR 7) 1819, 7206
Decrease in value of ingredients, effect of (Int. 1) 3113
Film scrap, motion picture, of cellulose triacetate base (SR 56) 9077
Floor coverings (rugs and carpets), wool and various substitute yarns; increase in manufacturers' and wholesalers' prices (SR 11) 2336, 3830, 6510, 9167, 12650, 13089
Food, agricultural and related commodities (SR 3) 1505
Agricultural commodities, processed and unprocessed, ceiling prices for all sellers other than retailers 1505, 4652, 5053
Cocoa beans, raw 1505
Coffee, green 1505
Soybeans and soybean oil meal 1505, 1506, 1676
Ceiling prices for soybean oil meal:
Computation of, by jobbers and wholesalers (Int. 1) 9723
Increases in railroad freight rates (Int. 2) 10699
Correction 3336
Prices for trucker-merchants of soybeans 4652
Hogs, dressed; adjustments in ceiling prices for certain sales 1506, 9762
Foods; canned and frozen berries, fruits and vegetables, certain, their juices, and canned soups, adjustable pricing for sales by processors of (SR 51) 8346, 9964
Freight rates, rail; increases for grain, grain products and by-products, and articles taking same rail freight rate (SR 73) 10600, 11860
Grains, millers and processors of; ceiling prices for sales of certain food commodities (flour, semolina, farina, meal, grits, etc.), and feeds and feed ingredients processed from wheat, corn, flaxseed, oats, rye, barley and grain sorghums (SR 18) 3160, 9225, 9656
Gutstring, surgical; adjustment of ceiling prices (SR 60) 9472
Hogs. *See* Food, agricultural and related commodities.
Home canning supplies, wholesale prices for (SR 21) 3617
Ice, adjustment of ceiling prices for (SR 45) 7409, 9509
Authority of Regional, Territorial and District Directors. *See* Authority, delegations of.
Special order; Knickerbocker Ice Co 11889
Introductory offers; sales of commodities or services at below normal prices during base period (SR 27) 4617
Iron ore, brown, produced in the State of Georgia; adjustment of ceiling prices (SR 41) 6867
Revised to include ore produced in Southeastern States 11272
Lead and zinc:
Chemicals containing lead and zinc; increase in ceiling prices (SR 75) 10851
Products; adjustments in ceiling prices of certain products, and the service of galvanizing (SR 76) 10852

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Lead and zinc—Continued
Zinc, remelt (SR 48) 7610, 10781
Zinc, slab, and primary lead:
Domestic; adjustments in ceiling prices (SR 70) 10123
Foreign; ceiling prices (SR 71) 10124, 13132
Liquors (whiskey in bulk, wines, alcoholic beverages, malt beverage bottle charges); alternative method for computing "parity" adjustment for grain, and revision of ceiling prices by distillers, users of wine and fruit distillates, sellers of alcoholic beverages, makers of malt beverages, and subsequent sellers (SR 30) 5053
Logs, sawmill, produced in Alaska; suspension (SR 55) 8893
Mail order establishments, certain modified methods of ceiling price determination for (SR 28) 4713
Meats:
Beef, processed; adjustment of ceiling prices (SR 61) 9473
Authority of Regional Directors. *See* Authority, delegations of.
Lamb, spring (SR 37) 6180
Lamb or mutton; adjustment of ceiling prices for sales by wholesalers (SR 54) 8890
Pork:
Loins, weighing 16 pounds or less; adjustment of ceiling prices (SR 47) 7507
Retail sales of pork products, adjustment of ceiling prices for (SR 65) 9778
Sausage, fresh and semi-dry, made in whole or in part fron beef; adjustment of ceiling prices of manufacturers and distributors (SR 34) 5618, 11830
Authority of Regional and District Directors. *See* Authority, delegations of.
Sheep intestines, green (SR 32) 5256
Veal, lamb and mutton products; adjustment of ceiling prices at retail (SR 79) 11431
Milk (fluid), cream and milk products:
Adjustment of ceiling prices in areas under jurisdiction of State milk control agencies (SR 16) 3011
Revocation 9558
Area milk price adjustments (SR 63) 9559
Authority of Regional and District Directors. *See* Authority, delegations of.
Illinois; Chicago milk marketing area (AMPR 5) 11721
Indiana; Calumet milk marketing area (AMPR 2) 11232
Massachusetts:
Boston; milk products for fluid consumption in OPS Zone 1 marketing area (AMPR 4) 11538
Springfield OPS Zone 1 Area (AMPR 6) 12807
Nevada, Mineral County; standard and homogenized milk sold in (AMPR 3) 11222
New York metropolitan milk marketing area (AMPR 1) 11077
Washington; Central Western Washington milk marketing area (AMPR 7) 12978
For fluid consumption (SR 20) 3436
Mine materials, wooden; ceiling prices for materials when sold for delivery or use in area where produced:
Northern Area (Michigan, Wisconsin, and Minnesota) (SR 82) 12651
Virginia and West Virginia (SR 83) 12786
Molasses, blackstrap, Puerto Rican and Virgin Islands (SR 24) 3948
Motor vehicles:
Automobiles, new and used; retail prices for (SR 5) 1769, 2151, 2548, 3010, 4652, 6028, 8456, 9472
Special orders for various firms:
Chrysler automobiles, certain 6204, 6806
Chrysler Corp 7370
Packard Motor Car Co 7370

90000—52——34

PRICE STABILIZATION, OFFICE OF—Continued — Page
General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Motor vehicles—Continued
Contract motor carriers, certain, rate adjustments for (SR 39) — 7150
Authority of Regional and District Directors. *See* Authority, delegations of.
Contract motor carriers of liquid commodities (except milk) handled in tank trucks, adjustment of ceiling rates of (SR 52) — 8589, 12788
Motor carriers, engaged in "pick-up and delivery" or "local transfer" service, adjustment of ceiling prices for (SR 40) — 7151
Motor carriers subject to minimum rate orders of certain States, adjustment of ceiling rates of (SR 23) — 3832
Tires for. *See* Tires.
Nickel, primary, products and similar products containing nickel; adjustments in ceiling prices (SR 33) — 5256
Panama Canal Zone; exemption from operation of all price regulations (SR 6) — 1791
Phonograph records; ceiling price adjustment (SR 74) — 10782
Pig iron, applications for adjustment by certain producers of (SR 38) — 6775
Potash; muriate of potash, ceiling prices for producers of (SR 59) — 9229
Property; suspensions for sales of certain United States Government property (SR 72) — 10159
Railroad ties, Eastern, untreated; suspension from price control (SR 68) — 9973
"Replacement squeeze", elimination of, and reflection of manufacturers' price changes; modification of prices for certain sales at wholesale and retail (SR 29) — 5011, 5319, 9196, 10814, 10984, 11179
Rubber, synthetic, GR–S type; sales by Office of Rubber Reserve, Reconstruction Finance Corporation (SR 57) — 8983
Pricing for distributors of GR–S latex — 10488
Rugs and carpets. *See* Floor coverings.
Salmon, canned; ceiling prices for primary distributors (SR 64) — 9657
Services, certain; exceptions and suspensions (SR 15):
Contract carriers by motor vehicle; adjustable pricing authority — 5944
Exceptions:
Educational institutions — 2908
Oil and gas wells:
Drilling of, etc — 3407
Fire-fighting services in connection with — 3407
Printing and binding pursuant to contracts with U. S. Government Printing Office — 2908
Revocation — 6664
Services, rates of which are regulated by the U. S. Department of Agriculture — 3407
Scope; suspensions and adjustable pricing — 6664
Suspensions:
Fruits, vegetables, berries and tree nuts, fresh; services in connection with harvesting, preparing for market, etc., exception for rates and charges in connection with — 4195
Hospitals — 2908
Summer camps — 3407
Snuff; adjustment of ceiling prices (SR 84) — 12820
Sodium silicofluoride (SR 50) — 8546
Special deal commodities; adjustment of ceiling prices (SR 26) — 4126
Special order; resellers for Houbigant #242 cheramy skin balm, 16 oz — 10326
Tires; basic tire carcasses, recapped and retreaded tires (SR 49) — 7676, 8456
Tool steels, high speed, and other metal products containing tungsten (SR 42) — 7153
Producers who signed voluntry agreement relating to stabilizaton of prices for iron and steel mill products; notice that prices may be increased to ceiling prices established — 7371

PRICE STABILIZATION, OFFICE OF—Continued — Page
General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Water carriers:
Seasonal, on Great Lakes and other inland water carriers (SR 12) — 2430, 3894
Transportation of certain commodities in bulk cargo lots via vessel between Gulf Ports and from Gulf Ports to North Atlantic Ports, maximum rates for (SR 44) — 7326
Wood and wood products:
See also Logs, sawmill.
Extract wood produced for chestnut extract industry, ceiling price for (SR 58) — 9168
Timber (stumpage); exemption (SR 17) — 3159
Zinc. *See* Lead and zinc.
General Services Administration. *See* Government agencies.
Generators — 4122, 8357, 12553
Georgia, State of, brown iron ore produced in. *See* Iron and steel.
Girl Scouts of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) — 3485
Glassine papers. *See* Paper, paperboard, etc.
Glassware. *See* Consumer goods.
Glycerine; ceiling prices for producers of crude and refined natural glycerine (CPR 99) — 12088
Goodwill Industries; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) — 7826
Government agencies:
Agriculture Department; rates for services regulated by, under Packers and Stockyards Act:
Excepted services. *See* Services.
Exception (GCPR, SR 15) — 3407
Revocation — 6664
Commodity Credit Corporation; sales by, of agricultural commodities acquired through price support operations (GCPR, SR 14) — 2597, 3436
Fat- or oil-bearing animal waste materials; sales by United States agencies. *See* Fats and oils.
Federal instrumentalities, certain; exemption of sales by Veterans Canteen Service (GOR 11) — 4618
Government Printing Office; printing and binding services:
Excepted services. *See* Services.
Exception (GCPR, SR 15) — 2908
Revocation — 6664
Machinery, used industrial and construction; sales by U. S. Government. *See* Machines and machinery.
National Park Service, sales by concessioners of (GOR 17) — 8457
Sales to United States, or agencies:
Aircraft, wrecked. *See under* Aluminum scrap.
Alternative ceiling prices (GOR 2) — 2909
General Services Administration, exemption of sales of strategic and critical materials to — 6558
Post Office Department, exemption of sales of stamped envelopes and paper to or by — 8346
Reconstruction Finance Corporation, Office of Rubber Reserve:
See also Rubber.
Ceiling prices for certain sales to — 7356
Defense Agencies, sales to:
See also Supplementary regulations, *under* General Ceiling Price Regulation.
Arms, ammunition, etc.; exemption (GCPR, SR 1) — 1007
Military items (arms, ammunition, ships, etc.); exemption (GOR 9) — 4890, 6246, 8348, 9809, 11309
Soap, sales of, to Office of Rubber Reserve for use in manufacture of synthetic rubber (GCPR, SR 1) — 2185
Strategic and critical materials; exemption (GCPR, SR 1) — 814, 1006
Penal institutions; commodities and services. *See* Penal institutions.
Property:
Confiscated property; exemptions for sales of property confiscated by Government agencies or pursuant to court decree — 815

PRICE STABILIZATION, OFFICE OF—Continued — Page
Government agencies—Continued
Sales to United States, or agencies—Continued
Property—Continued
Exemptions for sales of property abandoned by Government agencies — 815
Suspensions for sales of certain United States Government property (GCPR, SR 72) — 10159
Tungsten concentrates, processed from ores produced outside United States, its territories and possessions; exemption (GOR 9) — 3834, 9809
Governors, engine — 4122, 8357, 12553
Grains:
Millers and processors of; ceiling prices for sales of certain food commodities (flour, semolina, farina, meal, grits, etc.), and feeds and feed ingredients processed from wheat, corn, flaxseed, oats, rye, barley and grain sorghams (GCPR, SR 18) — 3160, 9225, 9656
Rail freight rates. *See* Freight rates.
Graphite, natural; exemption (GOR 9) — 7987, 9809
Graphite foundry facings; exemption (GOR 9) — 12651
Greaseproof papers. *See* Paper, paperboard, etc.
Greases:
Animal. *See* Fats and oils.
Petroleum. *See* Petroleum products.
Great Lakes and other inland water carriers. *See* Water carriers.
Greens, decorative; exemption — 2681
Groceries. *See* Foods.
Guam. *See* Territories and possessions of United States.
Guineas. *See* Poultry.
Gum rosin and gum turpentine. *See* Naval stores.
Gutstring, surgical:
Adjustment of ceiling prices (GCPR, SR 60) — 9472
Manufacturers' prices; adjustment of ceiling prices (CPR 22, SR 16) — 9470
Gyroscopes — 4123, 8357, 12553
Hardware, builders', certain; extension of effective date for manufacturers (CPR 22, SR 12) — 6429, 7661, 9961, 12185, 12805
Hardwoods, northern. *See* Wood and wood products.
Hares. *See* Rabbits and hares.
Hawaii. *See* Territories and possessions of United States.
Hearings, subpenas, representation, service of papers, witness fees; procedure respecting. *See* Procedural regulations.
Heat exchanger equipment — 4123, 8357, 12553
Heating equipment — 4123, 8357, 12553
Herbicides. *See* Insecticides, fungicides and herbicides.
Herring. *See* Fish and seafood.
Hides and skins:
Cattlehides, kips, and calfskins (CPR 2) — 727, 2492, 3156, 12639
Untanned sheep or lamb skins; exemption for (GOR 4) — 3407
Highway construction. *See* Services.
Hog-cholera virus and anti-hog cholera serum; exemption of certain drug commodity transactions (GOR 3) — 3216
Hogs. *See* Livestock and meat.
Hogsheads, tobacco. *See* Wood and wood products.
Hoists — 4123, 8357, 12553
Holiday gift food packages, containing food products or food products and beverages, method for calculation of ceiling prices (GOR 22) — 12430
Home, commodities produced by seller at; exemption — 814, 10310
Home canning supplies, certain:
At retail (CPR 7, SR 3) — 3616
At wholesale (GCPR, SR 21) — 3617
Honey:
See also Foods.
"Parity" adjustment — 1503
Hose and tubing — 4123, 8357
Hospitals, rates, fees, etc., for services in; suspension for (GCPR, SR 15) — 2908
Houbigant cheramy skin balm. *See* Special deal commodities.
House organs. *See* Publications.

PRICE STABILIZATION, OFFICE OF—Continued — Page
Household accessories (ceramic ornaments, pictures, picture frames, figurines, bells and chimes, etc.); exemption (GOR 5) — 10738
Household equipment, various. *See* Consumer goods.
Housewares, certain (coffee and pepper grinders, cork wire swabs, toothpicks); exemption (GOR 5) — 10738
Ice:
Adjustment of ceiling prices for (GCPR, SR 45) — 7409, 9509
Authority of Regional, District and Territorial Directors. *See* Authority, delegations of.
Special order; Knickerbocker Ice Co — 11889
Manufacturers of; extension of effective date (CPR 22, SR 12) — 6429, 7661, 9961, 12185
Imported commodities:
See also specific commodities.
Importers' increases in ceiling prices (Int. 24–29, to GCPR) — 4193
Imports (CPR 31) — 4184, 9893
Commodities not covered (Appendix A) — 4188, 4370, 4936, 5167, 6311, 8982, 9077, 9898, 11956
Effective dates — 4188, 4370, 5167, 6800, 7591, 9894
General provisions; taxes, records, definitions, exemptions, etc — 4187, 4370, 8827, 9896
Pricing method — 4185, 4370, 5167, 7591, 8826, 9894
Scope — 4185, 9894
Indian and Eskimo handicraft objects, certain; exemption — 814, 5870
Industrial machinery, used. *See* Machines and machinery.
Industrial materials and manufactured goods, certain, such as antique automobiles, asbestos, graphite, machinery, mercury, military items, monuments, ores, stones, ships, etc.; exemption and suspension from price control (GOR 9) — 3833, 4890, 6560, 7987, 8347, 9809, 10385, 10489, 11309, 12712, 12811
Industry Advisory Committee appointed under Defense Production Act; appointment and administration rules for (PPR 2) — 1234, 1707
Inks, printing. *See* Printing and binding.
Insecticides, fungicides and herbicides, agricultural; extension of effective date for manufacturers (CPR 22, SR 12) — 6429, 7661, 9961, 12185, 12805
Instruments, electrical and mechanical — 4123, 8358, 12553
Insurance, selling or underwriting; exemption — 814
Inter-communicating systems, electronic — 4123, 8358
Intestines, sheep; green. *See* Gutstring, surgical; *and* Livestock and meat.
Introductory offers. *See* Special deal commodities.
Iron and steel:
Castings. *See* Castings.
Cast-iron boilers and cast-iron radiation. *See* Boilers.
Iron and steel mill industry; request for voluntary stabilization of prices on certain listed products — 555
Iron ore, brown, produced in the State of Georgia; adjustment of ceiling prices (GCPR, SR 41) — 6867
Revised to include ore produced in southeastern States — 11272
Pig iron, applications for adjustment by certain producers of (GCPR, SR 38) — 6775
Products; resellers' prices (CPR 98) — 12073
Coverage — 12075
General pricing provisions — 12086
Industrial steel products — 12076
Merchant trade wire and tubular products and oil country tabular goods — 12083
Reusable products, structural pipe and conversion steel — 12085
Scrap, iron and steel (CPR 5) — 1061, 1234, 2725, 3480, 4273, 8886, 10597, 10808, 12000, 12713
Transportation charges; use of water rates in determination of shipping point prices for steel scrap (Int. 1) — 8823
Stainless steel scrap. *See* Nickel scrap.
Steel drums, used. *See* Containers.
Issuance of price regulations, general procedure for. *See* Procedural regulations.
Jacks and jack-screws — 4123, 8358, 12553
Jewelry:
Costume, made from sea shells or other natural vegetable products; exemption (GOR 5) — 10738

PRICE STABILIZATION, OFFICE OF—Continued — Page

Jewelry—Continued
Precious stones; exemption — 814
Precious stones and precious jewelry; exemption (GOR 5) — 5870
Retail prices. *See* Consumer goods.
Juices, canned and frozen. *See* Foods; *and* Fruits, vegetables, and berries.
Kegs. *See* Containers.
Kenaf; exemption of certain fibers (GOR 4) — 11836
Kerosene. *See* Petroleum products.
Kilns — 4123, 8358, 12553
Kips. *See* Hides and skins.
Kitchen cutlery, gadgets, utensils, etc. (housewares). *See* Consumer goods.
Kyanite and related ores; exemption (GOR 9) — 7987, 9809
Lamb. *See* Livestock and meat.
Lamps. *See* Consumer goods.
Latex. *See* Rubber.
Laundries, power; certain. *See* Services.
Laundry equipment (housewares). *See* Consumer goods.
Lawn mowers:
Housewares. *See* Consumer goods.
Power and hand; extension of effective date for manufacturers (CPR 22, SR 12) — 12185, 12805
Lead and zinc:
Chemicals containing lead and zinc. *See* Chemicals.
Lead scrap materials, secondary lead and antimonial lead (CPR 53) — 6381, 6921, 10775, 11809
Products; adjustments in ceiling prices of certain products, and the service of galvanizing (GCPR, SR 76) — 10852
Remelt zinc (GCPR, SR 48) — 7610, 10781
Zinc scrap (CPR 43) — 5168, 10775
Zinc, slab, and primary lead:
Domestic; adjustments in ceiling prices (GCPR, SR 70) — 10123
Foreign; ceiling prices (GCPR, SR 71) — 10124, 13132
Leaflets, printed. *See* Publications.
Lighting equipment, commercial, industrial, marine, highway, etc — 4123, 8358, 12553
Lightning arresters — 4122, 8358
Liming materials, agricultural. *See* Fertilizer and fertilizer materials.
Linen cuttings. *See* Cuttings.
Liquors, distilled spirits, wines, malt beverages, etc.:
Alternative method for computing "parity" adjustment for grain, and revision of ceiling prices by distillers, users of wine and fruit distillates, sellers of alcoholic beverages, makers of malt beverages, and subsequent sellers (GCPR, SR 30) — 5053
Basic alcoholic beverage regulation (CPR 78) — 10078, 12549
Definitions — 10080
General definitions; additions — 11163
Persons to whom the applicable SR refers — 11163
General provisions; ceiling prices, prohibitions, evasion, records, etc — 10078
Customary price differential and terms and conditions of sale and delivery — 11162
Sales, excise and other similar taxes — 11163
Introduction; use of regulation, etc — 10078
Supplementary regulations:
Distributors of imported and domestic packaged distilled spirits and wines (SR 2) — 11164, 12393
Domestic bulk whiskey (SR 1) — 10068, 12186, 12393
Livestock and meat:
Adjustments, temporary, for cattle and meat sold at wholesale, to buyers located in distress areas (GOR 16) — 7283
Special modifications for live cattle shipped from slaughtering plants in flood area — 10210
Allocation of meat; authority of Director. *See* Authority, delegations of.
Beef:
Allocation of beef to the military. *See* Distribution.
Processed beef (cured, smoked, dried, barbecued, etc.); adjustment of ceiling prices (GCPR, SR 61) — 9473
Authority of Regional Directors. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Livestock and meat—Continued
Beef—Continued
Retail:
Beef items sold at retail (CPR 25) — 3739, 9868
Authority of Regional and District Directors. *See* Authority, delegations of.
Charts:
Retail beef, standard cuts, skeletal chart for making (Appendix 6) — 3768, 9883
Retail cuts and the wholesale cuts from which they are obtained (Appendix 7) — 3769, 9889
Wholesale beef cuts, skeletal chart of (Appendix 4) — 3767, 9886
Definitions:
General — 3764, 4445, 7318, 9882
Retail beef cuts (Appendix 5) — 3768, 4445, 7318, 9886
Variety meats and beef byproducts (Appendix 8) — 3770, 4445, 9889
Wholesale beef cuts (Appendix 3) — 3766, 9884
General provisions; limitations, records, prohibitions, etc — 3741, 4444, 7318, 9867
Group stores. *See* Special provisions.
Price lists:
Beef cuts — 3745, 4444, 7318, 9872, 11306
Sales specially authorized to eating places or other retailers — 3759, 4445, 7318, 9879
Variety meats and beef byproducts — 3758, 4445, 7318, 9879
Sales to eating places and other retailers — 3744, 9870
Special provisions; group stores, gross sales, adjustments, etc — 3744, 4183, 7318, 9871
Zone:
Definitions (Appendix 1) — 3764, 4183, 7318, 9882, 10850
Map of pricing zone (Appendix 2) — 3765, 9883
Kosher beef items sold at retail (CPR 26) — 3704, 4698
Definitions:
General — 3717, 4711
Retail and wholesale kosher beef cut, variety meats and beef byproducts (Appendix 3, 4, 5) — 3718, 4712
Effective date — 3717, 4446, 4711
General provisions; limitations, sales receipts, taxes, reports, prohibitions, etc — 3704, 4698, 9890
Price lists:
Cuts — 3708, 4446, 4702, 5166
Sales to "kosher" eating places or other "kosher" retailers — 3712, 4446, 4706, 5166
Variety meats and beef byproducts — 3712, 4446, 4706
Sales to eating places and other retailers — 3707, 4701
Zone:
Definitions (Appendix 1) — 3717, 4184, 4711
Zone map (Appendix 2) — 3717, 4711
Wholesale, beef sold at (CPR 24) — 3721, 11813
Charts, beef cutting (Appendix 8) — 3736, 11828
Definitions:
General definitions — 3730, 4444, 6378, 9517, 11821, 12351
Various "beef" explanations (Appendix 2, 3, 4, 5, 6, 7) — 3731, 443, 7665, 9514, 9516, 9517, 11823, 12351
Distribution point — 3729, 4443, 11819
Effective date — 3731, 4183
Export sales. *See* Import and export sales.
General provisions; adjustments, records, prohibitions, etc — 3724, 4442, 6377, 7665, 8588, 9513, 9414, 9518, 11813, 12348
Import and export sales — 3725, 4443, 11814
Inventory stock of Spencer rolls and regular rolls — 12351
Pricing schedules — 3726, 4443, 6377, 6378, 7665, 9514, 11816, 12349
Zone:
Definitions (Appendix 1) — 3731, 6378, 7665, 11822
Differentials and additions to ceiling prices — 3729, 4444, 6378, 7665, 9517, 9518, 11820, 12350
Zoning map (Appendix 9) — 3738, 11829

PRICE STABILIZATION, OFFICE OF—Continued — Page

Livestock and meat—Continued
Distribution:
Allocation of beef to the military (DR 3) — 12186
Priority percentage (Supp. 1) — 12190
Allocation records (DR 2) — 3772, 4191, 4462, 5677, 9893
Fair distribution of livestock and meat; quotas for slaughter of cattle, sheep and swine by commercial, farm, or custom slaughterers, etc. (DR 1) — 1273, 4456, 11958
Armed Forces, quota adjustments for sales to — 5987, 7675
Authority of Assistant Director for Price Operations, Chief, Livestock and Meat Distribution Branch, Director, Food and Restaurant Division, and Regional Directors. *See* Authority, delegations of.
Class 1 slaughterers — 2872, 3770, 7675
Class 1A and class 2A slaughterers — 2872, 3771, 7675
Class 2 slaughterers — 2872, 3771, 7675
Class 3 slaughterers — 2835
"Club" livestock, slaughterer of — 2872, 3771
Prohibitions against slaughtering — 2872, 7675
Quota percentages (Supp. 1) — 3771, 4974, 6249, 6921
Canceled — 7675
Records, reports and inspections — 2835, 3771, 7675
Scope — 2872
Suppliers must sell meats to certain institutional users (prisons, hospitals, etc.) — 1819
Grocery items. *See* Foods.
Hogs, dressed; adjustments in ceiling prices for certain sales (GCPR, SR 3) — 1506
Lamb, mutton, veal, and yearling:
Lamb, spring (GCPR, SR 37) — 6180
Lamb or mutton; adjustment of ceiling prices for sales by wholesalers (GCPR, SR 54) — 8890
Retail sales of veal, lamb and mutton products; adjustment of ceiling prices (GCPR, SR 79) — 11431
Veal sold at wholesale, ceiling prices of (CPR 101) — 12254
Additions (zone, local delivery, wholesaler's, etc.) — 12261
Authority of Regional and District Directors. *See* Authority, delegations of.
Definitions, general — 12263
Distribution point — 12261
General provisions; scope, records, reports, prohibitions, etc — 12256
Pricing schedules — 12259
Wholesale ceiling prices for lamb, yearling and mutton products (CPR 92) — 11434, 11859
Authority of Regional and District Directors. *See* Authority, delegations of.
Live cattle (CPR 23) — 3696
See also Adjustments, *above*.
Effective date — 5118
Exempt purchases — 9076
Instructions (Appendix A) — 9076, 9511
Prohibition against purchasing live cattle at an adjusted cost in excess of maximum permissible cost — 9076, 10017
Quota adjustment; deleted — 9076
Records required of slaughterers — 9076
Mutton. *See* Lamb, mutton.
Packers and Stockyards Act, services under, regulated by Agriculture Department; exception for rates for (GCPR, SR 15) — 3407
Revocation — 6664
Pork:
Cuts, wholesale; parity adjustments (GCPR, Int. 2) — 3216
Loins, weighing 16 pounds or less; adjustment of ceiling prices (GCPR, SR 47) — 7507, 9762, 9778
Retail sales of pork products, adjustment of ceiling prices for (GCPR, SR 65) — 9778
Wholesale, ceiling prices for sales at (CPR 74) — 9759
Authority of Regional and District Directors. *See* Authority, delegations of.
Ceiling prices, determination of — 9762, 11715
Definitions:
General — 9772
Pork products (Appendix 2) — 9774
Processing definitions (Appendix 3) — 9776
Distribution point — 9768

PRICE STABILIZATION, OFFICE OF—Continued — Page

Livestock and meat—Continued
Pork—Continued
Wholesale, ceiling prices for sales at (CPR 74)—Continued
General provisions; records, evasion, prohibitions, etc — 9763, 11716
Pricing schedules — 9765
Scope — 9762
Zone:
Definitions of zone and region (Appendix 1) — 9773
Differentials and additions — 9768
Map (Appendix 4) — 9777
Puerto Rico; sales of livestock and meat in. *See under* Foods.
Sausage, fresh and semi-dry, made in whole or in part from beef; adjustment of ceiling prices of manufacturers and distributors (GCPR, SR 34) — 5618, 11830
Authority of Regional and District Directors. *See* Authority, delegations of.
Sheep intestines, green (GCPR, SR 32) — 5256
Sterile canned meat and dry sausage; new method for determining materials cost adjustment for manufacturers (CPR 22, SR 15) — 7663, 9469, 11179
Veal. *See* Lamb, mutton, veal.
Virgin Islands; sales of livestock in. *See under* Foods.
Yearling. *See* Lamb, mutton, veal, and yearling.
Loading and unloading equipment, for industrial or commercial use — 4123, 8358, 12553
Logs. *See* Wood and wood products.
Lubricating systems and devices — 4123, 8358, 12554
Lubricants. *See* Petroleum products.
Luggage. *See* Consumer goods.
Machine tools and machine tool attachments. *See* Machines and machinery; *and* Tools.
Machines and machinery, etc.:
Canning machinery, certain, leased by American Can Company and Continental Can Company, Inc. (GCPR, SR 22) — 3831
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) — 5011, 5319, 9196, 11179
Continuation of ceiling prices in effect on June 30, 1951, for commodities or services covered by specified manufacturers' regulations (GOR 13) — 6435, 7208, 7209
Regulations in effect as to manufacturers on June 30, 1951 (Int. 1) — 6776
Revocation — 7546
Emergency purchases of, or secret or developmental contracts for machinery and related manufactured goods; suspension of ceiling price regulations in certain cases (GOR 9) — 4890, 9809
Farm equipment; retail sales of new and used mechanical farm equipment (CPR 100) — 12248
Authority of Regional and District Directors. *See* Authority, delegations of.
Machine tools and machine tool attachments:
Adjustment of ceiling prices for manufacturers of (GOR 15) — 6834, 10989
Manufacturers' prices (CPR 30, SR 2) — 6246, 8349, 10253, 10558, 10984, 12786
Used machine tools (CPR 80) — 10254
Manufacturers' prices, for machinery and related manufactured goods (CPR 30) — 4108, 12050
Applicability of regulation to wholesalers and retailers (Int. 1) — 8238
Calculation of ceiling prices — 4109, 12051
Base period prices — 4110, 5867, 12051
Base period prices computed by formula — 7666
Labor cost adjustment — 4112, 5867, 10851, 12054
Upon basis of entire business:
"Base period payroll", inclusion of overtime wages (Int. 6) — 8239
Fringe benefits not included in annual factory payroll (Int. 7) — 8239
Materials cost adjustment — 4113, 5868, 8887, 9077, 9509, 10259, 10851, 12055
Conversion steel adjustment — 7666, 9890

PRICE STABILIZATION, OFFICE OF—Continued Page

Machines and machinery, etc.—Continued
Manufacturers' prices for machinery and related manufactured goods (CPR 30)—Continued
Calculation of ceiling prices—Continued
Materials cost adjustment—Continued
General description of methods available; exclusion of manufacturing materials from calculations (Int. 11) 8239
How to compute net cost of a manufacturing material as of a prescribed date; long term contracts subject to price revisions (Int. 12) 8239
Manufacturing material:
Maintenance costs; exclusion from "manufacturing material" intentional (Int. 9) 8239
Materials and services used in replacing, maintaining or expanding manufacturer's plant and equipment; excluded from the term "manufacturing material" (Int. 10) 8239
Tools, jigs, dies and fixtures; not included within definition of "manufacturing material" (Int. 8) 8239
Special provisions 4116, 10383, 12060
Adjustment of ceiling prices quoted on a delivered basis for increases in transportation costs:
Certain increases in rail or water freight rates excluded (Int. 13) 8240
Freight rates; Interpretation 1 under GCPR is not applicable to commodities subject to this regulation (Int. 14) 8240
Ceiling prices established, general description of pricing technique; use of base period price and subsequent use of regulation (Int. 5) 8239
Changes in manufacturers' prices, modification of prices for certain sales to reflect. *See* Changes in manufacturers' prices, *above*.
Coverage:
Commodities covered (Appendix A) 4121, 4890, 5868, 7150, 8542, 9086, 9159, 11483, 12067, 12869, 13087
Export sales 4117, 12061
Sales and sellers covered 4109, 4890, 12050
Election:
Manufacturer may subsequently elect to use regulation (Int. 3) 8238
Manufacturers who have elected not to use regulation; clarifications as to gross sales, "last complete fiscal year", etc. (Int. 4) 8239
Sales at wholesale and retail; only sales at wholesale are covered (Int. 2) 8238
Effective date 4121, 5010, 7666, 7931, 11483
Emergency purchases of, or secret or developmental contracts for listed commodities. *See* Emergency purchases, *above*.
Form, OPS Public Form 8, "Manufacturer's Price Adjustment Report"; changes in use of with this regulation (Appendix C) 4124, 12071
Manufacturing materials:
Change in net cost may be calculated up to August 1, 1951 (Appendix D) 8888, 12070
Change in net cost may be calculated up to March 15, 1951 (Apendix B) 4124, 5869
Miscellaneous provisions; taxes, adjustments, definitions, prohibitions, etc 4117, 5868, 12061
Adjustment of ceiling prices where over-all loss in operations results 7666, 12617
"Would have operated at a loss"; clarification (Int. 15) 8240
Definitions and explanations 5868, 8456, 9891, 11483, 12429, 12868
Corporate identity (Int. 18) 8240
Net sales, inventory not included; not synonymous with the "value" of goods produced (Int. 20) 8240
"Net sales" selling commissions not deductible (Int. 19) 8240
Sale to a "commercial, industrial, governmental or institutional user" is not a "sale at retail" (Int. 21) 8240
Excise, sales or similar taxes 11162, 12309

PRICE STABILIZATION, OFFICE OF—Continued Page

Machines and machinery, etc.—Continued
Manufacturers' prices for machinery and related manufactured goods (CPR 30)—Continued
Miscellaneous provisions; taxes, adjustments, definitions, prohibitions, etc.—Continued
Manufacturers who cannot price under any other provisions 9892
Prohibition against redetermination of ceiling prices 5868, 7666, 11162
Prohibitions 7666, 12309
Records and reports 12309
Manufacturer who uses base period price as ceiling price must file Public Form No. 8 (Int. 17) 8240
Report not required for commodity no longer manufactured (Int. 16) 8240
Temporary adjustments to carry out existing contracts 4753, 7666
Use of "conversion steel" in calculating the "materials cost adjustment" 7666, 9890
Report of price adjustment; form for. *See* Form.
Supplementary regulations:
Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (SR 4) 11498, 12186, 12429
Adjustment, optional, under Defense Production Act of 1950 for certain manufacturers whose net sales for last fiscal year did not exceed $1,000,000 (SR 5) 12869
Alternative method for determining ceiling prices (SR 1) 4692, 11494, 12185, 13130
Machine tools and machine tool attachments (SR 2) 6246, 8349, 10253, 10558, 10984, 12786
Optional postponement of effective date for manufacturers of certain commodities, such as insulated electrical wire and cable, fabricated structural shapes, plates and related products (SR 3) 6430
Fabricated standard line metal pressure and non-pressure, lined and unlined tanks 12712
Glassware, scientific, laboratory and pharmaceutical 12807
Graphite crucibles and accessory or related products 12807
Hardware, pole line, and line construction specialties 12807
Trackwork, forgings, conduit, fabricated shapes, mechanical springs, metal stampings, screw machine products, compressors, dies, jigs, fixtures, foundry molds, industrial trucks 12617
Resellers' prices, for machinery and related manufactured goods (CPR 67) 8352
Authority of Regional and District Directors. *See* Authority, delegations of.
Calculation of ceiling prices 8353, 9471, 10122, 12317
Coverage:
Commodities covered, listed (Appendix A) 8356
Brass mill products, added 9086
Copper wire mill products, added 12869
Sales and sellers covered 8353
Miscellaneous provisions; taxes, records, prohibitions, etc 8355, 12317, 12430
Used industrial and construction machinery and related equipment (CPR 105) 12550
Ceiling prices 12550
Coverage:
Commodities covered (Appendix A) 12553
Sales and sellers covered 12550
Depreciation rates for determining ceiling prices; table (Appendix B) 12554
Government sales; optional pricing provisions 12551
Guarantee to be furnished buyers, form of (Appendix C) 12555
Miscellaneous provisions; taxes, records, prohibitions, definitions, etc 12552
Terms and conditions of sale 12551
Magazines:
See also Publications.
Exemption 814
Magnetos 4123, 8358, 12554
Magnets, lifting, industrial 4123, 8358, 12554
Mail order establishments. *See* Chain stores and mail order establishments.

PRICE STABILIZATION, OFFICE OF—Continued Page

Malt beverage bottle charges. *See* Liquors.
Manganese ores; exemption (GOR 9) 7987, 9809
Manufacturers' prices:
See also specific commodities.
Adjustment, optional, under Defense Production Act of 1950 for certain manufacturers whose net sales for last fiscal year did not exceed $1,000,000 (CPR 22, SR 18) 11919
Adjustments of ceiling prices for manufacturers (GOR 10) 4455, 5478, 5657, 12618
Authority of Regional Directors. *See* Authority, delegations of.
Special orders:
Angier Chemical Co 12629
Crescent Chemical Co 11039
Resellers of Glycol-Thymoline manufactured by Kress and Owen Co 10325
Strickland, J., & Co., Inc 7370
Vi-Jon Laboratories, Inc 6202
Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (CPR 22, SR 17) 11484, 12428
Changes in manufacturers' prices; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 5011, 5319, 9196, 11179
Continuation of ceiling prices in effect on June 30, 1951, for commodities or services covered by specified manufacturers' regulations (GOR 13) 6435, 7208, 7209
Regulations in effect as to manufacturers on June 30, 1951 (Int. 1) 6776
Revocation 7546
Manufacturers' general ceiling price regulation (CPR 22) 3562, 5678, 7386, 10535
Agricultural commodities and products:
List of; current date used in calculating change in net cost of (Appendix C) 3579, 4644, 5693, 5753, 7402, 10382, 10552
"Parity" adjustment for cooperatives, producer-processors, etc 4439
Calculation of ceiling prices 3566, 5678, 7387, 10536
Base period price 3566, 5679, 7387, 10536
Commodities dealt in between July 1, 1949 and June 24, 1950 3566, 5678, 7387, 10536
Base period price used as ceiling price, manufacturer may thereafter make calculations and establish new ceiling price (Int. 22) 5477
Labor cost adjustment 3567, 5679, 7387, 10536
Calculation upon basis of entire business 5865, 5981
Fringe benefits cost may be added to "recomputed payroll" but not to "factory payroll" (Int. 23) 5477
Inclusion of overtime wages (Int. 6) 4440
Retroactive wage increases not included (Int. 5) 4440
Materials cost adjustment 3568, 5680, 7388, 10537
Calculation of change in net cost of material produced in one unit of business and transferred to another 9074
Calculation of the increase in net cost per unit of materials covered by Appendix C 6773, 10381
Computation of net cost as of a prescribed date 4642, 5865, 5981
Contracts, long term, subject to price revisions (Int. 10) 4441
"Conversion steel"; definition of (Int. 8) 4441
Deliveries, certain, pursuant to contracts (Int. 9) 4441
Computation of net costs as of prescribed dates, using substitute material, etc 4642
General description of methods available; excluded costs of certain manufacturing materials must be excluded from all calculations (Int. 26) 5478
Manufacturing material:
Exclusion of materials used in "maintaining" a manufacturer's plant intentional (Int. 7) 4441

PRICE STABILIZATION, OFFICE OF—Continued Page

Manufacturers' prices—Continued
Manufacturers' general ceiling price regulation (CPR 22)—Continued
Calculation of ceiling prices—Continued
Materials cost adjustment—Continued
Manufacturing material—Continued
Materials and services used in replacing, maintaining, etc., manufacturer's plant and equipment are excluded from "manufacturing material" term (Int. 25) 5477
Tools, dies, jigs, fixtures and related items whose normal useful life is more than one year; not to be included in calculating materials cost adjustment (Int. 24) 5477
Method 3 (product line method using best selling commodity); "product lines" in the furniture industry (Int. 18) 4714
Option to propose a method 9509
"Parity" adjustment for cooperatives and producer-processors of agricultural commodities 4439
Recalculation. *See* Miscellaneous provisions.
Special provisions respecting 3572, 5684, 7393, 10542
Adjustment of prices for increases in transportation costs:
Freight rates (Int. 27) 5478
Increases in transportation costs (Int. 1) 3830
Worksheets, for calculations (Appendix E) 3580, 5697, 7406, 10556
Changes in manufacturers' prices, modification of prices for certain sales to reflect. *See* Changes in manufacturers' prices, *above*.
Coverage:
Commodities not covered, list of (Appendix A) 3578, 4644, 5009, 5166, 5691, 5753, 5866, 5932, 5940, 6307, 6376, 6509, 6774, 7149, 7400, 7408, 8348, 9224, 9655, 10381, 10550, 12698, 12812.
Exempted commodities still subject to price control under other applicable regulations (Int. 2) 4442
Limited to specific commodities listed (Int. 16) 4442
Nonmetallic minerals; examples of commodities regarded as nonmetallic minerals and those regarded as chemicals (Int. 33) 6634, 8271
Scrap and waste materials; byproducts not exempted (Int. 17) 4442
Synthetic textile fibers and yarns exemption applies only to a synthetic staple fiber, tow, or continuous filament yarn as produced by initial manufacturer (Int. 31) 5478
Exports 3574, 5687, 7396, 10545
Sales and sellers covered 3566, 5678, 7386, 10535
Election as to use of regulation:
Election not to use (Int. 4) 4440
Manufacturer may later elect to use regulation (Int. 21) 5477
Exempted commodities still subject to price control under other applicable regulations (Int. 2) 4440
"Located in United States" clause refers to location of manufacturing facilities and not location of manufacturer's main office (Int. 20) 5477
Sales of same commodity at wholesale and retail; retail sales subject to other applicable regulations (Int. 3) 4440
Wholesalers' and retailers' prices not covered (Int. 19) 5477
Effective date, extension of 5010, 7590, 7931, 11483
Form, OPS Public Form 8. "Manufacturer's Price Adjustment Report" (Appendix D) 3579, 4105, 5010, 5693, 7402, 7590, 7931, 10552
Who must report (Int. 11) 4441
Manufacturing materials, listed; change in net cost calculated up to March 15, 1951 (Appendix B) 3579, 4967, 5477, 5692, 5866, 7402, 7408, 8109, 10206, 10367, 10552
Commodities not listed in Appendix A but covered by other applicable regulations; March 15 date not applicable (Int. 32) 5478

PRICE STABILIZATION, OFFICE OF—Continued Page

Manufacturers' prices—Continued
Manufacturers' general ceiling price regulation (CPR 22)—Continued
Miscellaneous provisions 3574, 5687, 7396, 10545
Adjustment of ceiling prices where over-all loss in operations results 7590, 12617
"Would have been conducted at a loss" language relates to a person not manufacturing in customary quantities and proportions but would have lost money if he had been (Int. 28) 5478
Definitions and explanations 4643, 7408, 9866, 11483
Contracts, long term, subject to price revisions (Int. 10) 4441
Manufacturer (Int. 12, 13) 4441
Net sales:
Inventory not included (Int. 30) 5478
Selling commissions not deductible (Int. 14) 4441
Sales at retail; sale to a commercial, industrial, governmental or institutional user (Int. 15) 4441
Excise, sales or similar taxes 11161
Modification of ceiling prices 4643
Prohibitions 6774, 7590, 11809, 12308
Records and reports 12308
Report not required for commodity no longer manufactured (Int. 29) 5478
Who must report (Int. 11) 4441
Redetermination of ceiling prices, prohibition against 5866, 7590, 10382, 11162
Sellers unable to price under other sections; prices established previously under other applicable regulations 4643, 5010, 5687
Temporary adjustments to carry out existing contracts 7590
Transfers of business or stock in trade 4644
Use of "conversion steel" in calculating the "materials cost adjustment" 7590, 9864
Definition (Int. 8) 4441
Violation 4643
New commodities, new sellers, new purchasers 3572, 4643, 5010, 5621, 5685, 5866, 7394, 10543, 11812
Report of price adjustment, form for. *See* Form.
Supersedure of manufacturers' general ceiling price regulation as to certain commodities. *See specific commodities.*
Supplementary regulations:
Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (SR 17) 11484, 12428
Boilers, cast-iron, and cast-iron radiation; adjusted prices for increased costs (SR 19) 12009
Chemicals, modifications and alternative provisions for manufacturers of (SR 7) 5981, 7541, 8887, 10850
Containers, returnable; cost adjustments (SR 9) 6309, 7590, 7930
Converters of paperboard, use of formula pricing by (SR 5) 5399
Determining ceiling prices, alternative method for, by adjusting ceiling prices established under the GCPR rather than base period prices (SR 2) 3889, 11809, 12308
Effective date, extension of, for particular commodities, such as bolts, nuts, refractories, metallic collapsible tubes, metal or alloyed wire and cable, plumbing and drainage specialties, builders hardware, fittings and valves, ice, plastic products, petroleum products, certain watches, popcorn, peanuts, agricultural insecticides, fungicides, and herbicides, printing inks, mattresses and box springs, anti-freeze, soaps, cleansers, printing products, sulfuric acid, etc. (SR 12) 6429, 7661, 8241, 9961, 10737, 12185, 12428, 12714, 12805
Fabrics, coated, alternative pricing methods for (SR 11) 7202, 7591, 9469
Furniture and bedding; use of grade charts, and alternative pricing methods for manufacturers of (SR 4) 4682

PRICE STABILIZATION, OFFICE OF—Continued Page

Manufacturers' prices—Continued
Manufacturers' general ceiling price regulation (CPR 22)—Continued
Supplementary regulations—Continued
Gutstring, surgical; adjustment of ceiling prices (SR 16) 9470
Imported pulpwood and woodpulp, material cost adjustment for increased price of (SR 1) 3829
Mattresses and matching box springs, identical ceiling prices for (SR 13) 7204
Meat, sterile canned, and dry sausage; new method for determining materials cost adjustment (SR 15) 7663, 9469, 11179
Net sales for last fiscal year not exceeding $1,000,000; optional ceiling price adjustment under Defense Production Act of 1950 for certain manufacturers (SR 18) 11919
Paints, varnishes, and lacquers; alternative pricing methods (SR 6) 5938, 7660, 7930, 8825
Peanuts, shelled; ceiling prices (SR 20) 12698
Plastic products, custom molded and custom fabricated; pricing method (SR 14) 7661, 7930
Printers; sales of price-exempt publications by, allowed to be excluded from gross sales (SR 3) 4492
Rubber products, certain:
Method for determining ceiling prices (SR 3) 6307, 7542, 7930, 8348, 10066
Postponement of price calculations (SR 10) 6310, 6428, 7660, 10309
Sterile canned meat and dry sausage, new method for determining materials cost adjustment (SR 15) 7663, 9469, 11179
Worksheets, for certain calculations required in determining ceiling prices (Appendix E) 3580, 5697, 7406
Maps and globes. *See* Publications.
Marine feed products, certain; sales by processors, importers and distributors (CPR 39) 4967, 9656
Matches, book, special reproduction. *See* Publications.
Mattresses and matching box springs:
Extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Identical ceiling prices for; manufacturers' prices (CPR 22, SR 13) 7204
Retail prices. *See* Consumer goods.
Meal. *See* Grains.
Meat. *See* Livestock and meat.
Menus, printed. *See* Publications.
Merchant trade wire. *See* Iron and steel.
Mercury, domestic; exemption (GOR 9) 7987, 9809
Metals and alloys, special, electrical 4123, 7150, 8358
Mica, raw, and mica parts; exemption (GOR 9) 3834, 9809
Military items:
Allocation of beef to the military. *See* Livestock and meat.
Arms, ammunition, equipment, ships, etc.; sales to Defense Agencies. *See* Government agencies.
Certain; exemption from price control for sales to foreign governments (GOR 9) 11309

Milk:
Fluid milk, cream and milk products:
Adjustment of ceiling prices in areas under jurisdiction of State milk control agencies (GCPR, SR 16) 3011
Revocation 9558
Area milk price adjustments (GCPR, SR 63) 9559
Authority of Regional and District Directors. *See* Authority, delegations of.
Illinois; Chicago milk marketing area (AMPR 5) 11721
Indiana; Calumet milk marketing area (AMPR 2) 11232
Massachusetts:
Boston; milk products for fluid consumption in OPS Zone 1 marketing area (AMPR 4) 11538
Springfield OPS Zone 1 Area (AMPR 6) 12807
Nevada, Mineral County; standard and homogenized milk sold in (AMPR 3) 11222

PRICE STABILIZATION, OFFICE OF—Continued Page

Milk—Continued
Fluid milk, cream and milk products—Continued
Area milk price adjustments (GCPR, SR 63)—Continued
New York metropolitan milk marketing area (AMPR 1) 11077
Washington; Central Western Washington milk marketing area (AMPR 7) 12978
For fluid consumption (GCPR, SR 20) 3436
Goat's milk; exemption when sold by producer 13089
Pasteurized, homogenized bottled, not exempt (Int. 30, to GCPR) 4194
Mine materials, wooden. *See* Wood and wood products.
Models, anatomical, three dimensional; exemption (GOR 5) 10738
Mohair:
See also Wool and wool products: fibers.
When sold by producer; exemption 5053
Molasses:
Blackstrap; Puerto Rican and Virgin Islands (GCPR, SR 24) 3948
Edible; exemption. *See* Foods.
Industrial; cane blackstrap, beet final sugar, citrus, or Hydrol (CPR 89) 10889
Supplementary regulation; invert molasses (SR 1) 12247
Monel metal scrap. *See* Nickel scrap.
Monuments and memorials, sales and installation services by producers and resellers; exemption (GOR 9) 6560, 9809
Motion pictures:
Equipment 4123, 8358
Exemption 814
Film scrap. *See* Film scrap.
Motor carriers. *See* Motor vehicles.
Motor scooters. *See* Motor vehicles.
Motor vehicles:
Automobiles. *See* Automobiles.
Automotive trucks, motorcycles, busses, trailers, etc., and parts and equipment 4122, 4124, 8357, 8359
Commercial, certain types of; rental and leases (CPR 70) 9160
Authority of Regional and District Directors. *See* Authority, delegations of.
Contract motor carriers:
Adjustable pricing authority for contract carriers by motor vehicle (GCPR, SR 15) 5944
Carriers of liquid commodities (except milk) handled in tank trucks, adjustment of ceiling rates of (GCPR, SR 52) 8589, 12788
Rate adjustments for certain contract motor carriers (GCPR, SR 39) 7150
Authority of Regional and District Directors. *See* Authority, delegations of.
Transportation of coal by. *See* Coal, coke, etc.
Funeral cars, ambulances and motor scooters; manufacturers' prices 11483
Motor carriers, engaged in "pick-up and delivery" or "local transfer" service, adjustment of ceiling prices for (GCPR, SR 40) 7151
Motor carriers subject to minimum rate orders of certain States, adjustment of ceiling rates of (GCPR, SR 23) 3832
Tires and tubes for. *See* Tires and tubes.
Warranty service on automobiles, trucks, busses, and tractors. *See* Services.
Motors, electrical 4123, 8358, 12554
Music; sheet music and music rolls. *See* Publications.
Musical instruments. *See* Consumer goods.
Mutton. *See* Livestock and meat.
Naphthas. *See* Petroleum products.
National Committee on Boys and Girls Club Work, Inc. *See* 4-H Clubs.
National Park Service. *See* Government agencies.
Naval stores (turpentine and resinous products):
Gum rosin and gum turpentine (CPR 52) 6312, 8677
Imports. *See* Imported commodities.
Needlework industry in Puerto Rico. *See* Territories and possessions of United States.
Neon indicator attachments 4123, 8358, 12554
New Jersey areas, dry cleaning services in. *See* Services.

PRICE STABILIZATION, OFFICE OF—Continued Page

New York City area, dry cleaning services in. *See* Services.
Newspapers:
See also Publications.
Exemption 814
Nickel:
Primary nickel products and similar products containing nickel; adjustments in ceiling prices (GCPR, SR 33) 5256
Scrap, pure; Monel metal scrap, stainless steel scrap and other scrap materials containing nickel (CPR 29) 3945, 4936
Noils, wool. *See* Wool and wool products: fibres.
Non-alcoholic beverages. *See* Drinks, soft.
Nonferrous castings. *See* Castings.
Nonprofit organizations, certain; exemption of sales of merchandise bearing insignia or brand of (GOR 6) 3484, 3833, 5870, 7826, 8347
Notions:
See also Consumer goods.
Certain notions and novelties (artificial items for decorative use or collectors' items, hand-decorated bottles, novelties made of glass, china, wood, etc.); exemption (GOR 5) 10738
Nursery stock; exemption 2681
Nuts:
See also Foods.
Plain shelled peanuts:
Ceiling prices for manufacturers (CPR 22, SR 20) 12698
Extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185
Tree nuts:
Exemption 815, 5053
Services in connection with harvesting, preparing for market, etc., exception for rates and charges in connection with (GCPR, SR 15) 4195
Nuts, bolts, screws and rivets; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805

Oats. *See* Grains.
Oil and gas wells:
Drilling of, and fire-fighting services in connection with wells; fees and charges:
Excepted services. *See* Services.
Exception (GCPR, SR 15) 3407
Revocation 6664
Machinery and equipment 4123, 8358, 12554
Oil burners 4123, 8358, 12554
Oils, oilseeds, etc.:
Animal or vegetable oils:
See also Fats and oils.
Exemption of listed fish and vegetable oils, oilseeds, etc 815, 1504
Petroleum oils. *See* Petroleum products.
Operas; statutory exemption of admission charges (Gen. Int. 5) 11686
Ores; beryl, chrome, cobalt, tungsten, etc. *See specific ores.*
Organizational statement; regional and district offices:
Functions and responsibilities 8953
Location of 2028, 3444, 4476, 5959, 6322, 7266, 7338, 8158
Oriental rugs. *See* Floor coverings.
Ovens, industrial and laboratory 4123, 8358, 12554
Packers and Stockyards Act, services under:
Excepted services. *See* Services.
Exception for rates for services regulated by Agriculture Department under (GCPR, SR 15) 3407
Revocation 6664
Exemption 815
Pails, steel. *See* Containers.
Paintings and other objects of art; exemption 814
Paints, varnishes and lacquers:
Alternative pricing methods for manufacturers (CPR 22, SR 6) 7938, 7660, 7930, 8825
Certain; extension of effective date for manufacturers (CPR 22, SR 12) 12807
Pamphlets, printed. *See* Publications.
Panama Canal Zone; exemption from operation of all price regulations (GCPR, SR 6) 1791
Paper, paperboard, etc.:
Book paper, coated and uncoated; manufacturers' prices (CPR 106) 12645
Boxboard, containerboard, and certain other paperboard (CPR 108) 12815

PRICE STABILIZATION, OFFICE OF—Continued Page

Paper, paperboard, etc.—Continued
- Convertors of paperboard, use of formula pricing by; manufacturers' prices (CPR 22, SR 5) 5399
- Cuttings (new cotton, linen, underwear) for use in production of. *See* Cuttings.
- Glassine and greaseproof papers (CPR 76) 9974
  - Adjustment of ceiling prices 12072
  - Differentials for plain (not embossed) sheets; Schedule A 12072
  - Records and reports 12072
- Kraft paper, unbleached; manufacturers' ceiling prices (CPR 88) 10810
- Manufactured for use in stamped envelopes, sales to United States. *See* Government agencies.
- Manufacturers of paper, paperboard, converted paper and paperboard products, gummed cloth, and flexible film packaging, extension of effective date for (CPR 22, SR 12) 12185, 12714, 12805
- Paperboard products, converted, certain; ceiling prices for converters who manufacture or who render service in manufacture of (CPR 84) 10630, 11340
- Publications (books, periodicals, music, maps, menus, advertising, etc.). *See* Publications.
- Pulpwood in northeastern States; exemption of service of driving, booming and rafting (GOR 8) 5989
- Sales of paper and paper products by persons engaged primarily in publishing, printing, binding, etc. (GOR 8) 4493
- Writing paper and other fine papers, ceiling prices for manufacturers of (CPR 91) 11263

Partridges, pheasants, pigeons. *See* Poultry.
Peanuts. *See* Nuts.
Peas. *See* Fruits, vegetables, and berries.
Penal institutions, Federal and District of Columbia; exemption of sales of commodities produced and services supplied by (GOR 19) 10260
Periodicals:
- *See also* Publications.
- Exemption 814

Personal accessories, certain (comb cleaners, hair rolls, pin cushions, shoe horns, etc.); exemption (GOR 5) 10738
Personal or household effects, used:
- Sales at auction; exemption 814
- Sales by private owner; exemption 814

Pet supplies, certain (bird cages, bird houses, dog and cat beds, dog license tags, pet toys, etc.); exemption (GOR 5) 10738
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.):
- Asphalt and asphalt products (CPR 66) 7670
- Authority of Assistant Director, Director, Transportation, Public Utilities and Fuels Division, Regional and District Directors. *See* Authority, delegations of.
- Briquets. *See* Coal, coke, etc.
- Crude petroleum (CPR 32) 4189
  - Adjustment of certain ceiling prices (SR 2) 10120
  - East Texas Oil Field (Upshur, Gregg, Rusk, Smith, and Cherokee Counties), ceiling price for crude petroleum produced from (SR 1) 7985
- Lubricating oils, greases, waxes and certain other petroleum products (CPR 63) 7604
- Manufacturers of certain petroleum products; extension of effective date (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
- Sales at retail (CPR 13) 2628, 3561
  - Retail margins on gasoline in Counties of Orange and Los Angeles, California (SR 1) 7354
- Sales other than retail (CPR 17) 3033, 3215, 5317, 7148, 10774, 12339
  - Supplementary regulations:
    - Cyclohexane, price adjustments for (SR 2) 10599
    - Kerosene and certain oils in Greater Boston Area, Massachusetts, sales of (SR 4) 11769
    - Kerosene, distillate type burning fuels and Diesel fuel; increased ceiling prices allowed to sellers in certain mid-western States (SR 3) 10885
    - Sales of gasoline, in certain areas of California (SR 1) 7355

PRICE STABILIZATION, OFFICE OF—Continued Page

Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.)—Continued
- Virgin Islands, retail prices for kerosene sold in (CPR 50) 6379, 6890

Pheasants. *See* Poultry.
Phonograph records:
- Ceiling price adjustment (GCPR, SR 74) 10782
- Extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805

Phonographs. *See* Consumer goods.
Pick-up and local transfer service, by motor carriers. *See* Motor vehicles.
Pig iron. *See* Iron and steel.
Pile drivers 4123, 8358, 12554
Pine gum, crude; exemption 1504
Pipe organs, custom built; exemption (GOR 5) 10738
Pistons and piston rings 4123, 8359
Plastic products, custom molded and custom fabricated:
- Extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
- Pricing method for manufacturers (CPR 22, SR 14) 7661, 7930

Plate making. *See* Publications.
Plumbing and drainage specialties, certain; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Popcorn:
- *See also* Foods.
- Exemption 2548, 5119, 10385
- Extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805

Pork. *See* Livestock and meat.
Post Office Department, sale of stamped envelopes to or by. *See* Government agencies.
Potash; muriate of potash, ceiling prices for producers of (GCPR, SR 59) 9229
Poultry:
- Domestic and imported, luxury items (geese, guineas, pheasants, quail, etc.); exemption 5118, 10781
- Ducks, processed, ceiling prices except at retail (CPR 79) 10073, 12044
- Effective date 10698, 11538

Feathers. *See* Feathers.
Precious stones and precious jewelry. *See* Jewelry.
Premium programs. *See* Coupon exchange rates.
Press association material. *See* Publications.
Presses, industrial or commercial 4123, 8358, 12554
Pressure tanks and vessels 4124, 8359, 12554
Printing and binding:
- *See also* Publications.
- Inks; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 8241, 9961, 12185, 12805
- Printing machinery and equipment 4123, 8358, 12554
- Products, certain; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
- Services pursuant to contracts with U. S. Government Printing Office:
  - Excepted services. *See* Services.
  - Exception (GCPR, SR 15) 2908
  - Revocation 6604

Priorities and allocations; order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 808
Procedural regulations:
- Enforcement procedure regulations:
  - Inspection authorizations; issuance and use of (EPR 1) 2496
  - Investigations, inspections or inquiries, authorizations to District Enforcement Directors to conduct (EPR 4) 3435
  - Letters requesting inspection and interviews relating to investigations (EPR 3) 2545
  - Subpenas; issuance and use (EPR 2) 2496

PRICE STABILIZATION, OFFICE OF—Continued Page

Procedural regulations—Continued
- Price procedural regulations:
  - General price procedures (PPR 1) 4974
    - Adjustment, applications for 4975
    - Amendment, petition for 4976
    - Interpretations 4979
    - Issuance of ceiling price regulations 4975
    - Miscellaneous provisions; witness fees, subpenas, representation, service of papers, inspection of documents, etc 4980
    - Protests 4976
  - Industry Advisory Committee appointed under Defense Production Act, appointment and administration rules for (PPR 2) 1234, 1707

Professional services:
- *See also* Services.
- Exemption 814

Programs, printed. *See* Publications.
Property; sales of United States Government property. *See* Government agencies.
Prunes. *See* Fruits, vegetables, and berries.
Public address apparatus 4123, 8358, 12554
Public utilities, rates charged; exemption 814
Publications (books, periodicals, music, maps, menus, advertising, etc.):
- Exemption for sales of commodities which disseminate information, have editorial content, etc., and rates or fees for printing and binding (GOR 8) 4493, 6559
- Printers who sell, among other things, newspapers, magazines and other price-exempt periodicals; exclusion of such sales from gross sales (CPR 22, SR 3) 4492

Publishing. *See* Publications.
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Wood and wood products.
Pumpkin, canned. *See* Fruits, vegetables, and berries.
Pumps, power and hand operated 4123, 8358, 12554
Pyrometer movements 4122, 8357, 12553
Quail. *See* Poultry.
Rabbits and hares, domestic and imported; exemption 5118, 10781
Radiation, cast-iron, and cast-iron boilers; adjusted prices for manufacturers (CPR 22, SR 19) 12009
Radio and television:
- Antennas 4122, 8356
- Receivers:
  - Certain; extension of effective date for manufacturers (CPR 22, SR 12) 12185, 12805
  - Parts warranties by manufacturers of television sets (Int. 45, to GCPR) 13131
  - Retail prices for sets, accessories and parts. *See* Consumer goods.
- Stations; exemption 814

Railroads:
- Construction. *See* Services.
- Freight rates. *See* Freight rates.
- Ties. *See* Wood and wood products.

Raisins. *See* Fruits, vegetables, and berries.
Real property:
- Exemption 814
- Pasture land, lease of (Int. 35, to GCPR) 4194

Reassignment of chapter 808
Reconstruction Finance Corporation, Office of Rubber Reserve. *See* Government agencies; *and* Rubber.
Recorders. *See* Consumer goods.
Rectifiers 4123, 8358, 12554
Refractories; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Refrigeration equipment 4123, 8358, 12554
Regional and district offices:
- Location of 2028, 3444, 4476, 5959, 6322, 7266, 7338, 8158
- Organization and functions 8953

Repair services; automotive and farm tractor. *See* Services.
Restaurants:
- Exemption of certain food and restaurant commodities. *See* Foods.
- Increase in prices to reflect increases in cost of food (CPR 11) 2391, 2430
  - Adjustments 6797
  - Authority of Regional, District and Territorial Directors. *See* Authority, delegations of.

PRICE STABILIZATION, OFFICE OF—Continued Page

Restaurants—Continued
- Increase in prices to reflect increases in cost of food (CPR 11)—Continued
  - Base period 5255
  - Ceiling prices:
    - Combination establishments 7409
    - Price ranges of combination meals, deleted 4327
  - Definitions 7409
  - Exempt sales:
    - Non-profit clubs 8797
    - In Puerto Rico 10984
    - Religious, charitable and other organizations 4327
  - New restaurants, in operation between July 1, 1950, and April 1, 1951, rules for 4327
  - Reports, for restaurants in operation prior to July 1, 1950; base period determination 4327
  - Scope 7408, 8889
- Meats sold to restaurants and other eating places. *See* Livestock and meat.

Rice:
- *See also* Foods.
- Milled rice (CPR 12) 2428, 6179

Rivets, screws, nuts and bolts; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Road building equipment 4123, 8358, 12554
Robinson-Patman Act, adjustment of ceiling prices to reconcile regulations with (GOR 18) 8830, 8984
Rock crushers and plants 4123, 8358, 12554
Rope fittings 4123, 8358
Rosin or resinous products. *See* Naval stores.
Rubber:
- Certain rubber, chemical and drug commodity transactions; exemption (GOR 3) 3216, 5056, 8359, 9478, 12822
- Experimental rubber products; exemption for certain rubber commodity transactions (GOR 3) 5056
- Products, certain; manufacturers' prices:
  - Method for determining ceiling prices (CPR 22, SR 8) 6307, 7542, 7930, 8348, 10066
  - Postponement of price calculations (CPR 22, SR 10) 6310, 6428, 7660, 10309
- Products, machinery and equipment 4123, 8358, 12554
- Reclaimed rubber (CPR 58) 7557, 8890
- Scrap rubber (CPR 59) 7560, 8240, 8890
  - GR-S synthetic tubes in Los Angeles, California, area 11812
- Synthetic rubber, GR-S type; sales by Office of Rubber Reserve, Reconstruction Finance Corporation (GCPR, SR 57) 8983
  - Pricing for distributors of GR-S latex 10488

Rubber Reserve, Office of. *See* Government agencies; *and* Rubber.
Rugs. *See* Floor coverings.
Rye. *See* Grains.
Sales of commodities and services, ceiling prices of which are established by other regulations or by voluntary agreements; exemption 814
Salmon. *See* Fish and seafood.
Salvation Army; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 5870, 8347
Samoa. *See* Territories and possessions of United States.
Sardines. *See* Fish and seafood.
Sausage. *See* Livestock and meat.
Scaffolds and towers 4123, 8358, 12554
Scales, weighing, industrial and laboratory 4123, 8358, 12554
Schools. *See* Educational institutions.
Scrap metals and materials (copper, brass mill, rubber, etc.). *See specific commodities.*
Screw machine products 4123
Screws, nuts, bolts and rivets; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Seacoal facing. *See* Coal, coke, etc.
Searchlights 4123, 8358, 12554
Securities, corporate issuers of (manufacturing and non-manufacturing corporations), which are subject to Securities Exchange Act of 1934; quarterly financial reports to be furnished upon request of Securities and Exchange Commission in order to provide information for OPS (Survey Report Regulation 1) 10557

PRICE STABILIZATION, OFFICE OF—Continued Page

Seeds:
- Agricultural seeds; exemption 815
- Oilseeds. *See* Oils, oilseeds, etc.
- Safflower seed; inedible food and restaurant commodities. *See* Foods.

Separators 4123, 8358, 12554
Service stations; free parking for certain customers (Int. 23, to GCPR) 4193
Services:
- *Services in connection with specific commodities, see specific commodities.*
- Certain services; exceptions and suspensions (GCPR, SR 15) 2908, 3407, 4195, 5944
- Exceptions; revocation 6664
- Scope; suspensions and adjustable pricing 6664
- Construction services (building, highway, heavy, railroad and miscellaneous construction), including shop fabrication, installation or erection service; ceiling prices, markups, and fees for sellers and purchasers (CPR 93) 11592, 12714
- Authority of Regional Directors. *See* Authority, delegations of.
- Contractors' services, in needlework industry in Puerto Rico. *See* Territories and possessions of United States.
- Excepted services; rates, fees and charges for the supply of certain services, and the services which fall within the scope of certain occupations (GOR 14) 6664, 7328, 8241, 9563, 11272, 12355
- Professional services; beauty and barber shops, not exempt (Int. 37, to GCPR) 4194
- Pulpwood contract logging services in northeastern States (CPR 48) 5984
- Suppliers of services, in trade, commerce and industry (CPR 34) 4446
- Adjustments 8345
- Applicability 8346
- Authority of Regional and District Directors. *See* Authority, delegations of.
- General pricing provisions 8345
- Records; filings of statements, posting, reports 8345
- Special orders for various firms:
  - Carlisle & Jacquelin, brokerage services rendered to 13027
  - DeCoppet & Doremus, brokerage services rendered to 13027
  - Texas Co 13026
  - Weyerhaeuser Timber Co., logging services rendered to 13028
- Special pricing provisions 8345
- Supersedure of CPR 34 as to services connected with specific commodities, etc., by tailored ceiling price regulations, *see specific commodities.*
- Supplementary regulations:
  - Automobiles, trucks, busses and tractors, certain warranty service on (SR 7) 11339
  - Automotive and farm tractor repair services; approval of certain flat rate manuals for use in establishing ceiling prices (SR 3) 8828, 10254, 12812
  - Cotton ginning (SR 2) 8676
  - Dry cleaning, finishing and dyeing services; wholesale:
    - In certain counties of New Jersey (SR 4) 9159
    - In New York City Area (SR 1) 5698, 6311, 8455
  - Frozen foods lockers; increased processing charges for certain wild game killed during 1951 hunting season in Colorado (SR 6) 11109
  - Power laundries in Cook County, Ill.; increase in ceiling prices (SR 8) 11956
  - Warehouses licensed under United States Warehouse Act; maximum rates (SR 5) 10383
    - Authority of Regional and District Directors. *See* Authority, delegations of.
  - Transfer of business; moving of business and chains 8345

Sharpening and filing equipment 4123, 8358, 12554
Sheep intestines, green. *See* Livestock and meat.
Shipping; Great Lakes and other water carriers. *See* Water carriers.
Ships 5869, 8348, 8358, 10385, 12712
Shoes. *See* Footwear.

PRICE STABILIZATION, OFFICE OF—Continued Page

Shortening:
- *See also* Fats and oils; *and* Foods.
- Meat fat shortening, extension of effective date for manufacturers of (CPR 22, SR 12) 12185, 12805

Signalling apparatus 4123, 8358, 12554
Silverware. *See* Consumer goods.
Siren blowers 4124, 8358, 12554
Skins. *See* Hides and skins.
Slaughtering and fair distribution of livestock and meat. *See* Livestock and meat.
Small business concerns; adjustments. *See* Adjustments.
Snow plows 4124, 8358, 12554
Snuff. *See* Tobacco and products.
Soap:
- Household soaps and cleaners (CPR 10) 2226
- Introductory offers at below normal prices during base period 4612
- Manufacturers of certain soaps, cleansers, and detergents; extension of effective date for (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
- Sales to Office of Rubber Reserve. *See* Government agencies.

Sodium silicofluoride (GCPR, SR 50) 8546
Sodium tungstate crystals and sodium tungstate anhydrous. *See* Tungsten and products.
Soft drinks. *See* Drinks, soft.
Softwoods. *See* Wood and wood products.
Solvents, petroleum. *See* Petroleum products.
Sound recording and reproducing equipment 4124, 8358, 12554

Soups, canned and frozen:
- *See also* Foods.
- Adjustable pricing for sales by processors (GCPR, SR 51) 8346, 9964
- Ceiling prices for sales by processors (CPR 75) 9965, 10447, 12786

Soybean oil. *See* Fats and oils.
Soybeans and soybean oil meal:
- Parity adjustment 815, 1503
- Sales other than retail (GCPR, SR 3) 1505
  - Computation of ceiling prices by jobbers and wholesalers (Int. 1) 9723
- Prices for all sellers, including retailers 4652
- Prices for trucker-merchants 4652
- Processors' ceiling prices; increases in railroad freight rates (Int. 2) 10699

Special deal commodities:
- Adjustment of ceiling prices (GCPR, SR 26) 4126
- Special order; resellers for Houbigant No. 242 cheramy skin balm, 16 oz 10326

Introductory offers:
- Commodities or services; sales at below normal prices during base period (GCPR, SR 27) 4617
- Soaps and cleansers, household; sales at below normal prices during base period 4612

"Promotional discounts" (Int. 15, to GCPR) 4193
Sphygmo-oscillometers (devices for measuring blood pressure and patency of arteries); exemption for (GOR 5) 3408
Spinach. *See* Fruits, vegetables, and berries.
Spinning wheels; exemption (GOR 5) 10738
Sporting goods. *See* Consumer goods.
Spraying devices, industrial 4124, 8358, 12554
Spring rigging, snubbers, etc 4123, 8358, 12554
Sprockets, power transmission 4124, 8358, 12554
Squab. *See* Poultry.
"Squeeze" situations, sellers having increased prices not effective until after base period (Int. 3, to GCPR) 4192
Stackers, industrial 4125, 8358, 12554
Stamp albums. *See* Publications.
Stamps and coins:
- Collectors'; exemption 814
- Stamps, redeemable for premium articles. *See* Coupon exchange rates.

State Fair Trade Acts. *See* Fair Trade Acts.
Steam cleaning equipment and specialties 4124, 8358, 12554

Steel. *See* Iron and steel.
Stokers, industrial and marine 4124, 8358, 12554
Stone, high magnesium. *See* Dolomite.
Stones, dimension and building; sales by producers and resellers, exemption (GOR 9) 6560, 9809, 12651

PRICE STABILIZATION, OFFICE OF—Continued Page

Strategic materials; sales to Defense Agencies. *See* Government agencies.
Structural pipe. *See* Iron and steel.
Stumpage. *See* Wood and wood products.
Sugar:
- Blackstrap molasses, derived from manufacture of sugar. *See* Molasses.
- Exemption 1504

Sugarcane:
- Exemption 1504
- "Parity" adjustment 1503

Sulfuric acid; extension of effective date for manufacturers (CPR 22, SR 12) 10737, 12185, 12805
Summer camps, rates, fees, etc., for services in; exceptions for (GCPR, SR 15) 3407
Supplies and equipment, used; exemption when not acquired or produced for purpose of sale 12819
Surveying instruments 4124, 8358, 12554
Sweetpotato, canned. *See* Fruits, vegetables, and berries.
Switches and switchboxes 4124, 8358, 12554
Symphony orchestras; statutory exemption of admission charges (Gen. Int. 5) 11686
Tallows. *See* Fats and oils.
Taxes:
- Excise, sales, or similar taxes, in connection with specific commodities, *see specific commodities.*
- State or local gross income or gross receipts taxes, collection of, in addition to ceiling prices; application of Defense Production Act of 1950 (Gen. Int. 4) 11180

Telephone and telegraph apparatus 4124, 8359, 12554
Television. *See* Radio and television.
Templates 4122, 8357
Territories and possessions of United States:
- Automobiles, new and used, retail prices; temporary exemption respecting (GCPR, SR 5) 2151
- Automobiles sold in Hawaii. *See* Automobiles.
- Ceiling prices for all commodities not produced or manufactured in territories or possessions where sold (CPR 9) 2183, 2871, 5837, 9192, 9656, 10933, 12505
- Authority of Regional Director, Region 14, and Territorial Directors. *See* Authority, delegations of.
- Exempted commodities only those specifically exempted by Defense Production Act of 1950 4537
- Supplementary regulations:
  - Continental sellers, selling in territories and possessions; ceiling prices (SR 2) 9195
  - Fair trade commodities, adjustment of ceiling prices of (SR 1) 9194
  - Uniform prices, establishment of (SR 3) 9195
- Exemptions, territorial; no regulations previously issued shall apply in territories and possessions, except in Alaska, Guam, Hawaii, Puerto Rico and Virgin Islands (GOR 23) 12718
- Fertilizer and fertilizer materials, sold in Puerto Rico. *See* Fertilizer and fertilizer materials.
- Food products, certain, sold in Hawaii, Puerto Rico and Virgin Islands. *See* Foods.
- Logs, sawmill, produced in Alaska. *See* Wood and wood products.
- Molasses, from Puerto Rico and Virgin Islands. *See* Molasses.
- Needlework industry in Puerto Rico; ceiling prices for contractors' services (CPR 44) 5257
  - Authority of Regional Director, Region 14, and Territorial Director of Puerto Rico. *See* Authority, delegations of.
- Non-profit clubs in Puerto Rico. *See* Restaurants.
- Petroleum products sold in the Virgin Islands. *See* Petroleum products.

Textiles:
- Burlap (CPR 40) 4936
- Coated fabrics; alternative pricing methods for manufacturers (CPR 22, SR 11) 7202, 7591, 9469
- Continuation of ceiling prices in effect on June 30, 1951, for commodities or services covered by specified manufacturers' regulations (GOR 13) 6435
- Regulations in effect as to manufacturers on June 30, 1951 (Int. 1) 6776
- Revocation 7546

PRICE STABILIZATION, OFFICE OF—Continued Page

Textiles—Continued
- Cotton textiles, primary; manufacturers' prices (CPR 37) 4644, 5014
- Cost increases or decreases, determination of (Int. 1) 5896
- Extension of time 7545, 7986
- Published prices, and premiums and discounts; designated markets (Int. 2) 5896

Cuttings; cotton, linen and underwear. *See* Cuttings.
Manufacturers of certain textile products extension of effective date for (CPR 22, SR 12) 12185, 12714, 12805
Manufacturers' prices, changes in; modification of prices for certain sales at wholesale and retail to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 5011, 5319, 9196, 11179
Military use, certain fabrics for; exemption (GCPR, SR 1) 3113
Retail prices for certain household textile commodities and yard goods. *See* Consumer goods.
Wool yarns and fabrics; manufacturers' prices (CPR 18) 4327, 5977
- Extension of time 3336, 7541, 7985
- Supplementary regulation; woven woolen industrial felts, product line method of computing ceiling prices for manufacturers of (SR 1) 5979
- Extension of time 7589, 8046

Theatres; exemption 814
Thermal strips, bimetallic 4122, 8357
Thermometers, household (housewares). *See* Consumer goods.
Tie-in sales (Int. 40, to GCPR) 4194
Timber. *See* Wood and wood products.
Tires and tubes:
- Basic tire carcasses, recapped and retreaded tires (GCPR, SR 49) 7676, 8456
- Sales by manufacturers to private brand owners (CPR 62) 7601, 12547
- Tire mileage (CPR 64) 7666, 10945

Tobacco and products:
- Cigarettes:
  - Cigarette excise taxes (Int. 44, to GCPR) 11339
  - "Loss-leader" prices covered by Arkansas statute, adjustment of (GCPR, SR 53) 8798, 11262
- Exemption; tobacco 1504
- Snuff; adjustment of ceiling prices (GCPR, SR 54) 12820

Tomato products, canned. *See* Fruits, vegetables, and berries.
Tool steels containing tungsten. *See* Tungsten and products.
Tools:
- Certain hand, machine, etc., tools 4122, 4123, 8357, 8359
- Machine tools and machine tool attachments. *See* Machines and machinery.

Tops, wool. See Wool and wool products: fibres.
Toys. *See* Consumer goods.
Track work, fabricated 5869, 8359
Tractors 4124, 8359, 12554
Trailers 4124, 8359
Transformers 4124, 8359, 12554
Transportation costs. *See* Freight rates.
Trucks, automotive and industrial 4122, 4124, 8359, 12554
Tubes:
- Metal collapsible tubes; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
- Rubber. *See* Tires and tubes.

Tungsten and products:
- Concentrates (CPR 19) 3043
- Concentrates, processed from ores produced outside the United States, its territories and possessions; sales to agencies of United States, exemption (GOR 9) 3834, 9809
- High speed tool steels and other metal products containing tungsten (GCPR, SR 42) 7153
- Producers who signed voluntary agreement relating to stabilization of prices for iron and steel mill products; notice that prices may be increased to ceiling prices established 7371

PRICE STABILIZATION, OFFICE OF—Continued Page

Tungsten and products—Continued
Ores; exemption (GOR 9) 3824, 9809
Products; ferrotungsten, tungsten metal powder, and other tungsten products (CPR 33) 4273
Sintered tungsten carbide products and mixed powders; manufacturers' prices (CPR 71) 9163
Tungstic acid and oxide. *See* Tungsten and products.
Turbines 4124, 8359, 12554
Turnbuckles 4124, 8359, 12554
Turpentine. *See* Naval stores.
Typesetting. *See* Publications.
Underwear cuttings. *See* Cuttings.
United States or agencies. *See* Government agencies.
Uranium compounds; exemption (GOR 3) 12822
Vacuum cleaners, industrial 4122, 8357, 12553
Valves and fittings, certain; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Veal. *See* Livestock and meat.
Vegetable oil soapstocks. *See* Fats and oils.
Vegetable plants; exemption 6664
Vegetables. *See* Fruits, vegetables.
Vessels. *See* Water carriers.
Veterans Canteen Service. *See* Government agencies.
Virgin Islands. *See* Territories and possessions of United States.
Vises, vise mounts, stands and supports 4124, 8359, 12554
Voltage, regulators, feeder 4123, 8358, 12554
Warehouse services. *See* Services.
Watches:
See also Consumer goods.
Manufacturers of certain watches; extension of effective date (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Water, natural or distilled. *See* Foods.
Water carriers:
Seasonal, on Great Lakes, and other inland water carriers (GCPR, SR 12) 2430, 3894
Transportation of certain commodities in bulk cargo lots via vessel between Gulf Ports and from Gulf Ports to North Atlantic Ports, maximum rates for (GCPR, SR 44) 7326
Transportation of coal by. *See* Coal, coke, etc.
Water-power equipment; conditioning and purifying equipment 4124, 8359, 12554
Waxes, petroleum. *See* Petroleum products.
Welding apparatus 4124, 7150, 8359, 8542, 12554
Well-drilling equipment 4124, 8359, 12554
Wheat. *See* Grains.
Wheels, buffing and polishing 4122, 4124, 8357, 8359
Whiskey. *See* Liquors, distilled spirits.
Winches and windlasses 4124, 8359, 12554
Wines. *See* Liquors, distilled spirits, wines.
Wire and cable:
Accessories, insulated wire, machinery and wiring devices 4124, 8359, 12554, 12869
Certain; extension of effective date for manufacturers (CPR 22, SR 12) 6429, 7661, 9961, 12185, 12805
Copper wire mill products, manufacturers' prices for, and charges for reels, spools, and other containers (CPR 110) 12872
Wire products, woven; extension of effective date for manufacturers (CPR 22, SR 12) 12807
Wood and wood products:
Containers. *See* Containers.
Extract wood produced for chestnut extract industry, ceiling price for (GCPR, SR 58) 9168
Hardwood tobacco hogsheads, new, and parts used therewith; prices for all sales and purchases (CPR 104) 12393
Imported pulpwood and woodpulp, material cost adjustment for increased price of; manufacturers' prices (CPR 22, SR 1) 3829
Mine materials, wooden; ceiling prices for materials when sold for delivery or use in area where produced:
Northern Area (Michigan, Wisconsin, and Minnesota) (GCPR, SR 82) 12651
Virginia and West Virginia (GCPR, SR 83) 12786
Pacific Northwest logs; ceiling prices for designated species (CPR 97) 11716
Authority of Regional Director, Region 13. *See* Authority, delegations of.
Graders and scalers, accredited; list (Appendix A) 12013

PRICE STABILIZATION, OFFICE OF—Continued Page

Wood and wood products—Continued
Pulpwood:
Contract logging services in northeastern States (CPR 48) 5984
Produced in northeastern States (CPR 38) 4612
Produced in Pennsylvania and certain counties of New York, Maryland, Virginia and West Virginia, ceiling prices for (CPR 102) 12317
Pulpwood and excelsior bolts produced in Michigan, Minnesota and Wisconsin (CPR 107) 12715
Pulpwood in northeastern States; exemption of service of driving, booming and rafting (GOR 8) 5989
Railroad ties, Eastern, untreated; suspension from price control (GCPR, SR 68) 9973
Sawmill logs produced in Alaska, suspension of (GCPR SR 55) 8893
Timber (stumpage); exemption (GCPR, SR 17) 3159
Turned, shaped or other allied wood products (CPR 95) 11679, 13130
Wood pulp (CPR 49) 6024
Wood pulp writing papers. *See* Paper, paperboard, etc.
Wool and wool products:
Apparel. *See* Apparel.
Fibres, wool, and related fibres; prices at other than growers' level (CPR 35) 4335
Floor coverings. *See* Floor coverings.
Futures trading on wool exchange (CPR 20) 3045, 4889
Military needs, temporary exemption for, until May 1, 1951 (GCPR, SR 1) 3046
Raw wool; exemption 815, 5053
Wool products, sales to Defense Agencies; exemption (GCPR, SR 1) 1234, 1707
Yarns and fabrics. *See* Textiles.
Wrenches, torque 4122, 8357
X-ray and electro-therapeutic apparatus 4124, 8359, 12554
Yard goods. *See* Textiles.
Yarns, cotton and wool. *See* Textiles.
Yearling. *See* Livestock and meat.
Zinc. *See* Lead and zinc.
Zones; different prices to retailers in different zones (Int. 43, to GCPR) 4194

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods):

A–1 Manufacturing Co 6209, 10472
Abbey Imports, Inc 6215
Aberle, Inc 7856, 10080
Abon Mfg. Co 8690
Adam Hat Stores, Inc 8702, 11881
Admiral Corp 7903
Adrian, Inc 8004
Adrian "Designs for Men", Inc 9789
Advance Aluminum Castings Corp 7850
Airex Corp 11847
Akom 8640, 12520
Aladdin Industries, Inc 8206, 8803, 10495
Alexis, Inc 9740
Allen Industries, Inc 7807
Alligator Co 7858, 12800
Aluminum Cooking Utensil Co 8775, 11527
Aluminum Goods Mfg. Co 11514
Alvin Corp 8862, 10276
Amelia Earhart Luggage 4625, 13166
American Ceramic Products, Inc 9540
American Girl Shoe Co 7094, 8749, 10838
American Luggage Works, Inc 7735, 9748
American Maid Co., Inc 7703
American Manufacturing Corp., Inc 7177
American Wholesalers 7836
Amity Leather Products Co 7841
Annis Sportswear, Inc 6214, 9101
Apinles Diaper Pantie Co 8394, 11939
Archer Mills, Inc 5182, 9534
Artistic Foundations, Inc 4986
Aristocrat Leather Products, Inc 8760
Arnold, Schwinn & Co 8950
Artcraft Hosiery Mills, Inc 8009
Artisan Novelty Co 11977
Arvin Industries, Inc 6971, 6972
Atlanta Stove Works, Inc 7741, 10585
Atlantic Products Corp 6219, 9101
Augstein, S., & Co., Inc 3599, 4153, 11939
Augusta Bedding Co 7854, 11880
Augusta Knitting Corp 7493, 8711
Augstein, S. & Co., Inc 9336, 12210

PRICE STABILIZATION, OFFICE OF—Continued Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

B. V. D. Co., Inc 7083, 10168
Ball Brassiere Co., Inc 6474, 10168
Baltimore Luggage Co 7795, 11529
Baltimore Spring Bed Co., Inc 8658
Barclay Knitwear Co., Inc 8699
Barkin, Levin & Co., Inc 8684
Barron-Anderson Co 8016, 11877
Bates Fabrics, Inc 5095, 5096
Beacon Co 8760
Bendix Aviation Corp., Bendix Radio Division 7803
Benjamin & Johnes, Inc 7085, 9535
Benrus Watch Company, Inc 6321
Berkeley Industries 9737
Berkshire Knitting Mills 8393, 12024, 12755
Berns Manufacturing Corp 8488
Besson, Inc 8063
Bestform Foundations, Inc 8664
Beverly Vogue Co 8006, 13169
Bienen-Davis, Inc 7913, 11403
Bigley Industries 8701
Bill & Caldwell, Inc 8209
Bissell Carpet Sweeper Co 7171, 10273, 12208
Blackwell Mattress Co 10283, 11882
Bloch Heller Co 7184
Blue Bell, Inc 8299, 9741
Bonck, J. H., Co., Inc 3595
Borg-Erickson Corp 8302, 11938
Boston Royal Petticoat Co 6980, 9102, 11519
Botany Mills, Inc 9591, 9600
Bowes Industries, Inc 8027
Boyle Leather Goods Co., Inc 8403
Brandwein, A., & Co 5186
Brearley Co 8760, 11749
Breier, Marcus, Sons, Inc 8486, 11406
Brentwood Sportswear 7293, 9786, 12751
Briddell, Chas. D., Inc 8762
Brock, B. J., & Co., Inc 8066, 11881
Brunswick-Balke-Collender Co 11978
Brusche Ceramics 8002, 10170
Buchsbaum, S., & Co 10501
Bulova Watch Co 4984
Buntly, Nan, Inc 7788
Burlington Mills Corp 6475, 9337
Burns Cuboid Co 7294
Burroughs, W. C., Co., Inc 8695
Burton-Dixie Corp 8686
Buscarlet Glove Co., Inc 7299
Buxbaum Co., Inc 7906, 10587, 13169
Buxton, Inc 7493
Cadwallader, Brooke, Men's Wear Division, Inc 10281, 11878
Cameo Curtains, Inc 7844
Capehart-Farnsworth Corp 8771
Capital Bedding Co 7806, 11402
Carman Manufacturing Co 8050, 8860, 10676, 10677
Carnegie, Hattie, Inc 9587
Casco Products Corp 9614
Cash, J. & J., Inc 8202
Cashmere Corp. of America 8411, 11405
Castleton China, Inc 7100, 8867
Catalina, Inc 3953, 13017
Celebrity Bra Inc 9586
Central Bedding Co 7915
Central Commercial Industries, Inc 7292
Chapman, Gordon, Co 8759
Charles, Jack, Inc 7742
Chatham Mfg. Co 8062
Chattanooga Mattress Co 10183
Chicopee Manufacturing Corp 8951, 10277
Childhood Interests, Inc 8651
Chipman Knitting Mills 6206, 9101
Climatic Rainwear Co., Inc 7496
Club Aluminum Products Co 12758
Coblentz Bag Co., Inc 6472, 9534, 11846
Coffey-Hoyt Products, Inc 8385
Cole of California, Inc 5360
Columbus Plastic Products, Inc 9612, 12289
Concord Watch Co., Inc 8494
Congress Sportswear Co 11941
Connelly, F. B., Co 8711
Consolidated Trimming Corp 8497, 11553
Continental Scale Corp 8751
Converse Rubber Corp 8057, 13018

PRICE STABILIZATION, OFFICE OF—Continued Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Coopers, Inc 3598, 6469, 8865, 10671
Copeland & Thompson, Inc 6212, 9746
Cordelia of Hollywood Brassiere Co 8059, 11527
Corette, Inc 10284
Corning Glass Works 8068
Cory Corp 10181
Countess Mara, Inc 7743
Crawford, Carol, Inc 9590
Crescendoe Gloves, Inc 8380
Crosley Division, Avco Mfg. Corp. 12375
Crown Fastener Corp 8499, 12520
Cushman, H. T., Mfg. Co 8752
Cutler, H. H., Co 8055
Daisy Products, Inc 8691, 11529
Danvers Shoe Co., Inc 8749, 11553
Daroff, H., & Sons, Inc 5360, 9065
Davenport Bedding Co 9606
Davol Rubber Co 12295
Dayton Rubber Co 5094, 13167
Decorative Cabinet Corp 10836
Dennis, S., Inc 5180
Denton Sleeping Garment Mills, Inc 7491, 10674
Detecto Scales, Inc 7851, 12753
DeWitt-Seitz Co 7797, 9749
Diamond Full Fashioned Hoisery Co., Inc 7080, 9786, 10168
Dirilyte Company of America, Inc 9602, 11551
Diversey Corp 7790
Dixie Bedding Co 9108
Dodge-Dickinson Co 8687
Doepke, Charles Wm., Mfg. Co 12757
Doeskin Products, Inc 8008, 11245
Dolores, Inc 10282
Dominion Electric Corp 8643, 12208, 13171
Donahue Sales Corp 8304, 10275
Doniger, David D., & Co., Inc 5355, 7528, 10272
Doppelt, Charles, & Co., Inc 8498
Dorby Co 8754
Dormeyer Corp 8020
Doulton and Co., Inc 7850, 10474
Doup, L. G., Co 10176
Dresner, S., & Sons, Inc 6982
Droutman Manufacturing Co 7494
Drybak Corp 8397, 11526
Dublife Collar Co 7092, 10616
Dubow, J. A., Sporting Goods Corp 7913, 11878
Dulane, Inc 7101, 9102
DuMont, Allen B., Laboratories, Inc 8649
Dunaway, Judson, Corp 10294
Dunhill, Alfred, of London, Inc., and Mary Dunhill, Inc 8946
Dunhill, Kay, Inc 7098, 10616
Dunn and McCarthy, Inc 9596
Duofold Inc 10503, 11750
Dutchess Underwear Corp 5089
Eagle Mattress Co., Inc 8051, 11403
Eclipse Sleep Products, Inc 7497, 10473
Ecuadorian Panama Hat Co., Inc 5086
Edinburgh Corp 10177
Edmunds Laboratories 11530
Ekco Products Co 10292, 13023
Elgin National Watch Co 8685, 11246
Emerson Electric Mfg. Co 8205, 10839
Emmett Corp 8631, 11939
Enger-Kress Co 6471
Englander Co., Inc 5180
Enterprise Mattress Co., Inc 8196
Epstein Garment Co., Inc 7180, 9102
Evans Case Co 8192, 8660, 13018
Evansville Mattress & Couch Co., Inc 11887
Even-Pul Foundations, Inc 3861, 12207
Everett Piano Co 8015
Everlast Metal Products Corp 8199, 12755
Famous-Sternberg, Inc 3596
Fancee Free Mfg. Co 7495
Farber, S. W., Inc 8058, 13173
Farrington Manufacturing Co 4945
Fashioncraft Products 7898, 10617
Fay, Leslie, Fashions, Inc 7093, 11523
Fee and Stemwedel, Inc 9103
Feldt Mfg. Co 8398, 11405
Fieldcrest Mills Division of Marshall Field & Co 4728, 8866, 11747, 12210

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Figure Building Foundations, Inc 5088
Finders Mfg. Co 10835
Fischer & Co., Inc 8194, 11553
Fischer, Bruce & Co 8803, 8804, 10291, 10798, 11629, 11848, 11849, 11882
Fisher-Price Toys, Inc 9539, 11879
Flex-Let Corp 8663
Flexees, Inc 4152
Flintridge China Co 7181, 9747
Florida Mattress Factory, Inc 9610
Florin, Philip, Inc 7753
Fluegelman-Riverdale, Inc., Riverdale Mfg. Co., Inc., Division 10174
Foley Mfg. Co 6217, 9585
Forbes Serta Products 8001, 12023
Ford-Davis & Co., Inc 7476
Foreign Advisory Service Corp 7794
Formaid Co 8710, 10839
Formfit Co 3950, 8865
Forstmann Woolen Co 7751, 10616, 10797
Forstner Chain Corp 8763
Fortune Cravats, Inc 9594
Foundations, W. B., Inc 11405
Fox-Knapp Mfg. Co 7736
Freezer-Abeles Shirt Corp 8683, 12520
Fulper Pottery Co 7175, 10672, 12518
Future Fashions, Inc 8655
Gaynes, Inc 13014
Gant Madeleine, Inc 8067, 11404
Gardner Corp 8053, 10797
Gates, Miriam, Inc 7081, 9535
Gemex Co 13020
General Electric Co 12290, 12749
Small Appliance Division:
Automatic Blanket Department 12291, 12296
Clock Department 12289
General Mills, Inc., Mechanical Division, Home Appliance Dept 8694
George, Herbert, Co 8766
Gilbert, A. C., Co 10497, 11750
Gladding, B. F., & Co., Inc 8765, 10586
Gladding, McBean & Co 6216, 9747
Glendale Knitting Corp 8716
Godfrey, G. R., Co 10278
Gold Seal Importers, Inc 7082
Gold Seal Rubber Co 8410
Gold Star Mattress, Inc 9107
Golden Fleece Tissue Mills, Inc 8407
Goldstone Bros 8208, 11404
Goodman, H., Inc 5187
Gordon Co 7842, 10617
Gorham Co 8381, 11629, 12670
Gotham Hosiery Co., Inc 6210, 9534
Gothic Jarproof Watch Corp 8054
Gottfried Co 7100
Great American Knitting Mills, Inc 7298, 10673
Greif, L., & Bro., Inc 4358
Griffin Manufacturing Co., Inc 10502
Gruen Watch Co 6207, 11550
Gustave, Inc 8755
Haeger Potteries, Inc 9604
Hamilton Beach Co., Division of Scovill Mfg. Co 9102
Hamilton Manufacturing Corp 7088
Hamilton Watch Co 5956
Hamley & Co 9742
Handcraft Co., Inc 8632
Handmacher-Vogel, Inc 7895
Hanes Hosiery Mills Co 7858, 10674, 12753
Hansen Glove Corp 8780, 10277, 10838
Hardman, Peck & Co 8384
Harker Pottery Co 7905, 9750
Harmon, F. S., Mfg. Co 8005
Hartmann Co 5179, 12286
Haspel Brothers, Inc 4150, 13166
Hasselbarth, C. O., Inc 9111
Hat Corp. of America 6477
Hathaway, C. F., Co 7783, 10169, 11880
Haviland & Co., Inc 7737, 7738, 10273, 10274
Heddon's, James, Sons 8204
Helbros Watch Company, Inc 9113
Heller, L., and Son, Inc 9601, 12756
Henson, Jno. W., & Sons 6977, 9535

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Her Majesty Underwear Co., Inc 5092
Herr Mfg. Co 8200
Herschede Hall Clock Co 8489
Hettwer Bedding Co 10289
Hi-Lo TV Antenna Corp 8411
Hickok Manufacturing Co 5087, 11518
Hirschman, J. C., Co., Inc 8194
Hirsch-Weis Canvas Products Co 8633, 13172
Hodgman Rubber Co 10832, 12518
Hoffman Radio Corp 7799, 12752
Holeproof Hosiery Co., Men's Hosiery Division 10497, 11749
Holgate Brothers Co 11627
Hollins, William, & Co., Ltd., and Inc 5365, 9542, 10272, 10799, 12286
Hollywood Maxwell Co 7843, 10797
Honeybugs, Inc 4985, 8074
HonorBilt Products, Inc 8707
Hoosier Factories, Inc 8073, 11528
Hoover Co 8193, 11553
Hough Shade Corp 8697, 12024
House of Worsted-Tex, Inc 4357, 9065
Hubbs, Dorothy, Inc 8072, 11528
Hudson Hosiery Co 6978, 13168
Huffman Manufacturing Co 8642
Hussco Shoe Co 8783
Huyck, F. C., & Sons (Kenwood Mills) 7804, 12799
Ideal Bedding Co 9110
Ideal Toy Corp 8201
Imperial Pearl Syndicate, Inc 6968
Indestructo Trunks and Luggage Co 6979
Ingraham, E., Co 8645
Ingraham Mfg. Co 8689
International Latex Corp 5366, 8802, 11087, 12751
International Molded Plastics, Inc 8061, 10170, 13170
International Shoe Co 11883
International Silver Co 7754, 7756, 7860, 9615, 9616
Interwoven Stocking Co 5848, 7477, 11940
Irene, Inc 8056, 11552
Iroquois China Co 7086
Irwin-Willert Co 8401
Iskin, Herman, & Co., Inc 4628
Jackson of London Products 10293
Jacobson, F., & Sons, Inc 7301, 9338, 10168, 11628
Jacoby-Bender Inc 13019
Jamison Bedding, Inc 9109
Jantzen Knitting Mills, Inc 5084
Jenkins, T. H., Co 8637
Jerks Socks, Inc 5366, 7734, 9915, 12751
Johnson Brothers 6973
Johnson, Gaston, Corp 10295
Johnson, Nestor, Mfg. Co 8646, 10798
Jordon Mfg. Corp 8014, 13018
Joseph & Feiss Co 4150, 11245, 12750
Kabo, Inc 7186
Kandell, Inc 8864, 11405
Kaplan, Joseph A., & Sons, Inc 7095
Kautzky Mrg. Co., Inc 9743
Kaylon Inc 8496
Kayser, Julius, & Co 7295, 10168, 11879
Kee Zipper Co 7840
Kendall Co., Kendall Mills Division 7102, 12752
Kensington, Inc 10504
Kentley Corp 7897, 10585
Kentucky Sanitary Bedding Co 7863
Khouri, A. N., & Bro 10586, 11847
Kilns, Vernon 7291, 9748
Kindel Furniture Co 8409
King Bedding Co 7174, 9102
King Leathers, Inc 7084
Kirk, Samuel, & Son, Inc 8952, 9751
"Klik" Promotions, Inc 6970, 9112
Knape and Vogt Mfg. Co 8495, 10798
Knapp-Monarch Co 8772
Knomark Manufacturing Co., Inc 7179, 11523
Knothe Brothers Co., Inc 9788
Kops Brothers, Inc 8058, 11552
Kordite Corp 8404, 11090
Korell Co 7910, 10797
Koret, Inc 8706, 11749
Kreisler, Jacques, Manufacturing Corp 7104
Krementz & Co 9595
Kroehler Mfg. Co 7744, 11402

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Kromex Sales Co 8022
Kupper, Herman C., Inc 8944, 8945
Lakeland Manufacturing Co 8949, 10838
L'Aiglon Apparel, Inc 5142
Lances, Edith, Corp 7091
Landenberger, J. W., & Co 7170
Landers, Frary & Clark 8305, 11628
Lane Co., Inc 6981
Laughlin, Homer, China Co 7847, 9749
Leblanc, G., Co 8756
Lee, Frank H., Co., and Disney, Inc., a subsidiary 8064
Lee-Rowan Co 7796
Lenox, Inc 7096, 8631
Lentz Novelty Co 8387, 10839
Lesco Ltd 8778
Levy Bros. & Adler Rochester, Inc 7839, 12517
Lewis Bedding, Inc 10178
Libbey Glass, Division of Owens-Illinois Glass Co 8402
Liberty Electric Co., Inc 12759
Lily of France, Inc 9592
Lincoln Metal Products Corp 8399, 13172
Linder Bros., Inc 6153, 9101
Lionel Corp 8303
Logan, A. J., Co 9544
Logan, Jonathan, Inc 9739
Longines-Wittnauer Watch Co., Inc 6211
Loom-Tex Corp 9736
Lov-é Brassiere Co 8396
Lubin-Weeker Co., Inc 7745, 12240
Lucille Bags, Inc 9593
Lucky Plastic Company, Inc 7853, 11939, 12801
Lund, C. A., & Co 10286, 12207
Lunt Silversmiths 10172, 11089
Lustberg, Nast & Co., Inc 7492
Lynch Furniture Manufacturing Co 8023
M. K. M. Knitting Mills, Inc 9831
Maas Organ Co 8635
Mabs, Inc 7183
Mackie-Lovejoy Mfg. Co 8653, 11629, 11877
Macomb Pottery Co 9603
Magnavox Co 7076
Magnus Harmonica Corp 9339, 12289
Maiden Form Brassiere Co., Inc 5501, 12287
Malone, E. B., Co 8024, 10181, 11403
Manchester Hosiery Mills 8065, 11525
Manchester Silver Co 8010
Manhattan Shirt Co 7477, 10168, 11245
Marie-Designer, Inc 8408, 10276
Marioness & Co., Inc 7173, 9065
Marshall Industries 8713
Martin, C. F., & Co., Inc 8003, 11403
Martin Brothers Co 9106
Mason, L. E., Co 9787
Master Clothes, Inc 8493, 13173
Mathes Company, Inc 7169
McKay Products Corp 4901, 11845
McKettrick-Williams, Inc 7747
Mead, M. A., and Co., Inc 8052, 11525
Mebane Co 10280
Mendel-Drucker, Inc 6973
Mercoy Tackle Co 9537
Metlox Mfg. Co 7899, 10170
Miami Shirt Co 8858
Michaels, Stern & Co., Inc 3951, 9065, 12750
Middishade Clothes 4357, 8943, 11628
Miles, Dora, Co 6471, 9102
Mimar Products, Inc 8750
Mississippi Bedding Co 8686, 11529
Mobile Mattress Co., Inc 10833
Model Craft, Inc 9341
Modern Sales Co 8717
Moeller Manufacturing Co., Inc 7093
Mohawk Carpet Mills, Inc 8688, 12521
Monark Silver King, Inc 8782
Morris Furniture Mfg. Co., Inc 5184, 7734
Morse, Leopold, Co 9739
Motorola, Inc 8300
Movado Watch Agency, Inc 9545
Multnomah Trunk and Bag Co 8382
Munsingwear, Inc 8197, 8198, 10275, 11525, 11940
Mystic Foam Corp 9536
Naken, M. I., Co 11885

PRICE STABILIZATION, OFFICE OF—Continued Page
Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

National Bedding Co 9597
National Pressure Cooker Co 8693
National Production Co 8490
National-Rose Co 8389
Nesco, Inc 11517
New York Knitting Mills, Inc 5359
Newland, Schneeloch & Piek, Inc 10831, 10837
Newman, I., & Sons, Inc 8666
Noma Electric Corp 13022
Norfolk Mattress Co., Inc 8702
North Star Woolen Mill Co 2989, 3240, 3315, 10038
Northern Electric Co 7807
Novick, Dan & Co 10182
Nutone, Inc 8715, 11751
O-Cedar Corp 8770
Ohio Mattress Co 8776
Oklahoma Clothing Manufacturers, Inc 8060, 11528
Ollendorff Watch Co., Inc 8652
Olympic Knitwear, Inc 6216, 9101
Olympic Radio & Television, Inc 8025, 11404
Oneida Ltd 8405, 11550, 11700
Onondaga Pottery Co 7798, 9916
Orders Mattress Co., Inc 8017, 11403
Orrville Bedding Co 9598
Oshkosh Trunks & Luggage 7178
Oster, John, Mfg. Co 11888
Pabst Bedding Co., Inc 10179
Pacific Mills 8947
Packard-Bell Co 8696
Padi Clothes, Inc 3952
Palm Beach Co 3597, 11879
Palmer Bedding Co 8634
Paper Art Co., Inc 8301, 11529
Patent Watch Co., Inc 7904, 10797
Paul, Richard, Inc 8391, 11630
Paul BonHop, Inc 9538
Peerless Wolfson Co 8659
Pendleton Woolen Mills 7791, 10290, 10617
Perrin, J. B., & Co., Inc 8644
Personal Products Corp 8406, 11528
Peter Pan Foundations, Inc 7787
Peterson, A. 5., Manufacturing Co 7297
Pettit Bedding Co 8653
Philco Corp 8719, 11527, 12374
Phillips-Jones Corp 5091, 11400
Phoenix Hosiery Co 5093, 13167
Phoenix Table Mat Co 10175
Pichel, Inc 8647
Pickard, Inc 8491, 11881
Pioneer Suspender Co 5093, 8683
Platt Luggage Inc 9585
Playskool Mfg. Co 9830
Pliantform Foundations, Inc 8779
Poole Silver Co., Inc 13021
Poole Sterling Co., Inc 13025
Porter Chemical Co 8777, 12521
Portis Style Industries Inc 7805, 12287
Posner, Dr. A., Shoes, Inc 7852
Powers & Pittenger 10285
Premier Knitting Co., Inc 5361
Prince Gardner Co 7169
Proctor Electric Co 7786, 11089
Products Packaging, Inc 9611
Propper-McCallum Hosiery Co., Inc 7185, 11523
Pyramid Rubber Co 7901, 10618
Quality Bedding Co 9589
Quality Mattress, Inc 8012
R. & K. Dress Co 8635
Radio Corp. of America; RCA Victor Division 12670
Rainfair, Inc 5088
Rainfashions Fifth Avenue, Inc 7300
Randolph Furniture Co., Inc 8489
Ransburg, Harper J., Co., Inc 9738
Red Wing Potteries, Inc 7738, 10169
Reed & Barton Corp 7078, 8304, 9338
Reefer-Galler, Inc 7077
Regal Ware, Inc 8388
Reid, Rose Marie, Inc 6976
Renoir of California, Inc 8380
Rentner, Maurice, Inc 8650
Resistol Hats, Inc 6975
Revere Clock Co 8774

90000—52——36

PRICE STABILIZATION, OFFICE OF—Continued — Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Revere Copper and Brass Inc., Rome Manufacturing Company Division 10498
Revere Knitting Mills, Inc 11884
Rex Cutlery Corp 9338
Rexbilt Leather Goods, Inc 11940
Rice Stix, Inc 8667, 11529
Ripon Knitting Works 9587, 12521
Ritts, Herbert, Inc 8709
Rival Manufacturing Co 8019, 10275
Riverside Bedding Co 7792
Robeson Cutlery Co., Inc 10180
Rogers, A. H., & Co 7176, 10673
Rogers, Charles P., & Co., Inc 10277
Rosanna Knitted Dress Corp 8212, 10797
Rose Brothers, Inc 6470, 10473, 10672
Rose-Derry Co., et al 8665, 11878, 12292
Rosedale Knitting Co 6205, 9101
Rosenblums, Inc 7097, 10273
Rosenfeld, Harry, Inc 9588, 12756
Rosmarin, A 8758, 10839
Roth, Chester H., Co., Inc 5364, 6779, 9337
Royal Bedding Co 8211, 8639, 8712, 10279, 11404, 11877
Royal China, Inc 7741, 10169
Royal Haeger Lamp Co., Inc 9605
Rubon Woodfinishing & Products Co., Inc 8485, 11528
Rumpp, C. F., & Sons 9105
Sagner's, A., Son, Inc 4627, 11747
St. Marys Woolen Mfg. Co 10499
St. Thomas, Inc 9917
Salem Clock Co 10500
Salisbury Co 7099, 11938
Salmanson & Co., Inc 6476, 11401
Salt Lake Mattress & Manufacturing Co 7177
San Hygene Upholstery Co 9543
Sanitary Products Corp 8761, 10586
Sanson Hosiery Mills, Inc 8692, 12288
Santa Anita Potteries 7796, 9916
Sapphire Hosiery Corp 4900
Sawyer's, Inc 8703
Sayour, Elias, & Co 5085
Schaefer Tailoring Co 8068
Schaper, W. H., Mfg. Co., Inc 9613
Schoeneman, J., Inc 4151
Schwartz, Wm., & Co., Inc 7801, 11877
Scott Radio Laboratories, Inc 7103
Sealy Mattress Co 5185, 6974, 7740, 7846, 7848, 8400, 8657, 9607, 9609, 10168, 10171, 10797, 10830, 11402, 13174.
Seamprufe, Inc 8648, 13172
Seattle Quilt Mfg. Co., Inc 8208
Seller, M., Co 9608
Seller Lowergart Co 8195
Semca Clock Co., Inc 11516
Serta of Chicago, Division of Schultz & Hirsch Co 7808, 10796
Sessions Clock Co 8764
Seth Thomas Clocks, Division of General Time Corp 7855
Shanhouse, W., Sons, Inc 8028
Shannon Hosiery Mills, Inc 7750, 10796, 11524
Shannon Manufacturing Co 7908, 11402
Shapiro, Alfred, Inc 8946
Sheldon Co 7912
Shetland Co., Inc 9745
Shwayder Bros., Inc 7079, 8025, 11403, 11527
Siegel, Jacob, Co 11886
Sil-O-Ette Underwear Co 7185
Silk Skin, Inc 5849
Silver City Glass Co 8700
Simmons Co 5090, 11519
Simon Mattress Manufacturing Co 7896
Simpson Imports, Inc 7075
Sitroux, Inc 6218, 10585
Skyway Luggage Co 5957
Slumber Products Corp 8698
Slumberland Products Co 7075
Smallman, I., and Sons Co 8773
Smith, Frank, Silver Co 8012, 11699
So-Lo Marx Rubber Co 8487, 11406
Sohmer and Co., Inc 8007, 10675
South Bend Bait Co 7862
Southern Spring Bed Co 7800, 10617
Southwest Mattress Co 9606

PRICE STABILIZATION, OFFICE OF—Continued — Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Sparks-Withington Co 7857
Speidel Corp 7914, 9750
Springfield Leather Products Co 10194
Spurgeon Hosiery Corp 7861
Standard Knitting Mills, Inc 8492, 10585
Stardust, Inc 4899, 10833
Stein, A., & Co 7296, 9338, 12238
Steinway & Sons 7182
Stetson, John B., Co 6152
Stetson, John B., Co.; Mallory Division 5362
Stetson, John B., Co., Inc.; Millinery Division 5363
Steubenville Pottery Company 7290, 9747
Stieff Co 9786
Stove, Roy C., & Co 9735
Strauss, Levi, & Co 7802, 9615
Stromberg-Carlson Co 8071
Stylepark Hats, Inc 7845, 10617
Sun Co 9599
Sunbeam Corp., Electric Appliance Division 12760
Surprise Brassiere Co., Inc 8386, 11405
Susquehanna Waist Co 7746
Sutton, O. A., Corp 7902
Swan Rubber Co 9535, 11750
Swank, Inc 5178, 5958, 11400, 11530
Swing-A-Way Mfg. Co 7900
Tabin-Picker & Co 8704
Tailored Junior Dress Co., Inc 7172
Tausend, Felix, & Sons 7752
Taylor, Smith & Taylor Co 8654, 10474
Taylor Bedding Mfg. Co 5184
Telechron, Inc 8026, 12519
Textile Mills Co 5188
Textron, Inc 8210, 15250
Theodor, Inc 8636
Thomas, Ray, Co 7838
Thomas Shirt, Inc 8070, 11528
Toastmaster Products Division, McGraw Electric Co 8207
Toni Lee, Ltd 8859
Towle Manufacturing Co 7089, 8749
Toy Tinkers, Inc 10285
Treo Co., Inc 8018, 11552
Tresor, Inc 8705, 11882
Tricolator Co., Inc 8638
Trifari, Kruseman & Fisbel, Inc 9534
Trifari, Krussman & Fishel, Inc 6473
Trimount Clothing Co., Inc 5181, 9936
Tri-State Plastic Molding Co., Inc 11515
Tru Balance Corsets, Inc 6208, 9101
Trundle Bundle Products Co 6213
Union Underwear Co., Inc 6204, 8074, 12522
United Mills Corp 7909, 11402
United States Bedding Co 7749, 7849, 10796
United States Rubber Co 10287, 11878
United States Spring Bed Co 8392, 11405
Universal Potteries, Inc 10173, 11527, 13173
Vacheron & Constantin-Le Coultre Watches, Inc 7748
Van Raalte Co., Inc 8393, 8757, 11846
Vanity Fair Mills, Inc 6259, 11749
Vassar Co 7087, 7911, 10672
Velvet Tissue Products Co., Inc 8768
Venus Foundation Garments, Inc 8662
Von Schrader Mfg. Co 11467
W. B. Foundations, Inc 8395
Wadsworth Watch Case Co., Inc 8001, 9541, 11406, 13172
Wagner, E. R., Mfg. Co 10496
Wagner Mfg. Co 12293
Wallace, R., & Sons Mfg. Co 7840, 9749, 11749
Waltham Watch Co 10830
Wamsutta Mills 6005, 11088, 13168
Warren Leather Goods Co 7084
Warren-Wells Co 8858, 11404
Washington Steel Products, Inc 9340
Wayne Knitting Mills 7297, 10473
Weaver Pres-Kloth Co 7909, 11402
Weber Lifelike Fly Co 8656
Wedgwood, Josiah, & Sons, Inc 7090, 11550
Weigell, A. & Son, Inc 8390
Weil of California, Inc 8013, 10798, 12754
Weinreich Bros. Co 8050
Weiss, Louis, Umbrellas, Inc 8753
Welch, W. W., Co 11066, 12207
Welmaid Products, Inc 8069

PRICE STABILIZATION, OFFICE OF—Continued — Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Wembley, Inc 5084
West Bend Aluminum Co 8948
Westclox Division of General Time Corp 8641
Western Electric Corp 8863
Western Garment Co 10834
Westinghouse Electric Corp 7755, 8767, 11551, 12520
Television-Radio Division 8383, 12373
Westmoreland Glass Co 7837, 10473
Wheary, Inc 7734
White Stag Mfg. Co 6208, 12209
Whitney, W. F., Co., Inc 8500
Wile, M., and Company, Inc 6258, 9337
Wilmington Hosiery Mills, Inc 8021, 10675
Wilson and Jansen 8661
Wimbledon Shirt Co., Inc 8500
Winer Manufacturing Co., Inc 7788, 10274
Winship Co., Inc 8708
Winsted Hardware Mfg. Co 13024
Wiss, J., and Sons Co 5141, 8944
Wolfe & Lang, Inc 8203
Wolff Products Co 8011, 11524, 12208
Wolverine Supply & Mfg. Co 8714, 11090
Wonder Products Co 8781
Wonder-Rest Corp 9104
Wood Mfg. Co 9744
Wooster Rubber Co 7747, 11089
Worcester Royal Porcelain Co., Inc 6969, 7789, 10273, 10274, 10288
Wuest, Adam, Inc 7859, 10617, 12208
Wurlitzer, Rudolph, Co 12294
Yolande Corp 5183
Youthcraft Creations, Inc 6981
Zenith Radio Corp 8718

PRINTING OFFICE. *See* Government Printing office.

PRIORITIES ADMINISTRATION, ADVISORY COMMITTEE ON, membership; Economic Stabilization Agency, added 1129

PRIORITIES AND ALLOCATIONS:
Delegations of authority to various agencies performing functions with respect to, to issue regulations, etc. *See* Defense Production Administration; *and* National Production Authority.
Functions respecting; modification on establishment of Defense Production Administration, Executive order respecting. *See* Presidential documents.
Meats, allocation of; delegation of authority by Secretary of Agriculture. *See* Agriculture Department.
Military freight and United States mail, transportation; priority. *See* Defense Transportation Administration.
Priorities system and orders. *See* Defense Minerals Administration; International Trade, Office of; *and* National Production Authority.
Transportation and storage, priorities and allocations in connection with; Executive order respecting. *See* Presidential documents.

PROCLAMATIONS. *See* Presidential documents.

PROCUREMENT:
See also Contracts.
Armed services joint procurement. *See* Defense Department.
Army procurement procedure. *See* Army Department.
By Air Force Department; procedures. *See* Air Force Department.
By Atomic Energy Commission. *See* Atomic Energy Commission.
Defense electric power projects; requests for procurement assistance in connection with. See Defense Electric Power Administration.
For national defense; functions under Defense Production Act, Executive order respecting. *See* Presidential documents.
Government procurement. *See* General Services Administration.
Mineral; metals, and other raw products, procurement for Government use or resale. *See* Emergency Procurement Service; *and* General Services Administration.

PROCUREMENT—Continued — Page

Supplies and services, etc. *See* General Services Administration; *and* Post Office Department.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC ASSISTANCE BUREAU:
Assistance to States, revision 4545
Approval of State plans for public assistance and certification of grants 4545
Review and audits 4546
Organization, delegation of authority, places at which information may be secured, revision 4595

PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION:
Surplus property; certain lands in Camp Shelby, Miss., transfer of jurisdiction to Department of Agriculture for administration by Forest Service 10093

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR:
Contracts, Government:
Defense production pools. Government contracts with; exemption from stipulation of section 1 (a) of Public Contracts Act requiring that contractor be manufacturer or regular dealer in materials, supplies, etc., under contract 5847
Handicapped workers; stipulations in Government contracts respecting issuance of certificates for employment of. *See main heading* Wage and Hour Division.
Procurement of certain canned fruits and vegetables for Armed Forces:
Exemption from certain provisions of Walsh-Healey Public Contracts Act, for contracts awarded on or before December 1, 1951 4943, 9290
Extension of effective period, proposed 12707
Stipulations as to minimum wages, etc 9287
Minimum wage determination, for various industries:
Battery; notice of hearing 5074
Canvas products; notice of hearing 5873
Dental goods and equipment manufacturing 3185
Envelope; notice of hearing 4147
Flour and cereal preparations; notice of change of hearing date 553
Paper and pulp; notice of hearing 5658
Photographic and blueprinting equipment and supplies; notice of hearing 10951, 11394
Tobacco; notice of hearing 11457

PUBLIC DEBT BUREAU: *See* Treasury Department.

PUBLIC HEALTH SERVICE:
See Freedmen's Hospital.
Aircraft, engaged in foreign and interstate traffic; quarantine regulations respecting. *See* Quarantine.
Authority, delegations of:
See also Organization and procedure
By Federal Security Agency Administrator to designated officials, to process applications under National Production Authority Order M–4 with respect to hospital and health facility construction, other than Veterans' Administration and military hospitals, and all other health and sanitation programs:
Chief, Division of Civilian Health Requirements 5821
Executive Officer for Administration 5821
Surgeon General 5821
Civil Service regulations respecting PHS employees. *See* Personnel.
Commissioned officers. *See* Personnel.
Construction of hospitals, and health and sanitation facilities. *See* Authority, delegations of; *and* Hospitals.
Fellowships, internships, training:
Fellowships:
Duration 2706
Termination 2706, 6391
Traineeships, National Heart Institute:
Duration 2706
Termination 2706, 6391
Food, served on board land, sea or air conveyance; interstate quarantine regulations respecting. *See* Quarantine.
Foreign quarantine, regulations respecting. *See* Quarantine.

PUBLIC HEALTH SERVICE—Continued Page

Forms and procedures. *See* Organization and procedure.
Grants for survey, planning, and construction of hospitals:
Personnel employed in State and local programs assisted by grants-in-aid, merit system policies of PHS for administration of (Appendix B); standards for evaluating compliance with regulations 2152
Procedures, forms. *See* Procedures and forms.
State plan, administration of; construction applications, proviso respecting modifications in processing assurances required from applicants 2152
Heart Institute, National; traineeships, duration and termination of 2706, 6391
Hospitals:
Construction, authority respecting; to PHS officials under National Production Authority Order M-4 5821
Grants for survey, planning, and construction of hospitals. *See* Grants; *and* Procedures and forms.
Positions in PHS hospitals for student laboratory technicians; exclusion from provisions of Federal Employees Pay Act and Classification Act and stipends for 5199, 5200
Housing in critical defense housing areas, functions under Defense Housing and Community Facilities and Services Act in connection with; Executive order respecting. *See main heading* Presidential documents.
Information and records, availability of; general provisions 4544
Information, clinical and non-clinical, disclosure of; to PHS officers and employees, upon court order, etc. 4544
Records; limitations on release and public inspection of 4544
Response to subpoena or other compulsory process 4544
Interstate quarantine, regulations respecting. *See* Quarantine.
Officers. *See* Personnel.
Organization and procedure:
Organization and functions 1912
Advisory bodies and conferences 1914
Delegations of authority, description of:
By the Federal Security Administrator to Public Health Service; to supervise Freedmen's Hospital, to perform functions under Water Pollution Control Act, and to perform vital statistics functions 1913
By the President to Federal Security Administrator, to specify ports of entry 1913
By the Surgeon General to designated officials, to perform various described functions 1913, 5628
Field Organization 1919
State Services Bureau, Kansas City, Kans.; address corrected 5629
General organization 1912
Location of offices 1913
Major functions 1912
Organization, described 1912
Hospitals, Marine; redesignation as U. S. Public Health Service hospitals 6889
Medical Services, Bureau of 1916, 5629
National Institutes of Health 1918
State Services, Bureau of 1917
Surgeon General, Office of 1915
Procedures and forms 5629
Biological products; licenses for products and establishments 5631
Brushes, shaving and lather, interstate shipment of 5631
Carrier sanitation, interstate 5630
Civil service positions 5629
Claims for damages 5629
Commissioned Corps, Regular and Reserve; application, examinations and appointment, etc 5629
Gifts, acceptance on behalf of United States 5629
Grants:
For hospital survey and planning 5637
For research 5632
For training, instruction, and traineeship 5632
To States for health services 5639

PUBLIC HEALTH SERVICE—Continued Page

Organization and procedure—Continued
Procedure and forms—Continued
Hospitals:
Administration and development of hospital construction program 5638
Application for hospital construction funds 5638
Grants for hospital survey and planning 5637
Plans and construction, hospital 5637
Interstate transportation:
Brushes, shaving and lather, interstate shipment of 5631
Carrier sanitation, interstate 5630
Quarantine, interstate 5637
Medical care of various persons (seamen, Coast Guard personnel, Red Cross personnel, lepers, drug addicts, etc.) 5633
Public inquiries 5630
Quarantine:
Foreign 5635
Aircraft 5636
Importation of certain things 5637
Penalty procedures 5637
Persons 5636
Vessels 5635
Interstate 5637
Radium, loans of, for cancer research or treatment 5633
Research:
Grants for 5632
Research fellowships 5632
Sanitation, interstate carrier 5630
Vital statistics, collection of 5630
Water pollution control 5629
Personnel:
Civil Service regulations respecting PHS employees:
Competitive service, certain positions excepted from (Schedule A) 7309
Student laboratory technicians, positions in PHS hospitals for; exclusion from provisions of Federal Employees Pay Act and Classification Act and stipends for 5199, 5200
Commissioned officers:
Dependent parents, determinations of status of, for purposes of basic allowance for quarters 5479
Disloyalty, separation on grounds of; Executive order respecting. *See main heading* Presidential documents.
Promotions; prescription of numbers in grade during fiscal year beginning July 1951 10464
Quarters allowances for members of uniformed service under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.
Travel and transportation allowances:
Allowances (Appendix A); changes in classification of listed areas 1237
Controlling regulations; "Joint Travel Regulations" 2725
Instructions, administrative, by Surgeon General 2725
Redesignation of headnote 2725
Merit system policies of Service for administration of personnel employed in State and local programs assisted by grants-in-aid. *See* Grants.
Procedures and forms. *See* Organization and procedure.
Psittacine birds, importation and interstate shipment of; quarantine regulations respecting 10464, 10465, 11604, 11605
Quarantine:
Foreign quarantine:
Air commerce regulations:
Airports of entry; redesignation as international airports 2468
Customs airport; redesignation as international airport 2468
Documents for clearance of aircraft departing from one area for another; general declaration and air cargo manifest:
Disposition of copies by aircraft commander; copy of each sent to headquarters port in lieu of delivery to customs officer at place of entry 11689
Extra copies (two) prepared when carrying merchandise, other than residue cargo, between mainland and Puerto Rico 11689

PUBLIC HEALTH SERVICE—Continued Page

Quarantine—Continued
Foreign quarantine—Continued
Air commerce regulations—Continued
Documents for entry, aircraft commander's general declaration:
Baggage list 2468
Crew manifest 2023
Passenger manifest 2023
Entry and clearance; clearance required for residue cargo or merchandise destined to or through Puerto Rico 11689
International airport; redesignation 2468
Scheduled airlines:
Clearance of aircraft departing from any area for another; required when carrying residue cargo or merchandise destined to or through Puerto Rico 11689
Entry of aircraft coming from one area into another; required when carrying merchandise in bond (deletion) 11689
Scope and definitions; applicability, deletion of "Philippine Islands" 2468
Psittacine birds; importation of and disposition of excluded birds 10464, 11604
Yellow fever, period of immunity for 11654
Interstate quarantine:
Conveyances, land and air:
Equipment and operation:
Construction plans; submittal 259, 2038
Food-handling facilities; railway conveyances 259, 2038
Toilet and lavatory facilities 259, 2038
Wastes, discharge of:
Air conveyances 259, 2038
Highway conveyances 259, 2038
Railroad conveyances 259, 2038
Water systems; constant temperature bottles 259, 2038
Food:
Ice; source and handling 260, 2038
Source of food and drink; identification and inspection 259, 2038
Special food requirements 259, 2038
Toilet and lavatory facilities; use by food-handling employees 260, 2038
Operation. *See* Equipment and operation.
Servicing areas:
Conveniences, employee 259, 2037
Disposal of human wastes 259, 2037
Drainage 259, 2037
Water equipment:
Cleaning and bactericidal treatment; deletion 258, 2037
Outlets for nonpotable water 259, 2037
Potable water; source and use:
Treatment aboard conveyances; approval 258, 2037
Water for drinking and culinary purposes; general requirement 258, 2037
Psittacine birds; permit from State health department and provision for declaration of "area of infection" by Surgeon General 10465, 11605
Vessels:
Food:
Ice; source and handling 260, 2038
Source of food and drink; identification and inspection 259, 2038
Special food requirements 259, 2038
Toilet and lavatory facilities; use by food-handling employees 260, 2038
Sanitation facilities and conditions:
Ice, drinking fountains, etc 259, 2037
Potable water systems 258, 2037
Records and information, availability of; general provisions. *See* Information and records.
Traineeships. *See* Fellowships, internships, training.
Vessels; interstate quarantine regulations respecting. *See* Quarantine.
Water, potable, on board land, sea or air conveyances; interstate quarantine regulations. *See* Quarantine.
Yellow fever, period of immunity for 11654

PUBLIC HOUSING ADMINISTRATION: Page

Authority, delegations of:
See also Organization description and final delegations of authority.
To Commissioner from Housing and Home Finance Administrator respecting various functions:
Community facilities and services 12236
Construction, under National Production Authority Order M-4 and CMP Regulation 6 5720, 6008, 7687, 8254
Defense housing 12236
To various officials from Public Housing Commissioner. *See* Organization description and final delegations of authority.
Community facilities and services, delegation of authority respecting; by Housing and Home Finance Administrator to Commissioner and his designees 12236
Construction, multi-unit residential housing, by Federal, State or local agencies; delegations of authority respecting:
To Commissioner, by Housing and Home Finance Administrator:
Under NPA CMP Regulation 6 7687, 8254
Under NPA Order M-4 5720, 6008
Revocation 7687
To PHA officials:
Development, Assistant Directors for (Field Organization); authority under NPA Order M-4 6324
Revocation 8254
Development, Deputy Assistant Commissioner for; authority under NPA CMP Regulation 6 8255
Field office directors, authority under NPA Order M-4 6324
Revocation 8254
Low Rent Housing, Assistant Commissioner for; interim delegation of authority to handle appeals respecting construction under NPA Order M-4 6324
Defense housing, delegation of authority respecting; by Housing and Home Finance Administrator to Commissioner and his designees 12236
Disposition of temporary war and veterans' housing by sale, transfer, removal, etc.: Executive order respecting. *See main heading* Presidential documents.
Organization description and final delegations of authority:
Central Office:
Administrative and Fiscal Division:
Comptroller:
Releases from liens of mortgages held by the Government in connection with certain programs; authority to execute 9203
Service of process in connection with debtor-employee, acceptance of, testifying respecting, etc 1922
Administrative Assistant to Comptroller 1922
Office Services Branch, Director; authorization to negotiate purchases up to $500 without advertising for bids 8502
Attesting officers; Director, Office Services Branch, Administrative Assistant to Legal Division, and Director and Assistant Director, Production and Document Control Branch 5626
Development, Deputy Assistant Commissioner for; interim delegation of authority respecting multi-unit residential construction under NPA CMP Regulation 6 8255
Field Operations Division; redesignation and reorganization 7108
Interim delegations:
Development, Deputy Assistant Commissioner for; authority with respect to multi-unit residential construction under NPA CMP Regulation 6 8255
Low Rent Housing, Assistant Commissioner for; authority to handle appeals respecting construction under NPA Order M-4 6324
Operations, Assistant and Deputy Assistant Commissioners for; redelegation of authority formerly vested in Assistant Commissioners of Field Operations 7108

PUBLIC HOUSING ADMINISTRATION—Continued Page

Organization description and final delegations of authority—Continued
Central Office—Continued
Low Rent Housing, Assistant Commissioner for; interim delegation of authority to handle appeals respecting construction under NPA Order M-4 6324
Operations Division:
Assistant Commissioner for Operations, responsibilities respecting Operations Division and Field Offices for designated headquarters and jurisdictions 7108, 10139
Editorial changes in connection with redesignation and redelegation of authority 7108
Interim delegation to Assistant and Deputy Assistant Commissioners for Operations; redelegation of authority formerly vested in Assistant Commissioners for Field Operations 7108
Field organization:
Attesting officers; Chief and Assistant, Production and Document Control Sections 5959
Development, Assistant Directors for; authority respecting multi-unit residential construction by Federal, State or local organization under NPA Order M-4 6324
Revocation 8254
Field Office Attorneys; acceptance of service of process in connection with debtor-employee, testifying respecting, etc 1923
Field Office Directors:
Construction, multi-unit residential, by Federal, State or local organization, under NPA Order M-4, authority to act upon applications for 6324
Revocation 8254
Farm Labor Camps and other properties transferred to PHA from Secretary of Agriculture; authority respecting 1922
Federally owned projects:
Leases and use permits for sites, authority to renew and extend 650, 3241
War housing projects in decontrolled areas, authority to approve rent increases in 5823
Locally owned projects initiated on or before March 1, 1949:
Certificates regarding assistance contract and loan interest rate, authority to execute on behalf of PHA 203
Contributions contracts, annual, authority to execute on behalf of PHA after Presidential approval 6480
Land, excess, which becomes unnecessary to operation of project; authority to approve conveyance or other disposition by Local Authority 9451
Physical completion notices, authority to execute and issue 650
Requisition agreements, authority to execute 8254
Projects initiated after March 1, 1949:
Budgets, annual operating, and revisions of; authority to approve 5626
Certificates regarding assistance contract and loan interest rate, authority to execute on behalf of PHA 203
Construction contracts, authority to approve on behalf of PHA 6481
Contributions contracts, annual, authority to execute on behalf of PHA after Presidential approval 6480
General depositary agreements, authority to execute on behalf of PHA 1922
Land, excess, which becomes unnecessary to operation of project; authority to approve conveyance or other disposition by Local Authority 9451
Modification of contracts for main construction, demolition, landscaping or furnishing of movable equipment, authority to approve on behalf of PHA 650, 3494
Rent schedules, authority to approve 5626
Requisition agreements, authorization to execute 8254

PUBLIC HOUSING ADMINISTRATION—Continued Page

Organization description and final delegations of authority—Continued
Field organization—Continued
Field Office Directors—Continued
Service of process in connection with debtor-employee; acceptance of, testifying respecting, etc 2900
Temporary housing under Title V, Lanham Act; authority to renew and extend leases and use permits for sites 3241
Housing managers and their assistants and aides; authority in connection with management and administration of various projects 1922
Contracts for supplies and services, amounts of, which can be executed without advertising for formal bids 12680
Greenbelt towns and limited dividend projects 12681
Defense order ratings, pursuant to NPA Regulation 4; authority to assign, to contracts and purchase orders for certain materials and supplies (effective April 1, 1951) 6481
Special delegations of authority:
Greenbelt, Maryland; Community Manager, A. W. Johnson, authorized to represent contracting officer in connection with construction, maintenance, and repair contracts exceeding $2,000 executed on designated projects 9669
Greendale Subsistence Homestead Project:
Attesting Officer, designation of Agnes B. Strong as, in respect to documents executed by Community Manager 9669
Community Manager, Walter E. Kroening, authorized to execute documents in connection with disposition of project 9669
Linda Vista Project, California, disposition of; authority of Realty Officer, Arthur B. Howell, to exercise functions of supervising or contracting officer 10506
War housing program, policy respecting rental and occupancy of dwelling units in war housing projects operated thru PHA:
Designation for use by servicemen or persons engaged in national defense activities or for other governmental purposes 9071
Tenancy agreements to be for term no longer than one month 9071
War and veterans' housing, temporary, disposition by sale, transfer, removal, etc.; Executive order respecting. *See main heading* Presidential documents.

PUBLIC ROADS BUREAU:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 8509
Claimant under DPA Administration Order 1 with respect to highway construction, maintenance, etc.:
Designation of Secretary of Commerce to act as claimant agency for programs under 4914
Redelegation of authority by Under Secretary of Commerce for Transportation respecting 6405
Construction and maintenance of highways; redelegation of authority by Under Secretary of Commerce for Transportation to process applications under NPA Order M-4 with respect to, and to authorize construction schedules under CMP Regulation No. 6 6405, 7893, 10042
Federal-Aid Road Act, regulations under 387
PUERTO RICO. *See* Territories and possessions.
PULASKI (GENERAL) MEMORIAL DAY, 1951; proclamation respecting. *See* Presidential documents.

Q

QUARANTINE:
Animals and animal products, imported. *See* Animal Industry Bureau; *and* Canal Zone Government.
Guam; quarantine regulations of Office of Territories. *See* Interior Department.
Overtime services in connection with quarantine activities. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.
Plants and plant products. *See* Entomology and Plant Quarantine Bureau.
Public health regulations. *See* Public Health Service.

QUARTERS: Page
Allowances for:
For Federal personnel on foreign duty, functions in connection with; Executive order respecting. *See* Presidential documents.
Under Career Compensation Act; Executive order respecting. *See* Presidential documents.
Canal Zone, quarters for employees in; Executive order respecting. *See* Presidential documents.

R

RADIO ADVISORY COMMITTEE, INTERDEPARTMENTAL, responsibility to Telecommunications Advisor to President; Executive order respecting. *See* Presidential documents.
RADIO COMMUNICATIONS OR TRANSMISSION OF ENERGY, emergency control of; Executive order respecting. *See* Presidential documents.
RADIO OPERATORS, AMATEUR; cooperation requested to make frequencies available for certain military maneuvers. *See* Federal Communications Commission.
RADIO SERVICES, regulations respecting. *See* Federal Communications Commission.

RAILROAD AND AIRLINE WAGE BOARD:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 11137
Compliance and enforcement programs, authority of Board to conduct programs 11314
Organization and functions 10010, 11314
Temporary Railroad Wage Panel. *See main heading* Economic Stabilization Agency.
Wages, salaries, and other compensation of employees subject to provisions of Railway Labor Act (GRASR 1) 12196
Applicable regulations, listed; adoption of regulations issued previously by Economic Stabilization Administrator, and Wage and Salary Stabilization Boards 12197
Prior orders, decisions, or rulings; application 12197

RAILROAD RETIREMENT BOARD:
Hearing to determine whether employees employed by Portland General Electric Company have been employees of Portland Electric Power Company under the Railroad Retirement and Railroad Unemployment Insurance Acts 3544
Railroad Retirement Act, benefits under:
Annuity beginning date, effect of service performed through or after designated beginning date by individuals whose eligibility is based upon permanent disability 7982
Compensation, definition and creditability of:
Creditability of compensation; allowances in lieu of vacation 4827
Definition of compensation paid for services performed 4827
Railroad Unemployment Insurance Act:
Employers' contributions and contribution reports, refunds:
Claim by fiduciary 8797
Form of claim 8797
Registration and claims for benefits, day of registration 6504
Unemployment insurance account in Treasury of United States; balance of credit 12325

RAILROADS:
Amortization accounting for emergency carrier facilities; hearing respecting. *See* Interstate Commerce Commission.
Benefits of employees under Railroad Retirement Act and Railroad Unemployment Insurance Act. *See* Railroad Retirement Board.
Construction of facilities for domestic transportation, storage and port facilities. *See* Defense Transport Administration.
Construction services, price control regulation respecting. *See* Price Stabilization, Office of.
Emergency boards to investigate labor disputes involving; Executive orders respecting. *See* Presidential documents.
Employee benefits. *See* Railroad Retirement Board.

RAILROADS—Continued Page
Interstate commerce regulations respecting rail carriers. *See* Interstate Commerce Commission.
Operation, rates, etc. *See* Interstate Commerce Commission.
Radio service for railroads. *See* Federal Communications Commission.
Railroad land grants, regulations respecting. *See* Land Management Bureau.
Unemployment insurance account. *See* Railroad Retirement Board.
Wage stabilization for employees subject to provisions of Railway Labor Act. *See* Economic Stabilization Agency; *and* Railroad and Airline Wage Board.
REAL ESTATE BOARD, FEDERAL, abolishment of; Executive order respecting. *See* Presidential documents.
REAL ESTATE CREDIT:
Critical defense housing areas. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
Regulation X. *See* Federal Reserve System.

RECIPROCITY INFORMATION COMMITTEE:
Trade agreement with Venezuela; hearing in connection with concessions on certain listed articles 8869

RECLAMATION BUREAU:
Alaska, Eklutna project; withdrawal of lands for 9324
Authority, delegation of:
By Chief Counsel to Regional Counsel; legal review of certain matters:
Dedications of public lands in Columbia Basin project 9051
Sales of government-owned lands in Columbia Basin project for farm units 11283
By Commissioner to various officials:
District Managers, and project heads, with respect to water conservation, utilization and reclamation projects:
Acquisition of lands and water rights in connection with water conservation and utilization and reclamation projects 8850
Contracts not in excess of $200,000 in connection with 8850
Sales of government-owned lands in Columbia Basin project for farm units; authority of District Manager to execute deeds of conveyance 11283
Regional Directors:
Acquisition of lands and water rights in connection with water conservation and utilization and reclamation projects 8850
Contracts not in excess of $200,000 in connection with 8850
Administration of withdrawn and acquired lands; authority respecting licenses for grazing, agricultural and recreational uses, and rights of way, and permits for removal of sand, gravel or building materials 8850
Contracts for sale of electric power and energy 732
Director, Region I:
Dedications of public lands in Columbia Basin project 9051
Sales of government-owned lands in Columbia Basin project 11283
Supply Officer, Boulder Canyon project, with respect to contracts for supplies or services not in excess of $50,000 8379
By Director of Region I to officers in charge of projects in Region I:
Appraisals of land 1641
Contracts for purchases or exchange, etc., of lands 1641
Leasing for grazing or agricultural uses 1641
Licenses, certain 1641
Permits, certain 1641
From Secretary of Interior to Commissioner:
Dedications of public lands in Columbia Basin project 9051
Investigation, construction and operation of Federal Reclamation Projects, farm unit plats in connection with Columbia Basin and other reclamation projects 6693

RECLAMATION BUREAU—Continued Page

Authority, delegation of—Continued
From Secretary of Interior to Commissioner—Con.
Respecting findings required under Columbia Basin Project Act as condition for execution of recordable contracts 9700
Columbia Basin project:
Delegations of authority respecting to various officials 6693, 9051, 9700, 11283
Sale of farm units with preference rights to veterans 1904, 9320, 12626
Construction activities, Federal and State regulatory proceedings affecting; delegation of authority by GSA to Secretary of Interior to represent interests of Bureau 1155
Contracts:
Acquisition of certain lands and water rights; authority respecting contracts not over $200,000 8850
Contracts and purchases under First War Powers Act, Title II; delegation of authority from Secretary of Interior respecting 11974
Rehabilitation and betterment work in reclamation projects by water users organizations, contracts for; delegation of authority from Secretary of Interior 2813
Supplies or services for Boulder Canyon project; authority of Project Supply Officer to execute contracts not in excess of $50,000 8379
Direction and supervision of affairs of Bureau by Under Secretary of Interior 11788
Electric power and energy, contracts for sale of, authority of Regional Directors respecting 732
Exchange of private lands severed from Yuma auxiliary project, Arizona, for public lands within project; applications for certificates of eligibility 1561
Farm units, in Columbia Basin project, sale of:
Authority respecting. *See under* Authority.
Sale with preference rights to veterans 1904, 9320, 12626
Flood control, operation by Bureau of Heart Butte Dam and Reservoir, N. Dak., in interest of; regulations. *See main heading* Engineers, Corps of.
Irrigation and reclamation projects:
Entry on lands in Federal reclamation projects, applications for 10893
Exchanges of private lands severed from Yuma auxiliary project, Arizona, for public lands within project; applications for certificates of eligibility 1561
Rehabilitation and betterment in reclamation projects by water users' organizations; delegation of authority in connection with contracts for 2813
Reservation, townsite; Klamath project, California 584
Reservoirs; Region 7, public use regulations respecting permits, (boating, dock, etc.), compliance with laws, safety requirements and rules, traffic rules, fires, camping, hunting and fishing, sanitation, etc 5499
Sale of farm units with preference rights to veterans, Columbia Basin project, Washington:
East Columbia irrigation district; fulltime farm units 12626
Quincy-Columbia irrigation district:
Full-time units 1904
Part-time farm units 9320
Water made available, rental charges, operation and maintenance charges, etc.:
Gila project, Yuma Mesa division, Arizona:
Annual water charges 584
Desert land entries and private lands; irrigation charges 1561
Farm units, etc.; charges for irrigation and predevelopment 1560
Operation and maintenance charges; annual charges:
Orland irrigation project, California 9324
Yuma Auxiliary irrigation project, Arizona 3666
Yuma irrigation project, Arizona-California 5882
Rental charges:
Annual water charges:
Gila irrigation project, Yuma Mesa division, Arizona 584
Klamath irrigation project, Oregon-California 1904
Missouri Basin project, Meeker Canal, Frenchman-Cambridge unit 3364

RECLAMATION BUREAU—Continued Page

Irrigation and reclamation projects—Continued
Water made available, rental charges, operation and maintenance charges, etc.—Continued
Rental charges—Continued
Annual water charges—Continued
Orland irrigation project, California 9324
Rapid Valley project, South Dakota 5884
Riverton irrigation project, Wyoming 3666
Shoshone project, Heart Mountain division, Wyoming 11283
Tucumcari irrigation project, New Mexico 8379
Yuma irrigation project, Arizona-California 5882
Temporary rental charges:
Boise project, Payette division, Idaho 3365
Kendrick irrigation project, Wyoming 2164
Surplus water; notice of approved rates and terms, Rapid Valley project, South Dakota 5884
Yakima project, Rosa division, Washington:
Availability of water and construction charge 325
Delivery to designated land 1904
Withdrawal of land for various projects:
See also main heading Land Management Bureau:
Eklutna project, Alaska; withdrawal of public lands for 9324
First form reclamation withdrawals:
Boise project, Idaho 8942
Colorado River Storage project, Colorado 584
Missouri River Basin project, Wyoming 8746
North Platte project, Nebraska 8942
Salt River project, Arizona 5500
Shoshone project, Montana 5883, 8746
Notice for filing objections to withdrawal 5883
Reclamation and irrigation projects. *See* Irrigation and reclamation projects.
Representation of interests of Bureau in proceedings involving carriers, before Federal and State regulatory bodies; delegation of authority to Secretary of Interior by General Services Administrator respecting 1155
Reservoirs; Region 7, public use regulations respecting permits (boating, dock, etc.), compliance with laws, safety requirements and rules, traffic rules, fires, camping, hunting and fishing, sanitation, etc 5499
Townsite, reservation of lands for; Klamath project, California 584
Veterans performance:
Applications for entry on lands in Federal reclamation projects 10893
Sale of farm units, Columbia Basin project, Washington:
East Columbia irrigation district; full-time farm units 12626
Quincy-Columbia irrigation district:
Full-time units 1904
Part-time farm units 9320
Water conservation and utilization projects; authority respecting acquisitions of lands and water rights 8850
Withdrawal of lands in connection with various projects. *See* Irrigation and reclamation projects.
Yuma Auxiliary project, Arizona:
Exchange of private lands for public lands within project 1561
Operation and maintenance charges 3666

RECONSTRUCTION FINANCE CORPORATION:
Administrator and Deputy Administrator:
Authorization to manage affairs and business of certain companies:
United States Commercial Co 5190
War Damage Corporation 5374
Functions, compensation, etc., under Reorganization Plan No. 1 of 1951 3690, 3825
Board of Directors; abolition, transfer of functions, etc., under Reorganization Plan No. 1 of 1951 3690, 3825
Civil defense; certification of projects to Commission by Federal Civil Defense Administration for purpose of obtaining financial assistance 8342
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 881

RECONSTRUCTION FINANCE CORPORATION—Con. Page

Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
India, transportation of supplies to; advance of funds in connection with activation and operation of vessels, Executive order respecting. *See main heading* Presidential documents.
Loans:
Loan Policy Board; establishment, membership, functions, etc., under Reorganization Plan No. 1 of 1951 3690, 3825
Review board to make recommendations on loans totaling in excess of $100,000, under Reorganization Plan No. 1, of 1951 3690, 3825
Under Defense Production Act; Executive order respecting. *See main heading* Presidential documents.
Procurement of tin. *See* Tin.
Reorganization Plan No. 1 of 1951 affecting 3690, 3825
Rubber Reserve, Office of; price control, ceiling prices for certain sales by. *See main heading* Price Stabilization, Office of.
Tin, procurement of, for Government use or resale; delegation of authority to Chairman of Corporation by General Services Administrator respecting 2170
United States Commercial Company; management of corporation by Administrator of Reconstruction Finance Corporation 5190
War Damage Corporation; amendment of charter to provide for administration of Corporation by Administrator and Deputy Administrator of Reconstruction Finance Corporation 5374

RECORDS, INFORMATION, ETC.:
Army records; authority to release information from. *See* Army Department.
Claimants and beneficiaries of Veterans' Administration, general provisions; information concerning. *See* Veterans' Administration.
Classified information, Interior Department official records; availability of. *See* Interior Department.
Contracts, secret and confidential, in connection with military procurement. *See* Army Department.
Credit unions, disclosure of information. *See* Federal Credit Union Bureau.
Employee (Federal) records, availability to President's Committee on Internal Security and Individual Rights; Executive order respecting. *See* Presidential documents.
Exports, information respecting; restriction on disclosure. *See* Customs Bureau.
Foreign Service reporting on certain data; Executive order respecting. *See* Presidential documents.
Historical material in Franklin D. Roosevelt Library, preservation and use. *See* General Services Administration.
Housing and rent records, confidential, restrictions on use; Executive order respecting. *See* Presidential documents.
Interior Department records, availability. *See* Interior Department.
Loyalty cases, record of; directive to departments and agencies respecting. *See* Loyalty Review Board.
Manganese, records in connection with conservation and distribution. *See* Defense Minerals Exploration Administration.
Military information, safeguarding of. *See* Air Force Department.
Military records, correction of; personnel review boards. *See* Army Department.
Navy Department records, availability of. *See* Navy Department.
Official information, classification, transmission, and handling of; Executive order respecting. *See* Presidential documents.
Price control; base period and other records, under ceiling price regulations. *See* Price Stabilization, Office of.
Public employment offices; confidential records. *See* Employment Security Bureau.
Public health records and information, availability of. *See* Public Health Service.

RECORDS, INFORMATION, ETC.—Continued Page

Radioisotopes; records respecting. *See* Atomic Energy Commission.
Security exchange records. *See* Securities and Exchange Commission.
Statistical information, improvement of; Executive order respecting. *See* Presidential documents.
Student immigrants; records of admission, etc. *See* Immigration and Naturalization Service.
Tax returns in connection with investigation of organized crime:
Executive orders respecting. *See* Presidential documents.
Regulations respecting. See Internal Revenue Bureau.
Telephone and telegraph companies; preservation of certain records. *See* Federal Communications Commission.
Trade-ins, allowed as part of down payments on articles covered by Regulation W; preservation of records respecting 9287
Wage and hour records to be maintained by employer. *See* Wage and Hour Division.
Wage and self-employment records, maintenance in connection with old-age and survivors insurance. *See* Old Age and Survivors Insurance Bureau.

RECREATION AND CHILD-CARE CENTERS, in critical defense housing areas, functions relating to; Executive order respecting. *See* Presidential documents.
RECREATIONAL DEMONSTRATION PROJECTS, functions with respect to; Executive order respecting. *See* Presidential documents.
RED CROSS MONTH, 1951; proclamation respecting. *See* Presidential documents.
REGISTRATION, under Universal Military Training and Service Act:
Proclamations respecting. *See* Presidential documents.
Regulations respecting. *See* Selective Service System.
RELIEF PACKAGES, for foreign countries. *See* Economic Cooperation Administration.

RENEGOTIATION BOARD:
Exemptions:
Foreign purchases not exceeding $10,000 in aggregate amount 12616
"Stock item" exemption 11955
Extension of time for filing financial statements under Renegotiation Act of 1951 10323
Segregation of renegotiable sales, instructions to prime and subcontractors on 11954

RENEGOTIATION OF CONTRACTS:
By various agencies; Executive orders respecting. *See* Presidential documents.
Military renegotiation, joint regulations of armed forces. *See* Defense Department.
Renegotiation Act of 1951; administration of. *See* Renegotiation Board.
Renegotiation article in listed defense contracts. *See* Defense Department.

RENT CONTROL. *See* Economic Stabilization Agency; Housing Expediter, Office of; *and* Rent Stabilization Office.

RENT STABILIZATION OFFICE (formerly Office of Housing Expediter):
Authority, delegations of:
Delegations of final authority. *See* Organization.
Housing Expediter, Office of; confirmation and validation of delegations of authority of 7631
To Director, from Economic Stabilization Administrator:
Authority to conduct compliance and enforcement program 8559, 11314
Veterans preference in sale or rental of housing accommodations under Title I of Housing and Rent Act of 1947, authority respecting 10752, 12023
Compliance and enforcement program:
Compliance Policy Committee, establishment in Economic Stabilization Agency; representation on 8560
Delegation of authority to Director to conduct program 8559, 11314
Policies 8559

RENT STABILIZATION OFFICE—Continued — Page

Enforcement program. *See* Compliance and enforcement program.
Local Advisory Boards; creation, organization and procedures before — 12226
Organization:
Adoption, ratification, confirmation, and validation of Office of Housing Expediter actions and delegations of authority — 7631
Establishment in Economic Stabilization Agency — 7630
Organization description, including delegations of final authority:
Delegation of authority to Director by Economic Stabilization Agency with respect to veterans' preference in sale or rental of housing accommodations — 10752, 12023
Designation of Deputy Director, General Counsel, and Deputy Director for Administration as Acting Director of Rent Stabilization in absence of Director — 9829
Designation of employees to take oaths — 7631, 8029
Procedure:
Adjustments, administrative review and interpretations, procedures for — 11923
Appeals to Director of Rent Stabilization — 7589, 11925
Director of Rent Stabilization and Office of Rent Stabilization to be substituted for Housing Expediter and Office of Housing Expediter — 7589
Landlords' petitions, tenants' applications and action on Area Rent Director's initiative — 11923
Miscellaneous provisions and definitions — 11928
Recodification, note — 11910
Before Local Advisory Boards — 12226
Hearings:
By Director of Rent Stabilization — 12226
By Local Advisory Board — 12226
Miscellaneous provisions and definitions — 12226
Recodification — 12224
Rules of practice and procedure (RP 1); recodification, note — 13125, 13133
Rent control regulations under Housing and Rent Act of 1947, as amended:
For regulations issued prior to transfer of functions, see main heading Housing Expediter, Office of.
Hotel regulation (RR 3):
See also Rooming houses and other establishments, controlled rooms in.
General regulations:
Adjustments and other determinations — 9661
Decrease in minimum services, furniture and equipment; decrease existing on effective date — 9725
General:
Difference in rental value — 9725
Effective date of rent increases — 9725, 12619
Definitions and scope — 9659
Enforcement — 9664
Evasion — 9664
Maximum rents — 9661
Posting maximum rents; 45 days to comply with posting requirements — 12619
Minimum services — 9660, 9725
Procedure — 9664
Prohibition against higher than maximum rents — 9660
Deposits based on prior rental practices — 9725
Request by tenant to change to weekly or monthly term of occupancy — 9725
Registration and records — 9663
Filing registration statements — 10699
Removal of tenant — 9663
Exceptions — 9725
Notice required — 11452
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Alabama:
Dothan-Ozark — 11273
Huntsville — 10087
Alaska — 10087
Arizona; Tucson — 12619
Arkansas:
Benton — 12091
Camden — 12091

RENT STABILIZATION OFFICE—Continued — Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Hotel regulation (RR 3)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
California:
Barstow — 11604
Marysville-Chico — 13144
Richmond-Vallejo — 10789
San Diego — 10087
San Luis Obispo — 9984
Santa Maria — 9984
Colorado; Colorado Springs — 12397
Connecticut; Hartford-New Britain — 11273
Delaware; Dover — 11111
Florida; Cocoa-Melbourne — 12091
Georgia:
Augusta — 9664
Hinesville — 12230
Marietta — 12397
Valdosta — 9984
Idaho:
Arco-Blackfoot-Idaho Falls — 9664
Mountain Home — 12513
Illinois:
Joliet — 12397
Paducah, Kentucky — 10636
Quad Cities — 9664, 11453
Indiana:
Columbus — 10491
Evansville-Henderson — 11274
Huntsville — 12702
Indianapolis — 11238, 12702
Iowa; Quad Cities — 9664
Kansas:
Topeka — 11274
Wichita — 12619
Kentucky:
Fort Knox — 12019
Paducah — 10636
Louisiana; Alexandria-Leesville — 11274
Maine; Presque Isle — 12397
Maryland; Baltimore — 11274
Mississippi; Biloxi-Pascagoula — 12619
Missouri; Rolla-Waynesville — 9984
Nebraska; Sidney — 11238
New Jersey; Mount Holly-Lakehurst — 11274
New Mexico; Roswell — 11111
North Carolina:
Fayetteville — 13144
Jacksonville — 10491
New Bern — 10491
Oklahoma; Lawton — 12091
Pennsylvania:
Lebanon — 13144
Philadelphia — 11238
South Carolina; Aiken — 9664, 11453
South Dakota; Rapid City-Sturgis — 11274
Tennessee; Clarksville — 12091
Texas:
Borger — 9664
Brazoria — 9664
Florence-Killeen-Temple — 10789, 12792
Mineral Wells — 11111
Mount Pleasant-Daingerfield — 12019
Utah; Tooele — 10087
Correction — 11737
Virginia:
Blackstone — 11274
Newport News-Hampton — 11604
Norfolk-Portsmouth — 10991
Washington:
Bremerton — 10491
Kennewick-Pasco-Richland — 11238
Housing rent regulation (RR 1) — 12879
General provisions:
Adjustments and other determinations — 12884
Decrease in minimum services, furniture, furnishings, equipment and space — 12887
Decrease of maximum rent, grounds for — 9641, 12888
Effective date of rent increases — 9642

RENT STABILIZATION OFFICE—Continued — Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
General provisions—Continued
Adjustments and other determinations—Con.
Increase of maximum rent, grounds for — 7586, 12885
Adjustment for increases in costs and prices — 7586, 9641
Major capital improvement after maximum rent date — 9641
Orders where facts are in dispute, in doubt, or not known — 9641
Proceedings, miscellaneous — 12888
Public housing; revocation — 7587
Definitions and scope — 12880
Applicability — 9639
Area Rent Director — 9639
Decontrolled housing accommodations — 9639, 12881
Hotel accommodations — 7586
Director — 9639
Director of Rent Stabilization and Office of Rent Stabilization substituted for Expediter and Office of Housing Expediter — 7586
Effective date of regulation — 9639
Exempted housing accommodations — 12880
Hotels, motor courts, rooming houses and other establishments, accommodations in — 9639
Resort housing — 9639
Leases and other rental agreements — 12882
Maximum rent date — 7586, 9639
Rooming house — 9639
Waiver of benefit void — 12882
Enforcement — 12891
Evasion — 12891
Maximum rent — 9640, 12883
Effective date — 10694
On controlled hotel accommodations in cities of 2,500,000 population or over; revocation — 7586
On or after June 30, 1947; other than hotel accommodations, deletion — 7586
On termination of lease; housing subject to mortgage insured by Federal Housing Commissioner — 12504
Minimum services (space, furniture, equipment, etc.) — 12883
Prior orders, continuance of — 12891
Procedure — 12891
Prohibitions against higher than maximum rents — 12882
General prohibition — 9639
Maximum rents — 9640
Registration — 12890
Exceptions from registration requirements; housing owned and constructed by governmental agencies — 9642
Puerto Rico Defense-Rental Area, housing in — 12891
Registration statement — 9641, 9642
Filing statement — 10694
Removal of tenant; grounds, eviction certificate, notice, exceptions, etc — 7587, 11211, 11429, 12889
Puerto Rico Defense-Rental Area, controlled housing in — 12891
Recodification, note — 12865, 12879
Schedule A, Defense Rental Areas — 12892
Amendments affecting listed areas:
Alabama:
Dothan-Ozark — 11261
Huntsville — 10065
Alaska — 10065
Arizona; Tucson — 12616
Arkansas:
Benton — 12043
Camden — 12043
California:
Alameda County — 8167, 9071, 9457, 9803, 10694
Barstow — 11569
Marysville-Chico — 10979, 13133
Monterey Bay — 11107
Richmond-Vallejo — 10773, 12426
Sacramento — 8167, 12426

RENT STABILIZATION OFFICE—Continued — Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
Schedule A, Defense Rental Areas—Continued
Amendments affecting listed areas—Continued
California—Continued
San Diego — 10065
San Francisco Bay — 9457, 9803, 11107
San Jose — 8167
San Luis Obispo — 9959
Santa Maria — 9959
Colorado:
Colorado Springs — 12388
Denver — 9803
Connecticut; Hartford-New Britain — 11261
Delaware; Dover — 11107
Florida; Cocoa-Melbourne — 12043
Georgia:
Atlanta — 9803
Augusta — 9642
Hinesville — 12223
Marietta — 12388
Valdosta — 9959
Idaho:
Arco-Blackfoot-Idaho Falls — 9642
Mountain Home — 12504
Pullman-Moscow — 8168
Illinois:
Chicago — 8167, 8528, 9071, 9803, 10247, 10487, 10694, 11107, 11481, 11859, 12426, 12780.
Joliet — 8528, 12388
Paducah, Kentucky — 10628
Quad Cities — 7822, 9642
Rockford — 12426
Indiana:
Columbus — 10487
Evansville-Henderson — 11261
Indianapolis — 11211
Iowa; Sioux City — 8168
Kansas:
Topeka — 11261
Wichita — 12616
Kentucky:
Fort Knox — 11998
Paducah — 10628
Louisiana:
Alexandria-Leesville — 11261
Monroe-Bastrop — 7822, 9960
Ruston — 10694
Maine; Presque Isle — 12388
Maryland; Baltimore — 11261
Massachusetts:
Boston — 12981
Cambridge — 12981
Fall River-Brockton — 12981
Michigan:
Detroit — 8168, 8528, 9071, 9457, 9804, 10487, 11107, 11481, 11859, 12426
Grand Rapids-Muskegon — 9071, 9804, 11107
Kalamazoo-Battle Creek — 10695, 12426, 12780
Monroe — 11859
Minnesota; Minneapolis-St. Paul — 12426
Mississippi; Biloxi-Pascagoula — 12616
Missouri:
Rolla-Waynesville — 9959
St. Louis — 11859
Sedalia — 11481
Montana; Miles City — 9071
Nebraska; Sidney — 11211
New Jersey:
Atlantic County — 12638
Mount Holly-Lakehurst — 11262
Northeastern — 8168, 11107
Southern — 8168, 11261
Trenton — 7822, 11481, 12426, 12780
New Mexico; Roswell — 11107
North Carolina:
Burlington — 10487
Chapel Hill — 10487
Fayetteville — 13133
Greensboro — 10487
Jacksonville — 10487
New Bern — 10487
Raleigh — 9894

RENT STABILIZATION OFFICE—Continued — Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
Schedule A, Defense Rental Areas—Continued
Amendments affecting listed areas—Continued
Ohio; Canton — 7822
Oklahoma; Lawton — 12043
Pennsylvania:
Harrisburg — 13133
Lebanon — 13133
Philadelphia — 11211
Pittsburgh — 8528
Williamsport — 8738
South Carolina; Aiken — 9642, 12388
South Dakota; Rapid City-Sturgis — 11262
Tennessee:
Clarksville — 12043
Nashville — 9072
Oak Ridge — 12689
Texas:
Borger — 9642
Brazoria — 9642
Florence-Killeen-Temple — 10773, 12780
Mineral Wells — 11107
Mount Pleasant-Daingerfield — 11998
Utah; Tooele — 10065
Virginia:
Newport News-Hampton — 11569
Norfolk-Portsmouth — 10979
Washington:
Bremerton — 10487
Kennewick-Pasco-Richland — 11211
Puget Sound — 9804, 10497, 11481
Walla Walla — 11211
West Virginia; Mineral County — 10206
Wyoming; Sheriden — 9960
Classes of housing accommodations under control; addition to schedule — 9642
Corrections — 10881
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof — 12899
Amendments affecting listed areas:
California:
Richmond-Vallejo, revocation — 10773
San Diego — 10065
Kentucky, Union County — 7588
Louisiana; Alexandria-Leesville — 7588
Maine, Bangor; correction — 8167
Massachusetts:
Boston — 12081
Cambridge — 12981
Fall River-Brockton — 12981
Missouri; Sedalia — 11481
New Jersey:
Atlantic County — 12638
Southern — 7588
Pennsylvania; Williamsport — 8738
Tennessee; Oak Ridge — 12689
West Virginia; Mineral County — 10206
Special area, regulation; Atlantic County, N. J.:
General regulations:
Adjustments and other determinations, general considerations:
Adjustment for increases in costs and prices — 7586
Maximum rent, grounds for increase of — 7586
Public housing; revocation — 7587
Decontrolled housing; hotel accomodations — 7586
Maximum rent; recontrolled housing accommodations in hotels, revocation — 7586
Removal of tenant — 7586
Eviction certificate, evictions not inconsistent with regulations; occupancy by landlord or by landlord's parent or child — 11211
Notice required — 11429
Restrictions on removal of tenant; accommodations entirely sublet — 11211
Rent Stabilization, Director of, and Office of, substituted for Expediter and Office of Housing Expediter — 7586
Revocation — 12638

RENT STABILIZATION OFFICE—Continued — Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2) — 13133
General provisions:
Adjustments and other determinations — 13139
Decrease in minimum services, furniture, furnishings, equipment and space — 9636, 13141
Decrease of maximum rent, grounds for — 9637, 13142
Increase of maximum rent, grounds for — 7586, 9636, 13139
Effective date of rent increase — 9636, 12615
Orders where facts are in dispute, in doubt, or unknown — 9637
Proceedings, miscellaneous — 13142
Public housing; revocation — 7587
Definitions and scope — 13134
Applicability — 9634
Area Rent Director — 9634
Area Rent Office — 9634
Decontrolled housing accommodations — 13126
Rooms in hotels — 7586, 9634
Effective date of regulation — 9634
Election by landlords to bring housing under regulation — 13136
Exempted housing accommodations — 13135
Accommodations subject to Rent Regulation 3—Hotel Regulation — 9634
Resort housing — 9634
Leases and other rental agreements — 13136
Maximum rent date — 7586, 9634
Other establishments — 9634
Rent Regulation 3—Hotel Regulation — 9634
Rent Stabilization, Director of, and Office of, substituted for Expediter and Office of Housing Expediter — 7586
Room — 9634
Rooming house — 9634
Waiver of benefit void — 13136
Enforcement; civil action and inspection — 13144
Evasion — 13144
Maximum rents — 9635, 13138
On controlled hotel rooms in cities of 2,500,000 population or more, revocation — 7586
On or after July 1, 1947; other than rooms in hotels, deletion — 7586
On termination of lease; rooms subject to mortgage insured by Federal Housing Commissioner — 12504
Meals with room — 13139
Minimum services (space, furniture, equipment, etc.) — 13138
Prior orders, continuance of — 13144
Procedure — 13144
Prohibitions against higher than maximum rents — 13137
General prohibition — 9635
Maximum rents — 9635
Terms of occupancy:
During June, 1942, revocation — 9634
Maximum rent date later than March 1, 1942; revocation — 9634
Orders on basis of rental practices in comparable accommodations; revocation — 9634
Orders where facts are in dispute or in doubt — 9634, 9635
Request by tenant to change term of occupancy; revocation — 9634
Request by tenant to change to weekly or monthly term of occupancy — 9634
Rooms in hotels in cities of 2,500,000 population or more, deletion — 7586
Registration and records — 13143
Posting maximum rents — 7587, 9638, 9861, 12616
Records; existing records — 9638
Registration statements — 9638, 10694
Removal of tenant; grounds, eviction certificate, notice, exceptions, etc — 9637, 13142
Notice required — 11429
Rent fixed by order of Director — 13139
Recodification, note — 13125, 13133

RENT STABILIZATION OFFICE—Continued — Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2)—Continued
Schedule A, Defense Rental Areas:
Amendments affecting listed areas:
Alabama:
Dothan-Ozark — 11261
Huntsville — 10065
Alaska — 10065
Arizona; Tucson — 12616
Arkansas:
Benton — 12043
Camden — 12043
California:
Alameda County — 8167, 9071, 9457, 9803, 10694
Barstow — 11569
Marysville-Chico — 10979, 13125
Monterey Bay — 11107
Richmond-Vallejo — 10773, 12426
Sacramento — 8167, 12426
San Diego — 10065
San Francisco Bay — 9457, 9803, 11107
San Jose — 8167
San Luis Obispo — 9959
Santa Maria — 9959
Colorado:
Colorado Springs — 12388
Denver — 9803
Connecticut; Hartford-New Britain — 11261
Delaware; Dover — 11107
Florida; Cocoa-Melbourne — 12043
Georgia:
Atlanta — 9803
Augusta — 9639
Hinesville — 12223
Marietta — 12388
Valdosta — 9959
Idaho:
Arco-Blackfoot-Idaho Falls — 9639
Mountain Home — 12504
Pullman-Moscow — 8168
Illinois:
Champaign-Vermilion, correction — 8238
Chicago — 8167, 8528, 9071, 9803, 10247, 10487, 10694, 11107, 11481, 11859, 12426, 12780
Joliet — 8528, 12388
Paducah, Kentucky — 10628
Quad Cities — 7822, 9639
Rockford — 12388, 12426
Indiana:
Columbus — 10487
Evansville-Henderson — 11261
Indianapolis — 11211
Iowa; Sioux City — 8168
Kansas:
Topeka — 11261
Wichita — 12616
Kentucky:
Fort Knox — 11998
Paducah — 10628
Louisiana:
Alexandria-Leesville — 11261
Monroe-Bastrop — 7822, 9960
Ruston — 10694
Maine; Presque Isle — 12388
Maryland; Baltimore — 11261
Massachusetts:
Boston — 12931
Cambridge — 12931
Fall River-Brockton — 12931
Michigan:
Detroit — 8168, 8528, 9071, 9457, 9804, 10487, 11107, 11481, 11859, 12426
Grand Rapids-Muskegon — 9071, 9804, 111107
Kalamazoo-Battle Creek — 10695, 12426, 12780
Monroe — 11859
Minnesota; Minneapolis-St. Paul — 12426
Mississippi; Biloxi-Pascagoula — 12616
Missouri:
Rolla-Waynesville — 9959
St. Louis — 11859
Sedalia — 11481
Montana; Miles City — 9071
Nebraska; Sidney — 11211

RENT STABILIZATION OFFICE—Continued — Page
Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2)—Continued
Schedule A, Defense Rental Areas—Continued
Amendments affecting listed areas—Continued
New Jersey:
Mount Holly-Lakehurst — 11262
Northeastern — 8168, 11107
Southern — 8168, 11261
Trenton — 7822, 11481, 12426, 12780
New Mexico; Roswell — 11107
North Carolina:
Burlington — 10487
Chapel Hill — 10487
Fayetteville — 13125
Greensboro — 10487
Jacksonville — 10487
New Bern — 10487
Raleigh — 9804
Ohio; Canton — 7822
Oklahoma; Lawton — 12043
Pennsylvania:
Harrisburg — 13125
Lebanon — 13125
Philadelphia — 11211
Pittsburgh — 8528
Williamsport — 8738
South Carolina; Aiken — 9639, 12388
South Dakota; Rapid City-Sturgis — 11262
Tennessee:
Clarksville — 12043
Nashville — 9072
Oak Ridge — 12689
Texas:
Borger — 9639
Brazoria — 9629
Florence-Killeen-Temple — 10773, 12780
Mineral Wells — 11107
Mount Pleasant-Daingerfield — 11998
Utah; Tooele — 10065
Virginia:
Blackstone — 11262
Newport News-Hampton — 11569
Norfolk-Portsmouth — 10979
Washington:
Bremerton — 10487
Kennewick-Pasco-Richland — 11211
Puget Sound — 9804, 10487, 11481
Walla Walla — 11211
West Virginia; Mineral County — 10206
Wyoming; Sheridan — 9960
Classes of housing accommodations under control; addition to schedule — 9638
Corrections — 10881
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
California:
Richmond-Vallejo, revocation — 10773
San Diego — 10065
Kentucky, Union County — 7588
Louisiana; Alexandria-Leesville — 7588
Maine, Bangor; correction — 8167
Missouri, Sedalia — 11481
New Jersey, southern — 7588
Pennsylvania; Williamsport — 8738
Tennessee, Oak Ridge — 12689
West Virginia; Mineral County — 10206
Veterans preference:
Authority respecting sale or rental of housing accommodations under Title I of Housing and Rent Act of 1947 — 10752, 12023
Under Housing and Rent Act of 1947, as amended; revision — 10879
Chapter redesignation — 10879
Definitions; "veterans of World War II or their families", "nonveterans", "housing accommodations", etc — 10879
Parent of member of armed forces who lost life in service since September 16, 1940 eligible for veterans' preference — 10879
Enforcement. *See* Violations, enforcement, and penalties.

RENT STAFFILIZATION OFFICE—Continued Page
Veterans preference—Continued
Under Housing and Rent Act of 1947, as amended; revision—Continued
Exceptions ---- 10081
Preference:
In sale or rental of housing completed after June 30, 1947, and before June 30, 1952 ---- 10879
Preference periods ---- 10879
Public offering ---- 10880
Violations, enforcement, and penalties ---- 10880

RESEARCH AND DEVELOPMENT BOARD:
Civil Service Rules; certain positions excepted from competitive service (Schedule A) ---- 8229

RESERVES, of various services. *See specific services.*

RETIREMENT:
Government employees. *See* Civil Service Commission.
Railroad employees. *See* Railroad Retirement Board.

RIGHTS OF INDIVIDUALS:
See also Discrimination.
President's Commission on Internal Security and Individual Rights; Executive orders respecting. *See* Presidential documents.

ROADS BUREAU. *See* Public Roads Bureau.

ROADS AND HIGHWAY PROJECTS, in critical defense housing areas, functions relating to; Executive order respecting. *See* Presidential documents.

ROOSEVELT (FRANKLIN D.) LIBRARY, preservation and use of historical material in Library. *See* General Services Administration.

RUBBER RESERVE, OFFICE OF. *See* Reconstruction Finance Corporation.

RUINS, HACKBERRY AND GOODMAN POINT, inclusion in Hovenweep National Monument; proclamation respecting. *See* Presidential documents.

RURAL ELECTRIFICATION ADMINISTRATION:
Authority, delegations of, to various officials:
Assistant Administrator; authority to approve contracts between REA borrowers and parties other than United States ---- 11244
Deputy Administrator; authority to approve contracts between REA borrowers and parties other than United States ---- 11244
Engineering Division, Chief, and assistants:
Authority to approve contracts between REA borrowers and parties other than United States for telephone facilities ---- 11974
Authority with respect to release of liens upon motor vehicles ---- 695
Special Assistant to Administrator; authority to approve large power contracts between REA borrowers in Region IX and consumers under certain conditions ---- 6639
Contracts, approval of; authority respecting. *See* Authority, delegations of.
Farms in United States without central station electric service; allotment for loans in forty-eight States:
During fiscal year ending June 30, 1951 ---- 3312
During fiscal year ending June 30, 1952 ---- 10957
Funds for loans for projects in various States and Territory of Alaska; allocation of:
Alabama 733, 3312, 5081, 7728, 7731, 7732, 7886, 7887, 10955
Alaska ---- 2409, 9825, 10957, 10958
Arizona ---- 735, 7726, 7892, 9824, 10954, 12321, 12322
Arkansas ---- 235, 238, 734, 736, 2583, 4624, 5082, 7725, 7732, 7890, 10957
California ---- 733, 7730, 7889, 11841
Colorado ---- 235, 1608, 5082, 7886, 7888, 9823, 10958, 11841
Florida ---- 236, 734, 2582, 4623, 5081, 5083, 7725, 7728, 7887, 10953, 12323
Georgia ---- 236, 238, 2409, 2411, 2584, 3312, 5082, 7725, 7726, 7730, 10954, 11841, 11842, 12322
Idaho ---- 236, 5080, 7886, 7888, 7890
Illinois ---- 237, 734, 2409, 2410, 5079, 5081, 7889, 7891, 9825
Indiana ---- 237, 238, 735, 2411, 2583, 4624, 5083, 7730, 7883, 7885, 7889, 7890, 9824, 9825, 10956, 10957, 12323
Iowa ---- 235, 734, 1607, 1609, 3312, 3313, 3314, 4623, 7724, 7887, 7888, 9825, 10954, 12321
Kansas ---- 235, 732, 735, 2582, 2583, 3312, 4623, 5081, 5083, 7727, 7883, 7886, 9823, 9824, 10954, 10955, 10959, 11841, 11842, 12321

RURAL ELECTRIFICATION ADMINISTRATION—Con. Page
Funds for loans for projects in various States and Territory of Alaska; allocation of—Continued
Kentucky ---- 235, 733, 735, 2410, 3313, 4625, 7730, 7731, 7884, 7885, 7891, 9826, 10955, 11841, 11842, 12321
Redesignation of projects in connection with transfer of properties and financial arrangements between Fleming-Mason Rural Electric Coop. Corp., Clark Rural Electric Coop. Corp., and Grayson Rural Electric Coop. Corp ---- 7729, 7783
Louisiana ---- 1608, 1609, 2583 3313, 4625, 5082, 7725, 7888, 7891, 7892, 12322
Maine ---- 237, 5080, 7725, 9824, 10955, 10956, 12321
Maryland ---- 735, 2410
Massachusetts ---- 10958
Michigan ---- 236, 237, 2582, 4624, 5081, 5083, 7727, 7884, 9824, 10959, 12322, 12323
Minnesota ---- 238, 732, 735, 737, 1610, 2411, 3313, 3314, 4625, 5079, 5080, 5081, 5083, 7726, 7727, 7731, 7886, 7887, 9825, 9826, 10954, 10956, 10958, 10959, 11841, 11842, 12321, 12322
Mississippi ---- 235, 1607, 2410, 4624, 5079, 5083, 7726, 7731, 7883, 7884, 7889, 9825, 10954
Missouri ---- 235, 734, 737, 1608, 1609, 2582, 2583, 4624, 5079, 5080, 7731, 7883, 7884, 7885, 7886, 7890, 10953, 10954, 10956, 12321, 12322
Montana ---- 236, 737, 2410, 4623, 7725, 7727, 7730, 7731, 7887, 7888, 10957
Nebraska ---- 733, 2409, 4623, 5080, 7727, 7888, 7889, 7891, 12322
Nevada ---- 12322
New Mexico ---- 236, 237, 238, 733, 736, 737, 1607, 1608, 2582, 2583, 3313, 5080, 7727, 7730, 7884, 7891, 9823, 9824, 9825, 10954, 11841, 12321
New York ---- 1609, 7725, 7885, 7889
North Carolina ---- 736, 1610, 2410, 2411, 2581, 2582, 4624, 7724, 7728, 7884, 7887, 7890, 10955
North Dakota ---- 237, 238, 736, 2409, 1410, 7885, 7887, 7890, 7891, 11841, 12323
Ohio ---- 734, 736, 2582, 2584, 4624, 7726, 7889, 10954, 10955, 11842
Oklahoma ---- 235, 1610, 3312, 4625, 7726, 7730, 7731, 7885, 9823, 10953
Oregon ---- 237, 733, 736, 738, 3313, 5079, 7728, 9824, 10955, 10957, 10959
Pennsylvania ---- 1609, 7726, 7883, 10956
South Carolina 733, 734, 1608, 1609, 2411, 4623, 5081, 5083, 7725, 7727, 7731, 7883, 7884, 7888, 9825, 10956
South Dakota ---- 236, 732, 734, 737, 5080, 5081, 7725, 7730, 9823, 10958, 11841, 11842
Tennessee ---- 733, 737, 1609, 2410, 2583, 5082, 7727, 7884, 7886, 7887, 12322
Texas ---- 235, 237, 238, 733, 734, 737, 1607, 2583, 3312, 3313, 4623, 4625, 5080, 5081, 5082, 7726, 7727, 7728, 7731, 7883, 7884, 7886, 7888, 7891, 7892, 9824, 9825, 9826, 10954, 10956, 10958, 11841, 11843, 12322
Utah ---- 2409, 2583, 5079
Vermont ---- 736, 7884, 7891
Virginia ---- 236, 736, 1609, 2582, 3313, 7725, 7729 7884, 7886, 7890, 7892, 9824, 10956, 10957, 10958
Washington ---- 236, 238, 1609, 7888, 9823, 9825, 9826, 10958
West Virginia ---- 2410
Wisconsin ---- 733, 736, 1608, 1609, 2582, 3313, 4624, 5079, 7726, 7728, 7884, 7886, 7889, 7890, 7891, 7892, 9824, 10956, 10957, 10959, 11842, 12323
Wyoming ---- 1608, 2409, 5083, 7728, 7729, 7731, 9824
Motor vehicles, liens upon, release of; authority of Chief and Assistant Chiefs, Engineering Division respecting ---- 695
Plant additions by electrification borrowers; delegation of authority from Defense Electric Power Administrator of certain functions in administration of NPA Order M–50 in connection with procurement of program materials ---- 3949
Power, purchase of, contracts for; authority of Special Assistant to Administrator respecting approval of large power contracts between REA borrowers in Region IX and consumers ---- 6639
Telephone facilities, contracts and agreements for; authority of Chief and Assistant Chiefs, Engineering Division, respecting approval of ---- 11974

S

SABOTAGE, or other subversive activity. *See* Subversive activity. Page

ST. ELIZABETHS HOSPITAL:
Hospital positions fill by student or resident trainees; regulations of Civil Service Commission respecting. *See main heading* Civil Service Commission.

SALARY STABILIZATION BOARD:
Adjustments, authorized, and stabilization of salaries and other compensation (GSSR 1, Revised) ---- 12191, 12225
Effective date, postponement of ---- 12981
Supersedure of prior orders ---- 12191, 12981
Adjustments (increases, promotions, new employees, etc.) for individual employees (GSSR 3) ---- 9564
Supersedure ---- 12191, 12981
Administrative capacities. *See* Executive, administrative.
Attorneys. *See* Physicians and attorneys.
Bonuses:
Christmas and year-end; payments not directly related to profits (Int. 2) ---- 11541
Christmas or year-end bonuses not exceeding forty dollars in value in absence of prior practice (GSO 7) ---- 12717
Profit-sharing and other bonuses, payment of compensation in form of; regulation of Economic Stabilization Administrator (GSSR 2) ---- 8342
Applicability of GWR 14 in connection with payment of bonus, termination ---- 8344
Interpretation ---- 12505
Civil Service Rules; certain positions excepted from competitive service (Schedule A) ---- 6609, 7447
Compensation relationships, maintenance of; adjustments to reestablish and maintain certain customary relationships and differentials (GSO 6) ---- 11961
Supersedure ---- 12191, 12981
Compliance and enforcement program:
Compliance Policy Committee, establishment in Economic Stabilization Agency; representation on ---- 8560
Delegation of authority to Director to conduct program ---- 8559
Cost-of-living increases; extension of time limitation with regard to (GSO 1) ---- 8342
Supersedure ---- 12191, 12981
Driver-salesmen; transfer of jurisdiction to Wage Stabilization Board ---- 12916
Enforcement. *See* Compliance and enforcement program.
Engineers, professional; regularly extended workweek for (GSO 8) ---- 12788
Executive, administrative, professional, or outside salesmen capacities not represented by labor organization; persons employed in (GSSR 1) ---- 6617
See also Adjustments, authorized; *and* Sales employees.
Adjustments for individual employees; repealed ---- 9568
Extension of time limitation with regard to cost-of-living increases under section 8 ---- 8342
Supersedure ---- 12191, 12981
Foremen and supervisors, regularly extended workweek for; additional compensation (GSO 4) ---- 11447
Supersedure ---- 12191, 12981
Inter-plant inequities; adjustments in salaries and other compensation (GSO 5) ---- 11602
Supersedure ---- 12191, 12981
Organization, delegation of authority and functions ---- 4356, 5956, 9823, 11314, 13015
Panama Canal Zone, exemption of salaries and other compensation of bona fide residents employed in (GSO 3) ---- 10783
Supersedure ---- 12191, 12981
Physicians and attorneys, certain, exemption from salary stabilization; interpretation of Defense Production Act of 1950 (Int. 1) ---- 10126
Correction as to "chiropodists" and "chiropractors" ---- 10461
Professional capacities. *See* Executive, administrative, professional.
Puerto Rico and Virgin Islands, exemption of salaries and other compensation of bona fide residents and employees in (GSO 2) ---- 10017
Supersedure ---- 12191, 12981

SALARY STABILIZATION BOARD—Continued Page
Railroad and airline wages and salaries. *See main heading* Railroad and Airline Wage Board.
Sales employees:
See also Driver-salesmen; *and* Executive, administrative.
Compensation of; "outside salesmen" and employees who receive compensation in form of commissions on sales (GSSR 5) ---- 12270
Stock option and stock purchase plans (GSSR 4) ---- 11686
Supervisors. *See* Foremen and supervisors.
Virgin Islands; salaries. *See* Puerto Rico and Virgin Islands.

SALARY STABILIZATION OFFICE:
Change of name from Salary Stabilization Division ---- 5956
Organization and functions ---- 4356, 9828, 13015
Regulations issued by Board. *See main heading* Salary Stabilization Board.

SAMOA. *See* Territories and possessions.

SCARCE, STRATEGIC AND CRITICAL MATERIALS:
Excess property, foreign, fabricated from critical materials; importation of. *See* Customs Bureau.
Exploration and development of critical and strategic minerals and metals. *See* Defense Materials Procurement Agency; *and* Defense Minerals Exploration Administration.
Functions respecting strategic and critical materials under Defense Production Act; Executive order respecting. *See* Presidential documents.
Scarce materials, designation of. *See* Defense Minerals Exploration Administration; *and* National Production Authority.
Stockpiling of. *See* General Services Administration.

SCHOOL FACILITIES. *See* Educational facilities.

SCHOOL LUNCH PROGRAMS, apportionment of food assistance funds, for various States and Territories, pursuant to National School Lunch Act. *See* Agriculture Department.

SCIENCE FOUNDATION, NATIONAL. *See* National Science Foundation.

SEALS OF OFFICE:
Economic Stabilization Agency; establishment by Executive Order. *See* Presidential documents.
United States Court of Military Appeals; establishment by Executive order. *See* Presidential documents.

SEAMEN:
Coast Guard regulations respecting. *See* Coast Guard.
Foreign service regulations respecting shipping and seamen. *See* State Department.
Immigration regulations respecting. *See* Immigration and Naturalization Service.

SECRET SERVICE. See Treasury Department.

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Ackert, Harold C ---- 13110
Aeronautical Securities, Inc ---- 1838
Affiliated Fund, Inc ---- 9922
Alabama Gas Corp ---- 10395, 10757
Alabama Power Co ---- 1486, 2239, 2712, 3144, 7446, 8563, 9117, 9492
Algonquin Gas Transmission Co ---- 2950, 3417, 4778, 5594, 6262, 7525, 12625, 12739
Allegany Gas Co ---- 143, 3200, 3956, 11250, 11989
Allegheny Ludlum Steel Corp ---- 1213
Allentown-Bethlehem Gas Co ---- 436, 1102, 4160, 4821, 6483
Allied Chemical & Dye Corp ---- 8505
Allied International Investment Corp ---- 12742
Allied Mills, Inc ---- 2539
Allied Products Corp ---- 7190
Alum Rock Gas Co ---- 3200, 3956
Aluminum Co. of America ---- 5910, 6221, 7836
Amarillo Gas Co ---- 10190, 10614
Amcre Gas Utilities Co ---- 4160, 6789
American Cities Power and Light Corp ---- 1837
American Cyanamid Co ---- 9479, 10714
American Express Co ---- 11755
American & Foreign Power Co., Inc ---- 1025, 6159, 6645, 11624, 12595
American Gas & Electric Co ---- 382, 399, 959, 2040, 2615, 2646, 2992, 3498, 4991, 5303, 5856, 6549, 7954, 8504, 10568, 10911, 11289, 11462, 11731, 12499
American Gas & Electric Service Corp ---- 362, 959

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
American Installment Credit Corp 11791
American Light & Traction Co 7270, 8505
American Natural Gas Co 699, 4633, 5191, 5301, 5856, 6783, 7270, 7473, 7955, 8505, 11533
American Power and Light Co 142, 1214, 1645, 1693, 1714, 1745, 3496, 8257, 10582, 10755, 12595, 12597
American Radiator & Standard Sanitary Corp 10714
American Shares Corp 11626
American Wheelabrator & Equipment Corp 11791
Analytical Securities Corp 651
Andersen, Arthur, & Co 9492
Anderson, Harvey E 3393, 5510
Andrews, F. M 481, 3415
Appalachian Electric Power Co 4281, 4282, 4949, 5076, 5303, 5856, 6549, 13164
Arkansas Associated Telephone Co 11408, 11462, 12021
Arkansas Fuel Oil Co 12920
Arkansas Louisiana Gas Co 6411, 12740, 12920
Arkansas Natural Gas Corp 1100, 5720, 6411, 12740, 12920
Arkansas Power & Light Co 2200, 2615, 9493, 10046, 10584, 11130
Arlington Gas Light Co 4666, 5191, 12798
Ashland Oil & Refining Co 10714
Associated Electric Co 8856, 9620, 10583
Athol Gas Co 1101
Athol Gas and Electric Co 1101
Atlantic Seaboard Corp 4160, 6589
Atlas Corp 10007, 10230, 11290
Attleboro Steam and Electric Co 10681, 11197
Austin Field Pipe Line Co 241
Automatic Steel Products, Inc 12742
Axe-Houghton Fund A, Inc 4735
Axe-Houghton Fund B, Inc 4735
Axe Securities Corp 4735, 5662
Baker, Catherine E., George M., John F., Katherine M 11462, 11937
Baker, Earl W., Utilities Co 12843
Baker, Walsh & Co 11462, 11937
Baldwin-Lima-Hamilton Corp 1213
Baldwin Securities Corp 1748, 3322, 4905
Bank of Ohio Co 652
Bankers Bond & Mortgage Co 12681
Bankers Securities Corp 1160, 10142, 12681, 12742
Bankers Security Life Insurance Society 9450, 9451
Barnes, George Warren III 743
Baum, Arthur H. and Leonard 4949
Benson and Hedges 11937
Berkman Group of Debenture Holders 6588
Berman, Alfred 13164
Beverly Gas and Electric Co 3958, 4905, 6808, 7525, 10681, 11197
Binghamton Gas Works 9924, 10398
Birmingham Electric Co 4668, 5405
Blackstone Gas Co 1101
Blackstone Valley Gas and Electric Co 5884, 6807, 8101, 12325
Blue Ridge Corp 2901, 11845
Blue Ridge Mutual Fund, Inc 5887, 11845
Board of Trade of the City of Chicago 11897
Bond Research Corp 1215
Bond Stores, Inc 8787
Boston Stock Exchange 1213, 6850, 9923, 11407, 13109
Bowman Gum, Inc 10795
British Type Investors, Inc 12742
Broad Street Investing Corp 11897
Broadwall Securities, Inc 11990
Brockhouse, J., & Co., Ltd 10230
Brockton Edison Co 5884, 6807, 8101, 9063, 9621, 12325, 12444, 13113
Bullock Fund, Ltd 1838
Burley & Co 516
Burlington Mills Corp 4506
Cafferkey, Owen R 480, 3415
Cambridge Electric Co 12328
Cambridge Electric Light Co 10045, 10507, 10841, 12797
Cambridge Gas Light Co 8216, 9116, 10045, 10507, 10841, 12625
Cambridge Steam Corp 6161, 6850
Canadian Pacific Railway Co 10714
Cantrell, F. M 3937, 4509
Cape & Vineyard Electric Co 6161, 6850, 10045, 10507, 10841

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Capital Savings Plan 8996
Carbondale Gas Co 6739, 7832
Carolina Coach Co 10398, 11251
Carraher, W. H 480, 3415
Carthage Hydrocol, Inc 8102, 9274
Central Appalachian Coal Co 4282, 5076
Central Carolina Telephone Co 11408, 11462, 12021
Central Coal Co 4281, 4949
Central Illinois Public Service Co 559
Central Kentucky Natural Gas Co 5857, 7372, 9924, 10757
Central Louisiana Electric Co., Inc 1157, 2449, 7473, 12326
Central Maine Power Co 9063, 9705, 10758, 11131, 11845, 11989, 12530
Central Massachusetts Electric Co 1101
Central Massachusetts Gas Co 1101, 4666, 5191, 12798
Central Missouri Telephone Co 11408, 11462, 12021
Central Ohio Coal Co 4281, 4948
Central Power and Light Co 10399, 12682, 13111
Central Public Utility Corp 104, 10398, 11251, 12237, 12922
Central and South West Corp 2713, 3241, 9834, 10399, 10756, 12236, 12922
Central Vermont Public Service Corp 3392, 3936, 6784, 7336, 7810, 12410, 13112
Chicago Corp 5888, 13109
Chicago, Milwaukee, St. Paul & Pacific Railroad Co 1615, 1616, 3200, 3934
Christianson, Joseph P 9451
Cincinnati Stock Exchange 1213, 6697, 7578, 10714
Cities Service Co 1100, 12531, 12920, 13111
Citizens Heat, Light and Power Co 11462
Clay Investment Co 479, 3415
Clay, Lum 3415
Clift, Rhoton P 3937, 4509
Climax Molybdenum Co 4507
Cohen, Milton H 13164
Collateral Trustee Shares, Series "A" 4479
Colley, J. F 482, 3415
Columbia Broadcasting System, Inc 11407
Columbia Gas System, Inc 3936, 4160, 5857, 6589, 6767, 6809, 6984, 7372, 7758, 7835, 7953, 8101, 8162, 8163, 8724, 9293, 9449, 9923, 9924, 10188, 10189, 10190, 10398, 10399, 10614, 10757, 10910, 11093, 11408, 11532, 11533, 11790, 11937, 12206, 12445, 12599.
Columbia Gas System Service Corp 7372, 8101
Columbus and Southern Ohio Electric Co 10714
Combined Holdings Corp 7953
Combined Trust Shares (of Standard Oil Group) 7953
Commercial Controls Corp 1693
Commonwealth Investment Co 12532
Commonwealth Services, Inc 9061
Composite Bond and Preferred Stock Fund, Inc 1215
Composite Stock Fund, Inc 1215
Consolidated Electric and Gas Co 104, 960, 1970, 10398, 11251, 12237, 12922
Consolidated Natural Gas Co 698, 1485, 3022, 3499, 3957, 4735, 6782, 6984, 7337, 8413
Consolidated Vultee Aircraft Corp 10008
Consumers Gas Co 779, 2200, 2592, 10911, 11844, 12328
Continental Gas & Electric Corp 7270, 11624
Corbrey, Carter Harrison 6263
Corn Products Refining Co 1485
Cosmopolitan Hotel Co. of Dallas, Inc 517, 5910
Cumberland and Allegheny Gas Co 6809, 7835, 10189, 11532
D & Z Employees' Trust Fund 399
Dabney, Lewis M., Jr 4478
Dayton Power and Light Co 8810, 9450
Dedham and Hyde Park Gas Co 6161, 6850, 8216, 9116, 10045, 10507, 10841, 11897, 12285, 12625
Delaware Coach Co 3097
Delaware Fund, Inc 8996
Delaware Olmsted Co 4158
Delaware Power & Light Co 11897, 12529
Dempseytown Gas Co 3200, 3956
Denver Brokerage Co 557, 2902
Derby Gas & Electric Corp 6326, 7190, 10714
Detroit Edison Co 7270
Detroit Stock Exchange 1745
Diamond, Alex 12373
Dilks, W. Howard, Jr 13110

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Diversified Realty Corp 12681
Diversified Trustee Shares, Series D 11626
Dover Casualty Insurance Co 12741
Drexel & Co 11897
Duncan Ross Co 435
Du Pont De Nemours, E. I., & Co 10714
Duquesne Light Co 2614, 4361, 5028, 9619, 12599, 13110, 13164
Duval Sulpher & Potash Co 12328, 12843
East Ohio Gas Co 6783, 7337
Eastern Air Lines, Inc 8787
Eastern Edison Co., Inc 8101, 12325
Eastern Kansas Utilities Co 10396, 12681
Eastern Kansas Utilities, Inc 11462, 11937
Eastern Seaboard Securities Corp 4158
Eastern Shore Public Service Co. of Maryland 12529
Eastern Utilities Associates 3497, 5884, 6807, 8101, 9061, 9833, 12325, 13112, 13113
Easton and South Bethlehem Transportation Co 141
Easton Transit Co 141
Eberly, Orville 10189, 11532
Electric Auto-Lite Co 10714
Electric Bond and Share Co 142, 1025, 1214, 1486, 1745, 3496, 4904, 5299, 5642, 6221, 6483, 6589, 6766, 7446, 8257, 10095, 10755, 10910, 11624, 12595, 12597, 12683, 12739.
Electric Energy, Inc 5824, 6484
Elmira Water, Light and Railroad Co 12741
Embrey, L. B 481, 3415
Empire Power Corp 4158
Eno, Malcolm L 558, 2902
Equitable Gas Co 5507, 5823, 11196
Equitable Real Estate Co 5300, 6740
Equitable Securities Corp 958, 11130, 12284
Equity Corp 652, 1776, 3097, 8259, 9450, 9451, 11791
Erie Insurance Co 8259
Fall River Electric Light Co 5884, 6807, 9061, 9062, 9619, 9833, 12325, 12444, 13112
Fauble, Arthur L 744
Federal Water and Gas Corp 8503, 9753
Federal Water Service Corp 8503, 9753
Feinberg, Philip 12373
Fidelity-Philadelphia Trust Co 7953
First Guardian Securities Corp 4949
First National Bank of Boston 9061, 9833
First New York Corp 1693, 1776
Fish, Ray C 12531, 13111
Fisher, Thomas J., and Co., Inc 8259
Flatto, L T 13164
Florida Power and Light Co 5300
Founders, Inc 8809
Fox, William L 13110, 13164
Friedman, I. S 4478
Frontier Corp 871, 2539
Gair, Robert, Co., Inc 6850
Gallagher & Co 2613, 5510
Gamble-Skogmo Inc 8309
Gardner Electric Light Co 1101
Gas Service Co 5029, 5855, 6158
General Public Utilities Corp 1806, 1970, 2539, 2554, 3678, 4508, 4906, 5641, 5910, 6808, 7192, 7758, 7954, 8309, 8856, 9620, 10583, 11547, 11625, 12741, 12798, 13112.
Gentilly Development Co., Inc 240, 1776, 2415
Georgia Power Co 2239, 2712, 3144, 3958, 5076, 5640, 6892
Glidden Company 4507
Gloucester Electric Co 3958, 4905, 6808, 7525, 10681, 11197
Gloucester Gas Light Co 4666, 5191, 12798
Graham-Paige Corp 2591
Granite State Electric Co 588, 1159, 3869, 4509, 10682, 11198
Grant Utilities, Inc 4509
Green, Ralph J 12600, 13014
Green Mountain Power Corp 2047, 4280, 5507, 6009, 6010
Gulf Plains Corp 5888
Gulf Power Co 2239, 2712, 3144
Gulf Public Service Co., Inc 12326
Gulf States Utilities Co 2110
Hampton, D. W 2614, 5510
Hanrahan, Edmond M 13164
Harris, George 435
Harrisburg Gas Co 3242, 3679
Haskins & Sells 9492

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Hastings, Daniel O 12599, 13164
Haverhill Electric Co 3958, 4905, 10681, 11197
Hawkeye Casualty Co 8259
Hawley, Edwin, Co 3203
Hearn Department Stores, Inc 10142
Hecht Co 435
Hecht, O. H 1258
Herchenroether, Henry C 13110
Hickey, E. F 2198
Hicks, Mercer 1211
Higgins, Bob 2198
Hix, Mrs. Jack H 743
Home Gas Co 5857, 7372, 8163, 9924, 10399, 12599
Hope Natural Gas Co 698, 1485, 1647, 2111, 3022, 6783, 7337
Household Finance Corp 6220
Huddleston, Thomas 3545, 8809
Hunt Foods, Inc 10755
Hunt Foods of Ohio, Inc 10755
Hutchins Investing Corp 9064
Illinois Power Co 559, 5190, 5404
Income Foundation Fund, Inc 4735, 5662
Independence Fund Declarations of Trust 6160
Independence Fund Declarations of Trust and Agreement 6160
Independence Shares Corp 8996
Independence Trust Shares 8996
Indian Motorcycle Co 10230, 11290
Indian Sales Corp 10230, 11290
Indiana and Michigan Electric Co 5407, 6158, 11791, 12409
Indiana Telephone Corp 11462
Industrial Insurance Co 3097, 8259
Ingalls, Stanley H 558, 2902
Instoria, Inc 11990
International Harvester Co 4507, 10714
International Hydro-Electric System 2857, 3416, 6588
International Minerals & Chemical Corp 11790
Interstate Power Co 780, 958, 961, 1804, 1837, 2170, 3144, 8855, 9059, 10756, 11250
Investment Bond and Share Corp 10396, 11462, 11937
Investors Diversified Services, Inc 5887, 9064, 13163
Investors Syndicate of Canada, Ltd 5887
Investors Telephone Co 11408, 11462, 12021
Iowa-Illinois Gas and Electric Co 11624, 12408
Iowa Public Service Co 744, 13109
Iowa State Telephone Co 11408, 11462, 12021
Iroquois Gas Corp 3323, 4159
Jackson, W. C., Jr 12682, 13111
Jacksonville Gas Corp 11462
Jersey Central Power & Light Co 1970, 2554, 3678, 4508, 11625, 12022, 12443
Johnson, Barbara S., Wallace D 11462, 11937
Jones, Albert R 8413
Jones & Laughlin Steel Corp 4507
Junger, S. H., & Co 1614
Kaiser Aluminum & Chemical Corp 11663
Kansas City Power and Light Co 10396, 11462, 12681
Kansas Gas and Electric Co 10396
Kantor, S. Z 11624, 12535
Kaye, Paul 2613, 5404
Kellman, Sidney H 12373
Kelly, Frank S 10228
Kelly, James Sylvester 2198
Kenney, William F 9327, 12739
Kentucky Utilities Co 559
Kentucky West Virginia Gas Co 5508, 11196
Keswick Corp 1028
Keystone Gas Co., Inc 10190, 10910
Kingsport Utilities, Inc 2615, 2949
Koppers Co., Inc 10795
Kraft, Oscar F., & Co 1836, 6263
Lamberton, Frank S 9326, 12739
Lancaster Gas Co 2200, 2592
Lattner, Forrest C., Frances H 1157, 2449, 7473
Lauridel Corp 4158
Lawrence Gas and Electric Co 4491, 5406
Leeby, Lawrence R., & Co 3938
LeDone, J. J., Co 2993
Lehigh Valley Transit Co 141
Lehigh Valley Transportation Co 141
Lehman Corp 5888
Leominster Gas Light Co 1101

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Likens, Orville Lymon 2198
London Terrace, Inc 436
Long Beach Gas Co., Inc 2817
Long Island Lighting Co 241, 398, 2817, 3500, 4264, 5640, 7835, 8629
Los Angeles Stock Exchange 1615, 2134, 11790, 11791, 12682
Louisiana Gas Co 5720
Louisiana Power & Light Co 1805, 4509, 11663, 12022
Louisville Gas and Electric Co. (Delaware) 1969
Lowell Electric Light Corp 4990, 5406
Mack Trucks, Inc 8787
Madison Gas and Electric Co 7270
Malden Electric Co 3958, 4905, 6808, 7525, 10681, 11197
Malden and Melrose Gas Light Co 560, 1027, 4666, 5191, 12798
Manufacturers Light and Heat Co 3936, 5857, 6767, 7372, 8162, 9449, 10614, 11093
Markell, Leonard 12373
Marks, Henry M 558, 2902
Martin, George J., Co 12373
Martin, Glenn L., Co 8787
Marvon Corp 3145, 8809
Maycroft, G. L., Co 3496, 5510
McBrien, Edmund J., & Co 12373
McKeel, John C 482, 3415
Mercer County Gas Co 3416
Mercer Hicks Corp 1211
Merck and Co., Inc 9449
Michigan Consolidated Gas Co 241, 699, 6783, 7473, 7955, 11533
Michigan-Wisconsin Pipe Line Co 4633, 5301
Middle South Utilities, Inc 559, 1776, 2048, 2200, 2415, 2480, 2615, 2691, 5824, 6484, 12284
MidSouth Gas Co 11130
Midwest Stock Exchange 2199, 4950, 6325, 6326, 10755, 11624
Miles, Sherman M 9327, 12739
Milford Gas Light Co 8216, 9116, 11897, 12285, 12625
Milwaukee Electric Railway & Transport Co 12741
Milwaukee Solvay Coke Co 3393, 3869
Minneapolis Mill Co 9118, 9182, 10228, 10229
Minton, A. Albert 13110
Mission Oil Co 6889, 8413
Mississippi Gas Co 8788, 9273, 11199, 12443
Mississippi Power Co 2239, 2712, 3144, 6590, 6893, 7474
Mississippi Power and Light Co 12284
Mississippi River Fuel Corp 5661
Mississippi Valley Gas Co 12284
Missouri Gas & Electric Service Co 12600, 13014
Missouri Pacific Railroad Co 916
Missouri Power & Light Co 4667, 5077, 5509, 5661, 6158, 12797
Missouri Public Service Co 12600, 13014
Mittelman, Leo B 13164
Monongahela Power Co 3023, 3498, 3867, 10096, 11092
Montana Power Co 10095, 10910, 12683, 12739
Montaup Electric Co 2592, 2948, 5884, 6807, 8101, 9062, 9063, 9619, 9621, 12325, 12444, 12741, 13112, 13113.
Moor, Lee 479, 1102
Moore & Co 2714
Morris Plan Corp. of America 652
Mulvey, Stanley Peter 2198
Murphey Favre, Inc 1215
Mustang Island Utilities Co 12682, 13111
Mystic Power Co 7190, 7757, 10007, 10796
Narragansett Electric Co 6590, 6893, 10322, 10795
Nassau & Suffolk Lighting Co 398, 2817
National Airlines, Inc 361
National Association of Securities Dealers, Inc 1258, 1836, 6263
National Aviation Corp 652, 4265
National Fuel Gas Co 3323, 3416, 4158, 5028, 5641, 7272
National Gypsum Co 8788
National Power and Light Co 141, 1213, 3322, 3678, 4904, 6483
National Securities & Research Corp 6160
National Securities Series 6160
Nation-Wide Securities Co. Trust Certificates Series A 10396, 11199
Nation-Wide Securities Co. Trust Certificates Series B 10396, 11199

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Natural Gas Company of West Virginia 3936, 6767, 8162, 10188
Nebraska Public Service Co 744, 13109
Nelson, Floyd S., & Co 483, 3415
New Bedford Gas and Edison Light Co 8216, 9116, 12625
New England Electric System 871, 960, 1101, 1714, 1746, 2992, 3958, 4905, 5639, 6808, 7525, 7757, 10322, 10681, 10682, 10759, 10795, 11197, 11198, 11290, 11663, 12207, 12797, 12798
New England Gas and Electric Assn 780, 2375, 2714, 2950, 3145, 3417, 4478, 4906, 5509, 5594, 6161, 6850, 10045, 10507, 10841, 11897, 12285, 12625.
New England Power Co 560, 995, 1027, 1692, 1924, 4990, 5046, 12797
New England Power Service Co 11663, 12207, 12798
New England Public Service Co 7832, 9293, 10096, 11989, 12530
New Hampshire Electric Co 780, 2375, 6697
New Jersey Power & Light Co 7192, 7954
New Orleans Stock Exchange 2110
New York Curb Exchange 5506, 6326, 6785
New York State Natural Gas Corp 698, 1485, 6783, 6984, 7337, 8413
New York Stock Exchange 6326, 7955
New York Trust Co 9753
Newmont Mining Corp 3203
Niagara Hudson Power Corp 1970, 3200, 3678, 12284
Niagara Mohawk Power Corp 871, 1647, 2239, 2539, 2540, 2901, 5375, 6159, 6482, 9705, 10398, 12236, 12284, 12445, 12682, 12923, 13015
Niagara Share Corp 10860
Nineteen Corp 11990
North American Co 141, 142, 4478, 5190, 5404, 5884, 9833, 12797
North American Investment Corp 12532
North American Light and Power Co 5190, 5404
North American Securities Co 12532
North Continent Utilities Corp 7270
North Penn Gas Co 143, 3200, 3956, 5077, 5661, 6222, 11250, 11989
Northampton Electric Light Co 6808, 7525
Northampton Electric Lighting Co 10681, 11197
Northampton Gas Light Co 4666, 5191, 12798
Northeast Airlines, Inc 10007
Northeast Corner Illinois Avenue and Boardwalk Corp 12742
Northeastern Insurance Company of Hartford 8259
Northern Berkshire Gas Co 587, 1159, 3958, 4905, 6808, 10682, 11198, 12410, 13014
Northern Natural Gas Co 478, 3369, 3868, 9117, 10046
Northern New England Co 7832, 9293, 10096
Northern Pacific Railway Co 10714
Northern Pennsylvania Power Co 7758, 8309
Northern States Power Co 2171, 2540, 2902, 7305, 8996, 9118, 9182, 9621, 10228
Northern Virginia Power Co 5886, 7526
Northwestern Mutual Life Insurance Co 5823
Norwood Gas Co 10759, 11290
Notkins, Marvin M 13164
Ogden Corp 958, 1837, 2170, 3144, 9059
Ohio Edison Co 143, 1646, 2413, 2448, 2712 2713, 2949, 3603, 4280, 8810, 9601, 9062, 9450
Ohio Fuel Gas Co 3936, 5857, 7372, 7953, 8724, 10614, 11093
Ohio Power Co 4545,
Ohio Power Co 3545, 4281, 4767, 4948, 4949, 9118, 9622, 10508, 10911, 11289
Ohio Public Service Co 143, 9061, 9062
Oklahoma Gas and Electric Co 2592, 3202, 12843
Pacific Western Oil Corp 1615
Paepcke Corp 10142
Pan American World Airways, Inc 10714
Pancoastal Oil Co., CA 2690
Parker Pen Co 10095
Penn Fuel Gas, Inc 6588
Penney, J. C., Co 8788
Pennroad Corp 560, 7526, 8163, 12739
Pennsylvania Electric Co 8856, 8956, 9619, 9620, 10583
Pennsylvania Gas Co 3323, 4159
Pennsylvania Gas and Electric Corp 104, 143, 3200, 3956, 11250, 11989
Pennsylvania Power Co 1646, 2413, 2712, 9062
Pennsylvania Power & Light Co 3322

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Penn-Western Service Corp 744, 3200, 3956, 13109
Peoples Gas Light and Coke Co 2711
Peoples Natural Gas Co 478, 698, 1485, 6984, 7578, 8413, 8809, 10756, 11250
Philadelphia-Baltimore Stock Exchange 2170, 3934, 4950, 5823, 6326, 9449, 9923, 10795, 11663, 11790
Philadelphia Co 140, 698, 1648, 2134, 2171, 3447, 4158, 4361, 5028, 5300, 5507, 5508, 6740, 7527, 8216, 9619, 11196, 12599, 13110, 13164
Phillips, Ellis L 4158
Phillips, John Edward 12373
Phillips, Randolph 2375, 6784
Pittsburgh Plate Glass Co 9923
Pittsburgh Railways Co 140, 698, 3447
Pittsburgh Steel Co 9923
Pittsburgh Stock Exchange 5855, 6894
Pittsburgh and West Virginia Gas Co 5507, 11196
Platte Valley Telephone Corp 11408, 11462, 12021
Plymouth County Electric Co 6161, 6850, 10045, 10507, 10841
Plymouth Gas Light Co 8216, 9116, 12625
Poplar Ridge Coal Co 9833, 12842
Portland Gas & Coke Co 8257, 9061, 10582, 11317
Porto Rico Gas & Coke Co 960, 1970
Potomac Edison Co 2415, 2857, 3201, 5886, 7526
Potomac Light and Power Co 5886, 7526
Providentia, Ltd 11990
Pryor, Frank B 435
Public Service Co. of Colorado 2614
Public Service Co. of New Hampshire 2199, 2712, 4768, 5508, 5885, 11755, 12409, 12740
Public Service Co. of Oklahoma 2993, 3499, 3868, 10399, 12236, 12922
Purdy, William L 10870
Queens Borough Gas and Electric Co 398, 2817
Quincy Electric Light and Power Co 587, 1158, 3958, 4905, 6808, 7525, 10682, 11198
Quinn, J. Bertram 3495, 5510
RKO Pictures Corp 1745, 2134, 2170, 2199, 2238
RKO Theaters Corp 1745, 2134, 2170, 2199, 2239
Rachlin, Albert C 1160
Radford Limestone Co., Inc 13164
Raney, T. J., & Sons 11130
Rasco, F. S., and Co 8309
Reading Gas Co 10911, 11844
Reed, Edward E 435
Republic Aviation Corp 4508
Republic Investors Fund, Inc 4735
Republic Light, Heat and Power Co., Inc 5594, 7809
Republic Petroleum Co 8956, 11790
Republic Service Corp 1804, 2111
Republic Steel Corp 9705, 10398
Ridgeway Natural Gas Co 3416
Rosenberg, Morton C 13164
Rosenfeld, Henry P., Co 12373
Ross-Wood Co 559, 2902
Ruse, Wayne D 742, 4510
Rutherford, M. C., & Co 558, 2902
Saint Anthony Falls Water Power Co 9118, 9182, 10228, 10229
St. Clair, J. E., Co 558, 2902
St. Marys Natural Gas Co 3416
Salem Gas Light Co 960, 1746, 4666, 5191, 12798
Salomon, Bernard 12373
San Francisco Stock Exchange 1615, 1616, 2238, 2239, 4950, 6326, 8956
Sasser, Alfred 6307
Savage, Frederick H 2198
Schimberg, Lewis 13164
Schoellkopf, Hutton & Pomeroy, Inc 10869
Scott Paper Co 3870
Scott Paper Co. Employees' Stock Purchase Plan 3870
Scranton-Spring Brook Water Service Co 6739, 7832, 8503, 9753
Seaboard Air Line Railroad Co 3268
Secured Underwriters, Inc 3870
Security Fire Insurance Co 8259
Selected Income Shares of Chicago 13163
Servel Inc 4508
Shank, Albert 12373
Shayne, Alfred and Irving A 12373
Shayne and Co 12373
Shipway, William R 9450

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Sidley, Austin, Burgess & Smith 12408
Simpson, James L 2198
Simpson, M., Co 435
Sinclair Oil Corp 10714
Sioux City Gas and Electric Co 744, 13109
Small, Anne W., Edwin Joseph, Edwin W 11462, 11937
Smethport Natural Gas Co 3416
Snee, William E 10189, 11532
Soresi, Louis R 2198
South Dakota Public Service Co 744, 13109
South Jersey Gas Co 6482, 11898, 12405
South Penn Power Co 5887, 7526
Southern Berkshire Power & Electric Co 560, 1027, 3958, 4905, 10681, 11197
Southern Co 1486, 2110, 2239, 2712, 3144, 7446, 8563, 9117
Southern Natural Gas Co 559, 870, 958, 6894, 7688
Southern Services, Inc 9492
Southwestern Development Co 6889, 8413, 10190, 10614
Southwestern Gas and Electric Co 10399
Special Risks Fund, Inc 8162
Spencer Gas Co 1101
Spokane Gas & Fuel Co 12531, 13111
Stambaugh, H. F 13110
Standard Gas and Electric Co 435, 1646, 1969, 2134, 2592, 3202, 4158, 5508, 11196, 12599, 13110, 13164
Standard Power and Light Corp 435, 1646, 12599, 13110, 13164
State Line Gas Co 3022
State-Wide Insurance Agency, Inc 3097
Statler Dallas Co., Inc 5911
Stayss, Harold C 1614, 3602
Stearns & Co 1099
Stearns, Benjamin E 4510
Steinauer & Co., Inc 2481, 5510
Steinman, Irving 4478
Sterling W. L., Co 1099, 4510
Stewart, Arthur 559, 2902
Suburban Gas and Electric Co 3958, 4905, 6808, 7525, 10682, 11198
Superior Water, Light and Power Co 5823
Sussex Telephone Co 11408, 11462, 12021
T. I. S. Management Corp 588
Tack, William J 12373
Taylor, Ellis P., John M., John M. Jr., William H 4768
Taylor Investment Co 3957, 4768
Telephone Realty Co 11462
Terry, Schuyler B 3544, 4809
Texas Utilities Co 3268
Timken-Detroit Axle Co 4508
Titeflex, Inc 10230, 11290
Tobacco and Allied Stocks, Inc 11927
Tobacco Products Export Corp 3869
Tobin, M. E., Co 1692, 3602
Toledo Edison Co 1213, 10714
Travelers Insurance Co 9116, 12625
Tri-Continental Corp 242, 11755, 12531
Troy Coke Oven Gas Plant 9705, 10398
Trusteed Funds, Inc 10870
Union City Electric Co 3545, 4767
Union Electric Co. of Missouri 560, 2048, 2479, 3679, 4667, 5405 5509, 5824, 5884, 6484, 9833, 12797
Union Electric Power Co 3679, 5405
Union Producing Co 1214, 1805, 4416, 5301, 12206, 12529, 12625
Union Securities Corp 11755, 12531
Union Service Corp 12531
United Corp 398, 2375, 5192, 6482, 6784, 12445
United Fuel Gas Co 5857, 7372, 7758, 10188, 10757
United Funds, Inc 2448
United Gas Corp 1214, 1746, 1805, 2139, 2480, 2773, 3603, 4416, 5301, 5302, 6262, 6739, 7272, 7474, 8102, 9274, 12206, 12529, 12625
United Gas Improvement Co 436, 1102, 2200, 2592, 3097, 3935, 5961, 12236, 12328, 12445
United Gas Pipe Line Co 1214, 1805, 2480, 2773, 4416, 5301, 5302, 6262, 7474, 12529
United Light and Railways Co 7270, 8505, 11624, 12408
United Natural Gas Co 3323, 3416, 4159
United Power and Land Co 7306, 9118
United States Electric Light & Power Shares, Inc., Trust Certificates, Series B 10395, 11318
United States & Foreign Securities Corp 1028
United States & International Securities Corp 1028

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Utah Power & Light Co 1806, 2199, 2415, 2691, 2818, 4264, 8259, 9204, 9785, 11250
Utility Operators Co 8503
Van Benschoten, E 1212, 4510
Van Patten, L. A 1613, 3602
Virginia Gas Distribution Corp 4160, 6589
Virginia Gas Transmission Corp 4160, 6589
Wachusett Electric Co 1101
Wachusett Gas Co 4666, 5191, 12798
Wallach, Samson, Sr 12373
Walker, Forrest 3145, 8809
Walker, John Tallton 2198
Wallace, Amelie A. and John 4478
Walsh, Janice G., John T., William F., William J 11462, 11937
Ware, John H., 3d 6588
Washington Gas and Electric Co 5374
Washington Gas Light Co 437
Washington Irrigation and Development Co 8257, 12595
Washington Water Power Co 5407, 5886, 8257, 10755, 12505, 12597
Way, Robert S., Co 1691, 3602
Werner, Charles J 1293, 4510
West, William Herbert 2198
West Maryland Power Co 10096, 11092
West Missouri Power Co 12600, 13014
West Penn Electric Co 1559, 1923, 2415, 2449, 2857, 3022, 3023, 3201, 3498, 4067, 5885, 12599
West Penn Railways Co 12599
West Texas Gas Co 10190, 10614
West Texas Utilities Co 10395, 10841, 11317
Western Colorado Power Co 2199, 2691
Westinghouse Air Brake Co 9449, 9923
Weymouth Light and Power Co 561, 1160, 3958, 4905, 6308, 7525, 10581, 11197
Whitaker, Phil B 3937, 4509
White, Weld & Co 10714
Williams, John D 613, 3602
Wilson, Matthew P 1093, 4510
Wilson, Thos. A 3544, 8809
Winchendon Electric Light and Power Co 1101
Wisconsin Electric Power Co 10141, 10758, 10973, 12409, 12741
Wisconsin Michigan Power Co 10141, 10753, 10973, 12409
Wisconsin Public Service Corp 8000, 8856
Womeldorff & Lindsey 11130
Wood, Thomas E 559
Woolworth, F. W., Co 10714
Worcester County Electric Co 1101, 2480, 2858, 3201, 6784, 7575, 10681, 11197
Worcester Gas Light Co 6161, 6850, 8216, 9116, 10945, 10507, 10841, 11897, 12285, 12625
Worcester Suburban Electric Co 1101
Wunderlich, Martin, and Aikin, Lee 12529
Wyoming County Gas Co 6739, 7832
Yankton Gas Co 744, 13109
Young, Glen B 2198

Organization; Division of Public Utilities:
Accounting, Branch of 10369
Director, Office of 10869
Engineering, Section of 10869
Examination and Enforcement, Branches of 10369
Special Advisor to Director 10869
Special Examinations and Studies, Branch of 10869

Regulations under various acts:
Financial statements, form and content of; Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 2576
Application of part with respect to listed documents 396, 2576
Supplemental or periodic reports (Forms 8-K, 9-K, 2-MD, 4-MD or U5S) 2655
Certification; accountants' certificates 2655
Commercial and industrial companies:
Application of regulations:
Face-amount certificate investment companies; exception 2655
Redesignations 2655
Balance sheets; provisions respecting inventories and property, etc 2655
Income statements; provisions respecting income deductions 2655

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Financial statements, form and content of; Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940—Continued
Consolidated and combined statements; special requirements as to public utility holding companies, proposed rule making 396
Definitions; editorial changes 2655
Face-amount certificate investment companies; rules governing financial statements filed by 345
Schedules to be filed; form and content. *See* Schedules.
Headnote amended to include Public Utility Holding Company Act of 1935 2576
Industrial companies. *See* Commercial and industrial companies.
Schedules, form and content of:
Applicability of regulations 2655
Face-amount certificate investment companies 348
Real estate; schedules amended 2655
Management investment companies; redesignation of headnote 2655
Unit investment trusts and those unincorporated management investment companies issuing periodic payment plan certificates; redesignation of headnote 2655
Investment Advisers Act of 1940, interpretative releases; opinion of General Counsel relating to use of "hedge clauses" by brokers, dealers, investment advisers and others 3387
Investment Company Act of 1940:
Bonding of officers and employees of registered management investment companies 499
Bonus, profit-sharing, and pension plans; applications 3680
Face-amount certificate company, registered: Form N-3B-4 to be used for registration statements 280, 281
Previously filed material 280
Financial statements. *See* Financial statements, *above*.
Forms prescribed; Form N-8B-4, registration statements of face-amount certificate companies 280, 281
Investment companies, registered; Form N-8B-4 for face-amount certificate companies 280, 281
Management investment companies, registered; bonding of officers and employees 499
Public Utility Holding Company Act of 1935:
Financial statements. *See* Financial statements, *above*.
Forms prescribed:
Accounting reports, periodic, Form U-14-3, rescission 395, 2577
Annual supplements. *See* Registration.
Exempt (nonregistered) companies; statements and reports, Form U-3A3-1 revised 254
Registration and annual supplements:
Form U5B; instructions to Exhibit D, consolidated balance sheets and statements 396
2577
Form U5S; revision 395, 2577
Annual reports of 1950; extension of filing time 2577
Information, public disclosure of; disclosure detrimental to national security 2679
Officers, directors and representatives of registered holding companies and their subsidiaries, prohibited financial connections of; exemption for persons serving as directors of local commercial banking institutions (proposed) 12669
Registration and general exemptions:
Accounts; uniform system for certain holding and investment companies, annual accounting reports, deletion 396, 2577
Banks, certain; exemption 253
Statements and reports; Form U-3A3-1 revised 254
Registration; annual report 395, 2576
Form U5S; revision 395, 2577

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Securities Act of 1933:
Definition of certain terms:
For purposes of section 5, of "sale", "offer to sell", and "offer for sale" 8577
"Solicitation of such orders" in section 4 (2) for certain purposes 8578
Documents to be filed with the Commission; registration statements, filing of. *See* Registration and registration procedure.
Financial statements. *See* Financial statements, *above*.
Forms prescribed:
Registration statements; Form S-1, revision of 866, 11635
Reporting forms pursuant to Securities Exchange Act of 1934 for registrants under act. *See under* Securities Exchange Act of 1934.
Information, public disclosure of; disclosure detrimental to national security 2679
Interpretative releases; opinion of General Counsel relating to use of "hedge clauses" by brokers, dealers, investment advisers and others 3387
Prospectuses, form and content; copies, filing, legibility, statements respecting stability and overallotments 3861, 8736
Registration and registration procedure:
Foreign governments or political subdivisions thereof, documents to be filed in connection with registration; newspaper prospectuses 7774, 8320
Registration statement:
Amendments; filing, date, signatures, etc 8737
Exhibits; incorporation of, by reference 8736
Filing, date and place of, and supplementary statement of actual offering price; all papers to be filed at Commission's principal office in Washington 8736, 8737
General requirements:
Incorporation of information by reference; financial statements 8736
Lithographing or other process 3861, 8736
Ribbon copy, original, to be filed with Commission 3861, 8736
Reports of registrants under. *See* Securities Exchange Act of 1934.
Securities Exchange Act of 1934:
Applications:
Copies; number, original ribbon copy, etc 3861, 9688
Disposal of applications held for five years. *See* Disposal of applications, reports, etc.
Printing requirements; lithographing or other process 3861, 9688
Deceptive and manipulative devices, employment of; correction 7928
Disposal of applications, reports, etc., which have been on file for five years, by certain exchanges:
Cincinnati Stock Exchange 6697, 7578
Los Angeles Stock Exchange 11791, 12682
Midwest Stock Exchange 4950
New York Curb Exchange 5506, 6785
New York Stock Exchange 7955, 9204
Philadelphia-Baltimore Stock Exchange 4950
Pittsburgh Stock Exchange 5855, 6894
San Francisco Stock Exchange 4950
Employment of manipulative and deceptive devices; correction 7928
Exemption from section 16 (b) of act of certain acquisitions of securities under stock bonus or similar plans 508, 2679
Financial statements. *See* Financial statements, *above*.
Forms prescribed:
Applications for registration of securities on national securities exchanges, forms for; Form 10, for corporations (certification of financial statements of title insurance companies) 3862, 9690

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Securities Exchange Act of 1934—Continued
Forms prescribed—Continued
Registrants under Securities Act of 1933; forms for annual reports, Form U5-MD for public utility holding companies, rescission 395, 2576
Reports, annual and other, of issuers having securities registered on national securities exchanges; forms for:
Form 8-K, for current reports:
Exhibits 3862, 9689
Information respecting matters submitted to security holders at meetings or otherwise; requirement for, proposed 11657
Form 10-K, for corporations:
Copies, number of 3862, 9689
Exhibits, instructions as to 3862, 9689
Financial statements of title insurance companies to be certified 3862, 9689
Public utility holding companies; replacement of form by new form U5S, with use of old form (10-K) still permitted (proposed) 395
Form 12 A-K, for companies in receivership or bankruptcy 2059
Form 12-K, for companies making certain annual reports 2059
Form U5-K for public utility holding companies; rescission 395, 2576
Information:
Disclosure, public, where detrimental to national security 2679
Inspection and publication of documents filed by issuers and others under sections 12, 13, 14, and 16 of act; proposed rule making 2163
Respecting securities registered on exchange, to be kept available to public 3109
Interpretative releases; opinion of General Counsel relating to use of "hedge clauses" by brokers, dealers, investment advisers, and others 3387
Manipulative and deceptive devices, employment of; correction 7928
Preservation of records, information, etc.:
See also Disposal of applications, reports, etc.
Information respecting securities registered on exchange. *See* Information.
Stabilization activities; preservation of records, etc., in connection with 2163, 3109
Reports:
Disposal of reports held for five years. *See* Disposal of applications, reports, etc.
Form of, requirements as to copies, printing, etc 3861, 9688
Forms prescribed. *See* Forms prescribed.
Issuers of listed securities:
Annual reports, corporate issuers of securities filing; note respecting requirement for quarterly financial reports, upon request of Commission, in accordance with Office of Price Stabilization regulation 10515
Quarterly reports of other than investment companies:
Title insurance companies; quarterly reports required 3861, 9689
With respect to Forms 10-K, U5S, and 16-K 2576
Registrants under Securities Act of 1933:
Annual reports, corporate issuers of securities filing; note respecting requirement for quarterly financial reports, upon request of Commission, in accordance with Office of Price Stabilization regulation 10515
Canadian banks, reports by 6778, 8821
Quarterly reports of other than investment companies:
Title insurance companies; quarterly reports required 3861, 9689
With respect to Forms 10-K, and U5S 2576

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Securities Exchange Act of 1934—Continued
Reports—Continued
Reports, financial, required by Office of Price Stabilization from certain corporations issuing securities under Securities Exchange Act of 1934 — 10557
Stabilizing activities, certain, preservation of records and reports; right of a National Securities Exchange to destroy or dispose of applications, reports, and documents filed with it pursuant to sections 12, 13, 14 and 16 — 2163, 3109
Trust Indenture Act of 1939:
Documents to be filed with Commission; requirement for filing at principal office in Washington:
Applications:
For exemption pursuant to Section 304, number of copies, filing, etc — 8737
For qualification of indentures, pursuant to Section 307:
Amendments, filing of — 8737
Number of copies, filing, signatures, etc — 8737
Regional office, forwarding of applications and amendments by; rescinded — 8737
Form and content of. *See* Form and content of applications, statements and reports.
Statements of eligibility and qualification of trustees, pursuant to Section 305; number of copies, filing, etc — 8737
Form and content of applications, statements, and reports:
Amendments, signatures to — 8737
Exhibits, incorporated by reference in reports, applications or statements, provision for filing; to be filed at Commission's principal office in Washington — 8737
Inspection of applications, statements and reports; available at principal office of the Commission, Washington — 8737
Forms prescribed, Form T-3 for applications for qualification of indentures; instructions as to exhibits — 499

SECURITY:
Air traffic. *See* Civil Aeronautics Administration.
Atomic energy installations:
Airspace reservations over; Executive order respecting. *See* Presidential documents.
Security policies relating to labor-management relations. *See* Atomic Energy Commission.
Exports, suspension of disclosure of information respecting, for security reasons; customs regulations — 2164
Internal Security and Individual Rights, President's Commission on; establishment order and revocation. *See* Presidential documents.
Loyalty of Government personnel. *See* Loyalty program.
Manufacturers holding contracts awarded by Army, Navy, or Air Force, public information guidance for — 10041
Military commanders to issue orders for protection of certain property, places, etc — 4945
Mutual Security Act, functions pursuant to; Executive order respecting. *See* Presidential documents.
Panama Canal Zone, suspension of certain personnel; Executive order respecting. *See* Presidential documents.
Trust Territory of Pacific Islands, authority of President to close areas for security reasons; Executive order respecting. *See* Presidential documents.
Vessels, waterfront facilities, etc.; security of:
Executive order respecting. *See* Presidential documents.
Regulations respecting. *See* Coast Guard.

SELECTIVE SERVICE SYSTEM:
Defense Mobilization Regional Committees, interagency; representation on — 8673
Manpower Policy Committee; representation on — 1272
Manpower program for machine tool industry, responsibility of Selective Service System in connection with — 7578

SELECTIVE SERVICE SYSTEM—Continued Page

Regulations as prescribed by President and/or Director of Selective Service:
Administration:
General administration; confidential records:
Availability and use of confidential records and information — 8528, 9030
Subpena of records — 8529, 9030
National, State, and local administration. *See* Selective Service officers.
Records administration. *See* General administration, *and* Records administration.
Appeal:
To Appeal Board:
Procedure followed by Appeal Board:
Action if Appeal Board is disqualified — 9853
How appeal to Appeal Board is taken — 6229
Local board to prepare appeal record and forward file — 6229
Review by Appeal Board — 9854
Special provisions when appeal involves claim that registrant is conscientious objector — 9854
Procedure for taking appeal; time for record to be forwarded on appeal — 9853
Who may appeal:
Appeal by registrant and others — 3425
Director and State Director — 9853
To President — 9854
Appeal boards. *See* Selective Service officers.
Appearance before Local Board:
Appearance — 9853
Opportunity to appear in person — 9853
Calls. *See* Quotas.
Classification:
Delinquents. *See* Delinquents.
Of medical, dental, and allied specialist categories — 9857
Preparation for classification:
Mailing classification questionnaire (SSS Form No. 100) — 383, 9847
Permit to leave United States — 3425, 9847
Placing selective service numbers on registration cards and notification of registrants — 5008, 9031, 12638
Preparation of List of Registrants (SSS Form No. 3) — 9031
Procedure:
Action to be taken when classification determined — 9853
Conscientious objectors, register of — 9853
Consideration of classes — 384, 9853
Physical examination — 9853
Registrants transferred — 384
Reopening and considering anew registrant's classification:
Classification not permanent — 9853
When classification shall be reopened and considered anew — 9853
Rules and principles — 9847
Class I–C; member of armed forces of United States, Coast and Geodetic Survey or Public Health Service and certain registrants separated therefrom — 383
Class I–D; member of reserve component or student taking military training — 384
Class II:
Class II–A; registrants who are students — 2905
Class II–C; registrant deferred because of agricultural occupation — 2905
Necessary employment defined — 2905
Students; categories and qualifications — 3156
Class IV–C; aliens — 384
Five classes — 383
Students. *See* Class II.
Subclasses — 383
Volunteers. *See* Volunteers.
Compensated civilian employees:
Appointment and tenure — 9030
Fixing compensation — 9030
Confidential records. *See* Records administration.
Conscientious objectors — 9853, 9854
Definitions:
Definitions to govern — 9843

SELECTIVE SERVICE SYSTEM—Continued Page

Regulations as prescribed by President and/or Director of Selective Service—Continued
Definitions—Continued
Governor — 9843
Governors of Guam and Panama Canal added — 3423
Selective Service law — 9845
Special registrant — 9845
State; Guam and Canal Zone added — 3423
Delinquents:
Classification and induction of delinquents:
Certain delinquents to be ordered to report for induction — 385, 9856
Classification of registrant delinquent — 385, 9856
Confirmation of record, revocation — 6231
General; compliance with procedures of this part not condition precedent to prosecution — 9856
Local board record. (SSS Form No. 302) — 6231
Men in custody; completing records of man liable for training and service — 9856
Report to U. S. Attorney. (SSS Form No. 301) — 6231
State record of delinquents (SSS Form No. 303) — 6231
Delivery and induction:
Delinquents. *See* Delinquents.
Of medical, dental, and allied specialist categories — 9858
Order to report for induction — 385
Postponement of induction, high school and college students; revocation — 9856
Substitution of "(DD Form No. 47)" for "(NME Form No. 47)" — 385
Transfer for induction directed by Director of Selective Service — 9856
Duty and responsibility to register — 9846
Aliens who are not required to register — 3423
Expenditures other than for personal services; alterations, improvements and repairs — 9030
Induction. *See* Delivery.
Medical, dental and allied specialist categories; registration, classification, physical examination, selection and induction of persons in:
Classification, and preparation for classification — 9857
General:
Applicability of regulations in this part — 9856
Forms, overprinting of — 9856
Physical examination — 9858
Registration:
Duty to be registered — 9856
Registration, duties and procedures—accomplishment of registration — 9856
Responsibility for performance of duty — 9856
Selection, delivery, and induction:
Action by local board upon receipt of notice of special call — 9858
Delivery and induction — 9858
Special calls, manner of allocating — 9858
Notice:
Failure to take notice — 9856
Notice of requirements of Universal Military Training and Service Act — 9856
Physical examination:
Armed Forces physical examination:
Action taken after; disposition of records — 384
Order to report for examination — 384, 9854
Preparing records for group ordered to report — 384
Transfer for examination directed by Director of Selective Service — 9855
Who will be examined — 9854
Medical interview by local board:
Duties of local board — 384, 9854
Registrants to be given medical interview — 9854
Of medical, dental, and allied specialist categories — 9858
Substitution of "DD" Forms for "NME" Forms 47 and 62 — 384
Quotas and calls:
Action by local board upon receipt of notice of call — 384, 9855, 9858
Calls:
By Director of Selective Service — 9855
By State Director of Selective Service — 9855
Determination of quotas, credits, and debits — 384, 9855
Quotas and credits — 9855
Records administration in Federal record depots:
Availability and use of confidential records and information — 8528, 9030

SELECTIVE SERVICE SYSTEM—Continued Page

Regulations as prescribed by President and/or Director of Selective Service—Continued
Records administration in Federal record depots—Continued
Confidential records — 8528
Establishment — 8528
"Registrant" and "registrant's file", definition — 8528
Subpena of records — 8529, 9030
Supplying information (contained in records):
To Federal agencies and officials:
Air Force, Department of — 8529
Economic Stabilization Agency — 8529
Federal Security Agency — 2181
Labor Department — 2181
Navy Department — 2181
Treasury Department — 2182, 8529
To officials and agencies of States:
Illinois — 2182
Maine — 2182
New Hampshire — 8529
New York — 8529
Virginia — 8529
Registration:
Cancellation; general nature of determination — 9960
Of medical, dental and allied specialist categories — 9856
Procedure:
General provisions:
Checking place of residence — 9031
Disposition of registration card of registrant whose place of residence is not within local board area — 9031
Disposition of registration cards and tally sheets — 9031
Inmate of institution, manner of registration of — 9031
Manner of registration:
Inmate of institution — 9031
Instructions concerning completion of registration card — 9030
Interview of registrant — 9030
Recalcitrants — 9030
Registration certificate (SSS Form No. 2) — 11262
Special procedures for registration prior to September 20, 1948; revocation — 9031
Volunteers — 9855
Reopening registrant's classification. *See under* Classification.
Selective Service officers:
Appeal boards:
Area — 9845
Designation — 9029
National Selective Service Appeal Board — 9845
Local boards:
Areas — 9846
Panels — 383
National administration; Director of Selective Service — 383
State administration; State Director of Selective Service for New York City — 9845
Students, high school and college; postponement of induction, revocation — 9856
Volunteers — 381
Classification of volunteers — 9855
Registration of certain volunteers — 9855
Where person may volunteer — 9855
Who may volunteer — 381, 9855

SENATE COMMITTEE ON DISTRICT OF COLUMBIA, inspection of tax returns by; Executive order respecting. *See* Presidential documents.

SENATE COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS, inspection of tax returns by; Executive order respecting. *See* Presidential documents.

SENATE SPECIAL COMMITTEE, to investigate organized crime in interstate commerce; inspection of tax returns by; Executive order respecting. *See* Presidential documents.

SHIPPING AUTHORITY. *See* National Shipping Authority.

SHIPS. *See* Vessels.

SILVER AND GOLD, transactions involving; Executive order respecting. *See* Presidential documents.

SMALL DEFENSE PLANTS ADMINISTRATION: Page
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 11631
Loans to small business concerns, procedure for making application for loan recommendations 12513
Organizational statement; central office 12532

SOCIAL SECURITY ADMINISTRATION:
See Children's Bureau.
Federal Credit Unions Bureau.
Old Age and Survivors Insurance Bureau.
Public Assistance Bureau.

SOIL CONSERVATION SERVICE:
Cuba-Rio Puerco Project, Sandoval County, New Mexico; removal of trespassing horses, mules and burros from Ojo Del Espiritu Santo Grant 2165
Personnel; exemption of Hugh H. Bennett from retirement, Executive order respecting. *See main heading* Presidential documents.

SOLID FUELS ADMINISTRATION. *See* Defense Solid Fuels Administration.

SOUTHEASTERN POWER ADMINISTRATION:
Authority, delegation of:
Administrative Officer to enter into construction and procurement contracts not in excess of $1,000, and to lease space in real estate outside District of Columbia when rental is not in excess of $2,500 2130
Chief Counsel; authority to serve as acting Administrator 1835
Direction and supervision of affairs by Under Secretary of Interior 11788

SOUTHWESTERN POWER ADMINISTRATION:
Acting Administrator; designation of certain officials to act as:
Executive Assistant to Administrator 473
Special Assistant to Administrator 9199
Authority, delegation of, to various officials, by Administrator:
Engineering Division; authority of officials respecting construction and construction supplies contracts:
Chief 9667
Chief, Construction and Survey Branch 9667
Procurement Section, Chief; supply and service contracts 9666
Special Assistant to Administrator, Supply Officer, Administration Division, Chief:
Lease of space in real estate outside District of Columbia 9667
Supply and service contracts 9666
Contracts for construction, leases, service and supplies; authority respecting. *See under* Authority, delegations of.
Direction and supervision of affairs by Under Secretary of Interior 11788
Organization:
See also Authority.
Acting Administrator; designation of certain officials to act as:
Executive Assistant to Administrator 473
Special Assistant to Administrator 9199
Direction and supervision of affairs by Under Secretary of Interior 11788
Organization handbook; amendment to:
Engineering Division 8555
Field Operations Center 8555
Operations Division 8555
Rates and charges; filing of request for approval by Federal Power Commission of rates and charges for sale of power 477, 1558, 1713, 7334, 10298

STABILIZATION, of prices, rents, wages, salaries, etc. *See* Economic Stabilization Agency, *and constituent agencies.*

STANDARD TIME ZONES, boundaries. *See* Interstate Commerce Commission.

STANDARDS, NATIONAL BUREAU OF. *See* National Bureau of Standards.

STATE DEPARTMENT:
Aliens, documentation of. *See* Passports and visas.
Allowances, etc., for Federal personnel on foreign duty. *See* Foreign duty.

STATE DEPARTMENT—Continued Page
Armed services of North Atlantic Treaty countries, admittance of members to United States 10931
Arms, ammunition, and implements of war, international traffic in:
Licenses not transferable; revocation 887
Validity and terms of export and import licenses 887
Authority, delegation of:
By Deputy Under Secretary for Administration, to Director of Office of Budget and Finance to sign letters to Budget Bureau respecting Fulbright Educational Exchange Programs 5023
By Secretary to various officials:
Chief, Exchanges Staff, Office of United States High Commissioner for Germany, with respect to making, amending, or terminating grants to participants in exchange of persons programs between Germany and other European countries 9099
Division of Central Services officials, to negotiate purchases and contracts in connection with "Point IV" program 12403
General and Deputy General Manager, United States International Information and Education Exchange Program, respecting signing working agreement letters with other Government agencies 9822
New York Administrative Office, officials, respecting procurement transactions 9665
To Secretary:
From General Services Administrator; delegation of procurement authority in connection with International Development Act, technical cooperation programs under Title IV 11249
From National Production Administrator; to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs 1509
Children's welfare work, international, authority of Secretary relating to; Executive order respecting. *See main heading* Presidential documents.
Civil Service Rules; certain positions which may be filled by noncompetitive examination (Schedule B) 6336
Committees, boards, etc., representation on:
Defense Mobilization Board; designation of Secretary as member of 3094
Defense Transportation and Storage, Committee on 2335
Foreign Supplies and Requirements, Committee on, Office of Defense Mobilization 646
Narcotics, Interdepartmental Committee on; Executive order respecting. *See main heading* Presidential documents.
Compensation, additional, for Federal personnel on foreign duty. *See* Foreign duty.
Construction programs, priority (DO) ratings in connection with; delegation of authority from National Production Authority 1509
Consulates and legations; opened or closed to public:
Bari, Italy 5624
Benghazi, Libya 2132
Dusseldorf, Germany 554
Geneva, Switzerland 5624
Isfahan, Iran 2132
Poznan, Poland 13152
Quepos, Costa Rica 5624
Vienna, Austria; Legation designated an Embassy 13152
Vientiane, Laos; Legation opened to public 5456
Contracts. *See* Purchases and contracts.
Control in wartime, of persons entering and leaving United States; passports and permits to enter 10931
Cultural-cooperation program. *See* Technical and cultural-cooperation programs.
Deaths and personal estates; American citizens dying abroad, or on high seas 12036
Disposition of remains; local burial, cremation, shipment of remains, etc 12036
Personal estates of deceased citizens; responsibility of consular officers and agents, provisions respecting bank deposits, inventory, possession, shipment, and disposition of effects of deceased, collection and payment of debts, fees, accounts, action with regard to unproved claims, etc 12036
Reporting deaths of United States citizens 12036

STATE DEPARTMENT—Continued Page
Displaced persons; documentation of aliens under Displaced Persons Act. *See* Passports and visas.
Enemy property, settlement of intercustodial conflicts in connection with; Executive order respecting. *See main heading* Presidential documents.
Estates, personal, of American citizens dying abroad or on high seas. *See* Deaths and personal estates.
Exchange programs, between United States and other countries, etc.:
See also Technical and cultural-cooperation programs.
Exchange of persons programs between Germany and other European countries; delegation of authority to chief, Exchanges Staff, respecting grants to participants 9099
Exchange-visitor program; notification requirements respecting change in activities of exchange visitor 7277
Fulbright Educational Exchange Programs; authority of Director of Office of Budget and Finance to sign letters to Budget Bureau respecting 5023
United States International Information and Education Exchange Program; delegation of authority to General Manager respecting signing of working agreement letters 9822
Foreign duty, of Federal personnel:
See also Foreign Service personnel.
Allowances for living expenses, quarters, etc.; Executive orders respecting. *See Main heading* Presidential documents.
Compensation, additional, for duty in foreign areas; lists of differential posts, additions and deletions:
Afghanistan; Kabul 5649
Austria; Vienna 8103
Azores:
Lagens Air Force Base 5651
Lages Air Force Base 5651
Baffin Island (Canada), Frobisher Bay 5649, 5651, 6711
Bahamas 453
Belgian Congo; all posts except Elizabethville and Leopoldville 2676
Bolivia:
Montero 6711
Sucre 5651
Teneral Saavedra 6713
Bonin Islands; Iwo Jima 6711
Brazil:
All posts, with certain exceptions 5649, 5651, 6711, 6713
Belterra 5649
Vitoria 5649
British Guiana 5649
All posts 5651
Georgetown 5649
British West Indies:
Antigua 5651
Beane A. F. B., St. Lucia 5649
Naval Station, Trinidad 5651
Port of Spain 5651
Waller Air Force Base, Trinidad 5651
Bulgaria; Sofia 5649
Burma; Mandalay 2676
Chile; Calama 6711, 8103
China:
All posts, not otherwise specified 5649
Canton 5649
Chungking 5649
Dairen 5649
Hankow 5649
Kunming 5649
Mukden 5649
Nanking 5649
Peiping 5649
Shanghai 5649
Taipei, Taiwan (Formosa) 5649, 5651
Tientsin 5649
Tihwa 5649
Tsingtao 5649
Colombia:
All posts, with certain exceptions 6713
Buenaventura 5649
Villa Arteaga (Uruba) 5649, 5651

STATE DEPARTMENT—Continued Page
Foreign duty, of Federal personnel—Continued
Compensation, additional, for duty in foreign areas; lists of differential posts, additions and deletions—Continued
Cuba:
Camaguey 5651
Nicaro 4745
Czechoslovakia:
Bratislava 5649
Praha 453
Dominican Republic; Ciudad Trujillo 10305
Fiji Islands; Suva 5649
Germany; Berlin 8103
Gold Coast 5649
Accra 5649
All posts 5651
Saltpond 5649
Greenland:
All posts except Narsarssuak 5649, 5651
Godthaab 5649
Guatemala:
Choccla 5649
Entre Rios 5649, 6711
Honduras; San Alijo, Tela 6713
Hong Kong 5651
India; Bombay 5649
Indonesia:
Djakarta (formerly Batavia) 5649
Medan, Sumatra 5649, 5651
Iran:
Isfahan, Villa Arteaga Isfahan 6713
Tehran 2676
Israel; Haifa, Tel Aviv 6713
Italian Somaliland, all posts 2676
Jamaica; Vernam Air Force Base 5651
Japan; all posts on Honshu, Shikoku, Kyushu, and Hokkaido 4771
Labrador (Canada); Goose Bay 5651
Liberia; Monrovia 5649
Libya:
Benghazi (Cyrenaica) 5651
Wheelus Air Force Base 5651
Madagascar 453
All posts except Tananarive 5649, 5651
Mexico; Guaymas, Merida, Tampico 8103
Morocco 3371
Newfoundland; Ernest Harmon Air Force Base 5651
Nicaragua:
Bluefields 5649
Jinotepe 3371
Sebaco 6711, 9069
Nigeria:
All posts 5651
Lagos 5649
Nigeria and Cameroons (British Mandate) 5649
Pakistan:
Dacca 5649
Karachi 5649
Lahore 8103
Philippines:
All posts, with certain exceptions 453, 5649, 5651, 8103, 11414
Angeles 5649
Baguio; Baguio City 5651
Bulan 5649
Camp O'Donnell 5649
Capiz 5649
Cavite 5649
Dumaguete 5651
Iligan 5649
Jolo 5649
Manila 5649
Masbate 5649
Nasugbu 5649
Parang 5649
Pulupandan 5649
Tacloban 5651
Tuguegarao 11414
Poland:
Gdansk 5649
Poznan 5649
Rhodesia, Northern, except Lusaka 5649, 5651
Ruanda-Urundi, all posts 2676

STATE DEPARTMENT—Continued — Page

Foreign duty, of Federal personnel—Continued
Compensation, additional, for duty in foreign areas; lists of differential posts, additions and deletions—Continued
Sierra Leone — 5649
All posts — 5651
Freetown — 5649
Singapore — 5651
Tanganyika:
All posts except Dar-es-Salaam — 5649, 5651
Dodoma — 5649
Turkey; Iskenderum — 5649
Uganda; Entebee — 5649
U. S. S. R.; Moscow — 8103
Venezuela; La Guaria — 5649
Yugoslavia:
All posts except Zagreb — 5649, 5651
Belgrade — 8103
Foreign policy:
Mutual Security Agency programs to be coordinated with; Executive order respecting. *See main heading* Presidential documents.
Trust Territory of Pacific Islands, foreign policy matters affecting; Executive order respecting. *See main heading* Presidential documents.
Foreign Service personnel:
American citizens dying abroad or on high seas; functions respecting personal estates of. *See* Deaths and personal estates.
Compensation, allowances, etc.; Executive order respecting. *See main heading* Presidential documents.
Reporting functions; Executive order respecting. *See main heading* Presidential documents.
Testimony with respect to authentication of documents, and fees in connection therewith, authority of Secretary to make regulations governing; Executive order respecting. *See main heading* Presidential documents.
Vessels and seamen; functions respecting. *See* Shipping and seamen.
Foreign students, leaders, etc., under certain programs. *See* Exchange programs; *and* Technical and cultural-cooperation programs.
Germany:
German Affairs Bureau:
General licenses issued pursuant to Military Government Laws No. 52 (Blocking and Control of Property) and No. 53 (Foreign Exchange Control):
Purchase and sale of securities (General License 50/51) — 2974
Transfer between foreigners of blocked DM balances located in area of Federal Territory (General License No. 49/51) — 2974
I. G. Farbenindustrie A. G. and others, final appeal to creditors, notice of — 7105
United States High Commissioner for Germany, Office of; delegation of authority to Chief, Exchanges Staff, with respect to exchange-of-persons programs — 9099
Information and Educational Exchange Mission at Bari, Italy, open to public — 5624
International Development Act, technical cooperation programs under Title IV (Point IV Program):
See also Technical and cultural-cooperation programs.
Functions of Mutual Security Agency in connection with; Executive order respecting. *See main heading* Presidential documents.
Procurement:
Delegation of authority in connection with, by General Services Administrator — 11249
Redelegation of authority to Division of Central Services to negotiate purchases and contracts in connection with — 12403
International disputes:
Enemy property, intercustodial conflicts over, agreements for settlement of; Executive order respecting. *See main heading* Presidential documents.
United Nations activities directed to peaceful settlement of; Executive order respecting support of. *See main heading* Presidential documents.

STATE DEPARTMENT—Continued — Page

Japan; filing of claims against closed financial institutions — 3360
Extension of time limit — 6735, 12104
Legations. *See* Consulates and legations.
Maritime disasters; reports respecting, by consular officers — 10246
Mutual Defense Assistance Act, administration of; Executive order respecting. *See main heading* Presidential documents.
Mutual Security Act, functions pursuant to; Executive order respecting. *See main heading* Presidential documents.
Organization:
Central organization:
European Affairs Bureau — 2235
Far Eastern Affairs Bureau — 2235
German Affairs Bureau — 2235
Inter-American Affairs Bureau — 2235
Near Eastern, South Asian, and African Affairs Bureau — 2235
United Nations Affairs Bureau — 2235
Field organization:
Bari, Italy; Consulate and United States Information and Educational Exchange Mission, opened to public — 5624
Benghazi, Libya; Consulate opened to public — 2132
Dusseldorf, Germany; Consulate opened to public — 554
Geneva, Switzerland; Consulate designated a Consulate General — 5624
Isfahan, Iran; Consulate opened to public — 2132
Poznan, Poland; Consulate officially closed to public — 13152
Quepos, Costa Rica; Consulate closed to public — 5624
Vienna, Austria; Legation designated an Embassy — 13152
Vientiane, Laos; Legation opened to public — 5456
Panama, Republic of, Claims Convention between United States and; special rules for claims under. *See main heading* International Claims Commission.
Passports and visas:
Diplomatic visa regulations, revision — 9554
Nonimmigrants, entering United States, not required to present passports or visas; revision — 5652
North Atlantic Treaty countries, members of armed services of; conditions under which admitted — 10931
Persons entering and leaving United States in wartime — 10931
Under Displaced Persons Act of 1948, as amended;
Assurances under sections 3 (b) and (c) of Displaced Persons Act; section 2 (f) orphans, submittal of assurances, extension of time — 10158
China refugees — 7419
Definitions; Greek refugees, "firmly settled" status of, requirements for — 10158
Disqualification to receive visas:
Immigration visas issued only to eligible persons selected or processed before July 31, 1951 — 10158
Applicants under section 2 (d) — 10158
Persons who bore arms against United State and Allies, with certain exemptions — 7419
Exemptions, visa fees; section 2 (f) orphans added to list of those excepted from payment of — 10158
Numerical limitations on visas:
Persecutees, certain; added to designated classes under this limitation — 10158
Visas authorized for designated classes; disposition of unused portion — 10158
Orphans:
Eligible displaced orphans; special nonquota immigration visas, issuance of, to July 1, 1952 — 10158
Section 2 (f) orphans; submittal of assurances of proper care for, extension of time — 10158
Patents; responsibility of Department respecting accessibility to foreign patents of participating governments — 2508
Peaceful settlement of international disputes, support of United Nations activities directed toward; Executive order respecting. *See main heading* Presidential documents.

STATE DEPARTMENT—Continued — Page

"Point IV Program". *See* International Development Act.
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator — 1509
Procurement. *See* Purchases and contracts.
Protection and relief of seaman:
See also Shipping and seamen.
Supersedure of regulations respecting — 10238
Protection and welfare of individuals:
Deaths of American citizens abroad or on high seas, and personal estates of; supersedure of provisions respecting — 12036
See also Deaths and personal estates, *above*.
Reports on rescues at sea; supersedure — 10238
See also Shipping and seamen, *below*.
Purchases and contracts:
"Point IV Program", procurement in connection with:
Delegation of authority from General Services Administrator — 11249
Redelegation of authority to various officials of Division of Central Services — 12403
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority to Secretary by National Production Administrator — 1509
Procurement transactions, delegation of authority with respect to, by Secretary to various officials of New York Administrative Office — 9665
Refugees; documentation of aliens under Displaced Persons Act. *See* Passports and visas.
Rio Grande Canalization Project; withdrawal of public land in New Mexico for use of Department in connection with — 3348
Seamen. *See* Shipping and seamen.
Shipping agencies, foreign, guidance by Department in dealing with; Executive order respecting. *See main heading* Presidential documents.
Shipping and seamen — 10239
Fees for services; for American or foreign vessels, and for shipment and discharge of seamen — 10247
General regulations respecting status of seamen and vessels, effect of employment on various vessels, function of Foreign Service and consular responsibilities — 10239
Maritime disasters and awards; reports on disasters and rescues, consular authority and duties — 10246
Seamen:
Deceased seamen and their effects — 10245
General regulations — 10239
Protests, disputes and offenses; seamen's rights, consular responsibilities, jurisdiction over offenses — 10242
Repatriation and relief of seamen — 10243
Shipment and discharge, in foreign ports — 10240
Fees for — 10247
Transfers of vessels abroad — 10247
Vessels of United States in foreign ports; regulations respecting treatment of documents and records, shipment and discharge of seamen, wages, etc — 10240
Students, under certain programs. *See* Exchange programs; *and* Technical and cultural-cooperation programs.
Technical and cultural-cooperation programs:
See also Exchange programs.
Funds administered by another department or agency; application of regulations respecting payments — 9070
Payments to and on behalf of participants in — 10238
Foreign leaders, grants to:
Allowances — 3509
Per diem in lieu of subsistence — 3509
Students:
Definition — 10238
Foreign students, maintenance grants to; amount — 3509, 10238
Trainees, foreign:
Allowances to — 10238

STATE DEPARTMENT—Continued — Page

Technical and cultural-cooperation programs—Con.
Payments to and on behalf of participants in—Con.
Trainees, foreign—Continued
Definition — 10238
General provisions on trainee grants and allowances — 10238
Grants to — 10238
"Point IV Program", technical cooperation program under. *See* International Development Act.
Tonnage duties, imposts, etc., suspension of, on certain vessels; Executive order respecting functions of Secretary in connection with. *See main heading* Presidential documents.
Trainees, under certain programs. *See* Technical and cultural-cooperation programs.
Transfer of certain personnel, records, funds, etc., to Mutual Security Agency; Executive order respecting. *See main heading* Presidential documents.
Transportation controls:
See also Shipping and seamen.
Supersedure of regulations respecting instructions and services concerning entry, clearance, surveys and transfer of vessels, consular functions and jurisdiction — 10238
Trust Territory of Pacific Islands, foreign policy matters affecting; Executive order respecting. *See main heading* Presidential documents.
United Nations:
Detail of military personnel to, on authorization of Secretary of State; Executive order respecting. *See main heading* Presidential documents.
Peaceful settlement of international disputes, support of United Nations activities for; Executive order respecting. *See main heading* Presidential documents.
Vessels, various provisions respecting. *See* Shipping and seamen.
Vienna, Austria; Legation designated an Embassy — 13152
Visas. *See* Passports and visas.
Yugoslav Claims Agreement of 1948, special rules for claims under. *See main heading* International Claims Commission.
Yugoslav Emergency Relief Assistance Act, administration of; Executive order respecting. *See main heading* Presidential documents.

STATE GUARD REGULATIONS. *See* Army Department.

STATES, grants or loans from Federal Government to, for various purposes:
Airports, public; aid for development, etc. *See* Civil Aeronautics Administration.
Employment security programs. *See* Employment Security Bureau.
Public assistance, under Social Security Act. *See* Public Assistance Bureau.
Public roads. *See* Public Roads Bureau.
School construction. *See* Education, Office of.
School lunch program. *See* Agriculture Department.
Vocational rehabilitation programs. *See* Vocational Rehabilitation, Office of.
Wildlife restoration. *See* Fish and Wildlife Service.

STOCKPILING OF CRITICAL AND STRATEGIC MATERIALS. *See* General Services Administration.

STORAGE. *See* Transportation and storage.

STRATEGIC AND CRITICAL MATERIALS. *See* Scarce, strategic and critical materials.

STUDENTS:
Allowances under technical and cultural cooperation program. *See* State Department.
Immigration regulations. *See* Immigration and Naturalization Service.

SUBVERSIVE ACTIVITIES:
See also Security.
Control of persons entering United States; immigration regulations. *See* Immigration and Naturalization Service.
Displaced persons, ineligible for benefits. *See* Displaced Persons Commission.
Government employees, investigation of loyalty, etc. *See* Loyalty program.

SUBVERSIVE ACTIVITIES—Continued Page
Hearing before Subversive Activities Control Board. *See* Subversive Activities Control Board.
List of organizations designated as subversive. *See* Loyalty Review Board.

SUBVERSIVE ACTIVITIES CONTROL BOARD:
J. Howard McGrath v. Communist Party of United States; hearing on petition to require registration 3268

SURPLUS PROPERTY:
Acquisition of excess property for use in Territories and island possessions. *See* Interior Department.
Disposal of. *See* Federal Security Agency; *and* General Services Administration.
Importation of foreign excess property. *See* Commerce Department; *and* Customs Bureau.

T

TARIFF COMMISSION, UNITED STATES:
Almonds, import fee on; Executive order respecting. *See main heading* Presidential documents.
Bicycles and parts; investigation respecting importation of 10712
Cheese, blue mold; investigation respecting importation of 5721, 6591
Cherries, candied, crystallized, or glace; investigation respecting importation of 11399
Clothespins, spring; investigation respecting importation of 10472
Cotton, long-staple:
Investigations respecting importation of:
Extra long staple 781
Harsh or rough, with staple 1 1/8 inches or more but less than 1 3/8 inches in length 5192
Supplemental import quota on; proclamation respecting. *See main heading* Presidential documents.
Garlic; investigation of importation of 10712
Gloves and mittens; investigation respecting importation of 6850
Groundfish fillets, investigation respecting importation of 10759
Hatter's fur; investigation respecting importation of 263
Hearings, public; general rules of practice and procedure 10625
Imposts on merchandise, tonnage duties, etc., on certain vessels, suspension of; Executive order respecting functions in connection with. *See main heading* Presidential documents.
Information, availability of; practice and procedure respecting. *See* Investigations respecting imports.
Investigations respecting imports:
See also specific commodities.
Practice and procedure, in connection with investigations respecting imports:
Applicability of general rules 10625
Hearings, public; general rules 10625
Information:
Confidential information; reports to President release of which has not been authorized 10625
Matters of official record available to public; reports to President release of which has been authorized 10625
Methods employed in obtaining; informal conferences 10625
Investigations, under various acts, etc.:
Applications for 10625
Public notices 10625
Trade agreements:
Injury to domestic producers resulting from concessions under 5893, 10626
Products on which possible tariff concessions will be considered in negotiations 10626
Kitchenware; investigation respecting importation of 5961, 11041
Lead and lead-bearing materials; investigation respecting importation of 871, 1748, 5303
Metal tubing or hose, corrugated flexible, and machines for manufacture of; investigation respecting importation of 3956

TARIFF COMMISSION, UNITED STATES—Continued Page
Motorcycles, finished or unfinished; investigation respecting importation of 4950, 6591, 7306
Nuts, tree; edible, investigation respecting importation of 6895, 8725
Practice and procedure, in connection with investigations respecting imports. *See* Investigations respecting imports.
Silk, stencil; dyed or colored; investigation respecting importation of 5594
Tableware and kitchenware; investigation respecting importation of 5961, 11041
Tonnage duties, imposts, etc., suspension of, certain vessels; Executive order respecting functions in connection with. *See main heading* Presidential documents.
Trade agreements:
Practice and procedure respecting investigations of concessions under trade agreements. *See* Investigations respecting imports.
Tariffs under:
Letters of President to Secretary of Treasury respecting. *See main heading* Presidential documents.
Proclamations respecting. *See main heading* Presidential documents.
Venezuela:
See also main headings Reciprocity Information Committee; *and* Trade Agreements, Interdepartmental Committee on.
Investigation in connection with negotiation for supplementary trade agreement with Venezuela 8869
Watches and parts; investigation respecting importation of 1649, 2715
Wood screws; investigation respecting importation of 8725

TAX COURT OF UNITED STATES:
Rules of practice; admission to practice 1233

TAXES, INCOME, EXCISE, ETC.:
Amortization certificates under Section 124 A of Internal Revenue Code, issuance of:
Executive order respecting. *See* Presidential documents.
Policy respecting. *See* Defense Mobilization, Office of.
Canal Zone, inclusion in Collection District of Florida; Executive order respecting. *See* Presidential documents.
Collection districts of Florida and Maryland; Executive orders respecting. *See* Presidential documents.
Employment taxes:
Deposit of funds from. *See* Treasury Department.
Regulations respecting. *See* Internal Revenue Bureau.
Government employees working in possessions of United States, tax regulations affecting. *See* Internal Revenue Bureau.
Guam, income-taxes for; Executive order respecting. *See* Presidential documents.
Head tax, aliens not subject to. *See* Immigration and Naturalization Service.
Import taxes on coal, coke and briquets. *See* Customs Bureau.
Income taxes:
Deposit of funds from income taxes withheld. *See* Treasury Department.
Guam; Executive order respecting. *See* Presidential documents.
Inspection of tax returns by various committees; Executive orders respecting. *See* Presidential documents.
Inspection of tax returns by various committees; Executive orders respecting. *See* Presidential documents.
Puerto Rico:
Employment taxes, for residents of. *See* Internal Revenue Bureau.
Special purpose taxes, functions with respect to; Executive order respecting. *See* Presidential documents.
Regulations respecting employment, estate, excise, income, etc., taxes. *See* Internal Revenue Bureau.

TAXES, INCOME, EXCISE, ETC.—Continued Page
Virgin Islands:
Government employees working in, tax regulations affecting. *See* Internal Revenue Bureau.
Inclusion in Collection District of Maryland; Executive order respecting. *See* Presidential documents.
Taxes on persons selling, administering, etc., marihuana, coca, and opium; Executive order respecting. *See* Presidential documents.
TECHNICAL AND CULTURAL-COOPERATION PROGRAM. *See* State Department.
TECHNICAL COOPERATION PROGRAMS, under Title IV of Act for International Development; functions relating to, under Mutual Security Act; Executive order respecting. *See* Presidential documents.
TELECOMMUNICATIONS ADVISOR TO PRESIDENT, appointment and functions; Executive order respecting. *See* Presidential documents.
TELEPHONE AND TELEGRAPH COMPANIES; investigation of charges, etc. *See* Federal Communications Commission.
TELEVISION, services and facilities; regulations respecting. *See* Federal Communications Commission.

TENNESSEE VALLEY AUTHORITY:
Construction in Tennessee River system, approval of; procedure 4609
Structures within the flowage easement of Fort Lowdoun and Douglas Reservoirs 4610, 5109
Contracts:
Leasing of general purpose space; delegation of authority by General Services Administrator respecting 10952
Renegotiation of contracts; Executive order respecting. *See main heading* Presidential documents.
Under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Lands, certain, transfer to and from Authority; Executive orders respecting. *See main heading* Presidential documents.
Leasing of general purpose space; delegation of authority by General Services Administrator respecting 10952
Organization; revision 5663
Phosphate reserves in certain lands in Florida, withdrawal from appropriation and transfer; Executive order respecting. *See main heading* Presidential documents.

TERRITORIES AND POSSESSIONS:
See also Alaska; *and* Hawaii.
Aircraft, vehicles and vessels, seizure, forfeiture, and disposition of by Puerto Rico customs officials. *See* Internal Revenue Bureau.
Conservation programs, for Alaska, Puerto Rico, and Virgin Islands. *See* Agriculture Department.
Customs port of documentation at Guam, designation. *See* Customs Bureau.
Disaster areas in Puerto Rico having need for agricultural credit; designation of. *See* Agriculture Department.
Drugs in Virgin Islands (coca, opium, and derivatives, and marihuana), purchase, taxes, etc., functions with respect to; Executive order respecting. *See* Presidential documents.
Excess Government property for use in Territories and island possessions. *See* Interior Department.
Industry committees, special, for Puerto Rico and Virgin Islands. *See* Wage and Hour Division.
Lands in Puerto Rico; acceptance or disposal of certain lands by United States, Executive order respecting. *See* Presidential documents.
Loans to farmers, in Puerto Rico. *See* Farmers Home Administration.
Minimum wage orders, for various industries in Puerto Rico and Virgin Islands. *See* Wage and Hour Division.
Office of Territories. *See* Interior Department.

TERRITORIES AND POSSESSIONS—Continued Page
Pacific Islands:
Administration of Trust Territory; Executive order respecting. *See* Presidential documents.
Compensation of employees in Territory. *See* Employees Compensation Bureau.
Price control; ceiling price regulations affecting commodities sold in Alaska, Guam, Hawaii, Puerto Rico, Samoa and Virgin Islands. *See* Price Stabilization, Office of.
Public works, Virgin Islands. *See* Interior Department.
Quarantine regulations:
Guam. *See* Interior Department.
Movement of plants and plant products from Puerto Rico. *See* Entomology and Plant Quarantine Bureau.
Salaries, wages and other compensation for employees in Puerto Rico and Virgin Islands; salary and wage regulations respecting. *See* Salary Stabilization Board; *and* Wage Stabilization Board.
Samoa, administration of; Executive order respecting. *See* Presidential documents.
School lunch programs. *See* Agriculture Department.
Selective Service, under Universal Military Training and Service Act:
Registration in Guam and other territories; proclamations respecting. *See* Presidential documents.
Regulations respecting. *See* Selective Service System.
Sugar requirements and quotas, wages and prices. *See* Agriculture Department.
Sugarcane in Virgin Islands, price and wage determinations. *See* Agriculture Department.
United States District Court for Puerto Rico, designation of Acting Judge; Executive order respecting. *See* Presidential documents.
Vessels, vehicles, and aircraft, seizure, forfeiture, and disposition of, by Puerto Rico customs officials. *See* Internal Revenue Bureau.
THANKSGIVING DAY, 1951; proclamation respecting. *See* Presidential documents.
TIME ZONES, boundaries. *See* Interstate Commerce Commission.
TRADE AGREEMENTS:
General Agreement on Tariffs and Trade, tariff concessions under; proclamation and Presidential letters respecting. *See* Presidential documents.
Tariff-rate quotas for commodities, pursuant to. *See* Customs Bureau.
Torquay Protocol to General Agreement on Tariffs and Trade, carrying out provisions of; Presidential letters and proclamation respecting. *See* Presidential documents.
Various countries, modification, etc., of trade agreements with:
Austria, signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.
Communist areas, concessions withheld and importations restricted; Presidential letters respecting proclamation. *See* Presidential documents.
Costa Rica, termination of trade agreement with; proclamation respecting. *See* Presidential documents.
Cuba, exclusive trade agreement with:
Notification of Secretary of Treasury of modification; Presidential letters respecting. *See* Presidential documents.
Supplementary provisions; proclamation respecting. *See* Presidential documents.
Germany, signatory to Torquay Protocol, tariff concessions to; Presidential letters respecting. *See* Presidential documents.
Indonesia, signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.
Italy, signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.

TRADE AGREEMENTS—Continued Page
Various countries, modification, etc., of trade agreements with—Continued
Norway, signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.
Peru:
Signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.
Termination of trade agreement with; proclamation respecting. *See* Presidential documents.
Turkey, signatory to Torquay Protocol, tariff concessions to; Presidential letter respecting. *See* Presidential documents.
Venezuela:
Investigation respecting trade agreement with. *See* Reciprocity Information Committee; Tariff Commission; *and* Trade Agreements, Interdepartmental Committee on.
Tariff quota on petroleum products; proclamation respecting. *See* Presidential documents.

TRADE AGREEMENTS, INTERDEPARTMENTAL COMMITTEE ON:
Trade agreement with Venezuela; list of articles to be considered in negotiations 8868

TRADE FAIR, INTERNATIONAL, Chicago, Illinois, imports for. *See* Customs Bureau.

TRADE-MARK CASES; appeals respecting and rules of practice in. *See* Patent Office.

TRANSPORT ADMINISTRATION. *See* Defense Transport Administration.

TRANSPORT, DOMESTIC, STORAGE AND PORT UTILIZATION, INTERAGENCY ADVISORY COMMITTEE ON. *See* Defense Transport Administration.

TRANSPORTATION ADMINISTRATION, DEFENSE AIR. *See* Defense Air Transportation Administration.

TRANSPORTATION SERVICE, MILITARY SEA; hearing respecting use of certain vessels for Service. *See* Maritime Board.

TRANSPORTATION AND STORAGE:
Air transportation. *See* Air transportation, facilities, etc.
Committee on Defense Transportation and Storage, establishment. *See* Defense Mobilization, Office of.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization. *See* Defense Transport Administration.
Military Sea Transportation Service; hearing respecting use of certain vessels for. *See* Maritime Board.
Responsibilities in connection with; Executive order respecting. *See* Presidential documents.

TRANSPORTATION, UNDER SECRETARY OF COMMERCE FOR. *See* Commerce Department.

TRAVEL AND TRANSPORTATION:
Civilian employees transferred from one station to another; Executive order respecting. *See* Presidential documents.
Lost Government requests for transportation; form to be used by carrier 5199
Public Health Service officers. *See* Public Health Service.

TREASURY DEPARTMENT:
See Coast Guard.
Customs Bureau.
Internal Revenue Bureau.
Narcotics Bureau.
Accounts Bureau:
Checks and warrants:
Delivery of checks and warrants to addresses outside United States, its Territories and Possessions; withholding of delivery of:
In specified places in Europe 1818, 3479
In Asia 3479
Power of attorney in certain countries not recognized 10017
Government checks, indorsement and transmission for collection 2955

TREASURY DEPARTMENT—Continued Page
Accounts Bureau—Continued
Deposit of public moneys and payment of Government checks:
Checks, indorsement and transmission for collection 2955
Deposits:
Collateral security for deposits 2955
Special deposits of public moneys under Act of September 24, 1917:
Amendment of regulations; redesignation 1582
How deposits are to be made; deposit of funds representing certain Federal taxes 1582
Treasury Tax and Loan Account:
Funds which may be deposited into 1582
Special draft for credit in 1582
Withdrawal of deposits, calls for; redesignation 1582
Taxes:
See also Special deposits.
Employer and employee taxes under Federal Insurance Contributions Act and Railroad Retirement Act, and income taxes withheld on wages, deposit with Federal Reserve and depositary banks 6020
Procedure to be followed by depositories for Federal taxes 548, 6020
International Claims Commission of United States, payment on account of awards of 457
Surety companies doing business with United States:
Business; companies must adhere to charter and state laws respecting type or class of business conducted 9861
Financial statement to be published; procedure respecting publication of Treasury Form 356 9861
List of surety companies acceptable on Federal bonds:
Aetna Insurance Company 4591
Alliance Mutual Casualty Co 5591
American Credit Indemnity Co. of New York 4897
American Surety Co. of New York 10907
Capital Indemnity Insurance Co 10952
Commercial Insurance Co. of Newark, N. J 4277
Connecticut Fire Insurance Company 4591
Connecticut Indemnity Company 3865
Federal Insurance Co 7166
Founders' Insurance Co 695
Franklin National Insurance Co. of New York 4591
General Casualty and Surety Co. of Atlanta, Ga. (voluntary termination) 9665
Glens Falls Insurance Company 2445
Hanover Fire Insurance Co 4897
Mechanics and Traders Insurance Co 3490
National Fire Insurance Co. of Hartford 3490
National Union Fire Insurance Co 2445
New England Casualty Insurance Co. (Revocation) 1022
New England Insurance Co 1022
New York Casualty Co. (revocation) 10907
Phoenix Insurance Company 4591
Preferred Accident Insurance Co. of New York 4277
Providence Washington Indemnity Co 6200
Reliance Insurance Co. of Philadelphia 4277
St. Paul Fire and Marine Insurance Co 10952
Security Insurance Co. of New Haven 3865
Standard Insurance Co. of New York 4591
Transcontinental Insurance Company 3930
Vigilant Insurance Co 7166
Western National Insurance Company 1961
World Fire and Marine Insurance Company 4591
Attorneys and agents, practice of before Department. *See* Office of Secretary.
Authority, delegations of:
Commandant, U. S. Coast Guard and Commissioner of Customs; authority with respect to waiver of navigation and vessel inspection laws 731
Secret Service, Special Agents-in-Charge of District Headquarters; delegations of final authority 10861
Bonds and certificates, Treasury. *See* Public Debt Bureau.
Certificates, Treasury; offering of. *See* Public Debt Bureau.
Checks, Government, handling of. *See* Accounts Bureau.

TREASURY DEPARTMENT—Continued Page
China and Korea; regulations concerning:
Gold; certificate showing no Communist Chinese or North Korean interest required in certain sales of gold 12697
Merchandise of Chinese or Korean origin, customs procedures for 2179, 8107
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 6336, 9502
Coins, uncirculated; distribution of sets of, for collection purposes 12044
Committees and boards, representation on:
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Transportation and Storage, Committee on 2335
Foreign Supplies and Requirements, Committee on, in Office of Defense Mobilization 646
Loan Policy Board, Reconstruction Finance Corporation; representation on, under Reorganization Plan No. 1 of 1951 3690, 3825
Narcotics, Interdepartmental Committee on, representation on; Executive order respecting. *See main heading* Presidential documents.
Convict, forced or indentured labor goods, importation prohibited; canned crab meat from Union of Soviet Socialist Republics (Customs Bureau finding approved by Acting Secretary of Treasury) 776
Communist China or North Korea. *See* China and Korea.
Customs procedures for merchandise of Chinese or Korean origin 2179, 8107, 8108
Deposits of public moneys. *See* Accounts Bureau.
Employees, former; standards and procedures for special enrollment of 164
Fiscal Service. *See* Accounts Bureau; Public Debt Bureau; *and* Treasurer of United States.
Foreign Assets Control Division:
Access to final opinions, orders, rules, or official records; exception from list of offices not issuing orders, etc 767
Customs procedures for merchandise of Chinese or Korean origin 2179, 8107, 8108
Articles processed or ornamented in another country, treated as merchandise of country of origin 8108
Goods imported in mails 8107
Licenses and authorizations:
Exchange of certain securities listed in national securities exchanges (including withdrawal of securities from blocked accounts), by banking institutions in United States 767
Importations from designated nationals, transactions incident to 767
Organization, statement of 776
Foreign moneys, values of, for quarters beginning:
January 1, 1951 84
April 1, 1951 2937
July 1, 1951 6371
October 1, 1951 10065
Functions of Secretary of Treasury with respect to customs districts, exemption of vessels from duties, transactions in silver and gold, etc.; Executive order respecting. *See main heading* Presidential documents.
Gold:
Certificate showing no Communist Chinese or North Korean interest in certain sales of gold 12697
End-use certificates for semiprocessed gold; Mint Bureau Form T G–29 12697
Transactions in gold and silver, functions of Secretary in connection with; Executive order respecting. *See main heading* Presidential documents.
International Claims Commission of United States; payment on account of awards of 457
International Finance, Office of:
Foreign Assets Control, Division of; regulations, etc. *See* Foreign Assets Control Division.
Organization 776
Judges of courts of record; enrollment of, under certain conditions 11712
Korea. *See* China and Korea.

TREASURY DEPARTMENT—Continued Page
Mint Bureau; procedures and forms with respect to gold:
Certificate of no Communist Chinese or North Korean interest supplemental to application on Form T G–16 required in certain sales of gold 12697
End-use certificate for semiprocessed gold; Form T G–29 12697
Monetary offices:
Mint Bureau procedures and forms with respect to gold. *See* Mint Bureau.
Values of foreign moneys. *See* Foreign moneys.
Moneys:
Foreign moneys, values of. *See* Foreign moneys.
Public moneys, deposit of. *See* Accounts Bureau.
Navigation:
Navigation aids, transportation responsibilities of Secretary in connection with; Executive order respecting. *See main heading* Presidential documents.
Waivers of navigation and vessel inspection laws; delegation of authority to Commandant, U. S. Coast Guard and Commissioner of Customs respecting 731
Notes, Treasury; offering of, etc. *See* Public Debt Bureau.
Office of Secretary:
Attorneys and agents, practice of, before Department:
Enrollment cards:
Expiration and renewal of enrollment cards 11672
Period of enrollment card 12387
Qualifications for enrollment:
Judges of courts of record eligible for enrollment under certain conditions 11712
Standards and procedures for special enrollment of former officers and employes 164
Central Office procedures; rules governing access to final opinions or orders, to rules and to official records (exception of Division of Foreign Assets Control from list of offices not issuing orders, etc.) 767
Navigation and vessel inspection laws, waiver of; delegation of authority to Commandant, U. S. Coast Guard and Commissioner of Customs 731
Organization:
Office of International Finance 776
Foreign Assets Control Division 776
Secret Service 10861
President's Commission on Internal Security and Individual Rights, liquidation of affairs; Executive order respecting. *See main heading* Presidential documents.
Public Debt Bureau:
Bonds:
Treasury bonds:
Call for redemption:
1951–53, 2¼% 8049
1951–54, 2¾% 1604
1951–55, 3% 4499
1952–54, 2½% 11618
Offering of; Series B–1975–80, 2¾% 2640
United States Savings Bonds:
General regulations:
Options open to owners of maturing bonds 2956
Payment, under certain conditions, without owner's signature 4748
Redemption of bonds by banks and other financial institutions, without owner's signature 4748
Replacement of losses resulting from redemption by agents without owner's signature 4748
Series E bonds:
Offering of:
Options open to owners of maturing bonds 2956
Payment, under certain conditions, without owner's signature 4748
Purchased with proceeds of certain matured bonds of Series A, C, and D; calculation of amount 85
Series F and G bonds; offering of:
Options open to owners of maturing bonds 2956
Payment, under certain conditions, without owner's signature 4748

TREASURY DEPARTMENT—Continued Page

Public Debt Bureau—Continued
Certificates of indebtedness, Treasury, offering of:
Series A–1952, 1⅞%---- 5294
Series B–1952, 1⅞%---- 6966
Series C–1952, 1⅞%---- 9099
Series E–1952, 1⅞%---- 10087
Series F–1952, 1⅞%---- 12232
Notes, Treasury:
Series A; offering and special regulations governing ---- 4488
Series D; withdrawal of---- 4488
Series EA and EO, 1½%, offering of---- 2640
Records; access to final opinions and orders, records, etc---- 767
Secret Service, organization and procedures---- 10861
Central and field organization---- 10861
Public information; access to records---- 10861
Special Agents in Charge of District Headquarters; authority to make determinations respecting policy and practice---- 10861
Securities, certain, exchange of---- 767
Silver; regulations governing transactions in gold and silver, Executive order respecting. *See main heading* Presidential documents.
Surety companies. *See* Accounts Bureau.
Taxes; employer and employee taxes and income taxes withheld on wages, deposit of, with Federal Reserve Banks and depositary banks. *See under* Accounts Bureau.
Trade agreements; letters of President to Secretary with respect to certain customs duties. *See main heading* Presidential documents.
Treasurer of United States; uncirculated coins distribution of sets of, for collection purposes---- 12044
Unemployment compensation laws, certain; certifications to Secretary by Secretary of Labor. *See main heading* Labor Department.
Waivers of navigation and vessel inspection laws; delegation of authority respecting to Commandant, U. S. Coast Guard and Commissioner of Customs ---- 731

TRUST TERRITORY OF PACIFIC ISLANDS:
Administration of; Executive order respecting. *See* Presidential documents.
Operation of aircraft service in, by Transocean Air Lines; special provision respecting weight or structure of air craft---- 6406

TURKEY, aid to, under Mutual Security Act; Executive order respecting. *See* Presidential documents.

U

UNEMPLOYMENT COMPENSATION:
Railroad employees. *See* Railroad Retirement Board.
State laws, certification of. *See* Labor Department.

UNITED NATIONS:
Detail of military personnel to United Nations; Executive order respecting. *See* Presidential documents.
Peaceful settlement of international disputes, support of activities in, Executive order respecting. *See* Presidential documents.
Postal Agreement with the United States. *See* Post Office Department.

UNITED NATIONS DAY, 1951; proclamation respecting. *See* Presidential documents.

UNITED NATIONS HUMAN RIGHTS DAY, 1951; proclamation respecting. *See* Presidential documents.

UNITED STATES COMMERCIAL COMPANY; management of corporation by Administrator of Reconstruction Finance Corporation, amendment of charter to provide for---- 5190

UNITED STATES EMPLOYMENT SERVICE; services of. *See* Employment Security Bureau.

UNITED STATES SAVINGS BONDS, regulations respecting. *See* Treasury Department.

UNITED STATES SPECIAL REPRESENTATIVE IN EUROPE; effective date of abolishment; Executive order respecting. *See* Presidential documents.

V

VALUABLES, SHIPMENT OF, by Government agencies and employees, regulations relating to; Executive order respecting. *See* Presidential documents.

VENEZUELA; tariff quota on petroleum products under trade agreement, proclamation respecting. *See* Presidential documents.

VESSELS:
Activation and operation of vessels:
For defense and commerce purposes; Executive order respecting. *See* Presidential documents.
For transportation of supplies to India; proclamation respecting. *See* Presidential documents.
"Benevolence", demolition of. *See* Army Department.
Bonding of personnel. *See* National Shipping Authority.
Canadian vessels, transportation of grain by. *See* Defense Transportation Administration.
Charter of certain vessels:
Under Merchant Ships Sales Act. *See* Maritime Board.
"Warshipvoy" charter for transportation of certain cargoes. *See* National Shipping Authority.
Coast Guard regulations respecting. *See* Coast Guard.
Documentation; customs regulations. *See* Customs Bureau.
Export control of certain vessels, positive list of commodities. *See* International Trade, Office of.
Foreign service regulations respecting shipping and seamen regulations. *See* State Department.
In Canal Zone; safeguarding of. *See* Panama Canal Company.
In foreign and domestic trade. *See* Customs Bureau.
In territorial waters of United States, regulation of anchorage and movement; Executive order respecting. *See* Presidential documents.
Merchant marine; regulations, etc., respecting. *See* Coast Guard; Maritime Administration; *and* Maritime Board, Federal.
National parks, boats in. *See* National Park Service.
National Shipping Authority orders. *See* National Shipping Authority.
Navigation aids, responsibility of Secretary of Treasury in connection with; Executive order respecting. *See* Presidential documents.
Navigation laws and regulations. *See* Coast Guard; Customs Bureau; Engineers, Corps of; Maritime Board; *and* Navy Department.
Pacific Halibut fisheries, vessels used in. *See* International Fisheries Commission.
Priority rating for marine maintenance, repair and operating supplies for water transportation systems. *See* National Production Authority.
Protection and security of:
Executive orders respecting. *See* Presidential documents.
Regulations respecting. *See* Coast Guard; *and* Panama Canal Company.
Puerto Rico; seizure, forfeitures, and disposition of vessels involving contraband articles. *See* Internal Revenue Bureau.
Quarantine:
Guam, quarantine regulations for; issuance by Territories, Office of. *See* Interior Department.
Interstate regulations. *See* Public Health Service.
Radio services. *See* Federal Communications Commission.
Repair of vessels. *See* National Shipping Authority.
Requisition for emergency evacuation. *See* Customs Bureau.
S. S. "Arauca"; claim arising out of requisitioning vessels by United States---- 2015
S. S. "Farida", just compensation for use of; deposit by Maritime Administration---- 6845
Shipping and ship construction, allocation, reactivation, etc., responsibility for; Executive order respecting. *See* Presidential documents.
Subsidies, operating-differential. *See* Maritime Administration; *and* Maritime Board

VESSELS—Continued Page

Tanker ships:
Investigation of tanker ships sold by Maritime Commission, inspection of tax returns in connection with; Executive order respecting. *See* Presidential documents.
Voluntary plan for tanker capacity contributions, and list of companies participating. *See* Defense Production Administration.
Tonnage duties, imposts, etc., suspension of by Secretary of Treasury; Executive order respecting. *See* Presidential documents.
Transporation agreements. *See* Maritime Board.

VETERANS:
Benefits to. *See* Veterans' Administration.
Civil service employment. *See* Civil Service Commission.
Civil service status; acquisition of. *See* Presidential documents.
Homestead rights in public lands opened to entry. *See* Land Management Bureau, *and* Reclamation Bureau.
Housing:
Administration of certain functions relating to; Executive order respecting. *See* Presidential documents.
Credit restrictions on residential real estate, relaxation for designated areas. *See main heading* Housing and Home Finance Agency.
Disposition of certain temporary housing; Executive order respecting. *See* Presidential documents.
Unsecured loans; larger loans guaranteed or insured under Federal Savings and Loan System. *See* Home Loan Bank Board.
Veterans preference in sale or rental. *See* Economic Stabilization Agency; *and* Rent Stabilization Office.
Naturalization of veterans who lost citizenship in service of Allied armies. *See* Immigration and Naturalization Service.
Old age and survivors insurance benefits. *See* Old Age and Survivors Insurance Bureau.
Restoration of Federal employees to positions; civil service regulations. *See* Civil Service Commission.
Selective service. *See* Selective Service System.
War claims. *See* War Claims Commission.

VETERANS' ADMINISTRATION:
Apportionment of payments:
Compensation or pension; veterans' and dependents' and beneficiaries' claims. *See* Claims.
Subsistence allowance to veterans receiving vocational rehabilitation or education benefits. *See* Vocational rehabilitation and education.
Authority, delegation of:
Respecting contracts for vocational rehabilitation under Public Laws 16 and 346, 78th Congress, as amended---- 10269
To administrator of Veterans' Affairs, to process applications under NPA Order M–4 and M–4A and make allotments and assign ratings under CMP Regulation No. 6 with respect to certain hospital construction---- 5401, 6735, 7628
To central office personnel; redesignation---- 8310
To employees in central office and field:
To make findings of fact, etc.; redesignation---- 8310
To take affidavits, administer oaths, etc---- 8310
To Veterans' Administration personnel; redesignation---- 8310
Automobiles, procurement of, for disabled veterans---- 12702
Autopsies, consent of surviving spouse or next of kin required---- 5701
Burial of deceased veterans, claims of dependents and beneficiaries for expenses. *See* Claims.
Claims, for compensation or pension, by veterans, dependents, or beneficiaries:
Dependents and beneficiaries claims:
Burial and funeral expenses and transportation of bodies of veterans:
Burial expenses of deceased war veterans and veterans of the regular establishment, payment of:
Limitation as to time for filing and perfecting claim---- 10267

VETERANS' ADMINISTRATION—Continued Page

Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
Dependents and beneficiaries claims—Continued
Burial and funeral expenses and transportation of bodies of veterans—Continued
Burial expenses of deceased war veterans and veterans of the regular establishment, payment of—Continued
Peacetime service, death on or after October 5, 1940---- 10267, 11186
Service on or after July 27, 1950---- 6465
Rating considerations, deletion---- 11774
Wartime service and Korean conflict; death on or after March 20, 1933---- 10267
Burial expenses, military forces of Commonwealth of Philippines---- 4658
Death occurring while traveling under prior authorization or while properly hospitalized by Veterans' Administration---- 10268
"Veteran of any war" and Korean conflict, definition of; persons included:
Korean conflict---- 10267
Philippine Army and guerrilla service---- 10267
Retirement status, enlisted men or officers---- 10267
Servicewomen, World War II; WAAC, WAC, and Women's Reserves of Navy, Marine Corps, and Coast Guard---- 10267
"Veteran" (other than "veteran of any war"), definition of; persons included:
Veteran retired from Army, Navy, Marine Corps or Coast Guard:
For service-connected disability---- 10267
Receiving pension for service-connected disability ---- 10267
Veteran who served prior to December 7, 1941, in military forces of Commonwealth of Philippines---- 10267
Death pension and compensation:
Apportionment of death pension or compensation; rates payable, general---- 10266
Children, payments to, when reaching age of sixteen or eighteen:
Helplessness:
After age 16; section headnote amended---- 1594
Cross reference added---- 1594
After age 18; section headnote amended---- 1594
Helpless child; cancellation---- 1594
Payment of pension or compensation based upon; centerhead deleted---- 1594
School attendance, payment of pension or compensation based on; centerhead changed to section headnote---- 1594
Commencement of original awards:
Effective date of death compensation or pension; service on and after June 27, 1950, Public Law 28, 82d Congress---- 10266
Non-service-connected death, Public No. 484, 73d Congress, as amended; service on and after June 27, 1950 (Pub. Law 28, 82d Congress)---- 10266
Original award, commencement date under Public Law 894, 81st Congress (act of December 28, 1950)---- 10266
Concurrent payment of two benefits to same person ---- 8274
Cancellation of prior provisions---- 8274
Election, right of, between benefits---- 8274, 12435
Rates of death pension and compensation:
Death due to service:
Carrying mail by air, rates under Public No. 140, 73d Congress for death resulting from; cancellation---- 10266
Veterans' Administration hospital treatment, etc., death due to---- 10267
Wartime service or Korean conflict, death due to---- 10266
Death not due to service; World War I, World War II, and Korean conflict---- 10267
Service, pensionable and compensable:
Death of veteran due to service rendered during Korean conflict; Public Law 28, 82d Congress---- 10265

90060—52——40

VETERANS' ADMINISTRATION—Continued — Page

Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
Dependents and beneficiaries claims—Continued
Death pension and compensation—Continued
Service, pensionable and compensable—Con.
Death of veteran who served during Korean conflict from disease or injury not result of service who at time of death had service-connected disability — 10265
Death of World War II veteran due to training, hospitalization, or medical or surgical treatment, etc.; cross reference — 8274, 10265
Service in Spanish American War, Boxer Rebellion, and Philippine Insurrection — 9092
Service on or after July 27, 1950 — 6465
Rating considerations, deletion — 11774
Servicemen's indemnity for death — 4715
Designations of beneficiaries — 6564
Death ratings:
Interpretation of "at time of death was receiving or entitled to receive compensation or retirement pay" — 11774
Service-connection in death cases for coronary occlusion or coronary thrombosis — 11774
World War I; establishment of service-connected disability of less than 10 per centum:
Caution on service-connection — 7513
Definition of "disability" — 7513
World War II or Korean conflict (Public Law 28, 82d Congress); establishment of service-connected disability of less than 10 per centum — 11774
Basic entitlement — 11774
Definition of "disability" — 11774
Definitions of relationship:
World War I; child — 11453
World War II; Korea — 10265
Evidence required in establishing proof of birth, relationship, marriage, death and dependency; determination of domestic relations questions, jurisdiction over determinations — 2657
Loan guaranty benefits, certification of eligibility of unremarried widows to; death resulting from injury or disease incurred in line of duty on or after September 16, 1940 — 1594
Provisional regulations; review of death compensation and pension claims to determine presumptive service-connection for multiple sclerosis — 12356
Veterans' claims:
Apportionment not authorized — 2636, 9092
Automobiles, procurement of, for disabled veterans — 12702
Basic entitlement. *See* Entitlement.
Children, determinations as to helplessness of; centerhead added — 1593
Conditions which determine helplessness — 1593
Chronic and tropical diseases, service connection for. *See* Service-connection.
Disallowance and awards:
Application for increase based upon changed physical conditions:
Increase based upon report of physical examination or hospitalization — 2634, 11185
Physical examination reports, clinical records, etc., received from State, county, municipal, and recognized private institutions and contract hospitals — 2634, 11186
Statements by private physicians or laymen — 9091
Computation of awards predicated upon ratings involving both direct and statutory presumptive service-connection; cancellation — 9091
Concurrent payment of benefits to same person; election of benefit to be received — 11186
Effective dates of awards:
Of disability compensation; pulmonary tuberculosis — 9091
Pursuant to Part III, Veterans Regulation 1 (a), as amended — 11185

VETERANS' ADMINISTRATION—Continued — Page

Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
Veterans' claims—Continued
Disallowance and awards—Continued
Helplessness, blindness, deafness and anatomical losses:
Nurse or attendant, additional allowance for, and adjustment of awards during institutionalization — 2634
Special monthly compensation — 2634
Income, annual; regulations under Veterans Regulation No. 1 (a), Part III, respecting; computation of annual income:
Income included in computation — 3235
Reduction of income — 3235
Incompetent or insane veterans:
Funds available to beneficiary on trial visit or upon discharge — 643
Institutional awards — 9091
Resumption of awards discontinued under section 1, Public Law 662, 79th Congress — 2097
Insane veterans. *See* Incompetent or insane veterans.
Military and naval retirement pay — 11453
Service connection, peacetime and wartime disabilities (section 202 [15], World War Veterans' Act, 1924, as amended); deletion — 9091
Statutory awards (section 202, World War Veterans' Act, 1924, as amended); statutory allowances, deletion — 9091
Emergency officers retirement claims; statutory allowance not payable — 9092
Entitlement, basic determination of:
Active service under Public No. 2, 73d Congress; Philippine Commonwealth Army — 11184
Disability of veteran as direct result of armed conflict or while engaged in extra hazardous service, including such service under conditions simulating war, or while United States is engaged in war — 2632, 4784
Persons included in acts in addition to commissioned officers and enlisted men — 2631
Service-connection, sound condition at time of entrance into service, aggravation and natural progress — 2734
Validity of enlistment prerequisite to entitlement — 2632
Fraudulent enlistments involving other than concealment or minority — 11185
Evidence, requirements for submission of, written testimony to be certified and oral testimony to be under oath; administration of oaths by employees — 11184
Multiple sclerosis, presumptive service-connection for. *See* Provisional regulations.
Provisional regulations:
Automobiles and other conveyances, procurement of, for disabled veterans — 12702
Disability compensation and pension accorded veterans under Public Law 28, 82d Congress; instructions relating to — 5622, 11453
Multiple sclerosis, presumption of service-connection for, under Part I, Veterans Regulation 1 (a), as amended — 11774
Pension, instructions relating to establishment of rate of, for aid and attendance under Part III, Veterans Regulation 1 (a), as amended — 9691
Preference certificate for low-rent housing, issuance of, under section 302, Public Law 171, 81st Congress; cancellation — 1594
Pulmonary tuberculosis, active, effective date of evaluation and awards for presumption of service-connection for, under Public Law 573, 81st Congress; cancellation — 9092
Rates of pension, increase of — 8847
Pulmonary tuberculosis:
Chronic and tropical diseases, service-connection for. *See* Service-connection.
Determination of "complete arrest" — 7262
Effect of diagnoses of active tuberculosis — 7262
Service-connection. *See* Service-connection; *and* Provisional regulations.

VETERANS' ADMINISTRATION—Continued — Page

Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
Veterans' claims—Continued
Rating schedule, application of:
Effective dates of evaluations, 1945 Schedule, in original ratings — 2634
Permanent total disability ratings generally — 9091
Separate combined ratings, cancellation — 9091
Relationship and dependency:
Apportionment of payments — 2636, 9092
Proof of relationship and dependency:
Conditions which determine dependency — 2656
Evidence to establish relationship of child, for compensation, pension and subsistence allowance purposes; illegitimate child — 2656
Proof:
Of death — 2656
Of marriage — 2078
Retirement claims of emergency officers; statutory allowance not payable — 9092
Service-connection:
Chronic and tropical diseases, service-connection for — 2633, 9090
Chronic and tropical diseases under Public No. 2, 73d Congress, as amended — 2634, 9091
Effective dates:
Of award — 11185
Of evaluation of disability — 11185
Determinations of basic entitlement. *See* Entitlement.
Endobronchial tuberculosis — 11185
Multiple sclerosis, presumption of service-connection for — 11774
Service requirements:
Basic entitlement. *See* Entitlement.
Persons included in acts in addition to commissioned officers and enlisted men — 2631
World Wars I and II and service on or after June 27, 1950, redesignation — 9090
Contracts with educational and training institutions. *See* Vocational rehabilitation and education; training facilities.
Correspondence courses, for vocational rehabilitation and education — 9041
Credit restrictions, housing loan guaranty. *See* Servicemen's Readjustment Act of 1944.
Defense Production Act, designation as claimant agency for programs under — 4914
Dental service. *See* Medical treatment and hospital care, etc.
Disabled veterans:
Procurement of automobiles and other conveyances for — 12702
Vocational rehabilitation for. *See* Vocational rehabilitation and education.
Education. *See* Vocational rehabilitation and education.
Foreign countries:
Medical treatment in, eligibility for — 12091
Training facilities in — 3132, 11454
Hospitals:
Foreign, medical care in; eligibility for — 12091
Hospital construction; delegation of authority to process applications under NPA Order M-4 and M-4A, and make allotments and assign ratings under CMP Regulation No. 6 with respect to — 5401, 6735, 7628
Medical care in. *See* Medical treatment and hospital care.
Housing:
Loan guaranty; credit restrictions. *See* Servicemen's Readjustment Act of 1944.
Preference certificates for; cancellation — 1594
Information concerning claimants and beneficiaries, release of. *See* Records.
Insurance:
Illegal payments — 5131
Information concerning claimants and beneficiaries, disclosure to insurance companies cooperating with Department of Justice in defence of insurance suits against United States — 10637

VETERANS' ADMINISTRATION—Continued — Page

Insurance—Continued
National Service life insurance:
Applications for insurance; eligibility and definition of good health — 12986
Appropriations; crediting of premiums to and payment of benefits from Service-Disabled Veterans' Insurance Fund and Veterans' Special Term Insurance Fund — 12996
Beneficiaries:
Beneficiary designations — 9093
Payment to other than designated beneficiary, class and order of; brothers and sisters of insured — 9093
Cash value — 12990
Change in insurance plans — 12991
Claims alleging insurance contract where there is no application on file — 12992
Dividends, how paid — 12990
Effective date — 12988
Insurance issued:
Pursuant to section 5 of Servicemen's Indemnity Act of 1951 — 12996
Under section 620 and 621 of National Service Life Insurance Act, as amended April 25, 1951 — 12996
Lapse; nonlapse of insurance during active service prior to date of enactment of Public Law 589, 79th Congress — 12989
Optional settlements:
Election of optional settlement by beneficiary — 12992
Insurance issued under provisions of National Service Life Insurance Act of 1940, as amended, prior to enactment of Public Law 23, 82d Congress — 12993
Insurance issued under provisions of section 620 or 621 of National Service Life Insurance Act, as amended April 25, 1951 — 12993
Selection and revocation of option — 12992
Paid-up insurance, provision for; other than five-year level premium term policies — 12990
Premium waivers and total disability:
Premium waivers:
Discontinuance — 8365
Effective date — 12992
Requirements — 12991
Under section 622 of National Service Life Insurance Act as amended April 25, 1951 — 12996
Total disability, definition of, for insurance purposes — 8365
Premiums:
Due date — 12988
Payment by mail — 12989
Payment of premiums; insured in active service or entitled to retirement pay — 12989
Premiums to be deducted from compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse — 12989
Rates — 12988
Termination of authorization to deduct insurance premiums from compensation, retirement pay, or pension — 12989
Reinstatement of insurance — 4759, 12989
Renewal of five-year level premium term insurance:
Insurance issued under section 621 of National Service Life Insurance Act, as amended — 12995
Insurance not issued under section 621 of National Service Life Insurance Act, as amended — 12994
Settlement of insurance maturing on or after August 1, 1946; payment to designated beneficiaries — 12995
Total disability income provisions:
Application for, and for reinstatement thereof — 12995
Application for reinstatement and issue of total disability income provision pursuant to section 5 of Servicemen's Indemnity Act of 1951 — 12995
Overpayments or illegal payments — 5131
Records, release of information from. *See* Records.
United States Government life insurance:
Applications for insurance — 12982
Change in plan to policy at higher rate of premium as of current effective date — 12983

VETERANS' ADMINISTRATION—Continued Page

Insurance—Continued
United States Government life insurance—Con.
Claims alleging insurance contract where there is no application for insurance on file 12984
Death benefits, due proof of death of insured 12984
Disabilities deemed to be total 8365
Disabilities deemed to be total and permanent 8365
Dividends, how paid 12984
Effective date:
Insurance applied for by person entering active military or naval service 12983
Insurance applied for pursuant to provisions of section 5 of Servicemen's Indemnity Act of 1951 12983
Five-year level premium term plan:
Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after expiration of term period 12985
Dividends 12985
Grace period for first premium payable after termination of total and permanent disability insurance award and total disability insurance award 12986
Premium waiver under section 622 of National Service Life Insurance Act, as amended April 25, 1951 12986
Reinstatement 12985
Renewal 12985
Loans; rate of interest on policy loans on and after July 19, 1939 12984
Premiums:
Payment of insurance premiums by mail 12983
Payment of premiums; insured in active service or entitled to retirement pay 12983
Premium rate 12983
Reinstatement:
Applications for reinstatement pursuant to section 5 of Servicemen's Indemnity Act of 1951 12984
Policies in force under extended insurance, reinstatement of 12983
Provision for reinstatement 4758
Term insurance, renewable yearly; period allowed for resumption of payment of premiums after termination of a total permanent disability award 12984
Total disability provision, application for reinstatement and issue of, pursuant to section 5 of Servicemen's Indemnity Act of 1951 12985
Inventions by employees of Veterans' Administration; rights of employees and rights of Government, procedure for obtaining patents, etc 7615
Legal services, solicitor's office:
Domestic relations questions 7569
Legal advice or assistance on general law, State law, real or personal property law, loan guaranty or insurance cases, personnel, fiscal matters, etc 7569
Loans:
Insured loans to veterans. *See* Servicemen's Readjustment Act of 1944.
Loan guaranty benefits, certification of eligibility of unremarried widows to 1594
On United States Government life insurance policies. *See* Insurance.
Unsecured loans; hearing on larger loans guaranteed or insured by Veterans' Administration or Federal Housing Administration. *See main heading* Home Loan Bank Board.
Medical treatment and hospital care, etc.:
Autopsies; consent of surviving spouse or next of kin required 5701
Dental services:
Dental examinations, authorization of, for certain classes of claimants or beneficiaries; persons who served after June 27, 1950 12095
Dental treatment:
Authorization of, for certain persons; persons who served after June 27, 1950 12095
Extent of, for certain persons; persons who served after June 27, 1950 12095
Replacement of dental prosthesis; persons who served after June 27, 1950 12095

VETERANS' ADMINISTRATION—Continued Page

Medical treatment and hospital care, etc.—Continued
Foreign countries, treatment in; eligibility for 12091
Hospital discharge of actively tuberculous patients; statutory discharge 12094
Hospitalization and domiciliary care:
Definitions applicable in determining eligibility 12093
Eligibility of persons discharged, released, or retired from active military or naval service 12091
Facilities other than those under direct and exclusive jurisdiction of Veterans Administration, utilization of 12093
By women veterans 12094
In territories and insular possessions 12093
Hospital observation and physical examination, persons entitled to:
Claimants or beneficiaries of other Federal agencies 12091
Claimants or beneficiaries of Veterans Administration 12091
Claimants or beneficiaries referred to diagnostic center for study 12091
Hospital treatment or domiciliary care, persons entitled to:
Members or former members of uniformed services permanently retired for physical disability 12091
Persons retired from active military or naval service:
Who had no war service 12091
Who served during a war period 12091
Who served on or after June 27, 1950 12091
Orthopedic and prosthetic appliances:
Guide dogs or mechanical and electronic equipment for blind beneficiaries 12095
Retired personnel; appliances to be supplied or repaired for any officer or enlisted man retired from active military or naval service who was injured in line of duty 12094
Types, fitting and training, and eligibility to appliances and repairs thereto, appliances of permanent type to be furnished to certain persons; persons who served after June 27, 1950 12094
Out-patient treatment, for certain applicants 12094
Persons serving on or after June 27, 1957 12094
Organization:
Central office; office of assistant administrators:
For contact and administrative services; functions, missions, and organization 5029
For special services; functions, mission, and organization 5029
For vocational rehabilitation and education; functions, mission, and organization 2450
General authority and functions 2450
List of VA installations; changes, corrections and deletions 2450, 5030
Orthopedic and prosthetic appliances. *See* Medical treatment and hospital care, etc.
Patents, procedure for obtaining, on inventions by employees of Veterans' Administration 7615
Pension and compensation, claims for. *See* Claims.
Philippines, commonwealth of, military forces of; claims of dependents and beneficiaries for transportation, funeral, and burial expenses for bodies of veterans 4658
Price control; exemption from price control of sales by Veterans Canteen Service. *See main heading* Price Stabilization, Office of.
Records:
Concerning claimants and beneficiaries; release of information from:
Disclosure to courts in proceedings in nature of inquest 10637
Disclosure to insurance companies cooperating with Department of Justice in defense of insurance suits against United States 10637
Judicial proceedings generally 10637
Educational institutions furnishing training to veterans, maintenance and retention of records by 6681, 9033, 9044
Servicemen's Readjustment Act of 1944:
Title II, application of provisions of. *See* Vocational rehabilitation and education.

VETERANS' ADMINISTRATION—Continued Page

Servicemen's Readjustment Act of 1944—Continued
Title III, loan guaranty; guaranty or insurance of loans to veterans:
Definitions 12356
Direct loans:
Loans closing expenses 580, 2599, 9314
Maturity of loan 9315
General provisions:
Closing costs 12356
Computation of guaranties or insurance credits:
Entitlement remaining after prior use, formula governing ascertainment of 12356
Entitlement used after April 20, 1950; loan for purchase or construction of residential property 12356
Loans which may not be processed automatically 356, 580, 2599, 9313
Loss of guaranty or insurance 1594
Real estate loans; credit restrictions 356, 580, 2599, 2972, 9313, 11455
Findings by Housing and Home Finance Administrator respecting credit restrictions pursuant to Defense Production Act of 1950 on loans made or assisted by Administrator of Veterans' Affairs 357, 580, 2599, 9315, 11456
Subsistence allowance. *See* Vocational rehabilitation and education.
Training facilities. *See* Vocational rehabilitation and education.
Vocational rehabilitation and education:
Courses of education and training. *See* Education and training; *and* Registration and research.
Disabled veterans; vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended:
Approval of institutions and training establishments for trainees:
Labor-management committees, joint, recognized as training institutions; cancellation 3797
Manager, regional office, authorized to approve institutions:
Cross references, note 3797
Inspection and accreditation 3797
Use of schools for Part VII training, when institution not approved under Part VIII; redesignation 3797
Must precede induction into training; cancellation 3797
Training on job, authority to approve and arrange for; cancellation 3797
When institution may be approved; cancellation 3797
Contracts with institutions and establishments. *See* Training facilities.
Courses of vocational rehabilitation:
Duration of course:
Adjustment of 11454
Maximum duration 11454
Full time training 11453
Training establishment not operating full time 11454
Employment objective, change of:
Physical examination required 6682
Repayment for training supplies under previous employment objective 6682
Induction into training:
Conditions to be met before induction 906
Status of veterans prior to induction into training; status "training declined" 11454
Leaves of absence:
Additional leave under exceptional circumstances; personal hardship 11455
General provisions 11455
Ordinary leave 11455
For veterans pursuing institutional on-farm training 11455
Payments to institutions:
Allowable expenses 9033
Limitations of payments 9033
Residence courses, basis of payments for; tuition and fees 9033
Note 3584

VETERANS' ADMINISTRATION—Continued Page

Vocational rehabilitation and education—Continued
Disabled veterans; vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended—Continued
Payments to institutions—Continued
Special conditions:
Reader service 9034
Tutoring service 9034
Reentrance into training after discontinuance 906
Selection of training facilities:
Authority to make arrangements with establishments for training on job 906
Basis for selection 906
Factors to be considered in selecting facility:
Criteria which must be met by training facility 906
Ownership or control by veteran or relatives 906
Foreign country, training in 11454
Supplies, furnishing of:
Books, supplies and equipment, including tools, for trainees; furnished by educational institution 3585
Release of and repayment for training supplies 6682, 11454
Special equipment for use in home 6681
Termination of training:
Status "discontinued" 11455
Status "interrupted"; veteran reentering active military service 11455
Education and training:
See also Registration and research; *and* Training facilities.
Courses of education and training:
Changes within course not considered to be changes of course; cancellation 3052
Definition of course of education or training; cancellation 3052
Full-time training; cancellation 3052
Measurement of noncredit courses; cancellation 3052
Part-time training; cancellation 3052
Repetition of course; cancellation 3052
Types of courses of education and training; cancellation 3052
Supplies, furnishing of:
General limitations 6682
Recovery of training supplies; cancellation 6682
Extension of vocational rehabilitation under Public Law 16, 78th Congress to veterans having service on and after June 27, 1950 501, 11311
Foreign countries, vocational rehabilitation in 3132, 11454
Leaves of absence and conduct and progress. *See* Registration and research.
Records and reports, maintenance and retention of, by educational institutions furnishing training to veterans 9044
Registration and research:
Applications. *See* Jurisdiction and applications.
Conduct and progress. *See* Leaves of absence.
Courses of education and training:
Changes of course or additional education or training 3051
Concurrent enrollment in two institutions 3050
Definition of course of education or training 3048
Restrictions on pursuit of courses avocational or recreational in character 3050
Types of courses of education and training 3049
Entitlement to education or training; charges against entitlement:
Audit courses; lecture courses charged at half of semester-hour credit 5342
Continuing entitlement 3048
Correspondence courses 643
Courses costing over $500 for a school year 5342
Interrupted training or withdrawal of veteran prior to completion of course 643
Rates; full-time or part-time 5342
Subsistence allowance; charges when not warranted 5342
Extension of vocational rehabilitation under Public Law 16, 78th Congress, to veterans having service on and after June 27, 1950 501, 11311

VETERANS' ADMINISTRATION—Continued — Page
- Vocational rehabilitation and education—Continued
  - Registration and research—Continued
    - Foreign countries; education or training in:
      - Book, supply and equipment charges — 3132
      - Tuition and other fees — 3132
    - Jurisdiction and application:
      - Certificate of eligibility and entitlement, conditions precedent to issuance of — 3048
      - Change of course and/or change of institution, application for — 3048
      - Institutional on-farm training course; application for — 3048
      - Registration officer, jurisdiction and authority of — 3048
    - Leaves of absence and conduct and progress:
      - Conduct and progress; unauthorized absences and absences in excess of 30 days in calendar year (effective April 1, 1949) — 1018
      - Leaves of absence (effective April 1, 1949) — 1017
      - Institutions of higher learning; veterans enrolled in — 7263
    - Provisional regulations; application of provisions of Servicemen's Readjustment Act, Title II:
      - As amended by section 1, Public Law 610, 81st Congress; institutions in operation less than one year, restrictions on enrollment in, cancellation — 3052, 3797
      - As amended by section 5, Public Law 610, 81st Congress; profit schools having fewer than 25 students or one-fourth of students enrolled paying own tuition, criteria for approval of — 1677
      - As amended by section 6, Public Law 610, 81st Congress; trade or technical courses, cancellation — 5344
      - As amended by section 7, Public Law 610, 81st Congress; overpayment of subsistence allowance, cancellation — 13037
    - Service requirements, residency; eligibility extended to include territories and possessions of United States — 5342
    - Subsistence allowance:
      - Apportionment to minor child legally adopted outside of veteran's family — 1735
      - Authorization:
        - Beginning dates for payment of benefits:
          - Effective date — 989
          - Proof of dependency — 989
        - Closing dates for authorization of allowance; criteria for:
          - Apprenticeship or other on-job training — 1018
          - Schools, colleges and universities — 1018
          - Withdrawal from training without prior notice — 1018
        - Discontinuance, effective date of — 6681
        - Increase in rate of allowance on account of dependency, effective date of — 989
        - Overpayment of subsistence allowance and other benefits:
          - Application of provisions of Servicemen's Readjustment Act, Title II, as amended by section 7, Public Law 610; cancellation — 13037
        - Bar against further education or training — 5344
        - Contractual liability — 5344
        - Liability of institution — 5344
        - Registration and research section, responsibility of — 5344
        - Reimbursement to institution — 5344
      - Rates:
        - Combination courses — 5343
        - Full and part-time rates for institutional training — 5342
        - On-job training; $65 or $90 per month — 5343
        - Correction — 6564
      - Reports, periodic, of conduct, progress, and compensation for productive labor:
        - Other than part-time training; employees of Veterans Administration — 6681, 9033
        - Part-time training, institutions of higher learning — 6681
    - Supplies, training; repayment of value of — 6315, 9033
    - Trade or technical courses, provisional regulations; cancellation — 5344

VETERANS' ADMINISTRATION—Continued — Page
- Vocational rehabilitation and education—Continued
  - Subsistence allowance. *See* Registration and research.
  - Training facilities:
    - Approval of training institutions:
      - By State approving agency or Administrator — 3798, 5701
      - For disabled veterans. *See* Disabled veterans, *above*.
      - For Part VIII Veterans' Regulation 1 (A) as amended trainees; establishments to be used for on-job training — 3798
      - Relation to State approving agency; no supervision to be exercised by any Veterans Administration representative over any State approving agency — 3800
    - Books, supplies and equipment (including tools), for trainees; furnished by educational institution:
      - Limitations on procurement — 3585
      - Reexamination of charges — 3586
    - Contracts with institutions and establishments:
      - Authority to make contracts under Public Laws 16 and 346, 78th Congress, as amended, for Part VII and VIII, Veterans' Regulation 1 (a), as amended trainees — 10269
      - Correspondence courses, contracts for. *See* Correspondence courses.
      - Determination when contract or statement of charges is required — 9039
      - Mistake of fact, mutual; contracts signed under — 9040
      - Negotiation — 9040
      - Renewals or supplements to contracts — 9040
      - Termination of contract under Part VIII, Veterans Regulation 1 (a) as amended — 9042
      - VA Form 7–1903, contract for education and training — 9040
    - Correspondence courses:
      - Charges and payments — 9041
      - Contract negotiations — 9041
      - General provisions — 9041
    - Educational and training institutions under Public Law 346, as amended; redesignation — 3798
    - Farming, institutional on-farm training under provisions of Servicemen's Readjustment Act, as amended; policy governing approval of:
      - Farm or other agricultural establishment, definition — 3798
      - Leave not to exceed 30 days; deletion — 3798
    - Payment for various expenses, fees, tuition, etc.:
      - Absence from scheduled instruction; payment of tuition to institutions operating on clock-hour basis — 3584
      - Allowable expenses, payment to institutions of — 9033
      - Combined school and on-job training; partial deletion — 3586
      - Enrollment for full-time or part-time courses:
        - Frozen tuition rates, effects of measurement of clock-hour courses on — 9037
        - Maximum charges:
          - For part-time course without acceleration of charges against entitlement — 9037
          - Where special considerations are involved with payments to institutions and charges against entitlement — 9037
        - Measurement of enrollment — 9037
      - Fair and reasonable compensation of teaching personnel and supplies, methods of determining — 9038
      - Analysis of cost data completed by chief, training facilities section — 10268
      - Nonprofit institutions:
        - Cost data, statement of, required; allowance for administration and supervision — 10268
        - Financial statements, submission of — 10268
      - Other than nonprofit institutions; submission of financial statements — 10268
    - Flight training, instructions relating to payments for; unit flight courses — 9041

VETERANS' ADMINISTRATION—Continued — Page
- Vocational rehabilitation and education—Continued
  - Training facilities—Continued
    - Payment for various expenses, fees, tuition, etc.—Continued
      - Institutional on-farm training, determination of fair and reasonable compensation for; certified financial statement required, including cost data on following items:
        - Administration and supervision, allowance for — 10269
        - Building operation and maintenance, depreciation and rent — 10269
      - Limitation on payments — 9038
      - Provisional regulations; application of provisions of Public Law 610, 81st Congress with respect to tuition:
        - Customary cost of tuition (Sec. 2); cancellation — 9044
        - Non-profit institutions (Sec. 3); cancellation — 9044
        - Professional schools, non-resident tuition (Sec 3); cancellation — 9044
        - Short courses less than 30 weeks, rates of tuition (Sec. 2); cancellation — 9044
      - Residence courses, amounts payable to approved institutions for:
        - Courses of less than 30 weeks:
          - Amount payable for — 9036
          - Post-graduate or training course, definition of — 9036
        - Courses of 30 weeks or more:
          - In nonprofit institution:
            - Definition of nonprofit institutions — 9035
            - Interim payments — 9035
            - Tuition and fees, payments of — 9035
              - For revised, improved, or new related course — 9035
              - On basis of customary cost — 9035
              - Definition of customary cost — 9034
          - Other than nonprofit institutions:
            - Adjusted tuition:
              - On basis of nonresident tuition — 9036
              - Request for — 9036
            - Basis for payment to profit institutions — 9036
            - Definition of profit institution or other than nonprofit institution — 9036
        - Time of payment; advance payment of tuition and other allowable charges:
          - To nonprofit colleges and universities — 9043
          - To States — 9043
      - Records and reports, maintenance and retention of, by educational institutions furnishing training to veterans — 9044
      - Supplies and equipment. *See* Books, supplies, and equipment.

VETERANS' EDUCATION APPEALS BOARD:
- Practice, rules of; informal procedure — 3618

VETERINARY CORPS OF ARMED SERVICES:
- Examination for promotions, suspension during emergency; Executive order respecting. *See* Presidential documents.
- Selective Service regulations relating to; Executive order respecting. *See* Presidential documents.

VIRGIN ISLANDS. *See* Territories and possessions.

VISAS. *See* State Department.

VOCATIONAL REHABILITATION AND EDUCATION. *See* Veteran's Administration, *and* Vocational Rehabilitation Office of.

VOCATIONAL REHABILITATION, OFFICE OF:
- Blind persons, business enterprises program for; terms, definition of "act" — 9782
- Plans and programs of vocational rehabilitation:
  - Emergency provisions — 128
  - State plan, maximum fees for hospitalization — 9224

VOLUNTARY PLANS, AGREEMENTS, ETC.:
- Delegation of authority respecting. *See* Defense Production Administration.
- Modification of functions relating to on establishment of Defense Production Administration; Executive order respecting. *See* Presidential documents.

VOLUNTARY PLANS, AGREEMENTS, ETC.—Con. — Page
- Temporary transfer of powers respecting to Director of Defense Mobilization; presidential letter respecting. *See* Presidential documents.
- Various plans. *See* Defense Production Administration; Economic Stabilization Agency; Federal Reserve System; *and* Maritime Administration.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
- Agricultural commodities; "area of production" defined. *See* Area of production.
- Apprentices, employment of. *See* Learners.
- Area of production, definition respecting, for certain operations on agricultural or horticultural commodities, and in making dairy products; notice of hearing — 1741
- Cane sugar; processing and milling in Florida and Louisiana. *See* Seasonal industries.
- Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
  - Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops:
    - Akron Goodwill Industries, Inc — 2103
    - Alabama Goodwill Industries, Inc — 3093, 11244
    - Albany Association of the Blind, Inc — 2103
    - Altro Work Shops, Inc — 2103
    - Arizona Goodwill Industries — 6760
    - Arkansas Lighthouse for the Blind — 11244
    - Atlanta Goodwill Industries, Inc — 10005
    - Baltimore Goodwill Industries — 1094
    - Baltimore League for Crippled Children & Adults, Inc — 12728
    - Bethel Goodwill Industries — 7782
    - Blind Work Association, Inc — 3093
    - B'nai B'rith — 12728
    - Boston Tuberculosis Association — 7782
    - Bridgeport Rehabilitation Center — 6759
    - Brooklyn Association for Improving the Condition of the Poor — 4817
    - Brooklyn Bureau of Social Service and Children's Aid Society — 6759
    - Adjustment Training Division — 6759
    - Brooklyn Goodwill Industries, Inc — 4817
    - Buffalo Association for the Blind — 135, 12728
    - Buffalo Association for the Blind Training Center — 12728
    - Buffalo Goodwill Industries, Inc — 8722
    - California Industries for the Blind, Los Angeles Center — 11244
    - Calumet Goodwill Industries, Inc — 7782
    - Center for Sightless, Inc — 3094
    - Central Association for the Blind, Inc — 8722
    - Central Calif., Goodwill Industries of — 7782
    - Charlotte Workshop for the Blind — 6760
    - Chattanooga Goodwill Industries, Inc — 4817
    - Chicago Goodwill Industries, Inc — 513, 12729
    - Chicago Lighthouse for the Blind — 135, 12729
    - Christ Mission Goodwill Industries — 6759
    - Cincinnati Association for the Blind — 2103
    - Cleveland Goodwill Industries — 10005
    - Cleveland Rehabilitation Center — 8722
    - Cleveland Society for the Blind — 6759
    - Colorado Industries for the Blind — 6760
    - Columbus Association for the Blind — 11244
    - Columbus Goodwill Industries — 7782
    - Community Workshops of Rhode Island, Inc — 7782
    - Corpus Christi Goodwill Industries — 513
    - Council Thrift and Workshop — 11244
    - Crippled Children's Society of Los Angeles County — 11244
    - Daisy Ann Manufacturing Co — 2104, 10005
    - Dallas County Association for the Blind — 3094
    - Dallas Goodwill Industries — 4817
    - Davis Memorial Goodwill Industries — 8722
    - Detroit Goodwill Industries — 135, 12728
    - Detroit League for the Handicapped — 6759
    - Duluth Goodwill Industries — 3094
    - Duluth Lighthouse for the Blind — 4817
    - El Paso Goodwill Industries, Inc — 7782
    - Elmira Association for the Blind, Inc — 135

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued — Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops—Continued
Evansville Association for the Blind — 4817
Evansville Goodwill Industries, Inc — 1094
Federation of the Handicapped, Inc — 12728
Fort Wayne Goodwill Industries, Inc — 12728
Fort Worth-Tarrant County Association for the Blind — 4818
Gary Goodwill Industries, Inc — 2103
Goodwill Home and Rescue Mission — 1094
Goodwill Union Mission & Industries, Inc — 7782
Guilford Industries for the Blind — 6760
Harris County Association for the Blind — 3094, 10005
Illinois Association for the Crippled, Inc., Chicago Metropolitan Unit — 513
Indianapolis Goodwill Industries, Inc — 8722
Industrial Home for the Blind — 8722
Inland Empire Goodwill Industries — 2586
Institute for the Crippled and Disabled (New York City) — 4817
Therapy Division — 4817
Iowa Society for Crippled Children and Adults, Inc — 135, 6760
Jefferson County Association for the Blind — 512
Jewish Vocational Service — 4817
Kansas City Association for the Blind, Broom Shop — 10005
Kansas City Goodwill Industries — 136, 12729
Kansas Industries for the Blind:
Kansas City — 6760
Topeka — 6760
Kentucky Goodwill Industries — 136, 10005
Lighthouse for the Blind, Inc — 1095
Lighthouse for the Blind of New Orleans — 3094
Lincoln Goodwill Industries, Inc — 8722
Lion's Club Workshop for the Blind — 6760
Long Beach and the Harbor Area Goodwill Industries — 4818
Lorain Goodwill Industries — 2103
Lott Day School, Inc — 2586, 6760, 12728
Marion County Society for Crippled Children and Adults, Inc — 135, 12729
Maryland Workshop for the Blind — 512, 12728
Memphis Goodwill Industries, Inc — 11244
Merrimack Valley Goodwill Industries — 8722
Michigan Employment Institution for the Blind — 12728
Michigan Veterans' Facility, Soldiers Home — 11244
Milwaukee Goodwill Industries — 2586
Minneapolis Goodwill Industries — 1095
Minneapolis Society for the Blind — 4817
Minnesota Homecrafters, Inc — 2103
Mobile Association for the Blind — 3093
Montefiore Home — 135, 12728
Morgan Memorial Co-operative Industries and Stores, Inc — 10004
Mount Sinai Hospital, Social Service Workroom — 4817
National Society of Volunteers of America:
Binghamton, N. Y — 1094
Seattle, Wash — 2104
Nebraska Goodwill Industries — 136, 7782
New Hampshire Association for the Blind — 2103
New Hampshire Society for Crippled Children and Handicapped Persons — 6760
New Haven Goodwill Industries, Inc — 10004
New Jersey Goodwill Industries — 2103
New Mexico School for the Blind, Adult Training Center of — 11244
New York Association for the Blind — 8722
Occupational Department — 135
New York Goodwill Industries, Inc — 12728
New York Guild for the Jewish Blind — 512
Norfolk Goodwill Industries, Inc — 6760
Northwest Missouri Association for the Blind — 8722
Oakland Goodwill Industries — 2104
Orange County, Santa Ana, Calif., Goodwill Industries of — 2104
Oregon Goodwill Industries, Inc — 2104

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued — Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops—Continued
Pennsylvania Association for the Blind:
Chester County Branch — 11243
Delaware County Branch — 2103
Lancaster County Branch — 512
Northampton County Branch — 2103
Philadelphia Branch — 1094
Pittsburgh Branch — 2586
Upper Susquehanna Branch — 1094
Pennsylvania Working Home for Blind Men — 4817
Philadelphia Goodwill Industries, Inc — 7782
Philadelphia Society for Crippled Children and Adults — 7782
Rehabilitation Center for the Physically Handicapped, Sheltered Shop, Stamford, Conn — 12728
Rehabilitation Institute — 2586
Richmond Goodwill Industries, Inc — 513
Roanoke Goodwill Industry and Gospel Mission, Inc — 513
Rochester Rehabilitation Center, Inc — 2103
St. Cloud Goodwill Industries — 3094
St. Joseph County Goodwill Industries, Inc — 1094
St. Paul Goodwill Industries, Inc — 2103
St. Vincent de Paul, Society of:
Los Angeles, Calif — 2104
Oakland, Calif — 2104
San Francisco, Calif — 1095
St. Vincent de Paul Salvage Bureau (Seattle, Wash.) — 2104
San Bernardino and Riverside Counties Goodwill Industries — 1095
San Francisco Goodwill Industries:
Santa Cruz Branch — 1095
San Francisco (Howard Street) — 2104
Saranac Lake Study and Craft Guild — 12728
Scranton Goodwill Industries, Inc — 7782
Seattle Goodwill Industries — 7783
Sheltered Workshop Rehabilitation Center for the Physically Handicapped (Stamford, Conn.) — 135
Shut In Society, Pennsylvania Branch — 2586
Sioux City Goodwill Industries — 135, 12729
Southern California Goodwill Industries — 1095
Springfield Goodwill Industries — 4817
Springfield Goodwill Industries, Inc — 10004
Syracuse Association of Workers for the Blind, Inc — 2093
Tacoma Goodwill Industries — 1095
Toledo Goodwill Industries — 8722
Toledo Society for the Blind — 2586
Training Center for Adult Blind — 2104
Travis Association for the Blind — 6760
Union Gospel Mission — 2104
United Vocational & Employment Service — 2586
Veterans of Foreign Wars, Alabama:
Montgomery — 512
Tuscaloosa — 513
Tuskegee — 513
Veterans of Foreign Wars of United States:
Buddy Poppy Department Kansas City, Mo — 10004
Soldiers Home, St. James, Mo — 6760
Volunteers of America:
California:
Fresno — 4818, 11244
Los Angeles — 10005
Oakland — 2103
San Diego — 1095
San Francisco — 10005
Illinois; Peoria Post — 3094
Indiana; Indianapolis — 6760
Michigan; Detroit — 3094
New York; Long Island City — 8722
Ohio:
Cleveland — 2586
Columbus Post — 2103
Mansfield — 3094
Sandusky — 513, 6760
Toledo — 3094

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued — Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops—Continued
Volunteers of America—Continued
Oregon; Portland — 2103
Pennsylvania:
Philadelphia — 11244
Pittsburgh — 12728
Washington:
Everett — 1095
Spokane — 2104
Tacoma — 1095
Wabash Valley Goodwill Industries, Inc — 2586
Washington Society for the Blind — 4817
Wilmington Goodwill Industries, Inc — 11244
Wisconsin Workshop for the Blind — 11244
Workshop for the Blind, Sioux City, Iowa — 513, 6760
Zanesville Welfare Organization, Goodwill Industries of — 6760
Learners; issuance of certificates, for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments division — 130, 132, 286, 288, 474, 777, 991, 1251, 1711, 1742, 2042, 2195, 2584, 2604, 2987, 3237, 3442, 3863, 3931, 4259, 4593, 4816, 5097, 5590, 5719, 5955, 6256, 6544, 6758, 7168, 7366, 7468, 7781, 7950, 8374, 8721, 8990, 9270, 9490, 10002, 10390, 10466, 10709, 11084, 11126, 11396, 11620, 11934, 11975, 12279, 12516, 13113.
Cigar (in continental United States) — 131, 288, 2196, 2988, 3238, 3864, 3931, 4593, 5919, 1003, 11085, 11127, 11621, 11935, 11975, 12280, 12517, 12730
Glove — 133, 287, 288, 475, 778, 1743, 2043, 2196, 2585, 2605, 2988, 3238, 3443, 3931, 4260, 4816, 5097, 5591, 6759, 7168, 7367, 7468, 7781, 7950, 8374, 8721, 8990, 9270, 9491, 10003, 10390, 10466, 10710, 11085, 11127, 11397, 11621, 11935, 11976, 12280, 12730, 13114
Hosiery — 131, 287, 288, 778, 992, 1251, 1711, 1743, 2043, 2196, 2585, 2605, 2988, 3238, 3443, 3931, 4260, 4593, 4816, 5097, 5591, 5719, 6257, 6544, 6759, 7168, 7367, 7468, 7781, 7950, 8374, 8721, 8990, 9270, 10003, 10390, 10466, 10710, 11085, 11127, 11397, 11621, 11935, 11976, 12517, 12730, 13114
Knitted wear — 131, 133, 475, 778, 992, 1251, 1743, 2045, 2196, 2585, 2605, 2988, 3239, 3444, 3864, 3931, 4260, 4593, 4816, 5097, 5719, 5956, 6257, 6759, 7168, 7367, 7468, 7781, 8990, 9491, 10003, 10390, 10466, 10710, 11085, 11128, 11397, 11621, 11935, 11976, 12517, 12730, 13114
Leather and sheep-lined garments. *See* Apparel.
Miscellaneous — 132, 287, 289, 475, 778, 992, 1252, 1712, 1743, 2045, 2196, 2585, 2605, 2989, 3239, 3444, 5591, 5720, 5956, 6257, 6544, 6759, 7168, 7367, 7468, 7782, 7950, 8375, 8721, 8990, 9270, 9491, 10003, 10390, 10466, 10710, 11085, 11128, 11398, 11621, 11935, 11976, 12280, 12517, 12730, 13114.
Pants, single. *See* Apparel.
Puerto Rico (miscellaneous industries) — 131, 133, 475, 1743, 2045, 2605, 2988, 3864, 4816, 6257, 6544, 7168, 8990, 10003, 10391, 11085, 11393, 11621, 13114.
Rainwear. *See* Apparel.
Robes. *See* Apparel.
School-operated — 778, 2585, 3239, 3932, 5720, 12280
Shirts and allied garments. *See* Apparel.
Shoe manufacturing and allied industries — 131, 287, 288, 475, 778, 992, 1252, 1712, 1743, 2196, 2585, 2605, 2989, 4816, 5097, 5956, 7367, 7468, 7782, 7950, 8375, 8721, 10003, 10390, 10710, 11085, 11128, 11398, 11621, 11976, 12280, 12730
Sportswear. *See* Apparel.

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued — Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Learners; issuance of certificates, for various industries—Continued
Telephone (independent) — 131, 133, 475, 1712, 1743, 2585, 2988, 4593, 4816, 5591, 5955, 7468, 8374, 10003, 10466, 11085, 11127, 11397, 11621, 11935, 11976, 12517.
Women's apparel. *See* Apparel.
Citrus pulp and waste; processing in Florida and Texas. *See* Seasonal industries.
Cotton; ginning, grading, etc. *See* Seasonal industries.
Dairy products; "area of production" defined. *See* Area of production.
Diamond cutting industry; employment of apprentices. *See* Learners.
Fair Standards Act, methods of payment under, and application of section 3 (m); general statement:
How payments may be made:
Cash or its equivalent required — 6244
"Other facilities" — 6244
Payments where additions or deductions are involved:
Nonovertime workweek — 6244
Overtime workweek — 6244
Frozen-food locker plants. *See* Retail and service establishments.
Handicapped persons, employment of:
Certificates, special, issuance of, to certain workshops. *See* Certificates, *above*.
Sheltered workshops, employment of handicapped client in; proposed rule making — 12909
Home workers:
Employment of, at below minimum wages:
In Puerto Rico. *See* Puerto Rico.
In Virgin Islands. *See* Virgin Islands.
In knitted outerwear; minimum wage order. *See* Minimum wage orders.
Industrial home workers; records of wages, hours, etc., for. *See* Records to be kept by employers.
Horticultural commodities; "area of production" defined. *See* Area of production.
Industry committees, special. *See* Special industry committees.
Lumber and building material dealers. *See* Retail or service establishments.
Learners; employment of, at below minimum wages:
Apprentices, employment of — 6843, 8884
Appointment of authorized representative to grant, deny, or cancel special certificates for — 7367, 10003
Diamond cutting industry; revocation of provisions respecting — 2545
Temporary special certificates — 2545
Authorized representative of Administrator; delegation of authority with respect to special certificates for employment of learners and apprentices — 4148, 7367, 10003
Certificates, special, for various industries. *See* Certificates, *above*.
Student-learners, part-time employment of, in vocational training programs; authorized representative of Administrator, with respect to special certificates — 7367
Various industries; apparel:
Glove industry; subminimum rates — 13104
Hosiery industry — 8368, 10733
Class II learner rates, correction — 11183
Learner occupations; Class I and Class II, correction — 11183
Knitted wear:
Definitions:
"Experienced worker" — 4764, 5895
"Knitted wear industry" — 4764, 5895
Learner wage rate — 11932, 12866
Single pants, shirts and allied garments, women's apparel, sportswear, rainwear, robes and leather and sheep-lined garments:
Definition of term; "experienced worker" — 11240, 12043
Special certificates, terms of — 11240, 12043

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Minimum wage orders, for workers in various industries:
- In Puerto Rico. *See* Puerto Rico.
- Knitted outerwear; home workers, definition of certain terms 3435
- Motor carriers, employees (drivers, helpers, loaders, mechanics) of; exemption from maximum hours provisions of Fair Labor Standards Act:
  - Interstate commerce requirements of exemption 4272
  - Introductory statement 4272
  - Special classes of carriers 4272
- Office supplies and equipment establishments. *See* Retail or service establishments.
- Puerto Rico:
  - Minimum wage orders, etc., for workers in various industries:
    - Home workers in various industries:
      - Needlework and fabricated textile products:
        - Definitions; "homeworker" 11192, 12503
        - Piece rates established in accordance with minimum prescribed by Administrator 11192, 11657, 12503
        - Redesignation of headnote 4472, 5159
        - Revision of part 4472, 5159
      - Other than needlework; minimum piece rate for hand-braiding of leather buttons 4944, 5896
      - Textile products, fabricated. *See* Needlework.
    - Minimum wage orders, various industries:
      - *See also* Home workers.
      - Alcoholic beverages, and industrial alcohol 9050, 10159
      - Banking, insurance and finance industries 5874, 6917
      - Beverages:
        - Alcoholic 9050, 10159
        - Non-alcoholic 9733, 10735
      - China food utensils, semi-vitreous and vitreous 4147, 5008
      - Cigar 4813, 5700
      - Cigarette 4813, 5700
      - Clay and clay products; semi-vitreous and vitreous-china food utensils division 4147, 5008
      - Clothing, men's and boys', and related products 2101, 3214
      - Communications, utilities, and miscellaneous transportation; proposed rule making 13150
      - Decorations, and party favors 5902, 6917
      - Fabricated textile products 3191, 4101
      - Foods, beverages, and related products 9733, 10735
      - Handcraft products 1480, 2428
      - Hooked rug. *See* Rug.
      - Industrial alcohol 9050, 10159
      - Insurance and finance 5874, 6917
      - Jewel cutting and polishing 9914, 10736, 11457, 11224
      - Leaf tobacco. *See* Tobacco.
      - Leather, leather goods and related products 2637, 3295
      - Leather goods and related products 2637, 3295
      - Men's and boys' clothing and related products 2101, 3214
      - Needlework, and fabricated textile products 3191, 4101
      - Paper, paper products, printing, publishing, and related industries 10666, 11481
      - Paper products 10666, 11481
      - Party favors 5902, 6917
      - Printing 10666, 11481
      - Publishing. *See* Paper.
      - Rug, hooked; disapproval of minimum wage rates 5702, 11738, 12405
      - Shoe manufacturing and allied industries 10028, 10773
      - Textile and textile products 10667
        - Definitions; general division 11482
        - Wage rates 11482
      - Tobacco, leaf; disapproval of minimum wage rates 11124, 12405
      - Transportation, miscellaneous; proposed rule making 13150
      - Utilities; proposed rule making 13150
      - Warehousing and other distribution 6316, 7202
      - Wholesaling, warehousing and other distribution 6316, 7202

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

- Puerto Rico—Continued
  - Special industry committees for. *See* Special industry committees, *below.*
  - Records to be kept by employers, respecting wages, hours, and conditions of employment of industrial homeworkers 3888, 4932
  - New Hampshire Society for Crippled Children and Handicapped Persons, order granting exception respecting 10610
  - Retail or service establishments, exemptions from minimum wage provisions of Fair Labor Standards Act:
    - Establishments selling stationery, school and office supplies and equipment, and combined stationery and printing establishments; notice of hearing relating to application of exemption to 1902
    - Frozen-food locker plants 6663
    - Lumber and building material dealers; notice of hearing respecting 5140, 5955
  - School supplies and equipment establishments. *See* Retail or service establishments.
  - Seasonal industries, wages and hours of employees in; findings of various industries to be seasonal:
    - Cane sugar:
      - Extraction and processing of calcium aconitate from "B" molasses, in Louisiana 285, 6403, 7025
      - Processing and milling in Florida 2938, 10004, 10807
    - Citrus pulp and waste; processing in Florida and Texas 692, 2937
    - Cotton:
      - Ginning of; determination respecting 473, 1500
      - Grading, stapling, and classification of, for original producer in Memphis, Tenn.; determination respecting 685
  - Special industry committees, to investigate conditions and recommend minimum wage rates in various industries:
    - Puerto Rico:
      - Committee No. 9; notice of hearing on minimum wage recommendations, for certain industries:
        - Alcohol, beverage and industrial:
          - Beer division 2683
          - General division 2683
        - Banking, insurance and finance 2683
        - Beverage, alcohol 2683
        - Cigar 1478
        - Cigarette 1478
        - Clay and clay products; semi-vitreous and vitreous-china food utensils division 1478
        - Decorations, and party favors 2683
        - Finance 2683
        - Industrial alcohol 2683
        - Insurance 2683
        - Leaf tobacco 1478
        - Party favors 2683
        - Tobacco, leaf 1478
        - Warehousing and other distribution 2683
        - Wholesaling, warehousing and other distribution 2683
      - Committee No. 10:
        - Acceptance of resignation, and appointment of new member 4945, 5906
        - Appointment to investigate conditions and recommend minimum wage rates 4591
        - Hearing to receive evidence for consideration in recommending minimum wage rates, notice of 4893
        - Minimum wage recommendations, for certain industries; notice of hearing:
          - Beverages 7995
          - Communications, utilities, and miscellaneous transportation 7995
          - Foods, beverages, and related products 7995
          - Jewel cutting and polishing 7995
          - Paper, paper products, printing, publishing and related industries 7995
          - Paper products 7995
          - Printing 7995
          - Publishing and related products 7995
          - Shoe manufacturing and allied industries 7995
          - Textile and textile products 7995
          - Transportation, miscellaneous 7995
          - Utilities 7995

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

- Special industry committees, to investigate conditions and recommend minimum wage rates in various industries—Continued
  - Puerto Rico—Continued
    - Committee No. 11:
      - Appointment to investigate conditions and recommend minimum wages 12912
      - Notice of public hearing on minimum wage recommendations for certain industries 12909
  - Virgin Islands:
    - Appointment of member 910
    - Appointment to investigate conditions and recommend minimum wage rates 584
    - Hearing to receive evidence for consideration in recommending minimum wage rates, notice of 908
    - Minimum wage recommendations, for certain industries; notice of hearing 6001
- Stationery and printing establishments. *See* Retail and service establishments.
- Student-learners in vocational training programs. *See* Learners.
- Virgin Islands:
  - Minimum wage orders, etc., for workers in various industries:
    - Home workers in industries 6
      - Definitions 10001, 11183
      - Minimum piece rate schedules, for hand-made straw goods and doll industries 10001, 11183
    - Minimum wage orders, various industries:
      - *See also* Home workers.
      - Alcoholic beverages, and industrial alcohol 9999, 10932
      - Apparel, wearing 10000, 10932
      - Art linen, hand-made 10000, 10932
      - Banking, insurance, and real estate 9999, 10932
      - Bay rum and other toilet preparations 9999, 10932
      - Beverages, alcoholic. *See* Alcoholic beverages.
      - Boat building and equipment. *See* Ship and boat building.
      - Button, pearl. *See* Pearl button.
      - Communications, and other public utilities 10000, 10932
      - Construction 10000, 10932
      - Doll 10000, 10932
      - Farm products assembling. *See* Fruit and vegetable packing.
      - Fruit and vegetable packing, and farm products assembling 10000, 10932
      - Industrial alcohol. *See* Alcoholic beverages.
      - Insurance. *See* Banking.
      - Meat packing 10000, 10932
      - Miscellaneous industries 10000, 10933
      - Pearl button 10000, 10933
      - Public utilities. *See* Communications.
      - Real estate. *See* Banking.
      - Ship and boat building, and equipment 10000, 10932
      - Shipping and transportation 10932
      - Straw goods, hand-made 10000, 10932
      - Toilet preparations. *See* Bay rum.
      - Transportation. *See* Shipping.
      - Trucking. *See* Wholesaling.
      - Vegetable packing. *See* Fruit and vegetable packing.
      - Wholesaling, and trucking 9999, 10932
  - Special industry committee for. *See* Special industry committees.

WAGE STABILIZATION BOARD:
- Adjustments. *See* Increases or adjustments.
- Agricultural labor (GWR 11) 4938
  - Citrus harvest in designated counties in Florida (ACD 3) 12878
  - Cotton picking in certain counties of California (ACD 2) 10602, 12981
  - Tomato packing in California; ceiling determination to cover employers, labor contractors and employees hired to pick tomatoes during 1951 harvest (ACD 1) 9281

WAGE STABILIZATION BOARD—Continued Page

- Agricultural labor (GWR 11)—Continued
  - Tripartite committees for administration of stabilization functions with respect to agricultural labor:
    - Delegation of authority to Regional Directors to perform functions of standing tripartite committees (Board Resolution 41) 8954
    - Establishment (Board Resolution 37) 8954
- Authority, delegations of:
  - To Director, from Economic Stabilization Administrator, to conduct compliance program 8559
  - To Regional Directors, to perform functions of standing tripartite committees with respect to agricultural labor (GWR 11, Board Resolution 41) 8954
- Board:
  - Functions respecting wage stabilization, delegated to Economic Stabilization Administrator by Executive Order 10161, to be performed by 739, 11314
  - Membership, functions, etc., new provisions; Executive order respecting. *See main heading* Presidential documents.
- Bonuses; payments which may be put into effect without prior Board approval (GWR 14) 7509, 7987
  - Christmas or year-end bonuses 12271
  - Interpretations 11770
- Charitable organizations. *See* Religious, charitable and educational organizations.
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 305, 637, 6907, 8311, 8733, 10305
- Compliance Policy Committee. *See* Enforcement and compliance program.
- Construction Industry Stabilization Commission:
  - Establishment order (GWR 12) 6640
  - Regulations respecting wage and salary payments to mechanics and laborers in building and construction industry (Regulation 1) 7565, 8548
  - Applications for approval 10946
- Cost-of-living increases. *See* Increases or adjustments.
- Definitions, of wages, salaries or other compensation (GWR 1) 1014
- Driver-salesmen; transfer of jurisdiction from Salary Stabilization Board 12916
- Educational organizations. *See* Religious, charitable and educational organizations.
- Enforcement and compliance program:
  - *See also* Procedural regulation.
  - Compliance Policy Committee, establishment in Economic Stabilization Agency; representation on 8560
  - Delegation of authority to Director to conduct program 8559
  - Procedure for enforcement (Resolution 35) 7284, 10021
  - Program enforcement (Enforcement Resolution 1) 6028
    - Approval by Economic Stabilization Administrator of program and procedure 8560
- Fringe benefits, such as paid vacations, paid holidays, shift differentials, etc. (GWR 13) 7328
- General wage formula (GWR 6) 1951, 12823
- General wage stabilization regulation 1 816
  - Supersedure of Wage Procedural Regulation 1, of December 22, 1950 817
- Incentive wage or piece rates; adjustments (GWR 15) 7701
- Increases or adjustments:
  - Cost-of-living increases, provided by escalator clauses in collective bargaining agreements, and provisions in wage and salary plans (GWR 8) 2032, 2222, 7701, 8740, 12823
    - Effective date 6513, 7701
    - Interpretations 10820
    - Time limitation on increase 6513, 7701
  - Incentive wage or piece rates; adjustments (GWR 15) 7701
  - Individual employees; adjustments of wages without prior approval of Board, authorized (GWR 5) 1236, 1507
    - Hiring new employees 1236, 1507
    - Increases not to justify price increases 1237, 1507
    - Interpretations 10815

WAGE STABILIZATION BOARD—Continued Page
Increases or adjustments—Continued
Individual employees; adjustments of wages without prior approval of Board, authorized (GWR 5)—Continued
Merit and/or length of service:
Where no plan exists 1236, 1507
Where plan exists 1236, 1507, 1636
New or changed jobs 1236, 1507
Permissible variations in earnings 1236, 1507
Promotions and transfers 1236, 1507
Revision 7697, 8547
January 25, 1951; increases determined but not effective prior to (GWR 2) 1014
Minimum wage laws, increases to comply with, authorized (GWR 3) 1015
Non-Federal public employees, increases in wages of (GWR 4) 1015
Tandem wage increases, where "tandem" relationship exists between units of employees (GWR 10) 2223, 5015
Individual employees; adjustments. *See* Increases or adjustments.
Inter-plant inequities (GWR 17) 11237
Intra-plant inequities; petitions to eliminate inequities through job-rate review or adjustments (GWR 18) 12510
January 25, 1951; increases determined but not effective prior to (GWR 2) 1014
Labor disputes, jurisdiction of Board; Executive order respecting. *See main heading* Presidential documents.
Manpower Policy Committee, representation on 1272
Manpower program for machine tool industry, responsibility respecting wage adjustments in connection with requirements of industry 7578
Members, alternate, providing for; Executive order respecting. *See main heading* Presidential documents.
Minimum wage laws, increases to comply with, authorized (GWR 3) 1015
National Enforcement Commission, and regional commissions; provisions for establishment 6029
New plants, enterprises, etc., wage schedules for (GWR 9) 2222
Modification, requests for 4714
Organization; National and Regional Boards 7285, 10018
Panama Canal Zone, exemption of wages, salaries and other compensation of employees in (GWR 16A) 10386
Personnel, information, etc.; cooperation by Government agencies in making available, on request on Director of Defense Mobilization (Presidential letter of January 26, 1951) 793
Petitions. *See* Procedural regulation.
Procedural regulation 10018
Definitions, general 10018
Enforcement procedure 10021
General provisions; confidential documents, investigations, subpoenas, etc 10019
Organizational provisions; National and Regional Boards 10018
Petitions, reports, and requests for rulings 10019
Public employees, non-Federal; increases in wages (GWR 4) 1015
Puerto Rico and the Virgin Islands, exemption of wages, salaries, and other compensation of employees in (GWR 16) 9031
Railroad and airline wages and salaries. *See main heading* Railroad and Airline Wage Board.
Reassignment of chapter 808
Redesignation of General Regulations as General Wage Regulations 2549
Religious, charitable and educational organizations, employees of (GWR 7) 1791
Rulings, requests for. *See* Procedural regulation.
Salary stabilization. *See main heading* Salary Stabilization Board.
Sales employees. *See* Driver-salesmen.
Shift differentials. *See* Fringe benefits.
Tandem wage increases, where "tandem" relationship exists between units of employees (GWR 10) 2223, 5015
Vacations, paid. *See* Fringe benefits.

WAGERING, excise tax regulations. *See* Internal Revenue Bureau. Page
WAGES AND HOURS:
See also Pay, allowances, etc.
Bonuses, wage regulations respecting. *See* Salary Stabilization Board; *and* Wage Stabilization Board.
Coast Guard personnel on tugs navigating Great Lakes and tributary waters; waiver with respect to wages and hours 1830
Construction, Federally assisted; labor standards for. *See* Labor Department.
Construction industry:
Construction Industry Stabilization Commission, establishment and regulations. *See* Wage Stabilization Board.
Wage and labor standards, stipulations in contracts in connection with housing insurance. *See* Federal Housing Administration.
Eight-hour law, suspension as to laborers and mechanics on certain public works; Executive order respecting. *See* Presidential documents.
Labor disputes respecting wages; Executive order respecting. *See* Presidential documents.
Labor standards for federally financed construction. *See* Labor Department.
Merchant marine officers and seamen; hours of labor on shipboard. *See* Coast Guard.
Military procurement:
Air Force regulations respecting labor. *See* Air Force Department.
Army Department regulations respecting premium wage compensation. *See* Army Department.
Minimum wage regulations. *See* Public Contracts Division; *and* Wage and Hour Division.
Sugar production; wage determinations. *See* Agriculture Department.
Wage adjustments on grounds of manpower shortage, policy respecting. *See* Defense Mobilization, Office of.
Wage and Hour Division regulations, orders, etc. *See* Wage and Hour Division.
Wage records, maintenance in connection with old-age and survivors insurance. *See* Old Age and Survivors Insurance Bureau.
Wage and salary stabilization. *See* Economic Stabilization Agency; Railroad and Airline Wage Board; Salary Stabilization Board; Salary Stabilization Office; *and* Wage Stabilization Board.
WAR CLAIMS; benefits under War Claims Act. *See* Employees' Compensation Bureau; *and* War Claims Commission.

WAR CLAIMS COMMISSION:
Appeals, filing of, and commission action 1476, 2972
Claims, receipt, adjudication and payment of:
Definitions:
Dependent 2234
Natural guardian 12514
Parent 12514, 12727
Time within which claims may be filed 5480
Investigational hearings 1478
Organization; Special Advisory Committee 518
Special Advisory Committee; organization 518
WAR DAMAGE CORPORATION; management of corporation by Administrator of Reconstruction Finance Corporation, amendment of charter to provide for
WAREHOUSE, GENERAL ORDER AND BONDED, extensions of time for merchandise in; proclamation respecting. *See* Presidential documents.
WAR-RISK INSURANCE, administration by Secretary of Commerce; Executive order respecting. *See* Presidential documents.
WATER UTILIZATION AND PURIFICATION, for critical defense housing areas; Executive order respecting. *See* Presidential documents.
WATERFRONT FACILITIES, protection and security of:
Executive order respecting. *See* Presidential documents.
Regulations respecting. *See* Coast Guard; *and* Panama Canal Company.

WEATHER BUREAU: Page
Organization:
Climatological Services Division 12323
Hydrologic Services Division 12323
WHEAT, AGREEMENT, INTERNATIONAL; terms and conditions of wheat and wheat-flour export programs. *See* Agriculture Department.
WILDLIFE:
Alaska, wildlife protection. *See* Fish and Wildlife Service.
Migratory birds; regulations respecting. *See* Fish and Wildlife Service.
Refugees conservation areas, etc. *See* Fish and Wildlife Service; *and* Land Management Bureau.
Restoration of game birds and mammals; aid to States. *See* Fish and Wildlife Service.
WOMEN'S ARMY CORPS, regulations. *See* Army Department.

WORLD METALLURGICAL CONGRESS; proclamation respecting. *See* Presidential documents. Page
WORLD TRADE WEEK, 1951; proclamation respecting. *See* Presidential documents.
WORLD WAR I AND II:
Cemeteries of World War II, transfer of cemetery located at Neuville-en-Condroz, Belgium, to American Battle Monuments Commission by Army Department 6804
Claims arising out of. *See* Veterans' Administration; *and* War Claims Commission.

Y

YUGOSLAV CLAIMS AGREEMENT, claims under. *See* International Claims Commission.
YUGOSLAV EMERGENCY RELIEF ASSISTANCE ACT, administration of; Executive order respecting. *See* Presidential documents.

CODIFICATION GUIDE, 1951

A numerical list of the sections of the Code of Federal Regulations affected by documents published during 1951. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3 Page
Chapter I (Proclamations):
Mar. 2, 1898 (see PLO 695) 581
Jan. 9, 1936 (see Proc. 2954) 11943
July 3, 1937 (terminated by Proc. 2933) 6417
June 29, 1942 (terminated by Proc. 2946) 10191
793 (see Proc. 2932) 6269
846 (see PLO 723) 5131
1654 (see Proc. 2924) 3687
1755 (see Proc. 2925) 3823
1918 (see PLO 725) 5444
2351 (modified by Proc. 2934) 6489
2599 (superseded by Proc. 2948) 10589
2712 (see Proc. 2948) 10589
2761A; see:
Proc. 2929 5381
Proc. 2954 11943
2764:
Amended by:
Proc. 2929 5381
Proc. 2946 10191
See also:
Letter, Sept. 10, 1951 9215
Letter, Sept. 18, 1951 9551
Letter, Oct. 31, 1951 11205
2769 (see Proc. 2954) 11943
2784 (see Proc. 2954) 11943
2799 (see Proc. 2942) 8969
2801 (superseded by T. 50, 6.1–6.10) 7513
2821 (superseded by T. 50, 6.1–6.10) 7513
2822 (superseded by T. 50, 6.1–6.10) 7513
2848 (superseded by T. 50, 6.1–6.10) 7513
2854 (superseded by T. 50, 6.1–6.10) 7513
2867 (see Proc. 2954) 11943
2874 (see Proc. 2929) 5381
2888; see:
Proc. 2929 5381
Proc. 2954 11943
2900 (superseded by T. 50, 6.1–6.10) 7513
2907 (see Proc. 2934) 6489
2908 (see Proc. 2954) 11943
2916 109
2917 1627
2918 2383

TITLE 3—Continued Page
Chapter I (Proclamations)—Continued
2919 2543
2920 2697
2921 2953
2922 3455
2923 3687
2924 3687
2925 3823
2926 3943
2927 4367
2928 4607
2929 5381
See also:
Proc. 2949 10763
Proc. 2954 11943
2930 5517
2931 5969
2932 6269
2933 6417
2934 6489
2935 7635
2936 7971
2937 8263
2938 8265
See also Proc. 2942 8969
2939 8266
2940 8669
2941 8669
2942 8969
2943 8999
2944 9295
2945 9551
2946 10191
2947 10513
2948 10589
2949 10763
2950 10915
2951 11043
2952 11293
2953 11707
2954 11943
2955 12413
2956 12449
2957 12633
2958 12685
Chapter II (Executive orders):
June 21, 1890 (revoked in part by PLO 767) 12398
Mar. 9, 1914 (see PLO 769) 12703
Feb. 26, 1917 (see PLO 766) 12095

TITLE 3—Continued Page
Chapter II (Executive orders)—Continued
Apr. 28, 1917 (revoked in part by PLO 717) 4138
July 10, 1919 (revoked in part by PLO 717) 4138
Apr. 17, 1926 (revoked in part by PLO 717) 4138
125–A (revoked by EO 10264) 6417
395–A (see EO 10268) 6607
1888:
Revoked in part by EO 10263 6333
Amended by CZO 24 11604
3149 (amended by PLO 718) 4374
3797–A (see PLO 715) 3586
4258 (revoked by PLO 746) 8465
4592 (revoked in part by PLO 720) 4752
4778 (revoked in part by PLO 755) 9816
5258 (revoked by PLO 775) 13095
5482 (revoked by PLO 744) 8366
5487 (see EO 10309) 12304
5522 (revoked by PLO 732) 6948
6050 (revoked in part by PLO 708) 2893
6408 (see EO 10268) 6607
6604 (revoked by PLO 711) 3348
6957 (see PLO 735) 7571
6964 (see PLO 750) 9044
7309 (revoked in part by PLO 738) 7618
7397 (amended by EO 10257) 6013
7908 (see EO 10234) 3505
8034 (revoked by EO 10287) 9137
8194 (revoked by EO 10257) 6013
8223 (revoked by PLO 716) 4138
8298 (revoked by EO 10307) 11907
8305 (amended by PLO 743) 8366
8557 (amended by EO 10209) 1001
8981 (superseded by CZO 23) 7615
9360 (superseded by EO 10282) 8313
9368 (superseded by EO 10282) 8313
9526; see:
PLO 705 2441
PLO 763 11838
9594 (revoked by EO 10257) 6013
9805 (amended by EO 10274) 6991
9818 (terminated by EO 10254) 5310

TITLE 3—Continued Page

Chapter II (Executive orders)—Continued
- 9835 (amended by EO 10241) 3690
- 9875 (revoked by EO 10265) 6420
- 9898 (superseded by EO 10251) 5465
- 9926 (see EO 10251) 5465
- 9979; amended by:
  - EO 10202 381
  - EO 10232 3423
  - EO 10292 9843
- 9988; amended by:
  - EO 10202 381
  - EO 10230 2905
  - EO 10232 3423
  - EO 10258 6229
  - EO 10292 9843
- 9992; amended by:
  - EO 10202 381
  - EO 10232 3423
  - EO 10292 9843
- 9993 (amended by EO 10280) 8227
- 10000 (amended by EO 10261) 6271
- 10001; amended by:
  - EO 10202 381
  - EO 10258 6229
  - EO 10292 9843
- 10008; amended by:
  - EO 10202 381
  - EO 10232 3423
  - EO 10292 9843
- 10011 (amended by EO 10313) 12687
- 10031 (see EO 10280) 8227
- 10099 (revoked by EO 10300) 11203
- 10116; amended by:
  - EO 10202 381
  - EO 10258 6229
  - EO 10292 9843
- 10129 (amended by EO 10236) 3607
- 10132 (amended by EO 10279) 8227
- 10135 (see EO 10251) 5465
- 10157:
  - Amended by:
    - EO 10217 1843
    - EO 10288 9187
  - See also T. 5, 3.301–3.305.
- 10159 (amended by EO 10300) 11203
- 10161:
  - Amended by:
    - EO 10200 61
    - EO 10233 3503
    - EO 10281 8789
    - EO 10301 11257
  - See also EO 10223 2247
- 10167 (amended by EO 10292) 9843
- 10172 (revoked by EO 10200) 61
- 10173 (amended by EO 10277) 7537
- 10182:
  - Amended by EO 10205 419
  - See also EO 10223 2247
- 10187 (see EO 10313) 12687
- 10192 (see EO 10236) 3607
- 10193 (see EO 10200) 61
- 10196 (see EO 10274) 6991
- 10200 61
  - See also EO 10281 8791
- 10201 337
- 10202 381
  - Amended by EO 10292 9843
- 10203 385
- 10204 417
- 10205 419

TITLE 3—Continued Page

Chapter II (Executive orders)—Continued
- 10206 529
- 10207 709
  - Revoked by EO 10305 11667
- 10208 709
- 10209 1001
- 10210 1049
  - See also:
    - EO 10216 1815
    - EO 10227 2675
    - EO 10231 3025
    - EO 10243 4419
    - EO 10281 8790
    - EO 10298 11135
- 10211 1167
- 10212 1167
- 10213 1170
- 10214 1303
  - Amended by EO 10256 6013
  - See also EO 10247 5035
- 10215 1703
- 10216 1815
- 10217 1843
  - See also EO 10288 9187
- 10218 1983
- 10219 1983
- 10220 2051
- 10221 2051
- 10222 2247
- 10223 2247
  - Revoked by EO 10281 8791
- 10224 2543
- 10225 2544
- 10226 2673
- 10227 2675
- 10228 2676
- 10229 2865
- 10230 2905
  - Amended by EO 10292 9843
- 10231 3025
- 10232 3423
  - Amended by EO 10292 9843
- 10233 3503
- 10234 3505
- 10235 3607
- 10236 3607
- 10237 3627
- 10238 3627
- 10239 3627
- 10240 3689
- 10241 3690
- 10242 4267
- 10243 4419
- 10244 4639
- 10245 4675
- 10246 4743
- 10247 5035
- 10248 5197
- 10249 5309
- 10250 5385
- 10251 5465
- 10252 5517
- 10253 5605
- 10254 5829
- 10255 5971
- 10256 6013
- 10257 6013
- 10258 6229
- 10259 6271
- 10260 6271
- 10261 6271
- 10262 6333
- 10263 6333
- 10264 6417
- 10265 6419
- 10266 6420
- 10267 6553
- 10268 6607

TITLE 3—Continued Page

Chapter II (Executive orders)—Continued
- 10269 6659
- 10270 6659
- 10271 6659
- 10272 6711
- 10273 6907
- 10274 6991
- 10275 7307
- 10276 7535
  - Amended by EO 10293 9927
- 10277 7537
- 10278 7917
- 10279 8227
- 10280 8227
- 10281 8789
- 10282 8813
- 10283 8873
- 10284 8971
- 10285 9135
- 10286 9135
- 10287 9137
- 10288 9187
- 10289 9499
- 10290 9795
- 10291 9843
- 10292 9843
- 10293 9927
- 10294 9927
- 10295 10011
- 10296 10103
- 10297 10329
- 10298 11135
- 10299 11135
- 10300 11203
- 10301 11257
- 10302 11257
- 10303 11321
- 10304 11631
- 10305 11667
- 10306 11709
- 10307 11907
- 10308 12303
- 10309 12304
- 10310 12449
- 10311 12451
- 10312 12452
- 10313 12687
- 10314 12709
- 10315 12803

Chapter III (Presidential documents other than proclamations and Executive orders):
- Letter, May 30, 1942 (superseded by Letter, Aug. 1, 1951) 7637
- Letter, Jan. 26, 1951 793
- Letters, Apr. 27, 1951 3690, 3691
- Letter, June 2, 1951 5386
- Letter, June 29, 1951 6607
- Letter, July 23, 1951 7379
- Letter, Aug. 1, 1951 7637
- Letter, Sept. 10, 1951 9215
  - Amended by Letter, Sept. 20, 1951 9715
- Letter, Sept. 17, 1951 9502
- Letter, Sept. 18, 1951 9551
- Letter, Sept. 20, 1951 9715
- Letters, Oct. 2, 1951 10047
- Letter, Oct. 31, 1951 11205
- Letter, Nov. 20, 1951 11851
- Reorganization Plan 1, 1951 3690, 3825

TITLE 4

Chapter I:
- Part 5 5197
- Part 7:
  - 7.17 5199

TITLE 4—Continued Page

Chapter I—Continued
- Part 7—Continued
  - 7.18 7307
- Part 14 1223

TITLE 5

Chapter I:
- Part 2:
  - 2.107 10329
  - 2.110 4743
  - 2.113 10329
  - 2.115 1843, 6661
- Part 3:
  - 3.301 4367, 4639, [9187]
  - 3.303 4640
  - 3.305 4367, [9187]
- Part 5:
  - 5.101 7499
- Part 6:
  - 6.101 8509
  - 6.103 4641, 6336, 9502
  - 6.104 6272, 8227
  - 6.105 11043
  - 6.106 305
  - 6.107 2907, 6993, 12243
  - 6.108 8509, 10687
  - 6.110 1001, 8509
  - 6.112 420, 8509
  - 6.121 881
  - 6.123 63, 6336, 7309, 12243
  - 6.137 2487
  - 6.155 305, 637, 3151, 6609, 6907, 7447, 8311, 8733, 10305, 11135
  - 6.156–6.157 420
  - 6.158 453
  - 6.159 1783
  - 6.160 11631
  - 6.161 12027
  - 6.208 6336
  - 6.218 2119, 2697, 6711
  - 6.219 5649
- Part 7:
  - 7.105 4269, 6661, 11259
- Part 8:
  - 8.107 1001
  - 8.109 6662, 7119, 11555
  - 8.110 1001
  - 8.111 1003
  - 8.114 1845
  - 8.115 1845, 6662
- Part 9:
  - 9.105 8509
  - 9.106 3271
  - 9.107 8509
- Part 20:
  - 20.9 6609, 10477
- Part 22:
  - 22.1 1471
- Part 24:
  - 24.12 5389
  - 24.16 2997
  - 24.63 305
  - 24.109 2997
  - 24.112 12847
- Part 25:
  - 25.103 8229
- Part 26:
  - 26.2 [2676]
- Part 27:
  - 27.1 2649, 5199, 12605
  - 27.2 2649, 5200, 6272, 12308, 12605
- Part 30 13029
  - *Prior to revision:*
  - 30.201 9067, 11711
  - 30.403 9067, 11712
- Part 34 9623
  - 34.15 11321
  - *Prior to revision:*
  - 34.5 3527
- Part 35 6165

TITLE 5—Continued Page

Chapter II:
- Part 210:
  - 210.11 12214
  - Appendix A 1986, 4675, 12214
- Part 220:
  - 220.1 2717, 12217
  - 220.2 2717, 12217
  - 220.4 12218
  - 220.6 12218
- Part 230:
  - 230.1 2717, 12219
  - 230.2 12219
  - 230.6 2717

Chapter III:
- Part 301:
  - 301.52 6272
  - 301.54 6272
  - 301.63 6272
- Part 325:
  - 325.11 453, 2676, 3371, 4743, 4771, 5649, 6711, 6713, 8103, 9069, 10305, 11414

Chapter IV:
- Part 410 3271

TITLE 6

Chapter I:
- Part 4:
  - 4.1 12803
- Part 5 112
- Part 10:
  - 10.4 6272
  - 10.42 4269
  - 10.60 8733
  - 10.74 6557
  - 10.91 6557
- Part 11:
  - 11.60–11.62 12803
- Part 14 8733
- Part 21 6492
- Part 22:
  - 22.6 4369
- Part 50 10915
- Part 70:
  - 70.3 669
  - 70.4 10237
  - 70.5 [6337], 7538, 8229, 8999, 10237
  - 70.6 [6337], 7538, 8229, 8999, 10237
  - 70.7 10237
  - 70.8 10237
  - 70.9 4827, 6337, 10237
- Part 91 1177
  - 91.9 8671
  - 91.10 3527
  - 91.12 8671

Chapter III:
- Part 301:
  - 301.3 2821, 9295, 10305
  - 301.22 9297
- Part 302:
  - 302.2 6713
  - 302.4 6713
  - 302.23 2821
- Part 305:
  - 305.21–305.26 112
  - 305.21 11795
- Part 306 6713
- Part 307 11795
- Part 311:
  - 311.1–311.7 7917
  - 311.5 12415
  - 311.8 2821, 9293, 10305
  - 311.21–311.29 3399

TITLE 6—Continued Page

Chapter III—Continued
- Part 311—Continued
  - 311.30 112, 577, 579, 921, 1179, 1474, 2119, 2121, 2823, 2953, 2955, 3825, 3826, 3967, 4745, 5409, 5829, 5831, 5861, 6272, 6273, 6558, 6819, 6821, 6994, 7200, 7309, 7980, 7981, 8229, 8733, 8735, 8972, 9137, 9671, 10147, 10477, 10479, 11323, 11712, 12331
- Part 331:
  - 331.3a 10920
- Part 351:
  - 351.1 5861
  - 351.2 5863
- Part 352:
  - 352.5 1180
  - 352.8 1180
- Part 361:
  - 361.21–361.24 12537
  - 361.26–361.30 6994
  - 361.31 12537
  - 361.61–361.62 12537
  - 361.63 12537
  - 361.81–361.83 3826
- Part 363 4745
- Part 364 11799
- Part 371:
  - 371.38 7379
  - 371.39 7379
- Part 372:
  - 372.83 5411
  - 372.103 5831
- Part 381 3967
  - 381.5 9279
  - 381.6 6273, 9279
  - 381.7 9279
  - 381.11 9280
- Part 382:
  - 382.5 6273
- Part 386:
  - 386.1–386.4 1927
  - 386.4 5411

Chapter IV:
- Part 507:
  - 507.2 12805
  - 507.4 12805
- Part 517:
  - 517.204 3629, 5035
  - 517.234 2630
  - 517.250–517.260 7761
  - 517.250 12027
  - 517.253 11045
  - 517.275–517.285 8031
  - 517.278 11804
  - 517.290–517.300 9137
- Part 518:
  - 518.271 1474
  - 518.274 3630, 5159
  - 518.301–518.320 5913
  - 518.320–518.351 8034, 8230
  - 518.347 8230
  - 518.360–518.371 12541
- Part 524:
  - 524.103 113
  - 524.108 113
  - 524.109 113
  - 524.110 113
  - 524.116 113
  - 524.132–524.133 113
  - 524.134 114
  - 524.135 493
  - 524.139 114
  - 524.140 114
  - 524.141 114
  - 524.201–524.216 3371
  - 524.231–524.249 3374
- Part 539:
  - 539.201–539.210 12805

TITLE 6—Continued Page
Chapter IV—Continued
Part 571:
571.45–571.109 5733
Prior to termination:
571.50 1495
571.53 1495
571.67 1495
571.69 1495
571.75 1497
571.77 1497
571.87 1497
571.125–571.188 5733
Part 601:
601.54 64
601.58 711
601.114 64
601.118 3425
601.121–601.133 5917
601.122 7921
601.204 64
601.208 712
601.230 3025, 3631
601.231 3631, 12496
601.235–601.247 3151
601.254 65
601.258 712, 3027
601.304 65
601.308 712
601.422 793
601.428–601.430 795
601.433 795
601.504 65
601.508 712
601.574 66
601.578 713
601.604 66
601.608 713
601.651–601.671 1987
601.651 7126
601.654 2182
601.665 7126
601.668 7126
601.701–601.710 4177
601.709 9001
601.710 9001
601.711 5412
601.751–601.760 8873
601.761 10687, 10879
601.801–601.812 7339
601.851–601.864 3425
601.875–601.884 3875
601.882 10921
601.883 9455
601.884 9455
601.901–601.910 4179
601.909 9002
601.910 9002
601.911 6168, 11260
601.951–601.960 4287
601.958 5918, 10921
601.959 9003
601.960 9003
601.1001–601.1010 6907
601.1002 11557
601.1003 10106
601.1006 11557
601.1008 7869, 10106
601.1010 10106, 11557
601.1051–601.1062 5415
601.1060 5608, 9627, 11260
601.1061 12497
601.1101–601.1113 5309
601.1151–601.1160 4999
601.1159 9004
601.1160 9004
601.1161 7871, 11712
601.1201–601.1207 1931

TITLE 6—Continued Page
Chapter IV—Continued
Part 601—Continued
601.1211–601.1220 10515
Prior to revision 2777
601.1218 5651
601.1219–601.1220 8267
601.1221 7119, 11206
601.1251–601.1260 3427
601.1259 9005
601.1260 9005
601.1261 4915, 11712
Part 606:
606.150–606.161 6787
Part 607:
607.201–607.210 3207
607.204 10011
607.221–607.249 5609
607.249 6745
607.250 8311, 10106
607.251 8268
Part 610:
610.130 2719
Part 624:
624.201–624.211 4483
Part 638:
638.201–638.215 5389
Part 643:
643.501–643.525 6746
643.524 8877
643.545–643.555 7691
643.550 10013
643.567 6492
643.575–643.594 8415
643.578 10921
643.579 10921
643.583 10921
643.601–643.610 9005
Part 646:
646.203 8792
646.207 981
646.301–646.338 6851
646.339 10692
646.341 6857, 7200
Part 664:
664.225 796
664.227 1498
664.229 1765
664.231 2121, 2216
664.233 2182, 2421
664.235–664.236 3327
664.301–664.308 5419
664.312 6715
664.315–664.320 10717
664.323–664.328 11471
Part 668:
668.1 3429
Part 669:
669.7 5313
Part 672:
672.201 3430
Part 674:
674.135–674.143 6492
674.155–674.163 6494
674.159 10013

TITLE 7
Subtitle A:
Part 4 9627
Prior to expiration:
4.1 579, 1113
Part 5:
5.4 2865, 5971
5.5 2865
5.7 2865, 5971
Part 6 9343
Chapter I:
Part 20:
Proposed rules 12399, 12573
Part 26:
26.402 2649

TITLE 7—Continued Page
Chapter I—Continued
Part 27:
Proposed rules 2084, 5953, 12667
27.38 3880
27.251–27.295 7499
Part 28:
Proposed rules 2084
28.44 3880
28.115 7501
Part 29:
Proposed rules 3349, 9985
29.601 5108, 11260
Part 33:
Proposed rules 8139
33.13 9217
Part 37 923
Part 38:
Proposed rules 860, 3229
Part 39 5420
Proposed rules 2398
39.5 5971
Part 44:
Proposed rules 729, 2685, 4620, 5703, 6777
44.21–44.26 5842, 8735
Part 51:
Proposed rules 1595, 2797, 3485, 4467, 4468, 5447, 5448, 6466, 8420.
51.37 6337
51.40 6337
51.104 5919
51.106 8511
51.147 2781
51.301 4419
51.333 8512
51.342 5669
51.372 5922
51.373 5923
51.441 10331
51.456 7195
51.457 7197
Part 52:
Proposed rules 1285, 1550, 1596, 2799, 3487, 3621, 5450, 6392, 6467, 6571, 6755, 6870, 6951, 7520, 9316, 9726, 12400, 12999
52.1–52.88 7127
52.38 12381
52.165 6790
52.169 3609, 5390, 5607
52.177 10013
52.187 1663, 2823
52.189 1666
52.199 3103
52.218 9299
52.228 10332, 11206
52.240 4423, 4802
52.282 1575
52.368 11324
52.375 11409
52.378 3209
52.403 2463, 5314
52.448 4746, 5109
52.527 11558
52.541 9300
52.649 9715
52.662 5421
Part 53:
Proposed rules 861, 1736, 10217
53.35a 3402
53.107–53.111 2207
53.114–53.118 2824
53.120–53.124 2207
53.130–53.134 2824
Part 54 5200
Proposed rules 3349

TITLE 7—Continued Page
Chapter I—Continued
Part 55 10193
Proposed rules 4659, 4660, 5280, 5872
Prior to reissuance [6495]
55.2 6337
55.33–55.35 6337
55.39 6338
55.104 6015
55.105 6016
Part 58 6494
Proposed rules 5280, 5902
Part 60 3885
Proposed rules 771
Part 68:
Proposed rules 771, 10162
68.103 11327, 11763
68.201–68.303 3881
Part 70:
Proposed rules 2350, 3488, 3535, 4661
70.1–70.105 5210
Prior to revision:
70.3 3828
70.5 3828
70.201 5424
70.202 6338
70.203 6017
Part 106:
Proposed rules 6623
Part 160:
Proposed rules 6400, 7288
Part 162:
162.113 9346
162.116 9346
162.117 9345
Chapter II:
Part 201:
201.300 10719
Part 210:
Appendix 1223, 3885, 4959, 6500, 9627, 9927
Chapter III:
Part 301:
Proposed rules 934, 1184, 2972, 5135, 5954, 10607, 11506
301.32 3828
301.38 8269
301.38–1 8269
301.38–6 8269
301.38–7 8269
301.45a 11206
301.48 7971
301.48–2 7973, 10720
301.48–3 7974
301.48–4 7974
301.48–5 7974
301.48–9 7974
301.52 5003
301.52–2 5003
301.52–3 5003
301.58–3d 9859
301.63–3a 12382
301.72a 4519
301.72–2 4294
301.72–3 4297
301.72–8 4297
Part 303:
303.1–303.4 8972
Part 319:
Proposed rules 934
319.31 3828
319.56–2g 12331
Part 354 3972
Chapter IV:
Part 415:
415.1 4297
415.4 4297
415.9 7694

TITLE 7—Continued Page
Chapter IV—Continued
Part 415—Continued
415.17 7694
Part 416:
416.1 7395, 9301
416.16 9301
416.17 9301
Part 417:
417.1 4297, 4609
Part 418:
418.151–418.168 9628
418.160 11565
Prior to revision:
418.151 4298, 9302
418.154 4299, 9302
418.167 4299
418.168 4299
Part 419:
419.1–419.15 7975
419.13 11565
419.14 11565
419.15 11565
Prior to revision:
419.1 4171
419.4 4173
419.14 7695
419.15 4173, 7695
Part 420:
420.20 4300
420.24 579, 4300
420.32 4300
420.33 4300
420.34 4300
420.35 4300
420.51–1—420.51–2 4829
420.53–1 4832, 12113
420.53–2 4833, 12114, 12765
420.55–1—420.55–5 12115
420.57–1 12121
420.58–1 4834
420.59–1—420.59–6 4835
420.59–4 12122
420.59–6 12123
420.61–1—420.61–2 12124
420.61–3 4842
420.61–4—420.61–5 12126
420.62–1—420.62–2 12127
420.63–1—420.63–10 4843
420.64–1—420.64–8 12129
420.66–1—420.66–3 4852
420.66–1 12136
420.66–4—420.66–5 12137
420.68–1 12139
420.70–1—420.70–6 12140
420.71–1—420.71–8 4855
420.71–9 12145
420.71–10 4863
420.72–1—420.72–2 4863
420.73–1 4866
420.75–1—420.75–3 12146
420.78–1 12148
420.80–1 12149
420.81–1 4867
420.82–1—420.82–5 4868
420.83–1—420.83–2 12150
420.84–1 12152
420.85–1—420.85–3 12153
420.86–1—420.86–2 12156
420.88–1 4872
420.89–1—420.89–6 4873
420.90–1—420.90–2 4878
420.90–3 12158
420.91–1—420.91–4 12159
420.92–1 12163
420.96–1 12164
420.97–1 4881
420.97–2 12165
420.98–1—420.98–2 12167

TITLE 7—Continued Page
Chapter IV—Continued
Part 421:
421.21 7695, 9302
421.32 3973, 9302
Part 422:
422.21–422.31 11566
Chapter VII:
Part 701:
701.103 1225
701.107 1225
701.210 1225, 5863
701.230 9632
701.232 1815
701.273 9632
701.274 9632
701.277 1225
701.279 5863
701.292 5863
701.293 9632
701.300—701.399 9006
701.301 9859
701.323 12306
701.332 12306
701.343 12306
701.344 12306
701.356 12306
701.399 12306
Part 702:
702.114 5864
702.132–702.133 6998
702.200–702.283 9017
702.203 12306
702.216 12307
702.276 12307
Part 703:
703.100–703.178 9023
703.103 12307
Part 704:
704.21 4920
704.101–704.173 12415
Part 706:
706.301–706.337 9302
Part 707:
707.1–707.53 8230
707.101–707.153 11045
Part 713:
713.14 6998
Part 721:
Proposed rules 10858
721.201–721.203 277
721.301–721.304 11631
Part 722:
Proposed rules 9045
722.142 1578
722.169 1579
722.301–722.303 10591
Part 723:
Proposed rules 1679, 4471, 5773, 10163
723.203 67
723.230–723.260 5149
723.301–723.303 11474
723.304–723.306 13117
723.311–723.328 7502
723.371–723.388 6170
Part 725:
Proposed rules 1679, 3588, 6625, 6777, 10163, 12098
725.202 1931
725.205 1931
725.207–725.208 1931
725.218 1932
725.230–725.260 4920
725.251 5037
725.301–725.303 12169
725.311–725.328 9347
725.321 12927
Part 726:
Proposed rules 3588, 6625, 6777, 10163, 12098

90000—52——42

TITLE 7—Continued Page

Chapter VII—Continued
Part 726—Continued
726.229 ---- 3886
726.230–726.260 ---- 5517
726.301–726.304 ---- 11535
726.305–726.307 ---- 13119
726.311–726.329 ---- 7921
726.321 ---- 12929
Part 727:
Proposed rules ---- 4471, 10163
727.201–727.202 ---- 67
727.301–727.302 ---- 11537
727.303–727.304 ---- 13119
727.311–727.329 ---- 6172
Part 728:
Proposed rules ---- 5454
728.103a–728.106 ---- 277
728.201–728.203 ---- 6500
Part 729:
Proposed rules ---- 2799, 4943, 7876, 10897
729.153 ---- 8815
729.180–729.192 ---- 3886
729.203 ---- 3275
729.204–729.208 ---- 3457
Prior to revision:
729.204–729.205 ---- 337
729.219 ---- 2419
729.226 ---- 2419
729.228–729.231 ---- 3275
729.240–729.269 ---- 5672
729.255 ---- 7925
729.301–729.303 ---- 11991
729.310–729.331 ---- 11946
729.316 ---- 12453
729.318 ---- 12453
Part 730:
Proposed rules ---- 10858
730.103a–730.105 ---- 279
730.201a–730.202 ---- 1052
730.301–730.303 ---- 12211
Chapter VIII:
Part 811:
Proposed rules ---- 10859
811.3 ---- 5607, 10720, 12929
Part 813:
813.22 ---- 5608, 10721
813.23 ---- 10721, 10722
813.24 ---- 5608, 10721, 10722
813.31–813.38 ---- 13032
Part 814:
814.5 ---- 1670, 4927, 8037, 10723
814.6 ---- 1673
Part 817 ---- 12847
Proposed rules ---- 12098
Part 818 ---- 11952
Proposed rules ---- 11507
Part 826:
826.2 ---- 11475
Part 850:
850.4 ---- 8318
Part 857:
857.4 ---- 11667
Part 861:
861.4 ---- 3458
Part 862:
862.3 ---- 2828
Part 863:
863.4 ---- 6175
Part 864:
864.3 ---- 385
864.4 ---- 13034
Part 865:
865.4 ---- 9350
Part 866:
866.3 ---- 114
Part 868:
868.3 ---- 115
868.4 ---- 12850

TITLE 7—Continued Page

Chapter VIII—Continued
Part 871:
871.4 ---- 4173
Part 873:
873.4 ---- 9218
Part 874:
874.4 ---- 9219
Part 876:
876.3 ---- 11475
Part 877:
877.3 ---- 12213
Part 878:
878.3 ---- 116
Chapter IX:
Proposed rules ---- 7941
Part 903 ---- 12170
Proposed rules ---- 7157, 10898, 11967
Part 904:
Proposed rules ---- 2160, 2511, 2658, 3136, 3536, 6873, 7330, 7520, 9250, 9318, 10645
904.1–904.84 ---- 9929
Prior to revision:
904.1 ---- 3248
904.3 ---- 3249
904.7 ---- 7381
904.101–904.141 ---- 11327
Part 905:
Proposed rules ---- 1596, 2512, 2514, 5997, 6468, 7946, 8603, 9528, 10464, 10561, 11080
905.6 ---- 11049
905.14–905.15 ---- 2783
905.22 ---- 2783
905.30 ---- 2783
905.31 ---- 2783, 11049
905.41 ---- 11049
905.51 ---- 2783, 11049, 11050
905.65 ---- 2783, 11049
905.66 ---- 2783
905.71 ---- 2783
905.72 ---- 2783
905.80 ---- 2784
905.83 ---- 2784
905.84 ---- 2784
Part 906:
Proposed rules ---- 1599, 2514, 2516
906.10 ---- 2784
906.14–906.15 ---- 2785
906.22 ---- 2785
906.30 ---- 2785
906.31 ---- 2785
906.51 ---- 2785
906.65–906.66 ---- 2785
906.71 ---- 2785
906.72 ---- 2785
906.80 ---- 2785
906.84 ---- 2786
906.85 ---- 2786
906.87 ---- 2786
Part 907:
Proposed rules ---- 3229, 3841, 4662, 5997, 9045, 10565, 12099.
907.7–907.10 ---- 10922
907.12 ---- 10922
907.17–907.19 ---- 10922
907.22 ---- 10923
907.30 ---- 3691, 10923
907.31 ---- 3691, 10923
907.41 ---- 10923
907.47 ---- 10923
907.50 ---- 6340
907.51 ---- 6340
907.60–907.61 ---- 10923
907.70–907.73 ---- 10923
Prior to revision:
907.71 ---- 3691
907.72 ---- 3691

TITLE 7—Continued Page

Chapter IX—Continued
Part 907—Continued
907.80 ---- 3691, 10924
907.82 ---- 10924
907.90 ---- 3691, 10924
907.91 ---- 6340, 12851
Part 909:
Proposed rules ---- 9049, 10164
909.201 ---- 9801
909.301 ---- 11260
909.400 ---- 10592
Part 910:
Proposed rules ---- 7876
910.205 ---- 9028
910.314 ---- 6609
910.315 ---- 6857, 7199
Part 911:
Proposed rules ---- 168, 179, 645, 990
Part 912:
Proposed rules ---- 11873
Part 913 ---- 67
Proposed rules ---- 9907, 10995
913.51 ---- 11050
Part 916:
Proposed rules ---- 179, 191, 990
Part 920:
Proposed rules ---- 907, 7684
920.101–920.104 ---- 2699
920.201 ---- 307
920.202 ---- 9718
920.301 ---- 493
920.302 ---- 7199, 9633
Part 921 ---- 1225
Proposed rules ---- 463, 472, 5176, 7157, 11278, 11931
921.8 ---- 12176
921.10 ---- 12176
921.22 ---- 12176
921.51–921.52 ---- 12176
Part 924:
Proposed rules ---- 2084, 2685, 4551, 5480
924.1–924.131 ---- 6341
Part 925 ---- 3631
Proposed rules ---- 935, 1089, 1680, 3053, 3072, 7463, 8469, 10164, 11656.
925.51 ---- 8816
Part 926:
Proposed rules ---- 13001
Part 927 ---- 12852
Proposed rules ---- 2660, 8275, 8896, 11344, 11657, 11973
Prior to revision:
927.5 ---- 12333
Part 928 ---- 11051
Proposed rules ---- 2841, 5135, 5497, 6000, 9987, 10647
Part 929:
Proposed rules ---- 2800, 4807
929.1–929.111 ---- 5037
Part 930 ---- 6420
Proposed rules ---- 321, 1021, 4343, 5583, 5704, 9094, 9985
930.41 ---- 10050
930.50 ---- 10050
Prior to revision;
930.5 ---- 1932
Part 931 ---- 7343
Proposed rules ---- 4344, 4621, 6687
Part 932:
Proposed rules ---- 2399, 3229, 5776, 9816, 10823, 12099
932.9 ---- 11097, 11993
932.10 ---- 11097, 11993
932.11 ---- 11097, 11993
932.12 ---- 11097, 11993
932.16 ---- 11097, 11993
932.22 ---- 11097, 11993

TITLE 7—Continued Page

Chapter IX—Continued
Part 932—Continued
932.30 ---- 11097, 11993
932.31 ---- 11097, 11993
932.40 ---- 11097, 11993
932.41 ---- 11097, 11993
932.44 ---- 11097, 11993
932.45 ---- 11098, 11993
932.46 ---- 11097, 11098, 11993
932.51 ---- 11098, 11993
932.52 ---- 11098, 11993
932.53 ---- 11098, 11993
932.54 ---- 11098, 11993
932.62 ---- 11097, 11993
932.71 ---- 11098, 11993
932.72 ---- 11097, 11993
932.80 ---- 11098, 11993
932.84 ---- 11098, 11993
932.85 ---- 11098, 11993
932.86 ---- 11098, 11993
932.87 ---- 11098, 11993
Part 933:
Proposed rules ---- 10859
933.205 ---- 11907
933.501 ---- 153
933.502 ---- 337
933.503 ---- 339
933.504 ---- 340
933.505 ---- 529
933.506 ---- 531
933.507 ---- 532
933.508 ---- 761
933.509 ---- 763
933.510 ---- 981
933.511 ---- 1003
933.512 ---- 1263
933.513 ---- 1265
933.514 ---- 1266
933.515 ---- 1787
933.516 ---- 1786
933.517 ---- 1786
933.518 ---- 2212
933.519 ---- 2212
933.520 ---- 2213, 3028
933.521 ---- 3027
933.522 ---- 3027
933.523 ---- 3028
933.524 ---- 3973
933.525 ---- 3974
933.526 ---- 5155, 6794
933.527 ---- 5156, 6794
933.528 ---- 6794
933.529 ---- 6794, 8878
933.530 ---- 8878
933.531 ---- 9352
933.532 ---- 9352
933.533 ---- 9937
933.534 ---- 9938
933.535 ---- 10479
933.536 ---- 10480
933.537 ---- 10480
933.538 ---- 10924
933.539 ---- 10925
933.540 ---- 10925
933.541 ---- 11476
933.542 ---- 11477
933.543 ---- 11477
933.544 ---- 11851
933.545 ---- 11854
933.546 ---- 11854
933.547 ---- 12382
933.548 ---- 12383
933.549 ---- 12383
Part 934:
Proposed rules ---- 2160, 2517, 2658, 3136, 3536, 7025, 9264, 10659
934.1 ---- 9673
934.4 ---- 3249
934.12 ---- 9673
934.15 ---- 3249

TITLE 7—Continued Page

Chapter IX—Continued
Part 934—Continued
934.21 ---- 9673
934.22 ---- 9674
934.40 ---- 7348, 9674
934.41 ---- 9674
934.50 ---- 9674
934.51 ---- 9674
934.52 ---- 9674
934.63 ---- 9674
934.101–934.141 ---- 11329
Part 936 ---- 12765
Proposed rules ---- 552, 2188, 4943, 12839
Prior to reissuance:
936.109 ---- 1933
936.205 ---- 5864
936.396 ---- 4882
936.397 ---- 4882, 5314
936.398 ---- 4883
936.399 ---- 4884
936.400 ---- 5465
936.401 ---- 5832
936.402 ---- 5833
936.403 ---- 5972
936.404 ---- 5973
936.405 ---- 5973
936.406 ---- 6231
936.407 ---- 6232
936.408 ---- 6233
936.409 ---- 6347, 8233
936.410 ---- 6821
936.411 ---- 6822
936.412 ---- 6822
936.413 ---- 6823
936.414 ---- 6824
936.415 ---- 6825
936.416 ---- 6825
936.417 ---- 6826
936.418 ---- 6827
936.419 ---- 7135
936.420 ---- 7136
936.421 ---- 7137
Part 937:
Proposed rules ---- 6573, 8396, 10220
Part 939:
Proposed rules ---- 8682, 9696
939.100–939.125 ---- 10926
939.204 ---- 9674
939.304 ---- 7873
Part 940:
Proposed rules ---- 8471
940.100–940.171 ---- 307
940.203 ---- 9675
940.303 ---- 7637
Part 941:
Proposed rules ---- 191, 3842, 4621, 5777
941.1–941.100 ---- 6348
941.52 ---- 9353
Part 942:
Proposed rules ---- 1771
942.5 ---- 1899
Part 943:
Proposed rules ---- 4568, 5285, 7029
943.1–943.111 ---- 8420
Part 944 ---- 12027
Proposed rules ---- 1740, 2709, 4140, 8472, 10220
Prior to revision ---- [3276]
Part 945:
Proposed rules ---- 4568, 5285, 7029, 8481, 9698, 10949
Part 946 ---- 8512
Proposed rules ---- 2041, 3307, 3588, 6625, 7619, 9097, 9907
946.51 ---- 10051
Prior to revision:
946.4 ---- 3639

TITLE 7—Continued Page

Chapter IX—Continued
Part 946—Continued
Prior to revision—Con.
946.7 ---- 3639
946.8 ---- 3639
Part 947:
Proposed rules ---- 2160, 2517, 2658, 3136, 3536, 7[illegible], 8241, 9573
947.1–947.94 ---- 10107
Prior to revision:
947.1 ---- 3250
947.5 ---- 3250
947.6 ---- 7382, 9941
Part 949 ---- 7160
Proposed rules ---- 7160
Part 950:
Proposed rules ---- 8481, 12515
950.1–950.140 ---- 8426
950.29 ---- 8973
950.71 ---- 8973
950.82 ---- 8973
Prior to reissuance:
950.130 ---- 7505
950.291 ---- 9675
950.301 ---- 7638
Part 951:
Proposed rules ---- 7627
951.1–951.170 ---- 9353
951.32 ---- 10016
951.33 ---- 10016
951.55 ---- 10016
Prior to reissuance:
951.100 ---- 7874
951.101 ---- 7874
951.104 ---- 7874
951.105 ---- 7874
951.206 ---- 9676
951.312 ---- 8671
Part 952:
Proposed rules ---- 5345, 11112
Part 953:
Proposed rules ---- 4354, 5062, 5353
953.1–953.92 ---- 5525
953.110–953.140 ---- 5530
953.471 ---- 155
953.472 ---- 341
953.473 ---- 533
953.474 ---- 763
953.475 ---- 1003
953.476 ---- 1266, 1673
953.477 ---- 1673
953.478 ---- 1788
953.479 ---- 2021, 2214
953.480 ---- 2214
953.481 ---- 2487
953.482 ---- 2649
953.483 ---- 2830
953.484 ---- 3028
953.485 ---- 3277
953.486 ---- 3458
953.487 ---- 3640, 3975
953.488 ---- 3975, 4426
953.489 ---- 4426
953.490 ---- 4677
953.491 ---- 4959
953.492 ---- 5156, 5468
953.493 ---- 5468
953.494 ---- 5740, 5975
953.495 ---- 5975
953.496 ---- 6357
953.497 ---- 6610
953.498 ---- 6795, 6911
953.499 ---- 7137
953.500 ---- 7382, 7639
953.501 ---- 7639, 7925
953.502 ---- 7925
953.503 ---- 8233, 8573
953.504 ---- 8573, 8878
953.505 ---- 8878, 9139
953.506 ---- 9139, 9364

TITLE 7—Continued Page
Chapter IX—Continued
Part 953—Continued
953.507 ---- 9364, 9676
953.508 ---- 9676
953.509 ---- 9939
953.510 ---- 10198
953.511 ---- 10481, 10723
953.512 ---- 10723, 10928
953.513 ---- 10928
953.514 ---- 11207, 11478
953.515 ---- 11478
953.516 ---- 11669
953.517 ---- 11855
953.518 ---- 12177
953.519 ---- 12384
953.520 ---- 12633
953.521 ---- 12863
953.522 ---- 13120
Part 954 ---- 155
Proposed rules ---- 92, 4145, 6722, 7461
954.41 ---- 8105
954.51 ---- 8105
954.81 ---- 8106
Part 955:
Proposed rules ---- 11314
955.205 ---- 12333
955.335 ---- 341
955.336 ---- 1627
955.337 ---- 2467
955.338 ---- 3277
955.339 ---- 4369
955.340 ---- 10619
955.341 ---- 12605
Part 957:
Proposed rules ---- 6185
957.1–957.123 ---- 10765
957.83 ---- 11261
957.204 ---- 7275
957.306 ---- 3
957.307 ---- 1, 1180, 4522
957.308 ---- 5833, 6501, 12035
Part 958:
Proposed rules ---- 6637, 7050, 9198
958.205 ---- 10928
958.207 ---- 7583
958.208 ---- 8319
958.209 ---- 10929
958.307 ---- 5109
958.308 ---- 5975, 10114
958.309 ---- 6176, 12334
958.310 ---- 9718, 10016, 13035
Part 959:
Proposed rules ---- 1680, 10388
959.100–959.104 ---- 3329
959.203 ---- 160
959.204 ---- 11414, 11804
959.304 ---- 3
959.305 ---- 3
959.306 ---- 3, 1473
959.307 ---- 8234
Part 960 ---- 7538
Proposed rules ---- 1603, 2639
Prior to termination:
960.105 ---- 2421
960.106 ---- 3506
960.309 ---- 1267, 2559
Part 961:
Proposed rules ---- 502, 1771, 1774
961.4 ---- 2385
Part 962:
Proposed rules ---- 323, 2441, 4145
962.100–962.131 ---- 3402
962.205 ---- 5532
962.306 ---- 5314, 5741, 6501
962.307 ---- 5741, 6502
962.400 ---- 3403
Part 963:
Proposed rules ---- 8909

TITLE 7—Continued Page
Chapter IX—Continued
Part 964:
Proposed rules ---- 11605
Part 965:
Proposed rules ---- 98, 194, 1832, 2443, 2444, 5455, 7772, 9097, 9909
965.41 ---- 8521, 8817
965.51 ---- 2786, 8521, 8817, 10051
Part 966:
Proposed rules ---- 10661, 11456, 12908
966.206 ---- 12385
966.499 ---- 160
966.500 ---- 342
966.501 ---- 533, 764
966.502 ---- 764
966.503 ---- 1004
966.504 ---- 1268
966.505 ---- 1674
966.506 ---- 1783
966.507 ---- 2021
966.508 ---- 2215, 2468
966.509 ---- 2439
966.510 ---- 2651
966.511 ---- 2831
966.512 ---- 3029
966.513 ---- 3331, 3459
966.514 ---- 3507, 3640
966.515 ---- 3640
966.516 ---- 3975, 4427
966.517 ---- 4427
966.518 ---- 4678, 5652
966.519 ---- 4961
966.520 ---- 5157
966.521 ---- 5469
966.522 ---- 5742
966.523 ---- 5976
966.524 ---- 6358
966.525 ---- 6610
966.526 ---- 6795
966.527 ---- 7138, 7385
966.528 ---- 7383, 7639
966.529 ---- 7639, 7926
966.530 ---- 7926, 8270
966.531 ---- 8234
966.532 ---- 8575
966.533 ---- 8879, 9142
966.534 ---- 9140, 9365
966.535 ---- 9365
966.536 ---- 9677
966.537 ---- 9939, 10200
966.538 ---- 10198, 10481
966.539 ---- 10481, 10724
966.540 ---- 10725, 10929
966.541 ---- 10929
966.542 ---- 11208, 11478
966.543 ---- 11479
966.544 ---- 11670
966.545 ---- 11855
966.546 ---- 12178, 12385
966.547 ---- 12385
966.548 ---- 12636, 12863
966.549 ---- 12863, 13121
966.550 ---- 13121
Part 967:
Proposed rules ---- 730, 5068, 6136
967.8–967.9 ---- 6360
967.12 ---- 6360
967.22 ---- 6360
967.40–967.46 ---- 6360
967.50–967.53 ---- 6361
967.51 ---- 308
967.60 ---- 6362
967.70 ---- 6362
967.80 ---- 6362
Part 968:
Proposed rules ---- 1242, 2519, 7627, 8551, 12273, 13146

TITLE 7—Continued Page
Chapter IX—Continued
Part 968—Continued
968.1–968.110 ---- 2786
968.50 ---- 8818
968.63 ---- 3611
Part 969:
Proposed rules ---- 191, 3842, 4621, 5777
Part 970:
Proposed rules ---- 1740, 2709, 4140, 8472, 10220
Part 971 ---- 10052
Proposed rules ---- 5497, 8140, 9169, 9481, 9911
971.42 ---- 10978
Part 972:
Proposed rules ---- 98, 864, 9050, 9912
972.5 ---- 883, 10059
Part 973:
973.41 ---- 7585
Part 974:
Proposed rules ---- 691
974.51 ---- 796
974.52 ---- 796
Part 975:
Proposed rules ---- 2476, 3014, 4354, 6139
975.30 ---- 6363
975.32 ---- 6363
975.51 ---- 6363
975.56 ---- 6363
975.61 ---- 6363
975.71 ---- 6363
975.72 ---- 6363
975.73 ---- 6363
975.81 ---- 6363
975.84 ---- 6363
975.85 ---- 6363
Part 976:
Proposed rules ---- 12360
Part 977 ---- 8431
Proposed rules ---- 2041, 5787, 7359
Part 978 ---- 12607
Proposed rules ---- 2005, 3229, 3539, 4983, 7717, 7876, 7877, 8186, 8603, 10568, 11690
Prior to revision:
978.2 ---- 8818
978.3 ---- 8818
978.4 ---- 3643, 8819
978.5 ---- 8819
978.7 ---- 3644
978.9 ---- 8820
Part 979:
Proposed rules ---- 7462
979.204 ---- 8672, 12179
979.303 ---- 884
979.304 ---- 883
979.305 ---- 6911, 11953
Part 980:
Proposed rules ---- 9914, 10997
980.5 ---- 11057, 11671
Part 984:
Proposed rules ---- 8249, 9268, 10130
984.103 ---- 9189
984.203 ---- 10621
984.303 ---- 10978
Part 986:
Proposed rules ---- 2127, 4257 6185, 6777, 8142, 8552, 8682 9192
986.203 ---- 12636
986.204 ---- 9553
986.302 ---- 9719
986.403 ---- 6716
986.601 ---- 6502
Part 987 ---- 4588
Proposed rules ----

TITLE 7—Continued Page
Chapter IX—Continued
Part 988 ---- 7447
Proposed rules ---- 2852, 3860, 4146, 5285, 6952, 7264, 9698, 10661, 12100.
988.51 ---- 10931
988.52 ---- 10931
Prior to revision:
988.4 ---- 4680
988.5 ---- 2831, 4680
Part 989:
Proposed rules ---- 2476, 3469, 10949, 10950
989.5 ---- 11634
989.203 ---- 10725, 12544
989.302 ---- 11909
Part 991:
Proposed rules ---- 191, 3842, 4621, 4665, 4727, 5777, 6145, 12101
991.22 ---- 6364
991.41 ---- 6364
991.46 ---- 6364
991.50 ---- 6364
991.51–991.52 ---- 6364
991.55 ---- 6365
991.60 ---- 6365
991.61 ---- 6365
991.62 ---- 6365
991.70–991.72 ---- 6365
991.80–991.87 ---- 6365
Part 992:
Proposed rules ---- 6402
992.203 ---- 7275
992.303 ---- 4
992.305 ---- 3, 1269
992.306 ---- 5743
Part 993:
Proposed rules ---- 1793, 5794, 6200, 6723, 10789, 10860
993.1–993.97 ---- 8437
993.4–993.5 ---- 1817, 8437
993.101–993.175 ---- 9367
993.104–993.105 ---- 10622
993.148 ---- 10622, 11634, 11712
993.150 ---- 10623
993.161 ---- 11634
Prior to revision:
993.104 ---- 1817, 8437
993.105 ---- 1817, 8437
993.201 ---- 1817, 8437
993.202 ---- 8673
993.302 ---- 11909
Part 994:
Proposed rules ---- 10950
994.101 ---- 10801
994.102 ---- 10801
994.302 ---- 11910
Part 996:
Proposed rules ---- 2160, 2526, 2658, 3136, 3139, 3536, 7050, 9419, 10663.
996.1–996.84 ---- 9941
Prior to revision:
996.1 ---- 3404
996.3 ---- 3404
996.7 ---- [7348]
996.101–996.141 ---- 11331
Part 997:
Proposed rules ---- 8849
997.201 ---- 9679, 11568
Part 998:
Proposed rules ---- 6692
998.202 ---- 7817
998.302 ---- 6234, 6662
Part 999:
Proposed rules ---- 2160, 2527, 2658, 3136, 3139, 3536, 7060, 9430, 10664.

TITLE 7—Continued Page
Chapter IX—Continued
Part 999—Continued
999.1–999.84 ---- 9949
Prior to revision:
999.1 ---- 3405
999.3 ---- 3405
999.7 ---- [7348]
999.101–999.141 ---- 11333

TITLE 8
Chapter I:
Part 60:
60.30 ---- 5390
Part 105:
105.3 ---- 3332
Part 108:
108.6 ---- 4270
108.9 ---- 5159
Part 110:
110.1 ---- 495, 2595
110.3 ---- 8319, 11414
110.21 ---- 11058
110.31 ---- 11058
110.51–110.52 ---- 11058
110.53 ---- 11058
Part 115 ---- 7349
115.1 ---- 10975
115.2 ---- 10977
115.3 ---- 10977
115.4–115.6 ---- 10977
115.8 ---- 10977
115.11 ---- 10977
115.13 ---- 10978
115.15 ---- 10978
Part 116:
Proposed rules ---- 9573, 12572
Technical amendment ---- 2468
116.2 ---- 2468
116.4 ---- 11671
116.5 ---- 11671
116.6 ---- 11671
116.8 ---- 2023, 2468
116.9 ---- 11671
116.52 ---- 8319
116.58 ---- 8319
116.60 ---- 12111
116.61–116.62 ---- 8320
Part 119:
Proposed rules ---- 8368
119.8 ---- 11065
Part 120:
120.18–120.19 ---- 11059
Part 124:
124.2 ---- 11059
124.5 ---- 11059, 12035
124.6 ---- 11059
124.7 ---- 11059
Part 125:
125.3 ---- 11059
125.12 ---- 1231, 1900, 10483
125.13 ---- 1900, 2121, 10483
125.14 ---- 1231, 10483
125.16 ---- 11059, 12035, 12245
125.19 ---- 11060
Part 129:
129.3 ---- 7981
Part 130:
130.7 ---- 11060
Part 142:
142.5 ---- 11060
142.7 ---- 1231
Part 150:
150.7 ---- 74
150.8–150.13 ---- 74
150.14 ---- 74
Part 151:
Proposed rules ---- 8185
151.2 ---- 7817, 12638
151.3 ---- 7819

TITLE 8—Continued Page
Chapter I—Continued
Part 155:
Proposed rules ---- 12572
Part 157:
157.5 ---- 1231, 11060
Part 160:
160.8 ---- 11060, 12035
160.12 ---- 11060
160.17 ---- 11060
160.18 ---- 11061
160.19 ---- 3547, 11061
Part 163:
163.2 ---- 11061
Part 164:
164.2 ---- 7585
164.3 ---- 11061
164.4 ---- 1231, 11061, 12035
164.5 ---- 11061
164.6 ---- 1231, 11061
164.7 ---- 11062
Part 165:
165.2 ---- 11062
Part 166:
Proposed rules ---- 6315
166.1 ---- 9633
Part 169:
169.3 ---- 11062
Part 170:
Proposed rules ---- 7520
170.6 ---- 11065
170.9 ---- 3333
Part 173 ---- 3250
Part 174:
174.1 ---- 2907
Part 175:
175.42 ---- 10931
Part 176:
176.107 ---- 5652, 10931
Part 330:
Proposed rules ---- 5455
330.6 ---- 7455
Part 332:
332.2 ---- 5442
Part 333:
333.1 ---- 4962
333.2 ---- 4962
Part 335:
335.3 ---- 5442
335.5 ---- 5442, 11063
Part 354:
354.8 ---- 11063
Part 361:
361.3 ---- 5442
Part 362:
362.10 ---- 1231, 1474, 11063
Part 363:
363.1 ---- 4301
Part 365:
365.5 ---- 4301
Part 373:
373.4 ---- 5443
Part 378 ---- 11063
378.1 ---- 12035
Part 379:
379.7 ---- 1231, 1474, 7139, 11063
Part 380:
380.2 ---- 11063
Part 382:
382.1 ---- 11064
382.4 ---- 11064
382.5 ---- 1231, 1474, 11064
382.6 ---- 11064
Part 383:
Proposed rules ---- 5589
383.1 ---- 11064
383.2 ---- 11064
383.3 ---- 11064
383.6 ---- 11064
Part 385 ---- 11064

TITLE 8—Continued Page
Chapter II:
Part 502:
502.2 ---- 3529
502.21 ---- 11137
502.22 ---- 3529
502.106–502.107 ---- 5105
502.110 ---- 5105
502.112 ---- 5105
502.200 ---- 3529
502.202–502.208 ---- 3529
Part 511:
511.187 ---- 535
511.194 ---- 10715
511.198 ---- 1113
511.199 ---- 10715
511.205 ---- 535, 7310
511.205b ---- 539, 7311
511.340 ---- 545
Part 512 ---- 10715
Prior to discontinuance:
512.194 ---- 10715
Chapter III ---- 5834
Chapter IV:
Part 702:
702.1 ---- 6662
702.8 ---- 3031, 5470

TITLE 9
Chapter I:
Part 92:
92.12 ---- 308
Part 93:
93.1 ---- 7385
93.12 ---- 7385
93.13–93.17 ---- 7385
Part 94:
Proposed rules ---- 10750
94.1 ---- 669, 1473, 12630
94.4 ---- 2955, 12334
Part 97 ---- 4783
Part 114:
Proposed rules ---- 1640
114.7 ---- 2653
Part 118:
Proposed rules ---- 1640
118.31 ---- 2653
118.35 ---- 2653
118.41 ---- 2653
Part 119:
Proposed rules ---- 1640
119.51 ---- 2653
119.63 ---- 2653
Part 131:
Proposed rules ---- 321, 3535, 12907
131.101 ---- 5005
131.225 ---- 3376
Part 151:
Proposed rules ---- 1019, 3841
151.10 ---- 4, 1006, 1180, 2654, 3529, 6426
Part 155:
155.12 ---- 12931
Part 165 ---- 4783
Prior to redesignation ---- 3978
Chapter III:
Part 301 ---- 10149
Proposed rules ---- 6686, 6777
301.32 ---- 10486

TITLE 10
Chapter I:
Part 5 ---- 1759
Part 6 ---- 9679
Part 30 ---- 3251
Proposed rules ---- 1089
Part 60:
Proposed rules ---- 3261
60.5–60.5a ---- 2333
60.6 ---- 6426

TITLE 12 Page
Chapter II:
Part 201:
201.1 ---- 2719
Part 204:
204.5 ---- 162
204.52 ---- 1871
204.103 ---- 579
204.104 ---- 9306
Part 206:
206.10 ---- 1629
206.12 ---- 1629
206.17 ---- 1629
206.107 ---- 2832
206.108 ---- 4641
Part 217:
217.102–217.103 ---- 580
217.104 ---- 2559
Part 218:
218.101 ---- 4963
Part 220:
220.3 ---- 8880
220.4 ---- 8880
220.6 ---- 8880
220.8 ---- 453
Part 221:
221.4 ---- 455
Part 222 ---- 1586
Prior to redesignation:
222.129 ---- 280
Part 223 ---- 1586
Part 225 ---- 1586
Prior to redesignation:
225.1–225.7 ---- 308
225.120–225.121 ---- 495
Part 263:
263.3 ---- 6612

TITLE 14
Chapter I:
Part 1:
Proposed rules ---- 11366, 11697
Part 3:
Proposed rules ---- 6961, 11366
Uncodified special regulation ---- 420
3.6–1—3.6–2 ---- 3278
3.11–1—3.11–2 ---- 3278
3.19–1 ---- 3279
3.23–1 ---- 3281
3.31–1 ---- 671, 3281
3.31–2 ---- 3281
3.46–1 ---- 3282
3.48–1 ---- 671, 3282
3.71–1—3.71–2 ---- 3282
3.72–1 ---- 3282
3.73–2—3.73–3 ---- 3283
3.76–1 ---- 3283
3.83–1 ---- 3283
3.84–1—3.84–3 ---- 3283
3.85–5 ---- 3283
3.86–2 ---- 3284
3.112–1 ---- 3284
3.118–2—3.118–3 ---- 3284
3.120 ---- 4175, 5434
3.120–2 ---- 3284
3.121–1 ---- 3284
3.124–1—3.124–2 ---- 3284
3.174–2—3.174–8 ---- 3284
3.186–1 ---- 3285
3.190–1 ---- 3285
3.191–1 ---- 3285
3.211–1 ---- 3286
3.216–1—3.216–6 ---- 3286
3.217–1 ---- 3287
3.219–1 ---- 3287
3.220–1 ---- 3287
3.223–1 ---- 3288
3.224–1 ---- 3288
3.231–1—3.231–3 ---- 3288
3.241–1 ---- 3288

TITLE 14—Continued Page
Chapter I—Continued
Part 3—Continued
3.244–1 ---- 3288
3.245–2 ---- 3288
3.257–1—3.257–3 ---- 3288
3.265–1—3.265–2 ---- 3288
3.301–1 ---- 3289
3.301–2 ---- 3289
3.318–1 ---- 3289
3.320–1 ---- 671, 3289
3.320–2 ---- 3289
3.328–1 ---- 3289
3.336–1 ---- 3289
3.337–1 ---- 3289
3.345–2 ---- 671, 3289
3.556–1 ---- 3289
3.359–1—3.359–2 ---- 3289
3.362–1 ---- 3289
3.364–1 ---- 3289
3.382–1—3.382–2 ---- 3289
3.383–1 ---- 3290
3.386–1 ---- 3290
3.388–1—3.388–4 ---- 3290
3.388–1 ---- 671
3.390–1 ---- 3291
3.391–1 ---- 3291
3.392–1 ---- 3291
3.411–1 ---- 3291
3.419–1 ---- 3291
3.422–1—3.422–2 ---- 3291
3.442–1 ---- 3291
3.582–1 ---- 3291
3.583–1 ---- 3291
3.587–1 ---- 3292
3.606–1 ---- 3292
3.623–1 ---- 3292
3.625–1 ---- 671
3.655–1 ---- 671
3.667–1 ---- 671
3.681–1 ---- 3292
3.682–1 ---- 3211
3.688–1 ---- 3292
3.696–1 ---- 3292
3.700–1 ---- 3211
3.700–2 ---- 6743
3.702–1 ---- 3292
3.716–1 ---- 671, 3292
3.721–1 ---- 3292
3.755–1—3.755–2 ---- 3292
3.757–1 ---- 3293
3.759–1 ---- 3293
3.762–1 ---- 3293
3.777–1—3.777–4 ---- 3293
3.780–2—3.780–3 ---- 3295
Part 4a:
Proposed rules ---- 8988
Uncodified special regulations ---- 420, 10772
4a.31–1 ---- 671
4a.252–1 ---- 671
4a.301–1—4a.301–2 ---- 671
4a.338–1 ---- 671
4a.524–1 ---- 671
4a.525–1 ---- 671
4a.532–1 ---- 671
4a.535–1 ---- 671
4a.537–1 ---- 671
4a.550–1 ---- 671
4a.578–1 ---- 671
Part 4b:
Proposed rules ---- 909, 10131, 11191, 11366, 11392
Uncodified special regulations ---- 420, 2468, 8973
4b.1–1 ---- 671
4b.10–1 ---- 4522
4b.19–1 ---- 671
4b.26–1 ---- 671
4b.30–1 ---- 671

TITLE 14—Continued Page
Chapter I—Continued
Part 4b—Continued
4b.58–1 ---- 671
4b.96–1 ---- 671
4b.110 ---- 314
4b.115–1 ---- 4522
4b.123–1 ---- 4522
4b.160 ---- 12220
4b.162 ---- 12220
4b.170–1 ---- 4522
4b.171–1 ---- 4522
4b.172–1 ---- 4522
4b.173–1 ---- 4522
4b.180–1 ---- 4522
4b.181–1 ---- 4522
4b.182–1 ---- 4522
4b.250–1 ---- 1630
4b.302–1—4b.302–2 ---- 671
4b.332–1 ---- 671
4b.337–1 ---- 4523
4b.351–1 ---- 4523
4b.353 ---- 8973
4b.356 ---- 11759
4b.362 ---- 11761
4b.367–1 ---- 671
4b.396–1 ---- 671
4b.400–1 ---- 4523
4b.445–1 ---- 671
4b.447–1 ---- 671
4b.448–1—4b.448–4 ---- 671
4b.450–1 ---- 4523
4b.466–1 ---- 671
4b.470–1 ---- 4523
4b.471 ---- 8973
4b.473 ---- 8973
4b.474 ---- 8973
4b.474–1 ---- 4524
4b.476a ---- 8973
4b.592–1 ---- 671
4b.611 ---- 8973
4b.612–1 ---- 1052
4b.623–1 ---- 671
4b.632–4b.635 ---- [2468]
4b.632–1 ---- 3212
4b.641–1 ---- 1057
4b.654–1 ---- 671
4b.665–1 ---- 672
4b.676–1 ---- 672
4b.691–1—4b. 691–10 ---- 672
4b.705–1 ---- 672
4b.730–1 ---- 4524
4b.740–1 ---- 1052
4b.740–2 ---- 4524
4b.776–1 ---- 672
4b.799–1 ---- 672
4b.811–1—4b.811–2 ---- 672
4b.911–1 ---- 672
Part 5:
Proposed rules ---- 11366
Part 6:
Proposed rules ---- 11366
Uncodified special regulation ---- 420
6.1 ---- 545, 713
6.6–1 ---- 672
6.30–1 ---- 672
6.47–1 ---- 672
6.52–1 ---- 672
6.114 ---- 545
6.221–1 ---- 3405
6.250 ---- 545
6.250–1 ---- 3405
Part 8:
8.10–1 ---- 10114
Part 13:
Proposed rules ---- 11366
Part 14:
Proposed rules ---- 11366

TITLE 14—Continued Page
Chapter I—Continued
Part 15:
Proposed rules ---- 11366
Uncodified special regulation ---- 420
15.3–1 ---- 672
15.8–1 ---- 672
Part 18:
Proposed rules ---- 3656, 9530
Uncodified special regulation ---- 11671
Part 20:
Proposed rules ---- 693, 2189, 2367, 7463
Uncodified special regulations ---- 9070, 10114
20.5 ---- 1703
20.20 ---- 4301
20.23 ---- 1703
20.24—20.26 ---- 4301
20.33 ---- 1704
20.35 ---- 9802
20.40 ---- 4302
20.42–1 ---- 4429
20.58 ---- 4175, 6912, [9070], [10114]
Part 21:
Proposed rules ---- 2367, 7463
Uncodified special regulations ---- 9070, 10114
21.45 ---- 6912, [9070], [10114]
Part 22:
Proposed rules ---- 991, 2189, 2367, 7463
22.10 ---- 1705
22.11 ---- 1705
22.12 ---- 1705
22.13 ---- 2143, 4302
22.32 ---- 4175
Part 24:
Proposed rules ---- 2367, 3658, 7463, 9530
Uncodified special regulations ---- 6743, 9070, 10114
24.45 ---- 163
24.47 ---- 4176, 6913, [9070], [10114]
Part 25:
Proposed rules ---- 2367, 7463
25.86 ---- 4176
Part 26:
Proposed rules ---- 2367, 7463
26.14 ---- 2561
26.26–1 ---- 3459
26.26–2—26.26–104 ---- 3459
26.37 ---- 163, 4176
Part 27:
Proposed rules ---- 14, 2367, 7463
Uncodified special regulations ---- 9070, 10114
27.7–1 ---- 4302
27.15 ---- 163
27.19 ---- 2561
27.23 ---- 6913, [9070], [10114]
Part 29:
29.2 ---- 1706
29.3 ---- 1706
29.4 ---- 1706
29.5 ---- 1706
Part 33:
Proposed rules ---- 2367, 7463
Uncodified special regulations ---- 9070, 10114
33.8 ---- 2145
33.27 ---- 1706
33.32–2 ---- 3405
33.33–1 ---- 3405
33.46 ---- 6914, [9070], [10114]
Part 34:
Proposed rules ---- 16, 2367, 7463
Uncodified special regulations ---- 315, 9070, 10114

TITLE 14—Continued Page
Chapter I—Continued
Part 34—Continued
34.5 ---- 1706
34.6–1 ---- 4304
34.7–1 ---- 3887
34.8–1 ---- 3888
34.13 ---- 2562
34.20 ---- 6914, [9070], [10114]
Part 35:
Proposed rules ---- 17, 2367, 7463
Uncodified special regulations ---- 9070, 10114
35.5 ---- 1707
35 6–1 ---- 4306
35 7–1 ---- 1630
35.8–1 ---- 1630
35.9–1 ---- 1630
35 14 ---- 2562
35.21 ---- 6915, [9070], [10114]
Part 40:
Proposed rules ---- 19, 286, 8923, 11787, 11874, 13151
Uncodified special regulations ---- 6273, 7418, 7522, 8735
40.7–1 ---- 1057
40.31–1—40.31–2 ---- 11414
40.36–1 ---- 1057
40 101–1 ---- 1630, 10513
40.191–1 ---- 9719
40.197–1 ---- 9721
Part 41:
Proposed rules ---- 19, 286, 583, 1833, 4588, 10166, 11366, 11392, 11698, 11787, 13151
Uncodified special regulations ---- 420, 7522, 9280, 10772
41.1–2 ---- 1632
41.1–3 ---- 9721
41.57 ---- [9280]
41.63–1 ---- 4524
41.119–1 ---- 7351
Part 42:
Proposed rules ---- 1681, 1710, 3232, 6961, 8988, 11366, 11392, 11698, 11787, 11932, 12366, 13151.
Uncodified special regulations ---- 420, 7505, 7522, 10772
42.11–1 ---- 926
42.11–2 ---- 926
42.11–3 ---- 926
42.15 ---- 4963
42.23 ---- 8038
42.32–4 ---- 11415
42.43 ---- 8165
42.45–2 ---- 926
42.55–3 ---- 7351
42.56–1 ---- 7351
42.80–7 ---- 4486
Part 43:
Proposed rules ---- 7463, 9530, 10132
Uncodified special regulation ---- 420
43.22–1—43.22–2 ---- 13035
43.53 ---- 4308
43.54 ---- 4308, 7140
43.68 ---- 4308
Part 44:
Proposed rules ---- 19
44.2–1 ---- 9722
44.2–2 ---- 11334
Part 45:
Proposed rules ---- 8988, 13151
Uncodified special regulations ---- 7522, 10772
Part 50:
Proposed rules ---- 3232, 8186, 10269
50.1–1 ---- 6858
50.2–1 ---- 6858
50.10–1—50.10–3 ---- 6858

TITLE 14—Continued Page
Chapter I—Continued
Part 50—Continued
50.11–1—50.11–2 ---------- 6858
50.12–1—50.12–7 ---------- 6859
50.13 ---------- 4308, 9502
50.13–1—50.13–8 ---------- 6861
50.20–1 ---------- 6865
50.21–1 ---------- 6865
50.22–1 ---------- 6865
50.23–1 ---------- 6865
50.24–1—50.24–2 ---------- 6865
50.25–1 ---------- 6865
50.26–1 ---------- 6865
50.27–1 ---------- 6865
50.28–1 ---------- 6866
50.29–1 ---------- 6866
50.30–1 ---------- 6866
50.31–1 ---------- 6866
50.33–1 ---------- 6866
50.34–1 ---------- 6866
Part 51:
Proposed rules---------- 2367, 7463
51.6 ---------- 163, 4177
51.17–1 ---------- 3888
Part 52:
Proposed rules---------- 3660
Part 53:
Proposed rules---------- 3663
Part 60:
Proposed rules---------- 22, 9097
Uncodified special regulation ---------- 6273
60.1–1 ---------- 9802
60.13–1 ---------- 4, 344, 455, 496, 713, 714, 2051, 2468, 2720, 2865, 3333, 4309, 4609, 5532, 5616, 5834, 6745, 6915, 7277, 7351, 7455, 7696, 7874, 8448, 9070, 9680, 10204, 11066
60.17–1—60.17–1004 --- 7351, 7352
60.17–1 ---------- 7351
60.17–296—60.17–297 --- 9634
Prior to redesignation:
60.17–1 ---------- 672
60.17–3 ---------- 672
60.17–12 ---------- 6274
60.17–13 ---------- 673, 3691, 3692, 5614, 6274
60.17–14 ---------- 673, 1232, 1725, 3692, 5614, 6274
60.17–15 ---------- 673, 1725, 2720, 3692, 5614
60.17–102 ---------- 673, 1232
60.17–103 ---------- 673
60.17–104 ---------- 673, 1232, 1725, 2182, 2720, 3692
60.17–105 ---------- 1725, 6274
60.17–10[illegible] ---------- 6274
60.17–107 --- 1232, 2720, 5614
60.17–108 ---------- 2720
60.17–203 ---------- 5614
60.17–204 ---------- 673
60.17–206 ---------- 673
60.17–208 ---------- 1232
60.17–209 ---------- 3692
60.17–210 ---------- 1232, 1725
60.17–211 ---------- 1232, 1725, 5615, 6274
60.17–212 ---------- 3692, 6274
60.17–214 ---------- 674, 6274
60.17–217 ---------- 6275
60.17–218 ---------- 5615
60.17–220 ---------- 5615
60.17–221 ---------- 1232
60.17–222 ---------- 5615
60.17–223 ---------- 674, 1725
60.17–226 ---------- 1232, 5615
60.17–227 --- 2720, 5615, 6275

TITLE 14—Continued Page
Chapter I—Continued
Part 60—Continued
60.17–1—60.17–1004—Con.
Prior to redesignation—Continued
60.17–228 ---------- 5615
60.17–229 ---------- 1232, 5615
60.17–231 ---------- 2720, 5615
60.17–235 ---------- 674, 5615
60.17–245 ---------- 674
60.17–246 ---------- 6275
60.17–248 ---------- 3692
60.17–254 ---------- 2720
60.17–255 ---------- 6275
60.17–259 ---------- 1232
60.17–262 ---------- 1726
60.17–268 ---------- 674, 1232, 2720
60.17–269 ---------- 5615
60.17–272 ---------- 674
60.17–276 ---------- 5615
60.17–283 ---------- 674, 3692
60.17–288 ---------- 674, 2720
60.17–289 ---------- 6275
60.17–291 ---------- 674, 2720
60.17–295 ---------- 5615
60.17–296 ---------- 674, 1726, 2720
60.17–297 ---------- 674, 1726
60.17–602 ---------- 5615
60.17–603 ---------- 5615
60.17–604 ---------- 674
60.17–605 ---------- 674, 1726
60.17–606 ---------- 674, 6275
60.17–611 ---------- 1726
60.17–613 ---------- 1232, 6275
60.17–622 ---------- 675, 1726
60.17–630 ---------- 675
60.17–632 ---------- 675, 1232
60.17–638 ---------- 2720
60.17–639 ---------- 5615
60.17–644 ---------- 6275
60.17–649 ---------- 3692
60.17–662 ---------- 5615
60.17–668 ---------- 675
60.17–669 ---------- 3692
60.17–670 ---------- 1232
60.17–672 ---------- 1233
60.17–674 ---------- 675
60.17–682 ---------- 5615
60.17–1001 ---------- 3692, 5616
60.17–1002 ---------- 675, 1233, 1726, 5616
60.17–1003 ---------- 675, 2720, 3692
60.18–1—60.18–2 ---------- 6829
60.18–3 ---------- 6829
60.18–4 ---------- 6829
60.18–5 ---------- 6831
60.21 ---------- [6274]
60.21–1 ---------- 9306
60.43 ---------- [6274]
60.43–1 ---------- 9306
60.45 ---------- [6273]
60.46–1—60.46–10 ---- 7351, 7352
60.46–1 ---------- 7351
Prior to redesignation:
60.46–3 ---------- 496
60.46–4 ---------- 225, 926, 2122, 3002, 3979, 5434
60.46–5 ---------- 5437
60.46–6 ---------- 498
60.46–7 ---------- 226, 931, 3003, 3981, 5438
60.46–9 - 227, 2123, 3983, 5441
60.47 ---------- [6274]
60.47–1 ---------- 9306
60.47–2 ---------- 11335
Part 61:
Proposed rules---------- 286, 583, 4589, 8923, 10491, 11366, 11392, 11698, 11874, 13151

TITLE 14—Continued Page
Chapter I—Continued
Part 61—Continued
Uncodified special regulations ---------- 420, 6273, 7418, 7522, 8735
61.101–1 ---------- 10483, 11238
61.112–1—61.112–4 ------- 11238
Prior to revocation------ 10483
61.154 ---------- [6274]
61.171 ---------- [6274]
61.200–1 ---------- 1058
61.231–1 ---------- 5943
61.252 ---------- [6273]
61.261 ---------- 12243
61.271 ---------- 12245
61.273–1 ---------- 7351
61.294–61.294a ---------- 3406
61.294–1 ---------- 499, 5835
61.310–1 ---------- 4524
Part 205:
Proposed rules---------- 1961
Part 207 ---------- 2700
207.11 ---------- 10693
Part 241---------- 12937
Part 242:
Proposed rules---------- 1683
Part 291:
Proposed rules---------- 1683
291.27 ---------- 2217, 3005, 4309, 5159, 6503
291.51 ---------- 2217, 3005, 4309, 5159, 6503
Part 292:
Proposed rules---------- 7878
292.3 ---------- 9633
Part 298:
Proposed rules---------- 1683
Part 300---------- 2932
Part 302:
Proposed rules-------- 5704, 6316
302.8 ---------- 5835
302.11 ---------- 10979
302.13 ---------- 5835
302.19 ---------- 75
302.20 ---------- 4524
Chapter II:
Part 408:
408.12 ---------- 3547
408.23 ---------- 10773
Part 410---------- 10115
Proposed rules---------- 3591
Part 501---------- 3644
Proposed rules---------- 2161
Part 506---------- 3693
Proposed rules---------- 23
Part 514---------- 10403
Prior to reissuance-------- 675
Part 550:
550.3 ---------- 2053
550.4 ---------- 455, 456, 2053, 12419
550.5 ---------- 2054
Part 560:
560.3 ---------- 6275
560.6 ---------- 6275
560.10 ---------- 6275
Part 570:
570.72 ---------- 2701
570.92 ---------- 2701
Part 580---------- 12497
Part 600:
600.11 ---------- 3693
600.12 ---------- 7140, 8973
600.14 ---------- 11099
600.15 ---------- 118, 4270
600.16 ---------- 8973
600.18 ---------- 8973
600.19 ---------- 12690
600.102 ------- 2654, 11099, 12180
600.103 ---------- 1058, 8973

TITLE 14—Continued Page
Chapter II—Continued
Part 600—Continued
600.107 ---------- 2054, 3334, 7140
600.108 ---------- 7140, 11099
600.110 ---------- 12180
600.112 ---------- 12180
600.201 ---------- 1058, 12690
600.204 ---------- 3430, 8973
600.206 ---------- 11099
600.208 ---------- 119
600.209 ---------- 4270
600.210 ---------- 344, 9956, 12180
600.214 ---------- 2054
600.216 ---------- 7875
600.217 ---------- 2654, 12180
600.219 ---------- 2054, 12180
600.221 ---------- 119, 1058
600.222 ---------- 3334, 7140
600.223 ---------- 12180
600.226 ---------- 4270, 7140
600.229 ---------- 7140
600.230 ---------- 7875, 8973
600.234 ---------- 7140
600.235 ---------- 4487
600.237 ---------- 7140
600.240 ---------- 8974
600.254 ---------- 9956
600.255 ---------- 6234, 7140
600.262 ---------- 7140, 12180
600.267 ---------- 7875
600.268 ---------- 9956, 12180
600.269 ---------- 9956
600.270 ---------- 12180
600.274 ---------- 3430
600.281 ---------- 7140, 8974, 9957
600.284 ---------- 3430, 6235, 8974
600.285 ---------- 6235
600.292 ---------- 3430
600.297 ---------- 3430
600.299 ---------- 2654
600.300–600.308 ---------- 6235
600.300 ---------- 7140
600.303 ---------- 9957
600.304 ---------- 7141
600.309–600.310 ---------- 9957
600.311 ---------- 11099
600.312 ---------- 12180
600.602 ---------- 3693, 11099
600.603 ---------- 2054, 7875
600.605 ---------- 3430
600.606 ---------- 3693
600.611 ---------- 12690
600.614 ---------- 3431
600.617 ---------- 3334
600.618 ---------- 9957
600.626 ---------- 8974
600.627 ---------- 8974
600.631 ---------- 3693
600.632 ---------- 8974
600.636 ---------- 3431
600.639 ---------- 6235, 6998, 10233
600.641 ---------- 7141
600.642 ---------- 2054
600.650 ---------- 7141
600.662 ---------- 2054
600.665 ---------- 3431
600.669 ---------- 1765
600.681 ---------- 2054, 3334
600.682 ---------- 4487
600.683 ---------- 6235
600.684 ---------- 7141
600.685 ---------- 9957
600.686 ---------- 12180
Part 601:
601.12 ---------- 6235, 12690
601.13 ---------- 2054, 3334, 3693, 7141, 8974, 11099
601.14 ---------- 1766, 3334, 3694, 6236, 12180

TITLE 14—Continued Page
Chapter II—Continued
Part 601—Continued
601.15 ---------- 3334, 3694, 4270, 4885, 8974
601.17 ---------- 8974, 11099
601.18 ---------- 8974
601.19 ---------- 12181
601.101 ---------- 11099
601.102 ---------- 8974
601.103 ---------- 3335, 3431, 8974
601.104 ---------- 3694, 4885, 8974
601.105 ---- 3694, 6236, 7141, 8974
601.106 --- 2055, 4885, 6236, 11099
601.107 ---------- 4885, 8975
601.110–601.112 ---------- 12181
601.201 ---------- 9957, 11099
601.203 ---------- 6236
601.204 ---------- 3431, 8975
601.205 ---------- 6236
601.209 ---------- 3335, 4270
601.210 ---------- 4885, 9957
601.211 ---------- 3694, 6236, 8975
601.212 ---------- 1766, 2055, 6236, 7141
601.214 ---------- 6237, 7141
601.216 ---------- 4885, 7875, 10309
601.217–601.220 ---------- 6237
601.219 ---------- 12181
601.223 ---------- 3431, 7141
601.225 ---------- 4885, 7875
601.226 ---------- 6237
601.227 ---------- 6237, 7141
601.228 ---------- 6237, 7141
601.229 ---------- 6237, 7141
601.230 ---------- 4886, 7875
601.231 ---- 3694, 4886, 7141, 8975
601.233 ---------- 6237
601.235 ---------- 1766, 7141
601.236 ---------- 6238
601.237 ---------- 3694
601.246 ---------- 3694, 4886
601.252 ---------- 8975
601.255 ---------- 2055, 6238, 7141
601.257 ---------- 6238
601.259 ---------- 3694, 8975
601.262 ---------- 6238, 7141, 12181
601.268 ---------- 8975, 12181
601.270 ---------- 8975, 9957
601.271 ---------- 3694
601.274 ---------- 6238
601.281 ---------- 7142
601.283 ---------- 2654
601.285 ---------- 6238
601.287 ---------- 12181
601.288 ---------- 8975, 9957
601.289 ---------- 1766, 6238
601.291 ---------- 3431, 8975
601.299 ---------- 2654
601.300–601.308 ---------- 6238
601.300 ---------- 7142
601.303 ---------- 9957
601.304 ---------- 7142
601.309–601.310 ---------- 9957
601.311 ---------- 11099
601.312 ---------- 12181
601.602 ---------- 6239, 8975
601.603 2055, 4886, 6239, 7142, 7875
601.605 ---------- 3694, 4886
601.606 ---------- 3694, 6239
601.609 ---- 3335, 6239, 8975, 12181
601.611 ---------- 6239
601.613 ---------- 1766, 3335, 3694, 4886, 6239, 12690
601.615 ---------- 6239
601.621 ---------- 8975
601.622 ---------- 8975
601.627 ---------- 8975, 11099
601.628 ---------- 4886
601.630 ---------- 3694, 6239
601.631 ---------- 3695, 6239

TITLE 14—Continued Page
Chapter II—Continued
Part 601—Continued
601.637 ---------- 3335
601.639 ---------- 4270, 6239
601.642 ---------- 2055
601.644 ---------- 6239, 7142
601.647 ---------- 6239
601.650 ---------- 7142
601.661 ---------- 3335, 4886
601.662 ---------- 2055, 6239
601.664 ---------- 8976
601.669 ---------- 1766, 4270
601.670 ---------- 3695
601.673 ---------- 6239
601.681 ---------- 2055
601.682 ---------- 4487
601.683 ---------- 6239
601.684 ---------- 7142
601.685 ---------- 9957
601.686 ---------- 12181
601.1001 ---------- 1058, 1766
601.1002 ---------- 6240
601.1003 ---------- 3335
601.1006–601.1007 ---------- 3335
601.1009 ---------- 344, 3695
601.1010 ---------- 9957
601.1019 ---------- 3695, 6240
601.1020 ---------- 1058
601.1021 ---------- 3335, 3695
601.1024 ---------- 6240
601.1025 ---------- 8976
601.1030 ---------- 2055
601.1033 ---------- 11099
601.1034 ---------- 8976
601.1042 ---------- 6240
601.1043 ---------- 1766, 6240
601.1045 ---------- 8976
601.1049 ---------- 12181
601.1058 ---------- 6240
601.1060 ---------- 6240
601.1061 ---------- 1058, 1766
601.1065 ---------- 3695
601.1067 ---------- 6240
601.1069 ---------- 7142
601.1070 ---------- 3431
601.1072 ---------- 10309
601.1073 ---------- 3335
601.1074 ---------- 3431
601.1075 ---------- 2055
601.1080 ---------- 6240, 7142
601.1081 ---------- 2055
601.1083 ---------- 6240
601.1084 ---------- 3432, 6240, 8976
601.1086 ---------- 9957
601.1088 ---------- 6240, 7142
601.1089 ---------- 3695, 6240
601.1091 ---------- 6240
601.1092 ---------- 6240, 7142
601.1093 ---------- 6240
601.1094 ---------- 3432, 4270
601.1095 ---------- 6240, 7142
601.1098 ---------- 8976
601.1099 ---------- 6240
601.1100 ---------- 6240, 7142
601.1101 ---------- 8976
601.1102 ---------- 3695, 6240
601.1103 ---------- 6240
601.1105 ---------- 6240
601.1106–601.1107 ---------- 8976
601.1108 ---------- 2654, 12181
601.1109 ---------- 12690
601.1112 ---------- 3335, 4270
601.1113 ---------- 11099
601.1115 ---------- 12181
601.1116 ---------- 8976
601.1117 ---------- 8976
601.1118 ---------- 3432
601.1119 ---------- 6240, 8976
601.1120 ---------- 3432
601.1123 ---------- 3695

TITLE 14—Continued — Page
Chapter II—Continued
Part 601—Continued
601.1124 — 3335
601.1125 — 7875
601.1127 — 9957, 11099
601.1131 — 3432
601.1133 — 3335
601.1134 — 6240, 10233, 10309
601.1139 — 3432
601.1140 — 2055, 4271
601.1149 — 12182
601.1154 — 6240, 7142
601.1155 — 8976
601.1159 — 6240
601.1160 — 6240
601.1161 — 6240, 7142
601.1162 — 2055
601.1163 — 3432
601.1166 — 3695
601.1173 — 3335
601.1174 — 3335
601.1175 — 3335
601.1176 — 3335
601.1177 — 3336
601.1179 — 12182
601.1180 — 6240
601.1182 — 9957
601.1187 — 1766
601.1188 — 6240
601.1195 — 1058
601.1201 — 3432
601.1213 — 1058
601.1214 — 1058
601.1215 — 1058, 3336
601.1216 — 1058
601.1217 — 1058
601.1218 — 1058
601.1220 — 3432
601.1221 — 7875
601.1223–601.1236 — 2055
601.1229 — 7875, 12182
601.1237–601.1242 — 3336
601.1240 — 8976
601.1243 — 3695, 6240
601.1244 — 3695, 6240
601.1245 — 4886
601.1246–601.1273 — 6240
601.1246 — 7142
601.1250 — 7142
601.1251 — 7142, 9957
601.1261 — 7142
601.1263 — 7142
601.1274 — 7142
601.1275–601.1288 — 8976
601.1276 — 12182
601.1277 — 12182
601.1281 — 12182
601.1289 — 10233
601.1290 — 11099
601.1291–601.1292 — 12182
601.1983 — 2056, 4271, 4886, 8977
601.1984 — 1058, 1766, 2056, 2654, 7142, 8977, 9958, 11099, 12182, 12690
601.2019 — 1058, 8977
601.2028 — 4271
601.2031 — 2056
601.2044 — 12182
601.2045 — 12182
601.2048 — 12182, 12690
601.2050 — 1058, 3432
601.2052 — 3432
601.2054 — 1058, 3432
601.2056 — 3432
601.2060 — 2056
601.2066 — 12182
601.2070 — 12182
601.2075 — 12182
601.2076 — 4487
601.2078 — 12182

TITLE 14—Continued — Page
Chapter II—Continued
Part 601—Continued
601.2082–601.2083 — 8977
601.2085 — 8977
601.2086 — 8977
601.2088 — 1058, 3432
601.2089 — 8977, 12182
601.2090 — 8977
601.2091 — 4271
601.2093 — 8977
601.2096 — 8977
601.2097 — 8977
601.2098 — 3432, 4271
601.2099 — 8977
601.2105 — 8977
601.2106 — 8977
601.2108–601.2112 — 8977
601.2113 — 8978
601.2114 — 9958
601.2116 — 8978
601.2117 — 8978
601.2118 — 7142
601.2120 — 8978
601.2121 — 1766
601.2122–601.2123 — 8978
601.2124 — 3336
601.2125 — 4271
601.2126 — 8978
601.2127 — 4271
601.2129 — 8978
601.2131 — 344, 3695, 9958
601.2141 — 7875
601.2165 — 1058
601.2167 — 7875
601.2168 — 4886
601.2170 — 11099
601.2185 — 3432
601.2191–601.2192 — 3432
601.2213 — 2655
601.2214 — 12690
601.2217 — 1059
601.2219 — 3432
601.2221 — 8978
601.2225 — 3432, 8978
601.2226 — 1766, 3433
601.2227 — 2655, 4271
601.2228 — 7143, 8978
601.2231 — 3433
601.2235 — 7143
601.2238 — 2056
601.2242 — 3433
601.2248 — 6241
601.2260 — 3433
601.2263–601.2264 — 3433
601.2266 — 3433
601.2268 — 3433, 12182
601.2271–601.2272 — 3433
601.2273 — 8978
601.2278–601.2280 — 1059
601.2281–601.2283 — 1766
601.2284–601.2285 — 2056
601.2286–601.2287 — 6241
601.2288 — 7143
601.2289–601.2291 — 7143
601.2292–601.2294 — 8978
601.2295 — 9958, 11099
601.2296 — 10233
601.2297–601.2299 — 12182
601.2300 — 12690
601.4011 — 3695
601.4012 — 7143, 7875
601.4013 — 6241
601.4014 — 11099
601.4015 — 6241
601.4017 — 8978
601.4018 — 8978
601.4101 — 11099
601.4103 — 1059, 8978
601.4107 — 2056, 3336, 7143, 8978
601.4108 — 11099

TITLE 14—Continued — Page
Chapter II—Continued
Part 601—Continued
601.4201 — 12690
601.4206 — 11099
601.4208 — 119, 3695
601.4211 — 12690
601.4214 — 2056
601.4219 — 2056, 12182
601.4220 — 11100
601.4222 — 3336, 7143, 8978
601.4223 — 4271, 7143
601.4226 — 4271
601.4230 — 11100
601.4240 — 8979
601.4262 — 7143, 12182
601.4268 — 9958
601.4284 — 4271
601.4299 — 2655, 3336
601.4300–601.4307 — 6241
601.4308 — 7143
601.4309–601.4310 — 9958
601.4311 — 11100
601.4312 — 12182
601.4603 — 2056, 7143
601.4627 — 8979
601.4639 — 2056, 6999, 7875, 10235
601.4642 — 2056
601.4650 — 7143
601.4656 — 11100
601.4662 — 2056, 7143
601.4678 — 1059
601.4681 — 2056, 3336
601.4682 — 4487
601.4683 — 6242
601.4684 — 7143
601.4685 — 9958
601.4686 — 12183
601.5001 — 2056, 6242, 9958, 12690
Part 608 — 11066, 11335
608.12 — 11068
608.15 — 11568, 11569
608.18 — 11954
608.19 — 11068
608.24 — 11569
608.27 — 11068, 12307
608.28 — 11993, 12502
608.30 — 11635
608.31 — 11068
608.36 — 11068
608.39 — 11954
608.41 — 11068
608.51 — 11068, 11954
608.52 — 11068
608.54 — 11068, 11069, 12502
608.55 — 11069
608.62 — 11993
608.63 — 11069, 12502
Part 609 — 7352
609.3 — 12865
609.6 — 8584, 10593, 11275, 12562, 12690
609.7 — 10593, 11275
609.9 — 10593, 12562
609.11 — 10593, 11762
609.14 — 11238, 11805
609.15 — 11276, 12420, 12564
Part 610 — 7352
610.12 — 7641, 8521, 11137
610.13 — 7641, 8521, 11137
610.14 — 7641, 11137
610.15 — 7641, 11137
610.16 — 11138
610.101 — 8522, 11138
610.102 — 7641, 8522
610.103 — 7641
610.104 — 7641, 8522
610.105 — 7641, 8522, 11138
610.107 — 7641, 8522
610.108 — 11138

TITLE 14—Continued — Page
Chapter II—Continued
Part 610—Continued
610.201 — 7642, 11138
610.204 — 7642
610.205 — 8522, 11138
610.211 — 7642, 11138
610.212 — 7642, 8522, 11138
610.214 — 7642, 11138
610.218 — 8522
610.219 — 8522
610.220 — 8522, 11138
610.222 — 8522
610.227 — 8522, 11138
610.228 — 8522, 11138
610.229 — 7642
610.230 — 11138
610.231 — 7642, 11138
610.233 — 7642
610.234 — 8522
610.235 — 7642, 11139
610.236 — 8522
610.237 — 7642, 8522
610.244 — 11139
610.246 — 7642
610.255 — 8522, 11139
610.257 — 8523, 11139
610.259 — 7642, 11139
610.262 — 8523
610.268 — 7642
610.270 — 7642
610.271 — 7642
610.281 — 11139
610.283 — 11139
610.284 — 7642, 11139
610.285 — 8523
610.289 — 7642
610.291 — 7643
610.296 — 9634
610.297 — 9634
610.298 — 11139
610.300 — 11139
610.301 — 11139
610.302 — 7643, 8523
610.303 — 11139
610.304 — 8523
610.306 — 11139
610.307 — 8523
610.308 — 7643, 8523
610.311 — 11139
610.602 — 7643, 8523, 11139
610.603 — 11139, 11140
610.605 — 7643, 11140
610.606 — 7643, 11140
610.609 — 7643, 8523, 11140
610.610 — 8523
610.611 — 8523
610.613 — 7643, 11140
610.618 — 11140
610.622 — 7643
610.630 — 7643
610.631 — 7643, 8523
610.637 — 7643
610.638 — 7643
610.639 — 11140
610.644 — 11140
610.647 — 8523
610.650 — 8523
610.661 — 7643
610.662 — 8523
610.664 — 7643
610.669 — 7643
610.670 — 7643
610.673 — 8523
610.676 — 7644
610.679 — 11140
610.681 — 7644, 8523
610.683 — 8523
610.684 — 8523
610.685 — 11140
610.1001 — 7644, 11140
610.1002 — 7644

TITLE 14—Continued — Page
Chapter II—Continued
Part 610—Continued
610.1003 — 7644, 11140
610.1004 — 11140
Part 612 — 5835
Proposed rules — 4257
Part 617 — 3460
Part 620:
620.12 — 1579, 6242
620.13 — 1579, 6745, 8448, 8881
620.15 — 1579
620.21 — 280, 8448, 8881
620.22 — 280, 6745, 8448, 8881
620.23 — 280, 8881
Part 625:
Proposed rules — 6531

TITLE 15
Chapter II:
Part 201:
201.207 — 5744
Part 202:
202.105 — 5744
202.108 — 5744
202.401 — 2421
202.402 — 2422
202.403 — 2422
202.404 — 2422
Part 203:
203.403 — 5744
203.501 — 2422
Part 204:
204.301 — 5744
204.402 — 5744
204.403 — 5744
Part 206:
206.202 — 2422
Part 215:
215.508 — 5744
215.513 — 5744
215.701 — 5745
Part 230:
230.3 — 5745
230.11 — 5745, 5746, 5747, 5748
Chapter III:
Part 305 — 5005
Part 361:
361.2 — 4310
361.5 — 4310
361.6 — 4310
361.7 — 4310
Part 368 — 7313
Part 370:
370.7a — 5924
370.9 — 5653, 6612
370.10 — 3611
Part 371:
371.2 — 3612, 5924
371.8 — [797], [2702], 3612, 4886
371.9 — [2023], 3645, 4610, 5924, 10484, 10727, 11763
371.10 — 221, 9306
371.11 — 5391
371.16 — 5924
371.17 — [2023]
371.18 — [2023], 3612
371.19 — [2023], 3612, 9306
371.23 — 2469, 3645, 12307
371.25 — [2023], 6917, 10484
371.26 — 1989, 5653, 7314
371.27 — 10727
Part 372:
372.1 — 223
372.2 — 6749
372.3 — 224, 637, 1115, 1767, 3612, 3613, 6749, 11261
372.8 — 9221
372.11 — 5924
372.12 — 224, 1989, 2562, 9222, 11856
372.14 — 3613

TITLE 15—Continued — Page
Chapter III—Continued
Part 373:
373.1 — 545, 1116, 2563, 3612, 10154, 10484, 11856, 12687, 13123.
373.2 — 11763
373.5 — 6612
373.6 — 5, 12687
373.7 — 7539, 11763
373.8 — 546
373.9 — 10727
373.11 — 1990, 10154
373.15 — 6917, 12687
373.16 — 2469, 6612, 8524, 10484, 12687, 13123
373.17 — 3376, 7820, 10727
373.18 — 545, 10484
373.19 — 637
373.20–373.21 — 2702
373.22 — 4310
373.23 — 4310, 8038
373.24 — 5105, 5391, 9222, 9681, 10484
373.25 — 5391, 9307, 11856
373.26 — 8524
373.27 — 9860
373.28–373.29 — 10485
373.30 — 10727
373.32 — 13123
373.51 — 5, 1117, 2469, 4310, 4887, 5108, 5392, 7820, 8792, 9681, 10155, 10727, 11763, 12307, 12688, 13125
Part 374:
374.1 — 9682
374.2 — 4887
374.3 — 4887, 9682, 11857
374.4 — 9682
374.6 — 5924, 9683
374.51 — 119, 224, 1767, 2702, 5392, 9307, 9860, 10155, 10728, 11764
Part 375:
375.2 — 2563, 8793
Part 379:
379.1 — 5924, 5925, 9308
379.2 — 6749, 11857
Part 380:
380.1 — 7539
380.2 — 3646, 6749, 7540, 8038, 9222
380.4 — 9223, 10486
Part 381:
381.4 — 315, 797, 1767, 3613
381.5 — 7820
Part 382:
Technical amendments — 3612, 6749
382.1 — 6750
382.11 — 6750
Part 384:
384.2 — 5108, 12688
384.5–384.7 — [1117]
384.5 — 316, 797, 2702, 4888
384.8 — 316, 5108, 9308, 11069, 11672
384.9 — 2023
384.10 — 9683
384.11 — 9683, 10486
Part 398:
398.1 — 1990
398.2 — 4310, 4888, 10486
398.3 — 4311, 8038, 9860, 10155
398.4 — 4610, 6612, 8793
398.5 — 5392, 6613, 8524, 9684, 9685, 10486, 11764, 12689
398.6 — 8794
398.7 — 9223
398.8 — 9685, 11857, 12036

TITLE 15—Continued Page

Chapter III—Continued

Part 399:

399.1 ---- 5, 119, 316, 546, 924, 925, 1181, 1473, 1767, 1769, 2023, 2024, 2470, 2545, 2702, 3212, 3377, 3613, 4099, 4100, 4311, 4525, 4526, 4888, 5044, 5393, 5653, 5925, 5926, 6613, 6614, 6615, 6750, 7314, 7821, 8527, 10059, 10060, 10061, 10064, 10728, 10729, 11713, 11715, 11804, 11805, 12778, 12779, 12780

399.2 ---- 4101, 6614, 6750, 10064, 11715

399.3 ---- 925, 1474, 1769, 3213, 3378, 4889, 5394, 6615, 7821, 10064, 10156, 10731, 11715, 11805, [12780]

Part 400:

Proposed rules ---- 10706

TITLE 16

Chapter I:

Proposed rules ---- 1741, 3360

Part 1:

1.5 ---- 280

Part 2:

2.5 ---- 3185, 4641, 6503, 6777

2.8 ---- 3185

Part 3:

3.15 ---- 1719, 2721, 2833, 2867, 3106, 3549, 4491, 4641, 8449, 11335.

3.20 ---- 2721, 3253, 8883, 10333, 11100

3.25 ---- 3253, 6427, 8883

3.30 ---- 2057, 2058, 2470, 2793, 3549, 5926, 7981, 8040, 8794, 8883, 9860, 10064, 11807

3.35 ---- 3253

3.42 ---- 5315

3.45 ---- 9554

3.55 ---- 1719

3.60 ---- 4492

3.70 ---- 8448, 8449, 9687

3.75 ---- 317, 1719, 1991, 3106, 9554, 9687

3.85 ---- 2833

3.90 -- 2721, 2833, 5315, 7875, 8794

3.105 ---- 12502

3.110 ---- 5315

3.115 ---- 1719, 2867, 4492

3.130 ---- 3549, 5315, 6366, 8448, 8449, 8794, 9687

3.135 ---- 1991, 2470, 2721, 5926, 8040, 10064, 11335

3.140 ---- 2490

3.155 ---- 8448, 8449, 8794, 9687, 11335, 12502

3.170 ---- 119, 1500, 1719, 1724, 1991, 2470, 2621, 2721, 3253, 3549, 3611, 5315, 5926, 5927, 6242, 6427, 7875, 8320, 8882, 8883, 8979, 9687, 10333, 10693, 10731, 11100, 12334

3.185 ---- 9687

3.195 ---- 2470, 2619, 2621, 5926, 7875, 8320, 8883

3.200 -- 317, 3106, 3549, 4492, 9687

3.205 ---- 119, 1500, 1719, 1991, 2619, 2867, 3253, 5926, 6427, 8883, 10333

3.235 ---- 8448, 8449, 8794, 11807

3.240 ---- 3106, 11335

3.250 ---- 8883, 9687

3.260 ---- 4492

3.275 ---- 4492

3.280 ---- 6427, 7875, 10333

TITLE 16—Continued Page

Chapter I—Continued

Part 3—Continued

3.290 ---- 884, 6915, 10334, 10339, 10623, 10875

3.330 ---- 2833, 5315, 8795

3.350 ---- 3378, 8795, 8882

3.355 ---- 3107

3.370 ---- 3378

3.400 ---- 884, 6915, 10334, 10339, 10623

3.405 ---- 10623

3.425 ---- 3378, 5532

3.430 ---- 884, 3378, 5532, 5616, 6915, 10334, 10339, 10623, 10875

3.450 ---- 3378, 10875

3.452 ---- 5532, 5616

3.470 ---- 3107, 3378, 5532, 5616, 10875

3.485 ---- 9757

3.515 ---- 11101

3.517 ---- 7143, 11858

3.520 ---- 7143, 11858

3.525 ---- 11293

3.558 ---- 4927

3.560 ---- 3107, 3378, 10875

3.590 ---- 10875

3.655 ---- 3378

3.670 ---- 10236

3.715 ---- 7315, 10235

3.725 ---- 2833

3.730 ---- 2633

3.735 ---- 884

3.800 ---- 5316

3.810 ---- 6243, 9755, 10877

3.820 ---- 387, 1498, 9755, 10338, 10877

3.825 ---- 10118, 10235

3.830 ---- 8673, 10236

3.850 ---- 7928, 9755, 10235

3.880 ---- 6915

3.917 ---- 4927

3.938 ---- 3253

3.950 ---- 4927

3.965 ---- 8883

3.985 ---- 4927

3.995 ---- 3253

3.1000 ---- 4927

3.1010 ---- 3253, 4927, 8883

3.1015 ---- 4927, 6427

3.1025 ---- 3253, 8883

3.1033 ---- 8883

3.1045 ---- 8795, 8882

3.1055 ---- 2490, 7981, 11069

3.1087 ---- 4927

3.1185 ---- 2490, 5927, 7981, 9860, 10204, 10337, 10401, 11480, 11805, 11806, 11807

3.1190 ---- 419, 2124, 2125, 2868, 3108, 3381, 3433, 3475, 3477, 3530, 3531, 5928, 6176, 7764, 8041, 9308, 9958, 10205, 10337, 11101, 11210, 12335, 12379

3.1195 ---- 5315, 7143, 11858

3.1215 ---- 11805

3.1225 ---- 5315

3.1230 ---- 8449

3.1235 ---- 5315

3.1255 ---- 5315, 5927, 6366

3.1265 ---- 7143, 10337, 11858

3.1280 ---- 8448, 8449, 11069

3.1285 ---- 7143

3.1290 ---- 5315, 6242, 11805

3.1295 ---- 7143, 11858

3.1325 ---- 2124, 2125, 2490, 2868, 3108, 3381, 3531, 5927, 5928, 6176, 7764, 8041, 8448, 8449, 9860, 11210, 11480, 11807, 12379.

3.1335 ---- 7143

3.1340 ---- 6242

TITLE 16—Continued Page

Chapter I—Continued

Part 3—Continued

3.1385 ---- 2997, 8795, 8882

3.1390 ---- 1719, 8795, 8882

3.1395 ---- 8795, 8979, 9958

3.1425 ---- 2867

3.1440 ---- 8795, 8882

3.1450 ---- 2997

3.1475 ---- 9249

3.1490 ---- 495, 7982, 9249, 12335

3.1513 ---- 8979, 9958

3.1515 ---- 495, 1719, 2997

3.1520 ---- 1719, 2867, 8795

3.1555 ---- 8795

3.1570 ---- 2867

3.1590 ---- 419, 2057, 2058, 11806

3.1610 ---- 1719

3.1625 -- 120, 495, 1719, 2997, 8795

3.1630 ---- 11806

3.1645 ---- 8795

3.1665 ---- 8795

3.1670 ---- 1719, 2867

3.1680 ---- 9802

3.1685 ---- 9802

3.1695 ---- 419, 2490

3.1710 ---- 9802

3.1735 ---- 1719, 2997, 8795, 9802

3.1740 ---- 1719, 2867, 8795, 9958, 11806

3.1755 ---- 8795

3.1770 ---- 2867

3.1775 ---- 8795

3.1780 ---- 2997

3.1795 ---- 8795

3.1805 ---- 11069

3.1825 ---- 120, 495, 2997, 8795, 8979, 9958

3.1845 ---- 419, 2057, 2058, 2124, 2125, 2868, 3108, 3381, 3433, 3475, 3477, 3530, 3531, 5928, 6176, 6366, 7764, 7981, 8041, 9308, 9958, 10204, 10205, 10337, 11101, 11210, 12335, 12379

3.1860 ---- 11069, 11101

3.1875 ---- 9802

3.1880 ---- 419, 2490, 10204, 11807

3.1890 ---- 2619, 2621

3.1895 ---- 9687

3.1900 ---- 2124, 2125, 2868, 3108, 3381, 3531, 5928, 6176, 7764, 8041, 11210, 12379

3.1935 ---- 4492

3.1955 ---- 120, 317, 495, 1719, 1991, 2997, 3106, 8795, 9554, 9687.

3.1960 ---- 1719

3.1970 ---- 11806

3.1980 ---- 8448, 8449

3.1985 ---- 120, 495, 2997, 8795, 11335, 12502

3.1995 ---- 1719, 2867, 4492

3.2000 ---- 2997, 3106, 8448, 8449, 8795, 11335

3.2010 ---- 9687

3.2015 ---- 1719

3.2030 ---- 9687

3.2060 ---- 317, 1719, 2997, 3106, 3549, 4492, 8795, 9687, 9802

3.2070 ---- 120, 495, 8979, 9958

3.2080 ---- 4492, 7982, 8795, 8979, 9249, 9958, 12335

3.2090 ---- 4492

3.2105 ---- 7143, 8448, 8449, 11858

3.2120 ---- 4492

3.2130 ---- 4492

3.2147 ---- 4492

3.2165 ---- 1991, 4492

3.2175 ---- 2867

3.2190 ---- 10334, 10339

3.2193 ---- 6915, 10623

TITLE 16—Continued Page

Chapter I—Continued

Part 3—Continued

3.2240 ---- 8449

3.2245 ---- 8448, 8449

3.2280 ---- 2490, 8449, 8794, 9860, 11480, 11807

3.2285 ---- 5315

3.2295 ---- 5315

3.2305 ---- 5315

3.2310 ---- 5315, 5927, 6366

3.2315 ---- 10064, 11335

3.2325 ---- 5315, 5926

3.2345 ---- 2490, 5927, 8448, 8449, 8794, 9860, 11480, 11807

3.2365 ---- 8795, 8882

3.2370 ---- 3106

3.2380 ---- 2867

3.2385 ---- 8449, 8795, 8882

3.2425 ---- 9249

3.2440 ---- 4641, 8449

3.2445 ---- 4491

3.2450 ---- 7981, 9860, 11807

3.2475 ---- 2595, 7315, 8794, 10118

Part 62:

Proposed rules ---- 553

Part 82:

Proposed rules ---- 2604

Part 123 ---- 12503

Proposed rules ---- 2161, 9099

Part 142:

Proposed rules ---- 5023

Part 156 ---- 11070

Part 197 ---- 1059, 2024, 4181, 5434

Part 198 ---- 2676

Part 199 ---- 3382

Part 200 ---- 3550

Part 201 ---- 6367

Part 202 ---- 11070

Part 203 ---- 11993

Part 204 ---- 12424

TITLE 17

Chapter I:

Part 2:

2.20–2.21 ---- 12336

Part 3:

Proposed rules ---- 5447

3.01 ---- 925

3.16 ---- 6828

3.17 ---- 6828

Part 5:

Proposed rules ---- 10949

Part 9:

9.01 ---- 925

Part 10:

10.01 ---- 925

Part 11:

11.01 ---- 11336

Part 150:

Proposed rules ---- 321

150.4 ---- 8107

150.5 ---- 8106

Chapter II:

Part 210:

Proposed rules ---- 395

210.1–01 ---- 2576, 2655

210.1–02 ---- 2655

210.2–02 ---- 2655

210.5–01 ---- 2655

210.5–02 ---- 2655

210.5–03 ---- 2655

210.6–20—210.6–24 ---- 345

210.12–01 ---- 2655

210.12–35—210.12–41 ---- 348

210.12–37 ---- 2655

210.12–38 ---- 2655

Part 230:

Proposed rules ---- 3861, 7774

230.133 ---- 8577

230.154 ---- 8578

TITLE 17—Continued Page

Chapter II—Continued

Part 230—Continued

230.171 ---- 2679

230.402 ---- 8736

230.403 ---- 8736

230.411 ---- 8736

230.420 ---- 8736

230.424 ---- 8736

230.425–230.426 ---- 8736

230.447 ---- 8736

230.455–230.456 ---- 8736

230.460 ---- 8737

230.471–230.472 ---- 8737

230.474 ---- 8737

230.494 ---- 8820

Part 231:

231.3411 ---- 3387

Part 239:

Proposed rules ---- 866

239.11 ---- [11635]

Part 240:

Proposed rules ---- 508, 2163, 3861, 3862, 6778

240.6 ---- 2679

240.12b–11—240.12b–12 ---- 9688

240.13a–1 ---- [10515]

240.13a–13 ---- 2576, 9689

240.15d–1 ---- [10515]

240.15d–13 ---- 2576, 9689

240.15d–14 ---- 8821

240.16b–3 ---- 2679

240.17a–6 ---- 3109

240.24b–3 ---- 3109

Part 241:

241.4593 ---- 3387

Part 249:

Proposed rules ---- 395, 3862, 11657

249.210 ---- [9690]

249.308 ---- [9689]

249.310 ---- [9689]

249.312 ---- [2059]

249.312a ---- [2059]

249.350 ---- 2576

249.450 ---- 2576

Part 250:

Proposed rules ---- 395, 12669

250.1 ---- 2576

250.3 ---- 253

250.26 ---- 2577

250.105 ---- 2680

Part 259:

Proposed rules ---- 395

259.5b ---- [2577]

259.5s ---- [2577]

259.314 ---- 2577

259.403 ---- [255]

Part 260:

260.4c–3 ---- 8737

260.5a–3 ---- 8737

260.7a–3 ---- 8737

260.7a–5 ---- 8737

260.7a–9 ---- 8737

260.7a–29 ---- 8737

260.7a–36—260.7a–37 ---- 8737

Part 269:

269.3 ---- [499]

Part 270:

270.8b–2 ---- 280

270.8c–4 ---- 280

270.17d–1 ---- 2680

270.17g–1 ---- 499

Part 274:

274.14 ---- 281

Part 276:

276.58 ---- 3387

TITLE 18

Chapter I:

Part 34:

Proposed rules ---- 6962

TITLE 18—Continued Page

Chapter I—Continued

Part 35:

35.13 ---- 2388

Part 141:

Proposed rules ---- 5075

141.1 ---- [11766]

Part 153:

153.1 ---- 6751

Part 154:

154.66 ---- 2389

Part 157:

Proposed rules ---- 2400, 4589

Part 260:

Proposed rules ---- 5075

260.1 ---- 11767, 11768

Chapter II:

Part 301:

301.2 ---- 4609, 5109

TITLE 19

Chapter I:

Part 1:

1.1 ---- 3627, 10931

1.5 ---- 12930

Part 2:

2.43 ---- 8884

2.45 ---- 8884

2.52 ---- 8884

2.59 ---- 8884

Part 4 ---- [12763]

4.12 ---- 6834

4.38 ---- 6834

4.61 ---- 1933

4.73a ---- 1933

4.74 ---- 1933, 1934, [1961]

4.87 ---- 8578

4.95 ---- [2145]

4.96 ---- 12614

Part 6:

Proposed rules ---- 7421, 7461, 7772

Technical amendment ---- 2471

6.2 ---- 2471

6.4 ---- 11672

6.5 ---- 11672

6.6 ---- 11672

6.8 ---- 2024, 2471

6.9 ---- 11672

6.12 ---- 8796, 9502, 9503

Part 8:

8.11 ---- 10625

8.29 ---- 11954

Part 9:

9.11 ---- 1115

Part 10:

10.30a ---- 4526

10.31 ---- 6428

10.36 ---- 6428

10.39 ---- 4429

10.57 ---- 8321

10.103–10.105 ---- 12221

Part 14:

14.2 ---- 5394

14.7 ---- 1789

Part 16:

16.2 ---- 456

Part 17:

17.7 ---- 8738

Part 18:

18.25 ---- 1115

Part 19:

Proposed rules ---- 10699

19.16 ---- 12222

Part 20:

20.5 ---- 3797

Part 21:

21.1 ---- 5394

21.3 ---- 5394

21.4 ---- 5394

TITLE 19—Continued Page

Chapter I—Continued
Part 22:
Proposed rules 8920
22.1 9803
22.5 9803
22.36 6369
Part 24:
Proposed rules 10823
24.12 11954
24.14 5008
24.32 4181
24.34 5929
24.70 8236
Part 26:
26.7 [2145]
Part 30:
Proposed rules 10699
Part 54:
54.3 4771
Part 56 10593
Part 64 983
Part 65 1579
Part 66 6018
Part 67 13036
Chapter II:
Part 201:
201.1 10625
201.5 10625
201.6 10625
201.7 10625
201.8 10625
201.10–201.11 10625
Part 206 10626
Part 207 10626
Prior to revision [5893]

TITLE 20
Chapter I:
Part 01:
01.61–01.62 2932
Part 25:
25.24 2059
Part 61:
61.1 2933
61.2 2933
Part 71 2933
Chapter II:
Part 214:
214.7 7982
Part 222:
222.2 4827
222.3 4827
Part 325:
325.12 6504
Part 345:
345.13 8797
Chapter III:
Part 403 [13040]
403.408 12336
403.702 9029
Part 404 13038
Chapter IV:
Part 502:
502.6 5316
Chapter V:
Part 602:
602.8–602.10 9142
602.11–602.23 9142
Prior to redesignation:
602.16 5316
Part 603 11336
Part 604:
604.1 6020
604.10 6751
604.17 6751

TITLE 21
Chapter I:
Proposed rules 8743

TITLE 21—Continued Page

Chapter I—Continued
Part 1:
Proposed rules 11458
1.302–1.313 4929
1.315–1.322 4929
1.315 5470
Part 3:
Proposed rules 11458
3.20 1725
3.21 2722
3.22 2722
3.23 5394
3.24 6999
3.25 8270
Part 18:
Proposed rules 731, 5903
18.520 7819, 9457
Part 19:
19.782–19.783 1633, 1818
Part 29:
Proposed rules 7070, 7290
Part 30:
Proposed rules 7070
Part 32:
Proposed rules 258
Part 45:
Proposed rules 1640, 10492, 11787
Part 51:
Proposed rules 5874
51.20–51.22 7648
51.30 7649
51.32 7649
Part 52:
Proposed rules 1797, 5874
52.990 7649
Part 53:
Proposed rules 6543, 9699
53.40 12765
Part 141:
141.1 984
141.2 6999
141.3 10157
141.5 984, 6999
141.7 7000
141.17 7000
141.23 7000
141.26 6999
141.29 7000
141.32 6999, 7000, 10593
141.34 7000
141.39 7000, 10593
141.41 984
141.42 4964, 7000
141.43 5395
141.44 5395, 5471
141.45 5395, 7000
141.46 7004
141.47–141.48 11807
141.49 12425
141.102 7000
141.108 7000
141.112 4182
141.113 7006
141.114 5699
141.115 7006
141.201 7000
141.211 4182
141.212 7316
141.213–141.214 8236
141.215 10847
141.216 11338
141.301 985, 1475, 7000
141.302–141.304 985
141.305–141.306 7983
141.307 10593
141.401 4963, 4964, 7000
141.403 2471
141.407 714

TITLE 21—Continued Page

Chapter I—Continued
Part 141—Continued
141.408 1581
141.409 4182
141.410 4964
Part 144:
144.2 10157
144.4 10157
Part 146:
146.23 10309
146.24 7000, 7004
146.25 7001
146.27 3647, 10847, 11910
146.30 714
146.35 7001
146.36 5699
146.40 714, 5699
146.41 7001
146.42 7001
146.43 7001
146.44 7001
146.45 3647, 7001, 7002, 8822
146.46 3647
146.47 714, 2471, 3647, 7002, 10157
146.48 7002
146.50 3647, 7002
146.51 8822
146.52 7002
146.57 714
146.58 7002
146.60 985
146.61 3347
146.62 3648
146.63 4964, 7002, 7003
146.64 5395, 5471, 7003
146.65 5396, 7003
146.66 5397, 5471, 7003, 10157
146.67 7004, 10157
146.68–146.69 11808
146.70 12425
146.101 715, 7003
146.102 2471
146.103 715
146.104 2471
146.105 7003
146.106 3648, 7003, 7004, 7005
146.108 5699, 7006
146.109 5699, 7004
146.110 7007
146.203 985
146.204 10157
146.205 7006
146.211 4182, 7008
146.212 7316
146.213–146.214 8237
146.215 10847
146.216 11338
146.301 985
146.302 985
146.303 985, 1475
146.304 985
146.305–146.306 7983
146.307 10593, 10878
146.401 4964, 7004
146.402 715, 2471, 7008
146.405 11338
146.407 715
146.408 1581, 10594, 10879, 11338
146.409 4183
146.410 4965
Part 155:
Proposed rules 8370
155.16–155.29 11072
Part 170:
170.19 1934

TITLE 22 Page

Chapter I:
Part 40 9554
Part 42:
42.107 5652, 10931
Part 45:
45.1 10158
45.2 7419, 10158
45.6 10158
45.7 10158
45.9 7419, 10158
45.10 10158
Part 53:
53.22 10931
Part 65:
65.1 10238
65.2 9070
65.3 3509
65.5 3509, 10238
65.10a–65.10c 10238
Part 68:
68.2 7277
Part 75:
75.13 887
75.43 887
Part 109:
109.6 10239
109.18–109.23 12036
109.26–109.27 12036
Part 110 10239
Part 113:
113.1–113.13 10239
Part 120 12036
Part 126 10239
Part 127 10240
Part 128 10242
Part 129 10243
Part 130 10245
Part 131 10246
Part 132 10247
Part 133 10247
Chapter II:
Part 201:
201.1 4966
201.10 4966
201.13 4966
201.19 4966
Part 202:
202.1 7650
Part 203:
203.2 7650
Part 205:
205.1 7650
205.3 7650
Chapter III:
Part 300 11102
Proposed rules 9692
Part 301 11105
Proposed rules 9692
Part 302 11105
Proposed rules 9692

TITLE 23
Chapter I:
Part 1 387

TITLE 24
Chapter I:
Part 122:
Proposed rules 3194
122.21 4680
122.26–122.28 4680
122.30 4681
122.35–122.36 4681
122.38 4681
122.40 4681
Part 124:
124.11 11338
Part 144:
Proposed rules 2162

TITLE 24—Continued Page

Chapter I—Continued
Part 145:
Proposed rules 2102, 2162, 3195
145.4 456
145.6–12 10628
145.8 4930
145.16 3406
Part 163:
Proposed rules 395, 4666
163.9 8167
163.10 8167
163.11 6558
163.13–163.14 1818
Part 166 3532
Chapter II:
Part 200:
200.12 13124
Part 201:
201.7 350
Part 203:
203.4 421, 12709
203.16 10732
203.20 9142
203.20b 421, 4429, 7540
203.20c 7928
203.20d 9143
Part 221:
221.11 421, 12711
221.24 10732
221.26a 9143
221.26d 421, 4429, 7540, 9143
221.26e 9143
Part 232:
232.4 9143
232.16a 422, 9143, 12931
232.19 6504
Part 241:
241.4 9144
241.15a 422, 9144
241.15b 422, 9144
241.18 6504
Part 242:
242.16–242.17 10732
242.18a 422, 9144
Part 251:
251.13 423
251.27 9503
251.27c 423, 9503
251.27d 9503
Part 276:
276.26–276.27 10733
276.28c 423, 9144
Part 277:
277.7 10850
Part 278:
278.18–278.19 10733
278.20c 423, 424, 9144, 9145
Part 280:
280.39 6505
Part 283:
283.22b 424
Part 287:
287.12 9145
287.27a 424
Part 288:
288.9 9145
288.18–288.19 10733
288.21a 424, 9145
288.21b 9145
Part 290:
290.8 6505, 9145
Part 291:
291.2 9146
291.4 9146
Part 292 9146
Prior to revision:
292.41 6505
Part 293 9150

TITLE 24—Continued Page

Chapter II—Continued
Part 294 11415
294.4 12711
Part 295 11418
Part 296 11421
Part 297 11426
Chapter III:
Part 340:
340.3 9071
Chapter IV:
Part 400:
400.150 5748
400.151 7585
400.171–400.172 5748
400.173 7585
Chapter VIII 7541, 7631
Part 801 10879
Part 825:
Technical amendment 7586
825.1–825.12 12866
Prior to transfer:
825.1 1234, 2934, 7586, 9639
825.2 9639, 9640
825.4 1726, 4271, 7586, 9640, 10694, 12504
825.5 3614, 4272, 7586, 7587, 9641, 9642
825.6 7587, 11211, 11429
825.7 9641, 9642, 10694
Schedule A 6, 77, 164, 232, 255, 282, 547, 548, 766, 926, 1475, 1634, 1635, 1789, 1934, 2059, 2060, 2179, 2335, 2491, 2492, 2680, 2869, 2935, 3110, 3434, 3509, 3554, 3797, 3828, 4271, 4526, 4527, 4682, 4930, 5035, 5037, 5109, 5398, 5654, 5893, 5895, 6177, 6276, 6369, 6370, 6615, 6616, 6797, 6866, 7156, 7201, 7822, 8167, 8168, 8528, 8738, 9071, 9072, 9457, 9642, 9803, 9804, 9959, 9960, 10065, 10206, 10247, 10487, 10628, 10694, 10773, 10881, 10979, 11107, 11210, 11261, 11480, 11481, 11569, 11858, 11859, 11998, 12043, 12223, 12388, 12426, 12504, 12616, 12638, 12689, 12780
Schedule B 232, 2059, 2335, 2492, 2935, 2936, 3213, 5109, 7455, 7588, 8167, 8738, 10065, 10206, 10773, 11481, 12638, 12689
Schedule C 231, 255, 256, 257, 350, 351, 500, 501, 887, 888, 1270, 2386, 2387, 2388, 2492, 2934
825.61–825.72 12638
Prior to revocation:
825.61 887, 2934, 7586
825.64 1726, 4272, 7586
825.65 3614, 4272, 7586, 7587
825.66 7587, 11211, 11429
825.81–825.92 13125
Prior to transfer:
825.81 1233, 2934, 7586, 9634
825.82 7586, 9634, 9635
825.84 7586, 9635, 12504
825.85 3613, 4272, 7586, 7587, 9636, 9637, 12615
825.86 9637, 11429
825.87 7587, 9638, 9861, 10694, 12616

TITLE 24—Continued Page
Chapter VIII—Continued
Part 825—Continued
825.81–825.92—Continued
Prior to transfer—Continued
Schedule A--- 6, 77, 164, 232, 255, 282, 547, 548, 766, 926, 1475, 1634, 1635, 1789, 1934, 2059, 2060, 2179, 2335, 2491, 2492, 2680, 2869, 2935, 3110, 3434, 3509, 3554, 3797, 3828, 4271, 4526, 4527, 4682, 4930, 5035, 5037, 5109, 5398, 5654, 5893, 5895, 6177, 6276, 6369, 6370, 6615, 6616, 6797, 6866, 7156, 7201, 7822, 8167, 8168, 8238, 8528, 8738, 9071, 9072, 9457, 9638, 9803, 9804, 9959, 9960, 10065, 10206, 10247, 10487, 10628, 10694, 10773, 10881, 10979, 11107, 11210, 11261, 11480, 11481, 11569, 11858, 11859, 11998, 12043, 12223, 12388, 12426, 12504, 12616, 12689, 12780, 12931, 13125
Schedule B---------- 232, 2059, 2335, 2492, 2935, 2936, 3213, 5109, 7588, 8167, 8738, 10065, 10206, 10773, 11481, 12689.
Schedule C---------- 231, 255, 256, 257, 350, 351, 500, 501, 887, 888, 1270, 2386, 2387, 2388, 2492, 2934
Part 840:
Technical amendment ---- 7589
840.101–840.148 ---------- 11923
Prior to transfer:
840.136 ---------- 4309
840.145 ---------- 7589
840.201–840.252 ---------- 12224
Part 853---------- 13125

TITLE 25
Chapter I:
Part 14:
Proposed rules ---------- 7939, 9250, 10464, 11873
Part 15:
Proposed rules ---------- 7939, 9250, 10464, 11873
Part 21:
Proposed rules ---------- 11240
Part 25:
25.103 ---------- 8229
Part 62:
62.50–62.52 ---------- 10881
Part 94:
94.16a ---------- 11765
Part 97:
Proposed rules---------- 1903
97.5 ---------- 3000
Part 130:
Proposed rules---------- 234, 1903, 1960, 2160, 2189, 2603, 2767, 4892, 5134, 6950.
130.12 ---------- 3001
130.13 ---------- 3532
130.13a ---------- 6616
130.13b–130.13c------ 6616, 8980
130.13d ---------- 8980
130.16–130.17 ---------- 3001
130.20 ---------- 3532
130.24 ---------- 3949
130.26 ---------- 3949
130.28 ---------- 3949
130.30–130.31 ---------- 3532
130.31a ---------- 3532
130.47 ---------- 2218

TITLE 25—Continued Page
Chapter I—Continued
Part 130—Continued
130.63 ---------- 6370
130.86 ---------- 9503
130.95–130.96 ---------- 3533
130.110 ---------- 6371
130.130–130.132 ---------- 3695
Part 148---------- 11765
Part 183:
183.1 ---------- 9192
183.18–183.20 ---------- 9192
183.29 ---------- 9192
Part 186:
186.9 ---------- 7277
Part 221---------- 6178
Part 223:
223.50 ---------- 10695
223.52 ---------- 10695
223.54–223.62 ---------- 10695
223.65–223.68 ---------- 10695
Part 241:
241.52 ---------- 9690
Part 256---------- 8578
Part 277:
277.8 ---------- 3001
277.10 ---------- 3001
277.21 ---------- 3001

TITLE 26
Chapter I:
Part 7:
7.300–7.309 ---------- 11910
Part 19---------- [8982]
Proposed rules---------- 3839
I. R. C. 22 (d) (6) (A)--- 4931
19.22 (d)–7---------- 4931
I. R. C. 322 (b) (3)------ 3213
19.322–7 ---------- 3214
Part 23---------- 6276
Part 24---------- 6276
Proposed rules---------- 4226
24.2 ---------- 7820
24.31 ---------- 7820, 7928
Part 29:
Proposed rules---------- 552, 1287, 3256, 3839, 5353, 5952, 6565, 6720, 7288, 9460, 9570, 10312, 10640, 12567.
I. R. C. 3---------- 9458
29.3–1 ---------- 9458
I. R. C. 12 (g)---------- 9458
I. R. C. 22---------- 10803
29.22 (b) (2)–5---------- 8980
I. R. C. 22 (b) (9)--------- 3478
29.22 (b) (9)–1---------- 3478
I. R. C. 22 (b) (10)-------- 3478
29.22 (b) (10)–1---------- 3478
I. R. C. 22 (b) (13)-------- 2390
29.22 (b) (13)–2---------- 2390
I. R. C. 22 (d) (6) (A)----- 4931
29.22 (d)–7---------- 4931
29.22 (o)–1---------- 10803
I. R. C. 23---------- 12544
I. R. C. 23 (t)---------- 8042
29.23 (bb)–1---------- 12544
I. R. C. 31---------- 9458
29.52–3 ---------- 10805
I. R. C. 53 (a) (1)--------- 10805
29.53–1 ---------- [2390], 10805
29.53–3 ---- [5471], [5748], 10805
29.54–1 ---------- 3479
I. R. C. 56 (a)---------- 10806
I. R. C. 56 (b)---------- 10805
29.56–1 ---------- 10806
I. R. C. 58 (b) (1)--------- 9458
29.58–3 (b)---------- 9458
29.58–7 ---------- [351]
29.101–2 ---------- 3479
I. R. C. 107---------- 9458
29.107–1 ---------- 9458

TITLE 26—Continued Page
Chapter I—Continued
Part 29—Continued
29.107–2 ---------- 9458
29.107–3 ---------- 9458
I. R. C. 112 (b) (7)--------- 9643
29.112 (b) (7)–1---------- 9643
29.112 (b) (7)–2---------- 9643
29.112 (b) (7)–4---------- 9643
29.112 (b) (7)–5---------- 9643
I. R. C. 113 (a) (18)-------- 9643
29.113 (a) (18)–1 --------- 9643
I. R. C. 113 (b) (1)--------- 10804
I. R. C. 113 (b) (1) (A)---- 12545
29.113 (b) (1)–1---- 10804, 12545
I. R. C. 117 (g)---------- 8046
29.117–9 ---------- 8046
I. R. C. 120---------- 9458
29.120–1 ---------- 9458
I. R. C. 124A---------- 8042
29.124a–1—29.124a–9 ----- 8043
I. R. C. 125---------- 10804
I. R. C. 125 (b) (1)--------- 10804
29.125–1 ---------- 10804
29.125–5 ---------- 10804
I. R. C. 131 (a)---------- 9458
29.131–1 ---------- 9458
29.131–8 ---------- 9458
29.141–1 ---------- [57481]
I. R. C. 143 (c)---------- 10807
29.143–7 ---------- 10807
29.147–1 ---------- 9758
29.147–7 ---------- 9758
29.147–8 ---------- 9758
29.148–1 ---------- 9758
29.148–2 ---------- 9643
29.148–3 ---------- 9643, 9758
I. R. C. 153---------- 3478
29.153–1 ---------- 3478
29.153–2—29.153–4 -------- 3479
I. R. C. 161 (a)---------- 9458
29.161–1 ---------- 9458
29.162–1 ---------- 3479
I. R. C. 165---------- 8981
29.165–6 ---------- 8981
29.165–7 ---------- 8981
29.172–1 ---------- 8046
29.190–1 ---------- 8046
29.202–1 ---------- [2218]
I. R. C. 294 (d)---------- 9458
29.294–1 ---------- 9459
I. R. C. 322 (b) (3)------- 3213
29.322–7 ---------- 3214
29.391–1 ---------- 11076
29.393–1 ---------- 11076
29.394–1 ---------- 11076
I. R. C. 480---------- 9459
29.480–1 ---------- 9459
I. R. C. 481---------- 9459
29.481–1—29.481–4 -------- 9459
I. R. C. 482---------- 9463
29.482–1 ---------- 9463
29.3797–11 ---------- 2300
I. R. C. 3801---------- 9463
29.3801 (a) (1)–1--------- 9463
I. R. C. 3810---------- 9463
29.3810–1 ---------- 9463
I. R. C. 3811---------- 9463
I. R. C. 3812---------- 9463
29.3812–1—29.3812–2 ----- 9464
Part 40---------- 2247
Proposed rules---------- 8115, 8463
40.461–1—40.461–7 ------- 11569
40.462–1—40.462–14 ------ 11574
40.463–1—40.463–2 -------- 11586
40.464–1—40.464–2 -------- 11589
Prior to revision---------- 1118
Part 81:
Statutory provisions------ 2422, 2423, 9644

TITLE 26—Continued Page
Chapter I—Continued
Part 81—Continued
81.2---------- 2422, 9644
81.15 ---------- 2424
81.16 ---------- 2424
81.17 ---------- 2424
81.18 ---------- 2426
81.19 ---------- 2426
81.21 ---------- 2426
81.47a ---------- 9556, 9557
Part 85:
Statutory provisions------ 2427
85.3 ---------- 2428
Part 86:
Statutory provisions------ 2427
86.1 ---------- 2427
86.2 ---------- 2427
86.3 ---------- 2427
Part 130:
Statutory provisions------ 3110
130.63 ---------- 3110
Part 140:
Statutory provisions- 11998, 12545
140.29 ---------- 12545
140.43 ---------- 12545
140.72 ---------- 12545
140.206–140.211 ---------- 11998
140.215 ---------- 11998
Part 143:
Statutory provisions------ 455
143.11 ---------- 456
143.13 ---------- 456
143.30 ---------- 457
Part 171:
Proposed rules---------- 7421
171.150–171.158 ---------- 11305
171.170–171.280 ---------- 11296
171.300–171.310 ---------- 10882
171.320–171.341 ---------- 12222
Part 173---------- 3111
Part 174---------- 5110
Part 178:
178.143 ---------- 1675, 1818
178.144 ---------- 1675
178.145 ---------- 1675
178.149 ---------- 1675
178.467a–178.467b --------- 122
Part 182:
Proposed rules---------- 3228
Appendix ---------- 6020
Part 183:
183.504–183.504a ---------- 7505
183.506a–183.506g --------- 121
Part 184:
184.553a–184.553g --------- 121
Part 185:
185.365–185.366 ---------- 7506
185.390 ---------- 7506
185.561 ---------- 7506
185.578 ---------- 7506
185.579a–185.579g --------- 123
185.588 ---------- 4967, 12387
185.695 ---------- 4967, 12387
Part 190:
190.479 ---------- 12427
190.488 ---------- 12427
190.546 ---------- 12427
Part 191---------- 8530
Part 192---------- 9382
Proposed rules---------- 3840
Prior to reissuance:
192.273–192.280 ---------- 7201
Part 314:
Statutory provisions------ 4527
314.64 ---------- 4527
Part 316:
Proposed rules---------- 4720
Statutory provisions------ 9465, 9466, 9467
316.0 ---------- 9464

TITLE 26—Continued Page
Chapter I—Continued
Part 316—Continued
316.2 ---------- 9464
316.3 ---------- 9465
316.7 ---------- 9465
316.20 ---------- 9465
316.21 ---------- 9465
316.54 ---------- 9465
316.55 ---------- 9465
316.60–316.61 ---------- 9466
316.70 ---------- 9466
316.71 ---------- 9467
316.72–316.74 ---------- 9467
316.204 ---------- 9467
Part 323:
Statutory provisions------ 548
323.20 ---------- 548
323.21 ---------- 548
323.22 ---------- 548
323.31 ---------- 548
Part 325---------- 11211
Part 402---------- [12454]
Part 405:
Statutory provisions------ 797, 798, 801, 805, 806, 807
405.101 ---------- 798
405.102 ---------- 798, 800, 801
405.104 ---------- 801
405.105 ---------- 801
405.107 ---------- 801
405.201 ---------- 805
405.202 ---------- 805
405.203 ---------- 805
405.209 ---------- 805
405.501 ---------- 806
405.601 ---------- 806
405.607 ---------- 807
405.703 ---------- 807
405.805 ---------- 807
Part 408:
Proposed rules---------- 5540
408.101–408.910 ---- 12453, 12615
Part 411:
Proposed rules---------- 4256
Statutory provisions------ 5929
411.606a ---------- 5929
Part 458:
458.305 ---------- 8271
458.307 ---------- 7316
458.308 ---------- 11636
Part 466:
466.2 ---------- 10519
Part 471---------- 12615
Part 600:
600.2 ---------- 3214
Part 661:
Proposed rules---------- 5874
Chapter II:
Part 701:
701.2 ---------- 1233

TITLE 28
Chapter I:
Part 3---------- 3509

TITLE 29
Subtitle A:
Part 4---------- 7008
Proposed rules---------- 9821, 13103, 13104
4.55 ---------- 11859
Part 5---------- 4430
5.1 ---------- 11592
5.5 ---------- 11592
Chapter I:
Part 101:
101.3 ---------- 11637
101.10 ---------- 1935
101.18 ---------- 1935, 11637
101.19 ---------- 1935

TITLE 29—Continued Page
Chapter I—Continued
Part 101—Continued
101.21–101.22 ---------- 11637
101.26–101.28 ---------- 11637
Part 102---------- 1936
102.54 ---------- 11637
102.61 ---------- 11637
102.65–102.67 ---------- 11637
102.70 ---------- 11638
102.71–102.73 ---------- 11638
Chapter IV---------- 7008
Prior to redesignation:
Part 402:
402.1 ---------- 6371
Chapter V:
Proposed rules---- 2683, 4893, 12909
Part 516:
516.21 ---------- 3288, 4932
Part 521---------- 8084
Proposed rules---------- 6843
Prior to revision:
521.3 ---------- 2545
521.101–521.105 ---------- 2545
Part 522:
Proposed rules---------- 4764, 8368, 11240, 11932, 13104
522.40–522.51 ---------- 10733
522.44 ---------- 11183
522.46 ---------- 11183
522.72 ---------- 12366
522.77 ---------- 5895
522.79 ---------- 5895
522.162 ---------- 12044
522.163 ---------- 12044
Part 525:
Proposed rules---------- 12909
Part 526:
Proposed rules---------- 285, 473, 692, 2937, 2938, 6403
526.101 ---------- 685, 1500, 7025, 10004, 10807
Part 536:
Proposed rules---------- 1741
Part 545---------- 5160
Proposed rules- 4472, 11192, 11657
545.2 ---------- 12503
545.14 ---------- 12503
Part 617:
617.101 ---------- 3435
Part 655---------- 4101
Proposed rules---------- 3191
Part 657:
Proposed rules-- 1478, 11124, 12909
Part 659:
Proposed rules---------- 2683
Part 661---------- 6917
Proposed rules-------- 2683, 5874
Part 665:
Proposed rules---------- 7995
Part 669:
Proposed rules---------- 908
Part 670:
Proposed rules---------- 12909
Part 671:
Proposed rules-- 4893, 7995, 13150
Part 672:
Proposed rules---------- 12909
Part 673---------- 10735
Proposed rules--- 4893, 7995, 9733
Part 674:
Proposed rules---------- 4893
Part 675:
Proposed rules---------- 12909
Part 676:
Proposed rules---------- 7995
Part 677---------- 11481
Proposed rules-- 4893, 7995, 10666
Part 678:
Proposed rules---------- 1478

90000—52——44

TITLE 29—Continued Page

Chapter V—Continued
- Part 681:
  - *Proposed rules* 4944
- Part 683 7202
  - *Proposed rules* 2683, 6316
- Part 684:
  - *Proposed rules* 5702, 11738, 12909
- Part 686 10773
  - *Proposed rules* 4893, 7995, 10028
- Part 693 5700
  - *Proposed rules* 1478, 4813
- Part 694 10932
  - *Proposed rules* 9999
- Part 695 7
  - *Proposed rules* 10001
  - 695.2 11183
  - 695.12 11183
- Part 699:
  - *Proposed rules* 7995, 10667
  - 699.2 11482
  - 699.4 11482
- Part 700:
  - *Proposed rules* 4147
  - 700.1 5008
  - 700.3 5008
- Part 702 2428
  - *Proposed rules* 1480
- Part 703 3214
  - *Proposed rules* 2101
- Part 704 3295
  - *Proposed rules* 2637
- Part 705 6917
  - *Proposed rules* 5902
- Part 706 10159
  - *Proposed rules* 9050
- Part 707 10736
  - *Proposed rules* 9914, 11457
  - 707.1 12224
- Part 777:
  - 777.0 6244
  - 777.2 6245
  - 777.7 6245
  - 777.11 6245
  - 777.12 6245
- Part 779:
  - *Proposed rules* 1902
- Part 782:
  - 782.0 4272
  - 782.7 4272
  - 782.8 4273

TITLE 30

Chapter I:
- Part 10 9504
- Part 18:
  - 18.2 281, 10736, 10737
  - 18.3 281
  - 18.6 281

Chapter II:
- Part 223 10519
- Part 226 77

TITLE 31

Subtitle A:
- Part 1:
  - 1.2 767
- Part 10:
  - 10.3 11713
  - 10.6 11672, 12387
- Part 12 164

Chapter I:
- Part 92:
  - 92.56a 12697
  - 92.69 12697
- Part 129:
  - 129.14 84, 2937, 6371, 10065

Chapter II:
- Part 202:
  - 202.8 2955
  - 202.20 2955

TITLE 31—Continued Page

Chapter II—Continued
- Part 203:
  - 203.0 1582
  - 203.13 1582
  - 203.17–203.24 1582
- Part 211:
  - 211.3 1818, 3479, 10017
- Part 213 6020
  - *Prior to revision:*
    - 213.6 549
- Part 223:
  - 223.5 9861
  - 223.16 9861
- Part 250 457
- Part 315 [2956], [4748]
  - 315.9 85
- Part 316 [2956], [4748]
- Part 318 [2956], [4748]
- Part 321 [4748]
- Part 322 [4748]
- Part 327 4488
- Part 329 2956, [4748]
- Part 330 4748
- Part 331 4488
- Part 361:
  - 361.0 12044

Chapter IV:
- Part 404:
  - 404.1 686

Chapter V:
- Part 500:
  - 500.534 767
  - 500.535 767
  - 500.808 2179, 8107

TITLE 32

Subtitle A:
- Part 31 3554
  - 31.5 12546
- Part 76 2218

Chapter IV:
- Parts 400–414:
  - Part 400:
    - 400.201–3—400.201–4 10979
    - 400.201–9 2834, 10980
  - Part 401:
    - 401.401 10980
  - Part 402:
    - 402.101 10980
    - 402.104 10980
    - 402.203–2 10981
  - Part 404:
    - 404.101–404.104 10981
    - 404.301–404.302 10981
  - Part 405:
    - 405.109 10982
  - Part 406:
    - 406.102 10982
    - 406.103–8 10982
    - 406.105–7 10983
  - Part 411:
    - 411.602 10983
  - Part 412 4312
  - Part 413 4319
  - Part 414:
    - 414.403 10983
    - 414.404 10983
  - Appendix A 4320
  - Appendix B 4322
- Part 423:
  - 423.354 282
- Part 438 2623
- Part 471 4433

Chapter V:
- *Amendment of Joint Procurement Regulations*[1] 8

[1] Joint Procurement Regulations formerly codified in 10 CFR as follows:

809.102	8
809.102–1	8

TITLE 32—Continued Page

Chapter V—Continued
- Part 503:
  - 503.1 5471
- Part 510:
  - 510.1 12931
- Part 511:
  - 511.1–511.3 11430
  - 511.4–511.5 7278
- Part 512 5930
  - 512.1 6243
- Part 513:
  - 513.1 4589
- Part 518 3296
- Part 532 3154
  - 532.2 3533
- Part 533:
  - 533.1 10628
  - 533.3 10628
  - 533.8 10630
- Part 534:
  - 534.2 5008
  - 534.3 5008
  - 534.4 5008
  - 534.6 5008
- Part 536:
  - 536.1–536.10 7144
  - 536.12 7822
  - 536.18 7822
  - 536.22–536.23 7822
  - 536.25 6245
  - 536.26 7823
  - 536.29 3006
  - 536.30 5618
  - 536.31–536.34 5278
  - 536.32 11768
  - 536.40 5618
  - 536.51 5931
  - 536.75 12546
  - 536.76 12547
  - 536.77 12547
- Part 538:
  - 538.1 3986
  - 538.3 3986
  - 538.6 3986
  - 538.13 3986, 6918
- Part 541 10520
- Part 552:
  - 552.7 10983
- Part 553 11914
- Part 555 3300
- Part 557 3556
  - 557.12 9072
- Part 561:
  - 561.13 4527
  - 561.15 6771, 7824
  - 561.16 9072
  - 561.18 2597, 6022, 7984
  - 561.19 5471
  - 561.20 2936, 12224
- Part 562:
  - 562.12 6771
  - 562.13 8982, 13087
  - 562.14 13087
  - 562.21 8982
  - 562.22 6771, 10807
  - 562.29 13087
  - 562.58–562.69 4932
  - 562.66 6771
- Part 564:
  - 564.2 12183
  - 564.3 12183, 13087
  - 564.4–564.5 12184
  - 564.6 12184, 13087
  - 564.8 12184
- Part 571:
  - 571.2 3032
- Part 572:
  - 572.1–572.5 6178
  - 572.3 10630

TITLE 32—Continued Page

Chapter V—Continued
- Part 573:
  - 573.2 1475, 10737
  - 573.2a–573.2b 1475
  - 573.4 1476
  - 573.5 1476
  - 573.10 6773
  - 573.11–573.12 6773
- Part 575 4528
- Part 577:
  - 577.1–577.2 7929
  - 577.3 8886
  - 577.4 8886
  - 577.5 7929
  - 577.6–577.9 7928
  - 577.15 2146, 3533, 6506
  - 577.16 2125
  - 577.21 7824
  - 577.24 11222
  - 577.40–577.46 12693
- Part 578:
  - 578.3 7765
  - 578.16 2957
  - 578.19 2957
  - 578.21 9072
  - 578.48a 391
  - 578.60–578.61 11107
- Part 580:
  - 580.7a 318
  - 580.18 10159
- Part 581:
  - 581.2 318
  - 581.3 767, 8271
- Part 582:
  - 582.3 7147
- Part 590 3987
  - *Technical amendment* 10696
  - 590.253—590.253–2 6506
  - 590.253–2 10248
  - 590.301 7650
  - 590.354—590.354–6 12337
  - *Prior to revision:*
    - 590.354—590.354–5 5472
    - 590.354–1 7650
    - 590.354–2 6506, 7651
    - 590.354–4 7651
  - 590.355—590.355–4 6506
  - 590.355–2 7651
  - 590.355–3 7651
  - 590.355–4 7651
  - 590.357–590.358 12337
  - 590.401 7651
  - 590.601 7651
  - 590.603–4 4749
  - 590.603–5 4749
  - 590.604–8 10696
  - 590.604–9—590.604–10 7651
  - 590.604–11—590.604–13 7651
  - 590.605 7651
  - 590.606–2—590.606–3 12338
  - 590.609 4749
  - 590.704 4749
  - 590.705–3 5654
  - 590.705–10 4749, 12338
  - 590.800 7651
  - 590.809 5655, 10696
  - 590.810 6507
  - 590.811 7652
  - 590.900—590.919–1 7652
  - 590.909–1 10696
- Part 591 4011
  - *Technical amendment* 10696
  - 591.102 4749, 10696
  - 591.201 12339
  - 591.202 7659, 12339
  - 591.202–4 4750
  - 591.202–5 5473
  - 591.251 5473, 5655

TITLE 32—Continued Page

Chapter V—Continued
- Part 591—Continued
  - 591.303 7659
  - 591.405 7659
  - 591.406–1 12339
  - 591.450 10696
  - 591.451–591.451–2 6507
  - 591.451–3 5473, 6507
  - 591.504 10248
- Part 592 4018
  - *Technical amendment* 10696
  - 592.101 7659, 12339
  - 592.102 7659
  - 592.151–592.151–2 5473
  - 592.151–2 6507
  - 592.156 12339
  - 592.251 7659
  - 592.302 7659
  - 592.303 4750, 7659
  - 592.304 4750
  - 592.305 4750, 5655
  - 592.306 7659
  - 592.408 6507, 7659
  - 592.408–3 6507, 10696
  - 592.408–4 5655
  - 592.409 7659
  - 592.502 5655
  - 592.504 5655
  - 592.505 5656
  - 592.550 10696
- Part 593 4030
  - *Technical amendment* 10696
  - 593.109 10248
- Part 594 4030
  - *Technical amendment* 10696
  - 594.103 4750, 10696
  - 594.301 4751
  - 594.302 4751
- Part 595 4033
  - *Technical amendment* 10696
- Part 596 4034
  - *Technical amendment* 10696
  - 596.103–8 10248
  - 596.103–11 6507, 10249
  - 596.104–4 5656
  - 596.104–10 4751, 10696
  - 596.104–12 12339
  - 596.104–14 7660
  - 596.150–3 7660
  - 596.150–5 7660, 10696
  - 596.150–6 12339
  - 596.502 10696
  - 596.513 7660
  - 596.536–596.536–1 10696
  - 596.568–596.569 4752
  - 596.584 4752
  - 596.585 5656
- Part 597 4057
  - *Technical amendment* 10696
- Part 598 4063
  - *Technical amendment* 10696
- Part 599 4077
  - *Technical amendment* 10696
- Part 600 4083
  - *Technical amendment* 10696
- Part 601 4087
  - *Technical amendment* 10696
- Part 602 4093
  - *Technical amendment* 10696
  - 602.450 4752, 10249
  - 602.550–602.553 10249
  - 602.601 12339
  - 602.800–602.809–3 10253
- Part 603 4095
  - *Technical amendment* 10696

Chapter VI:
- Part 701:
  - 701.2–701.3 12504

TITLE 32—Continued Page

Chapter VI—Continued
- Part 702 13125
  - *Prior to revocation* 10200
  - 702.4 2563, 4752, 5044, 7589, 12387
- Part 710 11140
- Part 711 8321
- Part 712 8168
- Part 713:
  - 713.1204 10339
  - 713.1208 10339
  - 713.1306 10339
  - 713.1308 10340
  - 713.1309–713.1310 10351
  - 713.1403 10340
  - 713.1405 10340
  - 713.1408–713.1409 10340
  - 713.1411 10340
  - 713.1508 10340
  - 713.1509 10119
  - 713.1601–713.1602 10340
  - 713.1603 12932
  - 713.1604–713.1606 10341
  - 713.1607 10341, 12932
  - 713.1702 10342
  - 713.1703 10342
  - 713.1704 10342
  - 713.1705 10342, 12932
  - 713.1707 10342
  - 713.1801 10342
  - 713.1804 12932
  - 713.1807 10342, 10343, 12932
  - 713.1808 10343
  - 713.1810 10343
  - 713.1810a 10120
  - 713.1812 10343
  - 713.1820 10119
  - 713.1821 10351
  - 713.1822 10344
  - 713.1905 10344
  - 713.2101 12934
  - 713.2103 13125
  - 713.2106 10344
  - 713.2401–713.2403 10345
  - 713.2404 10345, 12934
  - 713.2405 10346
  - 713.2409 10346
  - 713.2410 10346
  - 713.2411 10346, 12935
  - 713.2415 10346
  - 713.3101 10346
  - 713.3102 10351
  - 713.3403 10346
  - 713.3503 10347
  - 713.3601–713.3603 10347
  - 713.3605 10347
  - 713.3607 10347
  - 713.3608 10348
  - 713.4101 10348
  - 713.4103 10348
  - 713.4106 10348
  - 713.5202 10348
  - 713.5203 10348
  - 713.5302 10348
  - 713.5304–713.5305 10348
  - 713.5307 10349
  - 713.5401–713.5404 10349
  - 713.5904 12935
  - 713.6101–713.6104 10350
  - 713.6206 10350
  - 713.6304 12935
  - 713.6309 10120
  - 713.7201–713.7204 10350
  - 713.7206 12935
  - 713.7305–713.7307 13126
  - 713.7501 10351
  - 713.8101 12935
  - 713.8201–713.8203 12935
  - 713.8402 12936

TITLE 32—Continued Page
Chapter VI—Continued
Part 713—Continued
713.8601 12936
713.8602 12936
713.8604 12936
713.9701 10351
713.10201 12936
713.10202 12388
713.10203 12936
713.10301 10351
713.10307 10351
713.10308 13125
713.10501–713.10505 12388
713.11101–713.12305 10351
Part 714 8338
Part 716:
716.1–716.2 8339
Part 719 9804
Part 722:
722.2 8339
722.3 8339
Part 725 12781
Prior to revision:
725.8 932, 3112
725.11 932
725.12 9029
725.14 9029
725.17 9029
Part 739 8738
Part 750:
750.2 8339
750.7–750.8 8339
750.15 8340
750.19 8340
750.26 8340
750.32 8341
750.36 8341
750.41–750.42 8341
750.45 8341
Part 753 9504
Part 754 8168
Chapter VII:
Part 803 (see Part 503).
Part 805:
805.7 2024, 2869
805.16 2024
805.17 2024, 9805
805.31–805.61 12695
Prior to revision:
805.31–805.32 2026
805.33 2026
805.36 2026
805.53 2026
805.54 2026
805.55 2026
Part 812 (see Part 512).
Part 822:
822.1 2869
822.12 2870
822.14 2870
Part 824 1270
Part 834 (see Part 534).
Part 836:
See also, 536.30, 536.31–536.34, 536.40, 536.51, and 536.75–536.77.
836.116–836.120 2026
Part 838 (see Part 538).
Part 855 (see Part 555).
Part 857 (see Part 557).
Part 861:
861.12 3032
861.201–861.209 4771
861.301–861.730 4771
861.751–861.753 4771
861.1001–861.1009 9309
861.1101–861.1112 2027
861.1151–861.1177 165
861.1201–861.1210 9073

TITLE 32—Continued Page
Chapter VII—Continued
Part 862:
862.1–862.47 9644
Part 864 639, [9310]
864.15 3032
864.51–864.63 3648
Part 868 2219
868.4 9806
868.8 9806
868.15 9806
868.19–868.20 9806
Part 871 (see Part 571).
Part 874:
874.1 2471
874.4 2472
874.5 2472
874.12 2472
874.13 2472
Part 878:
878.5 2472
878.14 2472
878.15 2472
878.41–878.70 5748
878.54 9861
Prior to revision:
878.52 2473
878.75 2473
878.88 2473
878.91 2473
Part 880 (see 580.18).
Part 882 (see Part 582).
Part 883 641
883.7 9862
Part 885:
885.6 2870
885.7–885.9 2870
Part 1000:
1000.201 2794
1000.300 2794
1000.309–1000.310 2794
1000.312–1000.313 2794
1000.400 2794
1000.401 2794
1000.700–1000.709 2795
Part 1001:
1001.102 2795
1001.201 2795
1001.405 2795
Part 1002:
1002.101 2795
1002.201 2795
1002.303 2795
1002.305 2796
Part 1011 2624
Chapter XI:
Part 1101:
1101.1 6919
1101.2 6919
Part 1102 5473
Chapter XIV:
Part 1475 11954
Part 1476 11955
1476.3–1476.4 12616
Chapter XVI:
Part 1602:
1602.1 9843
1602.5 3423, 9843
1602.10 9845
1602.11 3423
1602.13 9845
Part 1604:
1604.1 383
1604.6 9845
1604.13 9845
1604.21 9845
1604.23 9029
1604.51 9846
1604.52a 383

TITLE 32—Continued Page
Chapter XVI—Continued
Part 1605:
1605.1 9030
1605.11 9030
Part 1606:
1606.32 9030
1606.35 9030
Part 1609:
1609.12 9030
Part 1611 9846
Prior to revision:
1611.11 3423
Part 1613:
1613.11 9030
1613.12 9030
1613.15 11262
1613.16 9030
1613.21–1613.24 9031
1613.40 9031
1613.41 9031
1613.42 9031
1613.43 9031
Part 1619:
1619.2 9960
Part 1621:
1621.1 9847
1621.2 5008
1621.4 9031, 12638
1621.5 9031
1621.9 383, 9847
1621.16 3425, 9847
Part 1622 9847
Prior to revision:
1622.2–1622.3 383
1622.7 383
1622.8 384
1622.10 2905
1622.10a 3156
1622.13 2905
1622.18 384
1622.29 2907
Part 1623:
1623.2 384, 9853
1623.3 9853
1623.4 9853
1623.8 9853
1623.9 384
Part 1624:
1624.1 9853
1624.2 9853
Part 1625:
1625.1 9853
1625.3 9853
Part 1626:
1626.1 9853
1626.2 3425
1626.11 6246
1626.13 6246
1626.14 9853
1626.22 9853
1626.24 9854
1626.25 9854
Part 1627:
1627.3 9854
Part 1628:
Technical amendment 384
1628.2 9854
1628.4 384, 9854
1628.10 9854
1628.11 384, 9854
1628.13 384
1628.15 9855
1628.25 384
Part 1630 381
1630.1 9855
1630.2 9855
1630.3 9855
1630.4 9855

TITLE 32—Continued Page
Chapter XVI—Continued
Part 1631:
1631.1 9855
1631.2 384, 9855
1631.3 9855
1631.5–1631.6 9855
1631.7 384, 9855
Part 1632:
Technical amendment 385
1632.1 385
1632.3–1632.4 9856
1632.10 9856
Part 1641:
1641.1 9856
1641.2 9856
Part 1642:
1642.3 9856
1642.12–1642.13 385, 9856
1642.31 9856
1642.41 6246
1642.44 6246
1642.45 6246
1642.46 6246
Part 1650:
1650.1–1650.3 9856
1650.7–1650.8 9856
1650.10 9857
1650.11 9857
1650.30 9858
1650.40 9858
1650.44–1650.45 9858
Part 1670:
1670.1 8528
1670.5 8528
1670.6 8528
1670.8 8528
1670.17 8529
1670.31 2181, 8529
1670.32 2182, 8529
Chapter XVII:
Part 1700 4934
Part 1701 4935
1701.3 8822
Part 1703 4936
Part 1704 8342
Part 1705 9507
Part 1706 10807
Part 1708:
Proposed rules 13002
Chapter XVIII:
Part 1800 7279
1800.2 10159

TITLE 32A
Reassignment of chapters 808
Chapter I (ODM):
DMO 1 646, 948
DMO 2 808
DMO 3 808
DMO 4 808
DMO 5 1272, 7576
DMO 6 1583, 1948, 8673, 9758
DMO 7 2335, 2473
DMO 8 3094
DMO 9 3932
DMO 11 8098
DMO 12 11936
DMPS 1 7576
DMPS 2 7577
DMPS 3 8213
Chapter II (ESA):
GO 11 9960
Sec. 2 11306
Chapter III (OPS) 7696
CPR 1 9154
Sec. 2 12388
4 11769, 12428
5A 12388
7 12389
9 12428

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 1—Continued
Sec. 9A 12428
20 12389
Prior to revision:
Sec. 4 2031, 3829
7 2031, 3829
8 2031, 3829
CPR 1, SR 1 12389
CPR 2 12639
Prior to revision 727, 2492
Sec. 6 3156
7 3157
Table I 3157
CPR 3 1008
Sec. 2 3703
3 3703
4 1476, 3703
6 3703
9 3704
CPR 3, SR 1 2563
CPR 4 1011
Sec. 3 3720
8 8344
12 3720
CPR 4, SR 1 2031
CPR 5 12000
Sec. 3 12713
13 12714
Prior to reissuance 1061
Sec. 1 3482, 10809
2 8887
3 2725, 3482, 10598, 10599, 10809, 10810
4 10599, 10810
5 3482
7 2725, 3482, 10599, 10810
8 3482, 3483, 10599
10 3483
11 3483, 10599, 10810
12 3483
13 3483, 10810
15 3483
16 3483, 10810
17 3483
18 10810
19 3483, 3484
20 3484, 10810
22 10599
23 1234, 3484, 4273, 10599, 10810
24 3484, 10599
25 3484
28 3484, 8887, 10599, 10810
33 10599
CPR 5, Int. 1 8823
CPR 6 6436
Sec. 10 7589, 7876
14 7589, 7876
16 8588
27 8588
Prior to reissuance 1501
Sec. 2 2225
3 2147, 2148, 2681
4 2148
5 2148
11 2148, 2681
12–16 2225
12 3157
15 5399
16 3721, 5534
17 4104
18 4611, 4754
CPR 7 5227
Sec. 3 6372
5 6372
11 5254, 6372
12 6372, 6374
13 5254, 6372

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 7—Continued
Sec. 15 6372
16 5254
22 6373
31 5254
35 5837
38a 5254
39 5254, 6373, 6374, 13127, 13129
39a–39e 13127
43 12644
50 5254
51 6373
52 6373
Appendix B 5254, 6373
Appendix C 5254, 6374, 10257
Appendix D 6374, 10258
Appendix E 6373, 6374, 6823
Appendix F 6374, 10259, 11109
Prior to reissuance 1872
Sec. 3 3614, 5009
5 2564, 3007, 3650
11 2564, 3007, 3650
12 2564, 3650
13 3007, 3614
16 3007, 3650
30a 3007
35 2564
38 2564
39 3614
43 3650
52 2564, 3650
53 2564
Appendix A 2564
Appendix B 1949
2564, 3007, 3615
Appendix C 2564
Appendix D 2564, 3615
Appendix E 3010, 3615
Appendix F 2564, 3615
CPR 7, SR 1 9807
Sec. 7 13129
Prior to reissuance 1895
Secs. 2–3a 3615
2 6375, 7148, 8824
4 3616
6 2564, 2565, 3616, 3650, 6375
CPR 7, SR 2 1897
Sec. 6 5254
7 6375, 8824
CPR 7, SR 3 3616
CPR 8 2050
CPR 8, SR 1 2150
CPR 8, SR 2 3560
CPR 9 5837
Sec. 1 9193
3–4 9193
5a 9193, 9656
6 9193, 10934
8a 9193
8b 9193, 9656, 10934
9a 9194, 9656
14a 12505
15 9194, 10934
Prior to reissuance 2183
Sec. 1 4537
3–5 2871
9 2871
15 2871
CPR 9, SR 1 9194
CPR 9, SR 2 9195
CPR 9, SR 3 9195
CPR 10 2226
Sec. 3 4612
CPR 11 2391
Sec. 1 7408, 8889
3 4327, 5255, 7409
4 2430, 4327, 5255
6 4327
9 4327, 8797, 10984

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 11—Continued
Sec. 13 6798
14 7409
CPR 12 2428
Sec. 4 6179
CPR 13 2628
Sec. 8 3562
9 3562
CPR 13, SR 1 7354
CPR 14 10521
Sec. 4 12866
27a 12866
28c 10521
35 12866, 12867
Prior to reissuance 2725
Technical amendment 3650
Sec. 4 6799
6 4436
11 4436
13 4436
26a 4436, 9468
27a 8453
27b–27c 8674
28a 4437
28b 4437, 8453
28c 8825
33 4437
35 4685, 8453
CPR 15 10351
Sec. 4 9469, 12867
26 12867
26a 12867
37 12867, 12868
38 10066
Prior to reissuance 2735
Technical amendment 3651
Sec. 2 4438
3 8454
4 4438, 6799
14 4438
18 4438
21a 6023
26a 4438, 8454
35 4438, 8454
37 4689, 8454
38 4692, 8454
39 8454
CPR 16 10367
Sec. 4 9469, 12868
32 12868
33 10066
Prior to reissuance 2750
Technical amendment 3651
Sec. 2 4439, 8454
3 8455
4 4439, 6800
14 4439
18 4439
22 8108
24a 4439, 8455
30 4439
32 4694, 8455
33 4697, 8455
34 8455
CPR 17 12339
Prior to reissuance 3033
Sec. 1 3215, 10774
2 10774
4 10774
9 10774
12–13 10774
16 3215
21 5319, 7148
23a 3215, 10775
25 10775
27 7149
28 10775
CPR 17, SR 1 7355

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 17, SR 2 10599
CPR 17, SR 3 10885
CPR 17, SR 4 11769
CPR 18 4327, 6435, 7546
Sec. 1 5979, 7541, 7985
3 5978
4 5978, 5979
20 5979
21 5979
22 5979, 7541
Prior to revision 3039
Sec. 1 3336
8 3336
10 3336
12 3336
CPR 18, SR 1 5979, 6435, 7546
Sec. 1 7589, 8046
CPR 19 3043
CPR 20 3045
Sec. 2 4890
3 4890
CPR 21 3157
CPR 22 10535, 11483
Sec. 21 10381
33 11812
36 11161
37 10382, 11162
43 12617
44 9864
46 12308
47 9866, 11483
48 11809, 12308
Appendix A 10381, 12698, 12812
Appendix B 10207
Appendix C 10382
Prior to reissuance 3562, 5010, 5678, 6435, 7386, 7546, 7931
Sec. 8 5865
16a 9509
18 4642, 4643, 5865, 5866, 5981
19 4643
21 4440, 6773, 6774
23 9074
30 5010
32 4643, 5010, 5621
33 5010, 5865
34 4643, 5010
37 5866, 7590
38 4643
43 7590
44 7590
45 7590
47 4643, 7408
48 6774, 7590
48a 4644
51 4644
Appendix A 4644, 5010, 5166, 7753, 5866, 5932, 5940, 6307, 6376, 6509, 6774, 7149, 7408, 8349, 9225, 9655
Appendix B 4967, 5477, 5866, 7408, 8109
Appendix C 4644, 5753
Appendix D 4105, 5010, 7590, 7931
CPR 22, Interpretations:
Int. 1 3830
Int. 2—Int. 17 4440
Int. 18 4714
Int. 19—Int. 32 5477
Int. 33 8271
Prior to revision 6834
CPR 22, SR 1 3829, 6435, 7546
CPR 22, SR 2 11809
Sec. 3 12308
5a 12308
Prior to revision 3889, 6435, 7546
CPR 22, SR 3 4492, 6435, 7546
CPR 22, SR 4 4682, 6435, 7546

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 22, SR 5 5399, 6435, 7546
CPR 22, SR 6 5938, 6435, 7546, 7660, 7929
Sec. 1 8825
2 8825
CPR 22, SR 7 5981, 6435, 7546
Sec. 4 7541, 8887
5 10851
CPR 22, SR 8 6307, 6435, 7546, 7930
Sec. 4 7543, 8348
5 10067
CPR 22, SR 9 6309, 6435, 7546
Sec. 2 7590, 7930
CPR 22, SR 10 6310, 6435, 7546
Sec. 2 10310
4–5 6429
6 6429, 7661
CPR 22, SR 11 7202
Sec. 1 7591, 9469
9 9469
CPR 22, SR 12 6429, 6435, 7546
Sec. 1 7661, 8241, 9961, 10738, 12185, 12428, 12714, 12806, 12807.
CPR 22, SR 13 7204
CPR 22, SR 14 7661, 7930
CPR 22, SR 15 7663
Sec. 5 9470, 11179
CPR 22, SR 16 9470
CPR 22, SR 17 11484
Sec. 16 12428, 12429
CPR 22, SR 18 11919
CPR 22, SR 19 12009
CPR 22, SR 20 12693
CPR 23 3696, 5118
Sec. 4 9076, 10017
6 9076
8 9076
10 9076
Appendix A 9076, 9512
CPR 24 11813
Sec. 4 12348
8 12349
9 12349
11 12349
20 12349
21 12349
22 12349
26 12350
40 12350
42 12350
44 12350
46 12350
48 12350
49A–49B 12350
50 12351
51 12351
Appendix 2 12351
Appendix 3 12352
Appendix 4 12352
Prior to reissuance 3721, 4183
Sec. 3 4442, 4443, 9513, 9514
4 4443, 6377, 9514
7 4443
8 6377, 9514
9 4443, 9514
10 4443, 9518
11 4443, 7665, 8589
20 6378, 7665, 9514
21 6377, 7665, 9514
22 4444, 6377, 6378, 7665, 9516
23 6377, 9517
24 7665, 9517
25 9517
26 4443, 6378
30 4443
40 6378, 7665
41 4444, 9517

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 24—Continued
Prior to reissuance—Con.
Sec. 42 6378
44 6378
45 6378
48 4444, 9518
50 4443, 4444, 6378, 9517
Appendix 1 6378, 7665
Appendix 2 9517
Appendix 3 4444, 6377, 7665, 9516, 9517
Appendix 4 7665, 9517
Appendix 5 9514
Appendix 6 6378
Appendix 7 4443, 4444, 7665
CPR 25 9866
Sec. 40 11306
42 11308
Appendix 1 10850
Prior to revision 3739
Sec. 3 7318
4 7318
5 4445
6 7318
7 7318
13 4444, 7318
14 4446, 7318
30 4183, 7318
40 4444, 4445, 7318
41 4445, 7318
42 4445, 4446, 7318
50 4445, 7318
Appendix 1 4183, 7318
Appendix 5 4445, 7318
Appendix 8 4445
CPR 26 4698
Sec. 13 9890
30 5166
32 5166
Prior to revision 3704, 4446
Sec. 30 4446
31 4446
32 4446
Appendix 1 4184
CPR 27 3891
CPR 28 3895
CPR 29 3945
Sec. 3 4936
CPR 30 12050
Sec. 34 12309
41 12617
44 12309
45 12429, 12868
46 12310
Appendix A 12869, 13088
Prior to reissuance 4108, 5011, 6435, 7546, 7666, 7931, 11483
Sec. 1 4890
9 7666
10 5867
12 5867, 10260
17 8888
18 8888
20 8888
20a 9509
21 10259
22 5868, 8888
22a 10259
23 5868, 8888
26 9077
28 10383
34 11162
35 5868, 7666, 11162
41 7666
42 7666, 9890
43 4753, 7666
43a 9892
45 5868, 8456, 9891, 11483
46 7666

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 30—Continued
Prior to reissuance—Con.
Appendix A 4890, 5868, 5869, 7150, 8542, 8086, 9159, 11484
Appendix B 5869
Appendix D 8888
CPR 30, Int. 1–Int. 21 8238
CPR 30, SR 1 11494
Sec. 3 12185, 12190
Prior to revision 4692, 6435, 7546
CPR 30, SR 2 8349
Sec. 1 12786
3 10253
7 10253
8 10558
10 10984
Appendix A 10984
Prior to revision 6246, 6435, 7546
CPR 30, SR 3 6450, 6435, 7546
Sec. 1 12618, 12712, 12807
CPR 30, SR 4 11496
Sec. 5 12186
12 12186
13 12186
15 12183
16 12429
18 12186
20 12186
CPR 30, SR 5 12869
CPR 31 9893
Appendix A 11956
Prior to reissuance 4184, 5167, 6800, 7591
Sec. 5 4370, 5137, 8826
6 4370, 5167
7 7591, 8827
14 4370
18 8827
19 4370
20 8827
21 8828
Appendix A 4370, 4936, 5167, 6311, 8982, 9077
CPR 32 4189
CPR 32, SR 1 7985
CPR 32, SR 2 10120
CPR 33 4273
CPR 34 4446
Sec. 5 8345
12 8345
13 8345
18 8345
20 8345
26 8346
CPR 34, SR 1 5698
Sec. 3 6311, 8455
CPR 34, SR 2 8676
CPR 34, SR 3 8828
Sec. 2 10254, 12812
Appendix A 10254
Appendix C 10254
Appendices F–Q 12812
CPR 34, SR 4 9159
CPR 34, SR 5 10383
CPR 34, SR 6 11109
CPR 34, SR 7 11339
CPR 34, SR 8 11956
CPR 35 4335
CPR 36 4451
CPR 37 4644, 6435, 7546
Sec. 1 5014, 7545, 7986
12 5014, 7545
14 5014, 7545
17 5014
CPR 37, Int. 1–Int. 2 5896
CPR 38 4612
CPR 39 4967
Sec. 2 9657
3 9657
4 9657

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 40 4936
CPR 41 5044, 6435, 7546
Sec. 1 7546, 7986
5 5897
6 5897
10 5897
25 7546
28 7546, 7986
CPR 42 5112
Sec. 1 5656
2 5656
CPR 43 5163
Sec. 3 10775
CPR 44 5257
CPR 45 9230
Sec. 1 12392
3 12393
13 12393
46 12393
Prior to revision 5753, 6435, 7546
Sec. 3 7933, 7987
4 7987
28 7987
CPR 46 5932
Sec. 9 7591, 7592, 7825
10 7592, 7825
CPR 47 5940
Sec. 4 7592
CPR 48 5984
CPR 49 6024
CPR 50 6378
CPR 51 6379, 7150, 7666
Sec. 1.11 6716, 9839
2.1 9900
3.1 9899
4.1 9899
CPR 52 6312
Sec. 2 8377
CPR 53 6381
Sec. 3a 10776
4 6921
5 6921, 10776
6 10776
7 10776, 11809
9 6921, 10776
CPR 54 6431
Sec. 4 10067
5 10067
8 10067
CPR 54, SR 1 8047
CPR 55 10937
Sec. 1 12011, 12814
2 12011, 12814, 12815
Prior to reissuance 7318, 7696, 8542
Sec. 1 8586, 10208
2 8586, 8587, 10208, 10698
3 10209
4 10209
6 10209
8 8451
19 7697, 8542, 8587, 10209
26 8587, 10209
CPR 55, Int. 1 12639
CPR 55, SR 1 9655
CPR 55, SR 2 9961
CPR 55, SR 3 10776
CPR 55, SR 4 10936, 11430
Sec. 4 11654
CPR 55, SR 5 12011
Sec. 5 12430
CPR 55; SR 6 12012
CPR 55, SR 7 12071
CPR 55, SR 8 12644
CPR 56 11223
Prior to reissuance 7546, 7697, 8048, 8546
Sec. 1 8587, 9557, 10533
2 8588, 9086, 9557, 10533, 10534
4 10534

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 56—Continued
Prior to reissuance—Con.
Sec. 6 10534
8 8452
19 8048, 8546, 9558
26 9558, 10534
CPR 56, Int. 1 12639
CPR 56, SR 1 10852
CPR 56, SR 2 12245
CPR 56, SR 3 13088
CPR 57 7553
Sec. 3 10121
5 10121
6 10121
8 10121
12 8830, 9078
21 10122
CPR 57, SR 1 9078
Sec. 2 10310
CPR 58 7557
Sec. 7 8890
8 8890
CPR 59 7560
Sec. 14 8241
Table I 8890
Table II 11812
CPR 60 7592, 9079, 10068, 10889
Sec. 1 10887
2 8890, 10887
2a 10887
3 10888
4 10888, 12430
6 10889
8 10889
CPR 61 7597, 7697
Sec. 3 8798
CPR 62 7601
Secs. 1–2 12548
CPR 63 7604
CPR 64 7666
Sec. 2 10946
3 10946
CPR 65 7668
Sec. 4 7931, 8890
CPR 66 7670
CPR 67 8352
Sec. 3 10122
4 12317
5 9472
17 12317, 12430
Appendix A 9086, 12869
CPR 68 8542
CPR 69 11673
Prior to revision 9079
CPR 70 9160
CPR 71 9163
CPR 72 9084
Sec. 3 11957
5 11958
6 11958
7 11958
CPR 73 9310
Sec. 2.1 10698
2.2 10698
CPR 74 9759
Sec. 5 11715
14 11716
CPR 75 9965
Sec. 2 10447, 12786
CPR 76 9974
Sec. 6 12072
12 12072
17 12072
CPR 77 9962
CPR 78 10078
Sec. 2.14 12549
2.16 11162
2.17 11163, 12549
3.1 11163, 12549

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 78—Continued
Sec. 3.2 11163, 12549
3.3 11163, 12549
CPR 78, SR 1 10068
Sec. 7 12393
9 12393
Table IV 12186
CPR 78, SR 2 11164
Sec. 25 12393
40 12393
72 12393
CPR 79 12044
Prior to revision 10073, 10698, 11538
CPR 30 10254
CPR 81 10447, 10935, 11638
Sec. 4 11809
5 10935
11 10935
27 11110
CPR 81, SR 1 12246
Sec. 2 12870
CPR 82 10454, 10936, 11639
Sec. 5 10935
11 10936
27 11111
CPR 82, SR 1 12247
Sec. 2 12871
CPR 83 10594
Sec. 9 11504
10 11504
18 11504
CPR 84 10630
Sec. 1 11340
3 11340
15 11340
CPR 85 10634
CPR 86 10739
CPR 87 10777
CPR 88 10810
CPR 89 10889
CPR 89, SR 1 12247
CPR 90 10985
CPR 91 11263
CPR 92 11434
Sec. 20 11859
24 11860
CPR 93 11592
Sec. 1 12715
CPR 94 11639
Sec. 2 12549, 12550
3 12550
CPR 95 11679
Sec. 1 13131
13 13131
CPR 96 11683
CPR 97 11716
Appendix A 12013
CPR 98 12073
CPR 99 12083
CPR 100 12248
CPR 101 12254
CPR 102 12317
CPR 103 12352
CPR 104 12393
CPR 105 12550
CPR 106 12645
CPR 107 12715
CPR 108 12815
CPR 109 12871
CPR 110 12872
DR 1 4456
Sec. 2 7675
3 4973, 7675, 11959
4 4973, 7675, 11959
7 4973, 11959
8 4974, 7675
12 4974, 7675, 11960

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
DR 1—Continued
Sec. 16 5987, 7675
Appendix A 5988, 7675
Prior to reissuance 2835
Sec. 1 2872
2 2872
3 2872, 3770
4 2872, 3771
5 2835
7 2872, 3771
8 2872, 3771
12 2835, 3771
Prior to redesignation 1273
Sec. 15 1819
DR 1, Supp. 1 3771
Table I 4974, 6249, 6921
DR 2 3772
Sec. 3 4191, 4192, 4462, 5677
5 4192, 4462, 9893
8 4192, 4462
Appendix A 4462, 5678
Appendix B 4462
Appendix C 4432
DR 3 12186
DR 3, Supp. 1 12190
EP 1 2496
EP 2 2496
EP 3 2545
EP 4 3435
GCPR 5424
Sec. 3 12788
4 10384
5 10384
6 10384, 11178, 11812, 11813, 12556
11 5767, 6775, 10384, 10385, 13089
14 6664, 8689, 10310, 10385, 10781, 11770, 12819, 13089
20 11178
22 11179
Prior to reissuance 808
Sec. 1 2547, 5051
3 1790, 1995
11 1503, 2548, 4454, 4455, 5051, 5119
14 1503, 1504, 1949, 2548, 2682, 2908, 4698, 5053, 5118, 5119
16 1791, 1995
22 1790, 2546, 2548
GCPR, Interpretations:
Int. 1 3112
Int. 2 3216
Int. 3–Int. 43 4192
Int. 44 11339
Int. 45 13131
GCPR, SR 1 1006
Sec. 2 1234, 1707, 3046
10 1234, 1949
12 1949
13 1234, 1949
16 2185
GCPR, SR 1, Int. 1 3113
GCPR, SR 1, Int. 2 3113
GCPR, SR 2 3046
Sec. 3 6664, 10123
Prior to revision 1060
GCPR, SR 3 1505
Sec. 1 1676, 3336, 4652
3 10082
GCPR, SR 3, Int. 1 9723
GCPR, SR 3, Int. 2 10699
GCPR, SR 4 1635
Sec. 3 3901, 10488
GCPR, SR 5 1769
Sec. 1 2151
3 2151, 4653, 6028, 9472
4 2151, 2548, 3010, 4653, 8456
5 4653

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
GCPR, SR 5—Continued
Sec. 7 4653
8 6028
GCPR, SR 6 1791
GCPR, SR 7 1819
Sec. 2 7206
3 7206
4 7207
GCPR, SR 7, Int. 1 3113
GCPR, SR 8 1950
GCPR, SR 9 4194
Prior to revision 2063
GCPR, SR 9, Int. 1 3114
GCPR, SR 10 2064
GCPR, SR 11 6510
Sec. 2 12650, 13089
3 9167, 12650
8–11 12650
12a 12650
12b 12650, 13089
13 12651
Prior to revision 2336, 3830
GCPR, SR 12 2430
Secs. 1–2 3894
3 3895
GCPR, SR 13 2473
Sec. 1 4784
2 4784
3 4784, 6381, 6921
6 4785
GCPR, SR 14 2597
Sec. 2 3436
GCPR, SR 15 2908
Sec. 1 5944, 6664
2 3407, 4196, 6664, 10893
2a 5944
GCPR, SR 16 9558
Prior to revocation 3011
GCPR, SR 17 3159
GCPR, SR 18 9225, 9656
Prior to revision 3160
GCPR, SR 19 3387
Sec. 4 3651
GCPR, SR 20 3436
GCPR, SR 21 3617
GCPR, SR 22 3831
GCPR, SR 23 3832
GCPR, SR 24 3948
GCPR, SR 25 4125
Sec. 2 10461
3 10461
4 5945
GCPR, SR 26 4126
GCPR, SR 27 4617
GCPR, SR 28 4713
GCPR, SR 29 5011
Sec. 1 10815, 10985, 11179
3 5319
4 11179
8 9196
GCPR, SR 30 5053
GCPR, SR 31 12395
Prior to revision 5170
GCPR, SR 32 5256
GCPR, SR 33 5256
GCPR, SR 34 11830
Prior to revision 5618
GCPR, SR 35 6179
GCPR, SR 36 5988
GCPR, SR 37 11436
Prior to supersedure 6180
GCPR, SR 38 6775
GCPR, SR 39 7150
GCPR, SR 40 7151
GCPR, SR 41 11271
Prior to revision 6867
GCPR, SR 42 7153
GCPR, SR 43 7207
Sec. 1 8241

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
GCPR, SR 43—Continued
Sec. 4 7675
9 7676
GCPR, SR 44 7326
GCPR, SR 45 7409
Sec. 7 9510
GCPR, SR 46 7353
GCPR, SR 47 9778
Prior to supersedure 7507
GCPR, SR 48 7610
Sec. 2 10781
GCPR, SR 49 7676
Sec. 1 8457
3 8457
GCPR, SR 50 8546
GCPR, SR 51 8346
Sec. 3 9965
GCPR, SR 52 8589
Sec. 1 12788
GCPR, SR 53 8798
Sec. 2 11263
GCPR, SR 4 11436
Prior to supersedure 8390
GCPR, SR 55 8893
GCPR, SR 56 9077
GCPR, SR 57 8983
Sec. 1 10489
4–5 10489
GCPR, SR 58 9168
GCPR, SR 59 9229
GCPR, SR 60 9472
GCPR, SR 61 9473
GCPR, SR 62 9510
GCPR, SR 63 9559
GCPR, SR 63, AMPR 1 11077
GCPR, SR 63, AMPR 2 11232
GCPR, SR 63, AMPR 3 11222
GCPR, SR 63, AMPR 4 11538
GCPR, SR 63, AMPR 5 11721
GCPR, SR 63, AMPR 6 12807
GCPR, SR 63, AMPR 7 12978
GCPR, SR 64 9657
GCPR, SR 65 9778
GCPR, SR 66 9862
GCPR, SR 67 9378
GCPR, SR 68 9973
GCPR, SR 69 9972
GCPR, SR 70 10123
GCPR, SR 71 10124
Sec. 2 13132
GCPR, SR 72 10159
GCPR, SR 73 10600
Sec. 2 11860
GCPR, SR 74 10782
GCPR, SR 75 10851
GCPR, SR 76 10852
GCPR, SR 77 11236
GCPR, SR 78 11308
GCPR, SR 79 11431
GCPR, SR 80 11921
GCPR, SR 81 12320
GCPR, SR 82 12651
GCPR, SR 83 12786
GCPR, SR 84 12820
GCPR, SR 85 12821
Gen. Int. 1 5896
Gen. Int. 2 7825
Gen. Int. 3 9196
Gen. Int. 4 11180
Gen. Int. 5 11686
GOR 1 2834
GOR 2 2909
Sec. 0 8347
2 6559
3 6559, 7356
4 7356, 8347
GOR 3 3216
Sec. 2 5056, 8359, 12822

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
GOR 3—Continued
Sec. 3 9478
4 5056
GOR 4 3407
Sec. 4 5870
5 10783
6 11836
GOR 5 3408
Sec. 4 5822
5 5870
6–14 10738
GOR 5, Int. 1 13132
GOR 6 3484
Sec. 3 3833
4–6 5870
4 8347
7 7826
GOR 7 3720
Sec. 4 4688, 12822
5 5945
6 7328, 11770
7 8889
8 11340
9 11686
GOR 8 3901
Sec. 1 4493, 5989, 6559
2 5989, 6559
GOR 9 9809
Sec. 2 10386, 10489, 11309, 12652, 12712, 12811
Prior to reissuance 3833
Sec. 2 4891, 6246, 6560, 7987, 8347, 8348
GOR 10 4455
Sec. 1 5478
2 5478
3 5479, 12618
4 12619
5 12619
7 5479
8 5657
GOR 11 4618
GOR 12 5319
GOR 13 7546
Prior to revocation 6435
Sec. 2 7209
GOR 13, Int. 1 7546
Prior to revocation 6776
GOR 14 6664
Sec. 3 8241, 9564, 11272, 11273, 12355
4 7328, 8241
GOR 15 6834
Sec. 5 10989
Appendix A 10989
GOR 16 7283
Sec. 6 10210
GOR 17 8457
GOR 18 8830, 8984
GOR 19 10260
GOR 20 12014
GOR 21 12310
GOR 22 12430
GOR 23 12718
PPR 1 4974
PPR 2 1234
Sec. 10 1707
SRR 1 10557
Chapter IV:
Subchapter A (SSB):
GSO 1 12192, 12981
Prior to supersedure 8342
GSO 2 12192, 12981
Prior to supersedure 10017
GSO 3 12192, 12981
Prior to supersedure 10783
GSO 4 12192, 12981
Prior to supersedure 11447

TITLE 32A—Continued Page

Chapter IV—Continued
Subchapter A (SSB)—Con.
GSO 5 12192, 12981
Prior to supersedure 11602
GSO 6 12192, 12981
Prior to supersedure 11961
GSO 7 12719
GSO 8 12788
GSSR 1 12191
Sec. 1.8 12981
1.9 12981
5.11 12225
Prior to revision 6617
Sec. 7 9568
10 8342
GSSR 2 8342
Sec. 6 8586
9 8586
GSSR 3 12192, 12981
Prior to supersedure 9564
GSSR 4 11686
GSSR 5 12270
Int. 1 10126
Sec. 1 10461
Int. 2 11541
Int. 3 12505
Subchapter B (WSB):
ER 1 6028
GWPR 10018
GWR 1 2549
Prior to redesignation 1014
GWR 2 2549
Prior to redesignation 1014
GWR 3 2549
Prior to redesignation 1015
GWR 4 2549
Prior to redesignation 1015
GWR 5 7697
Sec. 2 8547
3 8547
5 8548
Prior to revision 2549
Prior to redesignation 1236, 1707
Sec. 1 1636
GWR 5, Interpretations 10815
GWR 6 2549
Sec. 3 12823
Prior to redesignation 1951
GWR 7 2549
Prior to redesignation 1791
GWR 8 8740
Sec. 2 12823
3 12823
4 12823
Prior to revision 2222
Sec. 4 6513, 7701
Prior to redesignation and revision 2032
GWR 8, Interpretations 10820
GWR 9 2222
Sec. 4 4714
GWR 10 5015
Prior to revision 2223
GWR 11 4938
GWR 11, ACD 1 9281
GWR 11, ACD 2 10602
Sec. 2 12981
GWR 11, ACD 3 12878
GWR 12, Reg. 1 7565
Sec. 4 8548
6 10946
GWR 13 7328
GWR 14 7509
Sec. 3 7988
5 12271
GWR 14, Interpretations 11770
GWR 15 7701
GWR 16 9031
GWR 16A 10386

TITLE 32A—Continued Page

Chapter IV—Continued
Subchapter B (WSB)—Con.
GWR 17 11237
GWR 18 12510
GWS Reg. 1 816
Res. 35 7284
WAO 1 3559
WPR 1 817
WSR 1 817
Subchapter C (RAWB):
GRASR 1 12196
Chapter V (DPA):
Reg. 3 12431
Chapter VI (NPA):
CMP Reg. 1 11860
Prior to revision 4127
Sec. 3 6800
17 8548
20 7610, 10082
CMP Reg. 1, Dir. 1 11869
Prior to revision 5534, 6801
CMP Reg. 1, Dir. 2 5534
CMP Reg. 1, Dir. 3 9518
Prior to revision 6032, 8109
CMP Reg. 1, Dir. 4 11870
Prior to revision 6921, 10022
CMP Reg. 1, Dir. 5 11870
Prior to revocation 7510
CMP Reg. 1, Dir. 6 8548
CMP Reg. 1, Dir. 7 10788
Prior to revision 10082
CMP Reg. 1, Dir. 8 10605
CMP Reg. 2 10489
Prior to revision 4370
CMP Reg. 3 9417
Prior to revision 4135
CMP Reg. 3, Dir. 1 6033
CMP Reg. 3, Dir. 2 7765
Prior to revision 6564
CMP Reg. 3, Dir. 3 9725
Prior to revision 8458
CMP Reg. 4 4372
CMP Reg. 5 12823
Prior to revision 6656, 6936
Sec. 8 7989
Schedule I 7989
CMP Reg. 5, Dir. 1 7709
CMP Reg. 5, Dir. 2 10263
Prior to revision 7988
CMP Reg. 6 7709
Prior to revision 5945
CMP Reg. 6, Dir. 1 8549
Prior to revision 7714
CMP Reg. 6, Dir. 2 10264
Prior to revision 7989
CMP Reg. 6, Dir. 3 10788
Prior to revision 10082
CMP Reg. 7 12827
Prior to revision 6669
DSM 1 13132
M-1 6673
Sec. 14 8171
18 8171
Table I 7678
Prior to revision 716, 1821, 2499, 3114, 4754, 5535
Sec. 11 4785
Table I 2032
M-1, Dir. 1 5841
M-1, Dir. 2 7676
M-1, Dir. 3 11180
Sec. 2 12511
Prior to revision 8458, 9086
M-1, Dir. 4 9723
Prior to revision 8458
M-1, Supp. 1 10783
Prior to revocation 549
M-1, Supp. 2 10783
M-1, Supp. 3 10783
Prior to revocation 229

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M-1, Supp. 4 10783
Prior to revocation 1707
M-2 12653
Prior to revision 8, 1119, 2065, 2909, 3161, 3903, 4785, 6922, 8832.
Sec. 2 10699
9 10699
10 3117
12 3117
20 6249
21-24 6249
M-2, Supp. 1 1727
M-3 10083
Prior to revocation 2497, 3174, 4462, 8171
Sec. 2 3118
5 3118
6-10 3118
M-4 7701, 7703
Prior to revocation 459, 1583, 1728, 2568, 3336, 4196, 4653, 6513.
Sec. 5 4463, 4464
15 4464
16 4464
M-4A 8061
Prior to revision 7703
M-5 6677
Prior to revision 1182, 2228, 2764
M-5, Dir. 1 9087
Sec. 2 12512
Prior to revision 8459
M-5, Dir. 2 9723
Prior to revision 8459
M-5, Dir. 3 10083
M-6 2502
M-6, Dir. 1 5841
M-6, Dir. 2 7677
M-6, Dir. 3 8602
Prior to revision 7990
M-6A 10210
M-6A, Sched. 1 10947
M-7 6443
Prior to revocation 1122, 2337, 3118, 3510, 3916, 5259
Sec. 2 2922
3 2922
5 2922
6 1792, 2922
8 2923
List A 2923
List B 1792, 2924
M-8 7411
Sec. 5 9724
Prior to revision 283, 891, 2431, 2872, 6445
M-9 6560
Sec. 3 11871
5 11871
6 11871
8 11871
9 11871
10 11871
12 11871
Prior to revision 5015
M-10 10083
Prior to revocation 11, 8171
M-11 6443
M-11, Dir. 1 10387
Prior to revocation 7990
M-11, Dir. 2 11273
Sec. 2 12511
Prior to revision 8460, 9087
M-11, Dir. 3 9724
Prior to revision 8460
M-11, Dir. 4 8984

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M-12 10083
Prior to revocation 124, 1730, 2342, 2957, 3175, 6516
Sec. 6 6940
16 1952
17 1952
M-12, Dir. 1 10083
Prior to revocation 1016, 2437
M-12, Dir. 2 10083
Prior to revocation 2765
M-13 4714
Prior to reissuance 1676
Sec. 5 4656
M-14 10083
Prior to revocation 721, 1278, 1996, 2963, 8171
Sec. 5 6451
M-15 5840
Prior to revision 458, 5017
M-16 12719
Prior to revision 987, 6837
M-16, Dir. 1 11728
M-17 2655
M-18 10261
Prior to revision 230, 392, 2835, 6561
M-19 7510
Prior to revision 2549, 3651
M-20 5018
Prior to revision 257, 903
M-21 8831
Prior to revocation 355
M-22 12722
Prior to revision 391, 719, 9282
List A 686, 2033
List B 2033
M-23 11310
Prior to revision 394, 2879
M-24 2924
Prior to revision 889
M-25 8592
Sec. 6 10264
Prior to revision 897, 1284, 2571, 3121, 6455
Sec. 9 7826
Sched. I 3582, 5172
M-25, Dir. 1 3919
Sec. 2 4276
Prior to revision 2437
M-25, Dir. 2 12556
M-26 3127
Sec. 3 5479
Sched. I 5479
Sched. II 5479
Prior to revision 901
M-26, Int. 1 4199
M-27 896
M-28 549
M-29 10084
Prior to revocation 550, 1727, 4537
M-30 10084
Prior to revocation 686, 8171
M-31 726
M-32 8359
Prior to revision 725, 1127, 1999, 3920, 6940
M-33 10084
Prior to revocation 904, 2766, 3902, 8171
M-34 7568
Prior to revocation 1128, 2229, 6385
M-35 4464
Prior to revision 1071, 2000
M-36 10603
Prior to revision 1281, 2598, 3513, 5897
M-37 1636

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M-38 5019
Sec. 1 7411
3 7411
4-13 7411
Prior to revision 1708, 2927
M-39 1709
M-40 11451
Prior to revocation 2001
M-41 11447
Sec. 12 12225
Prior to revision 2002
M-41A 11450
M-42 2033
M-43 2034
M-44 10212
Prior to revision 2077
M-45 2565
M-45, Sched. 1 2880
M-45, Sched. 2 3129
M-45, Sched. 3 3437
M-45, Sched. 4 9248
Prior to revision 3514
M-45, Sched. 5 4465
M-45, Sched. 6 4466
M-45, Sched. 7 6249
M-45, Sched. 8 6250
M-45, Sched. 9 8831
M-45, Sched. 10 10744
M-46 12556
Prior to revision 2394, 5262
Sec. 8 2551
M-46, Dir. 1 10604
M-46, Supp. 1 12561
Prior to revocation 6451
M-46A 9088
Prior to revision 8168
M-46A, Dir. 1 10605
M-46B 5266
M-47 5267
Sec. 2 5270
5 5270
6-7 5270
8-11 5270
12 5270
List A 5270
Prior to revision 2186, 3130, 3582
Sec. 3 2968
4 2968
5 2968, 4199
6 2968
List A 2968, 5119
M-47A 10461
Prior to revision 6029, 7679
M-47A, Dir. 1 7209
M-47A, Dir. 2 7456
M-47B 10023
M-48 7991
Prior to revision 2347
M-49 10084
Prior to revocation 2497, 3653, 8171
M-50 12829
Prior to revision 2680, 3180, 3921, 5271, 6941, 8460
M-51 2882
M-51, Sched. 1 3775
M-52 10084
Prior to revocation 2884, 8171
M-53 9518
Prior to revision 2884
M-54 2928
M-55 8271
Prior to revocation 2930
M-55A 10084
Prior to revocation 4494
M-55A, Dir. 1 10084
Prior to revocation 6387
M-56 8271
Prior to revision 3339

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M-57 9283
Prior to revision 3340
M-58 3438
M-59 3924
M-60 10084
Prior to revocation 4538
M-60, Dir. 1 10084
Prior to revocation 6387
M-61 10084
Prior to revocation 4540
M-61, Dir. 1 10084
Prior to revocation 6387
M-62 10084
Prior to revision 4541, 8109, 8272
Sec. 1 6452
5 6452, 7611
M-63 7701
Prior to revision 4656
M-64 8364
Prior to revision 5021
M-65 9519
Prior to revision 5172
M-66 9285
Prior to revision 5173, 6464
M-67 7457
Prior to revision 5274
M-68 9286
Prior to revision 5275, 6387
M-69 5277
Sec. 8 11504
M-70 10127
Prior to revision 5899, 6671
M-71 8590
Prior to revision 6250, 7706
M-72 6252
M-72, Dir. 1 7993
M-73 6452
M-74 7708
Prior to revision 6517
M-75 12833
Prior to revision 6679
M-76 10990
Prior to revision 7417
M-77 7458
Sec. 4 12090
M-78 7765
Sec. 2 9724
6 9724
7 9724, 9725
M-79 11723
Prior to revision 7931
M-80 8171
M-80, Sched. A 9521
Prior to revision 8174
Sec. 2 8550
3 8550
M-80, Sched. B 12789
Prior to revision 8177
M-80, Sched. C 12724
M-80, Sched. 1 8178
M-80, Sched. 2 8180
M-80, Sched. 3 8180
M-80, Sched. 4 8181
M-80, Sched. 5 11451
Prior to revision 8181
M-81 8182
M-82 8984
M-83 8986
M-84 9197
M-85 10214
M-86 10215
M-87 10853
M-88 11181
M-89 11725
M-90 11773
M-91 12433
M-92 12512

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
- M–93 — 12790
- Notice 1 — 13132
  - *Prior to redesignation* — 11341, 11452
  - *Prior to revision* — 319
- Reg. 1 — 10784
  - Table IA — 12666
  - Table IB — 12666
  - Table II — 12666
- Reg. 1, Int. 1–Int. 3 — 10787
- Reg. 2 — 9413
  - Sec. 15 — 12513
  - *Prior to revision* — 352, 1953, 6944
- Reg. 2, Int. 1 — 1956
- Reg. 2, Int. 2 — 12789
- Reg. 2, Dir. 1 — 6033
- Reg. 2, Dir. 2 — 9417
- Reg. 2, Dir. 3 — 12225
  - *Prior to revision* — 9725
- Reg. 2, Dir. 4 — 12788
- Reg. 3 — 6441
  - *Prior to revision* — 3341, 5839
- Reg. 4 — 6673
  - *Prior to revocation* — 1956, 3342, 4799
- Reg. 4, Dir. 1 — 1959
- Reg. 4, Dir. 2 — 6666
  - *Prior to transfer* — 3925, 6034
- Reg. 5 — 10386
  - *Prior to revision* — 3617, 8831
- Reg. 6 — 11688
- RP 1 — 8799, 8894

Chapter VIII (DTA):
- AO 1 — 11504
  - *Prior to revision* — 10024
- AO 2 — 10788
- GO 1 — 2004
  - *Prior to revocation* — 1130
- GO 2 — 3254
  - *Prior to revision* — 2035, [2127], [2397], [2682], [3011]

Chapter IX (PAD):
- PAD 1 — 1898
- PAD 2 — 8111
- PAD 3 — 10745
- PAD 4 — 10746
- Reg. 1 — 10026

Chapter X (DSFA):
- SFO 1 — 3439
  - Sec. 3 — 5022
- SFO 2 — 3655

Chapter XI (DEPA):
- EO 1 — 9658
  - *Prior to revocation* — 933, 3301
  - Sec. 3 — 3927
- EO 2 — 5056
  - *Prior to revision* — 933
- EO 3 — 6254
- EO 4 — 9523

Chapter XII (DMEA):
- MO 1 — 85
- MO 2 — 1637
  - *Technical amendments* — 3408, 11542
- MO 3 — 3217
- MO 4 — 3013
  - *Prior to revocation* — 1585
- MO 5 — 6840
  - *Prior to revision* — 3183
- MO 6 — 3012
- MO 7 — 4339
  - *Prior to revision* — 3344
- MO 8 — 5431

Chapter XIV (GSA) — 13, 1072, 3440, 4373, 5657, 5901, 7155, 7329, 11542, 12981.

TITLE 32A—Continued Page

Chapter XV (FRS):
- Reg. V — 1586
- Reg. W — 1586
  - *Proposed rules* — 12231
  - Sec. 1 — 7715
  - 3 — 7716
  - 4 — 7716, 13132
  - 5 — 7716
  - 6 — 7716
  - 7 — 1829, 4757, 7716
  - 8 — 7716
  - 9 — 7716, 13132
- Reg. W, Interpretations:
  - Int. 1–Int. 29 — 1586
  - Int. 30 — 1586
  - Int. 31 — 2037
  - Int. 32–Int. 33 — 2439
  - Int. 34 — 3408
  - Int. 35 — 4340
  - Int. 36–Int. 37 — 5321
  - Int. 38 — 5538
  - Int. 39–Int. 41 — 5950
  - Int. 42 — 9032
  - Int. 43 — 9287
  - Int. 44 — 12666
- Reg. X — 1586
  - Sec. 3 — 4466
  - 5 — 2575, 3345, 9032, 11837
  - 6 — 2078, 2969, 9032
  - 7 — 9032, 9033
- Reg. X, Interpretations:
  - Int. 1–Int. 23 — 2504
    - *Prior to reissuance:*
    - Int. 1–Int. 21 — 1586
    - Int. 22 — 1593
    - Int. 23 — 1593
  - Int. 24–Int. 29 — 2551
  - Int. 30 — 2969
  - Int. 31 — 4340
  - Int. 32–Int. 33 — 4980
  - Int. 34–Int. 35 — 5320
  - Int. 36 — 5950
  - Int. 37 — 7460
  - Int. 38 — 8048
  - Int. 39 — 8048
  - Int. 40 — 12225

Chapter XVI (PMA):
- DFO 1 — 2970
  - Sec. 1 — 6621
  - 2 — 6621
  - 3 — 6622
  - 4 — 6622
  - Appendix A — 6622
- DFO 2 — 3345
  - Sec. 1 — 4981
- DFO 2, SO 1 — 3346
  - Sec. 4 — 7357
- DFO 2, SO 2 — 4981
  - Sec. 4 — 7769
- DFO 3 — 7934
  - Sec. 1 — 8273
  - 3 — 8273
  - 9 — 8273
  - 11 — 8273
  - *Prior to revision* — 6389
- DFO 3, Import Det — 7937
- DFO 3, SO 1 — 7936
  - Sec. 1 — 8273
  - 2 — 8273
- DFO 3, SO 2 — 11602
  - *Prior to revision* — 7936
  - Sec. 1 — 8273, 9690
  - 2 — 8273
- DFO 4 — 7568
- DFO 5 — 9781
  - *Prior to revision* — 8464

TITLE 32A—Continued Page

Chapter XVII (HHFA):
- CR 1 — 3834
  - *Prior to revision* — 2231, 3302
- CR 2 — 11728
  - *Prior to revision* — 2232, 3303
- CR 3 — 11731
  - *Prior to revision* — 3835, 7611
  - Appendix — 12355, 13089
    - Appendix 1 — 4199, 4802, 5432, 5871, 6315, 6465, 6777, 6841, 7287, 7938, 10161, 10947, 11311.

Chapter XVIII (NSA):
- AGE–1 — 2703
  - Sec. 1 — 9982
  - 2 — 10747, 10856
  - 3 — 9982
- AGE–2 — 2888
- AGE–3 — 6751
  - Sec. 4 — 9527
  - 6 — 9527
- AGE–4 — 9983
  - Sec. 2 — 12019
- AGE–5 — 12434
- DRO–1 — 10086
  - *Prior to revocation* — 4200
- DRO–2 — 5119
- DRO–3 — 5120
- DRO–4 — 5120
- DRO–5 — 5121
- DRO–6 — 5121
- DRO–7 — 12791
  - *Prior to supersedure* — 5122
- DRO–8 — 5122
- DRO–9 — 5123
- DRO–10 — 7683
  - *Prior to revocation* — 5123
- DRO–11 — 5124
- DRO–12 — 5124
- DRO–13 — 5124
- DRO–14 — 5125
- DRO–15 — 5125
- DRO–16 — 5126
- DRO–17 — 5126
- DRO–18 — 5127
- DRO–19 — 5127
- DRO–20 — 5128
- DRO–21 — 5128
- DRO–22 — 5129
- DRO–23 — 5129
- DRO–24 — 5130
- DRO–25 — 5130
- DRO–26 — 5174
- DRO–27 — 5951
- DRO–28 — 5951
- DRO–29 — 6255
- DRO–30 — 12198
  - *Prior to supersedure* — 7682
- DRO–31 — 12198
  - *Prior to supersedure* — 7683
- DRO–32 — 7683
- DRO–33 — 9168
- DRO–34 — 10086
- DRO–35 — 12271
- DRO–36 — 12198
- DRO–37 — 12198
- DRO–38 — 12791
- FIS–1 — 2885
- FIS–2 — 10026
- INS–1 — 5057
  - Sec. 5 — 10749
  - 7 — 10749
  - 9 — 10749
- OPR–1 — 4137
- OPR–2 — 5950
- OPR–3 — 12791
- SRM–1 — 5433

TITLE 32A—Continued Page

Chapter XVIII (NSA)—Con.
- SRM–2 — 5321
- SRM–3 — 5322
  - Sec. 1 — 10893
  - 2 — 10893
  - 3 — 10893
- SRM–4 — 9658
- SRM–5 — 9811
- SRM–6 — 11837

Chapter XXI (ORS):
- LABPR 1 — 12226
- RP 1 — 13133
- RPR 2 — 11923
- RR 1 — 12879
  - Schedule A — 12981, 13133
  - Schedule B — 12982
- RR 2 — 13133
- RR 3 — 9658
  - Sec. 42 — 9725
  - 45 — 9725
  - 46 — 9725
  - 62 — 9725, 12619
  - 64 — 9725
  - 80 — 9725
  - 101 — 11452
  - 104 — 9725
  - 110 — 10699
  - 114 — 12619
  - Schedule A — 9934, 10491, 10636, 10789, 10991, 11111, 11238, 11273, 11453, 11604, 11737, 12019, 12091, 12230, 12397, 12513, 12619, 12702, 12792, 13144.

Chapter XXII (SDPA):
- PR 1 — 12513

TITLE 33

Chapter I:

Part 6:
- 6.04–1 — 7541
- 6.10–1 — [817], 7541
- 6.10–7 — 7541
- 6.14–1—6.14–2 — 7541
- 6.19–1 — 7541

Part 8:
- 8.1109 — 7769
- 8.1301–8.1305 — 7769
- 8.3101–8.3113 — 7770

Part 19 — 1829
- 19.01 — 1959
- 19.04 — 12792
- 19.08–19.11 — 5059
  - 19.10 — 10856
  - 19.11 — 9950
- 19.15 — 12702

Part 45 — 10310

Part 49 — 10636

Part 74:
- 74.01–1 — 4658

Part 80:
- *Proposed rules* — 1831
- 80.33a — 5767

Part 90:
- *Proposed rules* — 1831
- 90.15a — 5767

Part 92:
- *Proposed rules* — 10161
- 92.14a — 7460

Part 95:
- *Proposed rules* — 1831
- 95.26 — 5767

Part 121:
- 121.02 — 817
- 121.13 — 9312
- 121.16 — 6181, 6868, 8846

Part 125:
- 125.19 — 2151
- 125.27 — 817
- 125.29–125.30 — 9313
- 125.37 — 8273

TITLE 33—Continued Page

Chapter I—Continued

Part 126 — 8677
- *Proposed rules* — 5770
- 126.15 — 11311

Chapter II:

Part 202:
- 202.22 — 11963
- 202.60 — 4758
- 202.90 — 11963
- 202.125 — 4758
- 202.168 — 7287
- 202.190 — 11963
- 202.210 — 11963
- 202.214 — 11964
- 202.230 — 4758
- 202.235 — 4758

Part 203:
- 203.237 — 6841
- 203.245 — 6842
- 203.325 — 11929
- 203.465 — 6842
- 203.700 — 6842
- 203.706 — 6842
- 203.707 — 6842
- 203.711 — 6842
- 203.714 — 6842

Part 204:
- 204.5 — 7460
- 204.10 — 10992
- 204.12 — 10992
- 204.25 — 643, 2397, 3403
- 204.36 — 10992
- 204.38 — 818
- 204.48 — 7541
- 204.54 — 3131, 7460
- 204.55 — 10992
- 204.81 — 818, 2397
- 204.81a–204.81b — 10992
- 204.82 — 7460
- 204.114 — 7460
- 204.115–204.140 — 2722
- 204.160 — 2397
- 204.162 — 8113, 8550
- 204.167 — 3409, 7419
- 204.197 — 818
- 204.218 — 2577
- 204.222 — 10993

Part 205:
- 205.35 — 11343

Part 206:
- 206.50 — 905
- 206.93 — 905

Part 207:
- 207.30 — 7210
- 207.50 — 7210
- 207.115 — 1016
- 207.158 — 7210
- 207.164 — 2578
- 207.172 — 3047
- 207.188 — 2397, 7210
- 207.441 — 7210
- 207.510 — 7211
- 207.640 — 7211
- 207.900 — 7211

Part 208:
- 208.19 — 4543
- 208.36 — 1183
- 208.37 — 11773

TITLE 35 Page

Chapter I:

Part 19 — 2673

Part 21:
- 21.4 — 7614

Part 24:
- 24.97 — 13144
- 24.102a–24.102g — 13144

Appendix (Canal Zone orders):
- 1 (see CZO 24) — 11604
- 4 (revoked by EO 10263) — 6333

TITLE 35—Continued Page

Chapter I—Continued

Appendix (Canal Zone orders)—Continued
- 23 — 7614
- 24 — 11604

TITLE 36

Chapter I:

Part 1:
- *Proposed rules* — 4724
- 1.4 — 2187
- 1.35 — [5342]
- 1.58 — 7994
- 1.61 — 10893, 11930

Part 2:
- *Proposed rules* — 4724

Part 3:
- 3.44 — 4891
- 3.47 — 6868

Part 13:
- 13.9 — 9313
- 13.11 — 11654
- 13.13 — 4891, 8987
- 13.14 — 12272
- 13.17 — 9313

Part 20:
- 20.5 — 3655
- 20.7 — 3655
- 20.8 — 4658, 5341
- 20.11 — 5341
- 20.12 — 13089
- 20.13 — 3655
- 20.16 — 3656
- 20.22 — 3656, 5434
- 20.27 — 5131
- 20.43 — 12667
- 20.45 — 2187, 5479
- 20.47a — 4618

Part 23:
- *Proposed rules* — 4724
- 23.1 — 3132

Part 25:
- 25.2 — 10993

Chapter II:

Part 211:
- 211.1 — 5952
- 211.2 — 6623

Part 231:
- 231.7 — 12620
- 231.9 — 12620
- 231.10 — 3533

Chapter III:

Part 311:
- 311.1 — 7329, 10993
- 311.4 — 7329, 10993
- 311.6 — 10993

TITLE 37

Chapter I:

Part 100:
- *Proposed rules* — 9440, 11281

Part 110:
- *Proposed rules* — 9440

Chapter III:
- Part 300 — 3927
- Part 301 — 2507

TITLE 38

Chapter I:

Part 1:
- 1.509–1.510 — 10637
- 1.511 — 10637
- 1.650–1.667 — 7615
- 1.985 — 5131

Part 3:
- 3.0 — 9090
- 3.1 — 2631
- 3.30 — 11184
- 3.45 — 2656
- 3.50 — 2079
- 3.55 — 2656
- 3.57 — 2656

TITLE 38—Continued Page
Chapter I—Continued
Part 3—Continued
3.58 1593
3.59 11184
3.61 2632, 11185
3.63 2724
3.67 2632, 4784
3.80 2633, 9090
3.86 2634, 9091, 11185
3.96 9091
3.133 7262
3.135 7262
3.148 2634
3.157 9091
3.167 9091
3.212 9091
3.213 11185
3.216 2634, 9091, 11185
3.225 9091
3.228 3255
3.232 9091
3.235 9091
3.236–3.237 2634
3.267 2079
3.276 9091
3.278 643
3.296 11186
3.300 11453
3.312 2636, 9092
3.359 9092
3.1500 12702
3.1509 1594
3.1510 9092
3.1511 5622, 11453
3.1512 8847
3.1513 9691
3.1514 11774
Part 4:
4.14 11453
4.15a 10265
4.17 2657
4.31 10265
4.49 [8274], [10265]
4.50 8274, 10265
4.51 8274
4.52 8274, 12435
4.65 1594
4.74 10266
4.76 10266
4.91 10266
4.94 1594
4.95–4.96 [1594]
4.124 10266
4.125 10266
4.126 10267
4.140 10267
4.173 11774
4.176 7512
4.178 11774
4.182 11774
4.192 10267, 11186
4.194 10267
4.195 10267
4.196 10268
4.452 4658
4.453 4715, 6564
4.454 6465, 11774
4.455 9092
4.456 12356
Part 6:
6.0–6.3 12982
6.5 12983
6.7 12983
6.13 12983
6.16–6.17 12983
6.51 12983
6.78 4758
6.85–6.86 12983
6.95 12984
6.102 12984

TITLE 38—Continued Page
Chapter I—Continued
Part 6—Continued
6.122 8365
6.125 12984
6.143 12984
6.150 12984
6.162a 12985
6.165 8365
6.170 12985
6.176–6.177 12985
6.180 12985
6.181 12986
6.185 12986
Part 8:
8.0–8.3 12986
8.5–8.7 12988
8.10–8.11 12989
8.20 12989
8.22 4759, 12989
8.24 4759
8.26–8.27 12990
8.30 12990
8.32–8.36 12991
8.40–8.41 12991
8.42 8365
8.43 8365
8.46 9093
8.48 9093
8.70 12992
8.76–8.77 12992
8.80 12993
8.85–8.86 12994
8.88 12995
8.96–8.96a 12995
8.103 12996
8.110–8.113 12996
Part 14:
14.502 7569
14.505 7569
Part 17:
17.36 12091
17.45 12091
17.46 12091
17.47–17.48 12091
17.50 12093
17.60 12094
17.65 12094
17.115 12094
17.116 12094
17.118 12095
17.120 12095
17.123 12095
17.129 12095
17.135 12095
17.155 5701
Part 21:
21.5 3048
21.7 3048
21.9 3048
21.11 3048
21.24 5342
21.51 3048
21.52 643, 5342
21.57–21.61 3048
21.65 1017, 7263
21.66 1018
21.92 1735
21.100 989
21.101 989
21.102 1018
21.103 6681
21.104 5342, 6564
21.107 6681, 9033
21.113 5344
21.114 6315, 9033
21.150 3132
21.151–21.152 3132
21.187 5344
21.188 13037
21.189 3052, 3797
21.190 501, 11311

TITLE 38—Continued Page
Chapter I—Continued
Part 21—Continued
21.191 1677
21.202 11453
21.203a 11454
21.204 11454
21.205 11454
21.209 11454
21.210–21.210a 906
21.211 906
21.211a 11454
21.220 906
21.221 906
21.241 6681
21.243 6682, 11454
21.252 6682
21.260 11455
21.261 11455
21.261a 11455
21.262 11455
21.282 11455
21.283 11455
21.288 906
21.300–21.307 3052
21.314 6682
21.325 6682
21.400 3797, [3797]
21.401–21.404 3797
21.412 3798
21.413 3798
21.418 3798, 5701
21.419 3800
21.433 9033
21.443 [3534], 9033
21.447 9033
21.448 9034
21.467–21.468 9034
21.469a–21.469b 9035
21.471 9035
21.472 9035
21.474 9036
21.478 9036
21.484 9036
21.485 9036
21.493 9036
21.495 9036
21.504 9037
21.507 9037
21.510–21.511 9037
21.517 9038
21.520 3584
21.530 9038, 10268
21.539 3585
21.549 3586
21.569 10269
21.570 9039
21.572 9040
21.573 9040
21.574 9040
21.578 9040
21.601 9041
21.614 10269
21.625 9041
21.626 9041
21.627 9041
2..638 9042
21.657 9043
21.658 9043
2..672 9044
21.691–21.693 9044
Part 36:
36.4301 12356
36.4302 12356
36.4312 12356
36.4325 1594
36.4343 356, 580, 2599, 9313
36.4356 356, 580, 2599, 2972, 9313, 11455
36.4504 580, 2599, 9314
36.4505 9315

TITLE 38—Continued Page
Chapter II:
Part 200:
200.42 3618

TITLE 39
Chapter I:
Part 1:
1.6 2440
1.8a 13090
1.9 3052, 6623
1.12 1019
1.13 1019
1.16 13090
Part 3:
3.5 2398, 3801
Part 6:
6.1 3534
6.3 2398
6.5 3534
6.8 3534
6.22 3052
Part 7:
7.4 2188
7.9 5989
Part 8:
8.8 13090, 13091
8.16 13091
Part 18:
18.3 2440
18.12 11871
18.55 2398
Part 26:
26.2 2440
Part 27:
27.7 7569
Part 34:
34.7 13091
34.8 13091
34.9 13091
34.11 13091
34.14 357
34.14a 6753
34.15 11274
34.20 13093
34.40 13094
34.41 13094
34.42 13094
34.63 2838, 11274, 13093
34.65 13091, 13092
34.73 12725, 12726
34.75 12726
34.76 5278, 5538
34.77 5279
34.78 13092
34.83 13092
34.84 13092
34.88 5022, 9568
34.89 9568
34.95 2152, 5871, 8241, 12095
34.95a 5657, 8241, 12566
34.97 6868
Part 35:
35.2 12726
35.3 12726
35.6b 4374
35.15 3838, 7994
35.16b 8274
35.17a 7994
35.25a 9479
Part 36:
36.6 2398
36.7 551
36.12 7696
Part 42:
42.3 12726
42.6 12726
42.10 3217
Part 43:
43.12 2838, 6801, 13093
43.30 357

TITLE 39—Continued Page
Chapter I—Continued
Part 43—Continued
43.45 357
43.47 10638
43.48 2839
Part 52:
52.38 12726
52.80 12566
Part 53:
53.3 13092
Part 58:
58.3 13092
Part 59:
59.3 13092, 13093
Part 63:
63.10 13093
Part 64:
64.9 2600
64.18 13093
64.20 13093
64.23 7287
64.24 13093
64.40 394
64.43 2600
64.44 2600
64.56 2600
64.58 2600
Part 70:
70.6 5989
Part 71:
71.1 5989
71.6 5989
71.7 13093
71.10 5990
71.11–71.12 5990
71.15 5990
71.16 5990
71.17 5990
71.18 5990
71.20–71.23 5990
Part 72:
72.2 5991
72.3 5991
72.4–72.5 5991
72.6 5992
72.8 5992
72.9 5992
72.11 5992
72.12 5993
72.13 5993
72.14–72.15 5993
72.16 5993
72.19–72.20 5993
72.21 5993
Part 73:
73.1–73.2 5993
73.5 5993
73.6 5994
73.7 5994
73.9 5994
73.11 5994
73.12 5994
73.13 5994
73.14 5994
73.15 5994
Part 74:
74.4 3013
74.6 3013
Part 75:
75.1 4496
75.2–75.7 5995
75.10–75.12 5995
75.13 5995
Part 77:
77.1 5995
77.7 5995
77.9 5995
Part 78:
78.2–78.15 2475

TITLE 39—Continued Page
Chapter I—Continued
Part 95:
95.1 2600
Part 97:
97.11 11872
Part 99:
99.4 2188
Part 114:
114.2 9568
Part 116:
116.17 3485
116.59 3485
Part 120:
120.7 1829
Part 124:
124.2 12095
Part 125:
125.2 12095
125.9 12095
Part 127:
127.4 10027
127.6 9568
127.10 1900
127.19 4374
127.22a 9568
127.55 6801, 7357, 7569
127.71 688, 1900, 2682, 7569
127.76 688, 1900, 2682, 9569
127.85 5996
127.85b 2657, 5996, 7570, 11313
127.93 1900, 2682
127.102 688, 1900, 2682, 6801, 7569
127.201 7157
127.203 12566
127.210 4891
127.216 688, 4374, 11872
127.219 10027
127.224 11872
127.227 689, 1901
127.230 9569
127.231 6255, 9569, 9664
127.232 9569, 12566
127.238 11872
127.239 689
127.241 6802
127.242 9569
127.243 9569, 12566
127.245 11872
127.247 10130
127.251 4374, 6802, 6868
127.258 4374
127.264 689, 6255, 6802, 12095, 12566
127.265 689
127.266 11872
127.267 7569, 10027
127.269 6801, 11872
127.272 9569
127.275 11872
127.276 11313, 11542
127.278 4374, 9569, 11872
127.278a 1900
127.282 1901, 11313, 12095
127.283 6801, 11543
127.286 689, 4374, 7357, 12095
127.288 [12398], 12566, [12567]
127.293 11313
127.298 10638
127.299 11872
127.304 2349, 2840, 9569
127.308 11872
127.309 690, 11872
127.310 1900
127.310a 1900
127.313 11872
127.314 10028
127.322 11873
127.325 11872
127.326 [6779], [8252], [9490], 9569

TITLE 39—Continued Page
Chapter I—Continued
Part 127—Continued
127.328 ---- 4892
127.331 ---- 6519, 6802
127.334 ---- 4374
127.341 ---- 9569, 12095
127.342 ---- 2682
127.345 ---- 9569
127.346 ---- 11872
127.349 ---- 11313
127.353 ---- 11872
127.360 ---- 9569
127.370 ---- 1901
127.371 ---- 4619
127.374 ---- 9569
127.376 ---- 5657, 9569, 12095
127.380 ---- 690
Part 135:
135.44 ---- 6802
Part 150:
150.400–150.426 ---- 6682
150.910 ---- 1147
150.1002–150.1003 ---- 1147
150.1004–150.1005 ---- 394
150.1113 ---- 1147
150.1302 ---- 1147
150.1306 ---- 1147
150.1401–150.1402 ---- 1147
Part 151:
151.1–151.29 ---- 6685
Prior to revocation:
151.8 ---- 2440
Part 155:
155.704–155.704a ---- 2840
155.1410 ---- 395
155.3150–155.3152 ---- 5995

TITLE 41
Chapter II:
Part 201:
Proposed rules ---- 4943
201.1 ---- [5847], [9287]
Part 202:
Proposed rules ---- 553, 4147, 5074, 5658, 5873, 10951, 11394, 11457
202.39 ---- 3187
Chapter III:
Part 301 ---- 6753
301.6 ---- 12667
Prior to revision:
301.6 ---- 5400

TITLE 42
Chapter I:
Part 1 ---- 4544
Part 21:
21.111 ---- 10464
21.155 ---- 8241
21.351–21.360 ---- 2725
Appendix A ---- 1237, 2725
21.381–21.387 ---- 5479
Part 53:
53.77 ---- 2152
Appendix B ---- 2152
Part 61:
61.12 ---- 2706
61.13 ---- 2706, 6391
Part 63:
63.6 ---- 2706
63.7 ---- 2706, 6391
Part 71:
Proposed rules ---- 10464
Technical amendment ---- 2475
71.3 ---- 11654
71.152–71.153 ---- 11604
71.502 ---- 2475
71.504 ---- 11689
71.505 ---- 11689
71.506 ---- 11689
71.508 ---- 2037, 2475
71.509 ---- 11689

TITLE 42—Continued Page
Chapter I—Continued
Part 72:
Proposed rules ---- 258, 10465
72.22 ---- 11605
72.101 ---- 2037
72.103 ---- 2037
72.113 ---- 2037
72.117 ---- 2037
72.135 ---- 2037
72.137 ---- 2037
72.138 ---- 2037
72.140 ---- 2037
72.141 ---- 2037
72.147 ---- 2038
72.148 ---- 2038
72.150 ---- 2038
72.151 ---- 2038
72.154–72.156 ---- 2038
72.164 ---- 2038
72.165 ---- 2038
72.167 ---- 2038
72.172 ---- 2038
Chapter II:
Part 201:
201.1 ---- 4200
201.5 ---- 4200
201.6 ---- 4200
201.10 ---- 4200
Chapter IV:
Part 401 ---- 12356
Proposed rules ---- 11081

TITLE 43
Subtitle A:
Part 2:
2.2 ---- 2127, 3586
2.4 ---- 1638
Part 6:
6.1–6.12 ---- 6181
Chapter I:
Part 65:
65.19 ---- 9315
Part 72:
72.15 ---- 1792
Part 74:
74.28–74.33 ---- 12397
Part 80:
80.14a ---- 1736
Part 141:
141.27 ---- 461
Part 145 ---- 8113
Part 160:
160.14 ---- 232
Part 161:
161.8 ---- 232
Part 166:
166.27 ---- 9315
166.35 ---- 9315
Part 192:
Proposed rules ---- 581
192.42 ---- 7419
192.82 ---- 7420
192.100 ---- 7420
192.101 ---- 7420
192.141 ---- 7420
192.145 ---- 7420
Part 193 ---- 2889
Part 196:
196.20 ---- 7617
Part 199:
199.48 ---- 11837
Part 200:
200.7 ---- 11655
Part 216:
216.19 ---- 1638
Part 233:
233.9 ---- 7157
233.14 ---- 7157
233.16 ---- 7157
233.28 ---- 7157

TITLE 43—Continued Page
Chapter I—Continued
Part 244:
244.53 ---- 7570
Part 250:
250.12 ---- 4340
Part 254:
254.7 ---- 10947
Part 259:
259.22 ---- 10606
Part 272:
272.1 ---- 10993
272.19 ---- 10993
Part 273:
273.74 ---- 11079
Appendix (Public land orders):
15 (amended by PLO 705) ---- 2441
66 (amended by PLO 705) ---- 2441
82 (see PLO 715) ---- 3586
88 (revoked by PLO 763) ---- 11838
97 (see PLO 747) ---- 8465
175 (see PLO 723) ---- 5131
225 (see F. R. Doc. 51–13608) ---- 11543
250 (see PLO 715) ---- 3586
254 (see PLO 715) ---- 3586
255 (revoked in part by PLO 761) ---- 11079
261 (revoked in part by PLO 710) ---- 3348
324 (see PLO 715) ---- 3586
386 (revoked in part by PLO 765) ---- 11999
459 (revoked in part by PLO 698) ---- 1638
487 (revoked in part by PLO 751) ---- 9044
494 (revoked in part by PLO 698) ---- 1638
538 (revoked by PLO 697) ---- 1184
556 (amended by PLO 728) ---- 5901
576 (see PLO 724) ---- 5132
585 (see PLO 733) ---- 7287
593 (see PLO 774) ---- 13095
601:
Amended by PLO 757 ---- 10749
See:
PLO 765 ---- 11999
§§ 74.28–74.33 ---- 12398
660 (revoked by PLO 764) ---- 11838
680 (corrected by PLO 747) ---- 8465
690 ---- 1476
Corrected by PLO 748 ---- 8465
695 ---- 581
696 ---- 581
697 ---- 1184
698 ---- 1638
699 ---- 1639
700 ---- 1771
Corrected by PLO 749 ---- 8848
701 ---- 1901
702 ---- 2234
703 ---- 2440
704 ---- 2441
705 ---- 2441
706 ---- 2578
707 ---- 2637
708 ---- 2893
709 ---- 3348
710 ---- 3348
711 ---- 3348
712 ---- 3440
Corrected by PLO 762 ---- 11689
713 ---- 3441
714 ---- 3586
715 ---- 3586
716 ---- 4138
717 ---- 4137
718 ---- 4374

TITLE 43—Continued Page
Chapter I—Continued
Appendix (Public land orders)—Continued
719 ---- 4753
720 ---- 4752
721 ---- 5059
722 ---- 5059
723 ---- 5131
724 ---- 5132
725 ---- 5444, 6135
726 ---- 5622
727 ---- 5622
728 ---- 5901
729 ---- 6132
730 ---- 6391
731 ---- 6391
732 ---- 6948
733 ---- 7287
734 ---- 7329
735 ---- 7571
736 ---- 7571
737 ---- 7618
738 ---- 7618
739 ---- 7618
740 ---- 7826, 8184
741 ---- 8113
742 ---- 8184
743 ---- 8366
744 ---- 8366
745 ---- 8465
746 ---- 8465
747 ---- 8465
748 ---- 8465
749 ---- 8848
750 ---- 9044
751 ---- 9044
752 ---- 9316
753 ---- 9569
754 ---- 9570
755 ---- 9816
756 ---- 10606
757 ---- 10749
See §§ 74.28–74.33 ---- 12398
758 ---- 10948, 11506
759 ---- 10948
760 ---- 10948
761 ---- 11079
762 ---- 11689
763 ---- 11838
764 ---- 11838
765 ---- 11999
766 ---- 12095
767 ---- 12398
768 ---- 12703
769 ---- 12703
770 ---- 12703
771 ---- 12726
772 ---- 13094
773 ---- 13095
774 ---- 13095
775 ---- 13095
Chapter II:
Part 401 ---- 10893
Part 405 ---- 11964

TITLE 44
Chapter I:
Part 3:
3.20 ---- 9093
3.22 ---- 9093
Part 53:
53.5 ---- 2796
53.6–53.7 ---- 2796
Part 97 ---- 12514
Part 98 ---- 12514
Part 99 ---- 12514
Prior to revocation:
99.101–99.108 ---- 8680
99.104 ---- 8848
99.107 ---- 8894

TITLE 44—Continued Page
Chapter I—Continued
Part 102 ---- 2657
Part 151 ---- 5022
Part 152 ---- 5022
Part 153 ---- 5022
Chapter IV:
Part 401:
401.100 ---- 320
Chapter V:
Part 501:
501.6 ---- 690
Chapter VII:
Part 701 ---- 5022
Part 702 ---- 5022
Chapter VIII:
Part 801 ---- 5022

TITLE 45
Chapter I:
Part 103 ---- 2706
Part 104 ---- 769
104.1–104.7 ---- 769
104.3 ---- 2840
104.4 ---- 2840, 5022
104.10–104.17 ---- 10558
104.21–104.26 ---- 4619
Part 105 ---- 5901
Part 106 ---- 3515
Chapter II:
Part 201 ---- 4545
Chapter III:
Part 301:
Proposed rules ---- 4590
301.7 ---- 5175
Part 320:
Proposed rules ---- 4590
320.4 ---- 5175
Chapter IV:
Part 401:
401.11 ---- 128
401.33 ---- 9224
Part 402:
402.2 ---- 9782
Chapter V:
Part 502 ---- 770
Part 505 ---- 1510
505.2 ---- 5480
Prior to revision:
505.4 ---- 644
Part 506:
506.3 ---- 644, 2234, 12514, 12727
Part 507:
507.12 ---- 644
Part 515 ---- 1476
515.22 ---- 2972
Part 516 ---- 1478
Part 520:
520.1 ---- 644
520.3–520.4 ---- 644
520.13–520.14 ---- 645
Chapter VI:
Part 601 ---- 12620
Part 602 ---- 12621
Part 620 ---- 12835

TITLE 46
Chapter I:
Part 12:
12.02–23 ---- 5132
Part 15 ---- 4546
Parts 30–39 ---- 1511
Part 30 ---- 1514
Part 31 ---- 1516
Part 32 ---- 1518
Proposed rules ---- 8136
Part 33 ---- 1528
Part 34 ---- 1535
Part 35 ---- 1539
Part 38 ---- 1545
Proposed rules ---- 8136
Part 39 ---- 1548
Proposed rules ---- 8136

TITLE 46—Continued Page
Chapter I—Continued
Part 46:
Proposed rules ---- 8136
46.21 ---- 5133
46.22 ---- 5133
46.23–46.25 ---- 5133
46.30 ---- 1073
46.32 ---- 1073
46.38 ---- 1073
46.42 ---- 1073
Part 50:
Proposed rules ---- 8136
Part 51:
Proposed rules ---- 8136
51.52–60 ---- 1073
Part 52:
Proposed rules ---- 8136
52.45–15 ---- 1073
52.55–15 ---- 1073
52.65–15 ---- 1074
Part 53:
Proposed rules ---- 8136
Part 54:
Proposed rules ---- 8136
54.01–40 ---- 1074
Part 55:
Proposed rules ---- 8136
55.07–5 ---- 1074
55.07–6 ---- 1074
55.07–10 ---- 1075
55.07–15 ---- 1075
55.07–20 ---- 1075
55.07–25 ---- 1076
55.07–30 ---- 1076
55.10–55 ---- 1076
Part 56:
Proposed rules ---- 8136
56.05–10 ---- 1076
Part 57:
Proposed rules ---- 8136
57.10–15 ---- 1077
57.10–20 ---- 1077
57.15–1 ---- 1078
57.15–25 ---- 1079
57.25–1 ---- 11965
57.25–5 ---- 11965
57.25–10 ---- 11965
57.25–15 ---- 11965
57.25–20 ---- 11965
57.25–25 ---- 11965
Part 59:
Proposed rules ---- 1831, 8136
59.3a ---- 5443
59.64 ---- 1079
59.64a ---- 5133
Part 60:
Proposed rules ---- 1831, 8136
60.21a ---- 5443
60.57 ---- 1079
60.57a ---- 5133
Part 62:
62.25 ---- 3218
Part 76:
Proposed rules ---- 1831, 8136
76.15a ---- 5443
76.57 ---- 1080
Part 80:
80.2 ---- 1081
Part 94:
Proposed rules ---- 1831, 8136
94.14a ---- 5443
94.56 ---- 1082
Part 98:
98.2 ---- 1083
Part 113:
Proposed rules ---- 8136
113.50 ---- 1083
Part 117:
Proposed rules ---- 8136
117.2 ---- 1083

TITLE 46—Continued Page

Chapter I—Continued
- Part 132 — 4547
- Part 136:
  - 136.15–1 — 8848
- Part 137:
  - 137.17–25 — 8848
- Part 146:
  - *Proposed rules* — 1831, 8136
  - 146.03–9 — 7212
  - 146.04–5 — 1083, 7212
  - 146.05–4 — 3013
  - 146.07–7 — 1084
  - 146.08–6 — 1084
  - 146.21–1—146.21–100 — 7219
  - 146.21–100 — 10857
  - 146.25–100 — 7257
  - 146.27–100 — 1084
  - 146.28–4 — 3013
- Part 147:
  - 147.05–100 — 1085
- Part 154 — 1829
  - 154.01 — 1959
  - 154.04 — 12792
  - 154.08–154.11 — 5060
  - 154.10 — 10857
  - 154.11 — 9093
  - 154.15 — 12704
- Part 155 — 12705
- Part 160:
  - *Proposed rules* — 1831, 8136
  - 160.005–1—160.005–7 — 7257
  - 160.015–3 — 5443
  - 160.024–1—160.024–7 — 7259
  - 160.028–1—160.028–7 — 7262
  - 160.044–1—160.044–6 — 1085
- Part 162:
  - *Proposed rules* — 8136
  - 162.014–1—162.014–8 — 11965
- Part 163 — 1086
- Part 164:
  - 164.009–2 — 5134
- Part 167 — 3218

Chapter II:
- *Proposed rules* — 3807
- Part 221:
  - 221.5–221.6 — 5768
  - 221.7 — 691
  - 221.11 — 12997
- Part 222:
  - 222.2–222.9 — 859
- Part 292 — 6716
- Part 299:
  - 299.31 — 7517
  - 299.36 — 9168
  - 299.37–4 — 551, 5444

TITLE 47

Chapter I:
- Part 1:
  - *Proposed rules* — 194, 2973, 3309, 7365, 10312, 11610, 12102
  - 1.301–1.404 — [11186]
  - 1.312 — [5657], [5902]
  - 1.318 — 715, 2039, 5871, 10607
  - 1.319 — 715, 2039
  - 1.320 — 716, 2039, 4803
  - 1.334 — 7263
  - 1.347 — [2039]
  - 1.371 — 7519
  - 1.377 — 1793
  - 1.544 — [10639]
  - 1.557 — [2039]
  - 1.801–1.896 — [11186]
- Part 2 — 1845
  - *Proposed rules* — 3072, 3441, 3516, 4138, 7520, 10607, 11614, 12436
  - 2.1 — 10857, 13098, 13100
  - 2.101 — 13100
  - 2.104 — 5623, 8367, 10028, 13098, 13100

TITLE 47—Continued Page

Chapter I—Continued
- Part 2—Continued
  - Appendix A — 2658, 9094
  - *Prior to revision:*
    - 2.1 — 168
    - 2.101 — 168
    - 2.104 — 1131, 1830
- Part 3:
  - *Proposed rules* — 194, 196, 233, 234, 507, 508, 2161, 2973, 3072, 3441, 3516, 4138, 5658, 11610, 11614
  - 3.1–3.192 — 821
  - 3.28 — 11187
  - 3.34 — 4803, 4804
  - 3.181 — 12514
  - 3.182 — 12514
  - 3.201–3.202 — 833
  - 3.203 — 2682
  - 3.218 — 4804
  - 3.220 — 4803
  - 3.266 — 4720
  - 3.281 — 12514
  - 3.282 — 12514
  - Appendix — 4720
  - 3.501–3.591 — 841
  - 3.566 — 4720
  - 3.581 — 12514
  - 3.582 — 12514
  - 3.601–3.692 — 847
  - 3.618 — 4804
  - 3.620 — 4803
  - 3.661 — 4549
  - 3.681 — 12514
  - 3.682 — 12514
  - 3.701–3.791 — 855
  - 3.781 — 12514
  - 3.782 — 12514
  - Appendix — 3187
- Part 4 — 1132
  - *Proposed rules* — 2161
  - 4.20 — 4803
  - 4.432 — 9528
- Part 5:
  - 5.32 — [4154]
- Part 6:
  - *Proposed rules* — 12103
- Part 7 — 6037
  - *Proposed rules* — 197, 4139, 5844
  - 7.6 — 8114
  - 7.206 — 8114
  - 7.304 — 8114
  - 7.306 — 7358, 10560
  - 7.370 — 8114
  - 7.504 — 8114
- Part 8 — 6078
  - *Proposed rules* — 197, 4139, 5844
  - 8.4 — 8114
  - 8.5 — 8114
  - 8.34 — 8114
  - 8.37 — 8114
  - 8.133 — 8114
  - 8.155 — 6949
  - 8.303 — 8114
  - 8.330 — 8114
  - 8.354 — 7358, 8114, 10560
  - 8.360 — 8114
  - 8.362 — 8114
  - 8.434 — 8114
  - 8.525 — 8114
- Part 9:
  - *Proposed rules* — 909, 4589, 4765, 5539, 7265, 7878, 7998, 10133
  - 9.10 — 10858
  - 9.102 — 4550, 4760, 11274
  - 9.108 — 4760
  - 9.110 — 4760
  - 9.118 — 3190
  - 9.151 — 4760
  - 9.177 — 4760

TITLE 47—Continued Page

Chapter I—Continued
- Part 9—Continued
  - 9.193 — 4550, 4760
  - 9.312 — 8367
  - 9.321 — 8367
  - 9.411 — 8367
  - 9.431 — 4550, 4760, 7519
  - 9.432 — 4550, 4760
  - 9.443 — 4550, 4760
  - 9.511 — 12436
  - 9.513 — 12436
  - 9.616 — 12515
  - 9.912 — 2039, 12836
  - 9.1001 — 10858
  - 9.1004 — 10858
- Part 10:
  - *Proposed rules* — 7521, 10312
  - 10.2 — 4761
  - 10.55 — 4761
  - 10.159 — 4761
  - 10.161 — 4761
  - 10.255 — 11737
- Part 11:
  - *Proposed rules* — 1551, 3194, 3516, 6757, 8481, 10312
  - 11.3 — 4761, 8467
  - 11.7 — 8468
  - 11.56 — 4762
  - 11.58 — 8468
  - 11.158 — 4762
  - 11.160 — 4762
  - 11.254 — 8468
  - 11.302 — 5061
  - 11.304 — 8468
  - 11.354 — 8468
  - 11.404 — 8468
  - 11.454 — 8468
  - 11.501 — 3256
  - 11.504 — 8468
  - 11.601–11.613 — 13098
- Part 12 — 6519
  - *Proposed rules* — 2686, 7520, 8989, 11281, 11282, 12515
  - 12.27 — 13101
  - *Prior to reissuance:*
    - 12.0 — 1239
    - 12.9–12.10 — 4762
    - 12.20 — 1239
    - 12.21 — 1239
    - 12.22 — 1283
    - 12.23 — 1239
    - 12.24 — 4940
    - 12.27 — 1239, 4940
    - 12.28 — 1283
    - 12.29 — 1239
    - 12.42–12.44 — 1240
    - 12.45 — 1283
    - 12.46 — 1240
    - 12.47 — 4940
    - 12.48–12.49 — 1284
    - 12.50 — 1240
    - 12.60 — 4762
    - 12.62 — 4940
    - 12.63 — 4940
    - 12.65 — 1240, 4940
    - 12.111 — 1240, 5623
    - 12.114 — 1241
- Part 13:
  - *Proposed rules* — 1148, 2855, 2856
  - 13.2 — 3305
  - 13.3 — 3305
  - 13.5 — 3306, 9692
  - 13.22 — 3306
  - 13.25 — 3306
  - 13.28 — 3306
  - 13.61 — 3306
  - 13.62 — 3306
  - 13.94 — 9692

TITLE 47—Continued Page

Chapter I—Continued
- Part 14:
  - *Proposed rules* — 909
  - 14.71–14.74 — 4550, 4760
- Part 16:
  - *Proposed rules* — 1551, 3194, 8481, 10312
  - 16.6 — 4762, 8468
  - 16.56 — 4763
  - 16.58 — 8469
  - 16.158 — 4763
  - 16.160 — 4763
  - 16.355 — 8468
- Part 17 — 88
  - 17.3 — 3191
- Part 18:
  - 18.1 — 1284, 7827
- Part 19:
  - *Proposed rules* — 11738
  - 19.2 — 4763
  - 19.14 — 92, 4763
  - 19.33 — 92
  - 19.64–19.65 — 4764
- Part 20 — 2080
  - 20.8–20.9 — 4764
  - 20.14 — 4764
- Part 25:
  - *Proposed rules* — 12438, 12911
- Part 31:
  - *Proposed rules* — 2938, 4341
  - 31.01–1 — 4341
  - 31.01–2 — [4341]
  - 31.100:4 — 5872
  - 31.614 — 5872
  - Appendix A — 5872
- Part 33:
  - *Proposed rules* — 2938
  - 33.1 — 4496
  - 33.11 — 4496
  - 33.12 — 4496
  - 33.91 — 4497
- Part 34:
  - 34.1–6–1 — 2600
- Part 51 — 11189
  - *Proposed rules* — 9170
  - 51.36 — 11343
- Part 64:
  - *Proposed rules* — 4342
  - 64.310 — 5134

TITLE 49

Chapter I:
- Part 7:
  - 7.31 — 6754
  - 7.33 — 6754
  - 7.36b — 6754
  - 7.37–7.39 — 6754
  - 7.73–7.74 — 3587
  - 7.76 — 5061
  - 7.78 — 3587
  - 7.80–7.85 — 6754
  - 7.80 — 7827
  - 7.86 — 6754
- Part 10:
  - *Proposed rules* — 6256, 6802, 8049, 8745
  - 10.108 — 12272
  - 10.138 — 8742
  - 10.270½ — 13145
  - 10.331½ — 13145
  - 10.380 — 9288
  - 10.381 — 9288
  - 10.392 — 9288
  - 10.393 — 9288
  - 10.403 — 12272
  - 10.503 — 7618
  - 10.504 — 7618
  - 10.505 — 7619
  - 10.506 — 7619
  - 10.507 — 7619

TITLE 49—Continued Page

Chapter I—Continued
- Part 10—Continued
  - 10.509 — 7619
  - 10.536 — 7619
  - 10.537 — 7619
  - 10.538 — 7619, 12272
  - 10.539 — 7619
  - 10.540 — 7619
  - 10.542 — 7619
  - 10.815 — 11183
- Part 14:
  - *Proposed rules* — 8745
- Part 16:
  - *Proposed rules* — 8745
- Part 18:
  - *Proposed rules* — 8745
- Part 20:
  - *Proposed rules* — 8745
  - 20.412 — 11966
- Part 24:
  - *Proposed rules* — 8745, 9582
  - 24.339 — 13146
  - 24.389 — 13146
  - 24.439 — 13146
  - 24.489 — 13146
- Part 31 — 13101
- Part 56:
  - 56.25 — 2398
- Part 71:
  - *Proposed rules* — 4201
  - 71.13 — 5322
- Part 72:
  - *Proposed rules* — 4201, 6532, 10029, 10271, 13003
  - 72.5 — 5322, 9372, 11775
- Part 73:
  - *Proposed rules* — 4201, 6532, 10030, 10271, 13003
  - 73.8 — 5322
  - 73.22 — 9372
  - 73.25 — 9372
  - 73.29 — 5322
  - 73.31 — 9372, 9665, 11775
  - 73.33 — 11775
  - 73.34 — 9373
  - 73.51 — 11775
  - 73.53 — 5323
  - 73.54 — 11775
  - 73.56 — 11775
  - 73.57 — 11775
  - 73.58 — 11775
  - 73.59 — 11775
  - 73.60 — 11775
  - 73.62 — 11775
  - 73.63 — 11775
  - 73.64 — 11775
  - 73.65 — 5323, 11775
  - 73.66 — 11775
  - 73.67 — 11775
  - 73.68 — 11776
  - 73.69 — 11776
  - 73.70 — 11776
  - 73.71 — 11776
  - 73.72 — 11776
  - 73.73 — 11776
  - 73.74 — 11776
  - 73.75 — 11776
  - 73.76 — 11776
  - 73.77 — 11776
  - 73.78 — 11776
  - 73.79 — 11776
  - 73.88 — 9373
  - 73.89 — 11776
  - 73.90 — 11776
  - 73.92 — 11776
  - 73.93 — 5323, 9373, 11776
  - 73.94 — 5323, 9373, 11777
  - 73.100 — 5323, 9374, 11777
  - 73.107 — 5323
  - 73.108 — 9374

TITLE 49—Continued Page

Chapter I—Continued
- Part 73—Continued
  - 73.116 — 5323
  - 73.118 — 9374, 11777
  - 73.119 — 5323, 9374
  - 73.124 — 5324, 9374, 11777
  - 73.138 — 5324
  - 73.139 — 9374, 11777
  - 73.140 — 9374
  - 73.141 — 11777
  - 73.153 — 5324
  - 73.154 — 5324
  - 73.156 — 5324
  - 73.158 — 11777
  - 73.163 — 5324, 9374
  - 73.168 — 5324
  - 73.175 — 5324
  - 73.176 — 9374
  - 73.178 — 5324
  - 73.190 — 11778
  - 73.195 — 5324
  - 73.197 — 5324
  - 73.201 — 5324
  - 73.203 — 5324
  - 73.204 — 5324
  - 73.206 — 5324, 9374, 11778
  - 73.207 — 5324
  - 73.208 — 9374
  - 73.217 — 11778
  - 73.222 — 5325
  - 72.223 — 5325
  - 73.227 — 5325, 5768, 9375
  - 73.241 — 11778
  - 73.245 — 9375, 11778
  - 73.246 — 9375
  - 73.247 — 9375, 11778
  - 73.248 — 9375, 11778
  - 73.254 — 5325, 9375
  - 73.255 — 9375
  - 73.257 — 11778
  - 73.261 — 5325
  - 73.262 — 9375, 11778
  - 73.263 — 11778
  - 73.264 — 9375, 11778
  - 73.265 — 9375, 11778
  - 73.266 — 5325, 11778
  - 73.267 — 9375, 11779
  - 73.268 — 9375, 11779
  - 73.269 — 11779
  - 73.271 — 11779
  - 73.272 — 11779
  - 73.274 — 9375
  - 73.275 — 5325
  - 73.277 — 11779
  - 73.278 — 11779
  - 73.283 — 9375
  - 73.284 — 9376
  - 73.285 — 9376
  - 73.289 — 5325, 11779
  - 73.291 — 11779
  - 73.301 — 5325
  - 73.306 — 9376, 9665
  - 73.307 — 9376
  - 73.308 — 9376
  - 73.309 — 5325
  - 73.311 — 9376
  - 73.312 — 9376
  - 73.314 — 5325, 5326, 9377
  - 73.326 — 9377
  - 73.329 — 5326, 9377
  - 73.332 — 9378
  - 73.334 — 5326, 9378, 9665
  - 73.336 — 9378
  - 73.345 — 5326, 9378, 11779
  - 73.346 — 9378
  - 73.347 — 9378
  - 73.352 — 9378
  - 73.353 — 5326, 9378, 11779
  - 73.354 — 9378
  - 73.356 — 5326

TITLE 49—Continued Page
Chapter I—Continued
Part 73—Continued
73.357 ... 9378, 11779
73.358 ... 11779
73.359 ... 11779
73.364 ... 11780
73.365 ... 9379
73.367 ... 9379
73.369 ... 9379
73.370 ... 9379
73.373 ... 5326, 9379
73.374 ... 5326, 9379
73.377 ... 11780
73.378 ... 11780
73.392 ... 5326, 9379
73.395 ... 9379, 9665
73.396 ... 9379, 11780
73.402 ... 9380
73.403 ... 9380
Part 74:
Proposed rules ... 4201, 6540, 10034, 13008
74.502 ... 11780
74.505 ... 5326
74.526 ... 5326
74.529 ... 5326
74.532 ... 5327
74.538 ... 11780
74.541 ... 9380, 11780
74.555 ... 11781
74.584 ... 5327, 5768, 11781
74.589 ... 5327
74.595 ... 5327
74.601 ... 11781
Part 75:
Proposed rules ... 4201, 10035, 13009
75.655 ... 11781
75.675 ... 9380
Part 77:
Proposed rules ... 4201, 10035, 13009
77.805 ... 5327
77.840 ... 5327
77.841 ... 11781
77.848 ... 11781
77.857 ... 11781
Part 78:
Proposed rules ... 4201, 4277, 6540, 10035, 10271, 13009
78.1–7 ... 11781
78.7—78.7–8 ... 11781
78.38–13 ... 11783
78.43–9 ... 9380
78.50–13 ... 11783
78.51–10 ... 5327
78.51–13 ... 11783
78.51–17 ... 5327
78.51–20 ... 5328, 9380
78.55–2 ... 5328
78.59–12 ... 5328
78.59–16 ... 5328
78.60–4 ... 5328, 9381
78.60–14 ... 5328
78.60–20 ... 5328
78.80–8 ... 9381
78.83–11 ... 5329, 9381
78.86–8 ... 9381
78.98–6 ... 9381
78.99–6 ... 9381
78.100–6 ... 9381
78.107–9 ... 5329
78.108–9 ... 5329
78.109–9 ... 5329
78.116–8 ... 5329
78.125–5 ... 5329
78.126–5 ... 5329
78.127–5 ... 5329
78.128–5 ... 5329
78.129–5 ... 5329
78.136–9 ... 5329
78.205–28 ... 5329

TITLE 49—Continued Page
Chapter I—Continued
Part 78—Continued
78.214–8 ... 11783
78.214–14 ... 5330
78.214–15 ... 9381, 11783
78.222–4 ... 11783
78.223–4 ... 11783
78.257–78.293:
78.271 ... 11783
78.280 ... 11783
78.283 ... 11784
78.285 ... 11784
78.286 ... 11784
78.287 ... 11784
78.288 ... 11784
78.289 ... 11785
78.291 ... 5330, 5768
78.292 ... 5336
78.293 ... 5337, 5768, 9381
Appendix C ... 5340
78.321–5 ... 11785
78.321–11—78.321–13 ... 11785
78.321–14 ... 11786
78.321–18 ... 11786
Part 91:
91.205 ... 1019, 11966
Part 92:
Proposed rules ... 2235
Part 95:
95.95 ... 3619
95.851 ... 990, 4550, 5061, 10994
95.856 ... 818, 2894, 3619, 3929, 10560
95.858 ... 819, 1284, 1678, 2005, 4550, 9901, 13102
95.859 ... 819, 3133
95.860 ... 819, 4551, 10994
95.865 ... 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102
95.866 ... 2894, 13102
95.867 ... 2895, 6184, 12096
95.868 ... 2895, 6184, 12096
95.869 ... 2040, 3619, 10994
95.870 ... 2895, 6843, 10995
95.871 ... 2895, 6843, 10750, 10995
95.872 ... 1549, 2637, 5658, 8184, 10560
95.873 ... 1131, 7359
95.874 ... 2040, 3134, 9249
95.875 ... 3133, 9900
95.876 ... 3620, 4276, 9900
95.878 ... 5768, 6135, 12096
95.879 ... 6531
95.880 ... 8681
95.881 ... 10130
Part 97:
97.562 ... 4551
97.877 ... 4940, 8583, 8681, 12097
Part 101 ... 9901
Prior to revision:
101.2 ... 2708, 3441
101.4 ... 2708, 3441
101.8 ... 2709, 3441
101.10 ... 2709, 3441
101.14 ... 2709, 3441
101.101 ... 2709, 3441
Part 120:
Proposed rules ... 7724
120.11 ... 1595, 12837
120.12 ... 233, 12097
120.14 ... 12097
120.21 ... 11456
120.61 ... 11456
120.70 ... 12231
120.70a ... 12231
120.80 ... 645
Part 122:
122.21 ... 7288

TITLE 49—Continued Page
Chapter I—Continued
Part 123:
123.1–123.5:
123.1–123.2 ... 11838, 12999
123.5 ... 11839, 12999
Appendix II ... 11839, 12999
Part 133:
133.0–133.1 ... 11277
Part 139:
139.7 ... 3349
Part 148:
148.8 ... 7771
Part 168:
168.1 ... 3587
Part 170:
170.1 ... 11786
170.11–170.12 ... 11787
Part 173:
173.2 ... 11605
Part 174:
174.1 ... 2154
174.2 ... 3588, 5539
174.7 ... 6755
Part 179:
Proposed rules ... 2768
179.1 ... 7771
179.6 ... 5062
Part 181:
Proposed rules ... 8745
Part 182:
Proposed rules ... 6777, 8745, 11615
182.01–25 ... 12837
182.01–27 ... 8742
182.1170 ... 12837
182.1800 ... 12837
182.4185 ... 12837
182.4191 ... 12837
182.4196 ... 12837
182.4270 ... 12837
182.4271–182.4279 ... 12838
182.4285 ... 12838
182.4385 ... 12838
182.4391 ... 12838
182.4396 ... 12838
182.4485 ... 12839
182.4585 ... 12839
182.4685 ... 12839
182.4691 ... 12839
182.4696 ... 12839
182.5300–182.5390 ... 12839
Parts 190–194:
Proposed rules ... 23, 44
Part 196:
Proposed rules ... 23, 44
Part 205:
Proposed rules ... 6869, 7774
205.1 ... 285
205.3 ... 3409
205.4 ... 3535
205.11 ... 8185
205.12 ... 8185
Part 207 ... 4804, 7329, 8469, 12097
Part 211:
211.1 ... 11278
211.2 ... 6256
Part 301:
301.10 ... 2127, 12199
301.30 ... 12199
Part 323:
Proposed rules ... 8745
Part 324:
Proposed rules ... 8745, 9582
324.414 ... 13146
Part 400 ... 5623
Proposed rules ... 2367
Prior to revision ... 3838
Part 405:
405.3 ... 3588, 5539
405.8 ... 6754, 6755, [7828]

TITLE 49—Continued Page
Chapter I—Continued
Part 420:
420.2a ... 9816
Part 440:
Proposed rules ... 8745
Part 445:
445.1 ... 1902, 12231
445.2 ... 12231
Chapter III:
Part 600:
600.23–600.24 ... 6949
600.25 ... 6949

TITLE 50
Chapter I:
Part 6:
Proposed rules ... 4983
6.1–6.12 ... 7513
6.3 ... 8894
6.4 ... 7938, 8894, 8895, 9249
6.8 ... 7938
6.51–6.73 ... 8896
Part 17:
Proposed rules ... 7025
17.4 ... 9665
17.5 ... 10948
17.7 ... 1639, 8113, 8184, 10948, 12095, 12703
Part 31:
31.216–31.217 ... 9783
31.243–31.250 ... 10561
31.261–31.264 ... 10312
31.287 ... 7938
Part 32:
32.201–32.205 ... 5345
Part 33:
33.9 ... 990
33.39 ... 7517
33.55 ... 4201
33.58–33.60 ... 8896
33.71–33.72 ... 7264
33.76 ... 7264
33.78–33.79 ... 7264
33.81–33.83 ... 10750
Prior to revocation ... 7828
33.101–33.102 ... 7938
33.106 ... 7939
33.108 ... 7939
33.121–33.124 ... 10028
33.181–33.183 ... 11656
33.221 ... 2683
33.246–33.249 ... 10087
33.351–33.353 ... 11656
Part 34:
34.37 ... 233
34.38 ... 9528
34.39 ... 233
34.40–34.41 ... 233
34.42 ... 233
34.47–34.49 ... 10750
34.75–34.80 ... 7994
34.88 ... 11738
34.131–34.132 ... 716
34.134–34.136 ... 716
34.186 ... 11313
34.188 ... 11313
Part 36:
36.11 ... 8849
36.13 ... 8849
Part 41 ... 4941
Part 46:
Proposed rules ... 1147
46.21 ... 3801
46.56 ... 3801
46.59 ... 3801
46.65 ... 3801
46.100–46.101 ... 3801
46.103–46.108 ... 3801
46.104 ... 5227
46.110 ... 3802, 3949

TITLE 50—Continued Page
Chapter I—Continued
Part 46—Continued
46.126 ... 3802
46.128–46.131 ... 3802
46.132 ... 2154, 3802
46.134 ... 3802
46.144 ... 3802
46.151 ... 3802
46.155–46.156 ... 3802
46.172 ... 3803
46.175 ... 3803
46.189 ... 3803
46.193–46.195 ... 3803
46.198 ... 3803
46.200 ... 3803
Part 101:
101.1 ... 2154
101.9 ... 2154
101.13 ... 2154
101.15–101.16 ... 2154
Part 102:
Technical amendment ... 2155
102.3 ... 2154
102.3a ... 2154
102.4 ... 2154
102.5 ... 2154
102.7 ... 2154
102.8a ... 2154
102.14 ... 2154, 4497
102.16 ... 2155
102.16a ... 2155, 4497
102.17 ... 2155
102.19 ... 2155
102.19a–102.20 ... 2155
102.28 ... 2155, 4497
102.30 ... 2155
102.50 ... 2155
Part 103:
103.2 ... 2155
103.4–103.5a ... 2155
103.7 ... 2155
Part 104:
104.5 ... 2155
104.7a ... 4497
104.13 ... 2155
104.15 ... 2155
104.15a ... 2155
104.20 ... 2155
104.50 ... 2155
Part 105:
Technical amendment ... 2156
105.4 ... 2155
105.7 ... 2156
105.11 ... 2156, 4497
105.18 ... 2156
105.19 ... 2156
Part 107:
Technical amendment ... 2156
107.2 ... 2156
107.4 ... 2156
107.7 ... 2156, 4497
107.14 ... 2156
107.15 ... 2156
Part 108:
108.2 ... 2156
108.3 ... 2156
108.3c ... 2156
108.4 ... 2156
108.5 ... 2156
108.8–108.9 ... 2156
108.10 ... 2156
108.14 ... 2156
108.15 ... 2156
108.17 ... 2156
108.23 ... 2156
108.24 ... 2156
Part 109:
109.2 ... 2156
109.2a ... 2156

TITLE 50—Continued Page
Chapter I—Continued
Part 109—Continued
109.5a ... 4497
109.7 ... 6868
109.15 ... 2156
109.16 ... 2156
109.50 ... 2157
109.51 ... 2157, 4497
Part 110:
110.2 ... 2157
110.3–110.4 ... 2157
110.5–110.7 ... 2157
110.9 ... 2157
110.11 ... 2157
Part 111:
Technical amendment ... 2157
111.9 ... 2157
111.11 ... 2157
111.12 ... 2157, 4497
111.20–111.21 ... 2157
Part 112:
112.2 ... 2157
112.5–112.6 ... 2157
112.8 ... 2157, 4497
112.11 ... 2157
112.15–112.16 ... 2157
112.50–112.51 ... 2157
Part 113:
113.3 ... 2157
113.5–113.6 ... 2157
113.8 ... 2158, 4497
113.11 ... 2158
Part 114:
114.2 ... 2158
114.2a ... 2158
114.3 ... 2158
114.4 ... 2158
114.5 ... 2158
114.8 ... 2158
114.9 ... 2158
114.10 ... 2158
Part 115:
115.2 ... 2158
115.5 ... 2158
115.5a ... 2158
115.6c–115.6e ... 2158
115.9 ... 2158
Part 116:
116.3 ... 2158
116.5 ... 2158
116.6a ... 2158
116.6c ... 2158
116.10 ... 2158
116.11 ... 2158
116.12 ... 2158
Part 117:
117.3–117.4 ... 2158
117.5–117.7 ... 2158
117.8 ... 2158
117.10 ... 2158
Part 118:
118.4 ... 2158
118.5–118.6 ... 2158
118.7 ... 2159
118.8 ... 2159
118.9a–118.9b ... 2159
118.12 ... 2159
118.17 ... 2159
Part 119:
119.3 ... 2159
119.4 ... 2159
119.5 ... 2159
119.7 ... 7684
119.9 ... 7684
119.10 ... 2159, 8115
Part 120:
120.3 ... 2159
120.3a ... 2159
120.5 ... 2159
120.5a ... 2159

TITLE 50—Continued	Page
Chapter I—Continued	
Part 121:	
121.3–121.4	2159
121.8	2159
121.11	2159
Part 122:	
122.4–122.5	2159
122.5a	2159
Part 123:	
123.3–123.4	2159

TITLE 50—Continued	Page
Chapter I—Continued	
Part 124:	
124.3	2159
124.9	2159
Chapter II	2508
Part 161	2509
Proposed rules	1147
Part 162	2509
Proposed rules	1147

TITLE 50—Continued	Page
Chapter II—Continued	
Part 163	2510
Proposed rules	1147
Part 164	2510
Proposed rules	1147
Part 165	2510
Proposed rules	1147
Chapter III:	
Part 301	3803

U. S. GOVERNMENT PRINTING OFFICE: 1952

VOL 16

JAN



Volume 16 INDEX, JANUARY 1951 Nos. 1–21

A

ACCOUNTS BUREAU. *See* Treasury Department. Page

ADVISORY COMMITTEES. *See* Committees, boards, etc.

AGRICULTURE DEPARTMENT:

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Forest Service.
Rural Electrification Administration.

Administration:
Committees, boards, etc.:
County committees of Production and Marketing Administration; chairmen as contracting officers for Commodity Credit Corporation. *See main heading* Commodity Credit Corporation.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Foreign Supplies and Requirements, Committee on, established in Office of Defense Mobilization; representation on 649
Interagency Advisory Committee on Domestic Transport, Storage, and Port Utilization, establishment by Defense Transport Administrator; representation on 585
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act:
Delegation of authority, etc., respecting various matters pursuant to. *See main headings* Defense Mobilization, Office of; *and* Defense Production Administration.
Functions under; Executive order respecting. *See main heading* Presidential documents.
Disaster areas; designation of counties in various States and island of Puerto Rico as disaster areas having need for agricultural credit due to drought, freezes, excessive rainfall, insect infestation, etc 590
Surplus property disposal; delegation of authority to Secretary by General Services Administration respecting disposal of excess telephone and power lines of Department 397
Yugoslav Emergency Relief Assistance Act, transfer of funds to Department for administration of; Executive order respecting. *See main heading* Presidential documents.
Agricultural adjustment; commodity marketing quotas:
Corn; 1951:
Acreage allotments; no determination respecting 277
Commercial corn-producing area for; no establishment respecting 277
Peanuts; proclamation of referendum results on marketing quotas for 1951, 1952, and 1953 337
Rice, 1950 crop, regulations; apportionment of national acreage allotment among States, revised 279

AGRICULTURE DEPARTMENT—Continued Page

Agricultural adjustment; commodity marketing quotas—Continued
Tobacco; 1951–52:
Cigar-filler, and cigar-filler and binder; referendum results 67
Maryland; referendum results 67
Wheat, 1951, regulations; acreage allotments:
National; termination 277
State, county, and farm; termination 277
Commodities and supplies; regulations, etc.:
Citrus fruits. *See* Fruits and vegetables.
Corn; marketing quotas. *See* Agricultural adjustment, *above*.
Cream. *See* Milk, cream and byproducts.
Dairy products; milk, cream, and byproducts. *See* Milk, cream, and byproducts.
Food:
See also specific commodities.
Food commodities acquired through price support operations, disposal of. *See main heading* Commodity Credit Corporation.
Fruits and vegetables; handling of various fruits and vegetables:
Citrus fruits, grown in various States:
Arizona:
Grapefruit; limitation of shipments 341
Lemons; limitation of shipments 155, 341, 533, 763
Oranges; limitation of shipments 160, 342, 533, 764
California:
Grapefruit (Imperial and Riverside Counties); limitation of shipments 341
Lemons; limitation of shipments 155, 341, 533, 763
Oranges; limitation of shipments 160, 342, 533, 764
Florida, oranges, grapefruit and tangerines grown in; limitation of shipments:
Grapefruit 339, 531
Oranges 337, 529, 761
Tangerines 153, 340, 532, 763
Peaches:
Grown in Colorado (Mesa County); administrative rules and regulations 307
Grown in Georgia; proposed findings and determination respecting continuation in effect of amended marketing agreement and order 323
Pears, Bartlett, grown in California; committee regulations respecting daily shipments and storage holding reports, proposed rule making 552
Plums, grown in California; committee regulations respecting daily shipments and storage holding reports, proposed rule making 552
Potatoes, Irish; grown in various States and production areas:
California (Modoc and Siskiyou Counties):
Budget of expenses and fixing rate of assessment for fiscal year ending June 30, 1951; approval of 160
Limitation of shipments 3
Connecticut. *See* Massachusetts.
Idaho (certain designated counties); limitation of shipments 1

7000—51——1

AGRICULTURE DEPARTMENT—Continued Page

Commodities and supplies; regulations, etc.—Con.
Fruits and vegetables; handling of various fruits and vegetables—Continued
Potatoes, Irish; grown in various States and production areas—Continued
Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont:
Budget of expenses and rate of assessment for fiscal year ending May 31, 1951; approval of 305
Exemption certificates and safeguards 907
Limitation of shipments 493
New Hampshire. *See* Massachusetts.
Oregon:
Crook, Deschutes, Jefferson, Klamath, and Lake Counties:
Budget of expenses and fixing rate of assessment for fiscal year ending June 30, 1951; approval of 160
Limitation of shipments 3
Malheur County; limitation of shipments 1
Rhode Island. *See* Massachusetts.
South Dakota (eastern production area); limitation of shipments 883
Vermont. *See* Massachusetts.
Washington; limitation of shipments 3
Grapefruit. *See* Fruits and vegetables.
Lemons. *See* Fruits and vegetables.
Livestock; inspection:
At various stockyards: *See* Packers and Stockyards Division, *below*.
Regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
Meats, prepared meats and meat products; standards:
Veal and calf carcasses; proposed revision of standards 861
Vealers and slaughter calves; proposed revision of standards 861
Milk, cream and byproducts:
Cream, for use in manufacture of butter, standards for grades; proposed rule making 860
Handling in various marketing and sales areas; amendments to marketing agreements and orders, etc.:
Illinois:
Chicago 191
Suburban area 191
Rockford-Freeport 191
Southern marketing area 179, 191
Indiana; South Bend-La Porte 308, 730
Kentucky; Ashland (Tri-State) 98, 881, 864
Minnesota; Duluth-Superior 92, 155
Missouri:
Kansas City (Greater) 67
St. Louis suburban area 168, 179, 645
Springfield 463, 472
Ohio:
Cincinnati 98, 194
Columbus 691, 796
Marietta, Ironton, Gallipolis, etc. (Tri-State) 98, 881, 864
Toledo 321
Pennsylvania; Philadelphia 502
West Virginia; Huntington and Parkersburg (Tri-State) 98, 881, 864
Wisconsin; Superior-Duluth 92, 155
Molasses, sugarcane, edible, proposed standards for; extension of time for filing written data, views, etc., respecting 729
Oranges. *See* Fruits and vegetables.
Peaches. *See* Fruits and vegetables.
Peanuts; marketing quotas. *See* Agricultural adjustment, *above*.
Pears. *See* Fruits and vegetables.
Plums. *See* Fruits and vegetables.
Potatoes. *See* Fruits and vegetables.
Rice:
Marketing quotas. *See* Agricultural adjustment.
Standards; proposed revisions:
Brown rice 771
Milled rice 771
Rough rice 771

AGRICULTURE DEPARTMENT—Continued Page

Commodities and supplies; regulations, etc.—Con.
Sirup, sugarcane, proposed standards for; extension of time for filing written data, views, etc., respecting 729
Sugar regulations:
Prices, sugarcane; Virgin Islands, 1951 crop 116
Wage rates; sugarcane:
Hawaii; 1951 114
Virgin Islands; 1951 115
Louisiana (production and cultivation), 1951; proposed rule making 385
Tangerines. *See* Fruits and vegetables.
Tobacco; marketing quotas. *See* Agricultural adjustment, *above*.
Veal. *See* Meat.
Vegetables. *See* Fruits and vegetables.
Wheat; marketing quotas. *See* Agricultural adjustment, *above*.
Export and diversion programs, for honey:
Diversion program (marketing season 1950):
Claims:
Period for filing 113
Proof of 113
Information and forms 113
Periods for diversion 113
Records and accounts 113
Export program (marketing year 1950):
Claims:
Period for filing 114
Proof of 114
Eligible destinations 493
Payment, eligibility for 113
Period for export sales 113
Period for exportation 114
Records and accounts 114
Office of the Secretary:
Agriculture-Import Order. *See* War food orders.
Disaster areas; designation of counties in various States and island of Puerto Rico as disaster areas having need for agricultural credit due to drought, freezes, excessive rainfall, insect infestation, etc 530
Surplus property disposal; delegation of authority by General Services Administrator respecting disposal of excess telephone and power lines of Department 397
War food orders; Agriculture-Import Order, Appendix A, deletion of certain items subject to order 579
Packers and Stockyards Division; notices respecting certain stockyards, commission merchants, etc.:
Posted stockyards, designation or removal as; Rapid City Livestock Sales Co 646
Rates and charges; petitions for modification:
Kansas City Stock Yards, market agencies at 285
Nashville Union Stock Yards, Inc 860
Peoria Union Stock Yards Co 14
Sioux City Stock Yards, market agencies at 462
Union Stock Yards, Ogden, Utah, market agencies at 729
Production and Marketing Administration:
Agricultural adjustment; commodity marketing quotas. *See* Agricultural adjustment.
Agriculture-Import Order. *See* War food orders.
Commodity credit. *See main heading* Commodity Credit Corporation.
County committees of; chairmen as contracting officers for Commodity Credit Corporation. *See main heading* Commodity Credit Corporation.
Crop insurance. *See main heading* Federal Crop Insurance Corporation.
Diversion programs. *See* Export and diversion programs.
Export programs. *See* Export and diversion programs.
Livestock inspection under Packers and Stockyards Act; designation of stockyards, etc. *See* Packers and Stockyards Division.
Marketing agreement and orders; specific commodities. *See under* Specific commodities.
Packers and Stockyards Act; notices, etc. *See* Packers and Stockyards Division.
Regulations respecting specific commodities. *See* Commodities and supplies.
Standards, grading, inspection; specific commodities. *See* Commodities and supplies.

AGRICULTURE DEPARTMENT—Continued Page

Production and Marketing Administration—Con.
Sugar; wage and price determinations. *See* Commodities and supplies.
War food orders; Agriculture-Import Order, Appendix A, deletion of certain items subject to order 579
Puerto Rico, designation of, as disaster area having need for agricultural credit. *See under* Administration.
Stockyards; orders, etc., respecting. *See* Packers and Stockyards Division.
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Surplus property disposal; authority of Secretary respecting disposal of telephone and power lines of Department. *See under* Administration.
War food orders. *See* Production and Marketing Administration.
Yugoslav Emergency Relief Assistance Act, administration of; Executive order respecting. *See main heading* Presidential documents.

AIR FORCE DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Air Force; civil air regulations respecting air traffic rules. *See main heading* Civil Aeronautics Board.
Career Compensation Act; allowances for quarters, pursuant to, Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; modification of functions of Department under act, respecting guarantee of loans, Executive order respecting. *See main heading* Presidential documents.
Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices. *See main heading* Defense Department.
Pay, allowances, etc., for personnel pursuant to Career Compensation Act; allowances for quarters, Executive order respecting. *See main heading* Presidential documents.
Regulations:
Enlistment:
Enlisted Reserve. *See* Reserve forces.
In grades appropriate to training and experience. *See* Personnel.
Personnel; enlistment in grades appropriate to training and experience, revision 641
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.
Reserve forces:
Enlisted Reserve; enlistment and re-enlistment 639
Enlisted Reserve Corps; applicability of Army Department regulations revoked 639
Officers' Reserve; active duty:
Short tours for training of individuals and units; revision 165
Special short tours for medical and dental officers; revision 165

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, aircraft; investigation of. *See* Civil Aeronautics Board.
Aviation Defense Requirements, Office of; establishment in Civil Aeronautics Administration. *See* Civil Aeronautics Administration.
Civil aircraft, navigation, etc., regulations respecting. *See* Civil Aeronautics Administration, *and* Civil Aeronautics Board.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas over military installations, etc., civil air regulations respecting. *See* Civil Aeronautics Board.
Labor dispute involving air carriers and employees, emergency board to investigate; Executive order respecting. *See* Presidential documents.
Public airports, Federal aid for development of. *See* Civil Aeronautics Administration.
ALASKA; public lands in. *See* Land Management Bureau.

ALIEN PROPERTY, OFFICE OF: Page

Blocked assets, licensing authority in connection with; delegation of authority to Chief, Foreign Funds Section and others 437
Claims. *See* Procedure.
Germany; vesting orders for property of:
Accounts owned by; indebtedness of various banks:
Chase National Bank of New York 565
National City Bank of New York 443
Conversion Office for German Foreign Debts 296
297, 298, 630, 632 636
Debt of Topken & Farley to German Government 293
Funds in Special Deposit Account No. 3, Treasury Department of the United States 593
Rights in motion pictures owned by German nationals and Government 437
Japan; rights in motion pictures owned by Japanese 437
Organization and delegations of final authority; delegation to Chief, Foreign Funds Section and others concerning blocked assets 437
Procedure, rules of; debt claims, time for filing debt claims, bar dates for claims in respect of debtors whose property was vested July 1–December 31, 1949 276
Vesting orders, etc.:
Copyrights:
Akademische Verlagsgesellschaft Athenaion m. b. H 749
Biondi, Georg 750
Bonz, Adolf 749
Deutsche Verlagsanstalt 749
Eckart-Verlag 749
Eysler, Dr., & Co 749
Fleischel, Egon 749
Franke, Paul 749
Insel-Verlag 750
Muller, Albert Lange-Georg 749
Muller, Georg, Verlag AG 749
Reclam, Philipp 749
Seifert, Walter 749
Staackmann, L 749
Costs incurred in court actions in New York State 379
Return of vested property:
Altschul, Hugo and Emil 636
Bank of America National Trust and Savings Association (administrator), estate of Nicola Bonfiglio 219
Baret, Albert Fernand Joseph 303
Bartel, Gustav Adolph 920
Behrendt, Johanna Eleonore 920
Behrens, Wilhelmina 252
Belz, Frieda Monheimer 528
Eleriot Aeronautique Societe Anonyme 59
Bonfiglio, Cecilia 219
Bonfiglio, Nicola 219
Carnier, Paul 636
Chauvin, Andre Antoine 276
Chobert, Jacques Francois G 452
Corset, Lucien Alfred Maurice 415
Crohn (Happ), Berthold 636
Crohn de Schlesinger, Margot 636
Cuneo, Dusolina Queirclo 219
Dagorno, Jeanne Berthe Marie 59
Del Drago, Clemente and Marcel 790
Dosch, Rudolph 252
Dubusc, Roger 790
Ecker, Emma 219
Fagliano, Santiago, et al 707
Faiveley, Louis 707
Frissora, Ginevra and Marianna Tiberi 59
Fritze, Emily 636
Hammer-Purgstall, Arthur 668
Heinenbrock, Antjelina 527
Hirschland, Henriette H 415
Lehmann, Gerard 452
Levy, Jacques 452
Magis, Auguste Adelin Gustave 416
Monheimer, Otto 528
Muraoka, Midori Beatrice 219
Nanassy-Megay, Joyce 304
Orfi, Emilie 452
Polek, Anna M. and Bernard G 415
Poszich, Enid May 415
Prat, Emile and Prat-Daniel S. A 252
Pronio, Lucia F 60
Rarama, Generosa A 452

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property—Continued
Rothschild, Recha 416
Sallot, Louis Edouard 452
Schoen, Catherine 636
Schubert, Maria 415
Schuermans, Maurice Florent Edmond 303
Servos, Mrs. Margot Noafeldt 920
Share, Hansi 920
Shimoda, Toshio 220
Singer, Rebeca Little 668
Sinicropi, Jessie Miller 668
Spinosa, Margherita F 60
Strakosch, Mika Marie 59
Traverso, Aurelia and Paulino 218
Trefileries et Laminoirs du Havre 667
Van Lammeren, Willem P 276
Verderber, John 451
Viggiani, Raffaele, et al 668
Von Arnim, Hermann 572
Von Stackelberg, Ellen Biddle 451
Weber, Anna Maria 635
Winslow, Mrs. Ottilie Franke M 59
Various interests, in estates, litigation proceedings, etc.:
AEG Cia Argentina de Electricidad, S. A 661
Abrams, Maria Helena, Lambert J., Karl Franz, and Johannes Henry 875
Acker, Margareta et al 596
Agemura, Masami and Saki 269
Ahrens, Gesine Anna Margareta 875
Akiyama, Michiharu 655
Albers, Klaus et al 488
Albert, Fritz E 206
"Albingia" Versicherungs A. G 329
Albrecht, Karl Friedrich 206
Allgemeine Elektricitaets-Gesellschaft 661
Allmendinger, Benedict 785
Alsleben, Franz Friedrich 423
Alsleben, Roswitha 523
Amelung, Rosa 151
Aoki, Kikutaro and Shuntaro 365
Aoki, Tokumon and Hisako Kuriyama 750
Aoki, Yasuharu 294
Arima, Chiyeko and Rev. Hajime 365
Arita, Toshihiko and Gentaro 635
Arnold, Gertrude and Rudolph 207
Arts, Franz and Leonhard 874
Arts, Gerard 207
Assemacher, Thomas 377
Bader, Karoline 243
Baer, Hattie (Jettchen) 660
Bahr, Herbert Karl Friedrich 748
Baldus, Louise Emilie 918
Banco Aleman Transatlantico 918
Banco Alemao Transatlantico
Banco de Chile y Alemania en Liquidation, bank account in Chase National Bank of New York 294
Bartlewski, Elizabeth, Frantz Josef and Kurt 331
Bauer, Fanny 150
Bauer, Paula and Friedrich et al 572
Bauer, Pauline 208
Bauereiss, Eva Barbara 659
Baumanns, Gertrud Beerden (Traudchen) 874
Baumwoll-Handelsgesellschaft, m. b. H 295
Baunach, Karl 55
Becker, Sette 403
Beerden, Erne and Dora Arts 874
Beerwart, Erwin 330
Begauhr, Annemarie 488
Behrens, Rosalie 701
Behrman, Meta 636
Belz, Ferdinand and Mathilde Louise 269
Berg, Franz 410
Berliner Kraft und Licht (Bewag) A. G 106
Berz-Schmitz, Franz 755
Betien, Carl, Heinrich, Ludwig 302
Beyer, Elizabeth 151
Bezold, Katharina 523
Bierwirth, Heinrich Conrad, and Harvard Trust Co., trust agreement 788
Bierwirth, Lena 107
Binder, Helen 328
Bleyermueller, Adelheid (Adda) and Hermann A. E 443

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Blinten, Maria 666
Blome, Eugen, et al 521
Blumel, Alvin, Herman and Ida 402
Bock, Auguste, Friedrich, Ernest, and Anne 569
Bock, Catherine and William 208
Boernert, Hugo and Anna 524
Bollman, Albert and Kaethe 270, 331
Bormann, Martha 208
Born, August, Herbert, and Helmut 702
Bornemann, Harry 520, 785
Boss, Sophie 489
Braeuchle, Elly 524
Brandt, Henry 572
Brass, Alessandro and Lina Widgopf 276
Brau, Thomas 55
Braubach, Louis and Marie 209
Brauerei, A. G. Paulanerbrau S 55
Braun, Margarethe 659
Bredschneider, Gertrud Popper and Frederick Popper 569
Breidenbach, Ida Katharina 523
Bremerkamp, Wilhelmina 268
Brexel, Anna 658
Brill, R. A. L 295
Brinckmann, Wirtz & Co., and Dresdner Bank 296
Brinkmeier, August and Gustav 54
Broekmans Administratiekantoor N. V 487
Brose, Willy 781
Brown, Frederick W., legatees, names unknown 919
Brown, Kiku 919
Brueggestrat, Julius and Gustave 786
Bruhm, Arno F. and Ella F 209
Brundiers, Friederike Anna Marie 268
Buehler, Heinrich 328
Buettner, Babette 659
Buhler, Maria 403
Burgdorf, Martha E. and Marie 658
Burkhard, Anna 783
Burmeister, Bertha and Erick Johannes 54
Buschermohle, Mrs. Anna 209
Busselmann, Anna M 209
Cedarholm, Metta 755
Central American Trading Co. et al 565
Clasen, Engelbert L 210
Cleff, Hermann, Karl, Katherina and Peter 303
Cochrane, Theodora 144
Coenen, Mrs. Helen 666
Compania Plantaciones Conception De Guatemala et al 566
Conversion Office for German Foreign Debts 296, 297, 298, 630, 632, 656
Cremer, Mrs. Friederike 786
Czibulka, Laura 757
Dambach, Mary Arpten 144
Danker, Dietrich 53
Dau, Christina, Mimi, Ludwig, Johanas, August, and Emma 874
David, Dr. Alice and Ludwig Edward 367
Deichmann, August and Elizabeth 57
Deutsche Bank 145
Deutsche Ueberseeische Bank, A. G 918
Dilgard, Karl (Nord) 705
Dilgard, Philipp 705
Direccion del Ferrocarril Verapaz et al 568
Dittus, Elizabeth Piatek 53
Doniat, Magdalena 705
Dorn, Karl 365
Draude, George 873
Dresdner Bank and Brinckmann, Wirtz & Co 296
Dresdner Bank et al 406
Dwars, G 492
East Prussian Power Co 296
Ebeling, Adda and Hans-Wilhelm 443
Eckhardt, Gertrude 376
Edeleanu Gesellschaft m. b. H. & Texas Co (2 documents) 483, 484
Ehard, Ignaz 105
Ehlen, Adele Bach Gertha, and Werner 57
Ehler, Lene, Willi, Conrad, Karl-Heinz, and Anna 788
Ehlert, Ludwig 446
Eichel, Helene 873
Eichlinger, Richard 757

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Erndwein, Frieda O 451
Ernst, Joseph (W) 756
Evers, Dorothea and William H 377
Fa. Louise and Magin 270
Faber, Dora (Theodora) 667
Fabian, Mary 55
Familienstiftung, Eck'sche 446
Fanning, Katherine Yockel 403
Farmers' Loan & Trust Co 488
Fehrholz, Mrs. Sophie 666
Fetzer, Anna 403
Feyerabend, Frieda 879
Fischer, Martha 783
Flegel, Frieda 144
Fleischhut, Richard 573
Fleischmann, Alfred 523
Flinte, Helmut and Maria 408, 573
Foerg, Anna Simmering 749
Foerste, Dora, Wilmut, Helmut, Artur, Mile, Werner, and Gunter 788
Forg, Johann H 49
Frank, Adele Sibylla Ehlen 57
Frank, Marie 873
Frey, Albert, Franziska, and Thomas 49
Freytag, Hugo 781
Fritsch, Louise 245
Froning, Rudolf 53
Fuchs, Katie Steele 444
Fuchs, Luise 705
Fuchsberger, Centa S 49
Fuelberth, Gretchen 403
Fuhrmann, Lina 705
Fujii, Yoshitoshi and Sumiko 754
Funcke, Julius C 210
Furuyama, Akiko and Densaku 331
Futani, Akira 751
Futani, Kaneo 751
Garrett, Henrietta E 596
Gartling (Gurtling), Rosina, Rosa, Gustav, and Adolf 756
Gebauhr, Hans G. J. F. W. et al 488
Germany:
Accounts owned by; indebtedness of various banks:
Chase National Bank of New York 565
National City Bank of New York 446
Conversion Office for German Foreign Debts 296, 297, 298, 630, 632, 656
Debt of Topken & Farley to German Government 298
Funds in Special Deposit Account No. 3, Treasury Department of the United States 593
Nationals of, names unknown 758
Rights in motion pictures owned by German nationals and Government 437
Gertz, William 874
Gesest and Mix A. G 300
Giese, Rudolf K. H 488
Gieseking, Anna and Walter 331
Gillmann, Elisabeth G. M. et al. *See* Lagemann, Charles 488
Goetz, Hermann C. and Erica 412
Goller, Emilie, Helmut and Walter 332
Goller, Walter 332, 366
Goos, Johann Hinrich (Friedrich W) 302
Gosho, Hidekichi and Taka 210
Goto, Sajiro and Uichi 444
Graf, Ernest 879
Greenebaum, Lilly 54
Grix, Arthur E 211
Grometer, Zacharius Tobias, Georg; Fritz, Johann, Babette, and Johanna 659
Gronski, Stephan 54
Groskreutz, Luzil 874
Guellec, Max Pactau 448
Gutschow, Herbert 245
Haefelein, Maria A 49
Haffner, Luise A., Dr. Sigmund M 270
Haller, Franz Wilhelm, Thomas Georg, and Guenther 662
Hamamoto, Hoichi and Yoshiko 211
Hamburg Electric Co 630

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Hamburger Allgemeine Versich A. G 667
Hammacher, August, Franziska, Frederick, Heinrich and Paul 378
Hammer, Kaethe and Ottfried 332
Hammer, Minnie 243
Hammoser, Anna Wolff 753
Handel En Financierings Compagnie 299
Harada, Haruo Gary 243
Hartmann, Elisabeth and Walter (2 documents) 212
Hartman, John 751
Hartmann, Margaret 440
Hartwig, Anna 747
Hartwig, Lisbeth and Willy P 212
Harvard Trust Co. and Heinrich Conrad Bierwirth, trust agreement 788
Hase, Kiyoshi Richard 403
Hasegawa Menkwa K. K 147
Hasuike, May Mitsuye and Susumu 271
Haupt, August 371
Hawranka, Anna and Alfred 746
Hayakawa, Jiro and Mrs. Taka 570
Heegard, Henrik and Kathleen 245
Hefter, Dr. Nicolas 56
Heidelbauer, Emma 524
Heidelbauer, Karl 524
Heidelbauer, Louis 524
Heidelbauer, Wilhelm 524
Heider, Helen 701, 875
Heim, Lilly 525
Heinen, Hendrika Arts (Drika) 874
Heise, Marie 756
Helbig, Rosa and Werner 408
Helmholz, Marilyn D 108
Helms, Rudolph 299
Hemmerle, Charles, Emilie, Jacques, Mathilde and Vendelin 50
Hennes, Theodora (Dorothy) 400
Henschel, Martha 144
Henschke, Herta 211
Hentzsch, Rosalie 782
Herman, George 268
Herold, Rosa 205
Herpel, Hilda Bode 330
Heye, Bernhard 214
Heyll, Anna 666
Heymann, H & Co. et al 406
Hiag-Verein Holzverkohlungs-Industrie G. m. b. H 149
Hidako, Mikio and Tatsuo and list of Japanese nationals 245
Higashi, Gozayemon and Shizuo I 366
Hilbert, Kurt and Louisa Bohnenberger 146
Hiller, Sigmund 243
Hirai, J. Shoji 218
Hirata, Tojin 407
Hirlehei, Sophie Auguste, Heinrich Wilhelm Christian, and Wilhelm Friedrich Christian 788
Hiroyama, Takakichi 444
Hirschfeld, Mrs. George 266
Hissink, Dr. Karin 787
Hitzbleck, Elaine 245
Hitzeroth, Theodore 56
Hoeck, Wilhelmina Rahder 872
Hochmann, August 525
Hoffman, Emil 485
Hoffman, Willi 144
Hofmann, Heinz Georg 664
Hofmann, Therese 49
Hohlen, Eva Jansen 782
Honda, Fusa and Minoru 147
Hopfe, Paul 371
Horn, Carl Georg and Anna Maria Elizabeth 756
Hoshino, Shizue and Youzo 271
Howard, Fusa and Thomas A 485
Huhn, Robert 377
Hulsmann, Anton 874
Hulsmann, Paul 874
Humbert, Adrien C and Ida 213, 272
Humbert, Adrien C., Claude, Ida Marie and Jacques 213
Husmann, John (Johann) 570
Huth, Konrad 403

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Huther, Anna — 705
I. G. Farbenindustrie A. G — 662
Iijima, Kikujiro and Suzu — 445
Ikada, Naokichi & Co — 299
Ikemiya, Kitaye and Shigeaki — 214
Ikuta, Kenju — 147
Imada, Masu and Soichi — 148
Imahashi, Shigeji — 524
Imahashi, Torajiro — 56
Imanishi, Fujiye — 413
Imanishi, Masao — 413
Imanishi, Naokichi — 413, 490
Imanishi, Tsuneo — 490
Inokuchi, Takeshi — 58
Internasjonalt Kvelstoffaksjeselskap — 662
Internationale Gesellschaft der Stickstoff- Industrie A. G — 662
Ipser, Magdalena — 705
Irmischer, Max A. W — 757
Iseri, K — 380
Ishiyama, Heinai and Kiyono — 702
Isshiki, Toraji and Yuri — 214
Ito, Hiroshi and Yoneo — 245
Ito, Kikuyo and Yasuichi — 214
Iwamoto, Rinzo and Yasu — 215
Jaich, Friedrich — 105
Jansen, Arnold, Johann, Mamme, and Antke — 782
Janssen, Otto G., Lieselotte Benna, and Edith — 573
Japan; rights in motion pictures owned by Japanese nationals and Government — 437
Japan China Spinning & Weaving Co., Ltd — 485
Japanese nationals; names unknown — 758
Jeka, Josef — 105
Jentsch, Mara — 204
Jess, Mathilde — 302
Jockel, Anna S. B., Hans, Peter — 403
Jodlbauer, Fanny and Petronilla — 445
Joensson, Carl J. and Helga — 273
Joseph, Freda — 485
Joss, Hedwig — 451
Junkers Flugzeug-und-Motorenwerke A. G — 656
Just, Erich — 368
Kagawa, T — 369
Kahl, Lotta (Charlotte Wagner) — 634
Kahle, Clara and George — 445
Kahn, Lisbeth — 403
Kainz, Ludwig — 570
Kaiser, Genevieve — 204
Kaiser, George — 268
Kaiser, Grete — 702
Kaisha, Hasegawa Shoten Kabushiki — 147
Kalbow, Emilie — 293
Kalle & Co., A. G — 252
Kamei, Yoshitsugu — 294
Kanazawa, T — 369
Kaneshima, Minosuke — 332, 653
Kaneshima, Tsuyako — 332
Kaneyuki, Masujiro and Yone — 703
Kasai, Ine and Tomitaro — 484
Katayama, Yoshino — 562
Kauffeld, Auguste Luster — 563
Kawamura, Shizuto — 367
Kawanami, George K. and Kurata — 405
Kawanami, Tomo G., Mrs — 447
Kawano, Eijiro — 518
Kawano, Gohachi, Hatsuko and Kengo — 215
Kawasaki, Hana and Rihei (2 documents) — 333
Kawate, Yoneichi and Konobu — 635
Kehrmann, Annelese and Hans Ruiff — 273, 333
Keller, Bertha, Herman, Louisa, Erich, Johanna, Adolph, and Gerda — 633
Kellers, Else — 666
Kensing, Emma (Woerner) — 204
Kernstock, Johann — 659
Kerschl, Lillie Heim — 525
Kessler, Margaret — 665
Kieber, Otto — 519
Kiefer, Friedericke O — 451
Killer (nee Pomnitz), Anna — 656
Kilx, Anna — 293
Kimoto, Masae, et al — 519
Kimura, Masahiro and Mrs. Katsu — 633
Kinosita, Kiyoshi S. and Takeo — 294

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Kintzel, Marie — 414
Kipl, Grace (Krescenc Koeppl) — 570
Kitagawa, Yukie — 917
Kiyota, Kika and Shoji — 335
Kladen, Albert — 487
Klaeber, Frederick — 658
Klaus, Marie Henrietta Sophie Luise — 788
Klein, Katharina — 244
Kleinjung, Rudolf and Horst — 633
Klimmer, Bertha, Katherine (Katchen) and Minna L. (Kretzer) — 366, 367
Klose, Margarete — 107
Kloss, John — 244
Kluge, William — 215
Knapp, Clara — 244
Knoll, Rudolph — 757
Kober, Carl, Elise, George M. and Henry Helwig — 403
Koch, Anna — 875
Koch, Barbetta — 403
Kochan, Mrs. Ernestine C. and Bergingenieur Robert — 574
Kodama, Kenji — 370
Koenig, Maria — 244
Koepke, Winfried and Waltraut — 788
Koeppen, Boris — 372
Kohlman, Rent P — 782
Kohn, Ludolf Diedrich — 664
Kohnen, Elfriede — 303
Kohrt, Heinrich — 205
Koike, Matsuye and Toyoko — 334
Koiso, Tetsunosuke — 372
Koller, Wilhelmine — 54
Komatsu, Oriko and Takashi — 334
Kombrowski, Ernst & Co — 447
Komoto, Yenhachi — 518
Kongo Co — 369
Konversionskasse fuer Deutsche Auslandsschulden — 630, 632 656
Koper, Lottman & Co — 705
Koperberg, Catharina Helmina — 787
Koshi, George — 401
Kotabe, Eiji and Masataro — 205
Kratochwil, Rudolf — 783
Krebs, Philipp, Heinrich, Karl, Friedrich, and Jakob — 705
Kreditbank (Deutsch-Bulgarische) (Banque de Credit) — 148
Krell, Emil Moritz — 877
Krummiede, Emma and Henny — 302
Kruse, Heinrich — 666
Kruse, Mile, Jan, and Eike — 788
Kuhfuss, Fritz and Heinrich — 54
Kuhlemeier, Emma — 788
Kuhn, Mari — 443
Kuipers, Mr. D — 487
Kulke, Anna and Richard — 302
Kulla, Augusta and Norbert — 148
Kulmeier, Friedrich, Heinrich and Walter — 54
Kupfer, Paul — 571
Kuramoto, Hideto and Takaichi — 402
Kurashita, Tadashi and Raku — 703
Kushi, Shigetaro — 205
Kuwamura, Sumio — 447
Lachningen, Doris M. (now Hoffman) — 402
Lagemann, Charles, Frank, Friedrich, Hildegard, Ingrid, Juergen, Ralph, Ranier, Rudolph and Suzanne — 488
Lambert, Adam — 519
Lanfermann, Peter — 301
Lang, Gertrude and Richard T — 408
Lang-Aeppli, Alice — 706
Lauer, Clara — 303
Lebensversicherungs, Alte Leipziger — 488
Lefman, Mina — 54
Leibrock, Magdalena — 705
Leichs, Mare — 659
Leser, Adolf, Erna, Marta and Rudolf (2 documents) — 373, 374, 409
Letocha, Ewald — 213
Leupold, Marie A — 274
Levis, Aaron — 372
Ley, Jennie — 243
Leyden Co. Ltd. and N.V. Handelsbureau La Mola — 245

ALIEN PROPERTY, OFFICE OF—Continued — Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Liebgott, Sophia — 745
Lieder, Mrs. Dora — 781
Lieker, Marie — 703
Lindewirth, Alida Magdalena Clara and Ernst F — 216, 335
Locher, Berta and Paul — 216
Loeper, Erna — 446
Loeper, Hermann and Mrs. Emmi — 751
Lonny, Maria — 303
Loppach, Gertrude and Heinz Arthur — 782
Ludicke, Bertha — 701, 875
Luft, Mrs. Elise — 564
Maeda, Waichi and Kazuma — 414
Maerkisches Elektricitaetswerk A G — 632
Maguchi, Kohichi — 407
Malck, Helene — 489
Mamerow, Gertrude — 271
Mamerow, Henny — 272
Mann, Leland W. and Mona R — 293
Mann, Martha E. (Martha Ernestine Schmid) — 274
Mannheim Electric Co — 297
Margreve, William J — 335
Marterstock, Rosa — 519
Martin, Walter — 244
Masudo, Sataro and Koyono — 704
Matoba, T — 786
Matsuhisa, Shizuo R. and Teruo R. and list of Japanese nationals — 245
Matsui, Minoru — 520
Matsui, Sumiko — 520
Matsui, Tsutomu — 520
Matsukuma, Hisao — 407
Matsumoto, Akiye and Hatsujiro — 328
Matsumoto, Motoaki — 746
Matsumoto, Yonekichi — 745
Matsunani, Kazua — 407
Mattutat, Yohannes — 448
Maurer, Marie — 403
Maus, Gustav — 269
Mayer, Emma and Theodor — 412
Mayer, Mary — 329
Mazzarovich, Elizabeth and Mario — 409
Meenen, Ida and William C — 216
Meier (Brinkmeier), Auguste, Fritz, Helene, Heinrich and Herman — 54
Meister, Franziska — 49
Melcher, Frances — 520, 785
Merkle, August and Rose M — 409
Messmer, Josef L — 438
Metzger, Peter Paul Adam — 217
Meyer, Brunhild E. and Edgar H. P — 275
Meyer, Otto — 49
Meyn, Johannes A — 272
Michaels, Max — 293
Michluye, Kameyoshi and Mrs. Kiyoko Kashara — 217
Mickel, Ottilie, legatees, names unknown — 875
Middlemann, nee Brueggestrat, Else et al — 786
Minder, Theresia — 49
Mishima, Mitsuiko and Yoshito — 217
Miura, Bernard S — 438
Miura, Leonie — 50
Miyamoto, Kamechiyo — 329
Miyanaga, Aika — 407
Miyaoi, Matsujiro and Tora — 329
Mizuhara, Hachiro, et al — 657
Mockel, Lorenz (Heinrich Lorenz Moeckel) — 403
Moller, Capt. Carl and Frau — 362
Moreshita, George and Isami and list of Japanese nationals — 245
Morita, Karo Saki and Noriaki — 746
Moritz, Anna — 746
Mueller, Anna — 403
Mueller, Berta — 440
Mueller, John — 244
Mueller, Martha — 782
Mueller, Max and Miranda — 706
Muhlen, Friedrich Wilhelm — 654
Muhlen, Marguerite Louise — 654
Muller, Alice and Richard W — 265
Muller, Marie — 403
Murakawa, Itsuro and Tomoko — 51
Murakami, Masakatsu and Tamaki — 50
Murakami, Shuzaburo and Kinu — 520
Murakawa, Masaru — 665, 789
Nagamatsu, Mrs. Hide — 563
Nakagawa, Seiitsu and Mune — 521
Nakahama, Noburo Frank and list of Japanese nationals — 244, 245
Nakai, Kosumi — 273
Nakashima, George and Kiutaro — 51
Nakashima, Kiyoko and Shikichi — 490
Nakayama, Takao and Iwao — 788
Nebel, Hans — 335, 657
Nebel, Lizetto — 335
Neumann, Alfred — 105
Neumann, Henry F. E., Emma B., and Henry C — 655
Neumann, Meta — 57
Neidermeier, Martin — 266
Niimi, Akira — 751
Niimi, Kaneo — 751
Nishi, Nakazo — 380
Nishi, Sokichi, Sumiko, Miss Toshiko, Miss Yuriko, and Michiko — 653
Nishi, Toichi and Fusa — 918
Nishikawa, Masato — 58, 522, 523
Nishikawa, Sueko — 300, 523
Nishikawa, Tomiko — 301, 523
Nishikawa, Wataru — 522
Nishimoto, Minoru and Jotaro — 919
Nishimura, George Y — 484
Nishimura, J — 660
Nishiyama, Y — 523
Noelp, Margaretha — 659
Noriki, Anna — 701, 875
Norton, Herman — 218
Nottebohn & Co. et al — 566
Nottebohm, Kurt, and Co. et al — 567
Nuzum, Lionel J — 485
Oberacher, Adolf, Frederick, Karl and Wilhelm — 451
Oellrich, Charles — 562
Ohara, Toyoji — 439
Ohashi, Hikosaburo and Masako (2 documents) — 410
Ohly, Frieda — 403
Okamoto, Mitsuo — 485
Okazaki, Hamako and Ichimaru — 247
Okazaki, Kazuichi and Fukuko — 563
Okuda, Kiichi and Ryu — 660
Olsen, Barbara — 439
Olson, Anna, et al — 747
Ono, Henry T., Matsuno and Mojiro — 245
Ono, Mitsuo — 294
Onouye, Hikohachi — 150
Otani, Tomokazu — 563
Otsuki, Shigeo — 526
Oyabu, Dewey K — 879
Ozaki, Fusa — 266
Ozaki, Maki and Yutaka — 439
Ozalid Corporation — 252
Paetau, Max — 448
Paetow, Ludwig — 247
Pagenstecher, Irma — 407
Palatinate Electric Co — 297
Panse, Ellen and Paul C. A — 247
Papenhausen, Gustav Heinrich — 247
Patzig, Edith — 248
Pausche, Alfred — 786
Paysen, Erick Georg Wilhelm and Gertrud Kockert — 336
Peoples Savings and Trust Co. of Pittsburgh — 269
Pfeiffer, Adolf — 789
Pichler, Hedwig — 300
Pilger, Dora — 403
Pingel, Ida S. C. E — 440
Poetzl, Fred — 704
Poppe, John, Klaus and Margaret — 292
Prange, Ernestina Marie — 448
Pregge, Emelie L — 782
Price, Amelia — 205
Prosl, Carlos — 449
Provincial Bank of Westfalia — 297
Pruhsmeyer, August — 747
Pruhsmeyer, Gustave and Karl — 747
Pryll, Adele — 782
Puschmann, Martha — 146

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Queitsch, Arthur A., Marie E., and Werner 336
Rabenstein, Anna Marie and Karl 248
Radio Patents Corp 487
Rahlf, Elsa, Nite, and Heine 788
Rammler, Emil 301
Ranke, Anna 107
Rauh, Emmy 446
Rechten, Frieda and Henry 407
Reichskredit Gesellschaft 633
Reindler, Leonhard 659
Reinhardt, Gisela, Ilse, Sybil, and Walther L 248
Reinhart, Helga 265
Reinshagen, Ernest W 368
Reiter, Eva 659
Rensch, Adolph and Martha 701, 875
Rexroth, Catherine M. (Goldstein) and Ludwig 490
Rieker, Karoline Marie 369
Reufeisen, Frank 249
Rhine Ruhr Water Service Union 298
Richter, Kurt Hermann Gottlieb and Clara 790
Riede, Richard Hellmuth 446
Riedel, Otto 574
Riedelsheimer, Rosa 49
Rieke, Lina 54
Rikart, Mary 334
Rinck, Herman 105
Roesch, Paula 266
Roesing, Mrs. Hermann 266
Rohde, Amalia 108
Ronte, Rev. Gustav, Heinrich, Heinz, Hulda 440
Rothammer, Frieda A. and Katharina 414
Rothenberg, Johanna 243
Rothkehl, Theodor 746
Ruppel, Damian 783
Ruppel, Wilhelm 783
Sakaye, Warren 629
Sako, W 106
Sakurai, Yoshiji 106
Sanchez, Valentine 747
Sasada, Kazuo 440
Sasada, Kimiyo 440
Sasaki, Noburo 276
Sasamura, Hatsumi and Shoshichiro 249
Sato, Kosajiro and Shigeru 274
Satoda, Yorimi 267
Satow, Gensaburo and Sentaro 748
Satow, Teruko 748
Sayegusa, Mrs. Tani and Takeo 562
Schachtzabel, Anna Helene Marcus 748
Schade, Bruno (Friedrich Edmund B.) 449
Scheid, Emma 705
Schellhorn, Franz 657
Schellhorn, Frida 564
Schenck, Carl A. and Oberst Emanuel 758
Schenker & Co 525
Schepke, Fritz 704
Scherbel, Josef 105
Schiffert, Elisabeth Maria 667
Schilling, Mathilda 747
Schipper, Frida 449
Schlemper, Carl 706
Schlenker, Lisa O 451
Schlicksupp, Kaethe 873
Schmalenbach, Carl and Agnes 631
Schmidt, Clara Hedwig 50
Schmidt, Elizabeth 564
Schmidt, George and Henrietta 362
Schmidt, Kurt 293
Schmidtpeter, Sophie 54
Schmitz, Anna 410, 755
Schmitz, Ernst and Anna 410
Schmitz, Frederick 593
Schneider, Barbara 659
Schnellbach, Wolfgang 758
Scholpp, Sophie 249
Scholz, Siegelinde 873
Schonberg, Adolf E. J. and Marie S. C 267
Schramm, Elsie 267
Schroder, Margarete 247
Schroeder, Elizabeth 705
Schroeder, Gertrude 373
Schuberth, Eusebius 594

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Schuler, Anna 491
Schullhamen, Eugenie 60
Schultze, Marie 54
Schulz, Anna 593
Schulz, Mary, Gottlieb, Johann, Christina, Adolph, Pauline, and Louisa 756
Schwitters, Antje 782
Seehoff, Emma 303
Seitz, Christine O 451
Seko, Toki 594
Sell, Frieda, Dr. Karl, Lisbeth, Martin, Alfred, and Gerhard 783
Sell, Paul 783
Selve, Anna Maria 632
Sera, Kiyoichi and Toku 291
Severne, Louise 51
Shaner, Ernest W 250
Shanghai Cotton Manufacturing Co., Ltd 486
Shimabukuro, Taro and Gozu 594
Shimabukuro, Yamato 268
Shimamoto, Chuji 491
Shimoda, Hanjiro 250
Shinomura, Iwao 294
Shiojiri, Hikoichi 294
Shiomi, Fred T. and Momoyo 250
Shitamai, Yaneo 407
Sieder, Anna 275
Sietas, Hilda 781
Sieveking, Heide, Ludolf and Werner 253
Sieveking, Olga N. and Werner 264
Simmering, Anna 749
Skibbe, Max 292
Sociedad Agricola Vinas-Zapote et al 568
Soehnlein, Beatrice 411
Sohst, F. A 149
Solle, Louise 54
Sommer, Thomas J 595
Sonnenfeld, Hermann 401
Sormani, N 373
Spear, August (Augusta) 527
Speer, August 527
Spier, Gustav A 527
Sprau, Magdalena 705
Springer, Marie 401
Staudenmaier, Anna, Emilie, Eugenie, Johannes and Theresia 60
Stegmiller, John 571
Steimer, Eugene 781
Stein, Erich 916
Stickstoff- Syndikat G. m. b. H 662
Stuetzer, Marie 659
Stutzel, Mary 595
Suesser, Frederick 628
Suga, F 634
Sugita, Jiro and Mutsue 374
Sumida, Saburo 783
Sumii, Haruo 146
Sunderbrink, Elizabeth 144
Sundermeier, Anna Pruhsmeyer 747
Suzuki, H. & Co 369
Suzuki, Torishichi and Yaye 374
Tabushi, Toojiro 628
Tajima, Jiro, Shigeji and Yeiko 264
Takahashi, Tokio and Umekichi 143
Takatsuka, Juichi and Takatsuka 363
Takeda, Jukichi and Takao Arai 367
Takeda, Tokutaro and Toyo 673
Takenchi, Genkichi 51
Takeno, Kuraichi and Ito 629
Takeoka, Yoshi 562
Takesaki, Fumiko and Sakusuke 441
Takeshita, Takesuke 565
Takuma, Hideo 571
Tamate, Iso and Kesajiro 363
Tanabe, Riso and Yaichi 413
Tanaka, Frank and Yoshitaro 758
Tanaka, Hidesaburo and Mrs. Miroku 441
Tanaka, Hisayo 595
Tannenbaum, Else, Henry, Kurt and Rosa 206
Taoka, Kathleen M 791
Tatsuta, Saichi, et al 734
Tatsutani, Mrs. Shizi 363

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Tellefesen, Arthur Thomas and Ethel Frances 873
Tempel, Fritz, Louis, Minna and Wilhelm 54
Terlinden, Emmy 107
Teshirogi, Harry Teiji 52
Texas Co. & Edeleanu Gesellschaft m. b. H 483, 484
Theis, Marie A 574
Theiss, Emma, Karl and Otto 364
Theysohn, Elisabeta 705
Thiermann, Johann (Hans) F. W 292
Thomas, Sigrid 206
Thurner, Joseph, Alois, Ottilie, and Karl 570
Tiegs, Frieda 873
Tokunga, S 753
Tomita, Kenichi and Kenji Kodama 370
Tomoeda, Shozo 52
Treser, Louise 403
Treuttinger, Anna N 265
Trommershausen, Friedrich K. T. et al 488
Truck, Georg, Ludwig, and Karl 755
Tsubato, Masami (James M.) 450
Tsuda, Satoji and Yoshino 629
Tsuji, Koichi and Tokio 245
Tsunemoto, Chuso and Tameshi 292
Tsutsumi, Migiwa 441
Tunke, Lydia 442
Tyroler, Mary 144
Uchimura, Sumire 364
Uhlmann, Babette 659
Ullich, Anna 265
Ullrich, Irma 52
Ungeheuer, Katherine 575
Unno, Gozo 407
Usami, John Doe, Masaze, and Shinsaku 328
Usami, Yasu 328, 363
Uyeda, Fujio 414
Uyeda, Toraichi 629
Uyenaga, Kito and Teisaku 442
Uyesugi, Masaichi and Tadashi 375
Van Spengler, Elsa Maria 369
Veers, Elisabeth and Agnes Jakobine 527
Veith, Johannes and Jean 759
Vogel, Franz and Julia 107
Vogt, Arthur C 375
Vogt, Erna and Karl 411
Vogt, Joseph Franz and Lena 747
Voith, Elsa M., Hilar and Thea 151
Voith, J. M., et al 699
Von Andreae, Emi 520
Von Andreas, Emi 735
Von Der Osten, Hans Henning 275
Von Finckenstein, Adolf Graf Finck 917
Von Finckenstein, Elisabeth Grafin Finck 917
Von Goldschmidt, Max et al 406
Von Heydekampf, Elizabeth and Gerd Stieler 213
Von Ilberg, Konrad 757
Von Martinitz, William F 783
Von Schuh, Anna 879
Von Seherr-Thoss, Count Wolfgang 450
Von Weel, Martha 376
Voss, Henry J 491
Wagner, Charlotte (Lotta Kahl) 634
Wagner, Klara 403
Walz-Figdor, Margarete 705
Wangemann, Paul and Radio Patents Corp 487
Wantanabe, Juro 781
Watanabe, Kikuyo and Nahjiro 442
Watanabe, Nakajiro 630
Watanabe, Toro 369
Watanuki, Tetsuo 364
Weber, Josephine Proctor 786
Weber, Walther (Walter) 786
Weigand, Drs. C. and E 634
Weindel, Carl 745
Weindel, Lizette 745
Weiss, Adele and Paul 380
Wemper, Heinrich and Emma 784
Werner, Elfriede H., Helmut, Joachim P. and Ursula E 49
Wertheimber, Anna de Bary 753
Wester, Charles, Helene, Franz, and Ernst 876
Westphal, Christoph and Fritz 450
Wetzel, Kurt and Elizabeth 653

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued

Various interests, in estates, litigation proceedings, etc.—Continued

Weyland (Bredow), Ruth E 784
Wichern, Gesche 875
Wichern, Henry 371
Wichern, Johann Frederich, Claus Hinrich, Claus Frederich, and Anita Geisele 875
Wicke, Wilhelmine 371
Wiebrecht, August, Ernst, Herman and William 107
Wilke, Helmut and Toni 376
Will, L. F. & Co 149
Willenbrock, Marie Louise 107
Williams, Martha R 446
Wirsig, Margaret 442
Wittschieben, Clause 375
Woerle, Joseph 49
Wolf, Albert 705
Wolf, Anna 376
Wolf, Ernestine and Gottlieb 443
Wolf, Gottfried 705
Wolff, Paul 753
Wood-Mallabar & Co., Ltd 252
Wrede, Bertha and Henry 251
Wulff, Magdalena 450
Wurst (Loppach), Edith 782
Yamagami, Kiuji and Suyekichi 443
Yamaguchi, Kiku and Mokichi 411
Yamakami, Nuio and Hayamatsu 919
Yamaki, Ichiro and Mary 631
Yamamoto, Fumiko 654
Yamamoto, Masashi 294
Yamamoto, Tsugio 251
Yamanishi, Gitaro (Jitaro) 920
Yamanishi, Moto 920
Yamao, Enichi 365, 377
Yamao Matsuyo 365
Yamao, Yoshitaka E 377
Yamashina, Goichi and Toyo 654
Yamauchi, Akira and Takashi D 378
Yasuko, Yamada 485
Yasumichi, Fusao and Michitaro 379
Yasutomi, Kinroku and Mrs. Shizuyo 412
Yokomizo, Kaheiji and Matsumi (Hatsumi) 251
Yoneda, Sada 404
Zeimet, Elizabeth 916
Ziegler, Erika and Kurt 379
Zimmermann, Emilie 655
Zobel, Mathilde Wolf 754
Zschunke, Selma 875

ALIENS:

Charter of certain vessels to, approval of. *See* Maritime Board, Federal.
Deportation of; immigration regulations. *See* Immigration and Naturalization Service.
Participation of German and Japanese nationals in steamship conferences, etc. *See* Maritime Board, Federal.
Port of entry; immigration regulations. *See* Immigration and Naturalization Service.
Property of; vesting orders, etc. *See* Land Management Bureau.
Selective service regulations respecting classification; Executive order respecting. *See* Presidential documents.

ALLOWANCES. *See* Pay, allowances, and compensation.

AMORTIZATION OF EMERGENCY FACILITIES, certifying authority for purposes of; Executive order respecting. *See* Presidential documents.

ANIMAL INDUSTRY BUREAU:

Regulations:
Animal breeds, recognition of breeds and books of record of purebred animals; withdrawal of book of record of Throughbred and Arabian horses entitled "Registro-Matricula de Caballos de Pura Sangre" 4
Importation of certain animals and poultry into United States (except from Mexico); feed and attendants for animals in quarantine 308
Rinderpest, foot-and-mouth disease, fowl pest and Newcastle disease; prohibited and restricted importation of certain animals and products from Colombia because of 669

ANIMAL INDUSTRY BUREAU—Continued Page
Regulations—Continued
Viruses, serums, etc.:
Anti-hog-cholera serum. *See* Hog cholera.
Hog cholera; handling of anti-hog-cholera serum and hog-cholera virus, proposed rule making 321

ARMED FORCES:
See also Defense Department.
Employment tax regulations affecting. *See* Internal Revenue Bureau.
Postal regulations. *See* Post Office Department.
Selective service. *See* Selective Service System.
Veterans. *See* Veterans.

ARMS, AMMUNITION, AND IMPLEMENTS OF WAR; export and import licenses. *See* State Department.

ARMY DEPARTMENT:
See Engineers, Corps of.
Aircraft danger areas over military installations, designation in coordination with Army; civil air regulations respecting air traffic rules. *See main heading* Civil Aeronautics Board.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; modification of functions of Department under act, respecting guarantee of loans, Executive order respecting. *See main heading* Presidential documents.
Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices. *See main heading* Defense Department.
Pay, allowances, etc., for personnel pursuant to Career Compensation Act, allowances for quarters; Executive order respecting. *See main heading* Presidential documents.
Regulations:
Decorations, medals, etc. *See* Personnel.
Personnel:
Decorations, medals, ribbons and similar devices:
Medal for Humane Action, eastern boundary of area of Berlin airlift operations 391
Personnel review boards:
Army Board on Correction of Military Records; revision 767
Army Discharge Review Board:
Application for review 318
Proceedings of 318
Women's Army Corps, appointments in WAC Section, Organized Reserve Corps, for subsequent commission in Women's Army Corps, Regular Army; applications:
Loyalty certificates 318
Transcript of college credits 318
Procurement regulations, joint; labor, premium wage compensation (Army Department) 8
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.
Women's Army Corps. *See* Personnel.

ATOMIC ENERGY COMMISSION:
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator, confirmation 738

AVIATION DEFENSE REQUIREMENTS, OFFICE OF; establishment in Civil Aeronautics Administration. *See* Civil Aeronautics Administration.

B

BANKS:
Depositaries of public moneys; regulations of Accounts Bureau, Treasury Department. *See* Treasury Department.
Federal Reserve System, member banks of. *See* Federal Reserve System.
Federal savings and loan system. *See* Home Loan Bank Board.
Holding companies, certain banks as; exemption from registration, etc., requirements of Public Utility Holding Company Act of 1935. *See* Securities and Exchange Commission.

BANKS—Continued Page
Insured banks, reports of. *See* Federal Deposit Insurance Corporation.

BLIND PERSONS:
Employment in sheltered workshops. *See* Wage and Hour Division.
Library of Congress materials for. *See* Library of Congress.

BLOCKED ASSETS. *See* Alien Property, Office of.

BOARDS. *See* Committees, boards, etc.

C

CAREER COMPENSATION ACT, quarters allowances for members of uniformed services pursuant to; Executive order respecting. *See* Presidential documents.

CENSUS BUREAU:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Surveys:
Manufacturing areas:
Chemicals 512
Listed products 511
Machinery 512
Retail trade establishments 585

CERTIFICATES, NECESSITY. *See* Necessity certificates.

CIVIL AERONAUTICS ADMINISTRATION:
Administrator; approval, specifications, etc., by, with respect to air carrier operations, certificates and ratings and scheduled air carrier rules. *See main heading* Civil Aeronautics Board.
Air traffic, security control of:
Delegation of authority to Administrator by Secretary of Commerce respecting 99
Regulations respecting. *See under* Regulations.
Aviation Defense Requirements, Office of:
Authority with respect to claimancy functions and application of priority ratings 866
Establishment to coordinate activities relating to defense production programs 866
Certificates, safety, issuance of; delegation of authority to Administrator by Secretary of Commerce to authorize properly qualified private persons to exercise certain functions relating to examination, inspection, and testing in connection with 554
Defense Production Act of 1950:
Aviation Defense Requirements, Office of; establishment of, to carry out certain responsibilities and powers of Administrator under 866
Delegation of authority by National Production Authority, to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction of CAA 260, 738
Organization and functions; establishment and functions of Office of Aviation Defense Requirements, to carry out certain responsibilities and powers of Administrator under Defense Production Act of 1950 866
Priority (DO) ratings, authority to apply to direct government contracts and purchase orders to meet authorized procurement and construction of CAA 260
Radio antenna towers and/or supporting structures, construction, marking and lighting of; standards set forth by Federal Communications Commission in conjunction with Civil Aeronautics Administration. *See main heading* Federal Communications Commission.
Regulations:
Air navigation; designation of various civil airways, control areas, etc.:
Civil airways, designation of:
Green civil airway:
California; Los Angeles to Boston, Mass 118
Massachusetts; Boston to Los Angeles, Calif 118
Red civil airways:
Colorado; Pueblo to Charleston, S. C 344
Massachusetts; Boston to Pittsburgh, Pa 119
Ohio; Dayton to Williamsport, Pa 119

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Regulations—Continued
Air navigation; designation of various civil airways, control areas, etc.—Continued
Civil airways, designation of—Continued
Red civil airways—Continued
Pennsylvania:
Pittsburgh to Boston, Mass 119
Williamsport to Dayton, Ohio 119
South Carolina; Charleston to Pueblo, Colo 344
Control areas, control zones, and reporting points; designation of:
Control areas:
Civil airways, red:
Ohio; Dayton to Williamsport, Pa 119
Pennsylvania; Williamsport to Dayton, Ohio 119
Extension of control areas; Augusta, Ga 344
Control zones, additional; Augusta, Georgia 344
Reporting points, on red civil airways:
Ohio; Dayton to Williamsport, Pa 119
Pennsylvania; Williamsport to Dayton, Ohio 119
Air traffic, security control of. *See* Security control of air traffic.
Airports, public, Federal aid to public agencies for development of; United States share of project costs:
Land acquisition costs; deletion 455
Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways 455
Airworthiness directives recordation; proposed rule making 23
Security control of air traffic, correction 280
Technical Standard Orders—C Series—aircraft components 675
Description of Technical Standard Orders previously published by Civil Aeronautics Board 675
Orders revised:
Direction indicator, magnetic, non-stabilized type (magnetic compass) 676
Fire detectors 676
Flares, landing 683
Parachutes 682
Safety belts 680
Seats and berths, aircraft 684
Safety certificates, issuance of; delegation of authority to Administrator by Secretary of Commerce to authorize properly qualified private persons to exercise certain functions relating to examination, inspection and testing in connection with 554
Security control of air traffic:
Delegation of authority to Administrator by Secretary of Commerce respecting 99
Regulations respecting. *See under* Regulations.
Transport aircraft; delegation of authority to Administrator by Secretary of Commerce respecting development of improved transport aircraft 359

CIVIL AERONAUTICS BOARD:
Air carriers and other aircraft:
Civil air regulations. *See* Civil air regulations.
Procedural regulations. *See* Procedural regulations.
Civil air regulations:
Accidents and missing aircraft; investigation of accidents occurring at or near certain cities:
Chicago, Ill.; Chicago Midway Airport 476
Philadelphia, Pa.; Philadelphia International Airport 867
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Foreign. *See* Foreign air carriers.
Irregular. *See* Irregular air carrier and off-route rules.
Scheduled. *See* Scheduled air carriers.
Air traffic rules:
Danger areas over Army, Navy, and Air Force installations in various States; designation of (areas added or altered):
Arkansas; Camp Chaffee 496
California; Hunter-Liggett 496
Delaware:
Bethany Beach 455
Milford 713
Georgia; Camp Gordon 4

CIVIL AERONAUTICS BOARD—Continued Page
Civil air regulations—Continued
Air traffic rules—Continued
Danger areas over Army, Navy, and Air Force installations in various States; designation of (areas added or altered)—Continued
Indiana; Camp Atterbury 713
Kentucky; Camp Breckinridge 344
North Dakota; Devils Lake, temporary area 714
Washington:
Fort Lewis 4
Juan De Fuca 496
Olympic Peninsula 714
Wisconsin; Camp McCoy 714
General flight rules (GFR):
Danger areas; airspace restricted areas. *See* Danger areas over Army, Navy, and Air Force installations in various States, *above.*
Minimum safe altitudes:
Definitions (CAA rules):
"LFR" means low frequency radio range 672
"VOR" means VHF omni range 672
Minimum en route instrument altitudes on various airways, routes between various cities on red, blue, green, and amber airways (CAA rules) 672
Instrument flight rules (IFR):
Approach procedure, standard (CAA rules) 224
Automatic direction finding procedures 226
Instrument landing system procedures 227
Low frequency range procedures 225
Introduction; proposed rule making 22
Radio range procedures determination (CAA policies) 496
Airmen, certificates and ratings. *See* Certificates and ratings.
Airworthiness; requirements for various types of aircraft and equipment:
Aircraft equipment:
Aircraft components, approval of (CAA rules) 672
Classification of items of equipment; automatic pilots (CAA rules), revocation 672
Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
Airplane:
Acrobatic category airplane. *See* Normal, utility and acrobatic categories.
Airplane airworthiness:
Airworthiness requirements; approval of aircraft components (CAA rules) 671
Cross references to technical standards orders; revocations 671
Equipment, requirements; approval of aircraft components (CAA rules) 671
Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
Normal, utility, acrobatic categories:
Airworthiness requirements; approval of aircraft components (CAA rules) 669
Cross references to technical standards orders; revocations 671
Safety belts, requirements; exceptions in case of material shortages, special regulation (SR–360) 420
Transport categories:
Airworthiness directives (CAA rules); revocation 671
Certification; approval of aircraft components (CAA rules) 671
Equipment:
Lights; position light system, proposed rule making 909
Safety equipment, requirements respecting safety belts; exception in case of material shortages, special regulation (SR–360) 420
Flight, performance; humidity accountability respecting airplanes type certificated on or after Feb. 12, 1951 314
Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
Technical standards orders; deletions, revocations or transfers 671

CIVIL AERONAUTICS BOARD—Continued Page

Civil air regulations—Continued
- Airworthiness; requirements for various types of aircraft and equipment—Continued
  - Airplane—Continued
    - Utility category airplanes. *See* Normal, utility and acrobatic categories, *above*.
  - Rotorcraft:
    - Aircraft components, approval of (CAA rules) 672
    - Cross references to technical standards orders; revocation 672
    - Revision (corrections) 545, 713
    - Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
- Certificates and ratings; airmen:
  - Air-traffic control-tower operator certificates, regulations; annual experience reports, revocation 163
  - Dispatcher, aircraft, certificates:
    - Annual experience reports; revocation 163
    - Requirements for approved aircraft dispatcher course (CAA rules), proposed rule making 14
  - Engineer, flight, certificates; requirements for approved flight engineer courses (CAA rules), proposed rule making 17
  - Ground instructor rating, certificate; annual experience reports, revocation 163
  - Mechanic certificates, regulations; annual experience reports, revocation 163
  - Navigator, flight, certificates:
    - Limited certificates, issuance of 314
    - Requirements for approved flight navigator courses (CAA rules), proposed rule making 16
  - Pilot certificates; private pilot rating:
    - Experience, aeronautical; proposed rule making 693
    - Knowledge, aeronautical; proposed rule making 693
    - Skill, aeronautical; proposed rule making 693
  - Radio operator, flight, certificates; requirements for approved flight radio operator courses (CAA rules), proposed rule making 16
- Foreign air carrier regulations; application for operations specifications by foreign air carriers (CAA rules), proposed rule making 19
- Irregular air carrier and off-route rules, requirements respecting safety belts; exception in case of material shortages, special regulation (SR–360) 420
- Operation rules, general, for aircraft; requirements respecting safety belts, exception in case of material shortages, special regulation (SR–360) 420
- Scheduled air carriers:
  - Certification, operating:
    - Air carrier operating certificate:
      - Amendment of (CAA rules); proposed rule making 19
      - Application for (CAA rules); proposed rule making 19
    - Redesignation and revision of part, proposed; supplemental notice 286
  - Certification and operation rules (interstate, overseas, or foreign passenger operations utilizing multiengine aircraft), proposed redesignation and revision of part; supplemental notice 286
  - Operations outside continental limits of United States:
    - Certificate; application for air carrier operating certificate (CAA rules), proposed rule making 19
    - Passenger operation rules, aircraft requirements; instruments and equipment, powerplant failure or precautionary stoppage, proposed rule making 583
    - Redesignation and revision of part, proposed; supplemental notice 286
    - Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420

CIVIL AERONAUTICS BOARD—Continued Page

Civil air regulations—Continued
- Scheduled air carriers—Continued
  - Operations within continental limits of United States:
    - Flight operations; flight interruption rules:
      - Mechanical failure in flight; proposed rule making 583
      - Mechanical interruptions; powerplant failure or precautionary stoppage (CAA policies and interpretations) 499
      - Powerplant failure or precautionary stoppage; proposed rule making 583
    - Redesignation and revision of part, proposed; supplemental notice 286
    - Safety belts, requirements; exception in case of material shortages, special regulation (SR–360) 420
- Hearings, investigations, etc.:
  - Accidents, aircraft, and missing aircraft; investigation of. *See under* Civil air regulations.
  - Hearings, etc.:
    - British Overseas Airways Corp.; service to Boston, Mass 426
    - Colonial Airlines, Inc.; final mail rate 99
    - Keiwel, J. W 738
    - Oxnard Sky Freight; enforcement proceedings 197
    - Richardson, J. R 738
    - Roscoe Charter Service et al.; additional service to State of Kansas 99
    - West Coast common fares case 46, 360
    - Westair Transport case 289, 426
    - Wisconsin Central Airlines, Inc.; certificate renewal 476
- Procedural regulations; rules of practice in economic proceedings, informal mail rate conference procedure 75

CIVIL SERVICE COMMISSION:
- Executive orders affecting Government employees. *See main heading* Presidential documents.
- Rules and regulations:
  - Appointment:
    - Educational requirements. *See* Education (formal) requirements.
    - Positions excepted from competitive service. *See* Exceptions from competitive service.
  - Education (formal) requirements, for appointment to certain scientific, technical or professional positions; physiologist (human); redesignation 305
  - Exceptions from competitive service (Civil Service Rule VI); positions in various agencies excepted from examination (Schedule A):
    - Census Bureau; program planners for electronic computing and tabulating equipment 420
    - Commerce Department. *See* Census Bureau; *and* National Production Authority.
    - Defense Mobilization, Office of; certain positions 453
    - Economic Stabilization Agency:
      - *See also* Price Stabilization Office; *and* Wage Stabilization Office.
      - Private secretaries or confidential assistants to Administrator 305
      - Special assistants to Administrator, grades GS–13, GS–14, GS–15 637
    - Executive Office of President. *See* Defense Mobilization, Office of.
    - Federal Civil Defense Administration; fifty positions 420
    - Federal Security Agency; Assistant Administrator, revocation 63
    - National Production Authority; industrial executives in grades GS–14 and GS–15 420
    - Navy Department; student trainees in naval shipyards 305
    - Price Stabilization Office:
      - Private secretary or confidential assistant to Director 305
      - Special assistants to Director, grades GS–13, GS–14, GS–15 637
    - Reconstruction Finance Corporation:
      - Agency Division, Chief; revocation 831

CIVIL SERVICE COMMISSION—Continued Page

Rules and regulations—Continued
- Exceptions from competitive service (Civil Service Rule VI); positions in various agencies excepted from examination (Schedule A)—Continued
  - Reconstruction Finance Corporation—Continued
    - Board of Directors, Office of; Manager and Assistant Manager, Office of Defense Loans 881
    - Chief accountant; revocation 881
    - Controller, Office of; Research and Economics Division, Chief, revocation 881
    - Executive Directors of Defense Plants Office, Metals Reserve Office and Defense Supplies Office; revocation 881
    - Loan Agency Managers; forty-two positions 881
    - Price Adjustment Board; Chief Administrative Officer, revocation 831
    - Production Office; Manager and Assistant Manager 881
    - Treasurer, Office of; position of one Assistant Treasurer, revocation 881
  - Wage Stabilization Office:
    - Private secretary or confidential assistant to Chairman of Wage Stabilization Board 305
    - Special assistants to Chairman, Wage Stabilization Board, grades GS–13, GS–14, GS–15 637
- Foreign duty, compensation for, in designated posts. *See main heading* State Department.

COAST AND GEODETIC SURVEY:
- Pay, allowances, etc., for members of uniformed service under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.

COAST GUARD:
- Commandant, U. S. Coast Guard; delegation of authority to, from Secretary of Treasury, with respect to waivers of navigation and vessel inspection laws 731
- Defense Production Act of 1950; delegation of authority by National Production Authority, to apply priority (DO) ratings, to direct government contracts and purchase orders to meet authorized procurement and construction programs, confirmation of prior delegation by National Production Administration 738
- Merchant Marine Council; notice of hearing on proposed termination of approval of certain buoyant cushions 509, 510
- Pay, allowances, etc.; quarters allowances under Career Compensation Act, Executive order respecting. *See main heading* Presidential documents.
- Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; confirmation of prior delegation of authority by National Production Administration 738
- Security, of vessels, harbors, and waterfront facilities:
  - Vessels, security of:
    - *See also* Waterfront facilities or vessels.
    - Merchant marine personnel, security check and clearance of; employment of personnel on merchant vessels, security provisions with respect to certain vessels 817
  - Waterfront facilities or vessels, security of:
    - *See also* Vessels.
    - Identification credentials for persons requiring access to waterfront facilities or vessels; notification of denial or revocation of Coast Guard Port Security Card 817
- Shipping regulations, requirements respecting equipment of merchant marine vessels; approval of miscellaneous items 508
- Buoyant cushion, withdrawal of approval No. 160.007/75/0 for; Merchant Marine Council hearing 509
- Termination of approval 510
  - Buoyant cushions filled with typha (processed cattail floss), termination of approvals for; Merchant Marine Council hearing 510
- Vessels; safeguarding of, against sabotage and other subversive activity. *See* Security.
- Waivers of navigation and vessel inspection laws; delegation of authority to Commandant, U. S. Coast Guard, from Secretary of Treasury, with respect to waivers 731

COAST GUARD—Continued Page

- Waterfront facilities, safeguarding of, against sabotage and other subversive activity. *See* Security.

COMMERCE DEPARTMENT:
- *See Census Bureau.*
  - *Civil Aeronautics Administration.*
  - *Civil Aeronautics Board.*
  - *Foreign and Domestic Commerce Bureau.*
  - *Maritime Administration.*
  - *Maritime Board, Federal.*
  - *National Production Authority.*
  - *Public Roads Bureau.*
- Authority, delegation of, by Secretary to various officials:
  - Federal Maritime Board; temporary delegation of authority under Reorganization Plan No. 21 of 1950, correction of headnote 360
  - Civil Aeronautics Administrator:
    - Certificates, safety, issuance of; authority of Administrator to delegate to qualified private persons certain functions relating to examination, inspection and testing in connection with 554
    - Security control of air traffic 99
    - Transport aircraft; authority with respect to development of improved aircraft 359
- Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
- Committees, boards, etc.:
  - Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
  - Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; representation on 595
  - Foreign Supplies and Requirements, Committee on, established in Office of Defense Mobilization; representation on 646
- Defense Production Act:
  - Delegation of authority, etc., respecting various matters pursuant to. *See main headings* Defense Mobilization, Office of; *and* Defense Production Administration
  - Functions under modified on establishment of Defense Production Administration, Executive order respecting. *See main heading* Presidential documents.
- Foreign excess property fabricated from critical materials for defense purposes, importation of; determination of Secretary and regulations respecting 320
- Regulations; foreign excess property disposal, importation of property fabricated from critical materials for defense purposes 320
- Transportation, Undersecretary for. *See* Undersecretary of Commerce for Transportation.
- Undersecretary of Commerce for Transportation; reassignment of chapter 608
- Voluntary plans:
  - Function respecting transferred to Defense Production Administrator; Executive order respecting. *See main heading* Presidential documents.
  - Tanker capacity, contribution of. *See main heading* Maritime Administration.

COMMISSIONS. *See* Committees, boards, etc.

COMMITTEES, BOARDS, ETC.
- Aeronautics, National Advisory Committee on. *See* National Advisory Committee on Aeronautics.
- Appeals Board, Bureau of Foreign and Domestic Commerce. *See* Foreign and Domestic Commerce Bureau.
- Army Department personnel review boards. *See* Army Department.
- Defense Mobilization Board, establishment and membership. *See* Defense Mobilization, Office of.
- Domestic Transport, Storage and Port Utilization, Interagency Advisory Committee on; establishment. *See* Defense Transport Administration.
- Emergency boards, to investigate labor disputes; Executive order respecting. *See* Presidential documents.

COMMITTEES, BOARDS, ETC.—Continued Page
Foreign Supplies and Requirements, Committee on; establishment in Office of Defense Mobilization. *See* Defense Mobilization, Office of.
Internal Security and Individual Rights, President's Commission on; establishment by Executive order. *See* Presidential documents.
Merchant Marine Council. *See* Coast Guard.
Special Industry Committees for Virgin Islands. *See* Wage and Hour Division.

COMMODITY CREDIT CORPORATION:
Authority, delegation of; by President to chairmen of Production and Marketing Administration county committees as contracting officers in certain matters 589
Food commodities acquired through price support operations:
Pricing policy for commodities available for sale (including Mexican canned meats acquired under other programs); sales of certain commodities at fixed prices pursuant to. *See* Sales of certain commodities at fixed prices.
Sales of certain commodities at fixed prices:
Domestic price list, for January 589
Export price list, for January 590
Loans, purchases, and other operations:
Barley. *See* Grains.
Corn. *See* Grains.
Cotton, price support program, 1951; American-Egyptian, proposed rule making 554
Flaxseed. *See* Grains.
Grain sorghums. *See* Grains.
Grains, and related commodities; price support programs:
Barley; loan and purchase agreement program, 1950:
Support rates, county; amendment 711
Warehouse receipts 63
Corn, loan and purchase agreement program, 1950; warehouse receipts 64
Flaxseed; loan and purchase agreement program, 1950:
Support rates, county; amendment 712
Warehouse receipts 64
Grain sorghums; loan and purchase agreement program, 1950:
Support rates, county; amendment 712
Warehouse receipts 65
Oats; loan and purchase agreement program, 1950:
Support rates, County; amendment 712
Warehouse receipts 65
Rye; loan and purchase agreement program, 1950:
Support rates, county; amendment 713
Warehouse receipts 66
Seeds:
See also Flaxseed.
Winter cover crop and Kobe Lespedeza, 1950 crop:
Charges, warehouse and other 795
Delivery of seed to CCC; packaging, net capacity, etc 795
Loans, maturity of 795
Price support, availability of; when to apply 793
Schedule of basic specifications and rates 795
Soybean; loan and purchase agreement program, 1950:
Support rates, county; amendment 712
Warehouse receipts 65
Wheat; loan and purchase agreement program, 1950:
Support rates, county; amendment 713
Warehouse receipts 66
Oats. *See* Grains.
Rye. *See* Grains.
Seeds. *See* Grains.
Soybeans. *See* Grains.
Tobacco loan program, 1950; advances to growers, for Pennsylvania filler tobacco, type 41 795
Wheat. *See* Grains.

COMMODITY CREDIT CORPORATION—Con. Page
Loans for construction made pursuant to CCC commodity loan programs, not to constitute real estate construction credit; interpretation by Board of Governors, Federal Reserve System 495

COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION):
Commodity Exchange Commission, orders of; limits on positions and daily trading for future delivery (soybeans and eggs), notice of hearing 321
COMMUNITY FACILITIES SERVICE, HOUSING AND HOME FINANCE AGENCY. *See* Housing and Home Finance Agency.
CONSTRUCTION:
Priority order respecting. *See* National Production Authority.
Real estate construction credit. *See* Federal Reserve System.
School facilities. *See* Education, Office of.
CONSUMER CREDIT. *See* Federal Reserve System.
CONTRACTS, GOVERNMENT:
Loan guarantees for financing contracts or operations related to national defense; Executive order respecting. *See* Presidential documents.
Minimum wage determinations under Walsh-Healy Public Contracts Act. *See* Public Contracts Division.
Procurement:
By Army Department. *See* Army Department.
By Federal agencies. *See* General Services Administration.
For national defense; functions under Defense Production Act, Executive order respecting. *See* Presidential documents.
Renegotiation; joint regulations of armed services. *See* Defense Department.
COPYRIGHTS, property of aliens; vesting orders, etc. *See* Alien Property, Office of.

CUSTOMS BUREAU:
Classification, tariff, for purpose of liquidating duties on certain imported articles; notice of proposed change, fur felt berets 476
Commissioner; delegation of authority to, from Secretary of Treasury, with respect to waivers of navigation laws 731
Convict, forced, or indentured labor, merchandise produced by; importation of canned crab meat from USSR prohibited 776
Crab meat, canned in USSR; importation prohibited 776
Customs regulations:
Distilled spirits; procedure for computing internal revenue taxes. *See* Liquidation of duties.
Liquidation of duties:
Classification for purpose of liquidating duties. *See* Classification, *above*.
Procedure for computing internal revenue taxes on certain imported distilled spirits 455
Special classes of merchandise; canned crab meat from USSR. *See* Crab meat, *above*.
Foreign excess property fabricated from critical materials for defense purposes; determination and regulations of Secretary of Commerce respecting importation 320
Navigation laws, certain; delegation of authority from Secretary of Treasury to Commissioner to waive compliance with 731
Tariff classification of certain articles. *See* Classification, tariff.
Tariff-rate quotas for calendar year 1951, pursuant to trade agreements:
Fish, fresh or frozen 554
Petroleum and petroleum products 396
Proclamation respecting. *See main heading* Presidential documents.
Trade agreements; tariff-rate quotas for calendar year 1951, pursuant to:
Fish, fresh or frozen 554
Petroleum and petroleum products 396
Proclamation respecting. *See main heading* Presidential documents.
Waivers of navigation laws; delegation of authority respecting to Commissioner from Secretary of Treasury 731

D

DANGER AREAS AND ZONES: Page
Airspace restricted areas over military installations, etc.; designation as danger areas. *See* Civil Aeronautics Board.
Navigation regulations of Corps of Engineers. *See* Engineers, Corps of.
DECORATIONS, MEDALS, ETC.; Army Department regulations respecting Medal for Humane Action. *See* Army Department.

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Navy Department.
Authority, delegation of; priority (DO) ratings. *See* Secretary of Defense, *below*.
Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization; representation on 646
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Housing projects; uniform instructions for selection of sponsors and processing of. *See* Secretary of Defense, *below*.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on. *See main heading* Defense Transport Administration.
International disputes, support of United Nations activities directed to peaceful settlement of; Executive order respecting. *See main heading* Presidential documents.
Joint regulations of armed forces, military renegotiation regulations; determination of renegotiable business and costs, general classes or types of contracts and subcontracts exempted from renegotiation by Military Renegotiation Policy and Review Board and by Secretary of Defense (Appendix A) 282
Peaceful settlement of international disputes, support of United Nations activities directed toward; Executive order respecting. *See main heading* Presidential documents.
Radio antenna towers and/or supporting structures, construction, marking and lighting of; standards set forth by Federal Communications Commission in conjunction with Department. *See main heading* Federal Communications Commission.
Renegotiation (Military) Policy and Review Board; regulations adopted by. *See* Joint regulations of armed forces.
Secretary of Defense, Office of:
Authority, delegation of, to Secretary to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs 128
Aluminum forms and products, authority to reschedule deliveries 867
Confirmation 738
Instructions, uniform, for selection of sponsors and processing of housing projects constructed under provisions of Title VIII, National Housing Act 357
Renegotiation, permissive exemptions from, by Secretary and Military Renegotiation Policy and Review Board; determination of renegotiable business. *See* Joint regulations of armed forces.
Voluntary plan for contribution of tanker capacity. *See main heading* Maritime Administration.

DEFENSE FISHERIES ADMINISTRATION:
Reassignment of chapter 808

DEFENSE MINERALS ADMINISTRATION:
Actions and authority; confirmation of defense actions and redelegation of authority 904
Reassignment of chapter 808
Scarce materials, designation of 85

DEFENSE MOBILIZATION, OFFICE OF:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.

DEFENSE MOBILIZATION, OFFICE OF—Continued Page
Committees, boards; representation on:
Committee on Foreign Supplies and Requirements; establishment, membership, and functions 646
Defense Mobilization Board; membership on:
Defense Production Administrator 808
Economic Stabilization Agency Administrator 808
Executive order respecting. *See main heading* Presidential documents.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; observer to be designated by Office to attend meetings of Committee 585
Cooperation of Government agencies in furnishing personnel, information, etc., to Economic Stabilization Agency, on request of Director; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; priorities and allocations under. *See* Priorities and allocations.
Food, allocation of; under Defense Production Act:
See also Priorities and allocations, *below*.
Functions of Director; Executive order respecting. *See main heading* Presidential documents.
Priorities and allocations, providing for effective use of, in achieving economic stabilization 808
Reassignment of chapter 808
DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE POWER ADMINISTRATION:
Actions and authority; confirmation of defense actions and redelegation of authority 904
Reassignment of chapter 808
DEFENSE PRODUCTION ACT:
Appointment without compensation of persons of outstanding ability; Executive order respecting. *See* Presidential documents.
Functions under; modification on establishment of Defense Production Administration. *See* Presidential documents.
Inventory control. *See* National Production Authority.
Priorities and allocations:
Delegations of authority to various agencies performing functions with respect to, to issue regulations, etc. *See* Defense Mobilization, Office of; *and* Defense Production Administration.
Functions respecting, modification on establishment of Defense Production Administration; Executive order respecting. *See* Presidential documents.
Priorities regulations and orders. *See* National Production Authority.
Real estate construction credit. *See* Federal Reserve System.
Scarce materials, designation of. *See* Defense Minerals Administration; *and* National Production Authority.
Stabilization of national economy:
Cooperation of Government agencies with Economic Stabilization Agency; Presidential letter respecting. *See* Presidential documents.
Regulations, etc. *See* Economic Stabilization Agency; Price Stabilization, Office of; *and* Wage Stabilization Board.
Voluntary plans, by industry, business, etc., in interest of national defense:
Executive order respecting functions in connection with. *See* Presidential documents.
Various plans. *See* Economic Stabilization Agency; *and* Maritime Administration.

DEFENSE PRODUCTION ADMINISTRATION:
Committees, boards; representation on:
Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization; representation on 646
Defense Mobilization Board; Administrator designated member of 808
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; observer to be designated by Administration to attend meetings of Committee 585

DEFENSE PRODUCTION ADMINISTRATION—Con. Page

Delegations of authority to various agencies or officials; functions under Defense Production Act and Executive Order 10161 (authority of Agriculture Department, Commerce Department, General Services Administration, Interior Department, Interstate Commerce Commission) 738

Certificates of necessity:

Emergency facilities, amortization of; issuance of certificates under section 124A of Internal Revenue Code 738

Loans, purchases, etc.; issuance of necessity certificates in connection with 738

Priorities and allocations 738

Allocation responsibilities for certain metals and minerals, mining machinery and equipment, etc., delegated to Secretary of Interior 738

Voluntary agreements and programs 738

Establishment, functions, etc., Executive order respecting. *See main heading* Presidential documents.

Priorities and allocations; order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 808

Reassignment of chapter 808

DEFENSE SOLID FUELS ADMINISTRATION:

Actions and authority; confirmation of defense actions and redelegation of authority 904

Reassignment of chapter 808

DEFENSE TRANSPORT ADMINISTRATION:

Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; establishment and organization of 585

Reassignment of, as Chapter VIII in Title 32A—National Defense, Appendix 808

DISASTERS; alleviation of damage, hardships, etc., caused by floods, drought, etc.:

Agricultural credit, disaster areas in need of; designation. *See* Agriculture Department.

Alleviation of disasters caused by floods; authority of Housing and Home Finance Administration respecting. *See* Housing and Home Finance Administration.

"DOLLAR A YEAR MEN"; appointment of certain persons of outstanding ability to serve without compensation, Executive order respecting. *See* Presidential documents.

E

ECONOMIC COOPERATION ADMINISTRATION:

Committees; representation on:

Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization 646

Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization, Defense Transport Administration 585

Funds, transfer of, for administration of Yugoslav Relief Assistance Act; Executive order respecting. *See main heading* Presidential documents.

ECONOMIC STABILIZATION AGENCY:

See Price Stabilization, Office of.
Wage Stabilization Board.

Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.

Committees, boards; representation on:

Defense Mobilization Board; Administrator designated member of 808

Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585

Cooperation by Government agencies, availability of information, personnel, etc.; Presidential letter respecting. *See main heading* Presidential documents.

Defense Production Act; modification of functions pursuant to act, Executive order respecting. *See main heading* Presidential documents.

General Counsel; functions 739

ECONOMIC STABILIZATION AGENCY—Continued Page

Price stabilization:

Director of Price Stabilization; functions with respect to price stabilization 100, 738

Iron and steel mill industry; request for stabilization of prices on certain listed products 555

Price control regulations:

See also main heading Price Stabilization, Office of.

Cattlehide, kips and calfskins (Ceiling Price Regulation 2) 727

Priorities and allocations; order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 808

Reassignment of chapter 808

Voluntary plan for stabilization of prices for iron and steel mill industry; request for stabilization of prices 555

Wage stabilization:

See also main heading Wage Stabilization Board.

Supersedure of prior regulations respecting 817

Wage Stabilization Board; functions with respect to wage stabilization 739

EDUCATION, OFFICE OF:

Construction of school facilities in areas affected by Federal activities; certification, payment, and administrative provisions 769

EDUCATIONAL FACILITIES:

Construction of school facilities in areas affected by Federal activities. *See* Education, Office of.

Housing for educational institutions, authority of Community Facilities Service respecting. *See* Housing and Home Finance Agency.

ELECTRIC POWER ADMINISTRATION. *See* Defense Power Administration.

EMERGENCY FACILITIES, necessity certificates for, functions of Defense Production Administrator in connection with; Executive order respecting. *See* Presidential documents.

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:

Housing projects, uniform instructions issued by Office of Secretary of Defense; additional information obtainable from Corps. *See main heading* Defense Department.

Regulations:

Danger zone regulations:

California, Pacific Ocean in vicinity of San Pedro; practice firing ranges for United States Army Reserve, National Guard and Coast Guard units 818

Delaware coast, Atlantic Ocean off; antiaircraft artillery firing areas, Second Army 643

Georgia coast, Atlantic Ocean off; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, United States Air Force 818

Maryland, Atlantic Ocean and Sinepuxent and Chincoteague Bays; target areas, United States Navy (revocation) 818

Fishing and hunting regulations:

Maryland and Virginia, Chesapeake Bay and navigable tributaries; fishing structures 904

Virginia; Chesapeake Bay. *See* Maryland and Virginia.

Washington; Everett Harbor and vicinity, gill nets 904

EXCESS (SURPLUS) PROPERTY, disposal of. *See* General Services Administration.

EXECUTIVE OFFICE OF THE PRESIDENT:

See Defense Mobilization, Office of.
National Security Resources Board.

President's Committee on Internal Security and Individual Rights; establishment. *See main heading* Presidential documents.

EXECUTIVE ORDERS. *See* Presidential documents.

EXPORT CONTROL. *See* International Trade, Office of.

EXPORTS. *See* Imports and exports.

F

FARM CREDIT ADMINISTRATION: Page

Administrative provisions; surplus property disposal, revocation of part 112

Regulations; loan interest rates and security, eligible commodities (addition of petroleum products, to list) 669

FARMERS HOME ADMINISTRATION:

Farm housing loans and grants; processing subsequent loans and grants 112

Farm ownership loans, basic regulations; loan limitations, average values of farm and investment limits:

Kansas 112

Maine 579

New Jersey 577

North Dakota 577

Pennsylvania 577

FEDERAL CIVIL DEFENSE ADMINISTRATION:

Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.

Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585

Radio frequencies available for amateurs in providing civil defense communications. *See main heading* Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION:

Hearings, etc.:

Aeronautical Radio Inc 427

All America Cables & Radio, Inc 912

Allentown Broadcasting Corp 648

American Telephone and Telegraph Co 427, 514, 515, 740, 911

Anderson, George Basil 515

Ark-Valley Broadcasting Co., Inc (KGAR) 515

Baltimore, David M 648

Bell Telephone Co. of Nevada 740

Bell Telephone Co. of Pennsylvania 740

Bryan Broadcasting Co. (KORA) 199

Butcher, Robert H 912

Cain, Charles L 426

Camellia Broadcasting Co., Inc. (KLFY) 432

Capital Broadcasting Co. (KFNF) 515

Central City-Greenville Broadcasting Co 915

Central Ohio Broadcasting Co 426

Chamberlain, Charles H 360

Champion City Broadcasting Co. (WJEL) 426

Chapin, Edward W 233

Chesapeake & Potomac Telephone Co 740

Chesapeake & Potomac Telephone Co. of Baltimore City 740

Chesapeake & Potomac Telephone Co. of Virginia 740

Chesapeake & Potomac Telephone Co. of West Virginia 740

Christian County Broadcasting Co. (WTIM) 261

Cincinnati & Suburban Bell Telephone Co 740

Circle Broadcasting Corp 914

Clark-Montgomery Broadcasting Co., Inc 201

Columbia Broadcasting System, Inc 507

Commercial Cable Co 912

Cosmopolitan Broadcasting Corp. (WCMA) 914

Court House Broadcasting Co 426

Crabb, Robert C 913

Craig, Claude H. (KCHC) 202

Crosley Broadcasting Corp. (WINS) 647

Custer County Broadcasting Co. (KCNI) 201

Diamond State Telephone Co 740

Doctors' Telephone Exchange and Huntington Telephone Answering Service 200

Dooley, Roger E 912

Dowlander Broadcasting Co. (WOOF) 914

DuMont, Allen B., Laboratories, Inc 515

Easton Publishing Co 648

Electro Craft, Inc 200

Fayette Broadcasting Co 426

Formby, Marshall 200

Fort Hamilton Broadcasting Co. (WMOH) 201

Freke-Hayes, J. J 200

Gila Broadcasting Co 198

Good Neighbor Broadcasting Co., Inc. (KIWW) 199

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

Graf, Harold W 200

Greenville Broadcasting Co. (WESC) 648

Guy, Raymond F 233

Harmco, Inc. (KROY) 197

Heart of the Black Hills Station (KDSJ) 431, 646

Hoffman Answering Service 913

Illinois Bell Telephone Co 740

Indiana Bell Telephone Co 740

Inter-American Radio Corp 912

Interlake Broadcasting Corp. (KXRN) 647

International Bank for Reconstruction and Development 912

International Monetary Fund 912

Jordaphone Corp. of America 514

KPLW 209

KWHK Broadcasting Co., Inc. (KWHK) 647

Key, Earl M. (WKEY) 200

Kirpatovsky, Sergei Vladimar 912

Knights Packard Service 200

Lake Carriers' Assn 427

Lake County Mobile Radio Dispatching Co 912

Lakewood Broadcasting Co 426

Lawrence County Broadcasting Co 914

Lorain County Radio Corp 427

Lynett, Edward J., Jr., and Elizabeth R. (WQAN) 648

Mackay Radio and Telegraph Co., Inc 912

Miami Broadcasting Co. (WQAM) 915

Michigan Bell Telephone Co 740

Midwestern Broadcasting Co 198

Minnesota Valley Broadcasting Co. (KTOE) 431, 646

Mobile Radio Dispatch Service 200

Mt. Airy Broadcasters, Inc 431

Mountain States Telephone & Telegraph Co 740

Muhlenberg County Broadcasting Co 915

National Association of Broadcasters 196

National Broadcasting Co 427

National Broadcasting Co., Inc. (KOA) 198

National Federation of American Shipping 427

New England Telephone & Telegraph Co 740

New Jersey Bell Telephone Co 740

New York Telephone Co 740

North Shore Radio-Telephone Dispatch Service 912

Northwestern Bell Telephone Co 740

O'Brien, Bernard C 233

Ohio Bell Telephone Co 740

Pacific Coast Broadcasting Co. (KXLA) 514

Pacific Telephone & Telegraph Co 740

Palo Alto Radio Station, Inc. (KYA) 197

Pollard, Wilton Harvey (WBHP) 914

Pratt Broadcasting Co 199

Pulaski Broadcasting Co. (WKSR) 648

RCA Communications, Inc 427, 912

Racine Radio Dispatch Service 912

Radio Corp. of Toledo 198

Radio Sumter 199

Radio-Television Manufacturers Assn 233

Radiomarine Corp. of America 427

Rogers, Ward C 912, 913

Rural Broadcasting Co. of Ohio 198

Sagert Radin Co 912

San Mateo County Broadcasters (KVSM) 197

Schiller, Solomon 200

Scranton Times 648

Smith, Thomas L., Jr 201, 431

South Shore Radio Telephone, Inc 912

Southeast Colorado Broadcasting Co. (KLMR) 515

Southern Bell Telephone & Telegraph Co 740

Southern New England Telephone Co 740

Southwestern Bell Telephone Co 740

Spartan Radiocasting Co. (WORD) 648

Streight, E. R 912

Suburban Radiotelephone 200

Tacoma Broadcasters, Inc. (KTBI) 193

Taylor County Broadcasting Co., Inc. (WLCK) 201

Telanserphone, Inc 201, 431, 913

Telephone Answering Exchange 200

Telephone Message Service of Yonkers 200

Telephone Secretarial Service, Inc 200

Television Broadcasters Assn 508

Toledo Blade Co 198

Towery, R. W 648

Tri-State Broadcasting Co. (WCPM) 514

Tropical Radio, Inc 427

Unity Corp., Inc. (WTOD) 198

70000—51——3

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued
- WSOC, Inc. 199
- WTNJ 913
- West Coast Telephone Co. 647
- Westchester Mobilfone System, Inc. 200
- Western Union Telegraph Co. 911, 912
- Willett Radio Corp. 912
- Winter Garden Broadcasting Co. 199
- Wisconsin Telephone Co. 740
- Wolpert, Newton Z. 913

Organization and delegations of authority; Motions Commissioner, designation of, for January 1951 324

Rules and regulations, etc.:
- Common carriers; investigations and hearings with respect to rates, charges, tariffs, etc.:
  - International telegraph communications of International Bank for Reconstruction and Development and International Monetary Fund; further hearing scheduled 912
  - Rates and charges for interstate and foreign communication services furnished by American Telephone and Telegraph Co. and associated companies of Bell System; investigation of 740
  - Telephone answering devices, investigation of use of, in connection with interstate and foreign telephone service; hearing postponed (Jordaphone Corp. of America, et al.) 514
  - Television transmission facilities:
    - Allocation of usage of intercity video transmission facilities; hearing (Allen B. DuMont Laboratories, Inc., et al.) 515
    - Charges, practices and services, and tariff schedules applicable to furnishing intercity channels; investigation of (American Telephone and Telegraph Co. and Western Union Telegraph Co.) 911
- Practice and procedure:
  - Form 404–A, revised 715
  - Radio licenses, applications and proceedings affecting; filing of applications and description of forms:
    - Application for station license where no construction permit required; Form 404–A (application for private aircraft radio station license) 715
    - Modification of license, broadcast and nonbroadcast; Form 404–A (application for private aircraft radio station license) 715
    - Renewal of license, broadcast and nonbroadcast:
      - Form 404–A (application for private aircraft radio station license) 716
      - Time for filing applications; proposed rule making 194
- Radio regulations:
  - Aeronautical services:
    - In Alaska, proposed rules respecting; extension of time for filing comments 909
    - International frequency list; aeronautical fixed and other aviation assignments proposed for implementation of. *See under* International agreements, etc.
  - Aeronautical study, special, in connection with construction, marking and lighting of antenna towers and supporting structures. *See* Antenna towers.
  - Alaska, radio stations in:
    - Aviation service, proposed deletion; extension of time for filing comments 909
    - International frequency list; assignments proposed for implementation of. *See under* International agreements, etc.
  - Amateur service; civil defense communications in specified bands 649
  - Antenna towers and/or supporting structures; standards (worked out in conjunction with Civil Aeronautics Administration, Department of Defense, and other Government agencies) for construction, marking and lighting of:
    - Aeronautical study, special, by Airspace Subcommittee of Air Coordinating Committee:
      - Civil Aeronautics Administration regional offices, directory of, in which Airspace Subcommittees located 100

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Rules and regulations, etc.—Continued
- Radio regulations—Continued
  - Antenna towers and/or supporting structures; standards (worked out in conjunction with Civil Aeronautics Administration, Department of Defense, and other Government agencies) for construction, marking and lighting of—Continued
    - Aeronautical study, special, by Airspace Subcommittee of Air Coordinating, Committee—Continued
      - Criteria for determining whether applications for radio towers require special study 89
      - Procedure to be followed by Airspace Subcommittee in cases requiring special study 100
    - General information:
      - Basis and purpose 88
      - Definitions 88
      - Proposed antenna structures:
        - Commission consideration of, with respect to possible hazard to air navigation 89
        - Form to be used to describe 89
    - Marking and lighting of antenna structures, specifications for 90
    - Sites for antenna structures, proposed:
      - Applications requiring special aeronautical study. *See* Aeronautical study.
      - Assistance in selection of:
        - At CAA regional offices and Defense Department air bases 100
        - Charts and publications of assistance in determining where proposed antenna sites lie with respect to airport and approach areas; list of 100
  - Citizens radio service:
    - Application for construction permit using nontype-approved equipment; form to be used 92
    - Frequency tolerance; amendment to facilitate production of inexpensive walkie-talkie transmitter receivers 92
  - Civil defense communication, frequencies available for amateur participation 649
  - Coastal and marine relay services; proposed revision. *See* Maritime services.
  - Educational broadcast stations, noncommercial. *See* Radio broadcast services.
  - FM broadcast stations. *See* Radio broadcast services.
  - Fixed service, United States; proposed assignments for implementation of international frequency list. *See under* International agreements, etc.
  - Frequencies and channels, allocation or use of:
    - Civil defense communication by amateur operators 649
    - FM broadcast stations, class B; amendments to revised tentative allocation plan 649
    - International frequency list, assignments proposed for implementation of. *See* International agreements, etc.
  - Frequency allocations and radio treaty matters:
    - Definitions:
      - Television inter-city relay station (FXN) 168
      - Television pickup station (MLT) 168
      - Television STL station (studio-transmitter link) (FXT) 168
    - Symbols, station:
      - FXN; television inter-city relay station 168
      - MLT; television pickup station 168
      - MOT; television pickup station (deletion) 168
  - Industrial assignments proposed for implementation of international frequency list. *See under* International agreements, etc.
  - International agreements, etc., relating to radio in which United States participates:
    - Frequency list, international; proposed assignments for implementation of. *See* International Telecommunication Union.
    - International Telecommunication Union, Extraordinary Administrative Radio Conference of:
      - Experimental stations (not to be subject of international registration); policy respecting authorizations, etc. 431

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Rules and regulations, etc.—Continued
- Radio regulations—Continued
  - International agreements, etc., relating to radio in which United States participates—Con.
    - International Telecommunication Union, Extraordinary Administrative Radio Conference of—Continued
      - Frequency list, international; assignments in band 2000–3500 kc. to be recommended by United States for registration:
        - Changes and revisions made in lists:
          - Lists of frequencies proposed for assignment to various services:
            - Aeronautical fixed and other aviation assignments 431
            - Alaska, fixed and coast stations in 431
            - All non-Government assignments (including coastal and ship services, fixed, remote pickup, industrial, aeronautical, police, etc., services) 429
            - Fixed service, United States; assignments 431
            - Industrial assignments 431
            - Marine telephony assignments 430
            - Public safety assignments 430, 431
            - Remote pickup assignments 430
          - Summary of changes 427
        - Comments received from interested parties as to proposed lists 427
      - North American Regional Broadcasting Agreement; changes and proposed changes in assignments to foreign broadcasting stations:
        - Canadian broadcast stations 202
        - Mexican broadcast stations 202, 649
    - International broadcast stations. *See* Radio broadcast services.
  - Maritime services:
    - International frequency list, proposed assignments for implementation of. *See under* International agreements, etc.
    - Regulations governing coastal and marine relay and ship services, proposed revision of; requests for extension of time for filing written comments denied 197
  - Public safety assignments proposed for implementation of international frequency list. *See under* International agreements, etc.
  - Radio broadcast services 820
    - Educational broadcast stations, noncommercial:
      - FM; reissuance of regulations 841
      - Television. *See* Television broadcast stations.
    - FM broadcast stations:
      - Administrative procedure:
        - License period, normal; proposed rule respecting expiration date 194
        - Schedule of expiration dates 195
        - Renewal of license; proposed rule respecting time for filing application 194
      - Channels allocated to class B stations. *See* Frequencies and channels, allocation or use of, *above*.
      - Educational FM broadcast stations. *See* Educational broadcast stations.
      - Reissuance of regulations, with exception of standards of good engineering practice 833
    - International broadcast stations; reissuance of rules governing 855
    - Standard broadcast stations:
      - License period, normal; proposed rule respecting expiration date 194
      - Schedule of expiration dates 195
      - Reissuance of regulations, with exception of standards of good engineering practice 821
    - Television broadcast stations:
      - Administrative procedure:
        - License period, normal; proposed rule respecting expiration date 195
        - Schedule of expiration dates 196
        - Renewal of license; proposed rule respecting time for filing application 194
      - Educational television stations. *See* Proposed rule making proceedings.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Rules and regulations, etc.—Continued
- Radio regulations—Continued
  - Radio broadcast services—Continued
    - Television broadcast stations—Continued
      - Proposed rule making proceedings; educational television stations, noncommercial, reservation of channels for:
        - Hearing date postponed 234
        - Petitions to participate and present testimony in proceedings 196, 507, 508
        - Testimony to be presented by various parties 233
      - Reissuance of regulations, with exception of standards of good engineering practice 847
    - Remote pickup assignments proposed for implementation of international frequency list. *See under* International agreements, etc.
    - Ship service; proposed revision. *See* Maritime services.
    - Standard broadcast stations. *See* Radio broadcast services.
    - Television broadcast stations. *See* Radio broadcast services.
    - Walkie-talkie transmitter-receivers; frequency tolerance. *See* Citizens radio service.
  - Telephone and telegraph companies. *See* Common carriers.
  - Television service:
    - Television broadcast stations. *See* Radio regulations.
    - Transmission facilities of common carriers. *See* Common carriers.

FEDERAL CROP INSURANCE CORPORATION:
- Crop insurance regulations; multiple crop, 1950 and succeeding crop years (correction) 579

FEDERAL DEPOSIT INSURANCE CORPORATION:
- Mutual savings banks, insured, not members of Federal Reserve System:
  - Condition, report of; Form 64 (Savings) 239
  - Earnings and dividends; annual report, Form 73 (Savings) 239
- State banks, insured, not members of Federal Reserve System (except banks in District of Columbia and mutual savings banks):
  - Condition, report of; Form 64 (short form)—Call No. 34 240
  - Earnings and dividends; annual report, Form 73 240

FEDERAL HOME LOAN BANK SYSTEM. *See* Home Loan Bank Board.

FEDERAL HOUSING ADMINISTRATION:
- Instructions, uniform, for selection of sponsors and processing of specified housing projects, issued by Office of Secretary of Defense; approval of plans by Administration. *See main heading* Defense Department.
- Organization, field; location of offices, changes of address 361
- Regulations:
  - Cooperative housing. *See* Multifamily and group housing insurance.
  - Farm mortgage insurance; eligibility requirements:
    - Applications, return of accompanying fee 423
    - Mortgages, eligible; Defense Production Act of 1950 controls:
      - Inapplicability of provisions 423
      - Property with three- or four-family residences thereon 423
  - Group housing insurance. *See* Multifamily and group housing insurance.
  - Multifamily and group housing insurance:
    - *See also* War housing insurance.
    - Cooperative housing; eligibility requirements:
      - Individual mortgages covering properties released from lien or project mortgage; Defense Production Act of 1950 controls 422
      - Project mortgages:
        - Defense Production Act of 1950 controls, inapplicability of provisions 422
        - Temporary limitation upon maximum amount of mortgage 422
    - Rental housing; eligibility requirements of mortgage covering multifamily housing, limitation upon maximum amount of eligible mortgage 422

FEDERAL HOUSING ADMINISTRATION—Con. Page

Regulations—Continued
- Mutual mortgage insurance; eligibility requirements of mortgage covering one- to four-family dwellings:
  - Application, return of fee upon cancellation of commitment 421
  - Mortgages, eligible; Defense Production Act of 1950 controls:
    - Inapplicability of provisions 421
    - Property with three- or four-family residences thereon 421
- One- to four-family dwellings. *See* Mutual mortgage insurance; *and* War housing insurance.
- Property improvement loans; mortgage insurance in connection with housing renovation and modernization, eligibility requirements:
  - Application; accompanying fee in filing with respect to proposed construction 421
  - Mortgages, eligible; Defense Production Act of 1950 controls, inapplicability of provisions 421
- Renovation or modernization of housing; mortgage insurance. *See* Property improvement loans.
- Rental housing, multifamily. *See* Multifamily and group housing insurance; *and* War housing insurance.
- Single family project loans. *See* War housing insurance.
- War housing insurance:
  - Multifamily rental housing insurance; United States Government houses, sold, eligibility requirements under section 608 pursuant to section 610, limitation upon maximum amount of eligible mortgage 424
  - One- to four-family dwellings:
    - Eligibility requirements of mortgage; Defense Production Act of 1950 controls:
      - Inapplicability of provisions 423
      - Property with three- or four-family residences thereon 423
    - United States Government housing, sold, eligibility requirements of mortgage under section 603 pursuant to section 610; Defense Production Act of 1950 controls:
      - Inapplicability of provisions 423
      - Property with three- or four-family residences thereon 423
    - Single-family project loans; eligibility requirements:
      - Individual mortgage covering property released from lien of project mortgage, eligible mortgages, Defense Production Act of 1950 controls 424
      - Project mortgage covering group of single-family dwelling; temporary limitation upon maximum amount of eligible mortgage 424
  - War rental housing. *See* War housing insurance.

FEDERAL MARITIME BOARD. *See* Maritime Board, Federal.

FEDERAL PERSONNEL:
- Civil service. *See* Civil Service Commission.
- Compensation for foreign duty in designated areas. *See* State Department.
- Executive orders respecting. *See* Presidential documents.
- Treasury Department, former officers and employees, special enrollment of; regulations of Office of Secretary. *See* Treasury Department.

FEDERAL POWER COMMISSION:
- Delegations of final authority, etc. *See* Organization.
- Hearings, etc.:
  - Algonquin Gas Transmission Co 433
  - Arkansas Louisiana Gas Co 101, 476
  - Atlantic Gulf Gas Co 432
  - Bangor Gas Co 697
  - Biddeford and Saco Gas Co 323
  - Bonneville Project; Columbia River, Oreg.-Wash. 324
  - Brazos River Conservation and Reclamation District 915
  - Canadian River Gas Co 555
  - Carolina Natural Gas Corp 695
  - Carrollton, City of; Ky 476
  - Cities Service Gas Co 101, 868
  - Citizens Gas Co 697
  - Community Public Service Co 290

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
- Crystal City Gas Co 697
- Dallas Power & Light Co 290
- Delaware Power & Light Co 739
- Delaware River Development Corp 361
- East Ohio Gas Co 397
- El Paso Electric Co 323, 593
- El Paso Natural Gas Co 513, 555, 593
- Equitable Gas Co 101, 593, 697
- Gardner Gas Fuel and Light Co 779
- Gas Service, Inc 323
- Greenfield Gas Light Co 324
- Gulf Public Service Co., Inc 779
- Hope Natural Gas Co 476
- Houston Lighting & Power Co 650
- Idaho Power Co 916
- Independent Natural Gas Co 867
- Interstate Power Co 203
- Iowa-Illinois Gas and Electric Co 915
- Iowa Power and Light Co 915
- Kosar, Everett and Oscar E 324
- Le Flore County Gas & Electric Co 593
- Louisiana Power & Light Co 779
- Mercer Gas Light and Fuel Co 360, 592
- Michigan Gas Storage Co 397
- Michigan-Wisconsin Pipe Line Co 868
- Mississippi Power & Light Co 477
- Mississippi River Fuel Corp 360
- Montana-Dakota Utilities Co 323, 915
- Mountain States Power Co 593
- Natural Gas Pipeline Co. of America 47
- New England Power Co 290
- New York State Natural Gas Corp 137, 513, 593
- New York, State of; Power Authority 46
- Niagara Falls Power Co 650
- Niagara Mohawk Power Corp 137, 650
- Northeastern Gas Transmission Co 136, 203, 434, 650
- Northern Natural Gas Co 592, 867
- Ohio Fuel Gas Co 593
- Pacific Gas and Electric Co 650
- Pen Argyl Gas Co 697
- Philadelphia Electric Co 739
- Piedmont Natural Gas Co., Inc 695
- Pittsburgh and West Virginia Gas Co 697
- Public Power and Water Corp 477
- Public Service Co. of North Carolina 695
- Seattle, City of, Wash 137
- Southern Natural Gas Co 136, 360, 432
- Southern Utah Power Co 432
- Southwestern Electric Service Co 290
- Southwestern Power Administration 477
- Southwestern Virginia Gas Transmission Co 261, 867
- Tennessee Gas Transmission Co 290, 324, 779
- Texas Eastern Transmission Corp 360, 433
- Texas Electric Service Co 290
- Texas Gas Transmission Corp 47, 48, 477, 555, 779
- Texas Power & Light Co 290
- Texoma Natural Gas Co 47
- Transcontinental Gas Pipe Line Corp 695
- Trinidad, City of; Colo 47
- United Gas Pipe Line Co 136, 433, 867
- Warwick Gas Corp 697
- Winter Electric Light and Power Co 396

Organization, statement of (functions, delegations of final authority, offices, etc.); revision 137

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
- Consumer credit; down payments and maximum loan values on certain listed articles:
  - Change of title of Part 222 from "Consumer instalment credit" 221
  - Interpretations; exclusion of "self-labor" from cash price of "services" in making repairs, improvements, etc., to residential property 280
  - Supplement; residential repairs, improvements, etc. (Group D), interpretation respecting exclusion of "self-labor" from cash price of "services" 280
- Credit:
  - Consumer credit. *See* Consumer credit.
  - Real estate credit. *See* Residential real estate construction credit.
  - Securities; loans by brokers, dealers, etc. *See* Stocks and securities.
- Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued Page
- Defense Production Act; modification of functions of Board pursuant to act, Executive order respecting. *See main heading* Presidential documents.
- Deposits, payment of interest on:
  - Savings accounts passbooks, presentation of 580
  - Time deposits, transfers of 580
- Loans, for purchasing stocks. *See* Stocks and securities.
- Organization, rules of:
  - Division of Bank Operations, functions; deletion of reference to administrative matters arising under Regulation W, relating to consumer credit 434
  - Division of International Finance; establishment and functions 434
  - Division of Selective Credit Regulation; establishment and functions 434
- Reserves of member banks:
  - Reserves required to be maintained 162
  - Savings accounts passbooks, presentation of 579
- Residential real estate construction credit 308
  - *See also* Consumer credit.
  - Interpretations:
    - Commodity Credit Corporation loans to be regarded as loans guaranteed by wholly owned Government Corporation and therefore not real estate construction credit 495
    - Family unit basis, loan values computed on 495
- Savings accounts passbooks, presentation of. *See* Reserves of member banks.
- Stocks and securities; loans, etc., in connection with:
  - Credit by brokers, dealers and members of national securities exchanges; maximum loan value and margin requirements for short sales in general accounts 453
  - Loans by banks for purpose of purchasing or carrying registered stocks; maximum loan value of stocks (25% of current market value) 455

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION. *See* Home Loan Bank Board.

FEDERAL SAVINGS AND LOAN SYSTEM. *See* Home Loan Bank Board.

FEDERAL SECURITY AGENCY:
- *See Education, Office of.*
  - *Food and Drug Administration.*
  - *Public Health Service.*
  - *Vocational Rehabilitation, Office of.*
- Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.

FEDERAL TRADE COMMISSION:
- Cease and desist orders and/or dismissals of complaints:
  - American Maize Products Co 884
  - Anheuser-Busch, Inc 884
  - Bliss Syrup and Preserving Co 884
  - Bonner, Charles W 387
  - Bonner Packing Co 387
  - Busch, A., and Co., Inc 884
  - Busch, A. A., and Co. of Mass 884
  - Christie, James H 120
  - Clinton Industries, Inc 884
  - Clinton Sales Co 884
  - Corn Products Refining Co 884
  - Corn Products Sales Co 884
  - Deeter, Larry M 495
  - Educational Surveys 495
  - Fried, Henry 419
  - Goldcraft Portrait Studio 317
  - Hubinger Co 884
  - National Starch Products, Inc 884
  - O. K. Hat Novelties 419
  - Penick and Ford, Ltd 884
  - Petrey, Eugene D. and Dorothy T 317
  - Raffles, Frank, Harry and Julius 119
  - Rembrandt Studio 317
  - Schorr, Herbert 419
  - Scully, D. B., Syrup Co 884
  - Southern Syrup Co., Inc 884
  - Staley, A. E., Mfg. Co 844
  - Staley Sales Corp 884
  - Union Sales Corp 884

FEDERAL TRADE COMMISSION—Continued Page
- Cease and desist orders and/or dismissals of complaints—Continued
  - Union Starch & Refining Co 884
  - United Pressed Products Co 119
  - United Surveys 120
- Defense Production Act; modification of functions pursuant to act, Executive order respecting. *See main heading* Presidential documents.
- Hearings, etc.:
  - *See also* Trade practice rules.
  - Electrovox Co., Inc 434
  - Marine Tobacco Co 290
  - Monroe Sales Co 740
  - Walcutt, Lowell and Robert G 434
- Policies; injunctive proceedings by Commission 280
- Price stabilization, on certain iron and steel products; consultation with Economic Stabilization Agency respecting. *See main heading* Economic Stabilization Agency.
- Trade practice rules:
  - Floor machinery industry; notice of holding of conference 203
  - Refrigerated storage industry, public; notice of hearing 553
- Voluntary plan for contribution of tanker capacity. *See main heading* Maritime Administration.

FISH AND WILDLIFE SERVICE:
- Procurement in connection with programs of Service; Secretary of Interior authorized by General Services Administrator to make purchases and contracts of certain supplies and services 515
- Regulations; management of wildlife conservation areas, Southeastern region:
  - Carolina Sandhills National Wildlife Refuge, South Carolina; hunting permitted 233
  - Piedmont National Wildlife Refuge, Georgia; quail hunting permitted 716

FISHERIES ADMINISTRATION. *See* Defense Fisheries Administration.

FISHING AND HUNTING; regulations respecting:
- Fishing. *See* Engineers, Corps of.
- Hunting. *See* Fish and Wildlife Service.

FOOD AND DRUG ADMINISTRATION:
- Drugs:
  - Certification of batches of antibiotic and antibiotic-containing drugs:
    - Bacitracin 715
    - Penicillin 714
  - Tests and methods of assay for antibiotic and antibiotic-containing drugs; bacitracin 714
- Milk, evaporated; notice of hearing to amend definition and standard of identity 731

FOREIGN AID; Yugoslav Emergency Relief Assistance Act, Executive order respecting. *See* Presidential documents.

FOREIGN ASSETS CONTROL; regulations respecting. *See* Treasury Department.

FOREIGN AND DOMESTIC COMMERCE BUREAU:
- *See International Trade, Office of.*
- Appeals Board; decisions in Office of International Trade case respecting suspension of license privileges of Kersten Shipping Agency, Inc 910

FOREIGN DUTY OF FEDERAL PERSONNEL; compensation for. *See* State Department.

FOREIGN MONEYS, values of; Mint Bureau regulations. *See* Treasury Department.

FOREIGN SUPPLIES AND REQUIREMENTS, COMMITTEE ON; establishment in Office of Defense Mobilization. *See* Defense Mobilization, Office of.

FOREST SERVICE:
- Condor sanctuary, in Los Padres National Forest, California; withdrawal of land for, under jurisdiction of Service. *See main heading* Land Management Bureau.
- Trespassing horses, removal of from certain national forests:
  - Challis National Forest (Pahsimerol Ranger District), Idaho 590
  - Ochoco National Forest (Snow Mountain Ranger District), Oregon 646

G

GAS. *See* Petroleum and petroleum products. Page

GENERAL SERVICES ADMINISTRATION:
- Authority, delegation of, to various agencies and officials:
  - Agriculture Department; authority of Secretary respecting disposal of surplus telephone lines and power lines 397
  - Housing and Home Finance Agency; authority of Administrator acting through Community Facilities Service to alleviate flood disaster in Nevada 102
  - Interior Department, Secretary:
    - Disposal of surplus power lines of Department 557
    - Purchases and contracts of certain supplies and services in connection with programs of Fish and Wildlife Service 515
  - Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization; representation on 646
- Defense Production Act:
  - Functions under, modification of; Executive order respecting. *See main heading* Presidential documents.
  - Purchase, commitments to purchase, for Government use or resale; rubber. *See* Regulations.
- Disasters caused by floods in Nevada, alleviation of; delegation of authority respecting to Housing and Home Finance Administrator, acting through Community Facilities Service 102
- Fish and wildlife programs, procurement in connection with; authority of Secretary of Interior respecting 515
- Procurement:
  - Fish and Wildlife Service programs, purchases and contracts in connection with; authority of Secretary of Interior respecting 515
  - Purchase for Government use or resale; regulations respecting. *See* Regulations.
- Regulations; purchase for Government use or resale, importation of rubber 13
- Surplus property disposal:
  - Power lines, authority respecting:
    - Agriculture Department 397
    - Interior Department 557
  - Telephone lines, authority of Agriculture Department respecting 397

GEOLOGICAL SURVEY:
- Agreements, unit or cooperative, of holders of Federal oil and gas leases 77
- Leases, Federal oil and gas; unit or cooperative agreements by holders of 77
- Oil and gas fields; definitions of known geologic structures of producing fields in various States:
  - Montana 777
  - New Mexico 777
- Oil and gas leases, Federal; unit or cooperative agreements by holders of 77

GERMANY:
- American Consulate General at Dusseldorf opened to public. *See* State Department.
- Participation of nationals in steamship conferences, etc. *See* Maritime Board, Federal.
- Property of nationals and former Government of; vesting orders, etc. *See* Alien Property, Office of.

GOVERNMENT EMPLOYEES:
- Civil Service. *See* Civil Service Commission.
- Compensation for foreign duty in designated areas. *See* State Department.
- Executive orders respecting. *See* Presidential documents.
- Treasury Department, former officers and employees, special enrollment of; regulations of Office of Secretary. *See* Treasury Department.

H

HOME LOAN BANK BOARD:
- Federal Savings and Loan Insurance Corporation; operations:
  - Credits, regular; reduction of Federal insurance reserve account, proviso proposed 395
  - Dividends, payment of, and charging of losses; additional proviso proposed 395

HOME LOAN BANK BOARD—Continued Page
- Federal Savings and Loan Insurance Corporation; operations—Continued
  - Losses, charging of, and payment of dividends; additional proviso proposed 395
- Federal Savings and Loan System; operations, withdrawals 456

HOUSING EXPEDITER, OFFICE OF:
- Regulations; rent control, regulations under Housing and Rent Act of 1947, as amended:
  - Housing, controlled; rent regulation:
    - Amendments affecting areas in listed States and possession:
      - California 6, 164, 231, 282, 499, 547, 766
      - Colorado 499
      - Connecticut 255, 499, 887
      - Delaware 255
      - Florida 231
      - Illinois 887
      - Indiana 231, 499
      - Iowa 164, 231, 255, 282, 766
      - Kansas 887
      - Kentucky 231, 499
      - Louisiana 164, 350
      - Maryland 255, 350, 499
      - Michigan 255, 282, 547, 766
      - Minnesota 255, 499
      - Missouri 164, 231, 232, 350, 887
      - Montana 766
      - New Hampshire 255, 766, 887
      - New Jersey 164, 255, 350, 499, 887
      - *See also* Special area.
      - New Mexico 499
      - North Carolina 164
      - Ohio 6, 164, 231, 255, 350, 499, 887
      - Oregon 77, 282
      - Pennsylvania 231, 255, 256, 350, 499, 887
      - Puerto Rico 256, 350, 499, 887
      - Rhode Island 231, 350, 887
      - South Carolina 547
      - Washington 350
      - West Virginia 256, 499
    - Special area, regulation; Atlantic County, N. J. 887
  - Rooming houses and other establishments, controlled rooms in; rent regulation, amendments affecting areas in listed States and possession:
    - California 6, 164, 231, 282, 499, 547, 766
    - Colorado 499
    - Connecticut 255, 499, 887
    - Delaware 255
    - Florida 231
    - Illinois 887
    - Indiana 231, 499
    - Iowa 164, 231, 255, 282, 766
    - Kansas 887
    - Kentucky 231, 499
    - Louisiana 164, 350
    - Maryland 255, 350, 499
    - Michigan 255, 282, 547, 766
    - Minnesota 255, 499
    - Missouri 164, 231, 232, 350, 887
    - Montana 766
    - New Hampshire 255, 766, 887
    - New Jersey 164, 255, 350, 499, 887
    - New Mexico 499
    - North Carolina 164
    - Ohio 6, 164, 231, 255, 350, 499, 887
    - Oregon 77, 282
    - Pennsylvania 231, 255, 256, 350, 499, 887
    - Puerto Rico 256, 350, 499, 887
    - Rhode Island 231, 350, 887
    - South Carolina 547
    - Washington 350
    - West Virginia 256, 499
  - Regulations by document designation; rent control, regulations under Housing and Rent Act of 1947, as amended:
    - Housing, controlled:
      - Area, special; regulation, Atlantic County, N. J., amendment 30 887
      - Regulation:
        - Amendment 334 6
        - Amendment 335 77
        - Amendment 336 164
        - Correction 255

HOUSING EXPEDITER, OFFICE OF—Continued Page
- Regulations by document designation; rent control regulations under Housing and Rent Act of 1947, as amended—Continued
  - Housing, controlled—Continued
    - Regulation—Continued
      - Amendment 337 231
      - Amendment 338 232
      - Amendment 339 255
      - Amendment 340 256
      - Amendment 341 282
      - Amendment 342 350
      - Amendment 343 499
      - Amendment 344 547
      - Amendment 345 766
      - Amendment 346 887
    - Rooming houses and other establishments, controlled rooms in; regulation:
      - Amendment 330 6
      - Amendment 331 77
      - Amendment 332 164
      - Correction 255
      - Amendment 333 231
      - Amendment 334 232
      - Amendment 335 255
      - Amendment 336 256
      - Amendment 337 282
      - Amendment 338 350
      - Amendment 339 499
      - Amendment 340 547
      - Amendment 341 766
      - Amendment 342 887

HOUSING AND HOME FINANCE AGENCY:
- *See Federal Housing Administration.*
- *Home Loan Bank Board.*
- *Public Housing Administration.*
- Community Facilities Service:
  - Flood disaster in Nevada, Housing and Home Finance Administrator authorized to act through Service for alleviation of 102
  - Housing program for educational institutions, authority to make loans, approve requisitions, etc. 741
- Disaster caused by floods in Nevada; Administrator authorized by General Services Administrator to act through Community Facilities Service for alleviation of 102
- Educational institutions, housing program. *See* Community Facilities Service.
- Loans, housing:
  - Educational institutions. *See* Community Facilities Service, *above.*
  - Loans made or assisted by Administrator of Veterans' Affairs, credit restrictions pursuant to Defense Production Act of 1950 on; findings by Housing and Home Finance Administrator 357, 580
  - Summary of uniform instructions, Department of Defense 357
- Organization; designation of acting director of Division of Slum Clearance and Urban Redevelopment 290
- Slum Clearance and Urban Redevelopment, Division of; designation of acting director 290

I

IMMIGRATION AND NATURALIZATION SERVICE:
- Immigration regulations:
  - Deportation proceedings; investigation and arrest:
    - Attorneys 74
    - Decision, Commissioner's 75
    - Definitions; section renumbered 74
    - Disposition by examiner 75
    - Evidence 74
    - Examination 74
    - Procedure, special; termination 75
    - Suspension of deportation; application prior to hearing 74
  - Detention; ports of entry. *See* Primary inspection and detention.
  - Ports of entry. *See* Primary inspection and detention.
  - Primary inspection and detention; ports of entry except by aircraft, Class A under District No. 9 of Chicago, Illinois, Lancaster, Minn. 495

IMPORTS AND EXPORTS: Page
- Agricultural products. *See* Agriculture Department.
- Animals and animal products, importation of. *See* Animal Industry Bureau.
- Arms, ammunition, and implements of war; export and import licenses for. *See* State Department.
- Crab meat canned in USSR; importation of convict, forced, or indentured labor-produced merchandise prohibited. *See* Customs Bureau.
- Export control. *See* International Trade, Office of.
- Fish, tariff quota on; customs regulations respecting. *See* Customs Bureau.
- Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
- Foreign excess property; importation of. *See* Commerce Department.
- Investigation of imports. *See* Tariff Commission.
- Petroleum and petroleum products, tariff quota on:
  - Customs regulations respecting. *See* Customs Bureau.
  - Proclamation respecting. *See* Presidential documents.
- Rubber, importation for Government use or resale; regulations respecting. *See* General Services Administration.

INDIAN AFFAIRS BUREAU:
- Authority delegations, from Secretary of Interior to various officials:
  - Commissioner:
    - *See also* Subdelegations.
    - Education; contract authority 473
    - Funds and fiscal matters; investments and expenditures 473
    - Health and welfare matters; contracts for agricultural assistance 473
    - Irrigation matters; San Carlos Indian irrigation project, Arizona 474
    - Lands and minerals; approval of specified types of leases 473
  - Headquarters officials; repeal of provisions delegating authority 474
  - Navajo Agency, officials of; repeal of provisions delegating authority 474
  - State directors; repeal of provisions delegating authority 474
  - Subdelegations; authority to Commissioner 474
  - Superintendent of Osage Indian Agency; approval of oil leases 474
- Irrigation projects; operation and maintenance charges, Klamath Indian irrigation project, proposed rates 234
- Leases, oil, gas, etc.:
  - Authority with respect to lands and minerals 473
  - Leases by Osage Tribal Council, authority to approve 474

INSURANCE, GOVERNMENT:
- Crop insurance. *See* Federal Crop Insurance Corporation.
- Housing; loan and mortgage insurance. *See* Federal Housing Administration.

INTERAGENCY ADVISORY COMMITTEE ON DOMESTIC TRANSPORT, STORAGE AND PORT UTILIZATION; establishment and functions. *See* Defense Transport Administration.

INTERIOR DEPARTMENT:
- *See Defense Fisheries Administration.*
- *Defense Minerals Administration.*
- *Defense Power Administration.*
- *Defense Solid Fuels Administration.*
- *Fish and Wildlife Service.*
- *Geological Survey.*
- *Indian Affairs Bureau.*
- *Land Management Bureau.*
- *Mines Bureau.*
- *National Park Service.*
- *Petroleum Administration for Defense.*
- *Reclamation Bureau.*
- Authority, delegations of:
  - Indian Affairs Bureau; authority of designated officials of Bureau in connection with various matters with respect to Indians:
    - Education; contracts 473
    - Funds and fiscal matters; investments and expenditures 473

INTERIOR DEPARTMENT—Continued Page

Authority, delegations of—Continued
- Indian Affairs Bureau; authority of designated officials, etc.—Continued
  - Health and welfare matters; contracts for agricultural assistance 473
  - Irrigation matters 474
  - Lands and minerals; leases 473
  - Leases:
    - *See also* Lands and minerals.
    - Oil leases of Osage Indian Agency 474
    - Repeal of cited sections 474
    - Subdelegations 474
- Mines Bureau; authority of designated officials respecting procurement 130

Committees, representation on:
- Committee on Foreign Supplies and Requirements, Office of Defense Mobilization; representation on 646
- Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
- Interagency Advisory Committee on Domestic Transportation, Storage, and Port Utilization; representation on 585

Defense Production Act:
- Delegation of authority etc. respecting various matters pursuant to. *See main headings* Defense Mobilization, Office of; *and* Defense Production Administration.
- Functions under; Executive order respecting. *See main heading* Presidential documents.

Manganese program of Department:
- Determinations by Secretary 130
- Procurement authority, delegation of, to designated officials of Bureau of Mines 130

Metals, minerals, and related facilities, functions of Secretary under Defense Production Act respecting; redelegation of authority (previously delegated to Secretary by Secretary of Commerce in National Production Authority Delegation 5) by Defense Production Administrator 738

Procurement in connection with various programs:
- Fish and Wildlife Service; Secretary authorized by General Services Administrator to make purchases and contracts of certain supplies and services 515
- Manganese program; delegation of authority to officials of Bureau of Mines 130

Southwestern Power Administration; various officials, powers, duties, etc., Acting Administrator 473

Surplus power lines, disposal of; delegation of authority to Secretary by General Services Administrator 557

Voluntary plan for contribution of tanker capacity. *See main heading* Maritime Administration.

INTERNAL REVENUE BUREAU:

Agricultural labor, definition of, for purposes of employment tax regulations. *See* Employment taxes.

Armed forces, members of; provisions respecting, in employment tax regulations. *See* Employment taxes.

Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.

Employment taxes; collection of income tax at source on wages on or after January 1, 1945:
- Adjustments and refunds:
  - Credits, limitations on 807
  - Failure of employer to file return:
    - Addition, minimum, to tax; miscellaneous provisions 807
    - Statutory provisions 805
  - Refunds, limitations on 807
  - Social Security Act Amendments of 1950; statutory provisions 807
- Assessment of tax, period of limitation on:
  - Period of limitation; regulation 807
  - Statutory provision 806
- Definitions:
  - Employee 801
  - Employer 801
  - Exclusions from wages:
    - Compensation for delivery or distribution of newspapers or shopping news 801

INTERNAL REVENUE BUREAU—Continued Page

Employment taxes; collection of income tax at source on wages on or after January 1, 1945—Continued
- Definitions—Continued
  - Exclusions from wages—Continued
    - Compensation for sale of newspapers or magazines 801
    - Compensation of members of armed forces of United States 798
    - Compensation paid after 1950 for services performed by minister or by member of religious order 801
    - Compensation paid before 1951 for services performed as minister of gospel 800
    - Compensation paid by foreign government 800
    - Compensation paid to nonresident alien individual 800
    - Remuneration for service not in course of employer's trade or business 800
    - Remuneration for service performed outside United States:
      - Remuneration from certain trusts or annuities 801
      - Remuneration paid on or after January 1, 1948, to citizens in possessions of United States 800
      - Remuneration paid on or after January 1, 1948, to citizens resident in foreign countries 800
    - Remuneration paid for agricultural labor 798
  - Terms; general definitions and use:
    - Identification number; redesignation 801
    - Military or naval forces of United States, etc. 801
  - Wages:
    - Agricultural labor; statutory provisions 798
    - Armed forces, members of; statutory provisions 797
    - Foreign governments, compensation paid by 798
    - Puerto Rico; statutory provisions 797
    - Remuneration for services performed outside United States 798
    - Retirement pay 798
    - Social Security Act Amendments of 1950; statutory provisions 797
- Determination of tax:
  - Application of withholding exemptions:
    - In general 805
    - Period not a payroll period 805
    - Period or elapsed time less than one week 805
  - Requirement to withhold 805
  - Supplemental wage payment; in general 805
  - Wage bracket withholding:
    - *See also* Withholding.
    - In general 805
    - Period not a payroll period 805
    - Period or elapsed time less than one week 805
    - Rounding off wage payment 805
  - Withholding:
    - Effective date; statutory provisions 805
    - Percentage method; statutory provisions 801
    - Wage bracket; statutory provisions 801
- Payment of tax. *See* Returns and payment of tax.
- Receipts:
  - Armed forces, members of; statutory provisions 805
  - Employees; statutory provisions 805
  - Penalties; statutory provisions 806
  - Social Security Act Amendments of 1950; statutory provisions 805
  - Tax withheld at source; receipts:
    - Extension of time for furnishing statements to employees; redesignation 806
    - In general 806
    - Information returns, Form 1099 806
    - Penalties for fraudulent statement or failure to furnish statement 806
    - Statements for members of armed forces of United States 804
    - Wages paid after December 31, 1950 806
- Refunds. *See* Adjustments and refunds.
- Returns and payment of tax; income tax withheld on wages 806

Excise taxes:
- Billiard tables. *See* Bowling alleys and billiard and pool tables.

INTERNAL REVENUE BUREAU—Continued Page

Excise taxes—Continued
- Bowling alleys and billiard and pool tables:
  - Federal agencies or instrumentalities; statutory provisions 548
  - Liability, tax; persons liable for tax 548
  - Scope of regulations 548
- Coin-operated amusement and gaming devices:
  - Coin-operated gaming devices; statutory provisions 548
  - Computation and rates of tax 548
  - Effective dates of tax 548
  - Federal agencies or instrumentalities; statutory provisions 548
  - Liability, tax; persons liable for tax 548
  - Rates and computation of tax 548
  - Scope of regulations 548
- Gaming devices. *See* Coin-operated amusement and gaming devices.
- Liquors, distilled, spirits, etc.:
  - Distilled spirits:
    - Production of. *See* Production of distilled spirits.
    - Warehousing of. *See* Warehousing of distilled spirits.
  - Production of brandy, transfer of brandy from distillery; temporary use of tank trucks for transfers in bond and removals for fortification of wine 121
  - Production of distilled spirits, transfer of distilled spirits from cistern room; temporary use of tank trucks for transfers in bond 121
  - Warehousing of distilled spirits; temporary use of tank trucks for transfers in bond and removals for fortification of wine 123
  - Wine, fortification of; manner of procuring brandy from fruit distilleries and Internal Revenue bonded warehouses 122
- Pool tables. *See* Bowling alleys and billiard and pool tables.
- Transportation of property:
  - Application of tax 456
  - Export shipments; transportation beyond boundaries of United States 457
  - Scope of tax; general provisions respecting 456
  - Transportation which begins and ends in United States; statutory provisions 456

Income taxes:
- Taxable years beginning after December 31, 1941:
  - General provisions; returns and payment of tax; extension of time for filing declaration of estimated tax for 1950 for certain United States employees outside United States 351
  - Supplemental provisions:
    - Possessions of United States; gross income of certain United States employees 351
    - Returns and payment of tax, information returns with respect to various items, proposed:
      - Actual owner 552
      - Distributions in liquidation 552
      - Foreign items 552
      - Payment of dividends 552
      - Payments of $500 552
- Withholding at source on wages. *See* Employment taxes.

Puerto Rico, residents of; employment tax regulations respecting. *See* Employment taxes.

Virgin Islands, part of internal revenue collection district of Maryland; Executive order respecting. *See main heading* Presidential documents.

Withholding of income tax at source on wages. *See* Employment taxes.

INTERNATIONAL CLAIMS COMMISSION:

Payment on account of awards of; regulations of Accounts Bureau respecting 457

INTERNATIONAL DISPUTES, peaceful settlement of; Executive order respecting. *See* Presidential documents.

INTERNATIONAL TRADE, OFFICE OF:

Export control:
- China (including Manchuria), Hong Kong and Macao; order revoking general licenses to. *See* General orders.

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
- Denial or suspension of license privilege; order. *See* Suspension of license privilege, *below.*
- Enforcement provisions; destination control, revision 315
- Notice and prohibiton against diversion 797
- Statement regarding ultimate destination on declaration, bill of lading and commercial invoice 797
- General orders:
  - Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao 316, 797
  - Orders modifying validity of certain export licenses 316
- Licenses:
  - General licenses:
    - Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao. *See* General orders, *above.*
    - Shipments of limited value GLV; general provisions 221
  - Individual and other validated licenses, provisions for:
    - Applicability and general provisions 223
    - How to file application for export license 224, 637
    - Weight and volume tolerance 224
  - Project licenses; list of restricted commodities, Supplement 1:
    - Addition of antiknock compounds and aviation motor fuels 224
    - Redesignation 119
- Licensing policies and related special provisions:
  - Export licensing general policy; commodities subject to 545
  - Export licensing policy for materials covered by NPA M (Materials) orders 637
  - Skins, calf and kip. *See* Special provisions, *and* Time schedules for submission of applications.
  - Special provisions:
    - Cotton, raw 545
    - Petroleum products, certain; application requirements 546
    - Skins; calf and kip 5
  - Time schedules for submission of applications for licenses to export certain positive list commodities; Supplement 1:
    - Redesignation 119
    - Skins; calf and kip 5
- Positive List of Commodities and related matters; Appendix A, Positive List 5, 119, 316, 546
- Addition of specific commodities in listed categories:
  - Electrical machinery and apparatus 317
  - Engines, turbines and parts 546
  - Hair and manufactures 5
  - Instruments; scientific and professional 317
  - Laboratory apparatus 317
  - Metalworking machinery 317
  - Military apparel 119
  - Plated ware 317
  - Precious metals 317
  - Silk and manufactures 546
  - Steel mill products 5
  - Thermocouples 317
  - Warburg apparatus 317
- National Production Authority M (Materials) orders, export licensing policy for materials covered by; licensing policies and related special provisions. *See* Export control.
- Suspension of license privileges; Kersten Shipping Agency, Inc., Appeals Board decision 510

INTERSTATE COMMERCE COMMISSION:

See Defense Transport Administration.

Car service:
- Demurrage:
  - On freight cars; order suspended to extent it applies:
    - On described ore cars used in transporting iron ore from origins in Michigan, Minnesota and Wisconsin 819
    - On refrigerator cars 320

70000—51——4

INTERSTATE COMMERCE COMMISSION—Con. Page

Car service—Continued
Demurrage—Continued
Saturdays and Sundays included in computing demurrage on all freight cars; new expiration date 818
Fruit and vegetable containers and box shooks, substitution of refrigerator cars for box cars to transport; new expiration date 819
Loading, railroad freight cars to be stopped to complete; new expiration date 819
Lumber, restrictions on reconsigning; new expiration date 819
Charges:
Demurrage. *See* Car service.
Rates and charges. *See* Rates and charges.
Defense Production Act:
Delegation of authority, etc., respecting various matters pursuant to. *See main headings* Defense Mobilization, Office of; *and* Defense Production Administration.
Functions under; Executive order respecting. *See main heading* Presidential documents.
Demurrage. *See* Car service.
Express rates and charges, increased; 1951. *See* Rates and charges.
Freight rates, increased; 1951. *See* Rates and charges.
Lumber:
Long-and-short-haul and aggregate-of-intermediate rates; applications for relief. *See* Tariffs and schedules.
Restrictions on reconsigning. *See* Car service.
Motor carriers:
Motor-rail rates involving all commodities between certain New England points and Harlem River, N. Y.; applications for relief from long-and-short-haul charges provision of Interstate Commerce Act. *See* Tariffs and schedules, *below.*
Reports, annual. *See* Reports and statistics, *below.*
Safety regulations; notice of proposed rule making, submission of written arguments and data 23, 44
Accessories necessary for safe operation. *See* Parts and accessories.
Definitions, general; proposed revision 23
Driving of motor vehicles; proposed revision 26
General; proposed rule making 23
Hours of service of drivers; proposed revision 41
Inspection and maintenance; proposed revision 41
Maintenance. *See* Inspection and maintenance.
Parts and accessories necessary for safe operation; proposed revision 30
Qualifications of drivers; proposed revision 24
Ore:
Ilmenite ore; application for relief from long-and-short-haul charges provision of Interstate Commerce Act. *See* Tariffs and schedules.
Iron ore; demurrage on freight cars used in transporting. *See* Car service.
Rail carriers:
Car service. *See* Car service.
Long-and-short-haul and aggregate-of-intermediate rates; applications for relief from provisions of section 4 (1), Interstate Commerce Act. *See* Tariffs and schedules.
Rates and charges. *See* Rates and charges.
Reports. *See* Reports and statistics.
Routing of traffic. *See* Routing of traffic.
Rates and charges:
Class and commodity rates; relief from long-and-short-haul charges provision. *See* Tariffs and schedules, *below.*
Express rates and charges, increased, 1951; institution of investigation 651
Freight rates, increased; 1951:
Hearing on immediate or interim increases; special rules of procedure and instructions 869
Institution of investigation of increases requested by various petitioners:
Freight forwarders 869
Rail carriers 650, 869
Water carriers 868, 869
Refrigerator cars; substitution of, for box cars for shipments of fruit and vegetable containers. *See* Car service.

INTERSTATE COMMERCE COMMISSION—Con. Page

Reports and statistics; annual, special or periodic reports:
Free transportation issued and requested; special periodic reports by Class I steam railroads and Pullman Company 645
Motor carriers, annual report form A prescribed for 285
Pullman Company. *See* Free transportation issued and requested.
Steam railroads:
Annual report form C prescribed for small railroads 232
Free transportation issued and requested. *See* Free transportation issued and requested.
Switching and terminal companies, annual report form C prescribed for 232
Routing of traffic; authority and direction to certain railroads in United States to reroute or divert certain traffic, new expiration date 516
Safety regulations; motor carriers. *See* Motor carriers.
Tariff and schedules:
See also Rates and charges.
Long-and-short-haul and aggregate-of-intermediate rates; applications for relief from provision of section 4 (1), Interstate Commerce Act, respecting listed commodities:
Acetaldehyde, from Oklahoma and Texas:
To Garfield, N. J. 47
To St. Louis, Mich 102
All and/or various commodities:
Between Boston, Springfield, and Worcester, Mass., Hartford and New Haven, Conn., and Providence, R. I., on one hand and New Haven, Conn., and Harlem River, N. Y., on other 48
Between Springfield, Mass., and Harlem River, N. Y. 49
From southern territory to southern and official territories 478
Ammonia, anhydrous, from southwest to Louisville, Ky 47
Automobile parts:
From Chattanooga, Tenn., to Atlanta, Ga., and Memphis, Tenn 586
From Toledo, Ohio, to Fort Knox, Ky 263
Benzol, from Alabama, Georgia, and Tennessee to Texas points 478
Candy, from Amarillo to El Paso, Tex 697
Canned goods, from New Orleans, La., to Montgomery, Ala 103
Cement, from Birmingham, Ala., to Nashville, Tenn 262
Chicory, from Port Huron, Mich., to southern territory 557
Coal:
From Illinois, Indiana, and Kentucky to Windom, Minn 397
From Kentucky to Nashville, Tenn 327
Coffee, from North Atlantic ports to Dunkirk, N. Y., and Sunbury, Ohio 140
Concentrates, citrus and pineapple; frozen, from border territory to east 697
Cotton piece goods, flat, from southern territory to official and Illinois territories 48
Cottonseed cake and meal, from southwest to Canon City and Rockvale, Colo 585
Electrical transformers, from Sharon, Pa., to south 327
Ferro-manganese, ferro-silicon, etc.:
From Calvert, Ky., to Houston, Tex 586
From Emco, Ala., to Litchfield, Ill 741
Fertilizer materials or solutions:
From Braithwaite, La., to Hattiesburg, Miss 556
From Charlestown, Ind., to south 910
Fibreboard. *See* Pulpboard.
Formaldehyde:
From Tallant, Okla., to east 48
From Tallant, Okla., and Texas points to official territory 262
Glycerine, from Dallas, Tex., to Virginia 48
Grain and grain products, from Ohio River crossings to south 697

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul and aggregate-of-intermediate rates; applications for relief from provision of section 4 (1), Interstate Commerce Act, respecting listed commodities—Continued
Iron and steel:
Articles:
From Kentucky, Ohio, and West Virginia to Knoxville, Tenn 651
From south to Ohio River crossings 516
Cans, sheet iron or steel, from Chicago, Ill., and St. Louis, Mo., to Texas 742
Castings, from Birmingham, Ala., to Indiana, Michigan, and Ohio 516
Pipe, iron:
From Wilmington, Del., to Arkansas, Louisiana, New Mexico, Oklahoma, and Texas 478
In official territory 557
Less-than-carload freight in containers, between Memphis, Tenn., and Arkansas 104
Lime, from Cleburne, Tex., to south 261
Lumber:
See also Woods.
Between Southern Ry. points 398
From North Carolina, South Carolina, and Virginia to Wisconsin 698
From southern territory to Fairfield, Ill 911
Magazines and periodicals, from Louisville, Ky., to east 556
Meats and packing house products:
From Fargo, N. Dak., to north Pacific coast territory 434
Horse meat, frozen, from Missouri points to south 516
Merchandise, mixed carloads, from Chicago, Ill., to Orangeburg, S. C. 103
Molasses, blackstrap:
From Savannah and Port Wentworth, Ga., to Augusta, Ga. 587
From Texas to Kansas and Oklahoma 742
Oil, creosote, from Gulfport, Miss., to Oliver, La. 556
Ore, Ilmenite, from Melbourne, Fla., to Ohio and Michigan 327
Paper:
Articles, from south to official and Illinois territories 291
Scrap or waste, from Texas to New Orleans, La. 240
Peanuts:
Hulls, from Courtland, Va., to trunkline and New England territories 911
Shelled, between Oklahoma and Texas 102
Periodicals. *See* Magazines.
Petroleum and/or petroleum products:
From Baton Rouge-New Orleans, La., district to Mississippi 556
From Cheyenne, Wyo., to Sterling, Colo. 741
From Texas to southwestern territory and adjacent points 47, 103
From Virginia to North Carolina 262
To Illinois, official, southern, southwestern, and western trunkline territories:
From Farmer Spur, La. 140
From Jourdanton, Tex. 240
Potatoes, from Maine to points in trunkline territory 240
Pulpboard and/or fibreboard:
From Detroit, Mich., to southern territory 742
From Florida and Georgetown, S. C., to New York, New Jersey, Massachusetts, and Pennsylvania 397
From Hutchinson, Kans., to Sweetwater, Tex. 911
Rates:
Class and commodity, of Atlantic and Danville Ry. 102
Commodity rates in Texas 103
Rock, phosphate, from Florida to southwest 326
Rubber, from Texas and Louisiana to Washington, Pa. 47
Sand, moulding, from Lexington, Tenn., to Ohio 262
Soda, caustic, from Alabama to South Point, Ohio 586
Soybean oil meal, from Redfield, Iowa, to Gulf ports 291
Strawboard, from Detroit, Mich., to southern territory 742

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul and aggregate-of-intermediate rates; applications for relief from provision of section 4 (1), Interstate Commerce Act, respecting listed commodities—Continued
Superphosphate, from Holston, Tenn., to western trunkline territory 434
Syrup:
See also Molasses.
From Iowa and South Dakota to south 263
Tea and tea dust, from Texas ports to Texas 651
Tin plate, from official and southern territories to Farmers Branch, Tex. 262
Tires:
Fabric, from south to official territory 741
Rubber, from Ohio to south 596
Various commodities. *See* All and/or various commodities.
Woods, foreign:
See also Lumber.
From Mississippi to southern territory 327
Zinc ammonium chloride, from Chicago, Ill., to Ohio and West Virginia 557
INVENTORY CONTROL. *See* National Production Authority.

J

Japan, nationals of:
Participation in steamship agreements. *See* Maritime Board, Federal.
Property of; vesting orders, etc. *See* Alien Property, Office of.
JUSTICE DEPARTMENT:
See Alien Property, Office of.
Immigration and Naturalization Service.
Voluntary plans:
Price stabilization, on certain iron and steel products. *See main heading* Economic Stabilization Agency.
Tanker capacity, contribution of. *See main heading* Maritime Administration.

L

LABOR DEPARTMENT:
See Public Contracts Division.
Wage and Hour Division.
Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization; representation on 646
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; modification of functions respecting labor supply on establishment of Defense Production Administration, Executive order respecting. *See main heading* Presidential documents.
Interagency Advisory Committee on Domestic Transport, Storage and Port Utilization; representation on 585
Unemployment compensation laws; certifications; of laws of the States, Alaska, Hawaii, District of Columbia and to Secretary of Treasury:
Certification for taxable year 1950 325
Certification with respect to reduced rate of contributions for taxable year 1950 325
LABOR DISPUTES, emergency boards to investigate; Executive order respecting. *See* Presidential documents.
LABOR SUPPLY, functions in connection with; under Defense Production Act; Executive order respecting. *See* Presidential documents.
LAND MANAGEMENT BUREAU:
Public lands:
Grazing. *See* Orders, *and* Regulations.
Mineral lands. *See* Orders, *and* Regulations.
Orders:
Condor sanctuary; land in California withdrawn for. *See* Withdrawals.
Grazing districts and lands; Arizona, grazing district No. 1 enlarged 510

LAND MANAGEMENT BUREAU—Continued Page

Public lands—Continued
Orders—Continued
Homesites or trade and manufacturing sites; described tracts excluded from Chugach and Tongass National Forests, Alaska, and restored for purchase as (PLO 696) 581
Lands opened to entry by veterans and general public:
California 511, 694, 731
Montana 425
Nevada 234, 359
Manufacturing sites. *See* Homesites or trade and manufacturing sites.
Mineral lands; described lands in California opened to location, entry and patenting 731
National forests:
Alaska:
Chugach National Forest; described tracts excluded from, and restored for purchase as home sites or trade and manufacturing sites (PLO 696) 581
Tongass National Forest; described tracts excluded from, and restored for purchase as homesites or trade and manufacturing sites (PLO 696) 581
California; withdrawal of certain public lands in Los Padres National Forest for use as condor sanctuary (PLO 695) 581
Small tract classifications:
California, No. 249 694
Nevada:
No. 63 234
No. 64 359
Survey, notice of filing of plats of:
California 511
Idaho 260
Montana 425, 511
Townsites, Alaska Railroad; notice of sale of lots at Portage Townsite, Alaska 129
Trade and manufacturing sites. *See* Homesites or trade and manufacturing sites.
Withdrawals of certain lands in California:
Forest Service; public lands in described areas in Los Padres National Forest withdrawn for condor sanctuary under jurisdiction of (PLO 695) 581
Navy Department, described land withdrawn for use by; revocation by Secretary of Interior of use permit 425
Regulations:
Color of title and riparian claims applicable to particular States; color of title claims, Michigan 461
Grazing:
Federal range code for grazing districts; fees, time of payment, refunds (regular licenses and permits, note) 232
Grazing leases; rental 232
Michigan; color of title claims. *See* Color of title and riparian claims.
Mineral lands, oil and gas leases; bonds, proposed rule making 581
Amount of bonds required of lessee; proposed amendment 582
Form of bonds; proposed revision 583
Tentative draft, proposed new form 582

LIBRARY OF CONGRESS:
Loans of Library materials for blind persons; procedure 690

M

MARINE CORPS; quarters allowances, Executive order respecting. *See* Presidential documents.

MARITIME ADMINISTRATION:
Agreements, transportation, filed with Federal Maritime Board for approval. *See main heading* Maritime Board.
Charter of vessels:
Applications for charter of war-built vessels. *See main heading* Maritime Board.
Approval of charters of certain vessels to aliens 691

MARITIME ADMINISTRATION—Continued Page
Functions under Reorganization Plan No. 21 of 1950; temporary delegation of authority by Secretary of Commerce respecting, correction of headnote 360
Maritime carriers; regulations:
Agreements, transportation. *See main heading* Maritime Board.
Charter or transfer, documentation of vessels; approval of charters of certain vessels to aliens 691
Statements and agreements filed by; reports. *See main heading* Maritime Board.
Organization and functions; revision 44
Voluntary plan for contribution of tanker capacity for national defense requirements; notice of public hearing 239

MARITIME BOARD, FEDERAL:
Agreements, transportation. *See* Transportation agreements.
Functions under Reorganization Plan No. 21 of 1950; temporary delegation of authority by Secretary of Commerce respecting, correction of headnote 360
German nationals; participation in conferences and agreements, order respecting 197
Japanese nationals; participation in conferences and agreements, order respecting 197
Organization and functions; revision 44
Regulations and notices:
Charter of certain maritime carriers to aliens. *See main heading* Maritime Administration.
Charter of war-built vessels. *See* Merchant Ship Sales Act of 1946.
Maritime carriers and related activities:
Agreements, transportation; notices of hearings. *See* Transportation agreements, *below*.
Charter of certain maritime carriers to aliens. *See main heading* Maritime Administration.
Statements and agreements to be filed:
Reports, cargo and passenger, to be filed on Administration Forms 7801, 7802, 7803, and 7804 859
Supersedure of cited sections 859
Merchant Ship Sales Act of 1946:
Applications for bareboat-charter of war-built vessels, or extension of charter agreements; hearings:
American Export Lines, Inc 128
Lykes Bros. SS Co., Inc 128
Charter of war-built vessels:
Applications; notices of hearings. *See* Applications.
Rules and regulations. *See* Rules and regulations.
Rules and regulations, forms and citizenship requirements; charter of war-built vessels to citizens, net voyage profit:
Absence of physical inventories; adjustment 551
Priced differences between delivery and redelivery inventory lists 552
Transportation agreements:
German and Japanese nationals; permission to participate 197
Hearings, approval, etc., affecting listed companies:
Aksjerederiet Julian (agreement No. 7807) 260
American President Lines, Ltd. (agreement No. 7805) 46
Anchor Line, Ltd. (agreement No. 7804) 46
Barber-West African Lines (agreement No. 7747–1) 554
Bristol City Line of Steamships, Ltd. (agreement No. 7803) 46
Bull Insular Line:
Agreement No. 7803 46
Agreement No. 7804 46
Agreement No. 7758 46
Agreement No. 7768 46
Elder Dempster Lines, Ltd. (agreement No. 7746–1) 554
Farrell Lines Inc.:
Agreement No. 7745–1 554
Agreement No. 7746–1 554
Agreement No. 7747–1 554
Federal Commerce & Navigation Company Limited (agreement No. 7807) 260
Fern Line Joint Service (agreement No. 7655–1) 554
Furness, Withy & Co., Ltd. (agreement No. 7805) 46
Hilmar Reksten (agreement No. 7807) 260

MARITIME BOARD, FEDERAL—Continued Page
Transportation agreements—Continued
Hearings, approval, etc., affecting listed companies—Continued
Japan-Atlantic Coast Freight Conference (agreement No. 3103–4) 260
Mississippi Shipping Co., Inc. (agreement No. 7745–1) 554
Rederiaksjeselskapet Hadrian (agreement No. 7807) 260
Rederiaksjeselskapet Nerva (agreement No. 7807) 260
Rederiaksjeselskapet Vespasian Skipsaksjeselskapet Trajan (agreement No. 7807) 260
Rederiaktiebolaget Clipper (agreement No. 7758) 46
Skipsaksjeselskapet, Trajan (agreement No. 7807) 260
Trans-Pacific Freight Conference of Japan (agreement No. 150–3) 260
West Coast Line Service (agreement No. 7768) 46
MEDALS. *See* Decoration, medals, etc.
MERCHANT MARINE COUNCIL. *See* Coast Guard.
MINERALS ADMINISTRATION. *See* Defense Minerals Administration.

MINES BUREAU:
Authority, delegations of:
Chief, Administrative Division; authority respecting various matters:
Manganese program 130
Records, authentication of 584
Regional directors; authority respecting manganese program 130
Junction boxes and electric motor-driven mine equipment; amendments:
Character of tests; portable cable run-over test and flame-resistance test 281
Conditions under which approval may be granted:
General requirements; portable cables 281
Preliminary steps; fees for tests of portable cable 281
Detail requirements for Class 1 parts; enclosure casings, lead entrances 281
Manganese program, procurement in connection with; delegation of authority from Secretary of Interior to Chief, Administrative Division, and regional directors 130
MINT BUREAU. *See* Treasury Department.

N

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS:
Defense Production Act, priority (DO) ratings under; authority to apply to direct Government contracts and purchase orders to meet authorized procurement and construction programs, confirmation of prior delegation of authority by National Production Administration 738

NATIONAL MEDIATION BOARD:
Emergency boards to investigate dispute between certain carriers and their employees; Executive order respecting. *See main heading* Presidential documents.

NATIONAL PARK SERVICE:
Contracts, execution and approval of; delegation of authority by the Director, to certain officials respecting contracts entered into in their respective regions and by National Capital Parks, etc 866

NATIONAL PRODUCTION AUTHORITY:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Delegations of authority to agencies or officials:
Atomic Energy Commission; authority to apply priority (DO) ratings on direct contracts and purchase orders to meet authorized operation and construction programs (Delegation 2), confirmation 738
Civil Aeronautics Administration; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs of CAA (Delegation 6) 260
Confirmation 738

NATIONAL PRODUCTION AUTHORITY—Continued Page
Delegations of authority to agencies or officials—Con.
Coast Guard, U. S.; authority to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs (Delegation 4), confirmation 738
Defense, Secretary of; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs (Delegation 1) 128
Authority to reschedule deliveries of certain aluminum forms and products (Supplement 1 to Delegation 1) 867
Confirmation 738
Interior, Secretary of; authority respecting allocation responsibilities for listed metals and minerals, claimant responsibility for various listed facilities, and manufacture and distribution of mining machinery and equipment (Delegation 5); redelegation of authority by Defense Production Administrator 738
National Advisory Committee for Aeronautics; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs (Delegation 3), confirmation 738
Export licensing policy for materials covered by NPA M (Materials) orders. *See main heading* International Trade, Office of.
Inventory control (Regulation 1):
Iron and steel scrap 257
Limitations on inventories of various materials (bristle, cobalt, molybdenum, tin, etc.); priority orders respecting. *See* Priority orders.
Priorities system; basic rules respecting DO ratings (Regulation 2) 352
Priority orders:
Aluminum:
Aluminum scrap, distribution of (M–22) 391, 719
Correction of certain names in List A 686
Tubes, collapsible; use of aluminum in. *See* Tubes.
Bristles, pigs' and hogs', and bristle products; limitations on inventories, on processing or preparation for manufacture (M–18) 230, 392
Cans, tin-plate and terne-plate; specifications and use, and list of products packed in cans (M–25) 897
Chemicals:
See also Methylene chloride.
Chlorine; rules for placing, accepting and scheduling rated orders (M–31) 726
Rules for placing, accepting and scheduling rated orders; ethyl cellulose (M–32) 725
Closures, tin-plate; restrictions on use (M–26) 901
Cobalt; distribution for national defense and civilian production, and limitation on inventories (M–10) 11
Construction; prohibition of or limitation on construction which does not further defense effort (M–4) 459
Copper and copper-base alloys; distribution and use in civilian economy (M–12) 124
Cotton sales yarn, carded; rules for placing, accepting and scheduling rated orders for (M–23) 394
Deerskins. *See* Horsehide fronts and deerskins.
Freight car programs. *See* Iron and steel.
Horsehide fronts and deerskins; restriction on tanning, sale and use (M–29) 550
Iron and steel:
Rules for placing, accepting and scheduling rated orders (M–1) 716
Canadian freight car program (M–1, Supplement 3) 229
Freight car program (M–1, Supplement 1) 549
Scrap, iron and steel; allocation and inventory limitations (M–20) 257, 903
Leather; rules for placing, accepting and scheduling rated orders (M–28) 549
Methylene chloride, limitations on use (M–21) 355
Molybdenum; inventory limitations (M–33) 904
Nickel; use in civilian economy (M–14) 721
Rubber; use of natural and synthetic rubber in certain products (tires, tubes, etc.) (M–2) 8
Scarce materials, certain, designation of. *See* Scarce materials, *below*.
Steel. *See* Iron and steel.

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders—Continued
Tin:
See also Tin plate and terne plate.
Limitations on inventories, and use in civilian economy (M–8) 283, 891
Tubes, collapsible; use of tin in. *See* Tubes.
Tin plate and terne plate.
See also Cans; *and* Closures.
Permitted uses (M–24) 889
Tubes, collapsible; restrictions on use of aluminum and tin (M–27) 896
Tungsten; conservation and distribution (M–30) 686
Zinc; use in civilian economy (M–15) 458
Reassignment of chapter 808
Scarce materials; designation of building materials, chemicals, iron and steel, forest products, metals and minerals, hog bristles, certain textile materials (nylon and rayon yarn, burlap and cotton pulp) and rubber (Notice 1) 319

NATIONAL SECURITY RESOURCES BOARD:
Certificates, necessity, for emergency facilities under section 124A Internal Revenue Code; termination of certifying authority of Board; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; designation of claimant agencies for purposes of priorities and allocations, termination of functions by Executive order. *See main heading* Presidential documents.

NAVIGATION LAWS AND REGULATIONS:
Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
Waterways. *See* Coast Guard; Customs Bureau; Engineers, Corps of; *and* Navy Department.

NAVY DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Navy; civil air regulations respecting air traffic rules. *See main heading* Civil Aeronautics Board.
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act; modification of functions of Department under act, respecting guarantee of loan, Executive order respecting. *See main heading* Presidential documents.
Housing projects; instructions issued by Secretary of Defense for guidance of Department field offices. *See main heading* Defense Department.
Land, public, in California, withdrawn for use by Department; revocation of use permit. *See main heading* Land Management Bureau.
Lights, navigation, on naval vessels of special construction; certificates by Secretary for exception to statutory requirements for listed types of vessels:
Auxiliary, miscellaneous, AG146 class 695
Frigates, PF3 class 129
Pay, allowances, etc., under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.

NECESSITY CERTIFICATES:
Delegations of authority respecting. *See* Defense Production Administration.
Functions of Defense Production Administrator respecting; Executive order respecting. *See* Presidential documents.

NETHERLANDS, KINGDOM OF; tariff quota on petroleum products under trade agreement, proclamation respecting. *See* Presidential documents.

O

OIL. *See* Petroleum and petroleum products.

P

PAY, ALLOWANCES, ETC. Page
Foreign areas, differential posts in; additional compensation for certain posts. *See* State Department.
Military pay, under Career Compensation Act; Executive order respecting. *See* Presidential documents.
Persons of outstanding ability, appointment without compensation; Executive order respecting. *See* Presidential documents.

PEACEFUL SETTLEMENTS, of international disputes; Executive order respecting. *See* Presidential documents.

PETROLEUM ADMINISTRATION FOR DEFENSE:
Actions and authority; confirmation of defense actions and redelegation of authority 904
Reassignment of chapter 808

PETROLEUM AND PETROLEUM PRODUCTS:
Leases, oil and gas, Federal:
Unit or cooperative agreements by holders. *See* Geological Survey.
Indian oil and gas leases, etc. *See* Indian Affairs Bureau.
Petroleum administration for defense. *See* Petroleum Administration for Defense.
Producing oil and gas fields in various States. *See* Geological Survey.
Tariff quota on; under Venezuelan trade agreement:
Customs regulations. *See* Customs Bureau.
Proclamation respecting. *See* Presidential documents.

PORTS OF ENTRY. *See* Immigration and Naturalization Service.

POST OFFICE DEPARTMENT:
Armed forces, members of; postal regulations. *See* Regulations.
Authority, delegations of:
Accounts, Bureau of; delegation from Comptroller to designated Bureau officials to sign checks withdrawing funds from symbol account nos. 47001 and 48050 99
Finance, Bureau of; delegation from Third Assistant Postmaster General to designated officials to sign checks withdrawing funds from symbol account nos. 47001 and 48050 99
Regulations and notices:
Armed forces, members of; marking of letters in connection with rates of postage. *See* Domestic mail matter.
Domestic mail matter:
Classification and rates of postage; special marking of letters of soldiers, sailors and marines 357
Rates of postage. *See* Classification and rates of postage.
Unmailable matter; postmaster not to give opinion on questionable matter, firearms 551
Forms. *See* Procedures and forms.
International postal service:
Postage rates, service available, and instructions for mailing:
Insurance; special provisions 688
Parcel post; parcels for foreign countries:
Group shipments 688
Sealing 688
Various countries; conditions applicable to service in:
Belgium; parcel post 683
Canada:
Parcel post 683
Regular mails 683
Czechoslovakia; parcel post 683
Germany; parcel post 683
Gibraltar; parcel post 683
Japan; parcel post 690
Netherlands; parcel post 690
Yugoslavia; parcel post 690
Procedures and forms:
Forms of Department; forms used by Second Assistant Postmaster General, Form 5050 for requesting transfer of mail 395

POST OFFICE DEPARTMENT—Continued Page
Regulations and notices—Continued
Procedures and forms—Continued
Procedures before Second Assistant Postmaster General; railway common carrier:
Pay claims; reports of service performed 395
Transporting mails, relief from; request 394
Registry system; domestic insurance and collect-on-delivery services, no indemnity for shellac or wax phonograph records 394
Treatment of mail matter in post offices; domestic mail matter:
At post offices of mailing and at post offices in transit; mail for persons adjudicated incompetent or of unsound mind 357
At receiving post offices; undeliverable postal and post cards:
Disposal of other domestic cards 357
Double cards not bearing sender's return card and pledge; rescission 357
Withdrawal of funds from symbol account nos. 47001 and 48050; authority delegations respecting. *See* Authority, delegations of.

PRESIDENT, THE:
Executive orders, proclamations, etc. *See main heading* Presidential documents.
President's Commission on Internal Security and Individual Rights; establishment. *See main heading* Presidential documents.
Special Assistant to; representation on Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization 646

PRESIDENTIAL DOCUMENTS:
Agriculture Department:
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, functions under, respecting priorities, productive capacity and supply, requisitioning, voluntary plans, etc., modification on establishment of Defense Production Administration (EO 10200) 61
Food; allocation for industrial needs and human and animal consumption, functions respecting (EO 10200) 61
Yugoslav Emergency Relief Assistance Act, funds for administration of, transferred to Department from Economic Cooperation (EO 10208) 709
Air carrier, labor dispute involving; investigation of. *See* National Mediation Board.
Air Force Department:
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, functions under, respecting guarantee of loans in connection with Government procurement for national defense purposes; modification on establishment of Defense Production Administration (EO 10200) 61
Quarters allowances for members of service under section 302 Career Compensation Act (EO 10204) 417
Aliens; selective service regulations respecting classification of (EO 10202) 381
Allocations of materials and facilities essential for national defense. *See* Priorities and allocations.
Amortization of emergency facilities under section 124A Internal Revenue Code; certifying authority for purposes of:
Defense Production Administrator; functions respecting (EO 10200) 61
National Security Resources Board; termination of functions respecting (EO 10200) 61
Army Department:
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act, functions under, respecting guarantee of loans in connection with Government procurement for national defense purposes; modification on establishment of Defense Production Administration (EO 10200) 61
Quarters allowances for members of service under section 302 Career Compensation Act (EO 10204) 417
Boards. *See* Committees, boards, etc.

PRESIDENTIAL DOCUMENTS—Continued Page
Career Compensation Act, quarters allowances for members of uniformed services under section 302 (EO 10204) 417
Certificates, necessity:
Amortization of emergency facilities under section 124A Internal Revenue Code; certifying authority for purposes of:
Defense Production Administrator; functions respecting (EO 10200) 61
National Security Resources Board; termination of functions respecting (EO 10200) 61
Loans, purchases, etc., under Defense Production Act; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61
Civil service:
Appointment, without compensation, of persons of outstanding ability, etc., under Defense Production Act; prior order amended (EO 10205) 419
Classification of positions of grades 16, 17, and 18 essential for administration of Defense Production Act, prior order amended (EO 10200) 61
Loyalty program; consideration by President's Commission on Internal Security and Individual Rights (EO 10207) 709
Records relating to employees; availability to President's Commission on Internal Security and Individual Rights (EO 10207) 709
Security program; consideration by President's Commission on Internal Security and Individual Rights (EO 10207) 709
Coast and Geodetic Survey; quarters allowances for members of uniformed service under section 302 Career Compensation Act (EO 10204) 417
Coast Guard; quarters allowances for members of uniformed service under section 302 Career Compensation Act (EO 10204) 417
Commerce Department:
Defense Mobilization Board, representation on (EO 10200) 61
Defense Production Act; functions under, respecting priorities and allocations, productive capacity and supply, requisitioning, voluntary plans, etc., modification on establishment of Defense Production Administration (EO) 10200) 61
Committees, boards, etc.:
Defense Mobilization Board; establishment in Office of Defense Mobilization (EO 10200) 61
Emergency board, to investigate labor dispute. *See* National Mediation Board.
Internal Security and Individual Rights, President's Commission on; establishment (EO 10207) 709
Contracts, Government, under Defense Production Act; modification of functions respecting guarantee of loans on establishment of Defense Production Administration (EO 10200) 61
Customs Bureau; tariff quota on certain petroleum products under Venezuelan trade agreement (Proc. 2916) 109
Defense Department:
See Army Department; Navy Department; *and* Air Force Department.
Defense Mobilization Board; representation on (EO 10200) 61
Peaceful settlement of international disputes, support of United Nations' activities directed toward; detail of personnel, furnishing of facilities, services, etc., on request of Secretary of State (EO 10206) 529
Defense Mobilization, Office of:
Allocation of food for industrial needs and human and animal consumption; functions of Director respecting (EO 10200) 61
Cooperation of Government agencies in furnishing personnel, information, etc., to Economic Stabilization Agency, on request of Director (Letter of January 26, 1951) 793
Defense Mobilization Board, establishment in Office; Director of Office to serve as Chairman of Board (EO 10200) 61
Defense Mobilization Board; establishment in Office of Defense Mobilization (EO 10200) 61

PRESIDENTIAL DOCUMENTS—Continued Page

Defense Production Act:
- Appointment, without compensation, of persons of outstanding ability, under Act; prior order amended (EO 10205) 419
- Functions under; modification on establishment of Defense Production Administration (EO 10200) 61
- Defense Production Administration; establishment, functions, etc. (EO 10200) 61
- "Dollar-a-year men"; appointment under Defense Production Act, without compensation, of certain persons of outstanding ability and prescribing regulations for their exemption from certain conflict of interest statutes, prior order amended (EO 10205) 419
- Economic Cooperation Administration; transfer of funds to Agriculture Department for administration of Yugoslav Emergency Relief Assistance Act (EO 10208) 709

Economic Stabilization Agency:
- Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) 793
- Voluntary agreements by industry, business, etc., under Defense Production Act; modification of functions of Administrator on establishment of Defense Production Administration (EO 10200) 61

Emergency boards, to investigate labor disputes. *See* National Mediation Board.

Employment:
- In defense industry and essential employment. *See* Labor supply.
- In Government. *See* Civil service.

Federal personnel. *See* Civil service.

Federal Reserve System; Board of Governors:
- Defense Mobilization Board, representation on (EO 10200) 61
- Defense Production Act; functions respecting guarantee of loans, voluntary agreements, etc., modification on establishment of Defense Production Administration (EO 10200) 61

Federal Trade Commission; modification of functions under Defense Production Act respecting voluntary agreements on establishment of Defense Production Administration (EO 10200) 61

Food; allocation for industrial needs and human and animal consumption, functions respecting (EO 10200) 61

Foreign aid; Yugoslav Emergency Relief Assistance Act, administration of (EO 10208) 709

General Services Administration; modification of functions under Defense Production Act respecting disposal of requisitioned property, productive capacity and supply, etc., on establishment of Defense Production Administration (EO 10200) 61

Government employees. *See* Civil service.

Interior Department:
- Defense Mobilization Board, representation on (10200) 61
- Defense Production Act; functions under, respecting priorities and allocations, productive capacity and supply, requisitioning, voluntary plans, etc., modification on establishment of Defense Production Administration (EO 10200) 61

Internal Revenue Bureau; Virgin Islands made part of internal revenue collection district of Maryland (EO 10201) 337

International disputes, support of United Nations' activities directed to peaceful settlement of; responsibilities of Secretary of State and Secretary of Defense respecting (EO 10206) 529

Interstate Commerce Commission; modifications of functions under Defense Production Act respecting priorities and allocations, productive capacity and supply, requisitioning, voluntary plans, etc., modifications on establishment of Defense Production Administration (EO 10200) 61

Labor Department:
- Defense Mobilization Board, representation on (EO 10200) 61

PRESIDENTIAL DOCUMENTS—Continued Page

Labor Department—Continued
- Defense Production Act, functions under; modification of functions respecting labor needs on establishment of Defense Production Administration (EO 10200) 61

Labor disputes, emergency board to investigate. *See* National Mediation Board.

Labor supply; functions of Defense Production Administration respecting (EO 10200) 61

Marine Corps; quarters allowances under section 302 Career Compensation Act (EO 10204) 417

National Mediation Board; emergency board created to investigate dispute between American Airlines, Inc., and certain of its employees (EO 10203) 385

National Security Resources Board:
- Certificates, necessity, in connection with amortization of emergency facilities under section 124A of Internal Revenue Code; termination of function of Chairman as certifying authority (EO 10200) 61
- Defense Mobilization Board, representation on (EO 10200) 61
- Defense Production Act; priorities and allocations, termination of function of Chairman to designate claimant agencies (EO 10200) 61

Navy Department:
- Defense Mobilization Board, representation on (EO 10200) 61
- Defense Production Act; modification of functions under, respecting guarantee of loans in connection with Government procurement for national defense purposes on establishment of Defense Production Administration (EO 10200) 61
- Quarters allowances for members of Navy and Marine Corps under section 302 Career Compensation Act (EO 10204) 417

Necessity certificates:
- Amortization of emergency facilities under section 124A Internal Revenue Code, certifying authority for purposes of:
  - Defense Production Administrator; functions respecting (EO 10200) 61
  - National Security Resources Board; termination of function as certifying authority (EO 10200) 61
- Loans, purchases, etc., under Defense Production Act; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61

Netherlands, Kingdom of; tariff quota on petroleum products under trade agreement (Proc. 2916) 109

Pay, allowances, etc.:
- Military pay. *See* Career Compensation Act.
- Persons of outstanding ability, appointment without compensation; prior order amended (EO 10200) 61

Peaceful settlement of international disputes, support of United Nations' activities directed toward; responsibilities of Secretary of State and Secretary of Defense respecting (EO 10206) 529

Petroleum and products, tariff quota on, under Venezuelan trade agreement (Proc. 2916) 109

President's Commission on Internal Security and Individual Rights; establishment (EO 10207) 709

Price Stabilization, Office of; cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) 793

Priorities and allocations, under Defense Production Act:
- Food; allocation for industrial needs and human and animal consumption, functions respecting (EO 10200) 61
- Modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61

Procurement. *See* Contracts.

Productive capacity and supply; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61

Public Health Service; quarters allowances for members of uniformed service under section 302 Career Compensation Act (EO 10204) 417

PRESIDENTIAL DOCUMENTS—Continued Page

Reconstruction Finance Corporation; Defense Mobilization Board, representation on (EO 10200) 61

Records relating to Government employees; availability to President's Commission on Internal Security and Individual Rights (EO 10207) 709

Requisitioning under Defense Production Act; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61

Rights of individuals; President's Commission on Internal Security and Individual Rights, establishment (EO 10207) 709

Security, internal; President's Commission on Internal Security and Individual Rights, establishment (EO 10207) 709

Selective Service System; selective service regulations amended (EO 10202) 381

State Department:
- Peaceful settlement of international disputes, support of United Nations activities directed to (EO 10206) 529
- Yugoslav Emergency Relief Assistance Act, functions and authority of Secretary respecting (EO 10208) 709

Tariff Commission; trade agreements. *See* Trade agreements.

Trade agreements; Venezuelan Trade Agreement, allocating tariff quota on certain petroleum products for United States of Venezuela, Kingdom of Netherlands, and other countries (Proc. 2916) 109

Treasury Department:
- *See* Coast Guard; Customs Bureau; *and* Internal Revenue Bureau.
- Defense Mobilization Board, representation on (EO 10200) 61

United Nations; activities directed to peaceful settlement of international disputes, support of (EO 10206) 529

Venezuela; tariff quota on petroleum products under trade agreement (Proc. 2916) 109

Virgin Islands, to be made part of internal revenue collection district of Maryland (EO 10201) 337

Voluntary agreements, under Defense Production Act; modification of functions respecting on establishment of Defense Production Administration (EO 10200) 61

Wage Stabilization Board; cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Letter of January 26, 1951) 793

Yugoslav Emergency Relief Assistance Act, administration of (EO 10208) 709

PRESIDENT'S COMMISSION ON INTERNAL SECURITY AND INDIVIDUAL RIGHTS; establishment by Executive order. *See* Presidential documents.

PRICE STABILIZATION, OFFICE OF:

Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.

Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Presidential Letter of January 26, 1951) 793

Delegations of authority to various officials; Assistant Director for Management, authority with respect to budget, personnel management, organization and general administration 889

Director; functions respecting price stabilization, delegated to Economic Stabilization Administrator by Executive Order 10161, to be performed by 100, 738

Iron and steel mill industry; request for voluntary stabilization of prices. *See main heading* Economic Stabilization Agency.

Price control regulations:
- Ceiling price regulations; cattlehide, kips and calfskins (Ceiling Price Regulation 2) 727
- General Ceiling Price Regulation 808
  - Agricultural commodities, certain, parity adjustments in ceiling prices 813
  - All sellers, ceiling prices 812
  - Exemptions and exceptions 815
  - Exporters and importers, prices 813

PRICE STABILIZATION, OFFICE OF—Continued Page

Price control regulations—Continued
- General Ceiling Price Regulation—Continued
  - New commodities, new categories, new services, new sellers; manufacturers', wholesalers' and retailers' ceiling prices 812
  - Records, etc. 815
- Priorities and allocations; order of Director of Office of Defense Mobilization providing for cooperation of Defense Production Administration and Economic Stabilization Agency and Office of Price Stabilization respecting 803
- Reassignment of chapter 808

PRIORITIES AND ALLOCATIONS, under Defense Production Act:
- Delegations of authority to various agencies performing functions with respect to, to issue regulations, etc. *See* Defense Mobilization, Office of; *and* Defense Production Administration.
- Modification of functions respecting on establishment of Defense Production Administration, Executive order respecting. *See* Presidential documents.
- Priorities system and orders. *See* National Production Authority.

PROCUREMENT, GOVERNMENT:
- By armed services; joint procurement regulations. *See* Army Department.
- By Federal agencies. *See* General Services Administration.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR:
- Handicapped workers; stipulations in Government purchase contracts respecting issuance of certificates for employment of. *See main heading* Wage and Hour Division.
- Minimum wage determinations, for flour and cereal preparations industry; notice of change of hearing date 553

PUBLIC DEBT BUREAU. *See* Treasury Department.

PUBLIC HEALTH SERVICE:

Pay, allowances, etc., for members of uniformed service under Career Compensation Act; Executive order respecting. *See main heading* Presidential documents.

Quarantine, interstate; proposed rule making:
- Conveyances, land and air:
  - Equipment and operation:
    - Food-handling facilities; railway conveyances 259
    - Source of food and drink; identification and inspection 259
    - Toilet and lavatory facilities 259
    - Wastes, discharge of:
      - Air conveyances 259
      - Highway conveyances 259
      - Railroad conveyances 259
    - Water systems; constant temperature bottles 259
  - Food:
    - Ice; source and handling 260
    - Source of food and drink; identification and inspection 259
    - Special food requirements 259
    - Toilet and lavatory facilities; use by food-handling employees 260
  - Operation. *See* Equipment and operation.
  - Servicing areas:
    - Conveniences, employee 259
    - Disposal of human wastes 259
    - Drainage 259
    - Water equipment:
      - Cleaning and bactericidal treatment 258
      - Outlets for nonpotable water 259
  - Potable water; source and use:
    - Treatment aboard conveyances; approval 258
    - Water for drinking and culinary purposes; general requirement 258
- Vessels:
  - Food:
    - Ice; source and handling 260
    - Source of food and drink; identification and inspection 259
    - Special food requirements 259

PUBLIC HEALTH SERVICE—Continued Page
Quarantine, interstate; proposed rule making—Con.
Vessels—Continued
Food—Continued
Toilet and lavatory facilities; use by food-handling employees 260
Sanitation facilities and conditions:
Ice, drinking fountains, etc 259
Potable water systems 258

PUBLIC HOUSING ADMINISTRATION:
Authority, delegations of. *See* Field organization and delegation of authority.
Field organization and delegation of authority; powers of field office directors with respect to designated projects 203, 650

PUBLIC ROADS BUREAU:
Federal-Aid Road Act, regulations under 387

PUERTO RICO:
Disaster areas having need for agricultural credit; designation of. *See* Agriculture Department.
Employment taxes, for residents of. *See* Internal Revenue Bureau.

Q

QUARANTINE; public health regulations. *See* Public Health Service.

R

RADIO SERVICES, regulations respecting. *See* Federal Communications Commission.

RECLAMATION BUREAU:
Authority, redelegation of, to regional directors for execution of contracts involving sale of electric power and energy 732
Electric power, sale of; authority to execute contracts with respect to certain Federal projects 732
Land reservations and withdrawals:
First form reclamation withdrawal; Colorado River storage project, Colorado 584
Reservation, townsite; Klamath project, Calif 584
Water made available, rental charges, etc.:
Annual water charges; Gila irrigation project, Yuma Mesa division, Ariz 584
Availability of water and construction charge, notice of; Rosa division, Yakima irrigation project, Washington 325
Withdrawals. *See* Land reservations and withdrawals.

RECONSTRUCTION FINANCE CORPORATION:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.

RECORDS, INFORMATION, ETC.; employee (Federal) records, availability to President's Committee on Internal Security and Individual Rights; Executive order respecting. *See* Presidential documents.

RENEGOTIATION REGULATIONS, MILITARY; joint regulations of armed forces. *See* Defense Department.

RENT CONTROL. *See* Housing Expediter, Office of.

RIGHTS OF INDIVIDUALS; President's Commission on Internal Security and Individual Rights, Executive order respecting establishment. *See* Presidential documents.

RURAL ELECTRIFICATION ADMINISTRATION:
Engineering Division, Chief and assistant chiefs; authority with respect to release of liens upon motor vehicles 695
Funds for loans for projects in various States; allocation of:
Alabama 733
Arizona 735
Arkansas 235, 238, 734, 736
California 733
Colorado 235
Florida 236, 734
Georgia 236, 238
Idaho 236

RURAL ELECTRIFICATION ADMINISTRATION—Con. Page
Funds for loans for projects in various States; allocation of—Continued
Illinois 237, 734
Indiana 237, 238, 735
Iowa 235, 734
Kansas 235, 732, 735
Kentucky 235, 733, 735
Maine 237
Maryland 735
Michigan 236, 237
Minnesota 238, 732, 735, 737
Mississippi 235
Missouri 235, 734, 737
Montana 236, 737
Nebraska 733
New Mexico 236, 237, 238, 733, 736, 737
North Carolina 736
North Dakota 237, 238, 736
Ohio 734, 736
Oklahoma 235
Oregon 237, 733, 736, 738
South Carolina 733, 734
South Dakota 236, 732, 734, 737
Tennessee 733, 737
Texas 235, 237, 238, 733, 734, 737
Vermont 736
Virginia 236, 736
Washington 236, 738
Wisconsin 733, 736
Motor vehicles, liens upon, release of; authority of Chief and assistant chiefs, Engineering Division respecting 695

S

SCARCE MATERIALS. *See* Defense Minerals Administration; *and* National Production Authority.

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.: 143
Allegany Gas Co 436
Allentown-Bethlehem Gas Co 362, 399
American Gas & Electric Co 362
American Gas & Electric Service Corp 699
American Natural Gas Co 142
American Power and Light Co 651
Analytical Securities Corp 481
Andrews, F. M 241
Austin Field Pipe Line Co 652
Bank of Ohio Co 743
Barnes, George Warren III 516
Burley & Co 480
Cafferkey, Owen R 480
Carraher, W. H 559
Central Illinois Public Service Co 104
Central Public Utility Corp 479
Clay Investment Co 482
Colley, J. F 104
Consolidated Electric and Gas Co 698
Consolidated Natural Gas Co., et al 779
Consumers Gas Co 517
Cosmopolitan Hotel Co. of Dallas, Inc 399
D & Z Employees' Trust Fund 557
Denver Brokerage Co 435
Duncan Ross Co 141
Easton and South Bethlehem Transportation Co 141
Easton Transit Co 142
Electric Bond and Share Co 481
Embrey, L. B 558
Eno, Malcolm L 652
Equity Corp., et al 744
Fauble, Arthur L 871
Frontier Corp 240
Gentilly Development Co., Inc 588
Granite State Electric Co 435
Harris, George, et al 435
Hecht Co 743
Hix, Mrs. Jack H 698
Hope Natural Gas Co 559
Illinois Power Co 558
Ingalls, Stanley H 780
Interstate Power Co 744
Iowa Public Service Co 559
Kentucky Utilities Co 141
Lehigh Valley Transit Co

SECURITIES AND EXCHANGE COMMISSION—Con. Page
Hearings, etc.—Continued
Lehigh Valley Transportation Co 141
London Terrace, Inc 436
Long Island Lighting Co 241, 398
Malden and Melrose Gas Light Co 560
Marks, Henry M 558
McKeel, John C 482
Michigan Consolidated Gas Co 241, 699
Middle South Utilities, Inc 559
Missouri Pacific Railroad Co 916
Moor, Lee 479
Morris Plan Corporation of America 652
Nassau & Suffolk Lighting Co 398
National Airlines, Inc 361
National Aviation Corp 652
National Power and Light Co 141
Nebraska Public Service Co 744
Nelson, Floyd S., & Co 483
New England Electric System 871
New England Gas and Electric Assn 780
New England Power Co 560
New Hampshire Electric Co 780
New York State Natural Gas Co 698
Niagara Mohawk Power Corp 871
North American Co 141, 142
Northern Berkshire Gas Co 587
North Penn Gas Co 143
Northern Natural Gas Co 478
Ohio Edison Co 143
Ohio Public Service Co 143
Pennroad Corp 560
Pennsylvania Gas and Electric Corp 104, 143
Penn-Western Service Corp 744
Peoples Natural Gas Co 478, 693
Philadelphia Co 140, 698
Pittsburgh Railways Co 140, 698
Pryor, Frank B 435
Queens Borough Gas and Electric Co 398
Quincy Electric Light and Power Co 587
Reed, Edward E 435
Ross-Wood Co 559
Ruse, Warren D 742
Rutherford, M. C., & Co 558
St. Clair, J. E., Co 558
Simpson, M., Co 435
Sioux City Gas and Electric Co 744
South Dakota Public Service Co 744
Southern Berkshire Power & Electric Co 560
Southern Natural Gas Co 559, 870
Standard Gas & Electric Co 435
Standard Power & Light Co 435
Stewart, Arthur 559
T. I. S. Management Corp 588
Tri-Continental Corp 242
Union Electric Co. of Missouri 560
United Corp 398
United Gas Improvement Co 436
Washington Gas Light Co 437
Weymouth Light and Power Co 561
Wood, Thomas E 559
Yankton Gas Co 744
Regulations under various acts:
Financial statements, form and content of; Securities Act of 1933, Securities Exchange Act of 1934, and Investment Company Act of 1940:
Application of regulations; form and content of financial statements required to be filed as part of registration statements, reports, etc. (proposed rule making) 396
Consolidated and combined statements, special requirements as to public utility holding companies; proposed rule making 396
Face-amount certificate investment companies; financial statements filed by, rules governing 345
Schedules to be filed, form and content. *See* Schedules.
Schedules, form and content of; for face-amount certificate investment companies 348
Investment Company Act of 1940:
Bonding of officers and employees of registered management investment companies 499
Financial statements. *See* Financial statements, *above.*

SECURITIES AND EXCHANGE COMMISSION—Con. Page
Regulations under various acts—Continued
Investment Company Act of 1940—Continued
Forms for registration statements of registered investment companies; Form N-8B-4 for face-amount certificate companies 280, 281
Previously filed material of registered face-amount certificate company; incorporation by reference 280
Public Utility Holding Company Act of 1935:
Accounting reports. *See* Forms prescribed, *and* Reports.
Exemptions of certain banks from requirements of act. *See* Registration and general exemptions.
Financial statements, consolidated and combined, of public utility holding companies. *See* Financial statements, *above.*
Forms prescribed:
For accounting reports, periodic; Form U-14-3 (annual accounting reports of companies subject to uniform system of accounts), proposed replacement by annual report form 395
For annual reports of registered companies; Form U5S, proposed rule making 395
For registration and annual supplements:
Form U5B (registration statement); proposed change in Exhibit D 396
Form U5S (annual supplement to registration statements), proposed replacement by annual report Form U5S 395
For statements from nonregistered (exempt) companies; Form U-3A3-1 (for banks as utility holding companies), revision 254
Registration and general exemptions:
Banks, certain, as holding companies; exemption from requirements of act 253
Form for statements from. *See* Forms prescribed, *above.*
Registered holding companies, annual reports; proposed rule making 395
Reports, annual, of registered holding companies; *See also* Forms prescribed, *and* Registration.
Accounting reports of certain holding and investment companies subject to uniform system of accounts; proposed deletion 396
Securities Act of 1933:
Financial statements, form and content of. *See* Financial statements, *above.*
Forms:
For annual reports of registrants under. *See under* Securities Exchange Act of 1934.
For registration statements; Form S-1, proposed revision 856
Securities Exchange Act of 1934:
Exemption from section 16 (b) of act of certain acquisitions of securities by director or officer under stock bonus or similar plans, proposed rule making 508
Financial statements, form and content of. *See* Financial statements, *above.*
Forms prescribed, for annual reports:
For issuers having securities registered on national securities exchanges:
Form 10-K for corporations; proposed rule making 395
Form U5-K, for public utility holding companies; proposed replacement 395
For registrants under Securities Act of 1933; Form U5-MD, for public utility holding companies, proposed replacement 395
Reports, annual. *See* Forms prescribed.
Trust Indenture Act of 1939, forms prescribed under; Form T-3, instructions as to exhibits 499

SECURITY:
Air traffic. *See* Civil Aeronautics Administration.
President's Commission on Internal Security and Individual Rights; establishment by Executive order. *See* Presidential documents.
Vessels, waterfront facilities, etc. *See* Coast Guard.

SELECTIVE SERVICE SYSTEM:
Regulations as prescribed by President:
Administration, national. *See* Selective Service officers.

SELECTIVE SERVICE SYSTEM—Continued Page

Regulations as prescribed by President—Continued
- Calls. *See* Quotas.
- Classification:
  - *See also* Delinquents.
  - Preparation for; mailing classification questionnaire 383
  - Procedure:
    - Consideration of classes 384
    - Registrants transferred 384
  - Rules and principles:
    - Class I–C; member of armed forces of United States, Coast and Geodetic Survey or Public Health Service and certain registrants separated therefrom 383
    - Class I–D; member of reserve component or student taking military training 384
    - Class IV–C; aliens 384
    - Five classes 383
    - Subclasses 383
- Delinquents; classification and induction:
  - Certain delinquents to be ordered to report for induction 385
  - Classification of registrant delinquent 385
- Delivery and induction:
  - *See also* Delinquents.
  - Order to report for induction 385
  - Substitution of "(DD Form No. 47)" for "(NME Form No. 47)" 385
- Induction. *See* Delivery.
- Physical examination:
  - Armed forces physical examination:
    - Action taken after; disposition of records 384
    - Order to report for 384
    - Preparing records for group ordered to report for 384
  - Medical interview by local board; duties of board 384
  - Substitution of "(DD Form No. 47)" and "(DD Form No. 62)" for "(NME Form No. 47)" and "(NME Form No. 62)", respectively 384
- Quotas and calls:
  - Action by local board upon receipt of notice of call 384
  - Determination of quotas, credits and debits; substitution of "Notification(s) of Home Address at Time of Latest Entry into Active Service (DD Form No. 53)" for "Report(s) of Home Address at Time of Last Entry into Service (NME Form No. 53)" in section 384
- Selective Service officers:
  - Local boards, panel of 383
  - National administration; Director Selective Service 383
- Volunteers 381

SOLID FUELS ADMINISTRATION. *See* Defense Solid Fuels Administration.

SOUTHWESTERN POWER ADMINISTRATION. *See* Interior Department.

STATE DEPARTMENT:
- Arms, ammunition, and implements of war, international traffic in:
  - Licenses not transferable; revocation 887
  - Validity and terms of export and import licenses 887
- Committee on Foreign Supplies and Requirements, established in Office of Defense Mobilization; representation on 646
- Compensation, additional, in foreign areas; lists of differential posts, additions and deletions:
  - Bahamas 453
  - Czechoslovakia; Praha 453
  - Madagascar 453
  - Philippines; all posts with certain exceptions 453
- Field organization; American Consulate General at Dusseldorf, Germany, opened to public 554
- International disputes, support of United Nations activities directed to peaceful settlement of; Executive order respecting. *See main heading* Presidential documents.
- Peaceful settlement of international disputes, support of United Nations activities directed toward; Executive order respecting. *See main heading* Presidential documents.
- Yugoslav Emergency Relief Assistance Act, administration of; Executive order respecting. *See main heading* Presidential documents.

SURPLUS PROPERTY, DISPOSAL OF: Page
- Delegation of authority by General Services Administration respecting. *See* General Services Administration.
- Foreign excess property, importation of. *See* Commerce Department.

T

TARIFF COMMISSION, UNITED STATES:
- Investigations of imports of various commodities:
  - Cotton, extra long staple 781
  - Hatter's fur 263
  - Lead and lead-bearing materials 871

TAXES:
- Depositaries for Federal taxes; regulations of Accounts Bureau. *See* Treasury Department.
- Regulations respecting. *See* Internal Revenue Bureau.
- Virgin Islands made part of internal revenue collection district of Maryland; Executive order respecting. *See* Presidential documents.

TELEPHONE AND TELEGRAPH COMPANIES; investigation of charges, etc. *See* Federal Communications Commission.

TELEVISION, services and facilities; regulations respecting. *See* Federal Communications Commission.

TRADE AGREEMENTS:
- Tariff-rate quotas for commodities, pursuant to. *See* Customs Bureau.
- Venezuelan Trade Agreement; proclamation respecting. *See* Presidential documents.

TRANSPORT, DOMESTIC, STORAGE AND PORT UTILIZATION, INTERAGENCY ADVISORY COMMITTEE ON. *See* Defense Transport Administration.

TRANSPORTATION, UNDERSECRETARY OF COMMERCE FOR. *See* Commerce Department.

TREASURY DEPARTMENT:
- Accounts Bureau:
  - Deposit with Federal Reserve Banks and depositary banks of employer and employee taxes under Federal Insurance Contributions Act and of income tax withheld on wages; procedure to be followed by depositaries for Federal taxes 548
  - International Claims Commission of United States, payment on account of awards of 457
  - Surety companies acceptable on Federal bonds; Founders' Insurance Company 695
- Convict, forced or indentured labor goods, importation prohibited; canned crab meat from Union of Soviet Socialist Republics (Customs Bureau finding approved by Acting Secretary of Treasury) 776
- Defense Mobilization Board, representation on; Executive order respecting. *See main heading* Presidential documents.
- Foreign Assets Control, Division of. *See* International Finance, Office of.
- Foreign moneys, values of, for quarter beginning January 1, 1951 84
- Foreign Supplies and Requirements, Committee on, established in Office of Defense Mobilization; representation on 646
- International Claims Commission of United States, payment on account of awards of 457
- International Finance, Office of:
  - Foreign Assets Control, Division of:
    - Access to final opinions, orders, rules, or official records; exception from list of offices not issuing orders, etc 767
    - Regulations:
      - Exchange of certain securities listed on national securities exchanges (including withdrawal of securities from blocked accounts), by banking institutions in United States 767
      - Importations from designated nationals, transactions incident to 767
  - Statement of organization 776
- Monetary Offices; values of foreign moneys, for quarter beginning January 1, 1951 84

TREASURY DEPARTMENT—Continued Page
- Office of Secretary:
  - Central Office procedures; rules governing access to final opinions or orders, to rules and to official records (exception of Division of Foreign Assets Control from list of offices not issuing orders, etc.) 767
  - Former officers and employees, standards and procedures for special enrollment of 164
  - Navigation and vessel inspection laws, waiver of; delegation of authority to Commandant, U. S. Coast Guard and Commissioner of Customs 731
  - Organization; International Finance, Office of 776
  - Organization; Office of International Finance 776
- Public Debt Bureau; United States Savings bonds, Series E, purchased with proceeds of certain matured bonds of Series A, C and D, calculation of amount 85
- Unemployment compensation laws, certain; certifications to Secretary by Secretary of Labor. *See main heading* Labor Department.

U

UNITED NATIONS; peaceful settlement of international disputes, support of activities in, Executive order respecting. *See* Presidential documents.

V

VENEZUELA; tariff quota on petroleum products under trade agreement, proclamation respecting. *See* Presidential documents.

VESSELS:
- Merchant marine; regulations, etc., respecting. *See* Coast Guard; Maritime Administration; *and* Maritime Board, Federal.
- Navigation laws and regulations. *See* Coast Guard; Customs Bureau; Engineers, Corps of; *and* Navy Department.
- Quarantine; interstate regulations. *See* Public Health Service.
- Radio services. *See* Federal Communications Commission.
- Security of. *See* Coast Guard.

VETERANS:
- Benefits to. *See* Veterans' Administration.
- Public lands, rights of veterans to. *See* Land Management Bureau.
- Selective service. *See* Selective Service System.

VETERANS' ADMINISTRATION:
- Regulations:
  - Claims of veterans of World Wars I and II, disallowance and awards; incompetent or insane veterans, funds available to beneficiary on trial visit or upon discharge 643
  - Education. *See* Vocational rehabilitation and education.
  - Loan guaranty. *See* Servicemen's Readjustment Act.
  - Servicemen's Readjustment Act of 1944; loan guaranty, guaranty or insurance of loans to veterans:
    - Direct loans; loan closing expenses 580
    - Findings by Housing and Home Finance Administrator respecting credit restrictions pursuant to Defense Production Act of 1950 on loans made or assisted by Administrator of Veterans' Affairs 357, 580
    - Loans which may not be processed automatically 356, 580
    - Real estate loans; credit restrictions 356, 580
  - Vocational rehabilitation and education:
    - Disabled veterans, vocational rehabilitation for. *See* Vocational rehabilitation for disabled veterans.
    - Education or training; period of entitlement. *See* Registration and research.
    - Registration and research:
      - Entitlement to education or training, period of; charges against entitlement:
        - Correspondence courses 643
        - Training interrupted or veteran withdraws prior to completing period of instruction 643

VETERANS' ADMINISTRATION—Continued Page
- Regulations—Continued
  - Vocational rehabilitation and education—Con.
    - Registration and research—Continued
      - Extension of vocational rehabilitation under Public Law 16, 78th Congress, to veterans having service on and after June 27, 1950 501
    - Vocational rehabilitation for disabled veterans:
      - Inducting veteran into training:
        - Additional conditions to be met prior to induction into training in school 906
        - Conditions to be met before induction into training 906
      - Reentrance after discontinuance 906
      - Training facilities, selection of:
        - Authority to make arrangements with establishments for training on job 906
        - Basis for selection 906
        - Factors to be considered in selecting facility:
          - Criteria which must be met by training facility 906
          - Ownership or control by veteran or relatives 906

VIRGIN ISLANDS:
- Home workers in industries in; regulations respecting. *See* Wage and Hour Division.
- Industry committee, special, for. *See* Wage and Hour Division.
- Internal revenue; inclusion of Islands in internal revenue district of Maryland, Executive order respecting. *See* Presidential documents.
- Sugarcane; price and wage determinations. *See* Agriculture Department.

VOCATIONAL REHABILITATION, OFFICE OF:
- Plans and programs of vocational rehabilitation; emergency provisions 128

VOLUNTARY PLANS, by industry, business, etc., in interest of national defense:
- Executive order respecting functions in connection with. *See* Presidential documents.
- Various plans. *See* Economic Stabilization Agency; *and* Maritime Administration.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
- Regulations, orders, etc.:
  - Cane sugar; extraction and processing of calcium aconitate in Louisiana, finding respecting. *See* Seasonal industries.
  - Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
    - Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops:
      - Buffalo Association for the Blind 135
      - Chicago Goodwill Industries, Inc 513
      - Chicago Lighthouse for the Blind 135
      - Corpus Christi Goodwill Industries 513
      - Detroit Goodwill Industries 135
      - Elmira Association for the Blind, Inc 135
      - Illinois Association for the Crippled, Inc., Chicago Metropolitan Unit 513
      - Iowa Society for Crippled Children and Adults, Inc 135
      - Jefferson County Association for the Blind 512
      - Kansas City Goodwill Industries (Mo.) 136
      - Kentucky Goodwill Industries 136
      - Marion County Society for Crippled Children and Adults, Inc 135
      - Maryland Workshop for the Blind 512
      - Montefiore Home 135
      - Nebraska Goodwill Industries 136
      - New York Association for the Blind, Occupational Department 135
      - New York Guild for the Jewish Blind 512
      - Pennsylvania Association for the Blind, Lancaster County Branch 512
      - Richmond Goodwill Industries, Inc 513

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Regulations, orders, etc.—Continued
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops—Continued
Roanoke Goodwill Industry and Gospel Mission, Inc 513
Sheltered Workshop Rehabilitation Center for the Physically Handicapped (Stamford, Conn.) 135
Sioux City Goodwill Industries 135
Veterans of Foreign Wars, Alabama:
Montgomery 512
Tuscaloosa 513
Tuskegee 513
Volunteers of America, Sandusky, Ohio 513
Workshop for the Blind, Sioux City, Iowa 513
Learners; issuance of certificates, for various industries:
Apparel:
Glove 133, 287, 288, 475, 778
Hosiery 131, 287, 288, 778
Knitted wear 131, 133, 475, 778
Single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions 130, 132, 286, 288, 474, 777
Cigar (in continental United States) 131, 288
Gloves 133, 287, 288, 475, 778
Hosiery 131, 287, 288, 778
In Puerto Rico (miscellaneous industries) 131, 133, 475
Knitted wear 131, 133, 475, 778
Miscellaneous 132, 287, 289, 475, 778
School-operated 778
Shoe 131, 287, 288, 475, 778
Telephone (independent) 131, 133, 475
Citrus pulp and waste; processing in Florida and Texas, finding respecting. *See* Seasonal industries.
Cotton; ginning, grading, etc., finding respecting. *See* Seasonal industries.
Home workers, employment of, at below minimum wages; in Virgin Islands. *See* Virgin Islands.
Industry committee, special, for Virgin Islands. *See* Special Industry Committee, for Virgin Islands.
Seasonal industries:
Cane sugar (extraction and processing of calcium aconitate from "B" molasses), in Louisiana; notice of hearing 285
Citrus pulp and waste in Florida and Texas; preliminary determination regarding processing 692

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Regulations, orders, etc.—Continued
Seasonal industries—Continued
Cotton:
Ginning of; proposed rule making 473
Grading, stapling, and classification of, for original producer in Memphis, Tenn.; determination of 685
Special Industry Committee, for Virgin Islands:
Appointment of member 910
Appointment to investigate conditions and recommend minimum wage rates 584
Hearing for purpose of receiving evidence to be considered in recommending minimum wage rates for employees; notice 933
Virgin Islands:
Home workers in industries in 6
Special industry committee. *See* Special Industry Committee.

WAGE STABILIZATION BOARD:
Board; functions respecting wage stabilization, delegated to Economic Stabilization Administrator by Executive Order 10161, to be performed by 739
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Cooperation by Government agencies in making available personnel, information, etc., on request of Director of Defense Mobilization (Presidential letter of January 26, 1951) 793
General wage stabilization regulation 1 816
Reassignment of chapter 808

WAGES:
See also Pay, allowances, etc.
Minimum wages and below minimum wages; regulations respecting. *See* Wage and Hour Division.
Premium wage compensation, Army Department procurement regulations. *See* Army Department.
Sugar production; wage determinations. *See* Agriculture Department.

WAR CLAIMS COMMISSION:
Organization; Special Advisory Committee 518
Special Advisory Committee; organization 518

WATERFRONT FACILITIES, protection of; regulations respecting. *See* Coast Guard.

WOMEN'S ARMY CORPS, regulations. *See* Army Department.

WORLD WARS I AND II; claims arising out of. *See* Veterans' Administration; *and* War Claims Commission.

Y

YUGOSLAV CLAIMS AGREEMENT; procedure under. *See* International Claims Commission.

YUGOSLAV EMERGENCY RELIEF ASSISTANCE ACT, administration of. *See* Presidential documents.

CODIFICATION GUIDE, JANUARY 1951

A numerical list of the sections of the Code of Federal Regulations affected by documents published during January 1951. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Title 3.

TITLE 3 Page
Chapter I (Proclamations):
Mar. 2, 1898 (see PLO 695) 581
2916 109
Chapter II (Executive orders):
9979 (amended by EO 10202) 381
9988 (amended by EO 10202) 381
9992 (amended by EO 10202) 381
10001 (amended by EO 10202) 381
10008 (amended by EO 10202) 381
10116 (amended by EO 10202) 381
10161 (amended by EO 10200) 61
10172 (revoked by EO 10200) 61
10182 (amended by EO 10205) 419
10193 (see EO 10200) 61
10200 61
10201 337
10202 381
10203 385
10204 417
10205 419
10206 529
10207 709
10208 709
Chapter III (Presidential documents other than Proclamations and Executive orders):
Letter of January 26, 1951 793

TITLE 5
Chapter I:
Part 6:
6.106 305
6.112 420
6.121 881
6.123 63
6.155 305, 637
6.155–6.157 420
6.158 453
Part 24:
24.63 305
Chapter III:
Part 325:
325.11 453

TITLE 6
Chapter I:
Part 5 112
Part 70:
70.3 669
Chapter III:
Part 305:
305.21–305.26 112
Part 311:
311.30 112, 577, 579
Chapter IV:
Part 524:
524.103 113
524.108 113
524.109 113
524.110 113
524.116 113
524.132–524.133 113
524.134 114
524.135 493
524.139 114
524.140 114
524.141 114
Part 601:
601.54 64
601.58 711
601.114 64
601.204 64
601.208 712

TITLE 6—Continued Page
Chapter IV—Continued
Part 601—Continued
601.254 65
601.258 712
601.304 65
601.308 712
601.422 793
601.428–601.430 795
601.433 795
601.504 65
601.508 712
601.574 66
601.578 713
601.604 66
601.608 713
Part 664:
664.225 796

TITLE 7
Subtitle A:
Part 4:
4.1 579
Chapter I:
Part 38:
Proposed rules 860
Part 44:
Proposed rules 729
Part 53:
Proposed rules 861
Part 60:
Proposed rules 771
Part 68:
Proposed rules 771
Chapter IV:
Part 420:
420.24 579
Chapter VII:
Part 721:
721.201–721.203 277
Part 723:
723.203 67
Part 727:
727.201–727.202 67
Part 728:
728.103a–728.106 277
Part 729:
729.204–729.205 337
Part 730:
730.103a–730.105 279
Chapter VIII:
Part 864:
864.3 385
Part 866:
866.3 114
Part 868:
868.3 115
Part 878:
878.3 116
Chapter IX:
Part 911:
Proposed rules 168, 179, 645
Part 913 67
Part 916:
Proposed rules 179, 191
Part 920:
Proposed rules 907
920.201 307
920.301 493
Part 921:
Proposed rules 463, 472
Part 930:
Proposed rules 321
Part 933:
933.501 153

TITLE 7—Continued Page
Chapter IX—Continued
Part 933—Continued
933.502 337
933.503 339
933.504 340
933.505 529
933.506 531
933.507 532
933.508 761
933.509 763
Part 936:
Proposed rules 552
Part 940:
940.100–940.171 307
Part 941:
Proposed rules 191
Part 953:
953.471 155
953.472 341
953.473 533
953.474 763
Part 954 155
Proposed rules 92
Part 955:
955.335 341
Part 957:
957.306 3
957.307 1
Part 959:
959.203 160
959.304 3
959.305 3
959.306 3
Part 961:
Proposed rules 502
Part 962:
Proposed rules 323
Part 965:
Proposed rules 98, 194
Part 966:
966.499 160
966.500 342
966.501 533, 764
966.502 764
Part 967:
Proposed rules 730
967.51 308
Part 969:
Proposed rules 191
Part 972:
Proposed rules 98, 864
972.5 883
Part 974:
Proposed rules 691
974.51 796
974.52 796
Part 979:
979.303 884
979.304 883
Part 991:
Proposed rules 191
Part 992:
992.303 4
992.305 3

TITLE 8
Chapter I:
Part 110:
110.1 495
Part 150:
150.7 74
150.8–150.13 74
150.14 74

TITLE 8—Continued Page
Chapter II:
Part 511:
511.187 — 535
511.205 — 535
511.205b — 539
511.340 — 545

TITLE 9
Chapter I:
Part 92:
92.12 — 308
Part 94:
94.1 — 669
Part 131:
Proposed rules — 321
Part 151:
151.10 — 4

TITLE 12
Chapter II:
Part 204:
204.5 — 162
204.103 — 579
Part 217:
217.102–217.103 — 580
Part 220:
220.8 — 453
Part 221:
221.4 — 455
Part 222:
222.129 — 280
Part 225:
225.1–225.7 — 308
225.120–225.121 — 495

TITLE 14
Chapter I:
Part 3:
Uncodified special regulation — 420
3.31–1 — 671
3.48–1 — 671
3.320–1 — 671
3.345–2 — 671
3.388–1 — 671
3.625–1 — 671
3.655–1 — 671
3.667–1 — 671
3.716–1 — 671
Part 4a:
Uncodified special regulation — 420
4a.31–1 — 671
4a.252–1 — 671
4a.301–1—4a.301–2 — 671
4a.338–1 — 671
4a.524–1 — 671
4a.525–1 — 671
4a.532–1 — 671
4a.535–1 — 671
4a.537–1 — 671
4a.550–1 — 671
4a.578–1 — 671
Part 4b:
Proposed rules — 909
Uncodified special regulation — 420
4b.1–1 — 671
4b.19–1 — 671
4b.26–1 — 671
4b.30–1 — 671
4b.58–1 — 671
4b.96–1 — 671
4b.110 — 314
4b.302–1—4b.302–2 — 671
4b.332–1 — 671
4b.367–1 — 671
4b.396–1 — 671
4b.445–1 — 671
4b.447–1 — 671

TITLE 14—Continued Page
Chapter I—Continued
Part 4b—Continued
4b.448–1—4b.448–4 — 671
4b.466–1 — 671
4b.592–1 — 671
4b.623–1 — 671
4b.654–1 — 672
4b.665–1 — 672
4b.676–1 — 672
4b.691–1—4b.691–10 — 672
4b.705–1 — 672
4b.776–1 — 672
4b.799–1 — 672
4b.811–1—4b.811–2 — 672
4b.911–1 — 672
Part 6:
Uncodified special regulation — 420
6.1 — 545, 713
6.6–1 — 672
6.30–1 — 672
6.47–1 — 672
6.52–1 — 672
6.114 — 545
6.250 — 545
Part 15:
Uncodified special regulation — 420
15.3–1 — 672
15.8–1 — 672
Part 20:
Proposed rules — 693
Part 24:
24.45 — 163
Part 26:
26.37 — 163
Part 27:
Proposed rules — 14
27.15 — 163
Part 33:
Proposed rules — 16
Part 34:
Proposed rules — 16
Uncodified special regulation — 315
Part 35:
Proposed rules — 17
Part 40:
Proposed rules — 19, 286
Part 41:
Proposed rules — 19, 286, 583
Uncodified special regulation — 420
Part 42:
Uncodified special regulation — 420
Part 43:
Uncodified special regulation — 420
Part 44:
Proposed rules — 19
Part 51:
51.6 — 163
Part 60:
Proposed rules — 22
60.13–1 — 4, 344, 455, 496, 713, 714
60.17–1 — 672
60.17–3 — 672
60.17–13 — 673
60.17–14 — 673
60.17–15 — 673
60.17–102 — 673
60.17–103 — 673
60.17–104 — 673
60.17–204 — 673
60.17–206 — 673
60.17–214 — 674
60.17–223 — 674

TITLE 14—Continued Page
Chapter I—Continued
Part 60—Continued
60.17–235 — 674
60.17–245 — 674
60.17–268 — 674
60.17–272 — 674
60.17–283 — 674
60.17–288 — 674
60.17–291 — 674
60.17–296 — 674
60.17–297 — 674
60.17–604 — 674
60.17–605 — 674
60.17–606 — 674
60.17–622 — 675
60.17–630 — 675
60.17–632 — 675
60.17–668 — 675
60.17–674 — 675
60.17–1002 — 675
60.17–1003 — 675
60.46–3 — 496
60.46–4 — 225
60.46–6 — 493
60.46–7 — 223
60.46–9 — 227
Part 61:
Proposed rules — 286, 583
Uncodified special regulation — 420
61.294–1 — 499
Part 302:
302.19 — 75
Chapter II:
Part 506:
Proposed rules — 23
Part 514 — 675
Part 550:
550.4 — 455, 456
Part 600:
600.15 — 118
600.208 — 119
600.210 — 344
600.221 — 119
Part 601:
601.208 — 119
601.1009 — 344
601.2131 — 344
601.4208 — 119
Part 620:
620.21 — 280
620.22 — 280
620.23 — 280

TITLE 15
Chapter III:
Part 371:
371.8 — [797]
371.10 — 221
Part 372:
372.1 — 223
372.3 — 224, 637
372.12 — 224
Part 373:
373.1 — 545
373.6 — 5
373.8 — 546
373.18 — 545
373.19 — 637
373.51 — 5
Part 374:
374.51 — 119, 224
Part 381:
381.4 — 315, 797
Part 384:
384.5 — 316, 797
384.8 — 316
Part 399:
399.1 — 5, 119, 316, 546

TITLE 16 Page
Chapter I:
Part 1:
1.5 — 280
Part 3:
3.75 — 317
3.170 — 119
3.200 — 317
3.205 — 119
3.290 — 884
3.400 — 884
3.430 — 884
3.735 — 884
3.820 — 387
3.1190 — 419
3.1490 — 495
3.1515 — 495
3.1590 — 419
3.1625 — 120, 495
3.1695 — 419
3.1825 — 120, 495
3.1845 — 419
3.1880 — 419
3.1955 — 120, 317, 495
3.1985 — 120, 495
3.2060 — 317
3.2070 — 120, 495
Part 62:
Proposed rules — 553

TITLE 17
Chapter I:
Part 150:
Proposed rules — 321
Chapter II:
Part 210:
Proposed rules — 395
210.6–20—210.6–24 — 345
210.12–35—210.12–41 — 348
Part 239:
Proposed rules — 866
Part 240:
Proposed rules — 508
Part 249:
Proposed rules — 395
Part 250:
Proposed rules — 395
250.3 — 253
Part 259:
Proposed rules — 395
259.403 — [255]
Part 269:
269.3 — [499]
Part 270:
270.8b–2 — 280
270.8c–4 — 280
270.17g–1 — 499
Part 274:
274.14 — 281

TITLE 19
Chapter I:
Part 16:
16.2 — 456

TITLE 21
Chapter I:
Part 18:
Proposed rules — 731
Part 32:
Proposed rules — 258
Part 141:
141.407 — 714
Part 146:
146.30 — 714
146.40 — 714
146.47 — 714
146.57 — 714
146.101 — 715
146.103 — 715
146.402 — 715
146.407 — 715

TITLE 22 Page
Chapter I:
Part 75:
75.13 — 887
75.43 — 887

TITLE 23
Chapter I:
Part 1 — 387

TITLE 24
Chapter I:
Part 145:
145.4 — 456
Part 163:
Proposed rules — 395
Chapter II:
Part 201:
201.7 — 350
Part 203:
203.4 — 421
203.20b — 421
Part 221:
221.11 — 421
221.26d — 421
Part 232:
232.16a — 422
Part 241:
241.15a — 422
241.15b — 422
Part 242:
242.18a — 422
Part 251:
251.13 — 423
251.27c — 423
Part 276:
276.28c — 423
Part 278:
278.20c — 423, 424
Part 283:
283.22b — 424
Part 287:
287.27a — 424
Part 288:
288.21a — 424
Chapter VIII:
Part 825:
825.1–825.12:
Schedule A — 6, 77, 164, 232, 255, 282, 547, 548, 766
Schedule B — 232
Schedule C — 231, 255, 256, 257, 350, 351, 500, 501, 887, 888
825.61 — 887
825.81–825.92:
Schedule A — 6, 77, 164, 232, 255, 282, 547, 548, 766
Schedule B — 232
Schedule C — 231, 255, 256, 257, 350, 351, 500, 501, 887, 888

TITLE 25
Chapter I:
Part 130:
Proposed rules — 234

TITLE 26
Chapter I:
Part 29:
Proposed rules — 552
29.53–1 — [351]
29.53–3 — [351]
29.53–4 — [351]
Part 143:
Statutory provisions — 456
143.11 — 456
143.13 — 456
143.30 — 457
Part 178:
178.467a–178.467b — 122
Part 183:
183.506a–183.506g — 121

TITLE 26—Continued Page
Chapter I—Continued
Part 184:
184.553a–184.553g — 121
Part 185:
185.579a–185.579g — 123
Part 323:
Statutory provisions — 548
323.20 — 548
323.21 — 548
323.22 — 548
323.31 — 548
Part 405:
Statutory provisions — 797, 798, 801, 805, 806, 807
405.101 — 798
405.102 — 798, 800, 801
405.104 — 801
405.105 — 801
405.107 — 801
405.201 — 805
405.202 — 805
405.203 — 805
405.209 — 805
405.501 — 806
405.601 — 806
405.607 — 807
405.703 — 807
405.805 — 807

TITLE 29
Chapter V:
Part 526:
Proposed rules — 285, 473, 692
526.101 — 685
Part 669:
Proposed rules — 908
Part 695 — 7

TITLE 30
Chapter I:
Part 18:
18.2 — 281
18.3 — 281
18.6 — 281
Chapter II:
Part 226 — 77

TITLE 31
Subtitle A:
Part 1:
1.2 — 767
Part 12 — 164
Chapter I:
Part 129:
129.14 — 84
Chapter II:
Part 213:
213.6 — 549
Part 250 — 457
Part 315:
315.9 — 85
Chapter IV:
Part 404:
404.1 — 686
Chapter V:
Part 500:
500.534 — 767
500.535 — 767

TITLE 32
Chapter IV:
Part 423:
423.354 — 282
Chapter V:
Amendment of Joint Procurement Regulations [1] — 8

[1] Joint Procurement Regulations formerly codified in 10 CFR as follows:

809.102 — 8
809.102–1 — 8

70000—51——6

TITLE 32—Continued Page

Chapter V—Continued
Part 578:
578.43a 391
Part 580:
580.7a 318
Part 581:
581.2 318
581.3 767
Chapter VII:
861.1151–861.1177 165
Part 864 639
Part 883 641
Chapter XVI:
Part 1604:
1604.1 383
1604.52a 383
Part 1621:
1621.9 383
Part 1622:
1622.2–1622.3 383
1622.7 383
1622.8 384
1622.18 384
Part 1623:
1623.2 384
1623.9 384
Part 1628:
Technical amendment 384
1628.4 384
1628.11 384
1628.13 384
1628.25 384
Part 1630 381
Part 1631:
1631.2 384
1631.7 384
Part 1632:
Technical amendment 385
1632.1 385
Part 1642:
1642.12–1642.13 385

TITLE 32A

NOTE: References to delegations of authority under Title 32A have been discontinued in the Codification Guide. Amendments listed only in Index.

Reassignment of chapters 808
Chapter I (ODM):
DMO 1 646
DMO 2 808
DMO 3 808
DMO 4 808
Chapter II (ESA):
CPR 2 728
GO 2 738
GO 4 739
Chapter III (OPS):
GCPR 808
Chapter IV (WSB):
GWS Reg. 1 816
WPR 1 817
WSR 1 817
Chapter VI (NPA):
M–1 716
M–1, Supp. 1 549
M–1, Supp. 3 229
M–2 8
M–4 459
M–8 891
Prior to revision 283
M–10 11
M–12 124
M–14 721
M–15 458
M–18 392
Prior to revision 230
M–20 903
Prior to revision 257
M–21 355

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M–22 719
Prior to revision 391
List A 686
M–23 394
M–24 889
M–25 897
M–26 901
M–27 896
M–28 549
M–29 550
M–30 686
M–31 726
M–32 725
M–33 904
Notice 1 319
Reg. 2 352
Chapter VIII (DTA):
Org. Order 2 585
Chapter IX (PAD) 904
Chapter X (DSPA) 904
Chapter XI (DEPA) 904
Chapter XII (DMA) 904
MO–1 85
Chapter XIV (GSA) 13

TITLE 33
Chapter I:
Part 6:
6.10–1 [817]
Part 121:
121.02 817
Part 125:
125.27 817
Chapter II:
Part 204:
204.25 643
204.38 818
204.81 818
204.197 818
Part 206:
206.50 905
206.93 905

TITLE 38
Chapter I:
Part 3:
3.278 643
Part 21:
21.52 643
21.190 501
21.210–21.210a 906
21.211 906
21.220 906
21.221 906
21.288 906
Part 36:
36.4343 356, 580
36.4356 356, 580
36.4504 580

TITLE 39
Chapter I:
Part 34:
34.14 357
Part 36:
36.7 551
Part 43:
43.30 357
43.45 357
Part 64:
64.40 394
Part 127:
127.71 688
127.76 688
127.102 688
127.216 688
127.227 689
127.239 689
127.264 689
127.265 689

TITLE 39—Continued Page

Chapter I—Continued
Part 127—Continued
127.286 689
127.309 690
127.380 690
Part 150:
150.1004–150.1005 394
Part 155:
155.1410 395

TITLE 41
Chapter II:
Part 202:
Proposed rules 553

TITLE 42
Chapter I:
Part 72:
Proposed rules 258

TITLE 43
Chapter I:
Part 141:
141.27 461
Part 160:
160.14 232
Part 161:
161.8 232
Part 192:
Proposed rules 581
Appendix (Public land orders):
695 581
696 581

TITLE 44
Chapter IV:
Part 401:
401.100 320
Chapter V:
Part 501:
501.6 690

TITLE 45
Chapter I:
Part 104 769
Chapter IV:
Part 401:
401.11 128
Chapter V:
Part 502 770
Part 505:
505.4 644
Part 506:
506.3 644
Part 507:
507.12 644
Part 520:
520.1 644
520.3–520.4 644
520.13–520.14 645

TITLE 46
Chapter II:
Part 221:
221.7 691
Part 222:
222.2–222.9 859
Part 299:
299.37–4 551

TITLE 47
Chapter I:
Part 1:
Proposed rules 194
1.318 715
1.319 715
1.320 716
Part 2:
2.1 168
2.101 168
Part 3:
Proposed rules 194, 196, 233, 234, 507, 508

TITLE 47—Continued Page

Chapter I—Continued
Part 3—Continued
3.1–3.192 821
3.201–3.292 833
3.501–3.591 841
3.601–3.692 847
3.701–3.791 855
Part 7:
Proposed rules 197
Part 8:
Proposed rules 197
Part 9:
Proposed rules 909
Part 14:
Proposed rules 909

TITLE 47—Continued Page

Chapter I—Continued
Part 17 88
Part 19:
19.14 92
19.33 92

TITLE 49
Chapter I:
Part 95:
95.856 818
95.858 819
95.859 819
95.860 819
95.865 320, 819
Part 120:
120.12 233
120.80 645

TITLE 49—Continued Page

Chapter I—Continued
Parts 190–194:
Proposed rules 23, 44
Part 196:
Proposed rules 23, 44
Part 205:
205.1 285

TITLE 50
Chapter I:
Part 34:
34.37 233
34.39 233
34.40–34.41 233
34.42 233
34.131–34.132 716
34.134–34.136 716

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

§ 957.307 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (15 F. R. 311), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1950 crop Irish potatoes grown in the production area have begun and present regulations (15 F. R. 4216; 7 CFR 957.306) limiting shipments to U. S. No. 2 or better grades have been in effect since July 1, 1950, and, unless changed, will so continue until June 1, 1951, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes to U. S. No. 1 or better grades, in the manner set forth below, on and after the effective date hereinafter provided, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the Idaho-Eastern Oregon Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., January 8, 1951, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes of any variety unless (i) such potatoes are generally fairly clean (which means that 90 percent or more of the potatoes in any lot must be fairly clean), (ii) such potatoes of the Russett Burbank and long white varieties meet the requirements of the U. S. No. 1 or better grade, and are at least 2 inches minimum diameter or .4 ounces minimum weight, and (iii) such potatoes of the red skin varieties meet the requirements of the U. S. No. 1 or better grade and are at least 1½ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) livestock feed: *Provided*, That each handler prior to making special purpose shipments pursuant hereto shall file an application with the committee to do so, shall have each of such shipments (except shipments of seed potatoes) inspected and shall pay assessments in connection therewith, and for each such shipment made pursuant to subdivisions (ii), (iv), and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further*, That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export certificate number and shall enter such number on the Fed-

(Continued on p. 3)

CONTENTS

Agriculture Department — Page
See Animal Industry Bureau; Production and Marketing Administration.

Air Force Department
Joint Procurement regulations; premium wage compensation (*see* Army Department).

Alien Property, Office of
Notices:
Vesting orders, etc.:
Baunach, Karl 55
Bleriot Aeronautique Societe Anonyme 59
Brauerei, A. G. Paulanerbrau Salvator and Thomas Brau 55
Burmeister, Erich Johannes Gottfried and Bertha 54
Dagorno, Jeanne Berthe Marie 59
Danker, Dietrich, et al 53
Deichmann, August and Elizabeth 57
Dittus, Elizabeth Piatek 53
Ehlen, Adele Bach, et al 57
Fabian, Mary 55
Frissora, Marianna Tiberi, et al 59
Froning, Rudolf 53
Greenebaum, Lilly 54
Gronski, Stephan 54
Hefter, Dr. Nicolas 56
Hemmerle, Vendelin, et al 50
Hitzeroth, Theodore 56
Imahashi, Torajiro 56
Inokuchi, Takeshi 53
Meyer, Otto 49
Miura, Leonie, et al 50
Murakami, Masakatsu and Tamaki 50
Murakawa, Itsuro and Tomoko 51
Nakashima, Kiutaro and George 51
Neumann, Meta 57
Nishikawa, Masato 58
Schmidt, Clara Hedwig 50
Severne, Louise 51
Staudenmaier, Johannes, et al 60
Strakosch, Mika Marie 59
Takenchi, Genkichi, et al 51
Tempel, Minna 54
Teshirogi, Henry Teiji 52
Tomoeda, Shozo, et al 52
Ullrich, Irma et al 52
Werner, Helmut, et al 49

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. — Page
Notices—Continued
Vesting orders, etc.—Continued
Winslow, Mrs. Ottilie Franke Muller — 59

Animal Industry Bureau
Rules and regulations:
Breeds and books of records of purebred animals, recognition of; horses — 4

Army Department — Page
Rules and regulations:
Joint procurement regulations; premium wage compensation — 8

Civil Aeronautics Administration
Proposed rule making:
Air carrier operating certification; certification and operation rules for scheduled air carrier operations outside the continental limits of the U. S.; foreign air carrier regulation — 19
Air traffic rules — 22
Airworthiness directives, recordation — 23
Requirements for approved courses leading to certificates for:
Aircraft dispatcher — 14
Flight engineer — 17
Flight navigator — 16
Flight radio operator — 16
Rules and regulations:
Air traffic rules; danger area alterations — 4

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
West Coast common fares case; postponement of hearing — 46

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board; Maritime Administration; International Trade, Office of; National Production Authority.

Defense Department
See Army Department.

Federal Maritime Board
Organization and functions (*see* Maritime Administration).
Notices:
Rederiakiebolaget Clipper (Clipper Line) et al.; agreements filed with Board for approval — 46

Federal Power Commission
Notices:
Hearings, etc.:
City of Trinidad, Colorado — 47
Power Authority of the State of New York — 46
Texas Gas Transmission Corp — 46
Texas Gas Transmission Corp. et al — 47

General Services Administration
Rules and regulations:
Rubber — 13

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in California and Ohio — 6

International Trade, Office of
Rules and regulations:
Commodities, positive list and related matters; micellaneous amendments — 5

International Trade, Office of—Continued — Page
Rules and regulations—Continued
Licensing policies and related special provisions; calf and kip skins — 5

Interstate Commerce Commission
Notices:
Applications for relief:
Acetaldehyde from Oklahoma and Texas to Garfield, N. J — 47
Anhydrous ammonia from the Southwest to Louisville, Ky — 47
Cotton piece goods (flat goods) from the South to Official territory — 48
Glycerine from Dallas, Tex., to Virginia — 48
Liquid Formaldehyde from Tallant, Okla., to the East — 48
Motor-rail rates in connection with N. Y. N. H. & H. RR — 48
Motor-rail rates in connection with N. Y. N. H. & H. RR. and Hartford Transportation Co., Inc — 49
Petroleum products from Hauser, Tex., to Southwestern territory — 47
Rubber from Texas and Louisiana to Washington, Pa — 47
Proposed rule making:
Safety regulations (2 documents) — 23, 44

Justice Department
See Alien property, Office of.

Labor Department
See Wage and Hour Division.

Maritime Administration
Notices:
Organization and functions — 44

National Production Authority
Rules and regulations:
Cobalt — 11
Rubber — 8

Production and Marketing Administration
Proposed rule making:
Peoria Union Stock Yards Co.; petition for modification — 14
Rules and regulations:
Potatoes, Irish limitation of shipments:
Certain designated counties in Idaho and Malheur County, Oreg — 1
Crook, Deschutes, Jefferson, Klamath, and Lake Counties in Oregon, and Modoc and Siskiyou Counties in California — 3
Washington — 3

Wage and Hour Division
Rules and regulations:
Home workers in industries in the Virgin Islands; minimum wages — 6

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter IX:	
Part 957	1
Part 959	3
Part 992	3
Title 9	
Chapter I:	
Part 151	4
Title 14	
Chapter I:	
Part 27 (proposed)	14
Part 33 (proposed)	16
Part 34 (proposed)	16
Part 35 (proposed)	17
Part 40 (proposed)	19
Part 41 (proposed)	19
Part 44 (proposed)	19
Part 60	4
Proposed	22
Chapter II:	
Part 506 (proposed)	23
Title 15	
Chapter III:	
Part 373	5
Part 399	5
Title 24	
Chapter VIII:	
Part 825	6
Title 29	
Chapter V:	
Part 695	6
Title 32	
Chapter V:	
Joint Procurement Regulations	8
Title 32A	
Chapter I:	
Part 25	8
Part 30	11
Chapter X:	
Part 1400	13
Title 49	
Chapter I:	
Parts 190–197 (proposed) (2 documents)	23, 44

eral-State inspection certificate and bill of lading applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(3) The terms used in this section shall have the same meaning as when used in Order No. 57, as amended (15 F. R. 311).

(4) The limitations set forth in this section supersede the limitations issued on June 28, 1950, and published in the FEDERAL REGISTER on July 1, 1950 (15 F. R. 4216), and such prior limitations are hereby terminated and revoked as of the effective date of the limitations set forth in this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 27th day of December 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-26; Filed, Jan. 2, 1951; 8:48 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.306 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959) regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policies of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.), in that (i) shipments of the 1950 crop Irish potatoes are now being made and have been subject to grade and size regulations (7 CFR 959.304, 15 F. R. 6215; 7 CFR 959.305, 15 F. R. 8152) since September 18, 1950, with the current regulation (7 CFR 959.305) limiting shipments of potatoes grown in District No. 1 to U. S. No. 2 and better grades, and limiting shipments of potatoes grown in District No. 2 or District No. 3 to U. S. No. 1 and better grades, (ii) the current size limitations are identical for all potatoes, (iii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes to U. S. No. 1 or better grade in the manner set forth below, on and after the effective date hereinafter provided, (iv) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (v) a reasonable time is permitted, under the circumstances, for such preparation, (vi) the time intervening between the date when adequate information became available to the Oregon-California Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and (vii) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning January 8, 1951, and ending June 30, 1951, both dates inclusive, each shipment of potatoes grown in the production area shall be limited to U. S. No. 1 or better grade, and which are not less than 2 inches minimum diameter or four ounces minimum weight, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) During the aforesaid period each handler may make one shipment of not in excess of 5 hundredweight of potatoes per week without limitation.

(3) During the aforesaid period, shipments of potatoes for the following purposes may be made without limitation: (i) For grading or storing in the production area, (ii) for export, (iii) for distribution by the Federal Government or by relief agencies, or for consumption by charitable institutions, (iv) for manufacture or conversion into starch, glucose, alcohol, and dehydrated products, (v) for livestock feed, and (vi) for seed: *Provided,* That each handler making shipments for any of such purposes shall, prior to effecting such shipment, file an application with the committee to do so and have each of such shipments inspected and pay assessments in connection therewith, except that payment of assessments and the procurement of inspection shall not be required for shipments of potatoes for the purpose of having such potatoes graded or stored in the production area.

(4) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959).

(5) The limitations set forth in this section supersede the limitations issued on November 24, 1950, and published in the FEDERAL REGISTER on November 29, 1950 (15 F. R. 8152), and such prior limitations are hereby terminated and revoked as of the effective date of the limitations set forth in this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of December 1950, to be effective January 8, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-27; Filed, Jan. 2, 1951; 8:48 a. m.]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.305 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR, Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis

of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1950 crop Irish potatoes grown in the production area have begun and present regulations (15 F. R. 4337; 7 CFR 992.303) limiting shipments to U. S. No. 2 or better grades have been in effect since July 10, 1950, and unless changed will continue until June 1, 1951, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes to U. S. No. 1 or better grades, in the manner set forth below, on and after the effective date hereinafter provided, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the State of Washington Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning January 8, 1951, and ending May 31, 1951, both dates inclusive, each shipment of potatoes grown in the State of Washington shall be limited, except as hereinafter otherwise provided, to potatoes which are U. S. No. 1 or better grade, and which are not less than 2 inches minimum diameter or 4 ounces minimum weight, as such grade and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) During the aforesaid period, each handler may make one shipment of not in excess of 5 hundredweight of potatoes per week without limitation.

(3) During the aforesaid period, shipments of potatoes for the following purposes may be made without limitation: (i) For export, (ii) for distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions, (iii) for manufacture or conversion into starch, flour, alcohol, and dehydrated products, (iv) for livestock feed, and (v) for seed: *Provided*, That each handler making shipments for any of such purposes, except for distribution by the Federal Government, shall, prior to effecting such shipment, file an application with the committee to do so and have each of such shipments inspected and pay assessments in connection therewith, except that the procurement of inspection shall not be required for shipments of potatoes for livestock feed, and shipments of seed potatoes; and the payment of assessments shall not be required for shipments of potatoes for livestock feed.

(4) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR, Part 992).

(5) The limitations set forth in this section supersede the limitations issued on July 6, 1950, and published in the FEDERAL REGISTER on July 8, 1950 (15 F. R. 4337), and such prior limitations are hereby terminated and revoked as of the effective date of the limitations set forth in this section.

(Sec. 8, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of December 1950, to be effective on January 8, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-25; Filed, Jan. 2, 1951; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 11]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORDS OF PUREBRED ANIMALS

HORSES

On November 10, 1950, a notice of rule making was published in the FEDERAL REGISTER (15 F. R. 7649) regarding the proposed withdrawal of recognition by the Secretary of Agriculture of the book of record for Thoroughbred and Arabian horses entitled "Registro-Matricula de Caballos de Pura Sangre", sponsored by The Minister of Agriculture, General Livestock Administration, Madrid, Spain.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U. S. C. sec. 1201, par. 1606), hereby withdraws recognition of the said book of record, and amends § 151.10, Chapter I, Title 9, Code of Federal Regulations, as amended, by removing the name of the said stud book from the list of books of record in the subdivision of paragraph (a) of said section relating to horses.

(Sec. 201, Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, Par. 1606)

The foregoing amendment shall become effective on the 1st day of February 1951.

Done at Washington, D. C., this 28th day of December 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-23; Filed, Jan. 2, 1951; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 60]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. A Camp Gordon, Georgia, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP GORDON (Savannah Chart).	Beginning at lat. 33°23'35" N, long. 82°08'20" W; S to lat. 33°22'15" N, long. 82°08'18" W; SW to lat. 33°16'20" N, long. 82°18'00" W; WNW to lat. 33°17'29" N, long. 82°21'10" W; NE to lat. 33°21'15" N, long. 82°18'42" W; NE to lat. 33°25'00" N, long. 82°12'00" W; ESE to lat. 33°23'35" N, long. 82°08'30" W, point of beginning.	Surface to 5,000 feet.	0700 to 1900, Monday through Saturday.	Commanding General, Camp Gordon, Ga.

2. The Fort Lewis, Washington, area, published on June 23, 1949, in 14 F. R. 3393, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
FORT LEWIS (Seattle Chart).	Beginning at a point on Highway US 99 at lat. 47°06'35" N, long. 122°34'05" W; southeasterly along a road to the Northern Pacific RR at lat. 47°05'22" N, long. 122°30'15" W; southerly along railroad to the town of Rainier, Washington at lat. 46°53'12" N, long. 122°41'15" W; northwesterly along a road to road junction at lat. 46°57'12" N, long. 122°46'47" W; due N to Northern Pacific RR at lat. 46°59'52" N; northeasterly along railroad to Highway US 99 at lat. 47°05'00" N, long. 122°40'04" W; northeasterly along highway to lat. 47°06'35" N, long. 122°34'05" W, point of beginning.	Surface to unlimited.	Continuous.	Fort Lewis, Wash.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 2, 1951.

DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-9; Filed, Jan. 2, 1951; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 34 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

CALF AND KIP SKINS

1. Section 373.6 *Special provisions for calf and kip skins* is amended to read as follows:

§ 373.6 *Special provisions for calf and kip skins.* Calf and kip skins, Schedule B Nos. 020602, 020604, 020702, and 020704, will be licensed for export in accordance with the licensing policy set forth in § 373.1 and the following special provisions:

(a) *Calf and kip skins, dry, imported.* Applications for licenses to export calf skins, dry, Schedule B No. 020602, and kip skins, dry, Schedule B No. 020702, which are not the growth, production, or manufacture of the United States, and which have been imported into the United States and stored in bonded warehouses, without a consumption entry having been made, will be considered without regard to quota limitations, provided such applications are accompanied by the following certification:

I (we) hereby certify that the dry calf or kip skins covered by this application are not the growth, production, or manufacture of the United States; have been imported into the United States and are in bonded warehouses in the United States; and that no consumption entry for these commodities has been made at a United States customhouse.

(b) *Time for submission of applications.* Applications for licenses to export calf and kip skins must be submitted during the first month of each calendar quarter, except that applications covering dry calf and kip skins, imported, filed in accordance with the provisions of paragraph (a) of this section may be submitted at any time. Applications covering commodities subject to the provisions of paragraph (a) of this section should not include commodities licensed against quantitative quotas, even though such commodities may be classified under the same Schedule B number.

2. Supplement No. 1 to Part 373 is amended to change the submission dates with respect to applications to export calf and kip skins, as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, first quarter, 1951
	Hides and skins, raw, except furs	
020602	Calf skins, dry	The first month of the current calendar quarter.[1]
020604	Calf skins, wet (include slunk skins).	
020702	Kip skins, dry	
020704	Kip skins, wet	

[1] Applications covering calf and kip skins, dry, imported, submitted in accordance with § 373.6 (a), may be submitted at any time.

[1] This amendment was published in Current Export Bulletin No. 598 dated December 21, 1950.

This amendment shall become effective as of December 21, 1950.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director, Office of International Trade.

[F. R. Doc. 51-32; Filed, Jan. 2, 1951; 8:49 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 31 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Hair and manufactures, n. e. s.:				
369070	Hair, unmanufactured: Cattle, ox, and calftail hair, new (switches included).	Lb	TEXT	100	RO
369350	Horse mane and tail hair, raw or dressed, new	Lb	TEXT	100	RO
	Steel mill products:				
601300	Tinplate circles strips, cobbles, and scroll-sheer butts.	S. ton	TNPL	1,000	RO
	Steel sheets, black, ungalvanized (include enameled, lacquered, or painted):				
	Carbon steel:				
603530	Cold-rolled, tin-mill black plate rejects, wasters, and waste-wasters, and cold-rolled sheets, rejects.[1]	Lb	STEE 8	1,000	RO
	Tinplate:				
604170	Tinplate, lithographic misprints [2]	Lb	TNPL	1,000	RO

[1] By this amendment the description on the Positive List for Schedule B No. 603530 will read as follows: "Cold-rolled, GLV $1,000, validated license required RO".

[2] By this amendment the description on the Positive List for Schedule B No. 604170 will read as follows: "Tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints, GLV $1,000, validated license required RO".

2. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other nonmetallic minerals (precious included):				
571400	Sulfur, crude (see § 373.16)	L. ton	SALT 36	100	RO
571500	Sulfur, crushed, ground, refined, sublimed and flowers (see § 373.16).	Lb	SALT 36	100	RO
	Ferroalloys:				
622085	Ferromolybdenum	Lb	NONF	None	RO
622098	Ferrocolumbium-tantalum	Lb	NONF	None	RO
622098	Other ferroalloys [1]	Lb	NONF	500	RO
	Nickel and manufactures:				
654505	Nickel alloys, and scrap containing nickel, except nickelsilver. (Report nickelsilver in 661000.)	Lb	NONF	100	RO
654509	Nickel metal in ingots, bars, grains, rods, sheets, strips, shot, plates, and other forms.	Lb	NONF	100	RO
654998	Nickel manufactures, n. e. s. (except nickel-alloy manufactures). (Specify by name.)		NONF	100	RO

[1] The 2 other entries presently on the Positive List under Schedule B No. 622098, ferrocolumbium and ferrozirconium, are already RO commodities.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limits
	Steel mill products:	
	Wire and manufactures:	
69880	Electric welding rods and wire	100
69890	Welding rods and wire, iron and steel, except electric....	100

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2, and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including January 20, 1951. Any such shipment not laden aboard the exporting carrier on or before January 20, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong and Macao.

This amendment shall become effective as of December 21, 1950.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-33; Filed, Jan. 2, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 334]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 330]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA AND OHIO

Amendment 334 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 330 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said Regulations are amended in the following respects:

1. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Menlo Park, Millbrae, San Bruno, and South San Francisco, and the Town of Atherton; and Sonoma County, except (1) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of South San Francisco in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 228, is amended to describe the counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights, and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, Seven Hills, Strongsville, Valley View, Warrensville Heights, Westlake and West View; and in Lake County that part of Kirtland Township included within the corporate limits of the Village of Waite Hill, and Willoughby Township, except the Village of Wickliffe and the remainder of the Village of Willoughby.

Lake County, except (i) Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby and (ii) the Village of Mentor.

This decontrols the Village of Bratenahl in Cuyahoga County, Ohio, and the Village of Willoughby in Lake County, Ohio, portions of the Cleveland, Ohio, Defense-Rental Area.

All decontrols affected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective December 29, 1950.

Issued this 28th day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-31; Filed, Jan. 2, 1951; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 695—HOME WORKERS IN INDUSTRIES IN THE VIRGIN ISLANDS

The regulations contained in this part are issued pursuant to section 6 (a) (2) of the Fair Labor Standards Act of 1938, as amended, which section provides for the minimum wages to be paid home workers in Puerto Rico or the Virgin Islands. Generally speaking, section 6 (a) (2) requires that such home workers must be paid not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by the employer which will yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. The Administrator is authorized to make such regulations as are necessary or appropriate to carry out these provisions, including the power to define any operation which is performed by such home work employees; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term "home worker" and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers.

At the present time, persons engaged in activities relating to home workers in industries in Puerto Rico are covered by Parts 545 and 681 of this chapter; however, there are no regulations relating to home workers in industries in the Virgin Islands. These regulations are designed to apply to home work activities in such industries.

A notice of the proposed issuance of these regulations was published in the FEDERAL REGISTER (15 F. R. 5171) and interested persons were given 15 days within which to submit any data, views, or arguments pertaining thereto. The 15-day period has expired, and no objections to the regulations or any of its provisions have been received.

However, it appears desirable to make the following modifications in the proposed regulations, for purposes of clarification, and to incorporate specific provisions concerning the reimbursement of employees for costs incurred by them for materials.

(1) In § 695.5, add the following at the end of the section: In addition any costs for materials incurred by the home worker shall be reimbursed by the employer.

(2) In § 695.6, paragraph (a) (4) is amended to read as follows: The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the gross amount actually paid each home worker for the operations performed upon such goods, the amount, if any, paid by the home worker for materials, and the net amount received by the home worker.

(3) In § 695.6, paragraph (b) (2) is amended to read as follows: The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rate to be paid or paid, the gross amount actually paid the home worker for the operations performed upon such goods, the amount, if any, paid by the home worker for materials, and the net amount received by the home worker.

(4) Section 695.7 is amended to read as follows: The employer shall collect each handbook as soon as it has been completed. Every employer shall keep and preserve for a period of not less than three years at his place of business all records required above, except the handbook, which shall be kept for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

(5) In § 695.9, the reference to "section 6 (a) (5)" of the act is changed to "section 6 (a) (2)."

Sec.
695.1 Applicability.
695.2 Definitions.
695.3 Filing and notification requirements.
695.4 Delivery and collection of goods.
695.5 Payment for work.
695.6 Records to be kept.
695.7 Maintenance of records.
695.8 Minimum piece rates prescribed by the Administrator.
695.9 Piece rates adopted by employers.
695.10 Penalties.
695.11 Petition for amendment of regulations.
695.12 Piece rates established in accordance with § 695.8.

AUTHORITY: §§ 695.1 to 695.12 issued under sec. 3 (f), 54 Stat. 616, as amended, sec. 11, 52 Stat. 1066; 29 U. S. C. 206, 211.

§ 695.1 *Applicability.* The provisions of this part shall apply to persons engaged in activities relating to home workers in the Virgin Islands.

§ 695.2 *Definitions.* The following words, terms, and phrases as used in this part shall have the meaning ascribed to them in this section except when the context clearly indicates a different meaning; provided, however, that the following definitions shall not be construed in any way to restrict the meaning of such words, terms, or phrases as are defined in section 3 of the Fair Labor Standards Act of 1938, as amended, hereinafter referred to as the act.[1]

(a) "Employer" includes any natural or artificial person, who, for his own account or benefit, or on behalf of any other person, directly or indirectly, through any other person:

(1) Delivers, or causes to be delivered, any goods to be processed or fabricated in or about a home and thereafter to be returned or thereafter to be disposed of or distributed in accordance with his directions; or

(2) Sells any goods for the purpose of having such goods processed or fabricated in or about a home and then rebuys such goods after such processing or fabricating, either himself or through some other person.

(3) Purchases any goods from a homeworker whom he suffers or permits to work, even though such homeworker has purchased the material used in the processing or fabrication of such goods from a source other than such employer.

(b) "Employ" includes to suffer or permit to work.

(c) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

(d) "Home worker" includes any employee performing in or about a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

(e) "Operation" means any work or any process other than the distribution of goods to or collection of goods from home workers.

§ 695.3 *Filing and notification requirements.* Every employer prior to the distribution of work to any home worker (or prior to the commencement of work by a homeworker, in cases where the homeworker purchases the raw materials) shall file with the Territorial Office of the Wage and Hour Division in Puerto Rico,

(a) A design, pattern, diagram, photograph, or sample of the product, together with such other description or illustration of the product as he, upon inquiry at the Wage and Hour Division in Puerto Rico, may be requested to submit; and

(b) A description in writing of each operation to be performed by any home worker, together with the full piece rate schedule designation, if any, prescribed in accordance with § 695.8, the corresponding piece rates to be paid for each such operation, and the style numbers, if any, of the goods upon which the operations are to be performed.

§ 695.4 *Delivery and collection of goods.* Where goods for production in a home are distributed to the homeworker by the employer, such goods shall be personally distributed to and collected from the home worker who is to work on the goods, either directly at the employer's principal office in the Virgin Islands or by employees expressly employed by the employer to distribute and collect such goods outside such principal office.

§ 695.5 *Payment for work.* When an employer receives goods on which work has been completed, he shall pay the home worker immediately for such work. Payment shall be made to each home worker at rates not less than those required under §§ 695.8 or 695.9, and in accordance with the requirements of sections 6 and 7 of the act. In addition, any costs for materials incurred by the home worker shall be reimbursed by the employer.

§ 695.6 *Records to be kept.*[2] (a) Every employer shall make and have available at his principal office in the Virgin Islands a record of the following information:

(1) The name and address of each firm situated outside the Virgin Islands, if any, from whom the goods for delivery to a home worker were received.

(2) The name and address of each home worker, and the date of birth of each home worker under 19, to whom goods were delivered or from whom goods were purchased.

(3) The dates upon which goods were delivered to and collected from, or purchased from, each home worker.

(4) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the gross amount actually paid each home worker for the operations performed upon such goods, the amount, if any, paid by the home worker for materials, and the net amount received by the home worker.

(5) The date upon which each home worker was paid for operations performed on the goods.

(b) At the time work is given out to or received or purchased from a home worker, as the case may be, every employer shall enter the following information in the handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each home worker) which shall be kept by the home worker:

(1) The dates upon which goods were delivered to and collected from, or purchased from, the home worker.

(2) The style number, if any, description of, and amount of goods, the operations to be performed or performed thereon, together with the piece rates to be paid or paid, the gross amount actually paid the home worker for the operations performed upon such goods, the amount, if any, paid by the home worker for materials, and the net amount received by the home worker.

(3) The date upon which the home worker was paid for operations performed on the goods.

(4) The signature of the person acting in behalf of the employer.

(c) No employer shall employ any home worker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such employer makes and keeps available at his principal office in the Virgin Islands, and enters in the handbook of each such home worker, a record of the following information:

(1) The hours worked by the home worker on the goods in each lot of work delivered to the employer.

(2) The total hours worked each week.

(3) The wages paid the home worker each week at regular piece rates.

(4) The extra amount paid to the home worker for hours worked in excess of 40 in each week.

§ 695.7 *Maintenance of records.* The employer shall collect each hand book as soon as it has been completed. Every employer shall keep and preserve for a period of not less than three years at his place of business all records required above, except the hand book which shall be kept for a period of two years subsequent to the date of the last entry therein. All such records shall be open at any time to inspection and transcription by the Administrator or his authorized representative.

§ 695.8 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each home worker shall be paid, in lieu of the applicable hourly rate established by wage order, not less than the piece rates prescribed in § 695.12 for the operations described therein.

§ 695.9 *Piece rates adopted by employers.* Pursuant to the provisions of

[1] Sec. 3, 52 Stat. 1060; 29 U. S. C. 203.

[2] Although responsibility for making the record is placed upon the employer, the actual work of doing so may be performed by supervisory or clerical employees, or other persons acting in behalf of the employer. No particular order or form of records is prescribed by the regulations contained in this part. The employer may keep his own record system, so long as he keeps all the required information available in understandable form.

section 6 (a) (2) of the act, in the event that a home worker is to perform an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the employer which shall yield to home workers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order. No employer shall adopt such a piece rate until he has first notified the Division of his intention to establish a rate for such operation, the rate fixed and the basis on which the piece rate has been computed. Such an employer piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for such operation.

§ 695.10 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided by section 16 and section 17 of the act.

§ 695.11 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired, and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

§ 695.12 *Piece rates established in accordance with § 695.8.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE HAND-MADE ART LINEN INDUSTRY IN THE VIRGIN ISLANDS (HAND-EMBROIDERY OPERATIONS)

Design No.	Description of design	Piece rate per unit (cents)
1	Native Woman No. 1—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 1, filed with the Wage and Hour Division. Size: 1" high, 7/8" at base.	10.5
2	Native Woman No. 2—Woman carrying tray of fruit on head, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 2, filed with the Wage and Hour Division. Size: 1 3/8" high, 1 3/16" at base.	12.7
3	Native Woman No. 3—Woman carrying tray of fruit on head, palm tree with 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 3, filed with the Wage and Hour Division. Size: 2" high, 2 1/16" at base.	16.8
4	Native Woman No. 4—Woman carrying tray of fruit on head, 2 palm trees, each with 3 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 4, filed with the Wage and Hour Division. Size: 3¾" high, 6¼" at base.	72.9
5	Palm Tree No. 1—Palm tree, 6 leaves, 2 small fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 5, filed with the Wage and Hour Division. Size: 1⅝" high, 1½" at base.	11.8
6	Palm Tree No. 2—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 6, filed with the Wage and Hour Division. Size: 2½" high, 1⅞" at base.	13.9
7	Palm Tree No. 3—Palm tree, 8 leaves, 2 fruits; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 7, filed with the Wage and Hour Division. Size: 3¾" high, 2½" at base	21.4
8	Donkey and Rider No. 1—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 8, filed with the Wage and Hour Division. Size: 1⅝" high, 1¾" at base	12.4
9	Donkey and Rider No. 2—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 9 filed with the Wage and Hour Division. Size: 1½" high, 1¾" at base	17.4
10	Donkey and Rider No. 3—Boy riding donkey, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 10, filed with the Wage and Hour Division. Size: 2⅛" high, 2½" at base	21.4
11	Donkey and Boy No. 1—Boy leading donkey, man carrying bundle of bananas, palm tree; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 11, filed with the Wage and Hour Division. Size: 2" high, 1¾" at base	18.1
12	Donkey and Boy No. 2—Boy leading donkey, man carrying bundle of bananas; palm tree, embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 12, filed with the Wage and Hour Division. Size: 2⅜" high, 2¾" at base	24.3
13	Bluebeard Castle No. 1—Castle in shape of tower, 4 windows, door, flag, and 2 palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 13, filed with the Wage and Hour Division. Size: 1⅞" high, 1⅞" wide	16.4
14	Bluebeard Castle No. 2—Castle in shape of tower, 4 windows, door, flag, 1 large and 2 small palm trees; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 14, filed with the Wage and Hour Division. Size: 2¾" high, 2¾" wide	21.3
15	Bluebeard Castle No. 3—Castle in shape of tower, 4 windows, door, flag, 2 large and 3 small palm trees, 2 banana plants; embroidered in solid cord and back stitch, without hoop, as per embroidered design No. 15, filed with the Wage and Hour Division. Size: 4½" high, 6¼" wide	53.0

Accordingly, the aforesaid regulations published in the FEDERAL REGISTER beginning at 15 F. R. 5171, with the modifications shown above, are hereby issued. These regulations shall become effective 30 days after the date of publication thereof in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of December 1950.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-10; Filed, Jan. 2, 1951; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

JOINT PROCUREMENT REGULATIONS

PREMIUM WAGE COMPENSATION

The Joint Procurement Regulations, formerly published in Chapter VIII, Title 10, are amended by rescinding §§ 809.102 and 809.102–1 and substituting the following in lieu thereof:

§ 809.102 *Premium wage compensation.*

§ 809.102–1 *Department of the Army.* (a) Delivery schedules established in connection with all procurement contracts, particularly those of a cost-reimbursement type, will be predicated upon the contractor working normal workweeks and shifts without recourse to overtime and extra-pay shifts.

(b) Overtime and extra-pay shift deviations may be authorized subject to the following conditions:

(1) The authority for approval of such overtime and extra-pay shift deviations as may be required is hereby delegated, with power of redelegation, to heads of procuring activities.

(2) Utilization of approvals for deviation of the overtime and extra-pay shifts as may be given by the head of a procuring activity, or his designated representative, will be confined to the meeting of essential deadlines necessary to the performance of the contract solely in the interests of the Government.

(3) In granting such approvals, it will be the responsibility of the head of a procuring activity and his designated representative to restrict such overtime and extra-pay shift work to the minimum required for the accomplishment of the specific work for which the deviation was requested and for which the approval was given.

(4) The above policy is not to be construed as forbidding the use of overtime or extra-pay shift work necessitated because of disaster, local operating emergencies, or in the best interests of the Government.

(c) Any case concerning overtime or extra-pay shifts which may arise and which does not fall within the foregoing authorization, including cases involving premium rates other than overtime or extra-pay shifts, will be referred to the Assistant Chief of Staff, G–4, GSUSA (ATTN: Chief, Current Procurement Branch) for consideration.

[Proc. Cir. 26, 18 Dec. 1950] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 51–1; Filed, Jan. 2, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M–2 as amended Dec. 29, 1950]

PART 25—RUBBER

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

A new § 25.5b is added as set forth below.

EXPLANATORY PROVISIONS

Sec.
25.1 Purpose and effect.
25.2 Definitions.

REQUIRED USE OF SYNTHETIC RUBBER

25.3 Synthetic rubber specifications.
25.4 Exceptions to required use of synthetic rubber.
25.5 Import restrictions.

CAMELBACK PRODUCTION REQUIRED

25.5a Required production of camelback.
25.5b Private importation of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta-percha) prohibited.

RESTRICTIONS OF NEW RUBBER CONSUMPTION

25.6 Limit on total new rubber consumption.
25.7 Limit on natural rubber consumption.
25.8 Limit on natural rubber latex consumption.

ALLOCATION OF SYNTHETIC RUBBER

25.9 Limitation on acquisition of synthetic rubber.
25.10 Allocation procedure.
25.11 Basis of allocation.
25.12 Additional allocations for Government orders.

GENERAL PROVISIONS

25.13 Reports of rubber consumption and stocks.
25.14 Reports by tire, tube, and camelback manufacturers.
25.15 Reports by latex importers.
25.16 Other records and reports.
25.17 Inventory limitation.
25.18 Adjustments and exceptions.
25.19 Communications.
25.20 Violations.

AUTHORITY: §§ 25.1 to 25.20 issued under sec. 704, Pub. Law 774, 81st Cong., and sec. 10, 62 Stat. 105, 50 U. S. C. App. Supp. 1929; Pub. Law 575, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., and sec. 3, 62 Stat. 102, 50 U. S. C. App. Supp. 1922; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

§ 25.1 *Purpose and effect.* The purpose of this part is to conserve the supply of rubber for the needs of national defense. It continues in effect, with some changes in both form and substance, most of the provisions of former Allocation Order R–1 (15 CFR 338.71–338.85). The restrictions imposed by Allocation Order R–1 fixing minimum percentages of synthetic rubber that must be used in certain listed rubber products remain the same in this part. The former provisions limiting total new rubber consumption have been substantially modified and new provisions limiting natural rubber consumptions have been included, in addition, this part contains new provisions limiting consumption of natural rubber latex and establishing the procedure and basis for allocation of Government-produced synthetic rubber.

§ 25.2 *Definitions.* As used in this part:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, including natural rubber latex, but excluding reclaimed natural rubber.

(b) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(c) "GR-S" means a general-purpose synthetic rubber of the butadiene-styrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, not including reclaimed general-purpose synthetic rubber.

(d) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, not including reclaimed special-purpose rubber.

(e) "Consume" means, in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of masterbatches or compounds prepared for use in the manufacture of finished products.

(f) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of master-batches or compounds of new RHC.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulvanized rubber or cured scrap rubber.

(i) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(j) "NPA" means the National Production Authority in the Department of Commerce.

REQUIRED USE OF SYNTHETIC RUBBER

§ 25.3 *Synthetic rubber specifications.* No person shall manufacture any product described in this section in any specified type or size unless it conforms with the synthetic rubber specifications and such other terms and conditions as are prescribed below in this section. The synthetic rubber used to satisfy such specifications shall be that produced by the Government or for its account or purchased from others by the Government for resale by the Government or for its account.

(a) *Tires.* All pneumatic tires, in any type and size listed below, shall contain GR–S in at least the percentages designated in the following table:

Pneumatic tire groups, size and type	Percent GR-S of total natural rubber plus GR-S	
	Minimum group average	Minimum individual tire
Group 1:		
All 7.50 and down truck and bus tires, not including low platform trailer and wire tires	30	1
All 7.50 and down farm implement, garden implement and industrial tires	75	1
All passenger, and motorcycle, front farm tractor and garden tractor tires	30	1
Group 2:		
All rear farm tractor and all other farm implement tires, not including rice and cane spade grip tires	75	1

NOTE: The group averages for groups 1 and 2 may be reduced by not more than three (3) points, provided the aggregate GR-S consumption in these groups equals the total amount of GR-S which would have been consumed if calculated on the above minimum group averages for groups 1 and 2. The above group averages and permitted tolerances must be balanced out each calendar month.

(b) *Tire tubes*—(1) *Reestablishment of GR–I specifications.* No synthetic rubber specifications are presently prescribed for tire tubes, but if the consumption of butyl (GR–I) by the entire industry indicates that the total annual consumption will be less than 15,000 long tons, specifications requiring the consumption of butyl (GR–I) in certain types and sizes of tire tubes will be reinstated in this part to the extent necessary.

(2) *Markings on tire tubes.* Every tube containing butyl (GR–I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be 3/16" minimum width. No other tire tube shall be so marked.

§ 25.4 *Exceptions to required use of synthetic rubber*—(a) *Military orders.* The provisions of § 25.3 shall not apply to products manufactured for the Department of Defense.

(b) *Experimental purposes.* Notwithstanding the provisions of § 25.3, any person may use up to a total of 2,000 pounds of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in § 25.3 (a).

§ 25.5 *Importation restrictions*—(a) *Certification required.* No product for which synthetic rubber specifications are established in § 25.3 may be entered for consumption in the United States or its territories or possessions unless the importer furnishes to the appropriate Collector of Customs a certificate reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain at least the same percentage of synthetic rubber (of any type

and wherever produced) as required by NPA Order M-2 for similar products.

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(Date) (Signature)

(b) *Exceptions.* No such certificate shall, however, be required for the importation (1) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or (2) of any tires or camelback for experimental and testing purposes and not for sale.

CAMELBACK PRODUCTION REQUIRED

§ 25.5a *Required production of camelback.* Every person who produced camelback during the year ending June 30, 1950, shall produce in each of the two months, January and February, 1951, an amount of camelback which bears by weight at least the same proportion to his total new rubber consumption used in manufacture of transportation products during each such month as his production of camelback during the year ending June 30, 1950, bore by weight to his total new rubber consumption in such transportation products during that year.

§ 25.5b *Private importation of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta-percha) prohibited.* On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any crude natural rubber or natural rubber latex (excluding guayule, balata and gutta-percha) except as specifically authorized in writing by the Administrator of General Services; *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the Administrator of General Services on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta-percha) into the United States, whether placed in general order or in a foreign trade zone, or whether entered for consumption, bonded customs custody, transportation, exportation or otherwise.

RESTRICTIONS ON NEW RUBBER CONSUMPTION

§ 25.6 *Limit on total new rubber consumption.* (a) No person shall consume a total amount of new rubber (including all synthetic both dry and latex and all natural except latex and rubber from guayule) in excess of 82 percent in January 1951 and in excess of 80 percent in February 1951 of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-fourth of his maximum new rubber consumption as permitted for the four-month period ending December 31, 1950, under the terms of § 338.80 of the former Allocation Order R-1 or as adjusted for such four-month period by the Department of Commerce.

(c) Such quantities of new rubber as are used in making products for the Department of Defense are hereby exempted from the limitation of this section and shall be excluded in computing consumption of new rubber in January and February, 1951 for purposes of this section.

§ 25.7 *Limit on natural rubber consumption.* (a) No person shall consume natural rubber (exclusive of natural rubber latex and rubber from guayule) in January, 1951 in excess of 51 percent, nor in February, 1951 in excess of 43 percent of his base monthly natural rubber consumption as computed under paragraph (b) of this section. Neither may any person consume natural rubber (exclusive of natural rubber latex and rubber from guayule) in either January or February, 1951, in excess of the difference between his total new rubber consumption as permitted for that month under § 25.6 and the total synthetic rubber acquired by him from all sources during that month.

(b) Each person's base monthly natural rubber consumption shall be one-twelfth of his actual consumption of natural rubber (exclusive of natural rubber latex and rubber from guayule) during the year ending June 30, 1950: *Provided, however,* That if his maximum total new rubber consumption as permitted for the four-month period ending December 31, 1950 under the terms of § 338.80 of former Allocation Order R-1 has been or is adjusted by the Department of Commerce, his base monthly natural rubber consumption as above established shall be adjusted by the same percentage as his permitted total new rubber consumption was changed by such adjustment.

(c) Such quantities of natural rubber as are used in making products for the Department of Defense are hereby exempted from the limitation of this section and shall be exluded in computing consumption of natural rubber in January and February, 1951 for purposes of this section.

(d) The limitations prescribed in this section shall not apply during January or February, 1951, as the case may be, to any person whose consumption of natural rubber (exclusive of natural rubber latex and rubber from guayule) does not exceed 15,000 pounds during that month, but no such person may consume during that month more natural rubber (exclusive of natural rubber latex and rubber from guayule) than his base monthly natural rubber consumption as computed under paragraph (b) of this section.

§ 25.8 *Limit on natural rubber latex consumption.* (a) No person shall consume during the months of January and February, 1951, a total quantity of natural rubber latex in excess of one-sixth of his consumption during the year beginning July 1, 1949, and ending June 30, 1950.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile set-aside provided by paragraph (b) of this section, and (3) a reasonable reserve for adjustments under § 25.18, such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a).

ALLOCATION OF SYNTHETIC RUBBER

§ 25.9 *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR-S or butyl (GR-I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

§ 25.10 *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR-S or butyl, the amounts of Government-produced GR-S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR-S or butyl than is allocated to him. Persons desiring to purchase GR-S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

§ 25.11 *Basis of allocation.* GR-S and butyl will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) *GR-S.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR-S will be allocated his pro rata share of total available Government-produced GR-S, (after a reasonable amount has been reserved for defense and other Government orders, for such other programs as may be approved by the NPA, and for adjustments under § 25.18), based on the proportion which his total new rubber consumption (exclusive of butyl) during the year ending June 30, 1950 bears to the total new rubber consumption (exclusive of butyl) of the industry during that period, as determined by the NPA.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for defense and other Government orders, for such other programs as may be approved by the NPA, and for adjustments under § 25.18), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950 bears to the total new rubber consumption of the industry for tire tubes during that period, as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain the quantities of imported GR-S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR-S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

§ 25.12 *Additional allocations for Government orders.* When any Government agency places orders with specifications requiring larger amounts of synthetic rubber than the manufacturer has available under his current allocations without increasing the natural rubber content in his civilian products, an allocation will be made to take care of such additional requirements.

GENERAL PROVISIONS

§ 25.13 *Reports of rubber consumption and stocks*—(a) *Monthly reports.* Every person who consumes or owns, at any time during any month, any type of rubber listed below in an amount equal to or in excess of the amounts specified below, shall file a monthly report on Form NPA-F3 (formerly IC-3410) with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments. No such report need be filed as to any listed type of rubber if the amount of it consumed and the amount of it owned during the month were each less than the amount specified below for such type of rubber.

Types:	*Amount (pounds)*
Natural rubber	15,000
Natural rubber latex (dry latex solids)	5,000
Reclaimed rubber	10,000
GR-S (all types including GR-S latex)[1]	15,000
Butyl (GR-I) all types[1]	10,000
Neoprene (all types, including neoprene latex)[1]	5,000
Butadiene-Acrylonitrile types[1]	5,000

[1] Includes all types whether obtained from Government or other source, including imports.

(b) *Annual reports.* Every person who, during any calender year, consumes or owns any types of rubber listed in paragraph (a) of this section in excess of the amounts specified for such types, and who has not reported those types of rubber on Form NPA-F3 (formerly IC-3410) for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on Form NPA-F4 (formerly IC-49-1) and shall be filed not later than January 31 following the year being reported.

§ 25.14 *Reports by tire, tube and camelback manufacturers*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments and inventory for each calendar month on Form NPA-F5 (formerly IC-3438) with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPA-F6 (formerly IC-4231) with the NPA in accordance with the instructions accompanying the form.

§ 25.15 *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

§ 25.16 *Other records and reports.* All persons subject to this part shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

§ 25.17 *Inventory limitation.* All of the materials subject to this part are also subject to Part 10 of this chapter (NPA Regulation 1) which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

§ 25.18 *Adjustments and exceptions.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and shall state the justification therefor.

§ 25.19 *Communications.* All applications, reports and other communications relating to this part should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M-2.

§ 25.20 *Violations.* Any person who wilfully violates any provision of this part, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this part.

Note: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part as amended shall take effect on December 29, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-149; Filed, Jan. 2, 1951; 12:07 p. m.]

[NPA Order M-10, as Amended Dec. 30, 1950]

PART 30—COBALT

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment constitutes, in effect, a completely new order, inasmuch as the former Order M-10, as issued on November 30, 1950, contained only inventory control provisions similar to those contained in § 30.8 of this amended order.

EXPLANATORY PROVISIONS

Sec.
30.1 What this part does.
30.2 Relation to other regulations.
30.3 Definitions.

RESTRICTIONS ON USE

30.4 Uses prohibited.
30.5 Substitution required.

RESTRICTIONS ON DELIVERIES

30.6 Allocation authorizations required.
30.7 Exceptions from allocation requirements.
30.8 Limitation on inventory.

RECORDS AND REPORTS

30.9 Records to be kept.
30.10 Audit and inspection.
30.11 Reports.

GENERAL PROVISIONS

Sec.
30.12 Adjustments and exceptions.
30.13 Communications.
30.14 Violations.

AUTHORITY: §§ 30.1 to 30.14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

EXPLANATORY PROVISIONS

§ 30.1 *What this part does.* The purpose of this part is to conserve and provide for the distribution of the limited supply of cobalt so as best to serve the interest of national defense and essential civilian production. This part prohibits the use of this strategic material in the manufacture of specified products which are relatively less essential or in which substitute materials may effectively be used. It establishes limits on additions to inventory and brings cobalt under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. Provision is thus made whereby the supply remaining after defense requirements are met may be equitably distributed through normal channels for essential civilian uses and with due regard for the needs of new and small businesses.

§ 30.2 *Relation to other regulations.* The provisions of this part supersede other National Production Authority regulations and orders with which they are in conflict but in all other respects such regulations and orders remain applicable to cobalt. In particular, Part 11 of this chapter (NPA Regulation 2) continues to apply to cobalt, but deliveries on DO rated orders, as well as on any other orders, may be made only in accordance with allocation authorizations, except as otherwise provided in this part. The National Production Authority may from time to time issue special directives as to deliveries of cobalt and, unless otherwise provided therein, such directives will prevail over the provisions of this part.

§ 30.3 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Cobalt" means cobalt metal, cobalt alloys, cobalt oxide, cobalt salts, and all other primary chemical compounds which result from the processing of cobalt ores, concentrates, crudes, or cobalt residues and cobalt-bearing scrap.

(c) "Manufacture" means to melt, alloy, mix, fabricate or process in any other way, or assemble or incorporate in assemblies, or to consume or otherwise employ in the course of manufacture, any cobalt; but does not include the installation of a finished product or repair part for the ultimate consumer.

RESTRICTIONS ON USE

§ 30.4 *Uses prohibited.* (a) After January 31, 1951, no person shall use cobalt in the manufacture of pigments in any form: *Provided, however,* That this prohibition shall not apply to:

(1) The use of cobalt in the manufacture of driers, blue glass where necessary for optical or safety purposes, laboratory equipment, decalcomanias for decorating tableware, or artists' materials.

(2) The use of cobalt required by any person to fill an order that is rated under the priorities system established by Part 11 of this chapter (NPA Regulation 2) or to comply with any order or directive of the National Production Authority.

(3) The use by any person of a quantity of cobalt not in excess of 50 pounds (cobalt content), during any 3-month period beginning February 1, 1951, for all purposes otherwise prohibited under this section.

(b) During January 1951, no person shall use more cobalt for the purposes prohibited in paragraph (a) of this section than the average monthly amount he used for such purposes during the third calendar quarter of 1950.

§ 30.5 *Substitution required.* No cobalt oxide shall be used for any purpose where (a) there is available a mixed cobalt-nickel oxide which it is not economical or practicable to separate into cobalt oxide and nickel oxide and (b) the use of such material is not deleterious to the public health.

RESTRICTIONS ON DELIVERIES

§ 30.6 *Allocation authorizations required.* (a) After January 31, 1951, no person shall deliver cobalt or accept delivery of cobalt (including any person importing directly for his own use) in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority on Form NPAF–16.

(b) An application for an allocation authorization must be filed with the National Production Authority by the purchaser on Forms NPAF–15 and NPAF–16 not later than the 15th day of the month preceding the month in which delivery is sought. Such application must furnish all information required by the form.

(c) The authorization allocation (Form NPAF–16) issued will be sent by the National Production Authority to the appropriate supplier(s) and a copy furnished to the purchaser. The authorization requires the supplier to make delivery to the extent of the purchaser's orders within the limit of the authorization. In placing his orders, the purchaser shall specify the date and serial number of the applicable allocation authorization. The purchaser may only use cobalt received under an authorization by the National Production Authority for the uses specified in NPAF–16.

§ 30.7 *Exceptions from allocation requirements.* The provisions of § 30.6 shall not apply to—

(a) Deliveries of cobalt to the General Services Administration for the sole purpose of stockpiling.

(b) Deliveries of cobalt directly from a foreign source for the purpose of resale only.

(c) Deliveries of cobalt to any person whose total receipts from all sources during the current calendar month are not thereby made to exceed 25 pounds (cobalt content) and who so certifies to his supplier in substantially the following form on his order:

The undersigned certifies to the supplier, and to the National Production Authority, that receipt of this shipment in the month requested will not bring our total receipts of cobalt during that month above 25 pounds (cobalt content).

(d) Deliveries of cobalt bearing scrap, cobalt ores and concentrates.

§ 30.8 *Limitation on inventory.* No person (notwithstanding any allocation made to him) shall place an order for cobalt calling for delivery, and no person shall accept delivery of cobalt, at a time when his inventory thereof exceeds, or by acceptance of such delivery would be made to exceed, one month's minimum requirements at his then scheduled rate and method of operation, or a minimum practicable working inventory within the meaning of Part 10 of this chapter (NPA Regulation 1), whichever is smaller. Any person who, on the effective date of this part or at any other time, has outstanding orders for cobalt calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported, as well as domestic cobalt, except when such imported cobalt remains in the hands of a person who has purchased it directly from a foreign seller, is subject to this section and so is to be included in computing inventory. Cobalt which has been processed to any degree, but has not yet been actually incorporated into a finished or partially-finished product, is likewise to be included in computing inventory.

RECORDS AND REPORTS

§ 30.9 *Records to be kept.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 30.10 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

§ 30.11 *Reports.* (a) Every person who at any time in a calendar month had in his possession or under his control or during the month consumed more than 50 pounds of cobalt (i. e., cobalt content), shall report to the National Production Authority on Form NPAF–15 on or before the 15th day of the following month. However, if he applies on such form for an allocation of cobalt for delivery during the succeeding month, his application serves also as the required report.

(b) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

NOTE: All record-keeping and reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

GENERAL PROVISIONS

§ 30.12 *Adjustments and exceptions.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

§ 30.13 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–10.

§ 30.14 *Violations.* Any person who wilfully violates any provision of this part, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part, as amended, shall take effect on December 30, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–150; Filed, Jan. 2, 1951; 12:07 p. m.]

Chapter X—General Services Administration

Subchapter A—Purchase, Commitments to Purchase, for Government Use or Resale

PART 1400—RUBBER

IMPORTATION OF RUBBER

Sec.
1400.1 Purpose.
1400.2 Interpretation and implementation.
1400.3 Responsibilities and functions.

AUTHORITY: §§ 1400.1 to 1400.3 issued under sec. 303 of the Defense Production Act of 1950; sec. 303 of Executive Order 10161 of Sept. 9, 1950; and National Production Authority Amendment to Rubber Order M–2 of Dec. 29, 1950.

§ 1400.1 *Purpose.* This part interprets and implements the exclusive authority of the Administrator of General Services to control the importation of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta percha) into the United States as established by the Administrator of the National Production Authority in amendment to Rubber Order M–2 of December 29, 1950 (Part 25 of this title, *supra*), and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such crude natural rubber and natural rubber latex for Government use and resale. The Administrator of the National Production Authority has issued on December 21, 1950, a Certificate pursuant to section 303 of Executive Order 10161 as to the necessity for purchase of crude natural rubber and natural rubber latex. The United States, as used herein, includes its territories and possessions.

§ 1400.2 *Interpretation and implementation.* In accordance with the amendment to Rubber Order M–2, referred to in § 1400.1, the Administrator of General Services is given the exclusive control of importation into the United States of crude natural rubber and natural rubber latex (excluding guayule, balata and gutta percha), and no person, except as authorized in writing by said Administrator, shall purchase for import, import, offer to purchase for import, receive, or offer to receive on consignment, or make any contract or other arrangement for the importing of, any crude natural rubber or natural rubber latex: *Provided, however,* That all outstanding contracts made by a private person, whether as owner, purchaser, seller, or consignee of such crude natural rubber or natural rubber latex, or agent of any of them, prior to December 29, 1950, which require importation into and/or delivery within the United States of crude natural rubber or natural rubber latex are hereby authorized to be fulfilled or liquidated (including liquidation of open contracts outstanding at the close of business on December 29, 1950, on the Commodity Exchange, Incorporated, of New York City, through trading on such exchange, but only until the close of business of said Exchange on March 31, 1951): *And provided further,* (a) That all such contracts shall be registered with the Administrator of General Services, attention, Emergency Procurement Service, 7th and D Streets SW., Washington 25, D. C., on or before January 5, 1951; (b) that the foregoing authorization shall apply only to the particular material and shipment mentioned in said contracts; and (c) that the Administrator reserves the right to disapprove importations and/or deliveries under said contracts if he should determine that any contracts requiring such importations, and/or deliveries, because of their duration, special nature, or otherwise, interfere with the operations of the rubber program to be established or are contrary to the policies formulated thereunder.

§ 1400.3 *Responsibilities and functions.* The crude natural rubber and natural rubber latex will be purchased by manufacturers and rubber dealers as authorized by the Administrator and will be distributed at the port of entry into the United States by transfer to the National Stock Pile under the Strategic and Critical Materials Stock Piling Act of July 23, 1946, or by resale to rubber consumers for their own use and not for further resale. The sales to rubber consumers will be made in the quantities and to the consumers designated by the Administrator of the National Production Authority, pursuant to his authority under Title I of the Defense Production Act of 1950 to allocate materials and establish priorities, to the extent that he may exercise such allocation authority.

Dated: December 29, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 51–151; Filed, Jan. 2, 1951; 1:00 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATES

The respondent is now operating under an order dated March 23, 1949 (8 A. D. 253), continuing in effect the provisions of certain prior orders in the proceeding providing for certain charges for stockyard services.

By petition filed on December 15, 1950, respondent has requested an extension of its current authorization for a period of two years with certain modifications set out under the heading "Proposed Modifications" below:

PROPOSED MODIFICATIONS

Section 1, Item 1:

Yardage charges including use of facilities, handling, weighing and privilege of the market, will be collected on all livestock (or deadstock) sold through these yards or resold by regular selling agencies at the following rates in cents per head:

	Received by railroad	Received other than by railroad
Cattle	62	62
Calves (300 pounds and under)	32	32
Hogs	21	21
Sheep and goats	14	14

Section 1, Item 2:

Charges will be collected on all livestock resold on the market (except as specified in Items 1 and 3 of this section) at the following rate in cents per head:

Cattle	31
Calves	16
Hogs	11
Sheep	7

Section 1, Item 3:

Charges subject to the right of this Company to demand full proof of the facts making this Item applicable will be collected on all livestock resold or reweighed for shipment off the market at the following rate in cents per head:

Cattle	10
Calves	6
Hogs	4
Sheep	4

Section 1, Item 4:

Charges will be collected on all livestock consigned to local packers and others at the following rate in cents per head: (Note: If weighed, full yardage as shown in Item 1 will apply)

Cattle	31
Calves	16
Hogs	11
Sheep	7

If authorized, the proposed rates will produce additional revenue for respondent and increase the cost of marketing. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested parties who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within the 15 day period following the publication of this notice.

Done at Washington, D. C., this 27th day of December 1950.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-24; Filed, Jan. 2, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR, Part 27]

AIRCRAFT DISPATCHER CERTIFICATES

REQUIREMENTS FOR APPROVED AIRCRAFT DISPATCHER COURSE

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 27.7–1 *Requirements for approved aircraft dispatcher course (CAA rules which apply to § 27.7 (e))*—(a) *General.* Graduates of an aircraft dispatcher course approved by the Administrator are deemed to have met the aeronautical experience requirements for the aircraft dispatcher certificate. This means that they are accepted on equal terms with an applicant who has met any of the alternate minimum experience requirements provided for in § 27.7. For this reason it is essential that the requirements for approved aircraft dispatcher courses include adequate training facilities, and sufficient coverage of the subject matter to insure acceptable proficiency of persons applying for aircraft dispatcher certification as graduates of an approved course.

(b) *Application for approval.* The agency or applicant desiring approval of a flight dispatcher course must submit to the local agent 3 copies of the course outline, a description of the equipment and facilities to be used, and a list of instructors with their qualifications, together with a letter to the Administrator of Civil Aeronautics requesting approval of the course of study. The letter requesting approval shall be submitted to the nearest regional office of the Civil Aeronautics Administration through the local Aviation Safety Agent.

(1) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of headings and subheadings will be satisfactory provided all the subjects listed herein are included. Each general subject of the outline shall be broken down, in detail, showing the items to be covered. Additional subjects, especially those which are not closely associated with the training of aircraft dispatchers, may be listed so long as the hourly requirements devoted to the subjects are not included as a part of the basic minimum hours.

(2) *Format of the training outline.* The course outline submitted for approval shall be in loose-leaf form and shall include a table of contents and minimum coverage of the course material shall include the following:

Subject	*Classroom hours*
Civil Air Regulations	15
Part 4b Airplane Airworthiness, Transport Categories.	
Part 27 Aircraft Dispatcher Certificates.	
Part 40 Air Carrier Operating Certification.	
Part 41 Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States.	
Part 42 Irregular Air Carrier and Off-Route Rules.	
Part 43 General Operation Rules.	
Part 49 Transportation of Explosives and Other Dangerous Articles.	
Part 60 Air Traffic Rules.	
Part 61 Scheduled Air Carrier Rules.	
Part 62 Notice and Reports of Aircraft Accidents and Missing Aircraft.	
Meteorology	75
Basic properties of the atmosphere:	
Composition.	
Density.	
Measurement.	
General circulation.	
Solar heating.	
Clouds:	
Formation.	
Condensation.	
Precipitation.	
Use of cloud knowledge in forecasting.	
Stability and instability.	
Air mass analysis:	
Classification.	
Flying conditions to be encountered.	
Use of air mass knowledge in forecasting.	
Analysis of Fronts:	
Structure and characteristics.	
Cloud sequences in fronts.	
Establishing position of front by cloud types.	
Fronts in North America and seasonal variations.	
Flying weather in fronts.	
Cyclones and anticyclones.	
Fog:	
Types.	
Cause and formation.	
Ice:	
Type.	
Cause and formation.	
Thunderstorms, hurricanes, tornadoes:	
Causes.	
Methods of forecasting.	
Structure and complexity of internal winds.	
Hail, its cause and formation.	

Subject	*Classroom hours*
Meteorology—Continued	
Turbulence:	
Cause.	
Determining the smooth level of flight.	
Interpreting weather data:	
Weather sequences and symbols.	
Weather map symbols.	
Drawing a weather map.	
Reading a weather map.	
Upper-level charts.	
Adiabatic charts.	
Winds-aloft charts.	
Instruments used to gather and record the weather.	
Weather forecasting:	
Extrapolation.	
Movement of fronts and air masses.	
Isobars.	
Barometric tendency.	
Application of weather knowledge:	
Planning a flight.	
Navigation	30
Study of the earth as a planet (charts, maps, and projections).	
Mercator projections.	
Gnomonic projections.	
Lambert projections.	
Polyconic projections.	
Chart reading:	
Symbols, landmarks, etc.	
Dead reckoning:	
Magnetic variation, compass deviation terms, winds and vectors.	
Correction angle.	
Finding wind drift-off course.	
Off-course problems.	
Wind velocity by single and double drift.	
Interception problems.	
Radius of action—problems.	
Search problems.	
Computer use—problems.	
Radio navigation:	
Principles of the radio range, radio compass direction finder, marker beacons, ILS, GCA, radio altimeter, LORAN, and any other.	
Navigation instruments:	
Altimeter, air-speed indicator, compass, drift and rate of climb indicator.	
Aircraft	15
Weight and balance:	
Center of gravity.	
How determined.	
Center of gravity limits.	
Problem in loading.	
Engine specifications:	
Power plant:	
Operating limits.	
Fuel consumption.	
Accessories.	
Operating manual.	
Airplane specifications:	
Operational equipment.	
Flight controls, landing gear hydraulic system, electrical system, loading characteristics, fuel capacity heating and ventilating system, and de-icing equipment.	
Performance:	
Effect of weight, wind, air density, and runway surfaces on take-off performance of aircraft.	
Power setting and cockpit procedure.	
Types of cruise control.	
Communications	10
Students will be required to attain a speed in Morse Code of eight words per-minute.	
Radio-telephone rules and regulations.	
FCC rules and regulations.	
Communications—Continued	
Company communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
CAA Communications:	
Air to ground radio communications and procedures.	
Point to point communications and procedures.	
Equipment air to ground and point to point.	
Link Trainer	10
Instrument familiarization.	
Bracketing.	
Orientation.	
Holding procedure.	
Let-down procedure.	
Missed-approach procedure.	
Air Traffic Control	30
Air route traffic control procedures and equipment.	
Airport traffic control procedures and equipment.	
Practical Dispatching	15
Pre-flight:	
Safety.	
Economic advantage.	
Crew.	
Notams.	
The course and distance.	
Horizontal and vertical extent of the weather.	
Winds.	
Forecast.	
Minimum safe altitude.	
The cruising altitude.	
Flight plan.	
The alternate plan.	
Clearances, company air traffic control.	
The fuel.	
The load.	
The departure time.	
In-flight.	
Position report.	
Altimeter settings.	
Weather reports.	
Changes in forecast.	
Changing instrument altitude.	
Changing from VFR to IFR.	
Additional clearances.	
Emergency procedures.	
Post-flight.	
Arrival report.	
Differences between the forecasted and actual weather encountered for subsequent flights.	

(c) *Facilities, equipment, and material.* Applicant for authority to operate an approved aircraft dispatcher course of study shall have the following facilities, equipment, and materials:

(1) *Facilities.* Suitable classrooms, adequate to accomodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted, and ventilated.

(2) *Equipment and materials.* Suitable devices for the teaching of simulated instrument flight, navigation, meteorology, and Morse Code, acceptable textbooks, operations manuals, wall maps, charts, blackboards, and visual aids of a quantity which will provide for each student the theoretical and practical aspects of aircraft dispatching.

(d) *Instructors.* (1) The number of instructors available for conducting the course of study shall be determined according to the needs and facilities of the applicant. However, the ratio of students per instructor shall not exceed 25 students for one instructor.

(2) At least one instructor who possesses a currently effective aircraft dispatcher certificate shall be available for coordination of the training course instruction.

(e) *Revision of training course.* Requests for revision of course outlines, facilities, and equipment shall be accomplished in the same manner established for securing approval of the original course of study. Revisions shall be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revision.

The list of instructors may be revised at any time without request for approval, provided the minimum requirements are maintained and the local agent is notified.

(f) *Credit for previous experience or training.* A course operator may evaluate an entrant's previous experience or training and where the training or experience is provable and comparable to portions of the approved course curriculum, may, as each individual case warrants, allow credit for such, commensurate with accepted training practices. Where credit is allowed, the basis for allowance and the total hours credited shall be incorporated as a part of the student's records, provided for in paragraph (g) of this section.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades, and unless he prepares and transmits to the CAA not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with school grades for aircraft dispatcher courses.

(2) The names of all students failed or dropped, together with school grades and reasons for dropping.

(h) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as aircraft dispatchers.

(i) *Statement of graduation.* Each student who successfully completes the approved aircraft dispatcher course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that _____ on
(Name of graduate)
_____ successfully
(Date of graduation)
completed a course of training for aircraft dispatchers which is approved by the Administrator of Civil Aeronautics.

Signed _____
Title _____
School _____

(j) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of an aircraft dispatcher course

shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local agent who will issue a letter of approval under the new name.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local agent who will inspect the facilities to be used in the new location and, if they are found to be adequate, issue a letter of approval showing the new location.

(k) *Cancellation of approval.* Failure to meet or maintain any of the standards set forth herein for the approval or operation of an approved aircraft dispatcher course shall be considered sufficient reason for discontinuing approval of the course.

If an operator desires voluntary cancellation of his approved course, a letter requesting cancellation shall be directed to the Administrator of Civil Aeronautics through the local agent.

(l) *Duration.* The authority to operate an approved aircraft dispatcher course of study shall expire twenty-four months after the last day of the month of issuance: *Provided*, That any such authorization which was granted prior to July 1, 1949, shall expire on July 31, 1951.

(m) *Renewal.* Application for renewal of an approved aircraft dispatcher course shall be made by letter addressed to the Administrator of Civil Aeronautics through the local Aviation Safety Agent at any time within sixty days of the expiration date. Renewal of approval will depend on the course operator's meeting the current conditions of course approval and having a satisfactory record as a course operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-5; Filed, Jan. 2, 1951; 8:45 a. m.]

[14 CFR, Part 33]

FLIGHT RADIO OPERATOR CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT RADIO OPERATOR COURSES

Notice is hereby given that amendment of § 33.31–2 published in 15 F. R. 5839 August 30, 1950, is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER. The context of the supplement will remain the same but the title will read: "§ 33.31–2 *Requirements for approved flight radio operator courses (CAA rules which apply to § 33.31 (b))*."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-6; Filed, Jan. 2, 1951; 8:46 a. m.]

[14 CFR, Part 34]

FLIGHT NAVIGATOR CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT NAVIGATOR COURSES

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 34.6–1 *Requirements for approved flight navigator courses (CAA rules) which apply to § 34.6 (b))*—(a) *General.* A graduate of an approved flight navigator course is deemed to have met the minimum experience requirements for the flight navigator certificate. For this reason, it is essential that an approved course of training for flight navigators include sufficient coverage of the subject to insure the required minimum proficiency of applicants who apply for certification as graduates of an approved course.

(b) *Application for approval.* An agency or applicant desiring approval of a flight navigator course must submit to the local Aviation Safety District Office three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(c) *Training course outline*—(1) *Format.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents divided into two parts—ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(2) *Ground course outline.* It is not mandatory that a course outline have the subject headings arranged exactly as listed in this subparagraph. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed here is included and the acceptable minimum number of hours is assigned to each subject. Each general subject shall be broken down into detail showing items to be covered.

If any agency desires to include additional subjects in the ground training curriculum, such as international law, flight hygiene, or others which are not required, the hours allotted these additional subjects may not be included in the minimum classroom hours.

The following subjects with classroom hours are considered the minimum coverage for a ground training course for flight navigators:

Subject	*Classroom hours*
Civil Air Regulations	5
To include:	
Part 34.	
Part 40.	
Part 41.	
Part 42.	
Part 43.	
Part 60.	
Meteorology	40
To include:	
Basic weather principles.	
Temperature.	
Pressure.	
Winds.	
Moisture in the atmosphere.	
Stability.	
Clouds.	
Hazards.	
Air masses.	
Frontal weather.	
Fog.	
Thunderstorms.	
Icing.	
World weather and climate.	
Weather maps and weather reports.	
Forecasting.	
International Morse Code:	
Ability to receive code groups of letters and numerals at a speed of eight words per minute.	
Navigation Instruments (exclusive of radio and radar)	20
To include:	
Compasses.	
Pressure altimeters.	
Air-speed indicators.	
Driftmeters.	
Bearing indicators.	
Aircraft octants.	
Instrument calibration and alignment.	
Charts and Pilotage	15
To include:	
Chart projections.	
Chart symbols.	
Principles of pilotage.	
Dead Reckoning	30
To include:	
Air plot.	
Ground plot.	
Calculation of ETA.	
Vector analysis.	
Use of computer.	
Search.	
Absolute Altimeter with Applications	15
To include:	
Principles of construction.	
Operating instructions.	
Use of Bellamy's formula.	
Flight planning with average drift.	
Radio and Long Range Navigational Aids	35
To include:	
Principles of radio transmission and reception.	
Radio aids to navigation.	
Government publications.	
Airborne D/F equipment.	
Errors of radio bearings.	
Quadrantal correction.	
Plotting radio bearings.	
ICAO Q code for direction finding.	
Loran.	
Consol.	

Subject	*Classroom hours*
Celestial Navigation	150
To include:	
The solar system.	
The celestial sphere.	
The astronomical triangle.	
Theory of lines of position.	
Use of the American air almanac.	
Time and its applications.	
Navigation tables.	
Precomputation.	
Celestial line of position approach.	
Star identification.	
Corrections to celestial observations.	
Flight Planning and Cruise Control	25
To include:	
The flight plan.	
Fuel consumption charts.	
Methods of cruise control.	
Flight progress chart.	
Point-of-no-return.	
Equitime point.	
Long Range Flight Problems	15
Total (exclusive of final examinations)	350

(3) *Flight course outline.* A minimum of 150 hours of supervised flight training shall be given, of which at least 50 hours of flight training must be given at night, and celestial navigation must be used during flights which total at least 125 hours.

A maximum of 50 hours of the required flight training may be obtained in acceptable types of synthetic flight navigator training devices.

Training must be given in dead reckoning, pilotage, radio navigation, celestial navigation, and use of the absolute altimeter.

Flights should be at least four hours in length and should be conducted off civil airways. Some training on long range flights is desirable, but is not required. There is no limit to the number of students that may be trained on one flight, but at least one astrodome or one periscopic sextant mounting must be provided for each group of four students.

(d) *Equipment.* (1) Classroom equipment shall include one table at least 24" x 32" in dimensions for each student.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay. The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instruction given during flight.

(e) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 20 to 1 will be considered unsatisfactory.

(2) At least one ground instructor must hold a valid flight navigator certificate, and be utilized to coordinate instruction of ground school subjects.

(3) Each instructor who conducts flight training must hold a valid flight navigator certificate.

(f) *Revision of training course.* Requests for revisions to course outlines, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (e) of this section is maintained.

(g) *Credit for previous training and experience.* Credit may be granted by an operator to students for previous training and experience which is probable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with paragraph (i) of this section.

Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, the basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(h) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, subjects covered, and course examinations and grades, and unless he prepares and transmits to the local Aviation Safety District Office not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated, together with their school grades for ground and flight subjects.

(2) The names of all students failed or dropped, together with their school grades and reasons for dropping.

(i) *Quality of instruction.* Approval of a course shall not be continued in effect unless at least 80 percent of the students who apply within 90 days after graduation are able to qualify on the first attempt for certification as flight navigators.

(j) *Statement of graduation.* Each student who successfully completes an approved flight navigator course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that _____ on _____
(Name of graduate)

_____ successfully
(Date of graduation)

completed a course of training for flight navigators which is approved by the Administrator of Civil Aeronautics.

Signed _____
Title _____
School _____

(k) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of a flight navigator course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change in name.* An approved course changed in name but not changed in ownership shall remain valid if the change is reported by the approved course operator to the local Aviation Safety District Office. A letter of approval under the new name will be issued by the regional office.

(3) *Change in location.* An approved course shall remain in effect even though the approved course operator changes location if the change is reported without delay by the operator to the local Aviation Safety District Office, which will inspect the facilities to be used in the new location. If they are found to be adequate, a letter of approval showing the new location will be issued by the regional office.

(l) *Cancellation of approval.* Failure to meet or maintain any of the requirements set forth herein for the approval or operation of an approved flight navigator course shall be considered sufficient reason for cancellation of the approval.

If an operator should desire voluntary cancellation of his approved course, he should submit the effective letter of approval and a written request for cancellation to the Administrator of Civil Aeronautics through the local Aviation Safety District Office.

(m) *Duration.* The authority to operate an approved flight navigator course shall expire 24 months after the last day of the month of issuance: *Provided*, That any such authorization which was granted prior to July 1, 1949, shall expire on July 31, 1951.

(n) *Renewal.* Application for renewal of authority to operate an approved flight navigator course may be made by letter to the local Aviation Safety District Office at any time within 60 days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-7; Filed, Jan. 2, 1951; 8:46 a. m.]

[14 CFR, Part 35]

FLIGHT ENGINEER CERTIFICATES

REQUIREMENTS FOR APPROVED FLIGHT ENGINEER COURSES

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within

15 days after publication of this notice in the FEDERAL REGISTER.

§ 35.6–1 *Requirements for approved flight engineer courses. (CAA rules which apply to § 35.6 (d))*—(a) *General.* Section 35.6 provides that an applicant for a flight engineer certificate shall have met certain specified experience requirements or be a graduate of a flight engineer course approved by the Administrator.

Graduates of a flight engineer course approved by the Administrator are deemed to have met the experience requirements for the certificate. This means that they are accepted on equal terms with an applicant who has met the minimum experience requirements. For these reasons, it is essential that the requirements for approved flight engineer courses include adequate training facilities and sufficient coverage of the subject to insure acceptable proficiency of flight engineers who apply for certification as graduates of an approved course.

(b) *Training course outline and application for approval*—(1) *Application for approval.* The agency or applicant desiring approval of a flight engineer course must submit to the local CAA Aviation Safety District Office three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(2) *Training course outline.* It is not mandatory that the training course outline have the subject headings arranged exactly as listed in the following example. Any arrangement of general headings and subheadings will be satisfactory provided all the subject material listed here is included. Each general subject of the outline shall be broken down in detail showing items to be covered.

A complete and separate course outline is required for each type of aircraft (Lockheed Constellation, Douglas DC–4, Douglas DC–6, Boeing 307, Boeing 377, etc.) for which approval of flight engineer training is requested.

Additional subjects, such as international law, flight hygiene, radio repair, flight radio operation, flight navigation, or others not closely associated with flight engineering, may not be included in hourly requirements of the approved training outline. If an operator desires to add such subjects to a training course outline, they shall be separated from the required flight engineer subjects, and the time devoted thereto shall not be applied toward meeting the established time minimums.

(3) *Format of training outline.* The ground course outline and the flight course outline shall be combined in one loose-leaf binder and shall include a table of contents divided into two parts, ground course and flight course. Each part of the table of contents must contain a list of the major subjects, together with hours allotted to each subject and the total classroom and flight hours.

(4) *Ground course outline.* The following subjects and classroom hours are considered the minimum coverage for the ground training portion of the flight engineer course:

Subject	*Classroom hours*
Theory of Flight and Aerodynamics	10
Basic Maintenance of Aircraft	20
Aircraft structures.	
Aircraft systems.	
Aircraft powerplants.	
Servicing methods and precautions.	
Aircraft Familiarization	90
Specifications.	
Construction features.	
Flight controls.	
Hydraulic system.	
Electrical system.	
Anti-icing and de-icing systems.	
Heating, ventilating, and supercharging.	
Vacuum system.	
Pitot static system.	
Instrumentation.	
Fuel system.	
Emergency equipment.	
Aircraft maintenance.	
Engine Familiarization	45
Specifications.	
Construction features.	
Lubrication.	
Ignition.	
Carburetion and induction.	
Accessories.	
Propellers.	
Instrumentation.	
Emergency equipment	
Engine maintenance.	
Normal Operations (Ground and Flight)	50
Use and trouble shooting of all aircraft systems.	
Loading and C. G. computation.	
Use and trouble shooting of all engine systems.	
Cruise control.	
Power and fuel consumption computations.	
Meteorology applicable to engine operation.	
Emergency Operation	30
Use of portable fire extinguishers.	
Fuselage fire and smoke control.	
Engine fire control.	
Heating system fire control.	
Loss of engine power.	
Loss of hydraulic power.	
Loss of electrical power.	
Propeller feathering and unfeathering.	
Civil Air Regulations	5
Part 4.	
Part 18.	
Part 35.	
Part 41.	
Part 60.	
Part 61.	
Total Required Classroom Instruction Time:	250

Theory of Flight and Aerodynamics, Basic Maintenance of Aircraft, and Civil Air Regulations need not apply to any specific type of aircraft. The remaining major headings must apply to the same type aircraft in which the student receives the required minimum hours of flight training.

(5) *Flight course outline.* The following subjects and flight training hours are considered the minimum coverage for the flight training portion of the flight engineer course:

Subject
Normal Flight Duties and Operation:
Power control.
Power computation.
Temperature control.
Normal engine operation analysis.
Fuel system management.
Cabin pressure control.
Operation of all systems.
Long range operation.
Fuel consumption computation.
Recognition of Malfunctioning and Trouble Shooting:
Analysis of abnormal engine operation.
Analysis of trouble in all systems.
Temporary repairs.
Emergency Flight Duties and Operation:
Engine fire control.
Aircraft fire control.
Smoke control.
Loss of power in each system.
Gear and flap, extension, and retraction.
Propeller feathering and unfeathering.
Runaway propellers.

The minimum flight time shall be 25 hours.

The flight training curriculum must provide for the minimum of twenty-five hours of flight instruction in a specified type of aircraft having four engines or more. If a student is to receive flight training in more than one type aircraft, the flight time in one can not be applied to the flight time in another for the purpose of obtaining the required maximum.

To obtain credit for flight instruction time, the student must occupy the seat provided for the regular flight engineer on the aircraft being flown and must operate the controls in a manner which will provide experience in the subjects listed in the flight course outline. Student observation of another crew member or another student performing such duties or operations is not considered adequate training.

Only one student may be credited with flight time during any one period of flight. If two or more students are carried on the same flight, each student shall be credited only with the flight time he has actually spent at the controls under the direction of a qualified instructor.

A maximum of twelve and one-half hours of the required flight training may be obtained in acceptable types of synthetic training devices. To be acceptable, the synthetic flight training device must closely resemble the flight engineer station of the airplane in which the flight training will be given. Such resemblance need not include external similarity between the trainer and the airplane; however, the flight engineer station, controls, and instrumentation should be installed in such a manner that the student will not require extensive familiarization upon entering the actual airplane.

Synthetic flight training devices must include the following instrumentation and equipment:

(i) All engine instruments and engine controls which are normally carried in the aircraft.

(ii) All instruments and controls required for operation of the aircraft systems, including electrical system, hydraulic system, vacuum system, and air pressure system (flight controls excepted).

(iii) An altimeter, and air-speed indicator, a rate of climb indicator, an outside air temperature gauge, and a clock.

(iv) Cabin supercharger controls and instruments identical to those used in the type of aircraft concerned.

The instruments must be coupled to the various controls in such a manner that all instruments will respond automatically and normally to adjustment of pertinent controls.

A method shall be provided to separately control each instrument in order to present indications of malfunctioning to the student.

(c) *Equipment.* (1) Classroom equipment shall include wall charts for each general system of the aircraft and its power plants.

(2) Aircraft suitable for the flight training must be available to the approved course operator to insure that the flight training may be completed without undue delay. The approved course operator may contract or obtain written agreements with aircraft operators for the use of suitable aircraft. A copy of the contract or written agreement with an aircraft operator shall be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instructions given during flight.

(d) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors. Any ratio in excess of 25 to 1 will be considered unsatisfactory.

(2) At least one instructor who possesses a valid flight engineer certificate must be available for coordination of ground course instruction.

(3) Instructors who conduct flight training must possess valid flight engineer certificates.

(e) *Revision of training course.* Requests for revisions to course outline, facilities, and equipment shall follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (d) of this section is maintained.

(f) *Credit for previous training and experience.* Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with paragraph (h) of this section.

Where advanced credit is allowed, the operator shall evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, a summary of the experience or training used as a basis for credit allowance, and the hours credited shall be incorporated as a part of the student's records.

(g) *Student records and reports.* Approval of a course shall not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, attendance, subjects covered, credits granted, examinations and examination grades, and unless he prepares and transmits to the Civil Aeronautics Administration not later than January 31 of each year a report containing the following information:

(1) The names of all students graduated and date of graduation.

(2) The ground course grades of each student.

(3) The flight course grades of each student.

(4) The total ground course hours for each student.

(5) The total flight instruction time for each student.

(6) The names of all students failed or dropped, together with dates, school grades, and reasons for dropping.

(h) *Quality of instruction.* The quality of instruction shall be such that at least eighty per cent of the students who apply within ninety days after graduation will be able to qualify on the first attempt for certification as flight engineer.

(i) *Statement of graduation.* Each student who successfully completes the approved flight engineer course shall be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that _____ (Name of graduate) on _____ (Date of graduation) successfully completed a course of training for flight engineers which is approved by the Administrator of Civil Aeronautics.

Signed _____
Title _____
School _____

(j) *Cancellation of approval.* The failure to meet or maintain any of the requirements established herein for the approval and operation of an approved course of study shall be considered sufficient grounds for cancellation of the approval to operate an approved course of study.

If an approved course operator should desire voluntary cancellation of the course of study, he should submit a letter to the Administrator of Civil Aeronautics through the local agent requesting cancellation and surrendering his letter of approval.

(k) *Change of ownership, name, or location*—(1) *Change of ownership.* Approval of a flight engineer course shall not be continued in effect after the course has changed ownership. The new owner must obtain a new approval by following the procedure prescribed for original approval.

(2) *Change of name or location.* Approval of a flight engineer course shall not be continued in effect when there is a change in name or location of an approved course operation by the same owner, unless the change in name or location is reported immediately by the owner to the local Aviation Safety office and the standards established in this manual are maintained, in which case a letter of approval showing the new name or location will be issued to the operator.

(l) *Duration.* The authority to operate an approved flight engineer training course shall expire twenty-four months after the last day of the month of issuance: *Provided*, That any such authorization granted prior to July 1, 1949, shall expire on July 31, 1951.

(m) *Renewal.* Application for renewal of an approved flight engineer training course may be made by letter to the Administrator through the local Aviation Safety Agent at any time within sixty days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51–8; Filed, Jan. 2, 1951; 8:46 a. m.]

[14 CFR, Parts 40, 41, 44]

AIR CARRIER OPERATING CERTIFICATION; CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES; FOREIGN AIR CARRIER REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 40.191–1 *Application for air carrier operating certificate (CAA rules which apply to § 40.191 (a))*—(a) *General.* The holder of a certificate of convenience and necessity will apply to the Administrator for an air carrier operating certificate at least 30 days prior to the date proposed for beginning scheduled air carrier operations within the continental limits of the United States. The application will be prepared in loose-leaf form, on white paper of approximately 8'' x 10½'' in size, and using one side of the sheet only. The application will be executed by a duly authorized officer or employee of the applicant having knowledge of the matters set forth therein, and will have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant.

A minimum of two copies of the application, and of subsequent amendments thereto, will be filed with the Regional Administrator having jurisdiction over the area in which the principal office of the air carrier is located. When any facility or service directly affecting the operation of the air carrier concerned is furnished by other than the applicant or the Federal Government, at least two copies of the contract or working agreement concerning such facilities or service will be submitted with the application. In this connection, if formal

contracts covering such facilities or service have not been completed, letters showing agreement between the contracting parties will be accepted until copies of the formal contract are obtainable.

(b) *Format of application.* The outline below will be followed in completing the information to be submitted in the application:

APPLICATION FOR AIR CARRIER OPERATING CERTIFICATE

(Outline)

To: *The Civil Aeronautics Administration, Washington, D. C.*

In accordance with Section 604 of the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations, application is hereby made for an Air Carrier Operating Certificate.

Give exact name and full post office address of applicant.

Give the name, title and post office address of the official or employee to whom correspondence in regard to the application is to be addressed.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof. If the type of service is not the same for each route or portion thereof, specify the type of service for each route or portion of a route.

B. State whether the type of operation proposed is day or night, visual contact, instrument or over-the-top, or a particular combination thereof. If the type of operation is not the same for each route or portion thereof, specify the type of operation for each route or portion of a route.

SEC. II. *Schedule.* A. Submit a proposed schedule plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between scheduled stops.
2. Ground time at each intermediate and terminal stop.

B. Specify the basis upon which the proposed schedule has been computed, indicating the following:

1. Cruising speed and altitude.
2. Percentage of horsepower.
3. Direction and velocity of prevailing winds.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation on which are shown the *exact* geographical track of the proposed regular and alternate routes, and information with respect to terminal and intermediate stops, available landing areas, and radio navigational facilities. This material will be indicated in the following manner:

1. Regular routes: Black.
2. Alternate routes: Green.
3. Terminal and regular intermediate stops: Orange circle.
4. Alternate landing fields or areas: Purple circle.
5. Other available landing fields or areas: Yellow circle.
6. Indicate the location and normal operating range of all radio navigational facilities to be used in connection with the proposed operation as follows:

a. Show the projected courses of radio range stations by shaded red areas extended the distance of normal expected usability.

b. Show omni-directional radio facilities by a shaded red circle extended the distance of normal expected usability.

B. *Airports.* Furnish the following information with regard to each regular, alternate, refueling, and provisional airport to be used in the conduct of the proposed operation.

1. Name (if any) of airport.
2. Location (by coordinates, and by name of nearest city or town, and direction and distance thereto).
3. Class of airport or landing area (municipal, commercial, military, private, or marked auxiliary).
4. Altitude above sea level.
5. Dimensions in linear feet of landing space available.
6. If hard-surfaced runways are provided, give number, direction, length and width of each and indicate type of surfacing.
7. Obstructions (list adjacent obstructions, giving height and location, or attach appropriate C. G. A. L. charts if available).
8. Airport lighting (include beacon, auxiliary beacon, boundary lights, floodlights, etc., and any emergency lighting equipment; and by whom operated).
9. List refueling facilities available.
10. Is airport control tower provided and by whom?
11. Itemize radio navigational facilities provided and indicate the operating agency.
12. Does runway gradient exceed 2%? If so, state gradient.
13. What provisions are made for protection of passengers during loading and unloading at scheduled stop airports?
14. Prevailing winds?
15. Where necessary, are adequate snow removal facilities available?

C. *Weather reporting.* 1. Outline the weather service proposed to be used for dispatching over each regular and alternate route; the source; location and agency in control of stations furnishing reports for each service; the frequency and method of collection and dissemination of weather information. Outline available terminal and route forecasting services, the type of maps and the intervals at which they are made each day.

2. Where it has been determined that additional weather reporting services will be required of the U. S. Weather Bureau for the type of operation involved, the air carrier will apply in writing to the appropriate Weather Bureau Regional Office. The request for the weather reporting services considered essential should be made coincidental with this application to the Civil Aeronautics Administration.

3. For operation within the continental limits of the United States, if other than a U. S. Weather Bureau Station, show proof of U. S. Weather Bureau approval of the service and specify the meteorological facilities available, the number of personnel and the duties of each, such as the making of weather maps, forecasts, observations, etc.

D. *Airway lighting.* List in detail all airway lighting on the regular and alternate routes other than those airway lighting facilities owned and operated by the Civil Aeronautics Administration if application includes request for night VFR operation.

SEC. IV. *Radio Facilities*—A. *Communications.* List company radio ground communication facilities installed, proposed to be installed, and those available to, but not owned by applicant, for each regular and alternate route. The expected communication coverage of all MF and HF ground facilities should be provided in map form. In the case of VHF, the expected coverage at exemplary altitudes should be outlined. Aircraft reporting and general change points, and frequencies should be specified either on the maps or as an attachment. (If owned by other than applicant, attach 2 certified copies of operating agreement.) List the following details for each station:

Transmitters. List the following information in regard to each transmitter:

1. Make and model number.
2. Remotely or locally controlled.
3. Types of emission and antenna power for each type of emission.
4. Number of frequency channels provided and actual frequencies in kilocycles proposed to be used.
5. Method of frequency change (quick shift or manual tuning).
6. Primary power source, voltage, phase, etc. and whether commercial source or locally generated.
7. Auxiliary power source.
8. Functional purpose of transmitter. If transmitter is used for more than one function, list in order of primary and secondary functions as—

a. Radiotelephone plane to ground primary purpose and radiotelephone point to point secondary purpose, or

b. Radiotelephone point to point primary purpose and standby radiotelephone plane to ground secondary purpose, etc.

Receivers. 1. List each receiver by type or model number and state its primary function, i. e., plane-to-ground guard, point-to-point C. W. or point-to-point radiotelephony.

2. List frequency range of each receiver and state which frequencies in each receiver are crystal controlled, if any.

3. Describe receiver installation to show number of receivers locally controlled and number remotely controlled.

B. *Radio navigational facilities.* List each ground radio navigational facility, other than those operated by the United States Government, to be used in the conduct of the proposed operations (if privately owned ground radio navigational facilities are to be used and are owned by other than the applicant, attach 2 certificated copies of the operating agreement pertaining to the use of such facilities). List the following information with respect to each facility:

1. Type of facility, i. e., ILS, GCA, Non-Directional Radio Beacon, L. F. Radio Range, VAR, VOR, Loran, Consol, etc.
2. Estimated effective range (in miles).
3. Coordinates and location with respect to field or landing area.
4. Power supply, i. e., commercial or locally generated.
5. Auxiliary power supply.
6. Operating frequency or frequencies.

C. *Aircraft radio equipment.* List and describe the aircraft radio equipment installed in each aircraft by:

1. Type number.
2. Manufacturer.
3. Frequency range.
4. Operating frequencies.
5. Emergency power supply.
6. Antenna system.

SEC. V. *Weather minimums.* A. Submit in detail the proposed ceiling and visibility limitations for take-off for instrument flight and let-down-through at each regular, alternate, refueling, and provisional airport. Differentiate between daylight and darkness in the listing, and where more than one type of aircraft is to be utilized, and a differential of limitations exists, indicate proposed limitations for each type of aircraft.

B. Submit for each proposed scheduled stop and alternate airport a detailed flight procedure for instrument approach and let-down-through and where specific procedures are necessary because of terrain or traffic conditions, submit a detailed flight procedure for take-off and climb (such procedure should be set up on the basis of the ceiling and visibility minimums proposed).

SEC. VI. *Aircraft.* A. List the following information, if required, for each aircraft to be used in the proposed operations:

1. The name of the manufacturer.
2. Manufacturer's model number.
3. Name of the manufacturer and type number of engines.
4. Name of manufacturer and type number of propellers.
5. NC registration number and aircraft designation.
6. Type of service in which aircraft will be used (carriage of persons, property, mail, or combination thereof).
7. Will aircraft be used in regular or reserve service?
8. What type of operation (day, night, visual-contact, instrument, over-the-top) will be conducted with this aircraft?
9. List each route or portion thereof over which this aircraft is to be operated and the maximum gross weight proposed for each route or portion thereof.
10. What is the service ceiling of each type aircraft with one engine inoperative?
11. List and describe installation and location of all lifesaving equipment and emergency supplies carried aboard each aircraft, such as life rafts, life preservers, portable emergency transmitters, Very pistols and emergency rations. (If the same equipment is not carried during all seasons of the year, and on all routes, list and explain the difference.)

SEC. VII. *Maintenance: Aircraft, engines, and accessories.* A. Furnish an organization chart indicating the authority and the duties of the maintenance and inspection personnel employed by the applicant.

B. Furnish an outline of overhaul, inspection and check periods applicable to each component of the aircraft. The breakdown of such components should follow the main headings shown below and should indicate the time limitations applicable to the assembly listed. The overhaul periods assigned to the major divisions shall apply to all related components. Any component of a division having an overhaul period different from the major division shall be individually listed. If more than one make, type and model aircraft is used, indicate separately.

1. Engines and propellers.
2. Aircraft.
3. Instruments.
4. Radio equipment.

When maintenance functions are performed by outside agencies, copies of the maintenance agreement regarding the extent of such services to be furnished should be attached to the application, as provided for in the second paragraph of 40.191–1 (a). The agreement should specify that services furnished should conform to the standards approved for the operator, and does not release the operator from responsibility for airworthiness of the aircraft or components.

C. Indicate type of maintenance operations that will be accomplished at each terminal and aircraft layover point relative to the following:

1. Disassembly and overhaul of engines and propellers, aircraft, instruments and radio equipment.
2. Periodic inspection and check of engines and propellers, aircraft, instruments and radio equipment.
3. Routine inspection of engines and propellers, aircraft, instruments and radio equipment.
4. Refueling.

D. Indicate the number of certificated, non-certificated mechanics, and helpers, etc., including their company designation (foreman, inspectors, crew chiefs, etc.) located at the main overhaul base and each terminal and intermediate stop.

E. Indicate the distribution of the following items of spare equipment:

1. Aircraft (list make and model).
2. Engines (list make and model).
3. Propellers (list make and model).
4. Instruments (list make and model).
5. Radio equipment (list make and model).

F. For each terminal, and intermediate stop at which refueling operation will be performed, describe the following:

1. Number, type (elevated or underground) and capacity of each fuel and oil storage tank.
2. List octane ratings of fuels available.
3. List S. A. E. rating or viscosity of oil available.
4. List facilities for preventing entrance of water into aircraft fuel tanks.
5. Outline method used to check for presence of water in storage tanks.
6. List facilities or method used to remove water from the storage tanks.
7. Outline method and procedure with reference to recording water checks.
8. Type of covered container used to convoy oil from storage tank to aircraft.
9. Outline method and procedure of grounding aircraft in protection from fire.

G. For each terminal and intermediate stop, describe the following facilities:

1. Hangars.
a. Number.
b. Dimensions and number of square feet available for aircraft storage.
c. Dimensions and number of square feet available for shop space.
d. Dimensions of hangar doors.
e. Number of largest sized aircraft of applicant which may be housed.
2. Equipment for ground handling of aircraft as may be required for the proposed operation.

SEC. VIII. *Airmen.* Indicate the composition of the Flight Crew. If the composition is different in different aircraft or on different routes, so indicate and show the composition of the Flight crew under each different condition. List the following information with respect to the airmen to be employed in the proposed operation:

1. Show the number of first, second, third, etc., pilots to be employed in the proposed operation, and specify the certificate and ratings to be held by each.
2. Show the number of pilots for whom designation "check pilot" will be requested, and specify the certificate and ratings to be held by each.
3. Show the number of flight engineers to be employed in the proposed operation.
4. Show the number of flight radio operators to be employed in the proposed operation.
5. Show the number of flight navigators to be employed in the proposed operation.
6. Show the number of dispatchers to be employed in the proposed operation.

SEC. IX. *Additional data.* A. Furnish such additional information and substantiating data as may serve to implement this application.

Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this ------ day of ----------, 19-----.

(Name of applicant)

By ----------
(Name and capacity of person duly authorized to execute this application on behalf of the applicant)

§ 40.197–1 *Amendment of air carrier operating certificate (CAA rules which apply to § 40.197).* In general, the only procedure by which an air carrier operating certificate and operations specifications can be changed is through amendment. These amendments do not alter in any manner the basic authority of the air carrier to conduct scheduled operations along its approved routes, using the regular airports for which it has a Certificate of Convenience and Necessity issued by the Civil Aeronautics Board.

From time to time, the air carrier may desire to apply for an amendment to his operating certificate for such reasons as: The addition or deletion of an airport, revision of landing or take-off minimums, changes in approach procedures, minor route revisions, etc. These amendments will be applied for on the appropriate forms furnished by the Administrator. Applications for such amendments will be submitted to the local Aviation Safety Agent, Operations, responsible for the air carrier operating certificate.

Amendments concerning revision of maintenance time limitations, and deletion or addition of aircraft will be submitted to the local Aviation Safety Agent, Maintenance, assigned to the air carrier.

Details with respect to applications for amendment, number of copies, etc., will be furnished by the local Aviation Safety Agent concerned.

Amendments to the air carrier operating certificate and the operations specifications are usually initiated by the air carrier. However, if the Administrator considers that the need for an amendment is essential for safe operations, and no application has been received from the air carrier, Civil Aeronautics Administration personnel authorized to approve any portion of their operating certificate or operations specifications issued thereunder, shall notify the air carrier that an application for such an amendment should be made. This notification shall include full particulars regarding the need for the amendment.

An application to amend an air carrier operating certificate for a new route extension, which has been authorized in a Certificate of Convenience and Necessity, or a new type aircraft to be used, will be submitted at least fifteen (15) days prior to the proposed date for inauguration of service. The application for such an amendment will be executed in accordance with the applicable provisions of § 40.191–1.

§ 41.1–2 *Application for air carrier operating certificate (CAA rules which apply to § 41.1).* Application for an air carrier operating certificate to conduct scheduled air carrier operations beyond the continental limits of the United States, and an application for an amendment to such a certificate, will be executed and submitted in the form and manner prescribed in the rules set forth in §§ 40.191–1 and 40–197–1 of this chapter with the following exception:

When the principal office of the air carrier is not located within the jurisdictional area of the regional Administrator of one of the numbered regions, the application will be submitted either to the International Field Office having jurisdiction over the area in which the principal office of the air carrier is located, or directly to the Regional Administrator, International Region, Washington, D. C.

§ 44.2–1 *Application for operations specifications by foreign air carriers (CAA rules which apply to § 44.2)—(a) General.* A foreign air carrier holding a permit issued by the Board pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, will apply to the Administrator for operations specifications at least 30 days prior to the date proposed for beginning scheduled or irregular operations within the continental limits of the United States, or into any outlying territories under its jurisdiction (including the Canal Zone). The application will be prepared in loose-

leaf form, on white paper of approximately 8" x 10½" in size, and using one side of the sheet only. The application will be executed by a duly authorized officer or employee of the applicant having knowledge of the matter set forth therein, and will have attached thereto 2 copies of the appropriate written authority issued to such officer or employee by the applicant. A minimum of 2 copies of the application, and of subsequent amendments thereto, will be filed with the International District or Field Office in the area wherein the principal office of the air carrier is located, or with the Regional Administrator having jurisdiction over the area to be served by the operation.

When any service or facility, such as ground radio communications facilities, to be used by the applicant in the conduct of the proposed operations within a jurisdictional area of the United States or over that portion of the route between the last point of foreign departure and a jurisdictional area of the United States is furnished by an agency under contract, at least 2 copies of the operating agreement will be submitted with the application. If, however, formal contracts covering the use of such service or facility have not been completed, letters showing agreement between the contracting parties will be accepted until the formal contracts have been negotiated.

When a military airport of the United States Government is to be used as a regular, alternate, refueling or provisional airport, the applicant will secure written permission for such use from the Washington headquarters of the military organization having jurisdiction over the airport, and 2 copies of the written permission will be submitted with the application. Negotiations for permission of the military authorities will be effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The attached outline will be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(Outline)

To: *The Civil Aeronautics Administration, Washington, D. C.*

In accordance with the Civil Aeronautics Act of 1938, as amended, and particularly section 402 thereof and Part 44 of the Civil Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant shall submit the information hereinafter required only with respect to that portion or portions of his proposed operations which will lie within the United States.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof.

B. State whether the type of operation proposed is day or night, visual contact, instrument, or a particular combination thereof.

SEC. II. *Operational plans.* A. Submit a proposed plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between stops in accordance with the following: Name last point of foreign departure and give block to block time to the first point of arrival within the United States.

2. Indicate the route by which entry will be made into the United States, and the route to be flown therein.

B. Specify the basis upon which the proposed plan has been computed between the last point of departure from a foreign country to the regular terminal airport within the United States, indicating the following: Average cruising speed and autitude.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities as prescribed below:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.

4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating whether the facility is a radio range or ground radio aerophare.

B. *Airports.* Furnish the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction and distance to and name of nearest city or town).
3. List refueling facilities to be used.

SEC. IV. *Radio facilities*—A. *Communications.* List all ground radio communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States. If these services are rendered by an agency under contract, a copy of the operating agreement must be furnished.

SEC. V. *Aircraft.* Furnish the following information in regard to each type and model aircraft to be used:

A. *Aircraft.* 1. Manufacturer and model number.

2. State of origin.

3. Type of construction (metal, fabric, wood).

4. Single-engine or multi-engine. If multi-engine, indicate number of engines.

5. What is the maximum take-off and landing weight to be used for each type aircraft?

6. Are these weights within that authorized by the state of origin for the operation proposed?

7. What is the runway distance in feet necessary for take-off with maximum gross weight at sea level airports?

B. *Engines.* Furnish the following information in regard to each type and model engine to be used:

1. Engine manufacturer and model.
2. Rated horsepower of each engine.

C. *Licensing.* State name of country by whom the aircraft are certificated.

SEC. VI. *Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. Indicate the number of crew members and their assignments for each type of aircraft to be employed in the proposed operation and state the type and class of certificate held by each.

B. State whether or not pilot personnel have received training in radio range navigational procedures and are qualified to use such procedures in connection with the conduct of instrument operations.

C. State whether or not personnel are familiar with those parts of the Civil Air Regulations pertaining to the conduct of air carrier operations within the United States.

D. Are pilot personnel able to speak and understand the English language to a degree necessary to enable them to properly communicate with Airport Traffic Control Towers and Airway Radio Communications Stations using radiotelephone communications?

SEC. VII. *Dispatchers.* A. Describe briefly the dispatch organization which you propose to set up for air carrier operations within the United States.

B. State whether or not the dispatching personnel are familiar with the rules and regulations prescribed by the Civil Air Regulations governing air carrier operations.

C. Are dispatching personnel able to read and write the English language to a degree necessary to properly dispatch flights within the United States?

D. Are dispatching personnel certificated by the country of origin?

SEC. VIII. *Additional data.* A. Furnish such additional information and substantiating data as may serve to expedite the issuance of the operations specifications.

B. Each application shall be concluded with a statement as follows:

I certify that the above statements are true.

Signed this _____ day of _____ 19___.

_____
(Name of Applicant)

By _____
(Name of person duly authorized to execute this application on behalf of the applicant)

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 558)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-2; Filed, Jan. 2, 1951; 8:45 a. m.]

[14 CFR, Part 60]

AIR TRAFFIC RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 60.46–1 *Introduction (CAA rules which apply to § 60.46)*—(a) *Persons to whom applicable.* The following standard instrument approach procedures (including ceiling and visibility minimums for take-off and landing at particular airports) shall be identical for all users, with the following exceptions: The minimums for take-off and landing shall not apply to (1) military aircraft, or (2) users for whom the Administrator has specifically authorized lower minimums. The minimums for take-offs shall not apply to those users for whom the Administrator has not been authorized to prescribe take-off minimums.

(b) *Use of additional data.* Because of the rugged terrain adjacent to many airports, the Coast and Geodetic Survey Charts, especially the Approach and Landing Charts, covering the area where an instrument letdown is proposed, should be carefully studied before an approach is made.

(c) *Revisions of procedures.* Revisions of, or additions to these procedures will be published in the FEDERAL REGISTER and Code of Federal Regulations, and may appear in the Airman's Guide and Flight Information Manual.

(d) *Use of radio range requiring flight check.* When a flight check of a radio facility is required, a NOTAM will be issued stating: "Ground checked only, awaiting flight check." When this type of NOTAM is issued, the following rule will apply:

(1) If the facility is very high frequency, no utilization shall be authorized.

(2) If the facility is low frequency, no range approach shall be executed, but the facility may be used for en route or holding procedures.

(3) In addition, the facility may be used as an ADF approach aid by scheduled air carriers, provided that their operations specification authorizes an ADF instrument approach to the airport concerned.

(ii) Irregular air carriers and other operators may use the facility as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator, or if an approach is conducted using the same course for an ADF track as that specified in the approved range procedure and with identical altitudes as used in the range approach.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601; 52 Stat. 1007; 49 U. S. C. 551)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-3; Filed, Jan. 2, 1951; 8:45 a. m.]

[14 CFR, Part 506]

AIRWORTHINESS DIRECTIVES RECORDATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following new part is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator of Civil Aeronautics in connection with the proposed new part shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 506.1 *Basis and purpose.* The basis for this part is found in section 503 (g) of the Civil Aeronautics Act of 1938, as amended. The purpose of the regulations in this part is to require recordation of the extent of compliance and noncompliance with all outstanding airworthiness directives applicable to an aircraft or to major components thereof.

§ 506.2 *Requirements.* When the date of transfer of ownership of an aircraft precedes the final date for compliance with any published airworthiness directives applicable to that aircraft or a major component thereof, the owner, prior to the transfer of ownership, shall record in the appropriate logbook, or other historical record, the extent of his compliance and noncompliance with those directives.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-4; Filed, Jan. 2, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Parts 190–197]

SAFETY REGULATIONS

NOTICE OF PROPOSED RULE MAKING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of November A. D. 1950.

In the matter of qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment, Ex Parte No. MC–40; in the matter of maximum hours of service of motor carrier employees, Ex Parte No. MC–2; in the matter of establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Ex Parte No. MC–3; qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, Ex Parte No. MC–4.

It appearing, that by order of December 9, 1946 (11 F. R. 14328, 14337), an investigation was instituted in this proceeding for the purpose of (a) determining whether the safety of operations of motor vehicles in interstate or foreign commerce and the public interest would be enhanced by a revision of the rules embraced in Parts 1 to 7, inclusive, of the Motor Carrier Safety Regulations, Revised (49 CFR, 190–197), or in other respects; and (b) of making such revision and such additions to such regulations as appear desirable and proper;

It further appearing, that in the said order of December 9, 1946, the Director of the Bureau of Motor Carriers of this Commission was authorized and directed to prepare, or cause to be prepared, a proposed revision of the said regulations; to conduct informal conferences with representatives of parties in interest for the purpose of discussing proposed rules; to solicit and obtain the aid of Federal and State agencies, technical societies or associations, or other experts, as may be desirable in the proper performance of those duties; to do such other things as may be essential to such performance; and to file with the Commission a report of such action with recommendations as to the time, place, and extent of such hearings to be thereafter scheduled;

And it further appearing, that recommendations have been received and conferences conducted on the matter, among others, of the need for revision of the rules embraced in Parts 0 to 3, inclusive, and Parts 5 and 6 of the said Motor Carrier Safety Regulations, Revised; and that the Director of the Bureau of Motor Carriers has proposed revisions in certain of the said rules as set forth in the appendix hereto;

It is ordered, That interested persons may, on or before December 29, 1950, submit written data, verified under oath by a person having knowledge of such data, views, or arguments; and thereafter consideration will be given to the proposed revisions in the light of the data, views, and arguments which may be submitted;

It is further ordered, That the written data, views, and argument of interested persons be confined to the rules included in the said appendix; and that one signed copy and fourteen additional copies of such data, views, or arguments be furnished for the use of the Commission by mailing them to the Secretary of the Interstate Commerce Commission, Washington, D. C.;

And it is further ordered, That notice of this order be given to motor carriers and other parties in interest and to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission in Washington, D. C., and by filing a copy with the Director, Division of the FEDERAL REGISTER.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

PROPOSED REVISION OF GENERAL DEFINITIONS

Title of this part will be changed to read "General".

0.01 The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Commission, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

0.03 The term "bus" means any motor vehicle designed, constructed, and used for the transportation of passengers; including taxicabs.

0.04 The term "truck" means any self-propelled motor vehicle except a truck tractor, designed and used, or exclusively used whether or not so designed, for the transportation of property.

0.05 The term "truck tractor" means any self-propelled motor vehicle used for the drawing or towing of a semitrailer.

0.06 The term "semitrailer" means any motor vehicle other than a "pole trailer," with or without motive power, designed to be drawn by another motor vehicle and so constructed that some

part of its weight rests upon the towing vehicle.

0.07 The term "full trailer" means any motor vehicle, with or without motive power, other than a "pole trailer," designed to be drawn by another motor vehicle and so constructed that no part of its weight except the towing device rests upon the towing vehicle. A semi-trailer equipped with an auxiliary front axle (dolly) shall be deemed to be a "full trailer."

0.09 The term "drive-away operation" means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle is on the roadway during the course of transportation; whether or not any such motor vehicle furnishes the motive power.

0.11 The term "driver" means any person who drives any motor vehicle.

0.12 The term "business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

0.13 The term "residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

0.14 Any other term used in these regulations is used in its commonly accepted meaning, except where such other term has been defined elsewhere herein or in section 203 (a) of the Interstate Commerce Act, in which event the definition therein given shall apply.

0.20 *Vehicles used for purposes other than as defined.* Whenever any motor vehicle other than a bus is used to perform the functions normally performed by a bus, the rules pertaining to busses and to the transportation of passengers shall apply to that motor vehicle and to its operation as though it were a bus. Likewise, whenever any motor vehicle of one type is so used as to perform the functions normally performed by a motor vehicle of another type, the requirements of these regulations shall apply to such motor vehicle and to its operation in the same manner as though such motor vehicle were actually a motor vehicle of the latter type.

0.21 *Motor carrier to require observance of driver rules.* Wherever in these regulations a duty is prescribed for a driver or a prohibition is imposed upon him, it shall be the duty of the motor carrier to require observance of such prescription or prohibition; and, if the motor carrier is himself a driver, he shall likewise be bound thereby.

0.22 *Applicability of regulations.* The several parts of these regulations shall be applicable to common carriers, contract carriers, and private carriers subject to Part II, Interstate Commerce Act, as shown in the following table:

APPLICABLE PARTS OF REGULATIONS

	1	2	3	4	5	6	7
A. Vehicles and drivers used in transportation wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of such municipality or municipalities:							
1. When transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	Yes.
2. When not transporting explosives or other dangerous articles	No	No	No	No	Yes	No	No.
B. Vehicles and drivers used in transportation outside a municipality or contiguous municipalities of a zone adjacent to and commercially a part of such municipality or municipalities:							
1. When transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	Yes.
2. When not transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	No.

[1] Part 4 does not apply to private carriers, except when transporting or engaged in the transportation of explosives and/or other dangerous articles

PROPOSED REVISION OF PART 1—QUALIFICATIONS OF DRIVERS

1.1 *Compliance required.* Every motor carrier, and his or its officers, agents, representatives and employees who drive motor vehicles or are responsible for the hiring, supervision, training, assignment or dispatching of drivers shall comply and be conversant with the requirements of this part.

1.2 *Minimum requirements.* No person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person possesses the following minimum qualifications:

1.22 *Eyesight.* Visual actuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green, and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

1.23 *Hearing.* Hearing shall not be less than 10/20 in each ear, for conversational tones, without hearing aids.

1.27 *Knowledge of regulations.* Knowledge of rules and regulations established by the Commission pertaining to the driving of motor vehicles.

1.31 *Original physical examination of drivers.* On and after the effective date of these regulations no person shall drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person shall have been physically examined within the preceding twelve months by a qualified doctor of medicine in accordance with the requirements of these regulations, and shall have been certified by such doctor of medicine as meeting the requirements of Rules 1.21 to 1.24, inclusive; *Provided, however,* That this rule shall not apply to drivers of motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities or products thereof from his farm, or in the transportation of supplies to his farm.

1.32 *Periodic physical examination of drivers.* At least once in every twelve months every motor carrier shall require each driver employed or whose services are used by him to be physically examined in the manner prescribed in Rule 1.31, and every driver shall comply with and fulfill the requirements therein set forth. Any motor carrier may accept, at his option, proof of a driver's having been properly examined and certified within a period of twelve months, in lieu of causing the driver again to be examined and certified within that period; which proof in the form prescribed in Rule 1.33 shall, if accepted, be retained in the motor carrier's files. This rule shall not apply to drivers of motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities or products thereof from his farm, or in the transportation of supplies to his farm.

1.33 *Certificate of physical examination.* Every motor carrrier shall have in his files for every driver employed or used by him a certificate of a qualified doctor of medicine in the form provided in Rule 1.34 or a photostatic copy thereof, and every driver shall have in his possession while driving such a certificate or photostatic copy thereof covering himself; such certificate shall be approximately 3¾ inches by 2½ inches in size.

1.34 *Doctor's certificate.* The doctor's certificate shall be as follows:

DOCTOR'S CERTIFICATE

This is to certify that I have this day examined _____ in accordance with Rules 1.21 to 1.24, inclusive, and physical examination Form BMC ____ of the Motor Carrier Safety Regulations, Revised, of the Interstate Commerce Commission, and that I find him

Qualified under said rules ☐
Qualified only when wearing glasses ☐
Not qualified ☐

I have kept on file in my office completed examination form for this person.

_____ _____
(Date) (Place)

_____
(Signature of examining doctor)

Address of doctor _____
Signature of driver _____
Address of driver _____

1.35 *Physical examination form.* Form BMC ____ as shown in Appendix A of these regulations shall be used in making the physical examinations required by Rules 1.31 and 1.32.

1.36 *Appeal from doctor's findings.* If any doctor of medicine shall refuse to issue a certificate of fitness for any driver already in the employ of a motor carrier when such driver has been referred to him by the motor carrier for physical examination, such driver shall have the right to be examined by a doctor of medicine of his own choosing. In the event of disagreement between the two doctors, a suitable competent referee, also a doctor of medicine, may be chosen by mutual consent and the decision of this referee shall be final. In the event that a certificate of fitness is proffered by such a driver which is not acceptable to a motor carrier, the motor carrier may designate an examining doctor of medicine and any disagreement between the two doctors shall be adjudicated as indicated above.

1.37 *Carrier's right to require additional qualifications.* Nothing contained in these rules shall be so construed as to prevent a motor carrier from requiring additional or more stringent physical, mental, or intellectual qualifications or age requirements than herein prescribed as minima; or to require more frequent or more stringent physical or mental examinations than herein prescribed, notwithstanding that a driver may have in his possession a doctor's certificate as herein required.

1.38 Without regard to other qualifications, no driver shall drive nor be qualified to drive nor shall any motor carrier permit or require him to drive a motor vehicle if:

1. The driver's record for violating laws or regulations governing the operation of motor vehicles is such as to reasonably establish a disregard for the regulatory requirements and for the public safety; or

2. The driver's accident record is such as reasonably to demonstrate his lack of concern with or his indifference to his own or the public's safety; or

3. The driver has acquired a criminal record of such seriousness as reasonably to demonstrate his unfitness in the public interest to be a driver of a motor vehicle in interstate or foreign commerce.

APPENDIX A—GENERAL INSTRUCTIONS FOR MAKING PHYSICAL EXAMINATION AND RECORDING FINDINGS

(Be sure to record an answer to each question. When negative or positive, so state)

MEDICAL HISTORY

The purpose of this physical examination is to detect the presence of physical and mental defects of such a character and extent as to affect the applicant's ability to operate safely a motor vehicle. The examination should be made carefully and at least as complete as is indicated by the attached form. Defects may be recorded which do not, because of their character or degree, indicate that a certificate of physical fitness should be denied. The presence, however, of these defects should be discussed with the applicant and he should be encouraged to take the necessary steps to insure correction particularly of those which if neglected might lead to a condition likely to affect his ability to drive safely. Careful inquiry regarding past illness, the character and date of such illness, may reveal cause for defects found upon physical examination. Lack of knowledge concerning the etiology of certain defects may result in the rejection for employment. Such data also may indicate the need for making certain laboratory tests. Certain serological and laboratory tests will frequently be made by State Department of Health laboratories without charge.

General appearance and development. Note marked underweight or overweight; any posture defects; perceptible limp, anemia, tremor or other form of nervousness such as might be caused by chronic alcoholism, thyroid intoxication, or other illnesses. The rules of the Interstate Commerce Commission provide that no driver shall be addicted to the use of narcotics or habit-forming drugs, or the excessive use of alcoholic liquors or beverages.

Height and weight. Stripped to the waist with shoes and socks removed.

Head—Eyes. The telebinocular, Snellen chart, and other approved tests may be used to measure visual acuity. It is desired, however, when other than the Snellen chart is used, that the results of such test be expressed in values comparable to the standard Snellen test. If applicant wears glasses, these should be worn while applicant's visual acuity is being tested. Indicate on record by encircling appropriate phrase on form "without glasses" or "with glasses if worn." In recording distant vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, corneal scar, exophthalmos or strabismus uncorrected by glasses.

Ears. Note evidence of mastoid or middle ear disease; discharge. In recording hearing, record 10 feet as normal distance for conversational voice and record deviation from normal as fraction with 20 feet as denominator and actual distance as numerator.

Mouth. Note evidence of infection, pyorrhea.

Throat. Note evidence of disease, enlarged or infected tonsils.

Thorax—Heart. Stethoscopic examination is required. Note murmurs and arrhythmias. Electro-cardiogram is required for all drivers 45 years of age or older; as well as for others when indicated.

Blood pressure. May be recorded with either spring or mercury column type of sphygmanometer.

Pulse. Normal pulse taken after being seated at least 2 minutes then have applicant stand and placing one foot on the seat of an ordinary chair raise his body to an erect position 20 times in 30 seconds. Pulse rate should return to his normal after 2 minutes' rest. Because of abnormal conditions, some applicants will be unable to do this. This test has been found helpful in ascertaining physical ability for work.

Lungs. It is necessary that the auscultatory cough be used. Tuberculosis, if suspected, state whether active or arrested, and if arrested, your opinion as to how long it has been quiescent. Sputum to be examined for tubercle bacilli in all suspected cases. Sample may be sent to the State Health Department.

Abdomen—Scars. If present, state whether recent and if abnormally tender or if there is any evidence of hernia at the site of scar.

Abnormal masses. If present, note tenderness and whether or not individual knows how long they have been present.

Tenderness. When noted, state where most pronounced and cause suspected.

Hernia. Note whether no hernia, but impulse on coughing; no hernia or impulse, but abnormally large rings. Any hernia should be noted, and if present, state whether it is retained by well-fitted truss.

Genito-urinary. When scars or urethral discharge are present, indicate patient's reason for same and when indicated, submit smear of discharge to laboratory for examination.

Reflexes. If positive Rhomberg is reported, indicate degree. Pupillary reflexes should be reported for both light and accommodation. Knee jerks are to be reported absent only when not obtainable upon reinforcement and as increased when foot is actually lifted from the floor following light blow upon the patella; otherwise as normal.

Extremities—Upper. Note deformities and limitation of motion.

Lower. Note deformities, limitation of motion; varicose veins. In case of hand deformities, note particularly whether or not sufficient grip is present to enable driver to secure a grip on the wheel. Record chronic ulcers. Note any atrophy or paralysis.

Spine. Note deformities and limitation of motion. Be sure to record loss of foot, leg, fingers, hand or arm, or impairment of use thereof, or other structural defect or limitation, likely to interfere with safe driving.

Laboratory findings. Urine analysis is indicated whenever systolic blood pressure is over 150 and diastolic over 100 and such other times as medical history or findings upon physical examination may indicate that they are necessary. A serological test should always be taken in case of those giving positive history of luetic infection or present physical findings upon examination presenting possibility of latent syphilis.

Upon completion of the examination, physician should always date and sign his record of the same.

FORM BMC ____

PHYSICAL EXAMINATION OF DRIVERS

Date _____

Name _____
(Please print) (Last) (First) (Middle)

Present Address _____
(Number) (Street) (City) (State)

_____ Birth _____ Age ____
(Soc. Sec. Acct. No.) (Month, day, year) (Place)

HEALTH HISTORY

Yes	No		Yes	No	
		Head or spinal injuries (severe).			Diabetes.
		Convulsions (fits, epilepsy).			Stomach ulcer.
		Encephalitis (sleeping sickness).			Rheumatic fever.
		Ever confined as chronic invalid.			Asthma.
		Heart disease.			Kidney disease.
		Tuberculosis.			Suffering from incurable disease.
		Syphilis.			Permanent defect as result of disease or accident.
		Gonorrhea.			

Other illnesses or injuries _____

PHYSICAL EXAMINATION

General appearance and development: Good_____ Fair_____ Poor_____

_____

Height _____ Weight _____

FORM BMC ------—Continued

PHYSICAL EXAMINATION OF DRIVERS—continued

Head:

Eyes: For distance { Without glasses / With glasses if worn } Right 20/---------- Left 20/----------

Evidence of disease or injury: Right---------- Left----------

Color vision---------- Horizontal field of vision: Right---------- ° Left---------- °

Ears: Hearing, 20 ft.: ---------- Right ear----------/20 Left ear----------/20

Disease or injury----------

Mouth ---------- Throat ----------

Thorax:

Heart* ----------

If organic disease is present, is it fully compensated? ----------

Blood pressure (sitting): Systolic---------- Diastolic----------

Pulse: Before exercise---------- Two minutes' rest after exercise----------

Lungs: ----------

Abdomen:

Scars---------- Abnormal masses---------- Tenderness----------

Hernia: Yes-------- No-------- If so, where?---------- Is truss worn?--------

----

Genito-Urinary:

Scars---------- Urethral discharge----------

Reflexes:

Rhomberg ----------

Pupillary---------- Light R-------- L-------- Accommodation R-------- L--------

Knee Jerks: Right: Normal---------- Increased---------- Absent----------

Left: Normal---------- Increased---------- Absent----------

Extremities:

Upper ----------

Lower ----------

Spine ----------

Laboratory findings:

Urine: Sp. Gr. ---------- Alb. ---------- Sugar ----------

Blood serology ----------

Chest X-ray ----------

(Date)

Examining Doctor

Address

*Electro-cardiographic examination shall be made of every driver 45 or more years of age or of younger drivers when other findings indicate desirability.

1.21 *Mental and physical condition.*

(a) No loss of foot, leg, hand or arm.

(b) No mental, nervous, organic, or functional disease, likely to interfere with safe driving.

(c) No loss of fingers, impairment of use of foot, leg, fingers, hand, or arm, or other structural defect or limitation, likely to interfere with safe driving.

1.22 *Eyesight.* Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of 140 degrees; ability to distinguish colors red, green, and yellow; drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.

1.23 *Hearing.* Hearing shall not be less than 10/20 in each ear, for conversational tones, without hearing aids.

1.24 *Liquor, narcotics, and drugs.* Shall not be addicted to the use of narcotics or habit-forming drugs, or the excessive use of alcoholic beverages or liquors.

PROPOSED REVISION OF PART 2—DRIVING OF MOTOR VEHICLES

2.01 *Compliance required.* Every motor carrier and his or its officers, agents, representatives, and employees directly concerned with the management, maintenance, operation or driving of motor vehicles, shall comply and be conversant with the requirements of this part.

2.03 *Reckless driving forbidden.* No driver shall drive any motor vehicle recklessly, or so as to endanger life, limb or property.

2.04 *Driving while ill or fatigued forbidden.* No driver shall drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to begin or continue to drive, except in case of grave emergency where the hazard to passengers would be increased by observance of this rule, and then only to the nearest point at which the safety of passengers is assured.

2.05 *Use of alcoholic beverage forbidden.* No driver shall drive or be required or permitted to drive a motor vehicle, be in active control of any such vehicle, or go on duty or remain on duty, when under the influence of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink any such beverage or liquor while on duty.

2.06 *Control of speed.*

2.061 *Speed must be reasonable and prudent.* No driver shall drive any motor vehicle at a speed greater than is reasonable and prudent, having due regard to weather, traffic, intersections, width and character of the roadway, type of motor vehicle, and any other conditions then existing.

2.062 *Legal limits must be observed.* No driver shall drive any motor vehicle in or through any state, legal subdivision thereof, the District of Columbia, or any area under the control of the Federal Government at a speed greater than that permitted by such state, legal subdivision thereof, District of Columbia, or the Federal Government.

2.063 *Reduced speed during periods of darkness.* Every driver shall during periods of darkness reduce the speed of the motor vehicle he is driving in keeping with reduced visibility.

2.064 *Schedule of runs to conform with speed requirements.* No motor carrier shall schedule a run nor permit nor require the operation of any motor vehicle between points in such period of time as would necessitate speeds greater than those prescribed in Rules 2.061, 2.062, and 2.063.

2.065 *Traffic signs, signals, markings, or devices must be obeyed.* Every driver shall obey the instructions of all traffic control devices placed by a duly constituted authority for the purpose of regulating, warning or guiding of traffic, unless otherwise directed by a police officer.

2.07 *Equipment to be in good working order.* No driver shall drive any motor vehicle unless he has first determined by inspection or observation that the following parts and accessories are in good working order:

Service brake, including trailer brake connections and parking (hand) brake.
Steering mechanism.
Lighting devices and reflectors.
Tires.
Horn.
Windshield wiper or wipers.
Rear vision mirror.
Coupling devices.

2.08 *Emergency parts and accessories.* No driver shall drive any motor vehicle unless he has first determined by inspection or observation that such vehicle is provided with the required parts and accessories, in place and ready for use; nor shall any driver fail to use or make use of such accessories when and as needed.

2.081 *Required emergency equipment.* (a) At least one fire extinguisher, properly filled, and available for immediate use. This requirement shall not apply to taxicabs or vehicles used in driveaway operations.

(b) At least one spare electric bulb for each kind of electric lamp where such lamp is used for any of the lighting devices required by these regulations. When sealed beam headlamps are used a spare "sealed beam" unit shall be included.

(c) At least one spare fuse or other overload protective devices, if the devices used are not of a reset type, for each kind and size used for any electrical circuit on said vehicle.

(d) One set of tire chains for at least one driving wheel on each side, for any motor vehicle likely to encounter conditions requiring them.

(e) Three flares (liquid burning pot torches) properly filled; or in lieu thereof, three red electric lanterns in proper working condition or three red emergency reflectors, available for immediate use.

(f) At least three fuses with adequate standards, available for immediate use, unless red electric lanterns or red emergency reflectors are used as warning signals.

(g) At least two red cloth flags with standards.

(h) The fuses, over-load protective devices, bulbs, and "sealed beam" headlamps contained in the towed vehicle of combinations of motor vehicles engaged in driveaway operations, if suitable as replacement parts are deemed to fulfill the requirements of (d) and (e) above.

2.082 *Additional equipment for buses.* No driver shall drive any bus unless he has first determined by inspection or observation that said bus is equipped with the accessories listed in Rule 2.081, and in addition thereto the following, all in place and ready for use in case of emergency:

(a) One first-aid kit.

(b) One hand ax available for immediate use.

2.09 *Safe loading.*

2.091 *Distribution and securing of load.* No driver shall drive any motor vehicle if it is so overloaded, or if the load thereon is so improperly distributed or so inadequately secured, as to prevent its safe operation. (For loading of explosives and other dangerous articles, see Part 7 of these regulations).

2.092 *Securing of doors, tarpaulins, tailgates and other equipment.* No driver shall drive any motor vehicle unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of said vehicle, and all means of fastening the load, are securely in place.

2.093 *Load not to interfere with driver.* No driver shall drive any motor vehicle when the load thereon obscures his view ahead, or to the right and left sides, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies.

2.094 *Cab or driver's compartment must not be obstructed.* No driver shall drive any motor vehicle when tools, chains, suitcases, other gear or equipment obstructed the free and ready entrance or exit of any person from the cab or driver's compartment.

2.095 *Loading of passengers on busses.* No driver shall drive a bus unless:

(a) Standees are to the rear of a line or other device prescribed in Rule 3.3412.

(b) Aisle seats, if any, are in accordance with Rule 3.3414.

2.096 *Loading of baggage, freight or express on busses.* No driver shall drive any bus transporting baggage, express or freight unless such articles are stowed in a manner which will assure: (a) unrestricted freedom of motion to the driver for proper operation of the bus; (b) unobstructed passage to all exits by any person; and (c) adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

2.10 *Precaution "before starting."* No driver shall set in motion any motor vehicle until he has taken due caution to ascertain that such a movement will not endanger other persons or property.

2.11 *Keep to right.* The driver of every motor vehicle shall drive such vehicle as far to the right side of the traveled portion of the highway as is practicable.

2.12 *Following other vehicles.*

2.121 *Maintaining adequate space between vehicles.* Every driver of any motor vehicle shall, whenever conditions permit, maintain a sufficient space between vehicles proceeding in the same direction so that an over-taking vehicle may enter and occupy such space without danger. This rule shall not be construed to prevent overtaking and passing another vehicle.

2.122 *Following too closely.* No driver while driving any motor vehicle shall follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and condition of the highway.

2.13 *Precautions at railroad grade crossings.*

2.131 *Certain vehicles must stop.* Every driver operating any motor vehicle transporting any of the following:

(a) Passengers.

(b) Explosives—Class A and Class B.

(c) Chlorine.

(d) Any cargo which by reason of its quantity and/or nature, the Commission would require to be placarded with one of the following markings:

Dangerous.
Compressed gas.
Poison gas.

(e) Any cargo tank, whether loaded or empty, which the Commission would require to be marked with one of the following markings:

Flammable.
Corrosive liquid.
Compressed gas.
Flammable compressed gas.
Chlorine.
Poison.

shall, upon approaching any railroad grade crossing, make a full stop not more than 50 feet, nor less than 15 feet from the nearest rail of such railroad grade crossing, and shall not proceed until he has taken due caution to ascertain that the course is clear; except that a full stop need not be made at:

(1) A street car crossing within a business or residence district of a municipality;

(2) A railroad grade crossing where a police officer or a traffic-control signal (not a railroad flashing signal) directs traffic to proceed;

(3) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking can be read from the driver's position.

2.132 *Other vehicles must slow down and be prepared to stop.* Every driver of any other motor vehicle shall upon approaching a railroad grade crossing drive at a rate of speed which will permit said motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not drive said vehicle upon or over such crossing until he has taken due caution to ascertain that the course is clear.

2.133 *No gear changes on crossings.* Every driver upon arriving at a railroad grade crossing, shall have his vehicle in such gear as will enable said vehicle to traverse the said crossing without further change of gears.

2.134 *All drivers must ascertain that the course is clear.* Nothing contained in this rule shall be construed as to relieve any driver of his responsibility in any case of exercising due caution to ascertain that the course is clear before proceeding over such crossing.

2.14 *Precautions at drawbridges.*

2.141 *Vehicles transporting passengers must stop.* Every driver operating any motor vehicle transporting passengers shall, upon approaching any drawbridge, known or marked as such, bring his vehicle to a complete stop, not less than 50 feet from the lip of the draw, and shall proceed only when he has definitely ascertained that the draw is completely closed. A full stop need not be made at any drawbridge protected by a traffic "Stop and Go" signal giving positive indication to approaching vehicles to proceed, or where upon the opening of the draw, traffic is controlled by an attendant or traffic officer.

2.142 *Other vehicles must slow down and be prepared to stop.* Every driver of any other motor vehicle, shall, upon approaching a drawbridge, drive at a rate of speed which will permit said motor vehicle to be stopped before reaching the lip of the draw and shall proceed only when he has definitely ascertained that the draw is completely closed.

2.143 *All drivers must ascertain that the course is clear.* Nothing contained in this rule shall be construed as to relieve any driver of his responsibility in any case of exercising due caution to ascertain that the draw is completely closed.

2.15 *Other users of the highway must not be endangered.* No driver shall, except in case of emergency, stop, suddenly decrease the speed or change the course or direction of the motor vehicle he is driving, unless due caution has been exercised by him to ascertain that such acts can be performed without endangering other users of the highway.

2.16 *Turning.*

2.161 *Vehicle must be in proper position for making turns.* The driver of any motor vehicle intending to make a turn upon any highway shall do so in the following manner:

(a) A right turn shall be made from a position which is as close as practicable to the extreme right side of the traveled portion of the highway.

(b) A left turn upon two-way highways shall be made from a position which is as close as practicable to the center of the traveled portion of the highway. Upon one-way highways and upon highways on which opposing streams of traffic are separated by a dividing strip or zone, such turns shall be made from a position which is as close as practicable to the extreme left side of the traveled portion of such highways.

2.162 *Extreme caution to be exercised in making turns.* The driver of every motor vehicle shall, when making any turn, exercise extreme caution, having due regard to the length of the motor vehicle, any load thereon, the width of

the roadway and other traffic. Prior to and well in advance of making any turn he shall drive the motor vehicle into the proper lane.

2.163 *No "U" turn on curve or crest of a grade.* No driver shall turn any motor vehicle, so as to proceed in the opposite direction, upon any curve, or upon the approach to or near the crest of a grade, where such motor vehicle cannot be seen at the distance of 500 feet by the driver of any other vehicle approaching from either direction.

2.17 *Special care in overtaking or passing.* No driver shall drive a motor vehicle past another vehicle or vehicles proceeding in the same direction unless there is ample visible space ahead to do so without endangering any other user of the highway; if necessary, an audible signal of intention to pass shall be sounded. After passing, the driver shall not return his motor vehicle to the right side of the roadway until safely clear of the overtaken vehicle or vehicles.

2.18 *Overtaking must not be prevented by speeding up.* No driver shall increase the speed of the motor vehicle he is driving in order to prevent being overtaken by another vehicle attempting to pass.

2.19 *Motive power not be disengaged.* No driver shall drive any motor vehicle with the source of motive power disengaged from the driving wheels except when such disengagement is necessary to stop or to shift gears.

2.20 *Overtaking and passing buses.* No driver shall overtake or pass any bus which has stopped to receive or discharge passengers except with extreme caution and only if the course ahead is known to be clear. A complete stop, however, shall be made for a school bus when required by State or local regulations.

2.21 *Precautions when vehicle is left unattended.* No driver shall leave any motor vehicle unattended until the parking brake has been securely set and all reasonable precautions have been taken to prevent the movement of such vehicle.

2.22 *Vehicles when stopped must not interfere with other traffic.* No driver shall stop, park or leave standing, any motor vehicle, whether attended or unattended, upon the traveled portion of any highway outside of a business or residence district, when it is practicable to stop, park or leave such vehicle off the traveled portion of the highway. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the highway, the driver shall make every effort to leave all possible width of the highway opposite such standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of such motor vehicles as far as possible to the front and rear.

2.23 *Emergency signals.*

2.231 *When vehicles are disabled.* Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, when lighted lamps are required (see Rule 2.24), except in a municipality where there is sufficient highway lighting to make clearly discernible persons and vehicles on the highway at a distance of 500 feet, the following requirements shall be observed:

(a) The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the disabled vehicle, toward the rear, either a lighted fusee, or lighted red electric lantern, or a red emergency reflector.

(b) Except as provided in subparagraphs (c) and (d) of this rule, as soon thereafter as possible, but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares (pot torches), or three red electric lanterns, or three red emergency reflectors on the traveled portion of the highway in the following order:

(1) One at a distance of approximately 100 feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) One at a distance of approximately 100 feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at the traffic side of the disabled vehicle, not less than 10 feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with subparagraph (a) of this rule, it may be used for this purpose.

(c) If disablement of any motor vehicle shall occur within 500 feet of a curve, crest of a hill or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

(d) If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container or a motor vehicle disabled or otherwise stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion.

2.232 *When motor vehicles are stopped or parked.* Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder thereof, during the time lights are required (see Rule 2.24), except within a municipality where there is sufficient highway lighting to make clearly discernible persons and vehicles on the highway at a distance of 500 feet, the following instructions shall be observed:

(a) The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the vehicle toward the rear, either a lighted fusee, or lighted red electric lantern or red emergency reflector (see Rule 2.231 (a) and (d));

(b) If the stop is to exceed 10 minutes, the driver shall place emergency signals as required and in the manner prescribed by Rule 2.231 (b), (c), and (d).

2.233 *Flame producing emergency signals attached to a motor vehicle prohibited.* No driver shall attach or permit any person to attach a fusee or other flame producing emergency signal to any part of a motor vehicle.

2.234 *Use of red electric lanterns or red emergency reflectors for certain vehicles.* No driver shall use or permit the use of any flame producing emergency signal for any motor vehicle transporting explosives, or 2,500 pounds gross weight or more of any flammable liquid or flammable compressed gases, nor on any cargo tank used for the transportation of any flammable liquid or flammable compressed gas whether loaded or empty. In lieu thereof, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in Rule 2.231 (b) and (c).

2.235 *Use of red flags.* During the time when lighted lamps are not required, whenever a motor vehicle is disabled, stopped, or parked upon the traveled portion of any highway or shoulder thereof, except within the business or residence district of a municipality, the driver of such vehicle shall place red flags as follows:

(a) One at a distance of approximately 100 feet from the vehicle in the center of the traffic lane occupied by such vehicle toward traffic approaching in that lane.

(b) One at a distance of approximately 100 feet in the opposite direction from the vehicle in the center of the traffic lane occupied by such vehicle.

2.24 *When lighted lamps are required.*

2.241 *On moving vehicles.* No driver shall drive any motor vehicle upon the highway unless the lamps required by Rule 3.3 are lighted:

(a) During the period of one-half hour after sunset to one-half hour before sunrise;

(b) During any other time when there is not sufficient light to render clearly discernable persons and vehicles on the highway at a distance of 500 feet.

2.242 *On stopped or parked vehicles.* Whenever any motor vehicle is parked or stopped upon the highway within a business or residence district of a municipality, whether attended or unattended, during the times mentioned in Rule 2.241, the driver of said motor vehicle shall cause at least one white or amber light to be displayed on the traffic side of the motor vehicle, visible from a distance of 500 feet to the front of the motor vehicle and at least one red light visible from a distance of 500 feet to the rear; and shall dim or depress headlamp beam of vehicle, if in use: *Provided, however,* That no lights need be lighted if there is sufficient highway lighting to make clearly discernible persons and vehicles at a distance of 500 feet, unless lights are required by local regulations.

2.25 *Not more than four road-lighting lamps to be illuminated.* Every driver operating a motor vehicle equipped with more than four lamps of the character of headlamps, auxiliary road-lighting lamps, or spot lamps, shall not use more than four such lighted lamps at any one time.

2.26 *Use of upper and lower head lamp beams.* During the times when lighted lamps are required, every driver shall obey the following:

2.261 *Upper beam.* He shall use the upper distribution of light when there is no oncoming vehicle within 500 feet: *Provided, however,* That a lower distribution of light may be used when fog, dust, or other atmospheric conditions make it desirable for reasons of safety, and when within the confines of municipalities where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead.

2.262 *Lower beam.* When within 500 feet of an oncoming vehicle, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, such distribution of light shall also be used when following another vehicle within 500 feet.

2.27 *Minimum visibility requirement for road-lighting lamps.* No driver shall during the times when lights are required, use any distribution of light which will not reveal a person or vehicle at a distance of at least 100 feet ahead under normal atmospheric conditions: *Provided, however,* That depressed head lamp beam may be used in fog, or other abnormal weather or atmospheric conditions, when they tend to promote safety.

2.28 *Spotlight must not blind other users of the highway.* No driver shall use a spotlight so aimed upon approaching another vehicle that any part of the high-intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spot lamp is mounted, nor more than 100 feet ahead of such motor vehicle.

2.29 *Extreme caution required under hazardous conditions.* Every driver shall exercise extreme caution in the operation of a motor vehicle when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the driver shall discontinue the operation of the vehicle and shall not resume until the vehicle can be safely operated. Whenever compliance with the foregoing provisions of this rule increases hazard to passengers, the motor vehicle may be operated to the nearest point at which the safety of passengers is assured.

2.30 *Duties of driver in case of accident.*

2.301 *All accidents.* Every driver of a motor vehicle involved in an accident from which there results injury to or death of any person or persons, or property damage of any kind, regardless of the amount, shall:

(a) Stop immediately;

(b) Take all necessary precaution to prevent further accident at the scene;

(c) Render all reasonable assistance to injured persons (movement of injured persons by a driver should not be undertaken if likely to cause further injury);

(d) Give to any person demanding the same, his name and address, the name and address of the motor carrier for whom he is then driving, the state tag registration number of the vehicle involved, and if requested, exhibit his chauffeur's or operator's license;

(e) Report all details of the accident as soon as practicable after its occurrence or, in event of a fatal accident, immediately, to the motor carrier then using his services.

2.302 *Upon striking an unattended vehicle.* If a moving vehicle strikes a vehicle standing unattended upon a highway, the driver of the former shall immediately stop and endeavor to locate the custodian of the unattended vehicle, and if his reasonable effort so to do is unsuccessful, the driver of the vehicle doing the striking shall place securely and conspicuously in or on the unattended vehicle his name and address and that of the motor carrier for whom he is then driving.

2.31 *Precautions during fueling process.*

2.311 *Care to prevent igniting of fuel.* During the process of fueling a motor vehicle no driver or any employee of a motor carrier shall:

(a) Fuel or permit a motor vehicle to be fueled with the engine running, except when it is necessary to run the engine to fuel the vehicle;

(b) Smoke or expose any open flame in the vicinity of the vehicle being fueled;

(c) So far as it is practicable, permit any other person to engage in such or other activities which would be likely to result in fire or explosion.

2.312 *Grounding of fuel hoses.* Every driver and every employee of a motor carrier shall throughout the process of fueling keep the nozzle of the fuel hose continuously in contact with the intake pipe of the fuel tank.

2.313 *Reserve fuel supply.* No driver shall carry on any motor vehicle, any supply of fuel for the propulsion of said motor vehicle or for the operation of accessories, except in a properly mounted fuel tank or tanks.

2.314 *Fueling of busses.* No driver or other person shall fuel any bus in a closed building with passengers aboard. The fueling of busses when passengers are being carried shall be reduced to the minimum number of times necessary during such transportation.

2.32 *Lamp(s) or flag(s) on projecting load.* No driver shall, during the time when lights are required, drive any motor vehicle transporting a load extending beyond the width or over 4 feet beyond the rear of such vehicle, or which have tailboards or tailgates extending over four feet beyond the body of a motor vehicle, unless lighted lamps as required by Rule 3.3118 are displayed. At all other times flags as required by Rule 3.3420 shall be displayed.

2.33 *Rear lights or reflectors must not be obscured.* No driver shall drive a motor vehicle when any of the required lights or reflectors are obscured by the tailboard, by any part of the load, by dirt, or otherwise.

2.34 *Transportation of hitch hikers or other unauthorized persons prohibited.* Unless specifically authorized in writing to do so by the motor carrier under whose authority the motor vehicle is being operated, no driver shall transport any person or permit any person to be transported on any motor vehicle other than a bus. When such authorization is issued, it shall state the name of the person to be transported, the points where the transportation is to begin and end, and the date upon which such authority expires. No written authorization, however, shall be necessary for the transportation of:

(1) Employees assigned to a vehicle by a motor carrier;

(2) Any person transported when aid is being rendered in case of an accident or other emergency;

(3) An attendant delegated to care for other than ordinary livestock.

This rule shall not apply to the operation of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm.

2.35 *Driving of a motor vehicle by unauthorized person prohibited.* Except in case of emergency, no driver shall permit a motor vehicle to which he is assigned to be driven by any person not authorized to drive such vehicle by the motor carrier in control thereof.

2.36 *Bus driver prohibited from engaging in unnecessary conversation or other distraction.* No driver while driving a bus shall engage in any unnecessary conversation or other activities tending to distract his attention from the safe operation of such vehicle.

2.37 *Smoking on certain motor vehicles prohibited.* No driver or any person shall smoke on or about any motor vehicle loaded with or transporting explosives; flammable liquids or flammable compressed gases in cargo tanks; nor shall a driver of a bus smoke when passengers are aboard.

2.38 *Towing or pushing of busses with passengers aboard prohibited.* No person shall cause or permit a disabled bus with passengers aboard to be towed or pushed; nor shall any person use or permit to be used a bus with passengers aboard for the purpose of towing or pushing any disabled vehicle, except in a grave emergency where the hazard to passengers would be increased by observance of the foregoing provisions of this rule, and then only in traveling to the nearest point where the safety of the passengers is assured.

2.39 *Riding within closed bodies prohibited unless proper exit is provided.* No driver shall permit any person to ride within the closed body of any motor vehicle unless there are means on the inside thereof of obtaining exit, said means shall be in such condition as to permit ready operation by the occupant.

2.40 *Transferring to or from a sleeper berth while a motor vehicle is in motion prohibited.* No driver or other person shall transfer to or from a sleeper berth while a motor vehicle is in motion unless there is available free, ready, and directly communicating access between the cab and the berth.

2.41 *Use of a motor vehicle when carbon monoxide is detected prohibited.* No person shall dispatch or drive any motor vehicle or permit any passengers thereon, when the following conditions

are known to exist, until such conditions have been remedied or repaired:

(a) Where an occupant has been affected by carbon monoxide;

(b) Where carbon monoxide has been detected in the interior of the vehicle;

(c) When a mechanical condition of the vehicle is discovered which would be likely to produce a hazard to the occupants by reason of carbon monoxide.

2.42 *Use of flame producing heater prohibited when vehicle is in motion.* No driver shall drive nor permit any motor vehicle to be driven laden with any material requiring heating by flame for its loading or unloading, with the heater of such vehicle in operation while the vehicle is in motion.

PROPOSED REVISION OF PART 3—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Because of the extent of the changes and rearrangement of the rules in Part 3, this part is here shown in its entirety. However, certain rules and specifications marked with an asterisk (*) relating to drive-away operations, adopted by the Commission (Division 5) in Ex Parte No. MC-4 July 7, 1948, will not be the subject of consideration in hearings except as to the arrangement of such rules and specifications.

3.1 Compliance required.
3.2 Additional equipment and accessories allowable.
3.3 Equipment and accessories required.
3.31 Lighting devices, reflectors, and electrical equipment.
3.32 Brakes.
3.33 Glazing and window construction.
3.34 Miscellaneous parts and accessories.
3.35 Emergency parts and accessories.

3.1 *Compliance required.* Every motor carrier, his or its officers, agents, drivers, representatives or employees directly concerned with the installation and maintenance of equipment and accessories, shall comply and be conversant with the requirements of this part and the specifications appended, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with said requirements and specifications.

3.2 *Additional equipment and accessories allowable.* Nothing contained in these regulations shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by these regulations, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used.

3.3 *Equipment and accessories required.* Motor vehicles shall be equipped as follows:

3.31 *Lighting devices, reflectors, and electrical equipment.*

3.311 *Lights and reflectors.*

3.3111 *Every bus or truck less than 80 inches in over-all width.* (a) On the front, two head lamps:

(b) On the rear, one red tail lamp; one red or amber stop lamp; two red reflectors, one at each side except that the reflector requirement shall not apply to buses having a seating capacity of eight or less persons.

(Diagram to illustrate Rule 3.3111.)

NOTE: Diagrams show clearance and side-marker lamps as mounted separately. Clearance and side-marker lamps may be combined (Rule 3.3122).

3.3112 *Every bus or truck 80 inches or more in over-all width.* (a) On the front, two head lamps; two amber clearance lamps, one at each side;

(b) On the rear, one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

(Bus Diagram to illustrate Rule 3.3112.)

(Truck Diagram to illustrate Rule 3.3112.)

3.3113 *Every truck-tractor.* (a) On the front, two head lamps; two amber clearance lamps, one at each side;

(b) On the rear, one red tail lamp; one red or amber stop lamp.

(Diagram to illustrate Rule 3.3113.)

3.3114 *Every semitrailer or full trailer 80 inches or more in over-all width:*

(a) On the front, two amber clearance lamps, one at each side;

(b) On the rear, one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side;

(c) On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector located at or near the rear.

(Diagram to illustrate Rule 3.3114.)

3.3115 *Every semitrailer or full trailer less than 80 inches in over-all width:* (a) On the rear, one red tail lamp; two red reflectors, one at each side; one red or amber stop lamp if the semitrailer or full trailer obscures the stop lamp on the towing vehicle.

(Diagram to illustrate Rule 3.3115.)

3.3116 *Every pole trailer:* (a) On the rear, one red tail lamp; two red reflectors one at each side, placed to indicate extreme width of the pole trailer;

(b) On each side, on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate maximum width of the pole trailer; one red reflector, located at or near the rear; on pole trailers 30 feet or more in over-all length, an amber marker lamp on each side near the center.

(Diagram to illustrate Rule 3.3116.)

3.3117 *Combinations of motor vehicles in drive-away operations.* Combinations of motor vehicles engaged in drive-away operations shall be equipped as follows: (a) On the towing vehicle:

(1) On the front, two headlamps and two amber clearance lamps, one at each side;

(2) On each side and near the front, one amber side-marker lamp;

(3) On the rear, one red tail lamp; one red or amber stop lamp.

(b) On the towed vehicle of a tow-bar combination, the towed vehicle of a single-saddle-mount combination and on the rearmost towed vehicle of a double-saddle-mount combination:

(1) On each side, and near the rear, one red side-marker lamp;

(2) On the rear, two red clearance lamps, one at each side; one red or amber stop lamp; two red reflectors, one at each side.

(c) On the first saddle-mounted vehicle of a double-saddle-mount combination:

(1) On each side, and near the rear, one amber side-marker lamp;

(2) On the rear, one red tail lamp.

(Diagram of "tow-bar" operation.)

(Diagram of single-saddle-mount combination.)

(Diagram of double-saddle-mount combination.)

3.3118 *Lamps on motor vehicles with projecting loads.* Any motor vehicle transporting a load which extends beyond the width or having projections beyond the rear of such vehicle shall be equipped with the following lamps in addition to any other required lamps (see rule 3.3420 for flags on such vehicles).

3.31181 *Loads projecting beyond sides of motor vehicles.* (a) The foremost edge of the projecting load at its outermost extremity shall be marked with an amber lamp visible from the front and side;

(b) The rearmost edge of the projecting load at its outermost extremity shall be marked with a red lamp visible from the rear and side;

(c) If any portion of the projecting load extends beyond either the foremost or rearmost edge, it shall be marked with an amber lamp visible from the front, side, and rear:

(d) If the projecting load is of a type which is not over three feet measured from front to rear, it shall be marked with an amber lamp visible from the front, side, and rear except that if the projection is located at or near the rear, it shall be marked by a red lamp visible from the front, side, and rear.

(e) The provisions of this rule shall apply to projecting loads on both sides of the motor vehicle.

3.31182 *Projections beyond rear of motor vehicles.* Motor vehicles transporting loads which extend over four feet beyond the rear of the motor vehicle or which have tailboards or tailgates extending over four feet beyond the body shall have these projections marked with a red lamp or lamps visible from the sides and rear.

(2) Diagrams—(Rule 3.3118.)

3.3119 *Tail lamps and stop lamps on new vehicles.* On and after ---------- every motor vehicle manufactured subsequent to that date, other than trailers less than 80 inches in overall width, vehicles being transported in driveaway operations, and truck-tractors, shall be equipped with two red tail lamps on the rear, one at each side and either (a) two red or amber stop lamps on the rear, one at each side, or (b) one red or amber stop lamp on the rear which lamp shall not be incorporated in the same housing with any other red lamp.

3.312 *Mounting and combining lamps.*

3.3121 *Clearance lamps to indicate extreme width and height.* Clearance lamps shall, so far as is practicable, be mounted as to indicate the extreme width and height of the motor vehicle; except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab. (Diagram of "stake-side body" to illustrate mounting of clearance lamps on vehicles without permanent top or sides and one to illustrate mounting on sleeper cabs.)

3.3122 *Side-marker lamps may be combined with clearance lamps.* Side-marker lamps may be in combination with clearance lamps and may use the same light source.

3.3123 *Combining tail lamps and stop lamps.* Except as required by Rule 3.3119, tail lamps may be incorporated in the same housing with stop lamps so long as the requirements for each are fulfilled.

3.313 *Physical and optical requirements of lighting devices and reflectors.*

3.3131 *Lighting devices to be electric.* Lighting devices shall be electric, except that red liquid-burning lanterns may be used on the end of loads in the nature of poles, pipes, and ladders projecting to the rear of the motor vehicle.

3.3132 *Head lamps and auxiliary road lighting lamps.*

3.31321 *Mounting head lamps and auxiliary road lighting lamps.* Head lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

3.31322 *Number and type of head lamps and auxiliary road lighting lamps required.* Every bus, truck, or truck-tractor shall be equipped with (a) two head lamps with an upper and lower distribution of light selectable at the driver's will, or (b) with two single-beam head lamps supplemented by two auxiliary single beam head lamps furnishing respectively, an upper and lower distribution of light, also selectable at the driver's will.

3.31323 *Aiming and intensity of head lamps.* Head lamps shall be constructed and installed so as to provide adequate and reliable illumination and shall conform to the appropriate specification set forth in the SAE Recommended Practices [1] or SAE Standards [1] for "Electric Headlamps for Motor Vehicles" or "Sealed Beam Headlamp Units for Motor Vehicles."

3.3133 *Clearance, side-marker, and other lamps.*

3.31331 *Mounting clearance, side-marker, and other lamps.* Except for temporary side-marker and clearance lamps on motor vehicles being transported in drive-away operations, temporary electric lamps on projecting loads, and temporary marker lamps on pole trailers, all lamps shall be permanently and securely mounted in workmanlike manner on a permanent part of the motor vehicle. All clearance lamps and side-marker lamps must be firmly attached. Electric lamps shall not be mounted on flexible belting or strapping.

3.31332 *Visibility of clearance, side-marker, tail and projecting load-marker lamps.* Clearance, side-marker, tail and projecting load-marker lamps shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, from rear clearance and tail lamps to the rear of the motor vehicle, and projecting load-marker lamps from those directions required by Rule 3.3118.

3.31333 *Specifications for clearance, side-marker, tail and projecting load-marker lamps.* Clearance, side-marker, tail and projecting load-marker lamps shall be constructed and installed so as to provide an adequate and reliable warning signal. These lamps shall conform to the appropriate requirements set forth in the SAE Recommended Practice [1] for "Clearance, Side-Marker and Identification Lamps," or the SAE Standard [1] for "Tail Lamps" or the Commercial Standard, CS83-41, for "Clearance, Marker, and Identification Lamps for Vehicles" or "Electric Tail Lamps for Vehicles," CS84-41,[2] and projecting load-marker lamps shall conform to the same specifications as clearance and side-marker lamps.

3.31334 *Operation and visibility of stop lamps.* All stop lamps on a motor vehicle or combination of motor vehicles shall be actuated upon application of any of the service brakes except that stop lamps on a towing vehicle need not be actuated when service brakes are applied to the towed vehicle or vehicles only. Stop lamps shall be constructed and installed so as to provide a clear, adequate, and reliable warning signal and shall conform to the requirements set forth, in the SAE Standard [1] for "Stop Lamps" or the Commercial Standard, CS86-41, for "Electric Stop Lamps for Vehicles".[2]

3.31335 *Number of lights limited.* The exterior lighting devices on any motor vehicle, except service vehicles, shall be limited to those required by these regulations plus:

(a) One set of directional signals on the front and one set of directional signals on the rear;

(b) Not over three destinations signs on any bus and not over two identification lamps on a bus having a seating capacity of eight or less persons;

(c) One side-marker lamp located on each side approximately at the center of each truck, semitrailer, full trailer or pole trailer;

(d) Two amber stop lamps on the front of each bus, one at each side;

(e) Two adverse weather lamps on the front;

(f) One spot lamp;

(g) Two backing lamps;

(h) License plate lamps;

(i) One additional stop lamp and one additional tail lamp on the rear of motor vehicles required by these regulations to have only one of such lamps or two stop lamps on the rear of motor vehicles not required to have any stop lamps.

(j) Provided that this rule shall not be construed as to prohibit the presence of additional unlighted lamps.

3.31336 *Color of lighting devices.* The color of exterior lighting devices shall be as follows:

(a) All front clearance lamps, and all side-marker lamps except the one on each side at or near the rear shall when lighted display an amber color.

(b) No red lighting device of any character, shall be mounted at any place other than on the rear or on the sides near the rear.

(c) All rear clearance lamps, the side-marker lamp on each side at or near the rear, and any other lamps mounted on the rear or on the sides near the rear shall display a red color except as permitted by Rule 3.3116, and paragraphs (d), (e), and (f) of this rule.

(d) The stop lamp or lamps on the rear of any motor vehicle shall be red or amber.

(e) A backing lamp or lamps of any color may be mounted on the rear of any motor vehicle if the switch controlling such lamp or lamps be so arranged that it shall be turned off whenever the vehicle on which it is mounted is in any forward gear. The backing lamp or lamps when unlighted shall be covered or otherwise designed or arranged so as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear.

(f) No provision of this rule shall be so construed as to prohibit the use of any white lamp or lamps for the purpose of illuminating license plates or destination signs on busses.

(g) No provision of this rule shall be so construed as to prohibit the use of motor vehicles in combination if such motor vehicles are severally lighted as required by Rules 3.3111 to 3.3116, inclusive.

(h) Wherever reference is made in these regulations to the colors "red", "amber" or "white" the colors omitted shall be as prescribed in the SAE Standard [1] "Color Specification for Electric Lamps".

3.31337 *Lighting devices to be steady-burning.* All exterior lighting devices, except directional signals on any vehicle and warning lamps on emergency and service vehicles shall be of the steady-burning type.

3.3134 *Reflectors.*

3.31341 *Mounting of reflectors.* Reflectors required by these regulations shall be mounted upon the motor vehicle at a height of not less than 24 inches ground on which the motor vehicle stand nor more than 60 inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor

[1] Wherever reference is made in these regulations to SAE Standards or SAE Recommended Practice, they shall be as found in the 1950 edition of the "SAE Hand Book" published by the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.

[2] Wherever reference is made in these regulations to Commercial Standards, they shall be as found in Commercial Standards, effective January 1, 1941, and revised September 15, 1941, as published by the United States Government Printing Office.

vehicles which are so constructed as to make compliance with the 24 inch requirement impractical. Except for temporary reflectors required for vehicles in drive-away operations, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed on flexible strapping or belting providing that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any drive-away operation must be firmly attached.

3.31342 *Visibility of reflectors.* All required reflectors shall be so constructed and installed as to perform their function adequately and reliably. The adequacy and reliability shall be determined by whether or not such reflectors conform to the requirements for Class A reflectors contained in the SAE Recommended Practice[1] "Reflex Reflectors".

3.31343 *Color of reflectors.* All reflectors on the rear and those nearest to the rear on the sides, except those referred to in Rule 3.31344, shall reflect a red color; all other reflectors, except those referred to in Rule 3.31344, shall reflect an amber color, provided that this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by Rules 3.3111 to 3.3116, inclusive. Wherever reference is made to the colors "red" or "amber" for reflectors, such colors shall correspond to the requirements in SAE Standard[1] "Color Specification for Electric Lamps".

3.31344 *Retroreflective surfaces.* Retroreflective surfaces may be used provided such surfaces comply with the following requirements:

(a) Designs do not resemble traffic control signs, lights, or devices except that striping of types enumerated in (d) may be used;

(b) Designs do not tend to distort the length and/or width of the motor vehicle;

(c) No part of any such surface is closer than three inches from any required lamp or reflector unless of the same color as such adjacent lump or reflector;

(d) Designs on the rear of a motor vehicle shall be limited to:

(1) Lettering or numbering with or without retroreflective background and/or

(2) Single or two-colored straight-edged striping, and/or

(3) An additional area all of which shall be of a single color,

(4) The designs permitted by (2) and (3) shall be so located as to indicate substantially the over-all width of the vehicle;

(e) Green or amber shall not be used on the rear nor red on the front of a motor vehicle;

(f) No provision of this rule shall be so construed as to prohibit the use of retroreflective license plates required by State or local authorities.

3.314 *Requirements for electrical system.*

3.3141 *Electrical conductivity of wiring.* Wiring for both low tension and high tension circuits shall be constructed and installed so as to function reliably and adequately and shall conform with the appropriate requirements in the SAE Standards[1] for "Insulated Cable", and the SAE Recommended Practice for[1] "Automobile Wiring". Required lamps shall be connected to the source of power with stranded wire having an electrical conductivity not less than that of SAE wire size No. 16 copper wire: *Provided,* That if the use of such wire results in a voltage drop of over 10 percent between the source of power and the point of use then stranded wire of such higher conductivity as may be necessary to limit the voltage drop to 10 percent or less shall be used. This shall not be so construed as to prohibit the use of the frame or other metal parts of a motor vehicle as a return ground system provided that for truck-tractor-semitrailer combinations, the truck-tractor is electrically bonded to the semitrailer.

3.3142 *Requirements for insulation, supports, and grommets for wiring.* Wiring shall, when possible, be grouped together and protected by nonmetallic tape, braid, or other covering capable of withstanding severe abrasion or shall be protected by being enclosed in a metallic sheath or tube. Wiring shall be properly supported. Wiring shall not be so located as to be likely to be charred, overheated, or enmeshed in moving parts. Insofar as is practicable, wiring shall not be adjacent to any part of the fuel system. The edges of all holes in metal through which the wiring passes, unless the wiring is metal-covered, shall be rolled or bushed with a rubber (or a suitable substitute) grommet.

3.3143 *Grounding.* Ground connections shall be readily accessible. The contact surfaces of electrical connections shall be clean and free of oxide, paint, or other nonconductive coating.

3.3144 *Battery installation.* Every storage battery shall be either enclosed or covered by a removable enclosure or cover or by a fixed part of the motor vehicle. Removable enclosures or covers shall be substantial and shall be securely latched or fastened. The storage battery compartment and adjacent metal parts shall be painted or coated with an acid-resisting paint or coating and shall have openings to provide ample battery ventilation and drainage. Wherever the cable to the starting motor passes through a metal compartment, the cable shall be protected against grounding by an acid and waterproof insulated bushing. Wherever a battery and a fuel tank are both placed under the driver's seat, they shall be partitioned from each other, and each compartment shall be provided with an independent cover, ventilation, and drainage.

3.3145 *Overload protective devices.* The current to all low tension circuits, except starting motor and primary ignition circuits, shall pass through overload protective devices. The protective devices for electric circuits on every motor vehicle manufactured on or after ----------, except busses having a seating capacity of eight or less persons or motor vehicles being transported in drive-away operations, shall be so arranged that the head lamp circuit or circuits shall not be affected by a short circuit or other electrical difficulties in any of the other lighting circuits on the motor vehicle.

3.3146 *Detachable electrical connections.* Electrical wiring between towing and towed vehicles shall be contained in a cable or cables mechanically and electrically adequate and free of short or open circuits. Suitable provision shall be made in every such detachable connection to afford reasonable assurance against accidental disconnection or connection in an incorrect manner. Detachable connections made by twisting together wires from the towed and towing units are prohibited. Precaution shall be taken to provide sufficient slack in the connecting wire or cable to accommodate without damage all normal motions of the parts to which they are attached.

3.3147 *Wiring to be properly installed.* Electrical wiring shall be systematically arranged and installed in a workmanlike manner. All detachable wiring shall be attached to posts or terminals by means of suitable cable terminals and such cable terminals shall conform to the SAE Standard[1] for "Cable Terminals". The number of wires attached to any post shall be limited to the number such post was designed to accommodate. The presence of bare, loose, dangling, chafing, or poorly connected wires is prohibited.

3.32 Brakes.

3.321 *Adequacy of brakes.* Every bus, truck, and truck-tractor, except as provided in Rule 3.323 (b), shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle or combination of vehicles of which it may be a part. Two separate means of brake application shall be provided. One such braking means shall be a mechanical parking brake which shall employ a ratchet and pawl or other suitable locking and releasing mechanism. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without brakes adequate to stop and to hold such vehicle.

3.322 *Parking brakes.* Every bus, truck, or truck-tractor shall be equipped with parking brakes adequate under any condition of loading to hold such vehicle or combination of vehicles to which such motor vehicle may be attached on any grade on which said vehicle or combination of vehicle is to be operated. The operating controls of such parking brakes shall be independent of the operating controls of the service brakes.

3.323 *Brakes required on all wheels.* Every motor vehicle shall be equipped with brakes on all wheels, except:

(a) Any full trailer, semitrailer, or pole trailer of a gross weight not exceeding 3,000 pounds: *Provided,* That the gross weight of any such full trailer or pole trailer, no part of the load of which rests upon the towing vehicle, shall not exceed 40 percent of the gross weight of the towing vehicle and that the gross weight of any such semitrailer or pole trailer part of the load of which rests upon the towing vehicle, shall not exceed 40 percent of the gross weight of the towing vehicle when connected to such semitrailer or pole trailer;

(b) Any vehicle being towed in a drive-away operation, provided the combination of vehicles is capable of complying with the performance requirements of Rule 3.329; only such brakes on the vehicle or vehicles being towed in drive-away operations need be operative as may be necessary to insure compliance with the performance requirements of Rule 3.329; and

(c) Trucks and truck-tractors having three or more axles which motor vehicles need not have brakes on the front wheels. (This exemption shall be in effect pending the results of tests to determine the relative safety of operation with and without front wheel brakes.)

(Diagrams to illustrate brake requirements for light trailers.)

3.324 *Automatic application of brakes.*

3.3241 *Automatic application of brakes upon breakaway of trailer.* Every full trailer, semitrailer, and pole trailer required to be equipped with brakes, except motor vehicles with hydraulic brakes engaged in driveaway operations, shall be equipped with brakes of such a character as to be automatically applied upon breakaway from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such case for at least 15 minutes. Every truck or truck-tractor manufactured after ----------, shall be provided with means for providing that in case of breakaway of the semitrailer, the service brakes on the towing vehicle will be sufficiently operative to stop the towing vehicle.

3.3242 *Protection for front brake lines.* On every bus manufactured after ----------, the braking system, if equipped with air brakes, shall be so constructed that in the event any brake line forward of the driver's seat or any line to any of the front wheels is broken, the air supply to any such line can be shut off, by either automatic or manual means. In addition, means shall also be provided in the event of such breakage to enable the driver to apply the brakes on the rear wheels. The means used to apply the brakes on the rear wheels shall be adjacent to but neither forward nor to the left of the driver's seat.

3.325 *Brake tubing and hose.*

3.3251 *Adequacy of brake tubing and hose.* Brake tubing and brake hose shall be:

(a) Designed and constructed of proper material and so installed as to insure proper continued functioning;

(b) Sufficiently long and flexible as to accommodate without damage all normal motions of the parts to which they are attached;

(c) Suitably secured against chafing, kinking, or other mechanical injury; and

(d) Brake hose shall be so constructed as to insure adequate and reliable functioning and shall conform to the appropriate specification set forth in the SAE Standards[1] for "Hydraulic Brake Hose," "Air Brake Hose" or "Vacuum Brake Hose."

3.3252 *Construction of connections for brake tubing and hose.* All connections for air, vacuum, or hydraulic braking systems shall be:

(a) Adequate in material and construction to insure proper continued functioning;

(b) Designed, constructed, and installed as to insure, when properly connected, an attachment free of leaks, constrictions or other defects;

(c) Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection; and

(d) The vacuum brake engine manifold connection shall be at least a 3/8 inch diameter hole.

3.326 *Brake lining.* The brake lining on every motor vehicle manufactured after ---------- and all replacement brake lining on all motor vehicles shall be adequate for the service in which it is used and shall conform to the requirements of Federal Specification HH-L361A (September 1941), except that the use of different types of testing machines and methods is permitted to determine compliance with this specification if the results are comparable to those arrived at by the procedures contained in the specification.

3.327 *Brake operations.*

3.3271 *Brakes to be operative at all times.* All brakes with which motor vehicles are equipped shall be operative at all times except:

(a) As provided in Rule 3.323 (b):

(b) And except brakes on disabled vehicles being towed; but means may be used for reducing the braking effort on the front wheels of the power unit of a combination of motor vehicles or of removing or reducing the braking effort on the front wheels of a three axle truck or truck-tractor provided that such means for reducing or removing the braking effort shall be used only when operating under adverse road conditions such as wet, snowy, or icy roads.

NOTE: Permission to shut off entirely front wheel brakes on three axle trucks and truck-tractors when operating under adverse weather conditions shall be in effect pending the results of tests to determine the relative safety of operation with and without front wheel brakes.

3.3272 *Single valve to operate all brakes.* Every motor vehicle manufactured after ----------, which is equipped with power brakes, shall have the braking system so arranged with one application valve shall operate all the service brakes on the motor vehicle or combination of motor vehicles; this shall not prohibit motor vehicles from being equipped with an additional valve to be used to operate the brakes on a trailer or trailers. This rule shall not be applicable to drive-away operations unless the brakes on such drive-away operations are designed to be operated by a single valve.

3.328 *Reservoirs and warning devices.*

3.3281 *Reservoirs required on busses, trucks, and truck-tractors.* Every bus, truck, and truck-tractor manufactured after ----------, which is equipped with an air or vacuum brake system, shall be equipped with a reservoir or reservoirs of sufficient capacity to insure a brake application sufficient to stop the vehicle within the stopping distance requirements of Rule 3.329 in the event the engine stops. No such reservoir shall be required if the braking system is so designed and installed as to provide for application of the service brakes through hydraulic or mechanical means in event of failure of the air or vacuum system or source of supply of such systems.

3.3282 *Warning devices.* Every motor vehicle manufactured after ----------, which is required by Rule 3.3231 to be equipped with a reservoir, shall be provided with either an audible or visible warning signal to indicate readily to the driver any loss or lack of air or vacuum sufficient to prevent the vehicle from being stopped. A gage indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

3.329 *Brake performance.* Every motor vehicle or combination of motor vehicles shall, upon application of the service brakes, be capable, at all times and under all conditions of loading, of being brought to a stop within a braking distance of 30 feet from a speed of 20 miles per hour when tested on a dry, smooth, level road free from loose material. The braking distance shall be measured by means of an instrument or machine of the decelerometer type capable of being read in feet to stop from 20 miles per hour.

3.33 *Glazing and window construction.* Glazing and window construction shall comply with the requirements of Specification 3.33 contained in the appendix to these regulations.

3.34 *Miscellaneous parts and accessories.*

3.3401 *Windshield wiper.* Every truck, bus, truck-tractor, and every single motor vehicle and the towing motor vehicle of every combination of motor vehicles engaged in drive-away operations, having a windshield, shall be equipped with at least two automatically-operating windshield wiper blades, one on each side of the center line of the windshield, for cleaning rain, snow, or other moisture from the windshield and which shall be in such condition as to provide clear vision for the driver.

Every truck, truck-tractor, and bus, except buses having a seating capacity of eight or less persons, manufactured after ----------, which depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers will not be adversely affected by change in the intake manifold pressure.

3.3402 *Defrosting device.* Every truck, bus, truck-tractor, and every single motor vehicle and the towing motor vehicle of every combination of motor vehicles engaged in drive-away operations having a windshield, when operating under conditions such that ice, snow, or frost would be likely to collect

[1] See footnote 1 on p. 31.

[1] See footnote 1 on p. 31.

on the outside of the windshield or condensation on the inside of the windshield, shall be equipped with a device or other means for preventing or removing such obstructions to the driver's view. No manually operated device shall be deemed to meet the requirements of this rule.

3.3403 *Rear-vision mirrors.* Every truck, truck-tractor, bus, and the towing motor vehicle of every combination of motor vehicles engaged in drive-away operations, shall be equipped with two rear-vision mirrors, one at each side firmly attached to the outside of the motor vehicle and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle, provided that only such mirror shall be required at the driver's side of trucks which are so constructed that the driver has a view to the rear by means of an interior mirror.

3.3404 *Horn.* Every truck, bus, truck-tractor, and every single motor vehicle and the towing motor vehicle of every combination of motor vehicles engaged in drive-away operations shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

3.3405 *Fuel containers for propulsion of motor vehicles.*

3.34051 *Fuel container not to project.* No part of any fuel tank or container or intake pipe shall project beyond the overall width of any motor vehicle upon which it is mounted nor shall any part of any fuel tank be located forward of the front axle of the power unit upon which it is located.

3.34052 *Location of fuel container on bus.* No part of any fuel tank or container or intake pipe shall be located within or above the passenger-carrying portion of any bus unless securely sealed off from such compartment by means of a substantial metal cover. Every bus manufactured after _____, except busses having a seating capacity of eight or less persons, shall have the intake pipe located more than three feet from any passenger door or emergency exit door unless such fuel tank is so designed as to prevent spillage from the intake pipe in the event of overturn.

3.34053 *Gravity or siphon feed prohibited.* No fuel tank on a motor vehicle shall be so located as to permit gravity or syphon feed.

3.34054 *Selector valves.* The fuel feed line on any truck or truck-tractor shall be arranged so as not to draw fuel from two or more tanks simultaneously. A selector valve shall be furnished when more than one tank is used. The selector control valve shall be installed so that either (a) it is in normal reach of the driver so that he can readily operate it without taking his eyes from the road or moving from his customary driving position, or (b) the driver must stop the vehicle and leave his seat in order to operate the valve.

3.34055 *Liquid fuel containers.* Every liquid fuel tank or container containing fuel for the propulsion of the motor vehicle shall be of substantial construction, free from leaks, and securely attached to the motor vehicle in a manner which constitutes good practices.

Side-mounted gasoline tanks on any motor vehicle manufactured after _____, and any replacement side-mounted gasoline tank, shall comply with Specification 3.34055 contained in the appendix to these regulations.

Every gasoline fuel tank except side-mounted gasoline tanks, on any truck or truck-tractor manufactured after _____, and any replacement gasoline tank for such vehicles except side-mounted gasoline tanks, shall comply with all the provisions of Specification 3.34055 contained in the appendix to these regulations except paragraphs 2.0, 3.0, and 5.01 thereof.

3.34056 *Liquefied petroleum gas fuel system.* Every motor vehicle utilizing liquefied petroleum gas for its propulsion shall be equipped with a fuel system which complies with Part IV of the January 1947 edition of the "Standards of the National Board of Fire Underwriters for the Design, Installation and Construction of Containers and Pertinent Equipment for the Storage and Handling of Liquefied Petroleum Gasses" as prepared by the Committee on Gases of the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass.

3.3406 *Coupling devices and methods of towing.*

3.34061 *Coupling devices, except for drive-away operations.*

3.340611 *Mounting of fifth wheel.* The lower half of every fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame thereof by U-bolts of adequate size, securely tightened, or by other means providing at least equivalent security. Such U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided positively to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached.

3.340612 *Securing of fifth wheel parts.* The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly.

3.340613 *Adequate locking of fifth wheel.* Locking means shall be provided in every fifth wheel mechanism, including adapters when used, so that the upper and lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle manufactured after _____.

3.340614 *Tow-bar.* Every full trailer shall be equipped with a tow-bar and means of attaching the tow-bar to the towing and towed units which shall be structurally adequate for any weight drawn, properly and securely mounted, without excessive slack but with sufficient play to allow for universal action of the connection, and provided with a suitable locking means to prevent accidental separation of the towed and towing motor vehicles. The mounting of the trailer hitched (pintle-eye or equivalent mechanism) on the towing motor vehicle shall include sufficient reinforcement or bracing of the frame to provide sufficient strength and rigidity and to prevent undue distortion of the frame.

3.340615 *Tracking.* Coupling devices shall be so designed, constructed, and installed, and the vehicles in the combination shall be so designed and constructed, as to insure that any motor vehicle or motor vehicles being towed will follow in the path of the towing vehicle without shifting or swerving from side to side over three inches to each side of the path of the towing vehicle when it is moving in a straight line.

3.340616 *Safety chains.* Every full trailer shall be coupled with a safety chain or chains (stay chains or cables) to the motor vehicle by which it is to be towed. No more slack shall be left in safety chains or cables than shall be necessary to permit proper turning. Chains or cables shall be so connected to the towed and towing vehicle and to the tow-bar as to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. The means of attachment to both the towing and towed vehicles shall be capable of developing the full capacity of the safety chains or cables. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the full trailer being towed. Every full trailer and every dolly used to convert a semi-trailer to a full trailer manufactured after _____ shall be equipped with a chain or cable which is approximately in line with the center line of the tow-bar.

(Diagram of required safety chain on new vehicles.)

3.340617 *Location of lower half of fifth wheel.* The lower half of every fifth wheel shall be so located that, for any condition of loading, the relationship of position of king pin to the rear axle or axles of the towing motor vehicle results in proper distribution of the total gross weight of the motor vehicles to the axles and does not unduly interfere with the steering, braking, or maneuvering of the towing motor vehicle, or otherwise contribute to unsafe operation of the motor vehicles comprising the combination.

3.340618 *Location of upper half of fifth wheel.* The upper half of every fifth wheel shall be so located as to accomplish proper distribution of weight to the axles and safe movement of the combination of motor vehicles in all turning maneuvers.

*3.34062 *Coupling devices and methods of towing, drive-away operations.*

*3.340621 *Number of drive-away vehicles in combination.* No more than two vehicles in combination shall be towed by saddle-mounts. No more than one motor vehicle shall be towed by tow-bar.

*3.340622 *Carrying vehicles on towing vehicle.* When adequately and securely attached by means equivalent in security to that provided in paragraph 2.22 of Specification 3.34062, a motor vehicle or motor vehicles may be full-mounted on the structure of a towing vehicle engaged in any drive-away operation.

*3.340623 *Carrying vehicles on towed vehicles.* No full-mounted motor vehicle shall be towed by a tow-bar. No motor vehicle shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king pin or equivalent means of attachment of such towed vehicle is located forward of the center line of the rear axle of the towing vehicle; and unless a perpendicular to the ground from the center of gravity of the full-mounted vehicle lies forward of the center line of the rear axle of the saddle-mounted vehicle. No motor vehicle shall be full-mounted on either of the vehicles being towed by means of a double saddle-mount.

*3.340624 *Bumper tow-bars on heavy vehicles prohibited.* Tow-bars of the type which depend upon the bumpers as a means of transmitting forces between the vehicles shall not be used to tow a motor vehicle weighing more than 5,000 pounds.

*3.340625 *Front wheels of saddle-mounted vehicles restrained.* A motor vehicle towed by means of a saddle-mount shall have the motion of the front wheels restrained if under any condition of turning of such wheels they will project beyond the widest part of either the towed or towing vehicle.

*3.340626 *Vehicles to be towed in forward position.* Unless the steering mechanism is adequately locked in a straight-forward position, all motor vehicles towed by means of a saddle-mount shall be towed with the front end mounted on the towing vehicle.

*3.340627 *Tow-bar and fifth wheel requirements for drive-away operations.* No motor vehicle shall be towed in drive-away operations by means other than a tow-bar or saddle-mount connection which shall meet the requirements of Specification 3.34062 contained in the appendix to these regulations. For the purposes of these rules, coupling devices such as those used for towing house trailers and employing ball and socket connections shall be considered as tow-bars.

3.3407 *Tires.* No motor vehicle shall be operated without tires of adequate capacity to support its gross weight. The adequacy shall be determined in the following manner. The gross weight of any motor vehicle or combination of motor vehicles divided by the rated capacity of the tires on the motor vehicle as given in appendix 3.3407 shall not exceed 125 percent.

No motor vehicle shall operate on tires which have been worn so smooth as to expose any tread fabric or which have any other defect as would be likely to cause failure. No bus shall operate on tires which have their tread configurations worn smooth or with recapped or retreaded tires on the front wheels.

3.3408 *Drive shaft protection for busses.* Any drive shaft extending lengthways under the floor of the passenger compartment of a bus, except busses having a seating capacity of eight or less persons, shall be protected by means of at least one guard or bracket at that end of the shaft which is provided with a sliding connection (spline or other such device) to prevent the whipping of the shaft in the event of failure thereof or of any of its component parts. A shaft contained within a torque tube shall not require any such device.

3.3409 *Speedometer.* Every bus, truck, and truck-tractor shall be equipped with one speedometer or tachometer which shall be operative with reasonable accuracy.

3.3410 *Wheel flaps.* Every bus, truck, full trailer, semitrailer, and pole trailer manufactured after _____, and every bus, truck, semitrailer, full trailer, and pole trailer after _____, shall be equipped with suitable metal protectors or substantial flexible flaps on the rear-most wheels to prevent, as far as practicable, such wheels from throwing dirt, water, or other materials on the windshields of following vehicles: such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading of the motor vehicle, shall be at least as wide as the tires they are protecting; provided, however, that if the motor vehicle is so designed and constructed that the above requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps shall be required; and further provided that rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.

3.3411 *Location of exhaust system.* No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle. The exhaust system of every bus shall discharge to the atmosphere at or within six inches forward of the rear-most part of the bus. The exhaust system of every truck and truck-tractor shall discharge to the atmosphere at a location to the rear of the cab or if the exhaust projects above the cab, at a location near the rear.

3.3412 *Standee line or bar.* Every bus, which is designed and constructed so as to allow standees, shall be equipped or plainly marked with a means for preventing passengers or indicating to passengers that they are prohibited from standing forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. In addition, every such bus shall have clearly posted at or near the front, a sign stating that it is a violation of the Interstate Commerce Commission's regulations to occupy the prohibited area. This rule shall not apply to any story of the bus other than the story in which the driver is located.

3.3413 *Passenger seats not to interfere with driver.* Any bus may have seats for passengers located in the prohibited area specified by Rule 3.3412 provided such seats are so located that passengers sitting therein will not obstruct the driver's vision or interfere with his operation of the bus.

3.3414 *Aisle seats prohibited.* No bus, except busses having a seating capacity of eight or less persons, shall be equipped with aisle or jump seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when no one is occupying the seat. No bus shall be operated if any seat therein is not securely fastened to the vehicle.

3.3415 *Floors.* The flooring in all motor vehicles shall be substantially constructed, free of holes, openings, or cracks such as would permit entrance of fumes, exhaust gases, or fire, shall not be permeated with oil or gasoline, and shall have the interior surface in good condition.

3.3416 *Sleeper berths.* Every sleeper berth shall comply with the applicable provisions of Specification 3.3416 contained in the appendix to these regulations.

3.3417 *Heaters.* After January 27, 1945, for busses, and on or after _____, for every other motor vehicle, every heater shall comply with Specification 3.3417 contained in the appendix to these regulations. Hoses for all hot water heaters shall be specifically designed and constructed for that purpose.

3.3418 *Protection against shifting cargo.* Every motor vehicle carrying cargo such as beams, poles, pipes, and heavy rolls, the nature of which is such that the shifting thereof due to rapid deceleration or accident would be likely to result in penetration or crushing of the driver's compartment must, in addition to having the load securely fastened, be provided with head-boards or similar devices of sufficient strength to prevent such shifting and penetration. All motor vehicles shall be so constructed or be equipped with adequate cargo fastening devices so that the load will not penetrate the cargo department wall when subjected to the maximum braking deceleration of which the vehicle is capable.

3.3419 *Rear bumpers.* Every motor vehicle, except truck-tractors, pole trailers, and vehicles engaged in drive-away operations, manufactured after _____, which is so constructed that the body or chassis, if without a body, has a clearance at the rear end of more than 30 inches from the ground when empty, shall be provided with bumpers or similar devices which shall be so constructed and located that (a) the clearance between the bottom of the bumpers and the ground shall not exceed 30 inches with the vehicle empty; (b) the maximum distance between the closest points between bumpers, if more than one bumper is used, shall not exceed 24 inches; (c) the maximum distance from the outside edge of any bumper and the outside rear edge of the body or chassis if without a body shall not exceed 18 inches; (d) the bumpers shall not be located over 24 inches forward of the extreme rear of the vehicle; and (e) the bumpers shall be substantially constructed and firmly attached. Motor vehicles so constructed that the body, chassis or other parts of the vehicle comply with the above requirements

shall be deemed to be in compliance with this rule.

3.3420 *Flags on projecting loads.* Any motor vehicle having a load which extends beyond the sides or more than four feet beyond the rear shall have the extremities of the load marked with a red flag, not less than 12 inches square, at each point where a light is required by Rule 3.3118.

3.3421 *Television receivers.* Any motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast shall have the viewer or screen located in the motor vehicle at a point to the rear of the back of the driver's seat if such viewer or screen is in the same compartment as the driver and the viewer or screen shall be so located as not to be visible to the driver while he is driving the motor vehicle. The operating controls for the television receiver shall be so located that the driver cannot operate them without leaving the driver's seat.

3.3422 *Emergency doors on busses to be marked.* Any bus equipped with an emergency door shall have such door clearly marked in letters at least one inch in height with the words "Emergency Door" or "Emergency Exit." Emergency doors shall also be identified by a red electric lamp readily visible to passengers which lamp shall be kept lit at all times when lamps are required to be lit by Rule 2.25 of these regulations.

3.35 *Emergency parts and accessories.*

3.351 *On all power units.* On every bus, truck, truck-tractor and every single motor vehicle or the towing vehicle of every combination of motor vehicles engaged in drive-away operation, there shall be:

(a) At least one fire extinguisher, labeled with Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago 11, Ill., approval under Classification B, and utilizing an extinguishing agent which does not need protection from freezing, properly filled, and securely mounted in a bracket. (Minimum size: Two-quart carbon tetrachloride type, four-pound carbon dioxide type, four-pound dry gas type or extinguishers of other approved types having extinguishing capacity equivalent to any of these types of extinguishers. If desired, two extinguishers may be carried to obtain the required capacity.) This requirement shall not apply to any bus having a seating capacity of eight or less persons or any drive-away operation.

(b) At least one spare electric bulb for each kind of electric lamp used for any of the lighting devices required by these regulations. When sealed-beam head lamps are used, a spare "sealed-beam" headlamp shall be required.

(c) At least one spare fuse or other overload protective device, if the devices used are not of a reset type, for each kind and size used for any electrical circuit.

(d) One set of tire chains for at least one driving wheel on each side, during the time when likely to encounter conditions requiring them.

(e) Three flares (liquid-burning pot torches) or three electric lanterns or three red emergency reflectors. Flares (pot torches) shall be adequate and reliable and shall comply with the requirements contained in Commercial Standard C888–41 "Liquid-Burning Flares," effective January 1, 1941.

Electric lanterns shall be adequate and reliable and shall comply with the requirements contained in the SAE Recommended Practice[1] "Electric Emergency Lanterns" or Commercial Standard CS87–41 "Red Electric Warning Lanterns."

Each red emergency reflector shall conform in all respects to the requirements of specification 3.351 (g) contained in the appendix to these regulations.

(f) At least three fusees (only if carrier elects to carry and use flares (pot torches) as warning signals) with standards adequate to maintain the fusees in an upright position under service conditions. Each fusee shall be adequate and reliable, shall comply with the specifications of the Bureau of Explosives, 30 Vesey Street, New York, N. Y., dated _____, and be so marked, and shall be capable of burning at least 15 minutes.

NOTE: Flares (pot torches), fusees, oil lanterns, or any signal produced by a flame, shall not be carried or used as warning signals for motor vehicles used in the transportation of explosives, inflammable liquids or inflammable compressed gases in cargo tanks, or in any motor vehicle using inflammable compressed gases as a motor fuel; but in lieu of such flares and fusees, three electric lanterns or three red emergency reflectors shall be carried.

(g) At least two red cloth flags, not less than 12 inches square, with standards adequate to maintain the flags in an upright position.

(h) Hand tools adequate to effect replacement of lights and fuses.

(i) The fusees, overload protective devices, bulbs, and "sealed-beam" head lamps contained in the towed vehicle of combinations of motor vehicle engaged in drive-away operations, if suitable as replacement parts, are deemed to fulfill the requirements of (b) and (c) above.

3.352 *Additional requirements for busses except busses engaged in drive-away operations.* On every bus there shall be:

(a) All items listed under Rule 3.351, and in addition:

(b) One first-aid kit, heavy duty 10-unit or larger type, complying with specification 3.352 (b) contained in the appendix to these regulations.

(c) One hand ax, except for busses having a seating capacity of eight or less persons.

APPENDIX 3.33—GLAZING AND WINDOW CONSTRUCTION SPECIFICATION

1.0 *Glazing in specified openings.* Whenever glazine is used in the windshield, window, door, or any other glazed opening into a bus, truck, or truck-tractor, it shall be glazing which shall conform to the requirements contained in the "American Standard Safety Code for Safety Glass for Glazing Motor Vehicles Operating on Land Highways, Z26.1 1950," by the American Standards Association.

[1] See footnote 1 on p. 31.

1.1 *Window construction.*

1.11 *Windows in trucks and truck-tractors.* Every truck and truck-tractor shall have, in addition to the area provided by the windshield, at least one window on each side of the driver's compartment which windows shall have sufficient area to contain either an ellipse having a major axis of 18 inches and a minor axis of 13 inches, or an opening containing 200 square inches formed by a rectangle 13 inches by 17¾ inches with corner arcs of six inch maximum radius. The major axis of the ellipse and the long axis of the rectangle shall not make an angle of more than 45 degrees with the surface on which the unladen vehicle stands: however, if the cab is designed with a folding door or doors or with clear openings where doors or windows are customarily located, then no windows shall be required in such locations. If the windows are not of the push-out type, the glazed area shall contain the ellipse or rectangle; if of the push-out type, the area of the opening after the movable sash has been removed shall contain the ellipse or rectangle. No area shall be included in this minimum prescribed area unless it is either glazed with laminated safety glass or complies with paragraph 1.13 of this specification.

1.12 *Window in busses.* Every bus, except busses having a seating capacity of eight or less persons shall have, in addition to the area provided by the windshield, for each seated passenger space provided, inclusive of the drive: (a) at least 67 square inches of glazing if such glazing is not contained in a push-out window; or (b) at least 67 square inches of free opening resulting from opening of a push-out type window. No area shall be included in this minimum prescribed area unless: (a) it will provide an open area sufficient to contain an ellipse having a major axis of 18 inches and a minor axis of 13 inches or an opening containing 200 square inches formed by a rectangle 13 inches by 17¾ inches with corner arcs of six inch maximum radius. The major axis of the ellipse and the long axis of the rectangle shall make an angle of not more than 45 degrees with the surface on which the unladen vehicle stands. The area shall be measured either by removal of the glazing if not of the push-out type or of the movable sash if of the push-out type, and it shall be either glazed with laminated safety glass or comply with paragraph 1.13 of this specification.

No less than 40 percent of such prescribed glazing or opening shall be on one side of any bus.

1.13 *Push-out window requirements.* Every glazed opening in a truck, truck-tractor, or bus, except busses having a seating capacity of eight or less persons, used to satisfy the requirements of paragraphs 1.11 and 1.12 above, if not glazed with laminated safety glass, shall have a frame or sash so designed, constructed, and maintained that it will yield outwardly to provide the required free opening when subjected to the drop test specified in Test 25 of the above Code. The height of drop required to open such push-out windows shall not exceed the height of drop required to break the glass in the same window when glazed with the type of laminated glass specified in Test 25 of the Code. The sash for such windows shall be constructed of such material and be of such design and construction as to be continuously capable of complying with the above requirement. Such windows shall not be secured by latches, locks, or similar fastening devices, if such devices, when fastened, will require a greater effort to push-out the window than is above required.

1.14 *Window obstructions.* Windows, if otherwise capable of complying with paragraphs 1.11 and 1.12 of this specification shall not be obstructed by bars or other such

means located either inside or outside such windows such as would hinder the escape of occupants unless such bars or other such means are so constructed as to provide a clear opening, at least equal to the opening provided by the window to which it is adjacent, when subjected to the same test specified in paragraph 1.13 above. The point of application of such force shall be such as will be most likely to result in the removal of the obstruction.

1.2 *Marking windows.* Each push-out window in a bus, except buses having a seating capacity of eight or less persons, shall be identified as such by clearly legible and visible signs, lettering or decalcomania. Such marking shall include appropriate wording to indicate that it is a push-out window and also the method to be used for obtaining emergency exit. Any window as large as the required size specified in paragraph 1.12 which is not equipped with either laminated safety glass or as a push-out window shall be clearly marked to so indicate and shall also be marked to indicate the nearest window which does comply with the requirements of paragraph 1.13.

APPENDIX 3.34055—GASOLINE FUEL TANKS SPECIFICATION

1.0 *Construction of fuel tank.*

1.01 *Material to be suitable.* Material used in the construction of the tank and its fittings shall be suitable for the purpose intended.

1.02 *Construction of joints.* Joints shall be closed only by arc, gas, seam, or spot welding, brazing, or silver soldering.

1.03 *Provision for fittings.* The tank shall be provided with suitable flanges or spuds for the assembly of all fittings.

1.04 *Threads.* Threads on all fittings shall be American (National) Standard Taper Pipe Thread or SAE Standard Short Dryseal Taper Pipe Thread except that this requirement shall not be applied to the fill-pipe cap. There shall not be less than four full threads in engagement in any fitting.

1.05 *Drains and bottom fittings.* Drains and other bottom fittings shall not extend more than ¾ inch below the lowest part of the tank and shall be designed or guarded to minimize their being torn loose. All drain fittings shall be so designed and located as to permit complete drainage. The drain shall be located in a suitable flange or spud equipped with a suitable pipe plug at least ¾ inch in diameter.

1.06. *Fuel discharge line.* The fitting through which the fuel is drawn from the tank shall be located above the normal full line of the tank.

1.07 *Excess flow valve.* When pressure devices are used to force fuel from the tank, means shall be provided to prevent the continued flow of fuel in the event the fuel feed line is broken.

1.08 *Fill-pipe design.* The fill-pipe shall be designed and located so as to minimize the probability of its being torn loose in the event of an accident. The fill-pipe and its vents shall be so designed and constructed as to permit filling at a rate of 20 gallons per minute without spillage.

1.09 *Air vent.* Every fuel tank shall be equipped with an air vent of a non-spill type (ball check or equivalent). The air vent may be mounted separately or combined with the filler cap or safety vent.

1.10 *Fusible safety vents.* The fuel tank shall be provided with a fusible safety vent or vents which shall be so designed as to limit the pressure rise in the tank under any fire condition to a maximum of 50 pounds per square inch gage. The vent area shall be sufficient to prevent a rise in pressure in the tank of more than 10 percent of the release pressure of the safety vent or vents when the tank is subjected to a fire of any magnitude. If but one fusible safety vent is provided, it shall be located in the top of the tank; if more than one fusible safety vent is provided at least one shall be in the top of the tank.

2.0 *Tank capacity.* The liquid capacity of the tank shall be marked or provided with other means to indicate that it shall not be filled to over 95 percent of its total volume.

3.0 *Tank markings.* Each tank shall be marked to identify its manufacturer and to indicate the approximate date of manufacture by lot number or otherwise.

4.0 *Fuel tank installation.*

4.01 *General requirement.* The fuel tank shall be mounted in accordance with the best commercial practice.

4.02 *Location of fill-pipe.* The fill-pipe shall be outside the cab or body and must be so located as to minimize the likelihood of spillage of fuel during the filling process on the exhaust system or battery.

5.0 *Tests.*

5.01 *Drop tests.* (a) The tank when filled with water equal in weight to that of its fuel capacity shall withstand without leakage a drop of 30 feet falling so as to strike squarely on one corner on concrete or equivalent surface which shall not rupture under the impact. The fill-pipe and cap, fuel gage sending device, and the air intake and safety vents shall not leak more than 1 ounce of water per minute as a result of this test.

(b) The tank when filled with water equal in weight to that of its fuel capacity shall withstand without leakage a drop of 10 feet falling so as to strike squarely on the fill-pipe on concrete or equivalent surface which shall not rupture under the impact. The fill-pipe or cap shall not leak more than 1 ounce of water per minute as a result of this test.

5.02 *Safety vent test.* The safety vent, or vents, shall limit the rise in internal pressure in the tank to a maximum of 50 lbs. per square inch gage when the tank is subjected to the following conditions:

(a) Tank filled to ¾ of rated capacity with standard fuel and placed in inverted position with the fuel feed outlet connection plugged;

(b) An enveloping flame applied to the tank with sufficient intensity to produce an internal fuel temperature rise of 6 to 8 degrees F. per minute starting from a fuel temperature of 50 to 80 degrees F.

5.03 *Leakage under fire.* The tank, fill-pipe, fuel gage, air-intake vent, nor any other opening except blown fusible plugs shall not leak more than 1 ounce of fuel per minute as a result of the test prescribed in paragraph 5.02 of this specification.

5.04 *Rupture test.* The tank and all appurtenances including the fill-pipe, cap, fuel gage, and air intake vent shall withstand without rupture an internal hydrostatic pressure of 150 percent of the maximum at which the safety vent releases in the test prescribed in paragraph 5.02.

5.05 *Spillage test.* At ordinary room temperature the tank when filled to capacity with its normal fuel and turned through an angle of 150 degrees from its normal position, with outlet pipe plugged, shall not spill or leak fuel at a rate greater than 1 ounce per minute. The fill-pipe, cap, fuel gage outlet, air intake vent, safety vent and any other openings shall withstand this test.

6.0 *Certification required.* Every gasoline fuel tank designed and constructed to comply with this specification shall be plainly and permanently marked with the date of manufacture and a certification of the manufacturer that it complies with this specification. The certification shall, for the type of tank to which it is applicable, contain words "Meets ICC requirements—side-mounted—gasoline" or "Meets ICC requirements—truck-gasoline—not side-mounted" or words of similar meaning.

APPENDIX 3.34062—SPECIFICATIONS FOR TOW-BARS AND SADDLE-MOUNTS FOR DRIVE-AWAY OPERATIONS

*1.0 *Specifications for tow-bars.*

*1.01 *Tow-Bars to be structurally adequate and properly mounted.* Every tow-bar shall be structurally adequate and properly installed and maintained. To insure that it is structurally adequate, it must, at least, meet the requirements of the following table:

Gross weight of towed vehicle (pounds) [1]	Longitudinal strength in tension and compression [2]		Strength as a beam (in any direction—concentrated load at center) [2] [3] (pounds)
	All tow-bars (pounds)	New tow-bars acquired and used by a motor carrier after Sept. 30, 1948 (pounds)	
Less than 5,000	3,000	6,000	3,000
5,000 and over, less than 10,000	6,000	(4)	(4)
10,000 and over, less than 15,000	9,000	(4)	(4)

[1] The required strength of tow-bars for towed vehicles of 15,000 pounds and over gross weight and of new tow-bars acquired and used after Sept. 30, 1948, for towed vehicles of 5,000 pounds and over gross weight shall be computed by means of the following formulae:

Longitudinal strength=gross weight of towed vehicle ×1.2.

Strength as a beam=gross weight of towed vehicle× 0.6.

[2] In testing, the whole unit shall be tested with all clamps, joints, and pins so mounted and fastened as to approximate conditions of actual operation.

[3] This test shall be applicable only to tow-bars which are, in normal operation, subjected to a bending movement, such as tow-bars for house trailers.

*1.02 *Tow-bar to be jointed.* The tow-bar shall be so constructed as to freely permit motion in both horizontal and vertical planes between the towed and towing vehicles. The means used to provide the motion shall be such as to prohibit the transmission of stresses under normal operation between the towed and towing vehicles, except along the longitudinal axis of the tongue or tongues.

*1.03 *Tow-bar fastenings.* The means used to transmit the stresses to the chassis or frames of the towed and towing vehicles may be either temporary structures or bumpers or other integral parts of the vehicles; provided, however, that the means used shall be so constructed, installed, and maintained that, when tested as an assembly, failure in such members shall not occur when the weakest new tow-bar which is permissible to use under paragraph 1.01 of this specification is subjected to the tests given in that paragraph.

*1.04 *Means of adjusting length.* On tow-bars, adjustable as to length, the means used to make such adjustment shall fit tightly and not result in any slackness or permit the tow-bar to bend. With the tow-bar supported rigidly at both ends and with a load of 50 pounds at the center, the sag, measured at the center, in any direction shall not exceed 0.25 inch under any condition of adjustment as to length.

*1.05 *Method of clamping.* Adequate means shall be provided for securely fastening the tow-bar to the towed and towing vehicles.

*1.06 *Tow-bar connection to steering mechanism.* The tow-bar shall be provided with suitable means of attachment to and actuation of the steering mechanism, if any, of the towed vehicle. The attachment shall provide for sufficient angularity of movement of the front wheels of the towed vehicle so that it may follow substantially in the path of the towing vehicle without cramping the

tow-bar. The tow-bar shall be provided with suitable joints to permit such movement.

•1.07 *Tracking.* The tow-bar shall be so designed, constructed, maintained, and mounted as to cause the towed vehicle to follow substantially in the path of the towing vehicle. Tow-bars of such design or in such condition as to permit the towed vehicle to deviate more than three inches to either side of the path of a towing vehicle moving in a straight line are prohibited.

•1.08 *Specification for passenger car trailer couplings.* Trailer couplings used for drive-away operations of passenger car trailers shall comply with the SAE Recommended Practice Passenger Car Trailer Couplings.[1]

•1.09 *Marking new tow-bars.* Every new tow-bar acquired and used in drive-away operations by a motor carrier after September 30, 1948, shall be plainly marked with the following certification of the manufacturers thereof (or words of equivalent meaning):

"This tow-bar complies with the requirements of the Interstate Commerce Commission for (maximum gross weight for which tow-bar is manufactured) vehicle, manufactured (month) (year) by (name of manufacturer)."

•1.10 *Safety chains and cables.* The towed vehicle shall be connected to the towing vehicle by means of two safety chains or cables. The tensile strength of such chains or cables and their means of attachment to the vehicles shall be at least equivalent to the corresponding longitudinal strength for new tow-bars required in the table of paragraph 1.01 of this specification. The required strength shall be the combined strength of the combination of chains and cables.

The chains or cables shall be crossed and attached to the vehicles near the points of bumper attachements to the chassis of such vehicles. The length of chain used shall be no more than necessary to permit free turning of the vehicles. The chains shall be attached to the tow-bar at the point of crossing or as close thereto as is practicable.

•2.0 *Specifications for saddle-mount.*

•2.1 *Definitions.*

•2.11 *"Saddle-mount"* means a device, designed and constructed as to be readily demountable, used in drive-away operations to perform the functions of a conventional fifth wheel.

•2.12 *"Upper-half"* of a "saddle-mount" means that part of the device which is securely attached to the towed vehicle and maintains a fixed position relative thereto, but does not include the "king-pin."

•2.13 *"Lower-half"* of a "saddle-mount" means that part of the device which is securely attached to the towing vehicle and maintains a fixed position relative thereto but does not include the "king-pin."

•2.14 *"King-pin"* means that device which is used to connect the "upper-half" to the "lower-half" in such manner as to permit relative movement in a horizontal plane between the towed and towing vehicles.

•2.2 *"Upper-half" specifications.*

•2.21 *Connection of "upper-half" to towed vehicle.* The "upper-half shall be securely attached to the frame or axle of the towed vehicle by means of "U-bolts" or other means providing at least equivalent security.

•2.22 *Construction of "U-bolts" or other means of attachment.* "U-bolts" used to attach the "upper-half" to the towed vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch: *Provided, however,* That a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than 5 percent reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be ⅛ inch. "U-bolts" shall have a diameter not less than required by the following table:

[1] See footnote 1 on p. 31.

Weight in pounds of heaviest towed vehicle	Diameter of U-bolts in inches		
	Double saddle-mount		Single saddle-mount [1]
	Front mount	Rear mount	
Up to 5,000	0.5625	0.500	0.500
5,000 and over	.625	.5625	.5625

[1] If a vehicle is full mounted on the single saddle-mounted vehicle, the total weight of the 2 vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts", they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for clamps or any other holding devices.

•2.23 *Location of "U-bolts" and points of support.* The distance between the most widely separated "U-bolts" shall not be less than nine inches. The distance between the most widely separated points where the "upper-half" supports the towed vehicles shall not be less than nine inches, except that saddle-mounts employing ball and socket joints shall employ a device which clamps the axle of the towed vehicle throughout a length of not less than five inches.

•2.24 *Specifications for cradle-type "upper-halves."* "Upper-halves" of the cradle-type using vertical members to restrain the towed vehicle from relative movement in the direction of motion of the vehicles shall be substantially constructed and adequate for the purpose. Such cradle-mounts shall be equipped with at least one bolt or equivalent means to provide against relative vertical movement between the "upper-half" and the towed vehicle. Bolts, if used, shall be at least ½ inch in diameter. Devices using equivalent means shall have at least equivalent strength. The means used to provide against relative vertical motion between the "upper-half" and the towed vehicle shall be such as not to permit a relative motion of over ½ inch. The distance between the most widely separated points of support between the "upper-half" and the towed vehicle shall be at least nine inches.

•2.25 *Provision against lateral movement of towed vehicle.* Towed vehicles having a straight axle or an axle having a drop of less than three inches, unless the saddle-mount is constructed in accordance with paragraph 2.5 of this specification, shall be securely fastened by means of chains or cables to the "upper-half" so as to insure against relative lateral motion between the towed vehicle and the "upper-half". The chains or cables shall be at least 5/16 inch diameter and secured by bolts of at least equal diameter.

Towed vehicles with an axle with a drop of three inches or more, or connected by a saddle-mount constructed in accordance with paragraph 2.5 of this specification, need not be restrained by chains or cables provided that the "upper-half" is so designed as to provide against such relative motion.

Chains or cables shall not be required if the "upper-half" is so designed as positively to provide against lateral movement of the axle.

•2.3 *"Lower-half" specifications.*

•2.31 *Construction of U-bolts or other means of attachment.* "U-bolts" used to attach the "lower-half" to the towing vehicle shall be made of steel rod, free of defects, so shaped as to avoid at any point a radius of less than one inch; provided, however, that a lesser radius may be utilized if the "U-bolt" is so fabricated as not to cause more than five percent reduction in cross-sectional area at points of curvature, in which latter event the minimum radius shall be ⅛ inch. "U-bolts" shall have a total cross-sectional area not less than as required by the following table:

Weight in pounds of heaviest towed vehicle	Total cross-sectional area of U-bolts in square inches		
	Double saddle-mount		Single saddle-mount [1]
	Front mount	Rear mount	
Up to 5,000	1.0	0.8	0.8
5,000 and over	1.2	1.0	1.0

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the two vehicles being towed shall govern.

If other devices are used to accomplish the same purposes as "U-bolts," they shall have at least equivalent strength of "U-bolts" made of mild steel. Cast iron shall not be used for any clamps or any other holding devices.

•2.32 *Provision against shifting.* Adequate provision shall be made by design and installation to provide against relative movement between the "lower-half" and the towing vehicle especially during periods of rapid acceleration and deceleration. To insure against shifting, designs of the tripod type shall be equipped with adequate and securely fastened hold-back chains or similar devices.

•2.33 *Provision against swaying.* Adequate provision shall be made by design and installation to provide against swaying or lateral movement of the towed vehicle relative to the towing vehicle. To insure against swaying, "lower-halves" designed with cross-members attached to but separable from vertical members shall have such cross-members fastened to the vertical members by at least two bolts on each side. Such bolts shall be of at least equivalent cross-sectional area as those required for "U-bolts" for the corresponding saddle-mount as given in the table in paragraph 2.31 of this specification. The minimum distance between the most widely separated points of support of the cross-member by the vertical member shall be three inches as measured in a direction parallel to the longitudinal axis of the towing vehicle.

The "lower-half" shall have a bearing surface on the frame of the towing vehicle of such dimensions that the pressure exerted by the "lower-half" upon the frame of the towing vehicle shall not exceed 200 pounds per square inch under any conditions of static loading. Hardwood blocks or blocks of other suitable material, such as hard rubber, aluminum or brake lining, if used between the "lower-half" and the frame of the towing vehicle shall be at least ½ inch thick, three inches wide, and a combined length of six inches.

Under no condition shall the highest point of support of the towed vehicle by the "upper-half" be more than 24 inches, measured vertically, above the top of the frame of the towing vehicle, measured at the point where the "lower-half" rests on the towing vehicle.

•2.34 *Limitations on use of wood blocks.* Hardwood blocks, of good quality, may be used to build up the height of the front end of the towed vehicle, provided that the total height of such wood blocks shall not exceed eight inches and not over two separate pieces are placed upon each other to obtain such height; however, hardwood blocks, not over four in number, to a total height not to exceed 14 inches, may be used if the total cross-sectional area of the "U-bolts" used to attach the "lower-half" of the towing vehicle is at least 50 percent greater than that required by the table contained in paragraph 2.31 of this specification, or, if other devices are used in lieu of "U-bolts" they shall provide for as great a resistance to bending as is provided by the larger "U-bolts" above prescribed.

Hardwood blocks must be at least four inches in width and the surfaces between blocks or block and "lower-half" or block and "upper-half" shall be plane and so installed and maintained as to minimize any tendency of the towed vehicle to sway or rock.

•2.35 *Specification for cross-member.*

•2.351 *General requirements for cross-member.* The cross-member, which is that part of the "lower-half" used to distribute the weight of the towed vehicle equally to each member of the frame of the towing vehicle, if used, shall be structurally adequate and properly installed and maintained adequately to perform this function.

•2.352 *Limitation on use of wood.* No materials, other than suitable metals, shall be used as the cross-member, and wood may not be used structurally in any manner that will result in its being subject to tensile stresses. Wood may be used in cross-members if supported throughout its length by suitable metal cross-members.

•2.353 *Strength of "lower-half."* The "lower-half" shall be capable of supporting the loads given in the following table. For purpose of test, the "saddle-mount" shall be mounted as normally operated and the load applied through the "upper-half":

Weight in pounds of heaviest towed vehicle	Minimum test load in pounds		
	Double saddle-mount		Singe saddle-mount [1]
	Front mount	Rear mount	
Up to 5,000	10,000	5,000	5,000
5,000 and over	20,000	10,000	10,000

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the two vehicles being towed shall govern.

•2.4 *Bearing surface between "upper and lower-half."* The "upper and lower-halves" shall be so constructed and connected that the bearing surface between the two halves shall not be less than 16 square inches under any conditions of angularity between the towing and towed vehicles; provided, however, that "saddle-mounts" using a ball and socket joint shall have a ball of such dimension that the static bearing load shall not exceed 800 pounds per square inch, based on the projected cross-sectional area of the ball; and further provided, that saddle-mounts having the "upper-half" supported by ball, taper, or roller-bearings shall not have such bearings loaded beyond the limits prescribed for such bearings by the manufacturer thereof. The "upper-half" shall rest evenly and smoothly upon the "lower-half" and the contact surfaces shall be lubricated and maintained so that there shall be a minimum of frictional resistance between the parts.

•2.5 *New saddle-mounts to provide for angularity.* All new "saddle-mounts" acquired and used after August 24, 1950, shall provide for angularity between the towing and towed vehicles due to vertical curvatures of the highway. Such means shall not depend upon either the looseness or deformation of the parts of either the "saddle-mount" or the vehicles to provide for such angularity.

•2.6 *Specifications for "king-pin."*

•2.61 *Size of "king-pin."* "King-pins" shall be constructed of steel suitable for the purpose, free of defects, and having a diameter not less than required by the following table:

Weight in pounds of heaviest towed vehicle	Diameter of solid king-pin in inches					
	Double saddle-mount				Single saddle-mount [1]	
	Front mount		Rear mount			
	Mild steel	High tensile steel [2]	Mild steel	High tensile steel [2]	Mild steel	High tensile steel [2]
Up to 5,000	1,000	0.875	0.875	0.750	0.875	0.750
5,000 and over	1,250	1,000	1,000	.875	1,000	.875

[1] If a vehicle is full-mounted on the single saddle-mounted vehicle, the total weight of the two vehicles being towed shall govern.

[2] High tensile steel, that is steel having minimum ultimate strength of 65,000 pounds per square inch.

If a ball and socket joint is used in place of a king-pin, the diameter of the neck of the ball shall be at least equal to the diameter of the corresponding solid king-pin given in the above table. If hollow king-pins are used, the metallic cross-sectional area shall be at least equal to the cross-sectional area of the corresponding solid king-pin.

•2.62 *"King-pin" fit.* If a "king-pin" bushing is not used, the "king-pin" shall fit snugly into the "upper and lower halves" but shall not bind. Those portions of the "upper or lower-halves" in moving contact with the "king-pin" shall be smoothly machined with no rough or sharp edges. The bearing surface thus provided shall not be less in depth than the radius of the "king-pin."

•2.63 *"King-pin" bushing required on new saddle-mounts.* The "king-pin" of all new "saddle-mounts" acquired and used after August 24, 1950, shall be snugly enclosed in a bushing at least along such length of the "king-pin" as may be in moving contact with either the "upper or lower-halves." The bearing surface thus provided shall not be less in depth than the radius of the "king-pin."

•2.64 *"King-pin" to restrain vertical motion.* The "king-pin" shall be so designed and installed as to restrain the "upper-half" from moving in a vertical direction relative to the "lower-half."

•2.7 *Tracking.* The "saddle-mount" shall be so designed, constructed, maintained, and installed that the towed vehicle or vehicles will follow substantially in the path of the towing vehicle without swerving. Towed vehicles shall not deviate more than three inches to either side of the path of the towing vehicle when moving in a straight line.

•2.8 *Location of the "saddle-mount."*

•2.81 *Bending of frame of towing vehicle.* Where necessary, provision shall be made to prevent the bending of the frame of the towing vehicle by insertion of suitable blocks inside the frame channel to prevent kinking. The "saddle-mount" shall not be so located as to cause deformation of the frame by reason of cantilever action.

•2.82 *Prohibition of extension of frame.* No "saddle-mount" shall be located at a point to the rear of the frame of a towing vehicle.

•2.9 *General provisions.*

•2.91 *Nuts to be secured.* All nuts used on bolts, "U-bolts," "king-pins," or in any other part of the "saddle-mount" shall be secured against accidental disconnection by means of cotter-keys, lock-washers, double nuts, safety nuts, or equivalent means. Parts shall be so designed and installed that nuts shall be fully engaged.

•2.92 *Inspection of all parts.* The saddle-mount" shall be so designed that it may be disassembled and each separate part inspected for worn, bent, cracked, broken, or missing parts.

•2.93 *Marking new "saddle-mounts."* Every new "saddle-mount" acquired and used in drive-away operations by a motor carrier after September 30, 1948, shall have the "upper-half" and the "lower-half" separately marked with the following certification of the manufacturer thereof (or words of equivalent meaning):

"This saddle-mount complies with the requirements of the Interstate Commerce Commission for vehicles up to 5,000 pounds (or over 5,000 pounds) — Manufactured (month) (year) by (name of manufacturer)."

APPENDIX 3.3407

Tire size:	Capacity rating in pounds
7:00 x 20—8 ply	2,000
7:50 x 20—8 ply	2,375
8:25 x 20—10 ply	2,900
9:00 x 20—10 ply	3,450
10:00 x 20—12 ply	4,000
10:00 x 22—12 ply	4,275
10:00 x 24—12 ply	4,550
11:00 x 20—12 ply	4,500
11:00 x 22—12 ply	4,750
11:00 x 24—12 ply	5,000
12:00 x 20—14 ply	5,275
12:00 x 22—14 ply	5,600
12:00 x 24—14 ply	5,925

For tire sizes and ply ratings not shown in this appendix, the capacity rating in pounds shall be as decided by the Commission and this information shall be available upon inquiry of the Bureau of Motor Carriers, Interstate Commerce Commission, Washington 25, D. C.

APPENDIX 3.3416—SPECIFICATION FOR SLEEPER BERTHS

1.0 *Sleeper berths to have ready exit.* The sleeper berth shall be so designed, constructed, and maintained as to provide the occupant, without the assistance of other persons, at least two ready means of exit from the motor vehicle on or in which such sleeper berth is mounted: *Provided, however,* That sleeper berths located within the cab need have only one ready means of exit from the sleeper berth. Each required means of exit from the sleeper berth shall have sufficient area to contain an ellipse having a major axis of 24 inches and a minor axis of 16 inches.

2.0 *Sleeper berths to be properly equipped.* The sleeper berth shall be properly equipped for sleeping and shall be equipped with springs and a mattress or an innerspring or air mattress, or a cellular rubber mattress at least four inches in thickness and adequate, clean bed-clothing, and blankets. The sleeper berth shall be so constructed as to permit the ready removal of the mattress and bed-clothing for cleaning purposes.

3.0 *Sleeper berths to have means of communication with driver.* Unless the sleeper berth is located within the driver's compartment and is provided with a ready means of escape directly thereto, there shall be means provided to enable the occupant of the berth to communicate with the driver. Such means may include telephones, speaker tubes, buzzers, pull cords, or other mechanical or electrical means.

4.0 *Sleeper berths to have exit into cab.* Sleeper berths located to the rear of the cab and adjacent thereto shall have a ready means of escape provided into the cab. The dimensions of such an exit shall comply with

that required by paragraph 1.0 of this specification.

5.0 *Sleeper berths to be of adequate size.* The sleeper berth shall be of such dimensions as to provide at least the following inside dimensions: 72 inches long measured on the center line of the longitudinal axis, 18 inches wide at its center, 18 inches deep at its center, measured from top of mattress. The sleeper berth shall be so constructed as not unduly to hinder the ready entrance or exit of the occupant.

6.0 *Sleeper berths to be properly ventilated.* Sleeper berths shall be provided with louvers or other means of providing proper ventilation but shall be reasonably tight against dust and rain.

7.0 *Sleeper berths to be protected against exhaust and fuel systems.* Sleeper berths shall not be so located as to permit the ready entrance of gases from the exhaust system. The sleeper berth shall not be so located as to be overheated or damaged by reason of its proximity to the exhaust system. The sleeper berth shall not be so located that defects in the fuel system would result in leakage on or in the sleeper berth.

8.0 *Sleeper berths in certain locations prohibited.* Sleeper berths shall not be located within the cargo space of motor vehicles except that sleeper berths may be located in the cargo compartment of a truck if it has direct means of access to the cab and is completely and securely compartmentized from the remainder of the cargo compartment.

9.0 *Additional sleeper berths specifications on new vehicles.* On or after ----------, every sleeper berth on any new motor vehicle acquired by a motor carrier shall comply with the following requirements, in addition to those required above:

9.01 *Sleeper berth to be part of cab.* Every sleeper berth shall be located within the cab or be adjacent thereto, and securely fixed with relation to the cab. A direct and ready means of exit, complying with the requirements of paragraph 1.0 of this specification, shall be provided. Sleeper berths, if in compliance with the other rules of these regulations, may be located in the cargo compartment of a truck provided such sleeper berths are completely and securely compartmentized from the remainder of the cargo compartment.

9.02 *Sleeper berths to be of proper dimensions.* The sleeper berth shall be so constructed and maintained as to provide, at least, the following inside dimensions: 75 inches long measured on the center line of the longitudinal axis, 24 inches wide at its center, 24 inches deep at its center measured from the top of the mattress.

APPENDIX 3.3417—SPECIFICATION FOR HEATERS

1.0 *Definition of heater.* The term "heater" means any device or assembly of devices or appliances used to heat the interior of any motor vehicle.

2.0 *Certain type heaters prohibited.* The installation or use of the following types of heaters is prohibited.

(a) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space.

(b) *Unenclosed flame heaters.* Any type of heater employing a flame which is not fully enclosed.

(c) *Heaters permitting fuel leakage.* Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(d) *Heaters permitting air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(e) *Solid fuel heaters.* Any stove or other heater employing wood, coal, coke, charcoal, or any other solid fuel.

3.0 *Specification for heaters.* All heaters shall comply with the following specifications:

3.01 *Heating elements to be protected.* Every heater shall be so located or protected as to prevent contact therewith by occupants unless the surface temperature of the protecting grilles or of any exposed portions of the heaters, inclusive of exhaust stacks, pipes, or conduits shall be lower than would cause contact burns. Adequate protection shall be afforded against igniting parts of the vehicle or burning occupants by direct radiation.

3.02 *Moving parts to be guarded.* Effective guards shall be provided for the protection of passengers or occupants against injury by fans, belts, or any other moving parts.

3.03 *Heaters to be secured.* Every heater shall be securely fastened to a substantial part of the vehicle or to any substantial appurtenance itself securely attached to the vehicle by means sufficient to provide against separations from the vehicle during normal usage or in the event the vehicle overturns. Every heater shall be so designed, constructed, and mounted as to minimize the likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in which it is mounted. That portion of the structure of the vehicle to which the heater is attached shall be sufficiently rigid and substantial to accomplish the above purposes.

3.04 *Relative motion between fuel tank and heater to be provided for.* When either in normal operation or in the event of overturn, there is or is likely to be relative motion between the fuel tank for a heater and a heater or between either such unit and the fuel lines between them, a suitable means shall be provided at the point of greatest relative motion so as to allow this motion without causing failure of the fuel line.

3.05 *Operating controls to be protected.* On every bus, except busses having a seating capacity of eight or less persons, means shall be provided to prevent unauthorized persons from tampering with the operating controls. Such means may include remote control by the driver; installation of controls at inaccessible places; control of adjustments by key or keys; enclosure of controls in a locked space, locking of controls, or other means of accomplishing this purpose.

3.06 *Electrical apparatus to be of adequate size and to be protected.* Every heater employing any electrical apparatus shall be equipped with electrical conductors, switches, connectors, and other electrical parts of ample current-carrying capacity to provide against overheating; any electric motor employed in any heater shall be of adequate size and so located that it will not be overheated; electrical circuits shall be provided with fuses and/or circuit breakers to provide against electrical overloading; and all electrical conductors employed in or leading to any heater shall be secured against dangling, chafing, and rubbing, and shall have suitable protection against any other condition likely to produce short or open circuits.

NOTE: Electrical parts certified as proper for use by Underwriters' Laboratories, Inc., shall be deemed to comply with the foregoing requirements of these specifications.

3.07 *Non-spill filler caps for separate storage batteries.* If a separate storage battery is located within the personnel or cargo space, such battery shall be securely mounted and equipped with non-spill filler caps.

3.08 *Exhaust from combustion heaters to be properly constructed.* Every heater employing the combustion of oil, gas, liquefied petroleum gas, or any other combustible material shall be provided with substantial means of conducting the products of combustion to the outside of the vehicle. The exhaust pipe, stack, or conduit shall be sufficiently substantial and so secured as to provide reasonable assurance against leakage or discharge of products of combustion within the vehicle and, if necessary, shall be so insulated as to make unlikely the burning or charring of parts of the vehicle by radiation or by direct contact. The place of discharge of the products of combustion to the atmosphere and the means of discharge of such products shall be such as to minimize the likelihood of their re-entry into the vehicle under all operating conditions.

3.09 *Provision to be made against leakage of fuel or products of combustion.*

3.091 *Design and construction of combustion chamber to be proper.* The design and construction of any combustion-type heater shall be such as to provide against the leakage of products of combustion into air to be heated and circulated. The material employed in combustion chambers shall be such as to provide against leakage because of corrosion, oxidation, or other deterioration. Joints between combustion chambers and the air chambers with which they are in thermal and mechanical contact shall be so designed and constructed as to prevent leakage between the chambers and the materials employed in such joints shall have melting points substantially higher than the maximum temperatures likely to be attained at the points of jointure.

3.092 *Location and protection of fuel tanks for heaters.* In busses, other than busses having a seating capacity of eight or less persons, fuel tanks for heaters of the combustion type shall be located outside the passenger space of the vehicle in which the heater is mounted and at a height lower than that of the heater and passengers. When necessary, suitable protection shall be afforded by shielding or other means against the puncturing of any such tank or its connections by flying stones or other objects.

3.093 *Automatic fuel control.* Automatic means shall be provided for shutting off the fuel or for reducing such flow of fuel to the smallest practicable magnitude, in the event of overturn of the vehicle. Unless the heater is so located that the fuel would not flow by gravity or syphon in the event of separation, breakage, or disconnection of any of the fuel lines between the supply source and the heater, the fuel line shall be provided with automatic means, at the source of supply, for shutting off the fuel in the event of such separation, breakage, or disconnection.

3.094 *Adequate controls.*

3.0941 *"Tell-tale" indicators for combustion heaters.* Heaters of the combustion type unless provided with the automatic controls listed in paragraph 3.0942 shall be provided with "tell-tale" means to indicate to the driver that the heater is properly functioning. This requirement shall not apply to heaters for the cargo space in semitrailers or full trailers.

3.0942 *Automatic or manual control.* Automatic means, or manual means provided the control is readily accessible to the driver without moving from the driver's seat, shall be provided to shut off the fuel and electrical supply in case of failure of the heater to function for any reason, or in case the heater should function improperly or overheat.

3.095 *Certification required.* Every heater designed and constructed to comply with this specification, shall be marked plainly with the certification of the manufacturer that, insofar as the heater is concerned, it complies with this specification.

APPENDIX 3.351(g)—SPECIFICATION FOR RED EMERGENCY REFLECTORS

1.0 *Multiplicity of reflecting elements required.* Each reflector shall be composed of at least two reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

2.0 *Reflecting elements to be class A.* Each reflecting element or surface shall meet the requirement for a red class A reflector contained in the SAE Recommended Practice[1] for Reflex Reflectors. The aggregate candlepower output of all the reflecting elements or surfaces in one direction shall not be less than 12 when tested in a perpendicular position with observation at one-third degree as specified in the Photometric Test contained in the above-mentioned Recommended Practice.

3.0 *Reflecting surfaces to be protected.* If the reflector or the reflecting elements are so designed or constructed that the reflecting surfaces would be adversely affected by dust, soot, or other foreign matter or contacts with other parts of the reflector or its container, then such reflecting surfaces shall be adequately sealed within the body of the reflector.

4.0 *Reflecting surfaces to be perpendicular.* Every reflector shall be so constructed that, when the reflector is properly placed, every reflecting element or surface is in a plane perpendicular to the plane of the roadway surface. Reflectors which are collapsible shall be provided with means for locking the reflector elements or surfaces in the required position; such locking means shall be readily capable of adjustment without the use of tools or special equipment.

5.0 *Reflectors to be mechanically adequate.* Every reflector shall be of such weight and dimensions as to remain stationary when subjected to a 40-mile-per-hour wind when properly placed on any clean, dry, paved road surface. The reflector shall be so constructed as to withstand reasonable shocks without breakage.

6.0 *Reflectors to be incorporated in holding device.* Each set of reflectors and the reflecting elements or surfaces incorporated therein shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

7.0 *Certification required.* Every red emergency reflector designed and constructed to comply with this specification shall be plainly marked with the certification of the manufacturer that it complies with this specification.

APPENDIX 3.352 (b)—SPECIFICATION FOR FIRST AID KITS

1.0 *Size of kit.* The kit shall be of the heavy duty 10 or 12 unit type or larger.

2.0 *Construction of case and cover.*

2.1 *Material for case and cover.* The case and cover shall be constructed of sheet steel, wood, fiber, or other durable material. If made of sheet steel, the case and cover shall be of metal at least No. 20 U. S. gage (nominal).

2.2 *Tightness of case.* The case and cover shall be so constructed, including corners, cover, and closure means, that it shall be reasonably dust and weather proof when the cover is in the closed position.

2.3 *Opening and stop for cover.* If made of sheet steel or other metals, the case shall be so designed and constructed that the cover will be capable of being easily opened to an angle of 90° to 100° with the case and a substantial stop shall be provided at the angle of full opening; such stop shall not interfere with the smooth operation of the cover.

2.4 *Method of hinging cover.* If made of metal, the cover shall be attached to the case by, at least, two substantial hinges or by a continuous piano-type hinge. If non-metallic, the cover shall be attached by either a sliding or a hinged joint; if hinged, it shall be as prescribed for metallic construction.

2.5 *Size of case.* The dimensions of the case shall be such that it will permit the contents to be easily extracted and yet maintain the contents in a relatively fixed position.

3.0 *Contents of kit.* The kit shall contain at least the following:

	Packages
4-inch bandage compress	1
2-inch bandage compress	1
1-inch bandage compress	2
40-inch triangular bandage	1
Burn ointment	1
Ammonia inhalants	1
Iodine applicator or applicator of other antiseptic tinctures of at least, equivalent bacteriological properties	1
Wire splint	1
Tourniquet and forceps	1

Each unit package, with its contents, whether required by this specification or in addition thereto, either in number or kind, shall conform to the requirements contained in Federal Specification GG–K–391 (November 6, 1941) and Amendment No. 1 thereto (November 4, 1944) available from the Superintendent of Documents, Washington 25, D. C., at a cost of five cents per copy.

PROPOSED REVISION OF PART V—HOURS OF SERVICE OF DRIVERS

RULE 1 (d). Change "10 minutes" to "15 minutes" wherever it appears.

RULE 1 (g). The term berth means a berth or bunk on the motor vehicle as specified in Appendix 3.3416.

NEW RULE 4. No sleeper berth as referred to in Rule 1 (g) shall be occupied by more than one person at any time.

RULE 4. To be renumbered Rule 5.

NEW RULE 6 (a). When a driver is deadheading to a place of work in a company vehicle for the purpose of commencing a period of driving, such time shall be considered as driving time and entered in Line 3 of the driver's daily log.

NEW RULE 6 (b). When a driver is deadheading from a place of work in a company vehicle after the completion of a period of driving, time thus spent must be recorded in Line 3 of the driver's daily log and included in the computation of total daily driving time unless, upon arrival at his destination, the driver is to be off duty for 8 consecutive hours. If such is the case, the deadheading time may be recorded in Line 4 of the log as on duty time, waiting to be released from work.

NEW RULE 6 (c). When a driver is deadheading to or from a place of work in a public passenger conveyance, time thus spent shall be considered as on duty unless the driver is to be off duty for 8 consecutive hours before again being required to drive or operate a motor vehicle. If such is the case, time so spent may be computed as off duty, and entered in Line 1 of the driver's daily log.

RULE 7 (a) (old Rule 5 (a)). Every motor carrier subject to these regulations shall require that a driver's daily log, Form BMC–59, in duplicate which form and instructions for its use are attached hereto and made a part hereof, shall be kept by every driver employed or used by him or it, and every driver who operates a motor vehicle engaged in transportation in interstate or foreign commerce shall keep such a log. Originals of these logs shall be filed each day at the driver's home terminal and shall be retained by the motor carrier in that terminal for one year. Entries in said driver's log shall be made by the driver, and shall show the place of origin and destination of the trip, the time of reporting for duty and of going off duty, the periods of driving or operating and other work; provided, however, that the foregoing provisions of this rule shall not apply to any driver engaged in the transportation of passengers or property in interstate or foreign commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, if such drivers are employed or used by carriers who maintain records which show the total number of hours of driving per day, the total number of hours on duty per day, the total number of hours off duty per day, and the total number of hours on duty per week, of each such driver. Every motor carrier shall maintain at all times a record or records which will indicate the arrival and departure times, terminal point to terminal point, of all vehicles used or operated by them, and the names of the drivers of said vehicles at such arrival and departure times. Provided further, however, that this rule shall not apply with respect to drivers of farm trucks or to drivers of motor vehicles of private carriers of property commonly called work trucks or work cars which are especially designed or equipped for use and are used solely in the construction or maintenance of their plants and equipment.

RULE 5 (b). To be renumbered Rule 7 (b).

RULE 6 (a). To be renumbered Rule 8 (a).

RULE 6 (c). To be renumbered Rule 8 (b).

RULE 7. To be renumbered Rule 9.

PROPOSED REVISION OF PART 6—INSPECTION AND MAINTENANCE

Because of the extent of the changes and rearrangement of the rules in Part 6, this part is here shown in its entirety.

6.1 Compliance required.
6.2 Inspection and maintenance required.
6.3 Lubrication required.
6.4 Unsafe operations forbidden.
6.5 Motor vehicles declared of service.
6.6 Damaged vehicles to be inspected.
6.7 Inspection and reports by drivers.
6.8 Inspection of drive-away operations. Recommended practices.

6.1 *Compliance required.* Every motor carrier, his or its officers, drivers, agents, representatives and employees directly concerned with the inspection or maintenance of motor vehicles, shall comply and be conversant with the requirements of this part.

6.2 *Inspection and maintenance required.* Every motor carrier shall in-

spect and maintain all motor vehicles subject to his or its control, and the accessories required by Rule 3.25 to be mounted thereon, to insure that such motor vehicles and accessories are in safe and proper operating condition. Every motor carrier shall institute systematic inspection and maintenance practices. Such practices may be conducted within the carrier's own organization or be contracted for with a competent outside agency. The performance of such inspection and maintenance by an outside agency shall not relieve the motor carrier from the responsibility of having his or its motor vehicles and accessories in safe and proper operating condition. A systematic inspection and maintenance record shall be maintained for each motor vehicle controlled by a motor carrier for the period during which such vehicle is subject to the motor carrier's control. Such inspections, for buses, shall include a test at least once every 30 days of all push-out windows and emergency doors to determine that they are operating properly and that the windows comply with the requirements of Rule 3.33 of these regulations. Such records shall include, at least: (a) An identification of the vehicle, including make, model, serial number, and number of tires, their size, and number of plies; (b) a record of inspection and repairs indicating their date and nature; (c) a lubrication record; (d) a systematic means for indicating for each vehicle the nature and due date of the various inspection and maintenance operations to be performed; and (e) if leased, or otherwise contracted for, such records shall also include an identification of the lessor or contractor furnishing the motor vehicle.

(Suggested system is appended hereto.)

6.3 *Lubrication required.* Every motor carrier shall institute such procedures as may be necessary to insure that motor vehicles are properly lubricated; that proper action is taken to correct oil and grease leaks; that accumulations of grease and oil are investigated, removed, and the cause of such accumulations corrected. Lubrication may be performed by public garages or service stations but this shall not relieve the motor carrier from the responsibility of having his or its motor vehicles properly lubricated.

6.4 *Unsafe operations forbidden.* No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle prior to reaching its destination. If while any motor vehicle is being operated on a highway, it is discovered to be in such unsafe condition, it shall be continued in operation only to the nearest place where repairs can safely be effected, and even such operations shall be conducted only if it be less hazardous to the public than permitting the vehicle to remain on the highway.

6.5 *Motor vehicles declared out of service.* No motor carrier shall permit or require a driver to drive nor shall any driver drive any motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident and which motor vehicle, because of such condition, has been declared and marked "out of service" by an "out of service notice" served by an authorized employee of this Commission, until the repairs required by such notice have been satisfactorily completed. No person shall remove the "out of service" notice from such a motor vehicle until the required repairs shall have been satisfactorily completed. Every motor carrier shall file a report of completion of such repairs on Form BMC ------, in accordance with the terms prescribed thereon.

6.6 *Damaged vehicles to be inspected.* No motor carrier shall permit or require a driver to drive nor shall any driver drive a motor vehicle which has been damaged in an accident or by other cause until inspection has been made by a person qualified to ascertain the nature and extent of the damage and the relationship of such damages to the safe operation of the motor vehicle, nor shall such motor vehicle be operated until such person has determined it to be in safe operating condition.

6.7 *Inspections and reports by drivers.*

6.71 *Prior to commencing trip.* Every motor carrier shall require every driver subject to his or its control, and every driver is required before driving any motor vehicle, to inspect such vehicle to ascertain that it is in safe operating condition.

(a) Such inspection shall include, at least, the following items: Brakes, both service and parking, including trailer connections; coupling devices; horn; lighting devices and reflectors; rear-vision mirrors; steering mechanism; tires; windshield wipers; tailboards, gates, tarpaulins, and load unless sealed; accessories required by Rule 3.25.

(b) The inspection of the brakes on a motor vehicle equipped with air brakes shall include an observation by the driver before starting to drive to ascertain that the low pressure indicator, if the vehicle is equipped with such a device, indicates that there is adequate pressure available, and if equipped with an air gage but no low pressure indicator, that such gage indicates at least 65 pounds per square inch pressure. A similar inspection shall be made for motor vehicles equipped with vacuum brakes except that the vacuum gage, if any, shall indicate a vacuum of at least 15 inches of mercury before starting to drive.

(c) The inspection of the required accessories shall include an observation by the driver to ascertain that accessories such as the fire extinguishers, spare bulbs, fuses, first aid kit, axe and emergency protective devices such as flares, electric lanterns, emergency reflectors, fusees, are in good condition and readily available for immediate use.

(d) The listing of the above requirements shall not relieve the driver of the responsibility for performing such other inspections as would customarily be performed by a driver before commencing a trip.

6.72 *Report after completion of tour of duty.* Except as provided for drive-away operations in Rule 6.8, every motor carrier operating more than one motor vehicle shall require his or its drivers to report to it, and every driver shall make a report in writing to such motor carrier at the completion of his tour of duty which report shall either list any defect or deficiency of the motor vehicle discovered by said driver or reported to him as would be likely to affect the safety of operation of the motor vehicle or result in its mechanical breakdown or shall indicate that no such defects or deficiencies were discovered or reported to him. Such reports shall be carefully examined, the defects reported thereon shall be checked and the report shall be retained by the motor carrier for a period of at least three months and shall be filed at the terminal of the motor carrier where the motor vehicle is normally maintained or repaired or if not maintained or repaired by the motor carrier at the terminal of the motor carrier where the vehicle is normally garaged.

6.8 *Inspection of drive-away operations.* Every motor carrier, with respect to motor vehicles engaged in drive-away operations, shall comply with Rules 6.81 and 6.82 in addition to Rules 6.1 to 6.72, inclusive, except that no driver's trip report shall be required to be made out for the condition of the vehicle or vehicles being delivered at the completion of the trip by the driver who delivers the motor vehicle to the consignee, nor shall the maintenance records required by Rule 6.2 be required to be kept for such vehicles.

6.81 *Inspection before beginning trip.* Every motor carrier shall institute and maintain practices to insure that before the beginning of any drive-away operation of motor vehicles in combination, inspection has been made to ascertain that the tow-bar or saddle-mount connections are properly secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving.

6.82 *Inspection following trip.* Every motor carrier shall institute and maintain practices to insure that following completion of any trip in a drive-away operation of motor vehicles in combination, and before their use again, the tow-bars and saddle-mounts shall be disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repair or replacement shall be made of any defective parts and the devices shall be properly reassembled.

Recommended practices. The following practices and forms are recommended to motor carriers for consideration as one means of establishing the inspection and maintenance practices which are required by Rules 6.2 and 6.7. It is also recommended that every motor vehicle be periodically inspected and maintained in accordance with the recommendations of its manufacturer.

Driver's trip report. As a convenient means of providing for the driver's trip report required by Rule 6.72, the following "Driver's Trip Report" is suggested. The items are arranged in a logical order of inspection. While these regulations do not require a written report of the inspection prior to driving, the form provides for such a report on the reverse side by duplicating the list and using the appropriate heading. Changes may be made to suit the particular carrier's operations, such as by having more than one day's report on a form.

DRIVER'S TRIP REPORT

(Name of Motor Carrier)

Company vehicle Number---- ---- ----------
(Date)

REPORT AFTER TRIP

(Inspection Before Trip on Reverse Side)

	Driver's report [1]	Mechanic's report [1]
Mileage reading on speedometer (insert)----------		
Before starting engine:		
Oil, if added, insert number of quarts----------		
Water----------		
Gasoline, if added, insert number of gallons----------		
Brake lines to trailers----------		
Electric lines to trailers----------		
Drive line----------		
Coupling devices----------		
Tires and wheels----------		
Springs----------		
Body and load----------		
Glass----------		
Emergency equipment:		
Torches, lanterns, or reflectors----------		
Fusees----------		
Flags----------		
Spare bulbs----------		
Fuses----------		
First-aid kit (busses)----------		
Ax (busses)----------		
After starting engine (out of cab):		
Fuel system----------		
Cooling system----------		
Engine----------		
Leaks----------		
Lights:		
Head----------		
Tail----------		
Stop----------		
Clearance and marker----------		
Reflectors----------		
After starting engine (in cab):		
Oil pressure----------		
Ammeter----------		
Horn----------		
Windshield wipers----------		
Parking brakes----------		
Clutch----------		
Transmission----------		
Rear vision mirrors----------		
Steering----------		
Service brakes----------		
Speedometer----------		
Other items requiring attention----------		

Driver's name.----------

[1] Drivers should (√) items which are satisfactory and (X) items which are not, and explain defects next to the X or if there is insufficient room, at bottom of the form. Items which are marked (X) by the driver must show a (√) with mechanic's initials indicating correction before continuance of operation and a short explanation of the repairs completed either next to the √ of if there is insufficient room, at bottom of form.

Recommended preventive inspection and maintenance procedure. Rule 6.2 requires that motor carriers maintain systematic inspection and maintenance records but the regulations do not require any particular type or form of records. As a convenient means for providing the systematic inspection and maintenance records required by Rule 6.2, the following forms are suggested. Other systems recommended by the vehicle manufacturers are suggested as alternative methods.

It is recommended that a cardboard check sheet for each inspection period for each vehicle be placed in a convenient point in the garage. Under the suggested system, when the four 1,000 mile inspections have been completed, the mechanic will know that he should perform the 5,000 mile inspection according to the 5,000 mile inspection card which is under the card just completed. These forms, especially the mileage intervals, are suitable for the average over-the-road operator but changes may be made to adapt them to the individual operation. The items listed may be too numerous for all operations. In such cases, carriers could select items applicable to their own operations. Carriers are also permitted to revise the inspection periods to suit their needs or to base their inspections on time or gasoline consumption bases instead of mileage. The fundamental requirement is that there be a systematic inspection and maintenance system.

(Name of Carrier)

[1,000-mile inspection—Vehicle No. ---------- After inspection No. 4 perform 5,000-mile check which shall include the 5th 1,000-mile check]

Type of inspection [1]		Inspection number 1	2	3	4
	Speedometer reading				
	Date of inspection				
	Group 1—Axle, front:				
L	Axle and wheel alignment				
AOL	Tie rod assembly				
	Etc				
	Group 2—Axle, rear:				
OL	Differential housing				
L	Radius rods				
	Etc				
	Group 3—Body and cab				
	Group 4—Brakes				
	Group 5—Clutch				
	Group 6—Cooling system				
	Group 7—Electrical system				
	Group 8—Engine				
	Group 9—Frame and springs				
	Group 10—Fuel and exhaust system				
	Group 11—Steering				
	Group 12—Transmission				
	Group 13—Propeller shaft				
	Group 14—Wheels, rims, and tires				
	Group 15—Special Equipment				

[1] A—Adjustment. O—Oil or grease
H—Heavy inspection. R—Replace or rebuild.
L—Visual check-up. T—Test.

Name of Carrier

[5,000-mile inspection—Vehicle No. ---------- After inspection No. 1, perform 50,000-mile inspection which shall include the 10th 5,000-mile inspection]

Type of inspection		Inspection number 1	2	3	4	5	6	7	8	9
	Speedometer reading									
	Date of inspection									
	Group 1 axle, front:									
H	Axle, center									
TA	Axle and wheel alignment									
H	Brake spider									
	Etc									
	Etc									

NOTE: Have similar forms for the 50,000-mile inspection and the 100,000-mile inspection with type of inspection in accordance with inspection procedure.

BMC (Red Sticker To Be Attached to Windshield, Side Window, or Side of Trailer)

OUT OF SERVICE VEHICLE

No. ---------

This motor vehicle has been declared

UNSERVICEABLE

BY THE

BUREAU OF MOTOR CARRIERS

INTERSTATE COMMERCE COMMISSION

This vehicle is not to be operated until repaired

This sticker shall be removed only under the conditions stated on the "Out of Service Notice." Unauthorized removal shall make the person responsible liable to fine under Section 222 of Part II of the Interstate Commerce Act.

INTERSTATE COMMERCE COMMISSION

BUREAU OF MOTOR CARRIERS

OUT OF SERVICE NOTICE

Vehicle identification

	Power unit	Trailer
Company No.		
State tag No.		
Mileage reading		XXXXXXX
Type vehicles		

To ----------

Place of inspection ----------
Time of inspection -------- Date of inspection ----------

An "Out of Service Sticker" No. ------ has been placed on this vehicle and the motor

vehicle has been declared unserviceable by the undersigned for the following reasons:

It is not to be operated until the necessary repairs have been satisfactorily completed. When repairs have been satisfactorily completed and this vehicle is restored to safe operating condition, the reverse side of this form "Report of Completion of Repairs on Out of Service Vehicle" shall be filled out by a qualified company official and mailed to the place designated.

(Signed) ----------
(Title) ----------
(Address) ----------

Acknowledgment of company representative:

I acknowledge that an "Out of Service" sticker has been placed on the vehicle designated above at the time and place indicated and that the conditions described above are true.

(Name) ----------
(Title) ----------
(Address) ----------

(Reverse side of BMC ------)

INTERSTATE COMMERCE COMMISSION

BUREAU OF MOTOR CARRIERS

REPORT OF COMPLETION OF REPAIRS ON OUT OF SERVICE VEHICLE

To----------

DRIVER'S REPORT OF COMPLETION OF REPAIRS

(To be filled out by driver only if repairs are not made at carrier's garage)

(Date)

In compliance with your "Out of Service Notice" on the reverse side, this motor vehicle has been repaired in the following manner:

(Name) ----------
(Address) ----------

To the best of my knowledge and belief this motor vehicle is now in safe operating condition and for that reason, the "Out of Service" sticker has been removed by me.

(Signed) ----------

MOTOR CARRIER'S REPORT OF COMPLETION OF REPAIRS

(Date)

In compliance with your "Out of Service Notice," I have personally examined this motor vehicle and certify that it has been repaired, as shown below, and is now in safe operating condition.

Statement of repairs completed----------

The "Out of Service" sticker was removed by the driver as stated above has been removed by the undersigned and the vehicle restored to service on ---------- at ----------.

(Date) (Location)

(Signed) ----------
(Title) ----------

[F. R. Doc. 51-76; Filed, Jan. 2, 1951; 8:57 a. m.]

[49 CFR, Parts 190–197]

SAFETY REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment, ex parte No. MC–40; maximum hours of service of motor carrier employees, ex parte No. MC–2; establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, ex parte No. MC–3; qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle, ex parte No. MC–4.

It appearing, that by order of November 6, 1950, *supra*, the Commission in the appendix thereto set forth proposed revisions in certain of the Motor Carrier Safety Regulations (49 CFR 190–197) and ordered that interested persons may, on or before December 29, 1950, submit written data, verified under oath by a person having knowledge of such data, views, or arguments and thereafter consideration will be given to the proposed revisions in the light of the data, views, and arguments which may be submitted;

Upon consideration of the record, and of letters by the American Trucking Associations, Inc., Ernie Adamson, Wholesalers' Food Institute of Iowa, National Truck Tank and Trailer Tank Institute, American Petroleum Institute, Pennsylvania Motor Truck Association, and National Association of Motor Bus Operators, for an extension of time to submit such written data, views, or arguments;

It is ordered, That the date on or before which interested parties may submit written data, verified under oath by a person having knowledge of such data, views, or arguments, be and it is hereby, postponed from December 29, 1950, to March 1, 1951.

And it is further ordered, That notice of this proceeding be duly given.

Dated at Washington, D. C., this 12th day of December A. D. 1950.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-75; Filed, Jan. 2, 1951; 8:57 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

The statement of organization and functions of the Maritime Administration issued in 15 F. R. 4454–4457 is hereby revoked and the following substituted therefor:

1. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950. In performance of their functions the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936 (49 Stat. 1985), reaffirmed in section 2 of the Merchant Ship Sales Act, 1946 (60 Stat. 41), as follows:

> It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in times of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

2. *Organization of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as chief executive and administrative officer of the Federal Maritime Board. Any two members in office constitute a quorum for the transaction of the business of the Federal Maritime Board, and the affirmative votes of any two members are sufficient for the disposition of any matter which may come before the Federal Maritime Board.

The Federal Maritime Board has the following organizational components: (a) Office of the Chairman of the Federal Maritime Board; (b) Offices of the Members of the Federal Maritime Board; (c) Secretary's Office; (d) Regulation Office; and (e) Hearing Examiners' Office.

Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration to perform activities for the Federal Maritime Board.

3. *Functions of the Federal Maritime Board—(a) Regulatory functions.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is independent of the Secretary of Commerce in the performance of the following functions: (1) All functions under the

provisions of sections 14 to 20, inclusive, and sections 22 to 33, inclusive, of the Shipping Act, 1916, as amended, including such functions with respect to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons;

(2) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

(3) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1) (a) thereof;

(4) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212 (e) of the Merchant Marine Act, 1936; and

(5) So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended, as relates to its functions under items (1) through (4), above.

(b) *Subsidy contracts.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is guided by the general policies of the Secretary of Commerce in performing the following functions: (1) The functions with respect to making, amending, and terminating construction (reconstruction or reconditioning) differential subsidy contracts, including contracts for the construction, reconstruction, or reconditioning of vessels and contracts for the sale of vessels to subsidy applicants or contracts to pay a differential subsidy and the cost of national defense features. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of construction of comparable vessels in the United States and foreign countries and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(2) The functions with respect to making, amending, and terminating operating differential subsidy contracts and, subsequent to entering into an operating differential subsidy contract, making determinations with respect to employment and wage conditions, and taking action on readjustment of operating cost differentials and the sale, assignment, or transfer of the contract. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of operating vessels under the registry of the United States and under foreign registry, and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(3) The functions with respect to investigating and reporting on relative construction and operating costs in the United States and foreign maritime countries, and the relative advantages of operating under United States or foreign registry, and on marine insurance, navigation laws, and vessel mortgages as authorized under section 12 of the Shipping Act, 1916; and

(4) The functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda as relates to its functions as set forth in items (1), (2), and (3), above.

(c) *Charters under the Merchant Ship Sales Act, 1946.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of warbuilt dry cargo vessels owned by the United States is required in the public interest in any service then not adequately served and for which privately owned American-flag vessels are not available for charter by private operators on reasonable conditions and rates, and certifies its findings to the Secretary of Commerce together with any restrictions and conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately owned vessels against competition from Government vessels chartered by the Secretary of Commerce. All such charters are reviewed annually by the Federal Maritime Board for the purpose of making recommendations to the Secretary of Commerce as to whether conditions exist justifying the continuance of the charters. The functions of the Secretary of Commerce with respect to the chartering of vessels has been delegated to the Maritime Administrator.

(d) *War risk insurance.* Pursuant to Public Law 763, 81st Congress, the Federal Maritime Board makes determinations of the fair and reasonable value of vessels insured under the provisions of Title XII of the Merchant Marine Act, 1936, as amended. The Secretary of Commerce may not settle an insurance claim with respect to a vessel in an amount in excess of the vessel's fair and reasonable value as determined by the Federal Maritime Board.

(e) In carrying out its functions under paragraphs (a), (b), (c) and (d), above, the Federal Maritime Board adopts rules and regulations; makes reports and recommendations to Congress; subpoenas witnesses; administers oaths; takes evidence; requires the production of books, papers and documents as necessary; issues opinions; promulgates orders; engages in enforcement and other legal proceedings; and performs all functions formerly performable by the Maritime Commission, which have been transferred to the Federal Maritime Board pursuant to Reorganization Plan No. 21 of 1950.

4. *Organization of the Maritime Administration—(a) Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce.

(b) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator, who is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the Office of Maritime Administrator. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

(c) *Organizational components.* The Maritime Administration has the following organizational components: (1) Office of the Maritime Administrator; (2) Staff Offices, including the Office of the General Counsel, the Program Planning Office, the Budget Office, and the Personnel Office; (3) Division of Claims; (4) Office of Subsidy and Government Aid; (5) Office of Maritime Operations; (6) Office of Ship Construction; (7) Office of the Comptroller; and (8) Offices of the Coast Directors.

(d) *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board under his supervision as Chairman to perform activities for the Maritime Administration.

5. *Functions of the Maritime Administrator.* The Maritime Administrator is responsible for the performance of all functions transferred to the Secretary of Commerce under Reorganization Plan No. 21 of 1950, subject to the limitations set forth in Department Order No. 116, as amended, with power of redelegation, and for the performance of activities for the Federal Maritime Board as determined desirable by the Chairman of the Federal Maritime Board.

(a) The Office of the Maritime Administrator directs the activities of the Maritime Administration and includes personnel who render staff services to the Maritime Administrator.

(b) The Office of the General Counsel serves as the law office of the Maritime Administration and Federal Maritime Board, renders legal advice and opinions to them, and represents them in any litigation in which either is interested. The Office of the General Counsel has the following divisions: Division of Contracts, Division of Legislation, and Division of Litigation.

(c) The Program Planning Office develops and recommends long-range merchant marine policy and programs, reviews existing policies and programs in the light of adopted long-range policy, and conducts economic studies connected with policy formulation for the Maritime Administrator and the Federal Maritime Board.

(d) The Budget Office develops and presents budgetary requests and justifications and allots and maintains budget-

ary control of appropriated funds for the Maritime Administration and the Federal Maritime Board.

(e) The Personnel Office administers the personnel functions of the Maritime Administration and the Federal Maritime Board related to employment and position classification, including recruitment, placement, separations, disciplinary actions, counseling and grievance appeal services, training and safety programs, and wage rate studies.

(f) The Division of Claims is responsible for analyzing and recommending the basis of settlement of claims in favor of or against the Maritime Administration arising out of the war-time operations of the former Maritime Commission and War Shipping Administration and other claims referred to it for processing prior to August 22, 1949.

(g) The Office of Subsidy and Government Aid is responsible for the processing of applications to the Federal Maritime Board and the Maritime Administration for subsidy or other government aid and the administration of government aid contracts after their execution, for the coordination of the work of other organizational components in connection therewith, and for the making of recommendations with respect to the policy relating to vessel chartering. The Office of Subsidy and Government Aid has the following divisions: Division of Construction Cost Comparison, Division of Contract Evaluation and Administration, Division of Operating Cost Comparison, and Division of Shipping Data.

(h) The Office of Maritime Operations is responsible for the conduct of activities relating to the charter, operation, repair, reconversion, betterment, reconditioning, and disposal of government-owned merchant vessels; the maintenance of reserve fleets; the training of seagoing personnel; the procurement and disposal of real and personal property; the maintenance or operation of warehouses, marine terminals and reserve shipyards; port development; and the rendering of office services. The Office of Maritime Operations has the following divisions: Division of General Services, Division of Maintenance and Repair, Division of Maritime Training, Division of Vessel Custody, and Division of Vessel Operations.

(i) The Office of Ship Construction is responsible for the conduct of activities of the Maritime Administration and the Federal Maritime Board relating to ship design and construction, and the rendering of technical direction to the Office of Maritime Operations with respect to the reconversion, betterment and reconditioning of Maritime Administration-owned vessels. The Office of Ship Construction has the following divisions: Division of Estimates, Division of Preliminary Design, Division of Production, and Division of Technical Development; and contains the Vessel Trial and Guarantee Survey Boards.

(j) The Office of the Comptroller is responsible for the accounting, auditing, and insurance activities of the Maritime Administration and the Federal Maritime Board. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Credits and Collections, and Division of Insurance.

(k) The Offices of the Atlantic, Gulf, and Pacific Coast Directors are responsible for maintaining general surveillance over the management of field offices of the various organizational components located on their respective coasts.

6. *Filing of applications and other formal documents.* All applications and other formal documents required to be filed with either the Federal Maritime Board or the Maritime Administration shall be filed with the Secretary's Office, Federal Maritime Board.

(5 U. S. C. 22; R. S. 161; and Reorganization Plan No. 21 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

The statements of organization and functions of the Federal Maritime Board contained in the foregoing have been adopted by the Federal Maritime Board.

E. L. COCHRANE,
Chairman,
Federal Maritime Board.

[F. R. Doc. 51-28; Filed, Jan. 2, 1951; 8:48 a. m.]

Federal Maritime Board

REDERIAKTIEBOLAGET CLIPPER (CLIPPER LINE) ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7758, between Rederiaktiebolaget Clipper (Clipper Line) and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Agreement No. 7768, between West Coast Line joint service (Rederiet Ocean Aktieselskab and West Coast Line, Inc.) and Bull Insular Line, Inc., covers transportation of cargo under through bills of lading from Chile, Ecuador, Peru and Colombian Pacific Coast to Fuerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Agreement No. 7803, between Bristol City Line of Steamships, Limited, and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from Bristol Channel ports (England) to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Agreement No. 7804, between Anchor Line, Limited, and Bull Insular Line, Inc., covers transportation of general cargo under through bills of lading from United Kingdom of Great Britain and Northern Ireland to Puerto Rico, with transshipment at New York, Baltimore, or Philadelphia.

Agreement No. 7805, between American President Lines, Ltd., and Furness, Withy & Co., Ltd., covers transportation of general cargo under through bills of lading from China (including Hong Kong), Japan, Federation of Malaya, Colony of Singapore, and Indonesia to the Virgin Islands, with transshipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: December 27, 1950.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-29; Filed, Jan. 2, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4586]

WEST COAST COMMON FARES CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the West Coast passenger fare structure.

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on January 8, 1951, is postponed to a time and place hereafter to be determined.

Dated at Washington, D. C., December 27, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-67; Filed, Jan. 2, 1951; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF OPINION AND ORDER

DECEMBER 27, 1950.

Notice is hereby given that, on December 22, 1950, the Federal Power Commission issued its Opinion No. 203 and order entered December 19, 1950, denying application and referring matter to Congress in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-30; Filed, Jan. 2, 1951; 8:49 a. m.]

[Docket No. G-1426]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

DECEMBER 27, 1950.

Notice is hereby given that, on December 19, 1950, the Federal Power Commission issued its order entered December 18, 1950, amending order of October 10, 1950, published in the FEDERAL REGISTER on October 17, 1950 (15 F. R. 6939), issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11; Filed, Jan. 2, 1951; 8:46 a. m.]

[Docket Nos. G-1470, G-1536]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 27, 1950.

In the matters of Texas Gas Transmission Corporation, Docket No. G-1470; Natural Gas Pipeline Company of America, and Texoma Natural Gas Company, Docket No. G-1536.

Notice is hereby given that, on December 22, 1950, the Federal Power Commission issued its findings and orders entered December 21, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-12; Filed, Jan. 2, 1951; 8:46 a. m.]

[Docket No. G-1482]

CITY OF TRINIDAD, COLO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 27, 1950.

Notice is hereby given that, on December 26, 1950, the Federal Power Commission issued its findings and order entered December 22, 1950, directing Colorado Interstate Gas Company to establish physical connection of facilities and sale of natural gas to the City of Trinidad, Colorado.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-13; Filed, Jan. 2, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25700]

ANHYDROUS AMMONIA FROM SOUTHWEST TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Military, Kans., Lake Charles, La., and certain other points.

To: Louisville, Ky.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3746, Supp. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-14; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25701]

ACETALDEHYDE TO GARFIELD, N. J.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3919.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Tallant, Okla., Brownsville, Bishop, Houston, Texas City and Winnie, Tex.

To: Garfield, N. J.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 529; D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-15; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25702]

PETROLEUM PRODUCTS FROM HAUSER, TEX.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum products, carloads.

From: Hauser, Tex.

To: Southwestern territory and adjacent points.

Grounds for relief: Competition with rail carriers. Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 442.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-16; Filed Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25703]

RUBBER FROM TEXAS AND LOUISIANA TO WASHINGTON, PA.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3906.

Commodities involved: Rubber, artificial, synthetic, or neoprene, crude, carloads.

From: Houston, Tex., Lake Charles, La., and certain other points in Texas and Louisiana.

To: Washington, Pa.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 530; D. Q. Marsh's tariff I. C. C. No. 3906, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-17; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25704]

COTTON PIECE GOODS (FLAT GOODS) SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 856 and 899.

Commodities involved: Blankets, sheets, towels, and other flat goods, carloads.

From: Mill points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 856, Supp. 125; C. A. Spaninger's tariff I. C. C. No. 899, Supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-18; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25705]

LIQUID FORMALDEHYDE FROM TALLANT, OKLA., TO THE EAST

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3919.

Commodities involved: Liquid formaldehyde, in tank-car loads.

From: Tallant, Okla.

To: Points in Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-19; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25706]

GLYCERINE FROM DALLAS, TEX.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Glycerine, carloads.

From: Dallas, Tex.

To: Ampthill and Deep Run Spur, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 528.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-20; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25707]

MOTOR-RAIL RATES IN CONNECTION WITH N. Y. N. H. & H. RR.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company, for itself and on behalf of Malkin Motor Freight Co., of Cambridge, Mass.

Commodities involved: All commodities.

Between: Boston, Mass., Hartford, Conn., New Haven, Conn., Providence, R. I., Springfield and Worcester, Mass., on the one hand and New Haven, Conn., and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-21; Filed, Jan. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25708]

MOTOR-RAIL RATES—N. Y. N. H. & H. RR. AND HARTFORD TRANSPORTATION CO., INC.

APPLICATION FOR RELIEF

DECEMBER 28, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Hartford Transportation Co., Inc., of Newington, Conn.

Commodities involved: All commodities.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-22; Filed, Jan. 2, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16153]

HELMUT WERNER ET AL.

In re: Rights of Helmut Werner et al., under insurance contract. File No. F-28-25113-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmut Werner, Elfriede Hildegard Werner, Joachim Pieter Werner and Ursula Elizabeth Werner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,422,126 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Helmut Werner, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Helmut Werner or Elfriede Hildegard Werner or Joachim Pieter Werner and Ursula Elizabeth Werner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-12569; Filed, Dec. 29, 1950; 8:57 a. m.]

[Vesting Order 16710]

OTTO MEYER

In re: Estate of Otto Meyer, also known as Otto Mayer, deceased. File No. F-28-30814-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Minder, Franziska Frey, Albert Frey, Thomas Frey, Johann Hans Forg, also known as Johann Hans Foerg, Rosa Rosina Fuchsberger, Centa Schindler, also known as Crescentia (Kreszenz) Schindler, Josef Woerle, Maria Anna Haefelein, Rosa Riedelsheimer, Franziska Meister and Therese Hofmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs and next of kin, names unknown, of Otto Meyer, also known as Otto Mayer, deceased, except Ludwig (Louis) Forg, Mary Forg Sadler, Rose Washick, Rudy Wunderlich, and Henry Wunderlich, residents of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Ludwig (Louis) Forg, Mary Forg Sadler, Rose Washick, Rudy Wunderlich and Henry Wunderlich, residents of the United States, in and to the estate of Otto Meyer, also known as Otto Mayer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Rose Washick, Administratrix, acting under the judicial supervision of the Probate Court of Cook County, State of Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs and next of kin, names unknown, of Otto Meyer, deceased, except Ludwig (Louis) Forg, Mary Forg Sadler, Rose Washick, Rudy Wunderlich and Henry Wunderlich, residents of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 50-12570; Filed, Dec. 29, 1950; 8:57 a. m.]

[Vesting Order 16711]

CLARA HEDWIG SCHMIDT

In re: Trust for Clara Hedwig Schmidt. File No. F-28-27369; E. T. sec. No. 15517.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Baethmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to a trust created for the benefit of Clara Hedwig Schmidt pursuant to an order of the Orphans' Court of Philadelphia County, Pennsylvania, entered on February 18, 1921, in the matter of the Estate of Otto Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Pennsylvania Company for Banking and Trusts, as trustee, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-12571; Filed, Dec. 29, 1950; 8:57 a. m.]

VENDELIN HEMMERLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vendelin Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 41245; Charles Hemmerle, Strasbourg (Bas-Rhin), France; Claim No. 43818; Jacques Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43819; Mathilde Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43820; Emilie Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43821; 5/7 of $7,352.44 in the Treasury of the United States, said 5/7 to be divided equally among the claimants. All right, title and interest of the claimants in and to the Estate of Wendell Hamlin, deceased; estate administered under judicial supervision of Surrogate's Court of Oneida County, New York.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-12572; Filed, Dec. 29, 1950; 8:57 a. m.]

[Vesting Order 16242]

LEONIE MIURA ET AL.

In re: Rights of Leonie Miura, et al., under insurance contracts. Files: F-39-5013-H-1 and F-39-5013-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonie Miura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Leonie Miura, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 47940380 and 56045049 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Leonie Miura, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Leonie Miura or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Leonie Miura, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Leonie Miura are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-40; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16245]

MASAKATSU MURAKAMI AND TAMAKI MURAKAMI

In re: Rights of Masakatsu Murakami and Tamaki Murakami under insurance contract. File No. F-39-4408-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masakatsu Murakami and Tamaki Murakami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidence by Policy No. 6998 202 issued by the New York Life Insurance Company, New York, New York, to Masakatsu Murakami, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masakatsu Murakami or Tamaki Murakami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-35; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16246]

ITSURO MURAKAWA AND TOMOKO MURAKAWA

In re: Rights of Itsuro Murakawa and Tomoko Murakawa under insurance contract. File No. F-39-4406-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuro Murakawa and Tomoko Murakawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 760 452 issued by the New York Life Insurance Company, New York, New York, to Itsuro Murakawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Itsuro Murakawa or Tomoko Murakawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-36; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16248]

KIUTARO NAKASHIMA AND GEORGE NAKASHIMA

In re: Rights of Kiutaro Nakashima and George Nakashima under contract of insurance. File No. F-39-5468-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Nakashima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2,281,776 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Kiutaro Nakashima, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 6, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-37; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16271]

LOUISE SEVERNE

In re: Rights of Louise Severne under insurance contract. File No. F-28-28237-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Severne, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5 153 687-A, issued by the Metropolitan Life Insurance Company, New York, New York, to Louise Severne, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-38; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16277]

GENKICHI TAKENCHI

In re: Rights of domiciliary personal representatives et al., of Genkichi Takenchi, deceased, under insurance contract. File No. D-39-17363-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Genkichi Takenchi, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 988 624, issued by the New York Life Insurance Company, New York, New York, to Genkichi Takenchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Genkichi Takenchi, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-39; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16278]

HARRY TEIJI TESHIROGI

In re: Rights of Harry Teiji Teshirogi under contract of insurance. File F-39-6773-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Teiji Teshirogi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Harry Teiji Teshirogi under a contract of insurance evidenced by Policy No. 109986, issued by the Beneficial Life Insurance Company, Salt Lake City, Utah, to Harry Teiji Teshirogi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-40; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16280]

SHOZO TOMOEDA

In re: Rights of the domiciliary personal representatives, et al., of Shozo Tomoeda, deceased, under contract of insurance. File No. F-39-4525-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Shozo Tomoeda, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 596 444, issued by the General American Life Insurance Company, Saint Louis, Missouri, to Shozo Tomoeda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Shozo Tomoeda, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-41; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16282]

IRMA ULLRICH ET AL.

In re: Rights of Irma Ullrich et al. under insurance contract. File No. F-28-28175-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irma Ullrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Irma Ullrich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 33 279 722, issued by the Metropolitan Life Insurance Company, New York, New York, to Irma Ullrich, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Irma Ullrich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-42; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16308]

RUDOLF FRONING

In re: Stock owned by Rudolf Froning, F-28-25827-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Froning, whose last known address is Staedtische Sparkasse, Coesfeld in Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests evidenced or represented by American Depository Receipts issued by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for Five Hundred (500) shares of Par Value one pound (£1) Ordinary Registered Capital Stock of The Spanish and General Corporation, Limited, London, England, numbered 8394 to 8398 inclusive registered in the name of Rudolf Froning, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-43; Filed, Jan 2, 1951; 8:50 a. m.]

[Vesting Order 16363]

DIETRICH DANKER

In re: Rights of Dietrich Danker, et al., under a contract of insurance. File No. D-28-10913-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dietrich Danker and Karl Danker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Dietrich Danker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 78 312 issued by the Workmen's Benefit Fund, Brooklyn 27, New York, to Heinrich Danker, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Dietrich Danker or Karl Danker or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Dietrich Danker, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Dietrich Danker, are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-44; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16364]

ELIZABETH PIATEK DITTUS

In re: Rights of Elizabeth Piatek Dittus under insurance contracts. Files F-28-30724 H-1, H-2, and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Piatek Dittus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies PU 30975, PU 30977 and PU 30978, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elizabeth Dittus, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Piatek Dittus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-45; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16377]

LILLY GREENEBAUM

In re: Rights of Lilly Greenebaum under insurance contract. File No. F-28-23077-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilly Greenebaum, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 119 043, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Theodore Greenebaum, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-47; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16374]

ERICH JOHANNES GOTTFRIED BURMEISTER AND BERTHA BURMEISTER

In re: Rights of Erich Johannes Gottfried Burmeister and Bertha Burmeister under contract of insurance. File F-28-24589-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Johannes Gottfried Burmeister and Bertha Burmeister, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 203385, issued by the West Coast Life Insurance Company, San Francisco, California, to Erich Johannes Gottfried Burmeister, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erich Johannes Gottfried Burmeister or Bertha Burmeister, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-46; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16379]

STEPHAN GRONSKI

In re: Rights of Stephan Gronski under a contract of insurance. File No. F-28-27116-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stephan Gronski, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Stephan Gronski under a contract of insurance evidenced by Policy No. 4 103 592-C issued by the Metropolitan Life Insurance Company, New York, New York, to Stephan Gronski, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-48; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16446]

MINNA TEMPEL

In re: Estate of Minna Tempel, deceased. File No. D-28-7477; E. T. sec. 7699.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Meier, Fritz Meier, Wilhelmine Koller, Heinrich Meier, Lina Rieke, Sophie Schmidtpeter, Helene Meier, Auguste Meier, Heinrich Brinkmeier, Fritz Brinkmeier, Herman Brinkmeier, August Brinkmeier, Gustav Brinkmeier, Mina Lefman, Auguste Brinkmeier, Heinrich Kulmeier, Walter Kulmeier, Friedrich Kulmeier, Fritz Kuhfuss, Heinrich Kuhfuss, Lina Woltemathe, Louise Brinkman, Marie Peiper, Minna Tempel, Fritz Tempel, Louis Tempel, Wilhelm Tempel, Maria Schultze and Louise Solle, whose last known address was, on November 3, 1950, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,973.48 was paid to the Attorney General of the United States by Forrest F. Tempel, the Administrator, D. B. N., C. T. A., of the Estate of Minna Tempel, Deceased;

3. That the sum of $2,973.48 was accepted by the Attorney General of the United States on November 3, 1950, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $2,973.48 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country, on November 3, 1950, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-49; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16466]

KARL BAUNACH

In re: Debt owing to Karl Baunach. F-28-25551-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Baunach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Karl Baunach, by the Kearny Manufacturing Company, Inc., (formerly American Textile Engineering Inc.), 681 Schuyler Avenue, Kearny, New Jersey, representing unpaid commissions, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karl Baunach, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-50; Filed, Jan. 2, 1951; 8:50 a. m.]

[Vesting Order 16468]

A. G. PAULANERBRAU SALVATOR BRAUEREI AND THOMAS BRAU

In re: Debt owing to A. G. Paulanerbrau Salvator Brauerei and Thomas Brau. F-28-9001/C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. G. Paulanerbrau Salvator Brauerei and Thomas Brau, the last known address of which is 42 Ohlmuller Strasse, Munich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to A. G. Paulanerbrau Salvator Brauerei and Thomas Brau, by Atlantis Importers & Distributors, Inc., 11 West 42 Street, New York, N. Y., in the net amount of $170.73, as of September 3, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-51; Filed, Jan. 2, 1951; 8:51 a. m.]

[Vesting Order 16470]

MARY FABIAN

In re: Claim of Mary Fabian, also known as Marya Fabian. F-28-23561-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Fabian, also known as Marya Fabian, whose last known address is Breslau, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interest in, to and under that certain claim against the New York State Department of Insurance, 160 Broadway, New York City, as liquidator of Hudson Counties Title and Mortgage Company, said claim numbered 341, filed by Mary Fabian, including particularly any and all declared and unpaid liquidating dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-52; Filed, Jan. 2, 1951; 8:51 a. m.]

[Vesting Order 16474]

DR. NICOLAS HEFTER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Nicolas Hefter, deceased. F-28-22161.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Dr. Nicolas Hefter, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a dollar checking account, entitled Dr. Nicolas Hefter, maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Dr. Nicolas Hefter, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Dr. Nicolas Hefter, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-53; Filed, Jan. 2, 1951; 8:54 a. m.]

[Vesting Order 16476]

THEODORE HITZEROTH

In re; Rights of Theodore Hitzeroth under marine and war risk policies. F-28-11420-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodore Hitzeroth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests of Theodore Hitzeroth, in, to and under Marine and War Risk policies, issued by Fireman's Fund Insurance Company, 401 California Street, San Francisco, California, to Dant & Russell, Inc., of Portland, Oregon, and endorsed by Dant & Russell, Inc., to Theodore Hitzeroth, covering shipments aboard the SS "Este", arising on account of the seizure of the vessel and the sale of the cargo by a prize court in England,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodore Hitzeroth, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-54; Filed, Jan. 2, 1951; 8:51 a. m.]

[Vesting Order 16477]

TORAJIRO IMAHASHI

In re: Bank account owned by Torajiro Imahashi. D-39-1440-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Torajiro Imahashi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Torajiro Imahashi by the United States National Bank, San Diego, California, arising out of a savings account, account numbered 15793, entitled "Torajiro Imahashi," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-55; Filed, Jan. 2, 1951; 8:51 a. m.]

[Vesting Order 16659]

AUGUST AND ELIZABETH DEICHMANN

In re: Real property and claim owned by August Deichmann and Elizabeth Deichmann, his wife. F-28-31042-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Deichmann and Elizabeth Deichmann, his wife, each of whose last known address is Gertrudenstift, Grossenritte Kassel 7, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the Township of Brookfield, County of Huron and State of Michigan, particularly described in Exhibit A attached hereto, and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof by Beatrice Fritz, R. F. D. 1, Bad Axe, Michigan, including particularly but not limited to those sums arising from rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot or tract of land lying and being in the Township of Brookfield, County of Huron and State of Michigan, bounded and described as follows:

Commencing Fourteen Rods and Eleven feet South of the North West corner of the North East quarter of the North West quarter of Section Two in Township Fifteen North of Range Ten East and thence South to the South West corner of said North East quarter of the North West quarter as aforesaid, thence East Twenty-four rods, thence North to within Fourteen Rods and Eleven feet of the North side of said North East quarter of the North West quarter, thence West to the point of beginning and containing Ten acres of land be the same more or less.

[F. R. Doc. 51-56; Filed, Jan. 2, 1951; 8:52 a. m.]

[Vesting Order 16660]

ADELE BACH EHLEN ET AL.

In re: Real property owned by Adele Bach Ehlen and others. D-28-7997.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adele Bach Ehlen, Adele Sibylla Ehlen Frank, Werner Ehlen, and Gertha Ehlen, also known as Gertrud Ehlen, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in St. Clair Township, Columbiana County, Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property owned by the heirs of Joseph Bach, deceased, as set forth in Administrator's third and final account in the Probate Court, Columbiana County, Ohio, Case No. 39759, Doc. 39, Page 365, approved June 21, 1950, and described as a tract of land in St. Clair Township, Columbiana County, Ohio, containing 3.76 acres less 28/100 acres sold for road purposes. See Vol. 560, page 301 of the Deed Records of Columbiana County, Ohio.

[F. R. Doc. 51-57; Filed, Jan. 2, 1951; 8:52 a. m.]

[Vesting Order 16662]

META NEUMANN

In re: Interest in real property owned by Meta Neumann. F-28-26495-A-1, F-28-26495-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Neumann, whose last known address is Hacklanderstrasse 291, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided seven-twelfths (7/12) interest in real property situated in the County of San Diego, State of California, particularly described as the South half (S½) of the Southwest quarter (SW¼) and the East half of Section Thirty-six (36), Township Sixteen (16) South, Range Two (2) East of San Bernardino Meridian, according to the United States

Government survey approved September 4, 1830, containing 400 acres, more or less, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-59; Filed, Jan. 2, 1951; 8:52 a. m.]

[Vesting Order 16664]

MASATO NISHIKAWA

In re: Real property, property insurance policy, household furnishings, farm equipment and a claim owned by Masato Nishikawa, also known as Masata Nishikawa. F-39-6369.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masato Nishikawa, also known as Masata Nishikawa, whose last known address is Nagasaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property, situated in Fresno County, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof in and to property insurance policy No. 513231, in the amount of $2,500.00, issued by the American Insurance Company of Newark, New Jersey, 256 Montgomery Street, San Francisco, California, expiring October 18, 1950, which policy insures the improvements on the real property described in subparagraph 2-a hereof, and any and all extensions or renewals of said policy,

c. Household furnishings stored in the dwelling located on the property described in subparagraph 2-a hereof, and more particularly described in Exhibit B, attached hereto and by reference made a part hereof,

d. Farm equipment located on the real property described in subparagraph 2-a hereof, and more particularly described in Exhibit C, attached hereto and by reference made a part hereof, and

e. That certain debt or other obligation owing to Masato Nishikawa, also known as Masata Nishikawa, by Harding & Leggett, P. O. Box 386, Orange Cove, California, arising out of the net income by reason of rental of the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c, 2-d and 2-e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situated in the County of Fresno, State of California, described as follows:

S½ of Lot 16 of Smith Mountain Colony, in Section 25, Township 15 South, Range 24 East, W. D. M., as per map recorded November 20, 1916, in Plat Book 8, page 10, Fresno County Records.

EXHIBIT B

Inventory of household furnishings, owned by Masato Nishikawa, also known as Masata Nishikawa:

3 bed springs.
2 garbage cans.
9 chairs.
1 medicine cabinet.
4 folding cots.
4 bedsteads.
3 sets bed rails.
1 heater (wood).
1 costumer.
1 box, small.
1 overnight bag.
1 oil stove.
1 paper carton.
3 table leaves.
4 mattresses.
1 box of books.
4 tables.
3 crates.
1 suitcase.
1 motor.
2 lunch pails.
1 bookcase.
1 mirror.
1 five-gallon can.

EXHIBIT C

Inventory of farm equipment, owned by Masato Nishikawa, also known as Masata Nishikawa:

1—15 hp. turbine pump.
1—butane tank.
1—single plow.
1—12" horse-drawn plow.

[F. R. Doc. 51-61; Filed, Jan. 2, 1951; 8:52 a. m.]

[Vesting Order 16661]

TAKESHI INOKUCHI

In re: Interest in real property, property insurance policies and a claim owned by Takeshi Inokuchi. D-39-18462, D-39-18462-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takeshi Inokuchi, whose last known address is Miyauchimura, Saiki-gun, Komoto, Hiroshima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, situated in the Newport Mesa Irrigation District, County of Orange, State of California, described as Lots 1103 and 1104, of the Newport Mesa Tract, as shown on a Map recorded in Book 5, Page 1 of Miscellaneous Maps, records of Orange County, California,

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof, in and to all property insurance policies covering the improvements located on the real property described in subparagraph 2-a hereof, and any and all extensions or renewals thereof, and

c. All those certain debts or other obligations owing to the person named in subparagraph 1 hereof, by Minoru Inokuchi, 1820 Whittier Avenue, Route 2, Costa Mesa, California, arising from rents or benefits from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-62; Filed, Jan. 2, 1951; 8:53 a. m.]

[Return Order 842]

BLERIOT AERONAUTIQUE SOCIETE ANONYME

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bleriot Aeronautique, Societe Anonyme, Paris, France; Claim No. 42511; November 18, 1950 (15 F. R. 7911); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,004,624. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-66; Filed, Jan. 2, 1951; 8:53 a. m.]

[Return Order 836]

MRS. OTTILIE FRANKE MULLER WINSLOW

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mrs. Ottilie Franke Muller Winslow, a/k/a Ottilie Franke Mueller Winslow, New York, N. Y.; Claim No. 5307; October 12, 1950 (15 F. R. 6871); all right, title, interest and claim of any kind or character whatsoever of Ottilie Franke Mueller in and to the Estate of Minna A. Franke, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-64; Filed, Jan. 2, 1951; 8:53 a. m.]

[Return Order 837]

MIKA MARIE STRAKOSCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Mika Marie Strakosch, Gotha-Sieblehen, Thuringen, Germany; Claim No. 42767; November 14, 1950 (15 F. R. 7741). $2,427.70 in the Treasury of the United States and the interest of Mika Strakosch in the trust estate created under Article Ninth of the Will of Emil Fuchs, deceased; Guaranty Trust Company, 524 5th Avenue, New York, New York, Trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-65; Filed, Jan. 2, 1951; 8:53 a. m.]

[Return Order 833]

MARIANNA TIBERI FRISSORA ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any

increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Marianna Tiberi Frissora, Angela Giovannina Frissora Fedele, Ginevra Frissora, Margherita Frissora Spinosa, Lucia Frissora Pronio; Province Aquila, Italy; Claim No. 37735; October 14, 1950 (15 F. R. 6928); all right, title and interest of the respective claimants in and to the Estate of Ulisse Frissora, deceased, including $44,108.38 in the Treasury of the United States to be divided as follows: Claimant Marianna Tiberi Frissora to receive a ½ interest and claimants Angela Giovannina Frissora Fedele, Ginevra Frissora, Margherita Frissora Spinosa and Lucia Frissora Pronio to receive a ⅛ interest each.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-63; Filed, Jan. 2, 1951; 8:53 a. m.]

[Vesting Order 16663]

JOHANNES STAUDENMAIER ET AL.

In re: Interest in real property and property insurance policies owned by Johannes Staudenmaier and others. D-28-12752.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Staudenmaier, Anna Staudenmaier, Theresia Schweizer, Emilie Staudenmaier, and Eugenie Schullhamen, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided four-ninths (4/9ths) interest in real property situated in Rusk County, State of Wisconsin, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that real property situate in the County of Rusk, State of Wisconsin, described as follows:

The West One-half of the Southwest Quarter (W½ of SW¼), the East One-half of the Southwest Quarter (E½ of SW¼) and Lots Six (6) and Seven (7), all in Section Thirty-one (31), Township Thirty-three (33) North, Range Six (6) West.

[F. R. Doc. 51-60; Filed, Jan. 2, 1951; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 2

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10200

ESTABLISHING THE DEFENSE PRODUCTION ADMINISTRATION

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, and as President of the United States and Commander-in-Chief of the armed forces, it is hereby ordered as follows:

PART I. DEFENSE PRODUCTION ADMINISTRATION

SECTION 1. (a) There is hereby created an agency which shall be known as the Defense Production Administration.

(b) There shall be at the head of the Defense Production Administration a Defense Production Administrator, hereinafter referred to as the Administrator, who shall be appointed by the President by and with the advice and consent of the Senate. The Administrator shall perform his duties subject to the direction, control, and coordination of the Director of Defense Mobilization.

SEC. 2. (a) There are hereby delegated to the Administrator the functions conferred upon the President by Titles I and II and section 708 of the Defense Production Act of 1950 (relating respectively to priorities and allocations, requisitioning, and voluntary agreements) which were by the provisions of Part I, section 201 (a) of Part II, and Part VII of Executive Order No. 10161 of September 9, 1950, delegated to the Secretary of Commerce, the Secretary of the Interior, and the commissioner of the Interstate Commerce Commission, respectively, and those which were by the provisions of section 101 of the said Executive Order No. 10161 delegated to the Secretary of Agriculture to the extent that they relate to food which has been determined to be available for industrial needs pursuant to section 3 of this order; and the said delegations made by the said Executive Order No. 10161 are hereby terminated accordingly.

(b) The Administrator shall direct the administration of the functions provided for in sections 302 and 303 of the Defense Production Act of 1950 (relating to expansion of production, capacity, and supply) except as to food; and accordingly, (1) the functions delegated to the Administrator of General Services by the provisions of section 304 of the said Executive Order No. 10161 shall be performed by him only pursuant to certificates of or subject to the approval of the Defense Production Administrator, and (2) that part of section 303 of the said Executive Order No. 10161 which precedes paragraph (a) thereof is hereby amended to read as follows:

"SECTION 303. Within such amounts of funds as may be made available, and upon the certificate of the Secretary of Agriculture in respect of food and of the Defense Production Administrator in respect of other materials and facilities, as to the necessity for loans, purchases, commitments, or exploration, as the case may be:"

(c) In carrying out the functions delegated or otherwise assigned to him by the foregoing provisions of this Executive order, the Administrator shall:

(1) Pending the further order of the President or the Director of Defense Mobilization, and excluding the duties set forth in paragraphs (2) to (5), inclusive, immediately below, provide by redelegation or otherwise for the performance of the said functions by the respective officers and agencies to whom the said functions were delegated by the said Executive Order No. 10161 and their delegates.

(2) Perform the central programming functions incident to the determination of the production programs required to meet defense needs.

(3) Make determinations as to the provision of adequate facilities for defense production and as to the procedures and methods followed by Executive agencies with respect to the accomplishment of defense production programs, including those with respect to purchasing, contracting, and specifications.

(4) Assemble estimated labor supply requirements for the fulfillment of projected defense production programs and furnish them to the Secretary of Labor for use in connection with the functions assigned to him by Part VI of the said Executive Order No. 10161.

(5) Perform, without the power of redelegation, those functions of the Administrator under section 2 (a) of this Executive order (relating to certain voluntary agreements), which were heretofore delegated to the Secretary of Commerce by the provisions of section 701 (b) (1) of the said Executive Order No. 10161, and perform such other func-

(Continued on p. 63)

CONTENTS

THE PRESIDENT

Executive Order — Page
Defense Production Administration, establishment — 61

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation: Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Berliner Kraft und Licht (Bewag) Aktiengesellschaft — 106
Helmholz, Marilyn D — 108
Jeka, Josef, et al — 105
Neumann, Alfred — 105
Rohde, Amalia — 108
Sako, W — 106
Sakurai, Y — 106
Terlinden, Emmy, et al — 107
Wiebrecht, William, et al — 107
Willenbrock, Marie Louise — 107

Civil Aeronautics Board
Notices:
Hearings, etc.:
Colonial Airlines, Inc.; final mail rate — 99
Roscoe Charter Service; additional service to State of Kansas — 99
Rules and regulations:
Rules of practice in economic proceedings; informal mail rate conference procedure — 75

Civil Service Commission
Rules and regulations:
Competitive service exceptions; Federal Security Agency — 63

Commerce Department
Notices:
Delegation of authority with respect to security control of air traffic — 99

Commodity Credit Corporation
Rules and regulations:
Grains; loan and purchase agreement programs, 1950:
Barley — 63
Corn — 64
Flaxseed — 64

FEDERAL REGISTER

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CONTENTS—Continued

Commodity Credit Corporation—Continued
Rules and regulations—Continued
Grains; loan and purchase agreement programs, 1950—Continued
Grain sorghums 65
Oats 65
Rye 66
Soybeans 65
Wheat 66

Defense Minerals Administration Page
Rules and regulations:
Scarce materials, designation 85

Economic Stabilization Agency
Notices:
Functions with respect to price stabilization to be performed by Director 100

Federal Communications Commission
Notices:
Antenna structures:
Notice to applicants concerning construction, painting and lighting 100
Procedure for special aeronautical studies 100
Rules and regulations:
Antenna towers and/or their supporting structures; construction marking and lighting 86
Citizens radio service; application for construction permit using non-type approved equipment and frequency tolerance 91

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co 101
Cities Service Gas Co 101
Equitable Gas Co 101

General Services Administration
Notices:
Delegation of authority to Housing and Home Finance Administrator with respect to alleviation of disaster caused by recent floods in area in and near City of Reno, Nev. 102

Geological Survey
Rules and regulations:
Unit or cooperative agreements 77

Housing and Home Finance Agency
Delegation of authority with respect to alleviation of disaster caused by recent floods in area in and near City of Reno, Nev. (*See* General Services Administration).

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in Oregon 77

Immigration and Naturalization Service
Rules and regulations:
Deportation proceedings; suspension of deportation 74

Interior Department
See Defense Minerals Administration; Geological Survey.

Interstate Commerce Commission
Notices:
Applications for relief:
Acetaldehyde to St. Louis, Mich. 102

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Canned goods from New Orleans, La., to Montgomery, Ala. 103
Class and commodity rates; Atlantic and Danville Railway 102
Less than carload freight in containers to or from points in Arkansas 101
Merchandise in mixed carloads from Chicago, Ill., to Orangeburg, S. C. 103
Peanuts, shelled, between Oklahoma and Texas 102
Petroleum products from Greta, Tex. 103
Texas commodity rates 103

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Post Office Department
Notices:
Delegation of authority to certain officials in Bureau of Accounts and Bureau of Finance with respect to signing checks for warrants withdrawing funds from certain symbol accounts 99

Production and Marketing Administration
Proposed rule making:
Milk handling:
Cincinnati, Ohio, area 93
Duluth-Superior area 92
Tri-State area 93
Rules and regulations:
Milk handling in Greater Kansas City area 67
Tobacco:
Cigar-filler tobacco and cigar-filler and cigar-binder tobacco 67
Maryland 67

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Public Utility Corp. and Consolidated Electric and Gas Co. 104
Pennsylvania Gas & Electric Corporation et al. 104

Treasury Department
Rules and regulations:
U. S. savings bonds; calculation of amount 85
Values of foreign moneys; quarter beginning Jan. 1, 1951 84

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10161 (amended by EO 10203).
10172 (revoked by EO 10200).
10200 61

CODIFICATION GUIDE—Con.

Title 5 Page
Chapter I:
Part 6 63
Title 6
Chapter IV:
Part 601 (8 documents) 63, 64, 65, 66
Title 7
Chapter VII:
Part 723 67
Part 727 67
Chapter IX:
Part 913 67
Part 954 (proposed) 92
Part 965 (proposed) 98
Part 972 (proposed) 98
Title 8
Chapter I:
Part 150 74
Title 14
Chapter I:
Part 302 75
Title 24
Chapter VIII:
Part 825 77
Title 30
Chapter II:
Part 226 77
Title 31
Chapter I:
Part 129 84
Chapter II:
Part 315 85
Title 32A
Chapter VI:
Part 1009 85
Title 47
Chapter I:
Part 17 86
Part 19 91

tions regarding voluntary agreements as he may determine.

(d) The provisions of sections 902 and 903 of Executive Order No. 10161 (including those with respect to subpoena) are hereby made applicable to the Administrator with respect to his functions.

(e) The Administrator is hereby designated as the certifying authority for the purposes of and within the meaning of subsection (e) of section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950.

SEC. 3. (a) Whenever the available supply of any food is insufficient to meet all needs therefor the Administrator and the Secretary of Agriculture shall jointly determine the division to be made of the available supply of such food as between food for industrial needs and food for human and animal consumption.

(b) In the event of any difference of view between the Administrator and the Secretary of Agriculture relating to the execution of section 3 (a) above, or in the event of any difference in view arising between the Secretary of Agriculture and any other officer or agency of the Government in the administration of functions under the Defense Production Act of 1950 with respect to food or facilities therefor, such difference of view shall be submitted to the Director of Defense Mobilization for decision.

SEC. 4. Section 902 (d) (1) of Executive Order No. 10161 of September 9, 1950 is hereby amended to read as follows:

"(1) Each officer or agency having functions under the said Act delegated or assigned to such officer or agency by or pursuant to this Executive order shall submit to the Chairman of the United States Civil Service Commission such requests for classification of positions in grades 16, 17, and 18 of the General Schedule as may be necessary, and shall accompany any such request with a certificate stating that the duties of the position are essential and appropriate for the administration of the said Act."

SEC. 5. Section 802 of Executive Order No. 10161 of September 9, 1950, is hereby revoked, and the authority of the Chairman of the National Security Resources Board under section 103 (b) of the said Executive Order No. 10161 to approve the designation of officers and agencies as claimants is hereby terminated.

SEC. 6. (a) To the extent that provisions of Executive Order No. 10161 of September 9, 1950 are inconsistent with the provisions of this order the latter shall control, and the said Executive Order No. 10161 is amended accordingly.

Except as modified or made inapplicable by the provisions of this Executive order, provisions of the said Executive Order No. 10161 relating to functions vested in the Administrator hereby shall continue to be applicable to such functions. Executive Order No. 10172 of October 12, 1950 is hereby revoked. Nothing in this Executive order shall affect the validity or force of anything heretofore done under the said Executive Orders Nos. 10161 or 10172.

(b) Any officer or agency having by delegation or otherwise any function under this order shall have all the authority conferred by sections 902 and 903 of Executive Order No. 10161, including the authority with respect to subpoena.

(c) All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this Executive order shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

(d) Nothing in this Executive order shall be deemed to supersede any provision of Executive Order No. 10193 of December 16, 1950.

SEC. 7. The provisions of sections 2 to 6, inclusive, of this Executive order shall not be effective until the Administrator first appointed hereunder takes office as Administrator.

PART II. DEFENSE MOBILIZATION BOARD

SEC. 8. There is hereby established in the Office of Defense Mobilization (established by Executive Order No. 10193 of December 16, 1950) the Defense Mobilization Board, which shall consist of the Director of Defense Mobilization as Chairman, the Secretaries of Defense, the Treasury, the Interior, Commerce, Agriculture, and Labor, the Chairman of the Reconstruction Finance Corporation, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the National Security Resources Board, and such other officials as said Director may from time to time designate. The said Board shall be advisory to the Director of Defense Mobilization.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 3, 1951.

[F. R. Doc. 51-187; Filed, Jan. 3, 1951; 12:03 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Under authority of § 6.1 (d) of Executive Order 9830 and at the request of the Federal Security Agency, subparagraph (2) of § 6.123 (a) is revoked effective upon publication in the FEDERAL REGISTER.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-92; Filed, Jan. 3, 1951; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4669 and containing the requirements for the 1950-Crop Barley Price Support Program are hereby amended as follows:

Section 601.54 *Warehouse receipts* is amended by changing the requirements

in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.54 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the barley is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) dockage, and (6) any other grading factor(s) when such factor(s), and not test weight, determine the grade. The warehouse receipt or the supplemental certificate must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificates for the car or barge.

(d) If the warehouse receipt states that the barley is stored "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade and class of barley.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.58 (d).

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-109; Filed, Jan. 3, 1951; 8:50 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 15 F. R. 6878 and 7167, and containing the specific requirements for the 1950-Crop Corn Price Support Program are hereby amended as follows:

Section 601.114 *Warehouse receipts* is hereby amended by changing the requirements for grading factors to be shown on the warehouse receipt and the supplemental certificate so that the amended section reads as follows:

§ 601.114 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the corn is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspector.

(d) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (c) of this section.

(e) If the warehouse receipt states that the corn is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(f) A separate warehouse receipt must be submitted for each grade and class of corn.

(g) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.118 (c).

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-115; Filed, Jan. 3, 1951; 8:51 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Flaxseed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 3180 and containing the requirements for the 1950-Crop Flaxseed Price Support Program are hereby amended as follows:

Section 601.204 *Warehouse receipts* is amended by changing the requirements in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.204 *Warehouse receipts.* Warehouse receipts representing flaxseed in approved warehouse-storage to be placed under the loan or to be delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the flaxseed is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorms, cyclone and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight, determines the grade. The warehouse receipt or the warehouseman's supplemental certificate must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificates for the car or barge.

(d) If the warehouse receipt states that the flaxseed is stored "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade of flaxseed.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.208 (e).

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-110; Filed, Jan. 3, 1951; 8:50 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4617 and containing the requirements for the 1950-Crop Grain Sorghums Price Support Program are hereby amended as follows:

Section 601.254 *Warehouse receipts* is amended by changing the requirements in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.254 *Warehouse receipts.* Warehouse receipts representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below.

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the grain sorghums are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (1) Gross weight, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture, (6) dockage, and (7) any other grading factor(s) when such factor(s) and not test weight, determine the grade.

The warehouse receipt or the warehouseman's supplemental certificate must show whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge.

(d) If the warehouse receipt states that the grain sorghums are stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade, class, and subclass of grain sorghums.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.258 (d).

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-112; Filed, Jan. 3, 1951; 8:51 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4621 and containing the requirements for the 1950-Crop Oats Price Support Program are hereby amended as follows:

Section 601.304 *Warehouse receipts* is amended by changing the requirements in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.304 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the oats are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehousemen's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(d) If the warehouse receipt states that the oats are stored "identity preserved," the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade of oats.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.308 (b).

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-108; Filed, Jan. 3, 1951; 8:50 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 6625, and containing the requirements for the 1950-Crop Soybean Price Support Program, are hereby amended as follows:

Section 601.504 *Warehouse receipts* is amended by changing the factors required to be shown on the warehouse receipts and warehouseman's supplemental certificates so that the amended section reads as follows:

§ 601.504 *Warehouse receipts.* Warehouse receipts representing soybeans in approved warehouse-storage to be placed under loan or delivered under a purchase agreement must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the soybeans are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. For soybeans grading No. 3 or No. 4, the percentage of splits, damage and foreign material, if any, must also be shown. The warehouse receipt or warehouseman's supplemental certificate must show whether the soybeans arrived by

rail, truck or barge. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificates for the car or barge.

(d) If the warehouse receipt states that the soybeans are stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.508 (c).

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-114; Filed, Jan. 3, 1951; 8:51 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4869 and 4938 and containing the requirements for the 1950-Crop Wheat Price Support Program are hereby amended as follows:

Section 601.574 *Warehouse receipts* is amended by changing the requirements in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.574 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (1) Gross weight or bushels, (2) class and subclass, (3) grade (including special grades), (4) test weight, (5) dockage, (6) protein content (where determined by protein analysis or station average), and (7) any other grading factor(s) when such factor(s), and not test weight, determine the grade. The moisture content must also be shown except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. Where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of wheat does not show the word "tough." In such cases, the warehouseman will be responsible for delivering wheat which does not grade "tough" or "sample" due to moisture content. (Tough wheat is (1) wheat of any of the classes Hard Red Winter Wheat, Soft Red Winter Wheat, or White Wheat, or of the class Mixed Wheat in which wheat of any one of the classes Hard Red Winter Wheat, or Soft Red Winter Wheat, or White Wheat, predominates, which contains more than 14 percent but not more than 15.5 percent of moisture, and (2) wheat of any of the classes Hard Red Spring Wheat, or Durum Wheat, or Red Durum Wheat, or of the class Mixed Wheat in which wheat of any one of the classes Hard Red Spring Wheat, or Durum Wheat, or Red Durum Wheat, predominates, which contains more than 14.5 percent but not more than 16 percent of moisture.)

Also, the warehouse receipt or the warehouseman's supplemental certificate must show whether the wheat arrived by rail, truck, or barge. In the case of warehouse receipts issued for wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt must agree with the inbound inspection and protein certificates for the car or barge.

(d) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of Hard Red Spring and Hard Red Winter and of the subclass Hard White Wheat, except that protein content need not be shown for the subclasses Hard Winter and Yellow Hard Winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(e) If the warehouse receipt states that the wheat is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(f) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(g) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.578 (d).

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-111; Filed, Jan. 3, 1951; 8:51 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4626 and 4869 and containing the requirements for the 1950-Crop Rye Price Support Program are hereby amended as follows:

Section 601.604 *Warehouse receipts* is amended by changing the requirements in paragraph (c) for grading factors to be shown on the warehouse receipt or the supplemental certificate so that the amended section reads as follows:

§ 601.604 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section.

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(b) Each warehouse receipt must set forth in its written terms that the rye is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(c) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade (including special grades), (3) percentage of ergot for rye containing in excess of 3/10 of 1 percent of ergot, (4) test weight, (5) dockage, and (6) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or supplemental certificate must show whether the rye arrived by rail, truck, or barge. The moisture content must also be shown, except that where it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing rye stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of rye does not show the word "tough." In such cases, the warehousman will be responsible for delivering rye which does not grade "tough" or "sample" due to moisture content. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificates for the car or barge.

(d) If the warehouse receipt states that the rye is stored "identity preserved," the producer must execute a supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) A separate warehouse receipt must be submitted for each grade of rye.

(f) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.608 (d).

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 29th day of December 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-113; Filed, Jan. 3, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 723 — CIGAR-FILLER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

RESULTS OF MARKETING QUOTA REFERENDA

Basis and purpose. This document is issued to announce the results of the cigar-filler tobacco and cigar-filler and cigar-binder tobacco marketing quota referenda for the marketing year beginning October 1, 1951, and for the three-year period beginning October 1, 1951. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for cigar-filler and cigar-binder tobacco for the 1951–52 marketing year (15 F. R. 8214) and a national marketing quota for cigar-filler tobacco for the 1951–52 marketing year (15 F. R. 8214). The Secretary announced (15 F. R. 8224) that referenda would be held December 20, 1950, to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1951. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1951, and for the three-year period beginning October 1, 1951. In a referendum of farmers engaged in the production of the 1950 crop of cigar-filler tobacco held on December 20, 1950, 3,348 farmers voted. Of those voting 396 or 11.8 percent favored quotas for a period of three years beginning October 1, 1951; 326 or 9.8 percent favored quotas for only the one year beginning October 1, 1951; and 2,626 or 78.4 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1951, proclaimed on November 28, 1950 (15 F. R. 8214) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler tobacco for such marketing year and § 723.203 is hereby revoked.

Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1951, and for the three-year period beginning October 1, 1951. In a referendum of farmers engaged in the production of the 1950 crop of cigar-filler and cigar-binder tobacco held on December 20, 1950, 5,564 farmers voted. Of these voting 2,440 or 43.85 percent favored quotas for a period of three years beginning October 1, 1951; 1,278 or 22.97 percent favored quotas for only the one year beginning October 1, 1951; and 1,846 or 33.18 percent were opposed to quotas. Therefore, the national marketing quota of 70,900,000 pounds proclaimed on November 28, 1950 (§ 723.204, 15 F. R. 8214), for cigar-filler and cigar-binder tobacco for the 1951–52 marketing year will be in effect for the year beginning October 1, 1951.

Done at Washington, D. C., this 29th day of December 1950. Witness my hand and the seal of the Department of Agriculture.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-12599; Filed, Dec. 29, 1950; 4:18 p. m.]

PART 727—MARYLAND TOBACCO

PROCLAMATION OF RESULTS OF MARYLAND TOBACCO MARKETING QUOTA REFERENDUM

Basis and purpose. This document is issued to announce the results of the tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1951. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

Proclamation of the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1951, and for the three-year period beginning October 1, 1951. In a referendum of farmers engaged in the production of the 1950 crop of Maryland tobacco held on December 20, 1950, 6,273 farmers voted. Of those voting 1,133 or 18.1 percent favored quotas for a period of three years beginning October 1, 1951; 1,197 or 19.1 percent favored quotas for only the one year beginning October 1, 1951; and 3,943 or 62.8 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1951, proclaimed on November 27, 1950 (15 F. R. 8181), becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for such marketing year and §§ 727.201 and 727.202 are hereby revoked.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 29th day of December 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-12598; Filed, Dec. 29, 1950; 4:17 p. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
913.0 Findings and determinations.

DEFINITIONS

913.1 Act.
913.2 Secretary.

Sec.
913.3 Department.
913.4 Person.
913.5 Cooperative association.
913.6 Greater Kansas City marketing area.
913.7 Producer.
913.8 Route.
913.9 Approved plant.
913.10 Pool plant.
913.11 Handler.
913.12 Producer-handler.
913.13 Producer milk.
913.14 Other source milk.
913.15 Delivery period.

MARKET ADMINISTRATOR

913.20 Designation.
913.21 Powers.
913.22 Duties.

REPORTS, RECORDS, AND FACILITIES

913.30 Reports of receipts and utilization.
913.31 Payroll reports.
913.32 Other reports.
913.33 Records and facilities.
913.34 Retention of records.

CLASSIFICATION

913.40 Skim milk and butterfat to be classified.
913.41 Classes of utilization.
913.42 Shrinkage.
913.43 Responsibility of handlers and reclassification of milk.
913.44 Transfers.
913.45 Computation of skim milk and butterfat in each class.
913.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

913.50 Basic formula price.
913.51 Class prices.
913.52 Butterfat differentials to handlers.
913.53 Location adjustments to handlers.

APPLICATION OF PROVISIONS

913.60 Producer-handlers.
913.61 Handler operating an approved plant which is not a pool plant.
913.62 Handlers subject to other orders.
913.63 Diversion.

DETERMINATION OF UNIFORM PRICE

913.70 Computation of the value of milk received from producers by each handler at pool plants.
913.71 Computation of uniform price.

PAYMENTS

913.80 Time and method of payment.
913.81 Location adjustment to producers.
913.82 Producer butterfat differential.
913.83 Producer-settlement fund.
913.84 Payments to the producer-settlement fund.
913.85 Payments out of the producer-settlement fund.
913.86 Fall incentive payment.
913.87 Adjustment of accounts.
913.88 Marketing service.
913.89 Expense of administration.
913.90 Termination of obligation.

EFFECTIVE TIME. SUSPENSION OR TERMINATION

913.100 Effective time.
913.101 Suspension or termination.
913.102 Continuing obligations.
913.103 Liquidation.

MISCELLANEOUS PROVISIONS

913.110 Agents.
913.111 Separability of provisions.

AUTHORITY: §§ 913.0 to 913.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are suplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest to make effective promptly this order, amending the said order, as amended, to reflect current marketing conditions. Any delay beyond January 1, 1951, in the effective date of this order amending the order, as amended, will seriously impair orderly marketing of milk in the Greater Kansas City marketing area. The provisions of the order are well known to handlers—the public hearing having been held May 22–25, 1950, and the decision having been executed by the Secretary on December 13, 1950. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, further amending said order, as amended, effective January 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (see section 4 (C), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended and as hereby further amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Greater Kansas City marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the representative period (October 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May and Pettis Townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or (2) is caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this part pursuant to the provisions of § 913.62. As used in this part "dairy farm permit or rating" means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream in fluid form other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the applicable health authority of the marketing area for the handling of milk to be disposed of as Class I milk in the marketing area and (1) from which a route is operated in the marketing area, or (2) which is principally used to receive milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 and to prepare such milk for transfer to another approved plant from which a route is operated in the marketing area, or (b) which is supplying Class I milk to a Federal institution or base in the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area; or

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1.

If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualifies under paragraph (a) of this section for pool plant status for such delivery period.

§ 913.11 *Handler.* "Handler" means (a) the operator of an approved plant (whether or not such approved plant is a pool plant) in his capacity as such, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 913.12 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 913.13 *Producer milk.* "Producer milk" means all milk, produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.89 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days

after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.87.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the previous delivery period; and

(2) On or before the 10th day of each month the uniform price computed, pursuant to § 913.71 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 913 30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the pounds of butterfat contained therein, the average butterfat test and the number of days on which milk was received from such producer;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all milk, skim milk, cream and other Class I products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show (a) the total pounds and the average butterfat test of milk received from each producer and cooperative association, (b) the amount of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese); (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; and (4) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 913.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk or cream to a nonpool plant located more than 150 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream as transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred in the form of milk, skim milk or cream to a nonpool plant located less than 150 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 913.42.

(2) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 913.44 (a);

(4) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.00 during each of the delivery periods of March, April, May, June, July, and August, and plus $1.45 during all other delivery periods: *Provided*, That for each of the delivery periods of October, November, and December of each year, such Class I price shall not be less than that for September of the same year, and that for each of the delivery periods of April, May, and June of each year such Class I price shall not be more than that for March of the same year.

(b) *Class II milk.* The basic formula price for the current delivery period during each of the delivery periods of September, October, November, December, January, and February, and such basic formula price less 20 cents during all other delivery periods: *Provided*, That such price shall not be less than the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any one of the three following plants:

Present Operator and Location

Meyer Sanitary Milk Co., Valley Falls, Kans.
Franklin Ice Cream Co., Tonganoxie, Kans.
Milk Producers Marketing Co., Kansas City, Kans.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3 and divide the result by 10;

(b) For Class II milk (1) during each of the delivery periods of September

through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15 and divide the result by 10.

§ 913.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

In case such pool plant is operated by a handler who also has a plant in the marketing area, milk moved to such plant in the marketing area shall be considered to be Class I milk to the extent that the Class I milk disposed of from such plant in the marketing area exceeds receipts of milk from producers at such plant in the marketing area: *Provided,* That if such handler has two or more pool plants to which location adjustments apply, the milk so classified as Class I milk shall be deemed to have been transferred from such pool plants in the order of their distance from the City Hall in Kansas City.

Location adjustments on milk transferred as Class I milk from a pool plant to the pool plant of another handler shall apply only to that portion of such milk which is not in excess of the amount by which the total Class I sales of the receiving handler are greater than the total receipts of such handler from producers.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.89 shall not apply to a producer-handler.

§ 913.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant shall pay, with respect to all skim milk and butterfat other than that transferred to the pool plant of another handler, disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price. Payments pursuant to this section shall be made to the market administrator for the producer-settlement fund on or before the 12th day after the end of each delivery period.

§ 913.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(b) Such handler shall pay to the market administrator for the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the excess, if any, by which the value of such skim milk and butterfat as determined pursuant to this part exceeds its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 913.63 *Diversion.* (a) Milk diverted for the account of a handler from an approved plant of such handler to a milk plant which is not a pool plant shall be deemed to have been received by such handler at the approved plant from which such milk was diverted.

(b) Milk diverted for the account of a handler from an approved plant of such handler to a pool plant of another handler for not more than 5 days during the delivery period shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted; milk received at a pool plant for more than 5 days during the delivery period shall be deemed to have been received at such pool plant by the handler who operates such pool plant.

(c) Milk diverted by a cooperative association that does not operate an approved plant, from a pool plant to another milk plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (5) by the applicable respective class prices; and

(c) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), add an amount equal to the defferences between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available.

§ 913.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine in one total the values computed pursuant to § 913.70 for all handlers who made reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) For each of the delivery periods of May, June, and July, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 913.86;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(f) Divide by the total hundredweight of milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of each delivery period, to each producer for whom payment is not received from the handler pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 913.71, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88 and (3) deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.84, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such delivery period, at the approximate value of such milk.

(c) On or before the 11th day after the end of each delivery period and on or before the 23d day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b) of this section, to a cooperative association which so requests, with respect to producers on whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81, and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.88 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

For each producer for whom payment is to be made to a cooperative association as provided in paragraph (c) of this section, each handler shall furnish the above information to the cooperative association on or before the 8th day after the end of the delivery period.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1), dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61, 913.62, and 913.84 and all appropriate payments pursuant to § 913.87 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to §§ 913.86 and 913.87: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Fall incentive payment.* On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to § 913.71 (e) by the hundredweight of producer milk received during the delivery period involved (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided,* That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 913.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.88 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.89 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the

last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.100 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.101.

§ 913.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of December 1950, to be effective on and after the 1st day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-74; Filed, Jan. 3, 1951; 8:46 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 150—DEPORTATION PROCEEDINGS: INVESTIGATION AND ARREST

SUSPENSION OF DEPORTATION

DECEMBER 15, 1950.

The following amendments to Part 150, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 150.7 is amended to read as follows:

§ 150.7 *Application, prior to hearing, for suspension of deportation*—(a) *Who may apply.* Any alien against whom warrant proceedings have been instituted who believes himself entitled to suspension of deportation may apply therefor prior to hearing by filing Form I-256, in duplicate, properly filled out and executed, together with two photographs as prescribed in § 364.1 of this chapter, at the office of the Service having jurisdiction over the applicant's place of residence.

(b) *Prima facie eligibility not established.* If Form I-256 does not establish that the alien is prima facie eligible to be considered for suspension of deportation, the case shall be referred to a hearing officer for hearing as to deportability.

(c) *Prima facie eligibility established; documents and investigation required.* If Form I-256 establishes that the alien is prima facie eligible to be considered for suspension of deportation, the alien shall be advised to obtain promptly and furnish to the office in which the application was filed such documents as may be required for the disposition of the alien's application. That office shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief. The investigating officer shall make a written report of his investigation to be included in the record.

(d) *Submission of record for examination.* When the necessary entries have been verified and the documents required of the alien and the report of the investigating officer have been submitted, the applicant shall be notified when and where he should appear for examination.

2. Section 150.8 *Definitions* is renumbered § 150.14, and §§ 150.8, 150.9, 150.10, 150.11, 150.12, and 150.13 are added to read as follows:

§ 150.8 *Attorneys.* An applicant for suspension of deportation under the special procedure provided in §§ 150.7 to 150.13 may be represented by an attorney or other persons in accordance with the provisions of Part 95 of this chapter.

§ 150.9 *Evidence; burden of proof.* All evidence adduced during this special procedure may be used in any other proceeding and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 150.10 *Examination.* The examination of the applicant and witnesses shall be conducted by any employee of the Service designated by the Commissioner to conduct such examination. At the examination the examiner shall orally review the application with the applicant or, in the case of a child under the age of 18 years, with the parent or guardian. Any necessary changes in the application shall be consecutively numbered by such officer and acknowledged in writing by the applicant or the parent or guardian. The applicant shall be questioned under oath by the examiner for the purpose of identification and to clarify any points in controversy on the basis of the information submitted in the application and other documents. If the sworn application form, supporting documentary evidence, records of the Service, and the testimony of the applicant or the parent or guardian, if applicant is a child under the age of 18 years, establish the applicant's eligibility for suspension of deportation, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath by the examiner concerning the facts of the applicant's eligibility for the relief requested, or, where such witnesses cannot appear because of remoteness, disability, or any other cause which the officer in charge deems good and sufficient, their affidavits may be accepted without requiring their personal appearance. The testimony of witnesses appearing in person shall be reduced to writing and signed by the person testifying. In the discretion of the examiner, such writing shall be either in verbatim or narrative form.

§ 150.11 *Disposition by examiner*—(a) *Eligibility for relief established.* If, on the basis of the evidence presented, the examiner concludes that the alien has established eligibility for suspension of deportation, he shall prepare a memorandum stating therein the grounds for the alien's deportability and basis of the alien's eligibility for suspension of deportation. The entire record shall then be delivered to the officer in charge of the district for transmittal to the Commissioner.

(b) *Eligibility for relief not established.* If, on the basis of evidence presented, the examiner concludes that the alien has not established eligibility for suspension of deportation, he shall forward the record to the officer in charge of the district together with his reasons for such conclusion.

§ 150.12 *Termination of special procedure.* The special procedure provided for in §§ 150.7 to 150.11 may be terminated forthwith (a) by the officer in charge of the district at any time prior to the transmittal of the record to the Commissioner, upon a determination that the alien may leave for parts unknown, or is failing without cause to prosecute his application, or that the alien's eligibility to be considered for suspension of deportation is questionable; or (b) by the Commissioner at any time. Upon such termination the alien's case shall be referred for hearing in accordance with Part 151 of this chapter. Such termination shall be without prejudice to any application for relief from deportation which may be made by the alien during the course of the hearing under the warrant of arrest.

§ 150.13 *Decision by Commissioner*—(a) *Eligibility established.* If, on the basis of the evidence presented, the Commissioner is satisfied that the alien has established eligibility for suspension of deportation, and if the Commissioner is satisfied that suspension of deportation should be authorized, he shall enter an order directing that the alien's deportation be suspended. A copy of the order shall be served upon the alien or his counsel or representative by personal service or by registered mail. If the applicant does not have counsel or representative, the order shall be served upon him by the appropriate field office of the Service; otherwise the order shall be served by the Commissioner on the applicant's counsel or representative.

(b) *Eligibility not established.* If, on the basis of the evidence presented, the Commissioner is satisfied that the alien has not established his eligibility for suspension of deportation, or if the Commissioner is satisfied that suspension of deportation should not be authorized, he shall terminate the special procedure and further action shall thereupon be taken as provided in § 150.12.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the regulations hereby prescribed pertain solely to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 19, 20, 39 Stat. 883, 890, sec. 14, 43 Stat. 162, 54 Stat. 671, 56 Stat. 1044, 57 Stat. 553; 8 U. S. C. 155, 156, 214)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: December 28, 1950.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-77; Filed, Jan. 3, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg., Serial No. PR-9]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

INFORMAL MAIL RATE CONFERENCE PROCEDURE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of December 1950.

It has been suggested that the current provisions of Part 302 relating to nondisclosure or use of information obtained in the informal mail rate conference procedure place an undue interpretative burden on participants in the procedure, and, in addition, that such provisions are, in fact, beyond the Board's legal powers to impose.

The Board, after due consideration of the matter has concluded that it may impose conditions upon the use of information as to its possible future course of action developed in a mail rate conference as a condition precedent to the use of such procedure. The imposition of such a condition is necessary to prevent abuse of a legitimate Board process, and as such is logically necessary for the conduct of the powers granted to this agency.

However, the Board concurs in the opinion expressed as to the burden of interpretation placed upon participants in the conference procedure, and is, therefore, amending the rule in order to define more specifically the obligations of participants in an informal mail rate conference.

In brief, the amendments so define "information" as to limit the restricted material to information regarding the future course of action or position of the Board's staff with respect to the facts or issues discussed at the conference, redefine in more specific terms the responsibility of participants in the conference with respect to nondisclosure of such information; limit the prohibition against dealing in the carrier's securities to those persons within certain categories who actually have knowledge that the information developed in the conference procedure is confidential and subject to restrictions, except that company directors dealing in securities during the period of a mail rate conference are presumed to have such knowledge, and further defines "participant" and the duration of the period when the restrictions are imposed. In addition, provision is made for application for, and issuance of a Board waiver of the limitations where there is no reasonable possibility of abuse.

Since this is a rule of agency procedure and practice, notice and public procedure hereon are not required, and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR, Part 302, as amended) effective December 27, 1950.

By amending § 302.19 to read as follows:

§ 302.19 *Informal mail rate conference procedure*—(a) *Invocation of procedure.* Conferences between members of the Board's staff, representatives of air carriers, the Post Office Department and other interested persons may be called by the Board's staff for the purpose of considering and clarifying issues and factual material in pending proceedings for the establishment of rates for the transportation of mail.

(b) *Scope of conferences.* The mail rate conferences shall be limited to the discussion of, and possible agreement on, particular issues and related factual material in accordance with sound rate-making principles. The duties and powers of the Board's staff in rate conferences essentially will not be different, therefore, from the duties and powers it has in the processing of rate cases not involving a rate conference. The staff function in both instances is to present clearly to the Board the issues and the related material facts, together with recommendations. The Board will make an independent determination of the

soundness of the staff's analyses and recommendations.

(c) *Participants in conferences.* The persons entitled to be present in mail rate conferences will be the representatives of the carrier whose rates are in issue, the staff of the Postmaster General, and the Board's staff. No other person will attend unless the Board's staff deems his presence necessary in the interest of one or more purposes to be accomplished, and in such case his participation will be limited to such specific purposes. No person, however, shall have the duty to attend merely by reason of invitation by the Board's staff.

(d) *Conditions upon participation*—(1) *Nondisclosure of information.* As a condition to participation, every participant, during the period of the conferences and for 90 days after its termination, or until the Board takes public action with respect to the facts and issues covered in the conferences, whichever is earlier: (i) shall, except for necessary disclosures in the course of employment in connection with conference business, hold the information obtained in conference in absolute confidence and trust; (ii) shall not deal, directly or indirectly, for the account of himself, his immediate family, members of his firm or company, or as a trustee, in securities of the carrier involved in the rate conference except that under exceptional circumstances special permission may be obtained in advance from the Board; and (iii) shall adopt effective controls for the confidential handling of such information and shall instruct personnel under his supervision, who by reason of their employment come into possession of information obtained at the conference, that such information is confidential and must not be disclosed to anyone except to the extent absolutely necessary in the course of employment, and must not be misused. The word "information," as used in this paragraph, shall refer only to information obtained at the conference regarding the future course of action or position of the Board or the Board's staff with respect to the facts or issues discussed at the conference.

(2) *Signed statement required.* Every representative of a carrier actually present at any conference shall sign a statement that he has read this entire instruction and promises to abide by it and advise any other participant to whom he discloses any confidential information of the restrictions imposed above. Every representative of the Postmaster General actually present at any conference shall, on his own behalf, sign a statement to the same effect.

(3) *Presumption of having conference information.* A director of any carrier, which has had a representative at the conference, who deals either directly or indirectly for himself, his immediate family, members of his firm or company, or as a trustee, in securities of the air carrier involved in the conference, during the restrictive period set forth above, shall be presumed to have come into possession of information obtained at the conference knowing that such information was subject to the restrictions imposed above; but such presumption shall be rebuttable.

(4) *Compliance report required.* Within ten (10) days after the expiration of the time specified for keeping conference matters confidential every participant, as defined in this section, shall file a verified compliance report with the Secretary of the Board stating that he has complied in every respect with the conditions of this section, or if he has not so complied, stating in detail in what respects he has failed to comply.

(5) *Persons subject to the provisions of this paragraph.* For the purposes of this paragraph, participants shall include (i) any representative of any carrier and any representative of the Postmaster General actually present at the conference; (ii) the carrier and the officers of any carrier which has had a representative at the conference; (iii) the directors of any carrier, which has had a representative at the conference, the members of any firm of attorneys or consultants, which has had a representative at the conference, and the members of the Postmaster General's staff, who come into possession of information obtained at the conference, knowing that such information is subject to the restrictions imposed above.[1]

(e) *Information to be requested from carrier.* With respect to the rate for the future period, the carrier will be requested to submit detailed estimates as to traffic, revenues and expenses by appropriate periods and the investment which will be required to perform the operations for a full future year. Full and adequate support shall be presented for all estimates, particularly where such estimates deviate materially from the carrier's past experience. With respect to the rate for a past period, essentially the same procedure shall be followed. Other information or data likewise may be requested by the Board's staff. All data submitted by the carrier shall be certified by a responsible officer.

(f) *Staff analyses of data for submission of answers thereto.* After a careful analysis of these data, the Board's staff will, in most cases, send the carrier what might be termed a statement of exceptions showing areas of differences. Where practicable, the carrier may submit its answer to these exceptions. Conferences will then be scheduled to work out a clear understanding and resolution of the issues and facts from the standpoint of sound rate-making principles.

(g) *Availability of data to Post Office Department.* The representatives of the Postmaster General shall have access to all conference data and, insofar as practicable, shall be furnished copies of all pertinent data prepared by the Board's staff and the carrier, and a reasonable time shall be allowed to get acquainted with the facts and issues and to make any presentation deemed necessary.

(h) *Post-conference procedure.* The rate conferences not being in the nature of proceedings, no briefs, or argument, or any formal steps, will be entertained by the Board. The form, content and time of the staff's presentation to the Board are entirely matters of internal procedure. Any participant is at liberty, however, further to urge his contentions by way of memoranda addressed to the Board's staff and may request that such memoranda be presented to the Board as a more effective way of stating his position.

(i) *Effect of conference agreements.* No agreements or understandings reached in rate conferences as to facts or issues shall in any respect be binding on the Board or any participant. Any party to the mail rate proceedings will have the same rights to file an answer and take other procedural steps as though no rate conference had been held. The fact, however, that rate conferences were held and cetain agreements or understandings may have been reached on certain facts and issues renders it proper to provide that upon the filing of an answer by any party to the rate proceeding all issues going to the establishment of a rate shall be open, except insofar as limited in prehearing conference in accordance with § 302.7.

(j) *Waiver of paragraphs (c) and (d) of this section.* After the termination of a mail rate conference hereunder, the carrier, whose rates were in issue, may petition the Board for a release from the obligations imposed upon it and all other persons by paragraphs (c) and (d) of this section. The Board will grant such petition only after a detailed and convincing showing is made in the petition and supporting exhibits and documents that there is no reasonable possibility that any of the abuses sought to be prevented will occur or that the Board's processes will in any way be prejudiced. There will be no hearing or oral argument on the petition and the Board will grant or deny the request without assigning reasons therefor.

(k) *Time of commencing and terminating conference.* At the commencement of an informal mail rate conference pursuant to this section, the members of the Board's staff conducting such conference shall issue to each person present at such conference a written statement to the effect that such conference is being conducted pursuant to this section and stating the time of commencement of such conference; and at the termination of such conference the members of the Board's staff conducting such conference shall note in writing on such statement the time of termination of such conference.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017, 49 U. S. C. 641)

NOTE: The reporting requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-93; Filed, Jan. 3, 1951; 8:48 a. m.]

[1] Restrictions upon the Board's staff on disclosure of confidential information and dealing in air carrier securities have existed for some time under limitations established pursuant to the Civil Aeronautics Act of 1938, as amended, page C2-27 of the Federal Personnel Manual of the Civil Service Commission, and section 93 of the Criminal Code.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 335]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 331]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OREGON

Amendment 335 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 331 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respect:

Schedule A, Item 256, is amended to describe the counties in the Defense-Rental Area as follows:

Clackamas County, except the Cities of Milwaukie, Molalla, Oregon City and West Linn, and all unincorporated localities; and Washington County, except the Cities of Beaverton, Forest Grove and Hillsboro, and all unincorporated localities.

Clark County, except the Town of Washougal and all unincorporated localities.

This decontrols (1) the City of Portland in Multnomah County, Oregon, a portion of the Portland-Vancouver, Oregon, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, said City of Portland being the major portion of said Defense-Rental Area, based on a resolution submitted with respect to said City of Portland in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Multnomah County, on the Housing Expediter's own initiative under section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective December 29, 1950.

Issued this 29th day of December 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-89; Filed, Jan. 3, 1951; 8:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 226—UNIT OR COOPERATIVE AGREEMENTS

Part 226 is revised to read as follows:

Sec.
226.1 Introduction.
226.2 Definitions.
226.3 Designation of unit area; depth of test well.
226.4 Preliminary consideration of certain unit or cooperative agreements.
226.5 Parties to unit or cooperative agreement.
226.6 Qualifications of unit operator.
226.7 State land.
226.8 Approval of unit or cooperative agreement.
226.9 Filing of papers and number of counterparts.
226.10 Bonds.
226.11 Appeals.
226.12 Form of unit agreement for unproved areas.
226.15 Form of collective bond.
226.16 Form of designation of successor unit operator by working interest owners.
226.17 Form of change in unit operator by assignment.

AUTHORITY: §§ 226.1 to 226.17 issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply sec. 5, 60 Stat. 952; 30 U. S. C. 226e.

§ 226.1 *Introduction.* The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal oil and gas leases (see § 226.2 (d)) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan for the development of any oil or gas pool, field, or like area, or any part thereof (see 43 CFR 192.20, 192.21).

§ 226.2 *Definitions.* The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the recovery of oil and gas made subject thereto as a single consolidated unit without regard to separate ownerships and for the allocation of costs and benefits on a basis as defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operation for the recovery of oil and gas made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to both a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d) *Federal lease.* A lease issued under the act of February 25, 1920, as amended (41 Stat. 437, as amended; 30 U. S. C. 181, et seq.), or the act of August 7, 1947 (61 Stat. 913; 30 U. S. C. 351, et seq.).

(e) *Unit area.* The area described in an agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area committed to an agreement.

(g) *Unitized substances.* Deposits of oil and gas recoverable by operation under and pursuant to an agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of a unit area to which production is allocated in the manner described in a unit agreement.

(j) *Working interest.* The interest held in unitized substances or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, and produce such substances. The right delegated to the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(l) *Director.* The Director of the Geological Survey.

(m) *Supervisor.* The oil and gas supervisor of the Geological Survey for the region in which a unit area is situated.

§ 226.3 *Designation of unit area; depth of test well.* An application for designation of an area as logically subject to development under a unit or cooperative agreement and for determination of the depth of a test well may be filed by any proponent of such an agreement. Such application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State, and privately owned land should be indicated by distinctive symbols or colors. Federal oil and gas leases and lease applications should be identified by lease serial numbers. Geologic information, including the results of any geophysical surveys, and any other available information showing that unitization is necessary and advisable in the public interest should be furnished. If requested, geologic information so furnished will be treated as confidential. These data will be considered by the Director and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 226.4 *Preliminary consideration of certain unit or cooperative agreements.* The form of unit agreement set forth in § 226.12, is acceptable for use in unproved areas. The use of this form is not mandatory, but any substantial departure therefrom should be submitted for preliminary consideration and for such revision as may be deemed necessary prior to the execution of the agreement by the interested parties. In areas proposed for unitization in which a discovery of oil or gas has been made, or where a cooperative agreement is contemplated, modification of the form of unit agreement set forth in § 226.12 will be necessary. Any such proposed agreement should likewise be submitted for preliminary consideration and for such revision as may be deemed necessary in advance of execution by the interested parties.

§ 226.5 *Parties to unit or cooperative agreement.* The owners of any right, title, or interest in the oil and gas deposits to be unitized are regarded as proper

parties to a proposed agreement. All such parties must be invited to join the agreement. If any party fails or refuses to join the agreement, the proponent of the agreement, at the time it is filed for approval, must submit evidence of reasonable effort made to obtain joinder of such party and the reasons for nonjoinder. The address of each signatory party to the agreement should be inserted below the signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record in the Department. The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.

§ 226.6 *Qualifications of unit operator.* A unit operator must qualify as to citizenship in the same manner as those holding interests in oil and gas leases under the Mineral Leasing Act (see 43 CFR 192.42). The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of or change in a unit operator will become effective unless and until approved by the Secretary or the Director and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 226.7 *State land.* Where State-owned land is to be unitized, approval of the agreement by appropriate State officials must be obtained prior to its submission to the Department for final approval. When authorized by the laws of the State in which the unitized land is situated, appropriate provision may be made in the agreement accepting such laws to the extent that they are applicable to non-Federal unitized land.

§ 226.8 *Approval of unit or cooperative agreement.* (a) A unit or cooperative agreement will be approved by the Secretary, or his duly authorized representative, upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of more properly conserving natural resources. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless at least one of the parties is a holder of a Federal lease in the unit area and unless the parties signatory to the agreement hold sufficient interests in the unit area to give reasonably effective control of operations.

(b) Whenever the Federal land involved in a unit or cooperative agreement accounts for less than 50 percent of the acreage of the unitized lands, and whenever, if the field involved is fully developed, the Federal land has less than 50 percent of the estimated recoverable unitized substances, the agreement may, with the approval of the Secretary or his duly authorized representative, make portions of the Operating Regulations, Part 221 of this chapter, inapplicable to operations under the agreement with respect to Federal land.

(c) Any modification of an approved agreement will require like approval.

§ 226.9 *Filing of papers and number of counterparts.* (a) All papers, instruments, documents, and proposals submitted under this part should be filed in the office of the oil and gas supervisor for the region in which the unit area is situated unless otherwise provided in this part or otherwise instructed by the Director.

(b) An application for designation of a proposed unit area and determination of the required depth of test well should be filed in triplicate. A like number of counterparts should be filed of any geologic data and any other information submitted in support of such application.

(c) Where substantial modification of the form of unit agreement set forth in § 226.12 is proposed, triplicate copies of the proposed agreement with all modifications plainly marked and with exhibits A and B included, should be submitted for preliminary consideration.

(d) Where a duly executed agreement is submitted for final Departmental approval a minimum of six signed counterparts should be filed. If State lands are involved, an additional counterpart should be provided for delivery to the appropriate State authority. The same number of counterparts must be filed for documents supplementing, modifying, or amending an agreement, including change of operator, designation of new operator, designation of a participating area, and notice of surrender, relinquishment, or termination.

(e) Four counterparts of a substantiating geologic report, including structure-contour map, cross sections, and pertinent data, shall accompany each application for approval of a participating area or amendment thereof under an approved agreement.

(f) Four counterparts are required of a plan of further development and operation submitted for approval under an approved agreement.

(g) One approved counterpart of each instrument or document submitted for approval will be returned to the operator by the approving official or his representative, together with such additional counterparts as may have been furnished for that purpose.

§ 226.10 *Bonds.* In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond, and by a proper conveyance to the secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Director shall determine to be adequate to protect the interests of the United States, and additional bond may be required whenever deemed necessary. The bond may be filed with the manager of the district land office, the Director of the Bureau of Land Management, or the Supervisor. Evidence must be furnished the supervisor that such bond has been accepted by the Bureau of Land Management before operations will be authorized. A form of corporate surety bond is set forth in § 226.15. In case of change of unit operator a new bond must be filed or consent of surety to such change must be furnished.

§ 226.11 *Appeals.* An appeal may be taken to the Secretary, pursuant to § 221.66 of this chapter, from any decision, order, or ruling of the Director under the regulations in this part.

§ 226.12 *Form of unit agreement for unproved areas.*

UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE ---------- UNIT AREA, COUNTY OF ----------, STATE OF ----------, I-Sec. No. ------

This agreement, entered into as of the ------- day of ---------- 19----, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto,"

WITNESSETH: Whereas the parties hereto are the owners of working, royalty, or other oil and gas interests in the unit area subject to this agreement; and

Whereas the Act of February 25, 1920, 41 Stat. 437, as amended by the Act of August 8, 1946, 60 Stat. 950, 30 U. S. C. Secs. 181 et seq., authorizes Federal lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof, of the purpose of more properly conserving the natural resources thereof whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

Whereas the parties hereto hold sufficient interests in the ---------- Unit Area covering the land hereinafter described to give reasonably effective control of operations therein; and

Whereas it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operation of the area subject to this agreement under the terms, conditions, and limitations herein set forth;

Now, therefore, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the below-defined unit area, and agree severally among themselves as follows:

1. *Enabling act and regulations.* The act of February 25, 1920, as amended, supra, and all valid pertinent regulations, including operating and unit plan regulations, heretofore issued thereunder or valid pertinent and reasonable regulations hereafter issued thereunder are accepted and made a part of this agreement as to Federal lands, provided such regulations are not inconsistent with the terms of this agreement; and as to non-Federal lands, the oil and gas operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the terms hereof or the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this agreement.

2. *Unit area.* The following-described land is hereby designated and recognized as constituting the unit area:

Exhibit A attached hereto is a map showing the unit area and the boundaries and identity of tracts and leases in said area to the extent known to the Unit Operator. Exhibit B attached hereto is a schedule showing to the extent known to the Unit Operator the acreage, percentage, and kind of ownership of oil and gas interests in all land in the unit area. However, nothing herein or in said schedule or map shall be construed as a representation by any party hereto as to the ownership of any interest other than such interest or interests as are shown in said map or schedule as owned by such party. Exhibits A and B shall be revised by the Unit Operator whenever changes in the unit area render such revision necessary, or when requested by the Oil and Gas Supervisor, hereinafter referred to as "Supervisor," and not less than six copies of the revised exhibits shall be filed with the Supervisor.

The above-described unit area shall when practicable be expanded to include therein any additional tract or tracts regarded as reasonably necessary or advisable for the purposes of this agreement, or shall be contracted to exclude lands not within any participating area whenever such expansion or contraction is necessary or advisable to conform with the purposes of this agreement. Such expansion or contraction shall be effected in the following manner:

(a) Unit Operator, on its own motion or on demand of the Director of the Geological Survey, hereinafter referred to as "Director," shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the unit area, the reasons therefor, and the proposed effective date thereof.

(b) Said notice shall be delivered to the Supervisor, and copies thereof mailed to the last known address of each working interest owner, lessee, and lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with the Unit Operator.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Director, become effective as of the date prescribed in the notice thereof.

All land committed to this agreement shall constitute land referred to herein as "unitized land" or "land subject to this agreement."

3. *Unitized substances.* All oil and gas in any and all formations of the unitized land are unitized under the terms of this agreement and herein are called "unitized substances."

4. *Unit operator.* ---------- is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, and production of unitized substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in unitized substances, and the term "working interest owner" when used herein shall include or refer to Unit Operator as the owner of a working interest when such an interest is owned by it.

5. *Resignation or removal of unit operator.* Unit Operator shall have the right to resign at any time prior to the establishment of a participating area or areas hereunder, but such resignation shall not become effective so as to release Unit Operator from the duties and obligations of Unit Operator and terminate Unit Operator's rights as such for a period of 6 months after notice of intention to resign has been served by Unit Operator on all working interest owners and the Director, and until all wells then drilled hereunder are placed in a satisfactory condition for suspension or abandonment whichever is required by the Supervisor, unless a new Unit Operator shall have been selected and approved and shall have taken over and assumed the duties and obligations of Unit Operator prior to the expiration of said period.

Unit Operator shall have the right to resign in like manner and subject to like limitations as above provided at any time a participating area established hereunder is in existence, but until a successor unit operator is selected and approved as hereinafter provided, the working interest owners shall be jointly responsible for performance of the duties of unit operator, and shall not later than 30 days before such resignation becomes effective appoint a common agent to represent them in any action to be taken hereunder.

The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of working interests determined in like manner as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the Director.

The resignation or removal of Unit Operator under this agreement shall not terminate its right, title, or interest as the owner of a working interest or other interest in unitized substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all equipment, materials, and appurtenances used in conducting the unit operations and owned by the working interest owners to the new duly qualified successor Unit Operator or to the owners thereof if no such new Unit Operator is elected, to be used for the purpose of conducting unit operations hereunder. Nothing herein shall be construed as authorizing removal of any material, equipment and appurtenances needed for the preservation of any wells.

6. *Successor unit operator.* Whenever the Unit Operator shall tender his or its resignation as Unit Operator or shall be removed as herein-above provided, the owners of the working interests in the participating area or areas according to their respective acreage interests in such participating area or areas, or, until a participating area shall have been established, the owners of the working interests according to their respective acreage interests in all unitized land, shall by majority vote select a successor Unit Operator: *Provided*, That, if a majority but less than 75 per cent of the working interests qualified to vote are owned by one party to this agreement, a concurring vote of one or more additional working interest owners shall be required to select a new operator. Such selection shall not become effective until (a) a Unit Operator so selected shall accept in writing the duties and responsibilities of Unit Operator, and (b) the selection shall have been approved by the Director. If no successor Unit Operator is selected and qualified as herein provided, the Director at his election may declare this unit agreement terminated.

7. *Accounting provisions and unit operating agreement.* If the Unit Operator is not the sole owner of working interests, costs and expenses incurred by Unit Operator in conducting unit operations hereunder shall be paid and apportioned among and borne by the owners of working interests, all in accordance with the agreement or agreements entered into by and between the Unit Operator and the owners of working interests, whether one or more, separately or collectively. Any agreement or agreements entered into between the working interest owners and the Unit Operator as provided in this section, whether one or more, are herein referred to as the "unit operating agreement." Such unit operating agreement shall also provide the manner in which the working interest owners shall be entitled to receive their respective proportionate and allocated share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other independent contracts, and such other rights and obligations as between Unit Operator and the working interest owners as may be agreed upon by Unit Operator and the working interest owners; however, no such unit operating agreement shall be deemed either to modify any of the terms and conditions of this unit agreement or to relieve the Unit Operator of any right or obligation established under this unit agreement, and in case of any inconsistency or conflict between the unit agreement and the unit operating agreement, this unit agreement shall prevail. Three true copies of any unit operating agreement executed pursuant to this section shall be filed with the Supervisor.

8. *Rights and obligations of Unit Operator.* Except as otherwise specifically provided herein, the exclusive right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting for, producing, storing, allocating, and distributing the unitized substances are hereby delegated to and shall be exercised by the Unit Operator as herein provided. Acceptable evidence of title to said rights shall be deposited with said Unit Operator and, together with this agreement, shall constitute and define the rights, privileges, and obligations of Unit Operator. Nothing herein, however, shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that under this agreement the Unit Operator, in its capacity as Unit Operator, shall exercise the rights of possession and use vested in the parties hereto only for the purposes herein specified.

9. *Drilling to discovery.* Within 6 months after the effective date hereof, the Unit Operator shall begin to drill an adequate test well at a location approved by the Supervisor, unless on such effective date a well is being drilled conformably with the terms hereof, and thereafter continue such drilling diligently until the ---------- formation has been tested or until at a lesser depth unitized substances shall be discovered which can be produced in paying quantities (to wit: quantities sufficient to repay the costs of drilling, and producing operations, with a reasonable profit) or the Unit Operator shall at any time establish to the satisfaction of the Supervisor that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of ---- feet. Until the discovery of a deposit of unitized substances capable of being produced in paying quantities, the Unit Operator shall continue drilling diligently one well at a time, allowing not more than 6 months between the completion of one well and the beginning of the next well, until a well capable of producing unitized substances in paying quantities is completed to the satisfaction of said Supervisor, or until it is reasonably proved that the unitized land is incapable of producing unitized substances in paying quantities in the formations drilled hereunder. Nothing in this section shall be deemed to limit the right of the Unit Operator to resign as provided in Section 5 hereof, or as requiring Unit Op-

erator to commence or continue any drilling during the period pending such resignation becoming effective in order to comply with the requirements of this section. The Director may modify the drilling requirements of this section by granting reasonable extensions of time when, in his opinion, such action is warranted.

Upon failure to comply with the drilling provisions of this section, the Director may, after reasonable notice to the Unit Operator, and each working interest owner, lessee, and lessor at their last known addresses, declare this unit agreement terminated.[1]

10. *Plan of further development and operation.* Within 6 months after completion of a well capable of producing unitized substances in paying quantities, the Unit Operator shall submit for the approval of the Supervisor an acceptable plan of development and operation for the unitized land which, when approved by the Supervisor, shall constitute the further drilling and operating obligations of the Unit Operator under this agreement for the period specified therein. Thereafter, from time to time before the expiration of any existing plan, the Unit Operator shall submit for the approval of the Supervisor a plan for an additional specified period for the development and operation of the unitized land. Any plan submitted pursuant to this section shall provide for the exploration of the unitized area and for the determination of the area or areas thereof capable of producing unitized substances in paying quantities in each and every productive formation and shall be as complete and adequate as the Supervisor may determine to be necessary for timely development and proper conservation of the oil and gas resources of the unitized area and shall (a) specify the number and locations of any wells to be drilled and the proposed order and time for such drilling; and (b) to the extent practicable specify the operating practices regarded as necessary and advisable for proper conservation of natural resources. Separate plans may be submitted for separate productive zones, subject to the approval of the Supervisor. Said plan or plans shall be modified or supplemented when necessary to meet changed conditions or to protect the interests of all parties to this agreement. Reasonable diligence shall be exercised in complying with the obligations of the approved plan of development. The Supervisor is authorized to grant a reasonable extension of the 6-month period herein prescribed for submission of an initial plan of development where such action is justified because of unusual conditions or circumstances. After completion hereunder of a well capable of producing any unitized substance in paying quantities, no further wells, except such as may be necessary to afford protection against operations not under this agreement or such as may be specifically approved by the Supervisor, shall be drilled except in accordance with a plan of development approved as herein provided.

11. *Participation after discovery.* Upon completion of a well capable of producing unitized substances in paying quantities or as soon thereafter as required by the Supervisor, the Unit Operator shall submit for approval by the Director a schedule, based on subdivisions of the public-land survey or aliquot parts thereof, of all unitized land then regarded as reasonably proved to be productive of unitized substances in paying quantities; all lands in said schedule on approval of the Director to constitute a participating area, effective as of the date of first production. Said schedule also shall set forth the percentage of unitized substances to be allocated as herein provided to each unitized tract in the participating area so established, and shall govern the allocation of production from and after the date the participating area becomes effective. A separate participating area shall be established in like manner for each separate pool or deposit of unitized substances or for any group thereof produced as a single pool or zone, and any two or more participating areas so established may be combined into one with the consent of the owners of all working interests in the lands within the participating areas so to be combined, on approval of the Director. The participating area or areas so established shall be revised from time to time, subject to like approval, whenever such action appears proper as a result of further drilling operations or otherwise, to include additional land then regarded as reasonably proved to be productive in paying quantities,[2] **or to to exclude land then regarded as reasonably proved not to be productive** and the percentage of allocation shall also be revised accordingly. The effective date of any revision shall be the first of the month in which is obtained the knowledge or information on which such revision is predicated, unless a more appropriate effective date is specified in the schedule. No land shall be excluded from a participating area on account of depletion of the unitized substances.

It is the intent of this section that a participating area shall represent the area known or reasonably estimated to be productive in paying quantities; but, regardless of any revision of the participating area, nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of the participating area.

In the absence of agreement at any time between the Unit Operator and the Director as to the proper definition or redefinition of a participating area, or until a participating area has, or areas have, been established as provided herein, the portion of all payments affected thereby may be impounded in a manner mutually acceptable to the owners of working interests, except royalties due the United States, which shall be determined by the Supervisor and the amount thereof deposited, as directed by the Supervisor, to be held as unearned money until a participating area is finally approved and then applied as earned or returned in accordance with a determination of the sum due as Federal royalty on the basis of such approved participating area.

Whenever it is determined, subject to the approval of the Supervisor, that a well drilled under this agreement is not capable of production in paying quantities and inclusion of the land on which it is situated in a participating area is unwarranted, production from such well shall, for the purposes of settlement among all parties other than working interest owners, be allocated to the land on which the well is located so long as such land is not within a participating area established for the pool or deposit from which such production is obtained. Settlement for working interest benefits from such a well shall be made as provided in the unit operating agreement.

12. *Allocation of production.* All unitized substances produced from each participating area established under this agreement, except any part thereof used in conformity with good operating practices within the unitized area for drilling, operating, camp and other production or development purposes, for repressuring or recycling in accordance with a plan of development approved by the Supervisor, or unavoidably lost, shall be deemed to be produced equally on an acreage basis from the several tracts of unitized land of the participating area established for such production and, for the purpose of determining any benefits accruing under this agreement, each such tract of unitized land shall have allocated to it such percentage of said production as the number of acres of such tract included in said participating area bears to the total acres of unitized land in said participating area. It is hereby agreed that production of unitized substances from a participating area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said participating area. If any gas produced from one participating area is used for repressuring or recycling purposes in another participating area, the first gas withdrawn from such last-mentioned participating area for sale during the life of this agreement shall be considered to be the gas so transferred until an amount equal to that transferred shall be so produced for sale and such gas shall be allocated to the participating area from which initially produced as constituted at the time of such final production.

13. *Development or operation of nonparticipating land or formations.* Any party hereto owning or controlling the working interest in any unitized land having thereon a regular well location may with the approval of the Supervisor, at such party's sole risk, cost, and expense drill a well to test any formation for which a participating area has not been established or to test any formation for which a participating area has been established if such location is not within said participating area, unless within 90 days of receipt of notice from said party of his intention to drill the well the Unit Operator elects and commences to drill such well in like manner as other wells are drilled by the Unit Operator under this agreement.

If any well drilled as aforesaid by a working interest owner results in production such that the land upon which it is situated may properly be included in a participating area, such participating area shall be established or enlarged as provided in this agreement and the well shall thereafter be operated by Unit Operator in accordance with the terms of this agreement and the unit operating agreement.

If any well drilled as aforesaid by a working interest owner obtains production in quantities insufficient to justify the inclusion in a participating area of the land upon which such well is situated, such well may be operated and produced by the party drilling the same subject to the conservation requirements of this agreement. The royalties in amount or value of production from any such well shall be paid as specified in the underlying lease and agreements affected.

14. *Royalty settlement.* The United States and any State and all royalty owners who, under existing contract, are entitled to take in kind a share of the substances now unitized hereunder produced from any tract, shall hereafter be entitled to the right to take in kind their share of the unitized substances allocated to such tract, and Unit Operator, or in case of the operation of a well by a working interest owner as herein in special cases provided for, such working interest owner, shall make deliveries of such royalty share taken in kind in conformity with the applicable contracts, laws, and regulations. Settlement for royalty interest not taken in kind shall be made by working interest owners responsible therefor under existing contracts, laws, and regulations, on or before the last day of each month for unitized substances produced during the preceding calendar month; provided, however, that nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any royalties due under their leases.

If gas obtained from lands not subject to this agreement is introduced into any participating area hereunder, for use in repressuring, stimulation of production, or increasing ultimate recovery, which shall be in conformity with a plan first approved by the Supervisor, a like amount of gas, after settlement as herein provided for any gas transferred from any other participating area and with due allowance for loss or depletion from any cause, may be withdrawn from the formation into which the gas was introduced, royalty free as to dry gas, but not as to the products extracted therefrom; provided that such withdrawal shall be at such time as may be provided in the plan of operations or as may otherwise be consented to by the Supervisor as conforming to good petroleum engineering practice; and provided further, that such right of withdrawal shall terminate on the termination of this unit agreement.

Royalty due the United States shall be computed as provided in the operating regulations and paid in value or delivered in kind as to all unitized substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the rates specified in the respective Federal leases, or at such lower rate or rates as may be authorized by law or regulation; provided, that for leases on which the royalty rate depends on the daily average production per well, said average production shall be determined in accordance with the operating regulations as though each participating area were a single consolidated lease.

15. *Rental settlement.* Rental or minimum royalties due on leases committed hereto shall be paid by working interest owners responsible therefor under existing contracts, laws, and regulations, provided that nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any rental or minimum royalty in lieu thereof due under their leases. Rental or minimum royalty for lands of the United States subject to this agreement shall be paid at the rate specified in the respective leases from the United States unless such rental or minimum royalty is waived, suspended, or reduced by law or by approval of the Secretary or his duly authorized representative.

With respect to any lease on non-Federal land containing provisions which would terminate such lease unless drilling operations were within the time therein specified commenced upon the land covered thereby or rentals paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provision of this agreement, be deemed to accrue and become payable during the term thereof as extended by this agreement and until the required drilling operations are commenced upon the land covered thereby or some portion of such land is included within a participating area.[3]

16. *Conservation.* Operations hereunder and production of unitized substances shall be conducted to provide for the most economical and efficient recovery of said substances without waste, as defined by or pursuant to State or Federal law or regulation.

17. *Drainage.* The Unit Operator shall take appropriate and adequate measures to prevent drainage of unitized substances from unitized land by wells on land not subject to this agreement or pursuant to applicable regulations pay a fair and reasonable compensatory royalty as determined by the Supervisor.

18. *Leases and contracts conformed and extended.* The terms, conditions, and provisions of all leases, subleases, and other contracts relating to exploration, drilling, development, or operation for oil or gas of lands committed to this agreement are hereby expressly modified and amended to the extent necessary to make the same conform to the provisions hereof, but otherwise to remain in full force and effect; and the parties hereto hereby consent that the Secretary shall and by his approval hereof, or by the approval hereof by his duly authorized representative, does hereby establish, alter, change, or revoke the drilling, producing, rental, minimum royalty, and royalty requirements of Federal leases committed hereto and the regulations in respect thereto to conform said requirements to the provisions of this agreement, and, without limiting the generality of the foregoing, all leases, subleases, and contracts are particularly modified in accordance with the following:

(a) The development and operation of lands subject to this agreement under the terms hereof shall be deemed full performance of all obligations for development and operation with respect to each and every part or separately owned tract subject to this agreement, regardless of whether there is any development of any particular part or tract of the unit area, notwithstanding anything to the contrary in any lease, operating agreement or other contract by and between the parties hereto, or their respective predecessors in interest, or any of them.

(b) Drilling and producing operations performed hereunder upon any tract of unitized lands will be accepted and deemed to be performed upon and for the benefit of each and every tract of unitized land, and no lease shall be deemed to expire by reason of failure to drill or produce wells situated on the land therein embraced.

(c) Suspension of drilling or producing operations on all unitized lands pursuant to direction or consent of the Secretary or his duly authorized representative shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every tract of unitized land.

(d) Each lease, sublease or contract relating to the exploration, drilling, development or operation for oil or gas of lands other than those of the United States, committed to this agreement, which, by its terms might expire prior to the termination of this agreement, is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of this agreement.

(e) Any Federal lease for a fixed term of twenty (20) years or any renewal thereof or any part of such lease which is made subject to this agreement shall continue in force beyond the term provided therein until the termination hereof. Any other Federal lease committed hereto shall continue in force beyond the term so provided therein or by law as to the committed land so long as such land remains committed hereto, provided unitized substances are discovered in paying quantities within the unit area prior to the expiration date of the primary term of such lease.

(f) Each sublease or contract relating to the operation and development of unitized substances from lands of the United States committed to this agreement, which by its terms would expire prior to the time at which the underlying lease, as extended by the immediately preceding paragraph, will expire, is hereby extended beyond any such term so provided therein so that it shall be continued in full force and effect for and during the term of the underlying lease as such term is herein extended.

(g) Any lease having only a portion of its lands committed hereto shall be segregated as to the portion committed and the portion not committed, and the terms of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lump-sum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

19. *Covenants run with land.* The covenants herein shall be construed to be covenants running with the land with respect to the interest of the parties hereto and their successors in interest until this agreement terminates, and any grant, transfer, or conveyance, of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest. No assignment or transfer of any working interest, royalty, or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

20. *Effective date and term.* This agreement shall become effective upon approval by the Secretary or his duly authorized representative and shall terminate on[4] unless (a) such date of expiration is extended by the Director, or (b) it is reasonably determined prior to the expiration of the fixed term or any extension thereof that the unitized land is incapable of production of unitized substances in paying quantities in the formations tested hereunder and after notice of intention to terminate the agreement on such ground is given by the Unit Operator to all parties in interest at their last known addresses, the agreement is terminated with the approval of the Director, or (c) a valuable discovery of unitized substances has been made on unitized land during said initial term or any extension thereof, in which event the agreement shall remain in effect for such term and so long as unitized substances can be produced in paying quantities, i. e., in this particular instance in quantities sufficient to pay for the cost of producing same from wells on unitized land within any participating area established hereunder and, should production cease, so long thereafter as diligent operations are in progress for the restoration of production or discovery of new production and so long thereafter as the unitized substances so discovered can be produced as aforesaid, or (d) it is terminated as heretofore provided in this agreement.

This agreement may be terminated at any time by not less than 75 per centum, on an acreage basis, of the owners of working interests signatory hereto, with the approval of the Director; notice of any such approval to be given by the Unit Operator to all parties hereto.

21. *Rate of prospecting, development, and production.* The Director is hereby vested with authority to alter or modify from time to time in his discretion the quantity and rate of production under this agreement when such quantity and rate is not fixed pursuant to Federal or State law or does not conform to any state-wide voluntary conservation or allocation program, which is established, recognized, and generally adhered to by the majority of operators in such State, such authority being hereby limited to alteration or modification in the public interest, the purpose thereof and the public interest to be served thereby to be stated in the order of alteration or modification. Without regard to the foregoing, the Director is

[1] The following paragraph may be substituted for the last paragraph of Section 9:

"Upon failure to commence any well provided for in this section within the time allowed including any extension of time granted by the Director, this agreement will automatically terminate; upon failure to continue drilling diligently, the Director may, after reasonable notice to the Unit Operator, and each working interest owner, lessee, and lessor, declare this unit agreement terminated."

[2] Alternative: Clause between double asterisks may be omitted if the working interests are owned by more than one party and such interests are divided.

[3] Alternative: Paragraph between double asterisks optional if non-Federal land included.

[4] The termination date to be specified in section 20 should not be more than 5 years from the effective date of the agreement.

also hereby vested with authority to alter or modify from time to time in his discretion the rate of prospecting and development and the quantity and rate of production under this agreement when such alteration or modification is in the interest of attaining the conservation objectives stated in this agreement and is not in violation of any applicable Federal or State law.

Powers in this section vested in the Director shall only be exercised after notice to Unit Operator and opportunity for hearing to be held not less than 15 days from notice.

22. *Determinations by unit operator and review thereof.*[3] Whenever a determination is required to be made in order to carry out the express terms of this agreement and the agreement does not specify by whom such determination shall be made, the Unit Operator is hereby authorized to make the necessary determination subject to approval of the Director in the manner hereinafter provided. Notice of any such determination by the Unit Operator, accompanied by data in support thereof, shall be furnished to the Director through the Supervisor. If, after reviewing all the available evidence, the Director finds that the determination reviewed is incorrect he shall advise the Unit Operator accordingly, stating the reasons therefor, and thereupon such determination shall be of no force and effect.

The Unit Operator shall then make a new determination in conformity with the finding of the Director or appeal to the Secretary as provided in the Operating Regulations. All determinations made by the Unit Operator pursuant to this section shall be effective unless and until altered, modified, or rescinded as herein provided.

Any party hereto shall have the right to request the Director (such request to be accompanied by appropriate supporting evidence) to review any determination made by the Unit Operator pursuant to this section not previously reviewed on appeal to the Secretary. Such request will be granted or denied in the discretion of the Director within 60 days after being received. If denied, the requesting party shall have the right to appeal to the Secretary. If the request for review is granted and thereafter the Director finds that the determination should be altered, modified, or rescinded, the Unit Operator shall be advised accordingly and shall either comply with the finding of the Director or appeal to the Secretary.

23. *Appearances.* Unit Operator shall, after notice to other parties affected, have the right to appear for or on behalf of any and all interests affected hereby before the Department of the Interior and to appeal from orders issued under the regulations of said Department or to apply for relief from any of said regulations or in any proceedings relative to operations before the Department of the Interior or any other legally constituted authority; provided, however, that any other interested party shall also have the right at his own expense to be heard in any such proceeding.

24. *Notices.* All notices, demands or statements required hereunder to be given or rendered to the parties hereto shall be deemed fully given if given in writing and personally delivered to the party or sent by postpaid registered mail, addressed to such party or parties at their respective addresses set forth in connection with the signatures hereto or to the ratification or consent hereof or to such other address as any such party may have furnished in writing to party sending the notice, demand or statement.

25. *No waiver of certain rights.* Nothing in this agreement contained shall be construed as a waiver by any party hereto of the right to assert any legal or constitutional right or defense as to the validity or invalidity of any law of the State wherein said unitized lands are located, or of the United States, or regulations issued thereunder in any way affecting such party, or as a waiver by any such party of any right beyond his or its authority to waive.

26. *Unavoidable delay.* All obligations under this agreement requiring the Unit Operator to commence or continue drilling or to operate on or produce unitized substances from any of the lands covered by this agreement shall be suspended while, but only so long as, the Unit Operator despite the exercise of due care and diligence is prevented from complying with such obligations, in whole or in part, by strikes, acts of God, Federal, State, or municipal law or agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of the Unit Operator whether similar to matters herein enumerated or not.

27. *Fair employment.* The Unit Operator shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin, and an identical provision shall be incorporated in all subcontracts.

28. *Loss of title.* In the event title to any tract of unitized land shall fail and the true owner cannot be induced to join in this unit agreement, such tract shall be automatically regarded as not committed hereto and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title. In the event of a dispute as to title as to any royalty, working interest, or other interests subject thereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled: provided, that, as to Federal land or leases, no payments of funds due the United States should be withheld, but such funds shall be deposited as directed by the Supervisor to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

Unit Operator as such is relieved from any responsibility for any defect or failure of any title hereunder.

29. *Non-joinder and subsequent joinder.* If the owner of any substantial interest in a tract within the unit area fails or refuses to subscribe or consent to this agreement, the owner of the working interest in that tract may withdraw said tract from this agreement by written notice to the Director and the Unit Operator prior to the approval of this agreement by the Director. Any oil or gas interests in lands within the unit area not committed hereto prior to submission of this agreement for final approval may thereafter be committed hereto by the owner or owners thereof subscribing or consenting to this agreement, and, if the interest is a working interest, by the owner of such interest also subscribing to the unit operating agreement. After operations are commenced hereunder, the right of subsequent joinder, as provided in this section, by a working interest owner is subject to such requirements or approvals, if any, pertaining to such joinder, as may be provided for in the unit operating agreement. After final approval hereof joinder by a non-working interest owner must be consented to in writing by the working interest owner committed hereto and responsible for the payment of any benefits that may accrue hereunder in behalf of such non-working interest. Prior to final approval hereof, joinder by any owner of a non-working interest must be accompanied by appropriate joinder by the owner of the corresponding working interest in order for the interest to be regarded as effectively committed hereto. Except as may otherwise herein be provided subsequent joinders to this agreement shall be effective as of the first day of the month following the filing with the Supervisor of duly executed counterparts of all or any papers necessary to establish effective commitment of any tract to this agreement unless objection to such joinder is duly made within 60 days by the Director.

30. *Counterparts.* This agreement may be executed in any number of counterparts no one of which needs to be executed by all parties or may be ratified or consented to by separate instrument in writing specifically referring hereto and shall be binding upon all those parties who have executed such a counterpart, ratification, or consent hereto with the same force and effect as if all such parties had signed the same document and regardless of whether or not it is executed by all other parties owning or claiming an interest in the lands within the above-described unit area.

31. *Surrender.*[4] Nothing in this agreement shall prohibit the exercise by any working interest owner of the right to surrender vested in such party in any lease, sub-lease, or operating agreement as to all or any part of the lands covered thereby, provided that each party who will or might acquire such working interest by such surrender or by forfeiture as hereafter set forth, is bound by the terms of this agreement.

If as a result of any such surrender, the working interest rights as to such lands become vested in any party other than the fee owner of the unitized substances, said party shall forfeit such rights and no further benefits from operations hereunder as to said land shall accrue to such party, unless within ninety (90) days thereafter said party shall execute this agreement and the unit operating agreement as to the working interest acquired through such surrender, effective as though such land had remained continuously subject to this agreement and the unit operating agreement. And in the event such agreements are not so executed, the party next in the chain of title shall be and become the owner of such working interest at the end of such ninety (90) day period, with the same force and effect as though such working interest had been surrendered to such party.

If as the result of any such surrender or forfeiture the working interest rights as to such lands become vested in the fee owner of the unitized substances, such owner may:

(1) Execute this agreement and the unit operating agreement as a working interest owner, effective as though such land had remained continuously subject to this agreement and the unit operating agreement.

(2) Again lease such lands but only under the condition that the holder of such lease shall within thirty (30) days after such lands are so leased execute this agreement and the unit operating agreement as to each participating area theretofore established hereunder, effective as though such land had remained continuously subject to this agreement and the unit operating agreement.

(3) Operate or provide for the operation of such land independently of this agreement as to any part thereof or any oil or gas deposits therein not then included within a participating area.

If the fee owner of the unitized substances does not execute this agreement and the unit operating agreement as a working interest owner or again lease such lands as above provided with respect to each existing participating area, within six (6) months after any such surrender or forfeiture, such fee owner shall be deemed to have waived the right to execute the unit operating agreement or lease such lands as to each such participating area, and to have agreed, in consideration for the compensation hereinafter provided, that operations hereunder as to any such participating area or areas shall not be affected by such surrender.

[3] Section 22 entitled "Determinations by Unit Operator and Review Thereof" may be omitted at the option of the parties.

[4] Section 31 entitled "Surrender" may be omitted at the option of the parties.

For any period the working interest in any lands are not expressly committed to the unit operating agreement as the result of any such surrender or forfeiture, the benefits and obligations of operations accruing to such lands under this agreement and the unit operating agreement shall be shared by the remaining owners of unitized working interests in accordance with their respective participating working interest ownerships in any such participating area or areas, and such owners of working interests shall compensate the fee owner of unitized substances in such lands by paying sums equal to the rentals, minimum royalties, and royalties applicable to such lands under the lease in effect when the lands were unitized, as to such participating area or areas.

Upon commitment of a working interest to this agreement and the unit operating agreement as provided in this section, an appropriate accounting and settlement shall be made, to reflect the retroactive effect of the commitment, for all benefits accruing to or payments and expenditures made or incurred on behalf of such surrendered working interest during the period between the date of surrender and the date of recommitment, and payment of any moneys found to be owing by such an accounting shall be made as between the parties then signatory to the unit operating agreement and this agreement within thirty (30) days after the recommitment. The right to become a party to this agreement and the unit operating agreement as a working interest owner by reason of a surrender or forfeiture as provided in this section shall not be defeated by the non-existence of a unit operating agreement and in the event no unit operating agreement is in existence and a mutually acceptable agreement between the proper parties thereto cannot be consummated, the Supervisor may prescribe such reasonable and equitable agreement as he deems warranted under the circumstances.

Nothing in this section shall be deemed to limit the right of joinder or subsequent joinder to this agreement as provided elsewhere in this agreement. The exercise of any right vested in a working interest owner to reassign such working interest to the party from whom obtained shall be subject to the same conditions as set forth in this section in regard to the exercise of a right to surrender.

WORKING INTEREST OWNERS

Date: ----------
Attest:
---------- ----------
Secretary By ----------
President
Date: ---------- ----------
Date: ---------- ----------

OTHER PARTIES

Date: ----------
Attest:
---------- By ----------
Secretary By ----------
President
Date: ---------- ----------
Date: ---------- ----------

NOTE

(a) At the option of the parties a section may be included covering the payment of taxes.

(b) Unit Operator should sign both as Unit Operator and as a working interest owner.

(c) Only those who are parties to the Unit Operating and Accounting Agreement should sign as working interest owners.

(d) A carried working interest owner should sign under the heading of OTHER PARTIES.

NOTE: The following is a sample form of approval certificate to be attached to each executed copy of unit agreement submitted for approval.

CERTIFICATION—DETERMINATION

Pursuant to the authority vested in the Secretary of the Interior, under the act approved February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, and delegated to the Director of the Geological Survey pursuant to Departmental Order No. 2365 of October 8, 1947, 43 CFR § 4.611, 12 F. R. 6784, I do hereby:

A. Approve the attached agreement for the development and operation of the ---------- Unit Area, State of ----------.

B. Certify and determine that the unit plan of development and operation contemplated in the attached agreement is necessary and advisable in the public interest for the purpose of more properly conserving the natural resources.

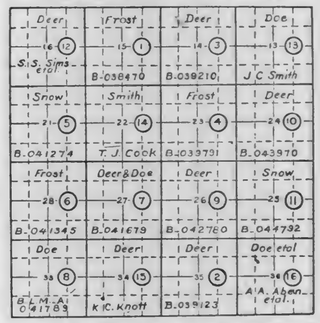
C: Certify and determine that the drilling, producing, rental, minimum royalty, and royalty requirements of all Federal leases committed to said agreement are hereby established, altered, changed, or revoked to conform with the terms and conditions of this agreement.

Dated: ----------

Director, United States Geological Survey.

EXHIBIT A

SWAN UNIT AREA
T. 54 N. R. 70W. 6TH PM WYOMING



① Means tract number as listed on Exhibit B

SAMPLE EXHIBIT B—SWAN UNIT AREA, CAMPBELL COUNTY, WYOMING, T. 54 N., R. 70 W.

Tract No.	Description of land	Number of acres	Application or serial No. and effective or expiration date of lease	Basic royalty and percentage	Lessee of record	Overriding royalty and percentage	Working interest and percentage
	Federal land T. 54 N. R. 70 W.		*Buffalo Series*				
1	All Sec. 15	640.00	038470 7-1-49	U. S. All	T. J. Cook	T. J. Cook 2%	Frost O. Co., All.
2	All Sec. 35	640.00	039123 7-1-49	do	O. M. Odom	O. M. Odom 1%	Deer O. Co., All.
3	All Sec. 14	640.00	039210 7-1-49	do	Tom Black	Tom Black 2%	Do.
4	All Sec. 23	640.00	039791 8-1-49	do	G. G. White	G. G. White 2%	Frost O. Co., All.
5	All Sec. 21	640.00	041274 10-1-49	do	Joe Blue	Joe Blue 1%	Snow O. Co., All.
6	All Sec. 26	640.00	041345 11-1-49	do	(Max Pen (Sam Small	Max Pen 1% Sam Small 1%	Frost O. Co., All.
7	All Sec. 27	640.00	041679 12-1-49	do	Al Preen	Al Preen 2%	(Deer O. Co., 50%. (Doe O. Co., 50%.
8	All Sec. 33	640.00	BLM A-041789	do	S. T. Jones	S. T. Jones 1½%	Doe O. Co., All.
9	All Sec. 26	640.00	1-1-50 042760	do	J. G. Goodin	J. G. Goodin 2%	Deer O. Co., All.
10	All Sec. 24	640.00	2-1-50 043970	do	Tim Holder	Tim Holder 2%	Do.
11	All Sec. 25	640.00	3-1-50 044792 Appl'n.	do	Al Black	Al Black 2%	Snow O Co., All.
12	All Sec. 16	640.00	7-12-50	(S. S. Sims 50% Wm. Sims 25% Joe Sims 25%	Deer O. Co.	T. T. Timo 2%	Deer O. Co., All.
13	All Sec. 13	640.00	8-2-50	J. C. Smith	Doe O. Co.	None	Doe O. Co., All.
14	All Sec. 22	640.00	9-15-50	T. J. Cook	W. W. Smith	Sam Spade 1%	W. W. Smith, All.
15	All Sec. 34	640.00	6-1-50	K. C. Knott	Deer O. Co.	None	Deer O. Co., All.
16	All Sec. 36	640.00	5-15-50	(A. A. Aben 75% (L. P. Aben 25%	Doe O. Co.	do	(Doe O. Co. 60%. (W. W. Smith 40%.

Total: 16 tracts 10,240.00 acres in entire unit area.
NOTE: Group lands by types, listing Federal leases by order of serial number.
Tract numbers are merely for simple and convenient reference.
Consents should be identified (in pencil if desired) by tract numbers as listed in Exhibit B and assembled in that order as far as practical.
For patented land tracts, the lease expiration date may be shown in lieu of the lease date.

§ 226.15 *Form of collective bond.*

COLLECTIVE CORPORATE SURETY BOND

Know all men by these presents, That we, ----------, signing as
(Name of unit operator)
Principal, for and on behalf of the record owners of unitized substances now or hereafter covered by the unit agreement for the ----------, approved ----------,
(Name of unit) (Date)
----------, as Surety
(Name and address of Surety)
are jointly and severally held and firmly bound unto the United States of America in the sum of ---------- Dollars, lawful
(Amount of bond)
money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land, heretofore entered or patented with the reservation of the oil or gas deposits to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such, that, whereas the Secretary of the Interior on ---------- approved under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat 950, a unit agreement for the development and operation of the ----------; and

(Date)

(Name of unit and State)

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and Surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described;

(b) Any suspension of the drilling or producing requirements or waiver, suspension, or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary:

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this ------ day of ----------, 19----, in the presence of:

Witnesses:

---------- (Principal)

---------- (Surety)

§ 226.16 *Form of designation of successor unit operator by working interest owners.*

Designation of successor Unit Operator ---------- Unit Area, County of ---------- State of ---------- I-Sec. No. -------.

This indenture, dated as of the ------ day of ----------, 19----, by and between ---------- hereinafter designated as "First Party," and the owners of unitized working interests, hereinafter designated as "Second Parties."

WITNESSETH: Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the ------ day of ----------, 19----, approved a unit agreement for the ---------- Unit Area, wherein ---------- is designated as Unit Operator; and

Whereas said ---------- has resigned as such Operator,[1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas the First Party has been and hereby is designated by Second Parties as Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement:

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the ---------- unit agreement, and the Second Parties covenant and agree that, effective upon approval of this indenture by the Director of the Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges as Unit Operator, pursuant to the terms and conditions of said unit agreement; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

---------- ----------
---------- (First Party)
(Witnesses)

---------- ----------
---------- (Second Parties)
(Witnesses)

I hereby approve the foregoing indenture designating ---------- as Unit Operator under the unit agreement for the ---------- Unit Area, this ----- day of ----------, 19---.

Director of the Geological Survey.

§ 226.17 *Form of change in unit operator by assignment.*

Change in Unit Operator ---------- Unit Area, County of ----------, State of ----------, I-Sec. No. -------.

This indenture, dated as of the ------ day of ----------, 19----, by and between ---------- hereinafter designated as "First Party," and ---------- hereinafter designated as "Second Party."

WITNESSETH: Whereas under the provisions of the act of February 25, 1920, 41 Stat. 437, 30 U. S. C. secs. 181, et seq., as amended by the act of August 8, 1946, 60 Stat. 950, the Secretary of the Interior, on the ------ day of ----------, 19----, approved a unit agreement for the ---------- Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed, and assigned all his its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties, and obligations as Unit Operator under said unit agreement; and

Second Party hereby accepts this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Director of the Geological Survey; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

---------- ----------
---------- (First Party)
(Witnesses)

---------- ----------
---------- (Second Party)

I hereby approve the foregoing indenture designating ---------- as Unit Operator under the unit agreement for the ---------- Unit Area, this --- day of ---------- 19---.

Director of the Geological Survey.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply sec. 5, 60 Stat. 952; 30 U. S. C. 226e)

Dated: December 22, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-156; Filed, Jan. 3, 1951; 8:55 a. m.]

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1951 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JANUARY 1, 1951

JANUARY 1, 1951.

§ 129.14 *Calendar year 1951—(a) Quarter beginning January 1, 1951.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of th Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1951, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.59637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.1537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0126	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15.5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	4.0297	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.1537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.0583	Present gold content of 0.58308 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-91; Filed, Jan. 3, 1951; 8:48 a. m.]

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Dept. Circular 530, 6th Rev., Amdt. 8, Feb. 13, 1945]

PART 315—UNITED STATES SAVINGS BONDS

CALCULATION OF AMOUNT

DECEMBER 28, 1950.

Pursuant to section 22 (a) of the Second Liberty Bond Act, as amended (55 Stat. 7, 31 U. S. C. 757c), § 315.9 (d) (4) of Department Circular No. 530, Sixth Revision, dated February 13, 1945 (31 CFR Part 315), as amended, is hereby further amended, effective January 1, 1951, to read as follows:

§ 315.9 *Calculation of amount.* • • •

(d) • • •

(4) With respect to bonds of Series E, those purchased with the proceeds of matured bonds of Series A, Series C–1938, Series D–1939, Series D–1940, and Series D–1941, where such matured bonds are presented by an individual (natural person in his own right) owner or coowner for that purpose and the Series E bonds are registered in his name in any form of registration authorized for that series.

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to these regulations.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-90; Filed, Jan. 3, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chaper VI—Defense Minerals Administration, Department of the Interior

[MO 1]

PART 1009—DESIGNATION OF SCARCE MATERIALS

Pursuant to the provisions of section 102 of the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and the delegation of December 18, 1950, by the Secretary of Commerce to the Secretary of the Interior (NPA Delegation 5, 15 F. R. 9195), the materials specified on the attached list are hereby designated as scarce materials. These materials are therefore subject to said section 102 which provides in part that in order to prevent hoarding, no person shall accumulate such materials (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices.

Special circumstances have rendered consultation with industry representatives, including trade associations, prior to the formulation of this order, impracticable and contrary to the interest of the national defense.

§ 1009.1 *Designation of scarce materials.*

Iron ore, concentrates, sinter, Pyrites cinder.
Manganese ores, concentrates.
Chromium ores, concentrates.
Cobalt ores, concentrates.
Nickel ores, concentrates.
Tungsten ores, concentrates.
Molybdenum ores, concentrates.
Vanadium ores, concentrates, flue dust.
Fluorspar ores.
Miscellaneous ferro-alloy ores, concentrates (including Boron, Columbium, Ferro-Titanium, Ferro-Zirconium, Ferro-Tantalum, etc.).
Beryllium ores.
Cerium and other rare-earth metal ores.
Columbium ores.
Germanium concentrates, residues.
Lithium ores.
Platinum-group unrefined materials, including grain, nuggets, ores, concentrates.
Selenium anode slimes.
Tantalum ores.
Tellurium bearing anode slimes and lead residues.
Thallium: Cottrell dusts, residues from zinc, cadmium and lithopone works. Ores (Mercur, Utah).
Aluminum (crude), dried and calcined bauxite, aluminum pig, alumina.
Magnesium: Dolomite, magnesium chloride, magnesium pig, crystals.
Titaniferous ores, titanium metal sponge, chips, powder.
Zirconium-bearing ores, zirconium metal sponge.
Antimony ores, concentrates, residues.
Bismuth concentrates, base bullion, residues.
Cadium concentrates, flue dusts, residues.
Copper ores, concentrates, matte, blister, anodes.
Lead ores, concentrates, base bullion, matte, speiss, residues.
Mercury ores, concentrates.
Tin ores, concentrates.
Zinc ores, concentrates, fumes, residues.
Corundum ores, concentrates, crystals.
Emery ores.
Grinding pebbles, mill liners (crude).
Asbestos, unmilled.
Barite, witherite (crude).
Borates ores, brines (crude).
Bromine.
Fuller's earth, crude.
Cryolite ores.
Graphite, crude.
Quartz, crystals, raw.
Strontium ores.
Sulphur, pyrites.
Talc, pyrophyllite, crude.
Topaz, crude.
Wollastonite.
Kyanite and other mullite-forming minerals, synthetic mullite.
Mica, crude, trimmed, scrap.
Monazite, bastnasite.
Nitrogen compounds (natural).
Potash, crude.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 102, Pub. Law 774, 81st Cong.)

Dated: December 29, 1950.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

Approved: December 29, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-183; Filed, Jan. 3, 1951; 10:35 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9671]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

I. *Introduction.* On May 23, 1950, pursuant to the authority set forth in sections 4 (i), 301, 303 (q) and 309 of the Communications Act of 1934, as amended, the Commission issued a notice of proposed rule making, published 15 F. R. 3426, June 1, 1950, looking toward the promulgation of a new Part 17 of the rules concerning the Construction, Marking, and Lighting of Antenna Towers and/or their Supporting Structures. The proposal set forth procedures and standards with respect to the Commission's consideration of proposed antenna structures as a guide to persons applying for radio station licenses. Interested persons were given until July 3, 1950, to file comments, which period was subsequently extended, by an appropriate order, to July 17, 1950. The time to file comments has now expired. Twenty-one comments have been received. The comments, but for a few exceptions, appear to favor the purpose of the proposal, urging, however, a number of specific changes ranging from editorial modifications of the text to substantial revisions of the scope of coverage of the rules. Four commentators directed their remarks solely to the legal basis for the new rules, contending that the proposal transcends the authority contained in the Communications Act.

The comments, together with changes considered acceptable and included in the finalized rules, are, for convenience, grouped into five categories, and discussed in sections of this report numbered to conform with the categories as follows:

II. Comments directed toward the definitions and scope of landing areas, control zones, airport approach areas, etc. (Subpart A of the proposal);

III. Comments regarding the height criteria for determining whether antenna structures would require aeronautical study (Subpart B of the proposal);

IV. Comments concerning the painting and lighting specifications (Subpart C of the proposal)";

V. Comments with respect to the Commission's legal authority to adopt the proposed rules; and

VI. Comments advocating exemption of amateur stations from the proposal.

In summary, only editorial revisions have been made in the text of Subpart A. Two new sections have been added to Subpart B; one exempting antenna structures under 20 feet in height from the requirement of aeronautical study; the other providing that the fact that natural formations or existing man-made structures may shield antennas, will be taken into account in all cases requiring aeronautical study. The remaining modifications of this subpart have been editorial in nature. Aside from editorial changes in Subpart C, a section has been added thereto providing that upon a proper showing, the Commission may modify the mandatory marking required thereunder. In addition, a provision has been made authorizing the use of automatic devices to detect failure of antenna lights. All changes conform to the basic purpose of the proposal. Objections to the Commission's jurisdiction to promulgate Part 17 are without merit. Similarly, no basis exists for exemption of amateur stations from the purview of the new rules.

II. *Comments directed toward the definitions and scope of landing areas, control zones, airport approach areas, etc.* Subpart A of Part 17 contains a series of definitions, setting forth in detail the measurements on the basis of which safety areas in the proximity of airports are delimited and minimum flight altitudes designated. These definitions are based on the relevant CAA regulations. Several minor changes, principally editorial in character and not affecting the substance of the rules as proposed, have been incorporated in the final text in accordance with the more significant suggestions of the interested parties. The sections so revised are §§ 17.2 (a), (c), (c) (2), (c) (3), (d), (1), (n), and 17.4.

III. *Comments regarding the height criteria for determining whether antenna structures would require aeronautical study.* The criteria as proposed and made final require no aeronautical study of proposed antennas less than 170 feet above ground, except when the proposed location is in the vicinity of airports and approach areas under the conditions set forth in § 17.15 (§ 17.14 of the proposed rules). Similarly, no such study is required of proposed antennas under 500 feet in height, except, in addition to the above, in certain parts of the airways system (§ 17.12). Antennas coming within these exceptions and all proposed antennas over 500 feet in height require special aeronautical study before an authorization for the erection thereof is granted.

Comments from certain broadcasters urged the elimination of the 500 feet criterion on the ground that it is an arbitrary choice and inconsistent with the Commission's rules which, under certain circumstances, recommend the use of antennas over 500 feet (e. g., § 3.604 (b) of this chapter).

The 500 feet figure is significant only as a criterion for determining whether a special aeronautical study shall be required irrespective of the antenna's proposed location. It neither limits the applicant's freedom in adapting the height of his antenna to the technical requisites of his station, nor prevents the Commission from authorizing such antenna heights as might be warranted by the dictates of the public interest, convenience or necessity. Accordingly, the 500 feet dividing line has only a procedural significance and, of itself, does not determine the merits of an application. In this light, it is difficult to see how this height criterion can be considered to be inconsistent with the Commission's rules recommending antennas over 500 feet for certain stations. The purpose of one is to insure the safety of air navigation; of the other, to provide broader coverage for television stations. These objectives appear capable of a harmonious coexistence under the safeguards to the aviation interests—which the proposed Part 17 is intended to provide.

The 500 feet criterion was fully discussed at the conferences which preceded the issuance of the proposed rules and was selected after a careful consideration of the interests of both the radio and aviation industries. The Civil Air Regulations (14 CFR 60.17) provide that the minimum altitude for instrument flight operations shall not be less than 1,000 feet above the highest obstacle within a horizontal distance of 5 miles from the center line of the course intended to be flown. Enroute cruising altitudes are calculated in increments of 500 feet. Accordingly, where a 500 feet antenna is the controlling obstacle, the minimum flight altitude in that area would be 1,500 feet; an over-500 feet (500 to 1,000) radio tower would raise such flight altitude to 2,000 feet. The percentage of radio antennas which could be expected to exceed 500 feet appears to be very small,[1] and is not considered substantial enough to warrant an increase in the minimum flight altitude.

The provisions relating to the height criteria (Subpart B of the rules) have been edited and revised in accordance with the more significant comments as follows:

(a) The heading of Subpart B has been changed to reflect more clearly the purpose of the rules.

(b) Section 17.12 has been edited in order to include therein all cases where aeronautical study would be required for antennas of 170 to 500 feet in height, and, at the same time, integrate into this section the criteria applicable to structures in airport and approach areas set forth in § 17.14 of the proposed rules.

(c) It is believed that under certain circumstances small antennas should be exempt from the requirement of a special aeronautical study. It appears that such an exemption would, for example, eliminate the need of processing through the Airspace Subcommittee of many amateur applications which otherwise would require such a referral if the proposed antenna were to be located in the vicinity of airports or approach areas. At the same time, it does not appear that an exception

[1] During the conferences preceding the publication of the proposed Part 17, the broadcast industry proposed to raise the 500 feet limit to 650 feet. In order to determine whether such a change was justified, a study was made of (1) all existing broadcast (AM, FM, TV) stations and CP's in the New York, San Francisco and Washington areas, (2) all broadcast applications received by the Commission during May 1949, all non-broadcast applications received during one week in May 1949, and (3) five typical common carrier antenna farms. The study encompassed 176 existing or proposed broadcast antenna structures and 131 non-broadcast towers. Only three of the broadcast antenna towers were over 500 feet in height and only one of these would have escaped aeronautical study if the limit were raised to 650 feet. None of the non-broadcast antennas or those in the common carrier antenna farms were over 500 feet in height.

in favor of such small antennas would jeopardize the safety of air navigation. In any event, in those exceptional cases where such small towers could menace air navigation, the Commission could order the marking thereof under section 303 (q) of the act, notwithstanding the exemption. Accordingly, a new § 17.14 has been added which reads as follows:

§ 17.14 Antenna structures mounted on top of natural formations or existing man-made structures will not require special aeronautical study, if, as a result of such mounting, the over-all height of such natural formations or existing man-made structures has not increased more than 20 feet.

(d) As a result of the addition, § 17.14 of the proposal has been renumbered § 17.15 and the references thereto in other provisions of Part 17 have been revised accordingly.

(e) Minor editorial and clarifying changes have been made in the text of the renumbered § 17.15 and paragraph (a) of that section.

(f) Paragraph (d) of the renumbered § 17.15 has been subdivided for clarity into two paragraphs, (d) and (e).

(g) Section 17.15 of the proposed rules has been renumbered § 17.17, and a new § 17.16 applicable to the entire Subpart B has been added. This new section is substantially identical with the last sentence of § 17.11, which, accordingly, has been eliminated. The new section insures that in all cases requiring special aeronautical study, the circumstances that the antenna would be shielded by natural formations or man-made structures will be taken into account. Under the proposal, this provision, having been a part of § 17.11 of Subpart B, appeared applicable only to antennas over 500 feet in height. There seems to be no reason for such a restriction.

IV. *Comments concerning the painting and lighting specifications.* Subpart C of Part 17 contains specifications for obstruction marking and lighting of antenna structures. Section 17.21 thereof provides that antenna towers shall be painted and illuminated when: (a) they require special aeronautical study, or (b) they exceed 170 feet in height above the ground. Numerous comments have been directed toward this section pointing out that in some cases, depending on the location of the antenna, a mandatory requirement of painting and lighting would not be warranted, and urging an appropriate modification of its provisions.

It is believed that in a proper case the mandatory requirement of § 17.21 might be either dispensed with or modified. Accordingly, the following paragraph (c) has been added to § 17.21:

(c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

Section 17.29 of the proposed rules would require that a visual inspection of tower lights be made at least once each 24 hours. Several comments suggested that a provision be made permitting the use of automatic devices designed to detect any failure of such lights. Such an alternative to visual inspections appears desirable. Accordingly, an appropriate revision of § 17.29 (a) has been made. Similarly, changes necessary to insure proper maintenance and inspection of such automatic detecting devices, and the required recording of failures detected thereby, have been made in the appropriate places (e. g., §§ 17.29 (c), 17.30 (c), (c) (3), and (d) (1)).

In addition, the following minor changes, urged by the interested parties, have been made in the provisions of Subpart C for the sake of clarification:

(a) The use of 111 watt lamp as an alternative to 100 watts and 620 watt lamp as an alternative to 500 watts has been expressly authorized, in order to conform with the requirements of the specifications to the recommendation contained in § 17.34, footnote 5. The sections so modified are §§ 17.23 (a) (3), 17.24 (a) (2) and (3), 17.25 (a) (2) and (3), and 17.26 (a) (2) and (4). Footnote 5 of § 17.34 has been appropriately edited to conform to the above revisions.

(b) Sections 17.25 (a) (4) and 17.26 (a) (5) governing the time during which the lights illuminating the antenna structures must be on, have been modified in order to permit, when it is so desired, to burn such lights continuously.

(c) Editorial revisions have been made in the portions of §§ 17.24 (a) (1) and 17.26 (a) (1) concerning the dimensions of the international orange and white bands.

(d) The word "special" preceding "aeronautical study" has been inserted in § 17.22 (a) and (b).

V. *Comments with respect to the Commission's legal authority to adopt the proposed rules.* The contention that Part 17 transcends the authority contained in the Communications Act has been given careful consideration and we conclude that it is without foundation. The bases for the contention appear to be two-fold:

(a) Part 17 delegates to agencies outside the Commission authority to make determinations which will form the basis for the adjudications of applications for radio facilities.

(b) Part 17 would permit denial of applications for radio facilities on the basis of aeronautical considerations, an outcome not contemplated by the Communications Act.

No reasonable analysis or construction of Part 17 can lead to a conclusion that the procedure provided thereby constitutes a delegation of the Commission's authority to other agencies. Part 17 contemplates no more than a referral of applications requiring aeronautical study to the Airspace Subcommittee of the Air Coordinating Committee who will act as an expert in an advisory capacity. The determination of this body will merely aid the Commission in deciding whether a grant of the application involved in such a study would be in the public interest. This determination is one which only the Commission can make, and it has not been delegated in any way to any other agency. Moreover, section 309 (a) of the Communications Act insures that an applicant shall be afforded an opportunity for hearing on any issue which may be adverse to the grant of the application without hearing. The new procedure simplifies the long established practice of referring applications proposing a construction of antenna structures over 150 feet to the Civil Aeronautics Administration for recommendations.[2]

By a denial of applications for radio facilities on the basis of aeronautical considerations, it is presumably meant a denial where it has been determined, after hearing or opportunity for a hearing has been afforded, that the erection of the proposed antenna at the proposed site would constitute a menace to air navigation, which menace could not be removed by the painting and illumination of the obstruction. A denial of an application under these circumstances is contemplated by the Communications Act. It has been so held in Simmons v. FCC (D. C. App. 1944), 145 F. (2d) 578, where, in disposing of this issue, the court said: "We think that public convenience, interest and necessity clearly require the Commission to deny applications for construction which would menace air navigation."

VI. *Comments advocating exemption of amateur stations from the proposal.* The American Radio Relay League has contended that amateur stations should be excluded from the purview of Part 17. The League has based this claim on the statutory exemption of amateur stations from the requirement of a construction permit (section 319 (b) of the Communications Act).

It is quite clear that the exemption of amateurs from the construction permit requirements of section 319 of the Communications Act was not intended to except amateurs as a class from other valid considerations of the public interest. The purpose of section 319 was to prevent potential applicants from investing large sums of money in a station prior to Commission consideration of the proposed operation. In the case of amateurs where in most instances the cost of equipment is comparatively small this problem did not exist. Accordingly, the requirement that a CP be obtained before construction of the station was not imposed on this group. There is clearly no basis for the assumption that this exemption was intended to preclude the consideration of other criteria of the public interest, including the potential effect of antenna towers on safety of air navigation, in connection with the licensing of such stations.

The League admits that "where an amateur's tower constitutes a menace to air navigation, steps may be taken by the appropriate agency to cause the tower to be painted and lighted as in

[2] See § 1.377 of Part 1 of this chapter which provides: "Applications for radio facilities which involve the erection of proposed antennas or changes in the height or location of existing antennas are referred to the Civil Aeronautics Administration for the recommendation of that agency as to whether the antenna in question constitutes a meance to air navigation."

the case of other aerial obstructions such as tall buildings or smokestacks", but asserts that amateur antennas "should be classified with types of structures other than radio transmitting structures contemplated by the proposed rules." This argument pays lip service to the cause of the safety of air navigation, for there is, at the present time, no "appropriate agency" which can compel obstructions other than radio transmitting antennas to be marked. The Commission, within the limits of the Communications Act, is the only repository of federal authority with respect to the painting and lighting of aerial obstructions, and no comparable authority has been conferred on any other agency.

VII. It appears from the foregoing that the comments raised neither new nor important issues of facts concerning the proposed rules. The contentions questioning the legality of the proposal have been carefully considered and in view of the clarity of the law on those points it is not believed that either oral argument or hearing would materially contribute to a decision in the matter.

Accordingly, it is ordered, This 13th day of December 1950, that Part 17, rules concerning the construction, Marking and Lighting of Antenna Towers and Supporting Structures, shall become effective February 15, 1951, as set forth below.

Released: December 22, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART A—GENERAL INFORMATION

Sec.
17.1 Basis and purpose.
17.2 Definitions.
17.3 Form to be used to describe proposed antenna structures.
17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

SUBPART B—CRITERIA FOR DETERMINING WHETHER APPLICATIONS FOR RADIO TOWERS LIMITATION IN CONNECTION WITH AIR NAVIGATION REQUIRE SPECIAL AERONAUTICAL STUDY

17.11 Antenna structures over 500 feet in height.
17.12 Antenna structures over 170 feet up to and including 500 feet in height.
17.13 Antenna structures 170 feet in height and under.
17.14 Certain antenna structures exempt from special aeronautical study.
17.15 Antenna structures in airports and approach areas.
17.16 Shielded antenna structures.
17.17 Existing structures.

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

17.21 Painting and lighting, when required.
17.22 Particular specifications to be used.
17.23 Antenna structures 100 feet and under in height.
17.24 Antenna structures above 100 feet up to and including 170 feet in height.
17.25 Antenna structures over 170 feet up to and including 400 feet in height.
17.26 Antenna structures over 400 feet up to and including 500 feet in height.
17.27 Antenna structures over 500 feet in height.
17.28 Antenna farms and multiple structure antena arrays.
17.29 Inspection of tower lights and associated control equipment.
17.30 Recording of tower light inspections in the station record.
17.31 Cleaning and repainting.
17.32 Time when lights shall be exhibited.
17.33 Spare lamps.
17.34 Lighting equipment.
17.35 Painting and lighting existing structures.

AUTHORITY: §§ 17.1 to 17.35 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 309, 48 Stat. 1081, 1082, 1086; 47 U. S. C. 301, 303, 309.

SUBPART A—GENERAL INFORMATION

§ 17.1 *Basis and purpose.* (a) The rules in this part are issued pursuant to the authority contained in Title 3 of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience or necessity would be served thereby, and to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards have been worked out in conjunction with the Civil Aeronautics Administration, the Department of Defense and other Government agencies.

§ 17.2 *Definitions.*—(a) *Airport reference point.* The airport reference point is a point selected and marked at the approximate center of the airport landing area.

(b) *Antenna structures.* The term "antena structures" includes the radiating system and its supporting structures.

(c) *Approach surfaces and approach areas.* The approach surface is an imaginary inclined plane through the air space located directly above the approach area. The dimensions of the approach area are measured horizontally. This inclined plane extends upward and outward from the beginning of the approach area starting at the elevation of the runway end.

(1) *Length.* The approach area has a length of 10,000 feet beginning 200 feet (1,000 feet for regular Department of Defense Air Bases) from the end of each runway and extending outward, ending at a point 10,200 feet (11,000 feet for regular Department of Defense Air Bases) from the end of the runway on the extended center line of the runway. In addition the approach areas of all runways which may be used for instrument operation shall extend outward an additional 40,000 feet. The approach area requirements for instrument runways shall apply to all runways which may be used for instrument operations and to both ends of such runways.

(2) *Width.* The approach area is symmetrically located with respect to the extended runway center line, and for all instrument runways has a total width of 1,000 feet (1,500 feet for regular Department of Defense Air Bases) at the end adjacent to the runway. The approach area flares uniformly to a total width of 4,000 feet at the end of the 10,000-foot section and to a total width of 16,000 feet at the end of the additional 40,000-foot section. For all other runways not designated for instrument operation, the approach area has a total width at the end adjacent to the runway, and at the approach end, respectively, as follows: For express air carrier service and larger airports, 500 feet and 2,500 feet; for trunk line air carrier service airports, 400 feet and 2,400 feet; for feeder air carrier service airports, 300 feet and 2,300 feet; for secondary airports, 250 feet and 2,250 feet and for personal airports, 200 feet and 2,200 feet.

(3) *Slope.* For instrument runways the slope of the approach surface along the runway center line extended is 50:1 (an elevation of 1 foot for each 50 feet of horizontal distance) for the inner 10,000-foot section and 40:1 (an elevation of 1 foot for each 40 feet of horizontal distance) for the outer 40,000-foot section. All other runways, not designated for instrument operation, which meet or exceed the minimum runway length requirements for feeder air carrier service shall have a slope of 40:1. On airports with shorter runway lengths than those specified for feeder air carrier service, the slope of the appoach surface is 20:1 (an elevation of 1 foot for each 20 feet of horizontal distance) for all runways.

(d) *Conical surface.* The conical surface is an imaginary surface through the air space extending upward and outward from the periphery of the horizontal surface and having a slope of 20:1 measured in a vertical plane passing through the airport reference point. Measuring radially outward, from the periphery of the horizontal surface, the conical surface extends for a horizontal distance of 7,000 feet for intercontinental express airports, intercontinental airports and Department of Defense Air Bases; and 5,000 feet for continental, express, trunk line and feeder airports, and 3,000 feet for all smaller airports.

(e) *Designated air traffic control areas.* Areas established and designated by the Administrator of Civil Aeronautics for air traffic control purposes. Information concerning the location of these areas can be obtained from CAA publications and by contacting the CAA regional office.

(f) *Established airport elevation.* The established elevation of the airport is the elevation of the highest point of the usable landing area.

(g) *Established coastal corridors.* Certain established corridors in which low level flight is required for Department of Defense and Coast Guard air operations conducted from air stations located within 20 statute miles of the Atlantic, Pacific and Gulf Coast. These corridors will be ten miles in width extending from coastal air stations to the nearby sea coast. Information with respect to these established corridors will be published along with the information on civil airways.

(h) *Civil airways.* A system of aerial routes designated by the Administrator of Civil Aeronautics for Air Navigation and Traffic Control purposes. Information concerning the location of civil airways can be obtained from aeronautical charts, CAA publications, and by contacting the CAA regional offices.

(i) *Final approach minimum flight altitude.* An altitude designated by appropriate federal authority which is normally established from the highest point within five statute miles of the center line of the final approach course of the radio facility used for final let-down for an airport, and extending for a distance of ten statute miles along this course outward from the radio facility. The radio facilities used for final let-down and the final approach minimum flight altitudes are published in Instrument Approach and Landing Charts and the Flight Information Manual.

(j) *Horizontal surface.* The horizontal surface is an imaginary plane through the air space, circular in shape, with its height 150 feet above the established airport elevation and having a radius from the airport reference point as indicated in the following table:

	Feet
Intercontinental express airports and Department of Defense air bases	13,000
Intercontinental airports	11,500
Continental airports	10,000
Express airports	8,500
Trunk line airports	7,000
Feeder airports	6,000
All smaller airports	5,000

The category of every airport in accordance with the above classification is designated by the Administrator of Civil Aeronautics.

(k) *Instrument approach area.* An approach area where instrument approaches are authorized. The dimensions of the approach area and instrument approach area are contained in paragraph (c) of this section.

(l) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use,[1] for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(m) *Minimum flight altitude.* Minimum altitudes designated by the Administrator of Civil Aeronautics to provide aircraft a safe clearance of all obstructions within the area designated. The necessary information concerning the locations of these areas and the established minimum flight altitude can be obtained from the CAA publications and by contacting the CAA regional offices.

(n) *Transitional surfaces.* The transitional surfaces are imaginary inclined planes through the air space having a slope of 7:1 (an elevation of 1 foot for each 7 feet of horizontal distance) measured upward and outward in a vertical plane at right angles to the axis of the runway. The transitional surfaces, symmetrically located on either side of the runway, extend upward and outward from a line on either side of the runway which is parallel to and level with the runway center line. These parallel lines are at a horizontal distance from the runway center line equal to one-half of the minimum width of the approach area indicated in paragraph (c) (2) of this section. Transitional surfaces extend from the edges of all approach surfaces upward and outward to the intersection with the horizontal surface or the conical surface. The approach surfaces for instrument runways projecting through and beyond the limits of the conical surface shall have 7:1 transitional surfaces extending a distance of 5,000 feet measured horizontally from the edge of the approach surfaces and at right angles to the runway axis.

§ 17.3 *Form to be used to describe proposed antenna structures.* All applications for radio facilities shall be accompanied by FCC Form 401A (revised) for services other than broadcast[2] in all cases when:

(a) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, or

(b) The antenna structures proposed to be erected will exceed an over-all height of one foot above ground for each 200 feet of distance, or fraction thereof, from the nearest boundary of any landing area.

§ 17.4 *Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.* (a) All applications which in the light of the criteria set forth below require aeronautical study will be referred by the Commission through appropriate channels to the Airspace Subcommittee of the Air Coordinating Committee for its recommendation.

(b) All applications which do not require aeronautical study in view of the criteria set forth below will be deemed not to involve a hazard to air navigation and will be considered by the Commission without reference to the Airspace Subcommittee of the Air Coordinating Committee.

(c) Whenever a recommendation for approval of any application that has been submitted to the Airspace Subcommittee of the Air Coordinating Committee has been received from that Committee, the application will be deemed not to involve a hazard to air navigation and will be processed by the Commission accordingly.

(d) Whenever a report recommending denial of any application or any report which indicates a lack of agreement among the members of the Airspace Subcommittee of the Air Coordinating Committee has been received from that Committee, the applicant will be so advised and the Commission will take such further action as might be appropriate.

[1] Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.

[2] FCC Form 301, section V–G (antenna) shall be submitted with all broadcast applications.

SUBPART B—CRITERIA FOR DETERMINING WHETHER APPLICATIONS FOR RADIO TOWERS LIMITATION IN CONNECTION WITH AIR NAVIGATION REQUIRE SPECIAL AERONAUTICAL STUDY

§ 17.11 *Antenna structures over 500 feet in height.* Antenna structures over 500 feet in height above the ground will require special aeronautical study irrespective of their location.

§ 17.12 *Antenna structures over 170 feet up to and including 500 feet in height.* Antenna structures over 170 feet up to and including 500 feet in height above the ground will not require special aeronautical study except:

(a) Where antenna structures less than 500 feet in height would necessitate the raising of the minimum flight altitude within the Civil Airways and designated air traffic control areas in the country.

(b) In areas of established coastal corridors.

(c) Where the antenna structure would project above the landing area, or the limiting heights or surfaces, specified in § 17.15, of all airports now in existence or provided for in approved plans.[1]

§ 17.13 *Antenna structures 170 feet in height and under.* Antenna structures 170 feet and under in height above the ground will not require special aeronautical study, except in the areas outlined in § 17.15.

§ 17.14 *Certain antenna structures exempt from special aeronautical study.* Antenna structures mounted on top of natural formations or existing man-made structures will not require special aeronautical study, if, as a result of such mounting, the over-all height of such natural formations or existing man-made structures has not increased more than 20 feet.

§ 17.15 *Antenna structures in airports and approach areas.* Antenna structures in the vicinity of airports and approach areas will require aeronautical study if they project above the following heights above ground or surfaces (in case of conflict the lowest height will prevail).

(a) In instrument approach areas, more than 100 feet above the ground or 100 feet above the elevation of the approach end of the runway, whichever gives the higher elevation of the structure, within three statute miles of the runway end, and increasing in height above ground in the proportion of 25 feet for each additional statute mile of distance outward from the runway but not to exceed 250 feet within ten miles of the runway end. The approach area requirements for instrument runways shall apply to both ends of such runways.

(b) More than 170 feet above the ground or the established airport elevation, whichever gives the higher elevation of the structure within three statute miles of the reference point of a feeder or larger class airport and increasing in height above ground in the proportion of 100 feet for each additional statute mile of distance from the airport but not to exceed a maximum of 500 feet above ground.

(c) Antenna structures of an elevation which would increase the final approach minimum flight altitude.

(d) In addition to the requirements mentioned above, antenna structures which project above the landing area or any of the following imaginary surfaces will require special aeronautical study:

(1) Approach surface.
(2) Horizontal surface.
(3) Conical surface.
(4) Transitional surface.

(e) Under most conditions, the limits prescribed in paragraphs (a), (b) and (c) of this section will be the determining factor. However, in the areas immediately adjacent to the runways and under certain conditions where the terrain rises rapidly in the airport area, the surfaces specified in paragraph (d) of this section become a more limiting factor from the absolute height of requirements.

§ 17.16 *Shielded antenna structures.* In any special aeronautical study conducted under the provisions of this subpart, the circumstances that the antenna structure will be shielded by natural formations or existing man-made structures will be taken into account.

§ 17.17 *Existing structures.* (a) Nothing in these criteria concerning antenna structures or locations shall apply to those structures now existing or to those structures authorized prior to the effective date of these criteria.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

§ 17.21 *Painting and lighting, when required.* Antenna structures shall be painted and lighted when:

(a) They require special aeronautical study; or

(b) They exceed 170 feet in height above the ground.

(c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 *Particular specifications to be used.* (a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth hereafter.

(b) Where special aeronautical study is required, the Commission will, in so far as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed hereafter.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen, the Commission will specify the type of painting and lighting to be used in the individual situation.

§ 17.23 *Antenna structures 100 feet and under in height.* (a) Antenna structures 100 feet and under in height above the ground, located in areas set forth in § 17.15 shall be painted and lighted as follows:

(1) The structure shall be painted throughout its height with alternate bands of international orange and white, terminating with international orange bands at both top and bottom. The width of the international orange bands shall be approximately one-seventh the height of the structure and the white bands shall be approximately one-half of the width of the international orange bands, provided, the international orange bands shall not be more than 40 feet nor less than 5 feet in width.

(2) The number of bands may be reduced for structures less than 35 feet in height but the minimum width of 5 feet for each international orange band shall be maintained.

(3) For night marking there shall be installed at the top of the tower two 100 or 111-watt lamps (#100–A21/TS or #111–A21/TS, respectively), enclosed in aviation red Fresnel or prismatic (heat resisting preferred) obstruction light globes. The two lights shall burn simultaneously and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach.

§ 17.24 *Antenna structures above 100 feet up to and including 170 feet in height.* (a) Antenna structures above 100 feet up to and including 170 feet in height above the ground located in areas set forth in § 17.15 shall be painted and lighted as follows:

(1) The structure shall be painted throughout its height with alternate bands of international orange and white, terminating with international orange bands at both top and bottom. The width of the international orange bands shall be approximately one-seventh the height of the structure and the white bands shall be approximately one-half the width of the international orange bands, provided, the international orange bands shall not be more than 40 feet nor less than 5 feet in width.

(2) For night marking there shall be installed at the top of the tower two 100 or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red Fresnel or prismatic (heat resisting preferred) obstruction light globes. The two lights shall burn simultaneously and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach.

(3) For night marking there shall be installed at the top of the tower two 100 or 111-watt lamps (#100–A21/TS or #111–A21/TS, respectively), enclosed in aviation red Fresnel or prismatic (heat resisting preferred) obstruction light globes. The two lights shall burn simultaneously and shall be positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to ½ of the luminous period.

(3) On levels at approximately two-thirds and one-third of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100A21/TS or #111A21/TS, respectively) enclosed in aviation red Fresnel or prismatic (heat resisting preferred) obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about thirty-five foot candles and turned off at a north sky light intensity level of about fifty-eight foot candles.

§ 17.25 *Antenna structures over 170 feet up to and including 400 feet in height.* (a) Antenna structures over 170 feet up to and including 400 feet in height above the ground shall be painted and lighted as follows:

(1) The structure shall be painted throughout its height with alternate bands of international orange and white, terminating with international orange bands at both top and bottom. The width of the international orange bands shall be approximately one-seventh the height of the structure and the white bands shall be approximately one-half the width of the international orange bands, provided, the international orange bands shall not be more than 40 feet.

(2) For night marking there shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to ½ of the luminous period.

(3) On levels at approximately two-thirds and one-third of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100A21/TS or #111A21/TS, respectively) enclosed in aviation red Fresnel or prismatic (heat resisting preferred) obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about thirty-five foot candles and turned off at a north sky light intensity level of about fifty-eight foot candles.

§ 17.26 *Antenna structures over 400 feet up to and including 500 feet in height.* (a) Antenna structures over 400 feet up to and including 500 feet in height above the ground shall be painted and lighted as follows:

(1) The structure shall be painted throughout its height with alternate bands of international orange and white, terminating with international orange bands at both top and bottom. The width of the international orange bands shall be approximately 40 feet and the width of the white bands shall be approximately 20 feet.

(2) For night marking there shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach.

(3) At approximately one-half of the over-all height of the tower, one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach.

(4) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red Fresnal or prismatic (heat resisting preferred) obstruction light globe shall be installed on each outside corner of the tower at each level.

(5) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about thirty-five foot candles and turned off at a north sky light intensity level of about fifty-eight foot candles.

§ 17.27 *Antenna structures over 500 feet in height.* Antenna structures over 500 feet in height above the ground shall be painted and lighted in accordance with specifications to be determined by the Commission after aeronautical study.

§ 17.28 *Antenna farms and multiple structure antenna arrays.* In the case of antenna structures which are so grouped as to present a common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.29 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.30 *Recording of tower light inspections in the station record.* The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.29:

(a) The time the tower lights are turned on and off each day if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made.

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed, or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements were made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 17.31 *Cleaning and repainting.* All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.32 *Time when lights shall be exhibited.* All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.33 *Spare lamps.* A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.34 *Lighting equipment.* The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings (lamps are referred to by standard numbers):

Aviation red	Army-Navy Specification	AN–C–56.[1]
Outside white	Federal Specifications	TT–P–40, Type 1 or 2.[2]
International orange	Federal Specifications	TT–P–59.[2]
Code beacon	CAA Specification	466 (Sec. II–d–Style 4).[4]
100 watt lamp		#100 A21/TS.[4]
111 watt lamp		#111 A21/TS (3,000 hours).
500 watt lamp		#500 PS 40/45.[4]
620 watt lamp		#620 PS 40/45 (3,000 hours).
Obstruction light globe, prismatic	Army-Navy Drawing	AN2541–2.[1]
Obstruction light globe, Fresnel	Army-Navy Drawing	AN2541–12.[1]
Single multiple obstruction light fitting assembly.	Army-Navy Drawing	AN2547–2.[1]
Obstruction light fitting assembly	Army-Navy Drawing	AN2547–4.[1]

[1] Copies of Army-Navy specifications or drawings can be obtained by contacting Commanding General, Air Matériel Command, Wright Field, Dayton, Ohio, or the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Information concerning Army-Navy specifications or drawings can also be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

[2] Copies of this specification can be obtained from the Government Printing Office for 5 cents.

[3] At the Air Routes and Ground Aids Division Meeting of the International Civil Aviation Organization during November 1949, the designation "Aviation Surface Orange," was adopted to replace "International Orange."

[4] Copies of this specification can be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce.

[5] It is strongly recommended that the 111-watt and 620-watt, 3,000 hour lamps, be used instead of the 100-watt and 500-watt lamps wherever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.35 *Painting and lighting existing structures.* Nothing in the criteria set forth in §§ 17.11 to 17.17 concerning antenna structures or locations shall apply to painting and lighting those structures authorized prior to the effective date of these criteria, except where lighting and painting requirements are reduced by these criteria, in which case the lesser requirements may apply.

[F. R. Doc. 51–120; Filed, Jan. 3, 1951; 8:53 a. m.]

[Docket No. 9818]

PART 19—CITIZENS RADIO SERVICE

APPLICATION FOR CONSTRUCTION PERMIT USING NON-TYPE APPROVED EQUIPMENT AND FREQUENCY TOLERANCE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of December 1950.

The Commission having under consideration its notice of proposed rule making adopted October 23, 1950, which would relax the tolerance requirements for Class B citizens radio transmitting equipment and set forth in more detail the procedure to be followed in making application for the use of non-type approved equipment in the Citizens Radio Service.

It appearing, that, in accordance with the requirement of section 4 (a) of the Administrative Procedures Act, general notice of proposed rule-making in the above entitled matter was duly published in the FEDERAL REGISTER on November 2, 1950; and

It further appearing, that the period in which interested persons were af-

forded an opportunity to submit comments expired on November 20, 1950, and that all comments filed favored the adoption of the proposed amendments; and

It further appearing, that the public interest, convenience and necessity will be served by the adoption of amendments as proposed and that authority therefor is contained in sections 4 (i), 303 (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective February 5, 1951, §§ 19.14 (b) and 19.33 of the rules governing the Citizens Radio Service are amended to read as shown below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 27, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 19.14 (b) is amended to read as follows:

(b) *Application for construction permit using non-type approved equipment.* Application for construction permit authorization for a station in the citizens radio service proposing to employ equipment which is not type-approved by the Commission shall be submitted on FCC Form 505 to the Federal Communications Commission, Washington 25, D. C. Such applications shall be accompanied by data describing in detail the design and construction of the transmitter and the methods employed in testing it to determine compliance with the technical requirements set forth elsewhere in these rules.

2. Section 19.33 is amended to read as follows:

§ 19.33 *Frequency tolerance.* The carrier frequency of a station in the Citizens Radio Service shall be maintained as follows:

Class A stations—within plus or minus 0.02% of the frequency on which the transmitter is adjusted for operation.

Class B stations—all operation (including tolerance and communication band) shall be confined to within plus or minus 0.5% of 465 Mc.

[F. R. Doc. 51-117; Filed, Jan. 3, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 954]

[Docket No. AO-153-A5]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Duluth, Minnesota, on November 29, 1950, pursuant to notice thereof which was issued on November 9, 1950 (15 F. R. 7723) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area.

The material issues on the record related to (1) extending the marketing area, (2) revising the classification of milk, (3) increasing the Class I price, (4) providing an incentive for more uniform production by means of a deduction from the uniform price in the spring months and the addition of the sums deducted to the uniform price in the fall months, (5) changing the method of accounting, (6) increasing the administrative assessment from 3 cents to 4 cents, (7) other minor changes of an administrative nature, and (8) whether the facts presented on the record warrant the omission of a recommended decision and exceptions thereto.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The marketing area should not be changed. It was proposed to extend the marketing area to include all of Douglas County, Wisconsin, Carlton County, Minnesota, and the city of Two Harbors and the village of Proctor, both in Minnesota. The evidence, however, indicates that the health regulations in these areas are not comparable to those in force in the present marketing area and that, except for milk currently regulated by the order, much of the milk distributed there would not meet the standards prevailing in the present marketing area. A large proportion of the unregulated milk sold there is distributed by plants which are primarily manufacturing plants and dispose of as fluid milk only a small proportion of their total receipts. If all milk disposed of in the proposed area were to be regulated, it would result in pooling together two quite different grades of milk and would substantially reduce the uniform price received by producers since the bulk of the additional milk would be used for manufacturing. If the regulation were to be restricted to milk meeting the standards of the present marketing area an extension of the area would be meaningless since none of the milk not presently regulated is required to comply with the standards of the present area. Accordingly, it must be concluded that no change be made in the extent of the marketing area.

(2) The classification of milk should be revised to provide only 2 classes of milk instead of the 3 classes currently provided. Milk used for cream which is now the only product in Class II should be included in Class I. All three health ordinances in the marketing area require that milk used for fluid cream must comply with exactly the same standards and come from the same farms as milk disposed of for consumption in fluid form as milk. Likewise buttermilk should be included in Class I. The witness who testified with respect to this proposal was uncertain as to whether buttermilk was required by the ordinance to be made from milk meeting the same standards as fluid milk. The copy of the ordinance which was introduced in evidence indicates that buttermilk is required to conform to the standards established for milk. Customarily all buttermilk sold in the market is made from inspected milk. It must be concluded, therefore, that cream and buttermilk should be included in Class I and the present Class III should be redesignated as Class II.

(3) The Class I price should be increased raising the differential over the basic prices an average of 23 cents per hundredweight (½ cent per quart). This would be accomplished by increasing the differential from 60 cents to $1.00 during the months of May, June, July, and August and from $1.00 to $1.15 during the remaining months. Because of the acute situation existing in the market, an immediate increase should be effected and continued with the beginning of the period of flush production. Accordingly, the differential should be fixed at $1.23 from the effective date of the amendment until May 1, 1951. With the beginning of the flush production period the differentials proposed above coupled with the seasonal incentive plan discussed below should return to producers an amount sufficient to encourage an adequate supply of milk.

At the hearing producers and producer representatives testified in support of a price increase substantially higher than either those proposed in the notice of hearing or recommended herein. Some of the witnesses indicated that they felt that the Class I price should be as high as $1.50 over the basic price during all months of the year. The only proprietary handler to testify agreed that prices should be raised and suggested a year around differential of $1.40 over the basic price.

The evidence presented in support of the proposed Class I differentials does not justify such an increase over the present level. For with the so-called Louisville Plan, also proposed and supported by all parties, a year around Class I price differential of $1.40 or $1.50 would increase not only winter producer prices much more than prevailing supply conditions seem to warrant but also producer prices for summer milk which, judging from the extremely heavy production of recent years should not be increased at this time. With the Louisville Plan, the differential of $1.00 for the summer months and $1.15 for the other eight months will result in producer prices for fall and winter months in line with the higher costs encountered by producers in recent months. Producer prices any higher than these would afford a considerable inducement to handlers of Grade "A" milk at locations tributary to other markets—where producer prices are much lower—to look to the Duluth-Superior area for a market.

The record of the hearing clearly shows the situation. Since August 1950 receipts of producer milk have run 4 or 5 percent under those of the same period last year, when receipts were hardly more than adequate. With sales a little higher this fall (1950) than last, the current data on utilization indicate that the market is short of producer milk. During the first seven months of 1950 monthly receipts from producers averaged 15 percent higher than for the previous year due to an increase in the number of producers with about the same average daily production per producer. But since mid-summer 1950 the number of producers has declined steadily and the average production per producer has declined from 232 pounds in August to 165 pounds in October as compared with 234 pounds in August to 175 pounds in October of 1949.

The explanation for this adverse change in the supply situation is given in the testimony of producers. Conversion to the production of inspected milk among dairymen in the milkshed has been arrested and production per farm has sharply declined because prices have not kept pace with rising costs and dairymen are able to find more lucrative employment in the mines, mills, and factories of the region. The price of feed customarily purchased by producers was on the average about 13 percent higher in November 1950 than a year ago. Prices for farm machinery and equipment, supplies, and materials required by dairy farmers ranged mostly from 10 to 20 percent higher. Indications are that there will be no reduction in costs of this nature in the foreseeable future. The labor situation, already serious, is being further aggravated by the step-up in industrial activity in the area. It appears that by spring there will be an acute labor shortage and producers will be at a distinct disadvantage in competing with industry for the available supply of workers.

As indicated by the hearing record a critical situation exists in the market which requires that prices be raised immediately approximately ½ cent per quart or 23 cents per hundredweight during the remainder of the season when there are no pastures and cows must be fed entirely on stored or purchased hay and other feeds. Unless this action is taken to arrest the liquidation of dairy herds in the area, the supply of milk will be seriously endangered and the market faced with an acute shortage of milk during the next fall and winter. Accordingly, the differential should be fixed at $1.23 over the basic price for all delivery periods prior to May 1, 1951, and the proposed price should be made effective on January 1, 1951, or as soon thereafter as possible.

(4) The so-called Louisville Plan should be adopted as a means of levelling out seasonal production. Under this plan, 8 percent of the funds in the pool would be deducted in computing the uniform price during each of the months of May, June, and July, and ⅓ of the total amount deducted would be added back in computing the uniform price during each of the months of October, November, and December.

Production of milk for the Duluth-Superior market has been highly seasonal in character, production during June having averaged almost exactly twice that of the following November. As a consequence the market has had an extremely burdensome surplus in the flush months, often overtaxing the manufacturing facilities in the area. Likewise from October through December there is seldom enough milk to meet the fluid requirements of the market and it has been necessary to augment local supplies from outside the normal supply area.

For some time there has been a difference of 40 cents in the Class I price between spring and fall prices. This has proved inadequate as an incentive to bring about fall production. Both producer and handler representatives feel that the proposed plan will provide the necessary incentive. During the past 4 years, the average difference in the uniform price between June and November has approximated 65 cents. It is estimated that the proposed plan will result in a difference of more than $1.75 in the uniform prices between June and November. A change in Class I differentials in excess of $1.50 would be necessary to achieve the same effect through seasonal changes in the Class I price, assuming receipts and sales remained at the current levels. The resulting Class I price in the fall months might be so high as to adversely affect sales and thus lower returns to producers. Accordingly, it is felt that the recommended plan of a deduction from the pool in the spring months and the addition in the fall of the moneys deducted will provide the most effective method of encouraging fall production.

(5) The method of computing the amount of milk in each class should be changed to provide a more exact accounting for skim milk and butterfat. The present order provides that Class I shall be accounted for on the actual volume of milk contained in Class I products, but in the lower classes the amount of milk is determined by taking the whole milk equivalent of the butterfat contained in each class. If the sum of the resulting figures varies from receipts an adjustment is made in the lowest class. Accordingly, the resulting figures do not represent the actual utilization in these classes and result in a distortion of market statistics. It is also possible that it may result in minor differences in costs of milk to handlers when there are variations in the test of the milk received or the products sold. The recommended procedure will reflect the exact utilization of all skim milk and butterfat received by handlers and will remove any possibility of variation in costs to handlers for products sold.

(6) The administrative assessment should be increased from 3 cents to a maximum of 4 cents per hundredweight. The costs of operating the office of the market administrator have increased materially in recent years because of the increased costs of office supplies and equipment, rent, wages, etc. For the past several months the total income has been less than operating expenses, resulting in a serious depletion of the operating reserves of the office. Unless the income of the office is increased there will soon be insufficient funds to operate the office. An increase of 1 cent in the assessment will provide ample funds for the administration of the order. Since it is a maximum figure it may be reduced at any time with the approval of the Secretary. Should conditions so change that the increased revenue were more than sufficient to operate the office, the amount of the assessment could be reduced as has been done in past years when conditions were such as to warrant it.

(7) The entire order should be renumbered and reissued to conform to the numbering system now required by the Federal Register. Although the provisions of the order have been rearranged and, in a few instances, redrafted, and the basic butterfat test used in computing prices has been changed from 4 percent to 3.5 percent, this action will have no substantive effect except as to those provisions of the order which specifically should be amended as aforesaid. The issuance of a complete amended order at this time with section numbering conforming to Federal Register requirements is desirable so that all of the provisions of the order, as amended, will be readily accessible in a single document.

(8) The due and timely execution of the function of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

Immediate action must be taken if an amendment is to meet effectively the urgent supply and demand problem sought to be alleviated and relieve the disorderly marketing conditions which threaten the stability of the market. With respect to such problem, the critical situation will be aggravated on and after January 1, 1951. The delay necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would defeat the purposes of the amendment.

Every point covered in the brief filed by interested parties was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions

is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

(9) *General findings and conclusions.* (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the tentative marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and order, as amended, and hereby proposed to be further amended, regulate the handling of milk in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said tentative marketing agreement upon which the hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Duluth-Superior Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Duluth-Superior Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 28th day of December 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Duluth-Superior, Marketing Area

§ 954.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supp., 900.1 et seq.), a public hearing was held at Duluth, Minnesota, on November 29, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8c of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 954.1 *Duluth-Superior marketing area.* "Duluth-Superior marketing area," hereinafter called "marketing area," means the cities of Duluth and Cloquet in the State of Minnesota, and the city of Superior in the State of Wisconsin.

§ 954.2 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 954.3 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who, under certification by the proper health authorities, produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area: *Provided*, That if such person did not regularly distribute milk in the marketing area, or dispose of milk to a plant from which milk was distributed within the marketing area, during a period of 30 days immediately prior to the effective date hereof, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery to a handler, after which he shall be known as a "producer." This definition shall be deemed to include any person who produces milk which a handler causes to be diverted temporarily to a plant from which no milk is disposed of in the marketing area.

§ 954.4 *Handler.* "Handler" means any person who on his own behalf or on behalf of others, disposes of milk as milk in the marketing area and who engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

§ 954.5 *Market administrator.* "Market administrator" means the agency which is described in §§ 954.20 to 954.22, inclusive, for the administration hereof.

§ 954.6 *Delivery period.* "Delivery period" means the period from the effective date hereof to the end of the calendar month in which such effective date occurs, and thereafter such term shall mean any calendar month.

§ 954.7 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 954.8 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 954.9. *Emergency milk.* "Emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued to him by the proper health authorities.

MARKET ADMINISTRATOR

§ 954.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such reasonable compensation as may be determined by and shall be subject to removal at the discretion of the Secretary. The market administrator, within 45 days following the date upon which he enters upon his duties, shall execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 954.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions hereof, and

(b) Report to the Secretary complaints of violations hereof.

§ 954.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for herein;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 954.30 to 954.33, or made payments pursuant to § 954.80;

(f) Prepare and disseminate for the benefit of producers, new producers, consumers, and handlers such statistics and information concerning the operation hereof as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(h) Pay, out of the fund received pursuant to § 954.87, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will be incurred necessarily by him for the maintenance and functioning of his office and in the performance of his duties.

§ 954.23 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the end of each delivery period, the prices for Class I and Class II milk and the butterfat differentials to be effective for the following delivery period.

(b) Not later than the 12th day after the end of each delivery period, the uniform price computed pursuant to § 954.71.

REPORTS AND RECORDS

§ 954.30 *Reports of receipts and utilization.* Each handler including each handler who is also a producer, who receives milk from producers, new producers or associations of producers, with respect to all milk received during each delivery period, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 7th day after the end of such delivery period (a) the receipts at each plant of milk from producers, new producers, associations of producers, other handlers, and from own farm production, if any, (b) the utilization of all receipts of milk during the delivery period, and (c) the name and address of each new producer.

§ 954.31 *Reports of producers.* Each handler who is required to file reports pursuant to § 954.30 shall further report to the market administrator as follows:

(a) Within 10 days after the market administrator's request, with respect to any producer or new producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator (1) the name and address, (2) the total pounds of milk received, (3) the average butterfat test of such milk, and (4) the number of days upon which milk was received.

(b) On or before the 25th day after the end of such delivery period, his producer payroll which shall show for each producer and new producer (1) the total quantity of milk received with the average butterfat test thereof, (2) the net amount of the payments to such producer or new producer made pursuant to § 954.80, and (3) any deductions or charges made by the handler. Any deductions or charges made by the handler from payments due producers and new producers shall be accompanied by authorizations therefor.

§ 954.32 *Reports of emergency milk.* Each handler who receives emergency milk shall report to the market administrator as follows:

(a) On or before the day such handler receives emergency milk, his intention to receive such milk.

(b) On or before the 7th day after the end of such delivery period, the receipts of emergency milk as follows: (1) The amount of such milk, (2) the date or dates upon which such milk was received, (3) the plant from which such milk was shipped, (4) the price per hundredweight paid, or to be paid, for such milk, and (5) such other information with respect thereto as the market administrator may request.

§ 954.33 *Other reports.* Each handler who is not required to submit reports pursuant to § 954.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 954.34 *Verification of reports.* Each handler shall make available to the market administrator or his agent during the usual hours of business (a) those records, including records relating to milk and milk products received from sources other than producers, new producers, associations of producers, or other handlers, which are necessary for the verification of the information contained in the reports submitted in accordance with §§ 954.30 to 954.32, and (b) those facilities necessary for the check-weighing, check-testing, and sampling of milk, and for determining the utilization of milk by the handler.

§ 954.35 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 954.40 *Basis of classification.* All skim milk and butterfat received during each delivery period by a handler, including milk produced by him, if any, shall be classified by the market administrator pursuant to the provisions of §§ 954.41 to 954.43.

§ 954.41 *Classes of utilization.* The classes of utilization of milk shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks, and cream for fluid consumption (including any mixture of cream and milk or skim milk containing less butterfat than the minimum requirement for cream) and all skim milk and butterfat not specifically accounted for as used to produce a Class II product.

(b) Class II milk shall be all skim milk and butterfat used to produce a milk product other than those specified in Class I and actual plant shrinkage up to 2 percent of the total receipts of skim milk and butterfat: *Provided*, That plant shrinkage established with respect to skim milk or butterfat in milk received by a handler from producers and new producers shall be the proportion of the total plant shrinkage determined by applying to total plant shrinkage of skim milk or butterfat the percentage which the skim milk or butterfat in milk received from producers and new producers bears to the total quantity of skim milk or butterfat received.

§ 954.42 *Interhandler and handler to nonhandler sales.* (a) Skim milk and butterfat disposed of by a handler to another handler in the form of milk, skim milk or cream shall be classified as Class I milk, subject to verification by the market administrator: *Provided*, That milk or skim milk disposed of by a handler to a handler who receives no milk from producers or new producers other than milk of his own production shall be Class I milk.

(b) Skim milk and butterfat disposed of by a handler to a nonhandler in the form of milk or skim milk shall be classified (1) as Class I milk if such handler disposes of any skim milk and butterfat as milk for human consumption, and (2) as Class II milk if such nonhandler disposes of no skim milk and butterfat as milk for human consumption.

(c) Skim milk and butterfat disposed of by a handler to a nonhandler in the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

form of cream shall be classified (1) as Class I if such nonhandler disposes of any skim milk and butterfat as cream for human consumption and (2) as Class II milk if such nonhandler disposes of no skim milk and butterfat as cream for human consumption.

§ 954.43 *Allocation of skim milk and butterfat classified.* After determining the total pounds of skim milk and butterfat utilized in each class by each handler the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of skim milk contained in milk, other than emergency milk, which were received from sources other than producers and new producers (including such handler's own production), and handlers who purchase or receive milk from producers or new producers: *Provided*, That if the pounds of skim milk so received are greater than the total pounds of skim milk classified as Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and reported as used in that class.

(3) Subtract pro rata from the remaining pounds of skim milk in each class, the pounds of skim milk contained in emergency milk received by the handler.

(4) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in the milk of the handler's own farm production.

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 954.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 954.80 not less than the following prices per hundredweight adjusted by the butterfat differential provided in § 954.51.

(a) *Class I milk.* For each of the delivery periods prior to May 1, 1951, the Class II price for such delivery period plus $1.23. For each delivery period subsequent to May 1, 1951, the Class II price for such delivery period plus $1.00 during the months of May, June, July, and August, and plus $1.15 during all other months.

(b) *Class II milk.* For each delivery period the price which results from the following computation by the market administrator: (1) Determine the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (2) multiply by 3.5; (3) add 25 percent thereof; and (4) add an additional 7/10 cent for each 1/10 cent that the average f. o. b. gross factory price per pound of nonfat dry milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

§ 954.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to Class I or Class II is more or less than 3.5 percent there shall be added to the respective class price computer pursuant to § 954.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount computed as follows: Multiply by 1.25 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period, and divide the result by 10.

§ 954.52 *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 954.60 *Handlers who are also producers.* Sections 954.40 to 954.43, 954.50 to 954.52, 954.70 and 954.71, and 954.80 to 954.88 shall not apply to a handler who receives no milk from producers or new producers other than milk of his own production.

§ 954.61 *Receipts from handlers who are also producers.* In computing the value of milk received by a handler the market administrator shall consider as Class II milk any skim milk or butterfat whatsoever received from a handler who during the delivery period received no milk from producers or new producers other than milk of his own production. If the receiving handler has disposed of such skim milk or butterfat as Class I milk, the market administrator shall add to the total value computed for such handler pursuant to § 954.70 the difference between the value of such skim milk or butterfat at the Class II price and its value at the Class I price.

§ 954.62 *Receipts from sources other than producers or other handlers.* In computing the value of milk received by a handler the market administrator shall consider as Class II milk any skim milk or butterfat (other than that in emergency milk) received by a handler from sources other than producers, new producers or other handlers. If the receiving handler has disposed of such skim milk or butterfat as Class I milk the market administrator shall add to the total value computed for such handler pursuant to § 954.70 the difference between the value of such skim milk or butterfat at the Class II price and its value at the Class I price. This proviso shall not apply to skim milk and butterfat if used in Class I only to the extent that milk of producers was not available for such use.

DETERMINATION OF UNIFORM PRICE

§ 954.70 *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers and new producers by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding any amounts that may be applicable pursuant to §§ 954.51 and 954.52: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 954.43 by the applicable class prices.

§ 954.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk in the following manner:

(a) Combine in one total the respective values of milk, computed pursuant to § 954.70 for each handler who made the reports prescribed pursuant to § 954.30 and who has made the payments prescribed by § 954.80.

(b) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class II price.

(c) Add an amount representing the unobligated cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (e) of this section.

(d) Subtract if the average butterfat content of the net pooled milk of all handlers whose reports are included in this computation is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 954.81.

(e) For each of the delivery periods of May, June, and July, subtract 8 percent of the resulting sum.

(f) For each of the delivery periods of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (e) of this section.

(g) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation.

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments and delinquencies in payments by handlers. This result shall be known as the uniform price for milk containing 3.5 percent butterfat.

PAYMENTS

§ 954.80 *Time and method of payment.* On or before the 20th day after the end of each delivery period, each handler shall make payments as follows:

(a) To each producer from whom milk was received during the delivery period at not less than the uniform price per hundredweight computed pursuant to § 954.71 adjusted by the butterfat differential computed pursuant to § 954.81.

(b) To each new producer from whom milk was received during the delivery period at not less than the Class II price adjusted by the butterfat differential computed pursuant to § 954.81.

§ 954.81 *Butterfat differential to producers.* If any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, in making payments pursuant to § 954.80 there shall be added to the applicable price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount equal to the butterfat differential computed pursuant to § 954.51.

§ 954.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 954.83 and 954.85, together with the amounts subtracted pursuant to § 954.71 (e) and out of which he shall make payments to handlers pursuant to §§ 954.84 and 954.85, as well as the amounts added in the computation of the uniform price pursuant to § 954.71 (b).

§ 954.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total of the milk received by him from producers and new producers during the delivery period is greater than the sum of the payments required to be made to producers and new producers by such handler pursuant to § 954.80.

§ 954.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers and new producers the amount, if any, by which the total value of milk received from producers and new producers by such handlers is less than the sum of the payments required to be made to producers and new producers by such handler pursuant to § 954.80. If at such time the balance in the producer-settlement fund, exclusive of the amount retained there pursuant to § 954.71 (e), is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who has not received on the 20th day after the end of each delivery period the balance of the payments due him from the market administrator, shall be deemed to be in violation of § 954.80 if he reduces his payments to producers and new producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 954.85 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 954.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after billing, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 954.84, the market administrator shall make payment to such handler within 5 days. Whenever verification of the payment by a handler for milk received from producers or new producers discloses payment of less then is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payments to producers and new producers next following such disclosure.

§ 954.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers and new producers pursuant to § 954.80, with respect to all milk received from each producer and new producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section of which such producer or new producer is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments made direct to such producers and new producers, and such handler shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to and for verification of weights, sampling and testing of milk received from such producers and new producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of milk of producers and new producers who are members of a cooperative association determined by the Secretary (1) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and (2) to be actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made direct to such producers and new producers, pursuant to § 954.80, as are authorized by such producers and new producers and, on or before the 15th day after the end of each delivery period, pay on such deductions to such cooperative association.

§ 954.87 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight with respect to all milk received by him during such delivery period from producers and new producers, including milk of such handler's own production, the exact amount to be determined by the market administrator: *Provided*, That each cooperative association which is a handler shall pay to the market administrator such pro rata share of expense of administration on only that milk of producers and new producers which is received at a plant operated by such association.

§ 954.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall

contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the two year period with respect to such obligation shall not begin to run until the first day of the calendar month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 954.90 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 954.91.

§ 954.91 *Suspension or termination.* The Secretary may suspend or terminate this order for any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 954.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 954.93 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 954.100 *Market advisory committee—(a) Representation, selection, approval, and removal.* Subsequent to the effective date hereof, representatives of producers, handlers, and consumers may certify to the Secretary the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of 1 year, unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

(b) *Powers.* The market advisory committee shall have the power to recommend to the Secretary amendments hereto originating within such committee or submitted to it by interested parties after a study of the facts available to the market advisory committee.

§ 954.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

[F. R. Doc. 51-116; Filed, Jan. 3, 1951; 8:52 a. m.]

[7 CFR, Part 965]

[Docket No. AO 166-A 13]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING

Proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, Marketing Area.

Pusuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a hearing to be held at the Sinton Hotel, Fourth and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., January 8, 1951, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

1. Proposed by The Co-operative Pure Milk Association:

Delete § 965.51 (a) and (b) and substitute therefor the following:

(a) The price for Class I milk shall be the basic formula price plus $1.35 for the months of April through July and $1.65 for the months of August through March.

(b) The price for Class II milk shall be the basic formula price plus $0.90 for the months of April through July and $1.20 for the months of August through March.

2. Proposed by The Cincinnati Sales Association, Inc.:

Add to § 965.51 (c) the following proviso: *"Provided*, That for any of the months of October through February which is immediately preceded by a month in which, on a market-wide basis, the percentage of milk utilized in Classes I and II is in excess of 80 percent of producer milk, the price for Class III milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph plus 30 cents."

It has been represented that an emergency exists in the market with respect to these proposals. Accordingly, this hearing has been called for the purpose of receiving evidence with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 152 East Fourth Street, Cincinnati, Ohio, or from the Hearing Clerk, Room 1353, South Agriculture Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 21, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 51-152; Filed, Jan. 3, 1951; 8:53 a. m.]

[7 CFR, Part 972]

[Docket No. AO 177-A9]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

NOTICE OF HEARING

Proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State Marketing Area.

Pursuant to the Agricultural Marketing Agreement of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a hearing to be held at the office of the market administrator, 64 State Street, Gallipolis, Ohio, beginning at 10:00 a. m., e. s. t., January 10, 1951, for the purpose of receiving evidence with respect to a proposed amendment hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State Marketing Area. This proposed amendment has not received the approval of the Secretary of Agriculture.

Proposed by Scioto County Cooperative Milk Producers Association; Huntington Interstate Milk Producers Association; Marietta Cooperative Milk Producers Association; and Athens Milk Sales, Inc.:

Add to the first proviso contained in § 972.5 (b) immediately after the word "January," the following: "February and March."

It has been represented that an emergency exists in the market, with respect to this proposal. Accordingly, this hearing has been called for the purpose of receiving evidence with respect to the economic and emergency conditions with relation thereto.

Copies of this notice of hearing, the said order, as amended, and the said marketing agreement may be procured from the Market Administrator, 64 State Street, Gallipolis, Ohio, or from the Hearing Clerk, Room 1353, South Agriculture Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 2, 1951, at Washington, D. C.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 51-153; Filed, Jan. 3, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of the Secretary

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF AUTHORITY WITH RESPECT TO SECURITY CONTROL OF AIR TRAFFIC

Pursuant to section 1201 of the Civil Aeronautics Act of 1938, as amended, (64 Stat. 825; 49 U. S. C. 701) the President has, by Executive Order No. 10197, dated December 20, 1950, directed the Secretary of Commerce to exercise by rule, regulation or order, the powers, duties and responsibilities authorized in section 1203 of the Civil Aeronautics Act of 1938, as amended, respecting the security control of air traffic.

Effective October 24, 1950, the powers, duties and responsibilities of the Secretary of Commerce as authorized in section 1203 of the Civil Aeronautics Act of 1938, as amended by the act of September 9, 1950 (Public Law 778, 81st Congress), were delegated to the Administrator of Civil Aeronautics. The Administrator was further authorized to redelegate this authority and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51-80; Filed, Jan. 3, 1951; 8:46 a. m.]

POST OFFICE DEPARTMENT

CERTAIN OFFICIALS IN BUREAU OF ACCOUNTS AND BUREAU OF FINANCE

DELEGATIONS OF AUTHORITY WITH RESPECT TO SIGNING CHECKS OR WARRANTS WITHDRAWING FUNDS FROM CERTAIN SYMBOL ACCOUNTS

Pursuant to authority delegated to the Comptroller, Bureau of Accounts, by paragraph (j) (1) of § 1.9, as amended (15 F. R. 8165), the Comptroller, Bureau of Accounts, has delegated authority to the following officials in the Bureau of Accounts to countersign, in name of the Comptroller, all checks or warrants withdrawing funds from Symbol Account Nos. 47001 and 48050.

Assistant Comptroller.
Director, Division of Accounts.
Chief, Accounting Section, Postal Accounts Division.
Assistant Chief, Accounting Section, Postal Accounts Division.
Chief, Electrical Accounting Section, Postal Accounts Division.
Chief, Miscellaneous Section, Postal Accounts Division.
Assistant Chief, Miscellaneous Section, Postal Accounts Division.

Pursuant to authority delegated to the Assistant Postmaster General in Charge of the Bureau of Finance, by paragraph (a) of § 1.12, as amended (15 F. R. 8165), the Assistant Postmaster General in Charge of the Bureau of Finance has delegated authority to the Executive Director of the Bureau of Finance, the Assistant Executive Directors, Bureau of Finance, and the Director of the Division of Money Orders to sign, on behalf of and in the name of the Postmaster General, all checks or warrants withdrawing funds from symbol 48050. The Assistant Postmaster General in Charge of the Bureau of Finance also has delegated authority to the Executive Director of the Bureau of Finance, the Assistant Executive Directors, Bureau of Finance, and the Director of the Division of Finance to sign, on behalf of and in the name of the Postmaster General, all checks or warrants withdrawing funds from symbol 47001.

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-71; Filed, Jan. 3, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3758 et al.]

ROSCOE CHARTER SERVICE ET AL.; ADDITIONAL SERVICE TO STATE OF KANSAS

NOTICE OF HEARING

In the matter of the applications of Roscoe Charter Service and other applicants for the issuance or amendment of certificates of public convenience and necessity.

Pursuant to the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on January 8, 1951, at 10:00 a. m., e. s. t., in Room E-214, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Does the public convenience and necessity require the establishment of the air transportation proposed by the applicants?

2. Are the applicants fit, willing and able to perform such transportation?

3. If the public convenience and necessity require such proposed transportation and a selection of carriers is necessary, which applicant or applicants meeting the issues above are required by the public interest to perform the services to be authorized?

Notice is further given that any person other than the parties and intervenors of record as of December 28, 1950, desiring to be heard in this proceeding may file with the Board, on or before January 8, 1951, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the procedural regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., December 28, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 51-78; Filed, Jan. 3, 1951; 8:46 a. m.]

[Docket No. 2724]

COLONIAL AIRLINES, INC., FINAL MAIL RATE

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft,

the facilities used and useful therefor, and the services connected therewith, of Colonial Airlines, Inc., over routes 71, 71–F, 72, and 72–F.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on January 23, 1951, at 10:00 a. m., e. s. t., in room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 28, 1950.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51–79; Filed, Jan., 3, 1951; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

[Gen. Order 1]

FUNCTIONS WITH RESPECT TO PRICE STABILIZATION TO BE PERFORMED BY THE DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in the Economic Stabilization Administrator by Executive Order 10161 (15 F. R. 6105), it is hereby determined as follows:

SECTION 1. That beginning on this 2d day of January, 1951, and continuing thereafter until otherwise determined, the Director of Price Stabilization shall perform all the functions with respect to price stabilization which were delegated to the Economic Stabilization Administrator by Executive Order 10161 (15 F. R. 6105).

SEC. 2. All functions delegated or assigned by or pursuant to the provisions of this order shall be performed by the Director of Price Stabilization, subject to such general supervision, direction and control as the Administrator deems expedient.

SEC. 3. The term "functions" as used in section 1 hereof includes powers, duties, authority, responsibilities, and discretion.

ALAN VALENTINE,
Economic Stabilization Administrator.

JANUARY 2, 1951.

[F. R. Doc. 51–185; Filed, Jan. 3, 1951; 11:19 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

ANTENNA STRUCTURES

NOTICE TO APPLICANTS CONCERNING CONSTRUCTION, PAINTING AND LIGHTING

DECEMBER 22, 1950.

Part 17 of the rules, issued today,[1] is designed to aid applicants in planning their proposed antenna structures in a manner which will result in a minimum of difficulty from the point of view of safety to air navigation, and should, in many instances, result in more expeditious processing of applications considered by the Commission. The rules prescribe the conditions under which proposals for antenna structures will be referred to the Air Coordinating Committee for aeronautical studies and provides specifications for the painting and lighting of antenna structures. The Air Coordinating Committee (ACC) was created by Executive order to provide for the development and coordination of aviation policies. The ACC group which will make the aeronautical study contemplated by Part 17 is the Airspace Subcommittee. This group coordinates proposals by government agencies, private individuals, and industry which may involve conflict in the navigable airspace. The Airspace Subcommittee functions through the medium of regional groups located in New York, Atlanta, Chicago, Fort Worth, Kansas City, Los Angeles, Seattle, Anchorage and Honolulu. These regional subcommittees are composed of experts in the aeronautical field, familiar with the requirements of air safety in their area, who will provide local coordination of radio tower application problems. The Subcommittees are located in the Civil Aeronautics Administration's regional offices listed at the end of this notice.

The CAA regional offices and the commanding officers of nearby Department of Defense air bases will be able to provide assistance to applicants in applying the criteria and in the selection of sites which will satisfy the requirements of the criteria.

Applicants will find the following charts and publications of assistance to them in determining where their proposed antenna sites lie with respect to airport and approach areas.

(1) Sectional Aeronautical Charts.
(2) Location Aeronautical Charts.
(3) Instrument Approach and Landing Charts.
(4) Radio Facility Charts.
(5) Flight Information Manual.
(6) Airmans Guide. (By-monthly publication.)

Except for the Flight Information Manual and the Airmans Guide, these charts may be purchased from the United States Coast and Geodetic Survey, Department of Commerce, Washington 25, D. C. The Flight Information Manual and the Airmans Guide may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

DIRECTORY OF CAA REGIONAL OFFICES

First Region: Regional Administrator, Civil Aeronautics Administration, International Airport, Jamaica, Long Island. Region includes: Connecticut, Delaware, District of Columbia, Maine, Pennsylvania, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia.

Second Region: Regional Administrator, Civil Aeronautics Administration, 84 Marietta Street NW., Atlanta 3, Ga. Region includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee (Puerto Rico and Virgin Islands).

Third Region: Regional Administrator, Civil Aeronautics Administration, Chicago International Airport, Park Ridge, Ill. Region includes: Illinois, Indiana, Kentucky, Michigan, Minnesota, North Dakota, Ohio and Wisconsin.

Fourth Region: Regional Administrator, Civil Aeronautics Administration, Post Office Box 1689, Fort Worth 1, Tex. Region includes: Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Fifth Region: Regional Administrator, Civil Aeronautics Administration, City Hall Building, Kansas City 6, Mo. Region includes: Colorado, Iowa, Missouri, Kansas, Nebraska, South Dakota, and Wyoming.

Sixth Region: Regional Administrator, Civil Aeronautics Administration, 5651 West Manchester Avenue, Los Angeles 45, Calif. Region includes: Arizona, California, Nevada, and Utah.

Seventh Region: Regional Administrator, Civil Aeronautics Administration, Post Office Box 3224, Seattle 14, Wash. Region includes: Idaho, Montana, Oregon, and Washington.

Eighth Region: Regional Administrator, Civil Aeronautics Administration, P. O. Box 440, Anchorage, Alaska. Region includes: Territory of Alaska.

Ninth Region: Regional Administrator, Civil Aeronautics Administration, P. O. Box 4009, Honolulu 12, T. H. Region includes: Territory of Hawaii.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 51–118; Filed, Jan. 3, 1951; 8:52 a. m.]

ANTENNA STRUCTURES

PROCEDURE FOR SPECIAL AERONAUTICAL STUDIES

DECEMBER 22, 1950.

On December 13, 1950, the Commission adopted its new Part 17[1] of the rules and regulations concerning the construction, lighting and marking of antenna structures. The rules prescribe the circumstances under which proposals for antenna structures will be referred to the Air Coordinating Committee for aeronautical study. The following procedure, set forth for the information of interested persons, will be followed by the ACC in the conduct of aeronautical studies:

1. All applications requiring aeronautical study to be submitted by the FCC to the appropriate Regional ACC/ASP Subcommittee.

2. The Secretariat of the Regional Airspace Committee will endeavor to obtain informal clearance. If informal clearance is obtained, the case will be forwarded with the clearance to the FCC in Washington, D. C.

NOTE: If a single objection is interposed, either by a voting member or liaison representative, the case will be processed in the manner outlined in the succeeding paragraphs.

3. If informal clearance is not obtained, the case will be placed on the agenda for consideration at the next meeting of the Regional Airspace Subcommittee.

[1] See F. R. Document 51–120, in Title 47, Chapter I, *supra*.

4. When the case is considered by the Regional Subcommittee:

a. The applicant will be expected to appear at the meeting and explain in full detail the reasons for his choice of site and the necessity for the construction of the proposed tower.

b. Those having objections will be required to appear in person and explain in detail the reasons for their objections (objectors should appreciate that, in event of failure to reach agreement, they should be prepared to appear as a witness at any subsequent proceedings and fully justify their objections).

5. The Regional ASP Subcommittee will submit its recommendations to the Washington ASP Subcommittee and will simultaneously send copies of such findings directly to the FCC with the understanding that the FCC will withhold action thereon for a period of nine days after receipt by the Secretary of the Washington Airspace Subcommittee. Unless otherwise advised by ASP, before the expiration of this period, the FCC will consider that ACC unanimously approved the findings of the Regional Subcommittee.

6. The Washington ASP Subcommittee will notify the FCC direct of its action on all cases considered even though the action to be reported was not arrived at by unanimous decision of the Subcommittee.

7. The FCC to notify the applicant of approval or disapproval or if requested by the applicant, the current status of the pending application.

8. It will be further understood and agreed if either the Regional Subcommittee in its initial findings, or the ASP Subcommittee in its review thereof, recommends disapproval of the application, reasons therefor must be given.

9. Whenever ASP reports unanimous agreement regarding a radio tower application, it may be considered by the FCC as an ACC decision; however, findings which indicate a lack of agreement among the ASP members may also be submitted to the FCC with the understanding that such findings only represent the separate views of the member agencies.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–119; Filed, Jan. 3, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1565]

EQUITABLE GAS CO.

NOTICE OF APPLICATION

DECEMBER 28, 1950.

Take notice that on December 19, 1950, Equitable Gas Company (Applicant), a Pennsylvania corporation having its principal office in Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities in Union Township, Washington County, Pennsylvania:

A new compressor station named "New Denniston Station" consisting of 3 gas engine driven 1,100 hp. compressor units and connecting pipelines together with housing facilities, a glycol dehydration plant, gas scrubbers, and auxiliary equipment consisting of two 150 kilowatt gas engine driven generators.

Applicant states that the new compressor station will replace the existing Denniston Compressor Station located near the proposed site of the new station for compression of natural gas into Applicant's Finleyville, Tepe and Bunola storage pools; that the new station will have a compression capacity of 31,000 Mcf daily with an inlet pressure of 185 psig and a discharge pressure of 1000 psig, and a compression capacity of 45,000 Mcf daily with an inlet pressure of 3000 psig and a discharge pressure of 1000 psig.

The application recites that the Tepe and Finleyville storage pools have been repressured to 850 and 950 psi respectively and Bunola to only 395 psi; that to increase pressure in the Bunola pool to 975 psi approximately 13,000,000 Mcf of gas will be required, and for which purpose the new facilities are proposed; that with 13,000,000 Mcf in storage the maximum daily delivery capacity of Bunola will be approximately 80,000 Mcf daily. Increases in demand upon Applicant's existing system necessitate the new facilities according to the application.

The estimated total cost of the new compressor station and connecting lines will be approximately $1,045,000, a substantial part of which, Applicant expects to finance from funds available from company operation, and the balance, subject to regulatory approval, from the sale of securities in an amount and type not yet determined.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–68; Filed, Jan. 3, 1951; 8:45 a. m.]

[Docket No. G–1563]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

DECEMBER 28, 1950.

Take notice that on December 18, 1950, Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate the following described natural gas facilities:

(1) A meter and regulator setting and approximately 2 miles of 2-inch gas pipeline from a point on Applicant's Tecumseh 8-inch line to a point in Jefferson County, Kansas, near the Town of Meriden.

(2) A meter and regulator setting and approximately 0.75 mile of 2-inch gas pipeline from a point on Applicant's Ottawa 12-inch line to a point in Cass County, Missouri, near the Town of Cleveland.

The application recites that the facilities will be utilized in connection with the sale of gas by Applicant to The Gas Service Company for resale to customers of The Gas Service Company in and about the Towns of Meriden and Cleveland; that estimated peak day sales will be 25 Mcf in Meriden to 80 domestic customers and 9 Mcf in Cleveland to 30 domestic customers; and that estimated annual sales will total 7,200 Mcf in Meriden and 2,700 Mcf in Cleveland.

The estimated total over-all capital cost of the proposed facilities will be $14,255 which will be paid by cash contribution from The Gas Service Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rule of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 17th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–69; Filed, Jan. 3, 1951; 8:45 a. m.]

[Docket No. G–1562]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

DECEMBER 28, 1950.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed on December 15, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the purchase and acquisition from Skelly Oil Company, and Sunray Oil Corporation of approximately 24,278 feet of 8⅝ inch O. D. and 24,353 feet of 4-inch O. D. pipeline extending from points in the NW¼ of Section 5, T. 19 N., R. 6 W., in the Athens field to a point on Applicant's 20-inch line "F" in Section 29, T. 19 N., R. 6 W., all in Claiborne Parish, Louisiana, or in the alternative, that the Commission issue its order that the proposed purchase of said facilities is not subject to the jurisdiction of the Commission under the provisions of the Natural Gas Act.

The application recites that the proposed purchase of facilities is to be made in accordance with the terms of an agreement which Applicant entered into on October 31, 1950, with Skelly Oil Company, Sunray Oil Corporation, Power Oil Company, and M. A. Halsey for the purchase of gas produced in the Athens field for a period beginning November 1, 1950, and ending December 21, 1972. Under this agreement Applicant agreed to purchase and acquire the facilities used to deliver said gas at a price of

$89,819.40. In part payment Applicant has agreed to sell and deliver to the oil companies metering equipment owned by Applicant, located at certain producing wells, at a price of $40,705.00.

Protests or petitfons to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-70; Filed, Jan. 3, 1951; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO ALLEVIATION OF DISASTER CAUSED BY RECENT FLOODS IN AREA IN AND NEAR CITY OF RENO, NEV.

1. Whereas, the President on December 16, 1950, found pursuant to Public Law 759, 81st Congress, approved September 6, 1950, that the hardship and suffering in the City of Reno and the surrounding area, including the Town of Sparks in the State of Nevada, caused by the flooding of the Truckee River and its tributaries, are of sufficient severity and magnitude as to warrant emergency assistance by the Federal Government and designated the General Services Administration, acting through the Community Facilities Service of the Housing and Home Finance Agency, as the Agency of the Government authorized to expend funds to alleviate hardship and suffering caused thereby, and to enter into agreements with the Governor of the State of Nevada giving assurance as required by law, of the expenditure of a reasonable amount of the funds of the Government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe, and authorized the Administrator of General Services to delegate such authority as he deems necessary.

Now, therefore, the Administrator of General Services hereby delegates to the Housing and Home Finance Administrator, acting through the Community Facilities Service, an organizational unit within the Office of the Administrator of the Housing and Home Finance Agency, the following authorizations:

Pursuant to Public Law 759, 81st Congress, and the delegation of authority of the President thereunder dated December 16, 1950, the authority to expend the sum of $75,000 which is hereby allocated, which sum may be expended in alleviating damage and suffering in the City of Reno and surrounding areas, including the Town of Sparks in the State of Nevada, occasioned by the disaster, and the authority to enter into agreements with the Governor of the State of Nevada giving assurance as required by law of the expenditure of a reasonable amount of State or local funds in conjunction with the expenditure of the funds hereby allocated. The funds hereby allocated shall be expended in accordance with the provisions of the aforesaid law for the making of emergency repairs to sewer lines and treatment plant, removing debris and sand bags, cleaning main drainage ditches, street and sidewalk repair and cleanup, and for necessary nondepartmental administrative and travel expense; however, no part of such funds shall be used for departmental personal services or for permanent construction. It is desirable that all possible efforts of the State and local agencies and the American National Red Cross be exercised prior to any expenditure from this allocation.

2. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration.

3. Grants or other expenditures of funds allocated from the Emergency Fund for the President shall be accounted for as expenditures of the General Services Administration under allotments established by it within the scope of this delegation.

4. This delegation of authority shall be effective as of December 16, 1950.

Dated: December 19, 1950.

JESS LARSON,
Administrator.

Consented to:

RAYMOND M. FOLEY,
Administrator, Housing and Home Finance Agency.

[F. R. Doc. 51-94; Filed, Jan. 3, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25709]

CLASS AND COMMODITY RATES OF ATLANTIC AND DANVILLE RAILWAY

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic and Danville Railway Company for itself and on behalf of connecting carriers.

Commodities involved: Class and commodity rates.

Between: Stations on the Atlantic and Danville Railway and other points in the United States.

Grounds for relief: Competition with rail carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-82; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25711]

ACETALDEHYDE FROM OKLAHOMA AND TEXAS TO ST. LOUIS, MICH.

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3919.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Points in Oklahoma and Texas.

To: St. Louis, Mich.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 527. D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-83; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25712]

PETROLEUM PRODUCTS FROM GRETA, TEX., TO CERTAIN POINTS

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum products, carloads.

From: Greta, Tex.

To: Southwestern territory and adjacent points.

Grounds for relief: Circuitous routes. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 442.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-84; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25713]

TEXAS COMMODITY RATES

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to Agent Ira D. Dodge's tariff I. C. C. No. 666.

Commodities involved: Commodity rates.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers. To meet intrastate rates.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 666, Supp. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-85; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25714]

MERCHANDISE IN MIXED CARLOADS FROM CHICAGO, ILL., TO ORANGEBURG, S. C.

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 639.

Commodities involved: Mixed carloads of merchandise.

From: Chicago, Ill.

To: Orangeburg, S. C.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 639, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-86; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25715]

CANNED GOODS FROM NEW ORLEANS, LA., TO MONTGOMERY, ALA.

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Canned goods, carloads.

From: New Orleans, La., and points grouped therewith.

To: Montgomery, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary

relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-87; Filed, Jan. 3, 1951; 8:47 a. m.]

[4th Sec. Application 25716]

LESS THAN CARLOAD FREIGHT IN CONTAINERS TO OR FROM POINTS IN ARKANSAS

APPLICATION FOR RELIEF

DECEMBER 29, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company for itself and on behalf of Doniphan, Kensett & Searcy Railway.

Commodities involved: Less than carload freight in containers furnished by the carrier.

Between: Memphis, Tenn., and stations in Arkansas.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Mo. Pac. RR. tariff I. C. C. No. A-10199.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-88; Filed, Jan. 3, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2525]

CENTRAL PUBLIC UTILITY CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of December A. D. 1950.

Central Public Utility Corporation ("Central Public"), a registered holding company, and Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a direct subsidiary of Central Public, having filed a joint application-declaration pursuant to sections 9, 10 and 12 of the act and Rules U-8, U-20, U-24 and U-43 thereunder with respect to the following proposed transactions:

Consolidated owns directly all of the capital stock of Carolina Coach Company ("Carolina"), a North Carolina corporation engaged in intrastate and interstate motor bus transportation in North Carolina and Virginia. Carolina in turn owns all of the capital stock of Carolina Coach Company of Virginia ("Virginia"), a Virginia corporation also operating motor busses in North Carolina and Virginia. It is proposed that Virginia be merged into Carolina and that the merged company become incorporated under the laws of the State of Virginia and have the same capital structure that Carolina now has, namely, 8,300 shares of no par value $7 preferred stock, 2,500 shares of no par value Class A common stock and 5,000 shares of no par value Class B common stock. The filing states "* * * that subject to all regulatory action having then been taken, it [i. e., Central Public] will, within six months after the acquisition thereof, change the described shares [of the merged company], or cause the same to be changed, into a single class of common stock."

The Interstate Commerce Commission has issued an order approving the proposed merger and reserving decision with respect to the accounting treatment of the proposed transactions on the books of Carolina.

Said application-declaration having been duly filed and notice of said filing having been duly given in the form and manner directed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon and the Commission deeming it appropriate in the public interest and in the interests of investors and consumers to grant and permit such application-declaration to become effective;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the said act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-72; Filed, Jan. 3, 1951; 8:46 a. m.]

[File Nos. 70-2536, 70-2537]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of December A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, File No. 70-2536; New York State Natural Gas Corporation, File No. 70-2537.

Pennsylvania Gas & Electric Corporation, a registered holding company, North Penn Gas Company ("North Penn"), a registered holding company and a public utility subsidiary of Pennsylvania Gas & Electric Corporation, and Allegany Gas Company ("Allegany"), also a registered holding company and a direct public utility subsidiary of North Penn, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 (the "act"), and Rule U-44 thereunder, and New York State Natural Gas Corporation ("New York Natural"), a subsidiary of Consolidated Natural Gas Company, also a registered holding company, having filed an application with this Commission pursuant to sections 9 (a) (1) and 10 of the act with respect to the following proposed transactions:

Allegany proposes to sell, and New York Natural proposes to purchase certain properties located in Potter County, Pennsylvania, and Steuben County, New York, within the Harrison Gas Field, consisting of approximately 588 acres of oil and gas leaseholds and fee estates, 5½ gas wells, approximately 31,500 feet of pipelines and other production and field gathering facilities, for a cash consideration of $250,000 if the closing is effected prior to January 1, 1951, or $280,000 if the closing is effected on or subsequent to January 1, 1951. According to the filings, the provision for a lower price prior to January 1, 1951 has been agreed upon because the capital gain to Allegany from the proposed sale, if realized in 1950, can be entirely offset in a consolidated tax return of Pennsylvania Gas & Electric Corporation by credits for capital losses heretofore sustained.

The Pennsylvania Public Utility Commission which, according to the filings, is the only State Commission having jurisdiction over the proposed transactions, has issued an order authorizing the proposed sale.

Said declaration having been filed on November 28, 1950, said application having been filed on December 1, 1950, and an amendment to the declaration having been filed on December 21, 1950; and

Notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration, as amended, and with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit such amended declaration to become effective and to grant such application:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said amended declaration and the application be, and the same hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-73; Filed, Jan. 3, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16314]

JOSEF JEKA ET AL.

In re: Bank accounts owned by Josef Jeka, Herman Rinck, Ignaz Erhard and Josef Scherbel and debts owing to Friedrich Jaich, and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Neumann. F-28-987, F-28-5566, F-28-30292, F-28-30293, F-28-30294, F-28-30295.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ignaz Erhard, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Josef Jeka, Herman Rinck, Josef Scherbel, Friedrich Jaich and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Neumann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Washington Street, Corner First Street, Hoboken, New Jersey, arising by reason of a savings account, account number 225744, entitled "Society for the Care of German Seamen in the Port of New York, Trustee for Josef Jeka," maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Josef Jeka, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Washington Street, corner First Street, Hoboken, New Jersey, arising by reason of a savings account, account number 225743, entitled "Society for the Care of German Seamen in the Port of New York, Trustee for Herman Rinck," maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Herman Rinck, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Washington Street, corner First Street, Hoboken, New Jersey, arising by reason of a savings account, account number 213245, entitled "Society for the Care of German Seamen in the Port of New York, Trustee for Ignaz Erhard," maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ignaz Erhard, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, Washington Street, Corner First Street, Hoboken, New Jersey, arising by reason of a savings account, account number 225742, entitled "Society for the Care of German Seamen in the Port of New York, Trustee for Josef Scherbel," maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Josef Scherbel, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows: That certain debt or other obligation of the Society for the Care of German Seamen in the Port of New York, 64 Hudson Street, Hoboken, New Jersey, in the amount of $119.54, constituting a portion of the funds on deposit with Hoboken Bank for Savings, Washington Street, Corner First Street, Hoboken, New Jersey, in a savings account, account number 229912, entitled "Society for the Care of German Seamen in the Port of New York, Special Fund," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Friedrich Jaich, the aforesaid national of a designated enemy country (Germany);

8. That the property described as follows: That certain debt or other obligation of the Society for the Care of German Seamen in the Port of New York, 64 Hudson Street, Hoboken, New Jersey, in the amount of $70.00, constituting a portion of the funds on deposit with Hoboken Bank for Savings, Washington Street, Corner First Street, Hoboken, New Jersey, in a savings account, account number 229912, entitled "Society for the Care of German Seamen in the Port of New York, Special Fund," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Neumann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

9. That to the extent that the persons named in subparagraphs 1 and 2 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Neumann are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-95; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16327]

ALFRED NEUMANN

In re: Debt owing to Alfred Neumann. F-28-13222-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Neumann, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests of Alfred Neumann in, to and under marine and war risk policies issued by the Fireman's Fund Insurance Company, 401 California Street, San Francisco 20, California, covering shipments aboard S/S "Portland" arising on account of port of refuge expenses incurred by said vessel, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-97; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16320]

BERLINER KRAFT UND LICHT (BEWAG) AKTIENGESELLSCHAFT

In re: Bank accounts owned by Berliner Kraft und Licht (Bewag) Aktiengesellschaft, also known as Berlin Power and Light Corporation. F-28-4901-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berliner Kraft und Licht (Bewag) Aktiengesellschaft, also known as Berlin Power and Light Corporation, the last known address of which is 22 Schiffbauerdamm, Berlin, N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, New York, arising out of a Coupon Deposit Account, entitled "Berlin City Electric Co., Inc., 6 percent Debentures due 1955", maintained with the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, New York, arising out of a Coupon Deposit Account, entitled "Berlin City Electric Co., Inc., 6½ percent Debentures due 1951", maintained with the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, New York, arising out of a Coupon Deposit Account, entitled "Berlin City Electric Co. Inc. 6½ percent Debentures due 1959", maintained with the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, New York, arising out of a Sinking Fund Account, entitled "Berlin City Electric Co. Inc., 6½ percent Debentures due 1951", maintained with the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, New York, arising out of a Sinking Fund Account, entitled "Berlin City Electric Co. Inc., 6½ percent Debentures due 1959", maintained with the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Berliner Kraft und Licht (Bewag) Aktiengesellschaft, also known as Berlin Power and Light Corporation, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-96; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16332]

W. SAKO

In re: Bank account owned by W. Sako. D-39-18920-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. Sako, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The United States National Bank of Portland, Portland, Oregon, arising out of a savings account, account number 27856, entitled W. Sako, maintained at the head office of said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-98; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16333]

Y. SAKURAI

In re: Bonds owned by Y. Sakurai also known as Yoshiji Sakurai. F-39-1301-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Y. Sakurai, also known as Yoshiji Sakurai, whose last known address is Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Bonds of Tokyo Dento Kabushiki Kaisha, a Japanese corporation, also known as Tokyo Electric Light Company, Limited, 6 percent due June 15, 1953, of the face value of two thousand dollars ($2,000) bearing the numbers 10658 and 66233, presently in the custody of Sumitomo Bank of Seattle, Room 1210—1411 Fourth Avenue Building, Seattle, Washington, in a safekeeping account entitled "Y. Sakurai", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

F. R. Doc. 51-99; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16335]

EMMY TERLINDEN ET AL.

In re: Voting trust certificates owned by Emmy Terlinden, Margarete Klose, and by Franz Vogel and Julia Vogel. F-28-25047-D-1, F-28-26008-D-1, F-28-26009-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emmy Terlinden, Margarete Klose, Franz Vogel and Julia Vogel, whose last known addresses are Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests evidenced by trust certificate No. 506, for two (2) shares of no par value capital stock of Garfield Arms Inc., 135 South La Salle Street, Chicago, Illinois, registered in the name of Emmy Terlinden, together with all declared and unpaid dividends thereon and all rights in, to and under said voting trust certificate,

b. All rights and interests evidenced by trust certificate No. 333 for one (1) share of no par value capital stock of 5240 Sheridan Road Liquidating Trust, registered in the name of Margarete Klose, together with all declared and unpaid dividends thereon and all rights in, to and under said trust certificate, and

c. All rights and interests evidenced by trust certificate No. 532 for five (5) shares of no par value capital stock of Sheridan Argyle Hotel Co., registered in the names of Franz Vogel and Julia Vogel, jointly, together with all declared and unpaid dividends thereon, and all rights in, to and under said trust certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-101; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16338]

WILLIAM WIEBRECHT ET AL.

In re: Bank account owned by William Wiebrecht and others. D-28-3999.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Wiebrecht, Herman Wiebrecht, Ernst Wiebrecht and August Wiebrecht, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children of Anna Ranke and the children of Lena Bierwirth, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Harvey Federal Savings and Loan Association, Harvey, Illinois, arising out of an account, account number 898, entitled William Hammer and Louis Paulsen as Trustees under the Will of Henry Wiebrecht deceased, maintained at said Association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and referred to in subparagraph 2 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-102; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16340]

MARIE LOUISE WILLENBROCK

In re: Securities owned by Marie Louise Willenbrock. F-28-28496-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Louise Willenbrock, who on or since the effective date of Execu-

tice Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $50.00 par value capital stock of The Pennsylvania Railroad Company, 1617 Pennsylvania Boulevard, Philadelphia, Pennsylvania, a corporation organized under the laws of Pennsylvania, evidenced by certificates numbered N 408993 and P 776428, for 4 and 6 shares respectively, registered in the name of Marie Louise Willenbrock, and presently in the custody of Percy H. Clark, 1500 Walnut Street, Philadelphia 2, Pennsylvania, together with all declared and unpaid dividends thereon, and

b. Two (2) Declaration of Trust certificates issued by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, pursuant to a Plan of Uniform Trusts, Series B, one certificate numbered 690, dated May 7, 1930, in the face value of $5,000.00 and the other certificate numbered 1220, dated November 8, 1930, in the face value of $1,000.00, said certificates registered in the name of Marie Louise Willenbrock, and presently in the custody of Percy H. Clark, 1500 Walnut Street, Philadelphia 2, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Louise Willenbrock, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-103; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16346]

AMALIA ROHDE

In re: Rights of Amalia Rohde under insurance contract. File No. F-28-22717-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amalia Rohde, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 538 524, issued by the New York Life Insurance Company, New York, New York, to Wilhelm Rohde, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 11, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-104; Filed, Jan. 3, 1951; 8:50 a. m.]

[Vesting Order 16381]

MARILYN D. HELMHOLZ

In re: Rights of Marilyn D. Helmholz also known as Marilyn Helmholz under contracts of insurance. Files Nos. F-28-29631-H-1 and F-28-29631-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marilyn D. Helmholz also known as Marilyn Helmholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marilyn D. Helmholz, also known as Marilyn Helmholz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due unde a contract of insurance evidenced by Policy No. 116 617 742 issued by the Metropolitan Life Insurance Company, New York, New York, to Marilyn D. Helmholz, and under a contract of insurance evidenced by Policy No. 101 802 774 issued by the Metropolitan Life Insurance Company, New York, New York, to Marilyn Helmholz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Marilyn D. Helmholz, also known as Marilyn Helmholz or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marilyn D. Helmholz, also known as Marilyn Helmholz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marilyn D. Helmholz, also known as Marilyn Helmholz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-106; Filed, Jan. 3, 1951; 8:50 a. m.]

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TITLE 3—THE PRESIDENT

PROCLAMATION 2916

ALLOCATING TARIFF QUOTA ON CERTAIN PETROLEUM PRODUCTS UNDER THE VENEZUELAN TRADE AGREEMENT

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 (a) of the Tariff Act of June 12, 1934 (ch. 474, 48 Stat. 943), the period for the exercise of the authority under the said section 350 (a) having been extended by the joint resolution approved March 1, 1937 (ch. 22, 50 Stat. 24), until the expiration of three years from June 12, 1937), the President of the United States of America entered into a definitive trade agreement with the President of the United States of Venezuela on November 6, 1939 (54 Stat. 2377) and proclaimed such trade agreement by proclamations dated November 16, 1939 (54 Stat. 2375) and November 27, 1940 (54 Stat. 2402).

2. WHEREAS Article II of the said definitive trade agreement with Venezuela provides as follows:

Articles the growth, produce or manufacture of the United States of Venezuela, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement;

3. WHEREAS Schedule II annexed to the said definitive trade agreement with Venezuela provides in part as follows:

Internal Revenue Code Section	Description of article	Rate of import tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil... *Provided*, That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed	½¢ per gal. ½¢ per gal.

4. WHEREAS, by virtue of Proclamation No. 2901 of September 6, 1950 (15 F. R. 6063), the United States customs treatment to be applied on and after January 1, 1951, to imports of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil will be that indicated in the third recital of this proclamation;

5. WHEREAS Article VII of the said definitive agreement with Venezuela reads as follows:

In the event the Government of the United States of America or the Government of the United States of Venezuela regulates imports of any article in which the other country has an interest either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, the Government taking such action shall establish in advance, and give public notice of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase or decrease in such amount during the period, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the other country in a previous representative period, account being taken in so far as practicable in appro-

(Continued on p. 111)

CONTENTS

THE PRESIDENT

Proclamation — Page
Venezuelan Trade Agreement, allocation tariff quota on certain petroleum products — 109

EXECUTIVE AGENCIES

Agriculture Department
See Farm Credit Administration; Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Amelung, Rosa, and Elizabeth Bayer — 151
Bauer, Fanny — 150
Dambach, Mary, et al — 144
Deutsche Bank — 145
Hilbert, Louisa Bohnenberger and Kurt — 146
Honda, Minoru, et al — 147
Ikuta, Kenju — 147
Imada, Masu and Soichi — 148
Kreditbank — 148
Kulla, Augusta — 148
Menkwa F. K., Hasegawa — 147
Onouye, Hikohachi — 150
Puschmann, Martha — 146
Sohst, F. A — 149
Sumii, Haruo — 143
Sunderbrink, Elizabeth — 144
Takahashi, Tokio, and Umekichi — 143
Voith, Hilar, et al — 151
Will, L. F., & Co — 149

Civil Aeronautics Administration
Rules and regulations:
Civil airways, designation; miscellaneous amendments — 118
Control areas, control zones, and reporting points, designation; miscellaneous amendments — 119

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board; International Trade, Office of; National Production Authority.

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CONTENTS—Continued

Defense Department Page
Delegation of authority to Secretary (*see* National Production Authority).
See Navy Department.

Farm Credit Administration
Rules and regulations:
Administrative provisions; surplus property disposal 112

Farmers Home Administration Page
Rules and regulations:
Farm housing loans and grants, processing; making subsequent loans and grants 112
Farm ownership loan limitations; average values of farms and investment limits in Kansas 112

Federal Maritime Board
Notices:
Hearings:
American Export Lines, Inc. 128
Lykes Bros. SS Co., Inc. 128

Federal Power Commission
Notices:
Hearings, etc.:
City of Seattle, Wash. 137
Niagara Mohawk Power Corp. and New York State Natural Gas Corp. 137
Northeastern Gas Transmission Co. 136
Southern Natural Gas Co. 136
United Gas Pipe Line Co. 136
Statement of organization; approving and making effective revision 137

Federal Security Agency
See Vocational Rehabilitation, Office of.

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
United Pressed Products Co. et al. 119
United Surveys 120

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See also Land Management, Bureau of.
Notices:
Redelegation of authority to Bureau of Mines with respect to manganese program 130

Internal Revenue Bureau
Rules and regulations:
Tank trucks, temporary use:
Brandy, production 120
Distilled spirits:
Production 120
Warehousing 120
Wine 120

International Trade, Office of
Rules and regulations:
Editorial note:
Licensing policies and related special provisions 119
Project licenses 119
Positive list of commodities and related matters; military apparel of all types 119

Interstate Commerce Commission
Notices:
Applications for relief:
Coffee from North Atlantic ports to Dunkirk, N. Y., and Sunbury, Ohio 140
Petroleum products from Farmer Spur, La. 140

Justice Department Page
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska railroad townsites; notice of sale of lots at Portage Townsite, Alaska 129

Mines Bureau
Notices:
Redelegation of authority with respect to manganese program (*see* Interior Department).

National Production Authority
Notices:
Delegation of authority to Secretary of Defense 123
Rules and regulations:
Copper and copper-base alloys, use 124

Navy Department
Notices:
Frigates; navigation lights 129

Production and Marketing Administration
Rules and regulations:
Honey:
Export program, 1950 113
Diversion program, 1950 113
Sugarcane; 1951:
Hawaii 114
Virgin Islands, 1951 (2 documents) 115, 116

Public Contracts Division
See Wage and Hour Division.

Securities and Exchange Commission
Notices:
Hearings, etc.:
Electric Bond and Share Co. et al. 142
National Power & Light Co. et al. 141
North American Co. et al. (2 documents) 141, 142
Ohio Edison Co. and Ohio Public Service Co. 143
Pennsylvania Gas & Electric Corp. et al. 143
Pittsburgh Railways Co. and Philadelphia Co. 140

Treasury Department
See Internal Revenue Bureau.

Vocational Rehabilitation, Office of
Rules and regulations:
Plans and programs; individual's rehabilitation plan 123

Wage and Hour Division
Notices:
Handicapped clients certificates, issuance to sheltered workshops 135
Learner employment certificates, issuance to various industries (2 documents) 130, 132

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter I (Proclamations):	
Nov. 16, 1939 (amended by Proc. 2916).	
Nov. 27, 1940 (amended by Proc. 2916).	
2761A (amended by Proc. 2916).	
2901 (amended by Proc. 2916).	
2916	109
Title 6	
Chapter I:	
Part 5	112
Chapter III:	
Part 305	112
Part 311	112
Chapter IV:	
Part 524 (2 documents)	113
Title 7	
Chapter VIII:	
Part 866	114
Part 868	115
Part 878	116
Title 14	
Chapter II:	
Part 600	118
Part 601	119
Title 15	
Chapter III:	
Part 373	119
Part 374	119
Part 399	119
Title 16	
Chapter I:	
Part 3 (2 documents)	119, 120
Title 26	
Chapter I:	
Part 178	120
Part 183	120
Part 184	120
Part 185	120
Title 32A	
Chapter I:	
Part 29	124
Title 45	
Chapter IV:	
Part 401	128

priate cases of any special factors which may have affected or may be affecting the trade in that article;

6. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended by section 1 of the said act of June 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410 and 411), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945, until the expiration of three years from June 12, 1945), on October 30, 1947, I (1.) entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India, Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol (61 Stat. (Parts 5 and 6) A7, A11, and A2051); and (2.) by Proclamation No. 2761A[1] of December 16, 1947 (61 Stat. 1103), proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out such trade agreement;

7. WHEREAS Article XIII of the said General Agreement provides in part as follows:

2. In applying import restrictions to any product, contracting parties shall aim at a distribution of trade in such product approaching as closely as possible to the shares which the various contracting parties might be expected to obtain in the absence of such restrictions, and to this end shall observe the following provisions:

* * * * *

(d) In cases in which a quota is allocated among supplying countries, the contracting party applying the restrictions may seek agreement with respect to the allocation of shares in the quota with all other contracting parties having a substantial interest in supplying the product concerned. In cases in which this method is not reasonably practicable, the contracting party concerned shall allot to contracting parties having a substantial interest in supplying the product shares based upon the proportions, supplied by such contracting parties during a previous representative period, of the total quantity or value of imports of the product, due account being taken of any special factors which may have affected or may be affecting the trade in the product. No conditions or formalities shall be imposed which would prevent any contracting party from utilizing fully the share of any such total quantity or value which has been alloted to it, subject to importation being made within any prescribed period to which the quota may relate.

* * * * *

3. (c) In the case of quotas allocated among supplying countries, the contracting party applying the restrictions shall promptly inform all other contracting parties having an interest in supplying the product concerned of the shares in the quota currently allocated, by quantity or value, to the various supplying countries and shall give public notice thereof.

* * * * *

5. The provisions of this Article shall apply to any tariff quota instituted or maintained by any contracting party, * * *;

[1] 12 F. R. 8863.

8. WHEREAS, after consultation with the Government of the United States of America, the Government of the United States of Venezuela has requested the allocation among the countries of export of the quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil entitled to a reduction in duty by virtue of the said item 3422 of Schedule II annexed to the said definitive trade agreement with Venezuela:

9. WHEREAS I find that, taking into account special factors affecting the trade, imports into the United States of America from all countries of such crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil during the calendar years 1946 through 1949 were representative of the trade in such products:

10. WHEREAS I find that the proportions of total imports into the United States of America of such petroleum and fuel oil supplied by Venezuela, by the Kingdom of the Netherlands (including its overseas territories), and by other foreign countries, respectively, during the years 1946 through 1949 were as follows:

	Per centum
United States of Venezuela	59.4
Kingdom of the Netherlands (including its overseas territories)	18.7
Other foreign countries	21.9

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim that, of the total aggregate quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil, entitled, during the calendar year 1951, to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II of the said definitive trade agreement with Venezuela, no more than 59.4 per centum shall be the produce or manufacture of the United States of Venezuela, nor more than 18.7 per centum, the produce or manufacture of the Kingdom of the Netherlands (including its overseas territories), nor more than 21.9 per centum, the produce or manufacture of other foreign countries.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and [SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-273; Filed, Jan. 3, 1951; 5:12 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter A—Administrative Provisions

PART 5—SURPLUS PROPERTY DISPOSAL

REVOCATION OF PART

The designation of the Department of Agriculture to act as a disposal agency for all surplus real property classified as "agricultural property" having been terminated by the Administrator of General Services by amendment of 44 CFR 101.41 published August 2, 1950 (15 F. R. 4945); all of Part 5 of Chapter 1, Title 6, of the Code of Federal Regulations is hereby revoked.

Dated: December 26, 1950.

[SEAL] I. W. DUGGAN,
Governor.

Approved: December 29, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-141; Filed, Jan. 4, 1951; 8:48 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

PART 305—PROCESSING LOANS AND GRANTS

SUBPART B—SUBSEQUENT LOANS AND GRANTS

Part 305 in Title 6, Code of Federal Regulations (14 F. R. 6554), is amended to add Subpart B as follows:

Sec.
305.21 General.
305.22 Reappraisal of farms.
305.23 County Committee recommendations.
305.24 Title evidence.
305.25 Approval of subsequent Farm Housing loans and grants.
305.26 Closing of a loan or grant.

AUTHORITY: §§ 305.21 to 305.26 issued under sec. 510, 63 Stat. 437; 42 U. S. C. 1480. Interpret or apply secs. 502–504, 63 Stat. 433, 434; 42 U. S. C. 1472–1474.

DERIVATION: §§ 305.21 to 305.26 contained in FHA Instruction 443.13.

§ 305.21 *General*—(a) *Purposes.* Sections 305.21 to 305.26 prescribe the authorities, policies, and procedures for making subsequent Farm Housing loans or grants to complete development items previously planned in connection with initial Farm Housing loans or grants. Subsequent loans or grants for development items or land purchase not previously planned are not authorized. Any advance to pay a recoverable cost charge for such items as taxes and property insurance premiums is not a subsequent loan or grant.

(b) *Types.* The following types of subsequent Farm Housing assistance may be made:

(1) *Subsequent section 502 loan.* A subsequent section 502 loan may be made only to a borrower who is indebted for a section 502 loan.

(2) *Subsequent section 503 loan.* A subsequent section 503 loan may be made only to a borrower who is indebted for a section 503 loan.

(3) *Subsequent section 504 assistance.* A subsequent section 504 loan or grant may be made only to a person who previously received section 504 assistance.

(i) Subsequent section 504 assistance may be made in the form of either a loan or grant, irrespective of the type of section 504 assistance initially extended. The type of subsequent section 504 assistance will be detemined solely by the type of subsequent advance to be made.

(ii) The cumulative amount advanced to any one individual as initial and subsequent section 504 assistance will not exceed $1,000, and the cumulative amount advanced as grants will not exceed $500.

(c) If subsequent Farm Housing assistance not authorized by this section is needed by a Farm Housing borrower, complete information on the case, including all pertinent facts and a narrative justification, will be submitted to the Administrator for consideration.

(d) Prior approval of the Administrator is required for each subsequent Farm Housing loan or grant when the amount of Farm Housing funds needed to complete any development item exceeds 25 percent of the total cash cost of the item, as shown in column 8 of Form FHA-442, "Farm Housing Development Plan", prepared in connection with the initial advance. In such a case, the complete subsequent loan or grant docket, together with a narrative justification by the State Director, will be submitted to the Administrator for consideration.

§ 305.22 *Reappraisal of farms.* For any subsequent Farm Housing loan, a new appraisal report will be required only when:

(a) The County Committee requests a new appraisal report; or

(b) The State Field Representative or the County Supervisor determines that there have been physical changes in the farm or in the economic conditions in the area which appear to have altered significantly the normal market value of the farm or that such changes are likely to result if the subsequent loan is made.

§ 305.23 *County Committee recommendations.* The County Committee will make findings again, on Form FHA-439, "County Committee Recommendations," as to what the reasonable value of the farm will be after the contemplated improvements are made with the proceeds of the subsequent advance. In connection with each application for a subsequent loan, the County Committee will take into consideration any available information on farm production as well as the normal market value indicated on the latest Form FHA-440, "Farm Housing Appraisal Report," in finding what the reasonable value of the farm will be after the contemplated improvements are made. It is expected that only in exceptional cases will this value differ from the reasonable value found by the County Committee in connection with the initial loan. In each such exceptional case a justification signed by the County Committee will be attached to Form FHA-439. The remainder of the Form will be completed in the usual manner.

§ 305.24 *Title evidence.* The same title evidence prescribed in § 305.2 will be required for subsequent loans, except that the examination will cover only the period since the previous Farm Housing mortgage was filed for record.

§ 305.25 *Approval of subsequent Farm Housing loans and grants.* The State Field Representative is authorized to approve or disapprove subsequent Farm Housing loans and grants, and to execute the same documents he executes in connection with initial loans and grants. The State Director also is authorized to approve or disapprove Farm Housing loans and grants in accordance with Farmers Home Administration regulations pertaining to Farm Housing assistance.

§ 305.26 *Closing of a loan or grant.* A subsequent Farm Housing loan or grant will be closed in the same manner as provided in §§ 305.5 and 305.6.

(a) A subsequent Farm Housing loan will be considered closed when the mortgage securing the subsequent loan is filed for record.

(b) A subsequent Farm Housing grant will be considered closed when the subsequent grant funds are deposited in the borrower's supervised bank account.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

NOVEMBER 28, 1950.

Approved: December 29, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-142; Filed, Jan. 4, 1951; 8:48 a. m.]

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; KANSAS

For the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

KANSAS

County	Average value	Investment limit
Anderson	$15,000	$12,000
Bourbon	15,000	12,000
Cherokee	15,500	12,000
Crawford	15,500	12,000
Douglas	17,500	12,000
Franklin	15,000	12,000
Harvey	20,000	12,000
Leavenworth	17,000	12,000
Linn	15,000	12,000
Miami	17,000	12,000
Sedgwick	20,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 29th day of December 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-143; Filed, Jan. 4, 1951; 8:49 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 3]

PART 524—HONEY

SUBPART A—HONEY DIVERSION PROGRAM (MARKETING SEASON 1950)

The "Honey Diversion Program (Marketing Season 1950)," 15 F. R. 2793, as amended 15 F. R. 4705, 15 F. R. 5222 and the "Application Under Honey Diversion Program (Marketing Season 1950) and for Approval of Diversion Product" attached thereto, are hereby amended in the manner provided below:

1. Section 524.103 is hereby amended to read as follows:

§ 524.103 *Periods for diversion.* No payment under this program will be made in connection with any honey diverted by the applicant or sold into an approved diversion outlet unless the diversion was accomplished by the applicant or the sales contract was entered into within one of the following periods: (a) After the effective date hereof and prior to 12 o'clock midnight, e. s. t., June 30, 1950, or (b) on or after July 1, 1950, and prior to 12 o'clock midnight, e. s. t., March 31, 1951. Separate funds are available in each of these periods for payments under this program. Where diversion is by a manufacturer other than the applicant, the time for diversion shall extend to 12 o'clock midnight, e. s. t., April 30, 1951.

2. Section 524.108 is hereby amended to read as follows:

§ 524.108 *Period for filing claims.* Applicants hereunder shall file claim for payment not later than May 31, 1951.

3. That portion of § 524.109 containing the address of R. M. Walker is hereby amended as follows:

R. M. Walker, P. O. Box 3638 (335 Fell Street), San Francisco 2, California.

4. Section 524.110 is hereby amended to read as follows:

§ 524.110 *Records and accounts.* Each applicant shall maintain accurate records showing the honey he diverts, and for the honey he sells for diversion, the quantities, sales prices, dates of delivery, and the dates of completion of diversion. Such records, accounts, and other documents relating to any transactions in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture and shall be preserved until at least March 31, 1953. Each applicant shall also obtain and furnish to the Director, or his designee, a statement signed by the person who diverts the honey, when the diverter is a person other than applicant, (a) that he will keep records showing, in respect to each lot of honey received, the quantity, weight, date of receipt, price paid, date when diversion was completed, and manner of diversion; (b) that such records shall be available during regular business hours for inspection by authorized employees of the United States Department of Agriculture; (c) that the records pertaining to such diversion shall be preserved until at least March 31, 1953; and (d) that the diversion plant shall be available for inspection by such authorized employees.

5. That portion of § 524.116 containing the address of R. M. Walker is hereby amended as follows:

R. M. Walker, P. O. Box 3638 (335 Fell Street), San Francisco 2, California.

6. Subparagraph 2 of paragraph A of the "Application Under Honey Diversion Program (Marketing Season 1950) and for Approval of Diversion Product" is hereby amended to read as follows:

2. Diversion shall be completed within the period designated (check one):
---- May 9, 1950 through June 30, 1950.
---- July 1, 1950 through March 31, 1951.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., January 1, 1951.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 29th day of December 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-176; Filed, Jan. 4, 1951; 8:53 a. m.]

[Amdt. 4]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (MARKETING SEASON 1950)

The "Honey Export Program (Marketing Season 1950)," 15 F. R. 2796, as amended, 15 F. R. 4707, 15 F. R. 5222, 15 F. R. 7522 is hereby amended in the manner provided below:

1. Section 524.132 is hereby amended to read as follows:

§ 524.132 *Eligibility for payment.* Payments will be made to any United States exporter of honey (except as provided in § 524.147), (a) who executes an application in triplicate, on the form attached hereto, covering a firm sales contract dated not later than March 31, 1951, and which is received by the Director within the 15-day period following the execution of the sales contract, or who confirms the execution of a firm sales contract resulting from a prior sales negotiation, the application for which has been previously submitted to the Director in triplicate, on the form attached hereto, and approved by the Director, if such confirmation is received by the Director within the 15-day period following the execution of the firm sales contract, which must be executed not later than March 31, 1951; (b) whose application has been approved by the Director; (c) who sells honey for export pursuant to this program, and who furnishes evidence of exportation of such honey as required by § 524.140; and (d) who otherwise complies with all the terms and conditions of this program. Applications based on firm sales contracts will be approved in the order in which they are submitted within each of the periods for export sales (see § 524.133) and as long as funds are available. Applications based on sales negotiations will be approved in the same manner. The confirmation of completion of a sales negotiation shall include a statement of the quantity of honey, floral source, destination, and name and address of buyer named in the final sales contract. If a firm sales contract resulting from a prior sales negotiation, the application for which has been previously approved by the Director, is not executed within 15 days following the date of approval of said application, the Director may cancel the approval of the application. The Director reserves the right to withdraw approval of any application based on sales negotiations, but such withdrawal must be made prior to receipt of notice of completion of the sales negotiations.

2. Section 524.133 is hereby amended to read as follows:

§ 524.133 *Period for export sales.* (a) Sales contracts for the exportation of honey under this program must be entered into within one of the following periods: (1) On or after the effective date hereof and prior to 12 o'clock midnight, e. s. t., June 30, 1950, or (2) on or after July 1, 1950, and prior to 12 o'clock midnight, e. s. t., March 31, 1951. Separate funds are available in each of these periods for payments under this program.

(b) Approval may be given to any application based on a sales contract entered into pursuant to the issuance of the press release dated March 30, 1950, entitled "U. S. Department of Agriculture To Assist in Expanding Honey Outlets," and prior to May 9, 1950, notwithstanding provisions to the contrary in §§ 524.132 and 524.145 if (1) an application is filed prior to July 31, 1950, with the Authorized Representative of the Secretary, (2) the sale and exportation are otherwise in conformity with this

part, and (3) evidence satisfactory to the Authorized Representative of the Secretary is submitted by the exporter that such sale was induced by the press release referred to above.

3. Section 524.134 is hereby amended to read as follows:

§ 524.134 *Period for exportation.* Exportation from continental United States in fulfillment of export sales under this program shall be accomplished on or after the date of the sales contract and prior to 12 o'clock midnight, e. s. t., April 30, 1951.

4. Section 524.139 is hereby amended to read as follows:

§ 524.139 *Period for filing claims.* The exporter shall file claim for payment hereunder by mailing it or delivering it directly to the offices in § 524.140 not later than May 31, 1951.

5. That portion of § 524.140 containing the address of R. M. Walker is hereby amended as follows:

R. M. Walker, P. O. Box 3638 (335 Fell Street), San Francisco 2, California.

6. Section 524.141 is hereby amended to read as follows:

§ 524.141 *Records and accounts.* Each exporter shall maintain accurate records and preserve them until at least March 31, 1953, showing the quantities, sales prices, and deliveries of honey exported or to be exported in connection with this offer. Such records, accounts, and other documents relating to any transaction in connection herewith shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture.

Effective date. This amendment shall be effective as of 12:01 a. m., e. s. t., January 1, 1951.

(Sec. 32, 49 stat. 774, as amended; 7 U. S. C. 612c)

Dated this 29th day of December 1950.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-177; Filed, Jan. 4, 1951; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 866.3]

PART 866—SUGARCANE; HAWAII

CALENDAR YEAR 1951

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearings held in Honolulu and in Hilo, Territory of Hawaii, on September 8 and 11, 1950, respectively, the following determination is hereby issued:

§ 866.3 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1951*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1951, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for production, cultivation, or harvesting work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and laborer.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Director of the Hawaiian Area Office, Production and Marketing Administration, U. S. Department of Agriculture, Honolulu 13, T. H., against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available in the Area Office. Upon receipt of a wage claim the Director of the Hawaiian Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as he deems necessary, shall notify the producer and laborer in writing of his recommendation for settlement of the claim. If the recommendation of the Director of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Director of the Area Office; otherwise, such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1951, as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination", identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among the various sugar producing areas.

Public hearings were held in Honolulu and Hilo, Territory of Hawaii, on September 8 and 11, 1950, respectively, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1951. In addition, investigations have been made of the conditions affecting such wage rates. In this determination consideration has been given to testimony presented at the hearings and to information resulting from investigations. The primary factors which have been considered are: (1) Price of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor costs to total costs. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates for Hawaii have been issued since 1937. In that year average daily wage rates during the last four months of the year were increased from 5 to 20 percent. The 1938 wage determination required the payment of wages not less than those resulting from the inclusion of bonus payments for the entire calendar year. Wage determinations from 1939 to 1944 included provisions for an annual average wage per day for all adult workers (excluding operators of mechanical equipment) on a farm and a minimum average daily wage for individual adult males and adult females for each pay period. In some of these years a wage increase based on increases in raw sugar price above a stipulated level was a provision of the determination. In wage determinations from 1941 to 1944, wage rates per day were provided for workers between 14 and 16 years of age and hourly rates were stipulated for operators of mechanical equipment. To simplify a complicated and involved method for determining wage payments and to establish more practicable wage provisions in the wage determination, the 1945 and 1946 wage determinations provided time rates for all workers at stated amounts per hour. Piecework rates during these two years were to be those agreed upon between producer and laborer provided that the average hourly earnings resulting from the agreed upon rates were not less than the stipulated hourly rates.

During 1945, the first collective bargaining agreement on wages, hours and working conditions was negotiated between the committee representing the International Longshoremen's and Warehousemen's Union (CIO) sugar locals and units, and a committee representing the sugar producing companies. The initial agreement of August 1945, provided minimum wage rates of 43½ cents per hour on all islands except Hawaii, where the minimum was 41 cents. These minimum rates were increased to 70½ cents per hour in a renegotiated agreement effective in November 1946, were further increased by a collective bargaining agreement effective August 1, 1947, to 78½ cents per hour and were again increased to 80 cents per hour by an agreement effective January 1, 1950. This latter agreement also contains a provision whereby wages increase 1½ cents per hour for each $2.00, or fraction thereof, that the average price of raw sugar exceeds $116.00 per ton for a three-month payroll period. If average raw sugar prices are lower than $116.00 per ton basic minimum wage rates remain at the "floor". On three plantations the collective bargaining agreements specified slightly higher minimums in accordance with historical differentials. No re-openings on any matters are provided in the agreement unless changes are made in the Sugar Act which would result in decreased income to the producers, at which time the plantations reserve the right to re-open the contracts on the matter of wages. This agreement expires August 31, 1951.

Two plantation companies do not negotiate collective bargaining agreements for field workers with the labor union. In both cases, however, workers receive the union scale of wage rates. On one of these plantations a deduction is made for perquisites furnished by the plantation. In addition, none of the adherent planters negotiate collective bargaining agreements. This group of producers, however, produce only about 10 percent of the sugarcane and perform much of their own labor. Most of the labor which is hired by these planters is furnished by the plantation companies and is paid by the plantations for the account of the planter at the union scale of wages. It is reported that such labor as is hired directly by the planter is paid approximately the same rates as required by the collective agreements.

Producers who have entered into collective bargaining agreements, as well as those who are not parties thereto but have arrived at individual agreements with their laborers, are required to pay the wage rates of such formal or informal agreements in order to comply with the requirement of payment "in full" as provided in the act. The wage rates indicated by the standards customarily considered under the act would not have exceeded the rates arrived at through the collective bargaining agreements effective during the years from 1946 through 1950.

The wage determinations for 1947, 1948, 1949, and 1950, provided that producers were deemed to have complied with the wage provisions of the act if workers on either a time or piecework basis were paid in full at rates agreed to by producer and worker.

(d) *1951 wage determination.* The 1951 wage determination continues unchanged the provisions of the 1950 wage determination.

At the public hearings a representative of the producers recommended the establishment of a fair and reasonable wage rate which would be lower than the basic minimum wage rate provided in the present collective bargaining agreement. A representative of the workers, on the other hand, recommended the establishment of a fair and reasonable minimum wage which is higher than the minimum now provided in the collective agreement. Consideration has been given to both recommendations. It is not deemed necessary, however, to establish specific wage rates in this determination since wage rates are set forth in collective bargaining agreements which have been negotiated between producers and workers. An examination of pertinent economic data affecting sugarcane field workers' wage rates in Hawaii reveals that the level of wages indicated by the standards customarily employed under the Sugar Act, does not exceed the level of wages agreed upon in collective bargaining agreements between producers and workers. Since the act requires that workers shall be paid "in full" for work performed, payment of "agreed upon" wage rates is required to meet this provision of the act. While it is recognized that the current wage rates of the collective bargaining agreements may be altered through negotiations during the period covered by this determination, it is expected that any revisions in the rates will conform to significant economic changes. Although a small minority of workers are not covered by collective bargaining agreements, the existence of such agreements covering the majority of workers influences the general wage level and thereby provides an adequate measure of wage protection.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 929; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 2d day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-179; Filed, Jan. 4, 1951; 8:54 a. m.]

[Sugar Determination 868.3]

PART 868—SUGARCANE; VIRGIN ISLANDS

CALENDAR YEAR 1951

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 9, 1950, the following determination is hereby issued:

§ 868.3 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1951*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in the Virgin Islands for the calendar year 1951, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but after the date of issuance of this determination, not less than the following:

(i) *Basic time rates.* The basic rates per hour for the first 8 hours of work performed in any 24 hour period shall be as follows:

Class of work:	*Basic rate per hour*
A—All kinds of work not classified below	$0.30
B—Spraying weeds with chemicals	.33
C—Operation of tractors and trucks	.40
D—Operation of mechanical loaders	.50

(ii) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivision (i) of this subparagraph: *Provided*, That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in section 4 (c) of Municipal Council Bill No. 2, passed by the Municipal Council of St. Croix, Virgin Islands on January 5, 1950.

(iii) *Piecework rates.* If work is performed on a piecework rate basis, the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivisions (i) and (ii) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a dwelling, garden plot, pasture lot and medical services.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Caribbean Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as it deems necessary, shall notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the Caribbean Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise, such recommended settlement will be applied

in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1951, as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among the various sugar producing areas.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 9, 1950, at which interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1951. In addition, investigations have been made of the conditions affecting wage rates in the Virgin Islands. In this determination, consideration has been given to testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are: (1) Prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates have been issued for the Virgin Islands each year beginning with 1942. The determinations have varied with respect to content and applicability. In general, a basic wage rate per day has been stipulated.

Wage rates per day in 1941 were reported to be 88 cents for nonharvest work and $1.04 for harvest work. The 1942 determination provided minimum wages of $1.04 per 8-hour day for nonharvest work and $1.36 per 8-hour day for harvest work. In 1944 on the recommendation of producers and laborers, a single basic day rate for both harvesting and nonharvesting work was issued. The practice of issuing a single rate has been continued in subsequent determinations. In 1950 the basic time rate per 8-hour day was $2.00, an increase of approximately 121 percent over 1941 and 84 percent over 1942, the first year of issuance of a wage determination.

In 1946 piecework rates were specified for cutting and loading sugarcane. Piecework rates in all other years have been stated to be those agreed upon between the producer and the laborer: *Provided*, That average earnings for the time involved on each separate unit of piecework be not less than the basic time rates. The 1947 wage determination provided for a wage bonus of 6 cents per day for each 25 cents that the New York price of raw sugar, used as a basis for sale, averaged more than $5.94 per one hundred pounds. The bonus provision was replaced in the 1948 wage determination by a modified wage-price escalator scale which provided for wage increases of 3.5 cents per day above the basic day wage rate for each 10 cents, or fraction thereof, increase in the weekly average price of raw sugar above $6.00 per one hundred pounds.

(d) *1951 wage determination.* The 1951 wage determination establishes wage rates for four separate classes of workers. The rates range from 30 cents per hour for unskilled workers to 50 cents per hour for operators of mechanical loading equipment. In addition, overtime rates are provided for work in excess of 8 hours per day or 44 hours per week. The 1950 wage determination provided a minimum rate of $2.00 per 8-hour day for all classes of workers and contained no provision for overtime.

The Virgin Islands, historically, has been a low wage and low income area. The many hazards to agricultural production, such as insufficient rainfall, inadequate yields of sugarcane, and low recovery of sugar are primarily responsible for these conditions. The Virgin Islands Corporation, owned by the Federal government and created primarily to promote the general welfare of the inhabitants of the Islands through economic development, has in the past sustained substantial losses, although, because of improved methods of production and unusually favorable crop yields, there was a marked improvement in the Corporation's financial position for the fiscal year ending June 30, 1950. The Corporation is the Islands' only sugar manufacturer and is the largest employer of field workers. Because of the unusual conditions existing in the Islands it has not been possible to apply the standards customarily used in establishing fair and reasonable wage rates.

During early 1950, the Municipal Council of St. Croix promulgated minimum wage and maximum hour legislation for all workers on the Island of St. Croix. Agricultural workers are covered under unskilled, semi-skilled and skilled worker categories. The local ordinance became effective in March 1950 and the Virgin Islands Corporation and producers increased the prevailing wage rates to conform with the legislation. In view of this the Corporation and independent producers paid the wage rates which are established in the 1951 wage determination during most of 1950.

At the public hearing, the representative of the Virgin Islands Corporation recommended that the wage rates provided in the municipal council ordinance be established in the 1951 wage determination. Representatives of independent producers indicated that the wage rates for 1951 should be at least as high as those provided in the ordinance.

The wages provided in the 1951 wage determination reflect the needs of workers for additional income to meet rising living costs. In addition, the income position of producers should improve in view of the recent strength shown in sugar and molasses prices and the utilization of more efficient methods of production.

In recognition of the foregoing factors, and in view of the fact that payment of the wage rates established by municipal law is required to meet the "payment in full" provision of the Sugar Act, the rates established in the 1951 wage determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 2d day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-180; Filed, Jan. 4, 1951; 8:54 a. m.]

Subchapter I—Determination of Prices

[Sugar Determination 878.3]

PART 878—SUGARCANE; VIRGIN ISLANDS

1951 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 9, 1950, the following determination is hereby issued:

§ 878.3 *Fair and reasonable prices for the 1951 crop of Virgin Islands sugarcane.* A processor-producer of sugarcane in the Virgin Islands who applies for payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1951 crop, if the requirements of this determination are met.

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Raw sugar" means 96° raw sugar.

(2) "Settlement period" means the period in which sugarcane is delivered by the producer to the processor-producer. Such period shall be two weeks and shall extend from Monday of the first week through Sunday of the following week.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the period on which settlement is based, except that, if the Director of the Sugar Branch determines that for any such period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination. Average prices of raw sugar for successive settlement periods shall be computed from Monday of the first week grinding commences.

(4) "F. o. b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor-producer in the marketing of raw sugar (other than bags or storage in company warehouses).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of sugarcane determined for each settlement period in accordance with the following formula:

$$R = (S - 0.3B)F$$

where:

R = Recoverable sugar yield, 96° polarization.

S = Polarization of the crusher juice obtained from the sugarcane of each producer.

B = Brix of the crusher juice obtained from the sugarcane of each producer.

F = Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been round.

(b) *Basic payment* (1) The basic payment for sugarcane delivered by a producer to the processor-producer during a settlement period shall be not less than the money value of that portion of the raw sugar determined by applying the following applicable percentage to the yield of raw sugar from the producer's sugarcane (such portion is herein referred to as "producer's share"):

Yield of raw sugar per 10 pounds of sugarcane (pounds):	Percentage
6.0	59.0
7.0	60.0
8.0	61.0
9.0	62.0
10.0	63.0
11.0	64.0
12.0	65.0

Intermediate points within the scale are to be calculated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(2) The processor-producer shall pay, or contract to pay, the producer for sugarcane delivered during a settlement period the money value of the producer's share of raw sugar determined in the following manner:

(i) For the producer's share of raw sugar which is within the statutory quota for the Virgin Islands during the period from the commencement of grinding until the termination of grinding of all 1951 crop Virgin Islands sugarcane, the average price of raw sugar for the settlement period, converted to the f. o. b. mill price.

(ii) For the producer's share of raw sugar which is within an increase in the statutory quota for the Virgin Islands occurring after the termination of grinding of all 1951 crop Virgin Islands sugarcane, the average price of raw sugar for the marketing days within the thirty-day period (commencing with the first marketing day) immediately following the effective date of the order permitting the marketing of such raw sugar, converted to the f. o. b. mill price.

(iii) For the producer's share of raw sugar which is not within the statutory quota for the Virgin Islands in the calendar year 1951, the average price of raw sugar for the period January 1, 1952, through January 31, 1952, converted to the f. o. b. mill price, and further by deducting storage, handling costs, insurance, personal property taxes levied on raw sugar, and other related costs actually incurred on such raw sugar for the period January 1, 1952 through January 31, 1952.

(iv) For the purpose of subdivisions (i) and (iii) of this subparagraph the portion of the producer's share of raw sugar within and not within the statutory quota for the Virgin Islands shall be calculated for each settlement period, subject to adjustment after final data are available. Such portions shall be determined by applying to the producer's share of raw sugar produced from his sugarcane during the settlement period the percentages obtained by dividing the quantities of raw sugar within and not within, respectively, the statutory quota for the Virgin Islands by the total quantity of raw sugar produced by the processor-producer. For the purpose of subdivision (ii) of this subparagraph, the portion of the producer's share of such raw sugar within an increase in the statutory quota for the Virgin Islands occurring after the termination of grinding of all 1951 crop Virgin Islands sugarcane shall be determined by applying to the producer's share of raw sugar produced from his sugarcane for the 1951 crop the percentage obtained by dividing the quantity of raw sugar within an increase in the statutory quota for the Virgin Islands by the total quantity of raw sugar produced by the processor-producer.

(c) *Molasses payment.* The processor-producer shall pay the producer for each 100 pounds of sugarcane delivered an amount computed by applying the following applicable percentage to the net proceeds derived from the sale of blackstrap molasses produced per 100 pounds of sugarcane for the 1951 crop:

Yield of raw sugar per 100 pounds of sugarcane (pounds):	Percentage
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be calculated to the nearest one-tenth point. Points below 8 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(d) *General.* (1) The processor-producer shall submit in duplicate to the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico, a certified statement of the actual deductions made in determining the f. o. b. mill value of sugar and molasses.

(2) The processor-producer shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e. a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1951 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act. In this statement the foregoing determination, as well as determinations for previous years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that a public hearing be held and investigations be made. Accordingly, on October 9, 1950, a public hearing was held in Christiansted, St. Croix, Virgin Islands, at which time interested parties presented testimony with respect to fair and reasonable prices for the 1951 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in the Virgin Islands. In this price determination consideration has been given to testimony presented at the hearing and to information resulting from investigations.

(c) *Background.* The Sugar Act was made applicable to the Virgin Islands beginning with the 1942 crop of sugarcane. Under the price determinations for the 1942, 1943, and 1944 crops, producers were paid the f. o. b. mill value of 6 pounds of raw sugar for each one hundred pounds of sugarcane delivered regardless of the quality of the cane. This sharing relationship continued that which was in effect in years prior to 1942. Beginning with the 1944 crop, recovery of raw sugar from sugarcane was improved through the operation of a more efficient mill. Since the operating results were significantly better than the results obtained in prior years, the 1945 price determination provided that the producers' share of the f. o. b. mill value of raw sugar per one hundred pounds of sugarcane would be 65 percent when the average outturn of raw sugar for the season represented 12 percent or more of the weight of sugarcane, or 63 percent when the average outturn represented from 10 to 12 percent of the weight of sugarcane. When the average outturn was less than 10 percent of the weight of sugarcane, it was provided that producers were to receive the f. o. b. mill value of 6 pounds of 96° raw sugar per one hundred pounds of sugarcane. This sharing relationship has been continued in the price determination for each crop since that time.

Price determinations since 1942 have provided for payment to producers of a molasses bonus equal to one-half of the amount by which the net proceeds from

blackstrap molasses of the current crop exceeded such proceeds from the 1941 crop.

During the last half of the calendar year 1950, the price determination was amended to provide for producer participation in the price received for raw sugar marketed in excess of the statutory quota for the Virgin Islands of 6,000 short tons, raw value. This action was taken because the unusual condition which affected the marketing of raw sugar at that time resulted in raw sugar prices somewhat higher than those prevailing during the settlement period in which the sugarcane was delivered.

(d) *1951 price determination.* The 1951 price determination contains the following basic changes in the sharing relationship between producers and processors:

(1) A sliding settlement scale based upon the yield of sugarcane has been adopted. The scale provides a sharing ratio of 65 percent for producers and 35 percent for processors for sugarcane yielding 12 pounds of sugar per 100 pounds of sugarcane. The producer's share increases or decreases one-tenth of one percent for each one-tenth pound change above or below a 12 pound yield of raw sugar. Under this provision settlement will be made on the basis of the quality of sugarcane delivered by individual producers. The adoption of a sliding settlement scale will result in settlements more accurately reflecting the true value of the sugarcane delivered by each producer than did the former "flat rate" sharing basis. Although this change will result in increased or decreased sharing to individual producers, depending upon the quality of sugarcane delivered, producers as a whole should receive a larger share of the sugar returns than under the 1950 price determination.

(2) A sliding scale for sharing molasses, based on the yield of sugar, also has been adopted. The net proceeds of the molasses from sugarcane yielding 12 pounds of sugar per 100 pounds of sugarcane are shared equally between the producer and the processor. Above and below this point the producers' share varies inversely with yield. The producers' share of molasses increases or decreases six-tenths of one percent for each one-tenth pound change below or above a 12 pound yield of raw sugar. Under this provision producers will receive a much larger share of the net proceeds from molasses than they would have received under the 1950 price determination. In the 1950 price determination, producer participation did not commence until the net proceeds from molasses were in excess of 8 cents per gallon whereas under this determination producers participate in the entire net proceeds. Moreover, under this determination producer participation varies with the quality of sugarcane delivered. Since molasses production per ton of sugarcane varies inversely with the yield of raw sugar, producers delivering low quality sugarcane will receive larger molasses payments than producers delivering high quality sugarcane. Producers delivering high quality sugarcane will, however, receive larger payments for sugar from sugarcane. Under this determination, for sugarcane yielding 10 to 12 pounds of sugar per 100 pounds of sugarcane producers will receive from 62 to 50 percent of the net proceeds from molasses, while under the 1950 price determination they would have received only 30 percent of the net proceeds.

(3) Separate and distinct provisions are made for settlements for sugarcane from which was made (i) raw sugar within the statutory quota for the Virgin Islands prior to the termination of grinding the 1951 crop, (ii) raw sugar within an increase in the statutory quota for the Virgin Islands occurring after the termination of grinding of the 1951 crop, and (iii) raw sugar not within the statutory quota for the Virgin Islands for the calendar year 1951. These settlement methods will provide for an equitable sharing between producers and the processor of variable market prices and costs which result from the operation of the quota provisions of the act.

(4) The definition of settlement period has been revised to provide for a uniform period for settlement of two weeks. Under this definition the settlement period will extend from Monday of one week through Sunday of the following week.

An examination of conditions within the sugar industry in the Virgin Islands indicates that the standards customarily considered in price determinations cannot be applied. The Virgin Islands Corporation (formerly the Virgin Islands Company), under the direction of the Department of Interior, is the only purchaser of sugarcane in the Islands. This project was developed and has continued to operate primarily to provide employment to the people of the Islands. The financial results of the operations of the Corporation with respect to sugar have been generally unfavorable, due in large part to the small volume and low quality sugarcane. The annual losses on sugar operations for the past nine years have been very significant, although definite improvement was made in 1950 because of the unusually large crop harvested during that year. The Corporation is, however, attempting to reduce its losses on future crops through continued improvements in agricultural and milling operations.

Congressional action in 1949 provided for the reorganizaton of the Virgin Islands Corporation primarily for the purpose of promoting the welfare of the inhabitants of the Islands through economic development. Following this, officials of the Corporation indicated at the hearing for the 1950 crop that consideration was being given to several changes in the method of purchasing sugarcane from independent growers, primarily to encourage the growth of better quality sugarcane in the Islands. Although the changes in the methods of purchasing sugarcane were not adopted for the 1950 crop, the Corporation now believes that marked progress can be made by adopting the system of payment used in other sugarcane areas, i. e., relating payments for sugarcane to the quality of sugarcane delivered by each grower.

At the hearing representatives of the Virgin Islands Coporation recommended the raw sugar and molasses sharing scales contained in this determination. Representatives of producers generally opposed the changes on the grounds that certain small producers—especially those who produce low quality sugarcane—might receive less for their sugarcane than they did under the "flat rate" basis of settlement. While it is obvious that under a quality payment scale payments for low quality sugarcane will be less than under a "flat rate" basis, an examination of available data shows that in view of the conditions likely to prevail for the 1951 crop, producers generally will be in a much better financial position under this determination than under the 1950 price determination. Further, to the extent that producers improve the quality of the sugarcane delivered to the processor, ultimately their economic position will be improved materially under the provisions of this determination.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 2d day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-178; Filed, Jan. 4, 1951; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 39]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 is amended to read:

§ 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, Ariz., radio range; Cochise, Ariz., radio range station; Rodeo, N. Mex., radio range; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville, Tenn., radio range and the northwest course of the Smithville, Tenn., radio range; Smithville, Tenn., radio range station; the intersection of the southeast course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Andrews, Md., radio range station; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchel Field, N. Y. (AFB), radio range; the Mitchel Field, N. Y. (AFB), radio range station; the intersection of the northeast course of the Mitchel Field, N. Y. (AFB), radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range.

2. Section 600.208 is amended to read:

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.).* From the intersection of the west course of the Wright-Patterson AFB radio range, Fairfield, Ohio, and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB radio range station; the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range; the Zanesville, Ohio, non-directional radio beacon; the Bergholz, Ohio, non-directional radio beacon; the Butler, Pa., non-directional radio beacon; the Brookville, Pa., non-directional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range to the Williamsport, Pa., radio range station.

3. Section 600.221 is amended to read:

§ 600.221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).* From the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range to the Selinsgrove, Pa., non-directional radio beacon. From the Williamsport, Pa., radio range station to the Newark, N. J., radio range station. From the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station, excluding that portion which lies more than 4 miles east of the southwest course of the Squantum, Mass. (Navy), radio range between the Providence, R. I., radio range station and a point 5 miles northeast to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. January 8, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-122; Filed, Jan. 4, 1951; 8:45 a. m.]

[Amdt. 42]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore, is not required. Part 601 is amended as follows:

1. Section 601.208 is amended by changing caption to read: *"Red civil airway No. 8 control areas (Dayton, Ohio, to Williamsport, Pa.)."*

2. Section 601.4208 is amended by changing caption to read: *"Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.)."*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. January 8, 1951.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-123; Filed, Jan. 4, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

EDITORIAL NOTE: Supplement 1 to Part 373 (15 F. R. 8925, Dec. 15, 1950) is designated as § 373.51 *Supplement 1; time schedules for submission of applications for licenses to export certain positive list commodities,* and Supplement 1 to Part 374 (15 F. R. 8078, Nov. 25, 1950) is designated as § 374.51 *Supplement 1; list of restricted commodities.*

[5th Gen. Rev. of Export Regs., Amdt. P. L. 32 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MILITARY APPAREL OF ALL TYPES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
999930	Miscellaneous commodities, n. e. s.: Military apparel of all types, including insignia, and footwear (new and used)	-------	TEXT	None	RO

Validated licenses are required for the exportation of the above commodities to all destinations if the exporting carrier has not obtained clearance from the final port of departure in the United States for a foreign port.

This amendment shall become effective as of 3:00 p. m., e. s. t., December 22, 1950.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-158; Filed, Jan. 4, 1951; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5731]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED PRESSED PRODUCTS CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection

[1] This amendment was published in Current Export Bulletin No. 599, dated December 28, 1950.

with the offering for sale, sale or distribution of respondents' crystal radio receiving sets in commerce, (1) representing that under ordinary and usual conditions respondents' radios have a receiving range of from 25 to 50 miles or greater distances, or otherwise representing that the ordinary and usual receiving range of such sets is in excess of their actual capacity to provide reception only for powerful, local broadcasting stations; or, (2) representing that respondents' radios will afford increased selectivity by use of a condenser; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Pressed Products Co. et al., Docket 5731, Oct. 24, 1950]

In the Matter of United Pressed Products Company, a Corporation, and Harry Raffles, Frank Raffles, and Julius Raffles, Individually, and as Officers of United Pressed Products Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all of the material allegations of fact set forth in the complaint and waive all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent United Pressed Products Company, a corporation, and its officers, agents, representatives, and employees, and respondents Harry Raffles, Frank Raffles, and Julius Raffles, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondents' crystal radio receiving sets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that under ordinary and usual conditions respondents' radios have a receiving range of from 25 to 50 miles or greater distances, or otherwise representing that the ordinary and usual receiving range of such sets is in excess of their actual capacity to provide reception only for powerful, local broadcasting stations.

(2) Representing that respondents' radios will afford increased selectivity by use of a condenser.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: October 24, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-154; Filed, Jan. 4, 1951; 8:50 a. m.]

[Docket 5730]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JAMES H. CHRISTIE DBA UNITED SURVEYS

Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1625 *Free goods; Price;* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale and distribution of books or other publications, of whatever nature, in commerce, representing, directly or by implication, (1) that respondent's combination offer of the New Standard Encyclopedia and the supplements published for the purpose of keeping the encyclopedia current is an introductory or special offer for advertising purposes; (2) that such offer is at a reduced or special price, substantially lower than the usual or regular selling price, for the books and publications included therein; (3) that such offer is made only to selected persons in a particular community or area; or, (4) that any other books or publications are given without cost to the purchaser when the price of the offer has been fully paid; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, James H. Christie dba United Surveys, Docket 5730, Oct. 26, 1950]

This proceeding was heard by Frank Hier, trial examiner theretofore designated by the Federal Trade Commission for that purpose, upon the complaint of the Commission, the answer of the respondent, and testimony and other evidence in support of and in opposition to the allegations of the complaint, introduced before the above named trial examiner, which were duly recorded and filed in the office of the Commission;

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by all counsel; and said trial examiner, having duly considered the record in said cause, and having found that said proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts and conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on October 26, 1950.

The said order to cease and desist is as follows:

It is ordered, That James H. Christie, his employees, representatives, or agents, trading under the name United Surveys, or under any other name, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of books or other publications, of whatever nature, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondent's combination offer of the New Standard Encyclopedia and the supplements published for the purpose of keeping the encyclopedia current is an introductory or special offer for advertising purposes.

2. That such offer is at a reduced or special price, substantially lower than the usual or regular selling price, for the books and publications included therein.

3. That such offer is made only to selected persons in a particular community or area.

4. That any other books or publications are given without cost to the purchaser when the price of the offer has been fully paid.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5730, October 26, 1950, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondent, James J. Christie, shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: October 26, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-155; Filed, Jan. 4, 1951; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5824]

PART 178—WINE

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED SPIRITS

TEMPORARY USE OF TANK TRUCKS

1. In order to authorize the temporary use of tank trucks, as an emergency measure, upon the showing of the unavailability of tank cars, for the transportation of distilled spirits (including brandy), produced at 160 degrees of proof or more, transferred in bond between registered distilleries, fruit distilleries, and internal revenue bonded warehouses and of brandy withdrawn from fruit distilleries or internal revenue bonded warehouses for the fortification of wine, the following regulations are hereby prescribed:

2. Regulations 4 "Production of Distilled Spirits" (26 CFR Part 183; 15 F. R. 5334) are amended as follows:

SUBPART W—TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

* * * * *

TEMPORARY USE OF TANK TRUCKS FOR TRANSFERS IN BOND

Sec.
183.506a General.
183.506b Type of motor carrier.
183.506c Construction of tank trucks.
183.506d Bond; transportation by motor carrier.
183.506e Bond; transportation by consignor or consignee.
183.506f Removal in tank trucks.
183.506g Receipts in tank trucks.

AUTHORITY: §§ 183.506a to 183.506g issued under 53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 314, 335, as amended; 26 U. S. C. 2820, 2883.

§ 183.506a *General.* Upon a showing of the unavailability of tank cars for the transportation of distilled spirits, produced at 160 degrees of proof or more, authorized by §§ 183.483 (b) (3), 183.486 (b), 183.487 (c) (3), 183.491 (b), 183.492 (b) (2), 183.495 (b), 183.496 (a) (2), 183.499 (b), 183.500 (b) (3), and 183.503 (b), the district supervisor, as an emergency measure, may authorize the temporary use of tank trucks for such transportation, subject to the provisions of §§ 183.506b–183.506g and the applicable provisions of this part governing the transfer in bond of distilled spirits in tank cars.

§ 183.506b *Type of motor carrier.* Transportation by tank trucks authorized by § 183.506a shall be made (a) by a motor carrier licensed under the Motor Carrier Act of 1935 or an applicable state law, or a private carrier employed by, or acting as agent for, the consignor or consignee, who is actively and regularly engaged generally in the legitimate business of transportation, who possesses adequate facilities to insure safe delivery at destination of any distilled spirits transported by him, and who is approved by the district supervisor; or (b) by the consignor or consignee acting as a private carrier.

§ 183.506c *Construction of tank trucks.* Every tank truck used to transport distilled spirits in bond must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cutouts. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor per load and the entire contents of all compartments shall be delivered to one consignee, unless the district supervisor, for good cause, authorizes the use of separate compartments for different consignors or consignees. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by round-headed or carriage bolts, nutted and riveted, battered or welded. Each tank truck must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner, in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A", "B", etc., and the capacity in wine gallons of each compartment must be marked thereon. Provision shall also be made for protection, against the weather, of the label by the use of celluloid or equally substantial material. The prescribed label (as required by § 183.506f) will be affixed to such route board. Tank trucks shall be so constructed that the contents of each compartment will drain completely, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying.

§ 183.506d *Bond; transportation by motor carrier.* Motor carriers, as defined in § 183.506b, desiring to transport distilled spirits in bond, in tank trucks, must file with the district supervisor a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," modified to read "Bond to Transport Distilled Spirits". The penal sum of the bond shall be at the rate of $75,000 for each such tank truck and not more than $200,000 for the total of all tank trucks used. The bond shall be filed in triplicate, appropriately modified.

§ 183.506e *Bond; transportation by consignor or consignee.* A consignor or consignee, in order to transport distilled spirits in bond, in tank trucks controlled and operated by such consignor or consignee, must file with the district supervisor a bond on Form 49, properly modified, in the penal sum specified in § 183.506d: *Provided*, That in lieu of filing such bond, the consignor or consignee may file consent of surety, Form 1533, on his bond, Form 30, 30½, or Form 1571, as the case may be, extending the terms thereof to cover the tax, together with penalties and interest, for which he may become liable, on all distilled spirits transported by him in tank trucks. If the transportation is by the consignor or consignee distiller and the maximum of his bond is not sufficient when computed as set forth in § 183.506d, an additional bond on Form 49 in a sufficient penal sum must be furnished to cover the additional liability. If the transportation is by the consignee warehouseman and the maximum of his bond is not sufficient when computed as set forth in § 183.506d, an additional bond on Form 49 or 1571 in a sufficient penal sum must be furnished to cover the additional liability.

§ 183.506f *Removal in tank trucks.* Tank trucks used for the transportation of distilled spirits in bond must be filled in the immediate presence of the storekeeper-gauger. Prior to filling, the storekeeper-gauger shall determine whether the tank truck is properly marked and may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of distilled spirits in bond will not be permitted. Immediately after filling, the storekeeper-gauger shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. The storekeeper-gauger will enter on Form 1520, covering the description and gauge of the distilled spirits, the number of inches of distilled spirits loaded into each compartment and the temperature thereof at the time of filling, the name of the carrier, the number of the tank truck, the state license number of the truck, the driver's full name, and the driver's permit number and State issuing the same, the destination, the date of shipment, and the serial numbers of the cap seals used. Forms 236 and 1520 will be disposed of in accordance with § 183.572 or 183.580, as the case may be. The consignor shall securely attach to the route board of the tank truck a label showing the name, registry number and location (city or town and state) of the shipping registered distillery; the name, registry number and location (city or town and state) of the receiving internal revenue bonded warehouse, fruit distillery, or other registered distillery, as the case may be, followed by the date of shipment; and the quantity in wine and proof gallons contained in each compartment. (Such label shall be destroyed upon emptying the tank truck.)

§ 183.506g *Receipts in tank trucks.* Where distilled spirits for redistillation are received in tank trucks from a distillery or from an internal revenue bonded warehouse, the seals must be broken by the storekeeper-gauger at the receiving distillery and no distilled spirits may be removed from the tank truck except in the presence of such officer. The storekeeper-gauger will carefully examine the tank truck for evidence of loss, and gauge and report the quantity received in accordance with the applicable provisions of § 183.439. When the gauge of spirits received discloses discrepancies between the shipping and receiving gauges, the applicable procedure prescribed by § 183.440 will be followed.

3. Regulations 5 "Production of Brandy" (26 CFR Part 184; 15 F. R. 5552) are amended as follows:

SUBPART X—TAX-PAYMENT, REMOVAL AND TRANSFER OF BRANDY FROM DISTILLERY

* * * * * *

TEMPORARY USE OF TANK TRUCKS FOR TRANSFERS IN BOND AND REMOVALS FOR FORTIFICATION OF WINE

Sec.
184.553a General.
184.553b Type of motor carrier.
184.553c Construction of tank trucks.

Sec.
184.553d Bond; transportation by motor carrier.
184.553e Bond; transportation by consignor or consignee.
184.553f Removal in tank trucks.
184.553g Receipts in tank trucks.

AUTHORITY: §§ 184.553a to 184.553g, issued under 53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 316, as amended, 335 as amended; 26 U. S. C. 2825, 2883.

§ 184.553a *General.* Notwithstanding the prohibition in § 184.553, and upon a showing of the unavailability of tank cars for the transportation of brandy, produced at 160 degrees of proof or more, authorized by §§ 184.535 (b) (2), 184.537 (b) and 184.539 (b), the district supervisor, as an emergency measure, may authorize the temporary use of tank trucks for such transportation, subject to the provisions of §§ 184.553b–184.553g and the applicable provisions of this part governing the transfer in bond of brandy and the removal of brandy for the fortification of wine, in tank cars.

§ 184.553b *Type of motor carrier.* Transportation by tank trucks authorized by § 184.553a shall be made (a) by a motor carrier licensed under the Motor Carrier Act of 1935 or an applicable state law, or a private carrier employed by, or acting as agent for, a consignor or consignee, who is actively and regularly engaged generally in the legitimate business of transportation, who possesses adequate facilities to insure safe delivery at destination of any brandy transported by him, and who is approved by the district supervisor; or (b) by the consignor or consignee acting as a private carrier.

§ 184.553c *Construction of tank trucks.* Every tank truck used to transport brandy in bond, or for removal for the fortification of wine, must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor per load and the entire contents of all compartments shall be delivered to one consignee, unless the district supervisor, for good cause, authorizes the use of separate compartments for different consignors or consignees. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by round-headed or carriage bolts, nutted and riveted, battered or welded. Each tank truck must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner, in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A", "B", etc., and the capacity in wine gallons of each compartment must be marked thereon. Provision shall also be made for protection, against the weather, of the label by the use of celluloid or equally substantial material. The prescribed label (as required by § 184.553f) will be affixed to such route board. Tank trucks shall be so constructed that the contents of each compartment will drain completely, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying.

§ 184.553d *Bond; transportation by motor carrier.* Motor carriers, as defined in § 184.553b, desiring to transport, in tank trucks, brandy in bond or for removal for fortification of wine, must file with the district supervisor a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," modified to read "Bond to Transport Distilled Spirits". The penal sum of the bond shall be at the rate of $75,000 for each tank truck and not more than $200,000 for the total of all tank trucks used. The bond shall be filed in triplicate, appropriately modified.

§ 184.553e *Bond; transportation by consignor or consignee.* A consignor or consignee, in order to transport brandy in bond, or to remove brandy for fortification of wine, in tank trucks controlled and operated by such consignor or consignee, must file with the district supervisor, a bond on Form 49, properly modified, in the penal sum specified in § 184.553d: *Provided*, That in lieu of filing such bond, the consignor distiller or consignee distiller or warehouseman may file consent of surety, Form 1533, on his bond, Form 30, Form 30½, or Form 1571, as the case may be, extending the terms thereof to cover the tax, together with penalties and interest for which be may become liable, on all brandy transported by him in tank trucks. If the transportation is by the consignor or consignee distiller and the maximum of his bond, Form 30 or Form 30½, is not sufficient when computed as set forth in § 184.553d, an additional bond on Form 49 in a sufficient penal sum must be furnished to cover the additional liability. If the transportation is by the consignee warehouseman, and the maximum of his bond, Form 1571, is not sufficient when computed as set forth in § 184.553d, an additional bond on Form 49 or on Form 1571, in a sufficient penal sum must be furnished to cover the additional liability. If the transportation is by the consignee winemaker, he may file a consent of surety on his bond, Form 700–A, and an additional bond on Form 49 in a sufficient penal sum to cover the additional liability.

§ 184.553f *Removal in tank trucks.* Tank trucks used for the transportation of brandy in bond or for removal of brandy for fortification of wine must be filled in the immediate presence of the storekeeper-gauger. Prior to filling, the storekeeper-gauger shall determine whether the tank truck is properly marked and may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of brandy will not be permitted. Immediately after filling, the storekeeper-gauger shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. The storekeeper-gauger will enter on Form 1520, covering the description and gauge of the brandy, the number of inches of brandy loaded into each compartment and the temperature thereof at the time of filling, the name of the carrier, the number of the tank truck, the state license number of the truck, the driver's full name, and the driver's permit number and State issuing the same, the destination, the date of shipment, and the serial numbers of the cap seals used. Forms 236 and 1520 will be disposed of in accordance with § 184.612 or § 184.620, as the case may be. The consignor shall securely attach to the route board of the tank truck a label showing the name, registry number and location (city or town and state) of the shipping fruit distillery; the name, registry number and location (city or town and state) of the receiving internal revenue bonded warehouse, registered distillery, or other fruit distillery, or bonded winery, as the case may be, followed by the date of shipment; and the quantity in wine and proof gallons contained in each compartment. (Such label shall be destroyed upon emptying the tank truck.)

§ 184.553g *Receipts in tank trucks.* Where brandy for redistillation is received in tank trucks from a distillery or an internal revenue bonded warehouse, the seals must be broken by a storekeeper-gauger at the fruit distillery and no brandy may be removed from the tank truck except in the presence of such officer. The storekeeper-gauger will carefully examine the tank truck for evidence of loss, and gauge and report the quantity received in accordance with the applicable provisions of § 184.484. Where the gauge of brandy received discloses discrepancies between the shipping and receiving gauges, the applicable procedure prescribed by § 184.485 will be followed.

4. Regulations 7 "Production, Fortification, Tax-payment, Etc., of Wines" (26 CFR Part 178; 10 F. R. 12307) are amended as follows:

SUBPART B—THE FORTIFICATION OF WINE

* * * * *

MANNER OF PROCURING BRANDY FROM FRUIT DISTILLERIES AND INTERNAL REVENUE BONDED WAREHOUSES

* * * * *

Temporary Use of Tank Trucks for Procurement of Brandy

Sec.
178.467a General.
178.467b Receipts in tank trucks.

AUTHORITY: §§ 178.467a and 178.467b issued under 53 Stat. 375, 477; 26 U. S. C. 3176, 3901. Interpret or apply 53 Stat. 335, as amended, 348, as amended, 350, as amended, 351, 352, as amended, 355, as amended; 26 U. S. C. 2883, 3031, 3032, 3033, 3036, 3044, 3045.

§ 178.467a *General.* Upon a showing of the unavailability of tank cars for the transportation of brandy, produced at 160 degrees of proof or more, from fruit distilleries and internal revenue bonded warehouses to a bonded winery for the fortification of wine, authorized by §178.449, the district supervisor, as an emergency measure, may authorize the temporary use of tank trucks for such transportation, subject to the provisions of Regulations 5 (26 CFR Part 184) or Regulations 10 (26 CFR Part 185), as the case may be, and the applicable provisions of this part governing the procuring of brandy from fruit distilleries and internal revenue bonded warehouses in tank cars.

§ 178.467b *Receipts in tank trucks.* Where brandy is received in tank trucks from a fruit distillery or internal revenue bonded warehouse the seals must be broken by a Government officer assigned to the bonded winery and no brandy may be removed from the tank truck except in the presence of such officer. The Government officer will carefully examine the tank truck for evidence of loss, and gauge and report the quantity received in accordance with the applicable provisions of § 178.466. Where the gauge of brandy received discloses discrepancies between the shipping and receiving gauges, the applicable procedure prescribed by § 178.467 will be followed.

5. Regulations 10 "Warehousing of Distilled Spirits" (26 CFR Part 185; 15 F. R. 5233) are amended as follows:

SUBPART AA—WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE

* * * * *

TEMPORARY USE OF TANK TRUCKS FOR TRANSFERS IN BOND AND REMOVALS FOR FORTIFICATION OF WINE

Sec.
185.579a General.
185.579b Type of motor carrier.
185.579c Construction of tank trucks.
185.579d Bond; transportation by motor carrier.
185.579e Bond; transportation by consignor or consignee.
185.579f Removal in tank trucks.
185.579g Receipts in tank trucks.

AUTHORITY: §§ 185.579a to 185.579g issued under 53 Stat. 375, 492; 26 U. S. C. 3176, 4017. Interpret or apply 53 Stat. 332, 335, as amended; 26 U. S. C. 2875, 2883. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 185.579a *General.* Notwithstanding the prohibition in § 185.561, and upon a showing of the unavailability of tank cars for the transportation of distilled spirits, produced at 160 degrees of proof or more, authorized by §§ 185.690 (d), 185.725, and 185.868, the district supervisor, as an emergency measure, may authorize the temporary use of tank trucks for such transportation, subject to the provisions of §§ 185.579b–185.579g and the applicable provisions of this part governing the transfer in bond of distilled spirits and the removal of brandy for fortification of wine, in tank cars.

§ 185.579b *Type of motor carrier.* Transportation by tank trucks authorized by § 185.579a shall be made (a) by a motor carrier licensed under the Motor Carrier Act of 1935 or an applicable state law, or a private carrier employed by, or acting as agent for, the consignor or consignee, who is actively and regularly engaged generally in the legitimate business of transportation, who possesses adequate facilities to insure safe delivery at destination of any distilled spirits transported by him, and who is approved by the district supervisor; or (b) by the consignor or consignee acting as a private carrier.

§ 185.579c *Construction of tank trucks.* Every tank truck used to transport distilled spirits in bond must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cut-outs. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. Partial delivery, by meter or otherwise, will not be permitted. There shall be but one consignor per load and the entire contents of all compartments shall be delivered to one consignee, unless the district supervisor, for good cause, authorizes the use of separate compartments for different consignors or consignees. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by round-headed or carriage bolts, nutted and riveted, battered or welded. Each tank truck must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name of the owner in letters at least four inches in height. If the tank truck consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A", "B", etc., and the capacity in wine gallons of each compartment must be marked thereon. Provision shall also be made for protection, against the weather, of the label by the use of celluloid or equally substantial material. The prescribed label (as required by § 185.579f) will be affixed to such route board. Tank trucks shall be so constructed that the contents of each compartment will drain completely, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying.

§ 185.579d *Bond; transportation by motor carrier.* Motor carriers, as defined in § 185.579b, desiring to transport distilled spirits in bond, in tank trucks, must file with the district supervisor a bond on Form 49, "Bond to Transport Specially Denatured or Taxfree Alcohol," modified to read "Bond to Transport Distilled Spirits". The penal sum of the bond shall be at the rate of $75,000 for each such tank truck and not more than $200,000 for the total of all tank trucks used. The bond shall be filed in triplicate, appropriately modified.

§ 185.579e *Bond; transportation by consignor or consignee.* A consignor or consignee, in order to transport distilled spirits in bond, or to remove brandy for fortification of wine, in tank trucks controlled and operated by such consignor or consignee, must file with the district supervisor, a bond on Form 49, properly modified, in the penal sum specified in § 185.579d: *Provided*, That in lieu of filing such bond, the consignor warehouseman or consignee distiller or warehouseman may file consent of surety, Form 1533, on his bond, Form 30, Form 30½, or Form 1571, as the case may be, extending the terms thereof to cover the tax, together with penalties and interest, for which he may become liable, on all distilled spirits transported by him in tank trucks. If the transportation is by the consignor or consignee warehouseman and the maximum of his bond, Form 1571, is not sufficient when computed as set forth in § 185.579d, an additional bond on Form 49 or 1571 in a sufficient penal sum must be furnished to cover the additional liability. If the transportation is by the consignee distiller, and the maximum of his bond, Form 30 or Form 30½, is not sufficient when computed as set forth in § 185.579d, an additional bond on Form 49 or on Form 30, or Form 30½, as the case may be, in a sufficient penal sum must be furnished to cover the additional liability. If the transportation is by the consignee winemaker, he may file a consent of surety on his bond, Form 700–A, and an additional bond on Form 49 in a sufficient penal sur.. to cover the additional liability.

§ 185.579f *Removal in tank trucks.* Tank trucks used for the transportation of distilled spirits in bond or for removal of brandy for the fortification of wine must be filled in the immediate presence of the storekeeper-gauger. Prior to filling, the storekeeper-gauger shall determine whether the tank truck is properly marked and may be effectively sealed. If the tank truck does not meet such requirements, its use for the transportation of distilled spirits (including brandy) will not be permitted. Immediately after filling, the storekeeper-gauger shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank. The storekeeper-gauger will enter on Form 1520, covering the description and gauge of the distilled spirits, the number of inches of distilled spirits loaded into each compartment and the temperature thereof at the time of filling, the name of the carrier, the number of the tank truck, the state license number of the truck, the driver's full name, and

the driver's permit number and State issuing the same, the destination, the date of shipment, and the serial numbers of the cap seals used. Forms 236 and 1520 will be disposed of in accordance with § 185.706 or 185.711, as the case may be. The consignor shall securely attach to the route board of the tank truck a label showing the name, registry number and location (city or town and state) of the shipping internal revenue bonded warehouse; the name, registry number and location (city or town and state) of the receiving internal revenue bonded warehouse, registered distillery, fruit distillery, or bonded winery, as the case may be, followed by the date of shipment; and the quantity in wine and proof gallons contained in each compartment. (Such label shall be destroyed upon emptying the tank truck.)

§ 185.579g *Receipts in tank trucks.* Where distilled spirits are received in tank trucks from a distillery or another internal revenue bonded warehouse, the seals must be broken by a storekeeper-gauger at the warehouse and no distilled spirits may be removed from the tank truck except in the presence of such officer. The storekeeper-gauger will carefully examine the tank truck for evidence of loss, and gauge and report the quantity received in accordance with the applicable provisions of § 185.369. Where the gauge of distilled spirits received discloses discrepancies between the shipping and receiving gauges, the applicable procedure prescribed by § 185.486 will be followed.

(53 Stat. 333, 340, as amended; 26 U. S. C. 2879, 2901)

6. It is found that compliance with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the issuance of these regulations for the reason that the changes made are of a liberalizing character.

7. This Treasury decision will be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: December 29, 1950.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-157; Filed, Jan. 4, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-12 as amended Dec. 30, 1950]

PART 29—COPPER AND COPPER-BASE ALLOYS

SUBPART B—USE OF COPPER AND COPPER-BASE ALLOYS

This amendment to NPA Order M-12, dated November 29, 1950, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-12 as follows: Paragraph (c) of § 29.23 is revised; a new § 29.27 is added and present §§ 29.27 through 29.33 are redesignated §§ 29.28 through 29.34; references to §§ 29.27 and 29.28 are changed to read "§ 29.28" and "§ 29.29", respectively, whenever they occur; a new § 29.35 *List A* is added.

As amended, Order M-12 is revised to read as follows:

Sec.
29.21 What this subpart does.
29.22 Definitions.
29.23 Copper forms and products to which this subpart applies.
29.24 Application of subpart.
29.25 Production of brass mill products, copper wire mill products and foundry products.
29.26 Use of copper forms and products.
29.27 Use of copper in manufacture and construction.
29.28 Maintenance, repair and operating supplies.
29.29 Exemptions.
29.30 Inventories.
29.31 Applications for adjustment.
29.32 Records and reports.
29.33 Communications.
29.34 Violations.
29.35 List A.

AUTHORITY: §§ 29.21 to 29.35 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, F. R. 6105.

§ 29.21 *What this subpart does.* The purpose of this subpart is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this subpart that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

§ 29.22 *Definitions.* As used in this subpart:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six-months period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate or otherwise alter the forms and products of copper defined in § 29.23 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in § 29.23 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

§ 29.23 *Copper forms and products to which this subpart applies.* This subpart applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this subpart, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

§ 29.24 *Application of subpart.* Subject to the exemptions stated in § 29.29, this subpart applies to all persons who produce brass mill products, copper wire mill products or foundry products as listed in § 29.23, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d), and (e) of § 29.23 for the purpose of manufacture, use in installation or construction, or for maintenance, repair or operating supplies. This subpart does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

§ 29.25 *Production of brass mill products, copper wire mill products and foundry products.* Subject to the exemptions stated in § 29.29, or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

(b) During the calendar quarter commencing on January 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of this average quarterly production of foundry products during the base period.

§ 29.26 *Use of copper forms and products.* Subject to the exemptions stated in § 29.29, or unless specifically directed by the National Production Authority, no person shall manufacture, or use in installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of § 29.23 in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of § 29.23 in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

(c) During the calendar quarter commencing on January 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period.

§ 29.27 *Use of copper in manufacture and construction.* (a) Commencing on March 1, 1951, copper in the forms and products defined in § 29.23 may not be used in the manufacture of any item included in § 29.35 (List A) except as indicated therein; *Provided, however,* That any such items may be completed if they were in the process of manufacture on or before March 1, 1951 and such completion is effected not later than April 30, 1951, and any such items so completed may be sold after April 30, 1951.

(b) During each of the months of January and February, 1951, subject to the limitations on use in manufacture stated in § 29.26, no person may use in the manufacture of the items on § 29.35 (List A) a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of § 29.23 in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section in excess of 100 percent, of his average monthly use of such material during the base period.

(c) Any person who uses in construction any brass mill product as such for any item included in § 29.35 (List A) may not accept delivery of or use such product for this purpose after April 30, 1951.

(d) The following items included in § 29.35 (List A) shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings and fixtures when located within the sphere of the magnetic compasses; and (2) builders hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(e) Commencing on March 1, 1951, no person may use: (1) In the manufacture of any item, including components and parts therefor, a greater quantity or better grade of the copper forms and products defined in § 29.23 than is necessary for the functional operation of such items; or (2) any such copper forms or products for decorative purposes.

(f) The exemptions contained in § 29.29 relating to the filling of rated orders and the use of small quantities of copper forms and products are not applicable to the items included in § 29.35 (List A).

§ 29.28 *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of § 29.23 in excess of 100 percent of his average quarterly use for such purposes during the base period.

§ 29.29 *Exemptions.* (a) The production of brass mill, wire mill and foundry products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production permitted by the provisions of § 29.25.

(b) Copper forms and products defined in § 29.23 acquired with ratings or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of §§ 29.26 and 29.28.

(c) The provisions of §§ 29.25, 29.26 and 29.27 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in § 29.23 during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of § 29.26 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use during such period a quantity up to 1,000 lbs.

§ 29.30 *Inventories.* In addition to the provisions of Part 10 of this chapter (NPA Reg. 1) relating to Inventory Controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products and foundry products, and to users of the copper forms and products definied in § 29.23 is necessary.

(a) No person producing brass mill products, copper wire mill products or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this subpart during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in Part 10 of this chapter (NPA Reg. 1)), whichever is less.

(b) No person obtaining copper forms or products defined in § 29.23 for use in manufacture, installation or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this Order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in Part 10 of this chapter (NPA Reg. 1)), whichever is less.

(c) For the purpose of this section, any copper forms and products defined in § 29.23, in which minor changes or alterations have been effected, shall be included in inventory. Part 10 of this chapter (NPA Reg. 1) will apply to all such forms and products except as modified by this section.

§ 29.31 *Applications for adjustment.* Any person affected by any provision of this subpart may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this subpart, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 29.32 *Records and reports.* (a) Persons subject to this subpart shall preserve the records which they have maintained of production, inventories, receipts, deliveries and uses of copper

forms and products defined in § 29.23 commencing with January 1, 1950.

(b) Persons subject to this subpart shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 29.33 *Communications.* All communications concerning this subpart shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–12.

§ 29.34 *Violations.* Any person who wilfully violates any provisions of this subpart or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this subpart is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

§ 29.35 *List A.* (See § 29.27.) The use of the forms and products of copper as defined in § 29.23 in the items listed under the descriptive sub-headings below (excluding repair parts) is prohibited except to the extent permitted by this order, or as specified on this list.

BUILDERS HARDWARE

Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including—
- Sliding door hardware
- Folding door hardware
- Sliding—Folding door hardware
- Folding Partition hardware
- Upward Acting door hardware
- Fire door hardware (except bearings and fusible links).

Locks and lock trim (except that brass mill products may be used for cylinder assemblies and keys, for essential working parts of locks and and latches, for faces of locks and latches and for trim of cylinder lock sets).
Sash, screen, transom, casement hardware and shelf hardware items.
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except safety anchors).
Bands on pipe insulation.
Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except for instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts necessary for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except for current carrying parts, bearings and controls).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (excluding hospital types).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, I. P. S. and fittings (except for industrial process piping, chemical gas equipment, underground water and gas service connections and except for solder nipples, solder bushing and ferrules).
Tube, tubing and fittings for interior piping systems or for lawn sprinkling systems. This restriction does not apply to the use of tube, tubing and fittings for underground water or gas service connections or for chemical gas equipment, and industrial process tube, tubing and fittings.
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (not including staples, clips and similar devices designed for the purpose of protecting shingles and siding against wind damage).
Shower curtain rods or bars (excluding hospital).
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes, I. P. S. for plumbing fixtures such as lavatories, sinks and water closets.
Switch plates.
Tanks for automatic storage water heaters.
Traps, (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds, and saddles.
Towel bars and brackets.
Unit heaters, unit ventilators, unit ventilator inlet wall boxes, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except that copper or copper base alloys may be used for valves, controls, bearings or parts necessary for conducting electricity, for fins, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware, (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Buckles.
Buttons, (except for utility buttons and for flash coatings).
Dress ornaments and trimmings.
Fittings: belt, corset, garter, glove, hand bag and purse, supports, suspenders (except zippers).
Insignia.
Metal cloths, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
Artificial flowers.
Snaps, snap buttons, hooks and eyes (except for work clothing and industrial safety clothing, and except for utility fasteners where the weight is not more than five pounds per thousand units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.
Gas heater and stove installation connections (except parts essential for proper functioning).
Lamp shades.
Mops.
Mud scrapers.
Portable heaters (except electric portable heaters).
Scrubbing boards.
Stoves and ranges for household cooking use—gas (except for burner valves and oven thermostats and for oil reservoirs).
Stoves and ranges other than gas stoves and ranges for household cooking use (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls, and parts necessary for conducting electricity or necessary for proper functioning).
Trays.
Upholsterers supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions, shelving and fixtures (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except when the only copper or copper base alloy products used are for rivets).
Fireplace fixtures and equipment.
Furniture (except protective brass plating where other types of finishes are impracticable and except that brass mill products may be used in cylinder assemblies and keys and for essential working parts of locks).
Band saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except nonsparking tools necessary to prevent explosion hazards).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks, and for brass protective plating).
Pleasure boat decorative hardware.
Pocket knives (except where copper products used are for rivets and linings).
Puttying and scraping knives.
Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except that brass mill products may be used in cylinder assemblies and keys and for essential working parts of locks.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except where copper products or copper base alloy products are used for functional parts where the properties supplied by the copper are essential and satisfactory substitutes are not available)
Domestic electrical appliances including but not limited to:
Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Electric razors.
Hair driers.
Toasters (except where copper products or copper base alloy products are used for control and bearing parts or for parts necessary for conducting electricity).

JEWELRY, GIFTS AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; wire pegs; screws and/or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold).
Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
Medals and emblems, including decorations (excluding religious goods).
Mirrors and picture frames.
Napkin rings.
Signs and advertising displays.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSES

Decorative Mouldings, both internal and external; decorative mouldings do not include glass run channels, window-glass frames, external windshield and rear window external mouldings.
Defrosters and Heaters (except when the only copper products or copper base alloy products used are (1) for parts necessary for conducting electricity and (2) for radiators (heat exchangers) and for supply and return hot water lines and (3) for parts used in the operating controls of the heating and defrosting systems).
Gas Tank Caps (except valves and springs).
Horns (except when the only copper products or copper base alloy products used are for parts necessary for diaphragms, vibrators and conducting electricity).
Lighters (except for parts necessary for conducting electricity).
Lights, Lamps, Headlamps and Lighting Accessories (except when the only copper products or copper base alloy products used are for doors, bezels, adjusting and attaching screws, retaining rings, and for parts necessary for conducting electricity including light bulbs).
Motor Vehicle Hardware (excluding door handles, ventilator and regulator handles, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screws).
Rear-View Mirrors and Brackets.
Smokers Accessories, including ash trays.
Wheel Discs and Wheel Trim Rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)
All items under the heading "Furnishings and Equipment."
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except atomizers for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
Badges (except for use for identification and industrial security purposes).
Bar and counter equipment and fittings.
Barber shop equipment and supplies.
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for repair and replacement parts of commercial permanent wave equipment and commercial hair driers).
Beverage dispensing units and parts thereof (except for carbonators and except for self-contained drinking water coolers).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies; and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes).
Carpet rods.
Chimes and bells (except for any bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity and except for bells for use on board ship when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Cooking utensils (except for commercial processing machinery).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Flower pots, boxes and holders for same.
Fountain pens (except that copper products or copper base alloy products may be used as an undercoating in the plating of outside functional parts and for clips).
Furniture grommets.
Garden tools and equipment (except that copper products or copper base alloy products may be used in parts necessary for functional parts).
Hair curlers, hair brushes and combs.
Ice cream freezers for use in the home.
Ink, bronze.
Juke boxes (except for copper products and copper base alloy products for conducting electricity).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except that copper products or copper base alloy products may be used for parts necessary for conducting electricity and plating).
Lamps, other than electric (except when the only copper products or copper base alloy products used are for valves, controls, and wicks, and for burners for mantle type kerosene lamps).
Lanterns (except for functional parts).
Letter boxes and mail chutes.
Lighting fixtures (except for: (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners, (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion proof, dust tight and vapor tight fixtures, (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.
Name plates, not including instruction and data plates and not including identification plates for use on machinery or equipment.
Nonoperating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.
Pencils, mechanical (except that copper products or copper base alloy products may be used for the part or parts the function of which is to eject or retract the lead, and as an undercoating in the plating of outside functional parts).
Pins, (except when the only copper products or copper base alloy products used are for common or safety pins and except for laundry net and laundry identification pins or for safety catches on products otherwise permitted under this order).

Plating. The use of copper products or copper base allow products for plating any article not on List A or excepted on that list, and the plating of parts (including repair parts) for such an article is permitted Provided, That: (a) Such plating is not for decorative purposes, or part of a decoration. (b) The use of, or the normal wear on such article or parts would make impracticable any other form of coating for protective purposes or functional operation).

Pleasure boat fastenings and fittings.

Razors operated by electricity (except for repair parts and when the only copper products or copper base alloy products used are for functional parts and parts necessary for conducting electricity).

Razors not operated by electricity (except when the only copper products or copper base alloy products used in making safety razors or parts are for heads, functional parts for head, and for plating, and, in making straight razors or parts are for rivets, pins and washers).

Razor blade magazines.

Reflectors (except photographic and except that copper products or copper base alloy products may be used as an undercoating or an overcoating in electroplating in connection with silvering or chromium).

Refrigerator display cases.

Slot, game and vending machines (except when the only copper products or copper base alloy products used are for tumblers for locks).

Soda fountain equipment (except for carbonators).

Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use.

Staplers and stapler machines (not including foot-operated or power-driven stitching machines).

Stationery supplies:
Desk accessories.
Office supplies.
Pencils (except for ferrules).
Pens and penholders.

Statues and statuettes (except religious and artists' originals).

Sundials.

Tent poles and parts.

Tobacco pipes.

Toys (except copper in motors and essential operating parts).

Unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).

Umbrellas and parasols.

Vacuum bottles and jugs.

Valve handles (except plumbing fixture trim).

Walking sticks and canes.

Weather vanes.

Weight reducing and exercising machines (except where copper products or copper base alloy products are necessary for electrical conduction).

Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

This subpart as amended shall take effect on December 30, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-189; Filed, Jan. 3, 1951; 1:51 p. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV — Office of Vocational Rehabilitation, Federal Security Agency

PART 401—PLANS AND PROGRAMS OF VOCATIONAL REHABILITATION

INDIVIDUAL'S REHABILITATION PLAN

Pursuant to the authority conferred by the Vocational Rehabilitation Amendments of 1943, Public Law 113, 78th Congress, 1st session, approved July 6, 1943, paragraph (b) of § 401.11 (formerly § 600.11) of the regulations published on July 29, 1948 (13 F. R. 4353) is hereby amended by substituting a colon for the period at the end of such paragraph and adding the following: *"Provided, however,* That in view of the existing emergency, and until otherwise ruled, the foregoing need not apply in the case of any individual who can be made fit to meet an urgent employment need without being provided the full range of services as indicated by the case diagnosis."

(Sec. 7, 57 Stat. 374; 29 U. S. C. 37)

Dated: December 29, 1950.

[SEAL] OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 51-121; Filed, Jan. 4, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-18]

LYKES BROS. SS CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER WAR-BUILT, DRY-CARGO VESSELS FOR USE IN THE GULF, U. K. CONTINENT AND MEDITERRANEAN SERVICES

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on January 10, 1951, at 10:00 a. m. before the Federal Maritime Board, upon application of the above company to charter war-built, dry-cargo vessels for use in the Gulf, U. K. Continent and Mediterranean services of said company.

The purpose of the hearing is to receive evidence with respect to whether such services are required in the public interest and are not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for these services.

All persons having an interest in such application should arrange to be present.

Dated: January 3, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-195; Filed, Jan. 4, 1951; 8:54 a. m.]

[Docket No. M-19]

AMERICAN EXPORT LINES, INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER WAR-BUILT, DRY-CARGO VESSEL FOR USE IN SERVICE BETWEEN NORTH ATLANTIC AND MEDITERRANEAN PORTS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on January 10, 1951, at 11:00 a. m. before the Federal Maritime Board, upon application of the above company to charter a war-built dry-cargo vessel for use in the company's service between North Atlantic and Mediterranean ports.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such application should arrange to be present.

Dated: January 3, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary

[F. R. Doc. 51-196; Filed, Jan. 4, 1951; 8:54 a. m.]

National Production Authority

[NPA Delegation 1, as Amended Dec. 29, 1950]

DELEGATION OF AUTHORITY TO THE SECRETARY OF DEFENSE

Pursuant to the authority of the Defense Production Act of 1950 (P. L. 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) there is hereby delegated to the Secretary of Defense the authority to apply ratings to direct Government contracts and purchase orders in order to meet authorized procurement and construction programs of the Department of Defense, the Mutual Defense Assistance Program, or authorized programs of such other Government agencies as the National Production Authority may designate by special direction to the Secretary of Defense.

The Secretary of Defense is also authorized to assign the right to apply ratings:

1. To persons placing orders for materials to be delivered to or for the account of the Department of Defense or other Government agencies specially designated as provided above to meet authorized programs;

2. To certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized procurement programs of the Department of Defense or such other specially designated Government agencies; and

3. To certain contractors on orders for delivery of construction equipment for use on construction outside of the Zone of Interior.

This authority may be redelegated by the Secretary of Defense to appropriate agencies of the Department of Defense or to its authorized agents or to such other Government agencies specially designated as provided above.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, rating DO (2 digit program code) is assigned to the deliveries on this purchase order or contract." This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its authorized agents or of the appropriate other Government agency designated as provided above.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the Department of Defense, and to such conditions as may be imposed by the National Production Authority on use, records and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the Zone of Interior; civilian type items for resale in Post Exchanges and Ship Stores; purchases from exclusively retail establishments, except in emergency situations and only for small amounts to prevent imminent stoppage; or procurement of any of the following items: commercial office equipment and supplies; flags, bunting, flagstaffs, pennants, insignia and medals; vending machines; portable household fans; commercial type luggage; barber chairs; card tables; books, maps and periodicals; brooms and mops for household use; and domestic-type dishwashing machinery.

This amended delegation shall take effect on December 29, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-188; Filed, Jan. 3, 1951; 1:50 p. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 12]

FRIGATES

RANGE LIGHTS

Whereas section 360, Title 33, United States Code, provides that any requirement as to the number, position, range of visibility, or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said section 360, Title 33, United States Code, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility, or arc of visibility of navigation lights; and

Whereas a study of the arrangement and position of the navigation lights of that type of naval vessels known as Frigates, PF3 Class, has been made in the Navy Department and, as a result of such study, it has been determined that because of their special construction it is not possible for Frigates, PF3 Class, to comply with the requirements of the statutes enumerated in said section 360, Title 33, United States Code;

Now, therefore, I, Francis P. Matthews, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels known as Frigates, PF3 Class, are naval vessels of special construction and that on such vessels, with respect to the position of the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in section 360, title 33, United States Code.

Further, I do find and certify that it is feasible to locate the said additional white light (commonly termed the range light), if such light is installed, forward of the masthead light in such position that the said additional white light and the masthead light shall be in line with the keel and the after light shall be at least fifteen feet higher than the forward light and the vertical distance between the two lights shall be less than the horizontal distance. I further direct that the aforesaid additional white light, if such light is installed, shall be located in the manner above described and I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 20th day of December A. D. 1950.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

[F. R. Doc. 51-129; Filed, Jan. 4, 1951; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA RAILROAD TOWNSITES

NOTICE OF SALE OF LOTS AT PORTAGE TOWNSITE, ALASKA

DECEMBER 29, 1950.

Notice is hereby given that there will be offered at public sale to the highest bidder at 12:00 noon on Tuesday, February 6, 1951, at the Railroad Depot, Portage, the following lots at stated appraised value:

Block 1:	
Lot 1	$60.00
Lot 2-7 (inclusive)	50.00
Lot 8	60.00
Lot 9-15 (inclusive)	30.00
Lot 16	60.00
Block 2:	
Lot 1	60.00
Lot 2-7 (inclusive)	50.00
Lot 8	60.00
Lot 9-16 (inclusive)	30.00
Block 3:	
Lot 7	50.00
Lot 8	60.00
Lot 9-16 (inclusive)	30.00
Block 4:	
Lot 1	60.00
Lot 2-7 (inclusive)	50.00
Lot 8	60.00
Lot 9-16 (inclusive)	30.00

No lot will be sold for less than the appraised price. No bid exceeding that amount will be accepted unless made in multiples of five dollars.

For each lot offered, the lot, block number and the appraised value will be announced by the superintendent of sales. Bids may then be offered by all who may care to do so, and when there will be no further offers the lot will be declared sold to the last and highest bidder. The successful bidder may make full payment at the time of sale or may pay one-third of the bid price down, with the remainder to be paid to the Manager of the U. S. Land Office in Anchorage within ten days after the date of sale.

The successful bidder will receive from the officer conducting the sale a Memorandum Certificate, Form 4-013A, stating that he is the successful bidder for the lot, amount of the bid and description of the lot. The certificate together with an Application to Purchase, Form 4-013, must be presented to the Manager of the U. S. Land Office, Anchorage, within ten days after date of issue, and must be accompanied by the remainder of the purchase price if full payment was not made at the time of sale. Thereupon, if all else is regular, the Manager will issue a certificate of sale. Patent will be issued by the Bureau of Land Man-

agement, Washington, D. C., and will contain a reservation of fissionable materials.

The officer conducting the sale is authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all lots have been offered the sale will be adjourned or closed, as the officer in charge may deem proper. If the sale is closed, unsold lots will be subject to private entry for cash at the appraised prices.

All persons are warned against violation of the provisions of 18 U. S. C. 1860 prohibiting unlawful combination or intimidation of bidders.

LOWELL M. PUCKETT,
Regional Administrator and Superintendent of Sales, Alaska Railroad Townsites.

[F. R. Doc. 51-124; Filed, Jan. 4, 1951; 8:45 a. m.]

Office of the Secretary

[Order 2611]

BUREAU OF MINES

REDELEGATION OF AUTHORITY WITH RESPECT TO MANGANESE PROGRAM

DECEMBER 28, 1950.

SECTION 1. *Authority redelegated.* (a) The authority delegated by the Administrator of General Services to the Secretary of the Interior on December 6, 1950, to make negotiated purchases and contracts in carrying out the manganese program of the Department of the Interior where the facts are such as to bring the purchase or contract within the provisions of subsections (2), (9), or (10) of section 302 (c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., Supp. III, sec. 252) is redelegated to the following officials of the Bureau of Mines to be exercised in accordance with the provisions of paragraph (b) of this section:

Director.
Chief, Administrative Division,
Each Regional Director.

(b) The officials designated in paragraph (a) are authorized:

(1) To make negotiated purchases and contracts for the purpose of carrying out the manganese program of the Bureau of Mines pursuant to the provisions of Title III of the aforesaid act (41 U. S. C., 1946 ed., Supp. III, secs. 251–260) provided that the facts are such as to bring the purchase or contract in question within the provisions of subsections (2), (9), or (10) of section 302 (c) of the act and that the determinations required under subparagraphs (2) and (3) of this paragraph have first been made.

(2) To determine that the facts are such as to bring the purchase or contract in question within the provisions of subsections (2) or (9) of section 302 (c) of the act.

(3) To determine with respect to contracts which will not require the expenditure of more than $25,000 that the facts are such as to bring the purchase or contract in question within the provisions of subsection (10) of section 302 (c) of the act.

(4) The approval and legal review of contracts negotiated under this authority shall be in accordance with instructions of the Director, Bureau of Mines.

SEC. 2. *Determinations by Secretary.* Determinations as to whether the facts are such as to bring the purchase or contract in question within the provisions of subsection (10) of section 302 (c) of the act, if the purchase or contract is over $25,000, will be made by the Secretary. Such purchases or contracts shall not be negotiated or approved until after the requisite determinations have been made by the Secretary.

(Sec. 307, 63 Stat. 396; 41 U. S. C., 1946 ed., Supp. III, sec. 257)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-125; Filed, Jan. 4, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166; as amended September 25, 1950; 15 F. R. 5701; 6326).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C., effective 12–13–50 to 6–12–51; 100 learners for expansion purposes (cotton work shirts and pants).

Anvil Brand, Inc., 140 South Hamilton Street, High Point, N. C., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers (overalls and dungarees).

Anvil Brand, Inc., 140 South Hamilton Street, High Point, N. C., effective 12–13–50 to 6–12–51; 81 learners for expansion purposes only (overalls and dungarees).

Ainsbrooke, Inc., Dothan, Ala., effective 12–14–50 to 12–13–51; 10 percent of the productive factory workers for normal labor turnover (men's woven shorts and pajamas).

Brookfield Manufacturing Co., 145 West Pine Street, Warrensburg, Mo., effective 12–14–50 to 12–13–51; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater (cotton work pants, shirts, shop coats and one-piece suits).

The Buckeye Overall Co., Versailles, Ohio, effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (men's and boys' dungarees).

Samuel Cooperman & Sons, 970 Ridge Avenue, Scranton, Pa., effective 12–16–50 to 12–15–51; 10 percent of total productive factory workers, not including office or sales personnel (ladies' cotton dresses).

Samuel Cooperman & Sons, River Street, Peckville, Pa., effective 12–16–50 to 12–15–51; 10 percent of total productive factory workers, not including office or sales personnel (cotton dresses).

J. Freezer & Son, Inc., Rural Retreat, Va., effective 12–14–50 to 12–13–51; for normal labor turnover, 10 percent of the productive factory workers (men's dress shirts and shorts).

J. Freezer & Son, Inc., Floyd, Va., effective 12–14–50 to 12–13–51; for normal labor turnover, 10 percent of the productive factory workers (men's sport shirts).

J. Freezer & Son, Inc., Radford, Va., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers (shirts and shorts).

Goldsboro Corp., Etters P. O., Goldsboro, York County, Pa., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers, or 10 learners, whichever is greater (juvenile and boys' shirts).

Gregory Sportswear Co., 461–71 Washington Avenue, Burlington, N. J., effective 12–19–50 to 12–18–51; for normal labor turnover, 10 percent of the productive factory workers (dungarees and coveralls).

Guin Manufacturing Corp., Guin, Ala., effective 12–15–50 to 6–14–51; 50 learners for expansion purposes (men's and boys' sport shirts and night wear).

Haspel Bros. Inc., 2527 St. Bernard Avenue, New Orleans, La., effective 12–16–50 to 12–15–51; not to exceed 10 percent of the productive factory force (men's summer suits and odd trousers).

The Kahan Co., 3339 West Main Street, Parsons, Kans., effective 12–13–50 to 6–12–51; 30 learners for expansion purposes only (boys' pants, shirts, sportswear, and wind breakers).

Kensington Dress Co., 155 West Lehigh Avenue, Philadelphia 33, Pa., effective 12–15–50 to 12–14–51; five learners (blouses contracting).

Lady Ester Lingerie Co., Berwick, Pa., effective 12–16–50 to 12–15–51; for normal labor turnover, 10 percent of the productive factory workers (ladies' and children's cotton and rayon slips and aprons).

McKinney Pant Manufacturing Co., McKinney, Tex., effective 12–14–50 to 12–13–51; 10 percent of the productive factory workers, for normal labor turnover (single pants).

Manhattan Shirt Co., South Norwalk, Conn., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (shirts).

Manhattan Shirt Co., Paterson, N. J., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (shirts, neckwear and handkerchiefs).

Manhattan Shirt Co., Scranton, Pa., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (sportswear).

The Manhattan Shirt Co., Americus, Ga., effective 12–14–50 to 12–13–51; for normal labor turnover, 10 percent of the productive factory workers (shirts).

Martin Manufacturing Co., Inc., Martin, Tenn., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers, for normal labor turnover (men's dress and sport shirts).

Matawan Undergarment Co., Inc., 26 Wayne Street, Jersey City, N. J., effective 12–18–50 to 12–17–51; for normal labor turnover, 10 percent of the productive factory workers (children's underwear).

Matawan Undergarment Co., Inc., 5 Johnson Avenue, Matawan, N. J., effective 12–15–50 to 12–14–51; 10 percent of the productive factory workers, for normal labor turnover (children's underwear).

Meyersdale Manufacturing Co., Inc., Meyersdale, Pa., effective 12–14–50 to 12–13–51; 10 percent of the productive factory workers (shirts).

Miller & Co., 1549 Lawrence Street, Denver, Colo., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers (shirts).

Model Blouse Co., Wheat Road, Vineland, N. J., effective 12–13–50 to 12–12–51; five learners (boys' sport shirts).

Oswego Manufacturing Co., 355 West First Street, Oswego, N. Y., effective 12–14–50 to 6–13–51; nine additional learners for expansion purposes only (brassieres and slips).

Oswego Manufacturing Co., 355 West First Street, Oswego, N. Y., effective 12–14–50 to 12–13–51; for normal labor turnover, 10 percent of the productive factory workers (brassieres and slips).

Palm Beach Co., Blankville, S. C., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers (men's and boys' odd slacks).

Palm Dress Manufacturing Co., Inc., 57 Palm Street, Nashua, N. H., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater (misses' and women's dresses).

Publix Shirt Corp., Mechanicsburg, Pa., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (nightwear and sport shirts).

Publix Shirt Corp., Pottstown, Pa., effective 12–14–50 to 12–13–51; 10 percent of the productive factory workers (cotton and rayon sport shirts).

Publix Shirt Corp., Mont Alto, Pa., effective 12–15–50 to 12–14–51; for normal labor turnover, 10 learners (cotton and rayon sport shirts).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa., effective 12–13–50 to 6–12–51; 10 learners for expansion purposes (men's sport shirts).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers, for normal labor turnover (men's sport shirts).

Sacony of St. Matthews, Inc., St. Matthews, S. C., effective 12–13–50 to 12–12–51; 10 percent of the productive factory employees, for normal labor turnover (ladies' sportswear).

Shreveport Garment Manufacturer, 908 McNeil Street, Shreveport, La., effective 12–13–50 to 12–12–51; 10 percent of the productive factory workers (work pants and dungarees).

Snelbaker Manufacturing Co., Mechanicsburg, Pa., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers, or ten learners, whichever is greater (work shirts and pants).

W. E. Stephens Manufacturing Co., Watertown, Tenn., effective 12–19–50 to 12–18–51; for normal labor turnover, 10 percent of the productive factory workers (men's and boys' shirts).

Sumneytown Pants Co., Sumneytown, Pa., effective 12–13–50 to 12–12–51; 10 percent of the productive factory force or 10 learners, whichever is greater (woolen pants).

Walbern Manufacturing Co., 905–7 Mattison Avenue, Asbury Park, N. J., effective 12–13–50 to 12–12–51; for normal labor turnover, 10 percent of the productive factory workers (sport shirts).

Winchendon Fashions, Inc., 61 Railroad Street, Winchendon, Mass., effective 12–15–50 to 12–14–51; 10 percent of total productive factory workers, not including office or sales personnel (women's and misses' dresses).

Wolens Trouser Co., 301 Wallace Street, Sterling, Ill., effective 12–18–50 to 12–17–51; for normal labor turnover, 10 learners (men's trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

General Cigar Co. Inc., 701 North Poplar Street, Benton, Ky., effective 12–14–50 to 12–13–51; 10 percent of the total number of workers, machine operating 320 hours, 60 cents per hour; packing (cigars retailing at more than 6 cents) 320 hours, 60 cents per hour; machine stripping, 160 hours, 60 cents per hour; hand stripping, 160 hours, 60 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Bonny Maid Hosiery Co., Inc., Clifton, N. J., effective 12-18-50 to 12-17-51; three learners.

Julius Kayser & Co., New Holland, Pa., effective 12–15–50 to 8–14–51; 12 learners for expansion purposes.

Lansdale Silk Hosiery Co. Inc., Lansdale, Pa., effective 1–25–51 to 1–24–52; 5 percent of the total productive factory force, not including office or sales personnel.

Moreland Knitting Mills, Moreland, Ga., effective 12–14–50 to 12–13–51; 5 percent of productive factory workers, not including office or sales personnel.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Conroe Telephone Co., Conroe, Tex., effective 12–14–50 to 12–13–51.

Hamilton County Farmers Telephone Association, Aurora, Nebr., effective 12–15–50 to 12–14–51.

Long Prairie Telephone Co., Long Prairie, Minn., effective 12–18–50 to 12–17–51.

Rural Telephone Co., Osseo, Minn., effective 12–18–50 to 12–17–51.

Swift County Telephone Corp., Benson, Minn., effective 12–18–50 to 12–17–51.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Ainsbrooke Co., Inc., Olney, Ill., effective 12–15–50 to 6–14–51; 10 learners for expansion purposes only.

Carmi-Ainsbrooke Corp., Carmi, Ill., effective 12–15–50 to 6–14–51; 25 learners for expansion purposes only.

Lady Jane Manufacturing Co., Inc., Mount Carmel, Pa., effective 12–18–50 to 6–17–51; 10 learners for expansion purposes only.

Short Manufacturing Co., Lincoln, Nebr., effective 12–15–50 to 6–14–51; five learners for expansion purposes only (men's woven underwear).

Short Manufacturing Co., Lincoln, Nebr., effective 12–15–50 to 12–14–51; five learners (men's woven underwear).

Union Underwear Co., Inc., Frankfort, Ky., effective 12–11–50 to 12–10–51; 5 percent of the total productive factory workers, not including office or sales personnel.

Union Underwear Co., Inc., Bowling Green, Ky., effective 12–14–50 to 6–13–51; 95 learners for expansion purposes only.

Waterville Textile Mills, Waterville, N. Y., effective 12–14–50 to 6–13–51; 30 learners for expansion purposes.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated in parentheses respectively.

Ultimax Co., Vega Alta, P. R., effective 12–8–50 to 12–7–51; belt sanding, grinding, and polishing drafting instruments (3), machining parts of drafting instruments (5), assembly and inspection of instruments (2), machining small machine parts (5); first 520 hours at 28 cents per hour, second 520 hours at 31 cents per hour, third 520 hours at 36 cents per hour, fourth 520 hours at 41 cents per hour, 15 learners (drafting instruments).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Air Tred Shoe Corp., 121 Main Street, Auburn, Maine, effective 12–13–50 to 10–15–51; 10 percent of the number of productive factory workers.

Auerbach Shoe Co., Lynn Street, Norway, Maine, effective 12–14–50 to 10–15–51; 10 percent of the number of productive factory workers.

B. E. Cole Co., Lynn and Beal Streets, Norway, Maine, effective 12–13–50 to 10–15–51; 10 percent of the number of productive factory workers.

Correct Shoes, Inc., Sycamore Street, Florence, Ala., effective 12–14–50 to 6–15–51; 25 learners.

Craddock-Terry Shoe Corp., Craddock Street, West End Plant, Lynchburg, Va., effective 12–15–50 to 10–15–51; 10 percent of the number of productive factory workers.

Craddock-Terry Shoe Corp., Southland Plant, 1326 Commerce Street, Lynchburg, Va., effective 12–15–50 to 10–15–51; 10 percent of the number of productive factory workers.

Craddock-Terry Shoe Corp., Farmville Plant, Farmville, Va., effective 12–15–50 to 10–15–51; 10 percent of the number of productive factory workers.

Craddock-Terry Shoe Corp., Halifax Plant, Halifax, Va., effective 12–15–50 to 10–15–51; 10 percent learners.

Craddock-Terry Shoe Corp., Fort Hill and Wood Heel Plant, Twelfth and Campbell Avenue, Lynchburg, Va., effective 12–15–50 to 10–15–51; 10 percent learners.

Charles Cushman Co., 209 Court Street, Auburn, Maine, effective 12–13–50 to 10–15–51; 10 percent learners.

Deb Shoe Co., Inc., Owensville, Mo., effective 12–15–50 to 10–15–51; 10 percent learners.

Fairfield Shoe Co., Dillsburg, Pa., effective 12–14–50 to 6–15–51; 35 learners.

Fairfield Shoe Co., Dillsburg, Pa., effective 12–14–50 to 10–15–51; 10 percent learners.

Fairfield Shoe Co., Main Street, Fairfield, Pa., effective 12–15–50 to 10–15–51; 10 percent learners.

Francine Shoe Co., Beal Street, Norway, Maine, effective 12–14–50 to 10–15–51; 10 percent learners.

Gardiner Shoe Co., Inc., Water Street, Gardiner, Maine, effective 12–14–50 to 10–15–51; 10 percent learners.

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa., effective 12–15–50 to 10–15–51; 10 percent learners.

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa., effective 12–15–50 to 6–15–51; 25 percent learners.

Huiskamp Bros. Co., 102 Main Street, Keokuk, Iowa, effective 12–15–50 to 10–15–51; 10 percent learners.

Nancy Shoe Co., Inc., Hoosick Falls, N. Y., effective 12–14–50 to 10–15–51; 10 percent learners.

Nancy Shoe Co., Inc., Hoosick Falls, N. Y., effective 12–14–50 to 6–15–51; 50 learners.

Peerless Footwear, Inc., 38 West Chestnut Street, Souderton, Pa., effective 12–14–50 to 10–15–51; 10 percent learners.

Shapiro Bros. Shoe Co., Inc., 209 Court Street, Auburn, Maine, effective 12–13–50 to 10–15–51; 10 percent learners.

Welico Shoe Corp., Georgia Avenue and U. S. Highway 19–23, Hazelwood, N. C., effective 12–14–50 to 6–15–51; 20 learners.

A. Werman & Sons, Inc., 18 Thames Street, Norwich, Conn., effective 12-12-50 to 10-15-51; 10 percent learners.

Wesseling, Jordan Shoe Co., Inc., Tipton, Mo., effective 12-15-50 to 6-15-51; 40 learners for expansion purposes only.

Windsor Shoe Co., Inc., Greencastle, Pa., effective 12-14-50 to 10-15-51; 10 percent learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Better Coils, Inc., Goodland, Ind., effective 12-15-50 to 6-15-51; five learners; coil winders, finishers and assemblers, 160 hours, 60 cents (manufacturing transformers).

Wm. Bradford Co., Davenport, Iowa, effective 12-15-50 to 12-14-51; 7 percent of the productive factory force, in the manufacture of men's and boys' clothing only; machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (wholesale tailoring).

Georgia Buff Co., Duluth, Ga., effective 12-18-50 to 6-17-51; four learners, sewing machine operators on finishing buffs, 200 hours, 60 cents (finishing buffs).

Butler Manufacturing Co., Butler, Ala., effective 12-18-50 to 6-17-51: 30 learners, sewing machine operators and pressers, 320 hours, 60 cents (men's caps and shorts).

Crisfield Cap Co., Crisfield, Md., effective 12-18-50 to 12-17-51; four learners, sewing machine operators only, 240 hours, 65 cents (baseball caps, etc.)

English-American Tailoring Co. Inc., Baltimore, Md., effective 12-15-50 to 12-14-51; 7 percent of the total productive factory workers in the manufacture of men's and boys' clothing only, machine operating (except cutting), 480 hours, pressers, 480 hours, hand sewers, 480 hours, 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' clothing).

Epstein Bros., Philadelphia, Pa., effective 12-18-50 to 12-18-51; 7 percent of the productive factory force, machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's suits).

Ed Friedrich, Inc., San Antonio, Tex., effective 12-15-50 to 6-15-51; 10 percent of its total productive factory workers; basic hand and machine operators on commercial refrigeration, 480 hours, 60 cents for the first 320 hours and not less than 65 cents for the remaining 160 hours (manufacturing commercial refrigeration equipment).

Goodimate Co., Inc., Philadelphia, Pa., effective 12-18-50 to 12-17-51; 7 percent of the productive factory force, machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (coat cleaners).

J. H. Grady Co., Licking, Mo., effective 12-13-50 to 6-12-51; 10 percent of the total productive factory workers; hand and machine sewers, baseball makers and molders only, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (manufacturing of athletic equipment).

L. Greif & Bro., Inc., Baltimore, Md., effective 12-9-50 to 12-8-51; 7 percent of the productive factory force, machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's and boys' clothing).

Greyhill Mfg. Co., York, Pa., effective 12-18-50 to 6-17-51; 30 learners, for expansion purposes only; hand embroiderers, 320 hours; 60 cents (cotton knitted outerwear, etc.).

Hampstead Clothing Division, Webster Clothes, Inc., Hampstead, Md., effective 12-16-50 to 12-15-51; 7 percent of productive factory force, machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Michaels, Stern & Co., Inc., 87 North Clinton Avenue, Rochester, N. Y., effective 12-12-50 to 12-11-51; 7 percent of the productive factory force; machine operating (except cutting), 480 hours; pressers, 480 hours; handsewers, 480 hours; 60 cents an hour for the first 160 hours and 65 cents an hour for the remaining 320 hours in accordance with firm's union agreement (men's clothing).

Michaels, Stern & Co., Inc., 317 Child Street, Rochester, N. Y., effective 12-12-50 to 12-11-51; 7 percent of productive factory force; machine operating (except cutting) 480 hours; pressers 480 hours; and handsewers 480 hours; 60 cents per hour for first 160 hours and 65 cents per hour for remaining 320 hours, in accordance with firm's union agreement (men's and boys' clothing).

National Tailoring Co., St. Louis, Mo., effective 12-16-50 to 12-15-51; 7 percent of productive factory force in the manufacture of men's suits and overcoats only; machine operating (except cutting) 480 hours; pressers 480 hours; and handsewers 480 hours; 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (men's custom tailored garments).

Penn State Belt & Buckle Co., Inc., Pittston, Pa., effective 12-18-50 to 6-17-51; 12 learners for expansion purposes; machine operator (except cutting), 320 hours; 60 cents (buckle makers and finishers).

Rock Island Tailoring Co., Rock Island, Ill., effective 12-18-50 to 12-17-51; 7 percent of productive factory force in the manufacture of men's clothing only; machine operating (except cutting), 480 hours; pressers, 480 hours; hand sewers, 480 hours; 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's suits, overcoats, and pants).

Joseph Ruzicka, 606 North Eutaw Street, Baltimore 1, Md., effective 12-8-50 to 6-7-51; three learners, hand sewing, 320 hours; case making, 320 hours; sewing machine operations, 320 hours; typesetting, 320 hours; 60 cents (library bookbinding).

Spartan Printing & Publishing Co., Second and Dickey Streets, Sparta Ill., effective 12-14-50 to 6-13-51; five learners, stitching machine and trimming machine operators, 320 hours; 60 cents per hour for the first 160 hours, and 65 cents per hour for the additional 160 hours (comic magazines).

Timely Clothes, Inc., Geneva, N. Y., effective 12-15-50 to 12-14-51; 7 percent of the total productive factory force; machine operating (except cutting), 480 hours; pressers, 480 hours; handsewers, 480 hours; not less than 60 cents per hour for the first 240 hours and not less than 65 cents per hour for the remaining 240 hours (men's and boys' clothing).

Timely Clothes, Inc., 1415 North Clinton Avenue, Rochester, N. Y., effective 12-15-50 to 12-14-51; 7 percent of the total productive factory force, machine operating (except cutting), 480 hours, pressers, 480 hours, handsewers, 480 hours, not less than 60 cents per hour for the first 240 hours and not less than 65 cents per hour for the remaining 240 hours (men's clothes).

Timely Clothes, Inc., Rochester, N. Y., effective 12-15-50 to 12-14-51; 7 percent of the total productive factory force for normal labor turnover, machine operating (except cutting), 480 hours, pressers, 480 hours, hand sewers, 480 hours, not less than 60 cents per hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Toluca Garment Co., Inc., Toluca, Ill., effective 12-15-50 to 12-14-51; seven learners in the manufacture of men's and boys' clothing only, machine operating (except cutting), 480 hours, pressers, 480 hours, hand sewers, 480 hours, 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (topcoats and overcoats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Regulations, Part 522.

Signed at Washington, D. C., this 27th day of December 1950.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 51-126; Filed, Jan. 4, 1951, 8:46 a. m.]

LEARNERS EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended, September 25, 1950; 15 F. R. 5701; 6326).

Art Garment Company, 26 Avenue C, Woonsocket, R. I., effective 12-7-50 to 12-6-51; for normal labor turnover, 5 learners (men's and boys' sport jackets and rainwear).

Barbara-Lynn Manufacturing Co., Inc., 68 Fleet Street, Jersey City, N. J., effective 12-7-50 to 12-6-51; five learners for normal labor turnover (ladies' slips and gowns).

Bellcraft Manufacturing Co., Hartwell, Ga., effective 12-5-50 to 12-4-51; 10 percent of the productive factory workers or 10 learners whichever is greater (sport shirts).

Brody Clothing Co., 44 K Street, South Boston, Mass., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers, or 10 learners, whichever is greater (rainwear).

Calhoun Garment Co., Calhoun City, Miss., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the productive factory workers (boys' and students' semi-dress pants).

Clearfield Sportswear Co., Inc., 216 West Fourth Avenue, Clearfield, Pa., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers (sportswear).

Cresco Manufacturing Co., Union St., Ashland, Ohio, effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers (sportswear, leather and sheeplined garments).

D. & D. Shirt Co., 1801 Newport Avenue, Northampton, Pa., effective 12-5-50 to 12-4-51; for normal labor turnover, 10 percent of the productive factory workers (dress shirts).

Dormar Manufacturing Co., Gratz, Pa., effective 12-13-50 to 12-12-51; 10 percent of the productive factory workers, for normal labor turnover (men's shirts).

Egmont Manufacturing Co., Inc., Cheraw, S. C., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (women's sportswear).

Jacob Finkelstein & Sons, 128 Singleton Street, Woonsocket, R. I., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers (men's and boys' rainwear and outerwear).

Irvin B. Foster Sportswear Co., Inc., Kensington Avenue and Ontario Street, Philadelphia, Pa., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the productive factory workers (men's and boys' heavy outerwear and sportswear).

Haspel, Inc., Tylertown, Miss., effective 12-6-50 to 12-5-51; not to exceed 10 percent of the productive factory force (men's and boys' summer clothing).

Hathaway Shirt Co., Silver Street, Waterville, Maine, effective 12-12-50 to 12-11-51; for normal labor turnover, 10 percent of the productive factory workers (men's and boys' dress and sport shirts).

Irma Dress Co., 714 South Sixth Street, Allentown, Pa., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the productive factory workers (dresses).

Jefferson Textile Co., Third Avenue, Punxsutawney, Pa., effective 12-7-50 to 12-6-51; for normal labor turnover, five learners (men's and boys' jackets).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa., effective 12-6-50 to 6-5-51; an additional 25 learners for expansion purposes only (children's snowsuits).

Keystone Shirt Co., Inc., 475 West Princess Street, York, Pa., effective 12-6-50 to 6-5-51; 10 additional learners for expansion purposes only (men's and ladies' pajamas, etc.).

Keystone Shirt Co., Inc., 475 West Princess Street, York, Pa., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers or 10 learners whichever is greater (men's and ladies' pajamas, etc.).

Lebanon Shirt Co., Magnolia Street, Union, Miss., effective 12-12-50 to 12-11-51; for normal labor turnover, 10 percent of the productive factory workers (men's shirts).

Lebro Shirt Manufacturing Co., Lykens, Pa., effective 12-13-50 to 12-12-51; for normal labor turnover 10 percent of the productive factory workers (men's shirts).

Lexington Shirt Co., Lexington, N. C., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the production factory workers (dress shirts).

MacLaren Sportswear Corporation, Livingston Avenue, Elkins, W. Va., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers (shirts).

Malzone Sports, Inc., 1804 North Habana Avenue, Tampa, Fla., effective 12-7-50 to 12-6-51; for normal labor turnover, five learners (athletic jackets and uniforms).

Mammoth Cave Garment Co., Kertley Street, Cave City, Ky., effective 12-11-50 to 12-10-51; for normal labor turnover, 10 learners (dungarees).

Mammoth Cave Garment Co., Kertley Street, Cave City, Ky., effective 12-11-50 to 6-10-51; 30 additional learners for expansion purpose only (dungarees).

The Manhattan Shirt Co., Salisbury, Md., effective 12-13-50 to 12-12-51; for normal labor turnover, 10 percent of the productive factory workers (shirts).

Manhattan Shirt Co., North Charleston, S. C., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the productive factory workers (shirts).

Mar-Kay Dress Corp, 53 Parker Street, Wallingford, Conn., effective 12-7-50 to 12-6-51; for normal labor turnover, 5 learners (women's apparel).

Robert P. Miller Co., Shoemakersville, Pa., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers or ten learners, whichever is greater (men's and boys' cotton knit underwear).

Model Blouse Co., 119 Mulberry Street, Millville, N. J., effective 12-6-50 to 12-5-51; for normal labor turnover, 10 percent of the productive factory workers (boys' shirts and shorts).

Morehead City Garment Co., 1504 Bridges Street, Morehead City, N. C., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers (shirts).

Nast Shirt Co., 816 Central, Kansas City, Mo., effective 12-13-50 to 12-12-51; for normal labor turnover, 10 learners (sport shirts).

New Castle Manufacturing Co., Inc., New Castle, Va., effective 12-5-50 to 6-4-51; five additional learners for expansion purposes only (women's nightwear).

The Owenby Manufacturing Co., Marietta, Ga., effective 12-6-50 to 12-5-51; not to exceed 10 percent of the productive factory force (infants' and children's woven cotton sunsuits; boys' and girls' play clothes).

E. R. Partridge, Inc., 157½ Pryor Street, SW., Atlanta, Ga., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers or 10 learners, whichever is greater (men's work clothing).

Primack Dress Co., Inc., 23 Sherman Street, Shamokin, Pa., effective 12-6-50 to 12-5-51; 10 percent of the productive factory workers or up to but not in excess of 10 in any one day, whichever is greater (dresses).

Primack Dress Co., Inc., 23 Sherman Street, Shamokin, Pa., effective 12-6-50 to 6-5-51; an additional 10 learners for expansion purposes only (dresses).

Publix Shirt Corp., Waynesboro, Pa., effective 12-13-50 to 12-12-51; for normal labor turnover, 10 learners, (cotton and rayon sport shirts).

Quality Sewn Products, Inc., Royston, Ga., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (pajamas, shorts and sport shirts).

Reliance Manufacturing Co., Plantation Factory, Montgomery, Ala., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (men's work shirts).

Rockwood Undergarment Co., Inc., Rockwood, Pa., effective 12-12-50 to 12-11-51; for normal labor turnover, five learners (rayon panties).

Salant & Salant, Inc., Henderson, Tenn., effective 12-12-50 to 12-11-51; for normal labor turnover, 10 percent of the productive factory workers (cotton work shirts).

Shirtmaster Co., Inc., Anderson, S. C., effective 12-13-50 to 12-12-51; for normal labor turnover, 10 percent of the productive factory workers (men's shirts).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (slacks and trousers).

Soperton Manufacturing Co., Soperton, Ga., effective 12-8-50 to 12-7-51; for normal labor turnover, 10 percent of the productive factory workers (shirts).

Thomson Co., Millen, Ga., effective 12-12-50 to 6-11-51; 42 additional learners for expansion purposes only (trousers).

Thomson Co., Millen, Ga., effective 12-12-50 to 12-11-51; for normal labor turnover, 10 percent of the productive factory workers (trousers).

Umholtz Manufacturing Co., Inc., R. D. No. 2 Lake Ariel, Wayne County, Pa., effective 12-11-50 to 12-10-51; for normal labor turnover, 10 percent of the productive factory workers or 10 learners, whichever is greater (women's pajamas).

Wales Shirt Co., 76 Franklin Street, New Haven, Conn., effective 12-7-50 to 12-6-51; 10 percent of the productive factory workers, or 10 learners, whichever is greater (men's sport and dress shirts).

Walls Manufacturing Co., Inc., Cleburne, Tex., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (coveralls, jeans, and jackets).

The Washington Manufacturing Co., 210 Twentieth Street, Huntington 13, W. Va., effective 12-7-50 to 12-6-51; for normal labor turnover, 10 percent of the productive factory workers (men's and boys' trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Good Luck Glove Co., Metropolis, Ill., effective 12-10-50 to 6-9-51; 60 learners for plant expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Cazenovia Telephone Corp., Cazenovia, N. Y., effective 12-7-50 to 12-6-51.

Sleepy Eye Telephone Co., Sleepy Eye, Minn., effective 12-11-50 to 12-10-51.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Gerard Sportswear Inc., Hazleton, Pa., effective 12-6-50 to 12-5-51; 5 percent of the productive factory workers.

Stedman Manufacturing Co., Asheboro, N. C., effective 12-6-50 to 12-5-51; 5 percent of the total productive factory workers.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated in parentheses respectively.

Cayey Manufacturing Co., Inc., Cayey, P. R. (12-1-50 to 5-31-51; inserting, (15), 220 hours, 27 cents per hour; kiling, (17), 190 hours, 27 cents per hour; closing, (20), 270 hours, 27 cents per hour; Kip-seaming, (3), 180 hours, 27 cents per hour (machine sewn fabric gloves).

Centinel Hill Furniture Co., Santurce, P. R. (11-22-50 to 5-21-51; 60 learners. Carvers (25), 2,080 hours, 18¾ cents per hour; finishers (10), 2,080 hours, 18¾ cents per hour; gilders (25), 2,080 hours, 18¾ cents per hour) (furniture).

The Colette Manufacturing Co., Inc., Santurce, P. R. (10-24-50 to 10-23-51; 43 learn-

ers. Warping (8), 480 hours, 30 cents an hour; knotting (10), 320 hours, 30 cents an hour; examining (10), 240 hours, 30 cents an hour; knitting (10), 320 hours, 30 cents an hour; covering (elastics (5), 240 hours, 30 cents an hour) (hairnets).

Puerto Rico Fabrics Inc., Naguabo, P. R. (11–24–50 to 11–23–51; 22 learners. Knitters (12), first 174 hours, 25 cents per hour, second 174 hours, 30 cents per hour, third 174 hours, 35 cents per hour; loopers (6), first 174 hours, 25 cents per hour, second 174 hours, 30 cents per hour, third 174 hours, 35 cents per hour; examiners (4), first 80 hours, 25 cents per hour, second 80 hours, 30 cents per hour, third 80 hours, 35 cents per hour) (infant's hosiery).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260: 15 F. R. 6546).

Blum Shoe Manufacturing Co., Spruce and Milton Streets, Dansville, N. Y., effective 12–7–50 to 10–15–51; 10 percent learners.

Burlington County Shoe Corp., Water Street, Mount Holly, N. J., effective 12–7–50 to 10–15–51; 10 percent learners.

Clapp Shoe Co., Inc., Main Street, Naples, N. Y., effective 12–7–50 to 10–15–51; 3 learners.

Clover Shoe Manufacturing Co., Inc., State Highway, Route No. 25, Burlington, N. J., effective 12–7–50 to 10–15–51; 10 percent learners.

Doerman Shoe Manufacturing Co., Inc., 2518 Tenth Avenue, South Milwaukee, Wis., effective 12–7–50 to 10–15–51; 10 percent learners.

Gray Bros. Shoes, Inc., 700 Emerson Avenue, Syracuse, N. Y., effective 12–7–50 to 10–15–51; 10 percent learners

Kessler Shoe Manufacturing Co., Inc., 16 West Main Street, Westminster, Md., effective 12–7–50 to 10–15–51; 10 percent learners or 10 learners, whichever is greater.

Rex Shoe Co., Inc., 1930 Wyoming Avenue, Exeter, Pa., effective 12–7–50 to 10–15–51; 10 percent learners.

Wellco Shoe Corp., Georgia Avenue and U. S. Highway 10–23, Hazelwood, N. C., effective 12–11–50 to 10–15–51, 10 percent learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Clothing Co., Knoxville, Tenn., effective 12–12–50 to 12–11–51; 7 percent of the productive factory force. Machine operating 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's suits and topcoats).

A. Di Paola & Co., 1700 Arctic Avenue, Atlantic City, N. J., effective 12–11–50 to 12–10–51; 7 percent of the productive factory force. Machine operating 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

A. Di Paola & Co., 2W South Fifth Street, Camden, N. J., effective 12–11–50 to 12–10–51; 7 percent of the productive factory force. Machine operating 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

A. Di Paola & Co., 510 South Eighth Street, Vineland, N. J., effective 12–11–50 to 12–10–51; 7 percent of the productive factory force. Machine operating 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Electrical Reactance Corp., Municipal Airport, Myrtle Beach, S. C., effective 11–29–50 to 3–24–51; 200 learners. Ceramic condenser makers 480 hours; 60 cents per hour for the first 320 hours and not less than 65 cents for the remaining 160 hours (ceramic condensers).

Electrical Reactance Corp., Franklinville, N. Y., effective 12–8–50 to 6–7–51; 150 learners for expansion. Ceramic condenser makers 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (ceramic condensers).

Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La., effective 12–8–50 to 12–7–51; 7 percent of the productive factory force for normal labor turnover. Machine operating 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing, slack suits, etc.).

Sam Finkelstein & Co., Inc., 501 Front Street, Norfolk, Va., effective 12–7–50 to 12–6–51; 7 percent of the productive factory force for normal labor turnover. Machine operating 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Fort Wayne Tailoring Corp., Fort Wayne, Ind., effective 12–11–50 to 12–11–51; 7 percent of the productive factory force. Machine operating (except cutting), 480 hours; pressers and hand-sewers 480 hours; 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's tailoring).

Gibberman Bros. & Co., Rock Island, Ill., effective 12–11–50 to 12–10–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours, and hand-sewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

L. Greif & Bros. Inc., 401 Homeland Avenue, Baltimore 12, Md., effective 12–9–50 to 12–8–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours, and hand sewers 430 hours; 65 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' clothing).

Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La., effective 12–8–50 to 12–7–51; 7 percent of the productive factory force for normal labor turnover. Machine operating 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Fort Wayne Tailoring Corp., Fort Wayne, Ind., effective 12–11–50 to 12–11–51; 7 percent of the productive factory force. Machine operating (except cutting), 480 hours; pressers and hand-sewers 480 hours; 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's tailoring).

Gibberman Bros. & Co., Rock Island, Ill., effective 12–11–50 to 12–10–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours, and hand-sewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

L. Greif & Bros. Inc., 401 Homeland Avenue, Baltimore 12, Md., effective 12–9–50 to 12–8–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours, and hand sewers 430 hours; 65 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' clothing).

Kansas Bank Note Co., Fifth and Jefferson Streets, Fredonia, Kans., effective 12–11–50 to 6–10–51; 4 learners; stitching machine, paper cutter, and rotary perforator operators, 480 hours; press feeders 480 hours; 60 cents per hour for the first 320 hours and at 65 cents per hour for an additional 160 hours (converted paper products).

Matthews Manufacturing Co., Albertville, Ala., effective 12–11–50 to 6–10–51; three learners. Sheet metal workers 480 hours; 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (manufacturing electric heaters and floor furnaces).

Merit Clothing Co., Fifth and South Streets, Mayfield, Ky., effective 12–1–50 to 11–30–51; 7 percent of the productive factory force for normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; hand-sewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Modern Coat Co., Philadelphia, Pa., effective 12–12–50 to 12–11–51; 7 percent of the total productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours; hand-sewers 480 hours; not less than 60 cents per hour for the first 240 hours and not less than 65 cents per hour for the remaining 240 hours (topcoats and overcoats).

Charles Navasky & Co., Inc., Osceola Mills, Pa., effective 12–11–50 to 12–10–51; five learners. Machine operating (except cutting) 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' clothing).

Palm Beach Co., Danville, Ky., effective 12–6–50 to 12–5–51; 7 percent of the productive factory force at any one time. Machine operating (except cutting) 480 hours; pressing 480 hours; hand sewing 480 hours; 60 cents per hour for the first 240 hours, 65 cents per hour for the remaining 240 hours (coats).

The Raleigh Manufacturers, Inc., 414 Light Street, Baltimore, Md., effective 12–9–50 to 12–8–51; 7 percent of the productive factory workers, for normal labor turnover. Machine operating (except cutting) 480 hours; pressing 480 hours; hand sewing 480 hours; 60 cents for the first 240 hours; 65 cents for the next 240 hours (men's suits).

Reidbord Bros. Co., 1331–35 Fifth Avenue, Pittsburgh 19, Pa., effective 12–8–50 to 12–7–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (trousers and jackets).

Reidbord Bros. Co., 1331–35 Fifth Avenue, Pittsburgh 19, Pa., effective 12–8–50 to 6–7–51; 10 additional learners for expansion purposes. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (trousers and jackets).

Roberts Manufacturing Co., 426 Shaffer Street, Cleburne, Tex., effective 11–30–50 to 5–30–51; 10 learners. Sheet metal worker 320 hours; 60 cents per hour for first 160 hours and 65 cents per hour for the additional 160 hours (metal products).

Joseph Ruzicka, 606 North Eutaw Street, Baltimore 1, Md., effective 12–8–50 to 6–7–51; three learners. Hand sewing 320 hours; case making 320 hours; sewing machine operations 320 hours; typesetting 320 hours; 60 cents per hour (library bookbinding).

Salvadore Style Studio, New Rochelle, N. Y., effective 12–12–50 to 12–11–51; five learners. Assembling leather shoe ornaments 480 hours; 65 cents for the first 240 hours and 70 cents for the remaining 240 hours (leather ornaments for ladies' shoes).

Sevilla Olive Packing Co., 2601 Second Avenue, Tampa, Fla., effective 12–8–50 to 6–7–51; three learners. Hand olive place packers 240 hours, 60 cents per hour (packing olives and cherries).

Shrinkproof Coat Front Co., 260 West Cambria Street, Philadelphia 33, Pa., effective 12–9–50 to 12–8–51; 7 percent of the productive factory force. Machine operating 480 hours; 60 cents per hour for first 240 hours; 65 cents per hour for remaining 240 hours (canvas coat fronts).

Streator Clothing Co., 212 Sterling Street, Streator, Ill., effective 12–7–50 to 12–6–51; 7 percent of the productive factory force. Machine operating (except cutting) 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' clothing).

Supreme Clothes, Inc., Philadelphia, Pa., effective 12–11–50 to 12–10–51; 7 percent of the total productive factory force. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents per hour for the first 240 hours, and not less than 65 cents per hour for the remaining 240 hours (men's coats).

Taneytown Mfg. Company, Taneytown, Md., effective 12–7–50 to 12–6–51; 7 percent of the productive factory force. Machine operating 480 hours; hand sewers 480 hours; pressers 480 hours; 60 cents per hour for the first 240 hours; 65 cents per hour for the remaining 240 hours (men's and boys' clothing).

Texas Miller Products, Inc., Corsicana, Tex., effective 12–8–50 to 12–7–51; 10 percent of the total productive factory force. Sewing machine operator (except cutting) 240 hours; presser 240 hours; hand sewer 240 hours; 65 cents per hour (men's and boys' hats).

Edgar Tobin Aerial Surveys, 114 Camp Street, San Antonio, Tex., effective 12–4–50 to 6–3–51; two learners. Negative cutter 320 hours, 60 cents per hour (aerial, ownership and regional mapping).

H. Treiber Clothing Co., George and LaGrange Street, Raritan, N. J., effective 12–7–50 to 12–6–51; 7 percent of the productive factory force for normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (boys' clothing).

Union Bridge Clothing Co., Union Bridge, Md., effective 12–7–50 to 12–6–51; 7 percent of the productive factory force normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Western Hat & Cap Co., St. Joseph, Mo., effective 12–6–50 to 6–5–51; five learners. Machine operating (except cutting) 160 hours; finishing operations involving hand sewing 160 hours; 65 cents per hour (caps).

M. Wile & Co., 77 Goodell Street, Buffalo, N. Y., effective 12–1–50 to 11–30–51; 7 percent of the productive factory force for normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Yale Clothing Co., 626 Race Street, Philadelphia 6, Pa., effective 12–1–50 to 11–30–51; 7 percent of the productive factory force for normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's coats and suits).

Zeeman Clothing Co., 31 South Seventh Street, Allentown, Pa., effective 12–1–50 to 11–30–51; 7 percent of the productive factory force for normal labor turnover. Machine operating (except cutting) 480 hours; pressers 480 hours; handsewers 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's sack coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations Part 522.

Signed at Washington, D. C., this 21st day of December 1950.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51–127; Filed, Jan. 4, 1951; 8:46 a. m.]

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910) and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Sheltered Workshop Rehabilitation Center For the Physically Handicapped, 10 Wall Street, Stamford, Connecticut; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 1, 1950, and expires October 31, 1951.

Buffalo Association for the Blind, 864 Delaware Avenue, Buffalo 9, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective December 1, 1950, and expires November 30, 1951.

Elmira Association For the Blind, Inc., 717 Lake Street, Elmira, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective December 1, 1950, and expires November 30, 1951.

The New York Association for the Blind, Occupational Department, 111 East 59th Street, New York 22, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher; certificate is effective December 1, 1950, and expires November 30, 1951.

Goodwill Industries of Detroit, 6522 Brush Street, Detroit, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 16, 1950, and expires August 31, 1951.

The Montefiore Home, 3151 Mayfield Road, Cleveland Heights, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective December 1, 1950, and expires November 30, 1951.

Marion County Society for Crippled Children and Adults, Inc., 3001 North New Jersey Street, Indianapolis 5, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents an hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective December 1, 1950, and expires November 30, 1951.

The Chicago Lighthouse for the Blind, 3323 West Cermak Road, Chicago 23, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents an hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective December 1, 1950, and expires November 30, 1951.

Iowa Society for Crippled Children and Adults, Inc., 2917 Grand Avenue, Des Moines, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents an hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective December 1, 1950, and expires May 31, 1951.

Goodwill Industries, 312 South Wall Street, Sioux City 19, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents an hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective December 1, 1950, and expires November 30, 1951.

Nebraska Goodwill Industries, 1013 North 16th Street, Omaha, Nebraska; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents an hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 22, 1950, and expires July 31, 1951.

Goodwill Industries, 1817 Campbell Street, Kansas City, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents an hour, whichever is higher, and a rate of not less than 35 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 21, 1950, and expires October 31, 1951.

Goodwill Industries of Kentucky, 214 South Eighth Street, Louisville, Kentucky; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents an hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective August 1, 1950, and expires July 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of December 1950.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 51-128; Filed, Jan. 4, 1951; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1566]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

DECEMBER 28, 1950.

Take notice that on December 21, 1950, Northeastern Gas Transmission Company (Applicant), a Delaware corporation with its principal office at 31 Hillman Street, Springfield, Massachusetts, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of facilities necessary to enable Applicant to provide natural gas service to New England areas which Applicant is not now authorized to serve, as more fully set out in exhibits attached to the application.

Applicant states that the proposed project will be interconnected and integrated with, and will constitute a part of the pipe line system which it is now authorized to construct and operate, and that under the operating conditions set out in Exhibit A attached to the application, the integrated system will have a delivery capacity of approximately 414,000 Mcf daily. Applicant also states that Tennessee Gas Transmission Company has advised Applicant that it is willing to supply the additional gas required and that it will file an application for authority to construct the facilities necessary to deliver a total of 350,000 Mcf of natural gas per day to Applicant. Transcontinental Gas Pipe Line Corporation has been authorized to supply 64,000 Mcf daily to Applicant.

The total estimated over-all capital cost of the new facilities proposed is $14,029,224, which is to be financed by the sale of equity securities in the amount of 25 percent of the total capital cost and by the sale of first mortgage bonds.

Applicant proposes to render natural gas service from the additional facilities on the same terms and conditions as such service is proposed to be rendered to customers which it is now authorized to serve.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 18th day of January 1951.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-131; Filed, Jan. 4, 1951; 8:47 a. m.]

[Docket No. G-1574]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

DECEMBER 29, 1950.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on December 29, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate approximately 12.3 miles of 14-inch diameter natural-gas pipeline and appurtenant facilities beginning at Pure Oil Company's platform located in Block No. 32 and extending in a southwesterly direction to end at the Magnolia Petroleum Company, Continental Oil Company and Newmont Oil Company's platform in Block No. 45; and, subject to the conditions contained in a letter dated November 10, 1950, from Magnolia Petroleum Company to Applicant, to construct and operate, or in the alternative to acquire and operate, approximately 14.4 miles of 10-inch diameter natural-gas pipeline beginning at Block No. 45 and extending in a southerly direction to end at Magnolia Petroleum Company, Continental Oil Company and Newmont Oil Company's platform in Block No. 110, all of the above being in the Gulf of Mexico, Eugene Island Area, offshore Louisiana. Applicant estimates the capacity of the 14-inch natural-gas pipeline at the Block 32 Field will be approximately 150,000 Mcf per day. Applicant further estimates that in the event it constructs the 10-inch natural-gas pipeline extending from the Block 45 Field to the Block 110 Field that line will have a capacity at the Block 45 Field of approximately 38,000 Mcf per day.

Applicant proposes by means of the facilities described to (a) provide the facilities necessary to comply with the gas purchase contract it is presently negotiating with Magnolia Petroleum Company and associates, (b) provide an outlet for the gas produced in the fields referred to, and (c) augment the reserves of gas available to Applicant's enlarged system by connecting a new source of supply.

The estimated over-all capital cost of the proposed facilities is approximately $2,502,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of January, 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-132; Filed, Jan. 4, 1951; 8:47 a. m.]

[Docket No. G-1525]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 28, 1950

On November 2, 1950, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal office in Birmingham, Alabama, filed an application, and an amendment thereto on December 8, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities for the transportation and the sale of natural gas to Oak Ridge, Alabama, subject to the jurisdiction of the Commission, as fully described in said application and amendment on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 22, 1950 (15 F. R. 7994).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing be held on January 30, 1951, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and amendment: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-133; Filed, Jan. 4, 1951; 8:47 a. m.]

[Project No. 553]

THE CITY OF SEATTLE, WASHINGTON.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

DECEMBER 29, 1950.

Public notice is hereby given that The City of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of its license for Project No. 553 to reduce the authorized ultimate installed capacity of the Diablo portion of the project from 240,000 kilowatts (320,000 horsepower) to the existing capacity of 120,000 kilowatts (160,000 horsepower).

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before February 9, 1951, to the Federal Power Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-147; Filed, Jan. 4, 1951; 8:49 a. m.]

[Docket No. G-1475, Docket No. G-1488]

NIAGARA MOHAWK POWER CORP. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

JANUARY 2, 1951.

In the matters of Niagara Mohawk Power Corp., Docket No. G-1475, and New York State Natural Gas Corp., Docket No. G-1488.

Notice is hereby given that, on December 29, 1950, the Federal Power Commission issued its findings and order entered December 28, 1950, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-148; Filed, Jan. 4, 1951; 8:49 a. m.]

[Order 157]

STATEMENT OF ORGANIZATION

APPROVING AND MAKING EFFECTIVE REVISION

DECEMBER 18, 1950.

The Administrative Procedure Act (61 Stat. 37, 5 U. S. C. 1002), in section 3 (a), provides that every agency of the Federal Government shall separately state and currently publish in the FEDERAL REGISTER descriptions of its central and field organization including delegations by the agency of final authority and the established places at which, and method whereby, the public may secure information or make submittals or requests. Such a statement was previously approved and made effective as Part 01 of the Commission's general rules and regulations, including rules of practice and procedure, by Commission Order No. 132, effective September 11, 1946 (11 F. R. 487) and codified as 18 CFR Part 01–Organization (12 F. R. 8462). By Commission order No. 147, codification of Part 01–Organization was discontinued and it was provided that amendments to the Organizational Statement should in the future be published in the notice section of the FEDERAL REGISTER.

The Commission finds: (1) It is appropriate that the Statement of Organization of the Commission be revised because of changes since promulgation of the original statement and because of the organizational changes provided for by Presidential Reorganization Plan No. 9, effective May 24, 1950.

(2) Notice and public procedure hereon are unnecessary.

The Commission orders:

(A) Pursuant to the authority vested in the Commission by the Federal Power Act (49 Stat. 838; 16 U. S. C. 791a), particularly section 309 thereof, and the Natural Gas Act (52 Stat. 821; 15 U. S. C. 717), particularly section 16 thereof, and the Administrative Procedure Act (61 Stat. 37; 5 U. S. C. 1002), the Commission hereby approves and adopts the attached revised Statement of Organization.

(B) The Secretary of the Commission shall cause prompt publication of the attached notice to be made in the FEDERAL REGISTER.

Date of issuance: December 29, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

STATEMENT OF ORGANIZATION

Sec.
1. Introduction.
2. Nature and authority of Commission.
3. Functions.
4. Organization.
5. Delegations of final authority.
6. Offices of Commission; information; requests and submittals.
7. Duties of Commission staff groups.

1. *Introduction.* This statement describes, pursuant to section 3 (a) (1) of the Administrative Procedure Act (61 Stat. 37; 5 U. S. C. 1002), the current central and field organization of the Federal Power Commission, including delegations of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests. The present organizational statement supersedes the previous statement adopted by Commission Order No. 132, effective September 11, 1946, published in 11 F. R. 487. The previous statement was codified as 18 CFR Part 01–Organization by Commission Order No. 141 (12 F. R. 8462–8464), but was later decodified by Commission Order No. 147 (13 F. R. 8259), issued December 17, 1948.

2. *Nature and authority of Commission.* (a) The Commission is an independent agency composed of five commissioners, nominated by the President and confirmed by the Senate. Presidential Reorganization Plan No. 9, which became effective May 24, 1950, provides that the Chairman shall be chosen by the President from among the members of the Commission. The Chairman is designated as the principal executive officer of the Commission by statute and is vested generally with the executive and administrative functions of the Commission, to the extent provided in Reorganization Plan No. 9.

(b) The Commission is charged with the administration and enforcement of the provisions of the Federal Power Act and the Natural Gas Act, and the duties delegated to it under the Flood Control Acts of 1938, 1939, 1941, 1944, and 1946, the River and Harbor Acts of 1945 and 1946, and the River, Harbor, and Flood Control Acts of 1948 and 1950, the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, Boulder Canyon Project Act, the Acts of 1928 and

1929 relating to the Fort Apache, White Mountain, and Flathead Indian Reservations.

(c) The Commission is also charged with certain duties under Executive Order 8202 concerning physical interconnections at the international boundary for the tranmission of electric energy between the United States and foreign countries and the exportation and importation of natural gas from and into the United States.

3. *Functions.* The principal functions of the Commission are:

(a) The licensing of water power projects on waters over which Congress has jurisdiction, or on lands of the United States, or at Government dams.

(b) The regulation of the transmission and sale for resale of electric energy in interstate commerce, and of the accounts, rates, certain security issues, dispositions of properties, mergers and consolidations, depreciation practices, and interconnection and coordination of facilities of electric public utilities; the compilation and publication of statistical and other information concerning the electric utility industry in the United States, and surveys of present and future markets for electric power.

(c) The regulation of the transportation and sale for resale of natural gas in interstate commerce, including the issuance of certificates of public convenience and necessity for the construction and operation of facilities, and the regulation of the accounts, rates, and depreciation practices of natural-gas companies and the compilation and publication of statistical and other information concerning the natural gas industry in the United States.

(d) The making of surveys and studies of the comprehensive development of river basins for hydroelectric power and other purposes; and recommendations with respect to hydroelectric power installations in Federal river development projects.

(e) The approval of rates, accounts, and related matters for certain Federal hydroelectric power projects, including those under the control of the War Department.

4. *Organization.* The staff of the Commission is organized in the following groups, all of which report directly to the Commission, except that, as to administrative and housekeeping matters, they report to the Chairman.

The Office of the Secretary; the Bureau of Power; the Bureau of Accounts, Finance and Rates; the Bureau of Law; the Division of Examiners; the Office of the Chief Engineer; the Division of Budget and Finance; and the Division of Personnel and Administrative Services.

5. *Delegations of final authority.* The Commission has authorized:

(a) The Secretary, or, in his absence, the Acting Secretary, to pass upon questions of extending time for electric public utilities, licensees, natural gas companies, and other persons to file required reports, data and information and to do other acts required or allowed to be done at or within a specific time by any rule, regulation, license, permit, certificate, or order of the Commission, not to exceed in any event an extension of six months beyond the time or period originally prescribed.

(b) The Secretary, or, in his absence, the Acting Secretary, without regard to any other requirements of the Commission's rules and regulations, to prescribe the time for filing by electric public utilities, licensees, natural gas companies, and other persons, answers to complaints, petitions, motions, and other pleadings and documents, but in no case shall answers be required to be filed in less than ten days after the date of service of the pleading or document to which answer is to be made.

(c) The Secretary, or, in his absence, the Acting Secretary, to schedule hearings and issue notices thereof.

(d) The Secretary, or, in his absence, the Acting Secretary, to accept service of process upon behalf of the Commission.

(e) The Secretary, or, in his absence, the Acting Secretary, to (1) reject petitions to intervene filed in a period later than ten days next preceding the date the matter is set for hearing, unless good cause is shown for the late filing, but accept for filing, subject to the order of the Commission, notices of intervention and petitions to intervene by State commissions and Federal agencies; (2) deny motions or requests for extensions of time filed later than the time prescribed by the rules unless good cause is shown for the late filing; and (3) reject all pleadings, briefs, and other documents filed later than the time prescribed by an order, rule, or regulation of the Commission unless good cause is shown for the late filing.

(f) The Secretary, or, in his absence, the Acting Secretary, to waive the requirements of the Commission's rules and regulations, when consistent with the public interest in a particular case.

(g) The Chief of the Bureau of Power, or, in his absence, the Acting Chief, to interpret schedules of power system statements of electric utilities (Forms No. 12, etc.) and to obtain supplemental information required to assure complete and adequate statements; and Regional Engineers to grant 30-day extensions of time for filing such statements.

(h) The Chief of the Bureau of Accounts, Finance and Rates, or, in his absence, the Acting Chief, to issue interpretations of the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; to suspend the requirements of Account 901—Charges by Associated Companies—Clearing; to interpret schedules of annual reports of electric public utilities, licensees, and natural gas companies (Forms Nos. 1, 2, etc.) and obtain supplemental information required to assure complete and accurate reports.

(i) The Chief Examiner and the Examiners designated to preside at hearings, to exercise the powers and functions stated and enumerated for presiding officers in the Commission's rules and regulations, particularly its rules of practice and procedure.

6. *Offices of Commission; information; requests and submittals.* (a) The principal office of the Commission is located in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington 25, D. C. Regional Offices of the Commission are maintained in Atlanta, Chicago, Fort Worth, New York, and San Francisco and a section of the Division of Accounts of the Bureau of Accounts, Finance and Rates in San Francisco, as described below.

(b) Official information concerning any matter pending before, or action taken by, the Commission may be secured by written or personal request to the Secretary.

(c) Information concerning matters assigned to the Regional Offices may be obtained by written or personal request and certain submittals may be made thereto as provided below.

(d) All formal requests or submittals to the Commission should be addressed to the Secretary pursuant to 18 CFR 1.2 (c).

(e) The types of official records in the files of the Commission, and their availability to the public, are described more particularly in 18 CFR 1.36.

7. *Duties of Commission staff groups.* The duties of the various groups into which the staff of the Commission is organized are described as follows:

(a) *The Office of the Secretary.* The Office of the Secretary, under the direction of the Secretary, receives, records, assigns, and distributes all matters filed with and brought before the Commission for action. In addition to the duties specified in section 5 (a) through (f), the Secretary serves the orders, rules, regulations, and notices of Commission action; acts as official liaison officer in contacts between the Commission and the public, parties to proceedings, and public officials. The Office of the Secretary includes a public reference section where official dockets and records are maintained, and are available for public inspection. Through its section of publications, the Office of the Secretary edits Commission publications and handles their sale and other distribution and serves as the coordinator of the total publication program of the Commission; prepares and distributes general information concerning the activities of the Commission; and assists the Commission in contacts with the public.

(b) *The Bureau of Power.* The Bureau of Power under the direction of the Chief of the Bureau, performs the engineering phases of the licensed project, electrical, and river basin work of the Commission. The duties of the Chief include those specified in section 5 (g). The Bureau is composed of three functional divisions. The work of each is as follows:

(1) *The Division of Licensed Projects.* The Division of Licensed Projects studies and reports on declarations of intentions, applications for preliminary permits and for licenses for water power projects, and related matters; inspects and reports on the construction, operation, and maintenance of such projects; investigates and reports on unlicensed water power developments; studies and reports on applications for restoration of or rights-of-way over power site lands. The Division also develops and analyzes detailed factual basic cost data covering

the construction, maintenance, and operation of water power plants, fuel plants, and transmission facilities.

(2) *The Division of Electrical Resources and Requirements.* The Division of Electrical Resources and Requirements studies and reports on power markets, adequacy of power supply, interconnection and coordination of power systems, electrical system planning and related matters; collects and checks power system statements submitted by electric utilities; investigates and reports on the engineering features of applications for the approval of security issues, consolidations, mergers, acquisitions, and property disposals of utilities subject to the jurisdiction of the Commission and the jurisdictional status of electric utility system; makes electrical studies in connection with Commission approval of rate filings for Federal hydroelectric power projects.

(3) *The Division of River Basins.* The Division of River Basins studies and reports on the comprehensive utilization of river basins for development of hydroelectric power alone and in connection with flood control, navigation, irrigation, and other beneficial purposes; makes investigations and prepares reports to be used as the basis for recommendation to other Federal agencies on provisions for hydroelectric power development at proposed multiple-purpose projects; and makes hydroelectric studies in connection with the approval of rate filings for Federal power projects.

(4) *Regional Offices.* Five Regional Offices of the Commission are operated as part of the Bureau of Power, under the general direction of the Chief of the Bureau. Their locations and the territories they serve are:

(i) Atlanta Regional Office, 417 Grant Building, Atlanta 3, Ga.: Alabama, Florida, Georgia, Kentucky, eastern half of Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

(ii) Chicago Regional Office, U. S. Customhouse, 610 South Canal Street, Chicago 7, Ill.: Illinois, Indiana, Iowa, Michigan, Minnesota, parts of Missouri and Montana, North Dakota, South Dakota, Nebraska, and Wisconsin.

(iii) Fort Worth Regional Office, Seventh and Lamar Streets, Fort Worth 2, Tex.: Arkansas, Colorado, Kansas, Louisiana, parts of Mississippi and Missouri, New Mexico, Oklahoma, Texas, and Wyoming.

(iv) New York Regional Office, Park-Murray Building, 11 Park Place, New York 7, N. Y.: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(v) San Francisco Regional Office, Room 411, Customhouse, 555 Battery Street, San Francisco 11, Calif.: Arizona, California, Idaho, part of Montana, Nevada, Oregon, Utah, and Washington.

Each Regional Office is under the direction of a Regional Engineer, who is responsible for the activities of the Bureau within the particular territory, including cooperation with other governmental agencies in those activities. He is also responsible for the duties specified in section 5 (g) above.

The Regional Office activities include the investigation of proposed multiple-purpose river basin projects; assisting applicants in complying with requirements for preliminary permits and licenses; field supervision of licensed projects; receipt and checking of annual power system statements submitted by electric utilities; power market surveys; reports on power requirements and supply, interconnection and coordination of electric utility systems, and regional power pools; investigation of interruptions to electric service; and representation of the Commission on field committees.

(c) *The Bureau of Accounts, Finance and Rates.* The Bureau of Accounts, Finance and Rates, under the direction of the Chief of the Bureau, performs the accounting, finance, statistical, rate, and gas certificate phases of the Commission work. The duties of the Chief include those specified in section 5 (h) above. The Bureau is composed of four divisions, the work of which is described as follows:

(1) *The Division of Accounts.* The Division of Accounts performs all work relating to the accounting practices of electric public utilities, licensees, and natural gas companies; prepares, reviews, and interprets the Uniform Systems of Accounts for Public Utilities, Licensees, and Natural Gas Companies; makes accounting studies and investigations in rate cases; makes depreciation studies; prepares, reviews, and interprets the annual financial reports prescribed by the Commission; and makes special accounting studies as ordered by the Commission. The Division also reviews, investigates, and reports on the reclassification and original cost studies of electric public utilities and natural gas companies and the disposition of related accounting adjustments; and reviews, investigates, and reports on claimed net investment in licensed projects and the disposition of related accounting adjustments. A section of the Division of Accounts, located in the San Francisco Regional Office described above, audits and reports on the statements of claimed net investment in licensed projects in the western United States.

(2) *The Division of Finance and Statistics.* The Division of Finance and Statistics analyzes and reports on matters relating to electric utility finance, rate of return, security issues, sales and mergers of electric public utility properties; gathers and publishes financial, rate, cost, production, and other statistical information relating to the electric and natural gas industries.

(3) *The Division of Rates.* The Division of Rates performs the engineering work in rate investigations of electric public utilities, licensees and natural gas companies including studies of system operations, service lives of property, natural gas depletion rates, cost allocations, rate structures, service conditions and discriminatory practices; analyzes reports on and makes recommendations regarding tariffs, rate schedules and contracts filed by electric utilities, natural gas companies and certain Federal hydroelectric power projects.

(4) *The Division of Gas Certificates.* The Division of Gas Certificates handles matters relating to applications by natural gas companies and others for certificates of public convenience and necessity and the determination of service areas, the exportation and importation of natural gas, and the jurisdictional status of natural gas companies.

(d) *The Bureau of Law.* The Bureau of Law, under the direction of the General Counsel, performs the legal work related to the activities of the Commission. The Bureau is composed of four divisions, the work of which is described as follows:

(1) *The Division of Electric Power.* The Division of Electric Power performs the legal work under the Federal Power Act and the duties delegated to the Commission under the Bonneville Act, Tennessee Valley Authority Act, Fort Peck Act, and the other authorizations specified in sections 2 (b) and (c), except those matters handled by the Division of Hydroelectric Projects.

(2) *The Division of Natural Gas.* The Division of Natural Gas performs the legal work under the Natural Gas Act and the other authorizations conferring duties or jurisdiction upon the Commission with respect to natural gas.

(3) *The Division of Hydroelectric Projects.* The Division of Hydroelectric Projects performs the legal work under Part I of the Federal Power Act and under the duties delegated to the Commission under the Flood Control Acts and the River and Harbor Acts specified in section 2 (b) (other than the determination of net investment in licensed projects, rate and service matters, and security issues of licensees under Part I of the Federal Power Act and rate matters under the Flood Control Act of 1944, which are handled by the Division of Electric Power).

(4) *The Division of Interpretation and Research.* The Division of Interpretation and Research prepares legal interpretations and conducts legal research for the General Counsel and the Bureau generally; assists in the preparation of briefs, regulations, and reports on proposed legislation.

(e) *The Division of Examiners.* The Division of Examiners is under the direction of the Chief Examiner. Examiners, when duly designated, preside at prehearing conferences and make recommendations as to stipulations reached therein by counsel; preside at public hearings, and rule on the admission of evidence and all procedural questions arising in the course of such hearings; hear oral arguments; consider briefs, report to the Commission on the cases heard, and make initial or recommended decisions supported by findings of fact and conclusions of law. When serving as presiding officers, Examiners may exercise the functions specified in section 5 (i).

(f) *The Office of the Chief Engineer.* The Office of the Chief Engineer, under the direction of the Chief Engineer, advises the Commission on special engineering matters, including economic

studies and reports on the allocation of costs of multiple-purpose water control projects, and advises with the Bureau of Law on special engineering matters in connection with litigation relating to water power projects.

(g) *The Division of Budget and Finance.* The Division of Budget and Finance, under the direction of the Chief of the Division, handles all budget, fiscal, and related matters of the Commission; solicits bids, awards contracts, and purchases supplies, equipment and other materials; assists the Commission in contacts with the Bureau of the Budget, the Comptroller General, and the Appropriation Committees of Congress.

(h) *The Division of Personnel and Administrative Services.* The Division of Personnel and Administrative Services, under the direction of the Chief of the Division, performs all personnel functions for the Commission, including recruitment; and designated administrative services, including the preparation of illustrative and duplicative material for the other staff groups of the Commission.

[F. R. Doc. 51-130; Filed, Jan. 4, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25717]

COFFEE FROM NORTH ATLANTIC PORTS TO DUNKIRK, N. Y., AND SUNBURY, OHIO

APPLICATION FOR RELIEF

JANUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to fourth-section application No. 25291.

Commodities involved: Coffee, green or roasted, carloads.

From: North Atlantic ports.

To: Dunkirk, N. Y., and Sunbury, Ohio.

Grounds for relief: Circuitous routes and port relationships.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-913, Supp. 2. I. N. Doe's tariff I. C. C. No. 597, Supp. 1. P. W. Phillips' tariff I. C. C. No. 223, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-145; Filed, Jan. 4, 1951; 8:49 a. m.]

[4th Sec. Application 25718]

PETROLEUM PRODUCTS FROM FARMER SPUR, LA.

APPLICATION FOR RELIEF

JANUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs named on the attached sheet.

Commodities involved: Petroleum products, carloads.

From: Farmer Spur, La.

To: Points in Illinois, official, southern, southwestern and western trunk line territories.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Schedules filed containing proposed rates:

	I. C. C. No.	Supp. No.
D. Q. Marsh's Tariff	3585	443
	3821	62
	3802	79
	3825	92
	3651	246
	3724	129
	3494	210

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-146; Filed, Jan. 4, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-28, 54-183]

ELMER E. BAUER ET AL.

SUPPLEMENTAL ORDER APPROVING CERTAIN MATTERS WITH RESPECT TO PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of December 1950.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, debtor; and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183.

The Commission, by orders dated March 27, 1950, and August 23, 1950 (Holding Company Act Release Nos. 9759 and 10058) and the United States District Court for the Western District of Pennsylvania, by orders dated May 1, 1950, and September 14, 1950, having approved a plan ("Combined Plan") which was filed jointly by Elmer E. Bauer ("Bauer"), Trustee of Pittsburgh Railways Company ("Railways"), Debtor, and by Philadelphia Company, a registered holding company, for the reorganization of the Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge, pursuant to section 11 (e) of the Holding Company Act, of Philadelphia Company's guarantees affecting certain securities of companies included in the Railways System, and the Commission having reserved jurisdiction in its said orders over certain matters in connection with final consummation of the Combined Plan; and

Bauer and Philadelphia Company having requested a hearing on certain of the matters as to which jurisdiction had been so reserved; and

Public hearings having been held, after appropriate notice, and the Commission having considered the record, and having this day issued its Findings and Opinion herein:

It is ordered, Pursuant to sections 11 (e), 11 (f) and other applicable provisions of the Holding Company Act, that:

(1) The proposal that the Trustees of Railways turn over to New Company, for delivery by it to the sinking fund, any balance of funds remaining in their hands after payment of all charges, as more fully set forth in our Findings and Opinion this day issued, is hereby approved;

(2) The proposed initial issuance and authorization of $5,853,750 of new bonds by New Company is hereby approved;

(3) The proposal to pay the accrued bond interest for 1950 as soon after January 1, 1951, as is practicable is hereby approved;

(4) The proposed indenture of mortgage is hereby approved, subject to its qualification under the Trust Indenture Act of 1939;

(5) The proposed accounting entries on the books and balance sheet of New Company are approved, subject to the condition that the balance sheet item captioned:

"Excess of the Book Value of Assets Acquired (including property, plant and equipment at original cost) over the Aggregate of the Liabilities Assumed and the Face Amount of Bonds and Stated Value of Common Capital Stock ($10 per share) Issued."

be revised to read as follows:

"Excess of the Book Value of Assets Acquired Initially (including property, plant and equipment at original cost) over the Aggregate of the Liabilities Assumed and the Face Amount of Bonds and Stated Value of Common Capital Stock ($10 per share) Issued. If such assets were stated at the value of $17,000,000 as found in 1950 by the Securities and Exchange Commission and the United States District Court for the Western District of Pennsylvania for reorganization purposes, there would be no such excess."

It is further ordered, That jurisdiction be, and hereby is, continued with respect to the accounting entries proposed by Philadelphia Company on its books; with respect to any and all fees and expenses incurred or to be incurred in connection with the proceedings under section 11 (e) of the Holding Company Act; and also to entertain such further proceedings, to make such supplemental findings, to take such further action, and to enter such further orders as the Commission may deem necessary or appropriate in these proceedings.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-137; Filed, Jan. 4, 1951; 8:47 a. m.]

[File Nos. 54-50, 54-82, 59-10, 59-39, 70-1369]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER APPROVING CERTAIN TRANSACTIONS AND RESERVING JURISDICTION TO ENTER FUTURE ORDERS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of December 1950.

In the matter of the North American Company and its subsidiary companies, File No. 59-10; The North American Company, File No. 54-82; North American Light & Power Company, Holding Company System, and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; North American Light & Power Company, File No. 70-1369.

The Commission having issued its order on December 30, 1941, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") directing the liquidation and dissolution of North American Light & Power Company ("Light & Power"), a registered holding company; and

The Commission having issued its order on June 25, 1947 (File Nos. 59-10, 54-82, 59-39, and 54-50), approving, subject to certain conditions, Amended Plan I filed pursuant to section 11 (e) of the act by The North American Company ("North American"), also a registered holding company, and joined in by its subsidiary, Light & Power, providing for the liquidation and dissolution of Light & Power; and

An order approving said plan and directing enforcement thereof having been entered by the United States District Court for the District of Delaware on November 6, 1947, said order having been affirmed by the United States Court of Appeals for the Third Circuit on November 5, 1948, and no petition to the Supreme Court of the United States for a writ of certiorari to review said affirmance having been filed, and the time within which to file such petition having expired; and

The Commission having issued its supplemental orders dated August 4, 1947, January 10, 1949, May 13, 1949, and July 20, 1949, amending its said order, dated June 25, 1947, so as to include certain recitals conforming to the requirements of Supplement R of Chapter I of section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, and having reserved jurisdiction in said supplemental orders to enter such other or further orders conforming to the requirements of Supplement R of Chapter I and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as might appear to the Commission to be appropriate; and

The said plan having been partially consummated so that North American is now the sole stockholder of Light & Power, and, in connection with and as a part of its final liquidation and dissolution, as contemplated by the plan, Light & Power having filed, on September 26, 1950, pursuant to Rule U-44 (c) of the rules and regulations under the act, (File No. 70-1369) a Notice of Intention to distribute and transfer to North American, as the holder of all the outstanding stock of Light & Power, 1,500,000 shares of the outstanding Common Stock, $5 par value, of Missouri Power & Light Company ("Missouri Power"), and Light & Power having requested that the Commission issue a supplemental order containing the recitals, findings and orders hereinafter set forth; and

The Commission having considered said request and deeming it appropriate in the public interest and in the interest of investors and consumers that said request be granted; and

The Commission having examined the filing pursuant to Rule U-44 (c) and having determined that the proposed transactions as contemplated by the said plan constitute a reasonable and appropriate method of compliance with said order of December 30, 1941, directing that Light & Power liquidate and dissolve and having determined that it is unnecessary to require the filing of a declaration with respect to the proposed transactions:

It is ordered, That the order dated June 25, 1947, in the consolidated proceedings bearing File Nos. 59-10, 54-82, 59-39, and 54-50 as heretofore amended by supplemental orders dated August 4, 1947, January 10, 1949, May 13, 1949, and July 20, 1949, be, and the same hereby is further amended by adding thereto the following provisions:

It is further ordered and recited and the Commission finds, That the proposed transfer and distribution by North American Light & Power Company to The North American Company, as the holder of all of the outstanding common stock of North American Light & Power Company, of 1,500,000 shares of Common Stock, $5 par value, of Missouri Power & Light Company (represented by Certificate Nos. 6, 7, 8, 11, 12, 13, 14, 16 and 17), all in connection with and as a part of the final liquidation and dissolution of North American Light & Power Company and all as authorized or permitted by the Commission's order of June 25, 1947, and in obedience thereto, are necessary or appropriate to the integration of the holding company system of which The North American Company and North American Light & Power Company are members and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be, and hereby is reserved to enter such other or further orders, conforming to the requirements of Suplement R of Chapter 1 and section 1808 (f) of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-139; Filed, Jan. 4, 1951; 8:48 a. m.]

[File No. 54-51]

NATIONAL POWER AND LIGHT CO. ET AL.

ORDER REGARDING REORGANIZATION FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of December A. D. 1950.

In the matter of National Power & Light Company, Lehigh Valley Transit Company, Lehigh Valley Transportation Company, Easton Transit Company, Easton & South Bethlehem Transportation Company, File No. 54-51.

The Commission having on August 25, 1948, approved an amended plan for the reorganization of Lehigh Valley Transit Company ("Lehigh"), filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Lehigh and its parent, National Power & Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and said order having reserved jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the said plan or the transactions recited therein; and

Applications having been filed for compensation and reimbursement of expenses from Lehigh and National in connection with said plan; a public hearing having been held, the Commission having considered the record and having this day made and filed its Memorandum Opinion herein:

It is ordered, That the following applications are hereby approved in the amounts as indicated and not otherwise:

(a) To be paid by National: Simpson, Thatcher & Bartlett, counsel for National—$13,500 for fees and $157.64 for disbursements.

Reid & Priest, counsel for National—$7,500 for fees and $1,990.11 for disbursements.

(b) To be paid by Lehigh: Reid & Priest, counsel for Lehigh—$22,500 for fees and $3,257.19 for disbursements.

Lehigh Valley Trust Company, trustee under the Lehigh indenture and exchange agent under the plan—$11,321 for fees.

Snyder, Wert & Wilcox, local counsel for Lehigh—$1,000 for fees.

It is further ordered, That National and Lehigh shall pay the amounts indicated less the amounts heretofore paid to such applicants on account.

It is further ordered, That the applications for compensation and reimbursement of disbursements of the firms of Nutter, McClennan & Fish and Rawle & Henderson be, and the same hereby, are denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-136; Filed, Jan. 4, 1951; 8:47 a. m.]

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER APPROVING TRANSFER AND SALE OF CERTAIN COMMON STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of December A. D. 1950.

In the matter of Electric Bond and Share Company, American Power & Light Company, File No. 54-168; In the matter of Electric Bond and Share Company, American Power & Light Company, et al., File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having notified the Commission, pursuant to paragraph (c) of Rule U-44 promulgated pursuant to the Public Utility Holding Company Act of 1935, that it intends to carry out the following transaction:

Bond and Share now owns 146,956 shares (3.34 percent) of the common stock of Texas Utilities Company ("Texas Utilities"), which holdings constitute 3.34 percent of the total voting power of all of the securities of Texas Utilities now outstanding. These 146,956 shares of said common stock are the remainder of the 343,844 shares (7.2 percent) of the Texas Utilities common stock acquired, together with other securities of former utility subsidiaries of American Power & Light Company ("American"), in exchange for Bond and Share's holdings of former preferred and common stocks of American pursuant to a section 11 (e) plan of American approved by this Commission on October 4, 1949, and made effective February 15, 1940. The acquisition of the securities, including the common stock of Texas Utilities, by Bond and Share under the above mentioned section 11 (e) plan was subject to a commitment by Bond and Share to dispose of such securities within one year from the effective date of the plan. On December 13, 1950, Bond and Share paid a dividend to its stockholders of 196,888 shares of Texas Utilities common stock (File No. 70-2510). Bond and Share now proposes to sell the remaining 146,956 shares of common stock of Texas Utilities through Shields & Company as agent and for the account of Bond and Share, said Shields & Company agreeing to purchase any unsold balance as principal. Bond and Share proposes to pay Shields & Company, as its agent, 72 cents per share for each share of Texas Utilities common stock sold for the account of Bond and Share. Said common stock is to be sold at a price determined by the average bid and asked price on a date to be selected by Bond and Share. In its notice to this Commission, Bond and Share states that it may consummate the above described transaction on or about January 2, 1951. Also in said notice, Bond and Share requests the entry of an order finding that the proposed sale of the common stock of Texas Utilities is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

The Commission having advised Bond and Share that the proposed sale did not appear to require the filing of an application or declaration with the Commission under the act, and the Commission finding that the requested order can properly be entered:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 146,956 shares of common stock of Texas Utilities Company through Shields & Company, as agent or as principal, is necessary or appropriate to the integration and simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-134; Filed, Jan. 4, 1951; 8:47 a. m.]

[File No. 59-10, 70-2066]

NORTH AMERICAN CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE AND MODIFYING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of December 1950.

In the matter of the North American Company and its Subsidiary Companies, Respondents, File No. 59-10; In the matter of the North American Company, Union Electric Company of Missouri, File No. 70-2066.

The Commission, having on April 14, 1942, entered an order (File No. 59-10), pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act"), permitting The North American Company ("North American"), a registered holding company, to retain as its principal system the integrated electric utility system of its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and a public utility company, and directing North American to sever its relationship, direct or indirect, with Missouri Power & Light Company ("Missouri"), a public utility subsidiary of North American and formerly a subsidiary of North American Light & Power Company ("Light & Power"), an intermediate holding company in the North American holding company system; and

The Commission having issued its Findings and Opinion in connection with its aforesaid order of April 14, 1942, and having therein stated:

• • • our order requiring North American to divest itself of its interest in • • • Light & Power's subsidiaries does not foreclose the filing of applications in the future looking to the possible integration of any of these properties with the retainable properties of North American; and

North American and Union having filed a joint application-declaration and amendments thereto (File No. 70-2066) pursuant to the act and the rules and regulations thereunder, with respect to the transfer by North American to Union of all of the outstanding common stock, consisting of 1,500,000 shares, par value $5 per share, of Missouri in exchange for 600,000 additional shares of common stock, without par value, of Union; and

The applicants-declarants having requested that the Commission's aforesaid order of April 14, 1942, be modified so as to permit consummation of the transactions proposed in connection with the joint application-declaration, as amended; and

Said application-declaration and amendments thereto having been duly filed, and public hearings having been held thereon after appropriate notice, and the Commission having examined the record and having filed its Findings and Opinion herein with respect thereto:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and the same hereby is granted, and that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional terms, conditions and reservations of jurisdiction:

(1) That within six months after receipt by Union of the Missouri common stock, or such further time as the Commission may grant upon good cause shown, Union shall cause the disposition of its interest in Missouri's water and ice properties and businesses and Missouri's electric properties located at Clinton, Missouri; and that North American shall cause Union to take such action;

(2) Jurisdiction be and hereby is generally reserved to the Commission to reexamine the retainability by applicants-declarants of Missouri's gas utility system if, as, and when additional gas becomes available to Missouri in sufficient quantity, in which connection applicants-declarants shall file with the Commission, beginning June 30, 1951, semiannual reports relative to the status of Missouri's gas supply, and to entertain such further proceedings, to take such further action as the Commission may deem appropriate in connection therewith to effectuate the provisions of section 11 (b) of the act; and

(3) Jurisdiction be, and hereby is, reserved to examine and require appropriate accounting entries to be made by Union in connection with its recordation of its investment in the common stock of Missouri after the disposition of the Clinton electric properties and the water and ice properties and businesses of Missouri.

It is further ordered and recited and the Commission finds, That the proposed sale and transfer by The North American Company to Union Electric Company of Missouri of 1,500,000 shares of common stock, $5 par value, of Missouri Power & Light Company (represented by Certificate Nos. 6, 7, 8, 11, 12, 13, 14, 16, and 17), and the issue and delivery in exchange therefor by Union Electric Company of Missouri to The North American Company of 600,000 shares of common stock without par value of Union Electric Company of Missouri (represented by Certificate No. NC 39), all as authorized or permitted by this order of the Commission, and in obedience thereto, are necessary and appropriate to the integration of the holding company system of which The North American Company, Union Electric Company of Missouri and Missouri Power & Light Company are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That the Commission's order dated April 14, 1942, be, and the same hereby is, modified to the extent necessary to permit consummation of the transactions herein proposed, subject to the terms, conditions, and reservations of jurisdiction above set forth.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-138; Filed, Jan. 4, 1951; 8:48 a. m.]

[File No. 70-2541]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER PROHIBITING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of December A. D. 1950.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, File No. 70-2541.

Pennsylvania Gas & Electric Corporation, a registered holding company, and two of its subsidiaries, North Penn Gas Company, a public utility company and a registered holding company, and Allegany Gas Company ("Allegany"), a public utility company and a registered holding company which is a direct subsidiary of North Penn Gas Company, having filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-44 thereunder with respect to the proposed sale by Allegany to Springfield Union Employees Beneficial Fund and Republican Daily News Employees Beneficial Fund of all of the outstanding capital stock of Crystal City Gas Company ("Crystal City"), a public utility subsidiary of Allegany, consisting of 2,639 shares of capital stock with a par value of $100 a share, for a cash consideration of $650,000; and

The Commission having issued its notice of filing and order for hearing with respect to said declaration, and notice of said hearing having been given to all known security holders of Pennsylvania Gas & Electric Corporation and to all interested persons, and public hearings having been duly held at which security holders of Pennsylvania Gas & Electric Corporation and other interested persons were afforded opportunity to be heard, and the Commission having heard oral argument; and

The Commission having considered the record and having arrived at its determination with respect to whether the declaration should be permitted to become effective, but in view of the fact that the record was not closed until December 28, 1950, the Commission not having completed its preparation of its findings and opinion herein, and the Commission being aware of the necessity of issuing its order with respect to the proposed transactions prior to the end of 1950; and

The Commission deeming it appropriate in the public interest and in the interest of investors that its order herein be entered forthwith without awaiting completion of its findings and opinion and being of the opinion that the aforesaid declaration should not be permitted to become effective:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder that the aforesaid declaration shall not be permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-135; Filed, Jan. 4, 1951; 8:47 a. m.]

[File No. 70-2269, 70-2334]

OHIO EDISON CO. AND OHIO PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES OF FINANCIAL ADVISOR

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 29th day of December A. D. 1950.

In the matter of Ohio Edison Company, File No. 70-2269; Ohio Edison Company, the Ohio Public Service Company, File No. 70-2334.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act") relating to, among other things, the proposed acquisition by Ohio of 2,000,000 shares of common stock of The Ohio Public Service Company ("Public Service") owned by Cities Service Company, a registered holding company, said purchase to be financed primarily through the issuance and sale by Ohio of additional shares of its $3 par value common stock; and Ohio and Public Service having, upon such acquisition, filed joint applications-declarations pursuant to the act for approval of certain transactions incident to the merger of Public Service into and with Ohio; and

The Commission having granted said applications and permitted said declarations to become effective by its orders dated December 2, 1949, and December 5, 1949, File No. 70-2269 (Holding Company Act Release Nos. 9539 and 9543), and by its Orders dated March 29, 1950, and May 17, 1950, File No. 70-2334 (Holding Company Act Release Nos. 9771 and 9866), and said orders having contained a reservation of jurisdiction over fees and expenses, incurred or to be incurred with respect to the proposed transactions, including the fee to be paid Morgan Stanley & Co. for its services as financial advisor to Ohio in connection with these matters; and

The record having been completed with respect to this fee, showing therein that Morgan Stanley & Co. request compensation of $37,500 payable by Ohio for their services as financial advisor; and

The Commission having examined the information furnished with respect to such fee and it appearing that such requested fee is not unreasonable:

It is ordered, That the jurisdiction heretofore reserved with respect to the fee to be paid Morgan Stanley & Co., by our previous orders herein be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved with respect to all other fees and expenses incurred or to be incurred with respect to the proposed transactions be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-140; Filed, Jan. 4, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16347]

TOKIO AND UMEKICHI TAKAHASHI

In re: Rights of Tokio Takahashi and Umekichi Takahashi under insurance contract. File No. F-39-4500-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokio Takashashi and Umekichi Takahashi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7 631 012, issued by the New York Life Insurance Company, New York, New York, to Tokio Takahashi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tokio Takahashi or Umekichi Takahashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 11, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-105; Filed, Jan. 3, 1951; 8:50 a. m.]

[Vesting Order 7868, Amdt.]

MARY DAMBACH ET AL.

In re: Stock owned by Mary Dambach, also known as Mary Arpten Dambach, and others. F-28-2115-D-4, F-28-23629-D-1, F-28-23630-D-1, F-28-23631-D-1, F-28-23632-D-1, F-28-23633-D-1, F-39-291-D-1, D-66-2263-D-1.

Vesting Order 7868, dated October 14, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 3 of said Vesting Order 7868 and substituting therefor the following:

3. That the property described as follows:

a. Three hundred fifty-five (355) shares of $1.00 par value common capital stock of Paramount Pictures, Inc., 1501 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate Nos.	Number of shares
Mrs. Mary Dambach	C144517	100
Do	C0149095	96
Do	C0151661	7
Theodora P. Cochrane	C016041	76
Do	T021393	76

together with all declared and unpaid dividends thereon, and, without limitation, any and all rights to receive shares of Paramount Pictures Corporation and United Paramount Theatres, Inc., allocable to the above-described shares of Paramount Pictures, Inc., pursuant to a plan of reorganization of said Paramount Pictures, Inc., approved March 3, 1949, together with all declared and unpaid dividends on said shares of Paramount Pictures Corporation, and United Paramount Theatres, Inc., and

b. Sixteen (16) shares of no par value common capital stock of Paramount Publix Corporation, 1501 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Miss Frieda Flegel	45195	5
Miss Martha Heuschel	45197	2
Willi Hoffmann	45194	5
Mrs. Mary Tyroler	045190	3
Do	089234	1

together with all declared and unpaid dividends thereon, and any and all rights allocable to the above-described shares under a plan or reorganization of said Paramount Publix Corporation of June 1935, whereby, among other things, one (1) share of $1.00 par value common stock of Paramount Pictures, Inc., was issuable for each four (4) shares of stock of said Paramount Publix Corporation, and any and all rights allocable to the shares of Paramount Pictures, Inc., so issuable under a stock split of said Paramount Pictures, Inc., of July 8, 1946, together with all declared and unpaid dividends on the shares so issuable and any and all rights to receive shares of Paramount Pictures Corporation and United Paramount Theatres, Inc., allocable to the above-described shares of Paramount Pictures, Inc., pursuant to a plan of reorganization of said Paramount Pictures, Inc., approved March 3, 1949, together with all declared and unpaid dividends on said shares of Paramount Pictures Corporation and United Paramount Theatres,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

All other provisions of said Vesting Order 7868, and all actions taken by or on behalf of the Alien Property Custodian and the Attorney General of the United States in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-107; Filed, Jan. 3, 1951; 8:50 a. m.]

[Vesting Order 16334]

ELIZABETH SUNDERBRINK

In re: Mortgage participation certificates and debts owned by Elizabeth Sunderbrink. F-28-4029; A-1; G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Sunderbrink, whose last known address is 8 Arndtstrasse, Muelheim-Ruhr, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests evidenced by Mortgage Participation Certificates of Series B-K, issued by New York Title and Mortgage Company, numbered 1147, due April 1, 1939, and numbered 6857, due August 1, 1941, registered in the name of Wilhelm Muhlig, including any and all distributions of principal and interest, due, or to become due thereon, together with any and all rights to demand, enforce and collect the same, and

b. All checks in the possession of Trust Company of North America, 115 Broadway, New York, New York, as Transfer and Distribution Disbursing Agent for the Trustees of Mortgage Participation Certificates of Series B-K, issued by New York Title and Mortgage Company, drawn for payments of principal and interest on the certificates described in subparagraph 2-a hereof, including but not limited to those checks described in Exhibit A, attached hereto and by reference made a part hereof, and the rights to possession and presentation for payment of all such checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account or, or owing to, or which is evidence of ownership or control by, Elizabeth Sunderbrink, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—CHECKS DRAWN BY AND IN THE POSSESSION OF TRUST COMPANY OF NORTH AMERICA

Check No.	Date	Amount
4099	June 30, 1940	$52.40
4869	Dec. 31, 1940	32.06
2990	May 12, 1941	20.00
2994	June 30, 1941	31.72
3061	Dec. 31, 1941	42.55
2439	June 31, 1942	42.33
3879	Dec. 31, 1942	41.06
3879A	Dec. 31, 1942	.94
3093	Apr. 30, 1943	30.00
3879	June 30, 1943	25.48
3883	Dec. 31, 1943	78.22
3888	Feb. 1, 1944	20.00
3893	June 30, 1944	69.61
2441	Dec. 31, 1944	91.01
3894	June 30, 1945	143.24
3853	Sept. 1, 1945	120.00
3829	Dec. 31, 1945	149.82
3824	June 29, 1946	76.80
3834	Apr. 29, 1946	100.00
3848	Oct. 1, 1946	80.00
3807	Dec. 31, 1946	62.28
3739	June 30, 1947	54.28
3772	Oct. 1, 1947	60.00
3752	Dec. 31, 1947	49.32
3712	Jan. 20, 1948	5.45
3887	June 30, 1948	52.46
3907	Dec. 31, 1948	42.85

[F. R. Doc. 51-100; Filed, Jan. 3, 1951; 8:49 a. m.]

[Vesting Order 16306]

DEUTSCHE BANK

In re: Bank accounts owned by and debts owing to Deutsche Bank, Berlin, Germany, Deutsche Bank, Istanbul, Turkey, and Deutsche Bank in der Tschechoslovakai, Prague, Czechoslovakia. F-28-852-C-4; E-1; E-4; E-14; F-28-852-E-17; E-21; E-25; E-28; E-30.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That Deutsche Bank, the last known address of which is Istanbul, Turkey, is a branch of Deutsche Bank, Berlin, Germany, and is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Bank, Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That Deutsche Bank in der Tschechoslovakai, the last known address of which is Prague, Czechoslovakia, is a branch of Deutsche Bank, Berlin, Germany, and is, or on or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Bank, Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The American Express Company, 65 Broadway, New York City, New York, arising out of overdrafts as shown by the books of The American Express Company, in its free marks account maintained with the Deutsche Bank, Berlin, Germany, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled inactive dollar checking account in the name of Deutsche Bank, Berlin, Germany, maintained with the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled an unclaimed dollar deposit account, in the name of Deutsche Bank, Berlin, Germany, maintained with the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The Grace National Bank of New York, 7 Hanover Square, New York 5, New York, arising out of a checking account, entitled Deutsche Bank, Berlin, Germany, maintained at the aforesaid Grace National Bank of New York, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by Mellon National Bank, Pittsburgh 36, Pennsylvania, arising out of a regular dollar account, entitled Deutsche Bank, Berlin, Germany, maintained at the aforesaid Mellon National Bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The Tradesmens National Bank & Trust Co., 320 Chestnut Street, Philadelphia 1, Pennsylvania, arising out of an account, entitled Deutsche Bank, Berlin, Germany, maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The Washington Loan and Trust Company, 900 F Street, N. W., Washington 4, D. C., arising out of a checking account, entitled Deutsche Bank, Berlin, Germany, maintained at the aforesaid The Washington Loan and Trust Company, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The Riggs National Bank, Washington, D. C., arising out of a checking account, entitled Deutsche Bank, Berlin, Germany, maintained at the aforesaid The Riggs National Bank, and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation owing to Deutsche Bank, Berlin, Germany, by The New York Trust Company, 100 Broadway, New York, New York, arising out of a certain checking account, entitled Deutsche Bank, Mainz, Germany, maintained at the aforesaid The New York Trust Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsche Bank, Berlin, Germany, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation owing to Deutsche Bank, Istanbul, Turkey, by the National City Bank of New York, 55 Wall Street, New York, New York, arising out of an unpresented draft account, entitled Deutsche Bank, Istanbul, Turkey, maintained at the aforesaid National City Bank of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsche Bank, Istanbul, Turkey, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation owing to Deutsche Bank in der Tschechoslovakai, Prague, Czechoslovakia, by the National City Bank of New York, 55 Wall Street, New York, New York, arising out of an unpresented draft account, entitled Deutsche Bank in der Tschechoslovakai, Prague, Czechoslovakia, maintained at the aforesaid National City Bank of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by

Deutsche Bank, in der Tschechoslovakai, Prague, Czechoslovakia, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That Deutsche Bank, Berlin, Germany, Deutsche Bank, Istanbul, Turkey, and Deutsche Bank in der Tschechoslovakai, Prague, Czechoslovakia, are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

8. That to the extent that the persons named in subparagraphs 1, 2 and 3, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-159; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16337]

HARUO SUMII

In re: Bank account owned by Haruo Sumii. F-39-6698-C-1, F-39-6698-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Haruo Sumii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Haruo Sumii, by Bank of Hawaii, Bishop and King Streets, Honolulu, T. H., arising out of a savings account, account number 145980, entitled Haruo Sumii, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-160; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16329]

MARTHA PUSCHMANN

In re: Judgment rights owned by Martha Puschmann. F-28-25805-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Puschmann, whose last known address is Breslau 1, Muenzstrasse 3, II Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title and interest created in Martha Puschmann by virtue of that certain judgment entered in the Los Angeles Municipal Court, Los Angeles, California, in the cause entitled Max Grah vs. Margarete Keller, numbered 753140, subject to the rights of Ratzer & Bridge, 357 South Hill Street, Los Angeles 13, California, including particularly, but not limited to, the right to enforce and collect all obligations thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Martha Puschmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-161; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16383]

LOUISA BOHNENBERGER AND KURT HILBERT

In re: Rights of Louisa Bohnenberger Hilbert and Kurt Hilbert under contract of insurance. File No. F-28-24834-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louisa Bohnenberger Hilbert and Kurt Hilbert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4662362 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Louisa Bohnenberger Hilbert, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Louisa Bohnenberger Hilbert or Kurt Hilbert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-162; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16473]

HASEGAWA MENKWA K. K.

In re: Debt owing to Hasegawa Menkwa K. K., also known as Hasegawa Shoten Kabushiki Kaisha and as Hasegawa Shoten K. K. F-39-1998-C-1, C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hasegawa Menkwa K. K., also known as Hasegawa Shoten Kabushiki Kaisha and as Hasegawa Shoten K. K., the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Osaka, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain debts or other obligations of Bunge Corporation, 80 Broad Street, New York 4, New York, appearing on the books and records of Bunge Corporation as accounts payable to Hasegawa Menkwa K. K., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Geo. H. McFadden & Bro., 60 Beaver Street, New York 4, New York, appearing on the books and records of Geo. H. McFadden & Bro., as an open account due Hasegawa Shoten Kabushiki Kaisha, also known as Hasegawa Shoten K. K., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-163; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16385]

KENJU IKUTA

In re: Rights of the domiciliary personal representatives et al. of Kenju Ikuta, deceased under an insurance contract. File No. F-39-6376-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Kenju Ikuta, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,101,415 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kiyoshi Ikuta, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Kenju Ikuta, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-166; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16384]

MINORU HONDA ET AL.

In re: Rights of Minoru Honda et al., under insurance contract. File No. F-39-4391 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Honda and Fusa Honda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 240 539, issued by the New York Life Insurance Company, New York, New York, to Minoru Honda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minoru Honda or Fusa Honda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-164; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16386]

MASU AND SOICHI IMADA

In re: Rights of Masu Imada and Soichi Imada under a contract of insurance. File No. D-39-19087-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masu Imada and Soichi Imada, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 535,537 issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Masu Imada, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Masu Imada or Soichi Imada, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-165; Filed, Jan. 4, 1951; 8:51 a. m.]

[Vesting Order 16478]

KREDITBANK

In re: Bank accounts owned by Kreditbank, also known as Deutsch-Bulgarische Kreditbank and as Banque de Credit. F-28-1791, F-28-1791-E-1, F-28-1791-E-2, F-28-1791-E-3, F-28-1791-E-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Kreditbank, also known as Deutsch-Bulgarische Kreditbank and as Banque de Credit, is a corporation organized under the laws of Bulgaria, whose principal place of business is located at Sofia, Bulgaria, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act, directly or indirectly, for the benefit or on behalf of the aforesaid Deutsche Bank, and is a national of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations of the banks whose names and addresses are set forth in Exhibit A, attached hereto and by reference made a part hereof, arising out of the accounts described in said Exhibit A, maintained at said banks, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kreditbank, also known as Deutsch-Bulgarische Kredit bank and as Banque de Credit, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Kreditbank, also known as Deutsch-Bulgarische Kreditbank and as Banque de Credit, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of bank	Type of account	Title of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Checking current	Kreditbank Sofia.
	Old checks outstanding	Do.
Manufacturers Trust Co., 55 Broad St., New York, N. Y.	Checking	Banque de Credit.
The National Shawmut Bank of Boston, 40 Water St., Boston 6, Mass.	Dollar deposit	Do.
The National City Bank of New York, 55 Wall St., New York, N. Y.	Checking	Do.

[F. R. Doc. 51-167; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16479]

AUGUSTA KULLA

In re: One-third interest in securities owned by Augusta Kulla. F-28-30644.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Kulla, whose last known address is Hannoversche, Munden, Germany, Am Plam 13, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A one-third interest in that certain debt or other obligation, matured or unmatured, evidenced by a trust receipt of the Seaboard Trust Company, 95 River Street, Hoboken, New Jersey, in the amount of $3,920.88, registered in the name of Norbert Kulla, numbered TR-3840, together with a one-third interest in any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same.

b. A one-third interest in that certain debt or other obligation, matured or unmatured, evidenced by a trust certificate of the Seaboard Trust Company, 95 River Street, Hoboken, New Jersey, of $356.44 face value, registered in the name of Norbert Kulla and numbered TC-3844, together with a one-third interest in any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. An undivided one-third of all rights, interests and claims in and to, and arising out of or under a voting trust certificate for 37 shares of capital stock of Seaboard Trust Company, 95 River Street, Hoboken, New Jersey, said certificate numbered VT-2906,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Augusta Kulla, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-168; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16482]

F. A. SOHST

In re: Rights of F. A. Sohst under marine and war risk policies. F-28-26079-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. A. Sohst, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests of F. A. Sohst, in, to and under Marine and War Risk policies, issued by Fireman's Fund Insurance Company, 401 California Street, San Francisco, California, to Heidner & Company, Tacoma, Washington, and endorsed by Heidner & Company, to F. A. Sohst, covering shipments aboard the SS "Portland", arising on account of port of refuge expenses incurred by said vessel,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, F. A. Sohst, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-169; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16484]

L. F. WILL & CO.

In re: Bank account and portions of bank accounts owned by and debt owing to L. F. Will & Co. F-28-28704 and C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiag-Verein Holzverkohlungs-Industrie G. m. b. H., the last known address of which is Frankfurt am Main, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That A. G. fur Waldverwertung is a corporation organized under the laws of Switzerland, whose principal place of business is located at Zurich, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Hiag-Verein Holzverkohlungs-Industrie G. m. b. H., and is a national of a designated enemy country (Germany);

3. That L. F. Will & Co. is a limited partnership organized under the laws of Holland, whose principal place of business is located at Amsterdam, Holland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid A. G. fur Waldverwertung, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a blocked account entitled L. F. Will & Co. N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $10,525.92, constituting a portion of a blocked account in the name of Rotterdamsche Bank N. V., maintained at said The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $603.06, constituting a portion of a blocked account in the name of Amsterdamsche Bank N. V., maintained at said The National City Bank of New York, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to L. F. Will & Co. by the Southern Chemical Cotton Company, 45th & Central Avenue, Chattanooga 10, Tennessee, in the amount of $3,234.19, as of May 24, 1949, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by L. F. Will & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That A. G. fur Waldverwertung and L. F. Will & Co. are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

8. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-170; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16714]

HIKOHACHI ONOUYE

In re: Real property owned by Hikohachi Onouye, also known as Hikohachi Onoue, as Hikohachi Onowe and as Hikohachi Onoe. F-39-6709-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hikohachi Onouye, also known as Hikohachi Onoue, as Hikohachi Onowe, and as Hikohachi Onoe, whose last known address is care of Hikoshiro Onouye, Kumamoto ken Kyushu, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Real property situated at Olaa, Puna, County and Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. That certain piece or parcel of land situate at Olaa, Puna, Hawaii, being a portion of Grant 4254 and Grant 4172, Olaa Reservation Lots, and more particularly described by metes and bounds as follows:

Beginning at a pipe on the south corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Olaa" being 12,606.45 feet south and 14,411.97 feet west, thence running by azimuths measured clockwise from true south:

1. 144°47'30" 1,000.80 feet along Land Court Application 1057 to a pipe;
2. 236°55'20" 519.00 feet to an iron rail;
3. 325°49'50" 1,027.68 feet to a pipe;
4. 65°11' 291.40 feet to a pipe;
5. 53°02' 213.50 feet to the point of beginning and containing a gross area of 11.715 acres and a net area of 11.355 acres after deducting 0.36 acre for a 30-foot road and railroad right of way, owned by the Olaa Sugar Company, Ltd., across this lot.

Parcel No. 2. That certain piece or parcel of land situate at Olaa, Puna, Hawaii, being a portion of Royal Patent No. 4981, known as Lot 7, and more particularly described by metes and bounds as follows:

Beginning at the north corner of Lot 7, the coordinates of said point referred to Government Survey Station known as Volcano Road Station No. 5, South 7821.35 feet and West 1824.21 feet, thence running by true azimuths.

1. 311°15' 111.53 feet along 20 foot right of way;
2. 42°02' 480.00 feet along Grant 5055;
3. 131° 15' 111.53 feet along Grant 4941;
4. 222°02' 480.00 feet to point of beginning, and containing an area of 1.23 acres.

Parcel No. 3. Beginning at the North corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Trig. Station (Olaa) being South 7,453.65 feet and West 2,244.16 feet.

Thence running by true azimuths and distances as follows:

1. 311°15' 111.53 feet along Grant 4981;
2. 42°02' 480.00 feet along Grant 4981;
3. 131°15' 111.53 feet along Grant 4941;
4. 222°02' 480.00 feet along Grant 4981 to the point of beginning and containing an area of 1.23 acres.

Parcel No. 4. Beginning at the north corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Trig. Station (Olaa), being south 7674.27 feet and west 1992.61 feet.

Thence running by true azimuths and distances as follows:

1. 311°15' 111.53 feet along Grant 4981;
2. 42°02' 480.00 feet along Grant 4981;
3. 131°15' 111.53 feet along Grant 4941;
4. 222°02' 480 feet along Grant 4981 to the point of beginning and containing an area of 1.23 acres.

Parcel No. 5. Beginning at the north corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Trig. Station (Olaa) being South 7600.73 feet and West 2076.46 feet:

Thence running by true azimuths and distances as follows:

1. 311°15' 111.53 feet along Grant 4981;
2. 42°03' 480.00 feet along 4981;
3. 131°15' 111.53 feet along Grant 4941;
4. 222°02' 480 feet along Grant 4981 to the point of beginning and containing an area of 1.23 acres.

Parcel No. 6. Beginning at the north corner of that certain piece or parcel of Grant 4981, the coordinates of said point referred to Government Survey Station known as Olaa, Volcano Road, Station No. 5, South 7381.37 feet and west 2326.58 ft., thence running by true azimuths and distances as follows:

1. 311°15' 109.62 feet along 20 foot right of way;
2. 42°02' 480.00 feet along lot 3 of Grant 4981;
3. 131°15' 98.24 feet along Grant 4941;
4. 222°02' 208.71 feet along Kimura's Lot;
5. 131°15' 11.38 feet along Kimura's Lot;
6. 222°02' 271.29 feet to point of beginning and containing an area of 1.23 acres.

Parcel No. 7. Begining at the north corner of this piece of land, the coordinates of said point referred to Government Survey Trig. Station (Olaa) being south 7527.19 feet and west 2160.31 feet. Thence running by true azimuths and distances as follows:

1. 311°15' 111.53 feet along Grant 4981;
2. 42°02' 480.00 feet along Grant 4981;
3. 131°15' 111.53 feet along Grant 4981;
4. 222°02' 480.00 feet along Grant 4981 to the point of beginning and containing an area of 1.23 acres.

[F. R. Doc. 51-172; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16713]

FANNY BAUER

In re: Real property owned by Fanny Bauer. F-28-31036-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Bauer, whose last known address is (13b) Sackgasse 12 I, Freising-Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows

a. Real property situated in the Town of Oyster Bay, County of Nassau, and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece or parcel of land situate, lying and being in the Town of Oyster Bay, County of Nassau and State of New York, known and designated as lots No. nineteen (19) and twenty (20) in Block 265 on a certain plan of lots called "Nassau Shores," Section No. Two, situate in the County of Nassau, surveyed by Chester R. Nichols, Licensed State Surveyor, May, 1926, and filed in the Clerk's Office of Nassau County, aforesaid, on the 22nd day of May 1926, as Map No. 605, bounded and described as follows:

Beginning at a point on the westerly side of West Shore Drive distant two hundred and forty and forty-four one-hundredths (240.44) feet southerly from the corner formed by the intersection of the westerly side of West Shore Drive with the southerly side of Orlando Street as shown on said plan; running thence westerly parallel with said Orlando Street one hundred and twenty (120) feet more or less to Unqua River; thence southwesterly along Unqua River fifty-six (56) feet more or less; thence easterly on a radial line one hundred and sixty (160) feet more or less to the westerly side of West Shore Drive; thence northerly along the said westerly side of West Shore Drive forty (40) feet to the point or place of beginning, be said measurements and area more or less.

[F. R. Doc. 51-171; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16715]

HILAR VOITH ET AL.

In re: Real property and bank account owned by Hilar Voith and others. F-28-4602, F-28-4602-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Name and Address

Elsa M. Voith, Harras near Prien, Germany.
Hilar Voith, Altbeuern near Rosenheim, Germany.
Erwin Malblanc, 63 Kaiserstrasse Reutlingen, Wuerttemberg, Germany;

2. That Thea Voith, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) or nationals of such country and is a national of a designated enemy country (Germany);

3. That the property described as follows: Real property, situated in Township of Empire, County of Leelanau, State of Michigan, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: All those debts or other obligations owing to Hilar Voith and Erwin Malblanc, by Christian F. Benz, 35 Puritan Avenue, Tuckahoe 7, New York, including particularly but not limited to a portion of the sum of money on deposit with the Corn Exchange Bank Trust Co., 13 William Street, New York, New York, in a checking account entitled Christian F. Benz, Special, maintained at the branch office of the aforesaid bank located at 157 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hilar Voith and Erwin Malblanc, the aforesaid nationals of a designated enemy country;

and it is hereby determined:

5. That the person named in subparagraph 2 hereof is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, but not subject to any rights therein of American Voith Contact Co., Inc., a New York Corporation, and/or of Christian F. Benz, 35 Puritan Avenue, Tuckahoe 7, New York, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that plot of land lying and being in the Township of Empire, County of Leelanau, State of Michigan, described as follows:

The southwest quarter (S. W. ¼) of the southwest quarter (S. W. ¼) of Section 12 Township 28 North, Range 14 West of the Michigan Meridian. Containing 40.0 acres more or less.

Also the southeast quarter (S. E. ¼) of the southwest quarter (S. W. ¼) of the southeast quarter (S. E. ¼) of Section 11 Township 28 North, Range 14 West of the Michigan Meridian. Containing 10.0 acres more or less.

Also a part of Government Lots 1, 2, and 3 of Section 11 Township 28 North, Range 14 West of the Michigan Meridian more fully described as follows: Beginning at the southwest corner of Government Lot 2 of said Section 11; thence north along the west line of said Government Lot (2) 1333.65 feet to th southeast corner of Government Lot 3 of said Section 11; thence west along the south line of said Government Lot (3) 353.5 feet; thence north 28 degrees 41 minutes east (new bearing north 26 degrees 45 minutes east) 797.10 feet to the shore of Glen Lake; thence south 45 degrees 45 minutes east along said shore 105.8 feet; thence south 49 degrees 27 minutes east along said shore 89.9 feet; thence south 67 degrees 45 minutes east along said shore 109.0 feet; thence south 48 degrees 06 minutes east along said shore 87.6 feet; thence south 62 degrees 51 minutes east along said shore 144.0 feet; thence south 42 degrees 01 minute east along said shore 140.9 feet; thence south 58 degrees 26 minutes east along said shore 7.3 feet; thence south 48 degrees 45 minutes west 173.8 feet to the north line of a public road; thence south 48 degrees 51 minutes east along the north line of said public road 762.00 feet to a point of curve; thence to the right along the north and east line of said public road and being along a curve convex northeasterly and having a radius of 233.0 feet a distance of 351.50 feet; thence north 46 degrees 06 minutes east 410.8 feet to the shore of Glen Lake; thence south 42 degrees 58 minutes east along said shore 113.20 feet; thence southeast following said shore the chord line of which bears south 51 degrees 44 minutes east 1515.7 feet to the south line of said Section 11; thence west along the said south line 2611.0 feet to the point of beginning. Containing 60.26 acres more or less.

The three tracts containing in all 110.26 acres more or less.

[F. R. Doc. 51-173; Filed, Jan. 4, 1951; 8:52 a. m.]

[Vesting Order 16716]

ROSA AMELUNG AND ELIZABETH BEYER

In re: Funds payable and owing to Rosa Amelung and Elizabeth Beyer. D-28-12929.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Amelung and Elizabeth Beyer, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosa Amelung and Elizabeth Beyer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain funds in the custody of the United States District Court for the District of Columbia, payable and owing to Rosa Amelung and Elizabeth Beyer arising out of the condemnation of real property in the District of Columbia, described as Lots 17 and 18 in Square 6155 and Lots 41 and 43 in Square 6156, in proceedings numbered 2746 in the United States District Court for the District of Columbia, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rosa Amelung and Elizabeth Beyer and/or the personal representatives, heirs, next of kin, legatees and distributees of Rosa Amelung and Elizabeth Beyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-174; Filed, Jan. 4, 1951; 8:52 a. m.]

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 103]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.501 *Tangerine Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 8, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until January 8, 1951; the recommendation and supporting information for continued regulation subsequent to January 7 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 8, 1951, and ending at 12:01 a. m., e. s. t., January 15, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 4th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-333; Filed, Jan. 5, 1951; 9:32 a. m.]

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Air Force Department	
Rules and regulations:	
Officers' reserve; short tours of active duty for training of individuals and units	165
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Albrecht, Karl Friedrich, and Fritz E. Albert	206
Arnold, Gertrude and Rudolph	207
Assemacher, Thomsa, et al	207
Bank of America National Trust and Savings Association and Nicola Bonfiglio	219
Bauer, Pauline, et al	208
Bock, William and Catherine	208
Bonfiglio, Cecilia	219
Bormann, Martha, et al	208
Braubach, Louis, et al	209
Bruhm, Arno F. and Ella F.	209
Busselmann, Anna M., et al	209
Clasen, Engelbert L., et al	210
Cuneo, Dusolina Queirolo, et al	219
Ecker, Emma	219
Funcke, Julius C., et al	210
Gosho, Hidekichi and Taka	210
Grix, Arthur E., et al	211
Hamamoto, Hoichi and Yoshiko	211
Hartmann, Elisabeth, et al	212
Hartmann, Walter, et al	212
Hartwig, Willy P., et al	212
Henschke, Herta, et al	211
Heye, Bernhard, et al	213
Hirai, J. Shoji	218
Humbert, Adrien C., et al	213
Ikemiya, Shigeaki, et al	214
Isshiki, Toraji, et al	214
Ito, Yasuichi, et al	214
Iwamoto, Mrs. Yasu and Rinzo	215
Jentsch, Mara, et al	204
Kaiser, Genevieve	204
Kawano, Gohachi, et al	215
Kensing, Emma, et al	204
Kluge, William	215
Kohrt, Heinrich, et al	205
Kotabe, Eiji and Masataro	205
Kushi, Shigetaro	205
Letocha, Ewald, et al	213
Lindewirth, Ernst F. and Alida Magdalena Clara	216

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Locher, Paul, et al 216
Meenen, William C. and Ida 216
Metzger, Peter Paul Adam, et al 217
Metzner, Anna Marie 219
Michiuye, (Mrs.) Kiyoko Kasahara, et al 217
Mishima, Yoshito and Mitsuiko 217
Muraoka, Midori Beatrice 219
Norton, Herman 218
Price, Amelia 205
Shimoda, Toshio 220
Tannenbaum, Kurt 206
Thomas, Sigrid 206
Traverso, Paulino and Aurelia 218
Von Heydekampf, Gerd Stieler, et al 213

Civil Aeronautics Board
Notices:
Oxnard Sky Freight, enforcement proceeding; hearing 197
Rules and regulations:
Annual experience reports:
Certificates:
Air traffic control-tower operator 163
Aircraft dispatcher 163
Mechanic 163
Ground instructor rating 163

Commerce Department
See Federal Maritime Board.

Defense Department
See Air Force Department.

Federal Communications Commission
Notices:
Hearings, etc.:
Craig, Claude H. (KCHC) 202
Custer County Broadcasting Co. (KCNI) 201
Formby, Marshall 200
Gila Broadcasting Co 198
Good Neighbor Broadcasting Co. Inc. (KIWW), and Garden Broadcasting Co 199
Harmco, Inc. (KROY), et al 197
Key, Earl M. (WKEY) 200
National Broadcasting Co. Inc. (KOA), and Tacoma Broadcasters, Inc. (KTBI) 198
Pratt Broadcasting Co 199
Radio Sumter and Radio Station WSOC, Inc. (WSOC) 199
Taylor County Broadcasting Co. Inc. (WLCK), and Clark-Montgomery Broadcasting Co., Inc 201
Telanserphone, Inc., and Thomas L. Smith, Jr 201
Telephone Message Service of Yonkers, et al 200
Unity Corp. Inc. (WTOD), et al 198
List of changes proposed changes, and corrections in assignments, broadcast stations:
Canadian 202
Mexican 202
Proposed rule making:
Coastal and marine relay and ship service; extension of time for filing of written comments 197
Television broadcast service and broadcasting; reservation of channels for non-commercial educational television stations 193

Federal Communications Commission—Continued Page
Proposed rule making—Continued
Time of filing applications for renewal of broadcast station licenses and license periods of standard broadcast FM broadcast and television broadcast stations 194
Rules and regulations:
Frequency allocations and radio treaty matters; miscellaneous amendments 167

Federal Maritime Board
Notices:
German and Japanese nationals participating in steamship conference and other agreements 197

Federal Power Commission
Notices:
Hearings, etc.:
Interstate Power Co 203
Northeastern Gas Transmission Co 203

Federal Reserve System
Rules and regulations:
Reserves of member banks; required reserves 162

Federal Trade Commission
Notices:
Floor machinery industry; trade practice conference proceedings 203

Housing and Home Finance Agency
See Public Housing Administration.

Housing Expediter, Office of
Rules and regulations:
Rent controlled; housing and rooms in rooming houses and other establishments; certain States 164

Justice Department
See Alien Property, Office of.

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Chicago, suburban Chicago and Rockford-Freeport, Ill. 191
Cincinnati, Ohio, hearing; correction 194
Southern Illinois 179
Referendum 191
Suburban St. Louis, Mo., marketing area 168
Referendum 179
Rules and regulations:
Limitation of shipments:
Lemons grown in California and Arizona 153
Oranges grown in California or in Arizona 169
Oranges, grapefruit and tangerines grown in Florida 153
Milk handling in Duluth-Superior marketing area 155
Potatoes, Irish, in counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California 169

CONTENTS—Continued

Public Housing Administration Page
Delegations of authority; description of agency and programs 203

Treasury Department
Rules and regulations:
Standards and procedures for special enrollment of former Treasury officers and employees 164

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page
Chapter IX:
Part 911 (proposed) (2 documents) 168, 179
Part 916 (proposed) (2 documents) 179, 191
Part 933 153
Part 941 (proposed) 191
Part 953 155
Part 954 155
Part 959 160
Part 965 (proposed) 191
Part 966 160
Part 969 (proposed) 194
Part 991 (proposed) 191

Title 12
Chapter II:
Part 204 162

Title 14
Chapter I:
Part 24 163
Part 26 163
Part 27 163
Part 51 163

Title 24
Chapter VIII:
Part 825 164

Title 31
Subtitle A:
Part 12 164

Title 32
Chapter VII:
Part 861 165

Title 47
Chapter I:
Part 1 (proposed) 194
Part 2 167
Part 3 (proposed) (2 documents) 194, 196
Part 4 167
Part 7 (proposed) 197
Part 8 (proposed) 197

[Lemon Reg. 364]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.471 *Lemon Regulation 364*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 3, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 7, 1951, and ending at 12:01 a. m., P. s. t., January 14, 1951, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 230 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 363 (15 F. R. 9429), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 4th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-332; Filed, Jan. 5, 1951; 9:32 a. m.]

PART 954—MILK IN DULUTH-SUPERIOR MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
954.0 Findings and determinations.

DEFINITIONS
954.1 Duluth-Superior marketing area.
954.2 Person.
954.3 Producer.
954.4 Handler.
954.5 Market Administrator.
954.6 Delivery period.
954.7 Act.
954.8 Secretary.
954.9 Emergency milk.

MARKET ADMINISTRATOR
954.20 Designation.
954.21 Powers.
954.22 Duties.
954.23 Announcement of prices.

REPORTS AND RECORDS
954.30 Reports of receipts and utilization.
954.31 Reports of producers.
954.32 Reports of emergency milk.
954.33 Other reports.
954.34 Verification of reports.
954.35 Retention of records.

CLASSIFICATION
954.40 Basis of classification.
954.41 Classes of utilization.
954.42 Interhandler and handler to nonhandler sales.
954.43 Allocation of skim milk and butterfat classified.

MINIMUM PRICES
954.50 Class prices.
954.51 Butterfat differentials to handlers.
954.52 Emergency price provisions.

APPLICATION OF PROVISIONS
954.60 Handlers who are also producers.
954.61 Receipts from handlers who are also producers.
954.62 Receipts from sources other than handlers or other producers.

DETERMINATION OF UNIFORM PRICE
954.70 Computation of the value of milk for each handler.
954.71 Computation of uniform price.

PAYMENTS
954.80 Time and method of payment.
954.81 Butterfat differentials to producers.
954.82 Producer-settlement fund.
954.83 Payments to the producer-settlement fund.
954.84 Payments out of the producer-settlement fund.
954.85 Adjustment of errors in payments.
954.86 Marketing services.
954.87 Expense of administration.
954.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

Sec.
954.90 Effective time.
954.91 Suspension or termination.
954.92 Continuing obligations.
954.93 Liquidation.

MISCELLANEOUS PROVISIONS

954.100 Market advisory committee.
954.101 Agents.

AUTHORITY: §§ 954.1 to 954.101 issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c.

§ 954.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supp., 900.1 et seq.), a public hearing was held at Duluth, Minnesota, on November 29, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Duluth-Superior, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than January 1, 1951. Any delay beyond January 1, 1951, in the effective date of this order, amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Duluth-Superior marketing area. The changes effected by this order, amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective January 1, 1951 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended, which is marketed within the Duluth-Superior marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practicable means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Duluth-Superior marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (November 1950) were engaged in the production of milk for sale in the Duluth-Superior marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Duluth-Superior marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 954.1 *Duluth-Superior marketing area.* "Duluth-Superior marketing area," hereinafter called "marketing area," means the cities of Duluth and Cloquet in the State of Minnesota, and the city of Superior in the State of Wisconsin.

§ 954.2 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 954.3 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who, under certification by the proper health authorities, produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area: *Provided*, That if such person did not regularly distribute milk in the marketing area, or dispose of milk to a plant from which milk was distributed within the marketing area, during a period of 30 days immediately prior to the effective date hereof, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery to a handler, after which he shall be known as a "producer." This definition shall be deemed to include any person who produces milk which a handler causes to be diverted temporarily to a plant from which no milk is disposed of in the marketing area.

§ 954.4 *Handler.* "Handler" means any person who on his own behalf or on behalf of others, disposes of milk as milk in the marketing area and who engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

§ 954.5 *Market administrator.* "Market administrator" means the agency which is described in §§ 954.20 to 954.22, inclusive, for the administration hereof.

§ 954.6 *Delivery period.* "Delivery period" means the period from the effective date hereof to the end of the calendar month in which such effective date occurs, and thereafter such term shall mean any calendar month.

§ 954.7 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 954.8 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 954.9. *Emergency milk.* "Emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued to him by the proper health authorities.

MARKET ADMINISTRATOR

§ 954.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such reasonable compensation as may be determined by and shall be subject to removal at the discretion of the Secretary. The market administrator, within 45 days following the date upon which he enters upon his duties, shall execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 954.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions hereof, and

(b) Report to the Secretary complaints of violations hereof.

§ 954.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for herein;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 954.30 to 954.33, or made payments pursuant to § 954.80;

(f) Prepare and disseminate for the benefit of producers, new producers, consumers, and handlers such statistics and information concerning the operation hereof as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(h) Pay, out of the fund received pursuant to § 954.87, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will be incurred necessarily by him for the maintenance and functioning of his office and in the performance of his duties.

§ 954.23 *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(a) Not later than the end of each delivery period, the prices for Class I and Class II milk and the butterfat differentials to be effective for the following delivery period.

(b) Not later than the 12th day after the end of each delivery period, the uniform price computed pursuant to § 954.71.

REPORTS AND RECORDS

§ 954.30 *Reports of receipts and utilization.* Each handler including each handler who is also a producer, who receives milk from producers, new producers or associations of producers, with respect to all milk received during each delivery period, shall report to the market administrator in the detail and on forms prescribed by the market administrator on or before the 7th day after the end of such delivery period (a) the receipts at each plant of milk from producers, new producers, associations of producers, other handlers, and from own farm production, if any, (b) the utilization of all receipts of milk during the delivery period, and (c) the name and address of each new producer.

§ 954.31 *Reports of producers.* Each handler who is required to file reports pursuant to § 954.30 shall further report to the market administrator as follows:

(a) Within 10 days after the market administrator's request, with respect to any producer or new producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator (1) the name and address, (2) the total pounds of milk received, (3) the average butterfat test of such milk, and (4) the number of days upon which milk was received.

(b) On or before the 25th day after the end of such delivery period, his producer payroll which shall show for each producer and new producer (1) the total quantity of milk received with the average butterfat test thereof, (2) the net amount of the payments to such producer or new producer made pursuant to § 954.80, and (3) any deductions or charges made by the handler. Any deductions or charges made by the handler from payments due producers and new producers shall be accompanied by authorizations therefor.

§ 954.32 *Reports of emergency milk.* Each handler who receives emergency milk shall report to the market administrator as follows:

(a) On or before the day such handler receives emergency milk, his intention to receive such milk.

(b) On or before the 7th day after the end of such delivery period, the receipts of emergency milk as follows: (1) The amount of such milk, (2) the date or dates upon which such milk was received, (3) the plant from which such milk was shipped, (4) the price per hundredweight paid, or to be paid, for such milk, and (5) such other information with respect thereto as the market administrator may request.

§ 954.33 *Other reports.* Each handler who is not required to submit reports pursuant to § 954.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 954.34 *Verification of reports.* Each handler shall make available to the market administrator or his agent during the usual hours of business (a) those records, including records relating to milk and milk products received from sources other than producers, new producers, associations of producers, or other handlers, which are necessary for the verification of the information contained in the reports submitted in accordance with §§ 954.30 to 954.32, and (b) those facilities necessary for the check-weighing, check-testing, and sampling of milk, and for determining the utilization of milk by the handler.

§ 954.35 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such three year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 954.40 *Basis of classification.* All skim milk and butterfat received during each delivery period by a handler, including milk produced by him, if any, shall be classified by the market administrator pursuant to the provisions of §§ 954.41 to 954.43.

§ 954.41 *Classes of utilization.* The classes of utilization of milk shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks, and cream for fluid consumption (including any mixture of cream and milk or skim milk containing less butterfat than the minimum requirement for cream) and all skim milk and butterfat not specifically accounted for as used to produce a Class II product.

(b) Class II milk shall be all skim milk and butterfat used to produce a milk product other than those specified in Class I and actual plant shrinkage up to 2 percent of the total receipts of skim milk and butterfat: *Provided*, That plant shrinkage established with respect to skim milk or butterfat in milk received by a handler from producers and new producers shall be the proportion of the total plant shrinkage determined by applying to total plant shrinkage of skim milk or butterfat the percentage which the skim milk or butterfat in milk received from producers and new producers bears to the total quantity of skim milk or butterfat received.

§ 954.42 *Interhandler and handler to nonhandler sales.* (a) Skim milk and butterfat disposed of by a handler to another handler in the form of milk, skim milk or cream shall be classified as Class I milk, subject to verification by the market administrator: *Provided*, That milk or skim milk disposed of by a handler to a handler who receives no milk from producers or new producers other than milk of his own production shall be Class I milk.

(b) Skim milk and butterfat disposed of by a handler to a nonhandler in the form of milk or skim milk shall be classified (1) as Class I milk if such handler disposes of any skim milk and butterfat as milk for human consumption, and (2) as Class II milk if such nonhandler disposes of no skim milk and butterfat as milk for human consumption.

(c) Skim milk and butterfat disposed of by a handler to a nonhandler in the form of cream shall be classified (1) as Class I if such nonhandler disposes of any skim milk and butterfat as cream for human consumption and (2) as Class II milk if such nonhandler disposes of no skim milk and butterfat as cream for human consumption.

§ 954.43 *Allocation of skim milk and butterfat classified.* After determining the total pounds of skim milk and butterfat utilized in each class by each handler the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class II the pounds of skim milk contained in milk, other than emergency milk, which were received from sources other than producers and new

producers (including such handler's own production), and handlers who purchase or receive milk from producers or new producers: *Provided*, That if the pounds of skim milk so received are greater than the total pounds of skim milk classified as Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers and reported as used in that class.

(3) Subtract pro rata from the remaining pounds of skim milk in each class, the pounds of skim milk contained in emergency milk received by the handler.

(4) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in the milk of the handler's own farm production.

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 954.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 954.80 not less than the following prices per hundredweight adjusted by the butterfat differential provided in § 954.51.

(a) *Class I milk.* For each of the delivery periods prior to May 1, 1951, the Class II price for such delivery period plus $1.23. For each delivery period subsequent to May 1, 1951, the Class II price for such delivery period plus $1.00 during the months of May, June, July, and August, and plus $1.15 during all other months.

(b) *Class II milk.* For each delivery period the price which results from the following computation by the market administrator: (1) Determine the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (2) multiply by 3.5; (3) add 25 percent thereof; and (4) add an additional 7/10 cent for each 1/10 cent that the average f. o. b. gross factory price per pound of nonfat dry milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

§ 954.51 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to Class I or Class II is more or less than 3.5 percent there shall be added to the respective class price computer pursuant to § 954.50 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount computed as follows: Multiply by 1.25 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period, and divide the result by 10.

§ 954.52 *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 954.60 *Handlers who are also producers.* Sections 954.40 to 954.43, 954.50 to 954.52, 954.70 and 954.71, and 954.80 to 954.88 shall not apply to a handler who receives no milk from producers or new producers other than milk of his own production.

§ 954.61 *Receipts from handlers who are also producers.* In computing the value of milk received by a handler the market administrator shall consider as Class II milk any skim milk or butterfat whatsoever received from a handler who during the delivery period received no milk from producers or new producers other than milk of his own production. If the receiving handler has disposed of such skim milk or butterfat as Class I milk, the market administrator shall add to the total value computed for such handler pursuant to § 954.70 the difference between the value of such skim milk or butterfat at the Class II price and its value at the Class I price.

§ 954.62 *Receipts from sources other than producers or other handlers.* In computing the value of milk received by a handler the market administrator shall consider as Class II milk any skim milk or butterfat (other than that in emergency milk) received by a handler from sources other than producers, new producers or other handlers. If the receiving handler has disposed of such skim milk or butterfat as Class I milk the market administrator shall add to the total value computed for such handler pursuant to § 954.70 the difference between the value of such skim milk or butterfat at the Class II price and its value at the Class I price. This proviso shall not apply to skim milk and butterfat if used in Class I only to the extent that milk of producers was not available for such use.

DETERMINATION OF UNIFORM PRICE

§ 954.70 *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers and new producers by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding any amounts that may be applicable pursuant to §§ 954.51 and 954.52: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 954.43 by the applicable class prices.

§ 954.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk in the following manner:

(a) Combine in one total the respective values of milk, computed pursuant to § 954.70 for each handler who made the reports prescribed pursuant to § 954.30 and who has made the payments prescribed by § 954.80.

(b) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class II price.

(c) Add an amount representing the unobligated cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (e) of this section.

(d) Subtract if the average butterfat content of the net pooled milk of all handlers whose reports are included in this computation is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 954.81.

(e) For each of the delivery periods of May, June, and July, subtract 8 percent of the resulting sum.

(f) For each of the delivery periods of October, November, and December, add one-third of the total amount subtracted pursuant to paragraph (e) of this section.

(g) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation.

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments and delinquencies in payments by handlers. This result shall be known as the uniform price for milk containing 3.5 percent butterfat.

PAYMENTS

§ 954.80 *Time and method of payment.* On or before the 20th day after the end of each delivery period, each handler shall make payments as follows:

(a) To each producer from whom milk was received during the delivery period at not less than the uniform price per hundredweight computed pursuant to § 954.71 adjusted by the butterfat differential computed pursuant to § 954.81.

(b) To each new producer from whom milk was received during the delivery period at not less than the Class II price adjusted by the butterfat differential computed pursuant to § 954.81.

§ 954.81 *Butterfat differential to producers.* If any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, in making payments pursuant to § 954.80 there shall be added to the applicable price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount equal to the butterfat differential computed pursuant to § 954.51.

§ 954.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 954.83 and 954.85, together with the amounts subtracted pursuant to § 954.71 (e) and out of which he shall make payments to handlers pursuant to §§ 954.84 and 954.85, as well as the amounts added in the computation of the uniform price pursuant to § 954.71 (b).

§ 954.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total of the milk received by him from producers and new producers during the delivery period is greater than the sum of the payments required to be made to producers and new producers by such handler pursuant to § 954.80.

§ 954.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period the market administrator shall pay to each handler for payment to producers and new producers the amount, if any, by which the total value of milk received from producers and new producers by such handlers is less than the sum of the payments required to be made to producers and new producers by such handler pursuant to § 954.80. If at such time the balance in the producer-settlement fund, exclusive of the amount retained there pursuant to § 954.71 (e), is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler, who has not received on the 20th day after the end of each delivery period the balance of the payments due him from the market administrator, shall be deemed to be in violation of § 954.80 if he reduces his payments to producers and new producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 954.85 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 954.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after billing, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 954.84, the market administrator shall make payment to such handler within 5 days. Whenever verification of the payment by a handler for milk received from producers or new producers discloses payment of less then is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payments to producers and new producers next following such disclosure.

§ 954.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers and new producers pursuant to § 954.80, with respect to all milk received from each producer and new producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section of which such producer or new producer is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments made direct to such producers and new producers, and such handler shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to and for verification of weights, sampling and testing of milk received from such producers and new producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of milk of producers and new producers who are members of a cooperative association determined by the Secretary (1) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and (2) to be actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made direct to such producers and new producers, pursuant to § 954.80, as are authorized by such producers and new producers and, on or before the 15th day after the end of each delivery period, pay on such deductions to such cooperative association.

§ 954.87 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight with respect to all milk received by him during such delivery period from producers and new producers, including milk of such handler's own production, the exact amount to be determined by the market administrator: *Provided*, That each cooperative association which is a handler shall pay to the market administrator such pro rata share of expense of administration on only that milk of producers and new producers which is received at a plant operated by such association.

§ 954.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a han-

dier, the two year period with respect to such obligation shall not begin to run until the first day of the calendar month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 954.90 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 954.91.

§ 954.91 *Suspension or termination.* The Secretary may suspend or terminate this part for any provision hereof whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 954.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 954.93 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 954.100 *Market advisory committee—(a) Representation, selection, approval, and removal.* Subsequent to the effective date hereof, representatives of producers, handlers, and consumers may certify to the Secretary the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of 1 year, unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

(b) *Powers.* The market advisory committee shall have the power to recommend to the Secretary amendments hereto originating within such committee or submitted to it by interested parties after a study of the facts available to the market advisory committee.

§ 954.101 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 29th day of December 1950, to be effective on and after the 1st day of January 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-144; Filed, Jan. 4, 1951; 8:49 a. m.]

PART 959—IRISH POTATOES IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR 959.1 et seq.), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California was published in the FEDERAL REGISTER (15 F. R. 8168). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Oregon-California Potato Committee (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 959.203 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal year ending June 30, 1951, will amount to $13,500.00.

(b) The rate of assessment, to be paid by each handler who first ships potatoes, shall be one-fourth of one cent per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of January 1951, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-278; Filed, Jan. 5, 1951; 8:56 a. m.]

[Orange Reg. 353]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.499 *Orange Regulation 353—(a) Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 4, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 347 (7 CFR 966.493; 15 F. R. 8153), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m. P. s. t., January 7, 1951, and ending at 12:01 a. m., P. s. t., January 14, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: Unlimited movement;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement;

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 550 carloads;

(b) Prorate District No. 2: 175 carloads;

(c) Prorate District No. 3: 55 carloads;

(d) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of January 1951.

[SEAL] M. W. BAKER, *Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 7, 1951, to 12:01 a. m., P. s. t., Jan. 14, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.1622
A. F. G. Porterville	1.2677
Ivanhoe Cooperative Association	.6325
Sandilands Fruit Co	.2866
Doffiemyer & Son, W. Todd	.5304
Earlibest Orange Association	1.7135
Elderwood Citrus Association	1.0777
Exeter Citrus Association	3.0334
Exeter Orange Growers Association	1.2282
Exeter Orchard Association	1.4380
Hillside Packing Association	1.2306
Ivanhoe Mutual Orange Association	1.0691
Klink Citrus Association	4.2788
Lemon Cove Association	2.1907
Lindsay Citrus Growers Association	2.7101
Lindsay Cooperate Citrus Association	1.1347
Lindsay Fruit Association	1.5700
Lindsay Orange Growers Association	1.1958
Naranjo Packing House	1.0854
Orange Cove Citrus Association	4.3401
Orange Packing Company	1.2722
Orosi Foothill Citrus Association	1.4954
Paloma Citrus Fruit Association	1.0166
Rocky Hill Citrus Association	1.3462
Sanger Citrus Association	4.5103
Sequoia Citrus Association	1.0373
Stark Packing Corp	2.8889
Visalia Citrus Association	1.8626
Waddell & Son	1.8542
Baird-Neece Corp	1.4086
Beattie Association, D. A	.6660
Grand View Heights Citrus Association	2.4961
Magnolia Citrus Association	1.8905
Porterville Citrus Association	1.3365
Richgrove Jasmine Citrus Association	1.4988
Strathmore Cooperative Association	1.4588
Strathmore District Orange Association	1.4002
Strathmore Fruit Growers Association	1.0713
Strathmore Packing Association	1.6550
Sunflower Packing Association	1.9068
Sunland Packing House Co	2.3262
Terra Bella Citrus Association	1.6821
Tule River Citrus Association	1.1283
La Verne Cooperative Citrus Association	.1547
Lindsay Mutual Groves	1.2316
Martin Ranch	1.3928
Orange Cove Orange Growers	3.2925
Webb Packing Co., Inc	.3269
Woodlake Packing House	2.1019
Anderson Packing Co., R. M	.8962
Andrews Bros. of California	.0000
Baker Bros	.4330
Barnes, J. L	.0256
Batkins, Jr., Fred A	.0649
Bear State Packers, Inc	.1703
California Citrus Groves, Inc., Ltd	1.9592
Chess Co., Meyer W	.5130
Darby, Fred J	.0328
Darling, Curtis	.0014
Dubendorf, John	.1741
Edison Groves Co	.0000
Evans Bros. Packing Co	.0000
Harding & Leggett	2.2360
Hirasuna, Jimmie	.0058
Independent Growers, Inc	2.2191
Kim, Charles	.0502
Kroells Packing Co	2.2855
Larson, Kermit	.0304
Lo Bue Bros	1.8836
Maas, W. A	.0688
Marks, W. M	.3966

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Minasian, Bob	0.0041
Moore Packing Co., Myron	.0633
Nicholas, Richard	.0058
Randolph Marketing Co., Inc	1.9888
Reimers, Don H	.4083
Shiba, Geo. G	.0015
Sky Acres Ranch	.0438
Swenson, L. W	.0469
Terry, Floyd	.0055
Toy, Chin	.0338
Woodlake Heights Packing Corp	.4163
Zaninovich Bros., Inc	1.6126

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.6272
A. F. G. Corona	.2143
A. F. G. Fullerton	.0336
A. F. G. Orange	.0325
A. F. G. Riverside	.9066
A. F. G. Santa Paula	.0423
Eadington Fruit Co., Inc	.7228
Hazeltine Packing Co	.1044
Krinard Packing Co	1.9751
Placentia Cooperative Orange Association	.6332
Placentia Pioneer Valencia Growers Association	.0388
Signal Fruit Association	.8574
Azusa Citrus Association	1.3182
Covina Citrus Association	1.4624
Covina Orange Growers Association	.4854
Damerel-Allison Co	1.0572
Glendora Citrus Association	1.2578
Glendora Mutual Orange Association	.5439
Valencia Heights Orchard Association	.2005
Gold Buckle Association	2.6721
La Verne Orange Association	4.4529
Anaheim Valencia Orange Association	.0233
Fullerton Mutual Orange Association	.2728
La Habra Citrus Association	.1288
Orange County Valencia Association	.9124
Yorba Linda Citrus Association, The	.0212
Escondido Orange Association	.5244
Alta Loma Heights Citrus Association	.3782
Citrus Fruit Growers	.6935
Etiwanda Citrus Association	.1946
Mountain View Fruit Association	.1270
Old Baldy Citrus Association	.4269
Rialto Heights Orange Growers	.3730
Upland Citrus Association	2.5930
Upland Heights Orange Association	1.1164
Consolidated Orange Growers	.0217
Frances Citrus Association	.0096
Garden Grove Citrus Association	.0245
Goldenwest Citrus Association, The	.1121
Olive Heights Citrus Association	.0399
Santa Ana-Tustin Mutual Citrus Association	.0089
Santiago Orange Growers Association	.1224
Tustin Hills Citrus Association	.0243
Villa Park Orchard Association, The	.0322
Bradford Bros., Inc	.2019
Placentia Mutual Orange Association	.2015
Placentia Orange Growers Association	.3046
Yorba Orange Growers Association	.0522
Call Ranch	.6901
Corona Citrus Association	.9544
Jameson Co	.4832
Orange Heights Orange Association	2.1335

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Crafton Orange Growers Association	1.1548
East Highlands Citrus Association	.3777
Redlands Heights Groves	.5817
Redlands Orangedale Association	.8189
Rialto-Fontana Citrus Association	.3714
Break & Sons, Allen	.1614
Bryn Mawr Fruit Growers Association	.8302
Mission Citrus Association	1.1014
Redlands Cooperative Fruit Association	1.2343
Redlands Orange Growers Association	.8909
Redlands Select Groves	.5614
Rialto Orange Co	.3904
Southern Citrus Association	.9767
United Citrus Growers	.6964
Zilen Citrus Co	.5104
Arlington Heights Citrus Co	.9108
Brown Estate, L. V. W	1.7706
Gavilan Citrus Association	1.8413
Highgrove Fruit Association	.7121
McDermott Fruit Co	1.5038
Monte Vista Citrus Association	1.4427
National Orange Co	1.1033
Riverside Heights Orange Growers Association	1.2665
Sierra Vista Packing Association	.9097
Victoria Ave. Citrus Association	3.0307
Claremont Citrus Association	.9165
College Heights Orange & Lemon Association	2.0951
Indian Hill Citrus Association	1.1358
Pomona Fruit Growers Exchange	1.8546
Walnut Fruit Growers Association	.5452
West Ontario Citrus Association	1.1232
El Cajon Valley Citrus Association	.2594
Escondido Cooperative Citrus Association	.0435
San Dimas Orange Growers Association	1.1056
Canoga Citrus Association	.0640
North Whittier Heights Citrus Association	.1397
San Fernando Fruit Growers Association	.3101
San Fernando Heights Orange Association	.2757
Sierra Madre-Lamanda Citrus Association	.1585
Camarillo Citrus Association	.0105
Fillmore Citrus Association	1.1472
Ojai Orange Association	.8600
Piru Citrus Association	1.2750
Rancho Sespe	.0012
Santa Paula Orange Association	.1240
Ventura County Citrus Association	.0212
East Whittier Citrus Association	.0056
Murphy Ranch Co	.0727
Anaheim Cooperative Orange Association	.0617
Bryn Mawr Mutual Orange Association	.5033
Chula Vista Mutual Lemon Association	.1214
Euclid Avenue Orange Association	2.5754
Foothill Citrus Union, Inc	.6262
Garden Grove Orange Coop., Inc	.0342
Golden Orange Groves, Inc	.2714
Highland Mutual Groves, Inc	.2781
Index Mutual Association	.0095
La Verne Cooperative Citrus Association	3.1493
Mentone Heights Association	.6241
Orange Cooperative Citrus Association	.0510
Redlands Foothill Groves	2.0069
Redlands Mutual Orange Association	1.0071
Ventura County Orange and Lemon Association	.2645
Whittier Mutual Orange and Lemon Association	.0254

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Allec Bros	0.0041
Babijuice Corp. of California	.3829
Banks, L. M	.0227
Bennett Fruit Co., Inc	.3338
Borden Fruit Co	.0308
Cherokee Citrus Co., Inc	.9587
Chess Co., Meyer W	.4584
Dunning Ranch	.1532
Evans Brothers Packing Co	1.4274
Gold Banner Association	1.8023
Granada Packing House	.9088
Hill Packing House, Fred A	.9120
Knapp Packing Co., John C	.5467
MacDonald Fruit Co	.1103
Orange Belt Fruit Distributors	1.8940
Panno Fruit Co., Carlo	.0425
Paramount Citrus Association, Inc	.3037
Placentia Orchard Co	.0799
Prescott, John A	.0074
Riverside Citrus Association	.2121
Ronald, P. W	.0331
San Antonio Orchard Co	1.5322
Stephens, T. F	.1464
Summit Citrus Packers	.0445
Wall, E. T., Grower-Shipper	1.9509
Western Fruit Growers, Inc	3.4520

Prorate District No. 3

Total	100.0000
Allen & Allen Citrus Packing Co	1.0273
Consolidated Citrus Growers	14.6788
McKellips Citrus Co., Inc	5.1772
Phoenix Citrus Packing Co	2.3131
Arizona Citrus Growers	13.3320
Chandler Heights Citrus Growers	4.1717
Desert Citrus Growers Co	7.3604
Mesa Citrus Growers Association	19.7855
Tal'-Wi-Wi Ranches	.5839
Tempe Citrus Co	3.9523
Yuma Mesa Fruit Growers Association	.3101
Leppla Henry Produce Co	10.6292
Maricopa Citrus Co	2.0763
Pioneer Fruit Co	6.6702
Champion Produce Co., L. M	.1282
Clark & Sons, J. H	.4171
Commercial Citrus Packing Co	1.7102
Hi Jolly Citrus Packing House	.6399
Ishikawa, Paul	.2306
Macchiaroli Fruit Co., James	.8380
Mattingly Fruit Co	1.1225
Potato House, The	.4288
Saldy, H. A	.0319
Sunny Valley Citrus Packing Co	.3577
Valley Citrus Packing Co	2.0271

[F. R. Doc. 51-387; Filed, Jan. 5, 1951; 11:31 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

REQUIRED RESERVES

1. Section 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a), the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(a) If not in a reserve or central reserve city:

(1) 5 percent of its time deposits until the opening of business on January 16, 1951, and 6 percent of its time deposits thereafter, plus

(2) 12 percent of its net demand deposits until the opening of business on January 16, 1951, 13 percent of its net demand deposits from January 16, 1951, to January 31, 1951, inclusive, and 14 percent of its net demand deposits thereafter.

(b) If in a reserve city (except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) of this section):

(1) 5 percent of its time deposits until the opening of business on January 11, 1951, and 6 percent of its time deposits thereafter, plus

(2) 18 percent of its net demand deposits until the opening of business on January 11, 1951, 19 percent of its net demand deposits from January 11 to January 24, 1951, inclusive, and 20 percent of its net demand deposits thereafter.

(c) If in a central reserve city (except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain the reserves specified in paragraph (a) or (b) of this section):

(1) 5 percent of its time deposits until the opening of business on January 11, 1951, and 6 percent of its time deposits thereafter, plus

(2) 22 percent of its net demand deposits until the opening of business on January 11, 1951, 23 percent of its net demand deposits from January 11 to January 24, 1951, inclusive, and 24 percent of its net demand deposits thereafter.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act with primary regard to the general credit and business situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure, and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248, 461, 462, 462a-1, 462b, 464, 465)

Approved this 28th day of December 1950.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-182; Filed, Jan. 5, 1951; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt., 24-3]

PART 24—MECHANIC CERTIFICATES

ANNUAL EXPERIENCE REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of December 1950.

Currently effective Part 24 requires holders of aircraft mechanic certificates to transmit to the Administrator, annually, during the month of January, a report for the preceding 12-month period, setting forth the amount and type of their aeronautical experience and such other pertinent data as the Administrator may require. The Board has been advised that these reports no longer serve the purpose for which they were intended and that the Administrator can effectively obtain the information furnished by these reports from the individuals themselves in the event of need. In this connection it should be noted that revised Part 25 which we recently adopted does not require the filing of annual experience reports by parachute riggers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR, Part 24, as amended) effective immediately.

By rescinding § 24.45.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-190; Filed, Jan. 5, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 26-2]

PART 26—AIR TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

ANNUAL EXPERIENCE REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of December 1950.

Currently effective Part 26 requires holders of air-traffic control-tower operator certificates to transmit to the Administrator, annually, during the month of January, a report for the preceding 12-month period, setting forth the amount and type of their aeronautical experience and such other pertinent data as the Administrator may require. The Board has been advised that these reports no longer serve the purpose for which they were intended and that the Administrator can effectively obtain the information furnished by these reports from the individuals themselves in the event of need. In this connection it should be noted that revised Part 25 which we recently adopted does not require the filing of annual experience reports by parachute riggers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 26 of the Civil Air Regulations (14 CFR, Part 26, as amended) effective immediately.

By rescinding § 26.37.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-191; Filed, Jan. 5, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 27-2]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

ANNUAL EXPERIENCE REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of December 1950.

Currently effective Part 27 requires holders of aircraft dispatcher certificates to transmit to the Administrator, annually, during the month of January, a report for the preceding 12-month period, setting forth the amount and type of their aeronautical experience and such other pertinent data as the Administrator may require. The Board has been advised that these reports no longer serve the purpose for which they were intended and that the Administrator can effectively obtain the information furnished by these reports from the individuals themselves in the event of need. In this connection it should be noted that revised Part 25 which we recently adopted does not require the filing of annual experience reports by parachute riggers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR, Part 27, as amended) effective immediately.

By rescinding § 27.15.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-192; Filed, Jan. 5, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 51-1]

PART 51—GROUND INSTRUCTOR RATING

ANNUAL EXPERIENCE REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of December 1950.

Currently effective Part 51 requires holders of ground instructor certificates to transmit to the Administrator, annually, during the month of January, a report for the preceding 12-month period, setting forth the amount and type of their aeronautical experience and such other pertinent data as the Administrator may require. The Board has been advised that these reports no longer serve the purpose for which they were intended and that the Administrator can effectively obtain the information furnished by these reports from the individuals themselves in the event of need. In this connection it should be noted that revised Part 25 which we recently adopted does not require the filing of annual experience reports by parachute riggers.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 51 of the Civil Air Regulations (14 CFR, Part 51, as amended) effective immediately.

By rescinding § 51.6.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 51-193; Filed Jan. 5, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 336]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 332]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 336 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 332 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 26a, is amended to describe the counties in the Defense-Rental Area as follows:

Alameda County, except the City of Hayward and the Town of Pleasanton.

This decontrols the Town of Pleasanton in Alameda County, California, a portion of the Alameda County, California, Defense-Rental Area.

2. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Burlingame, Menlo Park, Millbrae, San Bruno and South San Francisco, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Burlingame in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

3. Schedule A, Item 89, is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County.
Scott County, except the City of Davenport and the Town of Buffalo.

This decontrols the Town of Buffalo in Scott County, Iowa, a portion of the Quad Cities, Illinois, Defense-Rental Area.

4. Schedule A, Item 110b, is amended to describe the counties in the Defense-Rental Area as follows:

In Marshall County, the City of Marshalltown.

This decontrols (1) the City of Ames in Story County, Iowa, a portion of the Ames-Marshalltown, Iowa, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Story County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

5. Schedule A, Item 130, is amended to read as follows:

(130) [Revoked and decontrolled.]

This decontrols (1) the City of Baton Rouge in East Baton Rouge Parish, Louisiana, a portion of the Baton Rouge, Louisiana, Defense-Rental Area, and all unincorporated localities in said Defense-Rental Area, based on a resolution submitted with respect to said City of Baton Rouge in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, said City of Baton Rouge being the major portion of said Defense-Rental Area, and (2) the remainder of said Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

6. Schedule A, Item 168b, is amended to read as follows:

(168b) [Revoked and decontrolled.]

This decontrols (1) the City of Columbia in Boone County, Missouri, a portion of the Columbia, Missouri, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, consisting of the remainder of said Boone County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

7. Schedule A, Item 188a, is amended to describe the counties in the Defense-Rental Area as follows:

Camden County, except the Borough of Haddonfield; Gloucester County; and Burlington County, except the Townships of Bass River, Tabernacle, Shamong, Woodland and Washington, and the Borough of Medford Lakes in Medford Township.

This decontrols the Borough of Haddonfield in Camden County, New Jersey, a portion of the Southern New Jersey Defense-Rental Area.

8. Schedule A, Item 191, is amended to describe the counties in the Defense-Rental Area as follows:

Warren County, except the Borough of Washington, the Town of Belvidere, and the Townships of Pahaquarry, Hardwick and Frelinghausen.
The Counties of Hunterdon and Mercer.

This decontrols the Borough of Washington in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

9. Schedule A, Item 212d, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the Town of Chapel Hill.

This decontrols the Town of Chapel Hill in Orange County, North Carolina, a portion of the Chapel Hill, North Carolina, Defense-Rental Area.

10. Schedule A, Item 237, is amended to describe the counties in the Defense-Rental Area as follows:

Portage County, except the City of Kent and the Village of Aurora.

This decontrols the City of Kent in Portage County, Ohio, a portion of the Ravenna, Ohio, Defense-Rental Area.

All decontrols effected by this amendment, except Items 4, 5 and 6 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective January 4, 1951.

Issued this 3d day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-197; Filed, Jan. 5, 1951; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 12—STANDARDS AND PROCEDURES FOR THE SPECIAL ENROLLMENT OF FORMER TREASURY OFFICERS AND EMPLOYEES

The Committee on Practice, pursuant to the provisions of § 10.3 (j) of this subtitle, relating to special enrollment, has adopted the following standards and procedures which will govern the enrollment of former officers and employees upon a non-competitive basis by reason of their education, training and experience in the Treasury Department:

§ 12.1 *Standards and procedures adopted by the Committee on Practice.* Former employees of the Treasury Department, upon application for special enrollment for the presentation of a particular class of matters or of matters before a particular bureau, unit, or other division of the Department, may be specially enrolled by the Committee on Practice under § 10.3 (j) of this subtitle, in cases where their service in the Department has qualified them for such enrollment, as follows:

(a) Application for special enrollment on account of former service in the Treasury Department shall be made to the Committee on Practice. Each applicant will be supplied a form by the Committee, which shall indicate the information required respecting the applicant's qualifications. In addition to the applicant's name, address, citizenship, age, educational experience, etc., such information shall specifically include a detailed account of the applicant's employment in the Treasury Department, which account shall show (1) positions held, (2) date of each appointment and termination thereof, (3) nature of services rendered in each position, and (4) name of supervisor in such positions, together with such other information regarding the experience and training of the applicant as may be relevant.

(b) Upon receipt of each such application, it shall be transmitted to the appropriate officer of the Treasury Department with the request that a detailed report of the nature and rating of the applicant's services in the Treasury Department, accompanied by the recommendation of the superior officer in the particular bureau or division of the Treasury that such employment does or does not qualify the applicant for the desired authorization, be furnished to the Committee on Practice. (Such report shall be requested in addition to the usual reports requested in cases of application for enrollment.)

(c) In examining the qualifications of an applicant for special enrollment on account of Treasury service, the Committee will be governed by the following policies:

(1) Special enrollment cards will be issued for the presentation of matters only of the particular class or only before the particular bureau, unit, or division of the Treasury Department for which his former Treasury service has qualified the applicant.

(2) In the case of employees separated from employment in the Treasury Department, application for special enrollment on account of such employment must be made within two years after the termination thereof. Provided that, in the case of employees separated from employment in the Treasury Department after May 24, 1939, and prior to January 1, 1951, the Committee on Practice will consider applications presented to the Committee on or before December 31, 1952, for special enrollment on account of former service in the Treasury Department.

(3) In the case of applicants who have been employed in the Civil Service, a minimum of seven years' continuous employment in the Treasury Department shall be requisite for Special Enrollment on account of Treasury service, except, however, that seven years' continuous employment shall not be requisite in the case of any applicant who has held in the Bureau of Internal Revenue the office of Commissioner, Assistant Commissioner, Deputy Commissioner, Collector, Head of the Technical Staff, Chief of the Intelligence Unit, Internal Revenue Agent in Charge, Special Agent in Charge, or Head of a Technical Staff Division.

(4) For the purposes of subparagraph (3) of this paragraph, an aggregate of ten or more years of employment, at least three of which occurred within the five years preceding the date of application, shall be deemed the equivalent of seven years' continuous employment.

(Sec. 3, 23 Stat. 258; 5 U. S. C. 261)

[SEAL] JOHN L. GRAVES,
Chairman,
Committee on Practice.

[F. R. Doc. 51-294; Filed, Jan. 5, 1951; 9:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

REVISION OF REGULATIONS

Regulations contained in §§ 861.1151 to 861.1172 inclusive (15 F. R. 843) are hereby revised.

SHORT TOURS OF ACTIVE DUTY FOR TRAINING OF INDIVIDUALS AND UNITS

Sec.
861.1151 Purpose.
861.1152 Policy.
861.1153 Definitions.
861.1154 Duration of tours.
861.1155 Place of duty.
861.1156 Eligibility for training.
861.1157 Re-enlistment of airman Reservists.
861.1158 Employees of the United States Government or District of Columbia.
861.1159 Authority to issue orders.
861.1160 Application for duty.
861.1161 Physical examination.
861.1162 Waivers of physical defects.
861.1163 Reservists physically disqualified.
861.1164 Pay and allowances.
861.1165 Travel.
861.1166 Leave.
861.1167 Supply.
861.1168 Attachments.

SPECIAL SHORT TOURS OF ACTIVE DUTY FOR MEDICAL AND DENTAL OFFICERS

861.1171 Purpose.
861.1172 Eligibility.
861.1173 Grade.
861.1174 Limitations.
861.1175 Application for duty.
861.1176 Physical qualifications.
861.1177 Issuance of orders.

AUTHORITY: §§ 861.1151 to 861.1177 issued under R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22 and Sup., 171a. Interpret or apply secs. 32, 35, 41 Stat. 776, 780, as amended, 40 Stat. 72, as amended; 10 U. S. C. and Sup., 361, 369, 371, 371b, 422, 426, 427.

DERIVATION: AFR's 35-76; 35-76A; 45-27; 45-27A; 173-4.

SHORT TOURS OF ACTIVE DUTY FOR TRAINING OF INDIVIDUALS AND UNITS

§ 861.1151 *Purpose.* Sections 861.1151 to 861.1168 establish the qualifications of officers (other than general officers), and airmen, male and female, of the United States Air Force Reserve who may be recalled to active duty for short tours for individual training, attendance at schools, and training with units; and establish the procedures relating to the issuance of orders for such training.

§ 861.1152 *Policy.* To obtain the maximum benefit to the United States Air Force Reserve, eligible individuals of the United States Air Force Reserve may be authorized active duty for training purposes as specified in §§ 861.1153 and 861.1154, or any combination thereof.

§ 861.1153 *Definitions.* — (a) *Short tour.* A short tour is a tour of active duty for training for the purpose of maintaining unit or individual proficiency.

(b) *Special tour.* A special tour is a tour of active duty for training for the convenience of the Government. Such tours must be in connection with projects relating solely to the Reserve Program and must benefit the United States Air Force Reserve. Request for approval of these tours must be justified in detail to Headquarters United States Air Force. These tours will be granted only if no other qualified personnel on extended active duty are available for and capable of performing the duties required to be performed by such Reservists, and if the duties to be performed are beyond the normal responsibility of the Regular Air Force to the Reserve Program.

(c) *Attendance at Schools.* Reservists may be ordered to duty for training purposes to attend service schools.

§ 861.1154 *Duration of tours.*—(a) *Short tours.* Short tours will be of 15 consecutive days' duration, including travel time. No Reservist may receive more than one short tour of active duty in any fiscal year.

(b) *Special tours.* Special tours of active duty may be of not more than 90 days' duration. Such tours will be approved only by Headquarters United States Air Force, and must be justified as specified in § 861.1153 (b).

(c) *Attendance at schools.* Normally, Reservists will be ordered to active duty for attendance at schools for a period of not to exceed 90 consecutive days, including travel time. However, because of excess travel time involved in certain cases and variance in the duration of instruction, Reservists may be authorized active duty of sufficient time, including travel time, to complete the course they are selected to attend.

§ 861.1155 *Place of duty.* All Reservists ordered to active duty for a short tour will perform duty at the place to which assigned, unless otherwise ordered by the commanders listed in § 861.1159 or unless otherwise required to permit the Reservists to maintain flying proficiency.

§ 861.1156 *Eligibility for training.* All officers and airmen, male and female, of the United States Air Force Reserve, except the following, will be eligible for short tour active duty training:

(a) Members of the Voluntary Air Reserve.

(b) Female personnel with dependents under 18 years of age. (The fact that such personnel do not have legal custody of the dependents does not remove this disqualification.)

(c) Members of the Air National Guard of the United States.

(d) Reservists who are drawing a pension, disability allowance, or disability compensation and who have not waived such pension, allowance, or compensation. (Such a waiver will be executed in accordance with the provisions of § 861.1160 (c).)

(e) Reservists drawing retired pay from the Government of the United States. (Retired pay may not be waived.)

(f) Officers of the United States Air Force Reserve currently serving in warrant or enlisted status in the United States Air Force.

(g) Officers of the Inactive Air Reserve.

(h) Officers on the Honorary Air Reserve List.

(i) Officer and airman Reservists whose appointment or enlistment will expire prior to the completion of a tour of duty. (See § 861.1157 for authority to re-enlist personnel falling within this category.)

§ 861.1157 *Re-enlistment of airman Reservists.* For the purpose of qualifying airman Reservists disqualified under the provisions of § 861.1156 (i) the commanders listed in § 861.1159 are authorized to discharge such airman Reservists

prior to the expiration of enlistment for the purpose of re-enlisting them to qualify for active duty training.

§ 861.1158 *Employees of the United States Government or District of Columbia.* (a) A Reservist who is an employee of the Federal Government will not be ordered to active duty training to perform the same or similar duties to those he performs in his civilian capacity.

(b) Employees of the United States Government or District of Columbia who are members of the United States Air Force Reserve and are granted annual leave upon expiration of the 15 days military leave which is authorized by law, for the purpose of performing further military duty, are entitled to receive the compensation of their civilian position for the period of such annual leave in addition to the pay and allowances authorized for the military duty without regard to dual compensation laws.

§ 861.1159 *Authority to issue orders.* The commanders of the organizational elements listed in paragraphs (a) through (e) of this section are responsible for the issuance of Air Force Reserve Orders.

(a) Those regular establishment organizations required to maintain Reservists Field Personnel Records for the Organized Air Reserve, Volunteer Air Reserve Training Units (VARTU), and Mobilization Designees; and those regular establishment organizations required to maintain Master Personnel Records for Inactive, Honorary, and Volunteer (not assigned to Volunteer Air Reserve Training Units) Reservists.

(b) Headquarters United States Air Force only.

(c) Headquarters, Continental Air Command or headquarters of the appropriate numbered air force of Continental Air Command only.

(d) Those regular establishment organizations with which short tours of active duty for the benefit of the Air Force will be performed.

(e) Those regular establishment organizations not included in paragraph (a) of this section, effecting enlistments or re-enlistments.

§ 861.1160 *Application for duty.* Each individual Reservist desiring a short tour of active duty for training purposes will submit a letter application, in duplicate, requesting such duty, using § 861.1168 (a) as a guide. The application must be complete, and will be submitted to the unit of assignment in sufficient time to insure its receipt thereat not later than 45 days prior to the expected effective date of active duty. Applications will be forwarded as follows:

(a) *Reservists assigned to a Mobilization Assignment Reserve Section.* Reservists assigned to a Mobilization Assignment Reserve Section will forward their applications through the Mobilization Assignment Reserve Section to the organization, unit, or headquarters with which they perform mobilization training duty.

(b) *Reservists assigned to an Air Force Reserve Training Center or corollary unit.* Reservists assigned to Air Force Reserve Training Centers or corollary units will forward their application through the appropriate Reserve organization commander and the commander of the Regular establishment unit or headquarters supervising the training of such Reservists.

(c) *Reservists who are drawing pension etc.* Reservists who are drawing pension, disability allowance, or disability compensation must waive such pension, allowance, or compensation prior to entry on active duty. Prior to making application for active duty, these personnel will notify the appropriate Veterans' Administration regional office in writing of their desire to waive such pension, allowance, or compensation for the purpose of entering upon active duty. A copy of that letter must be inclosed with the application for active duty. Upon receipt of orders for active duty, Reservists will forward a copy of the orders to the appropriate Veterans' Administration regional office, for the purposes of suspending payment of the pension, allowance, or compensation for the period of active duty involved.

§ 861.1161 *Physical examination*—(a) *Physical requirements.* All applicants for active duty must be physically qualified for active military service and must meet the appropriate physical requirements prescribed by current directives.

(b) *For tours not in excess of 30 days.* Reservists selected for short tours of active duty for periods not in excess of 30 days will be ordered to active duty without prior physical examination, except as provided in paragraph (d) of this section.

(c) *For tours in excess of 30 days.* Reservists applying for short tour duty for periods in excess of 30 days will be required to undergo a final-type physical examination without expense to the Government for travel or pay. This examination will be accomplished not more than 90 days from, and not less than 45 days prior to, the expected date of entry on active duty. It may be performed at the military medical installation nearest the Reservist's place of residence having the facilities to accomplish such an examination.

(d) *Action to be taken upon reporting.* Upon reporting for active duty, each Reservist, if he honestly considers himself qualified for full military duty, will execute, in duplicate, a typewritten certificate exactly as shown in §861.1168 (b) (1). If he does not consider himself so qualified and, therefore, cannot conscientiously execute the certificate, he will be ordered by the commander of the base at which training is to be accomplished to submit to a final-type physical examination. In any event, if a Reservist upon reporting for active duty possesses an obvious physical disability, is ill, has been injured in any way since last taking a final-type physical examination, or is drawing a pension, disability allowance, or disability compensation, he must submit to a final-type physical examination.

(e) *Action to be taken upon relief.* Upon relief from active duty, each Reservist will execute a typewritten certificate exactly as shown in § 861.1168 (b) (2). However, if the Reservist believes that his physical condition has materially changed during his active duty tour, or if he is suffering from any disability or defect that was not present at the beginning of his tour, he will be ordered by the commander of his training station to submit to a final-type physical examination. If this examination is made, particular attention will be given to recording the defects or conditions which have arisen during his tour of duty as they may form the basis of a claim against the Government.

(f) *Inapplicable portions of final-type physical examination.* Unless his or her physical condition indicates the necessity therefor, a Reservist who is required to submit to a final-type physical examination will not be required to undergo serology, chest X-ray, electrocardiogram, audiogram, microscopic urinalysis, or lens correction examination, or pelvic examination in the case of female personnel.

(g) *Injury, disease, death, or hospitalization.* Appropriate Air Force Regulations will apply in the event of injury, disease, death, or hospitalization.

§ 861.1162 *Waivers of physical defects*—(a) *Authority to approve.* The commanders mentioned in § 861.1159 are authorized to approve waivers of physical defects if a Reservist is found to be below the prescribed physical standards for general service, as outlined in applicable regulations. Due consideration will be given to the granting of waivers for physical defects which in the opinion of the reviewing authority:

(1) Are static in nature.

(2) Are not subject to complications or aggravation by reason of military duty.

(3) Will not interfere with the satisfactory performance of full military duty.

(4) Will not involve hospitalization and/or time lost from duty.

(5) In the case of rated personnel, will in no way compromise performance of unlimited flying duty, flying safety, or the person's own well-being.

(b) *Personnel granted waivers.* Reservists granted waivers for physical defects under the provisions of paragraph (a) of this section, will be considered as falling within the physical classification of "General Service with Waiver."

(c) *Personnel presenting questionable defects.* Persons presenting defects which, in the opinion of the reviewing authority, are questionable in nature with regard to criteria outlined in paragraph (a) of this section, may be forwarded to the next higher headquarters for decision.

§ 861.1163 *Reservists physically disqualified.* Reservists on active duty who undergo a physical examination and who are found physically disqualified will be relieved from active duty by the commander of the base where physical examination is taken, if waiver of physical defect is not approved by the reviewing authority.

§ 861.1164 *Pay and allowances*—(a) *Officers.* Officers of the Air Force Reserve when on active duty in the service of the United States shall be entitled to receive the same pay and allowances as

are authorized for persons of corresponding grade and length of services in the Regular Air Force.

(b) *Airmen.* Enlisted personnel of the Air Force Reserve when on active duty in the service of the United States shall receive the same pay and allowances as enlisted men of like grades and length of service in the Regular Air Force.

§ 861.1165 *Travel.* Additional travel time required to travel by privately-owned automobile over that required to travel by normal surface common carrier is not authorized. Active duty orders will not authorize travel by privately-owned automobile. This will not be interpreted as prohibiting travel by privately-owned vehicle if the person so desires and if no delay in reporting for duty is occasioned thereby.

§ 861.1166 *Leave.* Reservists ordered to active duty for 30 days or more are authorized leave as indicated in current directives.

§ 861.1167 *Supply.* Necessary clothing and individual equipment for enlisted Reservists will be furnished as prescribed in current directives.

§ 861.1168 *Attachments*—(a) *Letter of application.*

(Grade) (Name) (AFSN)

(Street Address)

(City and State)

(Date)

Subject: Active Duty.
To:
1. Request that I be placed on active duty, effective ----------, for the purpose of ----------.
2. The following information is furnished to assist you in processing this application:
a. Name, Grade, and AFSN.
b Permanent residence address.
c Current home address or mailing address (if different from b above).
d. Aeronautical rating.
e. Flying status.
f. Service for longevity (to closest number of years).
g. Race.
h. Primary AFSC: ----------; additional AFSCs: ----------
i. Date of last period of extended active duty, active duty training, or school training*: ----------; Authority for the active duty: ----------
j. Current Reserve assignment: ---------- per ----------
k. I (am) (am not)** drawing a pension, disability allowance, or disability compensation from the United States Government.
l. Remarks: ----------

(Signature)

* Whichever is the later.
** Strike out words not applicable.

(b) *Medical certificates*—(1) *Medical Certificate No. 1.*

(Date)

I certify that I now consider myself sound and well and physically qualified for military duty; that I was considered physically qualified for military service at the time of accomplishment of my last physical examination on or about ---------- at ----------; and that to the best of my
(Date) (Place)
knowledge and belief, I have no physical defects or conditions, except as noted below, which would preclude the performance of full military duty.

(Signed) ----------

(2) *Medical Certificate No. 2.*

(Date)

I certify that during the period of active duty training from ---------- to ---------- there has been no change in my physical condition and that I am not suffering any disability, defect, or illness which was not present at the begining of the tour of duty.

(Signed) ----------

SPECIAL SHORT TOURS OF ACTIVE DUTY FOR MEDICAL AND DENTAL OFFICERS

§ 861.1171 *Purpose.* Sections 861.1171 to 861.1177 set forth the procedure whereby doctors of medicine and dentistry who are United States Air Force Reserve officers may be called to active duty to fill vacancies in Air Force base medical activities. Where the vacancy and need exist, arrangements may be made at base level for intermittent service—on a certain day or on certain days each week for example—such arrangements being adaptable to the requirements of the person's civilian practice.

§ 861.1172 *Eligibility.* To be eligible to participate in this program, persons must be medical or dental officers in the United States Air Force Reserve or the Air National Guard of the United States. Those persons desiring to participate in this phase of the program who are not so commissioned may apply for appointment in the United States Air Force Reserve or the Air National Guard of the United States under the provisions of existing regulations. The eligibility provisions of §§ 861.1156 (d) and (e), 861.1158, 861.1162, 861.1163 and 861.1168 are applicable.

§ 861.1173 *Grade.* Officers selected for duty under the provisions of §§ 861.1171 to 861.1177 will be called to duty in the grade in which currently commissioned in the United States Air Force Reserve or the Air National Guard of the United States.

§ 861.1174 *Limitations*—(a) *Existing vacancies.* An officer will be placed on active duty under the authority of §§ 861.1171–861.1177 only to fill an actual requirement within the total medical or dental authorizations for the medical activity concerned.

(b) *Length.* In no case will any individual tour of duty exceed 29 consecutive days. The cumulative total will not exceed 90 days in any one fiscal year.

(c) *Travel.* Mileage allowances will be authorized as prescribed by current directives. Reimbursement for transportation of dependents and movement of household goods is not authorized.

(d) *Leave.* Persons ordered to active duty under this authority will not be granted leave or paid compensation in place thereof.

§ 861.1175 *Application for duty.* (a) United States Air Force Reserve medical or dental officers will submit typed letter applications, in duplicate (using § 861.1167 (a) as a guide), requesting duty, to the commander of the Air Force base at which duty is desired. The actual dates the applicant will be available for duty will be indicated in the "Remarks" section. The commander of the base will determine the need for the Reservist's services and indorse the application for approval to the commander of the regular establishment organization maintaining the Reservist's field records.

(b) Air National Guard of the United States medical and dental officers will submit typed letter applications, in duplicate (using § 861.1167 (a) as a guide), indicating in the "Remarks" section, the actual dates the applicant will be available for duty. The application will be submitted through the Air National Guard organization of assignment to the commander of the Air Force at which duty is desired. The base commander, upon determination that the officer's services can be effectively utilized, will forward the application to the appropriate State adjutant general. The State adjutant general will verify the applicant's status and return the application to the base commander indicating his approval or disapproval.

§ 861.1176 *Physical qualifications.* Physical qualifications will be determined under the provisions of § 861.1161.

§ 861.1177 *Issuance of orders.* (a) Orders for these special short tours of active duty may be issued by the commander of the base at which duty is desired, provided that such orders have been authorized by the commander of the Regular establishment organization required to maintain the applicant's field personnel records.

(b) Officers of the Air National Guard of the United States participating in this program will be ordered to active duty by the commander of the base at which duty is desired upon receipt of the approved application from the appropriate State adjutant general.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51–181; Filed, Jan. 5, 1951; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9363]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration its report and order in the above-entitled matter, adopted on October 5, 1950, which set forth certain amendments to Parts 2 and 4 of the Commission's rules and regulations; and

It appearing, that the above-mentioned amendments to Parts 2 and 4 of the Commission's rules and regulations

omitted the appropriate station symbols which normally follow the name of a class of station in § 2.1 of the rules and regulations and that § 2.101 was not amended to reflect the changes in nomenclature and in the definitions contained in § 2.1 of the rules; and

It further appearing, that it is desirable to correct these omissions; and

It further appearing, that authority for these actions is contained in sections 303 (a), (b), (c), (d), (e), (f), (g), (j), (l), (n), (p), (q), (r) and 4 (i) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments herein ordered are editorial in nature and therefore general notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary and the action herein may be made effective immediately under the provisions of section 4 (c) of that act):

It is ordered, That, effective immediately, §§ 2.1 and 2.101 of Part 2 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 2.1 of Part 2 is amended as follows:

a. After the definition title *"Television inter-city relay station"*, add *"(FXN)"*.

b. After the definition title *"Television pickup station"*, add *"(MLT)"*.

c. After the definition title *"Television STL station (Studio-transmitter link)"*, add *"(FXT)"*.

2. Section 2.101 of Part 2 is amended as follows:

a. Opposite the symbol "FXN" change "Interim television relay station" to read "Television inter-city relay station".

b. Delete "MOT Television pickup station" and after the symbol "ML" add "MLT" Television pickup station".

[F. R. Doc. 51-201; Filed, Jan. 5, 1951, 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 911]

HANDLING OF MILK IN SUBURBAN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at East St. Louis, Illinois, on February 23 and 24 and February 27 to March 3, 1950, all dates inclusive, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 327).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 27, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 1, 1950 (15 F. R. 7317). The closing date for filing exceptions was November 21, 1950.

The material issues considered at the hearing were concerned with the following:

A. Whether the handling of milk in the Suburban St. Louis, Missouri, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products:

B. Whether marketing conditions justify the issuance of a marketing agreement or order regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area; and

C. If issuance of such an agreement or order is justified, what its provisions should be.

The evidence on this last issue involved the following:

(1) The extent of the marketing area;

(2) The definition of "producer," "handler," "pool plant," "other source milk," and other terms;

(3) The classification and allocation of milk;

(4) The determination and level of class prices;

(5) Payments to producers;

(6) Administrative provisions necessary to effectuate the purposes of the order.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and full considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing, it is hereby found and concluded that:

(A) The handling of milk produced for the Suburban St. Louis, Missouri, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

The Suburban St. Louis marketing area lies adjacent to the St. Louis, Missouri, marketing area, the handling of milk in which is regulated under Order No. 3, as amended. Suburban St. Louis handlers purchase their milk in nearby Illinois counties in competition with St. Louis (Order No. 3) handlers. This competition affects interstate commerce in milk since St. Louis handlers also regularly obtain supplies from producers in Illinois as well as in Missouri and Arkansas and they dispose of such milk in fluid uses in the City of St. Louis and in surrounding areas both in Missouri and Illinois. Interstate commerce is also manifested in the fact that certain distributors who would be handlers under the suburban order and who are located in Illinois bottle milk which is disposed of to local distributors in Jefferson County, Missouri. Other distributors located in Alton, Illinois, which would be included in the suburban marketing area, bottle milk which is sold in grocery stores in various counties in Missouri. In addition suburban handlers located in Illinois sell sweet cream to dealers in St. Louis, Missouri, who in turn dispose of such cream to local distributors operating in Jefferson County, Missouri, and to other outlets for ice cream uses. Sweet cream and bulk condensed milk derived from the milk purchased in competition with supplies for fluid uses in the Suburban area are disposed of in interstate commerce through outlets in Tennessee and Florida. Butter made from locally produced milk, including surplus milk of local handlers, is sold on the national market both within and without the State of Illinois and butter and nonfat dry milk solids from local manufacturing plants are purchased by the Government under its price support operations.

From the foregoing, it is clear that a substantial volume of the milk in the Suburban St. Louis market is moved physically in interstate commerce in the form of milk, cream, and manufactured dairy products and that the handling of milk in the market directly burdens, obstructs, and affects interstate commerce in milk and its products.

(B) Marketing conditions in the Suburban St. Louis, Missouri, market justify the issuance of a marketing agreement and order.

Producers on the Suburban St. Louis market are not being paid for their milk on a use basis and there is no uniform pricing plan being followed by the several handlers with the result that producer prices for milk of similar quality and use vary substantially as among the several handlers in the market.

The recent sale of the retail routes of one of the larger distributors in Alton, Illinois, resulted in the cutting off of every producer who had been shipping to this dairy for a period of years and in the displacement of the milk of these producers, who had been producing under a quality program, with milk from a condensery purchased at condensery prices. This tended to depress prices to

producers and the orderly marketing of producer milk was disrupted. Under the circumstances of this market cooperative associations have been unable to bargain effectively for the sale of milk of their members on the basis of the use made of such milk. This also has tended to depress prices to producers. Consequently, there is much unrest among producers and much shifting of producers among handlers where this is possible.

Adequate statistics and market information with reference to prices paid for milk, plant receipts, and plant utilization of milk are necessary to enable producers to bargain effectively with handlers in the sale of their milk. No such information is available at this time; however, the issuance of an order would provide the medium for developing the market information necessary for efficient marketing of producer milk and would enable producers to participate more actively and effectively in improving marketing conditions.

Handlers contend that there is no need for an order, arguing that the market is already adequately supplied with milk, an indication that present prices are satisfactory. Producers do not dispute that there are sufficient milk supplies at the present time but contend that they should share in the use value of the milk. The issuance of a marketing order will provide a more realistic pricing structure which is needed to return to producers a fair value for their milk and guarantee adequate supplies in the future.

(C) From the evidence it is concluded that the proposed marketing agreement and order which are hereinafter set forth, and all of the terms and conditions thereof, meet the needs of the Suburban St. Louis, Missouri, market and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the several provisions of the proposed marketing agreement and order:

(1) *Extent of the marketing area.* The marketing area should be defined to include all of the territory lying within the Counties of Jersey, Madison, Monroe, Pond, Clinton (except the Townships of East Fork, Meridian, and Brookside), St. Clair (except East St. Louis, Centerville, Canteen, and Stites Townships and Scott Air Force Base), and Macoupin, (except the Townships of Scottville, Barr, North Palmyra, South Palmyra, North Otter, South Otter, Virden, Girard, and Nilwood) and the Townships of Bluffdale, Carrollton, Linder, Rockbridge, Woodville, and Kane in Greene County; all in the State of Illinois.

Madison and St. Clair Counties represent the area of heaviest concentration of population and the principal area of competition between major handlers serving the area herein proposed. The inclusion of Jersey, Bond, and Monroe Counties and parts of Macoupin, Greene, and Clinton Counties incorporates an area of secondary concentration of population which is primarily served by the major handlers operating in Madison and St. Clair Counties. The principal distributors serving Jersey and the southern half of Macoupin and Greene Counties are also major distributors in the Town of Alton and surrounding territory in Madison County. In the same manner the principal distributors serving Bond and Monroe Counties and the major portion of Clinton County are also major distributors in Belleville, Highland, Edwardsville, and other towns in Madison and St. Clair Counties. The extension of the marketing area to include any of the additional territory proposed at the hearing would go beyond the area of normal competition among the handlers involved and would bring under the order additional handlers doing the bulk of their business beyond the area boundaries.

It was proposed that the marketing area include the territory within St. Charles and Jefferson Counties, Missouri, and that part of St. Louis County, Missouri, not presently included under Order No. 3. The record fails to establish the Missouri area as a part of the area of normal competition of Illinois handlers and there was no indication that Missouri handlers, other than Order No. 3 handlers, compete for sales in the Illinois area. Accordingly, it is concluded that the Missouri area should not be included.

Exception was taken to the recommended decision of the Assistant Administrator, Production and Marketing Administration, by one large handler who would be subject to the provisions of the proposed order. In this exception, it was contended that the area of competition among handlers involved included that portion of Greene and Macoupin Counties south of State Aid Route 108 and the Cities of Carrollton and Carlinville, Illinois. On a review of the record, it is concluded that this area does constitute a part of the area of normal competition and should be included in the marketing area.

(2) *Definitions.* A definition of "pool plant" is necessary to establish which dairy farmers are to participate in the market pool. It is intended that any producer who is delivering milk to a plant which is a regular supplier of milk for Class I use should be included in the pool. Accordingly, a "pool plant" should be designated as a plant, other than that of a producer-handler, which is used in the processing and packaging of milk disposed of on routes within the delivery period as Class I milk in the marketing area, or a plant which receives milk which is regularly disposed of as milk to a plant which distributes Class I milk in the marketing area.

In many instances local health authorities are relied upon to define the regular source of supply for the market. The designation of a pool plant under these circumstances is based upon the receipt of milk from dairy farms holding farm inspection permits issued by the local health authority. Plants handling only milk from other sources but which are permitted by the local health authority to supply Class I milk to the market on an emergency basis are not considered a regular source of supply and are not regulated under an order.

In the marketing area as herein proposed the health regulations cannot be used to define generally the regular source of supply for the market and it is necessary to devise other means of designating the type of plant operations which are to be regulated. It is concluded that all plants distributing 10 percent or more of the Class I milk in such plant on routes in the area and all other plants regularly supplying milk for Class I use in the area should be designated as pool plants. Accordingly, any plant distributing Class I milk in the marketing area during the delivery period in a quantity equivalent to 10 percent or more of the Class I milk in such plant is designated a pool plant. The exemption of a distributing plant from which less than 10 percent of the Class I milk in such plant is disposed of on routes in the marketing area is necessary in this market, as pointed out in the exceptions of producers and handlers, to eliminate the influence on returns to producers caused by distributors who are causally associated with the marketing area and to prevent undue hardship upon such distributors in applying the provisions of the proposed order to the total supply of milk of such handlers who are, in fact, more closely associated with other markets. In order to prevent disorderly marketing, however, such distributors should be required to pay into the producer-settlement fund the difference between the Class I and the Class II price of such milk disposed of in the marketing area. Furthermore, such distributor also should be required to pay to the market administrator the administrative assessment on the quantity of Class I milk and Class II milk received from dairy farmers and disposed of in the marketing area, to make reports to the market administrator, and to keep books and records of his receipts and utilization and permit verification thereof.

Any plant which is used in the receipt of milk and from which milk is regularly disposed of to a distributing plant is also designated as a pool plant. Both handlers and producers contended in their exceptions to the recommended decision of the Assistant Administrator, Production and Marketing Administration, that the definition of such plant permitted the pooling of plants which were not regular suppliers of milk. In order to assure that only those plants which are regularly associated with the market will be pooled, the definition as contained in the proposed order is revised. Provision is made for the pooling of such plants beginning with the third delivery period within which such plant supplies 10 percent or more of its receipts from dairy farmers and conditioned upon the filing of written application to the market administrator for pool plant status. This provision will make it possible for plants to supply milk on an emergency basis without being subject to the regulatory provisions of the order. In order to permit stand-by plants to keep milk in the country during the flush production months and continue to share in the pool, it is provided that any plant which met the requirements for pooling during each of the delivery periods of October through February shall be pooled during the subsequent delivery periods of March through September; however, to

pool the following October such plant must have met the 10 percent requirement during the delivery periods of August and September.

The term "producer" should be defined as any person, except a producer-handler, who produces milk which is received at a pool plant, or is diverted from a pool plant to any milk distributing or manufacturing plant. The definition of such term facilitates the designation of the milk which is to be subject to the pricing provisions of the order. Since the order applies to deliveries of whole milk by producers it is not intended that a person be considered a producer with reference to deliveries to a pool plant of sweet or sour cream. In order to eliminate possible conflicts between this order and other orders regulating the handling of milk in adjacent areas a person should not qualify as a producer under two orders on the same milk. Accordingly, it is provided, That a person who is a producer under the provisions of another milk marketing order issued under the act, shall not be a producer for the same milk under the terms of this order.

Milk disposed of as fluid milk in the marketing area may be produced under rigid health inspection or may be ungraded milk which is not regulated by an ordinance of the state or any local health authority. Since separate pooling and pricing are proposed for Grade A milk and ungraded milk produced and disposed of as fluid milk in the marketing area it is necessary that producers be differentiated in accordance with the health regulation under which such milk is produced. Producers are therefore defined as either "Grade A" or "Nongrade A."

The term "handler" should include a producer-handler and any person in his capacity as operator of a pool plant. A definition of "handler" is necessary in order to specify the types of processors and distributors subject to regulation. Milk diverted from a pool plant to a nonpool plant for the account of the handler is considered to have been received at the pool plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk. "Handler" should also include any cooperative association of producers which diverts producer milk for the account of such association. It was proposed that diversion by a cooperative association be limited to specified months of flush production but it was not shown that such a limitation would be in the best interest of orderly marketing. If this limitation were imposed handlers could be adversely affected and certain producers discriminated against on week-ends or holidays or at other times when unseasonable production during the restricted period might upset the supply-demand balance in the market because proprietary handlers are not in a position to accept milk from all producers under these conditions. The definition should also include the operator of a distributing plant from which less than 10 percent of the Class I milk in such plant is disposed of in the marketing area. This is necessary in order to obtain reports and require payment to the producer-settlement fund and the administrative fund.

"Other source milk" should be defined to include all skim milk and butterfat from a producer-handler or from a source other than producers or other handlers. However, nonfluid milk products received and disposed of in the same form should be excepted. Furthermore, receipts of Grade A producer milk from handlers as defined under Orders Nos. 3, 16, and 77, regulating the handling of milk in the St. Louis, Missouri, Southern Illinois, and Paducah, Kentucky, marketing areas should be excluded. This is in keeping with transfer and allocation provisions which permit interchange of Grade A supplies between such markets. Since producer-handlers normally dispose of their milk during most of the year in Class I, and since sales of Class I by these handlers would not be pooled the pooling of surplus milk purchased by handlers from producer-handlers would result in a preferential market for producer-handlers as compared with regular producers. Milk purchased from producer-handlers should be treated therefore as other source milk and it would remain unpriced under this proposed order. Nonfluid milk products received and disposed of in the same form are not included as other source milk because they would not affect the classification of producer milk.

The terms "act," "person," "Secretary," "Department," "cooperative association," and "delivery period" are defined in order to facilitate the drafting of other provisions of the order. These terms are common to Federal milk marketing orders and no differences developed at the hearing regarding their definition.

(3) *Classification and allocation of milk.* The classification of milk should be as follows: Class I milk should include all skim milk and butterfat disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, milk drinks (both plain and flavored), cream (including sour cream), any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog, and reddi-wip, instant whip, super whip, and similar products), and all skim milk and butterfat not specifically accounted for as Class II milk. Class II milk should include all skim milk and butterfat used to produce any product other than those specified in Class I milk, disposed of for livestock feed, in actual plant shrinkage of skim milk and butterfat received in producer milk (but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively), and actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received.

The products to be classified as Class I are those normally associated with a fluid milk business, all being disposed of in fluid form in the marketing area through the same retail and wholesale channels as bottled fluid milk. Their physical characteristics, purposes, values, and uses are more nearly similar to those of fluid milk than to the products to be classified as Class II milk. Furthermore, these products are normally made from a higher quality of milk than that disposed of in manufactured products. Under the terms of the Belleville ordinance they are required to be made from Grade A milk.

The products to be classified in Class II are those which normally are competitively priced on a national market. It is necessary that a lower pricing be provided for milk so utilized in order to assure free movement of excess supplies into manufacturing channels without burdensome competitive disadvantages to affected handlers.

Handlers contended that the fluid products other than fluid milk, which are herein proposed to be classified as Class I, are disposed of in smaller volume and at higher handling costs than fluid milk and should carry a lower classification and pricing. They also proposed a lower pricing for fluid milk and fluid milk products sold outside of the marketing area. The pricing herein proposed recognizes the variation in the butterfat content of milk products and results in a lower pricing for those products with a lower butterfat content. A lower classification resulting in a lower price for fluid milk sold outside the marketing area is not justified. Milk disposed of by suburban handlers outside the marketing area is the same quality as that disposed of within the area and is subject to the same transportation costs in moving from the farm to the handler's plant. Out-of-area fluid sales represent a continuing and regular demand throughout the year and have no aspects of an outlet for a seasonal surplus of producer milk.

Handlers proposed a maximum 3 percent shrinkage allowance in the lowest use class. Shrinkage experience under Order No. 3, as amended (which regulates handlers similarly situated), since 1945 indicates that in no year has shrinkage for St. Louis handlers amounted to as much as 2.5 percent and in one year, 1948, was substantially under 2 percent. A maximum allowable shrinkage of 2 percent on producer milk should be included in Class II. Any shrinkage in excess of that amount should be classified as Class I. No limit is provided for shrinkage of other source milk allowed in Class II since such milk is deducted from the lowest use class under the allocation provisions.

It is not administratively feasible to segregate the actual plant shrinkage on producer milk from shrinkage on other source milk in the same plant. Consequently, in such cases shrinkage of skim milk and butterfat, respectively, allocated to Grade A producer milk, Nongrade A producer milk, or other source milk should be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources, to their totals.

In establishing the classification of milk the responsibility should be placed upon the handler who first receives milk from producers to account for all skim milk and butterfat received at his pool plant and to prove to the market administrator that such skim milk and butterfat should be classified as other than Class I. The handler who first receives milk from producers is responsible for

reporting the proper utilization of such milk and making full payment for it. He must therefore maintain records to furnish adequate proof of utilization to the market administrator. For the protection of both producers and handlers, skim milk or butterfat classified in one class should be reclassified if used or reused by such handler, or by another handler in another class.

Provisions should be included in the order covering the classification of skim milk and butterfat which is transferred from a pool plant to another pool plant or to a nonpool plant. In the case of transfers between pool plants classification should be on the basis of written agreement between the affected handlers to the extent of utilization in the agreed use in the transferee plant. This provision affords suitable flexibility in the pricing, classification, and accounting for milk transferred. It does not affect producer returns because all of the milk is accounted for in the pool computation in any event. In order to assure adequate protection of producers in the classification of their milk it should be provided that in case other source milk is received in either or both plants the classification of milk in each plant shall be made in such a manner as will return the higher class utilization to producer milk.

The allocation provisions as hereinafter proposed give priority to Grade A producer milk over Nongrade A producer milk. *Accordingly, it should be further provided*, That when Grade A producer milk is received at either plant involved in an interhandler transfer the milk so disposed of shall be classified at both plants to return the higher class utilization to Grade A producer milk.

Transfers to a producer-handler should be classified as Class I milk. Producer-handlers ordinarily carry on only fluid operations; hence any milk which they might purchase from a handler would normally be for such use and it is unnecessary to provide for the classification of such a transfer in a lower class use.

Transfers to a nonpool plant, except in the case of transfers of milk or skim milk to a plant located 150 miles or more airline distance from the City Hall at St. Louis, should be classified on the basis of written agreement in the same manner as outlined for interhandler transfers. This would facilitate the movement of skim milk and butterfat in excess of Class I needs and at the same time protect producers in the classification of milk by required adequate records to prove to the market administrator that an equivalent amount of skim milk and butterfat was actually used in the claimed class.

Transfers of milk or skim milk to a nonpool plant located 150 miles or more airline distance from the City Hall in St. Louis should be classified as Class I. Ordinarily such transfers for distances of as much as 150 miles cannot economically be made for manufacturing uses. There are numerous plants with manufacturing facilities within the 150 mile zone. Under these circumstances it should not be necessary to move milk or skim milk great distances in order to find a surplus outlet. The limitation on distance in which such transfers are permitted as other than Class I will simplify the job of the market administrator in the classification of milk, save considerable expense which would otherwise be necessary to check utilization in distant plants, and affords reasonable protection for producers in the classification of their milk.

The allocation provisions should provide that other source milk, which is unpriced, be allocated to the lowest use in the handler's plant. This is done to prevent other source milk from displacing the milk of producers which constitutes the regular supply of the market. In the allocation of producer milk, Grade A milk should be assigned to the highest utilization. A handler customarily utilizes the highest quality milk in his plant for fluid purposes and hence the assignment of this milk to the highest class is consistent with the preferential use given to this milk by handlers.

Both producers and handlers took exception to the Assistant Administrator's recommended decision in that it did not provide for free transfer of milk between the St. Louis, Missouri, Southern Illinois, Paducah, Kentucky, and Suburban St. Louis, Missouri, markets. By reason of the close association between handlers subject to the orders regulating the handling of milk in these markets and the overlapping of sales routes of such handlers there should be no obstruction to the free flow of milk between these markets to the end that producers of like grades of milk in all of these markets may be assured of the highest possible Class I utilization at all times and so that handlers will be relieved insofar as possible of the uncertainty of the classification of milk transferred to handlers in the other markets. It is concluded that transfers should be permitted on the basis of written agreement between the transferer and the transferee so long as such transfers do not replace Class I sales allocated to the receipts from Grade A producers in the transferee plant.

Certain handlers proposed that Class II utilization in an amount not to exceed 5 percent of producer receipts be allocated to producer milk contending that handlers should not be penalized for the use of other source milk necessitated by day-to-day fluctuations in production and in Class I sales. While such a provision is contained in the St. Louis order the need for such a provision was not established in this record. An ample supply of producer milk is available in the Suburban St. Louis market. Any temporary shortage would be the result of an erroneous decision on the part of handlers as to the quantity of regular milk which they procure. Producers should not be required to share the cost of importing other source milk for an individual handler, to alleviate a shortage resulting from his own erroneous decision.

(4) *Class prices.* Class I milk prices should be determined by using the basic formula price as computed under the pricing provisions of Order No. 3, as amended, and adding specified differentials. Class II milk prices should be the basic formula price as computed under the pricing provisions of Order No. 3, as amended, except that for the months of April through July 1951 the Class II price should be such basic formula price less 15 cents.

Both producers and handlers proposed that the Suburban St. Louis Class I price be related to the St. Louis price in recognition of the direct competition between the two markets for milk supplies and for retail sales. Producers proposed the same differentials in pricing Grade A milk under this order as those established under the St. Louis order.

Illinois Grade A milk, while produced under the Illinois Grade A milk law, is not accepted by the health authorities of St. Louis or the East Side Health District for sale as Grade A milk. It appears that a greater investment is necessary to provide facilities to meet the requirements for the production of milk qualified for the St. Louis market, and that greater day-to-day costs must be incurred in the care of cows and equipment and in the production of milk under the St. Louis ordinance. The use of the same basic formula price will maintain a direct relationship in prices between the two markets. However, in recognition of the lower production costs incurred in the production of Illinois Grade A milk as compared to milk produced for the St. Louis market, the Illinois Grade A milk should be priced somewhat below the prices specified in the St. Louis order. Accordingly, it is concluded that the Grade A Class I price should be the basic formula price as computed under the pricing provisions of the St. Louis order plus the following differentials: $1.35 for the delivery periods of July through December, $0.90 for the delivery periods of January through March, and $0.50 for the delivery periods of April through June. The resulting prices will average approximately $0.15 under the St. Louis price for Class I milk on an annual basis but will result in a greater seasonal differential in price which is needed to promote a more uniform pattern of milk production consistent with the demand pattern for milk for Class I use in the marketing area.

Nongrade A Class I milk should be priced 40 cents under the Grade A price. This pricing results in a Class I price for Nongrade A milk which varies seasonally from 10 cents over the St. Louis basic formula price during the months of April, May, and June to 95 cents over such price during the months of July through December. These differentials are designed to cover the extra costs of producing the quality of milk required by handlers for bottling purposes and the additional transportation costs involved in delivering milk to the fluid milk market, to promote a more uniform seasonal production pattern, and to assure an adequate supply of milk over a period of time.

The Class I price differentials proposed herein are the same as those proposed for the Southern Illinois marketing area. This is in conformity with the conclusion that transfers of milk under specified conditions between handlers, who would be subject to such orders, should be per-

mitted to be classified on the basis of a written agreement between such handlers. Differences in class prices between the two markets under such conditions could create disorderly marketing of milk.

The price for Class II milk proposed herein is the same as that provided for under the order regulating the handling of milk in the St. Louis marketing area, except for the months of April through July 1951. The St. Louis market obtains its supplies of milk from an area which encompasses the supply area for the Suburban marketing area. The disposition of surplus milk in much of the Illinois portion of the St. Louis supply area and in the supply area for the Suburban market is through the same manufacturing facilities and in the same uses. The prices for surplus milk under the St. Louis Order and under the Suburban Order should, therefore, be the same.

Producers proposed that the Class II price be the average price paid for milk at a small group of local condenseries and manufacturing plants, including a few of the 23 herein proposed. Handlers concurred in this proposal except that they suggested a price of 25 cents less than the price paid at the local condenseries, contending that the small operations of local handlers and transportation costs to manufacturing plants would necessitate a lower price. The prices paid by local condenseries have been substantially less than those paid at condenseries located in Wisconsin and Michigan and substantially less than the Class II price established by the St. Louis Order. Since manufactured products compete on the national market and the Department of Agriculture is presently supporting milk prices through purchases of all offers of nonfat dry milk solids, butter, cheese, and evaporated milk at specified prices which should result in producer prices for ungraded manufacturing milk substantially in excess of the current local condensery price, it is concluded that the Class II prices need not be established on the basis of these local condenseries. The Class II price under these conditions should be the same as the price of Class II milk under the St. Louis Order, however, in view of the lack of information regarding the utilization of milk and the facilities for handling surplus milk by certain handlers, such price should be reduced 15 cents per hundredweight for the months of April through July 1951. This will assure a market for producer milk for the flush production of 1951 and will permit further study of the problem when more adequate data are available.

The price computed for each class on the basis of milk containing 3.5 percent butterfat should be adjusted to reflect the weighted average butterfat content of the several products classified in the respective classes. The Class I Grade A differential should be 1.25 times the price of 92-score butter at Chicago and the Class I Nongrade A differential should be 1.22 times the price of 92-score butter at Chicago. The Class II differential should be 1.20 times the price of 92-score butter at Chicago. These differentials appear to provide an appropriate division of the price between skim milk and butterfat and should encourage the maximum utilization of producer butterfat.

The pricing of Class I milk on the basis of the f. o. b. St. Louis price adjusted by a location allowance which varies according to the distance between St. Louis and the pool plant was supported by both producers and handlers and it will serve to maintain a direct relationship between prices under the St. Louis Order and under the Suburban St. Louis Order. The allowances established are the same as are used under the St. Louis Order.

(5) *Payments to producers.* The "market-wide" type of pool should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under the market-wide pooling arrangement all producers receive the same uniform price for their milk irrespective of the utilization made of such milk by the handler to whom they sell.

The alternative to the market-wide pool is the use of individual-handler pools. Under this system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. A cooperative association representing the majority of producers in the market expressed its intent to become a handler when necessary to market the surplus milk of its members. To do so under an individual-handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. It is therefore concluded that a market-wide pool is necessary to distribute the returns from the sale of milk equally among producers and to create orderly marketing of producer milk.

Because of the different grades of milk distributed in the marketing area it will be necessary to maintain two separate pools—one for Grade A milk and one for Nongrade A milk.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is found in other milk orders and it is necessary to cover discrepancies between the reported and actual weights and tests of milk received from producers. In case a handler having excess skim milk or butterfat has received both Grade A and Nongrade A milk during a delivery period it should be provided that such excess shall be ratably apportioned between the two grades of milk.

In the event that a handler has received other source milk allocated to Class I and which is not priced under another Federal marketing agreement or order, an amount should be added to the value of the lowest grade of producer milk received by such handler computed as follows: Multiply the quantity of such other source milk by the difference between the applicable prices for Class I and Class II milk. As previously indicated, all sources of milk regularly used for Class I will be included in the pool. Irregular sources of supply are exempt and such payment is necessary for the reasons heretofore discussed in connection with plants to be pooled and persons to be defined as handlers. The pool plant definition affords opportunity to any handler to develop an adequate supply of producer milk for his Class I needs. There should be no reason for an insufficient supply of producer milk under such circumstances. If any handler elects to use other source milk in preference to utilizing an available source of producer milk, local producers should not be penalized. *Accordingly, it is provided,* That such handler pay into the pool, for distribution among regular producers, the difference between the Class I and the Class II prices on other source milk so utilized. Such a provision gives assurance to both producers and handlers that all milk utilized for fluid purposes is purchased on a use basis at minimum order prices. Other source milk priced under another marketing order is exempt because such milk would be priced on a use basis commensurate with its value as determined under the other order.

Provision should be made for the adjustment to reflect the actual test of the milk received from a producer and the location of the pool plant where such milk is received in the applicable uniform price payable to producers. The producer butterfat differential and the location allowances, both of which apply to all producer milk received irrespective of use, should be the same as presently provided under the St. Louis Order; thus maintaining the direct relationship to St. Louis prices established for the individual class prices. The producer butterfat differential and the location allowances are merely means of prorating returns to producers and do not affect handler costs for milk.

Payment should be made to producers on a monthly basis on the 15th day after the close of the delivery period. This is the usual method of settlement currently employed by handlers in the area. All dates covering reports of handlers, computation and announcement of uniform prices, and payments to and out of the producer-settlement funds are set in appropriate relation to the payment date. All payments made directly to producers or an association of producers, or through the producer-settlement fund, should be adjusted for errors made in such payment for preceding delivery periods.

The market administrator in making payments to any handler from the producer-settlement fund should offset such payments by the amount of payment due from such handler. Without this provision, the market administrator might be required to make payments to a handler who may have obtained money from the producer-settlement fund by filing fraudulent reports or who owes money to the producer-settlement fund but who is financially unable to make full payment of all his debts.

(6) Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts of producer milk at a pool plant.

Both handlers and producers recognize that the market administrator should have the necessary funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights, sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association and a reasonable charge assessed in payment thereof. This provision is specifically authorized by the act. Accordingly, it is concluded that 6 cents per hundredweight, or such lesser rate as the Secretary may determine, should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer interests who have had experience in this market with check sampling, weighing, and testing programs. In the event any qualified cooperative association of producers is determined to be performing such services for its members, handlers should be required to pay to the cooperative association such deductions as are authorized by the members of the association. Handlers proposed in connection with the marketing service provision that in the case of two qualified cooperative associations, each having a membership contract with a particular producer, the market administrator be required to determine to which association such deduction should be paid. Such a proposal is not feasible since there is nothing contained in the marketing agreement act to preclude a producer from holding membership in more than one cooperative association, if he so desires, and it is not intended that under the marketing agreement and order herein proposed he should be so precluded. The order merely provides that the handler deduct and pay to any qualified cooperative association whatever deduction is authorized by the members of the association.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature which are common to all Federal milk orders, and incidental to the other provisions of the order, and are necessary for proper and efficient order administration. They should provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should also be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify his current status as a producer-handler and to supplement other market information.

A pool plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt regulation of a handler under two separate orders with respect to the same milk. Accordingly, it should be provided that if a pool plant disposes of a greater volume of its Class I milk in a marketing area regulated by another Federal marketing order than is disposed of in this marketing area such plant shall be exempt from the reporting, pricing, payment, administrative assessment, and marketing service provisions of this order except that the operator of such plant shall make such reports with respect to receipts and utilization of milk as the market administrator may require.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time which obligations under the order shall terminate. The proposal made in this regard is identical with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of October 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Suburban St. Louis, Missouri, Marketing Area," and "Order Regulating the Handling of Milk in the Suburban St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., January 3, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order [1] Regulating the Handling of Milk in the Suburban St. Louis, Missouri, Marketing Area

Sec.
911.0 Findings and determinations.

DEFINITIONS

911.1 Act.
911.2 Secretary.
911.3 Department.
911.4 Person.
911.5 Suburban St. Louis, Missouri, marketing area.
911.6 Delivery period.
911.7 Cooperative association.
911.8 Pool plant.
911.9 Nonpool plant.
911.10 Handler.
911.11 Producer.
911.12 Grade A producer.
911.13 Nongrade A producer.
911.14 Other source milk.
911.15 Producer-handler.

MARKET ADMINISTRATOR

911.20 Designation.
911.21 Powers.
911.22 Duties.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

REPORTS, RECORDS, AND FACILITIES

Sec.
911.30 Delivery period reports of receipts and utilization.
911.31 Other reports.
911.32 Records and facilities.
911.33 Retention of records.

CLASSIFICATION

911.40 Skim milk and butterfat to be classified.
911.41 Classes of utilization.
911.42 Responsibility of handlers and reclassification of milk.
911.43 Transfers.
911.44 Computation of skim milk and butterfat in each class.
911.45 Allocation of skim milk and butterfat classified.
911.46 Allocation of producer milk classified.

MINIMUM PRICES

911.50 Class prices.
911.51 Butterfat differentials to handlers.
911.52 Location differential to handlers.

APPLICATION OF PROVISIONS

911.60 Producer-handlers.
911.61 Pool plants subject to other orders.
911.62 Handlers operating nonpool plants.

DETERMINATION OF UNIFORM PRICES

911.70 Computation of value of milk.
911.71 Computation of uniform prices.

PAYMENTS

911.80 Time and method of payment for milk.
911.81 Producer-butterfat differential.
911.82 Location differential to producers.
911.83 Producer-settlement funds.
911.84 Payments to the producer-settlement funds.
911.85 Payments out of the producer-settlement funds.
911.86 Adjustment of accounts.
911.87 Marketing services.
911.88 Expense of administration.
911.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

911.90 Effective time.
911.91 Suspension or termination.
911.92 Continuing obligations.
911.93 Liquidation.

MISCELLANEOUS PROVISIONS

911.100 Agents.
911.101 Separability of provisions.

AUTHORITY: §§ 911.0 to 911.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 911.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held February 23 and 24 and February 27 to March 3, 1950, at East St. Louis, Illinois, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all producer milk (including such handler's own production) received during the month.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Suburban St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITION

§ 911.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 911.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the Secretary of Agriculture.

§ 911.3 *Deparment.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified herein.

§ 911.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 911.5 *Suburban St. Louis, Missouri, marketing area.* "Suburban St. Louis, Missouri, marketing area," hereinafter called the "marketing area," means all of the territory within Jersey, Madison, Monroe, and Bond Counties; the Townships of Bluffdale, Carrollton, Linder, Rockbridge, Woodville, and Kane in Greene County; Macoupin County, except the Townships of Scottville, Barr, North Palmyra, South Palmyra, North Otter, South Otter, Virden, Girard, and Nilwood; Clinton County, except the Townships of East Fork, Meridian, and Brookside; and St. Clair County, except the Townships of East St. Louis, Centerville, Canteen, and Stites, and the Scott Air Force Base; all in the State of Illinois.

§ 911.6 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

§ 911.7 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 911.8 *Pool plant.* "Pool plant" means:

(a) Any plant which is used in the processing and packaging of milk and from which 10 percent or more of the Class I milk in such plant is disposed of on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area, except the plant of a producer-handler and any plant from which the only Class I milk so disposed of in the marketing area is milk approved by the appropriate health authority for sale as Class I milk in the St. Louis, Missouri, marketing area; or

(b) Any plant which is used in the receipt of milk from farmers and from which milk in bulk is disposed of in a quantity equivalent to 10 percent or more of such receipts from farmers during the delivery period to one or more plants described in paragraph (a) of this section: *Provided*, That milk was so disposed of from such plant during each of the two immediately preceding delivery periods and the operator of such plant has made written application, on or before the 30th day prior to the first day of the current delivery period, to the market administrator for pool plant status: *And provided further*, That this definition shall include during the delivery periods of March through September any plant which was used in the receipt of milk and from which milk in bulk was so disposed of to one or more plants described in paragraph (a) of this section during each of the immediately preceding delivery periods of October through February.

§ 911.9 *Nonpool plant.* "Nonpool plant" means any milk processing or distributing plant other than a pool plant.

§ 911.10 *Handler.* "Handler" means:

(a) Any person in his capacity as operator of a pool plant;

(b) A producer-handler;

(c) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant which is used in the processing and packaging of milk, any portion of which is disposed of from such plant on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area, except any plant from which the only Class I milk so disposed of in the marketing area is milk approved by the appropriate health authority for sale as Class I milk in the St. Louis, Missouri, marketing area; or

(d) Any cooperative association with respect to the milk of any producer which it causes to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 911.11 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to any milk distributing or milk manufacturing plant for the account of a handler: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted: *And provided further*, That a person who is a producer under the provisions of any other milk marketing order issued under the act, shall not be a producer for the same milk under the provisions of this part.

§ 911.12 *Grade A producer.* "Grade A producer" means a producer whose milk complies with the quality requirements of the Grade A milk ordinance of the applicable political subdivision of the State of Illinois or the Grade A milk and Grade A milk products laws of the State of Illinois and is permitted by the Illinois State Health Department to be sold under a Grade A label as fluid milk in the marketing area.

§ 911.13 *Nongrade A producer.* "Nongrade A producer" means a producer other than a Grade A producer.

§ 911.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers except:

(a) Any nonfluid milk product received and disposed of in the same form;

(b) Milk of producers received by handlers as defined under Orders Nos. 3 and 77, as amended, regulating the handling of milk in the St. Louis, Missouri, and Paducah, Kentucky, marketing areas, respectively; and

(c) Milk of Grade A producers received at a pool plant of a handler as defined under Order No. 16 regulating the handling of milk in the Southern Illinois marketing area.

§ 911.15 *Producer-handler.* "Producer-handler" means any person who processes milk from his own farm production any portion of which is disposed of within the marketing area as Class I milk, and who receives no milk from producers.

MARKET ADMINISTRATOR

§ 911.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 911.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 911.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 911.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 911.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class computed pursuant to §§ 911.50 and 911.51; and

(2) On or before the 11th day after the end of such delivery period, the uniform prices computed pursuant to § 911.71 and the butterfat differential computed pursuant to § 911.81;

(i) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the day upon which he is required to perform such acts, has not made: (1) Reports pursuant to §§ 911.30 and 911.31; or (2) payments pursuant to §§ 911.80 through 911.86;

(j) On or before the 15th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class; and

(k) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 911.30 *Delivery period reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of Grade A and Nongrade A skim milk and butterfat contained in all receipts at his pool plant(s) within such delivery period (1) of producer milk, (2) from other handlers, (3) of other source milk, and (4) from handlers as defined under Orders Nos. 3, 16, and 77;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section; and

(c) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 911.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of each delivery period his producer payroll for such delivery period, which shall show:

(1) The total pounds of milk received from each producer or cooperative association, with the average butterfat test thereof, and

(2) The net amount of such handler's payment to each producer or cooperative association, together with the price, deductions, and charges involved.

§ 911.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, all accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat;

(b) The weights, samples, and tests for butterfat and for other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk

product on hand at the beginning and end of each delivery period.

§ 911.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 911.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler and which is required to be reported pursuant to §§ 911.30 or 911.62 (a) shall be classified by the market administrator pursuant to the provisions of §§ 911.41 through 911.46.

§ 911.41 *Classes of utilization.* Subject to the conditions set forth in §§ 911.42 and 911.43 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, milk drinks (whether plain or flavored), cream (including sour cream), any mixture of cream and milk, or skim milk (except bulk ice cream mix, eggnog, and reddiwip, instant whip, super whip, and similar products), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used or disposed of in any product other than those specified in paragraph (a) of this section; (2) as disposed of for livestock feed; (3) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (4) in actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if milk from more than one source (Grade A producer milk, Nongrade A producer milk, and other source milk) is received at a pool plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to each source shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their totals.

§ 911.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first received such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 911.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in Class II exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher available class utilization to producer milk: *And provided further*, That if either or both handlers have received Grade A producer milk, such milk so disposed of shall be classified at both plants so as to return the higher available class utilization to Grade A producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk, except as provided in paragraphs (d) and (e) of this section, if transferred or diverted in the form of milk, skim milk, or cream to a nonpool plant (other than that of a producer-handler) unless:

(1) The handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 7th day after the end of the delivery period within which such transfer occurred.

(2) The operator of the nonpool plant maintains books and records showing utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located 150 miles or more airline distance from the City Hall in St. Louis, Missouri.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream which was received in the form of milk from Grade A producers to a pool plant as defined under Order No. 16, regulating the handling of milk in the Southern Illinois, marketing area, unless utilization in Class II is mutually indicated in writing to the market administrator by both the handler and the operator of the transferee-plant on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in Class II exceed the total use in such class by the transferee-plant: *Provided*, That if such milk, skim milk, or cream is classified under the provisions of such other order in a class other than the class mutually indicated in writing such milk, skim milk, or cream shall be classified in the class as determined by the provisions of such other order.

§ 911.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 911.45 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat remaining in each class after making the following computations for each handler for each delivery period shall be the pounds of skim milk and butterfat in such class allocated to producer milk received by such handler during such delivery period;

(a) Skim milk shall be allocated as follows:

(1) Subtract from the pounds of skim milk in each class the total pounds of skim milk received by such handler in milk from producers as defined under Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area and assigned to such class pursuant to the provisions of such order;

(2) Subtract from the total pounds of skim milk in Class II the plant shrinkage of skim milk in milk received from producers computed pursuant to § 911.41 (b) (3);

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(4) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 911.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

§ 911.46 *Allocation of producer milk classified.* For each delivery period the market administrator shall allocate the pounds of skim milk and butterfat in each class for each handler computed pursuant to § 911.45 to Grade A producer milk and to Nongrade A producer milk received by such handler during such delivery period.

(a) Skim milk shall be allocated as follows:

(1) Allocate to Class II skim milk the plant shrinkage of skim milk in Grade A producer milk computed pursuant to § 911.41 (b) (3);

(2) Allocate the remaining pounds of skim milk in Grade A producer milk in series beginning with Class I;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from sources defined in § 911.14 (b) and (c) and assigned to such class pursuant to the applicable provisions of Orders Nos. 3, 16, and 77, regulating the handling of milk in the St. Louis, Missouri, Southern Illinois, and Paducah, Kentucky, marketing areas, respectively;

(4) The pounds of skim milk remaining in each class shall be the pounds of skim milk in such class allocated to Nongrade A producer milk received by such handler during such delivery period.

(b) Butterfat shall be allocated in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to Grade A producer milk in each class, respectively, and the pounds of skim milk and the pounds of butterfat allocated to Nongrade A producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in Grade A producer milk and Nongrade A producer milk, respectively, in each class.

MINIMUM PRICES

§ 911.50 *Class prices.* Subject to the provisions of §§ 911.51 and 911.52 each handler shall pay producers at the time and in the manner set forth in §§ 911.80 through 911.86 not less than the following prices per hundredweight of milk:

(a) *Class I milk*—(1) *Grade A.* The price for Grade A Class I milk shall be the basic formula price computed in accordance with the pricing provisions of Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, plus the following amounts per hundredweight: $1.35 for the delivery periods of July through December; $0.90 for the delivery periods of January through March; and $0.50 for the delivery periods of April through June.

(2) *Nongrade A.* The price for Nongrade A Class I milk shall be the price computed for Grade A milk pursuant to subparagraph (1) of this paragraph, less 40 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price computed in accordance with the pricing provisions of Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, except that for the delivery periods of April, May, June, and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 911.51 *Butterfat differentials to handlers.* If the weighted average butterfat test of Grade A producer milk or Nongrade A producer milk, respectively, classified in Class I milk or Class II milk for a handler pursuant to § 911.46 (c) is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the appropriate class price for such grade of milk, for each one-tenth of one percent that such weighted average butterfat test of milk in such class is above or below 3.5 percent, a butterfat differential calculated as follows:

(a) *Class I milk*—(1) *Grade A.* Multiply by 1.25 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, and divide the result by 10.

(2) *Nongrade A.* Multiply by 1.22 the average price of butter described in subparagraph (1) of this paragraph, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the average price of butter described in paragraph (a) (1) of this section, and divide the result by 10.

§ 911.52 *Location differential to handlers.* With respect to skim milk and butterfat contained in milk which is received from producers at a pool plant located outside of the St. Louis, Missouri, marketing area, as defined in Order No. 3, as amended, and which is classified as Class I milk, a handler shall be allowed the amount per hundredweight set forth in the schedule below for the airline distance from the City Hall at St. Louis, Missouri, to the pool plant where such milk was received from producers: *Provided*, That such an allowance shall not result in a Class I price, f. o. b. pool plant, which is less than the Class II price computed pursuant to § 911.50 (b):

Distance from the City Hall at St. Louis, Mo.	Amount per hundredweight (cents)
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16
Within each 10-mile zone thereafter—an additional 1 cent.	

APPLICATION OF PROVISIONS

§ 911.60 *Producer-handlers.* Sections 911.30, 911.31, 911.40 through 911.46, 911.50 through 911.52, 911.70, 911.71, and 911.80 through 911.88 shall not apply to a producer-handler, except that such producer-handler shall make reports of his receipts and utilization to the market administrator at such time and in such manner as the market administrator may request.

§ 911.61 *Pool plants subject to other orders.* In the case of any pool plant which is subject to the regulatory provisions of another milk marketing agreement or order (other than Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area) issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in the marketing area as defined by such other agreement or order than is disposed of in the marketing area as defined by this part, §§ 911.30, 911.31, 911.50 through 911.52, 911.70, 911.71, and 911.80 through 911.88 shall not apply, except that the operator of such pool plant shall make reports to the market administrator, with respect to his total receipts and utilization of skim milk and butterfat, at such time and in such manner as the market administrator may require.

§ 911.62 *Handlers operating nonpool plants.* Sections 911.30, 911.31, 911.50 through 911.52, 911.60, 911.70, 911,71, 911.80 through 911.85, 911.87, and 911.88 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 911.10 (c), except that such handler shall:

(a) Make reports to the market administrator, with respect to his total receipts and utilization of skim milk and butterfat, at such time and in such manner as the market administrator may request;

(b) Pay to the market administrator, on or before the 13th day after the end of each delivery period, for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the marketing area during the delivery period by the difference between the price of Class II milk and the price of Class I milk, adjusted for the differentials set forth in §§ 911.51 and 911.52, for the highest grade of milk received in such plant in a quantity equivalent to the quantity of Class I milk so disposed of; and

(c) Pay to the market administrator, on or before the 15th day after the end of the delivery period, for the expense of administration of this part, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of milk, from dairy farmers, used to produce products disposed of in the marketing area during the delivery period.

DETERMINATION OF UNIFORM PRICES

§ 911.70 *Computation of value of milk.* The value of Grade A producer milk and of Nongrade A producer milk, respectively received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, subject to the differentials set forth in §§ 911.51 and 911.52, and adding together the resulting amounts: *Provided*, That if the handler had an overage of either skim milk or butterfat, such excess as deducted from each class pursuant to § 911.45 (a) (5) or (b) shall be ratably apportioned between the receipts of Grade A and Nongrade A producer milk, and there shall be added to the respective values computed above an amount computed by multiplying the pro rata pounds of such overages by the applicable class prices,

subject to the differentials set forth in §§ 911.51 and 911.52: *And provided further*, That if the handler has received other source milk, other than milk priced under another marketing agreement or order issued pursuant to the act, during the delivery period, which is allocated to Class I milk pursuant to paragraph (a) (3) or (b) of § 911.45, an amount computed by multiplying the quantity of such Class I milk by the difference between the applicable price, subject to the differentials set forth in §§ 911.51 and 911.52, of Class I milk and Class II milk for the lowest grade of milk received from producers at the plant of such handler, shall be added to the value computed pursuant to this section for the lowest grade of milk.

§ 911.71 *Computation of uniform prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A milk and Nongrade A milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into separate totals the values of Grade A milk and Nongrade A milk computed pursuant to § 911.70 for all handlers who made the reports pursuant to § 911.30 for such delivery period, except those in default of payments pursuant to § 911.84 for the preceding delivery period;

(b) Add to the respective values computed pursuant to paragraph (a) of this section the amount of any location adjustment required to be made pursuant to § 911.82 with respect to such milk;

(c) Add amounts representing the cash balances on hand in the respective producer-settlement funds less the total amounts of contingent obligations to handlers pursuant to § 911.85;

(d) Subtract if the weighted average butterfat content of the milk included in the respective computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 911.81 and multiply the respective result by the total hundredweight of such milk represented by the values included in paragraph (a) of this section;

(e) Divide the resulting amounts by the total hundredweight of Grade A and Nongrade A milk, respectively, represented by the values included in paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to paragraph (e) of this section. The resulting figures shall be the uniform prices for Grade A and Nongrade A milk, respectively, of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 911.80 *Time and method of payment for milk.* Each handler shall make payment on or before the 15th day after the end of each delivery period, to each producer or cooperative association for all milk received during such delivery period from such producer or from producers who are members of such cooperative association at not less than the applicable uniform price for such delivery period computed pursuant to § 911.71 subject to the following adjustments: (a) The butterfat differential pursuant to § 911.81; (b) the location differential pursuant to § 911.82; (c) less marketing service deductions pursuant to § 911.87; (d) less deductions authorized by the producer; and (e) any error in calculating payments to such individual producer for past delivery periods: *Provided*, That if by such date such handler has not received full payment for such delivery period for any grade of milk pursuant to § 911.85 he may reduce uniformly per hundredweight for all producers from whom such grade of milk was received his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

§ 911.81 *Producer-butterfat differential.* In making payments pursuant to § 911.80, each handler shall add to or subtract from the applicable uniform price for each one-tenth of one percent that the average butterfat content of the milk received from such producer is above or below 3.5 percent, an amount computed by multiplying the average price of butter described in § 911.51 (a) (1), by 1.20, and dividing the result by 10.

§ 911.82 *Location differential to producers.* In making payments to producers pursuant to § 911.80, each handler shall deduct from the applicable uniform price for such producer with respect to milk received from the producer at a pool plant located outside of the St. Louis, Missouri, marketing area, as defined in Order No. 3, the applicable amounts set forth below for the airline distance from the City Hall at St. Louis, Missouri, to the pool plant where such milk was received from producers:

Distance from the City Hall at St. Louis, Mo.	Amount per hundredweight (cents)
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	15
Within each 10-mile zone thereafter—an additional 1 cent.	

§ 911.83 *Producer-settlement funds.* The market administrator shall establish and maintain two separate funds known as the "Grade A producer-settlement fund" and the "Nongrade A producer-settlement fund," respectively, into which he shall deposit all payments made by handlers pursuant to §§ 911.62, 911.84, and 911.86 and out of which he shall make all payments to handlers pursuant to §§ 911.85 and 911.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 911.84 *Payments to the producer-settlement funds.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the utilization value of the respective grade of milk received from producer by such handler during the delivery period as computed pursuant to § 911.70 is greater than an amount computed by multiplying the hundredweight of milk received from such producers by the applicable uniform price adjusted by the butterfat differential provided for in § 911.81 and the location differential provided for in § 911.82.

§ 911.85 *Payments out of the producer-settlement funds.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the utilization value of the respective grade of milk received from producers by such handler during the delivery period as computed pursuant to § 911.70 is less than an amount computed by multiplying the hundredweight of milk received from such producers by the applicable uniform price adjusted by the butterfat differential provided for in § 911.81 and the location differential provided for in § 911.82: *Provided*, That if the balance in such producer-settlement fund is insufficient to make all payments with respect to such grade of milk pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 911.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provision under which such error occurred.

§ 911.87 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 911.80 shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from, and to provide market information to, such producers. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of such delivery period shall pay such deductions to the cooperative association rendering such services.

§ 911.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts at his pool plant within the delivery period of milk from producers, including such handler's own production: *Provided*, That each cooperative association which is a handler shall also pay such pro rata expense on that milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 911.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 911.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 911.91.

§ 911.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 911.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 911.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 911.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 911.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 51–275; Filed, Jan. 5, 1951; 8:55 a. m.]

[7 CFR, Part 911]

[Docket No. AO–217]

HANDLING OF MILK IN SUBURBAN ST. LOUIS, MO., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION THAT MONTH OF OCTOBER 1950 IS A REPRESENTATIVE PERIOD; AND DESIGNATION OF AN AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c(19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area) who, during the month of October 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The month of October 1950 is hereby determined to be a representative period for the conduct of such referendum.

Fred L. Shipley is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 3d day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–274; Filed, Jan. 5, 1951; 8:55 a. m.]

[1] See F. R. Document 51–275, *supra*.

[7 CFR, Part 916]

HANDLING OF MILK IN SOUTHERN ILLINOIS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the aplicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Murphysboro, Illinois, on March 7 to 11, 1950, inclusive, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 800).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 27, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 1, 1950 (15 F. R. 7327). The closing date for filing exceptions was November 21, 1950.

The material issues considered at the hearing were concerned with the following:

A. Whether the handling of milk in the Southern Illinois marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;

B. Whether marketing conditions justify the issuance of a marketing agreement or order regulating the handling of milk in the Southern Illinois marketing area; and

C. If issuance of such an agreement or order is justified, what its provisions should be.

The evidence on this last issue involved the following:

(1) The extent of the marketing area;

(2) The definition of "producer," "handler," "pool plant," "other source milk," and other terms;

(3) The classification and allocation of milk;

(4) The determination and level of class prices;

(5) Payments to producers;

(6) Administrative provisions necessary to carry out the foregoing provisions.

Rulings on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Findings and conclusions. Upon the basis of the evidence adduced at the hearing, it is hereby found and concluded that:

(A) The handling of milk produced for the Southern Illinois marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Southern Illinois handlers purchase much of their milk supply in surrounding Illinois counties in competition with St. Louis, Missouri (Order No. 3), handlers who also obtain supplies from Missouri and Arkansas and who dispose of such milk in fluid uses in St. Louis and the surrounding area in both Missouri and Illinois. Milk purchased and bottled in Indiana, Kentucky, and Missouri is distributed in the proposed marketing area in direct competition with locally produced and bottled milk. Prairie Farms Creamery of Carbondale, the largest handler in the area, disposes of approximately 50 percent of its fluid receipts in manufactured uses in addition to large volumes of sour cream similarly disposed of. At least 45 percent of its plant receipts are disposed of as butter, cream, condensed products, and nonfat dry milk solids throughout the southeastern states on regular wholesale routes and from company operated trucks. Surplus butterfat is regularly obtained from Nashville, Memphis, and Dyersburg, Tennessee, and processed into creamery butter and sold throughout the southeastern states. Ice cream manufactured in St. Louis, Missouri, from ingredients purchased on the open market is sold in Southern Illinois in competition with ice cream manufactured from locally produced milk by local handlers.

From the foregoing it is clear that a substantial volume of the milk in the Southern Illinois market is moved physically in interstate commerce in the form of milk, cream, and manufactured dairy products, and that the handling of milk in the market directly burdens, obstructs, and affects interstate commerce in milk and its products.

(B) Milk marketing conditions in the Southern Illinois market justify the issuance of a marketing agreement and order.

Producers on the Southern Illinois market are not being paid for their milk on a use basis and there is no uniform pricing plan as among the several handlers with the result that producer prices for milk of similar quality and use vary substantially. Producers generally are not being returned a price for their milk used for fluid purposes which is significantly different from prevailing condensery prices.

Prairie Farms Creamery of Carbondale, Illinois, a cooperative association of producers and the largest handler in the market supplies distributors who handle approximately 50 percent of the fluid milk sales in the market with all of their milk requirements, but does not itself bottle or distribute on retail routes. It does, however, represent the primary surplus outlet for the market and the greater part of the producer milk not needed for fluid uses is processed through this plant. As a result approximately 50 percent of Prairie Farms Creamery's whole milk receipts are actually utilized in other than fluid uses whereas the combined utilization of other handlers, excluding those wholly supplied by Prairie Farms, is 90 percent in fluid uses and 10 percent in other uses. Notwithstanding, the record shows no significant differences between the pay prices of Prairie Farms and those of other receiving handlers in the market. Under these circumstances it is obvious that producers are not being paid for their milk on a use basis and the record indicates that the prices which have been paid to producers are substantially lower than appears economically justified. Unless prices paid for milk for fluid uses reflect the added costs of producing such milk as compared to milk for manufacturing uses it is inevitable that in the long run serious market shortages will result and that prices higher than would otherwise be warranted will prevail.

At the present time the market information necessary to enable producers to effectively bargain with handlers in the sale of their milk is not available. Data are completely inadequate with reference to prices paid, plant receipts, and plant utilization. The issuance of a marketing order will provide the medium for developing the market information necessary for efficient marketing of producer milk and will enable producers to participate more actively and effectively in improving marketing conditions. In addition, the proposed order will provide a pricing structure which will return to producers a value for their milk which is appropriately related to market supply and demand conditions and to an adequate long-run supply of pure and wholesome milk in the market.

(C) From the evidence, it is concluded that the proposed marketing agreement and order which are hereinafter set forth and all of the terms and conditions thereof, meet the needs of the Southern Illinois market and will tend to effectuate the declared policy of the act. The following findings and conclusions are made with respect to the several provisions of the proposed marketing agreement and order:

(1) *Extent of the marketing area.* The marketing area should be defined to include the Counties of Randolph, Perry, Franklin, Jackson, Williamson, Saline, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac, all in the State of Illinois.

Proponents proposed that the marketing area also include the territory within Hamilton County. They contend that the area which they proposed is a compact area of similar agriculture, climate, topography, soil fertility, industrial development, and population pattern and represents the smallest practical area of regulation.

Handlers proposed that the area be limited to Perry, Jackson, Union, Franklin, Williamson, and Saline Counties, contending that this area contains 63 percent of the population and 71 percent of the effective buying power in the producers' proposed 14 county area. They further contend that Pope, Hamilton, Massac, and Hardin Counties are small and barren with respect to business opportunities and that the southern tip of the 14 county area which embraces Alexander and Pulaski Counties is a different trading area separated from the balance of the area by hill country.

The area herein decided upon is a relatively homogeneous market bounded by natural water boundaries on the west and south and limited on the east and north by operations of large distributors who under any further extension of the area to include additional territory as proposed at the hearing would become handlers under this proposed order while having a preponderance of their business outside the marketing area. The area as herein proposed represents the principal area covered by handlers to whom Prairie Farms Creamery of Carbondale supplies milk. The limiting of the area to that proposed by the handlers could leave unregulated certain handlers in Cape Girardeau, Metropolis, and Chester, each of whom does substantial business in competition with handlers regulated because of their distribution in other parts of the area. To so limit the area could also tend to create inequities by excluding from the area of regulation the State Penitentiary which represents a substantial outlet for fluid milk, supply contracts for which are awarded on a bid basis.

(2) *Definitions.* A definition of "pool plant" is necessary to establish which dairy farmers are to participate in the market pool. It is intended that any producer who is delivering milk to a plant which is a regular supplier of milk for Class I use should be included in the pool.

In many instances the local health authority is relied upon to define the regular source of supply for the market. Accordingly, the designation of a pool plant is usually dependent upon the receipt of milk from dairy farms holding farm inspection permits issued by the local health authority. Plants handling only milk from other sources but which are permitted by the local health authority to supply Class I milk to the market on an emergency basis are not considered as a regular source of supply and are not regulated under an order.

In the marketing area as herein proposed the health regulations cannot be used to define generally the regular source of supply for the market. It is, therefore, necessary to devise other means of designating the type of plant operations which are to be regulated. It is concluded that all plants distributing 10 percent or more of the Class I milk in such plant on routes in the area and all other plants regularly supplying milk to plants distributing Class I in the area should be designated as pool plants. Accordingly, any plant distributing Class I milk in the marketing area during the delivery period in a quantity equivalent to 10 percent or more of the Class I milk in such plant, is designated a pool plant. The exemption of a distributing plant from which less than 10 percent of the Class I milk in such plant is disposed of on routes in the marketing area is necessary in this market, as pointed out in the exceptions of producers and handlers, to eliminate the influence on returns to producers caused by distributors who are causally associated with the marketing area and to prevent undue hardship upon such distributors in applying the provisions of the proposed order to the total supply of milk of such handlers who are, in fact, more closely associated with other markets. In order to prevent disorderly marketing, however, such distributors should be required to pay into the producer-settlement fund the difference between the Class I and the Class II price of such milk disposed of in the marketing area. Furthermore, such distributor also should be required to pay to the market administrator the administrative assessment on the quantity of Class I milk and Class II milk received from dairy farmers and disposed of in the marketing area, to make reports to the market administrator, and to keep books and records of his receipts and utilization and permit verification thereof.

Any plant which is used in the receipt of milk and from which milk is regularly disposed of to a distributing plant is also designated as a pool plant. Both handlers and producers contended in their exceptions to the recommended decision of the Assistant Administrator, Production and Marketing Administration that the definition of such plant permitted the pooling of plants which were not regular suppliers of milk. In order to assure that only those plants which are regularly associated with the market will be pooled, the definition as contained in the proposed order is revised. Provision is made for the pooling of such plants beginning with the third delivery period within which such plant supplies 10 percent or more of its receipts from dairy farmers and conditioned upon the filing of written application to the market administrator for pool plant status. This provision will make it possible for plants to supply milk on an emergency basis without being subject to the regulatory provisions of the order. In order to permit stand-by plants to keep milk in the country during the flush production months and continue to share in the pool, it is provided that any plant which met the requirements for pooling during each of the delivery periods of October through February shall be pooled during the subsequent delivery periods of March through September; however, to pool the following October such plant must have met the 10 percent requirement during the delivery periods of August and September.

There is at present a large manufacturing plant located within the marketing area and operated by a cooperative association. This plant furnishes the total fluid requirements of several handlers who distribute a combined total of approximately 50 percent of the Class I business in the marketing area. It also represents the primary outlet for the surplus milk of the area and in the past has handled the bulk of the surplus for the market. As long as this plant maintains its association with the fluid milk market it should retain pool plant status.

Any milk distributing or processing plant excluded under any of the conditions described above is defined as a "nonpool plant."

The term "producer" should be defined as any person, except a producer-handler, who produces milk which is received at a pool plant, or is diverted from a pool plant to any milk distributing or manufacturing plant. The definition of such term facilitates the designation of the milk which is to be subject to the pricing provisions of the order. Since the order applies to deliveries of whole milk by producers it is not intended that a person be considered a producer with reference to skim milk or butterfat which he delivers to a pool plant in the form of sweet or sour cream. In order to eliminate possible conflicts between this order and other orders regulating the handling of milk in adjacent areas a person should not qualify as a producer under two orders on the same milk. Accordingly, it is provided that a person who is a producer under the provisions of another milk marketing order issued under the act shall not be a producer for the same milk under the terms of this order.

Milk disposed of as fluid milk in the marketing area may be approved Grade A under the Illinois Grade A law of Nongrade A milk which is not regulated by an ordinance of the State or any local health authority. Separate pooling and pricing is proposed for Grade A milk and for Nongrade A milk. Accordingly, producers are defined as either Grade A producers or Nongrade A producers.

The term "handler" should include a producer-handler and any person in his capacity as operator of a pool plant. A definition of handler is necessary in order to specify the types of processors and distributors who are to be subject to regulation. Milk diverted from a pool plant to a nonpool plant for the account of the handler is considered to have been received at the pool plant since producers of such milk would ordinarily be regular suppliers of the market and as such should be assured the market blend price for their milk. The term should also include any cooperative association of producers which might divert producer milk for the account of such association. The inclusion in the definition of a cooperative association, even though it might not operate a plant, will promote efficient utilization of producer milk in the highest available use class since such an arrangement will permit the cooperative association to divert milk for Class I uses which might otherwise be used by proprietary handlers in Class II. The definition should also include the operator of a distributing plant from which less than 10 percent of the Class I milk in such plant is disposed of on routes in the marketing area. This is necessary in order to obtain reports and require payments to the producer-settlement fund and the administrative fund.

"Other source milk" should be defined to include all skim milk and butterfat from a producer-handler or from a source other than producers or other handlers. However, nonfluid milk products received and disposed of in the same form should be excepted. Furthermore, receipts of Grade A producer milk from handlers as defined under Orders Nos. 3, 11, and 77, regulating the handling of milk in the St. Louis, Missouri, Suburban St. Louis, and Paducah, Kentucky, marketing areas should be excluded. This in in keeping with the transfer and allocation provisions which permit interchange of Grade A supplies between such markets. Since producer-handlers normally dispose of their milk during most of the year in Class I products and since sales of Class I milk by these handlers would not be pooled the pooling of any surplus milk purchased by handlers from producer-handlers would result in a preferential market for producer-handlers as compared with regular producers. Milk purchased from pro-

ducer-handlers should be treated therefore as other source milk and would be unpriced under this proposed order. Nonfluid milk products received and disposed of in the same form are not included as other source milk because they would not affect the classification of producer milk.

The terms "act," "person," "Secretary," "Department," "cooperative association," and "delivery period" are defined in order to facilitate the drafting of other provisions of the order. These terms are common to Federal milk marketing orders issued pursuant to the act and no differences developed at the hearing regarding their definition.

(3) *Classification and allocation of milk.* The classification of milk should be as follows: Class I milk should include all skim milk and butterfat disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, milk drinks (both plain and flavored), cream (including sour cream), any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog, and reddi-wip, instant whip, super whip, and similar products), and all skim milk and butterfat not specifically accounted for as Class II milk. Class II milk should include all skim milk and butterfat used to produce any product other than those specified in Class I, disposed of for livestock feed, in actual plant shrinkage of skim milk and butterfat received in producer milk (but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively), and actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received.

Producers proposed a three-class classification scheme which would divide Class II as outlined above, placing skim milk and butterfat utilized in ice cream, ice cream mix, and evaporated milk in hermetically sealed cans in a separate class priced above milk disposed of in other manufactured products. Handlers on the other hand, while also proposing three classes, would divide Class I as outlined above, placing skim milk and butterfat disposed of as fluid cream and cream mixtures containing not less than 6 percent butterfat in a separate class priced lower than milk disposed of in other fluid products.

The products to be classified as Class I are those normally associated with a fluid milk business, and are all disposed of in the marketing area in fluid form through the same retail and wholesale channels as bottled fluid milk. Their physical characteristics, purposes, values, and uses are more nearly similar to those of fluid milk than to the products to be classified as Class II and they are normally made from a higher quality of milk than that disposed of in manufactured products. Skim milk and butterfat contained in cream and cream mixtures is subject to the same production costs as milk for other fluid uses. Furthermore, milk so utilized is the same quality of milk as is disposed of in other Class I products and is subject to the same transportation costs in moving from the farm to the handler's plant.

The products to be classified in Class II are those which normally are competitively priced on a national market. It is necessary that a lower pricing be provided for milk so utilized in order to assure free movement of excess supplies into manufacturing channels without burdensome competitive disadvantages to affected handlers.

The classification of skim milk and butterfat disposed of in ice cream, ice cream mix, and evaporated milk, in hermetically sealed cans in a separate class priced somewhat above milk disposed of in other manufactured products could result in serious inequities to local handlers. Much of the ice cream disposed of within the marketing area and in the surrounding territory is handled by distributors who would not be handlers under this proposed order and who consequently would not be regulated as to prices paid. Their skim milk and butterfat requirements are purchased competitively on a national market. Furthermore, the milk so utilized for sale in the proposed marketing area is not subject to any particular health requirements.

Producers proposed a 2 percent maximum shrinkage allowance in the lowest use class, the same as under the St. Louis, Missouri, marketing order. Handlers did not contest a 2 percent allowance on butterfat but argued for a 5 percent allowance on skim milk contending that such an allowance was needed to take care of necessary dumpage of skim milk including route returns. Losses through unusable route returns are a normal business risk which the handlers should not expect the producer to assume. The record indicates that there are ample manufacturing facilities in the area for disposal of all excess skim milk and butterfat and it is not believed that the dumping of any significant volume of either skim milk or butterfat should be necessary. A maximum allowable shrinkage of 2 percent on producer milk should be included in Class II. Any shrinkage in excess of that amount should be classified as Class I. No limit is provided for shrinkage of other source milk allowed in Class II since such milk is deducted from the lowest use class under the allocation provisions.

It is not administratively feasible to segregate the actual plant shrinkage on producer milk from shrinkage on other source milk in the same plant. Consequently, in such cases, the shrinkage of skim milk and butterfat, respectively, allocated to Grade A producer milk, Nongrade A producer milk, and other source milk should be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources.

In establishing the classification of milk the responsibility should be placed upon the handler who first receives milk from producers to account for all skim milk and butterfat received at his pool plant and to prove to the market administrator that such skim milk and butterfat should be classified as other than Class I. The handler who first receives milk from producers is responsible for reporting the proper utilization of such milk and making full payment for it. He must therefore maintain records to furnish adequate proof of utilization to the market administrator. For the protection of both producers and handlers skim milk or butterfat classified in one class should be reclassified if used or reused by such handler or by another handler in another class.

Provision should be made in the order to cover the classification of skim milk and butterfat transferred from a pool plant to another pool plant or to a nonpool plant. In the case of transfers between pool plants classification should be on the basis of written agreement between the affected handlers to the extent of utilization in the agreed use in the transferee plant. This provision affords suitable flexibility in the pricing, classification, and accounting for of milk transferred. It does not affect producer returns because all of the milk is accounted for in the pool computation in any event. In order to assure adequate protection of producers in the classification of their milk it should be provided that in case other source milk is received in either or both plants the classification of milk in each plant shall be made in such a manner as will return the higher class utilization to producer milk. The allocation provisions as hereinafter proposed give priority to Grade A producer milk over Nongrade A producer milk. Accordingly, it should be further provided that when Grade A producer milk is received at either plant involved in an interhandler transfer the milk so disposed of shall be classified at both plants to return the higher class utilization to Grade A producer milk.

Transfers to a producer-handler should be classified as Class I milk. Producer-handlers ordinarily carry on only fluid operations. Any milk which they purchase from a handler would normally be for fluid uses and it is unnecessary to provide for the classification of such a transfer in a lower use class.

Transfers to a nonpool plant, except in the case of transfers of milk or skim milk to a plant located 110 miles or more airline distance from the marketing area, should be classified on the basis of written agreement in the same manner as outlined for interhandler transfers. This would facilitate the movement of skim milk and butterfat in excess of Class I needs and at the same time protect producers in the classification of milk by requiring adequate records to prove to the market administrator that an equivalent amount of skim milk and butterfat was actually used in the claimed class.

Transfers of milk or skim milk to a nonpool plant located 110 miles or more airline distance from the nearest point of the marketing area should be classified as Class I. Ordinarily such transfers for distances of as much as 110 miles cannot economically be made for manufacturing uses. There are numerous plants with manufacturing facilities within the 110 mile zone. Under these circumstances it should not be necessary to move milk or skim milk great distances in order to find a surplus outlet. The limitation on distance within which such transfers are permitted as other than Class I will simplify the job of the market administrator in the classification of milk, save considerable expense

which would otherwise be necessary to check utilization in distant plants, and affords protection for producers in the classification of their milk.

The allocation provisions should provide that other source milk, which is unpriced, be allocated to the lowest use in the handler's plant. This is done to prevent other source milk from displacing the milk of producers which constitute the regular supply of the market. In the allocation of producer milk, Grade A milk should be assigned the highest utilization. A handler customarily utilizes the highest quality milk in his plant for fluid purposes and hence the assignment of this milk to the highest class is consistent with the preferential use given to this milk by handlers.

Both producers and handlers took exception to the Assistant Administrator's recommended decision in that it did not provide for free transfer of milk between the St. Louis, Missouri, Southern Illinois, Paducah, Kentucky, and Suburban St. Louis, Missouri markets. By reason of the close association between handlers subject to the orders regulating the handling of milk in these markets and the overlapping of sales routes of such handlers there should be no obstruction to the free flow of milk between these markets to the end that producers of like grades of milk in all of these markets may be assured of the highest possible Class I utilization at all times and so that handlers will be relieved insofar as possible of the uncertainty of the classification of milk transferred to handlers in the other markets. It is concluded that transfers should be permited on the basis of written agreement between the transferor and the transferee so long as such transfers do not replace Class I sales allocated to the receipts from Grade A producers in the transferee-plant.

Handlers proposed that Class II utilization in an amount not to exceed 5 percent of producer receipts be allocated to producer receipts. While such a provision is contained in the St. Louis order the need for such a provision was not established in this record. An ample supply of producer milk is available in the Southern Illinois market. Any temporary shortage would be the result of an erroneous decision on the part of handlers as to the quantity of regular milk which they procure. Producers should not be required to share the cost of importing other source milk for an individual handler to alleviate a shortage resulting from his own erroneous decision.

(4) *Class prices.* Class I milk prices should be determined by using the basic formula price as computed under the pricing provisions of Order No. 3, as amended, and adding specified differentials.

Both producers and handlers proposed that the Southern Illinois Class I price be related to the St. Louis (Order No. 3) price in recogntion of the direct competition between the two markets for milk supplies. While producers proposed the use of differentials in pricing Grade A milk under this order which would result in prices approximating those established under the St. Louis Order, it appears that a greater investment is necessary to provide facilities to meet the requirements for the production of milk qualified for the St. Louis market, and that greater day-to-day costs must be incurred in the care of cows and equipment and in the production of milk under the St. Louis ordinance. The use of the same basic formula price will maintain a direct relationship in prices between the two markets. However, in recognition of the lower production costs incurred in the production of Illinois Grade A milk as compared to milk produced for the St. Louis market, the Illinois Grade A milk should be priced somewhat below the prices specified in the St. Louis Order. Accordingly, it is concluded that differentials of $1.35 for the delivery periods of July through December, $0.90 for the delivery periods of January through March, and $0.50 for the delivery periods of April through June should be added to the basic formula price to establish the level of prices for Grade A milk disposed of in Class I. The resulting prices will average approximately $0.15 under the St. Louis price on an annual basis but would carry a substantially greater seasonality which is needed to promote a more uniform pattern of milk production consistent with the demand pattern for milk for Class I use in the marketing area.

Nongrade A Class I milk should be priced 40 cents under the Grade A price. The resulting prices for Nongrade A Class I milk will vary seasonally from 10 cents over the basic formula price during the months of April through June to 95 cents over the basic formula price during the months of July through December. These differentials are designed to cover the extra costs of producing the quality of milk required by handlers for bottling purposes and the additional transportation costs in delivering milk to the fluid milk market, to promote a more uniform seasonal production pattern, and to assure an adequate supply of quality milk over a period of time.

The Class I prices herein proposed would have returned producers of Grade A milk an average price of $4.15 per hundredweight, during the year of 1949, which was approximately the price received by such producers during this period.

Producers proposed a supply-demand adjustment factor for inclusion in the Class I price formula. However, the effective date of such a provision should be delayed until a reasonable period has elapsed to determine the effect of the pricing herein proposed. Moreover, at the present time there are no available data on the volume of Class I sales in the marketing area or on the month-to-month production of producer milk. Such data are necessary to determine the volume of milk needed to supply Class I needs of the market during all seasons of the year. If at a later time a supply-demand adjustment factor still appears desirable further consideration can be given when more complete data on production and Class I sales are available.

The price for Class II milk should be the basic formula price as computed under the pricing provisions of Order No. 3, as amended, except that for the months of April through July 1951 the price for Class II milk should be such basic formula price less 15 cents.

Such a pricing, which is based upon the higher of the prices paid by the 23 condenseries or a butter-powder formula, maintains a direct relationship between surplus prices under the St. Louis marketing order and this order. The St. Louis market obtains its supplies of milk from an area which encompasses a portion of the Southern Illinois supply area and the disposition of surplus milk in both areas is substantially in the same uses. The prices for surplus milk under both the St. Louis Order and this order should, therefore, be substantially the same, however, in view of the lack of information regarding the utilization of milk and the facilities for handling surplus milk by certain handlers, such price should be reduced 15 cents for the months of April through July 1951. This will assure a market for producer milk for the flush production of 1951 and will permit further study of the problem when more data are available.

The price computed for each class on the basis of milk containing 3.5 percent butterfat should be adjusted to reflect the weighted average butterfat content of the several products classified in the respective classes. The Class I Grade A differential should be 1.25 times the price of 92-score butter at Chicago and the Class I Nongrade A differential should be 1.22 times the price of 92-score butter at Chicago. The Class II differential should be 1.20 times the price of 92-score butter at Chicago. A Class I Grade A differential of 1.25 prices Grade A butterfat at the same level as that under Order No. 3 which is the nearest supplemental supply of Grade A butterfat. A Class I Nongrade A differential of 1.22 reflects the higher-valued use of butterfat for fluid uses as compared to manufactured uses. A Class II differential of 1.20 reflects the general value of butterfat for manufacturing uses. These differentials as herein proposed appear to provide an appropriate division of the price between skim milk and butterfat and should encourage the maximum utilization of producer butterfat.

The pricing of Class I milk on the basis of an f. o. b. marketing area price adjusted by a location allowance in case of milk received at a pool plant located beyond the limits of the marketing area is in accord with handlers' proposal for the inclusion of a location differential. A location differential is necessary to reflect the different values of milk delivered at different distances from the market. The allowance also takes into consideration the necessity for maintaining country receiving facilities for milk delivered at points outside of the marketing area.

(5) *Payments to producers.* The "market-wide" type of pool should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under the market-wide pooling arrangement all producers receive the same uniform price for their milk irrespective of the utiliza-

tion made of such milk by the handlers to whom they sell.

The alternative to the market-wide pool is individual-handler pools. Under the latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. Prairie Farms Creamery of Carbondale, a cooperative association and a handler in the market, represents the principal outlet for surplus milk in the market and under an individual-handler pool the price paid by Prairie Farms probably would be less than prices paid by other handlers despite the fact that producers at Prairie Farms delivered the same quality milk and their production is readily available for the market. A market-wide pooling arrangement would provide for equal prices for milk of equal quality delivered for sale in the marketing area.

Under market-wide pooling two separate producer settlement funds for making adjustments in payments as among handlers will be set up. One fund will be for Grade A milk, the other will be for Nongrade A milk. All handlers will pay producers of the same grade of milk the same uniform price per hundredweight, and each handler will pay into or draw from the producer-settlement fund the difference between the actual use value of his milk (as determined by the prices fixed for milk used in each class) and the announced uniform price (the average use value of milk received by all handlers) which he pays to his producers.

In the computation of the value of producer milk, provision should be made for the inclusion of the values of milk classified in excess of reported receipts from producers, handlers, and other sources. Federal milk orders frequently contain this provision in order to cover discrepancies between the reported and actual weights and tests of milk received from producers. In case a handler having excess skim milk or butterfat has received Grade A and Nongrade A milk during the delivery period, such excess would be ratably apportioned between the several grades of milk received.

In the event that a handler has received other source milk allocated to Class I and which is not priced under another marketing agreement or order an amount should be added to the value of the lowest grade of producer milk received by such handler computed as follows: Multiply the quantity of such other source milk by the difference between the applicable prices for Class I and Class II milk. As previously indicated, all sources of milk regularly used for Class I will be included in the pool. Irregular sources of supply are exempt and such payment is necessary for the reasons heretofore discussed in connection with plants to be pooled and persons to be defined as handlers. The pool plant definition affords opportunity to any handler to develop an adequate supply of producer milk for his Class I needs. There should be no reason for an insufficient supply of producer milk under such circumstances. If any handler elects to use other source milk in preference to utilizing an available source of producer milk, local producers should not be penalized. Accordingly, it is provided that such handler pay into the pool for distribution among regular producers, the difference between the Class I and the Class II prices on other source milk so utilized. Such a provision gives assurance to both producers and handlers that all milk utilized for fluid purposes is purchased on a use basis at minimum order prices. Other source milk priced under another marketing order is exempt because such milk would be priced on a use basis commensurate with its value as determined under the other order.

Provision should also be made in the payment of producers for the adjustment of the applicable uniform price to reflect the actual test of the milk received from a producer and the location of the pool plant where such milk is received. The producer butterfat differential should be fixed at one-tenth of the price of 92-score butter on the Chicago market multiplied by 1.2. This is the same as the handler butterfat differential for Class II and approximates the average value of butterfat for manufacturing uses. The location allowances to producers should be the same as those established for handlers for milk used in Class I which are estimated to equal the cost of moving milk to the marketing area. All producers accordingly would receive the same price for the same test of milk f. o. b. marketing area. The producer butterfat differential and location allowances are merely means of prorating returns to producers and do not affect handlers' costs for milk.

Payments to producers should be made on a monthly basis on the 15th day after the close of the delivery period. This is the method of settlement currently being followed in making payment to the majority of producers and there was no evidence that any other payment schedule would be more practical. All dates covering reports of handlers, computation and announcement of uniform prices, and payments into and out of the producer-settlement funds should be set to enable payment at such time. Payments due to a cooperative association for milk of its members should be made on the 13th day after the close of the delivery period. This will enable the association to pay its members on the 15th, the same date that other producers are paid. Handlers can comply with such a provision because it involves the writing of only a single check for the milk of all association members. All payments made directly to producers or an association of producers, or through the producer-settlement fund should be adjusted for errors made in such payments for preceding delivery periods.

The market administrator in making payments to any handler from the producer-settlement fund should offset such payments by the amount of payment due from such handler. Without this provision, the market administrator might be required to make payments to a handler who may have obtained money from the producer-settlement fund by filing fraudulent reports or who owes money to the producer-settlement fund but who is financially unable to make full payment of all of his debts.

(6) Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator as his pro rata share of the cost of administration 4 cents per hundredweight or such lesser sum as the Secretary may from time to time prescribe on all receipts of producer milk at a pool plant. The market administrator must have the necessary funds to enable him to administer properly the terms of the order and the act provides that the administration be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply, it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to provide sufficient administrative funds. In the event a lesser amount proves to be sufficient provision is made to enable the Secretary to reduce the assessment at a later date.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Six cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups who have had experience with check sampling, weighing, and testing programs in the marketing area. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The other provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should also be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time it is necessary that the market administrator have authority to require such reports as will enable him to verify

the current status of a producer-handler and to supplement other market information.

A pool plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. Accordingly, it should be provided that if a pool plant disposes of a greater volume of its Class I milk in a marketing area, regulated by another Federal milk marketing order, than is disposed of in this marketing area such plant shall be exempt from the reporting, pricing, payment, administrative assessment, and marketing service provisions of this order. Such a handler, however, should make reports with respect to receipts and utilization as the market administrator may require.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of October 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Southern Illinois marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents, entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Illinois Marketing Area," and "Order Regulating the Handling of Milk in the Southern Illinois Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 3d day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Southern Illinois Marketing Area

Sec.
916.0 Findings and determinations.

DEFINITIONS

916.1 Act.
916.2 Secretary.
916.3 Department.
916.4 Person.
916.5 Southern Illinois marketing area.
916.6 Delivery period.
916.7 Cooperative association.
916.8 Pool plant.
916.9 Nonpool plant.
916.10 Handler.
916.11 Producer.
916.12 Grade A producer.
916.13 Nongrade A producer.
916.14 Other source milk.
916.15 Producer-handler.

MARKET ADMINISTRATOR

916.20 Designation.
916.21 Powers.
916.22 Duties.

REPORTS, RECORDS, AND FACILITIES

916.30 Delivery period reports of receipts and utilization.
916.31 Other reports.
916.32 Records and facilities.
916.33 Retention of records.

CLASSIFICATION

916.40 Skim milk and butterfat to be classified.
916.41 Classes of utilization.
916.42 Responsibility of handlers and reclassification of milk.
916.43 Transfers.
916.44 Computation of skim milk and butterfat in each class.
916.45 Allocation of skim milk and butterfat classified.
916.46 Allocation of producer milk classified.

MINIMUM PRICES

916.50 Class prices.
916.51 Butterfat differentials to handlers.
916.52 Location differential to handlers.

APPLICATION OF PROVISIONS

916.60 Producer-handlers.
916.61 Pool plants subject to other orders.
916.62 Handlers operating nonpool plants.

DETERMINATION OF UNIFORM PRICES

916.70 Computation of value of milk.
916.71 Computation of uniform prices.

PAYMENTS

916.80 Time and method of payment for milk.
916.81 Producer-butterfat differential.
916.82 Location differential to producers.
916.83 Producer-settlement funds.
916.84 Payments to the producer-settlement funds.
916.85 Payments out of the producer-settlement funds.
916.86 Adjustment of accounts.
916.87 Marketing service.
916.88 Expense of administration.
916.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

916.90 Effective time.
916.91 Suspension or termination.
916.92 Continuing obligations.
916.93 Liquidation.

MISCELLANEOUS PROVISIONS

916.100 Agents.
916.101 Separability of provisions.

AUTHORITY: §§ 916.0 to 916.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 916.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held March 7 to 11, 1950, inclusive, at Murphysboro, Illinois, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Southern Illinois marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

agreement upon which a hearing has been held;

(4) All milk and milk products, handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all producer milk (including such handler's own production) received during the month.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Southern Illinois marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 916.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 916.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the act of the Secretary of Agriculture.

§ 916.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price-reporting functions specified in this part.

§ 916.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 916.5 *Southern Illinois marketing area.* "Southern Illinois marketing area," hereinafter called the "marketing area," means all of the territory within the Counties of Randolph, Perry, Franklin, Jackson, Williamson, Saline, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac, all in the State of Illinois.

§ 916.6 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof, during which this part is in effect.

§ 916.7 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 916.8 *Pool plant.* "Pool plant" means:

(a) Any plant which is used in the processing and packaging of milk and from which 10 percent or more of the Class I milk in such plant is disposed of on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area, except the plant of a producer-handler and any plant from which the only Class I milk so disposed of in the marketing area is milk approved by the appropriate health authority for sale as Class I milk in the St. Louis, Missouri, marketing area, or the Paducah, Kentucky, marketing area;

(b) A milk processing plant of a cooperative association located inside the marketing area; or

(c) Any plant which is used in the receipt of milk from farmers and from which milk in bulk is disposed of in a quantity equivalent to 10 percent or more of such receipts from farmers during the delivery period to one or more plants described in paragraph (a) of this section: *Provided,* That milk was so disposed of from such plant during each of the two immediately preceding delivery periods and the operator of such plant has made written application, on or before the 30th day prior to the first day of the current delivery period, to the market administrator for pool plant status: *Provided further,* That this definition shall include during the delivery periods of March through September any plant which was used in the receipt of milk and from which milk was so disposed of to one or more plants described in paragraph (a) of this section during each of the immediately preceding delivery periods of October through February: *And provided further,* That this definition shall include, during each delivery period from the effective date hereof through September 1951, the following plants:

Harrisburg Dairy Products, Olney, Ill.
Midwest Dairy Products Corporation, Murphysboro, Ill.
Midwest Dairy Products Corporation, New Athens, Ill.

§ 916.9 *Nonpool plant.* "Nonpool plant" means any milk processing or distributing plant other than a pool plant.

§ 916.10 *Handler.* "Handler" means:

(a) Any person in his capacity as operator of a pool plant;

(b) A producer-handler;

(c) Any person, other than a producer-handler, in his capacity as operator of a nonpool plant which is used in the processing and packaging of milk, any portion of which is disposed of from such plant on wholesale or retail routes (including plant stores or through vendors) within the delivery period as Class I milk in the marketing area, except any plant from which the only Class I milk so disposed of in the marketing area is milk approved by the appropriate health authority for sale as Class I milk in the St. Louis, Missouri, or the Paducah, Kentucky, marketing area; or

(d) Any cooperative association with respect to the milk of any producer which it causes to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 916.11 *Producer.* "Producer" means any person other than a producer-handler, who produces milk which is: (a) Received at a pool plant; or (b) diverted from a pool plant to any milk distributing or milk manufacturing plant for the account of a handler: *Provided,* That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted: *And provided further,* That a person who is a producer under the provisions of any other milk marketing order issued under the act, shall not be a producer for the same milk under the provisions of this part.

§ 916.12 *Grade A producer.* "Grade A producer" means a producer whose milk complies with the quality requirements of the Grade A milk ordinance of the applicable political subdivision of the State of Illinois or the Grade A milk and Grade A milk products laws of the State of Illinois and is permitted by the Illinois State Health Department to be sold under a Grade A label as fluid milk in the marketing area.

§ 916.13 *Nongrade A producer.* "Nongrade A producer" means a producer other than a Grade A producer.

§ 916.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers except: (a) Any nonfluid milk product received and disposed of in the same form; (b) milk of producers received by handlers as defined under Orders Nos. 3 and 77, as amended, regulating the handling of milk in the St. Louis, Missouri, and Paducah, Kentucky, marketing areas, respectively; and (c) milk of Grade A producers received at a pool plant of a handler as defined under Order No. 11 regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area.

§ 916.15 *Producer-handler.* "Producer-handler" means any person who processes milk from his own farm production any portion of which is disposed of within the marketing area as Class I milk, and who receives no milk from producers.

MARKET ADMINISTRATOR

§ 916.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 916.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its term and provisions; and

(d) To recommend amendments to the Secretary.

§ 916.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 916.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 916.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class computed pursuant to §§ 916.50 and 916.51; and

(2) On or before the 11th day after the end of such delivery period, the uniform prices computed pursuant to § 916.71 and the butterfat differential computed pursuant to § 916.81;

(i) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the day upon which he is required to perform such acts, has not made: (1) Reports pursuant to §§ 916.30 and 916.31, or (2) payments pursuant to §§ 916.80 through 916.86;

(j) On or before the 15th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class; and

(k) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 916.30 *Delivery period reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of Grade A and Nongrade A skim milk and butterfat contained in all receipts at his pool plant(s) within such delivery period (1) of producer milk, (2) from other handlers, (3) of other source milk, and (4) from handlers as defined under Order Nos. 3, 11, and 77;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section:

(c) The name and address of each producer from whom milk was received for the first time and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk and the date on which delivery ceased;

(e) The total pounds of milk, with the average butterfat test thereof, received from each producer for whom a cooperative association is to receive payment pursuant to § 916.80 (b); and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 916.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of each delivery period his producer payroll for such delivery period, which shall show:

(1) The total pounds of milk received from each producer or cooperative association, with the average butterfat test thereof, and

(2) The net amount of such handler's payment to each producer or cooperative association, together with the price, deductions, and charges involved.

§ 916.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, all accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat;

(b) The weights, samples, and tests for butterfat and for other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each delivery period.

§ 916.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 916.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period and which is required to be reported pursuant to §§ 916.30 or 916.62 (a) shall be classified by the market administrator pursuant to the provisions of §§ 916.41 through 916.46.

§ 916.41 *Classes of utilization.* Subject to the conditions set forth in §§ 916.42 through 916.43 the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, milk drinks (whether plain or flavored), cream (including sour cream), any mixture of cream and milk, or skim milk (except bulk ice cream mix, eggnog, reddi wip, instant whip, super whip, and other similar products), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used or disposed of in any product other than those specified in paragraph (a) of this section; (2) as disposed of for livestock feed; (3) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if milk from more than one source (Grade A producer milk, Nongrade A producer milk, and other source milk) is received at a pool plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to each source shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 916.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified

as Class I milk, unless the handler who first received such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 916.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in Class II exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher available class utilization to producer milk: *And provided further*, That if either or both handlers have received Grade A producer milk, such milk so disposed of shall be classified at both plants so as to return the higher available class utilization to Grade A producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk, except as provided in paragraphs (d) and (e) of this section, if transferred or diverted in the form of milk, skim milk, or cream to a nonpool plant (other than that of a producer-handler) unless:

(1) The handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonpool plant and the handler on or before the 7th day after the end of the delivery period within which such transfer occurred;

(2) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located 110 miles or more airline distance from the marketing area.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream which was received in the form of milk from Grade A producers to a pool plant as defined under Order No. 11, regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area, unless utilization in Class II is mutually indicated in writing to the market administrator by both the handler and the operator of the transferee plant on or before the 7th day after the end of the delivery period within which such transaction occurred, but in no event shall the amount classified in Class II exceed the total use in such class by the transferee plant: *Provided*, That if such milk, skim milk, or cream is classified under the provisions of such other order in a class other than the class mutually indicated in writing such milk, skim milk, or cream shall be classified in the class as determined by the provisions of such other order.

§ 916.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 916.45 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat remaining in each class after making the following computations for each handler for each delivery period shall be the pounds of skim milk and butterfat in such class allocated to producer milk received by such handler during such delivery period;

(a) Skim milk shall be allocated as follows:

(1) Subtract from the pounds of skim milk in each class the total pounds of skim milk received by such handler in milk from producers as defined under Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, and Order No. 77, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area, and assigned to such class pursuant to the provisions of such order;

(2) Subtract from the total pounds of skim milk in Class II the plant shrinkage of skim milk in milk received from producers computed pursuant to § 916.41 (b) (3);

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(4) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other handlers and assigned to such class pursuant to § 916.43 (a);

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (2) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

§ 916.46 *Allocation of producer milk classified.* For each delivery period the market administrator shall allocate the pounds of skim milk and butterfat in each class for each handler computed pursuant to § 916.45 to Grade A producer milk and to Nongrade A producer milk received by such handler during such delivery period.

(a) Skim milk shall be allocated as follows:

(1) Allocate to Class II skim milk the plant shrinkage of skim milk in Grade A producer milk computed pursuant to § 916.41 (b) (3);

(2) Allocate the remaining pounds of skim milk in Grade A producer milk in series beginning with Class I;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from sources defined in § 916.14 (b) and (c) and assigned to such class pursuant to the applicable provisions of Orders Nos. 3, 11, and 77, regulating the handling of milk in the St. Louis, Missouri, Suburban St. Louis, Missouri, and Paducah, Kentucky, marketing areas, respectively;

(4) The pounds of skim milk remaining in each class shall be the pounds of skim milk in such class allocated to Nongrade A producer milk received by such handler during such delivery period.

(b) Butterfat shall be allocated in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to Grade A producer milk in each class, respectively, and the pounds of skim milk and the pounds of butterfat allocated to Nongrade A producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in Grade A producer milk and Nongrade A producer milk, respectively, in each class.

MINIMUM PRICES

§ 916.50 *Class prices.* Subject to the provisions of §§ 916.51 and 916.52 each handler shall pay producers at the time and in the manner set forth in §§ 916.80 through 916.86 not less than the following prices per hundredweight of milk:

(a) *Class I milk*—(1) *Grade A.* The price for Grade A Class I milk shall be the basic formula price computed in accordance with the pricing provisions of Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, plus the following amounts per hundredweight: $1.35 for the delivery periods of July through December; $0.90 for the delivery periods of January through March; and $0.50 for the delivery periods of April through June.

(2) *Nongrade A.* The price for Nongrade A Class I milk shall be the price computed for Grade A milk pursuant to subparagraph (1) of this paragraph, less 40 cents.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price computed in accordance with the pricing provisions of Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, except that for the delivery periods of April, May, June, and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 916.51 *Butterfat differential to handlers.* If the weighted average butterfat test of Grade A producer milk or Nongrade A producer milk, respectively, classified in Class I milk or Class II milk for a handler pursuant to § 916.46 (c) is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the appropriate class price for such grade of milk, for each one-tenth of one percent that such weighted average butterfat test of milk in such class is above or below 3.5 percent, a butterfat differential calculated as follows:

(a) *Class I milk*—(1) *Grade A.* Multiply by 1.25 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, and divide the result by 10.

(2) *Nongrade A.* Multiply by 1.22 the average price of butter described in subparagraph (1) of this paragraph, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the average price of butter described in paragraph (a) (1) of this section, and divide the result by 10.

§ 916.52 *Location differential to handlers.* With respect to skim milk and butterfat contained in milk which is received from producers at a pool plant located outside of the marketing area and which is classified as Class I milk, a handler shall be allowed the amount per hundredweight set forth in the schedule below: *Provided*, That such an allowance shall not result in a Class I price, f. o. b. pool plant, which is less than the Class II price computed pursuant to § 916.50 (b):

Nearest distance from the marketing area (airline miles):	*Amount per hundredweight (cents)*
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16
More than 40 but not more than 50 miles	18
More than 50 but not more than 60 miles	20
More than 60 but not more than 70 miles	22
More than 70 miles	24

APPLICATION OF PROVISIONS

§ 916.60 *Producer-handlers.* Sections 916.30, 916.31, 916.40 through 916.46, 916.50 through 916.52, 916.70, 916.71, and 916.80 through 916.88 shall not apply to a producer-handler, except that such producer-handler shall make reports of his receipts and utilization to the market administrator at such time and in such manner as the market administrator may request.

§ 916.61 *Pool plants subject to other orders.* In the case of any pool plant which is subject to the regulatory provisions of another milk marketing agreement or order (other than Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, or Order No. 77, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area) issued pursuant to the act and which the Secretary determines disposes of a greater volume of its Class I milk in the marketing area as defined by such other agreement or order than is disposed of in the marketing area as defined by this part, §§ 916.30, 916.31, 916.50 through 916.52, 916.70, 916.71, and 916.80 through 916.88 shall not apply, except that the operator of such pool plant shall make reports to the market administrator, with respect to his total receipts and utilization of skim milk and butterfat, at such time and in such manner as the market administrator may require.

§ 916.62 *Handlers operating nonpool plants.* Sections 916.30, 916.31, 916.50 through 916.52, 916.60, 916.70, 916.71, 916.80 through 916.85, 916.87, and 916.88 shall not apply to a handler in his capacity as the operator of a nonpool plant described in § 916.10 (c), except that such handler shall:

(a) Make reports to the market administrator, with respect to his total receipts and utilization of skim milk and butterfat, at such time and in such manner as the market administrator may request;

(b) Pay to the market administrator, on or before the 13th day after the end of each delivery period, for deposit in the producer-settlement fund an amount of money computed by multiplying the quantity of Class I milk disposed of in the marketing area during the delivery period by the difference between the price of Class II milk and the price of Class I milk, adjusted for the differentials set forth in §§ 916.51 and 916.52, for the highest grade of milk received in such plant in a quantity equivalent to the quantity of Class I milk so disposed of; and

(c) Pay to the market administrator, on or before the 15th day after the end of the delivery period, for the expense of administration of this part, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of milk, from dairy farmers, used to produce products disposed of in the marketing area during the delivery period.

DETERMINATION OF UNIFORM PRICE

§ 916.70 *Computation of value of milk.* The value of Grade A producer milk and of Nongrade A producer milk, respectively, received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, subject to the differentials set forth in §§ 916.51 and 916.52, and adding together the resulting amounts: *Provided*, That if the handler had an overage of either skim milk or butterfat, such excess as deducted from each class pursuant to § 916.45 (a) (5) or (b) shall be ratably apportioned between the receipts of Grade A and Nongrade A producer milk and there shall be added to the respective values computed above an amount computed by multiplying the pro rata pounds of such overages by the applicable class prices, subject to the differentials set forth in §§ 916.51 and 916.52: *And provided further*, That if the handler has received other source milk, other than milk priced under another marketing agreement or order issued pursuant to the act, during the delivery period, which is allocated to Class I milk pursuant to paragraph (a) (3) or (b) of § 916.45, an amount computed by multiplying the quantity of such Class I milk by the difference between the applicable price, subject to the differentials set forth in §§ 916.51 and 916.52, of Class I milk and Class II milk, for the lowest grade of milk received from producers at the plant of such handler, shall be added to the value computed pursuant to this section for the lowest grade of milk.

§ 916.71 *Computation of uniform prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight for Grade A milk and Nongrade A milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into separate totals the values of Grade A milk and Nongrade A milk computed pursuant to § 916.70 for all handlers who made the reports pursuant to § 916.30 for such delivery period, except those in default of payments pursuant to § 916.84 for the preceding delivery period;

(b) Add to the respective values computed pursuant to paragraph (a) of this section the amount of any location adjustment required to be made pursuant to § 916.82 with respect to such milk;

(c) Add amounts representing the cash balances on hand in the respective producer-settlement funds less the total amount of contingent obligations to handlers pursuant to § 916.85;

(d) Subtract if the weighted average butterfat content of the milk included in the respective computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 916.81 and multiply the respective results by the total hundredweight of such milk represented by the values included in paragraph (a) of this section;

(e) Divide the resulting amounts by the total hundredweight of Grade A and Nongrade A milk, respectively, represented by the values included in paragraph (a) of this section; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amounts per hundredweight computed pursuant to paragraph (e) of this section. The resulting figures shall be the uniform prices for Grade A milk and Nongrade A

milk, respectively, of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 916.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to paragraph (b) of this section, for all milk received during such delivery period from such producer at not less than the applicable uniform price for such delivery period computed pursuant to § 916.71, subject to the following adjustments: (1) The butterfat differential pursuant to § 916.81; (2) less marketing service deductions pursuant to § 916.87; (3) less the location differentials computed pursuant to § 916.82; (4) less deductions authorized by the producer; and (5) any error in calculating payments to such individual producer for past delivery periods: *Provided*, That if by such date such handler has not received full payment for such delivery period for any grade of milk pursuant to § 916.85, he may reduce uniformly per hundredweight for all producers from whom such grade of milk was received his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 13th day after the end of each delivery period, if so requested, to a cooperative association with respect to producers whose milk was caused to be delivered to such handler during such delivery period by such cooperative association which is authorized to collect payment for such milk, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with paragraph (a) of this section.

§ 916.81 *Producer-butterfat differential.* In making payments pursuant to § 916.80, each handler shall add to or subtract from the applicable uniform price for each one-tenth of one percent that the average butterfat content of the milk received from such producer is above or below 3.5 percent, an amount computed by multiplying the average price of butter described in § 916.51 (a) (1), by 1.20, and dividing the result by 10.

§ 916.82 *Location differential to producers.* In making payments to producers pursuant to § 916.80, each handler shall deduct from the applicable uniform price for such producer with respect to milk received from such producer at a pool plant located beyond the limits of the marketing area, the applicable amount set forth below:

Nearest distance from the marketing area (airline distance):	*Amount per hundredweight (cents)*
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16
More than 40 but not more than 50 miles	18
More than 50 but not more than 60 miles	20
More than 60 but not more than 70 miles	22
More than 70 miles	24

§ 916.83 *Producer-settlement funds.* The market administrator shall establish and maintain two separate funds known as the "Grade A producer-settlement fund" and the "Nongrade A producer-settlement fund," respectively, into which he shall deposit all payments made by handlers pursuant to §§ 916.62, 916.84, and 916.86 and out of which he shall make all payments to handlers pursuant to §§ 916.85 and 916.86: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 916.84 *Payments to the producer-settlement funds.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the utilization value of the respective grade of milk received from producers by such handler during the delivery period as computed pursuant to § 916.70 is greater than an amount computed by multiplying the hundredweight of milk received from such producers by the applicable uniform price adjusted by the butterfat differential provided for in § 916.81 and the location differential provided for in § 916.82.

§ 916.85 *Payments out of the producer-settlement funds.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the utilization value of the respective grade of milk received from producers by such handler during the delivery period as computed pursuant to § 916.70 is less than an amount computed by multiplying the hundredweight of milk received from such producers by the applicable uniform price adjusted by the butterfat differential provided for in § 916.81 and the location differential provided for in § 916.82: *Provided*, That if the balance in such producer-settlement fund is insufficient to make all payments with respect to such grade of milk pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 916.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 916.87 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 916.80 shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from, and to provide market information to, such producers. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers who are members of a cooperative association, or who have given written authorization for the rendering of marketing services and the taking of deductions therefor by a cooperative association, and for whom the Secretary determines such association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and on or before the 15th day after the end of such delivery period shall pay over such deductions to the cooperative association rendering such service.

§ 916.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts at his pool plant within the delivery period of milk from producers, including such handler's own production: *Provided*, That each cooperative association which is a handler shall also pay such pro rata expense on that milk of producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such association.

§ 916.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in

writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 916.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 916.91.

§ 916.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 916.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 916.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 916.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 916.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 51-277; Filed, Jan. 5, 1951; 8:56 a. m.]

[7 CFR, Part 916]

[Docket No. AO-215]

HANDLING OF MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

ORDER OF SECRETARY DIRECTING REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION THAT MONTH OF OCTOBER 1950 IS REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Southern Illinois marketing area) who, during the month of October 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The month of October 1950 is hereby determined to be a representative period for the conduct of such referendum.

Fred L. Shipley is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 3d day of January 1951.

[SEAL] CHARLES F. BRANNON, *Secretary of Agriculture.*

[F. R. Doc. 51-276; Filed, Jan. 5, 1951; 8:55 a. m.]

[7 CFR, Parts 941, 965, 991]

[Docket Nos. AO-101-A11, AO-172-A5, AO-194-A3]

HANDLING OF MILK IN CHICAGO, ILL., SUBURBAN CHICAGO, ILL., AND ROCKFORD-FREEPORT, ILL., MARKETING AREAS

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a joint public hearing to be held in the Palmer House, Chicago, Illinois, beginning at 10:00 a. m., c. s. t., January 22, 1951, for the purpose of receiving evidence with respect to economic and marketing conditions in each of the marketing areas specified above which relate to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as now in effect, regulating the handling of milk in such marketing areas. This notice (1) amends and expands the notice of hearing issued by the Assistant Administrator, Production and Marketing Administration, on November 15, 1950 (15 F. R. 7891; 8053), by including certain additional proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, and (2) gives notice with respect to certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, and Rockford-Freeport, Illinois, marketing areas, including a proposal of certain Rockford handlers to merge the provisions of Order 91 (Rockford-Freeport) with those of Orders 41 and 69.

[1] See F. R. Document 51-277, *supra*.

Such evidence will be received with respect to all proposals contained in the November 15 notice as well as to those proposals set forth below.

None of the proposed amendments to be considered has received the approval of the Secretary of Agriculture.

Attention is called to the reference "§ 941.50 (a) and (b)" contained in the second paragraph beginning in column 1, 15 F. R. 7892, relating to the November 15 notice. Such reference is corrected to read "§ 941.51 (a) and (b)."

Additional proposals with respect to Order No. 41—Chicago:

Submitted by the Pure Milk Association:

Proposal No. 11. Amend § 941.5 (b) (1) and (2) to read as follows:

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price, plus the following amount for the delivery period indicated:

May and June	$0.50
April	.70
August, September, October, and November	1.30
All others	.90

and

(ii) The price for Grade B Class I milk shall be the price for Grade A Class I milk, less 10 cents.

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic formula price, plus the following amount for the delivery period indicated:

May and June	$0.30
April	.40
August, September, October, and November	.70
All others	.50

and

(ii) The price for Grade B Class II milk shall be the price for Grade A Class II milk, less 10 cents.

Proposal No. 12. Amend 941.5 (c) (1) to include the following: "For milk purchased or received from producers at a pool plant located within the marketing area, add 4 cents per hundredweight, or if such plant is located outside the marketing area and not more than 55 miles from the City Hall in Chicago, Illinois, add 2 cents per hundredweight."

Proposal No. 13. Amend § 941.8 (b) to read as follows:

(b) *Location adjustments to producers.* In making payments pursuant to paragraph (a) (2) of this section, for all milk purchased or received from producers at a pool plant; each handler shall:

(1) Add 10 cents per hundredweight if such plant is located in the marketing area;

(2) Add 2 cents per hundredweight if such plant is located outside the marketing area and not more than 55 miles; and

(3) Deduct 2 cents per hundredweight for each 15 miles or fraction thereof that such plant is located more than 70 miles from the City Hall in Chicago, Illinois. All such mileages shall be computed by the market administrator by rail or highway distance, whichever is shorter.

NOTE: The above 3 proposals are revisions of previous proposals by the Pure Milk Association.

Proposed by the Consolidated Badger Cooperative:

Proposal No. 14. Amend § 941.5 (b) (4) (iii) to provide that: "The figure of 67 cents as stated in this subdivision shall be revised monthly to reflect changes in the cost of fuel and labor, as determined by the index figures of these items, such revision to be effective when the change indicated equals ½0 of one cent or more."

Proposed by Pure Milk Products Cooperative:

Proposal No. 15. Delete § 941.7 (b) and substitute therefor the following:

(b) *Computation of the uniform price and excess price.* The Market Administrator shall compute the uniform price per hundredweight of milk for each delivery period in the following manner:

(1) Combine into one total the net pool obligations of all handlers, computed pursuant to paragraph (a) of this section;

(2) Add the aggregate of the values of all allowable location adjustments computed at the applicable rates as set forth in § 941.8 (b);

(3) Compute the total quantity of milk which represents the delivered bases producers (excluding new producers) and which is included in the computations made pursuant to paragraph (a) of this section;

(4) Compute the total value of the milk (including all milk received from new producers) which is in excess of the delivered bases of producers determined pursuant to subparagraph (3) of this paragraph and which is included in the computations pursuant to paragraph (a) of this section, by multiplying such quantity of milk by the Class IV price;

(5) Compute the total value of the milk represented by delivered bases of producers by subtracting the value obtained in subparagraph (3) of this paragraph from the value obtained in subparagraph (2) of this paragraph;

(6) Add to the value computed pursuant to subparagrah (5) of this paragraph the cash balance in the producer-settlement fund;

(7) Divide the value obtained in subparagraph (6) in this paragraph by the quantity of milk represented by the delivered bases of producers as determined in subparagraph (3) of this paragraph;

(8) Subtract from the figure obtained in subparagraph (7) of this paragraph not less than 4 cents or more than 5 cents per hundredweight of milk to provide against contingencies of errors in reports and payment of delinquencies in payments by handlers. The result shall be known as the uniform base price per hundredweight for such delivery period for milk of 3.5 percent butterfat received from producers at plants located not more than 70 miles from the City Hall in Chicago: *Provided*, That if such resulting amounts exceeds the Class I price of 3.5 milk the excess thereof shall be included in the total value of excess milk as computed in subparagraph (4) of this paragraph.

Proposal No. 16. Add the following to § 941.1 (f): "*Provided*, That if such person did not regularly distribute milk in the marketing area or dispose of milk to a handler or to persons within the marketing area during a period of 30 days prior to the effective date hereof, but thereafter begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk to a handler and including the first two full calendar months of regular delivery following the first delivery of milk to a handler, after which he will be known as a producer."

Proposal No. 17. Include in Order 41 a new section to read as follows:

Determination of base. For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner:

(a) Multiply the applicable figure, computed pursuant to paragraph (b) of this section, by the number of days on which milk was received from such producer during such delivery period.

(b) Effective May 1, 1951, and each subsequent year thereafter, the daily base of each producer for the ensuing year shall be determined by the market administrator from reports filed by handlers pursuant to § 941.3 in the following manner:

(1) Determine for each producer that month during the preceding calendar year when his daily average deliveries of milk were the lowest. Determine the 3 months of the preceding calendar year when the daily average deliveries of milk of all producers were the lowest;

(2) Determine for each producer his total deliveries of milk during each of the 4 months of the previous calendar year described in subparagraph (1) of this paragraph and add together the resulting amounts;

(3) Divide the sum obtained for each producer in subparagraph (2) of this paragraph by the number of days of such 4 calendar months;

(4) Add together in one sum all the daily average amounts computed in accordance with subparagraph (3) of this paragraph;

(5) Determine the daily average utilization of Class I milk and Class II milk during the month of the preceding year when such utilization of Class I was greatest and add to such daily average an amount not to exceed 10 percent thereof; the month for Class II utilization shall be the same as that month having the greatest Class I utilization;

(6) Divide the amount determined pursuant to subparagraph (5) of this paragraph by the sum determined pursuant to subparagraph (4) of this paragraph; and

(7) Multiply the daily average amount for each producer determined in subparagraph (3) of this paragraph by the percentage figure computed pursuant to subparagraph (6) of this paragraph. This result shall be known as the producer's allotted daily base.

(c) *Base rules.* The following rules shall be observed by the market administrator with respect to the administration of the base plan:

(1) Bases allotted to producers pursuant to paragraph (b) of this section shall not be transferable: *Provided*, That bases allotted under a tenant and landlord relationship shall be combined and may be divided only if such relationship is terminated;

(2) As soon as bases are allotted to producers pursuant to paragraph (b) of this section, the market administrator shall notify each handler of the bases of producers from whom such handler received milk;

(3) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his base. In the event that he thereafter commences to market milk to a handler he shall receive a base computed in the manner provided in subparagraph (10) of this paragraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(4) In the event a producer delivers an average quantity of milk less than 85 percent of his allotted daily base for each of 3 consecutive calendar months, such producer shall be reallotted a base equal to his daily average deliveries of milk of his own production for the 3 consecutive months involved;

(5) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That at the beginning of a tenant and landlord relationship the allotted base of such tenant and landlord shall be a combined base;

(6) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship;

(7) The base of any producer shall be automatically canceled at the beginning of any delivery period during which such producer reports milk not produced by him as being milk of his own production for the purpose of maintaining or increasing his allotted base. Such producer shall be reallotted a base computed in the manner provided in subparagraph (10) of this paragraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(8) Any producer, upon giving notice to the market administrator, may relinquish his base at the beginning of the delivery period following that during which notice is given. In the event that the producer thereafter requests the market administrator to allot him a base he shall be allotted a base in the manner provided in subparagraph (10) of this paragraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(9) If a producer, who has notified the market administrator within 5 days prior to his participation, enters into a program of disease eradication supervised by either county, State, or Federal authorities, the market administrator, in making his determination of that month of the preceding year when such producer's daily average deliveries of milk were the lowest, pursuant to subparagraph (1) of paragraph (b) of this section, shall disregard any month in which such disease eradication program was being performed;

(10) In the event of allotment of a base to a producer who has shipped milk as a new producer, the market administrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately preceding the time when such producer became a producer. Such daily average deliveries of milk shall be multiplied by the percentage that base deliveries were to total deliveries of milk to the market during such 2 calendar months by all base-holding producers on the market during that period; and

(11) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing the average daily Class I milk and Class II milk produced, and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any base so determined shall be effective from its determination until the end of the then current calendar year and thereafter shall be superseded by a figure determined pursuant to paragraph (b) of this section.

Proposal No. 18. Amend § 941.5 (b) (1) and (2) to provide a Class I price differential (over basic formula price) of $1.10 and a Class II price differential of $0.60 for each month of the year beginning at such time as the proposed base rating plan is adopted.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 19. Amend § 941.4 (d) (2) to read as follows:

(2) Any milk reported by a handler as having been used or disposed of in any class which is found by the market administrator to have been reused or redisposed of (whether in original or other form) in a different class by such handler, by any other handler, or by the first unapproved plant located within the surplus milk manufacturing area to which such milk was moved, shall be reclassified by the market administrator in accordance with such latter use or disposition: *Provided, however,* That milk classified pursuant to paragraph (a) (1), (2), (3) and (4) of this section shall not be reclassified.

Proposals with respect to Order No. 69—Suburban Chicago:

Submitted by Pure Milk Association:

Proposal No. 20. Amend § 969.5 (b) (1) and (2) to read as follows:

(1) *Class I milk.* (i) The price for Grade A Class I milk shall be the basic formula price, plus the following amount for the delivery period indicated:

May and June	$0.50
April	.70
August, September, October, and November	1.30
All others	.90

and

(ii) The price for Grade B Class I milk shall be the price for Grade A Class I milk, less 10 cents.

(2) *Class II milk.* (i) The price for Grade A Class II milk shall be the basic formula price, plus the following amount for the delivery period indicated:

May and June	$0.30
April	.40
August, September, October and November	.70
All others	.50

and

(ii) The price for Grade B Class II milk shall be the price for Grade A Class II milk, less 10 cents.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 21. In light of the proposed merger of Orders Nos. 41 and 69, reconsider the requirements for order liquidation set forth in § 969.12 (d).

Proposal No. 22. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto or with any consolidation of orders that may result from this hearing.

Proposals with respect to orders 41, 69, and 91. Proposed by Central Dairy Company, Farm Dairy, Inc., Kishwaukee Dairy, Muller's Union Dairy, Pinehurst Farms, Inc., and Sunlite Dairy Company of Rockford, Illinois:

Proposal No. 23. To consolidate Order 91 with Orders 41 and 69 and make such changes in Order No. 91 as will make it conform with all provisions of such other orders as consolidated.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 24. In light of the proposed merger of Orders No. 41, 69, and 91, reconsider the requirements for order liquidation set forth in § 991.90 (d).

Copies of this notice of hearing, the notice of hearing issued November 15, 1950, the said orders as now in effect, and the said tentative marketing agreements may be procured from the Market Administrator, 135 South La Salle Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 3, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-288; Filed, Jan. 5, 1951; 9:00 a. m.]

[7 CFR, Part 965]

[Docket No. AO 166-A 13]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING

Correction

In Federal Register Document 51-152, published on page 98 of the issue for Thursday, January 4, 1951, the date at the end, now reading "January 21, 1951," should read "January 2, 1951".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 1, 3]

[Docket No. 9873]

TIME OF FILING APPLICATIONS FOR RENEWAL OF BROADCAST STATION LICENSES AND LICENSE PERIODS OF STANDARD BROADCAST, FM BROADCAST AND TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Sections 1.320 (a), 3.220 (a), 3.620 (a) of the Commission's rules provide in part that applications for renewal of broadcast station licenses shall be filed at least 60 days prior to the expiration of the license sought to be renewed. Section 3.218 (a) of the Commission's rules provides that all initial licenses covering construction permits for new FM broadcast stations will be issued for a minimum period of one year and a maximum period of one year and eleven months to expire in accordance with the schedule set forth therein. Sections 3.34 and 3.218 (b) provide, respectively, that all standard broadcast station licenses will be issued for a normal period of three years and at three year intervals thereafter, and that all renewals of FM broadcast station licenses will be issued for a maximum period of three years and at three year intervals thereafter in accordance with the schedules set forth therein. Section 3.618 of the Commission's rules provides that television broadcast station licenses shall be issued for a period of one year.

3. It is proposed to amend §§ 1.320 (a), 3.220 (a), and 3.620 (a) of the Commission's rules to require the filing of renewal applications 90 days prior to the expiration of the license sought to be renewed. It is proposed to amend § 3.218 (a) to provide a normal license period of three years for FM broadcast station licenses. It is also proposed to amend §§ 3.34, 3.218 (b) and 3.618 of the Commission's rules to provide for the determination of the expiration dates of the normal station license periods on a geographical basis so that the licenses of stations located in contiguous areas will expire at the same time. The proposed amendments are set forth below.

4. The Commission has conducted an inquiry into the operation of §§ 1.320 (a), 3.220 (a), 3.620 (a), 3.34, 3.218 (a), (b) and 3.618 and has concluded that the proposed amendments will result in substantial economies for the Commission and for station licensees.

5. The proposal to amend §§ 1.320 (a), 3.220 (a), 3.620 (a) of the Commission's rules will result in a better distribution of the Commission's work load. The proposal to amend § 3.218 (a) to provide for a normal license period of three years for FM broadcast stations appears to be justified by the present state of developments of the FM art. In addition that proposal will reduce substantially the number of applications required to be filed by licensees and acted upon by the Commission.

6. The proposal to amend §§ 3.34, 3.218 (b) and 3.618 of the Commission's rules to determine the expiration dates of standard broadcast, FM broadcast and TV broadcast station licenses on a geographical basis rather than on the basis of the frequencies assigned to such stations will result in substantial benefits.

7. Approximately 85 percent of all FM broadcast stations are owned and operated by licensees who also own and operate AM broadcast stations. Data and reports required to be filed in connection with FCC Form 303 (Renewal Application) would under the proposed plan be filed by such licensees at the same time for all broadcast stations licensed to them, thus eliminating duplicate review by the Commission and repetitive filings by the licensees. This proposal will also result in other savings to the Commission in that the proposed schedule has been formulated with a view to providing for a more even distribution of the work load.

8. The Commission's inquiry reveals that applications for renewal of licenses of stations located in contiguous areas sometimes present common problems. The proposed plan would facilitate the consideration of such problems.

9. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 303 (r), 307 (a), (b), (d) and (e) and 308 (a) and (b) and 319 of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the proposal herein referred to should or should not be adopted or should not be adopted in the form set forth herein may file on or before February 15, 1951, a written statement or brief setting forth his comments. Comments or briefs in reply to the original comments or briefs may be filed on or before March 1, 1951. The Commission will consider all comments, briefs and replies presented before taking final action with respect to the proposed rules.

11. Fifteen copies of each brief, written statement or reply should be filed in accordance with § 1.764 of the Commission's rules and regulations.

Adopted: December 20, 1950.

Released: December 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

1. Section 1.320 (a) of the Commission's rules is proposed to be amended as follows:

(a) Unless otherwise directed by the Commission, each application for renewal of license of a broadcast station shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of a nonbroadcast station shall be filed at least 60 [4] days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344, reference to which by date and file number shall be included in the application.

2. Section 3.220 (a) of the Commission's rules is proposed to be amended as follows:

(a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 90 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341 to 1.344 of this chapter, reference to which by date and file number shall be included in the application.

3. Section 3.620 (a) is proposed to be amended as follows:

(a) Unless otherwise directed by the Commission, each application for renewal of a television broadcast station will be considered unless there is on file with the Commission the information currently required by §§ 1.341 to 1.344 of this chapter, reference to which by date and file number shall be included in the application.

4. Section 3.34 (a) of the Commission's rules is proposed to be amended as follows:

(a) All standard broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule (see Attachment A) and at three-year intervals thereafter: [1]

5. Section 3.218 (a) of the Commission's rules is proposed to be amended and paragraph (b) is proposed to be deleted:

(a) All FM broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule (see Attachment A) and at three-year intervals thereafter: [1]

6. Section 3.618 of the Commission's rules is proposed to be amended as follows: "All television broadcast station licenses will be issued for a normal license period of one year. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule (see attachment B) and at one-year intervals thereafter:" [2]

ATTACHMENT A—SCHEDULE OF LICENSE EXPIRATION DATES FOR AM AND FM BROADCAST STATIONS

Expiration date [3] Month	Year		Number of AM and FM broadcast authorizations [4] AM	FM	Total
April	1952	(6) 11. Arkansas	34	7	41
		12. Louisiana	42	16	58
		13. Mississippi	61	5	66
			110	28	147
June	1952	(7) 14. Tennessee	57	13	70
		15. Kentucky	43	12	55
		16. Indiana	45	20	65
			145	45	190
October	1952	(8) 17. Ohio	69	45	114
		18. Michigan	63	25	88
			132	70	202
August	1952	(9) 19. Illinois	74	46	120
		20. Wisconsin	55	18	73
			129	64	193
October	1952	(10) 21. Iowa	52	20	72
		22. Missouri	51	15	66
			103	35	138
December	1952	(11) 23. Minnesota	49	10	69
		24. North Dakota	14	0	14
		25. South Dakota	14	1	15
		26. Montana	25	0	25
		27. Colorado	35	3	38
			137	14	151
February	1953	(12) 28. Kansas	39	6	45
		29. Oklahoma	45	10	55
		30. Nebraska	22	3	25
			107	19	126
April	1953	(13) 31. Texas	183	29	212
June	1953	(14) 32. Wyoming	13	0	13
		33. Nevada	10	1	11
		34. Arizona	25	0	25
		35. Utah	18	3	21
		36. New Mexico	23	0	23
		37. Idaho	22	3	25
			113	7	120
August	1953	(15) 38. California	143	58	201
October	1953	(16) 39. Washington	53	7	60
		40. Oregon	43	8	51
		40 (a). Alaska	10	0	10
		40 (b). Hawaii	12	0	12
			118	15	133

ATTACHMENT A—SCHEDULE OF LICENSE EXPIRATION DATES FOR AM AND FM BROADCAST STATIONS

Expiration date [2] Month	Year		Number of AM and FM broadcast authorizations [3] AM	FM	Total
April	1951	(1) 1. Delaware	3	5	8
		2. Pennsylvania	171	63	174
			176	66	182
June	1951	(2) 3. Maryland	22	18	40
		3 (a). District of Columbia	8	8	15
		4. Virginia	27	20	47
		5. West Virginia	58	15	73
			114	61	185
August	1951	(3) 6. North Carolina	93	42	135
		7. South Carolina	42	11	53
			135	53	188
October	1951	(4) 8. Florida	75	21	96
		8 (a). Puerto Rico	25	0	25
		8 (b). Virgin Islands	3	0	3
			103	21	124
December	1951	(5) 9. Alabama	71	14	85
		10. Georgia	70	22	86
			147	36	183

[2] Broadcast authorizations (as of June 9, 1950) set forth to show application of proposed rule.
[3] All licenses expire on the first day of the month specified.

[1] See footnote on page 195.
[4] The 60-day requirement does not apply to amateurs.

[1] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 4 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

[2] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the present schedule to the proposed schedule the period for which a license is renewed is 6 months or less the licensee may within 30 days of the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed and (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed a statement specifying such changes. Upon review of such statement the Commission may grant a renewal of license for the full period provided for in the rule, or if the Commission requires additional information it may require the filing of renewal application (FCC Form 303).

ATTACHMENT B—SCHEDULE OF LICENSE EXPIRATION DATES FOR TV BROADCAST STATIONS—CON.

Expiration date		Number of TV broadcast authorizations [1]
Month	Year [2]	
(4)		
October	1951	23. Florida: 3
		23 (a). Puerto Rico: 0
		23 (b). Virgin Islands: 0
		24. Iowa: 2
		25. Missouri: 2
		26. Washington: 1
		27. Oregon: 2
		27 (a). Alaska: 0
		27 (b). Hawaii: 0
(5)		
December	1951	28. Alabama: 2
		29. Georgia: 3
		30. Minnesota: 2
		31. North Dakota: 0
		32. South Dakota: 0
		33. Montana: 1
		34. Colorado: 2
		35. Connecticut: 2
		36. Maine: 0
		37. Massachusetts: 4
		38. New Hampshire: 0
		45. Rhode Island: 1
		46. Vermont: 0
(6)		
February	1952	47. Arkansas: 0
		48. Louisiana: 1
		49. Mississippi: 0
		50. Kansas: 2
		51. Oklahoma: 2
		52. Nebraska: 1
		53. New Jersey: 13
		54. New York: 10

NOTE: The foregoing schedule of license expiration dates is based on the assumption of the final adoption of proposed rules on or before February 1, 1951. In the event that the proposed rules are finally adopted after that date the schedule will be revised accordingly.

[F. R. Doc. 51-198; Filed, Jan. 5, 1951; 8:47 a. m.]

ATTACHMENT A—SCHEDULE OF LICENSE EXPIRATION DATES FOR AM AND FM BROADCAST STATIONS—CON.

Expiration date [1]		Number of AM and FM broadcast authorizations [2]		
Month	Year	AM	FM	Total
(1)				
December	1953	27	11	38
		16	2	18
		51	28	79
		12	4	16
		11	5	16
		9	0	9
	(17)	126	50	176
February	1954	20	13	33
		95	56	151
	(18)	115	69	184
Total		[3] 2,295	[4] 740	

[1] Broadcast authorizations (as of June 9, 1950) set forth to show application of proposed rule.
[2] All licenses expire on the first day of the month specified.
[3] 213 Licenses. 177 CP's.
[4] 493 Licenses. 247 CP's.

NOTE: The foregoing schedule of license expiration dates is based on the assumption of the final adoption of proposed rules on or before February 1, 1951. In the event that the proposed rules are finally adopted after that date the schedule will be revised accordingly.

ATTACHMENT B—SCHEDULE OF LICENSE EXPIRATION DATES FOR TV BROADCAST STATIONS

Expiration date		Number of TV broadcast authorizations [1]
Month	Year [2]	
(1)		
April	1951	1. Delaware: 1
		2. Pennsylvania: 7
		3. Tennessee: 2
		4. Kentucky: 2
		5. Indiana: 2
		6. Texas: 6
(2)		20
June	1951	7. Maryland: 3
		7 (a). District of Columbia: 4
		8. Virginia: 2
		9. West Virginia: 1
		10. Ohio: 12
		11. Michigan: 6
		12. Wyoming: 0
		13. Nevada: 0
		14. Arizona: 1
		15. Utah: 2
		16. New Mexico: 1
		17. Idaho: 0
(3)		32
August	1951	18. North Carolina: 2
		19. South Carolina: 0
		20. Illinois: 5
		21. Wisconsin: 1
		22. California: 11
		19

[1] Broadcast authorizations (as of June 9, 1950) set forth to show application of proposed rule.
[2] All licenses expire on the first day of the month specified.

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE AND BROADCASTING

RESERVATION OF CHANNELS FOR NON-COMMERCIAL EDUCATIONAL TELEVISION STATIONS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration a petition filed by the National Association of Broadcasters (NAB) on December 8, 1950, requesting leave to participate and present testimony in the above proceedings with respect to Issue E contained in the Commission's Notice of Revised Order of Testimony (FCC 50-1228) entitled "Reservation of Channels for Non-Commercial Educational Television Stations"; and

It appearing, that NAB claims that it was taken by surprise by some of the testimony heretofore presented during the hearings on the above issue inasmuch as the comments filed herein in August 1949, relating to Issue E did not contain recommendations which would indicate that such testimony was forthcoming; and

It further appearing, that good and sufficient reasons have been advanced by petitioner for a grant of the instant petition;

It is ordered, That the petition herein is granted; that petitioner is made a party to Issue E in the above proceedings; and that petitioner will be permitted to participate in the further hearing on said issue scheduled to be resumed on January 15, 1951.

Released: December 21, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-200; Filed, January 5, 1951; 8:47 a. m.]

[47 CFR, Parts 7, 8]

[Docket No. 9797]

COASTAL AND MARINE RELAY AND SHIP SERVICES

EXTENSION OF TIME FOR FILING OF WRITTEN COMMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of December 1950;

The Commission having under consideration requests filed for extension of time within which written comments or briefs may be filed with the Commission in connection with the proposed revision of Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Services, respectively; and

It appearing, that on September 13, 1950, the Commission adopted a notice of proposed rule making with respect to the revision of Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Services, respectively, and afforded any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth therein, an opportunity to file with the Commission on or before November 15, 1950, a written statement or brief setting forth his comments; and

It further appearing, that on November 13, 1950, the Commission adopted a further notice of proposed rule making which amended the said proposed revision and extended the time within which comments could be filed from November 15 to December 15, 1950, and that statements or briefs in reply to the original statements or briefs were permitted to be filed on or before January 2, 1951; and

It further appearing, that those parties requesting the said extension of time have each filed comments within the time allowed by the Commission's orders of September 13 and November 13, 1950; and

It further appearing, that each of the parties who filed comments stated that the comments which were submitted were not complete and the reasons advanced for not submitting complete comments were (a) the magnitude and complexity of the said proposed revision, and (b) the fact that since the proposed revision contained no explanation as to the reasons for the proposed revision, much time would be required to compare the proposed revision with existing rules of the Commission before comments could be formulated; and

It further appearing, that the Commission is of the opinion that the three months period heretofore allowed was sufficient time within which to submit the said comments; and

It further appearing, that it would be desirable to place many stations and services which are now operating in the experimental services on a regular basis, which will be done when the proposed revision is finalized;

It is ordered, That the said requests be denied and consideration of the comments thus far submitted be undertaken by the Commission's staff immediately.

Released: December 27, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-199; Filed, Jan. 5, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

NOTICE OF ORDER PERMITTING NATIONALS OF GERMANY AND JAPAN TO PARTICIPATE IN STEAMSHIP CONFERENCE AND OTHER AGREEMENTS

Notice is hereby given that on December 20, 1950, the Federal Maritime Board, Department of Commerce, duly entered a certain order which reads as follows:

Whereas, in compliance with order of the United States Maritime Commission dated December 11, 1941, the parties to agreements approved pursuant to section 15 of the Shipping Act, 1916, as amended, eliminated from participation in such agreements nationals of Germany and Japan, and

Whereas, Nationals of these countries have since been permitted by United States and/or Occupation Authorities, including the Supreme Commander for Allied Powers (Japan) and the Inter Allied High Commission for Germany, to begin the reactivation of their merchant marines, and the nationals of such countries now desire to participate in steamship conference and other agreements subject to section 15,

It is ordered, That the nationals and/or their agents or representatives of Germany and Japan be allowed to participate in steamship conference and other agreements subject to section 15 of the Shipping Act, 1916, as amended, for the period of time and to the extent that the merchant marine activities of such countries are permitted by United States and/or Occupation Authorities, including the Supreme Commander for Allied Powers (Japan) and the Inter Allied High Commission for Germany.

Dated: January 3, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-194; Filed, Jan. 5, 1951; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4590]

OXNARD SKY FREIGHT; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the revocation of Letter of Registration No. 142 issued to Oxnard Sky Freight.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, previously assigned to be heard on January 8, 1951, is indefinitely postponed.

Dated at Washington, D. C., January 3, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-218; Filed, Jan. 5, 1951; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7170, 7955, 8045]

HARMCO, INC. (KROY) ET AL.

ORDER CONTINUING HEARING

In re applications of Harmco, Inc. (KROY), Sacramento, California, Docket No. 7170, File No. BP-4253; Palo Alto Radio Station, Inc. (KYA), San Francisco, California, Docket No. 7955, File No. BP-4452; Edmond Scott, Gordon D. France, Hugh Smith and Merwyn F. Planting, a Partnership, d/b as SAN MATEO COUNTY BROADCASTERS (KVSM), San Mateo, California, Docket No. 8045, File No. BP-5536; for construction permits.

The Commission having under consideration a petition filed December 14, 1950, by Palo Alto Radio Station, Inc., licensee of Station KYA, San Francisco, California, requesting a 60-day continuance of the further hearing on its above-

entitled application, now scheduled for January 8, 1951 in Washington, D. C.; and

It appearing that substantial engineering issues have been raised in this proceeding which involve, among other things, the reconsideration of the transmitter site specified in the application of Palo Alto Radio Station, Inc. (KYA); that since the original hearing in this proceeding there has been a transfer of control of Station KYA, necessitating an amendment to that application so as to reflect the new owners of KYA; and that said new owners are investigating the feasibility of other sites and are endeavoring to determine what additional construction and engineering costs are involved; that the additional time requested is necessary to accomplish such matters; and

It appearing, that all parties to this proceeding and Commission counsel have indicated that they have no objection to a grant of this petition and have consented to a waiver of § 1.745 of the Commission's rules and regulations so as to permit early consideration of this motion; and that good cause for a grant thereof appears therein;

It is ordered, This 18th day of December 1950, that the motion of Palo Alto Radio Station, Inc. (KYA for continuance is granted; and that the further hearing on the above-entitled applications is hereby continued to 10:00 o'clock, Monday, March 12, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 51-212; Filed, Jan. 5, 1951; 8:49 a. m.]

[Docket Nos. 8001, 8685, 8830, 9130, 9222]

UNITY CORP., INC. (WTOD), ET AL.

ORDER SCHEDULING FURTHER HEARING

In the Matter of applications of Unity Corporation, Incorporated (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; The Midwestern Broadcasting Company, Toledo, Ohio, Docket No. 8685, File No. BP-6421; The Toledo Blade Company, Toledo, Ohio, Docket No. 8830, File No. BP-6534; The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, Docket No. 9130, File No. BP-6758; Radio Corporation of Toledo, Toledo, Ohio, Docket No. 9222, File No. BP-7057; for construction permits.

It is ordered, This 26th day of December 1950 that the further hearing in the above-entitled matter is hereby scheduled for 10:00 o'clock a. m., Monday, February 26, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-215; Filed, Jan. 5, 1951; 8:49 a. m.]

[Docket No. 8381]

GILA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Gila Broadcasting Company, Winslow, Arizona, for construction permit; Docket No. 8381, File No. B5-P-5406.

The Commission having under consideration a petition filed December 15, 1950, by the Gila Broadcasting Company, Winslow, Arizona, requesting that the hearing on this application, presently scheduled on January 2, 1951, be continued for a period of sixty days in order to permit applicant time to work out site and engineering problems; and

It appearing that no opposition to this petition has been filed by the General Counsel, there are no other parties to this proceeding, and good cause has been shown for a grant of this petition;

It is therefore ordered, This 22d day of December 1950 that the petition of the Gila Broadcasting Company be and it is hereby granted and the hearing herein is hereby continued to March 5, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-214; Filed, Jan. 5, 1951; 8:49 a. m.]

[Docket No. 9267, 9868]

NATIONAL BROADCASTING CO., INC. (KOA) AND TACOMA BROADCASTERS, INC. (KTBI)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9267, File No. BP-4685; Tacoma Broadcasters, Incorporated (KTBI), Tacoma, Washington, Docket No. 9868, File No. BP-7700; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration the above-entitled application of Tacoma Broadcasters Incorporated requesting a construction permit to change the facilities of Station KTBI, Tacoma, Washington from frequency 810 kilocycles, 1 kilowatt power, daytime only to frequency 850 kilocycles, 500 watts 1 kilowatt-LS power, unlimited time, to change transmitter location and install directional antenna for night use; and

It appearing, that the Commission on March 23, 1949, designated for hearing the above-entitled application of National Broadcasting Company, Incorporated requesting a construction permit to replace the vertical antenna of station KOA and to mount FM antenna on AM tower and that on November 9, 1949, hearing on the said application was continued indefinitely;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Tacoma Broadcasters, Incorporated, is designated for hearing in a consolidated proceeding with the application of National Broadcasting Company, Incorporated (KOA) at 10:00 a. m., on February 14, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial, and other qualifications of the corporate applicants, their officers, directors and stockholders to construct and operate Stations KOA and KTBI as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations KOA and KTBI as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTBI as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations KOA and KTBI as proposed would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTBI as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class and to nighttime coverage of the city of Tacoma, Washington, and the Tacoma Metropolitan District.

7. To determine on a compartive basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's Order of March 23, 1949, designating for hearing the above-entitled application of National Broadcasting Company, Incorporated is amended to include the above-entitled application of Tacoma Broadcasters, Incorporated and to include all pertinent issues herein; and

It is further ordered, That all party respondents and party intervenors to the proceeding on the said application of National Broadcasting Company, Incorporated shall be parties only with reference to the application of National Broadcasting Company, Incorporated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-210; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket Nos. 9566, 9871]

GOOD NEIGHBOR BROADCASTING CO., INC. (KIWW) AND WINTER GARDEN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Good Neighbor Broadcasting Co., Inc. (KIWW), San Antonio, Texas, Dooket No. 9871, File No. BP-7880; John H. Mayberry d/b as Winter Garden Broadcasting Company, Crystal City, Texas, Docket No. 9566, File No. BP-7255; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration the above-entitled applications of Good Neighbor Broadcasting Co. requesting a change in facilities of Station KIWW at San Antonio, Texas to 1240 kilocycles, 250 watts power, unlimited time and of John H. Mayberry d/b as Winter Garden Broadcasting Company for a new standard broadcast station to operate on 1240 kilocycles, with 250 watts power, unlimited time at Crystal City, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 19, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to construct and operate Station KIWW as proposed and the legal, technical, financial and other qualifications of the individual applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station KIWW, as proposed, would involve objectionable interference with station KORA, Bryan, Texas or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

It is further ordered, That David C. Jones, Jr., tr/as Bryan Broadcasting Company, licensee of Station KORA, Bryan, Texas, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-211; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket No. 9587]

PRATT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Clem Morgan and Robert E. Schmidt, d/b as Pratt Broadcasting Company, Pratt, Kansas, for construction permit; Docket No. 9587, File No. BP-7395.

The Commission having under consideration a petition filed on December 18, 1950, by Clem Morgan and Robert E. Schmidt d/b as Pratt Broadcasting Company, Pratt, Kansas, requesting Leave to Amend the above entitled application so as to show revised financial data for the applicant and the partners; and that the hearing in the above entitled proceeding now scheduled for January 9, 1951, be continued; and

It appearing, That no opposition to the granting of the instant petition has been filed with the Commission and that the continuance is requested in order to afford the Commission time to act upon a petition filed by this applicant seeking to delete certain of the issues published in the Commission's Order designating this matter for hearing;

It is ordered, This 29th day of December 1950, that the petition is granted; that the amendment filed simultaneously therewith is accepted for filing and that the hearing in the above-entitled proceeding is continued to March 9, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-207; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket Nos. 9696, 9875]

RADIO SUMTER AND RADIO STATION WSOC, INC. (WSOC)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. A. Gallimore and Hugh H. Wells, d/b as Radio Sumter, Sumter, South Carolina, Docket No. 9696, File No. BP-7617; Radio Station WSOC, Incorporated (WSOC) Charlotte, North Carolina, Docket No. 9875, File No. BP-7726; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of December 1950;

The Commission having under consideration the above-entitled application of Radio Station WSOC, Incorporated for a construction permit to install a new vertical antenna at Station WSOC, Charlotte, North Carolina;

It appearing, that the Commission on June 1, 1950, designated for hearing on engineering issues only the above-entitled application of J. A. Gallimore and Hugh H. Wells, d/b as Radio Sumter for a new standard broadcast station to be operated on the frequency 1240 kilocycles, with 250 watts of power, unlimited time at Sumter, South Carolina, which hearing was on October 27, 1950, continued indefinitely;

It further appearing, that the above-entitled application of Radio Station WSOC, Incorporated may involve mutually prohibitive interference with the above-entitled application of Radio Sumter;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application of Radio Station WSOC, Incorporated is designated for hearing in a consolidated proceeding with the above-entitled application of Radio Sumter, commencing at 10:00 a. m., on February 26, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnership and its partners and the corporate applicant, its officers, directors and stockholders to operate the proposed station and Station WSOC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WSOC as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WSOC as proposed would involve objectionable interference with Station WKDK, Newberry, South Carolina, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WSOC as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station WSOC as proposed would be in compliance with the Commission's rules and Standards of Good

Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the coverage to the city of Charlotte, North Carolina and to the Charlotte Metropolitan area with respect to the WSOC proposal only.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Newberry Broadcasting Company, Inc., licensee of Station WKDK, Newberry, South Carolina is made a party to this proceeding;

It is further ordered, That the Commission's Order of June 1, 1950, designating for hearing the above-entitled application of J. A. Gallimore and Hugh H. Wells, d/b as Radio Sumter is amended to include the application of Radio Station WSOC, Incorporated, and to revise the issues therein to include and conform with all issues specified herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-205; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket No. 9710]

MARSHALL FORMBY

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Marshall Formby, Spur, Texas, for construction permit; Docket No. 9710, File No. BP-7577.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of December 1950;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1260 kilocycles, with 250 watts of power, daytime only at Spur, Texas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, except as to matter covered by Issue 3, below, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice; particularly with reference to the assignment of a Class IV (local) operation on a Class III (regional) channel;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on February 20, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the assignment of a Class IV (local) operation on a Class III (regional) channel.

3. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KPLW, Floydada, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-204; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket Nos. 9761-9769, 9771-9773, 9866, 9867]

TELEPHONE MESSAGE SERVICE OF YONKERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of: Telephone Message Service of Yonkers, Yonkers, New York, Docket No. 9761, Files Nos. 1316 and 1372-C2-ML-E; Harold W. Graf, Hempstead, New York, Docket No. 9762, Files Nos. 2040/2041-C2-ML-E; Harold W. Graf, Bay Shore, New York, Docket No. 9763, Files Nos. 1223/1224-C2-P-E; Telephone Secretarial Service, Inc., Newark, New Jersey, Docket No. 9764, Files Nos. 4855/4856-C2-ML-E; Peter T. Kroeger, d/b as Mobile Radio Dispatch Service, New Brunswick, New Jersey, Docket No. 9765, Files Nos. 3639/3640-C2-ML-E; J. J. Freke-Hayes, New York, New York, Docket No. 9766, Files Nos. 3041/3042-C2-ML-E; Solomon Schiller, Brooklyn, New York, Docket No. 9767, Files Nos. 2892/2893-C2-ML-E; Westchester Mobilfone System, Inc., Mt. Pleasant, New York, Docket No. 9768, Files Nos. 3534/3535-C2-ML-E; Huntington Radio Dispatch Service, tr/as Knights Packard Service, Huntington, New York, Docket No. 9769, File No. 18666-C2-P-E; James P. Rogers, d/b as Suburban Radiotelephone, West Orange, New Jersey, Docket No. 9771, File No. 5170-C2-P-E; Mildred Tarone, d/b as Doctors' Telephone Exchange and Huntington Telephone Answering Service, Huntington, New York, Docket No. 9772, Files Nos. 12015/12016-C2-P/L-E; Electro Craft, Inc., Stamford, Connecticut, Docket No. 9773, Files Nos. 4974/4975-C2-P-E; Harold W. Graf, Theresa Graf and Harry R. Baker, Jr., d/b as Telephone Answering Exchange, Bay Shore, New York, Docket No. 9866, File No. 359-C2-P-51; Harold W. Graf, Theresa Graf and Harry R. Baker, Jr., d/b as Telephone Answering Exchange, Hempstead, New York, Docket No. 9867, File No. 360-C2-P-51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission, having under consideration the above-mentioned applications of Harold W. Graf, Theresa Graf, and Harry R. Baker, Jr., d/b as Telephone Answering Exchange, filed November 13, 1950, and amended November 28, 1950, for construction permits in the Domestic Public Land Mobile Radio Service at Bay Shore and Hempstead, New York, respectively; and also having under consideration a petition filed by Harold W. Graf, and by Harold W. Graf, Theresa Graf and Harry R. Baker, Jr., d/b as Telephone Answering Exchange, requesting that the applications of Harold W. Graf for authorizations in the Domestic Public Land Mobile Radio Service at Hempstead and Bay Shore, New York (Dockets Nos. 9762 and 9763), respectively, be dismissed without prejudice and that the above-mentioned applications of Telephone Answering Exchange be consolidated in the above-entitled proceeding; and

It appearing, that the above-mentioned applications of Telephone Answering Exchange were filed more than 20 days prior to the date of the hearing in the above-entitled proceeding as required by the Commission's Rules; and

It further appearing, that no opposition has been filed to the petition of Harold W. Graf, and Harold W. Graf, Theresa Graf and Harry R. Baker, Jr., d/b as Telephone Answering Exchange; and that good cause has been shown for the grant of such petition;

It is ordered, That the above-mentioned petition is granted; and that the applications of Harold W. Graf in Dockets Nos. 9762 and 9763 for authorizations in the Domestic Public Land Mobile Radio Service at Hempstead and Bay Shore, New York, respectively, are dismissed without prejudice; and

It is further ordered, That the above-mentioned applications filed by Harold W. Graf, Theresa Graf and Harry R. Baker, Jr., d/b as Telephone Answering Exchange for new construction permits in the Domestic Public Land Mobile Radio Service at Bay Shore and Hempstead, New York, respectively, are designated for hearing in the above-entitled consolidated proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-209; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket No. 9820]

EARL M. KEY (WKEY)

ORDER CONTINUING HEARING

In re application of Earl M. Key (WKEY), Covington, Virginia, for construction permit; Docket No. 9820, File No. BP-7828;

The Commission having under consideration a petition filed December 15, 1950, by Earl M. Key (WKEY), Covington, Virginia, requesting that the hearing in the above-entitled proceeding, now scheduled for January 5, 1951, be continued; and

It appearing, that on November 29, 1950, the petitioner filed a petition seeking reconsideration and grant of the above-entitled application without hearing and that no action has been taken on this petition;

It is ordered, This 22d day of December 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-213; Filed, Jan. 5, 1951; 8:49 a. m.]

[Docket Nos. 9825, 9826]

TELANSERPHONE, INC., AND THOMAS L. SMITH, JR.

ORDER MODIFYING ISSUE

In re applications of Telanserphone, Inc., Docket No. 9825, File No. 7298-C2-P-E; and Thomas L. Smith, Jr., Docket No. 9826, File No. 8460-C2-P-E; for construction permits in the Domestic Public Land Mobile Radio Service at Washington, D. C.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of January 1951;

The Commission, having under consideration a petition filed by Telanserphone, Inc., on December 18, 1950, requesting that the issues in the Commission's order dated November 13, 1950, in the above-entitled matter be modified to delete therefrom that portion of Issue No. 1 thereof requiring petitioner to prove its legal qualifications in such comparative proceeding; and

It appearing, that no opposition to said petition has been filed and good reason for the grant of such petition has been shown;

It is ordered, That the above-mentioned petition of Telanserphone, Inc. is granted and that Issue No. 1 of the Commission's order dated November 13, 1950, in the above-entitled matter is modified to read as follows:

1. To determine the technical and financial qualifications of Telanserphone, Inc., and the legal, technical and financial qualifications of Thomas L. Smith, Jr., to construct and operate their proposed stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-208; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket No. 9833]

CUSTER COUNTY BROADCASTING CO. (KCNI)

ORDER CONTINUING HEARING

In re application of Custer County Broadcasting Co. (KCNI), Broken Bow, Nebraska, for construction permit; Docket No. 9833, File No. BP-7679.

The Commission having under consideration a petition filed December 19, 1950, by Custer County Broadcasting Co. (KCNI), Broken Bow, Nebraska, requesting that the hearing in the above entitled proceeding now scheduled for January 16, 1951, be continued indefinitely; and

It appearing, that the purpose of the continuance is to enable the Commission to act on a petition asking for reconsideration and grant of the above entitled application without hearing;

It is ordered, This 29th day of December 1950, that the petition is granted; and that the hearing in the above entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-206; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket Nos. 9869, 9870]

TAYLOR COUNTY BROADCASTING CO., INC. (WLCK) AND CLARK-MONTGOMERY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Taylor County Broadcasting Co., Inc. (WLCK), Campbellsville, Kentucky, Docket No. 9869, File No. BMP-5276; for modification of construction permit; Clark-Montgomery Broadcasting Co., Inc., Winchester, Kentucky, Docket No. 9870, File No. BP-7780; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration (1) the above-entitled application of Taylor County Broadcasting Co., Inc. (WLCK) for modification of construction permit to specify transmitter site, studio site and antenna system; (2) the above entitled application of Clark-Montgomery Broadcasting Co., Inc., for a new standard broadcast station to be operated on the frequency of 1450 kilocycles, with 250 watts power, unlimited time at Winchester, Kentucky; and (3) a petition, filed September 15, 1950, by Taylor County Broadcasting Co., Inc. (WLCK) to designate the above-entitled application of Clark-Montgomery Broadcasting Co., Inc. for hearing and to make the petitioner a party to the proceeding;

It appearing, that Taylor County Broadcasting Co., Inc. (WLCK) was on June 27, 1950, granted a construction permit (File No. BP-7625) for a new standard broadcast station on a transmitter site-to-be determined basis, and by this grant the transmitter site was assumed to be in the center of the city of Campbellsville, Kentucky; and

It further appearing, that the above-entitled application of Station WLCK specifies, among other things, a transmitter site which veers from the presently assumed site in the direction of the above-entitled Clark-Montgomery proposal at Winchester, Kentucky; and

It further appearing, that although some objectionable interference would be caused to the Winchester, Kentucky proposal by the specification of a WLCK transmitter site in the center of the city of Campbellsville, Kentucky, this interference to the Winchester proposal will be increased by the specification of a transmitter site which veers from the center of the city of Campbellsville, Kentucky in the direction of Winchester, Kentucky, as does the site specified in the above-entitled WLCK application;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 19, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of Taylor County Broadcasting Co., Inc. and to determine the legal, technical, financial and other qualifications of Clark-Montgomery Broadcasting Co., Inc., and the officers, directors and stockholders of the two corporate applicants to own and operate the proposed station and Station WLCK as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WLCK as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Winchester, Kentucky, would involve objectionable interference with Station WMOH, Hamilton, Ohio, or whether the proposed station or Station WLCK as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WLCK as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station WLCK as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That The Fort Hamilton Broadcasting Company, licensee of Station WMOH, Hamilton, Ohio is made a party to this proceeding with respect to the Clark-Montgomery Broadcasting Co., Inc., application only;

It is further ordered, That the petition of Taylor County Broadcasting Co., Inc. (WLCK) is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-202; Filed, Jan. 5, 1951; 8:48 a. m.]

[Docket No. 9872]

CLAUDE H. CRAIG (KCHC)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Claude H. Craig (KCHC), El Paso, Texas, for construction permit; Docket No. 9872, File No. BMP-5375.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 20th day of December 1950;

The Commission having under consideration the above-entitled application of Claude H. Craig, requesting extension of completion date from November 28, 1950, to January 28, 1951, to complete construction authorized by BP-7049 at El Paso, Texas.

It appearing, that the Commission on July 28, 1949, granted without hearing a permit authorizing Claude H. Craig to construct a new standard broadcast station to operate on the frequency 860 kc with 500 watts of power, daytime only at El Paso, Texas, subject to the filing, within 60 days of grant, of an application for modification of construction permit specifying a transmitter site and antenna system; and

It further appearing, that on March 28, 1950, the Commission granted a modification of construction permit to increase power, to change type of transmitter and for approval of antenna, transmitter and studio location (BMP-4972); and

It further appearing, that Claude H. Craig has not completed the construction within the time specified in the construction permit as modified; and

It further appearing, that on November 14, 1950, the Commission denied the above-entitled application and by letter dated October 14, 1950, gave the applicant 20 days within which to request a hearing on the above-entitled application; and

It further appearing, that on December 4, 1950, Claude H. Craig, through his attorney, Blase A. Bonpane, filed a request for a hearing on the above-entitled application for extension of completion date for the authorized construction at El Paso, Texas;

It is ordered, That, the Commission's action of November 14, 1950, denying the above-entitled application is set aside; and

It is further ordered, That, pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10 a. m. January 22, 1951, at Washington, D. C., upon the following issues:

1. To determine whether the failure of Claude H. Craig to complete construction of the authorized standard broadcast station at El Paso, Texas, and to have the station ready for operation was due to causes not under his control.

2. To determine whether that individual has been diligent in proceeding with the construction of the authorized standard broadcast station at El Paso, Texas.

3. To determine whether in view of the evidence adduced in connection with the foregoing issues, the date specified for the completion of construction of the station should be extended, and if so, to what date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-203; Filed, Jan. 5, 1951; 8:48 a. m.]

[Mexican Change List 122]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 23, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEVV	Villahermosa, Tabasco	970 kilocycles, 500 w—N/1 kw—D	U	III-B	June 1, 1951
XEBP	Torreón, Coahuila	1260 kilocycles (delete—see assignment on 1310 kc).			
XEBP	do	1310 kilocycles, 250 w—N/5 kw—D	U	IV	Do.
XEEA	Salina Cruz, Oaxaca	1330 kilocycles, 500 w	U	III-B	Do.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-216; Filed, Jan. 5, 1951; 8:49 a. m.]

[Canadian Change List 59]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTION IN ASSIGNMENTS

DECEMBER 12, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power	Radiation	Time designation	Class	Probable date to commence operation
VOCM	St. John's, Newfoundland.	590 kilocycles, 1 kw	ND	U	III-A	Now in operation.
CFCY	Charlottetown, Prince Edward Island.	630 kilocycles, 5 kw	DA-N	U	III-A	Do.
CKFI	Fort Frances, Ontario (present operation: 1340 kc, 250 w, 1V).	800 kilocycles, 0.5 kw—N/1 kw—D.	ND	U	II	Sept. 15, 1951.
CBM	Montreal, Quebec	940 kilocycles, 50 kw	ND	U	I-B	Now in operation.
VOCM	St. John's, Newfoundland.	1000 kilocycles (delete—See assignment on 590 kc).				
CKDM	Dauphin, Manitoba	1230 kilocycles, 250 w	ND	U	IV	Assignment of call letters.
CKLS	La Sarre, Quebec	1240 kilocycles, 250 w	ND	U	IV	Now in operation.
CJEM	Edmundston, New Brunswick (present operation: 1230 kc, 250 w, 1V).	1,380 kilocycles, 1 kw	DA-1	U	III-B	Sept. 15, 1951
CKFH	Toronto, Ontario	1400 kilocycles, 250 w	DA-1	U	IV	Assignment of call letters.
CFJR	Brockville, Ontario	1450 kilocycles, 250 w	ND	U	IV	Change in call letters from CFJM.
CFOR	Orillia, Ontario	(Delete—see assignment on 1570 kc.)				
CFOR	do	1570 kilocycles, 1 kw	ND	U	II	Now in operation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-217; Filed, Jan. 5, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 3, 1951.

Take notice that on December 21, 1950, Northeastern Gas Transmission Company, (Petitioner) a Delaware corporation with its principal office at 31 Hillman Street, Springfield, Massachusetts, filed a petition for amendment of the order issued on November 8, 1950 in the above-entitled matter authorizing the construction and operation of facilities by Petitioner pursuant to section 7 (c) of the Natural Gas Act, as amended.

Petitioner desires to make the following changes in the facilities authorized by said order:

(1) Substitute 24-inch O. D. pipe for 20-inch O. D. pipe on the 144 miles of Massachusetts main line, originating at the New York-Massachusetts state line and extending easterly to a terminus near Boston, Massachusetts;

(2) Substitute 6-inch pipe for 4-inch pipe on the 11.1 miles of lateral line extending from Petitioner's Massachusetts main line to Pittsfield, Massachusetts;

(3) Substitute 6-inch pipe for 4-inch pipe on the 9.4 miles of pipe line extending from Petitioner's Northampton lateral in an easterly direction to Holyoke, Massachusetts;

(4) Substitute 6-inch for 4-inch pipe on the 5.5 miles of lateral extending from Petitioner's Connecticut main line in a southerly direction to Stamford, Connecticut;

(5) Substitute 10-inch pipe for 6-inch pipe on the 4.7 miles of lateral extending from Petitioner's Massachusetts main line in a southeasterly direction to Arlington, Massachusetts;

(6) Substitute 10-inch pipe for 8-inch pipe on the 6.4 miles of pipe line extending from a point on Petitioner's Haverhill lateral in a northeasterly direction to Haverhill, Massachusetts.

In support of its request, Petitioner states:

(1) The substitution of the 24-inch pipe for 20-inch pipe will enable it to meet the estimated requirements of the customers which it is now authorized to serve regardless of a possible future shortage of critical steel for line pipe and for compressor facilities.

(2) The estimated additional plant investment which will be required to install 24-inch pipe for the main transmission line is $2,117,000. Such investment will provide a 62 percent increase in capacity at a 9 percent increase in the project cost. The additional cost of installing larger size pipe on the lateral lines is estimated to be $197,000.

(3) It is prudent to install a larger line initially rather than for it to become necessary to lay an additional line at some later time, thereby effecting a reduction in rights-of-way and damages costs as well as installation costs.

(4) Under 5th year operating conditions a 24-inch line will hold in line pack approximately 40,000 Mcf more gas in storage than a 20-inch line. This additional storage will supply the entire system demand on the 5th year peak day for approximately five hours and in the earlier years for longer periods.

It is estimated that the additional plant investment which will be required to install 24-inch pipe instead of 20-inch pipe for the main transmission line is $2,117,000. It is stated that such investment will provide a 62 percent increase in capacity at but a 9 percent increase in the project cost. The additional cost of installing larger size pipe on the lateral lines is estimated to be $197,000.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) before the 22d day of January 1951.

The petition is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-272; Filed, Jan. 5, 1951; 8:55 a. m.]

[Docket No. G-1547]

INTERSTATE POWER CO.

NOTICE OF APPLICATION

DECEMBER 29, 1950.

Take notice that on December 8, 1950, Interstate Power Company (Applicant), a Delaware corporation with its principal place of business in Dubuque, Iowa, filed an application, pursuant to section 7 of the Natural Gas Act, as amended, for: (1) An order under section 7 (a) of the act directing Natural Gas Pipeline Company of America to establish a physical connection of its natural-gas transportation facilities with Applicant's proposed pipeline and to sell natural gas to Applicant; and (2) a certificate of public convenience and necessity authorizing the construction and operation by the Applicant of its proposed pipeline as hereinafter described.

Applicant's proposed transmission pipeline will consist of 8⅝-inch diameter pipe approximately 26.5 miles in length extending from the Hooppole area in Illinois, crossing the Rock River to a point on the east side of the Mississippi River opposite Clinton, Iowa, and a double submarine crossing of the Mississippi River.

The estimated capital cost of the project is $749,000.

Applicant proposes to sell natural gas in and around Clinton, for consumption by industrial, commercial, and domestic customers. Applicant estimates its minimum daily demand during the first full year of operations (1953) at 1,152,000 cubic feet with a maximum demand of 14,720,000 Mcf with maximum space-heating saturation.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 22d day of January 1951.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 51-186; Filed, Jan. 5, 1951; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-434]

FLOOR MACHINERY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Floor Machinery Industry in Room 332 of the Federal Trade Commission Building, Washington, DC., on January 29, 1951, beginning at 10:00 a. m. e. s. t.

Products of the industry as covered under rules proposed for consideration consist of all types of power-driven household, commercial, and industrial wet and dry floor and rug-cleaning, floor-polishing, and floor-maintenance machines, including equipment, parts, and accessories therefor, but not including machines designed solely for use as floor sanders, or vacuum cleaners other than the type sold and distributed for use in connection with other products of this industry. All persons, firms, corporations and organizations engaged in the manufacture, distribution or marketing of floor machinery as covered by these proceedings are cordially invited to attend or send representatives to the conference and to participate therein.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: January 3, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-175; Filed, Jan. 5, 1951; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Subparagraph (s) is added to Section III b. 7. (14 F. R. 1626, as amended), as follows:

(s) To execute on behalf of the PHA Certificates Regarding Assistance Contract and Loan Interest Rate.

Subparagraph (k) is added to Section III. b. 8. (14 F. R. 1626, as amended), as follows:

(k) To execute on behalf of the PHA Certificates Regarding Assistance Contract and Loan Interest Rate.

Date approved: December 29, 1950.

[SEAL] JOHN TAYLOR EAGAN,
Commissioner.

[F. R. Doc. 51-184; Filed, Jan. 5, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16392]

GENEVIEVE KAISER

In re: Rights of the domiciliary personal representatives et al. of Genevieve Kaiser, deceased. File No. F-28-17138-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Genevieve Kaiser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 51497, issued by the Connecticut General Life Insurance Company, Hartford, Connecticut, to Genevieve Kaiser, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Genevieve Kaiser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-220; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16389]

MARA JENTSCH ET AL.

In re: Rights of Mara Jentsch et al. under insurance contract. File No. F-28-29276 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mara Jentsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mara Jentsch, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 112 426 033, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Mara Jentsch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mara Jentsch or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mara Jentsch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mara Jentsch are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-219; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16395]

EMMA KENSING ET AL.

In re: Rights of Emma Kensing et al., under insurance contract. File No. F-28-28196-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Kensing, nee Woerner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Emma Kensing, nee Woerner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 82864152, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Emma Kensing, nee Woerner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emma Kensing, nee Woerner, or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Emma Kensing, nee Woerner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Emma Kensing, nee Woerner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-221; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16397]

EIJI AND MASATARO KOTABE

In re: Rights of Eiji Kotabe and Masataro Kotabe under an insurance contract. File No. F-39-4410-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eiji Kotabe and Masataro Kotabe, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 499 001 issued by the New York Life Insurance Company, New York, New York, to Eiji Kotabe, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Eiji Kotabe or Masataro Kotabe, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-223; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16396]

HEINRICH KOHRT ET AL.

In re: Rights of Heinrich Kohrt et al. under insurance contract. File No. F-28-30562 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Kohrt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Heinrich Kohrt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 741 850 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Heinrich Kohrt, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinrich Kohrt or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Heinrich Kohrt, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Heinrich Kohrt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property, described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-222; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16399]

SHIGETARO KUSHI

In re: Rights of Shigetaro Kushi under insurance contract. File No. D-39-18694-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigetaro Kushi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15162802, issued by the New York Life Insurance Company, New York, New York, to Shigetaro Kushi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-224; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16417]

AMELIA PRICE

In re: Estate of Amelia Price, deceased. File D-28-12228; E. T. sec. 16450.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Herold, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Amelia Price, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Gus Stedry and

Morton Block, as executors, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-225; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16444]

KURT TANNENBAUM

In re: Estate of Kurt Tannenbaum, deceased. File No. D-28-9635. E. & T. sec. 13486.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Tannenbaum, Henry Tannenbaum and Else Tannenbaum, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Kurt Tannenbaum, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as depository, acting under the judicial supervision of the Surrogate's Court of New York County, New York.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-226; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16486]

KARL FRIEDRICH ALBRECHT AND FRITZ E. ALBERT

In re: Rights of Karl Friedrich Albrecht and Fritz E. Albert under insurance contract. File No. F-28-26566-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Friedrich Albrecht and Fritz E. Albert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 313-473, issued by the Pan-American Life Insurance Company, New Orleans, Louisiana, to Karl Friedrich Albrecht, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Pan-American Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Karl Friedrich Albrecht or Fritz E. Albert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-228; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16483]

SIGRID THOMAS

In re: Four-fifths interest in securities and bank account owned by Sigrid Thomas. F-28-29259-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigrid Thomas, whose last known address is 40 Wilmans Park (24), Hamburg, Blankenese, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. A four-fifths interest in those shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, said certificates presently in the custody of The National City Bank of New York, New York 15, New York, in an account entitled "National Bank of India, Ltd., 26 Bishopsgate, London E. C. 2, England, Sub-account, Estate of Oscar Andersen, deceased," account numbered B33065, together with a four-fifths interest in all declared and unpaid dividends thereon, and

b. A four-fifths interest in that certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account entitled "Oscar Andersen, deceased, London, England," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Sigrid Thomas, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	Number of shares	Par value	Type of stock	Certificate No.	Form of registration
American Telephone & Telegraph Co., 195 Broadway, New York, N. Y.	4	$100	Capital	266017	Reginald Henry Stevens and Reginald Charles Andersen as executors of the will of Oscar Andersen.
E. I. DuPont de Nemours, 1007 Market St., Wilmington, Del.	100	5	Common	69175	Estate of Oscar Andersen, Reginald Henry Stevens and Reginald Charles Andersen, executors.
General Electric Co., 570 Lexington Ave., New York, N. Y.	50	No par	Capital	734144	Reginald Henry Stevens and Reginald Charles Andersen, executors o/w of Oscar Andersen, deceased.
Central States Electric Corp., 111 Broadway, New York, N. Y.	60	$100	6 percent cumulative preferred.	13115	Reginald Henry Stevens and Reginald Charles Andersen as executors of the estate of Oscar Andersen, deceased.
General Foods Corp., 250 Park Ave., New York, N. Y.	49	No par	Common	106551	Do.
Johns Manville Corp., 22 East 40th St., New York, N. Y.	75	No par	do	185318	Do.
Sears, Roebuck & Co., 360 West 31st St., New York, N. Y.	300	No par	Capital	400349/51	Do.
Southern Pacific Co., 65 Market St., San Francisco, Calif.	50	No par	Common	54012	Do.
Standard Oil Co. of Indiana, 910 South Michigan Ave., Chicago, Ill.	50	$25	Capital	349882	Do.
Texas Gulf Sulphur Co., 75 East 45th St., New York, N. Y.	50	No par	do	400085	Do.
Union Carbide & Carbon Corp., 30 East 42d St., New York, N. Y.	75	No par	do	807263	Do.

[F. R. Doc. 51-227; Filed, Jan. 5, 1951; 8:50 a. m.]

[Vesting Order 16490]

THOMAS ASSEMACHER ET AL.

In re: Rights of Thomas Assemacher et al., under insurance contract. File No. F-28-24717-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas Assemacher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas Assemacher, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 456384M issued by the Metropolitan Life Insurance Company, New York, New York, to Thomas Assemacher, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Thomas Assemacher or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas Assemacher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas Assemacher, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-230; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16489]

GERTRUDE AND RUDOLPH ARNOLD

In re: Rights of Gertrude Arnold and Rudolph Arnold under insurance contract. File F-28-26252-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Arnold and Rudolph Arnold, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4081787 C issued by the Metropolitan Life Insurance Company, New York, New York, to Gertrude Arnold, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Gertrude Arnold or Rudolph Arnold, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-220; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16491]

PAULINE BAUER ET AL.

In re: Rights of Pauline Bauer et al., under insurance contract. F-28-26808-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Pauline Bauer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1740990, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Pauline Bauer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Pauline Bauer or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Pauline Bauer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Pauline Bauer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-231; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16493]

MARTHA BORMANN, ET AL.

In re: Rights of Martha Bormann et al. under contract of insurance. File No. F-28-30398-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Bormann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha Bormann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10 026 093 A issued by the Metropolitan Life Insurance Company, New York, New York, to Martha Bormann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Martha Bormann or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha Bormann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha Bormann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-233; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16492]

WILLIAM AND CATHERINE BOCK

In re: Rights of William Bock and Catherine Bock under insurance contract. File No. D-28-6413-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Bock and Catherine Bock, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9233286, issued by the New York Life Insurance Company, New York, New York, to William Bock, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Bock or Catherine Bock, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 51-232; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16495]

LOUIS BRAUBACH ET AL.

In re: Rights of Louis Braubach et al., under insurance contract. F-28-99-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis Braubach and Marie Braubach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louis Braubach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 503478, issued by the New York Life Insurance Company, New York, New York, to Louis Braubach, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Louis Braubach, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louis Braubach, or Marie Braubach, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louis Braubach, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-234; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16496]

ARNO F. AND ELLA F. BRUHM

In re: Rights of Arno F. Bruhm and Ella F. Bruhm under contracts of insurance. D-28-107-H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arno F. Bruhm and Ella F. Bruhm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 280436 and 430246, issued by The Guardian Life Insurance Company of America, New York, New York, to Arno F. Bruhm, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arno F. Bruhm or Ella F. Bruhm, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-235; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16497]

ANNA M. BUSSELMANN

In re: Rights of Anna M. Busselmann, now known as Mrs. A. Buschermohle, et al. under insurance contract. File No. F-28-22877-H-2. See File No. F-28-22877-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna M. Busselmann, now known as Mrs. A. Buschermohle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Anna M. Busselmann, now known as Mrs. A. Buschermohle, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,080,713 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Anna M. Busselmann, now known as Mrs. A. Buschermohle, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna M. Busselmann, now known as Mrs. A. Buschermohle or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna M. Busselmann, now known as Mrs. A. Buschermohle, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna M. Busselmann, now known as Mrs. A. Buschermohle, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-236; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16498]

ENGELBERT L. CLASEN ET AL.

In re: Rights of Engelbert L. Clasen et al., under insurance contract. File No. F-28-23683-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Engelbert L. Clasen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Engelbert L. Clasen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 172,098, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Engelbert L. Clasen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Massachusetts Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Engelbert L. Clasen or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Engelbert L. Clasen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Engelbert L. Clasen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-237; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16500]

JULIUS C. FUNCKE ET AL.

In re: Rights of Julius C. Funcke et al., under insurance contracts. File Nos. F-28-5484-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius C. Funcke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Julius C. Funcke, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 632,308 and 694,588 issued by the Phoenix Mutual Life Insurance Company to Julius C. Funcke, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the Phoenix Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Julius C. Funcke or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Julius C. Funcke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Julius C. Funcke, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-238; Filed, Jan. 5, 1951; 8:51 a. m.]

[Vesting Order 16502]

HIDEKICHI AND TAKA GOSHO

In re: Rights of Hidekichi Gosho and Taka Gosho under insurance contract. File No. F-39-4238-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hidekichi Gosho and Taka Gosho, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2 304 289, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Hidekichi Gosho, and any and all other beenfits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hidekichi Gosho or Taka Gosho, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-239; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16503]

ARTHUR E. GRIX ET AL.

In re: Rights of Arthur E. Grix et al., under insurance contract. File No. F-28-25535-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur E. Grix and Margaret Grix, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9,601,709, issued by the New York Life Insurance Company, New York, New York, to Arthur E. Grix, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Arthur E. Grix or Margaret Grix, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-240; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16504]

HOICHI AND YOSHIKO HAMAMOTO

In re: Rights of Hoichi Hamamoto and Yoshiko Hamamoto under insurance contract. File No. D-39-936-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hoichi Hamamoto and Yoshiko Hamamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,403,312, issued by the Sun Life Assurance Company, Montreal, Quebec, Canada, to Hoichi Hamamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hoichi Hamamoto or Yoshiko Hamamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-241; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16508]

HERTA HENSCHKE ET AL.

In re: Rights of Herta Henschke et al., under contract of insurance. File No. F-28-23893-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herta Henschke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herta Henschke, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 73 843 082, issued by the Metropolitan Life Insurance Company, New York, New York, to Herta Henschke, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Herta Henschke or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herta Henschke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herta Henschke, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-245; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16505]

ELISABETH HARTMANN ET AL.

In re: Rights of Elisabeth Hartmann et al., under contract of insurance. File No. F-28-23004-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Hartmann and Walter Hartmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 460546 issued by The Guardian Life Insurance Company of America, New York, New York, to Elisabeth Hartmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Elisabeth Hartmann or Walter Hartmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-242; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16506]

WALTER HARTMANN ET AL.

In re: Rights of Walter Hartmann et al., under contract of insurance. File No. F-28-23005-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Hartmann and Elisabeth Hartmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 486235 issued by The Guardian Life Insurance Company of America, New York, New York, to Walter Hartmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Walter Hartmann or Elisabeth Hartmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-243; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16507]

WILLY P. HARTWIG ET AL.

In re: Rights of Willy P. Hartwig et al., under insurance contract. F-28-115-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy P. Hartwig and Lisbeth Hartwig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 410375 issued by The Guardian Life Insurance Company of America, New York, New York, to Willy P. Hartwig, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Willy P. Hartwig or Lisbeth Hartwig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-244; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16509]

GERD STIELER VON HEYDEKAMPF ET AL.

In re: Rights of Gerd Stieler von Heydekampf et al. under insurance contracts. Files F-28-26624-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerd Stieler von Heydekampf and Elizabeth von Heydekampf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 679548 and 661043 issued by the Provident Mutual Life Insurance Company of Philadelphia, Philadelphia, Pennsylvania, to Gerd Stieler von Heydekampf, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Provident Mutual Life Insurance Company of Philadelphia together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Gerd Stieler von Heydekampf or Elizabeth von Heydekampf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-246; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16526]

EWALD LETOCHA ET AL.

In re: Rights of Ewald Yetocha et al. under insurance contracts. Files No. F-28-30835-H-1 and No. F-28-30835-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ewald Letocha, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ewald Letocha, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered PU 49977 and PU 49978 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ewald Letocha, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ewald Letocha or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ewald Letocha, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ewald Letocha, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-255; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16512]

ADRIEN C. HUMBERT ET AL.

In re: Rights of Adrien C. Humbert et al., under insurance contract. File F-39-1907-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adrien C. Humbert, Ida Marie Humbert, Jacques Humbert and Claude Humbert, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 464,620, issued by the Home Life Insurance Company, New York, New York, to Adrien C. Humbert, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the Home Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Adrien C. Humbert or Ida Marie Humbert or Jacques Humbert, and Claude Humbert, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-248; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16510]

BERNHARD HEYE ET AL.

In re: Rights of Bernhard Heye et al., under insurance contract. File No. F-28-26699-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Heye, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernhard Heye, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. P–13919, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Bernhard Heye, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Bernhard Heye or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernhard Heye, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Bernhard Heye, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-247; Filed, Jan. 5, 1951; 8:52 a. m.]

[Vesting Order 16513]

SHIGEAKI IKEMIYA ET AL.

In re: Rights of Shigeaki Ikemiya et al. under insurance contract. F–39–6748–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeaki Ikemiya and Kitaye Ikemiya, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 156602, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Isao Ikemiya, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shigeaki Ikemiya or Kitaye Ikemiya, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-249; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16514]

TORAJI ISSHIKI ET AL.

In re: Rights of Toraji Isshiki et al., under insurance contract. F–39–64–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toraji Isshiki and Yuri Isshiki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4388444, issued by the New York Life Insurance Company, New York, New York, to Toraji Isshiki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Toraji Isshiki or Yuri Isshiki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-250; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16515]

YASUICHI ITO ET AL.

In re: Rights of Yasuichi Ito et al., under contract of insurance. File D–39–15025.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasuichi Ito and Kikuyo Ito, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,469,408, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Yasuichi Ito, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yasuichi Ito or Kikuyo Ito, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-251; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16516]

YASU AND RINZO IWAMOTO

In re: Rights of Mrs. Yasu Iwamoto and Rinzo Iwamoto under insurance contract. File No. D–39–4834–H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Yasu Iwamoto and Mr. Rinzo Iwamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan).

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. M 1438049, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Mrs. Yasu Iwamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Yasu Iwamoto or Mr. Rinzo Iwamoto the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-252; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16518]

GOHACHI KAWANO ET AL.

In re: Rights of Gohachi Kawano et al. under insurance contract. File No. F–39–2628–H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gohachi Kawano, Hatsuko Kawano and Kengo Kawano, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Japan, are nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15 113 278, issued by the New York Life Insurance Company, New York, New York, to Gohachi Kawano, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Gohachi Kawano, Hatsuko Kawano and Kengo Kawano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That the national interest of the United States requires that the said Gohachi Kawano, Hatsuko Kawano and Kengo Kawano, be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-253; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16523]

WILLIAM KLUGE

In re: Rights of William Kluge under insurance contract. File No. F–28–23192–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Kluge, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to William Kluge under a contract of insurance evidenced by policy No. 2558902, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to William Kluge, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Mary Kluge, a resident of the United States and of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said William Kluge be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-254; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16527]

ERNST F. AND ALIDA MAGDALENA CLARA LINDEWIRTH

In re: Rights of Ernst F. Lindewirth and Alida Magdalena Clara Lindewirth under insurance contracts. F-28-19302-H-8 and H-9.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst F. Lindewirth and Alida Magdalena Clara Lindewirth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 392501 and 528338 issued by the New England Mutual Life Insurance Company, 501 Boylston St., Boston, Massachusetts, to Ernst F. Lindewirth and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ernst F. Lindewirth or Alida Magdalena Clara Lindewirth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-256; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16528]

PAUL LOCHER ET AL.

In re: Rights of Paul Locher et al., under contract of insurance. File No. F-28-23258-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Locher and Berta Locher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2492 WA 200, issued by the Travelers Insurance Company, Hartford, Connecticut, to Paul Locher, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Paul Locher or Berta Locher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-257; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16531]

WILLIAM C. AND IDA MEENEN

In re: Rights of William C. Meenen and Ida Meenen under insurance contract. File No. F-28-26724-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William C. Meenen and Ida Meenen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4 513 425 A, issued by the Metropolitan Life Insurance Company, New York, New York, to William C. Meenen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, William C. Meenen or Ida Meenen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-258; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16533]

PETER PAUL ADAM METZGER ET AL.

In re: Rights of Peter Paul Adam Metzger et al. under contract of insurance. File No. F-28-26755-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Paul Adam Metzger, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Peter Paul Adam Metzger, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 204217 issued by the West Coast Life Insurance Company, San Francisco, California, to Peter Paul Adam Metzger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Peter Paul Adam Metzger or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Peter Paul Adam Metzger, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Peter Paul Adam Metzger, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-259; Filed, Jan. 5, 1951; 8:53 a. m.]

[Vesting Order 16534]

(MRS.) KIYOKO KASAHARA MICHIUYE ET AL.

In re: Rights of (Mrs.) Kiyoko Kasahara Michiuye et al. under insurance contract. File No. F-39-4913-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoko Kasahara Michiuye and Kameyoshi Michiuye, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,652,422, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to (Mrs.) Kiyoko Kasahara Michiuye, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kiyoko Kasahara Michiuye or Kameyoshi Michiuye, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named, in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-260; Filed, Jan. 5, 1951; 8:54 a. m.]

[Vesting Order 16535]

YOSHITO AND MITSUIKO MISHIMA

In re: Rights of Yoshito Mishima and Mitsuiko Mishima under contract of insurance. File No. F-39-3483-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshito Mishima and Mitsuiko Mishima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 542375 issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Yoshito Mishima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Manufacturers Life Insurance Company together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yoshito Mishima or Mitsuiko Mishima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having

been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-261; Filed, Jan. 5, 1951; 8:54 a. m.]

[Vesting Order 16537]

HERMAN NORTON

In re: Rights of Herman Norton under insurance contract. File No. F-28-30849-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Norton, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Herman Norton under a contract of insurance evidenced by Policy No. 4 980 474-B issued by the Metropolitan Life Insurance Company, New York, New York, to Herman Norton, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Herman Norton, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Herman Norton, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-262; Filed, Jan. 5, 1951; 8:54 a. m.]

[Vesting Order 7669, Amdt.]

J. SHOJI HIRAI

In re: Stock owned by J. Shoji Hirai. F-39-4610-D-1; D-2; D-3, F-39-4610-A-1.

Vesting Order 7669, dated September 19, 1946, is hereby amended as follows and not otherwise: By deleting from Exhibit A attached to said Vesting Order 7669 all reference to shares of stock of Paramount Pictures, Inc., and all reference to shares of stock of Paramount Publix Corporation and by substituting therefor a new subparagraph reading as follows:

3. That the property described as follows:

a. Fifty (50) shares of $1.00 par value common stock of Paramount Pictures, Inc., 1501 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered CO 37067 and TO 21377, for twenty-five (25) shares each, registered in the name of J. Shoji Hirai, together with all declared and unpaid dividends thereon, and any and all rights to receive shares of Paramount Pictures Corporation and United Paramount Theatres, Inc., allocable to the above-described shares of Paramount Pictures, Inc., pursuant to a plan of reorganization of said Paramount Pictures, Inc., approved March 3, 1949, together with all declared and unpaid dividends on said shares of Paramount Pictures Corporation and of United Paramount Theatres, Inc., and

b. Two (2) shares of no par value common capital stock of Paramount Publix Corporation, 1501 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 097161, registered in the name of J. Shoji Hirai, together with all declared and unpaid dividends thereon, and any and all rights allocable to the above-described shares under a plan of reorganization of said Paramount Publix Corporation of June, 1935, whereby, among other things, one (1) share of $1.00 par value common stock of Paramount Pictures, Inc., was issuable for each four (4) shares of stock of said Paramount Publix Corporation, and any and all rights allocable to the shares of Paramount Pictures, Inc., so issuable under a stock split of said Paramount Pictures, Inc., of July 8, 1946, together with all declared and unpaid dividends on the shares so issuable and any and all rights to receive shares of Paramount Pictures Corporation and United Paramount Theatres, Inc., allocable to the above-described shares of Paramount Pictures, Inc., pursuant to a plan of reorganization of said Paramount Pictures, Inc., approved March 3, 1949, together with all declared and unpaid dividends on said shares of Paramount Pictures Corporation and United Paramount Theatres, Inc.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

All other provisions of said Vesting Order 7669 and all actions taken by or on behalf of the Alien Property Custodian and the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-263; Filed, Jan. 5, 1951; 8:54 a. m.]

PAULINO AND AURELIA TRAVERSO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Paulino Traverso and Aurelia Traverso, Genoa, Italy; Claim No. 14492; $44,382.02 in the Treasury of the United States in two equal shares, one each to Paulino Traverso and Aurelia Traverso.

A ⅛ undivided interest each to Paulino Traverso and Aurelia Traverso in the real property described as follows: All that certain lot, piece or parcel of land situate, lying and being near the town of Keswick, County of Shasta, State of California, particularly described as Lot 4, Block 9, as per "Map of South Park, showing Jones Subdivision in Sections 17 and 20, Township 32 North, Range 5 West, M. D. M., Shasta County, California," Records of said Shasta County.

All right, title and interest of Aurelia Traverso and Paulino Traverso, and each of them, in and to the Estate of Daniele Ceva, also known as Dan Ceva and D. Ceva, Deceased.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-264; Filed, Jan. 5, 1951; 8:54 a. m.]

CECILIA BONFIGLIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cecilia Bonfiglio, Genoa, Italy; Claim No. 40139; $28,043.81 in the Treasury of the United States. An undivided two-fifths interest in real property situated in Los Angeles, California, known as: 1561 W. 20th Street, 1567 W. 20th Street, 1553 W. 20th Street 1556 Washington Boulevard, 1562 Washington Boulevard.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-265; Filed, Jan. 5, 1951; 8:54 a. m.]

ANNA MARIE METZNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Anna Marie Metzner, Summit, N. J.; Claims Nos. 6551 and 6552; $4,222.24 in the Treasury of the United States. Fifty (50) shares of Hormann, Schutte & Co. of New York, 6% Preferred Stock, par value $100 each, Certificate No. 20 for 50 shares, registered in the name of the Attorney General of the United States, presently in the custody of the Federal Reserve Bank of New York, New York, N. Y. Sixty-four (64) shares of Hormann, Schutte & Co. of New York, Common Stock, par value $100 each, Certificate No. 27 for 64 shares, registered in the name of the Attorney General of the United States, presently in custody of the Federal Reserve Bank of New York, New York, N. Y. Five (5) shares of Hormann, Schutte & Co. of New York, Common Stock, par value $100 each, Certificate No. 28 for 5 shares, registered in the name of the Attorney General of the United States, presently in custody of the Federal Reserve Bank of New York, New York, N. Y.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-266; Filed, Jan. 5, 1951; 8:54 a. m.]

DUSOLINA QUEIROLO CUNEO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Dusolina Queirolo Cuneo, Correglia Ligure, Genova, Italy; Claim No. 33757; Valerio Cuneo, Correglia Ligure, Genova, Italy; Claim No. 46456; Maria Cuneo, Correglia Ligure, Genova, Italy; Claim No. 46457; $7,831.66 in the Treasury of the United States to Dusolina Queirolo Cuneo. All right, title, interest and claim of any kind or character whatsoever of Dusolina Queirolo Cuneo, Valerio Cuneo, and Maria Cuneo and each of them in and to the trust created under the will of Vittorio Cuneo, deceased.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-267; Filed, Jan. 5, 1951; 8:54 a. m.]

MIDORI BEATRICE MURAOKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Midori Beatrice Muraoka, New York, N. Y.; Claim No. 6969; $3,916.08 in the Treasury of the United States.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-269; Filed, Jan. 5, 1951; 8:54 a. m.]

BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION AND NICOLA BONFIGLIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bank of America National Trust and Savings Association, as Administrator with the will annexed of the Estate of Nicola Bonfiglio, a/k/a Giambattista Nicola Giulio Bonfiglio, deceased, Los Angeles, Calif.; Claim No. 41021, $14,021.90 in the Treasury of the United States. An undivided one-fifth interest in real property situated in Los Angeles, California, known as: 1561 W. 20th Street, 1567 W. 20th Street, 1553 W. 20th Street, 1556 Washington Boulevard, 1562 Washington Boulevard.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-263; Filed, Jan. 5, 1951; 8:54 a. m.]

EMMA ECKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Ecker, Perchtolsdorf, near Vienna, Austria; Claim No. 37851; $11,327.40 in the Treasury of the United States.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-270; Filed, Jan. 5, 1951; 8:54 a. m.]

TOSHIO SHIMODA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Toshio Shimoda, Kahului, Maui, T. H.; Claim No. 9097; $13,653.91 in the Treasury of the United States.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-271; Filed, Jan. 5, 1951; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 16 NUMBER 5

Washington, Tuesday, January 9, 1951

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER CREDIT

The title of Part 222 which through inadvertence reads "Consumer Instalment Credit" is hereby corrected to read "Consumer Credit", as set forth above.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-284; Filed, Jan. 8, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 35 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 374—PROJECT LICENSES

1. Section 371.10 *Shipments of limited value GLV* is amended in the following particulars: Paragraph (c) is amended to read as follows:

§ 371.10 *Shipments of limited value GLV.* • • •

(c) *General provisions*—(1) *Positive list.* Subject to the special provisions as designated and set forth below in this section, commodities included on the Positive List of Commodities (§ 399.1) which have a dollar-value limit specified may be exported under this general license to all destinations, as follows: R commodities may be exported to Group R destinations, and RO commodities may be exported to Group R or Group O destinations, where, in a single shipment, the net value of the commodities classified in a single entry on the Positive List does not exceed the specified dollar value limit in the column headed "GLV Dollar Value Limits".

(2) *Prohibited shipments.* The following shipments may not be made under the provisions of this general license:

(i) Positive List commodities in any quantity destined for Subgroup A destinations (see § 371.3 (a)), Hong Kong, and Macao.

(ii) Commodities licensed by agencies of the U. S. Government other than the Department of Commerce.

(iii) Commodities with the word "none" in the column in the Postive List headed "GLV Dollar Value Limits".

(iv) Shipments designed as a device to evade the requirement of a validated export license. Such devices include, but are not limited to (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits, but which have a combined value in excess thereof.

NOTE: R commodities may be exported to Group O destinations without dollar-value limit under the provisions of General License GO (§ 371.7).

Commodities not included on the Positive List of Commodities may be exported to any destination without dollar-value limit (except as prohibited by the provisions of Part 384) under the provisions of General License GRO (§ 371.8).

(3) *Asterisk.* Where an asterisk precedes the dollar-value limit for any commodity on the Positive List of Commodities, all forms, conversions, and derivatives of such commodity, even though not covered by the Schedule B number for the entry, are included in the value specified.

This part of the amendment shall become effective as of December 28, 1950.

(Continued on p. 223)

[1] This amendment was published in Current Export Bulletin No. 599 dated December 28, 1950.

CONTENTS

Agriculture Department — Page
See Rural Electrification Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Baer, Hattie 243
Behrens, Wilhelmina, and Rudolph Dosch 252
Hammer, Minnie 243
Harada, Haruo Gary 243
Kalle & Co., Aktiengesellschaft et al 252
Kloss, John 244
Leyden Co., Ltd., and N. V. Handelsbureau La Mola 245
Martin, Walter, et al 244
Nakahama, Noburo Frank, et al 244
Okazaki, Ichimaru and Hamako 247
Ono, Henry T., et al 245
Paetow, Ludwig 247
Panse, Paul C. A., et al 247
Papenhausen, Gustav Heinrich, et al 247
Patzig, Edith, et al 248
Prat, Emile, and Prat-Daniel S. A 252
Rabenstein, Karl 248
Reinhardt, Ilse, et al 248
Reufeisen, Frank, et al 249
Sasamura, Shoshichiro, et al 249
Scholpp, Sophie, et al 249
Shaner, Ernest W., et al 250
Shimoda, Hanjiro, et al 250
Shiomi, Fred T., and Momoyo Shiomi 250
Wrede, Henry, et al 251
Yamamoto, Tsugio, et al 251
Yokomizo, Matsumi, et al 251

Civil Aeronautics Administration
Rules and regulations:
Air traffic; standard instrument approach procedures 224

Civil Aeronautics Board
See Civil Aeronautics Administration.

Commerce Department
See Civil Aeronautics Administration; International Trade, Office of; Maritime Administration; National Production Authority.

FEDERAL REGISTER

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CONTENTS—Continued

Federal Communications Commission — Page
Proposed rule making:
Television broadcast service (2 documents) ---- 233, 234

Federal Deposit Insurance Corporation — Page
Notices:
Resolutions authorizing call for report of condition and annual report of earnings and dividends:
Insured mutual savings banks not members of Federal Reserve System ---- 239
Insured State banks not members of Federal Reserve System except banks in District of Columbia and mutual savings banks ---- 240

Federal Reserve System
Rules and regulations:
Consumer credit; correction ---- 221

Fish and Wildlife Service
Rules and regulations:
Carolina Sandhills National Wildlife Refuge, S. C.; hunting ---- 233

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments:
Certain States ---- 231
Missouri ---- 232

Indian Affairs Bureau
Proposed rule making:
Klamath Indian Irrigation Project; operation and maintenance charges ---- 234

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
Export regulations:
General licenses ---- 221
Individual and other validated licenses, provisions ---- 221
Project licenses ---- 221

Interstate Commerce Commission
Notices:
Applications for relief:
Petroleum products from Jourdanton, Tex ---- 240
Potatoes from Maine to certain points in trunk line territory ---- 240
Scrap or waste paper from Texas to New Orleans, La. ---- 240
Rules and regulations:
Reports, annual, special or periodical; Steam Railway Annual Report Form C ---- 232

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Nevada; classification order ---- 234

Land Management, Bureau of—Continued — Page
Rules and regulations
Federal range code for grazing districts; regular licenses and permits ---- 232
Grazing leases; rental ---- 232

Maritime Administration
Notices:
Contribution of tanker capacity for national defense requirements; hearing ---- 239

National Production Authority
Rules and regulations:
Pigs' and hogs' bristles and bristle products ---- 230
Steel; Canadian freight car program ---- 229

Rural Electrification Administration
Notices:
Allocation of funds for loans (5 documents) ---- 235, 236, 238
Loan announcements:
Arkansas (2 documents) ---- 235, 238
Florida ---- 236
Georgia ---- 238
Idaho ---- 236
Illinois (2 documents) ---- 237
Indiana (3 documents) ---- 237, 238
Kansas ---- 235
Kentucky ---- 235
Maine ---- 237
Michigan ---- 237
Minnesota ---- 238
Mississippi ---- 235
Missouri ---- 235
Montana (2 documents) ---- 236
New Mexico (4 documents) ---- 237, 238
North Dakota (2 documents) ---- 237, 238
Oklahoma (2 documents) ---- 235
Oregon ---- 237
South Dakota ---- 236
Texas (5 documents) ---- 235, 237, 238
Virginia ---- 236
Washington ---- 236

Securities and Exchange Commission
Notices:
Hearings, etc.:
Gentilly Development Co., Inc ---- 240
Long Island Lighting Co ---- 241
Michigan Consolidated Gas Co. and Austin Field Pipe Line Co ---- 241
Tri-Continental Corp ---- 242

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 12 — Page
Chapter II:
Part 222 ---- 221

Title 14
Chapter I:
Part 60 ---- 224

CODIFICATION GUIDE—Con.

Title 15 — Page
Chapter III:
Part 371 ---- 221
Part 372 ---- 221
Part 374 ---- 221

Title 24
Chapter VIII:
Part 825 (2 documents) ---- 231, 232

Title 25
Chapter I:
Part 130 (proposed) ---- 234

Title 32A
Chapter I:
Part 20 ---- 229
Part 73 ---- 230

Title 43
Chapter I:
Part 160 ---- 232
Part 161 ---- 232

Title 47
Chapter I:
Part 3 (proposed) (2 documents) ---- 233, 234

Title 49
Chapter I:
Part 120 ---- 232

Title 50
Chapter I:
Part 34 ---- 233

2. Section 372.1 *Applicability and general provisions* is amended in the following particulars:

a. Paragraph (e) *Orders* is amended to read as follows:

§ 372.1 *Applicability and general provisions.* • • •

(e) *Representations in license applications; orders and evidence thereof; and record-keeping requirements*—(1) *Orders and other material facts.* No application for an export license shall be made unless and until the applicant has, supported by documentary evidence in his possession,

(i) An order for export for the commodities covered by the application.

(ii) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application, Form IT–419: (See Note following § 372.3 *How to file an application for export license.*)

Country of ultimate destination;

Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives or other agents through whom the order was received;

Quantity and description of the commodities to be exported;

End use of the exportation;

ECA authorization if known and applicable.

(2) *Definitions*—(i) *Order.* The term "order" as used in this section means an order for export placed with an exporter in the United States by an importer in a foreign country which, if accepted by the exporter, will result in a binding contract between the exporter and the importer. Conversely, however, an exporter's offer alone is not a basis for an application. While the terms of the order may the conditioned, such terms must be ascertainable and certain; for example, (*a*) the terms of payment may provide a price dependent upon the market price at the time of delivery; (*b*) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed. Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Department of Commerce or the issuance to the importer of an import permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(ii) *Evidence of an order.* Evidence of an order as used in this section means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(iii) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which substantiate the material statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination or end-use of the commodities described in the application.

(3) *Shipments involving other than normal purchase and sale contracts.* Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "order" as used herein does not apply, the applicant shall attach to his application a full description of the nature of the transaction.

NOTE: Where an exporter ships supplies or equipment to his foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, documentary evidence of an order is not required. The applicant must, however, submit a full statement of the nature of the transaction or arrangement, explaining the end uses of the commodities involved. When commodities are to be exported under any other arrangement, a full statement of the nature of the transaction must likewise be submitted.

(4) *Retention of documents.* The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined in this section, or other transaction referred to in subparagraph (3) of this paragraph must be kept available for inspection, upon demand, by the Office of International Trade for three years from the date of receipt of the application, as shown on the acknowledgement card, Form IT–116.

NOTE: The Office of International Trade may request either the originals of the documents constituting the evidence, or photostatic or other copies thereof. The time and manner of submission will be made known to the applicant at the time the request for submission is made. Photostatic or other copies must be certified by the applicant to be true copies of the originals, as provided in § 372.9.

All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

(5) *Changes in orders or facts relating to the purchase or other transaction.* Answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Office of International Trade, whether a license has been granted or the application is still under consideration. If a license has been granted, such change shall be reported immediately to the Department of Commerce, in accordance with the provisions of Part 380 of this subchapter, even though shipments against the license may be partially or wholly completed.

NOTE: Change in intermediate consignee need be reported only by disclosure on shipper's export declaration as provided in item 5 of the Interpretative Statement following § 372.2, unless the Office of International Trade otherwise directs in a specific case.

Changes in facts relating to ECA authorization should be reported if such authorization was indicated in application; otherwise such disclosure should be made in the fourth copy of the shipper's export declaration, if required by terms of the license. (See § 379.1 (c) of this subchapter.)

(6) *Export licenses related to complete applications.* Although the export licenses issued by the Department of Commerce may not set forth all the facts relating to the export transaction that are contained in the license application and supporting documents, any validated export license issued is valid for use only with respect to the specific export transaction described in the license application and supporting documents, unless otherwise provided by the export license.

b. Paragraph (f) *Amendment of license to conform with orders held* is deleted.

This part of the amendment shall become effective as of December 28, 1950.

3. Section 372.3 *How to file an application for export license* is amended in the following particulars: Two new paragraphs (d) and (e) are added to read as follows:

§ 372.3 *How to file an application for export license.* • • •

(d) *Data supplementing the license application*—(1) *Statement from ultimate consignee.* The applicant must attach to his license application to export any commodity to a Group R destination a true copy of a statement or order signed by the ultimate consignee named in his application, setting forth the following facts with respect to each commodity. Statements from the ultimate consignee by wire or cable may be accepted even though not signed manually.

(i) The ultimate destination of the commodity or commodities described in the application.

(ii) The end-use of such commodity or commodities, which must be a detailed description of the specific use to which the commodity or commodities will be put in the country of ultimate destination. If the ultimate consignee intends to resell, such statement must disclose whether resale will be in such country of ultimate destination to a person or persons who will consume or otherwise use the commodity or commodities in that country.

(iii) A description of the export transaction sufficient to identify it as the same transaction described in the application.

(iv) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in his statement which occur after the statement is made.

(2) *Statement from foreign purchaser.* If a purchaser named in any such application is a different person from the named ultimate consignee, the applicant must also attach to the application an additional statement or order (or wire or cable) executed by such purchaser covering the same subject matter as that required to be furnished by the ultimate consignee.

(3) *Applications filed without statements.* Applications not supplemented by statements from the ultimate consignee or purchaser will be returned without action to the applicants. However, an applicant who can show to the satisfaction of the Department of Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Department of Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement.

NOTE: 1. *Purchase order.* The statement from the ultimate consignee and purchaser may cover more than one purchase order and one purchase order may involve several commodities; however, the statement shall relate only to purchase orders placed by a single ultimate consignee and a single purchaser with a single United States exporter.

2. *Submission of statements covering several applications.* Where the statement covers commodities for which more than one export license application must be submitted, a true copy of the statement shall be attached to each application to which it is equally applicable. Any application to which a true copy of the statement is attached shall contain a reference (OIT Case Number, if known, or applicant's reference number) to all other applications submitted at any time against the same statement.

3. *True copies and translation requirements.* "True copies" are photostatic or other copies of an original document which are certified by the applicant, either on the face of the copy or on an attachment, to be a true copy. All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. See § 372.9.

4. *Applicant's responsibility for full disclosure.* In submitting statements from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.1 of this subchapter, the applicant also shall bring to the attention of the Department of Commerce any change in the facts which were set forth in the first or any such supplementary statements from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser subsequent to the date the statement was made.

(e) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination or end-use of the commodities described in the application.

This part of the amendment shall become effective as of January 27, 1951.

4. Section 372.12 *Weight and volume tolerance* is amended in the following particulars:

a. Paragraphs (a) and (c) are amended to read as follows:

§ 372.12 *Weight and volume tolerance*—(a) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

Commodities	*Tolerance (percent)*
Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales)	2

• • • • •

(c) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the license remains valid only for the unshipped balance of the licensed commodity plus 10 percent of such balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent shall be applicable as provided in paragraph (c) of this section, regardless of whether partial shipments are made. In the case of raw cotton, except linters, the tolerance shall be 2 percent of the actual quantity stated on the license.

NOTE: When shipments are cleared against a BLT license, the applicable tolerance may be applied to the quantity approved for export to each single consignee: *Provided, however,* That the total amount shipped against the license does not exceed the total amount approved for export plus 10 percent. In other words, the tolerance provisions may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

b. Paragraph (f) *Units other than weight or volume* is deleted.

This part of the amendment shall become effective as of January 5, 1951.

5. Section 374.51, *Supplement 1; list of restricted commodities,* is amended by adding thereto the following commodities:

Positive List commodities	*Effective date*
Aviation motor fuels: Schedule B Nos. 501610, 501620, 501640	Jan. 15, 1951
Antiknock compounds, not of petroleum origin: Schedule B No. 829910	Jan. 15, 1951

This part of the amendment shall become effective as of January 15, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-293; Filed, Jan. 8, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 3, Amdt. 8]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.46-4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from fix; direction and radio fix indicated	Shuttle	Final approach course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-final approach (feet)	Station to airport: Magnetic bearing (degrees)	Station to airport: Distance (miles)	Field elevation (feet)	Ceiling and visibility minimum: Day: Ceiling (feet)	Day: Visibility (miles)	Night: Ceiling (feet)	Night: Visibility (miles)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
SHERIDAN, WYO. Sheridan Co. Airport 3500 kc. SHR SBRAZ-DTV	NE—Minimum en route altitude SE—7,000' (N crs Casper) SW—7,000' (NE crs FM) NW—8,000' (Sheridan FM) (final) SW—Minimum en route altitude NW—8,000' (Billings Range)	None	SE	10 mi.—6,000' E side SE crs 15 mi.—6,000' E side SE crs 20 mi.—6,000' E side SE crs 25 mi.—6,000' E side SE crs	*5,500	298	1.5	4,021	R (R) A T	800 800 800 500	1.5 1.0 2.0 1.0	800 800 800 500	2.0 2.0 2.0 2.0	Climb to 8,000' on NW crs within 25 mi., or alternate procedure (when directed by ATC): climb to 6,500' on NE crs to 25 mi. *If both visual and aural signals are received over Sheridan FM, min. alt. over rte is 9,000'.
SYRACUSE, N. Y. Hancock Airport 3500 kc. SYR SBRAZ-DTV	N—2,000' (NW crs Utica) E—1,900' (SW crs Utica) S—1,900' (NE crs Elbridge) W—2,100' (E crs Rochester)	None	W	10 mi.—2,100' S side W crs 15 mi.—2,100' S side W crs 20 mi.—2,100' S side W crs 25 mi.—2,100' S side W crs	1,400	98	7.4	419	R (R) A T	700 600 600 *300	2.0 2.0 2.0 1.0	700 600 600 *300	2.0 2.0 2.0 1.0	Climb to 1,000' on E crs. *600-1 required for take-off to SE. CAUTION: 837' msl radio mast located 1.3 mi. SE of airport. Avoid flight over downtown Syracuse-937' msl radio mast located approx 3 mi. SW of airport. #Runway 10.
TRI-CITY (Bristol), TENN. Tri-City Airport 221 kc. T-TRI SBMRAZ-DTV	NE—7,000' (Pulaski Range) NE—6,500' (Chilhowie FM) SE—Minimum en route altitude SW—5,000' (Knoxville Range) NW—Minimum en route altitude	None	NE	10 mi.—4,000' N side NE crs 15 mi.—5,000' N side NE crs 20 mi.—7,000' N side NE crs 25 mi.—7,000' N side NE crs	2,800	252	3.2	1,521	R (R) 3* A T	800 700 *800 1,000 300	1.5 1.0 1.0 2.0 1.0	800 700 *300 1,000 300	2.0 1.0 1.0 2.0 1.0	Climb to 5,000' on SW crs. *Take-off 2,000' ceiling. #700-1 for acft with stall speeds of 75 mph or less.
UTICA, N. Y. Oneida Co. Airport 389 kc. UCA; BMRLZ-DTV	NE—Minimum en route altitude SE—Minimum en route altitude SW—4,000' (S crs Syracuse) NW—3,000' (N crs Syracuse)	None	NE	10 mi.—3,000' N side NE crs 15 mi.—3,000' N side NE crs 20 mi.—NA 25 mi.—NA	2,300	249	4.2	736	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	NA NA NA		Climb to 2,500' on SW crs, make a standard rate climbing turn to right and return to station at 3,000'.
WASHINGTON, D. C. Bolling AFB 332 kc. DCA; SBRA-DTXV	NE—1,600' (W crs Baltimore) SE—1,500' (S crs Baltimore) SW—1,500' (N crs Richmond) NW—1,900' (Mt. Vernon FM) (final) NW—1,800' (E crs Front Royal)	None	SW	10 mi.—1,500' E side SW crs 15 mi.—1,500' E side SW crs 20 mi.—1,500' E side SW crs 25 mi.—NA*	1,000	12	4.7	20	R A T	600 800 300	2.0 2.0 2.0	600 800 300	3.0 2.0 3.0	Climb to 1,800' on NW crs. *Danger Area adjacent to airway approx 22 miles S of range.
WILMINGTON, DEL. New Castle Co. Airport 350 kc. ILG; MRLWZ	N—1,800' (W crs Philadelphia) E—1,500' (S crs Philadelphia) S—1,500' (SW crs Millville) W—1,800' (W crs Philadelphia)	None	S	10 mi.—1,500' E side S crs 15 mi.—1,500' E side S crs 20 mi.—1,500' E side S crs 25 mi.—1,500' E side S crs	1,000	19	2.6	77	R A T	500 800 300	1.5 2.0 1.0	500 800 300	1.5 2.0 1.0	Make a climbing right turn as soon as practicable and climb to 1,500' on S crs or alternate procedure (when directed by ATC), make a climbing left turn, climb to 1,800' on S crs. CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM.

2. The automatic direction finding procedures prescribed in § 60.46–7 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identification; class	Initial approach to station					Final approach track, degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.)	Visibility (mi.)	
EVANSVILLE, IND. Evansville Airport 219 kc; EV; LOM	Evansville Range	LOM	119	3.8	1,800	214 34	10 mi.—1,800′ NW side track. 15 mi.—1,800′ NW side track. 20 mi.—1,800′ NW side track. 25 mi.—1,800′ NW side track.	1,280	4.5	389	R • (R) • S# • A T	600 600 600 600 500 500 800 300	1.5 2.0 1.0 2.0 1.0 1.5 2.0 1.0	Make climbing left turn to 2,000′ and proceed out S crs of Evansville. •Night minimums. #Runway 21. CAUTION: 920′ msl radio towers approx 4.5 mi SW of Evansville Arpt. NOTE: LMM located 0.62 mi. from runway, Freq-201 kc, Ident-VV.
	Int. N crs Evansville and 168° bearing on LOM (Princeton FM).	LOM	168	14.7	1,800									
	Int. E crs Evansville and 214° bearing on LOM.	LOM	214	3.2	1,800									
	Int. S crs Evansville and 34° bearing on LOM.	LOM	34	5.5	1,800									
MATHER (Sacramento), CALIF. Mather AFB	(PROCEDURE CANCELED)													
MOLINE, ILL. Quad-City Airport 201 kc; LI; LMM	Moline Range	LMM	146	10	2,000	86 266	10 mi.—1,900′ S side track 15 mi.—1,900′ S side track 20 mi.—1,900′ S side track 25 mi.—1,900′ S side track	1,380	0.63	590	R A T	600 800 300	1.5 2.0 1.0	Climb to 2,100′ on track of 86° within 25 mi. of LMM. CAUTION: LMM must be monitored continuously during approach.
	Int. E crs Moline & 215° bearing on LMM	LMM	215	14	2,100									
	Int. W crs Moline & 120° bearing on LMM	LMM	120	16	2,000									
	Int. S crs Moline & 86° bearing on LMM (Final)	LMM	86	4.2	1,380									
NEWPORT NEWS, VA. Patrick Henry Airport (Using Langley AFB Range) 221 kc; LFI; SBMRAZ-DPT	Int. SE crs Tappahannock & 177° bearing on Rng	Rng	177	46	1,500	282 102	10 mi.—1,500′ N side track 15 mi.—1,500′ N side track 20 mi.—NA 25 mi.—NA	1,000	314°, 4.5	39	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on track of 282° within 10 mi. CAUTION: This procedure is authorized only when ceilings are lower than 3,000′ and/or visibility is less than 2 miles.
	Int. N crs Norfolk NAS & 282° bearing on Rng	Rng	282	11	1,500									
	Int. SW crs Norfolk & 352° bearing on Rng	Rng	352	24	1,500									
	Int. SE crs Richmond & 102° bearing on Rng	Rng	102	13	1,500									
OFFUTT (Omaha), NEBR. Offutt AFB 296 kc; OFF; MHW	Omaha Range	Rbn	164	16.8	2,500	30 210	10 mi.—2,500′ S side track 15 mi.—2,500′ S side track 20 mi.—2,500′ S side track 25 mi.—2,500′ S side track	2,000	348°, 0.26	1,049	R • A • T •	1,000 1,000 1,000 1,000 200 300	1.5 2.0 1.5 2.0 2.0 3.0	If not contact over rbn, make right turn and climb to 2,500, on track of 200° within 25 mi. NOTE: Contact Omaha Approach Control on channel "B" for all clearances. CAUTION: 1,620′ msl radio tower 4 mi, 267° from Rbn. •Night minimums.
	Glenwood FM	Rbn	300	13.2	2,500									
QUINCY, ILL. Baldwin-Quincy Airport 269 kc; UIN; BMH	Ottumwa Rbn	Rbn	138	104	2,600	32 212	10 mi.—1,800′ S side track 15 mi.—1,800′ S side track 20 mi.—1,800′ S side track 25 mi.—1,800′ S side track	1,300	4.5	769	R (R) S• A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 32° within 25 mi of Rbn. •Runway 3. NOTE: Quincy Rbn must be monitored continuously while making an approach.
	Jerseyville Int.	Rbn	314	75.5	1,900									
	Kirksville Range	Rbn	96	69	2,500									
	Peoria Range	Rbn	229	100	1,900									
READING, PA. Reading Airport 230 kc; RD; LOM	Int. SW crs Allentown & 181° bearing on LOM	LOM	181	3.8	2,500	1 181	10 mi.—2,100′ E side track 15 mi.—2,100′ E side track 20 mi.—2,100′ E side track 25 mi.—2,100′ E side track	2,100	4.5	343	R A T	1,000 1,000 (BCOB) 300	2.0 2.0 1.0	Climb to 2,500′ on track of 1° within 10 mi. NOTE: Take-off on runways 18 and 13, make right turn as soon as practicable to avoid 1,270′ mountain and tower located 3.6 miles SE of airport.

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station; frequency; identification; class	Initial approach to station					Final approach track, degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.) mmmmm	Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degs.) mmmm	Distance (mi.)	Minimum altitude (ft.)							Ceiling (ft.) mmmmm	Visibility (mi.)	
SEATTLE, WASH. Seattle-Tacoma Intn'l Airport 224 kc; SE; LOM 201 kc; EA; LMM	Seattle Range	LMM	184	5.6	2,000	337 157	10 mi.—2,000′ E side track• 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,600 (LOM)	4.6 (LOM) 0.65 (LMM)	405	R •• (R) S# A T	500 500 500 500 800 300	1.5 2.0 1.0 1.0 2.0 1.0	Climb to 1,500′ on NW crs of Seattle within 15 mi of range. •Within 10 mi of LOM. ••Night minimums. #Runway 34.
	Vashon Int.	LOM	84	9.0	2,000									
	McChord Range	LOM	355	25.0	3,000									
	Lakeview FM	LOM	355	17.0	1,600 (final)									
SPRINGFIELD, OHIO Springfield Airport 341 kc; SGH; MHW	Int. NE crs Cincinnati & W crs Columbus	Rbn	254	27.4	2,300	238 58	10 mi.—2,300′ N side track 15 mi.—2,300′ N Side track 20 mi.—2,300′ N side track 25 mi.—2,300′ N side track	1,800	238°, 3.5	1,049	R (R) S A T	•500 •500 •500 •800 •300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 248° to Wright-Patterson Rng. •Night operations not authorized unless prior arrangements made with TWA for weather and lighting facilities.
	Wright-Patterson Range	Rbn	68	17.4	2,300									
	Dayton Range	Rbn	94	27.0	2,300									
	Int. NE crs Cincinnati & E crs Wright-Patterson	Rbn	306	13.3	2,200									
	Int. NE crs Wright-Patterson & W crs Columbus	Rbn	146	11.3	2,300									
WINDSOR LOCKS, CONN. Bradley Field 239 kc; BD; LOM	Int. NW crs Hartford & 58° bearing on LOM	LOM	58	3.6	2,500	58 238	10 mi.—2,500′ S side track 15 mi.—2,500′ S side track 20 mi.—2,500′ S side track 25 mi.—2,500′ S side track	1,740	5.5	171	R (R) S• A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500′ on track of 58° within 15 mi. •Runway 6.
	Int. E crs Westfield & 238° bearing on LOM	LOM	238	19.0	2,500									
	Int. S crs Westfield & 58° bearing on LOM	LOM	58	3.6	2,500									

3. The instrument landing system procedures prescribed in § 60.46–9 are amended to read in part:

INSTRUMENT LANDING PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees in-bound, out-bound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (feet)	Glide path altitude over markers (feet)		Distance from markers to approach end of runway (miles)		Field elevation (feet)	Minimums			If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
	From—	To—	Magnetic course (degrees)	Distance (miles)	Minimum altitude (feet)				Outer	Middle	Outer	Middle			Ceiling (feet)	Visibility (miles)	
ATLANTA, GA. Atlanta Airport Freq. 109.9 mc Ident. ATL	Atlanta Range	Outer Mrkr	284	6.9	2,300	W 88 268	2,260′—S side W crs	2,260	2,260	1,225	4.70	0.62	1,024	R S• A T	500 400 800 300	1.5 3/4 2.0 1.0	Turn right, climb to 2,000′ on SE crs of Atlanta and proceed to Walnut Int.; or alternate procedure (when directed by ATC), climb to 3,000′ on the back course of the ILS localizer, then proceed to Walnut Int. •Runway 9R.
	Campbellton Range	Outer Mrkr	94	8.8	2,300												
	Int. E crs ILS & NE crs Atlanta	Outer Mrkr	268	9.5	2,300												
	Int. SE crs Atlanta & S crs Atlanta VAR (Walnut Int.)	Outer Mrkr	311	20.3	2,300												
	Atlanta NAS Range	Outer Mrkr	208	18.0	2,600												
	Madras FM	Outer Mrkr	33	19.0	2,300												
	Smyrna FM	Outer Mrkr	167	18.0	2,300												

INSTRUMENT LANDING PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees in-bound, out-bound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (feet)	Glide path altitude over markers (feet)		Distance from markers to approach end of runway (miles)		Field elevation (feet)	Minimums			If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
	From—	To—	Magnetic course (degrees)	Distance (miles)	Minimum altitude (feet)				Outer	Middle	Outer	Middle			Ceiling (feet)	Visibility (miles)	
DAYTON, OHIO Dayton Airport Freq. 110.3 mc Ident. DAY	Dayton Range	SW crs ILS	200	3.8	2,300	SW 55 235	2,300'—W side SW Crs	2,300	2,270	1,235	4.40	0.66	1,007	R S* A T	500 400 800 300	1.5 3/4 2.0 1.0	Climb to 2,100' on N crs of Dayton to W crs Columbus (Troy Int.). *Runway 6.
	Verona FM	SW crs ILS	125	8.3	2,300												
	Int. S crs Dayton & SW crs ILS	Outer Mrkr	55	1.3	2,300												
	Int. W crs Columbus & NE crs ILS	Outer Mrkr	235	18.0	2,300												
MEMPHIS, TENN. Memphis Airport Freq. 109.9 mc Ident. MEM	Memphis Range	W crs ILS	356	2.4	1,700	W 86 266	1,700'—S side W crs	1,700	1,420	470	4.88	0.69	269	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,000' on NE crs of Memphis, or alternate procedure (when directed by ATC), turn right, climb to 1,300' on S crs of Memphis. *Runway 9.
	Bruins Rbn	Outer Mrkr	48	22.0	1,700												
	Cuba FM	Outer Mrkr	192	18.0	2,000												
	Int. NE crs Memphis & E crs ILS	Outer Mrkr	266	9.8	2,000												
NEW YORK, N. Y. New York Intn'l Airport Freq. 109.5 mc Ident. IDL	Int. SW crs ILS & SE crs Newark	Outer Mrkr	42	11.2	1,000	SW 42 222	1,200'—S side SW crs	1,000	700	200	2.90	.63	12	R *S A T	500 400 800 300	1.5 3/4 2.0 1.0	Make a standard rate climbing turn to the right to a heading of 130° intersecting the SW crs of Mitchel, climb to 1,500' on SW crs of Mitchel, or alternate procedure (when directed by ATC), turn right, climb to 1,200' on SW crs of ILS within 25 mi. *Runway 4R.
	Idlewild Range	Outer Mrkr	222	.0	1,200												
NORFOLK, VA. Norfolk Airport Freq. 109.9 mc Ident. ORK	Norfolk Range	Outer Mrkr	224	.9	1,400	SW 44 224	1,400'—S side SW crs	1,400	1,050	220	4.20	.63	25	R S* A T	500 400 800 300	1.5 3/4 2.0 1.0	Turn right and climb to 1,400' on SW crs ILS. *Runway 4.
	Int. SW crs ILS & S crs Langley	Outer Mrkr	44	6.8	1,400												
OMAHA, NEBR. Omaha Airport Freq. 110.3 mc Ident. OMA	Omaha VOR	SE crs ILS	299	5.7	2,500	NW 135 315	2,300'—W side NW crs	2,200	2,075	1,175	4.60	.69	982	R * (R) * S‡ A T	500 500 500 500 400 800 300	1.5 2.0 1.0 1.5 1.0 2.0 1.0	Climb to 2,500' on SE crs ILS, upon reaching 2,500', proceed to E crs Omaha LF range on heading of 45°, or alternate procedure (when directed by ATC), climb to 2,500' on SE crs of Omaha LF range. *Night minimums. ‡Runway 14L.
	Omaha LF Range	NW crs ILS	260	.3	2,300												
	California FM	NW crs ILS	170	7.6	2,300												
	Int. SE crs Omaha & NW crs ILS	Outer Mrkr	315	.9	2,300												
	Int. W crs Omaha & NW crs ILS	Outer Mrkr	135	.9	2,300												
ROCK SPRINGS, WYO. Rock Springs Airport Freq. 110.3 mc Ident. RKS	Rock Springs Range	Outer Mrkr	90	1.7	9,200	E 254 74	9,200'—N side E crs	8,700	7,850	6,950	4.50	.70	6,752	R * (R) * S‡ A T	500 500 500 500 400 800 300	1.5 2.0 1.0 2.0 3/4 2.0 1.0	Climb to 10,000' on W crs of Rock Springs. *Night minimums. ‡Runway 25.
	Int. E crs ILS & W crs Rock Springs	Outer Mrkr	74	4.4	9,200												
	Point of Rocks FM	E crs ILS	235	7.0	9,200												
ST. LOUIS, MO. Lambert Field Freq. 110.3 mc Ident. STL	Alton Int.	Outer Mrkr	238	9.0	1,800	NE 238 58	1,800'—N side NE crs	1,800	*1,600	760	3.98	.64	552	R S‡ A T	500 400 800 300	1.5 3/4 2.0 1.0	Climb to 2,000' on W crs of St. Louis, or alternate procedure (when directed by ATC), climb to 2,000' on SW crs ILS within 25 mi. *Minimum altitude over OM when glide path inoperative is 1,800'. ‡Runway 24.
	Int.SW crs ILS & NE crs Vichy	Outer Mrkr	58	56.0	3,000												
	St. Louis Range	NE Crs ILS (outbound)	35	1.3	1,800												
	Spanish Lake FM	NE crs ILS (inbound)	200	2.7	1,800												
	Woodriver Int.	NE crs ILS	285	3.8	1,800												

INSTRUMENT LANDING PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Final ILS approach course, degrees in-bound, out-bound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (feet)	Glide path altitude over markers (feet)		Distance from markers to approach end of runway (miles)		Field elevation (feet)	Minimums			If visual contact not established at authorized landing minimums or if landing not accomplished; remarks
	From—	To—	Magnetic course (degrees)	Distance (miles)	Minimum altitude (feet)				Outer	Middle	Outer	Middle			Ceiling (feet)	Visibility (miles)	
SAN FRANCISCO, CALIF. San Francisco Airport. Freq. 109.5 mc Ident. SFO	San Francisco Range	*Belmont FM (Via SE crs San Francisco)	107	5.8	1,660	SE 280 100	None	1,660	1,660	230	6.60	0.66	10	R S‡ A T	600 400 800 300	1.5 3/4 2.0 1.0	Climb to 3,000' on NW crs of San Francisco within 2 mi. *After passing thru Belmont FM, make left turn of 180° to intercept localizer crs SE of LOM inbound(280°). **After take-off from Oakland Arpt, home on San Francisco LOM (Doolin marker), making good a track of 175° while climbing to 2,000'. Cross LOM at 2,000' and execute a standard rate left turn to intercept localizer crs SE of LOM, inbound. ‡Runway 28.
	Moffett Range	SE crs ILS (LOM)	298	18.2	1,660												
	Oakland Airport	SE crs ILS (LOM)	175	10.8	(**)												
	Oakland Range	SE crs ILS (LOM)	174	12.0	3,000												
SEATTLE, WASH. Seattle-Tacoma Intn'l Airport Freq. 110.3 mc Ident. SEA (Procedure No. 1)	Seattle Range	LOM	175	8.6	2,000	S 337 157	2,000'—E side S crs	1,600	1,590	585	4.60	.65	405	R ** (R) S‡ A T	500 500 500 400 800 300	1.5 2.0 1.0 3/4 2.0 1.0	Climb to 1,500' on NW crs of Seattle within 15 mi of range. *Acft shall maintain 3000' to intxn NW crs Seattle & N crs ILS. **Night minimums. ‡Runway 34.
	Int. NW crs Seattle & N crs ILS	LOM	157	12.0	2,000												
	Lakeview FM	S crs ILS	26	7.0	1,600												
	Everett Range	N crs ILS	180	3.0	*3,000												
	Vashon Int.	LOM	84	9.0	2,000												
(Procedure No. 2—Using Back Course ILS Localizer)***	Seattle Range	Int. NW crs Seattle & N crs ILS	296	3.8	2,000	N 157 337	2,000'—W side N crs	1,500 (Over Int. NW crs Seattle & N crs ILS)	------	------	5.5 (From Int. NW crs Seattle & N crs ILS)		405	R ** (R) S‡ A T	500 500 500 400 800 300	1.5 2.0 1.0 1.0 2.0 1.0	Climb to 2,000' on S crs ILS within 10 mi of LOM. *Acft approaching from Rollingbay Int. shall maintain 1,500' until completion of turn to N crs of Seattle ILS (157° inbound); thence, descent to the authorized landing minimums. **Night minimums. ***Procedure utilizing Int. N crs Seattle ILS & NW crs Seattle rng, for approaches to Rwy 16. ‡Runway 16.
	Int. S crs Seattle & S crs ILS	Int. NW crs Seattle & N crs ILS	337	10.5	2,000												
	Rollingbay Int.	Int. NW crs Seattle & N crs ILS (FINAL)*	116	12.0	1,500												
	Everett Range	N crs ILS	180	3.0	2,000												
	Int. NE crs Shelton & N crs ILS	Int. NW crs Seattle & N crs ILS	337	4.0	2,000												

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-279; Filed, Jan. 8, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter 1—National Production Authority, Department of Commerce

[NPA Order M-1, Supp. 3]

PART 20—STEEL

CANADIAN FREIGHT CAR PROGRAM

This supplement to NPA Order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this supplement, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
20.300 Directives to be issued.
20.301 Steel products to which §§ 20.300 to 20.308 apply.
20.302 Applications for participation in program.
20.303 Statement of details of program.
20.304 Form of certification.
20.305 Use of steel so obtained.
20.306 Rejection of certified orders.
20.307 Effect of directives.
20.308 NPA assistance in placing orders under §§ 20.300 to 20.308.

AUTHORITY: §§ 20.300 to 20.308 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st

Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 20.300 *Directives to be issued.* Directives will be issued by NPA to direct certain steel producers to accept certified orders from manufacturers of freight cars and components in Canada and the United States, for the production and delivery of steel for the construction of freight cars as part of the Canadian Freight Car Program. The directives will specify the tonnage of each steel product to be shipped in the months referred to therein. "The Canadian Freight Car Program" means the construction of freight cars for the needs of the railroads of the Dominion of Canada, to be built by manufacturers in Canada, as approved by the Projects Division, Department of Trade and Commerce, Ottawa, Canada.

§ 20.301 *Steel products to which §§ 20.300 to 20.308 apply.* The following steel products are those to which §§ 20.300 to 20.308 will apply: plates, structural shapes (including special sections), bar-size shapes, and hot rolled sheet and strip.

§ 20.302 *Applications for participation in program.* Persons engaged in the construction of freight cars and components for the Canadian Freight Car Program who require steel from steel producers in the United States for the construction of such freight cars, may make application to the Projects Division, Department of Trade and Commerce, Ottawa, Canada.

§ 20.303 *Statement of details of program.* No directives will be issued by NPA under §§ 20.300 to 20.308 until a statement has been received from the Projects Division, Department of Trade and Commerce, Ottawa, Canada, and concurred in by Defense Transport Administration, which specifies in detail the names of the manufacturers who will be authorized to participate under this program and the amount of steel by specific type for which each such manufacturer will be authorized to place certified orders with steel producers in the United States, for shipment in any one month.

§ 20.304 *Form of certification.* In order to place an order for steel with a producer of steel in the United States participating under the Canadian Freight Car Program, a manufacturer of freight cars and components thereunder shall place the following certification on his purchase order or on a separate piece of paper attached thereto: "Certified that the material called for in this order conforms with an authorization received from DTA and is to be used only for the Canadian Freight Car Program under NPA Suppl. 3, Order M–1." Such certification shall be signed by an authorized representative of the person placing such order. Such certification shall bear a statement from the Projects Division, Department of Trade and Commerce, Ottawa, Canada, of its approval of such certified order.

§ 20.305 *Use of steel so obtained.* Steel obtained under the Canadian Freight Car Program pursuant to §§ 20.300 to 20.308 shall be used only for the construction of freight cars as approved by the Projects Division, Department of Trade and Commerce, Ottawa, Canada and as ordered and scheduled for construction prior to the date of §§ 20.300 to 20.308.

§ 20.306 *Rejection of certified orders.* Producers of steel need not accept a certified order under the Canadian Freight Car Program which was received less than 45 days prior to the first day of the month in which shipment was requested unless specifically instructed to accept the order by the NPA.

§ 20.307 *Effect of directives.* When steel production has been scheduled pursuant to directives issued under §§ 20.300 to 20.308, such schedules shall be maintained by the steel producers unless otherwise directed by the NPA. Steel delivered under directives issued pursuant to §§ 20.300 to 20.308 shall not be considered produced under rated orders for the purpose of determining producers obligation under § 20.5 of NPA Order M–1 as amended.

§ 20.308 *NPA assistance in placing orders under §§ 20.300 to 20.308.* Any person who is unable to place a certified order for steel pursuant to §§ 20.300 to 20.308 should apply to the NPA, Iron and Steel Division, Ref. Supp. 3 to Order M–1, specifying the producers who refused to accept this order. The NPA will arrange to assist him in locating sources of supply.

Sections 20.300 to 20.308 shall take effect on December 15, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–391; Filed, Jan. 5, 1951; 4:04 p. m.]

[NPA M–18]

PART 73—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives, including trade association representatives has been rendered impracticable due to the necessity for immediate action.

Sec.
73.1 What this part does.
73.2 Definitions.
73.3 Reports.
73.4 Inventories.
73.5 Restriction on sales of bristles.
73.6 Limitation on bristles to be processed.
73.7 Prohibited deliveries.
73.8 Application for adjustment or exception.
73.9 Communications.
73.10 Records.
73.11 Audit and inspection.
73.12 Violations.

AUTHORITY: §§ 73.1 to 73.12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 73.1 *What this part does.* This part sets forth limitations on inventories of bristles. It calls for reports and explains the conditions under which reports are required in connection with the importation, distribution, use and inventories of bristles. It imposes limitations on the processing, mixing or preparation for manufacture of bristles.

§ 73.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Bristles" means pigs' or hogs' bristles, including riflings, two inches and longer, whether new, reclaimed, raw, dressed, imported or domestic.

(c) "Dealer" means a person who regularly purchases and sells bristles without processing or changing their condition.

(d) "Dresser" means a person who grades, sorts, dresses, reclaims or in any way processes bristles.

(e) "Process" means to boil, sterilize, comb or mix bristles.

(f) "Import" means to transport in any manner into the Continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the Continental United States and shipments into the Continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the Continental United States, without processing or manufacture, to Canada, Mexico or any other foreign country, or shipments through a free port or free zone to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the Continental United States, or subjected to processing or manufacture in the Continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in § 73.3.

§ 73.3 *Reports.* (a) Any person who imports, distributes or has in his possession bristles for the purpose of manufacture of brushes or other products containing bristles or who otherwise may have bristles in his possession, must report his entries, receipts, deliveries, inventories, balance of entries and all other transactions in bristles, by completing and filing report Form NPAF–14 on or before the 10th day of January 1951, with respect to all such operations and transactions and as to the status of his inventory of bristles as of December 31, 1950.

(b) *Other reports.* Other persons having any interest in, or taking any action with respect to the importation of bristles or having control over bristles while they are physically in the Continental United States, even though in bond or in transit, except common carrier, whether as owner, agent, consignee or otherwise having bristles in his possession or under his control shall file the report called for in § 73.3 (a) and such other reports as may be required from time to time by the National Production Authority subject to the terms of the Federal Reports Act (P. L. 831–77 Cong. 5 U. S. C. 139–139F).

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 73.4 *Inventories.* No person obtaining bristles for use in the manufacture of brushes or other products containing bristles, or for the processing of bristles for such manufacture, shall receive or accept deliveries of a quantity of such bristles if his inventory of such bristles is, or by such receipt would become, more than the smallest quantity that would be required by his scheduled method and rate of operations for the manufacture of brushes or other products containing bristles during the thirty day period succeeding the effective date of this part, or in excess of a "practicable minimum working inventory" as defined in Part 10 of this chapter (NPA Reg. 1), whichever is less.

§ 73.5 *Restriction on sales of bristles.* No person may sell bristles except to a dealer, dresser of bristles or to a manufacturer of brushes or products containing bristles.

§ 73.6 *Limitation on bristles to be processed.* No person engaged in the manufacture of brushes or other products containing bristles shall process, mix or prepare for the manufacture of brushes or products containing bristles or shall have in his possession at any one time more than the total quantity of bristles, whether processed, mixed or otherwise prepared for use, than is required by him to continue his current rated production brushes or products containing bristles for a period in excess of fifteen days.

§ 73.7 *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered bristles which he knows, or has reason to believe, will be accepted, held or used in violation of the provisions of this part.

§ 73.8 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 73.9 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: Order M18.

§ 73.10 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 73.11 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

§ 73.12 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on December 21, 1950.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–392; Filed, Jan. 5, 1951; 4:04 p. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 337]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 333]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 337 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 333 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respect:

The following new items are incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuation of rent control after Mar. 31, 1951
(33a) Monterey Bay	California	In Santa Cruz County, the city of Watsonville.
(63) Pensacola	Florida	In Okaloosa County, the city of Crestview.
(106) Anderson	Indiana	In Madison County, the city of Anderson.
(109) Terre Haute	do	In Vigo County, the city of Terre Haute and all unincorporated localities.
(110a) Dubuque	Iowa	In Dubuque County, the city of Dubuque.
(124) Fort Knox	Kentucky	In Hardin County, the city of Elizabethtown.
(125) Louisville	Indiana	In Clark County, the city of Jeffersonville.
(172) Rolla-Waynesville	Missouri	In Pulaski County, the city of Waynesville.
(232) Lima	Ohio	In Allen County, the city of Lima and all unincorporated localities, if any, in the townships of American, Bath, Ottawa, Perry and Shawnee.
(262a) Indiana County	Pennsylvania	In Indiana County, the borough of Saltsburg.
(275) Washington County	Rhode Island	In Washington County, the town of Westerly.

This addition to Schedule C is based upon declarations made on the dates specified below in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended, by local governing bodies affecting the following localities:

(1) Town of Westerly, Rhode Island—November 7, 1950.

(2) City of Anderson, Indiana—November 16, 1950.

(3) Borough of Saltsburg, Pennsylvania, City of Waynesville, Missouri, and City of Jeffersonville, Indiana—December 4, 1950.

(4) City of Lima, Ohio, and all unincorporated localities in the Defense-Rental Area, said City being the major portion of the Defense-Rental Area—December 11, 1950.

(5) City of Crestview, Florida—December 11, 1950.

(6) Cities of Elizabethtown, Kentucky, and Watsonville, California—December 12, 1950.

(7) City of Terre Haute, Indiana, and all unincorporated localities in the Defense-Rental Area, said City being the major portion of the Defense-Rental Area—December 14, 1950.

(8) City of Dubuque, Iowa—December 15, 1950.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 4th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–295; Filed, Jan. 8, 1951; 8:46 a. m.]

[Controlled Housing Rent Reg., Amdt. 338]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 334]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSOURI

Amendment 338 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 334 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 172, is amended to describe the counties in the Defense-Rental Area as follows:

Laclede, Pulaski and Phelps Counties.

This recontrols Phelps County, Missouri, except the City of Rolla, a portion of the Rolla-Waynesville, Missouri, Defense-Rental Area. Said City of Rolla is and has been continuously under rent control, but the remainder of said Phelps County was heretofore decontrolled as of September 23, 1949.

2. A new Item is hereby incorporated in Schedule B to read as follows:

79. Provisions relating to Phelps County, Missouri, other than the City of Rolla, a portion of the Rolla-Waynesville, Missouri, Defense-Rental Area.

Recontrol of Phelps County, Missouri, other than the City of Rolla, a portion of the Rolla-Waynesville, Missouri, Defense-Rental Area. Effective January 6, 1951, the provisions of §§ 825.1 to 825.12 and 825.81 to 825.92 shall apply to housing accommodations in Phelps County, Missouri, other than the City of Rolla, a portion of the Rolla-Waynesville, Missouri, Defense-Rental Area (said County, other than the City of Rolla, having been heretofore decontrolled as of September 23, 1949), except as modified by the following provisions:

a. All orders in effect on September 22, 1949, in accordance with §§ 825.1 to 825.12 or 825.81 to 825.92, shall be in full force and effect.

b. If, on January 6, 1951, there was a ground for adjustment under § 825.5 (a) or § 825.85 (a) for which no order had previously been issued, and a petition for adjustment is filed on or before February 6, 1951, the adjustment shall be effective as of January 6, 1951.

c. If, on January 6, 1951 the services provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall either restore and maintain such minimum services or file a petition on or before February 6, 1951 requesting approval of the decreased services. If, on January 6, 1951, the furniture, furnishings or equipment provided with any housing accommodations are less than the minimum required by § 825.3 or § 825.83, the landlord shall file, on or before February 6, 1951, a written report showing the decrease in furniture, furnishings or equipment. Except as modified by this paragraph c, the provisions of §§ 825.5 (b) and 825.85 (b) shall be applicable to all such cases.

d. In the case of any action which, on January 6, 1951, was required or authorized by §§ 825.1 to 825.12 or 825.81 to 825.92 to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from January 6, 1951.

e. The provisions of §§ 825.6 and 825.86 shall not apply to any case in which judgment was entered prior to January 6, 1951 by a court of competent jurisdiction for the eviction or removal of a tenant from housing accommodations.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Supp. 1894)

This amendment shall become effective January 6, 1951.

Issued this 4th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-296; Filed, Jan. 8, 1951; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1779]

PART 160—GRAZING LEASES

RENTAL

Section 160.14 *Rental* is hereby amended, effective May 1, 1951, to read as follows:

§ 160.14 *Rental.* The lessee shall pay the lease rental in the amount and manner specified in the lease. The rental shall be computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year-long per section	Yearly lease-rate per acre
107.00	0.5	$0.001
53.00	1.0	.002
36.00	1.5	.003
27.00	2.0	.004
21.00	2.5	.006
18.00	3.0	.007
15.00	3.5	.008
13.00	4.0	.009
12.00	4.5	.010
11.00	5.0	.011
9.00	6.0	.013
7.50	7.0	.016
6.50	8.0	.018
6.00	9.0	.020
5.50	10.0	.022
5.00	11.0	.024
4.50	12.0	.027
4.00	13.0	.030
3.75	14.0	.032
3.50	15.0	.031
3.25	16.0	.037
3.00	17.0	.040
2.75	19.0	.044
2.50	21.0	.048
2.25	24.0	.053
2.00	27.0	.060
1.75	30.0	.069
1.50	36.0	.080
1.25	43.0	.096
1.00	53.0	.120
0.50	107.0	.240
0.25	213.0	.480

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1.00 per annum. The rental may be adjusted to reflect changes in approved rates at the end of each three-year period to apply to the rental charges for the next three-year period.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 3, 1951.

[F. R. Doc. 51-283; Filed, Jan. 8, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of December A. D. 1950.

The matter of annual reports from steam railway companies and switching and terminal companies of Class III being under consideration:

It is ordered, That the order of December 20, 1949, in the matter of annual reports from steam railway companies, including switching and terminal companies, of Class III (49 CFR 120.12) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years as follows:

§ 120.12 *Form prescribed for small steam railways and switching and terminal companies.* All steam railway companies and switching and terminal companies of Class III subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1950, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Steam Roads and Switching and Terminal Companies) which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 386, as amended, 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60-R099.7.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-289; Filed, Jan. 8, 1951; 8:46 a. m.]

[Circular 1780]

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

REGULAR LICENSES AND PERMITS

The note following § 161.8. (b) is hereby amended to read as follows:

NOTE: In accordance with the provisions of § 161.8 (b) of the Federal Range Code for Grazing Districts (Circular 1736, 14 F. R. 5509, September 7, 1949) notice is hereby given that effective May 1, 1951, and pursuant to the act of June 28, 1934 (48 Stat. 1275) as amended, a grazing fee of ten cents per animal unit month and a range improvement fee of two cents per animal unit month will be charged each regular licensee or permittee for each month of the grazing period covered by the license or permit, as follows:

1. Grazing fee—10 cents per head for cattle and horses, 2 cents per head for sheep and goats.

2. Range improvement fee—2 cents per head for cattle and horses, two-fifths cent per head for sheep and goats.

Provided, That as to licenses or fee notices issued prior to January 15, 1951, no increase in fees shall be effected hereunder as to such licenses or fee notices until the next license or fee notice is issued.

This notice will not prevent the fixing of a different fee in appropriate cases, in accordance with the provisions of § 161.8 (b) of the Federal Range Code for Grazing Districts.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 3, 1951.

[F. R. Doc. 51-282; Filed, Jan. 8, 1951; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 34—SOUTHEASTERN REGION

SUBPART—CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA; HUNTING

Basis and purpose. It has been determined from observations and reports by field representatives of the Fish and Wildlife Service that there are seasonal surpluses of game birds and mammals on the Carolina Sandhills National Refuge that can best be utilized through public hunting and that the regulations heretofore in effect have been unnecessarily restrictive for the conducting of such public hunts.

Inasmuch as the following regulations are relaxations of the present restrictions governing hunting on the Refuge, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, the following revisions are made:

1. The subheading "Hunting of Quail" is hereby changed to "Hunting".

2. Sections 34.37 and 34.39 are revised to read as follows:

§ 34.37 *Hunting permitted.* Until further notice the controlled public hunting of quail, squirrels, raccoons, opossums, bobcats, and foxes is permitted in accordance with State law and regulation, at such times and under such restrictions as are determined annually by the officer in charge of the Carolina Sandhills National Wildlife Refuge to be in accord with the proper management of wildlife on the refuge, subject to the provisions of Parts 18 and 21 of this chapter and of §§ 34.38 to 34.45, inclusive.

§ 34.39 *State game laws.* Any person hunting within the refuge must comply with the applicable State laws and regulations and shall be in possession of a valid State hunting license, if such license is required. When requested to do so by any authorized State or Federal officer, the hunter must exhibit for inspection by such officer such license and also all game killed by the hunter or in his possession.

3. Sections 34.40, 34.41, and 34.42 are deleted and in lieu thereof the following sections are added:

§ 34.40 *Special hunting permits.* Each person hunting on the refuge, except persons participating with groups in the night hunting of raccoons and opossums, shall first have received a permit from the officer in charge of the refuge specifying the area and period in which the hunting may be conducted.

§ 34.41 *Dogs.* Each person hunting for quail on the public hunting ground will be permitted to take his dogs, not to exceed two in number, upon the refuge, but such dogs will not be permitted to run at large on the public shooting ground or elsewhere on the refuge. Persons engaged in the night hunting of raccoons and opossums on the public hunting ground will be permitted to take hunting dogs upon such area, provided a permit shall first have been secured from the officer in charge specifying the number of dogs that will be used, the area in which hunting may be conducted, and the period during which such dogs shall be allowed on the refuge. Dogs used for raccoon and opossum hunting on the refuge shall not be permitted to run at large on the public hunting ground or elsewhere on the refuge. The use of dogs otherwise is prohibited.

(45 Stat. 1224; 16 U. S. C. 715i)

Dated: January 3, 1951.

M. C. JAMES,
Acting Director.

[F. R. Doc. 51-280; Filed, Jan. 8, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8676, 9175]

TELEVISION BROADCAST SERVICE

NOTICE OF FURTHER HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations; Docket Nos. 8736 and 8975. Amendment of the Commission's rules, regulations and Engineering Standards concerning the Television Broadcast Service; Docket No. 9175. Utilization of Frequencies in the Band 470 to 890 Mcs. for Television Broadcasting; Docket No. 8976.

1. The hearing in the above-entitled matters which was adjourned on December 8, 1950, will be held in the Commission's Hearing Room 6121, 12th Street and Pennsylvania Avenue NW., Washington, D. C., beginning January 22, 1951, at 10 a. m. On that date the Joint Committee on Educational Television will begin the submission of the remainder of its testimony, stated by its Counsel to take not more than 2 or 3 days. This testimony will be followed by the testimony of other parties to the issue relating to the reservation of channels for non-commercial educational television stations.

2. Immediately upon the conclusion of the above testimony the Commission will hear the further testimony of the following witnesses:

(a) Bernard C. O'Brien, with respect to the Commission's proposed separations between co-channel stations in the UHF band.

(b) Raymond F. Guy, with respect to material filed on December 6, 1950, relating to revisions of Exhibit No. 537.

(c) Edward W. Chapin, with respect to the following matters: Exhibit No. 496 (Intermodulation Effects on a Television Receiver operating on 500 Mc.); revision of Exhibit No. 578 (Tests of a Television Receiver and a Television converter for use on the UHF Band); correction of a figure in Exhibit No. 575 (400 Mc. Troposphere Recording, Dan's Rock, Maryland to Laurel, Maryland); a new Exhibit (Dan's Rock Recording, Part 2); and a new exhibit relating to the performance of some UHF receiving equipment of recent design.

(d) It is expected that further testimony will be presented by the Radio-Television Manufacturers Association with respect to a recommended IF frequency for the UHF band for which Exhibit No. 593 has been reserved.

Adopted: January 5, 1951.

Released: January 5, 1951.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-395; Filed, Jan. 8, 1951; 8:48 a. m.]

[1] Filed as part of the original document.

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

ORDER CONTINUING HEARING

In the matters of amendment of § 3.606 of the Commission's rules and regulations; Docket Nos. 8736 and 8975. Amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service; Docket No. 9175. Utilization of frequencies in the band 470 to 890 Mcs. for television broadcasting; Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of January 1951:

The Commission having under consideration a petition filed on January 3, 1951, by the Joint Committee on Educational Television, requesting a postponement of the hearing in the above-entitled proceedings from January 15, 1951, to January 22, 1951, on the ground that although it has proceeded diligently with the preparation of its proposed testimony, an additional week is required by it for the completion of said preparations; and

It appearing, that good and sufficient cause has been shown for a grant of said request;

It is ordered, That the above petition is granted and that the hearing herein, scheduled to resume on January 15, 1951, is continued to January 22, 1951, commencing at 10 a. m., in the Commission's Hearing Room 6121, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-394; Filed, Jan. 8, 1951; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

KLAMATH INDIAN IRRIGATION PROJECT

OPERATION AND MAINTENANCE CHARGES

DECEMBER 27, 1950.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and authority contained in the act of Congress of August 1, 1914 (38 Stat. 583.25 U. S. C., 385), and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Area No. III, Portland, Oregon, September 10, 1946 (11 F. R. 10267), notice is hereby given of intention to modify § 130.47 *Klamath Indian Irrigation Project*, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against irrigable lands of the Klamath Indian Irrigation Project, Oregon, as follows:

By increasing the annual operation and maintenance charge per acre from $1.00 to $3.00 for each irrigable acre of land within the Modoc Point and Sand Creek Units of the Klamath Indian Irrigation Project.

The foregoing proposed change is to become effective for the irrigation season 1951 and to continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 34, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

EDWARD G. SWINDELL, Jr.,
Acting Area Director.

[F. R. Doc. 51-281; Filed, Jan. 8, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

DECEMBER 15, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 11, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 360 acres,

NEVADA SMALL TRACT CLASSIFICATION No. 63

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.,
Sec. 13, N½NW¼, NE¼SW¼, S½SW¼ and SE¼.

The land is situated about 4 miles southeast of Las Vegas, Nevada, in an area that is in great demand for homesites. Las Vegas is one of the largest towns in the State of Nevada and has all of the usual community services. The climate is considered ideal for health and recreational purposes.

2. As to applications regularly filed prior to 8:30 a. m., March 18, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., February 16, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., February 16, 1951, to close of business on May 17, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 18, 1946, to 10:00 a. m., February 16, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., May 18, 1951.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 18, 1946, to 10:00 a. m., May 18, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases and patents will be subject to all existing rights-of-way and to easements for rights-of-way for roads and public utilities as follows, viz:

33' along the north and west sides of N½NW¼,
16½' along east side of NW¼NW¼, NE¼NW¼, E½SW¼, SW¼SW¼ and W½SE¼,
16½' along west side of E½SE¼, W½SE¼, E½SW¼ and NE¼NW¼,
16½' along north side of NW¼SE¼, NE¼SW¼, S½SE¼ and S½SW¼,
16½' along south side of N½NW¼, NE¼SW¼ and N½SE¼,
33' along the west side of SW¼SW¼,
33' along the south side of S½SW¼ and S½SE¼,
33' along the east side of E½SE¼.

Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-329; Filed, Jan. 8, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3029]

ALLOCATIONS OF FUNDS FOR LOANS

NOVEMBER 17, 1950.

Inasmuch as Southern Iowa Electric Cooperative, Inc. has transferred certain of its properties and assets to Empire Electric Association, Inc., and Empire Electric Association, Inc., has assumed in part the indebtedness to United States of America, of Southern Iowa Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1054, dated May 3, 1946, by changing the project designation appearing therein as "Iowa 77H Davis" in the amount of $270,000 to read "Iowa 77H Davis" in the amount of $257,551.78 and "Colorado 33 Dolores (Iowa 77H Davis)" in the amount of $12,448.22.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-334; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3030]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 17, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 48V Laclede	$715,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-335; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3031]

ARKANSAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 34A Franklin	$10,558,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-336; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3032]

MISSISSIPPI

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 21T Coahoma	$260,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-337; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3033]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 6Z Caddo	$500,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-338; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3034]

OKLAHOMA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 31U Woodward	$200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-339; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3035]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 49M Denton	$160,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-340; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3036]

KANSAS

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 25K Lyon	$135,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-341; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3037]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 54U Wayne	$590,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-342; Filed, Jan. 8, 1951; 8:51 a. m.]

[Administrative Order 3038]

MONTANA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 1K Ravalli	$200,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-343; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3039]

IDAHO

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Idaho 10M, P Nez Perce	$640,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-344; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3040]

WASHINGTON

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 18R Spokane	$425,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-345; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3041]

VIRGINIA

LOAN ANNOUNCEMENT

NOVEMBER 25, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 37R Nansemond	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-346; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3042]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 27, 1950.

Inasmuch as Farmers' Electric Cooperative, Inc., of New Mexico has transferred certain of its properties and assets to Lea County Electric Cooperative, Inc., and Lea County Electric Cooperative, Inc., has assumed in part the indebtedness to United States of America, of Farmers' Electric Cooperative, Inc., of New Mexico, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1188, dated December 10, 1946, by changing the project designation appearing therein as "New Mexico 9N Curry" in the amount of $490,000 to read "New Mexico 9N Curry" in the amount of $486,000 and "New Mexico 23 Lea (New Mexico 9N Curry)" in the amount of $4,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-347; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3043]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 27, 1950.

Inasmuch as Jackson Electric Membership Corporation has transferred certain of its properties and assets to Amicalola Electric Membership Corporation, and Amicalola Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Jackson Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 962, dated September 21, 1945, by changing the project designation appearing therein as "Georgia 83G Jackson" in the amount of $320,000 to read "Georgia 83G Jackson" in the amount of $302,140 and "Georgia 96 Pickens (Georgia 83G Jackson)" in the amount of $17,860.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-348; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3044]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

NOVEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 12P Minnehaha	$578,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-349; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3045]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 30, 1950.

Inasmuch as Presque Isle Electric Cooperative, Inc. has transferred certain of its properties and assets to Lower Valley Power and Light, Inc., and Lower Valley Power and Light, Inc. has assumed in part the indebtedness to United States of America, of Presque Isle Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 901, dated May 24, 1945, by changing the project designation appearing therein as "Michigan 5-46028G1 Presque Isle" in the amount of $340,000 to read "Michigan 5-46028G1 Presque Isle" in the amount of $332,893.67 and "Wyoming 11 Lincoln (Michigan 5-46028G1 Presque Isle)" in the amount of $7,106.33.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-350; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3046]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 1, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 28F, G McCone	$800,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-351; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3047]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34G Bay	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-352; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3048]

OREGON

LOAN ANNOUNCEMENT

DECEMBER 2, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 39A Klamath	$525,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-353; Filed, Jan. 8, 1951; 8:52 a. m.]

[Administrative Order 3049]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 12M Otero	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-354; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3050]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 12N Otero	$160,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-355; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3051]

MAINE

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Adminstration:

Loan designation:	*Amount*
Maine 16C Swan's Island	$5,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-356; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3052]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 37N Saline	$745,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-357; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3053]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 39S Fulton	$285,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-358; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3054]

MICHIGAN

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 20M Delta	$15,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-359; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3055]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 6, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 106M Taylor	$20,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-360; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3056]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 7, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 104B Orleans	$8,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-361; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3057]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 8, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 11Y Cass	$183,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-362; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3058]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 8, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 47N Orange	$315,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-363; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3059]

MINNESOTA

LOAN ANNOUNCEMENT

DECEMBER 8, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 65N Dakota	$455,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-364; Filed, Jan. 8, 1951; 8:53 a. m.]

[Administrative Order 3060]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 11, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 67M Rains-Rockwall	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-365; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3061]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 11, 1950.

I hereby amend:

(a) Administrative Order No. 1368, dated October 29, 1947, by reducing the allocation of $90,000 therein made for "Washington 49B Ione District Public" by $16,044.07 so that the reduced allocation shall be $73,955.93.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-366; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3062]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 12, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 94R Gonzales	$205,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-367; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3063]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 12, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 32E Benton	$10,533,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-368; Filed Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3064]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 14, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 28C Sandoval	$95,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-369; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3065]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 14, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 26F LaMoure	$50,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-370; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3066]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 14, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 70G WLite	$290,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-371; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order 3067]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 114M Tom Green	$320,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-372; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order T-8]

NEW MEXICO

LOAN ANNOUNCEMENT

NOVEMBER 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
E. N. M. R. Telephone Cooperative; New Mexico 504-A	$581,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-373; Filed, Jan. 8, 1951; 8:54 a. m.]

[Administrative Order T-9]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 11, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Danielsville & Comer Telephone Co.: Georgia 501-A	$249,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-374; Filed, Jan. 8, 1951; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

VOLUNTARY PLAN FOR THE CONTRIBUTION OF TANKER CAPACITY FOR NATIONAL DEFENSE REQUIREMENTS

NOTICE OF PUBLIC HEARING

In order to fulfill the objectives of Public Law 774, 81st Congress, and acting under the authority vested in me by Executive Order 10161 (15 F. R. 6105),

Notice is hereby given that a public hearing will be held on Thursday, the 18th day of January 1951, at 10 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street between E Street and Constitution Avenue, in the city of Washington, D. C., for the purpose of affording to industry, labor, and the public generally an opportunity to present their views with respect to the proposed Voluntary Plan under Public Law 774, 81st Congress, for the contribution of tanker capacity for national defense requirements, of which Plan a draft is set forth in Appendix A hereto (subject to further revision at and subsequent to the public hearing).

The proposed Plan has been formulated after consulting with representatives of the various industries involved, of the Department of Defense, of the Department of the Interior, of the Federal Trade Commission, of the Department of Justice, and of the Maritime Administration.

Any person desiring to participate in said public hearing shall file a written notice of appearance with the Secretary of the Maritime Administration, Room 4850, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Tuesday, the 16th day of January 1951. Persons desiring to present written statements or memoranda should submit them in triplicate at the hearing.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

APPENDIX A

VOLUNTARY PLAN UNDER PUBLIC LAW 774, 81ST CONGRESS, FOR THE CONTRIBUTION OF TANKER CAPACITY FOR NATIONAL DEFENSE REQUIREMENTS

JANUARY 4, 1951.

The Secretary of Commerce, pursuant to authority vested in him by Public Law 774, 81st Congress, and Executive Order 10161, after consultation with representatives of the tanker industry, and after expression of the views of industry, labor, and the public generally at an open public hearing held on January 18, 1951, has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 774:

1. *What this Plan does.* This Plan sets up the procedure under which the owners and charterers of oil tankers (hereinafter called Participants) agree voluntarily to make tankers and tanker space available to the Department of Defense and to other Participants at the request of the Maritime Administrator, hereinafter referred to as the "Administrator," and as provided for in the Plan. The Plan provides for the pro rata contribution of tanker capacity to the Department of Defense, at charter rates determined by the Administrator, in such a way as to distribute the burden of such contributions among all the Participants in the Plan in mathematical proportion to each Participant's "controlled tonnage" as hereinafter defined.

2. *Agreement by participants.* Each Participant hereby agrees to contribute, pursuant to the provisions of the Plan, tanker capacity as requested by the Administrator at such times and in such amounts as the Administrator shall determine to be necessary to meet the essential needs of the Department of Defense for the transportation of petroleum products by sea.

3. *Administration of Plan.* The Plan shall be administered by a "Tanker Requirements Chairman", hereinafter referred to as the Chairman, who shall be a full-time employee of the Maritime Administration. He shall administer the Plan with the advice of a "Tanker Requirements Committee", hereinafter referred to as the Committee appointed by the Administrator from the tanker industry. The Chairman and the Committee shall assist the Maritime Administrator in obtaining for the Department of Defense the use of such industry tankers as may be required by such Department. The Chairman with the advice of the Committee shall also apportion the contribution of tanker capacity under the Plan among the Participants hereto, in accordance with the formula set forth in Paragraph 4 below and the Participants agree that they will make available such tanker capacity as requested by the Administrator either by charters directly to the Department of Defense, or to other Participants in the Plan.

4. *Pro rata contribution.* Each Participant hereto agrees to contribute tanker capacity under the Plan in the proportion that its "controlled tonnage" bears to the total "controlled tonnage" subject to the Plan.

"Controlled tonnage" shall mean the total carrying capacity, expressed in terms of 30° gravity crude oil, Port Arthur/New York, of all tankers of over 6000 tons dead-weight capacity which are:

(a) Owned by a Participant if under U. S. Flag Registry, plus

(b) On charter to such Participant for a period of six (6) months or more from the effective date of this Plan, regardless of the flag of registry, less

(c) Chartered out to others for a period of six (6) months or more from the effective date of this Plan.

The obligations of the various Participants to contribute tanker capacity under the Plan shall be calculated on a pro rata basis among the Participants by the Chairman with the advice of the Committee as soon as possible after the effective date of the Plan. Such calculations shall be revised thereafter at six (6) months' intervals and such revised calculations shall take into account any charters for a period of six (6) months or more made by Participants during the preceding six (6) months' period in determining the respective obligations for the succeeding six (6) months.

5. *Rates of charter hire under Plan.* Charters of vessels made at the request of the Maritime Administration, pursuant to the Plan, shall be made at a fair and equitable rate to be determined by the Administrator after consultation with the Committee and the Department of Defense, and such rate shall govern in all transactions among the Participants in the Plan insofar as operations under the Plan are concerned.

6. *Reports from Participants.* Each Participant shall, upon request of the Chairman, submit, in such form as may be requested, to the Maritime Administration reports setting forth information as to "controlled tonnage" necessary for the administration of Paragraph 4 of the Plan.

7. *Procedure for and effect of becoming participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of tanker owners and charterers by the Secretary of Commerce, any such owner or charterer may become a Participant in this Plant by advising the Administrator in writing of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 708 (b) of Public Law 774, only with respect to such tanker owners and charterers as notify the Administrator in writing that they will comply with such request.

8. *Effective date and duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of June 30, 1952, unless the time limitation now specified in section 716 (a) of Public Law 774, 81st Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this Plan. However, the Plan may be terminated at any time as may be determined by the Secretary of Commerce upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

9. *Withdrawal from Plan.* Any Participant may withdraw from this Plan subject to the fulfillment of obligations incurred under this Plan prior to the date such withdrawal becomes effective, by giving not less than 60 days' written notice to the Administrator.

10. *Duration of immunities.* In the event of termination of this Plan and in the event of the withdrawal of any Participant, the immunities referred to in Paragraph 7 hereof shall extend to the fulfillment and receipt of obligations after the effective date of such termination or withdrawal as the case may be, incurred pursuant to this Plan.

[F. R. Doc. 51-393; Filed, Jan. 8, 1951; 8:48 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Saturday, December 30, 1950, on Form 64 (Savings), and a report of earnings and dividends for the calendar year 1950, on Form 73 (Savings). Said report of condition and report of earnings and dividends shall be prepared in accordance

with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Earnings and Dividends on Form 73 (Savings)," issued December 1945.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 51-330; Filed, Jan. 8, 1951; 8:50 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Saturday, December 30, 1950, on Form 64 (Short form) -Call No. 34, and a report of earnings and dividends for the calendar year 1950, on Form 73. Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Short form)," issued December 1946 and supplement of June 24, 1948; and said report of earnings and dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," issued December 1945, and supplements of December 26, 1946, and December 27, 1948.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 51-331; Filed, Jan. 8, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25719]

POTATOES FROM MAINE TO CERTAIN POINTS IN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

JANUARY 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 570.

Commodities involved: Potatoes, carloads.

From: Points in Maine.

To: Points in Delaware, New Jersey, New York and Pennsylvania.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 570, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-290; Filed, Jan. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25720]

PETROLEUM PRODUCTS FROM JOURDANTON, TEX.

APPLICATION FOR RELIEF

JANUARY 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3585, 3802, 3825, 3651, 3724 and 3494.

Commodities involved: Petroleum products, carloads.

From: Jourdanton, Tex.

To: Southwestern, southern, official, Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Schedules filed containing proposed rates:

	I. C. C. No.	Supp. No.
D. W. Marsh's Tariff	3585	444
	3802	80
	3825	93
	3651	247
	3724	130
	3494	211

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-291; Filed, Jan. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25721]

SCRAP OR WASTE PAPER FROM TEXAS TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JANUARY 4, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Gulf, Colorado and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Scrap or waste paper, carloads.

From: Beaumont, Galveston, Houston and Texas City, Tex., and certain other points in Texas.

To: New Orleans, La., and points grouped therewith.

Grounds for relief: Circuitous routes. Competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3894, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-292; Filed, Jan. 8, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2544]

GENTILLY DEVELOPMENT CO., INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of January A. D. 1951.

Gentilly Development Company, Inc. ("Gentilly"), a non-utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 9 (a) (1) thereof, with respect to the following proposed transactions:

Gentilly's principal asset consists of a tract of undeveloped real estate in the City of New Orleans, Louisiana. Gentilly's only outstanding securities consist of common stock, all of which is owned by Middle South. Middle South and Gentilly have previously indicated that it is their purpose to reduce Gentilly's assets to cash, and thereafter liquidate the company.

Gentilly has entered into a contract to sell all of its remaining land to W. H. Crawford and R. A. Toups, both of the State of Louisiana, and their assignee, Gentilly Homes, Inc., a Louisiana corporation which is a wholly owned subsidiary of Crawford Corporation, a Delaware corporation, the controlling interest in which latter company is owned by Crawford and Toups. The contract provides for the sale by Gentilly of its property in two tracts, the one to be purchased by Gentilly Homes, Inc. for the purpose of developing a residential housing project, and the other to Crawford and Toups, as individuals, to be developed for commercial purposes. The purchase price of the residential property is stated to be $700,000, to be paid by $85,000 in cash, the balance to be represented by a promissory note of Gentilly Homes, Inc. to Gentilly in the amount of $615,000. The purchase price of the commercial property is $200,000, to be paid by $5,000 in cash, the balance to be represented by a promissory note of Crawford and Toups in the amount of $195,000. Such notes will bear interest at the rate of 4 percent per annum and will mature 24 months from the date of conveyance. The notes will be secured by a vendor's lien and a first mortgage upon the respective parcels of property. In addition, the mortgage upon the commercial property will secure the note issued in payment for the residential property. It is further provided that the notes will be extended for an additional two years in the event that development of the projects is delayed through inability to obtain commitments or materials.

Applicant having also requested that the Commission's Order contain recitals in accordance with the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

Said application having been filed on December 18, 1950, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to the act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to grant the application and also to grant applicant's request for recitals in accordance with the Internal Revenue Code, as amended, including Section 1808 (f) and Supplement R thereof:

It is ordered, Pursuant to Rule U-23 and subject to the terms and conditions contained in Rule U-24 that the said application be, and the same hereby is, granted effective forthwith; and

It is further ordered and recited, That the proposed transactions are necessary or appropriate to the integration or simplification of the holding company system, of which Gentilly and Middle South are members, and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-285; Filed, Jan. 8, 1951; 8:46 a. m.]

[File No. 70-2542]

LONG ISLAND LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of January A. D. 1951.

Long Island Lighting Company, a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Declarant proposes to enter into an agreement which will provide for borrowing from five banks from time to time during the first eleven months of the year 1951 of an aggregate amount not to exceed $22,500,000 at any one time. The aggregate amount of $22,500,000 will be apportioned as follows:

The National City Bank of New York	$10,000,000
The New York Trust Co.	5,000,000
Bank of The Manhattan Co.	5,000,000
The Public National Bank & Trust Co. of New York	2,400,000
Nassau County Trust Co.	100,000
Total	$22,500,000

The amount of each borrowing from each bank and of repayment will be in proportion to each bank's participation in the total amount of $22,500,000. Each borrowing will be evidenced by promissory notes which will be dated as of the date of the borrowing. Each note will mature in four months, except that no note will be payable after December 1, 1951. The interest rate on each note will be the then existing New York City prime rate to commercial borrowers, but not to exceed 2½ percent per annum. The proceeds will be used in the first instance to repay existing short term borrowings, and, thereafter, for additions and betterments to declarant's property.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible,

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-286; Filed, Jan. 8, 1951; 8:46 a. m.]

[File No. 70-2538]

MICHIGAN CONSOLIDATED GAS CO. AND AUSTIN FIELD PIPE LINE CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of January A. D. 1951.

The Commission, by order issued December 30, 1947, having approved a plan, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by The United Light and Railways Company ("Railways") and American Light and Traction Company (now American Natural Gas Company—"American Natural"), registered holding companies, which plan provides, *inter alia*, for the construction by Austin Field Pipe Line Company ("Austin"), a wholly owned subsidiary of Michigan Consolidated Gas Company ("Michigan Consolidated"), a subsidiary of American Natural, of a 24-inch natural gas pipeline, together with appurtenant facilities, extending from the Austin natural gas storage field located in West Central Michigan, owned by Michigan Consolidated, to the city of Detroit; said plan having also provided that the pipeline and facilities would be transferred from Austin to Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a subsidiary of American Natural, at the depreciated cost thereof, on or before December 31, 1951, and that following such transfer Austin would be dissolved; and

The Commission, in connection with the approval of said plan, having found

that said pipeline and appurtenant facilities together with the facilities to be constructed by Michigan-Wisconsin could be retained by American Natural together with the integrated natural gas system consisting of Michigan Consolidated and Milwaukee Gas Light Company ("Milwaukee"); and

Michigan Consolidated and Austin having filed a joint application-declaration, pursuant to sections 9 (b) (1), 12 (c) and 12 (f) of the act and Rules U-42 and U-43 promulgated thereunder, proposing to effect the liquidation and dissolution of Austin and the acquisition of its assets by Michigan Consolidated in exchange for the surrender by Michigan Consolidated for cancellation of all of the outstanding common stock of Austin, the cancellation of $7,295,039 of open account indebtedness owing by Austin to Michigan Consolidated, and the assumption by Michigan Consolidated, of all of the liabilities of Austin. The facilities of Austin, excepting the 3,000 horsepower compressor station and the dehydration plant, are now being and will, upon consummation of the proposed transactions, continue to be operated by Michigan Consolidated. The compressor station and dehydration plant located at the storage field are now being and will continue to be operated under lease by Michigan-Wisconsin, as a part of its interstate pipeline facilities supplying Michigan Consolidated, Milwaukee, and other markets. It is stated that the properties of Austin were constructed in the years 1947 and 1948, are carried at original cost, and will be recorded in the accounts of Michigan Consolidated on the same basis; and

It appearing that upon consummation of the proposed transactions Austin's pipeline and appurtenant facilities are to be owned by Michigan Consolidated, rather than by Michigan-Wisconsin as originally contemplated, and that the corporate structure of the system will be simplified by the elimination of Austin pursuant to the aforesaid plan; and

Said joint application-declaration having been filed December 4, 1950 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

It appearing that the proposed transactions are subject to the jurisdiction of the Michigan Public Service Commission and the Federal Power Commission, that said transactions have been authorized by the Michigan Public Service Commission, and that applicants-declarants have undertaken to file in this proceeding a copy of the order of the Federal Power Commission when issued; and

Said application-declaration stating that the estimated fees and expenses to be incurred and paid in connection with the proposed transactions aggregate $2,700 consisting of miscellaneous expenses of $700 and legal fees of $2,000, payable $500 to Dyer, Angell, Meek & Batten, $500 to Wheat, May and Shannon, and $1,000 to Sidley, Austin, Burgess and Smith, and it appearing that said fees and expenses are not unreasonable if they do not exceed the estimates; and

The Commission finding with respect to said joint application-declaration that no basis exists for adverse findings, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective; and

Applicants-declarants having requested that the Commission issue an order, to become effective upon its issuance, granting and permitting the application-declaration to become effective, and the Commission deeming it appropriate to grant such request; and

Applicants having requested that the Commission's order herein contain appropriate recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to the several proposed transactions incident to the liquidation and dissolution of Austin and the acquisition of its assets by Michigan Consolidated, and the Commission deeming it appropriate to grant such request:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the said joint application-declaration be and it hereby is granted and permitted to become effective, subject to the condition that the proposed transactions not be consummated until applicants-declarants have obtained from the Federal Power Commission the requisite authorization or approval.

It is further ordered and recited, That the following transactions referred to in the application-declaration are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

The liquidation and dissolution of Austin and all exchanges, distributions, transfers and conveyances of stock, securities, real estate and other property in connection with or incident to such liquidation and dissolution, including (a) the transfer and conveyance by Austin to Michigan Consolidated, in exchange for common stock of Austin surrendered for cancellation by Michigan Consolidated and the cancellation or assumption by Michigan Consolidated of all outstanding indebtedness of Austin, of all property and assets of Austin of whatever character, including (i) a 24-inch gas transmission pipeline, approximately 140 miles in length, connecting the Austin gas storage field in west central Michigan with Michigan Consolidated's distribution facilities in its Detroit District, (ii) a 3,000 hp. compressor station and dehydration plant at the Austin field, (iii) a gas measuring and regulating station at the eastern terminus of the aforesaid gas transmission pipeline, (iv) all real estate and interests in real estate, including all pipeline easements and rights of way, and (v) all other property, real, personal or mixed, wherever located, and (b) the transfer by Michigan Consolidated to Austin of the 30,000 shares of common stock of the par value of $100 per share of Austin now owned by Michigan Consolidated (evidenced by Certificate Nos. 7 and 8), for cancellation and extinguishment and the cancellation or assumption by Michigan Consolidated of all outstanding indebtedness of Austin, in exchange for the properties and assets of Austin to be transferred and conveyed to Michigan Consolidated in liquidation of Austin, as mentioned above.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-287; Filed, Jan. 8, 1951; 8:46 a. m.]

[File No. 812-704]

TRI-CONTINENTAL CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of January A. D. 1951.

Tri-Continental Corporation ("Tri-Continental"), of New York City, a registered closed-end diversified management investment company, having filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting from the provisions of 18 (d) of the act of the proposed issuance by Tri-Continental of perpetual warrants for the purchase of its common stock in exchange for the common stock of Selected Industries, Incorporated ("Selected") as part of a plan to merge Selected, another registered closed-end diversified management investment company, into Tri-Continental under the circumstances and subject to the conditions described in the application; and

Notice of the application having been given pursuant to Rule N-5 of the rules and regulations promulgated under the Investment Company Act of 1940 and having been published in the FEDERAL REGISTER in which notice it was provided that any interested person may request the Commission in writing that a hearing be held thereon; and

Two persons who together are the beneficial owners of 3,200 shares of common stock of Selected having objected to the issuance of an order of exemption and having requested that a hearing be held on such matter; and

All interested persons are referred to said application and to the aforementioned objections which are on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted and controverted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application and the objections it deems the following issues to be raised thereby without prejudice to the specification of additional issues upon further examination or consideration:

(1) Whether and the extent to which such exemption is necessary or appropriate in the public interest.

(2) Whether and the extent to which such exemption is consistent with the protection of investors.

(3) Whether and the extent to which such exemption is consistent with the purposes fairly intended by the policies and provisions of the Investment Company Act.

It appearing to the Commission that a hearing upon the Application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on January 15, 1951, at 10:00 a. m., eastern standard time, at the office of the Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 101.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Tri-Continental Corporation, Selected Industries, Inc., Otto Ess and Sartorius & Co. and that a telegraphic notice of said hearing be given to the aforementioned persons.

Notice of such hearing is hereby given to the above-mentioned persons and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, by or before 10:00 a. m., eastern standard time, January 15, 1951, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-390; Filed, Jan. 8, 1951; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16353]

HATTIE BAER

In re: Estate of Hattie Baer, also known as Jettchen Baer, deceased. File No. D-28-11213, E. & T. sec. 15584.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Rothenberg, Jennie Ley and Sigmund Hiller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Hattie Baer, also known as Jettchen Baer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the City Treasurer of the City of New York, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-298; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16471]

MINNIE HAMMER

In re: Stock and a debt owned by Minnie Hammer. F-28-31062-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minnie Hammer, whose last known address is Mering-Augsburg, Seider Strasse 3, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $66⅔ par value common capital stock of Bank of Yorktown, a corporation organized under the laws of the State of New York, evidenced by Certificate number 93, registered in the name of Minnie Hammer, and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey, and any and all rights arising thereunder by reason of the merger, in 1949, of the said Bank of Yorktown, with the Marine Midland Trust Company of New York, 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, by Anton A. Heim, 100 Ridge Avenue, Park Ridge, Bergen County, New Jersey, including particularly but not limited to the sum of four thousand two hundred eighty-two and 06/100 dollars ($4,282.06) on deposit with the Manufacturers Trust Company, 55 Broad Street, New York, New York, in a bank account, entitled Anton A. Heim, Special, maintained at the branch office of the aforesaid bank located at 741 Fifth Avenue, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-300; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16472]

HARUO GARY HARADA

In re: Cash owned by Haruo Gary Harada. F-39-6185-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That Haruo Gary Harada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $125.25 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Haruo Gary Harada, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Haruo Gary Harada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-301; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16404]

WALTER MARTIN ET AL.

In re: Rights of Walter Martin et al., under insurance contract. File No. F-28-30552-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Martin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Walter Martin, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 252 561M issued by the Metropolitan Life Insurance Company, New York, New York, to Walter Martin, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Walter Martin or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Walter Martin, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Walter Martin are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-299; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16522]

JOHN KLOSS

In re: Estate of John Kloss, deceased. File No. D-28-12919, E. T. sec. No. 17074.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Mueller, Katharina Klein, Maria (Marie) Koenig and Clara Knapp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of John Kloss, deceased, and in and to the trust created under the will of John Kloss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The National Bank and Trust Company of Erie, as successor trustee, acting under the judicial supervision of the Orphans' Court of Erie County, Erie, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-303; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16325]

NOBURO FRANK NAKAHAMA ET AL.

In re: Cash owned by Noburo Frank Nakahama and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $12,372.58 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the names of the persons listed in Exhibit A, attached hereto and by reference made a part hereof, in the amounts appearing opposite such names, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Amount	OAP file No.
Noburo Frank Nakahama	$414.00	F-39-4497-E-1.
Tetsuo Karry Hashimoto	333.60	F-39-6803-E-1.
Minoru Kato	257.05	F-39-6804-E-1.
Tadao Kawarahani	173.95	F-39-6805-E-1.
Michihiko Kubo	277.51	F-39-6806-E-1.
Kamo Maeda	346.99	F-39-6807-E-1.
Kunio Masatani	416.53	F-39-6808-E-1.
Shizuo Ray Matsuhisa	249.24	F-39-6809-E-1.
Terue Robert Matsuhisa	378.27	F-39-6810-E-1.
George Morishita	165.36	F-39-6811-E-1.
Isami Morishita	127.05	F-39-6812-E-1.
Takeshi Nagatoishi	347.39	F-39-6813-E-1.
Akira James Nakamura	400.12	F-39-6814-E-1.
Jitsuo Nakano	350.00	F-39-6815-E-1.
Goichi Nerio	361.92	F-39-6816-E-1.
Shinji Nishi	305.36	F-39-6817-E-1.
Takeshi Oka	387.77	F-39-6818-E-1.
Yoshiharu Ono	105.30	F-39-6819-E-1.
Hiromi Onoda	214.83	F-39-6820-E-1.
Tadashi Takimoto	144.80	F-39-6821-E-1.
Hakaru Kei Tempo	210.43	F-39-6822-E-1.
Shigeru Yamamoto	223.25	D-39-18956-E-1.
Takashi Ito	118.11	D-39-18459-E-2.
Hakaru Inasako	267.93	D-39-19025-E-2.
Tetsuya Hatada, also known as James Tetsuya Hatada	355.30	F-39-6784-E-1.
Miko Hidaka	390.50	F-39-6785-E-1.
Tatsuo Hidaka	235.25	F-39-6786-E-1.
Minoru Fred Hinoki	480.00	F-39-6787-E-1.
Kazuo Endy Ikehara	314.03	F-39-6788-E-1.
Ichiro Henry Inouye	121.63	F-39-6789-E-1.
Hiroshi Ito	210.15	F-39-6790-E-1.
Yonso Ito	135.96	F-39-6791-E-1.
Gunichi George Ogino	100.00	F-39-6792-E-1.
Shigeo Takizawa	291.92	F-39-6793-E-1.
Koichi Tsuji	320.66	F-39-6794-E-1.
Tokio Tsuji	162.55	F-39-6795-E-1.
Yashiharu Yamashita	173.18	F-39-6796-E-1.
Watson George Yamauchi	102.15	F-39-6797-E-1.
Toshio Yokogawa	285.60	F-39-6798-E-1.
Takeshi Yorisane	287.84	F-39-6799-E-1.
Katsumu John Yoshida	190.00	F-39-6800-E-1.
Masatoki Frank Yoshimura	240.00	F-39-6801-E-1.
Zenzo Yumen	282.12	F-39-6802-E-1.
Toshi Ida	340.00	D-39-18600-E-2.
Shuichi Kawaoka	330.00	F-39-4973-E-4.
Tomi Matsumoto	110.58	D-39-19108-E-2.
Tsuneo Murashashi	323.40	D-39-18594-E-3.

[F. R. Doc. 51-297; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16541]

HENRY T. ONO ET AL.

In re: Rights of Henry T. Ono et al. under contract of insurance. File No. D-39-19240-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry T. Ono, Matsuno Ono and Mojiro Ono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 92514 issued by the Standard Insurance Company, Portland, Oregon, to Henry T. Ono, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Standard Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henry T. Ono, or Matsuno Ono, or Mojiro Ono, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-305; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16480]

LEYDEN CO. LTD. AND N. V. HANDELSBUREAU LA MOLA

In re: Securities and bank accounts owned by Leyden Company Ltd. and N. V. Handelsbureau La Mola. D-49-738.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathleen Heegard, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That Henrik Heegard, whose last known address is Amberg, Germany; Herbert Gutschow, whose last known address is 52 Muensterstrasse, Fritzlar, Germany; Elaine Hitzbleck, whose last known address is Duesseldorf, Germany; and Louise Fritsch, whose last known address is Bad Wildungen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That N. V. Handelsbureau La Mola is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and a substantial part of whose outstanding capital stock and obligations are or, since the effective date of Executive Order 8389, as amended, have been owned or controlled by, directly or indirectly, the aforesaid Kathleen Heegard, Henrik Heegard, Herbert Gutsohow, Elaine Hitzbleck and Louise Fritsch, or any of said individuals, and is a national of a designated enemy country (Germany);

4. That Leyden Company Ltd. is a corporation organized under the laws of Canada, whose principal place of business is located at Montreal, Quebec, Canada, and a substantial part of whose outstanding capital stock and notes or other obligations are or, since the effective date of Executive Order 8389, as amended, have been owned or controlled by, directly or indirectly, the aforesaid N. V. Handelsbureau La Mola, and is a national of a designated enemy country (Germany);

5. That the property described as follows:

a. Six (6) Southern Pacific Company 4½ percent bonds due May 1, 1969, of $1,000 face value each and bearing the numbers 26172/7, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in an account entitled Leyden Company Ltd., together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in an account entitled Leyden Company Ltd., together with all declared and unpaid dividends thereon,

c. One (1) Certificate of Beneficial Interest of Broadway Realization Corporation (formerly Chatham Phenix Corporation) for 540 parts, bearing number 2634, registered in the named of King & Co. and presently in the custody of City Bank Farmers Trust Company, 22 William Street, New York, New York, in an account entitled Leyden Company Ltd., together with any and all rights thereunder and thereto,

d. Those certain debts or other obligations of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of the accounts

maintained at said bank entitled as follows:

Leyden Company Ltd.
Pierre F. Cosgrain
Account No. 391022
Special Custodian, Canada

Norman A. McLarty
Account No. 391109
Special Custodian, Canada

and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York, New York, arising out of an account entitled N. V. Handelsbureau La Mola, maintained at said bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York, New York, in the amount of $65,533.33, constituting a portion of the sum of money on deposit in a blocked account in the name of Amsterdamsche Bank N. V., maintained at said Irving Trust Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Handelsbureau La Mola and Leyden Company Ltd., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Leyden Company Ltd. and N. V. Handelsbureau La Mola are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of corporation	Place of incorporation	Type of stock	Certificate No.	Number of shares	Name in which registered
American Machine & Foundry Co., 511 5th Avenue, New York, N. Y.	New Jersey	No par value common stock.	40801/9	[1] 100	King & Co.
American Snuff Co., 117 Main St., Flemington, N. J.	do	$100 par value 6% preferred stock.	04558	14	Do.
		$25 par value common stock.	11549/53	[1] 100	Do.
			029951	4	Do.
The American Tobacco Co., 111 5th Ave., New York, N. Y.	do	$100 par value 6% preferred stock.	AA76030	13	Do.
		$25 par value common stock.	C79332/57	[1] 106	Do.
			C79706/56	[1] 100	Do.
			CC197152	58	Do.
			CC190550	10	Do.
The Atchison, Topeka & Santa Fe Ry. Co., 920 Jackson St., Topeka, Kans.	Kansas	$100 par value common stock.	324126	100	Do.
Durham-Enders Razor Corp., Mystic, Conn.	New York	$5 par value class A common stock.	CA550/3	[1] 100	Do.
			CA554	50	Do.
George W. Helme Co., 9 Rockefeller Plaza, New York, N. Y.	New Jersey	$25 par value 7% preferred stock.	P0126	56	Do.
		$10 par value common stock.	C0552/63	[1] 50	Do.
			C0289	90	Do.
Huron Holding Corp., 29 Broadway, New York, N. Y.	New York	$0.10 par value capital stock.	43149/51	[1] 100	Do.
			43152	64	Do.
International Cigar Machinery Co., 511 5th Ave., New York, N. Y.	New Jersey	No par value common stock.	824/47	[1] 100	Do.
Johnston Foil Manufacturing Co., 6106 South Broadway, St. Louis, Mo.		$50 par value capital stock.	7	6	Kordula & Co.
Liggett & Myers Tobacco Co., 4241 Folsom Ave., St. Louis, Mo.	New Jersey	$100 par value 7% preferred.	C35422	4	Do.
		$25 par value common stock.	C3200/14	[1] 100	Do.
			C03822	99	Do.
			C03807	67	Do.
			C03738	65	Do.
			C03800	50	Do.
			C03824	50	Do.
			C03784	46	Do.
			C03783	40	Do.
			C03818	31	Do.
			C03775	30	Do.
			C03769	25	Do.
			C03770	25	Do.
			C03765	20	Do.
			C03816	15	Do.
			C03753	10	Do.
P. Lorillard Co., 119 West 40th St., New York, N. Y.	do	$100 par value 7% preferred stock.	C21946	3	Do.
		$10 par value common stock.	H2602/3	[1] 100	Do.
			H2803/15	[1] 100	Do.
			H2820/1	[1] 100	Do.
			J2543	96	Do.
MacAndrews & Forbes Co., 200 4th Ave., New York, N. Y.	do	do	C7457/8	[1] 100	Do.
			C011085	76	Do.
Manufacturers Trust Co., 55 Broadway, New York, N. Y.	New York	$20 par value capital stock	H1505/7	[1] 100	King & Co.
			F10866	64	Do.
			O71331	33	Do.
			F16527	1	Do.
Mengel Co., Inc., 1122 Dumesnil St., Louisville, Ky.	New Jersey	$1 par value common stock.	CN12472/4	[1] 100	Kordula & Co.
			CN/O20559	70	Do.
			CN/O20560	4	Do.
New York Central R. R. Co., 466 Lexington Ave., New York, N. Y.	New York, Ohio, Illinois, Indiana, Pennsylvania, Michigan.	No par value capital stock.	H111780/4	[1] 100	Do.
			L29749	39	Do.
			L29751	4	Do.
North Stockton Town Lot Co.		do	57	10	Do.
Northern Pacific Ry. Co., 176 East 5th St., St. Paul, Minn.	Wisconsin	$100 par value capital stock.	A105637/41	[1] 100	Do.
R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	New Jersey	$10 par value class B common stock.	B53924/88	[1] 100	Do.
			BL21643	55	Do.
Southern Pacific Co., 165 Broadway, New York, N. Y.	Delaware	No par value common stock.	AN33404/6	[1] 100	King & Co.
United States Tobacco Co., 630 5th Avenue, New York, N. Y.	New Jersey	$25 par value 7% preferred stock.	B291	64	Weber & Co.
		No par value common stock.	A5043	100	Do.
			A5091/3	[1] 100	Do.
			A5095/106	[1] 100	Do.
			656	72	Do.
			658	40	Do.
			654	16	Do.
			253	50	Do.
			254	13	Do.
Wade & Butcher Corp., Jersey City, N. J.		$1 par value preferred stock.	44	19	Do.
		No par value common stock.	7	½	Bearer.
J. S. Young Co., 2701-2733 Boston St., Baltimore, Md.	Maryland	$50 par value common stock.	5126	36	Weber & Co.

[1] Each.

[F. R. Doc. 51-302; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16539]

ICHIMARU AND HAMAKO OKAZAKI

In re: Rights of Ichimaru Okazaki and Hamako Okazaki under insurance contract. File No. D-39-9993-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichimaru Okazaki and Hamako Okazaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,387,469, issued by the New York Life Insurance Company, New York, New York, to Ichimaru Okazaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ichimaru Okazaki or Hamako Okazaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-304; Filed, Jan. 8, 1951; 8:47 a. m.]

[Vesting Order 16543]

LUDWIG PAETOW

In re: Rights of Ludwig Paetow under insurance contract. File No. F-28-30851-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Paetow, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Ludwig Paetow under a contract of insurance evidenced by Policy No. 125864219 issued by the Metropolitan Life Insurance Company, New York, N. Y. to Ludwig Paetow, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Paul Paetow, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ludwig Paetow, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-306; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16544]

PAUL C. A. PANSE ET AL.

In re: Rights of Paul C. A. Panse et al., under insurance contract. File No. F-28-22723-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul C. A. Panse and Ellen Panse, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10 330 145, issued by the New York Life Insurance Company, New York, New York, to Paul C. A. Panse, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive, and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Paul C. A. Panse or Ellen Panse, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-307; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16545]

GUSTAV HEINRICH PAPENHAUSEN ET AL.

In re: Rights of Gustav Heinrich Papenhausen et al. under insurance contract. File No. F-28-26889-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Heinrich Papenhausen and Margarete Schroder, whose last known adress is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3882100, issued by The Mutual Life Insurance Company of New York, New York, New York, to Gustav Heinrich Papenhausen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except

those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gustav Heinrich Papenhausen or Margarete Schroder, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-308; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16546]

EDITH PATZIG ET AL.

In re: Rights of Edith Patzig et al. under insurance contract. File No. F-28-454-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edith Patzig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Edith Patzig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 673760, issued by the Provident Mutual Life Insurance Company of Philadelphia, Philadelphia, Pennsylvania, to Edith Patzig, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Provident Mutual Life Insurance Company of Philadelphia together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Karl Rabenstein, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Edith Patzig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-309; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16547]

KARL RABENSTEIN

In re: Rights of Karl Rabenstein under insurance contract. File No. F-28-30542-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Rabenstein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Karl Rabenstein under a contract of insurance evidenced by Policy No. 4 638 268 A issued by the Metropolitan Life Insurance Company, New York, New York, to Karl Rabenstein, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Anna Marie Rabenstein, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ilse Reinhardt or Walther L. Reinhardt or Sybil Reinhardt and Gisela Reinhardt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-310; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16548]

ILSE REINHARDT ET AL.

In re: Rights of Ilse Reinhardt et al. under contracts of insurance. Files F-28-18174-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Reinhardt, Walther L. Reinhardt, Sybil Reinhardt and Gisela Reinhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 12314557 and 10525533 issued by the New York Life Insurance Company, New York, N. Y., to Ilse Reinhardt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ilse Reinhardt or Walther L. Reinhardt or Sybil Reinhardt and Gisela Reinhardt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-311; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16549]

FRANK REUFEISEN ET AL.

In re: Rights of Frank Reufeisen et al. under insurance contract. (File No. F-28-30910 H-1).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Reufeisen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Frank Reufeisen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4,539,031-M issued by the Metropolitan Life Insurance Company, New York, New York, to Frank Reufeisen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Frank Reufeisen or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Frank Reufeisen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Frank Reufeisen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-312; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16553]

SOPHIE SCHOLPP ET AL.

In re: Rights of Sophie Scholpp et al. under insurance contracts. File Nos. F-28-24860-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Scholpp, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophie Scholpp, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 7504419B and 90648087 issued by the Metropolitan Life Insurance Company to Sophie Scholpp, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Sophie Scholpp or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophie Scholpp, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sophie Scholpp, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-313; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16554]

SHOSHICHIRO SASAMURA ET AL.

In re: Rights of Shoshichiro Sasamura et al. under insurance contract. File No. F-39-5276-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shoshichiro Sasamura and Hatsumi Sasamura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 152 164, issued by the New York Life Insurance Company, New York, New York, to Shoshichiro Sasamura, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shoshichiro Sasamura or Hat-

sumi Sasamura, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-314; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16555]

ERNEST W. SHANER ET AL.

In re: Rights of Ernest W. Shaner et al. under insurance contract. File No. F-28-26898-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest W. Shaner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Ernest W. Shaner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2266348 issued by The Mutual Life Insurance Company of New York, New York, New York, to Ernest W. Shaner, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ernest W. Shaner or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Ernest Shaner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Ernest W. Shaner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-315; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16556]

HANJIRO SHIMODA ET AL.

In re: Rights of Hanjiro Shimoda, et al. under insurance contract. File D-39-1169-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanjiro Shimoda, who on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan, is a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanjiro Shimoda, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 794940 issued by the General American Life Insurance Company, St. Louis, Missouri, to Hanjiro Shimoda, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid General American Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hanjiro Shimoda or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanjiro Shimoda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That the national interest of the United States requires that the said Hanjiro Shimoda be treated as a national of a designated enemy country (Japan);

5. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanjiro Shimoda, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-316; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16557]

FRED T. AND MOMOYO SHIOMI

In re: Rights of Fred T. Shiomi and Momoyo Shiomi under insurance contract. F-39-1637-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred T. Shiomi and Momoyo Shiomi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7284221, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Fred T. Shiomi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Fred T. Shiomi or Momoyo Shiomi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-317; Filed, Jan. 8, 1951; 8:48 a. m.]

[Vesting Order 16573]

TSUGIO YAMAMOTO ET AL.

In re: Rights of Tsugio Yamamoto et al. under insurance contract. File D-39-19008-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugio Yamamoto and Yoshino Yamamoto, whose last address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1438079, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tsugio Yamamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tsugio Yamamoto or Yoshino Yamamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-324; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16571]

HENRY WREDE ET AL.

In re: Rights of Henry Wrede et al. under insurance contracts. Files Nos. F-28-24539-H-1, H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Wrede and Bertha Wrede, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Wrede, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 145319-S, 4668407 and 386553-S issued by the Metropolitan Life Insurance Company, New York, New York, to Henry Wrede, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henry Wrede or Bertha Wrede or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Wrede, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Wrede, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-323; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16574]

MATSUMI (HATSUMI) YOKOMIZO ET AL.

In re: Rights of Matsumi (Hatsumi) Yokomizo et al. under contract of insurance. File No. D-39-18358-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsumi (Hatsumi) Yokomizo and Kaheiji Yokomizo, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,373,615 issued by the New York Life Insurance Company, New York, New York, to Matsumi (Hatsumi) Yokomizo, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by,

JAN 11 '51

payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Matsumi (Hatsumi) Yokomizo or Kaheiji Yokomizo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-325; Filed, Jan. 8, 1951; 8:49 a. m.]

[Special Order 30]

KALLE & CO., A. G., ET. AL.

In re: interests and rights created in Kalle & Co., Aktiengesellschaft, by virtue of (1) an agreement dated April 24 and 26, 1934, with Wood-Mallabar & Co., Limited, and (2) an agreement dated November 11, 1936, with Wood-Mallabar & Co., Limited, and The Ozalid Corporation.

Whereas, by an agreement dated April 24 and 26, 1934, by and between Wood-Mallabar & Co., Limited, a corporation of England, and Kalle & Co., Aktiengesellschaft, a corporation organized under the laws of Germany, Wood-Mallabar & Co., Limited, purported to grant to Kalle & Co., Aktiengesellschaft, among other things, certain rights with respect to the inventions disclosed in United States Patent Application Serial No. 635,246, filed on September 28, 1932, and all improvements thereon; and

Whereas, the aforesaid application resulted in United States Letters Patent No. 2,047,104, issued on July 7, 1936, and Divisional Application Serial No. 36,407 filed on August 15, 1935; and

Whereas, by an agreement dated November 11, 1936, by and between Wood-Mallabar & Co., Limited, Kalle & Co., Aktiengesellschaft, and The Ozalid Corporation, a corporation organized under the laws of Delaware, Kalle & Co., Aktiengesellschaft, released Wood-Mallabar & Co., Limited, during the pendency of said agreement, from the aforesaid agreement dated April 24 and 26, 1934, insofar as that agreement related to the sole right to exploit the inventions covered by United States Letters Patent No. 2,047,104 and Divisional Application Serial No. 36,407 and all improvements thereon within the United States of America and its territorial possessions;

Whereas, the aforesaid agreement dated November 11, 1936, was terminated by Wood-Mallabar Co. Limited, and The Ozalid Corporation on or about September 20, 1945;

Now, therefore, under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

(1) Finding that Kalle & Co., Aktiengesellschaft, whose last known address is Wiesbaden-Biebrich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

(2) Determining that it is in the national interest that the aforesaid interests and rights with respect to United States Letters Patent and United States Patent Applications and improvements thereon created in Kalle & Co., Aktiengesellschaft, by virtue of the aforesaid agreements be nullified and voided;

hereby nullifies and voids all rights and interests in, to or with respect to any and all United States Letters Patent and applications for United States Letters Patent (including without limitation United States Letters Patent No. 2,047,104, and the aforesaid United States Patent Applications Serial Nos. 635,246 and 36,407 and any and all continuations, divisions, reissues, or extensions thereof) created in Kalle & Co., Aktiengesellschaft, by virtue of the agreement dated April 24 and 26, 1934, by and between Wood-Mallabar & Co., Limited, and Kalle & Co., Aktiengesellschaft, and the agreement dated November 11, 1936, by and between Wood-Mallabar & Co., Limited, Kalle & Co., Aktiengesellschaft, and The Ozalid Corporation.

The terms "national" and "designated enemy country", used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-326; Filed, Jan. 8, 1951; 8:49 a. m.]

[Return Order 841]

EMILE PRAT AND PRAT-DANIEL S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emile Prat, Paris, France; Claim No. 31760; April 27, 1950 (15 F. R. 2390), June 1, 1950 (15 F. R. 3442);-property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,937,095; 1,924,255 and 2,170,484.

Prat-Daniel S. A., Paris, France; Claim No. 31761; April 27, 1950 (15 F. R. 2390); royalties in the amount of $6,859.14 arising out of the use of United States Letters Patent No. 1,937,095.

This return shall not be deemed to include the rights of any licensee under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-327; Filed, Jan. 8, 1951; 8:49 a. m.]

[Return Order 847]

WILHELMINA BEHRENS AND RUDOLPH DOSCH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Wilhelmina Behrens, executrix under the last will and testament of Rudolph Dosch, deceased, New York, N. Y., Claim No. 6246; November 23, 1950 (15 F. R. 8067); $432.70 in the Treasury of the United States.

The above property is being returned to claimant Executrix for the sole purpose of discharging the remaining expenses of administration incident to the probate of the Will of Rudolph Dosch, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-328; Filed, Jan. 8, 1951; 8:49 a. m.]

JAN 11 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 6

Washington, Wednesday, January 10, 1951

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

REGISTRATION AND GENERAL EXEMPTIONS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 3 (a), 3 (d) and 20 (a) thereof, and deeming such action appropriate, in the public interest and for the protection of investors and consumers, hereby amends § 250.3 (Rule U-3) of the general rules and regulations under the Public Utility Holding Company Act of 1935, by deleting from paragraph (a) of the rule the words "filing of statements required by" and inserting in lieu thereof the words "requirements contained in"; by deleting from subparagraph (2) of paragraph (a) the words "has acquired" and inserting in lieu thereof the word "holds"; by inserting at the beginning of paragraph (b) the words "subject to the requirements contained in paragraph (c)"; and by deleting from paragraph (c) all of the second sentence following the word "however" and inserting in lieu thereof the words "with respect to any security holdings as to which such form is inappropriate by its provisions".

The amendment of § 250.3 is of such nature that it appears improbable its adoption will be objectionable to any person. The Commission, therefore, finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the amendment of Rule U-3 and adoption of the revised Form U-3A3-1 [1] effective immediately pursuant to section 4 (c) of that act, subject, however, to reconsideration at the end of 30 days in the event any significant comments or criticisms have been received with respect to the rule or the form. Any such comments or criticisms should be addressed to the Secretary of the Commission, 425 Second Street NW., Washington 25, D. C.

The text of the rule as modified is as follows:

§ 250.3 *Exemption of certain banks*—(a) *General exemption.* Subject to the provisions of § 250.6 (Rule U-6) and to the requirements contained in paragraph (c) of this section, any bank shall be exempt from any obligation, duty, or liability imposed by the act upon such bank as a holding company solely by reason of such bank owning, controlling, or holding with power to vote any securities of any public-utility or holding company which the bank:

(1) Holds as collateral for a bona fide debt; or

(2) Holds in the ordinary course of its business as a fiduciary; or

(3) Has acquired solely for purposes of liquidation in connection with a bona fide debt previously contracted and has owned beneficially for a period of not more than two years.

(b) *Exemption from section 9 (a) (2).* Subject to the requirements contained in paragraph (c) of this section, any bank shall be exempt from section 9 (a) (2) of the act with respect to the acquisition of any securities by such bank:

(1) As collateral for a bona fide debt; or

(2) Solely for purposes of liquidation in connection with a bona fide debt previously contracted; or

(3) In the ordinary course of its business as a fiduciary; or

(4) Which is not a voting security or convertible into a voting security.

(c) *Statements.* Any bank claiming exemption pursuant to the provisions of this section shall file a statement on Form U-3A3-1 (17 CFR 259.403) within 30 days after the last day of February of each year. No such statement is required, however, with respect to any security holdings as to which such form is inapplicable by its provisions.

(d) *Definition of bank.* The term "bank", as used in this section, means any company primarily engaged in business as a commercial bank or trust com-

[1] See F. R. Doc. 51-385, Part 259 of this chapter, *infra*.

(Continued on next page)

CONTENTS

Alien Property, Office of	Page
Notices:	
Vesting orders, etc.:	
Agemura, Masami and Saki	269
Belz, Ferdinand, et al	269
Bollman, Albert, et al	270
Brass, Alessandro and Lina Widgopf	276
Bremerkamp, Wilhelmina	268
Certain debtors; order fixing bar date for filing claims	276
Chauvin, Andre Antoine	276
Fa, Mrs. Louise and Magin	270
Haffner, Dr. Sigmund M., et al	270
Hasuike, Susumu and May Mitsuye	271
Herman, George	268
Hoshino, Youzo and Shizue	271
Humbert, Adrien C. and Ida	272
Joensson, Carl J. and Helga	273
Kehrmann, Hans Rulff and Anneliese	273
Leupold, Marie A	274
Mamerow, Gertrude, et al	271
Mamerow, Henny, et al	272
Mann, Mrs. Martha E	274
Maus, Gustav, and Peoples Savings and Trust Co. of Pittsburgh	269
Meyer, Edgar H. P. and Brunhild E	275
Meyn, Johannes A., et al	272
Muller, Richard W., et al	265
Nakai, Kosumi, et al	273
Niedermeier, Martin, and Anna Niedermeier Treutinger	266
Ozaki, Fusa	266
Reinhart, Helga	265
Roesch, Paula	266
Roesing, Mrs. Hermann, et al	266
Sasaki, Noburo, et al	276
Sato, Shigeru, et al	274
Satoda, Yorimi, et al	267
Schonberg, Adolf E. J. and Marie S. C	267
Schramm, Elsie	267
Shimabukuro, Yamato	268
Sieder, Anna, et al	275
Sieveking, Ludolf, et al	263
Sieveking, Werner and Olga N	264
Tajima, Shigeji, et al. (2 documents)	264

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page

Notices—Continued
- Vesting orders, etc.—Continued
  - Ullich, Anna 265
  - Van Lammeren, Willem P 276
  - Von Der Osten, Hans Henning 275

Civil Aeronautics Administration
- Delegation of authority (*see* National Production Authority).

Commerce Department
- *See* Federal Maritime Board; National Production Authority.

Federal Communications Commission
- Notices:
  - Christian County Broadcasting Co. (WTIM); hearing 261

Federal Maritime Board
- Notices:
  - Member lines of Trans-Pacific Freight Conference of Japan et al.; agreements filed for approval 260

Federal Power Commission
- Notices:
  - Southwestern Virginia Gas Transmission Co.; hearing 261

Federal Security Agency
- *See* Food and Drug Administration; Public Health Service.

Food and Drug Administration
- Proposed rule making:
  - Fruits, frozen; definitions and standards of identity and standards of fill of container 258

Housing Expediter, Office of
- Rules and regulations:
  - Rent, controlled; housing and rooms in rooming houses and other establishments:
    - Certain States 255
    - Iowa 255
    - Pennsylvania, West Virginia, and Puerto Rico 256

Interior Department
- *See* Land Management, Bureau of.

Interstate Commerce Commission
- Notices:
  - Applications for relief:
    - Automobile parts from Toledo, Ohio 263
    - Cement from Birmingham, Ala., to Nashville, Tenn 262
    - Formaldehyde to points in official territory 262
    - Lime from Cleburne, Tex., to the South 261
    - Moulding sand from Lexington, Tenn., to points in Ohio 262
    - Petroleum products from Virginia to North Carolina 262
    - Syrup to the South 263
    - Tin plate to Farmers Branch, Tex 262

Justice Department
- *See* Alien Property, Office of.

Land Management, Bureau of
- Notices:
  - Idaho; filing of plat of survey 260

National Production Authority
- Notices:
  - Delegation of authority to Civil Aeronautics Administration 260
- Rules and regulations:
  - Iron and steel scrap 257
  - Inventory control 257

Public Health Service
- Proposed rule making:
  - Interstate quarantine 258

Securities and Exchange Commission
- Rules and regulations:
  - Public Utility Holding Company Act:
    - Forms prescribed for statements and reports from nonregistered (exempt) companies 254
    - General rules and regulations; registration and general exemptions 253

Tariff Commission
- Notices:
  - Hatters' furs; investigation and hearing 263

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Chapter	Part	Page
17	II	250	253
		259	254
21	I	32 (proposed)	258
24	VIII	825 (3 documents)	255, 256
32A	I	10	257
		24	257
42	I	72 (proposed)	258

pany, or both, and subject to regulation or examination under the laws of the United States or of any State, or any receiver, conservator, or liquidating agent thereof in his capacity as such.

Effective December 29, 1950.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies sec. 3, 49 Stat. 810; 15 U. S. C. 79c)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 29, 1950.

[F. R. Doc. 51-384; Filed, Jan. 9, 1951; 8:46 a. m.]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

FORMS FOR STATEMENTS AND REPORTS FROM NONREGISTERED (EXEMPT) COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly sections 3 (a), 3 (d) and 20 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors and consumers, hereby

adopts a revised Form U-3A3-1[1] (17 CFR 259.403) which conforms to the requirements of § 250.3 (Rule U-3) as amended.[2]

The amendment of § 250.3 (Rule U-3) is of such nature that it appears improbable its adoption will be objectionable to any person. The Commission, therefore, finds that the preliminary notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary and declares the amendment of Rule U-3 and adoption of the revised Form U-3A3-1 effective immediately pursuant to section 4 (c) of that act, subject, however, to reconsideration at the end of 30 days in the event any significant comments or criticisms have been received with respect to the rule or the form. Any such comments or criticisms should be addressed to the Secretary of the Commission, 425 Second Street NW., Washington 25, D. C.

Copies of the revised Form U-3A3-1 may be obtained by addressing a request therefor to the Publications Unit, Division of Administrative Services, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C.

Effective December 29, 1950.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79. Interprets or applies sec. 3, 49 Stat. 810; 15 U. S. C. 79c)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 29, 1950.

[F. R. Doc. 51-385; Filed, Jan. 9, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdt. 336]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to 332]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

IOWA

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respect:

Item 4 of Amendment 336 to §§ 825.1 to 825.12 and Amendment 332 to §§ 825.81 to 825.92 is corrected to read as follows:

4. Schedule A, Item 110b, is amended to describe the counties in the Defense-Rental Area as follows:

In Marshall County, the City of Marshalltown; and in Story County, the Town of Maxwell.

This decontrols (1) the City of Ames in Story County, Iowa, a portion of the Ames-Marshalltown, Iowa, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Story County, except the Town of Maxwell, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of January 4, 1951.

Issued this 5th day of January 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-442; Filed, Jan. 9, 1951; 8:51 a. m.]

[Controlled Housing Rent Reg., Amdt. 339]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 335]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 339 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 335 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

In Schedule C of said Rent Regulations, the description of localities affected by declarations for continuance of rent control after March 31, 1951, is amended with respect to certain Defense-Rental Areas to read as follows:

1. (48) Hartford-New Britain, Connecticut, Defense-Rental Area:

In Hartford County, the Cities of Bristol, Hartford and New Britain, the Towns of East Hartford, Glastonbury, Southington, West Hartford, Wethersfield and Windsor, and all unincorporated localities, if any, in the Towns of Berlin, Bloomfield, East Windsor, Farmington, Manchester, Newington, Plainville, Rocky Hill, South Windsor and Windsor Locks; in Middlesex County, the Town of Cromwell and all unincorporated localities, if any, in the Towns of Middlefield and Portland; in New Haven County, the City of Meriden, the Borough of Wallingford, and all unincorporated localities, if any, in the Town of Wallingford; and in Tolland County, all unincorporated localities, if any, in the Town of Vernon.

In the remainder of Hartford County, the Town of Simsbury, and all unincorporated localities, if any; in the remainder of Middlesex County, the Town of East Haddam and all unincorporated localities, if any; and in the remainder of Tolland County, the Town of Hebron and all unincorporated localities, if any.

This adds to Schedule C the following localities in the State of Connecticut:

(1) Towns of Southington and Cromwell, as of December 7, 1950.

(2) Town of Hebron, as of December 8, 1950.

(3) Town of West Hartford, as of December 12, 1950.

2. (53) Delaware Defense-Rental Area:

In that portion of New Castle County which is north of the Chesapeake and Delaware Canal, the Cities of New Castle, Newport and Wilmington, the Town of Elsmere, and all unincorporated localities.

This adds to Schedule C the Town of Elsmere, Delaware, as of December 7, 1950.

3. (139) Baltimore, Maryland, Defense-Rental Area:

City of Baltimore; in Baltimore County, all unincorporated localities; in Harford County, the City of Havre De Grace and all unincorporated localities; in Cecil County, all unincorporated localities in Election District 3; in Carroll County (exclusive of Election Districts 2, 3, 9, 10, 11 and 14), all unincorporated localities; in Howard County (exclusive of Election Districts 3, 4 and 5), all unincorporated localities; and in Anne Arundel County (exclusive of Election Districts 1, 7 and 8), all unincorporated localities.

This adds to Schedule C the City of Baltimore, Maryland, as of December 13, 1950, and all unincorporated localities in the Defense-Rental Area as of the same date, declarations having been made by incorporated localities constituting the major portion of the Defense-Rental Area.

4. (142) Montgomery-Prince Georges, Maryland, Defense-Rental Area:

In Montgomery County, the Town of Glen Echo; and in Prince Georges County, the Cities of Greenbelt and Mt. Rainier and the Towns of Brentwood and Seat Pleasant.

This adds to Schedule C the Town of Glen Echo, Maryland, as of December 8, 1950.

5. (149) Detroit, Michigan, Defense-Rental Area:

In Wayne County, the Cities of Dearborn and Melvindale.

This adds to Schedule C the City of Melvindale, Michigan, as of December 6, 1950.

6. (159) Duluth-Superior, Minnesota, Defense-Rental Area:

In Carlton County, the City of Cloquet, the Village of Scanlon, and all unincorporated localities; and in St. Louis County, the Cities of Biwabik, Chisholm, Duluth, Ely, Eveleth and Virginia, the Villages of Hibbing and Proctor, and all unincorporated localities.

This adds to Schedule C the Village of Scanlon, Minnesota, as of December 7, 1950.

7. (160) Minneapolis-St. Paul, Minnesota, Defense-Rental Area:

In Anoka County, the City of Columbia Heights; in Dakota County, the Cities of South St. Paul and West St. Paul, and the Village of Hampton; in Hennepin County, the City of Wayzata and the Village of Mound; in Ramsey County, the City of St. Paul; and in Washington County, the Village of Forest Lake.

This adds to Schedule C the Village of Hampton, Minnesota, as of August 8, 1950, and the City of Columbia Heights, Minnesota, as of November 28, 1950.

8. (186) Manchester, New Hampshire, Defense-Rental Area:

In Hillsboro County, the Cities of Manchester and Nashua.

This adds to Schedule C the City of Nashua, New Hampshire, as of December 12, 1950.

9. (188a) Southern New Jersey Defense-Rental Area:

In Burlington County, the City of Burlington, the Borough of Palmyra, and the Town-

[1] Filed as a part of the original document.

[2] See F. R. Doc. 51-384, Part 250 of this chapter, *supra.*

ships of Hainesport, Moorestown, Mount Holly and North Hanover; in Camden County, the Cities of Camden and Gloucester City, the Boroughs of Barrington, Chesilhurst, Collingswood, Gibbsboro, Haddon Heights, Lawnside, Lindenwold, Magnolia, Oaklyn, Pine Hill, Runnemede, Somerdale and Woodlynne, and the Townships of Berlin and Gloucester; and in Gloucester County, the Boroughs of Glassboro, Swedesboro and Wenonah, and the Township of Monroe.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Township of Hainesport, as of November 7, 1950.

(2) Township of Mount Holly, as of November 24, 1950.

(3) Borough of Swedesboro, as of December 5, 1950.

10. (190) Northeastern New Jersey Defense-Rental Area:

In Bergen County, the Cities of Garfield and North Arlington, the Boroughs of Bergenfield, Bogota, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, Harrington Park, Leonia, Lodi, Maywood, Norwood, Palisades Park, Teterboro and Wood-Ridge, the Village of Ridgefield Park, the Township of Teaneck and all unincorporated localities.

In Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities.

In Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.

In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Helmetta, Highland Park, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway, Raritan and Woodbridge, and all unincorporated localities.

In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.

In Morris County, the Boroughs of Madison, Riverade and Wharton, the Towns of Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorporated localities.

In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.

In Somerset County, the Boroughs of Manville, North Plainfield, Raritan, Somerville and South Bound Brook, the Township of Hillsborough, and all unincorporated localities.

In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway and Summit, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Cranford, Hillside and Union, and all unincorporated localities.

This adds to Schedule C the Borough of Manville, New Jersey, as of November 24, 1950, and the Borough of Bogota, New Jersey, as of December 14, 1950.

11. (191) Trenton, New Jersey, Defense-Rental Area:

In Hunterdon County, the City of Lambertville, the Borough of Frenchtown, the Township of Readington, and all unincorporated localities; in Mercer County, the City of Trenton, the Borough of Hopewell, the Townships of Ewing and Hamilton, and all unincorporated localities; and in Warren County (exclusive of the Townships of Pahaquarry, Hardwick and Frelinghausen), the Town of Hackettstown and all unincorporated localities.

This adds to Schedule C the Borough of Hopewell, New Jersey, as of December 11, 1950.

12. (227) Cincinnati, Ohio, Defense-Rental Area:

In Butler County, all unincorporated localities; in Clermont County, the Villages of Bethel and Felicity and all unincorporated localities; and in Hamilton County, the Cities of Cincinnati and St. Bernard, the Villages of Greenhills and Lincoln Heights, and all unincorporated localities.

In Kenton County, the Cities of Covington and South Fort Mitchell, and all unincorporated localities.

This adds to Schedule C the City of St. Bernard, Ohio, as of December 7, 1950.

13. (233) Lorain-Elyria, Ohio, Defense-Rental Area:

In Lorain County, the Villages of Grafton and South Amherst.

This adds to Schedule C the Village of Grafton, Ohio, as of November 14, 1950.

14. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area:

In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Snyder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Ebensburg, Franklin, Nanty-Glo, Scalp Level and South Fork, and all unincorporated localities; and in Somerset County, the Boroughs of Boswell, Central City, Garrett, Hooversville, Meyersdale and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of South Fork, as of October 9, 1950.

(2) Borough of Boswell, as of November 6, 1950.

(3) Borough of Central City, as of December 12, 1950.

15. (262) Harrisburg, Pennsylvania, Defense-Rental Area:

In Cumberland County, the Boroughs of Mount Holly Springs and West Fairview; in Dauphin County, the Boroughs of Elizabethville, Halifax, Highspire, Lykens, Middletown and Penbrook; and in Lebanon County, the City of Lebanon.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Penbrook, as of December 4, 1950.

(2) Borough of Highspire, as of December 5, 1950.

(3) City of Lebanon, as of December 11, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 5th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-443; Filed, Jan. 9, 1951; 8:52 a. m.]

[Controlled Housing Rent Reg., Amdt. 340]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 336]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

PENNSYLVANIA, WEST VIRGINIA, AND PUERTO RICO

Amendment 340 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 336 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

In Schedule C of said Rent Regulations, the description of localities affected by declarations for continuance of rent control after March 31, 1951, is amended with respect to certain Defense-Rental Areas to read as follows:

1. (263) Lancaster-York-Reading, Pennsylvania, Defense-Rental Area:

In Berks County, the City of Reading and the Boroughs of Birdsboro and Kenhorst; and in Lancaster County, the Borough of Denver.

This adds to Schedule C the Borough of Denver, Pennsylvania, as of December 4, 1950, and the Borough of Kenhorst, Pennsylvania, as of December 7, 1950.

2. (266) Philadelphia, Pennsylvania, Defense-Rental Area:

In Bucks County, the Boroughs of Bristol, Quakertown and Riegelsville, and all unincorporated localities; in Chester County, the Boroughs of Kennett Square and Phoenixville, and all unincorporated localities; in Delaware County (exclusive of the Borough of Swarthmore), the Boroughs of Clifton Heights, Collingdale, Eddystone, Folcroft, Glenolden, Millbourne and Norwood, the Township of Ridley, and all unincorporated localities, including Upper Darby Township, in Montgomery County, the Boroughs of Ambler, Conshohocken, Jenkintown, Pottstown and West Conshohocken, and all unincorporated localities; and the County and City of Philadelphia.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of West Conshohocken, as of November 22, 1950.

(2) Boroughs of Collingdale and Kennett Square, as of December 4, 1950.

(3) Borough of Ambler, as of December 11, 1950.

(4) Borough of Riegelsville, as of December 13, 1950.

3. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Blawnox, Brackenridge, Braddock, Braddock Hills, Bridgeville, Carnegie, Cheswick, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Glassport, Homestead, Leetsdale, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin and Wilmerding, the Townships of Harrison, Leet, Neville, Reserve, Sewickley, South Versailles, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City, Kittaning and Leechburg, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppel, Midland and Monaca, the Township of Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Everson, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the Boroughs of Bentleyville, Burgettstown, Canonsburg, Charleroi, Donora, Elco, New Eagle, North Charleroi, Roscoe and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, South Greensburg, Southwest Greensburg and West Newton, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Leechburg, as of October 3, 1950.

(2) Borough of Elco, as of October 16, 1950.

(3) Borough of West Elizabeth, as of November 20, 1950.

(4) Borough of Cheswick, as of November 21, 1950.

(5) Borough of Brackenridge, as of December 4, 1950.

(6) Borough of West Newton, as of December 7, 1950.

(7) Township of South Versailles, as of December 15, 1950.

4. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:

In Carbon County, the Boroughs of Lansford, Mauch Chunk and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn and Winton; in Luzerne County, the City of Wilkes-Barre and the Boroughs of Dupont, Exeter, Hughestown, Luzerne, Shickshinny and West Wyoming; and in Schuylkill County, the City of Pottsville and the Boroughs of Ashland, Shenandoah and Tamaqua.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Shenandoah, as of September 18, 1950.

(2) Boroughs of Dupont and Mauch Chunk, as of December 4, 1950.

(3) City of Pottsville, as of December 12, 1950.

(4) Borough of Hughestown, as of December 13, 1950.

(5) City of Wilkes-Barre, as of December 19, 1950.

5. (272) Williamsport, Pennsylvania, Defense-Rental Area:

In Lycoming County, the City of Williamsport and all unincorporated localities, if any, in the Townships of Armstrong, Loyalsock and Old Lycoming.

In Columbia County, all unincorporated localities, if any, in the Township of Scott and the Town of Bloomsburg; in Northumberland County, the Cities of Shamokin and Sunbury, and all unincorporated localities, if any, in the Townships of Coal, Upper Augusta, Point and Rockefeller; in Snyder County, all unincorporated localities, if any, in the Townships of Monroe and Penn; and in Union County, the Borough of Lewisburg and all unincorporated localities, if any, in the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Borough of Renova, and all unincorporated localities, if any, in the Townships of Bald Eagle, Castanea, Dunnstable, Allison, Pine Creek, Wayne and Woodward.

This adds to Schedule C the City of Shamokin, Pennsylvania, as of November 7, 1950.

6. (354b) Bluefield, West Virginia, Defense-Rental Area:

In Mercer County, the Towns of Athens, Bramwell, Matoaka and Oakvale.

In McDowell County, the Towns of Davy, Iaeger, Keystone, Kimball, Northfork and War; and in Raleigh County, the Towns of Mabscott, Rhodell and Sophia.

This adds to Schedule C the Town of Oakvale, West Virginia, as of October 4, 1950.

7. (356) Huntington, West Virginia, Defense-Rental Area:

In Cabell County (exclusive of the Districts of Grant, McComas and Union and the Village of Barboursville), that portion of the City of Huntington located therein and all unincorporated localities; and in Wayne County, that portion of the City of Huntington located therein, the Cities of Kenova and Wayne, the Town of Ceredo, and all unincorporated localities.

In Lawrence County, the Village of Chesapeake and all unincorporated localities, if any, in the Townships of Upper, Perry, Fayette, Union and Hamilton.

In Boyd County, the Cities of Ashland and Catlettsburg and all unincorporated localities; and in Greenup County (exclusive of Magisterial Districts 1, 2, 3, 4, 5 and 6), the City of Russell and all unincorporated localities.

This adds to Schedule C the City of Wayne, West Virginia, as of December 12, 1950.

8. (371) Puerto Rico Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Fajardo, Guanica, Guayama, Gueyanilla, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba and Yauco.

This adds to Schedule C the Municipality of Penuelas, Puerto Rico, as of December 11, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 5th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-444; Filed, Jan. 9, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

PART 10—INVENTORY CONTROL

IRON AND STEEL SCRAP

CROSS REFERENCE: Part 24 of this chapter (*infra*) supplements Part 10 (NPA Reg. 1) with respect to iron and steel scrap, and supersedes that part to the extent that it is inconsistent with Part 24.

[NPA Order M-20]

PART 24—IRON AND STEEL SCRAP

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries.

Sec.
24.1 What this part does.
24.2 Definitions.
24.3 Persons affected by this part.
24.4 Limitations on inventories.
24.5 Application for adjustment or exception.
24.6 Communications.
24.7 Records.
24.8 Audit and inspection.
24.9 Violations.

AUTHORITY: §§ 24.1 to 24.9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 24.1 *What this part does.* This part establishes specific inventory limitations for iron and steel scrap. It thus supplements Part 10 of this chapter (NPA Reg. 1) but supersedes Part 10 only insofar as inconsistent therewith.

§ 24.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is the principal component, which are the waste of industrial fabrication or objects that have been discarded on account of absolescence, failure or other reasons, including therein iron and steel rail and axles for rerolling purposes.

§ 24.3 *Persons affected by this part.* This part applies to persons engaged in the business of scrap dealers, scrap brokers, automobile wreckers or producers of scrap. It does not extend to those engaged in demolition, ship breaking or other long-term projects.

§ 24.4 *Limitations on inventories.* No person as referred to in § 24.3, in any 60-day period, may receive delivery of any iron and steel scrap the total of which will have the effect of increasing his inventory position beyond a minimum practicable working inventory or beyond the average of his inventory position during the last preceding 60-day period, whichever is the lesser: *Provided, however,* That the prohibition set forth in this section shall not extend to those engaged in normal seasonal accumulation of iron and steel scrap for subsequent water shipments.

§ 24.5 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 24.6 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: Order M–20.

§ 24.7 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 24.8 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

§ 24.9 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part shall take effect on January 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-465; Filed, Jan. 8, 1951; 1:15 p. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 32]

[Docket No. FDC–52]

FROZEN FRUITS; DEFINITIONS AND STANDARDS OF IDENTITY AND STANDARDS OF FILL OF CONTAINER

ORDER FURTHER EXTENDING TIME FOR FILING EXCEPTIONS TO TENTATIVE ORDER

On October 4, 1950, there was published in the FEDERAL REGISTER (15 F. R. 6674) a notice of proposed rule making issued by the Acting Federal Security Administrator in the matter of fixing and establishing definitions and standards of identity and standards of fill of container for various frozen fruits. The notice provided that any person whose appearance was filed at the hearing may, within 45 days from the date of publication, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions to the proposed order, which exceptions may be accompanied by a memorandum or brief in support thereof. By order dated November 20, 1950, and published in the FEDERAL REGISTER on November 25, 1950 (15 F. R. 8089), the time for filing exceptions and memoranda or briefs was extended to January 2, 1951.

The Federal Security Administrator, having been petitioned by interested persons whose appearances were filed at the hearing, to further extend the period of time in which such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered,* That the time for filing such documents be hereby extended to January 11, 1951, and that said extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: January 5, 1951.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-447; Filed, Jan. 9, 1951; 8:53 a. m.]

Public Health Service

[42 CFR, Part 72]

INTERSTATE QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator proposes to amend the Interstate Quarantine regulations contained in Part 72, Title 42, Code of Federal Regulations. In this connection, interested persons may submit written data, views, or arguments to the Surgeon General of the Public Health Service, Washington 25, D. C., not later than 30 days after the publication of this notice in the FEDERAL REGISTER.

Under the proposed amendments, the provisions indicated below would be revised as follows:

1. Section 72.101 would be revised to read as follows:

§ 72.101 *Water for drinking and culinary purposes: general requirement.* Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 72.115 (b). Such water shall either have been obtained from watering points approved by the Surgeon General, or, if treated aboard a conveyance, shall have been subjected to treatment approved by the Surgeon General.

2. Paragraph (a) of § 72.103 would be revised to read as follows:

§ 72.103 *Approval of treatment aboard conveyances.* (a) The treatment of water aboard conveyances shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing and in fact does produce, potable water.

3. Paragraph (c) of § 72.113 would be revised to read as follows:

§ 72.113 *Potable water systems.* • • •

(c) Each potable water tank shall be provided with a means of drainage and, if it is equipped with a manhole, overflow, vent, or a device for measuring depth of water, provision shall be made to prevent entrance into the tank of any contaminating substance. No deck or sanitary drain or pipe carrying any nonpotable water or liquid shall be permitted to pass through the tank.

4. Paragraph (a) of § 72.117 would be revised to read as follows:

§ 72.117 *Drinking fountains and coolers; ice; constant temperature bottles.* (a) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

5. Section 72.135 would be revised to read as follows:

§ 72.135 *Drainage.* All platforms and other places at which water or food supplies are loaded onto or removed from conveyances shall be adequately drained so as to prevent pooling.

6. Section 72.137 would be revised to read as follows:

§ 72.137 *Water equipment; outlets for nonpotable water.* Outlets for nonpotable water shall be provided with fittings different from those provided for outlets for potable water and each nonpotable water outlet shall be posted with permanent signs warning that the water is unfit for drinking.

7. Section 72.138 would be deleted.

8. Section 72.140 (c) would be revised to read as follows:

§ 72.140 *Employee conveniences.* • • •

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

9. Section 72.141 would be revised to read as follows:

§ 72.141 *Disposal of human wastes.* (a) At servicing areas and at stations where land and air conveyances are occupied by passengers the operations shall be so conducted as to avoid contamination of such areas and stations by human wastes.

(b) Toilet wastes shall be disposed of through sanitary sewers or by other methods assuring sanitary disposal of such wastes. All soil cans and removable containers shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers and for flushing nonremovable containers and waste carts shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no purpose connected with the handling of food, water or ice.

(c) All persons who have handled soil cans or other containers which have come in contact with human wastes shall be required to wash their hands thoroughly with soap and warm water and to remove any garments which have become soiled with such wastes before engaging in any work connected with the loading, unloading, transporting or other handling of food, water or ice.

10. Section 72.147 would be revised to read as follows:

§ 72.147 *Submittal of construction plans.* Plans for the construction or major reconstruction of sanitary equipment or facilities for such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with the requirements of this subpart, except that submittal of plans shall not be required for any conveyance under reconstruction if the owner or operator thereof has made arrangements satisfactory to the Surgeon General for inspections of such conveyances while under reconstruction for the purpose of determining conformity with those requirements.

11. Paragraph (a) of § 72.148 would be revised to read as follows:

§ 72.148 *Water systems; constant temperature bottles.* (a) The water system, whether of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps, except for protected vent openings. The water system shall be protected against backflow.

12. Paragraph (a) of § 72.150 would be revised to read as follows:

§ 72.150 *Toilet and lavatory facilities.* (a) Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

13. Paragraph (c) of § 72.151 would be revised to read as follows:

§ 72.151 *Railway conveyances; food-handling facilities.* • • •

(c) Lavatory facilities for the use of the dining car crew shall be provided on each dining car. Such facilities shall be conveniently located and used for hand and face washing only: *Provided, however,* That where the kitchen and pantry on a dining car hereafter constructed or reconstructed are so partitioned or separated as to impede free passage between them, lavatory facilities shall be provided in both the kitchen and the pantry.

14. Section 72.154 would be revised to read as follows:

§ 72.154 *Railroad conveyances; discharge of wastes.* (a) There shall be no discharge of excrement, garbage, waste water or other polluting material from any land conveyance while such conveyance is passing over areas designated by the Surgeon General.

(b) Toilets shall be kept locked when conveyances, occupied or open to occupancy by travelers, are at a station or servicing area unless means are provided to prevent contamination of the area or station.

15. Section 72.155 would be revised to read as follows:

§ 72.155 *Air conveyances; discharge of wastes.* There shall be no discharge of excrement or garbage from any air conveyance except at servicing areas approved by the Surgeon General.

16. A new § 72.156 and containing the following provisions would be added:

§ 72.156 *Highway conveyances; discharge of wastes.* There shall be no discharge of excrement, garbage or waste water from a highway conveyance except at servicing areas approved by the Surgeon General.

17. Paragraph (a) of § 72.164 would be revised to read as follows:

§ 72.164 *Source of food and drink; identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors or dealers from whom they have acquired or are acquiring their food supply, including milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, bottled water, sandwiches and box lunches.

18. Section 72.165 would be revised to read as follows:

§ 72.165 *Special food requirements.* Milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, and shellfish served or sold on conveyances shall conform to the following requirements:

(a) Milk and fluid milk products, including cream, buttermilk, skim milk, milk beverages, and reconstituted milk, shall be pasteurized and obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk or fluid milk products are produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of supply of milk or fluid milk products has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases. Containers of milk and fluid milk products shall be plainly labeled to show the contents, the word "pasteurized", and the identity of the plant at which the contents were packaged by name and address, provided that a code may be used in lieu of address.

(b) Ice cream, other frozen desserts, and butter shall be manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(c) Cheese shall be (1) pasteurized or subjected to equivalent heat treatment, (2) made from pasteurized milk products or from milk products which have been subjected to equivalent heat treatment, or (3) cured for not less than 60 days at a temperature not less than 35° F.

(d) Milk, buttermilk, and milk beverages shall be served in or from the

original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.

(e) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.

(f) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packers shall be permanently recorded on the container.

19. Section 72.167 would be revised to read as follows:

§ 72.167 *Ice; source and handling.* Ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities. All ice coming in contact with food or drink shall be stored and handled in such manner as to avoid contamination.

20. Section 72.172 would be revised to read as follows:

§ 72.172 *Toilet and lavatory facilities for use of food-handling employees.* (a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. (Regarding railway dining car crew lavatory facilities, see § 72.151.)

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand washing facilities shall include soap, sanitary towels and hot and cold running water or warm running water in lieu of hot and cold running water.

(c) All toilet rooms shall be maintained in a clean condition.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703; 42 U. S. C 264)

Dated: January 2, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: January 3, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-375; Filed, Jan. 9, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[32296]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 4, 1951.

Notice is given that the plat of original survey of the following described lands, accepted January 19, 1950, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 8 S., R. 13 E.,
Sec. 1, Lot 11 (Gridley Island).

The area described aggregates 20.37 acres.

The land described was withdrawn December 11, 1920, upon application of the Idaho Power Company, from entry, location or other disposal under the laws of the United States, until otherwise directed by the Federal Power Commission or by Congress, and reserved for Power Project No. 19, under section 24 of the act of June 10, 1920 (41 Stat. 1075).

In view thereof, the land described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-389; Filed, Jan. 9, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 150-3, between the member lines of the Trans-Pacific Freight Conference of Japan, modifies the basic agreement of said Conference (No. 150) to include Okinawa within its territorial scope. Agreement No. 150 presently covers the trade from Japan and Korean ports to Pacific Coast ports of Canada and North America and to Hawaiian Islands.

Agreement No. 3103-4, between the member lines of the Japan-Atlantic Coast Freight Conference, modifies the basic agreement of said Conference (No. 3103) to include Okinawa within its territorial scope. Agreement No. 3103 presently covers the trade from Japan and Korean ports to Gulf and Atlantic Coast ports of North America, via Panama.

Agreement No. 7807, between Federal Commerce & Navigation Company Limited and Aksjerederiet Julian, Rederiaksjeselskapet Hadrian, Rederiaksjeselskapet Nerva, Rederiaksjeselskapet Vespasian Skipsaksjeselskapet Trajan and Hilmar Reksten, covers the maintenance and exploitation of a joint cargo, passenger, and mail service under the trade name Canada Mexico Line in the trades between ports on the St. Lawrence River and on the East Coast of Canada and ports in countries of South and Central America bounded by, and in islands situated in, the Caribbean Sea and/or the South Atlantic Ocean and/or Gulf of Mexico and/or bodies of water tributary thereto; with calls at United States Atlantic ports. The joint service will be represented by Kerr Steamship Company, Inc., New York, N. Y.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: January 5, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-446; Filed, Jan. 9, 1951; 8:52 a. m.]

National Production Authority

DELEGATION OF AUTHORITY TO CIVIL AERONAUTICS ADMINISTRATION

Pursuant to the authority of the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), there is hereby delegated to the Civil Aeronautics Administration the authority to apply ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs of the Civil Aeronautics Administration.

The Civil Aeronautics Administration is also authorized to assign the right to apply ratings to persons placing orders for materials to be delivered to or for the account of the Civil Aeronautics Administration to meet authorized programs.

This authority may be redelegated by the Civil Aeronautics Administration to appropriate agencies of the Civil Aeronautics Administration or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Civil Aeronautics Administration and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, rating DO (two-digit program code) is assigned to the deliveries on this purchase order or contract." This certification shall be authenticated with the signature of an authorized official of the Civil Aeronautics Administration or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the Civil Aeronautics Administration, and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the Zone of Interior; or to rate purchases from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This directive shall take effect on January 4, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-464; Filed, Jan. 8, 1951; 1:15 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket 9821]

CHRISTIAN COUNTY BROADCASTING CO. (WTIM)

ORDER CONTINUING HEARING

In re application of Christian County Broadcasting Company (WTIM), Taylorville, Illinois, Docket No. 9821; File No. BP-7755; for construction permit to replace expired permit.

The Commission having under consideration two petitions filed on December 28, 1950, by the Christian County Broadcasting Company, Taylorville, Illinois, one requesting that the hearing herein, presently scheduled for January 8, 1951, in Washington, D. C., be continued for sixty days and the other requesting the Commission to accept its late appearance herein, and both requesting a waiver of the Commission's four-day rule; and

It appearing that Commission Counsel has agreed to immediate action upon these two petitions, that there are no other parties to this proceeding and that therefore the requirements of § 1.745 of the Commission's rules have been met, and good cause has been shown for a grant thereof;

It is therefore ordered, This 2d day of January 1951, that the petition requesting continuance of the hearing herein be and it is hereby granted, that the hearing is hereby continued to March 12, 1951, at 10:00 a. m., in Washington, D. C., that the petition to accept and file late appearance is hereby granted, and that petitioner's late appearance is accepted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-396; Filed, Jan. 9, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1564]

SOUTHWESTERN VIRGINIA GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 4, 1951.

Take notice that on December 18, 1950, Southwestern Virginia Gas Transmission Company (Applicant), a Virginia corporation with its principal place of business in Martinsville, Virginia, filed an application for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities for the purpose of supplying natural gas to serve Southwestern Virginia Gas Company for distribution in the City of Martinsville, Virginia, and vicinity; and (2) for an order under section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to supply natural gas to Applicant for ultimate distribution in Martinsville and vicinity.

Applicant proposes to construct and operate a pipe line approximately 16.8 miles in length extending from the 30-inch main gas transmission line of Transcontinental at a point north of the North Carolina-Virginia State line to a point at or near the southeast corner of the City of Martinsville, Virginia, together with a regulating station and appurtenant facilities.

Applicant recites that it does not have an agreement with Transcontinental for a supply of gas for distribution in the Martinsville area but that Transcontinental has entered into a commitment with the Southwestern Virginia Gas Company for a supply of 400 Mcf per day. The application further sets forth that on November 16, 1950, the Presiding Examiner in the proceeding in Docket No. G-1411, in his decision found that present and future public convenience and necessity require that Transcontinental make available to Southwestern Virginia Gas Company at a point on its line convenient to Martinsville, Virginia, up to 500 Mcf of natural gas per day and in said decision authorized Transcontinental to sell and deliver to Southwestern Virginia Gas Company such volume of gas. The application further recites that Southwestern Virginia Gas Company is willing to make such gas available to Southwestern Virginia Gas Transmission Company, which company will in turn transport and sell such allotment of gas to Southwestern Virginia Gas Company for distribution in Martinsville.

The approximate cost of the proposed construction is estimated at $229,250. It is proposed to be financed by the issuance of $160,000 4 percent twenty-year bonds; the issuance of $30,000 5½ percent junior notes due in eight years; and the issuance of $40,000 of common stock.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 24th day of January 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-386; Filed, Jan. 9, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25722]

LIME FROM CLEBURNE, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3572.

Commodities involved: Lime, in carloads.

From: Cleburne, Tex.

To: Southern territory.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3572, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-376; Filed, Jan. 9, 1951; 8:45 a. m.]

[4th Sec. Application 25723]

FORMALDEHYDE FROM TEXAS AND OKLAHOMA TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3919.

Commodities involved: Formaldehyde, in tankcar loads.

From: Bishop and Winnie, Tex., and Tallant, Okla.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. O. Marsh's tariff I. C. C. No. 3919, Supp. 21; D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 534.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-377; Filed, Jan. 9, 1951; 8:45 a. m.]

[4th Sec. Application 25724]

TIN PLATE FROM SPECIFIED POINTS TO FARMERS BRANCH, TEXAS

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Tin plate, terne plate and tin mill black plate, carloads.

From: Specified points in official and southern territories.

To: Farmers Branch, Tex.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3912, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-378; Filed, Jan. 9, 1951; 8:45 a. m.]

[4th Sec. Application 25725]

CEMENT FROM BIRMINGHAM, ALA., TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Cement and related articles, in carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Nashville, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1066, Supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-379; Filed, Jan. 9, 1951; 8:45 a. m.]

[4th Sec. Application 25726]

MOULDING SAND FROM LEXINGTON, TENN., TO POINTS IN OHIO

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Moulding sand, carloads.

From: Lexington, Tenn.

To: Points in Ohio.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-380; Filed, Jan. 9, 1951; 8:45 a. m.]

[4th Sec. Application No. 25727]

PETROLEUM PRODUCTS FROM VIRGINIA TO NORTH CAROLINA

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Chesapeake and Ohio Railway Company, Southern Railway Company and other carriers named in the application.

Commodities involved: Gasoline, Fuel Oil and certain other petroleum products, in tank-car loads.

From: Norfolk, Newport News and Portsmouth, Va.

To: Newbern, Morehead City, Kinston and certain other points in North Carolina.

Grounds for relief: Circuitous routes. Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 193.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-381; Filed, Jan. 9, 1951; 8:46 a. m.]

[4th Sec. Application 25728]

SYRUP FROM IOWA AND SOUTH DAKOTA TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. A-3589, A-3615, and A-3831, pursuant to fourth-section order No. 9800.

Commodities involved: Syrup, corn, unmixed (glucose), in carloads.

From: Specified points in Iowa and Sioux Falls, S. Dak.

To: Points in Alabama, Arkansas, Florida, Georgia, Louisiana and other southern states.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-382; Filed, Jan. 9, 1951; 8:46 a. m.]

[4th Sec. Application 25729]

AUTOMOBILE PARTS FROM TOLEDO, OHIO, TO FORT KNOX, KY.

APPLICATION FOR RELIEF

JANUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4200, pursuant to fourth-section order No. 9800.

Commodities involved: Automobile parts, in carloads.

From: Toledo, Ohio.

To: Fort Knox, Ky.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-383; Filed, Jan. 9, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

HATTERS' FURS

NOTICE OF INVESTIGATION ORDER AND PUBLIC HEARING

FEBRUARY 6, 1951.

Investigation No. 3 under Part III of Executive Order 10082 of October 5, 1949.

The United States Tariff Commission on this 5th day of January 1951, under the authority of Paragraph 13 of Part III of Executive Order 10082 of October 5, 1949 and pursuant to the Commission's rules of practice and procedure, hereby announces an investigation, including a public hearing, for the purpose of determining whether as a result of unforeseen developments and of the concession granted by the United States in the General Agreement on Tariffs and Trade signed October 30, 1947 the following articles described in Paragraph 1520 of Title I of the Tariff Act of 1930:

Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted.

are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, 7th and E Streets, N. W., Washington, D. C., at 10 a. m. on the sixth day of February 1951.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the hearing.

Rules. Copies of the Commission's Rules of practice and procedure, which set forth in § 207.6 the type of information pertinent to the hearing are available upon request from the United States Tariff Commission, Washington 25, D. C.

I certify that this investigation was ordered by the Tariff Commission on the 5th day of January 1951.

DONN N. BENT, *Secretary.*

[I. R. Doc. 51-445; Filed, Jan. 9, 1951; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16558]

LUDOLF SIEVEKING ET AL.

In re: Rights of Ludolf Sieveking et al. under insurance contracts. File Nos. F-28-26631-H-1, H-2, H-3, H-4, H-5, H-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludolf Sieveking, Heide Sieveking and Werner Sieveking, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Ludolf Sieveking, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 8203204, 8203205, 8203206, 8203207, 8203208 and 8203209 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Ludolf Sieveking, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held

on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ludolf Sieveking or Heide Sieveking or the children, names unknown, of Ludolf Sieveking or Werner Sieveking, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Ludolf Sieveking, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-318; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16559]

WERNER AND OLGA N. SIEVEKING

In re: Rights of Werner Sieveking and Olga N. Sieveking under insurance contract. File No. F-28-8511 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner Sieveking and Olga N. Sieveking, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 203 913, issued by the West Coast Life Insurance Company, San Francisco, California, to Werner Sieveking, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Werner Sieveking or Olga N. Sieveking, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-319; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16560]

SHIGEJI TAJIMA ET AL.

In re: Rights of Shigeji Tajima et al. under insurance contract. F-39-103-H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeji Tajima and Jiro Tajima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,479,814, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Shigeji Tajima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Benefit Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shigeji Tajima or Jiro Tajima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-320; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16561]

SHIGEJI TAJIMA ET AL.

In re: Rights of Shigeji Tajima et al. under contracts of insurance. F-39-103-H-1, H-2, H-3, H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeji Tajima and Yeiko Tajima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shigeji Tajima, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 4521173, 4241836, 8102665 and 8102666, issued by the New York Life Insurance Company, New York, New York, to Shigeji Tajima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shigeji Tajima or Yeiko Tajima or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shigeji Tajima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Shigeri Tajima, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-321; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16566]

ANNA ULLICH

In re: Rights of Anna Ullich under insurance contract. F-28-28898-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Ullich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna Ullich unler a contract of insurance evidenced by Policy No. 126 990 834, issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Ullich, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance, except those of Anna Tomlinson, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna Ullich, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-322; Filed, Jan. 8, 1951; 8:49 a. m.]

[Vesting Order 16412]

RICLARD W. MULLER ET AL.

In re: Rights of Richard W. Muller et al., under insurance contract. File No. F-28-26639-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard W. Muller and Alice Muller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 788-478 issued by the New York Life Insurance Company, New York, New York, to Richard W. Muller, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Richard W. Muller or Alice Muller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-397; Filed, Jan. 9, 1951; 8:47 a. m.]

[Vesting Order 16420]

HELGA REINHART

In re: Rights of Helga Reinhart under insurance contract. File No. F-28-24718 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helga Reinhart, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Helga Reinhart under a contract of insurance evidenced by Policy No. 5 855 848 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Heinz Forthmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-400; Filed, Jan. 9, 1951; 8:47 a. m.]

[Vesting Order 16414]

MARTIN NIEDERMEIER AND ANNA NIEDERMEIER TREUTTINGER

In re: Rights of Martin Niedermeier and Anna Niedermeier Treuttinger under contract of insurance. File: D-28-11901-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martin Niedermeier and Anna Niedermeier Treuttinger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6635593 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Matthaus Niedermeier, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Martin Niedermeier and Anna Niedermeier Treuttinger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-398; Filed, Jan. 9, 1951; 8:47 a. m.]

[Vesting Order 16416]

FUSA OZAKI

In re: Rights of Fusa Ozaki under a contract of insurance. File No. D-39-10410-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fusa Ozaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,487,924 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kamesaburo Ozaki, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-401; Filed, Jan. 9, 1951; 8:47 a. m.]

[Vesting Order 16423]

PAULA ROESCH

In re: Rights of Paula Roesch under a contract of insurance. File No. F-28-26215-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paula Roesch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 276753 issued by the Security Mutual Life Insurance Company, Binghamton, New York, to Christian Roesch, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-402; Filed, Jan. 9, 1951; 8:47 a. m.]

[Vesting Order 16427]

YORIMI SATODA ET AL.

In re: Rights of Yorimi Satoda et al., under insurance contract. F 39-4955 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yorimi Satoda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yorimi Satoda, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2304836, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Yorimi Satoda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yorimi Satoda or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yorimi Satoda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Yorimi Satoda, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-403; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16424]

MRS. HERMANN ROESING ET AL.

In re: Rights of Mrs. Hermann Roesing, et al., under insurance contracts. Files Nos. F-28-30641-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hermann Roesing and Mrs. George Hirschfeld, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Hermann Roesing and Mrs. George Hirschfeld under contracts of insurance evidenced by policies Nos. 122552 and 124607, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Phillip H. N. Wustendorfer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-404; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16432]

ADOLF E. J. AND MARIE S. C. SCHONBERG

In re: Rights of Adolf E. J. Schonberg and Marie S. C. Schonberg under insurance contract. File No. F-28-134-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf E. J. Schonberg and Marie S. C. Schonberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3047 501, issued by The Mutual Life Insurance Company of New York, New York, New York, to Adolf E. J. Schonberg, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adolf E. J. Schonberg or Marie S. C. Schonberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-405; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16434]

ELSIE SCHRAMM

In re: Rights of Elsie Schramm under insurance contract. File No. D-28-10497-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Schramm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6 255 783, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Joseph Schramm, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein

shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-405; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16175]

GEORGE HERMAN

In re: Securities owned by and debts owing to the personal representatives, heirs, next of kin, legatees and distributees of George Herman, deceased. F-28-6381-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Herman, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interest in and under one (1) voting trust certificate for two (2) shares of no par value capital stock of the North Carolina Mortgage Corporation, 70 Pine Street, New York, New York, said certificate numbered VT1262, registered in the name of George Herman, and any and all rights to the proceeds of liquidation of the aforesaid certificate,

b. All rights and interest in and under one (1) second series liquidation certificate of the North Carolina Mortgage Corporation, 70 Pine Street, New York, New York, said certificate numbered BX418, of $1,030.00 face value, registered in the name of George Herman, and any and all rights to the proceeds of liquidation of the aforesaid certificate, and

c. Those certain debts or other obligations of the Continental Bank and Trust Company of New York, 30 Broad Street, New York 15, New York, represented by five (5) checks presently in the custody of the said Continental Bank and Trust Company of New York, transfer agent for the North Carolina Mortgage Corporation, 70 Pine Street, New York, New York, said checks payable to George Herman and numbered, dated and in the face amounts as set forth below:

Check No.	Date	Face amount
236	Aug. 20, 1941	$51.50
231	Aug. 7, 1942	41.20
230	Dec. 29, 1942	51.50
233	Nov. 19, 1943	60.95
233	Aug. 15, 1944	61.80

and any and all accruals to the aforesaid debts or other obligation, and any and all rights to demand, enforce and collect the same, and all rights in, to and under, including particularly but not limited to the right to possession of and to presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of George Herman, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of George Herman, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-407; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16437]

YAMATO SHIMABUKURO

In re: Rights of Yamato Shimabukuro under insurance contract. File No. F-39-6768-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yamato Shimabukuro, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Yamato Shimabukuro under a contract of insurance evidenced by policy No. 1,002,613, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Yamato Shimabukuro, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-406; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16494]

WILHELMINA BREMERKAMP

In re: Estate of Wilhelmina Bremerkamp, deceased. File No. D-28-12717 E. & T. sec. 16897.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederike Anna Maria Brundiers, also known as Maria Kaiser Brundiers and Johann Georg Kaiser, also known as George Kaiser, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Elizabeth Kaiser, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Wilhelmina Bremerkamp, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in process of administration by August Bischoff, as Executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, of Elizabeth Kaiser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-408; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16530]

GUSTAV MAUS AND PEOPLES SAVINGS AND TRUST CO. OF PITTSBURGH

In re: Trust agreement dated May 16, 1925, between Gustav Maus, Grantor, and Peoples Savings and Trust Company of Pittsburgh, Trustee. File No. D-28-2469-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Maus, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to and arising out of or under that certain trust agreement dated May 16, 1925, by and between Gustav Maus, grantor, and Peoples Savings and Trust Company of Pittsburgh, trustee, including particularly but not limited to the right of Gustav Maus to revoke the trust agreement, presently being administered by Peoples First National Bank & Trust Company, as trustee, Pittsburgh 30, Pennsylvania, and

b. All property in the possession, custody or control of the Peoples First National Bank & Trust Company, Pittsburgh 30, Pennsylvania, as trustee of the trust created pursuant to that certain trust agreement dated May 16, 1925, by and between Gustav Maus, grantor and Peoples Savings and Trust Company of Pittsburgh, trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to all lawful fees and disbursements of the said Peoples First National Bank & Trust Company, Pittsburgh 30, Pennsylvania, as trustee under that certain trust agreement dated May 16, 1925, between Gustav Maus, grantor, and Peoples Savings and Trust Company, trustee.

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-409; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16575]

MASAMI AND SAKI AGEMURA

In re: Rights of Masami Agemura and Saki Agemura under insurance contract. File No. D-39-2376-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masami Agemura and Saki Agemura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1338280 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Masami Agemura, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States) is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Masami Agemura or Saki Agemura, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-410; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16576]

FERDINAND BELZ ET AL.

In re: Rights of Ferdinand Belz et al., under insurance contract. File No. F-28-14436-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Belz and Mathilde Louise Belz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 405056, issued by the Guardian Life Insurance Company of America, New York, New York, to Ferdinand Belz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same is property

within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ferdinand Belz or Mathilde Louise Belz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-411; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16579]

ALBERT BOLLMAN (BOLLMANN) ET AL.

In re: Rights of Albert Bollman (Bollmann) et al., under insurance contract. File No. F-28-3307-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Bollman (Bollmann) and Kaethe Bollman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 728335 issued by the Pacific Mutual Life Insurance Company, Los Angeles, California, to Albert Bollman (Bollmann), and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Pacific Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Albert Bollman (Bollmann) or Kaethe Bollman, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-412; Filed, Jan. 9, 1951; 8:48 a. m.]

[Vesting Order 16581]

MRS. LOUISE AND MAGIN FA

In re: Rights of Mrs. Louise Fa and Magin Fa under insurance contract. File No. F-28-24761-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Louise Fa and Magin Fa, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7255665, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Mrs. Louise Fa, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Louise Fa or Magin Fa, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-413; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16585]

DR. SIGMUND M. HAFFNER ET AL.

In re: Rights of Dr. Sigmund M. Haffner et al. under insurance contract. File No. F-28-8251-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Sigmund M. Haffner and Luise A. Haffner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 236921, issued by the State Life Insurance Company, Indianapolis, Indiana, to Dr. Sigmund M. Haffner, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the State Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Sigmund M. Haffner or Luise A. Haffner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-414; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16586]

SUSUMU AND MAY MITSUYE HASUIKE

In re: Rights of Susumu Hasuike and May Mitsuye Hasuike under insurance contracts. Files Nos. D-39-3962-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Hasuike and May Mitsuye Hasuike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 1,012,257 and 1,554,380, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Susumu Hasuike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Susumu Hasuike or May Mitsuye Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-415; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16588]

YOUZO AND SHIZUE HOSHINO

In re: Rights of Youzo Hoshino and of Shizue Hoshino under insurance contract. D-39-18798-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Youzo Hoshino and Shizue Hoshino, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15146500, issued by the New York Life Insurance Company, New York, New York, to Youzo Hoshino, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Youzo Hoshino or Shizue Hoshino, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-416; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16605]

GERTRUDE MAMEROW ET AL.

In re: Rights of Gertrude Mamerow et al., under insurance contract. File No. F-28-30726-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Mamerow, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Gertrude Mamerow, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 57614696, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Gertrude Mamerow, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gertrude Mamerow or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Gertrude Mamerow, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Gertrude Mamerow, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-421; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16589]

ADRIEN C. AND IDA HUMBERT

In re: Rights of Adrien C. Humbert and Ida Humbert under insurance contracts. F-39-1907-H-2, H-3, H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adrien C. Humbert and Ida Humbert, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 566714, 566715, and 566715A, issued by the Connecticut Mutual Life Insurance Company, Hartford, Connecticut, to Adrien C. Humbert, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid the Connecticut Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Adrien C. Humbert or Ida Humbert, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-417; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16606]

HENNY MAMEROW ET AL.

In re: Rights of Henny Mamerow et al., under insurance contract. File No. F-28-30727-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henny Mamerow, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henny Mamerow, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 57557659, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Henny Mamerow, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same is property, within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henny Mamerow or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henny Mamerow, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henny Mamerow, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-422; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16612]

JOHANNES A. MEYN ET AL.

In re: Rights of Johannes A. Meyn et al., under insurance contract. File No. F-28-30657-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes A. Meyn and Rebecca Meyn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Johannes A. Meyn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4,102,689, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Johannes A. Meyn, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance, except those of the aforesaid the Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Johannes A. Meyn, or Rebecca Meyn, or the children, names unknown, of Johannes A. Meyn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the children, names unknown, of Johannes A. Meyn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-425; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16592]

CARL J. AND HELGA JOENSSON

In re: Rights of Carl J. Joensson and Helga Joensson under insurance contract. File No. F-28-121-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl J. Joensson and Helga Joensson, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 399883, issued by the Guardian Life Insurance Company of America, New York, New York, to Carl J. Joensson, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Carl J. Joensson or Helga Joensson, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-418; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16617]

KOSUMI NAKAI ET AL.

In re: Rights of Kosumi Nakai et al., under insurance contract. File No. F 39-4917 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosumi Nakai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kosumi Nakai, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,331,845, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kosumi Nakai, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kosumi Nakai or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kosumi Nakai, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kosumi Nakai, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-426; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16598]

HANS RULFF AND ANNELIESE KEHRMANN

In re: Rights of Hans Rulff Kehrmann and Anneliese Kehrmann under insurance contract. File No. F-39-2434-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Rulff Kehrmann and Anneliese Kehrmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 206 912, issued by the West Coast Life Insurance Company, San Francisco, California, to Hans Rulff Kehrmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership of control by Hans Rulff Kehrmann or Anneliese Kehrmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-419; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16625]

SHIGERU SATO ET AL.

In re: Rights of Shigeru Sato et al., under insurance contract. File No. F-39-6746-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Sato and Kosajiro Sato, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kosajiro Sato, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,569,736, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shigeru Sato, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Shigeru Sato or Kosajiro Sato, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kosajiro Sato, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kosajiro Sato, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-420; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16604]

MARIE A. LEUPOLD

In re: Rights of Marie A. Leupold under insurance contract. File No. F-28-23216-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie A. Leupold, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Marie A. Leupold under a contract of insurance evidenced by policy No. 2649336, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Marie A. Leupold, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Henry G. Leupold, a resident of the United States and of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-430; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16607]

MRS. MARTHA E. MANN

In re: Rights of Mrs. Martha E. Mann under insurance contract. File No. F-28-30782 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Martha E. Mann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Martha E. Mann under a contract of insurance evidenced by Policy No. 546412 issued by the Guardian Life Insurance Company of America, New York, New York, to Mrs. Martha E. Mann, formerly Martha Ernestine Schmid, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Martha F. Schmid, a resident of the United States, and of the aforesaid the Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Martha E. Mann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-423; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16621]

HANS HENNING VON DER OSTEN

In re: Rights of Hans Henning Von Der Osten under insurance contract. File No. F-28-26739-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Henning Von Der Osten, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hans Henning Von Der Osten under a contract of insurance evidenced by policy No. 1196107, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Hans Henning Von Der Osten, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Maria Isabel Baptista, a resident of Venezuela, South America, and of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-427; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16636]

ANNA SIEDER ET AL.

In re: Rights of Anna Sieder et al., under contract of insurance. File No. F-28-24342-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Sieder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Sieder, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 665,577-M, issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Sieder, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna Sieder or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Sieder, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Sieder, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-433; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16611]

EDGAR H. P. AND BRUNHILD E. MEYER

In re: Rights of Edgar H. P. Meyer and Brunhild E. Meyer under insurance contract. File No. F-28-13970-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar H. P. Meyer and Brunhild E. Meyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 599168, issued by the New England Mutual Life Insurance Company, Boston, Massachusetts, to Edgar H. P. Meyer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New England Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Edgar H. P. Meyer and Brunhild E. Meyer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-433; Filed, Jan. 9, 1951; 8:50 a. m.]

JAN 15 '51

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-424; Filed, Jan. 9, 1951; 8:49 a. m.]

[Vesting Order 16624]

NOBURO SASAKI ET AL.

In re: Rights of Noburo Sasaki et al., under insurance contract. File No. F-39-4502 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Noburo Sasaki and Tokuichi Sasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 13 351 372, issued by the New York Life Insurance Company, New York, New York, to Noburo Sasaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Noburo Sasaki or Tokuichi Sasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-429; Filed, Jan. 9, 1951; 8:50 a. m.]

[Return Order 793]

ANDRE ANTOINE CHAUVIN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Andre Antoine Chauvin, Paris, France; Claim No. 33764; September 8, 1950 (15 F. R. 6062); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to U. S. Letters Patent Nos. 1895784 and 2174201. Property described in Vesting Order No. 2686 (8 F. R. 16667, December 10, 1943) relating to inventions and disclosures T. C. Nos. 1083 and 1084 and now identified as U. S. Patent Applications, Serial Nos. 739012 and 739013. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-437; Filed, Jan. 9, 1951; 8:50 a. m.]

[Bar Order 10]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order 9788, July 2, 1951, is hereby fixed as the date after which the filing of claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General between July 1, 1949 and December 31, 1949, inclusive.

(40 Stat. 411, 55 Stat. 839, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9788, Oct. 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 5th day of January, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-441; Filed, Jan. 9, 1951; 8:50 a. m.]

[Return Order 845]

ALESSANDRO AND LINA WIDGOPF BRASS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Alessandro Brass and Lina Widgopf Brass, both of Venice, Italy; Claim No. 40156; November 23, 1950 (15 F. R. 8067); $7,114.51 in the Treasury of the United States, payable as follows: ½ to Alessandro Brass; ½ to Alessandro Brass and Lina Widgopf Brass, with Lina Widgopf Brass having a life interest therein and Alessandro Brass being entitled to the remainder.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-439; Filed, Jan. 9, 1951; 8:50 a. m.]

[Return Order 846]

WILLEM P. VAN LAMMEREN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, Notice of Intention To Return Published, and Property

Willem P. Van Lammeren, Voorschoten, The Netherlands; Claim No. 6056; November 23, 1950 (15 F. R. 8066); property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 1,772,119; 1,812,814; 1,880,302; 1,949,225; 2,085,484; 2,152,113 and 2,153,557. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-440; Filed, Jan. 9, 1951; 8:50 a. m.]

JAN 15 '51

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 16 NUMBER 7

Washington, Thursday, January 11, 1951

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 721—CORN

Sec.
721.201 Basis and purpose.
721.202 Commercial corn-producing area for 1951.
721.203 1951 acreage allotments for corn.

AUTHORITY: §§ 721.201 to 721.203 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 304, 327, 328, 371, 52 Stat. 45, as amended, 51, 52, as amended, 64, as amended; 7 U. S. C. 1304, 1327, 1328, 1371.

§ 721.201 *Basis and purpose.* The regulations contained in §§ 721.201 to 721.203 are issued to announce that no commercial corn-producing area will be established for 1951 and no national, county, or farm acreage allotments will be determined for 1951. They are based upon sections 304, and 371 (b) of the Agricultural Adjustment Act of 1938, as amended. Section 327 of the act requires the Secretary of Agriculture each year to ascertain and proclaim the commercial corn-producing area, and section 328 of the act requires him each year to ascertain and proclaim an acreage allotment for such area.

Section 371 (b) of the act authorizes the Secretary to dispense with the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1951 crop of corn. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to dispense with national, county, and farm acreage allotments for the 1951 crop of corn. That action is made effective by the issuance of §§ 721.202 and 721.203.

Prior to taking the action herein, public notice was given (15 F. R. 6831) in accordance with the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary had under consideration the matter of dispensing with acreage allotments for the 1951 crop of corn under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 721.202 *Commercial corn-producing area for 1951.* No commercial corn-producing area will be established for 1951.

§ 721.203 *1951 acreage allotments for corn.* No national, county or farm acreage allotments of corn will be determined for 1951.

Issued at Washington, D. C., this 5th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-462; Filed, Jan 10, 1951; 8:48 a. m.]

PART 728—WHEAT

Sec.
728.103a Basis and purpose.
728.104 1951 national acreage allotment for wheat.
728.106 1951 State, county, and farm acreage allotments for wheat.

AUTHORITY: §§ 728.103a to 728.106 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 304, 371, 52 Stat. 45, as amended, 64, as amended; 7 U. S. C. 1304, 1371.

§ 728.103*a Basis and purpose.* The regulations contained in §§ 728.103a to 728.106 are issued to announce the termination of 1951 national, State and county wheat acreage allotments (15 F. R. 4543, 4967) and of farm acreage allotments

(Continued on p. 279)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Air Force Department
Renegotiable business and costs, determination; general classes or types of exempted contracts and subcontracts (*see* Military Renegotiation Policy and Review Board).

Alien Property, Office of
Notices:
Vesting orders, etc.:
Aoki, Yasuharu, et al 294
Banco de Chile y Alemania en Liquidation 294
Baumwoll-Handelsgesellschaft, m. b. H. Bremen 295
Baret, Fernand Joseph, and Maurice Florent Edmond Schuermans 303
Brill, R. A. L 295
Brinckmann, Wirtz & Co., and Dresdner Bank 296
East Prussian Power Co. and Conversion Office for German Foreign Debts 296
German Government 298
Germany and Conversion Office for German Foreign Debts 296
Goos, Johann Hinrich 302
Handel En Financierings Compagnie 299
Helms, Rudolph 299
Jess, Mathilde, et al 302
Kulke, Richard and Anna 302
Lanfermann, Peter 301
Mann, Leland W. and Mona R 293
Mannheim and Palatinate Electric Companies and Conversion Office for German Foreign Debts 297
Michaels, Max 293
Mix and Genest Aktiengesellschaft 300
Naokichi Ikada & Co 299
Nanassy-Megay, Joyce 304
Nishikawa, Sueko 300
Nishikawa, Tomiko 301
Pichler, Hedwig and Richard 300
Poppe, John, et al 292
Provincial Bank of Westfalia and Conversion Office for German Foreign Debts 297
Rammler, Emil 301

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Rhine Rhur Water Service Union and Conversion Office for German Foreign Debts 298
Schmidt, Kurt 293

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Seehoff, Emma, et al 303
Sera, Kiyoichi and Toku 291
Skibbe, Max, et al 292
Thiermann, Johann (Hans) F. W 292
Tsunemoto, Tameshi, et al 292
Yamamoto, Masashi 294

Army Department
Renegotiable business and costs, determination; general classes or types of exempted contracts and subcontracts (*see* Military Renegotiation Policy and Review Board).

Civil Aeronautics Administration
Rules and regulations:
Air traffic, security control; correction 280

Civil Aeronautics Board
Notices:
Westair Transport Case; hearing 289
Proposed rule making:
Scheduled air carrier certification and operation rules 286

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Defense Department
See Military Renegotiation Policy and Review Board.

Federal Power Commission
Notices:
Hearings, etc.:
New England Power Co 290
Penn-York Natural Gas Corp 290
Tennessee Gas Transmission Co 290
Texas Electric Service Co. et al 290

Federal Reserve System
Rules and regulations:
Consumer credit; interpretation 280

Federal Trade Commission
Notices:
Marine Tobacco Co. et al.; hearing 290
Rules and regulations:
Policies; injunctive proceedings by Commission 280

Housing and Home Finance Agency
Notices:
Organization description; designation of Acting Director, Division of Slum Clearance and Urban Redevelopment 290

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in California, Iowa, Michigan and Oregon 282

Interior Department Page
See Mines Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Paper articles from South to official territory 291
Soybean oil meal from Redfield, Iowa, to gulf ports 291
Rules and regulations:
Reports of motor carriers; Motor Carrier Annual Report Form A 285

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Military Renegotiation Policy and Review Board
Rules and regulations:
Renegotiable business and costs, determination; general classes or types of exempted contracts and subcontracts 282

Mines Bureau
Rules and regulations:
Junction boxes and electric motor-driven mine equipment; miscellaneous amendments 281

National Production Authority
Rules and regulations:
Tin 283

Navy Department
Renegotiable business and costs, determination; general classes or types of exempted contracts and subcontracts (*see* Military Renegotiation Policy and Review Board).

Production and Marketing Administration
Proposed rule making:
Market agencies at Kansas City stock yards; petition for modification of rates 285
Rules and regulations:
Corn 277
Rice 279
Wheat 277

Securities and Exchange Commission
Rules and regulations:
Investment Company Act; forms for registration statements:
Face-amount certificate companies 280
Registered investment companies 280

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries (2 documents) 286, 288
Proposed rule making:
Cane sugar industry in Louisiana; hearing 285

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
Title 7	
Chapter VII:	
Part 721	277
Part 728	277
Part 730	279
Title 12	
Chapter II:	
Part 222	280
Title 14	
Chapter I:	
Part 40 (proposed)	286
Part 41 (proposed)	286
Part 61 (proposed)	286
Chapter II:	
Part 620	280
Title 16	
Chapter I:	
Part 1	280
Title 17	
Chapter II:	
Part 270	280
Part 274	280
Title 24	
Chapter VIII:	
Part 825	282
Title 29	
Chapter V:	
Part 526 (proposed)	285
Title 30	
Chapter I:	
Part 18	281
Title 32	
Chapter IV:	
Part 423	282
Title 32A	
Chapter I:	
Part 27	283
Title 49	
Chapter I:	
Part 205	285

determined under regulations applicable to the 1951 crop of wheat issued June 9, 1950 (15 F. R. 3614). Such termination is based upon sections 304 and 371 (b) of the Agricultural Adjustment Act of 1938, as amended.

Section 371 (b) of the act authorizes the Secretary to increase or terminate the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity.

Section 304 of the act provides that in carrying out the purposes of the act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

Pursuant to section 317 (b) of the act, an investigation has been made to determine whether acreage allotments should be continued in effect for the 1951 crop of wheat. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to terminate all acreage allotments for the 1951 crop of wheat. Such termination is made effective by the revision of §§ 723.104 and 728.108.

In order to provide for the required increase in wheat production to meet the present emergency and to make certain that farmers have ample time to readjust their plans for seeding spring wheat for the 1951 crop, it is hereby found and determined that compliance with the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest.

§ 728.104. *1951 national acreage allotment for wheat.* The national wheat acreage allotment for the 1951 crop is hereby terminated.

§ 728.108 *1951 State, county and farm acreage allotments for wheat.* The State wheat acreage allotments for the 1951 crop are hereby terminated. Accordingly, no county or farm acreage allotments shall be in effect for the 1951 wheat crop.

Issued at Washington, D. C., this 5th day of January 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-461; Filed, Jan. 10, 1951; 8:48 a. m.]

PART 730—RICE

STATE AND COUNTY ACREAGE ALLOTMENTS FOR THE 1950 CROP OF RICE

§ 730.103a *Basis and purpose.* The 1950 State and county rice acreage allotments herein have been determined under section 353 of the Agricultural Adjustment Act of 1938, as amended. The purpose of the regulations contained in §§ 730.103a to 730.105 is to revise, on account of corrections in basic data, the 1950 State rice acreage allotments proclaimed by the Secretary of Agriculture on January 13, 1950 (15 F. R. 337), and to announce the apportionment among the counties of the States of Arkansas, Louisiana, Missouri, Mississippi, and South Carolina of the respective State rice acreage allotments for 1950, as so revised. Since farm rice acreage allotments in the States of Arizona, California and Texas were established pursuant to the act primarily on the basis of the past production of rice by the producers on the farm in lieu of the past production of rice on the farm, the State acreage allotments for those States were apportioned directly to farms, and county rice acreage allotments for those States have not been determined.

The determinations made by the Secretary in §§ 730.104 and 730.105 were made on the basis of the latest available statistics of the Federal Government, and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of data, views, and recommendations received pursuant to public notice of original determinations of State and county rice acreage allotments for 1950 (14 F. R. 6809) given in accordance with the Administrative Procedure Act. Since the revisions in State rice acreage allotments for 1950 are based entirely upon corrections in basic data, it is hereby determined and found that compliance with the notice and public procedure provisions of the Administrative Procedure Act with respect to such revised allotments is unnecessary.

§ 730.104 *Apportionment of the national acreage allotment for the 1950 crop of rice among the several States.* The national acreage allotment proclaimed in § 730.102 is hereby apportioned among the several States as follows:

	Acres		Acres
Arizona	269	Missouri	1,302
Arkansas	339,370	South Carolina	763
California	240,531	Texas	451,663
Louisiana	557,434		
Mississippi	1,760		

§ 730.105 *1950 county rice acreage allotments.*

ARKANSAS

County	Allotment	County	Allotment
Arkansas	79,708	Lincoln	3,259
Ashley	4,481	Lonoke	33,429
Chicot	4,006	Miller	58
Clay	5,439	Monroe	11,375
Craighead	16,089	Ouachita	111
Crittenden	570	Perry	10
Cross	29,528	Phillips	1,210
Desha	5,500	Poinsett	35,537
Drew	3,726	Prairie	38,008
Greene	3,652	Pulaski	198
Jackson	16,472	Randolph	149
Jefferson	6,641	St. Francis	7,393
Lafayette	445	White	473
Lawrence	4,835	Woodruff	15,869
Lee	5,452		

LOUISIANA

Acadia	104,625	Morehouse	945
Allen	22,446	Rapides	298
Ascension	1,599	Richland	686
Assumption	430	St. Charles	457
Avoyelles	2,603	St. James	2,352
Beauregard	4,547	St. John the Baptist	787
Calcasieu	70,411	St. Landry	18,728
Cameron	15,686	St. Martin	3,612
East Carroll	1,151	St. Mary	3,758
Evangeline	51,084	St. Tammany	315
Iberia	6,021	Terrebonne	170
Iberville	1,823	Vermillion	118,030
Jefferson Davis	111,501		
Lafayette	8,925		
Lafourche	80		

MISSISSIPPI

Sharkey	32	Tunica	2
Sunflower	98	Washington	1,579
Tallahatchie	49		

MISSOURI

Lincoln	86	Ripley	284
Marion	788	Stoddard	95
Pike	49		

SOUTH CAROLINA

Beaufort	114	Colleton	230
Berkley	14	Jasper	116
Charleston	309		

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 5th day of January 1951. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-463; Filed, Jan. 10, 1951; 8:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER CREDIT

INTERPRETATION

§ 222.129 *Exclusion of "self-labor".* A question has been presented as to whether there may be included in the cash price of "materials, articles, and services" comprising a listed article under Group D of § 222.9, any amount for services or labor performed by the instalment obligor himself or with gratuitous assistance of his family and friends.

For example, a home owner finds it necessary to enlarge his house to provide additional living quarters. In order to hold the cost to him of the project to a minimum, he plans to undertake the necessary labor or services himself. Must the maximum loan value of an instalment credit to finance the project be calculated on the basis of a cash price limited to the cost of the necessary materials, or may such loan value be calculated on the basis of a cash price which, in addition, includes an amount reflecting the value of the necessary labor and services?

The Board is of the view that in such cases where materials or articles and services are required, Part 222 would permit including in the cash price of the Group D project only the amount to be paid for the necessary materials or articles. Consequently, there could not be included in the cash price of such project any amount usable to compensate the instalment obligor for the service or labor performed by himself or with gratuitous assistance of others in connection with the project.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-454; Filed, Jan. 10, 1951; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 37]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

Correction

In Federal Register Document 50-12384, published at page 9319 of the issue for Wednesday, December 27, 1950, the following changes are made:

1. In § 620.21, paragraphs (1) through (5) are redesignated paragraphs (a) through (e), respectively, and the seventh line of paragraph (a) is corrected to read: "and the line 49°00' N—114°00' W, 47°00'". As corrected, paragraph (a) of § 620.21 reads as follows:

§ 620.21 *Domestic ADIZS*—(a) *Northwest ADIZ.* Area bounded by the Eastern boundary of the Pacific ADIZ north of 43°00' N; the Canadian border west of 49°00' N—114°00' W extending to the eastern boundary of the Pacific ADIZ, and the line 49°00' N—114°00' W, 47°00' N—114°00' W, 47°00' N—114°30' W, 46°00' N—114°30' W, 44°00' N—117°30' W, 43°00' N—120°00' W and then west along 43° north latitude to the eastern boundary of the Pacific ADIZ.

2. In § 620.22 paragraphs (1) and (2) are redesignated (a) and (b).

3. In § 620.23 paragraph (1) is redesignated (a).

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 1—POLICIES

INJUNCTIVE PROCEEDINGS BY COMMISSION

The Commission on January 8, 1951, adopted a statement of policy with respect to injunctive proceedings, and directed the publication of said statement of policy as set forth below:

§ 1.5 *Injunctive proceedings by Commission.* In those instances where it appears to the Commission that the public interest requires such action, it is the policy of the Commission to apply to the courts for injunctive relief pursuant to the provisions of section 13 of the Federal Trade Commission Act, when it has reason to believe that:

(a) The advertising of a product is false in a material respect and there is reasonable probability that the use of the product may cause serious injury to health;

(b) A product is falsely represented in advertisements as an adequate treatment for conditions in which the failure to administer adequate treatment may seriously imperil health;

(c) The advertising of a product is false in a material respect and there is reasonable probability that its dissemination will result in irreparable and substantial financial injury to the public.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 13, 52 Stat. 115; 15 U. S. C. 53)

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of January 8, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-468; Filed, Jan. 10, 1951; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

FORMS FOR REGISTRATION STATEMENTS OF REGISTERED INVESTMENT COMPANIES

The Securities and Exchange Commission acting pursuant to the Investment Company Act of 1940, particularly sections 8 and 38 (a) thereof, hereby takes the following action:

1. Section 270.8b-2 (Rule N-8B-2) is amended by adding thereto an additional paragraph reading as follows:

§ 270.8b-2 *Forms for registration statements of registered investment companies.* • • •

(d) *Form N-8B-4 for face-amount certificate companies.* This form shall be used for registration statements pursuant to section 8 (b) of the Investment Company Act of 1940 by all face-amount certificate companies.

2. The Commission hereby adopts the following new rule, designated § 270.8c-4 (Rule N-8C-4), authorizing the use of certain material filed under the Securities Act of 1933 or the Securities Exchange Act of 1934 in filing registration statements on § 274.14[1] (Form N-8B-4):

§ 270.8c-4 *Previously filed material.* A registered face-amount certificate company which has securities registered under the Securities Act of 1933 may, in filing a registration statement on § 274.14, incorporate by reference any information, financial statement or exhibit contained in (a) its most recent currently effective registration statement under the Securities Act of 1933, (b) the most recent prospectus filed under that act, or (c) any report filed pursuant to section 15 (d) of the Securities Exchange Act of 1934: *Provided*, A copy of such registration statement, prospectus or report is filed with each copy of the registration statement on § 274.14.

The foregoing action shall become effective January 31, 1951.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 29, 1950.

[F. R. Doc. 51-459; Filed, Jan. 10, 1951; 8:47 a. m.]

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

REGISTRATION STATEMENTS

The Securities and Exchange Commission acting pursuant to the Investment Company Act of 1940, particularly sections 8 and 38 (a) thereof, hereby takes the following action:

[1] See F. R. Doc. 51-460, Part 274 of this chapter, *infra*.

The Commission hereby adopts § 274.14 (Form N-8B-4[1]) as the form to be used for registration statements of face-amount certificate companies registered under the above-named act.

§ 274.14 *Form N-8B-4, registration statements of face-amount certificate companies.* This form shall be used for registration statements of face-amount certificate companies registered under the Investment Company Act of 1940.

The foregoing action shall become effective January 31, 1951.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

DECEMBER 29, 1950.

[F. R. Doc. 51-460; Filed, Jan. 10, 1951; 8:47 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 18—JUNCTION BOXES AND ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT

MISCELLANEOUS AMENDMENTS

Part 18 of Title 30, Code of Federal Regulations is amended as follows:

1. Section 18.2 (a) (3) (v) (a) is amended by deleting "Run-over tests (complete): $25" and substituting "Damage-resistance tests (complete official test): $25".

2. Section 18.2 (a) (3) (v) (b) is amended by deleting the words "run-over tests" and substituting: "tests to determine resistance to damage by mine-car running over cable".

3. Section 18.2 (a) (3) (v) (c) is amended by adding the words "official test" after the word "complete" in parentheses.

4. The last sentence of § 18.2 (a) (3) is deleted.

5. Section 18.2 (b) (10) (i) is amended by adding at the end of subparagraph (i) the following sentence: "The size of power conductors in portable cables shall not be smaller than No. 14."

6. The six paragraphs now comprising § 18.3 (a) (7) (i) are lettered, respectively, (*a*), (*b*), (*c*), (*d*), (*e*), and (*f*).

7. Subdivisions (c) and (*d*) of § 18.3 (a) (7) (i) are amended to read as follows:

(c) The width of space for packing material shall not exceed the diameter or width of the uncompressed material by more than 50 percent. At other points small clearances shall be maintained between the stuffing-box parts and the cables or wires passing through them. A diametrical clearance greater than $\frac{1}{16}$ inch will not be accepted if the size of packing material used is smaller than $\frac{1}{4}$ inch square or round, nominal. If the size of packing material is $\frac{1}{4}$ inch or larger but less than $\frac{3}{8}$ inch square or round, a diametrical clearance not greater than $\frac{3}{16}$ inch will be accepted.

(*d*) To minimize deviation from acceptable clearances in stuffing boxes, the cables used in them shall conform to the standardized dimensions given in the tables which follow:

[1] Filed as part of the original document.

TABLE 1—NOMINAL DIAMETERS OF ROUND CABLES WITH TOLERANCES IN INCHES

Conductor size (AWG)	Single conductor		2-conductor				3-conductor, types W & G		4-conductor, types W & G		5-conductor, types W & G		6-conductor, types W & G	
			Concentric		Types W & G twisted									
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
8	0.44	±0.03	0.65	±0.03	0.81	±0.03	0.91	±0.03	0.99	0.03	1.07	±0.03	1.18	±0.03
6	.51	±.03	.77	±.03	.93	±.03	1.01	±.03	1.10	±.03	1.21	±.03	1.31	±.03
5	.52	±.03	.80	±.03	1.01	±.03	1.10	±.03	1.19	±.03	1.29	±.03	1.39	±.03
4	.57	±.03	.84	±.03	1.08	±.03	1.17	±.03	1.27	±.03	1.40	±.03	1.52	±.03
3	.63	±.03	.89	±.03	1.17	±.03	1.24	±.03	1.34	±.03	1.48	±.03	1.61	±.03
2	.66	±.03	.94	±.03	1.27	±.03	1.34	±.03	1.48	±.03	1.61	±.03	1.75	±.03
1	.74	±.03	1.05	±.03	1.44	±.03	1.51	±.03	1.68	±.03	1.88	±.03	2.05	±.03
1/0	.77	±.04	1.10	±.04	1.52	±.04	1.65	±.04	1.79	±.04	1.95	±.04	2.15	±.04
2/0	.82	±.04	1.18	±.04	1.65	±.04	1.75	±.04	1.93	±.04	2.13	±.04	2.32	±.04
3/0	.87	±.05	1.24	±.05	1.77	±.05	1.89	±.05	2.07	±.05	2.26	±.05	2.49	±.05
4/0	.93	±.05	1.33	±.05	1.92	±.05	2.04	±.05	2.26	±.05	2.46	±.05	2.71	±.05

Conductor size (circular mils)	Nominal diameters, types G and W		Tolerance
	3-conductor	4-conductor	
	Inches	*Inches*	*Inches*
250,000	2.39	2.66	±0.06
500,000	2.56	2.84	±.06
250,000	2.68	2.98	±.06
400,000	2.82	3.14	±.06
450,000	2.94	3.26	±.06
500,000	3.03	3.40	±.06

Conductor size (AWG)	Nominal diameters		Tolerance
	3-conductor	4-conductor	
	Inches	*Inches*	*Inches*
14	0.67	0.71	±0.02
12	.72	.76	±.03
10	.80	.84	±.03

TABLE 2—NOMINAL DIMENSIONS (INCHES) OF FLAT TWIN (2-CONDUCTOR) CABLES WITH TOLERANCES IN INCHES

Conductor size (AWG)	Type W				Type G			
	Major		Minor		Major		Minor	
	O. D.	Tolerance	O. D.	Tolerance	O. D.	Tolerance	O. D.	Tolerance
8	0.84	±0.04	0.51	±0.03				
6	.93	±.04	.56	±.03	1.02	±0.04	0.59	±0.03
4	1.05	±.04	.61	±.03	1.15	±.04	.61	±.03
3	1.14	±.04	.68	±.03	1.26	±.04	.68	±.03
2	1.24	±.04	.73	±.03	1.35	±.04	.73	±.03
1	1.40	±.04	.81	±.03	1.55	±.04	.81	±.03
1/0	1.51	±.04	.93	±.03	1.67	±.04	.93	±.03
2/0	1.63	±.04	.99	±.03	1.85	±.04	.99	±.03
3/0	1.77	±.04	1.03	±.03	2.00	±.04	1.03	±.03
4/0	1.89	±.01	1.10	±.03	2.10	±.04	1.10	±.03

8. Section 18.6 (c) is amended by deleting the heading *"Portable cable run-over test"* and substituting the following heading: *"Portable cable damage resistance test"*, and by deleting the words "run-over" in subparagraph (1) thereof.

9. Section 18.6 (d) is amended by deleting subparagraphs (1), (2), (3), and (4) and substituting the following:

(1) A straight sample of the cable three feet long shall be mounted horizontally in a ventilated test chamber so that the sample will not be in the direct path of entering air currents. The sample shall be heated electrically until the conductor temperature is 400° F., using a current that is 500 percent of the following conductor ratings:

TABLE 3—NORMAL CURRENT RATING—AMPERES PER CONDUCTOR

Cables, conductor size	Single conductor	2-conductor			3-conductor	4-conductor	5-conductor	6-conductor
		Flat	Concentric	Round				
8	45	40		40	35	30	25	20
6	60	50	50	50	50	40	35	30
4	85	70	65	70	65	55	45	35
3	95	80	75	80	75	65	55	45
2	110	95	90	95	90	75	65	55
1	130	110	100	110	100	85	75	65
1/0	150	130	120	130	120	100	90	80
2/0	175	150	135	150	125	115	105	95
3/0	205	175	160	175	155	130	120	110
4/0	235	200	180	200	1[illegible]	150	140	130

TABLE 8—NORMAL CURRENT RATING—AMPERES PER CONDUCTOR—Continued

Cables, conductor size (circular mils)	Single conductor	2-conductor			3-conductor	4-conductor	5-conductor	6-conductor
		Flat	Concentric	Round				
250,000	275			220	200	160		
300,000	305			240	220	175		
350,000	345			260	235	190		
400,000	375			280	250	200		
450,000	400			300	270	215		
500,000	425			320	290	230		

Cords	1-3 conductor	4-6 conductor	7-9 conductor
No. 14	15	12	8
No. 12	20	16	11
No. 10	25	20	14

(2) When the conductor temperature has reached 400° F., the flame of a Tirrill gas burner adjusted to give an overall free flame height of 5 inches and a 3-inch inner cone shall be applied directly underneath the sample at a point 14 inches from its extreme left-hand end so that the tip of the inner cone touches the bottom surface of the sample.

(3) At the end of one minute the heating current and gas flame will be cut off simultaneously. The sample will be considered as having failed to pass the test if the length of the burned area exceeds 6 inches or if burning continues longer than 5 minutes after the gas flame has been cut off.

(4) For a complete official test, at least 3 samples of a given cable will be subjected to the foregoing test. If two out of the three samples pass this test, the cable will be accepted for listing as "flame resistant" and shall be suitably marked at intervals not exceeding 12 feet with an identifying number assigned by the Bureau of Mines.

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply sec. 3, 36 Stat. 370, as amended; 30 U. S. C. 5)

THOS. H. MILLER,
Acting Director.

Approved this 19th day of December 1950.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 51-448; Filed, Jan. 10, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 341]

[Controlled Rooms in Rooming Houses and Other Establishments Rent. Reg., Amdt. 337]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, IOWA, MICHIGAN AND OREGON

Amendment 341 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 337 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 26a, is amended to describe the counties in the Defense-Rental Area as follows:

Alameda County, except the Cities of Hayward and Livermore, and the Town of Pleasanton.

This decontrols the City of Livermore in Alameda County, California, a portion of the Alameda County, California, Defense-Rental Area.

2. Schedule A, Item 89, is amended to describe the counties in the Defense-Rental Area as follows:

Rock Island County.
Scott County, except the City of Davenport and the Towns of Buffalo and Le Claire.

This decontrols the Town of Le Claire in Scott County, Iowa, a portion of the Quad Cities, Illinois, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham and Pontiac; Wayne County, except (i) the Cities of Grosse Point and Plymouth, and (ii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Pontiac in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area:

4. Schedule A, Item 256, is amended to read:

(256) [Revoked and decontrolled.]

This decontrols the Portland-Vancouver, Oregon, Defense-Rental Area, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

All decontrols effected by this amendment, except Item 4 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App., Sup., 1894)

This amendment shall be effective January 9, 1951.

Issued this 8th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-467; Filed, Jan. 10, 1951; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

GENERAL CLASSES OR TYPES OF EXEMPTED CONTRACTS AND SUBCONTRACTS

Amendment VII to Appendix A to Subpart E of Part 423.

Section 423.354, Appendix A (15 F. R. 170, 4942) hereby is amended, as follows:

1. By deleting all of Item 3, relating to "individual services", and inserting in lieu thereof the following:

3. *Individual services*—(a) *Exemption.* All contracts entered into pursuant to the authority of section 2 (c) (1) or section 2 (c) (4) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or other statutory authority, when such contracts call for the performance of services, whether personal or professional, by the individual contractor in person under the supervision of the Government and which are paid for on a time basis.

(b) *Limitation on exemption.* This exemption shall not apply to contracts which contemplate the performance thereof by a firm or organization, and subcontracts thereunder.

2. By deleting all of Item 4, relating to "Supplies purchased for authorized resale", and inserting in lieu thereof the following:

4. *Supplies purchased for authorized resale—Exemption.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 or 1951 pursuant to the authority of section 2 (c) (8) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or which could have been entered into pursuant to the authority of such section 2 (c) (8), (even though the procuring agency actually cites another authority, such as section 2 (c) (1), 2 (c) (6), or 2 (c) (10) of the aforementioned act), and subcontracts thereunder.

3. By deleting all of Item 5, relating to "Perishable subsistence supplies", and inserting in lieu thereof the following:

5. *Perishable subsistence supplies—Exemption.* All contracts subject to the Renegotiation Act of 1948 entered into in the fiscal years 1950 or 1951 pursuant to the authority of section 2 (c) (9) of the Armed Services Procurement Act of 1947, Public Law 413, 80th Congress, or which could have been entered into pursuant to the authority of such section 2 (c) (9), (even though the procuring agency actually cites another authority, such as section 2 (c) (1), 2 (c) (6), or 2 (c) (10) of the aforementioned act), and subcontracts thereunder.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1193)

Adopted by the Board: January 4, 1951.

FRANK L. ROBERTS,
Chairman, Military Renegotiation Policy and Review Board.

[F. R. Doc. 51-499; Filed, Jan. 10, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-8 as Amended Jan. 9, 1951]

PART 27—TIN

This amendment to NPA Order M-8, as amended December 18, 1950, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives, including trade association representatives, of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-8, as amended, as follows:

A new sentence shall be inserted at the end of paragraph (b) of § 27.4 entitled: "Use of pig tin and alloys and other materials containing tin", reading as follows:

"Notwithstanding the foregoing, the provisions of this paragraph will not apply to the production of pig tin, alloys or chemicals by smelters or refiners solely from secondary tin-bearing materials. The provisions of this paragraph will, however, apply to pig tin, alloys and chemicals so produced."

As amended, Order M-8 is revised to read as follows:

Sec.
27.1 What this part does.
27.2 Definitions.
27.3 Application of part.
27.4 Use of pig tin and alloys and other materials containing tin.
27.5 Maintenance, repair, and operating supplies.
27.6 Exemptions.
27.7 Reports.
27.8 Inventories.
27.9 Application for adjustments.
27.10 Communications.
27.11 Violations.

AUTHORITY: §§ 27.1 to 27.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 27.1 *What this part does.* This part amends and supersedes NPA Order M-8. The purpose of this part is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. This part also sets forth limitations on inventories of pig tin as well as alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. It also covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the policy of the National Production Authority that tin and alloys and other materials containing tin and articles made of tin and tin products, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this part that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

§ 27.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a United States foreign trade zone or bonded custody of any United States Collector of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico, or any other foreign country, or shipments through United States foreign trade zones to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the continental United States, or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this part and requires the reports specified in § 27.7.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in section IV of report form NPAF-7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) "Tin" means pig tin and tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semi-finished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Tin bars, blocks, pigs, grain or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloy scrap)	6551.900
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters, and metallics	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (September 1, 1946 edition).

(j) "Copper-base alloy" for the purpose of this part means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrications or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

§ 27.3 *Application of part.* Subject to the exemptions stated in § 27.6, this part applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys

or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in § 27.7 apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

§ 27.4 *Use of pig tin and alloys and other materials containing tin.* Subject to the exemptions stated in § 27.6, or unless specifically directed by NPA:

(a) No pig tin shall be used where secondary tin can be used.

(b) No person shall put into process or otherwise use in manufacturing, or in treating any item or product, or in the installation or construction of any item, during the following months, a total quantity by weight of tin contained in pig tin, secondary tin, solder, babbitt, copper-base alloys and other alloys containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in excess of the percentages specified with respect to each month of his average monthly use of such forms of tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

Notwithstanding the foregoing, the provisions of this paragraph will not apply to the production of pig tin, alloys or chemicals by smelters or refiners solely from secondary tin-bearing materials. The provisions of this paragraph will, however, apply to pig tin, alloys and chemicals so produced.

(c) No person shall use for the purposes stated in paragraph (b) of this section during the following months a total quantity by weight of pig tin in excess of the following percentages specified with respect to each month of his average monthly use of pig tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

§ 27.5 *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing January 1, 1951, no person shall use for maintenance, repair, and operating supplies a quantity by weight of tin contained in pig tin or alloys or other materials containing tin in excess of 100 percent of his average quarterly use for such purposes during the base period. No pig tin shall be used for such purpose where secondary tin can be used.

§ 27.6 *Exemptions.* (a) The use by any person of pig tin or alloys or other materials containing tin required to fill an order that is rated under the priorities system established by Part 11 of this chapter (NPA Reg. 2), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of such materials authorized by the provisions of §§ 27.4 and 27.5.

(b) Pig tin or alloys or other materials containing tin acquired by a rated order or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of §§ 27.4 and 27.5.

§ 27.7 *Reports.* (a) Reports on pig tin:

(1) Any person using 1,000 lbs. or more of pig tin in any calendar month must complete and file report form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on the last day of any calendar month has in his possession or under his control 1,000 lbs. or more of pig tin must complete and file report form NPAF-7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report form NPAF-7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the 10th of December and on or before the 10th day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on Customs Entry: No tin, including without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs unless the person making the entry shall complete and file with the Bureau, Form NPAF-8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF-8 will be transmitted by the Collector of Customs to the National Production Authority.

(c) Other reports: All persons having any interest in, or taking any action with respect to, the importation of tin, whether as owner, agent, consignee, or otherwise, shall file such other reports as may be required from time to time by the National Production Authority, subject to the terms of the Federal Reports Act (P. L. 831—77th Cong., 5 U. S. C. 139–139F).

(d) All reports required by this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

§ 27.8 *Inventories.* In addition to the inventory provisions of Part 10 of this chapter (NPA Reg. 1), it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A

1. Pig tin.
2. Copper-base alloys (containing 1.5 percent or more tin).
3. Solder, babbitt, and other alloys containing 1.5 percent or more tin (except copper-base alloys).
4. All other materials containing tin.

Column B

1. 120 days (for manufacture of tin plate); 60 days (for any other use).
2. 60 days.
3. 60 days.
4. 60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of this part will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in § 27.2, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

§ 27.9 *Application for adjustments.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 27.10 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–8.

§ 27.11 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This part as amended shall take effect except as otherwise specifically stated on January 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–582; Filed, Jan. 10, 1951; 12:24 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of December A. D. 1950.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration:

It is ordered, That the order of October 11, 1945, in the Matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class 1 Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1950, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I Motor Carriers of Property and Passengers) which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Accounts and Cost Finding, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–457; Filed, Jan. 10, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 2, 1950 (9 A. D. 301), authorizing respondents current temporary rates and charges.

On December 21, 1950, respondents filed a petition requesting authority to put certain temporary proposed selling charges into effect. The proposed selling charges which are set out below are found in a proposed tariff No. 10 which is attached to and made a part of the petition filed on December 21, 1950:

SELLING CHARGES

CATTLE

Consignments of 1 head and 1 head only	$1.50
Consignments of more than 1 head:	
First 5 head in each consignment	1.25
Each head over 5 in each consignment	1.00
Bulls weighing 700 pounds or over	1.50
Crips, post-mortems, T. B. or Bangs	1.50

CALVES

Consignments of 1 head and 1 head only	.75

SELLING CHARGES—Continued

CATTLE—continued

Consignments of more than 1 head:	
First 5 in each consignment	.60
Next 10 in each consignment	.50
Each head over 15 in each consignment	.40
Crips, post-mortem, T. B. or Bangs	.75

HOGS

Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 10 in each shipment	.50
Each head over 10 in each shipment	.40
Cripples and subjects	.55

SHEEP

Consignments of 1 head and 1 head only	.55
Consignments of more than 1 head:	
First 20 in each 250 head in each consignment	.35
Next 30 in each 250 head in each consignment	.30
Next 50 in each 250 head in each consignment	.20
Next 150 in each 250 head in each consignment	.10
Crips and post-mortems	.55

The charge on a rail consignment of sheep shall not exceed an amount equal to $30.00x the number of double decks plus an amount equal to $20.00x the number of single decks in the consignment.

If authorized, the proposed charges will produce additional revenue for the respondents and increase the cost of marketing. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested parties who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 8th day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51–500; Filed, Jan. 10, 1951; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

CANE SUGAR INDUSTRY IN LOUISIANA

NOTICE OF HEARING

In the matter of the application to include the extraction and processing of calcium aconitate within that portion of the cane sugar industry which is located in Louisiana and which has been determined to be of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act.

On November 16, 1939, the Administrator of the Wage and Hour Division issued a determination (4 F. R. 4615) that the portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana is of a seasonal nature within

[1] Filed as part of the original document.

the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

The aforesaid determination was amended by the Administrator on July 13, 1944 (9 F. R. 8175) to include the dehydrating of bagasse and further amended on September 7, 1945 (10 F. R. 11643), to include within the definition of the branch of the industry certain sugar-refining operations.

An application has been filed requesting that the aforesaid determination be further amended to include certain operations involving the extraction and processing of calcium aconitate from "B" molasses.

Notice is hereby given pursuant to §§ 526.5 and 526.6 of the regulations, of a public hearing to be held in Room 509, at the Masonic Temple Building, 333 St. Charles Street, New Orleans, Louisiana, on January 26, 1951, at 10:00 a. m. before Nathan Rubinstein, an authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument for the purpose of determining:

Whether the aforesaid determination of November 16, 1939 (4 F. R. 4615), as amended, shall be further amended to include the extraction and processing of calcium aconitate from "B" molasses, and if so, subject to what conditions and limitations.

Any interested person may appear at the hearing to offer evidence provided that not later than January 23, 1951, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at Washington, D. C., this 8th day of January 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-469; Filed, Jan. 10, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 41, 61]

SCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

Reference should be made to notices of proposed rule making published in the FEDERAL REGISTER on October 5, 1950 (15 F. R. 6700) and December 13, 1950 (15 F. R. 8831).

The original notice of proposed rule making, setting forth the text of proposed revisions of Parts 40, 41, and 61 of the Civil Air Regulations as revised Part 40 entitled, "Scheduled Air Carrier Certification and Operation Rules," stated that all communications received by January 10, 1951, would be considered by the Board before taking action on the proposed rules.

Several interested industry groups have requested an extension of time for the return of comments on this proposal. Therefore the Bureau of Safety Regulation hereby extends the final date for return of comment until February 12, 1951. All comment received by this date will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after February 15, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Dated January 9, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-535; Filed, Jan. 10, 1951; 8:57 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Allied Cloth Specialties, Inc., Hiddeson Avenue, Greenville, Ohio, effective 12-19-50 to 12-18-51; five learners for normal labor turnover (juvenile clothing; canvas products).

Bannon Mills, Inc., Seventh and Union Streets, Lebanon, Pa., effective 12-19-50 to 12-18-51; 10 percent normal labor turnover (infants' and children's wear).

Belin Garment Co., 435 North Second Street, Milwaukee 3, Wis., effective 12-20-50 to 12-19-51; five learners (dresses).

Boulevard Frocks, Inc., 510 First Avenue North, Minneapolis, Minn., effective 12-26-50 to 12-25-51; 10 percent normal labor turnover (dresses).

Bristol Manufacturing Co., Inc., Rocky Mount, Va., effective 12-22-50 to 6-21-51; 20 learners for expansion purposes (women's white uniforms).

Brownstein Louis Co., 1228 San Julian St., Los Angeles, Calif., effective 1-1-51 to 12-31-51; 10 percent normal labor turnover (men's and women's sport clothing).

Cal-Crest Outerwear, Inc., 17 North Fourteenth Street, Murphysboro, Ill., effective 12-22-50 to 12-21-51; 10 percent normal labor turnover (jackets).

Carl Knit Sportswear Co., 2202 Superior Avenue, Cleveland, Ohio, effective 12-20-50 to 12-25-51; 10 percent or 10 learners, whichever is greater, normal labor turnover (ladies' sportswear).

Chardon Manufacturing Co., 86 Broadway, Kingston, N. Y., effective 12-22-50 to 12-21-51; five learners for normal labor turnover (blouses).

Commercial Uniform Factories, Kankakee, Ill., effective 12-19-50 to 12-18-51; five learners (suits and shop coats).

Consolidated Pants Co., 30 Front Street, Hammonton, N. J., effective 12-26-50 to 12-25-51; five percent normal labor turnover (trousers).

Cortland Corset Co., Inc., East Court Street, Cortland, N. Y., effective 12-19-50 to 12-18-51; 10 percent normal labor turnover (corsets and allied garments).

Dallas Pant Manufacturing Co., 6113 Lemmon Avenue, Dallas, Tex., effective 12-19-50 to 12-18-51; 10 percent normal labor turnover (single pants).

The Enro Shirt Co., Inc., Center Street, Madisonville, Ky., effective 12-20-50 to 12-19-51; 10 percent normal labor turnover (pajamas, shirts and sport shirts).

Feldt Manufacturing Co., 119 South Main Street, Temple, Tex., effective 12-22-50 to 12-21-51; 10 percent normal labor turnover (men's and ladies' western shirts).

G & G Uniform Co., 38 South Paca Street, Baltimore, Md., effective 12-26-50 to 12-25-51; 10 percent normal labor turnover (cotton uniforms).

The H. Harris Co., 174 East Fourth Street, St. Paul, Minn., effective 12-26-50 to 12-25-51; 10 percent normal labor turnover (ladies' sportswear).

Harvin Manufacturing Co., 6 Wawayanda Avenue, Middletown, N. Y., effective 12-22-50 to 12-21-51; five learners for normal labor turnover (boys' sport shirts).

The Hebren Manufacturing Co., Inc., Sharptown, Md., effective 12-26-50 to 12-25-51; 10 percent normal labor turnover (children's sportswear and dresses).

Chaw. W. Henson Garment Manufacturing Co., Inc., Lawrenceville, Ga., effective 12-18-50 to 12-17-51; 10 percent normal labor turnover (work pants and shirts).

Jacobs Bros., Inc., Littlestown, Pa., effective 12-20-50 to 12-19-51; 10 learners for normal labor turnover (washable service garments).

Jacobs Bros., Inc., Manchester, Md., effective 12-20-50 to 12-19-51; 10 learners for normal labor turnover (washable service garments).

Jacobs Bros., Inc., Delmar, Del., effective 12-20-50 to 12-19-51; 10 learners for normal labor turnover (washable service garments).

Jacobs Bros., Inc., Hancock, Md., effective 12-20-50 to 12-19-51; 10 percent normal labor turnover (washable service garments).

Dean Jones, Inc., 807 Wyandotte, Kansas City, Mo., effective 12-26-50 to 12-25-51; five learners (sportswear).

L. J. Kral Manufacturing Co., 7th and Stevenson Boulevard, New Kensington, Pa., effective 12-19-50 to 12-18-51; 10 percent or 10 learners, whichever is greater, normal labor turnover (blouses).

A. B. Mack Co., Oxford, Pa., effective 12-21-50 to 12-20-51; 10 percent normal labor turnover (ladies' nightgowns and woven slips).

Monleigh Garment Co., Inc., Mocksville, N. C., effective 12-19-50 to 12-18-51; 10 percent or 10 learners, whichever is greater, normal labor turnover (ladies' pajamas).

Peerless Pants Co., 601 South Fourth Avenue, Kankakee, Ill., effective 1-1-51 to 12-31-51; five learners (dress trousers).

Perry Sportswear, Inc., 89 Bickford Street, Boston, Mass., effective 12-22-50 to 12-21-51; 10 learners for normal labor turnover (men's and boys' sportswear and outerwear).

Reliable Trouser Co., 16 Harding Street, Worcester, Mass., effective 12-22-50 to 12-21-51; five learners for normal labor turnover (trousers).

Renfroe and Willett, 42 South Lexington Avenue, Asheville, N. C., effective 12-22-50 to 12-21-51; 10 learners for normal labor turnover (men's and boys' sport jackets).

Riverside Manufacturing Co., Moultrie, Ga., effective 12-26-50 to 12-25-51; 10 percent normal labor turnover (industrial uniforms).

Sacony of Chesterfield, Chesterfield, S. C., effective 12-26-50 to 12-25-51; 10 percent or 10 learners, whichever is greater, normal labor turnover (women's sportswear).

Sacony of Chesterfield, Chesterfield, S. C., effective 12-26-50 to 6-25-51; 10 learners for expansion purposes (women's sportswear).

Selma Garment Co., Selma, Ala., effective 12-22-50 to 12-21-51; five learners for normal labor turnover (dungarees and blue jeans).

Snelbaker Manufacturing Co., York Springs, Pa., effective 12-19-50 to 12-18-51; five learners for normal labor turnover (work shirts).

Solomon Bros. Co., Butler, Ala., effective 12-20-50 to 12-19-51; 10 learners for normal labor turnover (men's sport shirts).

South Carolina Mills, Raycord Division, William Street, Spartanburg, S. C., effective 12-19-50 to 12-18-51; 10 percent normal labor turnover (pajamas and sport shirts).

Stahl Urban Co., North Second Street, Brookhaven, Miss., effective 12-19-50 to 12-18-51; 10 percent normal labor turnover (trousers, men's and boys' wool and cotton outerwear).

Westway Sportswear Inc., 310 South Poydras, Dallas, Tex., effective 12-19-50 to 12-18-51; five learners (women's and children's apparel).

Glove Industry Learner Regulations, (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt., effective 12-22-50 to 6-21-51; 30 learners for expansion purposes.

20th Century Glove Co., Atlanta, Tex., effective 12-18-50 to 6-18-51; 15 learners for expansion purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Ardmore Hosiery Co., Inc., Greensboro, N. C., effective 12-20-50 to 6-19-51; five learners.

Jeanette Hosiery Mills, Chattanooga, Tenn., effective 12-22-50 to 12-21-51; five learners.

Midway Hosiery Mills, Inc., Hickory, N. C., effective 12-22-50 to 12-21-51; five learners.

Quitman Manufacturing Co., Quitman, Miss., effective 12-20-50 to 6-19-51; 25 learners for expansion purposes.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Altman Bros. Shoe Manufacturing Co., 2037 Reading Road, Cincinnati 2, Ohio, effective 12-22-50 to 10-15-51; 10 percent learners.

Belleville Shoe Manufacturing Co., Main & Walnut Sts., Belleville, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

Bender Shoe Co., 664 South Edgewood Street, Somerset, Pa., effective 12-26-50 to 10-15-51; five learners.

Bourbeuse Shoe Co., 311 South Oak Street, Union, Mo., effective 12-26-50 to 10-15-51; 10 percent learners.

Brown Shoe Co., East Perry Street, Pittsfield, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

Brown Shoe Co., 405 Springfield, Rd., Owensville, Mo., effective 12-26-50 to 10-15-51; 10 percent learners.

Brown Shoe Co., Fifteenth Street, Mattoon, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

Brown Shoe Co., Piggott, Ark., effective 12-26-50 to 10-15-51; 10 percent learners.

Casey Manufacturing Co., Casey, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

The Chesapeake Shoe Manufacturing Co., 603 Dundalk Avenue, Baltimore 24, Md., effective 12-26-50 to 10-15-51; 10 percent learners.

Clement & Ball Shoe Manufacturing Co., Inc., 324 North Front Street, Baltimore 2, Md., effective 12-26-50 to 10-15-51; 10 percent learners.

Crown Shoe Manufacturing Co., 124 North Main, Palmyra, Mo., effective 12-26-50 to 10-15-51; 10 percent learners.

The Irving Drew Corp., Lancaster, Ohio, effective 12-26-50 to 10-15-51; 10 percent learners.

Federal Shoe, Inc., 29 Lowell Street, Lewiston, Maine, effective 12-21-50 to 10-15-51; 10 percent learners.

Foot Pleasure Shoe Co., Rosebud, Mo., effective 12-26-50 to 10-15-51; 10 percent learners.

The Florsheim Shoe Co., Danville, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

S. Goldberg & Co., Inc., 26 East Broadway, Hackensack, N. J., effective 12-26-50 to 10-15-51; 10 percent learners.

Goodyear Shoe Co., 551 West Louther Street, Carlisle, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

Greenup Manufacturing Co., Greenup, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., 211 South First Street, Belleville, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., Conway, Ark., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., Batesville, Ark., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., Russellville, Ark., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., Searcy, Ark., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., 800 North Tenth Street, Springfield, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., 210 Dorothy Street, Jerseyville, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

International Shoe Co., Steeleville, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

Johnson-Baillie Shoe Co., Pine and Market Streets, Millersburg, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

A. S. Kreider Co., Fifth and Canal Streets, Lebanon, Pa., effective 12-22-50 to 10-15-51; 10 percent learners.

Lancaster Shoe Co., 39 South Poplar Street, Elizabethtown, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

Middletown Footwear, Inc., 39 Railroad Avenue, Middletown, N. Y., effective 12-26-50 to 10-15-51; 10 percent learners.

The Miller Shoe Co., 4015 Cherry Street, Cincinnati, Ohio, effective 12-22-50 to 10-15-51; 5 percent learners.

The Muskin Shoe Co., Pine Street, Millersburg, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

Oriole Shoe Co., 419 East Oliver Street, Baltimore 2, Md., effective 12-26-50 to 10-15-51; 10 percent learners.

Ridgely Shoe Co., Inc., 23 South Gay Street, Baltimore 2, Md., effective 12-26-50 to 10-15-51; 10 percent learners.

St. Louis Shoe Manufacturing Corp., New Athens, Ill., effective 12-26-50 to 10-15-51; 10 percent learners.

Swan Shoe Co., Inc., 2100 Aiken Street, Baltimore 18, Md., effective 12-26-50 to 10-15-51; 10 percent learners.

Windsor Shoe Co., Inc., Littlestown, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

J. S. Zulick & Co., South Warren Street, Orwigsburg, Pa., effective 12-26-50 to 10-15-51; 10 percent learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Acme Cloth Reel Co., Greenville, S. C., effective 12-22-50 to 6-22-51; four learners; reinforcing ends of cloth reels and posting lettered labels, 240 hours, 60 cents (cloth reels and cloth winding boards).

Albany Novelty Corp., North Bennington, Vt., effective 12-21-50 to 6-20-51; 10 percent normal labor turnover; hand finishers, 160 hours, 65 cents (greeting cards).

Alsey Photo Laboratory, Philadelphia 21, Pa., effective 12-21-50 to 6-20-51; two learners; printers and developers only, 320 hours, 60 cents (photo finishers).

American Hat Manufacturing Co., Atlanta, Ga., effective 12-28-50 to 12-27-51; 10 learners; stitching machine operators, 240 hours, 65 cents (ladies' hats).

Easton Clothing Co., Philadelphia, Pa., effective 12-22-50 to 12-21-51; 7 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's coats).

C. Hart Manufacturing Co., Columbus, Ohio, effective 12-22-50 to 12-21-51; 7 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's and boys' uniforms, jackets, etc.).

Johnson Electric Motor & Manufacturing Co., Shreveport, La., effective 12-27-50 to 6-26-51; four learners; automotive electric unit rebuilder, 480 hours, 60 cents for the first 320 hours and 65 cents for the remaining 160 hours (rebuilding generators, distributors, etc.).

Harris Langenberg Hat Co., New Haven, Mo., effective 12-21-50 to 12-20-51; 10 percent normal labor turnover; machine operators (except cutting), trimmers, 240 hours, 65 cents (fur felt hats).

Middleburg Manufacturing Co., Hanover, Pa., effective 12-19-50 to 12-18-51; 7 percent normal labor turnover; machine operating, pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's and boys' clothing).

National Coil Co., Sheridan, Wyo., effective 12-20-50 to 6-19-51; 25 learners; coil winders, assemblers, solderers, wirers and testers, 160 hours, 60 cents (subassemblies for radios).

Penn State Belt & Buckle Co., Inc., Wilkes-Barre, Pa., effective 12-26-50 to 6-25-51; 10 learners; machine operators (except cutting), 320 hours, 60 cents (women's covered belts).

Olulio Ranieri, Philadelphia, Pa., effective 12-22-50 to 12-21-51; 5 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's coats).

Nicholas Ranieri, Philadelphia, Pa., effective 12-22-50 to 12-21-51; 5 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's coats).

Sparta Pipes, Inc., Sparta, N. C., effective 12-18-50 to 6-17-51; 10 percent normal labor turnover; pipemakers, 240 hours, 60 cents (tobacco smoking pipes).

Sevilla Olive Packing Co., Tampa, Fla., effective 12-8-50 to 6-7-51; three learners; hand olive place packer, 240 hours, 60 cents (packing olives and cherries).

Sunbury Products Co., Sunbury, Pa., effective 12-21-50 to 6-20-51; five learners; sewing machine operator, 240 hours, 65 cents (boxes for hats).

Jack Sutton Co., Inc., Cave Spring, Ga., effective 12-20-50 to 6-19-51; five learners; chenille machine operator, 320 hours, 60 cents (tufted bedspreads).

Tackett Manufacturing Co., Stephenville, Tex., effective 12-22-50 to 6-21-51; 30 learners; sewing machine operators, pressers, handsewers, 240 hours, 65 cents (cotton Garrison caps).

Union Bridge Clothing Co., Inc., Union Bridge, Md., effective 12-22-50 to 12-21-51; five learners; machine operating (except cutting), pressers, handsewers, 480 hours, 60 cents for the first 240 hours and 65 cents for the remaining 240 hours (men's coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-449; Filed, Jan. 10, 1951; 8:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended, September 25, 1950; 15 F. R. 5701; 6326).

American Manufacturing Corp., Inc., 1052 Constance Street, New Orleans 13, La., effective 12-28-50 to 12-27-51; 10 percent normal labor turnover (lingerie).

Barbizon of Utah, Inc., 149 North First West, Provo, Utah, effective 12-28-50 to 3-17-51; 20 learners for expansion purposes only (lingerie).

Berry Dry Goods Co., 107-111 East Markham Street, Little Rock, Ark., effective 1-2-51 to 3-17-51; 30 learners for expansion purposes only (work clothing).

Children's Clothing Co., 613 West Rusk Street, Marshall, Tex., effective 12-29-50 to 12-28-51; two learners for normal labor turnover (children's sunsuits and shorts).

Forest City Manufacturing Co., DuQuoin, Ill., effective 12-28-50 to 6-27-51; an additional 30 learners for expansion purposes only (junior-miss dresses and sportswear).

Isaac Ginsberg & Bros., Inc., 27 East Genesee Street, Auburn, N. Y., effective 12-29-50 to 12-28-51; 10 percent of the productive factdry workers (dresses).

G. H. Hess, Inc., Louisville, Stark County, Ohio, effective 12-29-50 to 12-28-51; 10 learners for normal labor turnover (women's cotton dresses; maid's uniforms).

G. H. Hess, Inc., Wheeling, Ohio County, W. Va., effective 12-29-50 to 12-28-51; 10 learners for normal labor turnover (women's cotton dresses; maid's uniforms).

Joseph Horowitz & Sons, Inc., 43 Liberty Street, Batavia, N. Y., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers (cotton work shirts).

Lancaster Nitewear Corp., 523 South Lime Street, Lancaster, Pa., effective 12-29-50 to 12-28-51; 10 learners normal labor turnover (children's pajamas and overalls).

Leader Dress Co., 726 Main Street, Duryea, Pa., effective 12-29-50 to 12-28-51; five learners normal labor turnover (dresses).

Steiner Lobman Manufacturing Dept., 212½ Commerce Street, Montgomery, Ala., effective 12-28-50 to 12-27-51; 10 learners for normal labor turnover (men's and boys' overalls, dungarees, and work pants).

Mt. Vernon Garment Co., Mount Vernon, Ill., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers for normal labor turnover (dresses).

Rugby Knitting Mills, Inc., 1490 Jefferson Avenue, Buffalo, N. Y., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers or 10 learners, whichever is greater (men's and boys' jackets).

Solomon Bros. Co., Thomasville, Ala., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers (men's sport shirts).

Southland Fashions, Inc., Vincent, Ala., effective 12-29-50 to 12-28-51; seven learners (women's blouses and sport shorts).

Stein-Way Clothing Co., 711 West Walnut Street, Johnson City, Tenn., effective 12-29-50 to 6-28-51; 50 learners for expansion purposes (cotton khaki trousers).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers, for normal labor turnover (men's and boys' work pants).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

The S. Frieder & Sons Co., Wilkes-Barre, Pa., effective 12-29-50 to 12-28-51; 10 percent of the total number of workers engaged in the occupations listed below: Cigar machine operating, 320 hours; machine stripping, 160 hours; packing (cigars retailing for more than 6 cents) 320 hours; cigars retailing for 6 cents or less, 160 hours; each 60 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

The Glove Corp., Alexandria, Ind., effective 11-15-50 to 5-15-51; five learners for expansion purposes only.

Wells Lamont Corp., Waynesboro, Miss., effective 12-28-50 to 6-28-51; 50 learners for expansion purposes only.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Martin Hoesel Hosiery, Inc., Staunton, Va., effective 12-29-50 to 12-28-51; five learners.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

M. Beckerman & Sons, Inc., Mill Street, Auburn, Maine, effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

Bluegrass Shoe Co., Division of Irving Drew Corp., Nicholasville, Ky., effective 1-3-51 to 10-15-51; 10 percent of the number of productive factory workers.

Bluegrass Shoe Co., Division of Irving Drew Corp., Nicholasville, Ky., effective 1-3-51 to 6-15-51; 25 learners for expansion purposes.

Brown Shoe Co., 212 South State Street, Litchfield, Ill., effective 12-28-50 to 10-15-51; 10 percent normal labor turnover.

Brown Shoe Co., Inc., Stanford & Helm Streets, Brookfield, Mo., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co. Wood Heel Plant, Potosi, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., Potosi, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., Mine LeMotts Street, Fredericktown, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., East Marshall Street, Charleston, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., Mountain Grove, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co. (Moberly, Mo., plant), 110 West Carpenter Street, Moberly, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., North 5th Street, Festus, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., Steelville, Mo., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Brown Shoe Co., Capitol Plant, 10 Division Street, Charleston, Ill., effective 1-3-51 to 10-15-51; 5 percent normal labor turnover.

Brown Shoe Co., 321 South Hamilton, Sullivan, Ill., effective 12-26-50 to 10-15-51; 10 percent of the number of productive factory workers.

Ettelbrick Shoe Co., Sole Department, Casey, Ill., effective 12-26-50 to 10-15-51; five learners normal labor turnover.

The H. C. Godman Co., 101 South Branson, Marion, Ind., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

Huber Slipper Co., Inc., Aviston, Ill., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Bland, Missouri Factory, Bland, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Belle, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., 501 West Colt Street, Windsor, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., El Dorado Springs, Mo., effective 12-29-50 to 10-15-51; five percent of the number of productive factory workers.

International Shoe Co., Anna Wood Heel, Anna, Ill., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Anna, Ill., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Evansville, Ill., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Kiefner Street, Perryville, Mo., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Magnolia Street, Perryville, Mo., effective 12-28-50 to 10-15-51; 10 percent of the number of productive factory workers.

International Shoe Co., Richland, Mo., effective 1-3-51 to 10-15-51; 10 percent of the number of productive factory workers.

The Juvenile Shoe Corp. of America, Aurora, Mo., effective 1-3-51 to 10-15-51; 10 percent of the number of productive factory workers.

The Juvenile Shoe Corp. of America, Sarcoxie, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Monogram Footwear, Inc., Trenton, Ill., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Selwyn Shoe Manufacturing Corp., First Street, Boonville, Mo., effective 12-29-50 to 10-15-51; five percent of the number of productive factory workers.

Sport Specialty Shoemakers, Inc., Chaffee, Mo., effective 12-29-50 to 10-15-51; five percent of the number of productive factory workers.

Town & Country Shoes, Inc., Dryden (Lee) Avenue and Fifth Street, Odessa, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Town & Country Shoes, Inc., 110 North Missouri, Sedalia, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Town & Country Shoes, Inc., 515 North Main Street, Warrensburg, Mo., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

The U. S. Shoe Corp., Vevay, Ind., effective 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Vocational Footwear, Inc., Lutesville, Mo., 12-29-50 to 10-15-51; 10 percent of the number of productive factory workers.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

J. C. Ops & Sons, Ltd., Jacksonville, Ill., effective 1-2-51 to 1-1-52; 7 percent normal labor turnover (men's suits, topcoats, and overcoats). Machine operating (except cutting), pressers, and handsewers, each 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (men's suits, topcoats and overcoats).

Delfiner Bros. Inc., Philadelphia, Pa., effective 12-27-50 to 12-26-51; seven learners normal labor turnover; sewing machine operators, 480 hours; 60 cents per hour for first 240 hours and 65 cents per hour for remaining 240 hours (canvas coat fronts).

Dize Awning & Tent Co., Winston-Salem, N. C., effective 12-27-50 to 6-26-51; five learners normal labor turnover; sewing machine operator 320 hours; venetian blind assembler 160 hours; slat cutter (machine operator) 160 hours; 60 cents per hour (awnings, tents, blinds, etc.).

Granite State Rubber Co., Berlin, N. H., effective 12-29-50 to 6-28-51; five additional learners for expansion purposes; stitching machine operators 480 hours; 65 cents per hour for the first 240 hours and 70 cents for the remaining 240 hours (canvas footwear).

Harris Langenberg Hat Co., Lebanon, Ill., effective 12-29-50 to 12-28-51; 10 percent of the productive factory workers; machine operators 240 hours; 65 cents per hour (straw and wool hats).

Harris Langenberg Hat Co., Marthasville, Mo., effective 12-27-50 to 12-26-51; four learners; machine operator 240 hours; 65 cents per hour (work caps).

Lassar & Bick Co., 1600 South Broadway, Los Angeles, Calif., effective 1-2-51 to 1-1-52; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 200 hours and at least 65 cents an hour for the remaining 280 hours (men's sport coats, slacks, etc.).

Terri Lee, Inc., Lincoln, Nebr., effective 1-2-51 to 7-1-51; eight learners; sewing machine operator 240 hours; 60 cents per hour (dolls and clothing for dolls).

Oregon City Woolen Mills, Oregon City, Oreg., effective 1-2-51 to 1-1-52; 7 percent of the productive factory force; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's clothing).

Peasinger Bros., Omaha, Nebr., effective 1-2-51 to 1-1-52; two learners; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (uniforms).

Phoenix Clothes, Inc., Allentown, Pa., effective 12-27-50 to 12-26-51; 7 percent of the productive factory force; machine operator (except cutter), handsewer, presser, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's suits and slacks).

Powers Co., Inc., 106 St. Michael Street, Mobile, Ala., effective 12-21-50 to 6-20-51; two learners; bindery helper 320 hours; 60 cents per hour (printing).

Richard-Sutton Co., Chicago, Ill., effective 1-2-51 to 1-1-52; three learners; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' jackets).

Superior Coat Co., Paulsboro, N. J., effective 1-2-51 to 1-1-52; 7 percent of the productive factory force; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's wool coats).

William Tucker Co., Inc., Wilkes-Barre, Pa., effective 12-29-50 to 6-28-51; 25 learners for expansion purposes; stitching machine operators and trimmers only, 240 hours; 65 cents per hour (millinery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-470; Filed, Jan. 10, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-7-201]

WESTAIR TRANSPORT CASE

NOTICE OF ORAL ARGUMENT

In the matter of Donald W. Nyrop, Administrator of Civil Aeronautics, complainant, v. Aviation Corporation of Seattle, d/b/a Westair Transport, respondent.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral argument in this case is assigned to be heard January 30, 1951, at 10:00 a. m. in Room 5042, Commerce Building, Fourteenth Street and

Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 5, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-458; Filed, Jan. 10, 1951; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5747]

MARINE TOBACCO CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Marine Tobacco Company, a corporation, and Barnie Brody, president, Julius C. Lederer, vice president, and Sidney Kay, secretary, individually and as such officers and directors of said company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, January 12, 1951, at ten o'clock in the forenoon of that day e. s. t., in Room 500, 45 Broadway, New York, New York.

Issued: January 5, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-388; Filed, Jan. 10, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1569]

PENN-YORK NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 5, 1951.

Take notice that on December 22, 1950, Penn-York Natural Gas Corporation (Applicant), a Pennsylvania corporation, with its principal office in Buffalo, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate at its Angelica Compressor Station in the Town of Angelica, Allegany County, New York, 2 additional gas compressor units of 660 hp. each, building facilities, cooling units, cleaners, and other pertinent equipment.

Applicant states that with the growth of the demand upon the system of Republic Light, Heat and Power Company, Inc. (Republic), its only customer, the total capacity of the Angelica Station has been reached, and future increased demands require additional compressor capacity; that additional volumes of gas are available to meet Republic's requirements, estimated to be 3,800,000 Mcf for 1951.

The application recites that with the contract pressures and a discharge pressure of 490 psi., 2030 hp. at Angelica will compress a total of 27,000 Mcf daily, and, after installation of the 1320 hp. proposed, the station will have an installed capacity of 2070 hp.

The estimated total capital cost of the proposed facilities is $350,000, of which Applicant proposes to borrow $300,000 from Manufacturers and Traders Trust Company, Buffalo, New York, repayable in equal quarterly installments, and bearing interest at the rate of 3 percent per annum.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-452; Filed, Jan. 10, 1951; 8:45 a. m.]

[Docket No. G-1572]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 5, 1951.

Take notice that on December 27, 1950, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a sales meter station in Harrison County, Ohio, for the sale and delivery of natural gas on an interruptible basis to Ellis T. Myers Gas Company (Ellis T. Myers) for resale in the Village of Bowerston, Ohio, and environs.

Applicant proposes to sell natural gas to Ellis T. Myers, under the terms of an interruptible contract, up to a maximum of 500 Mcf per day to supplement natural gas supplies obtainable from local production asserted by Ellis T. Myers to be insufficient to meet 1950-51 winter requirements.

The application recites that Ellis T. Myers will lay approximately 4,500 feet of 3-inch connecting line to Applicant's 26-inch main transmission line; that since 1904 local production has supplied the requirements of Bowerston, but said supply is now practically exhausted; that Ellis T. Myers plans to place in storage in depleted underground reservoirs such gas as Applicant might make available. Applicant proposes to file a rate schedule to provide a demand charge of $2.40 per month per Mcf and a commodity charge of 17.2¢ per Mcf.

The estimated total over-all capital cost of the proposed facilities is $4,000, which will be defrayed from cash on hand.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-453; Filed, Jan. 10, 1951; 8:46 a. m.]

[Docket No. IT-6077]

TEXAS ELECTRIC SERVICE CO. ET AL.

NOTICE OF ORDER APPROVING EXTENSION OF TIME

JANUARY 5, 1951.

In the matter of Texas Electric Service Company, Texas Power & Light Company, Dallas Power & Light Company, Community Public Sevice Company, Southwestern Electric Service Company; Docket No. IT-6077.

Notice is hereby given that, on January 2, 1951, the Federal Power Commission issued its order entered December 29, 1950, approving extension of time for maintenance and use of interconnections for emergency use only in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-450; Filed, Jan. 10, 1951; 8:45 a. m.]

[Project No. 1892]

NEW ENGLAND POWER CO.

NOTICE OF ORDER AMENDING LICENSE

JANUARY 5, 1951.

Notice is hereby given that, on November 2, 1950, the Federal Power Commission issued its order entered October 31, 1950, amending license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY. *Secretary.*

[F. R. Doc. 51-451; Filed, Jan. 10, 1951; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

I hereby designate and appoint, subject to the provisions hereof, an Acting Director of the Division of Slum Clearance and Urban Redevelopment, Office of the Administrator, Housing and Home Finance Agency. In the event the Director of the Division is unable to act as Director due to his absence, illness or other cause, the Deputy Director of the Division shall be the Acting Director and shall serve in the place and stead of the Director; in the event the Director and the Deputy Director are unable to act due to their absence, illness or other cause, the Chief of the Field Operations Branch in such Division shall be the Acting Director and shall serve in the place and stead of the Director; and in the event all three of the above-designated officers are unable to act for any reason, the Chief of the Community Planning and Development Branch in such Division shall be the Acting Director and shall serve in the place and stead of the Director.

While serving in such capacity, the Acting Director shall exercise the powers and functions and assume the duties and responsibilities of the Director.

All designations of an Acting Director and delegations of authority to him heretofore made by the Director of the Division of Slum Clearance and Urban Redevelopment are hereby ratified and approved; and all official acts and things performed pursuant to such designations and delegations of authority are hereby ratified, confirmed and approved in all respects to the same extent as if such acts were performed by the Director of the Division of Slum Clearance and Urban Redevelopment.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended by Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (April 20, 1950); 63 Stat. 413, 417 (1949), 42 U. S. C. 1456 (Supp. 1949); 63 Stat. 440 (1949), 12 U. S. C. 1701d-1 (Supp. 1949))

Effective this 11th day of January, 1951.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 51-466; Filed, Jan. 10, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25730]

SOYBEAN OIL MEAL FROM REDFIELD, IOWA, TO GULF PORTS

APPLICATION FOR RELIEF

JANUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 52.

Commodities involved: Soybean oil meal, carloads.

From: Redfield, Iowa.

To: Gulf ports (for export).

Grounds for relief: Competition with rail carriers. To maintain port relations.

Schedules filed containing proposed rates; H. M. Engdahl's tariff I. C. C. No. 52, Supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-455; Filed, Jan. 10, 1951; 8:46 a. m.]

[4th Sec. Application 25731]

PAPER ARTICLES FROM SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Paper articles such as collar or shirt envelopes or wrappers, collar supports and shirt boards, in carloads.

From: Points in southern territory.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-456; Filed, Jan. 10, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16634]

KIYOICHI AND TOKU SERA

In re: Rights of Kiyoichi Sera and Toku Sera, under insurance contract. File No. D-39-10944-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoichi Sera and Toku Sera, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,475,809, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kiyoichi Sera, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kiyoichi Sera or Toku Sera, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-432; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16637]

MAX SKIBBE ET AL.

In re: Rights of Max Skibbe et al., under insurance contract. File No. F–28–24346 H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Skibbe and Charlotte Skibbe, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3 733 096 A issued by the Metropolitan Life Insurance Company, New York, New York, to Max Skibbe, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Max Skibbe or Charlotte Skibbe, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–434; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16644]

JOHANN (HANS) F. W. THIERMANN

In re: Rights of Johann (Hans) F. W. Thiermann under insurance contract. File No. F–28–2563–H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann (Hans) F. W. Thiermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Johann (Hans) F. W. Thiermann under a contract of insurance evidenced by policy No. 612 480, issued by The Penn Mutual Life Insurance Company, Philadelphia, Pennsylvania, to Johann (Hans) F. W. Thiermann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Oscar F. A. G. Thiermann, a resident of Lima, Peru, and of the aforesaid The Penn Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–435; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16646]

TAMESHI TSUNEMOTO ET AL.

In re: Rights of Tameshi Tsunemoto et al., under insurance contract. File No. F–39–6579–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tameshi Tsunemoto and Chuso Tsunemoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,478,345, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tameshi Tsunemoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance, except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Tameshi Tsunemoto or Chuso Tsunemoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–436; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16623]

JOHN POPPE ET AL.

In re: Rights of John Poppe et al., under contract of insurance. File No. F–28–29608 H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Poppe, Klaus Poppe and Margaret Poppe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4,482,178 issued by The Mutual Life Insurance Company of New York, New York, New York, to John Poppe, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by John Poppe, or Klaus Poppe or Margaret Poppe, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–428; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16629]

KURT SCHMIDT

In re: Rights of Kurt Schmidt under insurance contract. File No. F–28–28134–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Kurt Schmidt under a contract of insurance evidenced by policy No. 6 951 345–A, issued by the Metropolitan Life Insurance Company, New York, New York, to Kurt Schmidt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Ethel L. Schmidt, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–431; Filed, Jan. 9, 1951; 8:50 a. m.]

[Vesting Order 16321]

LELAND W. AND MONA R. MANN

In re: Liquidation trust certificate owned by Leland W. Mann and Mona R. Mann, jointly. F–39–5094–D–1, D–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leland W. Mann and Mona R. Mann, whose last known address is 39 Sarugakee, Shebuya Mache, Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation, matured or unmatured, represented by one (1) LaVergne-Chicago Building Liquidation Trust Certificate of Beneficial Interest of $500 par value, said certificate numbered 129, and any and all accruals to the aforesaid debt or other obligation, and all rights to demand, enforce and collect the same, and all rights in, to and under the aforesaid Liquidation Trust Certificate, including particularly but not limited to the proceeds of sale and final distribution held by American National Bank and Trust Company of Chicago, 33 N. LaSalle Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–471; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16408]

MAX MICHAELS

In re: Estate of Max Michaels, deceased. File No. D–28–4051; E. & T. sec. 16986.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(1) That Emilie Kalbow, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

(2) That Anna Kilx, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

(3) That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Max Michaels, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

(4) That such property is in process of administration by Edgar Worrmann, as

executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

(5) That the national interest of the United States requires that the said Emilie Kalbow be treated as a national of a designated enemy country (Germany);

(6) That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-472; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16485]

MASASHI YAMAMOTO

In re: Stock owned by and debts owing to Masashi Yamamoto, also known as Masashi A. Yamamoto. F-39-2782-D-5; E-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masashi Yamamoto, also known as Masashi A. Yamamoto, whose last known address is Nissin Construction Company, Rin 460, Marunouchi Building, Kojimachi-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) share of $1.00 par value common stock of The Central Foundry Company, a corporation organized under the laws of the State of Maine, evidenced by a certificate numbered NCO 5759, registered in the name of Masashi Yamamoto, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Marine Midland Trust Company of New York, 120 Broadway, New York, New York, arising out of a dividend account entitled "Masashi Yamamoto", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Glen Cove Trust Company, 9-11 Glen Street, Glen Cove, New York, in the amount of $65.50, being a portion of the funds on deposit in a savings account, Account numbered 23147, entitled "Mary Donahue or Masashi Yamamoto, payable to either or to survivor," maintained at the aforesaid Trust company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-473; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16666]

YASUHARU AOKI ET AL.

In re: Debts owing to Yasuharu Aoki and others. F-39-6831, F-39-2580, F-39-6826, F-39-6827, F-39-6828, F-39-6829, F-39-6830.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yasuharu Aoki; Hikoichi Shiojiri; Mitsuo Ono; Yoshitsugu Kamei; Iwao Shinomura; Kiyoshi Shimizu and Takeo Kinosita, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in the amount of $6,670.00 as of September 15, 1941, representing a portion of funds on deposit in a Blocked Account held for Societe de Banque Suisse, Geneva, maintained by the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yasuharu Aoki, Hikoichi Shiojiro, Mitsuo Ono, Yoshitsugu Kamei, Iwao Shinomura, Kiyoshi Shimizu and Takeo Kinosita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-474; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16668]

BANCO DE CHILE Y ALEMANIA EN LIQUIDATION

In re: Bank account owned by Banco de Chile y Alemania en Liquidation. F-28-31078-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Banco de Chile y Alemania en Liquidation is a corporation, partnership, association, or other business organization, organized under the laws of Chile, whose principal place of business is located at Valparaiso, Chile, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Deutsche Bank and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an unclaimed deposit account entitled Banco de Chile y Alemania en Liquidation, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco de Chile y Alemania en Liquidation, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Banco de Chile y Alemania en Liquidation is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-475; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16669]

BAUMWOLL-HAND LSGESELLSCHAFT, M. B. H.

In re: Stock owned by and debt owing to Baumwoll-Handelsgesellschaft, m. b. H. Bremen, also known as Baumwoll-Handelsgesellschaft H. Vollbracht & Co., Bremen, Germany. F-28-30698-D-1, F-28-28602-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baumwoll-Handelsgesellschaft, m. b. H., Bremen, also known as Baumwoll-Handelsgellschaft H. Vollbracht & Co., the last known address of which is Bremen, Germany is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of $200.00 par value capital stock of the New Orleans Cotton Exchange, 801 Gravier Street, New Orleans, Louisiana, a corporation organized under the laws of the State of Louisiana, evidenced by certificate No. 6205 registered in the name of Karl Biehusen, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Baumwoll-Handelsgesellschaft m. b. H., also known as Baumwoll-Handelsgesellschaft H. Vollbracht & Co., Bremen, Germany by Harriss and Vose, 60 Beaver Street, New York 4, New York, arising out of a balance resulting from transactions in cotton futures, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Baumwoll-Handelsgesellschaft m. b. H. also known as Baumwoll-Handelsgesellschaft H. Vollbracht & Co., Bremen, Germany, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-476; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16670]

R. A. L. BRILL

In re: Certificates of Trust owned by and debt owing to the personal representatives, heirs, next of kin, legatees, and distributees of R. A. L. Brill, deceased. F-28-3323-A-1, F-28-25281-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of R. A. L. Brill, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) City Bank Farmers Trust Company Declaration of Trust, Uniform Trust Plan (B) Certificates, bearing the numbers 1516 and 1517, of $4,500.00 and $5,000.00 face value respectively, registered in the names of R. A. L. Brill and Martha Brill, and survivor of them as joint tenants, said certificates presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a safekeeping account numbered B7677, entitled Mr. R. A. L. Brill and/or Mrs. Martha Brill, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in the amount of $2,031.45 as of November 16, 1950, on deposit in an account entitled City Bank Farmers Trust Company Plan of Uniform Trusts (B) Special Account, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of R. A. L. Brill, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of R. A. L. Brill, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-477; Filed, Jan. 10, 1951; 8:49 a. m.]

[Vesting Order 16671]

BRINCKMANN, WIRTZ & CO., AND DRESDNER BANK

In re: Debts owing to Brinckmann, Wirtz & Co., and the Dresdner Bank. F-28-1618-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Brinckmann, Wirtz & Co., the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That Dresdner Bank, the last known address of which is Stuttgart, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the sum of $4,802.80, being a portion of a checking account maintained at the aforesaid bank in the name of Warburg & Co., in Liquidation, entitled "Depot B", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Brinckmann, Wirtz & Co., the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of the Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the sum of $192.00, being a portion of a checking account maintained at the aforesaid bank in the name of Warburg & Co., in Liquidation, entitled "Depot B", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the Dresdner Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-478; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16672]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Germany and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-24850-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "Free State of Anhalt 7 percent bonds, due Serially 1927/1946," maintained at the aforesaid bank, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 2025 and RM 2700, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons due in the second half of 1933 and the first half of 1934, on the bonds referred to in subparagraph 2-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany) and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-479; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16674]

EAST PRUSSIAN POWER CO., AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by East Prussian Power Company, also known as Ostpreussenwerk Aktiengesellschaft, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-10716-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That East Prussian Power Company, also known as Ostpreussenwerk Aktiengesellschaft, the last known address of which is General-Litzmann-Strasse 15, Koenigsberg (Pr.), Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Koenigsberg (Pr.), Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "East Prussian Power Company 6 percent bonds due 1953," maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the aggregate amount of RM 4240, said Certificates of Indebtedness having been offered by the said Conversion Office, along with cash funds, in settlement of the coupons due in the first half of 1934, on the bonds referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, East Prussian Power Company, also known as Ostpreussenwerk Aktiengesellschaft, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-480; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16676]

MANNHEIM AND PALATINATE ELECTRIC COMPANIES AND CONVERSION OFFICES FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Mannheim and Palatinate Electric Companies, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-26031-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheim and Palatinate Electric Companies, the last known addresses of which are Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have, or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "Mannheim & Palatinate Electric Companies 7 percent bonds, due 1941", maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 880 and RM 2640, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the Conversion Office, along with certain cash funds, in settlement of the coupons due in the second half of 1933 and the first half of 1934, on the bonds referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mannheim and Palatinate Electric Companies and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-481; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16678]

PROVINCIAL BANK OF WESTFALIA AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Provincial Bank of Westfalia, also known as Landesbank Der Provinz Westfalen, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-22257-E-2, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Provincial Bank of Westfalia, also known as Landesbank Der Provinz Westfalen, the last known address of which is Friedrickstr 1, Muenster (Westf.), Germany, is a corporation,

partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Muenster (Westf.), Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of The Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon (Interest Warrants) Deposit Accounts, entitled "Provincial Bank of Westfalia 6 Percent Note, due 1933—extended to 1936, Coupons due 3/1/33 or prior thereto Coupons due 9/1/33 Coupons due 3/1/34", maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 1415 and RM 3020, presently in the custody of The Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons (interest warrants) due in the second half of 1933 and the first half of 1934, on the Participation Certificates issued by International Acceptance Trust Company, predecessor to said Bank of the Manhattan Company, as Trustee and representing participations in the note referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Provincial Bank of Westfalia, also known as Landesbank Der Provinz Westfalen, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Detusche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-482; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16679]

RHINE RUHR WATER SERVICE UNION AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Rhine Ruhr Water Service Union, also known as Wasserwirtschaft im Rhein.-Westf. Industriegebiet (Ruhrkohlenbezirk) G. M. B. H., and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-23924-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rhine Ruhr Water Service Union, also known as Wasserwirtschaft im Rhein.-Westf. Industriegebiet (Ruhrkohlenbezirk) G. M. B. H., the last known address of which is Kronprinzenstr. 37, Essen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Essen, Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Essen, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "Rhine Ruhr Water Service Union 6% Debentures due 1953", maintained at the aforesaid bank, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 5625 and RM 11,515, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificate of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons due in the second half of 1933 and the first half of 1934, on the bonds referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rhine Ruhr Water Service Union, also known as Wasserwirtschaft im Rhein.-Westf. Industriegebiet (Ruhrkohlenbezirk) G. M. B. H., and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-483; Filed, Jan. 10, 1951, 8:50 a. m.]

[Vesting Order 16681]

GERMAN GOVERNMENT

In re: Debt owing to German Government. F-28-13594-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation of Topken & Farley, 250 Park Avenue, New York 17, New York, representing funds held by said Topken & Farley, received in connection with an action entitled Rudolphe G. Maron vs. Bernhard G. Lippert, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-484; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16682]

HANDEL EN FINANCIERINGS COMPAGNIE

In re: Bank account owned by Handel En Financierings Compagnie. F-28-27227-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Handel En Financierings Compagnie is a corporation organized under the laws of The Netherlands, whose principal place of business is located at The Hague, Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of a person named Bergman, who there is reasonable cause to believe is a resident of Germany, and that said Handel En Financierings Compagnie and Bergman are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Handel En Financierings Compagnie, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Handel En Financierings Compagnie, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Handel En Financierings Compagnie is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-485; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16684]

RUDOLPH HELMS

In re: Bank account owned by Rudolph Helms. F-28-26168-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph Helms, whose last known address is 24 Schweizerstr., Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolph Helms by Surety Savings and Loan Association, 1250 Griswold Street, Detroit 26, Michigan, arising out of an Optional Savings Share Account, entitled Rudolph Helms, maintained at the aforesaid address and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-486; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16686]

NAOKICHI IKADA & CO.

In re: Debt owing to Naokichi Ikada & Co. also known as Naokichi Ikeda & Co. F-39-2982-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naokichi Ikada & Co., also known as Naokichi Ikeda & Co., the last known address of which is 116 San Chome Kitasakaigana-cho, Minato-Ku, Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Standard Vacuum Oil Company, 26 Broadway, New York 4, New York, arising out of a deposit made by Dulien Steel Products, Inc., on March 18, 1940, to the aforesaid Standard Vacuum Oil Company pursuant to an agreement, dated December 15, 1939, between Naokichi Ikada, Osaka, Japan, and Standard Vacuum Oil Company and a novation of the foregoing agreement, dated April 5, 1940, executed by Standard Vacuum Oil Company and Naokichi Ikada, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-487; Filed, Jan. 10, 1951; 8:50 a. m.]

[Vesting Order 16690]

MIX AND GENEST AKTIENGESELLSCHAFT

In re: Debt owing to Mix and Genest Aktiengesellschaft. F-28-7257-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mix and Genest Aktiengesellschaft, the last known address of which is Genest Strasse 5, Berlin-Schoneberg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mix and Genest Aktiengesellschaft by International Telephone and Telegraph Corporation, 67 Broad Street, New York 4, New York, arising out of a balance due on an open merchandise account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-488; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16692]

SUEKO NISHIKAWA

In re: Bank account owned by Sueko Nishikawa. D-39-19272-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sueko Nishikawa, whose last known address is Nagasaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The First National Bank of Orange Cove, Orange Cove, California, arising out of a savings account, account number 1518, entitled Sueko Nishikawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sueko Nishikawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-489; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16697]

HEDWIG PICHLER

In re: Bank account owned by Hedwig Pichler, widow of Richard Pichler. F-28-1410-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Pichler, widow of Richard Pichler, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hedwig Pichler, widow of Richard, by Emigrant Industrial Savings Bank, 51 Chambers Street, New York 8, New York, arising out of a Savings Account, account number 1,024,073, entitled Richard Pichler or wife, Hedwig, or the survivor, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-491; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16693]

TOMIKO NISHIKAWA

In re: Bank account owned by Tomiko Nishikawa. D-39-19273-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomiko Nishikawa, whose last known address is Nagasaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The First National Bank of Orange Cove, P. O. Box 217, Orange Cove, California, arising out of a savings account, account number 1517, entitled Tomiko Nishikawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tomiko Nishikawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-490; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16698]

EMIL RAMMLER

In re: Bank account owned by Emil Rammler. F-28-14064-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Rammler, whose last known address is Plauen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emil Rammler, by The National City Bank of New York, 22 William Street, New York, arising out of a checking account, entitled Mr. Emil Rammler, maintained at the branch office of the aforesaid bank located at City Bank Farmers Branch, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-492; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16709]

PETER LANFERMANN

In re: Stock owned by and debt owing to Peter Lanfermann. D-28-6526-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Lanfermann, whose last known address is Post Strasse 107-109, Bochum, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty (20) shares of capital stock of The Swiss-American Electric Company, Zurich, evidenced by certificates numbered 49503, 49504, 49505 and 49506, each for five (5) shares, in bearer form, and presently in the custody of Harry Duecker, 248 East 84th Street, New York 28, New York, together with all declared and unpaid dividends thereon,

b. Eight (8) shares of capital stock of Brown Boveri & Cie, Baden, evidenced by certificates numbered 20547 to 20554, inclusive, in bearer form, and presently in the custody of Harry Deucker, 248 East 84th Street, New York 28, New York, together with all declared and unpaid dividends thereon,

c. Five (5) shares of capital stock of Compania Italo-Argentina de Electricidad, Buenos Aires, evidenced by certificates numbered 086829 to 086833, inclusive, in bearer form, and presently in the custody of Harry Duecker, 248 East 84th Street, New York 28, New York, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Peter Lanfermann, by Harry Duecker, 248 East 84th Street, New York 28, New York, arising out of the receipt of dividends by Harry Duecker on stock owned by Peter Lanfermann, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-493; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16874]

MATHILDE JESS ET AL.

In re: Real property, securities, and a bank account owned by Mathilde Jess and others. F-28-23812-A-1, F-28-23812-B-1, F-28-23812-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Jess, Heinrich Betien, Carl Betien, Ludwig Betien, Henny Krummwiede, and Emma Krummwiede, also known as Emma Krunnwiede, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the County of Wayne, State of Michigan, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Those certain securities described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Fritz Haller, 814 Hammond Building, Detroit 26, Michigan, together with all declared and unpaid dividends thereon, and

c. All those debts or other obligations owing to the persons named in subparagraph 1 hereof by Fritz Haller, 814 Hammond Building, Detroit 26, Michigan, including particularly but not limited to a portion of the sum of money on deposit with Commonwealth Bank, Dime Bank Building, Detroit, Michigan, in a Trustee's Account, for the benefit of Heinrich Betien, Carl Betien, Ludwig Betien, Henny Krummwiede, Emma Krummwiede, and Mathilde Jess, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that real property situated in the County of Wayne, State of Michigan, known and described as follows, to-wit:

Lots in Ward 9 Cap. No. 175, Thomson Woods Subdivision of the East ½ of the North East ¼ of Sec. 1, T. 1 S., R. 11 E., City of Detroit, according to the recorded plat thereof: Lot 94 (W. Dequindre), Lot 95 (W. Dequindre).

EXHIBIT B

104 shares of the capital stock of Chas. F. Noble Oil & Gas Co., evidenced by Certificate No. TDO 7297.

80 shares of the capital stock of Chas. F. Noble Oil & Gas Co., evidenced by Certificate No. TDO 6014.

100 shares of the capital stock of Chas. F. Noble Oil & Gas Co., evidenced by Certificate No. C 2490.

300 shares of the capital stock of Chas. F. Noble Oil & Gas Co., evidenced by Certificate No. C 2491.

400 shares of the capital stock of Chas. F. Noble Oil & Gas Co., evidenced by Certificate No. P 703.

20 shares of the capital stock of The Universal Machine Co., evidenced by Certificate No. 759.

5 shares of the capital stock of The Federation of Labor Temple, evidenced by Certificate No. 1540.

5 shares of the capital stock of The Federation of Labor Temple Co., evidenced by Certificate No. 1430.

100 shares of the capital stock of Detroit Aero Metals Co., Detroit, evidenced by Certificate No. 2720.

100 shares of the capital stock of Detroit Aero Metals Co., Detroit, evidenced by Certificate No. 4111.

Bond of the Workers Educational Association No. 854, face value $10.00.

Bond of the Griswold Building Co., Detroit, Michigan, No. 899. Represented by Federal Bond & Mortgage (since dissolved), face value $100.00.

Bond of the Cunningham Building Co., face value $100.00.

[F. R. Doc. 51-495; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16720]

JOHANN HINRICH GOOS

In re: Stock owned by Johann Hinrich Goos, also known as Friedrich Wilhelm Goos and Frederick W. Goos. F-28-18793-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Hinrich Goos, also known as Friedrich Wilhelm Goos and Frederick W. Goos, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Fifteen (15) shares of no par value preferred capital stock of United States Lines, Inc., 1 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 1711, registered in the name of Frederick W. Goos, together with all declared and unpaid dividends thereon, and all rights to receive $10.00 par value preferred stock of the United States Lines Co., together with all declared and unpaid dividends thereon, and any and all rights of redemption therefor,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-494; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16875]

RICHARD AND ANNA KULKE

In re: Real property, insurance policies and claim owned by Richard Kulke and Anna Kulke. F-28-17551.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Kulke, whose last known address is Freiburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Richard Kulke, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been acting or purporting to act directly or indirectly for the benefit or on behalf of a designated enemy country (Germany) or nationals of such country and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in Elmhurst, County of DuPage, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraphs 1 and 2 hereof, in and to all property insurance policies covering the premises described in subparagraph 3-a hereof and any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to the persons named in subparagraphs 1 and 2 hereof by George S. Laupichler, 3417 East 89th Street, Chicago 17, Illinois, arising out of the net income by reason of the collection of rents from the real property described in subparagraph 3-a hereof and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That Richard Kulke is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property known as 442 Cottage Hill Avenue situated in Elmhurst, County of DuPage, State of Illinois, particularly described as follows: Lot one hundred seventeen (117) in Collins & Dunas' Woodland Addition to Elmhurst, being a subdivision of part of the northeast quarter of Section eleven (11), Township Thirty-nine (39) North, Range eleven (11) East of the Third Principal Meridian.

[F. R. Doc. 51-496; Filed, Jan. 10, 1951; 8:51 a. m.]

[Vesting Order 16876]

EMMA SEEHOFF ET AL.

In re: Real property, property insurance policies, and a claim owned by Emma Seehoff and others. D-28-12917-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Seehoff, Peter Cleff, Maria Lonny, Elfriede Kohnen, Hermann Cleff, Karl Cleff, Clara Lauer, and Katherina Cleff, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Tampa, County of Hillsborough, State of Florida, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof, and

c. All those certain debts or other obligations owing to the persons named in subparagraph 1 hereof by Hampton, Bull & Crom, 1105-7 Citizens Building, Tampa, Florida, arising out of the net income by reason of collection of rent on the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain parcels of land situated in Tampa, Hillsborough County, Florida, being Lots Nos. 6, 7, and 8 in Block B, of A. F. Randall's No. 1 Subdivision.

[F. R. Doc. 51-497; Filed, Jan. 10, 1951; 8:52 a. m.]

[Return Order 843]

ALBERT FERNAND JOSEPH BARET AND MAURICE FLORENT EDMOND SCHUERMANS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Albert Fernand Joseph Baret and Maurice Florent Edmond Schuermans, Liege, Belgium: Claim No. 40138; November 23, 1950 (15 F. R. 8067); property described in Vest-

ing Order No. 675 (8 F. R. 5029) April 17, 1943) relating to United States Letters Patent Nos. 2,198,554 and 2,278,567; an undivided one-half interest therein to each claimant. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-498; Filed, Jan. 10, 1951; 8:52 a. m.]

NOTICES

[Return Order 844]

JOYCE NANASSY-MEGAY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Joyce Nanassy-Megay, 705 St. Paul Street, Baltimore 2, Md.; Claim No. 4321; March 15, 1947 (12 F. R. 1795); $9,435.48 in the Treasury of the United States. All right, title and interest of Joyce Nanassy-Megay, and her issue, in and to the trust created under the Last Will and Testament of Wilbert Edward Stratton, deceased; Trustee, the City Bank Farmers Trust Company, New York, New York.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-438; Filed, Jan. 9, 1951; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 8

Washington, Friday, January 12, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ECONOMIC STABILIZATION AGENCY

Under authority of § 6.1 (a) of Executive Order 9830, a new § 6.155 is added as set out below effective upon publication in the FEDERAL REGISTER:

§ 6.155 *Economic Stabilization Agency*—(a) *Office of the Administrator.* (1) Two private secretaries or confidential assistants to the Administrator.

(b) *Office of Price Stabilization.* (1) One private secretary or confidential assistant to the Director of Price Stabilization.

(c) *Office of Wage Stabilization.* (1) One private secretary or confidential assistant to the Chairman of the Wage Stabilization Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-508; Filed, Jan. 11, 1951; 8:46 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order 9830, § 6.106 (a) (5) is amended to read as set out below effective upon publication in the FEDERAL REGISTER.

§ 6.106 *Department of the Navy*—(a) *General.* • • •

(5) NC/PD. Student trainees in naval shipyards, whose salaries shall not aggregate more than $900 a year. Only bona fide students engaged in the study of naval architecture shall be eligible for appointment under this subparagraph. Employment under this subparagraph shall not exceed 90 working days a year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. The headnote of § 24.63 is amended to read as follows:

§ 24.63 *Physiologist (Human), GS-413-7-15 (positions involving highly technical research, design, or development, or similar difficult scientific functions).*

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-509; Filed, Jan. 11, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 920—HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Order No. 20 (15 F. R. 7349), regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire and Vermont was published in the FEDERAL REGISTER (15 F. R. 8738). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the New England Potato Committee (established pursuant to said order), the following rules and regulations are hereby approved.

(Continued on p. 307)

CONTENTS

Agriculture Department Page

See Animal Industry Bureau; Commodity Exchange Commission; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
"Albingia" Versicherungs Aktiengesellschaft 329
Bartlewski, Frantz Josef, et al 330
Beerwart, Erwin, et al 330
Binder, Helen, and Heinrich Buehler 328
Bollmann, Albert and Kaethe 331
Furuyama, Densaku and Akiko 331
Gieseking, Walter, et al 331
Goller, Walter, et al 332
Hammer, Mrs. Kaethe and Ottfried 332
Herpel, Hilda Bode 330
Kaneshima, Minosuke, et al 332
Kawasaki, Hana and Rihei (2 documents) 333
Kehrmann, Hans Rulff and Anneliese 333
Kiyota, Kika and Shoji 335
Koike, Matsuye, et al 334
Komatsu, Takashi and Oriko 334
Lindewirth, Ernst F. and Alida M. C 335
Margreve, William J 335
Matsumoto, Akiye and Hatsujiro 328
Mayer, Mary 329
Miyaoi, Matsujiro and Tora 329
Miyamoto, Kamechiyo 329
Nebel, Hans and Lizetto 335
Paysen, Erick Georg Wilhelm and Gertrud Kockert 336
Queitsch, Arthur A., et al 336
Rikart, Mary, et al 334
Usami, Yasu 328

Animal Industry Bureau

Proposed rule making:
Anti-hog-cholera serum and hog-cholera virus, handling 321
Rules and regulations:
Importation of certain animals and poultry into U. S. (except from Mexico); feed and attendants for animals in quarantine 308

FEDERAL REGISTER

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CONTENTS—Continued

Army Department — Page
Rules and regulations:
Personnel review boards; Army Discharge Review Board — 318
Women's Army Corps; miscellaneous amendments — 318

Civil Aeronautics Board — Page
Rules and regulations:
Airplane airworthiness, transport categories; humidity accountability — 314
Flight navigator certificates, limited — 314

Civil Service Commission
Rules and regulations:
Appointment to certain scientific, technical, and professional positions; formal education requirements — 305
Competitive service exceptions:
Economic Stabilization Agency — 305
Department of the Navy — 305

Commerce Department
See also International Trade, Office of; National Production Authority.
Rules and regulations:
Foreign excess property, disposal; excess property fabricated from critical material — 320

Commodity Exchange Commission
Proposed rule making:
Soybeans and eggs; limits on position and daily trading for future delivery — 321

Defense Department
See Army Department.

Federal Communications Commission
Notices:
Motions Commissioner, designation — 324

Federal Power Commission
Notices:
Hearings, etc.:
Biddeford and Saco Gas Co — 323
Bonneville Project — 324
El Paso Electric Co — 323
Gas Service, Inc — 323
Greenfield Gas Light Co — 324
Kosar, Oscar E. and Everett — 324
Montana-Dakota Utilities Co — 323
Tennessee Gas Transmission Co. (2 documents) — 324

Federal Reserve System
Rules and regulations:
Residential real estate credit — 308

Federal Trade Commission
Rules and regulations:
Petrey, Eugene D., et al.; cease and desist order — 317

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See Reclamation Bureau.

International Trade, Office of
Rules and regulations:
Export regulations:
Enforcement provisions; destination control — 315
General orders; miscellaneous amendments — 316
Positive list of commodities and related matters; miscellaneous amendments — 316

Interstate Commerce Commission — Page
Notices:
Applications for relief:
Coal from Kentucky to Nashville, Tenn — 327
Electrical transformers from Sharon, Pa., to the South — 327
Ilmenite ore from Melbourne, Fla., to Ohio and Michigan — 327
Phosphate rock from Florida to Southwest — 326
Woods, foreign, from Pascagoula and Moss Point, Miss., to South — 327
Rules and regulations:
Car service; demurrage on freight cars — 320

Justice Department
See Alien Property, Office of.

Labor Department
Notices:
Certification of State unemployment laws to Secretary of the Treasury (2 documents) — 325

National Production Authority
Rules and regulations:
Designation of scarce materials — 319

Production and Marketing Administration
Proposed rule making:
Milk handling in Toledo, Ohio, area — 321
Peaches, fresh, in Georgia — 323
Rules and regulations:
Milk handling in South Bend-La Porte, Ind., area — 308
Peaches in Mesa County, Colo — 307
Potatoes, Irish, in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont — 305

Reclamation Bureau
Notices:
Yakima Irrigation Project, Wash.; water availability and construction charge instalments — 325

Treasury Department
Certification of State unemployment laws to Secretary (*see* Labor Department).

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 (2 documents) — 305
Part 24 — 305

Title 7
Chapter IX:
Part 920 — 305
Part 930 (proposed) — 321
Part 940 — 307
Part 962 (proposed) — 323
Part 967 — 308

CODIFICATION GUIDE—Con.

Title 9 — Page
Chapter I:
Part 92 — 308
Part 131 (proposed) — 321

Title 12
Chapter II:
Part 225 — 308

Title 14
Chapter I:
Part 4b — 314
Part 34 — 314

Title 15
Chapter III:
Part 381 — 315
Part 384 — 316
Part 399 — 316

Title 16
Chapter I:
Part 3 — 317

Title 17
Chapter I:
Part 150 (proposed) — 321

Title 32
Chapter V:
Part 580 — 318
Part 581 — 318

Title 32A
Chapter I:
Part 9 — 319

Title 44
Chapter IV:
Part 401 — 320

Title 49
Chapter I:
Part 95 — 320

§ 920.201 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the New England Potato Committee, established pursuant to Order No. 20, to enable such committee to perform its functions pursuant to the provisions of the aforesaid order, during the fiscal year ending May 31, 1951, will amount to $14,960.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in Order No. 20.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of January 1951, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-522; Filed, Jan. 11, 1951; 8:50 a. m.]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

SUBPART—RULES AND REGULATIONS

Notice was published in the FEDERAL REGISTER issue (15 F. R. 8714) of December 8, 1950, that the Department was giving consideration to the proposed revision of the rules and regulations (14 F. R. 4855; 7 CFR 940.100 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the amended marketing agreement and Order No. 40 (7 CFR 940; 15 F. R. 5001), regulating the handling of peaches grown in the County of Mesa in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the following rules and regulations are in accordance with the provisions of said marketing agreement and order and are hereby approved.

SUBPART—RULES AND REGULATIONS

GENERAL

Sec.
940.100 Definitions.
940.101 Communications.

REGULATION OF SHIPMENTS

940.153 Exemption certificates.

REPORTS BY HANDLERS

940.165 Reports.

PEACHES NOT SUBJECT TO REGULATION

940.171 Not subject to regulation.

AUTHORITY: §§ 940.100 to 940.171 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

GENERAL

§ 940.100 *Definitions.* (a) "Order" means Order No. 40, as amended (7 CFR Part 940; 15 F. R. 5001), regulating the handling of peaches grown in the County of Mesa in Colorado.

(b) "Marketing agreement" means Marketing Agreement No. 88, as amended.

(c) All other terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 940.101 *Communications.* Unless otherwise prescribed in the marketing agreement and order or required by the Administrative Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed as follows:

Administrative Committee
P. O. Box 368
Palisade, Colorado

REGULATION OF SHIPMENTS

§ 940.153 *Exemption certificates.* (a) Each application for an exemption certificate, pursuant to § 940.53 of the marketing agreement and order, shall be dated and submitted on Form A "Application for Exemption" (which may be obtained from the Administrative Committee) and shall contain the following information:

(1) Name and address of applicant;

(2) Location of each orchard from which peaches will be shipped pursuant to the exemption certificate requested;

(3) Estimated total production of peaches from each orchard owned, or controlled, by such applicant;

(4) Explanation of the conditions beyond applicant's control that will prevent him from shipping, or having shipped, a percentage of his total peach crop equal to the percentage determined pursuant to § 940.53 of the marketing agreement and order, together with the estimated percentage of such total peach crop which can meet the requirements of the then current regulation; and

(5) The total quantity of peaches which the applicant has shipped, and the total quantity which the applicant has otherwise disposed of, since the beginning of the then current peach shipping season from each orchard.

(b) Each such application should be accompanied by a statement of an inspector, designated by the Administrative Committee, showing that he has checked each of the aforesaid orchards, identified in such application, and that he has determined, from a representative sample from such peach crop, the percentage of such crop which will meet the requirements of the then current regulation; and such percentage should be set forth in such statement.

(c) The Administrative Committee shall consider each application for exemption and investigate all relevent facts. In the event the Administrative Committee finds that the applicant is entitled to an exemption certificate, it shall issue, or cause to be issued, an exemption certificate setting forth the quantity of peaches that may be shipped thereunder. If the Administrative Committee finds that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(d) Each producer who ships peaches, or causes peaches to be shipped, pursuant to an exemption certificate, shall submit promptly to the Administrative Committee an accurate report with respect to the disposition of each such shipment, together with the date and quantity thereof.

REPORTS BY HANDLERS

§ 940.165 *Reports.* With respect to all peaches shipped by each handler each day, the handler shall promptly report, or cause to be reported, to the Administrative Committee the point of origin of each shipment, the number and type of packages, the grades and sizes of the peaches, and the number of the railroad car or the license number of the truck, as the case may be, in which such peaches were shipped.

PEACHES NOT SUBJECT TO REGULATION

§ 940.171 *Not subject to regulation—(a) Peaches for relief and similar purposes, and for processing.* Each person who ships peaches (1) for consumption by a charitable institution, (2) for distribution for relief purposes, (3) for distribution by a relief agency, or (4) for processing on a commercial scale shall promptly notify the Administrative

Committee of the respective shipment and destination thereof.

(b) *Shipments not exceeding 19 bushels.* (1) Each person who, during any one day, ships to any one person an aggregate of not more than 19 bushels of peaches not for resale shall promptly submit to the Administrative Committee, on such form as is prescribed by the committee, the following information with respect to each such shipment:

(i) Date;

(ii) Aggregate quantity of peaches;

(iii) Name and address of person to whom shipped; and

(iv) Name and address of person shipping the peaches.

(2) One copy of the executed form should be furnished to the person to whom the peaches are shipped.

Done at Washington, D. C., this 8th day of January 1951, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-521; Filed, Jan. 11, 1951; 8:50 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Correction

In F. R. Document 50-12589, appearing in the issue for Saturday, December 30, 1950, at page 9432, the effective date in the final paragraph should be changed to the 1st day of January 1951.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[BAI Order 379, Amdt. 10]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY INTO THE UNITED STATES (EXCEPT FROM MEXICO)

FEED AND ATTENDANTS FOR ANIMALS IN QUARANTINE

Pursuant to the authority vested in the Secretary of Agriculture by sections 6, 7, 8, and 10 of the act of August 30, 1890, as amended (21 U. S. C. 102-105) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 92.12 of Chapter I of Title 9 of the Code of Federal Regulations is amended to read as follows:

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service will be furnished by the Bureau in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section.

(b) At a port where quarantine facilities are maintained by the Bureau, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Bureau or pay in advance for the cost thereof, as may be required, and waive all claim against the Bureau or any employee of the Bureau for damages which may arise from such service. The Chief of Bureau may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

(Secs. 6, 7, 8, 10, 26 Stat. 414, as amended, sec. 2, 32 Stat. 791, as amended; 21 U. S. C. 102-105, 111)

The purpose of this amendment is to provide a way in which importers of small numbers of animals may receive on a reimbursable basis an economical and convenient service for the care, feed, and handling of their animals at a quarantine station maintained by the Bureau of Animal Industry. Only one such station, serving the port of New York, is now maintained by the Bureau. There is no change in the present requirement that the importer make satisfactory arrangements for the care, feed, and handling of his animals during the period of quarantine but, under the conditions outlined in the amendment, it is now possible for him to request and receive such service from the Bureau. It is to the benefit of those who desire such service, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

The foregoing amendment shall be effective January 12, 1951.

Done at Washington, D. C., this 8th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-519; Filed, Jan. 11, 1951; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. X]

PART 225—RESIDENTIAL REAL ESTATE CREDIT

1. Effective January 12, 1951, Part 225 is amended to read as follows:

Sec.
225.1 Scope and application of part.
225.2 Definitions.
225.3 General requirements and registration.
225.4 Extension of credit.
225.5 Exemptions and exceptions.
225.6 Miscellaneous provisions.
225.7 Supplement.

AUTHORITY: §§ 225.1 to 225.7 issued under sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.

§ 225.1 *Scope and application of part.* (a) This part is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), with the concurrence of the Housing and Home Finance Administrator, under authority of the "Defense Production Act of 1950", approved September 8, 1950 (hereinafter called the "act"), and Executive Order No. 10161,[1] dated September 9, 1950.

(b) This part applies to any person who is engaged in the business of extending real estate credit with respect to residences, residential property, or multi-unit residential property, including any person who acts as agent in arranging for such credit. For the purposes of this

[1] 15 F. R. 6105.

part, a person shall be deemed to be engaged in the business of extending such real estate credit if, in his own right or as agent or fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For the purposes of this section, real estate credit with respect to residences, residential property, or multi-unit residential property shall be deemed to include credit with respect to any residence, residential property, or multi-unit residential property, whether or not there is any new construction thereon, and whether or not such credit is extended, insured, or guaranteed by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency of the United States, and whether or not such credit is exempt from this part.

§ 225.2 *Definitions.* For the purposes of this part, unless the context otherwise requires:

(a) "Person" has the meaning given it in section 702 (a) of the act.[2]

(b) "Registrant" means a person who is registered pursuant to § 225.3.

(c) "Credit" has the meaning given it in section 602 (d) (2) of the act.[3]

(d) "Extending credit", "extension of credit" and "extends credit" shall include extending or maintaining any credit, or renewing, revising, consolidating, refinancing, purchasing, selling, discounting, or lending or borrowing on, any obligation arising out of any credit, or arranging as agent for any of the foregoing, and also shall include a sale of, or other transfer of title to, real property if the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property.

(e) "Real estate construction credit" means any credit, hereafter extended, which

(1) Is wholly or partly secured by, or

(2) Is for the purpose of purchasing or carrying, or

(3) Is for the purpose of financing, or

(4) Involves a right to acquire or use, new construction on real property or real property on which there is new construction, if such new construction is a residence or multi-unit residence or a major addition or major improvement to a residence or multi-unit residence, whether such credit is extended before or after such new construction is begun; but the term "real estate construction credit" shall not include any loan or loans made, insured, or guaranteed, in whole or in part, by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency in the executive branch of the United States, or by any wholly owned Government corporation, or by any mixed-ownership Government corporation as defined in the Government Corporation Control Act, as amended (including any loan evidenced by obligations of any local public agency or public housing agency which national banks may purchase pursuant to the provisions of section 602 (a) of the Housing Act of 1949).

(f) "New construction" means any structure, or any major addition or major improvement to a structure, which is or has been begun after 12 o'clock meridian, August 3, 1950. Construction will be deemed to have been "begun" when any essential materials which are to be an integral part of the structure have been affixed to or incorporated on the site in a permanent form.

(g) "Major addition" or "major improvement" means any enlargement, reconstruction, alteration, or repair of an existing residence[4] or multi-unit residence,[4] or any other addition or improvement which becomes or is to become physically attached to and a part of the residence or multi-unit residence, if the cost or estimated cost of such addition or improvement exceeds $2,500 and also exceeds an amount determined by multiplying $1,500 by the number of family units in such residence or multi-unit residence prior to such addition or improvement. In determining whether the cost of an addition or improvement project exceeds the amounts specified in the preceding sentence, there shall be considered only the amount of such cost which is incurred within any twelve consecutive months.

(h) "Real property" includes leaseholds and other interest in such property.

(i) The "maximum loan value" of any property[5] shall be the amount which is computed in the manner prescribed in § 225.7. In making such computations:

(1) For a major addition or major improvement to a residence or multi-unit residence, "value" shall be the cost or estimated cost of such major addition or major improvement;

(2) For residential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of residential property, "value" shall be the bona fide sale price;

(ii) In the case of any other extension of credit with respect to residential property:

(*a*) If the entire cost of the property to the borrower has been incurred by him not more than 12 months prior to the extension of credit or is to be incurred by him after such extension of credit, "value" shall be the bona fide cost of the property to the borrower, including a bona fide estimate of the cost of completing new construction on such property when the extension of credit is for the purpose of financing such new construction;

(*b*) If any part of the cost of the property to the borrower has been incurred by him more than 12 months prior to the extension of credit, or if any part of such property has been acquired by gift, exchange, or inheritance, "value" shall be the appraised value as determined in good faith by the Registrant who extends the credit;

(3) For an extension of credit which is for the purpose of financing the construction of a residence on farm property, "value" shall be the total of (i) the cost or estimated cost of such new construction, and (ii) 5 per cent of such cost or estimated cost.[6]

(4) For multi-unit residential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of multi-unit residential property, "value" shall be the bona fide sale price;

(ii) In the case of any other extension of credit with respect to multi-unit residential property, "value" shall be the

[2] Section 702 (a) of the act provides: "The word 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Act shall apply to the United States, or to any such government, political subdivision, or government agency."

[3] Section 602 (d) (2) of the act provides: " 'Credit' means any loan, mortgage, deed of trust, advance, or discount; any conditional sale contract; any contract to sell or sale or contract of sale, of property or services, either for present or future delivery, under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment, leasing, or other use of property under which the bailee, lessee, or user has the option of becoming the owner thereof, obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof, or has the right to have all or part of the payments required by such contract applied to the purchase price of such property or similar property; any option, demand, lien, pledge, or similar claim against, or for the delivery of property or money; any purchase, discount, or other acquisition of, or any credit under the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect."

[4] Notwithstanding this definition or any other provision of this part, an addition or improvement to an existing structure which will become a "residence" or "multi-unit residence by reason of such additions or improvement shall be treated as an addition or improvement to an existing "residence" or "multi-unit residence" respectively; and, in determining whether the cost or estimated cost of an addition or improvement of the kind mentioned in this footnote is such that it would be a major addition or major improvement within the meaning of § 225.2 (g), and in determining what the maximum loan value is, the determination shall be according to the number of family units which will be in the structure after the addition or improvement has been completed.

[5] As used here, "property" means residential property, multi-unit residential property, a residence on farm property, or a major addition or major improvement to a residence or a multi-unit residence, as the case may be.

[6] The 5 per cent is added when the extension of credit is for the purpose of financing the construction of a residence on farm property in order to take account of the value of the land upon which the residence is to be constructed.

appraised value as determined in good faith by the Registrant who extends the credit. Appraisals pursuant to this provision and other provisions of this part will be subject to inspection by the Board and the Federal Reserve Banks in accordance with § 225.6 (d), and appraisals found to be in excess of those dictated by sound and established practice in the community shall be deemed sufficient ground for the suspension of the Registrant pursuant to § 225.3 (c).

(j) "Bona fide sale price" means the amount paid or to be paid by the vendee in money or its equivalent. It includes, in addition to cash, (1) the value of any property accepted in part payment, (2) the unpaid principal amount of any indebtedness incurred or assumed by the vendee or to which the property remains subject, (3) the amount of any liens for taxes or special assessments which are in default or currently due and payable, (4) the amount of any mechanics' liens or other liens which the vendee is required to discharge, (5) the amount which the vendee agrees to pay for any alteration or other modification made or to be made to the property as an incident to the sale thereof, and (6) any amounts paid by the vendee for closing costs. It does not include any prepaid charges, or any accrued rents which will be paid to the vendee.

(k) "Residence"[7] means any structure which is used or designed for permanent or transient dwelling purposes, and which includes at least one but not more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure. Houses connected by common walls and commonly known as "row houses" or "semidetached houses" shall be considered separate structures.

(l) "Multi-unit residence"[7] means any structure such as an apartment house or apartment hotel (whether owned cooperatively or otherwise) which is used or designed for permanent or transient dwelling purposes, and which includes more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure.

(m) "Family unit" means space which is used or designed for dwelling purposes and which includes one or more rooms together with kitchen facilities or space designed for kitchen facilities.

(n) "Residential property" means any real property, other than farm property, on which there is or is to be a residence or residences.

(o) "Farm property" means any real property, other than multi-unit residential property, located outside of urban areas, which is principally used for the production of crops, livestock or other agricultural commodities.

[7] Structures commonly known as hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, hospitals, rest homes, and the like, in which more than one-half of the floor space consists of units which do not include kitchen facilities or space designed for kitchen facilities shall not be deemed to be residences or multi-unit residences.

(p) "Multi-unit residential property" means any real property on which there is or is to be a multi-unit residence or multi-unit residences.

§ 225.3 *General requirements and registration*—(a) *General requirements.* No person engaged in the business of extending real estate credit with respect to residences, residential property, or multi-unit residential property shall extend real estate construction credit unless (1) he is registered pursuant to this section, and (2) he has no knowledge of, and has no reason to know, any fact by reason of which such credit fails to comply with any applicable provision of this part.

(b) *Registration.* Every person engaged in the business of extending real estate credit with respect to residences, residential property, or multi-unit residential property shall be deemed to be registered pursuant to this part from the effective date hereof until such time as the Board, by public announcement, may require registration statements to be filed by all, or any specified classes of, such persons. Should the Board require such registration statements, a person shall continue to be registered after the time such statements are required only if he shall have complied with the requirements of the Board's announcement. Every person who is registered in accordance with the provisions of this paragraph is referred to in this part as a "Registrant".

(c) *Suspension of registration.* (1) Any Registrant may, after reasonable notice and opportunity for a hearing, be suspended by the Board, as to all or as to particular activities or particular offices and for specified or indefinite periods, because of any willful or negligent failure to comply with any provision of this part.

(2) A suspension for a specified period will terminate upon the expiration of such period. A suspension for an indefinite period may be terminated by the Board, in its discretion, if the Board is satisfied that its action would not lead to further violations of this part by the suspended Registrant and would not be otherwise incompatible with the public interest.

§ 225.4 *Extension of credit*—(a) *Amount; maturity; amortization.* Except as otherwise permitted by this part, no Registrant shall, either in connection with a sale or otherwise:

(1) Extend real estate construction credit with respect to residential property or multi-unit residential property (other than major additions or major improvements) if the amount of credit outstanding with respect to the property (including any credit exempt from, or not subject to the prohibitions of, this part) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such property;

(2) Extend real estate construction credit for the purpose of financing a major addition or major improvement to a residence or multi-unit residence if the amount of credit outstanding for the purpose of financing the major addition or major improvement (including any credit exempt from, or not subject to the prohibitions of, this part) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such major addition or major improvement;

(3) Extend real estate construction credit for the purpose of financing the construction of a residence on farm property if the amount of credit outstanding for the purpose of financing the construction of the residence (including any credit exempt from, or not subject to the prohibitions of, this part) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such residence;

(4) Extend real estate construction credit if such credit would have a maturity which exceeds the applicable maximum maturity provisions, or would be repaid in any manner which does not conform with the applicable amortization provisions, set forth in § 225.7;

(5) Purchase, discount or lend on any credit instrument evidencing real estate construction credit which is subject to and not exempt from this part, unless the terms of such credit conformed with the provisions of § 225.7 when such credit was originally extended or conform with the provisions of § 225.7 at the time of such purchase, discount or loan; but for the purposes of this paragraph credit shall be considered to be subject to this part even though extended by a person other than a Registrant;

(6) If the Registrant is acting as principal—sell, or transfer title to, residential property or multi-unit residential property on which there is new construction (which is a residence or multi-unit residence or a major addition or major improvement to a residence or multi-unit residence) and with respect to which the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property, if the amount of outstanding credit (including any credit exempt from, or not subject to the prohibitions of, this part) which was extended after October 12, 1950 (or after January 12, 1951, if it is a sale or transfer of multi-unit residential property) with respect to the property exceeds, or as a result of such sale or transfer would exceed, the applicable maximum loan value of such property, or if any outstanding real estate construction credit (subject to and not exempt from this part) with respect to such property does not conform with the provisions of this part.[8]

(b) *Secondary borrowing.* Except as otherwise permitted by this part, no Registrant shall extend real estate construction credit if he knows or has reason to know that there is, or that there is to be, any other credit extended with respect to the property[9] (1) which, when added to the credit proposed to be extended by the Registrant, would cause the total amount of credit outstanding with respect to the property[9] (including any credit exempt from, or not subject to the prohibitions of, this part) to exceed the applicable maximum loan value of such property, or (2) which, if it is real estate construction credit subject to and not exempt from this part, does not or would not comply with the applicable maximum maturity and amortization provisions set forth in § 225.7.

(c) *Ascertaining nature of credit.* No Registrant shall extend any credit unless he is satisfied, and maintains records which reasonably demonstrate on their face, whether such credit is or is not real estate construction credit; provided, however, unless the Registrant has actual knowledge that the credit is real estate construction credit, the requirements of this sentence shall not apply (1) to any extension of credit which is made by a bank, savings and loan association, or similar institution and which is to be repaid within six months and is fully secured by withdrawable shares issued by or savings accounts held with the lender, or (2) to any extension of credit in the ordinary course of business for a commercial, agricultural, or business purpose where the Registrant, because of a previous course of dealings or correspondence between himself and the borrower, has no reason to believe that the credit is or will be real estate construction credit. The preceding sentence does not require that a Registrant obtain a signed statement from each borrower, and if the Registrant is satisfied that credit is not real estate construction credit, other kinds of records may be used to demonstrate this fact. Such records may include, among others, (1) any correspondence, memoranda, loan applications or other documents of any kind, whether or not originating in connection with the credit in question, which on the basis of a reasonable interpretation show that the credit is not real estate construction credit; or (2) a written endorsement or rubber stamp legend, placed upon the credit instrument or upon other papers in connection with the credit and signed by the Registrant or a responsible officer of the Registrant, stating that he is satisfied that the credit in question is not real estate construction credit. If, however, a Registrant desires to obtain, and accepts in good faith, a signed Statement of the Borrower stating that the credit is not wholly or partly secured by, or for the purpose of purchasing or carrying, or for the purpose of financing, or one which involves the right to acquire or use, new construction on real property or real property on which there is new construction (or that such new construction, if any, is not a residence or multi-unit residence or a major addition or major improvement to a residence or multi-unit residence), such Statement shall be deemed to be compliance with the requirements of this subsection.

(d) *Statement of the borrower.* No Registrant shall extend real estate construction credit unless he has accepted in good faith a signed Statement of the Borrower (1) stating whether the credit is with respect to (i) residential property, (ii) a residence on farm property, (iii) a major addition or a major improvement to a residence, (iv) multi-unit residential property, or (v) a major addition or a major improvement to a multi-unit residence; and (2) stating, if the Registrant claims that such credit is exempt from this part, the reason for such exemption; and, if the credit is not exempt, (3) stating the amount of credit previously extended and outstanding, and the amount of any other credit to be extended, with respect to the residential property, the residence on farm property, the major addition or major improvement to a residence, the multi-unit residential property, or the major addition or major improvement to a multi-unit residence, (4) stating, if the Registrant in computing "value" relies upon cost or estimated cost to the borrower (where such cost or estimated cost may be used for this purpose), the bona fide amount of such cost or estimated cost to the borrower, and (5) stating if the extension of credit is in connection with a sale, the sale price, that the sale price was bona fide, and the value and a brief description of any property accepted in part payment. If the extension of credit is in connection with a sale, such Statement shall state that the vendor of the property has or will have no financial interest in such property or in the proceeds of any subsequent disposition thereof, except such interest as may be fully disclosed to the Registrant. The amount of any such financial interest of the vendor retained in the property or any proceeds of the disposition thereof shall be deemed to be real estate construction credit extended with respect to such property. The Statement of the Borrower may be made, if desired, on a form a sample of which is obtainable at any Federal Reserve Bank or branch.

§ 225.5 *Exemptions and exceptions*—(a) *Minimum amount.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any extension of credit if the total amount thereof, including all outstanding credit which was granted after October 12, 1950, with respect to the same property,[10] is not in excess of $2,500.

(b) *Short-term residential construction credits.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any credit which is for the purpose of financing the construction of a residence or residences or a major addition or major improvement to a residence, if the maturity of such credit is not more than 18 months; provided that this exemption shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this part. If (1) the initial purpose of an extension of credit having a maturity exceeding 18 months is the financing of the construction of a residence or residences or a major addition or major improvement to a residence and (2) an agreement with respect to the credit requires that (i) within 32 days after completion of such construction or the date the Registrant estimates in good faith the construction will be completed or (ii) upon the expiration of a period of not more than 18 months after the extension of the credit, whichever shall first occur, such action must be taken by the parties as may be necessary to make the terms of the credit conform thereafter with the applicable maximum loan value and the applicable maturity and amortization provisions set forth in § 225.7, then in such event the prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to such credit until the occurrence of one of the events specified in subdivisions (i) or (ii) of this subparagraph; but if at any time after the date of the extension of such credit, a Registrant sells or transfers title to the property with respect to which the credit is extended, such sale or transfer of title must conform to the provisions of this part.[11]

(c) *Short-term multi-unit residential construction credits.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or a major addition or major improvement to a multi-unit residence and which is extended to any person other than the owner of the property and has a maturity of not more than 18 months: *Provided*, That this exception shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this part.

(d) *Medical expenses, etc.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used for bona fide medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that the proceeds of the extension are to be paid over in amounts specified in such Statement to persons whose names, addresses and occupations are stated therein.

(e) *Casualties.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used solely for the replacement, reconstruction or repair of a residence or multi-unit residence destroyed or substantially damaged by flood, fire or other similar casualty.

(f) *Contracts to sell.* None of the provisions of this part shall apply to a contract to sell real property (1) which does not provide for the payment of any part of the purchase price, or of any amount to be subsequently applied to such price, except a deposit of earnest

[8] For application to three- and four-unit residences, see § 225.6 (c).

[9] As used here, "property" means residential property, multi-unit residential property, a residence on farm property, or a major addition or major improvement to a residence or a multi-unit residence, as the case may be.

[10] As used here, "property" means residential property, multi-unit residential property, a residence on farm property, or a major addition or major improvement to a residence or a multi-unit residence, as the case may be.

[11] It should be noted that this exemption does not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or a major addition or major improvement to a multi-unit residence. However, see § 225.5 (c).

money, before the transfer of title to such property, (2) which is to be performed by a transfer of title to such property within six months after the date on which the contract was entered into, and (3) which provides for the subsequent transfer of title to such property on terms which conform to the provisions of this part in effect on the date the contract was entered into.

(g) *Contemplated construction.* Any builder or other person who had made substantial commitments or undertakings before August 3, 1950, with a view to the building of new construction which is a residence or a major addition or major improvement to a residence and who asserts that his inability to obtain credit to finance such new construction on the basis contemplated by him and by the Registrant prior to August 3, 1950, would cause him substantial hardship, may apply to the Federal Reserve Bank of the district in which the new construction is contemplated for an exemption from this part for such new construction, showing all the facts and submitting all necessary supporting documents with respect to his commitments or undertakings and why compliance with this part would cause him substantial hardship. If such Federal Reserve Bank after consideration of the application and supporting documents determines that substantial commitments were made prior to August 3, 1950, and that substantial hardship would result from the application of this part in such case, it may issue to such builder or other person a certificate approving such application and thereupon any extension of credit to such builder or other person by the Registrant named in such certificate with respect to the new construction that may be specified in such certificate shall be exempt from the prohibitions of paragraphs (a) and (b) of § 225.4. Applications under this paragraph must be sent to the Federal Reserve Bank prior to March 15, 1951.

(h) *Labor and material.* No person shall be required to register pursuant to § 225.3 because of the fact that he performs labor or furnishes material for new construction on an open account, unless he shall be otherwise engaged in the business of extending real estate credit.

(i) *Credits secured by life insurance policies.* None of the provisions of this part shall apply to an extension of real estate construction credit which is fully secured by the loan value or cash surrender value of a life insurance policy; and, notwithstanding any other provisions of this part, a Registrant in determining the amount of credit which he may extend under the provisions of § 225.4 need not take into account any credit which is secured in the manner specified in this paragraph.

(j) *Farm property.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any extension of real estate construction credit with respect to farm property unless the extension of credit is for the purpose of financing the construction of a residence on farm property or a major addition or major improvement to a residence on farm property.[12]

(k) *Exemption for certain new construction.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to any real estate construction credit extended prior to May 1, 1951, with respect to new construction (1) begun prior to October 12, 1950, if such new construction is a residence or a major addition or major improvement to a residence, or (2) begun prior to January 12, 1951, if such new construction is a multi-unit residence or a major addition or major improvement to a multi-unit residence.[13]

(l) *Materials, articles and services used in new construction.* None of the provisions of this part shall apply to an extension of credit which is for the purpose of purchasing, or is in connection with a sale of, materials, articles and services for new construction if the credit is extended on terms which provide for a minimum down payment of 10 per cent, or a maximum loan value of 90 per cent, and for repayment within 30 months by (1) substantially equal monthly or weekly payments covering principal and interest or (2) substantially equal monthly or weekly payments of principal.[14]

§ 225.6 *Miscellaneous provisions*—(a) *Evasions.* No extension of real estate construction credit complies with the requirements of this part if at the time it is made there is any agreement, arrangement, or understanding, of which the Registrant knows or has reason to know, by which credit is or is to be extended in violation of this part, even though such extension of credit is or is to be made indirectly, or which would otherwise evade or circumvent, or conceal any evasion or circumvention of, any provision of this part. No Registrant extending credit subject to this part shall divide such credit into two or more parts, or enter into any agreement or understanding with any other person as a result of which two or more credits are extended, when the purpose or effect of such action is to circumvent or avoid the amortization or maturity provisions of this part.

(b) *Outstanding contracts and obligations.* The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to or affect (i) any credit with respect to residential property or a major addition or major improvement to a residence if extended prior to October 12, 1950, or pursuant to any firm commitment to extend credit made prior to such date, or (ii) any credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence if extended prior to January 12, 1951, or pursuant to any firm commitment to extend credit made prior to such date. For this purpose, a firm commitment means either (1) a written agreement under which the Registrant is required without option or discretion on his part to extend credit upon demand by the borrower or upon compliance by the borrower with one or more conditions referred to in such agreement; or (2) any other agreement to extend credit with respect to residential property, a residence, or a major addition or major improvement to a residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to October 12, 1950, if the Registrant prior to January 1, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to October 12, 1950; or (3) any other agreement to extend credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to January 12, 1951, if the Registrant prior to March 15, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to January 12, 1951.[15]

(c) *Real property outside the United States.* None of the prohibitions of this part shall apply to any extension of real estate construction credit with respect to real property in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(d) *Preservation of records; inspections; administrative reports.* For the purpose of determining whether or not there has been compliance with the provisions of this part, every person extending real estate credit with respect to residences, residential property, or multi-unit residential property shall preserve for the period hereinafter specified such accounts, correspondence, memoranda, papers, books, and other records, or photostats or other copies thereof, as are relevant to establishing whether such person is engaged in the business of extending such real estate credit; whether each credit extended is or is not real estate construction credit with respect to residential property, a farm residence, a major addition or major improvement to a residence, multi-unit residential property; or a major addition or major improvement to a multi-unit residence, and whether each extension of real estate construction credit conformed with the provisions of this part. Every such person shall preserve such records for three years after the extension of such credit, or until the repayment of the credit, whichever period is shorter, provided, however, that if such person sells or transfers an obligation evidencing a credit (or releases collateral held as security for such credit) and delivers his records relevant to such credit to the purchaser or transferee, such person need not thereafter maintain such records with respect to the credit but shall keep a record of the identity of the purchaser or transferee and the date of such sale or transfer (or such release). Every such person shall permit the Board or a Federal Reserve Bank, by its duly authorized representatives, to inspect such records and business operations as the Board or a Federal Reserve Bank may deem necessary or appropriate; and when ordered to do so, shall furnish, under oath or otherwise, such reports, information, or records relevant to extensions of credit as the Board or a Federal Reserve Bank may deem necessary or appropriate for the enforcement and administration of this part.[16]

(e) *Default and foreclosure; serviceman's preinduction debt.* Nothing in this part shall be construed to prevent any Registrant from taking such action as he shall deem necessary in good faith (1) with respect to any extension of credit to any member or former member of the armed forces of the United States which was made to him prior to his induction into such service and assignment to active duty, or (2) for the Registrant's own protection in connection with any credit which is in default and is the subject of a bona fide collection effort by the Registrant. The prohibitions of paragraphs (a) and (b) of § 225.4 shall not apply to an extension of credit by a Registrant in connection with a sale of property acquired by him through foreclosure proceedings if such credit does not exceed the unpaid principal amount of the foreclosed credit, the costs of acquisition through foreclosure, and the costs incurred in the rehabilitation and repair of the property prior to the sale.

(f) *Right of Registrant to impose stricter requirements.* Any Registrant, if he desires, may refuse to extend credit, extend less credit than the amount permitted by this part, or require that repayment be made within a shorter period or in larger instalments than prescribed in § 225.7.

(g) *Reliance upon Statement of the Borrower.* The facts set forth in any signed Statement of the Borrower which a Registrant accepts and relies upon in good faith shall be deemed to be correct for the purposes of the Registrant.

(h) *False statements.* The making or submission by any person of any false, fictitious or fraudulent statement or representation pursuant to, or which is intended to conform to, or show compliance with, any requirement or provision of this part, shall be a violation of this part.

(i) *Statutory penalties.* The act provides that "Any person who willfully violates any provision of section * * * 602 (relating to real estate construction credit) or any regulation or order issued thereunder, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(j) *Enforceability of contracts.* Nothing in this part shall affect the enforceability of any contract.

(k) *Veterans programs under State law.* Nothing in this part shall be construed as prohibiting a State (as distinguished from any other person affected by this part) from according rights and preferences to eligible veterans by extending, guaranteeing or insuring, in whole or in part, real estate construction credit pursuant to State legislation similar in purpose or effect to Title III of the Servicemen's Readjustment Act of 1944, as amended, provided that the terms of the credit are no more liberal than are currently permitted in the case of comparable loans insured or guaranteed under that act.

(l) *State housing programs.* Nothing in this part shall prohibit extensions of credit to public corporations created pursuant to a public housing program of a State or municipality where such credit is extended, insured, or guaranteed by the State or municipality or the State or municipality has made commitments to furnish funds to assure repayment.

(m) *Extension of credit for mixed purposes.* In the case of an extension of credit which is partly subject to this part and partly not subject to (or exempt from) this part, the amount and terms of the extension of credit will comply with this part if they satisfy the requirements of this part applicable to the subject portion.

(n) *Calculation of maximum maturity.* In calculating the maximum maturity of credit subject to this part, a Registrant may use, at his option, as "the date such credit is extended", any date not more than 32 days subsequent to the actual date such credit is extended.

(o) *Three- and four-unit residences.* Notwithstanding any other provision of this part, the provisions of §§ 225.4 (a) (6), 225.5 (k), and 225.6 (b) which are applicable to multi-unit residences shall be applicable to residences containing three or four family units.

§ 225.7 *Supplement.*

Schedule I.—One- to four-unit residential property and farm residences—(a) *Maximum loan value.* For the purposes of this part, maximum loan values for all residential property, farm residences, and major additions and major improvements to residences are prescribed as set forth in the following table. In the table, (1) the term "value" means the value of the residential property, farm residence, or major addition or major improvement, as the case may be, determined in accordance with § 225.2 (i), and (2) the term "value per family unit" means an amount computed by dividing "value" by the number of family units in the structure or proposed structure to which the credit relates. Where a major addition or major improvement will change the number of family units, the value per family unit shall be computed on the basis of the number of family units which the residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to residential property or farm residences involving more than one structure, the maximum loan value may be applied separately with respect to each such structure or with respect to the entire property or all such residences, at the election of the Registrant.

If the value per family unit is	*The maximum loan value is*
Not more than $5,000	90 percent of value.
More than $5,000 but not more than $9,000	$4,500 plus 65 percent of excess of value over $5,000.
More than $9,000 but not more than $15,000	$7,100 plus 60 percent of excess of value over $9,000.
More than $15,000 but not more than $20,000	$10,700 plus 20 percent of excess of value over $15,000.
More than $20,000 but not more than $24,250	$11,700 plus 10 percent of excess of value over $20,000.
Over $24,250	50 percent of value.

(b) *Maturity.* For the purposes of this part, the following maturity requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: No such credit subject to this part shall have a maturity of more than 20 years from the date such credit is extended except that a credit extended with respect to property having a value (determined as provided in § 225.2 (i)) of $7,000 or less may have a maturity of not more than 25 years if it is to be fully repaid at or before the date of maturity through amortization on the basis prescribed in clause (2) of the following paragraph relating to amortization:

(c) *Amortization.* For the purposes of this part, the following amortization requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: With respect to every such credit subject to this part, amortization payments shall be required which either (1) will annually reduce the original principal amount of such credit by not less than 5 percent until the outstanding balance of such credit has been reduced to an amount equal to or less than 50 percent of the value of the property with respect to which such credit was extended or (2) will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit through substantially equal monthly, quarterly, semiannual, or annual payments covering principal and interest or through substantially equal monthly, quarterly, semiannual, or annual payments of principal. The value referred to in the preceding sentence shall be determined as of the date the credit was extended in the manner provided in § 225.2 (i). If the amount of the credit when extended is not more than 50 percent of such value, such credit shall not be subject to the amortization provisions of this paragraph.

Schedule II. Multi-unit residential property—Maximum loan value. For the purposes of this part, maximum loan values

[12] It is to be noted that the term "farm property" as defined in § 225.2 (o) does not include multi-unit residential property; accordingly, the location of multi-unit residential property does not affect the question whether extensions of credit with respect to such property are subject to this part.

[13] For application to three- and four-unit residences, see § 225.6 (o).

[14] It should be noted that in certain circumstances more restrictive terms would be required by this part.

[15] For application to three- and four-unit residences, see § 225.6 (o).

[16] The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

for all multi-unit residential property and major additions and major improvements to multi-unit residences are prescribed as set forth in the following table. In the table, (1) the term "value" means the value of the multi-unit residential property, or major addition or major improvement, as the case may be, determined in accordance with § 225.2 (l), and (2) the term "value per family unit" means an amount computed by dividing "value" by the number of family units in the structure or proposed structure to which the credit relates. Where a major addition or major improvement will change the number of family units, the value per family unit shall be computed on the basis of the number of family units which the multi-unit residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to multi-unit residential property involving more than one such multi-unit residence, the maximum loan value shall be applied separately with respect to each such multi-unit residence or with respect to the entire property, at the election of the Registrant.

If the value per family unit is	*The maximum loan value is*
Not more than $7,000	83 percent of value.
More than $7,000 but not more than $15,000	$5,810 plus 53 percent of excess of value over $7,000.
More than $15,000 but not more than $23,500	$10,050 plus 20 percent of excess of value over $15,000.
Over $23,500	50 percent of value.

2. a. Part 225 is issued by the Board of Governors of the Federal Reserve System, with the concurrence of the Housing and Home Finance Administrator, under authority of the Defense Production Act of 1950, approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this part is to prescribe appropriate terms in connection with real estate construction credit, including appropriate supporting rules, in order to carry out the purposes and policy of the aforementioned authorities. The principal purpose of this amendment is to broaden the scope of this part by making it applicable to residential real estate credit in connection with three- and four-unit residences and multi-unit residential property. The amendment also makes other changes with the view of providing more workable and effective regulation.

b. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such Act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

In amending this part and in accordance with the requirements of the aforesaid section 709, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-512; Filed, Jan. 11, 1951; 12:00 m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4b-3]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

HUMIDITY ACCOUNTABILITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of January, 1951.

Currently effective § 4b.110 provides that the prescribed performance of an airplane shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air. Standard atmosphere is defined in part as a "dry, perfect gas." Thus, this regulation in effect stipulates that whenever an airplane is flight tested in other than standard atmospheric conditions the performance data shall be corrected to the standard atmosphere. In the past, compliance with this provision was shown by correcting the performance data to all of the conditions defining the standard atmosphere except that condition which relates to the humidity of the air. This procedure was considered acceptable because the results of the tests conducted in average atmospheric conditions (i. e. humid instead of dry air) are always conservative. It had not been considered worthwhile to correct for humidity, because the corrections were small and therefore not considered to be of practical significance. Therefore, even though the regulations did not require humidity accountability, accountability to an average degree had in the past actually been introduced in the procedures for the certification of transport airplanes.

With the advent of larger and greater-powered airplanes, it has become evident that the effect of humidity on the performance of the airplane, as expressed in useful load, is of practical significance. As a result, some manufacturers have sought to comply strictly with the regulation which permits correcting the airplane's performance to dry air, i. e. to zero humidity. In their study of this problem both the Administrator and the Board realized that the current requirement has unconservative implications, particularly with respect to the larger and greater-powered airplanes, which were not foreseen at the time of its promulgation. While the Board believes the problem of humidity might be solved more realistically in a manner similar to that used in taking account of temperature effects, namely, by allowing corrections to be made to zero humidity in the certification of airplanes but simultaneously requiring that humidity be taken into account operationally, the development and implementation of an appropriate operational requirement at this time would, it is advised, impose too great a burden upon the manufacturers and operators in view of the increased activity on their part to meet current and anticipated military commitments. On the other hand, we think it undesirable to permit new transport airplane types to be certificated without some form of humidity accountability. Accordingly, we are incorporating in the airworthiness regulations a requirement that humidity be accounted for in determining the performance of newly type certificated transport airplanes.

However, it should be noted that further consideration is to be given to this problem to determine whether it is practicable to establish operational corrections for the humidity factor or for the combined temperature and humidity factors.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter submitted.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR, Part 4b, as amended) effective February 12, 1951:

By amending § 4b.110 to read as follows:

§ 4b.110 *General.* With respect to all airplanes type certificated on or after February 12, 1951, the performance prescribed in this subpart shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air, except that the performance as affected by engine power, instead of being based on dry air, shall be based on 80 percent relative humidity.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 62 Stat. 1216; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-524; Filed, Jan. 11, 1951; 8:51 a. m.]

[Regs., Serial No. SR-359]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

LIMITED CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of January 1951.

As stated in Special Civil Air Regulation Serial Number SR-357 adopted December 15, 1950, the Board's earlier regulations authorizing the issuance of limited flight navigator certificates of a maximum duration of 3 months to individuals, who, while having qualifications for and experience as flight navigators, were unable immediately to meet the full requirements for certification under Part 34 of the Civil Air Regulations served materially to expedite the completion of contract flight operations vitally related to the earlier phase of the United Nations effort in Korea. The Board also pointed out that the current international situation appeared to be even more serious than it was in August 1950 when earlier action was taken. The Board has been advised that the civil air transport operations in the Pacific in support of the military will meet and probably exceed the maximums previously attained.

Pursuant to the authority previously granted the Administrator, more than 90 limited flight navigator certificates were issued, and approximately two-thirds of the recipients thereof have already obtained regular certificates after fully meeting the requirements of Part 34. More are expected to obtain such certificates before the termination date of the limited certificates issued to them. If the immediate and planned participation of civil air transport in the Korean air lift had not been greatly increased in recent weeks, the needs of the air carriers for licensed personnel would have been met.

However, the Board has been advised that operations planned and contracted for necessitate the employment of a considerably greater number of certificated flight navigators than are currently available and that the operators have made diligent efforts to obtain the services of such airmen to no avail. They have, therefore, requested the Board to extend the authorization for the issuance of limited flight navigator certificates. It has been stated that sufficient personnel meeting the requirements previously established for such certificates are available, that they will be given extensive refresher courses by the carriers, and that it is to be expected that they can meet the full requirements of Part 34 within the three-month duration period of the limited certificates. The Civil Aeronautics Administration has joined in the request that authorization be continued for the issuance of limited flight navigator certificates, and although advised of the possibility of such action by the Board no comment has been received from interested labor groups.

The Board is, therefore, extending for an additional 90-day period the authority to issue limited flight navigator certificates limited in duration to a maximum period of 3 months from the date of issuance. Such certificates will not be renewable, nor do we expect that it will be necessary to authorize further extensions of the provisions of this regulation.

For the reasons stated above notice and public procedure hereon are impracticable, unnecessary, and contrary to the public interest, and the Board finds that good cause exists for making this Special Civil Air Regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue a limited flight navigator certificate to an individual who meets the following requirements:

(a) The applicant for such certificate shall have served as a flight navigator for at least six months, or for at least 500 hours, since December 7, 1941,

(1) As a member of the armed forces of the United States or a civilian employee thereof,

(2) As an employee of a United States air carrier prior to November 15, 1947,

(3) As an employee of a person engaged in the conduct of military contract operations;

(b) The applicant shall meet the requirements of §§ 34.2 through 34.5 and 34.8; and

(c) The applicant shall satisfactorily accomplish such written examination as may be prescribed by the Administrator.

2. The holder of a limited flight navigator certificate may exercise the same privileges as the holder of a flight navigator certificate issued in accordance with Part 34 of the Civil Air Regulations, except that he may act as a flight navigator only in those operations which are conducted by an air carrier pursuant to a contract entered into by that air carrier with the armed forces.

3. A limited flight navigator certificate, unless sooner surrendered, suspended, or revoked, shall remain in effect for the period of time indicated on the face thereof: *Provided*, That such period shall not exceed 3 months: *And provided further*, That limited flight navigator certificates renewed under the provisions of Special Civil Air Regulation SR-357 shall remain in effect until January 31, 1951. A limited flight navigator certificate issued under the provisions of this regulation shall not be renewable.

4. A flight navigator certificate shall be issued to the holder of a limited flight navigator certificate, if such holder accomplishes successfully the written examination prescribed in § 34.7. If such individual fails to accomplish satisfactorily any part of such written examination he may, with the approval of the Administrator, apply, notwithstanding the provisions of § 34.13, at any time, for re-examination on the part failed.

5. All limited flight navigator certificates issued pursuant to the authority of Special Civil Air Regulations SR-347, SR-352, or SR-357 shall have the same effect as though issued hereunder.

This regulation supersedes Special Civil Air Regulations SR-352 and SR-357 and shall terminate March 31, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552, act of July 1, 1948)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-569; Filed, Jan. 11, 1951; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 37 [1]]

PART 381—ENFORCEMENT PROVISIONS

DESTINATION CONTROL

Section 381.4 *Destination control* is amended to read as follows:

[1] This amendment was published in Current Export Bulletin No. 600 dated January 5, 1951.

§ 381.4 *Destination control*—(a) *Scope and definitions.* The provisions of this section apply to all shipments of cargo made under validated licenses and all shipments of Positive List commodities made under either validated or general licenses.

The provisions of this section shall not apply with respect to shipments of cargo effected under general license GO to ports of ultimate destination in Country Group O (North or South America, as listed in Schedule C of the Bureau of the Census).

As used in this section "bill of lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* (1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this section at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated shipper's export declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Office of International Trade to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Office of International Trade to the carrier or its agent: (i) Divert any cargo to any country of ultimate destination other than that named in the authenticated shipper's export declaration or in the bill of lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Office of International Trade.

(4) No carrier of such cargo shall issue a bill of lading providing for delivery to the ultimate consignee named in the authenticated shipper's export declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or declaration, unless written authorization has been granted by the Office of International Trade. However, where the authenticated shipper's export declaration provides for delivery of cargo consisting of commodities subject to this section to optional intermediate consignees located in ports in different countries, the carrier may issue a bill of lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on declaration, bill of lading and commercial invoice.* (1) No shipment of cargo subject to the provisions

of this section may be made unless the licensee or his forwarding agent shall place the following statement (filling in the blank space with the name of the country of ultimate destination set forth in the shipper's export declaration) on all copies of the shipper's export declaration presented to the collector of customs at the port of exit for authentication:

These commodities licensed by U. S. for ultimate destination ----------. Diversion contrary to U. S. Law prohibited.

(2) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a bill of lading covering an exportation of a commodity with respect to which a shipper's export declaration has been authenticated by a collector of customs containing the statement set forth in subparagraph (1) of this paragraph, unless all copies of such bill of lading, including all non-negotiable and office copies, shall contain the same statement.

(3) No licensee, shipper, consignor, exporter, or agent thereof, or any other person shall prepare or issue any commercial invoice and, where required in the course of the transaction, any consular invoice, with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the statement set forth in subparagraph (1) of this paragraph.

(d) *Notice and prohibition against diversion.* (1) Whenever a commercial or consular invoice shall be issued containing the statement prescribed in paragraph (c) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated shipper's export declaration, (ii) the intermediate consignee and (iii) any other persons named in the invoice who are located in a foreign country. Nothing contained in this section shall be construed to limit the persons or classes of persons to whom such invoices and bills of lading are usually and customarily sent in the course of export trade.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) of this section, whether by such invoice or bill of lading or by any other means, divert or cause to be diverted any of the commodities described in such bill of lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Office of International Trade, evidence of the sending of such invoice or bill of lading or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the regulations in this part shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated shipper's export declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's bill of lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Office of International Trade. This report shall consist of a copy of the manifest of such diverted cargo together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Office of International Trade of such diversion, promptly, and within 10 days, notify the Office of International Trade of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Office of International Trade. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated shipper's export declaration without such prior approval.

(g) *Indication of shipper's export declaration number on ship's manifest.* The carrier or its agent shall, on all copies of that manifest which is filed with the U. S. collector of customs, indicate thereon, with respect to each shipment, the applicable shipper's export declaration number assigned to each such shipment by the collector of customs.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of January 22, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-532; Filed, Jan. 11, 1951; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 36[1]]

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao* is amended in the following particulars: The last paragraph is amended to read as follows:

Shipments of perishable food products, not including frozen food products, ultimately destined to Hong Kong and Macao may continue to be made under General License GRO up to 12:01 a. m., eastern standard time, January 2, 1951, except that such general license shipments of fresh fruits and vegetables may be made through January 31, 1951.

This part of the amendment shall become effective as of December 22, 1950.

2. A new § 384.8 is added to read as follows:

§ 384.8 *Orders modifying validity of certain export licenses*—(a) *Raw cotton.* The validity period of all outstanding validated licenses for the exportation of Raw Cotton, Schedule B Nos. 300005 through 300212 which expire during the period December 1, 1950 through January 14, 1951, are extended to January 15, 1951.

This part of the amendment shall become effective as of December 20, 1950.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-530; Filed, Jan. 11, 1951; 8:53 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 33[2]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Precious metals and plated ware, except jewelry, precious metals for dentistry, gold and silver ore, bullion, and coin:				
	Ingots, sheets, wire, alloys, and scrap:				
692205	Platinum wire	T. oz.	NONF	None	RO
692205	Thermocouple wire, platinum or platinum alloys	T. oz.	NONF	None	RO
692209	Rhodium platinum wire	T. oz.	NONF	None	RO
	Manufactures, except jewelry:				
692905	Platinum gauze and platinum alloy gauze	T. oz.	NONF	None	RO
	Electrical machinery and apparatus:				
	Signal and communication devices:				
708500	Telegraph apparatus (wire) and parts		ELME 1	None	R
	Telephone apparatus (wire):				
708600	Telephone instruments	No.	ELME 1	None	R
708700	Other telephone equipment and parts		ELME 1	None	R
	Metalworking machinery:				
	Power-driven metalworking machine tools (nonportable) and parts:				
	Other milling machines:				
740800	Plane-milling machines, n. e. s.	No.	TOOL	None	R
742600	Planers, over 72 inches	No.	TOOL	None	R
743500	Surface grinding machine, gap gauge	No.	TOOL	None	R
	Scientific and professional instruments, apparatus, and supplies, n. e. s.:				
	Surgical and medical instruments and parts:				
915730	Warburg apparatus for the examination of living tissue		SATE	None	RO
	Scientific instruments and laboratory apparatus, and parts, n. e. s., including laboratory-grade instruments and devices and standards of greater than ½ of 1% accuracy of full-scale deflection or value (report similar items having industrial, rather than laboratory application in 705620, 703700, 703820, or 774098):				
919098	Thermocouples manufactured from platinum or platinum alloys		SATE	None	RO
919098	Warburg apparatus for the examination of living tissue, other than for medical use (report Warburg apparatus for medical use in 915730)		SATE	None	RO

2. The following commodities are changed from R to RO commodities. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other nonferrous ores, metals, and alloys, except precious:				
663800	Magnesium metal in primary form	Lb.	NONF	100	RO
	Metal and metal composition manufactures:				
669103	Magnesium powder, ribbons, and metal in other forms	Lb.	NONF	25	RO
	Precious metals and plated ware, except jewelry, precious metals for dentistry, gold and silver ore, bullion, and coin:				
	Ingots, sheets, wire, alloys, and scrap:				
692209	Iridium platinum wire[1]	T. oz.	NONF	100	RO
	Other industrial machinery:				
	Chemical and pharmaceutical machinery and parts:				
775050	Equipment especially designed for the extraction of natural sulphur.[2]		GIEQ 1	100	RO
775050	Equipment especially designed for the production of gaseous and liquid chlorine.[2]		GIEQ 1	100	RO

[1] Formerly included in the entry "Ingots, sheets, wire, alloys, and scrap: Palladium, iridium, osmiridium, ruthenium, and osmium metal, and alloys (scrap included), Schedule B No. 692209, validated license required R."
[2] Formerly included in the entry "Other chemical and pharmaceutical machinery and parts, Schedule B No. 775050, validated license required R."

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limits
	Electrical machinery and apparatus:	
	Radio apparatus:	
707612	Radio transmitting tubes	None
707640	Radio beam equipment, under 500 megacycles, used for the direction and navigation of aircraft	None
707800	Radio receiving tubes	None

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1, 2, and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including February 6, 1951. Any such shipment not laden aboard the exporting carrier on or before February 6, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong, and Macao.

This amendment shall become effective as of January 5, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-533; Filed, Jan. 11, 1951; 8:54 a. m.]

[1] Notice of these actions was published in Current Export Bulletin No. 599 dated December 28, 1950.

[2] This amendment was published in Current Export Bulletin No. 600 dated January 5, 1951.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5222]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EUGENE D. PETREY ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services;* § 3.200 *Sample, offer or order conformance.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale or distribution of plain, tinted or colored photographs, or enlargements or reproductions thereof, in commerce, (1) representing, directly or by implication, that any photograph will be made for a stipulated price, unless such a photograph will in fact be made for the stipulated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation; (2) representing, through the use of so-called advertising coupons, or by any other means, that a photograph of a designated kind and character will be made for a stipulated price unless such representation is made in good faith and failure to conform therewith is due to circumstances not reasonably under the respondents' control; or, (3) using the word "free", or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondents; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Eugene D. Petrey t/a Rembrandt Studio, etc., et al., Docket 5222, November 9, 1950]

In the Matter of Eugene D. Petrey, Individually and as a Co-partner, Trading as Rembrandt Studio and Goldcraft Portrait Studio; Dorothy T. Petrey, Individually and as a Co-partner, Trading as Rembrandt Studio and Goldcraft Portrait Studio; Theodore Rosenberg, Also Known as "Ted" Rose, Individually and Trading as Rembrandt Studio; Ben Scheffman, Individually and Trading as Rembrandt Studio; Nicola Brozilla, Individually and Trading as Rembrandt Studio; and B. B. Bishop, Individually and Trading as Rembrandt Studio

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answers thereto, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto, brief in support of the complaint (no brief having been filed on behalf of the respondents) and oral argument of counsel, and the Commission having disposed of the exceptions to the trial examiner's recommended decision and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Eugene D. Petrey, Dorothy T. Petrey, Theodore Rosenberg, Nicola Brozilla and B. B. Bishop, individually and as copartners trading as Rembrandt Studio, or trading under any other name or trade designation, and said respective respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of plain, tinted or colored photographs, or enlargements or reductions thereof, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any photograph will be made for a stipulated price, unless such a photograph will in fact be made for the stipulated price without the imposition or attempted imposition of any condition not clearly disclosed in the representation.

2. Representing, through the use of so-called advertising coupons, or by any other means, that a photograph of a designated kind and character will be made for a stipulated price unless such representation is made in good faith and failure to conform therewith is due to circumstances not reasonably under the respondents' control.

3. Using the word "free", or any other word or term expressly or impliedly importing a like meaning, in advertising, to designate, describe or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring directly or indirectly to the benefit of the respondents.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to the respondent, Ben Scheffman, now deceased.

It is further ordered, That the respondents against whom this order is directed shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied therewith.

Issued: November 9, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-536; Filed, Jan. 11, 1951; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 580—WOMEN'S ARMY CORPS

MISCELLANEOUS AMENDMENTS

In § 580.7a (d) (2), subdivision (iii) is changed, and subdivision (vii) added, as follows:

§ 580.7a *Appointments in WAC Section, Organized Reserve Corps, for subsequent commission in Women's Army Corps, Regular Army.* • • •

(d) *Applications.* • • •

(2) Applications and allied papers will consist of the following:

• • • • • •

(iii) *Transcript of college credits.* If transcript is not readily available, certificate of graduation from an accredited college or university, signed by an appropriate official of the college or university, will be submitted. If the applicant has not graduated from college, the estimated graduation date will be given under "Remarks" of the application, and a statement by an official of the university or college verifying expected date of graduation will accompany the application. Upon graduation, each applicant will submit the certificate direct to the commander of the major command concerned who will forward it to the Adjutant General, Washington 25, D. C. Attention: AGPR-A.

• • • • • •

(vii) *Loyalty certificates.* DD Forms 98 and 98A (Loyalty Certificates for Personnel of the Armed Forces).

[C2, SR 140-105-25, Dec. 28, 1950] (62 Stat. 362; 10 U. S. C. Supp. 378)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-510; Filed, Jan. 11, 1951; 8:47 a. m.]

PART 581—PERSONNEL REVIEW BOARDS

ARMY DISCHARGE REVIEW BOARD

Amend paragraphs (b) and (c) of § 581.2, as follows:

§ 581.2 *Army Discharge Review Board* • • •

(b) *Application for review.* • • •

(2) The request will be made on DA AGO Form 94 (Application for Review of Discharge or Separation from the Army of the United States), which may be obtained from The Adjutant General, Washington 25, D. C. The request will state in brief the full name, service number, and grade and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the board; whether the applicant desires to appear personally before the board; whether the applicant desires to be represented by counsel before the board and, if so, the name and address of counsel so designated; whether such appearance of applicant, or counsel, or both, is desired to be before the board in Washington, D. C., or San Juan, Puerto Rico; and the address to which all correspondence in connection with the review is to be sent.

• • • • • •

(5) The request for review will be forwarded to either:

• • • • • •

If the applicant is a resident of Puerto Rico, the request will be forwarded to:

Army Discharge Review Board,
Headquarters, United States Army Forces, Antilles, APO 851, c/o Postmaster, New York, New York.

• • • • • •

(c) *Proceedings of board—(1) Convening of board.* • • •

(i) Unless otherwise designated by the president, the board will convene in Washington, D. C., at the time and place indicated by him. Panels of the board currently convene in Washington, D. C., and San Juan, Puerto Rico.

• • • • • •

(2) *Hearings.* An applicant for review, upon request, is entitled by law to appear before the board in open session either in person or by counsel of his own selection. As used in the regulations in this part, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031; 38 U. S. C. 101), and such other persons not barred by law, regulations or customs who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government. However, sufficient office space and suitable office facilities will be furnished for the use of paid full-time representatives of recognized veterans' organizations.

• • • • • •

(ii) Records will be returned to file without action in the case of an applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel.

• • • • • •

[Cl, SR 15-180-1, 27 Dec. 1950] (Sec. 301, 58 Stat. 286, as amended; 38 U. S. C. 693h)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-534; Filed, Jan. 11, 1951; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Notice 1, as amended Jan. 10, 1951]

PART 9—DESIGNATION OF SCARCE MATERIALS

NPA Notice 1 is amended by the addition and redesignation of materials on List A to read as follows:

Pursuant to section 102 of the Defense Production Act of 1950 (P. L. 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105) the materials set forth in § 9.1 are hereby designated as scarce materials.

Section 102 of the Defense Production Act of 1950 provides in part that, in order to prevent hoarding, no person shall accumulate (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation.

§ 9.1 *List A; Designation of scarce materials.*

BUILDING MATERIALS

Cast iron pressure pipe and fittings.
Cast iron soil pipe and fittings.
Gypsum board, sheathing and lath.
Insulation and insulation material in which pulp is a component.
Insulation board, structural, in which paper is a component.
Portland cement.

CHEMICALS

Alcohol, industrial (ethyl alcohol).
Benzene.
Carbon tetrachloride.
Chlorine, gaseous and liquid.
Dichlorobenzene, ortho, meta and para.
Glycerin, crude and refined.
Methanol.
Methyl chloride.
Methylene chloride.
Phthalic anhydride.
Polyethylene.
Styrene and polystyrene.
Titanium pigments.
Trichloroethylene.

IRON AND STEEL

Iron:
- Pig iron.
- Gray iron castings (excluding soil and pressure pipe and fittings) rough and semifinished; malleable iron castings, rough and semifinished.

Steel (carbon, including low alloy high strength alloy, and stainless):
- Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot rolled including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods and drawn wire products; tin plate, terne plate and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.

Forgings, rough.
Iron and steel scrap.

FOREST PRODUCTS

Converted paper and board products, all types and grades.
Paper, paperboard, wet machine board and construction paper and board materials, all types and grades.
Lumber:
- Softwood and hardwood, rough-sawed, dressed, or worked to a pattern, including: box, crate and package shook manufactured from sawed lumber; softwood cut stock, and hardwood small dimension stock; but not including railway cross ties, mine ties and hardwood flooring.

Softwood plywood:
- Softwood plywood including: softwood plywood made in hardwood plywood mills; plywood which has a softwood face; and softwood plywood which has been overlayed with paper, plastic, metal, or other material, but not including hardwood veneer.

Wood pulp.

METALS AND MINERALS

Aluminum:
- Primary and secondary in crude form.
- Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar and wire; extruded shapes, tube blooms and tubing; powder, flake and paste.
- All aluminum and aluminum base scrap containing commercially recoverable aluminum.

Antimony, all forms.
Asbestos:
- Amosite; grades B-1, B-3, D-3 and D3/M-1.
- Chrysotile, grades G and G1, C and C2, C and CP1, C and CP2, Arizona crude 1, and Arizona crude 2.
- Crocidolite.

Cadmium:
- Cadmium metal.
- Cadmium, oxide.
- Cadmium salts.
- All scrap and secondary material containing commercially recoverable cadmium of the above listed types.

Cerium:
- Cerium metal, cerium alloys, such as ferrocerium, and cerium compounds in which cerium is a recognizable component, and other rare earth metals.
- All scrap and waste material containing commercially recoverable cerium of the above listed types.

Chromium:
- Chromium metal.
- Ferrochromium, including chromium briquettes.
- Chromium alloys, other, in which chromium is a recognizable component.
- All scrap and waste materials containing commercially recoverable chromium of the above listed types.

Cobalt:
- Cobalt, the element in any form and combination with other elements in which cobalt is an essential constituent, except: cobalt concentrates; cemented carbide tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, alloy hard-facing welding rods and materials, and paints, varnishes, lacquers, inks and similar products, containing cobalt driers.
- All scrap or secondary materials containing commercially recoverable cobalt.

Columbium:
- Ferro-columbium, ferro-columbium-tantalum, potassium columbium fluoride, columbium oxide, and columbium carbide.
- All scrap or secondary material containing commercially recoverable columbium of the above listed types.

Copper:
- Refined copper (fire refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets and ingots.
- Secondary copper and copper-base alloys.
- Copper and copper base alloys: alloy plate, sheet and strip; alloy rod, bar and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar and wire (including extruded shapes); unalloyed plate, sheet and strip; unalloyed tube and pipe; copper wire and copper wire mill products; copper and copper-base alloy castings.
- All copper and copper base alloy scrap containing commercially recoverable copper,

Diamonds, industrial.
Lead, all forms.
Magnesium:
- Magnesium, primary and secondary ingots and intermediate forms (slab, billets, and blooms).
- Semifabricated shapes such as castings (die and all other); forgings, rolled and extruded shapes (rod and bar; plate, sheet and strip; pipe and tubing; ribbon; and foil); powder and stick.
- All magnesium base alloy scrap containing commercially recoverable magnesium.

Manganese:
- Manganese metal, ferro-manganese, spiegeleisen and all other compounds and alloys in which manganese is an essential and recognizable component.
- All scrap and material containing sufficient manganese to be of commercial value.

Mica, block, film and splittings.
Molybdenum:
- Calcium molybdate.
- Ferromolybdenum.
- Molybdenum metal, in any form.
- Molybdenum oxide, bulk and briquettes.
- Molybdenum alloys and compounds, other, in which molybdenum is a recognizable component.
- All scrap and waste materials containing commercially recoverable molybdenum of the above listed types.

Nickel:
- Nickel, alloyed or unalloyed.
- Imported nickel matte.
- Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
- Nickel and nickel alloy, secondary.
- Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip and similar mill products not further manufactured.
- All nickel and nickel base alloy scrap and nickel silver scrap containing commercially recoverable nickel.

Platinum:
- Platinum and platinum-base alloy refinery shapes, including bar, ingot, grain, nugget and sponge.

Platinum—Continued
Platinum and platinum-base-alloy basic shapes and forms, including wire.
All platinum and platinum-base alloy scrap containing commercially recoverable platinum of the above listed types.
Talc, block (steatite).
Tantalum:
Tantalum metal and alloys such as ferro-tantalum.
All scrap and waste material containing commercially recoverable tantalum of the above listed types.
Tin:
Tin, primary and secondary.
All alloys containing tin.
Tin, chemicals, including tin oxide.
Tin products such as tin pipe and sheet.
All tin and tin-base alloy scrap containing commercially recoverable tin content.
Tungsten:
Tungsten, in any form or shape into which it may be fabricated; except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps and electronic equipment such as radio, radar and similar products.
Tungsten, ferro, metal powder and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel and tool steel.
Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard facing materials; but not including any finished tools.
Tungsten, all chemical compounds having tungsten as a recognizable and essential component.
Tungsten, all scrap or secondary material containing commercially recoverable tungsten.
Vanadium:
Metallic vanadium and vanadium alloys such as ferro-vanadium.
Fused vanadium oxide and all other vanadium compounds in which vanadium is a recognizable component.
All scrap and waste material containing commercially recoverable vanadium of the above listed types.
Zinc:
Zinc, slab (all grades).
Zinc, base alloy in crude form.
Zinc, dust and oxide.
All zinc products, such as rolled and extruded shapes, wire and castings.
Zinc, and zinc-based alloy scrap containing commercially recoverable zinc.
Zircon.
Nonferrous scrap not covered above.

MISCELLANEOUS BASIC MATERIALS AND PRODUCTS

Hog bristles, all types.

RUBBER MATERIALS

Natural rubber, dry and latex.
Synthetic rubbers, including latices, GR-s, butyl neoprene, and N-types.

TEXTILE MATERIALS

Burlap (Hessian).
Cotton pulp.
High tenacity rayon yard.
Nylon staple and nylon filament yarn.

This part as amended shall take effect January 10, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-668; Filed, Jan. 11, 1951; 12:04 p. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Department of Commerce

PART 401—DISPOSAL OF FOREIGN EXCESS PROPERTY

EXCESS PROPERTY FABRICATED FROM CRITICAL MATERIALS

Determination by the Secretary of Commerce under section 402 of Public Law 152, 81st Congress, and Foreign Excess Property Order 1, as amended August 23, 1950.

Whereas, the President of the United States on December 16, 1950 proclaimed a State of National Emergency, and announced "a very rapid speed-up in the production of military equipment"; and

Whereas, the production of equipment for the defense of the United States will require large quantities of materials already in short supply, including but not limited to steel, non-ferrous metals, natural and synthetic rubber and other materials; and

Whereas, large quantities of foreign excess property originally procured for defense purposes still remain overseas, having been declared surplus to the needs of the Government owning agencies. Much of this property has been sold to civilian purchasers, and can be put to civilian use in this country, thus obviating the consumption of critically short materials in new production for civilian use and conserving such materials for defense production; and

Whereas, foreign excess property may not be imported into the United States, pursuant to section 402 of Public Law 152, 81st Congress, unless the Secretary of Commerce (in the case of non-agricultural property) "determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country."

Now, therefore, pursuant to said section 402 of Public Law 152, 81st Congress, and Foreign Excess Property Order 1, as amended August 23, 1950, the Secretary of Commerce hereby determines:

The importation into the United States of non-agricultural foreign excess property procured for the use of the armed services or other purposes of defense and fabricated from materials now in short supply or required for forthcoming defense production, will be beneficial to the economy of this country.

§ 401.100 *Excess property fabricated from critical materials.* (a) This section shall apply to non-agricultural items of foreign excess property fabricated for defense use in whole or in part from critical materials.

(b) The Collectors of Customs at the several ports of entry are hereby authorized to permit the entry for consumption of such foreign excess property. If doubt exists as to the admissibility of an item, the Foreign Excess Property Officer shall be consulted by the Collector of Customs before entry is allowed.

(c) All of the commodities coming within the foregoing classification now in the United States under bond or in foreign trade zones may be released immediately or entered in the regular manner under this determination.

(d) No application need be made to the Secretary of Commerce or to his delegated representative, the Foreign Excess Property Officer, Office of Industry and Commerce, Department of Commerce to import any such property.

(e) Any communication concerning this section shall be addressed to the Foreign Excess Property Officer, Office of Industry and Commerce, Department of Commerce, Washington 25, D. C., Ref. F. E. P. Order 1.

(Sec. 402, 63 Stat. 393; 41 U. S. C. Sup., 272. Interprets or applies Reg. 8, Feb. 10, 1950, 15 F. R. 845)

Issued this 9th day of January 1951.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-531; Filed, Jan. 11, 1951; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of January A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order 865, as amended, be and it is hereby further suspended until 7 a. m. April 1, 1951, only to the extent it applies on refrigerator cars.

It is further ordered, that this amendment shall become effective at 7:00 a. m., January 16, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-518; Filed, Jan. 11, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, that the Control Agency administering the provisions of BAI Order No. 361, regulating the handling of anti-hog-cholera serum and hog-cholera virus, is considering the adoption of an amendment to the rules and regulations of the Control Agency as follows:

Amend § 131.203 (e) to read:

(e) The term "each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" as used in § 131.9, means that each handler's prices, discounts and terms of sale shall apply equally, in the same manner, and at the same rate to each buyer within the same class, and no individual handler shall make variations in his prices, discounts and terms of sale on account of different brands, serial numbers, or any other means of identification of such serum and virus.

The effect of this amendment will be to further clarify the term "Each handler's prices, discounts and terms of sale shall be uniform for all buyers in each classification" contained in § 131.9 of BAI Order No. 361, to specify the prohibition against the filing by a handler of multiple prices within the same classification of the trade.

Opportunity is extended by the Control Agency to interested parties affected by or having an interest in the abovementioned amendment to submit written data, views, or arguments in connection with the aforesaid amendment. Such data, views, or arguments shall be filed with the Executive Secretary of the Control Agency, 512 Porter Building, Kansas City, Missouri, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Dated this 8th day of December 1950.

CONTROL AGENCY,
[SEAL] R. M. YOUNG,
Chairman.

[F. R. Doc. 51-520; Filed, Jan. 11, 1951; 8:49 a. m.]

Commodity Exchange Commission

[17 CFR, Part 150]

[Hearing Docket CE-P 7]

LIMITS ON POSITION AND DAILY TRADING IN SOYBEANS AND EGGS FOR FUTURE DELIVERY

NOTICE OF HEARING

Whereas, section 4a of the Commodity Exchange Act (7 U. S. C. 6a), directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading which may be done by any person, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, as the Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m. e. s. t., on February 5, 1951, in Room 149-W Administration Building, U. S. Department of Agriculture, Washington, D. C., for the presentation of evidence as to (1) what limit should be fixed on the maximum amount of soybeans and eggs, respectively, which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future delivery on or subject to the rules of any contract market, on any one business day, and (2) what limit should be fixed on the maximum net long or net short position in soybeans and eggs, respectively, which any person may hold or control under contracts of sale for future delivery on or subject to the rules of any contract market.

Such limits will not apply to transactions which are shown to be bona fide hedging contracts as defined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3)).

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of testimony at such hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer, Hearing Docket CE-P7, Commodity Exchange Authority, U. S. Department of Agriculture, Washington 25, D. C., prior to the time of hearing, or delivered to the Presiding Officer at the time of hearing.

Issued this 14th day of December 1950.

COMMODITY EXCHANGE COMMISSION,
[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture, Chairman.
CHARLES SAWYER,
Secretary of Commerce.
J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-571; Filed, Jan. 11, 1951; 8:51 a. m.]

Production and Marketing Administration

[7 CFR, Part 930]

[Docket No. AO-72-A15-RO-1]

HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 6th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Toledo, Ohio, on June 1, 1950, and reopened on November 30, 1950, pursuant to notices thereof which were issued on May 5, 1950 (15 F. R. 2804) and November 17, 1950 (15 F. R. 7980).

The material issues of record related to:

1. A revision of the marketing area to include certain parts of Monroe County, Michigan.

2. Provision of a procedure for handling milk under the regulation of another Federal Order.

3. A change in the Class I price differentials in certain months and in the Class II price differentials in all months, with provision that such differentials be at lower levels under certain market supply-demand conditions.

Issue number 3 is covered by the findings and conclusions made in this decision. It is determined that early action is necessary regarding this issue. Decision on the remaining issues is reserved to a later date. They involve interrelations with the Detroit market and require appraisal in view of such action as may be taken with respect to a hearing held on a proposed Federal Order for the Detroit area. Decision on these issues should not be permitted to delay action on the issue covered herein.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

The Class I price differentials should be increased 15 cents for the months of January, February, September, October, November and December and 5 cents for the months of March, April, July and August. These differentials should be reduced a like amount if the supply of milk in relation to Class I needs increases so that producer milk receipts for any period of 12 consecutive months average more than 135 percent of gross Class I utilization, and return to the higher level in the event producer milk receipts average less than 125 percent of total Class I

utilization for any period of 12 consecutive months. The Class II price differentials should be changed from 70 cents below Class I in January and February and 60 cents below in all other months to 30 cents below in all months.

The proposal to increase the Class I price differentials was based on declining receipts of producer milk in relation to Class I sales, an increasing fall shortage of producer milk for Class I and Class II utilization, a decline in the number of producers supplying the market, adoption of a Grade A milk ordinance, and a reduction in the margin of the Class I price over the prices paid by local dairy manufacturing plants. The record shows that for the six months period ending October 31, 1950, market receipts of producer milk were about 1½ million pounds less than for the corresponding period in 1949. However, Class I utilization for the 1950 period was almost 3 million pounds greater than for the 1949 period. For the month of October 1950, the latest month for which data were available, receipts of producer milk were down 3.8 percent from 1949 while Class I utilization was 6.8 percent greater. Producer milk receipts just barely exceeded Class I utilization for the entire market in October. In that month 1.6 million pounds of other source milk were allocated to Class I compared with slightly over ½ million pounds in October 1949.

The number of producers supplying milk to Toledo handlers dropped below 1900 in June, 1950, and succeeding months. This is the lowest number of producers on the market for several years, and averages over 200 less than for the years of 1948 and 1949. A new Grade A ordinance was made effective in October, 1950, involving stricter requirements for milk production and resulting in some increase in the cost of producing milk to meet city health department approval. It was also pointed out that the margin between the Toledo Class I and Class II prices and the prices paid by local dairy manufacturing plants has been narrowed recently by relatively higher pay prices at the local plants. However, the price incentive needed to induce producers of manufacturing milk to meet city fluid milk requirements is now greater because of increased costs of meeting city standards.

Market conditions shown by the hearing record indicate the need for a small increase in the Class I price. It is concluded that, together with a revision of the Class II price and the supply-demand adjustment discussed below, an increase in the Class I price differential of 15 cents for the six months of September through February and 5 cents for the months of March, April, July and August is appropriate to reflect market conditions and to insure an adequate supply of milk.

It was proposed that the increase in Class I and Class II price differentials be applied to the months of short supply to increase the incentive for more even seasonal production. Milk production in the highest month was 147 percent of the lowest month in 1947, 139 percent in 1948 and 136 percent in 1949, based on average daily deliveries per producer. While a satisfactory trend toward more even production is indicated, it is concluded that a somewhat wider variation in the Class I and Class II prices between spring and fall may be desirable and the increase in differentials should be applied to the months of lowest seasonal production.

It was proposed that the Class II price be fixed at 30 cents below the Class I price. There was originally 60 cents difference between these prices in all months but an amendment in 1950 changing the Class I price differential in January and February results in a difference of 70 cents in those months. The proposal was based on a change in Toledo Health Department regulations effective in October 1950, requiring cream for city consumption to be made from milk produced on farms holding permits for the production of milk for fluid consumption in the city. This requirement might be considered to justify a price for milk used for cream for fluid consumption equal to that for milk for such use. However, it is anticipated that for some time the supply of producer milk in the low production months will be insufficient to furnish fluid milk and cream sales of all handlers. This shortage will be made up largely by the use of other source cream. A total of nearly 1½ million pounds of other source cream was received by handlers in 1949, and about 1⅓ million pounds in the first 10 months of 1950. It was testified that while it is the intention of the health department eventually to require all other source purchases to be of Grade A quality, it is not possible to enforce such a requirement at present. Cream made from producer milk must therefore compete to some extent with cream from non-Grade A sources. It is concluded that under the circumstances producer milk used to produce cream for fluid consumption should be priced 30 cents per hundredweight below milk used for Class I purposes.

An adjustment in the Class I and Class II prices was proposed based on the relationship between receipts of producer milk and gross Class I utilization. A more than adequate supply of producer milk would be indicated by producer milk receipts for a 12 month period in excess of 135 percent of gross Class I utilization and an inadequate supply by receipts less than 125 percent of such utilization, it was testified. Both a fixed 12 month period and a 12 month moving average were considered. Use of a 12 month moving average appears more suitable for this purpose since changes in supply and Class I utilization would be more promptly reflected in price adjustments. Milk needed for Class II averages between 6.5 percent and 7.5 percent of Class I utilization and, allowing for daily variations in receipts and sales and variations between handlers, producer milk receipts for the markets equal to 120 percent of Class I utilization should be adequate to furnish Class I and Class II requirements. Based on records of the last 4 years, a 12 month average of over 130 percent of Class I utilization would be necessary to insure 120 percent in the lowest production month. However, it was testified that it is not considered desirable to encourage sufficient milk production to supply the entire Class I and Class II needs of the market in the short supply months. The market may not be considered seriously short of milk until producer milk receipts fall below 125 percent of gross Class I utilization for a 12 month period. For the last 4 years there has been an average difference of 15 percent between the low month and the year average in the ratio of producer milk receipts to Class I utilization. That is, if producer milk receipts for the month of lowest production average 120 percent of Class I utilization, such receipts may be expected to average about 135 percent of Class I utilization for the full year. A 12 month average of such relationship above 135 percent would indicate an excess supply of milk even in the month of lowest production. It is concluded, therefore, that the Class I price differentials considered necessary under present conditions should remain in effect only so long as producer milk receipts for the most recent 12 month period average not more than 135 percent of gross Class I utilization for the period. In the event this level is exceeded, such differentials should be reduced to the levels now in effect and remain at such levels until a shortage in supply is indicated by a 12 month period in which producer milk receipts average less than 125 percent of gross Class I utilization.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

Delete § 930.5 (a) (1) and (2) and substitute therefor the following:

(1) *Class I milk price.* To the basic formula price add the following amounts for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	1.00
All others	1.20

Provided, That when total deliveries of producer milk to all handlers for any period of 12 consecutive months exceed 135 percent of gross Class I utilization of all handlers for such period, the Class I price shall be determined by adding to the basic formula price the amount set forth in subparagraph (2) of this paragraph, such price to be effective for the first delivery period following such period and continuing in effect until the first delivery period following a period of 12 consecutive months during which total deliveries of producer milk to all handlers are less than 125 percent of gross Class I utilization of all handlers.

(2) *Delivery period.*

	Amount
May and June	$0.75
March, April, July, August	.95
All others	1.05

(3) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

Dated: January 9, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-570; Filed, Jan. 11, 1951; 8:51 a. m.]

[7 CFR, Part 962]

FRESH PEACHES GROWN IN GEORGIA

FINDINGS AND DETERMINATION WITH RESPECT TO CONTINUATION IN EFFECT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR Part 962; 15 F. R. 4105), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 8, 1950 (15 F. R. 8715), that a referendum would be conducted among the growers who, during the calendar year 1947 (which period was determined to be a representative period), had been engaged, in the State of Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 9 to December 16, 1950, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in the State of Georgia, is not favored by the requisite majority of such growers.

Done at Washington, D. C., this 8th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture

[F. R. Doc. 51-523; Filed, Jan. 11, 1951; 8:51 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6328]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 8, 1951.

Notice is hereby given that, on January 5, 1951, the Federal Power Commission issued its order entered January 5, 1951, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-504; Filed, Jan. 11, 1951; 8:45 a. m.]

[Docket No. E-6332]

EL PASO ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF FIRST MOTGAGE BONDS

JANUARY 8, 1951.

Notice is hereby given that, on January 5, 1951, the Federal Power Commission issued its order entered January 5, 1951, authorizing and approving issuance of First Mortgage Bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-505; Filed, Jan. 11, 1951; 8:45 a. m.]

[Docket No. G-1553]

BIDDEFORD AND SACO GAS CO.

NOTICE OF APPLICATION

JANUARY 8, 1951.

Take notice that Biddeford and Saco Gas Company (Applicant), a Maine corporation with its principal place of business at Saco, Maine, filed on December 12, 1950, an application pursuant to section 7 (a) of the Natural Gas Act, as amended, for an order of the Commission directing Northeastern Gas Transmission Company (Northeastern) to extend and to establish physical connection of its proposed transportation facilities, authorized by the Commission to be constructed and operated by Northeastern by its Opinion No. 202 and accompanying order issued November 8, 1950, and to sell natural gas to Applicant.

Applicant is engaged in the manufacture, local distribution, and sale of manufactured gas in Maine communities which are immediately adjacent to the territory authorized to be served by Northeastern. Applicant serves approximately 1,600 customers in communities with a population of approximately 31,000. It distributes approximately 40,000 Mcf of gas annually.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-527; Filed, Jan. 11, 1951; 8:52 a. m.]

[Docket No. G-1559]

GAS SERVICE, INC.

NOTICE OF APPLICATION

JANUARY 8, 1951.

Take notice that Gas Service, Inc. (Applicant), a New Hampshire corporation with its principal place of business at Exeter, New Hampshire, filed on December 12, 1950, an application pursuant to section 7 (a) of the Natural Gas Act, as amended, for an order of the Commission directing Northeastern Gas Transmission Company (Northeastern) to extend and to establish physical connection of its proposed transportation facilities, authorized by the Commission to be constructed and operated by Northeastern by its Opinion No. 202 and accompanying order issued November 8, 1950, and to sell natural gas to Applicant at Dover, New Hampshire.

Applicant is engaged in the manufacture, local distribution, and sale of manufactured gas in Dover, New Hampshire, a community with a population of approximately 17,000, as well as in other

communities, all of which are immediately adjacent to the territory authorized to be served by Northeastern. Applicant serves approximately 1,800 customers and distributes approximately 45,000 Mcf of gas annually in Dover.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-528; Filed, Jan. 11, 1951; 8:52 a. m.]

[Docket No. G-1573]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 8, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, having its principal office at Commerce Building, Houston, Texas, filed on December 27, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce, as hereinafter described, and as more fully described in the application.

Applicant proposes to construct 25 miles of 26-inch loop line along its authorized Buffalo extension, and 2,000 additional compressor horsepower at Station No. 209. It proposes to use these facilities to transport 25,000 Mcf of natural gas per day to Applicant's Northern rate zone for delivery to the Manufacturers Light and Heat Company. The sale of such gas was authorized by the Commission in Docket No. G-962 and is currently being delivered to United Fuel Gas Company in Applicant's Eastern Zone for the account of the Manufacturers Light and Heat Company.

The estimated overall capital cost of the facilities proposed in this application is approximately $2,454,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-529; Filed, Jan. 11, 1951; 8:53 a. m.]

[Docket No. G-1576]

GREENFIELD GAS LIGHT CO.

NOTICE OF APPLICATION

JANUARY 8, 1951.

Take notice that Greenfield Gas Light Company (Applicant), a Massachusetts corporation with its principal place of business at 395 Main Street, Greenfield, Massachusetts, filed on January 2, 1951, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Northeastern Gas Transmission Company to extend the facilities which it was authorized to construct and operate by the Commission's Opinion No. 202 and the order attached thereto issued November 8, 1950, so as to cause such facilities to be physically interconnected with the Applicant's gas system and to sell natural gas to Applicant at Greenfield, Massachusetts, where Applicant is now engaged in the distribution of manufactured gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-525; Filed, Jan. 11, 1951; 8:51 a. m.]

[Docket No. G-1577]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 8, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office at Commerce Building, Houston, Texas, filed on January 2, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities as hereinafter described and as more fully described in the application.

Applicant proposes to construct approximately 186 miles of loop pipe line along its existing main line between Compressor Station No. 0 and Compressor Station No. 14, approximately 43 miles of loop line along its San Salvador extension and approximately 24 miles of loop line along its Buffalo extension; 186 miles of such line is to be 30 inches in diameter and 67 miles of such line is to be 26 inches in diameter. Applicant also proposes to construct 61,000 horsepower of compressor units together with other related facilities to be installed in existing compressor stations. In addition, Applicant proposes to construct approximately 100 miles of miscellaneous lateral lines. The proposed facilities are designed to enable Applicant to deliver 45,000 Mcf of natural gas per day in accordance with the options extended to Iroquois Gas Corporation, United Natural Gas Company and Equitable Gas Company (Exhibits 26, 28 and 29, respectively, in Docket No. G-962).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-526; Filed, Jan. 11, 1951; 8:52 a. m.]

[Docket Nos. IT-6087, IT-6088, IT-6089, IT-6090, E-6331]

BONNEVILLE PROJECT; COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF ORDER CONFIRMING AND APPROVING TEMPORARY RATE SCHEDULES

JANUARY 8, 1951.

Notice is hereby given that, on January 5, 1951, the Federal Power Commission issued its order entered January 5, 1951, confirming and approving temporary rate schedules in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-506; Filed, Jan. 11, 1951; 8:46 a. m.]

[Project No. 1711]

OSCAR E. AND EVERETT KOSAR

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE

JANUARY 8, 1951.

Notice is hereby given that, on November 10, 1950, the Federal Power Commission issued its order entered November 9, 1950, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-507; Filed, Jan. 11, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 53]

DESIGNATION OF MOTIONS COMMISSIONER FOR JANUARY 1951

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 29th day of December 1950;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Paul A. Walker, Commissioner, is hereby designated as Motions Commissioner for the month of January 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-568; Filed, Jan. 11, 1951; 8:50 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the unemployment compensation laws of the following States have heretofore been approved:

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1950.

MAURICE J. TOBIN,
Secretary of Labor.

DECEMBER 31, 1950.

[F. R. Doc. 51-503; Filed, Jan. 11, 1951; 8:45 a. m.]

CERTIFICATION OF STATE LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 1602 (B) (1) OF THE INTERNAL REVENUE CODE

Whereas, as Secretary of Labor, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1950, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas, reduced rates of contributions were allowable under the law of each of said States with respect to the taxable year 1950 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify to the Secretary of the Treasury the Unemployment Compensation Law of each of the following States for the taxable year 1950:

Alabama.
Alaska.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Idaho.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Mississippi.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Rhode Island.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

MAURICE J. TOBIN,
Secretary of Labor.

DECEMBER 31, 1950.

[F. R. Doc. 51-502; Filed, Jan. 11, 1951; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 14]

ROZA DIVISION; YAKIMA IRRIGATION PROJECT, WASHINGTON

AVAILABILITY OF WATER TO PART OF LANDS AND ANNOUNCEMENT OF CONSTRUCTION CHARGE INSTALLMENTS

DECEMBER 27, 1950.

Pursuant to the provisions of article 12 (d) of the contract of December 13, 1935, as amended by the contract of January 17, 1949, between The United States of America and the Roza Irrigation District, which relates to the construction of irrigation works, it is hereby announced that in addition to the lands included in Blocks 1, 2, 3, and 4, water will be available as of April 1, 1951, for the following tracts of land in the Roza Irrigation District, which are hereby designated Blocks 5 and 6 to wit:

BLOCK 5

WILLAMETTE MERIDIAN

Description	*Irrigable area privately-owned land (acres)*
T. 9 N., R. 25 E.:	
Sec. 10:	
SW¼NE¼	9.9
SE¼NE¼	.3
SE¼NW¼	3.7
NE¼SW¼	26.7
SE¼SW¼	15.8
NE¼SE¼	39.1
NW¼SE¼	30.5
SW¼SE¼	38.4
SE¼SE¼	41.3
Sec. 11:	
NE¼NE¼	.1
NW¼NE¼	.1
SW¼NE¼	27.7
SE¼NE¼	33.4
SW¼NW¼	14.8
SE¼NW¼	23.6
NE¼SW¼	40.4
NW¼SW¼	40.0
SW¼SW¼	39.9
SE¼SW¼	39.6
NE¼SE¼	28.7
NW¼SE¼	38.8

BLOCK 5—Continued

WILLAMETTE MERIDIAN—continued

Description	*Irrigable area privately-owned land (acres)*
T. 9 N., R. 25 E.—Con.	
Sec. 11—Continued	
SW¼SE¼	29.7
SE¼SE¼	29.0
Sec. 12:	
NE¼NE¼	15.3
NW¼NE¼	5.9
SW¼NE¼	42.0
SE¼NE¼	41.8
NE¼NW¼	.9
NW¼NW¼	1.0
SW¼NW¼	38.9
SE¼NW¼	39.3
NE¼SW¼	42.3
NW¼SW¼	43.1
SW¼SW¼	42.8
SE¼SW¼	41.8
NE¼SE¼	34.1
NW¼SE¼	42.8
SW¼SE¼	41.7
SE¼SE¼	28.7
Sec. 13:	
NE¼NE¼	20.6
NW¼NE¼	21.1
SW¼NE¼	23.5
SE¼NE¼	35.3
NE¼NW¼	32.6
NW¼NW¼	41.3
SW¼NW¼	26.1
SE¼NW¼	30.0
NE¼SW¼	15.2
NW¼SW¼	18.9
SE¼SW¼	.5
NE¼SE¼	36.7
NW¼SE¼	43.6
SW¼SE¼	1.3
Sec. 14:	
NE¼NE¼	17.8
NW¼NE¼	38.7
SW¼NE¼	40.5
SE¼NE¼	15.1
NE¼NW¼	35.8
NW¼NW¼	33.3
SW¼NW¼	23.7
SE¼NW¼	31.6
NE¼SW¼	39.8
NW¼SW¼	23.9
SE¼SW¼	31.1
NE¼SE¼	37.2
NW¼SE¼	40.1
SW¼SE¼	12.8
SE¼SE¼	8.9
Sec. 15:	
NE¼NE¼	40.4
NW¼NE¼	40.0
SW¼NE¼	35.1
SE¼NE¼	40.9
NE¼NW¼	11.1
SE¼NW¼	11.9
NE¼SW¼	10.0
NE¼SE¼	27.3
NW¼SE¼	14.6
T. 9 N., R. 26 E.:	
Sec. 2:	
NW¼NE¼	16.1
NE¼NW¼	29.5
NW¼NW¼	3.9
Sec. 3:	
NE¼NE¼	12.7
NW¼NE¼	17.8
SW¼NE¼	10.8
SE¼NE¼	.5
NE¼NW¼	14.9
NW¼NW¼	5.4
SW¼NW¼	19.0
SE¼NW¼	7.0
NE¼SW¼	2.5
NW¼SW¼	18.3
Sec. 4:	
SE¼SE¼	.3
SW¼SE¼	11.5
Sec. 5:	
NE¼NE¼	40.1
NW¼NE¼	44.1
SW¼NE¼	37.2
SE¼NE¼	30.3

BLOCK 5—Continued

WILLAMETTE MERIDIAN—continued

Description	Irrigable area privately-owned land (acres)
T. 9 N., R. 26 E.—Con.	
Sec. 5—Continued	
NE¼NW¼	29.3
NW¼NW¼	8.5
SW¼NW¼	29.7
SE¼NW¼	37.4
NE¼SW¼	18.2
NW¼SW¼	24.5
SW¼SW¼	13.2
SE¼SW¼	1.9
NE¼SE¼	24.5
NW¼SE¼	28.2
SW¼SE¼	4.0
SE¼SE¼	21.3
Sec. 7:	
NE¼NE¼	19.8
NW¼NE¼	30.4
SW¼NE¼	10.1
SE¼NE¼	8.1
NE¼NW¼	23.0
NW¼NW¼	16.4
SW¼NW¼	34.4
SE¼NW¼	28.0
NW¼SW¼	18.3
SW¼SW¼	10.2
Sec. 9:	
NW¼NE¼	3.1
NE¼NW¼	4.1
NW¼NW¼	3.6
T. 10 N., R. 26 E.:	
Sec. 26:	
NE¼SW¼	26.5
NW¼SW¼	19.8
NW¼SE¼	19.1
Sec. 27:	
SE¼SW¼	8.5
NE¼SE¼	16.7
NW¼SE¼	3.5
SW¼SE¼	33.9
SE¼SE¼	22.6
Sec. 32:	
NE¼SE¼	.9
SW¼SE¼	9.1
SE¼SE¼	24.0
Sec. 33:	
SW¼NE¼	6.7
SE¼NE¼	22.9
NE¼SW¼	26.1
NW¼SW¼	6.5
SW¼SW¼	36.2
SE¼SW¼	39.8
NE¼SE¼	32.2
NW¼SE¼	36.5
SW¼SE¼	35.2
SE¼SE¼	23.5
Sec. 34:	
NE¼NE¼	36.2
NW¼NE¼	38.2
SW¼NE¼	30.5
SE¼NE¼	36.9
NE¼NW¼	26.7
NW¼NW¼	2.9
SW¼NW¼	20.0
SE¼NW¼	20.2
NE¼SW¼	25.0
NW¼SW¼	25.5
SW¼SW¼	17.1
SE¼SW¼	31.8
NE¼SE¼	39.1
NW¼SE¼	23.9
SW¼SE¼	25.9
SE¼SE¼	36.5
Sec. 35:	
NW¼NE¼	21.7
SW¼NE¼	23.6
NE¼NW¼	25.7
NW¼NW¼	17.6
SW¼NW¼	36.3
SE¼NW¼	21.3
NE¼SW¼	17.1
NW¼SW¼	28.1
SW¼SW¼	9.6
SE¼SW¼	13.5
NW¼SE¼	23.6
SW¼SE¼	21.2
Total irrigable area, Block 5	4,023.2

BLOCK 6

WILLAMETTE MERIDIAN

Description	Farm unit	Irrigable area homestead lands (acres)
T. 11 N., R. 20 E.:		
Sec. 12: E½SE¼	A	37.3
T. 10 N., R. 21 E.:		
Sec. 2: N½NW¼, E½SW¼, NW¼	A	75.6
T. 11 N., R. 21 E.:		
Sec. 26:		
Lot 4, SE¼SE¼	A	47.8
Lot 3, SW¼SE¼	B	44.2
T. 10 N., R. 22 E.:		
Sec. 2:		
Lot 5	A	40.6
Lot 6	B	41.4
Sec. 4:		
Lot 7	A	59.1
Lot 6	B	50.6
Lot 5	C	38.3
Sec. 6: Lot 2	B	34.3
T. 9 N., R. 23 E.:		
Sec. 2: Lots 5 and 6	C	88.2
T. 10 N., R. 23 E.:		
Sec. 6:		
Lot 3, SE¼NW¼	A	56.8
Lot 4, SW¼NW¼	B	49.8
T. 9 N., R. 24 E.:		
Sec. 6:		
Lots 1 and 2	A	68.7
S½NE¼	B	78.1
Sec. 14:		
Lot 1	A	64.6
Lot 2	B	80.9
Lot 5	E	59.4
T. 9 N., R. 26 E.:		
Sec. 4:		
Lot 5	A	101.8
Lot 6	B	90.3
Lot 7	C	78.5
T. 10 N., R. 26 E.:		
Sec. 26: S½SW¼, SW¼SE¼	A	69.9
Total irrigable area, Block 6		1,350.2

The combined contractual obligations of the Roza Irrigation District to the United States total $23,500,000; of this amount $21,000,000 is covered by the contract of December 13, 1935, as amended, in respect to the construction of irrigation works, exclusive of storage, and $2,500,000 is covered by the contract of July 8, 1921, as amended, in respect to the District's proportionate share of Yakima Project water storage.

The present estimate of the construction charge per irrigable acre for the works built and to be built, and for the proportionate share of storage, under said contracts and amendments thereof, is hereby announced as $326.39 per acre. This per-acre construction charge is based upon the contractual obligations set forth above and is subject to readjustment upon completion or termination of the construction program for the project works and the ascertainment of the actual cost thereof, and is subject to increase or decrease to the end that the District shall pay to the United States the full construction cost as finally determined by the Secretary of the Interior.

The first semiannual instalment of the construction charge for the distribution system, payable on account of the lands in Block 5 and Block 6, will be $1.35 per irrigable acre, as the irrigable acreage is shown in the above lists of lands, and will be due and payable by the District to the United States on December 31, 1951. Subsequent semiannual instalments will be due on June 30 and December 31 of each year, beginning with the year 1952. The last of the seventy-eight (78) semiannual instalments shall be due and payable within forty (40) years from the date of this notice. The amounts of the remaining seventy-seven (77) instalments will be determined and announced by a subsequent notice or notices.

The second and third instalments of the construction charge for the distribution system, payable on account of the lands in Block 4, will be $1.35 per irrigable acre for each instalment and will be due on June 30, 1951, and December 31, 1951, respectively. The amounts of the remaining seventy-five (75) instalments to be paid on account of these lands will be determined and announced by a subsequent notice or notices.

The sixth and seventh instalments of the construction charge for the distribution system, payable on account of the lands in Block 3, will be $1.35 per irrigable acre for each instalment and will be due on June 30, 1951, and December 31, 1951, respectively. The amounts of the remaining seventy-one (71) instalments to be paid on account of these lands will be determined and announced by a subsequent notice or notices.

The eighth and ninth instalments of the construction charge for the distribution system, payable on account of the lands in Block 2, will be $1.35 per irrigable acre for each instalment and will be due on June 30, 1951, and December 31, 1951, respectively. The amounts of the remaining sixty-nine (69) instalments payable on account of these lands will be determined and announced by a subsequent notice or notices.

The tenth and eleventh instalments of the construction charge for the distribution system, payable on account of the lands in Block 1, will be $1.35 per irrigable acre for each instalment and will be due on June 30, 1951, and December 31, 1951, respectively. The amounts of the remaining sixty-seven (67) instalments payable on account of these lands will be determined and announced by a subsequent notice or notices.

These instalments are in addition to the semiannual instalments of construction charges for the District's proportionate share of Yakima Project water storage as announced on November 6, 1945.

G. W. LINEWEAVER,
Acting Commissioner.

[F. R. Doc. 51-501; Filed, Jan. 11, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25732]

PHOSPHATE ROCK FROM FLORIDA TO THE SOUTHWEST

APPLICATION FOR RELIEF

JANUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3912, 3899, 3919 and 3932, and certain other tariffs named in the application.

Commodities involved: Phosphate rock, ground or not ground, in carloads.

From: Florida.

To: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-513; Filed, Jan. 11, 1951; 8:47 a. m.]

[4th Sec. Application 25733]

FOREIGN WOODS FROM PASCAGOULA AND MOSS POINT, MISS., TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 889.

Commodities involved: Lumber, logs, flitches, and dimension stock, built-up woods and veneer, of foreign woods other than Mexican pine, balsa wood or dyewoods, carloads.

From: Pascagoula and Moss Point, Miss.

To: Southern territory.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 889, Supp. 101.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-514; Filed, Jan. 11, 1951; 8:47 a. m.]

[4th Sec. Application 25734]

ILMENITE ORE FROM MELBOURNE, FLA., TO OHIO AND MICHIGAN

APPLICATION FOR RELIEF

JANUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1188.

Commodities involved: Ilmenite ore and ilmenite ore concentrates, in carloads.

From: Melbourne, Fla.

To: Newark, Fostoria and Toledo, Ohio and Flint, Mich.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1188, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-515; Filed, Jan. 11, 1951; 8:48 a. m.]

[4th Sec. Application 25735]

COAL FROM KENTUCKY TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

JANUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Nashville, Chattanooga & St. Louis Railway for itself and on behalf of the Illinois Central Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Mines in western Kentucky.

To: Nashville, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-516; Filed, Jan. 11, 1951; 8:48 a. m.]

[4th Sec. Application 25736]

ELECTRICAL TRANSFORMERS FROM SHARON, PA., TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Electrical transformers and parts, in carloads.

From: Sharon, Pa.

To: Atlanta, Ga., and points taking same rates, Charlotte, N. C., and Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-517; Filed, Jan. 11, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct 14, 1946, 11 F. R. 11981.

[Vesting Order 16467]

HELEN BINDER AND HEINRICH BUEHLER

In re: Stocks owned by Helen Binder and by Heinrich Buehler. F-28-25852-D-1, F-28-25853-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Binder, whose last known address is Stahbadstrasse 72, Weinheim in Baden, Germany, and Heinrich Buehler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests evidenced or represented by an American Share Certificate issued by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for Twenty (20) Shares of Ten (10) Shillings Par Value Ordinary Registered Capital Stock of Electric and Musical Industries, Limited, Blyth Road, Hayes, Middlesex, England, said Certificate numbered TF755, registered in the name of Helen Binder, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Helen Binder, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: All rights and interests evidenced or represented by an American Share Certificate issued by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for One Hundred (100) shares of Ten (10) Shillings Par Value Ordinary Registered Capital Stock of Electric and Musical Industries, Limited, Blyth Road, Hayes, Middlesex, England, said Certificate numbered H13562, registered in the name of Heinrich Buehler, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Heinrich Buehler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-542; Filed, Jan. 11, 1951; 8:57 a. m.]

[Vesting Order 15583]

YASU USAMI

In re: Estate of Yasu Usami, deceased. File D-39-1522. E. T. sec. 3334.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaze Usami, John Doe Usami, and Shinsaku Usami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $1,971.46, paid to the State Controller of the State of California pursuant to an order of the Superior Court of the City and County of San Francisco, dated December 15, 1942, in the Matter of the Estate of Yasu Usami, deceased, and any and all additions thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-538; Filed, Jan. 11, 1951; 8:56 a. m.]

[Vesting Order 16405]

AKIYE AND HATSUJIRO MATSUMOTO

In re: Rights of Akiye Matsumoto and Hatsujiro Matsumoto under an insurance contract. File No. F-39-4405-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Akiye Matsumoto and Hatsujiro Matsumoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 814 391 issued by the New York Life Insurance Company, New York, New York, to Akiye Matsumoto, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Akiye Matsumoto or Hatsujiro Matsumoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 9, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-537; Filed, Jan. 11, 1951; 8:56 a. m.]

[Vesting Order 16406]

MARY MAYER

In re: Rights of Mary Mayer under insurance contract. F-28-30879-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Mayer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mary Mayer under a contract of insurance evidenced by Policy No. M477705 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Mary Mayer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-539; Filed, Jan. 11, 1951; 8:56 a. m.]

[Vesting Order 16409]

KAMECHIYO MIYAMOTO

In re: Rights of Kamechiyo Miyamoto under insurance contract. File No. D-39-8086-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kamechiyo Miyamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9065 351, issued by the New York Life Insurance Company, New York, New York, to Tsuneyoshi Miyamoto, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-540; Filed, Jan. 11, 1951; 8:57 a. m.]

[Vesting Order 16410]

MATSUJIRO AND TORA MIYAOI

In re: Rights of Matsujiro Miyaoi and Tora Miyaoi under insurance contract. File No. F-39-6086-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsujiro Miyaoi and Tora Miyaoi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 59686, issued by the West Coast Life Insurance Company, San Francisco, California, to Matsujiro Miyaoi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Matsujiro Miyaoi or Tora Miyaoi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-541; Filed, Jan. 11, 1951; 8:57 a. m.]

[Vesting Order 16665]

"ALBINGIA" VERSICHERUNGS AKTIENGESELLSCHAFT

In re: Securities owned by and debt owing to "Albingia" Versicherungs Aktiengesellschaft. F-28-1-A-1; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "Albingia" Versicherungs Aktiengesellschaft, the last known address of which is Europa Haus, Alsterdamm 39, Hamburg, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Coupons due April 1, 1935 and October 1, 1935 detached from $65,000.00 Agricultural Mortgage Bank of Colombia Guaranteed Sinking Fund Gold Bond Issue of 1926, 7 percent, due April 1, 1946, having an aggregate face value of $4,550.00, presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled "Albingia" Versicherungs Aktiengesellschaft, together with any and all rights thereunder and thereto,

b. Those certain non-interest bearing Certificates of Indebtedness of Conversion Bank for German Foreign Debts,

Series I, 1934 in the aggregate face value of RM4,150, identified as follows:

Series	No.	Amounts
A	N R0629351/64	50 RM
A	N R0629387/50	50 RM
D	N R0470351/65	50 RM
A	N R681827/46	50 RM
E	N R0321687/99	40 RM
A	N R0446440/41	40 RM
A	N R0396915	40 RM
B	N R0280709	30 RM
D	N R3382729	5 RM
E	N R1690134/40	10 RM
B	N R0682976	10 RM
B	N R0741801/2	10 RM
D	N R1332581/2	10 RM
E	N R1546911/18	10 RM
E	N R3848527/29	5 RM
E	N R3842440/96	5 RM
E	N R3752240/69	5 RM
A	N R0913203/7	5 RM

said certificates presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled "Albingia" Versicherungs Aktiengesellschaft, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to "Albingia" Versicherungs Aktiengesellschaft, by Johnson and Higgins, 63 Wall Street, New York 5, New York, arising out of recovery from colliding vessel of General Average Charges due from shipment on Str. "City of Hamburg" accident December 1937 under Interest No. 20/21 paid as per General Average Statement, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, "Albingia" Versicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-543; Filed, Jan. 11, 1951; 8:57 a. m.]

[Vesting Order 16755]

ERWIN BEERWART ET AL.

In re: Rights of Erwin Beerwart et al., under contract of insurance. File F-28-29929-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erwin Beerwart and Erika Beerwart, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 5770535C, issued by the Metropolitan Life Insurance Company, New York, New York, to Erwin Beerwart, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Erwin Beerwart or Erika Beerwart, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-546; Filed, Jan. 11, 1951; 8:58 a. m.]

[Vesting Order 16685]

HILDA BODE HERPEL

In re: Securities and bank account owned by Hilda Bode Herpel. F-28-28549-D-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Bode Herpel, whose last known address is Goettingen, Weenderstr., 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of $15.00 par value capital stock of the Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, evidenced by certificate numbered 461255, registered in the name of Mrs. Hilda Bode Herpel, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Hilda Bode Herpel by the Wayne County Savings Bank, Honesdale, Pennsylvania, arising out of a Savings Account number 27491, entitled Mrs. Hilda Herpel, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-544; Filed, Jan. 11, 1951; 8:58 a. m.]

[Vesting Order 16754]

FRANTZ JOSEF BARTLEWSKI ET AL.

In re: Rights of Frantz Josef Bartlewski et al. under insurance contract. File No. F-28-26803-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frantz Josef Bartlewski, Elizabeth Bartlewski and Curt Bartlewski, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4-554-580-C issued by the Metropolitan Life Insurance Company, New York, New York, to Frantz Josef Bartlewski, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Frantz Josef Bartlewski or Elizabeth Bartlewski and Curt Bartlewski, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-545; Filed, Jan. 11, 1951; 8:58 a. m.]

[Vesting Order 16757]

ALBERT AND KAETHE BOLLMANN

In re: Rights of Albert Bollmann and of Kaethe Bollmann under insurance contract. File No. F-28-3307-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Bollmann and Kaethe Bollmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7196761 A issued by the Metropolitan Life Insurance Company, New York, New York, to Albert Bollmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Albert Bollmann or Kaethe Bollmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-547; Filed, Jan. 11, 1951; 8:58 a. m.]

[Vesting Order 16759]

DENSAKU AND AKIKO FURUYAMA

In re: Rights of Densaku Furuyama and Akiko Furuyama under contract of insurance. File No. F-39-4344-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Densaku Furuyama and Akiko Furuyama, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1435773, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Densaku Furuyama, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Densaku Furuyama or Akiko Furuyama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-548; Filed, Jan. 11, 1951; 8:58 a. m.]

[Vesting Order 16760]

WALTER GIESEKING ET AL.

In re: Rights of Walter Gieseking et al. under insurance contracts. Files No. D-28-7035-H-1, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Gieseking and Anna Gieseking, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Walter Gieseking, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under annuity contracts evidenced by policies No. 10895520 and 10496254, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Walter Gieseking, and any and all other benefits and

rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Walter Gieseking, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-549; Filed, Jan. 11, 1951; 8:59 a. m.]

[Vesting Order 16761]

WALTER GOLLER ET AL.

In re: Rights of Walter Goller et al., under insurance contract. File No. D-28-10671-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Goller, Helmut Goller and Emilie Goller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8-056-129A issued by the Metropolitan Life Insurance Company, to Walter Goller, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Walter Goller or Helmut Goller and Emilie Goller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-550; Filed, Jan. 11, 1951; 8:59 a. m.]

[Vesting Order 16762]

MRS. KAETHE HAMMER AND OTTFRIED HAMMER

In re: Rights of Mrs. Kaethe Hammer and Ottfried Hammer under insurance contract. File No. F-28-24499-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Kaethe Hammer and Ottfried Hammer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Kaethe Hammer and Ottfried Hammer under a contract of insurance evidenced by Policy No. 2 193 669A, issued by the Metropolitan Life Insurance Company, New York, New York, to Mrs. Kaethe Hammer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Hans Karl Hammer, a resident of the United States, of Karl Hammer, a resident of Honduras, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Kaethe Hammer or Ottfried Hammer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-551; Filed, Jan. 11, 1951; 8:59 a. m.]

[Vesting Order 16766]

MINOSUKE KANESHIMA ET AL.

In re: Rights of Minosuke Kaneshima et al., under insurance contract. File No. D-39-5363-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minosuke Kaneshima and Tsuyako Kaneshima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,359,360 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Minosuke Kaneshima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Minosuke Kaneshima or Tsuyako Kaneshima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-552; Filed, Jan. 11, 1951; 8:59 a. m.]

[Vesting Order 16768]

HANA AND RIHEI KAWASAKI

In re: Rights of Hana Kawasaki and of Rihei Kawasaki under insurance contract. File No. D-39-6914-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hana Kawasaki and Rihei Kawasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15 386 226, issued by the New York Life Insurance Company, New York, New York, to Hana Kawasaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hana Kawasaki or Rihei Kawasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-553; Filed, Jan. 11, 1951; 8:59 a. m.]

[Vesting Order 16769]

RIHEI AND HANA KAWASAKI

In re: Rights of Rihei Kawasaki and of Hana Kawasaki under insurance contract. File No. D-39-6914-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rihei Kawasaki and Hana Kawasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 16 025 429, issued by the New York Life Insurance Company, New York, New York, to Rihei Kawasaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rihei Kawasaki or Hana Kawasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in suparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-554; Filed, Jan. 11, 1951; 9:00 a. m.]

[Vesting Order 16770]

HANS RULFF AND ANNELIESE KEHRMANN

In re: Rights of Hans Rulff Kehrmann and Anneliese Kehrmann under insurance contract. File No. F-39-2434-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Rulff Kehrmann and Anneliese Kehrmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 204 614, issued by the West Coast Life Insurance Company, San Francisco, California, to Hans Rulff Kehrmann, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hans Rulff Kehrmann or Anneliese Kehrmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-554; Filed, Jan. 11, 1951; 9:00 a. m.]

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-555; Filed, Jan. 11, 1951; 9:00 a. m.]

[Vesting Order 16798]

MARY RIKART ET AL.

In re: Rights of Mary Rikart et al., under contract of insurance. File No. F-28-29115-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Rikart, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Rikart, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 13 900 374 issued by the Metropolitan Life Insurance Company, New York, New York, to Mary Rikart, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mary Rikart or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, at Mary Rikart, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mary Rikart, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-557; Filed, Jan. 11, 1951; 9:00 a. m.]

[Vesting Order 16776]

MATSUYE KOIKE ET AL.

In re: Rights of Matsuye Koike et al. under insurance contract. File No. D-39-1672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matsuye Koike and Toyoko Koike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 588842, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Matsuye Koike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Matsuye Koike or Toyoko Koike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-558; Filed, Jan. 11, 1951; 9:01 a. m.]

[Vesting Order 16777]

TAKASHI AND ORIKO KOMATSU

In re: Rights of Takashi Komatsu and Oriko Komatsu under insurance contract. File No. F-39-2444-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takashi Komatsu and Oriko Komatsu, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 490753, issued by the Pacific Mutual Life Insurance Company, Los Angeles, California, to Takashi Komatsu, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Pacific Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Takashi Komatsu or Oriko Komatsu, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-560; Filed, Jan. 11, 1951; 9:01 a. m.]

[Vesting Order 16773]

KIKA AND SHOJI KIYOTA

In re: Rights of Kika Kiyota and Shoji Kiyota under contract of insurance. File No. D-39-2171-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kika Kiyota and Shoji Kiyota, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 704723 issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Kika Kiyota, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned, or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kika Kiyota or Shoji Kiyota, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-556; Filed, Jan. 11, 1951; 9:00 a. m.]

[Vesting Order 16783]

ERNST F. AND ALIDA M. C. LINDEWIRTH

In re: Rights of Ernst F. Lindewirth and Alida M. C. Lindewirth, under insurance contract. F-28-19302-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst F. Lindewirth and Alida M. C. Lindewirth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 285855 issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Ernst F. Lindewirth, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Massachusetts Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ernst F. Lindewirth or Alida M. C. Lindewirth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-559; Filed, Jan. 11, 1951; 9:01 a. m.]

[Vesting Order 16784]

WILLIAM J. MARGREVE

In re: Rights of William J. Margreve under insurance contracts. Files No. F-28-28776-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William J. Margreve, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to William J. Margreve under contracts of insurance evidenced by policies No. 9474562 and 10915134, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to William J. Margreve, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Anne Margreve, a resident of the United States and of the aforesaid John Hancock Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-560; Filed, Jan. 11, 1951; 9:01 a. m.]

[Vesting Order 16791]

HANS AND LIZETTO NEBEL

In re: Rights of Hans Nebel and Lizetto Nebel under contract of insurance. File F-28-13206-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Nebel and Lizetto Nebel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hans Nebel or Lizetto Nebel

under a contract of insurance evidenced by Policy No. 11400457, issued by the New York Life Insurance Company, New York, New York, to Hans Nebel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Martin Nebel and the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hans Nebel or Lizetto Nebel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-561; Filed, Jan. 11, 1951; 9:01 a. m.]

[Vesting Order 16793]

ERICK GEORG WILHELM AND GERTRUD KOCKERT PAYSEN

In re: Rights of Erick George Wilhelm Paysen and of Gertrud Kockert Paysen under insurance contract. File Nos. F-28-17777 and F-28-17777-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erick Georg Wilhelm Paysen and Gertrud Kockert Paysen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 199-099 issued by the Pan American Life Insurance Company, New Orleans, Louisiana, to Erick Georg Wilhelm Paysen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Pan American Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Erick Georg Wilhelm Paysen or Gertrud Kockert Paysen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-562; Filed, Jan. 11, 1951; 9:02 a. m.]

[Vesting Order 16797]

ARTHUR A. QUEITSCH ET AL.

In re: Rights of Arthur A. Queitsch et al., under insurance contract. F-28-24548-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur A. Queitsch, Marie E. Queitsch and Werner Queitsch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 11291542A, issued by the Metropolitan Life Insurance Company, New York, New York, to Arthur A. Queitsch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arthur A. Queitsch or Marie E. Queitsch or Werner Queitsch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-563; Filed, Jan. 11, 1951; 9:02 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10201

ATTACHING THE VIRGIN ISLANDS TO THE INTERNAL REVENUE COLLECTION DISTRICT OF MARYLAND

By virtue of the authority vested in me by section 3650 (a) of the Internal Revenue Code, it is hereby ordered that the Virgin Islands be attached to and made a part of the internal revenue collection district of Maryland for all purposes authorized by the internal revenue laws of the United States.

This order shall be effective as of January 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 11, 1951.

[F. R. Doc. 51-731; Filed, Jan. 12, 1951; 11:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR THE YEARS 1951, 1952 AND 1953

§ 729.204 *Basis and purpose.* The regulations contained in §§ 729.204 and 729.205 are issued to announce the results of the referendum held December 14, 1950, pursuant to section 358 (b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the three calendar years beginning with 1951. The act requires the results of any peanut marketing quota referendum to be proclaimed within thirty days after the date on which it is held. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and unnecessary.

§ 729.205 *Proclamation of the results of the marketing quota referendum for peanuts for the crops produced in the three calendar years beginning with the calendar year 1951.* In a referendum of farmers engaged in the production of the 1950 crop of peanuts held on December 14, 1950, 71,210 farmers voted. Of those voting 50,417 farmers, or 70.80 percent, favored quotas for peanuts produced in the three calendar years beginning with 1951; 20,793 farmers, or 29.20 percent, were opposed to having quotas in effect for the crops produced in the three calendar years beginning with the calendar year 1951. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1951 (15 F. R. 7291) shall be in effect, and national marketing quotas hereafter proclaimed for peanuts for the calendar years 1952 and 1953 shall be effective.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 88, as amended; 7 U. S. C. 1358)

Done at Washington, D. C., this 11th day of January 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-659; Filed, Jan. 12, 1951; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 190]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.502 *Orange Regulation 190*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

(Continued on p. 339)

CONTENTS

THE PRESIDENT

Executive Order — Page
Virgin Islands attached to internal revenue collection district of Maryland — 337

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Arai, Takao, and Jukichi Takeda — 367
Aoki, Kikutaro and Shuntaro — 365
Arima, Rev. Hajime and Chiyeko — 365
Bader, Karoline, and Robert Huhn — 377
Costs and expenses incurred in New York court — 379
David, Ludwig Edward — 367
Dorn, Karl — 365
Evers, William H — 377
Goller, Walter — 366
Hammacher, Heinrich, et al — 378
Haupt, August — 371
Hopfe, Paul — 371
Ikeda, Shizuo, and Gozayemon Higashi — 366
Just, Erich — 363
Kawamura, Shizuto — 367
Klimmer, Katchen, et al — 367
Klimmer, Katherine, et al — 366
Koeppen, Boris — 372
Koiso, Tetsunosuke — 372
Leser, Rudolf, et al. (2 documents) — 373, 374
Levis, Aaron — 372
Moller, Captain Carl, and Frau Carl — 362
Nishi, Nakazo, et al — 380
Reinshagen, Ernst W — 368
Rieker, Karoline Marie — 369
Schmidt, Henrietta, and George — 362
Schroeder, Gertrude — 373
Sormani, N — 373
Sugita, Jiro, et al — 374
Suzuki, H., & Co., et al — 369
Suzuki, Torishichi and Yaye — 374
Takatsuka, Mitsuji, et al — 363
Tamate, Kesajiro and Iso — 363
Tatsutani, Mrs. Shizi, et al — 363
Theiss, Emma, et al — 364
Tomita, Kenichi, et al — 370

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Uchmura, Sumire 364
Usami, Yasu 363
Uyesugi, Tadashi, et al 375
Van Spengler, Elsa Maria 369
Vogt, Arthur C 375
Von Weel, Martha, and Gertrude Eckhardt 376

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Watanuki, Tetsuo, et al 364
Weiss, Paul, et ux 380
Wichern, Henry 371
Wicke, Wilhelmine 371
Wilke, Helmut, et al 376
Wittschieben, Clause, et al 375
Wolf, Anna, et al 376
Yamao, Enichi and Matsuyo 365
Yamao, Yoshitaka Elbert and Enichi 377
Yamauchi, Takashi D., et al 378
Yasumichi, Fusao, et al 379
Ziegler, Kurt and Erika 379

Civil Aeronautics Administration
Delegation of authority to Administrator with respect to development of improved transport aircraft (*see* Commerce Department).
Rules and regulations:
Air traffic; danger area alterations 344
Civil airways, designation; miscellaneous amendments 344
Control areas, control zones, and reporting points, designation; miscellaneous amendments 344

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
West Coast common fares case; hearing 360

Commerce Department
See also Civil Aeronautics Administration; National Production Authority.
Notices:
Delegation of authority to Civil Aeronautics Administrator with respect to development of improved transport aircraft 359
Temporary delegation of authority under Reorganization Plan No. 21; correction 360

Defense Department
Notices:
Summary of uniform instructions 357

Federal Communications Commission
Notices:
Chamberlain, Charles H.; hearing 360

Federal Housing Administration
Notices:
Field organization 361
Rules and regulations:
Property improvement loans, class 1 and 2; down payment 350

Federal Power Commission
Notices:
Hearings, etc.:
Delaware River Development Corp 361
Mercer Gas Light and Fuel Co 360
Southern Natural Gas Co 360

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Texas Eastern Transmission Corp. and Mississippi River Fuel Corp 360

Housing and Home Finance Agency
See Federal Housing Administration.

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in certain States and Puerto Rico 350

Interior Department
See Land Management Bureau.

Internal Revenue Bureau
Rules and regulations:
Income tax, taxable years beginning after Dec. 31, 1941; extension of time for filing declaration of estimated tax for 1950 for certain U. S. employees 351

Land Management, Bureau of
Notices:
Nevada; classification order 360

National Production Authority
Rules and regulations:
Basic rules of the priorities system 352
Methylene chloride 355

Post Office Department
Rules and regulations:
Classification and rates of postage 357
Domestic mail matter, treatment at receiving post offices 357

Production and Marketing Administration
Rules and regulations:
Limitation of shipments:
Arizona and part of California:
Grapefruit 341
Lemons 341
Oranges 342
Florida:
Grapefruit 339
Oranges 337
Tangerines 340
Peanuts; results of referendum on marketing quotas for 1951, 1952 and 1953 337

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Gas and Electric Co. and American Gas and Electric Service Corp 362
National Airlines, Inc 361
Rules and regulations:
Form and content of financial statements, Securities Act, Securities Exchange Act and Investment Company Act; face-amount certificate investment companies 345

CONTENTS—Continued

Treasury Department Page
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Servicemen's Readjustment Act of 1944; loans which may be processed automatically 356

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10201 337

Title 7
Chapter VII:
Part 729 337
Chapter IX:
Part 933 (3 documents) 337, 339, 340
Part 953 341
Part 955 341
Part 966 342

Title 14
Chapter I:
Part 60 344
Chapter II:
Part 600 344
Part 601 344

Title 17
Chapter II:
Part 210 345

Title 24
Chapter II:
Part 201 350
Chapter VIII:
Part 825 350

Title 26
Chapter I:
Part 29 351

Title 32A
Chapter I:
Part 11 352
Part 74 355

Title 38
Chapter I:
Part 36 356

Title 39
Chapter I:
Part 34 357
Part 43 357

amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 15, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until January 15, 1951; the recommendation and supporting information for continued regulation subsequent to January 14 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 15, 1951, and ending at 12:01 a. m., e. s. t., January 22, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of January 1951.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–662; Filed, Jan. 12, 1951; 8:55 a. m.]

[Grapefruit Reg. 134]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.503 *Grapefruit Regulation 134*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 15, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until January 15, 1951; the recommendation and supporting information for continued regulation subsequent to January 14 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an op-

portunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 15, 1951, and ending at 12:01 a. m., e .s. t., January 22, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any pink seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xii) Any pink seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-661; Filed, Jan. 12, 1951; 8:55 a. m.]

[Tangerine Reg. 104]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.504 *Tangerine Regulation 104*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 15, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until January 15, 1951; the recommendation and supporting information for continued regulation subsequent to January 14 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 9; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necesary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 15, 1951, and ending at 12:01 a. m. e. s. t., January 22, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-663; Filed, Jan. 12, 1951; 8:55 a. m.]

[Lemon Reg. 365]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.472 *Lemon Regulation 365*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 10, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 14, 1951, and ending at 12:01 a. m., P. s. t., January 21, 1951, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 230 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: January 7, 1951

[12:01 a. m. Jan. 14, 1951, to 12:01 a. m. Jan. 28, 1951]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	29.140
Lemon Cove Association	22.105
Porterville Citrus Association, The	.178
Tulare County Lemon & Grapefruit Association	43.227
California Citrus	.243
Harding & Leggett	4.782
Kroells Packing Co	.000
Sky Acres Ranch	.058
Zaninovich Bros., Inc	.267

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.416
American Fruit Growers, Inc., Fullerton	.300
American Fruit Growers, Inc., Upland	.460
Eadington Fruit Co	.039
Hazeltine Packing Co	2.396
Ventura Coastal Lemon Co	4.817
Ventura Pacific Co	2.354
Glendora Lemon Growers Association	1.614
La Verne Lemon Association	.596
La Habra Citrus Association	.553
Yorba Linda Citrus Association	.112
Escondido Lemon Association	2.338
Alta Loma Heights Citrus Association	1.017
Etiwanda Citrus Fruit Association	.635
Mountain View Fruit Association	.523
Old Baldy Citrus Association	1.329
San Dimas Lemon Association	.874
Upland Lemon Growers Association	6.156
Central Lemon Association	.129
Irvine Citrus Association	.162
Placentia Mutual Orange Association	.435
Corona Citrus Association	.806
Corona Foothill Lemon Co	2.675
Jameson Co	.952
Arlington Heights Citrus Co	1.068
College Heights Orange & Lemon Association	2.772
Chula Vista Citrus Association	.577
El Cajon Valley Citrus Association	.050
Escondido Cooperative Citrus Association	0.227
Fallbrook Citrus Association	1.646
Lemon Grove Citrus Association	.203
Carpinteria Lemon Association	3.586
Carpinteria Mutual Citrus Association	4.016
Goleta Lemon Association	4.809
Johnston Fruit Co	6.529
North Whittier Heights Citrus Association	.297
San Fernando Heights Lemon Association	6.200
Sierra Madre-Lamanda Citrus Association	1.776
Briggs Lemon Association	.675
Culbertson Lemon Association	1.847
Fillmore Lemon Association	.897
Oxnard Citrus Association	5.835
Rancho Sespe	.263
Santa Clara Lemon Association	2.852
Santa Paula Citrus Fruit Association	1.022
Saticoy Lemon Association	4.080
Seaboard Lemon Association	3.993
Somis Lemon Association	2.403
Ventura Citrus Association	1.177
Ventura County Citrus Association	.013
Limoneira Co	1.247
Teague-McKevett Association	.399
East Whittier Citrus Association	.192
Leffingwell Rancho Lemon Association	.163
Murphy Ranch Co	.255
Chula Vista Mutual Lemon Association	.607
Index Mutual Association	.168
La Verne Cooperative Citrus Association	3.170
Orange Belt Fruit Distributors	.629
Ventura County Orange & Lemon Association	1.996
Whittier Mutual Orange & Lemon Association	.661
Evans Bros. Packing Co	.096
Latimer, Harold	.015
Paramount Citrus Association, Inc	.411
San Antonio Orchard Co	.018

[F. R. Doc. 51-586; Filed, Jan. 12, 1951; 11:19 a. m.]

[Grapefruit Reg. 74]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.335 *Grapefruit Regulation 74*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than January 14, 1951. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1950, and will so continue until January 14, 1951; the recommendation and supporting information for continued regulation subsequent to January 13, 1951, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 14, 1951, and ending at 12:01 a. m., P. s. t., February 18, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{6}{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-630; Filed, Jan. 12, 1951; 8:55 a. m.]

[Orange Reg. 354]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.500 *Orange Regulation 354*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 11, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 347 (7 CFR 966.493; 15 F. R. 8153), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 14, 1951, and ending at 12:01 a. m., P. s. t., January 21, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 600 carloads;

(*b*) Prorate District No. 2: 225 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 14, 1951, to 12:01 a. m., P. s. t., Jan. 21, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0425
A. F. G. Porterville	1.6120
Ivanhoe Cooperative Association	.6395
Sandilands Fruit Co	.2928
Doffiemyer & Son, W. Todd	.5363
Earlibest Orange Association	1.7329
Elderwood Citrus Association	1.1794
Exeter Citrus Association	2.2589
Exeter Orange Growers Association	1.2419
Exeter Orchard Association	1.4542
Hillside Packing Association	1.1668
Ivanhoe Mutual Orange Association	1.0811
Klink Citrus Association	4.3269
Lemon Cove Association	2.2154
Lindsay Citrus Growers Association	2.5954
Lindsay Cooperative Citrus Association	1.0673
Lindsay Fruit Association	1.5645
Lindsay Orange Growers Association	1.5085
Naranjo Packing House	1.0977
Orange Cove Citrus Association	4.5098
Orange Packing Co	1.2039
Orosi Foothill Citrus Association	1.5123
Paloma Citrus Fruit Association	1.0280
Rocky Hill Citrus Association	1.2637
Sanger Citrus Association	4.6734
Sequoia Citrus Association	1.0489
Stark Packing Corp	3.3713
Visalia Citrus Association	1.8690
Waddell & Son	1.7627
Baird-Neece Corp	.9610
Beattie Association, D. A	.3276
Grand View Heights Citrus Association	2.5562
Magnolia Citrus Association	1.9261
Porterville Citrus Association	1.3516
Richgrove Jasmine Citrus Association	1.5041
Strathmore Cooperative Association	1.3991
Strathmore District Orange Association	1.2829
Strathmore Fruit Growers Association	1.1079
Strathmore Packing Association	1.6737
Sunflower Packing Association	1.9142
Sunland Packing House Co	2.3525
Terra Bella Citrus Association	1.7009
Tule River Citrus Association	1.1410
La Verne Cooperative Citrus Association	.1535
Lindsay Mutual Groves	1.1699
Martin Ranch	1.4084
Orange Cove Orange Growers	3.4716
Webb Packing Co., Inc	.2450
Woodlake Packing House	2.4751
Anderson Packing Co., R. M	.6331
Andrews Bros. of California	.0000
Baker Bros	.4560
Barnes, J. L	.0258
Batkins, Jr., Fred A	.0656
Bear State Packers, Inc	.1648
California Citrus Groves, Inc., Ltd	1.9813

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Chess Co., Meyer W	0.5188
Darby, Fred J	.0332
Darling, Curtis	.0014
Dubendorf, John	.1760
Edison Groves Co	.0000
Evans Bros. Packing Co	.0000
Hadring & Leggett	2.2388
Hirasuna, Jimmie	.0051
Independent Growers, Inc	2.2441
Kim, Charles	.0508
Kroells Packing Co	2.3113
Larson, Kermit	.0352
Lo Bue Bros	2.0950
Maas, W. A	.0675
Marks, W. M	.4011
Minasian, Bob	.0042
Moore Packing Co., Myron	.0843
Nicholas, Richard	.0058
Randolph Marketing Co., Inc	2.0838
Reimers, Don H	.4130
Shiba, Geo. G	.0010
Sky Acres Ranch	.0443
Swenson, L. W	.0475
Terry, Floyd J	.0055
Toy, Chin	.0000
Woodlake Heights Packing Corp	.4663
Zaninovich Bros., Inc	1.3580

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3138
A. F. G. Corona	.2149
A. F. G. Fullerton	.0337
A. F. G. Orange	.0325
A. F. G. Riverside	.9088
A. F. G. Santa Paula	.0424
Eadington Fruit Co., Inc	.5875
Hazeltine Packing Co	.1046
Krinard Packing Co	1.9798
Placentia Cooperative Orange Association	.6347
Placentia Pioneer Valencia Growers Association	.0389
Signal Fruit Association	.8594
Azusa Citrus Association	1.3213
Covina Citrus Association	1.4668
Covina Orange Growers Association	.4866
Damerel-Allison Co	1.0596
Glendora Citrus Association	1.2608
Glendora Mutual Orange Association	.5452
Puente Mutual Citrus Association	.0593
Valencia Heights Orchard Association	.2009
Gold Buckle Association	2.6895
La Verne Orange Association	4.4634
Anaheim Valencia Orange Association	.0233
Fullerton Mutual Orange Association	.2872
La Habra Citrus Association	.1291
Orange County Valencia Association	.0000
Yorba Linda Citrus Association, The	.0488
Escondido Orange Association	.5256
Alta Loma Heights Citrus Association	.3791
Citrus Fruit Growers	.6951
Etiwanda Citrus Fruit Association	.1951
Mountain View Fruit Association	.1273
Old Baldy Citrus Association	.4321
Rialto Heights Orange Growers	.3739
Upland Citrus Association	2.6217
Upland Heights Orange Association	1.1191
Consolidated Orange Growers	.0218
Frances Citrus Association	.0000
Garden Grove Citrus Association	.0245
Goldenwest Citrus Association, The	.1552
Olive Heights Citrus Association	.0400

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santa Ana-Tustin Mutual Citrus Association	0.0000
Santiago Orange Growers Association	.1227
Tustin Hills Citrus Association	.0000
Villa Park Orchard Association, The	.0323
Bradford Bros., Inc	.2024
Placentia Mutual Orange Association	.2020
Placentia Orange Growers Association	.3053
Yorba Orange Growers Association	.0523
Call Ranch	.6917
Corona Citrus Association	1.0247
Jameson Co	.4843
Orange Heights Orange Association	2.1385
Crafton Orange Growers Association	1.1576
East Highlands Citrus Association	.3785
Redlands Heights Groves	.5831
Redlands Orangedale Association	.8189
Rialto-Fontana Citrus Association	.3722
Break & Sons, Allen	.1618
Byrn Mawr Fruit Growers Association	.8321
Mission Citrus Association	1.1040
Redlands Cooperative Fruit Association	1.2372
Redlands Orange Growers Association	.8930
Redlands Select Groves	.5627
Rialto Orange Co	.3914
Southern Citrus Association	.9769
United Citrus Growers	.6981
Zilen Citrus Co	.5116
Arlington Heights Citrus Co	.9129
Brown Estate, L. V. W	1.7748
Gavilan Citrus Association	1.8456
Highgrove Fruit Association	.7137
McDermont Fruit Co	1.5074
Monte Vista Citrus Association	1.4461
National Orange Co	1.1058
Riverside Heights Orange Growers Association	1.2695
Sierra Vista Packing Association	.9119
Victoria Avenue Citrus Association	3.0378
Claremont Citrus Association	.9186
College Heights Orange & Lemon Association	2.1001
Indian Hill Citrus Association	1.1385
Pomona Fruit Growers Exchange	1.8539
Walnut Fruit Growers Association	.5165
West Ontario Citrus Association	1.1258
El Cajon Valley Citrus Association	.2600
Escondido Cooperative Citrus Association	.0436
San Dimas Orange Growers Association	1.1082
Canoga Citrus Association	.0641
North Whittier Heights Citrus Association	.1401
San Fernando Fruit Growers Association	.3109
San Fernando Heights Orange Association	.2762
Sierra Madre-Lamanda Citrus Association	.1590
Camarillo Citrus Association	.0105
Fillmore Citrus Association	1.1469
Ojai Orange Association	.8629
Piru Citrus Association	1.2779
Rancho Sespe	.0013
Santa Paula Orange Association	.1243
Tapo Citrus Association	.0076
Ventura County Citrus Association	.0212
East Whittier Citrus Association	.0056
Murphy Ranch Co	.0730
Anaheim Cooperative Orange Association	.0318
Bryn Mawr Mutual Orange Association	.5045
Chula Vista Mutual Lemon Association	.1216

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Euclid Ave. Orange Association	2.5815
Foothill Citrus Union, Inc	.6277
Garden Grove Orange Coop., Inc	.0343
Golden Orange Groves, Inc	.2720
Highland Mutual Groves, Inc	.2787
Index Mutual Association	.0096
La Verne Cooperative Citrus Association	3.1567
Mentone Heights Association	.6255
Orange Cooperative Citrus Association	.0512
Redlands Foothill Groves	2.0116
Redlands Mutual Orange Association	1.0154
Ventura County Orange and Lemon Association	.2651
Whittier Mutual Orange and Lemon Association	.0254
Allec Bros	.0041
Babijuice Corporation, of California	.3839
Banks, L. M	.0227
Bennett Fruit Co., Inc	.3345
Borden Fruit Co	.0309
Cherokee Citrus Co., Inc	.9610
Chess Co., Meyer W	.4594
Dunning Ranch	.1536
Evans Bros. Packing Co	1.4308
Gold Banner Association	1.7932
Granada Packing House Hill Packing House	.9107
Hill Packing House, Fred A	.8600
Knapp Packing Co., John C	.5480
Lawson, Geo. P	.0061
MacDonald Fruit Co	.1106
Orange Belt Fruit Distributors	1.9254
Panno Fruit Co., Carlo	.0425
Paramount Citrus Association, Inc	.3045
Placentia Orchard Co	.0801
Prescott, John A	.0073
Riverside Citrus Association	.2127
Ronald, P. W	.0332
San Antonio Orchard Co	1.5357
Stephens, T. F	.1468
Summit Citrus Packers	.0446
Wall, E. T., Grower-Shipper	1.9193
Western Fruit Growers, Inc	3.5469

[F. R. Doc. 51-730; Filed, Jan. 12, 1951; 11:19 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 61]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

A Camp Breckinridge, Kentucky, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP BRECKINRIDGE (Nashville Chart).	Beginning at Corydon, Ky., at lat. 37°44'30" N, long. 87°42'30" W; southerly to Dixie, Ky., at lat. 37°41'00" N, long. 87° 41' 00" W; SE to Poole, Ky. at lat. 37°38'30" N, long. 87°39'00" W; SW to Tilden, Ky., at lat. 37°36'30" N, long. 87°41'30" W; WNW to Boxville, Ky. at lat. 37°37'30" N, long. 87°40'30" W; NW to Morganfield, Ky., at lat. 37°41'00" N, long. 87°[illegible]0" W; ENE to Waverly, Ky. at lat. 37°42'45" N, long. 87°44'00" W; ENE to Corydon, Ky., at lat. 37° 44' 30" N, long. 87°42'30" W, point of beginning.	Surface to 11,000 feet.	Continuous..	101st Airborne Division and Camp Breckinridge, Ky.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 10, 1951.

[SEAL] DONALD W. NYROP, *Administrator of Civil Aeronautics.*

[F. R. Doc. 51-573; Filed, Jan. 12, 1951; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 40]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.210 *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.)* is amended after "Campbellton, Ga., radio range station;" to read as follows: "Atlanta, Ga., radio range station, excluding the portion which overlaps the Camp Gordon, Ga., Danger Area; Augusta, Ga., radio range station to the Charleston, S. C., radio range station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 14, 1951.

[SEAL] L. C. ELLIOTT, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-645; Filed, Jan. 12, 1951; 8:47 a. m.]

[Amdt. 43]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore, is not required. Part 601 is amended as follows:

1. Section 601.1009 is amended to read:

§ 601.1009 *Control area extension (Augusta, Ga.).* From the Augusta, Ga., radio range station extending 5 miles on the east side and 2 miles on the west side of the south course of the Augusta, Ga., radio range to a point 20 miles south of the radio range station, and extending 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., to a point 30 miles south of Bush Field.

2. Section 601.2131 is amended to read:

§ 601.2131 *Augusta, Ga., control zone.* Within a 5 mile radius of Bush Field extending 2 miles either side of the east and west courses of the Augusta, Ga., radio range to a point 10 miles west of the radio range station including a 5 mile radius of Daniel Field extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., January 14, 1951.

[SEAL] L. C. ELLIOTT, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-646; Filed, Jan. 12, 1951; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

FACE-AMOUNT CERTIFICATE INVESTMENT COMPANIES

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly section 38 (a) thereof; the Securities Act of 1933, particularly section 19 (a) thereof; and the Securities Exchange Act of 1934, particularly section 23 (a) thereof, hereby amends Part 210 (Regulation S-X) by adding thereto a new article, designated Article 6B, which prescribes the form and content of financial statements to be filed with the Commission by face-amount certificate companies pursuant to any of the foregoing acts, and §§ 210.12-35 to 210.12-41 are added to Article 12.

FACE-AMOUNT CERTIFICATE INVESTMENT COMPANIES

Sec

210.6-20 Application of §§ 210.6-20 to 210.6-24.
210.6-21 Special rules applicable to face-amount certificate investment companies.
210.6-22 Balance sheets.
210.6-23 Profit and loss or income statements.
210.6-24 What schedules are to be filed.

AUTHORITY: §§ 210.6-20 to 210.6-24 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a—37.

§ 210.6-20 *Application of §§ 210.6-20 to 210.6-24.* Sections 210.6-20 to 210.6-24 shall be applicable to financial statements filed by investment companies which are issuers of face-amount certificates.

§ 210.6-21 *Special rules applicable to face-amount certificate investment companies.* The financial statements filed by persons to which this section is applicable shall be prepared in accordance with the following special rules in addition to the general rules in §§ 210.1-01 to 210.4-14. Where the requirements of a special rule differ from those prescribed in a general rule, the requirements of the special rule shall be met.

(a) *Content of financial statements.* The financial statements shall be prepared in accordance with the requirements of this part notwithstanding any provision of the articles of incorporation, trust indenture or other governing legal instruments specifying certain accounting procedures inconsistent with those required in this part.

(b) *Certification.* Where, under the applicable form, financial statements are required to be certified, the certifying accountant shall have been selected and ratified in accordance with section 32 of the Investment Company Act of 1940 and the applicable rules thereunder.

(c) *Consolidated and combined statements.* (1) Consolidated and combined statements filed for face-amount certificate investment companies shall be prepared in accordance with §§ 210.4-01 to 210.4-14 except that statements of the registrant which is a face-amount certificate investment company and engages in no business of a material amount other than issuing or servicing of face-amount certificates, may be consolidated only with the statements of subsidiaries which are also face-amount certificate investment companies: *Provided, however,* That (i) the subsidiaries are totally held, except as to outstanding face-amount certificates, by the parent, (ii) each face-amount certificate investment company maintains certificate reserves and qualified assets as provided by section 28 of the Investment Company Act of 1940, and (iii) separate financial statements for each company are filed.

(2) Any face-amount certificate investment company may, however, file a consolidating statement which may include totally held subsidiary companies, except face-amount certificate investment companies, the inclusion of which in consolidation is prohibited by the provisions set forth in subparagraph (1) of this paragraph. Such consolidating statement shall set forth the individual statement of the parent company and each other company or groups of similar other companies.

(d) *Affiliates.* The term "affiliate" means an "affiliated person" as defined in section 2 (a) (3) of the Investment Company Act of 1940. The term "control" has the meaning given in section 2 (a) (9) of that act.

(e) *Qualified assets.* (1) For companies issuing face-amount certificates subsequent to December 31, 1940 under the provisions of section 28 of the Investment Company Act of 1940, the term "qualified assets" means qualified investments as that term is defined in section 28 (b) of the act. A statement to that effect shall be made in the balance sheet.

(2) For other companies the term "qualified assets" means cash and investments which such companies do maintain or are required, by applicable governing legal instruments, to maintain in respect of outstanding face-amount certificates. State in a note to the balance sheet the nature of the investments and other assets so maintained or required to be maintained by such legal instruments. If the nature of the qualified assets and amount thereof are not subject to the provisions of section 28 of the Investment Company Act of 1940, a statement to that effect shall be made.

(3) Loans to security holders may be included as a qualified asset in an amount not in excess of certificate reserves carried on the books of account in respect of each individual certificate upon which the loans were made.

(f) *Valuation of qualified assets.* (1) The balance sheet shall reflect all qualified assets at cost or amortized cost, whichever is appropriate. Such basis shall be explained in a note which should also state the policy followed in writing off or amortizing any premium included in the cost of interest-bearing obligations. State, also, in an appropriate manner the amount of each kind of investments acquired from controlled companies and other affiliates, if material, during the period covered by the profit and loss or income statement, and the method used in determining the cost of any such investments.

(2) Market value of securities shall be stated parenthetically.

(3) Due consideration shall be given to evidence of probable loss and, where evidence indicates an apparently permanent decline in underlying value and earning power, recognition thereof shall be made by means of an appropriate write-down or the establishment of an appropriate reserve.

(g) *Certificate reserves.* (1) For companies issuing face-amount certificates subsequent to December 31, 1940 under the provisions of section 28 of the Investment Company Act of 1940, balance sheets shall reflect reserves for outstanding certificates computed in accordance with the provisions of section 28 (a) of the act.

(2) For other companies, balance sheets shall reflect reserves for outstanding certificates determined as follows:

(i) For certificates of the installment type, such amount which, together with the lesser of future payments by certificate holders or such portion thereof as is credited to the account of certificate holders as and when accumulated at a rate not to exceed 3½ per centum per annum (or such other rate as may be appropriate under the circumstances of a particular case) compounded annually, shall provide the minimum maturity or face amount of the certificate when due.

(ii) For certificates of the fully paid type, such amount which, as and when accumulated at a rate not to exceed 3½ per centum per annum (or such other rate as may be appropriate under the circumstances of a particular case) compounded annually, shall provide the amount or amounts payable when due.

(iii) Such amount or accrual therefor, as shall have been credited to the account of any certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity or face amount specified in the certificate, plus any accumulations on any amount so credited or accrued at rates required under the terms of the certificate.

(iv) An amount equal to all advance payments made by certificate holders, plus any accumulations thereon at rates required under the terms of the certificate.

(v) Amounts for other appropriate contingency reserves, for death and disability benefits or for reinstatement rights on any certificate providing for such benefits or rights.

(h) *Inapplicable captions.* Attention is directed to the provisions of §§ 210.3-02 and 210.3-03 (a) which permit the omission of separate captions in financial statements as to which the items and conditions are not present, or the amounts involved are not material. However, amounts involving directors,

officers and affiliates shall nevertheless be separately set forth except as otherwise specifically permitted under a particular caption.

§ 210.6–22 *Balance sheets.* Balance sheets filed under this section shall comply with the following provisions:

ASSETS AND OTHER DEBITS

QUALIFIED ASSETS

(See § 210.6–21 (e) (1) and (2))

1. *Cash and cash items.* State separately (a) cash on hand, demand deposits, and time deposits; (b) call loans; and (c) funds subject to withdrawal restrictions.

2. *Dividends and interest receivable.* (a) Dividends shall not be included before the ex-dividend date, nor unless payment is reasonably assured by past experience, guaranty, or otherwise. No dividend shall be included on stocks issued or assumed by the company and held by or for it, whether held in its treasury, in sinking or other special funds, or pledged as collateral.

(b) Interest due or accrued on bonds, notes, deposits, loans, open accounts, and other interest-bearing obligations owned, shall not be included unless payment is reasonably assured by past experience, guaranty, or otherwise. No interest shall be included on securities issued or assumed by the company and held by or for it, whether held in its treasury, in sinking or other special funds, or pledged as collateral.

3. *Notes receivable.*

4. *Accounts receivable.*

5. *Reserves for doubtful receivables.* Notes and accounts receivable known to be uncollectible shall be excluded from the assets as well as from any reserve account.

6. *Investments in unaffiliated issuers.* See § 210.6–21 (f).

(a) *Securities.* State separately investments in (i) United States Government bonds and other obligations (including only direct obligations of the United States Government); (ii) other bonds; and (iii) other securities.

(b) *First mortgage loans on real estate.* State separately (i) mortgages insured by an agency acting as an instrumentality of the United States Government; (ii) mortgages guaranteed by an agency acting as an instrumentality of the United States Government; and (iii) other first mortgages. There shall also be shown in an appropriate manner (1) the aggregate amount of self-amortizing mortgages, and (2) the amount of mortgages in respect of which interest or principal payments are past due for more than three months.

(c) *Other mortgage loans on real estate.* Such classification shall be used as is appropriate under the circumstances.

(d) *Reserves for investments in unaffiliated issuers.*

(e) There shall be shown in an appropriate manner the average gross rates of return realized by the company, for each period for which profit and loss or income statements are filed, on each class of investment shown in this caption.

7. *Real estate owned.* State separately (a) real estate acquired through foreclosure of mortgages; and (b) other real estate investments.

8. *Reserve for real estate owned.*

9. *Loans to certificate holders secured by certificate reserves.* See § 210.6–21 (e) (3).

10. *Other qualified assets.* State separately (a) investments in and advances to controlled companies and (b) other affiliates; (c) each special fund of a material amount; (d) unamortized premium on mortgages; and (e) any other material amounts.

11. *Total qualified assets.* State in a note the amount of qualified assets on deposit classified as to general classes of assets and as to general types of depositaries, such as banks and states, together with a statement as to the purpose of the deposits.

OTHER ASSETS

12. *Investments in unaffiliated issuers, not included in total of caption 11.* State separately each class of investment.

13. *Investments in and advances to affiliates.* State separately investments in (a) controlled companies and (b) other affiliates. The basis of determining the amount shall be explained in an appropriate manner.

14. *Prepaid expenses and other deferred items.* State separately any material items. State in a note to this caption the provisions which have been made to write off or amortize such items.

15. *Other assets.* State separately (a) amounts due from directors and officers, and (b) any other item in excess of 5 percent of the amount of all assets other than qualified assets.

LIABILITIES, CAPITAL SHARES AND SURPLUS

CERTIFICATE RESERVES AND CURRENT LIABILITIES

16. *Certificate reserves.* State separately reserves for (a) certificates of the installment type; (b) certificates of the fully paid type; (c) advance payments; (d) additional amounts accrued for or credited to the account of certificate holders in the form of any credit, dividend, or interest in addition to the minimum maturity amount specified in the certificate; and (e) other certificate reserves. State in an appropriate manner the basis used in determining the reserves, including the rates of interest of accumulation.

17. *Current liabilities, exclusive of certificate reserve liabilities.*

(a) *Notes payable.* State separately amounts payable within one year (i) to banks and (ii) to others.

(b) *Accounts payable.* State separately (i) amounts payable for purchase of securities and (ii) other accounts payable.

(c) *Accrued liabilities.* State separately (i) accrued salaries; (ii) tax liability; (iii) interest; and (iv) any other material item. If the total under this subcaption is not material, it may be stated as one amount.

(d) *Sundry liabilities of a current nature.* State separately (i) dividends declared; (ii) serial bonds, notes and mortgages installments and mortgages due within one year; (iii) total of current amounts due to affiliates; (iv) total of current amounts due directors and officers; and (v) other items of material amount.

18. *Total certificate reserves and current liabilities.*

OTHER LIABILITIES

19. *Funded debt.* If any amount included herein will fall due within one year, indicate such amount and explain in a note the reason for not including such amount as a current liability.

20. *Indebtedness to affiliates—Not current.* State separately amounts due to (a) controlled companies, and (b) other affiliates.

21. *Other long-term debt.* Indicate whether secured. State separately (a) total of amounts due directors and officers; and (b) other long-term debt, specifying any material item. State separately by years, in the balance sheet or in a note therein referred to, total amounts of respective maturities for the 5 years following the date of the balance sheet.

22. *Other liabilities.* State separately any amount in excess of 10 percent of the total of liabilities other than certificate reserves, funded debt, capital shares and surplus.

DEFERRED INCOME

23. *Deferred income.* State separately each material item and the basis of taking amounts reported under this caption into income.

RESERVES NOT SHOWN ELSEWHERE

24. *Reserves not shown elsewhere.* State separately each major class and indicate clearly its purpose.

CAPITAL SHARES AND SURPLUS

25. *Capital shares.* State for each class of shares (a) the title of issue; (b) the number of shares authorized; and (c) the number of shares outstanding and the capital share liability thereof. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

26. *Surplus.* (a) Show the division of this item into (i) paid-in surplus; (ii) other capital surplus; (iii) earned surplus.

(b) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically, or otherwise. Due consideration shall be given to the propriety of including any undistributed earnings on which restrictions are imposed.

(c) An analysis of each surplus account setting forth the information prescribed by § 210.11–02 shall be given for each period for which a profit and loss or income statement is filed, as a continuation of the related profit and loss or income statement or in the form of a separate statement of surplus, and shall be referred to in the balance sheet.

§ 210.6–23 *Profit and loss or income statements.* Statements filed under this section shall comply with the following provisions:

INVESTMENT INCOME AND EXPENSES

(Including Servicing and Loading Income and Expenses)

1. *Income.* (a) State separately (i) interest on mortgages; (ii) interest on securities; (iii) cash dividends; (iv) rentals; and (v) other investment income. If income from investments in or indebtedness of affiliates is included hereunder, such income shall be segregated under an appropriate caption subdivided to show separately income from controlled companies and from other affiliates.

(b) Due consideration shall be given to the propriety of treating as income, dividends on stock acquired or disposed of during the period of report.

(c) Due consideration shall be given to the propriety of treating extraordinary dividends as income. For the purpose of this rule the term "extraordinary dividends" shall mean (i) dividends which are known to have been declared out of sources other than current earnings or earned surplus and (ii) dividends which are declared otherwise than out of earnings of the current or preceding year and are abnormal in size in relationship to the value of the securities upon which declared.

(d) Dividends in arrears on preferred stock may not be treated as income in an amount which exceeds an amount arrived at by applying the stated dividend rate to the period during which the stock has been held: *Provided, That*, in computing the period held, periods of more than one-half of a quarter-year may be treated as full quarter-years, if periods of less than one-half of a quarter-year are not counted. Any such dividends which are treated as income but which are applicable to periods prior to the current fiscal year shall be included under caption 1 (a) (v).

(e) Dividends by controlled companies may be treated as income only to the extent that they are out of earnings subsequent to (i) the date of acquisition or (ii) the effective date of a reorganization or quasi-reorganization of the receiving company, if such date is subsequent to the date of acquisition.

(f) Due consideration shall be given to the propriety of treating, as income, interest received on investments which were in default when acquired. Any such interest which may be treated as income shall not be treated as ordinary interest income in an amount in excess of the amount arrived at by applying the stated interest rate to the period of report, and any excess thereof shall be included under caption 1 (a) (v) above. The policy followed in accounting for such interest shall be stated in a note.

(g) Common stock received as a dividend on common stock of the same issuer shall not be treated as income, and no amount shall be debited to investments or credited to income or surplus at the time such dividend is received.

(h) State as to any non-cash dividends, other than stock dividends referred to in paragraph (g), and as to preferred stock received as a stock dividend, the basis on which taken up as income. If any such dividends received from controlled companies have been credited to income in an amount different from that charged to income or earned surplus by the disbursing company, state the amount of such difference and explain.

(i) State separately each category of other investment income representing more than 5 percent of the total of such income shown under caption 1 (a) (v).

(j) Dividends and interest applicable to an issuer's own securities held in its treasury or its sinking or other special funds shall not be treated as income.

(2) *Service fees on certificate installment payments.* State in a note the basis on which taken up as income.

(3) *Loading credits on certificate installments.* State separately (a) the portion of initial loading credits applicable to the current year, and (b) other loading credits. State in a note the basis on which taken up as income.

(4) *Other income.* State separately each material item.

5. *Total investment income.*

6. *Investment expenses.* State separately each category of expense representing more than 5 percent of the total expense. There shall also be shown in an appropriate manner, (a) the amount of management, service and other fees to unaffiliated persons; (b) the amount of management, service and other fees to affiliated persons, indicating in a note or otherwise (i) the name of each such person accounting for 10 percent or more of the total under this subcaption, (ii) the nature of the affiliation between the company and each such person, (iii) the amount applicable to each such person, and (iv) the basis and methods of computing management or service fees; and (c) other expenses within the person's own organization in connection with research, selection, and supervision of investments. State in a note referred to under this item the basis and methods of computing management, service and other fees and if none was incurred for the period of report, the reason therefor. If any of the expenses were paid otherwise than in cash, state the details in a note referred to under this caption.

7. *Taxes.* The amount included under this caption shall represent taxes (other than taxes on income) applicable to investment income.

8. *Interest and debt discount and expense.* State separately (a) interest on funded debt; (b) amortization of debt discount and expense or premium; and (c) other interest.

9. *Total investment expenses.*

10. *Investment income less investment expenses.*

11. *Provision for certificate reserves.* State separately provision for additional credits, or any dividends, or any interests, in addition to the minimum maturity or face amount specified in the certificates. State also in an appropriate manner reserve recoveries from surrenders or other causes.

12. *Net investment income less provision for certificate reserves.*

OTHER INCOME AND EXPENSES

13. *Income from other operations.* State separately, with explanation, any material amounts, designating clearly the nature of the transactions out of which the items arose. Income from operations with affiliated companies shall be stated separately. Realized gain or loss on sale or mortgage loans on real estate shall be included under this caption: *Provided*, Such sales are part of the ordinary and recurring operations of the business.

14. *Expenses applicable to income from other operations.* State separately, with an explanation, any material amounts. Information comparable to that required under caption 6 of this rule shall be given for items shown under this caption.

15. *Net income from other operations.*

16. *Net investment income and net income from other operations before realized gain or loss on investments.*

GAIN OR LOSS ON INVESTMENTS

17. *Realized gain or loss on sales of investments.* (a) State in an appropriate manner the aggregate cost, aggregate proceeds, and net gain or loss from sales of each of the following classes of investments; (i) investments in securities of affiliates; (ii) investments in other securities, showing United States Government bonds and other direct government obligations separately; and (iii) other investments, exclusive of gain or loss on sale of mortgage loans on real estate. See text under caption 13 above.

(b) Transactions in shares of the person for which the statement is filed shall not be included here.

(c) State in a note the aggregate cost of securities acquired during the period, showing separately (i) United States Government bonds and other direct government obligations; (ii) other securities; and (iii) mortgages on real estate.

(d) State the basis followed in determining the cost of investments sold. If a basis other than average cost is used, state, if practicable, the gain or loss computed on the basis of average cost.

18. *Realized gain or loss on other transactions.* (a) Include under this caption exchanges of investments. Show the aggregate cost of the investments released, stating, as to interest-bearing obligations, principal and interest separately and, as to the proceeds of the exchanges, the aggregate amount at which the investments acquired were recorded in the accounts.

(b) Include also under caption any write-downs required by § 210.6–21 (f). Show the aggregate cost and the aggregate adjusted cost of the investments involved.

19. *Net income before provision for income taxes.*

20. *Provision for taxes on income.* State separately (a) Federal income taxes, and (b) other income taxes.

21. *Net income or loss.* The amount included under this caption shall be carried to the related subdivision of surplus.

§ 210.6–24 *What schedules are to be filed.* (a) Except as otherwise expressly provided in the applicable forms:

(1) The schedules specified in this section as schedules I, V, XI, XII, and XIII shall be filed as of the date of the most recent balance sheet filed for each person and for each group for which separate statements are filed. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified in this section shall be filed for each period for which a profit and loss or income statement is filed, except as indicated for schedules III and IV. Such schedules shall be certified if the related profit and loss or income statement is certified.

(b) The information required in schedules for the registrant, for the consolidated subsidiaries and for the registrant and its subsidiaries consolidated may be presented in the form of a single schedule; *Provided*, That items pertaining to the registrant and to each consolidated subsidiary or group for which separate statements are required are separately shown and that such single schedule affords a properly summarized presentation of the facts.

(c) If the information required by any schedules (including the notes thereto) may be shown in the statements required by §§ 210.6–22 and 210.6–23 without making such statements unclear or confusing, that procedure may be followed and the schedule omitted.

(d) Reference to the schedules shall be made against the appropriate captions of the balance sheet and the profit and loss or income statement.

A. INVESTMENT SCHEDULES

Schedule I—Investment in securities of unaffiliated issuers. The schedule prescribed by § 210.12–35 shall be filed in support of captions 6 (a) and 12 of each balance sheet. Separate schedules shall be furnished in support of each caption, if applicable.

Schedule II—Investments in and advances to affiliates and income thereon. The schedule prescribed by § 210.12–36 shall be filed in support of captions 10 and 13 of each balance sheet and caption 1 (a) of each profit and loss or income statement. Separate schedules shall be furnished in support of each caption, if applicable.

Schedule III—Mortgage loans on real estate and interest earned on mortgages. The schedule prescribed by § 210.12–37 shall be filed in support of captions 6 (b) and (c) and 12 of each balance sheet and caption 1 (a) (i) of each profit and loss or income statement, except that only the information required by column G and note 8 of the schedule need be furnished in support of profit and loss or income statements for years for which related balance sheets are not required.

Schedule IV—Real estate owned and rental income. The schedule prescribed by § 210.–12–38 shall be filed in support of captions 7 and 12 of each balance sheet and caption 1 (a) (iv) of each profit and loss or income statement for rental income included therein, except that only the information required by columns H, I, and J, and item "Rent from properties sold during the period" and note 4 of the schedule need be furnished in support of profit and loss or income statements for years for which related balance sheets are not required.

B. Miscellaneous Schedules

Schedule V—Qualified assets on deposit. The schedule prescribed by § 210.12–41 shall be filed in support of note required by caption 11 of § 210.6–22 as to total amount of qualified assets on deposit.

Schedule VI—Amounts due from directors and officers. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the directors and officers from whom any amount was owed at any time during the period for which related profit and loss or income statements are filed. The schedule shall include also amounts due from employees. These amounts may be shown in an aggregate amount setting forth separately the amount due (1) from office employees and (2) sales employees, stating the total number of employees in each class. State if an exemption has been granted by the Commission with respect to amounts included in this schedule.

Schedule VII—Indebtedness to affiliates—Not current. The schedule prescribed by § 210.12–11 shall be filed in support of caption 20 of each balance sheet. This schedule and schedule II may be combined if desired.

Schedule VIII—Supplementary profit and loss information. The schedule prescribed by § 210.12–39 shall be filed in support of each profit and loss or income statement.

C. Reserve Schedules

Schedule IX—Certificate reserves. The schedule prescribed by § 210.12–40 shall be filed in support of caption 16 of each balance sheet.

Schedule X—Reserves—Other. The schedule prescribed by § 210.12–13 shall be filed in support of all other reserves included in the balance sheet.

D. Capital Securities

Schedule XI—Funded debt. The schedule prescribed by § 210.12–10 shall be filed in support of caption 19 of each balance sheet.

Schedule XII—Capital shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 25 of each balance sheet.

Schedule XIII—Other securities. Schedules shall be filed in respect of any classes of securities issued by the person for whom the statement is filed, but not included in schedules XI and XII. As to guarantees of securities of other issuers, furnish the information required by § 210.12–12. As to warrants or rights granted by the person for whom the statement is filed, to subscribe for or purchase securities to be issued by such person, furnish the information called for by § 210.12–15. As to any other securities, furnish information comparable to that called for by §§ 210.12–10, 210.12–12, 210.12–14, or 210.12–15, as appropriate. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of less than one year.

Form and Content of Schedules

* * * * *

Face-Amount Certificate Investment Companies

Sec.

210.12–35 Investments in securities of unaffiliated issuers.
210.12–36 Investments in and advances to affiliates and income thereon.
210.12–37 Mortgage loans on real estate and interest earned on mortgages.
210.12–38 Real estate owned and rental income.
210.12–39 Supplementary profit and loss information.
210.12–40 Certificate reserves.
210.12–41 Qualified assets on deposit.

Authority: §§ 210.12–35 to 210.12–41 issued under secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a–37.

§ 210.12–35 *Investments in securities of unaffiliated issuers.*

Column A	Column B	Column C	Column D
Name of issuer and title of issue [1]	Balance held at close of period. Number of shares—principal amount of bonds and notes [2]	Cost of each item [3] [4]	Value of each item at close of period [3] [5]

[1] (a) The required information is to be given as to all securities held as of the close of the period of report. Each issue shall be listed separately.

(b) Indicate by an appropriate symbol those securities which are non-income-producing securities. Evidences of indebtedness and preferred shares may be deemed to be income-producing if, on the respective last interest payment date or dates for the declaration of dividends prior to the date of the related balance sheet, there was only a partial payment of interest or a declaration of only a partial amount of the dividends payable; in such case, however, each such issue shall be indicated by an appropriate symbol referring to a note to the effect that, on the last interest or dividend date, only partial interest was paid or partial dividends declared. If, on such respective last interest or dividend date, no interest was paid or no dividends declared, the issue shall not be deemed to be income-producing. Common shares shall not be deemed to be income-producing unless, during the last year preceding the date of the related balance sheet, there was at least one dividend paid upon such common shares. List separately (1) bonds; (2) preferred shares; (3) common shares. Within each of these subdivisions classify according to type of business, insofar as practicable: e. g., investment companies, railroads, utilities, banks, insurance companies, or industrials. Give totals for each group, subdivision, and class.

[2] Indicate any securities subject to option at the end of the most recent period and state in a note the amount subject to option, the option prices, and the dates within which such options may be exercised.

[3] Columns C and D shall be totaled. The totals of columns C and D should agree with the correlative amounts required to be shown by the related balance sheet captions. State in a footnote the aggregate cost for Federal income tax purposes.

[4] If any investments have been written down or reserved against by such companies pursuant to § 210.6–21 (f), indicate each such item by means of an appropriate symbol and explain in a footnote.

[5] Where value is determined on any other basis than closing prices reported on any national securities exchange, explain such other bases in a footnote.

§ 210.12–36 *Investments in and advances to affiliates and income thereon.*

Column A	Column B	Column C	Column D	Column E		Column F
				Amount of dividends or interest [4] [6]		
Name of issuer and title of issue or amount of indebtedness [1]	Balance held at close of period. Number of shares—principal amount of bonds, notes and other indebtedness [2]	Cost of each item [3] [4]	Amount at which carried at close of period [4] [7]	(1) Credited to income	(2) Other	Amount of equity in net profit and loss for the period [7] [8]

[1] (a) The required information is to be given as to all investments in affiliates as of the close of the period. See captions 10, 13 and 20 of § 210.6–22. List each issue and group separately (1) investments in majority-owned subsidiaries, segregating subsidiaries consolidated; (2) other controlled companies; and (3) other affiliates. Give totals for each group. If operations of any controlled companies are different in character from those of the registrant, group such affiliates within divisions (1) and (2) by type of activities.

(b) *Changes during the period.* If during the period there has been any increase or decrease in the amount of investment in any affiliate, state in a footnote (or if there have been changes as to numerous affiliates, in a supplementary schedule) (1) name of each issuer and title of issue; (2) balance at beginning of period; (3) gross purchases and additions; (4) gross sales and reductions; (5) balance at close of period as shown in column C. Include in such footnote or schedule comparable information as to affiliates in which there was an investment at any time during the period even though there was no investment in such affiliate as of the close of such period.

[2] Indicate any securities subject to option at the end of the most recent period and state in a footnote the amount subject to option, the option prices, and the dates within which such options may be exercised.

[3] If the cost in column C represents other than cash expenditure, explain.

[4] (a) Columns C, D and E shall be totaled. The totals of columns C and D should agree with correlative amounts required to be shown by the related balance sheet captions. State in a footnote the aggregate cost for Federal income tax purposes.

(b) If any investments have been written down or reserved against by such companies pursuant to § 210.6–21–6, indicate each such item by means of an appropriate symbol and explain in a footnote.

[5] State the basis of determining the amounts shown in column D.

[6] Show in column E (1) as to each issue held at close of period, the dividends or interest included in caption 1 of the profit and loss or income statement. In addition, show as the final item in column E (1) the aggregate dividends and interest included in the profit and loss or income statement in respect of investments in affiliates not held at the close of the period. The total of this column should agree with the amounts shown under such caption. Include in column E (2) all other dividends and interest. Explain briefly in an appropriate footnote the treatment accorded each item. Identify by an appropriate symbol all non-cash dividends and explain the circumstances in a footnote. See §§ 210.6–22 (b) and 210.6–23 (a).

[7] The information required by column F need be furnished only as to controlled companies. The equity in the net profit and loss of each person required to be listed separately shall be computed on an individual basis. In addition, there may be submitted the information required as computed on the basis of the statements of each such person and its subsidiaries consolidated.

§ 210.12–37 *Mortgage loans on real estate and interest earned on mortgages.* [1]

Part 1—Mortgage loans on real estate at close of period						Part 2—Interest earned on mortgages	
Column A	Column B	Column C	Column D		Column E	Column F	Column G
			Amount of principal unpaid at close of period				
List by classification indicated below [2] [3] [7]	Prior liens [2]	Carrying amount of mortgages [3] [9] [11]	(1) Total	(2) Subject to delinquent interest [4]	Amount of mortgages being foreclosed	Interest due and accrued at end of period [5]	Interest income earned applicable to period [4] [6]
Liens on:							
Farms (total)							
Residential (total)							
Apartments and business (total)							
Unimproved (total)							
Total [8]							

[1] All money columns shall be totaled.

[2] If mortgages represent other than first liens, list separately in a schedule in a like manner, indicating briefly the nature of the lien. Information need not be furnished as to such liens which are fully insured or wholly guaranteed by an agency of the United States Government.

[3] In a separate schedule classify by states in which the mortgaged property is located the total amounts in support of columns B, C, D and E.

[4] (a) Interest in arrears for less than 3 months may be disregarded in computing the total amount of principal subject to delinquent interest.

(b) If the total of column G with the amount shown in the profit and loss or income statement, differs from the total interest earned applicable to period from mortgages sold or canceled during period should be added to the total of this column.

[5] If the information required by columns F and G is not reasonably available because the obtaining thereof would involve unreasonable effort or expense, such information may be omitted if the registrant shall include a statement showing that unreasonable effort or expense would be involved. In such an event, state in column G for each of the above classes of mortgage loans the average gross rate of interest on mortgage loans held at the end of the fiscal period.

[6] Loans on which interest is in default for more than 3 months shall be listed separately. Loans from $100,000 to $500,000 shall be grouped by $50,000 groups, indicating the number of loans in each group.

[7] In a footnote to this schedule, furnish a reconciliation, in the following form, of the carrying amount of mortgage loans at the beginning of the period with the total amount shown in column C:

Balance at beginning of period	$
Additions during period:	
New mortgage loans	
Other (describe)	
Deductions during period:	
Collections of principal	
Foreclosures	
Cost of mortgages sold	
Other liquidations	
Other (describe)	
Balance at close of period	$

If additions represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the bases of such transactions, and the amounts involved. State the aggregate amount of mortgages (a) renewed and (b) extended. If the carrying amount of the new mortgages is in excess of the unpaid amount (not including interest) of prior mortgages, explain.

[8] If any item of real estate investments has been written down or reserved against pursuant to § 210.6–21–6, describe the item and explain the basis for the write-down or reserve.

[9] State in a footnote to column F the aggregate cost for Federal income tax purposes.

[10] Summarize the aggregate amounts for each column applicable to captions 7 and 12 of § 210.6–22.

[11] Include in such footnote or schedule the information required by columns B, D (2) and (3) and E shall be given by age groupings, according to the number of months past due, grouped to show those upon which 1–12 monthly payments have been made, 13–24 payments, etc.

§ 210.12–38 *Real estate owned and rental income.* [1]

Part 1—Real estate owned at end of period

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
List classification of property as indicated below [2]	Amount of encumbrances	Initial cost to company	Cost of improvements, etc.	Amount at which carried at close of period [4] [5] [7]	Reserve for depreciation	Rents due and accrued at end of period	Total rental income applicable to period	Expenditures—interest, taxes, repairs, and renewals	Net income applicable to period
Farms									
Residential									
Apartment and business									
Unimproved									
Total									
Rent from properties sold during period	XXXXX	XXXX	XXXX	XXXXX	XXXX	XXXX			
Total [8]	XXXXX	XXXX	XXXX	XXXXX	XXXX	XXXX			

[1] All money columns shall be totaled.

[2] Each item of property included in column E in an amount in excess of $100,000 shall be listed separately.

[3] If any item of real estate classifiable elsewhere in this schedule is located in a foreign country, state the total amount of such item and the country in which located.

[4] In a footnote to this schedule, furnish a reconciliation, in the following form, of the total amount at which real estate was carried at the beginning of the period with the total amount shown in column E:

Balance at beginning of period	$
Additions during period:	
Acquisitions through foreclosure	
Other acquisitions	
Improvements, etc.	
Other (describe)	
Deductions during period:	
Cost of real estate sold	$
Other (describe)	
Balance at close of period	$

[5] (a) Interest in arrears for less than 3 months may be disregarded in computing the total amount of principal subject to delinquent interest.

(b) If the total of column G with the amount shown in the profit and loss or income statement, differs from the total interest earned applicable to period from mortgages sold or canceled during period should be added to the total of this column.

[6] If the information required by columns F and G is not reasonably available because the obtaining thereof would involve unreasonable effort or expense, such information may be omitted if the registrant shall include a statement showing that unreasonable effort or expense would be involved. In such an event, state in column G for each of the above classes of mortgage loans the average gross rate of interest on mortgage loans held at the end of the fiscal period.

[7] Loans on which interest is in default for more than 3 months shall be listed separately. Loans from $100,000 to $500,000 shall be grouped by $50,000 groups, indicating the number of loans in each group.

[8] In a footnote to this schedule, furnish a reconciliation, in the following form, of the carrying amount of mortgage loans at the beginning of the period with the total amount shown in column C:

Balance at beginning of period	$
Additions during period:	
New mortgage loans	
Other (describe)	
Deductions during period:	
Collections of principal	
Foreclosures	
Cost of mortgages sold	
Other liquidations	
Other (describe)	
Balance at close of period	$

If additions represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the bases of such transactions, and the amounts involved. State the aggregate amount of mortgages (a) renewed and (b) extended. If the carrying amount of the new mortgages is in excess of the unpaid amount (not including interest) of prior mortgages, explain.

[8] If any item of real estate investments has been written down or reserved against pursuant to § 210.6–21–6, describe the item and explain the basis for the write-down or reserve.

[9] State in a footnote to column F the aggregate cost for Federal income tax purposes.

[10] Summarize the aggregate amounts for each column applicable to captions 7 and 12 of § 210.6–22.

§ 210.12–39 *Supplementary profit and loss information.*

Column A	Column B	Column C	Column D	Column E		Column D	Column E		Column D
		Additions				Deductions			
Item [1]	Charged to investment expense	Charged to other accounts							
		(1) Account	(2) Amount						Total
1. Legal expenses (including those in connection with any motion, measure or proceeding before legislative bodies, officers or government departments)									
2. Advertising and publicity									
3. Sales promotion [2]									
4. Insurance (fire, casualty and indirectly to trade associations and service organizations, and contributions to other organizations									

[1] Amounts resulting from transactions with affiliates shall be stated separately.

[2] State separately each category of expense representing more than 5 percent of the total expenses shown under this item.

§ 210.12–40 *Certificate reserves.*

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J	Column K		
	Balance at beginning of period	Additions			Deductions					Balances at close of period		
Description [1]	Number of accounts with security holders	Amount of maturity value	Amount of reserves [2]	Credited to profit and loss or income	Reserve payments by certificate holders	Charged to other accounts—describe	Maturities	Cash surrenders prior to maturity	Other—describe	Number of accounts with security holders	Amount of maturity value	Amount of reserve [3]
(a)												
(b)												

[1] (a) Each series of certificates shall be stated separately. The description shall include the yield to maturity on an annual payment basis.

(b) For certificates of the installment type, information required by columns B, D (2) and (3) and E shall be given by age groupings, according to the number of months past due, grouped to show those upon which 1–12 monthly payments have been made, 13–24 payments, etc.

[2] If the amount of reserves is computed other than from the total of the reserves per the accounts, there should be stated (1) the aggregate difference and (ii) the difference on a $1,000 face-amount certificate basis.

(b) There shall be shown by footnote or by supplemental schedule (i) the amounts periodically credited to each class of security holders' accounts from installment payments and (ii) such other amounts periodically credited to accumulate the maturity amount of the certificate. Such information shall be stated on a $1,000 face-amount certificate basis for the term of the certificate.

§ 210.12–41 *Qualified assets on deposit.* [1]

Column A	Column B	Column C	Column D	Column E	Column F
Name of depositary [2]	Cash	Investments in securities	First mortgages and other liens on real estate	Other	Total [3]

[1] All money columns shall be totaled.

[2] Classify names of individual depositaries under group headings, such as banks and states.

[3] Total of column F shall agree with note required by caption 11 of § 210.6–22 as to total amount of qualified Assets on Deposit.

The foregoing action shall become effective January 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-658; Filed, Jan. 12, 1951; 9:01 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

DOWN PAYMENT

Section 201.7 (f) is hereby amended to read as follows:

(f) *Down payment.* For the period this paragraph remains in effect it shall be established in a manner and upon a form approved by the Commissioner that the borrower is paying in cash, exclusive of trade-ins or other allowances, at least 10 percent of the total cost of the proposed improvements, exclusive of financing charges: *Provided*, That this paragraph shall not be applicable as to loans involving properties located in Alaska or in any territory or possession outside the continental United States, and shall not be applicable as to any loan with respect to which a statement is executed by the insured to the effect that it has satisfied itself that such loan was made to finance the repair, rehabilitation or replacement of property damaged or destroyed as a result of a flood or other similar disaster which the Federal Reserve Bank of the district in which the disaster occurred finds has created an emergency affecting a substantial number of the inhabitants of the stricken area, provided such loan is made prior to the end of the sixth calendar month following the month in which the disaster occurred and the insured has a record of the facts relied upon by it in good faith describing the damage or loss. The loan must otherwise meet the requirements of the regulations in this part.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., January 9, 1951.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-584; Filed, Jan. 12, 1951; 8:47 a. m.]

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 342]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 338]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES AND PUERTO RICO

Amendment 342 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 338 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

The following new Items are incorporated in Schedule C:

Name of Defense-Rental Area, State, and Localities Affected by Declarations for Continuation of Rent Control After March 31, 1951

(173b) St. Joseph, Mo., In Buchanan County, the city of St. Joseph, and all unincorporated localities.

(228) Cleveland, Ohio, In Cuyahoga County, the village of Brook Park.

(273) Newport, R. I., in Newport County, the towns of Middletown, Portsmouth and Tiverton.

(347) Bellingham, Wash., in Skagit County, the city of Anacortes.

This adds to Schedule C (1) the Towns of Middletown, Portsmouth and Tiverton, Rhode Island, as of November 7, 1950, (2) the Village of Brook Park, Ohio, as of December 4, 1950, (3) the City of St. Joseph, Missouri, and all unincorporated localities in the Defense-Rental Area, said City being the major portion of the Defense-Rental Area, as of December 15, 1950, and (4) the City of Anacortes, Washington, as of December 19, 1950.

B. In Schedule C, the description of localities affected by declarations for continuation of rent control after March 31, 1951 is amended with respect to certain Defense-Rental Areas to read as follows:

1. (134) New Orleans, Louisiana, Defense-Rental Area:

In Jefferson Parish, the City of Gretna, the Village of Harahan, and the Town of Westwego.

This adds to Schedule C the Village of Harahan, Louisiana, as of December 4, 1950.

2. (139) Baltimore, Maryland, Defense-Rental Area:

City of Baltimore; in Baltimore County, all unincorporated localities; in Harford County, the city of Havre De Grace, the Town of Aberdeen and all unincorporated localities; in Cecil County, all unincorporated localities in Election District 3; in Carroll County (exclusive of Election Districts 2, 3, 9, 10, 11 and 14), all unincorporated localities; in Howard County (exclusive of Election Districts 3, 4 and 5), all unincorporated localities; and in Anne Arundel County (exclusive of Election Districts 1, 7 and 8), all unincorporated localities.

This adds to Schedule C the Town of Aberdeen, Maryland, as of December 8, 1950.

3. (174) St. Louis, Missouri, Defense-Rental Area:

The City of St. Louis; in Jefferson County, all unincorporated localities; in St. Charles County, the City of St. Charles and all unincorporated localities; and in St. Louis County, the Cities of Brentwood, Bridgeton Terrace, Clayton, Jennings, Kirkwood, Maplewood, Overland, Richmond Heights, University City, Webster Groves and Welston, the Villages of Bel-Ridge and St. John, and all unincorporated localities.

In Madison County, the City of Madison and all unincorporated localities; and in St. Clair County, the City of East St. Louis, the Villages of Dupo, New Athens and Swansea, and all unincorporated localities.

This adds to Schedule C the following localities in the State of Missouri:

(1) City of Overland, as of November 13, 1950.

(2) Village of Bel-Ridge, as of November 21, 1950.

(3) City of Jennings, as of November 27, 1950.

(4) Village of St. John, as of December 18, 1950.

(5) City of Bridgeton Terrace, as of December 24, 1950.

4. (188a) Southern New Jersey Defense-Rental Area:

In Burlington County, the City of Burlington, the Borough of Palmyra, and the Townships of Hainesport, Moorestown, Mount Holly and North Hanover; in Camden County, the Cities of Camden and Gloucester City, the Boroughs of Audubon Park, Barrington, Berlin, Chesilhurst, Clementon, Collingswood, Gibbsboro, Haddon Heights, Lawnside, Lindenwold, Magnolia, Mount Ephraim, Oaklyn, Pine Hill, Runnemede, Somerdale and Woodlynne, and the Townships of Berlin and Gloucester; and in Gloucester County, the Boroughs of Glassboro, Swedesboro and Wenonah, and the Township of Monroe.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Boroughs of Audubon Park and Clementon as of December 5, 1950.

(2) Borough of Mount Ephraim as of December 12, 1950.

(3) Borough of Berlin as of December 18, 1950.

5. (190) Northeastern New Jersey Defense-Rental Area:

In Bergen County, the Cities of Garfield and North Arlington, the Boroughs of Bergenfield, Bogota, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, Harrington Park, Leonia, Lodi, Maywood, Norwood, Palisades Park, Teterboro, Wallington and Wood-Ridge, the Village of Ridgefield Park, the Township of Teaneck and all unincorporated localities.

In Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities.

In Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.

In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Helmetta, Highland Park, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway, Raritan and Woodbridge, and all unincorporated localities.

In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.

In Morris County, the Boroughs of Madison, Riverdale and Wharton, the Towns of Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorporated localities.

In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.

In Somerset County, the Boroughs of Manville, North Plainfield, Raritan, Somerville and South Bound Brook, the Township of Hillsborough, and all unincorporated localities.

In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway and Summit, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Cranford, Hillside and Union, and all unincorporated localities.

This adds to Schedule C the Borough of Wallington, New Jersey, as of December 11, 1950.

6. (241) Youngstown-Warren, Ohio, Defense-Rental Area:

In Mahoning County, the Cities of Campbell, Struthers and Youngstown, the Villages of Beloit and Lowellville, and all unincorporated localities; and in Trumbull County, the Cities of Girard, Niles and Warren, the Villages of Hubbard, McDonald and Newton Falls, and all unincorporated localities.

This adds to Schedule C the Village of Beloit, Ohio, as of November 13, 1950, and the City of Warren, Ohio, as of November 20, 1950.

7. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area:

In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Snyder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Ebensburg, Franklin, Geistown, Nanty-Glo, Scalp Level and South Fork, and all unincorporated localities; and in Somerset County, the Boroughs of Boswell, Central City, Garrett, Hooversville, Meyersdale and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemaugh, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the Borough of Geistown, Pennsylvania, as of December 14, 1950.

8. (262) Harrisburg, Pennsylvania, Defense-Rental Area:

In Cumberland County, the Boroughs of Mount Holly Springs and West Fairview; in Dauphin County, the Boroughs of Elizabethville, Halifax, Highspire, Lykens, Middletown, and Penbrook; and in Lebanon County, the City of Lebanon, and the Borough of Jonestown.

This adds to Schedule C the Borough of Jonestown, Pennsylvania, as of December 4, 1950.

9. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Blawnox, Brackenridge, Braddock, Braddock Hills, Bridgeville, Carnegie, Cheswick, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Glassport, Homestead, Leetsdale, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin and Wilmerding, the Townships of Harrison, Jefferson, Leet, Neville, Reserve, Sewickley, South Versailles, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City, Kittaning and Leechburg, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppell, Midland and Monaca, the Township of Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Everson, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the Boroughs of Allenport, Bentleyville, Burgettstown, Canonsburg, Charleroi, Donora, Elco, New Eagle, North Charleroi, Roscoe and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, North Belle Vernon, South Greensburg, Southwest Greensburg and West Newton, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the Borough of Allenport, Pennsylvania, as of September 5, 1950, the Township of Jefferson, Pennsylvania, as of October 2, 1950, and the Borough of North Belle Vernon, Pennsylvania, as of December 12, 1950.

10. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:

In Carbon County, the Boroughs of East Mauch Chunk, Lansford, Mauch Chunk and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn and Winton; in Luzerne County, the Cities of Nanticoke, Wilkes-Barre and the Boroughs of Dupont, Exeter, Hughestown, Luzerne, Shickshinny and West Wyoming; and in Schuylkill County the City of Pottsville and the Boroughs of Ashland, Shenandoah and Tamaqua.

This adds to Schedule C the Borough of East Mauch Chunk, Pennsylvania, as of December 5, 1950, and the City of Nanticoke, Pennsylvania, as of December 18, 1950.

11. (270) Sharon-Farrell, Pennsylvania, Defense-Rental Area:

In Mercer County, the Cities of Farrell and Sharon, the Boroughs of Sharpsville, Stoneboro and Wheatland, and all unincorporated localities.

This adds to Schedule C the Borough of Sharpsville, Pennsylvania, as of December 18, 1950.

12. (371) Puerto Rico Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Fajardo, Guanica, Guayama, Gueyanilla, Gurabo, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa and Yauco.

This adds to Schedule C the following Municipalities in Puerto Rico:

(1) Gurabo as of November 18, 1950.

(2) Bayamon and Maunabo as of November 27, 1950.

(3) Yabucoa as of December 11, 1950.

(4) Lares as of December 26, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 10th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-583; Filed, Jan. 12, 1951; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5825]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME FOR FILING DECLARATION OF ESTIMATED TAX FOR 1950 FOR CERTAIN U. S. EMPLOYEES

PARAGRAPH 1. Pursuant to the authority contained in section 58 (e) of the Internal Revenue Code, an extension of time for filing the declaration of estimated tax for the calendar year 1950 is hereby granted up to and including the due date of the return for such year in the case of a citizen who is an employee of the United States or of any agency (civilian, military, or naval) of the United States and who is required to make the declaration of estimated tax for such year solely because of the amendment of section 251 of the Internal Revenue Code made by section 220 of the Revenue Act of 1950, approved September 23, 1950. If the taxpayer files his return for such calendar year on or before the due date of such return, and pays the amount of the tax shown on such return, such return shall also be considered as the declaration of estimated tax for such taxable year. See §§ 29.53-1, 29.53-3, and 29.53-4 of Treasury Regulations 111 for the due date of returns.

PAR. 2. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

Because this Treasury decision merely relieves certain taxpayers from a requirement respecting the filing of declarations of estimated tax for the calendar year 1950, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of such act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791. Interprets or applies sec. 58, 57 Stat. 142 as amended; 26 U. S. C. 58)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 10, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-591; Filed, Jan. 11, 1951; 9:42 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Reg. 2, as Amended Jan. 11, 1951]

PART 11—BASIC RULES OF THE PRIORITIES SYSTEM

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. Consultation with industry representatives in advance of the issuance of this amendment has been rendered impracticable by the fact that the amendment applies to all trades and industries.

This amendment affects NPA Regulation 2, as amended, as follows:

It amends § 11.5 (a) by the insertion of an additional sentence; it amends § 11.6 (a) by adding thereto an additional clause; it amends § 11.15 (a) by replacing the existing paragraph. As amended January 11, 1951, this part (Regulation 2) is revised to read as follows:

GENERAL

Sec.
11.1 What this part does.
11.2 Definitions.
11.3 Rating authorized.
11.4 When ratings may be applied.
11.5 When ratings may be extended for material.
11.6 Additional restrictions upon the use of ratings for certain materials.
11.7 Use of ratings for services.
11.8 How to apply or extend a rating.
11.9 Special provisions applicable to extensions; grouping of orders.
11.10 Rules for acceptance and rejection of rated orders.
11.11 Report to NPA of improperly rejected orders.
11.12 Cancellation of ratings.
11.13 Sequence of filling rated orders.
11.14 Changes in customers' orders.
11.15 Delivery or performance dates.
11.16 Relation of ratings and directives.
11.17 Use or disposition of material acquired under this part.
11.18 Delivery for unlawful purposes prohibited.
11.19 Intra-company deliveries.
11.20 Inventory restrictions on materials acquired with a rating.
11.21 Scope of regulations and orders.
11.22 Defense against claims for damages.
11.23 Records.
11.24 Audit and inspection.
11.25 Reports.
11.26 Violations.
11.27 Adjustments and exceptions.
11.31 List A.

INTERPRETATIONS

11.100 Certain containers, packaging and chemicals.

AUTHORITY: §§ 11.1 to 11.100 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

GENERAL

§ 11.1 *What this part does.* This part states the basic rules of the priorities system to be administered by the National Production Authority in the Department of Commerce. It states what kind of orders are rated orders, how to place them and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders or directives of the NPA state otherwise.

§ 11.2 *Definitions.* (a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(c) "NPA" means the National Production Authority in the Department of Commerce.

(d) "Rated order" means any purchase order, contract or other form of procurement for materials or services bearing the authorized rating and certification provided for in this part.

(e) "Assignment" of a rating. A rating is assigned when the NPA, or a government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

§ 11.3 *Rating authorized.* Only a single rating is authorized, to be known as a "DO rating". This rating will be identified by the prefix DO and the two digits identifying the procurement program, which must be furnished a supplier by the person using the rating. All DO rated orders will have equal preferential status as provided in this part.

§ 11.4 *When ratings may be applied.* (a) When a regulation, order or certificate assigns a DO rating to any person either by naming him or by describing the class of persons to which he belongs, that person may apply the DO rating to get delivery of material or the performance of certain services.

(b) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

§ 11.5 *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. Such rating may also be used to procure the following accessories for production equipment: jigs, dies, tools, and fixtures directly made use of in the production of such material, if the inability to procure such accessories would result in a failure to meet delivery date established in such rated order. This does not include machine tools or other complete units of production equipment. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or by-products in the course of processing.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the provisions of Part 10 of this chapter (Regulation 1) on inventory. Whether or not the material is covered by Part 10 of this chapter (Regulation 1) no rating may be used for any inventory replacement which would result in more than a practicable minimum working inventory, as defined in Regulation 1. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape or design.

§ 11.6 *Additional restrictions upon the use of ratings for certain materials.* (a) A person who has received a rated order may not extend the rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair or operating supplies, except as is provided in § 11.5 (a).

(b) The ratings established by this part shall have no effect upon deliveries of items in § 11.31, *List A.* No person shall use ratings to get any of the items in § 11.31, *List A*, and no person selling such items shall require a rating as a condition of sale. Any rating purporting to be used to get any such items on a preferred basis shall be void.

§ 11.7 *Use of ratings for services.* (a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed

(b) If the NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

§ 11.8 *How to apply or extend a rating.* (a) When a person applies or extends a rating, he must put the prefix DO and the two digits supplied to him, for example DO–39, on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Regulation 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this part to use the rating for the delivery of the materials covered by the order.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this part.

(d) On rated orders requiring shipment within seven days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used and the individual who approves the use of the signature, will each be considered to be making a representation to the NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

§ 11.9 *Special provisions applicable to extensions; grouping of orders.* (a) No person may extend any rating to replace inventory after three months have passed from the time he could have first extended it.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of each material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of rated orders for which he cannot place orders for minimum commercially procurable quantities of materials, to fill the rated orders individually, he may place one rated order for all the materials using the identification symbol DO–99. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined.

§ 11.10 *Rules for acceptance and rejection of rated orders.* Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a rated order for delivery on a date which would interfere with delivery of rated orders which he has already accepted, nor if delivery of the material ordered would interfere with delivery on an order which the NPA has previously directed him to fill.

(b) If a person when receiving a rated order bearing a specific delivery date does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past two years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(d) A manufacturer or processor need not accept a rated order from another person who manufactures or processes the same product, unless specifically directed to do so by the NPA.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

§ 11.11 *Report to NPA of improperly rejected orders.* When a rated order is rejected in violation of this part, a report of the relevant facts may be filed with the NPA, Washington 25, D. C., Ref: Regulation 2. The NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

§ 11.12 *Cancellation of ratings.* If a rating which has been used by a person is revoked he must immediately, in the case of each order to which he has applied such rating, either cancel the order or inform his supplier that it is no longer to be treated as a rated order. If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

§ 11.13 *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date. If this is not possible, for any reason, he must give precedence to all rated orders over unrated orders.

(b) As between conflicting rated orders, precedence must be given to the order which was received first with the rating: *Provided*, That orders received prior to October 3, 1950, and which receive ratings prior to October 31, 1950, take precedence as of the dates on which orders were first placed. As between conflicting rated orders received on the same date, precedence must be given to the order which has the earliest required delivery or performance date.

(c) A rated order calling for earlier delivery than a rated order already accepted must not be allowed to interfere with scheduled delivery on the first order, but if both deliveries can be made on schedule it is not necessary to produce or make delivery on the first customer's order ahead of the second.

(d) In the usual case, the date on which specifications have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(e) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for the cancelled order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

§ 11.14 *Changes in customers' orders.* (a) The general rule is that any change in a customer's rated order constitutes a cancellation of the order and must be considered as a new order received on the date of the change, if the change will require the manufactuer to interfere with his production. For example:

(1) A change in shipping destination does not constitute the placing of a new order.

(2) An increase in the total amount ordered is a new order to the extent of the increase unless it can be filled with only a negligible interference with the filling of later rated orders.

(3) A change in the date of the delivery, whether advanced or deferred, when made by the customer, is a new rated order if it interferes with production or delays delivery on another rated order.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and will not constitute a new rated order. If the quantity is reduced below a minimum production quantity, the manufacturer may insist on the delivery of not less than a minimum production quantity. If the customer is not willing to order that amount, the manufacturer may reject the order. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rated order must be considered cancelled. If requested to do so within ten days after receiving such an instruction, the manufacturer must reinstate the order as nearly as possible to its former place in his proposed schedule of delivery as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement made after ten days shall be treated as the placing of a new rated order.

(6) Where minor variations in size, design, capacity, etc., are requested by the customer and can be arranged by the manufacturer without interfering with his production, such changes do not constitute a new rated order.

(b) Where a change in an order constitutes a new rated order, the conditions existing at the time the change is received govern the acceptance of the rated order and its sequence in delivery under the rules of this part.

§ 11.15 *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. The words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to § 11.13, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

§ 11.16 *Relation of ratings and directives.* Special directives or authorizations issued by NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears on the directive or authorization.

§ 11.17 *Use or disposition of material acquired under this part.* (a) Any person who gets material with a rating or through a specific authorization or a directive of the NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given, for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable sections of this part and of other orders and regulations of the NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

§ 11.18 *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any order or regulation of the NPA.

§ 11.19 *Intra-company deliveries.* The provisions of this part apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

§ 11.20 *Inventory restrictions on materials acquired with a rating.* The inventory restrictions described in Part 10 of this chapter (NPA Regulation 1) apply to all listed materials acquired with ratings or other priorities assistance.

§ 11.21 *Scope of regulations and orders.* (a) All regulations and orders of the NPA (including directions, directives and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of the NPA which control the sale, transfer or delivery of any material, product or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, trustees in bankruptcy, and other cases where the assets of a business are being liquidated.

§ 11.22 *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with any regulation or order of the NPA (including any direction, directive or other instruction) notwithstanding that any such regulation or order shall thereafter be declared by judicial or other competent authority to be invalid.

§ 11.23 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 11.24 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

§ 11.25 *Reports.* Persons subject to this part shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act.

§ 11.26 *Violations.* Any person who wilfully violates any provision of this part or any other regulation or order of the NPA, or furnishes false information or conceals any material fact in the course of operation under any such regulation or order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

§ 11.27 *Adjustments and exceptions.* Any person affected by any provision of this part may file an application for an adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense.

§ 11.31 *List A.* Allocation and distribution of the following items is subject to regulation by other government agencies and these items are therefore not subject to ratings issued by or under authority of NPA. However, producers of such items are subject to NPA regulations with respect to other materials and products used by them:

Electric power.[1]
Farm equipment.[2]
Fertilizer, commercial.[2]
Food.[2]
Fuels, solid.[1]
Gas.[1]
Petroleum.[1]
Source and fissionable materials.[3]
Transportation services, domestic, storage and port facilities.[4]

The following items are not subject to any ratings issued by or under authority of the NPA at the present time, and no rating issued by NPA may be extended to obtain such items unless specific authorization is given by NPA:

Communications services.
Ice.
Mineral aggregates:
  Sand.
  Gravel.
  Crushed stone.
  Slag.
Ores and scrap.
Steam heating, central.
Transportation services, other.
Waste paper.
Water.
Wood pulp.

[1] Under jurisdiction of the Department of the Interior—E. O. 10161, 15 F. R. 6105.
[2] Under jurisdiction of the Department of Agriculture—E. O. 10161, 15 F. R. 6105.
[3] Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.
[4] Under jurisdiction of the Interstate Commerce Commission—E. O. 10161, 15 F. R. 6105.

INTERPRETATIONS

§ 11.100 *Certain containers, packaging and chemicals.* (a) The authority to apply ratings under the priorities system established by this part (NPA Reg. 2) to direct contracts and purchase orders for certain purposes has been delegated, subject to stated limitations, to the Secretary of Defense and the Atomic Energy Commission (NPA Delegations 1 and 2). However, this part (Reg. 2) does not apply to the items specified in § 11.31 *List A*, including Petroleum and Food. The Secretary of Defense and the Atomic Energy Commission may not therefore, apply a rating to a purchase order for Petroleum or Food.

(b) In addition, the Secretary of Defense and the Atomic Energy Commission have been authorized by the same delegations to assign the right to apply ratings to persons placing orders for materials to be delivered to the Department of Defense and to the Commission, respectively. The "Assignment" of a rating is defined by § 11.2 (e) of Reg. 2 as follows:

A rating is assigned when the NPA, or a government agency that it has authorized, grants a person the right to use the rating.

(c) In view of the Delegations of Authority mentioned and of the provisions of this part (Reg. 2), the Secretary of Defense and the Atomic Energy Commission, and their respective authorized representatives, may assign to their suppliers of Petroleum and Food the right to apply ratings to get the drums, cans and other containers and packaging required for the delivery of the Petroleum and Food, and to get chemicals required for use (i) directly in the production of the Petroleum and Food, or (ii) in processing the Petroleum and Food and which will be consumed or converted into by-products in the course of the processing. These ratings may not be used to get containers, packaging or chemicals, in excess of the minimum quantities required to fill such orders for Petroleum and Food.

(1) *Illustration 1.* The Department of the Navy places an order with the X Refining Company for 500 drums of gasoline. This is not a rated order. An authorized Navy representative may assign to the X Company the right to apply a rating to get the drums required for delivery of the 500 drums of gasoline.

(2) *Illustration 2.* The Department of the Army places an order with the X Company for 100 bbls. of flour. This is not a rated order. An authorized Army representative may assign to the X Company the right to apply a rating to get the packages or containers required for the delivery of the 100 bbls. of flour.

(3) *Illustration 3.* The Department of the Air Force places an order with the Z Refining Company for 100 cans of lubricating oil. This is not a rated order. The Z Company requires two types of chemicals to be used in filling this order: (i) A chemical to be directly used in the production of the oil, and (ii) a chemical that will be consumed or converted into by-products in the course of processing the oil. An authorized representative of the Air Force may assign to the Z Company the right to apply a rating to get the chemicals so required.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part as amended shall be effective January 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-737; Filed, Jan. 12, 1951; 12:31 p. m.]

[NPA Order M-21]

PART 74—METHYLENE CHLORIDE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives, including trade association representatives, has been rendered impracticable due to the necessity for immediate action.

Sec.
74.1 What this part does.
74.2 Definitions.
74.3 Methylene chloride to which this part applies.
74.4 Prohibited use of refined grade of methylene chloride.
74.5 Limitation on extension of DO rated orders for methylene chloride.
74.6 Prohibited delivery for unlawful purposes.
74.7 Delivery and certification of certain orders for methylene chloride.
74.8 Exception.
74.9 Adjustments and exceptions.
74.10 Records, audit, inspection and reports.
74.11 Communications.
74.12 Violations.

AUTHORITY: §§ 74.1 to 74.12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 74.1 *What this part does.* This part applies to producers, distributors

and users of methylene chloride. In view of the fact that the refined grade of methylene chloride is in short supply, this part prohibits the use thereof for manufacture or process where the paint remover grade of methylene chloride will meet the requirements therefor. It also limits in certain instances the extension of DO rated orders for methylene chloride of the refined grade. This part supplements Part 11 of this Chapter (NPA Regulation 2) but only those provisions of Part 11 which are inconsistent with this part are superseded and all other provisions of Part 11 continue to apply to the methylene chloride industry.

§ 74.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "NPA" means National Production Authority in the Department of Commerce.

§ 74.3 *Methylene chloride to which this part applies.* This part applies to (a) the refined grade (also known as the refrigerant grade) of methylene chloride, and (b) the paint remover grade of methylene chloride which is suitable for use in the manufacture of paint remover and for dry cleaning and various other purposes.

§ 74.4 *Prohibited use of refined grade of methylene chloride.* No person shall use the refined grade of methylene chloride in the manufacture of paint remover or for dry cleaning or for any other purpose where the paint remover grade of methylene chloride will meet the requirements of the product or process for which it will be used.

§ 74.5 *Limitation on extension of DO rated orders for methylene chloride.* A DO rated order for methylene chloride for use in the manufacture of paint remover or for any other purpose where the paint remover grade of methylene chloride will meet the requirements for the product or process for which it will be used, shall not be extended to obtain refined methylene chloride, regardless of whether the person who extends such order may have used, prior to the effective date of this part, refined methylene chloride to fill a rated order for which the paint remover grade could have been used.

§ 74.6 *Prohibited delivery for unlawful purposes.* No person shall accept an order for, sell or deliver the refined grade of methylene chloride which he knows or has reason to believe will be accepted, held or used in violation of any provision of this part.

§ 74.7 *Delivery and certification of certain orders for methylene chloride.* No producer or distributor may deliver refined methylene chloride, except under a DO rated order, to any buyer for use in the manufacture of photographic film or medical or industrial X-ray film unless the purchaser has previously delivered a signed certification to the producer or distributor as follows:

Certified under NPA Order M-21

This certificate constitutes a representation to the seller and to NPA that the purchaser is authorized, under the provisions of this part, to accept delivery of refined methylene chloride as permitted in this part, for use exclusively for the manufacture of photographic film or medical or industrial X-ray film and that such delivery is not prohibited by other applicable orders or regulations of NPA.

§ 74.8 *Exception.* This part shall not prevent the completion of the manufacture or process of any product containing the refined grade of methylene chloride, which was commenced on or prior to the effective date of this part.

§ 74.9 *Adjustments and exceptions.* Any person affected by any provision of this part may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

§ 74.10 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this part shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

All reporting and record-keeping requirements of this part have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

§ 74.11 *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-21.

§ 74.12 *Violations.* Any person who willfully violates any provision of this part or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part shall take effect on January 11, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-736; Filed, Jan. 12, 1951; 12:31 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III, LOAN GUARANTY

1. In § 36.4343, a new paragraph (g) is added as follows:

§ 36.4343 *Loans which may not be processed automatically.* • • •

(g) Except for loans in the Territory of Alaska, no loan to be made for the purchase or construction of residential property will be approved pursuant to this section unless each veteran participant makes a down payment in cash or its equivalent in accordance with the following schedule:

Transaction price (i. e., each veteran participant's part)	*Minimum down payment*
$10,000 or less	12 percent.
More than $10,000 but not more than $12,000	$1,200 plus 30 percent of excess over $10,000.
More than $12,000 but not more than $15,000	$1,800 plus 55 percent of excess over $12,000.
More than $15,000 but not more than $20,000	$3,450 plus 75 percent of excess over $15,000.
More than $20,000 but not more than $24,500	$7,200 plus 85 percent of excess over $20,000.
Over $24,500	45 percent.

2. In § 36.4356, paragraph (e) (4) is amended; a new paragraph (f) has been added and former paragraph (f) redesignated (g).

§ 36.4356 *Credit restrictions.* • • •

(e) • • •

(4) The loan is for the purchase or construction of residential property which requires prior approval under § 36.4343 of the regulations concerning guaranty or insurance of loans to veterans.

• • • • •

(f) If the loan is related to the purchase, construction, repair, alteration or improvement of property containing two, three or four residential units, the down payment will be the total sum required computed as though each of the units were being purchased, constructed, repaired, altered or improved singly.

(g) This section is promulgated pursuant to and for the purpose of carrying out the provisions of the issuance of "Credit Restrictions Pursuant to the Defense Production Act of 1950 on Loans Made or Assisted by the Administrator of Veterans' Affairs" by the Housing and Home Finance Administrator, effective concurrently with this section, and will be applicable notwithstanding the provisions of any other section of this part and shall terminate upon the termination of Executive Order No. 10161, unless terminated earlier by proper authority.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation effective January 12, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

CREDIT RESTRICTIONS PURSUANT TO THE DEFENSE PRODUCTION ACT OF 1950 ON LOANS MADE OR ASSISTED BY THE ADMINISTRATOR OF VETERANS' AFFAIRS

I hereby find that the regulations contained in Title 38, Chapter I, §§ 36.4343 (g) and 36.4356, Regulations of the Administrator of Veterans' Affairs, *supra*, effective concurrently herewith, are issued in compliance with my determination, pursuant to authority vested in me by section 502 of Executive Order 10161 (September 9, 1950, 15 F. R. 6105), that such issuance is necessary to carry out the purposes of Title VI of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.). For the purpose of authorizing the Administrator of Veterans' Affairs to comply with my aforesaid determination, such of my authority pursuant to said section 502 as may be necessary for the issuance of said §§36.4343 (g) and 36.4356 is hereby vested in the Administrator of Veterans' Affairs. The said §§ 36.4343 (g) and 36.4356 are issued in accordance with the provisions of said Title VI of the Defense Production Act of 1950 and of said section 502 of Executive Order 10161, including the requirements of said section 502 that (1) provisions of regulations of the Board of Governors of the Federal Reserve System relating to credit involving real property shall be made applicable to the fullest extent practicable to loans on residential real property made, insured, or guaranteed by any agency in the executive branch of the United States Government and (2) the relative credit preferences accorded to veterans under existing law shall be preserved. In the formulation of the aforegoing, there has been consultation with representatives of veterans and consumer organizations and with representatives of the home building and financing industries, including labor and trade associations, and consideration has been given to the recommendations of such representatives.

(Reorg. Plan No. 3 of 1947, 12 F. R. 4981 (1947); P. L. 774, 81st Cong., 64 Stat. 932; E. O. 10161, 15 F. R. 6105)

Effective as of the 12th day of January 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-671; Filed, Jan. 11, 1951; 1:02 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

MISCELLANEOUS AMENDMENTS

a. In § 34.14 *Letters of soldiers, sailors, and marines* (39 CFR 34.14) make the following changes:

1. Amend the section caption to read as follows: "*Letters sent by members of the armed forces of the United States.*"

2. Amend paragraph (b) to read as follows:

(b) *How marked.* Letters sent by members of the armed forces of the United States, located in the United States or any of its possessions or other places where the United States domestic mail service is in operation, addressed to places in the United States or any of its possessions, when endorsed "Soldier's Letter," "Airman's Letter," "Sailor's Letter," or "Marine's Letter," as the case may be and signed thereunder either with facsimile hand stamp or in writing, with his official designation, by a commissioned officer to whose command the soldier or airman belongs, or by a surgeon or chaplain at a hospital where he may be; and in the Navy and Marine service by a commissioned officer attached to the vessel on which the member is serving or officer commanding a hospital or detachment ashore where he may be, shall be dispatched to destination without prepayment of postage, and only the single rate of postage shall be collected on delivery.

(R. S. 161, 396, 42 Stat. 24, 25; 5 U. S. C. 22, 369. Interprets or applies sec. 9, 20 Stat. 358, as amended; 39 U. S. C. 280)

b. Amend § 43.30 *Mail for persons adjudicated of unsound mind* (39 CFR 43.30) to read as follows:

§ 43.30 *Mail for persons adjudicated of unsound mind or incompetent.* Mail addressed to a person who has been adjudicated of unsound mind or incompetent shall be delivered in accordance with the directions of his duly appointed guardian. In the absence of such directions, it should be delivered as addressed.

c. In § 43.45 *Undeliverable postal and post cards* (39 CFR 43.45; 15 F. R. 7644, 8052) rescind paragraphs (a–1) and (b) and insert a new paragraph (b) to read as follows:

(b) *Disposal of others.* All other undeliverable domestic cards shall be destroyed or disposed of as waste by postmasters, except that such as are obviously obscene or scurrilous under the provisions of §§ 36.2, 36.3, or 36.4 of this chapter shall be treated as provided in § 42.18 of this chapter. Before such cards are disposed of as waste any written communications thereon shall be canceled or mutilated to prevent improper use of the correspondence and any uncanceled stamps thereon shall be canceled.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-587; Filed, Jan. 12, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SUMMARY OF UNIFORM INSTRUCTIONS

Uniform instructions for the selection of sponsors and processing of housing projects constructed under the provisions of Title VIII of the National Housing Act, as amended (Pub. Law 211, 81st Cong., as amended by Pub. Law 498, 81st Cong.), which have been issued for the guidance of field offices of the Departments of the Army, Navy and Air Force, are summarized as follows:

1. *Development of plans for projects.* Plans and specifications for proposed housing projects may be developed by local architect-engineers employed under contract by the Government, under the supervision of field representatives of the Chief of Engineers, U. S. Army, or the Chief, Bureau of Yards and Docks, U. S. Navy (hereinafter referred to as "Military Field Offices"). The sponsor, when selected, will be required to reimburse the Government for the use of the plans and specifications in an amount equal to the amount paid by the Government for architect-engineer services incident to development of the project. The Federal Housing Administration will authorize the inclusion of a sufficient amount in the initial release of mortgage proceeds to permit the sponsor to reimburse the Government for this expense.

2. *Approval of plans by Federal Housing Administration.* The plans development will be approved by the FHA, which

will furnish to the Military Field Office an "Appraisal and Eligibility Statement," FHA Form 3303, containing the information specified in paragraph 3–h below.

3. *Invitations for proposals.* Invitations for proposals will be issued from Military Field Officers to interested persons. The Invitation will state the following but not be limited thereto:

a. That proposals shall include submittal of FHA Form 2013–W completed in detail except for page 1.

b. That the approved rental schedule will be based upon a "net return" not exceeding 6½% of the sponsor's estimated replacement cost or the FHA estimate of replacement cost, whichever is the lesser. By "net return" is meant the amount after the provision for payment of all operating expenses, reserves and taxes, and vacancy allowance, but before payment of debt service.

c. That the maximum approved amount of insurable mortgage will in no event exceed 90% of the sponsor's total estimated replacement cost stipulated in his proposal.

d. That the FHA will require escrow deposits or other satisfactory assurance of the mortgagor's ability to complete the project, determined on the basis of the amount required to meet the difference between the mortgage amount and the FHA estimate of replacement cost or the mortgagor's estimate of replacement cost stipulated in his proposal, whichever is greater. Additional escrows will be required to cover off-site requirements and to provide initial working capital in the amount of 1½ percent of the mortgage.

e. That the sponsor selected will be required to reimburse the Government for the use of the plans and specifications in an amount equal to the amount paid by the Government for architect-engineer services incident to development of the project, and further will be required to pay the usual processing fees to FHA.

f. That the proposal of a sponsor which provides desired housing at the lowest bid replacement cost (Total Estimated Requirements, FHA Form 2013–W) will be selected. The sponsor selected will complete his arrangements with the Military Field Office for obtaining any lease, utilities sales contracts, or other written contracts involved in the project, will make arrangements for mortgage financing, and will submit to the FHA, through the mortgage, the required application for mortgage insurance with all of the required exhibits attached, including the proposed rent schedule and the certificate of the respective Secretary as to the need for the housing.

g. That the sponsor will submit with his proposal the name and business address of his principal contractor and the management firm. Any change in principal contractor or management firm will be subject to prior approval of the FHA and the using Service.

h. The Appraisal and Eligibility Statement information obtained from the FHA, including the FHA estimated total replacement cost, the maximum allowable insurable mortgage, the maximum allowable rental schedule, the percentage of assumed vacancies, the amount of total operating expense and reserves for replacements per room per year included in the FHA maximum allowable rent, the estimate of real estate taxes (where applicable) and the equipment and services included in the rent will be made available to sponsors in order that they may know the factors which enter into the preparation and evaluation of proposals.

Invitations for proposals for housing projects to be located on sites purchased by the sponsor will state the following, in addition to the information above, but not be limited thereto:

a. That the Government has procured an assignable option for the purchase of the housing project site which will be assigned to the sponsor selected for exercise by him. The sponsor will be required to pay all costs incident to obtaining the site, including reimbursement to the Government of all amounts expended in connection with procurement of the option.

b. That the sponsor shall include in his total bid replacement cost (Total Estimated Requirements, FHA Form 2013–W) all costs to be incurred by the sponsor in acquiring the site, including the amount to be reimbursed to the Government for costs incurred by the Government incident to the procurement of the option for the site.

c. That the sponsor selected shall, within 15 calendar days after the date of notice of his selection or such longer period as may be granted, submit to the FHA, through the proposed mortgagee, the required application for mortgage insurance with all necesary exhibits attached, including the proposed rent schedule and the Certification of Need for Military Housing (FHA Form 3301) which has been furnished by the military department.

d. That if the sponsor selected fails to complete arrangements for mortgage financing and FHA insurance within the period of the FHA Commitment for Insurance (as it may be extended), he will be required to reassign the said option to the Government or its designee, or, if the sponsor has already acquired title to the site, to convey the said site promptly to whomever the Government may designate, on condition that he shall be fully reimbursed by the grantee for the cost of the site, including option costs.

e. That, at or about the time of closing with the FHA, the sponsor selected will be required to enter into the Agreement, which, with its Exhibits A and B, is attached to and is made a part of this Invitation,[1] and which, with Exhibits A and B, sets forth the mutual agreements between the sponsor (designated "Owner" in the Agreement) and the Government, and provides for the eventual acquisition by the Government, without cost of any kind to the Government, of all right, title, and interest in the housing project site and the improvements thereon.

f. That each proposal submitted shall contain a statement that the sponsor agrees to be bound by and to comply strictly with all the terms and conditions set forth in the Invitation, with its Attachments.

g. That each proposal shall include a statement as follows, with the appropriate box checked: "The bidder represents that he [ ] has, [ ] has not, employed or retained a company or person (other than a full-time employee) to solicit or secure his designation by the Department of the _____, as sponsor of the housing project, and agrees to furnish information relating thereto as requested by the said Department."

Copies of the plans for the housing project, and any lease, utility sales contract, or other agreement which the sponsor will be required to execute will be furnished with the invitation for proposals.

4. *Selection of sponsor.* a. The Military Field Office will select the proposal which provides the desired housing at the lowest bid replacement cost, and will request certification to the FHA by the Secretary of the military department concerned.

b. The sponsor selected will be furnished the Certification of Need for Military Housing (FHA Form 3301) and will file his completed application for mortgage insurance on FHA Form 2013–W with the FHA insuring office, at which time the qualifications of the mortgagor will be examined.

c. If the sponsor so selected is not qualified, the Military Field Office will be so advised by the FHA, and the sponsor submitting the next higher proposal will file his application for mortgage insurance as outlined in step (b) above. The same procedure will be followed, if necessary, with other sponsors in order.

5. *Inspection of construction and advances of mortgage proceeds.* Inspection of construction will be made by the FHA in accordance with its normal procedures, and advances of mortgage proceeds during construction will be based on percentages of completion shown by these inspections.

6. *Utilities and related services.* Utilities and related services, if not otherwise available from local private or public sources, and the Government has facilities available, may be furnished by the Government on a reimbursable basis.

7. *Eventual acquisition of project by the Government.* Projects may be located either on sites owned by the Government and leased to the sponsor, or on sites purchased by the sponsor from a private party under an option obtained by the Government and assigned to the sponsor.

The lease executed in connection with a site owned by the Government will be for a term of seventy-five years but will provide further that the Government shall have the right, at its option, to terminate the lease and all rights of the lessee thereunder at any time after thirty-nine years from the date thereof, provided the FHA has certified that its interest in the lease and in any mortgage on the leasehold interest, as insurer or otherwise, has been fully terminated. Upon expiration or termination of the lease, all improvements made upon the leased premises shall remain on the premises and be the property of the Government without compensation.

In connection with sites purchased by the sponsor, provision will be made by an Agreement entered into between the sponsor and the Government, at or about the time the FHA insures a mortgage on the housing project, for the sponsor (or his successor or assignee) to convey the housing project (consisting of the site and the improvements thereon) to the Government, without cost of any kind to the Government, at the end of twenty years from the date of the Agreement. The conveyance may be made subject to the mortgage endorsed for insurance by the FHA at or about the date of the execution of the Agreement, or to any modification, renewal, extension or increase thereof or substitute mortgage therefor while insured or held by the FHA. In return the Government will agree to lease the housing project back to the sponsor, at a total rent of one dollar ($1.00), for a period of fifty-five years, said lease to be subordinate to any mortgage on the housing project, as described above. Such lease will provide that the Government shall have the right, at its option, to terminate the lease, and all rights of the lessee thereunder, at any time after nineteen years from the date thereof, provided the FHA has certified that its interest in the lease and in any mortgage on the housing project, as described above, as insurer, holder, or otherwise, has been fully terminated. All improvements to the housing project shall remain on the premises as the property of the Government without compensation.

8. *Additional information.* Additional information concerning the above instructions may be obtained from local Army installations, and from Army Area Headquarters, Offices of the Division Engineer, Corps of Engineers, U. S. Army, and District Public Works Offices, Bureau of Yards and Docks, Navy Headquarters, at the locations listed below. Copies of the lease, utilities sales contract, or other agreement which the sponsor will be required to execute are available for inspection at such activities and have been filed with the original of this notice.

Army Area Headquarters. Fort Jay, Governors Island, New York; Fort Meade, Maryland; Fort McPherson, Georgia; Fort Sam Houston, Texas; Chicago, Illinois; The Presidio, San Francisco, California.

Offices of the Division Engineer, Corps of Engineers, U. S. A. Boston, Massachusetts; New York, New York; Atlanta, Georgia; Chicago, Illinois; Omaha, Nebraska; Dallas, Texas; Oakland, California; Portland, Oregon.

District Public Works Offices, Bureau of Yards and Docks, Navy Headquarters. Boston, Massachusetts; New York City; Philadelphia, Pennsylvania; Norfolk, Virginia; Charleston, South Carolina; New Orleans, Louisiana; Great Lakes, Illinois; San Juan, Puerto Rico; San Diego, California; San Francisco, California; Seattle, Washington; Pearl Harbor, Hawaii; Balboa, Canal Zone; Kodiak, Alaska; Naval Academy, Annapolis, Maryland; Naval Gun Factory, Washington, D. C.

W. J. McNEIL,
Assistant Secretary of Defense.

JANUARY 8, 1951.

[F. R. Doc. 51–572; Filed, Jan. 12, 1951; 8:54 a. m.]

[1] Filed as a part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

DECEMBER 22, 1950.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 60 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 64

For lease only for home and business sites:

T. 27 S., R. 59 E., M. D. M., Sec. 8, NW¼NE¼ and E½NE¼ NW¼

The lands are situated in Clark County, Nevada, and lie along U. S. Highway 91, the main highway from Los Angeles, California, to Las Vegas, Nevada. The nearest town that has all of the usual community services is Las Vegas, Nevada, about 40 miles distant. The area is one that is used extensively for health and recreational purposes. Also lands along the main highway are in demand for business site purposes.

2. As to applications regularly filed prior to 10:00 a. m., October 23, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., February 23, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., February 23, 1951, to close of business on May 24, 1951.

(b) Advance period for veterans' simultaneous filings from 10:00 a. m., October 23, 1950, to 10:00 a. m., February 23, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., May 25, 1951.

(a) Advance period for simultaneous nonpreference filings from 10:00 a. m., October 23, 1950, to 10:00 a. m., May 25, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. Because of the State Highway right-of-way that traverses the lands, the tracts will be leased to extend east and west except in the E½E½NW¼NE¼ and W½E½NE¼NW¼ where they will extend north and south, each being approximately 330 by 660 feet, containing approximately 5 acres.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to a State Highway right-of-way that extends north and south through the NW¼NE¼ and to all other existing rights-of-way, and will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51–589; Filed, Jan. 12, 1951; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CIVIL AERONAUTICS ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO DEVELOPMENT OF IMPROVED TRANSPORT AIRCRAFT

Effective December 11, 1950, the Administrator of Civil Aeronautics was authorized to perform the functions assigned to the Secretary of Commerce by Public Law 867, 81st Congress, an act to

promote the development of improved transport aircraft by providing for the operation, testing, and modification thereof. The Administrator was further authorized to redelegate this authority.

The functions assigned to the Administrator of Civil Aeronautics will be performed in accordance with any pertinent policies and instructions issued by the Secretary of Commerce or his designees.

(R. S. 161; 5 U. S. C. 22; and Reorg. Plan No. 5 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-583; Filed, Jan. 12, 1951; 8:47 a. m.]

TEMPORARY DELEGATIONS OF AUTHORITY UNDER REORGANIZATION PLAN NO. 21 OF 1950

Correction

In F. R. Document 50-7465, appearing in the issue for Friday, August 25, 1950, on page 5711, the heading should be corrected to read as set forth above.

CIVIL AERONAUTICS BOARD

[Docket No. 4586]

WEST COAST COMMON FARES CASE

NOTICE OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding, hereinbefore indefinitely postponed, is assigned to be held on February 7, 1951 at 10:00 a. m., e. s. t., in Room E-214, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., January 9, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-574; Filed, Jan. 12, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9801]

CHARLES H. CHAMBERLAIN

ORDER CONTINUING HEARING

In re application of Charles H. Chamberlain, Bellefontaine, Ohio, Docket No. 9801, File No. BP-7675; for construction permit.

The Commission having under consideration a petition filed on December 28, 1950, by Charles H. Chamberlain, requesting that the hearing in the above-entitled matter, now scheduled to begin on January 3, 1951, be continued to an indefinite date; and

It appearing, that all counsel to this proceeding have consented to a waiver of the four-day requirement of § 1.745 of the Commission's rules and regulations, so as to permit immediate consideration of this petition and have consented to a grant of the petition;

It is ordered, This 2d day of January 1951, that the petition of Charles H. Chamberlain for a continuance of the hearing herein, is hereby granted, and the hearing in this matter, is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-590; Filed, Jan. 12, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-730]

SOUTHERN NATURAL GAS CO.

ORDER AMENDING ORDER FIXING DATE OF HEARING

JANUARY 9, 1951.

On January 4, 1951, Southern Natural Gas Company (Applicant) filed with the Commission in the above-entitled proceeding, a petition for amendment of the Commission's order of December 18, 1950, herein, to provide that the hearing to be held pursuant thereto, commencing on January 22, 1951, be conducted under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of the aforesaid § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its amended application of September 25, 1950, be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the said application, including publication in the FEDERAL REGISTER on October 26, 1950 (15 F. R. 7195).

(2) Good cause exists for amending the Commission's order of December 18, 1950, as hereinafter ordered.

The Commission orders: Paragraph (A) of the order entered herein on December 18, 1950, be and the same is hereby amended to read as follows:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on January 22, 1951, at 10:00 a. m. e. s. t. in the Hearing Room of the Federal Power Commission; 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: January 10, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-579; Filed, Jan. 12, 1951; 8:46 a. m.]

[Docket No. G-1405]

MERCER GAS LIGHT AND FUEL CO.

ORDER FIXING DATE OF HEARING

JANUARY 9, 1951.

On June 5, 1950, Mercer Gas Light and Fuel Company (Applicant), filed an application pursuant to section 7 (a) of the Natural Gas Act, for an order requiring the establishment of a physical connection with the transmission facilities of the Tennessee Gas Transmission Company (Tennessee Gas) and the sale of natural gas by Tennessee Gas to Applicant.

On June 13, 1950, Tennessee Gas filed its answer alleging, among other things, that the segment of its pipeline located near Mercer, Pennsylvania, is now under construction pursuant to authority granted Tennessee Gas in Docket No. G-962; that Applicant was not a party in the proceedings in Docket No. G-962; that the facilities to be constructed pursuant to authority sought in Docket No. G-1248 involves only additions to its pipeline system as previously authorized. It is further alleged that Tennessee Gas has entered into a contract with United Natural Gas Company for service of up to 10,000 Mcf of natural gas per day; that this contract was offered in evidence in the proceedings in Docket No. G-962 and that service under this contract was authorized in Docket No. G-962; that Tennessee Gas intends to fully perform under its contract with United Natural and that it is opposed to the issuance of the order requested by Applicant.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 (a) and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on January 25, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application and other pleadings in this proceeding.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 10, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-580; Filed, Jan. 12, 1951; 8:47 a. m.]

[Docket No. G-1498]

TEXAS EASTERN TRANSMISSION CORP. AND MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

JANUARY 9, 1951.

On September 28, 1950, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal office at Commerce Building,

Shreveport, Louisiana, and Mississippi River Fuel Corporation (Mississippi), a Delaware corporation having its principal office at 407 N. Eighth Street, St. Louis, Missouri, filed an application pursuant to section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing an exchange of natural gas between the two companies during temporary periods of emergency on either system and the construction of an interconnection and metering facilities at a point near Bald Knob, Arkansas, all as more fully described in the application on file with the Commission and subject to public inspection. An amended application was filed on December 11, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 19, 1950 (15 F. R. 6999).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing be held on February 8, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: January 10, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-581; Filed, Jan. 12, 1951; 8:47 a. m.]

[Project No. 2039]

DELAWARE RIVER DEVELOPMENT CORP.

ORDER FIXING HEARING

JANUARY 9, 1951.

On January 16, 1950, The Delaware River Development Corporation of New York City filed application for preliminary permit under the Federal Power Act for a proposed hydroelectric development on the Delaware River (Project No. 2039) in Sussex and Warren Counties, New Jersey; Monroe, Northampton and Pike Counties, Pennsylvania; and Orange County, New York.

The proposed project would consist of: (1) A dam at the Tocks Island site approximately 10.5 miles below the mouth of Bushkill Creek, a reservoir having a usable storage capacity of about 537,900 acre-feet, and a powerhouse with installed capacity of 150,000 horsepower; (2) a dam at the Belvidere site about 1 mile above the highway bridge at Belvidere, New Jersey, a reservoir having a usable storage capacity of about 16,900 acre-feet, and a powerhouse with installed capacity of 72,000 horsepower; (3) a dam at the Chestnut Hill site approximately 2.43 miles above the highway bridge between Easton, Pennsylvania and Phillipsburg, New Jersey, a reservoir having a usable storage capacity of about 3,900 acre-feet, and a powerhouse with installed capacity of 60,000 horsepower; and (4) transmission lines and other appurtenant facilities.

Public notice of the filing of the application has been given.

The proposed project as described above would conflict with proposed Project No. 2034, application for license for which was filed October 18, 1949, by The Electric Power Company of New Jersey, Inc. However, that application is incomplete in that it fails to show the requisite financial ability to construct the project or a plan of financing construction which appears reasonably certain of success. For that reason, the applicant in that proceeding was given a period of sixty days from April 6, 1950, to submit a reasonable plan of financing, which period, by virtue of extensions granted, will expire on February 2, 1951.

By letter dated October 30, 1950, the applicant for Project No. 2039 has requested an early disposition of its pending application for permit by hearing or otherwise, advising that under its charter work must commence on the project within two years from the date of applicant's incorporation, which would be on or before January 16, 1952, or it would lose its charter.

Numerous protests against the application in Project No. 2039 have been received from State and county agencies, States, an interstate commission, and local associations and individuals.

The Commission finds: It is in the public interest to hold a public hearing on the aforementioned application for preliminary permit for proposed Project No. 2039.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, particularly sections 4, 6, and 308 thereof, and the Commission's rules of practice and procedure (in force January 1, 1948, as amended and supplemented), a public hearing be held on the 12th day of February, 1951, at 10:00 a. m. e. s. t., in the Hearing Room of the Commission, 12th Floor, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) As provided in Rule 30 (18 CFR 1.30) of the Commission's rules of practice and procedure, the officer hereafter designated to preside at the hearing shall certify the record of the hearing, including his report thereon, to the Commission for its decision and the presiding officer's report shall constitute a recommended decision.

Date of issuance: January 10, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-578; Filed, Jan. 12, 1951; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

FIELD ORGANIZATION

The following entries in section 22 (b) (5) are amended thus:

1. Delete the address, "Marott Building, 342 Massachusetts Avenue," opposite "Indianapolis 4, Indiana" and substitute therefor the following address: "Room 230, Century Building, 36 South Pennsylvania Street, Indianapolis 9."

2. Delete the address, "1529 Grand Central Avenue," opposite "Tampa, Florida" and substitute therefor the following address: "Professional Arts Building, 420 West Lafayette Street."

3. Delete the address, "Horner Building, 1015 Fourteenth Street NW.," opposite "District of Columbia" and substitute therefor the following address: "Third Floor, Cafritz Building, 1625 Eye Street NW."

4. Delete the address, "205 Milam Street," opposite "Shreveport, Louisiana" and substitute therefor the following address: "627 Spring Street."

VINCENT A. CARLIN,
Director,
Administrative Services.

[F. R. Doc. 51-575; Filed, Jan. 12, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1273]

NATIONAL AIRLINES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of January A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of National Airlines, Incorporated, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received

prior to February 6, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter ,this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-576; Filed, Jan. 12, 1951; 8:46 a. m.]

[File No. 7-2539]

AMERICAN GAS AND ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of January A. D. 1951.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and American Gas and Electric Service Corporation ("Service Corporation"), a wholly owned service company subsidiary of American Gas, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 7 and 10 thereof as applicable to the transactions proposed therein which are summarized as follows:

Service Corporation has authorized 10,000 shares of its $100 par value common capital stock, of which 7,850 shares are issued and outstanding, all of which are owned by American Gas. Service Corporation proposes to issue and sell to American Gas, and American Gas proposes to acquire, 2,150 shares of common capital stock of Service Corporation, for an aggregate cash consideration of $215,000. The application-declaration states that the proceeds from the proposed sale of stock will be used by Service Corporation to purchase and install a 480 cycle A-C Network Analyzer (calculating board), estimated to cost approximately $217,500.

Notice is further given that any interested person may not later than January 19, 1951, at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 11:30 a. m., e. s. t., January 19, 1951, said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-577; Filed, Jan. 12, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien, Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16805]

HENRIETTA AND GEORGE SCHMIDT

In re: Rights of Henrietta Schmidt and George Schmidt under contract of insurance. File No. F-28-24448-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henrietta Schmidt and George Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4 989 852 issued by the Metropolitan Life Insurance Company, New York, New York, to Henrietta Schmidt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henrietta Schmidt or George Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-565; Filed, Jan. 11, 1951; 9:02 a. m.]

[Vesting Order 16691]

CAPTAIN CARL MOLLER AND FRAU CARL MOLLER

In re: Stock owned by Captain Carl Moller and Frau Carl Moller. F-28-25858-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Captain Carl Moller and Frau Carl Moller, whose last known address is 12 Nissen Strasse, Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests, evidenced or represented by American Depositary Receipts, issued by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for five (5) shares of one (1) pound par value Ordinary Registered Capital Stock of Ford Motor Company, Limited, London, England, numbered O. F. 35649 and registered in the names of Captain Carl Moller & Frau, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-566; Filed, Jan. 11, 1951; 9:02 a. m.]

[Vesting Order 15583, Amdt.]

YASU USAMI

In re: Estate of Yasu Usami, deceased. File D-39-1522. E. T. sec. 3334.

Vesting Order 15583, dated November 9, 1950, is hereby amended as follows and not otherwise: "By deleting the name of Shinsaku Usami, appearing in subparagraph 1 of said Vesting Order 15583, and substituting therefor the name of Shinsaku Mizui."

All other provisions of said Vesting Order 15583 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-567; Filed, Jan. 11, 1951; 9:02 a. m.]

[Vesting Order 16442]

MITSUJI TAKATSUKA ET AL.

In re: Rights of Mitsuji Takatsuka et al. under insurance contract. File No. F-39-931-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuji Takatsuka and Juichi Takatsuka, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7783503, issued by the New York Life Insurance Company, New York, New York, to Mitsuji Takatsuka, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mitsuji Takatsuka or Juichi Takatsuka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-592; Filed, Jan. 12, 1951; 8:49 a. m.]

[Vesting Order 16443]

KESAJIRO AND ISO TAMATE

In re: Rights of Kesajiro Tamate and Iso Tamate under an insurance contract. File No. F-39-4531-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kesajiro Tamate and Iso Tamate, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9289174 issued by The New York Life Insurance Company, New York, New York, to Kesajiro Tamate, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kesajiro Tamate or Iso Tamate, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-593; Filed, Jan. 12, 1951; 8:49 a. m.]

[Vesting Order 16445]

MRS SHIZI TATSUTANI ET AL.

In re: Rights of Mrs. Shizi Tatsutani et al. under insurance contract. File No. F-39-5945-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Shizi Tatsutani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fumio Tatsutani, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Genjin Tatsutani, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 515 722, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Fumio Tatsutani, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Shizi Tatsutani and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fumio Tatsutani, deceased, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Genjin Tatsutani, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Fumio Tatsutani, deceased, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names un-

known, of Genjin Tatsutani, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-594; Filed, Jan. 12, 1951; 8:49 a. m.]

[Vesting Order 16447]

EMMA THEISS ET AL.

In re: Rights of Emma Theiss, et al., under an insurance contract. File No. F-28-26614-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Theiss and Karl Heintz Otto Theiss, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 207031 issued by the West Coast Life Insurance Company, San Francisco, California, to Karl Maximilian Walter Theiss, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Emma Theiss or Karl Heintz Otto Theiss, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-595; Filed, Jan. 12, 1951; 8:50 a. m.]

[Vesting Order 16457]

TETSUO WATANUKI ET AL.

In re: Rights of Tetsuo Watanuki et al. under an instalment certificate. File No. F-39-1558-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tetsuo Watanuki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Tetsuo Watanuki, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Instalment Certificate No. 9279, issued by the New England Mutual Life Insurance Company, Boston, Massachusetts, to Tetsuo Watanuki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Tetsuo Watanuki or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Tetsuo Watanuki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Tetsuo Watanuki, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-597; Filed, Jan. 12, 1951; 8:50 a. m.]

[Vesting Order 16453]

SUMIRE UCHIMURA

In re: Rights of Sumire Uchimura under insurance contracts. Files Nos. F-39-4867-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sumire Uchimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 32,898,185 and 32,898,186 issued by the Metropolitan Life Insurance Company, One Madison Avenue, New York 10, New York, to Sumire Uchimura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-596; Filed, Jan. 12, 1951; 8:50 a. m.]

[Vesting Order 16459]

ENICHI AND MATSUYO YAMAO

In re: Rights of Enichi Yamao and Matsuyo Yamao under an insurance contract. File No. F-39-4564-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Enichi Yamao and Matsuyo Yamao, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8537737 issued by the New York Life Insurance Company, New York, New York, to Enichi Yamao, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Enichi Yamao or Matsuyo Yamao, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-598; Filed, Jan. 12, 1951; 8:50 a. m.]

[Vesting Order 16487]

KIKUTARO AND SHUNTARO AOKI

In re: Rights of Kikutaro Aoki and Shuntaro Aoki under insurance contract. F-39-4987-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikutaro Aoki and Shuntaro Aoki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,112,402, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kikutaro Aoki, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kikutaro Aoki or Shuntaro Aoki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-599; Filed, Jan. 12, 1951; 8:50 a. m.]

[Vesting Order 16488]

REV. HAJIME AND CHIYEKO ARIMA

In re: Rights of Rev. Hajime Arima and Chiyeko Arima under insurance contract. File D 39-18468 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rev. Hajime Arima and Chiyeko Arima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9377931 issued by the New York Life Insurance Company, New York, New York, to Rev. Hajime Arima, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rev. Hajime Arima or Chiyeko Arima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-600; Filed, Jan. 12, 1951; 8:51 a. m.]

[Vesting Order 16489]

KARL DORN

In re: Rights of domiciliary personal representatives, et al., names unknown, of Karl Dorn, deceased, under insurance contracts. Files F-28-30876 H-1; F-28-30876 H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Dorn, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 5640319 and 12 980 266, issued by The Prudential Insurance Company of America, New-

ark, New Jersey, to Karl Dorn, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Karl Dorn, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-601; Filed, Jan. 12, 1951; 8:51 a. m.]

[Vesting Order 16501]

WALTER GOLLER

In re: Rights of Walter Goller under insurance contract. File No. D-28-10671-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Goller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Walter Goller under a contract of insurance evidenced by Policy No. 7872469 issued by The Prudential Insurance Company of America to Walter Goller, together with the right to demand, receive and collect said net proceeds

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-602; Filed, Jan. 12, 1951; 8:51 a. m.]

[Vesting Order 16511]

SHIZUO IKEDA AND GOZAYEMON HIGASHI

In re: Rights of Shizuo Ikeda and Gozayemon Higashi under contract of insurance. File F-39-4974-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizuo Ikeda and Gozayemon Higashi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9328899, issued by the New York Life Insurance Company, New York, New York, to Shizuo Ikeda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shizuo Ikeda or Gozayemon Higashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-603; Filed, Jan. 12, 1951; 8:51 a. m.]

[Vesting Order 16519]

KATHERINE KLIMMER ET AL.

In re: Rights of Katherine Klimmer, et al., under contract of insurance. File No. F-28-23182-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Klimmer, Bertha Klimmer and Minna Luise Klimmer nee Kretzer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Karl Klimmer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 303066, issued by the Equitable Life Insurance Company of Iowa, Des Moines, Iowa, to Joseph Klimmer, together with the right to demand, receive, and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Karl Klimmer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-605; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16520]

KATCHEN KLIMMER ET AL.

In re: Rights of Katchen Klimmer et al. under insurance contracts. Files No. F-28-22662-H-1, H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katchen Klimmer and Bertha Klimmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Klimmer, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 11156108, 9132108 and 6152451, issued by the New York Life Insurance Company, New York, New York, to Joseph Klimmer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Klimmer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-606; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16517]

SHIZUTO KAWAMURA

In re: Rights of Shizuto Kawamura under insurance contract. File No. D-39-19042-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizuto Kawamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Shizuto Kawamura under a contract of insurance evidenced by policy No. 8 755 437, issued by the New York Life Insurance Company, New York, New York, to Shizuto Kawamura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-607; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16667]

TAKAO ARAI AND JUKICHI TAKEDA

In re: Debts owing to Takao Arai and Jukichi Takeda. F-39-5605-C-1, F-39-204 and C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found

1. That Takao Arai and Jukichi Takeda, who there is reasonable cause to

[Vesting Order 16530]

LUDWIG EDWARD DAVID

In re: Estate of Ludwig Edward David, deceased. File No. D-28-12795; E. & T. sec. 16969.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Alice David and Ludwig David, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ludwig Edward David, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frederic Gynrod, also known as Fritz David, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-607; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16667]

TAKAO ARAI AND JUKICHI TAKEDA

In re: Debts owing to Takao Arai and Jukichi Takeda. F-39-5605-C-1, F-39-204 and C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found

1. That Takao Arai and Jukichi Takeda, who there is reasonable cause to

believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations of the Superintendent of Banks of the State of New York, as Liquidator of the Business & Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of Accepted Accounts Payable in the names of Takao Arai and Jukichi Takeda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Takao Arai and Jukichi Takeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-608; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16687]

ERICH JUST

In re: Bank account, certificate of deposit, bonds, certificate of indebtedness and fractional certificates owned by and debt owing to Erich Just, also known as E. Just. F-28-1387-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erich Just, also known as E. Just, whose last known address is 77 Oberpfaffenhofen, Post Wessling/Obb, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Erich Just, also known as E. Just, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Account, account number A99814, entitled E. Just, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. One (1) Certificate of Deposit for Chicago Rapid Transit Company 1st and Refunding 6½ percent Gold Bonds due July 1, 1944, of $2,000 face value, bearing the number NB123, registered in the name of Hurley & Co., said certificate of deposit presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, and any and all rights thereunder and thereto, including particularly but not limited to the right to receive any distributions due or to become due thereon,

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

d. Thirteen (13) certificates of indebtedness of Konversionskasse fur Deutsche Auslands-Schulden, Berlin, Germany, 1934, Series B, numbered NRO624954/65 and O624935 of 10 RM face value each, said certificates of indebtedness presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

e. Two (2) certificates of indebtedness of Konversionskasse fur Deutsche Auslands-Schulden, Berlin, Germany, 1934, Series A, numbered NRO225901/02 of 50 RM face value each, said certificates of indebtedness presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

f. Five (5) fractional certificates for Konversionskasse fur Deutsche Auslands-Schulden, 3 percent Dollar Bonds due January 1, 1946, Series B, numbered O67053 of $5.00 face value, 121171 of $10.00 face value and 280676, 280677 and 280782 of $20.00 face value each, said fractional certificates presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

g. One (1) fractional certificate for United States of Brazil 5 percent 20 Year Funding Bonds of 1931, numbered FR-2141 of $20.00 face value, said fractional certificate presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate Nos.	Face value
German Central Bank for Agriculture 1st Lien 7% Farm Loan Sinking Fund Gold Bonds, due Sept. 15, 1950.	M 22037 M 22038	$1,000 1,000
Konversionskasse fur Deutsche Auslands-Schulden 3% Dollar Bonds due Jan. 1, 1946.	C 067456 C 067457 C 067458 C 067558 C 067559 C 067560	100 100 100 100 100 100
Saxon Public Works Inc., General & Refunding 6½% Guaranteed Mortgage Gold Bonds due May 1, 1951.	M 5634 M 6287	1,000 1,000
United States of Brazil, Central Railway of Brazil, Electrification Loan of 1922 Extended, 3½% 30-year Bonds, due Dec. 1, 1978.	M 6217 16618	1,000 1,000
United States of Brazil, Funding 3¾% 20-year Bonds Extended due Oct. 1, 1979.	C 8627 C 8628 C 8629 C 8630	100 100 100 100

[F. R. Doc. 51-609; Filed, Jan. 12, 1951; 8:52 a. m.]

[Vesting Order 16699]

ERNST W. REINSHAGEN

In re: Debt owing to Ernst W. Reinshagen. F-28-31106.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst W. Reinshagen, whose last known address is Kamekastrasse 4, Saarbrucken, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $3,377.50 constituting a portion of the sum of money on deposit with the aforesaid bank in a blocked checking account entitled Handelstrust West N. V., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst W. Reinshagen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-610; Filed, Jan. 12, 1951; 8:53 a. m.]

[Vesting Order 16701]

KAROLINE MARIE RIEKER

In re: Bank account owned by Karoline Marie Rieker. F-28-229.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karoline Marie Rieker, whose last known address is Blosweg 21 pts Links 24A Hamburg 34, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Manhattan Savings Bank, 154 East 86th Street, New York 28, New York, arising out of a savings account, account number 551-972, entitled Karoline Marie Rieker in trust for Charles Frederick Rieker, maintained at the office of the aforesaid bank located at 154 East 86th Street, New York 28, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Karoline Marie Rieker, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-611; Filed, Jan. 12, 1951; 8:53 a. m.]

[Vesting Order 16702]

ELSA MARIA VAN SPENGLER

In re: Debts owing to Elsa Maria van Spengler also known as Else van Spengler. F-63-9960-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Maria van Spengler also known as Else van Spengler, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in the amount of $867.00, as of July 5, 1949, representing a portion of an account entitled Credit Suisse, Zurich (Free A/C), maintained at the said Credit Suisse New York Agency, with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in the amount of $3,177.00 as of July 5, 1949, representing a portion of an account entitled Credit Suisse, Zurich Blocked General Ruling 6 A/C, maintained at the said Credit Suisse New York Agency, with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsa Maria van Spengler also known as Else van Spengler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-612; Filed, Jan. 12, 1951; 8:53 a. m.]

[Vesting Order 16704]

H. SUZUKI & CO., ET AL.

In re: Debts owing to H. Suzuki & Co. and others. F-39-6724-C-1, F-39-2446-C-1, F-39-6722-C-1, F-39-6725-C-1, F-39-6721-C-1, F-39-6723-C-1, F-39-3797-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That H. Suzuki & Co. and Kongo Co., the last known addresses of which are Japan, are corporations, partnerships, associations, or other business organizations, organized under the laws of Japan, which have or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, and are nationals of a designated enemy country (Japan);

2. That T. Kagawa, Toro Watanabe and T. Kanazawa, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That the personal representatives, heirs, next of kin, legatees, and distributees of Hiro Morishita, deceased, and of Y. Kanazawa, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation owing to H. Suzuki & Co., by The

Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Trade Account Payable outstanding on the books of the aforesaid Mutual Supply Co. in the name of H. Suzuki & Co., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by H. Suzuki & Co., the aforesaid national of a designated enemy country (Japan);

5. That the property described as follows: That certain debt or other obligation owing to Kongo Co. by The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Trade Account Payable outstanding on the books of the aforesaid Mutual Supply Co. in the name of Kongo Co., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kongo Co., the aforesaid national of a designated enemy country (Japan);

6. That the property described as follows: That certain debt or other obligation owing to T. Kagawa by The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Deposit payable outstanding on the books of the aforesaid Mutual Supply Co. in the name of T. Kagawa, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by T. Kagawa, the aforesaid national of a designated enemy country (Japan);

7. That the property described as follows: That certain debt or other obligation owing to Toro Watanabe by The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Deposit payable, outstanding on the books of the aforesaid Mutual Supply Co. in the name of Toro Watanabe, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Toro Watanabe, the aforesaid national of a designated enemy country (Japan);

8. That the property described as follows: That certain debt or other obligation of The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Trade Account Payable, outstanding on the books of the aforesaid Mutual Supply Co. in the name of T. Kanazawa & Co. (now defunct), together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Y. Kanazawa, deceased, the aforesaid nationals of a designated enemy country (Japan);

9. That the property described as follows: That certain debt or other obligation of The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of a Deposit payable outstanding on the books of the aforesaid Mutual Supply Co., in the name of Mrs. Hiro Morishita, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Hiro Morishita, deceased, the aforesaid nationals of a designated enemy country (Japan);

10. That the property described as follows: That certain debt or other obligation of the The Mutual Supply Co., 200 Davis Street, San Francisco 11, California, arising out of unpaid salaries outstanding on the books of the aforesaid Mutual Supply Co. in the name of Y. Kanazawa, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Y. Kanazawa, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

11. That to the extent that the persons named in subparagraphs 1 and 2 hereof and that the personal representatives, heirs, next of kin, legatees and distributees of Hiro Morishita, deceased, and of Y. Kanazawa, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-613; Filed, Jan. 12, 1951; 8:53 a. m.]

[Vesting Order 16705]

KENICHI TOMITA ET AL.

In re: Debt owing to Kenichi Tomita and others. F-39-5599-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenichi Tomita and Kenji Kodama, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That Boeki Kumiai Chuokaicho is a corporation, partnership, association or other business organization, which there is reasonable cause to believe is organized under the laws of Japan, and is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York as Liquidator of the Business & Property in New York of The Yokohama Specie Bank, Ltd., 80 Spring Street, New York 12, New York, arising out of a Collection After Closing Account representing refund of telegraphic transfer to Kenichi Tomita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kenichi Tomita, Kenji Kodama and Boeki Kumiai Chuokaicho, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-614; Filed, Jan. 12, 1951; 8:53 a. m.]

[Vesting Order 16707]

WILHELMINE WICKE

In re: Bank account owned by Wilhelmine Wicke. F-28-31092.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Wicke, whose last known address is (23) Bachstrasse 2a Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Seaboard Trust Company in Dissolution, 95 River Street, Hoboken, New Jersey, arising out of a cash credit balance, entitled Wilhelmine Wicke, c/o Kipp, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelmine Wicke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-615; Filed, Jan. 12, 1951; 8:54 a. m.]

[Vesting Order 16721]

AUGUST HAUPT

In re: Bank account owned by August Haupt. F-28-6302.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Haupt, whose last known address is Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Haupt, by The Seamen's Bank for Savings, 74 Wall Street, New York 5, New York, arising out of a bank account, account number 1,221,981, entitled August Haupt, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-617; Filed, Jan. 12, 1951; 8:54 a. m.]

[Vesting Order 16724]

PAUL HOPFE

In re: Rights of Paul Hopfe under Marine and War Risk policies. F-28-24013-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Hopfe, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests of Paul Hopfe, in, to and under Marine and War Risk policies, issued by Fireman's Fund Insurance Company, 401 California Street, San Francisco, California, to

[Vesting Order 16706]

HENRY WICHERN

In re: Debt owing to Henry Wichern. F-28-253.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Wichern, whose last known address is Fintel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Wichern, by Title Guarantee & Trust Co. (Successors to Lawyers Title Corp.), 176 Broadway, New York 7, New York, representing the proceeds from mortgage certificate numbered 5850, issued by J. Lehrenkrauss and Sons, Issue No. 100, dated January 14, 1932, liquidated in March 1940, which proceeds were deposited with the above-named firm by the Fulton Service Corporation, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-616; Filed, Jan. 12, 1951; 8:54 a. m.]

Heidner & Company, Tacoma, Washington, and endorsed by Heidner & Company, to Paul Hopfe, covering shipments aboard the S. S. "Seattle," arising out of a reported loss of said vessel,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Hopfe, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-618; Filed, Jan. 12, 1951; 8:54 a. m.]

[Vesting Order 16728]

BORIS KOEPPEN

In re: Debt owing to Boris Koeppen. F-28-30684-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Boris Koeppen, whose last known address is (24B) Flensburg, Turnierstr. 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Boris Koeppen, by the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 15, New York, as depositary of the Moscow Fire Insurance Company of Moscow, Russia, representing liquidating dividends on shares of the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-619; Filed, Jan. 12, 1951; 8:54 a. m.]

[Vesting Order 16729]

TETSUNOSUKE KOISO

In re: Tetsunosuke Koiso; D-39-1682-C-1. E-1, F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tetsunosuke Koiso, whose last known address is Wakayama-Ken, Higashimura Gun, Taiji-Cho, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 4020, entitled Tetsunosuke Koiso by Yasuo Tatsumi, Power of Attorney, maintained at the Soto-Hostetter branch office of the aforesaid bank located at 1308 South Soto Street, Los Angeles, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-620; Filed, Jan. 12, 1951; 8:55 a. m.]

[Vesting Order 16734]

AARON LEVIS

In re: Stock owned by Aaron Levis. F-28-25918-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aaron Levis, whose last known address is Ostendstrasse 12, Francfort on Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of no par value common capital stock of International Mercantile Marine Company, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 320, registered in the name of Aaron Levis, together with all declared and unpaid dividends thereon, and all rights to receive $1.00 par value United States Lines, Company, common stock, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-621; Filed, Jan. 12, 1951; 8:55 a. m.]

[Vesting Order 16746]

MISS GERTRUDE SCHROEDER

In re: Stock owned by Miss Gertrude Schroeder. F-28-30717.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Gertrude Schroeder, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of $100.00 par value common capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered KN51093, dated September 18, 1930, registered in the name of Miss Gertrude Schroeder, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-622; Filed, Jan. 12, 1951; 8:55 a. m.]

[Vesting Order 16748]

N. SORMANI

In re: Stock owned by N. Sormani. F-28-31104.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That N. Sormani, whose last known address is Adelheidstr. 14, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of American Car and Foundry Company, 30 Church Street, New York 8, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 100699, registered in the name of Maatschappij tot Beheer van het Administratiekantoor opgericht door Hubrecht, van Harencarspel & Vas Vissar N. V. Amsterdam, together with all declared and unpaid dividends thereon, and

b. Three (3) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL8252/4 for thirty (30) shares of common, no par value stock of the aforesaid Company, registered in the name of Broekmans Administratiekantoor, N. V., Amsterdam, together with all declared and unpaid dividends thereon, and any and all rights to exchange said certificates for new certificates for $10.00 par value stock of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. Sormani, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-623; Filed, Jan. 12, 1951; 8:56 a. m.]

[Vesting Order 16779]

RUDOLF LESER ET AL.

In re: Rights of Rudolf Leser et al. under contract of insurance. File F-28-3426-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Leser, Erna Leser, Adolf Leser and Marta Leser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Rudolf Leser and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rudolf Leser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10034811 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Rudolf Leser, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rudolf Leser or Erna Leser or Adolf Leser and Marta Leser or the children, names unknown, of Rudolf Leser, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rudolf Leser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Rudolf Leser, and the domiciliary personal rep-

resentatives, heirs, next of kin, legatees and distributees, names unknown, of Rudolf Leser, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-624; Filed, Jan. 12, 1951; 8:56 a. m.]

[Vesting Order 16780]

RUDOLF LESER ET AL.

In re: Rights of Rudolf Leser, et al., under contract of insurance. File No. F-28-3426-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Leser, Erna Leser, Adolf Leser and Marta Leser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7730973 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Rudolf Leser, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rudolf Leser or Erna Leser or Adolf Leser and Marta Leser or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-625; Filed, Jan. 12, 1951; 8:56 a. m.]

[Vesting Order 16809]

JIRO SUGITA ET AL.

In re: Rights of Jiro Sugita, et al., under contract of insurance. File No. D-39-18998-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jiro Sugita and Mutsue Sugita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,438,938 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Jiro Sugita, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Jiro Sugita or Mutsue Sugita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-626; Filed, Jan. 12, 1951; 8:56 a. m.]

[Vesting Order 16811]

TORISHICHI AND YAYE SUZUKI

In re: Rights of Torishichi Suzuki and Yaye Suzuki under contract of insurance. File No. D-39-12046-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Torishichi Suzuki and Yaye Suzuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1362884 issued by The Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Torishichi Suzuki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Torishichi Suzuki or Yaye Suzuki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-627; Filed, Jan. 12, 1951; 8:57 a. m.]

[Vesting Order 16814]

TADASHI UYESUGI ET AL.

In re: Rights of Tadashi Uyesugi et al. under insurance contract. File No. F-39-5298-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadashi Uyesugi and Masaichi Uyesugi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 12,923,465, issued by the New York Life Insurance Company, New York, New York, to Tadashi Uyesugi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tadashi Uyesugi or Masaichi Uyesugi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-628; Filed, Jan. 12, 1951; 8:57 a. m.]

[Vesting Order 16815]

ARTHUR C. VOGT

In re: Rights of Arthur C. Vogt under insurance contract. F-28-24676-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur C. Vogt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Arthur C. Vogt under a contract of insurance evidenced by Policy No. 1300693A issued by the Metropolitan Life Insurance Company, New York, New York, to Arthur C. Vogt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Margarethe Vogt, a resident of the United States and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Arthur C. Vogt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-629; Filed, Jan. 12, 1951; 8:57 a. m.]

[Vesting Order 16820]

CLAUSE WITTSCHIEBEN ET AL.

In re: Rights of Clause Wittschieben et al. under contract of insurance. File No. F-28-24567-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clause Wittschieben, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Clause Wittschieben, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 5 515 024 C issued by the Metropolitan Life Insurance Company, New York, New York, to Clause Wittschieben, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Clause Wittschieben or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Clause Wittschieben, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Clause Wittschieben, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-629; Filed, Jan. 12, 1951; 8:57 a. m.]

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-632; Filed, Jan. 12, 1951; 8:58 a. m.]

[Vesting Order 16816]

MARTHA VON WEEL AND GERTRUDE ECKHARDT

In re: Rights of Martha Von Weel and Gertrude Eckhardt under insurance contract; F-28-17758-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Von Weel and Gertrude Eckhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 11005773 A issued by the Metropolitan Life Insurance Company, New York, New York, to Martha Von Weel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Martha Von Weel or Gertrude Eckhardt the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-630; Filed, Jan. 12, 1951; 8:57 a. m.]

[Vesting Order 16821]

ANNA WOLF ET AL.

In re: Rights of Anna Wolf et al under an insurance contract. File No. F-28-29731-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wolf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Wolf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 110084 MI issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Wolf, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Anna Wolf or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Wolf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Wolf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-633; Filed, Jan. 12, 1951; 8:58 a. m.]

[Vesting Order 16819]

HELMUT WILKE ET AL.

In re: Rights of Helmut Wilke et al. under insurance contract. File No. F-28-28532-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmut Wilke and Toni Wilke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 10 719 614, issued by the New York Life Insurance Company, New York, New York, to Helmut Wilke, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Helmut Wilke or Toni Wilke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-631; Filed, Jan. 12, 1951; 8:57 a. m.]

[Vesting Order 16931]

KAROLINE BADER AND ROBERT HUHN

In re: Interest in real property owned by Karoline Bader and Robert Huhn. D-28-7924.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karoline Bader and Robert Huhn, each of whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided two-thirds interest in real property situated in the County of Essex, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots, pieces or parcels of land known and designated as Lots Nos. 18, 21 to 27 incl., 30 and 31 in Block 153-N; Lots Nos. 23, 24, 35 to 39 incl., in Block 153-O, on map of property of C. W. Fundus, West Orange, N. J., and filed in the Office of the Register of Essex County, State of New Jersey, on May 13, 1932, in Case No. 1278.

[F. R. Doc. 51-638; Filed, Jan. 12, 1951; 8:59 a. m.]

[Vesting Order 16823]

YOSHITAKA ELBERT AND ENICHI YAMAO

In re: Rights of Yoshitaka Elbert Yamao and Enichi Yamao under insurance contract. File No. F-39-6326-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitaka Elbert Yamao and Enichi Yamao, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 13144929 issued by the New York Life Insurance Company, New York, New York, to Yoshitaka Elbert Yamao, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yoshitaka Elbert Yamao or Enichi Yamao, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-634; Filed, Jan. 12, 1951; 8:58 a. m.]

[Vesting Order 16932]

WILLIAM H. EVERS ET UX.

In re: Real property, safe deposit box lease and bank accounts owned by William H. Evers, also known as Wilhelm Heinrich Evers, et ux. F-28-30936.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William H. Evers, also known as Wilhelm Heinrich Evers, and Dorothea Evers, also known as Dorothy Evers, and as Dorothea Helene Evers, his wife, each of whose last known address is Grossestrasse 65 (24-a), Lamstedt-Niederelbe, Province of Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the Township of Jefferson, County of Morris, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property.

b. All rights and interests created in the persons named in subparagraph 1 hereof, under and by virtue of a safe deposit box lease agreement dated December 20, 1935, and any and all extensions or renewals thereof, by and between the persons named in subparagraph 1 hereof, and the Nicodemus National Bank of Hagerstown, Hagerstown, Maryland, relating to safe deposit box numbered 427, located in the vault of the said Nicodemus National Bank of Hagerstown, including particularly but not limited to the right of access to said safe deposit box,

c. All property of any nature whatsoever, owned by the persons named in subparagraph 1 hereof, located in the safe deposit box referred to in subparagraph 2-b hereof, and all rights and interests of said persons, evidenced or represented thereby, and

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Nicodemus National Bank of Hagerstown, Hagerstown, Maryland, arising out of a bank account, entitled Dorothy Evers or William Evers, maintained at said bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Dorothea Evers, also known as Dorothy Evers, and as Dorothea Helene Evers, by Nicodemus National Bank of Hagerstown, Hagerstown, Maryland, arising out of a bank account, entitled Mrs. Dorothy Evers account No. 2, maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dorothea Evers, also known as Dorothy Evers and as Dorothea Helene Evers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b, 2–c, 2–d and 3 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Beginning at a point in the northerly side or line of the public road leading from Lake Hartung to Milton, the same being in the westerly side or line of lands heretofore conveyed by Lake Hartung, Inc. to one Martin Tietjen, et al.; thence (1) northerly along said westerly side of lands of said Tietjen, et al., two hundred twenty (220) feet more or less to a point forty-four (44) feet southerly from the northwest corner of lands of said Tietjen, et al.; thence (2) westerly and at right angles to the first course seventy (70) feet to a point; thence (3) southwesterly seventy (70) feet more or less to a cross cut on a large boulder near the Rockaway River; thence (4) returning to the point of beginning, westerly along the northerly side of said public road ninety (90) feet to a point; thence (5) northwesterly one hundred fifty (150) feet more or less to the end of the third course aforesaid.

[F. R. Doc. 51–639; Filed, Jan. 12, 1951; 8:59 a. m.]

[Vesting Order 16933]

HEINRICH HAMMACHER ET AL.

In re: Interest in real property owned by Heinrich Hammacher and others. D–28–12939.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hammacher, Paul Hammacher, Franziska Platte, August Hammacher, and Frederick Hammacher, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided five-sevenths (5/7ths) interest in real property situated in the County of Juneau, State of Wisconsin, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those tracts or parcels of land situated in the Town of Clearfield, County of Juneau, State of Wisconsin, particularly described as follows:

The North West Quarter of South East Quarter, the South West Quarter of South East Quarter, the East One Half of the North East Quarter of the South West Quarter, and the East One Half of the South East Quarter of the South West Quarter, in Section 23, Township 17, Range 3, East of the Fourth Principal Meridian.

[F. R. Doc. 51–640; Filed, Jan. 12, 1951; 9:00 a. m.]

[Vesting Order 16824]

TAKASHI D. YAMAUCHI ET AL.

In re: Rights of Takashi D. Yamauchi et al. under insurance contract. File No. F–39–4567–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takashi D. Yamauchi, Hiroshi Yamauchi and Akira Yamauchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 10,689,287, issued by the New York Life Insurance Company, New York, New York, to Takashi D. Yamauchi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Takashi D. Yamauchi, or Hiroshi Yamauchi, or Akira Yamauchi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph I hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–635; Filed, Jan. 12, 1951; 8:58 a. m.]

[Vesting Order 16825]

FUSAO YASUMICHI ET AL.

In re: Rights of Fusao Yasumichi et al., under contract of insurance. File No. D–39–19066–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fusao Yasumichi and Michitaro Yasumichi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 478,693 issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Fusao Yasumichi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Manufacturers Life Insurance Company together with the right to demand, enforce receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Fusao Yasumichi or Michitaro Yasumichi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–636; Filed, Jan. 12, 1951; 8:58 a. m.]

[Vesting Order CE 487]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A NEW YORK COURT

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses were incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

4. That each amount stated in Column 4 of said Exhibit A has been paid from the property which each of said persons obtained or was determined to have as a result of the action or proceeding identified in Column 3 of said Exhibit A opposite such person's name and all of said amounts are presently in the possession of the Attorney General of the United States.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, the amounts stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Banque de Bruxelles S. A.	Belgium	Herman Lodner vs. Banque de Bruxelles S. A. and The Chase National Bank of the City of New York, Supreme Court, New York County, N. Y. Docket No. 12594/1943.	$52.00

[F. R. Doc. 51–644; Filed, Jan. 12, 1951; 9:01 a. m.]

[Vesting Order 16826]

KURT AND ERIKA ZIEGLER

In re: Rights of Kurt Ziegler and Erika Ziegler under an annuity contract. File No. F–28–26811–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Ziegler and Erika Ziegler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under an annuity contract evidenced by Certificate No. 98 of Group Annuity Contract No. AC 240, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Kurt Ziegler, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said annuity contract except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Kurt Ziegler or Erika Ziegler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-637; Filed, Jan. 12, 1951; 8:59 a. m.]

[Vesting Order 16935]

NAKAZO NISHI ET AL.

In re: Real property and a claim owned by Nakazo Nishi and others. F-39-4215.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nakazo Nishi and K. Iseri, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Nakazo Nishi, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. Real property situated in the City of Roseville, County of Placer, State of California, particularly described as Lot 11, in Block 23, as shown on that certain map entitled: Map No. 2 Roseville Heights, filed in the office of the Recorder of Placer County, California, January 9, 1907, in Book A of Maps at page 51, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation of F. A. Nagle, 316 Lincoln Street, Roseville, California, arising out of the net income by reason of collection of rent on the real property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-642; Filed, Jan. 12, 1951; 9:00 a. m.]

[Vesting Order 16936]

PAUL WEISS ET UX.

In re: Real property owned by Paul Weiss, et ux. F-28-21998.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Weiss and Adele Weiss, his wife, each of whose last known address is Frankendorfer Str. Tanna Kreis/Schleiz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Borough of Demarest, County of Bergen, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots, tracts, or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Demarest in the County of Bergen and State of New Jersey, which on a certain map entitled "Map of property belonging to the Palisade Manor Co., Inc., at Cresskill and Demarest, Bergen County, New Jersey," Watson G. Clark, C. E., filed in the Bergen County Clerk's Office, December 24, 1926, as Map No. 2193, are known and designated as lots numbered one (1), two (2), three (3), and four (4), the same being that certain property conveyed by deed given by Harry Meyers as Receiver of the Palisades Development Corporation under appointment of the Court of Chancery dated February 24, 1931, and upon the express authority contained in an order of the Court of Chancery dated the 27th day of March 1931, authorizing said Harry Meyers, as Receiver of the Palisades Development Corporation, to execute such deed confirming the deed made between the parties thereto on the 17th day of October 1927, and which confirmatory deed was dated March 4, 1931, and was recorded in the clerk's office of the County of Bergen on July 2, 1932, in Liber 1841 of Deeds at page 46.

[F. R. Doc. 51-643; Filed, Jan. 12, 1951; 9:00 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 16 NUMBER 10

Washington, Tuesday, January 16, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10202

PRESCRIBING OR AMENDING PORTIONS OF THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Selective Service Act of 1948 (62 Stat. 604), as amended, it is ordered as follows:

1. I hereby prescribe the following portion of the regulations governing the administration of Title I of the said Act, as amended, which shall constitute a portion of Part 1630 of Chapter XVI of Title 32 of the Code of Federal Regulations, and a portion of the Selective Service Regulations:

PART 1630—VOLUNTEERS

Sec.
1630.1 Who may volunteer.
1630.2 Where person may volunteer.
1630.3 Registration of certain volunteers.
1630.4 Classification of volunteers.
1630.5 Selection of volunteer.

§ 1630.1 *Who may volunteer.* Registrants who have reached the eighteenth anniversary of the day of their birth and who have not reached the twenty-sixth anniversary of the day of their birth may volunteer at their local board for induction into the armed forces by filing an Application for Voluntary Induction (SSS Form No. 254).

§ 1630.2 *Where person may volunteer.* (a) If a man has been registered and desires to volunteer for induction, he may so volunteer only through his own local board. If a man has not been registered and desires to volunteer for induction, he may register and then volunteer, but may do so only through the local board having jurisdiction of the area in which his place of residence is located.

(b) A registrant who is so far from his local board that it would be a hardship for him to appear in person at such local board in order to volunteer may present himself at a local board having jurisdiction of the area in which he is at the time located, and such local board shall assist him by correspondence or other means to volunteer through his own local board to the end that all uncompleted procedure with reference to such man's registration, classification, selection, and induction may be completed as soon as possible, including when necessary, transfer for classification, transfer for physical examination, transfer for delivery, or any of such steps which may be considered proper for the purpose.

§ 1630.3 *Registration of certain volunteers.* (a) If a person who is required to be registered but who has failed to register volunteers for induction, he shall be registered and shall be given a selective service number in the same manner as in the case of a late registrant. In all such cases, as well as in the cases of persons already registered a "V" shall be placed at the top of the Registration Card (SSS Form No. 1) to indicate that such a registrant is a volunteer.

(b) If a person not required to be registered volunteers for induction, he shall be registered and shall be given a selective service number in exactly the same manner as any other registrant. A "V" shall be placed at the top of the Registration Card (SSS Form No. 1) to indicate that such person is a volunteer.

(c) In registering the volunteer, the local board shall follow the procedure set forth in Part 1613 of this chapter, and, as in the case of any other registrant, the local board for the area in which the residence of the registrant (the place indicated on line 2 of the Registration Card (SSS Form No. 1)) is located will have jurisdiction of such registrant.

§ 1630.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (SSS Form No. 254) under the provisions of § 1630.1, he shall be classified as soon as possible and placed in a class available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II-A, Class II-C, or Class III-A;

(b) He is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law; or

(c) Under the provisions of § 1622.21 of this chapter he is found to be physically, mentally, or morally unfit.

§ 1630.5 *Selection of volunteer.* A volunteer who is placed in Class I-A or

(Continued on p. 383)

CONTENTS

THE PRESIDENT

Executive Orders — Page
Creation of an emergency board to investigate dispute between American Airlines, Inc., and certain of its employees 385
Selective Service Regulations; prescribing or amending portions 381

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.
Delegation of authority with respect to disposal of telephone and power lines (*see* General Services Administration).

Alien Property, Office of
Notices:
Vesting orders, etc.:
Blumel, Ida 402
Corset, Lucien Alfred Maurice 415
Dresdner Bank et al 404
Fanning, Katherine Yockel 403
Flinte, Maria, et al 408
Goetz, Hermann Carl, et al 412
Hase, Kiyoshi Richard 406
Helbig, Werner, et al 408
Hennes, Theodora 400
Hirschland, Henriette H 415
Imanishi, Masao, et al 413
Imanishi, Naokichi, et al 413
Kawanami, Kurata 406
Kintzel, Marie 414
Kober, George M., and Henry 403
Koshi, George, et al 401
Kuramoto, Hideto, and Takaichi 402
Lachningen, Doris M 402
Lang, Richard T., et al 408
Leser, Rudolf, et al 409
Luettschwager, Ruth 402
Maeda, Waichi, et al 414
Magis, Auguste Adelin Gustave 416
Mayer, Theodor, et al 412
Mazzarovich, Mario, et al 409
Merkle, Rose M., and August 409
Mockel, Lorenz 403
Ohashi, Hikosaburo, and Masako (2 documents) 410
Pagenstecher, Mrs. Irma, et al 407
Peter, Bernard G., and Anna Mathilda Polek 415
Poszich, Enid May 415

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Rechten, Frieda 407
Rothammer, Frieda A., et al 414
Rothschild, Recha, et al 416
Schmitz, Ernst, et al 410
Schubert, Maria 415
Soehnlein, Beatrice, et al 411
Sonnenfeld, Hermann 401

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Springer, Marie, et al 401
Tanabe, Yaichi, et al 413
Uyeda, Fujio 414
Vogt, Karl, et al 411
Yamaguchi, Mokichi, et al 411
Yasutomi, Mrs. Shizuyo, and Kinroku 412
Yoneda, Sada 404

Army Department
Rules and regulations:
Decorations, medals, ribbons, and similar devices; medal for humane action 391

Commerce Department
See National Production Authority; Public Roads Bureau.

Customs Bureau
Notices:
Petroleum and petroleum products; tariff-rate quota; quantities and allocation of the tariff-rate quotas for calendar year 1951 396

Defense Department
See Army Department.

Federal Power Commission
Notices:
Hearings:
East Ohio Gas Co 397
Michigan Gas Storage Co 397
Winter Electric Light and Power Co 396

Federal Trade Commission
Rules and regulations:
Bonner Packing Co. et al.; cease and desist order 387

General Services Administration
Notices:
Secretary of Agriculture; delegation of authority with respect to disposal of telephone and power lines by Department of Agriculture 397

Home Loan Bank Board
Proposed rule making:
Regular credits; charging of losses and payment of dividends 395

Housing and Home Finance Agency
See Home Loan Bank Board.

Interstate Commerce Commission
Notices:
Applications for relief:
Coal, bituminous, to Windom, Minn 397
Lumber between points on Southern Railway Co 398
Pulpboard from Panama City and Port St. Joe, Fla., and Georgetown, S. C 397

Justice Department
See Alien Property, Office of.

National Production Authority
Rules and regulations:
Aluminum 391
Bristles, pigs' and hogs', and bristle products 392
Carded cotton sales yarn 394

Post Office Department Page
Rules and regulations:
Domestic insurance and collect-on-delivery services: indemnity; indemnity payments 394
Forms of the Post Office Department 394
Procedures of the Post Office Department 394

Production and Marketing Administration
Rules and regulations:
Louisiana, sugarcane (production and cultivation); calendar year 1951 385

Public Roads Bureau
Rules and regulations:
Federal-Aid Road Act of July 11, 1916, as amended and supplemented 387

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Gas and Electric Co 399
D. & Z. Employees' Trust Fund 399
Long Island Lighting Co. et al 398
United Corp 398
Proposed rule making:
Reporting requirements applicable to registered public utility holding companies 395

Selective Service System
Rules and regulations:
Addition to and amendments of regulations 391

Treasury Department
See Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
9979 (amended by EO 10202).
9988 (amended by EO 10202).
9992 (amended by EO 10202).
10001 (amended by EO 10202).
10116 (amended by EO 10202).
10202 381
10203 385

Title 7
Chapter VIII:
Part 864 385

Title 16
Chapter I:
Part 3 387

Title 17
Chapter II:
Part 210 (proposed) 395
Part 250 (proposed) 395

Title 23
Chapter I:
Part 1 387

Title 24
Chapter I:
Part 163 (proposed) 395

CODIFICATION GUIDE—Con.

Title 32 Page
Chapter V:
Part 578 391
Chapter XVI:
Part 1604 391
Parts 1621–1623 391
Part 1628 391
Parts 1630–1632 391
Part 1642 391

Title 32A
Chapter I:
Part 26 391
Part 73 392
Part 75 394

Title 39
Chapter I:
Part 64 394
Part 150 394
Part 155 394

Class I–A–O shall be selected for armed forces physical examination and for induction in the manner prescribed in Parts 1628 and 1631 of this chapter.

2. I hereby prescribe the following amendments of the Selective Service Regulations prescribed in part by Executive Order No. 9979 of July 20, 1948, in part by Executive Order No. 9988 of August 20, 1948, in part by Executive Order No. 9992 of August 28, 1948, in part by Executive Order No. 10001 of September 17, 1948, and in part by Executive Order No. 10116 of March 9, 1950, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

(a) (1) Paragraph (d) of § 1604.1 of Part 1604, *Selective Service Officers,* is amended to read as follows:

(d) To appoint, and to fix, in accordance with the Classification Act of 1949, as amended, so far as applicable, the compensation of, such officers, agents, and employees as shall be necessary for carrying out the functions of the Selective Service System.

(2) The table of contents of Part 1604 is amended by inserting, immediately after "1604.52 Composition and appointment.", the following: "1604.52a Panels of local boards.".

(3) The following new section is added to Part 1604 immediately following § 1604.52:

§ 1604.52a *Panels of local boards.* (a) Whenever the State Director of Selective Service determines that the work load of a local board has become too great to be handled without undue delay, he is authorized to establish panels of such local board in such number as he may determine, but not to exceed one panel for each three local board members. The jurisdiction of each such panel shall be the same as the jurisdiction of the local board subject to the limitations contained hereafter in this section.

(b) Whenever the State Director of Selective Service establishes panels in a local board, the chairman of such local board shall assign at least three members of the local board to each such panel. Each local board member, including the chairman, shall be assigned to a panel. No member shall be assigned to more than one panel at the same time.

(c) The chairman of the local board shall not alter the assignment of members of the local board to panels without the written consent of the State Director of Selective Service. A member of a local board shall not be qualified to vote on any question or classification which arises before any panel of the board except the one to which he is assigned, but all questions arising in the selection of registrants for armed forces physical examination or for induction, except questions concerning the classification of registrants, shall be determined by the local board as a whole without regard to panel assignments.

(d) A majority of the members of the local board assigned to a panel of the board shall constitute a quorum for the transaction of business before that panel. A majority of the members assigned to a panel who are present at any meeting of the panel at which a quorum is present shall decide any question or classification properly before the panel. Every member of the panel present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the panel shall postpone action on the question or classification until it can be decided by a majority vote.

(e) The chairman of the local board shall assign the cases of registrants to the panels thereof in such manner that the resultant classification actions shall establish a single availability list for the board so that registrants shall be available generally in the order of their liability for service in the armed forces. Except as otherwise provided in this paragraph, no panel of a local board other than the panel to which the case of a registrant is initially assigned shall determine any question or classification with respect to such registrant. After the case of a registrant has been assigned to a panel, the chairman of the local board may reassign any such case to another panel when he determines such action is necessary in order to prevent undue delay in the processing of registrants. Whenever, because of the provisions of paragraph (a) of § 1604.55, a majority of a panel is disqualified to act on the case of a registrant assigned to the panel, the chairman of the local board shall reassign the case to another panel, or, if all of the panels of the local board are similarly disqualified to act on the case, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case. The panel to which the case of a registrant is reassigned shall thereafter retain jurisdiction to determine all questions or classifications with respect to that registrant to the same extent as though it were the panel of initial assignment.

(b) Paragraph (e) of § 1621.9 of Part 1621, *Preparation for Classification,* is amended to read as follows:

(e) The local board shall not mail a Classification Questionnaire (SSS Form No. 100) to a registrant who has not attained the age of nineteen years unless such registrant previously volunteers for induction.

(c) (1) The headnote for § 1622.7 in the table of contents of Part 1622, *Classification Rules and Principles,* is amended to read as follows:

§ 1622.7 *Class I–C.* Member of armed forces of the United States, the Coast and Geodetic Survey or the Public Health Service, and certain registrants separated therefrom.

(2) Section 1622.2 of Part 1622 is amended to read as follows:

§ 1622.2 *The five classes.* Each registrant shall be classified in one of five main classes as follows:

Class I: Available for military service. Members of the armed forces, the Coast and Geodetic Survey or the Public Health Service. Members of reserve components or students taking military training.

Class II: Deferred because of occupational status.

Class III: Deferred because of dependency.

Class IV: Deferred specifically by law or because unfit for military service.

Class V: Over the age of liability for military service.

(3) Section 1622.3 of Part 1622 is amended to read as follows:

§ 1622.3 *Subclasses.* The five main classes are further divided into subclasses as follows:

Class I

Class I–A: Available for military service.

Class I–A–O: Conscientious objector available for noncombatant service only.

Class I–C: Member of the armed forces of the United States, the Coast and Geodetic Survey or the Public Health Service, and certain registrants separated therefrom.

Class I–D: Member of reserve component or student taking military training.

Class II

Class II–A: Deferred because of civilian employment (except agriculture).

Class II–C: Deferred because of employment in agriculture.

Class III

Class III–A: Deferred because of dependents.

Class IV

Class IV–A: Registrant who has completed service; sole surviving son.

Class IV–B: Official deferred by law.

Class IV–C: Aliens.

Class IV–D: Minister of religion or divinity student.

Class IV–E: Conscientious objector opposed to both combatant and noncombatant military service.

Class IV–F: Physically, mentally or morally unfit.

Class V

Class V–A: Registrant over the age of liability for military service.

(4) The headnote and paragraphs (c) and (d) of § 1622.7 of Part 1622 are amended to read as follows:

§ 1622.7 *Class I–C: Member of the armed forces of the United States, the Coast and Geodetic Survey or the Public Health Service, and certain registrants separated therefrom.* * * *

(c) Every registrant who by induction becomes a member of the Army of the

United States, the United States Navy, the United States Marine Corps, the Air Force of the United States, or the United States Coast Guard.

(d) Every registrant who is a member of a reserve component of the armed forces or the Public Health Service and who is on active duty (exclusive of periods for training only).

(5) Paragraph (a) of § 1622.8 of Part 1622 is amended to read as follows:

(a) In Class I–D shall be placed any registrant who served honorably on active duty between September 16, 1940, and June 24, 1948, for a period of 90 days or more but less than 12 months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, when such period of active duty does not include a period in excess of 90 days between December 7, 1941, and September 2, 1945, if—

(1) The local board determines that he is regularly enlisted or commissioned in any organized unit of a reserve component of the armed force in which he served, provided such unit is reasonably accessible to such person without unduly interrupting his normal pursuits and activities (including attendance at a college or university in which he is regularly enrolled), or in a reserve component (other than in an organized unit) of such armed force in any case in which enlistment or commission in an organized unit of a reserve component of such armed force is not available to him; or

(2) The local board determines that enlistment or commission in a reserve component of such armed force is not available to him or that he has voluntarily enlisted or accepted appointment in an organized unit of a reserve component of an armed force other than the armed force in which he served.

(6) Paragraph (c) of § 1622.18 of Part 1622 is amended to read as follows:

(c) In Class IV–C shall be placed any registrant who is an alien and who is a citizen of a foreign country and who, being not otherwise deferrable or exempt from training and service, has, prior to his induction, made application to be relieved from liability for training and service in the armed forces of the United States by filing with the local board an Application by Alien for Relief from Training and Service in the Armed Forces (SSS Form No. 130), executed in duplicate. The local board shall forward the original of such form to the Director of Selective Service through the State Director of Selective Service and shall retain the duplicate in the registrant's Cover Sheet (SSS Form No. 101).

(d) (1) Section 1623.2 of Part 1623, *Classification Procedure*, is amended to read as follows:

§ 1623.2 *Consideration of classes.* Upon undertaking to classify any registrant, unless grounds are established to place the registrant in Class I–C under the provisions of § 1622.7 of this chapter, the registrant shall be classified in the lowest class for which he is determined to be eligible with Class I–A considered the highest class and Class V–A considered the lowest class according to the following table:

Class:		Class:	
	I–A		IV–A
	I–A–O		IV–B
	IV–E		IV–C
	I–D		IV–D
	II–A		IV–F
	II–C		V–A
	III–A		

(2) Paragraph (b) of § 1623.9 of Part 1623 is amended to read as follows:

(b) After returning the Classification Questionnaire (SSS Form No. 100), a registrant may be transferred to another local board for classification at any time (1) when the local board cannot act on his case because of disqualification under the provisions of § 1604.52a or § 1604.55 of this chapter, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraw from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

(e) (1) Subparagraph (4) of paragraph (d) of § 1628.4 of Part 1628, *Physical Examination*, is amended to read as follows:

(4) The local board shall note in the "Disposition" column of the Physical Examination List (SSS Form No. 225), if the registrant's name appears thereon, the fact that he has been found disqualified for service in the armed forces.

(2) Paragraph (b) of § 1628.11 of Part 1628 is amended to read as follows:

(b) In complying with such directive, the local board shall mail an Order to Report for Armed Forces Physical Examination (SSS Form No. 223) to registrants who have been classified in Class I–A and Class I–A–O without regard to whether the registrants have requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken. The local board in complying with such directive shall, so far as is practicable, select and order to report for armed forces physical examination first such registrants who are volunteers in the sequence in which they have volunteered for induction and then such registrants who are nonvolunteers in the order of their liability for service.

(3) Subparagraph (1) of paragraph (a) and paragraph (b) of § 1628.13 of Part 1628 are amended to read as follows:

(1) Prepare in quintuplicate a Physical Examination List (SSS Form No. 225), completing thereon the entries in columns (1) and (2) for each such registrant.

* * * * *

(b) Whenever a registrant referred to in paragraph (a) of this section is transferred to another local board for armed forces physical examination, a notation of such transfer shall be made in the "Remarks" column of the Physical Examination List (SSS Form No. 225) and all of the other records of such registrant prepared in the manner provided in paragraph (a) of this section shall be transmitted to the local board to which such registrant is transferred for armed forces physical examination in the manner and at the time provided in § 1628.14.

(4) Subparagraph (1) of paragraph (a) of § 1628.25 of Part 1628 is amended to read as follows:

(1) For all registrants whether found acceptable or not acceptable for service in the armed forces, the original Physical Examination List (SSS Form No. 225) indicating in the "Disposition" column the disposition of each registrant forwarded for armed forces physical examination, and the original and one copy of Certificate of Acceptability (DD Form No. 62).

(5) Part 1628 is amended by substituting "(DD Form No. 47)" for "(NME Form No. 47)" wherever the latter appears in such part and by substituting "(DD Form No. 62)" for "(NME Form No. 62)" wherever the latter appears in such part.

(f) (1) Section 1631.2 of Part 1631, *Quotas and Calls*, is amended by substituting "Notification(s) of Home Address at Time of Latest Entry into Active Service (DD Form No. 53)" for "Report(s) of Home Address at Time of Last Entry into Service (NME Form No. 53)" wherever the latter appears in such section.

(2) Section 1631.7 of Part 1631 is amended to read as follows:

§ 1631.7 *Action by local board upon receipt of notice of call.* (a) Each local board, upon receiving a Notice of Call on Local Board (SSS Form No. 201) from the State Director of Selective Service for a specified number of men shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and have been found acceptable for service in the armed forces and to whom the local board has mailed a Certificate of Acceptability (DD Form No. 62) at least 21 days before the date fixed for induction: *Provided*, That a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an induction call notwithstanding the fact that he has not been found acceptable for service in the armed forces and has not been mailed a Certificate of Acceptability (DD Form No. 62): *And provided further*, That a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may, if an appeal is not pending in his case and the period during which an appeal may be taken has expired, be selected and ordered to report for induction notwithstanding the fact that he has not been found acceptable for service in the armed forces and regardless of whether or not a Certificate of Acceptability (DD Form No. 62) has been mailed to him. Such registrants shall be selected and ordered to report for induction in the following order:

(1) Volunteers in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the order of their dates of birth with the oldest being selected first except that a delinquent shall, regardless of his age, be selected and ordered to report for induction before any other nonvolunteer. When two or more such registrants have the same date of birth they shall, as among themselves, be selected in alphabetical order.

(b) Whenever the number of postponements of induction materially reduces the number of men the local board actually can deliver in response to a call, the local board shall issue orders to report for induction to such numbers of additional men as may be necessary to meet the call, taking into account the number of men to be delivered following the expiration of postponements previously granted.

(g) (1) Section 1632.1 of Part 1632, *Delivery and Induction*, is amended to read as follows:

§ 1632.1 *Order to report for induction.* Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (SSS Form No. 252) in duplicate. The date specified for reporting for induction shall be at least 10 days after the date on which the Order to Report for Induction (SSS Form No. 252) is mailed, except that a registrant classified in Class I–A or Class I–A–O who has volunteered for induction may be ordered to report for induction on any date after he has so volunteered if an appeal is not pending in his case and the period during which an appeal may be taken has expired. The local board shall mail the original of the Order to Report for Induction (SSS Form No. 252) to the registrant and shall file the copy in his Cover Sheet (SSS Form No. 101).

(2) Part 1632 is amended by substituting "(DD Form No. 47)" for "(NME Form No. 47)" wherever the latter appears in such part.

(h) (1) Section 1642.12 of Part 1642, *Delinquents*, is amended to read as follows:

§ 1642.12 *Classification of registrant delinquent.* Any delinquent registrant between the ages of 19 and 26 and any delinquent registrant between the ages of 18 and 26 who volunteers for induction may be classified in or reclassified into Class I–A or Class I–A–O, whichever is applicable, regardless of other circumstances: *Provided*, That the following may not be classified in or reclassified into Class I–A or Class I–A–O under this section unless such action is specifically authorized by the Director of Selective Service:

(a) A delinquent registrant in Class I–C who, after completion of any period of active service in the armed forces of the United States under the provisions of the Selective Service Act of 1948, as amended, has been separated from the armed forces or transferred to a reserve component thereof; or

(b) A delinquent registrant who by reason of his service in the armed forces is eligible for classification into Class IV–A.

(2) Section 1642.13 of Part 1642 is amended to read as follows:

§ 1642.13 *Certain delinquents to be ordered to report for induction.* The local board shall order each delinquent registrant between the ages of 19 and 26 and each delinquent registrant between the ages of 18 and 26 who volunteers for induction who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in § 1631.7 of this chapter unless (a) it has already done so, or (b) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 12, 1951.

[F. R. Doc. 51–837; Filed, Jan. 15, 1951; 10:40 a. m.]

EXECUTIVE ORDER 10203

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE AMERICAN AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the American Airlines, Inc., a carrier, and certain of its employees represented by the Air Line Pilots Association, International, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the American Airlines, Inc., or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 13, 1951.

[F. R. Doc. 51–836; Filed, Jan. 15, 1951; 10:40 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.3]

PART 864—SUGARCANE (PRODUCTION AND CULTIVATION); LOUISIANA

CALENDAR YEAR 1951

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 14, 1950, the following determination is hereby issued:

§ 864.3 *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1951*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production and cultivation of sugarcane in Louisiana during the calendar year 1951, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this section, not less than the following:

(i) *Basic wage rates and adjustments for sugar price changes.* When the average price of raw sugar is within the base price range of $5.60 to $6.00, inclusive, per one hundred pounds for the two-week period immediately preceding the two-week period during which the work is performed, and for each full 10 cents that such price shall average more than $6.00 or less than $5.60, the basic day wage rates in the following table shall be applicable:

TABLE OF RAW SUGAR PRICE RANGES AND APPLICABLE BASIC WAGE RATES[1]

Operations	Price ranges—2-week average price of 100 pounds of raw sugar						
At least	$5.201	$5.301	$5.401	$5.501	$6.100	$6.200	$6.300
But not more than	5.300	5.400	5.500	6.099	6.199	6.299	6.399
				Base price range $5.60–$6			
For all work except as otherwise specified:							
Adult females, per 9-hour day	$2.45	$2.50	$2.55	$2.60	$2.65	$2.70	$2.75
Adult males, per 9-hour day	2.95	3.00	3.05	3.10	3.15	3.20	3.25
Tractor drivers, per 9-hour day	3.70	3.75	3.80	3.85	3.90	3.95	4.00
Teamsters, per 9-hour day	2.95	3.00	3.05	3.10	3.15	3.20	3.25
Workers between 14 and 16 years of age, per 8-hour day	2.25	2.30	2.35	2.40	2.45	2.50	2.55

[1] For each successive full 10-cent price change above $6.30 or below $5.30, the basic wage rates shall be increased or decreased, correspondingly, by the same amounts as shown above for each full 10-cent price change.

(ii) *Hourly rates.* Where workers are employed on an hourly basis, the basic wage rate per hour shall be determined by dividing the applicable basic day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and by 8 in the case of workers between 14 and 16 years of age.

(iii) *Piecework rates.* The piecework rate for any class of work shall be that agreed upon between the producer and worker: *Provided,* That the hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate specified in subdivision (ii) of this subparagraph.

(iv) *Determination of average sugar prices.* The two-week average price of raw sugar shall be determined by taking the simple average of the daily spot quotations of 96° raw sugar of the Louisiana Sugar Exchange, Inc., adjusted to a one hundred pound basis, except that if the Director of the Sugar Branch determines that for any two-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, the Director may designate the average price to be effective under this section. For the purpose of this section the average price of raw sugar prevailing during the period from December 15 through December 28, 1950, shall determine the wage rates from January 1 through January 11, 1951, and thereafter the wage rates in successive two-week work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding two-week period.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local county Production and Marketing Committee. Upon receipt of a wage claim the county Production and Marketing Administration Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Production and Marketing Administration Committee, University Station, Baton Rouge, Louisiana, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Production and Marketing Administration Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1951 as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination", identified by the calendar year for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana, on July 14, 1950, at which interested persons presented testimony with respect to fair and reasonable wage rates for production and cultivation work during the calendar year 1951. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Determinations of fair and reasonable wage rates for work in production and cultivation of sugarcane in Louisiana have been issued for each calendar year beginning with 1938. In the 1938 and 1939 wage determinations specific time rates were provided for adult males and adult females. Beginning with the 1940 wage determination coverage was extended to tractor drivers, teamsters and workers between 14 and 16 years of age.

The 1938 wage determination increased basic adult male wages for production and cultivation work 20 cents per day over those of the previous year. An increase in producer income at the same time permitted the maintenance of the customary relationship of wages to income that had existed in prior years. The basic wage rates were not changed during the years from 1938 to 1941 and the wage-income relationship remained relatively constant.

In the 1942 wage determination, the basic wage rates were increased 30 cents per day and were increased in varying amounts each subsequent year until 1948. The basic rates established in 1948 were unchanged in the 1949 and 1950 wage determinations. Throughout the years the wage rates have been established primarily on the basis of the historical wage-income relationship, although in more recent years adjustments have been made to give recognition to significant changes which have occurred in other factors customarily considered in establishing wage rates. Since the 1938–40 base period the weighted average of basic time rates for production and cultivation work increased from 13.4 cents per hour to 33.0 cent. in 1950, an increase of 146.3 percent.

In order that the wage rates might be more responsive to significant changes in sugar prices and producer income than was possible under the fixed wage levels of preceding determinations, there was included in the 1949 wage determination a modified wage-price escalator scale. Provision was made that basic time and piecework rates for a two-week work period be increased or decreased for each full 10 cents that the average price of 96° raw sugar was more than $6.25 or less than $5.60 per one hundred pounds for the two-week period immediately preceding the two-week period during which the work was performed. The amount of increase or decrease was $0.05 per 9-hour day.

In the 1950 wage determination the upper limit of the base sugar price range was lowered from $6.25 to $6.00. During 1950 the operation of the modified wage-price escalator resulted in both increases and decreases in the basic wage rates because raw sugar prices were at times above and below the base price range for two-week periods.

(d) *1951 wage determination.* In the 1951 wage determination basic wage rates are increased 20 cents per day for all classes of workers. The wage determination provides a minimum basic wage per 9-hour day for adult male workers equivalent to 34.4 cents per hour. Other provisions of the wage determination continue unchanged from those in the 1950 wage determination.

The increases in the 1951 wage determination represent an adjustment in the basic time rates. The adjustment is in conformity with that made in the wage determination for the harvesting of the 1950 crop. The wage rates will further be influenced by operation of the wage-price escalator to the extent that basic wage rates increase or decrease with each full 10-cent change in raw sugar prices for a two-week period above or below the $5.60–$6.00 base price range.

In this determination consideration has been given to the standards customarily considered with particular reference to the wage needs of workers to obtain a reasonable standard of living and the ability of producers to pay such wages. In this analysis the Department had available data on the costs, returns, profits and related factors of the Louisiana sugar industry. On the basis of the examination of all factors, it is indicated that the basic wages provided in the determination are fair and reasonable.

As in previous wage determinations, in addition to the cash wages, producers must provide workers, without charge, perquisites customarily furnished such as a habitable house, medical attention, and similar items.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 11th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-664; Filed, Jan. 15, 1951; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5534]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BONNER PACKING CO. ET AL.

Subpart—*Discriminating in price under sec. 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.820 *Direct buyers.* In connection with the sale of dried fruits or other merchandise in commerce, and on the part of respondent corporation, and its officers, and on the part of respondent individuals, individually, and as officers of said corporation, and their respective agents, etc., paying or granting, directly or indirectly, to any purchaser, anything of value as brokerage, or any commission, compensation, allowance or discount in lieu thereof, upon any purchase made for such purchaser's own account; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U. S. C. 13). [Cease and desist order, Bonner Packing Company et al., Docket 5534, November 9, 1950]

In the Matter of Bonner Packing Company, a Corporation, and Charles W. Bonner, Claire P. Hill, M. P. Davison and Alfred U. Thomsen, Individually and as Officers of Bonner Packing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' substitute answer, in which answer said respondents, for the purposes of this proceeding and with certain explanations and limitations, admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts, and certain memoranda with respect to disposition of the case, filed by counsel in support of the complaint and by counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C., sec. 13):

It is ordered, That the respondent, Bonner Packing Company, a corporation, and its officers, and the respondents, Charles W. Bonner, Claire P. Hill, M. P. Davison, and Alfred U. Thomsen, individually and as officers of Bonner Packing Company, and said respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of dried fruits or other mechandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: "Paying or granting, directly or indirectly, to any purchaser, anything of value as brokerage, or any commission, compensation, allowance or discount in lieu thereof, upon any purchase made for such purchaser's own account."

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 9, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-657; Filed, Jan. 15, 1951; 8:47 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

Sec.
1.1 Definitions.
1.2 Purpose.
1.3 Organization and powers of State highway department.
1.4 Selection and designation of highway systems.
1.5 Establishment of "urban area" boundaries.
1.6 Programs of proposed projects.
1.7 Project statements.
1.8 Surveys, plans, specifications, and estimates.
1.9 Project agreements.
1.10 Construction and contracts.
1.11 Right-of-way.
1.12 Labor and employment.
1.13 Highway planning and research projects.
1.14 Railway-highway crossing projects.
1.15 Coordination of airport and highway location.
1.16 Maintenance of projects.
1.17 Traffic signs and signals.
1.18 Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.
1.19 Records and cost keeping.
1.20 Payments.
1.21 Advance of funds.
1.22 Delegation of authority.
1.23 Operating procedures and instructions.
1.24 Application of regulations.

AUTHORITY: §§ 1.1 to 1.24 issued under sec. 18, 42 Stat. 216; 23 U. S. C. 19. Reorg. Plan 7 of 1949, 14 F. R. 5228, 63 Stat. 1070; 3 CFR, 1949 Supp., 5 U. S. C. Sup., 1337–15 note. Interpret or apply secs. 7, 8, 11, 12, 58 Stat. 842, 843; 23 U. S. C. 60–63.

§ 1.1 *Definitions.* For the purposes of the regulations in this part, the following terms shall be construed, respectively, to mean:

(a) *Act.* The Federal-Aid Road Act of July 11, 1916, and all acts amendatory thereof or supplementary thereto (U. S. C. 23), except those provisions which relate to national forest roads and highways, national park and national park approach roads and parkways, and Indian reservation roads.

(b) *Secretary.* The Secretary of Commerce, Department of Commerce.

(c) *Commissioner.* The Commissioner of Public Roads, Bureau of Public Roads, Department of Commerce.

(d) *State highway department.* The department of each State government adequately organized and equipped to exercise all the functions incident to operations under the Federal highway legislation and authorized, by the laws of the State, to make final decisions for the State in all matters relating to, and

to enter into, on behalf of the State, all contracts and agreements providing for State-Federal cooperative road projects.

(e) *Latest available Federal census.* The Federal census of 1950.

(f) *Urban area.* An area including and adjacent to a municipality or other urban place of five thousand or more as shown by the latest available Federal census.

(g) *Rural areas.* All areas of the State not included in "urban areas."

§ 1.2 *Purpose.* (a) To establish the pattern for a long-range program of highway development designed for the national defense and to serve the major classes of highway traffic broadly defined as (1) interstate or interregional, (2) intercity or intrastate, (3) rural secondary or farm-to-market, and (4) intra-urban;

(b) To recognize the State highway department as the legal representative of the State including all government subdivisions in the administration of the act within each State;

(c) To provide for a more comprehensive rural-road program through cooperation between the State highway department, the county or other appropriate local road officials, and the Bureau of Public Roads in the selection and improvement of the Federal-aid secondary system;

(d) To insure continuity in the direction of expenditures to accomplish the objectives of the long-range program by the selection of road systems and by annual improvement programs of projects lying upon each system;

(e) To create for the purposes of the act "urban areas" which are urban in character and which may include suburban communities outside municipal boundaries and to make provision for aiding the planning and development of arterial highways to serve such areas.

§ 1.3 *Organization and powers of State highway department.* Each State shall maintain at its own expense a State highway department as defined in § 1.1, having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by the act and by the regulations in this part. From time to time as the Secretary may determine, there shall be furnished to him, by or on behalf of a State, information concerning: (a) Laws affecting roads and the authority of the State and local officials in reference to the acquisition of rights-of-way, construction, maintenance, and control of roads; (b) the State highway department, how equipped and organized; (c) constitutional and legislative provisions relative to revenues for the administration, construction, reconstruction, and maintenance of roads; and (d) funds that will be available to meet the State's share of the cost of construction work to be performed and the sources of such funds.

§ 1.4 *Selection and designation of highway systems.* The highway systems designated to become the pattern for the long-range development of adequate highway service shall be so selected as to form an integrated net within each State and with like systems at State boundaries. There is no predetermined time limit for the submission of the full selection of the systems and no fixed maximum for the mileage of the systems other than the specific limitations of the act.

The extent of the over-all mileage of the systems as finally approved shall be determined by the ratio of the estimated annual income that will be available from all sources for, and the estimated annual costs of, the maintenance, construction, and reconstruction of the mileage included in the long-range program and shall be so balanced as to permit completion of the initial improvements within a reasonable period of years. The conservation and development of natural resources and of economic and social values, particularly those encouraging desirable land utilization, by providing adequately improved and maintained highways are to be given greater weight in the selection of routes for inclusion in the several systems than is the existing numerical traffic volume.

The highway systems to be selected and designated in accord with the requirements of the act are:

(a) A national system of interstate highways as required by section 7 of the Federal-Aid Highway Act of 1944.

(b) The Federal-aid highway system as now constituted and approved, with such revisions as may be approved. Transfers, if conditions warrant, may be made between the systems.

(c) A Federal-aid secondary system as required by the act. The roads selected shall be roads not included in the Federal-aid highway system and shall be exclusively within "rural areas", except that in States which have a population density exceeding 200 per square mile, roads and streets within "urban areas" may be included. The system so selected in cooperation with local road officials shall be submitted to the Commissioner of Public Roads in the form required by him and shall be subject to his approval.

§ 1.5 *Establishment of "urban area" boundaries.* Prior to the inclusion in a proposed program of any project involving funds authorized for urban areas, the boundaries of the particular urban area or areas involved shall be submitted by the State highway department and approved by the Commissioner, in accord with the terms of the act. Projects in urban areas for which the boundaries have been established may be approved prior to the determination of the boundaries of all urban areas within a State.

§ 1.6 *Programs of proposed projects.* Each State highway department shall prepare and submit to the Commissioner for approval detailed programs of proposed projects for the utilization of any apportionment of funds made to the State under the provisions of the act. Projects for construction on the Federal-aid secondary system shall be selected and the specifications with respect thereto shall be determined by the State highway department and the appropriate local officials in cooperation with each other, subject to approval by the Commissioner as provided by the act. These programs shall be in such form and shall be supported by such information as the Commissioner may require. Prior to the inclusion in the program of projects lying off the approved systems, the routes of which such projects form an integral part shall be submitted by the State highway department and approved by the Commissioner as routes of the appropriate system.

§ 1.7 *Project statements.* (a) The program required by § 1.6 may be accepted as constituting the project statement referred to in the act.

(b) The Commissioner shall not authorize the advertisement of any project and shall not concur in the award of any contract for any project until the program which includes such project has been approved.

§ 1.8 *Surveys, plans, specifications, and estimates.* (a) Surveys, plans, specifications, and estimates for all projects shall be prepared by or under the immediate direction of the State highway department and shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards governing form and arrangement prescribed by the Commissioner.

(b) The State highway department may utilize the services of well-qualified and suitably equipped engineering organizations of counties, municipalities, or other local subdivisions, acting under its direction, for making surveys, preparing plans, specifications, and estimates, and for supervising the construction of any project. Inasmuch as the act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required, no part of the cost of maintaining the central office of a State highway department or the central office of any publicly maintained engineering organization which may be utilized by the State shall be paid with Federal funds.

The State highway department may utilize the services of the engineering organizations of the affected railroad companies for railway-highway crossing projects subject to the same limitations as to the general overhead costs.

The services of private engineering organizations and of consulting engineers may be utilized on the basis of contracts for work of an unusual character requiring highly specialized knowledge and experience.

(c) Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory by the authorized representative of the Commissioner, and the State has been so notified, no project or part thereof shall be advertised for contract.

(d) If any part of the cost of a project is to be provided by a county, municipality, or other local subdivision of a State, the State highway department shall determine the official actions to be taken by, and shall enter into such agreements with, the appropriate local officials as the department shall find desirable to safeguard its responsibility under the act for the fulfillment of the project agreement and the continuous maintenance of the project.

§ 1.9 *Project agreements.* (a) A project agreement between the State highway department and the Commissioner shall be executed for each project on a form furnished by the Commissioner. No payment on any project shall be made by the United States unless and until such agreement has been executed, nor on account of costs incurred prior to authorization by the authorized representative of the Commissioner.

(b) Subsequent to execution of the project agreement no change shall be made which will increase the cost of a project to the Federal Government or alter its termini, type, or other conditions except upon agreement with the Commissioner.

§ 1.10 *Construction and contracts.* (a) Actual construction work shall be performed by the contract method unless another method is recommended by the State highway department and approved by the Commissioner for the reason that, under the circumstances, the interests of the public will be served, or that the proposed work is of a character not adapted to normal contract procedures. Before any work is undertaken by direct labor, the State highway department shall determine that the organization that is to undertake the work is able and equipped to perform such work at costs which are reasonable and which compare favorably with similar contract work.

(b) No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Commissioner that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money. An advertising period of 2 weeks may be accepted, provided a suitable mailing list of contractors is maintained by a State highway department to whom notices of new work are mailed, and public advertisement is inserted at least once a week for 2 weeks in such publications as will insure adequate publicity, the first insertion to be 2 weeks prior to the opening of bids. In case of emergency an advertising period of less than 2 weeks, or another method insuring competitive prices, may be approved.

(c) All contracts for the construction of highways under the act shall require the contractor to furnish all materials entering into the work, except as otherwise authorized by the prior approval of the Commissioner. No requirement shall be contained in any contract entered into by any State providing price differentials for, requiring the use of, or otherwise discriminating in favor of materials produced within the State.

(d) No procedure or requirement shall be approved which, in the judgment of the Secretary, is designed or may operate to prevent the submission of a bid by, or the award of a contract to, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed, such as laws or regulations which require the licensing of a contractor before he may submit a bid or which prohibit the consideration of a bid submitted by a contractor not so licensed, or rules which govern the prequalification of contractors by which the amount of work that may be awarded to a contractor is limited otherwise than by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record.

(e) No contract for any project or part thereof shall be entered into or award therefor made by any State without prior concurrence in such action by the Commissioner, and no alteration in the contract subsequently shall be made without the approval of the Commissioner.

(f) Where bids for a project are received on alternate types of construction, the award of contract shall be made to the responsible bidder submitting the lowest acceptable bid irrespective of type, unless it be satisfactorily shown that it is in the public interest to accept a higher bid.

(g) All contracts for projects under the act shall contain suitable stipulations designed to insure that the contractor shall perform with his own organization work amounting to not less than 50 percent of the combined value of all items of work covered by the contract for each project: *Provided, however,* That any work under the contract which will require highly specialized knowledge, craftsmanship, or equipment not ordinarily available in contracting organizations qualified to bid on the project, may be designated and shown in the advertised specifications as "Specialty Items" and the items so designated may be performed by subcontract without regard to the above limitation.

(h) No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, or process for a distinctive type of construction unless purchased or obtained on open actual competitive bidding at the same or a less cost than unpatented articles or methods, if any, equally suitable for the same purpose: *Provided, however,* That patented or proprietary articles or methods of reasonable cost which constitute minor elements of a contract item may be specified and paid for if purchased in competition with one or more equally suitable patented or proprietary articles or methods or if information is included in the advertisement stating the price at which such patented or proprietary articles or methods are availabe to all contractors. Manufactured patented or proprietary articles which constitute a major part of the cost of a contract item may be specified and paid for if competition is assured with unpatented or nonproprietary articles or between two or more manufactured patented or proprietary articles accepted as equally suitable for the same purpose. Nothing in this section shall be construed as a prohibition against the use of any patented or proprietary material, specification, or process for a distinctive type of construction on relatively short sections of road for experimental purposes.

(i) Construction engineering and inspection charges reimbursable with Federal funds shall be limited to the salaries of individuals directly employed on a project and to other necessary costs incurred in connection with such engineering and inspection.

(j) Where a public or private utility occupies a public highway right-of-way and the facilities of such utility have to be moved, adjusted, or changed because of the construction of a project, the State highway department shall make a formal finding as to the extent that such utility is required to move, adjust, or change its facilities at its own expense, or is relieved of that obligation by law or otherwise. The Commissioner will determine in all such cases whether reimbursement from Federal funds may be made. Reimbursement from Federal funds in any case shall not exceed the regular Federal pro rata share of the cost of such work actually paid by the State or its subdivisions. Work for the necessary adjustment of public utility facilities in connection with the construction of a project may be undertaken, if so determined by the State highway department, by the utility concerned on a force account basis. Maintenance of railroad traffic, including temporary support trestles, track adjustments, signal installations and adjustments, the rearrangement of telegraph and telephone lines on railroad rights-of-way, and the adjustment of existing drainage facilities, may be undertaken by agreement with the State highway department. Any material furnished by a railroad company or other utility for temporary work will be reimbursed at actual cost less fair salvage value when the material is released.

§ 1.11 *Right-of-way.* Federal participation in right-of-way shall be restricted to costs of new or additional lands required and acquired subsequent to the date of approval of the program which includes the project for which such right-of-way is acquired. Payment will not be made for any land owned by a State or its subdivisions that is not acquired for and used as a part of the right-of-way for such project, but payment may be made in proper cases for the readjustment, repair, or restoration of facilities and improvements on such publicly owned lands made necessary by reason of the construction of the highway project thereon. Only such right-of-way costs as are paid from public funds of the State or its subdivisions shall be eligible for reimbursement.

§ 1.12 *Labor and employment.* (a) No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under the regulations in this part.

(b) The selection of labor to be employed on any work undertaken under the act in each State shall be in conformity with the laws of such State.

(c) To prevent the exploitation of labor all contracts shall prescribe the minimum rates of wages for skilled, in-

termediate, and unskilled labor, as predetermined by the State highway department, which contractors shall pay, and such minimum rates shall be stated in the specifications advertised in the call for bids on the proposed project.

(d) All contracts for the construction of projects shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind.

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item of the program. The program shall be subject to the approval and project agreement procedure provided for construction projects. Pending the submission and approval of a final program 1½ percent of the total apportionment to each State shall be reserved for highway planning and research projects.

§ 1.14 *Railway-highway crossing projects.* (a) Before a project for the elimination of hazards at a railway-highway crossing shall be approved for construction on agreement shall be entered into between the State highway department and the railroad concerned for the construction and maintenance of such project. Each such project to be financed in whole or in part from funds provided under the Federal-Aid Highway Act of 1944 and subsequent acts shall be classified and the benefits to be derived from and contributions to be made to such project by the railroad shall be determined in accordance with the classification and procedure established for that purpose, and the estimate of benefits and contributions so determined shall be included in the agreement between the State highway department and the railroad.

(b) State laws pursuant to which contributions are imposed upon railroads for the elimination of hazards at railway-highway crossings shall be held not to apply to Federal-aid projects.

§ 1.15 *Coordination of airport and highway location.* Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to, or closed or impaired by, an airport constructed or extended after December 20, 1944 unless, prior to such construction or extension, the State highway department and the Bureau of Public Roads have concurred with the officials in charge of the airport that the location or extension of such airport and the consequent reconstruction or relocation of the highway are in the public interest.

§ 1.16 *Maintenance of projects.* (a) Maintenance of all projects constructed under the provisions of the act shall be the responsibility of the State except for those projects or portions thereof which may be eliminated from the Federal-aid highway system or from the Federal-aid secondary system through relocation in connection with further improvement of a project. The State highway department, acting under the laws of the State, may provide for maintenance of Federal-aid projects by agreement with municipal or other local authorities, but the responsibility of the State to maintain such projects satisfactorily remains unchanged under the requirements of section 14 of the Federal Highway Act as amended by section 6 of the Federal-Aid Highway Act of 1950.

(b) A project for which the State highway department proposes to provide maintenance by an agreement with a municipality or a county shall not be approved if any project previously improved with Federal funds under the provisions of the Federal Highway Act, as amended and supplemented, which the said county or other subdivision has agreed to maintain, is not being satisfactorily maintained, or shall not be approved until such previously improved project shall have been placed in a proper condition of maintenance, as determined by the Commissioner.

§ 1.17 *Traffic signs and signals.* (a) All signs and traffic-control devices and other protective structures, whether paid for from Federal or other funds, erected on or in connection with highways or structures on which Federal funds are expended, shall be in conformity with such manual or uniform traffic-control devices as may be adopted by the American Association of State Highway Officials, approved by the State highway department, and concurred in by the Commissioner.

(b) The rights-of-way provided for Federal-aid highway projects shall be held inviolate for public highway purposes and no signs (other than those specified in paragraph (a) of this section), posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.

§ 1.18 *Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.* If the Secretary shall find at any time that lesser amounts of the revenues derived from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in any State are required by its laws to be applied to highway purposes than were required to be so applied by the laws of such State on June 18, 1934, he shall take such action as he may deem necessary to comply with the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), by reducing the apportionment of Federal funds to such State by not to exceed one-third of the amount to which it otherwise would be entitled for any fiscal year in which such finding may be made.

§ 1.19 *Records and cost keeping.* (a) Such records of the cost of construction, of inspection, of tests, and of maintenance done by or on behalf of the State, shall be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Commissioner, the amount and nature of the expenditure for these purposes.

(b) The accounts and records, together with all supporting documents, shall be open at all times to inspection by the Commissioner, or his authorized representatives, and copies thereof shall be furnished when requested.

§ 1.20 *Payments.* Vouchers in the form provided by the Commissioner and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of the project or as the work progresses.

§ 1.21 *Advance of funds.* If necessary to enable any State highway department to make prompt payment for work as it progresses and thereby insure expeditious completion of projects, the Commissioner may advance the Federal share of the cost of such projects to any State that does not after June 30, 1945, divert to other than highway uses road-user revenues in violation of section 12 of the act of June 18, 1934 (48 Stat. 995). Such advances shall be made in such manner and subject to such conditions as may be prescribed by the Commissioner.

§ 1.22 *Delegation of authority.* The Commissioner of Public Roads shall perform the functions vested in the Secretary by the act except for the following: (a) Making regulations; (b) functions reserved to the Secretary by these regulations; (c) apportioning Federal-aid road funds among the States; and (d) functions reserved to the Secretary by internal directives and administrative regulations of the Department. The Commissioner may redelegate any power or authority conferred upon him by this section to any official or officials of the Bureau of Public Roads as in his judgment will result in economy and efficiency in effectuating the purposes of the act and the regulations in this part.

§ 1.23 *Operating procedures and instructions.* The Commissioner is hereby authorized to issue such operating procedures and instructions not in conflict with the act or with the regulations in this part as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and the regulations in this part, and all such operating procedures and instructions issued by him shall be and continue in full force and effect from the date on which issued or made effective until modified or revoked by him.

§ 1.24 *Application of regulations.* The regulations in this part shall take effect upon publication in the FEDERAL REGISTER and shall supersede all regulations heretofore in effect for carrying out the provisions of the act.

Recommended:

[SEAL] THOS. H. MACDONALD,
Commissioner of Public Roads.

Issued:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-669; Filed, Jan. 15, 1951; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

MEDAL FOR HUMANE ACTION

Section 578.48 a (c) (2) is amended to read as follows:

§ 578.48a *Medal for humane actions.*

* * *

(c) *Boundaries of area of Berlin airlift operations.* * * *

(2) *Eastern Boundary.* 14th meridian east longitude.

* * * * * * *

[C5, AR 600-65, Dec. 1, 1950] (R. S. 161; 5 U. S. C. 22. Intreprets or applies sec. 1, 63 Stat. 447; 10 U. S. C. Sup., 1430d)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-670; Filed, Jan. 15, 1951; 8:50 a. m.]

Chapter XVI—Selective Service System

ADDITION TO AND AMENDMENTS OF SELECTIVE SERVICE REGULATIONS

CROSS REFERENCE: For the addition of Part 1630 and amendments to Parts 1604, 1621, 1622, 1623, 1628, 1631, 1632, and 1642 of Title 32, Chapter XVI, see Executive Order 10202, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-22]

PART 26—ALUMINUM

SUBPART C—DISTRIBUTION OF ALUMINUM SCRAP

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of different trades and industries.

Sec.
26.51 What this subpart does.
26.52 Definitions.
26.53 Restrictions on use of aluminum scrap.
26.54 Restrictions on distribution of aluminum scrap.
26.55 Segregation of aluminum scrap.
26.56 Restrictions on toll agreements.
26.57 No acquisition or delivery in violation of order.
26.58 Applications for adjustment.
26.59 Records and reports.
26.60 Communications.
26.61 Violations.

AUTHORITY: §§ 26.51 to 26.61 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 26.51 *What this subpart does.* The primary purpose of this subpart is to regulate the segregation, acceptance, delivery and distribution (whether on purchase, toll agreement or otherwise) of aluminum scrap. The subpart also prohibits undue accumulations of such scrap.

§ 26.52 *Definitions.* As used in this subpart:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum either of domestic generation or imported in either loose or pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings and buffings: *Provided, however,* That the recoverable metallic aluminum content, as determined by fire assay, hydrogen evolution or other method of comparable efficiency, constitutes 50 percent or more by weight of such residues.

(c) "Producer" means the following prime producers: Aluminum Company of America, Reynolds Metals Company, and Kaiser Aluminum and Chemical Corporation; and such other producers of metallic aluminum who may be designated by the National Production Authority from time to time.

(d) "Approved smelter" means any person whose name appears on List A attached to this subpart, as the same may be amended from time to time.

(e) "Approved fabricator" means any independent fabricator whose name appears on List B attached to this subpart, as the same may be amended from time to time.

(f) "Dealer" means any person regularly engaged in the business of buying and selling aluminum scrap.

(g) "Generator of aluminum scrap" means any person who in manufacture or fabrication produces aluminum scrap.

§ 26.53 *Restrictions on use of aluminum scrap.* (a) Unless specifically authorized in writing by the National Production Authority, no person, other than a producer, approved smelter or approved fabricator shall melt, reprocess, smelt or otherwise use aluminum scrap: *Provided, however,* That a foundry may remelt the gates, sprues, risers and defective castings resulting from its own operations if in so doing it does not debase or contaminate the material, and if, in acquiring aluminum, it reduces the requirements contained in its orders to its suppliers by an amount equal to the anticipated recoverable metal; a foundry may also accept on a return a new casting of its own production which was found to be defective, or use a casting that was spoiled in machining, and recast such castings to replace castings of the same alloy.

(b) The National Production Authority may, from time to time, issue directives: (1) To producers, smelters, fabricators and others who are permitted to melt or use aluminum scrap, which directives may specify the exact alloy or alloys which must be produced therewith and the amount of such alloy or alloys, and may prohibit the production of certain alloys; (2) prescribing the amount of secondary ingot that all fabricators (both independent and integrated) will be required to blend with primary ingot in the production of fabricated shapes; and (3) designating certain smelters who will be the only smelters permitted to receive and melt scrap of specified alloys or who will be the only smelters permitted to produce specified alloys. Directives with respect to the foregoing may contain directions as to the production schedule of the persons to whom they are issued.

§ 26.54 *Restrictions on distribution of aluminum scrap*—(a) *Delivery by scrap owners and originators.* Except as provided in § 26.53 (a) or as specifically authorized in writing by the National Production Authority, any person (other than a producer, approved smelter, approved fabricator or dealer) who owns or originates any aluminum scrap shall deliver such scrap to any producer, approved smelter, approved fabricator or dealer and shall not dispose of such scrap in any other way.

(b) *Time of delivery.* Except as provided in § 26.53 (a) or as specifically authorized in writing by the National Production Authority, any person who generates or holds any aluminum scrap shall deliver such scrap to any producer, approved smelter, approved fabricator or dealer at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 60 days, whichever shall first occur.

(c) *Time of delivery by dealers.* Except as specifically authorized in writing by the National Production Authority, every dealer shall deliver any aluminum scrap (whether or not deemed to be usable in its "as is" form) to any producer, approved smelter or approved fabricator at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 60 days, whichever shall first occur: *Provided, however,* That any dealer may sell any such scrap to another dealer, if, in the regular course of business, he does not collect sufficient scrap to make it practicable for him to sell directly to a producer, approved smelter or approved fabricator.

§ 26.55 *Segregation of aluminum scrap.* (a) Any generator of aluminum scrap must segregate such scrap by alloy and shall not mix scrap of one alloy with any other alloy or material: *Provided, however,* That this segregation requirement does not apply to skimmings, drosses, grindings, buffings and sawings.

(b) Any dealer receiving aluminum scrap in segregated form must maintain such segregation.

§ 26.56 *Restrictions on toll agreements.* (a) No aluminum scrap shall be delivered or received pursuant to any existing or future toll, conversion or repurchase agreement or any similar arrangement unless the person delivering or owning the scrap or the person for whose benefit the processing of the scrap will be effected has received approval in writing from National Production Authority for such transaction: *Provided, however,* That genuine aluminum billet butts generated by an extruded shape manufacturer may be returned to an extrusion ingot supplier for conversion into extrusion ingots of the same alloy.

(b) Persons requesting such approval shall file with the National Production Authority a letter setting forth: the names and addresses of the parties to any existing or proposed toll, conversion or repurchase agreement; the kind, grade and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the aluminum resulting; the estimated rate and dates of delivery of such aluminum; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such aluminum is to be used; and such other information as the applicant may wish to submit.

§ 26.57 *No acquisition or delivery in violation of order.* No person shall acquire or deliver aluminum scrap or products made therefrom if he knows or has reason to believe that such material has been or will be used in violation of this or of any other order of the National Production Authority: *Provided, however,* That any producer, approved smelter or approved fabricator may acquire aluminum scrap for any use permitted by this subpart whether or not the person from whom it is acquired has complied with this subpart.

§ 26.58 *Applications for adjustment.* Any person affected by any provision of this subpart may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. All such requests shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this subpart, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 26.59 *Records and reports.* (a) Each person participating in any transaction covered by this subpart shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this subpart have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this subpart shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) All persons, including producers, smelters, and others authorized by the National Production Authority, who melt or smelt any aluminum scrap, shall file with the Department of the Interior, Bureau of Mines, Washington 25, D. C., in duplicate, report Form 6–1114–M. Such report shall be filed on or before January 15, 1951, and on or before the 15th day of each month thereafter with respect to the preceding month.

(d) Persons subject to this subpart shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 26.60 *Communications.* Except as provided in § 26.59 (c), all communications concerning this subpart shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22.

§ 26.61 *Violations.* Any person who wilfully violates any provision of this subpart or any other order or regulation of the National Production Authority in the course of operation under this subpart is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This subpart shall take effect on January 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

LIST A

ALUMINUM SMELTERS

Aluminum & Magnesium, Inc., Corona, Calif.
Aluminum & Magnesium, Inc., Huron Street, Sandusky, Ohio
Aluminum Smelting & Refining Co., 5463 Dunham Road, Bedford, Ohio
American Metal Co., Ltd., Division U. S. Metals Refining Co., Carteret, N. J.
American Smelting & Refining Co., Federated Metals Division, 4010 E. 26th Street, Los Angeles, Calif.
American Smelting & Refining Co., Federated Metals Division, Fisher Building, Detroit (2), Mich.
American Smelting & Refining Co., Federated Metals Division, Barber, N. J.
Apex Smelting Co., 2537 W. Taylor, Chicago (12), Ill.
Apex Smelting Co., The, 6700 Grant Ave., Cleveland (5), Ohio
Associated Smelting Corp., 2730 Peralta St., Oakland (7), Calif.
Aurora Refining Co., Aurora, Ill.
Berg Metals Corp., 2652 Long Beach, Los Angeles, Calif.
Bohn Aluminum & Brass Corp., Lafayette Bldg., Detroit 26, Mich.
Bullock, W. J., Inc., 1501 Erie, Birmingham, Ala.
Cleveland Electro Metals Co., 2391 W. 38th St., Cleveland (13), Ohio
Continental Steel & Copper Industries, Inc., Niagara Falls Smelting & Refining Division, 2208 Elmwood Ave., Buffalo, N. Y.
General Smelting Co., Westmoreland & Richmond, Philadelphia (34), Pa.
Greenfield, Samuel, Co., Inc., 31 Stone, Buffalo (12), N. Y.
Industrial Smelting Corp., Chicago Heights, Ill.
Jobbins, Wm. F., Inc., Aurora, Ill.
Kirk, Morris P., & Sons, Inc., 2717 S. Indiana, Los Angeles, Calif.
Lavin, R., & Sons, Inc., 3426 S. Kedzie Ave., Chicago (23), Ill.
North American Smelting Co., Ft. of Christiana Ave., Wilmington, Del.
Northwestern Iron & Metal Co., 900 "T", Lincoln (1), Nebr.
Rochester Smelting & Refining Co., Inc., 26 Sherer St., Rochester (2), N. Y.
Sall, Geo., Metals Co., Westmoreland & Tulip, Philadelphia (34), Pa.
Sonken-Galamba Corp., 64 N. Second, Kansas City (18), Kans.
Temke Aluminum Co., Inc., 4201 E. Monument St., Baltimore (5), Md.
U. S. Reduction Co., East Chicago, Ind.
U. S. Reduction Co., Toledo, Ohio
Vanadium Corporation, Chester, Pa.
Western Metal Co., 3201 S. Kedzie Ave., Chicago (23), Ill.

LIST B

ALUMINUM FABRICATORS

Fairmont Aluminum Company, Fairmont, West Virginia.
Harvey Machine Company, Torrance, California.
Revere Copper and Brass, Inc., New York, New York.
United Smelting and Aluminum Company, New Haven, Connecticut.

[F. R. Doc. 51–846; Filed, Jan. 15. 1951; 12:03 p. m.]

[NPA M–18, as Amended Jan. 12, 1951]

PART 73—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

This part, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this part there has been consultation with industry representatives, including trade association representatives and consideration has been given to their recommendations.

This amendment constitutes, in effect, a completely new order and rescinds all sections of Part 73 (NPA Order M–18) as issued December 21, 1950, and substitutes the following in lieu thereof:

Sec.
73.1 What this part does.
73.2 Definitions.
73.3 Inventories.
73.4 Required mixture of other materials.
73.5 Prohibition of bleaching and cutting bristles.
73.6 Restriction on sale of bristles.
73.7 Prohibited deliveries.
73.8 Reports.
73.9 Records.
73.10 Communications.
73.11 Application for adjustment or exception.
73.12 Audit and inspection.
73.13 Violations.

AUTHORITY: § 73.1 to § 73.13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105.

§ 73.1 *What this part does.* This part sets forth limitations on inventories of bristles. It calls for reports and explains the conditions under which reports are required in connection with the distribution, use and inventories of bristles. It imposes limitations on the processing, mixing or preparation for manufacture of bristles.

§ 73.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Bristles" means pigs' or hogs' bristles, including riflings, whether new, reclaimed, raw, dressed, imported or domestic.

(c) "Dealer" means a person who regularly purchases and sells bristles without processing or changing their condition.

(d) "Dresser" means a person who grades, sorts, dresses, reclaims or in any way processes bristles.

(e) "Process" means to boil, sterilize, comb or mix bristles.

(f) "Import" means to transport in any manner into the Continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a free port, free zone or bonded custody of the United States Bureau of Customs (bonded warehouse) in the Continental United States and shipments into the Continental United States for processing or manufacture in bond for exportation. "Import" does not include shipments in transit in bond through the Continental United States, without processing or manufacture to Canada, Mexico or any other foreign country, or shipments through a free port or free zone to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the Continental United States or subjected to processing or manufacture in the Continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in § 73.8.

§ 73.3 *Inventories.* No person obtaining bristles for use in the manufacture of brushes or other products containing bristles, shall purchase, receive or accept deliveries of bristles if his inventory of such bristles is, or by such receipt would become, more than the smallest quantity that would be required by his scheduled method and rate of operations for the manufacture of brushes or other products containing bristles, during the 120 day period succeeding the effective date of this amendment or in excess of a "practicable minimum working inventory", as defined in Part 10 of this chapter (NPA Reg. 1), whichever is less.

§ 73.4 *Required mixture of other materials.* No person shall manufacture brushes or other products containing bristles using bristles longer than 2⅝" unless such brushes or products contain at least 30 percent by weight of filling material other than bristles as defined in this order: *Provided, however,* This restriction shall not apply:

(a) To bristle brushes or products containing 100 percent of bristles manufactured on or prior to fifteen days after the effective date of this amendment to this part, using therein only such bristles as had on the effective date of this part been processed, mixed, or otherwise prepared.

(b) To the manufacture of brushes or products containing bristles where the applicable federal specifications require the use of bristles exclusively, and the brushes or other products are for delivery to or for the account of an agency of the United States.

§ 73.5 *Prohibition of bleaching and cutting bristles.* No manufacturer, dealer, dresser or other person may bleach or make cuts from any bristles longer than 2⅝".

§ 73.6 *Restriction on sale of bristles.* No person may sell bristles except to a dealer, dresser or manufacturer of brushes or products containing bristles.

§ 73.7 *Prohibited deliveries.* No person shall accept an order for, sell, deliver or cause to be delivered bristles which he knows, or has reason to believe will be accepted, held or used in violation of the provisions of this part.

§ 73.8 *Reports.* (a) Any person who imports, distributes or has in his possession bristles for the purpose of manufacture of brushes or other products containing bristles or who otherwise may have bristles in his possession, must report each month his entries, receipts, deliveries, inventories, balance of entries and all other transactions in bristles, by completing and filing report Form NPAF–14 on or before the 10th day of each month, with respect to all such operations and transactions.

(b) Other reports. Other persons having any interest in or taking any action with respect to the importation of bristles or having control over bristles while they are physically in the Continental United States, even though in bond or in transit, except common carriers, whether as owner, agent, consignee, or otherwise having bristles in his possession or under his control shall file the report called for in paragraph (a) of this section and such other reports as may be required from time to time by the National Production Authority, subject to the terms of the Federal Reports Act (Pub. Law 831–77 Cong. 5 U. S. C. 139–139F).

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 73.9 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 73.10 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref.: Order M–18.

§ 73.11 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him should not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 73.12 *Audit and Inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representative of the National Production Authority.

§ 73.13 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part shall take effect on January 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–845; Filed, Jan. 15, 1951; 12:03 p. m.]

[NPA Order M-23]

PART 75—CARDED COTTON SALES YARN

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
75.1 What this part does.
75.2 Definitions.
75.3 Forms of carded cotton sales yarn to which this part applies.
75.4 Required delivery dates.
75.5 Rejection of rated orders.
75.6 Limitation for acceptance of rated orders.
75.7 NPA assistance in placing rated orders.
75.8 Adjustments or exceptions.
75.9 Communications.
75.10 Records, audit, inspection and reports.
75.11 Violations.

AUTHORITY: §§ 75.1 to 75.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 75.1 *What this part does.* This part applies particularly to producers of carded cotton sales yarn, and provides rules for placing, accepting, and scheduling rated orders therefor. Its purpose is to provide equitable distribution of rated orders among all carded cotton sales yarn producers of the particular types mentioned in § 75.3 in order to make possible maximum production of such yarn and to reduce to a minimum disruption of its normal distribution. It supplements Part 11 of this chapter (NPA Regulation 2) but only those provisions of Part 11 which are inconsistent with this part are superseded, and all other provisions of Part 11 continue to apply to the carded cotton sales yarn industry.

§ 75.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of spinning carded cotton yarn produced for sale as such.

(c) "NPA" means National Production Authority in the Department of Commerce.

§ 75.3 *Forms of carded cotton sales yarn to which this part applies.* This part applies to carded cotton yarn produced for sale as such, regardless of count or ply or put-up and whether undyed, dyed, tinted, or otherwise treated, including all second quality yarns, and waste or waste content yarns.

§ 75.4 *Required delivery dates.* A rated order for carded cotton sales yarn must specify delivery on a particular date or in a particular month, which in no case may be earlier than required by the person placing the order. The producer of carded cotton sales yarn must schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

§ 75.5 *Rejection of rated orders.* Unless specifically directed otherwise by NPA, a producer of carded cotton sales yarn need not accept a rated order that is (a) received less than 15 days prior to the first day of the month in which shipment is requested, or (b) for a yarn of a specification or put-up not normally made by such producer and is of a type that would cause lack of balance in mill production.

§ 75.6 *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for shipment in any one month in excess of 10 percent of his average monthly shipments of carded cotton sales yarn made by him during the period from January 1, 1950 through August 31, 1950.

§ 75.7 *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for carded cotton sales yarn due to the limitation imposed by § 75.6 should apply to NPA, Ref: Order M-23, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating other sources of supply.

§ 75.8 *Adjustments or exceptions.* Any person affected by any provision of this part may file with NPA a request for adjustment or exception upon the ground that such provision works an undue and exceptional hardship upon him not suffered generally by others, or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth pertinent facts, the nature of the relief sought and the justification therefor.

§ 75.9 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-23.

§ 75.10 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this part shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

All reporting and record-keeping requirements of this part have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

§ 75.11 *Violations.* Any person who willfully violates any provision of this part or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part shall take effect on January 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-847; Filed, Jan. 15, 1951; 12:03 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 64—DOMESTIC INSURANCE AND COLLECT-ON-DELIVERY SERVICES: INDEMNITY

INDEMNITY PAYMENTS

Amend § 64.40 *When indemnity to be paid and when not* (39 CFR 64.40; 15 F. R. 5692) by adding paragraph (h) to read as follows:

(h) For damage to shellac or wax phonograph records.

NOTE: The foregoing amendment shall become effective February 1, 1951, and shall be applicable to all parcels accepted for insurance or as C. O. D. mail on and after that date.

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-850; Filed, Jan. 15, 1951; 8:46 a. m.]

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

PART 155—FORMS OF THE POST OFFICE DEPARTMENT

MISCELLANEOUS AMENDMENTS

a. In Part 150 insert new §§ 150.1004 and 150.1005 to read as follows:

§ 150.1004 *Request of railway common carrier to be relieved of transporting the mails.* Any railway common carrier desiring to be relieved of transporting the mails shall make application in writing to the Assistant Postmaster General in charge of Transportation, stating in detail the reasons for the request. The Assistant Postmaster General in charge of Transportation shall investigate the request and advise the railway of his decision in writing.

§ 150.1005 *Reports of service performed (pay claims).* Railway common carriers shall present detailed monthly or quarterly claims for regular and emergency mail service performed on Form 2531 or 2531-B, and certify to the accuracy of the claim on Form 2531-A. These claims are presented to and reviewed by Division General Superintendents of the Postal Transportation Service. They are then audited in the Bureau of Transportation and payment certified for amounts found due. Railway common carriers may state in writing any exceptions to the certification which they feel are justified to the Bureau of Transportation. These exceptions will be considered and the railway advised in writing of the action taken thereon.

NOTE: Forms 2531, 2531-A, and 2531-B are forms which the railway common carriers have prepared, with the approval of the Post Office Department, for use in reporting railway mail service performed.

b. In Part 155, insert new § 155.1410 to read as follows:

§ 155.1410 *Form 5050; request for transfer of mail.* This form is used to request transfer at officially designated points of excess mail to unoccupied authorized space. On this form is space for acknowledgment of receipt with lines for signature and title of receiving baggageman or other railroad representative designated to receive such notice.

(R. S. 161, 396, 39 Stat. 412, 419, 425–431, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 523–541, 542–568)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-649; Filed, Jan. 15, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR, Part 163]

[No. 3834]

REGULAR CREDITS; CHARGING OF LOSSES AND PAYMENT OF DIVIDENDS

MAINTENANCE OF FEDERAL INSURANCE RESERVE; PAYMENT OF DIVIDENDS WHEN LOSSES CHARGED TO RESERVE

JANUARY 10, 1951.

Resolved, That pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR, Part 108), amendments to §§ 163.13 and 163.14 of the rules and regulations for Insurance of Accounts (24 CFR 163.13, 163.14), to read in the forms hereinafter set forth, are hereby proposed.

Resolved further, That a hearing will be held on February 20, 1951 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for Insurance of Accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before February 15, 1951 or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

§ 163.13 *Regular credits.* Each insured institution shall thereafter credit to its Federal insurance reserve, during each of its fiscal years, an amount equal to at least three-tenths of 1 percent of all insured accounts outstanding at the beginning of such fiscal year; and shall build up the Federal insurance reserve to an amount equal to at least 2½ percent of all insured accounts within thirteen years from the effective date of insurance and to an amount equal to at least 5 percent of all insured accounts within twenty years from such date: *Provided*, That credits to the Federal insurance reserve need not be made whenever such insurance reserve account equals or exceeds the minimum amounts required by this section. If for any reason, the Federal insurance reserve account of any institution which has been insured for at least twenty years is thereafter reduced to less than 5 percent of all insured accounts, such institution shall transfer to its Federal insurance reserve account, for each dividend period, at least 25 percent of its net operating income before the declaration of dividends or the payment of interest on savings, until its Federal insurance reserve account is again equal to at least 5 percent of all insured accounts.

§ 163.14 *Charging of losses and payment of dividends.* No insured institution which has charged losses to its Federal insurance reserve account shall declare any dividends or pay any interest on savings unless the amount standing to the credit of such account, after deduction of all charges, is equal to at least the amounts required under § 163.13: *Provided*, That, for any year dividends may be declared or interest on savings paid when losses are charged to such reserve, if the declaration of such dividends or the payment of such interest on savings is first approved by the Corporation: *And provided further*, That the Corporation hereby approves, for any such insured institution which has been insured for a period of twenty years or more and whose Federal insurance reserve account, prior to the charging of such losses, equalled at least 5 percent of all insured accounts, the declaration of dividends and the payment of interest on savings if such insured institution shall have first transferred not less than 25 percent of its net operating income for the same dividend period to its Federal insurance reserve account.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C 133y-16. Applies Sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-585; Filed, Jan. 15, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 210, 250]

REPORTING REQUIREMENTS APPLICABLE TO REGISTERED PUBLIC UTILITY HOLDING COMPANIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the simplification of its annual reporting requirements applicable to public utility holding companies registered under the Public Utility Holding Company Act of 1935. The revised requirements would apply to annual reports filed by such companies under both the above-mentioned act and the Securities Exchange Act of 1934. The proposed revision takes the form of a revised annual report form which would replace the existing Forms U5S [1] and U-14-3 (17 CFR 259.5s and 259.314) under the Public Utility Holding Company Act of 1935 and Forms U5-K and U5-MD (17 CFR 249.350 and 249.450) under the Securities Exchange Act of 1934, as well as Form 10-K (17 CFR

[1] Filed as part of the original document.

249.310) under the latter act insofar as it applies to such registered holding companies. Under the new arrangement, registered holding companies would be permitted to file a single annual report under both acts. However, any such company which wished to do so would be permitted to use Form 10–K for its annual report under the 1934 Act.

In connection with the proposed revision, the following changes would be made in the general rules and regulations under the Public Utility Holding Company Act of 1935:

1. Paragraph (c) of § 250.1 (Rule U–1) would be amended to read as follows:

§ 250.1 *Registration.* * * *

(c) *Annual report.* Every registered holding company shall file, on or before the first of May in the year following that in which it filed its registration statement, and in every succeeding year, an annual report on Form U5S (17 CFR 259.5s): *Provided, however,* That where any holding company system includes more than one registered holding company, the annual report shall be filed by the top registered holding company in such system and shall be signed on behalf of each registered holding company in such system by the authorized officer of each such registered holding company.

2. Paragraph (d) of § 250.26 (Rule U-26) would be deleted.

3. In connection with the proposed revision, the following change would be made in Form U5B (17 CFR 259.5b), Registration Statement under the Public Utility Holding Company Act of 1935:

Add the following to the text of Exhibit D:

The consolidating balance sheet and consolidating statements of income and surplus of the registrant and its subsidiaries shall be prepared and certified in accordance with the requirements of Part 210 of this chapter, which governs the certification, form and content of such statements, including the basis of consolidation, and prescribes the schedules to be filed in support thereof.

4. In connection with the proposed revision, the following changes would be made in Part 210 (Regulation S–X):

a. Section 210.1–01 (Rule 1–01) would be amended to read as follows:

§ 210.1–01 *Application of this part.* (a) This part (together with the Accounting Series Releases) states the form and content of all financial statements required to be filed as part of:

(1) Registration statements under the Securities Act of 1933, filed on Form S–1, S–2, S–3, S–4, S–5, S–6 or S–11 (17 CFR 239.11, 239.12, 239.13, 239.14, 239.15, 239.16, 239.18), except as otherwise specifically provided in such forms;

(2) Applications for registration of securities under the Securities Exchange Act of 1934, filed on Form 8–A, 8–B, 10 or 14 (17 CFR 249.208a, 249.208b, 249.210, 249.214);

(3) Supplemental or periodic reports under section 13 of the Securities Exchange Act of 1934 filed on Form 8–K, 9–K, 10–K, 14–K, 16–K or U5S; (17 CFR 249.303, 249.309, 249.310, 249.314, 249.316, 259.5s);

(4) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934 filed on Form 10–K, 2–MD, 4–MD or U5S (17 CFR 249.310, 249.402, 249.404, 259.5s);

(5) Registration statements and annual reports under the Public Utility Holding Company Act of 1935; and

(6) Registration statements and annual reports under the Investment Company Act of 1940.

(b) The term "financial statements" as used in this part shall be deemed to include all supporting schedules.

b. Section 210.4–13 would be amended to read as follows:

§ 210.4–13 *Special requirements as to Public Utility Holding Companies.* (a) There shall be shown in the consolidated balance sheet of a public utility holding company the difference between the amount at which the parent's investment is carried and the underlying book equity of the subsidiaries as at the respective dates of acquisition.

(b) Public utility holding companies registered under the Public Utility Holding Company Act of 1935 shall file in their registration statements under such act and in their annual reports, consolidating statements which set forth the individual statements of the parent company and subsidiaries included in consolidation. Where any holding company system includes more than one registered holding company, the annual report shall include separate consolidating statements for each such registered holding company and its subsidiaries. The schedules and notes required by this part shall be filed in support of the consolidated statements and the corporate statements of the parent company included in such consolidating statements, but separate schedules and notes need not be filed in support of individual statements of subsidiaries included in such consolidating statements.

All interested persons are invited to submit their views and comments on these proposals, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before February 5, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 5, 1951.

[F. R. Doc. 51–655; Filed, Jan. 15, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52641]

PETROLEUM AND PETROLEUM PRODUCTS

TARIFF-RATE QUOTA

JANUARY 10, 1951.

Quantities and allocation of the tariff-rate quotas for the calendar year 1951 on imported crude petroleum and certain petroleum products (T. D. 52559).

There is published below for your information the President's Proclamation of December 29, 1950, allocating the 1951 tariff-rate quota on certain petroleum products.[1]

On the basis of a preliminary estimate of the Director of the Bureau of Mines, United States Department of the Interior, of the quantity of crude petroleum processed by refineries in the continental United States during the calendar year 1950, it is estimated that the quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum, including fuel oil known as gas oil, the product of the countries listed below, which will be entitled to be entered, or withdrawn from warehouse, for consumption at the reduced rate of duty, during the calendar year 1951 will be approximately as follows:

	Gallons
United States of Venezuela	2,607,066,000
Kingdom of the Netherlands (including its overseas territories)	820,743,000
Other foreign countries	961,191,000
Total	4,389,000,000

The estimate of the Director of the Bureau of Mines is subject to revision on the basis of definitive information which it is believed will be available near the end of February next. Definitive information as to quotas will be published as soon as their amounts can be finally determined.

FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 51–673; Filed, Jan. 15, 1951; 8:49 a. m.]

[1] Filed as part of the original document. See Proclamation 2916, 16 F. R. 109.

FEDERAL POWER COMMISSION

[Project No. 2064]

WINTER ELECTRIC LIGHT AND POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JANUARY 10, 1951.

Public notice is hereby given that Winter Electric Light and Power Company, of Winter, Wisconsin, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2064 to be located on East Fork of Chippewa River in Sawyer County, Wisconsin, about 7½ miles

in a northeasterly direction from Winter, Wisconsin, and consisting of a low diversion dam of steel sheet piling, rock, and concrete with 2-foot flashboards; a canal about 0.4 mile long; a forebay structure; penstocks; a powerhouse containing two turbines with capacities of 273 and 340 horsepower, respectively, connected to two generators with capacities of 220 kilovolt-amperes and 312 kilovolt-amperes, respectively, and appurtenant equipment; a tailrace about 700 feet long; a substation; a transmission line extending in a southerly direction from the substation to a point of connection with the Applicant's existing system; and associated facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before February 22, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–647; Filed, Jan. 15, 1951; 8:45 a. m.]

[Docket No. G–1571]

EAST OHIO GAS CO.

NOTICE OF APPLICATION

JANUARY 10, 1951.

Take notice that The East Ohio Gas Company (Applicant), an Ohio corporation, address, Cleveland, Ohio, filed on December 26, 1950, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 65 miles of 26-inch natural gas transmission pipeline, together with appurtenant equipment necessary to make connections with Applicant's present system at various points, and extending from a point on the Ohio-Pennsylvania State line near Petersburg, Mahoning County, Ohio, to a point in Twinsburg Township, Summit County, Ohio.

Applicant proposes to transport natural gas to be delivered to it by New York State Natural Gas Corporation, an affiliate, from a proposed storage area in western Pennsylvania to be developed by the latter company. Applicant states that said gas will be commingled with other gas supplies of Applicant and will be used to augment its present supplies to meet increasing demands on its system.

The estimated cost of the proposed facilities is $4,382,170 which will be paid for by Applicant out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–648; Filed, Jan. 15, 1951; 8:48 a. m.]

[Docket No. G–1575]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

JANUARY 9, 1951.

Take notice that on January 2, 1951, Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the installation and operation of 4,000 horsepower of additional compressor capacity at Applicant's Freedom Compressor Station, which is located near Manchester, Michigan. The compressor units proposed to be installed in the Freedom Compressor Station presently comprise a part of the facilities at Applicant's Flint Compressor Station which is proposed to be dismantled.

Applicant states that such increase in capacity of the Freedom Compressor Station is necessary in order to enable Applicant to receive gas from its supplier, Panhandle Eastern Pipe Line Company, in the volumes which it is anticipated will be available during the summer of 1951.

The estimated total overall capital cost of the construction project is $301,100, which is expected to be available from cash in the treasury of the Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 29th day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–656; Filed, Jan. 15, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF TELEPHONE AND POWER LINES BY DEPARTMENT OF AGRICULTURE

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), authority is hereby delegated to the Secretary of Agriculture to exercise the following authority without regard to regulations and circulars of the General Services Administration in connection with excess telephone lines and power lines of the Department of Agriculture:

(a) To determine such property surplus, provided, however, that such determination shall in no event be made without prior screening by the Department of Defense, Munitions Board.

(b) To dispose of such surplus property.

2. The authority delegated herein may be re-delegated to any officer or employee of the Department of Agriculture.

3. This delegation of authority shall be effective as of the date hereof.

Dated: January 10, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51–672; Filed, Jan. 15, 1951; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25737]

PULPBOARD FROM PANAMA CITY AND FORT ST. JOE, FLA., AND GEORGETOWN, S. C.

APPLICATION FOR RELIEF

JANUARY 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1018.

Commodities involved: Pulpboard or fibreboard, carloads.

From: Panama City and Port St. Joe, Fla., and Georgetown, S. C.

To: New York, N. Y., Newark, N. J., Lowell, Mass., and other specified points in New York, New Jersey, Massachusetts and Pennsylvania.

Grounds for relief: Competition with water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1201, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–665; Filed, Jan. 15, 1951; 8:48 a. m.]

[4th Sec. Application 25738]

BITUMINOUS COAL FROM ILLINOIS, INDIANA, AND WESTERN KENTUCKY TO WINDOM, MINN.

APPLICATION FOR RELIEF

JANUARY 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The Atchison, Topeka, and Santa Fe Railway Company and other carriers parties to the application.

Commodities involved: Bituminous coal which has passed through a bar screen not exceeding one and one-half inches between bars or its equivalent, carloads.

From: Mines in Illinois, Indiana, and western Kentucky.

To: Windom, Minn.

Grounds for relief: Competition with rail carriers. Market competition.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
AT&SF	14324	42
B&O	WL-10769	139
C&EI	2	126
C&IM	P-2-2	106
C&NW	11173	34
CB&Q	19370	177
C&EI	4798	1
CMStP&P	B-7296	93
GM&O	121	58
GM&O (Alton series)	293	81
IC RR	E-1802	133
M&StL	2	50
MP	A-10291	1
NYC	164	285
P RR	2779	81
Wabash	7160	91

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-666; Filed, Jan. 15, 1951; 8:48 a. m.]

[4th Sec. Application 25739]

LUMBER BETWEEN POINTS ON SOUTHERN RAILWAY

APPLICATION FOR RELIEF

JANUARY 11, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company.

Commodities involved: Lumber and other forest products, in carloads.

From: Points on the Mobile Division of the Southern Railway, Mobile to Bogue Chitto, Ala.

To: Points on the St. Louis-Louisville Division of the Southern Railway.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-667; Filed, Jan. 15, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-158]

UNITED CORP.

ORDER FOR HEARING ON APPLICATIONS TO PAY FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1951.

The Commission having by order dated August 9, 1948, reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by The United Corporation ("United"), a registered holding company, in connection with its plan providing for the retirement of its perference stock; and having by order dated May 16, 1950 (Holding Company Act Release No. 9358) designated June 13, 1950, as the date for public hearing on applications filed by persons requesting fees and reimbursement of expenses in connection with said plan; and the Commission having by further order dated June 5, 1950 (Holding Company Act Release No. 9507) postponed said hearing:

It is ordered, That the hearing in this matter originally scheduled for June 13, 1950, be held on February 6, 1951, at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C., before the same hearing officer heretofore designated in the said order dated May 16, 1950. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing is to be held. Any person who is not already a party or given leave to participate herein, who desires to be heard or otherwise wishes to participate in this proceeding shall file with the Secretary of the Commission on or before February 2, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicants for fees and expenses herein, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-651; Filed, Jan. 15, 1951; 8:46 a. m.]

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT TO PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of January A. D. 1951.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, File No. 54-136.

Long Island Lighting Company ("Long Island"), a registered holding company, and its subsidiaries, Queens Borough Gas and Electric Company ("Queens"), and Nassau & Suffolk Lighting Company ("Nassau"), having jointly filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), an amended plan for the consolidation of Long Island, Queens, and Nassau and for the recapitalization of the resultant consolidated corporation which is to be called Long Island Lighting Company ("Consolidated Corporation"); and

The Commission having entered its findings and opinion (Holding Company Act Release No. 9473) and order (Holding Company Act Release No. 9510) approving such plan, as amended, subject, among other things, to the reservation of jurisdiction over all aspects of the procedure provided in the amended plan with respect to the election of the initial board of directors of the Consolidated Corporation; and

A post-effective amendment to said plan having been filed with respect to the procedure to be followed for the election of the initial board of directors of the Consolidated Corporation; and

The Commission having considered such post-effective amendment to the plan and deeming it appropriate in the public interest and in the interest of investors to approve and permit said post-effective amendment to become effective forthwith:

It is hereby ordered, That said post-effective amendment be, and the same hereby is, approved and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-654; Filed, Jan. 15, 1951; 8:47 a. m.]

[File No. 70-1847]

AMERICAN GAS AND ELECTRIC CO.

ORDER EXTENDING TIME

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1951.

American Gas and Electric Company ("American Gas") having acquired all of the outstanding securities of Citizens' Heat, Light and Power Company ("Citizens") in accordance with an order of this Commission dated August 19, 1948, said order providing that American Gas should dispose of the water properties and business of Citizens' within one year from the date of acquisition, or such later date as the Commission should determine pursuant to a request for an extension of time for good cause shown; and

The Commission having previously extended the time for disposition of such properties to September 15, 1950, and American Gas having filed a further application setting forth that active negotiations have been and are now in progress for the disposition of such properties and business and requesting that the time for such disposition be extended for a period of six months from September 15, 1950, and American Gas having stated that it is of the opinion that such disposition can be completed prior to March 15, 1951; and

It appearing to the Commission in the light of the circumstances set forth that it is appropriate to grant said application for an extension of time:

It is ordered, That the time for disposition of the water properties and business of Citizens by American Gas be, and the same hereby is, extended to March 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-653; Filed, Jan. 15, 1951; 8:47 a. m.]

[File No. 813-9]

D & Z EMPLOYEES' TRUST FUND

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1951.

Notice is hereby given that D & Z Employees' Trust Fund (hereinafter referred to as "fund") has filed an application pursuant to section 6 (b) of the Investment Company Act of 1940[1] for an order of the Commission exempting it from all the provisions of the act, or, in the alternative, exempting it in whole or part from the following sections of the act and rules promulgated thereunder: Section 8 (b) and Rule N-8B-2 other than the requirement to file information called for by Part V of Form N-8B-1 entitled "Policy of Registrant", section 16 (a), section 17 (a) to the extent that the fund shall be permitted to purchase from Day and Zimmerman, Incorporated, (hereinafter referred to as "corporation") shares of the latter's own stock acquired by it and held in its treasury, other than shares acquired after October 2, 1950, from an affiliated person, or an affiliated person of an affiliated person of the fund,[2] section 17 (f) and Rule N-17F-2, section 20 (a) and Rule N-20A-1, section 23 (b), section 23 (c) and Rule N-23C-1, section 30 (a) and Rule N-30A-1 other than the requirement to file information called for by Part V of Form N-30A-1 entitled "Policy of Registrant", section 30 (b) and Rule N-30B1-1, also Rule N-30B2-1 to the extent that the fund shall not be required to file copies of routine reports sent monthly to holders of its units pursuant to section 3 of Article IV of the trust agreement pursuant to which the fund is organized, section 30 (d) and Rule N-30D-1 to the extent that the fund shall be permitted to transmit reports to stockholders annually instead of semi-annually, section 30 (f) and Rule N-30F-2 to the extent that a person required to file Form N-30F-2 shall not be required to file such reports more often than once each six months, except that if such person should buy units issued by the fund from persons other than the fund or should sell such units[3] to persons other than the fund, such person shall file a report on Form N-30F-2 for the month in which the purchase is made, for each of the six months preceding that month, and for each of the six months succeeding that month, and section 32 (a).[3]

[1] Section 6 (b) reads as follows: "Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of this title and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order of exemption shall apply, the Commission shall give due weight, among other things, to the form or organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security."

[2] At the present time the corporation has 2,127 shares of stock in its treasury all of which would be exempt from the provisions of section 17 (a), if the exemption is granted.

[3] The following is a brief description of the sections and rules from which an exemption is requested. Section 8 (b) and Rule N-8B-2 require a registered investment company to file certain data and information. Section 16 (a) requires directors to be chosen by the holders of the outstanding voting securities of a registered investment company, with certain exceptions. Section 17 (a) prohibits a registered investment company from purchasing securities or property from certain affiliated persons. Section 17 (f) and Rule N-17F-2 require that securities and similar investments of certain registered investment companies be held in the custody of a bank, or in accordance with rules promulgated by the Commission if held in the custody of a member of a national securities exchange or of the investment company. Section 20 (a) and Rule N-20A-1 prohibit a solicitation of proxies in respect of any security of which a registered investment company is the issuer except in accordance with rules and regulations promulgated by the Commission. Section 23 (b) provides that no registered closed-end company may sell any common stock below the current net asset value, with certain exceptions. Section 23 (c) and Rule N-23C-1 prohibit a registered closed-end company from purchasing any securities of which it is the issuer except on a securities exchange or pursuant to tenders or under such other circumstances as the Commission may permit by rules and regulations or orders. Section 30 (a) and Rule N-30A-1 require a registered investment company to file annual reports with the Commission. Section 30 (b) requires a registered investment company to file such current information on a semiannual or quarterly basis as the Commission may require. Rule N-30B1-1 prescribes a form for a quarterly report to be filed pursuant to section 30 (b) (1) and Rule N-30B2-1 requires certain financial reports transmitted to stockholders to be filed with the Commission. Section 30 (d) and Rule N-30D-1 require an investment company to transmit semiannual reports to the stockholders. Section 30 (f) extends the duties and liabilities of section 16 of the Securities Exchange Act of 1934 to every person who is the beneficial owner of more than 10% of any class of outstanding securities of which a registered investment company is the issuer or who is an officer or director of such company or has certain other relationship with such company, and Rule N-30F-2 requires such persons to file reports showing changes in the ownership of securities of such company. Section 32 (a) provides that accountants shall be selected by certain members of the board of directors and that such selection shall be submitted to stockholders for ratification or rejection.

The fund is a common law trust which was organized in 1939 pursuant to the laws of the State of Pennsylvania to provide a medium by which employees, including officers of the corporation could by means of relatively small weekly or other periodic payments acquire the corporation's outstanding common stock with a view to confining the ownership of such stock, ultimately and so far as practicable, to persons in the employ of the corporation.[4] The trust by its terms will terminate on December 31, 1953 but may be terminated sooner. The occasion for the application is that the fund's holdings of stock of the corporation were approaching 25% of the total outstanding shares of the corporation. When this percentage was reached, the fund would be presumed, under section 2 (a) (9) of the act to control the corporation, which might be illegal by virtue of section 7 (a) (5) of the act, unless the fund is registered under the act, (or exempt from the act) inasmuch as the corporation may be engaged in business in interstate commerce.[5] The fund has requested, in the alternative, an exemption in whole

[4] The corporation is engaged in the general engineering business and its principal office is located in Philadelphia, Pennsylvania.

[5] As of April 30, 1950, the fund held 3,693 shares of the 14,285 outstanding shares of stock of the corporation (exclusive of 2,127 shares held in the corporation's treasury), or 25.8 percent of the outstanding shares.

Section 7 (a) (5) reads as follows: "No investment company organized or otherwise created under the laws of the United States or of a State and having a board of directors, unless registered under section 8, shall directly or indirectly * * * control any company which is engaged in any business in interstate commerce."

or in part from certain provisions of the act and rules promulgated thereunder for the reasons that it desires to avoid the expense of complying with all the provisions of the act and to facilitate its operations and activities, in case an exemption from all the provisions of the act is not granted.

Participation in the fund is available to all employees having a reasonably permanent connection with the corporation and who have been employed a minimum of four years, which minimum service requirements may be and have been lowered in specific cases at the option of the trustees. Contributions of participants consist of periodic payments which normally do not exceed 10 per cent of the participant's weekly salary. The Fund issues units which represent a proportionate participation in the net assets of the Fund.

The management of the trust is vested in a board of six trustees, three of whom are designated by the corporation from among its officers who are participants in the Fund and three are selected by participants from among such of their number who are not officers and directors of the corporation. The trustees serve without compensation. The participation units issued by the Fund are nonnegotiable and are not transferable until the participant either ceases to be an employee of the corporation or notifies the trustees of his desire to sell his participating units, and unless and until 60 days following either of such events, during which the trustees are given an option to repurchase such units, shall have elapsed without the exercise of such option. Units are sold and repurchased at their current value and without a sales load. In computing current value, the stock of the corporation held by the Fund is reckoned at book value as shown by the corporation's balance sheet for the last day of the preceding month, certified by the corporation's principal accounting officer.

It is the intention of the Commission, if an exemption is granted, (1) to provide that the exemption shall continue only until December 31, 1953, or until the trust is terminated, if terminated before then, unless extended by order upon application, and (2) to reserve the right to modify or revoke its order, after notice and opportunity for a hearing, if at any time in its opinion such action is necessary or appropriate.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting one of the alternative exemptions requested by the Fund, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after February 1, 1951, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than January 30, 1951, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-652; Filed, Jan. 15, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 8389, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct 14, 1946, 11 F. R. 11981.

[Vesting Order 16934]

THEODORA HENNES

In re: Real property, stocks, bond and bank account owned by Theodora Hennes, also known as Dorothy Hennes. F-28-29165-B-1, F-28-11353.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodora Hennes, also known as Dorothy Hennes, whose last known address is 25 Forstwaldstrasse, Krefeld-Am-Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the Township of Bethlehem, County of Northampton, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. Six (6) shares of preferred stock of International Educational Publishing Company, Scranton, Pennsylvania, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered 30224 for four shares and certificate numbered 55115, for two shares, and three (3) shares of common stock of said corporation, evidenced by certificate numbered C-29208 for two shares and certificate numbered C-50601 for one share, registered in the name of Frank Hennes, which certificates are presently in the custody of First National Bank & Trust Company of Bethlehem, Bethlehem, Pennsylvania, together with any and all declared and unpaid dividends thereon,

c. One (1) Bethlehem Temple Association First Mortgage 3% Bond, due March 1, 1935, of $100 face value, bearing the number 134, and presently in the custody of The First National Bank & Trust Company of Bethlehem, Bethlehem, Pennsylvania, together with any and all rights thereunder and thereto.

d. That certain debt or other obligation of The First National Bank & Trust Company of Bethlehem, Bethlehem, Pennsylvania, arising out of account number 355, entitled Frank and Theodora Hennes, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c, and 2-d hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots or pieces of land, lying and being in the Township of Bethlehem, in the County of Northampton and State of Pennsylvania, and known on plan of lots of Bethlehem Annex Gardens, as Lots Nos. 908, 909, 910, 946, 947, 948 and 949, bounded and described as follows:

Beginning at a point one hundred eighty (180) feet, more or less, from the northeasterly corner of Henry Street and Carter Republic Road, measured along the northerly line of said Carter Republic Road, said point being the southwesterly corner of said lot No. 908, thence northerly along the dividing line of Lots Nos. 907 and 908, a distance of one hundred ten (110) feet, more or less, to an alley, thence easterly along the southerly line of said alley a distance of sixty (60) feet, more or less, to the northwesterly corner of Lot No. 911, thence southerly along the dividing line of Lots Nos. 910 and 911 a distance of one hundred ten (110) feet, more or less, to Carter Republic Road, thence westerly along the northerly line of said Carter Republic Road a distance of sixty (60) feet, more or less, to point of beginning. Bounded on the westerly side by Lot No. 907 on the northerly side by an alley, on the easterly side by Lot No. 911, and on the southerly side by Carter Republic Road, each lot being twenty (20) feet in width and one hundred ten (110) feet in depth, more or less.

Lots Nos. Nine hundred forty-six (946), Nine hundred forty-seven (947), Nine hundred forty-eight (948), Nine hundred forty-nine (949) bounded and described as follows: Beginning at the northwesterly corner of Carter Republic Road and Richard Street said point being the southeasterly corner of said Lot No. 949, thence northerly along the westerly line of said Richard Street a distance of one hundred ten (110) feet, more or less, to an alley, thence westerly along the southerly line of said alley a distance of eighty (80) feet more or less, to the northeasterly corner of Lot No. 945, thence southerly along the dividing line of Lots Nos. 945 and 946, a distance of one hundred ten (110) feet, more or less, to Carter Republic Road, thence easterly along the northerly line of said Carter Republic Road, a distance of eighty (80) feet, more or less, to point of beginning. Bounded on the easterly side by Richard Street, on the northerly side by an alley, on the westerly side by Lot No. 945, and on the southerly side by Carter Republic Road, each lot being twenty (20) feet in width and one hundred ten (110) feet in depth, more or less.

[F. R. Doc. 51-641; Filed, Jan. 12, 1951; 9:00 a. m.]

[Vesting Order 16439]

HERMANN SONNENFELD

In re: Rights of Hermann Sonnenfeld under contract of insurance. File No. F-28-28198-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Sonnenfield whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hermann Sonnenfeld under a contract of insurance evidenced by Policy No. 91610220, issued by the Metropolitan Life Insurance Company, New York, New York, to Hermann Sonnenfeld, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-642; Filed, Jan. 12, 1951; 9:00 a. m.]

[Vesting Order 16440]

MARIE SPRINGER ET AL.

In re: Rights of Marie Springer, et al., under insurance contract. File No. F-28-24883-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Springer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Springer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2880922 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Marie Springer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Marie Springer or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Springer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Springer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 13, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-643; Filed, Jan. 12, 1951; 9:00 a. m.]

[Vesting Order 16521]

GEORGE KOSHI ET AL.

In re: Rights of George Koshi et al., under insurance contract. File No. F-39-5441-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Koshi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Koshi, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 57893120, issued by the Prudential Insurance Company of America, Newark, New Jersey, to George Koshi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, George Koshi or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Koshi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Koshi, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-676; Filed, Jan. 15, 1951; 8:51 a. m.]

[Vesting Order 16524]

HIDETO AND TAKAICHI KURAMOTO

In re: Rights of Hideto Kuramoto and Takaichi Kuramoto under insurance contract. File No. F-39-4411-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideto Kuramoto and Takaichi Kuramoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8454248, issued by the New York Life Insurance Company, New York, New York, to Hideto Kuramoto, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hideto Kuramoto or Takaichi Kuramoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in suparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-677; Filed, Jan. 15, 1951; 8:51 a. m.]

[Vesting Order 16525]

DORIS M. LACHNINGEN

In re: Rights of Doris M. Lachningen (now Doris Hoffmann) under contract of insurance. File No. D-28-12156-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Doris M. Lachningen (now Doris Hoffmann), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6919486 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Otto Schmidt, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-678; Filed, Jan. 15, 1951; 8:52 a. m.]

[Vesting Order 16529]

RUTH LUETTSCHWAGER

In re: Rights of Ruth Luettschwager under annuity contracts. D-28-11852-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth Luettschwager, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 1150935 and 1210249, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Harry J. Hobe, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-679; Filed, Jan. 15, 1951; 8:52 a. m.]

[Vesting Order 16578]

IDA BLUMEL

In re: Estate of Ida Blumel, deceased. File No. D-28-12781; E. & T. sec. 16952.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Schulz and Alvin Blumel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alvin Blumel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Ida Blumel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Jacob Schuhle and Dorothea Stiller, as executors, acting under the judicial supervision of the Surrogate's Court of Ulster County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alvin Blumel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-680; Filed, Jan. 15, 1951; 8:52 a. m.]

[Vesting Order 16582]

KATHERINE YOCKEL FANNING

In re: Estate of Katherine Yockel Fanning, also known as Katie Fanning, also known as Katie Yockel, deceased. File No. D-28-12925; E. & T. sec. 17079.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Stachowiak Binchen Jockel, Sette Becker, Anna Fetzer, Maria Buhler, Lisbeth Kahn, Peter Jockel and Klara Wagner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alvin Blumel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Yockel Fanning also known as Katie Fanning, also known as Katie Yockel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, Hans Jockel and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Hans Jockel are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-681; Filed, Jan. 15, 1951; 852 a. m.]

[Vesting Order 16601]

GEORGE M. AND HENRY KOBER

In re: Trust deed dated July 15, 1922, between George M. Kober, settlor, and Henry Kober trustee. File No. D-28-3654.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helwig Kober, Elise Kober, Marie Muller, Louise Treser, Gretchen Fuelberth, Barbetta Koch, Dora Pilger and Carl Kober, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs of Helwig Kober, Elise Kober, Marie Muller, Louise Treser, Gretchen Fuelberth, Barbetta Koch, Dora Pilger, and Carl Kober and each of them, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all property of any kind or character whatsoever in the possession, custody or control of Henry Kober of Fort Bidwell, Modoc County, California, as trustee, under a deed of trust executed by George M. Kober on July 15, 1922, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Helwig Kober, Elise Kober, Marie Muller, Louise Treser, Gretchen Fuelberth, Barbetta Koch, Dora Pilger and Carl Kober, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-682; Filed, Jan. 15, 1951; 8:52 a. m.]

[Vesting Order 16613]

LORENZ MOCKEL

In re: Estate of Lorenz Mockel, deceased. File No. D-28-11270; E. & T. sec. 15626.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Lorenz Moeckel, Anna Mueller, Marie Maurer, Johannes Konrad Huth and Frieda Ohly, whose last known address is Germany, are resi-

dents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Marie Schneider, deceased, except the children, names unknown, of George Mockel within the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except the children, names unknown, of George Mockel, within the United States, and each of them, in and to the estate of Lorenz Mockel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Louis C. Mockel, as administrator, acting under the judicial supervision of the Superior Court of Pierce County, Washington;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Marie Schneider, deceased, except the children, names unknown, of George Mockel within the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-683; Filed, Jan. 15, 1951; 8:52 a. m.]

[Vesting Order 16708]

SADA YONEDA

In re: Interests in stock and bonds owned by Sada Yoneda. D-39-13599-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sada Yoneda, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half (½) interest in two hundred (200) shares of common capital stock of Columbia Gas & Electric Corp., now Columbia Gas System, Inc., 120 East 41st Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered CN334478 for 100 shares and certificate numbered CN334479 for 100 shares, both dated and issued January 27, 1938, registered in the name of Sada Yoneda and presently in the custody of John J. Lerman, 806 Balboa Building, San Francisco, California, together with an undivided one-half (½) interest in all declared and unpaid dividends thereon and all rights and privileges accruing therefrom,

b. An undivided one-half (½) interest in one (1) one thousand dollar ($1,000.00) Tokyo Dento Kabushiki Kaishi (Tokyo Electric Light Company, Ltd.) first mortgage Gold bond, series due June 15, 1953, number 25669, with coupons numbered 27 to 50 inclusive, payable to bearer and presently in the custody of John J. Lerman, 806 Balboa Building, San Francisco, California, together with an undivided one-half (½) of any and all rights thereunder and therto, and

c. An undivided one-half (½) interest in one (1) one thousand dollar ($1000.00) Imperial Japanese Government six and one-half percent (6½%) gold bond, external loan of February 11, 1924, due February 1, 1954, number M138254, with coupons numbered 36 and 60 inclusive, payable to bearer and presently in the custody of John J. Lerman, 806 Balboa Building, San Francisco, California, together with an undivided one-half (½) of any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-688; Filed, Jan. 15, 1951; 8:54 a. m.]

[Vesting Order 16680]

DRESDNER BANK ET AL.

In re: Securities owned by and debts owing to the Dresdner Bank and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibit A, B, C or Exhibit D, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

3. That C. Schlesinger-Trier & Co., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That Poensgen Marx & Co., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

5. That H. Heymann & Co., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

6. That Med. Breitländer and Fred Bubeck, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

7. That the personal representatives, heirs, next of kin, legatees and distributees of Franz Rutsen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain shares of stock, evidenced by the certificates described in said Exhibit A, owned by the persons identified therein as owners, presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with all declared and unpaid dividends thereon,

b. Those certain bonds, described in said Exhibit B, owned by the persons identified therein as owners, presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

c. Those certain receipts, described in said Exhibit C, owned by the persons identified therein as owners, presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

d. Those certain notes, described in said Exhibit D, owned by the persons identified therein as owners, presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

e. One (1) National Railways of Mexico coupon, due July 1, 1914, of $22.50 face value, numbered 51041, owned by Max Hedderich, which coupon is presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

f. Thirteen (13) coupons, in bearer form, detached from a Chicago, Milwaukee, St. Paul & Pacific Railroad Company 5% bond, numbered 11680, each for $25.00, twelve of which coupons were due April 1 or October 1 of the years 1931 to 1936 inclusive, and one coupon was due on April 1, 1937, owned by Med Breitländer, which coupons are presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

g. Two (2) Erie Railroad Company common no par value capital stock purchase warrants, in bearer form, numbered 4216 and 4832, for sixty-two and one-half (62½) and thirty-one and one-quarter (31¼) shares respectively, owned by Emmy Becker and Ernst Heise respectively, which purchase warrants are presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

h. Three (3) German American Portland Cement Works dividend certificates, in bearer form, numbered 9 and 10, for five (5) shares each and number 8 for sixteen (16) shares, owned by Dresdner Bank, which dividend certificates are presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

i. That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of the receipt of the proceeds of the redemption of fifty (50) shares of Happiness Candy Stores Inc. capital stock, certificate number 967, owned by Fred Bubeck, which proceeds are presently on deposit with the National City Bank of New York, in an account entitled Handlestrust West N. V., maintained at said bank, and any and all rights to demand, efforce and collect the same,

j. That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of the receipt of income derived from the securities described in the aforesaid subparagraphs 8-a through 8-h hereof, constituting a portion of the sum of money on deposit with the National City Bank of New York in an account entitled Handelstrust West N. V., Sub-Account Clients Securities, maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

9. That to the extent that the persons referred to in subparagraphs 1 and 7 hereof and the persons named in subparagraphs 2, 3, 4, 5 and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—STOCK OWNED BY DRESDNER BANK AND OTHERS

Name of issuer	Type of stock	Par value	Certificate Nos.	Number of shares	Registered owner	Owner's file No.
American Bemberg Corp.	Common class A	No	116	10	Hurley & Co.	Dresdner Bank, F-28-176-A-11.
American Steel Foundries	Common	No	66498	100	do.	Heirs of Franz Rutsen, F-28-30990-A-1.
			129745	31	do.	Do.
			95002	31	do.	Do.
			45142	100	Sophie Von Rutneszases	Do.
The Baltimore & Ohio R. R. Co.	do	$100	488307	4	Hurley & Co.	S. Jaffa (or S. Jaffe), F-28-23493-A-1.
			205143	10	Carl Hagemann	Karl Logeman, F-28-30984-A-1.
			38537	10	Deutsche Bank	Dresdner Bank.
			38082	10	do.	Do.
			39472	10	do.	E. Weckenheimer, F-28-30992-A-1.
			14425	5	do.	Do.
Cities Service Co.	do	10	53151	6	Hurley & Co.	Dresdner Bank.
Denver & Rio Grande Western R. R. Co.	6 percent cumulative preferred.	100	9520	8	do.	Elvera Harder, F-28-30978-A-1.
Erie R. R. Co.	Common	No	4140	10	do.	Emmy Becker, F-28-30970-A-1.
			4850	5	do.	Ernst Heise, F-28-30981-A-1.
Mackenzie Oil Co.	Capital	No	1	40	Jean Germann	Jean Germann, F-28-30975-A-1.
North American Rayon Corp.	Common class A	No	11	1	Hurley & Co.	Wilhelm Halberstadt, F-28-30977-A-1
	Common class B	No	429	1	do.	Heinrich Strecker, F-28-30952-A-2.
Radio Keith Orpheum Corp., Inc.	Common	No	18322	25	do.	Dresdner Bank, F-28-176-A-11.
Southern Railway Co.	do	No	172976	20	do.	Frau Pfeil, F-28-30968-A-1.
Southern Pacific Co.	do	No	33436	100	do.	Dresdner Bank.
			15488	20	do.	Do.
			15504	5	do.	John Baptist Feigel, F-28-30971-A-1.
Standard Gas & Electric Co.	do	No	37460	100	do.	Dresdner Bank.
			99253	13	do.	Do.
			57702	31/100	do.	Do.
United States Steel Corp.	do	No	23941	32	do.	Marie Kuchel, F-28-30983-A-1.
			144206	64	do.	
Lautaro Nitrate Co., Ltd.	Ordinary B	5 pence	2730	1	do.	Kurt Breitlander, F-28-30971-A-1.
Canadian Pacific Ry. Co.	Common	$100	635998	10	C. Schlesinger-Trier & Co.	C. Schlesinger-Trier & Co., F-28-31069-A-1.

EXHIBIT B—BONDS OWNED BY H. HEYMANN & CO. AND OTHERS

Description of issue	Face value, owners, file Nos.	Certificate Nos.	Registered owner
National Rys. of Mexico, 50-year prior lien sinking fund 4½ percent gold bond, due July 1, 1957, with scrip receipts 4/6 and cash warrants 4/9.	1 @ $1,000 H. Heymann & Co. F-28-30982-A-1.	4858	Bearer.
National Rys. of Mexico, 50-year prior lien sinking fund gold 4½ percent bonds, due July 1, 1957, with scrip receipts 4/6 and cash warrants 4/9.	1 @ $1,000 A. Heldrich. F-28-30980-A-1.	69853	Hurley & Co.
	5 @ $1,000 Max von Goldschmidt. F-28-30976-A-1.	69848 69849 69850 69851 69852	Max von Goldschmidt-Rothschild.
Vera Cruz & Pacific R. R. Co., first mortgage 4½ percent gold bonds, due July 1, 1934, with scrip receipt 5/6 and cash warrants 5/9.	3 @ $1,000 M. Plaut. F-28-30987-A-1.	2812 2815 2817	Bearer.

EXHIBIT C—RECEIPTS OWNED BY MAX VON GOLDSCHMIDT AND OTHERS

Description	Face value owners file numbers	Numbers
D. R. W. Mexican current interest scrip receipts	6 @ 250 marks	3
	2 @ 125 marks	3
	4 @ 200 marks	2
	6 @ 400 marks	1
	6 @ 400 marks Max von Goldschmidt. F-28-30976-A-1.	2
	2 @ 250 marks	3
	2 @ 400 marks	2
	2 @ 400 marks Poensgen Marx & Co. F-28-30989-A-1.	1
	2 @ 125 marks	3
	4 @ 200 marks Max Hedderich. F-28-30979-A-1.	1
	1 @ 100 marks	1
	1 @ 100 marks	2
	1 @ 62.50 marks Hans Lange. F-28-30985-A-1.	3
United States of Mexico receipts for coupons or rights to interest in arrears Class B receipt.	1 @ 13,200 marks Max Hedderich. F-28-30979-A-1.	18
United States of Mexico receipts for coupons or rights to interest in arrears Class A receipt.	1 @ 7,200 marks Max Hedderich. F-28-30979-A-1.	26
Mexican current interest scrip receipts, detached from National Rys. of Mexico, prior lien sinking fund 4½ percent bonds, due July 1, 1957.	14 @ $0.00	None
	7 @ $5.625 H. Heymann & Co. F-28-30982-A-1.	None
Scrip receipts detached from Vera Cruz & Pacific R. R. Co., first mortgage 4½ percent gold bonds, due July 1, 1934.	4 @ $0.00	1
	4 @ $0.00	2
	4 @ $5.625	3
	4 @ $5.625 Franziska Model. F-28-30986-A-1.	4

EXHIBIT D—NOTES OWNED BY MAX VON GOLDSCHMIDT AND OTHERS

Description	Face value	Numbers
D. R. W. National Rwys. of Mexico, secured Series C notes, with warrants.	1@ 18 marks Max von Goldschmidt. F-28-30976-A-1.	2
National Rwys. of Mexico, 2-year 6 percent secured notes due June 1, 1915, with scrip receipts 5/6 and cash warrants 5/10.	7 @ 40,000 marks Max von Goldschmidt.	1 to 7, incl.
	1 @ 40,000 marks Max Hedderich. F-28-30979-A-1	8
	1 @ 10,000 marks Hans Lange. F-28-30985-A-1.	15
	4 @ 20,000 marks Poensgen Marx & Co. F-28-30989-A-1.	9 to 12, incl.
National Rys. of Mexico, secured notes due Mar. 1, 1914, with warrants due Dec. 1, 1924, to Dec. 1, 1927, incl.	2 @ $1,000.00 Max von Goldschmidt.	245-246
National Rys. of Mexico, secured notes with warrants due Jan. 1, 1925, to July 1, 1927, incl.	1 @ $50.00 Max von Goldschmidt.	475

[F. R. Doc. 51-684; Filed, Jan. 15, 1951; 8:53 a. m.]

[Vesting Order 16683]

KIYOSHI RICHARD HASE

In re: Cash owned by Kiyoshi Richard Hase. F-39-6463-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Richard Hase, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $381.63 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Kiyoshi Richard Hase, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Richard Hase, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-685; Filed, Jan. 15, 1951; 8:53 a. m.]

[Vesting Order 16688]

KURATA KAWANAMI

In re: Bonds and stock owned by Kurata Kawanami. D-39-17230-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurata Kawanami, also known as Furata Kawanami, G. K. Kawanami and George K. Kawanami, whose last known address is Kukuoka-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Eight (8) United States Savings Bonds, Series E, of $650.00 face value, bearing the numbers L2949733E, L6712424E, L6712425E, C7955166E, C7955167E, C7955168E, C7955169E and C7955170E, registered in the name of Kurata Kawanami, together with any and all rights thereunder, and

b. Twenty (20) shares of no par value common capital stock of De Anza Calexico Company, Calexico, California, evidenced by a certificate numbered 13, dated June 20, 1932, registered in the name of G. K. Kawanami, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-686; Filed, Jan. 15, 1951; 8:53 a. m.]

[Vesting Order 16696]

MRS. IRMA PAGENSTECHER ET AL.

In re: Stock owned by Mrs. Irma Pagenstecher, and others. F-39-5128-D-1, D-39-18701-D-1, F-28-6535-D-1, F-28-25222-D-1, D-39-18702-D-1, D-39-18705-D-1, F-39-5125-D-1, D-39-18704-D-1, D-39-18696-D-1, F-39-3037-D-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Irma Pagenstecher, whose last known address is Wiesbaden, Germany, and John Willax, whose last known address is Hermann Str. No. 14, Weiden, Oberpfalz, Baiern, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Gozo Unno and Kohichi Maguchi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

3. That Hisao Matsukuma, Yaneo Shitamai, Kazua Matsunani, Aiko Miyanaga, and Tojin Hirata, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

4. That certain of the persons who comprise the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

5. That the remainder of the persons who comprise the aforesaid personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

6. That the property described as follows: Forty-six (46) shares of no par value common capital stock of Radio Corporation of America, 60 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by the certificates registered and numbered as set forth below for the numbers of shares set forth opposite such certificate numbers:

Registered owner	Certificate No.	Number of shares
Aiko Miyanaga	W026993	2
Tojin Hirata	N084726	5
Hisao Matsukuma	W083934	3
Kohichi Maguchi	N034263	10
Yaneo Shitamai	N050538	4
Kazua Matsunani	TFN0071	5
John Willax	TN021165	5
Mrs. Irma Pagenstecher	FW02251	6
Cozo Unno	FN055227	6

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1, 2 and 3 hereof, the aforesaid nationals of a designated enemy countries (Japan or Germany);

7. That the property described as follows: Three (3) shares of no par value common capital stock of Radio Corporation of America, 60 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware evidenced by certificate number FW 0612, registered in the name of Friedrich Heinrich Ferdinand Cords, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 4 and 5 hereof, the aforesaid nationals of designated enemy countries (Japan or Germany);

and it is hereby determined:

8. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, deceased, referred to in subparagraph 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

9. That to the extent the persons named in subparagraphs 2 and 3 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Heinrich Ferdinand Cords, deceased referred to in subparagraph 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-687; Filed, Jan. 15, 1951; 8:53 a. m.]

[Vesting Order 16742]

FRIEDA RECHTEN

In re: Safe deposit box lease and contents owned by Frieda Rechten. F-28-13267, A-1, B-1, C-1, F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Rechten, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interests created in Frieda Rechten under and by virtue of a safe deposit box lease agreement by and between Henry Rechten and Frieda Rechten and the East Brooklyn Savings Bank, 975 Bedford Avenue, Brooklyn, New York, relating to safe deposit box number 892, located in the vaults of the aforesaid bank, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Frieda Rechten in the safe deposit box referred to in subparagraph 2a hereof, and any and all rights of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid East Brooklyn Savings Bank, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of,

or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-689; Filed, Jan. 15, 1951; 8:54 a. m.]

[Vesting Order 16835]

MARIA FLINTE ET AL.

In re: Rights of Maria Flinte et al., under contracts of insurance. Files Nos. F-28-28695-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Flinte and Helmut Flinte, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 25098433 and No. 25252516, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Maria Flinte, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Maria Flinte or Helmut Flinte, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-690; Filed; Jan. 15, 1951; 8:54 a. m.]

[Vesting Order 16836]

WERNER HELBIG ET AL.

In re: Rights of Werner Helbig et al., under contract of insurance. File No. F-28-3621-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Werner Helbig and Rosa Helbig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3625018, issued by The Mutual Life Insurance Company of New York, New York, New York, to Werner Helbig, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Werner Helbig or Rosa Helbig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-691; Filed, Jan. 15, 1951; 8:54 a. m.]

[Vesting Order 16837]

RICHARD T. LANG ET AL.

In re: Rights of Richard T. Lang, et al., under insurance contracts. Files F-28-23155-H-1, F-28-23155-H-2 and F-28-23155-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard T. Lang and Gertrude Lang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Richard T. Lang, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 4109252, 4114943 and 4114944, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Richard T. Lang, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Richard T. Lang or Gertrude Lang or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Richard T. Lang, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Richard T. Lang, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-692; Filed, Jan. 15, 1951; 8:54 a. m.]

[Vesting Order 16838]

RUDOLF LESER ET AL.

In re: Rights of Rudolf Leser, et al., under contract of insurance. File No. F-28-3426-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Leser, Erna Leser, Adolf Leser and Marta Leser, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8355712 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Rudulf Leser, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rudolf Leser or Erna Leser or Adolf Leser and Marta Leser or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Leser, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-693; Filed, Jan. 15, 1951; 8:55 a. m.]

[Vesting Order 16839]

MARIO MAZZAROVICH ET AL.

In re: Rights of Mario Mazzarovich et al., under contracts of insurance. File F-28-3561-H-2 and File F-28-3561-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mario Mazzarovich and Elizabeth Mazzarovich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Mario Mazzarovich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 3740049 and 4496823, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Mario Mazzarovich, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mario Mazzarovich or Elizabeth Mazzarovich and the children, names unknown, of Mario Mazzarovich, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Mario Mazzarovich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-694; Filed, Jan. 15, 1951; 8:55 a. m.

[Vesting Order 16342]

ROSE M. AND AUGUST MERKLE

In re: Rights of Rose M. Merkle and August Merkle under insurance contracts. Files Nos. F-28-26655-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rose M. Merkle and August Merkle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 7885062 and 6429249 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Rose M. Merkle, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rose M. Merkle or August Merkle, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-695; Filed, Jan. 15, 1951; 8:56 a. m.]

[Vesting Order 16844]

HIKOSABURO AND MASAKO OHASHI

In re: Rights of Hikosaburo Ohashi and Masako Ohashi under contract of insurance. File No. F-39-6385-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hikosaburo Ohashi and Masako Ohashi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1433052 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Hikosaburo Ohashi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverbale to, held on behalf, or on account of, or owing to, or which is evidence of ownership or control by Hikosaburo Ohashi or Masako Ohashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-696; Filed, Jan. 15, 1951; 8:56 a. m.]

[Vesting Order 16845]

MRS. MASAKO OHASHI AND HIKOSABURO OHASHI

In re: Rights of Mrs. Masako Ohashi and Hikosaburo Ohashi under insurance contract. File F-39-6384-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Masako Ohashi and Hikosaburo Ohashi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1433051 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Masako Ohasi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Masako Ohashi or Hikosaburo Ohashi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-697; Filed, Jan. 15, 1951; 8:56 a. m.]

[Vesting Order 16847]

ERNST SCHMITZ ET AL.

In re: Rights of Ernst Schmitz et al., under contracts of insurance. Files Nos. F-28-573-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schmitz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Ernst Schmitz and Franz Berz, also known as Franz Schmitz, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 942225 and No. 1055621, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Ernst Schmitz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Massachusetts Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Ernst Schmitz or Anna Schmitz or Franz Berz, also known as Franz Schmitz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the said Ernst Schmitz and Franz Berz, also known as Franz Schmitz be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-698; Filed, Jan. 15, 1951; 8:56 a. m.]

[Vesting Order 16849]

BEATRICE SOEHNLEIN ET AL.

In re: Rights of Beatrice Soehnlein, et al., under insurance contract. File No. F-28-598-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Beatrice Soehnlein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Beatrice Soehnlein, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 670887 issued by the Provident Mutual Life Insurance Company of Philadelphia, Philadelphia, Pennsylvania, to Beatrice Soehnlein, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Provident Mutual Life Insurance Company of Philadelphia together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Beatrice Soehnlein or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Beatrice Soehnlein, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Beatrice Soehnlein, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-699; Filed, Jan. 15, 1951; 8:57 a. m.]

[Vesting Order 16852]

KARL VOGT ET AL.

In re: Rights of Karl Vogt et al., under contract of insurance. File No. D-28-10069-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Vogt and Erna Vogt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9628800, issued by the New York Life Insurance Company, New York, New York, to Karl Vogt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Karl Vogt or Erna Vogt, the aforesaid nationals of a designated enemy Country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Exccutive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-700; Filed, Jan. 15, 1951; 8:57 a. m.]

[Vesting Order 16853]

MOKICHI YAMAGUCHI ET AL.

In re: Rights of Mokichi Yamaguchi, et al., under insurance contract. File No. F-39-5069-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mokichi Yamaguchi and Kiku Yamaguchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,534.004, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mokichi Yamaguchi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mokichi Yamaguchi or Kiku Yamaguchi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-701; Filed, Jan. 15, 1951; 8:57 a. m.]

[Vesting Order 16854]

MRS. SHIZUYO YASUTOMI AND KINROKU YASUTOMI

In re: Rights of Mrs. Shizuyo Yasutomi and Kinroku Yasutomi under insurance contract. File No. F-39-5942-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Shizuyo Yasutomi and Kinroku Yasutomi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1381100 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Shizuyo Yasutomi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract or insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Shizuyo Yasutomi or Kinroku Yasutomi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-702; Filed, Jan. 15, 1951; 8:57 a. m.]

[Vesting Order 16858]

HERMANN CARL COETZ ET AL.

In re: Rights of Hermann Carl Goetz et al., under contract of insurance. File No. F-28-3521-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Carl Goetz and Erica Goetz, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. Q D 46561 issued under a Group Annuity Contract No. 103, issued by the Metropolitan Life Insurance Company, New York, New York, to Hermann Carl Goetz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hermann Carl Goetz or Erica Goetz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-703; Filed, Jan. 15, 1951; 8:57 a. m.]

[Vesting Order 16864]

THEODOR MAYER ET AL.

In re: Rights of Theodor Mayer et al., under contract of insurance. File No. F-28-28721-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Mayer and Emma Mayer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Theodor Mayer, except Emma Klara Mayer, a citizen of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due to Theodor Mayer, Emma Mayer and the children, names unknown, of Theodor Mayer, except Emma Klara Mayer, a citizen of the United States, under a contract of insurance evidenced by Policy No. 4155204, issued by The Equitable Assurance Society of the United States, New York, New York, to Theodor Mayer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Emma Klara Mayer, a citizen of the United States, and of the aforesaid The Equitable Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or which is evidence of ownership or control by Theodor Mayer or Emma Mayer and the children, names unknown, of Theodor Mayer, except Emma Klara Mayer, a citizen of the United States, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Theodor Mayer, except Emma Klara Mayer, a citizen of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F R. Doc. 51-708; Filed, Jan. 15, 1951; 8:58 a. m.]

[Vesting Order 16859]

MASAO IMANISHI ET AL.

In re: Rights of Masao Imanishi et al., under contract of insurance. File D-39-19010-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masao Imanishi and Naokichi Imanishi, whose last known address is Papan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1533380 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Masao Imanishi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masao Imanishi or Naokichi Imanishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-704; Filed, Jan. 15, 1951 8:57 a. m.]

[Vesting Order 16860]

NAOKICHI IMANISHI ET AL

In re: Rights of Naokichi Imanishi, et al., under insurance contract. File No. D-39-13665-H2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Naokichi Imanishi and Fujiye Imanishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,612,421, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Naokichi Imanishi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Naokichi Imanishi or Fujiye Imanishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-705; Filed, Jan. 15, 1951 8:58 a. m.]

[Vesting Order 16869]

YAICHI TANABE ET AL.

In re: Rights of Yaichi Tanabe, et al., under insurance contract. File No. D-39-18756-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yaichi Tanabe and Riso Tanabe, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 16 021 525, issued by the New York Life Insurance Company, New York, New York, to Yaichi Tanabe, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yaichi Tanabe or Riso Tanabe, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-710; Filed, Jan. 15, 1951; 8:58 a. m.]

[Vesting Order 16861]

MARIE KINTZEL

In re: Rights of Marie Kintzel under contract of insurance. File No. F-28-29249-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Kintzel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Marie Kintzel under a contract of insurance evidenced by Policy No. MP04285, issued by The Prudential Life Insurance Company of America, Newark, New Jersey, to Marie Kintzel, any and and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Adele Martens, a resident of the United States, and of the aforesaid The Prudential Life Insurance Company of America together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-706; Filed, Jan. 15, 1951; 8:58 a. m.]

[Vesting Order 16863]

WAICHI MAEDA ET AL.

In re: Rights of Waichi Maeda et al., under insurance contract. File No. D-39-19088-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waichi Maeda and Kazuma Maeda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,539,753, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Waichi Maeda, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Waichi Maeda or Kazuma Maeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-707; Filed, Jan. 15, 1951; 8:58 a. m.]

[Vesting Order 16868]

FRIEDA A. ROTHAMMER ET AL.

In re: Rights of Frieda A. Rothammer et al., under contract of insurance. File No. F-28-26585-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda A. Rothammer and Katharina Rothammer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Frieda A. Rothammer and to Katharina Rothammer under a contract of insurance evidenced by Policy No. 2611335, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Frieda A. Rothammer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Regina Kilb, a resident of the United States, and of the aforesaid The Northwestern Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Frieda A. Rothammer or Katharina Rothammer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-709; Filed Jan. 15, 1951; 8:58 a. m.]

[Vesting Order 16870]

FUJIO UYEDA

In re: Rights of Fujio Uyeda under contract of insurance. File No. D-39-19226-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fujio Uyeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Fujio Uyeda, under a contract of insurance evidenced by Policy No. 1283348 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Fujio Uyeda, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Sakai Uyeda, a resident of Hawaii, and of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-711; Filed, Jan. 15, 1951; 8:59 a. m.]

[Return Order 815]

ENID MAY POSZICH

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Enid May Poszich, c/o Hawaiian Trust Co., Honolulu, T. H.; Claim No. 5802; November 2, 1950 (15 F. R. 7382); $26,172.73 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Enid Rose May Poszich in and to the estate of Rose Roth May, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-712; Filed, Jan. 15, 1951; 8:59 a. m.]

[Return Order 848]

BERNARD G. PETER AND ANNA MATHILDA POLEK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Bernard G. Peter, Administrator of the Estate of Anna Mathilda Polek, deceased, Baltimore, Md., Claim No. 5690; November 28, 1950 (15 F. R. 8143); $31,219.69 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-713; Filed, Jan. 15, 1951; 8:59 a. m.]

[Return Order 851]

HENRIETTE H. HIRSCHLAND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henriette H. Hirschland, New York, N. Y., Claim No. 38232; November 14, 1950 (15 F. R. 7744); $1,107.81 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-714; Filed, Jan. 15, 1951; 9:00 a. m.]

[Return Order 853]

MARIA SCHUBERT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Schubert, a/k/a Marie Schubert, Linz-on-Danube, Austria; Claim No. 27573; November 30, 1950 (15 F. R. 8211); $25,048.12 in the Treasury of the United States. All right, title and interest of Marie Schubert in and to the Estate of W. W. Parker, also known as Wm. W. Parker, also known as William Witold Parker, also known as Witold Schubert, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-715; Filed, Jan. 15, 1951; 9:00 a. m.]

[Return Order 856]

LUCIEN ALFRED MAURICE CORSET

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lucian Alfred Maurice Corset, Paris, France; Claim No. 36414; November 9, 1950, (15 F. R. 7544); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 1,939,766. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 9, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-716; Filed, Jan. 15, 1951; 9:00 a. m.]

RECHA ROTHSCHILD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Recha Rothschild, Brooklyn, N. Y.; Kathinka Laseman, Detroit, Mich.; Jacob Buehler, Detroit, Mich.; Irma Lowenfels, New York, N. Y.; Claim No. 4856; $699.80 in the Treasury of the United States, one-fourth thereof to each claimant.

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-717; Filed, Jan. 15, 1951; 9:01 a. m.]

AUGUSTE ADELIN GUSTAVE MAGIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Auguste Adelin Gustave Magis, 3 Aven Elisee Reclus, Paris, France; Claim No. 11593; Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 328,949 (now United States Letters Patent No. 2,359,486).

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-718; Filed, Jan. 15, 1951; 9:01 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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OF THE UNITED STATES 1934
VOLUME 16 NUMBER 11
Washington, Wednesday, January 17, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10204

PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF BASIC ALLOWANCES FOR QUARTERS

By virtue of and pursuant to the authority vested in me by section 302 of the Career Compensation Act of 1949, approved October 12, 1949 (Public Law 351, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby prescribe the following regulations governing the payment of basic allowances for quarters to members of the uniformed services.

1. *Definitions.* As used in these regulations or regulations prescribed pursuant hereto:

(a) The term "entitled to receive basic pay" shall apply to a member while on the active list or while required to perform duty in accordance with law for which he is entitled to basic pay: *Provided*, that such term shall not apply to any member while absent from duty under conditions which, under laws governing the particular service concerned, would prevent him from receiving full basic pay.

(b) The term "field duty" shall mean service by a member under orders with troops operating against an enemy, actual or potential, or service with troops on maneuvers, war games, field exercises, or similar types of operations.

(c) The term "sea duty" shall mean service performed by either officer or enlisted members under conditions for which "sea duty" pay is payable to enlisted members in accordance with section 206 of the said Career Compensation Act of 1949, and regulations issued thereunder.

(d) The term "permanent station" shall mean the place on shore where a member is assigned to duty, or the home yard or the home port of a ship in which a member is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where a member is assigned and in fact occupies, with his dependents, if any, quarters under the jurisdiction of any of the uniformed services shall also be deemed during such occupancy to be his permanent station: *Provided*, that in the case of members of the National Guard, the Air National Guard or Reserve components of any of the uniformed services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for the purposes of these regulations.

2. Except as otherwise by statute heretofore or hereafter provided, a member shall be entitled to payment of basic allowances for quarters, in accordance with these regulations and any regulations prescribed pursuant hereto, during such time or times as he is entitled to receive basic pay.

3. Any quarters or housing facilities under the jurisdiction of any of the uniformed services in fact occupied without payment of rental charges (a) by a member and his dependents, or (b) at his permanent station by a member without dependents, or (c) by the dependents of a member on field duty or on sea duty or on duty at a station where adequate quarters are not available for his dependents, shall be deemed to have been assigned to such member as appropriate and adequate quarters, and no basic allowance for quarters shall accrue to such member under such circumstances unless the occupancy is because of a social visit of a temporary nature.

4. When adequate quarters for his dependents are not available for assignment at his permanent station to a member with dependents, he may occupy not more than one room and a bath at such station, without affecting his right to receive payment of basic allowances for quarters, if permitted or required personally to occupy quarters at such station.

5. A member away from his permanent station may occupy not more than one room and a bath at his temporary post or station without affecting his right to receive payment of basic allowances for quarters, or to assignment of quarters at his permanent station.

6. The Secretaries concerned (within the meaning of section 102 (f) of the said Career Compensation Act of 1949), with respect to personnel of the uniformed services within their respective departments and agency, are hereby authorized to prescribe such supplementary regulations not inconsistent herewith as they may deem necessary or desirable for carrying out these

(Continued on p. 419)

CONTENTS

THE PRESIDENT

Executive Orders — Page
Basic allowances for quarters; prescribing regulations governing payment of — 417
Defense Production Act; amending EO 10182 relating to appointment of certain persons — 419

EXECUTIVE AGENCIES

Alien Property, Office of
Notices:
Organization statement and delegations of final authority to Chief, Foreign Funds Section, and others concerning blocked assets — 437
Vesting orders, etc.:
Bleymueller, Hermann Alexander Eduard, et al — 443
Chobert, Jacques Francois Gabriel — 452
Eck'sche Familienstiftung — 446
Ernst Komrowski and Co — 447
Fuchs, Katie Steele, et al — 444
German accounts — 446
Goto, Uichi, et al — 444
Hiroyama, Takakichi — 444
Iijima, Suzu, and Kikujiro — 445
Jodlbauer, Fanny, et al — 445
Kahle, Clara, and George — 445
Kawanami, Mrs. Tomo G — 447
Kuwamura, Sumio — 447
Lehmann, Gerard, et al — 452
Mattutat, Yohannes — 448
Messmer, Josef L — 438
Miura, Bernard — 438
Motion pictures owned by German and Japanese nationals and governments — 437
Oberacher, Fred — 451
Ohara, Toyoji, et al — 439
Olsen, Barbara — 439
Orfi, Emilie — 452
Ozaki, Yutaka and Maki — 439
Paetau, Max — 448
Prange, Ernestina Marie — 448
Prosl, Carlos — 449
Rarama, Generosa A — 452
Riede, Richard Hellmuth — 446
Ronte, Hulda, et al — 440
Sasada, Kazuo — 440
Sasada, Kimiyo — 440
Schade, Bruno — 449
Schipper, Mrs. Frida — 449
Takesaki, Sakusuke — 441
Tanaka, Mrs. Miroku, et al — 441
Tsubota, Masami — 450

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Tsutsumi, Migiwa 441
Tunke, Lydia 442
Uyenaga, Teisaku and Kito 442
Verderber, John 451
Von Scherr-Thoss, Count Wolfgang 450
Von Stackelberg, Ellen Biddle 451

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Von Vietinghoff, L. Zuleikha 451
Watanable, Nahajiro, and Kikuyo 442
Williams, Martha R 446
Wirsig, Margaret, et al 442
Wolf, Ernestine 443
Wulff, Magdalena 450
Yamagami, Kiuji, et al 443

Civil Aeronautics Board
Notices:
Hearings, etc.:
British Overseas Airways Corp.; service to Boston 426
Westair Transport; postponement of oral argument 426
Rules and regulations:
Belts, safety:
Aircraft equipment airworthiness 420
Airplane airworthiness 420
Normal, utility, acrobatic and restricted-purpose categories 420
Transport categories 420
Certification and operation rules for scheduled air carrier operations outside the continental limits of the U. S 420
General operation rules 420
Irregular air carrier and off-route rules 420
Rotorcraft airworthiness 420
Scheduled air carrier rules 420

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; miscellaneous amendments 420

Federal Communications Commission
Notices:
Hearings, etc.:
Cain, Charles L., and Lakewood Broadcasting Co 426
Camellia Broadcasting Co., Inc. (KLFY) 432
Central Ohio Broadcasting Co. et al 426
Champion City Broadcasting Co. (WJEL) 426
International Telecommunication Union, Extraordinary Administrative Radio Conference; lists of assignments 427
Minnesota Valley Broadcasting Co. (KTOE) and Heart of the Black Hills Station (KDSJ) 431
Mt. Airy Broadcasters, Inc. 431
Telanserphone, Inc., and Thomas L. Smith, Jr 431

Federal Housing Administration
Rules and regulations:
Cooperative housing insurance, eligibility requirements:
Individual mortgages covering properties released from lien of project mortgage 422
Project mortgage 422

Federal Housing Administration—Continued Page
Rules and regulations—Continued
Eligibility requirements:
Individual mortgage covering property released from lien of project mortgage; Defense Production Act of 1950 controls 424
Project mortgage covering group of single-family dwellings; temporary limitation upon maximum amount of mortgage 424
Eligibility requirements of mortgage covering one- to four-family dwellings:
Mutual mortgage insurance 421
War housing insurance 423
Farm mortgage insurance, eligibility requirements; miscellaneous amendments 423
Multifamily housing insurance, mortgage covering multifamily housing; limitation upon maximum amount of mortgage 422
Multifamily war housing insurance, eligibility requirements of mortgage; limitation upon maximum amount of mortgage 424
Title I mortgage insurance, eligibility requirements; miscellaneous amendments 421
War housing insurance; miscellaneous amendments 423

Federal Power Commission
Notices:
Hearings, etc.:
Northeastern Gas Transmission Co 434
Southern Natural Gas Co. and Atlantic Gulf Gas Co 432
Southern Utah Power Co 432
Texas Eastern Transmission Corp. et al 433

Federal Reserve System
Notices:
Organization rules; miscellaneous amendments 431

Federal Trade Commission
Notices:
Electrovox Co., Inc., et al.; hearing 431
Rules and regulations:
O. K. Hat Novelties, Inc., et al.; cease and desist order 419

Housing and Home Finance Agency
See Federal Housing Administration.

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Meats, fresh, and packing house products from Fargo, N. Dak 434
Superphosphate from Holston, Tenn 434

Justice Department
See Alien Property, Office of.

CONTENTS—Continued

Land Management, Bureau of Page
Notices:
California; revocation of use permit 425
Montana; filing of plats of survey 425

Securities and Exchange Commission
Notices:
Hearings, etc.:
Harris, George, et al 435
Hecht Co 435
London Terrace, Inc 436
Standard Power and Light Corp. and Standard Gas and Electric Co 435
United Gas Improvement Co. and Allentown-Bethlehem Gas Co 436
Washington Gas Light Co 437

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10182 (amended by EO 10205) 417
10204 417
10205 419

Title 5
Chapter I:
Part 6 420

Title 14
Chapter I:
Part 3 420
Part 4a 420
Part 4b 420
Part 6 420
Part 15 420
Part 41 420

CODIFICATION GUIDE—Con.

Title 14—Continued Page
Chapter I—Continued
Part 42 420
Part 43 420
Part 61 420

Title 16
Chapter I:
Part 3 419

Title 24
Chapter II:
Part 203 421
Part 221 421
Part 232 422
Part 241 422
Part 242 422
Part 251 423
Part 276 423
Part 278 423
Part 283 424
Part 287 424
Part 288 424

EXECUTIVE ORDER 10205

AMENDING EXECUTIVE ORDER NO. 10182[1] RELATING TO THE APPOINTMENT OF CERTAIN PERSONS UNDER THE DEFENSE PRODUCTION ACT OF 1950

By virtue of the authority vested in me by the Defense Production Act of 1950, approved September 8, 1950 (Public Law 774, 81st Congress), it is hereby ordered, effective November 21, 1950, as follows:

1. Subsection 101 (a) of Executive Order No. 10182 of November 21, 1950, is amended to read as follows:

SECTION 101. (a) The head of any department or agency delegated or assigned functions under the Act is hereby delegated the authority provided by subsection 710 (b) of the Act to employ persons of outstanding experience and ability without compensation. Authority to employ persons under this subsection 101 (a) in any such department or agency shall not be redelegated by the head of such department or agency.

2. Subsection 201 (d) of the said Executive Order No. 10182 is amended to read as follows:

(d) In the case of appointments under subsection 101 (a) hereof, exemption hereunder shall not extend to the receipt or payment of salary in connection with the appointee's Government service hereunder from any source other than the private employer of the appointee at the time of his appointment hereunder.

3. That part of section 301 of the said Executive Order No. 10182 which precedes paragraph (a) thereof is amended to read as follows:

SECTION 301. Appointments under subsection 101 (a) of this order to positions other than advisory or consultative shall be supported by written certification by the head of the employing department or agency:

HARRY S. TRUMAN

THE WHITE HOUSE,
January 16, 1951.

[F. R. Doc. 51-896; Filed, Jan. 16, 1951; 11:49 a. m.]

regulations, and such supplementary regulations shall be uniform for all the services to the fullest extent practicable.

7. This order shall become effective on February 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 15, 1951.

[F. R. Doc. 51-880; Filed, Jan. 16, 1951; 9:52 a. m.]

RULES AND REGULATIONS

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5694]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

O. K. HAT NOVELTIES, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act.* Subpart—*Misrepresenting oneself and goods; Goods:* § 3.1590 *Composition;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition: Composition; Wool Products Labeling Act;* § 3.1880 *Old, used, reclaimed, or reused as unused or new.* I. In connection with the offering for sale, sale and distribution of hats in commerce, (a) representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failing to stamp on the exposed surface of the sweatbands thereof, in legible and conspicuous terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that such products are composed of second-hand or used materials (e. g. "second-hand," "used," or "made-over"); or, (b) representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials; and, II, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, of new, as distinguished from second-hand, hats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, misbranding such hats, or other products by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner; (a) the percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the provision, however, as re-

[1] 15 F. R. 8013.

spects prohibition (a) in section I of the aforesaid order, that if sweatbands are not affixed to such hats, then such stamping must appear on the exposed surface of the inside of the body of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies; and to the further provision, as respects section II of the order, that the provisions thereof concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that except for the limitations inherent in the provisions of section II of the order, nothing contained in the order shall be construed as limiting any applicable provisions of the Wool Products Labeling Act or of the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, O. K. Hat Novelties, Inc., et al., Docket 5624, November 9, 1950]

In the Matter of O. K. Hat Novelties, Inc., a Corporation, and Herbert Schorr and Henry Fried, Individually and as Officers of O. K. Hat Novelties, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, joint answer of respondents admitting all the material allegations of fact set forth in said complaint and waiving further hearings and intervening procedure, upon the transcript of hearings, and the recommended decision of the trial examiner; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939:

1. *It is ordered*, That the respondents, O. K. Hat Novelties, Inc., a corporation, and its officers, and Herbert Schorr and Henry Fried, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failing to stamp on the exposed surface of the sweatbands thereof, in legible and conspicuous terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that such products are composed of second-hand or used materials (e. g. "second-hand," "used," or "made-over"); *Provided*, That if sweatbands are not affixed to such hats, then such stamping must appear on the exposed surface of the inside of the body of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies.

(b) Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

II. *It is further ordered*, That the respondents, O. K. Hat Novelties, Inc., a corporation, and its officers, and Herbert Schorr and Henry Fried, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid acts, of new, as distinguished from second-hand, hats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such hats, or other products, by failing to affix securely to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the provisions of Section II of this order concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That except for the limitations inherent in the provisions of section II of this order, nothing contained in this order shall be construed as limiting any applicable provisions of the Wool Products Labeling Act or of the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 9, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-721; Filed, Jan. 16, 1951; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.112 (e) as set out below:

§ 6.112 *Department of Commerce.*

* * *

(e) *Bureau of the Census.* * * *

(4) NC/PD. Six program planners for wholly-integrated high-speed electronic computing and tabulating equipment, on a temporary basis, for a period not to exceed December 31, 1952.

2. Effective upon publication in the FEDERAL REGISTER, new §§ 6.156 and 6.157 are added as set out below:

§ 6.156 *National Production Authority.* (a) Employment of not to exceed 35 industrial executives in positions in grades GS–14 and GS–15. Employments under this provision shall not exceed one year.

§ 6.157 *Federal Civil Defense Administration.* (a) NC/PD. Not to exceed fifty positions.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL, *Chairman.*

[F. R. Doc. 51-762; Filed, Jan. 16, 1951; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. SR-360]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

PART 4a—AIRPLANE AIRWORTHINESS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTORCRAFT AIRWORTHINESS

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SAFETY BELTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of January 1951.

Currently effective Civil Air Regulations require that aircraft manufactured after January 1, 1951, shall be equipped with safety belts approved on the basis of TSO C–22a in accordance with the amendments adopted by the Board on December 29, 1949.

The Board recognizes that current demands upon our domestic economy are resulting in shortages of materials and that requirements may necessitate restraints on their civilian use. Accordingly, this regulation is intended to permit aircraft manufacturers to utilize safety belts which comply with the provisions of the Civil Air Regulations effective prior to January 1, 1951, whenever, as at present, shortages in the supply of safety belts which comply with Technical Standard Order C–22a or of safety belts which meet substantially equivalent standards, particularly those meeting military standards, would seriously delay the delivery of newly manufactured aircraft. It should be noted that this regulation is not intended to permit the continued manufacture for civilian use of safety belts which do not comply with TSO C–22a.

For the reasons set forth above, notice and public procedure hereon are impracticable and contrary to public interest, and the Board finds that good cause exists for making this Special Civil Air Regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective immediately, to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator shall authorize the installation in newly manufactured aircraft of safety belts which comply with the provisions of the Civil Air Regulations effective prior to January 1, 1951, where, because of shortages, there is no available supply of safety belts which comply with Technical Standard Order C–22a or of safety belts which are substantially equivalent, particularly those meeting military standards. Each safety belt assembly installed for use in civilian aircraft shall be marked on both ends with its date of manufacture.

This regulation shall terminate December 31, 1951, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-753; Filed, Jan. 16, 1951; 8:56 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 203—TITLE I MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Section 203.4 (b) is hereby amended to read as follows:

(b) *Proposed construction.* Applications filed for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) prior to the receipt of a request for the first compliance inspection as provided in the commitment, the Commissioner exercises the right of cancellation reserved in the commitment or cancels the commitment at the request of the mortgagee or after surrender of the commitment by the mortgagee, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

2. Section 203.20b (c) is hereby amended to read as follows:

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703. Interpret or apply sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE, *Acting Federal Housing Commissioner.*

[F. R. Doc. 51-741; Filed, Jan. 16, 1951; 8:53 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. Section 221.11 (b) is hereby amended to read as follows:

(b) Applications filed on or after May 15, 1950, for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) prior to the receipt of a request for the first compliance inspection as provided in the commitment, the Commissioner exercises the right of cancellation reserved in the commitment or cancels the commitment at the request of the mortgagee or after surrender of the commitment by the mortgagee, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

If the application is made on behalf of a veteran of World War II, for the insurance of a mortgage to refinance an existing insured mortgage which is in default, by reason of his military service, the fee herein provided may be waived by the Commissioner if he finds that the collection of such fee would be inequitable under the particular circumstances of the transaction.

2. Section 221.26d (a) is hereby amended to read as follows:

§ 221.26d *Defense Production Act of 1950 controls.* (a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 221.15, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering property upon which there is located a dwelling designed principally for a three-family or a four-family residence shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

3. Section 221.26d (c) is hereby amended to read as follows:

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by

reason of the exceptions and exemptions set forth therein.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-742; Filed, Jan. 16, 1951; 8:53 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 232.16a is hereby amended to read as follows:

§ 232.16a *Limitation upon maximum amount of mortgage.* (a) For the period this section remains in effect and notwithstanding the provisions of paragraphs (a) and (b) of § 232.4, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to January 12, 1951, shall not involve a principal amount in excess of the sum of 85 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 55 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, shall not involve a principal amount in excess of the sum of 83 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 53 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit.

(b) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, or housing determined by the Commissioner to be military housing, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-743; Filed, Jan. 16, 1951; 8:53 a. m.]

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

Section 241.15a is hereby amended to read as follows:

§ 241.15a *Temporary limitation upon maximum amount of mortgage.* (a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 241.4, the maximum ratio of loan to replacement cost limitation with respect to applications (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after July 19, 1950, and prior to January 12, 1951, shall be 85 percent, except that such limitation may be increased by reason of veteran membership as provided in § 241.4, in which event, such maximum ratio of loan to replacement cost limitation shall not exceed 90 percent: *Provided*, That this paragraph shall not be applicable to mortgages executed by a mortgagor of the character described in § 241.16 (a) (2) and insured pursuant to an application received by the Commissioner on or after October 12, 1950.

(b) For the period this paragraph remains in effect, and notwithstanding the provisions of § 241.4, the maximum ratio of loan to replacement cost limitation with respect to applications (including applications executed only by the mortgagor to obtain a certificate of eligibility) received by the Commissioner on or after January 12, 1951, shall be 83 percent, except that such limitation may be increased by reason of veteran membership as provided in § 241.4, in which event such maximum ratio of loan to replacement cost limitation shall not exceed 88 percent and a mortgage insured pursuant to any such application shall not involve a principal amount for such part of the property or project as may be attributable to dwelling use in excess of the following:

(1) If the number of rooms in the project is less than 4½ per family unit, not to exceed $7,200 per family unit, plus the increase, if any, by reason of veteran membership as provided in § 241.4, but in any event not to exceed $7,650 per family unit; or

(2) If the number of rooms in the project equals or exceeds 4½ per family unit, not to exceed $8,100 per family unit, plus the increase, if any, by reason of veteran membership as provided in § 241.4, but in any event not to exceed $8,550 per family unit: *Provided*, That this paragraph shall not be applicable as to mortgages executed by a mortgagor of the character described in § 241.16 (a) (2).

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, or housing determined by the Commissioner to be military housing, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

Section 241.15b (c) is hereby amended to read as follows:

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, or housing determined by the Commissioner to be military housing, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine with respect to any mortgage transactions which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-744; Filed, Jan. 16, 1951; 8:53 a. m.]

PART 242—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 242.18a is hereby amended to read as follows:

§ 242.18a *Defense Production Act of 1950 controls.* For the period this section remains in effect, and notwithstanding the provisions of § 242.8, the mortgage insured pursuant to an application (including applications executed only by the mortgagor to obtain a certificate of eligibility), received by the Commissioner on or after October 12, 1950, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the amount of the mortgage is $5,800 or less, the mortgage may have a maturity not in excess of 25 years from the date of insurance. The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System, by reason of the exceptions and exemptions set forth therein.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-745; Filed, Jan. 16, 1951; 8:45 a. m.]

Subchapter E—Farm Mortgage Insurance

PART 251—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

MISCELLANEOUS AMENDMENTS

1. Section 251.13 (b) is hereby amended to read as follows:

(b) Applications filed on or after May 15, 1950, for a firm or a conditional commitment with respect to proposed construction must be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, the entire fee will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following the preliminary examination unless (1) the application is rejected by the Commissioner, or (2) prior to the receipt of a request for the first compliance inspection as provided in the commitment, the Commissioner exercises the right of cancellation reserved in the commitment or cancels the commitment at the request of the mortgagee or after surrender of the commitment by the mortgagee, or (3) the mortgage which is the subject of the application is endorsed for insurance by the Commissioner; in any of which cases $20 will be retained by the Commissioner and the balance of such fee will be returned to the applicant.

2. Section 251.27c (a) is hereby amended to read as follows:

§ 251.27c *Defense Production Act of 1950 controls.* (a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 251.16, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering a property upon which there is located a dwelling designed principally for a three-family or a four-family residence shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-746; Filed, Jan. 16, 1951; 8:54 a. m.]

Subchapter H—War Housing Insurance

PART 276—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

1. Section 276.28c (a) is hereby amended to read as follows:

§ 276.28c *Defense Production Act of 1950 controls.* (a) For the period this paragraph remains in effect, and notwithstanding the provisions of § 276.17, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering property upon which there is located a dwelling designed principally for a residence for three or more families, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering a property upon which there is located a dwelling designed principally for a three-family or a four-family residence shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

2. Section 276.28c (c) is hereby amended to read as follows:

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession otuside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-747; Filed, Jan. 16, 1951; 8:55 a. m.]

PART 278—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 603 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

1. Section 278.20c (a) is hereby amended to read as follows:

§ 278.20c *Defense Production Act of 1950 controls.* For the period this paragraph remains in effect, and notwithstanding the provisions of § 278.9, a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, and covering property upon which there is located a dwelling designed principally for a single-family or a two-family residence, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951, and covering property upon which there is located a dwelling designed principally for a residence for three or more families, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

2. Section 278.20c (c) is hereby amended to read as follows:

(c) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 603, as added by sec. 1, 55 Stat. 56, as amended; 12 U. S. C. and Sup., 1738i)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-748; Filed, Jan. 16, 1951; 8:55 a. m.]

Subchapter I—War Rental Housing Insurance

PART 283—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 283.22b is hereby amended to read as follows:

§ 283.22b *Limitation upon maximum amount of mortgage.* (a) For the period this section remains in effect and notwithstanding the provisions of § 283.11, a mortgage insured pursuant to an application or request for appraisal and eligibility statement received by the Commissioner on or after July 19, 1950, and prior to January 12, 1951, shall not involve a principal amount in excess of 85 percent of the appraised value of the property, and a mortgage insured pursuant to an application or request for appraisal and eligibility statement received by the Commissioner on or after January 12, 1951, shall not involve a principal amount in excess of the sum of 83 percent of that portion of the appraised value of the property which does not exceed $7,000 per family unit and 53 percent of that portion of the appraised value of the property which is in excess of $7,000 per family unit.

(b) The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska or any territory or possession outside the continental United States, or housing determined by the Commissioner to be military housing, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup., 1742. Interprets or applies sec. 608, as added by sec. 11, 56 Stat. 303, as amended; 12 U. S. C. and Sup., 1743)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-749; Filed, Jan. 16, 1951; 8:55 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 287—ELIGIBILITY REQUIREMENTS OF PROJECT MORTGAGE COVERING GROUP OF SINGLE-FAMILY DWELLINGS

TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 287.27a is hereby amended to read as follows:

§ 287.27a *Temporary limitation upon maximum amount of mortgage.* (a) Notwithstanding the provisions of § 287.11, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to October 12, 1950, shall not involve a principal amount in excess of 80 percent of the estimated value of the property or project and not in excess of a sum computed on the individual dwellings comprising the total project on the basis of $5,950 or 80 percent of the valuation, whichever is less, with respect to each single-family dwelling, and a mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, shall not be eligible for insurance unless the mortgagor establishes to the satisfaction of the Commissioner that prior to the insurance of the mortgage, the mortgagor has paid on account of the property, in cash or its equivalent, not less than the amount of required down payment prescribed by the Commissioner in the commitment for insurance.

(b) The provisions of this section shall not be applicable as to mortgages covering properties located in the Territory of Alaska or any territory or possession outside the continental United States, or housing determined by the Commissioner to be military housing, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 607, as added by sec. 1, 55 Stat. 61, 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-750; Filed, Jan. 16, 1951; 8:56 a. m.]

PART 288—ELIGIBILITY REQUIREMENTS OF INDIVIDUAL MORTGAGE COVERING PROPERTY RELEASED FROM LIEN OF PROJECT MORTGAGE

DEFENSE PRODUCTION ACT OF 1950 CONTROLS

Section 288.21a is hereby amended to read as follows:

§ 288.21a *Defense Production Act of 1950 controls.* For the period this section remains in effect, and notwithstanding the provisions of § 288.10, the mortgage insured pursuant to an application received by the Commissioner on or after October 12, 1950, must have a maturity satisfactory to the Commissioner not more than 20 years from the date of insurance, except that if the amount of the mortgage is $5,800 or less, the mortgage may have a maturity not in excess of 25 years from the date of insurance. The provisions of this section shall not be applicable to mortgages covering properties in the Territory of Alaska or any territory or possesion outside the continental United States, and the Commissioner may waive or modify the requirements of this section, in whole or in part and for such period or periods of time as he may determine, with respect to any mortgage transaction which would not be subject to the prohibitions of Regulation X of the Board of Governors of the Federal Reserve System by reason of the exceptions and exemptions set forth therein.

(Sec. 607, as added by sec. 1, 55 Stat. 61, 12 U. S. C. and Sup., 1742)

Issued at Washington, D. C., January 12, 1951.

WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 51-751; Filed, Jan. 16, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 1963557]

CALIFORNIA

NOTICE OF REVOCATION OF USE PERMIT

JANUARY 9, 1951.

Pursuant to § 191.15 of Title 43 of the Code of Federal Regulations, notice is hereby given that on October 3, 1950, the Secretary of the Interior revoked the permission granted August 17 and December 23, 1943, to the Department of the Navy to use the following-described lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 44 E.,
Secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
T. 26 S., R. 44 E.,
Secs. 5 to 8, 17 to 20, 29 to 32, inclusive.
T. 27 S., R. 43 E., unsurveyed
Secs. 1, 12, 13 and 24.
T. 27 S., R. 44 E., unsurveyed
Secs. 5 to 8, inclusive, and sec. 18.
T. 29 S., R. 44 E.,
Secs. 19 to 21, 28 to 33, inclusive.
T. 30 S., R. 44 E.,
Secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
T. 31 S., Rs. 44, 45, 46 and 47 E., All.
T. 32 S., Rs. 44, 45, 46 and 47 E., All.

Any applicant for a mineral permit or lease whose application was rejected solely because the said permit was granted may apply for a reinstatement of his application within 60 days from the date of the publication of this notice.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-739; Filed, Jan. 16, 1951; 8:52 a. m.]

[1522122, 1089493, 1925282]

MONTANA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 9, 1951.

Notice is given that the plats of extension surveys of the following described lands, accepted September 27, 28, 1948, January 14, 1949, and February 21, 1949, will be officially filed in the Land Office, Billings, Montana, effective 10:00 a. m. on the 35th day after the date of this notice:

PRINCIPAL MERIDIAN

T. 2 S., R. 2 W.,
Sec. 31, lots 2 to 13, inclusive,
Sec. 32, lots 1, 2, 3;
T. 3 S., R. 2 W.,
All of secs. 4 to 10, inclusive,
All of secs. 15 to 18, inclusive,
All of secs. 20, 21;
T. 4 S., R. 2 W.,
All of secs. 4 to 8, inclusive,
Sec. 9, lots 11 to 19, inclusive,
Sec. 16, lots 1 to 8, inclusive,
All of secs. 17 to 20, inclusive,
Sec. 21, lots 1 to 8, inclusive,
Sec. 28, lots 1 to 8, inclusive,
All of secs. 29 to 32, inclusive,
Sec. 33, lots 1 to 8, inclusive;
T. 1 S., R. 6 W.,
All of secs. 5 to 8, inclusive,
Sec. 18, lots 1 to 8, inclusive, E½W½,
All of secs. 19, 30;
T. 2 S., R. 7 W.,
All of secs. 1, 2, 3, 10 to 14, inclusive;
T. 28 N., R. 10 W.,
All of secs. 25, 26, 35, 36,
Sec. 22, lot 1,
Sec. 27, lots 5 to 12, inclusive,
Sec. 34, lots 1 to 13, inclusive, E½NE¼, SW¼NE¼, N½SE¼;
T. 15 N., R. 18 W.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, S½,
Sec. 2, lots 1, 2, 3, 4, S½,
Sec. 3, lots 1, 2, 3, 4, 5, E½SE¼,
Sec. 4, lots 1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼,
Sec. 5, all,
Sec. 6, lots 1, 2, 3, 4, 5, 6, SE¼NE¼, SE¼SW¼, SE¼;
T. 16 N., R. 18 W.,
Sec. 31, lots 1, 2, 3, SE¼SE¼,
Sec. 32, lots 1, 2, 3, 4, 5, SW¼,
Sec. 33, lots 1, 2;
T. 15 N., R. 19 W.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 12, lots 1, 2, 3, 4, E½;
Sec. 13, lots 1, 2, NE¼, SE¼NW¼, S½;
Sec. 14, lots 1, 2, 3, 4, S½S½.

The areas described, exclusive of segregations, aggregate 34,541.88 acres.

Available data indicate that the described lands are rough and mountainous in character.

All of secs. 4 to 9, inclusive, all of secs 16 to 21 inclusive, T. 3 S., R. 2 W. all of secs. 4 to 9 inclusive, all of secs. 16 to 21 inclusive, all of secs. 28 to 33 inclusive, T. 4 S., R. 2 W., are within the exterior boundaries of the Beaverhead National Forest by proclamation of October 3, 1905. Executive order of July 1, 1908, and Public Land Order No. 310 of July 1, 1945. All of secs. 6, 7, 18, 19, 30, T. 1 S., R. 6 W., all of secs. 1, 2, 3, 10, 11, 12, 13, 14, T. 2 S., R. 7 W., are within the exterior boundaries of the Deer Lodge National Forest by proclamation of April 12, 1906, and Executive order of July 1, 1908. Lot 1 sec. 22, all of secs. 25, 26, Lots 5 to 12 inclusive, sec. 27, Lots 1 to 13 inclusive, E½NE¼, SW¼NE¼, N½SE¼ sec. 34, T. 28 N., R. 10 W., are within the Lewis and Clark National Forest by proclamation of January 23, 1907, and Executive order of July 1, 1908. All of secs. 1 to 6 inclusive, T. 15 N., R. 18 W., are within the Lolo National Forest by Executive order of December 16, 1931. Therefore, these lands are not public lands subject to disposition under the general public land laws.

No applications for the remainder of the described lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring of water in Lot 12 sec. 27, T. 28 N., R. 10 W., P. M.

The legal subdivision containing a spring and the lands within a quarter of a mile of such spring may be affected by the general withdrawal made by Executive order of April 17, 1928 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Per-

sons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Billings, Montana.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-740; Filed, Jan. 16, 1951; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4730]

BRITISH OVERSEAS AIRWAYS CORP.; SERVICE TO BOSTON

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of its trans-Atlantic foreign air carrier permit so as to include Boston, Mass., as an intermediate point and as a coterminal point with New York, N. Y.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on January 23, 1951, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing, and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the United Kingdom of Great Britain and Northern Ireland.

Notice is further given that any persons desiring to be heard in this proceeding must file with the Board, on or before January 23, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., January 10, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-738; Filed, Jan. 16, 1951; 8:50 a. m.]

[Docket No. SR-7-201]

WESTAIR TRANSPORT

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of Donald W. Nyrop, Administrator of Civil Aeronautics, Complainant, v. Aviation Corporation of Seattle, d/b/a Westair Transport, Respondent.

Notice is hereby given that the oral argument in the above entitled proceeding, now assigned to be held on January 30, 1951, has been postponed until March 6, 1951, at 10:00 a. m. in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 12, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-752; Filed, Jan. 16, 1951; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8543, 8714]

CHARLES L. CAIN AND LAKEWOOD BROADCASTING CO.

ORDER SCHEDULING FURTHER HEARING

In re applications of Charles L. Cain, Grand Prairie, Texas, Docket No. 8543, File No. BP-6136; Eldridge C. Harrell and Delbert Davison, d/b as Lakewood Broadcasting Company, Dallas, Texas, Docket No. 8714, File No. BP-6309; for construction permits.

It appearing, that the hearing on the above-entitled applications was, on December 27, 1950, adjourned to January 10, 1951, and that prior thereto, leave was granted by the Examiner to Lakewood Broadcasting Company, Dallas, Texas, to file a corrected Exhibit No. 33 in the record in this proceeding upon condition that if upon examination by counsel the exhibit was found satisfactory and without objection, the parties were to advise the Examiner and the record would be closed January 10, 1951; that if, however, prior to January 10, 1951, said exhibit was found to be objectionable by counsel, a further hearing would be scheduled for the purpose of permitting cross-examination upon said corrected exhibit; and

It further appearing, that counsel for Charles L. Cain has objected to said exhibit and has requested an opportunity for cross-examination thereon;

It is ordered, This 8th day of January 1951, That a further hearing in the above-entitled matter be scheduled for Wednesday, January 24, 1951 at 10:00 o'clock A. M., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-760; Filed, Jan. 16, 1951; 8:55 a. m.]

[Docket Nos. 9487, 9862, 9863]

CENTRAL OHIO BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Homer Akers, Charles V. Lundstedt and Emmitt Akers, d/b as Central Ohio Broadcasting Company, Galion, Ohio, Docket No. 9487, File No. BP-7031; Frederick Eckardt, Beatrice B. Eckardt and Woodrow C. Eckardt d/b as Fayette Broadcasting Company, Washington Court House, Ohio, Docket No. 9862, File No. BP-7860; The Court House Broadcasting Company, Washington Court House, Ohio, Docket No. 9863, File No. BP-7881; for construction permits.

The Commission having under consideration a petition filed December 28, 1950, by Fayette Broadcasting Company, Washington Court House, Ohio, requesting a 60-day continuance of the hearing presently scheduled for February 7, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 5th day of January 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, April 9, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-755; Filed, Jan. 16, 1951; 8:54 a. m.]

[Docket No. 9699]

CHAMPION CITY BROADCASTING CO. (WJEL)

ORDER CONTINUING HEARING

In re application of Champion City Broadcasting Company (WJEL), Springfield, Ohio, for construction permit; Docket No. 9699, File No. BP-6642.

The Commission having under consideration a motion filed on December 29, 1950, by Champion City Broadcasting Company, Springfield, Ohio, requesting that the hearing now scheduled for January 10, 1951, at Washington, D. C., on the above-entitled application, be continued for a period of sixty days; and

It appearing, that no opposition has been filed to the above motion by any of the parties to this proceeding;

It is ordered, This 5th day of January 1951, that the motion be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m. Monday, March 12, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc 51-757; Filed, Jan. 16, 1951; 8:54 a. m.]

[Docket No. 9775]

INTERNATIONAL REGISTRATION WITH EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE OF INTERNATIONAL TELECOMMUNICATION UNION

LIST OF BAND ARRANGEMENTS

JANUARY 4, 1951.

In the matter of list of assignments in the bands below 27,500 kc. and especially those in the band 2000-3500 kc. to be recommended for International Registration in connection with the Extraordinary Administrative Radio Conference of the International Telecommunication Union; Docket No. 9775.

On August 25, 1950, the Commission released a Public Notice in Docket 9775 (Mimeo 53477) which was intended to advise interested parties concerning progress being made and of the further steps contemplated in order to bring into force the new international table of frequency allocations for the spectrum 2000-3500 kc. based upon the provisions of the Final Acts of the Atlantic City Telecommunication and Radio Conferences (1947), of the FIAR Conference, (Washington, 1949), and of Region 2 (ITU) (Washington, 1949).[1] Appendices of that Public Notice contained lists summarizing the manner in which the non-Government assignments contained in the complete United States list (List A) were proposed to be made. The Commission requested all interested parties to comment upon List A or the appended non-Government lists not later than October 9, 1950. Comments were received from:

Aeronautical Radio Inc., (ARINC)
American Telephone and Telegraph Co. (AT&T).
Lake Carriers' Association.
Lorain County Radio Corporation.
National Federation of American Shipping.
National Broadcasting Company (NBC).
RCA Communications, Inc. (RCA).
Radiomarine Corporation of America (RMCA).
Tropical Radio, Inc. (TRT).

[1] Appendix A, Part 2 of FCC Rules, lists pertinent radio treaties and information as to how copies may be obtained.

A summary of the comments are as follows:

A. Aeronautical Radio Inc. (Aeronautical fixed):

(1) Listed the basic frequency requirements of the Aeronautical Fixed Service in the Caribbean area.

(2) Requested changes in the list resulting from the recent transfer of certain operations at Miami, Florida, from the Civil Aeronautics Administration to non-Government licensees and the transfer of the primary Texas operation from Brownsville to Houston, Texas.

(3) Called attention to several listings expected to cause co-channel and adjacent channel interference to the aeronautical fixed operations proposed.

(4) Requested the opportunity to be heard in the event "List A" could not be modified to satisfy the criteria set forth.

B. AT&T (Marine Telephone):

(1) Believes insufficient frequencies have been provided for the service.

(2) Requests 2110 kc. be retained because of large number of assignments now outstanding on that frequency.

(3) Wants daytime protection from remote pickup within 700 mile radius of all coastal harbor stations.

(4) Wants minimum of 32 kc. separation between coastal-harbor frequencies and between ship frequencies in the same area.

(5) Recommends all ship frequencies be adjacent to or in existing ship block and all coastal harbor frequencies be adjacent to or in existing coastal harbor block.

(6) Desires greater frequency separation between certain coast and ship assignments.

(7) Desires greater distance separation on certain co-channel assignments.

(8) Recommends a minimum separation of 42.5 kc between ship and shore frequencies in a given pair.

C. Lake Carriers Association (Marine Telephone): On the frequencies 2158, 2550, 2118 and 2514 kc., requests no sharing. Expresses concern over proposed sharing 2003 kc. by San Francisco with Great Lakes.

D. Lorain County Radio, Inc. (Marine Telephone):

(1) Objects to sharing of 2003 kc. by San Francisco with Great Lakes.

(2) Objects to night time sharing by Tampa with Great Lakes.

(3) Objects to night time sharing by Miami with Great Lakes.

(4) Suggests that Tampa-Great Lakes-Eureka pair 2158-2550 kc. be limited to day only at Tampa and Eureka on account of increase of Great Lakes traffic. Proposes 2390-2458 kc. pair be used full time at Tampa.

(5) Suggests that Miami-Great Lakes pair 2118-2514 kc. be limited to day only at Miami and 3280-3212.5 kc. Miami pair be used full time.

E. National Federation of American Shipping (Marine Services):

(1) Favors 2 Mc. telegraphy and telephony plans.

(2) Recommends expanded use of telephony in ship bands at foreign ports.

(3) Supports 2830 kc. for intership use. Recommends Canadian use of 2830 kc. in North Atlantic area.

F. NBC Remote Pickup):

(1) Believes frequency separations provided are inadequate.

(2) Objects to limitations on hours of usage.

G. RCAC (International Fixed Public Service):

(1) Suggests 3257.5 kc as a replacement for 3327.5 kc. at New York since interference with Atlantic City Region 1 assignments is believed certain.

(2) Agrees with the plan in general.

(3) Urges the consideration of sharing for future needs as they arise.

H. RMCA (Marine Services):

(1) Telegraph portion of the plan is acceptable.

(2) Marine telephone plan is generally acceptable except for need for greater separation between legs of a given ship-shore pair. Believes that a minimum separation of 10 percent is necessary.

(3) Believes that telephone frequencies provided above 3 Mc. should be moved below 3 Mc.

I. Tropical Radio Telegraph Co. (International Fixed Public Service):

(1) Points out that replacement frequencies were not provided for 2264 and 3280 kc. frequencies. Replacement of the latter frequency is important for satisfactory operation of the Miami to Nassau circuit.

(2) Requests that an exclusive frequency in the band 3000-3500 kc. be assigned since 2 Mc. frequency would be too low on account of high noise level and a 4 Mc. frequency would be too high during low sunspot periods. The hours of use necessary are 9:00 p. m. to 6:00 a. m., e. s. t.

The following is a list of changes and revisions made in the Appendices and in List A affecting the non-Government services:

A. Maritime Mobile (telephone) Service:

(1) The ship frequency 3280 kc. is deleted at Miami because of the necessity for retention of the existing fixed circuit on this frequency between Miami and Nassau (TRT request). The frequency 2031.5 kc. is added in lieu of 3280 for the ship frequency paired with the 3212.5 coast frequency at Miami. This also assists in meeting the RMCA recommendation to use frequencies below 3000 kc. for the Marine Service and the AT&T recommendations to make new marine assignments as close as possible to the existing ship and coastal harbor station frequency blocks.

(2) The "day only" pairs 2118-2514 kc. are deleted at Boston and Seattle because of objection (AT&T) to insufficient spacing from adjacent pairs (2126-2522 kc.) to be assigned at the same location or same area (Seattle, New York). No workable substitute pairs could be found.

(3) For the same reason as (2) above, New York is deleted from the 2134-2530 kc. pair. No workable substitute pair could be found.

(4) In order that the future assignments in the Los Angeles-San Diego service area be flexible so that assignment can be made to either location as future events may determine, all new pairs now list both locations. Los An-

geles is added to the 2126–2522 and 3255–3222.5 kc. pairs. San Diego is added to the 2206–2595 and 3275–3242.5 kc. pairs.

(5) This also will permit the operation of the new daytime pairs at San Francisco and Eureka to be coordinated in the same manner as the existing operations at these locations if found desirable. Eureka is deleted from the 2158–2558 kc. pair (AT&T request) and added to the 2142–2538 kc. pair in order to overcome the AT&T objection to "splitting pairs".

(6) Because of inadequate provision for a Fixed requirement at New York (RCAC) and on objection (AT&T) to sharing a pair between Boston and New Orleans, 3242.5 kc. is assigned to the Fixed service at New York, and Boston is deleted from the 3322.5–3242.5 kc. pair. In order to provide Boston with more than one pair, New York is deleted from the 3255–3232.5 kc. pair and Boston is added to that pair.

(7) In Appendix 1 the frequencies 3222.5, 3232.5, and 3242.5 kc. were listed as ship telephone frequencies and 3255, 3275 and 3322.5 kc. were listed for coastal harbor frequencies when in fact (as was correctly shown in Appendix 2) the intention was just the reverse. For this reason Appendix 1 has been corrected to show the lower 3 frequencies available for coastal harbor stations and the upper 3 for ship telephone.

(8) After consideration of comments relative to Tampa and Miami sharing with the Great Lakes, (AT&T, Lake Carriers, Lorain County Radio) the use of the 2118–2514 and 2158–2550 kc. pairs at Miami and Tampa have been restricted (footnote 4, Appendix 1 and footnote 2 Appendix 2) today only during the season the Great Lakes are open to shipping.

(9) See Appendix 1 and 2 below for the revised listings.

B. Maritime mobile (coastal telegraph) Service:

(1) Since List A and Appendix 1 were published, certain existing coastal telegraph assignments are no longer required. For this reason, listings at Thomaston, Me., Jupiter, Fla., Beaumont, Texas, Kailua, T. H., and Norfolk, Va., have been deleted from List A and Appendix 1.

(2) Because of the requirement for a substitute ship telephone frequency at Miami and the deleted requirements noted above (1), the frequencies 2028.5, 2030, 2031.5, 2033 and 2034.5 have been deleted as coastal telegraph frequencies and 2031.5 listed for Miami ship telephone.

(3) Because of the frequency deletions noted in (2) above, all listings as previously shown in Appendix 1 have been shifted upward, the lowest coastal telegraph frequency now being 2036 kc.

(4) The Baltimore, Md., and Kent, Washington, locations are added to the new Galveston, Texas, frequency (2063 kc.).

(5) A new requirement (in lieu of the deleted Jupiter, Florida, listing) at Jacksonville, Florida, is added to the New York, N. Y., frequency (2051 kc.).

(6) A new requirement at Lake Charles, La., is added to the Ensenada, P. R., and Alaska frequency (2052.5 kc.). The Kahuku, T. H., requirement has also been added to this frequency.

(7) See the revised Appendix 1 attached hereto for a complete listing of the revised coastal telegraph assignments.

C. Aeronautical (Fixed) Service:

(1) Since List A, Appendix 1 and Appendix 6 were published, certain CAA (Government) operations have been transferred to Aeronautical Radio, Inc. For this reason the lists have been corrected to show aeronautical fixed, Florida, on 2784 kc. as a replacement for 2644 kc. and 3222.5 kc. as a replacement for 3405 kc.

(2) List A is corrected as follows:

2648 kc—changed entry in column 4b to "Caribbean".

2784 kc—removed call WBR and changed coordinates to read 25 49 N, 80 16 W.

2848 kc—changed second "Brownsville" entry to "Houston" in column 4a and coordinates to 29 39 N, 95 16 W and in column 4b changed receiving point to "Caribbean". Deleted WBR from this frequency since ARINC is now handling this traffic.

3222.5 kc—1. Changed Miami Aeronautical Fixed entry to show different coordinates and such other particulars as necessary to show existing non-Government operations now on 3405 kc.; 2. Added U. S. (South Central) Aeronautical Fixed entry.

(3) See revised Appendix 1 and 6 for revised non-Government listings in the Aviation services.

D. Fixed Public Service:

(1) The 3190 kc Puerto Rico listing in Appendix 1 has been added to the revised Appendix 7, the omission of this frequency from the latter appendix having been in error.

(2) Because of the continuing requirement for the Miami and San Juan fixed operations now on 3280 kc and a request that this operation not be deleted (TRT), Florida and Puerto Rico were added to 3280 kc for the fixed service.

(3) Because of probable interference with assignments of Region 1 countries (RCAC) on 3327.5 kc, two new frequencies (for nighttime only) are added for the New York location, 3242.5 kc and 3322.5 kc.

Appendix 3 (Remote Pickup), 4 (Public Safety), 5 (Industrial) and 8 (Fixed and Coast stations in Alaska) are not changed. Appendices 1 through 9 appear below.

The AT&T requested that 2110 kc be retained for ship telephone use on account of the number of ships now equipped for that frequency. The Commission cannot justify the retention of this frequency on the basis of hardship to a group of ships representing a small percentage of the total number of ships licensed for radiotelephone use of medium frequencies. To tie the planning of the frequency list down to such limitations would result in contraction of frequency availability to the Maritime service in this band as well as to the other services. Attempts to satisfy the objections raised by the AT&T by making shifts and changing frequencies with other services proved to be hopeless owing to the extreme congested state of the assignments and owing to the large number of changes which would be necessary.

Considering that the R. T. C. M. 2 Mc. marine telephone recommendations as to additional frequencies for certain ports result in the present situation which is apparently objectionable to the AT&T, it is proposed that certain frequencies be deleted from the plan in order that those remaining may be made more workable and the basic objections of AT&T resolved. While the deletions and changes, as proposed, would provide something less than that recommended by the R. T. C. M., nevertheless it provides for a greatly expanded marine telephone service much more than is presently provided for and at the same time overcomes most of the objections as to frequency separation between frequencies of a duplex pair or between two pairs of frequencies at a given port.

At the present time there are 11 exclusive and 1 shared frequency assigned for broadcast pickup operation between 1600 and 3000 kilocycles. Under the assignment plan proposed herein 3 of these frequencies, between 1600 and 2000 kilocycles (1606, 1622 and 1646 kilocycles) are not involved; 2 frequencies (2150 and 2790 kilocycles) are unchanged, and 1 frequency (2758 kilocycles) is changed only insofar as Alaska stations are involved. The 6 deleted frequencies have been replaced by 10 new frequencies, 7 of which are restricted to daytime operation only. Of these 10 frequencies, 1 (2598 kilocycles) is limited to Alaska only, 7 are limited to the continental United States, and 2 are unrestricted; 1 of the present 12 frequencies (2830 kilocycles) is retained for use in Alaska and Puerto Rico only, but is deleted insofar as continental United States stations are concerned.

RCA, in commenting on behalf of the National Broadcasting Company, Inc. states that the quality and continuity of remote pickup broadcasts will be degraded both by the closer adjacent channel assignments and the daytime only restriction on some of the frequencies. It is difficult to evaluate the overall effect of the proposed adjacent channel operation although it may be assumed that some degradation will result in certain areas due to adjacent channel interference. It is not the purpose of this assignment plan to restrict the bandwidth of emission to ± 2 kilocycles and List A shows 10A3 emission for remote pickup stations. As to the daytime only restriction this should have little overall effect on the service for two reasons; (1) the majority of remote broadcasts originate during daylight hours, and (2) frequencies in this range are subject to severe skywave interference at night and are generally usable only when a ground wave signal of sufficient intensity to completely over-ride the interference is available. Where this condition cannot be obtained in the Medium Frequency range, operation in the High Frequency, VHF, and even UHF region is usually possible and generally more satisfactory. Frequencies are available above 25 Megacycles for broadcast pickup operation.

Some doubt was expressed in behalf of the aeronautical fixed service by ARINC as to the practicability of sharing the frequency 2848 kc. in Texas with the fixed service now operating on that frequency in California. The type of operation now being carried on in California is such that no interference is anticipated. Existing sharing on that frequency bears this out.

Aeronautical Radio, Inc. has requested to be heard in the event their suggested changes cannot be accommodated. It is believed that the plan as revised will adequately accommodate the existing operations in the aeronautical fixed service.

The proposed list, when implemented, may require certain adjustments. Some assignments may find interference conditions such that the service will find it desirable to move to the VHF or consolidate with existing operations.

Some of the comments received in connection with "List A" presented a question concerning the "engineering basis" upon which some of the assignments were proposed. It is pointed out that to the greatest extent possible, engineering considerations do form the basis for the list. However, it must be borne in mind that in preparing the list the avenues of approach required consideration of the fact that the authorized frequency occupancy of the band already approaches saturation. "List A" is not based entirely upon theoretical engineering considerations but takes the present frequency assignment structure remaining in-band under Atlantic City and adds to it those assignments which are out of band. The retention of all present assignments in less spectrum space automatically results in more interference to all.

In some cases of excessive interference, it is contemplated that improvement may be obtained, for example, by a change in frequency assignment based upon actual operating experience or by a greater utilization of VHF wherever possible. Future problems of interference may also be minimized, for example, on the basis of more equalized transmitter power outputs among the entries in List A, more stringent frequency tolerances, more selective receivers, use of directive antennas, single sideband and, in general, a tightening up of various technical standards.

The Commission is transmitting the above mentioned list to the Department of State with the recommendation that it be appropriately considered and coordinated with other American countries.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000–3500 KC

Frequency (kc)	Proposed use and area	Remarks[1]
2003	Ship Telephone, Great Lakes.	No change.
	Coastal Harbor, Great Lakes.	Do.
	Ship Telephone, San Francisco, Calif.	2110.
	Ship Telephone, Eureka, Calif.	2110.
2009	Ship Telephone, Galveston, Tex.	New (day only).
	Ship Telephone, Portland, Oreg.	Do.
	Ship Telephone, Astoria, Oreg.	Do.
2009	Ship Telephone, Charleston, S. C.	2174.
	Ship Telephone, Los Angeles, Calif.	2174.
	Ship Telephone, Jacksonville, Fla.	2174.
2031.5	Ship Telephone, Miami, Fla.	New.
2036	Coastal Telegraph, Chatham, Mass.	Do.
2037.5	Coastal Telegraph, Mussel Rock, Calif.	Do.
2039	Coastal Telegraph, Lake Worth, Fla.	Do.
2040.5	Coastal Telegraph, Hingham, Mass.	Do.
2042	Coastal Telegraph, Port Arthur, Tex.	Do.
2043.5	Coastal Telegraph, Savannah, Ga.	Do.
2045	Coastal Telegraph, Bolinas, Calif.	Do.
2046.5	Coastal Telegraph, New York, N. Y.	Do.
2048	Coastal Telegraph, Kenner, La.	Do.
2049.5	Coastal Telegraph, Torrance, Calif.	Do.
	Coastal Telegraph, Tampa, Fla.	Do.
2051	Coastal Telegraph, New York, N. Y.	Do.
	Coastal Telegraph, Jacksonville, Fla.	Do.
2052.5	Coastal Telegraph, Ensenada, P. R.	Do.
	Coastal Telegraph, Alaska...	Do.
	Coastal Telegraph, Lake Charles, La.	Do.
	Coastal Telegraph, Kahuku, T. H.	Do.
2054	Coastal Telegraph, Tuckerton, N. J.	Do.
2055.5	Coastal Telegraph, Clearwater, Calif.	Do.
	Coastal Telegraph, Mobile, Calif.	Do.
2057	Coastal Telegraph, Ojus, Fla.	Do.
2058.5	Coastal Telegraph, Hoquiam, Wash.	Do.
2060	Coastal Telegraph, Amagansett, N. Y.	Do.
2061.5	Coastal Telegraph, Palo Alto, Calif.	Do.
2063	Coastal Telegraph, Galveston, Tex.	Do.
	Coastal Telegraph, Baltimore, Md.	Do.
	Coastal Telegraph, Kent, Wash.	Do.
2065–2107	Ship Telegraph, U. S. and Possessions.	Do.
2110	Remote Pickup, U. S. and Possessions.	(7).
2118	Fixed, Alaska	2986, 2994, 3092.5.
	Coast, Alaska	2986, 2994, 3092.5.
	Ship Telephone, Miami, Fla.	No change.[4]
	Ship Telephone, Great Lakes.	No change.
2126	Ship Telephone, New York, N. Y.	Do.
	Ship Telephone, Seattle, Wash.	Do.
	Ship Telephone, San Diego, Calif.	New (day only).
	Ship Telephone, Los Angeles, Calif.	Do.
2134	Ship Telephone, Kahuku, T. H.	No change.
	Ship Telephone, Sabana Llana, P. R.	Do.
	Ship Telephone, Galveston, Tex.	Do.
2142	Ship Telephone, Norfolk, Va.	No change.
	Ship Telephone, San Francisco, Calif.	New (day only).
	Ship Telephone, Eureka, Calif.	Do.
2150	Remote Pickup, U. S. and Possessions.	(8).
2158	Ship Telephone, Tampa, Fla.	No change.[4]
	Ship Telephone, Great Lakes.	No change.
2166	Ship Telephone, Delaware City, Del.	Do.
	Ship Telephone, Ocean Gate, N. J.	Do.
	Ship Telephone, New Orleans, La.	New (day only).
2182	Ship Telephone, U. S. and Possessions.	Distress and calling.
	Coastal Harbor, U. S. and Possessions.	Do.

Footnotes at end of Appendix 1.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000–3500 KC—Continued

Frequency (kc)	Proposed use and area	Remarks[1]
2198	Ship Telephone, Hilo, T. H.	No change.
	Ship Telephone, New York, N. Y.	Do.
2206	Ship Telephone, Astoria, Oreg.	Do.
	Ship Telephone, Portland, Oreg.	Do.
	Ship Telephone, New Orleans, La.	Do.
	Ship Telephone, Los Angeles, Calif.	New (day only)
	Ship Telephone, San Diego, Calif.	Do.
2212	Forestry, Base and Mobile, U. S.	No change.
2214	Coastal Telephone, Baltimore, Md.	(8)
2226	Forestry, Base and Mobile, U. S.	No change.
2236	do	Do.
2244	do	Do.
2292	Fixed, Alaska	2986, 2994, 3092.5.
	Coast, Alaska	2986, 2994, 3092.5.
	Industrial, U. S.	No change.
2366	Ship Telephone, Boston, Mass.	2110.
	Ship Telephone, Galveston, Tex.	New.
	Police, Base and Mobile, U. S.	No change.
2382	Fixed, Alaska	Do.
	Coast, Alaska	Do.
	Police, Base and Mobile	Do.
2390	Ship Telephone, Tampa, Fla.	New.
2398	Industrial, Base and Mobile, U. S.	Do.
2406	Police, Base and Mobile, U. S.	No change.
2414	do	Do.
	Police, Base and Mobile, Alaska.	Do.
2422	Fixed, Alaska	Do.
	Coast, Alaska	Do.
	Police, Base and Mobile, Alaska.	Do.
	Police, Base and Mobile, U. S.	Do.
2430	Fixed, Alaska	Do.
	Coast, Alaska	Do.
	Police, Base and Mobile, U. S.	Do.
2442	Police, Base and Mobile, Alaska.	Do.
	Police, Base and Mobile, U. S.	Do.
2458	Police, Base and Mobile, U. S.	Do.
	Coastal Harbor, Tampa, Fla.	New.
2462	Remote Pickup, States east of Mississippi.	Day only.[9]
2466	Fixed, Alaska	No. change.
	Coast, Alaska	Do.
	Police, Base and Mobile, U. S.	Do.
2474	Fixed, Alaska	Do.
	Coast, Alaska	Do.
	Police, Base and Mobile, U. S.	Do.
2482	Fixed, Alaska	Do.
	Coast, Alaska	Do.
	Police, Base and Mobile, U. S.	Do.
2490	Police, Base and Mobile, U. S.	
2506	Coastal Harbor, Eureka, Calif.	Do.
	Coastal Harbor, San Francisco, Calif.	Do.
	Coastal Harbor, Boston, Mass.	Do.
	Coastal Harbor, Galveston, Tex.	New.
2512	Fixed, Alaska	No change.
2514	Coast, Alaska	Do.
	Coastal Harbor, Miami, Fla.	Do.[4]
	Coastal Harbor, Great Lakes.	Do.
2522	Coastal Harbor, New York, N. Y.	Do.
	Coastal Harbor, Seattle, Wash.	Do.
	Coastal Harbor, San Diego, Calif.	New (day only).
	Coastal Harbor, Los Angeles, Calif.	Do.
2530	Coastal Harbor, Kahuku, T. H.	No change.
	Coastal Harbor, San Juan, P. R.	Do.
	Coastal Harbor, Galveston, Tex.	Do.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000–3500 KC—Continued

Frequency (kc)	Proposed use and area	Remarks
2538	Fixed, Alaska	No Change.
	Coast, Alaska	Do.
	Coastal Harbor, Norfolk, Va.	Do.
	Coastal Harbor, San Francisco, Calif.	New (day only).
	Coastal Harbor, Eureka, Calif.	Do.
2550	Coastal Harbor, Tampa, Fla.	No change.[4]
	Coastal Harbor, Great Lakes.	No change.
2558	Coastal Harbor, Delaware City, Del.	Do
	Coastal Harbor, Ocean Gate, N. J.	Do.
	Coastal Harbor, New Orleans, La.	New (day only).
2566	Fixed, Alaska	No change.
	Coast, Alaska	Do.
	Coastal Harbor, Los Angeles, Calif.	Do.
	Coastal Harbor, Jacksonville, Fla.	Do.
	Coastal Harbor, Charleston, S. C.	Do.
	Coastal Harbor, Astoria, Oreg.	New (day only).
	Coastal Harbor, Portland, Oreg.	Do.
	Coastal Harbor, Galveston, Tex.	Do.
2572	Coastal Harbor, Mobile, Ala.	No change.
2582	Coastal Harbor, Great Lakes.	Do.
	Coastal Harbor, Hilo, T. H.	Do.
2590	Coastal Harbor, New York.	Do.
2598	Coastal Harbor, Astoria, Oreg.	Do.
	Coastal Harbor, Portland, Oreg.	Do.
	Coastal Harbor, New Orleans, La.	Do.
	Coastal Harbor, Great Lakes.	New (day only).
	Coastal Harbor, Los Angeles, Calif.	Do.
	Coastal Harbor, San Diego, Calif.	Do.
	Remote Pickup, Alaska	(3).
2608	Aeronautical Fixed, U. S.	No change.
	Aeronautical Fixed, P. R.	2680.
2612	Aeronautical Fixed, U. S.	2612, 2640, 2732, 2748.
	Aeronautical Fixed, T. H.	No change.
	Aeronautical Fixed, P. R.	2608.
	Fixed, Alaska	No change.
	Coast, Alaska	Do.
2632	Fixed, Alaska	Do.
	Coast, Alaska	Do.
2638	Ship Telephone, U. S. and Possessions.	Do.
2644	Remote Pickup, U. S. and Possessions.	(3).
2648	Aeronautical Fixed, Tex.	No change.
	Aeronautical Fixed, Alaska	Do.
	Aeronautical Fixed, P. R.	Do.
2726	Special Emergency, Base and Mobile, P. R.	Do.
	Special Emergency, Base and Mobile, U. S.	Do.
	Aeronautical Fixed, Alaska	2748, 2922, 2946.
2738	Ship Telephone, U. S. and Possessions.	No change.
2748	Aeronautical Fixed, Tex.	Do.
	do	2640.
2758	Remote Pickup, P. R.	No change.[3]
	Remote Pickup, U. S.	Do.[3]
2782	Ship Telephone, Mississippi Valley.	Do.
	Ship Telephone, La.	Do.
	Ship Telephone, Colo.	Do.
	Coastal Harbor, Louisville, Ky.	Do.
	Coastal Harbor, Cat Island Pass, La.	Do.
	Coastal Harbor, Boulder City, Nev.	Do.
	Coastal Harbor, Memphis, Tenn.	Do.
2784	Ship Telephone, Columbia River.	2738.
	Coastal Harbor, The Dalles, Oreg.	2738.
	Coastal Harbor, Umatilla, Oreg.	2738.
	Aeronautical Fixed, Florida.	2644.
2790	Remote Pickup, U. S. and Possessions.	(3).
2804	Police, Zone and Interzone.	No change.
2808	do	Do.
2812	do	Do.

Footnotes at end of Appendix 1.

APPENDIX 1—LIST OF NON-GOVERNMENT ASSIGNMENTS PROPOSED FOR THE BAND 2000–3500 KC—Continued

Frequency (kc)	Proposed use and area	Remarks[1]
2830	Remote Pickup, Alaska	No change.[2]
	Remote Pickup, P. R.	Do.[2]
	Ship Telephone, Gulf of Mexico.	New.
	Ship Telephone, Mississippi Valley.	Do
	Ship Telephone, Lake Dallas, Tex.	Do.
	Coastal Harbor, Lake Dallas, Tex.	Do.
2848	Aeronautical Fixed, Tex.	2960, 2994.
	Fixed, California	No change.
3100	Fixed, Alaska	Do.
	Fixed, Puerto Rico	3025.
	Coast, Alaska	No change.
	Special Emergency, U. S.	Do.
3202.5	Fixed, Alaska	2986, 2994, 3092.5.
	Coast, Alaska	2986, 2994, 3092.5.
3212.5	Coastal Harbor, Miami, Fla.	New.
	Coastal Harbor, Seattle, Wash.	Do
3222.5	Remote Pickup, U. S.	(Day only).[3]
	Coastal Harbor, San Diego, Calif.	New.
	Coastal Harbor, Los Angeles, Calif	Do.
	Aeronautical Fixed, Florida.	3405.
	Aeronautical Fixed, U. S.	2612, 2640, 2732, 2748.
3232.5	Coastal Harbor, Boston, Mass.	New.
	Remote Pickup, U. S.	(Day only).[3]
3242.5	Fixed, New York, N. Y.	New (night only).
	Coastal Harbor, Los Angeles, Calif.	New.
	Coastal Harbor, San Diego, Calif.	Do.
	Coastal Harbor, New Orleans, La.	Do.
	Remote Pickup, U. S.	(Day only).[3]
3255	Ship Telephone, Boston, Mass.	New.
	Ship Telephone, San Diego, Calif.	Do.
	Ship Telephone, Los Angeles, Calif.	Do.
	Remote Pickup, U. S.	Day only.[3]
3265	Fixed, Alaska	No change.
	Coast, Alaska	Do.
3275	Ship Telephone, Los Angeles, Calif.	New.
	Ship Telephone, San Diego, Calif.	Do.
	Remote Pickup, west of Mississippi River.	Day only.[3]
3280	Ship Telephone, Great Lakes.	New (day only).
	Fixed, Florida	No change (night only).
	Fixed, Puerto Rico	Do.
3290	Flight Test, U. S.	No change.
	"Lighter than air", Fixed, U. S.	2930.
3322.5	Fixed, New York, N. Y.	2784 (night only).
	Ship Telephone, New Orleans, La.	New.
	Ship Telephone, Seattle, Wash.	Do.
	Remote Pickup, U. S.	Day only.[3]
3327.5	Fixed, New York	3275.

[1] The entry of a frequency in this column indicates it is in current use but is to be replaced.
[2] Present remote pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790 and 2830 kc.
[3] For communication with Government stations.
[4] Day only from Apr. 1 to Dec. 15. Unlimited hours from Dec. 15 to Apr. 1.

APPENDIX 2—MARINE TELEPHONY ASSIGNMENTS

Ship	Area in which frequency is proposed for assignment	Coast
2003	Great Lakes Intership	[1] 2003
	San Francisco, Calif. (2110)	2306
	Eureka, Calif. (2110)	2406
2009	Galveston, Tex. (new, day only)	2566
	Portland, Oreg. (new, day only)	2566
	Astoria, Oreg. (new, day only)	2566
	Charleston, S. C. (2174)	2566
	Los Angeles, Calif. (2174)	2566
	Jacksonville, Fla. (2174)	2566
2031.5	Miami, Fla. (new)	3212.5
2118	Miami, Fla.[2]	2514
	Great Lakes	2514

[1] For emergency use only.
[2] Day only from Apr. 1 to Dec. 15. Unlimited hours from Dec. 15 to Apr. 1.

APPENDIX 2—MARINE TELEPHONY ASSIGNMENTS—Continued

Ship	Area in which frequency is proposed for assignment	Coast
2126	New York, N. Y.	2522
	Seattle, Wash.	2522
	San Diego, Calif. (new, day only)	2522
	Los Angeles, Calif. (new, day only)	2522
2134	Kahuku, T. H.	2530
	Sabana Llana, P. R.	2530
	Galveston, Tex.	2530
2142	Norfolk, Va.	2538
	San Francisco, Calif. (new, day only)	2538
	Eureka, Calif. (new, day only)	2538
2158	Tampa, Fla.[1]	2550
	Great Lakes	2550
2166	Delaware City, Del.	2558
	Ocean Gate, N. J.	2558
	New Orleans, La. (new, day only)	2558
2182	U. S. and possessions	2182
2198	Hilo, T. H.	2582
	New York, N. Y.	2604
2206	Asterly, Oreg.	2598
	Portland, Oreg.	2598
	New Orleans, La.	2598
	Los Angeles, Calif. (new, day only)	2598
	San Diego, Calif. (new, day only)	2598
	Baltimore, Md.	[1] 2214
	Boston, Mass. (2110)	2406
2366	Galveston, Tex. (new)	2406
	Tampa, Fla. (new)	2458
2390	Mobile, Ala.	2572
2572	Great Lakes	[1] 2582
2638	U. S. and Possessions Intership	
2738	U. S. and Possessions Intership	
2782	Cat Island Pass, La.	2782
	Boulder City, Nev.	2782
	Louisville, Ky.	2782
	Memphis, Tenn.	2782
	St. Louis, Mo.	2782
2784	The Dalles, Oreg. (2738)	2784
	Umatilla, Oreg. (2738)	2784
2830	Gulf of Mexico (New Intership)	[1] 2830
	Mississippi Valley (New Intership)	2830
	Lake Dallas, Tex.	2830
3255	San Diego, Calif. (new)	3222.5
	Los Angeles, Calif. (new)	3222.5
	Boston, Mass. (new)	3232.5
3275.0	Los Angeles, Calif. (new)	3242.5
	San Diego, Calif. (new)	3242.5
3280	Great Lakes (new, day only)	2598
3322.5	Seattle, Wash. (new)	3212.5
	New Orleans, La. (now)	3242.5

[1] For communication with Government stations.
[4] For communication with Canadian stations.
[5] Secondary use by coast stations.

APPENDIX 3—REMOTE PICKUP ASSIGNMENTS

Frequency kc	Area in which frequency is proposed for assignment	Remarks or differences from present assignments[1]
2110	United States and possessions.	New.
2150	do	No change.
2462	United States (east of Mississippi River).	New, day only.
2598	Alaska	New.
2644	United States and possessions.	Do.
2758	United States and Puerto Rico.	No change except Alaskan stations reassigned.
2790	United States and possessions.	No change.
2830	Alaska and Puerto Rico.	No change except U. S. stations reassigned to other frequencies.
3212.5	United States	New, day only.
3232.5	do	Do.
3242.5	do	Do.
3255	do	Do.
3275	United States (west of Mississippi River).	Do.
3322.5	United States	Do.

[1] Present remote pickup assignments are on the frequencies: 2058, 2074, 2090, 2102, 2150, 2190, 2758, 2790 and 2830 kc.

APPENDIX 4—PUBLIC SAFETY

Frequency (kc)	Area	Remarks or changes
2106	United States (police)	No change.
2444	do	Do.
2422	do	Do.
	Alaska (police)	Do.
2430	United States (police)	Do.
2442	do	Do.
	Alaska (police)	Do.
2450	United States (police)	Do.
2458	do	Do.
2466	do	Do.
2474	do	Do.
2482	do	Do.
2510	do	Do.
2750	United States and Puerto Rico (special emergency).	Do.
2814	United States and Possessions (police).	Do.
2818	do	Do.
2832	do	Do.
3190	United States (special emergency).	Do.

APPENDIX 5—INDUSTRIAL

Frequency (kc)	Area	Remarks or changes
2292	United States	No change.
2398	do	New.

APPENDIX 6—AVIATION

(Aeronautical Fixed unless otherwise indicated)

Frequencies proposed for assignment	Area	Remarks or changes
2608	United States (Emergency backup).	No change.
	Puerto Rico	Replacement for 2980 kc.
2612	United States (Emergency backup).	Combines domestic emergency circuits from 2612–2640, 2732 and 2748 kc.
	Territory of Hawaii	No change.
	Puerto Rico	Replaces 2608 kc.
	Texas (to Mexico)	No change.
2648	Texas, Alaska, and Puerto Rico.	Do.
2726	Alaska	Replaces 2748, 2922 and 2946 kc.
2748	Texas	Combines assignments from 2748 and 2640 kc.
2784	Florida	Replaces 2644 kc.
2848	Texas	Replaces 2980 and 2994 kc.
3222.5	Florida	Replaces 3405 kc.
	South and Central U. S. (Emergency backup).	Combines domestic emergency circuits from 2612, 2640, 2732 and 2748 kc.
3290	U. S. ("Flight Test" and "Lighter than air").	Consolidates 2930 and 3290 kc.

APPENDIX 7—UNITED STATES FIXED

Frequencies proposed for assignment	Area	Remarks or changes
2848	California	No change.
3100	Puerto Rico	Replaces 3025.
3242.5	New York (night only).	Partial replacement for 3275 kc.
3280	Florida (night only)	No change.
	Puerto Rico (night only).	Do.
3322.5	New York (night only).	Replaces 2784 kc.
3327.5	New York	Partially replaces 3275 kc.

APPENDIX 8—FIXED AND COAST STATIONS (ALASKA)

Frequencies proposed for assignment	Frequencies now assigned	Frequencies proposed for assignment	Frequencies now assigned
2048[1]	———	2512	2512
2118	———	2538	[2] 2538
2292	———	2566	2566
2382	2382	2632	2632
2422	2422		2986
2430	2430		2994
2450	2450		3092.5
2466	2466	3190	3190
2474	2474	3202.5	———
2482	2482	3295	3295

[1] For coastal telegraph only.
[2] Presently assigned to coast stations only.

APPENDIX 9—EXPERIMENTAL

Experimental stations will not be the subject of international co-ordination or registration. The frequency 3492.5 kc. now assigned to class 1 experimental stations will not be assigned to the experimental stations now authorized on that frequency.

The experimental stations now authorized 2398 kc. may continue to operate on the condition of non-interference to other services.

The selection of frequencies between 2000 and 3500 kc. for assignment to experimental stations will be considered on the same individual basis as frequencies above 25 Mc.

[F. R. Doc. 51-754; Filed, Jan. 16, 1951; 8:53 a. m.]

[Docket No. 9759]

MT. AIRY BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re application of Mt. Airy Broadcasters, Inc., Mount Airy, North Carolina, for construction permit; Docket No. 9759, File No. BP-7653.

The Commission having under consideration a petition filed December 28, 1950, by Mt. Airy Broadcasters, Inc., Mount Airy, N. C., requesting an indefinite continuance of the hearing presently scheduled for January 12, 1951, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that there is pending before the Commission a petition for removal from the hearing docket and immediate grant filed on December 22, 1950; and that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 5th day of January 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely pending action on the petition for removal from the hearing docket and immediate grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-756; Filed, Jan. 16, 1951; 8:54 a. m.]

[Docket Nos. 9825, 9826]

TELANSERPHONE, INC. AND THOMAS L. SMITH, JR.

ORDER CONTINUING HEARING

In re applications of Telanserphone, Inc., Docket No. 9825, File No. 7298-C2-P-E; and Thomas L. Smith, Jr., Docket No. 9826, File No. 8460-C2-P-E; for construction permits in the Domestic Public Land Mobile Radio Service at Washington, D. C.

The Commission having under consideration a petition filed January 2, 1951, by Thomas L. Smith, Jr., requesting continuance of the hearing in the above-entitled proceeding presently scheduled for January 8, 1951, to a date to be fixed some time in April, 1951, after the conclusion of certain other common carrier hearings now scheduled to be heard; and

It appearing, that petitioner's counsel represents one of the parties in the common carrier hearing scheduled to begin January 4, 1951, which likely will not be concluded by January 8; and

It further appearing, that petitioner's counsel also represents parties in the common carrier proceedings referred to in the first paragraph hereof and now scheduled for late January, February and early March; and

It further appearing, That Telanserphone, Inc., the other party to this proceeding, has consented to a waiver of § 1.745 of the Commission's rules to permit the early consideration of the petition for continuance, but has filed an opposition to a continuance of the duration sought by petitioner and requested oral argument thereon; and

It further appearing, that oral argument upon the petition was heard on January 5, 1951, at which time a date for the hearing in this proceeding was agreed upon;

It is ordered, This 5th day of January 1951, That the petition be, and it is hereby granted in part, and the hearing in the above-entitled proceeding be, and it is hereby continued to 10:00 o'clock A. M., January 23, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-759; Filed, Jan. 16, 1951; 8:54 a. m.]

[Dockets Nos. 9831, 9876]

MINNESOTA VALLEY BROADCASTING CO. (KTOE) AND HEART OF THE BLACK HILLS STATION (KDSJ)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Minnesota Valley Broadcasting Co. (KTOE), Mankato, Minnesota, Docket No. 9876, File No. BP-7941; John Daniels, Eli Daniels, and Harry Daniels d/b as Heart of the Black Hills Station (KDSJ), Deadwood, South Dakota, Docket No. 9831, File No. BP-7597; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of January 1951;

The Commission having under consideration the above-entitled application of Minnesota Valley Broadcasting Co. requesting a construction permit to increase power from 1 kw. to 5 kw. (1420 kc., 5 kw., DA–N, U.) at Station KTOE, Mankato, Minnesota;

It appearing, that the above-entitled application of Heart of the Black Hills Station for a permit to change the facilities of Station KDSJ from 1450 kc., 250 w., unlimited to 1420 kc., 500 w., 1 kw–LS, unlimited time, at Deadwood, South Dakota, was designated for hearing November 14, 1950, because of interference with existing stations and because it might not otherwise comply with the Standards of Good Engineering Practice particularly with reference to the coverage of the city of Deadwood, South Dakota, said hearing being scheduled to commence at 10:00 a. m., on January 11, 1951, at Washington, D. C.,

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in the aforesaid consolidated proceeding upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and its partners and of the corporate applicant, its officers, directors and stockholders to operate the Stations KDSJ and KTOE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTOE as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station KTOE, as proposed, would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof; the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the Stations, KTOE and KDSJ, as proposed, would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Station KTOE, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of November 14, 1950, designating for hearing the application of KDSJ is amended to include Issues 1, 3, 5 and 7 set forth above, and to include the application of Minnesota Valley Broadcasting Co.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–761; Filed, Jan. 16, 1951; 8:55 a. m.]

[Docket No. 9832]

CAMELLIA BROADCASTING CO., INC. (KLFY)

ORDER CONTINUING HEARING

In re application of Camellia Broadcasting Co., Inc. (KLFY) Lafayette, Louisiana, for construction permit; Docket No. 9832, File No. BP–7666.

The Commission having under consideration a petition filed January 2, 1951, by Camellia Broadcasting Company, Inc., requesting indefinite continuance of the hearing in the above-entitled proceeding presently scheduled for January 12, 1951, pending action by the Commission on that part of a petition filed November 30, 1950 by Camellia Broadcasting Company which requests reconsideration and grant of its application without hearing; and

It appearing, that since favorable action upon the petition for grant without hearing would remove the necessity for a hearing, a continuance of the hearing in order to permit consideration of such petition by the Commission would serve the public interest; and

It further appearing, that there is no other party to this proceeding and the General Counsel of the Commission has informally consented to an immediate consideration and grant of the instant petition;

It is ordered, This 5th day of January 1951, that the hearing in the above-entitled proceeding, now scheduled for January 12, 1951, be, and it is hereby, continued to a date to be hereafter fixed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–758; Filed, Jan. 16, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6338]

SOUTHERN UTAH POWER CO.

NOTICE OF APPLICATION

JANUARY 11, 1951.

Take notice that on January 10, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Utah Power Company, a corporation organized under the laws of the State of Utah and doing business in said State, with its principal business office at Cedar City, Utah; seeking an order authorizing the issuance of $1,200,000 principal amount of First Mortgage Bonds 3½ percent Series due 1981, and $500,000 principal amount of 4 percent Debentures. The Bonds are to be issued on or about January 31, 1951, to mature January 1, 1981, and will bear interest at the rate of 3½ percent per annum. The Debentures are to be dated as of January 1, 1951, to be due January 1, 1971, bearing interest at the rate of 4 percent per annum. Applicant has requested that the proposed issue and sale of the Bonds and Debentures be exempted from the requirements of the Commission's competitive bidding rules; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 24th day of January 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–732; Filed, Jan. 16, 1951; 8:49 a. m.]

[Docket Nos. G–884, G–887]

SOUTHERN NATURAL GAS CO. AND ATLANTIC GULF GAS CO.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

In the matters of Southern Natural Gas Company, Docket No. G–884; Atlantic Gulf Gas Company, Docket No. G–887.

On October 24, 1950, during the course of the hearing in the above-consolidated proceedings, Atlantic Gulf Gas Company, applicant at Docket No. G–887, moved that the Commission omit the intermediate decision procedure, reserving the right to file briefs; and that the Commission forthwith render the final decision herein.

All counsel, including Staff Counsel, except counsel for the railroad and labor intervenors, concurred in the waiver of the intermediate decision procedure.

The application of Atlantic Gulf at Docket No. G–887 is interrelated with the application of United Gas Pipe Line Company at Docket No. G–1263. The Commission, by order of January 10, 1951, has omitted the intermediate decision procedure at said Docket No. G–1263.

The Commission finds:

(1) It is in the public interest that the proceedings herein be considered at the same time as the proceeding at Docket No. G–1263.

(2) Due and timely execution of its functions imperatively and unavoidably requires that the intermediate decision in the proceedings herein be omitted and that the Commission forthwith render the final decision herein.

(3) It is in the public interest to grant oral argument herein as hereinafter ordered.

(4) Parties to the proceedings herein, who desire to do so, should file briefs, memoranda or proposed findings and conclusions with the Commission on or before January 22, 1951.

The Commission orders:

(A) Pursuant to § 1.30 (c) (2) of the Commission's rules of practice and procedure (18 CFR 1.30 (c) (2)), the intermediate decision herein be and the same is hereby omitted.

(B) Oral argument in the proceedings herein be had before the Commission, commencing on January 23, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) All parties to these proceedings, who desire to do so, should file briefs, memoranda or proposed findings and conclusions with the Commission on or before January 22, 1951.

(D) All parties to these proceedings who desire to participate in the oral argument are required to so notify the Presiding Examiner, together with the estimated time for their argument, on or before January 19, 1951.

(E) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–733; Filed, Jan. 16, 1951; 8:49 a. m.]

[Docket Nos. G–1012, G–1263, G–1319, G–1447]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE CONSOLIDATING PROCEEDINGS, AND FIXING DATE FOR ORAL ARGUMENT

JANUARY 10, 1951.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1012; United Gas Pipe Line Company, Docket No. G–1263; Algonquin Gas Transmission Company, Docket No. G–1319; United Gas Pipe Line Company, Docket No. G–1447.

On December 15, 1950, during the course of the hearing in the proceedings at Docket No. G–1263 and Docket No. G–1447, United Gas Pipe Line Company (United), applicant therein, moved that the Commission omit the intermediate decision procedure, waive the filing of briefs, fix a date for oral argument, and forthwith render its final decision in those proceedings, pursuant to the provisions of the Commission's rules of practice and procedure (§ 1.30 (c) (2)).

On January 8, 1951, Texas Eastern Transmission Corporation (Texas Eastern), applicant in Docket No. G–1012, filed a motion therein requesting the Commission to omit the intermediate decision procedure as permitted by § 1.30 (c) (2) of said rules of practice and procedure, waiving opportunity for presenting proposed findings and conclusions and for filing exceptions, and requesting opportunity to present oral argument on January 22, 1950, or five days after the adjournment of the hearing therein scheduled to resume on January 15, 1951.

On January 8, 1951, Algonquin Gas Transmission Company (Algonquin), applicant in Docket No. G–1319, filed a motion therein requesting the Commission to omit the intermediate decision procedure as permitted by § 1.30 (c) (2) of said rules of practice and procedure, waiving opportunity for presenting proposed findings and conclusions and for filing exceptions, and requesting opportunity to present oral argument on January 22, 1951, or five days after the adjournment the hearing therein scheduled to resume on January 15, 1951.

It appears that Mississippi River Fuel Corporation, whom United proposes to serve by means of facilities applied for in Docket No. G–1447, has contracts which expire in 1952 for a supply of gas to St. Louis, Missouri, and other markets, which contracts must be replaced by other deliveries of gas on or before March 1, 1952. It also appears that United's contract to supply Texas Eastern with natural gas permits either party to terminate said contract upon notice, unless certain conditions are met, including receipts by United and Texas Eastern of certificates of public convenience and necessity from this Commission on or before February 1, 1951. It further appears that United's contracts to supply Atlantic Gulf, its affiliate, contains similar conditions, including a March 31, 1951, deadline date.

It further appears that United has a gas purchase contract with the Pure Oil Company, covering gas reserves in the Eugene Island area off-shore Louisiana, and that Pure Oil Company holds its leases from the State of Louisiana, which leases require that production be marketed from those reserves on or before November 1, 1951. It further appears that United's contract with Pure Oil Company is conditioned upon United obtaining a certificate of public convenience and necessity on or before March 1, 1951, and taking gas from Pure Oil Company on or before November 1, 1951.

In support of its motion, Texas Eastern states that it is necessary for it to commence construction at the earliest possible date in order to make gas supplies available in the Appalachian, New Jersey and New England areas during the winter of 1951–1952; and that it has contractual commitments for the purchase and sale of gas, for the purchase of material and for financing, which require it to obtain a certificate of public convenience and necessity within specified time limits as shown by the evidence of record in Docket No. G–1012.

In support of its motion, Algonquin states that it is necessary that a certificate of public convenience and necessity issue to Algonquin at an early date in order that actual construction may proceed as early in 1951 as weather conditions may permit to afford natural gas service to New England at the earliest practicable time, and that Algonquin has contractual commitments for the purchase of gas from Texas Eastern which require it to obtain a certificate of public convenience and necessity on or before February 1, 1951.

The Commission finds:

(1) There is an immediate need for natural gas service in the areas proposed to be served by applicants in Docket Nos. G–1012, G–1319 and G–1447 at the earliest practicable date.

(2) The matters involved and the issues presented in the proceedings at Docket Nos. G–1263 and G–1447 are closely connected inasmuch as United Gas Pipe Line Company's evidence as to gas supply in Docket No. G–1263 is identical with the evidence submitted by it at Docket No. G–1447.

(3) Pursuant to § 1.30 (c) (2) of the Commission's rules of practice and procedure, due and timely execution of its functions imperatively and unavoidably requires that the intermediate decision in the proceedings at Docket Nos. G–1012, G–1263, G–1319, and G–1447 be omitted.

(4) Good cause has been shown and it is desirable in the public interest that the motion made by United Gas Pipe Line Company at Docket Nos. G–1263 and G–1447 be granted.

(5) Good cause exists and it is desirable in the public interest for the Commission, on its own motion, to omit the intermediate decision procedure at Docket Nos. G–1012 and G–1319, and to grant oral argument therein at the time and place hereinafter fixed.

(6) Any parties to the proceedings at Docket Nos. G–1012, G–1263, G–1319, and G–1447, who desire to do so, should file briefs, memoranda, or proposed findings and conclusions with the Commission on or before the time hereinafter fixed for oral argument.

(7) In view of the interrelationship shown by the evidence to exist between the applications in these proceedings, good cause exists and its is desirable and in the public interest for the Commission on its own motion to consolidate these proceedings for the purposes only of oral argument, consideration, and decision.

The Commission orders:

(A) The motion made by United Gas Pipe Line Company on December 15, 1950, in the proceedings at Docket Nos. G–1263 and G–1447 to omit the intermediate decision procedure, to waive the filing of briefs, and for the fixing of a date for oral argument be and the same hereby is granted, and the intermediate decision procedure be and the same hereby is omitted therein in accordance with the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

(B) The intermediate decision procedure in the proceedings at Docket Nos. G–1012 and G–1319 be and the same is hereby omitted.

(C) The proceedings at Docket Nos. G–1012, G–1263, G–1319, and G–1447 be and the same are hereby consolidated for the purposes of argument, consideration, and decision.

(D) Oral argument be had before the Commission on January 23, 1951, at 10:00 a. m., e. s. t. in the said consolidated proceedings in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington,

D. C., and all parties to these consolidated proceedings may file briefs, memoranda, or proposed findings and conclusions with the Commission on or before January 22, 1951. Parties who desire to participate in an oral argument shall notify the Presiding Examiner on or before January 19, 1951, together with estimated time for argument.

Date of issuance: January 11, 1951.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-734; Filed, Jan. 16, 1951; 8:50 a. m.]

[Docket Nos. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING ON PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 10, 1951.

On December 21, 1950, Northeastern Gas Transmission Company (Petitioner) filed a petition to amend the Commission's order issued November 8, 1950, granting a certificate of public convenience and necessity to Petitioner by substituting larger diameter pipe for that authorized for the line extending from the New York-Massachusetts state line to an eastern terminus near Boston and for that authorized for five lateral lines all as more fully described in said petition on file with the Commission and open to public inspection.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on January 29, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the above-mentioned petition.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 11, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-735; Filed, Jan. 16, 1951; 8:50 a. m.]

FEDERAL RESERVE SYSTEM

RULES OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The Rules of Organization (formerly 12 CFR Part 261) have been amended in the following respects:

1. Effective July 1, 1950, the Board established a new Division of International Finance and the Board's Rules of Organization were amended to include the following subsection:

Division of International Finance is headed by a Director. It advises and assists the Board on international financial and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve Banks and the membership of the Chairman on the National Advisory Council.

2. Effective December 20, 1950, the subsection relating to the Division of Bank Operations was amended by striking out the following sentence: "It also deals with administrative matters arising under Regulation W relating to consumer instalment credit."

3. Effective December 20, 1950, the Board established a new Division of Selective Credit Regulation and the Board's Rules of Organization were amended to include the following subsection:

Division of Selective Credit Regulation is headed by a Director. It advises and assists the Board in the field of selective credit regulation and on matters arising under Part 223, relating to loan guarantees for defense production, Part 222, relating to consumer credit, and Part 225, relating to residential real estate credit.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER, *Secretary.*

[F. R. Doc. 51-719; Filed, Jan. 16, 1951; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5781]

ELECTROVOX CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Electrovox Company, Inc., a corporation, Lowell Walcutt and Robert G. Walcutt, individually and as officers of Electrovox Company, Inc.

Pursuant to authority vested in the Federal Trade Commission, *It is ordered*, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to perform all duties authorized by law in this proceeding.

Issued: January 4, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-720; Filed, Jan. 16, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25740]

SUPERPHOSPHATE FROM HOLSTON, TENN. TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

JANUARY 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1180.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, in carloads.

From: Holston, Tenn.

To: Points in western trunk-line territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-728; Filed, Jan. 16, 1951; 8:48 a. m.]

[4th Sec. Application 25741]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM FARGO, N. DAK., TO NORTH PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

JANUARY 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. 1537.

Commodities involved: Fresh meats and packing house products, in carloads.

From: Fargo, N. Dak.

To: Points in north Pacific coast territory.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. 1537, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-729; Filed, Jan. 16, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1275]

HECHT CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of January A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $15 par value, of The Hecht Company, a security listed and registered on the New York Stock Exchange and on the Washington Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 8, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-722; Filed, Jan. 16, 1951; 8:46 a. m.]

GEORGE HARRIS ET AL.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1951.

In the Matter of George Harris, Windsor Hotel, Cumberland, Maryland; Frank B. Pryor, 1517 Buchanan Street NW., Washington, D. C.; Edward E. Reed, 225 Broadway, New York, New York; Frederick J. Rose, 50 Broad Street, New York, New York; Duncan Ross, d/b/a Duncan Ross Company, 342 Madison Avenue, New York, New York; Marcus Simpson, d/b/a M. Simpson Company, Delaware Trust Building, Wilmington, Delaware.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the persons named above, each of whom is registered as a broker or dealer, or both, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder, and, if so, whether it is in the public interest to revoke their respective registrations.[1]

The proceedings were instituted by separate notices and orders for hearing dated November 3, 1950. On November 6, 1950, copies of the notices and orders were sent by registered mail to the addresses last furnished to us by the registrants. These registered articles were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given. None of the registrants appeared in person or through a representative on November 27, 1950, the date set for hearings.[2]

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of his financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants became effective prior to 1943, and have not been withdrawn, cancelled, revoked or suspended. Our records show that none of the registrants filed the required reports during any year from 1943 through 1949.

Upon review of the records in these proceedings we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of his failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

We conclude, on the basis of the foregoing, that it is necessary in the public interest to revoke the registration of each of the registrants. However, in view of the fact that our records do not show whether any of them actually received personal notice of the scheduled hearings, and to avoid any possible prejudice to them, our orders will provide that the revocation of registrations be without prejudice to a motion on the part of any registrant to reopen the proceedings and to seek, upon a proper showing, to set aside the order of revocation as to him.[4]

Accordingly, *it is ordered*, That the registrations of George Harris, Frank B. Pryor, Edward E. Reed, Frederick J. Rose, Duncan Ross, doing business as Duncan Ross Company, and Marcus Simpson, doing business as M. Simpson Company, be, and they hereby are, revoked without prejudice to a motion by any of said registrants to reopen the record in the proceeding naming him, and, upon a proper showing, to set aside the order of revocation as to him.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-723; Filed, Jan. 16, 1951; 8:46 a. m.]

[File Nos. 54-104, 54-105]

STANDARD POWER AND LIGHT CO., AND STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING OF APPLICATION TO WITHDRAW PENDING PLAN AND TO WITHDRAW AS A PARTY TO PENDING JOINT PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January 1951.

In the Matter of Standard Power and Light Corporation, File No. 54-104; Standard Power and Light Corporation and Standard Gas and Electric Company, File No. 54-105.

On June 19, 1942, the Commission entered an order, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"), directing the liquidation and dissolution of Standard Power and Light Corporation ("Standard Power"), a registered holding company. In 1944 Standard Power filed a plan, pursuant to section 11 (e) of the act, proposing the company's liquidation and dissolution (File No. 54-104). That plan was conditioned upon consummation of a joint section 11 (e) plan, which was filed at the same time, by Standard Power and its subsidiary Standard Gas and Electric Company ("Standard Gas"), also a registered holding company (File No. 54-105). The joint plan proposed, inter alia, the settlement of certain inter-company claims between Standard Power and Standard Gas and the transfer by Standard Power of substantially all its assets to Standard Gas in exchange for shares of the common stock of Standard Gas to be issued by

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[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to November 27, 1950. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of November 10, 1950. 15 F. R. 7652-55.

[3] Sidney Ascher, — S. E. C. — (1950), Securities Exchange Act Release No. 4474.

[4] Ibid.

Standard Gas pursuant to a plan of recapitalization filed by that company under section 11 (e) of the act. The joint plan was by its terms conditioned upon consummation of the plan of recapitalization of Standard Gas. Although the Commission approved all these plans, the Standard Gas plan was never consummated due to changed conditions. On July 7, 1950, the Commission granted the request of Standard Gas to withdraw its plan of recapitalization and to withdraw as a party to the joint plan. See Holding Company Act Release No. 9960.

Notice is hereby given that Standard Power has filed with the Commission an application in which it requests (a) that it be permitted to withdraw as a party to the aforesaid joint plan; (b) that it be permitted to withdraw its plan for liquidation and dissolution; and (c) that the Commission terminate and dismiss all proceedings before it involving the aforesaid joint plan and the plan for liquidation and dissolution of Standard Power and vacate its order entered February 22, 1945, approving this latter plan.

Standard Power states that it seeks the foregoing relief because the aforesaid joint plan and its own plan for liquidation and dissolution were contingent upon consummation of the recapitalization plan of Standard Gas which has now been withdrawn, and because the records created in the proceedings in connection with said plans are stale and inappropriate as bases for further action by the Commission.

Standard Power expressly agrees that the withdrawal of its plan of liquidation and dissolution and its withdrawal as a party to the joint plan shall not terminate or in any way limit any jurisdiction conferred upon the Commission by law over fees and expenses to be paid in connection with the liquidation and termination of the existence of Standard Power, including the aforesaid plans and any and all transactions relating thereto, and that Standard Power will pay only such of the fees and expenses which are subject to the jurisdiction of the Commission, as aforesaid, as shall be approved, awarded, allowed or allocated by the Commission.

Notice is further given that any interested person may, not later than February 2, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 2, 1951, said application as filed, or as amended, may be granted, subject, however, to the reservation of jurisdiction by the Commission over all fees and expenses paid or to be paid by Standard Power in connection with the aforesaid plans and any and all transactions related thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-724; Filed, Jan. 16, 1951; 8:46 a. m.]

[File No. 70-2545]

UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

NOTICE REGARDING FILING

At a regular session of the Seurities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of January A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiary, Allentown-Bethlehem Gas Company ("Allentown"). Applicants-declarants have designated sections 6 (b), 9 and 10 of the act and rules U-42 and 43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than January 23, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 23, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Allentown proposes to issue and sell 30,000 shares at par of its common capital stock (par value $50 per share) to UGI in payment of (1) Allentown's 4 percent promissory note in the principal amount of $600,000, maturing January 31, 1951, payable to UGI and (2) advances on open book account by UGI to Allentown, to the extent of $900,000. In order that Allentown may have available sufficient authorized common capital stock, it proposes to increase its authorized common capital stock from 120,000 shares to 200,000 shares, and proceedings to this end are now in progress.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of Allentown of 30,000 shares of its common capital stock and that the order of that Commission when issued will be supplied by amendment to the instant application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-725; Filed, Jan. 16, 1951; 8:47 a. m.]

LONDON TERRACE, INC.

NOTICE OF APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 11th day of January A. D. 1951.

Notice is hereby given that London Terrace, Inc. (Company) has filed an application pursuant to section 304 (c) (2) of the Trust Indenture Act of 1939 (act) for an order exempting from the provisions of sections 305 to 307 inclusive, and sections 310 to 318 inclusive of the act a proposed supplemental indenture to the indenture dated April 1, 1937, between the Company and Empire Trust Company, the trustee. The application, together with exhibits, present the following facts.

The Company was organized under the laws of the State of New York, as part of a plan of reorganization under section 77B of the Federal Bankruptcy Act, of a predecessor corporation named "23-24 Corporation". The principal asset of the Company consists of four apartment house buildings located in Manhattan, New York City. The Company offered $5,500,000 in principal amount of First and General Mortgage Bonds, due June 1, 1952, pursuant to an indenture dated April 1, 1937, between the Company, a wholly owned subsidiary of the Company which was dissolved on December 14, 1946 and the Empire Trust Company as trustee. The principal amount of bonds presently outstanding pursuant to the indenture is $4,262,500, which are in the hands of 2,196 holders.

The Company proposes to refinance the presently outstanding bond issue, and toward this end has obtained commitments for the borrowing of $3,500,000 from Aetna Life Insurance Company upon the security of a 15 year 4 percent First Mortgage and for bank loans, on an unsecured basis, in the aggregate sum of $550,000 for a term of 27 months, bearing interest at the rate of 5 percent per annum payable monthly. With the proceeds of the aforementioned loans and its general funds, the Company proposes to call for redemption on or before June 1, 1951 all of its presently outstanding bonded indebtedness.

In order to facilitate the redemption of its presently outstanding bonded indebtedness the Company proposes to amend its indenture of April 1, 1937, to provide that:

1. The Company may call all of its outstanding bonds for redemption at any time and not only on June 1 of each year as provided in the present indenture.

2. Notice of the call for redemption shall be given not less than 15 days prior to the date fixed for redemption rather than 30 days as presently provided.

3. The funds required for payment of the redemption price of the bonds are to be deposited with the trustee at least 2 days before the date fixed for redemption instead of at least 30 days prior thereto as presently required by the indenture.

4. The call for redemption may, by resolution of the Board of Directors, be rescinded at any time prior to the deposit of the redemption price with the trustee.

5. The above proposed amendments to the indenture (paragraphs 1 to 4 inclusive) are to be effective only if the bonds are called for redemption on or before June 1, 1951. If the call for redemption is not made on or before that date, the above proposed amendments are not to be effective thereafter and the indenture is to continue in full force and in effect as if unamended.

In order to effectuate the proposed program of redemption and the amendment of the indenture, the Company must have the approval, pursuant to the terms of the indenture, of 75 percent of the outstanding principal amount of bonds, and, pursuant to the provisions of the laws of the State of New York, the consent of 66⅔ percent of the outstanding shares of common stock of the Company. The Company proposes to solicit the necessary consents.

The purpose of the instant application is to secure an exemption from the above enumerated sections of the act for the proposed supplemental indenture effecting the indicated amendments to the present indenture for the stated limited purpose.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application, which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application it deems the following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination:

1. Whether the aforesaid allegations contained in the application are true;

2. Whether, in the event the allegations of the Company are true, compliance with the provisions of sections 305 to 307 inclusive and 310 to 318 inclusive of the act would impose an undue burden on the Company, having due regard to the public interest and the interests of investors.

It appearing to the Commission that a public hearing upon said application is necessary and appropriate;

It is ordered, Pursuant to sections 304 (c) (2) and 320 of said act, that a public hearing on the aforesaid application be held on January 29, 1951, at 10 a. m., eastern standard time, in Room 101 of the Offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing, and any officer or officers to preside at any such hearing is hereby authorized to exercise all of the powers granted by the Commission under sections 320 and 321 (a) of said act and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to the Company, and to any other person or persons whose participation in such proceedings may be of public interest. Any person desiring to be heard or otherwise wishing to participate in such proceedings should file with the Secretary of the Commission, on or before January 26, 1951, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-726; Filed, Jan. 16, 1951; 8:47 a. m.]

[File No. 7-1274]

WASHINGTON GAS LIGHT CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of January A. D. 1951.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, no par value, of Washington Gas Light Company, a security listed and registered on the New York Stock Exchange and on the Washington Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 7, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-727; Filed, Jan. 16, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property, Department of Justice, 13 F. R. 9605, as amended, 14 F. R. 2654, 15 F. R. 2206, is hereby further amended by the amendment of paragraph 11 thereof to read as follows:

11. *Delegation to Chief, Foreign Funds Section, and others concerning blocked assets.* The Manager, New York Office, the Chief, Foreign Funds Section, the Assistant Chief, Foreign Funds Section, the Chief, Licensing Unit, Foreign Funds Section, the License Examiners, Foreign Funds Section, and the License Examiner, New York Office, are severally authorized to take action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses, with respect to the property over which jurisdiction has been transferred by Executive Order No. 9989.

Executed at Washington, D. C., this 11th day of January 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-805; Filed, Jan. 16, 1951; 9:04 a. m.]

[Vesting Order 16461]

GERMAN AND JAPANESE NATIONALS AND GOVERNMENTS

In re: Rights in motion pictures owned by German and Japanese Nationals and Governments.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the producers and owners of motion pictures described in subparagraph 2 hereof, who if individuals, are residents of, and, which if partnerships, associations, corporations, or other business organizations, are organized under the laws of, or have or since the effective date of Executive Order 8389, as amended, have had their places of business in,

Germany or Japan, are nationals of a designated enemy country (Germany or Japan).

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) All the motion pictures which were produced in Germany or Japan prior to January 1, 1947, and prints of which are stored in Vault Rooms 6, 8, 9, 10 and 18 to 27, inclusive, in the Motion Picture Vault Building No. C, Suitland, Maryland, or stored on Deck 4 of the Library of Congress Annex, Washington, D. C., including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the German Government, the Japanese Government, the persons referred to in subparagraph 1 hereof, and also of all other persons (including individuals, partnerships, associations, corporations, or other business organizations), who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such designated enemy countries, in, to and under the following:

(1) All prints in the United States of the motion pictures described in subparagraph 2 (a) (1) of this Vesting Order

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures described in subparagraph 2 (a) (1) of this Vesting Order

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, designated enemy countries (Germany and Japan) and/or the nationals thereof identified in subparagraphs 1 and 2 (b) hereof; and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, designated enemy countries (Germany and Japan) and/or the nationals thereof identified in subparagraphs 1 and 2 (b) hereof;

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany or Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-763; Filed, Jan. 16, 1951; 8:56 a. m.]

[Vesting Order 16532]

JOSEF L. MESSMER

In re: Rights of Josef L. Messmer under insurance contract. File No. F-28-24610-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef L. Messmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5 100 431 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Josef L. Messmer, together with the right to demand, receive and collect said net proceeds is property within the United States owned or controlled by, payable to or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-764; Filed, Jan. 16, 1951; 8:56 a. m.]

[Vesting Order 16536]

BERNARD MIURA

In re: Rights of Bernard Miura, also known as Bernard S. Miura, et al. under insurance contracts. Files No. F-39-5011-H-1, 2, 3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bernard Miura, also known as Bernard S. Miura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Miura, also known as Bernard S. Miura, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 52092326 and 52092327 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Bernard Miura, and by policy No. 47940378, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Bernard S. Miura, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bernard Miura, also known as Bernard S. Miura or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Miura, also known as Bernard S. Miura, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bernard Miura, also known as Bernard S. Miura, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-765; Filed, Jan. 16, 1951; 8:56 a. m.]

[Vesting Order 16538]

TOYOJI OHARA ET AL.

In re: Rights of Toyoji Ohara et al. under insurance contract. File No. D-39-18887-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toyoji Ohara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toyoji Ohara, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1256623, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toyoji Ohara, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Toyoji Ohara or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toyoji Ohara, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toyoji Ohara are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-766; Filed, Jan. 16, 1951; 8:56 a. m.]

[Vesting Order 16540]

BARBARA OLSEN

In re: Rights of domiciliary personal representatives et al. of Barbara Olsen, deceased, under insurance contracts. Files F-28-26822-H-1, H-2 and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Barbara Olsen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 74651139, 74651140 and 74651141 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Barbara Olsen, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Barbara Olsen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-767; Filed, Jan. 16, 1951; 8:57 a. m.]

[Vesting Order 16542]

YUTAKA AND MAKI OZAKI

In re: Rights of Yutaka Ozaki and Maki Ozaki under contract of insurance. File No. F-39-4698-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yutaka Ozaki and Maki Ozaki, whose last known address is Japan, are residents of Japan and na-

tionals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3037326 issued by John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Yutaka Ozaki, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yutaka Ozaki or Maki Ozaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-768; Filed, Jan. 16, 1951; 8:57 a. m.]

[Vesting Order 16550]

HULDA RONTE ET AL.

In re: Rights of Hulda Ronte et al. under pension plan. File No. F-28-3856.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hulda Ronte, Heinrich Ronte, Berta Mueller, Mrs. Ida Sophie Caroline Elise Pingel, nee Ronte, Dr. Heinz Ronte and Mrs. Margaret Hartmann, nee Ronte, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That that certain debt or other obligation arising by reason of the pension allowance to Rev. Gustav Heinrich Ronte pursuant to the pension plan of The Board of Pensions and Relief of the Evangelical and Reformed Church, 1505 Race Street, Philadelphia 2, Pennsylvania, for Board of Pension and Relief of The Evangelical Synod of North America, together with any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-769; Filed, Jan. 16, 1951; 8:57 a. m.]

[Vesting Order 16551]

KAZUO SASADA

In re: Rights of Kazuo Sasada under contract of insurance. File No. F-39-4836 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuo Sasada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 32 242 832, issued by the Metropolitan Life Insurance Company, New York, New York, to Kazuo Sasada, together with the rights to demand, receive and collect said net proceeds, is property within the United States owner or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-770; Filed, Jan. 16, 1951; 8:57 a. m.]

[Vesting Order 16552]

KIMIYO SASADA

In re: Rights of Kimiyo Sasada under contract of insurance. File No. F-39-4834-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiyo Sasada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 32242834 issued by the Metropolitan Life Insurance Company, New York, New York, to Kimiyo Sasada, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-771; Filed, Jan. 16, 1951; 8:57 a. m.]

[Vesting Order 16562]

SAKUSUKE TAKESAKI

In re: Rights of domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sakusuke Takesaki under insurance contract. File No. D-39-16956-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fumiko Takesaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Sakusuke Takesaki, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8662656, issued by the New York Life Insurance Company, New York, New York, to Sakusuke Takesaki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Sakusuke Takesaki, or Fumiko Takesaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees names unknown, of Sakusuke Takesaki, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-772; Filed, Jan. 16, 1951; 8:58 a. m.]

[Vesting Order 16563]

MRS. MIROKU TANAKA ET AL.

In re: Rights of Mrs. Miroku Tanaka et al. under contract of insurance. File No. F-39-6781-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Miroku Tanaka and Hidesaburo Tanaka, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Miroku Tanaka, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1070064, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Miroku Tanaka, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Miroku Tanaka, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Miroku Tanaka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Miroku Tanaka, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-773; Filed, Jan. 16, 1951; 8:58 a. m.]

[Vesting Order 16564]

MIGIWA TSUTSUMI

In re: Rights of Migiwa Tsutsumi under insurance contract. File No. F-39-4168 H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Migiwa Tsutsumi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9 292 641, issued by the New York Life Insurance Company, New York, New York, to Migiwa Tsutsumi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-774; Filed, Jan. 16, 1951; 8:58 a. m.]

[Vesting Order 16565]

LYDIA TUNKE

In re: Rights of Lydia Tunke under insurance contract. (File No. F-28-30132 H-1).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lydia Tunke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Lydia Tunke under a contract of insurance evidenced by Policy No. 7791418, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Lydia Tunke, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-775; Filed, Jan. 16, 1951; 8:58 a. m.]

[Vesting Order 16567]

TEISAKU AND KITO UYENAGA

In re: Rights of Teisaku Uyenaga and Kito Uyenaga under contract of insurance. File F-39-6372-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teisaku Uyenaga and Kito Uyenaga, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15254559 issued by the New York Life Insurance Company, New York, New York, to Teisaku Uyenaga, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Teisaku Uyenaga or Kito Uyenaga, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-776; Filed, Jan. 16, 1951; 8:59 a. m.]

[Vesting Order 16568]

NAHAJIRO AND KIKUYO WATANABE

In re: Rights of Nahajiro Watanabe and Kikuyo Watanabe under insurance contract. File No. F-39-2514-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nahajiro Watanabe and Kikuyo Watanabe, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2 066 357, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Nahajiro Watanabe, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on acount of, or owing to, or which is evidence of ownership or control by, Nahajiro Watanabe or Kikuyo Watanabe, the aforgsaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-777; Filed, Jan. 16, 1951; 8:59 a. m.]

[Vesting Order 16569]

MARGARET WIRSIG ET AL.

In re: Rights of Margaret Wirsig et al. under insurance contract. File No. F 28-31055 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Wirsig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Margaret Wirsig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 106976935, issued by the Metropolitan Life Insurance Company, New York, New York, to Margaret Wirsig, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Margaret Wirsig or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Margaret Wirsig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Margaret Wirsig, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-778; Filed, Jan. 16, 1951; 8:59 a. m.]

[Vesting Order 16570]

ERNSTINE WOLF

In re: Rights of Ernstine Wolf also known as Ernestine Wolf et al. under insurance contracts. Files No. F-28-24802-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernstine Wolf, also known as Ernestine Wolf, Mari Kuhn and Gottlieb Wolf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Ernstine Wolf, also known as Ernestine Wolf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policy No. 5030744, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ernstine Wolf and policy No. 56607196, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Ernestine Wolf, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernstine Wolf, also known as Ernestine Wolf or Mari Kuhn and Gottlieb Wolf, or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Ernstine Wolf, also known as Ernestine Wolf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Ernstine Wolf, also known as Ernestine Wolf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-779; Filed, Jan. 16, 1951; 8:59 a. m.]

[Vesting Order 16572]

KIUJI YAMAGAMI ET AL.

In re: Rights of Kiuji Yamagami et al. under contract of insurance. File No. F-39-4557-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiuji Yamagami and Suyekichi Yamagami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7630901 issued by the New York Life Insurance Company, New York, New York, to Kiuji Yamagami, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiuji Yamagami or Suyekichi Yamagami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-780; Filed, Jan. 16, 1951; 8:59 a. m.]

[Vesting Order 16577]

HERMANN ALEXANDER EDUARD BLEYMUELLER ET AL.

In re: Rights of Hermann Alexander Eduard Bleymueller et al. under a contract of insurance. File No. D-28-10902-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Alexander Eduard Bleymueller; Adelheid Susanne Toni, called Adda Bleymueller; Adda Ebeling, nee Gleitsmann; Hans-Wilhelm Gleitsmann, and Hans-Joachim Gleitsmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of

Lisette Marie Adelheid Bleymueller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. G. R. 7112, Certificate No. 8701, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Carl A. Bleymueller, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Lisette Marie Adelheid Bleymueller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-781; Filed, Jan. 16, 1951; 9:00 a. m.]

[Vesting Order 16583]

KATIE STEELE FUCHS ET AL.

In re: Rights of Katie Steele Fuchs et al. under insurance contracts. Files No. D-28-10948-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katie Steele Fuchs, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Archibald Steele, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 46571135 and 46610408, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Archibald Steele, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katie Steele Fuchs or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Archibald Steele, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Archibald Steele, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-782; Filed, Jan. 16, 1951; 9:00 a. m.]

[Vesting Order 16584]

UICHI GOTO ET AL.

In re: Rights of Uichi Goto et al. under insurance contract. File No. F-39-4393-H-1.

Under the authority at the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Uichi Goto and Sajiro Goto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 631 808, issued by the New York Life Insurance Company, New York, New York, to Uichi Goto, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Uichi Goto or Sajiro Goto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-783; Filed, Jan. 16, 1951; 9:00 a. m.]

[Vesting Order 16587]

TAKAKICHI HIROYAMA

In re: Rights of Takakichi Hiroyama under pension fund agreement. File No. F-29-429-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takakichi Hiroyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Takakichi Hiroyama under pension fund agreement, dated December 31, 1927, as continued by agreement dated December 27, 1937, as amended, by and between The Pacific Telephone and Telegraph Company and the Bankers Trust Company, as trustee, 16 Wall Street, New York, New York, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-784; Filed, Jan. 16, 1951; 9:00 a. m.]

[Vesting Order 16590]

SUZU AND KIKUJIRO IIJIMA

In re: Rights of Suzu Iijima and Kikujiro Iijima, under insurance contract. File F-39-4401-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Suzu Iijima and Kikujiro Iijima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 828 408, issued by the New York Life Insurance Company, New York, New York, to Suzu Iijima, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Suzu Iijima or Kikujiro Iijima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-785; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16591]

FANNY JODLBAUER ET AL.

In re: Rights of Fanny Jodlbauer et al. under insurance contract. File No. F-28-24708-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Jodlbauer and Petronilla Jodlbauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Fanny Jodlbauer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8052727, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Fanny Jodlbauer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Fanny Jodlbauer or Petronilla Jodlbauer, or the children, names unknown, of Fanny Jodlbauer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the children, names unknown, of Fanny Jodlbauer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-786; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16583]

CLARA AND GEORGE KAHLE

In re: Rights of Clara Kahle and George Kahle under insurance contract. File No. F-28-24707-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Kahle and George Kahle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3781219, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Clara Kahle and George Kahle, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-787; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16649]

MARTHA R. WILLIAMS

In re: Estate of Martha R. Williams, deceased. D–28–6005.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Ehlert, Emmy Rauh, and Erna Loeper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $11,727.72 and any accumulations thereon in the possession, custody, or control of Theresa Gallagher as trustee of the estates of Ludwig Ehlert, Emmy Rauh and Erna Loeper by appointment of the Probate Court of Hamilton County, Ohio, on December 16, 1942, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Theresa Gallagher, as trustee acting under the judicial supervision of the Probate Court of Hamilton County, Ohio;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–788; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16700]

RICHARD HELLMUTH RIEDE

In re: Bonds and bank account owned by Richard Hellmuth Riede. F–28–5842; A–1; E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Hellmuth Riede, whose last known address is Voelckerstrasse 41, Lahr 1, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All distributions paid or to be paid from liquidations of funds and property derived from the exchange of four (4) Southbury Realty Corporation, Class B Debenture bonds, each of $1,000 face value, registered in the name of Charles S. Hoff, 52 Vanderbilt Avenue, New York 17, New York, held by said Charles S. Hoff as agent for Richard Hellmuth Riede, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Richard Hellmuth Riede by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, arising out of a Checking Account, entitled R. Hellmuth Riede, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Richard Hellmuth Riede, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–789; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16719]

GERMANY

In re: Accounts owned by Germany. F–28–7391; E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a coupon deposit account entitled "City of Saarbrucken 6% Sinking Fund Gold Bonds due January 1, 1953", maintained at the office of the aforesaid bank, and any and all rights to demand, enforce and collect the same; and

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, N. Y., arising out of a bond redemption account entitled "City of Saarbrucken 7% Sinking Fund Gold Bonds due March 31, 1953", maintained at the office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–791; Filed, Jan. 16, 1951; 9:02 a. m.]

[Vesting Order 16718]

ECK'SCHE FAMILIENSTIFTUNG

In re: Debts owing to the beneficiaries of the Eck'sche Familienstiftung. F–28–31120.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the beneficiaries of the Eck'sche Familienstiftung, whose names are unknown and who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Swiss American Corporation, 30 Pine Street, New York, New York, in the amount of $2,338.50, as of June 2, 1949, presently held in a cash custodian account entitled "Credit Suisse, Zurich, General Ruling #6 Account", maintained with the aforesaid Corporation, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Swiss American Corporation, 30 Pine Street, New York, New York, in the amount of $117.70, as of June 2, 1949, presently held in a cash custodian account entitled "Credit Suisse, Zurich, Ordinary Blocked Account", maintained with the aforesaid Corporation, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the beneficiaries of the Eck'sche Familienstiftung, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the beneficiaries of the Eck'sche Familienstiftung are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–790; Filed, Jan. 16, 1951; 9:01 a. m.]

[Vesting Order 16726]

MRS. TOMO G. KAWANAMI

In re: Bond and bank account owned by Mrs. Tomo G. Kawanami. D–39–19305–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomo G. Kawanami, whose last known address is Kukuoka-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) United States Savings Bond, Series E, of $50.00 face value, bearing the number L 2949734 E, registered in the name of Mrs. Tomo G. Kawanami, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Tomo G. Kawanami, by the Bank of America, N. T. & S. A., arising out of a savings account numbered 6178, entitled Tomo G. Kawanami, maintained at the branch office of the aforesaid bank, located at Calexico, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–792; Filed, Jan. 16, 1951; 9:02 a. m.]

[Vesting Order 16730]

ERNST KOMROWSKI AND CO.

In re: Debt owing to Ernst Komrowski and Company. F–28–13785–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Komrowski and Company, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernst Komrowski and Company, by Goeth, Webb & Goeth, Attorneys-at-Law, 1715–21 Transit Tower, San Antonio 5, Texas, representing the proceeds of sale of nails, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ernst Komrowski and Company, the aforesaid national of a designated enemy company (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–793; Filed, Jan. 16, 1951; 9:02 a. m.]

[Vesting Order 16732]

SUMIO KUWAMURA

In re: Debt owing to Sumio Kuwamura. F–39–2459–C–1.

Under the authority of the Trading With the Enemy Act, is amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sumio Kuwamura, whose last known address is Kumage gun, Yamaguchi Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Sumio Kuwamura, by Saburo Kido, 258 East First Street, Los Angeles 12, California, representing the proceeds of sale of property owned by said Sumio Kuwamura, together with any and all accurals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-794; Filed, Jan. 16, 1951; 9:02 a. m.]

[Vesting Order 16735]

YOHANNES MATTUTAT

In re: Bank account owned by Yohannes Mattutat. F-28-23283-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yohannes Mattutat, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Yohannes Mattutat, by The National City Bank of New York, P. O. Box 5057, Cristobal, Canal Zone, arising out of a Savings Account, number 155, entitled Yohannes Mattutat, and any and all rights to demand, enforce and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-795; Filed, Jan. 16, 1951; 9:02 a. m.]

[Vesting Order 16739]

MAX PAETAU

In re: Debts owing to Max Paetau, also known as Max Paetau Guellec and as Max Paetau G. F-28-27928, F-28-17289-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Paetau, also known as Max Paetau Guellec and as Max Paetau G., on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Reethof-Fischmann Corporation, 51 Madison Avenue, New York 10, New York, arising from commissions for sales performed by Max Paetau & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Lone Star Flour Company, 408 East King Street, Sherman, Texas, carried on the books of the aforesaid company in the name of Max Paetau & Co., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Max Paetau, also known as Max Paetau Guellec and as Max Paetau G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-796; Filed, Jan. 16, 1951; 9:03 a. m.]

[Vesting Order 16740]

ERNESTINA MARIE PRANGE

In re: Bank account owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Ernestina Marie Prange, also known as Miss E. M. Prenge, deceased. F-28-23603-E-1/E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Ernestina Marie Prenge, also known as Miss E. M. Prenge, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Central Hanover Bank & Trust Company, 70 Broadway, New York, New York, arising out of a Deposit Account, entitled Grindlays Bank Ltd., 54 Parliament Street, London S. W. 1, England, maintained by the aforesaid bank and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, presently held in a Demand Account, entitled "National Provincial Bank Ltd. Overseas Branch, 1 Princes Street, London, E. C. 2, England General Ruling No. 6 Account", together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Ernestina Marie Prange, also known as Miss E. M. Prenge, deceased, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Ernestina Marie Prange, also known as Miss E. M. Prenge, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-797; Filed, Jan. 16, 1951; 9:03 a. m.]

[Vesting Order 16741]

CARLOS PROSL

In re: Bank account owned by Carlos Prosl. D-28-11141-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Prosl, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carlos Prosl by the Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a compound interest account number 743, entitled Carlos Prosl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consulation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-798; Filed, Jan. 16, 1951; 9:03 a. m.]

[Vesting Order 16743]

BRUNO SCHADE

In re: Adjusted Service Bonds and Adjusted Compensation Payment Check owned by the personal representatives, heirs, next of kin, legatees and distributees of Bruno Schade, also known as Friedrich Edmund Bruno Schade, deceased. F-28-176-A-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Bruno Schade, also known as Friedrich Edmund Bruno Schade, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Fourteen (14) Adjusted Service Bonds of the face value of Fifty dollars ($50) each, numbered 8,394,834 to 8,394,847, both inclusive, each dated June 15, 1936, payable to Bruno Schade and maturing June 1945, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in Custodian Account numbered F 86230 entitled Dresdner Bank, Dresden, Germany, and any and all rights thereunder and thereto, and

b. One (1) Adjusted Compensation Payment check numbered 202,575, Symbol number 99-282, dated June 15, 1936, for Fourteen dollars and sixty cents ($14.60) issued to Bruno Schade, presently in the custody of the Claims Division, General Accounting Office, Washington, D. C., and any and all rights in, to and under said check, including particularly the rights to possession and presentation for payment thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the persons identified in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Bruno Schader, also known as Friedrich Edmund Bruno Schade, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-799; Filed, Jan. 16, 1951; 9:03 a. m.]

[Vesting Order 16744]

MRS. FRIDA SCHIPPER

In re: Debt owing to personal representatives, heirs, next of kin, legatees and distributees of Mrs. Frida Schipper, also known as Mrs. Frida Shipper, deceased. F-28-8714-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Frida Schipper, also known as Mrs. Frida Shipper, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Frida Schipper by Bingham & Company, Inc., 96 Wall Street, New York, New York, representing the proceeds of sale of stock owned by Mrs. Frida Schipper and delivered by her to Bingham & Company, Inc., for sale, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Frida Schipper, also known as Mrs. Frida Shipper, deceased, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Frida Schipper, also known as Mrs. Frida Shipper, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-800; Filed, Jan. 16, 1951; 9:03 a. m.]

[Vesting Order 16750]

COUNT WOLFGANG VON SEHERR-THOSS

In re: Debts owing to Count Wolfgang von Seherr-Thoss. F-28-30888-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Count Wolfgang von Seherr-Thoss, who on or since December 11, 1941, and on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in the amount of $20,367.10 as of June, 1950, presently on deposit in the ordinary blocked account of Swiss Bank Corp., Zurich, Switzerland, maintained with the aforesaid corporation, to together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-801; Filed, Jan. 16, 1951; 9:04 a. m.]

[Vesting Order 16751]

MASAMI TSUBOTA

In re: Bank account owned by Masami Tsubota, also known as James M. Tsubota and as J. Masami Tsubota. F-39-6365-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masami Tsubota, also known as James M. Tsubota and as J. Masami Tsubota, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Masami Tsubota, also known as James M. Tsubota and as J. Masami Tsubota, by Citizens National Trust & Savings Bank of Riverside, Riverside, California, arising out of a savings account, account number 1397, entitled James M. Tsubota, maintained at the branch office of the aforesaid bank located at Arlington, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-802; Filed, Jan. 16, 1951; 9:04 a. m.]

[Vesting Order 16822]

MAGDALENA WULFF

In re: Estate of Magdalena Wulff, deceased. File No. F-28-2751.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Westphal and Christoph Westphal, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Magdalena Wulff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Magdalena Wulff, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Clerk of County Court, Hudson County, Jersey City, New Jersey, as depositary, acting under the judicial supervision of the County Court of Hudson County, Probate Division, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Magdalena Wulff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-803; Filed, Jan. 16, 1951; 9:04 a. m.]

[Vesting Order 16965]

FRED OBERACHER

In re: Estate of Fred Oberacher, also known as Frederick Oberacker, deceased. File No. D-28-10563; E. T. sec. 14964.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Joss, nee Oberacker; Lisa Schlenker, nee Oberacker; Christine Seitz, nee Oberacker; Adolf Oberacker; Friedrich Oberacker; Frieda Erndwein, nee Oberacker; Karl Oberacker; Wilhelm Oberacker and Friedericke Kiefer, nee Oberacker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Fred Oberacher, also known as Frederick Oberacker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Public Administrator of Los Angeles County, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-804; Filed, Jan. 16, 1951; 9:04 a. m.]

[Return Order 849]

ELLEN BIDDLE VON STACKELBERG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ellen Biddle von Stackelberg, Bedford Village, New York; Claim No. 5793; November 7, 1950 (15 F. R. 7496); $164,359.99 in the Treasury of the United States. Nine (9) United States of America Treasury Bonds of 1951-1955, 3 percent, dated September 15, 1931, due September 15, 1955, with March 15, 1951, and S. C. A., in custody of the Federal Reserve Bank of New York, New York, serial numbers and amounts indicated as follows:

Bond Nos.:	*Amount*
18005E	$5,000
4853C	1,000
4854D	1,000
189294D	1,000
214842B	1,000
133632B	100
133633C	100
141995E	100
21853C	50

All right, title, interest and claim of Ellen Biddle von Stackelberg in and to the trusts created under the will of Nicolas Biddle, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-806; Filed, Jan. 16, 1951; 9:05 a. m.]

[Return Order 852]

L. ZULEIKHA VON VIETINGHOFF

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

L. Zuleikha von Vietinghoff, New York, New York; Claims Nos. 4716 and 4717; October 12, 1950 (15 F. R. 6871); $134,748.36 in the Treasury of the United States.

Two hundred and fifty (250) shares of Carus Chemical Company, La Salle, Illinois, $100 par value capital stock registered in the name of the Alien Property Custodian, presently in the custody of the Federal Reserve Bank, New York, New York.

All right, title and interest of the Attorney General as successor to the Alien Property Custodian in and to property described as "investments in Germany" on the corporate balance sheet of the Midland Investment Company dated December 3, 1942 and assigned by the Midland Investment Company to the Alien Property Custodian by assignment dated December 29, 1943.

All right, title and interest of the Attorney General as successor to the Alien Property Custodian in and to all money due or to become due to the Midland Investment Company from Lena Zuleikha von Vietinghoff, carried on the corporate books of said company as the sum of $35,070.58. This obligation assigned to the Alien Property Custodian by the Midland Investment Company by assignment dated October 11, 1943.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-807; Filed, Jan. 16, 1951; 9:05 a. m.]

[Return Order 854]

JOHN VERDERBER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property.

John Verderber, Linz, Austria; Claim No. 44955; December 5, 1950 (15 F. R. 8611); $3,314.87 in the Treasury of the United States. All right, title and interest of any kind or character whatsoever of John Verderber in and to the Estate of Frank Verder-

ber, deceased, administered by the Treasurer of the City of New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-808; Filed, Jan. 16, 1951; 9:05 a. m.]

[Return Order 855]

GERARD LEHMANN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gerard Lehmann, Paris, France; Claim No. 41391; Louis Edouard Sallot, Bois-Colombes (Seine), France; Claim No. 41392; Jacques Levy, Paris, France; Claim No. 41393; Henry Francois Petot, Paris, France; Claim No. 41394; November 30, 1950 (15 F. R. 8210); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,278,660 (returnable to Gerard Lehmann), 2,132,130 (returnable to Louis Edouard Sallot), 2,236,645 (returnable to Jacques Levy) and 2,052,794 (returnable to Henry Francois Petot.)

This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 10, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-809; Filed, Jan. 16, 1951; 9:06 a. m.]

[Return Order 861]

GENEROSA A. RARAMA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Generosa A. Rarama, Sarrat, Ilocos Norte, Philippine Islands; Claim No. 27278; December 8, 1950 (15 F. R. 8728); United States Savings Bonds, Series E, issued in the name of Lazaro G. Alcon, payable upon his death to Generosa A. Rarama, having a total maturity value of $875, at present held by the Safekeeping Department, Federal Reserve Bank of New York, and described as follows:

Bond Nos.:	Amount
L11166195E	$50.00
L11166196E	50.00
L11166197E	50.00
L11166234E	50.00
L11166235E	50.00
L11166236E	50.00
L11166237E	50.00
Q32988898E	25.00
Q80610632E	25.00
Q111913073E	25.00
Q111942198E	25.00
Q115462569E	25.00
Q164541313E	25.00
Q176069512E	25.00
Q176095789E	25.00
Q176119699E	25.00
Q210739233E	25.00
Q176123863E	25.00
Q176142450E	25.00
Q176162188E	25.00
Q176172943E	25.00
Q302958082E	25.00
Q379832916E	25.00
Q379857615E	25.00
Q379881789E	25.00
Q458358337E	25.00
Q458378532E	25.00
Q509352359E	25.00

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-812; Filed, Jan. 16, 1951; 9:06 a. m.]

[Return Order 858]

JACQUES FRANCOIS GABRIEL CHOBERT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Jacques Francois Gabriel, Chobert, Saint Etienne, France; Claim No. 40676; November 28, 1950 (15 F. R. 8143); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,903,695; 1,916,605; 1,994,210; 2,011,472; 2,150,361; 2,153,073 and 2,216,385.

Property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 1,923,812.

Property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial Nos. 190,868, 286,712 and 286,713.

Property described in Vesting Order No. 3197 (9 F. R. 3101, March 22, 1944) relating to United States Letters Patent No. 2,146,461.

This return shall not be deemed to include the rights of any licensees under the above patents and patent applications.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-810; Filed, Jan. 16, 1951; 9:06 a. m.]

[Return Order 859]

EMILIE ORFI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Emilie Orfi, Arad, Rumania; Claim No. 87227; December 1, 1950 (15 F. R. 8231); $7,554.25 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-811; Filed, Jan. 16, 1951; 9:06 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 16 NUMBER 12

Washington, Thursday, January 18, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF DEFENSE MOBILIZATION

Effective upon publication in the FEDERAL REGISTER, a new § 6.158 is added as set out below:

§ 6.158 *Office of Defense Mobilization.*
(a) Not to exceed 25 positions.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-849; Filed, Jan. 17, 1951; 8:55 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.119]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following November 25, 1950, paragraph (a) is amended by the addition of the following posts:

Mayaguana Island, Bahamas.
Grand Bahama Island, Bahamas.
Eleuthera Island, Bahamas.
San Salvador, Bahamas.

2. Effective as of the beginning of the first pay period following December 23, 1950, paragraph (b) is amended by the addition of the following posts:

Madagascar, except Tananarive.
Philippines, all posts except Baguio, Cagayan, Cebu, Davao, Iloilo, Legaspi, Subic Bay, Tacloban, Tubabao (Guiuan), and Zamboanga.
Praha, Czechoslovakia.

3. Effective as of the beginning of the first pay period following December 23, 1950, paragraph (d) is amended by the deletion of the following post:

Praha, Czechoslovakia.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

JANUARY 12, 1951.

[F. R. Doc. 51-848; Filed, Jan. 17, 1951; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE AND MARGIN REQUIRED FOR SHORT SALES IN GENERAL ACCOUNTS

1. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the act in the light of increased inflationary pressures and the general credit situation.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

2. Effective January 17, 1951, § 220.8 (Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 25 percent of its current market value.

(Continued on p. 455)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Alte Leipziger Lebensversicherungs	488
Boss, Sophie	489
Dwars, G.	492
Edeleanu Gesellschaft m. b. H. and Texas Co. (2 documents)	483, 484
Geise, Rudolf K. H.	489
Hoffmann, Emil	485
Howard, Thomas A., et al	485
Imanishi, Tsuneo, et al	490
Kasai, Ine, et al	484
Kladen, Albert	487
Kuipers, D.	487
Lagemann, Charles (W), and Farmers' Loan and Trust Co.	488
Malck, Helene	489
Nakashima, Shikichi and Kiyoko	490
Nishimura, George Y.	484
Okamoto, Mitsuo	485
Rexroth, Catherine M. (Goldenstein) and Ludwig	490
Schuler, Anna	491
Shimamoto, Chuji, et al	491
Voss, Henry J., et al	491
Wangemann, Paul, and Radio Patents Corp.	487
Civil Aeronautics Administration	
Rules and regulations:	
Air traffic rules; danger area alterations	455
Federal aid to public agencies for development of public airports; project costs	455
Civil Aeronautics Board	
See also Civil Aeronautics Administration.	
Notices:	
Hearings, etc.:	
Accident at Chicago Midway Airport, Chicago, Ill.	476
Wisconsin Central Airlines, Inc.; Wisconsin Central certificate renewal case	476
Civil Service Commission	
Rules and regulations:	
Competitive service exceptions; Office of Defense Mobilization	453

FEDERAL REGISTER

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CONTENTS—Continued

Commerce Department — Page
See Civil Aeronautics Administration; National Production Authority.

Customs Bureau
Notices:
Tariff classification; fur felt berets as hats in chief value of animal fur — 476

Customs Bureau—Continued — Page
Rules and regulations:
Liquidation of duties; distilled spirits — 456

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co. (2 documents) — 476
City of Carrollton, Ky — 476
Hope Natural Gas Co — 476
Mississippi Power & Light Co — 477
Public Power and Water Corp — 477
Southwestern Power Administration — 477
Texas Gas Transmission Corp — 477

Federal Reserve System
Rules and regulations:
Credit by brokers, dealers and members of national securities exchanges; maximum loan value and margin required for short sales in general accounts — 453
Loans by banks for purpose of purchasing or carrying registered stocks; maximum loan value of stocks — 455

Home Loan Bank Board
Rules and regulations:
Federal savings and loan system; operations; withdrawals — 456

Housing and Home Finance Agency
See Home Loan Bank Board.

Indian Affairs Bureau
Delegation of authority (*see* Interior Department).

Interior Department
See also Land Management, Bureau of.
Notices:
Delegations of authority:
Acting Administrator of Southwestern Power Administration — 473
Bureau of Indian Affairs — 473

Internal Revenue Bureau
Rules and regulations:
Tax on transportation which begins and ends in U. S — 456

International Claims Commission
Payment on account of awards (*see* Treasury Department).

Interstate Commerce Commission
Notices:
Applications for relief:
Benzol to Brownsville and Strang, Tex — 478
Commodities, various, from South to southern and official territories — 478
Pipe, wrought iron, from Wilmington, Del — 478

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of — Page
Rules and regulations:
Color of title and riparian claims applicable to particular States; Michigan — 461

National Production Authority
Rules and regulations:
Construction — 459
Zinc, use — 458

Production and Marketing Administration
Proposed rule making:
Market agencies at Sioux City stock yards; notice of petition for modification of rates — 462
Milk handling in Springfield, Mo., area; decision — 463
Referendum — 472

Securities and Exchange Commission
Notices:
Hearings, etc.:
Andrews, F. M — 481
Cafferkey, Owen R — 480
Carraher, W. H — 480
Clay Investment Co — 479
Colley, J. F — 482
Embrey, L. B — 481
McKeel, John C — 482
Moor, Lee — 479
Nelson, Floyd S., & Co — 483
Northern Natural Gas Co. and Peoples Natural Gas Co — 478

Southwestern Power Administration
Delegation of authority to Acting Administrator (*see* Interior Department).

State Department
Rules and regulations:
Additional compensation in foreign areas; designation of differential posts — 453

Treasury Department
See also Customs Bureau; Internal Revenue Bureau.
Rules and regulations:
Payment on account of awards of International Claims Commission of U. S — 457

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 474
Proposed rule making:
Ginning of cotton, exemption as industry of seasonal nature; preliminary determination — 473

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 — 453
Chapter III:
Part 325 — 453

CODIFICATION GUIDE—Con.

Title 7 — Page
Chapter IX:
Part 921 (proposed) (2 documents) — 463, 472

Title 12
Chapter II:
Part 220 — 453
Part 221 — 455

Title 14
Chapter I:
Part 60 — 455
Chapter II:
Part 550 — 455

Title 19
Chapter I:
Part 16 — 456

Title 24
Chapter I:
Part 145 — 456

Title 26
Chapter I:
Part 143 — 456

Title 29
Chapter V:
Part 526 (proposed) — 473

Title 31
Chapter II:
Part 250 — 457

Title 32A
Chapter I:
Part 28 — 458
Part 71 — 459

Title 43
Chapter I:
Part 141 — 461

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities) shall be 75 percent of the current market value of each such security.

(Sec. 11, 38 Stat 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901 as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-927; Filed, Jan. 16, 1951; 4:20 p. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act in the light of increased inflationary pressures and the general credit situation.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

2. Effective January 17, 1951, § 221.4, (Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 25 percent of its current market value, as determined by any reasonable method.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-926; Filed, Jan. 16, 1951; 4:20 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 62]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

A Bethany Beach, Delaware, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BETHANY BEACH (Washington Chart).	Beginning at lat. 38°36′50″ N, long. 74°56′50″ W; southerly paralleling the shoreline at a distance of 3 nautical miles to lat. 38°23′05″ N, long. 74°56′35″ W; westerly following the arc of a circle with a radius of 20,000 yards centered at lat. 38°32′30″ N, long. 75°03′15″ W to lat. 38°22′40″ N, long. 75°01′35″ W, N to lat. 38°32′30″ N, long. 75°03′15″ W; NE to lat. 38°36′50″ N, long. 74°59′50″ W, point of beginning.	Unlimited..	Continuous...	1st Army Ground Forces.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 15, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-813; Filed, Jan. 17, 1951; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Rev. of May 10, 1949, Amdt. 13]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

1. Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* • • •

(c) *United States share of project costs.* • • •

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	60.97	Oklahoma	51.38
California	54.14	Oregon	56.05
Colorado	53.30	South Dakota	53.06
Idaho	55.48	Utah	61.89
Montana	53.51	Washington	51.78
Nevada	62.50	Wyoming	57.46
New Mexico	57.01		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity run-

way, lighting on runways designated as instrument landing runways.

2. By deleting § 550.4 (c) (2).

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup. 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-814; Filed, Jan. 17, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52644]

PART 16—LIQUIDATION OF DUTIES

DETERMINATION OF INTERNAL-REVENUE TAXES ON DISTILLED SPIRITS

The example in the first sentence of § 16.2 (b), Customs Regulations of 1943 (19 CFR 16.2 (b)), as to the disposition of fractions in determining internal-revenue taxes in connection with distilled spirits imported in barrels, kegs, or similar containers, is based on internal-revenue regulations which have been superseded by the Internal Revenue Gauging Manual of 1950. The said § 16.2 (b) is therefore amended to bring it into harmony with current requirements by changing the semicolon in the first sentence to a period and deleting the balance of the sentence.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 10, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-818; Filed, Jan. 17, 1951; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 3853]

PART 145—OPERATIONS

WITHDRAWALS

JANUARY 12, 1951.

Resolved that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (15 F. R. 8857), § 145.4 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.4), is hereby amended, effective February 17, 1951, to read as follows:

§ 145.4 *Withdrawals.* When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period of 30 days from the date of receipt of written request therefor, the association shall then number and file all withdrawal requests in the order received and shall proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided,* That when any such request is reached for payment, such association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further,* That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When a Federal association that has a Charter N is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the Association's receipts from holders of its savings accounts and from its borrowers.

(Sec. 5, 48 Stat. 132, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4891, 3 CFR 1947 Supp.; 61 Stat. 954; 12 U. S. C. and Sup.; 1464, 5 U. S. C. Sup., 133y-16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-855; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5826]

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

TAX ON TRANSPORTATION WHICH BEGINS AND ENDS IN UNITED STATES

In order to conform Regulations 113 (26 CFR Part 143), relating to the tax on the amount paid for the transportation of property, to the Revenue Act of 1950 (Pub. Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 143.10 the following:

SEC. 607. TRANSPORTATION WHICH BEGINS AND ENDS WITHIN THE UNITED STATES REVENUE ACT OF 1950 (PUBLIC LAW 814, 81ST CONGRESS, 2D SESSION), APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(b) *Transportation of property.* The first sentence of section 3475 (a) (relating to tax on transportation of property) is hereby amended to read as follows: "There shall be imposed upon the amount paid within or without the United States for the transportation of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton."

(c) *Effective date.* The amendments made by this section shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this act for transportation which begins on or after such first day.

PAR. 2. Section 143.11 is amended to read as follows:

§ 143.11 *Scope of tax.* Section 3475 (a) imposes a tax upon (a) amounts paid within the United States after December 1, 1942, for transportation, originating on or after such date, of property by rail, motor vehicle, water, or air from one point in the United States to another, and (b) amounts paid without the United States, on or after November 1, 1950, for transportation, originating on or after such date, of property by rail, motor vehicle, water, or air from one point in the United States to another. The tax applies only to amounts paid to a person engaged in the business of transporting property for hire.

PAR. 3. Section 143.13 (a), as amended by Treasury Decision 5354, approved April 1, 1944, is further amended as follows:

(A) By inserting in the second undesignated paragraph immediately following the word "within" the words "or without."

(B) By amending the fourth undesignated paragraph to read as follows:

With respect to amounts paid within the United States, the tax applies only to amounts paid after December 1, 1942, for transportation which originated on or after that date. No tax attaches to payments for transportation originating prior to the first moment of December 1, 1942. Payments made prior to December 2, 1942, are not taxable regardless of when the transportation occurs.

With respect to amounts paid without the United States, the tax applies to amounts paid on or after November 1, 1950, for transportation originating on or after that date.

(C) By inserting at the end thereof the following paragraph:

Where a payment covering the entire movement of property from a point without the United States to a point within the United States is made to the originating carrier or freight forwarder outside the United States and such carrier or freight forwarder pays an amount within the United States for that part of the transportation movement which takes place within the United States, a statement to the effect that the transportation within the United States is part of a transportation movement from without the United States and that payment covering the entire movement was made outside the United States shall be endorsed on the appropriate shipping papers. Such endorsement shall constitute authority to the carrier within the United States not to collect the tax.

PAR. 4. Section 143.30 is amended by striking from the first sentence the words "in the United States".

Because of the short period of time between September 23, 1950, the date of approval of the Revenue Act of 1950, and November 1, 1950, the date upon which, pursuant to such act, the amendment of section 3475 (a) becomes effective, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 12, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-853; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Dept. Circ. 881]

PART 250—PAYMENT ON ACCOUNT OF AWARDS OF THE INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES

GENERAL PROVISIONS

Sec.
250.1 Authority for regulations.
250.2 Forms.
250.3 Authentication.

EXECUTION OF VOUCHERS

Sec.
250.4 Voucher applications.
250.5 Method of signature.

PAYMENTS

250.6 Persons entitled to payment.
250.7 Manner of payment.

POWERS OF ATTORNEY

250.8 Powers of attorney.

ADDITIONAL EVIDENCE

250.9 Additional evidence.

AMENDMENT OF REGULATIONS

250.10 Reservation of power to revoke or amend.

AUTHORITY: §§ 250.1 to 250.10 issued under R. S. 161, sec. 7, Pub. Law 455, 81st Cong.; 5 U. S. C. 22.

GENERAL PROVISIONS

§ 250.1 *Authority for regulations.* The following regulations governing payment on account of awards of the International Claims Commission of the United States are issued under authority contained in section 161 of the Revised Statutes (5 U. S. C. 22) and section 7 (a) of the International Claims Settlement Act of 1949 (Public Law 455, 81st Congress, approved March 10, 1950 (64 Stat. 16; 22 U. S. C. 1626)).

§ 250.2 *Forms.* The forms referred to in this section should be used in connection with the payment of awards hereunder. Voucher applications and other necessary forms for all payments will be mailed to awardees by the Division of Investments, Bureau of Accounts, Treasury Department, without request therefor by awardees.

§ 250.3 *Authentication.* All copies of records and documents submitted in connection with the execution of voucher applications must be properly authenticated.

EXECUTION OF VOUCHERS

§ 250.4 *Voucher applications.* No payment of any part of the amount due on account of an award will be made unless a voucher application therefor properly executed (preferably in ink or indelible pencil) is received by the Treasury Department. A voucher application for each payment on account of an award must be executed by each person whose name appears on such voucher application as payee. Each such person must sign the voucher application and verify it by an affidavit sworn to before an officer authorized by law to administer oaths. If executed abroad the affidavit must be sworn to before a diplomatic or consular officer of the United States or, if such officer is not available, before any officer authorized by the laws of the foreign country to administer oaths, whose official character and jurisdiction must be certified by a United States diplomatic or consular officer. In the case of a corporation the voucher application must be signed by the appropriate officer or officers thereof having authority to do so, who must verify the voucher application by affidavit sworn to as above prescribed and the voucher application must also be accompanied by a duly executed certificate under the seal of the corporation certifying to the authority of such officer or officers to execute such voucher application and affidavit on behalf of the corporation. In the case of a legal representative, or of a receiver or trustee for a partnership or corporation, the existence of which has been terminated, the voucher application must be accompanied by a certified copy of the order or letters of his appointment and a certificate of the clerk of the appointing court dated within six months of the date of the execution of the voucher application that such appointment is still in full force and effect.

§ 250.5 *Method of signature.* The voucher application must be signed by each person exactly as his name appears as payee thereon. If any difference occurs between the name of the payee on the voucher application and the signature to the voucher application, appropriate evidence explaining the discrepancy must be furnished. Affidavits of two disinterested credible persons stating of their own knowledge that the person signing the voucher application is the person designated therein as payee and indicating the reasons for the discrepancy will ordinarily be sufficient. A signature by mark (X) must be witnessed by two persons in addition to the officer before whom the affidavit is executed and the signature and address of each such witness must appear on the voucher application and the affidavit.

PAYMENTS

§ 250.6 *Persons entitled to payment.* Payment will be made only to the person or persons on behalf of whom the award is made, except in the following circumstances:

(a) If such person is under a legal disability payment will be made to his legal representative.

(b) If such persons is deceased, payment will be made to the legal representative of his estate, except as provided in paragraph (c) of this section.

(c) If such person is deceased and the total award is not over $500 and no legal representative of his estate has been appointed, payment may be made to the person or persons found by the Comptroller General of the United States to be entitled thereto. In this circumstance the person or persons claiming payment should execute and submit General Accounting Office Form No. 1055 to the Division of Investments, Bureau of Accounts, Treasury Department, Washington 25, D. C.

(d) In the case of a partnership or corporation, the existence of which has been terminated, if a receiver or trustee has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment will be made to such receiver or trustee in accordance with the order of the court, or in the event a receiver or trustee duly appointed by a court of competent jurisdiction in the United States makes an assignment of the claim or any part thereof with respect to which an award

is made or makes an assignment of such award or any part thereof payment will be made to the assignee as his interest may appear. In the latter circumstance, certified copies of the court orders showing the authority of the receiver or trustee to make the assignment should be submitted with the assignment. No particular form of assignment is prescribed, but the original assignment must be submitted, and will be retained by the Treasury Department.

(e) In the case of a partnership or corporation, the existence of which has been terminated, if no receiver or trustee has been duly appointed by a court of competent jurisdiction in the United States or if such a receiver or trustee has been discharged prior to the date of payment without having made an assignment, payment may be made to the person or persons found by the Comptroller General of the United States to be entitled thereto. In this circumstance, the person or persons claiming payment should submit to the Division of Investments, Bureau of Accounts, Treasury Department, Washington 25, D. C., such documentary evidence as is appropriate to show his or their right to the payment.

(f) In the case of an assignment of an award or any part thereof which is made in writing and duly acknowledged and filed after such award is certified to the Secretary of the Treasury, payment may in the discretion of the Secretary of the Treasury be made to the assignee as his interest may appear. No particular form of assignment is prescribed, but the original assignment must be submitted, and will be retained by the Treasury Department.

§ 250.7 *Manner of payment.* Payment will be made by check drawn on the Treasurer of the United States. Checks will be mailed to the payee at the address indicated on the voucher application unless subsequent to the issue of the voucher application the Treasury Department receives a written request from the payee to deliver the check to him at some other address. Where the award has been entered in favor of more than one person, only one check will be drawn in making payment unless the payees specify the share of each and request separate checks.

POWERS OF ATTORNEY

§ 250.8 *Powers of attorney.* No power of attorney to sign a voucher application will be recognized but a power of attorney executed subsequent to the certification of an award to the Secretary of the Treasury to receive, endorse and collect a check given in payment on an award may be recognized. An appropriate form for such a power of attorney may be obtained from the Accounting Division, Office of the Treasurer, Treasury Department, Washington 25, D. C.

ADDITIONAL EVIDENCE

§ 250.9 *Additional evidence.* The Secretary of the Treasury or the Comptroller General of the United States may in any case require such additional information and evidence as may be deemed necessary.

AMENDMENT OF REGULATIONS

§ 250.10 *Reservation of power to revoke or amend.* The regulations in this part may be revoked or amended at any time.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

JANUARY 11, 1951.

[F. R. Doc. 51-854; Filed, Jan. 17, 1951; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-15, as Amended January 15, 1951]

PART 28—ZINC

SUBPART B—USE OF ZINC

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

This amendment affects NPA Order M-15, dated December 1, 1950, as follows:

It adds a new paragraph (e) to § 28.22 and amends paragraph (a) of § 28.23. As amended, this part is revised to read as follows:

Sec.
28.21 What this part does.
28.22 Definitions.
28.23 Zinc forms and products to which this part applies.
28.24 Application of part.
28.25 Use of zinc and zinc products.
28.26 Maintenance and repair.
28.27 Exemptions.
28.28 Inventories.
28.29 Application for adjustment or exception.
28.30 Records and reports.
28.31 Communications.
28.32 Violations.

AUTHORITY: §§ 28.21 to 28.32 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 28.21 *What this part does.* The purpose of this part is to describe how the zinc and zinc products remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that zinc and zinc products and articles made of zinc and zinc products, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this part that other materials which are not in short supply will be substituted for zinc and zinc products wherever possible.

§ 28.22 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(d) "Operating supplies" means any zinc or zinc product listed in § 28.23 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

"(e) 'Manufacture' means to put into process, machine, incorporate into products, assemble, fabricate or otherwise alter the forms and products of zinc defined in § 28.23 by physical or chemical means."

§ 28.23 *Zinc forms and products to which this part applies.* This part will apply to the following zinc forms and products:

"(a) 'Zinc' which means slab zinc which has been produced by electrolytic, electrothermic, or fire refining process, including zinc produced from scrap, dross, or other secondary material, and any alloy in which the percentage of zinc by weight is more than 50 percent."

(b) "Zinc products" which means zinc in the form of sheet, strip (ribbon), rod, wire, castings, plates and shapes either drawn or extruded.

§ 28.24 *Application of part.* Subject to the exemptions stated in § 28.27, this part applies to all persons who use zinc or zinc products in manufacture, processing or construction, or for maintenance, repair, or operating supplies.

§ 28.25 *Use of zinc and zinc products.* Subject to the exemptions stated in § 28.27, or unless specifically directed by the National Production Authority, no person shall use in manufacture, processing, construction, or for operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a total quantity by weight of zinc and zinc products in excess of 80 percent of his average quarterly use of such products during the base period: *Provided, however,* That his use of such items in any one month shall not exceed 40 percent of the permitted quarterly use.

§ 28.26 *Maintenance and repair.* Unless specifically authorized by the National Production Authority, during the calendar quarter period commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance and repair a quantity by weight of zinc and zinc products in excess of his average quarterly use for such purposes during the base period.

§ 28.27 *Exemptions.* (a) The use of zinc and zinc products to fill an order that is rated under the priorities system established by Part 11 of this chapter (NPA Reg. 2), or to meet any mandatory order of the National Production Authority, is permitted in addition to the use of zinc and zinc products authorized by the provisions of §§ 28.25 and 28.26.

(b) Zinc and zinc products acquired by a rated order or to meet a scheduled program of the National Production Authority may be used in addition to the quantities permitted by the provisions of §§ 28.25 and 28.26.

(c) The provisions of §§ 28.25 and 28.26 do not apply to persons who use less than 3,000 lbs. of zinc and zinc products during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of § 28.25 would be permitted to use less than 3,000 lbs. during any calendar quarter may use during such period a quantity up to 3,000 lbs.

(d) The provisions of §§ 28.25 and 28.26 do not apply to the use of zinc or zinc products: (1) To comply with safety regulations issued under governmental authority which require the use of such items; (2) in research laboratories where and to the extent that the physical or chemical material requirements make the use of any other material impracticable; or (3) in electroplating where it replaces cadmium.

§ 28.28 *Inventories.* In addition to the provisions of Part 10 of this chapter (NPA Reg. 1), relating to Inventory Control, it is considered that a more exact requirement applying to users of zinc or zinc products is necessary. No person obtaining zinc or zinc products for use in manufacture, processing or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of zinc or zinc products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this part during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in Part 10 of this chapter NPA Reg. 1), whichever is less. For the purpose of this section, zinc and zinc products listed in § 28.23 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to zinc and zinc products except as modified by this section.

§ 28.29 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 28.30 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 28.31 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-15.

§ 28.32 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority (or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part, as amended, shall take effect on January 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-900; Filed, Jan. 16, 1951; 12:50 p. m.]

[NPA Order M-4, as Amended January 13, 1951]

PART 71—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment constitutes, in effect, a completely new order; and rescinds all sections of NPA Order M-4 as amended November 15, 1950, and substitutes the following in lieu thereof:

Sec.
71.1 What this part does.
71.2 Policy of the National Production Authority.
71.3 Definitions.
71.4 Prohibited construction.
71.5 Exemptions.
71.6 Authorization for certain construction.
71.7 Multiple use of buildings, structures or projects.
71.8 Scope of this part.
71.9 Prohibited deliveries.
71.10 Defense against claims for damages.
71.11 Applications for adjustment or exception.
71.12 Communications.
71.13 Reports.
71.14 Violations.
71.15 List A—Prohibited construction.
71.16 List B—Construction where NPA authorization is required.

AUTHORITY: §§ 71.1 to 71.16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105.

§ 71.1 *What this part does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this part prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The part allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

§ 71.2 *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

§ 71.3 *Definitions.* For the purpose of this part:

(a) "Person" means any individual, corporation, partnership, association, or

any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(1) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for building materials, building equipment, labor and services used in the construction of the particular building, structure or project, by whomever spent; but does not include the installed cost of personal property.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure or project in sound working condition or to rehabilitate a building, structure or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

§ 71.4 *Prohibited construction.* (a) Except as permitted in § 71.5, or pursuant to an adjustment or exception granted under § 71.11, after midnight October 26, 1950, no person shall commence construction of any building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.15.

(1) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures or projects of the type prohibited by § 71.15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) After midnight, January 13, 1951, no person shall commence construction of any building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in § 71.6.)

Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this part at any time, pursuant to § 71.11, with respect to types of construction specified in § 71.16.

§ 71.5 *Exemptions.* The following construction in connection with the buildings, structures or projects to be used in connection with any of the purposes specified in § 71.15 and § 71.16 is exempted from this part:

(a) Maintenance and repair on any building, structure or project.

(b) Small jobs of new construction or in connection with any such building, structure or project including, but not limited to, alterations, additions, improvements and modernizations where the construction cost of all such work shall not exceed the sum of $5,000 for any consecutive twelve months' period.

(c) Reconstruction of any such building, structure or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

§ 71.6 *Authorization for certain construction.* (a) Any person desiring to erect a building, structure or project to be used for, or in connection with, any of the purposes specified, as set forth in § 71.16, may apply for a National Production Authority authorization to commence such construction. The application shall be in such form as may be prescribed by the National Production Authority.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in § 71.16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish, or to supplement, facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

§ 71.7 *Multiple use buildings, structures or projects.* Where a building, structure or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in § 71.15 or § 71.16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in § 71.5 (b).

§ 71.8 *Scope of this part.* This part shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

§ 71.9 *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this part.

§ 71.10 *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

§ 71.11 *Applications for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request would result in unreasonable hardship, or would not be in the interest of the national defense. All such requests should be addressed to the Regional Office of the Department of Commerce in the region of the site of the proposed construction.

§ 71.12 *Communications.* All communications concerning this part shall be addressed to the Regional Offices of the Department of Commerce, Ref: NPA, M-4.

§ 71.13 *Reports.* Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 71.14 *Violations.* Any person who wilfully violates any provisions of this part, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this part, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this part.

§ 71.15 *List A—Prohibited construction.* All buildings, structures or projects to be used for, or in connection with, any recreational, amusement or entertainment purpose, whether public or private (unless authorized pursuant to § 71.6), including, but not limited to:

Amphitheatre.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theatre, any kind (including drive-in theatre).
Yacht basin or marine railway primarily for the use of pleasure craft.

§ 71.16 *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part, as amended, shall take effect at midnight, January 13, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-899; Filed, Jan. 16, 1951; 12:50 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1783]

PART 141—COLOR-OF-TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

COLOR-OF-TITLE CLAIMS, MICHIGAN

The following text is added to Part 141:

§ 141.27 *Statutory authority; applications; reservation of coal and other minerals not required; reservation of fissionable materials required.* (a) The act of June 30, 1948 (62 Stat. 1171) directs the Secretary of the Interior to issue a patent to a tract or tracts of public land in Monroe County, Michigan, not exceeding in the aggregate 160 acres, upon payment for the land at the rate of $1.25 per acre, where within five years after the passage of the act it is shown to his satisfaction that the land has been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years prior to the approval of the act under claim or color-of-title, and where improvements have been placed on the land or some part thereof has been reduced to cultivation. The act provides that the term "citizen" as used therein shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

(b) Applications under the act of June 30, 1948, will be filed and processed in accordance with the regulations contained in Part 140 of this chapter under the color-of-title act of December 22, 1928 (45 Stat. 1069; 43 U. S. C. 1068, 1068a), so far as those regulations do not conflict with the provisions of the act of June 30, 1948.

(c) The act of June 30, 1948, unlike the color-of-title act of December 22, 1928, does not authorize the reservation to the United States of the coal and other mineral deposits in the land and no reservation of such deposits will be made.

(d) The provision contained in section 5 (b) (7) of the Atomic Energy Act of August 1, 1946 (60 Stat. 760; 42 U. S. C. 1805 (b) (7)) for the reservation of fissionable materials to the United States in patents for public lands issued after August 1, 1946, was made "subject to valid claims, rights, or privileges existing on August 1, 1946." As this act was passed prior to the enactment of the color of title act of June 30, 1948, a reservation of fissionable materials in accordance with § 102.43 of this chapter will be made in every patent issued under the act of June 30, 1948.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 12, 1951.

[F. R. Doc. 51-815; Filed, Jan. 17, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 308]

MARKET AGENCIES AT SIOUX CITY STOCK YARDS, SIOUX CITY, IOWA

NOTICE OF PETITION FOR MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), orders were issued on January 31, 1950 (9 A. D. 4), and May 3, 1950 (9 A. D. 572), authorizing respondents to assess the rates currently in effect.

On January 8, 1951, respondents filed a petition requesting authority to file a new tariff and put into effect the rates set out below:

SELLING AND RESELLING CHARGES

SECTION A

Cattle:	Per head
Consignments of 1 head and 1 head only	$1.30
Consignments of more than 1 head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	.95

The maximum charge on a consignment of cattle arriving by rail shall not exceed an amount equal to $32 mutiplied by the number of cars in which the consignment arrives at market.

Calves:	Per head
Consignments of 1 head and 1 head only	$0.75
Consignments of more than 1 head:	
First 5 head in each consignment	.60
Next 10 head in each consignment	.55
Each head over 15 in each consignment	.45

The maximum charge on a consignment of calves arriving by rail shall not exceed an amount equal to $32 multiplied by the number of single deck cars in which the consignment arrives plus $38 multiplied by the number of double deck cars in which the consignment arrives.

	Per head
Bulls, irrespective of manner of arrival	$1.75
T. B. reactors, Bangs reactors, cripples, suspects or subjects, or condemned	1.75

SECTION B

Hogs, irrespective of manner of arrival:	Per head
Consignments of 1 head and 1 head only	$0.55
Consignments of more than 1 head:	
First 10 head in each consignment	.39
Next 15 head in each consignment	.34
Each head over 25 in each consignment	.29
Boars, cripples or subjects	.75

SECTION C

Sheep:	Per head
Consignments of 1 head and 1 head only	$0.50
Consignments of more than 1 head:	
First 10 head in each 225 head in each consignment	.37
Next 20 head in each 225 head in each consignment	.30
Next 30 head in each 225 head in each consignment	.24
Next 40 head in each 225 head in each consignment	.15
Next 125 head in each 225 head in each consignment	.09

The maximum charge on any consignment of sheep arriving by rail shall not exceed an amount equal to $30 multiplied by the number of double deck cars in which the consignment arrives.

	Per head
Cripples or subjects	$0.65

SECTION D

Extra Service Selling Charges

In the case of those consignments where more than three drafts are necessary, 25 cents per draft in excess of three, maximum $3 on any one consignment, will be charged. (This provision does not apply to purchase orders.)

SECTION E

Buying Charges

The charges for buying any species of livestock shall be the same as the selling or reselling charges for that species, except that no charge shall be made on account of extra drafts. When, however, it is necessary for the agency to pick up the purchase order from more than three other agencies and/or dealers, a charge of $0.50 (50¢) shall be made for each market agency and/or dealer over three from whom the purchase order is picked up.

NOTE: The maximum charge on any purchase order of hogs shipped out by rail shall be $22 for each single deck car and $32 for each double deck car.

NOTE: For each 28,000 pounds or fraction thereof in each purchase order of hogs shipped out by truck, the maximum charge shall be $22 for the first 17,000 pounds, plus $0.29 (29¢) times the excess weight between 17,000 and 28,000 pounds divided by the average weight of the hogs in the purchase order, with a maximum of $32 for each 28,000 pounds.

Extra Service Buying Charges

When cattle bought from other firms by the purchaser himself are paid for, and/or picked up, and/or billed out, and/or any assistance is given relative to tuberculin or abortion tests, the regular buying commissions herein provided shall be charged.

When cattle consigned to a commission firm for sale are sold to a buyer who requests that his purchase be billed out, one-fourth the regular buying commission shall be charged to the buyer, except that there shall be no charge when the Sioux City Stock Yards Company will accept for forwarding orders out of pens into which delivery off scales is made. When any assistance is given relative to tuberculin or abortion tests, the regular buying commission herein provided shall be charged.

SECTION F

Other Service Charges

For delivery of cattle and/or calves to brand chutes for branding, dehorning, castration, vaccination, etc., the charge shall be five cents per head, with the minimum charge for any one lot of cattle and/or calves, $1. (This is in addition to the two service charges listed above.)

The Sioux City Livestock Exchange will make a charge against each firm for whom it makes collections of checks for livestock sales and purchases, based on the cost of such service prorated on a basis of the number of items handled, bills for such service to be rendered and paid monthly.

A check of the number of items will be made one month in four, and the result of that check will serve as a basis for the charge for the ensuing four months. The minimum charge per month for any firm will be twenty-five cents.

For computing, collecting and paying or remitting to the person entitled to receive the same, any truck or hauling charge for transporting livestock to or from the Sioux City Stock Yards, a charge of ten cents shall be made, this charge to cover all collections and remittances of such hauling charges as shall be made at one time covering deliveries of livestock on a single market day, by one truck carrier.

Charges for inspection shall be made, as hereinafter set out, to cover inspection of hogs for dockage when necessary, and inspection of hogs for injury or disease affecting their fitness for human food; inspection of cattle for injury or disease affecting their fitness for human food; inspection and examination of cripples or dead animals for marks of identification, and the weighing of dead animals and rendering reports thereon to the consignees, consignors, and U. S. Bureau of Animal Industry.

Hogs: A charge of 50 cents shall be made, to apply on the additional cost of inspection of hogs, whenever an appeal is taken from the shrinkage or dockage fixed by the Inspector in Charge at the scale to the Chief Inspector, said charge to be paid by the person or firm appealing.

A charge of $1.50 shall be made, to be paid by the person appealing, whenever an appeal shall be taken from the decision of the Chief Inspector to the Board of Arbitrators, said sum to be divided prorata between the arbitrators acting in the case, as their compensation for service.

A charge of 40 cents per carload shall be made to cover the cost of inspection of hogs for dockage when necessary, and inspection for injury or disease affecting their fitness for human food on all hogs arriving by rail. On hogs trucked or driven in, a charge of 2 cents per head up to 40 cents shall be made for any lot of hogs not exceeding 30 head. The same rate shall apply on the excess over 30 head.

Cattle: A charge of 40 cents per carload, regardless of number of animals in any car, shall be made on all cattle arriving by rail, to cover the cost of inspection of cattle sold for slaughter for disease or injury affecting their fitness for food. On cattle trucked or driven in, the charge shall be 2 cents per head up to 40 cents for each lot not exceeding 25 head, the same rate to apply on the excess over 25 head.

SECTION G

Fire Insurance

To cover the cost of premium on a policy of insurance against loss by fire, lightning and cyclones, tornado or windstorm, protecting the owners of live stock consigned to the Sioux City market against losses by fire, lightning and cyclone, tornado or windstorm, during the time said animals are within the confines of the Sioux City Stock Yards, the following charges shall be deducted by the participating agencies from the proceeds of sales:

Cattle and calves ten (10¢) cents per carload.

Hogs ten (10¢) cents per carload.

Sheep ten (10¢) cents per carload.

Truck cattle and calves one (1¢) cent for every two head or fraction thereof.

Truck hogs one (1¢) cent for every seven head or fraction thereof.

Truck sheep one (1¢) cent for every seven head or fraction thereof.

The charge not to exceed ten (10¢) cents up to thirty (30) head of cattle, or calves, one ownership.

Seventy-five (75) head of hogs, one ownership.

Three hundred (300) head of sheep, one ownership.

DEDUCTIONS MADE FOR ACCOUNT OF OTHERS

Brand Inspection

The participating Agencies may deduct from the proceeds of sales of branded cattle, as a brand inspection fee for inspecting cattle for brands such fees as are in accordance with the Tariffs now on file with the Packers and Stockyards Division by the various Associations, and in accordance with the agreements now in effect between the participating Agencies and these Associations. Said fees so collected shall be remitted in full by the participating Agencies to the various Associations with which agreements are in effect.

The rates petitioned for, if authorized, will provide additional revenue for the respondents. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 12th day of January 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-841; Filed, Jan. 17, 1951; 8:53 a. m.]

[7 CFR, Part 921]

[Docket No. AO-222]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Missouri, April 17-20, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER on March 30, 1950 (15 F. R. 1813, Doc. 50-2673).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on October 17, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 20, 1950 (15 F. R. 7017, Doc. 50-9291).

The material issues of record related to:

1. Whether the handling of milk produced for the Springfield, Missouri, fluid milk market is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products;
2. The need for regulation;
3. The extent of the marketing area;
4. What milk should be priced under the order;
5. The classification of milk;
6. The level of class prices to be paid and means of determining such prices;
7. The type of pool; and
8. Administrative provisions.

Rulings on exceptions. Within the period for filing exceptions to the recommended decision, exceptions were submitted on behalf of certain interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are made on the basis of the record of the hearing:

1. The handling of milk in the Springfield, Missouri, market is in the current of interstate commerce, and directly burdens, obstructs, or affects interstate commerce in milk and its products.

Springfield handlers are making regular distribution of milk for fluid use on routes operated from their plants to points in the State of Arkansas. Springfield is located in the southwestern portion of Missouri, approximately fifty miles north of the Arkansas State line. Two of the larger Springfield handlers operate routes to the cities of Harrison, Springdale, and Mountain House, Arkansas. The volume of such distribution is estimated as 15-20 percent of the total fluid milk sales of the market.

The milk supply for Springfield is produced in an area from which St. Louis handlers purchase milk under Federal Order No. 3 and there is active competition between Springfield handlers and St. Louis handlers for milk supplies. Shifting of producers between the Springfield fluid milk market and the St. Louis fluid milk market has occurred. A large cooperative association, now a handler under the St. Louis order, operates a plant in Springfield and markets considerable inspected milk for fluid use outside the State of Missouri. Milk from this plant and as well as from out of state sources was used during recent months to supplement the supplies received from regular producers by Springfield plants. Milk is regularly marketed on routes in the Springfield market from a plant at Lebanon, Missouri, which is a regular source of supply for St. Louis. Milk is also marketed from this plant to Texas cities.

There are 14 dairy manufacturing plants within the area from which Springfield draws its milk supply. These plants make large quantities of butter, cheese, evaporated milk, and nonfat dry milk solids, and sell a large percentage of such products outside the State of Missouri. Springfield inspected milk which is not used for fluid requirements is at times diverted into these plants for manufacture into products which move in interstate commerce.

2. Marketing conditions in the Springfield, Missouri, marketing area justify the issuance of a marketing agreement or order.

At present producers for the Springfield market are selling their milk to handlers at flat prices without regard to the use made of such milk by handlers. Such prices are usually negotiated between the Greene County Milk Producers Association, which represents a portion of the producers and the handlers. While the level of these flat prices appears to have been satisfactory in recent months, the flat price plan has resulted in inequalities in price between handlers which endanger the stability of the market.

For a number of years prior to 1942 the producer association sold milk on a classified price plan. This plan was replaced by flat prices when demands for milk from nearby army camps exceeded the production which the association had available during the period in which ceiling prices were in effect. Association efforts to restore the classified price plan in post war years have been ineffective. Unsuccessful attempts were made in 1947 and in the spring of 1949 to return to classified prices. Some handlers did not cooperate in applying the classified price plan, but instead continued to purchase their fluid needs at a flat price below the classified price for Class I milk. As a result, association members carried the burden of seasonal surpluses, and some handlers paid less than others for milk for fluid use. These classified price plans did not provide for audits of plant records to establish final classification of milk, despite inaccuracies in the reported utilization.

Producer numbers and producer deliveries of milk declined sharply during the post-war period, while St. Louis handlers purchasing milk in the same production area from which Springfield draws its supplies were adding producers rapidly. During 1949, after increases in flat prices were negotiated, there was some gain in the number of producers supplying Springfield, but supplies in the fall of 1949 were still inadequate to meet the market's needs and emergency supplies were obtained. At the same time, St. Louis handlers were acquiring additional producers in this area at a much more rapid rate at prices less than those nominally in effect for Springfield.

It is evident that the present marketing plan fails to provide sufficient stability of pricing to induce a sufficient number of producers to supply the market. In addition, no provision is made for distributing the burden of seasonal surpluses equitably among producers, or for equality of costs to handlers for milk for fluid use. An order is needed to assure producers of an effective price plan which will reflect the requirements of the market for milk and assure equity to producers and handlers.

3. The marketing area should be the area within the limits of the city of Springfield, Missouri.

Producers proposed that Greene County, Missouri, in which the city of Springfield is located, be defined as the marketing area. One handler proposed that Laclede and Webster Counties, Missouri be added.

At present all milk sold for fluid use in Greene County is Grade A milk inspected by the Springfield Health Department. Milk may be sold, however, in Greene County which is not approved for Springfield, and there is some question from the record as to whether the inspection authority for such milk is that of Greene County, Missouri, or of the

State of Missouri. Should this authority be the State of Missouri, the inclusion of all of Greene County in the defined marketing area might result in including in the Springfield pool milk inspected under State authority for markets quite distant from Springfield, and which would have slight relationship to the marketing area.

One handler proposed that the marketing area include additional territory. This handler, who supplies St. Louis and is now regulated under the order for that area, has his plant at Lebanon, Missouri, fifty miles from Springfield where he bottles the milk he sells in Springfield. This handler proposed that the marketing area also include the county in which his plant is located and another county between that county and Greene County. No evidence was given on the record, however, concerning marketing conditions in the additional territory other than a showing that the city of Lebanon has an ordinance with requirements somewhat similar to those of Springfield. There is no evidence in the record that the handling of milk is closely interrelated in these markets. Therefore, it is concluded that the marketing area should be confined to the city of Springfield, Missouri.

4. Milk to be priced under the order should be that produced under the inspection of health authorities of the marketing area for consumption as Grade A milk which is regularly delivered to a plant from which such milk is distributed on routes in the marketing area.

As indicated in the discussion with respect to the extent of the marketing area, the regular supply of milk for the marketing area is produced by farmers who are under the inspection of and who hold Grade A permits issued by the health authority of the city of Springfield.

In addition to the regular supply from locally inspected producers, short season supplies have been received by Springfield plants under emergency approval of the city health authority from sources approved by other health authorities. Among these sources is the Springfield plant of the Producers Creamery Company, which does not operate routes in the marketing area, but a portion of whose operations and the farms supplying it are approved under the Grade A standards of the State of Missouri. The Producers Creamery Company is a handler under the St. Louis order with respect to its operations at this plant and two other plants.

The milk which should be priced and pooled under the order should be that which constitutes the regular source of supply of the market. This regular source of supply may be delineated by setting out the definition of the following terms: "producer," "handler," and "approved plant."

"Producer" should be defined to include those persons, other than producer-handlers, who produce milk under a dairy farm permit or rating issued by the appropriate health authority of the marketing area for the production of milk intended for consumption as Grade A milk which is received at an approved plant directly from the farm on which produced. Producer-handler (those who distribute only milk of their own production) should not be included in this definition since such persons normally sell to handlers only that milk which is in excess of the needs of their own operations. Other terms of the order provide that producer-handlers will not share with other producers the proceeds of their Class I sales; hence they should not obtain a pro rata share of the Class I sales on any milk they may furnish to a handler. A producer regularly supplying the market should not lose his status as such during temporary periods when a handler diverts his milk from an approved plant for the handler's account. Even though they may meet all the requirements of the producer definition persons whose milk is priced under another Federal order are not included under this order, in order to prevent dual regulation of their prices. Special provisions are included with respect to milk priced under another Federal order.

"Approved plant" should be defined as a milk plant or portion thereof approved by an appropriate health authority for the handling of milk for consumption as Grade A milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores or vendors). The approved plant definition should exclude, however, plants which are not regularly engaged in supplying the market, but which furnish milk to handlers in the market during temporary periods of shortage. Inclusion of such plants would be beyond the intended scope of the order, and would involve pricing milk not primarily produced for the Springfield market.

"Handler," to whom the regulatory provisions of the order are applicable, should be defined as the operator of an approved plant in his capacity as such, and a cooperative association with respect to milk which it causes to be diverted from an approved plant to an unapproved plant for its account. It is the operators of approved plants, of course, who furnish the regular supply of milk to the market. At times of flush production, proprietary handlers do not always accept milk from all producers or arrange for diversion of milk. Producers whose milk is not accepted receive returns equal only to the manufacturing price for milk even though these producers may be needed to supply the market later in the year. It has been the practice of the Greene County Milk Producers Association to divert milk to manufacturing plants under such conditions, and the provision that a cooperative association may be a handler even though it does not operate a plant will make it possible for the Association to continue the practice, while at the same time maintain the diverted milk under the pricing and pooling requirements of the order. Producers whose milk is temporarily diverted will thus continue to receive the regulated market price for their milk and the marketing of surplus milk will be facilitated.

The Producers Creamery Company proposed that these definitions be modified so that its Springfield plant which operates no routes in the marketing area would be a "reserve pool plant," and that a portion of its receipts would be considered producer milk and be priced and pooled under the order. As a basis for such proposal, its representative testified that as a local producers' cooperative with ample supplies of Grade A milk, it felt an obligation to supply any deficit needs of the market, and that its producers should share in the market throughout the year on the basis of the amount of milk supplied during the short season. It proposed as a condition for such status that it be required to have no commitments for disposition of milk which would prevent it from supplying deficit needs as they appeared, and that the amount delivered to other handlers for Class I uses during the short season and the seasonal pattern of production of the market should determine the amount of its milk to be included for other months.

As indicated elsewhere in this decision, the inspected receipts of this plant are priced and pooled under the St. Louis order. No solution was offered to the administrative problem of attempting to price and pool this milk under two orders, of which one pools milk by handlers and the other would provide for a market-wide pool. Neither is it clear that the Springfield market will require a guaranteed reserve supply. It would be entirely possible for this cooperative association to supply the market without the special provisions. If received at its St. Louis regulated plant and transferred to Springfield handlers, such milk would be treated as other source milk. The cooperative can, however, have producers as needed secure Springfield permits and can supply Springfield handlers by moving the milk directly to their plants. As a cooperative, it can divert the milk of these producers to an unapproved plant it operates in Springfield when it is not needed by the local market and such producers will remain in the Springfield pool; further the cooperative association can collect payments for the milk furnished handlers and in accordance with the provisions of the Marketing Agreement Act blend the proceeds with those of its sales of milk in all other markets. Since the "reserve pool plant" proposal involves administrative problems for which there is now no apparent solution, and since the general objective may be obtained by other means, the proposal should not be included in the order.

Since the record indicates that one handler located at Lebanon, Missouri, distributes milk on routes in the marketing area from a plant at which he is subject to regulation under the St. Louis order, provision should be made to avoid the situation where such a person would be subject to regulation under two different orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the market in which such person has the greater portion of his sales, which in this case, would appear to be the St. Louis market. Such a person should not, however, be permitted to purchase milk for sale as Class I milk in the Springfield area at less than the price paid by other handlers in that area. Therefore, such a handler should be required to pay into the producer-settlement fund any amount by which the Springfield Class I price exceeds that charged him under another order for all Class I milk disposed of within the marketing area. Such a handler should also be required to report to the market administrator regularly so that the market administrator may ascertain the amount of milk disposed of within the area.

5. The order should provide for two classes of milk. Class I milk should include those products such as fluid milk, skim milk, buttermilk, cream, and milk drinks which are required to be made from inspected milk. It should also include all skim milk and butterfat not specifically accounted for as a Class II product. Class II milk should be that used primarily for manufactured products for which inspected milk is not required, the value of which, therefore, is not determined primarily by local supply-demand conditions which affect the supply of locally inspected milk. Included in Class II also is shrinkage up to 2 percent of receipts from producers, shrinkage on other source milk, and inventory changes of Class I products. The volume of milk to be accounted for in each class should be determined on the basis of the pounds of skim milk and butterfat in each class. All testimony on the record favored the classification system herein provided for.

Provision must also be made for the classification of milk when it is transferred or diverted in the form of milk, skim milk, or cream to other milk plants. The provisions included here provide for classification where such movements are to approved plants, to producer-handlers, and to unapproved plants. Transfers to the approved plants of other handlers may be in either class as agreed upon between the parties to the transactions, subject to the general requirement that producer milk shall have priority over other source milk for Class I use. Transfers to producer-handlers should be at Class I since such persons have primarily Class I operations, and ordinarily purchase from handlers only for Class I use. Transfers to unapproved plants within 125 miles of Springfield may be at Class II if both the buyer and seller so state in writing, the buyer maintains records of utilization which the market administrator may audit, and the buyer actually uses an equivalent amount of milk in Class II uses; otherwise, such transfers are Class I milk. Transfers to unapproved plants beyond 125 miles from Springfield are Class I. The record shows ample manufacturing facilities within the 125 mile limit to handle all surplus producer milk and no necessity was shown for Class II milk to move greater distances. Within this radius will be included the only plant any distance from Springfield to which any handler may find it convenient to move milk for Class II use.

In order to prevent other source milk from displacing milk of producers who constitute the regular source of supply of a plant, the proposal adopted allocates other source milk to the lowest use in an approved plant. This provision will apply to supplies temporarily approved for use in periods of shortage as well as any unapproved supplies, as other source milk includes all skim milk or butterfat other than that in producer milk. Such supplies are needed only after all producer milk is used in Class I milk.

6. The order should provide for a Class I price formula made up of three major components: (1) A basic formula price, (2) differentials over the basic formula price, and (3) an adjustment of the differentials to reflect changes in the ratio of receipts of milk from producers to sales of Class I milk—in other words, a supply-demand adjustment.

The basic formula provided for is the same as that contained in the order regulating the handling of milk in the St. Louis marketing area. This formula is the higher of: (1) Prices paid producers for milk delivered to 26 plants which manufacture such milk into evaporated milk, or (2) a price representative of the value of manufacturing milk derived from the market price for 92-score butter at Chicago and the average price of nonfat dry milk solids at a large number of plants in Wisconsin, Minnesota, Michigan, Illinois, and Indiana.

The use of a basic formula similar to that used in St. Louis for fixing Class I prices in Springfield is appropriate for two reasons. First, a basic formula of this type reflects the changing values of milk for manufacturing purposes produced in the same area from whence Springfield draws its supplies of milk. Most milk production in this area is disposed of in the form of dairy products. The prices of these products, therefore, are especially influential with respect to the prices which will be paid for milk for fluid consumption in Springfield. Second, St. Louis obtains a portion of its milk supplies from the same area from which Springfield draws its supplies. The variations in prices paid for milk for sale in St. Louis will, therefore, have an important effect upon the value of milk for sale in Springfield. The use in this order of a basic formula similar to that provided for in the St. Louis order will change prices for milk in Springfield in accordance with changes in the value of milk for sale in the St. Louis market.

The differential over the basic formula price for Class I milk under this order should be $1.08 per hundredweight for the months of July through December of each year, 83 cents for the months of January through March, and 63 cents per hundredweight for the months of April through June.

The level of the differentials applicable under the St. Louis order are important determinants of the levels of the differentials under this order for reasons similar to those which indicated that the basic formula price under this order should be the same as that effective under the St. Louis order. The differentials proposed herein are 27 cents below the differentials applicable to Class I milk f. o. b. the St. Louis marketing area. The competition which Springfield handlers must meet in obtaining supplies of milk are the paying prices of St. Louis handlers with plants located in the area from which Springfield draws its supplies. The paying prices of these handlers are based on a 27-cent adjustment for location from St. Louis. In the recommended decision of the Acting Assistant Administrator, Production and Marketing Administration, it was proposed that the differentials stated above should be increased by 10 cents to offset a payment of like amount by St. Louis handlers to producers cooling their milk with mechanical refrigeration, in view of the temperature requirements for delivery of milk under the Springfield ordinance. Exception was taken to this recommendation on the basis that such payments by St. Louis handlers were not disclosed by the record. While such payments were disclosed by the record (Ex 14 table 10) to have been made, the record is not conclusive as to whether they were currently made at the time of the hearing. Such payments were voluntary payments above the St. Louis order prices. In order that the pricing under the two orders may be more closely integrated, it is concluded in this decision that the differentials should be as stated above.

A further temporary increase of 15 cents per hundredweight over the St. Louis price is also necessary for all months other than the surplus months of April, May and June, in order to increase the supply of milk in this market to levels of adequacy. For some time Springfield milk dealers have been paying producers delivering to this market a price equal to the weighted average price of all milk at St. Louis. This price has been higher than the prices paid by St. Louis handlers at plants located in the Springfield supply area.

Despite the higher prices paid for milk by Springfield milk dealers, this market has been short of milk. In 1949 Class I sales exceeded receipts of approved milk from producers in 7 of the 12 months. In November of that year sales of Class I milk exceeded receipts from producers by 14 percent. During the last two years the St. Louis market has obtained large numbers of new producers from within the Springfield supply area. During the same period Springfield either lost producers or regained them very slowly. During the period November 1947 to November 1949 the number of producers in this area shipping to the St. Louis market increased from 54 to 372. During 1948 the number of Springfield producers actually decreased and in 1949 only 41 producers were added to the Springfield suppliers.

A supply-demand adjustment is proposed herein which, because of lack of information, will not come into play for about a year after the effective date of this order. It is estimated, however, that if the supply-demand adjustment could be made effective at this time, it would result in an increase of at least 18 cents per hundredweight in the differentials otherwise provided for. The temporary increase of 15 cents per hundredweight should be continued therefore only until such time as the supply-demand adjustment becomes effective.

The differentials provided for should be subject to adjustment for variation in the ratio of supplies of milk from approved producers to the sales of Class I milk. If the market is less than normally supplied, the differentials above the basic formula price should be increased in order to induce a greater supply of milk. Conversely, if the market is more than normally supplied, the differentials should be reduced. An adjustment similar to that provided for the St. Louis market is, therefore, contained in this order and it will automatically adjust the differentials on the basis of the ratio of supplies of milk to sales during each preceding year.

As a standard for an adequate market supply an annual volume of producer milk equal to 115 percent of Class I sales should be adopted. Experience under other orders which have classification and accounting features similar to those here proposed and in areas in which seasonality of production is comparable to that which may be expected in Springfield indicates that 115 percent of Class I sales is a reasonable standard for an adequate supply of milk on an annual basis. The adjustment will increase differentials for January through March by 1 cent per hundredweight and for July through December by 2 cents per hundredweight for each percentage point that the ratio of supplies of producer milk to sales of Class I milk falls below this standard for the most recent 12-month period for which data are available at the beginning of each such period; no increases are provided for April through June, which are normally months of high production for which supplies are adequate. The adjustment will decrease differentials for each of these series of months by 2 cents per hundredweight for each percentage point that the ratio of supplies to sales exceeds 115 percent for the most recent 12-month period for which data are available prior to the beginning of each such period.

Exception was taken to the inclusion of this supply-demand adjustment on the basis that it was not proposed or supported at the hearing. Pricing proposals at the hearing, however, were to relate Springfield prices to St. Louis prices, which are governed by a similar adjustment. It is concluded that the ratio of supplies to sales in the Springfield market is a more appropriate basis for indicating changes in the Springfield prices than is a similar ratio in St. Louis.

The Class II price should be the basic formula price except that for the months of April through July 1951 such price should be reduced by 15 cents per hundredweight. The basic formula price is the price at which St. Louis handlers who compete for Grade A milk supplies in this area are charged for their Class II milk. It is based on the paying prices of milk for manufacturing purposes, or the market values of manufactured dairy products.

It was proposed that Class II prices be established at the paying prices of five local manufacturing plants, on the basis that these plants represent outlets to which milk surplus to the needs of the market is at times diverted, since not all Springfield handlers have manufacturing facilities. During 1948 and 1949 the paying prices of these five plants have been less than the basic formula prices. Except for short period of flush production the volume of what will be Class II milk has not exceeded the reserves necessary to compensate for day to day variations in Class I sales. In such small amounts approved milk even though used for Class II products has a value in excess of that of unapproved manufacturing milk.

The use of the basic formula price as herein adopted, and the use of such price with a reduction of 20 cents for the months of April through July were also proposed. The record indicates that some adjustment for the months of flush production may be needed to insure that all producer milk will be handled during the flush production season, but is not conclusive on this point.

Since the individual utilization of the several handlers is not available from the record, it is concluded that a reduction of 15 cents per hundredweight of Class II milk should be made for the months of April through July of 1951 only, in order to insure that all producers milk will be received during the initial year of operation of the order.

The class prices determined for milk of 3.5 percent butterfat content should be adjusted by butterfat differentials to determine the value of milk of the actual butterfat content used by a handler in each class. The proponents of the order advocated that for both Class I and Class II milk this butterfat differential be established on the basis of 1.2 times the price of 92-score butter at Chicago, a value generally accepted in the area for the butterfat content of butter. Such a differential would fail to recognize any increased value for butterfat in the Class I products requiring inspected milk, and would allocate the entire difference in value between Class I milk and Class II milk to skim milk. It is concluded that there is increased value of butterfat in Class I milk and that a Class I butterfat differential based on 1.25 times the price of 92-score butter and a Class II butterfat differential based on 1.2 times the price of 92-score butter should be adopted. This is the same butterfat differential provided for in the St. Louis order and will tend to maintain prices between the two markets in appropriate relationship.

7. A market-wide pool should be adopted.

All producers should receive a uniform price without regard to the use made of their milk by the individual handler to whom it was delivered. A market-wide pool will accomplish this result. This type of pool will permit diversion of seasonal surpluses of milk to manufacturing uses as necessary and will require all producers to share the burden of such surpluses. There was no opposition to the proposal for a market-wide pool.

8. Certain other provisions should be adopted in order to carry out administratively the purposes of the regulation.

(a) *Administrative assessments.* Each handler should be required to pay to the market administrator, as his pro rata share of the costs of administration of the order 5 cents per hundredweight, or such amount not to exceed 5 cents per hundredweight, as the Secretary may from time to time prescribe, on receipts of (1) producer milk and (2) other source milk required to be reported.

The market administrator is required to verify the disposition of all milk received in order to properly determine the classification of producer milk. A charge on receipts of other source milk will appropriately apportion the expense among handlers.

In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 5 cents per hundredweight should be adopted to guarantee sufficient administrative income. This is in line with the provision of other milk orders of similar complexity regulating milk handling in markets of about the same size. In the event a lesser amount proves upon experience to be sufficient for proper administration, provisions should be made to enable the Secretary to revise the assessment accordingly within the 5-cent maximum without the necessity of amending the order. The act provides that such assessments shall be the means of financing the cost of administration.

(b) *Deductions for marketing services.* Provisions should be included for furnishing marketing services to producers who do not belong to a cooperative association which performs such services, and appropriate deductions should be made therefor. Such provisions are specifically authorized by the act and the proponents of the order proposed a rate of assessment 5 cents per hundredweight with respect to the milk of such producers to cover expenses in connection with the services to be rendered. The costs of performing such services will vary with the number of producers and the volume of milk. No testimony was offered to show the propriety of any other rate of assessment. In view of the anticipated volume of milk for which such services will be required, it is determined that the deductions for them from payments to producers should be at the rate of 5 cents per hundredweight of milk until such time as it can be determined from experience that a different rate will be appropriate. In the event any cooperative association of producers performs such services for its members, handlers will be required to pay to the cooperative association such deductions as are authorized by the members of the association.

(c) *Reports and records.* The order should require handlers to maintain adequate records and to make certain reports. Such reports and records are necessary for the purpose of determining proper classification and payment for the milk of producers.

Reports of utilization should be filed not later than the seventh day after the end of each delivery period to assure a uniform price announcement by the 12th day after the end of the delivery period.

(d) *Audits.* The order should provide for the auditing of each handler's reports and records as one means of assuring that handlers are complying with the terms of the order. It is necessary also that the handler provide whatever facilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

(e) *Payments to producers.* Although the uniform price is computed only once a month, provision should be made for payment to producers semi-monthly. Producers proposed an "advance" payment covering milk delivered during the first 15 days of the month to be made on or before the last day of the month. Producers customarily have been paid twice a month and this practice should be continued. Handlers offered no opposition to this plan of payment. The mid-month payment should be fixed at not less than the rate of the Class II price for the preceding month. The final payment for each month should be made on or before the 15th day after the end of such month. Dates for the filing of handler reports and for the computation and announcement of the uniform price have been adjusted in a manner which will permit handlers to make required payments both to producers and the producer-settlement fund within the respective dates prescribed. Thus, a reasonably adequate time is allowed handlers in which to make final payments to producers.

(f) *Other administrative provisions.* The other provisions of the order which are of a general administrative nature are found in all orders and are necessary for proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order. They also provide a plan for liquidation of the order in the event of its suspension or termination.

A "producer-handler" should be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler, by definition, is a person who does not buy milk from producers and is not responsible for the classification of any such milk. In these respects his situation is different from that of other handlers. On the other hand, such persons frequently change their status. It is necessary, therefore, for the market administrator to receive reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information.

The order should also provide for the retention of necessary records and the ultimate termination of obligations. The provisions with respect to these items are those which experience under other marketing orders has shown to be appropriate.

It was proposed that if a handler fails to make the required reports or payments, his name may be publicly announced by the market administrator, unless otherwise directed by the Secretary. It is concluded that this provision should be adopted since it will facilitate the enforcement of the terms of the order.

Determination of representative period. The month of October 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Springfield, Missouri, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area," and "Order Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached Marketing Agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 15th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area

Sec.
921.0 Findings and determinations.

DEFINITIONS

921.1 Act.
921.2 Secretary.
921.3 Department.
921.4 Person.
921.5 Delivery period.
921.6 Cooperative association.
921.7 Springfield, Missouri, marketing area.
921.8 Producer.
921.9 Handler.
921.10 Approved plant.
921.11 Unapproved plant.
921.12 Producer milk.
921.13 Other source milk.
921.14 Producer-handler.

MARKET ADMINISTRATOR

921.20 Designation.
921.21 Powers.
921.22 Duties.

REPORTS, RECORDS, AND FACILITIES

921.30 Reports of receipts and utilization.
921.31 Reports of payments to producers.
921.32 Reports of producer-handlers.
921.33 Records and facilities.
921.34 Retention of records.

CLASSIFICATION

921.40 Basis of classification.
921.41 Classes of utilization.
921.42 Shrinkage.
921.43 Responsibility of handlers and reclassification of milk.
921.44 Transfers.
921.45 Computation of skim milk and butterfat in each class.
921.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

921.50 Basic formula price.
921.51 Class prices.
921.52 Butterfat differentials to handlers.

APPLICATION OF PROVISIONS

921.60 Producer-handlers.
921.61 Interhandler transfers.
921.62 Milk priced under other Federal orders.

DETERMINATION OF UNIFORM PRICE

921.70 Computation of value of milk.
921.71 Computation of uniform price.

PAYMENTS

921.80 Time and method of payment.
921.81 Producer butterfat differential.
921.82 Producer-settlement fund.
921.83 Payments to the producer-settlement fund.
921.84 Payments out of the producer-settlement fund.
921.85 Adjustment of accounts.
921.86 Marketing services.
921.87 Expense of administration.
921.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

921.90 Effective time.
921.91 Suspension or termination.
921.92 Continuing power and duty of the market administrator.
921.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

921.100 Agents.
921.101 Separability of provisions.

AUTHORITY: §§ 921.0 to 921.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 921.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held April 17–20, 1950, at Springfield,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Missouri, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this part, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (i) producer milk (including such handler's own production) received during the month and (ii) other source milk required to be reported during the month.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 921.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Delivery period.* "Delivery period" means a calendar month during which this order or any amendment thereto is in effect.

§ 921.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.7 *Springfield, Missouri, marketing area.* "Springfield, Missouri, marketing area," hereinafter called the marketing area, means all of the territory within the limits of the city of Springfield, Missouri.

§ 921.8 *Producer.* "Producer" means any person other than a producer-handler who produces milk under a dairy farm permit or rating issued by the appropriate health authority of the City of Springfield, Missouri, for the production of milk intended for consumption as Grade A milk in the marketing area, which milk is received at an approved plant directly from the farm at which produced, or is caused to be diverted by a handler from an approved plant to an unapproved plant. Milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person defined as a producer under another Federal milk marketing order with respect to milk produced by him which is received at a plant operated by a handler who is subject to regulation with respect to such milk under such other order and who is partially exempt from the provisions of this order pursuant to § 921.62.

§ 921.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted from an approved plant to an unapproved plant by such cooperative association for its account.

§ 921.10 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is approved by the appropriate health authority of the City of Springfield, Missouri, for the handling of milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors.)

§ 921.11 *Unapproved plant.* "Unapproved plant" means any milk processing, distributing, or manufacturing plant which is not an approved plant.

§ 921.12 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received by a handler either directly from such producers or from other handlers.

§ 921.13 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 921.14 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 921.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Cause to be paid out of the funds provided by § 921.87 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.86) necessarily incurred by him in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments of each handler by inspection of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices and butterfat differentials determined for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the prices and butterfat differentials for each class of milk computed pursuant to §§ 921.51 and 921.52; and

(2) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 921.71 and the butterfat differential computed pursuant to § 921.82; and

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 921.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved plants within such delivery period.

(1) Of milk from producers (including his own farm production),

(2) From other handlers, and

(3) Of other source milk (except nonfluid Class II products disposed of in the form in which received without further processing or packaging by the handler),

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk on routes wholly outside of the marketing area;

(c) The name and address of each producer from whom milk was received for the first time, and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof,

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator

at such time and in such manner as the market administrator may prescribe.

§ 921.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, and such facilities, as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each delivery period.

§ 921.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the delivery period by a handler at his approved plant(s) which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and products required by the health authority of the City of Springfield, Missouri, to be made from approved butterfat and skim milk; and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 921.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the delivery period within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located 125 miles or more by shortest highway distance, as determined by the market administrator, from the City Hall in Springfield, Missouri;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 125 miles from the City Hall in Springfield, Missouri, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the seventh day after the end of the delivery period within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 921.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler, and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk, for such handler.

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 921.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other handlers according to its classification pursuant to § 921.44 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetic average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the differentials set forth in § 921.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts: $1.08 for the delivery periods of July through December; 83 cents for the delivery periods of January through March; and 63 cents for the delivery periods of April through June: *Provided,* That if, after this order shall have been effective for 12 months, during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 115 percent of the total Class I milk disposed of by all handlers (other than producer-handlers, and those partially exempt from this part pursuant to § 921.62) during such 12 months period the following adjustments shall be made to the price for Class I milk for the respective groups of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of class 1 milk is	
	Below 115 percent (add)	Above 115 percent (subtract)
	Cents	*Cents*
January through March	1	2
April through June	0	2
July through December	2	2

And provided further, That for all delivery periods other than April, May and June from the effective date of this part until the date at which any adjustment, if required, could be effective under the proviso immediately preceding, the Class I price shall be increased 15 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price, except that for the delivery periods of April, May, June and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 921.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply by 1.25:
(b) *Class II milk.* Multiply by 1.20.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.52, 921.61, 921.70 and 921.71, 921.80 through 921.88, shall not apply to a producer-handler.

§ 921.61 *Interhandler transfers.* Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered as having been received by the handler who caused the milk to be diverted; milk received at an approved plant for more than 15 days during any delivery period shall be considered to have been received by the handler who operates such approved plant.

§ 921.62 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a handler who is subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be the sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 by the applicable class prices.

§ 921.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 921.70 of all handlers who made the reports prescribed in § 921.30 and who made the payments prescribed in §§ 921.80 through 921.83 for the previous delivery period;

(b) Add the unobligated balance in the producer-settlement fund;

(c) Subtract, if the weighted average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 921.81, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat differential computed pursuant to § 921.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.88 and (3) deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 921.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the 28th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period.

(c) On or before the 13th day after the end of each delivery period, and on or before the 26th day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.86 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

In making payment to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments pursuant to § 921.80 (a) each handler shall add to or subtract from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 921.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 921.83 and 921.62 (b), and all appropriate payments pursuant to § 921.85 and out of which he shall make all payments to handlers pursuant to § 921.84 and appropriate payments pursuant to § 921.85: *Provided,* That payment due to any handler shall be offset by payments due from such handler.

§ 921.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential.

§ 921.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to §921.70 is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 921.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books,

records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 921.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such delivery period, pay over such deductions to the cooperative association rendering such services.

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production) and other source milk required to be reported.

§ 921.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisons of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this part, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof there are any obligations arising under this part the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 921.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 921.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 51-843; Filed, Jan. 17, 1951; 8:54 a. m.]

[7 CFR, Part 921]

[Docket No. AO-222]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Springfield, Missouri, marketing area), who, during the month of October 1950, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of such order, which is filed simultaneously herewith.[1]

[1] See F. R. Doc. 51-843, *supra*.

The month of October 1950 is hereby determined to be the representative period for the conduct of such referendum.

Wendell M. Costello is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

Done at Washington, D. C., this 15th day of January 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-842; Filed, Jan. 17, 1951; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

EXEMPTION OF GINNING OF COTTON AS AN INDUSTRY OF SEASONAL NATURE

PRELIMINARY DETERMINATION

An application has been filed by the Texas Cotton Ginners Association for a determination that the industry engaged in the ginning of cotton constitutes an industry of a seasonal nature, under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (Sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

It appears from the foregoing application that:

1. Cotton is harvested and sent to gins during the fall months.

2. Cotton must be ginned within a relatively short period after harvesting in order to prevent deterioration and to protect the maximum value of the cotton. Most gins are active for only about four months out of the year and 80 to 90 per cent of their cotton is ginned in less than three months.

3. Cotton gins engage in the ginning and baling of cotton during a regularly annually recurring period of the year and cease operations except for maintenance, repair, clerical and sales work during the remainder of the year, because the material processed, owing to climatic or other natural conditions, is not available in the form in which it is processed.

Accordingly, upon consideration of the facts stated in said application, the Administrator hereby determines, pursuant to § 526.5 (b) (2), that a prima facie case has been shown for finding that the industry engaged in cotton ginning constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a).

For purposes of this determination, the term "industry engaged in cotton ginning" includes the following operations, when performed during the period or periods when cotton is being received for ginning: The receiving of seed cotton at the gin, the handling, cleaning, ginning and baling of the cotton, the handling of the baled cotton and cottonseed, and any operations or services necessary or incident to the foregoing, including the placing of the cotton and cottonseed in storage or transportation facilities on or near the premises.

If no objections and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator pursuant to § 526.5 (b) (2), will make a finding upon the prima facie case. Objections and request for hearing from any interested person should be submitted in writing to the Wage and Hour Division, Department of Labor Building, 14th Street and Constitution Avenue, NW., Washington 25, D. C. The application for exemption may be examined in Room 5422 at this address.

Signed at Washington, D. C., this 15th day of January 1951.

WM. R. MCCOMB, *Administrator, Wage and Hour Division.*

[F. R. Doc. 51-878; Filed, Jan. 17, 1951; 9:02 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2498, Amdt. 1]

SOUTHWESTERN POWER ADMINISTRATION

DELEGATION OF AUTHORITY TO ACTING ADMINISTRATOR

Paragraph (f) of section 2 of Order No. 2498 is amended to read as follows:

SEC. 2. *Acting Administrator.* • • •

(f) The Executive Assistant, Southwestern Power Administration, shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, the Chief of the Division of Operations, the Chief of the Division of Engineering, the Chief Counsel, and the Controller.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

JANUARY 12, 1951.

[F. R. Doc. 51-816; Filed, Jan. 17, 1951; 8:45 a. m.]

[Order No. 2508, Amdt. 1]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

1. The following is added to section 10, *Health and welfare matters:*

(g) The negotiation and execution of contracts with states or territories, or political subdivisions thereof, or with any other appropriate state agency or institution, for agricultural assistance, authorized by the act of June 4, 1936 (49 Stat. 1458; 25 U. S. C. secs. 452-454).

2. The following are added to section 11, *Funds and fiscal matters:*

(l) The investment of restricted trust funds of individual Indians, and of group investment of funds held in the accounts of Indian Bureau Special Disbursing Agents, for individual Indians, Indian Associations and Indian Tribes in any public debt of the United States and in bonds, notes, or other obligations which are unconditionally guaranteed as to both principal and interest by the United States, as provided for by the act of June 24, 1938 (52 Stat. 1037), and the investment of funds of Osage Indians as provided by section 4 of the act of March 3, 1921 (41 Stat. 1250) and section 1 of the act of February 27, 1925 (43 Stat. 1008-1009).

(m) The approval of expenditures or advances of tribal funds to the respective tribes for the purposes set forth and as prescribed in the acts of June 7, 1944 (58 Stat. 271); June 20, 1936 (49 Stat. 1543); June 24, 1946 (60 Stat. 302); sec. 3, May 19, 1947 (61 Stat. 102); sec. 7, April 19, 1950 (Pub. Law 474, 81st Cong., 2d Sess.); including supplements or amendments thereto, and under all other acts which may authorize the expenditure or advance of tribal funds to tribes for like purposes.

3. Section 12, *Education,* (a) is amended to read as follows:

(a) The negotiation and execution of contracts with any State or territory, or political subdivisions thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, as authorized by the act of June 4, 1936 (25 U. S. C. sec. 452-454).

4. Section 13 (a), *Lands and minerals,* is amended to read as follows:

(a) The approval of leases for oil, gas and other mining purposes covering restricted tribal and allotted Indian lands pursuant to provisions of 25 CFR Parts 183, 186, 189, 195 and 201. The authority conferred by this paragraph extends to and includes the approval of, or other appropriate administrative action required on, all assignments of mineral leases now or hereafter in force on restricted tribal and allotted Indian lands, bonds and other instruments required in connection with such leases or assignments thereof, unit and communitization agreements, well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the act of August 4, 1947 (61 Stat. 731), the acceptance of voluntary surrender of such leases by the

lessees, cancellation of leases for violation of terms thereof, and approval of agreements for settlement of claims for damages to Indian lands resulting from oil and gas or other mineral operations.

5. Section 14 (a), *Oil leases; Osage Indian Agency,* is amended to read as follows:

(a) Approve oil leases made by the Osage Tribal Council only after the approval by the Commissioner of Indian Affairs of the schedule of bids covering the particular sale, and resolutions of the Council extending the prescribed periods for drilling of oil wells within the terms of oil leases.

6. The following is added to section 15, *Irrigation matters:*

(d) The approval of the annual and any supplemental apportionment of water each year for the irrigable lands of the San Carlos Indian Irrigation Project, Arizona.

7. Section 25, *Subdelegation,* is amended to read as follows:

SEC. 25 *Subdelegation.* The authority conferred upon the Commissioner in this order may be subdelegated by him to the Associate Commissioner, Assistant Commissioners, Executive Officer, Chief Counsel, Associate Chief Counsel, Assistant Chief Counsel, Branch Chiefs, Area Directors, Superintendents of detached field offices and of agencies, and such other officers of the Bureau of Indian Affairs as are designated by him. The Commissioner may also subdelegate to such officials the authority conferred upon him by the general regulations appearing in 25 CFR, insofar as such authority relates to action in individual cases. Appeal from an action taken by the Superintendent or other officer of an agency pursuant to a subdelegation of authority under this section shall be taken to the Area Director and thence to the Commissioner. Appeal from an action taken by any other officer of the Bureau of Indian Affairs pursuant to a subdelegation of authority under this section shall be taken to the Commissioner. Appeals from the Commissioner shall be taken to the Secretary of the Interior.

(5 U. S. C. sec. 22; 25 U. S. C. secs. 1a, 2, 2a; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174).

8. Sections 20, 21 and 22 of the order of January 11, 1949, 14 F. R. 258-260, are hereby repealed.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 11, 1951.

[F. R. Doc. 51-817; Filed, Jan. 17, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

C. A. Baltz & Sons, Inc., Kingston, N. Y., effective 1-8-51 to 1-7-52; 10 learners, normal labor turnover (pajamas).

Barmon Bros. Co., Inc., 937 Broadway, Buffalo 12, N. Y., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (wash dresses).

Julius Berger & Co., 34 Oliver Street, Newark 5, N. J., effective 1-5-51 to 1-4-52; seven learners, normal labor turnover (sacques, wrappers and bathrobes).

The Cata Garment Co., 1128 Third Street, Catasauqua, Pa., effective 1-5-51 to 1-4-52; five learners, normal labor turnover (ladies' and children's undergarments).

Charis Corporation, 730 Linden Street, Allentown, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (foundation garments).

Charming Lady Cottons, Inc., 1727 Broad Street, South Greensburg, Pa., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (women's cotton dresses).

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa., effective 1-3-51 to 1-2-52; 10 percent normal labor turnover (men's dress and sport shirts; army shirts).

Cumberland Undergarment Co., Inc., Cumberland, Md., effective 1-4-51 to 1-3-52; 10 percent normal labor turnover (ladies' undergarments).

Cutler & Cutler, 728 Cherry St., Philadelphia, Pa., effective 1-4-51 to 1-3-52; five learners on children's snow suits only, normal labor turnover (children's snow suits).

D & I Shirt Co., Inc., 89 Wallace Street, New Haven, Conn., effective 1-4-51 to 1-3-52; 10 percent or 10 learners, for normal labor turnover, whichever is greater (shirts).

Daut Mfg. Co., Red Hill, Pa., effective 1-8-51 to 1-7-52; 10 percent or 10 learners, for normal labor turnover, whichever is greater (children's dresses).

Davis Sportswear, Inc., 100 Canal Boulevard, Trenton, N. J., effective 1-8-51 to 1-7-52; 10 learners, normal labor turnover (men's and women's sportswear).

Dunhill Shirt Co., Glasgow, Mo., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (men's shirts).

Dunhill Shirt Co., Holden, Mo., effective 1-8-51 to 1-7-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (shirts).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 1-4-51 to 7-3-51; 25 learners for expansion purposes only (corsets and brassieres).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 1-4-51 to 1-3-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (corsets and brassieres).

Fairway Mfg. Co., 21 West Nicholai Street, Hicksville, N. Y., effective 1-4-51 to 1-3-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (blouses).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md., effective 1-3-51 to 1-2-52; 10 learners, normal labor turnover (cotton work clothing).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa., effective 1-3-51 to 1-2-52; 10 percent normal labor turnover (trousers).

Stanley M. Feil Co., 2073 E. Fourth St., Cleveland, Ohio, effective 1-4-51 to 1-3-52; 10 learners, normal labor turnover (ladies' cotton housedresses).

M. Fine & Sons Manufacturing Co., Inc., Fifteenth and Main Streets, New Albany, Ind., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (cotton work shirts and jackets).

M. Fine & Sons Manufacturing Co., Inc., Ninth and Spring Streets, Jeffersonville, Ind., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (cotton work trousers).

Franklin Dress Co., 37 East Clinton Street, Newton, N. J., effective 1-8-51 to 1-7-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (dresses).

Franklin Dress Co., 49 East Church Street, Franklin, N. J., effective 1-8-51 to 1-7-52; 10 percent or 10 learners, whichever is greater, for normal labor turnover (dresses).

Goldstein & Levin, 232 Levergood Street, Johnstown, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (women's dresses).

Guilford Garment Co., 920 Guilford Street, Lebanon, Pa., effective 1-3-51 to 1-2-52; five learners, normal labor turnover (blouses).

Hanover Shirt Co., Ashland, Va., effective 1-5-51 to 1-4-52; 10 learners, normal labor turnover (cotton and flannel sport shirts).

Hazleton Dress Co., Inc., 549-561 Hazle Street, Hazleton, Pa., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (ladies' better dresses).

Helene Lingerie, Inc., 400½ Railroad Street, Danville, Pa., effective 1-5-51 to 1-4-52; 10 percent or 10 learners whichever is greater, for normal labor turnover (ladies' slips).

N. Kasover, 229 North Fourth Street, Easton, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (men's trousers).

Kay T. Dress Co., 130 West Main Street, Penns Grove, N. J., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (dresses and blouses).

Keiser Dress Corp., Oak and Juniper Streets, Shamokin, Pa., effective 1-3-51 to 1-2-52; 10 learners normal labor turnover (dresses).

S. Kramer Pants Co., 711 Main St., Asbury Park, N. J., effective 1-5-51 to 1-4-52; five learners normal labor turnover (boys' pants).

L'Aigion Apparel, Inc., Montgomery, Pa., effective 1-5-51 to 1-4-52; 10 learners normal labor turnover (women's dresses).

Lampl Sportswear Manufacturing Co., 2570 Superior Avenue, Cleveland, Ohio, effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (ladies' dresses and sportswear).

Lancaster Garment Co., Inc., 239-241 North Ann Street, Lancaster, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (children's woven cotton dresses).

Langwear, Inc., River Falls, Wis., effective 1-4-51 to 7-3-51; 50 learners for expansion purposes only (children's herringbone twill suits).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa., effective 1-8-51 to 1-7-52; 10 percent or 10 learners whichever is greater, for normal labor turnover (women's, misses' and junior dresses).

Harry E. Lisberg Co., 844 West Adams Street, Chicago 7, Ill., effective 1-5-51 to 1-4-52; two learners in the manufacture of blouses only (cotton blouses).

Manchester Pants Co., Manchester, Md., effective 1-8-51 to 1-7-52; 10 percent or 10 learners whichever is greater, for normal labor turnover (pants).

Marshall Clothing Manufacturing Co., Inc., Butler, Ind., effective 1-3-51 to 1-2-52; 10 learners normal labor turnover (jackets, athletic uniforms and other athletic wear).

Millheim Manufacturing Co., Inc., Center and Water Streets, Millheim, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (brassieres).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 1-3-51 to 7-2-51; 20 learners for expansion purposes only (wash dresses).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 1-3-51 to 1-2-52; 10 learners normal labor turnover (wash dresses).

Movie Star Manufacturing Co., 37 South Seventh Street, Allentown, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (ladies' woven underwear).

Nanticoke Dress Co., 216 East Broad Street, Nanticoke, Pa., effective 1-4-51 to 1-3-52; 10 percent or 10 learners whichever is greater, for normal labor turnover (dresses, blouses, pajamas).

Raritan Sportswear Co., 375 Stanford Street, Perth Amboy, N. J., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover (men's and boys' sportswear and outerwear).

Regal Shirt Corp., 125 Center Street, Millersburg, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (shirts).

H. A. Satin & Co., Inc., 2015 West Iowa Street, Evansville, Ind., effective 1-4-51 to 1-3-52; 10 percent normal labor turnover (women's wash frocks).

H. A. Satin & Co., Inc., 5218 Wentworth Avenue, Chicago, Ill., effective 1-4-51 to 1-3-52; 10 percent normal labor turnover (women's wash frocks).

H. A. Satin & Co., Inc., 521 Iron Street, Negaunee, Mich., effective 1-4-51 to 1-3-52; 10 learners normal labor turnover (women's wash frocks).

School House Dress Co., Inc., 17 North Front Street, St. Clair, Pa., effective 1-16-51 to 1-15-52; 10 learners normal learner turnover (children's dresses, blouses and sportswear).

The Snow & Baker Co., Lower Main Street, Whitefield, N. H., effective 1-5-51 to 1-4-52; five learners normal labor turnover (overalls, jumpers, dungarees).

Topps Manufacturing Co., Kewanna, Ind., effective 1-3-51 to 7-2-51; 35 learners for expansion purposes only (coveralls, shirts, and pants).

United Pants Co., Inc., Naungola Branch, R D. No. 2, Mountain Top, Pa., effective 1-8-51 to 1-7-52; five learners normal labor turnover (pants and jackets).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y., effective 1-3-51 to 1-2-52; 10 percent normal labor turnover (men's shirts).

Wayne Sportswear Co., 238 West North Street, Waynesboro, Pa., effective 1-8-51 to 1-7-52; 10 percent or 10 learners whichever is greater, for normal labor turnover (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 400).

Aris Fabric Corp., Lasselisville, N. Y., effective 1-8-51 to 1-7-52; 10 percent normal labor turnover.

Zwicker Knitting Mills, Appleton, Wis., effective 1-8-51 to 7-7-51; 60 learners for expansion purposes only.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Red Hook Telephone Co., Rhinebeck, N. Y., effective 1-4-51 to 1-3-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Olympic Manufacturing Co., Scranton, Pa., effective 1-8-51 to 1-7-52; five learners normal labor turnover.

O'Mearn Manufacturing Co., Bally, Pa., effective 1-8-51 to 1-7-52; three learners normal labor turnover.

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 1-8-51 to 7-7-51; 100 learners for expansion purposes only.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated in parentheses respectively.

Rico Television Corp., Hato Rey, P. R. (1-1-51 to 3-30-51; total 100 learners at 35 cents per hour, including 20 soldering, 160 hours; 60 wiring, 160 hours; and 20 testing, 160 hours) (frequency modulated radio receivers).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 1-4-51 to 6-30-51; 50 learners for expansion purposes (night shift only).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 1-4-51 to 6-30-51; 50 learners for expansion purposes only.

Brown Shoe Co., 825 Sycamore Street, Vincennes, Ind., effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

Federal Sportshoe Co., Darrah Street, Richmond, Maine, effective 1-8-51 to 11-15-51; 10 percent normal labor turnover.

The H. C. Godman Co., 46 East Fulton Street, Columbus, Ohio, effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., 109 East Fifth Street, Fulton, Mo., effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., East Fourth Street, Hermann, Mo., effective 1-4-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., Houston, Mo., effective 1-4-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., Salem, Mo., effective 1-4-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., State Street, Vandalia, Mo., effective 1-8-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., Ste. Genevieve, Mo., effective 1-8-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe (Fulton Stitchdown Factory), Fulton, Mo., effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

International Shoe Co., Hamilton, Mo., effective 1-10-51 to 10-15-51; 10 percent normal labor turnover.

International Shoe Co., 919 West Liberty Street, Mexico, Mo., effective 1-10-51 to 11-15-51; 10 percent normal labor turnover.

The Charles Meis Shoe Manufacturing Co., South and Cherry Streets, Lebanon, Ohio, effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

P. W. Minor & Son, Inc., 33 State Street, Batavia, N. Y., effective 1-4-51 to 10-15-51; 10 percent normal labor turnover.

Roth, Rauh & Heckel, Inc., Ripley, Ohio, effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

Saco-Moc Shoe Co., Quoddy Village, Eastport, Maine, effective 1-8-51 to 11-15-51; 10 percent normal labor turnover.

Saco-Moc Shoe Corp., Quoddy Village, Eastport, Maine, effective 1-8-51 to 7-15-51; 35 learners for expansion purposes only.

The G. Edwin Smith Shoe Co., 110 West Long Street, Columbus, Ohio, effective 1-5-51 to 11-15-51; 10 percent normal labor turnover.

Sun Shu Inc., 67 Market Street, Elizabethville, Pa., effective 1-5-51 to 11-15-51; five learners normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Alexander & Baun, Los Angeles, Calif., effective 1-4-51 to 1-3-52; three learners normal labor turnover; machine operating (except cutting), handsewers, each 240 hours; not less than 65 cents per hour (bridal veils and bridesmaids' hats).

Bond Stores, Inc., Rochester, N. Y., effective 1-4-51 to 1-3-52; 7 percent normal labor turnover, in the manufacture of men's clothing only; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's suits and coats).

Cornell-Dubilier Electric Corp. (Worcester Division), Worcester, Mass., effective 1-8-51 to 7-7-51; 200 learners for expansion purposes only; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Worcester Division), Worcester, Mass., effective 1-8-51 to 7-7-51; 10 percent normal labor turnover; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Providence Division), Providence, R. I., effective 1-8-51 to 7-7-51; 10 percent normal labor turnover; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Cornell-Dubilier Electric Corp. (Providence Division), Providence, R. I., effective 1-8-51 to 7-7-51; 200 learners for expansion purposes only; condenser making operations, 480 hours, not less than 65 cents per hour for the first 80 hours and at least 70 cents per hour for the remaining 400 hours (electrical products).

Day Wood Heel Co., Cincinnati, Ohio, effective 1-8-51 to 7-7-51; two learners normal labor turnover; wood heel coverers, 240 hours, not less than 65 cents per hour (wood heels).

Magura Clothing Co., Monessen, Pa., effective 1-4-51 to 1-3-52; 7 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (men's and boys' suits and sport coats).

Charles Navasky & Co., Inc., Osceola Mills, Pa., effective 1-9-51 to 7-8-51; nine learners for expansion purposes only; machine operating (except cutting), 480 hours, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's and boys' clothing).

Pequea Works, Inc., Strasburg, Pa., effective 1-4-51 to 7-3-51; four learners normal labor turnover; fly tiers only, 240 hours, not less than 65 cents per hour (fishing tackle).

Portis Style Ind., Inc., Michigan City, Ind., effective 1-6-51 to 1-4-52; 10 percent normal labor turnover; machine operator (except

cutter), presser, handsewer, each 240 hours, not less than 65 cents per hour (men's fur felt hats).

Silvertex Co., Philadelphia, Pa., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's clothing).

Rownd & Son, Inc., Dillon, S. C., effective 1-4-51 to 7-3-51; 10 learners normal labor turnover; braider, mat stapling machine operator, end stapling machine operator, each 240 hours, not less than 60 cents per hour (baskets).

Style Manufacturing Co., Philadelphia, Pa., effective 1-5-51 to 7-4-51; five learners normal labor turnover; machine operators (except cutters), 240 hours, not less than 65 cents per hour (millinery).

Thompson Manufacturing Co., 701-703 Highway, McAllen, Tex., effective 12-27-50 to 6-26-51; 50 learners normal labor turnover; sewing machine operator, 160 hours, not less than 60 cents per hour (canvas products).

Webster Clothes, Inc., Westminster, Md., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's topcoats and overcoats).

Wolfs Sons Manufacturing Co., Inc., Philadelphia, Pa., effective 1-8-51 to 1-7-52; seven percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (men's sack coats).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-879; Filed, Jan. 17, 1951; 9:02 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[454.41]

TARIFF CLASSIFICATION

NOTICE OF PROSPECTIVE CLASSIFICATION OF FUR FELT BERETS AS HATS IN CHIEF VALUE OF ANIMAL FUR

JANUARY 12, 1951.

It appears probable that a correct interpretation of paragraph 1526 (a) requires that fur felt berets be classified thereunder at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, notice is hereby given that the existing uniform practice of classifying such mercahndise under paragraph 1519, Tariff Act of 1930, as modified, as articles in chief value of fur, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51-852; Filed, Jan. 17, 1951; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4387 et al.]

WISCONSIN CENTRAL AIRLINES, INC.; WISCONSIN CENTRAL CERTIFICATE RENEWAL CASE

AMENDED NOTICE OF HEARING

In the matter of the application of Wisconsin Central Airlines, Inc., for renewal of its certificate of public convenience and necessity.

Notice is hereby given that the place of hearing in the above-entitled proceeding is changed to Conference Room B, Departmental Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue, NW., Washington, D. C. The date and time of hearing remain as originally assigned, January 22, 1951, at 10:00 a. m., e. s. t.

Dated at Washington, D. C., January 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-851; Filed, Jan. 17, 1951; 8:56 a. m.]

[Docket No. SA-225]

ACCIDENT OCCURING AT CHICAGO MIDWAY AIRPORT, CHICAGO, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-79982, which occurred at Chicago Midway Airport, Chicago, Illinois, on January 4, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, January 23, 1951, at 9:00 a. m. (local time) in the Prado Room, Del Prado Hotel, 53d Street and Hyde Park Boulevard, Chicago, Illinois.

Dated at Washington, D. C., January 12, 1951.

[SEAL] FRANCIS H. MCADAMS,
Presiding Officer.

[F. R. Doc. 51-850; Filed, Jan. 17, 1951; 8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1340]

CITY OF CARROLLTON, KY.

NOTICE OF ORDER DISMISSING APPLICATION

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its order entered January 9, 1951, dismissing application in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-821; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G-1456]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its findings and order entered January 9, 1951, issuing certificate of public convenience and necessity and dismissing application as to part of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-822; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G-1493]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its findings and order entered January 9, 1951, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-823; Filed, Jan. 17, 1951; 8:48 a. m.]

[Docket No. G-1566]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed on December 20, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct:

(1) Approximately 8 miles of 14-inch pipeline to parallel Applicant's Existing Line AM-45 in Miller County, Arkansas.

(2) Approximately 5.16 miles of 10 -inch pipeline and 4.63 miles of 8⅝-inch pipeline to replace 9.79 miles of smaller sized pipeline on Applicant's Line CM-14 in Bowie County, Texas.

(3) Miscellaneous short sections of pipeline to extend from Line CM-14 to points within Red River Arsenal, Bowie County, Texas, together with appurtenant metering and regulating facilities.

The proposed facilities are necessary to serve the increased firm requirements of the Red River Arsenal and the domestic and commercial customers in that area. The proposed facilities are estimated to increase the delivery capacity from 1,550 Mcf per hour to 2,050 Mcf per hour with a terminal pressure of 25 pounds.

The estimated cost of the proposed facilities is $331,659 (book cost of facilities to be retired is $40,370), to be financed out of cash reserves.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-820; Filed, Jan. 17, 1951; 8:47 a. m.]

[Docket No. G-1567]

MISSISSIPPI POWER & LIGHT CO.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that Mississippi Power & Light Company (Applicant), a Florida corporation with its principal place of business at Jackson, Mississippi, filed on December 21, 1950, an application requesting that it be found not to be a natural-gas company within the meaning of the Natural Gas Act, as amended, and in the alternative for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the lease and operation of certain natural-gas distribution facilities hereinafter described and as more fully described in the application.

Applicant proposes to lease approximately 68,000 feet of 4-inch natural-gas transmission pipe line and appurtenant facilities extending westward from a metering station on the 26-inch pipe line of Texas Gas Transmission Corporation at Pace, Mississippi, to Rosedale, Mississippi; and related distribution facilities in communities along the line through which Applicant proposes to distribute natural gas. Such facilities are owned by the Bolivar Natural Gas District, a municipality in the State of Mississippi.

Applicant also proposes to lease approximately 112,000 feet of 4-inch natural-gas transmission pipeline extending southward from a metering station on the 26-inch pipeline of Texas Gas Transmission Corporation north of Coldwater, to Horn Lake, Nesbit, Hernando and Coldwater, all in Mississippi, and appurtenant facilities and distribution lines in said communities through which Applicant proposes to distribute natural gas. Such facilities are owned by the DeSota Natural Gas District, a municipality of the State of Mississippi.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 2d day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-844; Filed, Jan. 17, 1951; 8:55 a. m.]

[Docket No. G-1578]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 12, 1951.

Take notice that on January 3, 1951, Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of:

(a) A natural-gas transmission pipeline approximately 195 miles in length (consisting of 160 miles of 26-inch pipeline and 35 miles of 24-inch pipeline) extending from a point in the North Tepetate Field in Acadia Parish, Louisiana, in a northeasterly direction to a point near Applicant's Guthrie, Louisiana, compressor station, and thence in a northeasterly direction to Applicant's Bastrop, Louisiana, compressor station located in Morehouse Parish, Louisiana.

(b) 369 miles of 26-inch loop pipeline, and 2 submarine river crossings under the Mississippi River, adjacent to portions of the Applicant's existing 26-inch pipeline system.

(c) 10½ miles of 8-inch lateral pipeline extending from Applicant's 26-inch main line near Louisville, Kentucky, to the Ohio River; two 8-inch line river crossings under the Ohio River, each approximately 5,600 feet in length; approximately 100 feet of 8-inch lateral pipeline extending northward from the Ohio River to a point near New Albany, Indiana; and a sales meter at that point interconnecting with the lines of Indiana Gas & Water Company near Jeffersonville, Indiana.

(d) A compressor station near Madison, Indiana, with an aggregate horsepower of 4,400.

(e) Additional compressor capacity in certain of Applicant's compressor stations as follows:

3,520 horsepower, Bastrop (Louisiana).
1,320 horsepower, Slaughters (Kentucky).
3,000 horsepower, Hardinsburg (Kentucky).
1,500 horsepower, Jeffersontown (Kentucky).

Applicant proposes to serve through the requested facilities the increasing demands of its full requirements customers, an additional 20,000 Mcf of natural gas per day to the Louisville Gas and Electric Company, and an additional 95,000 Mcf of natural gas per day to the Ohio Fuel Gas Company.

It is stated that by February of 1951 daily firm deliveries of natural gas to Applicant's customers will reach the full capacity of Applicant's presently authorized pipeline facilities, and that without the addition of facilities for which a certificate is here requested Applicant will be unable to supply the increased demands of its customers. The Applicant states that it proposes to obtain a major portion of the additional supply of natural gas to be transported through the proposed new facilities by purchase from Applicant's wholly-owned subsidiary companies, Louisiana Natural Gas Corporation and Texas Northern Gas Corporation. The balance of the gas required for the proposed facilities is proposed to be obtained under long-term contracts, which, it is said, are now being negotiated with other suppliers.

The estimated total over-all capital cost of the proposed facilities is $42,310,000. Applicant proposes to finance the construction of the proposed facilities from proceeds to be received from the sale of First Mortgage bonds and such other securities as may be more advantageously sold and from cash on hand. It is stated that a detailed plan for financing will be furnished to the Commission at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 31st day of January 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-819; Filed, Jan. 17, 1951; 8:46 a. m.]

[Docket No. IT-5971]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING AMENDMENT TO RATE SCHEDULE

JANUARY 12, 1951.

Notice is hereby given that, on January 10, 1951, the Federal Power Commission issued its order entered January 9, 1951, confirming and approving amendment to rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-824; Filed, Jan. 17, 1951; 8:48 a. m.]

[Project No. 2006]

PUBLIC POWER AND WATER CORP.

NOTICE OF ORDER DENYING APPLICATION FOR LICENSE

JANUARY 12, 1951.

Notice is hereby given that, on January 11, 1951, the Federal Power Com-

mission issued its order entered January 9, 1951, denying application for license in the above-designed matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-825; Filed, Jan. 17, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25742]

VARIOUS COMMODITIES FROM SOUTH TO SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1013 and other tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, in carloads.

From: Points in southern territory.

To: Points in southern and official territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-838; Filed, Jan. 17, 1951; 8:53 a. m.]

[4th Sec. Application 25743]

WROUGHT IRON PIPE FROM WILMINGTON, DEL., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3748.

Commodities involved: Steel or wrought iron pipe, and related articles, carloads.

From: Wilmington, Del.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-839; Filed, Jan. 17, 1951; 8:53 a. m.]

[4th Sec. Application 25744]

BENZOL FROM ALABAMA, TENNESSEE, AND GEORGIA TO BROWNSVILLE AND STRANG, TEX.

APPLICATION FOR RELIEF

JANUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3715.

Commodities involved: Benzol (benzene), in carloads.

From: Alabama City, Ala., Birmingham, Ala., and points taking same rates, Chattanooga, Tenn., and Rossville, Ga.

To: Brownsville and Strang, Tex.

Grounds for relief: Competition with rail carriers. Market competition. To maintain grouping.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3715, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-840; Filed, Jan. 17, 1951; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-576]

NORTHERN NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of January 1951.

Notice is hereby given that Northern Natural Gas Company ("Northern"), a registered holding company, and its public-utility subsidiary, Peoples Natural Gas Company ("Peoples"), have filed with this Commission a joint application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act"), and the rules and regulations promulgated thereunder, requesting that the Commission issue an order exempting Northern and Peoples as a holding company and a subsidiary respectively, from any or all of the provisions of the act.

All interested persons are referred to said joint application, which is on file in the offices of this Commission, for a statement of the allegations therein contained, which are summarized as follows:

Northern, a Delaware corporation, is engaged in the purchase, production, transmission and sale of natural gas, both for resale and for consumptive use, in interstate commerce. Its main transmission line extends northeast from Texas through Oklahoma, Kansas, Nebraska, Iowa, Minnesota, and South Dakota. Among others, it sells natural gas to municipalities and gas utility companies (including Peoples) through town-border connections along its pipeline. Its principal office is in Omaha, Nebraska. It has only one subsidiary, Peoples, a wholly owned gas utility company. As of July 31, 1950, Northern's gross gas plant, on a consolidated basis, was carried on its books at $139,742,611 and its net gas plant at $107,833,214. For the twelve months' period ending July 31, 1950, Northern's gross revenues, on a consolidated basis, amounted to $31,053,018 and its net operating income amounted to $7,554,265, after elimination of inter-company transactions. During this period its gas sales amounted to $27,091,675, of which $20,242,272 represented sales to gas utilities other than its subsidiary and $2,767,674 represented sales to its subsidiary. The balance of such sales was made to industrial users, grantors of right-of-way, and others.

Peoples, also a Delaware corporation, is a gas utility company as defined by section 2 (a) (4) of act. Its principal office is located in Omaha, Nebraska. As such it conducts a retail gas distribution business exclusively in the States of Kansas, Nebraska, Iowa and Minnesota, serving approximately 44,438 customers in 88 communities in those states. It receives all of its natural gas supply from Northern. As of July 31, 1950, Peoples' gross gas plant was carried on its books at $5,951,341 and its net gas plant was carried at $4,122,709. For the twelve months period ending July 31, 1950, Peoples had gross revenues from gas sales of $5,579,634 representing approximately 17.97 percent of consolidated gross operating revenues of Northern and net operating income of $945,417, representing approximately 12.52 percent of consolidated net operating income of Northern for the same period. Peoples has no subsidiary company.

The application, among other things, states that Northern is a non-utility company and is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company, and that it owns all of the outstanding securities of Peoples.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said joint application and that said joint application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing with respect to said joint application, pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, be held on March 12, 1951, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding should file with the Secretary of the Commission, on or before March 9, 1951, a written request with respect thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said joint application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice however, to the specification of additional matters or questions upon further examination:

(1) Whether the joint application meets the requirements of section 3 (a) (3) of the act, and particularly, whether Northern "is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company";

(2) Whether, in the event Northern is "only incidentally a holding company" within the meaning of section 3 (a) (3) of the act, the granting of the requested exemption to Northern and/or Peoples from any or all provisions of the act would be detrimental to the public interest or to the interest of investors or consumers;

(3) Whether Northern is a gas utility company as defined in section 2 (a) (4) of the act; and

(4) Generally, whether the application meets the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Northern and Peoples, the Federal Power Commission, the Kansas State Corporation Commission, the State Railway Commission of Nebraska, the Railroad Commission of Texas, The Oklahoma Corporation Commission, the Iowa Executive Council, and to all other interested persons by a general release of this Commission which shall be distributed to the press and mailed to all persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by the publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-827; Filed, Jan. 17, 1951; 8:48 a. m.]

[File No. 70-2550]

LEE MOOR

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of January A. D. 1951.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Lee Moor. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than January 26, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 26, 1951, said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Applicant states that he is an affiliate of Southern Union Gas Company ("Southern"), as that term is defined in section 2 (a) (11) (A) of the act, by reason of his ownership of 219,900 shares or 14.61 percent of Southern's outstanding voting securities, including 99,708 shares held as trustee for Betty Lee Moor McGuire and 1,803 shares held as trustee for Bess Waskey. Applicant states that he is also an affiliate of Arkansas Western Gas Company by reason of his ownership of 48,517 shares, or 16.53 percent, of the outstanding voting securities of that company. Applicant proposes to acquire, directly or indirectly, warrants entitling him to subscribe, directly or indirectly, for not to exceed 21,990 shares, including 10,151.1 shares as trustee of additional common stock to be issued by Southern pro rata to its stockholders, and through the exercise of such warrants to acquire, directly or indirectly, 21,990 shares of such additional common stock, including 10,151 shares as trustee, at $16.00 per share. Applicant also proposes to acquire, directly or indirectly, additional shares, if any, which the warrants authorize to be subscribed, subject to allotment and which are in fact allotted thereunder. Applicant states that, if desirable, he proposes to acquire as trustee for Betty Lee Moor McGuire all or any part of the warrants issuable to him in his individual capacity pursuant to warrant offering by Southern, or the common stock subject to subscription pursuant to such warrants, or both such warrants and common stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-826; Filed, Jan. 17, 1951; 8:48 a. m.]

CLAY INVESTMENT CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of Lum Clay, dba Clay Investment Company, 240 Key Building, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that Lum Clay, doing business as Clay Investment Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to sec-

tion 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-828; Filed, Jan. 17, 1951; 8:49 a. m.]

W. H. CARRAHER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of W. H. Carraher, 218 East Third Street, Wichita, Kansas.

I. The Commission's public official files disclose that W. H. Carraher, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-829; Filed, Jan. 17, 1951; 8:49 a. m.]

OWEN R. CAFFERKEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Owen R. Cafferkey, 806 Ratcliffe Avenue, Shreveport, Louisiana.

I. The Commission's public official files disclose that Owen R. Cafferkey, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission

[1] Filed as part of the original document.

a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February, 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-830; Filed, Jan. 17, 1951; 8:50 a. m.]

L. B. EMBREY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of L. B. Embrey, Rex Hotel, Shreveport, Louisiana.

I. The Commission's public official files disclose that L. B. Embrey, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-831; Filed, Jan. 17, 1951; 8:50 a. m.]

F. M. ANDREWS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of F. M. Andrews, 258 Merchant Street, Abilene, Texas.

I. The Commission's public official files disclose that F. M. Andrews, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required

[1] Filed as part of the original document.

by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-832; Filed, Jan. 17, 1951; 8:50 a. m.]

J. F. COLLEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of J. F. Colley, 660 First National Building, El Paso, Texas.

I. The Commission's public official files disclose that J. F. Colley, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-833; Filed, Jan. 17, 1951; 8:51 a. m.]

JOHN C. MCKEEL

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of John C. McKeel, 625 NW. 18th Street, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that John C. McKeel, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

[1] Filed as part of the original document.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-834; Filed, Jan. 17, 1951; 8:51 a. m.]

FLOYD S. NELSON & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of January 1951.

In the matter of Floyd S. Nelson & Company, 606 Southwestern Life Building, Dallas, Texas.

I. The Commission's public official files disclose that Floyd S. Nelson & Company, a sole proprietorship, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 15th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 8th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-835; Filed, Jan. 17, 1951; 8:52 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16294]

EDELEANU GESELLSCHAFT M. B. H. AND TEXAS CO.

In re: Agreement dated October 23, 1936 between Edeleanu Gesellschaft m. b. H. and The Texas Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edeleanu Gesellschaft m. b. H. whose last known address is Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Edeleanau Gesellschaft m. b. H. by virtue of an agreement dated October 23, 1936 (including all modifications thereof or supplements thereto) by and between The Texas Company and Edeleanu Gesellschaft m. b. H., which agreement relates, among other things, to United States Letters Patent No. 2,086,484,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-856; Filed, Jan. 17, 1951; 8:56 a. m.]

[Vesting Order 16295]

EDELEANU GESELLSCHAFT M. B. H. AND TEXAS CO.

In re: Agreement dated August 18, 1938 between Edeleanu Gesellschaft m. b. H. and The Texas Company.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edeleanu Gesellschaft m. b. H. whose last known address is Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Edeleanu Gesellschaft m. b. H. by virtue of an agreement dated August 18, 1938 (including all modifications thereof and supplements thereto) by and between The Texas Company and Edeleanu Gesellschaft m. b. H. which agreement relates, among other things, to United States Letters Patent No. 2,033,893,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-857; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16594]

INE KASAI ET AL.

In re: Rights of Ine Kasai, et al. under insurance contracts. Files No. F-39-1086-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ine Kasai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 1217784 and 1381933, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tomitaro Kasai, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ine Kasai or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tomitaro Kasai, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-859; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16694]

GEORGE Y. NISHIMURA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased. F-39-1369-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation evidenced by a check numbered 1011, dated January 23, 1945, in the amount of $211.44, drawn by Valentine C. Hammack as Liquidating Trustee of Sumitomo Bank of Seattle, payable to Geo. Y. Nishimura & Co. Inc., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in and under said check including particularly the right to possession and presentation for payment thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of George Y. Nishimura, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-860; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16695]

MITSUO OKAMOTO

In re: Bonds owned by Mitsuo Okamoto, also known as M. Okamoto. F-39-1233-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitsuo Okamoto, also known as M. Okamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Taiwan Electric Power Co., Ltd., 5½ percent Bonds, of $1,000 face value each, bearing the numbers 5054 and 10502, presently in the custody of Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-861; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16723]

EMIL HOFFMAN

In re: Debts owing to Emil Hoffman, also known as Emil Hofmann. F-28-29962-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Hoffmann, also known as Emil Hofmann, whose last known address is Ottobrunn 6, Schuetzenstrasse 4, Munich, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by a note in the principal sum of $12,000, dated January 30, 1931, bearing interest at 6 percent per annum, issued by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid note.

b. That certain debt or other obligation, matured or unmatured, evidenced by a note in the principal sum of $700, dated January 1, 1933, bearing interest at 6 percent per annum, issued by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid note, and

c. That certain debt or other obligation owing to Emil Hoffmann, also known as Emil Hofmann, by Emil Frei, Inc., 3934 South Grand Boulevard, St. Louis 18, Missouri, representing accrued and unpaid salary due Emil Hoffmann and advances by Emil Hoffmann, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-862; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16725]

THOMAS A. HOWARD ET AL.

In re: Bonds owned by Thomas A. Howard et al. F-39-1938-D-1, F-39-3210-D-1, F-39-1945-D-1, F-39-5131-D-1, D-2, F-39-2772-D-1, F-39-5132-D-1, D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas A. Howard and Fusa Howard, whose last known address is 354 Honmoku, Motomachi, Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That Freda Joseph, whose last known address is c/o Tor Hotel, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That Lionel J. Nuzum, whose last known address is c/o Blad & McClure, 72 Kyo-Machi, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

4. That Yamada Yasuko, whose last known address is c/o Dai-Ichi Ginko, Higashi-Ku, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

5. That the Japan China Spinning and Weaving Company, Limited, whose last known address is 98 Robinson Road, Shanghai, China, which there is reason-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-862; Filed, Jan. 17, 1951; 8:58 a. m.]

able cause to believe is, or on or since the effective date of Executive Order 8389, as amended, has been controlled, or a substantial part of the stock or shares of which is or on or since said date has been owned or controlled directly or indirectly, by nationals of a designated enemy country (Japan), is a national of a designated enemy country (Japan);

6. That The Shanghai Cotton Manufacturing Company, Ltd., whose last known address is 135 Szechuen Road, Shanghai, China, which there is reasonable cause to believe is, or on or since the effective date of Executive Order 8389, as amended, has been controlled, or a substantial part of the stock or shares of which is or on or since said date has been owned or controlled, directly or indirectly, by nationals of a designated enemy country (Japan), is a national of a designated enemy country (Japan);

7. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $42,000.00, principal amount, registered in the names of Thomas A. Howard and Fusa Howard, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Thomas A. Howard and Fusa Howard, the aforesaid nationals of a designated enemy country (Japan);

8. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $28,800.00, principal amount, registered in the name of Freda Joseph, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Freda Joseph, the aforesaid national of a designated enemy country (Japan);

9. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $33,000.00, principal amount, registered in the name of Lionel J. Nuzum, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures, and

b. Seventy-five (75) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of Lionel Nuzum, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lionel J. Nuzum, the aforesaid national of a designated enemy country (Japan);

10. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $27,000.00, principal Amount, registered in the name of Yamada Yasuko, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yamada Yasuko, the aforesaid national of a designated enemy country (Japan);

11. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $20,500.00, principal amount, registered in the name of Japan China Spinning and Weaving Company, Limited, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

b. Three Hundred Seventy-five (375) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of Japan-China Spinning and Weaving Company, Ltd., together with all declared and unpaid dividends thereon, and

c. Two Hundred (200) shares of common capital stock of Far East Power Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY32, registered in the name of Japan-China Spinning and Weaving Co., Ltd., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Japan-China Spinning and Weaving Company, Limited, the aforesaid national of a designated enemy country (Japan);

12. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured, evidenced by First Mortgage 5½ Percent Debentures, of the Shanghai Power Company, Two Rector Street, New York 6, New York, of C. S. $4,000.00, principal amount, registered in the name of the Shanghai Cotton Manufacturing Company, Ltd., and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said debentures,

b. Five Hundred Ninety-eight (598) shares of no par value 6 Tael Silver cumulative preferred capital stock of Shanghai Power Company, a corporation organized under the laws of the State of Delaware, registered in the name of The Shanghai Cotton Manufacturing Company, Limited, together with all declared and unpaid dividends thereon,

c. Six Hundred Fifty (650) shares of common capital stock of Far East Power Corporation, Two Rector Street, New York 6, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NY41, registered in the name of Shanghai Cotton Manufacturing Co., Ltd., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by The Shanghai Cotton Manufacturing Company, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

13. That the Japan China Spinning and Weaving Company, Limited, and The Shanghai Cotton Manufacturing Company, Ltd., are controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and are nationals of a designated enemy country (Japan);

14. That to the extent that the persons named in subparagraphs 1 to 6 inclusive, hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-862; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16296]

PAUL WANGEMANN AND RADIO PATENTS CORP.

In re: Agreement dated October 27, 1937, between Paul Wangemann and Radio Patents Corporation and interests of Paul Wangemann in and to certain United States Letters Patent.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Wangemann, whose last known address is Berlin, Germany, is a resident of Germany, and a national of a foreign country (Germany);

2. That the property described as follows: (a) An undivided seventy-five percent (75 percent) interest in and to the below listed United States Letters Patent, including seventy-five percent (75 percent) of all accrued royalties and seventy-five percent (75 percent) of all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement of said patents:

Patent No.	Date of issue	Inventor	Title
2,140,343	Dec. 13, 1938	Paul Wangemann	Circuit Breaker for Regulating the Intensity of and Rectifying Electric Currents.
2,145,468	Jan. 31, 1939	do	Circuit Breaker.
2,172,423	Sept. 12, 1939	do	Electric Circuit Breaker.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Paul Wangemann by virtue of an agreement dated October 27, 1937 by and between Paul Wangemann and Radio Patents Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,145,468,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 8, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-858; Filed, Jan. 17, 1951; 8:57 a. m.]

[Vesting Order 16727]

ALBERT KLADEN

In re: Stock owned by Albert Kladen. F-28-11630-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Kladen, whose last known address is Dresdener Strasse 20, Bremerhaven, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of no par value common capital stock of the Sheridan Belmont Hotel Company, c/o Securities Service Corporation, 105 So. La Salle Street, Chicago 3, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 1687, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

b. Five (5) shares of no par value common capital stock of the Sheridan Foster Building Company, c/o Securities Service Corporation, 105 So. La Salle Street, Chicago 3, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 954, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

c. Five (5) shares of no par value common capital stock of the 3500 Lake Shore Drive Building Corporation, c/o S. W. Banovitz, 111 W. Washington Street, Chicago 2, Illinois, a corporation organized under the laws of the State of Illinois, evidenced by a Certificate numbered 1587, registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, and

d. Five (5) shares of $1.00 par value common capital stock of the Missouri Theatre Building Corporation, c/o The Boatmen's National Bank of St. Louis, 300 N. Broadway, St. Louis 2, Missouri (as Agent under Voting Trust Agreement dated July 15, 1934 for Missouri Theatre Building Corp. $1.00 par value capital stock), a corporation organized under the laws of the State of Missouri, evidenced by a Voting Trust Certificate No. 634 dated November 7, 1934, and registered in the name of Albert Kladen, together with all declared and unpaid dividends thereon, and any and all rights to receive the proceeds of liquidation therefor, on deposit with the said Boatmen's National Bank of St. Louis since September 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-864; Filed, Jan. 17, 1951; 8:58 a. m.]

[Vesting Order 16731]

MR. D. KUIPERS

In re: Stock owned by Mr. D. Kuipers. F-28-31093.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That D. Kuipers, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of capital stock of Shell Union Oil Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered NY03174, registered in the name of Brockmans Administratiekantoor N. V., Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, D. Kuipers, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-865; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16733]

ALTE LEIPZIGER LEBENSVERSICHERUNGS

In re: Debts owing to Alte Leipziger Lebensversicherungs. F-28-4322; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alte Leipziger Lebensversicherungs, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Leipzig, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by the bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by the coupons described in Exhibit B, attached hereto and by reference made a part hereof, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alte Leipziger Lebensversicherungs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Bond No.	Face value
City of Memphis, Tenn., 4 percent water bonds, due 1946	2602	[1] $1,000.00
City of Detroit registered refunding "B" bonds, called Aug. 1, 1941	Reg. 3010	1,000.00
City of Detroit registered refunding "C" bonds, called Aug. 1, 1941	Reg. 5160	500.00
	26412	141.60
	26413	106.20
	26424	177.00
	42469	247.80
	44800	177.00

[1] Each.

EXHIBIT B—COUPONS

Description of issue	Coupon No.	Face value
Coupons detached from city of Detroit 4½ percent public utility water refunding series A bonds, due 1947, numbered A 940/59, said coupons due May 15, 1940, through May 15, 1944	20/28	[1] $2,827.60
Coupons detached from city of Detroit 4½ percent park boulevard refunding series A bonds, due 1953, numbered 3453/67, said coupons due May 15, 1940, through May 15, 1944	14/22	[1] 2,898.75
Coupons detached from city of Detroit 4½ percent fire refunding series A bonds, due 1953, numbered 201/20, said coupons due May 15, 1940, through May 15, 1944	14/22	[1] 3,820.00
Coupons detached from city of Detroit 4½ percent various public improvements refunding series A bonds, due 1957, numbered 606/30, said coupons due June 15, 1940, through June 15, 1944	14/22	[1] 4,781.25

[1] Aggregate face value.

[F. R. Doc. 51-866; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16963]

CHARLES (W) LAGEMANN AND FARMERS' LOAN AND TRUST CO.

In re: Trust agreement dated May 17, 1922, by and between Charles (W) Lagemann, grantor, and the Farmers' Loan and Trust Company, trustee, with amendments thereto. File No. D-28-10657-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hildegard Lagemann, Ralph (Rolf) Detlef Lagemann, Juergen Bernd Lagemann, Ingrid Nelda Lagemann, Maria Gebauhr, Annemarie Elisabeth Rotraut Ellen Martha Begauhr, Hans Georg Julius Friedrich Walter Gebauhr, Klaus Albers, Elisabeth Gertrud Margaretha Martha T. Gillmann, Eugen Guenther Gillmann, Eugen Gillmann, Martha Emilie Maria Ursula Gillmann, and Peter Friedrich Walter Gillmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Juergen Bernd Lagemann, of Ingrid Nelda Lagemann, of Ralph (Rolf) Detlef Lagemann, of Maria Gebauhr, of Annemarie Elisabeth Rotraut Ellen Martha Begauhr, of Hans Georg Julius Friedrich Walter Gebauhr, of Elisabeth Gertrud Margaretha Martha T. Gillmann, of Eugen Gillmann, and of Martha Emilie Maria Ursula Gillmann and the spouse, name unknown, of Marie Gebauhr, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Rudolph (Rudolf) Lagemann, Susanne Barbara Clara Lagemann, Rainier Fredrich Lagemann, Frank Edgar Lagemann, Friedrich (Fritz) Karl Theodor Trommershausen, Herta Goecke Trommershausen, Gisela Trommershausen, Ingeborg Trommershausen, Helga Trommershausen, Renate Maria Trommershausen, Ursula Trommershausen, and Walter Trommershausen, and the issue, names unknown, of Rudolph (Rudolf) Lagemann, of Rainier Friedrich Lagemann, of Frank Edgar Lagemann, of Gisela Trommershausen, of Ingeborg Trommershausen, of Helga Trommershausen, of Renate Maria Trommershausen, of Ursula Trommershausen, and of Walter Trommershausen, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2, and 3 hereof in, to and under or arising out of a trust agreement dated May 17, 1922, by and between Charles (W) Lagemann, grantor, and the Farmers' Loan and Trust Company, trustee, and amendments thereto, at present being administered by City Bank Farmers' Trust Company, 22 William Street, New York, New York, Eric Lagemann and Walter Lagemann both of 106 Wall Street, New York, New York, as trustees, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Juergen Bernd Lagemann, of Ingrid Nelda Lagemann, of Ralph (Rolf) Detlef Lagemann, of Maria Gebauhr, of Annemarie Elisabeth Rotraut Ellen Martha Begauhr, of Hans Georg Julius Friedrich Walter Gebauhr, of Elisabeth Gertrud Margaretha Martha T. Gillmann, of Eugen Gillmann, of Peter Friedrich Walter Gillmann, and of Martha Emilie Maria Ursula Gillmann and the spouse, name unknown, of Marie Gebauhr, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

6. That the national interest of the United States requires that the said Rudolph (Rudolf) Lagemann, Susanne Barbara Clara Lagemann, Rainier Fredrich Lagemann, Frank Edgar Lagemann, Friedrich (Fritz) Karl Theodor Trommershausen, Herta Goecke Trommershausen, Gisela Trommershausen, Ingeborg Trommershausen, Helga Trommershausen, Renate Maria Trommershausen, Ursula Trommershausen, and Walter Trommershausen, and the issue, names unknown, of Rudolph (Rudolf) Lagemann, of Rainier Friedrich Lagemann, of Frank Edgar Lagemann, of Gisela Trommershausen, of Ingeborg Trommershausen, of Helga Trommershausen, of Renate Maria Trommershausen, of Ursula Trommershausen, and of Walter Trommershausen, be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-867; Filed, Jan. 17, 1951; 8:59 a. m.]

[Vesting Order 16917]

HELENE MALCK

In re: Rights of Helene Malck under insurance contract. File No. F-28-26722-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Malck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Helene Malck under a contract of insurance evidenced by Policy No. 4 356 666 A issued by the Metropolitan Life Insurance Company, New York, New York, to Helene Malck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Rudolph Ude, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-868; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16907]

SOPHIE BOSS

In re: Rights of Sophie Boss under contract of insurance. File No. F-28-26746-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Boss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Sophie Boss under a contract of insurance evidenced by Policy No. 15578658, issued by the Metropolitan Life Insurance Company, New York, New York, to Sophie Boss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Henry Boss, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-869; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16910]

RUDOLF K. H. GIESE

In re: Rights of Rudolf K. H. Giese under insurance contracts. Files F-28-29659-H-1 and F-28-29659-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf K. H. Giese, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Rudolf K. H. Giese under contracts of insurance evidenced by policies numbered 898130 and 1038281 issued by the Travelers Insurance Company, Hartford, Connecticut, to Rudolf K. H. Giese, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Hermine M. Giese, a resident of the United States, of the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Rudolf K. H. Giese, and of the aforesaid the Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-869; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16913]

TSUNEO IMANISHI ET AL.

In re: Rights of Tsuneo Imanishi et al., under contract of insurance. File D-39-18417-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuneo Imanishi and Naokichi Imanishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1533376 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tsuneo Imanishi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tsuneo Imanishi or Naokichi Imanishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-870; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16918]

SHIKICHI AND KIYOKO NAKASHIMA

In re: Rights of Shikichi Nakashima and Kiyoko Nakashima under contract of insurance. File D-39-8652-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shikichi Nakashima and Kiyoko Nakashima, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15393757 issued by the New York Life Insurance Company, New York, New York, to Shikichi Nakashima, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Shikichi Nakashima or Kiyoko Nakashima, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-872; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16920]

CATHERINE M. (GOLDENSTEIN) AND LUDWIG REXROTH

In re: Rights of Catherine M. (Goldenstein) Rexroth and Ludwig Rexroth under an insurance contract. File No. F-28-30895-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Rexroth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Catherine M. (Goldenstein) Rexroth, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 146672 issued by the Lincoln National Life Insurance Company, Fort Wayne, Indiana, to Catherine M. (Goldenstein) Rexroth, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Lincoln National Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Catherine M. (Goldenstein) Rexroth or Ludwig Rexroth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the said Catherine M. (Goldenstein) Rexroth be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-873; Filed, Jan. 17, 1951; 9:00 a. m.]

[Vesting Order 16921]

ANNA SCHULER ET AL.

In re: Rights of Anna Schuler, also known as Anna S. Schuler, et al., under insurance contracts. Files F-28-25978-H-1 and F-28-25978-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schuler, also known as Anna S. Schuler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policy No. 1321799-M issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Schuler, by Policy No. 9093951-A issued by the Metropolitan Life Insurance Company, New York, New York, to Anna S. Schuler, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Anna Schuler, also known as Anna S. Schuler, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Schuler, also known as Anna S. Schuler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-874; Filed, Jan. 17, 1951; 9:01 a. m.]

[Vesting Order 16929]

HENRY J. VOSS ET AL.

In re: Rights of Henry J. Voss et al., under certain contracts of insurance. Files F-28-4026-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry J. Voss and Sophie F. Voss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 2,186,767A and No. 155206A, issued by the Metropolitan Life Insurance Company, New York, New York, to Henry J. Voss, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Henry J. Voss or Sophie F. Voss, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-876; Filed, Jan. 17, 1951; 9:02 a. m.]

[Vesting Order 16923]

CHUJI SHIMAMOTO ET AL.

In re: Rights of Chuji Shimamoto et al. under insurance contracts. File No. F-39-6687-H-1 and File No. F-39-6687-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chuji Shimamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees

and distributees, names unknown, of Chuji Shimamoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 92281814 and 92281820 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Chuji Shimamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid the Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Chuji Shimamoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Chuji Shimamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Chuji Shimamoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-875; Filed, Jan. 17, 1951; 9:01 a. m.]

[Vesting Order 15698, Amdt.]

G. DWARS

In re: Stocks owned by and debt owing to G. Dwars.

Vesting Order 15698, dated November 15, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2c the certificate number 021436 set forth with respect to shares of common capital stock of the Phillipps Petroleum Company, and substituting therefor the certificate number 0214346.

All other provisions of said Vesting Order 15698 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-877; Filed, Jan. 17, 1951; 9:02 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 5]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (MARKETING SEASON 1950)

The "Honey Export Program (Marketing Season 1950)," 15 F. R. 2796, as amended, 4707, 5222, 7522; 16 F. R. 113, is hereby further amended in the manner provided below:

Section 524.135 is hereby amended to read as follows:

§ 524.135 *Eligible destinations.* Eligible destinations shall be limited to: Austria, Belgium-Luxembourg, Denmark, Finland, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Trieste (free territory), United Kingdom, Yugoslavia; Egypt, Union of South Africa; Afghanistan, Arabia, Burma, Ceylon, India, Indonesia, Iran, Iraq, Israel and Palestine, Japan, Jordan, Lebanon, Pakistan, Southern Korea, Syria, Taiwan (Formosa), Thailand, Tibet, Turkey, Yeman; Australia, New Zealand, and the dependencies and overseas territories of such countries other than those located in or adjacent to the Americas.

Effective date. This amendment shall be effective as of 12:01 a. m., e. s. t., January 19, 1951.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 16th day of January 1951.

[SEAL] C. F. KUNKEL,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 51-955; Filed, Jan. 18, 1951; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 1]

PART 920—HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE AND VERMONT

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to Order No. 20 (15 F. R. 7349), regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the New England Potato Committee, established pursuant to said order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by Order No. 20.

(b) *Order, as amended.* The provisions of paragraph (b) (2) of § 920.301 (15 F. R. 9220) are hereby amended to read as follows:

(2) The aforesaid grade, quality, and size limitation shall not apply to shipments of potatoes for the following purposes: (i) seed, (ii) export, (iii) distribution by the Federal Government,

(Continued on p. 495)

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FEDERAL REGISTER

VOLUME 16 NUMBER 13

Washington, Friday, January 19, 1951

CONTENTS

Agriculture Department — Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Alsleben, Franz Friedrich 523
Blome, Eugen, et al 521
Boernert, Hugo and Anna 524
Heidelbauer, Louis 524
Heienbrock, Antjelina 527
Hoehmann, August 525
Imahashi, Shigeji 524
Kawano, Eijiro, et al 518
Kerschl, Lillie Heim 525
Kieber, Otto, et al 519
Kimoto, Masae, et al 519
Komoto, Yenhachi 518
Lambert, Adam, et al 519
Marterstock, Rosa 519
Matsui, Tsutomu, et al 520
Melcher, Frances, et al 520
Monheimer, Otto, and Frieda Monheimer Belz 528
Murakami, Shuzaburo and Kinu 520
Nakagawa, Seiitsu and Mune 521
Nishikawa, Masato and Wataru 522
Nishikawa, Masato and/or Y. Nishiyama 523
Nishikawa, Tomiko and Sueko 523
Otsuki, Shigeo, et al 526
Schenker & Co 525
Spier, Gustav A 527
Veers, Elisabeth and Agnes Jakobine 527

Census Bureau
Notices:
Annual surveys; determinations:
Chemical and machinery areas of manufacturing 512
Specified manufactured products 511

Civil Aeronautics Administration
Rules and regulations:
Air traffic; instrument approach procedure 496
Scheduled air carrier rules; power plant failure or precautionary stoppage 499

FEDERAL REGISTER

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CONTENTS—Continued

Civil Aeronautics Board — Page
See also Civil Aeronautics Administration.
Rules and regulations:
Air traffic rules; danger area alterations — 496

Coast Guard
Notices:
Approval of equipment — 508
Termination — 510

Coast Guard—Continued — Page
Notices—Continued
Buoyant cushions; Merchant Marine Council hearings:
Termination of approvals — 510
Withdrawal of approval — 509

Commerce Department
See Census Bureau; Civil Aeronautics Administration.

Federal Communications Commission
Notices:
Hearings, etc.:
Ark-Valley Broadcasting Co., Inc. (KGAR) et al — 515
Du Mont, Allen B., Laboratories, Inc., et al — 515
Jordaphone Corp. of America et al — 514
Pacific Coast Broadcasting Co. (KXLA) — 514
Tri-State Broadcasting Co. (WCPM) — 514
Proposed rule making:
Television broadcast service; utilization of frequencies (2 documents) — 507, 508

Federal Power Commission
Notices:
Hearings, etc.:
El Paso Natural Gas Co — 513
New York State Natural Gas Corp — 513

Federal Reserve System
Rules and regulations:
Residential real estate credit; interpretations — 495

Federal Trade Commission
Rules and regulations:
Educational Surveys; cease and desist order — 495

Fish and Wildlife Service
Delegation of authority with respect to procurement of supplies and services by Secretary of Interior (*see* General Services Administration).

General Services Administration
Notices:
Delegation of authority with respect to procurement of supplies and services by Secretary of Interior in connection with Fish and Wildlife Service — 515

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in certain States — 499

Immigration and Naturalization Service
Rules and regulations:
Primary inspection and detention; designation of Lancaster, Minn., as Class A port of entry for aliens — 495

Interior Department
Delegation of authority with respect to procurement of supplies and services by Secretary in connection with Fish and Wildlife Service (*see* General Services Administration).
See Land Management, Bureau of.

Interstate Commerce Commission — Page
Notices:
Applications for relief:
Horse meat, frozen, from Carthage and Joplin, Mo., to South — 516
Iron and steel articles from South to Ohio River crossings, etc — 516
Iron or steel castings from Birmingham, Ala., group — 516
Certain railroads in U. S.; rerouting or diversion of traffic — 516

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Arizona; modification of grazing district — 510
Filing of plats of survey:
California — 511
Montana — 511

Production and Marketing Administration
Proposed rule making:
Milk handling in Philadelphia, Pa., area — 502
Rules and regulations:
Honey export program, 1950 — 493
Potatoes, Irish, in Massachusetts, Rhode Island, Connecticut, New Hampshire and Vermont; limitation of shipments — 493

Public Contracts Division
See Wage and Hour Division.

Securities and Exchange Commission
Notices:
Hearings, etc.:
Burley & Co — 516
Cosmopolitan Hotel Co., of Dallas, Inc — 517
Proposed rule making:
Exemption of certain acquisitions of securities under stock bonus or similar plans — 508
Rules and regulations:
Investment Company Act; bonding of officers and employees of registered management investment companies — 499
Trust Indenture Act; form prescribed for applications for qualification of indentures — 499

Treasury Department
See Coast Guard.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; registration and research; provisional regulations — 501

Wage and Hour Division
Notices:
Handicapped clients, employment; issuance of special certificates by sheltered workshops — 512

CONTENTS—Continued

War Claims Commission — Page
Notices:
Special Advisory Committee; description of organization — 518

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter IV:	
Part 524	493
Title 7	
Chapter IX:	
Part 920	493
Part 981 (proposed)	502
Title 8	
Chapter I:	
Part 110	495
Title 12	
Chapter II:	
Part 225	495
Title 14	
Chapter I:	
Part 60 (2 documents)	496
Part 61	499
Title 16	
Chapter I:	
Part 3	495
Title 17	
Chapter II:	
Part 240 (proposed)	508
Part 269	499
Part 270	499
Title 24	
Chapter VIII:	
Part 825	499
Title 38	
Chapter I:	
Part 21	501
Title 47	
Chapter I:	
Part 3 (proposed) (2 documents)	507, 508

(iv) livestock feed, and (v) manufacturing or conversion into potato chips or potato salad: *Provided*, That each handler making shipments for any such purposes shall, prior to effecting each shipment (except shipments for distribution by the Federal Government), file an application with the committee to do so, have each of such shipments inspected (except livestock feed and seed shipments), and pay assessments and comply with applicable safeguards in connection with each of such shipments.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of January 1951, to be effective on January 22, 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-957; Filed, Jan. 18, 1951; 8:59 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF LANCASTER, MINN., AS A CLASS A PORT OF ENTRY FOR ALIENS

JANUARY 10, 1951.

Effective as of November 15, 1950, § 110.1, *Designated ports of entry except by aircraft*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by inserting "Lancaster, Minn." between "International Falls, Minn." and "Noyes, Minn." in the list of Class A ports of entry under District No. 9—Chicago, Illinois.

Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rule prescribed by the order relieves restrictions and is clearly advantageous to persons affected thereby.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies sec. 19, 39 Stat. 889, sec. 20, 54 Stat. 671; 8 U. S. C. 155)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: January 13, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-912; Filed, Jan. 18, 1951; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. X]

PART 225—RESIDENTIAL REAL ESTATE CREDIT

INTERPRETATIONS

Sec.
225.120 Loan values computed on family unit basis.
225.121 Commodity Credit Corporation loans.

AUTHORITY: §§ 225.120 and 225.121 issued under sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.

§ 225.120 *Loan values computed on family unit basis.* The maximum loan values set out in the right hand column in each of the two tables in § 225.7 as amended January 12, 1951, are maximum loan values per family unit and should be computed on the basis of value per family unit. In the case of a property containing more than one family unit the maximum loan value for the entire property should be computed by multiplying the maximum loan value per family unit by the number of family units.

§ 225.121 *Commodity Credit Corporation loans.* An inquiry has been received concerning the application of this part to loans which are made by banks and other lending agencies pursuant to commodity loan programs of the Commodity Credit Corporation and which the Commodity Credit Corporation is committed to purchase. It is the Board's view that such loans should be regarded for this purpose as loans guaranteed by a wholly owned Government corporation and that, therefore, they do not constitute real estate construction credit as defined in § 225.2 (e) and are not subject to this part.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-889; Filed, Jan. 18, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5703]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EDUCATIONAL SURVEYS

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1490 *Nature in general;* § 3.1515 *Organization and operation: Goods:* § 3.1625 *Free goods: Prices:* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1985 *Individual's special selection or situation;* § 3.2070 *Special offers, savings and discounts.* In connection with the offering for sale, sale and distribution of books or other publications of whatever nature, in commerce, representing, directly or by implication, (1) that respondent's combination offer of the New Standard Encyclopedia and the supplements thereto, published for the purpose of keeping the encyclopedia current, is an introductory offer or a special offer for advertising purposes; (2) that such offer is at a reduced or special price substantially lower than the usual or regular selling price or is at a price substantially lower than will be charged when the encyclopedia is subsequently placed on the market; (3) that such offer is made only to selected persons in a particular community or area; (4) that respondent is engaged in making surveys for various purposes; (5) that respondent is not selling the encyclopedia, but is selling the supplements thereto and if the latter are subscribed for or purchased, the encyclopedia will be given as a gratuity; or, (6) that any books are given free or as a bonus without cost when the purchase price is fully paid up; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Larry M. Deeter doing business as Educational Surveys, Docket 5703, Nov. 9, 1950]

In the Matter of Larry M. Deeter Doing Business as Educational Surveys

This proceeding was heard by Frank Hier, trial examiner theretofore designated by the Federal Trade Commission for that purpose, upon the complaint of the Commission, the answer of the respondent, and testimony and other evidence in support of and in opposition to the allegations of the complaint, introduced before the above-named trial examiner, which were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by said trial examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by all counsel; and said trial examiner, having duly considered the record in said cause, and having found that said proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts, and conclusions drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on November 9, 1950.

The said order to cease and desist is as follows:

It is ordered, That Larry M. Deeter, his employees, representatives or agents, trading under the name Educational Surveys, or under any other name, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of books or other publications of whatever nature, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That respondent's combination offer of the New Standard Encyclopedia and the supplements thereto, published for the purpose of keeping the encyclopedia current, is an introductory offer or a special offer for advertising purposes.

2. That such offer is at a reduced or special price substantially lower than the usual or regular selling price or is at a price substantially lower than will be charged when the encyclopedia is subsequently placed on the market.

3. That such offer is made only to selected persons in a particular community or area.

4. That respondent is engaged in making surveys for various purposes.

5. That respondent is not selling the encyclopedia, but is selling the supplements thereto and if the latter are subscribed for or purchased, the encyclopedia will be given as a gratuity.

6. That any books are given free or as a bonus without cost when the purchase price is fully paid up.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5703, November 9, 1950, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It is ordered, That the respondent, Larry M. Deeter, shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: November 9, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-917; Filed, Jan. 18, 1951; 6:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 63]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13–1 is amended as follows:

1. The Camp Chaffee, Arkansas, area, published on November 18, 1950, in 15 F. R. 7872, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 35°16'00'' N, long. 94°01'30'' W; due S to lat. 35°11'30'' N; due W to long. 94°10'00'' W; due N to lat. 35°14'00'' N; due W to long. 94°15'00'' W; NW to lat. 35°14'45'' N, long. 94°16'30'' W; northerly to lat. 35°18'15'' N, long. 94°17'00'' W; ESE to lat. 35°16'00'' N, long. 94°01'30'' W, point of beginning".

2. A Hunter-Liggett, California, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HUNTER-LIGGETT (San Francisco Chart).	Beginning at lat. 36°03'30'' N, long. 121°16'30'' W; SE to lat. 35°54'45'' N, long. 121°05'00'' W; SW to lat. 35°51'45'' N, long. 121°07'45'' W; WSW to lat. 35°49'45'' N, long. 121°21'00'' W; NW to lat. 35°53'00'' N, long. 121°24'45'' W; due N to lat. 36°01'00'' N; ENE to lat. 36°03'30'' N, long. 121°16'30'' W, point of beginning.	Surface to 10,000 feet.	Continuous...	6th Army, Camp Roberts, Calif.

3. A Juan De Fuca, Washington, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
JUAN DE FUCA (Bellingham chart).	N boundary: United States-Canadian border; E boundary: long. 123°42'00'' W; S boundary: ½ mile N of and parallel to the shoreline of Washington; W boundary: long. 124°25'00'' W.	Surface to 5000 feet.	Continuous...	Fleet Air Wing Four, Whidbey Island NAS, Wash.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 19, 1951.

[SEAL] L. C. ELLIOTT, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-890; Filed, Jan. 18, 1951; 8:45 a. m.]

[Supp. 13]

PART 60—AIR TRAFFIC RULES

INSTRUMENT APPROACH PROCEDURE

The following interpretations and policies are hereby adopted:

§ 60.46–3 *Radio range procedures determination (CAA policies which apply to § 60.46)*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all radio range procedures including those prescribed in §§ 60.46–4 and 60.46–5.

(1) *Deviations.* The criteria outlined in this section will normally be adhered to in all procedures; however, if any deviation is necessary a note will be included on the procedure outlining such deviation.

(2) *Number of procedures established.* More than one radio range procedure may be established for a particular airport when a different direction of approach is involved. An instrument approach procedure may be established when a fan marker, compass locator or intersection is situated within seven miles of the airport and located on (i) a continuation of the course which passes over or is adjacent to the airport, or (ii) a range course other than the one serving for the approach from over the range station. The additional procedures will be established in the same manner as a procedure from over the radio range station and will be complete in all details including procedure turn, direction, and approach altitudes. To be usable for a final approach fix an intersection may consist of a radio bearing or range course. The station forming the fix, however, must be located within

25 miles of the intersection and the angle of intersection must be at least 45 degrees.

When additional procedures are established, these procedures will be numbered in accordance with the number of radio range procedures approved for the airport.

Example. Stapleton Airport, Denver, Colorado, has two radio range procedures. Procedure No. 1 uses the North course of the Denver range for final approach, and Procedure No. 2 uses the South course of the Denver range and the Aurora FM for final.

(b) *Initial approach procedure.* The initial approach to the radio range station will normally be made from a primary fix (radio range, reliable intersections—including bearings or "H" type radio beacon) located on a course and more than 25 miles from the radio range station to be used for the approach.

(1) *Altitudes.* Initial approach altitudes are the minimum en route cruising altitudes authorized between the last radio fix and the range station. These clearances are based solely on clearances above terrain and obstructions. They will normally comply with established altitudes where such altitudes have been published as minimum en route altitudes along a designated course. Where adequate radio fixes exist, altitudes will be established for all range courses, either on or off the airways, and where no radio fix exists the term "minimum en route altitude" will be used to specify the altitude for the direction involved. Where there is no published en route altitude along a course, the altitude will be based on the same criteriia as used in determining minimum en route altitudes providing at least 1,000 feet clearance above all terrain and obstructions, except in those areas designated as mountainous areas. Normally, initial approach altitudes in mountainous areas will provide a clearance of at least 2,000 feet above terrain and obstructions. All altitudes will be computed to the nearest 100 feet (i. e., 1,150 feet will be indicated as 1,100 feet, 1,151 feet will be indicated as 1,200 feet, etc.) and will provide the above altitude clearance in an area five miles on each side of the course from the last primary fix to the station providing that no maneuvering is contemplated on this course. Where it is anticipated that maneuvering will be necessary, either for holding purposes or otherwise, a minimum lateral clearance of ten miles from the center line of the range course will normally be provided for the maneuvering side and five miles for the opposite side.

Initial approaches to a radio range station will be shown only along the range course associated with the facility.

Example. Madison, Wisconsin, has no courses along any airway although the west course of Milwaukee lies along the center line of an airway and across Madison range. The initial approaches will not be shown along airways from Milwaukee but only along courses of Madison. The direction from Milwaukee is covered by published minimum en route altitudes.

(ii) *Secondary fixes.* Fixes and fan markers located less than 25 miles from the range station will be shown as secondary fixes. These fixes may provide for lower altitudes than from primary fixes on the same course. Reductions may be made even in mountainous country, provided that a minimum obstruction clearance of 1,000 feet is provided from these fixes to the station.

(c) *Shuttle.* Where necessary, a shuttle between two fixes or within a specified distance of the range station will be prescribed to allow for descent to a lower altitude after initial approach and prior to commencement of the final approach. Horizontal and lateral clearance will be provided as in the case of initial approach.

(d) *Procedure turn.* Procedure turns are established and specified in radio range procedures for use in a return to final approach course (inbound) when dictated by direction of approach. Direction of the turn will be specified as north, south, east, or west side of final approach course. Normally, a procedure turn involves an initial left turn through the range course, followed by a turn to the right in a return to the final approach course. This type of procedure turn will be standard whenever terrain, obstructions, and traffic will permit. The degree at which the turns will be made is left to the discretion of the pilot, but the maneuver will be completed within that area and at the altitude established to provide the required obstruction clearance.

(1) *Altitudes.* A minimum altitude will be established for a procedure turn within a distance of ten miles from the radio range station and will normally provide terrain and obstruction clearance of 1,000 feet for ten miles from the center line of the range course on the maneuvering side and for five miles on the opposite side of the range course. Altitudes based on above criteria will also be established for procedure turns at distances of 15, 20, and 25 miles from the range station and will be included in the procedure as an advisory item in the event it is necessary or advisable to go beyond the normal ten-mile limit. Where procedure turns at distances of 15, 20, and 25 miles are not desired the term "Not Authorized" (NA) will be used.

(2) *Deviations.* Deviations from the standard procedure turn will be made in the following order: When a turn cannot be made on the left side of the course due to unusually high obstructions, such as the mountain ranges on the west side of the Denver, Colorado, radio range, the turn will be made on the right side of the course and an explanatory note will be included in the procedure as, "all turns will be made on the east side of the north course, high terrain west side of north course."

(e) *Final approach.* The term "final approach" as used in radio range procedures is defined as beginning at the point where the procedure turn is completed, the aircraft headed back toward the range station, and ending at the point where missed approach commences. There will be only one final approach in any one procedure.

(1) *Altitudes.* The altitude over the radio range station on final approach will be based on an assumption that the procedure turn will be made within ten miles from the radio range station. The established altitude will be at least 500 feet above all terrain and obstructions between the point where the procedure turn is completed and the range station, and normally will provide this clearance for an area of five miles on either side of the center line of the radio range course. The final approach, if commenced more than ten miles from the radio station, will provide for at least 1,000 feet clearance above terrain and obstructions and be reduced to 500 feet only when within ten miles. These altitudes will be shown to the nearest 20 foot interval (i. e., 510 feet will be indicated 500 feet, 511 feet will be indicated as 520 feet, etc.).

(i) *Facility to airport.* For that part of the final approach which lies between the range station and the nearest usable portion of the field, a minimum clearance of at least 300 feet above obstructions will be provided for an approach area two miles either side of the center line provided the facility is located within seven miles of the airport.

Where the terrain features are ideal and flight from the range station to the airport would not be over thickly populated areas nor hazardous obstructions, an instrument approach procedure may be established and approved for an airport located at a distance in excess of seven miles. When there is need for establishing an instrument approach procedure to an airport located in excess of seven miles, consideration will be given to the following policy:

(*a*) *Seven to ten miles.* When located seven to ten miles, obstruction clearance of 500 feet will be provided for an area two miles each side of the center line of the proposed course.

(*b*) *Ten to twelve miles.* When located from ten to 12 miles, obstruction clearance of 700 feet will be provided for an area two miles each side of the center line of the proposed course.

(*c*) *Twelve miles or more.* When located 12 miles or more, operations will be conducted in accordance with visual flight rules from the radio facility.

(2) *Final approach from a fan marker or other radio aid.* For each procedure there may be one direction from which the initial approach may become the final approach with the resulting elimination of a procedure turn. This may be accomplished only if such an approach is from a fan marker or other radio aid so situated on a final radio course and close enough to the range station that it may be reasonably considered as assisting the final approach in its true sense. The distance of this facility from the range station will not normally exceed ten miles. The altitude up to this final marker will provide 1,000 feet clearance to the marker and will provide at least 500 feet from such fix or marker to the range station.

(3) *Magnetic bearing from range station to airport.* The bearing from the range station is normally the magnetic bearing from the range station to the nearest usable runway or landing area of the airport.

(4) *Distance from range station to airport.* The distance from the range station to the airport is normally measured on a straight line from the radio

range station to the nearest usable runway or landing area of the airport.

(f) *Missed approaches.* The point at which the instrument approach will be discontinued and the missed approach started will be either at the range station, or within a specified distance of the radio range station not to extend beyond the nearest usable portion of the airport expressed in miles. Time limitations will not be used due to the variations in the approach speed of different types of aircraft. In the establishment of a missed approach procedure, careful consideration will be given to obstructions to flight in the missed approach area. Normally, the recovery will be made on the range course whose outbound bearing most nearly approximates a continuation of the final approach. Deviations from this standard will be permitted when terrain, obstructions, or hazards to flight exist, which precludes the establishment of a missed approach procedure in accordance with the above instructions.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will not be less than that established for initial approach altitude, and will normally be specified to within 25 miles of the range station.

(2) *Alternate missed approach procedures.* Consideration will be given to the establishment of an alternate missed approach procedure only when such a procedure will facilitate the handling of air traffic.

§ 60.46–6 *Automatic direction finding procedures determination (CAA policies which apply to § 60.46)*—(a) *General.* The policies set forth in this section will be used by the Civil Aeronautics Administration in formulating and approving all automatic direction finding procedures including those prescribed in § 60.46–7.

(1) *Deviations.* The criteria outlined in this section will normally be adhered to in all procedures; however, if any deviation is necessary a note will be included on the procedure outlining such deviation.

(2) *Number of procedures established.* There may be more than one ADF procedure approved for an airport depending upon the number of facilities available for ADF approaches or directions of approach. These procedures will be numbered in accordance with the number of ADF procedures approved for the airport.

Example. Chicago Midway Airport has two ADF procedures. Procedure No. 1 is based on a compass locator on the back course of the ILS localizer; frequency 248 kcs, identification IH. The procedure approved for the compass locator at the ILS outer marker, frequency 219 kcs, identification CH, is assigned number 2.

(b) *Initial approach to radio facility.* The initial approach to the radio facility will normally be made from a primary fix (primary fixes will be either radio stations or reliable intersections—including bearings available from range stations).

(1) *Magnetic headings.* Magnetic headings used in ADF procedures will always be computed using the isogonic line nearest the radio facility for which the procedure is being formulated.

(2) *Altitude.* Initial approach altitudes are the minimum en route cruising altitudes authorized between the last radio fix and the facility. These clearances are based solely on clearance above terrain and obstructions. They will normally comply with established altitudes where such altitudes have been published as minimum en route altitudes along a designated track. Where there is no published en route altitude along a track the altitude will be based on the same criteria as used in determining minimum en route altitudes providing at least 1,000 feet clearance above all terrain and obstructions, except in those areas designated as mountainous areas. Normally, initial approach altitudes in mountainous areas will provide a clearance of at least 2,000 feet above obstructions. All altitudes will be computed to the nearest 100 feet (i. e., 1,150 feet will be indicated as 1,100 feet, 1,151 feet will be indicated as 1,200 feet, etc.) and will provide the above altitude clearance in an area five miles on each side of the track from the last primary fix to the station providing that no maneuvering is contemplated on this track. Where it is anticipated that maneuvering will be necessary, either for holding purposes or otherwise, a minimum lateral clearance of ten miles from the center line of the track will normally be provided for the maneuvering side and five miles for the opposite side.

(i) *Secondary fixes.* Fan markers, compass locators, and "H" type radio beacon facilities or intersections close in, including bearings, will be utilized where a lower altitude can be authorized than is provided for by the use of primary radio fixes.

(c) *Shuttle.* Where necessary, a shuttle between two fixes or within a specified distance of the station will be prescribed to allow for descent to a lower altitude after initial approach and prior to commencement of the final approach. Horizontal and lateral clearance will be provided as in the case of initial approach.

(d) *Procedure turn.* Procedure turns are established and specified in ADF procedures for use in a return to final approach course (inbound) when dictated by direction of approach. Direction of the turn will be specified as north, south, east, or west side of final approach track. Normally, a procedure turn involves an initial left turn through the outbound track, followed by a turn to the right in a return to the final inbound track. This type of procedure turn will be standard whenever terrain, obstructions, and traffic will permit. The degree at which the turns will be made is left to the discretion of the pilot, but the maneuver will be completed within that area and at the altitude established to provide the required obstruction clearance.

(1) *Altitudes.* A minimum altitude will be established for a procedure turn within a distance of ten miles from the facility and will normally provide terrain and obstruction clearance of 1000 feet for ten miles from the center line of the track on the maneuvering side and for five miles on the opposite side. Altitudes based on the above criteria will also be established for procedure turns at distances of 15, 20, and 25 miles from the facility and will be included in the procedure as an advisory item in the event it is necessary or advisable to go beyond the normal ten-mile limit. Where procedure turns at distances of 15, 20, and 25 miles are not desired the term "Not Authorized" (NA) will be used.

(2) *Deviations.* Deviations from the standard procedure turn will be made in the following order: When a turn cannot be made on the left side of the track due to unusually high obstructions the procedure turn will be made on the right side of the track and an explanatory note will be included in the procedure.

(e) *Final approach.* The term "final approach" as used in ADF procedures is defined as beginning at the point where the procedure turn is completed, the aircraft headed back toward the station, and ending at the point where missed approach commences. It is normally the track having a bearing which most nearly approximates the magnetic track from the station to the airport. Specific tracks both outbound and inbound in degrees magnetic will be indicated in the instrument approach procedure to avoid any confusion. There will be only one final approach in any one procedure.

(1) *Altitudes.* The altitude over the station on final approach will be based on an assumption that the procedure turn will be made within ten miles from the facility. The established altitude will be at least 500 feet above all terrain and obstructions between the point where the procedure turn is completed and the station, and normally will provide this clearance for an area of five miles on either side of the center line of the track. The final approach, if commenced more than ten miles from the station, will provide for at least 1,000 feet clearance above terrain obstructions and be reduced to 500 feet only when within ten miles. These altitudes will be shown to the nearest 20 foot interval (i. e., 510 feet will be indicated 500 feet, 511 feet will be indicated as 520 feet, etc.).

(f) *Facility to airport.* For that part of the final approach which lies between the station and the nearest usable portion of the field, a minimum clearance of at least 300 feet above obstructions will be provided for an approach area two miles either side of the center line provided the facility is located within seven miles of the airport.

Where the terrain features are ideal and flight from the station to the airport would not be over thickly populated areas nor hazardous obstructions, an instrument approach procedure may be established and approved for an airport located at a distance in excess of seven miles. When there is need for establishing an instrument approach procedure to an airport located in excess of seven miles, consideration will be given to the following policy:

(a) *Seven to ten miles.* When located seven to ten miles, obstruction clearance of 500 feet will be provided for an area two miles each side of the center line of the proposed track.

(b) *Ten to twelve miles.* When located from 10 to 12 miles, obstruction clearance of 700 feet will be provided for an area two miles each side of the center line of the proposed track.

(c) *Twelve miles or more.* When located 12 miles or more, operations will be conducted in accordance with visual flight rules from the radio facility.

(2) *Magnetic track from station to airport.* The track from the facility is normally the magnetic bearing from the station to the nearest usable runway or landing area of the airport.

(3) *Distance from facility to airport.* The distance from the station to the airport is normally measured on a straight line from the facility to the nearest usable runway or landing area of the airport.

(f) *Missed approaches.* The point at which the instrument approach will be discontinued and the missed approach started will be either at the station, or within a specified distance of the station not to extend beyond the nearest usable portion of the airport expressed in miles. Time limitations will not be used due to the variations in the approach speed of different types of aircraft.

In the establishment of a missed approach procedure, careful consideration will be given to obstructions to flight in the missed approach area. Normally, the recovery should be made on the track whose outbound bearing most nearly approximates a continuation of the final approach. Deviations from this standard will be permitted when terrain, obstructions, or hazards to flight exist, which precludes the establishment of a missed approach procedure in accordance with the above instructions.

(1) *Altitudes.* The altitude to which the flight will proceed in execution of a missed approach will normally not be less than that established for en route flight, and will normally be specified to within 25 miles of the station.

(2) *Alternate missed approach procedures.* Consideration will be given to the establishment of an alternate missed approach procedure only when such a procedure will facilitate the handling of air traffic.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1009; 49 U. S. C. 551)

These interpretations and policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-899; Filed, Jan. 18, 1951; 8:45 a. m.]

[Supp. 13]

PART 61—SCHEDULED AIR CARRIER RULES

POWERPLANT FAILURE OR PRECAUTIONARY STOPPAGE

The following interpretation and policy is hereby adopted:

§ 61.294–1 *Powerplant failure or precautionary stoppage (CAA policies and interpretations which apply to § 61.294).* As the failure or precautionary stoppage of an engine may involve the safety of a flight, in all cases when an engine of an aircraft fails in flight or when the rotation of an engine is stopped in flight for any reason, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected. In the event of such an occurrence, the pilot should immediately notify the appropriate company ground station(s) of this fact and of his intended course of action. He should thereafter continue to keep the appropriate company ground station(s) informed as to the progress of the flight.

The pilot may exercise his emergency authority under § 61.310 and select an airport other than the nearest suitable airport in point of time at which a safe landing could be effected if he finds after a consideration of all factors and circumstances which might affect the safety of the flight that a landing at the airport of his selection would be as safe a procedure. In all such cases the written report required by § 61.310 shall be submitted as required therein, setting forth the reasons why the pilot considered this to be as safe a procedure.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554, 555)

This interpretation and policy shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-887; Filed, Jan. 18, 1951; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

FORM FOR APPLICATIONS FOR QUALIFICATION OF INDENTURES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly sections 307 and 319 thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Form T–3 (17 CFR 269.3) by adding to the instructions as to exhibits an additional paragraph reading as follows:

Exhibit T3E. A copy of every prospectus, notice, circular, letter, or other written communication which is to be sent or given to security holders in connection with the issuance or distribution of the indenture securities. Copies of replies to inquiries from security holders, however, need not be filed.

(Sec. 319, 53 Stat. 1173; 15 U. S. C. 77SSS)

The foregoing amendment shall become effective February 12, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 10, 1951.

[F. R. Doc. 51-910; Filed, Jan. 18, 1951; 8:49 a. m.]

PART 270—GENERAL RULES AND REGULATIONS INVESTMENT COMPANY ACT OF 1940

BONDING OF OFFICERS AND EMPLOYEES OF REGISTERED MANAGEMENT INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 17 (g) and 38 (a) thereof, and finding such action necessary or appropriate to the exercise of the powers conferred upon the Commission by the act, hereby amends § 270.17g–1 (Rule N-17G–1) by adding at the end of such rule a new paragraph reading as follows:

§ 270.17g–1 *Bonding of officers and employees of registered management investment companies.* * * *

(d) Where the investment company is an unincorporated company managed by a depositor or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this section, the depositor or investment adviser and its officers and employees.

The foregoing action shall become effective February 12, 1951.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a–37. Interprets or applies sec. 40, 54 Stat. 842; 15 U. S. C. 80a–39)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 10, 1951.

[F. R. Doc. 51-909; Filed, Jan. 18, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg. Amdt. 343]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg. Amdt. 339]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES

Amendment 343 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 339 to the Rent Regulation for Controlled Rooms in

Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said Regulations are amended in the following respects:

A. The following new Items are incorporated in Schedule C:

Name of Defense-Rental Area, State, and Localities affected by declarations for continuation of rent control after March 31, 1951

(38) San Francisco Bay, California; the City and County of San Francisco; in San Mateo County, all unincorporated localities; in Sonoma County (exclusive of (i) the Judicial Townships of Redwood and Sonoma and (ii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the South) all unincorporated localities, if any.

(46) Pueblo, Colorado; in Pueblo County, the City of Pueblo.

(102) Gary-Hammond, Indiana; in Lake County; the City of Gary.

(197) Roswell, New Mexico; in Otero County, the City of Alamogordo.

(197b) Santa Fe, New Mexico; in Santa Fe County, the City of Santa Fe and all unincorporated localities. In Rio Arriba County, all unincorporated localities, if any, in Precinct No. 28 (Espanola).

(237) Ravenna, Ohio; in Portage County, the Village of Windham.

(357a) Parkersburg, West Virginia; in Wood County, the City of Vienna.

This adds to Schedule C (1) the City of Vienna, West Virginia, as of November 14, 1950, (2) the City and County of San Francisco, California, and all unincorporated localities in the Defense-Rental Area (said City being (i) coextensive with San Francisco County, and (ii) the major portion of the Defense-Rental Area), as of November 30, 1950, (3) the Village of Windham, Ohio, as of December 4, 1950, (4) the City of Sante-Fe, New Mexico, and all unincorporated localities in the Defense-Rental Area, said City being the major portion of the Defense-Rental Area, as of December 13, 1950, (5) the City of Pueblo, Colorado, as of December 18, 1950, (6) the City of Alamogordo, New Mexico, as of December 26, 1950, and (7) the City of Gary, Indiana, as of December 28, 1950.

B. In Schedule C the description of localities affected by declarations for continuation of rent control after March 31, 1951, is amended with respect to certain Defense-Rental Areas to read as follows:

1. (48) Hartford-New Britain, Connecticut, Defense-Rental Area:

In Hartford County, the Cities of Bristol, Hartford and New Britain, the Towns of East Hartford, Glastonbury, Southington, West Hartford, Wethersfield and Windsor, and all unincorporated localities, if any, in the Towns of Berlin, Bloomfield, East Windsor, Farmington, Manchester, Newington, Plainville, Rocky Hill, South Windsor and Windsor Locks; in Middlesex County, the Town of Cromwell and all unincorporated localities, if any, in the Towns of Middlefield and Portland; in New Haven County, the City of Meriden, the Borough of Wallingford, and the Town of Wallingford; and in Tolland County, all unincorporated localities, if any, in the Town of Vernon.

In the remainder of Hartford County, the Town of Simsbury, and all unincorporated localities, if any; in the remainder of Middlesex County, the Town of East Haddam and all unincorporated localities, if any; and in the remainder of Tolland County, the Towns of Hebron and Stafford, and all unincorporated localities, if any.

This adds to Schedule C the Town of Wallingford, Connecticut, as of November 7, 1950, and the Town of Stafford, Connecticut, as of December 20, 1950.

2. (50) New London, Connecticut, Defense-Rental Area:

In New London County, the Cities of New London and Norwich, the Borough of Jewett City, and the Towns of Griswold, Groton and Stonington.

This adds to Schedule C the City of Norwich, Connecticut, as of December 20, 1950.

3. (51) Waterbury, Connecticut, Defense-Rental Area:

In Litchfield County, the Town of Watertown and all unincorporated localities, if any, in the Towns of Plymouth and Thomaston; and in New Haven County, the City of Waterbury, the Town of Beacon Falls, and all unincorporated localities, if any, in the Towns of Cheshire, Middlebury, Naugatuck, Prospect and Wolcott.

In the remainder of Litchfield County, the City of Torrington and all unincorporated localities, if any; and in New Haven County, all unincorporated localities, if any, in the Towns of Bethany, Oxford and Southbury.

This adds to Schedule C the Town of Beacon Falls, Connecticut, as of December 21, 1950.

4. (139) Baltimore, Maryland, Defense-Rental Area:

City of Baltimore; in Baltimore County, all unincorporated localities; in Harford County, the City of Harve De Grace, the Town of Aberdeen, and all unincorporated localities; in Cecil County, all unincorporated localities in Election District 3; in Carroll County (exclusive of Election Districts 2, 3, 9, 10, 11 and 14), the Town of Manchester, and all unincorporated localities; in Howard County (exclusive of Election Districts 3, 4 and 5), all unincorporated localities; and in Anne Arundel County (exclusive of Election Districts 1, 7 and 8), all unincorporated localities.

This adds to Schedule C the Town of Manchester, Maryland, as of December 14, 1950.

5. (142) Montgomery - Prince Georges, Maryland, Defense-Rental Area:

In Montgomery County, the Town of Glen Echo; and in Prince Georges County, the Cities of Greenbelt and Mt. Rainier and the Towns of Bladensburg, Brentwood and Seat Pleasant.

This adds to Schedule C the Town of Bladensburg, Maryland, as of November 6, 1950.

6. (150) Duluth-Superior, Minnesota, Defense-Rental Area:

In Carlton County, the City of Cloquet, the Village of Scanlon, and all unincorporated localities; and in St. Louis County, the Cities of Biwabik, Chisholm, Duluth, Ely, Eveleth and Virginia, the Villages of Aurora, Hibbing and Proctor, and all unincorporated localities.

This adds to Schedule C the Village of Aurora, Minnesota, as of December 18, 1950.

7. (190) Northeastern New Jersey Defense-Rental Area:

In Bergen County, the Cities of Garfield and North Arlington, the Boroughs of Bergenfield, Bogota, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, Harrington Park, Leonia, Little Ferry, Lodi, Maywood, Norwood, Palisades Park, Teterboro, Wallington and Wood-Ridge, the Village of Ridgefield Park, the Township of Teaneck and all unincorporated localities.

In Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities.

In Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.

In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Dunellen, Helmetta, Highland Park, Middlesex, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway, Raritan and Woodbridge, and all unincorporated localities.

In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.

In Morris County, the Boroughs of Madison, Riverdale and Wharton, the Towns of Boonton, Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorporated localities.

In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.

In Somerset County, the Boroughs of Manville, North Plainfield, Raritan, Somerville and South Bound Brook, the Township of Hillsborough, and all unincorporated localities.

In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway and Summit, the Boroughs of Garwood, Roselle and Roselle Park, the Townships of Cranford, Hillside and Union, and all unincorporated localities.

This adds to Schedule C the following localities in the State of New Jersey:

(1) Borough of Dunellen as of December 4, 1950.

(2) Borough of Little Ferry as of December 20, 1950.

(3) Borough of Middlesex as of December 28, 1950.

(4) Town of Boonton as of December 29, 1950.

8. (257) Allentown-Bethlehem, Pennsylvania, Defense-Rental Area:

In Lehigh County (exclusive of the Townships of Heidelberg, Lowhill, Lower Macungie, Lower Milford, Lynn, Upper Macungie, Upper Milford, Washington and Weisenberg, and the Boroughs of Albertis, Macungie and Slatington), the City of Allentown, the Townships of Salisbury and Whitehall, and all unincorporated localities; and in Northampton County (exclusive of the Townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel and Washington, and the Boroughs of Bangor, Chapman, East Bangor, Penn Argyl, Portland, Rosetto, Walnutport and Wind Gap), the City of Easton, the Township of Allen, and all unincorporated localities.

This adds to Schedule C the Township of Salisbury, Pennsylvania, as of December 14, 1950.

9. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area:

In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Ambis, Blair, Frankstown, Logan and Snyder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Ebensburg, Franklin, Gallitzin, Geistown, Lorain, Nanty-Glo, Scalp Level and South Fork, and all unincorporated localities; and in Somerset County, the Boroughs of Boswell, Central City, Garrett, Hooversville, Meyersdale and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemaugh, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the Borough of Lorain, Pennsylvania, as of December 6, 1950 and the Borough of Gallitzin, Pennsylvania, as of December 20, 1950.

10. (262) Harrisburg, Pennsylvania, Defense-Rental Area:

In Cumberland County, the Boroughs of Mount Holly Springs and West Fairview; in Dauphin County, the Boroughs of Elizabethville, Gratz, Halifax, Highspire, Lykens, Middletown and Penbrook; and in Lebanon County, the City of Lebanon, and the Boroughs of Jonestown and Lebanon Independent.

This adds to Schedule C the Borough of Gratz, Pennsylvania, as of December 7, 1950 and the Borough of Lebanon Independent, Pennsylvania, as of December 29, 1950.

11. (266) Philadelphia, Pennsylvania, Defense-Rental Area:

In Bucks County, the Boroughs of Bristol, Quakertown and Riegelsville, and all unincorporated localities; in Chester County, the Boroughs of Kennett Square and Phoenixville, and all unincorporated localities; in Delaware County (exclusive of the Borough of Swarthmore), the Boroughs of Clifton Heights, Collingdale, Eddystone, Folcroft, Glenolden, Marcus Hook, Millbourne and Norwood, the Township of Ridley, and all unincorporated localities, including Upper Darby Township; in Montgomery County, the Boroughs of Ambler, Conshohocken, Jenkintown, Pottstown and West Conshohocken, and all unincorporated localities; and the County and City of Philadelphia.

This adds to Schedule C the Borough of Marcus Hook, Pennsylvania, as of December 4, 1950.

12. (267) Pittsburgh, Pennsylvania, Defense-Rental Area:

In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Blawnox, Brackenridge, Braddock, Braddock Hills, Bridgeville, Carnegie, Castle Shannon, Cheswick, Dravoeburg, East McKeesport, East Pittsburgh, Eden Park, Glassport, Homestead, Leetsdale, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin and Wilmerding, the Townships of Baldwin, Harrison, Jefferson, Leet, Neville, Reserve, Sewickley, South Versailles, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City, Kittaning and Leechburg, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppell, Midland and Monaca, the Townships of Borough and Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Everson, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the City of Monongahela, the Boroughs of Allenport, Beallsville, Bentleyville, Burgettstown, California, Cannonsburg, Charleroi, Donora, Elco, New Eagle, North Charleroi, Roscoe and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, North Belle Vernon, Penn, South Greensburg, Southwest Greensburg and West Newton, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Beallsville as of November 13, 1950.

(2) Borough of Castle Shannon as of November 14, 1950.

(3) Borough of Penn as of December 4, 1950.

(4) Township of Borough as of December 11, 1950.

(5) City of Monongahela as of December 13, 1950.

(6) Borough of California as of December 26, 1950.

(7) Township of Baldwin as of December 28, 1950.

13. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:

In Carbon County, the Boroughs of East Mauch Chunk, Lansford, Mauch Chunk and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn, Mayfield and Winton; in Luzerne County, the Cities of Nanticoke, Wilkes-Barre and the Boroughs of Dupont, Exeter, Forty Fort, Hughestown, Kingston, Luzerne, Shickshinny and West Wyoming; and in Schuylkill County, the City of Pottsville and the Boroughs of Ashland, McAdoo, Shenandoah and Tamaqua.

This adds to Schedule C the following localities in the State of Pennsylvania:

(1) Borough of Mayfield as of September 22, 1950.

(2) Borough of McAdoo as of December 4, 1950.

(3) Borough of Kingston as of December 22, 1950.

(4) Borough of Forty Fort as of December 28, 1950.

14. (288) Clarksville, Tennessee, Defense-Rental Area:

In Montgomery County, the City of Clarksville, and all unincorporated localities.

In Christian County, the City of Hopkinsville, and all unincorporated localities; and in Todd County, the City of Elkton, and all unincorporated localities.

This adds to Schedule C the City of Elkton, Kentucky, as of December 1, 1950.

15. (354b) Bluefield, West Virginia, Defense-Rental Area:

In Mercer County, the Towns of Athens, Bramwell, Matoaka and Oakvale.

In McDowell County, the Towns of Anawalt, Davy, Iaeger, Keystone, Kimball, Northfolk and War; and in Raleigh County, the Towns of Mabscott, Rhodell and Sophia.

This adds to Schedule C the Town of Anawalt, West Virginia, as of December 28, 1950.

16. (371) Puerto Rico Defense-Rental Area:

In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Dorado, Fajardo, Guanica, Guayama, Gueyanilla, Gurabo, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa and Yauco.

This adds to Schedule C the following Municipalities in Puerto Rico:

(1) Maricao as of December 19, 1950.

(2) Orocovis as of December 23, 1950.

(3) Dorado as of December 27, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with Section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 16th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-928; Filed, Jan. 18, 1951; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

A new § 21.190 is added as follows:

§ 21.190 *Extension of vocational rehabilitation under Public Law 16, 78th Congress, as amended, to veterans having service on and after June 27, 1950.* (a) Existing conditions, provisions, and limitations of Public Law 16, 78th Congress, as amended, and applicable regulations and policies are valid for administering Public Law 894, 81st Congress, and will be for application in affording benefits to veterans under that law, except as otherwise provided in Public Law 894 with regard to the following:

(1) In lieu of active service between September 16, 1940, and July 25, 1947, active service is required to have been on or after June 27, 1950, and prior to a date to be subsequently fixed as provided by law.

(2) The incurrence of a disability on or after June 27, 1950, for which compensation at wartime rates is payable (or would be except for receipt of retirement pay or because the person is hospitalized pending final discharge from the service) under subparagraph I (c), Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), is a prerequisite to basic entitlement.

(3) The delimiting date of July 25, 1956, is not applicable.

(4) A person who was not a citizen of the United States at the time of active

service on or after June 27, 1950, shall be afforded vocational rehabilitation training under Public Law 894 only in a State, Territory, or possession of the United States, or in the District of Columbia. A person who was a citizen of the United States at the time of active service on or after June 27, 1950, shall be afforded vocational rehabilitation training under Public Law 894 only in a State, Territory, or possession of the United States, or in the District of Columbia: *Provided*, That rehabilitation training under Public Law 16 in an approved educational institution in a foreign country may be afforded, subject to central office approval, if adequate training for the employment objective is not available in the United States and if the training can be pursued under the direct supervision of the Veterans' Administration: *And provided further*, That training in the Republic of the Philippines may be afforded to a United States citizen who is a resident thereof and is otherwise eligible for training.

(b) Notwithstanding the fact that vocational rehabilitation training may have been afforded under Public Law 16 or that education or training may have been afforded under Public Law 346, 78th Congress, as amended prior to the incurrence of disability meeting requirements of Public Law 894, the veteran who has basic entitlement under Public Law 894 will, upon claim therefor, be provided vocational rehabilitation training to the extent necessary to restore employability lost by reason of the handicap due to such disability incurred in or aggravated by active service on or after June 27, 1950: *Provided:*

(1) That the additional period of training afforded under Public Law 894 will be limited otherwise as provided by applicable law (sec. 1, Pub. Law 16, as amended, or par. 7, Pub. Law 346; and regulations issued pursuant thereto), and

(2) That in the case of any such veteran who previously pursued training under Public Law 16 or Public Law 346, in determining whether the veteran has need for vocational rehabilitation, and, if so, in selecting an employment objective and prescribing the course therefor, the records of the veteran's previous advisement and training and the current medical data will be carefully and fully considered to the end that the previous training will be capitalized to the fullest extent found practicable and will not be duplicated unless essential to accomplish employability, and

(3) That where any such veteran interrupted training under Public Law 16 to reenter the Armed Forces, the veteran's previous advisement and training records and the medical records showing the veteran's current disability status will be considered in advisement and guidance procedures for the purpose of determining whether the employment objective for which the veteran was pursuing training at the time of interruption still is suitable to accomplish vocational rehabilitation and unless it is determined that the objective is no longer suitable reentrance into training will be effected without change of employment objective.

(c) A veteran who has basic eligibility under Public Law 894 and who, after notice of basic eligibility, enters training or continues in training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) will be held to have exercised the election to pursue training under Part VIII.

NOTE: A presumption of basic eligibility will be established when a Veterans' Administration claims activity has determined that compensation is or would be payable under the provisions of subparagraph I (c) of Part II, Veterans Regulation 1 (a), as amended, and the veteran has been notified to that effect. The presumption may be rebutted upon the filing of a VA Form 7–1900 and a determination that the veteran is not in need of training. In any such case, if the veteran thereafter desires training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) the affording of such training will be subject to the limitations contained in the instructions governing the pursuit of a combination of courses under Parts VII and VIII. Conversely, a veteran who is eligible for benefits under Part VII and Part VIII, who enters or reenters vocational rehabilitation training under Part VII, and who at a later date requests training under Part VIII, may be afforded education or training under that part subject to the statutory limitations, and the limitations contained in instructions governing pursuit of a combination of courses under both parts.

(d) Any claim for benefits under Public Law 894 will require a new formal application on VA Form 7–1900. (Instruction 1, Pub. Law 894, 81st Cong.)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, Pub. Law 894, 81st Cong.; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective January 19, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–891; Filed, Jan. 18, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

[Docket No. AO–160 All Rol]

HANDLING OF MILK IN THE PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Philadelphia, Pennsylvania on January 25, 26, and 27, 1950, pursuant to notice thereof which was issued January 18, 1950 (15 F. R. 366), on April 19, 20, and 21, 1950, pursuant to notice thereof which was issued on April 12, 1950 (15 F. R. 2146), on May 10, 11, and 12, 1950, pursuant to notice thereof issued on May 3, 1950 (15 F. R. 2687), and on November 21, 1950, pursuant to notice thereof issued on October 20, 1950 (15 F. R. 7139).

The material issues of record related to:

1. A formula method of establishing Class I prices based upon the report of the Philadelphia Class I Milk Price Committee;

2. Other issues which were the subject of decisions issued by the Secretary on March 20, 1950 (15 F. R. 1633) and on June 21, 1950 (15 F. R. 4114).

Findings and conclusions. The findings and conclusions with respect to the aforesaid issue numbered 1, all of which are based upon the evidence introduced at the hearing and the record thereof, are as follows:

A formula method of establishing Class I prices for this market based upon (1) a composite index of (a) wholesale commodity prices in the United States; (b) prices paid by Pennsylvania farmers for mixed dairy feed; (c) prices received by Pennsylvania farmers for products other than milk; (d) prices paid by Midwest condenseries; (e) Class I sales by Philadelphia handlers; and (2) an automatic adjustment to be made when supplies appear out of line with sales, should be adopted. The formula would comprise:

(1) A consolidated index which is a simple average of the five component indexes (1936–40=100).

(2) A rate of change of 2.57 cents in prices for each point change in the formula index.

(3) A seasonal adjustment of 40 cents down in April, May, and June, and 40 cents up in October, November, and December from monthly average annual prices as determined by the formula index.

(4) A bracketing of the formula index so as to result in 20-cent changes in Class I prices with an arrangement of brackets that leaves between them about 4 index values through which the index must move before a price change occurs.

(5) Adjustments of the basic level of the price at the beginning of each calendar quarter.

(6) Price adjustment based on changes in utilization.

Producers urged the adoption of a Class I price formula which has been developed by the Philadelphia Class I Milk Price Committee, a group of economists and dairy experts appointed by the Dairy Branch of the Production and Marketing Administration in December 1947 to study the problem of establishing minimum Class I prices in this market. The Class I price formula herein recommended is patterned closely after the formula developed by the committee and endorsed by producers. The prices would be related to the formula index, in accordance with the Committee's recommendation, by considering the levels of the index and the price in a recent period to be equivalent, and changes from this level would be at the same rate per unit change in the formula index as occurred between the average for the period 1936–1940 and the recent period in which the price and index are equated.

It appears that a formula method of establishing Class I prices for this market would have certain advantages over prices established for a relatively few months following a hearing. Because of the time required to follow out the procedure of amending an order, a formula based on economic indexes would give quicker recognition to certain conditions affecting the supply of and demand for milk in the marketing area. The adoption of a formula which relates the price to measurable economic conditions, in effect, gives notice to all interested persons as to how the price will be affected by economic changes. It is readily recognized that the type of formula proposed would not always react to certain temporary and unpredictable conditions which would need to be dealt with through the hearing method. The use of a formula for establishing prices does not prevent or hinder any interested party from petitioning for a change in the prices thereby established or in the formula itself.

Components of the formula index. In general, the basis for the Philadelphia Class I Milk Price Committee's recommendation of the various indexes to be included in the formula was that these indexes are measures of conditions which affect the supply of and demand for milk, and taken together, would furnish a useful guide for the level of Class I prices.

Although any one of the individual indexes proposed for use in the formula might not be by itself a basis for establishing Class I milk prices, each reflects economic conditions which affect the price of milk. The monthly index of wholesale commodity prices compiled and published by the Bureau of Labor Statistics of the United States Department of Labor is a general measure of the level of prices of all commodities, and thus reflects changes in the cost of many items which enter into the cost of milk production as well as changes in demand for all commodities. This index is commonly regarded as a reflector of general business conditions that affect milk prices.

The wholesale commodity price index for each month is made available by the Bureau of Labor Statistics near the end of the succeeding month. It is desirable, however, that the Class I milk price be announced somewhat earlier in the month. The Bureau of Labor Statistics also complies and publishes a weekly index of wholesale commodity prices which is available three days after the seven-day period to which it applies. The weekly index is based upon an abbreviated sample of about one-eighth as many commodities as the monthly index. Examination of the weekly and monthly series shows that the two indexes have been close enough in each month so that one might be substituted for the other in the proposed formula index. By averaging the four latest weekly index figures available, an average commodity price index would be obtained covering about the same period as the latest available data for other components of the proposed formula index. For these reasons it appears advisable to use an average of the four latest weekly wholesale commodity price indexes in preference to the monthly index. Because of the close correspondence of the weekly and monthly series, the weekly index as published by the Bureau of Labor Statistics may be converted to a 1936–1940 base period, as recommended by the Committee, by multiplying by 100 and dividing by the average of the monthly indexes in the years 1936 through 1940. That average is 80.28.

Changes in the price of mixed dairy feed concentrates measure changes in the most important direct production cost incurred by dairy farmers in this area. Prices paid by farmers for mixed dairy feed as of the 15th of each month are obtained from feed dealers in Pennsylvania by the Pennsylvania Federal-State Crop Reporting Service and the state averages are published monthly for various mixtures. These prices are based upon a considerably larger sample than the feed prices used by the Committee in their report, but this series was started only in 1946. Based upon periods when both series are available, 1946–1949, the price published by the Federal-State Crop Reporting Service for 20 percent dairy ration is most nearly comparable to the series used by the Committee and is equivalent to 102.4 percent of the prices used by the Committee. It is advisable to use the price with the broader coverage, and it appears that this price may be expressed as an index, comparable to the other component indexes of the proposed formula by multiplying by 100 and dividing by 102.4 percent of the average of the feed price series used by the Committee for the years 1936–1940. This adjusted 1936–1940 average is $1.776 per hundredweight of feed. It appears that this index would be a reliable measure of changing milk supply conditions in this area.

Other farm enterprises besides milk production are of considerable importance in the Philadelphia milkshed. Changes in prices received by farmers for other farm products are a measure of changes in the alternative opportunities for dairy farmers in use of their labor and other resources investment. Since dairy farmers do, in large measure, govern their production by their judgment of the relative profitableness of competing farm enterprises, it is desirable in order to maintain stable marketing conditions that the returns for the dairy enterprise be kept reasonably well in line with returns from alternative enterprises. Indexes of prices received by Pennsylvania farmers for all farm products and for dairy products have been published for many years by the Pennsylvania Federal-State Crop Reporting Service. Although an index has not been published until recently for prices received for products other than dairy products, such an index may be derived from the all farm products and the dairy products indexes, and the index so computed for the period January 1936–October 1950 was introduced on the record. The dairy products component is weighted 40.4 percent in the all products index.

Official notice is hereby taken of the current publication, subsequent to the hearing, of an index of prices received by Pennsylvania farmers for all farm products except dairy products. This index appears to be the best available measure of the relative attractiveness of alternative enterprises. The 1936–1940 average index is 109.15.

Prices paid by Midwest condenseries for milk are generally considered to reflect the effects of supply and demand for milk and milk products on a national scale. While dairy farmers who are fluid milk producers in this area do not generally consider selling milk to a condensery as an alternative outlet, except in Maryland's eastern shore and northwest Pennsylvania, changes in condensery prices and the conditions which bring these changes about affect directly or indirectly the opportunity of Philadelphia producers to sell their milk at a given price. The series of condensery pay prices recommended by the Committee for use in the proposed formula was the average of 20 condenseries listed in the Federal order for the New York Metropolitan marketing area prior to the amendment of said order on April 1, 1949, but this is not now a regularly published series. It appears that it would make little difference whether

this series of condensery prices or the similar series published by the Bureau of Agricultural Economics for 18 Midwest condenseries is used, inasmuch as prices for the same condenseries are in each series, excepting two condenseries at Coldwater and Delta, Ohio. The average prices of both series generally have been nearly the same. It is recommended that the monthly average paying price of 18 Midwest condenseries, which is now regularly released early in the month following in the daily Philadelphia dairy markets report of the United States Department of Agriculture, be used in the formula, except that for periods prior to 1941 when the current 18 condensery price series was not published, that the condensery price series set forth in the Committee report be used. That is the same average condensery price which is used for establishing Class prices under the order regulating the handling of milk in the Chicago marketing area, and is available a few days after the month for which the prices are reported. The average price thus applicable for the 1936–1940 period is $1.3945.

The average daily volume of total Class I sales by Philadelphia handlers was recommended by the Committee as a measure of demand for Class I milk in this area. This figure would include sales outside the marketing area as well as sales inside the area. An examination of the data indicates that sales outside the area are relatively erratic compared to sales in the area. It appears that in-area sales would be a more reliable measure of the demand for milk in the market. This series is compiled by the market administrator from data submitted by all reporting handlers. The estimated average for the 1936–1940 period is 14,960 hundredweight per day.

Seasonal correction of component indexes. In the notice of the reopened hearing issued October 20, 1950, adjustment of the various component indexes to correct for seasonal variation was considered but not recommended. At the reopened hearing producer and handler representatives urged that seasonal corrections should be applied to some of the indexes. As pointed out in the tentative findings, the amount of seasonal variation in Class I sales, the index of prices received for farm products other than dairy, and during 1949 and 1950 in condensery prices, is relatively small. No seasonal adjustment was proposed for the wholesale price index or feed prices. From further study of the record, it is concluded that certain seasonal adjustments may be applied to the indexes of Class I sales, condensery prices, and prices received for farm products other than dairy. These adjustments would be based upon the seasonal variation of the Class I sales index during the period July 1946–June 1950; the condensery price index during the period September 1949 through August 1950; and the index of prices of other farm products during the period July 1946–September 1950. In the case of the index of prices for farm products other than dairy the pattern of seasonal variation is less distinct than for the other two series, but a reliable seasonal adjustment appears possible, at least from the point of view of not being excessive, if the monthly seasonal indexes are averaged by calendar quarters and rounded to the nearest whole number. These indexes, which are set forth in the recommended amendment to the order, appear sufficiently conservative so that they should not result in excessive correction for seasonal variation.

These indexes for seasonal correction may need to be reviewed from time to time and modified if a marked change in the seasonality of some of the component indexes appears. Since the market is already accustomed to a definite seasonal differential in Class I prices, it is important to remove as much seasonal effect in the indexes as possible. From 1946 on, the Philadelphia market has become habituated to a Class I price 40 cents less than the annual average in the spring quarter and 40 cents more than the average price in the fall quarter. This system of seasonal differentials should be continued.

Relationship of formula index to Class I price. The combined index of these five statistical series is adopted as one of the factors to guide Philadelphia Class I prices. Each of the individual series is converted to a component index, with a 1936–1940 base, by dividing by the average monthly figure of the base period, or the calculated equivalent, as explained above. The five indexes are combined by adding the index values for each month and dividing the total by five.

The period 1936–1940 was recommended by the Committee as a base period for the various indexes, since it was comparatively free from instability, and that in the period, as a whole, there was good enough balance between production and the needs of the market to indicate that the average price of the period represents a reasonable level. When this average price, which is $2.97, is equated with the average index value (100), and monthly index prices are determined by applying respective monthly index values to this average price, such index prices, it appears, would have been appropriate market prices in this base period. A post-war base period was not recommended because of the relatively unstable market conditions.

Had normal market conditions prevailed in years following the base period, it is possible that prices determined in this same relationship to index values would have been suitable market prices. But war economy conditions intervened to change the pattern, and the base period relationship between the index and prices clearly is not appropriate since the war years. The base period relationship is 2.97 cents change in price to one point change in the index. From examination of the course of prices and index values since the base period it is evident that something less than this amount of price change should be associated with one point change in the index in order to yield reasonable formula prices. If the pre-war base period relationship between Class I prices and the index were projected into the years since the war, the resulting Class I prices would appear to be clearly out of line with market conditions during that period. In this connection, the Committee recommended that the price-index relationship be adjusted in line with marketing conditions in some recent period. Such a procedure appears reasonable since the short-time fluctuations in the formula index appear to be generally well timed and reasonable in extent. The method of adjustment recommended was to take the difference between the average price of some period in recent years—when production and market requirements were well balanced—and the base period price and then to relate the difference to the change in the index between the two periods. It seems clear that the recent period chosen as a point of reference for adjusting the rate of price change in relation to change in the index should have these characteristics: (1) It must not be, as a period, persistently short or long in supply. While there may be decided changes in the relation between production and market requirements, these should balance out so that on the average these relations may be said to be in balance. (2) It must have a pattern of prices in relation to changing supply and demand conditions that makes the average monthly price representative of the level from which the monthly prices varied or should have varied in accordance with changing relations between market production and disposition.

With this method of determining a ratio of change, judged on the basis of the resulting prices produced, the ratio of 2.57 cents per point change in the index would seem to be a suitable ratio. The proposed formula index with this ratio of change to prices and with the proposed bracketing and seasonal price adjustments would have given prices that, from careful examination, appear to be reasonable in relation to the prevailing and changing market conditions of the whole postwar period. Although the formula prices generally would have differed somewhat from the actual prices, these differences do not indicate lack of merit in the formula if they appear reasonable upon reviewing marketing conditions at the time. Comparing the larger movements of the formula prices and actual prices, the changes were in the same direction, although generally at a different level. They would have moved up to their peak in the last quarter of 1948 in much the same manner as did actual prices. They would have risen rapidly in late 1946 when markets were freed from wartime restrictions, settled back the first half of 1947 and recovered by the end of the year. During 1948 formula prices would have been higher than actual prices. During this period eastern and southern markets were still short of supplies and demand was unabated. Near the end of 1948 when it could be clearly observed that market conditions were beginning to reverse themselves this formula price would have fallen sharply and continued downward during the forepart of 1949 as production conditions continued favorable. At the beginning of 1950 the formula price would have been slightly lower than the price which prevailed and would have continued so through the first half of the year.

From this appraisal this particular price-index relationship seems to be satisfactory for the proposed formula index. This particular figure of 2.57 cents per unit change in the index is determined in the manner suggested by the Committee. From the average Class I price of the 3-year period January 1947 through December 1949 the average price of the base period was subtracted. The difference in the average prices of these two periods was divided by the average index value of the 3-year post-war period less 100. This particular 3-year period was taken because (i) its average price seemed to be representative of post-war levels and (ii) its average price appears to have been a reasonable general level with reference to the market conditions during the period. Since the end of the war period the level of Philadelphia Class I prices has constantly shifted. It appears necesary to take a period as long as 3 years in order to have a price truly representative of the post-war price level. Three full years compensate for relations and conditions peculiar to any one year. Prices during this period moved generally in a cycle which began after the market was free from the war-time price regulations. Until late 1948, markets were short and prices moved upward to a peak in the fall of that year. From there, with increasing supplies and some slackening of demand, the downward movement commenced and continued through 1949. On the whole, the pattern of actual prices in relation to changing conditions during this period appears reasonable enough at least to lend credence to the average price as a reasonable level for the period.

It is not to be expected, however, that the ratio of change of prices, in relation to the index, derived through use of this three-year period (1947–1949) is precisely the most desirable ratio, since the final test is the reasonableness of the resulting prices. The calculated ratio of change, using this three-year period, is 2.52 cents per point of index. This is a change from 2.48 cents in the tentative findings resulting from corrections and adjustments of the component indexes introduced in the reopened hearing. Application of this ratio of change in the manner set forth in the tentative findings, while correcting certain of the component indexes, for seasonal variation as described herein, results in prices which, although generally reasonable, are in a few recent periods lower than is considered appropriate in view of market conditions at the time. In this connection, examination of the position of the monthly index values in relation to bracket limits during the most recent twelve months for which data is available suggests that the relationship of the formula price to the index is slightly lower than desirable during current periods.

Accordingly, the relationship of the price to the index herein recommended is slightly higher than that which would result based entirely upon the relationships of actual prices and the index during the base period and the post-war period 1947–1949. The ratio of change of 2.57 cents of price per point of index multiplied by the monthly value of the composite index less 100, plus the base price of $2.97, results in the applicable formula price, subject to the system of brackets described herein. Inasmuch as the determination of this ratio of change was not made solely upon the basis of the average of actual prices producers have received during certain periods, but primarily upon the basis of the reasonableness of the resulting formula prices in the post-war period, it is not necessary to deduct the 6 cents per hundredweight from the schedule of formula prices, as was recommended in the tentative findings to account for a recent change in the Class I butterfat differential. In appraising the prices which would have been produced by the formula throughout the post-war period, however, the comparability of prices in different periods is affected by the changing value of the butterfat differential.

Producers testimony in the record was directed towards justification of a higher ratio of change based in the first instance upon a more recent period. This position was modified in a proposed conclusion that the proper ratio seemed to lie somewhere between that derived from the period recommended herein and the period 1949–1950 proposed by producers. The ratio of change recommended herein is a little less than midway between those which would result from using the 1947–1949 period and the 1949–1950 period for determination thereof.

The proposed formula index, with the price-index relationship recommended herein, appears to give reasonable prices in relation to supply and demand conditions during the post-war period. Although the formula price would have been at times at considerable variance from the price that prevailed, actual prices, viewed in retrospect, appear at times to have moved sluggishly in relation to changing market conditions, and it would appear that the formula would have kept prices in a closer relation to market conditions.

Price adjustments based upon relationship of supply and sales. An examination of data in the record shows a considerable range in the relationship of producer deliveries to Class I sales during the history of the Federal order in this market. Deliveries as a percentage of Class I sales during periods of 12 consecutive months varied from a low of about 102 percent in the twelve months ending July 1946 to a high of about 133 percent in the twelve months ending March 1950. The increase in these percentages was considerable since the most recent data in the Committee Report, and this increase coincides with increases in production per day per producer and the increase in milk production in the State of Pennsylvania. Since the New York City milkshed overlaps the Philadelphia milkshed, it may be expected that there would be some correlation of the amount of supplies available to handlers in the two markets. It is noted that the New York blend price declined considerably in relation to the Class I–A price during the period of April 1948 to April 1950, and that during the same period there was considerable change in the percentage relationship of Philadelphia producer deliveries to Class I sales.

One of the most important factors to consider in establishing milk prices is the relationship of available supplies to Class I sales. The relationship of producer deliveries to Class I sales in the Philadelphia market does appear to change in line with changes in available supplies. It appears that this relationship would be a useful factor as part of the proposed formula in establishing Class I prices in this market. Although the formula index generally may be expected to bring about price changes which will avoid maladjustments between supplies and sales, a statistical measure of the relationship of available supplies to the level of Class I sales would provide an added safeguard. As stated in the Committee report, important changes in utilization might require deviation from the price determined by the proposed formula.

Two important considerations in judging the adequacy of the amount of milk supplied by producers are the amount of reserve over Class I sales in the short supply season, and the amount of excess over sales in the flush season. November is generally the month of shortest production, and May is generally the month of highest production in this milkshed. The desirable goal is an adequate reserve in the short season, and not excessive supplies in the spring months. A relatively small amount of seasonal variation in production would facilitate achievement of this goal; while on the other hand, a relatively large seasonal variation in production would tend to result in excessive supplies in spring months if supplies in the previous fall had been adequate.

Seasonal variation in producer deliveries during the 12-month period ending in April 1950 was somewhat less than in previous years. During this period receipts were about 133 percent of Class I sales. November receipts were about 115 percent of sales, and May receipts were about 147 percent of Class I sales. Supplies during this period were generally considered more than adequate in this and other Northeastern markets. If, however, the pattern of seasonal variation of production had been somewhat wider, the same 12-month ratio of receipts to Class I sales would correspond to a smaller amount of reserve in the fall and a larger surplus in the spring. The likelihood of some changes from time to time in the seasonal pattern of production suggests that it would be necessary to take a percentage of sales somewhat higher than 133 percent if this factor is to be used as the measure of excessive supplies.

A figure of 135 percent of sales was recommended in the tentative findings as indicating the dividing line between normal and surplus supply conditions. Assuming the same seasonal patterns of receipts and sales as occurred during the May 1949–April 1950 period, the percentage of 135 percent for 12 months would correspond to receipts in November

about 117 percent of sales, which is higher than in any November since the issuance of the order. With a wider seasonal range in receipts, as in 1947 for example, the corresponding November percentage would be about 107 percent of sales.

A pattern of seasonal production somewhere between these two, when 12 months' receipts are 135 percent of sales, would result in about 12 percent excess over sales in November. Accordingly, it must be recognized that a 12-months total of receipts over 135 percent of sales does not result in a mathematical certainty of a surplus supply situation in some fall months. It is also recognized that handlers in this market do not ordinarily rely entirely upon regular producer sources for their fall supplies. Unless the character of handlers' operations in this market changes considerably, it seems reasonable to expect, based on previous experience, that when handlers are accepting a volume of milk which during 12 months is more than 135 percent of sales, a surplus supply condition exists. It is accordingly concluded that the formula price should be adjusted downward in this case.

Producers pointed out the possibility that some handler might deliberately bring a plant under the order for the purpose of bringing about a price reduction through this device of adjusting the price on the basis of average market utilization. The ability of a handler or handlers to so reduce the 12-months average of market-wide utilization would be generally an indication of a liberal supply situation. The possibility of manipulation of the supply-sales ratio does not appear at this time to be a serious threat to the practicality of this device as a basis for price adjustment, and, at least, it does appear reasonable to include this device in the formula until some experience is gained in its operation.

A similar analysis of levels of receipts and sales, likely to result in fall shortages, assuming seasonal changes similar to those in recent years, indicates that when producer receipts for 12 months are less than 120 percent of Class I sales, that the total amount of producer milk received in the short season by Philadelphia handlers is only slightly more than Class I sales or may be even less than Class I sales. In the tentative findings it was recommended that when receipts exceeded Class I sales by less than 120 percent in 12 months, that the formula price should be adjusted upward. Further consideration leads to the conclusion that some allowance should be made for the practice of handlers to rely upon nonproducer sources for some of their short-season supply. Accordingly, it is recommended that a somewhat lower level of receipts be taken as an indication of a shortness of available supply. The figure of 115 percent of sales during twelve months is recommended as the dividing line and it is concluded that an upward price adjustment should be made if the percentage is less than 115.

The amount of price adjustment made to correct an excessive or short supply should be substantial enough to encourage a change in production. It is recommended that an upward price adjustment of 40 cents per hundredweight apply if the supply of producer milk is inadequate, and a 40 cents per hundredweight downward adjustment apply if supplies are excessive. These adjustments would be made from the level of price indicated by the formula index. However, because of the possibility that the formula index might indicate a price adjustment which in itself would tend to correct the supply situation and obviate the need for further adjustment, it is recommended that the price adjustment based on the relationship of receipts to sales should not result in a total change in the price from the price in the same month a year previous of more than 80 cents.

A producer representative pointed out at the hearing that if the proposed price adjustment based on utilization had been added on to the formula index price in all cases where the applicable percentage of receipts to sales was less than 120 percent, that the resulting prices in some periods would have been unreasonably high. It is not possible to form a proper appraisal of this device on such a basis, since if the formula index prices had been in effect during these earlier periods it is quite possible that a better adjustment of supplies in relation to requirements would have occurred.

It is further recommended that this price adjustment based on ratio of receipts to sales not operate until the other parts of the formula have been in effect for a full twelve months. This will allow time for the formula prices to affect the supply situation during most of the months used in the 12-month totals of receipts and sales.

If the formula price for a month is to be announced on the 15th of the previous month, the latest available data on receipts and sales for 12 months would be for the period ending with the second month preceding the month for which the price is announced.

Incidental formula features. The formula proposal of producers contains certain incidental provisions which should be adopted as proposed. One such is the seasonal Class I price adjustment. The pattern of seasonal adjustment of Class I prices at the beginning of each calendar quarter which has been used in recent years should be continued. This pattern of seasonal pricing has been accepted by producers as a means for encouraging more even production. The effectuation of this seasonal pattern is accomplished by adding 40 cents per hundredweight during the months of October, November and December to the prices the formula would otherwise produce for these months, and deducting 40 cents per hundredweight for the months of April, May and June.

Another feature is the 20-cent interval of price change. It has been customary in recent years to adjust the annual level of the price by 20- and 40-cent intervals. This method of adjusting the level of the Class I price coordinates this operation with the seasonal changes by making all changes in 20- and 40-cent intervals.

Still another feature is a bracketing of the index so that price changes will occur only after substantial changes in the index. In order to prevent erratic price changes which might be caused by slight changes in the index, it is recommended that an interval be left between the formula index brackets so that once the index has moved into one bracket a reversal would not immediately return it to the bracket in which it was previously. Since in the formula recommendation made herein a 20-cent price change is equivalent to about 7.8 index points, an interval between index brackets of 3.8 index points would appear to provide a desirable safeguard against erratic changes.

The location of the mid-points of the brackets should be determined so that changes from the price in effect prior to operation of the formula will be in 20-cent intervals. This will be in line with the accepted custom in this market of making most price changes in terms of 20-cent intervals.

Producers and handlers argued that the formula price changes should be made only at the beginning of each calendar quarter. This, it was argued, would be less disturbing to the market than more frequent price changes, and would facilitate coordination of the State orders and Federal order in this area. A producer representative pointed out that except for the period from the fall of 1948 through the winter of 1949, formula price changes during calendar quarters would have been generally limited to 20-cent changes, and that during many quarters no price changes were indicated. The market has been accustomed to having changes in the basic price level take place at the beginning of calendar quarters at the same time as seasonal changes. Examination of the changing level of formula prices in past years shows that generally a quarterly pricing system would not have resulted in serious maladjustment within a quarter excepting possibly in a few periods when conditions were changing rapidly. Based on experience in previous periods, such occasions would be seldom enough that they should not be considered a serious disadvantage to formula pricing. It is recommended that this feature of quarterly price changes be adopted as requested by producers and handlers.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

RECOMMENDED MARKETING AGREEMENT AND AMENDMENT TO THE ORDER

The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

Delete § 961.4 (a) (1) and substitute the following:

(1) *Class I milk.* The market administrator shall compute and announce on the 15th day of each month (or on the next business day if the 15th is a holiday) from the latest available data the index values computed pursuant to subdivisions (i) through (vi) of this subparagraph, the Class I price, and the utilization percentages computed pursuant to subdivisions (vii) and (viii) of this subparagraph.

(i) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.8028.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy on a 1936–1940 base period by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915 and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January–February–March	0.96
April–May–June	1.00
July–August–September	1.04
October–November–December	1.00

(iv) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936–1940 base period, by dividing by .013945 the monthly average price paid at 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	.99	October	1.00
May	.98	November	1.02
June	.96	December	1.03

(v) Compute an index of the average daily pounds of Class I milk sold by all handlers during the previous month on all routes from which any milk is disposed of in the marketing area, using a 1936–1940 base period, by dividing the monthly figure by 14,960, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.00	July	0.94
February	1.00	August	.95
March	1.02	September	1.02
April	1.02	October	1.04
May	1.00	November	1.01
June	1.00	December	1.00

(vi) Divide the sum of the indexes calculated in subdivisions (i) through (v) by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subdivisions (vii) and (viii) of this subparagraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE

Class I Price per Hundredweight

Formula index	January–February–March; July–August–September	April–May–June	October–November–December
116.3–120.3	$3.44	$3.04	$3.84
124.1–128.1	3.64	3.24	4.04
131.9–135.9	3.84	3.44	4.24
139.6–143.6	4.04	3.64	4.44
147.4–151.4	4.24	3.84	4.64
155.2–159.2	4.44	4.04	4.84
163.0–167.0	4.64	4.24	5.04
170.8–174.8	4.84	4.44	5.24
178.5–182.5	5.04	4.64	5.44
186.3–190.3	5.24	4.84	5.64
194.1–198.1	5.44	5.04	5.84
201.9–205.9	5.64	5.24	6.04
209.7–213.7	5.84	5.44	6.24
217.5–221.5	6.04	5.64	6.44
225.2–229.2	6.24	5.84	6.64
233.0–237.0	6.44	6.04	6.84

(vii) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price (or average price) for the same quarter of the preceding year plus 80 cents: *And provided,* That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

(viii) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month are more than 135 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price (or average price) for the same quarter of the preceding year minus 80 cents: *And provided,* That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

Filed at Washington, D. C., this 15th day of January, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51–956; Filed, Jan. 18, 1951; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

UTILIZATION OF FREQUENCIES

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission having under consideration a petition filed on January 8, 1951, by Columbia Broadcasting System, Inc. (CBS), requesting leave to participate and present testimony in the above proceedings with respect to Issue "E" contained in the Commission's "Notice of revised order of testimony" (FCC 50–1228) entitled "Reservation of Channels for Non-Commercial Educational Television Stations" on the grounds that (1) it was not until the statements and testimony were produced on behalf of

the Joint Committee on Educational Television that the issues became clarified, and (2) the Commission should have the benefit of the views and testimony of a commercial broadcaster in order to assure a full and complete record upon which a fully informed judgement can be made; and

It appearing that good and sufficient reasons have been advanced by petitioner for a grant of the above petition;

It is ordered, That the petition herein is granted; that petitioner is made a party to Issue "E" in the above proceedings; and that petitioner will be permitted to participate in the further hearing on said issue scheduled to be resumed on January 22, 1951.

Released: January 11, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-918; Filed, Jan. 18, 1951; 8:51 a. m.]

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

TELEVISION BROADCAST SERVICE

UTILIZATION OF FREQUENCIES

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission having under consideration a petition filed on January 8, 1951, by Television Broadcasters Association (TBA), requesting leave to participate and present testimony in the above proceedings with respect to Issue "E" contained in the Commission's "Notice of revised order of testimony" (FCC 50-1228) entitled "Reservation of Channels for Non-Commercial Educational Television Stations" on the grounds that (1) petitioner has actively participated on other issues in the above proceeding; (2) petitioner desires to direct attention and testimony to proposals requiring a type of time sharing arrangement between commercial telecasters and noncommercial educational institutions and to proposals concerning the deletion of commercial stations now operating in the VHF band; and (3) petitioner had no notice of the above proposals; and

It appearing that good and sufficient reasons have been advanced by petitioner for a grant of the above petition;

It is ordered, That the petition herein is granted; that petitioner is made a party to Issue "E" in the above proceedings; and that petitioner will be permitted to participate in the further hearing on said issue scheduled to be resumed on January 22, 1951.

Released: January 11, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-919; Filed, Jan. 18, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

EXEMPTION OF CERTAIN ACQUISITIONS OF SECURITIES UNDER STOCK BONUS OR SIMILIAR PLANS

PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of § 240.16b-3 (Rule X-16B-3) under section 16 (b) of the Securities Exchange Act of 1934. This rule provides an exemption from section 16 (b) of the act with respect to certain acquisitions of securities by a director or officer under a stock bonus or similar plan approved by security holders of the issuer. The purpose of the amendment is to broaden the rule so as to exempt acquisitions under certain types of plans not presently within the purview of the rule.

The section referred to provides in general that where any director, officer or principal holder of a registered equity security has realized a profit from any purchase and sale, or sale and purchase, of any equity security of the issuer within any period of less than six months, such profit may be recovered by the issuer. The section authorizes the Commission to exempt therefrom any transaction or transactions not comprehended within the purpose of the section.

It should be noted that the amended rule, like Rule X-16B-3 as presently in effect, would exempt only certain acquisitions of securities under plans of the type specified. Sales of securities so acquired are not exempted by the rule and would, therefore, be within the purview of section 16 (b) of the act if within six months before or after such sales the director or officer has had other acquisitions which could be matched against them.

The text of the proposed rule is as follows:

§ 240.16b-3 *Exemption from section 16 (b) of certain acquisitions of securities under stock bonus or similar plans.* Any acquisition of shares of stock (other than convertible stock or stock acquired pursuant to an option, warrant or right) by a director or officer of the issuer of such stock shall be exempt from the operation of section 16 (b) of the act if the stock was acquired pursuant to a stock bonus or similar plan meeting all of the following conditions:

(a) The plan has been approved specifically, or through the approval of a charter amendment authorizing stock for issuance pursuant to the plan, by the security holders of the issuer at a meeting for which proxies were solicited in accordance with such rules and regulations, if any, as were then in effect under section 14 (a) of the act.

(b) If the selection of the persons who may acquire securities pursuant to the plan or the determination of the amount of securities which may be so acquired by any such person is subject to the discretion of any person, such discretion shall be exercised by a committee of three or more directors or other persons having full and final authority in the matter who are not entitled to participate in the plan or in any other similar plan provided by the issuer or any of its affiliates.

(c) The plan effectively limits the aggregate amount of securities which may be distributed pursuant to the plan, either by limiting the maximum amount which may be acquired by each participant in the plan or by limiting the maximum amount which may be so acquired by all such participants.

(d) The acquisition of the securities pursuant to the plan does not involve the payment of any cash, directly or indirectly, to the issuer or any of its affiliates.

All interested persons are invited to submit data, views and comments on the proposed rule, in writing, to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 10, 1951.

[F. R. Doc. 51-911; Filed, Jan. 18, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 50-41]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by property authority:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, of 2, not carrying passengers for hire.

Approval No. 160.007/97/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Iowa Fibre Products, Inc., Des Moines 9, Iowa.

Approval No. 160.007/98/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Crawford Cushion Mfg. Co., 1081 West View Drive SW., Atlanta, Ga.

Approval No. 160.007/99/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Sound Mattress and Felt Co., South Thirtieth and Hosmer Streets, Tacoma, Wash.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHION, NON-STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/438/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, unsupported plastic film covering and straps, dwg. No. 1, dated September 27, 1950, manufactured by Stearns Manufacturing Co., West Division street at Thirtieth, St. Cloud, Minn.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

SIGNALS, DISTRESS, FLARE, RED, HAND

Approval No. 160.021/6/0, Hand red flare distress, 500 candlepower, 2-minute burning time, identified by General Arrangement dwg. No. CXC-115, dated April 18, 1949, and Detail dwg. No. CXC-116, dated April 16, 1949, submitted by International Flare Signal Division of Kilgore Manufacturing Co., Westerville, Ohio.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.021)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/12/0, Container for emergency provisions, dwg. No. 201-P dated August 21, 1950, Specification 201-S, dated August 21, 1950, manufactured by Globe Equipment Corp., 30-32 Gold Street, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 33.3-1, 59.11)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/42/0, Rottmer type, size 0.1, releasing gear, approved for maximum working load of 14,000 pounds per set (7,000 pounds per hook), identified by assembly and calculations dwg. No. R-124 dated November 5, 1949, and revised February 23, 1950, manufactured by the Lane Lifeboat & Davit Corp., Foot of Fortieth Road and Flushing River, Flushing, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 37.1-7, 59.68, 76.62, 94.59, 160.033)

LIFEBOATS

Approval No. 160.035/126/1, 16.0' x 6.0' x 2.67' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. 16-6-15-2, dated April 22, 1950, manufactured by Frank Morrison & Son Co., Cleveland, Ohio. (Supersedes Approval No. 160.035/126/0, published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.035/247/1, 24.0' x 8.0' x 3.75' steel, motor-propelled lifeboat without radio cabin, 40-person capacity, identified by construction and arrangement dwg. No. 24-1C, dated April 28, 1949, and revised September 18, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/247/0, published in the FEDERAL REGISTER dated November 3, 1949.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10, 160.035)

JACKKNIFE (WITH CAN OPENER)

Approval No. 160.043/1/0, Type S702 jackknife (with can opener), dwg. No. 1160, dated August 11, 1950, manufactured by Camillus Cutlery Co., Camillus, N. Y.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.043)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/40/0, Telephone station relay, non-latching type, splash-proof, dwg. No. 18, Alt. 1, dated March 1950, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth Street and Third Avenue, Brooklyn 32, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9-4, 63.11, 79.12, 97.14, 116.10)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/30/1, Oceco Type E-21-B flame arrester, cast iron body, extensible bank assembly, aluminum arrester plates, bolted end covers, dwg. No. HOC-195-A, revised November 10, 1950, approved for sizes 3", 4", 6", 8" and 10", manufactured by The Johnston & Jennings Co., 4700 West Division Street, Chicago 51, Ill. (Supersedes Approval No. 162.016/30/0, published in the FEDERAL REGISTER dated August 6, 1948.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.016)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/37/0, South Bend Model No. 3000-A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11-44-1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind.

Approval No. 162.020/38/0, South Bend Model No. 3003-A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11-44-1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind.

Approval No. 162.020/39/0, South Bend Model No. 3020-A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11-44-1.101, manufactured by The Malleable Steel Range Manufacturing Co. Inc., South Bend 21, Ind.

Approval No. 162.020/40/0, South Bend Model No. 3023-A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11-44-1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind.

Approval No. 162.020/41/0, South Bend Model No. 3025-A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11-44-1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind.

Approval No. 162.020/42/0, Magic Chef gas range, Model No. HD-12, approved by the American Gas Association, Inc., under Certificate No. 11-22-9.901 for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/44/0, Magic Chef gas range, Model No. HD-15, approved by the American Gas Association, Inc., under Certificate No. 11-22-9.901 for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9-11, 61.25, 95.24, 114.25)

Dated: January 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-913; Filed, Jan. 18, 1951; 8:49 a. m.]

[CGFR 51-3]

WITHDRAWAL OF APPROVAL NO. 160.007/75/0 FOR BUOYANT CUSHION

MERCHANT MARINE COUNCIL HEARING

1. The certificate of Approval No. 160.007/75/0 for a standard kapok buoyant cushion manufactured by the Hirsch-Weiss Canvas Products Co., Portland, Oregon, was suspended November 7, 1950, for noncompliance with requirements of Coast Guard regulations and the company was ordered to terminate the production of buoyant cushions under that approval number immediately, and the company was requested to state what action would be taken for recalling and withdrawing from service those buoyant cushions which were on the market and which might be of doubtful buoyant quality. The Hirsch-Weiss Canvas Products Co. indicated no action would be taken for removing from the market buoyant cushions which may be of unreliable buoyant quality and not manufactured in accordance with Coast Guard requirements. The standard kapok buoyant cushion manufactured under Approval No. 160.007/75/0 was approved for use on motorboats of Classes A, 1, or 2, not carrying passengers for hire in ac-

cordance with the Motorboat Act of April 25, 1940 (46 U. S. C. 526e), and 46 CFR 25.4–1 and 160.007. Since the buoyant cushions manufactured under certificate of Approval No. 160.007/75/0 were manufactured with kapok filler having doubtful buoyant qualities, it is necessary for safety of life at sea that certificate of Approval No. 160.007/75/0 be withdrawn from use and, therefore, all such buoyant cushions shall be removed from and not used on motorboats of Classes A, 1, or 2 as lifesaving devices.

2. *It is therefore ordered*, That Approval No. 160.007/75/0 shall be withdrawn effective November 7, 1950, and it is further ordered that all buoyant cushions bearing Approval No. 160.007/75/0 shall not be used as a lifesaving device on board motorboats of Classes A, 1, or 2, not carrying passengers for hire: *Provided, however*, That owners or operators of motorboats shall have until May 1, 1951, to replace such cushions with others of an approved type before being subject to any of the penalties of the Motorboat Act of 1940 (46 U. S. C. 526o).

3. Any person aggrieved by the withdrawal of Approval No. 160.007/75/0 may submit a written brief setting forth all pertinent facts and may request a hearing to the Commandant (CMC), U. S. Coast Guard, Washington 25, D. C., prior to January 30, 1951, so that a hearing, if requested, may be scheduled for the Merchant Marine Council on January 30 or 31, 1951.

Dated: January 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–914; Filed, Jan. 18, 1951; 8:50 a. m.]

[CGFR 51–2]

TERMINATION OF APPROVALS FOR BUOYANT CUSHIONS FILLED WITH TYPHA (PROCESSED CATTAIL FLOSS)

MERCHANT MARINE COUNCIL PUBLIC HEARING

1. The Merchant Marine Council will hold a public hearing on January 30, 1951, commencing at 2: 00 p. m. in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., to consider the termination of outstanding approvals for buoyant cushions filled with typha (processed cattail floss), authorized to be used as lifesaving equipment on motorboats of Classes A, 1, or 2, not carrying passengers for hire by the Motorboat Act of April 25, 1940 (46 U. S. C. 526e) and 46 CFR 25.4–1 and 160.007.

2. The typha-filled buoyant cushions were originally approved during World War II due to the fact that under War Production Order No. M–85 kapok was restricted to use in lifesaving devices for vessels engaged in the war effort and there was no kapok available for use in buoyant cushions for pleasure motorboats. Since typha is inferior to kapok with respect to both buoyant qualities and durability, these approvals were intended to remain in effect only until such time as kapok was removed from the critical list of materials and would be available for use in buoyant cushions. The War Production Order No. M–85 has been rescinded and kapok is available for use in the manufacture of buoyant cushions.

3. All the approvals of buoyant cushions filled with typha (processed cattail floss) are to be terminated with the understanding that those buoyant cushions manufactured before the effective termination date may be continued in use so long as in good and serviceable condition.

4. All holders of approvals of buoyant cushions filled with typha (processed cattail floss) who may desire to appeal the termination of approvals for their specific cushions as well as others who may be affected by such actions, shall submit to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., on or before January 29, 1951, letters setting forth the reasons why the action to terminate these approvals should not be taken, together with any supporting data. All persons interested in or affected by the termination of approval of buoyant cushions filled with typha (processed cattail floss) may appear at the public hearing and supplement their appeals or comments by oral arguments.

Dated: January 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–915; Filed, Jan. 18, 1951; 8:50 a. m.]

[CGFR 50–42]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.007/84/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Marietta Cushion Co., Marietta, Ga. (Approved FEDERAL REGISTER July 27, 1949.)

(R. S. 4405, 54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4–1, 160.007)

FLAME ARRESTERS FOR TANK VESSELS

Termination of Approval No. 162.016/7/0, Type A–20, Oceco flame arrester, cast iron body, aluminum bank assembly, dwg. No. 11885 dated January 30, 1940, approved for 2½" and above, for use with combustible or inflammable liquids of Grade A or lower, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio. (Approved FEDERAL REGISTER July 31, 1947.)

(R. S. 4405, 4417a, 4491 and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.016)

VALVES, PRESSURE VACUUM RELIEF

Termination of Approval No. 162.017/6/1, Oceco Type T pressure vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screens, cast iron body, aluminum valves and guide rods, spindle-guided valves, without flame snuffer, dwg. No. 12811 dated June 8, 1948, approved for sizes 3" and 4" for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio. (Approved FEDERAL REGISTER August 6, 1948.)

Termination of Approval No. 162.017/55/0, Oceco Type V–113 pressure-vacuum relief valve, weight loaded, atmospheric pattern, outlets fitted with flame screens, semi-steel body, aluminum valves and guide rods, spindle-guided valves, without flame snuffer, dwg. No. FOC–69 dated June 30, 1948, approved for sizes 3", 4", 6", 8", 10", and 12" for use with inflammable or combustible liquids of Grade A and lower grades, manufactured by The Johnston & Jennings Co., 877 Addison Road, Cleveland, Ohio. (Approved FEDERAL REGISTER August 6, 1948.)

(R. S. 4405, 4417a, 4491, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 489, 50 U. S. C. 1275; 46 CFR 162.017)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: January 15, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–916; Filed, Jan. 18, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[District 1, Amdt. 6]

ARIZONA

MODIFICATION OF GRAZING DISTRICT

JANUARY 15, 1951.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, sec. 2.22, 15 F. R. 5643, it is ordered as follows:

The following-described lands are added to Arizona Grazing District No. 1, as heretofore established and modified (Misc. No. 1609046):

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 1 E.,
Sec. 4, W½SW¼.
T. 40 N., R. 1 E.,
Sec. 10;
Sec. 15, N½NW¼ and SW¼NW¼.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–903; Filed, Jan. 18, 1951; 8:47 a. m.]

[1603639]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 15, 1951.

Notice is given that the plat of original survey and dependent resurvey of the following described lands, accepted December 19, 1942, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 38 E.,
All of secs. 4, 5, 6, 7, 8, 9;
Sec. 10, Lots 1 to 9 inclusive, W½NW¼, SW¼SW¼;
Sec. 15, Lots 1 to 9 inclusive, NW¼NW¼, W½SW¼;
All of secs. 16, 17, 18, 19, 20, 21;
Sec. 28, N½, Lots 1, 2, 3, 4;
All secs. 29, 30, 31;
Sec. 32, Lots 1 to 10 inclusive, W½NW¼.

The areas described aggregate 12,022.98 acres.

Portions of secs. 10 and 15 were withdrawn by Executive order of December 12, 1917, and placed in Power Site Reserve No. 671. All of those portions of secs. 10 and 15 lying within 50 feet of the transmission line right-of-way of the City of Los Angeles were reserved February 14, 1922, and included in Federal Power Project No. 134. All or parts of secs. 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 28, 29, 31 and 32 were withdrawn January 21, 1933, for Stock Driveway No. 235, California No. 17.

No applications for any of these lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Sacramento, California.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–904; Filed, Jan. 18, 1951; 8:47 a. m.]

[1544817]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 15, 1951.

Notice is given that the plat of extension surveys and resurvey of the following described lands, accepted November 6, 1947, will be officially filed in the Land Office, Billings, Montana, effective at 10:00 a. m. on the 35th day after the date of this notice:

PRINCIPAL MERIDIAN, MONTANA

T. 9 N., R. 4 E.,
Sec. 4, lots 5, 6, 7, 8, 9;
Secs. 5 to 9 inclusive, all;
Secs. 16 to 21 inclusive, all;
Sec. 27, lots 1, 2, 3, 4, 5;
Secs. 28 to 34 inclusive, all;
T. 11 N., R. 7 E.,
Secs. 1 to 3 inclusive, all;
Secs. 10 to 15 inclusive, all;
Sec. 21, lots 1 to 8 inclusive;
Secs. 22 to 27 inclusive, all;
T. 8 N., R. 8 E.,
Sec. 1, lots 1 to 6 inclusive, S½N½, NW¼SW¼;
Sec. 2 to 11 inclusive, all;
Sec. 12, lots 6 to 13 inclusive;
Sec. 13, lots 1 to 6 inclusive;
Secs. 14 to 22 inclusive, all;
Sec. 23, lots 6 to 13 inclusive;
Sec. 26, lots 1 to 5 inclusive;
Secs. 27 to 30 inclusive, all.

The areas described, exclusive of segregation, aggregate 36,956.24 acres.

Available data indicate that the lands are mountainous in character.

All of the lands described in T. 9 N., R. 4 E., are within the Helena National Forest by proclamations of October 3, 1905 and March 1, 1907. The remainder of the described lands are within the Lewis and Clark National Forest by proclamations of November 6, 1906 and February 15, 1907.

In view thereof, the lands described will not be subject to disposition under the general public land laws by reasons of the official filing of these plats.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51–905; Filed, Jan. 18, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS OF SPECIFIED MANUFACTURED PRODUCTS

NOTICE OF DETERMINATIONS

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (15 F. R. 8789, December 12, 1950) pursuant to said act, I have determined that annual data relating to the products listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

The commodities listed below are significant in the food, apparel, leather, chemicals, wood products, basic metals, and fabricated metal products areas of manufacturing. The establishments in these industries directly employ more

than a million persons and, indirectly, through their demands upon other industries for materials and services, provide jobs for many more than that number. Information on the output of these industries is necessary to an adequate measurement of total industrial production. Government agencies need data on the production of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

The content of these annual reports will be identical with that of monthly, quarterly, or semi-annual reports conducted by the Bureau of the Census on the same group of products. However, there will be no duplication inasmuch as establishments that file the monthly, quarterly, or semi-annual reports during the year covered by the annual report will not need to submit annual reports on these products.

Information will be collected annually, beginning in 1951, covering each preceding calendar year from establishments engaged in the production of the following products:

Flour milling products.
Confectionery.
Men's and boys' apparel.
Shoes and slippers.
Chemicals and gases.
Sulfuric acid.
Superphosphates.
Softwood plywood.
Mechanical stokers.
Construction machinery.
Plumbing fixtures.
Wrought magnesium products.
Wrought aluminum products.
Steel shipping barrels, drums, and pails.
Metal cans.
Commercial closures.
Complete aircraft.
Aircraft engines.
Aircraft propellers.

The report form will require information on production and/or shipments from the selected establishments. In addition, for flour milling products, superphosphates, softwood plywood, plumbing fixtures, and steel barrels, drums, and pails, data on stocks will be obtained. Data on consumption of raw materials will be required of the producers of softwood plywood and commercial closures. Producers of wrought aluminum and wrought magnesium products will be required to report their receipts of basic shapes for further processing. Producers of steel shipping barrels, drums, and pails; complete aircraft; aircraft engines; and aircraft propellers will also be required to report their unfilled orders (backlog). For the aircraft surveys (complete aircraft, aircraft engines, and aircraft propellers), figures on December 15 employment will be collected.

The above information will be required of establishments of the types described above and the report forms will be sent each year to companies operating such establishments. Blank copies of the forms to be used are available to the producers of the listed commodities on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: January 15, 1951.

[SEAL] ROY V. PEEL,
Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-901; Filed, Jan. 18, 1951; 8:46 a. m.]

ANNUAL SURVEYS IN CHEMICAL AND MACHINERY AREAS OF MANUFACTURING

NOTICE OF DETERMINATIONS

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (15 F. R. 8788, December 12, 1950) pursuant to said act, I have determined that annual data relating to the products listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

The industries listed below are significant in the chemicals and machinery areas of manufacturing. The establishments in these industries directly employ about 200,000 persons and, indirectly, through their demands upon other industries for materials and services, provide jobs for many more than that number. Information on the output of these industries is necessary to an adequate measurement of total industrial production. Government agencies need data on the production of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Information will be collected annually, beginning in 1951, covering each preceding calendar year from all establishments engaged in the production of the following products:

Inorganic chemicals and gases.
Internal combustion engines.
Metalworking machinery.

Information on production and/or shipments will be required of all establishments engaged in the production of the specified items. Report forms will be sent each year to companies operating such establishments. Blank copies of the forms to be used are available to the producers of the listed commodities on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: January 15, 1951.

[SEAL] ROY V. PEEL,
Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-902; Filed, Jan. 18, 1951; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that Special Certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

New York Guild for the Jewish Blind, 1880 Broadway, New York 23, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective January 12, 1951, and expires December 31, 1951.

The Maryland Workship for the Blind, 601 N. Fulton Ave., Baltimore, Maryland; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher; certificate is effective December 20, 1950, and expires November 30, 1951.

Lancaster County Branch, Pennsylvania Association for the Blind, 506 West Walnut Street, Lancaster, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 1, 1951, and expires December 31, 1951.

Jefferson County Association for the Blind, 4244 Third Avenue, South Birmingham, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 1, 1951, and expires December 31, 1951.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Montgomery, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective January 1, 1951, and expires December 31, 1951.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Tuscaloosa, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective January 1, 1951, and expires December 31, 1951.

Department of Alabama Veterans of Foreign Wars, c/o Veterans Hospital, Tuskegee, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective January 1, 1951, and expires December 31, 1951.

Volunteers of America, 121-125 East Water St., Sandusky, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 5 cents per hour, whichever is higher, and a rate of not less than 3 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective December 15, 1950, and expires May 31, 1951.

Chicago Metropolitan Unit of Illinois Association for the Crippled, Inc., 116 South Michigan Avenue, Chicago, 3, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective January 1, 1951, and expires December 31, 1951.

Goodwill Industries of Chicago Inc., 1500 West Monroe Street, Chicago 7, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective December 1, 1950, and expires November 30, 1951.

Workshop for the Blind, 1307 Leech Street, Sioux City, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 15 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workship; certificate is effective January 1, 1951, and expires December 31, 1951.

Goodwill Industries of Corpus Christi, 1302 Leopard Street, Corpus Christi, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher; certificate is effective January 1, 1951, and expires December 31, 1951.

Richmond Goodwill Industries, Inc., 1903 East Marshall Street, Richmond 23, Virginia; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 1, 1951, and expires December 31, 1951.

Goodwill Industry and Gospel Mission, Inc., 13 West Salem Avenue, Roanoke, Virginia; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective January 1, 1951, and expires December 31, 1951.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of January 1951.

RAYMOND G. GARCEAU,
Assistant Administrator.

[F. R. Doc. 51-906; Filed, Jan. 18, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1583]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JANUARY 15, 1951.

Take notice that on January 8, 1951, New York State Natural Gas Corporation (Applicant) a New York corporation, 30 Rockefeller Plaza, New York, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the installation of a meter, recording pressure and volume gauge, regulator, and incidental equipment at a point in its main transmission system near Freeville, Tompkins County, New York. Applicant proposes by these facilities to sell and deliver natural gas to New York State Electric and Gas Corporation for resale and distribution in the Village of Freeville and the Town of Dryden, Tompkins County, New York. These communities have no gas utility service at present.

Through the proposed facilities, Applicant has contracted to deliver a maximum of 20,000 Mcf per year with a daily maximum of 125 Mcf of natural gas. The cost of these facilities is estimated to be $11,848, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of February, 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-897; Filed, Jan. 18, 1951; 8:46 a. m.]

[Docket No. G-1579]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JANUARY 15, 1951.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed on January 4, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant proposes to transport for resale an additional 150,000,000 cubic feet of natural gas per day jointly to Southern California Gas Company and Southern Counties Gas Company of California at a point on the Arizona-California border near Blyth, California; an additional 150,000,000 cubic feet of natural gas per day to Pacific Gas and Electric Company at a point on the Arizona-California border near Topock, Arizona;

and an additional 100,000,000 cubic feet of natural gas to other customers located along and adjacent to its existing pipe line system in the States of Arizona, New Mexico, and Texas. Applicant proposes to obtain the above volumes of natural gas by transporting 300,000,000 cubic feet per day from the Permian Basin in southeastern New Mexico and West Texas, and 100,000,000 cubic feet per day from the San Juan Basin in northern New Mexico and southern Colorado by means of additional facilities to be constructed and operated in conjunction with its existing pipe line system.

The estimated cost of the proposed undertaking, including facilities and additional funds required, is $83,000,000. Applicant proposed to obtain the funds required from the sale of $62,500,000 of 15 year 3¼ percent first mortgage bonds, $15,000,000 of preferred stock with dividend rate of 4.25 percent and $5,500,000 from the sale of common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-898; Filed, Jan. 18, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9383, 9701]

JORDAPHONE CORP. OF AMERICA ET AL.

ORDER CONTINUING HEARING

Jordaphone Corporation of America et al., complainants, Docket No. 9383; v. American Telephone and Telegraph Company et al., defendants, Docket No. 9701. In the matter of use of telephone answering devices in connection with interstate and foreign telephone service.

The Commission having under consideration a motion filed January 5, 1951, by the Chief, Common Carrier Bureau, Federal Communications Commission, requesting a continuance of the above-entitled hearing from January 15, 1951, to a date not later than January 29, 1951; and

It appearing that the reason for the requested continuance is due to the fact that various telephone answering devices which were to be supplied by various parties herein were not supplied as soon as had been anticipated and that the installation of the field test units were not completed by the parties to the proceeding until the first week in December 1950, and as a result, it has not been possible for the Commission's Engineering Staff to complete the necessary studies in connection with the field tests and to prepare data with respect thereto for submission in evidence by January 15, 1951; and

It appearing that the defendants, American Telephone and Telegraph Company, et al., by a Statement of Position filed January 10, 1951, do not oppose the requested continuance but affirmatively assert that in no instance has an installation been delayed in any manner by the defendants and that they are now ready to proceed on the presently scheduled hearing date or on such other date as may be fixed if the pending motion is granted; and

It appearing from statement of Commission Counsel that the requested continuance is agreeable to the several complainants herein; and good cause having been shown that the motion for the requested continuance should be granted;

It is ordered, This the 12th day of January 1951, that the motion of the Chief, Common Carrier Bureau for postponement of the hearing date in the hearing in the above-entitled proceeding is granted and the hearing now scheduled to begin January 15, 1951, is continued to January 29, 1951, beginning at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-924; Filed, Jan. 18, 1951; 8:52 a. m.]

[Docket No. 9417]

TRI-STATE BROADCASTING CO. (WCPM)

ORDER REOPENING RECORD FOR FURTHER HEARING

In re application of Tri-State Broadcasting Company (WCPM), Middlesboro, Kentucky, for modification of construction permit; Docket No. 9417, File No. BMP-4581.

1. The Commission has under consideration the petition of its General Counsel to reopen the record of hearing upon the above-entitled application, which seeks authority to change the operating facilities of Station WCPM, Middlesboro, Kentucky, from 560 kilocycles, 500 watts, daytime hours only, to 560 kilocycles, 500 watts during the day and 100 watts at night, unlimited time. The proposal contemplates the assignment of a Class IV station to a regional channel. The hearing in this matter was concluded on January 6, 1950.

2. Under the Commission's rules and the Standards of Good Engineering Practice, the assignment requested herein is permissible upon condition, among others, that a local channel is not available for use in the area in which operation is sought.[1] While the hearing upon this application was in progress, Middlesboro, Kentucky, had one other standard broadcast facility, namely, Station WMIK, which was licensed for unlimited time operation on the 1490 kilocycle channel, with power output of 250 watts, and the evidence showed that there was no other local channel assignment then available for use in Middlesboro. Subsequent to the close of the record, however, and on May 17, 1950, the license of Station WMIK for operation on 1490 kilocycles was surrendered to the Commission.

3. In his petition, the General Counsel of the Commission alleges that the record of the proceeding herein should be reopened to show the availability of the 1490 kilocycle channel for use in Middlesboro, Kentucky; and that the evidence of such availability is newly discovered, within the meaning of the Commission's rules and regulations, inasmuch as the transaction involving the channel occurred after the close of the record of the hearing.

4. The petition herein states good cause and there is no opposition thereto. The circumstances recited above are such as to require the reopening of the record for the purpose indicated.

It is ordered, This 10th day of January 1951, that the instant petition be, and it is hereby, granted; the record in the above entitled proceeding is reopened for further hearing and for the sole purpose of receiving evidence with respect to the availability of a Class IV channel for use in the City of Middlesboro, Kentucky; and the said further hearing will be conducted in the offices of the Commission in Washington, D. C., beginning at 9:30 a. m., January 23, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-923; Filed, Jan. 18, 1951; 8:52 a. m.]

[Docket Nos. 9594, 9595]

PACIFIC COAST BROADCASTING CO. (KXLA)

ORDER CONTINUING HEARING

In re application of Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9594, File No. BML-1328, for modification of licenses; in re order to show cause directed to Pacific Coast Broadcasting Company (KXLA), Pasadena, California, Docket No. 9595, File No. BS-1189.

The Commission having under consideration a petition filed on January 5, 1951, by Pacific Coast Broadcasting Company (KXLA), requesting that the hearing herein be continued from January 15 to March 1, 1951; and an opposition thereto filed on January 8, 1951, on behalf of KFAB Broadcasting Company, respondent herein; and

It appearing, that the General Counsel of the Commission has waived the four-day requirement of § 1.745 of the Commission's rules and regulations, so as to permit immediate consideration of said petition; and

It further appearing, that by order dated November 27, 1950, the hearing herein was continued until January 15, 1951, upon a petition of the applicant alleging, in part, that the Southern California Edison Company had undertaken the construction of a power line within 800 feet of the southwest tower of the KXLA antenna system; that the Southern California Edison Company had not yet fulfilled its promise to insulate six of the towers of said power line and to supply them with tuning units in order to most effectively isolate the towers; that the installation of said tuning units were expected to be completed in the early part of December 1950; and that until this work on the towers has been completed, Station KXLA was unable to determine the extent to which the presence of these towers might alter the adjustment of the KXLA array; and

It further appearing, That the order of November 27, 1950, granting the continuance: *Further provided*, That: "Prior to January 15, 1951, Pacific Coast Broadcasting Company may file another petition herein requesting a further continuance of the hearing to February 15, 1951: *Provided*, That said petition contains an affirmative showing that the work on the power line of the Southern California Edison Company has been completed and the applicant has undertaken engineering studies to determine the effect, if any, of said power line upon the KXLA antenna array"; and

It further appearing that the instant petition alleges that, as of January 8, 1951, the work on the towers and power line would be complete, and that on that date, applicant's consulting engineer would leave Washington, D. C. for California, to commence taking measurements to determine the effect, if any, of the power line on the adjustment of applicant's antenna array, and that a minimum of forty-five days will be required to assemble the necessary data and make it ready for presentation at the hearing; and

It further appearing that the public interest would be served by granting a further continuance of the hearing herein, so as to permit the applicant to gather the necessary measurements and other engineering data necessary for the presentation of its case in this proceeding;

It is ordered, This 10th day of January 1951, that the petition of Pacific Coast Broadcasting Company (KXLA), is hereby granted, and the hearing herein, is hereby continued, to March 1, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-922; Filed, Jan. 18, 1951; 8:51 a. m.]

[Docket Nos. 9806, 9816]

ALLEN B. DU MONT LABORATORIES, INC. ET AL.

ORDER POSTPONING HEARINGS

Allen B. Du Mont Laboratories, Inc., complainant, Docket No. 9806, v. American Telephone and Telegraph Company, et al., defendants; in the matter of American Telephone and Telegraph Company, et al., Docket No. 9816; allocation of usage of intercity video transmission facilities.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission, having under consideration the proceedings in the above-entitled matters;

It appearing that Allen B. Du Mont Laboratories, Inc., American Broadcasting Company, Columbia Broadcasting System and National Broadcasting Company, parties in the above proceedings, have agreed upon certain procedures voluntarily to be followed by them to resolve their conflicting requirements for usage of intercity video transmission facilities of American Telephone and Telegraph Company and all other Bell System companies, which procedures may obviate the necessity for allocation by the Telephone Company of usage of such facilities among these networks;

It further appearing that the above-mentioned procedures will be applicable to the last three calendar quarters for the year 1951;

It further appearing that it will best conduce to the proper dispatch of the above proceedings to postpone the date for hearings for an indefinite period in order to observe the usage of intercity video transmission facilities of the Bell System Companies resulting from the above-mentioned agreement among the networks;

It is ordered, That hearings herein currently scheduled to begin January 15, 1951, are postponed until further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-920; Filed, Jan. 18, 1951; 8:51 a. m.]

[Docket Nos. 9811-9813, 9874]

ARK-VALLEY BROADCASTING CO., INC. (KGAR) ET AL.

ORDER ENLARGING ISSUES

In re applications of Ark-Valley Broadcasting Company, Inc. (KGAR), Garden City, Kansas, Docket No. 9811, File No. BP-7704; the Southeast Colorado Broadcasting Company (KLMR), Lamar, Colorado, Docket No. 9812, File No. BP-7783; Capital Broadcasting Company (KFNF), Lincoln, Nebraska, Docket No. 9813, File No. BP-7805; George Basil Anderson (KJSK), Columbus, Nebraska, Docket No. 9874, File No. BP-7932; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission having under consideration its order of October 6, 1950, designating the above-entitled matter for hearing, and the Commission's order of December 27, 1950, amending the latter order to include the above-entitled application of George Basil Anderson (KJSK); and

It appearing that the application of Capital Broadcasting Company seeks to move Station KFNF from Shenandoah, Iowa, to Lincoln, Nebraska; that in order to determine whether or not the public interest requires a grant of the application it is essential that the Commission be apprised of the comparative needs of the areas that will lose and gain service as the result of a grant of this application; and that, therefore, the issues in this proceeding should be enlarged to provide for such a comparison;

It is ordered, That the Commission's order of October 6, 1950, as amended by its order of December 27, 1950, is amended to include as Issue No. 8 the following:

8. To determine the comparative needs of the areas now served by Station KFNF including the city of Shenandoah, Iowa, and the areas to be served by Station KFNF operating as proposed including Lincoln, Nebraska, for broadcast service and, in view thereof, whether a grant of this application would be in accordance with section 307 (b) of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-921; Filed, Jan. 18, 1951; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT IN CONNECTION WITH FISH AND WILDLIFE SERVICE

1. Pursuant to the authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to make purchases and contracts of the following supplies and services pursuant to title III of the aforesaid act in carrying out the programs of the Fish and Wildlife Service: *Provided, however*, That such purchases and contracts may be negotiated only if it is determined by the said Secretary that the facts are such as to bring the purchase or contract in question within the following provisions:

(a) Subsection 302 (c) (4), to procure personal and professional services of naval architects and marine engineers.

(b) Subsection 302 (c) (5), to procure services to be rendered by any university, college, or other educational institution.

(c) Subsection 302 (c) (7), to procure medicines and medical supplies required to be furnished to the inhabitants of the Pribilof Islands.

(d) Subsection 302 (c) (9), to procure perishable and semi-perishable foods.

(e) Subsection 302 (c) (10), to procure experimental, developmental, or research work or the manufacture or furnishing of supplies for experimentation, development, research, or test in connection with research and development programs.

2. This delegation of authority shall be effective as of the date hereof.

JESS LARSON,
Administrator.

Dated: January 15, 1951.

[F. R. Doc. 51-925; Filed, Jan. 18, 1951; 8:52 a. m.]

[1] Footnote 4, page 2, Standards of Good Engineering Practice.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25745]

IRON OR STEEL CASTINGS FROM BIRMINGHAM, ALA., TO OHIO, INDIANA, AND MICHIGAN

APPLICATION FOR RELIEF

JANUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3772, pursuant to fourth-section order No. 9800.

Commodities involved: Iron and steel castings, in the rough, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Cleveland, Ohio, and certain points in Indiana and Michigan.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-892; Filed, Jan. 18, 1951; 8:45 a. m.]

[4th Sec. Application 25746]

FROZEN HORSE MEAT FROM CARTHAGE AND JOPLIN, MO., TO SOUTH

APPLICATION FOR RELIEF

JANUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3807.

Commodities involved: Fresh frozen horse meat, in carloads.

From: Carthage and Joplin, Mo.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3807, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-893; Filed, Jan. 18, 1951; 8:45 a. m.]

[4th Sec. Application 25747]

IRON AND STEEL ARTICLES FROM SOUTH TO OHIO RIVER CROSSINGS

APPLICATION FOR RELIEF

JANUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No.

Commodities involved: Iron and steel articles, in carloads.

From: Producing points in southern territory.

To: Ohio River crossings, St. Louis, Mo., district, points in southern Illinois, southern Indiana and Virginia, Bristol, Va.-Tenn., Kenova, W. Va., and Washington, D. C.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C .C. No. 920, Supp. 202.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-894; Filed, Jan. 18, 1951; 8:45 a. m.]

[Rev. S. O. 562, Amdt. 1 to King's I. C. C. Order 41]

CERTAIN RAILROADS IN UNITED STATES

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 41 and good cause appearing therefor: *It is ordered,* That:

King's I. C. C. Order No. 41 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., February 15, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., January 15, 1951, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., January 15, 1951.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 51-895; Filed, Jan. 18, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

BURLEY & CO.

MEMORANDUM OPINION AND ORDER PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of January A. D. 1951.

In the matter of Burley & Co., 120 Broadway, New York, New York.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether it is in the public interest to grant the application of Burley & Co. ("registrant"), a registered partnership composed of Chester C. Burley, Sr. ("Burley") and Albert W. Burley, that it be permitted to conduct its business as a broker and dealer without the restrictions set forth in our orders of June 21, 1948, and August 24, 1949.

Registrant filed a brief in support of its application. By stipulation our Division of Trading and Exchanges stated that it does not oppose the application and registrant waived a hearing, a trial examiner's recommended decision, and oral argument. Upon an independent review of the record we make the following findings.

On August 5, 1946, we revoked the broker-dealer registration of registrant's predecessor, also known as Burley & Company.[1] This revocation was based primarily upon our finding that Burley had willfully violated the anti-fraud provisions of the act in that he took secret profits in transactions with customers.[2]

Registrant subsequently filed an application for registration as a broker and dealer, stating that its dealer activities would be restricted to selling securities under a prospectus and to transactions for its own account effected exclusively with other dealers. In view of the restricted nature of the proposed business and other considerations in the public interest, we permitted registration to become effective on June 21, 1948.[3]

In 1949 registrant filed an application seeking a limited expansion of its activities so as to permit it to act as a dealer in the following types of transactions: "(1) in selling securities under a Securities Act prospectus; (2) in selling securities exempt from registration under the provisions of section 3 of the Securities Act of 1933, where an offering circular disclosing the purposes and terms of the offering is used; (3) in buying securities from and selling securities to institutional clients such as banks, insurance companies, investment trusts, estates, and municipal and state authorities and funds that possess analytical and trading facilities comparable to those of an average broker-dealer where the confirmations delivered to such clients shall bear upon the face of each a disclosure of the current professional bid and asked market pertaining to the security or securities involved; (4) in buying securities from and selling securities to brokers and dealers; (5) in making tenders of securities to the corporate issuers thereof, or to their fiscal agents, and (6) in selling securities which are the subject of non-registered secondary offerings where a disclosure of the dealer's discount in dollars and cents is customarily made to the buyer."

We could find no reason in the public interest for denying registrant's application and therefore granted it on August 24, 1949.[4]

In support of its present application registrant claims that the existing restrictions constitute "insurmountable obstacles" in competing for business with other broker-dealer firms of a similar size and character; that a number of prospective customers are reluctant to deal with a firm operating under restrictions; that registrant has been unable to induce salesmen to work for it because of the restrictions; and that certain municipal and state funds and certain small banks and trust companies with whom registrant presently may not transact business on a dealer basis insist upon their transactions being handled on a principal basis. Registrant further avers that it has faithfully and strictly complied with all our rules and regulations; that, "having during the past four years suffered the consequences of a prior indifference to the public interest, [it] is now firmly committed to the policy of treating that public interest as an inviolable trust"; and that it will continue to employ competent legal and technical advisers to assist it in operating its business.

In considering the public interest when we permitted registrant's registration to become effective in 1948, we took into account a number of factors, including the lapse of time since the revocation of the registration of the predecessor firm, the effect of such revocation on Burley's activities and income, Burley's previous good reputation, and his satisfactory conduct as a securities salesman subsequent to the revocation, as well as the proposal of registrant to restrict its business primarily to broker transactions. Two and a half more years have now elapsed since the firm's registration became effective in June 1948, and from the record before us it does not appear that registrant, during this period, has conducted its business outside the limits of the restrictions it assumed or in an improper manner. During this time, moreover, it has engaged legal and technical counsel to assist it and undertakes to continue to do so in order to insure, insofar as possible, compliance with its duties and responsibilities as a broker and dealer.

In view of the foregoing, we can find no valid reason in the public interest for denying registrant's application.

It is ordered, therefore, That the application of Burley & Co., a partnership composed of Chester C. Burley, Sr., and Albert W. Burley, that it be permitted to conduct its business as a broker and dealer without the restrictions set forth in the Commission's orders of June 21, 1948, and August 24, 1949, be, and it hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-907; Filed, Jan. 18, 1951; 8:48 a. m.]

[1] Revocation automatically barred the firm from membership in National Association of Securities Dealers, Inc. ("NASD"), and the firm was formally expelled from membership therein on August 7, 1946.

[2] Burley & Company, — S. E. C. — (1946), Securities Exchange Act Release No. 3838.

On January 9, 1947, the Supreme Court of the State of New York, County of New York, on the basis of the same transactions as those referred to in our findings in the revocation proceedings, entered an injunction decree restraining Burley from engaging in certain phases of the securities business.

[3] Burley & Co., — S. E. C. — (1948), Securities Exchange Act Release No. 4109.

Registrant has advised us that on July 27, 1948, the Supreme Court of the State of New York, County of New York, vacated the injunction against Burley and that it was admitted to membership in the NASD as of November 1, 1948.

[4] Burley & Co., — S. E. C. — (1949), Securities Exchange Act Release No. 4300.

[File No. 812-706]

COSMOPOLITAN HOTEL CO. OF DALLAS, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 15th day of January, A. D. 1951.

Notice is hereby given that Cosmopolitan Hotel Company of Dallas, Inc., registered under section 8 (a) of the Investment Company Act of 1940 as a non-diversified closed-end management company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting the applicant from all provisions of the act.

In support of its application Cosmopolitan Hotel of Dallas, Inc. states that it is a corporation formed by a committee of the Dallas Chamber of Commerce. The purpose of the committee was, and the purpose of the corporation is stated to be, to assure that Dallas has adequate hotel facilities. Negotiations to accomplish this objective culminated in a contract with Statler Dallas Co., Inc., whereby the applicant will purchase and hold a specified amount of debentures issued by Statler Dallas Co., Inc. Cosmopolitan Hotel Company of Dallas, Inc., will issue a corresponding amount of its own debentures having the same interest rate and maturity date and has filed a registration statement under the Securities Act of 1933 pertaining to these securities. The application states that Cosmopolitan Hotel Company of Dallas, Inc., was not organized to deal with Statler Dallas Co., Inc., alone, and was not organized to purchase Statler securities or the securities of other corporations. The application further states that the applicant is a mere alter ego for the committee of the Dallas Chamber of Commerce; that the purpose of the applicant's activities is to obtain a hotel of distinction for Dallas, and that the applicant is engaged in a civic venture. It is asserted that the applicant is a civic entity, being a part of and an incorporated committee of the Dallas Chamber of Commerce, which is a non-profit, non-stock corporation, and that the applicant is equally a non-profit corporation, all of the stock of which was acquired for the purpose of aiding this Chamber of Commerce activity and for the account of said Chamber of Commerce and as a contribution, and no part of the net earnings of which, were there ever any net earnings, would ever inure to the benefit of any private shareholder or individual.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after February 2, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the

rules and regulations promulgated under the act. Any interested person may, not later than January 31, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-908; Filed, Jan. 18, 1951; 8:48 a. m.]

WAR CLAIMS COMMISSION

SPECIAL ADVISORY COMMITTEE

DESCRIPTION OF ORGANIZATION

Section 4 (14 F. R. 7820; 15 F. R. 6648) is amended by adding the following:

(d) *Special Advisory Committee.* There is established a voluntary committee to act in an advisory capacity to the War Claims Commission to be known as the Special Advisory Committee. The Committee shall consist of individuals who are expert in the fields of international law, international trade, and medicine; organizations representing veterans, civilian internees, domestic and international trade, labor, and religious groups; foundations representing various scientific, humanitarian, and economic interests; and such other individuals, organizations, and foundations as the Commission may from time to time designate.

It shall be the general function of the Committee to advise the Commission relative to matters in their respective fields in the conduct of the Commission's present duties and the formulation of future policies, programs, and procedures, both with respect to claims presently compensable under the War Claims Act of 1948, as amended, as well as those war claims arising out of World War II, concerning which the Commission has been directed by law to inquire.

The General Counsel, as Chairman, is authorized to: (1) Designate Vice-Chairmen to act for him as necessary; (2) establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary; and (3) establish internal rules and regulations governing the procedures and operations of the Committee and its subgroups.

Approved: January 11, 1951.

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 51-958; Filed, Jan. 18, 1951; 8:59 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16602]

YENHACHI KOMOTO

In re: Rights of Yenhachi Komoto under insurance contract. File No. F-39-1870-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yenhachi Komoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 295,789, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Yenhachi Komoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-932; Filed, Jan. 18, 1951; 8:52 a. m.]

[Vesting Order 16597]

EIJIRO KAWANO ET AL.

In re: Rights of Eijiro Kawano et al. under insurance contract. File No. F-39-6025-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eijiro Kawano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Eijiro Kawano, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,415,470, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Eijiro Kawano, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eijiro Kawano or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Eijiro Kawano, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Eijiro Kawano, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General,

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-929; Filed, Jan. 18, 1951; 8:52 a. m.]

[Vesting Order 16608]

ROSA MARTERSTOCK

In re: Rights of Rosa Marterstock under insurance contract. File No. D-28-10724-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Marterstock, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 11 053 627 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Theodore Marterstock, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-934; Filed, Jan. 18, 1951; 8:53 a. m.]

[Vesting Order 16599]

OTTO KIEBER ET AL.

In re: Rights of Otto Kieber et al. under insurance contract. F-28-24712-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Kieber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Kieber, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 108628-38, issued by the Northern Life Insurance Company, Seattle, Washington, to Otto Kieber, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Kieber or the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Otto Kieber, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Otto Kieber, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-930; Filed, Jan. 18, 1951; 8:52 a. m.]

[Vesting Order 16600]

MASAE KIMOTO ET AL.

In re: Rights of Masae Kimoto et al. under insurance contract. File No. F-39-5975-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masae Kimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees and assigns, names unknown, of Tokugoro Kimoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1552615, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tokugoro Kimoto, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masae Kimoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees and assigns, names unknown, of Tokugoro Kimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees and assigns, names unknown, of Tokugoro Kimoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-931; Filed, Jan. 18, 1951; 8:52 a. m.]

[Vesting Order 16603]

ADAM LAMBERT ET AL.

In re: Rights of Adam Lambert et al., under insurance contracts. F-28-28086-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Ex-

ecutive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Lambert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adam Lambert, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 91003608 and 91003609, issued by the Metropolitan Life Insurance Company, New York, New York, to Adam Lambert, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Adam Lambert or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adam Lambert, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adam Lambert, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-933; Filed, Jan. 18, 1951; 8:53 a. m.]

[Vesting Order 16609]

TSUTOMU MATSUI ET AL.

In re: Rights of Tsutomu Matsui et al. under insurance contract. File No. F-39-4907-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsutomu Matsui, Sumiko Matsui and Minoru Matsui, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That one-half of the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,006,787, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toshiharu Matsui, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tsutomu Matsui, Sumiko Matsui and Minoru Matsui, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-934; Filed, Jan. 18, 1951; 8:53 a. m.]

[Vesting Order 16610]

FRANCES MELCHER ET AL.

In re: Rights of Frances Melcher et al. under annuity contract. File No. F-28-10949-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Melcher, Emi Von Andreae and Harry Bornemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under annuity contract No. A 8548, isued by The Prudential Insurance Company of America, Newark, New Jersey, to Ernest Bornemann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-936; Filed, Jan. 18, 1951; 8:54 a. m.]

[Vesting Order 16615]

SHUZABURO AND KINU MURAKAMI

In re: Rights of Shuzaburo Murakami and Kinu Murakami under insurance contract. File No. D-39-18959-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shuzaburo Murakami and Kinu Murakami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7571535, issued by the New York Life Insurance Company, New York, New York, to Shuzaburo Murakami, together with the right to demand, receive, and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shuzaburo Murakami or Kinu Murakami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-937; Filed, Jan. 18, 1951; 8:54 a. m.]

[Vesting Order 16616]

SEIITSU AND MUNE NAKAGAWA

In re: Rights of Seiitsu Nakagawa and Mune Nakagawa under insurance contract. File No. F-39-5829-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiitsu Nakagawa and Mune Nakagawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6119812, issued by the New York Life Insurance Company, New York, New York, to Seiitsu Nakagawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Seiitsu Nakagawa or Mune Nakagawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-938; Filed, Jan. 18, 1951; 8:54 a. m.]

[Vesting Order 16717]

EUGEN BLOME ET AL.

In re: Securities owned by and debts owing to Eugen Blome and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names are set forth as owners in Exhibit A or Exhibit B, attached hereto and by reference made a part hereof, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Dresdner Bank, Deutsche Bank, Reichskreditgesellschaft, and Allgemeine Deutsche Kreditanstalt, the last known address of each of which is Berlin, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business at Berlin, Germany, and are nationals of a designated enemy country (Germany);

3. That Margaret Steininger, whose last known address is Stamberg bei Munchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain bonds described in said Exhibit A, owned by the persons identified therein as owners, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

b. Those certain certificates of deposit described in said Exhibit B, owned by the persons identified therein as owners, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

c. Five (5) Conversion Office for German Foreign Debts Fractional Certificates, due January 1, 1946, each for $5.00, numbered 10179, 11554, 11348, 11349 and 11350, owned by Felix A. Reiss, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

d. Thirty-five (35) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by a certificate numbered 917735 for thirty-five shares, registered in the name of Sheppard & Co., owned by the Dresdner Bank, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all declared and unpaid dividends thereon,

e. Six (6) shares of no par value common capital stock of Grisby Grunow Company, evidenced by a certificate numbered 94026 for 6 shares, registered in the name of L. D. Pickering & Co., owned by Deutsche Bank, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with all declared and unpaid diviends thereon,

f. Thirty-three (33) fractional certificates of Kingdom of Yugoslavia, owned by Allgemeine Deutsche Kreditanstalt, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

g. Three (3) shares of RM 2⅔ par value capital stock of Rudolph Karstadt, Inc., evidenced by a certicate numbered 6517 for three shares, registered in the name of Sheppard & Co., owned by Margaret Steininger, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with all declared and unpaid dividends thereon,

h. One (1) Seaboard Air Line Railroad Company scrip certificate, in the amount of $76.64, numbered 2692, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., owned by Rud. Lindre, together with any and all rights thereunder and thereto,

i. One (1) share of 5% $100.00 par value non-cumulative preferred Series A capital stock of Seaboard Air Line Railroad Company, evidenced by a certificate numbered 3336, owned by Rud. Lindre, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with all declared and unpaid dividends thereon,

j. One (1) Seaboard Air Line Railroad Company scrip certificate, in the amount of 0.1112 share, numbered 3803, owned

by Rud. Lindre, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

k. One (1) Voting Trust Certificate representing eleven (11) shares of common no par value stock of Seaboard Air Line Railroad Company, said certificate numbered 4104, owned by Rud. Lindre, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

l. One (1) Seaboard Air Line Railroad Company scrip certificate, in the amount of 0.9744 share, numbered 3575, owned by Rud. Lindre, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, in an account entitled Handelstrust West N. V., together with any and all rights thereunder and thereto,

m. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, arising out of the receipt of the proceeds of the redemption of $388.94 Seaboard Air Line Railroad Company, 4% First Mortgage Series A Bonds, due January 1, 1996, owned by Rud. Lindre, which proceeds are presently on deposit with Swiss American Corporation, 30 Pine Street, New York, New York, in a blocked account, entitled Handelstrust West N. V., Client's Depot, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

n. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, arising out of the receipt of income derived from the securities described in the aforesaid subparagraphs 4–a to 4–l inclusive hereof, constituting a portion of the sum of money on deposit with Swiss American Corporation, 30 Pine Street, New York, New York, in a blocked account, entitled Handelstrust West N. V., Client's Depot, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof and the persons named in subparagraphs 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description	Face value, owner, file Nos.	Certificate Nos.
City of Hendersonville, County of Henderson, N. C., general refunding 2½ percent bonds, series 1937, due July 1, 1972.	3 @ $1,000, Dresdner Bank, F-28-176-A-12.	491, 492, 493.
Missouri Pacific R. R. Co. 4 percent general mortgage bonds, due Mar. 1, 1975.	5 @ $1,000, Eugenie de Millas, F-28-30913-A-1.	46646/50.
Canadian National Ry. Co. 5 percent 40-year gold bonds, due July 1, 1969.	8 @ $1,000, Dresdner Bank	27269/76.
Republic of Chile 6 percent external loan bonds, due Apr. 1, 1960.	3 @ $1,000, Dresdner Bank	36976/7, 37471.
Republic of Chile 6 percent bonds, due Feb. 1, 1961.	2 @ $1,000, Dresdner Bank	22992/3.
First Bohemian Glass Works, Ltd., 30-year 7 percent first mortgage bond, due Jan. 1, 1957.	1 @ $1,000, Deutsche Bank, F-28-852-A-6.	324.
German Government 7 percent external loan bond.	1 @ $1,000, H. Hausmann, F-28-30915-A-1.	27608.
Mortgage Bank of Chile 6½ percent gold bonds, due June 30, 1957.	1 @ $1,000, Dresdner Bank	8221.
Conversion Office for German Foreign Debts, 3 percent dollar bonds, due Jan. 1, 1964.	3 @ $100, Felix A. Reiss, F-28-30924-A-1.	66724–66725, 39186.
State Loan of Hungary 4½ percent bonds, due Aug. 1, 1979.	5 @ $1,000, Dresdner Bank	547/51.
Mortgage Bank of Chile sinking fund gold 6 percent bonds, due Apr. 30, 1961.	1 @ $1,000 8 @ $500 Dresdner Bank.	17188, 1611/17, 1658.
Rhine Wesphalia Electric Power Corp. direct mortgage 6 percent gold bonds, due May 1, 1952.	1 @ $1,000, Duetsche Bank, F-28-852-A-6.	5898.
City of Rio de Janeiro 6½ percent sinking fund secured bonds, due Feb. 1, 1933.	10 @ $1,000, Olaf Willy Ferman, F-28-30914-A-1.	1322, 450, 17454, 17455, 22733, 20606, 27682, 22731, 9078, 1045.
Kingdom of Serbs, Croats & Slovenes secured external loan 7 percent gold bonds, due May 1, 1962.	18 @ $1,000, Reichskreditgesellschaft, F-28-226-A-2.	12687, 12688, 12689, 10038, 10039, 11233, 13151, 13228, 15824, 20804, 20810, 2981, 21848, 25709, 26849, 27389, 28373, 24365.
	1 @ $50, Allgemeine Deutsche Kreditanstalt, F-28-34-A-4.	1161.
	2 @ $500 2 @ $1,000 Gustav Kubelka. F-28-31097-A-1.	1009, 1464. 24366, 24367.
Kingdom of Yugoslavia 5 percent funding bonds, II series, due Nov. 1, 1956.	1 @ $100, Allgemeine Deutsche Kreditanstalt, F-28-34-A-4. 2 @ $100, Walter Delhaes, F-28-31096-A-1.	9616. 6115, 6116.
Seaboard Air Line R. R. Co. general income 4½ percent series A bonds, due Jan. 1, 2016.	1 @ $500 1 @ $100 Rud. Lindre. F-28-30920A-1.	1484. 7450.

EXHIBIT B

St. Louis-San Francisco Ry. Co. 4 percent series A bonds, due July 1, 1950.	2 @ $1,000 1 @ $250 Dresdner Bank.	14196-14200. 320.
	1 @ $250, Eugen Blome, F-28-30912-A-1.	321.
	3 @ $500, Georg Jestaedt, F-28-30917-A-1.	793/5.
	3 @ $250, Anna Krebs, F-28-30918-A-1.	351/353.
	3 @ $1,000, Hans Lamm, F-28-30919-A-1.	14202/4.
	3 @ $250, Clara Niemöller, F-28-30922-A-1.	361-367-384.
	5 @ $100 1 @ $250 Paul Jetho Obering. F-28-30923-A-1.	200/204. 1081.
	4 @ $500 1 @ $250 C. Stockhardt. F-28-30930-A-1.	896-897-901-1796. 340.
	3 @ $500, Walter von Uklanski, F-28-30931-A-1.	892-893-894.
	3 @ $250, Luise Weltzum, F-28-30932-A-1.	358-359-360.

[F. R. Doc. 51-939; Filed, Jan. 18, 1951; 8:54 a. m.]

[Vesting Order 16736]

MASATO AND WATARU NISHIKAWA

In re: Bank account owned by Masato Nishikawa and Wataru Nishikawa; F-39-6369.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masato Nishikawa and Wataru Nishikawa, each of whose last known address is Nagasaki, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of First National Bank in Orosi, Orosi, Tulare County, California, arising out of a checking account, entitled Masato and Wataru Nishikawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masato Nishikawa and Wataru Nishikawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-940; Filed, Jan. 18, 1951; 8:55 a. m.]

[Vesting Order 16737]

MASATO NISHIKAWA AND/OR Y. NISHIYAMA

In re: Debt owing to Masato Nishikawa and/or Y. Nishiyama, also known as Yuki Nishiyama. F-39-6369.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masato Nishikawa and Y. Nishiyama, also known as Yuki Nishiyama, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Masato Nishikawa and/or Y. Nishiyama, also known as Yuki Nishiyama, by The American Insurance Company of Newark, New Jersey, Pacific Department, 256 Montgomery Street, San Francisco, California, arising out of a claim, numbered 34,354, filed against said Company by reason of a loss on September 25, 1946, by fire which was covered by Policy No. 486319, issued by said company and then in effect, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-941; Filed, Jan. 18, 1951; 8:55 a. m.]

[Vesting Order 16738]

TOMIKO AND SUEKO NISHIKAWA

In re: Bank account owned by Tomiko Nishikawa and Sueko Nishikawa; F-39-6369.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomiko Nishikawa and Sueko Nishikawa, each of whose last known address is Nagasaki, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a checking account, entitled Tomiko and Sueko Nishikawa, maintained at the branch office of the aforesaid bank located at Reedley, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tomiko and Sueko Nishikawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-942; Filed, Jan. 18, 1951; 8:55 a. m.]

[Vesting Order 16753]

FRANZ FRIEDRICH ALSLEBEN

In re: Estate of Franz Friedrich Alsleben, also known as Frank Friedrich Alsleben, also known as Frank Alsleben, also known as Frank F. Alsleben, deceased. File No. D-28-12439; E. T. sec. 16656.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Fleischmann, Ida Katharina Breidenbach, Katharina Bezold, and Roswitha Alsleben, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees, and distributees, names unknown, of Anna Fleischmann, deceased, and of Emma Margaretha Alsleben, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Franz Friedrich Alsleben, also known as Frank Friedrich Alsleben, also known as Frank Alsleben, also known as Frank F. Alsleben, deceased, is property payable, or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs at law, next of kin, legatees, and distributees, names unknown, of Anna Fleischmann and Emma Margaretha Aisleben, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-943; Filed, Jan. 18, 1951; 8:55 a. m.]

[Vesting Order 16763]

LOUIS HEIDELBAUER

In re: Estate of Louis Heidelbauer, deceased. File No. D-28-17503; E. T. sec. 1837.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Heidelbauer, Karl Heidelbauer, Emma Heidelbauer and Elly Braeuchle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Louis Heidelbauer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Columbia County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Columbia County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-944; Filed, Jan. 18, 1951; 8:55 a. m.]

[Vesting Order 16879]

HUGO AND ANNA BOERNERT

In re: Debts owing to Hugo Boernert and Anna Boernert. F-28-25104-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Boernert and Anna Boernert, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hugo Boernert and Anna Boernert, by Weniger & Walter Inc., c/o Alexander Walter, 1026 Filbert Street, Philadelphia, Pennsylvania, representing 5 percent dividend from the closed Olney Bank & Trust Co., Philadelphia, Pennsylvania, on savings account assigned by nationals to Weniger & Walter, Inc., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hugo Boernert and Anna Boernert, evidenced by check No. 2002, drawn March 11, 1946, by William C. Freeman, receiver for Olney Bank & Trust Co., payable to Mrs. Anna or Hugo Boernert, presently in the custody of Weniger & Walter, Inc., c/o Alexander Walter, 1026 Filbert Street, Philadelphia, Pennsylvania, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and all rights in, to and under, including particularly but not limited to the right to possession and presentation for payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-945; Filed, Jan. 18, 1951; 8:56 a. m.]

[Vesting Order 16943]

SHIGEJI IMAHASHI

In re: Bank account owned by Shigeji Imahashi. D-39-4487-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeji Imahashi, whose last known address is 2 Chome 2-Ku Oose Hitachi-Shi, Ibaraki-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shigeji Imahashi by the California Bank, Terminal Island, California, arising out of a savings account, account numbered 14965, entitled "Shigeji Imahashi," maintained in the San Pedro Office of the aforesaid bank, located at 1001 South Pacific Avenue, San Pedro, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-946; Filed, Jan. 18, 1951; 8:56 a. m.]

[Vesting Order 16946]

SCHENKER & CO.

In re: Bank account owned by and debts owing to Schenker & Company. F-28-5108-C-1/2: E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Schenker & Company, the last known address of which is Speersort #1, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Schenker & Company, by Weiss & Biheller Merchandise Corporation, 584 Broadway, New York, New York, representing the freight forwarding charges on a shipment of one (1) case of electrical wire to A. Schonbek & Co., of Morchenstern, Czechoslovakia, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Schenker & Company, by J. T. Steeb & Co., Inc., 410 Insurance Building, Seattle, Washington, representing a credit balance evidenced on the books of said J. T. Steeb & Co., Inc., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Schenker & Company by Trust Company of North America, 115 Broadway, New York, New York, arising out of a blocked account, entitled Schenker & Company, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-947; Filed, Jan. 18, 1951; 8:56 a. m.]

[Vesting Order 16999]

AUGUST HOEHMANN

In re: Real property owned by August Hoehmann. F-28-25801-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Hoehmann, whose last known address is Jordan Strasse 10, Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the City of Evanston, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that lot, plot or parcel of land situated in the City of Evanston, County of Cook, State of Illinois, registered under Torrens Certificate No. 360131, in the name of Walter H. Chaverlat, Document No. 763186, and described as the Northeast (NE) corner of Ridge Avenue and Reba Place, being that part of Lot Six (6) south of a line seventy (70) feet south of and parallel to north line of Lot Seven (7), Block Five (5) Green & Hubbard's Subdivision of the North 12.46 acres of Lot 9 in Assessor's Subdivision of the South One-Half (S½) of the Southwest quarter (SW¼) of Section 19, Township 41 North of Range 14 East of the Third Principal Meridian.

[F. R. Doc. 51-948; Filed, Jan. 18, 1951; 8:56 a. m.]

[Vesting Order 17000]

LILLIE HEIM KERSCHL

In re: Real property, insurance policy, debt, stock and bond owned by Lillie Heim Kerschl, also known as Lilly Heim. F-28-31063-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lillie Heim Kerschl, also known as Lilly Heim, whose last known address is Koenigshofen Im Grabfeld, Unterfranken, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the Village of Floral Park, County of Nassau, and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof in and to fire insurance policy No. NA 2829, issued by Northwestern National Insurance Company of Milwaukee, Wisconsin, in the amount of $6,000.00, which policy expires February 7, 1951, and insures the improvements on the real property described in subparagraph 2-a hereof,

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof by Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey, arising out of net income by reason of collection of rents from the property described in subparagraph 2-a hereof and any and all rights to demand, enforce and collect the same,

d. Ten (10) shares of $66⅔ par value common capital stock of Bank of Yorktown, a corporation organized under the laws of the State of New York, evidenced by certificate number 93, registered in the name of Lillie Heim Kerschl and presently in the custody of Anton A. Heim, 100 Ridge Avenue, Park Ridge, New Jersey, and any and all rights arising thereunder by reason of the merger, in 1949, of the said Bank of Yorktown, with the Marine Midland Trust Company of New York, 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon, and

e. One (1) United States Savings Bond, Series G, of $500.00 face value, bearing the number D-716886-G, dated September 1, 1943, registered in the name of Anton A. Heim, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of, record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b, 2-c, 2-d and 2-e hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots, pieces or parcels of land with the buildings and improvements thereon erected, situate, lying and being in the Incorporated Village of Floral Park, County of Nassau and State of New York, known and designated on a certain map entitled "Map of property at Floral Park, Flora Park Villa Company, the McCormack Real Estate Company, Temple Bar Bldg., 44 Court St., Bkn., N. Y., New Times Bldg., 42d St. & Bdway. Manhattan, S. H. McLaughlin, C. E. & C. S. Dec. 6, 1906" and filed in the Office of the Clerk of the County of Nassau on May 8, 1907, as Map No. 20 being lots numbered 81, 82, 83 and 84 in Block 20 on said map.

[F. R. Doc. 51-949; Filed, Jan. 18, 1951; 8:56 a. m.]

[Vesting Order 17011]

SHIGEO OTSUKI ET AL.

In re: Real property, fire insurance policy and claim owned by Shigeo Otsuki, also known as Shugio Otsuki, and others and stock owned by Jujiro Jero Otsuki. D-39-11634-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeo Otsuki, also known as Shugio Otsuki, Isamu Otsuki, Miyoko Otsuki, Midori Otsuki, Jujiro Jero Otsuki and Hisa Ikeda Otsuki, each of whose last known address is Fukushima, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Hatsuo Otsuki, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows:

a. Real property situated in the City of Oxnard, County of Ventura, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof and of the persons referred to in subparagraph 2 hereof, in and to Fire Insurance Policy No. D-10-98-76, in the amount of $2,500, issued by the Granite State Fire Insurance Company, 206 Sansome Street, San Francisco, California, which expires October 9, 1953, which policy insures the improvements on the real property described in subparagraph 3-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, and to the persons referred to in subparagraph 2 hereof, by J. E. Shillington, 228 Fourth Street, Oxnard, California, in the amount of $265.26, as of July 1, 1950, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

4. That the property described as follows: Twelve (12) shares of $100.00 par value common capital stock of The Japanese Hospital of Los Angeles, Inc., 101 South Fickett Street, Los Angeles 33, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered 76 and 294, registered in the name of Jujiro Otsuki, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Jujiro Jero Otsuki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b, 3-c and 4 hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

That certain lot or plot of land, particularly described as Lot 10, Block "P", City of Oxnard, County of Ventura, State of California, as shown upon that certain map entitled "Map No. 4 of the Town of Oxnard and North Addition to the Town of Oxnard," and recorded in the Office of the County Recorder of Ventura County in Book 5, page 9 of Maps, the same being that certain property conveyed to Emma G. Driffill on the ____ day of June 1927 by Cecille Flora Haigh, Ethel Haya, Lorna Anderson, Donald Haigh and Edwin Haigh, and held by the said Emma G. Driffill in trust for Hatsuo Otsuki, Shuglo Otsuki, also known as Shigeo Otsuki, Midori Otsuki, Miyoko Otsuki and Isamu Otsuki, under declaration of trust dated November 16, 1927, and recorded in the office of the aforesaid County Recorder on November 30, 1927, in Book 182, page 196 of Official Records.

[F. R. Doc. 51-950; Filed, Jan. 18, 1951; 8:57 a. m.]

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have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

That certain lot or plot of land, particularly described as Lot 10, Block "P", City of Oxnard, County of Ventura, State of California, as shown upon that certain map entitled "Map No. 4 of the Town of Oxnard and North Addition to the Town of Oxnard," and recorded in the Office of the County Recorder of Ventura County in Book 5, page 9 of Maps, the same being that certain property conveyed to Emma G. Driffill on the ____ day of June 1927 by Cecille Flora Haigh, Ethel Haya, Lorna Anderson, Donald Haigh and Edwin Haigh, and held by the said Emma G. Driffill in trust for Hatsuo Otsuki, Shuglo Otsuki, also known as Shigeo Otsuki, Midori Otsuki, Miyoko Otsuki and Isamu Otsuki, under declaration of trust dated November 16, 1927, and recorded in the office of the aforesaid County Recorder on November 30, 1927, in Book 182, page 196 of Official Records.

[F. R. Doc. 51-950; Filed, Jan. 18, 1951; 8:57 a. m.]

[Vesting Order 17002]

GUSTAV A. SPIER

In re: Real property owned by Gustav A. Spier, also known as August Spear, Augusta Spear and August Spear. F-28-31091.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav A. Spier, also known as August Spear, Augusta Spear and August Speer, whose last known address is Bueckeburg, Herderstrasse 31, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in Spring Garden Township, County of York, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot of ground situate on Ridge Avenue (Windsor Park) in Spring Garden Township, York County, Pennsylvania, bounded and described as follows to wit:

Beginning at a point on the Northwest corner of Ridge Avenue and Olive Street and extending Westwardly along said Olive Street, one hundred feet to a twenty feet wide alley, thence Northwardly along said alley Sixty feet, thence Eastwardly along other property adjoining one hundred feet to said Ridge Avenue, thence Southwardly along said Ridge Avenue Sixty feet to place of beginning, known on plan of Windsor Park as Lots Nos. 75, 76 and 77 on Block 13.

[F. R. Doc. 51-951; Filed, Jan. 18, 1951; 8:57 a. m.]

[Vesting Order 17003]

ELISABETH AND AGNES JAKOBINE VEERS

In re: Real property owned by Elisabeth Veers and Agnes Jakobine Veers. F-28-28199.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Veers and Agnes Jakobine Veers, each of whose last known address is Kastropstr. 15, Lubeck, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property described as those certain lots, pieces or parcels of land, lying, being and situate at the foot of Eighth Street and Avenue M, City and County of Galveston, State of Texas, being known, numbered and designated as Lots 11, 12, 13 and 14 in Block No. 7, which lots are a part of the Gulf Beach, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-952; Filed, Jan. 18, 1951; 8:57 a. m.]

ANTJELINA HEIENBROCK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antjelina Heienbrock, Taylor, North Dakota, Claim No. 5550; $9,288.37 in the Treasury of the United States.

Executed at Washington, D. C., on January 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-953; Filed, Jan. 18, 1951; 8:58 a. m.]

[Return Order 857]

OTTO MONHEIMER AND FRIEDA MONHEIMER BELZ

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Otto Monheimer, as Administrator of the Estate of Frieda Monheimer Belz, deceased, Yonkers, New York; Claim No. 33950; December 1, 1950 (15 F. R. 8232) $217.68 in the Treasury of the United States.

One-sixth of all right, title, interest and claim of any kind or character whatsoever of Heinrich Monheimer and his issue in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased.

One-half of all right, title, interest and claim of any kind or character whatsoever of Frieda Monheimer Belz in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased.

The above-described property is being returned to claimant Administrator for sole purpose of distributing the same in equal shares to Otto Monheimer and Henny Monheimer Sternberg as heirs at law of Frieda Monheimer Belz.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-953; Filed, Jan. 18, 1951; 8:58 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 16 NUMBER 14

Washington, Saturday, January 20, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10206

PROVIDING FOR SUPPORT OF UNITED NATIONS' ACTIVITIES DIRECTED TO THE PEACEFUL SETTLEMENT OF DISPUTES

By virtue of the authority vested in me by the Constitution and the statutes, including the United Nations Participation Act of 1945 (59 Stat. 619), as amended, hereinafter referred to as the Act, and the act of August 8, 1950 (Public Law 673, 81st Congress), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, is authorized, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter, to request the Secretary of Defense to detail personnel of the armed forces to the United Nations, and to furnish facilities, services, or other assistance and to loan supplies and equipment to the United Nations in an agreed fair share of the United States under such terms and conditions as the Secretary of State and the Secretary of Defense shall jointly determine and in accordance with and subject to the provisions of paragraphs (1), (2), and (3) of section 7 (a) of the Act, and the Secretary of Defense is authorized to comply with the request of the Secretary of State, giving due regard to the requirements of the national defense.

2. The Secretary of State, in accordance with and subject to the provisions of section 7 (b) of the Act, shall require reimbursement from the United Nations for the expense thereby incurred by the United States whenever personnel or assistance is made available to the United Nations, except that in exceptional circumstances, or when the Secretary of State finds it to be in the national interest, he may, after consultation with the Secretary of Defense, waive, in whole or in part, the requirement of such reimbursement.

3. The Secretary of Defense, in accordance with and subject to the provisions of section 7 (a) (1) of the Act, may authorize personnel of the armed forces detailed to the United Nations to accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso of section 7 (a) (1) of the Act, and (b) extraordinary expenses and perquisites incident to such detail.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 19, 1951.

[F. R. Doc. 51-1145; Filed, Jan. 19, 1951; 12:10 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 191]

PART 932—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.505 *Orange Regulation 191*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insuffi-

(Continued on p. 531)

CONTENTS

THE PRESIDENT

Executive Order — Page
Providing for support of United Nations' activities directed to peaceful settlement of disputes 529

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Bauer, Friedrich M. and Paula, et al 572
Bock, Auguste, et al 569
Brandt, Henry, et al 572
Bredschneider, Gertrud Popper, and Frederick Popper 569
Central American Trading Co. et al 565
Compania Plantaciones Concepcion de Guatemala et al 566
Direccion del Ferrocarril Verapaz et al 568
Fleischhut, Richard 573
Flinte, Helmut, et al 573
Germany 565
Hayakawa, Jiro 570
Husmann, John 570
Janssen, Otto G., et al 573
Kainz, Ludwig, et al 570
Katayama, Yoshino, et al 562
Kauffeld, Auguste Luster 563
Kochan, Mrs. Ernestine C., et al 574
Kupfer, Paul 571
Luft, Mrs. Elise 564
Nagamatsu, Mrs. Hide 563
Nottebohm & Co. et al 566
Nottebohm, Kurt, and Co. et al 567
Oellrich, Charles, et al 562
Okazaki, Kazuichi and Fukuko 563
Otani, Tomokazu 563
Riedel, Otto 574
Sayegusa, Mrs. Tani and Takeo 562
Schellhorn, Frida 564
Schmidt, Elizabeth, et al 564
Sociedad Agricola Vinas-Zapote et al 568
Stegmiller, John 571
Takashita, Takesuke 565
Takuma, Hideo 571
Theis, Marie A 574

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Ungeheuer, Katherine 575
Von Arnim, Hermann, et al. 572
Rules and regulations:
Blocked assets, regulations originally issued by Treasury Department; prohibitions with respect to foreign and domestic scheduled securities 535
Effect 545

Civil Aeronautics Administration Page
Delegation of authority to Administrator with respect to certain functions and duties (*see* Commerce Department).

Civil Aeronautics Board
Rules and regulations:
Rotorcraft airworthiness; correction 545

Commerce Department
See also Federal Maritime Board; International Trade, Office of; National Production Authority.
Notices:
Delegation of authority to Administrator of Civil Aeronautics with respect to certain functions and duties 554

Commodity Credit Corporation
Notices:
American-Egyptian cotton, price support for 1951 554

Customs Bureau
Notices:
Fish, tariff-rate quota 554

Economic Stabilization Agency
Notices:
Iron and steel mill industry; request for stabilization of prices 555

Federal Maritime Board
Notices:
Carriers comprising Fern Line Joint Service, et al.; agreements filed for approval 554
Rules and regulations:
Forms, and citizenship requirements; charter of war-built vessels to citizens; net voyage profit 551

Federal Power Commission
Notices:
Hearings, etc.:
Canadian River Gas Co 555
El Paso Natural Gas Co 555
Texas Gas Transmission Corp 555

Federal Trade Commission
Proposed rule making:
Public refrigerated storage industry; hearing 553

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notices:
Delegation of authority with respect to disposal of power lines by Department of the Interior 557

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in California, Michigan, and South Carolina 547

Interior Department
Delegation of authority with respect to disposal of power lines (*see* General Services Administration).

Internal Revenue Bureau Page
Proposed rule making:
Income tax, taxable years beginning after Dec. 31, 1941; requirement of corporations to furnish information returns with respect to all payments of dividends, and to extend date for filing information returns 572
Rules and regulations:
Coin-operated gaming devices; increase in rate of tax and liability of Federal agencies or instrumentalities 548

International Trade, Office of
Rules and regulations:
Export regulations:
Licensing policies and related special provisions 545
Positive list of commodities and related matters 546

Interstate Commerce Commission
Notices:
Application for relief:
Chicory from Port Huron, Mich 557
Creosote oil from Gulfport, Miss., to Oliver, La 556
Fertilizer materials from Braithwaite, La., to Hattiesburg, Miss 556
Magazines and periodicals from Louisville, Ky., to the East 556
Petroleum products from New Orleans and Baton Rouge, La., to Mississippi 556
Pipe, cast iron, in official territory 557
Zinc ammonium chloride from Chicago, Ill 557

Justice Department
See Alien Property, Office of.

Labor Department
See Public Contracts Division.

Maritime Administration
See Federal Maritime Board.

National Production Authority
Rules and regulations:
Horsehide fronts and deerskins 550
Leather 549
Steel; U. S. freight car program 549

Post Office Department
Rules and regulations:
Unmailable matter; firearms 551

Production and Marketing Administration
Proposed rule making:
Pears, fresh Bartlett, plums, and Elberta peaches in California 552
Rules and regulations:
Limitation of shipments:
California and Arizona:
Lemons 533
Oranges 533
Florida:
Grapefruit 531
Oranges 529
Tangerines 532

CONTENTS—Continued

Public Contracts Division Page
Proposed rule making:
Flour and cereal preparations industry, prevailing minimum wage; change of hearing date 553

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Illinois Public Service Co. et al 559
Denver Brokerage Co 557
Eno, Malcolm L 558
Ingalls, Stanley H 558
Malden and Melrose Gas Light Co. et al 560
Marks, Henry M 558
Pennroad Corp 560
Ross-Wood Co 559
Rutherford, M. C., & Co 558
Southern Natural Gas Co 559
St. Clair, J. E., Co 558
Stewart, Arthur 559
Weymouth Light and Power Co 561

State Department
Notices:
Field organization 554

Treasury Department
See also Customs Bureau; Internal Revenue Bureau.
Rules and regulations:
Deposit with Federal reserve banks and depositary banks of employer and employee taxes under Federal Insurance Contributions Act and of income tax withheld on wages, procedure to be followed by depositaries for Federal taxes 548

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10206 529

Title 7
Chapter IX:
Part 933 (3 documents) 529, 531, 532
Part 936 (proposed) 552
Part 953 533
Part 966 533

Title 8
Chapter II:
Part 511 (2 documents) 535, 545

Title 14
Chapter I:
Part 6 545

Title 15
Chapter III:
Part 373 545
Part 399 546

Title 16
Chapter I:
Part 62 (proposed) 553

Title 24
Chapter VIII:
Part 825 547

CODIFICATION GUIDE—Con.

Title 26 Page
Chapter I:
Part 29 (proposed) 552
Part 323 548

Title 31
Chapter II:
Part 213 548

Title 32A
Chapter I:
Part 20 549
Part 35 549
Part 76 550

Title 39
Chapter I:
Part 36 551

Title 41
Chapter II:
Part 202 (proposed) 553

Title 46
Chapter II:
Part 299 551

cient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 22, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until January 22, 1951; the recommendation and supporting information for continued regulation subsequent to January 21 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 22, 1951, and ending at 12:01 a. m., e. s. t., January 29, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2, Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russett, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{10}/_{16}$ inches in diameter and smaller sizes; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard mailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1054; Filed, Jan. 19, 1951; 8:55 a. m.]

[Grapefruit Reg. 135]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.506 *Grapefruit Regulation 135*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as

hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237: 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 22, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until January 22, 1951; the recommendation and supporting information for continued regulation subsequent to January 21 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 16; such meeting was held to consider recommendations for regulating, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 22, 1951, and ending at 12:01 a. m., e. s. t., February 5, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any white seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xii) Any pink seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xiii) Any pink seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "Regulation Area I" "Regulation Area II" "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1053; Filed, Jan. 19, 1951; 8:55 a. m.]

[Tangerine Reg. 105]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.507 *Tangerine Regulation 105*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 22, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until January 22, 1951; the recommendation and supporting information for continued regulation subsequent to January 21 was promptly submitted to the Department after an open meeting of the Growers' Administrative Committee on January 16; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were offered an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 22, 1951, and ending at 12:01 a. m., e. s. t., January 29, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1052; Filed, Jan. 19, 1951; 8:55 a. m.]

[Lemon Reg. 366]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.473 *Lemon Regulation 366*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 17, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 21, 1951, and ending at 12:01 a. m., P. s. t., January 28, 1951, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 245 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 365 (16 F. R. 341), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 18th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1122; Filed, Jan. 19, 1951; 9:06 a. m.]

[Orange Reg. 355]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.501 *Orange Regulation 355*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 18, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisons of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) Subject to the size requirements in Orange Regulation 347 (7 CFR 966.493, 15 F. R. 8153), the quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 21, 1951, and ending at 12:01 a. m., P. s. t.,

January 28, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 500 carloads;

(*b*) Prorate District No. 2: 500 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 19th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Jan. 21, 1951, to 12:01 a. m., P. s. t., Jan. 28, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0548
A. F. G. Porterville	1.8974
Ivanhoe Cooperative Association	.6637
Sandilands Fruit Co	.6338
Dofflemyer & Son, W. Todd	.2551
Earlibest Orange Association	1.4237
Elderwood Citrus Association	1.2957
Exeter Citrus Association	2.4546
Exeter Orange Growers Association	1.2888
Exeter Orchard Association	.9630
Hillside Packing Association	1.1759
Ivanhoe Mutual Orange Association	1.1219
Klink Citrus Association	4.4902
Lemon Cove Association	2.2990
Lindsay Citrus Growers Association	2.4175
Lindsay Cooperative Citrus Association	1.0718
Lindsay Fruit Association	1.6109
Lindsay Orange Growers Association	1.5343
Naranjo Packing House	.8441
Orange Cove Citrus Association	4.0991
Orange Packing Co	1.2069
Orosi Foothill Citrus Association	1.5693
Paloma Citrus Fruit Association	1.2813
Rocky Hill Citrus Association	1.2676
Sanger Citrus Association	4.4711
Sequoia Citrus Association	1.0885
Stark Packing Corp	3.2171
Visalia Citrus Association	1.6482
Waddell & Son	1.7675
Baird-Neece Corp	1.0042
Beattie Association, D. A	.3150
Grand View Heights Citrus Association	2.6702
Magnolia Citrus Association	2.3419
Porterville Citrus Association	1.4026
Richgrove Jasmine Citrus Association	1.5608
Strathmore Cooperative Association	1.4281
Strathmore District Orange Association	1.2721
Strathmore Fruit Growers Association	1.1774
Strathmore Packing House Co	1.3884
Sunflower Packing Association	1.5389
Sunland Packing House Co	2.4413
Terra Bella Citrus Association	1.7652
Tule River Citrus Association	1.0331
La Verne Cooperative Citrus Association	.1623
Lindsay Mutual Groves	1.5205
Martin Ranch	1.4617
Orange Cove Orange Growers	3.1233
Webb Packing Co., Inc	.2490
Woodlake Packing House	2.7245
Anderson Packing Co., R. M	.6061
Andrews Bros. of California	.0000
Baker Bros	.4937
Barnes, J. L	.0283
Batkins, Jr., Fred A	.0681
Bear State Packers, Inc	.1710
California Citrus Groves, Inc., Ltd	2.0560
Chess Co., Meyer W	.5385
Darby, Fred J	.0344
Darlin, Curtis	.0015
Dubendorf, John	.1836
Edison Groves Co	.0000
Evans Bros. Packing Co	.0000
Harding & Leggett	2.3109
Hirasuna, Jimmie	.0054
Independent Growers, Inc	2.3268
Kim, Charles	.0527
Kroelis Packing Co	3.0125
Larson, Kermit	.1103
Lo Bue Bros	1.2010
Maas, W. A	.0701
Marks, W. M	.4162
Minasian, Bob	.0044
Moore Packing Co., Myron	.0874
Nicholas, Richard	.0051
Randolph Marketing Co., Inc	2.1954
Reimers, Don H	.4285
Shiba, Geo. G	.0011
Sky Acres Ranch	.0459
Swenson, L. W	.0403
Terry, Floyd J	.0058
Toy, Chin	.0000
Woodlake Heights Packing Corp	.5089
Zaninovich Bros., Inc	1.2873

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3157
A. F. G. Corona	.1914
A. F. G. Fullerton	.0386
A. F. G. Orange	.0372
A. F. G. Riverside	.6438
A. F. G. Santa Paula	.0495
Eadington Fruit Co., Inc	.7574
Hazeltine Packing Co	.1669
Krinard Packing Co	1.7051
Placentia Cooperative Orange Association	.6192
Placentia Pioneer Valencia Growers	0.0445
Signal Fruit Association	.7263
Azusa Citrus Association	1.5109
Covina Citrus Association	1.7580
Covina Orange Growers Association	.5618
Damerel-Allison Co	1.2533
Glendora Citrus Association	1.4416
Glendora Mutual Orange Association	.6235
Puente Mutual Citrus Association	.0748
Valencia Heights Orchard Association	.2297
Gold Buckle Association	2.7179
La Verne Orange Association	3.9717
Anaheim Valencia Orange Association	.0190
Fullerton Mutual Orange Association	.3544
La Habra Citrus Association	.1410
Yorba Linda Citrus Association, The	.0553
Escondido Orange Association	.6010
Alta Loma Heights Citrus Association	.3856
Citrus Fruit Growers	.9195
Etiwanda Citrus Fruit Association	.2103
Mountain View Fruit Association	.1455
Old Baldy Citrus Association	.4941
Rialto Heights Orange Growers	.3456
Upland Citrus Association	2.9977
Upland Heights Orange Association	1.4621
Consolidated Orange Growers	.0249
Garden Grove Citrus Association	.0281
Goldenwest Citrus Association, The	.1772
Olive Heights Citrus Association	.0457
Santiago Orange Growera Association	.1388
Villa Park Orchard Association, The	.0369
Bradford Bros., Inc	.1916
Placentia Mutual Orange Association	.2309
Placentia Orange Growers Association	.3109
Yorba Orange Growers Association	.0593
Cali Ranch	.7482
Corona Citrus Association	1.0751
Jameson Co	.5412
Orange Heights Orange Association	2.2007
Crafton Orange Growers Association	.9851
East Highlands Citrus Association	.3181
Redlands Heights Groves	.5833
Redlands Orangedale Association	.7059
Rialto-Fontana Citrus Association	.2905
Break & Sons, Allen	.1989
Bryn Mawr Fruit Growers Association	.7102
Mission Citrus Association	.8076
Redlands Cooperative Fruit Association	1.0374
Redlands Orange Growers Association	.7490
Redlands Select Groves	.4255
Rialto Orange Co	.3318
Southern Citrus Association	.6734
United Citrus Growers	.5602
Zilen Citrus Co	.3730
Arlington Heights Citrus Co	.7738
Brown Estate, L. V. W	1.8117
Gavilan Citrus Association	2.0602
Highgrove Fruit Association	.6079
McDermont Fruit Co	1.4068
Monte Vista Citrus Association	1.4583
National Orange Co	1.1851
Riverside Heights Orange Growers Association	1.1069
Sierra Vista Packing Association	.8205
Victoria Avenue Citrus Association	3.3174
Claremont Citrus Association	1.0004
College Heights Orange & Lemon Association	2.1954

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Indian Hill Citrus Association	1.3018
Pomona Fruit Growers Exchange	2.1255
Walnut Fruit Growers Association	.6798
West Ontario Citrus Association	1.2873
El Cajon Valley Citrus Association	.2972
Escondido Cooperative Citrus Association	.0499
San Dimas Orange Growers Association	1.0910
Canoga Citrus Association	.0881
N. Whittier Heights Citrus Association	.1662
San Fernando Fruit Growers Association	.3554
San Fernando Heights Orange Association	.8351
Sierra Madre-Lamanda Citrus Association	.1817
Camarillo Citrus Association	.0120
Fillmore Citrus Association	1.4023
Ojai Orange Association	.9828
Piru Citrus Association	1.4977
Rancho Sespe	.0014
Santa Paula Orange Association	.1421
Tapo Citrus Association	.0087
Ventura County Citrus Association	.0243
East Whittier Citrus Association	.0064
Murphy Ranch Co	.0334
Anaheim Cooperative Orange Association	.0547
Bryn Mawr Mutual Orange Association	.4594
Chula Vista Mutual Lemon Association	.1391
Euclid Ave. Orange Association	2.8120
Foothill Citrus Union, Inc	.5732
Garden Grove Orange Cooperative, Inc	.0343
Golden Orange Groves, Inc	.2636
Highland Mutual Groves, Inc	.2063
Index Mutual Association	.0109
La Verne Cooperative Citrus Association	3.7699
Mentone Heights Association	.4962
Orange Cooperative Citrus Association	.0584
Redlands Foothill Groves	1.9317
Redlands Mutual Orange Association	.7776
Ventura County Orange & Lemon Association	.3032
Whittier Mutual Orange & Lemon Association	.0290
Allec Bros	.0047
Babijuice Corp. of California	.3722
Banks, L. M	.0260
Bennett Fruit Co., Inc	.3385
Borden Fruit Co	.0310
Cherokee Citrus Co., Inc	.7810
Chess Co., Meyer W	.4372
Dunning Ranch	.1545
Evans Bros. Packing Co	1.2131
Gold Banner Association	1.4330
Granada Packing House	.6233
Hill Packing House, Fred A	.6074
Knapp Packing Co., John C	.4004
Lawson, Geo. P	.0070
MacDonald Fruit Co	.1054
Orange Belt Fruit Distributors	2.0609
Panno Fruit Co., Carlo	.0490
Paramount Citrus Association, Inc	.3491
Placentia Orchard Co	.0916
Prescott, John A	.0084
Riverside Citrus Association	.1648
Ronald, P. W	.0379
San Antonio Orchard Co	1.4634
Stephens, T. F	.1679
Summit Citrus Packers	.0509
Wall, E. T., Grower-Shipper	2.1095
Western Fruit Growers, Inc	2.7427

[F. R. Doc. 51-1136; Filed, Jan. 19, 1951; 11:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 511—BLOCKED ASSETS: REGULATIONS ORIGINALLY ISSUED BY THE TREASURY DEPARTMENT

PROHIBITIONS WITH RESPECT TO FOREIGN AND DOMESTIC SCHEDULED SECURITIES

Part 511 is hereby amended by the amendment of § 511.187 (General License No. 87) to read as set forth below, by the amendment of § 511.205 (General Ruling No. 5) to read as set forth below, and by the addition of § 511.205b (General Ruling No. 5B) as set forth below:

§ 511.187 *General License No. 87.* A general license is hereby granted exempting all transactions from the provisions of section 2A (2) of the order, except transactions with respect to foreign scheduled securities as defined in § 511.205 (General Ruling No. 5) and domestic scheduled securities as defined in § 511.205b (General Ruling No. 5B).

§ 511.205 *General Ruling No. 5*—(a) *Prohibitions with respect to foreign scheduled securities.* Except as authorized by license or other authorization specifically referring to this section from the Director, Office of Alien Property, Department of Justice, or as required or authorized by paragraph (e) of this section, any transfer of, dealing in, or other transaction by a person within the United States or a person subject to the jurisdiction of the United States with respect to a foreign scheduled security or any obligation, interest, or claim of which such security is evidence, is prohibited.

(b) *Definition.* As used in this section, the term "foreign scheduled securities" shall include all securities wherever located which appear on the list in paragraph (g) of this section, entitled "Foreign Scheduled Securities," including coupons appertaining thereto.

(c) *Notice.* The provisions of this section shall apply whether the parties to any act with respect to foreign scheduled securities prohibited by this section, or persons subject to the requirements with respect to foreign scheduled securities imposed by this section, do or do not have actual notice or knowledge that such securities are foreign scheduled securities.

(d) *Effect of a prohibited transaction.* Any transaction in violation of the prohibitions contained in paragraph (a) of this section shall be null and void.

(e) *Duty of persons bringing, receiving, or holding foreign scheduled securities.* (1) Foreign scheduled securities brought from a foreign country to the United States by any person shall be forwarded by such person within five (5) days after his arrival in the United States to the Federal Reserve Bank of New York together with a statement in triplicate setting forth the following:

(i) His name and address;

(ii) A complete description of the securities;

(iii) The name and address of the person from whom he received the securities and the date of receipt; and

(iv) The circumstances under which the securities were received.

(2) Foreign scheduled securities mailed or otherwise sent from a foreign country to any person within the United States shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(3) Foreign scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any other person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held foreign scheduled securities as security for an obligation owing to him shall not be required to forward the securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, 120 Broadway, New York 5, New York, together with a statement of the circumstances under which the securities are being held.

(4) Foreign scheduled securities received by any person within the United States (whether for himself or for any other person) shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(5) Any person required by the provisions of subparagraph (3) or (4) of this paragraph to forward securities to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, 120 Broadway, New York 5, New York, giving the name and address of the person to whom he makes such return and he shall advise such person that they are foreign scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to his original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, 120 Broadway, New York 5, New York, the above-specified statement

in triplicate with respect to his original receipt of the securities together with the date on which he returned such securities to the person from whom he received them.

(6) Foreign scheduled securities held by any person not within the United States may be deposited with the Federal Reserve Bank of New York together with the statement specified in subparagraph (1) of this paragraph on or before July 31, 1951.

(7) Acts or transactions required or authorized by the provisions of this paragraph are licensed to the extent, and only to the extent, of permitting compliance therewith.

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director, Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, 120 Broadway, New York 5, New York.

NOTE: For interpretation of § 511.205, see § 511.340 (Public Circular No. 40).

(g) *Appendix.*

FOREIGN SCHEDULED SECURITIES BONDS

S. A. Acieries Reunies de Burbach-Eich-Dudelange (A. R. B. E. D.)—5¼ Sinking Fund—1926/42:

$600—B 18528, B 18887, B 19060, B 19409, B 19410, B 19437, B 19513, B 20165, B 20223, B 20452, B 20867, B 21725, B 22021, B 22030, B 22031, B 22032, B 22033, 22271, B 22519, B 24441, B 24867, B 25056, B 25842, B 26514, 27015, 27016, B 27017, 27274, D 27567, B 27643, 28431, B 28638.

$150—A 282, A 283, A 475, 1139, A 3132, 3495, 3496, 3508, A 3576, A 3655, A 3656, A 3657, A 3658, A 3754, A 4237, A 4243, A 4244, A 4315, A 9332, A 9645, A 9697, A 9698, 9884, A 9932, 9994, 11834, 11835, A 12561, A 13444, A 17224, A 17637, A 17638.

Antwerp, City of—External Sinking Fund Gold 5% Loan of 1928—due 1958:

$1,000—749, 750, 751, 752, 808, 1190, 1328, 1933, 1934, 1935, 2222, 2223, 2298, 2300, 2495, 2730, 3233, 3512, 4576, 5298, 5543, 5544, 5558, 5652, 5710, 6379, 6668, 6914, 7020, 7021, 7038, 7058, 7881, 7882, 8365, 8740, 9001, 9002, 9245.

$500—489, 491, 492, 517, 518.

A. R. B. E. D. (See first listing in this schedule.)

(S. A. Acieries Reunies de Burbach-Eich-Dudelange.)

Argentine, Republic of—Sinking Funk 4% Conversion Loan due February 15, 1972:

$1,000—2074, 11443, 12568, 16057, 19003, 20230, 20254, 21613, 21614, 24179, 24724, 25347, 25348, 25352, 25353, 25355, 25356, 28576, 28578, 31200, 31201, 31202, 33563, 34332, 34704, 34788, 35381, 35382, 39176, 40100, 40101, 40102, 40103, 40104, 40146, 41935, 49054, 49702, 54547, 54549, 55213, 55931, 55933, 58783, 59842, 59975, 60755, 60756, 60757, 60758, 60806, 60807, 60808, 62925, 62926, 64446, 68258, 68259, 68260, 68261, 68262.

$500—1946.

Argentine, Republic of—4½% 1938–48 (10 Y.):

$1,000—M 24569, M 24570, M 24571.

Argentine, Republic of—6% Bonds 1923/57:

$1,000—9988.

Australia, Commonwealth of—4½% Bonds 1928 due 1956:

$1,000—2767, 2793, 3426, 3428, 3623, 4584, 6631, 9814, 9903, 9909, 9910, 15343, 16828, 20251, 20862, 23577, 23578, 23761, 23912, 27202, 31011, 34231, 38004, 39531, 44858.

Australia, Commonwealth of—5% Bonds 1925 due 1955:

$1,000—524, 526, 527, 528, 6932, 6933, 12111, 12112, 12113, 12114, 12115, 12116, 12117, 12118, 12119, 12120, 13938, 19046, 19047, 19048, 19049, 19050, 19051, 22879, 26964, 26965, 40093, 42052, 70601.

Australia, Commonwealth of—5% Bonds due 1957:

$1,000—11692.

Belgium, Kingdom of—30 Year External Sinking Fund 6% Gold Loan of 1925 due 1955:

$1,000—7493, 7717.

Belgium, Kingdom of, External 25-Year 6½%—Gold Loan of 1924 due 1949:

$1,000—54.

Bolivia, Republic of—External Secured Gold 7% loan of 1927 due 1958:

$1,000—54, 65, 434, 596, 597, 704, 844, 903, 1012, 1486, 1793, 2572, 2573, 2881, 2989, 3008, 3009, 3038, 3136, 3188, 3450, 3886, 3887, 4287, 4904, 5144, 5149, 5151, 5152, 5153, 5154, 5155, 5156, 5157, 5593, 5966, 5973, 5977, 6046, 6055, 6056, 6057, 6053, 6059, 6071, 6096, 6103, 6117, 6134, 6139, 6150, 6167, 6215, 6222, 6225, 6401, 7941, 8362, 8427, 8462, 9454, 9495, 9570, 9579, 9991, 10005, 10018, 10332, 10686, 10925, 10948, 12339, 12340, 12387, 12945, 13431, 13432.

$500—232, 233, 243, 244, 290, 291, 303, 321, 363.

Bolivia, Republic of—External Secured Sinking Fund Gold Bonds 7% of 1928 due 1969:

$1,000—49, 64, 66, 67, 68, 69, 179, 182, 522, 783, 847, 1089, 1257, 1260, 1486, 1949, 2025, 2202, 2297, 2835, 2859, 2860, 2861, 3042, 3126, 3127, 3099, 3700, 3931, 4026, 4434, 4742, 4977, 5063, 5115, 5217, 5256, 5257, 5549, 5627, 5628, 5630, 5631, 5821, 5875, 6827, 6976, 7047, 7146, 7166, 7250, 7251, 7325, 7326, 7335, 7361, 7467, 7888, 8020, 8038, 8098, 8171, 8193, 8203, 8252, 8413, 9189, 9190, 10060, 10112, 10113, 10242, 10247, 10248, 10354, 10357, 10458, 10530, 10531, 10532, 10609, 10611, 10612, 10638, 10973, 10985, 11012, 11216, 11329, 11453, 11745, 11797, 12055, 12346, 12474, 13238, 13766, 13789, 13799, 13824, 13825, 13855, 13898, 14118, 14482, 14703, 14822, 15009, 15038, 15225, 15226, 15364, 15426, 15429, 15458, 15595, 15730, 15871, 16290, 16648, 16989, 17088, 17092, 17344, 17345, 17347, 17449, 17605, 17609, 17733, 18070, 18195, 18295, 18426, 18945, 18946, 19483, 19530, 19858, 20497, 20769, 21228, 21308, 21347, 21428, 21429.

$500—138, 745, 746, 896, 909, 1673, 2023.

Bolivia, Republic of—8% Bonds, 1922/47:

$1,000—1083, M–13981, 14941.

Brazil, United States of—5% Funding Bonds due 1951:

$1,000—9745, 9775.

$500—3680.

$100—6049, 6050, 10563, 11700, 12750, 13325, 13326, 13327, 15515, 15708, 15709, 15710, 17597, 20663, 20664, 20665, 20667, 20674, 25071, 33915, 33941, 33942, 33949, 34770, 34789, 34898, 34899, 34900, 34928, 34929, 34930, 35181, 35182, 35498, 35499, 35500, 35501, 36579, 36580, 36581, 36582, 41332, 41333, 41538, 41678, 41856, 42804, 42805, 42835, 42863, 42869, 45542, 48337, 57746, 57747, 60446, 60464, 62521, 66824, 70275, 70276, 70281, 71485, 71486.

Brazil, United States of—External Sinking fund gold 6½% loan of 1926 due October 1, 1957:

$1,000—59, 106, 301, 676, 2318, 2732, 3508, 4097, 4274, 4305, 6774, 7102, 7795, 7905, 8236, 8237, 8239, 8240, 9475, 9990, 10046, 10184, 10788, 12239, 12502, 13199, 13318, 13327, 13909, 13970, 13973, 14223, 14268, 14543, 15614, 17000, 17454, 18237, 18238, 18452, 18564, 19582, 19586, 19592, 19604, 19605, 19606, 19607, 19608, 19620, 19632, 19633 19781, 19798, 19824, 19825, 19859, 19903, 19915, 19975, 20053, 20085, 20120, 20138, 20139, 20159, 20164, 20168, 20170, 20256, 20270, 20379, 20413, 20416, 20438, 20504, 20531, 20563, 20573, 20578, 20586, 20603, 20632, 20633, 20657, 20709, 20716, 20733, 20745, 20758, 20853, 20914, 20920, 20928, 20938, 21007, 21008, 21030, 21036, 21081, 21082, 21155, 21259 21274, 21361, 21367, 21408, 21428, 21432, 21448, 21773, 21779, 21780, 21863, 21883, 21948, 21961, 21998, 22074, 22076, 22136, 22189, 22192, 22216, 22346, 22364, 22370, 22407, 22425, 22433, 22434, 22435, 22469, 22470, 22471, 22486, 22514, 22515, 22591, 22650, 22666, 22679, 22684, 22880, 22897, 22928, 22998, 23053, 23072, 23219, 23222, 23317, 23349, 23378, 23380, 23440, 23447, 23489, 23490, 23524, 23591, 23623, 23712, 23855, 24241, 24259, 24282, 24920, 24963, 25361, 25485, 25550, 25674, 25767, 25857, 26338, 26462, 26650 26832, 27588, 27637, 27648, 27776, 27788, 28001, 28711, 28767, 28355, 29213, 29833, 31500, 31886, 32735, 33076, 33105, 33789, 34106, 34109, 34363, 34449, 34687, 35661, 36007, 36086, 36181, 36423, 36573, 36802, 37382, 38723, 38916, 39175, 40232, 40318, 40884, 41034, 41262, 41541, 41691, 42796, 42797, 45567, 46344, 47676, 47994, 47995, 48342, 48664, 48665, 48668, 48795, 48796, 48896, 49395, 49415, 50114, 51915, 52142, 52758, 53831, 53997, 54239, 54240, 54372, 54698, 55468, 55943, 56019.

$500—520, 541, 542, 545, 546, 700, 769, 802, 803, 804, 876, 887, 943, 981, 1039, 1082, 1106, 1165, 1221, 4215, 5431, 5478, 5752, 5761, 5805.

Brazil, United States of—6½% Bonds issued 1927 due 1957:

$1,000—24641.

Brazil, United States of—8% Bonds 1921 due 1941:

$1,000—5059, 9883, 10238, 26398, 28934, 37107, 37165, 37166, 42710, 45222.

Brisbane, City of—External Sinking Fund gold 5% loan of 1928 due 1958:

$1,000—596, 2191, 4072, 5302, 5321, 5334, 5358, 5419, 5714.

Budapest, City of—6% Bonds 1927 due 1962:

$2,000—7975, 7976.

$1,000—6091, 7712, 7893, 7959, 7984, 7985.

$500—1300, 1301, 1338, 1447.

Buenos Aires, Province of—3% Bonds 1936/84:

$100—758, 1260, 1350, 1891, 1957, 1958, 2127, 4099, 4100, 5641.

Buenos Aires, Province of—4⅛%—4⅜% Ext. Readjust. sinking fund due 3/1/77:

$1,000—355, 356, 395, 396, 4219, 4889, 7191, 8335, 10851, 11263, 11273, 11284, 11285, 11286, 11287, 11330, 13766, 14043, 14320, 14322, 14323, 14359, 14402, 14456, 14555, 16209, 16210, 16214, 16973, 17005, 17012, 17034, 17035, 17036, 17053, 17061, 17062 17063, 17064, 17081, 17095, 17130, 17426, 17434, 17488, 17502, 17505, 18676, 19409, 19414, 21281, 21579, 21580, 21581, 21582, 21583, 21584, 21585, 21586, 21587, 21588, 21589, 21590, 21591, 21592, 21593, 21594, 21595, 21596, 21597, 21598, 21648, 21649, 22352, 22968, 22984, 22985, 22986, 22987, 22999, 23302, 23716, 24253, 24581, 24651, 24780, 25392, 25731, 31338, 31428, 31766, 31917, 32103, 32391, 32583, 32775, 32776, 32777, 32778, 32779, 32780, 32979, 34637, 34638.

$500—1031, 1042, 1043, 1047, 1048, 1049, 1058, 1059, 1076, 1446, 1448, 1454, 1472, 1636, 1607, 1698, 1737, 1791, 1794, 1932, 1933, 2276, 2277, 2734, 2735, 2736, 2738, 2739, 3564.

Caja de Prestamos para Obras de Irrijacion y Fomente de la Agriculture S. A.—4½%—35 year Gold Bonds due 1943:

$1,000—5446, 5574, 5984, 6859, 8169, 9061, 9082, 9386, 9473, 9692, 10520, 12622.

$500—6460, 6574.

$100—3315, 8119.

Canada, Dominion of—3% Bonds 1936:

$1,000—8583, 8584, 13837, 13838, 13839, 13840, 13841, 13842, 13843, 13844, E 39767, 43445, 43691, 43692, 63693, 43694, 43695.

Canada, Dominion of—3% Bonds 1938 due 1968:

$1,000—E 2656, 34446.

Canada, Dominion of—4½% Bonds 1931 due 1956:

$1,000—R6/E. O. 26238.

Canada, Dominion of—5% Bonds 1922 due 1952:

$1,000—17199.

Canadian National Railway Co.—Guaranteed Gold, 5% Bonds issued July 1929 due 1969:

$1,000—25208, 46536.

Canadian National Railway Co.—Guaranteed Gold, 5% Bonds issued October 1929 due 1969:

$1,000—2873, 9886, 8963, 11241, 11251, 11252, 11253, 11254, 11257, 12078, 12256, 12677, 12680, 12681, 12682, 16701, 18717, 18965, 19451, 19897, 34712.

Canadian National Railways System—4½% Bond 1931/56:

$1,000—44853.

Canadian Pacific Railway Company Perpetual 4% Consolidated Debenture Stock:

$1,000—251, 252, 253, 254, 255, 377, 704, 810, 1022, 1082, 1121, 1162, 1372, 1643, 1651, 2210, 2244, 2277, 2316, 2389, 2733, 2863, 3034, 3745, 3316, 3839, 3852, 3881, 4165, 4166, 4521, 4653, 4755, 4783, 4864, 5008, 5205, 5617, 6045, 6533, 6817, 6818, 6877, 6993, 7042, 7138, 7372, 7381, 7438, 7467, 7470, 7648, 7704, 8411, 8426, 8531, 8583, 8604, 8640, 9051, 9346, 9515, 9529, 9547, 10016, 10208, 10230, 10385, 10428, 10432, 10522, 10932, 10934, 11115, 11398, 11699, 11934, 11938, 12032, 12069, 12232, 12348, 12489, 12532, 12868, 12960, 13323, 13494, 13500, 13735, 13834, 14039, 14118, 14256, 14843, 14844, 15653, 15900, 15901, 15902, 16109, 16285, 16291, 16292, 16304, 16313, 16447, 16470, 16665, 16706, 17148, 17779, 18653, 18097, 18480, 18482, 18508, 18661, 18769, 18885, 19661, 19663, 19665, 19666, 19667, 19668, 19984, 20101, 20313, 20323, 20349, 20362, 20462, 20545, 20628, 20716, 21227, 21324, 21420, 21707, 21708, 21823, 22270, 22334, 22407, 22760, 22788, 23353, 23923, 23947, 24517, 24601, 24604, 25014, 25885, 26576, 26581, 27203, 27218, 27816, 27961, 28181, 29180, 29909, 30187, 30425, 30442, 30923, 31146, 31256, 31277, 31494, 31595, 31608, 31628, 31920, 32009, 32192, 32285, 32399, 32455, 32930, 33534, 33659, 33660, 33692, 33932, 34034, 34040, 34061, 34111, 34146, 34528, 34950, 34958, 35465, 36774, 36832, 36955, 36956, 37009, 37517, 37619, 37817, 39440, 39852, 40068, 42832, 43161, C–44026, 44210, 44212, 44261, 44262, 44263, 44264, 44267, 44529, 44572, 44574, 44696, 45459, 45834, 46030, 46214, 46383, 46905, 48098, 48111, 48236, 48257, 48967, 74702, 75211, 76073, 76074, 76075, 76076, 76077, 76398, 76474, 78066, 78162, 78323, 80792, 80802, 80912, 81513, 82404, 82633, 84283, 84615, 85529, 86126, 86263, 86522, 86625, 87130, 87301, 88144.

$500—364, 1888, 1889, 2778, 2779, 2780, 2781, 4133, 4134.

Canadian Pacific Railway Company—4½% Gold Bonds 20 Year Guaranteed, 1926/46:

$1,000—3, 15, 38, 50, 99, 113, 146, 222, 300, 306, 345, 378, 387, 437, 470, 484, 581, 582, 617, 749, 1394, 1512, 1513, 1681, 1813, 2273, 2323, 2325, 2505, 2509, 2696, 2911, 3169, 3194, 3558, 3562, 3747, 4618, 4680, 4881, 5375, 5485, 6620, 6853, 7038, 7054, 7483, 7496, 8145, 8147, 8153, 8358, 8359, 8897, 9340, 9368, 9369, 9370, 9374, 9550, 9551, 9845, 10182, 10424, 10732, 10832, 10837, 10838, 10900, 10902, 11052, 11120, 11190, 11253, 11303, 11516, 11522, 12043, 12821, 12918, 13127, 13763, 15556, 15558, 15647, 15662, 15818, 15897, 15966, 16074, 16232, 16232, 16236, 16291, 16292, 16304, 17121, 17210, 17243, 17248, 17660, 17633, 17634, 17667, 17868.

$500—89, 147, 148, 150, 207, 266, 278, 328, 329, 334, 335, 408, 409, 437, 496, 497, 1143, 1144, 1180, 1181, 1888, 1889, 1895, 2518, 2519, 3086, 3087, 3231, 3232, 3312, 3366, 3386, 3557, 3558, 3559, 3560, 3707, 3708, 3869.

Canadian Pacific Railway Company—4½% 30 Year Guaranteed Gold Bonds due July 1, 1960:

$1,000—163, 205, 206, 207, 213, 214, 229, 231, 245, 316, 347, 370, 371, 372, 374, 376, 377, 387, 389, 390, 541, 557, 1325, 1356, 1438, 1439, 1440, 1441, 1486, 10723.

$500—13, 20, 45, 86, 87, 88, 90, 108, 109, 110, 111, 137, 158, 167, 169, 172, 257, 258, 259, 260, 261, 262, 263, 264.

Canadian Pacific Railway Company—5% Equipment Trust Gold certificates due July 1, 1944:

$1,000—9756, 9757, 9758, 9759, 9760, 9761, 9762, 9763, 9764, 9763, 9764, 9765, 27438.

Canadian Pacific Railway Company—5% Bonds 1929/54:

$1,000—20365, 20366, 20367, 20374.

Carlsbad, City of—8% External Loan Bonds 1924 due 1954:

$1,000—300, 301, 302, 303, 489, 562, 595, 597, 598, 1050, 1051, 1052, 1098.

Cauca Valley, Department of (Colombia)—7% 1948:

$1,000—1149, 2024.

Chile, Republic of, External Sinking Fund Gold 6% Loan of 1926 due 1960:

$1,000—1493, 2111, 2141, 2171, 2237, 2380, 2457, 2475, 2482, 2483, 2505, 2506, 2512, 2516, 2535, 2723, 2724, 2795, 2806, 2844, 2854, 2914, 2919, 2934, 2981, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3198, 3256, 3301, 3258, 3379, 3390, 3451, 3452, 3489, 3575, 3653, 3875, 3931, 3940, 4002, 4003, 4004, 4005, 4880, 7137, 8711, 8957, 9733, 9783, 11219, 12764, 14000, 14418, 15053, 15527, 15988, 17222, 17974, 18599, 18882, 19204, 20547, 23046, 24418, 24907, 28843, 30098, 30976, 31034, 31499, 31586, 32229, 32736, 33379, 34785, 35473, 35594, 35658, 36097, 36098, 36121, 36944, 38663, 38710, 40248, 40263, 40344.

$500—236, 241, 242, 476, 507, 535, 536, 543, 548, 572, 580, 594, 600, 602, 636, 748, 749, 750, 751, 771, 772, 787, 788, 789, 790, 1605.

Chile, Republic of, External Sinking Fund Gold Loan 6% of 1927 due 1961:

$1,000—126, 133, 171, 206, 291, 353, 363, 564, 602, 619, 629, 715, 717, 719, 740, 807, 871, 872, 877, 1007, 1008, 1193, 1223, 1246, 1316, 2006, 2415, 3392, 5242, 5283, 6095, 6769, 7334, 9227, 9228, 9391, 9632, 12812, 13810, 17223, 19029, 19357, 19595, 20436, 21023, 21619, 22010, 22598, 22933, 23216, 23340, 23503, 23554, 24380, 24467, 24933, 25579.

$500—39, 181, 182, 240, 242, 281, 282.

Chile, Republic of, External Railway Ref. Sinking Fund—6% Gold Loan of 1928 due Jan. 1, 1961:

$1,000—1264, 1273, 1288, 1359, 1382, 1393, 1394, 1409, 1445, 1451, 1491, 1569, 1609, 1612, 1618, 1626, 1638, 1643, 1687, 1698, 1711, 1738 1924, 1925, 1932, 1934, 2110, 4111, 4967, 12746, 15048, 15254, 15342, 15343, 21363, 26403, 26441, 36840, 34642, 37801, 38053, 39004, 39005, 39036, 39700, 40718, 44191.

$500—268, 283, 474, 657, 658, 2115, 2294.

Chile, Republic of, External Sinking Fund Gold—6% of 1929 due 1962:

$1,000—39, 59, 60, 144, 210, 223, 224, 247, 248, 3237, 4778, 4779, 7208, 7342, 8759.

$500—316, 317, 555, 556, 573, 586, 592, 593, 594, 630.

Chile, Republic of, External Sinking Fund Gold—6% of 1930 due 1963:

$1,000—32, 112, 113, 178, 179, 180, 181, 182, 186, 202, 231, 288, 289, 290, 291, 292, 293, 294, 347, 350, 351, 385, 5681, 14425, 16065, 16428, 18264, 21244.

$500—D 97, D 98.

Chile, Republic of 7% Bonds, 1922/42:

$1,000—1139, 6734, 10040, 10461, 14099.

Chilean Consolidated Municipal Loan External Sinking Fund Gold 7% Series A, 1929/60:

$1,000—27, 34, 35, 36, 37, 133, 162, 314, 421, 422, 431, 432, 433, 434, 435 464 465, 535, 608, 609, 619, 620, 710, 735, 769, 862, 1507, 1508, 4575, 6629, 6630, 7694, 8487, 10556 10557, 11395, 11396.

$600—21, 95, 137, 138, 139, 154, 168, 180, 209, 216, 281, 286, 287, 288, 289, 290, 291, 342, 343, 344, 1929.

Chinese Republic—5% Bonds 1925/48:

$50—781737, 781738, 781747, 781753, 781756, 781777, 781780, 781781, 781788, 781799.

Colombia, Republic of—4% Bonds 1934/46:

$30—E 14125, E 14126, E 14127, E 14128, E 14129, E 18308, E 45983, E 45984, E 45985, E 45986, E 47740, E 57146, E 57147, E 57148, E 57149.

$15—F 7212, F 7213.

Colombia, Republic of—External Sinking Fund Gold 6% Loan of 1927 due January 1, 1961:

$1,000—419, 420, 479, 485, 537, 548, 569, 612, 636, 698, 716, 881, 923, 926, 930, 993, 995, 1014, 1023, 1173, 1367, 2445, 2460, 4026, 4597, 4647, 4648, 7368, 8168, 9772, 10110, 12690, 13212, 13649, 13867, 13868, 13869, 14844, 14858, 15167, 15463, 16001, 16053, 16054, 16055, 16056, 16057, 16492, 16493, 16494, 18419, 16740.

$500—66, 74, 82, 83, 86, 87, 89, 159, 210, 211, 425, 691, 973, 974.

Conversion Office for German Foreign Debts—3% Dollar Funding Bonds:

$500—933.

$100—8479, 8480, 16499.

Conversion Office for German Foreign Debts—Fractional Certificates:

$20—26200.

$10—31969.

$5—21173.

Copenhagen, City of—4½% Bonds 1908 due 1953:

$1,000—9317.

Cuba, Republic of—External Gold 4½% Loan of 1909 due August 1949:

$1,000—2309, 2310, 2312, 2313, 9796, 9804, 9805, 10239, 10223, 10412, 10782, 15697, 15787.

Cuba, Republic of—External Sinking Fund 4½% of 1937 due 1977:

$1,000—79691, 79717, 79720, 79836, 79886, 79891, 79908, 79942, 79972, 80755, 80841, 80881, 80882, 80883, 80884, 80885, 80886, 80887, 80889.

$100—6544, 6548, 6597, 6602, 6639, 6640, 6653, 6710, 6992, 7016, 7017, 7018, 7020, 7021, 7022, 7023, 7024.

Cuba, Republic of—External Gold 5% Loan of 1904 due 1944:

$1,000—1193.

Cuba, Republic of—External Public Works Sinking Fund, 5½% Bonds 1930/45:

$1,000—23170, 23604.

Cuba, Republic of—3½% Bonds 1923/53:

$1,000—35754, 35755, 35756, 46918, 47355.

Czechoslovakia State Loan 1922 due 1951—8% Series A:

$1,000—6467, 7268.

$100—484.

Czechoslovakia State Loan 1922 due 1952—8% Series B:

$1,000—5745.

$500—562, 830, 1296.

$100—930, 931.

Danish Consol, Municipal Loan, 5% due 1953:

$1,000—76, 77, 78, 365, 476, 566, 567, 568, 839, 907, 908, 909, 910, 911, 1179, 1408, 1409, 1411, 1412, 1846, 1847, 1923.

Denmark, Kingdom of—External Gold 4½% Loan of 1928 due 1962:

$1,000—361, 365, 459, 710, 961, 2045, 2165, 2182, 2939, 4113, 4572, 5090, 5101, 5859, 7361, 8308, 12112, 12123, 13216, 13462, 13471, 14320, 14665, 15270, 15995, 16157, 17538, 18249, 18308, 18899, 18896, 18997, 18998, 18999, 19000, 19014, 19019, 21129, 21130, 22503, 25076, 23191, 25284, 25391, 25392, 25393, 25394, 25395, 25396, 25397, 25398, 25399, 25500, 25476, 25477, 25478, 25481, 26514, 26515, 26599, 27426, 27481, 27482, 27483, 27664, 27763, 27847, 29384, 29885, 30126, 31304, 31065, 31162, 31296, 31400, 32101, 33427, 33 99, 33858, 33878, 33879, 33880, 33881, 33882, 33 83, 33884, 33885, 33886, 34406, 34407, 34408, 34410, 34615, 35416, 35526, 35976, 37012, 37041, 37469, 38047, 38049, 38205, 38612, 38613, 38614, 38615, 33632, 38811, 39701, 40292, 40565, 41749, 41857, 42515, 43063, 43669, 43670, 44317, 44362, 45037, 45638, 45639, 45640, 45641, 46708, 46860, 47080, 47097, 47098, 47099, 47100, 47287, 47890, 49030, 49024, 49138, 49223, 50183, 50223, 50265, 50657, 50724, 50977, 51263, 51276, 51325, 51432, 51433, 51434, 51435, 51436, 51437, 51438, 51439, 51440, 51441, 51442, 51443, 51444, 51445, 51446, 51447, 51448, 51449, 51450, 51451, 51452, 51453, 51454, 51455, 51456, 51457, 51458, 51459, 51460, 51785, 51786, 51787, 51788, 51789, 51790, 51791, 51792, 51793, 51794, 51795, 51796, 51797, 51798, 51799, 51800, 51801, 51802, 51803, 51804, 51805, 51806, 51807, 51808, 51809, 51810, 51811, 51812, 51813,

51814, 51815, 51816, 51817, 51818, 51819, 51820, 51821, 51822, 51823, 51824, 51806, 52089, 52191, 52276, 52378, 52465, 52466, 52467, 52744, 52770, 54305, 54644, 54646, 54817, 54822, 54823.

Denmark, Kingdom of—External Gold 5½% Loan of 1925 due 1955:

$1,000—525, 742, 743, 859, 860, 970, 971, 972, 1858, 2424, 5591, 5829, 13596, 14157, 18547, 20866, 26781, 26782, 26783, 26785, 26786, 26787, 26789, 26790, 26791, 26792, 26793, 26794, 26795, 26797, 26798, 26799, 27260, 27520, 27568, 28338, 28845.

$500—307, 418, 1440, 1927.

Denmark, Kingdom of—External Gold 6% Loan of 1921 due 1942:

$1,000—1913, 2363, 13233, 22632, 26032, 27724.

Dominican Republic Customs Administration—20 Year 5½% Gold Loan of 1922–6 due 1961:

$1,000—197, 266, 276, 400, 426, 506, 757, 900, 1072, 1180, 1211, 1442, 1854, 1989, 1992, 2060, 2137, 2157, 2284, 2387, 2672, 2793, 2795, 2896, 2946, 3667, 4130, 4181, 4219, 4475, 4513, 4544, 4546, 4577, 4617, 4653, 4898, 4962, 5275, 5552, 5667, 5760, 5789, 6004, 6074, 6107, 6232, 6376, 6424, 6920, 6953, 6980, 7091, 7176, 7322, 7405, 7558, 7692, 7723, 7833, 8370, 8507, 8544, 8757, 9005, 9344, 9777, 9915.

Dominican Republic Customs Administration, Sinking Fund Gold 5½% Loan of 1926–1928 due 1969 First Series.

$1,000—928, 1365, 2864, 2865, 3004, 4871, 4872, 4873, 4874.

Dominican Republic Customs Administration, Sinking Fund Gold 5½% Loan of 1926–1928 due 1969 Second Series:

$1,000—27, 97, 100, 101, 114, 797, 1525, 2289, 2260, 2382, 2434, 2468, 2479, 2490, 2491, 2527, 2561, 2565, 2657, 2633, 2876, 2894, 2904, 2905, 2954, 2955, 2956, 2957, 3126, 3207, 3251, 3252, 3363, 3423, 3472, 3838, 3994, 4153, 4208.

$500—101, 109, 112, 113, 114, 115, 141, 199, 214, 261, 262, 266, 267.

France, Republic of—25 Year Sinking Fund, External 7% Dollar Gold Loan of 1924 due 1949:

$1,000—13910, 22260, 22340, 34743, 43512, 44516, 68144, 79398, 91164, 92845, 92854, 93396, 91044.

Frankfort on Main (City of) 7% Bonds, 1925/45:

$1,000—3521, 3576.

German Atlantic Cable Company (Deutsche Atlant. Telegr. Ges.)—7% Bonds 1925/45:

$1,000—35, 36, 45, 46, 48, 49, 68, 69, 86, 101, 127, 145, 156, 160, 161, 162, 164, 181, 182, 184, 193, 215, 274, 300, 319, 335, 351, 413, 420, 425, 433, 438, 479, 485, 592, 593, 665, 697, 736, 779, 802, 826, 868, 910, 1004, 1051, 1052, 1115, 1181, 1183, 1186, 1188, 1266, 1741, 1876, 1879, 1881, 1972, 2101, 2147, 2227, 2340, 2343, 2366, 2414, 2463, 2521, 2522, 2662, 2705, 2707, 2729, 2737, 2742, 2751, 2752, 2763, 2861, 2950, 2957, 2977, 2984, 2987, 3159, 3249, 3263, 3347, 3394, 3432, 3484, 3507, 3568, 3576, 3583, 3595, 3586, 3591, 3603, 3612, 3620, 3636, 3640, 3690, 3751, 3791.

$500—7, 16, 83, 180, 296.

Germany, Government of—7% 1924 due 1949:

$1,000—55040, 55043, 66023, 66024, 66025, 66026, 66027, 66028, 66030, 66031, 66032, 66033, 66034, 66035, 66036, 66038, 66039, 66040, 66041, 66043, 66044, 66045, 66047, 66048, 66049, 66050, 98105, 98810.

Greater Prague, City of—7½% Loan 1922 due 1952:

$1,000—2454, 2456, 3381, 4863, 4879, 5714.

Haiti, Republic of—6% 1922/52:

$1,000—4988, 8031.

Harpener Bergbau (Harpen Mining Co.)—6% 1929 due 1949:

$1,000—1319, 1672.

Hellenic Republic Water Works—Gold Bonds 4% 1985:

673, 2066, 5871, 6899.

Hungarian Central Mutual Credit Institute (Budapest) Land Mortgage Sinking Fund Gold 7%, due 1937:

$1,000—24, 95, 96.

$500—13.

Hungarian-Italian Bank, Ltd.—7% Sterling Mortgage Bonds:

$1,000—346.

$500—Series A. C. W.: D 17, D 32, D 45, C 52, D 55, D 56.

Hungary, Kingdom of—External Secured Sinking Fund 7½% 1924/44 (Now 4½% 1979):

$1,000—1988, 2059, 6087.

$500—481, 482.

Hungary, Kingdom of—7½% Consolidated Municipal Loan 1925/45:

$1,000—311, 313, 2104, 2666, 3613, 3614, 3730, 3731, 3777, 3778, 3779, 3780, 3811, 3835, 7729, 7736.

$500—334, 341, 412.

Japan, Empire of—5½% Bonds 1930 due 1965:

$1,000—43183.

Japan, Empire of—6½% Sinking Fund Gold Bonds of 1924 due 1954:

$1,000—50393, 50394, 50395, 50396, 50683, 52208, 52493, 53833, 135112, 135113.

$500—4308, 4369.

$100—3614, 3636, 4305, 4306.

Land Mortgage Bank of Warsaw, 8% and 4½% of 1924 due 1941:

$500—100323, 101447.

$50—4304, 83470, 92725, 92735.

Meridionale Electric Company—First Sinking Fund Gold 7% Bonds 1927/57:

$1,000—2138, 6545.

Mexican Funding Notes (coupon 1 and 2):

$4.00—D 3487, D 3488.

$8.00—M 18646, M 19968, M 20658.

$9.00—M 6296, M 6297, M 6298, M 65684.

$20.00—C 35567, C 35568, C 35569, C 35570, C 35571.

$70.00—C 35567, C 35568, C 35569, C 35570, C 35571.

Milan, City of—External Sinking Fund Gold 6½% Loan of 1927—due 1952:

$1,000—5134, 8624, 8625, 8626, 8753, 8917, 9196, 9273, 10054, 11100, 16382 27785, 27835.

$500—278, 554, 586, 770.

$100—585, 1007, 1186, 1187, 1188.

Minas Geraes, State of—Secured External Gold 6½% Series A of 1929 due 1959:

$1,000—809, 1959.

$500—1036.

Mortgage Bank of Chile—Guaranteed Sinking Fund 6% Bonds 1928, Maturity 1961:

$1,000—1548, 1549.

Mortgage Bank of Chile—Guaranteed Sinking Fund Gold Loan 6½% Bonds 1925/57:

$1,000—4544, 5091.

National Economic Bank of Warsaw, 7% or 4½% 1928 due 1966:

$1,000—222, 223, 224, 225, 226.

National Railroad Company of Mexico—First Consolidated Gold 4% due 1951:

$1,000—482, 487, 685, 947, 2140, 2339, 2369, 2512, 2613, 2698, 2978, 3196, 3197, 3200, 3222, 3261, 3276, 3284, 3298, 3299, 3344, 3347, 3353, 3367, 3419, 3462, 3582, 3594, 3595, 3758, 3823, 3858, 3878, 3889, 3894, 3911, 3920, 3987, 4006, 4315, 4329, 4423, 4787, 4802, 4803, 4804, 4841, 4907, 4908, 4998, 5574, 5731, 5871, 5966, 5978, 6034, 6094, 6116, 6142, 6213, 6227, 6327, 6357, 6363, 6383, 6431, 6457, 6477, 6486, 6507, 6556, 6574, 6577, 6587, 6648, 6665, 6666, 6667, 6693, 6720, 6737, 6746, 6749, 6841, 6851, 6863, 6921, 6959, 6973, 6994, 7005, 7016, 7096, 7104, 7146, 7147, 7155, 7164, 7183, 7184, 7191, 7194, 7209, 7213, 7216, 7245, 7247, 7332, 7337, 7373, 7397, 7421, 7422, 7543, 7611, 7633, 7638, 7690, 7700, 7702, 7717, 7740, 7860, 7920, 7931, 7944, 7973, 7984, 8004, 8165, 8172, 8186, 8293, 8295, 8345, 8370, 8403, 8408, 8459, 8574, 8732, 8741, 8859, 8887, 8901, 8903, 9007, 9008, 9026, 9029, 9038, 9056, 9067, 9089, 9100, 9103, 9107, 9109, 9161, 9177, 9228, 9256, 9258, 9277, 9309, 9361, 9404, 9425, 9491, 9529, 9558, 9562, 9600, 9654, 9662, 9679, 9723, 9724, 9793, 9837, 9843, 9854, 9862, 9863, 9871, 9872, 9873, 9874, 9884, 9887, 9917, 9920, 10038, 10047, 10056, 10114, 10142, 10144, 10215, 10244, 10246, 10281, 10325, 10541, 10588, 10652, 10708, 10830, 10858, 10874, 10893, 11093, 11102, 11106, 11118, 11166, 11227, 11228, 11231, 11233, 11234, 11237, 11238, 11239, 11240, 11241, 11245, 11268, 11269, 11270, 11311, 11379, 11393, 11407, 11410, 11456, 11483, 11540, 11579, 11650, 11643, 11722, 11798, 11870, 11967, 11973, 11993, 12001, 12072, 12105, 12144, 12189, 12458, 12501, 12524, 12653, 12727, 13134, 13273, 13293, 13291, 13984, 14323, 14354, 14647, 14659, 14978, 15697, 15104, 15242, 15347, 15372, 15453, 15915, 16027, 16303, 16304, 16305, 16328, 16663, 16734, 16917, 16950, 17012, 17049, 17051, 17058, 17093, 17165, 17184, 17198, 17548, 17715, 18018, 18062, 18650, 18197, 18358, 18627, 18946, 19165, 19277, 19284, 19314, 19316, 19330, 19380, 19383, 19463, 19912, 19939, 19940, 19949, 24092, 24197, 24390, 24392, 24397, 24918, 25348, 25367, 25487, 25531, 25564, 25589, 26550.

$500—20370, 20641, 20859, 21384, 21396, 21471, 21544, 21795, 21801, 21850, 21866, 21887, 21929, 21930, 22380, 22381, 22862, 22452, 23003, 23689, 23691, 23716, 23717, 23729, 23735, 23903, 23904.

National Railroad Company of Mexico—4½% Mortgage Bonds, due 1926, Prior Lien:

$1,000—3, 4, 118, 190, 191, 194, 287, 452, 593, 597, 623, 642, 652, 739, 746, 820, 884, 983, 1037, 1111, 1200, 1462, 1616, 1666, 1804, 1987, 2361, 2390, 2514, 2827, 2911, 2950, 3250, 3251, 3705, 3745, 3835, 3845, 3887, 3901, 3932, 4010, 4079, 4138, 4257, 4275, 4312, 4313, 4351, 4440, 4472, 4610, 4691, 4692, 4796, 4932, 5017, 5120, 5405, 5406, 5705, 6149, 6840, 7480, 9235, 9395, 9427, 9431, 10017, 10529, 10530, 10960, 10974, 11054, 11448, 11535, 11541, 12461, 12775, 12932, 13258, 13359, 13854, 13959, 14153, 14165, 14237, 14543, 14903, 14964, 15014, 15063, 15103, 15113, 15133, 15179, 15183, 15197, 15207, 15219, 15260, 15315, 15334, 15340, 15348, 15398, 15460, 15487, 15521, 15565, 15648, 15695, 15750, 15758, 15806, 15834, 15842, 15854, 16118, 16234, 16273, 16336, 16352, 16353, 16377, 16667, 16674, 16683, 16709, 16719, 16732, 16771, 16808, 16832, 16923, 16969, 16982, 17084, 17164, 17306, 17425, 17444, 17669, 17671, 17816, 17819, 17878, 17929, 22021, 22101, 22126, 22144, 22145, 22163, 22167, 22187, 22248, 22253, 22266, 22335, 22351, 22360, 22386, 22425, 22475, 22493, 22498, 22544, 22545, 22549, 22550, 22551, 22553, 22592, 22691, 22698, 22705, 22711, 22741, 22813, 22871, 22942, 22952, 23053, 23423, 23665, 23717, 24117, 24226, 24399, 24656, 24700, 24765, 24838, 24842, 24843, 24868.

$500—18145, 18155, 18222, 18369, 18468, 18733, 18734, 18735, 18861, 19270, 19617, 19914, 19924, 19925, 19926, 20036, 20247, 20248, 20412, 20413, 20423, 20645, 20684, 20685, 21060, 21205, 21208, 21227, 21236, 21307, 21314, 21397, 21442, 21443, 21476, 21477, 21568, 21672, 21673, 21733, 21734, 21735, 21736, 21774, 21811, 21881.

National Railways of Mexico—4½% Prior Lien Sinking Fund Gold due 1957 (Stamped):

$1,000—3706, 3745, 14165, 14867, 15788, 17306, 22887, 34468, 41215, 41344, 41345, 48796.

$500—19928, 19929, 21341, 21343.

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due February 1, 1957:

$1,000—2308, 5540, 6377, 6683, 6913, 7618, 10723, 14111, 15481, 16152, 16817, 16832, 16833, 16900, 16908, 16993, 17107, 17127, 17143, 17184, 17247, 17249, 17250, 17282, 17330, 17377, 17484, 17488, 17487, 17498, 17499, 17502, 17528, 17530, 17552, 17553, 17574, 17634, 17635, 19516, 20123, 21901, 23587, 23629, 24409.

$500—226, 522, 523, 527, 528, 529.

New South Wales, State of—External Sinking Fund Gold 5% Loan of 1927 due April 1, 1958:

$1,000—3340, 5336, 5342, 5380, 5382, 5402, 5419, 5465, 5466, 5467, 5471, 5485, 5573, 5713, 5867, 5892, 5951, 5954, 5987, 6021, 6361, 17650, 18942, 19154, 21338, 21799, 23533.

Norges Kommunal Bank, S. F. Gold—5% 1930 due 1970:

$1,000—901, 1303, 1584, 2904, 4377.

North German Lloyd—Sinking Fund 4% Bonds 1933/47:

$1,000—6855.

Norway, Kingdom of—4¼% Bonds 1936 due 1965:

$1,000—23303.

Norway, Kingdom of—6% Bonds 1923 due 1943:

$1,000—18557.

Nova Scotia, 4½%, 1927/52:

$1,000—3691.

Nova Scotia Steel & Coal Company—3½% Bonds 1938/63:

$1,000—57, 214, 666, 867, 1027, 1150, 1315, 1351, 1352, 1353, 1369, 1518, 1723, 1724, 1725, 1794, 1962, 1963, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2247, 2248, 2341.

$500—797, 1171, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170.

Oriental Development Company, Ltd.—5½% 30 Year External Debentures 1928 due 1958:

$1,000—9238, 10879, 10880, 10881, 10882, 12055, 12332, 13286, 13287, 13288, 13289, 13290, 15839, 15840, 16345, 16761, 18269.

$500—191, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1146, 1147, 1214, 1454, 1455, 1537, 1538.

Panama, Republic of—External Secured Sinking Fund Gold 5% Loan Series A due 1963:

$1,000—93, 249, 577, 578, 3070, 8660, 9822, 10774.

$500—69.

Peru, Republic of (National Loan)—External Sinking Fund Gold 6% First Series due 1960:

$1,000—1380, 2188, 2189, 2563, 2621, 2623, 2693, 3864, 4400, 4414, 4416, 4422, 4471, 4490, 4575, 4576, 4577, 4609, 4610, 4611, 4613, 4614, 4619, 4633, 4689, 4702, 4729, 4731, 4753, 4790, 4791, 4859, 4882, 4837, 4898, 4904, 4905, 4910, 4919, 4945, 4985, 4989, 5054, 5055, 5059, 5060, 5085, 5108, 5130, 5133, 5134, 5182, 5226, 5253, 5258, 5259, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5281, 5304, 5305, 5306, 5344, 5360, 5377, 5379, 5386, 5427, 5428, 5436, 5453, 5495, 5507, 5528, 5558, 5589, 5604, 5773, 5823, 6210, 6325, 6326, 6941, 7082, 9656, 10164, 10420, 11359, 11404, 11770, 11995, 12083, 12446, 12921, 14325, 14328, 14510, 15191, 15228, 15243, 15490, 15604, 15921, 16376, 16377, 17909, 18542, 18844, 18919, 19259, 19362, 19763, 20605, 20606, 20744, 21337, 21760, 22227, 23621, 24902, 24927, 27485, 28587, 28924, 29190, 29352, 29388, 29393, 30229, 31360, 31954, 32190, 32191, 32192, 32193, 33246, 34183, 35714, 36918, 37186, 39832, 40328, 40756, 42487, 42637, 42731, 44495, 44823, 45129, 45461, 45790.

$500—452, 459, 481, 482, 483, 510, 521, 531, 559, 582, 583, 584, 585, 596, 650, 651, 828, 835, 849, 858, 863, 877, 878, 879, 882, 883, 889, 900, 905, 906, 907, 926, 941, 970, 971, 986, 997.

Peru, Republic of (National Loan)—External Sinking Fund Gold 6% Second Series due 1961:

$1,000—11, 14, 58, 69, 70, 77, 87, 88, 137, 142, 148, 158, 159, 217, 218, 228, 239, 293, 294, 313, 314, 315, 364, 435, 436, 459, 501, 502, 516, 540, 570, 571, 582, 598, 600, 610, 611, 647, 648, 656, 662, 670, 702, 720, 733, 753, 769, 779, 830, 858, 863, 870, 883, 886, 887, 947, 1029, 1062, 1066, 1079, 1080, 1081, 1141, 1148, 1149, 1150, 1151, 1156, 1162, 1163, 1231, 1251, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1483, 1584, 1993, 3563, 4640, 4656, 4657, 4658, 4659, 5286, 6145, 6422, 8007, 8008, 8010, 8473, 9467, 9691, 9746, 10417, 13383, 14871, 15754, 16711, 16712, 16976, 17157, 17158, 19767, 19967, 20355, 21762.

$500—15, 68, 79, 85, 86, 87, 88, 125, 177, 181, 193, 252, 285, 290, 293, 338, 368, 398, 1717.

Peru, Republic of—Secured Sinking Fund Gold 7% (Tobacco) Loan Series of 1927 due 1959:

$1,000—88, 128, 197, 894, 1725, 1837, 2192, 2212, 2216, 2218, 2219, 2221, 2268, 2269, 2287, 2290, 2291, 2344, 2365, 2366, 2372, 2383, 2384, 2407, 2409, 2411, 2416, 2440, 2497, 2507, 2508, 2536, 2586, 2620, 2621, 2625, 2656, 2699, 2750, 2889, 2891, 2899, 2942, 2943, 2952, 2965, 2969, 3004, 3028, 3049, 3052, 3055, 3056, 3057, 3058, 3059, 3083, 3089, 3104, 3111, 3112, 3132, 3152, 3780, 3944, 9513, 9630, 9633, 9813, 9846, 9847, 9865, 9948, 9969, 11038, 11332, 11606, 12359, 12720, 12830, 13061, 13150, 13449, 13756, 14136, 14432.

$500—305, 322, 326, 346, 374, 396, 399, 402, 464, 474, 481, 506, 509, 535, 563, 578, 579, 587, 705, 3329.

Poland, Republic of, 4½% External-Sinking Fund Bonds (Formerly 7% Extended from 1947) due 1968:

$1,000—1672, 1673, 1674, 1790, 1791, 6407, 6631, 10693, 11952, 13031, 22699, 33483.

$500—2695.

$100—27127.

Queensland, State of (Australia)—25 Year Sinking Fund External Gold 6%, due February 15, 1947:

$1,000—3847.

$500—1025, 1027.

Rio de Janeiro, City of (Brazil)—6½% due 1953:

$1,000—24305, 26002.

Rio de Janeiro, State of—External Secured Sinking Fund Gold 6½% of 1929 due 1959:

$1,000—4, 21, 80, 715, 728, 729, 787, 788, 816, 856, 896, 948, 994, 1139, 1184, 1193, 1974, 2555, 2762, 3157, 3709, 4017, 5212, 5602, 5675, 5866, 5868.

Rio Grande do Sul (Brazil)—6% Bonds 1926/68:

$1,000—7227.

Ruhr Gas Corporation—6½% Bonds 1928/53:

$1,000—1846 A, 7688.

Saarbruecken, City of—6% Bonds 1927 due 1953:

$1,000—2807, 2808, 2809.

Sao Paulo, State of—7% due 1956:

$1,000—4673, 5457.

Sao Paulo, State of—25 Year External 8% Gold Loan of 1925 due 1950:

$1,000—68, 501, 511, 564, 580, 619, 722, 764, 769, 786, 796, 822, 886, 927, 930, 931, 932, 933, 934, 958, 959, 960, 961, 968, 969, 1014, 1038, 1047, 1048, 1049, 1091, 1109, 1123, 1171, 1172, 1226, 1273, 2042, 2377, 3182, 3372, 3427, 3675, 4305, 4936, 5517, 6211, 7836, 8295, 9112, 9113, 9898, 10456, 11170, 11329, 12181, 12274, 12275, 13034.

$500—9, 10, 51, 57, 636, 696, 805, 1507, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1621, 1622, 1623, 1624, 1625, 1626, 1751, 1752, 1753, 1754, 1808, 1809, 1890.

Silesia, Province of, External Gold Loan, 7% and 4½% of 1928 due 1958:

$1,000—88, 5194, 7610, 7789, 8635, 9481, 9482.

United Industrial Corp. (Vereinigte Industrie Unternehmungen)—Sinking Fund Debenture, Gold, 6½% due 1941:

$1,000—51101.

Uruguay, Republic of—External Readjustment 3¾, 4, 4½% due 1979:

$1,000—26128, 26129, 26130, 26131, 26132, 26133, 26134, 26135, 26136, 26137, 26138, 26139, 26140, 26141, 26142, 31374, 31375, 31376, 31377, 31378, 31379, 35638, 35639, 35679, 35680, 35714, 35715, 35729, 35732, 35738, 35772, 35793, 35794, 35877, 35878, 35962, 35977, 36001, 36002, 36003, 36014, 36044, 36077, 36078, 36086, 36095, 36360, 36362, 36363, 36435, 36436, 36437, 36440, 36457, 36458, 36459, 36460, 36461 36836, 37312, 37313, 37314, 37322, 37323, 37324, 37327, 37329, 37330, 37344, 37345, 37349, 37350, 37351, 37352, 37378, 37400, 37641, 38607, 38608, 38609, 39654, 39656, 39657, 39659, 39360.

$500—2147, 2182, 2183, 2217, 2218, 2227, 2228, 2229, 2230, 2248, 2249, 2360, 2361, 2362, 2512, 2518, 2519.

Vera Cruz & Pacific Railroad Company—4½% Guaranteed 1st Mortgage Gold Bonds due 1934:

$1,000—1305, 1766, 4946, 5558, 5785, 6322, 6323.

Vienna, City of (Wiener Stadtanleihe)—Gold Issue 6% 1927/1952:

$1,000—12022, 12653, 12953.

$500—1252.

Westphalia United Electric Power Corporation (Vereingte Elektrizitaetswerke Westfalen A. G.) First Sinking Fund Gold—6%, Series A, due 1953:

$1,000—7129, 10720, 14341.

Yugoslavia, Kingdom of, Funding 5%, First Series Issued, 1932 due 1956:

$500—1245.

$100—10938, 10939, 10945, 10946, 12912, 16660, 16661, 16662, 16674.

Yugoslavia, Kingdom of—Funding 5% Bonds per 1956–II:

$1,000—1375.

$100—10299, 10300, 14041, 14042.

Yugoslavia, Kingdom of—7% 1922 due 1962:

$1,000—10021, 12003, 15266, 22340, 23721, 24665, 26974, 26979, 26983.

Yugoslavia, Kingdom of (Serbs, Croats, and Slovenes)—8% 1922 due 1962:

$1,000—2741, 2960, 3829, 5304, 7516, 8020, 8623, 8698, 10165, 11432, 12961.

$500—221, 489, 514, 669.

Yugoslavia State Mortgage Bank—7% of 1927:

$500—457, 536.

§ 511.205b. *General Ruling No. 5B*—(a) *Prohibitions with respect to domestic scheduled securities.* Except as authorized by license or other authorization specifically referring to this section from the Director, Office of Alien Property, Department of Justice, or as required or authorized by paragraph (e) of this section, any transfer of, dealing in, or other transaction with respect to, a domestic scheduled security or any obligation, interest, or claim of which such security is evidence, is prohibited.

(b) *Definition.* As used in this section, the term "domestic scheduled securities" shall include all securities wherever located which appear on the list in paragraph (g) of this section, entitled "Domestic Scheduled Securities," including coupons appertaining thereto.

(c) *Notice.* The provisions of this section shall apply whether the parties to any act with respect to domestic scheduled securities prohibited by this section, or persons subject to the requirements with respect to domestic scheduled securities imposed by this section, do or do not have actual notice or knowledge that such securities are domestic scheduled securities.

(d) *Effect of a prohibited transaction.* Any transaction in violation of the prohibitions contained in paragraph (a) of this section shall be null and void.

(e) *Duty of persons bringing, receiving, or holding domestic scheduled securities.* (1) Domestic scheduled securities brought from a foreign country to the United States by any person shall be forwarded by such person within five (5) days after his arrival in the United States to the Federal Reserve Bank of New York together with a statement in triplicate setting forth the following:

(i) His name and address;

(ii) A complete description of the securities;

(iii) The name and address of the person from whom he received the securities and the date of receipt; and

(iv) The circumstances under which the securities were received.

(2) Domestic scheduled securities mailed or otherwise sent from a foreign country to any person within the United States shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(3) Domestic scheduled securities held on January 20, 1951, by any person within the United States (whether for himself or for any such person) shall within thirty days thereafter be forwarded by such person to the Federal Reserve Bank

of New York together with the above-specified statement in triplicate. Any such person who on January 20, 1951, held domestic scheduled securities as security for an obligation owing to him shall not be required to forward the securities to the Federal Reserve Bank of New York, but shall be required to file the above-specified statement in triplicate with the Office of Alien Property, 120 Broadway, New York 5, New York, together with a statement of the circumstances under which the securities are being held.

(4) Domestic scheduled securities received by any person within the United States (whether for himself or for any other person) shall be forwarded by such person within five (5) days after receipt thereof to the Federal Reserve Bank of New York together with the above-specified statement in triplicate.

(5) Any person required by the provisions of subparagraphs (3) or (4) of this paragraph to forward securities to the Federal Reserve Bank of New York may, instead, return such securities to the person from whom he received them, if the latter is within the United States. The person initiating such return shall file a report with the Office of Alien Property, 120 Broadway, New York 5, New York, giving the name and address of the person to whom he makes such return and he shall advise such person that they are domestic scheduled securities which should be deposited with the Federal Reserve Bank of New York pursuant to this ruling unless they are returned with a similar notice to the person in the United States from whom they were received. The last person in the United States to whom such securities are returned under this subparagraph shall forward them to the Federal Reserve Bank of New York, together with the above-specified statement in triplicate with respect to his original receipt of the securities. In case securities are returned under the rules of a securities exchange, an association of securities dealers, or a similar organization, the last member of an exchange or similar organization or dealer to whom such securities are returned under such procedure, if he is not the last person to whom such securities are returned hereunder, shall file with the Office of Alien Property, 120 Broadway, New York 5, New York, the above-specified statement in triplicate with respect to his original receipt of the securities together with the date on which he returned such securities to the person from whom he received them.

(6) Domestic scheduled securities held by any person not within the United States shall be deposited with the Federal Reserve Bank of New York together with the statement specified in subparagraph (1) of this paragraph on or before July 31, 1951.

(7) Acts or transactions required or authorized by the provisions of this paragraph are licensed to the extent, and only to the extent, of permitting compliance therewith.

(f) *Disposition of securities delivered to Federal Reserve Bank of New York.* The Federal Reserve Bank of New York shall act only as fiscal agent of the United States under this section, and shall receive and hold securities delivered to it pursuant to this section as such fiscal agent, subject to the further order of the Director, Office of Alien Property. Applications for release of securities so held may be filed with the Office of Alien Property, 120 Broadway, New York 5, New York.

NOTE: For interpretation of § 511.205b, see § 511.340 (Public Circular No. 40).

(g) *Appendix.*

DOMESTIC SCHEDULED SECURITIES

PART I—BONDS

American Foreign Power Company, Inc. Debenture Gold 5% due 2030:
$1,000—7332, 24397, 37119, 37416, 40620, 43592, 45452, 46003, 46045, 46048, 46049, 46055, 46512, 46536, 46537.
$500—836, 855, 884, 925.

American I. G. Chemical Corporation 5½% Bonds 1929/49:
$1,000—10189.

American Smelting & Refining Company 5% 1st Mortgage 30-y Bonds:
$1,000—67.

American Telephone & Telegraph Company 3¼% Bonds 1936/66:
$1,000—20–884, 80–540.

American Waterworks and Electric Company, Incorporated—5% Bonds 1927/75:
$1,000—B 2949.

Anaconda Copper Mining Company 4½% Bonds 1935/50:
$1,000—19523, 43018, 44112, 50844.

Armour & Company of Delaware (Merged in 1943, Armour and Company) (Illinois) 4% Bonds 1935/55:
$1,000—MB 22525.

Associated Gas & Electric Corporation Sinking Fund Income Debenture 4½% due 1978:
$1,000—402, 425, 621, 959, 990, 1042, 1118, 1187, 1188, 1316, 1473, 2118, 2413, 2482, 2844, 3057, 3059, 3603, 3691, 3692, 3748, 3796, 3893, 3904, 3905, 3947, 3993, 4069, 4074, 4138, 4139, 4184, 4185, 4332, 4356, 4357, 4365, 4374, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4862, 5316, 5317, 5333, 5777, 5778, 6196, 6197, 6653, 6659, 6822, 6825, 6856, 7119, 7141.

Associated Gas & Electric Company Debenture 5½% due 1977:
$1,000—3272, 4273, 4286, 6416, 7293, 7545, 9491, 9904, 10264, 14186, 14455, 14974, 15005, 15324, 18034, 18490, 18544, 23333, 24073, 25055, 25120, 25495, 26348, 26588, 27510, 29233, 30039, 32684, 33483, 34283, 34284, 34290, 34585, 36045, 39715.

Atchison Topeka and Santa Fe Railway Company (The)—Convertible Gold 4% of 1905 due 1955:
$1,000—753, 899, 2277, 3090, 4186, 4924, 7916, 7925, 11024, 14887, 16027, 21581, 22157, 23167, 23535, 24247, 24877, 25383, 25688, 31503, 32507, 32495, 32856, 36241, 36310, 36311, 37229, 37320, 37589, 38457, 40045, 40103, 44716, 44717, 48032, 48037, 48052.

Atchison Topeka and Santa Fe Railway Company (The)—Convertible Gold 4% due 1960:
$1,000—38234.

Atchison, Topeka and Santa Fe Railway Company (The)—General Gold 4% due 1995:
$1,000—90, 709, 770, 816, 918, 1297, 1706, 1865, 2206, 2425, 2531, 2917, 3252, 3432, 3522, 3952, 4645, 4707, 4966, 5466, 5610, 5721, 5800, 6195, 6298, 6517, 6519, 6728, 6929, 7445, 7610, 8851, 9545, 9702, 10015, 10016, 10238, 11144, 11170, 11176, 11368, 11725, 11840, 11933, 11973, 12180, 12184, 12577, 13612, 13795, 14165, 14548, 14812, 14920, 15572, 15807, 15810, 15811, 15812, 16961, 17965, 18507, 18984, 20222, 20306, 20425, 21746, 23035, 23191, 23737, 25016, 26636, 27475, 28368, 28599, 28968, 29967, 30228, 30883, 30884, 32365, 32546, 32679, 34285, 34425, 34564, 34609, 34812, 35210, 36019, 36139, 36620, 37723, 38088, 38095, 38151, 38896, 42413, 43013, 43411, 45642, 47267, 48105, 49523, 51063, 51064, 51074, 53037, 53302, 53399, 53515, 54717, 55166, 55399, 55401, 55678, 56402, 56750, 59190, 59760, 60366, 60433, 60837, 60887, 61404, 62065, 63031, 63557, 63740, 64102, 67164, 67184, 67508, 67631, 68341, 68457, 69730, 70098, 70178, 70179, 70185, 70552, 70867, 71539, 71853, 72192, 72340, 72419, 72477, 72931, 73024, 73255, 73434, 73437, 73438, 73504, 73715, 73900, 74733, 74837, 76825, 77163, 77294, 77527, 77900, 77966, 78273, 78688, 78760, 79437, 79612, 79820, 79906, 80055, 80501, 80845, 80846, 81022, 81365, 81540, 81541, 81545, 83988, 84327, 86839, 88538, 88738, 89661, 89953, 89954, 90033, 90262, 90263, 90267, 90765, 91051, 91383, 92702, 92834, 92891, 93413, 98414, 93671, 96009, 96519, 96766, 99516, 99611, 101144, 101188, 101685, 103626, 103678, 104056, 104057, 105237, 105238, 105239, 105944, 106973, 111632, 111765, 111766, 112367, 112864, 113399, 113760, 114985, 114986, 115561, 116234, 116718, 116749, 116865, 117110, 117700, 119329, 119330, 119757, 120966, 121448, 122413, 122905, 123141, 123787, 124312, 124522, 125936, 125437, 125520, 125593.
$500—356, 1325, 2814, 3249, 3517, 3532, 3533, 3655, 3828, 4136, 4431, 4854, 5257, 5319, 5465, 5729, 5730, 5788, 6133, 6654, 7102, 7110, 7259, 8272, 8660, 9273, 10252, 11670, 12621, 15579, 15734, 16884, 17349, 17805, 18965, 19228, 20907, 21110, 21576, 21910, 24518, 26107, 28109, 30340, 30700, 31950, 31976, 32107, 32361, 33773, 34232, 35480, 35513, 37142, 37540, 38130, 38622, 39592, 39654, 40013, 40014, 40188, 40254, 40883, 41071, 41072, 41073, 41074, 41076, 41676, 42239, 42391, 43044, 44308, 44412, 45006, 45239, 45240, 47725, 49293, 49615.

Atchison Topeka & Santa Fe Railway Company (The)—4% 1895. Adjustment Gold Bonds due 1995:
$1,000—437, 975, 1193, 4080.
$500—9803, 37338, 38015, 38293.

Baltimore and Ohio Railroad Company (The)—4% Bonds, 50-Y, due 1948:
$1,000—18043, 22697, 50081, 50082, 50083.

Baltimore and Ohio Railroad Company (The)—4½% Bonds, 1930/60:
$1,000—3019, 3113.

Baltimore and Ohio Railroad Company (The)—5% Bonds, 1926/2000:
$1,000—25263, 25264.

Bethlehem Steel Corporation 3½% Bonds 1937/52:
$1,000—4414, 4415, 4417, 4418, 18936, 28454, 28455, 32803, 36724, 43967.

Bethlehem Steel Corporation 4¼% Bonds 1935/60, Series D:
$1,000—DM 7290, DM 20122.

Brooklyn Edison Company, Inc. 3¼% Bonds 1936/66:
$1,000—485.

Central Pacific Railway Company, European Loan Collateral Trust 4%, due 1946.
500 French francs—23156, 23157, 46743, 46744, 46745, 46746, 207987, 207988, 207989, 207990, 207991, 207992, 257961, 257962, 257963

Central Pacific Railway Company—First Refunding Gold 4% due 1949:
$1,000—148, 801, 1180, 1246, 1917, 2462, 2463, 3785, 3315, 4056, 4187, 4550, 4673, 5417, 5437, 5479 6647, 6902, 6989, 7255, 7286, 7400, 7523, 7560, 7624, 7637, 7764, 7792, 7896, 8398, 8351, 8495, 8548, 9246, 9253, 9361, 9702, 9763, 9924, 9993, 9998, 10073, 10271, 10301, 10503, 10503, 10751, 10767, 10808, 11116, 11478, 11621, 12311, 12426, 12511, 12639, 12737, 13341, 13469, 13521, 13683, 13693, 13785, 14186, 14324, 14631, 14685, 14945, 14966, 14973, 15206, 15465, 15690, 15794, 16049, 17156, 17157, 17158, 17472, 18489, 19120, 19147, 19379, 19572, 20088, 20297, 20904, 20938, 20963, 21265, 21347, 21673, 21699, 22061, 24078, 24989, 24114, 24849, 24850, 26382, 28135, 28333, 30102, 30103, 30555, 31304, 31351, 31814, 31931, 32081, 33278, 33406, 33408, 34274, 34488, 36494, 36495, 36802, 36989, 38371, 39514, 39962, 40386, 40388, 40391, 40513, 40519, 41064, 41107, 43317, 44768, 44983, 44984, 47229, 47287, 47993, 47991, 47992, 47994, 48186, 51474, 51784, 53198, 53281, 53292, 55045, 55049, 55072, 55059, 56614, 57268, 57620, 57738, 58502, 58503, 58520, 58868, 58869, 59867, 60254, 60258, 60342, 60436, 60949, 61204, 62775, 63971, 69047, 69774, 70690, 71530, 71886, 72151, 72152, 72190, 76735, 77282, 77440, 77471, 77739, 77805, 78345, 79125, 80487, 82935, 84851, 84852, 84857, 84862, 84867, 84977, 85166, 89119, 89129, 89624.
$500—1967, 2293, 2743, 2761, 5873, 7810, 7962, 8034, 8159, 8326, 11383, 11384, 11385, 12174, 14004, 14006, 14008, 14009, 14011, 15249, 16249, 18671, 18672.

Central Pacific Railway Company Through Short Line First Gold 4% due 1954:
$1,000—735, 750, 881, 926, 1108.

Central States Power & Light Corporation First Mortgage and first lien gold 5½%, 1953:
$1,000—291, 456, 932, 1128, 1137, 1166, 1475, 1813, 1814, 2051, 2052, 2053, 2054, 2055, 2951, 2955, 3052, 3053, 3088, 3095, 3192, 3193, 3257, 3286, 3287, 3329, 3360, 3432, 3442, 3462, 3463, 3523, 3554, 3621, 3719, 3720, 3726, 3802, 3839, 5056, 5079, 5246, 6294, 6540, 8106, 8646, 9271, 9463, 10965, 12543.

Chesapeake & Ohio Railway Co. (The) 3½% Bonds 1936/96:
$1,000—28604.

Chesapeake & Ohio Railway Co. (The) General Gold 4½% due 1992:
$1,000—30, 31, 9465, 31638, 46880, 46882, 46884.

Chicago & Erie Railroad Co.—First gold 5% due 1982:
$1,000—2162, 6495, 9064.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—50-Year Mortgage 5%, Series A, due 1975:
$1,000—11, 635, 1454, 2501, 2502, 2556, 3071, 3073, 3314, 3966, 4183, 4296, 4883, 6007, 6428, 6707, 6717, 6718, 6719, 6720, 9662, 11166, 11227, 11257, 12334, 13610, 14025, 14027, 15291, 15292, 15293, 15294, 15631, 15673, 16000, 16495, 16712, 17409, 17579, 18916, 18922, 19123, 19573, 19914, 20217, 20499, 21104, 21196, 21395, 21672, 21696, 21994, 22091, 22112, 22286, 23431, 24111, 24560, 24590, 25044, 26067, 26214, 27499, 29748, 29796, 29880, 32257, 33834, 34456, 35384, 35463, 35792, 35793, 36427, 36861, 36877, 37458, 37790, 38396, 38736, 38749, 38860, 38898, 38915, 38935, 38941, 38945, 39007, 39008, 39019, 39020, 39032, 39041, 39043, 39060, 39065, 39106, 39179, 39180, 39205, 39275, 39298, 39316, 39374, 39386, 39411, 39431, 39933, 40427, 40535, 40888, 41765, 43562, 44249, 45520, 45538, 46680, 47358, 48000, 48938, 49953, 49956, 50459, 52467, 52563, 53410, 54436, 54738, 55463, 55464, 55510, 55533, 55534, 56437, 56500, 56501, 56503, 56504, 56507, 57517, 58207, 58715, 58718, 59330, 59356, 59367, 59668, 61246, 63114, 63115, 63491, 63982, 64409, 65265, 65266, 66284, 66920, 67355, 68026, 68027, 68363, 68364, 68585, 68797, 70021, 70664, 71607, 72326, 74234, 74394, 75957, 76050, 76562, 77500, 78982, 79674, 80014, 80235, 82435, 82701, 83024, 83486, 83487, 83515, 84086, 84087, 84088, 84089, 84090, 84091, 84092, 84093, 84094, 85433, 85775, 86421, 86427, 87037, 88522, 88565, 89290, 89741, 89779, 89781, 89782, 89818, 90308, 90581, 90968, 91483, 92950, 93163, 93468, 93469, 93470, 93480, 93975, 96151, 103394, 104339, 124560.
$500—1555, 1556, 1615, 1633, 1854, 3632, 4656, 4727, 5557, 5913, 5914, 6574.
$100—22525, 22526, 39295, 39296, 42100.

Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Convertible Adjustment Series A 5%, 2000:
$1,000—4, 11, 580, 683, 690, 1172, 1233, 1283, 1321, 1343, 1770, 1814, 2012, 2116, 2117, 2311, 2488, 2569, 2622, 2626, 2747, 2753, 2809, 2859, 2871, 2962, 2903, 2904, 2927, 2932, 2934, 2935, 2936, 3034, 3041, 3093, 3206, 3236, 3330, 4104, 4177, 4212, 4273, 4409, 4527, 4675, 5168, 5193, 5213, 5698, 5762, 5937, 6044, 6045, 6312, 6479, 6502, 6576, 6990, 7631, 7822, 7982, 8303, 8305, 8369, 8193, 8694, 8698, 8970, 9004, 9006, 9179, 9195, 9245, 9573, 10365, 10598, 11436, 11615, 12071, 12085, 12400, 12588, 12640, 12650, 12703, 12917, 13268, 13543, 13885, 14014, 14019, 14064, 14073, 14764, 14941, 15068, 15264, 15765, 15866, 16296, 16334, 16521, 16529, 16568, 16711, 16768, 16868, 17022, 17595, 17606, 17732, 17795, 17813, 17893, 18109, 18191, 18192, 18200, 18230, 18244, 18269, 18326, 18337, 18344, 18462, 18478, 18535, 18537, 18690, 18730, 18955, 19481, 20029, 20121, 20344, 20269, 20318, 20329, 20373, 20375, 20376, 20384, 20572, 20653, 20815, 20836, 20938, 21216, 21229, 21242, 21245, 21637, 21672, 21840, 21916, 22280, 22377, 22360, 22406, 22434, 22561, 22825, 22940, 22994, 23034, 23772, 23846, 24025, 24414, 24415, 24554, 24754, 25180, 25332, 25836, 25911, 25916, 26112, 26113, 26130, 26177, 26196, 26199, 26806, 26817, 27098, 27235, 27496, 27600, 27778, 28074, 28161, 28186, 28501, 28689, 28797, 28948, 29008, 29067, 29093, 29814, 29749, 29847, 29869, 29929, 30074, 30094, 30160, 30255, 30705, 30725, 31393, 31632, 31947, 32178, 32222, 37394, 37423, 37494, 39565, 39581, 39619, 39621, 39936, 40109, 40343, 40394, 40395, 40396, 40397, 40505, 41516, 41712, 41713, 41922, 41924, 42090, 42093, 42206, 42324, 42371, 42476, 42623, 42831, 43289, 43391, 43524, 43740, 44451, 44633, 44664, 44758, 44784, 45045, 45046, 45103, 45139, 45171, 45248, 45289, 45816, 45824, 45825, 45860, 45954, 46066, 46350, 46518, 46637, 47146, 47278, 47324, 47360, 47507, 47604, 47701, 47704, 48090, 48580, 48586, 48843, 48884, 48957, 49088, 49435, 49462, 49566, 49583, 49650, 49674, 49708, 49743, 49750, 49768, 50548, 50651, 50964, 50984, 51157, 51177, 51796, 51842, 51944, 52162, 52591, 53005, 53414, 53543, 53670, 53686, 54110, 54250, 54282, 54456, 54461, 54649, 54674, 54688, 54740, 55008, 55016, 55133, 55376, 55648, 55803, 55968, 56431, 56492, 56533, 56554, 56680, 57580, 58155, 58427, 58630, 58798, 58800, 60052, 60724, 61091, 62158, 62335, 62525, 62549, 62918, 63259, 63362, 63570, 63571, 63935, 64060, 64071, 64072, 64197, 64661, 65369, 65550, 65662, 65674, 65742, 65746, 65824, 66036, 66474, 66492, 66771, 66935, 66973, 67032, 67038, 67120, 67578, 67726, 67843, 67892, 67931, 68457, 68614, 68999, 69049, 69213, 69369, 70338, 70498, 70599, 70713, 70775, 70871, 71021, 71074, 71100, 71712, 71779, 71812, 72189, 72281, 72316, 72408, 72810, 72834, 72978, 73227, 73332, 73628, 73998, 74662, 74693, 74960, 74993, 75188, 75738, 75739, 76409, 77129, 77195, 78462, 78465, 78466, 78467, 78753, 78891, 78945, 79057, 79149, 79170, 79211, 79233, 79484, 79722, 79812, 79939, 80438, 80559, 80813, 81185, 81341, 81367, 81508, 81514, 81577, 81751, 81767, 81768, 81955, 82061, 82086, 82087, 82379, 82398, 82521, 83776, 84169, 84883, 85600, 85703, 86128, 86170, 86317, 88402, 88935, 90412, 91574, 93042, 93685, 93872, 94241, 94247, 94250, 94251, 94252, 94253, 94254, 94255, 94256, 94257, 94258, 94259, 94268, 94544, 94617, 95012, 95423, 96104, 96240, 96284, 96457, 96515, 96524, 96645, 96718, 97891, 98558, 99130, 100041, 100117, 100135, 100289, 100643, 102092, 102279, 102902, 103059, 103269, 103510, 103518, 103519, 104425, 104479, 104512, 104756, 105161, 105523, 105759, 105932, 106218, 105273, 106839, 109243, 109317, 109472, 109786, 110079, 110717, 111137, 111221, 111222, 112870, 113085, 113233, 113619, 113700, 113705, 114208, 114589, 114687, 114737, 114857, 115296, 115387, 116473, 116825, 116826, 117300, 117829, 118056, 118237, 118508, 118605, 118721, 119750, 119932, 120085, 120250, 120260, 120423, 120522, 120542, 120809, 120953, 121145, 121169, 121479, 122247, 122843, 122965, 122991, 123874, 124012, 124188, 124526, 124644, 124785, 125504, 125806, 125962, 126334, 126335, 126353, 126393, 126412, 126527, 126880, 127276, 127683, 127850, 128214, 128237, 128468, 128689, 128773, 128782, 129244, 129245, 129246, 129456, 129499, 129655, 129673, 129921, 130488, 130807, 131407, 132687, 133564, 133567, 133780, 133822, 133994, 134248, 134534, 134721, 135763, 136731, 136772, 137254, 137734, 139444, 139479, 139770, 139902, 139931, 140688, 141115, 141177, 141364, 141400, 141476, 141639, 141701, 141750, 141787, 141874, 142225, 142300, 142336, 142338, 142375, 144013, 144413, 144419, 144550, 144715, 144809, 145256, 145297, 145648, 145915, 145942, 145943, 146066, 146101, 146110, 146370, 146697, 147106, 147113, 147644, 147763, 148024, 148943, 149133, 149290, 149313, 149314, 149315, 149454, 149959, 150851, 150932, 151138, 152035, 152049, 152071, 152081, 152465, 153559, 153828, 154091, 154092, 154093, 155792, 156342, 156343, 156620, 156924, 157881, 158646, 159022, 159061, 159062, 159291, 159406, 160372, 161138, 161165, 161641, 162505, 163734, 164255, 164256, 164278, 164694, 164806, 165254, 165419, 165435, 165645, 165689, 165923, 166600, 166815, 167093, 167547, 167885, 168023, 168372, 168413, 168763, 169015, 169026, 169568, 169691, 169969, 170020, 170021, 170403, 170629, 170888, 170962, 170963, 170969, 171256, 171257, 171258, 171259, 171260, 171403, 171500, 171693, 171741, 171791, 172055, 172259, 172261, 172390, 172404, 172711, 173090, 173144, 173148, 180377, 180521, 180595, 180854, 180990, 181324, 181554, 181794, 181832, 181899, 182066, 182245, 182418, 182507.
$500—234, 293, 476, 710, 1113, 1387, 3693, 4319, 4462, 4799, 5388, 5687, 5917, 5918, 6117, 6495, 7414, 7685, 7700, 7778, 7779 7852, 8603, 9010, 9130.
$100—16755, 16756, 17235.

Chicago, Rock Island & Pacific Railway Company—First and Refunding Mortgage 4% 1934:
$1,000—3584, 21453, 26093, 31193, 36038, 87095, 38724, 38853, 39063, 47278, 47279, 50944, 54589.

Chicago, Rock Island & Pacific Railway Company—4% Bonds 1927/52:
$1,000—14765.

Chicago, Rock Island & Pacific Railway Co. Convertible Gold 4½% 1930/60:
$1,000—1698, 1699, 1700, 21488.

Cities Service Company—Convertible 5% Gold Debenture, 1950:
$1,000—1296, 4411, 6551, 7127, 7250, 9282, 9960, 15450, 16985, 23233, 23365, 23406, 23410, 23419, 23460, 23489, 23538, 23621, 23638, 23647, 23691, 23766, 23831, 23920, 23921, 24211, 26916, 28666, 33026, 45801, 47264, 48455, 56406, 59295, 70910, 74444, 75698, 76525, 80042, 82638, 85179, 89930, 95372, 100955, 101172, 101878, 103965, 105115, 106178, 107346.

Cities Service Company—5% Gold Debentures, 1958:
$1,000—229, 335, 336, 372, 399, 561, 613, 617, 831, 832, 1063, 1125, 1126, 1132, 1185, 1242, 1426, 1498, 1499, 1500, 1557, 1572, 1637, 1646, 1687, 1707, 1788, 1851, 1870, 1875, 1876, 1877, 1878, 1895, 1907, 1908, 1921, 1922, 1927, 1928, 1929, 1962, 1967, 1977, 2002, 2062, 2065, 2103, 2163, 2240, 2260, 2261, 2435, 2523, 2526, 2540, 2749, 2750, 2751, 2765, 3066, 3168, 3169, 3180, 3181, 3182, 3229, 3254, 3504, 3665, 3740, 3889, 3976, 3993, 4004, 4018, 4031, 4069, 4137, 4148, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4244, 4295, 4585, 4605, 4628, 4638, 4639, 4659, 4675, 4707, 4747, 4889, 4925, 4972, 4990, 5100, 5142, 5147, 5335, 5454, 5474, 5561, 5575, 5621, 5791, 5818, 5832, 5938, 5960, 5968, 6096, 6104, 6302, 6303, 6429, 6437, 6452, 6534, 6953, 7031, 7086, 7116 7257, 7331, 7348, 7476, 7501, 7511, 7574, 7576, 7577, 7675, 7676, 7678, 7688, 7700, 7726, 7756, 7768, 7782, 7785, 7786, 7844, 7845, 7855, 7886, 7917, 7974, 8100, 8279, 8494, 8565, 8722, 8723, 8791, 8864, 9004, 9064, 9434, 9758, 9794, 9800, 9809, 9840, 9941, 10192, 10201, 10271, 10351, 10360, 10540, 10567, 10574, 10575, 10611, 11081, 11158, 11206, 11274, 11350, 11392, 11450, 11478, 11689, 11824, 11831, 11852, 11918, 12007, 12127, 12146, 12301, 12308, 12367, 12442, 12537, 12554, 12583, 12786, 12811, 12114, 13152, 13159, 13273, 13296, 13302, 13303, 13351, 13776, 13858, 13896, 13902, 13928, 13931, 13935, 13948, 13960, 14413, 14414, 14417, 14420, 14421, 14426, 14427, 14428, 14429, 14430, 14663, 14756, 14757, 14807, 14812, 14879, 14882, 14997, 15098, 15099, 15109, 15309, 15518, 15526, 15546, 15757, 15758, 15759, 15760, 15763, 15764, 15827, 16000, 16062, 16067, 16068, 16069, 16070, 16202, 16228, 16254, 16402, 16506, 16510, 16613, 16614, 16618, 16619, 16697, 16778, 16822, 16878, 16959, 17020, 17119, 17149, 17223, 17317, 17584, 17663, 18020, 18024, 18134, 18141, 18205, 18229, 18514, 18629, 8631, 18660, 18901, 18914, 19011, 19120, 19300, 19326, 19327, 19369, 19455, 19652, 19660, 19794, 19883, 19885, 19929, 20032, 20385, 20446, 20462, 20586, 20595, 20762, 20883, 21012, 21107, 21316, 21421, 21470, 21538, 21936, 22007, 22028, 22050, 22097, 22110, 22113, 22169, 22245, 22246, 22247, 22248, 22398, 22423, 22475, 22953, 23054, 23141, 23176, 23768, 24496, 24505, 24547, 24569, 24700, 24760, 24784, 24927, 24930, 24965, 24998, 25080, 25109, 25111, 25219, 25228, 25229, 25230, 25337, 25377, 25387, 25524, 25684, 25733, 25735, 25739, 25752, 25898, 26058, 26060, 26102, 26372, 26463, 26523, 26542, 26544, 26546, 26548, 26549, 26550, 26602, 26776, 26790, 26792, 26794, 26855, 27035, 27082, 27225, 27237, 27245, 27250, 27328, 27392, 27522, 27626, 27714, 27731, 27940, 28168, 28175, 28522, 28576, 28685, 28714, 28756, 29303, 29853, 29854, 29898, 30147, 30150, 30151, 30169, 30203, 30212, 30252, 30359, 30402, 30600, 30681, 30765, 30817, 30831, 30926, 31219, 31434, 31435, 31436, 31501, 31536, 31604, 31657, 31715, 31940, 32081, 32086, 32220,

32264, 32585, 32865, 32866, 33179, 33678, 33734, 33739, 33746, 33747, 33762, 33927, 33965, 34025, 34075, 34153, 34294, 34309, 34426, 34431, 34433, 34629, 34728, 35034, 35069, 35070, 35125, 35296, 35595, 35605, 35641, 35653, 35654, 35667, 35777, 35783, 35829, 35845, 35985, 36149, 36431, 36492, 36493, 36720, 36738, 36764, 36817, 36997, 37086, 37094, 37106, 37162, 37210, 37219, 37254, 37363, 37440, 37515, 37600, 37936, 38197, 38233, 38348, 38363, 38417, 38513, 38570, 38594, 38651, 38652, 38656, 38673, 38741, 38860, 38899, 39178, 39179, 39318, 39339, 39897, 39985, 40007, 40452, 40457, 40595, 40715, 40716, 40733, 4086[illegible], 40949, 40951, 41203, 41212, 41483, 41525, 41539, 41800, 41871, 42083, 42087, 42097, 42104, 42244, 42245, 42401, 42402, 42462, 42635, 42750, 42751, 42752, 42763, 42795, 42928, 43157, 43270, 43407, 43420, 43509, 43615, 43622, 43626, 43636, 43690, 44010, 44172, 44339, 44383, 44417, 44496, 44497, 44498, 44763, 44764, 44854, 44932, 45424, 45428, 45439, 45613, 45783, 46055, 46296, 46300, 46472, 46490, 46784, 46830, 46869, 47045, 47087, 47155, 47225, 47226, 47261, 47451, 47512, 47517, 47577, 48313, 48399, 48521, 48561, 48705, 48707, 48784, 48794, 48875, 48937, 49027, 49028, 49030, 49099, 49157, 49199, 49239, 49299, 49333, 49372, 49385, 49386, 49450, 49858, 49970.

$500—107, 181.

Cities Service Company—5% Gold Debenture, 1963:

$1,000—6380, 6383, 12567, 12568, 12569, 12570, 12571, 12573, 12574, 12575, 12576, 12577, 12581.

Cities Service Company—Refunding 5% Gold Debenture, 1966:

$1,000—305, 355, 363, 972, 1005, 1036, 1114, 1500, 1724, 1787, 1855, 1946, 2186, 2313, 2392, 2432, 2468, 2515, 2564, 2565, 2594, 2619, 2620, 2794, 2812, 2845, 2908, 2927, 3006, 3133, 3155, 3191, 3195, 3217, 3218, 3219, 3263, 3514, 4026, 4168, 4184, 4892, 4906, 5109, 5211, 5357, 5373, 5608, 5713, 5961, 6205, 6242, 6250, 6438, 6923, 6924, 7228, 7229, 7583, 7584, 7585, 7710, 7787, 8112, 8125, 8176, 8955, 8961, 8963, 8976, 8995, 8996, 9012, 9105, 9864, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10337, 10338, 10366, 10425, 10492, 10820, 10887, 11011, 11074, 11537, 11556, 11847, 11963, 12384, 12523, 12613, 12763, 12859, 12860, 12861, 12993, 13008, 13013, 13014, 13085, 13215, 13220, 13433, 13498, 13821, 13930, 13975, 14682, 16070, 16523, 16524, 16526, 16582, 16589, 16634, 16832, 16887, 16948, 17304, 17416, 17498, 17640, 17699, 17847, 17848, 17866, 17921, 17999, 18029, 18031, 18241, 18288, 18312, 18368, 18393, 18446, 18447, 18558, 18559, 18686, 18716, 18717, 18755, 18772, 18811, 18839, 18841, 18842, 18843, 18885, 18959, 19041, 19067, 19698, 19977, 20283.

$500—720, 781, 964, 966, 1662, 1827, 2108, 2273, 2274, 2283, 2302, 2338, 2339, 3068, 3247, 3257, 8247.

$100—2432, 2434, 2464.

Cities Service Company 5% Gold Debenture, 1969:

$1,000—28, 31, 94, 110, 115, 179, 278, 279, 306, 331, 438, 439, 460, 468, 469, 556, 566, 583, 603, 604, 609, 633, 652, 653, 692, 720, 732, 734, 737, 829, 895, 915, 932, 943, 946, 947, 972, 1011, 1044, 1052, 1078, 1151, 1152, 1158, 1249, 1290, 1354, 1381, 1392, 1439, 1461, 1485, 1532, 1599, 2666, 2668, 2738, 2749, 2771, 2786, 2973, 3144, 3273, 3641, 4228, 4278, 5779, 5780, 5781, 5965, 5968, 6019, 6035, 6236, 6341, 6362, 6563, 6809, 6840, 6903, 7007, 7323, 7515, 7552, 7690, 7771, 7808, 7809, 8010, 9682, 10340, 10684, 10776, 10958, 11022, 11027, 11168, 11234, 11269, 11397, 11465, 11470, 11471, 11527, 11535, 11575, 11711, 11737, 11753, 11948, 11949, 11999, 12012, 12061, 12143, 12236, 12332, 12382, 12416, 12449, 12452, 12480, 12481, 12558, 12644, 12696, 12734, 12762, 12766, 12767, 13699, 13720, 14038, 14123, 14204, 14250, 14304, 14305, 14306, 14369, 15205, 15292, 15295, 15297, 15356, 15420, 15486, 15712, 15907, 16043, 16045, 16063, 16116, 16117, 16130, 16134, 16153, 16182, 16474, 16495, 16496, 16557, 16594, 16645, 16934, 16959, 16960, 16977, 17027, 17038, 17157, 17208, 17250, 17291, 17429, 17642, 17663, 17693, 17837, 17846, 17850, 17851, 17866, 17995, 17999, 18212, 18213, 18269, 18293, 18671, 18882, 18948, 18986, 19325, 19491, 19824, 19325, 19886, 19916, 19928, 19931, 19975, 19976, 20097, 20325, 20326, 20328, 20369, 20374, 20452, 20475, 20506, 20532, 20720, 20733, 20741, 20778, 20813, 20825, 21194, 21311, 21329, 21338, 21523, 21526, 21713, 21779, 21809, 21868, 22275, 22423, 22426, 22432, 22475, 22477, 22505, 22608, 22621, 22637, 22663, 22679, 22688, 23980, 24075, 24079, 24081, 24085, 24086, 24087, 24088, 24089, 24179, 24249, 24464, 24534, 24593, 24595, 24696, 24697, 24754, 24850, 24851, 25004, 25028, 25148, 25194, 25290, 25298, 25304, 25311, 25367, 25377, 25396, 25551, 25598, 25931, 25974, 26185, 26296, 26451, 26464, 26544, 26677, 26678, 26683, 26712, 26769, 26809, 26992, 27025, 27049, 27178, 27204, 27209, 27308, 28414, 28809, 29001, 29165, 29204, 29348, 29373, 29487, 29530, 29658, 29969, 29980, 30050, 30661, 30727, 30911, 30930, 30934, 31010, 31159, 31160, 31175, 31298, 31304, 31372, 31530, 31545, 31600, 31674, 31720, 31741, 31765, 31819, 32191, 32205, 32236, 32267, 32268, 32338, 32434, 32461, 32547, 32597, 32642, 32646, 32722, 32737, 32774, 32778, 32880, 32933, 33149, 33232, 33262, 33421, 33479, 33501, 33640, 33642, 33676, 33692, 33838, 33839, 33840, 33947, 34002, 34013, 34014, 34045, 34198, 34575, 34648, 34654, 34677, 34681, 34684, 34687, 34794, 34798, 34801, 34899, 34932, 34989, 34999, 35000, 35180, 35227, 35231, 35232, 35233, 35234, 35236, 35243, 35315, 35434, 35629, 35713, 35802, 35925, 36132, 36172, 36224, 36239, 36496, 36551, 36610, 36623, 36667, 36751, 37008, 37012, 37550, 37578, 37722, 37776, 37793, 37834, 37945, 38010, 38127, 38164, 38249, 38271, 38294, 38584, 38650, 38665, 38687, 38701, 38732, 38781, 38841, 38886, 38947, 38968, 38998, 39012, 39300, 39524, 39675, 39775, 39777, 39830, 39898, 39999, 40223, 40224, 40271, 40391, 40579, 40581, 40627, 40642, 40653, 40654, 40855, 40994, 40995, 40996, 41077, 41310, 41522, 41572, 41573, 41574, 41575, 41576, 41577, 41578, 41579, 41580, 41581, 41597, 41612, 41651, 41662, 41666, 41667, 41684, 41686, 41687, 41697, 41731, 41791, 41792, 41847, 41848, 41849, 41850, 41852, 41853, 41877, 41897, 41902, 41924, 41971, 41972, 41977, 42014, 42131, 42256, 42260, 42315, 42469, 42531, 42552, 42671, 42742, 42743, 42746, 42767, 42880, 42881, 43012, 43100, 43105, 43184, 43384, 43704, 43931, 43944, 43983, 44007, 44013, 44223, 44349, 44533, 44590, 44614, 44687, 44748, 44863, 44866, 45091, 45138, 45149, 45314, 45410, 45411, 45412, 45455, 45575, 45584, 45665, 45696, 45750, 45753, 45813, 45862, 46185, 46249, 46276, 46308, 46334, 46420, 46455, 46464, 46471, 46547, 46609, 46620, 46634, 46657, 46986, 47089, 47138, 47139, 47149, 47214, 47288, 47307, 47515, 47581, 47616, 47694, 47842, 47850, 47863, 48001, 48040, 48041, 48049, 48106, 48114, 48144, 48148, 48222, 48285, 48424, 48675, 48904, 48966, 49031, 49068, 49210, 49545, 49660, 49661, 49710, 49775, 49776, 49909, 49934.

Cities Service Power and Light Company—Debenture 5½%, due 1949:

$1,000—1777, 4834, 4950, 4951, 4976, 5083, 5145, 5374, 5414, 5557, 5672, 18506, 18799.

Cities Service Power and Light Company—Debenture 5½%, due 1952:

$1,000—4809, 6317, 6881, 7571, 9745, 10390, 10391, 10427, 10783, 17671, 17994, 18572, 18589, 19327, 19328, 23072, 26348, 40057, 43135, 43220, 44536.

Columbia Gas & Electric Corporation—5% Bonds 1931 due 1961:

$1,000—15403, 15404, 30329, 30330.

Consolidated Cities Light, Power & Traction Company—First Gold 5% due 1962:

$500—1396, 4689, 4753, 8190, 8192, 8196, 8197, 8198, 8199, 10153.

Consolidated Edison Company of New York—3½% 1938/58:

$1,000—14586.

Cuba Company (The)—3% (Formerly 6% Bonds 1905 due 1955):

$1,000—2592, 3484, 3782, 3884.

Cuba Railroad Company (The)—First Gold 5% due 1952:

$1,000—425, 468, 474, 477, 506, 840, 841, 917, 977, 1019, 1082, 1264, 1363, 1421, 1439, 1570, 1716, 1801, 1902, 1958, 2123, 2186, 2304, 2419, 2526, 2528, 2569, 2584, 2731, 2732, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2990, 3075, 3183, 3199, 3363, 3385, 3417, 3567, 3894, 4288, 4395, 4460, 4692, 4982, 5121, 5270, 5378, 5482, 5483, 5486, 5743, 5919, 5981, 6099, 6145, 6251, 6282, 6634, 6636, 6639, 6804, 6849, 6978, 6993, 7119, 7366, 7382, 7859, 7893, 7914, 7915, 8237, 8306, 8308, 8322, 8362, 8368, 8417, 8511, 8699, 8953, 9587, 9694, 9737, 9849, 10050, 10060, 10085, 10143, 10304, 10359, 10538, 10666, 10877, 10896, 10897, 10898, 10932, 10934, 11045, 11306, 11379, 11513, 11519, 11525, 11535, 11717, 11776, 11831, 11847, 11865, 12068, 12265, 12346, 12374, 12395, 12445, 12645, 12650, 12683, 12942, 12968, 13056, 13097, 13100, 13278, 13545, 13629, 13633, 13727, 13772, 13801, 13830, 13946, 14059, 14238, 14369.

Cuba Railroad Company—Improvement and Equipment Gold 5% due 1960:

$1,000—38, 1348, 2731.

Dallas and Waco Railway Company—First Gold 5% due 1940:

$1,000—564.

Delaware & Hudson Company—4% Bonds 1908 due in 1943:

587, 1401, 8856, 11067, 11068, 15436, 25345.

$900—1993.

Denver & Rio Grande Railroad Company—First Consolidated Gold 4% due 1936:

$1,000—2830, 4877, 11452, 13202, 17136, 17275, 24150, 26544.

$500—208, 214.

Denver and Rio Grande Railroad Company—First Consolidated Gold 4½% due 1936:

$1,000—36927, 38958.

Denver & Rio Grande Western Railroad—General Gold 5% due 1955:

$1,000—19514, 19538, 19621, 19622, 22219, 23096, 23097, 26045, 26091, 26092, 26093, 26094, 26095, 26096.

$500—465, 466, 467, 468, 469, 470, 1255, 1302, 1364, 1375, 1559, 1676, 1910, 2099.

Denver & Rio Grande Western Railroad—General Gold 5% due 1955:

$100—556, 557, 558, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2703, 2906, 2907, 2988, 2989, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3125, 3126, 3127, 3128, 3240, 3291, 3292, 3293, 3294, 3304, 3344, 3345, 3376, 4886, 4887, 4888, 5171, 5172, 5705, 5971, 5972, 6014, 6015.

Des Moines & Fort Dodge Railroad—First Gold 4% 1925—due 1935:

$1,000—1810, 1811, 3020.

Des Moines & Fort Dodge Railroad—4% Bonds (Certificates of Deposit):

$1,000—T. M. 1829-774, T. M. 1831-776, T. M. 1887-1997, T. M. 1888-1998.

Florida Central & Peninsular Railroad Company—First Consolidated Gold 5% due 1943:

$1,000—2109.

Florida East Coast Railway Company—5% Bonds, 1934/74:

$1,000—27822.

Grand Trunk Western Railway Company—First Gold 4% due 1950:

$500—428, 860, 862.

Havana Electric Railway Company—5% Consolidated Mortgage Gold Bonds due 1952:

$1,000—8669, 8711, 9151, 9152.

Hudson & Manhattan R. R. Co.—Adjustment Income Gold Bonds 5% 1913/57:

$1,000—1704, 3210, 20034.

Illinois Central Railroad Company—Collateral Trust Gold 4% due 1952:

$1,000—1216, 1238, 1696, 1792, 2330, 2693, 4564, 4768, 5933, 6038, 7041, 7271, 7468, 7666, 7743, 7948, 7949, 9265, 9512, 9513, 10097, 10591, 11081, 11131, 12336, 12337, 12449, 12660, 12661, 12717, 12833.

$500—15450, 15957, 15995, 15996, 16847, 16848.

Illinois Central Railroad Company—Mortgage & Collateral, Gold 4% due 1953:

$1,000—195, 578, 980, 1435, 1677, 2219, 2555, 3030, 3041, 3051, 3423, 3585, 3946, 4230, 4781, 5379, 5524, 5746, 5866, 8512, 8610, 8732, 8813, 9211, 9283, 9759, 9883, 9898, 10900, 11160, 11273, 11355, 11711, 11990, 12474, 12531, 13572, 13593, 14024, 14028, 15295, 15610, 15710, 16563, 16728, 16891, 17423, 17932, 19417, 19560, 19722, 19962, 19968, 20194.

$500—22807, 22808, 24160, 25102, 25117, 25689, 25690, 26430, 27417, 27906.

Illinois Central Railroad Company—4[illegible] Bonds due 1966:

$1,000—22037.

International Hydro-Electric System—Convertible Debenture Gold 6% due 1944:

$1,000—1005, 1185, 1644, 1806, 2118, 2149, 3239, 4631, 5229, 5506, 5702, 5720, 5846, 6023, 6057, 6524, 6560, 7458, 7856, 7912, 8309, 8151, 8409, 8860, 9934, 10122, 11542, 12984, 13244, 14259, 14357, 15056, 16241, 17789, 17853, 19621, 20317, 20537, 21002, 21033, 21038, 21084, 21111, 21842, 22120, 22794, 22857, 23632, 23897, 24014, 24421, 24481, 24523, 24778, 25145, 25326, 26798, 26939, 27249, 27603, 28270, 28392, 28524, 28529, 29661.

International Mercantile Marine Co., Ltd.—First and Collateral Trust Gold 6% due 1941:

$1,000—337, 338, 339, 340, 521, 522, 523, 524, 525, 526, 653, 673, 842, 1075, 1374, 1432, 1533, 1570, 1589, 1591, 1622, 1796, 2098, 2171, 2574, 2723, 3090, 3144, 3179, 3216, 3410, 3470, 3949, 4048, 4049, 4057, 4058, 4258, 4265, 4308, 4489, 4579, 4601, 4602, 4603, 4604, 5155, 5162, 5433, 5581, 6054, 7869, 11513, 13289, 14031, 14769, 17115, 19382, 19474, 19606, 20965, 21237, 21311, 21364, 21392, 21600, 21939, 26918, 26930, 27058, 27669, 28305, 29113, 29973, 30263, 30767, 31706, 33609, 33970, 35864, 36028, 36098, 36129, 36130.

$500—217, 234, 258, 259, 305, 469, 512, 563, 700, 745, 752, 957, 1000, 1211, 1244, 1577, 1615, 1974, 1977, 2177 2380, 2655, 2899, 3051, 3092, 3344, 3423, 3432, 3584, 3585, 3586, 3636, 3649, 3650, 3815, 3934, 4100, 4418, 4879, 7778.

International Power Securities Corporation—Secured Gold 6½%, Series C, due 1955:

$1,000—179, 1734, 1740, 1741, 1746, 1783, 1848, 1873, 1879, 1902, 1947, 1951, 3898, 7361, 9176.

International Railways of Central America, First Gold 5% Sterling Issue, due 1972:

£20's—A 1071, 4514, 5995, 6954, 6955, 8988.

International Telephone & Telegraph Corporation—4½% due 1952:

$1,000—8730, 10377, 19320, 31983.

International Telephone & Telegraph Corporation—Debenture Gold 5% Bonds 1930 due 1955:

$1,000—22426, 22427, 22428, 22429.

Kansas City Fort Scott & Memphis Railway Co.—Refunding (Now First) Gold 4% due 1936:

$1,000—1864, 4864, 7594.

Kansas City Southern Railway—3% 1st Mortgage Gold due 1950:

$1,000—80, 359, 476, 646, 943, 1092, 1124, 1578, 1682, 1894, 2028, 2097, 2378, 2423, 3139, 3218, 3407, 3925, 3992, 4810, 5319, 5652, 5752, 5772, 5799, 5900, 5956, 6184, 6278, 6446, 6982, 7084, 7091, 7140, 7160, 7356, 7371, 7469, 7638, 7905, 8196, 8321, 8683, 9516, 9593, 9594, 9595, 10008, 10222, 10524, 10525, 10723, 10744, 10764, 10955, 11032, 11244, 11384, 11497, 11606, 11765, 11803, 11933, 12015, 13403, 13502, 13531, 13645, 14404, 14546, 14704, 14959, 14964, 15039, 15261, 15592, 15607, 15625, 15626, 15762, 16688, 17275, 17774, 17890, 18156, 18331, 19011, 19012, 19340, 19736, 19845, 19852, 19951, 20234, 20646, 21077, 21344, 21384, 21455, 21718, 22291, 22334, 22335, 22419, 22839, 22973, 23223, 23772, 24246, 24337, 24513, 24628, 24630, 24653, 25781, 26265, 26334, 26440, 26635, 26872, 27033, 27288, 27355, 27484, 27576, 27763, 27806, 27886, 27887, 28651, 28813, 28845, 29816.

Kansas City Southern Railway Co.—Refunding & Improvement Mortgage Bond 5% due 1950:

$1,000—861, 1063, 1647, 1824, 2830, 2941, 3165, 3298, 3407, 3603, 3890, 4008, 5827, 6006, 6834, 7866, 7951, 8425, 8437, 8439, 8689, 9230, 9587, 9960, 10467, 10781, 11115, 11442, 11495, 12389, 12710, 14234, 14537, 14538, 14713, 14913, 15427, 17058, 17338, 17658, 18373, 18603, 18998, 19372, 19622, 20713.

Kansas City Terminal Railway Co.—First Gold 4% due 1960:

$1,000—21842, 21843, 21919, 23385, 23386, 24501, 25174, 25182, 25183, 25344, 27437, 28370, 33450, 34560, 34561, 48085, 48323, 48324, 48325.

Long Island Railroad Co.—4% Refunding, due 1949:

$500—682.

Louisville & Jeffersonville Bridge and Railroad Co.—First Gold 4% due 1945:

$1,000—970, 1785, 1814, 1983, 2429, 3193.

Louisville & Nashville Railroad Co.—3¾% Refunding 1921/2003:

$1,000—16071, 16072, 17073.

Louisville & Nashville R. R. Co.: Mobile and Montgomery Ry. First Gold 4½% due 1945:

$1,000—804, 1280.

Louisville & Nashville R. R. Co., Southeast & St. Louis Division—Second (Now First) 3% due 1980:

$1,000—2, 751, 767, 787, 1046, 1569, 1744, 1763, 2134, 2136, 2551, 2878.

Minneapolis, St. Paul & Sault Ste. Marie Railway Company 4% Bonds 1938/1938:

$1,000—2387, 23147, 25314, 36781.

Missouri-Kansas-Texas Railroad Company—Prior Lien Gold 4% Series B due 1962:

$1,000—9014, 30507.

$500—1308, 1313, 1411.

$250—487, 841, 919.

Missouri-Kansas-Texas Railway Company—First Gold 4% due 1990:

$1,000—628, 2708, 3106, 3419, 3696, 5125, 6200, 7392, 9706, 9923, 10250, 11532, 11597, 12595, 15304, 17118, 17299, 17427, 19374, 20042, 20135, 21037, 21097, 21168, 22076, 22707, 22744, 23091, 23420, 24598, 25429, 25563, 26763, 27583, 27691, 27759, 28315, 26724, 29197, 29255, 29267, 29314, 29588, 29927, 31485, 31726, 32539, 32749, 32789, 32892, 33123, 33194, 33570, 34367.

$500—35859, 35928, 36672, 37340, 37934, 38471, 41005, 43239, 43344.

Missouri-Kansas-Texas Railroad Company—Prior Lien 5% Series A due 1962:

$1,000—29248, 29485, 30865, 30866, 30867, 31199.

$500—2205, 2261, 2562, 2573.

$250—139, 1131, 1779.

Missouri-Kansas-Texas Railroad Company—Cumulative Adjusted Mortgage Gold 5% Series A due 1967:

$1,000—41078, 46859, 47607, 47780, 47797, 47888, 48019, 48020, 48021, 48022, 48023, 48024, 48025, 48026.

$500—2887, 2955, 3463, 3466, 3655, 3779, 8854, 3855, 4393, 4394, 4395, 4396, 4397, 4404.

$100—6052.

Missouri Pacific Railroad Company—4% General Mortgage Gold Bonds due 1975:

$1,000—1378, 1398, 1439, 1760, 2259, 2691, 2806, 2957, 3518, 4285, 4665, 4839, 5622, 5988, 6224, 6225, 6266, 6809, 6966, 7042, 7045, 7052, 7183, 7237, 7655, 8344, 8431, 8447, 8613, 8819, 8972, 9208, 9223, 9247, 9250, 9465, 9949, 10485, 10563, 10581, 10710, 10822, 11087, 11158, 11189, 11353, 11475, 11732, 11785, 11956, 12053, 12247, 12248, 12331, 12371, 12448, 12698, 12743, 12749, 12919, 13138, 13834, 14093, 14357, 14439, 14767, 15112, 15500, 15747, 16367, 17148, 17295, 17346, 17652, 17797, 17901, 18054, 18134, 19136, 19315, 19574, 19753, 20292, 20427, 20439, 20471, 20950, 21680, 22335, 22428, 23084, 23308, 23385, 23387, 23390, 23436, 23542, 23771, 24455, 24597, 24908, 24909, 24910, 24911, 24912, 24913, 24914, 25053, 25069, 25152, 25229, 25339, 25350, 25491, 25555, 25738, 25780, 25815, 26180, 26205, 26372, 26441, 27036, 27359, 27505, 27506, 27911, 28112, 28453, 28494, 29050, 29243, 29353, 29471, 29695, 29771, 29788, 29889, 29934, 30246, 30506, 30665, 30678, 31268, 31541, 31578, 31666, 31711, 31764, 31773, 31799, 31842, 32290, 32435, 32548, 32740, 32947, 33112, 33161, 33274, 33281, 33349, 33642, 33736, 33783, 33909, 33974, 34056, 34370, 34497, 34699, 34709, 35100, 35373, 35374, 35854, 36142, 36234, 36342, 36403, 36476, 36889, 37177, 37929, 38002, 38050, 38226, 38233, 38240, 38322, 38428, 38644, 38654, 38694, 38699, 38819, 39179, 40166, 40213, 40414, 40422, 40425, 40570, 41411, 41609, 42073, 42075, 42371, 42841, 43123, 44067, 44476, 45214, 45600, 45834, 46316, 46482, 46598.

$500—437, 710, 1287, 1501, 1640, 1667, 1754, 3008, 3009, 3042, 3075, 3076, 3114, 3115, 3239, 3240, 3242, 8481, 3538, 3697, 3727, 3991, 4158, 4566, 4601.

Missouri Pacific Railroad Company—First & Refunding Gold 5% Series G due 1978:

$1,000—4181, 8478, 12832, 22286.

Missouri Pacific Railroad Company—5½% Bonds 1929/49:

$1,000—16825, 27905.

National Distillers Products Corporation—Convertible Debenture 3½% Bonds 1939/49:

$1,000—2895.

New York Central and Hudson R. R.—Gold 3½% due 1997:

$1,000—5507, 50216, 50304, 50305, 50306, 50307, 50308, 56526.

New York Central Railroad Company (The)—4½% Bonds 1913 due 2013:

$1,000—Series A—58717, 58718, 58719, 60757, 60758, 60760, 60761.

New York, City of 4½% 1911/60:

$1,000—V 13-5136.

New York, City of (Rapid Transit S. F.)—4½% 1915/65:

$1,000—6704, 6714, 20735.

New York, City of, Water Tunnel No. 2 4% Improvement Serial Bond due July 1, 1955:

$1,000—453.

New York Edison Co., Inc.—3¼% Bond 1936-1966, Series E:

$1,000—23950.

New York Lackawanna & West. Ry.—4% Series A 1922 due 1973:

$1,000—A 5926.

New York, Pennsylvania & Ohio Railroad—4¼% Bonds 1880 due 1950:

$1,000—5355.

$500—2294, 4935.

New York Telephone Company—4½% Bonds 1939 due 1939:

$1,000—26656, 47512.

Norfolk & Western Railway Company—First Consolidated Gold 4% due 1996:

$1,000—847, 1103, 1613, 1614, 1615, 1616, 2442, 2723, 2781, 2956, 2957, 3111, 3369, 3491, 3494, 3500, 3746, 3907, 3985, 4277, 4389, 4556, 4805, 4861, 4917, 5234, 5331, 5365, 5481, 5677, 5686, 6548, 6699, 6947, 6992, 7310, 8313, 8586, 8829, 10052, 10088, 10596, 10857, 10858, 10859, 10903, 11535, 12314, 13130, 15152, 15167, 16066, 16192, 16193, 18194, 16393, 16728, 16730, 16790, 17023, 17649, 17661, 17991, 18639, 19006, 19134, 19200, 19557, 19605, 19661, 19972, 20033, 20034, 20035, 20036, 20056, 20661, 21213, 21331, 21419, 21559, 22014, 22018, 22020, 22280, 22283, 22381, 22384, 22984, 25452, 25557, 26125, 27160, 27180, 27512, 27737, 27868, 27877, 27928, 28637, 29077, 29410, 29454, 29562, 29838, 31057, 31131, 31643, 31646, 32708, 32750, 34037, 34546.

$500—2599, 3013, 3396, 3591, 3674, 3889, 3951, 3952, 4026, 4097, 4280, 4298, 4385, 4393, 4542, 4563, 4557, 4577, 4588, 4747, 4748, 4760, 4775, 5106, 6549, 6673, 6726, 7049, 7113, 7213, 7293, 7543, 7562, 7563, 8135, 8287, 8456, 9351, 9374.

Northern Pacific Railway Company—3% Bonds 1896 due 2047:

$500—D 6214.

Northern Pacific Railway Company—Prior Lien Gold 4% due 1997:

$1,000—5468, 9870, 10866, 35990, 37347, 41693, 52564, 61059, 61678, 65414, 66840, 69749, 89945, 91217, 93982, 96297, 96298, 96299, 96369, 96380, 106762, 107167.

Northern Pacific Railway Company—Prior Lien Gold 4% due 1997:

$500—11576, 12910.

Oregon Short Line Railroad Company—Consolidated First Mortgage 5% due 1946:

$1,000—1781.

Oregon-Washington Railroad and Navigation Company First and Refunding Mortgage Gold 4% due 1961:

$1,000—466, 484, 3631, 6068, 10044, 23902, 25472, 33500, 40099, 47830, 51508.

Pacific Gas & Electric Co.—First & Refunding Mortgage, Series H, 3¾% due Dec. 1, 1961:

$1,000—2663, 2664, 2665, 11657.

Pacific Gas & Electric Co.—First & Refunding Mortgage, Series G, 4% due Dec. 1, 1964:

$1,000—M 46036, G 56946, G 56947, M 93376.

Panhandle Eastern Pipeline Co.—First Mortgage & First Lien, 4% Bonds 1937/52:

$1,000—A. AM. 6704, A. AM. 6705, A. AM. 6706, A. AM. 6707.

Pennsylvania Railroad Company—40 Year Gold Debenture 4½% due April 1, 1970:

$1,000—43441, 43443, 43444, 43445, 43446.

Philippine Railway Company—First Sinking Fund Gold 4% due 1937:
$1,000—79, 102, 203, 227, 308, 343, 544, 1263, 1368, 1549, 1595, 1719, 1963, 2103, 2379, 2423, 2479, 3186, 3208, 3330, 3461, 3677, 3732, 3882, 3909, 4307, 4334, 4397, 4681, 4706, 4858, 5047, 5078, 5285, 5832, 5890, 6086, 6313, 6405, 6497, 6543, 7243, 7334, 7470, 7478, 7480, 7705, 7836, 8036, 8399, 8422, 8438, 8456.

Pittsburgh, Cincinnati, Chicago, & St. Louis Railway Company—4½% Cons. Mtg. Gold Bonds, Series A:
$1,000—9525.

Port of New York Authority—4¼% Bonds:
$1,000—D 11163.

Remington Rand, Inc.—4¼% Bonds 1936 due 1956:
$1,000—5781.

Republic Steel Corporation—4½% Bonds, Series B, 1936/61:
$1,000—BM 1339, BM 14807, BM 14808, BM 14809, BM 14810, BM 14811, BM 14834.

Rock Island & Arkansas & Louisiana Railroad Company—4½% First Mortgage Bonds 1934:
$1,000—3797, 5940.

St. Louis-San Francisco Railway Company—4% Mortgage Bonds, Prior Lien, Series A:
$1,000—13887, 52749, 75283, 75405, 75695, 77836, 77837, 77838, 82261, 86441.
$500—3504, 3550, 4859.
$250—4328, 6392, 6542.

St. Louis-San Francisco Railway Co.—5% Prior Lien Series B:
$1,000—4775.

St. Louis Southwestern Railway Co.—4% First Loan 1890, due 1989:
$1,000—861, 1124, 4997, 6555, 7894, 8133, 8397, 8545, 8546, 8547, 16270, 17202, 19681.

San Antonio & Aransas Pass Railway Company—4% First Mortgage Bonds 1893/1943:
$1,000—2835, 3828, 7351, 8311, 8312, 8314, 8335, 11550, 11803, 14611, 17169, 17393.

Seaboard Air Line Railway—Ref. Gold 4% 1909/59:
$1,000—14002, 14003, 14009, 14240, 16419.

Seaboard Air Line Railway—Adjustable Mortgage Gold 5% 1909/49:
$1,000—19356.

Southern California Edison Company Ltd.—First and Refunding 3¼% Bonds, 1935/60:
$1,000—4942, 4943, 4944, 41619, 41620.

Southern Pacific Co.—4% Collateral Trust Gold Bonds Issued 1899, due 1949:
$1,000—294, 565, 695, 1546, 1639, 3017, 3133, 3134, 3184, 3260, 3492, 3813 3911, 4073, 4160, 4878, 4898, 5741, 5742, 5993, 8148, 8503, 9283, 9581, 9665, 10999, 11219, 11886, 12090, 13587, 13763, 13864, 14899, 15280, 15281, 15285, 15488, 15507, 16240, 16473, 18210, 18403, 18632, 18971, 19309, 19351, 19358, 19483, 19562, 20525 21052, 21410, 21673, 21931, 22316, 22439, 22878, 23092, 23134.
$500—4, 107, 136, 177, 328, 502, 508, 736, 849, 991, 1113, 1516, 1530, 1559, 1871, 1907, 2100, 2412, 2601, 3220, 3619, 3767, 3920, 4614, 4654, 4655, 4682, 5032, 5120, 5397, 5458, 5483, 5563, 6000, 6601, 6605, 6718, 7806, 7940, 8777, 9500, 9583, 9825, 9969, 9993, 11916.

Southern Pacific Company—4½%, 40 Year Gold Bonds, due 1969:
$1,000—1501, 1515, 1685, 1702, 1742, 1796, 2056, 2682, 4397, 5966, 5967, 7964, 10412, 11182, 12259, 13245, 13246, 13438, 13439, 15408, 17148, 21343, 29800, 30428, 30487, 30489, 30490, 31599, 31676, 32165, 32483, 32502, 32503, 33634, 34240, 34352, 35853, 37027, 37397, 41523, 43691, 44252, 47616, 47653, 52369, 52862, 52897, 52993, 55089, 55559, 57853, 58873, 58914, 60757, 61450, 63128, 63129, 63130, 63131, 63676.

Southern Pacific Company—Gold 4½% due 1981:
$1,000—1177, 1239, 1910, 2705, 2743, 8933, 11362, 11363, 11653, 11654, 11681, 11699, 11814, 11854, 11879, 11945, 11989, 12024, 12215, 12245, 12285, 12552, 12939, 13691, 13937, 13938, 14446, 15270, 15710, 19702, 27157, 28506, 34327, 37496, 37841, 41719, 41727, 41748, 41823, 42997, 44411, 45804, 46297, 48104, 49080.

Southern Pacific Company—San Francisco Terminal, 4% First Mortgage Bonds 1910 due 1950:
$1,000—26, 90, 898, 1163, 1175, 1178, 1179, 1455, 1470, 1708, 1853, 1884, 2412, 2414, 2433, 2436, 2451, 2452, 2453, 2454, 2524, 2528, 2554, 2561, 2562, 2768, 2849, 2941, 2942, 3154, 3209, 3210, 3211, 3212, 3213, 5384, 5385, 5386, 5387, 5596, 5893, 6010, 6016, 6035, 6522, 6523, 6524, 6666, 7182, 7268, 7338, 7342, 7554, 7555, 7902, 8268, 8439, 8467, 8602, 8648, 8706, 8897, 9194, 9196, 9227, 9228, 9229, 9230, 9254, 9334, 9335, 9446, 9447, 9730, 9855, 9856, 9857, 9858, 9909, 10094, 10382, 10905, 10915, 10917, 11020, 11188, 11224, 11226, 11464, 11470, 11771, 11772, 11774, 11813, 12290, 12440, 12507, 12508, 12601, 12621, 12622, 12623, 12666, 13099, 13100, 13101, 13102, 13103, 13181, 13315, 13390, 13422, 14021, 14212, 14231, 14726, 14730, 15134, 15198, 15285, 15370, 15371, 15372.
$500—31, 32, 33, 34, 35, 36, 57, 68, 631, 848, 882, 886, 887, 910, 1161, 1902, 2661, 3057, 3215, 3228, 3229, 3243, 3249, 3417, 3437, 3567, 3563, 3728, 3851, 3995, 3996, 4291, 4293, 4338, 4339, 4470, 4471, 5060, 5068, 5250, 5426, 5427, 5795, 5820, 5952, 5953, 6292, 6293, 6365, 6366, 6460, 6755, 7355, 7666, 7067, 8076, 8077, 8387, 8388, 8389, 8390, 8623, 8627, 8659, 10476, 11344, 11346, 11617, 11620, 11887, 11888, 11913, 11916, 11917, 11918, 11979, 11980, 12019, 12020, 12037, 12054, 12055, 12056, 12057, 12058, 12059, 12060, 12061, 12062, 12063, 12064, 12066, 12067, 12070, 12073, 12242, 12243, 12265, 12366, 12596, 13006, 13007, 13053, 13054, 13370, 13453, 13454, 13455, 13559, 13560, 13561, 13562, 13591, 13592, 13699, 13700, 13711, 13934, 13935, 13968, 13969, 13970, 14172, 14295, 14296, 14301, 14302, 14471, 14474, 15026, 15038, 15151, 15170, 15424, 16061, 16089, 16090, 16532.
$100—1, 1548, 3114, 3115, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3368, 4029, 4030, 4031, 4032, 4311, 4348, 4349, 4489, 4525, 4601, 4602, 4603, 4604, 4682, 4801, 5059, 5448, 5509, 5577, 5578, 5579, 9683, 9684, 9685, 11806, 11878, 11958, 11959.

Southern Pacific Railroad Company—First Refunding Mortgage 4% Bonds due 1955:
$1,000—63, 345, 455, 886, 1040, 2061, 2362, 2452, 3266, 4356, 4629, 4769, 4875, 6462, 7682, 7692, 7784, 7847, 10854, 11035, 11157, 13863, 13947, 13996, 14488, 15213, 16697, 17846, 19981, 21677, 24832, 25443, 26649, 27549, 28115, 28518, 29929, 30093, 30199, 30288, 32886, 33393, 35777, 35779, 36078, 36096, 37064, 37807, 37843, 39530, 39531, 40908, 41360, 42795, 42981, 44295, 44580, 44950, 44951, 45396, 45451, 45452, 45578, 46238, 46509, 50135, 50162, 50323, 50569, 52665, 53551, 53889, 55467, 55520, 56068, 56893, 57125, 57209, 57459, 57839, 62257, 72678, 72727, 73092, 73431, 75751, 81008, 82091, 87751, 89830, 89862, 89863, 89864, 89865, 90830, 91196, 91743, 91745, 91900, 92606, 95273, 95374, 95696, 95697, 95698, 95699, 95700, 95852, 100515, 103354, 105175, 105640, 105649, 111808, 116720, 117031, 126071, 127780, 128040, 129416, 129815, 130164.
$500—213, 214, 655, 938, 951, 1122, 1745, 2094, 2447, 2448, 2470, 3151, 3330, 4311, 4313, 4314, 4693, 4694, 4984, 5417, 5495, 6804, 7017, 7650, 9876, 9881, 9963.

Southern Railway Company—4% Development and General Mortgage Bonds due 1956:
$1,000—194, 212, 455, 604, 868, 1177, 1508, 1821, 2079, 2101, 2371, 3415, 3585, 3910, 3954, 3981, 4202, 4236, 4252, 4570, 5009, 5049, 5441, 5603, 5642, 5895, 6191, 6498, 6524, 6529, 6598, 6841, 6882, 6883, 6884, 8819, 8882, 9152, 9528, 10591, 12492, 12584, 12679, 13949, 14024, 14634, 15383, 15512, 15561, 15952, 16331, 16457, 16557, 16574, 16856, 17296, 17375, 17481, 17532, 17659, 19459, 20246, 20581, 20581, 20652, 21144, 21244, 21512, 22272, 22583, 23141, 23242, 23276, 23534, 24210, 24606, 25053, 25881, 26352, 26470, 26719, 27111, 27459, 27485, 27955, 29875, 30054, 30273, 30328, 30653, 30684, 30793, 31141, 31264, 31491, 31734, 31790, 31935, 31994, 32512, 32626, 32666, 32889, 33965, 33978, 34017, 34075, 34253, 34701, 34849, 35049, 35060, 35196, 35345, 35348, 35689, 35796, 35797, 35798, 35800, 35856, 36147, 36200, 36326, 36361, 36502, 36570, 36059, 36905, 37023, 37105, 37269, 37329, 37357, 37530, 37995, 38295, 38390, 38398, 38405, 38551, 39033, 39432, 39575, 39655, 39765, 39844, 39924, 39950, 40108, 40180, 40194, 40199, 40225, 40507, 40637, 40741, 41025, 41322, 41470, 41548, 41739, 42653, 42654, 42719, 42759, 42904, 42905, 42936, 43293, 43609, 43862, 43864, 43946, 44000, 44020, 44217, 44602, 44661, 44726, 46205, 46246, 46523, 46537, 46579, 46620, 46631, 47063, 47260, 47303, 47308, 47543, 47590, 47741, 47856, 47916, 47991, 48035, 48091, 48257, 48344, 48795, 49063, 49111, 49119, 49137, 49383, 49535, 49723, 49798, 50214, 50358, 50414, 50415, 50430, 50444, 50552, 50717, 51093, 51101, 51201, 52599, 52673, 52888, 53301, 53463, 53821, 54015, 54342, 54414, 54871, 55069, 55193, 55263, 55324, 55393, 55394, 55646, 55650, 55805, 55944, 55966, 55967, 55968, 55970, 56035, 56390, 56751, 56899, 57595, 57623, 58190, 58319, 58867, 58958, 60385, 60526, 60545, 60759, 60867.

Southern Railway Company—5% First Mortgage & Collateral Trust Bonds due 1994:
$1,000—14809, 19101, 55929.

Standard Power & Light Corporation 6% Bonds 1927 due 1957:
$1,000—1063, 4324, 4687.

Studebaker Corporation (The)—Convertible Debenture 6%, 1945:
$100—3635, 3636, C 3754, 3838, 3839, 3840, 3841, 3947, 3956, 3959, 3960, 4139.

Studebaker Corporation (The)—Convertible Debenture, Scrip Certificates:
$22.50—483.
$3.33—278.

Union Pacific Railroad Company—3½% Bonds 1936/70:
$1,000—8264.

Union Pacific Railroad Company—3½% Bonds 1936/71.
$1,000—3189, 12030, 12031, 12032, 12108, 18146, 21125.

Union Pacific Railroad Company—First Gold, 4% of 1947:
$1,000—809, 861, 1236, 1434, 2111, 3770, 3983, 4594, 5877, 6125, 6323, 6600, 6675, 7619, 7936, 9172, 9626, 10347, 10592, 10950, 10951, 11286, 11698, 12394, 13076, 14044, 14246, 14543, 14793, 15023, 15235, 15773, 16179, 16470, 16471, 16765, 17037, 17531, 20719, 21778, 23432, 23590, 23784, 23789, 24077, 24432, 24806, 25912, 26090, 26126, 26336, 28539, 29024, 31111, 31810, 31828, 32242, 32243, 32244, 32245, 32924, 32927, 32974, 33228, 33493, 33945, 34500, 34955, 35600, 36061, 36252, 36642, 36971, 37039, 37286, 38242, 39078, 39081, 39402, 39539, 39653, 39858, 39912, 40633, 40855, 40856, 41137, 41243, 41927, 42715, 42932, 43272, 43459, 43932, 44782, 45081, 45109, 45241, 45243, 45430, 45953, 46844, 48771, 48776, 48889, 49249, 49831, 49832, 50145, 50432, 50482, 50486, 51089, 51947, 52419, 52424, 52769, 53205, 53217, 53242, 53520, 53816, 54979, 55232, 55470, 55716, 55952, 56304, 56455, 57349, 57392, 58101, 58409, 59177, 60210, 60282, 60599, 60744, 61065, 61144, 61398, 61660, 62039, 62151, 62257, 63415, 63447, 63662, 64105, 64221, 64388, 64390, 64856, 65096, 67179, 67502, 70273, 71931, 73164, 74024, 74914, 77691, 78364, 78372, 78374, 78930, 78942, 78943, 78944, 78945, 78981, 79018, 79156, 79779, 81026, 81792, 82684, 83096, 83128, 83416, 83909, 84207, 84950, 85060, 85983, 86057, 86429, 86746, 86798, 86859, 87370, 87390, 87957, 89269, 89306, 89336, 89835.
$500—66, 314, 572, 573, 1827, 1828, 2157, 2395, 2425, 3326, 3436, 3855, 4443, 4834, 5175, 5500, 5941, 5971, 6360, 6412, 6669, 6902, 7614, 7801, 8103, 8702, 8809, 9224, 9545, 9970, 10101, 10165, 10172, 10666, 10667, 11154, 11416, 11502, 11803, 12479, 12532, 13274, 13366, 13533 13555, 14426, 14427, 15668, 16135, 16190, 16830, 17192, 17355, 18394, 18538, 18541.

Union Pacific Railroad Company. First Lien and Refunding Gold 4% 1998 due 2008.
$1,000—2436, 16552, 20464, 53300, 60512.

Western Maryland Railroad Company—First 4% Bonds 1902 due 1952:
$1,000—20033.

Western Pacific Railroad Company—5%

First Mortgage Bonds due 1946:
$1,000—19037, 19038.
$100—3687, 3688, 3689, 3690.

Willys Overland Co.—First Sinking Fund, 6½% Bonds 1923 due 1933:
$1,000—9321, 9322.

Winston-Salem Southbound Railway Company—4% First Mortgage Gold Bonds due 1960:
$1,000—1853, 1854, 1857, 1858, 1859, 1860, 1861, 4318, 4319.

PART II—STOCK

Corporate Trust Shares Series AA (Modified) Distributive Type:
100 share certificate—8563.

Corporate Trust Shares Accumulative Series (Modified):
10 share certificate—17300.

North American Trust Shares 1953 Issue:
100 share certificates—4629, 16592, 39333, 49425.
50 share certificates—10636, 10872 10873, 10874, 12869, 24736, 24737, 24738, 24739, 24742, 24743, 24744, 24745, 24746, 24747, 24748, 24981, 24982, 26990, 26991.
10 share certificates—858, 14944, 14945, 57946, 157652 168302, 168303, 169074, 169075, 169076, 169077, 169078.

North American Trust Shares 1955 Cumulation type:
100 share certificates—3670, 8689.
50 share certificates—2914, 3149.
25 share certificate—9202.
10 share certificates—3089, 43934, 102695, 108636.

North American Trust Shares 1956 Distribution type:
100 share certificates—DD7222, DD7361, DD11072, DD11374, DD11386, DD15575, DD21354, DD28462, DD28463, DD32157, DD32716, DD33208, DD36746, DD38441, DD38442, DD56843.
50 share certificates—CC1592, CC3555, CC3556, CC10838, CC10839, CC13599.
25 share certificates—BB2909, BB3026, BB3027.
10 share certificates—AA13584, AA13585, AA13586, AA15968, AA15969, AA39045, AA55458.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5, E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

Executed at Washington, D. C., this 18th day of January 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1061; Filed, Jan. 19, 1951; 11:00 a. m.]

PART 511—BLOCKED ASSETS; REGULATIONS ORIGINALLY ISSUED BY THE TREASURY DEPARTMENT

EFFECT OF PROHIBITIONS WITH RESPECT TO DOMESTIC AND FOREIGN SCHEDULED SECURITIES

Part 511 is hereby amended by the addition of § 511.340 (Public Circular No. 40) as set forth below:

§ 511.340 *Public Circular No. 40; Effect of prohibitions with respect to domestic and foreign scheduled securities.* (a) Reference is made to §§ 511.205 and 511.205b with respect to which an inquiry has been received as to whether a contract which calls for delivery of a security of a particular issue without reference to any particular certificate number is null and void if a domestic or foreign scheduled security (as defined in the aforementioned sections) is delivered pursuant to it. It was pointed out that ordinarily if delivery is made of a security which is defective another security of the same issue is required to be substituted. The question is directed to whether §§ 511.205 and 511.205b alter any of the obligations arising out of such a contract.

(b) Unless such a contract creates an obligation to deliver a domestic or foreign scheduled security, a contract for the sale and purchase of securities is not rendered null and void by §§ 511.205 and 511.205b by reason of the delivery of a domestic or foreign scheduled security in purported compliance with the contract. Sections 511.205 and 511.205b do not in any way invalidate any rights of the parties to such a contract to enforce its terms, such as requiring delivery of another security of the same issue. Such a contract does not, however, transfer title to or create any interest in or claim to a domestic or foreign scheduled security.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5, E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

Executed at Washington, D. C., this 18th day of January 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1062; Filed, Jan. 19, 1951; 11:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 6—ROTORCRAFT AIRWORTHINESS

Correction

In Federal Register Document 50-11710, appearing at page 8905 of the issue for Friday, December 15, 1950, the following corrections are made:

1. In § 6.1 (a) (3) the last sentence should read: "The propulsion is independent of the rotor system and usually consists of conventional propellers."

2. Section 6.1 (c) (5) should read: "VH. The maximum speed obtainable in level flight with rated r. p. m. and power."

3. In § 6.114 (b), "rotocraft," appearing in the last line, should be changed to "rotorcraft."

4. In the first paragraph of § 6.250, "assembles" should be changed to "assemblies."

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 38][1]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.1 *Export licensing general policy* is amended in the following particulars:

Paragraph (h) *Commodities subject to this export licensing policy*, subparagraph (2) is amended by adding thereto the following commodities:

Raw cotton, except linters	*Schedule B Nos.* 300005 through 300312

2. Part 373 is amended by adding thereto a new § 373.18 to read as follows:

§ 373.18 *Special provisions for raw cotton.* Raw cotton, Schedule B Nos. 300005 through 300312, will be licensed for export in accordance with the licensing policy set forth in § 373.1 and the following special provisions:

(a) *Additional information on license applications.* All applications for licenses to export raw cotton (including pending applications) must be supplemented by the following information:

(1) The date of the contract between the applicant and the foreign purchaser; (i. e., date of the acceptance of the order) (enter in item 9 (b) of Form IT-419).

(2) The import authorization number, or reference to other import authorization of the importing country (Ministry of International Trade and Industry (MITI) number for exports to Japan), or the ECA subauthorization number, if financed by the Economic Cooperation Administration; and

(3) The net number of pounds of cotton covered by the contract. (Enter in item 9 (a) if applicable, or 9 (b) of Form IT-419.)

When submitting such information with regard to pending applications, applicants shall show the pertinent OIT case number, if known, and the applicant's reference number.

(b) *Requests for amendments or extensions.* All requests for extension of the validity period and requests for amendments to change the ultimate consignee shall be submitted on Form IT-763 and shall comply with the requirements of Part 380 of this chapter, and in addition thereto must include the following:

(1) True copies of the exchange of cables or other documents which constitute the contract (accepted order);

(2) The import authorization number, or reference to other import authorization of the importing country (MITI

[1] This amendment was published in Current Export Bulletin No. 601 dated January 11, 1951.

number for exports to Japan), or the ECA sub-authorization number, if financed by the Economic Cooperation Administration; and

(3) In the case of requests for amendments to change the ultimate consignee, licensees must submit true copies of the exchange of cables or other documents constituting the contract (i) between the licensee and the original consignee, and (ii) between the licensee and the new ultimate consignee. The licensee must also submit true copies of any other documents which show why the licensee desires an amendment of consignee.

If, for any reason, this information has been previously submitted to the Department of Commerce, it need not be resubmitted.

NOTE: Where a licensee will not use the full amount of a license, he should submit a request for amendment to reduce the quantity of cotton covered by the license to the amount he actually intends to export, provided the reduction would amount to as much as 10 bales. Where an exporter has received a license and it is known that none of the cotton covered by the license will be exported, he shall return the license for cancellation to the Department of Commerce, with a covering letter explaining the reason for such return, in order that the allocation to the importing country may be credited.

3. Section 373.8 *Special provisions for certain petroleum products*, paragraph (a) *Application requirements* is amended by adding thereto a new subparagraph (4) to read as follows:

(4) Applications for licenses to export petroleum products. Schedule B Nos. 501400 through 505900, to Burma, Ceylon, Formosa, French Indochina, Hong Kong, India, Macao, Malay States, Netherlands East Indies (Indonesia), Pakistan, Philippine Islands, Singapore, or Thailand, shall be accompanied by a statement attached to the application, setting forth the following information:

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) Quantity of such commodities the ultimate consignee expects to receive from all sources other than the license applicant within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Parts 1 and 2 of this amendment shall become effective as of January 11, 1951 and Part 3 as of February 10, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1023; Filed, Jan. 19, 1951; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 34] [1]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
379800	Silk and manufactures: Silk noils and waste	Lb.	TEXT	100	RO
	Engines, turbines, and parts, n. e. s.: Steam engines, boilers, and accessories:				
713500	Jet ejectors, all types, under 4 stages, accessories, and parts (report jet ejectors, all types, 4 stages and over, accessories, and parts in 770880).		GIEQ	None	R

2. The following revisions are made in commodity descriptions and Schedule B numbers. The changes in Schedule B numbers conform with Census Bulletin P. B. 176 B–I and II issued by the Bureau of the Census December 20, 1950. No change in validated license control, except for some GLV dollar-value limit changes, is effected by the revisions for tractor engines.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Engines, turbines and parts, n. e. s.:				
	Power-generating machinery, except electric and automotive:				
	Internal-combustion engines:				
	Other (including tractor):				
	Gasoline and kerosene:				
[1] 714310	Tractor engines, not over 10 horsepower (tractor engines formerly in 787990).[2]	No.	GIEQ	200	R
[3] 714410	Stationary and portable, over 10 horsepower, including tractor engines (tractor engines formerly in 787990).[4]	No.	GIEQ	250	R
	Diesel and semi-Diesel:				
	Stationary and portable:				
[5] 714710	Injection type, not over 200 horsepower at normal speed including tractor engines (tractor engines formerly in 787990).[6]	No.	GIEQ	None	R
[7] 714810	Injection type, over 200 horsepower at normal speed including tractor engines (tractor engines formerly in 787990).[8]	No.	GIEQ	None	R
715900	Other engine accessories and parts (including tractor engine accessories and parts), except locomotive parts (tractor engine accessories and parts formerly in 788901 and 788905).[9]		GIEQ	250	R
	Other industrial machinery:				
	Mechanical-vacuum pumps:				
[10] 770820	Capable of producing a vacuum of 2 millimeters or less mercury pressure absolute, all types, including those fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (report mercury pressure absolute which pump is capable of producing) (formerly in 770810 and 770830).[11]	No.	GIEQ	None	RO
	Capable of producing a vacuum less than atmospheric pressure but not as low as 2 millimeters mercury pressure absolute:				
[10] 770840	All types capable of producing a vacuum of 50 millimeters or less but not as low as 2 millimeters mercury pressure absolute.	No.	GIEQ	None	RO
[12] 770840	All types fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (report mercury pressure absolute which pump is capable of producing) (formerly in 770830).[11]	No.	GIEQ	None	RO
770870	Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet).[13]	No.	GIEQ	None	RO
770880	Jet ejectors, all types, 4 stages and over, accessories, and parts.[14]		GIEQ	None	RO
[15] 775008	Molding machines for plastics (injection, extrusion, transfer, etc.).		GIEQ	100	R
	Industrial machinery and parts, n. e. s.:				
775098	Parts and accessories for mechanical vacuum pumps and diffusion vacuum pumps included on the Positive List.[10]		GIEQ	None	RO

[1] Formerly 714300.

[2] By this amendment, the processing code for tractor engines is changed from FARM to GIEQ, and the GLV dollar-value limit is changed from None to $200.

[3] Formerly 714400.

[4] By this amendment, the processing code for tractor engines is changed from FARM to GIEQ, and the GLV dollar-value limit is changed from None to $250.

[5] Formerly 714700.

[6] By this amendment, the processing code for tractor engines is changed from FARM to GIEQ, and GLV dollar-value limit for the engines formerly in 714700 is changed from $750 to None.

[7] Formerly 714800.

[8] By this amendment, the processing code for tractor engines is changed from FARM to GIEQ.

[9] By this amendment, for tractor engine accessories and parts, the GLV dollar-value limit for track-laying tractor engine accessories and parts (formerly classified in 788901) is changed from $100 to $250; and the GLV dollar-value limit for wheel-type tractor engine accessories and parts (formerly classified in 788905) is changed from $500 to $250. The processing code and related commodity group for these commodities is changed from FARM to GIEQ.

[10] The effect of these amendments is (a) to delete from the Positive List mechanical vacuum pumps not capable of producing a vacuum of 2 millimeters or less mercury pressure absolute, all types, including those fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (report mercury pressure absolute which pump is capable of producing) (formerly in 770810 and 770830), and (b) to change from GLV to RO control certain vacuum pumps included in the group of entry on the Positive List for Schedule B No. 770830.

[11] Formerly in 770830.

[12] Export authorization for diffusion vacuum pumps, 12 inches and larger in diameter, classified under Schedule B number 770870, is unaffected by the revision of the Positive List for mechanical vacuum pumps, Schedule B No. 770820, as stated above. The word entry is substituted for the present two entries on the Positive List for jet ejectors, Schedule B No. 770880. This amendment clarifies the commodity description without making substantive change.

[13] Formerly 775096.

[14] The effect of this amendment is to add to the Positive List under this Schedule B number accessories for mechanical vacuum pumps and diffusion vacuum pumps which are included in the entry for mechanical vacuum pumps and diffusion vacuum pumps not specifically described on the Positive List.

[15] By this amendment the parenthetical description (worsted type) in the entry for clothing wool is transferred to the entry for combing wool, and the parenthetical description (woolen type) in the entry for clothing wool is transferred to the entry for carding wool. See Census Bulletin P. B. 138 B-I and II.

[1] This amendment was published in Current Export Bulletin No. 601 dated January 11, 1951.

This amendment shall become effective as of January 11, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1032; Filed, Jan. 19, 1951; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 344]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 340]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, MICHIGAN AND SOUTH CAROLINA

Amendment 344 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 340 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said Regulations are amended in the following respects:

1. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Burlingame, Menlo Park, Millbrae, Redwood City, San Bruno and South San Francisco, and the Town of Atherton; and Sonoma County, except (1) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Redwood City in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

2. Schedule A, Item 40a, is amended to describe the counties in the Defense-Rental Area as follows:

Ventura County, except the Cities of Fillmore, San Buenaventura and Santa Paula, and all unincorporated localities.

This decontrols the City of Fillmore in Ventura County, California, and all un-

5. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Commerce Schedule B Number	Commodity	GLV dollar value limits
646990	Brass and bronze manufactures: Flatware, brass (specify by name)	200
646990	Hardware, brass and bronze, n. e. s. (specify by name)	200
715900	Engines, turbines, and parts: Steam engines, boilers, and parts	250
	Construction, excavating, and conveying machinery:	
723100	Parts and accessories for contractors' and industrial trucks (including control and winch attachments, and parts thereof)	250
	Agricultural machinery and implements:	
788901	Parts and accessories for track-laying tractors (including control and winch attachments and parts thereof)	250
788905	Parts and accessories for wheel-type tractors (including control and winch attachments and parts thereof) (report parts and accessories for contractors' wheel-type tractors in 723100).	250

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1 through 5 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including February 12, 1951. Any such shipment not laden aboard the exporting carrier on or before February 12, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong, and Macao.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; L. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

3. The following revisions are made in commodity descriptions and Schedule B numbers. No change in validated license control is effected by the revisions set forth below.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
269005	Wool, unmanufactured: Carding wool (woolen type) [1]	Lb.	TEXT	250	RO
269007	Combing wool (worsted type) [1]	Lb.	TEXT	250	RO
	Firearms, ammunition and pyrotechnics:				
	Accessories, attachments, components, and parts, of small arms and machine guns (specify by name):				
947450	Gun fabrications, brass and bronze [2]		NONF	300	RO
	Accessories, attachments, components, and parts, of artillery and naval guns, mortars, and missile launchers, except self-propelled:				
947550	Gun fabrications, brass and bronze [3]		NONF	300	RO
	Components of small arms and machine gun ammunition:				
948960	Brass and bronze manufactures for munitions components, n. e. s. [4]		NONF	100	RO
948965	Cartridge link fabrications, brass and bronze [5]		NONF	300	RO
948980	Components of artillery, naval gun and mortar ammunition (specify by name):				
948250	Anvils for shell fabrication, brass and bronze [6]		NONF	300	RO
948250	Brass and bronze manufactures for munitions components, n. e. s. [6]		NONF	100	RO
948250	Copper rotating bands for shells, and other copper munitions components [6]		NONF	None	RO
948260	Gas checks, copper [6]		NONF	300	RO
948260	Chemical specialties: Hydraulic brake fluids	Lb.	SALT	100	R

[1] By this amendment the parenthetical description (worsted type) in the entry for clothing wool is transferred to the entry for combing wool, and the parenthetical description (woolen type) in the entry for carding wool is transferred to the entry for carding wool. See Census Bulletin P. B. 138 B-I and II.

[2] Formerly included in the entry on the Positive List for all other brass and bronze manufactures, Schedule B No. 647988. See Census Bulletin P. B. 169 B-I and II.

[3] Formerly included in the entry on the Positive List for brass and bronze plates, sheets, and strips, Schedule B No. 647950. See Census Bulletin P. B. 169 B-I and II.

[4] Formerly included in the entry on the Positive List for copper manufactures, n. e. s., Schedule B No. 648990. See Census Bulletin P. B. 169 B-I and II.

[5] Formerly in 643990. See Census Bulletin P. B. 169 B-I and II.

[6] Formerly included in the entry on the Positive List for copper manufactures, n. e. s., Schedule B No. 648990. See Census Bulletin P. B. 169 B-I and II.

[7] Formerly 529985. See Census Bulletin P. B. 168 B-I and II.

4. The following commodities are changed from R to RO. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
770830	Other industrial machinery: Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet).	No.	GIEQ	None	RO

incorporated localities in said County, portions of the Ventura, California, Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills and Pontiac; Wayne County, except (i) the Cities of Grosse Point and Plymouth, and (ii) that portion of the Village of Northville located in Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of Bloomfield Hills, in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 277, is amended to describe the counties in the Defense-Rental Area as follows:

Charleston County, except the City of Charleston and the Town of Mt. Pleasant.

Beaufort County.

This decontrols the Town of Mt. Pleasant in Charleston County, South Carolina, a portion of the Charleston, South Carolina, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective January 18, 1951.

Issued this 17th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-965; Filed, Jan. 19, 1951; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5827]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMING DEVICES, BOWLING ALLEYS, BILLIARD TABLES, AND POOL TABLES

INCREASE IN RATE OF TAX ON COIN-OPERATED GAMING DEVICES, AND LIABILITY OF FEDERAL AGENCIES OR INSTRUMENTALITIES

In order to conform Regulations 59 (26 CFR Part 323), relating to special taxes with respect to coin-operated amusement and gaming devices, bowling alleys, billiard tables and pool tables, to the Revenue Act of 1950 (Pub. Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 323.0 is amended as follows:

(A) By striking out in paragraph (a) "(such part being added by section 555 of the Revenue Act of 1941)," and inserting in lieu thereof the following: ", as amended,".

(B) By striking out in paragraph (b) "(such part being added by section 556 of the Revenue Act of 1941)," and inserting in lieu thereof the following: ", as amended,".

PAR. 2. Immediately preceding § 323.20 there is inserted the following:

SEC. 603. TAX ON COIN-OPERATED GAMING DEVICES [REVENUE ACT OF 1950 (PUB. LAW 814, 81ST CONG., 2D SESS.), APPROVED SEPTEMBER 23, 1950].

(a) *Increase in tax on slot machines.* Section 3267 (a) (relating to rate of tax) is hereby amended by striking out "$100" wherever appearing therein and inserting in lieu thereof "$150".

(b) *Effective date.* The amendment made by this section shall take effect on the first day of the first month which begins more than ten days after the date of enactment of this act.

SEC. 604. FEDERAL AGENCIES OR INSTRUMENTALITIES [REVENUE ACT OF 1950 (PUB. LAW 814, 81ST CONG., 2D SESS.), APPROVED SEPTEMBER 23, 1950].

Subchapter B of chapter 27 (relating to occupational taxes) is hereby amended by adding at the end thereof the following new section:

SEC. 3283. FEDERAL AGENCIES OR INSTRUMENTALITIES.

Any tax imposed by this chapter shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

PAR. 3. Section 323.20, as amended by Treasury Decision 5203, approved December 22, 1942, is further amended by striking out so much of such section as precedes paragraph (b) and inserting in lieu thereof the following:

§ 323.20 *Effective dates of tax.* The effective dates of the rates of tax with respect to coin-operated amusement and gaming devices imposed by section 3267, added to the Internal Revenue Code by section 555 of the Revenue Act of 1941, including changes made in such rates by section 617 of the Revenue Act of 1942 and section 603 of the Revenue Act of 1950, are as follows:

(a) Except as indicated by paragraph (c) of this section, the rates of tax applicable with respect to gaming devices operated by means of the insertion of a coin, token, or similar object are:

(1) October 1, 1941, through June 30, 1943, $50 per annum;

(2) July 1, 1943, through October 31, 1950, $100 per annum;

(3) On and after November 1, 1950, $150 per annum.

PAR. 4. Immediately preceding § 323.30 there is inserted the following:

SEC. 604. FEDERAL AGENCIES OR INSTRUMENTALITIES [REVENUE ACT OF 1950 (PUB. LAW 814, 81ST CONG., 2D SESS.), APPROVED SEPTEMBER 23, 1950].

Subchapter B of chapter 27 (relating to occupational taxes) is hereby amended by adding at the end thereof the following new section:

SEC. 3283. FEDERAL AGENCIES OR INSTRUMENTALITIES.

Any tax imposed by this chapter shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

PAR. 5. Section 323.21 is amended, and § 323.31, as amended by Treasury Decision 5344, approved March 14, 1944, is further amended, by adding at the end of each the following: "Any agency or instrumentality of the United States, such as an Army exchange, Navy exchange, etc., is liable to such special tax unless granted by statute a specific exemption therefrom."

PAR. 6. Section 323.22, as amended by Treasury Decision 5203, is further amended—

(A) By striking out so much of the paragraph designated (d) as precedes "In the case of" and inserting in lieu thereof the following:

(d) Effective October 1, 1941, through June 30, 1943, $50, effective July 1, 1943, through October 31, 1950, $100, and effective on and after November 1, 1950, $150, per year

(B) By adding after the third paragraph beginning with "As the tax became effective on October 1, 1941," the following:

Those persons who prior to November 1, 1950, paid or incurred the special tax liability at the rate of $100 per year for gaming devices and continued to maintain for use such devices on November 1, 1950, are liable for additional tax for the period November 1, 1950, through June 30, 1951, at the increased rate of $50 per annum. The additional tax liability for the 8-month period from November 1, 1950, through June 30, 1951, shall be computed on the basis of 8/12ths of $50, or $33.34, for each device.

Because this Treasury decision makes technical amendments to the regulations, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 16, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1025; Filed, Jan. 19, 1951; 8:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 213—DEPOSIT WITH FEDERAL RESERVE BANKS AND DEPOSITARY BANKS OF EMPLOYER AND EMPLOYEE TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT AND OF INCOME TAX WITHHELD ON WAGES UNDER SECTION 1622 OF THE INTERNAL REVENUE CODE

PROCEDURE TO BE FOLLOWED BY DEPOSITARIES FOR FEDERAL TAXES

Part 213, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 848, dated November 10, 1949, as amended) is hereby further amended effective January 1, 1951, in the following respects:

1. By deleting paragraph (a) of § 213.6 and inserting in lieu thereof the following:

§ 213.6 *Procedure to be followed by depositaries for Federal taxes.* • • •

(a) Depositaries shall accept from employers, who desire to make deposits with such depositaries, remittances in the form of check, postal money order, etc., covering the amount of Federal taxes, accompanied by a "Federal Depositary Receipt" (Form No. 450—Revised) on which the employer has inscribed, in ink or typewriter, his name, address, employer's identification number, and total taxes (combined amount of withheld income tax and F. I. C. A. employment taxes). Depositaries will not be required to accept from employers funds which are not immediately available to the depositary at the time of deposit. Treasury Savings Notes or other public debt securities of the United States shall not be accepted by depositaries as deposits of Federal taxes under this circular. Depositaries shall not accept from employers any form of receipt accompanying their remittances other than the prescribed receipt, Form 450 (Revised): *Provided, however,* That depositaries shall continue to accept the depositary receipt, Form 450, in use prior to revision of the form.

2. By deleting the last sentence of paragraph (c) of § 213.6.

(Sec. 15, 38 Stat. 265, sec. 8, 40 Stat. 291, as amended, 53 Stat. 399, as amended, sec. 10, 56 Stat. 356; 12 U. S. C. 391, 31 U. S. C. 771, 26 U. S. C. and Sup., 3310, 12 U. S. C. 265)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

JANUARY 16, 1951.

[F. R. Doc. 51-1023; Filed, Jan. 19, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-1, Supp. 1, as Amended Jan. 17, 1951]

PART 20—STEEL

U. S. FREIGHT CAR PROGRAM

This amendment is found necessary and appropriate to promote the National Defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects Supplement 1 to NPA Order M-1, as follows: It amends § 20.101 and § 20.102. In addition, the letters U. S. are inserted throughout in all references to the Freight Car Program.

Supp. 1 to M-1, as amended, now reads as follows:

Sec.
20.100 Directives to be issued.
20.101 Certified orders and authorizations therefor.
20.102 Form of certifications.
20.103 Use of steel so obtained.
20.104 Rejection of certified orders.
20.105 Effect of directives.
20.106 NPA assistance in placing orders under §§ 20.100 to 20.106.

AUTHORITY: §§ 20.100 to 20.106 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 20.100 *Directives to be issued.* Directives will be issued by NPA to direct certain steel producers to accept certified orders for the production and delivery of steel for the construction and repair of freight cars, as a part of the U. S. Freight Car Program. The directives will specify the tonnage of each steel product to be shipped in the months referred to therein. "The U. S. Freight Car Program" means the construction of domestic railroad freight cars and the repair of railroad freight cars used on common carrier railroads within the United States.

§ 20.101 *Certified orders and authorizations therefor.* Persons engaged in the repair or construction of freight cars or of their component parts may place certified orders pursuant to this program, for specific tonnages, of specific steel products, for shipment in specific periods, only if authorized by the National Production Authority by the issuance by it of DTA Form 3 to evidence such authority: *Provided,* That the total amounts of any steel products covered by such certified orders must not exceed:

(a) The amounts indicated by NPA on Form DTA 3; and

(b) The amount required for the manufacture of product or products covered by firm purchase orders or contracts accepted prior to the time such order or orders for steel are certified.

§ 20.102 *Form of certifications.* In order to place a certified order under the U. S. Freight Car Program a manufacturer or repairer of freight cars or components therefor shall place either of the following certifications, whichever is appropriate, on his purchase orders or on a separate piece of paper attached thereto:

(a)

Certified that the material called for in this order conforms with an authorization received from NPA, and is to be used only in connection with the manufacture of new freight cars or components therefor in the U. S. Freight Car Program under NPA Supplement 1, as amended, of Order M-1, as amended.

(b)

Certified that the material called for in this order conforms with an authorization received from NPA and is to be used only in connection with the repair of freight cars in the U. S. Freight Car Program under NPA Supplement 1, as amended, of Order M-1, as amended.

Such certifications shall be signed by an authorized representative of the purchaser.

§ 20.103 *Use of steel so obtained.* Steel obtained under the U. S. Freight Car Program pursuant to the certifications provided for in §§ 20.100 to 20.106 shall be used only for the repair or construction of such railroad freight cars or of their component parts. Nothing contained in §§ 20.100 to 20.106 shall prevent railroads, private car companies or common carriers from making their own repairs or construction of freight cars. All materials or components obtained, pursuant to §§ 20.100 to 20.106 shall be subject to the inventory control provisions of Part 10 of this chapter (NPA Reg. 1).

§ 20.104 *Rejection of certified orders.* A producer of steel need not accept a certified order under the U. S. Freight Car Program which is received less than 45 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by NPA.

§ 20.105 *Effect of directives.* When steel production has been scheduled pursuant to directives issued under §§ 20.100 to 20.106, such schedules shall be maintained by the steel producers unless otherwise directed by NPA. Steel delivered under directives issued pursuant to §§ 20.100 to 20.106 shall not be considered produced under rated orders for the purpose of determining producers' obligations under §§ 20.5 and 20.6.

§ 20.106 *NPA assistance in placing orders under §§ 20.100 to 20.106.* Any person who is unable to place a certified order for steel pursuant to §§ 20.100 to 20.106 should apply to the NPA, Iron and Steel Division, Ref: Supp. 1 to order M-1, specifying the producers who refused to accept this order. The NPA will arrange to assist him in locating sources of supply.

This amendment to Supp. 1 of Order M-1 as amended, shall apply to all orders calling for shipment under this Program certified and accepted after January 17, 1951. It may also apply to certain orders calling for shipment under this Program in the months of February and March 1951, when specifically directed by NPA.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-1073; Filed, Jan. 18, 1951; 1:15 p. m.]

[NPA Order M-28]

PART 35—LEATHER

This order is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
35.1 What this part does.
35.2 Definitions.
35.3 Leather to which this part applies.

Sec.
35.4 Required shipment dates.
35.5 Rejection of rated orders.
35.6 Limitations for acceptance of rated orders.
35.7 NPA assistance in placing rated orders.
35.8 Adjustments and exceptions.
35.9 Communications.
35.10 Records, audit, inspection and reports.
35.11 Violations.

AUTHORITY: §§ 35.1 to 35.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 35.1 *What this part does.* This part applies particularly to producers of leather of certain types and provides rules for placing, accepting, and scheduling rated orders for leather. Its purpose is to provide equitable distribution of rated orders among all producers of leather in order to make possible maximum production of leather and to reduce to a minimum disruption of its normal distribution. This part supplements Part 11 of this Chapter (NPA Reg. 2) but only those provisions of NPA Reg. 2 which are inconsistent with this part are superseded and all other provisions of Reg. 2 continue to apply to the leather industry.

§ 35.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of tanning, currying or finishing leather for his own account, for sale or for fabrication into leather products, or engaged in the business of cutting sole leather for sale, whether any such processes are performed by him or for him under contract with another person.

(c) "NPA" means National Production Authority in the Department of Commerce.

§ 35.3 *Leather to which this part applies.* This part applies only to the types of leather listed in § 35.6.

§ 35.4 *Required shipment dates.* A rated order for leather of the types described in § 35.6 must specify shipment on a particular date or in a particular month which in no case may be earlier than required by the person placing the order. The producer must schedule the order for shipment within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

§ 35.5 *Rejection of rated orders.* A producer need not accept a rated order which is received less than 30 days prior to the first day of the month in which shipment is requested unless specifically directed to accept the order by NPA.

§ 35.6 *Limitations for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for the types of leather listed below for shipment in any one month in excess of the following respective percentages of his average monthly production of such types during the period from January 1, 1950, through October 31, 1950:

Types of leather	*Percent*
Calf, including whole kip	20
Goat and kid	10
Bag, case, strap, and harness	20
Sheep and lamb, excluding shearlings	15
Shearlings	25
Cabretta, other than shoe	20

§ 35.7 *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for leather due to the limitations imposed by § 35.6 should apply to NPA, Washington 25, D. C., Ref. Order M-28, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

§ 35.8 *Adjustments and exceptions.* Any person affected by any provision of this part may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, and the nature of the relief sought and the justification therefor.

§ 35.9 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref. M-28.

§ 35.10 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this part shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 35.11 *Violations.* Any person who wilfully violates any provision of this part or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part shall take effect on January 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-1071; Filed, Jan. 18, 1951; 1:15 p. m.]

[NPA Order M-29]

PART 76—HORSEHIDE FRONTS AND DEERSKINS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
76.1 What this part does.
76.2 Definitions.
76.3 Restrictions on tanning of horsehide fronts.
76.4 Restrictions on tanning or dressing of deerskins.
76.5 Restrictions on sale and use of horsehide front leather and deerskin leather.
76.6 Exception.
76.7 Adjustments and exceptions.
76.8 Records, audit, inspection and reports.
76.9 Communications.
76.10 Violations.

AUTHORITY: §§ 76.1 to 76.10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 76.1 *What this part does.* This part applies to tanners of horsehide fronts, to tanners and dressers of deerskins, and to persons who sell and commercially use leather made from these hides and skins. In view of the fact that horsehide fronts and deerskins are in extremely short supply, it is essential that the leather produced therefrom be limited in so far as possible to DO rated orders. This part prohibits the tanning of horsehide fronts and the dressing or tanning of deerskins except for the purpose of producing military leather if such skins are suitable for the production of military leather. It also forbids any person to sell, deliver, accept delivery of, or use commercially leather made from horsehide fronts or deerskins for other than DO rated orders if such leather is capable of being used to fill such orders.

§ 76.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Tanner" or "dresser" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins.

(c) "Converter" means a person engaged in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(d) "Horsehide front" means the forepart of the hide or skin of a horse, colt, mule, ass, donkey, or pony, commercially known in the trade as a "front", whether or not still attached to other parts of the hide or skin.

(e) "Deerskin" means the skin of any domestic or foreign deer, and includes the skin of the elk, moose, and caribou.

(f) "Military leather" means leather meeting any military specifications in force at the time.

(g) "DO rated order" means an order for leather bearing a DO rating issued pursuant to Part 11 of this chapter. (NPA Reg. 2)

(h) "NPA" means National Production Authority in the Department of Commerce.

§ 76.3 *Restrictions on tanning of horsehide fronts.* Unless specifically directed by NPA, no tanner shall put into process or continue to process, and no converter shall cause to be put into process, any horsehide front except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any horsehide front which is not capable of being processed into military leather.

§ 76.4 *Restrictions on tanning or dressing of deerskins.* Unless specifically directed by NPA, no tanner or dresser shall put into process, or continue to process, and no converter shall cause to be put into process, any deerskin except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any deerskin which is not capable of being processed into milltary leather.

§ 76.5 *Restrictions on sale and use of horsehide front leather and deerskin leather.* Unless specifically directed by NPA, no person shall sell, deliver, accept delivery of or incorporate into any product for commercial purpose, except for DO rated orders, any horsehide front leather or deerskin leather suitable for military leather.

§ 76.6 *Exception.* This part shall not prohibit the completion of the production and delivery of materials or products containing horsehide front leather or deerskin leather in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot without excessive loss of yield be used in connection with DO rated orders.

§ 76.7 *Adjustments and exceptions.* Any person affected by any provision of this part may file with NPA a request for adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

§ 76.8 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this part shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

• § 76.9 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref. M-29.

§ 76.10 *Violations.* Any person who willfully violates any provision of this part or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on January 17, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-1072; Filed, Jan. 18, 1951; 1:15 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 36—UNMAILABLE MATTER

FIREARMS

In § 36.7 *Postmaster not to give opinion on questionable matter* (39 CFR 36.7) amend paragraph (b) to read as follows:

(b) *Firearms.* (1) Where there is doubt as to the mailability under § 36.12 of unloaded firearms proposed to be mailed by postal patrons, the question, with a complete statement of the facts, shall be submitted to the Solicitor for the Post Office Department for instructions.

(2) Where domestic parcels containing firearms are found in the mails in violation of § 36.12, the facts shall be reported to the Inspector in Charge of the division in which the office of mailing is located, and the firearms retained pending receipt of instructions issued by the Inspector in Charge as to their disposition. In cases where such parcels were mailed outside the United States, the report shall be made to the Inspector in Charge of the division within which the parcel is found in the mails.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-959; Filed, Jan. 19, 1951; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Amdt. 1 to Supp. 21]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART C—CHARTER OF WAR-BUILT VESSELS TO CITIZENS

NET VOYAGE PROFIT

Procedure to be followed by charterers in the rendition to the Commission (now Maritime Administration, Department of Commerce) of final accountings under WARSHIPDEMISEOUT 203 and SHIPSALESDEMISE 303 bare-boat charter agreements.

It is ordered, That § 299.37–4 *Net voyage profit* in subpart C of this chapter (General Order 60, Supplement 21) published in the FEDERAL REGISTER issue of March 30, 1950 (15 F. R. 1792) is hereby amended by adding at the end thereof two additional paragraphs which read as follows:

(d) *Adjustments in absence of physical inventories.* Except in instances where physical inventories satisfactory to the Owner were taken at the end of each accounting period with respect to which a separate determination of additional charter hire is required to be made,

(1) The value of the inventory of subsistence stores, consumable stores,

fuel, water, and slop chest items on board at the time of delivery of the vessel to the Charterer shall be charged in Account 060—Stores, Supplies and Equipment Aboard Vessels—and the value of the inventory of subsistence stores, consumable stores, fuel, water, and slop chest items on board at the time of redelivery of the vessel to the Owner shall be credited in the same account, and

(2) The difference between the value of such delivery inventory and the value of such redelivery inventory shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner,

Provided, That, if in any instance the application of this procedure produces a disproportionate result with respect to expenses chargeable to the first voyage following delivery of a vessel to the Charterer or the last voyage preceding its redelivery to the Owner, the Maritime Administration will determine in each such instance the fair and reasonable basis for the allocation of the difference between the delivery and redelivery inventory.

For the purpose of this section, (i) the value of the delivery inventory shall be the price at which such inventory was purchased by the Charterer from the Owner, on delivery, and (ii) the value of the redelivery inventory shall be computed at the market price current at the port and the time of redelivery, unless the vessel is redelivered at a port other than the port of original redelivery pursuant to the terms of the addendum permitting the Owner, at its option, to require redelivery at a port other than the port of delivery, in which case the redelivery inventory shall be priced on the basis of the market price current at the original port of redelivery as at the time redelivery at such port would have been effected if the Owner had not exercised its option to change the port of redelivery. If, prior to redelivery, the Charterer notifies the Owner of its intention to dispose thereof, the value of the redelivery inventory shall be deemed to be the net proceeds realized from the disposition of such inventory in accordance with Operations Regulation No. 127.

(e) *Adjustment of priced differences between delivery and redelivery inventory lists; expendable equipment.* The value of priced differences between the itemized lists of expendable equipment upon delivery and redelivery shall be distributed proportionately on a daily basis over the entire period commencing with the date of delivery of the vessel to the Charterer and ending with the date of its redelivery to the Owner.

(Sec. 204, 49 Stat. 1987, as amended, sec. 5, 55 Stat. 44, as amended, sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App., 1275, 1745. Reorg. Plan No. 21 of 1950, 15 F. R. 3178)

Dated: January 8, 1951.

E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 51-1030; Filed, Jan. 19, 1951; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REQUIREMENT OF CORPORATIONS TO FURNISH INFORMATION RETURNS WITH RESPECT TO ALL PAYMENTS OF DIVIDENDS, AND TO EXTEND DATE FOR FILING INFORMATION RETURNS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62, 148, and 3791 of the Internal Revenue Code (53 Stat. 32, 65, 467; 26 U. S. C. 62, 148, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Regulations 111 (26 CFR Part 29) are hereby amended as follows:

PARAGRAPH 1. Section 29.147–1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by striking out "February 15" in the first sentence, and by inserting in lieu thereof the following: "February 28".

PAR. 2. Section 29.147–7, as amended by Treasury Decision 5687, is further amended by striking out "February 15" in the second sentence, and by inserting in lieu thereof the following: "February 28".

PAR. 3. Section 29.147–8, as amended by Treasury Decision 5687, is further amended by striking out "February 15" in the first paragraph, and by inserting in lieu thereof the following: "February 28".

PAR. 4. Section 29.148–1 (a) as amended by Treasury Decision 5687, is further amended as follows:

(A) By revising the first sentence thereof to read as follows: "Except as provided in paragraph (b) of this section, every domestic corporation or foreign corporation engaged in business within the United States or having an office or place of business or a fiscal or paying agent in the United States, making payments of dividends and distributions (other than distributions in liquidation) to any shareholder who is an individual (citizen or resident of the United States), a resident fiduciary, or a resident partnership any member of which is a citizen or resident, shall render an information return on Forms 1096 and 1099, except that for calendar years preceding 1951, such return shall be rendered only in the case of payments amounting to $100 or more during each calendar year."

(B) By striking out "February 15" in the last sentence of the first paragraph, and by inserting in lieu thereof the following: "February 28".

PAR. 5. Section 29.148–3, as amended by Treasury Decision 5687 is further amended by striking out "February 15" in the first sentence of the second paragraph, and by inserting in lieu thereof the following: "February 28".

[F. R. Doc. 51-1026; Filed, Jan. 19, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering a proposed revision, as hereinafter set forth, of the rules and regulations (7 CFR 936.100 et seq. Subpart—Rules and Regulations; 15 F. R. 236, 3250) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed revision of the rules and regulations should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the fifteenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed revision of the rules and regulations has been recommended by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order and would:

a. Require each handler, upon request, to report to the manager of the Control Committee the quantity of his storage holdings of Bartlett pears; and

b. Amend the reporting requirements with respect to plums held in storage.

The proposed revision is as follows:

Amend the provisions of paragraphs (a) *Bartlett pears* and (b) *Plums* of § 936.109 *Reports* (7 CFR 936.109; 15 F. R. 3250) to read as follows:

§ 936.109 *Reports*—(a) *Bartlett pears*—(1) *Report of daily shipments.* Each shipper who ships Bartlett pears shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The time of departure of each shipment of Bartlett pears from specified railroad points, (ii) the time of shipment of each car of Bartlett pears, (iii) the name of the shipper, (iv) the car number, (v) the number of packages of such pears (or the equivalent thereof in weight) by grades and sizes in each shipment, (vi) the point of origin, and (vii) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall also include any diversion of the shipment of any carload of Bartlett pears made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event any such shipment includes Bartlett pears for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the aforesaid manifest or on separate reports.

(2) *Report of Bartlett pears held in storage.* Each shipper who has Bartlett pears under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request an accurate report containing the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of such Bartlett pears in storage outside the State of California, and in storage in the State of California for a period in excess of 5 days.

(b) *Plums*—(1) *Report of daily shipments.* Each shipper who ships plums shall furnish, or authorize any or all railroad companies and transportation companies to furnish, to the manager of the Control Committee complete daily information stating: (i) The name of the shipper, (ii) the car number, (iii) the number of packages by variety and size (or the equivalent thereof), (iv) the weight of each shipment, (v) the point of origin, and (vi) the destination. The foregoing information is to be reported promptly and substantiated by a copy of the manifest covering the shipment or a recapitulation of the manifest. The daily information shall include any diversion of the shipment of any carload of plums made through any or all agencies as soon as possible after filing such diversion with any common carrier. In the event the shipment includes plums for which exemption certificates have been issued, information concerning the name of the grower for whom such exempted fruit has been shipped shall be included either on the manifest or on separate reports.

(2) *Report of plums held in storage.* Each shipper who has plums under refrigeration in a storage warehouse shall, upon request, file with the manager of the Control Committee within the time specified in the request, an accurate report contafning the following information:

(i) The name and address of the shipper;

(ii) The total quantity, as of the date specified in the request, of each variety of such plums in storage in the State of California, and the portion of such quantity which has been in such storage for a period less than 60 hours; and

(iii) The total quantity of each variety of such plums in storage outside of the State of California as of such date.

Issued this 17th day of January 1951.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1031; Filed, Jan. 19, 1951; 8:54 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR, Part 202]

PREVAILING MINIMUM WAGE FOR FLOUR AND CEREAL PREPARATIONS INDUSTRY

NOTICE OF CHANGE OF HEARING DATE

On December 27, 1950, notice was published in the FEDERAL REGISTER that a public hearing would be held on January 30, 1951, at 10:00 a. m., in Room 1214, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, for the purpose of determining the prevailing minimum wage in the Flour and Cereal Preparations Industry pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35–45).

Notice is hereby given that the date of the proposed hearing is changed to March 6, 1951.

Signed at Washington, D. C., this 16th day of January 1951.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 51-983; Filed, Jan. 19, 1951; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Part 62]

[File No. 21-120]

PUBLIC REFRIGERATED STORAGE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the public refrigerated storage industry (which constitute a proposed revision of the trade practice rules for the commercial cold storage industry as promulgated by the Commission on November 9, 1931), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief; or other communication, to be filed with the Commission not later than February 8, 1951. Opportunity to be heard orally will be afforded at the hearing beginning at 9:30 a. m., February 8, 1951, in the Hotel Statler, Boston, Massachusetts, to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Issued: January 17, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-984; Filed, Jan. 19, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 89]

FIELD ORGANIZATION

AMERICAN CONSULATE GENERAL, DUSSELDORF, GERMANY

Notice is hereby given that the Field Organization of the Department of State, as published in the FEDERAL REGISTER for May 3, 1950 (15 F. R. 2498), is amended as follows:

Effective December 27, 1950, the American Consulate General at Dusseldorf, Germany, was opened to the public.

For the Secretary of State.

H. J. HENEMAN,
Director, Management Staff.

JANUARY 15, 1951.

[F. R. Doc. 51-963; Filed, Jan. 19, 1951; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52647]

FISH

TARIFF-RATE QUOTA

JANUARY 16, 1951.

The tariff-rate quota for the calendar year 1951 on certain fish dutiable under paragraph 717 (b), Tariff Act of 1930, as modified pursuant to the General Agreement on Tariffs and Trade (T. D. 51802).

In accordance with the proviso to item 717 (b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish, in the 3 years preceding 1951, calculated in the manner provided for in the cited agreement, was 194,932,053 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1951 at the reduced rate of duty established pursuant to that agreement is, therefore, 29,239,808 pounds.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51-1024; Filed, Jan. 19, 1951; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

AMERICAN-EGYPTIAN COTTON

NOTICE OF PRICE SUPPORT FOR 1951

Notice is hereby given that the price of 1951-crop Amsak and Pima 32 varieties of American-Egyptian cotton will be supported in order to increase the production of such American-Egyptian cotton in the interest of national security. It appears that price support at a level higher than 90 percent of the parity price of American-Egyptian cotton as of the beginning of the marketing year will be necessary in order to obtain the desired production. On the basis of the latest facts and information available to the Department, it is believed that a support level of approximately $1.04 per pound for Grade No. 2, 1½ inches in length, with appropriate differentials for other grades and staples, will be necessary.

As provided in section 402 of the Agricultural Act of 1949, notice is hereby given that a public hearing will be held at the Adams Hotel, Phoenix, Arizona, at 10 a. m. on January 25, 1951. The purpose of the hearing is to receive oral or written evidence with respect to the level of support necessary to obtain the increase of production of the above-mentioned varieties of American-Egyptian cotton needed for national security. All written evidence and exhibits introduced at the hearing should be submitted in duplicate.

The Administrator, Production and Marketing Administration, is hereby authorized to designate the officer or officers to preside at the hearing.

Issued this 18th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1075; Filed, Jan. 19, 1951; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CARRIERS COMPRISING FERN LINE JOINT SERVICE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7655–1, between the carriers comprising the Fern Line Joint Service, amends approved Joint Service Agreement No. 7655 by changing the trade names under which the joint service shall be maintained in certain of the trades in which it operates. Agreement 7655 covers the trades between U. S. Atlantic, Gulf and Pacific ports and ports in the Far East; between U. S. Atlantic and Gulf ports and Portugal, Spain, Morocco, and ports on the Gulf of Taranto and on the Mediterranean, Adriatic, Aegean, and Black Seas; and between Canadian Atlantic and St. Lawrence ports, U. S. Atlantic and Gulf ports, and West African ports and islands adjacent thereto.

Agreement No. 7745–1, between Farrell Lines Incorporated (feeder service operator) and Mississippi Shipping Company, Inc. (ocean service operator), changes the basis for division of the through freight between said operators under agreement 7745 which covers transportation of cargo under through bills of lading between Harbel, Liberia, and United States Gulf ports, with transshipment at Monrovia, Liberia.

Agreement No. 7746–1, between Farrell Lines Incorporated (feeder service operator) and Elder Dempster Lines, Ltd. (ocean service operator), changes the basis for division of the through freight between said operators under agreement 7746 which covers transportation of cargo under through bills of lading between Harbel, Liberia, and United States Atlantic ports, with transshipment at Monrovia, Liberia.

Agreement No. 7747–1, between Farrell Lines Incorporated (feeder service operator) and the carriers comprising the Barber-West African Line joint service (ocean service operator), changes the basis for division of the through freight between said operators under agreement 7747 which covers transportation of cargo under through bills of lading between Harbel, Liberia, and United States Atlantic ports, with transshipment at Monrovia, Liberia.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: January 17, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-1029; Filed, Jan. 19, 1951; 8:54 a. m.]

Office of the Secretary

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS AND DUTIES

Effective January 15, 1951, the Administrator of Civil Aeronautics is authorized to exercise the powers vested in the Secretary of Commerce by Public Law 858, 81st Congress, an act authorizing the Secretary of Commerce to delegate to properly qualified private persons certain functions relating to examination, inspection and testing necessary to the issuance of certificates under title VI of the Civil Aeronautics Act of 1938, as amended, and the issuance of such certificates; and to prescribe certain conditions governing the performance of such functions as are delegated. The Administrator is further authorized to redelegate to officers and employees of the Civil Aeronautics Administration the authority to exercise particular powers herein assigned the Administrator.

(R. S. 161; 5 U. S. C. 22; and Reorg. Plan No. 5 of 1950)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-982; Filed, Jan. 19, 1951; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

IRON AND STEEL MILL INDUSTRY

REQUEST FOR STABILIZATION OF PRICES

Pursuant to sections 402 and 708 of the Defense Production Act of 1950 (Pub. Law 774, 81st Congress) and sections 401 and 701 of Executive Order 10161 (15 F. R. 6105), consultations have been had with representatives of the iron and steel mill industry who have voluntarily agreed to a program of price stabilization in that industry; the Attorney General and the Chairman of the Federal Trade Commission have been consulted in this matter and the approval of the Attorney General has been obtained. The Economic Stabilization Administrator hereby finds that the establishment of such program will be in the public interest as contributing to the national defense. Accordingly, the following request for the establishment of such program is hereby issued and published:

The Economic Stabilization Administrator and the Director of Price Stabilization hereby request that, until further notice from the Economic Stabilization Agency and while the Defense Production Act of 1950 is in effect, the members of the iron and steel mill industry make no increase in the price of the following materials over the price in effect on January 15, 1951, without first giving notice to the Economic Stabilization Agency twenty days in advance of the effective date of such increase:

1. The following carbon, stainless and other alloy steel products:
   - Ingots, blooms, billets, slab tube rounds, die blocks, sheet and tin bars.
   - Structural shapes and piling.
   - Plates (universal and sheared) including skelp.
   - Rails and truck accessories.
   - Hot rolled bars—except concrete reinforcing bars but including forged, galvanized, and wrought iron bars.
   - Concrete reinforcing bars (unfabricated).
   - Cold finished bars.
   - Sheet and strip, hot rolled.
   - Sheet and strip, cold reduced.
   - Tin mill black plates, tin plate and terne plate.
   - Sheets and strip, all other.
   - Welded tubing.
   - Seamless tubing.
   - Tool steel, including drill rod.
   - Wire rope and strand.
2. The following carbon and alloy steel products: Standard and line pipe, water well tubular products, and couplings (includes steel and wrought iron pipe):
   - Oil country casing, tubing, drill pipe, and couplings.
   - Galvanized, lead coated, or painted sheet and strip (including galvanized flat sheets purchased for the manufacture of roofing and siding) formed roofing and siding (painted, black, galvanized, or lead coated) valley, ridge roll, and flashing, prime scheduled rolling only.
   - Nails (cut and wire), fence and netting staples.
   - Wire, drawn.
   - Wire bale ties.
   - Wire (barbed and twisted) and wire fence (woven or welded).
   - Wire netting.
   - Fence posts.
   - Welded wire concrete reinforcing mesh.

The price in effect means the highest price for the same material sold by the selling mill during the period of one month immediately preceding January 15, 1951, or, if the material was not sold during that period, then the last price at which the material was offered for sale during that period.

In determining the price in effect, the selling mill is requested not to change its customary business practices (such as price differentials for different classes of purchasers, customary allowances, terms and conditions of sale, and other settled business practices) in such a way as to increase the net return to the selling mill.

ALAN VALENTINE,
Economic Stabilization Administrator.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-1135; Filed, Jan. 19, 1951; 11:39 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1570]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 16, 1951.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation of Owensboro, Kentucky, filed on December 26, 1950, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a new 3960 hp. compressor station to be located on Applicant's main 20-inch pipeline near Shreveport, Louisiana.

The proposed facilities will increase the quantity of natural gas that can be pumped through Applicant's main 20-inch pipeline from the Carthage field, Texas, from approximately 190,000 Mcf per day to 238,000 Mcf per day. Applicant proposes to use the increased capacity for peak day requirements and interruptible sales.

The estimated cost of construction is $1,046,000, to be financed from funds on hand and short term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-960; Filed, Jan. 19, 1951; 8:45 a. m.]

[Docket No. G-1499]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On September 29, 1950, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 14, 1950 (15 F. R. 6922).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 6, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 16, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-961; Filed, Jan. 19, 1951; 8:45 a. m.]

[Docket No. G-1553]

CANADIAN RIVER GAS CO.

ORDER FIXING DATE OF HEARING

On December 11, 1950, Canadian River Gas Company (Applicant), a Delaware Corporation with its principal place of business at Amarillo, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the continued use and operation of certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the

FEDERAL REGISTER on December 30, 1950 (15 F. R. 9538).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 2, 1951, at 9:30 o'clock a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 16, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-962; Filed, Jan. 19, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25748]

PETROLEUM PRODUCTS FROM NEW ORLEANS AND BATON ROUGE, LA., TO MISSISSIPPI

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for Illinois Central Railroad Company and other carriers named in the application.

Commodities involved: Gasoline, petroleum distillate fuel oil and certain other petroleum products, in tank-car loads.

From: Baton Rouge-New Orleans, La., district.

To: Brookhaven, Columbia, Hattiesburg, Laurel, and certain other specified points in Mississippi.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 195.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-975; Filed, Jan. 19, 1951; 8:46 a. m.]

[4th Sec. Application 25749]

FERTILIZER MATERIALS FROM BRAITHWAITE, LA., TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Gulf, Mobile and Ohio Railroad Company, Louisiana Southern Railway Company and Mississippi Central Railroad Company.

Commodities involved: Fertilizer materials, in carloads (import traffic).

From: Braithwaite, La.

To: Hattiesburg, Miss.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 962, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-976; Filed, Jan. 19, 1951; 8:46 a. m.]

[4th Sec. Application 25750]

CREOSOTE OIL FROM GULFPORT, MISS., TO OLIVER, LA.

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Fernwood, Columbia & Gulf Railroad Company and Illinois Central Railroad Company.

Commodities involved: Oil, creosote, in carloads.

From: Gulfport, Miss.

To: Oliver, La.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-977; Filed, Jan. 19, 1951; 8:46 a. m.]

[4th Sec. Application 25751]

MAGAZINES AND PERIODICALS FROM LOUISVILLE, KY., TO THE EAST

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Magazines and periodicals, carloads.

From: Louisville, Ky.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a

hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-978; Filed, Jan. 19, 1951; 8:47 a. m.]

[4th Sec. Application 25752]

CHICORY FROM PORT HURON, MICH., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Chicory, crushed or ground, carloads.

From: Fort Huron, Mich.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-979; Filed, Jan. 19, 1951; 8:47 a. m.]

[4th Sec. Application 25754]

CAST IRON PIPE IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: P. F. Scola, Alternate Agent, and I. N. Doe, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-848.

Commodities involved: Pipe, cast iron pressure, and fittings, carloads.

From: Burlington, Florence and Phillipsburg, N. J., Boston, Mass., Lynchburg and Radford, Va., Coshocton, Dayton, Newcomerstown and Warren, Ohio.

To: Points in official territory, excluding northern Illinois, southern Wisconsin and extended zone "C" in Wisconsin.

Grounds for relief: Circuitous routes, competition with motor carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
B & M RR	A-3001	27
	A-3002	33
C R R of N J	G-5780	43
D L & W RR	24016	41
	24041	78
L V RR	C-8328	61
N Y C (B)	(B & A) 9455	36
	(B & A) 9458	71
N Y N H & H RR	E-3095	73
	F-3099	18
	F-4105	23
P R R	2000	139
	2043	57
	2104	73
	2307	123
	2510	117
Agents		
C. W. Boin	A-686	104
I. N. Doe	272	98
R. B. LeGrande, Alt	202	119
	230	38
L. C. Schuldt	3388	147
	3422	186

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-981; Filed, Jan. 19, 1951; 8:47 a. m.]

[4th Sec. Application 25753]

ZINC AMMONIUM CHLORIDE FROM CHICAGO, ILL., TO OHIO AND WEST VIRGINIA

APPLICATION FOR RELIEF

JANUARY 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to B. & O. RR. tariff I. C. C. No. WL-10833 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Zinc ammonium chloride, in tank-car loads.

From: Chicago, Ill.

To: Steubenville, Ohio and Weirton, W. Va.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-980; Filed, Jan. 19, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF POWER LINES

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress) authority is hereby delegated to the Secretary of the Interior to exercise the following authority without regard to regulations and circulars of the General Services Administration in connection with excess power lines of the Department of the Interior:

(a) To determine such property surplus, provided, however, that such determination shall in no event be made without prior screening by the Department of Defense, Munitions Board.

(b) To dispose of such surplus property.

2. The authority delegated herein may be re-delegated to any officer or employee of the Department of the Interior.

3. This delegation of authority shall be effective as of the date hereof.

Dated: January 16, 1951.

JESS LARSON, *Administrator.*

[F. R. Doc. 51-1022; Filed, Jan. 19, 1951; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

DENVER BROKERAGE CO.

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Denver Brokerage Company, 1721 Stout Street, Denver, Colorado.

The Commission having by order dated November 27, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Denver Brokerage Company, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8254, Volume 15,

It is ordered, That said order of November 27, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-964; Filed, Jan. 19, 1951; 8:45 a. m.]

MALCOLM L. ENO

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Malcolm L. Eno, 1510 South Cascade Avenue, Colorado Springs, Colorado.

The Commission having by order dated November 15, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Malcolm L. Eno, which order provided an opportunity for hearing on December 4, 1950, with respect to the question of revocation; and

Said order having been published in the November 22, 1950, issue of the FEDERAL REGISTER, at page 7997, Volume 15,

It is ordered, That said order of November 15, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-965; Filed, Jan. 19, 1951; 8:45 a. m.]

STANLEY H. INGALLS

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the Matter of Stanley H. Ingalls, Apartment 306, Haines Studio, Rapid City, South Dakota.

The Commission having by order dated November 27, 1950 instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Stanley H. Ingalls, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8256, Volume 15,

It is ordered, That said order of November 27, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-966; Filed, Jan. 19, 1951; 8:45 a. m.]

HENRY M. MARKS

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Henry M. Marks, National State Bank Building, Boulder, Colorado.

The Commission having by order dated November 28, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Henry M. Marks, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8254, Volume 15,

It is ordered, That said order of November 28, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-967; Filed, Jan. 19, 1951; 8:45 a. m.]

M. C. RUTHERFORD & CO.

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of M. C. Rutherford & Company, 926 Exchange Street, Rochester, New York.

The Commission having by order dated November 27, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of M. C. Rutherford & Company, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8255, Volume 15,

It is ordered, That said order of November 27, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-968; Filed, Jan. 19, 1951; 8:45 a. m.]

J. E. ST. CLAIR CO.

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of James Edward St. Clair, dba, J. E. St. Clair Company, 70 Pine Street, New York City, N. Y.

The Commission having by order dated November 28, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of James Edward St. Clair, doing business as J. E. St. Clair Company, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8253, Volume 15,

It is ordered, That said order of November 28, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-969; Filed, Jan. 19, 1951; 8:45 a. m.]

ARTHUR STEWART

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Arthur Stewart, 504 Symes Building, Denver, Colorado.

The Commission having by order dated November 15, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Arthur Stewart, which order provided an opportunity for hearing on December 4, 1950, with respect to the question of revocation; and

Said order having been published in the November 22, 1950, issue of the FEDERAL REGISTER, at page 7998, Volume 15,

It is ordered, That said order of November 15, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-970; Filed, Jan. 19, 1951; 8:45 a. m.]

ROSS-WOOD CO.

ORDER PROVIDING NEW DATE FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Thomas E. Wood, dba, Ross-Wood Company, 90 State Street, Albany, New York.

The Commission having by order dated November 27, 1950, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke the broker-dealer registration of Thomas E. Wood, doing business as Ross-Wood Company, which order provided an opportunity for hearing on December 15, 1950, with respect to the question of revocation; and

Said order having been published in the December 2, 1950, issue of the FEDERAL REGISTER, at page 8255, Volume 15,

It is ordered, That said order of November 27, 1950, be and it is hereby incorporated herein by reference; and

It is further ordered, That the date for hearing be changed to February 15, 1951, and that this order be served on the registrant personally or by registered mail forthwith and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 15, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-971; Filed, Jan. 19, 1951; 8:46 a. m.]

[File No. 70-2524]

SOUTHERN NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of January A. D. 1951.

Southern Natural Gas Company ("Southern"), a registered holding company, having filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, with respect to the following proposed transactions:

Southern proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $17,500,000 principal amount of its First Mortgage Pipe Line Sinking Fund Bonds __ percent Series due 1970 ("New Bonds"). The coupon rate per annum for the New Bonds (to be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by Southern for the New Bonds (to be not less than 100 percent nor more than 102¾ percent of the principal amount of such New Bonds) are to be determined by the competitive bidding. It is proposed to issue the New Bonds under Southern's Indenture of Mortgage dated as of June 1, 1948, as modified by supplemental indentures including a proposed Supplemental Indenture to be dated as of December 1, 1950.

Southern further proposes to issue and sell without underwriting 155,546 additional shares of its common stock with a par value of $7.50 per share ("New Stock") upon the exercise of transferable subscription warrants to be issued pro rata to Southern's stockholders in the ratio of one share of New Stock for each ten shares of present common stock held of record on January 30, 1951, at a price to be fixed by the Board of Directors of Southern. Such warrants will expire on February 16, 1951. Each warrant will also give the holder the additional privilege of subscribing, at the same price, for additional shares of New Stock, subject to allotment, out of the shares, if any, not taken for subscription on the basis described above.

Southern proposes to use the proceeds from the sale of the New Bonds and New Stock to prepay, at the principal amount plus accrued interest, its 2 percent notes due July 1, 1951, presently outstanding in the principal amount of $20,000,000 (the previous sale of said notes having constituted temporary financing of Southern's construction program) and to provide additional construction funds.

The said declaration having been filed on November 1, 1950, and amendments thereto having been subsequently filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission having received no request for a hearing with respect to said declaration, as amended, within the period specified in said notice, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, subject to the terms and conditions specified below; and the Commission further deeming it appropriate to grant the request of the declarant that the Commission shorten the period provided by Rule U-50 for invitation of bids for the New Bonds so that bids may be opened on January 23, 1951, and that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and to the further condition that the proposed issue and sale of New Bonds by Southern shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That the ten-day notice period provided by Rule U-50, for invitation of bids, be, and the same hereby is, shortened to a period of not less than six days.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-972; Filed, Jan. 19, 1951; 8:46 a. m.]

[File No. 70-2540]

CENTRAL ILLINOIS PUBLIC SERVICE CO. ET AL.

INTERIM ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of January 1951.

In the matter of Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company, Middle South Utilities, Inc., Union Electric Company of Missouri, File No. 70-2540.

Central Illinois Public Service Company ("Central"), a public utility company, Illinois Power Company ("Illinois"), a registered holding company and a public utility company, Kentucky Utilities Company ("Kentucky"), a registered holding company and a public utility company, Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Union Electric

Company of Missouri ("Union"), a registered holding company and a public utility subsidiary of The North American Company, also a registered holding company, have filed a joint application with amendments thereto, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act"), regarding the acquisition of 35,000 shares of the common stock of Electric Energy, Inc. ("Electric Energy"), an Illinois corporation which the applicants have caused to be organized as a public utility company for the purpose of supplying in part, the electric energy requirements of a project to be constructed by the Atomic Energy Commission.

The aggregate cash consideration for said shares is to be $3,500,000 and said shares will be divided among the applicants in the following respective amounts: Central 7,000 shares, Illinois 7,000 shares, Kentucky 3,500 shares, Middle South 3,500 shares and Union 14,000 shares.

Central, Illinois and Kentucky have also applied, pursuant to section 2 (a) (7) of the act, for an order declaring them not to be holding companies with respect to Electric Energy.

Said joint application, as amended, having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the record in the matter and having filed this day its memorandum opinion herein and subject to the conditions and reservations of jurisdiction hereinafter set forth:

It is ordered, Pursuant to Rule U-23 and said memorandum opinion that the joint application, as amended, pursuant to sections 9 and 10 of the act be and it is hereby granted, as to all applicants other than Central, and dismissed as to Central, all subject to the conditions contained in Rule U-24 and to the following additional terms and conditions:

(A) That this order and the findings supporting it are made in the light of the present urgent problems of national defense which gave rise to the application; that the Commission therefore reserves jurisdiction to reopen these proceedings upon notice to the applicants and to reexamine its findings under section 10 when in its opinion such reexamination shall be appropriate; and that this order is without prejudice to any order which may be entered upon such reexamination;

(B) That upon the giving of such notice the applicants shall amend their joint application so as to bring before the Commission the facts as they then exist; that in such reopened proceedings the applicants shall not make any argument to the effect that the Commission, by making findings in the present setting of urgent demands of national defense, has decided the issues under section 10 which may be presented in the reopened proceedings, but will nevertheless be free to present evidence and to make arguments with respect to the facts as they then exist; and that if the Commission after such further proceedings shall order any one or more of the applicants to dispose of its or their stock of Electric Energy, such applicant or applicants will proceed forthwith to take such steps as may be appropriate to dispose of its or their holdings of common stock of Electric Energy within such time and in such manner as shall be provided in the final order of the Commission, without prejudice to its or their right to seek review of such order.

It is further ordered, That jurisdiction be and it is hereby reserved to consider the applications of Central, Illinois, and Kentucky pursuant to section 2 (a) (7) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-974; Filed, Jan. 19, 1951; 8:46 a. m.]

[File No. 812-649]

PENNROAD CORP.

NOTICE OF APPLICATION TO AMEND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of January A. D. 1951.

Notice is hereby given that The Pennroad Corporation, a registered investment company under the Investment Company Act of 1940 has filed an amended application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the act regarding the amendment of the bonus plan covering all full time, regular, salaried officers and employees of the company meeting certain requirements as to age and service.

The only change by the amendment to the bonus plan is the reduction of the minimum age qualification from 30 years of age to 21 years of age which will increase the number of persons eligible thereunder from 15 to 19, however, other persons may become subject to the plan in the future upon meeting the eligibility requirements. The bonus plan as amended will cover all full time, regular, salaried officers and employees of the applicant who are at least 21 years of age, who were employed by the applicant prior to age 58 and who have completed two years of service by the end of the bonus year. The bonus plan provides bonuses based upon the increase in net asset value of the company after provision for minimum accomplishment objectives which accumulate.

All interested persons are referred to said amended application which is on file in the Washington, D. C., office of this Commission for a detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the said amended application may be issued by the Commission at any time after the 29th day of January 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 26th day of January 1951 at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-973; Filed, Jan. 19, 1951; 8:46 a. m.]

[File No. 70-2547]

MALDEN AND MELROSE GAS LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of January A. D. 1951.

In the matter of Malden and Melrose Gas Light Company, New England Power Company, Southern Berkshire Power & Electric Company, File No. 70-2547.

Notice is hereby given that Malden and Melrose Gas Light Company ("Malden and Melrose"), New England Power Company ("NEPCO") and Southern Berkshire Power & Electric Company ("Southern Berkshire"), all subsidiaries of New England Electric System ("NEES"), a registered holding company, have filed with this Commission separate declarations under section 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than January 29, 1951, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declarations proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 29, 1951, said declarations, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declarations which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The three declarant companies propose during the three months ending March 31, 1951, to issue to certain banks, pursuant to bank letter agreements, notes in the aggregate amounts shown in the following table. The table also shows, among other things, the maximum amounts of notes which may be outstanding at any one time under the bank letter agreements and the amounts of such notes outstanding at January 1, 1951.

	Amounts proposed to be issued up to Mar. 31, 1951	Outstanding Jan. 1, 1951	Maximum amounts which may be outstanding at any one time	Estimated amounts	
				To be retired by Mar. 31, 1951	To be outstanding Mar. 31, 1951
NEPCO	[1] $5,500,000	$7,500,000	$10,500,000	$10,500,000	[1] $2,500,000
Malden and Melrose	100,000	850,000	1,000,000		950,000
Southern Berkshire	50,000	350,000	500,000		400,000

[1] NEPCO states that borrowings by that company would be reduced by $1,500,000 in the event of a bond issue of $12,000,000 principal amount, and the balance at Mar. 31, 1951, of notes payable would thereby be reduced to $1,000,000.

Under the bank letter agreements (see Holding Company Act Releases Nos. 8253, 9527 and 10182), the notes proposed to be issued by NEPCO, like its notes presently outstanding, would bear interest at a rate of 2¼ percent and mature May 31, 1951, and the notes proposed to be issued by Malden and Melrose and by Southern Berkshire, like the notes of these two companies presently outstanding, would bear interest at a rate of 2½ percent and mature May 31, 1951. NEPCO states that it has entered into a supplemental agreement extending its prior bank letter agreement from December 31, 1950, to March 31, 1951. The existing agreements of Malden and Melrose and of Southern Berkshire extend to May 31, 1951. Under each of the three agreements the commitment fee is ½ of 1 percent per annum of the average daily unborrowed balance of the commitment.

Each of the declarant companies proposes that if any permanent financing is done before the maturity of the notes issued under bank letter agreements, exclusive of permanent financing which replaces indebtedness to NEES, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the balance of such notes then unissued, if any, pursuant to the declarations herein, or to any order of this Commission with reference thereto, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding. NEPCO states that it plans to issue $12,000,000 of bonds, the proceeds of which it assumes will be realized early in March 1951, and it estimates that $10,500,000 of such proceeds will be used to pay off its total bank debt then outstanding. NEPCO states that the balance of the proceeds, $1,500,000 will be used to pay construction costs in March 1951 but, as it is estimated that a total of $2,500,000 will be needed in that month, it will be necessary to borrow the balance of $1,000,000.

The three declarant companies state that the proposed transactions have as their purpose the temporary financing of construction through March 31, 1951, or until such earlier time as permanent financing is arranged, and to replenish any depletion of working capital occasioned by construction of property already in progress. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by declarants as $600 for NEPCO and $200 each for Malden and Melrose and for Southern Berkshire. In addition NEPCO proposes to reimburse The First National Bank of Boston, as agent under the bank letter agreement for out-of-pocket expenses, including counsel fees, incurred in connection with the supplemental agreement, estimated to be $200 and miscellaneous expenses, including printing, estimated to be $100.

Declarants request that the Commission's orders herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1063; Filed, Jan. 19, 1951; 8:56 a. m.]

[File No. 70-2556]

WEYMOUTH LIGHT AND POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of January A. D. 1951.

Notice is hereby given that Weymouth Light and Power Company ("Weymouth"), a subsidiary of New England Electric System ("NEES"), a registered holding company, has filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than January 29, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 29, 1951, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Weymouth proposes to issue, up to and including March 31, 1951, notes due six months after the date of issue, as follows:

Granite Trust Co., Quincy, Mass.	$75,000
The First National Bank of Boston, Mass.	75,000
	150,000

It is proposed that the notes bear interest at the rate of 2½ percent per annum and that, should the interest rate on any of the notes exceed such amount, Weymouth will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Weymouth to the contrary within said five days, the amendment will become effective at the end of such period.

Weymouth proposes to use such borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Weymouth contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that the notes proposed to be issued will constitute Weymouth's only indebtedness other than current indebtedness incurred in the ordinary course of business. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by Weymouth not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Weymouth requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1064; Filed, Jan. 19, 1951; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16619]

CHARLES OELLRICH ET AL.

In re: Rights of Charles Oellrich et al., under insurance contract. File No. D-28-10336-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Oellrich, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charles Oellrich, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 58 878 968, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Charles Oellrich, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Charles Oellrich or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charles Oellrich, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown of Charles Oellrich, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-987; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16626]

MRS. TANI SAYEGUSA AND TAKEO SAYEGUSA

In re: Rights of Mrs. Tani Sayegusa and Takeo Sayegusa under insurance contract. File No. F-39-6752-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tani Sayegusa and Takeo Sayegusa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,294,027, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Tani Sayegusa, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Tani Sayegusa or Takeo Sayegusa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-989; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16595]

YOSHINO KATAYAMA ET AL.

In re: Rights of Yoshino Katayama et al., under insurance contract. File No. F-39-4430-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshino Katayama and Yoshi Takeoka, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 745 776, issued by the New York Life Insurance Company, New York, New York, to Yoshino Katayama, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of owenrship or control by, Yoshino Katayama or Yoshi Takeoka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-992; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16596]

AUGUSTE LUSTER KAUFFELD

In re: Rights of Auguste Luster Kauffeld under contracts of insurance. Files F-28-28866-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Luster Kauffeld, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 45 139 376 and No. 1 057 164 B, issued by the Metropolitan Life Insurance Company, New York, New York, to Charlotte Luster Betz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-988; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order_16618]

MRS. HIDE NAGAMATSU

In re: Rights of Mrs. Hide Nagamatsu under insurance contract. File No. F-39-5791-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Hide Nagamatsu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Mrs. Hide Nagamatsu under a contract of insurance evidenced by policy No. 1,321,464, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Mrs. Hide Nagamatsu, together with the right to demand, receive and collect said net proceeds, (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United State),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-990; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16622]

TOMOKAZU OTANI

In re: Rights of Tomokazu Otani under insurance contract. F-39-6780-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomokazu Otani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Tomokazu Otani under a contract of insurance evidenced by Policy No. WS-238401, issued by the California-Western States Life Insurance Company, Sacramento, California, to Tomokazu Otani, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

[Vesting Order 16620]

KAZUICHI AND FUKUKO OKAZAKI

In re: Rights of Kazuichi Okazaki and Fukuko Okazaki under insurance contract. File No. F-39-6581-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuichi Okazaki and Fukuko Okazaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1 237 475, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Kazuichi Okazaki, together with the right to demand, receive and collect said net proceeds (including without limita-

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-991; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16627]

FRIDA SCHELLHORN

In re: Rights of Frida Schellhorn under contract of insurance. File No. D-28-10262-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frida Schellhorn, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 19445 issued by the Workmen's Benefit Fund, 714-716 Seneca Avenue, Brooklyn 27, New York, to Anna Holtkamp, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frida Schellhorn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-993; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16628]

ELIZABETH SCHMIDT ET AL.

In re: Rights of Elizabeth Schmidt et al., under insurance contracts. Files No. F-28-24811-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Schmidt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elizabeth Schmidt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 82939549 and 59326855, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elizabeth Schmidt, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Schmidt or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elizabeth Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elizabeth Schmidt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-994; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16689]

MRS. ELISE LUFT

In re: Debts owing to Mrs. Elise Luft. F-28-30658-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Elise Luft, whose last known address is Eichelsdorf, Kr. Schotten, Oberhessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, representing liquidation payments by The United States National Bank of Johnstown, Johnstown, Pennsylvania, and those two (2) checks of the Trustees of The United States National Bank of Johnstown, Johnstown, Pennsylvania, in payment thereof, said checks dated April 1, 1940, and December 31, 1941, and in the amounts of $76.61 and $142.50, respectively, payable to Mrs. Elise Luft, and presently in the custody of the United States National Bank in Johnstown, Johnstown, Pennsylvania, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid checks, including particularly but not limited to the right to possession of and to presentation for payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Elise Luft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-995; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vesting Order 16749]

TAKESUKE TAKESHITA

In re: Stock owned by and debt owing to Takesuke Takeshita. F-39-4793-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takesuke Takeshita, whose last known address is Jizudo Asama Mura, Higashi Yatsushiro-gun, Yamanaski-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. The the property described as follows:

a. Six (6) shares of $25.00 par value common capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered F107028 for five (5) shares and F676478 for one (1) share, registered in the name of Takesuke Takeshita, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Takesuke Takeshita, by Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, representing proceeds from sale of subscription rights, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-996; Filed, Jan. 19, 1951; 8:49 a. m.]

[Vested Order 16827]

GERMANY

In re: Bank Account owned by Germany. F-28-29043-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, entitled Legacion Alemana, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necesary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-997; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16828]

CENTRAL AMERICAN TRADING CO. ET AL.

In re: Property owned by Central American Trading Company, also known as Central American Trading Co., its branches and/or subsidiaries and others. F-28-17626, E-1; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nottebohm & Company, also known as Nottebohm & Co., the last known address of which is 56 Leinpfad, Hamburg 39, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Kurt Nottebohm, whose last known address is San Salvador, El Salvador, is or, since the effective date of Executive Order 8389, as amended, has been acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Co., also known as Nottebohm & Company, and is a national of a designated enemy country (Germany);

3. That Gert Nottebohm, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Claus Nottebohm, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

5. That Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, is a partnership, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Company, also known as Nottebohm & Co., and is a national of a designated enemy country (Germany);

6. That Central American Trading Company, also known as Central American Trading Co., is a partnership, organized under the laws of Nicaragua, whose principal place of business is located at Managua, Nicaragua, which on or since the effective date of Executive Order 8389, as amended, owned and operated branches and/or subsidiaries in, among other places, Lima, Peru, and said partnership, its branches and/or subsidiaries are or, since the effective date of Executive Order 8389, as amended, have been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Company, also known as Nottebohm & Co., and are nationals of a designated enemy country (Germany);

7. That the property described as follows: All property in the United States of Central American Trading Company, also known as Central American Trading Co., or its branches and/or subsidiaries, of any nature whatsoever, including particularly but not limited to the property described as follows:

a. That certain debt or other obligation owing to Central American Trading Company, also known as Central Amer-

ican Trading Co., by the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account, entitled Central American Trading Company, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Central American Trading Company, also known as Central American Trading Co., Managua, Nicaragua, by Joseph G. Hooper Jr. Co., 203 California Street, San Francisco 1, California, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Central American Trading Company, also known as Central American Trading Co., Edef. Weise 504, Casilla 1582, Lima, Peru, by Joseph G. Hooper, Jr. Co., 203 California Street, San Francisco 1, California, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Central American Trading Company, also known as Central American Trading Co., Edef. Weise 504, Casilla 1582, Lima, Peru, by the Foram Management Corporation, 76 Beaver Street, New York, New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Central American Trading Company, also known as Central American Trading Co., its branches and/or subsidiaries, and/or the persons named in subparagraphs 2 to 5, inclusive, hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That Central American Trading Company, also known as Central American Trading Co., its branches and/or subsidiaries, and the persons named in subparagraphs 2 and 5 hereof, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

9. That to the extent that the persons identified in subparagraphs 1 to 6, inclusive, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made, and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-998; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16829]

COMPANIA PLANTACIONES CONCEPCION DE GUATEMALA ET AL.

In re: Property of Compania Plantaciones Concepcion De Guatemala and/or others. F-28-29035-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nottebohm & Co., also known as Nottebohm & Company, the last known address of which is Hamburg, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, is a partnership, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Company, also known as Nottebohm & Co., and is a national of a designated enemy country (Germany);

3. That certain persons, names unknown, are the owners of shares of stock of Compania Plantaciones Concepcion De Guatemala, who, if individuals, there is reasonable cause to believe are residents of Germany, and who, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe are organized under the laws of Germany and have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That Compania Plantaciones Concepcion De Guatemala is a corporation, partnership, association or other business organization, organized under the laws of Guatemala, whose principal place of business is located at 13 Calle Oriente No. 7, Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the persons identified in subparagraphs 1, 2 and 3 hereof, and is a national of a designated enemy country (Germany);

5. That the property described as follows: All property in the United States of Compania Plantaciones Concepcion De Guatemala, of any nature whatsoever, including particularly, but not limited to, the property described as follows: That certain debt or other obligation owing to Compania Plantaciones Concepcion De Guatemala, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Compania Plantaciones Concepcion De Guatemala, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Compania Plantaciones Concepcion De Guatemala, and/or the persons identified in subparagraphs 1, 2 and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Compania Plantaciones Concepcion De Guatemala, and the person identified in subparagraph 2 hereof, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany); and

7. That to the extent that the persons identified in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-999; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16830]

NOTTEBOHM & CO. ET AL.

In re: Bank accounts owned by Nottebohm & Co., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each individual, whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany), and

2. That each partnership, association, corporation or other organization, whose name and last known address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a partnership, association, corporation or other organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the blocked accounts, entitled in the manner set forth in the said Exhibit A, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of owner and last known addresses, file numbers, and title of account

Nottebohm & Co., Hamburg, Germany; F-28-2417-E-3; Kurt Nottebohm for Nottebohm & Co., Hamburg.

Nottebohm & Co., Hamburg, Germany; F-28-2416-E-4; Nottebohm & Co., Hamburg.

Eugen Wahl, Germany; F-28-31058-E-1; Eugen Wahl.

Hugo Droege, Germany; F-28-8533; Hugo Droege.

E. Fickert-Forst, Germany; F-28-29044; E. Fickert-Forst.

Alfonso Herring, Germany; F-28-29040; Alfonso Herring.

Dr. Rudolf Hardy, Hamburg, Germany; F-28-29042; Dr. Rudolf Hardy.

Albert Waegoner, Germany; F-28-31085-E-2; Albert Waegoner.

Allgemeine Elektrizitaets-Gesellschaft A. G., Berlin, Germany; F-28-4320-E-2; Allgemeine Elektrizitaets Gesellschaft A. G.

Norddeutsche Kreditbank, A. G., Hamburg, Germany; F-28-1365-E-9; Norddeutsche Kreditbank A. G.

Commerzbank A. G., Hamburg, Germany; F-28-170-E-10; Commerzbank A. G.

Nottebohm & Co., Hamburg, Germany; Gert Nottebohm for Nottebohm & Co., Hamburg.

[F. R. Doc. 51-1000; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16831]

KURT NOTTEBOHM AND CO. ET AL.

In re: Property of Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company and/or others. F-28-2417-E-1, E-2, C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nottebohm & Company, also known as Nottebohm & Co., the last known address of which is 56 Leinpfad, Hamburg, 39, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Kurt Nottebohm, whose last known address is San Salvador, El Salvador, is or, since the effective date of Executive Order 8389, as amended, has been acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Company, also known as Nottebohm & Co., and is a national of a designated enemy country (Germany);

3. That Gert Nottebohm, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, is a partnership, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Company, also known as Nottebohm & Co., and is a national of a designated enemy country (Germany);

5. That the property described as follows: All property in the United States of Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, of any nature whatsoever, including particularly, but not limited to, the property described as follows:

a. That certain debt or other obligation owing to Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, by Bank of California National Association, 400 California Street, San Francisco 20, California, arising out of a commercial account, entitled Kurt Nottebohm & Company, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account, entitled Kurt Nottebohm & Co., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, by Joseph G. Hooper Jr. Co., 203 California Street, San Francisco 11, California, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, and/or the persons named in subparagraphs 2 and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Kurt Nottebohm and Company, also known as Kurt Nottebohm & Co. and as Kurt Nottebohm & Company, and the person named in subparagraph 2 hereof, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraphs 1 to 4 inclusive, hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1001; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16832]

DIRECCION DEL FERROCARRIL VERAPAZ ET AL.

In re: Bank accounts and securities owned by Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz and/or others. F-28-2205-E-1; E-2; A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nottebohm & Co., also known as Nottebohm & Company, the last known address of which is Hamburg, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Kurt Nottebohm & Company, also known as Kurt Nottebohm Co., and as Kurt Nottebohm and Company, is a partnership, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of Nottebohm & Company, Hamburg, Germany, the aforesaid national of a designated enemy country (Germany);

3. That certain persons, names unknown, are the owners of shares of stock of Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz, who, if individuals, there is reasonable cause to believe are residents of Germany, and who, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe are organized under the laws of Germany and have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz, is a corporation, organized under the laws of Guatemala, whose principal place of business is located at Livingston, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the persons identified in subparagraphs 1, 2 and 3 hereof, and is a national of a designated enemy country (Germany);

5. That the property described as follows: All property in the United States of Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz, of any nature whatsoever, including particularly, but not limited to, the property described as follows:

a. That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a blocked account, entitled Direction Del Ferrocarrill Verapaz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Direccion del Ferrocarril Verapaz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Cudd & Co., presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled Direccion Del Ferrocarril Verapaz, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz, and/or the persons identified in subparagraphs 1, 2 and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Direccion del Ferrocarril Verapaz, also known as Direction Del Ferrocarrill Verapaz and the person identified in subparagraph 2 hereof, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany) and,

7. That to the extent that the persons identified in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General.
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Type of stock	Par value	Certificate Nos.	Number of shares
General Mills Inc.	Common	No	NYC30991	100
			NYC07429	40
			NYC29702	74
			NYC07327	5
	Cumulative 3¾ percent preferred	$100.00	TN01716	11
National Biscuit Co.	Common	10.00	19014	90
Sunshine Biscuit Inc.	Capital	12.50	A 1302	100
			A 1303	100
			A 0538	50

[F. R. Doc. 51-1002; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16833]

SOCIEDAD AGRICOLA VINAS-ZAPOTE ET AL.

In re: Property owned by Sociedad Agricola Vinas-Zapote and/or others. F-28-27927-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Nottebohm & Co., also known as Nottebohm & Company, the last known address of which is Hamburg, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That Kurt Nottebohm & Company, also known as Kurt Nottebohm Co. and as Kurt Nottebohm and Company, is a partnership, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Nottebohm & Co., also known as Nottebohm & Company, and is a national of a designated enemy country (Germany);

3. That certain persons, names unknown, are the owners of shares of stock of Sociedad Vinas-Zapote, who, if individuals, there is reasonable cause to believe are residents of Germany, and who, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe are organized under the laws of Germany and have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That Sociedad Agricola Vinas-Zapote is a corporation, partnership, association or other business organization, organized under the laws of Guatemala, whose principal place of business is located at Guatemala City, Guatemala, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the persons identified in subparagraphs 1, 2 and 3 hereof, and is a national of a designated enemy country (Germany);

5. That the property described as follows: All property in the United States of Sociedad Agricola Vinas-Zapote, of any nature whatsoever, including particularly, but not limited to, the property described as follows: That certain debt or other obligation owing to Sociedad Agricola Vinas-Zapote, by the Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a checking account, entitled Sociedad Agricola Vinas-Zapote, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sociedad Agricola Vinas-Zapote, and/or the persons identified in subparagraphs 1, 2 and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That Sociedad Agricola Vinas-Zapote, and the person identified in subparagraph 2 hereof, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany); and

7. That to the extent that the persons identified in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 28, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1003; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16880]

GERTRUD POPPER BREDSCHNEIDER AND FREDERICK POPPER

In re: Stock owned by Gertrud Popper Bredschneider and the personal representatives, heirs, next of kin, legatees, and distributees of Frederick Popper, deceased. F-28-25831-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Popper Bredschneider, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees, and distributees of Frederick Popper, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Six (6) shares of $25.00 par value Class A, 7 percent cumulative preferred capital stock of Hearst Consolidated Publications, Inc., 1008 Hearst Building, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered SFO-9894 for five (5) shares registered in the name of Frederick Popper, and SFO-33724 for one (1) share registered in the name of Fritz Popper, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gertrud Popper Bredschneider and the personal representatives, heirs, next of kin, legatees and distributees of Frederick Popper, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frederick Popper, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1005; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16878]

AUGUSTE BOCK ET AL.

In re: Cash owned by Auguste Bock and others. D-28-4257-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Bock, Friedrich Bock, Ernst Bock and Anne Bock, each of whose last known address is Frankenplatz 21, Wuppertal-Elberfeld, Nord Rheinprovinz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Auguste Bock, Friedrich Bock, Ernst Bock and Anne Bock by the Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles 54, California, representing funds held by the aforesaid bank as agent for the aforenamed persons under a terminated Declaration of Trust Number S-5285, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1004; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16883]

JIRO AND MRS. TAKA HAYAKAWA

In re: Bonds owned by Jiro Hayakawa or Mrs. Taka Hayakawa. F-39-1894 and A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jiro Hayakawa and Mrs. Taka Hayakawa, each of whose last known address is Rakura-ken, Itsukaichi, Horishima, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Six (6) Tokyo Electric Light Company, Limited, First Mortgage 6 Percent Gold Bonds, dollar series, due 1953, of the face value of $1,000 each, bearing the numbers 55648, 10097, 26920, 53850, 47351 and 52629, together with any and all rights thereunder and thereto, and

b. Five (5) The Oriental Development Company, Limited, External Loan, 30 year, 5½ Percent Gold Debenture Bonds, due 1958, of the face value of $1,000 each, bearing the numbers M1802, M1803, M1804, M1805 and M1806, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1006; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16884]

JOHN HUSMANN

In re: Bank account owned by John Husmann also known as Johann Husmann. F-28-31122-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Husmann, also known as Johann Husmann, whose last known address is 39 Nonnenstr., Bremerhaven-Lehe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Hoboken Bank for Savings, 101 Washington Street, Hoboken, New Jersey, arising out of a savings account, Account Number 203039 entitled John Husmann or Wilhelm Husmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by John Husmann also known as Johann Husmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1007; Filed, Jan. 19, 1951; 8:50 a. m.]

[Vesting Order 16887]

LUDWIG KAINZ ET AL.

In re: Debts owing to Ludwig Kainz, Joseph Thurner, Alois Thurner, Ottilie Thurner, Karl Thurner, also known as Carl Thurner, Grace Kipl, also known as Krescenc Koeppl and the personal representatives, heirs, next of kin, legatees and distributees of Otto Kainz, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose name and last known address are as follows:

Name and Address

Ludwig Kainz, Munich, Germany.
Joseph Thurner, Frauenau bei Zwiesel, Germany.
Alois Thurner, Frauenau bei Zwiesel, Germany.
Ottilie Thurner, Frauenau bei Zwiesel, Germany.
Carl Thurner, also known as Karl Thurner, Frauenau bei Zwiesel, Germany.
Grace Kipl, also known as Krescenc Koeppl, Zwiesel, Bavaria, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Kainz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations of Ernst von Briesen, 401 Brumder Building, Milwaukee, Wisconsin, arising out of the receipt by the said Ernst von Briesen from the Clerk of the Circuit Court of Milwaukee County, Wisconsin, of the proceeds of a partition suit in the said Circuit Court of Milwaukee County, in the case of George Kainz et al. v. Mary Boldt et al., file number 174-671, said funds presently on deposit for Ludwig Kainz, Joseph Thurner, Alois Thurner, Ottilie Thurner, Karl Thurner, also known as Carl Thurner, Grace Kipl, also known as Krescenc Koeppl and the personal representatives, heirs, next of kin, legatees and distributes of Otto Kainz, deceased, in blocked accounts maintained with the Marine National Exchange Bank, 625 North Water Street, Milwaukee, Wisconsin, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ludwig Kainz, Joseph Thurner, Alois Thurner, Ottilie Thurner, Karl Thurner, also known as Carl Thurner, Grace Kipl, also known as Krescenc Koeppl and the personal representatives, heirs, next of kin, legatees and distributees of Otto Kainz, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named and referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1008; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16889]

PAUL KUPFER

In re: Bank account owned by Paul Kupfer. F-28-30571.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Kupfer, whose last known address is Hof i/Bavaria, Bahnhofstr. 21½ II, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, arising out of a Postal Savings Account, account number 36838, maintained in the name of Paul Kupfer, with the United States Post Office at Gracie Station, New York, New York, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Kupfer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1009; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16899]

JOHN STEGMILLER

In re: Debt owing to John Stegmiller. F-63-9724-C-1.

Under the authority of the Trading With the Enemy Act, is amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Stegmiller, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to John Stegmiller, by Oscar A. Stoffels, 111 West Washington Street, Chicago 2, Illinois, representing funds held by said Oscar A. Stoffels for John Stegmiller, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1010; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16939]

HIDEO TAKUMA

In re: Debt owing to Hideo Takuma. F-39-6167-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideo Takuma, whose last known address is 448-1, Shimo nishi, Ajisaka mura, Mi I gun, Fukuoka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hideo Takuma, by Taisho Printing Co., Ltd., P. O. Box 1037, Honolulu 8, T. H., representing unpaid back wages held by said Taisho Printing Co., Ltd., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1011; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16950]

HERMANN VON ARNIM ET AL.

In re: Rights of Hermann Von Arnim et al., under contract of insurance. File No. F-28-147-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Von Arnim, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Graf von Arnimsche Waldgutstiftung Standesherrschaft, the last known address of which is Muskau, Oberlausitz, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hermann Von Arnim, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 539512 issued by The Guardian Life Insurance Company of America, New York, New York, to Hermann Von Arnim, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Hermann Von Arnim or the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hermann Von Arnim or Graf von Arnimsche Waldgutstiftung Standesherrschaft, Muskau, Oberlausitz, Germany, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hermann Von Arnim, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1012; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16952]

FRIEDRICH M. AND PAULA BAUER ET AL.

In re: Rights of Friedrich M. Bauer and Paula Bauer, et al., under a contract of insurance. File No. F-28-26807-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fredrich M. Bauer, whose last known address is Rumania, is a citizen of Germany and a national of a designated enemy country (Germany);

2. That Paula Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the children of Friedrich M. Bauer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4160489 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Friedrich M. Bauer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Friedrich M. Bauer or Paula Bauer or the children of Friedrich M. Bauer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof and the children of Friedrich M. Bauer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1013; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16954]

HENRY BRANDT ET AL.

In re: Rights of Henry Brandt et al., under contracts of insurance. File No. F-28-26745-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Brandt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Henry Brandt under contracts of insurance evidence by policies numbered 218230 and 218231, issued by The Guardian Life Insurance Company of America, New York, New York, to Henry Brandt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Elsie Brandt, also known as Elsie Brandt Bock, and the aforesaid The Guardian Life Insurance Company of America, together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1014; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16956]

RICHARD FLEISCHHUT

In re: Rights of Richard Fleischhut under contract of insurance. File No. F-28-18101-H-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Fleischhut, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Richard Fleischhut under a contract of insurance evidenced by Policy No. 3479582A, issued by the Metropolitan Life Insurance Company, New York, New York, to Richard Fleischhut, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Florentina Fleischhut and the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Richard Fleischhut, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1015; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16957]

HELMUT FLINTE ET AL.

In re: Rights of Helmut Flinte et al. under contracts of insurance. Files F-28-28694-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helmut Flinte and Maria Flinte, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 25136798 and No. 25136799, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Helmut Flinte, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Helmut Flinte or Maria Flinte, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1016; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16961]

OTTO G. JANSSEN ET AL.

In re: Rights of Otto G. Janssen et al. under certain contracts of insurance. Files F-28-8903-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto G. Janssen, Lieselotte Benna Janssen and Edith Janssen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Edith Janssen and of Lieselotte Benna Janssen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 10,865,546 and No. 12,117,393, issued by the New York Life Insurance Company, New York, New York, to Otto G. Janssen, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Otto G. Janssen, Lieselotte Benna Janssen or Edith Janssen or the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Edith Janssen and of Lieselotte Benna Janssen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Edith Janssen and of Lieselotte Benna Janssen are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1017; Filed, Jan. 19, 1951; 8:51 a. m.]

[Vesting Order 16962]

MRS. ERNESTINE C. KOCHAN ET AL.

In re: Rights of Mrs. Ernestine C. Kochan et al., under insurance contract. File No. F-28-26645-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ernestine C. Kochan and Bergingenieur Robert Kochan, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6,184,425 issued by the Prudential Insurance Company of America, Newark, New Jersey, to Mrs. Ernestine C. Kochan, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mrs. Ernestine C. Kochan or Bergingenieur Robert Kochan, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1018; Filed, Jan. 19, 1951; 8:52 a. m.]

[Vesting Order 16967]

OTTO RIEDEL

In re: Rights of Otto Riedel under contract of insurance. File No. F-28-26893-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Riedel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Otto Riedel under a contract of insurance evidenced by Policy No. 3542291, issued by The Mutual Life Insurance Company of New York, New York, New York, to Otto Riedel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of C. William Riedel and the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1019; Filed, Jan. 19, 1951; 8:52 a. m.]

[Vesting Order 16968]

MARIE A. THEIS

In re: Rights of Marie A. Theis under a contract of insurance. File No. F-28-29106-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie A. Theis, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Marie A. Theis under a contract of insurance evidenced by Policy No. 157156 issued by the Continental Assurance Company, Chicago, Illinois, to Marie A. Theis, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Minnie Freichel, Jennie Zepp and Helen Zepp and the aforesaid Continental Assurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1020; Filed, Jan. 19, 1951; 8:52 a. m.]

[Vesting Order 16969]

KATHERINE UNGEHEUER

In re: Rights of Katherine Ungeheuer under contract of insurance. File No. F-28-26626-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Ungeheuer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Katherine Ungeheuer under a contract of insurance evidenced by Policy No. P-25104, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Katherine Ungeheuer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Katherine Duncan and the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Katherine Ungeheuer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1021; Filed, Jan. 19, 1951; 8:52 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; PENNSYLVANIA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

PENNSYLVANIA

County	Average value	Investment limit
Berks	$10,500	$10,500
Bradford	6,500	6,500
Centre	12,000	12,000
Northumberland	9,000	9,000
Snyder	8,500	8,500

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 17th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1055; Filed, Jan. 22, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

NEW JERSEY

County	Average value	Investment limit
Ocean	$16,500	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 17th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1056; Filed, Jan. 22, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NORTH DAKOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

NORTH DAKOTA

County	Average value	Investment limit
Dickey	$12,000	$12,000
Emmons	12,000	12,000
La Moure	11,000	11,000
Sheridan	12,000	12,000
Wells	14,000	14,000

(Continued on p. 579)

CONTENTS

Agriculture Department Page

See also Commodity Credit Corporation; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service.

Notices:
- Disaster areas having need for agricultural credit, designation 590

Rules and regulations:
- War food orders; agriculture-import order 579

Alien Property, Office of

Notices:

Vesting orders, etc.:
- Altschul, Hugo and Emil 636
- Arita, Toshihiko and Gentaro 635
- Behrman, Meta 636
- Carnier, Paul 636
- Crohn, Berthold, and Margot Crohn de Schlesinger 636
- Fritze, Emily 636
- Garret, Henrietta E 596
- Germany 593
- Germany and Conversion Office for German Foreign Debts 630
- Hamburg Electric Co. and Conversion Office for German Foreign Debts 630
- Kawate, Yoneichi and Konobu 635
- Keller, Bertha 632
- Kimura, Masahiro, et al 633
- Kleinjung, Rudolf 633
- Maerkisches Elektricitaetswerk Aktiengesellschaft and Conversion Office for German Foreign Debts 632
- Reichskredit Gessellschaft 633
- Schmalenbach, Carl and Agnes 631
- Schmitz, Frederick, et al 593
- Schoen, Catherine 636
- Schuberth, Eusebius, et al 594
- Schulz, Anna 593
- Seko, Toki 594
- Selve, Anna Maria 632
- Shimabukuro, Taro, et al 594
- Sommer, Thomas J., et al 595
- Stutzel, Mary, et al 595
- Suesser, Frederick, et al 628
- Suga, F 634
- Tabushi, Toojiro, et al 628
- Takeno, Kuraichi and Ito 629
- Tanaka, Hisayo 595

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Tsuda, Satoji, et al 629
Uyeda, Warren Sakaye and Toraichi 629
Wagner, Charlotte 634
Watanabe, Nakajiro, et al 630
Weber, Anna Maria 635
Wiegand, Drs. C. and E 634
Yamaki, Ichiro, et al 631

Census Bureau Page
Notices:
Annual survey of inventories and sales of single and multi-unit retail trade establishments; notice of determinations 585

Civil Aeronautics Board
Proposed rule making:
Mechanical interruptions 583

Commerce Department
See Census Bureau.

Commodity Credit Corporation
Notices:
Delegation of authority to chairmen of Production and Marketing Administration county committees with respect to agreements terminating bin site real estate leases 589
Sales of certain commodities at fixed prices 589

Defense Transport Administration
Notices:
Interagency Advisory Committee; establishment and functions 585

Farmers Home Administration
Rules and regulations:
Farm ownership loan limitations; average values of farms and investment limits:
New Jersey 577
North Dakota 577
Maine 579
Pennsylvania 577

Federal Crop Insurance Corporation
Rules and regulations:
Multiple crop insurance, 1950 and succeeding crop years; application for insurance; correction 579

Federal Power Commission
Notices:
Hearings, etc.:
El Paso Electric Co 593
El Paso Natural Gas Co. et al 593
Le Flore County Gas & Electric Co 593
Mercer Gas Light and Fuel Co 592
Mountain States Power Co 593
Northern Natural Gas Co 592

Federal Reserve System
Rules and regulations:
Payment of interest on deposits 580
Reserves of member banks; presentation of savings accounts passbooks 579

Forest Service
Notices:
Challis National Forest; removal of trespassing horses 590

Housing and Home Finance Agency
Servicemen's Readjustment Act of 1944, loan guaranty; miscellaneous amendments (*see* Veterans' Administration).

Interior Department Page
See Land Management, Bureau of; Mines Bureau; Reclamation Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Automobile parts from Chattanooga, Tenn., to Atlanta, Ga., and Memphis, Tenn. 586
Blackstrap molasses from certain points in Georgia to Augusta, Ga 587
Caustic soda from Alabama to South Point, Ohio 583
Cottonseed cake and meal from Southwest to Canon City and Rockvale, Colo 585
Ferro-manganese and related articles from Calvert, Ky., to Houston, Tex 585
Rubber tires from Ohio to the South 586

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Proposed rule making:
Oil and gas lease bonds; form 581
Rules and regulations:
Alaska; excluding certain tracts of land from Chugach and Tongass National Forests and restoring them for purchase as homesite or as trade and manufacturing sites 581
California; withdrawing certain public lands within Los Padres National Forest for use as condor sanctuary 581

Mines Bureau
Notices:
Delegation of authority to Chief of Administrative Division to authenticate copies of records 584

Production and Marketing Administration
Delegation of authority to chairmen of county committees with respect to agreements terminating bin site real estate leases (*see* Commodity Credit Corporation).

Reclamation Bureau
Notices:
Colorado River Storage Project, Colo.; first form reclamation withdrawal 584
Gila Irrigation Project, Ariz.; annual water rental charge 584
Klamath Project, Calif.; townsite reservation 584

Securities and Exchange Commission
Notices:
Hearings, etc.:
Granite State Electric Co 593
Northern Berkshire Gas Co 587
Quincy Electric Light and Power Co 587
T. I. S. Management Corp 588

CONTENTS—Continued

Veterans' Administration Page
Rules and regulations:
Servicemen's Readjustment Act of 1944, loan guaranty; miscellaneous amendments 580

Wage and Hour Division
Notices:
Virgin Islands, appointment of Special Industry Committee 584

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter I (Proclamations):	
Mar. 2, 1898 (see PLO 695)	581
Title 6	
Chapter III:	
Part 311 (4 documents)	577, 579
Title 7	
Subtitle A:	
Part 4	579
Chapter IV:	
Part 420	579
Title 12	
Chapter II:	
Part 204	579
Part 217	580
Title 14	
Chapter I:	
Part 41 (proposed)	583
Part 61 (proposed)	583
Title 38	
Chapter I:	
Part 36	580
Title 43	
Chapter I:	
Part 192 (proposed)	581
Appendix (Public land orders):	
695	581
696	581

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 17th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1057; Filed, Jan. 22, 1951; 8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MAINE

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

MAINE

County	Average value	Investment limit
Penobscot	$12,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 17th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1058; Filed, Jan. 22, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 3]

PART 4—WAR FOOD ORDERS (PMA) AGRICULTURE-IMPORT ORDER

PARTIAL REVISION OF APPENDIX A

Pursuant to the authority vested in me by the Agriculture-Import Order (14 F. R. 3701, 4660), Appendix A to the order is hereby revised by deleting the following items therefrom:

Food	Commerce import class no.
Combinations and mixtures of animal or vegetable oils, or any of them, with or without other substances not specially provided for	2260.120
Cottonseed oil, crude	1423.100
Cottonseed oil, refined (including semi-refined, washed, and deodorized, but excluding butter oil)	1423.200
Lard compounds and lard substitutes made from animal or vegetable oils and fats	0036.100
Soybeans	2240.700
Soybean oil	2260.010
Sunflower oil, edible and denatured	1421.000 2247.000
Sunflower seed	2240.000

This revision shall become effective at 12:01 a. m., e. s. t., January 15, 1951.

(E. O. 9280, 7 F. R. 10179; 3 CFR, 1943 Cum. Supp., E. O. 9577, 10 F. R. 8087, 3 CFR, 1945 Supp.)

Issued this 18th day of January 1951.

[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1121; Filed, Jan. 22, 1951; 8:56 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 4]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS IN THE 1950 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE

Correction

In Federal Register Document 50-11831, appearing on page 9033 of the issue for Tuesday, December 19, 1950, the entry for Louisiana in the table in § 420.24 is changed in the original document to read:

Louisiana:
Lafayette Oct. 31
All other counties Mar. 31

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

PRESENTATION OF SAVINGS ACCOUNTS PASSBOOKS

§ 204.103 *Presentation of savings accounts passbooks.* The Board has been requested to pass upon the propriety of a practice proposed to be followed by a member bank under which the bank would accept, in the case of savings accounts, deposits by mail without presentation of the passbook.

It is understood that the member bank proposes to include in its passbooks relating to savings deposits provisions to the effect that deposits may be made by mail and that the depositor at any subsequent time may present his passbook so as to permit the existing balance, as affected by such deposits, to be reflected by entries therein and that every six months following the last such presentation (in the event a period of such length should occur), the bank will mail a statement to the depositor showing the existing status of his account. It is also understood that the bank has advised that all provisions of this part and Part 217 concerning withdrawals from savings deposits will be observed.

While the definitions of the term "savings deposit" contained in this part and Part 217 of this chapter require presentation of the passbook upon withdrawals by any person other than the depositor himself, it is not required that the passbook be presented when deposits are made in a savings account. Also, while it is required that withdrawals made upon presentation of the passbook shall be entered at the time of the withdrawal and that any other withdrawal shall be entered as soon as practicable thereafter, there is no comparable provision with respect to entries of deposits in the passbook. This part and Part 217 of this chapter provide that a savings deposit shall be "evidenced" by a passbook and contemplate that deposits, as well as withdrawals, will be entered in the passbook in due course. However, on the basis of the facts stated and with the understanding that the requirements of this part and Part 217 of this chapter with respect to withdrawals of savings deposits will be observed, it is the Board's view that deposits with respect to which the proposed practice is followed by a member bank may properly be regarded as savings deposits under this part and Part 217.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 11, 19, 38 Stat. 261, 270,

as amended; 12 U. S. C. 248, 461, 462, 462a–1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51–1038; Filed, Jan. 22, 1951; 8:45 a. m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Sec.
217.102 Transfers of time deposits.
217.103 Presentation of savings accounts passbooks.

AUTHORITY: §§ 217.102 and 217.103 issued under sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264, 371, 371a, 371b, 461.

§ 217.102 *Transfers of time deposits.* It is the practice of certain member banks to amend agreements as to time deposit accounts, now subject to withdrawal upon 30 days' notice and bearing interest at 1 percent, so as to provide for 90 days' notice of withdrawal and interest at 1¼ percent. Since such an amendment makes the deposits subject to more severe restriction as to withdrawal and does not result in payment to the depositor, the Board feels that this practice does not constitute payment before maturity in violation of this part and interest may properly be paid from the date of amendment at a rate permitted by § 217.6 for deposits payable upon written notice of less than 6 months and not less than 90 days.

§ 217.103 *Presentation of savings accounts passbooks.* For text of this interpretation, see § 204.103 of this chapter.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51–1039; Filed, Jan. 22, 1951; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III, LOAN GUARANTEE

1. In § 36.4343 (g), the text immediately preceding the schedule is amended as follows:

§ 36.4343 *Loans which may not be processed automatically.* • • •

(g) Except for loans in the Territory of Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States, no loan to be made for the purchase or construction of residential property will be approved pursuant to this section unless each veteran participant makes a down payment in cash or its equivalent in accordance with the following schedule:

• • • • • •

2. In § 36.4356 (e), subparagraph (5) is amended to read as follows:

§ 36.4356 *Credit restrictions.* • • •

(e) • • •

(5) Loans made in connection with residential property in the Territory of Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

• • • • • •

3. In § 36.4504, paragraph (e) is amended to read as follows:

§ 36.4504 *Loan closing expenses.* • • •

(e) The veteran will be required to make a down payment in cash or its equivalent of an amount which when related to the purchase price or cost of construction or to the improvement of a farmhouse will not be less than that specified in the following schedule:

Transaction price	*Minimum down payment*
$5,000 or less	5 percent of value.
More than $5,000 but not more than $6,000	$250.
More than $6,000 but not more than $9,000	$250 plus 25 percent of excess of value over $6,000.
More than $9,000 but not more than $12,000	$1,000 plus 30 percent of excess of value over $9,000.
More than $12,000 but not more than $15,000	$1,900 plus 55 percent of excess of value over $12,000.
More than $15,000 but not more than $20,000	$3,550 plus 75 percent of excess of value over $15,000.
More than $20,000 but not more than $24,250	$7,300 plus 85 percent of excess of value over $20,000.
Over $24,250	45 percent of value.

With respect to construction loans in cases where land is owned by the veteran, the down payment will relate to the cost of construction plus the reasonable value of the land: *Provided*, That in the case of construction of a farmhouse the amount determined to be the reasonable value of the land so owned by the veteran shall be deemed, for the purposes of this paragraph, to be 5 percent of the cost of construction. For the purpose of computing the amount of down payment required, the estimated costs of closing the loan or financing the purchase shall be added to the purchase price of the property or cost of the construction or improvements to a farmhouse, and the down payment may be used to pay such costs: *Provided*, That the pro rata portion of the current year's taxes, ground rents, hazard insurance premiums, and other prepaid items normally involved in financing a purchase will not be added to the purchase price of the property or cost of the construction or improvements to a farmhouse and must be paid by the veteran in addition to the down payment otherwise required: *And provided further*, That this paragraph shall not be applicable with respect to loans made in the Territory of Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States, nor shall the provisions be applicable in connection with loans for the improvement of a farmhouse made solely for the replacement, reconstruction, or repair of such a farmhouse destroyed or substantially damaged by flood, fire or other similar casualty. With respect to construction loans, the fair market value of the lot, if owned by the veteran, may be considered pro tanto as satisfying the down payment requirement: *Provided*, That in connection with such loans the veteran, in addition to the required down payment, will deposit with Veterans' Administration or in an escrow satisfactory to Veterans' Administration 10 percent of the estimated cost of construction or such alternative sum, in cash or its equivalent, as Veterans' Administration may determine to be necessary, in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion of the construction in accordance with the plans and specifications upon which Veterans' Administration based its loan commitment.

• • • • • •

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation effective January 23, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

CREDIT RESTRICTIONS PURSUANT TO THE DEFENSE PRODUCTION ACT OF 1950 ON LOANS MADE OR ASSISTED BY THE ADMINISTRATOR OF VETERANS' AFFAIRS

I hereby find that the regulations contained in Title 38, Chapter 1, §§ 36.4343 (g), 36.4356 (e) (5), and 36.4504 (e), Regulations of the Administrator of Veterans' Affairs, *supra*, effective concurrently herewith, are issued in accordance with Title VI of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Part V of Executive Order 10161 (15 F. R. 6105). In the formulation of the aforegoing, there has been consultation with industry representatives concerned, and consideration has been given to the recommendations of such representatives.

(Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.; 5 U. S. C. Sup. 133y–16 note. Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective as of the 23d day of January 1951.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51–1199; Filed, Jan. 22, 1951; 8:57 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 695]

CALIFORNIA

WITHDRAWING CERTAIN PUBLIC LANDS WITHIN LOS PADRES NATIONAL FOREST FOR USE AS A CONDOR SANCTUARY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and to existing withdrawals for power purposes, all public lands within the following-described areas in the Los Padres National Forest, California, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and, except as hereinafter provided, the mineral-leasing laws, and reserved as a condor sanctuary, under the jurisdiction of the Forest Service, Department of Agriculture:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 19 W., partly unsurveyed
Secs. 1 to 6 inclusive;
Secs. 9 to 16 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34, 35, and 36.
T. 5 N., R. 20 W., unsurveyed
Secs. 1 to 24 inclusive;
Secs. 26 to 30 inclusive;
Secs. 33, 34, and 35.

The areas described, including both public and non-public lands, aggregate approximately 35,200 acres.

This order shall take precedence over but not otherwise affect the Proclamation of March 2, 1898, as amended, creating a national forest, so far as such proclamation affects the above-described lands.

The oil and gas deposits in the public lands in the W½ sec. 3, secs. 4, 9, 10, S½ sec. 11, S½ sec. 13, secs. 14, 15, E½ sec. 16, secs. 22 to 27 inclusive, secs. 34, 35, and 36, T. 5 N., R. 19 W., shall be subject to development and extraction under the mineral-leasing laws subject to the condition that no lessee shall use or invade the surface of such lands for any purpose. The oil and gas deposits in the public lands in the remaining areas of the condor sanctuary shall be subject to development and extraction under the mineral-leasing laws subject to the condition that no lessee shall use or invade, for any purpose, the surface of any such lands within one-half mile of a condor nest active within 3 years, without specific authorization by the United States Forest Service. Leases affecting any of the lands shall be subject to any special stipulations found necessary by the Secretary of Agriculture, with the concurrence of the Secretary of the Interior, to preserve the usefulness as a condor sanctuary of the lands reserved by this order.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 16, 1951.

[F. R. Doc. 51–1041; Filed, Jan. 22, 1951; 8:45 a. m.]

[Public Land Order 696]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES OR AS TRADE AND MANUFACTURING SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 11, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites or as trade and manufacturing sites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites or as trade and manufacturing sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2534, Lot 1, 3.45 acres; latitude 60°21'14" N., longitude 149 21'20" W. (Homesite No. 88, Lakeview Group).

U. S. Survey No. 2762, Lot 3, 4.33 acres; latitude 60°29'14" N., longitude 145°55'03" W. (Homesite No. 22, Point Whiteshed Group).

TONGASS NATIONAL FOREST

U. S. Survey No. 2321, lots 6 and 7, and U. S. Survey No. 2906, lot 6 A, 2.73 acres; latitude 56°27'10" N., longitude 132°23'00" W. (Homesite No. 959 of Section 1, Wrangell Highway Group).

U. S. Survey No. 2389, Lot A, 4.72 acres; latitude 58°22'45" N., longitude 134°42'00" W. (Homesite No. 37, Auke Bay Group).

U. S. Survey No. 2554, Lot F, 3.15 acres; latitude 55°28'00" N., longitude 131°47'00" W. (Homesite No. 752, Clover Pass Group).

U. S. Survey No. 2555, Lot Q, 0.32 acres; latitude 55°28'18" N., longitude 131°47'30" W. (trade and manufacturing site, Clover Pass Group).

U. S. Survey No. 2603, Lot 14, 3.20 acres; latitude 55°25'42" N., longitude 131°50'00" W. (Homesite No. 850, Point Higgins Group).

U. S. Survey No. 2604, Lot 25, 3.48 acres; latitude 55°25'42" N., longitude 131°50'00" W. (Homesite No. 656, Point Higgins Group).

U. S. Survey No. 2604, Lot 35, 2.88 acres; latitude 55°25'42" N., longitude 131°50'00" W. (Homesite No. 664, Group B, Point Higgins Group).

U. S. Survey No. 2671, Lot 7 B, 0.68 acres; latitude 58°22'27" N., longitude 134°38'37" W. (Homesite No. 819, Fritz Cove Group).

U. S. Survey No. 2804, Lot 7, 4.61 acres; latitude 55°25'21" N., longitude 131°46'35" W. (Homesite No. 904, Point Higgins Group).

U. S. Survey No. 2805, Lot 2, 5.00 acres; latitude 55°28'38" N., longitude 131°46'44" W. (Homesite No. 877, Clover Pass Group).

U. S. Survey No. 2807, Lot 16, 4.05 acres; latitude 55°28'22" N., longitude 131°47'12" W. (Homesite No. 862, Clover Pass Group).

U. S. Survey No. 2899, 2.72 acres; latitude 55°28'28" N., longitude 131°47'08" W. (Homesite No. 940, Clover Pass Group).

U. S. Survey No. 2909, Lot 3, 0.40 acres; latitude 58°23'00" N., longitude 134°38'00" W. (Homesite No. 776, Triangle Group 3).

A tract of 4.55 acres on the west shore of Hollis Anchorage, Prince of Wales Island; latitude 55°28'40" N., longitude 132°40'30" W. (Homesite No. 906).

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 16, 1951.

[F. R. Doc. 51–1040; Filed, Jan. 22, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR, Part 192]

OIL AND GAS LEASE BONDS; FORM

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority vested in the Secretary of the Interior by section 32 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 450; 30 U. S. C. sec. 189), and section 10 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 915; 30 U. S. C. sec. 359), notice is hereby given that the Department of the Interior is giving consideration to the adoption of a new oil and gas lease bond form designed to cover all leases held or operated by the principal in one or more States and related amendments to §§ 192.100 and 192.101 of Title 43, Code of Federal Regulations. A tentative draft of the proposed form is set out as Appendix A, and a tentative draft of the proposed amendments is set out as Appendix B. The proposed new bond form and amendments are under consideration for use in connection with oil and gas leases under the Mineral Leasing Act, and the Mineral Leasing Act for Acquired Lands.

Interested persons may submit written comments, suggestions, or objections with respect to the proposed new bond form and the amendments to the Director of the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice.

The purpose of the new bond form and of the amendments is to simplify the administration of oil and gas leases for both the public and the Department. The proposed blanket bond, if adopted, could be used, at the option of a lessee or operator, in place of individual bonds on each lease held or operated by the principal. It would lessen considerably the amount of paper work and record keeping which is now required of the

principals, the sureties, and the Department of the Interior. The rates tentatively set are believed to be adequate to protect the interest of the Government and of the surface owners where the surface has been patented with a reservation of the oil and gas deposits.

Upon receiving the recommendation of the Director of the Bureau of Land Management, together with all responses received pursuant to this notice, the Secretary of the Interior will determine whether the proposed bond form and amendments to 43 CFR 192.100 and 192.101 should be adopted, with or without further change. If the Secretary determines that such form and amendments should be adopted, they will be published in the FEDERAL REGISTER.

, DALE E. DOTY,
Assistant Secretary of the Interior.

JANUARY 17, 1951.

APPENDIX A

Form No. 4–
(Edition of _____, 19____)

OIL AND GAS LEASE BOND FOR USE IN CONNECTION WITH THE ACT OF FEBRUARY 25, 1920 (41 STAT. 437; 30 U. S. C. SEC. 181) OR THE ACT OF AUGUST 7, 1947 (61 STAT. 913; 30 U. S. C. SEC. 351), OR BOTH ACTS

Know all men by these presents, That we, _____, _____
(address)
as principal, and _____, as
(address)
surety, are held and firmly bound unto the United States of America, in the sum of _____ dollars ($_____), lawful money of the United States, which sum may be increased or decreased by a rider hereto executed in the same manner as this bond, for the use and benefit of (1) the United States, (2) any owner of a portion of the land subject to the coverage of this bond, who has a statutory right to compensation in connection with a reservation of the oil and gas deposits to the United States, and (3) any lessee or permittee under a lease or permit issued by the United States prior to the issuance of an oil and gas lease for the same land subject to this bond, covering the use of the surface or the prospecting for, or development of, other mineral deposits in any portion of such land, to be paid to the United States. For such payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors and assigns, jointly and severally, by these presents.

The bond coverage extends only to the principal's holdings involving oil and gas deposits in the States named in Schedule A and to any other States or State that may be named in a rider attached hereto by the lessor with the consent of the surety. The coverage is confined to the principal's holdings under the act or acts cited at the head of the column under which the names of the States are now placed, or may be hereafter placed by the aforementioned rider.

SCHEDULE A

1	2
Public Domain Leasing Act of February 25, 1920 (41 Stat. 437), as amended and supplemented (30 U. S. C. 181)	*Acquired Lands Leasing Act of August 7, 1947 (61 Stat. 913; 30 U. S. C. Supp. sec. 351)*
Names of States:	Names of States:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The conditions of the foregoing obligations are such that, whereas the said principal in one or more of the following ways has an interest in oil and gas leases issued under the act or acts cited in Schedule A of this bond: (1) as the lessee of such leases; (2) as the approved holder of operating rights in all or part of the lands covered by such leases under operating agreements with the lessees; and (3) as designated operator or agent under such leases pending approval of an assignment or operating agreement; and

Whereas the principal is authorized to drill for, mine, extract, remove, and dispose of oil and gas deposits in or under the lands covered by the leases, operating agreements or designations and is obligated to comply with certain covenants and agreements set forth in such instruments; and

Whereas the principal and surety agree that without notice to the surety the coverage of this bond, in addition to the present holdings of the principal, shall extend to and include:

1. Any oil and gas lease hereafter issued to, or acquired by, the principal affecting oil and gas deposits in the States now named in Schedule A, or later named in a rider, the coverage to be confined to the principal's holdings under the act or acts cited at the head of the column in which the name of the State appears and to become effective immediately upon such issuance or upon departmental approval of a transfer in favor of the principal.

2. Any operating agreement hereafter entered into, with, or acquired by, the principal affecting oil and gas deposits in the States now named in Schedule A, or later named in a rider, relating to oil and gas leases issued under the act or acts cited in Schedule A at the head of the column in which the name of the State is placed. The coverage shall become effective immediately upon departmental approval of the agreement or of a transfer of an operating agreement to the principal.

3. Any designation subsequent hereto of the principal as operator or agent of a lessee under a lease issued pursuant to an act or acts cited in Schedule A and covering lands in a State named in Schedule A, either presently or by rider. This coverage shall become effective immediately upon the filing of such a designation under a lease.

4. Any extension of a lease covered by this bond, such coverage to continue without any interruption due to the expiration of the term set forth in the lease.

Provided, That, the surety may elect to have the additional coverage authorized under this paragraph become inapplicable as to all interests of the principal acquired more than 30 days after the receipt of notice of such election by the Bureau of Land Management.

Whereas, the surety hereby waives any right to notice of, and agrees that this bond shall remain in full force and effect notwithstanding:

1. A transfer or transfers, either in whole or in part, of any or all of the leases, or of the operating agreements, and further agrees to remain bound under this bond as to the interests either in the leases or in the operating agreements, or in both, retained by the principal when the approval of the transfer or transfers becomes effective.

2. Any modification of a lease or operating agreement, or obligations thereunder, whether made or effected by commitment of such lease or operating agreement to unit, cooperative, communitization or storage agreements, or development contracts, suspensions of operations or production, waivers, suspensions or changes in rental, minimum royalty and royalties, compensatory royalty payments, or otherwise; and

Whereas the principal and surety hereby agree that notwithstanding the termination of any lease or leases, operating agreements or designations as operator or agent, covered by this bond, whether the termination is by operation of law or otherwise, the bond shall remain in full force and effect as to any remaining leases, operating agreements, or designations covered by the bond; and

Whereas the principal, as to any lease or part of a lease for lands as to which he has been designated as operator or agent, or approved as operator, in consideration of being permitted to furnish this bond in lieu of the lessees, agrees and by these presents does hereby bind himself to fulfill on behalf of each lessee all the obligations of each such lease for the entire leasehold in the same manner and to the same extent as though he were the lessee; and

Whereas the principal and surety agree that notwithstanding any payments made by the surety by reason of legal obligations arising under this bond, the bond shall remain in full force and effect in the sum above set forth, without any deduction therefrom for such payments and the coverage of this bond shall remain the same, unaffected by the payments or by the defaults giving rise to the obligations; and

Whereas the principal and surety agree that the neglect or forbearance of said lessor in enforcing, as against the lessees of such lessor, the payment of rentals or royalties or the performance of any other covenant, condition or agreement of the leases, shall not, in any way, release the principal and surety, or either of them, from any liability under this bond; and

Whereas the principal and surety agree that in the event of any default under the leases, the lessor may commence and prosecute any claim, suit, action or other proceeding against the principal and surety, or either of them, without the necessity of joining the lessees.

Now, therefore, if said principal shall in all respects faithfully comply with all of the provisions of the leases referred to herembefore, then the above obligations are to be void; otherwise to remain in full force and effect.

Signed on this _____ day of _____, 19____, in the presence of:

_____
(Name and address of witness)
_____
(Name and address of witness)

_____
(Principal)
_____
(Corporate principal)
_____
(Business address)
_____
(Corporate surety)
_____
(Business address)

(If this bond is executed by a corporation, either as principal or as surety, it must bear the seal of such corporation.)

In order to provide for a single oil and gas lease bond, in lieu of a separate bond for each lease, where more than one lease is involved, and otherwise to simplify the procedure pertaining to lease bonds, §§ 192.100 and 192.101 are amended as follows:

1. Section 192.100 is amended by adding a paragraph (e) to read:

§ 192.100 *Amount of bonds required of lessee.* * * *

(e) In lieu of bonds required under any of the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending Departmental approval of operating agreements, or by being approved by the Department as operator for an approved unit agreement, may furnish a bond the amount of which must be at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State held by the principal under either the Mineral Leasing Act, or the Acquired Lands Mineral Leasing Act of 1947 (61 Stat. 913; 30 U. S. C. 351–359). To obtain coverage for all the lands in a State held under both of the above acts shall require a bond in an amount for two units of coverage.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

2. Section 192.101 is revised to read:

§ 192.101 *Form of bonds.* Bonds furnished by lessees will be on Form 4–208g; those furnished by operators on Form 4–238; bonds furnished in lieu of other bonds, pursuant to paragraph (e) of § 192.100, will be on Form 4— .

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

[F. R. Doc. 51–1037; Filed, Jan. 22, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41, 61]

MECHANICAL INTERRUPTIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau has under consideration amendments of Parts 41 and 61 in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received prior to February 7, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after February 9, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Section 61.294 of the Civil Air Regulations currently provides that in the event of any mechanical failure or interruption which may involve the safety of the flight a pilot shall proceed to and land at the nearest place where a safe landing can be effected. In practice this section has been strictly construed so that the air carriers and the pilots feel it to be obligatory for the aircraft to make a landing at the nearest suitable airport even in those instances where engines are stopped in flight for precautionary reasons, such as to eliminate roughness or to prevent any possible damage, and where flight beyond such an airport can be accomplished without prejudice to safety.

As a result, we have been informed that certain pilots have failed to feather engines as a precautionary measure because of their desire to continue the flight to its destination. If this information is correct, the practice is undesirable not only from a standpoint of possible engine damage but also because the failure to feather an engine as a precautionary measure might result in a fire or other serious hazard. Part 41 does not contain any specific provision on this subject.

We are advised that the carriers would prefer the pilots to have discretionary authority with respect to (1) making an immediate landing, (2) proceeding to their next scheduled stop, or (3) flying directly to the place where the carrier has a maintenance base or to the ultimate destination of the flight. The carriers support this position primarily on the basis that unnecessary landings at intermediate points increase maintenance and passenger handling costs. We are therefore proposing to add new §§ 41.25a and 61.294a in order to permit the pilot to exercise his discretion as to the course of flight in those cases where an engine has been feathered. The regulation will still require the pilot to make an immediate landing in those instances where the flight might not safely proceed to the point of next intended landing, and will not permit a pilot to land at an intermediate point after feathering an engine in flight and then take off for a further point without repairing the engine.

No change has been effected in provisions relative to procedure where mechanical failure other than power-plant failure is involved. However, it should be noted that this matter has been differently treated in the proposed revision of Part 40 currently under consideration and that some changes in current provisions may be expected when that part is promulgated.

1. It is proposed to amend § 61.294 to read as follows:

§ 61.294 *Mechanical failure in flight.* In the event of any mechanical failure or interruption except a powerplant failure (including a flight instrument, radio, or other essential component of the aircraft) which may involve the safety of the flight, the pilot shall proceed to and land at the nearest suitable airport in point of time where a safe landing can be effected.

2. It is proposed to add new §§ 41.25a and 61.294a, both to read as follows:

Powerplant failure or precautionary stoppage. (a) Except as provided in paragraph (b) of this section, when one engine of an aircraft fails or where the rotation of an engine of an aircraft is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an aircraft having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection, if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued,

(2) The altitude, aircraft weight, and useable fuel at the time of engine stoppage,

(3) The weather conditions en route and at possible landing points,

(4) The air traffic congestion,

(5) The type of terrain, and

(6) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper control station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest (in point of time) was as safe a course of action. The operations manager shall, within 7 days after completion of the trip, furnish a copy of the report submitted by the pilot, and comments thereon to the Administrator.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated January 18, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51–1123; Filed, Jan. 22, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Administrative Order 614]

CHIEF OF ADMINISTRATIVE DIVISION

DELEGATION OF AUTHORITY TO AUTHENTICATE COPIES OF RECORDS

JANUARY 15, 1951.

Pursuant to the act of August 3, 1950 (Public Law 644, 81st Cong.; amending 5 U. S. C., sec. 488), the following functions shall be performed by the Chief of the Administrative Division, Washington office, of the Bureau of Mines:

(a) Authenticating copies of official records, papers, documents, maps, plats, and diagrams of the Bureau of Mines.

(b) Making certificates as to the existence or nonexistence of records, papers, documents, maps, plats, and diagrams in the files of the Bureau of Mines.

THOS. H. MILLER,
Acting Director.

[F. R. Doc. 51-1036; Filed, Jan. 22, 1951; 8:45 a. m.]

Bureau of Reclamation

[No. 6, Amdt.]

GILA IRRIGATION PROJECT, YUMA MESA DIVISION, ARIZ.

ANNUAL WATER RENTAL CHARGE

JANUARY 8, 1951.

In accordance with the authority delegated to the Regional Director pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendment is made to Public Notice No. 6, Public Notice of Annual Water Rental Charge, issued January 3, 1949:

Paragraph 2 (a), Charges and term of payment, for lands in the Yuma Mesa Division situate within the North and South Gila Valleys, is amended to read as follows:

(a) For lands in the Yuma Mesa Division situate within the North and South Gila Valleys and owned by the State of Arizona water will be furnished at the rate of $0.75 per acre-foot.

E. G. NIELSEN,
Acting Regional Director.

[F. R. Doc. 51-1033; Filed, Jan. 22, 1951; 8:45 a. m.]

KLAMATH PROJECT, CALIFORNIA

TOWNSITE RESERVATION

OCTOBER 12, 1950.

Pursuant to the authority delegated by departmental order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby reserve the following described lands, now withdrawn for reclamation purposes as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), by departmental orders of July 19, 1904, and January 28, 1905, for townsite purposes as provided by the acts of April 16 and June 27, 1906 (34 Stat. 116, 519):

NEWELL TOWNSITE; MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 5 E.,
Sec. 26, Lots 12, 13, 14, 18, 22, 24, 25, 26, 31, 33, 34, 36, 37, 38 and 39.

The above areas aggregate 164.66 acres.

WESLEY R. NELSON,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management and the local land office will be noted accordingly.

WILLIAM ZIMMERMAN, Jr.,
Acting Director.

DECEMBER 1, 1950.

[F. R. Doc. 51-1034; Filed, Jan. 22, 1951; 8:45 a. m.]

COLORADO RIVER STORAGE PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 2, 1949.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 50 N., R. 8 W.,
Secs. 6, 7 and 18, all.
T. 51 N., R. 8 W.,
Sec. 18, all;
Sec. 19, Lots 1, 2, 4, NE¼E½NW¼, SE¼SW¼, SW¼SE¼;
Sec. 20, NE¼NE¼, NW¼, S½SW¼, SE¼SE¼;
Sec. 21, N½N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, N½NW¼, S½;
Sec. 29, all;
Sec. 30, all.
T. 50 N., R. 9 W.,
Secs. 1, 2, 3, and 11, all;
Sec. 12, N½, N½SW¼, SW¼SW¼, SE¼.
T. 51 N., R. 9 W.,
Sec. 10, Lots 1 to 4, incl.;
Sec. 11, Lots 1 to 4, incl.;
Sec. 12, Lot 4;
Sec. 13, NE¼, S½SW¼, SE¼;
Secs. 14, 15 and 22, all;
Sec. 23, N½, SW¼, NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 25, all;
Sec. 26, S½NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 27, 34, 35 and 36, all.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 93 W.,
Sec. 6, Lots 8, 9 and 10;
Sec. 7, Lots 6 to 18, incl.;
Sec. 18, all;
Sec. 19, Lots 1 to 4, incl., NE¼, E½W½, SW¼SE¼;
Sec. 20, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 21, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 22, SW¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 30, all;
Sec. 31, Lots 1 to 5, incl., NE¼, E½NW¼, SE¼SW¼.
T. 15 S., R. 94W.,
Sec. 1, Lots 22, 23, 24, 28, 29 and 33;
Sec. 12, Lots 4, 11, 17 and 18;
Sec. 13, Lots 1, 2, NE¼, SW¼SW¼, W½SE¼;
Sec. 23, NE¼, S½;
Secs. 24, 25, 26, 35, and 36, all.

The above areas aggregate 23,990.57 acres.

WILLIAM F. KUBACH,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE E. BELL,
Associate Director.

MAY 19, 1950.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Colorado

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado, for use in connection with the proposed Smith Reservoir, Gunnison Black Canyon Unit, Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM F. KUBACH,
Acting Commissioner.

[F. R. Doc. 51-1035; Filed, Jan. 22, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 409]

APPOINTMENT OF A SPECIAL INDUSTRY COMMITTEE FOR THE VIRGIN ISLANDS

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a Special Industry Committee for the Virgin Islands, composed of the following representatives:

For the public: John P. Scott, Chairman, Charlotte Amalie, St. Thomas, Virgin Islands. A resident of the Continental U. S. will be appointed as a second public member.)

For the employees: Percival H. Reese, Charlotte Amalie, St. Thomas, Virgin Islands. Ludvig E. Harrigan, Christiansted, St. Croix, Virgin Islands.

For the employers: Robert S. Fleming, Fredricksted, St. Croix, Virgin Islands, Algernon Maduro, Charlotte Amalie, St. Thomas, Virgin Islands.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and the regulations promulgated thereunder (29 CFR Part 511), shall meet beginning on February 20, 1951, at 10:00 a. m., in the Municipal Council Chamber, Charlotte Amalie, St. Thomas, Virgin Islands, and at such later date as shall be designated, in the Federal Court Room, Christiansted, St. Croix, Virgin Islands, and shall proceed to investigate conditions in the industries in the Virgin Islands in such order as the Committee may elect and recommend to the Administrator minimum wage rates for all employees in said islands who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempt by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Minimum wage rates recommended by the Committee shall be the highest rates (not in excess of 75 cents an hour) which it determines will not substantially curtail employment in the industries in the Virgin Islands and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of the Virgin Islands.

Signed at Washington, D. C., this 16th day of January 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-1027; Filed, Jan. 22, 1951; 9:15 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEY OF INVENTORIES AND SALES OF SINGLE AND MULTIUNIT RETAIL TRADE ESTABLISHMENTS

NOTICE OF DETERMINATIONS

In conformity with the act of Congress approved June 19, 1948, 62 Stat. 478, and due notice of consideration having been published (15 F. R. 8788, Dec. 12, 1950) pursuant to said act, I have determined that annual data relating to single and multiunit retail trade establishments are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources.

Retail trade, as the outlet for the products of industry, mining, and agriculture, is of strategic importance in the economy of this country and information such as retail inventory trends and sales-inventory ratios are basic to an analysis of the functioning of the economy. Such agencies as the Council of Economic Advisers and the Board of Governors of the Federal Reserve Board require inventory data in appraising the business outlook and in connection with the review of credit policies. Because figures are needed on all major elements of business investment for the measurement of the gross national product, data on retail inventories also are needed.

Business and industry also are interested in the inventory measures as indicators of the outlook for business activity and as tools for the promotion of business efficiency and stability. Retailers can make use of the sales-inventory ratios, derived from the survey, as benchmarks to which their own operation can be related.

The annual survey will collect information from a group of firms selected according to the number of retail units operated, sales size, and location of the store. Single and small multiunit firms operating establishments located within 68 Census sampling areas will be required to submit reports for individual establishments. Large multiunit firms will be required to submit reports covering all retail stores operated by each firm. Inasmuch as sales data are already collected on a monthly basis from most of these establishments, duplication will be avoided by requesting only inventory data for those establishments which have reported monthly sales figures regularly to the Bureau. Both inventory and annual sales data will be collected from an additional group of retailers for whom monthly sales figures are not available. Information will be collected annually covering each preceding calendar year. The appropriate report form will be furnished to establishments covered by the survey. Additional copies of the forms are available on request to the Director of the Census, Washington 25, D. C.

I have, therefore, directed that an annual survey be conducted for the purpose of collecting the data hereinabove described.

[SEAL] ROY V. PEEL,
Director.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51-1074; Filed, Jan. 22, 1951; 8:49 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 2]

INTERAGENCY ADVISORY COMMITTEE

ESTABLISHMENT AND FUNCTIONS

Pursuant to Executive Order 10161, it is hereby ordered:

1. *Establishment and organization of Interagency Advisory Committee.* There is hereby established an Interagency Advisory Committee on Domestic Transport, Storage, and Port Utilization consisting of the Administrator of the Defense Transport Administration as Chairman, and representatives from the following agencies and such other agencies as the Administrator may designate from time to time: (1) Department of Defense; (2) Department of Commerce; (3) Department of the Interior; (4) Department of Agriculture; (5) Department of Labor; (6) Atomic Energy Commission; (7) Federal Civil Defense Administration; (8) Economic Stabilization Administration; (9) General Services Administration; and (10) Economic Cooperation Administration. The Office of Defense Mobilization, the Defense Production Administration, and the National Security Resources Board shall each be invited to designate an observer to attend all meetings of the Interagency Advisory Committee.

2. *Functions.* The Committee shall serve in an advisory capacity to the Administrator with respect to policy and program matters affecting the interests of the represented agencies as they relate to domestic transport, storage, and port facilities or the use thereof.

3. *Procedure.* The Administrator, as Chairman, shall: (1) Preside over all meetings of the Committee; (2) establish such sub-committees and working groups subsidiary to the Committee as he may determine to be necessary; and (3) establish rules and regulations governing the operation of the Committee and its sub-groups.

The Executive Assistant of the Defense Transport Administration shall serve as Executive Secretary of the Committee. The Executive Secretary shall: (1) Prepare an agenda for each meeting of the Committee; (2) prepare minutes for distribution to the membership; and (3) generally coordinate the operations of sub-committees and working groups.

4. *Agenda.* All matters which the agencies described in section 1 above desire to bring before the Committee shall be submitted to the Executive Secretary in advance of meetings.

5. *Calls for meetings.* Meetings of the Committee will be at the call of the Chairman.

Issued at Washington, D. C., this 18th day of January 1951.

(Pub. Law 774, 81st Cong., 64 Stat. 798; E. O. 10161, 15 F. R. 6105)

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51-1076; Filed, Jan. 22, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25755]

COTTONSEED CAKE AND MEAL FROM SOUTHWEST TO CANON CITY AND ROCKVALE, COLO.

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3778.

Commodities involved: Cottonseed-oil cake or meal, peanut stem meal, and cottonseed or peanut hulls, carloads.

From: Points in southwestern territory.

To: Canon City and Rockvale, Colo.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3778, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such applicaton without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1042; Filed, Jan. 22, 1951; 8:46 a. m.]

[4th Sec. Application 25756]

AUTOMOBILE PARTS FROM CHATTANOOGA, TENN., TO ATLANTA, GA., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Automobile parts, steel, viz: brake drums, gear frames and parts, wheels and rims, carloads.

From: Chattanooga, Tenn.

To: Atlanta, Ga., and points taking same rates, and Memphis, Tenn.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1062, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1043; Filed, Jan. 22, 1951; 8:46 a. m.]

[4th Sec. Application 25757]

FERRO-MANGANESE AND RELATED ARTICLES FROM CALVERT, KY. TO HOUSTON, TEX.

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Ferro-manganese, ferro-silicon, silico-manganese and zirconium-ferro-silicon, carloads.

From: Calvert, Ky.

To: Houston, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1044; Filed, Jan. 22, 1951; 8:46 a. m.]

[4th Sec. Application 25758]

RUBBER TIRES FROM OHIO TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Tires, rubber, pneumatic and parts, in carloads.

From: Leavittsburg, North Warren and Warren, Ohio.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1045; Filed, Jan. 22, 1951; 8:46 a. m.]

[4th Sec. Application 25759]

CAUSTIC SODA FROM ALABAMA TO SOUTH POINT, OHIO

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Southern Railway Company and other carriers named in the application.

Commodities involved: Caustic soda, in tank-car loads.

From: Huntsville and Red Stone Arsenal, Ala.

To: South Point, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1172, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1046; Filed, Jan. 22, 1951; 8:46 a. m.]

[4th Sec. Application 25760]

BLACKSTRAP MOLASSES FROM CERTAIN POINTS IN GEORGIA TO AUGUSTA, GA.

APPLICATION FOR RELIEF

JANUARY 18, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Savannah & Atlanta Railway Company and Southern Railway Company.

Commodities involved: Blackstrap molasses, in tank-car loads.

From: Savannah and Port Wentworth, Ga.

To: Augusta, Ga.

Grounds for relief: Circuitous routes. To meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1121, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1047; Filed, Jan. 22, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2551]

QUINCY ELECTRIC LIGHT AND POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of January A. D. 1951.

Notice is hereby given that Quincy Electric Light and Power Company ("Quincy"), a subsidiary of New England Electric System ("NEES"), a registered holding company, has filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than January 29, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 29, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Quincy proposes to issue up to and including March 31, 1951, notes due ninety days after the date of issue, as follows:

Granite Trust Co., Quincy, Mass	$75,000
Norfolk County Trust Co., Quincy, Mass	50,000
Quincy Trust Co., Quincy, Mass	25,000
	150,000

It is proposed that the notes bear interest at the rate of 2¼ percent per annum and that, should the interest rate on any of the notes exceed such amount, Quincy will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Quincy to the contrary within said five days, the amendment will become effective at the end of such period.

Quincy proposes to use the borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Quincy contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that Quincy presently has outstanding $45,000 of notes payable maturing April 27, 1951, with interest at the rate of 2¼ percent per annum. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company for services to be performed at cost, are estimated by Quincy not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Quincy requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1048; Filed, Jan. 22, 1951; 8:46 a. m.]

[File No. 70-2552]

NORTHERN BERKSHIRE GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 17th day of January A. D. 1951.

Notice is hereby given that Northern Berkshire Gas Company ("Northern Berkshire"), a subsidiary of New England Electric System ("NEES"), a registered holding company, has filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than January 29, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 29, 1951, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Northern Berkshire proposes to issue up to and including March 31, 1951, notes due six months after the date of issue, as follows:

Greylock National Bank, Adams, Mass.	$50,000
North Adams National Bank, North Adams, Mass.	50,000
North Adams Trust Co., North Adams, Mass.	50,000
The First National Bank of Boston, Boston, Mass.	50,000
	200,000

It is proposed that the notes bear interest at the rate of 2½ percent per annum and that, should the interest rate on any of the notes exceed such amount, Northern Berkshire will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Northern Berkshire to the contrary within said five days, the amendment will become effective at the end of such period.

Northern Berkshire proposes to use such borrowings to reimburse its treasury for past construction expenditures, to pay for additional estimated construction to March 31, 1951, and to pay $75,000 of 2 percent notes presently outstanding due March 26, 1951. The declaration states that Northern Berkshire contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that the notes to be outstanding upon the completion of the proposed transactions will constitute Northern Berkshire's only indebtedness other than current indebtedness incurred in the ordinary course of business. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company for services to be performed at cost, are estimated by Northern Berkshire not to exceed $600.

The declaration states that no State commission has jurisdiction over the proposed transactions.

Northern Berkshire requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1049; Filed, Jan. 22, 1951; 8:46 a. m.]

[File No. 70-2553]

GRANITE STATE ELECTRIC CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 17th day of January A. D. 1951.

Notice is hereby given that Granite State Electric Company ("Granite State"), a subsidiary of New England Electric System ("NEES"), a registered holding company, has filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935.

Notice is further given that any interested person may, not later than January 29, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 29, 1951, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Granite State proposes to issue up to and including March 31, 1951, notes due ninety days after the date of issue in the principal amount of $100,000 payable to The First National Bank of Boston.

It is proposed that the notes bear interest at the rate of 2¼ percent per annum and that, should the interest rate on any of the notes exceed such amount, Granite State will file an amendment, stating the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Granite State to the contrary within said five days, the amendment will become effective at the end of such period.

Granite State proposes to use such borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Granite State contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that Granite State presently has outstanding $90,000 of 2¼ percent notes payable to The First National Bank of Boston, due April 30, 1951. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company for services to be performed at cost, are estimated by Granite State not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Granite State requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1050; Filed, Jan. 22, 1951; 8:47 a. m.]

[File No. 812-708]

T. I. S. MANAGEMENT CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of January A. D. 1951.

Notice is hereby given that T. I. S. Management Corporation of New York City (Applicant) has filed an application under section 6 (c) of the Investment Company Act of 1940 for an order of exemption from the provisions of section 15 (a) of the act which make it unlawful for any person to act as an investment adviser for a registered investment company except pursuant to a written contract which contains certain specified statutory terms and which has been approved by a vote of a majority of the outstanding voting securities of such registered company.

It appears that Applicant is the Depositor under an agreement with the Trust Company of New Jersey pursuant to which Trusteed Industry Shares (T. I. S.), a registered investment company, was created; that such agreement contemplates that Applicant will retain an investment counsel to furnish investment advice in connection with the underlying portfolio of T. I. S.; that John H. Gross & Company, a sole proprietorship, had been acting as such investment counsel pursuant to an agreement approved by the shareholders of T. I. S.; that upon the death of John H. Gross on or about December 31, 1950, the aforementioned agreement was terminated; that on January 12, 1951, Applicant entered into a contract which conforms with the provisions of section 15 (a) of the act with Naess, Thomas & Thielbar, a copartnership, whereby the latter have agreed, contingent upon approval by the shareholders of T. I. S., to serve as investment counsel for a fee equal to the fee previously paid to John H. Gross & Company, to wit, 1/15 of 1 percent of the market value of the assets of T. I. S. until such value exceeds $4,000,000 and 1/10 of 1 percent of the market value thereafter; and that Applicant intends to submit the contract to the shareholders of T. I. S., within 90 days after January 12, 1951, for their approval. Applicant urges that, unless an order of exemption from section 15 (a), for a period of ninety days from January 12, 1951, is issued so as to permit Naess, Thomas & Thielbar to act as investment counsel pending shareholder approval of the contract, Applicant will be unable to continue the performance of its duties as provided by the agreement between it and the Trust Company of New Jersey.

For a more detailed statement of the matters of fact and law asserted all persons are referred to said application which is on file at the office of the Commission in Washington, D. C.

Notice is further given that an order may be issued granting the application in whole or in part and upon such conditions as the Commission may deem necessary and appropriate, at any time on or after February 5, 1951, unless prior thereto a hearing upon the application is ordered by the Commission. Any interested person may not later than February 2, 1951, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1051; Filed, Jan. 22, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY COMMITTEES

DELEGATION OF AUTHORITY WITH RESPECT TO AGREEMENTS TERMINATING BIN SITE REAL ESTATE LEASES

Pursuant to the authority conferred upon me, by the bylaws of Commodity Credit Corporation published in 14 F. R. 7689, I hereby appoint the chairman of every Production and Marketing Administration county committee a contracting officer, within the county of his jurisdiction, for the purpose of executing, in accordance with instructions of the State PMA Committee, agreements terminating bin site real estate leases entered into by the Commodity Credit Corporation in connection with the Corporation's grain storage program.

Issued this 18th day of January 1951.

[SEAL] RALPH S. TRIGG,
President,
Commodity Credit Corporation.

Attest:

LIONEL C. HOLM,
Secretary,
Commodity Credit Corporation.

[F. R. Doc. 51-1119; Filed, Jan. 22, 1951; 8:55 a. m.]

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JANUARY DOMESTIC PRICE LIST

Commodity	Approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only:		
Spray process	140,000,000 pounds [1]	13 cents per pound f. o. b. location of stock in any State.
Roller process	60,000,000 pounds [1]	11 cents per pound f. o. b. location of stock in any State.
Dried whole eggs (packed in barrels and drums) in carload lots only.	1,000,000 pounds [1]	1950 pack: $1.03 per pound f. o. b. cars or trucks at warehouses in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, Pennsylvania, New York, Maryland, and Delaware.
Linseed oil, raw	225,000,000 pounds [1]	Market price on date of sale but not less than the following minimum prices: 13.75 cents per pound Minneapolis and Chicago; 14.05 cents per pound Amsterdam, N. Y., San Francisco, Los Angeles, and Cleveland; 14.35 cents per pound New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound Houston, Tex., Kenedy, Tex., and Good Hope, La. Above prices f. o. b. tank cars at storage locations.
Dry edible beans		On all beans for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price differential exists, the price listed will apply. For other grades of all beans, market differentials will apply.
Pinto, bagged	1,700,000 bags	No. 1 Grade, 1948 [1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho rate area.
Pea, bagged	990,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan and New York areas.
Red kidney	563,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged	2,140,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr. area.
Baby lima, bagged	700,000 bags	No. 1 Grade 1948 [1] and 1949 crops: $7.95 per 100 pounds, basis f. o. b. California area.
Pink, bagged	100,000 bags	No. 1 Grade 1948 [1] crops: $8 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged	83,000 bags	No. 1 Grade 1949 crop: $8.60 per 100 pounds, basis f. o. b. California and Michigan areas.
Austrian winter pea seed, bagged	73,000 hundredweight [1]	$5.21 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Blue Lupine seed, bagged	315 hundredweight	$5.21 per 100 pounds f. o. b. point of production. Amount of paid-in freight to be added.
Kobe Lespedeza seed, bagged	22,260 hundredweight	$13.40 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping lovegrass seed, bagged	1,300 hundredweight	$54.11 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Wheat, bulk	100,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 50 cents per bushel if received by truck, or (2) 25 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.51; Minneapolis, No. 1 DNS, ex rail or barge, $2.52; Chicago, No. 1 RW, ex rail, or barge, $2.56; Portland, Oreg., No. 1 WW, ex rail, or barge, $2.46.
Oats, bulk	11,760,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 13 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 96 cents; Minneapolis, No. 3 or better, 92 cents.
Barley, bulk	28,416,000 bushels	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 22 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.50; San Francisco, No. 1 Western barley, ex rail or barge, $1.57.
Corn, bulk	50,000,000 bushels	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 17 cents per bushel, with market differentials for other grades, quality, and classes. At other delivery points: (1) the foregoing, plus average paid-in freight; or (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow $1.79; St. Louis, No. 3 yellow 1.79; Minneapolis, No. 3 yellow 1.72; Omaha, No. 3 yellow 1.71; Kansas City, No. 3 yellow 1.75. Market differentials for other grades, quality, and classes.
		1950 non-commercial corn-producing area: At points of production, or originating in a non-commercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county loan rate for No. 3, plus 17 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a commercial county, the county loan rate for No. 3 plus 17 cents, plus average paid-in freight. Examples of minimum price, per bushel: 1950 county loan rate for Brown County, Ind., $1.10 per bushel, No. 3 corn, 133 percent of $1.10, plus 17 cents equals $1.64 per bushel, the minimum sales price.
Potato starch, in carload lots only: [2]		
Pearl type, packed in 200-pound burlap bags with paper innerliners.	600,000 pounds [1]	$4.50 per hundredweight basis f. o. b. Maine shipping points.
Powdered type, packed in 100-pound and 200-pound burlap bags with paper innerliners.	3,500,000 pounds [1]	

[1] These same lots also are available at export sales prices announced concurrently.

[2] Offers will be considered for the purchase of potato starch for use in the manufacture of industrial alcohol.

JANUARY DOMESTIC PRICE LIST—Continued

Commodity	Approximate quantity available (subject to prior sale)	Domestic sales price
Gum rosin, in metal drums averging 517 pounds net, each.	75,000 drums	$8.50 per 100 pounds net, grades M through G, $8.65 grade N, $8.75 grade WG, and $9.00 grades X and WW, "as is," on storage yards in Georgia and Florida.

JANUARY EXPORT PRICE LIST

Commodity	Approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs (packed in barrels and drums), in carload lots only.	10,000,000 pounds	1950 Pack—60 cents per pound, f. a. s. vessel, U. S. Gulf or East Coast ports; or 60 cents per pound f. o. b. cars or trucks at warehouse locations, less freight based on the average gross shipping weight at the lowest export freight rate to New York or New Orleans whichever is lower.
Linseed oil, raw	225,000,000 pounds [1]	Market price on date of sale but not less than the following minimum prices: 13.75 cents per pound, Minneapolis and Chicago; 14.05 cents per pound, Amsterdam, N. Y., San Francisco, Los Angeles, and Cleveland; 14.35 cents per pound, New York, Philadelphia, Baltimore, and Portland, Oreg.; 14.45 cents per pound, Houston, Tex., Kenedy, Tex., and Good Hope, La. Above prices f. o. b. tank cars at storage locations.
Nonfat dry milk solids, in carload lots only:		For export to all countries except those listed below: Spray process—12½ cents per pound f. o. b. location of stock in any State. Roller process—10½ cents per pound f. o. b. location of stock in any State.
Spray process	140,000,000 pounds [1]	For export to Western Hemisphere countries except Canada and Colonial possessions of foreign countries, and territories and possessions of the U. S.: Spray process—9½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export. Roller process—7½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export.
Roller process	60,000,000 pounds [1]	
Dry edible beans:		No. 1 Grade 1948 crop, f. a. s. vessel at locations shown below:
Pinto, bagged	920,000 bags [1]	$5.90 per 100 pounds, San Francisco and Portland, Oreg. $6 per 100 pounds, U. S. Gulf ports. (See note below.)
Pea, bagged	245,000 bags [1]	$5.50 per 100 pounds, East Coast ports.
Red kidney, bagged	498,000 bags [1]	$6 per 100 pounds, New York.
Great Northern, bagged	925,000 bags	$5 per 100 pounds, Portland, Oreg.; $5.10 per 100 pounds, U. S. Gulf ports. (See note below.)
Baby lima, bagged	150,000 bags [1]	$5.50 per 100 pounds, San Francisco.
Pink, bagged	100,000 bags [1]	$5.25 per 100 pounds, San Francisco.
Red kidney, bagged	65,000 bags [1]	No. 1 Grade 1949 crop: $6.50 per 100 pounds, f. a. s. vessel New York.
		NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer.
Austrian winter pea seed, bagged	73,000 hundredweight [1]	Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. At CCC's option, 1949 crop beans may be furnished in lieu of 1948 beans in instances where stocks are exhausted of 1948 beans of the type and grade desired. Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Wheat, bulk	10,000,000 bushels [1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. Wheat may be used for milling export flour provided the entire quantity of flour produced therefrom is exported.
Potato starch, in carload lots only:		
Pearl type, packed in 200-pound burlap bags with paper innerliners.	600,000 pounds [1]	$1.50 per cwt. f. a. s. vessel, Boston, Mass.
Powdered type, packed in 100-pound and 200-pound burlap bags with paper innerliners.	3,500,000 pounds [1]	
Fresh Irish potatoes, packed in usual 100-pound burlap sacks, in carload or truckload lots only.	Substantial quantities, as available in Aroostook County, Maine.	U. S. No. 1 Grade when loaded at CCC's point of purchase: 60 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Canada, Mexico, Cuba, or the Caribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price, plus additional costs to CCC. Communicate with the Director, PMA Commodity Office, 67 Broad St., New York, N. Y., Tel. Digby 4-8360.
Fresh Irish potatoes, for processing into potato food products for export.	Quantities as available in the late potato producing States.	Basis 1 cent per hundredweight bulk ungraded at farm plus reimbursement for approved marketing services required to be performed.

[1] These same lots also are available at domestic sales prices announced concurrently.

(Pub. Law 439, 81st Cong.)

Issued January 18, 1951.

[SEAL]

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1120; Filed, Jan. 22, 1951; 8:55 a. m.]

Forest Service

CHALLIS NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Sulphur Creek Allotment on the Pahsimeroi Ranger District of the Challis National Forest, in Custer County, State of Idaho; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Pahsimeroi Ranger District of the Challis National Forest is issued:

Temporary closure from livestock grazing. (a) The Sulphur Creek Allotment on the Pahsimeroi Ranger District in the Challis National Forest is hereby closed for the period February 1, 1951 to December 31, 1951, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Challis National Forest is located.

Done at Washington, D. C., this 17th day of January 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1059; Filed, Jan. 22, 1951; 8:48 a. m.]

Office of the Secretary

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURAL CREDIT

Pursuant to the authority contained in Public Law 38, 81st Congress, approved April 6, 1949, the following designations of disaster areas were made as having a need for agricultural credit:

ALABAMA

The following counties were designated, on December 1, 1950, as disaster areas due to adverse weather conditions and boll weevil infestation:

Autauga.
Baldwin.
Barbour.
Bibb.
Blount.
Bullock.
Butler.
Calhoun.
Chambers.
Cherokee.
Chilton.
Choctaw.
Clarke.
Clay.
Cleburne.
Coffee.
Colbert.
Conecuh.
Coosa.
Covington.
Crenshaw.
Cullman.
Dale.
Dallas.
De Kalb.
Elmore.
Escambia
Etowah.
Fayette.
Franklin.
Geneva.
Greene.
Hale.
Henry.
Houston.
Jackson.
Jefferson.
Lamar.
Lauderdale.
Lawrence.
Lee.
Limestone.
Lowndes.
Macon.
Madison.
Marengo.
Marion.
Marshall.
Mobile.
Monroe.
Montgomery.
Morgan.
Perry.
Pickens.
Pike.
Randolph.
Russell.
St. Clair.
Shelby.
Sumter.
Talladega.
Tallapoosa.
Tuscaloosa.
Walker.
Washington.
Wilcox.
Winston.

ARKANSAS

The following counties were designated, on December 15, 1950, as disaster areas due to insect infestation and adverse weather conditions:

Bradley.
Calhoun.
Carroll.
Chicot.
Clark.
Clay.
Cleburne.
Cleveland.
Columbia.
Conway.
Craighead.
Crawford.
Crittenden.
Cross.
Dallas.
Desha.
Drew.
Faulkner.
Franklin.
Fulton.
Grant.
Greene.
Hempstead.
Hot Spring.
Howard.
Independence.
Izard.
Jackson.
Johnson.
Lafayette.
Lawrence.
Lincoln.
Little River.
Logan.
Madison.
Miller.
Mississippi.
Nevada.
Ouachita.
Perry.
Phillips.
Pike.
Poinsett.
Pope.
Pulaski.
Randolph.
St. Francis.
Sebastian.
Sevier.
Sharp.
Union.
Van Buren.
White.
Woodruff.
Yell.

CALIFORNIA

The following counties were designated, on December 1, 1950, as disaster areas due to flood:

Butte.
Colusa.
Fresno.
Kern.
Kings.
Madera.
Merced.
Placer.
Sacramento.
San Joaquin.
Stanislaus.
Sutter.
Tulare.
Yolo.
Yuba.

COLORADO

The following county was designated, on June 8, 1950, as a disaster area due to flood:

Prowers.

The following county was designated, on June 10, 1950, as a disaster area due to flood:

Baca.

The following counties were designated, on September 7, 1950, as disaster areas due to adverse weather conditions:

Alamosa.
Bent.
Conejos.
Castilla.
Crowley.
Custer.
Huerfano.
Kiowa.
Las Animas.
Montezuma.
Otero.
Rio Grande.
Saguache.

FLORIDA

The following counties were designated, on October 24, 1950, as disaster areas due to hurricane:

Brevard.
Broward.
Dade.
Glades.
Hendry.
Indian River.
Martin.
Okeechobee.
Palm Beach.
St. Lucie.

The following counties were designated, on November 2, 1950, as disaster areas due to hurricane and excessive rainfall:

Orange.
Seminole.
Volusia.

The following county was designated, on November 27, 1950, as a disaster area due to severe grasshopper infestation:

Alachua.

GEORGIA

The following counties were designated, on December 7, 1950, as disaster areas due to adverse weather conditions and severe boll weevil infestation:

Appling.
Banks.
Barrow.
Bartow.
Burke.
Calhoun.
Carroll.
Catoosa.
Chattooga.
Cherokee.
Clay.
Clayton.
Cobb.
Columbia.
Dade.
Dawson.
De Kalb.
Douglas.
Early.
Elbert.
Emanuel.
Floyd.
Fulton.
Forsyth.
Gilmer.
Glascock.
Gordon.
Greene.
Gwinnett.
Habersham.
Hall.
Hancock.
Haralson.
Jasper.
Jefferson.
Jenkins.
Lincoln.
Long.
Lumpkin.
Madison.
McDuffie.
Murray.
Newton.
Oconee.
Oglethorpe.
Paulding.
Pickens.
Polk.
Randolph.
Richmond.
Screven.
Taliaferro.
Tattnall.
Toombs.
Walker.
Walton.
Warren.
Washington.
White.
Whitfield.

LOUISIANA

The following parishes were designated, on October 24, 1950, as disaster areas due to insect infestation and excessive rainfall:

Bienville.
Claiborne.
Webster.

The following parishes were designated, on December 1, 1950, as disaster areas due to insect infestation and excessive rainfall:

Avoyelles.
Bossier.
Caddo.
Caldwell.
Catahoula.
Concordia.
De Soto.
East Carroll.
Franklin.
Jackson.
Lincoln.
Madison.
Morehouse.
Ouachita.
Pointe Coupee.
Red River.
Richland.
Sabine.
Tensas.
Union.
West Carroll.
Winn.

MISSISSIPPI

The following counties were designated, on December 15, 1950, as disaster areas due to adverse weather conditions and insect infestation:

Adams.
Alcorn.
Amite.
Attala.
Benton.
Bolivar.
Calhoun.
Carroll.
Chickasaw.
Choctaw.
Claiborne.
Clarke.
Clay.
Coahoma.
Copiah.
Covington.
De Soto.
Forrest.
Franklin.
George.
Greene.
Grenada.
Hancock.
Harrison.
Hinds.
Holmes.
Humphreys.
Issaquena.
Itawamba.
Jackson.
Jasper.
Jefferson.
Jefferson Davis.
Jones.
Kemper.
Lafayette.
Lamar.
Lauderdale.
Lawrence.
Leake.
Lee.
Leflore.
Lincoln.
Lowndes.
Madison.
Marion.
Marshall.
Monroe.
Montgomery.
Neshoba.
Newton.
Noxubee.
Oktibbeha.
Panola.
Pearl River.
Perry.
Pike.
Pontotoc.
Prentiss.
Quitman.
Rankin.
Scott.
Sharkey.
Simpson.
Smith.
Stone.
Sunflower.
Tallahatchie.
Tate.
Tippah.
Tishomingo.
Tunica.
Union.
Walthall.
Warren.
Washington.
Wayne.
Webster.
Wilkinson.
Winston.
Yalobusha.
Yazoo.

NEW JERSEY

The following counties were designated, on December 7, 1950, as disaster areas due to severe wind and storm damage:

Atlantic.
Bergen.
Burlington.
Camden.
Cape May.
Cumberland.
Essex.
Gloucester.
Hudson.
Hunterdon.
Mercer.
Middlesex.
Monmouth.
Morris.
Ocean.
Passaic.
Salem.
Somerset.
Sussex.
Union.
Warren.

NORTH CAROLINA

The following counties were designated, on September 7, 1950, as disaster areas due to excessive rainfall:

Beaufort.
Brunswick.
Carteret.
Columbus.
Duplin.
Hyde.
Jones.
Onslow.
Pamlico.
Pender.
Sampson.
Tyrrell.
Washington.

The following counties were designated, on November 2, 1950, as disaster areas due to excessive rainfall and insect infestation:

Anson.	Mecklinburg.
Cabarrus.	Northampton.
Catawba.	Polk.
Cleveland.	Richmond.
Columbus.	Rutherford.
Cumberland.	Scotland.
Gaston.	Union.
Hoke.	Warren.
Lincoln.	

OKLAHOMA

The following counties were designated, on October 13, 1950, as disaster areas due to adverse weather conditions and serious insect infestation:

Alfalfa.	Kingfisher.
Atoka.	Kiowa.
Beaver.	Le Flore.
Beckham.	Logan.
Blain.	Love.
Bryan.	Major.
Caddo.	Marshall.
Canadian.	McClain.
Carter.	McCurtain.
Choctaw.	McIntosh.
Cimarron.	Muskogee.
Coal.	Noble.
Comanche.	Okfuskee.
Cotton.	Okmulgee.
Creek.	Pawnee.
Custer.	Payne.
Dewey.	Pittsburg.
Ellis.	Pontotoc.
Garfield.	Pottawatomie.
Garvin.	Pushmataha.
Grady.	Roger Mills.
Grant.	Seminole.
Greer.	Sequoyah.
Harmon.	Stephens.
Harper.	Texas.
Haskell.	Tillman.
Hughes.	Wagoner.
Jackson.	Washita.
Jefferson.	Woods.
Johnston.	Woodward.
Kay.	

The following counties were designated, on November 21, 1950, as disaster areas due to excessive rainfall and insect infestation:

Lincoln.	Osage.

PUERTO RICO

The island of Puerto Rico was designated, on October 13, 1950, as a disaster area due to adverse weather conditions.

SOUTH CAROLINA

The following counties were designated, on November 20, 1950, as disaster areas due to adverse weather conditions and insect infestation:

Abbeville.	Dorchester.
Aiken.	Edgefield.
Allendale.	Fairfield.
Anderson.	Florence.
Bamberg.	Georgetown.
Barnwell.	Greenville.
Beaufort.	Greenwood.
Berkeley.	Hampton.
Calhoun.	Horry.
Charleston.	Jasper.
Cherokee.	Kershaw.
Chester.	Lancaster.
Chesterfield.	Laurens.
Clarendon.	Lee.
Colleton.	Lexington.
Darlington.	McCormick.
Dillon.	Marion.
Marlboro.	Saluda.
Newberry.	Spartanburg.
Oconee.	Sumter.
Orangeburg.	Union.
Pickens.	Williamsburg.
Richland.	York.

TEXAS

The following counties were designated, on September 7, 1950, as disaster areas due to drought and insect infestation:

Armstrong.	Hartley.
Bailey.	Hutchinson.
Briscoe.	Lamp.
Carson.	Lipscomb.
Castro.	Moore.
Crosby.	Ochiltree.
Dallam.	Oldham.
Deaf Smith	Parmer.
Floyd.	Potter.
Gray.	Randall.
Hale.	Sherman.
Hansford.	Swisher.

The following counties were designated, on September 26, 1950, as disaster areas due to adverse weather conditions and insect infestation:

Bowie.	Hall.
Childress.	Hunt.
Collin.	Kaufman.
Collingsworth.	Lamar.
Delta.	Motley.
Denton.	Rains.
Donley.	Red River.
Fannin.	Rockwall.
Grayson.	Van Zandt.

The following counties were designated, on November 27, 1950, as disaster areas due to adverse weather conditions and insect infestation:

Anderson.	Panola.
Angelina.	Polk.
Camp.	Rusk.
Cass.	Sabine.
Cherokee.	San Augustine.
Franklin.	San Jacinto.
Gregg.	Shelby.
Harrison.	Smith.
Henderson.	Titus.
Hopkins.	Trinity.
Houston.	Upshur.
Marion.	Walker.
Morris.	Wood.
Nacogdoches.	

UTAH

The following counties were designated, on October 26, 1950, as disaster areas due to adverse weather conditions:

Garfield.	San Juan.
Kane.	

VERMONT

The following counties were designated, on December 8, 1950, as disaster areas due to severe rain and windstorm:

Addison.	Lamoille.
Bennington.	Orange.
Caledonia.	Orleans.
Chittenden.	Rutland.
Essex.	Washington.
Franklin.	Windham.
Grand Isle.	Windsor.

Done at Washington, D. C., this 17th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1060; Filed, Jan. 22, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1405]

MERCER GAS LIGHT AND FUEL CO.

NOTICE OF CONTINUANCE OF HEARING

JANUARY 17, 1951.

Upon consideration of the request of counsel for Mercer Gas Light and Fuel Company filed January 15, 1951, notice is hereby given that the hearing in the above-designated matter now scheduled for January 25, 1951, be and it is hereby continued to March 6, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1065; Filed, Jan. 22, 1951; 8:48 a. m.]

[Docket No. G-1544]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JANUARY 16, 1951.

On December 4, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon and sell certain of its facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 21, 1950 (15 F. R. 9158).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 6, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 17, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1066; Filed, Jan. 22, 1951; 8:48 a. m.]

[Docket Nos. G-1459, G-1502, G-1506, G-1528]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JANUARY 18, 1951.

In the matters of El Paso Natural Gas Company, Docket No. G-1459; the Ohio Fuel Gas Company, Docket No. G-1502; New York State Natural Gas Corporation, Docket No. G-1506; Equitable Gas Company, Docket No. G-1528.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its findings and orders entered January 16, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1067; Filed, Jan. 22, 1951; 8:48 a. m.]

[Docket No. E-6332]

EL PASO ELECTRIC CO.

NOTICE OF ORDER FOR AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 16, 1951, supplementing order of January 5, 1951, published in the FEDERAL REGISTER (16 F. R. 323), authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1068; Filed, Jan. 22, 1951; 8:48 a. m.]

[Docket No. E-6334]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER FOR AUTHORIZING ISSUANCE OF SECURITIES

JANUARY 18, 1951.

Notice is hereby given that, on January 16, 1951, the Federal Power Commission issued its order entered January 16, 1951, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1069; Filed, Jan. 22, 1951; 8:48 a. m.]

LE FLORE COUNTY GAS & ELECTRIC CO.

NOTICE OF ORDER FOR DIRECTING AND APPROVING DISPOSITION OF AMOUNTS

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 16, 1951, directing and approving disposition of amounts classified in Account 100.5, Gas Plant Acquisition Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1070; Filed, Jan. 22, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15831]

GERMANY

In re: Funds owned by Germany. F-28-20169-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Cash in the sum of $111,343.00 presently on deposit in the Treasury Department of the United States in an account entitled Secretary of the Treasury Miscellaneous Deposits held pending final disposition—Treasury symbol 891-801 (Special Deposit Account No. 3), and any and all rights to demand and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 20, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-1079; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16632]

ANNA SCHULZ

In re: Rights of Anna Schulz under insurance contract. File No. D-28-12646-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schulz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 5 829 15-A issued by the Metropolitan Life Insurance Company, New York, New York, to Julia Koester, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1082; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16630]

FREDERICK SCHMITZ ET AL.

In re: Rights of Frederick Schmitz, et al. under insurance contract. F-28-24866-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Schmitz, whose last known address is Germany, is a resident

of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frederick Schmitz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 65336974, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Frederick Schmitz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Frederick Schmitz or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frederick Schmitz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frederick Schmitz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1080; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16631]

EUSEBIUS SCHUBERTH ET AL.

In re: Rights of Eusebius Schuberth et al. under insurance contract. File No. F-28-28606-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eusebius Schuberth, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Eusebius Schuberth, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 91569682, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Eusebius Schuberth, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eusebius Schuberth or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Eusebius Schuberth, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Eusebius Schuberth, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1081; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16633]

TOKI SEKO

In re: Rights of Toki Seko under insurance contract. File No. F-39-2567-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toki Seko, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4 426 640, issued by the New York Life Insurance Company, New York, New York, to Konosuke Seko, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1083; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16635]

TARO SHIMABUKURO ET AL.

In re: Rights of Taro Shimabukuro et al. under insurance contract. File No. D-39-15364-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taro Shimabukuro and Gozu Shimabukuro, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,255,723, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Taro Shimabukuro, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Taro Shimabukuro or Gozu Shimabukuro, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1084; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16638]

THOMAS J. SOMMER ET AL.

In re: Rights of Thomas J. Sommer et al. under contract of insurance. F-28-27197-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Thomas J. Sommer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas J. Sommer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Claim Settlement Certificate No. 101893, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Thomas J. Sommer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Thomas J. Sommer or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas J. Sommer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Thomas J. Sommer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1085; Filed, Jan. 22, 1951; 8:51 a. m.]

[Vesting Order 16639]

MARY STUTZEL ET AL.

In re: Rights of Mary Stutzel et al. under insurance contract. File No. F-28-2964-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Stutzel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Albert Anstett, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 3822069A, issued by the Metropolitan Life Insurance Company, New York, New York, to Albert Anstett, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Albert Anstett, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1086; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16642]

HISAYO TANAKA

In re: Rights of Hisayo Tanaka under a contract of insurance. File No. F-39-4534-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisayo Tanaka, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Hisayo Tanaka under a contract of insurance evidenced by Policy No. 7770609, issued by the New York Life Insurance Company, New York, New York, to Hisayo Tanaka, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1089; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16856]

HENRIETTA E. GARRETT

In re: Estate of Henrietta E. Garrett, deceased. File No. D-28-1682; E. T. sec. Nos. 538 and 539.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons named in Exhibit A, attached hereto and by reference made a part hereof, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of the deceased persons named in Exhibit A, attached hereto and by reference made a part hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in Exhibit A, attached hereto and by reference made a part hereof, in, to and against the Estate of Henrietta E. Garrett, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles S. Starr and Frank G. Marcellus, administrators c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons identified in Exhibit A, attached hereto and by reference made a part hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of Designated National, Address and Claim No. in Proceeding

A

Margareta Acker (nee Schaeffer); Klosterstrasse 148, Edenkoben (Rheinpfalz), Germany; 478.

Anna Adam; Oberbaching 58, Post Diesenhofen bei München, H-1, Bavaria, Germany; 5422.

Elisabeth Schafer Adam; Muggenturm Beethovenstrasse, Germany; 10081.

Katharina Adam (a/k/a Mrs. Ferdinand, nee Zerfas); Uuntershausen, Post Montabaur, Germany; 15976.

Mrs. Johann Adams; Ellenbogenstrasse 15, Eltville am Rhein, Germany; 16763.

Karl Adams; Eltville am Rhein, Germany; 16762.

Paul Adams; Meudt-Farberbach, Kreis Ober Westerwald, Germany; 15977.

Karl Aderhold; Lassingstrasse 2, Kassel, Germany; 6114.

Elsa Adomeit (nee Witte); Bünkamp 15, Hamburg, Langenhorn 1, Germany; 5025, 5765.

Friederike W. Ahlendorf (a/k/a Uhlendorf); Minden (Westfalen), Am Brühl 1, Germany; 8772.

Minna Ahlers; Hamburg-Grossflottbek, British Zone, Schulberg 6, Germany; 22820.

Angela Maria Ahrens; Paderborn (Westfalen), Bahnofstrasse 70, Germany; 413.

Anna Ahrens; c/o Borgholz Kr. Warburg, Germany; 9487.

Anna Ahrens (nee Melzer); Hastrup bei Bersenbrück, Bezirk Osnabrück, Germany; 14289.

Heinrich Ahrens; Ferdinand Street 67, Paderborn, Westfalia, British Zone, Germany; 412.

Johannes Ahrens; Greifenhagenerstrasse 9, Berlin Norden 9, Germany; 5737.

Paul Ahrens; Kaiserfriedrichstrasse 68, Berlin-Panckow, Germany; 5736.

Robert Ahrens; Viereck Kreis, Ückermunde, Germany; 5738.

Anna Aland; Schubertstrasse 7, Hanau, Germany; 7323.

August Aland; Eichenried, Kreis Fulda, Germany; 7321.

Maria Aland; Fulda, Germany; 7322.

Sophia Aland (nee Shäfer); Heubach 1, Rhoen, Kr. Schleuchtern House, No. 98, Germany; 6124.

Henriette Albert (nee Christmann); c/o Karl Albert (son), Hirschhorn bei Kaiserslautern, Saarpfalz, Germany; 23024.

Paul Alberts; Solingen, Germany; 5675.

Ernst Albieg; Guegligen Wuerttemberg, Germany; 6121.

Anna Albrecht; Rauenthal, Germany; 10600.

Appolonia Albrecht (nee Schaefer); Karlsruhe, Germany; 141.

Johann Albrecht; Uhlandstrasse 3, Augsburg, Germany; 11632.

Amalie Henrietta Albus (nee Pilger); Mandern, Waldeck Post, Wildungen-Bad-Land, Germany; 12617.

Carolina Emilie Frederike Aldag (nee Gortemann); Minden (Westfalen), Hufschmiede 21, Germany; 8767.

Emil Aldag; Neuestrasse 42, Hannover, Germany; 6113.

Heinrich Frederich Georg Aldag; Horst-Wesselstrasse 22, Rinsteln, Germany; 8766.

Julius August Aldag; Bäckerstrasse 33, Rinteln, Germany; 8765.

Maria Alertz (nee Bein); Friedrich-Ebert Alee 29, Aachen, Germany; 5070.

Therese Alertz; Ottostrasse 24, Aachen, Germany; 5049.

Gertrud Alles (nee Schaefer); Nerdingerstr. 11, Koeln-Nippes, Germany; 13641

Richard Alsdorff, Elbingerstrasse 502, Marunburg, West Prussia, Germany, 23837.

Katharina Althoff (nee Birkenbusch); 141 Bergisch-Gladbacherstrasse, Köln-Mülheim (Rheinland), Germany; 15978.

Pauline Friederike Althoff (nee Aldag); Eldinghausen 456, near Bad Oeynhausen, Germany; 8764.

Marie Windmann Althoff; Ostcheid 369, b/Löhne, Westfalen, Germany; 6442.

Anna Altvator; Hammerweg-Siedlung Mosbach, Barake I Baden, Germany.

Martha Andreas (nee Herbrich), Zehntwerderweg 5, Berlin-Waidmannslust, Germany; 23783.

Anna Katharina Anhauser; Bad Bertrich, Bezirk Koblenz, Germany; 15403.

J. Ankenbrand; Wertheim a. M., Germany; 6120.

Hugo Anschuetz; Frankfurt am Main, Nibelungen Allee 51, Germany; 15896.

August Ansorge; Wilhelmstrasse 27, Witten (Ruhr), Germany; 3831.

Otto Appel; Niederstaufenbach b. Kusel, Rheinpfalz, Germany; 23693.

August Johann Karl Appelgruen; Hoppenwald, Kr. Ueckermünde, Pommern, Germany; 12154.

Friedrich Appelgruen; Kamingstrasse 1, Ueckermuende, Pommern, Germany; 123.

Lina Appelhaus (nee Kreuger); Am Beuter 13, Schueren bei Dortmund (Westfalen), Germany; 16415.

Helene Arenz (nee Klaes); Frankfurterstrasse 284, Koeln-Hoehenberg, Germany; 13620.

Martha Elizabeth Armbröster (nee Schäfer); Vollmarshausen, Bez. Kasset, Germany; 17808.

E. Sauerbrunn Armur; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Germany; 7990.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Mrs. Erna Albert Arnoldi, deceased; Sedanstrasse 20, Osnabrück, Germany; 5141.

Hugo Asbeck; Solingen, Schlagbaumerstr. 48, Germany; 7733.

Maria Katharine Assion; Franz Rücker Allee 2, Frankfurt A/M, Germany; 16840.

Friedrich Ast; Greinsfurt, Bez. Amstetten, Niederdonau, Germany; 23739.

Johann Ast; Dorf Hoag Nr. 8, Post Amstetten, Niederdonau, Germany; 23741.

Simon Ast; Dorf Hoag Nr. 8, Post Amstetten, Niederdonau, Germany; 23742.

Barbara Astor; Adolf-Hitlerstrasse 21, Wittlich (Rheinland), Germany; 20933.

Josefine Hassler Auer; c/o Albert Gleichauf, Hadwigstrasse 10, Singen (Hohentwiel), Germany; 25506.

Therese Aurisch; Meunzstrasse 32, Duisburg, Germany; 6026.

Käthe Aus Der Wiesche; Fischenbeck 76, Mülheim-Ruhr-Holthausen, Germany (British Zone); 5210.

Elisabeth Austmann; Soest in Westphalia, Höggenstrasse 11, Germany; 225.

Damian Auth; Veitsteinbach 57, Kreis Fulda, Hessen-Nassau, Germany; 2234.

Karl I. Auth; Eichenried Ueber Neuhof, District of Fulda, Germany; 6116, 265.

Damian Maria Auth; Veitsteinbach Kr. Fulda 57, Hessen-Nassau, Germany; 2230.

Joseph Avender; 26 Buichover Strasse, Berlin S. 42, Germany; 11725.

Elsbeth Emmi Sophie Axt; Krugerstrasse 12, Dresden-Loschwitz, Germany; 12910.

B

Lina Bachlehner; Landsberg/Lech, Bayern, Altöttinger Allee, Germany; 10207.

Konrad Back; Ermreuth, Germany.

Luzia Schiffer Bade; bei-Herrn Dr. Dorsenmagen, Ferdinandshof 1/P, Germany; 5733.

Emil Bader; Kehlerstrasse 4, Rastatt (Baden), Germany, 184, 3824.

Maria Bader; Mittelstetten 23 bei, Augsburg, Bavaria, Germany; 5423.

Joh Baer; Froendenberg Ruhr, Germany; 5007.

Heinrich Hans Bahe; Kainholzerstrasse 49 (ptr.), Hannoyer, Germany; 23784.

Paula Bahr; Genelsberg 1/Westfalen, Hindenburgstrasse 12, Germany; 8426.

Richard Ballenthin; Hessestrasse 9A, Berlin-Steglitz, Germany; 24682.

Franz Banach; Zumsandestrasse 37, Münster 1/Westfalen, Germany; 5700.

Gertrud Bannenberg; Lininestrasse 72, Duesseldorf, Germany; 13628.

Johann Bär; Mengerskirchen 163, Westerwald, Weilburg-Land, Germany; 6177.

August Barchfeld; Flemmingstrasse 14, Wesel a/Rhein, Germany; 5780.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Constantin Barchfeld, deceased; Podbielskistr. 276, Hannover, Germany; 5731.

Frieda Barchfeld; Flemmingstrasse 14, Wesel a/Rhein, Germany; 5784.

Minna Barchfeld; Podbielskistrasse 276, Hannover, Germany; 5794.

M. Barth; Munchen 8, Achentalstrasse 31 I. r., Germany.

Martha Barth; Kassel-Harleshausen, Franzstrasse 13., Hassen, Germany; 16988.

Mrs. Wally Barth; Gartenstrasse 106, Düsseldorf, Germany; 5183.

Magdalene Elisabeth Bärthel; Vollmarshausen, Bez. Kassel, Germany; 17797.

Marta Bärthel; Vollmarshausen, Bez. Kassel, Germany; 17784.

Marie Bartholme; Waldstrasse 27, Walldorf 1/Hessen, b. Frankfurt/M. Germany; 5674.

Carl Bast; Althornbach, Rheinpfalz, Germany; 10205.

Clara Bast; Kaiser Friedrich Ring 46 II, Wiesbaden, Germany.

Karl Baudis; Steinbergen Nr. 109, Schaumburg-Lippe, Germany; 20380.

Arthur Bauer; Arosa Alee 46/I, Berlin-Reinckendorf-Ost., Germany; 17396.

Karl Bauer; Buchholzerstrasse 1 IV, Berlin N. O. 58, Germany; 5115

Ludwig Bauer; Kothen Unterfranken, Bayern, Germany; 7314.

Marie Bauer; Penzberg 1/Oberbayern, Ludwig Märzstr. 4, Germany; 10581.

Paul Bauer; Fredersdorf bei Berlin, Gartenstrasse 6, Germany; 319.

Paul Bauer, Jr.; Nebeniusstrasse 5, Mannheim, Germany; 6134.

Father August Bauer; Roden Über Lohr a Main, Germany; 7313.

August Bauer; Mörsdorf, Kreis Kochem, Bezerk Koblenz, Germany.

Anna Bauer; Mörsdorf, Kreis Kochem, Bezerk Koblenz, Germany.

Emma Bauer; Neustadt, Germany; 10564.

Gustav Bauer; Kothen Unterfranken, Bayern, Germany; 7310.

Henriette Bauer; Bodstedt bei Barth (Pommern), Germany; 280.

Josef Bauer; Kothen b. Bruckenau Bayern, Germany; 7311.

Peter Bauer; Mörsdorf, Kreis Kochem, Bezerk Koblenz, Germany.

Lina Batz; Neckarweg 15, Kassel-Wilhelmshöhe (Hessen), Germany; 362, 4973.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Sophie Baucks, deceased; Hamm in Westfalen, Martin Lutherstrasse 12-14, Germany; 134.

Hermann Baulig; 11 Keupstrasse, Köln-Mülheim, Germany; 15979.

Johann Baulig; Flügelstrasse 3, Köln-Mülheim, Germany; 15980.

Peter Baulig; Ostmerheimerstrasse 283, Köln-Merheim rechtsrheinisch, Germany; 15981.

Babette Baumann; Bromberg, Post Falkenberg, bei Eggenfelden, Niederbayern, Germany; 5776.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Maria Baumann, deceased; Charlottenstr. 3, b. Justizgebäude, Stuttgart, Germany; 9305, 9848.

Katharina Baumbauer; Morbach, Germany; 23696.

Maria Baumstark; Muggenstrum, 1/B., Germany; 10593.

Elisa Baur; Hoefen Post Backnaug-Land, Wuerttbg., Germany; 5003.

Anna Bayer; Mainstrasse 20, Hagen in Westfalen, Germany; 9092.

Anna Beck; Falkstrasse 84/I, Frankfurt am Main West, Germany; 281.

Emma Beck; Teichstrasse 3, Bad Wildungen, Germany; 5236.

Eugene Beck; Schliessfach 109, Kehl (Baden), Germany; 5187.

Minna Sophie Therese Beck; Rampenstrasse 10A, Hannover, Germany; 16266.

Agnes Becker; 2 b. Limburgerstreet Cologne, Germany (British Zone); 12115, 24683.

Alfred P. Becker; Riemannstr. 19, Essen/Ruhr, Germany; 10919.

Christina Becker; Kiedrich Kr. Rheingau, Oberstrasse 86, Germany; 12082.

Dorothea Becker; Wuppertal-Ronsdorf, Echverstr., Germany; 1337.

Elizabeth Schäfer Becker; Luchert, Post Horhausen, Westerwald, Germany; 12035.

Elli Becker; Wuppertal Elberfeld Borsigstrasse 15, Germany.

Franz Becker; Lahnstrasse 31, Duisburg, Germany; 20680.

Franz Becker; An Luggesmühle 20, Bottrop in Westfalen, Germany; 23785.

Josephine Becker; Roermonderstrasse 100, Aachen, Germany; 5048.

Mrs. Karl Becker; Rolendstrasse 2, Opladen-Quettingen (Rheinland), Germany; 15982.

Katharina Becker; Horhausen 22 b., Westerwald Über Neuwied, Rheinland, Germany; 11264.

Margarete Berg; Kampeam Rhein, Rheinland Pfals, Germany.

Maria Witwe Becker; Drenke, Post Beverungen, a. d. Weser, Kreis Hoxter, Germany; 10885.

Marianne Becker; c/o Alfred P. Becker, Riemannstr. 19/Essen/Ruhr, Germany; 9754.

Melanie Becker; Wolfsburg b/Fallersleben, Kr. Gilhorn, Lessingstrasse 22, English Zone, Germany.

Michael Becker; (22b) Obersteinebirch, Post Epgert/Linz-Rhein, French Zone, Germany.

Paul Becker; Hoya (Weser), Province of Hannover, Germany; 3816.

Witwe Wilhelm Becker; (22b) Obersteinebirch, Post Epgert/Linz-Rhein, French Zone, Germany.

Ferdinand Beckers; Arndtstrasse 10, Aachen, Germany; 4996.

Franz Beckers; Alexanderstrasse 28, Aachen, Germany; 4997.

Heinrich Beckers (minor); Heinrichsallee 27, Aachen, Germany; 2726.

Emilie Doris Beckmann; Bueckeburg, Germany, Wallstrasse 26; 8770.

Louise Beerberg; Fischbeck (Weser) No. 107, Germany; 16535.

Minna Beerberg; Fischbeck (Weser) No. 50, Germany; 16532.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Charlotte Beerenkamper, deceased; Viotho a. d. Weser, Feldmark 105, Germany; 11439.

Friedrich Beesel; (21b) Iserlohn1/Westf., Robert-Kochstrasse 12, British Zone, Germany.

Anna Kraemer Behle; Wielandstr. 22, Dortmund, Germany; 1043.

Emma Kretschmer Beier; 67 Belzheim, Kreis Nördlinger, Bavaria, Germany, U. S. A. Zone (13 B.); 9364.

Maria Beilcke; Kanstrasse 50, Berlin-Charlottenberg 4, Germany; 5180, 5644.

Antoinette Bein; Normannenstrasse 30, Aachen, Germany; 4998.

Claire Anne Bein; Normannestrasse 30, Aachen, Germany; 4999.

Franz Bein; Markt, 24, Würselen, Germany; 4994.

Paul Bein; Bluecherplatz 24, Aachen, Germany; 5050.

Friedrich Beinkämpen; c/o H. Wihl. Kormeyer, Hankenberge, Bez., Osnabrück, Germany; 21051.

Hugo Beinke; Gr. Bleichen 31, Hamburg, Germany; 23565.

Ludwig Beinke; Kl. Flottbeck, Elbchaussee 178, Hamburg, Germany; 23567.

Wilhelm Beinke; Osterbecksweg 4, Hamburg, Germany; 23566.

Hanna Beitter; Kapellenstrasse 4, Weisbaden, Germany; 6137.

Karl Bell; Preussischestrasse 19, Stetten, Germany; 5102.

Maria Zimmermann Benke; Adorferstrasse 34, Markneukirchen, Saxony, Germany; 23965.

Elisabeth Benninghoven; Luttringhauserstrasse 33, Wuppertal-Ronsdorf, Germany; 10719.

Walter Benninghoven; Luttringhauserstr. 28, Wuppertal-Ronsdorf, Germany; 1334.

Werner Benninghoven, Marktstrasse 32, Wuppertal-Ronsdorf, Germany; 1333.

Otto Benter; Gross Mokratz Ueber, Wollin, Pommern, Germany; 5778.

Emilie Benz; c/o John F. Hermann, Karlsruhe 1/B., Germany; 12034.

Elisabeth Benzerath; Kocherillstrasse 11, Stolberg (Rhld), Germany; 21656.

Martha Paulina Berberich; Adolph-Hitlerstrasse 11, Walldürn, Baden, Germany; 9530.

Hermann Berg; Gartenstrasse 10, Heessen bei Hamm in, Westfalen, Germany; 616.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Josef Berg, deceased; Holzkircherstr. 15c, Berlin-Weissensee, Germany; 612.

Stefan Berg; c/o Caroline Thebille, Kettelerstrasse, Paderborin, in Westfalen, Germany;

Margaretha Berger; Pforzheim, Germany; 10565.

Martha Berger; Kriegstrasse 89, Karlsruhe, Baden, Germany; 4562.

Johannes Berges; Koenigshagen bei Bad, Wildungen, Waldeck, Germany.

Agnes Berghaid; Haldenstrasse 14, Beuthen O/S, Germany; 24684.

Paul Berghausen; Kurfürstendamm 23, Berlin W. 15, Germany; 21132.

Auguste Bergmann; Waisenhaus, Hamelin, Germany; 5697.

Elizabeth Berlinghof; Windeckstr. 97, Mannheim, Baden, Germany; 1898.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Dr. Paul Bermbach, deceased; Mommsenstrasse 6, am Kriegsschädenamt in Köln, Germany; 3801.

Sibylla Emma Berndt; Witten-Ruhr (Westfalen), Horst-Wesselstrasse 10A, Germany; 10860.

Fritz Berneburg; Markt No. 15, Holzminden (Weser), Germany; 5672.

Emilie Bernhard; Bremen, Germany; 1336.

Friederike Bernhard; Bormen (Rhid), Germany; 1335.

Elise Bernhardt; Wellerode, Bez. Kassel, Germany; 17791.

Catherine Bernreuther; Obernsees No. 99, Oberfranken Bez. Bayreuth, Germany; 188, 5108.

Mrs. Schaeffer Bernstein; Kurfuerstendamm 103, Berlin-Halensee, Germany; 10288.

Anna Luise Beschle; Ziegelgasse 15, Heidelberg, Germany; 12086.

Karl Besel; Asch-Swabia, Bavaria, Germany; 5424.

Mrs. Otto Besser; Wehbergerstrasse 14, Ludenscheid, Germany; 22693.

Minna Bettenhausen; Weissenburgstrasse 5, Kassel, Germany; 16416.

Sophia Bettenhausen; Weissenburgstrasse 5, Kassel, Germany; 16417.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Barbara Reinfrank, deceased; Germany; 10779.

Georg Bienne; Poschingerstrasse 16, Berlin-Steglitz, Germany; 20698.

Ida Biene; Poschingerstrasse 16, Berlin-Steglitz, Germany; 20456.

Maria Bierbrauer; W. Bierstadt, Kirchgasse 14, Germany; 24061.

Otto Biermann; Im Hummelbeck Behelfsheim 1, Witten-Annen-Ruhr, Germany; 6138.

Jakob Bihlmaier; Stockheim Über Buchloe, Germany; 354.

Salome Bihlmaier; Stockheim-Swabia near Bad. Wörishofen, Germany; 5425.

Agnes Binder; Wilhelmstrasse 23, Stettin, Germany; 5703.

Mrs. Johannes Bindewald; Seekatzstrasse 3, (22b) Grünstadt, Rheinpfalz, Germany; 3807.

Karl Bindewald; Rockenhausen/Rheinpfalz, Kreuznacherstrasse 31, Germany; 10710.

Peter Biondino; Nierstein am Rhein, Germany; 20682.

Elizabeth Birkenbusch; Fuldastrasse 65, Koln-Höhenberg, (Rheinland), Germany; 15683.

Gerhard Birkenbusch; bei-Petzer, Trutzenberg 20, Köln (Rheinland), Germany; 15984.

Hubert Birkenbusch; Giesbertstrasse 48, Köln-Stammheim, (Rheinland), Germany; 15985.

Johann Birkenbusch; 26 Salvatorstrasse, Köln-Stammheim, (Rheinland), Germany; 15983.

Else Bischof; Voltastrasse 22, Berlin N. 31, Germany; 5771.

Katharine Bischoff; Niederkaufungen, Bez. Kassel, Germany; 17800.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Joseph Bittenger, deceased; Germany; 10502.

Ida Bittner; Siedlung 11 No. 2, Gnadenfrei/Schlesien, Germany; 24382.

J. Blahaut; Braunschweig, Ludurgstrasse 25, Germany.

Marie Blanke; Hohnhorst 62, Grafschaft Schaumburg, Germany; 12131.

Marie Blankenburg; Hindenburgstrasse 12, Bad Salzuflen, Lippe-Dotmold, Germany; 3808.

Leonarda Blaszczyk; Hamborn a/Rhein, Worbruckstr. 42, Siodmak, Germany; 24251.

Charlotte Pauline Bleck; Weisenstrabe 15, British Zone, Germany; 21113.

Anna Bleidorn, Hoppenwalde, Pomerania, Germany; 226.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Friederike Bleidorn, deceased; Germany; 5787.

Ferdinand Block; Dammstrasse 1, Aachen, Germany; 5078.

Josef Block; Casinostrasse 3 II, Aachen, Germany, 5077.

Luise Blohm; Zechenstrasse 92 Unna/Westfalen, Germany; 10206.

Martin Bloss; Sontra Bez. Kassel, Germany; 3809.

Anna Blum; Sparhof, Kreis Fulda, Post Neuhof, Germany; 7327.

Klaus Böckel; Blumenstrasse 40, Minden 1/W., Germany; 5262.

Anna Louisa Minna Böcker; 5 Stammestrasse, Ricklingen, Hannover, Germany; 10738.

Elisabeth Gertrud Bödde; An der Steinhalde 17-a, Bochum-Linden, Germany; 17032.

Friedrich Bode; Schwartauer Allee 3, Lübeck, Germany; 25629.

Maria Bode; Dorotheenstrasse 29, Kiel, Germany; 16462.

Maria Gertrud Schaefer Bode; Hagenerstrasse 13, Gevelsberg, Nordrhein-Westfalen, Germany (British Zone); 6162.

Minna Bode; Poetzen No. 57 bei Rinteln, Germany; 16527.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Natalie Schäfer Bode, deceased; Germany; 9844.

Louise Boeckle; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10427.

Alwine Boeddecker; Nollstrasse 2, Oldenburg-Osternburg, Germany; 415.

Marie Boehmer; Anroechte, Kreis Lippstadt (Westfalen), Germany; 129.

Johann Peter Boesen; Beuron an der Donau, Kreis Siegmaringen (Hohenzollern), Germany; 12283.

Agnes Bohlmann; c/o Martin Stumpf, Biekhofen bei Attendorn (Westfalen), Germany; 5725.

Erich Bohlman; Albrechtstrasse 4, Stettin, Germany; 5147.

Frida Bohm; Flensburg, Friesischestr. 94, Germany; 3725.

Selma Schafer Bohnekamp; Hassenbergerstrasse 92, Bochum-Dahlhausen, Germany; 5770.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Magdalene Bohraus, deceased; Germany; 3726.

Benno Bohringer; Loupheim, Germany; 5104.

Angela Bokelmann; Wünnenberg, Uber Buren, Westfalen, Germany; 564.

Emma Bokeloh; 21a Steinbergen Nr. 118, Uber Rinstein/Weser., Germany; 15404.

Anna Catherine Luise Engel Boldt; Elnfeld b. Neumunster, Germany; 2902.

Erna Bolm, Brunswick-Lehndorf, Merzigerstr. 21, Germany (British Zone); 6459.

Christine Bolte; Bez. Kassel Grossalmerode, Hessen, Germany; 678.

Anna Maria Elisabeth Bommhardt; Niedervellmar bei Kassel, Germany; 17781.

Heinrich Bonacker; Riemkerstrasse 24, Herne, Germany; 576.

Mrs. Johanna Ferdinand Bocs; Celle b/Hannover, am Heiligen, Krez. 5, British Zone, Germany; 11440.

Theresia Borghoff; Steinhausen 68, Kreus Bueren (Westf.), Germany; 554, 6131.

Gustav Borrmann; Georgenfelde (Ostpreussen), Germany; 591.

Helene Borrmann; Eydtkuhnen (Ostpreussen) Schönstr. 2, Germany; 590.

Gertrud Malonn; Straussbergerstr. 30/111 Berlin N. W. 18, Germany, Schönstr. 2 Eydtkukner (Ostpreussen), Germany; 17415.

Kurt Borrmann and domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Minna Borrmann, deceased; Germany.

Barbara Borsch; Gortenstr. 73-I, Beuel-Rhein, Germany; 9768.

Gertrud Bosbach; 15 Münstererstrasse, Köln-Mülheim, Germany; 15884.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Anna Bosch, deceased; Germany; 9301.

Reinhold Böse; Frankfurt (Oder), Germany; 21408.

Lioba Bosold; Mittelkalbach, Kreis Fulda 44, Hessen-Nassau, Germany; 7333.

Ida Bosse; Harburg, Germany; 9335.

Nikolaus Bossl; Trier an Mosel (Rheinland), Auf. dem Platz 2, Germany; 13967.

Andreas V. Bott; Dieterhausen, District of Fulda, Germany; 6155.

Marie Böttcher; Bremerstrasse 3, Marmsdorf, bei Harburg, Germany; 9338.

Wilhelmine Bottermund; Brietz Kreis Salzwedel, Germany; 9329.

Marie Anna Botthof; Aus der Totenmühle, bei Niederklein Über Kirchhain, Bezirk Kassel, Kreis Marburg, Germany; 15986.

Sidonie Böttticher; Stormstrasse 2, I, Dresden, Germany; 5020.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Friedrich Daniel Bracht, deceased; Germany; 21735.

Heinrich Bracht; Herbsen Uber Arolsen, Waldeck, Germany; 23097.

Henrich Louis Karl Bracht; Goldener, Engel, Korbach, Bez. Kessel, Hassen-Nassau, Germany; 21404.

Wilhelm Bracht; Neuenhain ueber Treysa, b. Zimmersrode, Bez., Kassel, Germany; 23090.

Lorenz Brambach; Stresemannstrasse, Redenkirchen, Rhein, Germany; 4949.

Lina Brams; Oberhausen Sterkrade, Otto Weddigen Strasse 6, Germany.

Eva Elisabeth Brandau; Saturnstrasse 5, Dortmund-Bövinghausen, Germany; 15912.

Anna Brandt; Wickenrade 119, Kreis Witzenhausen, Reg. Bez. Kassel, Germany; 20798.

Anna Lohmann Brandt; Raabestrasse 168, Eschershausen, Kreis Holzminden, Germany; 18423.

August Brandt; Wickenrode 76, Hessen-Nassau, Germany; 21919.

August Brandt; Adolf-Hitlerstrasse 2, Kassel-Wolfsanger, Germany; 11201.

Christine Brandt; Wickenrode 59, Hessen-Nassau, Germany; 20374.

Dorothee Elisabeth Brandt; Gr. Chueden bei Salzwedel, Altmark, Germany; 16482.

Elsie I. Brandt; Wickenrode, Post Grossalmerode, Bezirk Kassel, Germany; 5782.

Elise Brandt; Wickenrode 30½, Kreis Witzenhausen, Reg. Bez. Kassel, Germany; 22252.

Emilie Brandt; Sebastian-Bach Strasse 36, Köthen i/Anhalt, Germany; 21808.

Georg Brandt; Wickenrode 181, Hessen-Nassau, Germany; 20379.

Friedrich Brandt; Wickenrode 42, Post Grossalmerode, Hessen-Nassau, Germany; 13595.

Hans-Hermann Brandt; Neuenrode, Post Ludwigslust, Mecklenburg, Germany.

Karl Brandt; Wickenrode, Hessen-Nassau, Germany; 20377.

Karl Brandt III; c/o August Brandt, Wickenrode 76, Hessen-Nassau, Germany; 21920.

Karl Brandt; Wickenrode 102, Post Grossalmerode, Hessen-Nassau, Germany; 13596.

Ludwig Brandt II; Wickenrode, Post Grossalmerode, Hessen-Nassau, Germany; 20378.

Ludwig Brandt III; Wickenrode 30½, Reg. Bez. Kassel, Germany; 11202.

Ludwig Brandt IV; Wickenrode 119, Post Grossalmerode, Hessen-Nassau, Germany; 13597.

Luise Brandt; Wickenrode 80, Post Grossalmerode, Hessen-Nassau, Germany; 16993.

Elisabeth Brater; Selbhornweg, F. Berlin, Marsendorf., Germany; 465.

Luise Brauer; Marienstrasse 14, Berlin-Oberschöneweide, Germany; 17687.

Clementine Braun; c/o Walter Behrens, Leonhardstrasse 9, Braunschweig, Germany; 20681.

Marianne Braun; c/o Josef Metten, Brunscappel, Sauerland, Germany; 7292.

Peter Braun; Morbach, Germany; 23699.

Auguste Brauns; Schenefelderstrasse 381, Hamburg 19, Germany; 5709.

Martha Elfriede Brechtefeld; Sunderlohstrasse 41, Hagen in Westfalen, Germany; 1358, 5412.

Maria Christine Bredenbröker; Allestrasse 66, Bochum, Germany; 17033.

Heinrich Josef Breitenstein; Allendorf, Kreis, Marburg Nr. 286, Bez. Kassel, Germany; 20371.

Mrs. Richard Breitfuss; Hauptpostlagerad, M. Gladbach (Rheinland), Germany; 17214.

Anna Bremer; Duisburg a. Rhein, Akazienhof 3, Germany; 5059.

Ludwig August Bremeyer; Angerstrasse 4, Bad Münder (Deister), Germany; 16268.

Karoline Brenning; Wernigerode Harz, Germany; 21405.

Christina Breuer; 12 Boisseréestrasse 12, Köln am Rhein, Germany; 17922.

Katharina Breuer; Frankfurt-am-Main, Loewengasse 31, Germany; 15816.

Anna Breutel; Industriestrasse 2/2, Weissenburg 1/Bayern, Germany; 5259.

Aenne Brinkmann; Altenhagener Str. 44, Hagen in Westphalia (21), Germany; 9089.

Wilhelm Luepping Brinkmann; Halen 15, Post Wersen bei Tecklenburg, Germany; 2798.

Anna Brockmeyer; Küsterei, Wallenhorst bei Osnabrück, Germany; 14303.

Lisette Brockmeyer; Hollage Nr. 11, Post, Wallenhorst bei Osnabrück, Germany; 14284.

Katharine Brors; Düsseldorf, 43 Marschall St., Germany; 3868.

Anno Brück; Ebersgöns uber Butzbach, U. S. Zone, Hessen, Germany;

Friedrich Brüggemeier; Eidinghausen 308, Kreis Minden, Westfalen, Germany; 10777.

Marie Brupe; Breiterweg 7, Hamelin/Weser, Germany; 119, 6146.

Henrietta Bucher; c/o Josef End, Oberpostispektor, Kanstanz, An der Linde 1, Germany; 10110.

Anna Büchler; Ricklingen, Germany; 10486.

Mrs. Anna Büchler; Ricklingen, Germany; 10491.

Auguste Bückler; Ricklingen, Germany; 104084.

Bernhard Büchler; Ricklingen, Germany; 10485.

Erich Büchler; Ricklingen, Germany; 10492.

Fritz Büchler; Ricklingen, Germany; 10490.

Heinrich Büchler; Ricklingen, Germany; 10487.

Willy Büchler; Bretten, Germany; 10531.

Else Buchner; Langestrasse 104, Kassel-Wilhelmshöhe, Germany; 21966.

Johanna Buchner, Oberfinning bei Landsberg/Lech, Germany; 11346.

Mrs. Julius Buemmerstede; Goerinstrasse 11, Saest, Westfalen, Germany; 5777.

Karl Brummel; Kaemmererstrasse 26, Speyer Rh., Germany; 5666.

Wilhelmine Schaefer Burchartz; Eschweiler, Stich 95, Germany; 9936.

Marie Burhenn; Bez. Kassel, Grossalmerode, Germany; 16447.

Adolfine Burkert; Raden, Kreis Leobschuetz O S, Germany; 23786.

Lina Burkhard; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10445.

Luise Burkhard; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10448.

Mrs. Kreszenz Burlefinger; Augsburg, Rabenbad 6, Germany; 11347.

Maria Burlefinger; Rauner str. 21½A, Augsburg, Germany; 11348.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Lorenz Burth, deceased; Germany; 9307.

Friedrich Wilhelm Busch; Steinhausen, Kreis Büren, Westfalen, Germany; 6133.

Hans Busch; Köpenickerstrasse 93/94, Berlin S. O:16, Germany; 15897.

Katherine Busch; Voissel bei Mechernick, Eifel, Germany; 16962.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Wilhelm Busch, deceased; Germany; 594.

Luise Büschenfeld; Bonneberg 1/Westfalen, Germany; 23560.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unkown, of Mrs. Friederike Buschmann, deceased; Germany; 21036.

Heinrich Buschmann; Westerenger No. 78, bei Herford, Westfalen, Germany; 12525.

Hermann Buschmann; Hücker-Aschen No. 59, Über Herford in Westfalen, Germany; 20784.

Hermann Friedrich Buschmann; Getmold 31, Ueber, Luebbecke 1/Westf., Westphalia, Germany; 5292.

Georg Busley; Bonn am Rhein, Rittershaus-Strasse 9, Germany; 11268.

Helen Busley; Friedensstrasse 50, Kronenberg, Wuppertal, Germany; 21160.

Johann Busley; Oberlahr - Westerwald, Kreis Altenkirchen (Rheinland), Germany; 11338.

Josef Busley; Dortmund-Berghofen, Ostkirchstr 15, Germany; 11774.

Karl Busmann; Stadtweg 13, Hannover-Ricklingen, Germany; 5018.

Anna Marie Luise Butenschoen; Beringstedt, Germany; 2900.

Jochim Butenschoen; Beringstedt (Holstein), Post Rendsburg Land, Germany; 22354.

Dr. Hermann Büttner; Gindelfingen bei, Freiburg im Breisgau, Baden, Germany; 11100.

C

Agnes Cantow; Hoppenwalde, Pomm., Germany; 223.

Anna Cantow; Detmolderstrasse 59, Berlin-Wilmersdorf, Germany; 5914.

Maria Cantow; Blumenthal Über Ferdinandshof, Kreis Ueckermünde, Pommern, Germany; 229.

Paul Cantow; Hoppenwalde bei Ueckermünde, Pommerania, Germany; 5711.

Engelbert Capitain; Urbar Ueber Coblenz, Germany; 11673.

Elisabeth Carl; Temmels bei Trier (Mosel), Germany; 20892.

Elisabeth Carstens; Hamburg 33, Heilbrookstr. 59 III, Germany.

Emil Celbermann; Lennep. (Rhld), Schreverheide, Germany; 1339.

Karl Celbermann, Lennep (Rhld), Schreverheide, Germany; 1338.

Conrad Class; Cologne Helsterstr. 12, Germany; 7527.

Anton Clement; Bovinghauserstrasse 6, Dortmund-Bövinghausen, Germany; 4214.

Elisabeth Clement; c/o Josef Metten, Brunscappel, Kreis Brilon, Westfalen, Germany; 11768.

Else Conrad; Loewenburgstr. 3, Kassel, Germany; 10087.

Josef Conrad; Reuterstrasse 123, Berg-Gladbach, Germany.

Luise Cordes; Brambauer-Else-Brändströmstr., Westphalia, Germany; 11316.

Theodor Cramer; Attendorn in Westfalen Kölner Tor. 13, Germany; 5594.

Heinrich Cremer; Netphen (Sieg), Kres Siegen, Germany; 88.

Karl Cremer; Finkenstrasse 30-A, Bochum in Westfalen, Germany; 15898.

Margaretha Croissant; Edenkoben, Palatinate, Klosterstrasse 34, Germany; 10705.

Luise Cuerts; 3, Prinz. Albrechtstr., British Zone (20b) Bad Barzburg-Bundheim, Germany; 9496.

Hellmut Culmann; Billingheim/Rheinpfalz., Germany; 10210.

Arnold Custodis; Mülhein (Ruhr), Kraehenfeld 1, Germany; 10209.

Pauline Czjczek; 10, Viehweg, Leibling (Saale) Germany; 23426.

D

Clara Daberhow; Fichtestr. 12, Stettin, Germany; 17670.

Amalie Dabringhausen; Jaen Vogelstrasse 4, Herne in Westfalen, Germany; 14339.

Katharina Dach; c/o Werner Franke, Berlinerstr., 128 II, Hagen-Haspe, Germany; 10136.

Franz Dachner; Berlin N. 65, Brusselerstr. 39, Germany; 12132.

Franz Dahmen; Schloss Laer, Meschede in Westfalen, Germany; 15987.

Gertrud Dahmen; 34 Fettehenne Über Opladen, Rheinland, Germany; 15991.

Hermann Dahmen; 34 Fettehenne Über Opladen, Rheinland, Germany; 15988.

Josefine Dahmen; Schloss Laer, Meschede in Westfalen, Germany; 15989.

Mize Dahmen; Schloss Laer, Meschede in Westfalen, Germany; 15990.

Erna Dahn; Richistrasse 1, Berlin-Charlottenburg 5, Germany; 6200.

Fritz Heinrich Damm; Obere Kröhnockenstrasse 26, Hagen (Westfalen) Germany; 8709.

Johann Damm; Löhe, Über Asbach, Westerwald, Germany; 11675.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Pauline Damm, deceased, Germany; 11524.

Peter Damm; Löhe Über Asbach, Westerwald, Rheinland, Germany; 11674.

Adam Dannhardt; Brüchfeldstrasse 108, Frankfurt/Main, Germany; 5151.

Friederike Sophie Dannhoff; Hamburgerstrasse 159, Holtorf, bei Nienburg, a/Weser, Germany; 21123.

Olga Dauzenroth; Allendorf, Kreis, Marburg, Bez. Kassel, Germany; 17652.

Elisabeth Decher; Gravenstrasse 41, Limburg Lahn, Hessen-Nassau, Germany; 23110.

Dr. Jur. Heinrich Decher; Hadamar, Reg. Bez. Wiesbaden, Germany; 23104.

Anna Gertrud Decker; Reperinghausen, Kr. Brilon, Westphalia, Germany; 10218.

C. Degan; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Germany; 7989.

Anna Katharine Degenhardt; Steinweg 117⅜, Reichensachsen, Kreis, Eschweg, Bez. Kassel, Germany; 22890.

Hedwig Deilecke; Hohlestrasse 59, Hagen, Westphalia, Germany; 11317.

Emma Deimling; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden) Germany; 10479.

Adolf Deising; Hohenwestedt, Germany; 22815.

Anna Deising; Missundestrasse 3, Altona, Germany; 22813.

Bertha (Frl.) Deising; Hamburg, Oberer Landweg, 106, bei Fischer, Germany; 22818.

Carl Deising; Hohenwestedt-Hopen, Germany; 22822.

Hermann Deising; Lokstedter Lager, Am Bahnhof, Germany; 22821.

Konrad Deising; Eidelstedt, Germany; 22816.

Nicolaus Deising; Reher, b. Hohenwestedt, Germany; 22817.

Mrs. Tine Deising; Klausdorf, bei Kiel, Germany; 22823.

Wilhelm Deising; Hahnenkamp 5, Hamburg, Germany; 22814.

Karl Demeter; Sonthofen, Algäu, Germany; 560.

Mrs. Rob. Dannemann; Hindenburgstrasse 54, Aachen, Germany; 6220.

Ida Kunigunde Denner; Hindenburgstrasse 77, Altshausen (Württemberg), Germany; 17418.

Engelbert de Temple; Durlach, Baden, Germany; 5011.

Fidelis de Temple; Ellwangen, Jagst., Wuerttemberg, Germany; 5091.

Joseph de Temple; Durlach, Baden, Germany; 5012.

Karoline Detering; Hamelin-on-the Weser., Gertrudenstr. 29, Germany; 9948.

Sophia Marie Detering; Rahden 231, Kreis Luebbecke, Westfalen, Germany; 3793.

Anna Dethloff; Hamburg, Eilingersweg 55, Germany; 5707.

Caroline Dettmar; Detmolderstrasse 252, Bielefeld-Sieker, Germany; 2118.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Friedrich Dettmar, deceased; Germany; 2117.

Anna Marie Deutsch; Trier-Euren an der Mosel, Numerianstr., Germany; 12269.

Margarete Deutschel; Rheingönheim, Germany; 10566.

Luise Dick; Otterberg (Rheinpfalz), Kirchstrasse 18, Germany; 22682.

Marie Dick; Erlbacherstrasse 44 I, Markneukirchen, Germany; 5114.

Gerhard Dickow; Landsberg (Warthe), Meydamstrasse 33/38, Germany; 16282.

Aloys Diedrichs; Sosberg/Krs. Zell (Mosel), Ursprungsort Lohr/Krs., Kochem (Mosel), Germany.

Heinrich Diefenbach; Mornshausen a/Salzboede, Post Gladenbach, Kr. Biedenkoff, Hessen-Nassau, Germany; 6221.

Catherine Diercks; 28 Husarenstrasse, Hannover, Germany; 12192.

Elise Dierking; c/o Friedrich Potthast, Stedingerstrasse 63, Oldenburg-Ostenburg, Germany; 6761.

Maria Diesing; Bochum, Helweg 13a, Germany; 15915.

August Dieterich; c/o Max Klaiber, Hauptstätterstrasse 18, Stuttgart, Germany; 429.

Albert Dietrich; Fuerst Ferdinandstrasse 238, Braunfels Kr. Wetzlar, Germany; 6199.

Eriker Dietsch; Rheinland, Wohlfurbrodstrasse 13, Renscheirl, Germany.

Paula Diez; St. Georgen, Diessen a/Ammersee, Germany; 11526.

Dorothe Dinsch; Ihringshäuserstrasse 34, Kassel, Germany; 16448.

Caspar Ditger; Venwerstrasse 309, Koeln-Ehrenfeld, Germany; 5247.

Karoline Dittmar; Marbach bei Marburg, an der Lahn (Hessen), Haus 12 Germany; 221, 6196.

S. Dittmar; Lübeck, Lüderitzstr, 1, Germany.

Marie Doege; Stettin, Germany, Heinrichstrasse 40; 17673.

Karolina Döling (Mrs. Johann Conrad Albert); Hallerstrasse 63, Bremen, Germany; 17756.

Frieda Dopfer; Landsberg/Lech, Adolf Hitlerstr. 66, Germany; 11374.

George Dorn; Baisersdorf, Judengasse 140, Kreis Erlangen, Bavaria, Germany.

Josef Dorn; 13 (a) Unterzauvsbach 3, Post Wannbach, Ober Franken, Germany.

Karolina Dörner; Leinsweiler, Germany; 23675.

Elisabeth Dowidat; Georgenkirchstrasse 41 III, Berlin, N. O. 43, Germany; 5545.

Elisabeth Emma Draber; Bahnhofstr. 116, Biesenthal/Mark, Germany; 12814.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Karoline Dreier, deceased; Germany; 8441.

Marie Amalie Drewing; Kreuzstrasse 17/I, Düsseldorf, Germany; 20931.

Mrs. Hedwig Drews; Grünewalderberg 64, Wuppertal-Elberfeld, Germany; 11567.

Maria Drexel; Klosterlechfeld 60, bei Augsburg, Bavaria, Germany; 5426.

Aloys Leopold Driesch; Ehrenbreitstein bei Koblenz, Hofstrasse 277, Germany; 436.

Alfred Driesch; Bahnhofstrasse 40, Neuwied, Germany; 434.

Carl Joseph Driesch; Neuwied, Germany, Engerserstrasse II; 439.

Elisabeth Driesch; Marktstrasse 69, Neuwied, Germany; 437.

Elisabeth Driesch; Düsseldorf, Seydlitzstr. 16, Germany; 8861.

Georg. Driesch; Ehrenbreitstein bei, Koblenz, am Rhein, Germany; 435.

Heinrich Driesch; Ahrstrasse 32, Ahrweiler, Germany; 437.

Jakob Driesch; Lindenstr. 193, Düsseldorf, Germany; 8862.

Jean Driesch; Roentgenstrasse 18, Neuwied, Germany; 442.

Jean Driesch; Koppern i Taunus, Landhaus 4, Pflegeanstalt, Germany; 9810.

Johann Joseph Driesch; Schlosstrasse 21, Neuwied am Rhein, Germany; 440.

Josef Driesch; c/o Willy Schlosser, Duisburg-Meiderich, v. d. Mark Strasse 76, Germany; 9605.

Joseph Driesch; Obertal 23, Ehrenbreitstein bei, Koblenz, Germany; 446.

Joseph Driesch; Marktstrasse 69, Neuwied, Germany; 437.

Joseph Driesch; Wirtgenstrasse 3, Neuwied, Germany; 438.

Katharina Driesch; Marktstrasse 69, Neuwied-Rhein, Germany; 441.

Moritz Driesch; Obertal 23, Ehrenbeitstein bei, Koblenz, Germany; 444.

Peter Driesch; Koblenzerstrasse 18, Montabaur, Germany; 443.

Philipp Paul Driesch; Olgastrasse 4, Kassel, Germany; 445.

Ida Reinartz Driever; Dortmund, Arneckestrasse 67, Germany; 12105.

Albert Drissler; Hofheim a/Taunus, Rossertstrasse Nr. 13, Germany; 21820.

Karoline Drumm; Mühlenstr. 5, Stolberg (Rhld.) Germany; 21658.

Dorothea Durin; Hamburg 6, Vereinsstr. 66/I, Germany; 459, 2000.

E

Friede Ebel; Diakonissen-Mutterhaus, Koeslin, Germany; 5929.

Berta Eberlein (nee Schäfer); Berka an der Werra, Thüringen, Germany, Hauptstrasse 23; 22811.

Friedrick, II Ebert; Wickenrode 88¾, Post Grossalmerode, Hessen-Nassau, Germany; 16995.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Martha Ebert, deceased; Germany; 16995.

Georg, II Ebert; Wickenrode 176, Post Grossalmerode, Bez. Kassel, Germany; 472.

Margarete Eberz; Horhausen-Westerwald (Rhld), Ueber Neuwied, Germany; 11254.

Berta Ebner (nee Schäfer); Aispel, Post Tiengen, (Oberrheim) Baden, Germany; 21143.

Gertrud Ebner (nee Köhler) Neumuekle Post Weisbach, Rhoen, Unterfranken, Germany; 10225.

Gottfried Heinrich Ebrecht Vollmarshausen, Bez. Kassel, Germany; 17802.

Jakob Ebrecht; Vollmarshausen, Bez. Kassel, Germany; 17801.

Johannes Ebrecht; Vollmarshausen, Bez. Kassel, Germany; 17799.

Konrad Heinrich Ebrecht; Dennhausen, Bez. Kassel, Germany; 17776.

Ludwig Heinrich Ebrecht; Vollmarshausen, Bez. Kassel, Germany; 17774.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Berta Ernestine Eckel (nee Böttcher), deceased; Germany; 17804.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Frieda Eckel, deceased; Germany; 17804.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown of Johannes Eckel, deceased; Germany; 17803.

Elisabeth Eckel (nee Meibert); Vollmarshausen, Bez. Kassel, Germany; 17803.

Magdalene Eckermann; Kaufmännische Privatschule, Besting in Westfalen, Germany; 24685.

Minna Eckhardt; Bahnhofstrasse 6, Stadtoldendorf 1/Br., Germany; 19692.

Wilhelm Edeler, Sr.; Exten No. 25, Über Rinteln, Grafschaft Schaumburg, Germany; 5934.

Anna Franziska Edelmann (nee De Temple); Mühlhausen, Kreis Waldsee, Württemberg, Germany; 7981.

Helene Eggers (nee Deising); Nettelnburg, Randerswelde, Germany; 22819.

Karolina Egle; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10422.

August Ehlebracht; Herkendorf 34, Kreis Hamein-Pyrmont, Germany; 121.

Rudolf Ehlebracht; Hagendorf bei Bremke/Lippe, Germany; 122.

Wilhelm Ehlebracht; Veltheim, Bez. Minden in Westfalen, Germany; 118.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Emma Ehrhardt (nee Schaefer) deceased; Germany; 23683.

Rudolph Ehrhardt; Blanckstr. 28, Lübeck, Germany; 23683.

Marie Ehrlich; Bamberger Sr. 34, Berlin, W. 30, Germany.

Elisabeth Ehrman (nee Link); Leopoldstrasse 92, Walbstadt, Amt Linsheim (Baden), Germany; 12088.

Adolf Eichborn; Overbergstrasse 4, Köln-Mülheim, Germany; 15992.

Franz Eichborn; Kalker Hauptstrasse 186, Köln-Kalk, Germany; 15993.

Gertrud Eichborn (Frau Jacob, nee Gronenborn); 16 Tiefentalstrasse, Köln-Mülheim, Germany; 15817.

Hans Eichborn; 30 Tiefentalstrasse, Köln-Mülheim, Germany; 15885.

Heinrich Eichborn; 3 Nollstrasse, Köln-Mülheim, Germany; 17303.

Hubert Eichborn; Montanusstrasse 73, Köln-Mülheim, Germany; 15994.

Hubert Eichborn; 30 Tiefentalstrasse, Köln-Mülheim, Germany; 15886.

Juliane Eichborn, also known as Juliane Eichborn Heydkamp; 17 Tiefentalstrasse, Köln-Mülheim, Germany; 15887.

Marga Eichborn; bei Familie Karl Breuer, Nickenich bei Andernach, Bez. Koblenz, Germany; 15888.

Paula Eichborn; 30 Tiefentalstrasse, Köln-Mülheim, Germany; 15889.

Wilhelm Eichborn; 30 Tiefentalstrasse, Köln-Mülheim, Germany; 16522.

Franz Eichelberger; Inprugg bei Neulengbach, Ostmark, Germany; 23103.

Johann Carl Rudolf Eilers; 83 Bahnhofstrasse, Herne in Westfalen, Germany; 14863.

Augusta Eisele (nee Holder); Ebenweiler (Saulgau), Württemberg, Germany; 9317, 98/5.

Betty Eissfeldt (nee Ruyter); Backstrasse 19, (15a) Friedrichrode/Thuringen, Germany; 17318.

Mrs. Hedwig Elenz (nee Gaude); Gutenbergstrasse 28, Eltville (Rhein), Germany; 5373.

Caroline Ellefsen (nee Reiche); Rendsburg, Fockbecker, Chaussee 55, Germany; 23106.

Johann Eller; Oberndorf Nr. 13, Rothenberg ob der Tauber, Milleifranken, Germany (U. S. A. Zone).

Karl Wilhelm Eller; Am Birkenbusch 15, Bergisch Gladbach bei, Köln, Germany; 6358.

Maria Elm (nee Schäfer); Veitsteinbach ueber Neuhof, Kreis Fulda (Hessen-Nassau), Germany; 504, 2224.

Josefine Endlein (Mrs. Peter, nee Wolf); Hauptstrasse 94, Meudt, Kreis Ober, Westerwald, Germany; 15995.

Christine Engel (nee Stoll); Altenheim 1/Baden, Grossriedgasse 23, Germany; 10515.

Emma Engel (nee Büttner); Frankfurt a/Main, Letzter Hasenpfad 1, Germany; 10867.

Pauline Engel; Kittlerstrasse 45-11 St. rechts, Hessen, Germany; 23101.

Siegfried Engel; (19) Stassfurt, Mittelstrasse 5, Germany.

Friedericke Engelbrecht (nee Schäffer); Westuffeln, Bez. Kassel, Germany; 17783.

Lina Wolf Engelbrecht (nee Mrs. Hermann); Neumünster, Holstein, Kielerstrasse 95/11, Germany; 3698.

Rosette Engelbrecht; Hübingen, Westerwald, Germany.

Katharina Maria Engelhard; Landau (Waldeck), Arolsen-Land, Germany; 4265.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Elisabeth Margareta Engelhardt (nee Nikol), deceased; Germany; 11777.

Maria Barbara Engelhardt (nee Ernzerhoff); Brotstrasse 13, Trier/Mosel, Germany; 5156.

Auguste Engelmohr (nee Nödler); Grossalmerode ,Bez. Kassel, Germany; 16446.

Heinrich Engert; Seesenerstrasse 24, Berlin-Halensee, Germany; 10226.

Max Enghofer; 4/111 Leopoldstrasse, Augsburg 8, Germany; 11349.

Susanna Engierth; Eltville a. Rh., Germany; 9553.

Wwe. Adele Erdmann; (22a) Remscheid Lennep, Bahnofstr. 11, Germany.

Katharina Ernst (nee Schaefer); Sternenstrasse, Iffezheim, Germany; 164.

Marie Anna Schafer Ernstberger; Grabengasse No. 9, Hilsbach, Baden, Germany; 1897.

Walter Escher; Nockurinkel 68, Essen-Euberruhr, Germany; 8704.

Agatha Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Albert Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Alex Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Anna Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

August Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Fritz Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Gertrud Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Hubert Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Josef Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Kath Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Wilhelm Etges; Mörsdorf, Kreis Kochem, Bezirk, Koblenz, Germany.

Mathias Eul; Kreis Neuwied, Rengsdorf Germany; 11771.

Anna Katharina Philippine Euler; Kassel (Hessen-Nassau), Mänchehof, Germany; 17908.

Emma Evertsberg; Lennep, Rhineland, Germany; 1344.

Margarethe Ewald; Alt-Wustrow, Post: Bad Freienwalde/Oder, Germany; 12201.

Luise Eyring; Karlsruhe (Baden), Schützenstrasse 50, Germany; 3726.

F

Frieda Faehnle; Soldatenstrasse 11, Ulm, Donau, Germany; 5963.

Christine Fahrer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden) Germany; 10424.

Emil Fahrer; Barnhofstrasse 20, Waessingen, Germany; 804.

Gustav Fahrenfeld; Gartenstrasse 7, Berlin N. 4, Germany; 16404.

R. W. Falke; (20) Hannover-L, Stroubbergstr. 9 I, Germany.

R. W. Falke; (20) Wolfsburg, Volkswagenwerk, Elager II, 3/6, Germany.

Magdalena Faltermann; Minfeld, Germany; 10567.

Katharina Fassbender; Schnuzheide 21, Leichlingen-Trompete, über Opladen, Germany; 15996.

Robert Fatum; Frankfurterstr. 160, Bad Nauheim, Germany.

Albert Faust; Hessenrode, Kreis Meisungen, Germany; 10159.

Emanuel Faust; Beiseforth, Kreis Meisungen, Germany; 10160.

Erich Faust; Mosheim, Kreis Fritzlar-Homberg, Germany; 10161.

Friedrich Faust; Mosheim, Kreis Fritzlar-Homberg, Germany; 10162.

Heinrich Faust; Holzhausen, Kreis Fritzlar, Germany; 10163.

Mrs. Wally Faustmann; Ternow b/Vietz (Ostbahn), Germany; 21112.

Friedrich Fauth, Steinbergen 63, Schaumburg-Lippe, Germany; 13816.

Heinrich Fauth; Steinbergen No. 34, Schaumburg-Lippe, Germany; 12907.

Helene Federle; Stollhafen, Germany; 10223.

Anna Fehrmann; Waldaerstrasse 33, Grosssenhain in Sachsen, Germany; 12094.

Anna Feigentreff; Nippoldstrasse 196 I, Harburg-Wilhelmsburg, Nord 5, Germany; 21076.

Christiana Fend; Grosshadern b. München (Bayern), Germany; 11527.

Catharina Wilhelmine Fettweis; Schlossstrasse 18, Aachen, Germany; 4993.

Berta Fetzner; Spöck, near Karlsruhe, Baden, Germany; 5014.

Susanna Antonia Feucht; Schützenhof, Germany. Laufenselden (Taunus); 2962.

Dr. Josef Figge; Heinrich V. Stephanstrasse 59, Berlin-Charlottenburg 5, Germany; 11766.

Josef Filipowicz; Leipzig W 31, Brookhausstr. 78/IV, Niemcy, Russian Zone, Germany.

Agnes Finck; Stoltingstrasse 37, Stettin, Germany; 22655.

Paul Finck; Trebitsch, Post Neu-Ulm, Uber Alt Karbe-Ostbalm, Germany; 17857.

W. Findhammer; Westfalendamm, 275, Dortmund, Westphalia, Germany; 3978

Anton Fingerhut; Wünnenberg 235, Krs. Büren Westphalia, Germany; 5531.

Heinrich Fingerhut; Wünnenberg 222, Krs. Büren, Westphalia, Germany; 5532.

Zaver Fingerhut; Breitsort 39, Essen-West, Germany; 5698.

Dr. Alois Fink; Rheinstrasse 16/18, Darmstadt, Germany; 21849.

Franz Josef Fink; Allendorf, Kreis Marburgan der Lahne, Germany; 16523.

Dr. G. Fink; Listerplatz I, Hannover, Germany; 5129.

Maria Katharina Fink; Allendorf M. V. B., Bezirk Kassel, Germany, Kreis Marburg/Lahn; 15997.

Wilhelm Konrad Finke; Am Eichenlohr 20, Frankfurt am Main-Ginnheim, Germany; 17570.

Agnes Fischer; Limbach-Asbach, Westerwald, Germany; 11677.

Anna Fischer; Klosterstrasse 54, Angermuende, Germany; 127.

Berta Fischer; Loehrgasse 26, Th. 13, Vienna XV Bz. Ostmark, Germany; 23788.

Berta Fischer; Wuppertal-Cronenberg, Herichhausen 14-A, Germany; 8968.

Elfriede Fischer; Kramerstrasse 20/34, English Zone, Germany; 8707.

Mrs. Ernst Fischer; Rheinblickstrasse 19, Wiesbaden/Biebrich, Germany; 6345.

Karoline Fischer; Magdlos, Haus #53, Post Schlüchtern, Germany; 5198.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Wilhelm Fischer, deceased; Germany; 1978.

Mathilde Flamme; c/o Josef Schulte, Bleiwäsche, Circle of Büren, Westphalia, Germany; 9437.

Maria Flechsig; Lohmeyerstrasse 26, Berlin-Charlottenburg, Germany; 23615.

August Heinrich Fleddermann; Rohdesdiek 1, Bodelschwingh, Kreis Dortmund, Westfalen, Germany; 13777.

Wilhelmine Marie Fleddermann; Tonnenheide bei Rahden, Kreis Luebbecke, Westfalen, Germany.

Anna Martha Flöter; Heroldstrasse 64, Dortmund, Germany; 145.

Paula Flamme Floth; c/o Joseph Schulte, Bleiwasche, Kreis Büren, Westfalen, Germany; 9836.

Paula Flott; c/o Josef Schulte, Bleiwäsche, Cirle of Büren, Westphalia, Germany; 9438.

Auguste Flühs; Neukühnhausen 5, Wuppertal-Gronenberg, Germany; 20683.

Katharina Follmann; Kapellenstrasse 34/I, Trier an der Mosel, Germany; 15562.

Karl Forbrich; Dresdenerstrasse 3/I, Berlin S. O. 36, Germany; 21058.

Paul Forbrich; Rettigstrasse 14, Berlin-Pankow, Germany; 12405.

Arnold Forhorst; Am Market 46, Lengerich i/Westfalen, Germany; 5165.

Anna Former; Tirpitzstrasse 142, Kiel, Germany; 3086.

Elisabeth Forstner; Minfeld, Pfalz, Germany 10508.

Johann Forster; Schwabmühlhausen, Augsburg, Bavaria, Germany; 5427.

Rika Schäffer Forster; Zeven b/Hannover, Germany; 10084.

Emilie Friedrich Franke; Braunschweig-Querum, Fischerkampe 43, Germany; 102.

Anna Franken; Talstrasse 8, Berlin-Pankow, Germany; 5970.

Anna Franzreb; Olsbrücken, Germany; 23684.

Maria Frass; Gaggenau bei Rastatt, Baden, Germany; 4528.

Helene Frech; Altdorf bei Edenkoben, (Rheinpfalz), Germany; 10718.

Albrecht Frede; Postfach 98, Schwelm in Westfalen, Germany; 3989.

Carl Frede; Bad Wildungen, Laustrasse 9, Germany; 3988.

Sophie Freimüller; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden) Germany; 10404.

Klara Freistadt; Alter Heerweg 28, Bonn am Rhein, Germany; 11265.

Domiciliary personal representatives, heirsat-law, next of kin, legatees, and distributees, names unknown, of Wilhelmine Frenzel, deceased; Germany; 6459.

Wilhelmina Beinke Frerk; Hamburg-Wandsbek, Bleicherstrasse, Germany; 23564.

Emil Frettlöhr; Mühlenstrasse 25, Remscheid-Lennep, Germany; 1342.

Fritz Frettlöhr; Hagen (Westfalen), Germany; 1341.

Hermann Frettlöhr; Remscheid (Rhld), Germany; 1343.

Karl Frettlöhr; Hagen (Westfalen), Germany; 1340.

Johann Oskar Freudigmann; Seelengraben 2, II, Ulm/Donau, Württemberg, Germany; 5939.

Robert Frey; Toba, Kreis Sondershausen, Thueringen, Germany; 105.

Frida Frick; Ebersbach Kr. Saulgan, Württemberg, Germany.

Heinrich Fricke; Harpe, Post Billerbeck, Hannover, Germany; 6347.

Margaret Friderichsen; Hindenburgstrasse, Bünde, Westfalen, Germany; 5178.

Christine Friederich; Klosterstrasse 117, Edenkoben, Germany; 10788.

Marie Friederich; Brome, Kr. Gifhorn, Germany; 9498.

Anna Barbara Friedrich; Angenrod, Kreis Alsfeld, Germany; 10172.

Anna Maria Friedrich; Kiedrich, Kreis Rheingau, Siedlung Sonnenland N 5, Germany; 12083.

Elise Marie Friedrich; Hermann Goeringstrasse 12, Anklam 1/Pommern, Germany; 21077.

Johann Friedrich; Bamberg, Germany (Bayern), Obere Karolinenstrasse /a, II; 5964, 10711.

Johanna Kratschmer Friedrich; Lohfelden uber Kassel 7, Sohrestrasse 27, Hessen, Germany; 7108.

Josef Friedrich; Ober Franken, Germany.

Marie Friederich; Brome, Kr. Gifhorn, Germany; 9498.

Emma Friess; München 1066, Maximilianstr. 21/0, Germany.

Gertrud Frings; Block-Heimbach bei Neuwied, am Rhein, Germany; 16395.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of August Frische, deceased; Germany; 8965.

Ernst Frische; Wuppertal-Elberfeld, Mainzerstrasse 6, Germany; 8971.

Gertrud Frische; Bühren in Westfalen, Ringstrasse, Germany; 10706.

Isaak Frische; Wuppertal-Elberfeld, Zeppelinallee 17, Germany; 9770.

Isaak Frische; Wuppertal-Elberfeld, Tiergartenstrasse 222, Germany; 8978.

Jakob Frische; Wuppertal-E, Schreinerstrasse 5, Germany; 8973.

Paul Frische; Germany; 11801.

Paul Frische; Wuppertal-Elberfeld, Honigstal 5, Germany; 8972.

Paul Frische; Wuppertal-Elberfeld, Gesundheitstrasse 85, Germany; 8977.

Rudolf Frische; Wuppertal-Elberfeld, Johnweg 7, Germany; 8974.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Wilhelm Frische, deceased; Germany; 8964.

Wilhelmine Frische; Honigstal 5 Im, Wuppertal-Elberfeld, Germany; 8966.

Albert Fritsch; Kuhbrinksdamm, Stargard in Pommern, Germany; 15900.

Emil Fritsch; (27) Ladbergen (Westfalen), Hölter 138, Germany; 17859.

Johann Albert Gustav Fritsch; Pestalozzistrasse 5, Berlin-Pankow, Germany; 12365.

Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees,

names unknown, of Berthold Fritsch, deceased; Germany; 20582.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Johannes Fr. Albert Fritsch, deceased; Germany; 21029.

Julius Fritsch; Trebitsch, Neumark, über Altkarbe Land, Germany; 20578.

Max Fritsche; Trebitsch, Post Neu Ulm, Uber Alt Karbe-Ostbahn, Germany; 17858.

Otto Fritsche; Neumark über Altkarbe Land, Neu Ulm, Germany; 17689.

Wilhelm Fritsche; Trebitsch, Neumark über, Altkarbe Land, Germany; 20700.

Maria Fröhlich; Bucheller, above Neuhof, District of Fulda, Germany; 551.

Casparine Henriette Fröhnert c/o Josef Metten, Brunscappel, Kreis Brilon, Westfalen, Germany; 11766.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Wilhelmine Frommhagen, deceased; Germany; 9347.

Anna Maria Fuchs; Lantershofen, Kreis, Ahreweiler, Germany; 13632.

Dieter Fuchs; Frankenthal/Pfalz, Am Kamal 9, Germany.

Maria Fuchs; Geinberg i. I, Ob. Osterrich, Germany.

Karl August Fuhrmann; Schlüsselstrasse 308, Walbstadt, Germany; 12087.

Marianne Fuhse; Kassel-Wilhelmshöhe, Kraehhohnstrasse 8, Germany; 139.

Martha Sophie Föllgraf; Ringenküll, Wikkenrode, Post Grossalmerode, Hessen-Nassau, Germany; 17912.

Mrs. Frieda Funk; Markgrafenstrasse 86, II, Berlin, S. W. 68, Germany; 21144.

Elizabeth Furst; Temmels, Germany; 24690.

Peter Carl Fürst; (Bahnwärter) Temmels, bei Trier, Germany; 20571.

Karoline Futterer; Muggensturm, 1/B, Germany; 10546.

G

Jakob Gaa; Schillerstrasse 11, Süssen/Wurttemberg, Germany; 5181.

Katharina Gaa; Plankstadt, Baden, Germany; 1899.

Bernhard Galbrian; Hanauerstrasse 61, Bad Vilbel, Germany; 187.

Marie Gabrian; Bad Vilbel, Hanauerstrasse No. 7/I, Oberhessen, Germany; 10702.

Amand Gaertner; Eichenried ueber Neuhof, Kreis Fulda, Germany; 266.

Franz Joseph Gaertner; Bucheller über Neuhof, Kreis Fulda, Germany; 550, 8944.

Isidor Gaertner; Buelowstrasse 5, ptr., Frankfurt/M, Germany; 6483.

Margarethe Elisabeth Gaertner; c/o Ed. Gaenblen, 6 Weitzel Street, Schluechtern, Germany; 454, 5202.

Regina Gaertner; Flieden Siedlung No. 9, Germany; 5199.

Wendelina Gaertner; Veitsteinbach ueber Neuhof, Kreis Fulda, Germany; 569.

Mr. and Mrs. Wilhelm Gallep; Lintfort, Kreis Moers, Niederrhein, Germany; 5120.

Lina Gander; Minfeld, Germany; 10568.

Emilie Margarete Ganske; Schlesing-Holstein 6, Christian-Kruse-Strasse, Kiel, Germany; 20759.

Wilhelm Ganske; Niedenau 36, Frankfurt/M, Germany; 6482.

Maria Gänssinger; Steinbach am Donnersberg, Post Steinbach (Saar Pfalz), Germany; 21055.

Heinrich Garl; Spradow, Bünde, Westfalen, Germany; 3992.

Wilhelmine Garl; Spradow 259, Bünde, Westfalen, Germany; 8439.

Heinrich Garrot; Berlin N. W. 21, Bredowstrasse 34, Germany; 6551.

Friedrich Heinrich Gartemann; Minden, Westfalen, Simeonstrasse 11, Germany; 8769.

Henriette Gartemann; Germany; 8763.

Maria Gatzemeyer; Cellerstrasse 153/III, Hannover, Germany; 20589.

Paul Gebhard; Ried-Birkland bei Schongau, Bavaria, Germany; 5428.

Emma Gehrke; Tylsen, Kreis Salswedel l. d., Altmark, Germany; 9345, 9551.

Heinrich Gehrke; Salswedel, Neuperverstrasse 14, Germany; 17304.

Klara Geiersbach; Ortheck 2, Witten/Ruhr, Germany; 6467.

Mathilde Geiselmann; Berg (Ehlingen), Württemberg, Germany; 9310.

Anna Katharina Geisen; 66 Kretzerstrasse Plaidt, Kreis Koblenz, Germany; 238.

Paul Geisler; Wilhelmshöher Allee 123½, Kassel, Germany; 10230.

Mrs. Georg Gellert; Niederbeisheim, Kreis Homberg-Land, Germany; 10173.

Maria Anna Gelzhäuser; Rossdorf über Kirchhain, Bezirk, Kassel, Germany; 15998.

Hedurg Else Emma Gemkow; Adolf-Hitlerstrasse 14, Augustwalde, Kreis Naugard, Reg. Bez. Stettin, Germany; 21078.

Martha Genings; Mainzerstrasse 5, Wiesbaden, Germany; 4939.

Ida Gerdelsing; Salzuflerstrasse 114, Herford (near Bielefeld), Germany; 4968.

Paul Gerdelsing; Yorckstrasse 22, Düsseldorf, Germany; 4967.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Julie Gerdes, deceased, Germany; 5052.

Babette Gerhardt; Altemarktstrasse 46, Hameln/Weser, Germany; 527, 2961.

Heinrich Gerke; Benfelderstrasse 7/I, Berlin-Weissensee, Germany; 22656.

Kurt Gerke; Springe/Deister, Germany; 13758.

Minna Germeroth; Oberkaufungen bei, Kassel, Germany; 5978.

Sofie Gerstenecker; Tailfinger/Bal. Wttbg., Postfoch 28, Germany (French Zone).

Luise Gesell; Waldgirmes bei Wetzlar, Germany; 17655.

Friedrich Geulen; (22c) Bad-Aachen/Rhld, 19 Mathiashofstrasse, Germany; 5082.

Johannes Geulen; Oberhausen-Rheinland, Rudolf-Herzog-Strasse 14, Germany; 7983.

Wilhelm Geulen; Frankenbergerstrasse 10, Aachen, Germany; 5080.

Adolph Gier; Wedel/Holst. Bez., Pinnebergerstr. b/Catharinenhof, Germany.

Augusta Giese; Wilskistrasse 31, Berlin, Zehlendorf, Germany; 11528.

Louise Giese; Fleischstrasse 26, Trier, Germany; 23789.

Otto Giese; Fleischstrasse 26, Trier, Germany; 23790.

Elfriede Gieseke; Berchtesgadenerstrasse 9, Berlin-Schöneberg, Germany, American Zone; 17812.

Adele Giesen; Kortumstrasse 3, Stolberg (Rheinland), bei Aachen, Germany; 5043.

Ferdinand Giesen; Beguinenstrasse 34, Aachen, Germany; 5076.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Louise Giesen, deceased; Germany; 5075.

Johann Giesendorf; Frickhofen, Hauptstrasse 52, Hessen-Nassau, Germany; 16176.

August Gille; Gothestrasse 37/II links, Dortmund, Germany; 6476.

Friederich Wilhelm Gille; Exten 167, bei Rinteln-an-der Weser, Kreis-Grafschaft-Schaumburg, Germany; 45.

Martha Gimbel; Motzenrode bei Eschwege, Germany; 23467.

Josef Gindele; Wallrabs bei Hildburghausen, Roembilderstrasse 75, Germany; 17419.

Ida Girruleit; Brauckstrasse 34/I, Gladbeck-Brauck (Westf.), Post Gelsenkirchen-Horst, Germany; 592.

Sophie Glauner; c/o John F. Herrmann Bernhardstrasse 9 Karlsruhe (Baden), Germany; 10472.

Dr. Alfred Gleis; Kuhlberg 33, I, Neumünster in Holstein, Germany; 5150.

Anna Glomp; Kirchstrasse 28, Gelsenkirchen, Germany; 10229.

Anna Gober; Salzburg (Ostmark), Brodgasse 13/II, Germany; 17350.

Josef Godeserz; Ordensburg-Vogelsang, Gemund (Eifel), Germany; 17034.

Christine Goebel; Wickenrode, Kreis Witzenhausen, Reb. Bez. Kassel, Hessen, Germany; 20674.

Martha Goebel, Wickenrode 111, Kreis Witzenhausen, Reg. Bez., Kassel (Hessen), Germany; 97.

Louise Goebelsmann; Germany; 9757.

Heinrich Goerg; Neukersdorf, Kr. Siegen, 1. W., Germany; 5671.

Anna Maria Goergens; Juelicherstrasse 101, Hoengen, Kr., Aachen, Germany; 6484.

Käthe Goetz; Speyer-on-the-Rhine (Pfalz), Johanittergasse No. 1, Germany; 9035.

Maria Goetz; Münzgasse 12, Tülingen A/N, Württemberg, Germany; 5266.

Emilie Gohde; Herford (Westfalen), Unter den Linden 18, Germany; 10058.

Andreas Goldmann; Sichelfeldstrasse, Homburg V. d. Hoehe, Germany; 10232.

Elise Göllner; Oberstrasse 11, Aachen (Rheinland), Germany; 17809.

Mina Golumbeck; Bitburg/Eifel, Motshcerstrasse, Germany; 5974.

Aurelia Theresia Gondrum; Allendorf, Kr. Marburg (Lahn), Bez. Kassel, Germany; 17882.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Amalie Gonnermann, deceased; Germany; 5040.

Maria Görgen; Schmittstrasse 9, Stolberg (Rhld), Germany; 21657.

Sophie Görgen; Dammgasse 6a, Stolberg (Rheinland), Germany; 21659.

Regina Görke; Westfeldmark 139, Ibbenbüren bei Osnabrük, Germany; 13884.

Heinrich Gose; Radenbeck, Kr. Gifhorn, Germany; 9501.

Hermann Gose; Radenbeck, Kr. Gifhorn, Germany; 9502.

Luise Gosewehr; Morlinge bei Warmsen, Provinz Hannover Post, Morlinge über Uchte, Bezirk Bremen, Germany; 5298.

Wilhelm Gössmann; Düsseldorf, Aderstrasse 56 II, Germany; 17682.

Rudolf Göttel; (Saale) Weberstrasse Nr. 6, bei Ehrenreich, Bayern, Germany, U. S. Zone; 23449.

Friedrich Gottschalk; Engern, Berlinerstrasse 47, bei Rinteln-an-der-Weser, Germany; 9952.

Hedwig Adele Gottschalk; Kielstrasse 43, Dortmund, Germany; 9079.

Anna Auguste Louise Gottwald; Kaempfstrasse 7, Landsberg (Warthe), Germany; 20684.

Joh. Gräf; Sosberg, Kreis Zell, Bezirk, Koblenz, Germany.

Liesel Graf; Scheffelstrasse 58, Karsruhe a/Rhein, Germany; 24187.

Jeanne Athalie Grapow; Landhausstrasse 9, Berlin-Wilmersdorf, Germany; 3919.

Friederike Marie Grass; Arolsen 16, Germany, Vorhof 16; 4264.

August Grau; Harturgstrasse 25/II, Kassel, Germany; 20356.

Heinrich Grau; Zietenstrasse 4, Gelsenkirchen, Germany; 20355.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Philipp Grau, deceased; Germany; 20354.

Anna M. Grebert; Kiedrich, Kr. Rheingau, Oberstrasse 81, Germany; 12080.

Anna Greff; Telgte, Westfalen, Germany; 21079.

Joseph Greff; Telgte, Westfalen, Germany; 21079.

Gertrud Grenz; Tillystrasse 24/II, Nürnberg-W., Germany; 5981.

Bonifazius Lena Griebel; Fürth in Bayern, Germany, P. Pappenreutherstrasse, Behelfsheim No. 3; 10231.

Eva Grim; (19 Hettstedt, Harz (Sachsen), Louisenstrasse 2, Mansfelder Gebirgskreis, Germany; 20349.

Franz Grimmiger; Ahrufer 9, Walporzheim an der Ahr, Germany; 13610.

Philipp Groben, Waxweiler (22b) Kr. Preum, Bezirk, Trier, Rhineland, Germany; 6481.

August Groene; Muensterstrasse 106, Hamm in Westfalen, Germany; 5133.

Adolf Gronenborn; Konpstrasse 64, Köln-Mulheim, Germany; 15818.

Heinrich Grönenborn; Wilhelmstrasse 10, Ohligs (Rheinland), Germany; 15819.

Hubert Gronenborn; Rathaus (Polizei-Verwaltung), Grenenbroich (Rheinland), Germany; 15820.

Johann Gronenborn; Bonnerwall 96, Köln, Germany; 15821.

Josef Gronenborn; Bruhlerstrasse 19, Köln-Mannsfeld, Germany, 15822.

Peter Gronenborn; Holweiderstrasse 44, Köln-Mülheim, Germany; 15999.

Wilhelm Gronenborn; Rüdigerstrasse 57, Koln-Merheim rechtsrheinisch, Germany; 16000.

Wilhelm Gronenborn; Reuterstrasse 130, Leverkusen-Schlebusch II, Rheinland, Germany; 15823.

Helene Gros; Bleichstrasse 57, Bad Emo, Germany; 16001.

Heinrich Grosch; Mauerstrasse 1/11, Marburg-Lahn, Germany; 5982.

Eliguis Hermann Heinrich Groskopf; Hamburerstrasse 192, Haus 17, Hamburg 22, Germany; 5372.

Emeline Gross; Solingen, Brunnenstrasse 10, Germany; 8985.

Anton Grossbaier; Muggensturm, 1/B, Germany; 10596.

Dorothea Rosina Grosskopf; c/o Ernst Grosskopf, Osthofen Rheinhessen, Kirchberg 4, Germany; 11623.

Franz Grossmann; Buckow (Kr. Beeskow), Kreis Storkow, Germany; 11531.

Richard Grossmann; Antonstrasse 3, II Tr., Berlin, N. 65, Germany; 11533.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Hedwig Groth, deceased; Germany; 6468.

Peter Grötz; Mayen/Rhld., Ostbahnhofstrasse 65, Germany; 17863.

Christina Grübel; Reutingerstrasse 31, Aeschach bei Lindau, Germany; 11350.

Mrs. Antonie Schäfer Grudzinski, also known as Mrs. Michael Grundzinski, Bochum-Linden, am Feldbrand, 22, Germany; 6499.

Marie Gruhn; Hallerstrasse 17, Hannover, Germany; 23792.

Rosina Gruseck; Ottenheim, Baden, Germany; 529.

Ernst Grüttner; Saalerstrasse 30, Köln-Bennsberg, Germany.

Franziska Guggenmos; Asch 53, bei Landsberg/Lech, Bavaria, Germany; 5462.

Carl Güllich; Christophstrasse 16, Cologne, Germany; 22986.

Oscar Gundlach; Suelzburgstrasse 243, Koeln-Lindenthal, Germany; 290.

Albert Gunkel; Wickenrode bei Kassel, Kreis Witzenhausen, Germany; 5980.

August Gunkel; Wickenrode bei Kassel, Kreis Witzenhausen, Germany; 5979.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Dina Gunkel, deceased; Germany; 5977.

Elise Gunkel; Wickenrode 76, Post Grossalmerode, Hessen-Nassau, Germany; 13593.

Magdalena Gurtner; Amendingen 74 b. Memmingen, Bayern, Germany (American, Zone); 5437.

Anna Kath. Gutheil; Mengshauden, Kreis Hersfeld, Germany; 10174.

H

Hulda Haack; Grünauerstrasse 76, Berlin-Kopenick, Germany; 21146.

Elsa Haaf; Rheingönheim (near Ludurgshafen a/Rh., Germany; 5103.

Agnes Haase; Viereck b/Pasewalk, Pommern, Germany; 5719.

Anna Haase; Grünstrasse 13, Pasewalk, Germany; 5732.

Anna Haase; Muellerstrasse 3/II, Berlin-Spandau, Germany; 623.

Anna Herder Haase; Solingen-Ohligs, Benratherstrasse 7, Germany; 235.

August Hermann Haase; Öhlmühle 3-4, Hamburg, Germany; 24825.

Franz Haase; Hoppenwalde, Kreis Ueckermude (Pommern), Germany; 5538.

Franz Haase; Hoppenwalde, Kreis Ueckermüde (Pommern), Germany; 230.

Franz Haase; Grünstrasse 13, Pasewalk, Germany; 5731.

Franz Haase (Arberter); Hoppenwalde, Dorfstrasse, Kreis Ueckermünde (Pommern), Germany; 234.

Hedwig Haase; Stettinerstrasse 9, Stettin-Prommerensdorf, Germany; 5723.

August Hermann Haase; Öhlmühle 3-4, Hamburg, Germany; 24825.

Johannes Haase; Hoppenwalde (Pommern), Germany; 231.

Johannes Haase II; Viereck b/Pasewalk, Germany; 5720.

Maria Haase, Viereck, Pasewalk-Land, Germany; 5734.

Maria Haase; Hoppenwalde, Kreis Ueckermüde, Pommern, Germany; 5537.

Paul Haase, Mendelstrasse 34, Berlin-Pankow, Germany; 233.

Paul I. Haase, Viereck, Pasewalk-Land, Germany; 5735.

Wilhelm Haase; Hoppenwalde, Kreis Ueckermuende (Pommern), Germany; 232, 5539.

Mrs. Elly Haberland; (16) Wiesbaden, Wilhelminstr. 40 I, Germany.

Elisabeth Häberle; Bolstern (Saulgau), Württemberg, Germany; 9851.

Emil Habich; Gemünden, Post Westerburg, Hessen Nassau, Germany, French Zone.

Louis Habich; Seck-Westerwald, Post Rennerod, Germany; 23562.

Magdalena Hach; Olsbrucken, Pfalz, Hauptstrasse 2, Germany; 21856.

Karl Häckelsberger; Metzelstrasse 36, Trier an der Mosel, Germany; 20588.

Hedwig Hagedorn Rüdersdorferstrasse 64, Berlin-Osten 17, Germany; 11788.

Elsa Hagan; Philippsthal, Potsdam 2, Germany; 12563.

Karoline Hagg, Stockheim, Bavaria, Germany; 5429.

Margarete Hahn; Heidestrasse 58, Frankfurt am Main, Germany; 509.

Maria Hahn; Preussischestrasse 19, Stettin, Germany; 3947.

Paul Hahn; Bellers bei Hönebach, Hessen, Germany; 12900| 5041.

Mathilde Hahne; Gross-Hilligsfeld, Kreis Hameln, Provinz Hannover, Germany; 420.

Margarethe Hahne; Gross-Hilligsfeld, Hameln-Land, Germany; 13761.

Carl Haille; 15 Lindwurmstr. 133/4, Munchen, Germany.

Ida Haist; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10415.

Maria Haktmeister; Hardisser Strasse 44, Lage/Lippe, Germany; 4624.

Alfons Halder; Bolstern (Saulgau), Württemberg, Germany; 9853.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Alois Halder; Germany; 9323.

Anna Halder; Kloster Siessen (Saulgau), Württemberg, Germany; 9320.

Anton Halder; Bolstern (Saulgau), Württemberg, Germany; 9322, 9854.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of August Halder, deceased; Germany; 9458.

Fritz Halder; Aulendorf, Württemberg, Germany; 9324.

Hildegard Halder; Bolstern (Saulgau), Württemberg, Germany; 9321.

Ignaz Halder; Kapellenstrasse 40, Laupheim, Germany; 5226, 9767.

Joseph Halder; Bolstern, Kreis Saulgau, Württemberg, Germany; 9318.

Paul Halder; Saulgau, Platzstrasse, Württemberg, Germany; 9319.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Emil Hallemeier, deceased; Germany; 8979.

Franz Herlupka; Achternbergstrasse 18, Gelsenkirchen, Germany; 6397.

E. Hamacher; Seydlitzstrasse 9, Wuppertal-Barmen, Germany; 6373.

Ernst Hamelberg; Kochstrasse 10 Hannover, Germany; 23706.

Heinrich Hammel; Grossalmerode, Bez. Kassel, Germany; 10175.

Georg Hammels; Köln-Lindenthal, Fürst-Pückler strasse 8, Germany; 12166.

Josef Hammels; Köln, Germany; 12169.

Karl Hammels c/o Georg Hammels, Köln-Lindenthal, Fürst-Pückler strasse 8, Germany; 12168.

Rosa Hammes; Brotstrasse 46, Trier (Mosel), Germany; 13954.

Adele Hanitzsch; Wuppertal-Elberfeld, Hahnerbergerstrasse 17, Germany; 8984.

Kreszenz Hank; Muenchen, Entenbachstrasse 22/I, Germany; 11351.

Frieda Hanke; Ernst Begeestweg 41, Harburg-Wilhelmsburg 1, Germany; 9340.

Hannchen Hanke; Mennighüffen, Westphalia, Germany; 23602.

Luise Hanna; Post Bieren, Kr. Herford, Schwenningdorf 69, Westphalia, Germany; 6367.

Marie Hanne Süssternstrasse 9, Hildesheim, bei Hannover, Germany; 9334.

Anna Hänsch; Donndorfstrasse 8, Dresden-A. 20, Germany; 20368.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ernst Hanser, deceased; Germany; 20790.

Herbert Hanser; Obere Pirkheimer, Strasse 57, Nürnberg, Germany; 12982.

Hugo Hanser; Am Bach 5, Trier, Germany; 15901.

Josef Hanser; Kissingenstrasse 25, Berlin-Pankow, Germany; 20486.

Karl Hanser; Aroser-Allee 55, 1 Etg., Berlin-Reinickendorf-Ost, Germany; 20483.

Otto Hanser; Dominickane rorden, Bad Wörishofen, Klosterstrasse 1, Germany; 21193.

Philipp Hanser; Friedrichstrasse 46, Beuthen (Oberschlesien), Germany; 20482.

Mrs. Valeska Hanser; Bergstrasse 24, Beuthen O/Sch, Germany; 20473.

Johann Heinrich Hansmeier; Im Spähenfeld No. 9, Dortmund, Germany; 17572.

Johann Heinrich Hansmeier II; Am. Stadelhof 20, Paderborn, Germany; 17576.

Johann Josef Hansmeier; Furstenbergstrasse 31a Paderborn, Germany; 17574.

Anna Harbusch; Mosheim, Kreis Fritzlar-Hamberg, Germany; 10176.

Henriette Frieda Hardt; Altona-Elbe, Lobuschstrasse 53/II, Germany; 2298.

Bertha Mathilde Härle; c/o Carl Härle, Guardian, Adolf-Hitlerstrasse 40, Mülheim Ruhr, Germany; 14245.

Maria Eugenie Härle; c/o Carl Härle, Guardian, Adolf-Hitlerstrasse 40, Mülheim-Ruhr (Rheinprovinz), Germany; 14246.

Regina Elisabeth Härle c/o Carl Härle, Guardian, Adolf-Hitlerstrasse 40, Mülheim-Ruhr, Germany; 14247.

Anna Harpf; 12/13 Französischestrasse, Königsberg, East Prussia, Germany; 23712.

Marie Harpf; 12/13 Französischestrasse, Königsberg, East Prussia, Germany; 23711.

Elisabeth Harreus; Rhodterstrasse 24, (22b) Edenkoben (Pfalz), Germany; 10750.

Fritz Harreus; Rhodterstrasse, Edenkoben (Pfalz), Germany; 10754.

Heinrich Harreus; Sickingestrasse 79, Berlin, Germany; 10752.

Karl Harreus; Rhodterstrasse 33, (22b) Edenkoben (Pfalz), Germany; 10749.

Philipp Harreus; Schanzstrasse 3, Edenkoben (Pfalz), Germany; 10753.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Gerhard von Harten, deceased; Germany; 10866.

Eduard Hartjen; Rotenburg, Province of Hannover, Goethestrasse, Germany; 6408.

Bernhardine (Anton) Härtling; Irlich B/Neuwied a/Rhein, Hindenburgstrasse 34, Germany; 6411.

Agnes Hartmann; Viereck b/Pasewalk, Germany; 5722.
Georg Hartmann; 13 (a) Nurnberg, Krafthof, Glasern 35, Germany.
Luise Hartmann; Podbielskistrasse 276, Hannover, Germany; 12149.
Maria Hartmann; Happenwalde/Kreis Neckermunde, Province Pommern, Germany; 227.
Otto Hartmann; Viereck b. Pasewalk, Pommern, Germany; 5993.
Paul Hartmann; Viereck b. Pasewalk, Pommern, Germany; 5992.
Aenne Hasenclever, Feldstrasse 40, Düsseldorf, Germany; 4103.
Berthold Häser; Mörsdorf, Kreis Kochem, Bezirk Koblenz, Germany.
Josef Häser; Mörsdorf, Kreis Kochem, Bezirk Koblenz, Germany.
Josefine Häser; Mörsdorf, Kreis Kochem, Bezirk Koblenz, Germany.
Willi Häser; Mörsdorf, Kreis Kochem, Bezirk Koblenz, Germany.
Adele Hasper; Barkhausen a. d. Porta 295, Kreis Minden in Westfalen, Germany; 6377.
Carl Heinrich Hasper; Berliner Strasse 11, Rinteln, Germany; 8762.
Mrs. Charlotte Hasper or Mrs. Christian Johann Adolf Hasper; Detmold/Lippe, Waldemarstrasse 23, Germany; 10716.
Heinrich Wilhelm Hasper; Exten bei Rintein ander, Weser, Germany; 16694.
Heinrich Wilhelm Hasper; Sonnbornstrasse 12, Duesseldorf-Gerrecheim, Germany; 8761.
Franz Hasse; Hamburg 36, Caffamacherreihe 52, Germany; 5464.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Dora Hassler, deceased; Germany; 22648.
Konrad Hassler; Erben Göppingen, Germany; 25505.
Michael Hassler; Schussenried, Germany; 25303.
Richard Hassler; Köln, Germany; 25507.
Eduard Hattke; Neu Ulm, Altkarbe Land, Germany; 20580.
Olga Hattke; Neu Ulm, Altkarbe Land, Germany; 20581.
Barbara Hauck; Durlach Baden, Germany; 5013.
Theresia Hausamen; Ritterstrasse 11, Karlsruhe (Baden), Germany; 158.
Karl Hauschild; Diesdorf, Altm., Germany; 9576.
Walter Hauschild; Diesdrof, Altm., Germany; 9578.
Friederike Hauser; Jungfernheideweg 37, Berlin Siemensstadt, Germany; 10111.
R. Hauser; Konz/Trier, Niedermeuningerstrasse 31, Germany; 20364.
Hildegard Amalia Hauss; Haslach, Baden, Germany; 9534.
Marie Haussler; Thalheim bei Messkirch, Germany (French Zone).
Mrs. Konstanze Haurcksbeck; c/o Alfred P. Becker, Riemannstrasse 19, Essen/Ruhr, Germany; 9756.
Lina Hebeker; Fischbeck (Weser) No. 177, Germany; 16533.
Anna Maria Karoline Hecke; c/o Brauner & Co., Curt A. H. Braeuner, Königstrasse 119, Altona (Elbe), Germany; 474, 606.
Therese Heckers; Bad Soden-Allendorf, Germany; 613.
Wilhelm Heckler; Hartmannswellerstrasse 34, Frankfurt/Main-Griesheim, Germany (U. S. Zone); 20685.
Friedrich Wilhelm Heckmann; Gochen, Grasskölnsstrasse 86/88, Germany.
Johann Stephan Heep; Erickhofen-Westerwald, Prov. Hessen-Nassau, Germany; 20032.
Sophie Heerich; Eisenbergstrasse 5, Grossalmerode, Hessen-Nassau, Germany; 13598.
Mathilde Kraemer Hegebaum; Wielandstrasse 22, Dortmund, Germany; 1041.
Sophie Hegemann; Rumbeck bei Fuhlen No. 83, Germany; 16541.
Marie Heger; Shoehle No. 331, Neu Titschein, Germany; 12429.
Anna Maria Theresia Heggemann; Paderborn-Kisau 7, Germany; 72.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anton Heggemann, deceased.
Ferdinand Heggemann; Rembertstrasse 7, Paderborn, Germany; 12947.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Franz Heggemann, deceased; Germany; 609.
Franz Anton Heggemann; Bad Lippspring in Westfalen, Savignystrasse 27, Kreis Paderborn, Germany; 475.
Heinrich Heggemann; Sande, Kreis Paderborn (Westf.), Germany; 608.
Anna Margarethe Heid; Traindorf, Germany.
Elizabeth Heid; Traindorf, Germany.
Kunigünde Heid; Traindorf, Germany.
Marie Anna Heidinger; Muggensturm, Germany; 10100.
Kurt Heidrich; Bergstrasse 9a, Birkenfeld-Nahe, Rheinland, Germany.
Dr. Charlotte Heidrich-Zeim; Gobstedt Apolda-Land, Fleischmannstrasse, Marktbreit am Main, Germany; 4033.
Dr. Charlotte Heidrich-Zeim; Lutherstrasse 49, Wittenberg, Bez., Halle, Germany; 5106.
Ewald Heiermeier; c/o Hetty Heiermeier, Stiepeler St. 92, (21b) Bochum VII, Westphalia, Germany; 5175.
Andreas Heil; Feldstrasse 7, Rodenbergen, Kreis, Gelnhausen, Post Lieblos, Germany; 11783.
August Heil; Frankfurt/Main-Schwanheim, Schwarzbachstrasse, Germany; 11723.
Luise Heil; Magdlos Haus ±61, Schlüchtern Land, Germany; 5200.
Magnus Heil; Weberstrasse 92, Frankfurt am Main, Germany; 11784.
Valentin Heil; Heiligkreuzgasse 5, Frankfurt am Main, Germany; 11785.
Veronika Heil; Veitsteinbach ueber Neuhof, Kreis Fulda, Germany; 553.
Engelbert Heilborn; Clemensstrasse 23, Muenster in Westfalen, Germany; 76.
Anna Hein; Holbornerhof, Post Niederkirchen bei, Kaiserslautern (Pfalz), Germany; 22885.
Anna Maria Hein; Flensburgerstrasse 2A, Neumünster in Holstein, Germany; 11534.
Katharina Hein; Temmels 69 über Trier, Kreis Saarburg (Rheinland), Germany; 20607.
Margaretta Augusta Heinemann; Ahornweg 29, Hamburg-Blankenese, Germany; 1330.
F. W. Richard Heinemann; Ahornweg 29, Hamburg-Blankenese, Germany; 4034.
Fritz Heinemeyer; Schweidnitzerstrasse 8, Düsseldorf, Germany; 6375.
Lina Heiningk; Moritzgasse 1, Dortmund, Germany; 1044.
Willi Heinrichs (Mrs).; Jagenberg 1, Solingen, Germany; 15902.
Luise Dorothea Heinsse; Gutenbergstrasse 2, Minden (Westfalen), Germany; 12157.
Henrietta Heinz; Kaefertalerstrasse 205, Mannheim/Baden, Germany; 10242.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Heitz, deceased; Germany; 161.
Hein Held; Dusseldorf, Batingerstrasse 50, bei Sauerland, Germany.
Karl Held; Rolfshagen 125, Province Hannover, Germany; 219.
Leo Helfrich; Kerzell, District of Fulda, Germany; 6386.
Dr. Walther Helbach; Karlstrasse 60, Plauen, i. V., Germany; 23793.
Margaret Kuhr-Heller; Mühlhausen-Thüringen, Grasshofstrasse 3, Deutschland, Germany.
Emma Hellmann; Handewitt bei Flensburg, Germany; 695.
Oskar Hellmann; Breslauer Strasse 4, Glogau, Germany; 24855.
Mrs. M. Hemmers; Gestringen 60, Kreis Lubbecke, Westfalen, Germany; 6890.
Elise Sophia Marie Hemmrich; Bretten (Baden), Germany; 7996.
Wilhelmine Hemmrich; Wickenrode bei Grossalmerode, Bez. Kassel, Germany; 16444.
Mrs. Peter Hemp II; Henschhausen, Post Bacharach am Rhein, Reg. Bez. Koblenz, Germany; 16487.
Christina Schaefer Henke; Rueckerstrasse 10 I, Hamburg 23, Germany; 10240.
Katharina Hedwig Henke; An der Hängebank II, Bochum-Dahlhausen, Germany; 17035.
Elise Henn; Bruhlhof Olsbrücken, Germany; 23679.
Heinrich Henninghaus; Ruenthe bei Werme an der Lippe (Westf.), Germany; 135.
Jakob Hendrichs; Vestischestrasse 177, Osterfeld, Oberhausen, (Rheinland) Germany; 15810.
Johanna Henrichs; Oberhausen-Sterkrode, Ursprungsort Lieg/Kreis, Kochem (Mosel), Germany.
Karl Henrichs; Hannover-Stöcken, Germany.
Wilhelmine Gronenborn Heppekausen; Rixdorfstrasse 59, Köln-Mulheim, Germany; 15824.
Tobias Herbel, Karlstrasse 22, Leipzig C. 1, Germany; 5194.
Leonh. Herbert, Frankfurt a/M, Scheidstrasse 2, Germany.
Gottlieb Herbrich; Zehntwerderweg 5, Berlin-Waldmannslust, Germany; 23835.
Hermann Herbrich; Zehntwerderweg 5, Berlin-Waldmannslust, Germany; 23834.
Marie Herbst; Bettinastrasse 37, Frankfurt am Main, Germany; 10239.
Anna Schaeffer Herden; Edenkoben, Gartenstrasse 20, Germany; 9009.
Anna Herden; Potzhoferstrasse, Solingen-Ohligs, Germany; 5741.
Gustav Hergenroeder; Kothen, Unterfranken, Germany; 7306.
Heinrich Hergenroeder; Froebelstrasse 16, Dresden A-5, Germany; 7307.
Maria Gertrud Hergenroeder; Untufranken, Kothen 105, bei Brückenau, Bayern, Germany; 7309.
Theodora Hergenroeder; Kothen, Unterfranken, Bayern, Germany; 7308.
Ernst Herker; Breuhl 37, Zeitz, Prov. Sachsen, Germany; 6374.
Lina Karolina Hermann; Laupheim in Württemberg, Germany; 2963.
Adele Hermanns; Maria-Hilfstrasse 27, Aachen, Germany; 5072.
Louise Windmann Hermeier; Obernbeck 639, b/Löhne, Westfalen, Germany; 8444.
Friedrich Hermes; Stoermederstrasse 13, Geseke i. Westfalen, Germany; 6378.
Helene Herold; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10401.
Maria Anna Herpertz; Eifel 74, Heinbach via Düren, Rhineland, Germany; 10179.
Gertrud Herr; 105 Clerischer Ring, Köln-Mulheim, Germany; 16002.
John F. Herrmann; Bernhardstrasse 9, Karlsruhe (Baden), Germany; 3931.
Pauline Herrmann; (20) Lindhorst 139 (House Heidorn) Schaumburg-Lippe, Germany; 23703.
Andreas Hersch; Rossstrasse 39, Dortmund, Germany; 9080.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Mrs. Anna Maria Herz, deceased; Germany; 6402.
Friedrich Wilhelm Herzberger; (16) Angered (Hessen), Krs. Alfeld, Germany, (U. S. Zone).
Maria Herzberger; Ludwigstrasse 157, Offenbach a/M, Germany; 10192.
Magdalene Herzog; Sembach near Kaiserslautern, Rheinpfalz, Germany; 5228.
Katharina Hesler; Kreis Ahweiler, Weibern, Germany; 13608.
Margareta Hess; Meudt, Kreis Ober, Westerwald, Germany; 16003.
Johann Bernhard Franz Hesse; Referinghausen, Kreis, Brilon (Westfalen), Germany; 11767.

Katharina Hesse; Funkerstrasse 11, Neuwiedam Rhein, Germany; 24439.
Conrad Hessler; Am Anger 13/I, Remscheid, Germany; 10241.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Mathilde Heuer, deceased; Germany; 23708.
Adelheid Henrichs; Lindenstrasse 62, Hilden, Rhein, Germany; 12395.
Luis Schaefer Heuser; 5 Seminarstrasse, Osnabrück, Germany; 2788.
Franziska Heyder; Büchenbach, (13a) Bavaria, Germany (U. S. Zone).
Marie Heyer; Leuna bei Merseburg, Industrietor 6, Germany; 9323.
Erich Heyssel; Stolberg Rhld., Rathausstrasse 66, Germany; 8481.
Frieda Hieb; Landsberg/Lech, Bayern, Germany; 10243.
D. A. Hilbert; Drususstrasse 39, Neuss-Rhine, Germany; 4039.
Mrs. Hildebrandt; Wickenrode Hessen, Germany; 547.
Frieda Hildebrandt; Frankfurterstrasse 77 3 4/II, Kassel, Germany; 8368.
Robert Hildebrandt; Feldstrasse 10/I, Hannover, Germany; 117.
Wilhelm Hildebrandt; Sodenerstrasse 28, Berlin-Wilmersdorf, Germany; 116.
Magdalena Hildenbrand; Thüngen 84½, bez. Würzburg (Unterfranken), Germany; 11535.
Frau Hiltmayr; München, Germany; 6095.
Karl Hiltmeyer; Reifenstruelstrasse 3, I, München, Germany; 364.
Georg Hirschauer; Post, Fürstenfeldbruck-Land, Hechenwang, Germany; 5430.
Alfred Hochschwender; Berlin-Schöneberg, Freiherr vom Steinstrasse 9, Germany; 23856.
Rev. Anton Hock, Bismarckstrasse 31, Lünen an der Lippe, Germany; 6000.
Helena Hocke; Laemmersieth 16, II, 1, Hamburg (Elbe) 33, Germany; 10244.
Oskar Hodes; Krauthausen ueber, Aachen I, Germany; 6371.
Anna-Maria-Juliana Hoette; Parkstrasse 6, Limburg/Lahn (Hessen-Nassau), Germany; 8909.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Auguste Franziska Hofbüker, deceased; Germany; 10055.
Elisabeth Hofer; Beeckstrasse 116; Oberhausen-Sterkrode (Rheinland) Germany; 14293.
Helmut Höfer; Berlin C 2 Elisabethstr. 50–51 I, Germany.
Franz Hoffman; bei Herrn Walter Neuturg, Lebenstedt I (Brannschweig), Grosse Kampstrasse 29, Germany (British Zone); 24686.
Nikolaus Hoffmann; Gärresstrasse 2 Koblenz am Rhein, Germany; 15561.
Anna Hoffmann; 24 Richart-Allee I links Wansbeckerstieg, Hamburg, Germany; 5986.
Anna Hoffmann; Sarbenstrasse 56 b/I, Hamburg 26, Germany; 5988, 6017.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of August Hoffmann, deceased; Germany; 10235.
Elisabeth Hoffman; Trier an der Mosel, Lamberti Strasse 14, Germany; 12310.
Franz Hoffmann; Nieder-Pomsdorf, Kreis Frankenstein in Silesia, Germany; 24686.
Gustav Hoffmann, (13b) Harburg, Schwaben/Germany, U. S. Zone, Schlobstrabe; 21066.
Gustav Hoffmann; Danckelmannstrasse 5, Berlin-Charlottenburg 5, Germany; 8712.
Karl Hoffmann; Unterdiesen Nr. 20, Kreis Kaufbewien, Germany (U. S. Zone).
Martin Hoffmann; Marienkirchplatz 1, Minden, Westfalen, Germany; 6405.
Mathias Hoffmann; Wasserliesch (Aalbach), Landkreis Trier, Germany; 17451.
Wilhelm Hoffmeister; Eidingbausen, Kreis Minden, Westfalen, Germany; 5254.
Maria Höflmair; Bauersfrau, Puergen bei, Landsberg/Lech, Germany; 11352.
Maria Christina Hofmann; Gottliebenstrasse 10, Konstanz am Bodensee, Germany; 15903.
Franz Hofmann; Nieder-Pomsdorf, Kreis Frankenstein, Preussisch Schlesien, Germany; 21064.
Maria Elisabeth Hofmann; Widdershausen, Bez., Kassel, Germany; 10726.
Anna Martha Hofmeister; Wickenrode Post Grossalmerode, Hessen-Nassau, Germany; 17913.
Elise Hofmeister; Wickenrode No. 48, Post, Grossalmerode, Hessen-Nassau, Germany; 17914.
Georg Hofmeister; Grossalmerode 5, Hessen-Nassau, Germany; 16991.
Katharine Hofmeister; Wickenrode 96, Post, Grossalmerode, Hessen-Nassau, Germany; 16994.
Marie Christiane Elisabeth Höhle; Casdorf, Kreis Homberg, Bez. Kassel, Hessen-Nassau, Germany; 23098.
Ferdinand Hohmann; Schwälmerstrasse 16, Frankfurt am Main, Germany; 7319.
Marjanna Hojka; Hamborn a/Rhein, Warbruckstrasse 42a, Germany; 24250.
Amalia Holger; Fuerth Bayern, Germany; 561.
Maria Hammels Hollatz; c/o Georg Hammels, Köln-Lindenthal, Fürst-Pücklerstrasse 8, Germany; 12167.
Anna Holliman; Valdorf 229, near Vlotho on the Weser, Westphalia, Germany; 4151.
Martha Holz; Hufelandstrasse 41, Berlin, No. 55, Germany; 15908.
Elisabeth Holzberg; Burgstrasse 52/I, Hamburg 26, Germany; 21133.
Karolina Holzer; Ruppur, Germany; 10529.
Maria Holzer; Schiffweiler, Saargebist, Schulzenstrasse 7, Germany; 501.
Anna Elisabeth Holzhauer; Elgershausen bei Kassel, Germany; 17778.
Katharina Honig; Untergass ±49, Mannheim-Sandhofen, Germany; 23578.
Friedrich Hoock; Speyer a/Rhein, Germany; 10569.
Agnes Hoogen; c/o Gerhard Hoogen, Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21753.
Elisabeth Hoogen; c/o Gerhard Hoogen Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21757.
Gerhard Hoogen; Unter-Birten 77, bei/Xanten Germany (British Zone); 6376.
Johann Hoogen; c/o Gerhard Hoogen, Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21756.
Johanna Hoogen; c/o Gerhard Hoogen, Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21754.
Sibylla Hoogen; c/o Gerhard Hoogen, Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21755.
Wilhelm Hoogen; c/o Gerhard Hoogen, Obermeidericherstrasse 37, Oberhausen-Alstaden, Germany; 21752.
Bertha Johanna Helena Hoppe; Prinz-Adalbert-Strasse 44, Berlin-Karlshorst, Germany; 21054.
Emma Hörauf; Brand bei Marktredürtz, Germany; 20621.
Ferdinand Hörauf; Schillstrasse 11, Augsburg, Germany; 20812.
Friedrich Hörauf; Zeuggasse B 200, Augsburg, Germany; 11423.
Anna Horn; Bahnhofstrasse 69, Neuwied a/Rhein, Germany; 426.
Christian Horn; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10423.
Frieda Horn; Annaburg, Kreis Torgau, Germany; 17315.
Hans Horn; (22a) Lank/Ndrrh, Hauptstrasse 31, Nordrhein-Westfalen, Germany (English Zone); 6379.
Karl Horn; Bahnhofstrasse 69, Neuwied a/Rhine, Germany; 6409.
Mrs. Ludorirka Hormung; Muggenstrum 1/B, Germany; 10543.
Karl Horstkotte; (20) Osterode/Harz, Herzbergerstr. 6 II, Germany.
Gertrud Hossfeld; Halstenbek (Holstern), Am Bahnhof 7, Germany; 5705.
Emma Bertha Antonie Höthke; New-Ulm über Altkarbe Land, bei Friedeberg (Neumark), Germany; 17867.
Mrs. Joseph Houbor; Arnoldsweiler, Germany; 4950.
Andreas Hradelovics; Herbststrasse 18, Vienna 16, Ostmark, Germany; 17301.
Ludmilla Hradelovsky; Vienna 16, Haberlgasse 49, Ostmark, Germany; 17298.
Anna Henriette Hübener; Fronhoferstrasse 11, Berlin-Steglitz, Germany; 20347.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Adolf Huber, deceased; Germany; 5134.
Elise Huber; (22) Trier/Mosel, Zeughausstrasse 36, Germany; 15563.
Nikolaus Huber; Trier an der Mosel, Klosterstrasse 11, Germany; 10245.
Maria Hubert; Temmels 47, Uber Trier, Kreis Saarburg, Rheinland, Germany; 20604.
Lina Sophie Luise Hübner; Rethen/Aller, Hannover, Germany; 10739.
Friedrich Huck; Veltheim/Weser, Germany; 6372.
Martha Huck; Ritterstrasse 44, Rastatt (Baden), Germany; 178.
Karl Huckenbeck; Marienstr. 99, Wuppertal-Elberfeld, Germany (British Zone).
August Huebner; Gelsenkirchen, Germany; 6403.
Wilhelm Huebner; 52 Grune Weg, Gelsenkirchen, Germany; 17526.
Klara Heuchtemann; Volmarstein/Ruhr, Schulstrasse 17, Germany; 1035.
Albert Huelb; Germany; 965.
Heinrich Huelb; Germany; 966.
Jean Huelb; Germany; 967.
Gustav Huelge; Pilgersdorf, Kreis Leobschuetz, O/S. Germany; 23795.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Maria Huettmann, deceased, Germany; 615.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Luise Hügle, deceased, Germany; 10530.
Emilie Salina Humpel, Zell in Bayern (Unterfranken), Schmachtenbergerstrasse 304, Germany; 16004.
Anna Hungershöfer-Schloeder; Irrel, Kreis Bitburg, Germany; 20494.
Emilie Husslik; (14a) Oberweissach, Kammerhof Kreis Backnang, Württemberg, Germany; 21821.
Max Hutschenreuther; Dresden-Hosterwitz, Mailliebahn 8, Germany.

I

Maria Ils, nee Wetzel; Scheer, Württemberg, Germany; 9325.
Mrs. Jakob Irle, nee Schäfer; c/o Mrs. Witwe Hölterhoff, Gleidorf, Sauerland, Germany; 21181.
Walter Isenberg; Mauerstr. 7, Hohenlemburg (Westph.), Germany (British Zone).
Wilhelm Itzen; Weener (Ems), Germany; 5185.

J

Paul Jachwitz; Berlin N. W., Paulstrasse, Germany; 17248.
Robert Jachwitz; Chamissostrasse 26, Berlin-Spandaw, Germany; 17036.
Marie Jacob; Steinbach b/Bühl, Germany; 10591.
Katharina Jacobs; Roermonderstrasse 44, Aachen, Germany; 5047.
Ludowika Jacobs; Roermonderstrasse 44, Aachen, Germany; 5045.
Wilhelm Jacobs; Melatenerstrasse 38/40, Aachen, Germany; 5046.
Bernhard Jaeger; Hamburg 19, Heussweg 28, Germany; 4121.
Fritz Jaeger; Reichestrasse 53, Wanne-Eickel, Germany; 6415.
Mrs. Johanna Margaretha Jaeger, nee Blöcker; 28 Heussweg, Hamburg, Germany; 5214.

Franz Jahler; Fischersteige 6, Kempten, Bayer, Allgäu, Germany; 22657.

Maria Elizabeth Jahn, nee Mueller; Flieden-Doengesmuehle, Kreis Fulda, Germany; 11756.

Maria Franziska Jahn, nee Helfrich; Neuhof-Neustadt 41, Kreis Fulda, Germany; 269.

Maria Theresia Jahn; 52 Bettinastr., Offenbach a/Main, Germany; 8943.

Maria Theresia Helfrich Jahn; Neustadt No. 41, Neuhof, District of Fulda, Germany; 6452.

Anton Jakob; Josefstrasse, Iffezheim, Germany; 176.

Brigitte Jakob; Josefstrasse, Iffezheim, Rastatt, Germany; 177.

Mrs. Kreszenz Jakob; Obermertingen, Post, Schwabmünchen, Oberbayern, Germany; 531, 5432.

Maria Jakob; Luisenstrasse 10, Viernheim in Hessen, Germany; 414.

Karoline Jansen, nee Losenkamp; Wuppertal-Elberfeld, Gutenbergstr. 14, Germany; 8983.

Carl Jaques; Rausingerstrasse 23, Holzwickede (Westfalen), Germany; 8718.

Fritz Jaques (Friedrich Wilhelm); Hosperbach über Milspe, Germany; 8717.

Friedrich Jasse; Hannover 2, Stephan Place, Germany (British Zone); 23115.

Therese Jehle Pfeffer, nee Müller; Oberigling 26, Oberbayern, Germany; 567, 5694, 11353.

Anna Joachim, nee Liebenow; Viereck b/Pasewalk, Germany; 5713.

Otto Joachim; Hoppenwalde, Kreis, Ueckermunde, Pommern, Germany; 5542.

Hans Joekel; c/o Christian Romeiser, Schluchtern bei Kassel, Brückenauerstr. 9, Germany; 453.

Karl Joekel; Schluechtern bei Kassel, Brueckenauerstr. 9, Germany; 451.

Bernhard Johann; Augustwalde, Kreis Naugard, Bezirk Stettin, Germany; 6007.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Emil Johann, deceased; Germany; 5742.

Hermann Johann; Konig-Albertstrasse 52, Stettin, Germany; 5706.

Dorothea Auguste John, nee Nödler; Giesbergstr. 27, Kassel, Hessen-Nassau, Germany; 20723.

Mrs. H. Josseaux; Krefeld, Hindenburgplatz 9, Germany; 3859.

Elizabeth Jung; Brückenstrasse 4, Heidelberg, Germany; 5256.

Heinrich Jung; Polizeihauptwachtmeisteri R., Ensheim-Saarland, Germany.

Julius Jung; Rudolfskirchen, Bezirksamt, Kusel, Pfalz, Germany; 20685.

K

Lina Kaczmarek; Moorweg 99, Berlin-Tegel, Germany; 21406.

Julius Kaelin; Obere Grabenstrasse 17, Limburg-Lahn (Hessen-Nassau), Germany; 8908.

Maria Johanna Luise Kaelin; Parkstrasse 6, Limburg/Lahn (Hessen-Nassau) Germany; 8910.

Ernst Kaemmel; Wilhelmplatz 1, Berlin, Germany; 5268.

Mathilde Kaiser, nee Leihever; Remscheid-Haddenbach, Germany; 8986.

Erich Kaliske; Steubenstrasse 13, I, Halle (saale), Germany; 23796.

Anna Kalthoff (Mrs. Gustav, nee Lenz) Heidestrasse 47, Gevelsberg (Westfalen), Germany; 1352.

Katharine Kaltwasser (Mrs. Peter 3rd, nee Schaeffer); Eberstadt a. d. Bergstrasse, Kirchstr. 28, Germany; 464, 6593.

Martha Kaltz; Berlin-Reinickendorf Ost., Schillerhof 2, Germany; 23667.

Maria Barbara Kammerer; c/o John F. Herrmann, Esq., Karlsruhe 1/B, Germany; 12031.

Maria Kamöthke; Ueckermünde, Bahnhof, Pommern, Germany; 6024.

Gertrud Kamp, nee Haase; Kiefholzstrasse 137/40, Kolonie Grüne Weide 67, Berlin-Treptow, Germany; 6016.

Heinrich Kanisius; Dortmund Hukarderstr. 134, Deutschland, Germany (British Zone).

Therese Kanzler (Mrs. Alfred, nee Geulen); Eberhard-Hoeschstrasse 45, Düren (Rheinland), Germany; 5081.

Johanna Kapferer; Landsitz Erika, Post, Friehung i. Obpf., Germany; 5203.

Johanna Margaretha Ottilie Kaphengst; Bellmanstrasse 4, Hamburg, Gross Flottbeck, Germany; 2295.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Auguste Weber Kapp, deceased, Germany; 9773.

Bertha Kappes (Mrs. Heinrich, nee Müller); 10 Rittersweg, Leverkusen-Küppersteg, Germany; 15894.

Margaretha Kappes, nee Schaefer; Erbach, Kreis Rheingau, Hauptstrasse No. 11, Germany; 12081.

August Kappler; Karlsruhe-Rheinhafen, Nordbeckenstr. 8, Germany.

Margaretha Kappler; Muggensturm, 1/B, Germany; 10594.

Adeline Hedwig Karsch, nee Siebert; Germany; 8363.

Anna Gertrude Kasper, nee Schaefer; Friedrichstrasse 4, Bonn am Rhein, Germany; 13609.

Bernhard Kass; Feldstrasse 38, Dortmund, Germany; 6443.

Fritz Kasten; Am Mittelfelde 12, Hannover-Wülfel, Germany; 23639.

Rosalinde Kastner; Morsch 1/B, Germany; 10585.

August Kater; Adolf Hitlerstrasse 4, Wünatorf i. H., Germany; 6440.

Therese Kätzel; Königsberg No. 5, Halle (Saale) Germany; 5564.

Maria Anna Kaufmann,, nee Huegel; c/o Mrs. Johanna Krause, Ziethenstrasse 2, Oppeln, Oberschlesien, Germany; 288.

Fritz Kausche; Brome, Kr. Gifhorn, Germany; 9507.

Katherina Kauth, nee Müller; Denklingen 77, bei Landsberg/Lech, Schwaben (Bayern), Germany; 11354.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Gertrud Kautch, nee Spohr, deceased; Germany; 17810.

Pauline Keck; Obertuerkheim b. Stuttgart, Wttb, Augsburgerstr. 745, Germany; 6428.

Domiliciary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Andreas Kecsmar, deceased; Germany; 10249.

Konrad Kedinburg; Hamburg-Altonia, Königstr. 259, Germany.

Oswald Kehrein; Doernbach b. Rockenhausen, Pfalz, Germany; 6448.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Kaspar Keil, deceased; Germany; 6442.

Hans K. Keim; Bochum, Westfalen, Germany; 10253.

Otto Keiner; Hulsusgasse 30, Cologne, Germany; 5244.

Luise Kelbreier (Mrs. Fritz, nee Trepper); Nordhein - Westfalen, Viersenerstr. 53, Dülken, Rhld. (22a), Germany; 361, 9086.

Fritz Kelbreier; Viersenerstr. 53, Nordrhein-Westfalen, Dülken, Rhld., Germany; 8711, 9087.

J. F. Keller; Zwingerstrasse 11, Heidelberg, Germany; 5247.

Otto Keller; Darmstadtstrasse 125 1/10, Arheilgen, Germany; 5246.

Johann Kellershofen; Köln-Kalk, Am Markt 7, Germany; 16454.

Maria Kempe, nee Melzer; Ankum, Schwedtsberg, bei, Bersenbruck Bezirk, Osnabrück, Germany; 14292.

Mrs. Direktor Kempter; Danziger Freiheit 17, (D. A./1), Stuttgart S., Germany; 5098.

Johann Keppeler, Altstadtstrasse 130, Opladen (Rheinland), Germany; 16035.

Amalie Kraemer Kerber; Harkortstr. 87, Dortmund-Hambruch, Germany; 1038.

Anna Kersten (born Mertens); Wallstawe, Kreis Salzwedel, Germany; 9346.

Martha Kersten; Vahldorf, Kr. Neuhaldensleben, Germany; 9724.

Dorothea Schaefer Kersting; Postschliessfach 71, Linz/Rhein, Germany; 5340.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unkown, of Elise Kerz, deceased, Germany; 20618.

Elisabeth Kessel; Köln-Rath, Ostarastrasse 6, Germany (British Zone).

Maria Keune, nee Müller; Marienbaderweg 30, Goslar am Horz, Germany; 14298.

Minna Kickuth, nee Tiesmeier; Flottmannstrasse 89, Herne in Westfalen, Germany; 365.

Kurt Kiefer; Tullastrasse 21, Karlsruhe-Knielingen, Germany; 6434.

Helene Kiel; Minden 1/Westfalen, Poettcherstr. 17, pt., Germany (British Zone).

Mrs. Valeska Kieldyk, nee Brauns, Clasingstrasse 3, Hamburg 19, Germany; 5708.

Karolina Kientz; Stollhofen, Germany; 10526.

Heinrich Kilp; Ilbenstaederstrasse 8, I, Frankfurt am Main, Germany; 10248.

Heinrich Kipper; Hollabrunn, Austria, Germany; 23388.

Johann (Hans) Kipper; Gams ob Frauental, Austria, Germany; 23389.

Georg Kirchner; Muenchen, Hopfenstr. 8, Germany; 11355.

Ida Kirchner; Brunkensen Nr. 21, bez. Hannover, Deutschland, Germany.

Kleopha Kirchner; Muenchen, Schwantalerstr. 84, Germany; 11356.

Marie Kisser; c/o Burgermeister Giebert, Witzmitz über Plathe in Pommern, Germany; 21081.

Friederike Kissing, nee Schaefer; 70 Gneisenaustrasse, Holzwickede, Germany; 694.

John (or Hans) Kitsch; Gerswellerstrasse 93, Saarbrucken 1 (Saar), Germany; 8437, 11542.

Anna Klaes; Mayschos, Rheinland, Germany; 13636.

Anton Klaes; Mayschos, Rheinland, Germany; 13635.

Gertrud Klaes, nee Bierschbach; Rheinbrohl, Bezirk Koblenz, Germany; 13622.

Jakob Klaes; Siedlung 13, Kreuzberg an der Ahr, Germany; 13613.

Johann Klaes; Cuchenheim, Rheinland, Germany; 13638.

Johann Klaes; Lanteshofen, Rheinstrasse 15, Kreis, Ahrweiler, Germany; 13631.

Josef Klaes; Kreuzberg an der Ahr (Rheinland), Muehlenstrasse 8, Germany; 13637.

Matthias Klaes; Sinzenich, Rheinland, Germany; 13625.

Matthias Josef Klaes; Lantershofen, Kreis Ahrweiler, Germany; 13630.

Peter Klaes; Kaiserstrasse 40, Bonn am Rhein, Germany; 13621.

Peter Joseph Klaes; Dorfstrasse 50, Kreuzberg an der Ahr, Germany; 13612.

Minna Laura Klahn, nee Sagert; Johnstrasse 8, Schneidemuehl (Ostmark), Germany; 10246.

Hermann Klaiber; Stollhofen 1/B. Germany; 10522.

Max Klaiber; Haupstraetterstrasse 18, Stuttgart-S, Germany; 6594.

Marie Klapp, nee Taebel; Wettendorf, Kr. Gifhorn, Germany; 9506.

Alfons Kläser; Berlin W. 30, Neue Winterfeldstrasse, No. 1, Germany; 20678.

Margareta Klee, nee Schäfer; Hochhausen am Neckar, Germany; 2057.

Heinrich Kleffmüller; Berge, Kreis Fritzlar-Homberg, Bez. Kassel, Germany.

Emma Klein, nee Braun; Niederkirchen, Germany; 23698.

Emmy Klein; Promenade 11, Haus Guldbrandsen, Herrsching a/A, Bayern, Germany; 23797.

Fritz Klein; Riemannstr. 19, Essen/Ruhr, Germany; 9755.

Johann Klein; (Postinspektor a. D.), Koblenz Rh., Johannes Müllerstr. 16, Germany; 12392.

Luise Klein; (21) Arnsberg, Westfalen, Uferstrasse 9, Germany.

Magdalena Klein, nee Schaefer; c/o Richard Klein, Morbach (Pfalz), Germany; 23874.

Maria Klein (born Schafer); Rheidt a. d. Sieg, am Markt No. 1, Siegkreis (Deutschland), Germany; 4934.

Maria Magdalena Klein, nee Schäfer; Horhausen in Westewald, Rheinland, Germany; 11255.

Philippine Klein, nee Schaefer; Koln-Buchforst, Kopernikusstrasse 45, Novd. Rhein-Westfalen, Germany; 15904.

Richard Klein; Morbach bei Kaiserslautern, Germany; 23688.

Philipp Kleiner; Ebnet, Germany; 21147.

Joh. Conrad Klein-Schäfer; Landscheid, Krs. Wittlich, Rheinland, Germany; 11343.

Mrs. Ottilie Kleinschulte, nee Schaefer; Paderborn, Meinolfstrasse 20, Germany; 618.

Friedrich Klietzke; Neuestrasse 43, Harburg-Wilhelmburg, Germany; 5673.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ferdinand Kley, deceased; Germany; 16006.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Elizabeth Catherine Klipp, deceased; Germany; 17777.

Karl Klos, Munchen 8, Ismaningerstrasse 19, IIr, Germany; 24328.

Aloise Klose; 45 Togostr., Berlin N. 65, Germany; 6450.

Maria Klotz; Mering, Adolf Hitlerstrasse 1, Germany; 11357.

Maria Klotzin; Ueckermunde, Markt 4, Germany; 6025.

Adelheid Klug, nee Pappert; Rommerz (Fulda-Land), Bezirk Kassel, Germany; 148.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Augusta Klug, deceased; Germany; 5740.

Jakob Klug; Flieden No. 179, Kr. Fulda, Germany; 5223.

Josef Klug; Horas b. Fulda, Hessen-Nassau, Germany; 6429.

Arthur Klumpp; (17a) Pforzheim, Zerrennerstr. 23/25, U. S. Zone, Germany.

Paula Klumpp; Heuleshausen/Hessen, Germany.

Adolf Knabe; Geraerstrasse 37, Zeitz, Germany; 6447.

Mrs. Hedwig Knoop Knackstedt; Kriegerstr. 40/II Hannover, Germany; 12737.

Ida Knäpple, nee Holder; Friedberg (Saulgau), Württemberg, Germany; 9315.

Maria Frische Knatz (Mrs. Wilh.); Wuppertal-Barmen, Heckinghauserstrasse 8, Germany; 5651, 8963.

Anna Knauf, nee Schaefer; Niederluetzlingen, Bezirk Koblenz, Germany; 13617.

Walter Knaup; (21b) Iserlohn, Schulstr. 14, Germany (British Zone).

Ella Knecht, nee Seib; Dietzenbach, Kreis, Offenbach, Ostendstr. 7, Germany; 503.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Johannes Kneil, deceased, Germany; 10775.

Maria Katharine Knieps nee Klaes; Walporzheim an der Ahr, Rheinstrasse 38, Germany; 13611.

Augusta Elizabeth Knipp; Freienhagen, Arolsen-Land (Waldeck), Germany; 4262.

Anna Katherine Phillippine Knobel, nee Nodler; c/o Karl Nodler I, Wickenrode, No. 12, Kreis Witzenhausen, Bez. Kassel, Germany; 20358.

Max Knoepfel; Amtsfeldstrasse 28, Wernigerode a. Horz, Germany; 6431.

Major Robert Knoespel; Göckinghof 8, Schwelm/Westf., Germany; 6021.

Josef Knoller; Servatiusstift, Brentanostr. 20, Augsburg 10, Germany (U. S. Zone); 90.

Magdalena Knoller, nee Schäfer; Servatiusstift, Brentanostrasse 20, Augsburg 10, Germany (U. S. Zone); 90.

Aline Knost, nee Lerhener; Wuppertal-Elberfeld, Hahnerbergerstrasse, Germany; 8988.

Asmuth Knueppel; Leipzigerstrasse, Kassel, Germany; 17789.

Frieda Anna Auguste Knueppel; Hormswohrden, b/Meldorf, Holstern, Germany; 20916.

Otto Knueppel; Ostswine bei Swinemuende (Pommern), Germany; 137.

Paul Knueppel; Willibald Alexisstr. 20, Berlin, S. W. 29, Germany; 796, 6022.

Adolf Koböke; Kamp 28/30, Paderborn, Germany; 6027.

Anna Koch; Kaffee Kramml, Bahnhofstr., Holzkirchen (Oberbayern), Germany; 5699.

Constantin Koch; Fattenmühle, Neiderklein, Kreis Marburg-L, Reg. Bez. Kassel, Germany; 16007.

Katherina Koch, nee Dietz; Flutgrabenstrasse 15, Wetzlar a/d Lahn, Reg. Bez. Wiesbaden, Germany; 17424.

Katharina Wilhelmine Charlotte Koch, nee Nödler; Bahnhofstrasse 10, Kassel (Hessen-Nassau), Germany; 20724.

Konstantin Koch; c/o Mr. Beckmann, (16) Kirchhain, den B/m (Bez. Kassel), Germany.

Lina Koch; c/o H. Wilh. Kormeyer, Hankenberge, Bez. Osnabrück, Germany; 21050.

Martha Koch, nee Gose; Seeben, Kr. Salzwedel, Germany; 9503.

Wilhelm Koch; Fattenmühle, Niederklein, Kreis Marburg-L, Reg. Bez. Kassel, Germany; 16008.

Johann Köchling; Wünnenberg, Krs. Buren 1., Westfalen, Germany; 6019.

Heinrich Koenemann; Westendorf, Post Deckbergen, Grafschaft Schaumburg, Germany; 275.

Johann Schaefer Koelnehrenfeld; Leyendeckerstr. No. 91, Germany.

Wilhelm Koeneman; Milsenstrasse 18, Bielefeld, Germany; 358.

Maria Koenig, nee Schill; Viktoriastrasse 4, Eichwalde, Kr. Teltow, Germany; 5730.

Theresia Koenig, nee Schaefer; Muggensturm, 1/Baden, Kreuzstrasse 15, Germany; 10592.

Heinrich Koester; Loxstedt No. 27, Bez. Bremen, Germany; 6526.

Hanna Koettgen, nee Schäfer; Jacob Klarkrstrasse 5, München, Germany; 22671.

Josef Kofferath; Jakobstrasse, 1a, Bonn a/Rhein, Germany; 5030.

Anna Koffler; Muggensturm, Morsch, Germany; 10570.

Anne Koffler; Muggensturm 1/B, Germany; 10542.

August Kohlbrecher; Hollage, Post Wallenhorst, bei Osnabrück, Germany; 14287.

Franz Kohlbrecher; Walsum Z/Niederrhein, Bahnhofstrasse 174, Germany; 14282.

Josef Kohlbrecher; Osnabrück, Bremerstraat 147, Germany; 14304.

Josefine Kohlbrecher; bei, Oesting, Hollage, Post Wallenhorst bei, Osnabrück, Germany; 14288.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ludwig Kohlbrecher, deceased; Germany; 14282.

August Kohlenberg; Mindenerstrasse 5, Rinteln an der Weser, Germany; 16538.

Heinz-Walter Kohl; (23) Sandstedt 85, Uber Bremerhaven, Germany.

Wilhelmine Kohlenberg, nee Rikke; Koppenstrasse 17, Hameln an der Weser, Germany; 16536.

Marie Elisabeth Kohlhaase, nee Schafer; Niederkaufungen bei, Kassel, Germany; 17708.

Anna Kohn; Temmels bei Trier, Germany; 17446.

Margaretha Kohn (Mrs. Mathias); Temmels bei Trier, Germany; 20569.

Wilhelmina Eleonore Köhring, nee Shafer; Langestrasse 38, Bad Münder (Deister), Germany; 16267.

Emil Köker; Braunschweg-Bultenweg 25, Sprache, Germany; 20687.

Wilhelm Kolkhorst; 21b Schwelm/I. Westf., Kolnerstr. 38, Germany (British Zone).

Margarete Kollmann, nee Dierks; Asternstrasse 32, Hannover, Germany; 5117.

Witwe Katharina Kollner; Niederlahnstein, Johannestrasse 23, Deutschland, Germany (Franz Zone).

Adam Kömpel; Mittelkalbach, Fulda Circuit, Province of Hesse-Nassau, Kassel, Germany; 9535.

Damian Kömpel; Sparhof, Kreis Fulda, Gem. Veitsternbach, Germany; 12792.

Emil Kompel; Sparhof Fulda Circuit, Province of Hesse-Nassau, Kassel, Germany; 9536.

Matilde Krätschmer (formerly Matilde Kratschmer Konecry); 14 Nonnengasse, Brünn, Protectorate of Bohemia, Moravia, Germany; 7064.

Yosel Kones; Schöndoeferstrasse 82, Wertenberg (14a), Germany (U. S. Zone).

Anna Koninger; Oederweg 126/I, Frankfurt a. M., Germany, 10583.

Karl Kopf; Karlsruhe 1/B, Germany; 10498.

Paula Kopp; Hauptlehrerswitwe, Oggelshausen, Kreis, Saulgau, Germany.

Heinrich Korbach; Kohlstaedt No. 74, Lippe, Germany; 10254.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Karl Korbmacher, deceased; Germany; 6430.

Lina Kornemann; Bürgeln, Kreis, Marburg, Germany; 10180.

Margaretha Karoline Körner, nee Schaefer; Kiedrich, Kreis Rheingau, Oberstrasse 84, Germany; 12079.

Marie Schäffer Korsmeier; Werste-Bad-Oeynhausen, No. 28, Kreis Minden, Westfalen, Germany; 9944.

Juliane Köster, nee Peters; Saling 19/I, Hamburg-Hamm, Germany; 12413.

Philippine Köster, nee Schöttger; Quelle 68, bei Brackwede, Westfalen, Germany; 9727.

Peter Kotheimer; Osthofen, Rheinhessen, Kirchberg 4, Germany; 11624.

Gerhard Kottman; Kettenkamp, Post Nortrup, Provinz Hannover, Germany; 6449.

Jutta Kowalewski; % Mrs. Ida Jankowski, Lindenbergweg 4, d, (20b.) Braunschweig, Neidersachsen, Germany.

Anna Kraberg; Neuhaldensleben, Germany; 9718.

Hermann Kracht (also named Kuhs) Bad-Oeynhausen, Hellerhagen 124, Germany; 10139.

Albert Kraemer; Kielstr. 13, Dortmund, Germany; 1042.

Albert Heinrich Kraemer; Martenerstr. 229-a, Dortmund-Marten, Germany; 9082, 11544.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Amalie Kraemer, nee Kretzmer, deceased; Germany; 1042.

Emil Kraemer; 19 Ritterstrasse, Munster/Westfalen, Germany; 1040.

Friedrich Wilhelm Kraemer; Harkorstr. 89, Dortmund-Hombruch, Germany; 9083, 11545.

Karl Kraemer; Harkorstr. 89, Dortmund-Hombruch, Germany; 9085, 11546.

Karl Kraemer; Leibnitzstr. 26, Dortmund, Germany; 1039.

Louis Hugo Kraemer; Alter Mühlenweg 26, Dortmund, Germany; 9084, 11547.

Wilhelm Anton Kraemer; Diepenbrockstrasse 14, Münster in Westfalen, Germany; 9081, 11548.

Wilhelmine Kraemer; c/o Andreas Hersch, Rossstrasse 39, Dortmund, Germany; 9080.

Ella Kraft, nee Schäfer; Salzwedel Sudbockhorn 67, Kr. Salzwedel, Germany; 9511.

Wilhelm Heinrich Kraft; Iptingen, Vaihingen, (Wttbg.) Germany; 5240.

L. Krakauer; c/o Wothenend, Nurnberg, Marienplatz, Germany.

Agnes Kramer; Norder Deich 129, Hamburg-Finkenwärder, Germany; 23840.

Elisabeth Krämer; Lebenstedt near Brunswick, 15 Am Muhlenstahl, Germany (British Zone).

Katharina Krämer, nee Pieler; Wilhelmstrasse, Bickenbach, a. d. Bg. Hessen, Germany; 20688.

Ernestine Krause, nee Kretschmer; Dyesburg, Hamborn, Beeckestr. 4, Germany; 24786.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Karoline Wilhelmine Krampe, deceased; Germany; 8760.

Paul Emil Krampe; Langestrasse 113, Dülken, Rheinland, Germany; 8708.

Frieda Kraatz; Iserlohn, Hagenerstrasse 31, Westfalen, Germany.

Henrich Kratz; Vereinsstrasse 66, Hamburg, Germany; 10410.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Maria Martha Kraus, deceased; Germany; 89.

Hanna Krause; Ziethenstrasse 2, Oppeln, Deutsch-Oberschlesien, Germany; 6597.

Katharina Krause; Nerdingen a/Rh. Deutchland, Niederstraise 30, Germany.

Mathilde Kraus (Mrs. Heeronymus, nee Fink); Rossdorf über Kirchhain, Bez. Kassel, Germany; 16009.

Auguste E. Doris Krebel, nee Schaefer; Braunschweig, Vorderstrasse 5, Gross Apenburg, Kr., Salzwedel (Altmark), Germany; 8783.

Ruth Krebs, nee Padberg; Brunscappel, Kr., Brilon (Westf.), Germany; 11765.

Else Lisette Lenz Kreimendahl (Mrs. August); Gustavstrasse 6 II, Hagen i/Westphalia, Germany; 1353, 5411.

Sibilla Kreitz; Aschen Rhld., Eynattenerstrasse 7e, Germany (English Zone).

Hch. Kremerskotter; Rechtsanwalt, Essen, Hous der Technik, Gernruf, Germany; 24489.

Anna Kress, nee Gartner; Neuhof-Ellers, Germany; 8945.

Katharina Josepha Kress; Eichenried, über Neuhof, District of Fulda, Germany; 267.

Catharina Kreutzkampf; Hohenstaufenallee 44, Aachen, Germany; 5044.

Anna Damm Krey; Lüchterscheid, Post Hennef (Sieg.) Land, Germany; 11676.

Adolph O. Krieger; Magdeburg, Hubbestrasse 1, Germany.

Karl Krieger, Hochhausen am Neckar, Baden, Germany; 10715.

Hilda Kriewitz, nee Bleidorn; Hoppenwalde, Kr. Ueckermünde, Pommern, Germany (Russian Zone); 5787.

Maria Kriewitz, nee Solschinski; Hoppenwalde, Kreis Ueckermünde, Pommern, Germany; 5544.

Martha Kriewitz, nee Ullrich; Hoppenwalde, Kreis Ueckermünde, Pommern, Germany; 5543.

Agnes Krix, nee Brouns; Bredenstrasse 11/ Britische bei Mohwinkel (20), Lelle bei Hannover, Besotzungzone, Germany; 91.

Elsa Frieda Edmunde Kröber; Berlin-Charlottenburg, Germany; 21223.

Frederich Adolf Paul Kröber; Berlin-Charlottenburg, Germany; 21225.

Rheinhold Krobisch; Teschenmoschel, Bez., Rockenhausen, Pfalz, Germany; 17566.

Anna Hedwig Kroeske; Angermünde, Germany; 9725.

Emma Kröger, nee Reiske; Bremer-Chaussee 3, Marmsdorf, bei Harburg, Germany; 9339.

Elisabeth Kronauer, nee Kothelmer; Osthofen, Rheinhessen, Kirchberg 4, Germany; 11625.

Friedericke Kronenberg, nee Koenmann; Buchholz, Schaumburg-Lippe, Germany; 255.

Mrs. Th. Kronenburg; Zellstr. 11 (22b) Rhld., Trier, Germany (French Zone); 20761.

Josef Franz Krones; Ober-Esslingen am Neckar, Wurttemberg (14a) Schorndorferstr. 82, Germany (U. S. Zone); 20443.

Reinhard Krones; Ober-Esslingen am Neckar, Wurttemberg (14a) Schorndorferstr. 82, Germany (U. S. Zone); 20443.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Kronimus, deceased; Germany, 10586.

Anton Kronimus; Iffezheim, b. Rastatt, Germany, 10587.

Eugen Kronimus; Werderplatz 6, Heidelberg, Germany; 10588.

Karolina Kronimus; Iffezheim, b., Rastatt, Germany; 10589.

Johann Kronimus; Iffezheim, b., Rastatt, Germany; 10590.

Christoph Kropp; Kiedrich (Rheingan), Waldpfortenstrasse 2, Germany; 11427.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Joseph Kropp, deceased; Germany; 11428.

Katharina Kropp, nee Kraus, Mrs. Nikolaus; Rooseveltstrasse 37, (16) Oestrich (Rheingau), Germany; 11429.

Elisabeth Krötz, nee Müller; Bergstr. 402, Landsberg/Lech (Oberbayern), Germany; 11358.

Walter H. Kruber; Neuendorferstrasse 159, Koblenz-Neuendorf, Germany; 6603.

Hermine Krückberg; Gross-Hilligsfeld, Kreis Hameln, Provinz, Hannover, Germany; 421.

Louis Krückeberg; Bisperode, Braunschweig, Germany; 447.

Karl Heinrich Krückemeier; c/o Mrs. Luise Speckman, Post Ovenstädt 88, Kreis Minden, Germany; 16478.

Karoline Krückemeier; c/o Mrs. Luise Speckman, Post Ovenstädt 88, Kreis Minden, Germany; 16477.

August Krueckeberg; Gross-Hilligsfeld, Kreis Hamelm, Germany; 115.

Martha Krueger, nee Noedler; Kassel (Hessen-Nassau), Kaiserstrasse 73, S., Germany; 9726.

Alwine Lisette Krug, nee Eilers; Fleyerstrasse 112, Hagen in Westfalen, Germany; 20689.

Anna Krüger, nee Söhlke; Fischbeck (Weser) No. 109, Germany; 16531.

Katherina Krüger; Rothenkerchen, Kreis, Hünfeld, Germany; 10181.

Mrs. Leopoldine Kretschmer Krump; 67 Belzheim, Kreis Nördlingen, Bavaria, (13b), Germany (U. S. Zone); 9365.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ludwig Ernst August Krumsieg, deceased; Germany; 17876.

Johann Becker Krunkel; Post Epgert/Linz-Land, Rheinland, Germany; 11262.

Elise Kruppe, nee Söder (widow); Wickenrode 91, Kreis Witzenhausen, Reg. Bez. Kassel, Germany; 20800.

Mrs. Hedwig Kruse, nee Brouns; Eidelstedterweg 121, Hamburg 19, Germany; 5710.

Abs. Trude Kruts; 22c Köhn Mulheim, Trefentalstr. 16, Nordheim, Germany (British Zone).

Anna Kube, nee Strack; Driesen (Neumark), Gartenstrasse 1, Germany; 21126.

Johann Kübler; Ingolstadt/Donau, Germany.

Franz Kuschnerus; Kronenstrasse 53, Bochum, Germany; 6424.

Frieda Kuckuck, nee Scheller; Trebitsch bei Friedeberg, Neumark, Germany, 17867.

Johann Kuebler; Ingolstadt/Obb., Plankstr. 4, Bavaria, Germany.

Karoline Kuehlelen; Donnersbergerstrasse 54, Muenchen 19, Germany; 9492.

Ferdinand Kuehn; Kanalstrasse 112, Harburg-Wilhelmsburg, N. 5, Germany; 5016.

Hugo Kuehnle; Wirnsweiler (Saulgau), Germany; 9847.

Adolfine Küffner; Pramergasse 15, Vienna IX, Ostmark, Germany; 23802.

Frieda Kügler, nee Schaefer; Spichernstrasse 19/II, Liepzig 0-5, Germany; 5157.

Minna Kuhfuss, nee Ehlebracht; Adolf-Hitlerstrasse 72, Boesingfeld in Lippe, Germany; 120.

Aenne Kuhlage; Moltkestrasse 17, Wanne in Westfalen, Germany; 16010.

Alfred Kuhlage; 17 Moltkestrasse, Wanne in Westfalen, Germany; 15892.

Anton Kuhlage, nee Dahmen; 17 Moltkestrasse, Wanne in Westfalen, Germany; 15893.

Else Kuhlage; 17 Moltkestrasse, Wanne in Westfalen, Germany; 15890.

Gertrud Kuhlage; 17 Moltkestrasse, Wanne in Westfalen, Germany; 15891.

Toni Kuhlage; Moltkestrasse 17, Wanne in Westfalen, Germany; 16011.

Kantor Kuhlmann; Adolf-Hitler-Platz 15 I, Hannover 1 M, Germany; 13763.

Luise Kuhlmann; Hannover, Im Moore 22, Germany; 422.

Marie Kuhlmann, nee Landversicht; (23) Rotenburg/Hann, Soltanerstrasse No. 1, Germany (British Zone); 10256.

Wilhelmine Sophie Auguste Kuhlmann; Exten. No. 137, bei Rinteln an der Weser, Kreis Grafschaft, Schaumburg, Germany; 9943.

Heinrich Kuhlmeier; Kohlstadt 7, Lippe, Nr. 1, Germany.

Barbara Kühn, nee Schäfer; v. d. Tannstrasse 9, Hamburg, Germany; 4276.

Christine Kuhn; Muggensturm, 1/B, Germany; 10547.

Mrs. Kreszenz Kuhn, nee Schäfer; Obermeltingen 30 (Oberbayern), Schwabmünchen Land, Germany; 5433.

Ferdinand Kühnruss; Schweighofstr. 2, Landsberg/Lech, Germany; 11359.

Johann Kühnruss; Muenchen, Mallingerstr. 22, I links, Germany; 11361.

Johann Georg Kuhnruss; Kirchgasse A 266, Augsburg, Germany; 11360.

Hermann Kuhs, also named Kracht; Bad-Oeynhausen-Lohe 283, Germany; 10139.

Martha Christine Küllmer, nee Braunroth; Reichensachen, Kreis, Eschwege, Bez. Kassel, Germany; 22969.

Johann Kupfer; Hauptstrasse 22, Flerzheim b. Rheinbach, (Rhld.) Germany; 20407.

Dr. Karl Kupper; Rastatt 1. B., Harrenstrabe Nr. 7, Germany.

Elsbeth Kupke; Augustastr. 99, Breslau, Germany; 22658.

Anton Küpper; Roggendorf bei Mechernich (Eifel), Germany; 16961.

Mrs. Dionysius Küpper; Vlatten, Düren-Land, Rheinland, Germany; 12206.

Franziska Küpper; Vlatten, Düren-Land, Rheinland, Germany; 12208.

Fritz Kuppers; Von Bockstrasse 29. (22a), Mulheim-Ruhr, Nordrheinprovinz, Germany; (British Zone).

Hubert Küpper; Solingen (Rheinland), Am Wolfsfeld 29, Germany; 15405.

Jakob Küpper; Bleibuir bei Mechernich (Eifel), Germany; 16960.

Johann Küpper; Voissel bei Mechernich (Eifel), Germany; 16963.

Katharina Küpper; Vlatten, Düren-Land, Hauptstrasse 79, Rheinland, Germany; 12207.

Margareta Küpper; Vlatten, Düren-Land, Hauptstrasse 79, Rheinland, Germany; 12210.

Mathias Küpper; Vlatten 79, Düren-Land, Rheinland, Germany; 12209.

Peter Küpper; Karthäusergasse 7, Köln (Rhein), Germany; 15907.

Susanne Küppers, nee Weber; Dusseldorferstr. 103, (22a) Mülheim-Ruhr, Nordrheinprovinz, Germany (British Zone); 17440.

Karl Kurschat; Friedrichstrasse 29, Niedersedlitz bei, Dresden, Germany; 17037.

Karola Kurzenberger; Karlsruhe-Durlach, Germany; 10520.

Franz Kuschnerus; Wannenstrasse 128, (21b) Witten-Ruhr, Germany; 6424, 10709.

Otto Kushnerus; Hansemannstrasse 113, Dortmund, Mengede, Westfalen, Germany, 6438.

Carl Kuss; Lagow, Neumark, Germany; 10247.

Anna Küster, nee Gaude; Grosse Wollweberstrasse 43, Stettin (Pommern), Germany; 109.

Emilie Küster, nee Laak; Dannenberg, Wollin, Post Warnow, Germany; 20787.

Josef Kütler; Frankhopf, Post Pappelshäusen, a di wasser Küppe, Hessen, Germany.

Franziska Kutte, nee Meizer; Nettelbeckstrasse 21, Berlin W., Germany; 14296.

August Kretschmann; Markneukirchen in Saxony Unt. Trabitzschen, Germany.

Carl August Kretschmann; Bismarckstrasse 7, Potsdam, Germany; 5127.

Edgar Kretschmann; (10) Leipzig, Funkenburgstrasse 14/II, Germany; 4270.

Elise Kretschmann; Karl Tauchnitzstrasse 10. (10b) Leipzig C. 1, bei, Reinberger, Germany; 6506.

Erich Kretzschmann; Heidelbergerstrasse 13. Mannheim 0.7, Germany; 4974.

Mrs. H. Kretschmann; (22a) Wuppertal-Elberfeld, Neuenhessen 2, Nord-Rheinprovinz, Germany (British Zone).

Heinrich Kretzchmann; (10b) Markneukirchen, Unter Trobitschen No. 3, Germany; 4274, 5186.

Hermann Kretschmann; Wuppertal-Elberfeld, Neuen Hessen II, Westphalia, Germany, (British Zone); 12102.

Johann Kretschmann; Cavalleriestrasse 2, Bielefeld, Germany; 4272.

Karl Kretschmann; Berlin-N. 65, Sprengelstrasse 38, Germany; 5195.

Karolina Kretschmann; Nehringstrasse, 5-1. Berlin-Charlottenburg, Germany; 4273.

Otille Kretschman; Knueppeldamm, 10, Neudamm N/M., Germany; 23799.

Paul Kretschmann; (Leonhardt Oskar Paul Kretschmann), Universitätsstrasse, 22 24, Leipzig, Germany; 4271.

Paula Kretschmann; % Martin Meusch, Hardenbergstrasse 24, III, Leipzig, Germany; 5144.

Wilhelm Kretschmann; Bornstedt No. 90, Kreis, Sangerhausen über Eisleben, Germany; 22660.

Agnes Kretzschmar; Post Priorei, Kreis, Hagen (Westf.), Germany; 371.

A. Kretschmer; Strausberger Strasse 48, Berlin, N. O. 18, Germany; 23800.

Adolf Krätschmer; Stadt Liebau, 150, Germany; 7103.

Adolph Kretschmar; Am Vierling 24, Berlin-Zehlendorf, Germany; 6625.

Alfred Kretschmer; Grassau, Upper Bavaria, District Traunstein, Germany; 24662.

Anna Kretschmer; Ottenthal Nr. 69, Bez. Misteibach, Nieder-Osterreich, Germany.

Anna Kretschmer, nee Paul; Dortmund (21b), Westfalen, Essener-Street 33, Germany; 1037.

August Kretschmer; Havelberg, Kirchstr. 10, Germany; 23668.

August J. Kretschmer; Frauendorf 24 über Cottbus, Germany; 24071.

Mrs. Auguste Kretschmer; Kudlichplatz, Mahr-Neustadt, Germany; 24188.

Bernhard Kretzschmar; Schlaisdorf (Post Rochlitz-Land), Saxony, Germany; 6425.

Bertha Kretschmar; Leipzig, Germany; 9040.

Bruno Kretschmer; Bottenerisdorf Str., Post Blumenberg Kreis, Wanzleben, Germany (Russian Zone (19B)); 24856.

Bruno Kretschmer; Lanburkersdorf Nr. 143. District of Püna, Sachsen, Germany; 20727.

Bruno Kretschmer; Luisenstrasse 23, v. II, Berlin, Friedrichsfelde, Germany; 11549.

Wwe. C. Kretzschmar (Mrs. Karl Friedrich); Post Priorei, Kreis, Hagen (Westf.), Germany; 369.

Eduard Kretschmer; Schmeil, No. 62, Post Stadt-Liebau in Moravia, Sudetengau, Germany; 7121.

Eduard Kretschmer; Ingridpfad 17/II, Berlin-Lankwitz, Germany; 23966.

Eduard Kretschmer; Berlin-Lankwitz, non Sedanstr. 20, Germany; 23665.

Emil Kretschmer; Köhlerstrasse 8, Berlin-Lichterfelde-West, Germany; 23841.

Emil Kretschmer; Landburkersdorf Nr. 141, Sachsen, Germany; 20726.

Erich Kretschmar; Brueckstrasse 20, Witten/Ruhr, Germany; 6427.

Erich Kretschmer; Fontanestrasse 29, Berlin-Neuköln, Germany; 11550.

Ernst Hermann Kretzschmar; 11 Turnstrasse, Hartmannsdorf/Chemnitz, Germany; 5813.

Ewald Kretschmer; Röchlingstrasse 5, Herschberg (Rgb.), Germany; 23967.

Felix Kretschmer; Vienna XII, Defreggerstrasse 95, Ostmark, Germany; 856.

Franz Kretschmer; (13a) in Engelthal Nr. 23, über Hersbruck bei Nurnberg, Bayern, Deutschland, Germany (U. S. Zone); 12406.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Franz Kratschmar, deceased; Germany; 23062.

Franz Kretzschmar; Vienna VII, Kaiserstrasse 63, Ostmark, Germany; 10305.

Friedrich Kretschmer, Kraschen-Waldhäuser, Kreis Guhrau 1/Schlesien, Germany; 23605.

Friedrich Kretschmer; Wilhelmplatz 11, Dortmund-Dorstfeld, Germany; 11554.

Friedrich Kretschmar; c/o Max H. Abele, Anton Fischer-Abele, Karlsbad-Bahnhof, Germany.

Friedrich Wilhelm Kretzschmar; Katherinenstrasse 2, Weissenfels an der Saale, Germany; 6604.

Fritz Kretzschmar; Burg, Germany.

Fritz Kretzschmar; Dresden, Germany; 13451.

Fritz Kretschmer; Neues Fischerufer 25, Magdeburg, Germany; 24857.

Dr. Georg Kretschmer; (21a) Bielefeld, Brehmstr. 18, Germany; 24663.

Gertrud Kretschmer; Turmstrasse (Robert Koch Krankenhaus) Berlin, NW. 21, Germany; 7086.

Leopold Kretschmer; (13a) Salz near Bad Neustadt/S., Germany (U. S. Zone).

Otto Theodor Kretzschmar; Könegstrasse 15, Limbach (Sachsen), Germany; 11422.

Paul Kretzschmar; Leipsic, Germany; 9042.

Paul Kretschmer; Tannenbergerstrasse 13, Langenbielau, Germany; 24788.

Paul Kretschmer; Hammerlandstrasse 100, Hamburg 26, Germany; 24858.

Richard Kretschmer; Dunckerstr. 85, Berlin N. 58, Germany; 23664.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Otto Kretschmar, deceased; Germany; 25821.

Wilh. Kretschmar; Köln-Dünnwald, Germany.

Otto Kretschmer; Schlageterstr. 7, Dortmund, Germany; 1034.

Otto Kretschmer; Strasse der S. A. 35, Hannover, Germany; 23843.

Otto Max Kretschmar; Weinbergsweg 2, vom IV 1k. Aufg., Berlin, N. 54, Germany; 79.

Otto Paul Kretzschmar; Werningshausen 2, über Erfurt, Thüringen, Germany; 23969.

Ludwig Kretschmer; Wagstadt (Bilovec) Silesia, Konrad Heuleinstr. 24, Germany; 11134.

Maria Kretschmer, nee Kretschmer; Langenzersdorferstrasse 90, Wein, XXI, Ostmark, Germany; 12558.

Michael Kretschmaier; Ingersheim, Altenmünster, Kreis Crailsheim, Württemberg, Germany; 21892.

Oskar Krätschmer; München-Gladbach, Folradplatz No. 3/I, Germany; 7063.

Karl Julius Kretschmer; Rodenbergstrasse 31, Berlin, N. 113, Germany; 23842.

Kurt Kretzschmar; Leipsic, Germany; 9041.

Leopold Kretschmer; 76 Ehlingen, Kreis Nördlingen, Bavaria (13b), Germany (U. S. Zone); 9362.

Lieselotte Kretschmer; Hohenzollernstrasse 43, Kassel, Germany; 23536.

Lothar Kretschmer; Scharrnstrasse 21, Frankfurt (Oder), Germany; 23801.

Julius Kretschmer; Kalvarienberggasse 32, Vienna XVII, Ostmark, Germany; 17586.

Julius Kretschmar; Leipsic, Germany; 9038.

Julius Kretschmer; Sendnergasse 13, Schwechat bei Wien, Ostmark, Germany; 15455.

Karl Kratschmar; Würmla 64, County Tulln, Ostmark, Germany; 23061.

Josef Kretschmer; Weyer/a/d/ Enns, Hotel Post, Ob., Osterreich, Germany; 23968.

Josef Krätschmer Schulgasse, Odrau (Maehren), Germany; 11302.

Josef Kratschmer; Bahnhofstrasse 251, Odrau, Moravia (Mähren), Germany; 7104.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Josef Kretschmer, deceased; Germany; 10773.

Johann Kretschmer; Graz, Friedrich Hebelgasse 10, Ostmark, Germany; 10774.

John Georg Reinhard Kretzschmar; Füll 4/II, Nürnberg (Bayern), Germany; 215, 1589.

Josef Krätschmar; Hohnelbe, Staffelberg, Germany; 17625.

Josef Kratschmar, Vienna 14, Goldschlagstrasse 92, Ostmark, Germany; 23069.

Herman Rudolf Kretzschmar; Obermarkt 16, Frieberg (Sachsen), Germany; 24272.

Johann Kretschmer; Landburkersolorf, Dammstr. 197, Krs. Pirna, Bundesland Sachsen, Germany (Russian Zone); 21179.

Johann Krätschmer; Stadt Liebau 150, Germany; 7102.

Johann Kretschmer; Stockertgasse 21, Troppau, Sudetenland, Germany; 23533.

Johann Krätschmer; Schlosstr. 2, County of Kempen, Hinsbeck 22a, Germany; 11971.

Heinrich Kretschmeier; c/o Erich Kretschmeier, Stuttgart-Ost, Schurwaldstr. 62, Germany; 9809.

Helene Kretschmar; Post Priorei, Kreis, Hagen (Westf.), Germany; 370.

Hermann Kretzschmar; Groeden 200, Elsterwerda Land, Prov. Sachsen, Germany; 6433.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hermann Kretzschmar, deceased; Germany; 15906.

Gertrud Hager Kretschmayer; Vienna IX, Bindergasse 10, Ostmark, Germany; 9670.

Gustav Kretschmer; Caisbenstrasse 29-a, Kamp-Lintfort Krs. Moers (Rheinland), Germany; 11551.

Gustav Kretschmer; Horst-Wesselstr. 84, Witten-Annen, Germany; 1036.

Heinrich Kretschmer; München 23, Destachestr. 4, Germany; 23663.

Richard Kretschmer; Hagedornstr. 51, Berlin-Johannistal, Germany; 23709.

Robert Richard Kretschmar; Grossgrabe bei Kamenz, Sachsen, Germany; 23713.

Rudolf Krätschmer; Schoelbronnerstr. 81, Ettlingen/Baden, Germany; 13718.

Rudolf Kretschmer; Stettin, Oberwick 5, Germany; 7082.

Selma Kretzschmar; Leipsic, Germany; 9039.

Sophie Krätschmer; Stadt Liebau, Germany; 7106.

Stanislaw Kretschmer; Polish D. P. Camp, No. 71, U. N. R. R. A. Assembly Center, Ludwigsburg, Germany; 23491.

Thomas Kretschmer; Gaswerkstrasse 25, Innsbruck, Tirol, Ostmark, Germany; 13078.

Walther Kretzschmar; Windscheidstrasse 19, Leipzig, Germany; 6432.

Werner Kretschmer; Vienna XIII, Cumberlanstrasse 42, Germany; 24167.

Hans Th. Kretzschmar; (24a) Sprotze, Bez. Hamburg, Germany.

Wilhelm Kretzschmar; Leipsic, Germany; 9043.

Wilhelm Kretschmer; Wittlich, Rheinland, Germany; 5649.

Willy Kretzschmar; Bergstrasse 4, Grüna, (Sachsen) Bundesland, Sachsen, Germany; 2257, 5238.

L

Maria Labusch; Flieden, Kr. Fulda, Zent 102 bei Klug, Germany; 5814.

Antonie Maria Elizabeth Lagrange, nee Weindel; Kirn a. d. Nabe, Rheinland, Germany; 9527.

August Lambert; Fischbach bei Dahn, Rheinpfalz, Germany; 5019.

Henrietta Lämmel, nee Schaeffer; Querchheimer Strasse 2-a, Landau (Pfalz), Germany; 23806.

Bernadine Lammers; Steinhausen, Kreis Buren, Westfalen, Germany; 563.

Jakob Lammert; Koblenz am Rhein, Rhein Str. 28, Germany; 12308.

Philipp Lammert; Muehlheim b. Koblenz, Bassenheimer Str. 25, Germany; 12309.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Joh. Peter Lammert, deceased.

Christoph Landau; Marburg (Lahn), Renthof, Nr. 5, Germany; 418.

Mrs. Heinrich Landversicht; Höperhofen, Kreis Rotenburg, 1/Hann, Germany; 10864.

Maria Landversicht, nee Hasemann; Hastedter-Heerstrasse 515, Bremen, Germany; 10251.

Katharina Lang, nee Läpple; Bahnhofstrasse 189, Utting a. A., Germany (U. S. Zone); 10252.

Helene Lange, nee Schaffer (Margaretha Auguste); Nagelsweg 9, Hamburg, Germany; 1332.

Hermann Lachenmann; Stuttgart/Reutlingen, Germany.

Marie Landversicht; (24) Lübeck, Gneisenaustr. 16–18, Germany.

Karoline Lange; Elisabethstrasse 5, Nienburg an der Weser, Hannover, Germany; 20920.

Maria Lange, nee Figge; Hillersbausen, Post Corbach, Waldeck, Hessen, Germany; 10256. 17770.

Minna Lange, nee Schäfer; Hermsdorf, Magdeburg J. Land, Lreos Volmirstedt, Germany; 8677, 9719.

Johann Langebeck; Ottostrasse 32, Aachen, Germany; 12244.

Maria Langemeyer, nee Kohlbrecher; Hollage Nr. 63, Wallenhorst, bei, Osnabrück, Germany; 14302.

Christian Läpple; Steineback bei München, (Bayern), Germany; 7205.

Georg Läpple; Bad Wörishofen, Bayern, Germany; 11553.

Hedwig Laszki, nee Haase; Kleine Marktstrasse 14, Swinemünde, Germany; 10933.

Mrs. Josef Latz, nee Salentin; Unter-Vlatten, Düren-Land, Rheinland, Germany; 12200.

Mrs. Peter Latz, nee Salentin; Unter-Vlatten, Düren-Land, Rheinland, Germany, 16055.

Juliana Laub, nee Halder; Thannhausen (Waldsee), Württemberg, Germany; 9316.

Mathilde Laub; Aulendorf, Württemberg, Germany; 9302.

Agnes Laubingen; Lennestrasse 51, Bonn a/Rhein, Germany; 4233.

Richard Lauckner, Ackerstrasse 133, Berlin N. 31, Germany; 5155.

Theresia Lauer, nee Adelsbach; Trier-Euren an der Mosel, Trierer Str., Germany; 12270.

Ann Laumer; Berlin N. 58, Senefelderstr. 23, Germany; 23666.

Margaretha Maria Laun, nee Schaeffler; Woldsenweg 11, Hamburg 20, Germany; 20402.

Otto Lauffs; Kl. Friedbergerstrasse 13, Frankfort am Main, Germany; 10257.

Luise Leber, c/o John F. Hermann, Bernhardstr. 9, Karlsruhe, Baden, Germany; 10455.

Salve Reinartz Langebeck; Aachen, Germany; 12184.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Josef Ledergerber, deceased; Germany; 21891.

Josefa Leher, nee Wenig; Vienna 17, Geblergasse 123, Ostmark, Germany; 23071.

Emma Lehmann, nee Mrs. Robert Fresche; Wuppertal-Elberfield, Lagerstrasse 27/11, Germany; 8975.

Anna Lehmbrink; Sudholzweg 36, Wattenscheid-Houtroop, Westfalen, Germany; 17096.

Anna Leicht; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10437.

Anna Barbara Leicht; Buchenau, Kreis, Hunfeld, Germany; 10182.

Christian Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10440.

Emil Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10435.

Jacob Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10436.

Lina Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10438.

Wilhelm Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10429.

Wilhelm Leicht; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10439.

Wilhelm Leicht; c/o John F. Herrmann, Germany; 17441.

Friedrich Leihener; Wuppertal-Elberfeld, Chlodwigstrasse 17a, Germany; 8990.

Max Leihener; Wuppertal-Elberfeld, Rennbaumerstr. 7, Germany; 8989.

Eva Leineweber, nee Adelsbach; Trier-Euren an der Mosel, Schiveringstrasse 17, Germany; 12271.

Joseph Leinweber; Veitsteinbach, Kr. Fulda 57, Hessen-Nassau, Germany; 2229.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anton Leisse, deceased; Germany; 6510.

Adolf Leisse; Doebelnerstrasse 79, Dresden, N. 23, Germany; 254.

Johann Leisse; Eversberg/Ruhr, Westfalen, Germany; 9028.

Johannes Leisse; Fruler Lammstr. 29, Jetzt am Brunnenhof 29, (24a) Hamburg-Altona, Germany.

Maria Katherina Leiwesmeier, nee Hansmeir; c/o Johann Leiwesmeir, Franzeskanermauer 1, Paderborn, Germany, 17573.

Mrs. Gertrude Lemmer; Alexanderstrasse 14, Dusseldorf a. Rhein, Germany; 5661.

Johanna Lengnick, nee Schaefer; Danzig-Langfuhr, Anton-Moeller Weg 5/11, Germany; 8153.

Paul Lengnick, Rosenberg, Rechte, Mauerstr. 5, West Prussia, Germany.

Auguste Ida Karoline Lenz; Selbeckerstrasse 60, Hagen in Westfalen, Germany, 1357.

Eugen Lenz; Dahl 120, Westfalen, Germany; 1355.

Friedrich Wilhelm Lenz; Boelerstr. 81, Hagen, Westfalen, Germany; 1354.

Friedrich Wilhelm Lenz; Kaiserstrasse 60, Gummersbach (Reg. Bez. Köln), Germany; 4215.

Johanna Lenz; Gustav Freytagweg 24, Coburg, Germany; 111.

Karl Otto Heinrich Lenz; Selbeckerst 60, 21 b Hagen in Westfalen, Germany; 1356.

Karoline Lenz; c/o Apotheker Schmidt Eppenhauserstrasse 49a Hagen, Westfalen, Germany; 4216.

Anna Leonhardt; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10434.

Major Leonhard; Westingen, Schulstrasse 10, Schwaben, Germany (U. S. Zone).

Friedrich Lerche; Velstove, bei Vorsfelde, Kreis Helmstedt, Germany; 9499.

Elisabeth Lessat, nee Trebing; Sturmshof 3, Stinneshofen, Essen-Karnap, Germany; 20376.

Karl Letschert; Meudt, Kreis Ober, Westerwald, Germany; 16012.

Ellen Leuber; Trier Moselland, Lindenstr. No. 35, Germany.

Wilhelmina Leuchtner, nee Schaefer; Hauptstrasse, Iffezheim, Germany; 183.

Antonie Leukert; Schildescherstrasse 87, Bielefeld, Germany; 3932.

Friedrich Wilhelm Leukert; Herforderstrasse 79, Bielefeld, Germany; 276.

Miss Johanna Lewing; Gardenbergstrasse 11, Herford (Westfalen), Prussia, Germany; 4946.

Helene Hedwig Feodora Lewy; Beeren Strasse 20A, Berlin-Zehlendorf, Germany; 22980.

Mathias Leyk; Temmels, Germany; 24821.

Robert Liberty; (20) Gottingen, Grotherlanstr. 11, Germany; 5269.

Wilhelm Lichtnow; Blumenthal über Ferdinandshof/Pommern, Germany; 15903.

Bruno Liebenow; Ringstrasse 10, Pasewalk, Pommern, Germany; 5712.

Alwine Lienecke; Wedingen, Kr. Neuhaldensleben, Germany; 9720.

Andreas Lieser; Trier/Mosel, Brueckenstrasse 6, Germany; 12180.

Mrs. Hedwig Lill; Wurmsergasse, 40/47, Vienna 15, Ostmark, Germany; 23844.

Josef Limbach; Buch bei Kastellaun, Bez. Koblenz (Hunsrueck), Rheinland, Germany; 17884.

Heinrich Limpert; Remscheid, NRW, 23a Langestrasse, Germany.

Katharina Linddörfer; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10409.

Wilhelm Lindemann; Künsebeck, No. 45, Krs. Halle i. Wv., Germany; 24189.

Anna Lindenburger, nee Hause; Stettinerstrasse 9, Stettin-Pommerensdorf, Germany; 5724.

Elisabeth Lindner; 270, Bahnhofstrasse, Vorsfelde, Trs. Helmstedt, Germany.

Anna Link; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe, Baden, Germany; 10402.

August Link; Leopoldstrasse 143, Waibstadt, Germany; 12089.

Elisabeth Lina Link; Freeburg i. Br., Germany; 12085.

Josef Gustav Link; Robert-Wagnerstr. 178, Waibstadt, Amt, Linsheim, Baden, Germany; 12090.

Paul Link; Detmold, Palaisstrasse 47, Germany (British Zone).

Hermann Linke; Wilhelmstrasse 50, Pasewalk in Pommern, Germany; 5816.

Paul Linke; Viereck uber Pasewalk-Land, Pommern, Germany; 5715.

Charles Lintner; Vienna 13, Hickelgasse 15/15/3, Ostmark, Germany; 23072.

Dorothea Elisabeth Liphardt, nee Brandt (Mrs. Ludwig); Wickenrode No. 47, Bezirk Kassel, Germany; 473.

Anna Margarethe Lippert; Hattenrode, Kreis, Ziegenheim, Germany; 10183.

Katharina Litzenberger, nee Studt; Kappeln Kr. Birkenfeld, Germany; 23697.

Herman Lochenmann; Stuttgart, Hoppenlaustr. 26, Germany.

Anna Löcher, nee Frische; Wuppertal-Hahnerberg, Korzerterstr. 21, Germany; 8960.

Jakob Locher; (10b) Leipzig S. 3, Kochstr. 40, III/1, Germany; 12661.

Wilhelmine Löding, nee Quast; Wahrendahl bei Hemeringen, No. 117, Germany; 16528.

Katharina Loeber; Hoehlsgasse 7, Marburg/Lahn, Germany; 6500.

Otto Loeffart; Hotel Zur Post, Lüdenscheid, Germany; 534.

Anna Lohmeier; Preussische Oldenderf. Bremerstrasse 48, Kreis Lübbecke in Westfalen, Germany; 17335.

Emil Eugen Lohner; Tieringen bei Balingen, Württbg., Germany; 5258.

Dorothea Elisabeth Lohrmann (Mrs. Johann Heinrich); Wickenrode, Post Grossalmerode, Hessen-Nassau, Germany; 17905.

Engelhard Lohrmann; Wickenrode, N. 104, Bez. Kassel, Post Gross-Almerode, Germany; 471.

Jakob Wilhelm Lohrmann; Wickenrode, Post Grossalrode, Hessen-Nassau, Germany; 17907.

Karl Lohrmann; Bahnhofstrasse 178, Freelendorf, Hessen-Nassau, Germany; 17906.

Karl August Lohrmann; Ringenkühl, Wickenrode, Post Grossalmerode, Hessen-Nassau, Germany; 17911.

Anna Klara Loos (Mrs. Ludwig); Keilstrasse 13, Bochum-Dahlhausen, Germany; 17038.

Heinrich Loose; Köln-Brück, Longhardterhof, b. Kassel, Niederzissen, Nlützingen, Germany.

Paul Lorenser, Radolfzell, Germany.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of August Losenkamp, deceased, Germany; 8980.

Friedrich Lotz; Michelsberg, Kreis, Ziegenheim, Germany; 10184.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Minna Lücke, deceased; Germany; 50.

Martha Maria Lückert, nee Schaffer; Scharperstrasse 34, Berlin, W 50, Germany; 5645.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ferd. Lücking, deceased; Germany; 4975.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Georg Lude, deceased; Germany; 6069.

Erna Ludolf, nee Faust; Mosheim, Kreis, Fritzlar-Homberg, Germany; 10185.

Ernst Ludwig; Eschbachstrasse 3, Solingen-Wald, Germany; 23807.

Gustav F. Ludwig; Bückeburg, Germany; 23845.

Franz Ludwig; Möllersdorf a/d Aspangbahn, bei Wien, Ostmark, Germany; 22994.

Joseph Ludwig; Pottenstein a/d Triesting, No. 151, Ostmark, Germany; 22993.

Maria Ludwig; Singerstrasse 21, Vienna I, Ostmark, Germany; 22992.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Maria Katharina Ludwig, deceased; Germany; 17571.

Paul Lueckert; Kochhannstrasse 2, Berlin O. 34, Germany; 5179.

Frank Luedtke; (20a) Celle, Markt 18, Germany (British Zone).

August Luepping; Am Schwarzen Meer 10, Bremen, Germany; 6180.

Dora Luer; Fahnstrasse 11, (23) Nordenham, in Oldbg., Germany (British Zone).

Mrs. Alois Lues; Kellinghausen, Rüthen (Möhne), Land (Westf.), Germany; 253.

Franziska Lues; Mastholte, Kreis Wiedenbrück, Westfalen, Germany; 239.

Wilhelm Lüke; Bischofshagen No. 1, Löhne in Westfalen, Kreis Herford, Germany; 103.

Maria Lummerzum; Remscheiderstrasse 55 Koeln-Kalk, Germany; 11555.

Lina Lunz; (13a) Nürnberg, Auss. Sulznacherstr. 34/1, Germany.

Herman Rudolf Lüpping-Rottmann; Westercappeln-Sennlich 10, bei Tecklenburg, Germany; 16697.

Mrs. Auguste Lütgens; Segebergstrasse 2, Lübeck, Germany; 716.

Martha Luttermann; Mittelstrasse 4, Bad Harzburg, Germany; 5696.

Lucie Lutz; Grobenzell/Munich, Bavaria, Germany.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Margaretha Lutz, deceased; Germany; 12273.

Mathias Lutz; Konz bei Trier an der Mosel, Olkstrasse 33, Germany; 12272.

Adam Luy; Augsburg-Göggingen, Re. Fluchtl. Lager "C"; Bar. IV/5, Bavaria, Germany (U. S. Zone).

Stefan Luxem; Mayen (Rheinland), Brueckenstrasse 24 (22 L.), Germany; 17546.

Josefa Maas; Hamm (Westfalen) Wilhelmstr. 117 Germany.

M

Rosa Mack; Muggensturm 1/B, Germany; 10541.

Mrs. Hermann Madlener; Kanalstrasse 11, Pfüllendorf (Baden), Germany; 5088.

Marie Maerz, nee Thorman; Scharnhorststrasse 6, Stettin, Germany; 17672.

Saloma Maetz; Kehl a/Rhein, Germany; 10499.

Betty Magka; Württenfeld-Linz, Germany.

Maria Mahler, nee Schaeffer; Wesermünde, York-St. 1, Germany; 10748.

Henriette Mahnkopf, nee Melzer; Werrestrast 99, Herford in Westfalen, Germany; 17413.

Dr. A. Mailaender; Saarlautern, Lothringerstr. 9, Germany; 11556.

Kurt Mainzer; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10476.

Wilhelmine Mainzer; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10477.

Victoria Maisch; Muggensturm, 1/B, Germany; 10595.

Maria Maltz, nee Losenkamp; Wuppertal-Elberfeld, Nüzenbergerstr. 139, Germany; 8982.

Friedrich Mandel; Mannheim-Sandhofen, Germany; 23579.

Frieda Mandler; Ringstrasse 21, Schwalbach, im Taunus, Germany; 23535.

Otto Mandler, Brackstrasse 6, Schmalkalden, i. Thür., Germany; 24190.

Lydia Mantele, John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10453.

Alma Marenzeller, nee Bausquet; Vienna III, Linke Bahngasse 3, Ostmark, Germany; 12409.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Luise Ernestine Charlotte Marks, deceased; Germany; 10717.

Rosalie Marks, nee Schäfer; Frankfurt am Main, Mendelsohnstr. 77/I, Germany; 5255.

Adolf Markus; Römerstrasse 24, Düsseldorf, Germany; 6057.

Erna Marquardt; Sigismundkorso 67, Berlin-Frohnau, Germany; 23606.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Minna Marquardt, deceased; Germany; 9949.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Caroline Martheus, deceased; Germany; 10057.

Allwine Martin; Morbach b. Kaiserslautern, Rheinpfalz, Germany; 23691.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Elisabeth Martin, deceased; Germany; 23687.

Elisabeth Juliane Olga Eugenie Martin; Palmengartenstrasse 6, Frankfurt-am-Main, Germany, 14244.

Fedor Martschin, Kopernikusstrasse 55, Dresden N. 23, Germany; 11557.

Hugo Martschin; Lindenstrasse 11–12/IV, Berlin S. W. 68, Germany; 16657.

Max Martschin; Gaisburgstrasse 27, Stuttgart, Germany; 22776.

Oswald Martschin; Am Torbagen 4/I r., Dresden A-36, Germany; 20715.

Matthias Marx-Herber; Schndorf-Perl an der Mosel, Kreis Trier, Germany; 12276.

Johann (Hans) März; Adolf Hitleratr. 7, Groebenzell, Germany; 11362.

Katharina Marzi; Weissenthurm b. Koblenz, Rheinland, Germany, 12306.

Willi Marzini; Ebersbach/Württemberg, Germany.

Hermann Masche; (20a) Bevenson Kreis Uelzen Pastorenstr. 3, Germany (British Zone).

Margaretha Mast; Muggensturm, 1/B, Germany; 10597.

Hilde Mathes; Neuberg a. Donau, Fischerstrasse Nr. 230, Germany; 4830.

Vally Matouch-Etrich; Rosdorferweg 14, Göttingen, Germany; 15919.

Bertel Matter; Wertheim a/Main, Bardonstr. 19, Germany.

Katharina Mattern; Minfeld, Germany; 10578.

Johanne Matthies; Lachem bei Hameln No. 14–a, Germany; 16544.

Adelheid Maus (Mrs. Bernhard); Veitsteinbach 57, Post Neuhof, Kreis Fulda, Hessen-Nassau, Germany, 507, 2227.

Bernhard Maus; Veitsteinbach, Kr. Fulda 57, Hessen-Nassau, Germany, 2231.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Johanna Mause, deceased; Germany; 10187.

Auguste May; Hindenburgstr. 57, Eydtkuhnen (Ostpreussen), Germany; 586.

Dorothy May; c/o John F. Herrmann, Bernhardtstr. 9, Karlsruhe (Baden), Germany; 12032.

Fritz May; Karalene bei Insterburg, Ostpreussen, Germany; 587.

Gertrud May; Eydtkuhnen, Auguststrasse 11, Königsberg (Ostpreussen), Germany; 585.

Georg Peter Mayfarth; Kassel/Bettenhausen, Dormannweg No. 39, Germany; 14888.

Maria Mayrhofer; Post Oberhausen über Dingolfing, Obermünchsdorf No. 52½, Niederbayern/Bayern, Germany; 286.

Elisabeth Schaefer Meerbothe; Postschliessfach 71, Linz/Rhein, Germany; 5341.

Henriette Mehl, nee Wiemer; Bochumerstrasse 79, Herne in Westfalen, Germany; 14304.

Anna Marie Meier; Angenrod, Kreis Alsfeld, Germany; 10186.

Friederike Meier, nee Schaefer; Mindenerstr. 14, Bad, Oeynhausen, Germany; 458.

Fritz Meier; Bad Oeynhausen/Westfalen, Mindenerstrasse 14, Germany; 4150.

Mrs. Fritz Meier; Bad Oeynhausen/Westfalen, Mindenerstrasse 14, Germany; 4154.

Heinrich Meier; Overhofstrasse 1, Wanne-Eickel, Germany; 21134.

Sophie Caroline Meier; Wetscherfelde, Kreis Diepholz, Hannover, Germany; 13775.

Wilhelm Meier; Holzwiesen 6, Seitenweg 27, Hannover, Germany; 13759.

Wilhelm Meier; Verlaegerte Bothfelderstrasse, Siedlungskolonie 37, Garten No. 14, Hannover, Germany; 5670.

Wilhelmine Dorothee Meier; Tonnenheide bei Rahden, Kreis Luebbecke (Westfalen), Germany; 13776.

Marie Justine Elise Meil (Mrs. H.); Bremerstrasse 4, III, Hofgeismar, Reg. Bez. Kassel, Germany; 2489, 4203.

Ernst Meinung; Gebrüderstrasse 13, Eschwege A. Werre, Reg. Bez. Kassel, Germany; 6543.

Minna Meisolle nee Schäffer; Todtenhausen bei Minden in Westfalen Germany; 8786.

Alfred Meissner; Schwitz-Saxony (10a), District Puna, Krunzstr. 6, Germany; 8569, 9671.

Anton Meitinger; Asch-Swabia, Bavaria, Germany; 5434.

Karl Melcher; Vorstadt z. Garten 24, Friedberg, Hessen, Germany; 6525.

Franziska Melzer; Nettelbeckstrasse 21, Berlin W. 62, Germany; 20810.

Heinrich Melzer; Dinslaken-Kicsfeld, Fichtenstrasse 127, Rheinland, Germany; 14291.

Josef Melzer; Ankum bei Bersenbrück, Tiefenweg; Bezirk, Osnabrück, Germany, 14295.

Chaplin Adolph Menge; Kreutzstrasse 61, St. Kreuz, Dortmund, Germany; 4201.

Maria Schäfer Menzenbach; Horhausen/Westerwald über Neuwied, Rheinland, Germany; 11339.

Karolina Merk, nee Mueller; Oberigling 23 bei Landsberg, a/Lech, Oberbayern, Germany; 499.

Olga Hermiene Hedwig Merke, nee Scheller; Thüringerstrasse 3, Klästrin-Kietz, Germany; 17867.

Charlotte Merkel, nee Schaefer; Kreis Pillkallen, Walddorf, Post Willuhnen, Germany; 584.

Margaretha Merkel; Landau id. Pfalz, Bürgerstrasse No. 8, Germany; 23016.

Marie Merkel; Fischerstrasse 110, Iffezheim, Germany; 171.

Elise Mersdorf (Mrs. Anton); Hotel Kurfuerst von Trier, Kyllburg, Eifel, Germany; 10261.

Katharina Mertens; Laubeschlägerstrasse 11, Darmstadt, Germany; 24592.

Heinrich Mertens; Bad Peterstal (Land Baden), Hauptstrasse 229, Germany; 798.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Marie Mertens, deceased; Germany; 9550.

Johanna Luise Mertins; Gladbeck-Brauck (Westf.), Post Gelsenkirchen-Horst, Uferstrasse 28, Germany; 588.

Josef Metten; Brunscappel, Kr. Brilon, Sauerland, Germany; 4213.

Wilhelm Metz; Brüsselerstrasse 4. Cologne, Kentucky; 511, 5126.

Christine Mathilde Agnes Metzger, Roonstrasse 15, Koeln am Rhein, Germany; 13634.

Jacob Metzinger, Martin-Lutherstrasse 97, Berlin, W 30, Germany; 9476.

Mrs. Adolfa Meyer; Schlachterstr. 32/IV, Hamburg bei Baurmeister, Germany; 20690.

Elisabeth Meyer, Steinstrasse 1, Pasewalk, Pommern, Germany; 5823.

Elise Meyer; Penterweg 10, Bramsche bei Osnabrück, Germany; 5056.

Engel Marie Sophie Meyer; Rehren 32, Grafschaft Schaumburg, Germany, Hose-Land; 17596.

Friedrich Heinrich Meyer; Helzendorf, Kreis Hoya, Prov. Hannover, Germany; 114.

Gustav Adolf Meyer; 15 Burg bei Bremen, Germany; 5217, 6674.

Heinrich Friedrich Carl Meyer; 3 Klusmannstrasse, Ricklingen, Hannover, Germany; 10734.

Herta Meyer; c/o Hindersin, Passauerstrasse 32, Berlin W. 50, Germany; 24682.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Johanna Meyer, deceased; Germany; 15909.

Luise Meyer; 15 Burg bei Bremen, Germany; 5216, 10714.

Maria Meyer (witwe); Pye, Post Osnabrück-Eversburg, Germany; 14283.

Martha Meyer; Schmiedestrasse 10, Salzwedel 1. d. Altmark, Germany; 9350.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Ottilie Meyer, deceased; Germany; 10056.

Robert Meyer; Dehnhaide 1, Hamburg 22, Germany; 23322.

Karoline Meywirth; Wickenrode 68, Post Grossalmerode, Hessen-Nassau, Germany; 16330.

Mrs. Anna Elisabeth Miara (Mrs. Franz); Dierschauerstrasse 4, Bochum, Germany; 15911.

Alfred Michaelis; Junker Jörkstrasse 28, Berlin-Karlshorst, Germany; 11553.

Franz Michel; Ebenweiler, Germany; 9855.

Martha Michel; c/o Anna Hänsch, Dandorfstr. 8, Dresden-A. 20, Germany; 20369.

Mrs. Albert Mies; Bodendorf/Ahr Rheinland, Bez. Koblenz, Germany; 419.

Marie Schafer Milbert; Trösel, Post Weinheim, Germany; 15195.

Balbina Miller; Landshut-Neustadt 455, Niederbayern, Germany; 5559.

Kreszenz Miller; Schnalzstr. 327, Pelting, Germany; 11363.

Lydia Crescentia Miltner; Vorholzstrasse 41, Karlsrue, Baden, Germany; 9528.

M. Minck; Gaswerkstr. 2, Sandhofen near Mannheim, Baden, Germany; 22715.

Wilhelm Minder; Gelsenkirchen, Ursprungsland, Hessen, Germany.

Elise Minten; Krugenofen 17, Aachen, Germany; 4995.

Heinrich Mintert; Bochum, Castroper Str. 99, Germany.

Martha Modis; Stadtberg 12, Habelschwerdt, Silesia, Germany; 24548.

Maria Moehle; Delbrueck (Westf.), Germany; 84.

Anna Barbara Moeller; Mittelkalbach, Kr., Fulda, Hessen-Nassau, Germany; 7337.

Bernhard Moeller; Veilsteinbach, above Neubof, Distr. of Fulda, Germany; 256.

Emma Moeller; Kerzell, District of Fulda, Germany; 6535.

Karl Moeller; Eichenried, ueber Neuhof, Distr. of Fulda, Germany; 268.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Johann Moellers, deceased; Germany; 5028.

Alexis Moffert; Willroth bei Horhausen, Ueber Neuwied/ Westerwald, Germany; 11276.

Anna Moffert; Willroth bei Horhausen, Ueber Neuwied/Westerwald, Germany; 11271.

Heinrich Moffert; Willroth bei Horhausen, Ueber Neuwied/Westerwald, Germany; 11272.

Johann Moffert; Wilbroth bei Horhausen, Ueber Neuwied/Westerwald, Germany; 11274.

Josef Moffert; Willroth bei Horhausen, Ueber Neiwied/Westerwald, Germany; 11275.

Peter Moffert; Willroth bei Horhausen, Ueber Neuwied/Westerwald Germany; 11273.

Barbara Mögele; Siebuach, bei Augsburg (Bayern), Germany; 11364.

Marie Möhle; (20a) Grünenplan uber Alfeld-Leine, Schülstrasse 5F, Provinz, Hannover, Germany (British Zone).

Katharina Mohr; Pozzistrasse 3, Mannheim, Germany; 10262.

Mrs. Peter Mohr; Irlich b/Neuwied a/Rhein, Germany; 6669.

Emma Moje; Ernst Begeestweg 29, Harburg-Wilhelmsburg 1, Germany; 9337.

Amalie Molitor; Trier/Moselle, Petrusstr. 10, Germany; 12246.

Catharina Molitor; Tier an der Mosel, Petrusstrasse 10, Rheinland, Germany; 12267.

Elise Möller; Grossalmerode-Bassberg 5, Kr. Witzenhausen, Bez., Kassel, Germany; 17534.

Felix Möller; Arnsberg in Westfalen, Oberreimerstrasse 14, Germany; 657.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Franziska Möller, deceased; Germany; 8942.

Katharina Möller; Kölnerstrasse 597, Krefeld-Ficheln, Germany; 16761.

Loni Möller; Opladen-Holzhausen, Rheinland, Germany; 16013.

Marie Moretsky; Mauerstrasse 5, Kassel, Germany; 16418.

Nickolaus Morgen; (Acherer), Kernscheid bei Trier, Germany; 20575.

Nikolaus Morgen; 22B-Wilzenburg, Post Pluwig bei Trier, an der Mosel, Germany; 15564.

Auguste Magdalena Moritz; Saarmunderstr. 6, Potsdam bei Berlin, Germany; 20758.

Franz Mörschel; Gaustrasse 10, Kaiserslautern (Saar-Pfalz), Germany; 22675.

Dr. R. Mörschel; Hindenburgallee 29, Butzbach (Oberhessen), Germany; 15910.

Katharina Morschheuser; Oberlahr. Kr. Altenkirchen, Rheinland, Germany; 9769.

Anna Motz; Rothselberg (Saarpfalz), Germany; 23686.

Konrad Georg Mötzing; Widderhausen, Bez. Kassel, Germany; 10725.

Emilie Motsch; Buckelburg (Schaumburg-Lippe), Bahnhofstrasse, Germany; 4287.

Adam Mueller; Sardebeck, Kreis Höxter, Germany; 24693.

Adele Mueller; Wiesbaden, Herderstrasse, 11/1, Germany; 6524.

Minna Mueller; Dielenburg, Germany; 21965.

Ursula Mueller; Kreuzstrasse 47, Bad Neuenahr. Rheinland, Germany; 13633.

Veronika Mueller; Heidelberg-Kuchheim, Lochheimerstr. 33, Germany.

Ida Muench; Ragenreute, Kreis Saulgau, Württemberg, Germany; 9312.

Witwe Muller; Minden in Westfl. Friedrich-Wilhelmstr. 15, Germany; 11444.

Auguste Müller; Oberigling 26, Germany; 11365.

Auguste Müller; Augustastrasse II, Koningsberg (Ostpreussen), Germany; 582.

Berthold Konrad Müller; Dönnstrasse 118, Dortmund-Mengede, Germany; 20630.

Elisabeth Müller; Oberigling (Bayern), Germany; 11367.

Emma Müller; Winterstrasse 16/II, Karlsruhe in Baden, Germany; 20817.

Franz Müller; Oberhausen-Osterfeld, Hugelstrasse 18, Nordrhwinwestfallen, Germany (British Zone); 14297.

Franziska Müller; Untermeitingen 108, Germany; 11368.

Heinrich Müller IV; Echzell in der Wetterau, Germany; 8814.

Jacob Müller; Goebenstrasse 4/1, Frankfurt a/M. Bockenheim, Germany; 15825.

Josef Müller, Jr.; Wallenhorst I bei Osnabrück, Germany; 14300.

Josefa Müller; Oberigling (Bayern), Germany; 11369.

Josefine Müller; Holsterhauserstrasse 129, Essen, Westfalen, Germany; 16015.

Katherina Elisabeth Müller; Oberkaufungen, Bez. Kassel, Germany; 17775.

Konrad Müller; Post: Bad-Wörishofen, Stockheim, Bavaria, Germany; 5436.

Miss Kreszenz Müller; Oberigling (Bayern), Germany; 11370.

Ludwig Müller; Buchloe, Bahnhofplatz 55b, Germany; 11371.

Magdalena Müller; Nollenburgerweg 63, Emmerich am Rhein-Huethum, Germany; 132.

Margrete Müller; Köln-Lindenthal, Dürenerstr. 217, Germany; 12268.

Maria Müller; Eckstrasse 49, Meudt, Kreis Ober, Westerwald, Germany; 16014.

Marie Magdalene Becker Müller; Horhausen (Westerwald), Uber. Neuwied (Rhein), Hauptstrasse 20, Germany; 10879.

Meinrad Müller; Oberigling, Schloss-Igling (Bayern), Germany; 11372.

Regina Müller; bei Bauer Bergmann, Hollage, Post Wallenhorst bei, Osnabrück, Germany; 14301.

Theodore Müller; Dr. Frickstrasse 63, Hilfarth, Bez. Aachen, Germany; 23970.

Theresa Müller; Koblenz, Germany; 15443.

Theresia Müller; Allendorf, Krs. Marburg/Iahn, Germany; 23309.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Wilhelm Müller, deceased; Germany; 11373.

Barbara Münch; Edenkoben, Palatinate, Klosterstrasse 13, Germany; 8307.

Elisabeth Münnig; Bochum-Dahlhausen (Ruhr), am Birkenwald #32, Germany; 6663.

Barbara Schaeffer Münzing; Hoehr-Grenzhausen, Westerwald (Hessen-Nassau) Rheinstr. 96, Germany; 9003.

Jakob Myer; Rohrbach b. Landau, Pfalz, Germany; 6655.

Thereze Mynar; Pratterstrasse 68, Vienna II. Ostmark, Germany; 23803.

Anna Myrow; (23) Nordseebad Juist, Josephstift. Hannover, Germany; 5726.

N

Martha Wilhelmine Nagel; Cellerstr. 57, Hannover-O-Germany; 20351.

Helene Nassen; Post Willroth, Neuwied-Land, Bez. Koblenz, Germany; 12116.

Wilhelm Neumann; Frohnhausen, Reg. Bez., Kassel, Germany; 16137.

Katharina Nebel; Allendorf (Kreis Marburg), Bez. Kassel, Germany; 21035.

Anna Neerfeld; Magdalenenstrasse 58, Bonn a/Rhein, Germany; 5167.

Otto Neher; Ludwigstrasse 40, Lindau-Bodensee, Germany; 6624.

Margarete Nelberg; Hochum, Bruckstrasse 14, Germany; 5842.

Marie Nennstiel; Erdmannrode, Kreis. Hünfeld, Germany; 10191.

Wilhelm Veit Nere; Suedallee 4, Trier, Germany; 21956.

Elisabetha Nessel; Obermoschel (Saar Pfalz), Germany; 21056.

Hana Nettelbeck; Hoppenwalde, Kreis Ueckermünde, Pommern, Germany; 5540.

Hans Nettelbeck; Solingeu-Ohlegs (22a), Düsseldorferstrasse 3, Rheinland, Germany.

Hedwig Nettelbeck; Hoppenwalde, Kreis, Ueckermünde, Pommern, Germany; 5541.

Norbert Neu; Matthiasstrasse 72, Trier, Germany; 21958.

Wilhelm Neu; Am Irscherhof 25, Trier (Rheinland), Germany; 20673.

Julius Neuberger; Burgpreppach, Bayern, Germany; 5062.

Franziska Neufang; Homburg/Saar, British Zone, Block 9, Germany.

Mrs. Hedwig Neuhaus; Am Sturmwald 18, Dortmund-Barop., Germany; 6627.

Karoline Neuhaus; Warburg/Westfalen, Johannistor 41, Germany; 4180.

Margarethe Neuner; Moehrendorf No. 78, Landrein, Erlangen, Germany.

Hildegard L. Neumann; Nageisweg 19, Düsseldorf-Lohausen, Germany; 6625.

Lorenz Nick; Sandhausen b. H. Baden, Neugasse 21, Germany.

Genovefa Nieberle; Iglingerstrasse 2, Landsberg Lech, Germany; 11375.

Karl Nieberle; Post Immenstadt (Allgäu), Ratholz 9, Germany; 11376.

Mat hias Nieberle; Landsberg/Lech, Katarienenstrasse 66, Germany; 11377.

Mat hias Nieberle; Leubas, Kempten/Land, Germany; 11378.

Dr. Willebald Nied; Alexanderstrasse 109, Stuttgart, Germany; 5224, 7986.

Christian Niederhausen; Weissenbrücken, Post Hamm/Sieg, Kreis, Altenkirchen, Germany; 17594.

Franz Niesner; Diedenbergen, Hauptstrasse 48, Main-Taunuskreis Hessen, U. S. Zone, Germany; 12757.

Josef Niesner; Bez. Diedenbergen, Hauptstrasse 48, Main-Taunuskreis, Hessen, Germany (U. S. Zone); 12758.

Stefan Niesner; 9 Diedenbergen, Hauptstrasse 48, Main-Taunuskreis, Hessen, Germany; 12759.

Wilhelm Niesner; Diedenbergen, Hauptstrasse 48, Main-Taunuskreis, Hessen, Germany (U. S. Zone); 12886.

Jakob Fr. Niethammer; Wohlfach 1. Baden, Germany; 6626.

Barbara Nödler; Wickenrode 40, Hessen-Nassau, Germany; 16989.

Ferdinand Nödler; Wickenrode bei Grossalmerode, Bez. Kassel, Germany; 16449.

Franz Nödler; Giesbergstrasse 39, Kassel, Germany; 16985.

Franz Paul Nödler; Westerfeld über Hannover, Klewertweg 2, Germany; 20353.

Georg Nödler; Grosser Berg 8, Grossalmerode, Germany; 20721.

Georg Nödler; Wickenrode 140, Hessen-Nassau; 16992.

Heinrich Nödler; Am Muhlgraben, Grossalmerode (Hessen-Nassau), Germany; 20725.

Karl I. Johann Nödler; Wickenrode No. 12, Kreis Witzenhausen, Bezirk, Kassel, Germany; 20357.

Katherine Philippine Nödler; c/o Karl Nödler I, Wickenrode No. 12, Kreis Witzenhausen, Bezirk, Kassel, Germany; 20359

Konrad Ludwig Nödler; c/o Karl Nödler I, Wickenrode No. 12, Kreis Witzenhausen, Bezirk, Kassel, Germany; 20360.

Ludwig Nödler; Fluggstr. 26/II r., Hannover, Germany; 20350.

Luise Nodler; Wickenrode bei Grossalmerode, Bez, Kassel, Germany; 16445.

Sophie Nödler; Wickenrode, Post Grossalmerode, Hessen-Nassau, Germany; 20373.

Wilhelm Nödler; Leipzigerstrasse 73, Kassel Germany; 16986.

Wilhelm August Nodler; Weckenstr. 21, Hannover-Linden, Germany; 20352.

Bertha Noelle; Buscheystr. 52a, Hagen in Westfalen, Germany; 5143, 10704.

Adolf Nöll; Remscheid-Unterreinshagen, Unter-Reinshagen 19, Germany.

Mrs. Auguste Noll; Wickenrode 179, Kreis Witzenhausen, Reg. Bez. Kassel, Germany; 20797.

Bertha Noll; Blumenfeldstrasse 110; Bochum-Weitmar, Westfalen, Germany; 17095.

Marie Elisabeth Noll; c/o Karl Nödler I, Wickenrode No. 12, Kreis Witzenhausen, Bezirk, Kassel, Germany; 20361.

Richard Noll; Wickenrode 176, Kr., Witzenhausen, Bez., Kassel, Germany; 20363.

Widow Nollmann; c/o Wilh. Kormeyer, Hankenberge, Bez., Osnabrück, Germany; 21041.

Heinrich Nordmeier; Steinbergen 105, bei Rinteln an der Weser (Schaumburg-Lippe), Germany; 14147.

Amalie Nott; c/o Mrs. Elizabeth Austmann, Höggenstr. No. 11, Soest., 1/Westphalia, Germany; 9579.

Frieda Nungesser; Minfeld, Germany; 10571.

O

Wilhelmine Oberdorfer; Kaerntnerstrasse 35, Knittelfeld, Steiermark, Ostmark, Germany; 17499.

Gustav. Oberhoff; Obernahmer 50, Hohenlimburg, Westphalia, Germany; 8713.

Basilides Obermüller; Raisting 51 bei Weilheim, Oberbayern, Germany; 5847.

Friedrich Obermuller; Augsburg, Frauentorstr., F. 26 bei Schlotterer, Germany; 11380.

Georg Obermüller; c/o Basilides Obermüller, Raisting bei Weilheim, Germany; 5846.

Johann Obermüller; Soldatenstrasse 29, Ulm. a. Donau Württemburg, Germany; 5416.

Josef Obermüller; Waal, bei Buchloe (Swabia), Germany; 5414.

Josef Obermüller; Longerringen, 126½ Augsburg, Bayern, Germany; 5415.

Karl Obermüller; Märzisried, Post Oberbeuren/Allgäu, Germany; 5417.

Ludwig Obermüller; Aystetten 91, near Augsburg 2, Bavaria, Germany; 5418.

Marie Obermuller; Grabenstrasse 128, Türkenheim, Swabia, Bavaria, Germany; 5419.

Michael Obermüller; Blaichach 14 u. u., Swabia, Germany; 5561.

Sebastian Obermüller; c/o Basilides Obermüller, Raisting bei Weilheim, Oberbayern, Germany; 5845.

Sophie Obermuller; Schwabmünchen, Bavaria, Augsburgerstrasse 40, Germany; 5420.

Wilhelm Obermüller; Immenstadt Allgäu, Horst-Wesselstrasse 16, Germany; 190.

Wilhelm Obermuller; Fasaltstrasse No. 4 III, 2 Aufg. Munich 38, Germany; 5421.

Willy Obermüller; Bruhl, bei Esslingen a.N., Kanalstr. 2, Germany; 11381.

Anton Oberreuter; 115 Siebengebirgsallee, Köln-Klettenberg, Germany; 14175.

Fritz Oderwald, Sr., c/o Fritz Oderwald, Jr., Dalhausen, Krs. Höxter, Westfalen, Germany; 9513.

Georg Oegg; Neue Gasse 32/II, Nuernberg A., Germany; 23809.

Sofie Oehlschleeger; Pfungstadt bei Darmstadt, Niedergasse 43 (Hessen), Germany; 17547.

Dorothea Oestereich; Cladow (Neumark), bei Landsberg-Warthe, Germany; 19753.

Sophia Oesterle; Hauptstrasse Iffezheim, Germany; 169.

Agnes Oesting; Hollage, Post Wallenhorst bei Osnabrück, Germany; 14286.

Mrs. Charl. Emilie Oesterwind; Bueckeburg, Wallstrasse 67, Germany; 8768.

Mrs. Albertine Oestreicher; Lindenstrasse 116, Iffezheim, Germany; 151.

Franz Offermanns; Kaiserbergstrasse 5, Linz a/Rhein, Germany; 5111.

Hubert Ohm; Hans Hoffmannweg 20, Stettin, Germany; 18161.

Wally Ohrner; Ostringen-Hauptstrasse 110, Kreis-Bruchsal, Baden, Germany (U. S. Zone).

Hans Ohst; Düren, Werneistrasse 78, Germany; 5010.

Franz Opatril; Olmützergasse 8, Mähr. Trübau, Sudetengau, Germany; 13160.

Helene Ortel; Trebitsch, Germany; 17871.

Johann Orth; Weidenbach, Post Kesseling (Eifel), Kr. Ahrweiler, Germany; 11513.

Katharina Ortmüller; Mornshausen a/Salzböde Post Gladenbach, Kreis Biedenkopf, Hessen-Nassau, Germany; 12896.

Adolf Ortwein; Grebenau, Germany; 21959.

Anna Ortwein; Gelsenkirchen, Germany; 21984.

Dietrich Ortwein; Vadenrod, Germany; 21961.

Ernst Ludwig Ortwein; Grebenau, Germany; 21960.

Friedrich Ortwein; Treis (Hessen), Germany; 21410.

Gretchen Ortwein; Gelsenkirchen, Germany; 21963.

Heinrich Ortwein; Menglinghausen, Germany; 21964.

Johannes Ortwein; Willofs, Germany; 21962.

Karl Ortwein; Gelsenkirchen, Germany; 21983.

Margaretha Elisabetha Ortwein; Gravenau, Kreis Alsfeld, Germany; 10193.

Ewald Osburg; 7 Waldstrasse, Berlin-Reinickendorf-West, Germany.

Max Osterkom; Gendarmerie - Meister, Kusel-Pfalz, Altestrasse, Nr. 2, Germany.

Wilhelm Ostermann; Carmerstrasse, Bad Kreuznach, Germany; 5261.

Heinrich Oswald; Balmungstr. 9/0, München, Germany; 11514.

Emilie Ötting; Rinteln-an-der-Weser, Berlinerstr. 6, Germany; 9955.

W. Otto; Harzgerod, Kreis Ballenstedt, Land Sachsen-Anhalt, Germany.

Mrs. Otto; c/o Joseph Wiegard, Kilianstrasse 24, Paderborn, Germany; 9488.

August Overbeck; Limbergen, Post Neuenkirchen bei-Bramsche, Germany; 20818.

P

Margareta Paas; 34 Stammheimer-Hauptstrasse, Köln-Stammheim (Rheinland), Germany; 16016.

Anna-Marie Elisabeth Padberg for the estate of Joseph Padberg; c/o Josef Metten, Brunscappel, Kreis Brilon, Westfalen, Germany; 11765.

Wilhelm Paffrath; Unterboschbach I, Berg. Gladbach bei Köln, am Rhein, Germany; 10269.

Wilhelm Pahl; Leipzigerstrasse 6/1, Potsdam, Germany; 21145.

Caroline Palenz; Wolfstrasse 24, Homborn (Rheinland), Germany; 14294.

Josef Karl Paltge; Feurth/Bay, Erlangerstr. 16/1, Germany.

G. Panis; Kellen b/Kleve, Haus Grünwald, Germany; 23846.

Josef Pankoke; Bielefeld/Westfalen, Gabelsbergerstrasse 9, Germany; 4152.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Pankow, deceased; Germany; 5939.

Heinrich Pape; Steinstrasse 15, Ahlen 1/ Westfalen, Germany; 5008.

Auguste Papendick; (16) Gladenbach, Giessener Strasse 12, Germany.

Ida Papenroth; Drewestrasse 36/1, Potsdam, Germany; 12817, 21026.

Valentin Pappert, Killansberg, Gem. Veitsteinbach, Kreis Fulda, Hessen-Nassau, Germany; 9933.

Johanna Parree; am Vierling 24, Berlin-Zehlrndorf, Germany; 6625.

Louis Pätjo; Lüneburg (Hannover) a.d., Münze, 8A, Germany; 4452.

Auguste Pätz; Melchow über Eberswalde 2, Germany; 21397.

Catherina Paulsen; Flensburg, Schleswig-Holstein, Munketoft No. 32, Germany (British Zone); 4453.

Franz Pawlowski; Altona, Röperstrasse 4/11, Germany; 5061.

Anna Pees; Pleckhausen, Post Horhausen über, Neuwied, Rheinland, Germany; 11266.

Maria Pees; Luchert bei Horhausen, Über Neuwied, Germany; 11267.

Johann Pelzer; Hilforth Callstr. 10, Kreis Erkelenz Bez. Aachen, Germany.

Bruno Penndorf; Lieneschweg 77, Osnabrück, Germany; 12989.

Michael Permesang; Schermbeck bei Wesel, Nordrheimprovinz, Rheinland, Germany; 12394.

Christine Peschen; Cleuel near Cologne, Haupt St. 97, Germany.

Anton Peter; Tanzstrasse 66, Ederkoben, a. d. deutschen, Weinstrasse, Germany; 15913.

Maria Peter; Reinickeshof 4/1, Berlin-Reinickendorf-West, Germany; 5377.

Mina Peter; Postrasse 3, Edenkoben, Pfalz, Germany; 12161.

Christine Peters; Saling 19/I, Hamburg-Hamm, Germany; 12414.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of George Peters, deceased; Germany; 5122.

Hans Pez; Herbertshausen, Post Banfe, Westfalen, Germany; 7630.

Anna Pfalz; Landesbad Burtscheid, Aachen, Germany; 5267.

Johannes Pfannkuch; Zuschen über Fritzlar, Germany.

Heinrich Pfeffer; Niederjossa, Germany; 21968.

Konrad Pfeffer; Frankfort on Main, Germany; 21967.

Therese Pfeffer; Oberigling St. 26, Jgling, b. Landsberg/L., Bayern, Germany (U. S. Zone); 567, 5694, 11353.

Ernst Pfeiffer; Hamburg 24, Mundsburgerdamm 46, Germany; 2476.

Wilhelm Pfeiffer; Steinmetzstrasse 8/II, Frankfurt am Main, Germany; 273.

Adolf Pfordt; Saarlouiserstrasse 51, Heusweiler/Saar, Germany; 367.

Heinrich Pieler; Kr. Bensheim, Hessen, Jugenheim a. d. Bergstrasse, Germany; 6647.

Gertrud Pientak; Flügelstrasse 3, Köln-Mülheim, Germany; 16017.

Friedrich Pieper; Brome, Kr. Gifhorn, Bahnhofstrasse 57, Germany; 9497.

Karl Pieper; Flegessen bei Hameln, No. 61, Germany; 16529.

Friedrich Piesche; Olmützerstr. 51, Sternberg (Sudetengau), Germany; 11159.

Maria Pietruska; Krölstrasse 43, Garlitz, Schlesien, Germany; 21469.

Katharina Pilger; Neustadt 1/Odw., Hauptstrasse 30, Germany.

Herrmann Pilz; Trebitschefeld, Post Neu-Ulm (Alt. Karbe Land, N. M.), Germany; 17866.

Martha Pilz; Trebitschfeld. Post Nue-Ulm, Altkarbe Land bei Friedeberg, Neumark, Germany; 17868.

Mathias Pinnel; Nittel bei Trier, Germany; 17444.

Martha Pioch; Danzigerstrasse 47, Berlin, N. O. 55, Germany; 6646.

Christina Dorothea Pirazek; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10421.

Emma Pirzer; Karlsruhe 1/B, Germany; 10507.

Wilhelmine Pister; Rhodt a. d. Weinstrasse, Horst Wasselstrasse 19, Germany; 23694.

Therese Plank; Maillingerstr. 71, Muenchen, Germany; 11382.

Anna Plaumann; Hamburg 1, Kl. Puverteich 15a, Germany (British Zone).

D. Plenge; "Sullinger Nachrichten" Saulingen I. Hannover, Germany; 10267.

Ilse Pletz; Tiestestr. 2b/Garms, Hannover, Germany; 22347.

Johannes Plostica; Laubestrasse 5/II, Breslau 13, Germany; 15914.

Anna Maria Plugge; (21b) Werdohl Westfalen, Plettenbergerstrasse 23, Germany; 5678.

Anna Pauline Poetzsch; Hollmanstrasse 34, Kiel-Ellerbek, Germany; 502.

Elise Pohl; Ackerstrasse 47, Vorn 3 Tr. links, Berlin N., Germany; 10268.

Agnes Polak; Kettenbrückengasse 6, Vienna V. (Ostmark), Germany; 23804.

Oswald Pollak; Bahnhofstr. 33, Wedel, Germany.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Johann Poth, deceased; Germany; 20606.

Frieda Johanne Potthast; Oldenburg-Osterburg, Stedingerstrasse 63, Germany; 466.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Pauline Pötzsch, deceased, Germany; 502.

Marie Praeger; Dies dorf 1. Altm., Kr. Salzwedel, Germany; 6759.

Anna Prager; Ahlum bei Rohrberg, Kr. Salzwedel, Germany; 9509.

Albert Priebe; Berlin, N. W. 40, Lüneburgerstrasse 30 v. I, Germany; 5208.

Caroline Johanne Christine Pries; Innien, Germany; 2901.

Ella Pudewell; (14) 25 Crailsheimerstrasse Schwabisch Hall, Württemberg, Germany (U. S. Zone); 21111.

Ida Pulsfort; Berlin O. Andreasstrasse 76, Germany; 17249.

Gertrud Pütz; Palenberg bei Aachen, Poststrasse 74, Germany; 20367.

Q

Luzie Quacken; Hohenzollernstrasse 90, Nordrhein-Westfalen, Germany; 10766.

Sophie Quade; Nienburg (Weser) Hamburgerstrasse 159, Germany; 21407.

Friedrich Quast; Fischbeck (Weser) No. 90, Germany; 16530.

Heinrich Quast; Fischbeck (Weser), No. 180, Germany; 16539.

Herman Quast; Gerichtstrasse 8, Fernruf 93 M, Ahlen, Westfalia, Germany.

Maria Anna Quetsch; Hillscheid, Kreis, Unterwesterwald, Germany; 10270.

Rosina Quetsch; Herborn (Dillkreis), Germany; 11426.

Matilde Quitmann; Godesberg, 17 Friedrichstrasse, Germany; 9843.

R

Margareta Raabe; La Fettenhenne über Opladen, Rheinland, Germany; 15826.

Helene Radziejewski; Salzwedel, Radestrasse 8, Germany.

Sophie Rainer; Wedekindstr. 28, Hannover (20), Germany; 9401.

Bernard Räsch; Bucheller, District of Fulda, Germany; 6776, 11754.

Elisabeth Raschl; Erkrath b. Düsseldorf, Morperstr. 10, Germany.

Bernard Räsch; Bucheller, District of Fulda, Germany.

Ella Victoria Rattey; Berlin-Friedenau, Handjerystr. 57, Germany; 22981.

Hans Rattey; Holunderweg 5, Berlin-Spandau-Hakenfelde, Germany; 22983.

Lucie Margarete Rattey; Berlin-Friedenau, Handjerystr. 57, Germany; 22982.

Emma Rattfann; Pruchten near Barth, Kreis Franzburg, Pommern, Germany; 5166.

Mina Ratz; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10432.

Eberhard Rau; Hochberg, a. N., Post. Waiblingen-Land, Germany (U. S. Zone); 4972.

Senze Michel Rauch; Ebenweiler, Germany; 9816.

Frieda Rautter; Crampestrasse 25, Essen, Germany; 7318.

Kurt Ranisch; Limburg/Lahn, Westerwaldstr. 2, Germany.

Heinrich Rebenklau (Hauptmann); Gutenbergstrasse 22, Zweibrücken (Pfalz), Germany; 21135.

Marie Redeker; Engern, Berlinerstrasse 33, bei Rinteln an der Weser, Germany; 9953.

Sophia Maria Redeker; Vehlage 12, Kreis Luebbecke, Westfalen, Germany; 13774.

August Reese; Mainz-Gustavsburg, Nürnbergerstrasse 5, Germany; 6775.

Toni Sophie Henr. Rehbein; Detmold, Meiersfelderstrasse 15, I, Germany; 8779.

Philipp Rehkopp; Ringstrasse 5, Herne, Sodingen, Germany; 23811.

Otto Reich; Barnimstrasse 56, III, Stettin, Germany; 5739.

Robert Reich; Immanuelkirchstr. 36/I, Berlin N. O., 55, Germany; 6038, 10765.

Emil Reichert; Schützenstrasse 73, Wattenscheid-Munscheid, Germany; 15916.

Gustav Reichert; Munscheiderstrasse 107, Wattenscheid-Eppendorf, Germany; 15917.

Wilhelm Reichert; Uellendohlerstrasse 832, Wuppertal-Elberfeld, Germany; 16489.

Wilhelm Reichert; Malsch, Amt Ettlingen, Germany; 10577.

Berta Reinartz (Mrs. Fritz); An der Junkersmühle 3/5, Bad Aachen, Germany; 12173.

Emilie Reinartz (Mrs. Friedrich); Herderstrasse 40, Düsseldorf, Germany; 12203.

Dr. Fritz Reinartz; An der Junkersmühle 3/5, Bad Aachen, Germany; 12175.

Fritz Reinartz; Frondenberg-Ruhr, Schlageterstr. 1, Germany; 12103.

Heinrich Reinartz; Lindenstr. 62, Hilden/Rhein, Germany; 12396.

Jakob Reinartz; Adalbertsteinweg 60, Bad Aachen, Germany; 12173.

Josef Reinartz; Lindenstr. 62, Hilden-Rhein, Germany; 12397.

Karl Reinartz; Kaiserswertherstrasse 131, Duisburg-Wanheim, Germany; 12204.

Paul Reinartz; Wiesenstr. 129, Wuppertal-Elberfeld, Germany; 12245.

Otto Reiner; Hulsusgasse 30, Koeln, Germany; 5148.

Alwin Reinert; Paul Marien Strasse 16, Saarbrücken 3, Germany; 20691.

Anton Reinert; Temmels bei Trier, Germany; 17442.

Barbara Reinert; Temmels bei Trier, Germany; 17445.

Mrs. Carl Reinert; Koenen bei Trier, Rheinland, Germany; 12281.

Johann Reinert; (22b) Trier, Louis Lintzplatz II, Germany; 17450.

Karl Reinert; Cönen bei Trier an der Mosel (Rheinland), Germany; 12275.

Mrs. Karl Reinert; Dudweiler, Wilhelmshöhe 1, Germany; 12447.

Mrs. Nikolaus Reinert (Margareta) Fleischstrasse 44, Trier an der Mosel, Germany; 15421.

Michel Reinert; Igel, Bezirk Trier, Germany; 20500.

Otto Reinert; Temmels, Bez. Trier, Kreis Saarburg, Germany; 20497.

Wilhelm Reinert; Temmels bei Trier (Ackerer), Germany; 20570.

Heinrich Reinfrank; Watzengasse 21/c, Edenkoben (Rheinpfalz), Germany; 251-A.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Heinrich Reinfrank, deceased; Germany; 251-B.

Philipp Reinfrank; Edenkoben (Rheinpfalz), Klosterstrasse 69, Germany; 7339.

Heinrich Reinhardt; Hameln an der Weser, Gross Osterfeld Nr. 2, Germany; 12494.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Heinrich Reiske, deceased; Germany; 9549.

Ludwig Renkel; Ansbacherstrasse 35, II lks., Berlin, W. 50, Germany; 23812.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Carl Friedrich August Reutrop, deceased; Germany; 8706.

Eduard Reutrop; Wilhelmstrasse 25, Ludenscheid, 1/Westphalia, Germany; 8705.

Maria Renz, Bolstern (Saulgau), Württemberg, Germany; 9303, 9850.

Auguste Wilhelmine Resch; Alstadt Waldenburg, (Sachsen), Gottesgabe 57, Germany; 10830.

Katharina Reusch; Wirges, Kreis Montabaur, Bachstrasse 13, Germany; 15827.

Herman Reuter; (20) Hannover, Auf dem Doorn 29, Provinz Hannover, Germany (British Zone); 23586.

Karl Reuter; Schutzenstrasse 77/1, Osnabruck (Hann.), Germany; 23702.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Peter Reuther, deceased; Germany; 8860.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Rhein, deceased; Germany; 6052.

Franz Rhein; Baumschulenstrasse 47, Berlin-Baumschulenweg, Germany; 11787.

Johannes Rhein; Viereck, Pasewak-Land, Germany; 5716.

Johannes Rhein, Jr.; Viereck, Pasewalk-Land, Germany; 5717.

Katharina Rhein; Kreis Marburg a/Lahn, Germany; 16029.

Maria Rhein; Viereck, Post Pasewalk-Land, Germany; 5529.

Martha Rhein; Pasewalker Strasse 32, Torgelow in Pommern, Germany; 424.

Paul Rhein; Shulzendorferstrasse 33, Berlin-Bohnsdorf, Germany; 11789.

Erwin Rheinländer; c/o Vereinigte-Stahlwerke, Düsseldorf, Breitestrasse 7, Germany; 4985.

Hubert Rheinländer; Wuppertal-Elberfeld, Rathenbeckerweg 8, Germany; 4988.

Friedrich Rieck; Daehre, Mr. Salzwedel, Germany; 9577.

Julius Riedel; Frankeneck, Rheinpfalz, Ortstrasse 1 B, Germany; 6037.

Olga Riedel; Pasteurstrasse 44-46, Berlin N. O. 55, Germany; 6735.

Jakob Riedl; Obermeitingen 41½, Oberbayern, Germany; 5438.

Johann Riedl; Untermeitingen 140, Bez. Schwabmünchen, Bavaria, Germany; 5439, 11363.

Sofia Riedl; Kaufbeurerstrasse 11, Mindelheim (Bayern), Germany; 10695.

Maria Riegger; Nuitsstrasse 23, II, Karlsruhe i. Baden, Germany, 11560.

Anna Riemer; König-Albertstrasse 31, Stettin, Germany; 92.

Franziska Riepe; Steinhausen, Kreis Bueren, Westfalen, Germany; 593.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Wilhelm Riese, deceased; Germany; 21501.

Richard Riess; Langerotterstrasse 73, Mannheim, Baden, Germany; 23971.

Maria Augusta Rietzschel; Bollwerkbau, Stuttgart, Germany; 2003.

Anna Ringmayr; Unterfinning bei Landsberg/Lech, Germany; 11384.

Karoline Rinne; Rinteln-an der Weser, Berlinerstr. 14, Germany; 9954.

Wilhelmine Rinne; Rumbeck bei Fuhlen No. 100, Germany; 10542.

Anna Risch; Blumenstrasse 9, Pasewalk, Pommern, Germany; 5729.

Emma Kratz Ritter; Erfurt, Eobanstrasse 8, parterre, Germany; 10303.

Maria Ritter; Am Bischofsteich 8, Paderborn, Germany; 17690.

Margarete Rockstroh; Brunnenstrasse 20, Hall-an-der-Salle, Bayern, Germany; 5326, 6713.

Elisabeth Rodenhausen; Bingenstrasse 2, Province Hessen Nassau, Marburg, Lahn, Germany; 5095.

Heinrich Rodenhausen; Kastellstrasse 16, Kanau a, Main, Germany; 5096.

Friedericke Elise Dora Röder; 32 Hahnenstr., Ricklingen, Hannover, Germany; 10741.

Konrad Roemer; Geismar, Frankenberg (Eder), District Cassel, Germany; 5017.

Bernhard Rohloff; Loignystrasse 8, Lübeck, Germany; 6057.

Antonie Rohrbeck; Wintergasse 63, Vienna-Purkersdorf, Germany; 24859.

Sofie Röhrig; Lamersdorf b. Dueren Kreis Düren (Rheinland), Germany; 9941.

Katharine Wilhelmine Charlotte Rohrscheid (Mrs. Elios); Wickenrode 90, Post Grossalmerode, Hessen-Nassau, Germany; 17304.

Lina Rolle; Bankwitz über Zobten a/Berge, District of Breslau, Silesia, Germany; 4399.

Otielie Romanowski; Linswege über Ocholt in Oldenburg, Germany (23), (British Zone).

Christian Romeiser; Bruckenauerstr. 9, Schlüchtern, Bez., Kassel, Germany; 449, 5786.

Elisabeth Rommels; Treysa Bezirk Kassel, Friedrich Eberstr. 91, Germany.

Henriette Röntgen; Kaiserstrasse Nr. 81, Winter (Ruhr), Germany; 10194.

Margarete Rook; Politzerstrasse 102, Stettin, Germany; 5704.

Franz Rose; Düsseldorf, Erkratherstrasse, 114-III, Germany; 17681.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Karl Anton Oskar Rösler, deceased; Germany; 21148.

Johann-Rosenkranz; 22a Essen-Ruhr, Kruppstrasse 378, Nordrhein-Westfalen, Germany.

Lina Rösler (Mrs. Karl Anton Oskar); Friedrich Liststrasse 1, III, Leipzig, C. I., Germany; 21149.

Heinz Ross; Berlin Waidmannslust, Dianostr. 81, Germany;

Wilhelmine Henriette Ross; Arnoldsweiler bei Düren, Rheinland, Germany; 21131.

Anna Rossel; Wesermünde/Speckenbüttel, Langenerlandstrasse 239, Germany; 902.

Anna Rostock; Dortmund Hörde, Horder Rathausstr. 19, Germany.

Marie Rothhaupt; 19 Neue Gasse, Nuernberg, Germany; 1582.

Agnes Ruder; Germany; 8364.

Liesel Rudolf; c/o Christian Romeiser, Bruckenauerstr. 9, Schluechtern bei Kassel, Germany; 452.

Anna Rudolph; Dennhausen, Bez., Kassel, Germany; 17786.

Lydia Rukle; c/o John F. Herrman, Bernhardstr. 9, Karlsrue, Baden, Germany; 10467.

Mrs. Lore Rumpf; Koenigsdamm 291/III, Berlin-Siemensstadt, Germany; 5324.

Katharina Ruppert; Neuhof, Kreis, Fulda, Germany; 6901, 11755.

Erich Ruyter; Onkel Tomstr. 21 p/a. Winderk. Berlin-Zehlendorf, Germany; 674.

Heinrich Ruyter; Saarbrückerstr. 47, Essen, Germany; 17317.

S

Minna Saal; Gerstenkamp 14, Hamburg 22, Germany; 6069.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Martha Saam, deceased; Germany; 5590.

Emma Saenger; Küsterfleck 9, Lanke bei Bernau b., Berlin, Germany; 21398.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Heinrich Sagert, deceased; Germany; 21115.

Ida Regina Saive; Ottostrasse 32, Aachen, Germany; 12243.

Josef Salentin; Unter-Vlatten, Düren-Land, Rheinland, Germany; 12199.

Karl Salzmann; Hartwigstr. 6/I, Kassel, Germany; 6691.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Lioba Sämann, deceased; Germany; 355.

Anna Sandrock; Reichensachsen bei, Eschwege 158, Germany; 23464.

Heinrich Sandrock; Grossburgschla an der Werra, Germany; 23465.

Johannes Sandrock; Oetmannshausen bei Eschwege, Bez. Kassel, Germany; 23463.

Konrad Sandrock; Reichensachsen 33, bei Eschwege, Germany; 23466.

Walter Saran; Hanover, Germany; 7358.

Helena Satzger; Dirlewang bei Mindelheim, Oberigling, Bayern, Germany; 11385.

Anna Josefine Satzinger; Anlage 9/V, Heidelberg, Baden, Germany; 11246.

Anneliese Sauer; c/o August Sauer, Walleforstrasse 2, Wiesbaden, Germany; 9432.

Gerhard Sauer; Junker Jörkstrasse 7, Berlin-Karlshorst, Germany; 11561.

Olga Sauer; Friedrichsteluerstr. 31, Berlin-Karlshorst, Germany; 11562.

Sabine Sauer (Mrs. Philipp); Bad Kissingen, Spargasse 3, Bayern, Germany; 23486.

Stefan Sauerwein; Obersgegen, Kr., Bitburg, Germany; 17449.

Katharina Lammert Saugel; Bassenheim b. Koblenz, Hospital Str. 187, Germany; 12312.

Anna Saulich; Walstetten, Post Ichenhausen, Mr. 20, Kr., Gunzburg, Germany, (U. S. Zone); 17253.

Theresia Saulich; Stadt Liebau 150, Germany; 7107.

Julie Schaack; Zweibrücken, Rhenpfalz, Germany; 5009.

Henriette Schaaf; Weiherstr. 23, Ockstadt/Kreis Friedberg, Hessen, Germany; 6733.

Dr. Wilhelm Schaaf; Adolf Hitlerstrasse 20, Ladenburg (Baden), Germany; 5130.

J. P. Schaaff; Hindenburgstrasse 23, Heddesheim, Germany; 5105.

Dorothea Elisabeth Schade; Grossalmerode 102, Hessen-Nassau, Germany; 17910.

Franz Schaffel; Nikolausstrasse 69, Trier (Mosel) Rheinland, Germany; 5190.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Heinrich Schafer, deceased; Germany; 76.

Willy Schales; Hanau am Main, 43, Kinzigheimerweg, Germany; 10789.

Alfons Schaller; Annastrasse 48, Koeln-Bayenthal, Germany; 6662.

Georg Schamper; Weilherstr. 14, Landsberg/Lech, Germany; 11390.

Gustav Schäper; Lotte Kr. Tecklenburg, Nr. 226, Germany; 24342.

Katharine Schard; Minfeld, Germany; 10572.

Louise Scharf; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10573.

Peter Scharfbillig; Cönen bei Trier an der Mosel, Hauptstrasse, Germany; 12274.

August Schärfer; Hamburg 19, Fruchtallee ul, Hs. C. bei Möller, Germany; 23648.

Willi Schauerte; (21b) Neheim-Husten 2, Bahnhofstrasse 59, b. Germany.

Willi Schauerte; (21b) Neheim-Husten 2, Bahnhofstrasse 59, b. Germany.

Babette Schaumann; Bahnhofstrasse 20, Mindelheim in Bayern, Germany; 11063.

Otto Schaumann; Schellenberg bei Berchtesgaden, Germany; 186.

Ludwig Scheidt; Haus Nr. 186, Olsbrucken Rheinpfalz, Germany; 22813.

Pauline Scheitlin; Gartenstrasse 12, Simbach a Inn, Germany (U. S. Zone); 277.

Erich Scheller; Trebitschfeld, Post Neu-Ulm Altkalbe Land bei Friedeberg, Neumark, Germany; 17869.

Frieda Scheller; Trebitsch, Post Neu Ulm über Altkarbe-Ostbahn, Germany; 17892.

Hermann Scheller; Benekendorffstrasse 1, Berlin-Waidmannslust, Germany; 17691.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Herman Scheller, deceased; Germany; 17880.

Dorothea Schellewald; c/o Wilhelm Schellewald, Hasenlauf 29, Hagen 1., W. Germany; 9433.

Anna Schellhas; Friedewald, Germany; 5588.

Jakob Schenk; Burghaun, Kreis, Hünfeld, Germany; 10195.

Theresia Schenkemeyer; Rampenstrasse 11, Hannover, Germany; 17545.

Julius Scheper; Anten b. Berge, Kr. Bersenbrueck, Province of Hannover, Germany; 6720.

Elisabeth Scherer; Schüllernhof 145 (21B), Attendorn 1., Westf. Krs. Olpe, Germany; 5624.

Emma Scherer; Olsbrücken, Saarpfalz), Germany; 23678.

Ernst Scherer; Olsbrücken, Germany; 23676.

Jakob Scherer; Olsbrücken, Saarpfalz, Germany; 23682.

Rudolph Scherer; Steinwenden (Saarpfalz), Germany; 23681.

Wilhelm Scherer; Katzenbach (Saarpfalz), Germany; 23680.

Maria Scheurer; Viktoriastrasse 83, Aachen, Germany; 5079.

Josefine Reinartz Scheuvens; Alexanderstrasse 127, Aachen, Germany; 12174.

Konrad Schick; Marsdorf 160, Kreis Marburg, Reg. Bez. Kassel, Germany; 16764.

Peter Schick; Marsdorf 181, Kreis Marburg, Reg. Bez., Kassel, Germany; 16765.

Aloys Schiel; Lindenschied, Kreis Bernkastel, Germany; 9284.

Karl Schiff; Nonnenweier über Lahr in Baden, Germany; 17097.

Luzia Schiffer; bei Herrn Dr. Dorsemagen, Ferdinandshof 1/P., Germany; 5733.

Bruno Schiffer; Mewegen (Pommern), über Stettin I, Germany; 21150.

Julius Schiffer; Güstow bei Stettin, Kreis Rendow, Provinz Pommern, Germany; 5374.
Maria Schiffer; Boeckstrasse 49, Berlin, S. W. 29, Germany; 5527.
Domiciliary personal representatives, heirs-at law, next of kin, legatees and distributees, names unknown, of Paul Schiffer, deceased; Germany; 6965.
Martha Schiffer-Stark; Severinstrasse 243/45, Koeln (Rhein), Germany; 6935.
Max Josef Otto Schiffer; Humboldstrasse 24, Hs. 2/I, Hamburg 21, Germany; 5408.
Otto Schiffer; Viereck b/Pasewalk, Pommern, Germany; 5728.
Wilhelm Schiffer; Stettin-Bredow, Röntgenweg 17, Germany; 6064.
Rösa Schilcher; Schongauerstr. 63 H, Peissenberg, Germany; 11391.
Anna Schill; Gitschiner-Strasse 1, Stettin, Germany; 5440.
Erika Schill; Gitschinerstrasse 1, Stettin, Germany; 5727.
Johannes Schill; Glambechtsee-Siedlung, Dianaweg 1, Stettin, Germany; 5533.
Anna Schiller; Trebisch, Neumark über Altkarbe, Germany; 17870.
Franz Schiller; Hernalser Hauptstrasse 195, Vienna XVII, Ostmark, Germany; 21120.
Olga Schiller; Hernalser Hauptstrasse 195, Wien XVII, Ostmark, Germany; 21434.
Auguste Schiller; 205 Chausseestr., Holzwickede, Germany; 692.
Gretjen Schladt; Frankfurt, Germany; 10103.
Wilhelm Schlienbecker; Steinstrasse 14, Daubringen bei Giessen/Hessen, Germany; 10280.
Dorothea Elisabeth Schliephorst; In den Steinen, Grossalmerode, Germany; 20722.
Reinhold Schloesser; Lorenzstrasse 19, Koeln/Deuts, Germany; 10282.
Maria Schlömer; Kaiserallee 127, Aachen, Germany; 5000.
Fritz Schluckebier; Twiste/Walbeck, Piepenstr. 27, Hessen-American Zone, Germany.
Liesbeth Schluter; Schule, Heringhausen bei Bestweg, Germany; 14058.
Karl Schmadel; Morsch 1/B., Germany; 10584.
Anna Maria Schäfer Schmal; Lippstadt, Radstrasse 5, Germany; 9016, 8775.
Wilhelm Schmalz; Brillerstrasse 32, Wuppertal-Elberfeld, Germany; 23972.
Wilhelm Schmalz; Schwenkestrasse 65, I Hamburg 19, Germany; 5137.
Friedrich Schmezer; Wilhelmstrasse 9, Zell a N/Esslingen, Germany; 23014.
Theresia Schmid; Bremen (Saulgau), Württemberg, Germany; 9326.
Anna Schmidt; Egenolfstrasse 6, Frickhofen (Hessen-Nassau), Germany; 17039.
Anna Schmidt (Mrs. Johann I.); Post Epgert, Linz-Land, Rheinland, Germany; 11263.
Anna, Schmidt; Güllesheim 35, Post Horhausen, Wester-Wald, ueber Neuwied, Germany; 11258.
Anna Schmidt; Passauerstrasse 1, Stettin, Germany; 6731.
Anna Schmidt; Vollmarshausen, Bez. Kassel, Germany; 17793.
Charlotte Schmidt; Blücherstr. 4, Wiesbaden, Germany; 24064.
Elisabeth Schmidt; Hoppenwalde, Kreis Ueckermünde, Pommern, Germany; 5536.
Elisabeth Schmidt; Fichtestrasse 32, Berlin S. W. 29, Germany; 10932.
Eliesabeth Schmidt; Willroth bei Horhausen uber Neuwied Westerwald, Rheinland, Germany; 11269.
Elizabeth Schmidt; Wuppertal-Barmen, Hüldastrasse 31, Germany.
Friedrich Schmidt; Bahnhofstrasse 35, Doernigheim am Main, Germany; 10273.
Mrs. Gustav Schmidt; c/o Prof. Gustav Schmidt, Rohrbacherstrasse 48, Heidelberg, Germany; 9434.
Gustav Schmidt; Flotowstrasse 8, Botnang Stuttgart, Germany.
Hermann Schmidt; Brunnenstrasse 50, Neu Isenburg, Kreis Offenbach am Main, Germany; 200.
J. Schmidt; Adolf Hitlerstr. 21, Daber Kr. Naugard, Pommern, Germany; 6686.
Johann Schmidt; Steinsmuehle 6, Dernbach b. Montabaur, Westerwald, Germany; 5857.
Johann Schmidt IV; Pleckhausen bei Horhausen über Neuwied am Rhein, Germany; 11256.
Johannes Schmidt; Adolf Hitlerstrasse 170 9/10, Staffelstein, Germany; 5109.
Karl Schmidt; Solingen, Schlagbaumerstr. 48, Germany; 7732.
Katharina Schmidt; Güllesheim 35, Post Horhausen, Westerwald über Neuwied (Rhld.), Germany; 11259.
Katharina Schmidt; Tannenbergstr. 27, Neuwied, Rheinland, Germany; 11340.
Katherine Schmidt; Pleckhausen Neuwied, Rheinland, Germany; 21157.
Lina Schmidt; Frankfurterstr. 51, Morfelden, Germany; 22887.
Ludwig Schmidt; Danziger Platz 6, Frankfurt/Main, Germany; 10278.
Ludwig Schmidt; Wetzlareweg 44, Giessen, Germany; 6735.
Margarete Minna Schmidt; Hinte der Stadt 3, Berka, Werra (Thüringen), Germany; 23114.
Maria Schmidt; (21b) Dortmund, Weissbachstr. 17, Province Westfalen, Germany (English Zone); 21156.
Maria Theresia Schmidt; Flasheim Nr. 73, bei Haltern an See, 1/Westfalen, Germany; 12736.
Marie Katharine Schmidt; Erbach 1/Odenwald, Hessen, Germany; 9776.
Martha Schmidt; Wickenrode No. 55, Post Grossalmerode, Hessen-Nassau, Germany; 17915.
Paul Schmidt; 13a Wassertrüdingen/Mfr. Bayern/Bavaria, Bahnhofstrasse 264, Germany (U. S. Zone).
Wilhelm Schmidt; Ludwigstrasse 18, Nidda in Hessen, Germany; 10768.
Karl Andreas Schmitt; Kreuzerstrasse 187, Wasdgirmes, Krs. Wetzlar, Land Hessen, Germany (American Zone); 6723.
Magdalena Schmitt; (16) Gersfeld (Rhön) 17, Germany.
Robert Schmitt; Niederklein, Landkreis Marburg, Reg. Bez. Kassel, Germany; 17452.
Friedrich Wilhelm Schmitter; Bergstrasse 26, Aachen, Germany; 4241.
Adele Schaefer Schmitz; Cologne, Germany; 10099.
Anna Maria Lammert Schmitz; Ochtendung b. Koblenz, Kanal Weg. 404, Germany; 12311.
Anna Sophie Schmitz; Rheinbröhl, Bezirk Koblenz, Germany; 13624.
Gertrud Schmitz; Nauheimerstrasse 12, Koeln-Zollstock, Germany; 13644.
Helene Schmitz; Maystrasse 77, Bonn a/Rhein, Germany; 11341.
Hermann Schmitz; 250 Oberhausener-Strasse, Mulheim-Ruhr-Styrum, Germany; 565.
Maria Theresia Schmuck; Allendorf, Kreis Marburg an der Lahn, Germany; 16526.
Rosa Helena Schmuck; Münchmühle, Allendorf Kreis, Marburg a/Lahn, Germany; 16030.
Heinrich Schmücker; Heddinghausen Rüthen (Mohne) Land, Germany; 257.
Johann Robert Schmucki; Münsterer-strasse 15, Köln-Mulheim, Germany; 16019.
Gertrud Lammert Schnack; Bassenheim b. Koblenz, Oppenheim Str. 175, Germany; 12313.
Adele Schneider; Annenstrasse 14, Muenster, Westfalen, Germany; 10219.
Andreas Schneider; Guibingen/Kreis Goeppingen, Wuerttenberg, Germany; 5258.
Mrs. August Schneider; Rothenuffeln 163, Kreis Minden, Germany; 5090.
Christian Schneider; Frankfurt/Main, Teichstrasse 5, Germany; 10304.
Heinrich Schneider; Landwehrstr. 73, Duisburg-Rohrort, Germany; 6665.
Johann Dietrich Schneider; Frankfurterstr. 131, Kassel, Germany; 17788.
Johann Jakob Schneider; Vollmalshausen, Bez., Kassel, Germany; 17792.
Katharina Schneider; Allendorf, Kreis Marburg an der Lahn, Germany; 16525.
Katharina Schneider; Horhausen 1. Westerwald, über Neuwied Rhein, Germany; 11564.
Katharina Schneider; Frickhofen (Westerwald), Hessen-Nassau, Germany; 16175.
Ludwig Schneider; Vollmarshausen, Bez., Kassel, Germany; 17790.
Magdalene Schneider (Mrs. Wilhelm); Burgstrasse 5, Alpen Kr. Moers, Rheinland, Germany; 6732.
Maria Schneider; Gilbertstrasse 31, Grier Mosel, Germany; 12159.
Otto Schneider; Richlstrasse 8, III Wiesbaden, Germany; 24862.
Rudolf Schneider; Dorndorf, Westerwald Provinz Hessen-Nassau, Germany; 16696.
Werner Schneider; Frechenhausen (Dill-Kreis), Germany; 22659.
Christina Schneiders; Trier an der Mosel, Weberbachstrasse 34, Germany; 17416.
Elisabeth Schnettler; Velmede, Germany; 12137.
Elisabeth Schnietz; Heiersmauer 61, Paderborn, Germany; 17575.
Georg Schnitzler; Aich 8, Peissenberg, Germany; 11392.
Georg Schnitzler; Schellhammergasse 4, Peissenberg, Germany; 11393.
Johann Georg Schnitzler; Stammelestr. 1, Peissenberg, Germany; 11594.
Eduard Schnitzerling; Bollwerkstrasse 30, Dortmund-Hoerde, Germany; 10277.
Hermann Schnöckel; Kricheldorf, Kreis Salzwedel, Germany; 9327.
Mrs. Ilse Schoen; Elchendorfstrasse 6, Heidelberg (17a) Baden, Germany (U. S. Zone)
Emilie Hulda Schoeneck; Mehrow, Post Ahrensfelde, bei Berlin, Kr. Niederbarnim, Germany; 21114.
Katharina Scholl; Breitscheid/Rheinland, ueber Linz-Land, Germany; 16396.
Elisabeth Schönebeck; Waldstrasse 44, Govelsberg in Westphalia, Germany; 4263.
Wilhelmine Schöngen; Wendelinstrasse 47, Köln-Müngersdorf, Germany; 15828.
Ida Schönherr; Wuppertal-Barmen, Schwesterstrasse, Germany; 8976.
Anna Schoohf (Mrs. Ewald); Luisenstr. 40, Bonn am Rhein, Germany; 11260.
Mrs. J. H. Schott; No. 12 Krupis, Kreis/Hersfeld, Hessen, Germany; 9435.
Hedwig Schrade; Elisabethstrasse 10, Stettin, Pommern, Germany; 5378.
Anna Sophie Schrameyer; Wühlenstrasse 8, Bochum, Germany; 10196.
Heinrich Schrameyer; Kurfürstenstrasse 80, Wanne-Eickel, Westfalen, Germany; 10197.
Karl Schrameyer; Dorstenerstrasse 470, Wanne-Eickel, Westfalen, Germany; 10198.
Marie Sophie Schrameyer; Burgstrasse 236, Beverungen/Weser, Germany; 10199.
Mrs. Ferdinand Schramm; Heckinghauserstrasse 69, Wuppertal-Barmen, Germany; 5880.
Johann Heinrich August Daniel Schreff; Bettinastrasse 41/I, Frankfurt am Main, Germany; 14083.
Cecelia Schaefer Schregenberger; Baden, Hemsbach, Germany; 7609.
Oscar Schreyer; Niederpoyritz bei Dresden Germany (Russian Zone, 10A); 20760.
Martha Schröder; Reinickendorf Ost 1, Residenstrasse 155, Germany.
Anna Elisabeth Schroeder; Mittelgasse 23, Kassel, Germany; 16987.
Bertha Schroeder; Residenzstrasse 155, II, Berlin-Reinickendorf (Ost I), Germany; 5955.
Christine Schroeder; Valdorf 66, bei Vlotho-on-the-Wesen, Germany; 10708.
Emma Schroeder; Bruchstrasse 23, Detmold (Lippe), Germany; 124.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Engel Dorothea Schroeder, deceased; Germany; 12294.
Fritz Schroeder; Bruchstrasse 23, Detmold, Germany; 5205.

Gustav Schroeder; c/o Mrs. Anna Hollmann, Valdorf 229, bei Vlotho-Weser, Germany; 5218.
Johanne Schroeder; Valdorf 48, bei Vlotho-Weser, Germany; 5215, 10707.
Katharina Schroeder; Block-Heimbach bei Neuwied am Rhein, Rheinland, Germany; 7962.
Wilhelmine Schroeder; Köln-Riehl, Amsterdamerstr. 119, Germany, 8702.
Emma Schroeer; Katzenbach (Saarpfalz), Germany; 23677.
Richard Schroeer; Troeglitzerstr. 13c, Zeitz, Germany; 358.
Martha Schrom (Sister Maria Theresia); St. Otto Stift, Biesnitzerstr. 94, Görlitz, Germany; 23353.
Franziska Schrötz; Asch 53, bei Landsberg/Lech, Bavaria, Germany, 5462.
Louise Schubert; Mittelweg 136/I, Hamburg 13, Germany; 4047.
Johannes Schuck; Vogelsand, Kreis Ueckermunde, Germany; 67.
Friedrich Schütte; Hesslingen No. 46, bei Hes. Oldendorf, Germany; 460.
Friedrich Schülen; Stuttgart, N., Gniesenaustrasse 57, Am Weissenhof 36, Germany; 9611.
Bertha Kossman Schulte; Koppel 68/70, Hamburg, Germany; 5652.
Mathilde Flamme Schulte; c/o Josef Schulte Bleiwasche, Circle of Buren, West, Germany; 9835.
Josef Schulten, Mülheimerstr. 18–a, Leverkusen-Schlebusch II, Rheinland, Germany; 9463.
Katharina Schulten (Mrs. Johann); Kapellenstrasse, Opladen-Lützenkirchen (Rheinland), Germany; 16020.
Peter Schulten; Bergisch-Landstrasse 37, Leverkusen-Schlebusch II, Germany; 16021.
Wilhelm Schulten; Leuchterstrasse 162, Köln-Dünnwald, Germany; 430, 9482.
Karolina Schultheiss; Ablach, Regierungs Bezirk, Sigmaringen, Germany; 754.
Heinrich Schultheis; Bruckenauerstrasse Schluchtern, Bez. Kassel, Germany; 450.
Marie Schultheis; Bahnhofstrasse 6, Schluchtern Bez. Kassel, Germany; 455.
Frida Schultz; Friesischestr. 94, Flensburg, Germany; 3725.
Maria Schultz; Delbruckallee 107, Stettin, Germany; 5579.
Anna Schulz; Kl.-Bierstedt, Kr. Salzwedel, Germany; 9510.
Friedrich Schulz; Poltestr. 48, Magdeburg-Wilhelmstadt, Germany; 9349.
Mrs. Friederike Schulz; Exten, über Rinteln Grafschaft, Schaumburg, Germany; 6705.
Gustav Schulz; Kl. Bierstedt, Germany; 12150.
Helene Schulz; Eickhorst, Post Daehre, Altm., Germany; 9575.
Karl Schulz; Neuestrasse 43, Harburg-Wilhelmsburg 1, Germany; 9348.
Magdalene Schulz; Karolinenhorst in Pommern, Germany; 5956.
Maria Schulz; Augsburg, Zollernstr. 15, Germany.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Marianna Schulz (Mrs. Simon), deceased; Germany; 10275.
Anna Schulze; Brome, Kr. Gifhorn, Germany; 9405.
Lydie Amalie Berta Schulze; Kindelbrueck (Bez. Sternweg 12, Fhuerlingen, Germany (British Zone); 22849.
Maria Johanna Schumacher; Hamburg 27, Fruchtallee, Rehrendamm 246 II, Germany; 5207.
Heinrich Schuren, Sr.; Bahnhofstr. 15a, Hattingen/Westfalen, Germany; 6694.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Emma Schurhoff, deceased; Germany; 6667.
Emma Schütte; Ostertor 370, Hessisch-Oldendorf, Germany; 94.
Johann Schwab; Bismarckstrasse 96, Freiburg i. Breisgau, Germany; 10879.
Johanne Schwarze; Bonne 241, Westfalen, Germany; 10901.

Mathilde Schwedhelm; Hildebrandtstrasse 22, Düsseldorf, Germany; 9464.
Wilhelmine Charlotte Schwedtke; Berlin-Britz, Germany; 17909.
George Schweinebraten; Kassel-Wilk, Franken Str. No. 20, Greater Hessia, Germany (U. S. Zone).
Elise Schweitzer; Minfeld, Germany; 10574.
Käthe Schwenger; Bad Homburg v. d. H. Oberurselerpfad 21, Germany; 698.
Maria Schwentzer; Langestr. 11, Beuthen, Oberschlesien, Germany; 20484.
Maria Schwenzle; Hinteruhlberg, Kr. Crailsheim, Württemberg, Germany; 6711.
Eva Elisabeth Schweppe; Reiffeisenstrasse 19, Battrop, Germany; 5196.
Gustav Schwepper; Essenerstrasse 89, Essen-Steele, Germany; 5271.
Veronika Schwerm; Windmühlenstrasse 51/53, Köln-Mülheim, Germany; 15920.
Wilhelmine Seeber; Bleckenburgstr. 2/I, Magdeburg, Germany; 5153.
Katie Seehuber; Wildentierbach, Wurttemberg, Germany (U. S. Zone).
Johanna Seekamp; Johannesstrasse 13, Hemelingen, Kreis Verden, Germany; 12765.
Karl Heinz Seele; Widdershausen (Kr. Hersfeld), Olberg 49/Hessen, Germany.
Anna Seelisch; Margarethenstrasse 21, Gotha, Germany; 21848.
Seer-Permesant Family; Wiebelskurchen (Saar), Jos. Bürckelstrasse 22, Germany; 21023.
Maria Sehrt; Druselplatz 6, IIII, Kassel, Germany; 11421.
Franz Seib; Mannheim, Mittelstrasse, 72/III, Germany; 492.
Anna Maria Sybilla Seibert (Mrs. Walther); Humboldtstrasse 38, Köln a/Rhine, Germany; 6961.
Johanna Seilinger (Mrs. Viktor); Gärtnerg. 1, Mähr. Schönberg, Sudetengau, Germany; 24654.
Heinrich Seilmann; Uffeln, b. Vlotho/Weser, Germany; 5023.
Marie Emilie Seilmann (Mrs. Gustav); Katharinenstr. 13, Osnabrück, Germany; 22931.
Adam Schaefer; Zechenstrasse 1, Gelsenkirchen, Germany; 6873.
Adam Schäfer; Wibbelstrasse Nr. 9, Wattenscherd, Westfalen, Germany; 10128, 11530.
Adam Schaefer; Ochdendung/Kreis Mayer, Bez. Koblenz, Germany; 12305.
Adam Schafer; Trösel-Post Weinheim, Germany; 15199.
Adele Schaefer; Stick 95a, Eschweriler, Rheinland, Germany; 9939.
Adolf Schaffer; Morbach, Post Niederkirchen, bei Kaiserlautern, Germany; 21432.
Adolf Schäfer; Dachelhofen, Post Schwandorf, Bayern, Germany; 23852.
Adolf Schaefer; Muhleneschstrasse 15, Osnabrück, Germany; 2794.
Adolf Schaefer; Friedrichstrasse 39, Düsseldorf, Germany; 6967.
Adolf Schäfer; Raden uber Leobschütz, Oberschlesien, Germany; 23604.
Adolf Schäfer; Breslauerstrasse 68, Düsseldorf 96, Germany; 2769.
Adolf Schäfer; (22c) Aachen, Theresiastlee 41, Nord Rheinprovinz, Germany; 12890.
Adolf Schäfer; (20) Kreinhagen No. 56, uber Buckeburg, Germany.
Adolf Schaefer; Moersch b. Karlsruhe, Friedenstrasse 10 a, Germany; 6875.
Adolph Schaefer; Geuthin-Magdeburg, Fritz Reuterstr. 3, Germany; 8155.
Agnes Schaefer; c/o Anton Mettinger, Asch 34, Swabia, Bavaria, Germany; 5349.
Alodar Schäffer; Bahnhofstrasse 7, Kassel, Hessen, Germany; 20938.
Albert Schaefer; Dörnbach, Bezirk, Rockenhausen (Pfalz), Germany; 15926.
Albert Schäfer; Hauptstrasse 47, Endingen a/K (Baden), Germany; 21502.
Albert Schaefer; Karlsruhe 1/B, Germany; 10206.
Albert Schäfer; Lübbow ueber Lüchon, Hannover, Germany; 5409.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Albert Schäfer, deceased; Germany; 86.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Alber Emil Schaefer, deceased; Germany; 9957.
Alfred Schaefer; Fischerstrasse 105, Duisburg-Wanheimerort, Germany; 5235.
Alfred Schaffer; Sporenstrasse 26, Iserlohn, Germany; 5022.
Alois Schaefer; c/o Otto Hausamen, Ritterstr. 11, Karlsruhe, Germany; 162.
Alois Schaeffer; Roermonderstrasse 100, Aachen, Germany; 5073.
Alois Schaefer; Karlsruhe 1 B, Germany; 7994.
Aloys Schaeffer; Aurelliusstrasse 5, Aachen, Germany; 5042.
Aloys Schäfer; Almastrasse 11, Essen-Rüttenscheid, Germany; 5206.
Alwin Schaefer; Rhedaerstrasse 29, Guetersloh, Germany; 631.
Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Johann Ambros Schäfer, deceased; Germany; 10776.
Andreas Schaefer; Muggenstrum, 1 B, Germany; 10598.
Angelika Schaeffer; Kronprinzenstrasse 53–1, Solingen, Germany; 10130.
Anna Schäfer (known as Sister Rogatina); St. Josephs Haus, Kölen am Rhein, Germany; 21159.
Anna Schäfer; Heidelberg 17a (Baden), Mittermailrstr. No. 15, Germany; 5171.
Anna Schäffer, Hagedorn 31, Post Stift, Buernheim, Kreis Herford, Westfalen, Germany; 9947.
Mrs. Joseph Schaefer; Niederoberweiler, Germany; 13614.
Anna Schaeffer; Vassstrasse 2, Heidelberg am Neckar, Germany; 80.
Anna Schäfer; Horhausen im Westerwald, Rheinland, Germany; 11261.
Anna Maria Schaefer; Schweiswerber, ueber Rockenhausen (Pfalz), Germany; 6934.
Anna Martha Schäfer, nee Schäfer; Weddershausen, Bez. Kassel, Germany; 10724.
Anton Schäfer; Pleckhausen, Neuwied, Rheinland, Germany; 21158.
Anton Schaefer; Muggensturm, 1 B, Germany; 10549.
Anton Schaefer; Muggensturm, Germany; 10553.
Anton Schaefer; Industriestrasse 6, Rastatt (Baden), Germany; 163.
Anton Schäfer; Büdingen 2, Post Schemmlinger, Krs. Merzig, Saargebiet, Germany; 5161.
Anton Schaefer; 44 Zeisselstrasse, Frankfurt am Main, Germany; 4896.
Anton Schäfer; Friedrichstrasse 4, Gaggenau, Baden, Germany; 5566.
Anton Schaefer; Kiedrich, Kreis, Rheingau, Talstrasse 31, Germany; 12078.
Anton Schäfer; Oberkinringen H. No. 49, Burgau (Schwb.), Germany; 630.
Anton Schäfers; Sandebeck 28, Kreis Höxter, Germany; 620.
Anton Schaefers; Rusingerstrasse 12, Langendreer-Werne, Germany; 9403.
Anton Schaefer; 20 Bargfeld, Kr. Uelzen, Hannover, Germany (British Zone).
Anton Wilhelm Schäfer; Haerststrasse 4, Köln-Deutz, Germany; 5220.
Antonie Schafer; 66 Farska ul. Slezska, Ostrava, Protectorate of Bonemia, Germany; 24770.
Antonie Schaffer; Altona-Blankenese, Wittsallee 7, Germany; 1331.
Antonius Schaefer; Aachenerstrasse 43, Koeln-Suelz, Germany; 10629.
Mrs. Apottecary Schaefer; Kreuznacherallee 18, Wesermünde-Lehe (Loxstedt), Germany; 4978.
Arnold Schaeffer; Luttichterstr. 52, (22c) Aachen, Germany; 5074.
Arthur Ludwig Schäffer; Krämerstrasse 32, Hanau am Main, Germany; 5174.
August Schäfer; Emscherstrasse 16, Duisburg-Hamborn, Germany, 6861.

August Schafer; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10480.

August Schafer; Seeben, Kreis Salzwedel, Germany; 9333.

August Schaefer; Gross-Apenburg, Kr. Salzwedel, Germany; 9574.

August Schaefer; Ziehwaldstrasse 34, Neunkirchen/Saar, Germany; 23820.

August Schäfer; Engern 21, bei Rintein-on-the Weser, Germany; 9951.

August Schaefer; Fuelicherstrasse 16, Duesseldorf, Germany; 37.

August Schäfer; Sachsen St. 85, Holzvickede, Germany; 693.

August Schaefer; Am Kugelberg 57, Giessen in Hessen, Germany; 191.

August Schäfer; Oppach in Sachsen, Neue Strasse 181, Germany; 10446, 10518.

August Schaefer; Oberndorf a/Neckar, Bismarchstrasse 2, Germany; 699.

August Emil Schaffer; Altona-Blankenese, Hauptstrasse 115, Germany; 1328.

August Schäffer; Haver, B. Menninghüffen, 1/Westfalen, Germany; 23559.

August Schäfer; Glashuettenstrasse 8, Osternburg, Oldenburg, Germany; 9514.

August Schaefer; Leipzigerstrasse 5, Frieda bei Eschwege, Rgbz. Kassel, Germany; 20698.

August Schäffer; Tonnenkeide 84, Kr. Luebbecke, Westf., Germany; 11443.

Fr. August Schäfer; Nordheilerhammer, den, Bahnstation Marienheide, Oberbergischer Kreis, Germany.

August Schaefer; c/o Franziska Neufang, Homburg/Saar, Block 9, Germany (British Zone).

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of August Heinrich Schaefer, deceased; Germany; 9508.

August Wilhelm Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10474.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Auguste Schaeffer, deceased; Germany; 5241.

August Margarethe Schaffer; Altona-Blankenese, Witsallee 7, Germany; 1327.

Barbara Schäfer; Trösel, Post Weinheim, Germany; 15198.

Benedikt Schaefer; Hasenwäldele, Rastatt (Baden), Germany; 153.

Berta Helene Frida Schäfer; Schlossberg 17, Eisenach in Thüringen, Germany; 23100.

Bertha Schafer; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10412.

Berthold Schäfer; Niederfischbach, Bz., Koblenz, Rheinland, Germany; 6988.

Berthold Lorenz Schäefer; Brennet am Rhein Amt, Säckingen (Baden), Germany; 181.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Bernhard Schiffer, deceased; Germany; 6065.

Benno Schaeffer; Donau St. 62, Bremen, Germany; 4897.

Bernard Schäfer; c/o Joseph Schäfer, Offenbach a/M., Bettinastrasse 52, Germany; 11757.

Bernhard Schaefer; Sparhof, Distr. of Fulda, Germany; 258.

Bernhard Schaefer; Gundersheim, Kreis, Worms, Germany; 5002.

Bernhard Schaefer; Zweibruecken (Rheinofalz), Klosterstrasse 10, Germany; 8312.

Bernhard Schäfer; Königstrasse 86/88, Hamborn a. Rhein, Germany; 6983.

Bernhardine Schaefer; Ricklingen, Germany; 10489.

C. Schaefer; Stiftstrasse 40, Bad Godesberg, Germany; 10622.

Carl Schäfer; Baden, Bleibach-Breisgau, Germany; 5204.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Carl Schaeffer, deceased; Germany; 5116.

Major A. D. Carl Schaefer; Hohenzollernstrasse 53, Halberstadt, Germany; 24860.

Carl Schäfer; Bruckenauerstrasse 93, Schlüchtern, Bez. Kassel, Germany; 6076.

Carl Schaffer; Berlin Muggelheim, Darsteiner Weg 16, Germany.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Carl Heinrich Eduard Schäfer, deceased; Germany; 3401, 9015, 9657.

Carl Wilhelm Schaefer; Saalbaustrasse 40, Darmstadt, Germany; 2795, 11478.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Caspar August Schaeffer, deceased; Germany; 24.

Charles Schaefer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Germany; 7988.

Charles Frederic Schaefer; c/o John F. Herrmann, Karlsruhe 1/B, Germany; 12005.

Christian Schaefer; Nentershausen, Westerwald (Wiesbaden), Germany; 10618.

Christian Schafer; c/o John F. Hermann, Bernhardstr. 9, Karlsruhe, Baden, Germany; 10454.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Christian Schäfer, deceased; 10612.

Christian Schäfer; Friedenstr. 16, Schweinfurst (Bavaria), Germany; 5321.

Christian Schaefer; Grevenboich (Rheinland), Florianstrasse 27, Germany; 9763.

Christian Schäfer; Sullenplatz 20a, Dusseldorf-Reisholz, Germany; 4886.

Christian Schäfer; Trierstr. 143, Coblenz-Metternich, Germany; 99.

Christian Schaefer; Schlieperstrasse, Berlin-Tegel, Germany; 5015.

Christian Schaefer; Obergasse 5 (16) Bad Homburg, Land Hesse, Germany (U. S. Zone).

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Christian George Schäfer, deceased; 571, 7354.

Christian Heinrich Schaefer; Gebesetrusstrasse No. 34, Höchst am Main (bei Frankfurt), Germany; 4888.

Christian Johann Schaefer; c/o Fritz Rotermund Schevemoorerlandstr. 103a Bremen, Osterholz-Tenever, Germany; 6985, 7610.

Christiane Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10462.

Christine Schäfer; Edenkoben (Rheinpfalz), Klosterstrasse 104, Germany; 477.

Mrs. Christoph Schäfer; Sombornerstrasse 82, Dortmund-Somborn (Westphalia) Post Kley, Germany; 6098.

Christoph Schäfer; Bornstrasse 13, Gelsenkirchen, Germany; 6099.

Christoph I. Schaefer; Nussbaums Str. No. 10, Kiedrich, Germany; 2959.

Christoph Schaefer; Kiedrich, Kreis Rheingau, Erbacherstr. 25, Germany; 2967.

Christoph Schäfer, Gau Algesheim/Rhein, Untere Bein 30, Distrikt, Bingen, Germany.

Claus Schaefer; Schubystr. 43, Scheswig, Germany; 11573.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Conrad Schaefer, deceased; Germany; 6079.

Conrad Schafer; 16 Meuschelstrasse, Nurnberg, Germany.

Conrad Schäfer; Freinhagen 16, uber, Aroslen, Germany.

Conrad Schaefer; Steinstrasse 19, Moers (Niederrhein), Germany; 146.

Conrad Schaefer; Honhorst No. 39, Bezirk, Hannover, Post Haste Land, Grafschaft, Schaumburg, Germany; 12129.

Conrad F. W. Schaefer; Altoona—Gr. Flottbek, Beselerstrasse 32, Germany; 2296.

Conrad Heinrich Christian Schäfer; 4 Poststrasse, Soltau, Hannover, Germany; 10740.

Curt Schaefer; Fungfernheideweg 37, Berlin, Siemensstaat, Germany; 6921.

Daniel Schaefer; Christoph Lohmannstrasse 18, Speyer/Rh., Germany; 6080.

Dr. Detmar Schäfer; Hofenstrasse 62, Duisburg Ruhroit, Germany; 4806.

Dr. E. Schaefer; Stolbergerstrasse 255, Aachen, Germany; 15927.

Edgar Schaefer; Muhlberg/Elbe, Station House, Germany; 6930.

Mrs. Eduard Schaffer; Karlsruhe 1/B., Germany; 10519.

Mrs. Eduard Schaeffer; c/o John F. Herrmann, Karlsruhe, 1/B., Germany; 12007.

Eduard Schaefer; Bellstrasse 29 III, Mannheim (Baden), Germany; 5097.

Eduard Schaefer; Vahldorf, Kr. Neuhaldensleben, Germany; 9722.

Eduard Schaefer; Ueckendorferstrasse 155, Gelsenkirchen (Westfalen), Germany; 15928.

Edward Schaeffer; Gervinusstrasse 22, Charlottenburg, Germany; 5123.

Eduard Fr. Joh. Schaefer; Langestrasse 17, Detmold, Germany; 8780.

Elizabeth Schaeffer; Furstenbergerstrasse 173/11, Frankfurt am Main, Germany; 5132.

Elisabeth Schaefer; Zähningerstrasse 4, Karlsruhe in Baden, Germany; 12008.

Elisabeth Schaefers; c/o Franz Thombousen, Ludwigstrasse 2/1, Paderborn, Germany; 9462.

Elisabeth Schaefer; Vahldorf No. 98, Post Neuhaldensleben-Land, Sa., Germany; 6872.

Elisabeth Henriette Emma Emallie Schaefer; Bahnhofstrasse 21, Budingen-Oberhessen, Germany; 25553.

Elisabeth Rucke Schaefer; Giessen Lahn by Neuhagen, Eichgarten Alle 10, Hessen, Germany.

Elisabeth Wilhelmine Schäfer; Lenzhalde 12/11, Stuttgart, Germany; 14243.

Elly Schäfer; Essen-Ruhr-Reilinghäusen, Fasanenstrasse 42, Germany; 10624.

Elsa Schäfer; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10464.

Elsa Schäfer; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10460.

Elsa Schaefer; Linkenheimer, Landstrasse Karlsruhe, Germany; 10535.

Lymen Elsa Schäfer; (21A) Flauten, Hindenburgstr. 94, Rheinland, Germany (British Zone); 12295.

Emil Schäfer; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10442.

Emil Shäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10425.

Emil Schaffer; Altona-Blankenese, Wittsalle 7, Germany; 1329.

Emil Schaefer; Hochhausen an der, Tauber Lauda-Land (Baden), Germany; 14324.

Emil Schäfer; Rheinhausen, Niederrhein Charlottenstrasse 17, Germany; 220.

Emil Schäfer; Raden über Leobschütz, Oberschlesien, Germany; 23603.

Emil Schaefer; Lindenstrasse 108, Iffezheim, Germany; 155.

Emil Schaefer; Nalhof, Post Boesingfeld (Lippe), Germany; 10220.

Emil Schaefer; Pforzheim-Broetzingen, Germany; 10495.

Emil Schaefer; Minfeld, Germany; 10554.

Emil Schaefer; Nonnenweils über Lahn, Baden, Germany; 15929.

Emil Schäfer; (20a) in Höver 13, n. b. Hannover, Germany.

Emil August Shäfer; c/o John F. Hermann, Bernhardstr. 9, Karlsruhe (Baden), Germany; 10452.

Emil August Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10471.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Emma Schaefer, deceased; Germany; 10509.

Emmy Schäfer, Potsdam, Fredrich, Engelsstr. 1, Germany; 5222.

Erna Louise Schaefer; Altona-Gr. Flottbek 9M, Bellmannstrasse 4, Germany c/o Mrs. Johanna Kaphengst); 2299.

Ernestine Schafer; c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10414.

Ernestine Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10451.

Ernst Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10507.

Ernst Schaefer; Alzey, Germany; 8333.

Ernst Schäfer; Feuchtwangen, Bayern-Mittelfranken, Germany; 4817.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ernst Schaefer, deceased; Germany; 23821.

Ernst Schaeffer; Edenkoben, Klosterstr. 161, Germany; 9007.

Ernst Schäefer; Spitalgasse 14, Kaunten Ostmark, Germany; 20401.

Ernst Schäfer; Fudendorf 36, bei Leoben Steiermark, Ostmark, Germany; 17337.

Ernst Schäfer; Alderstrasse 64, Düsseldorf, Germany; 5184.

Ernst August Schaefer; Ziegelhausen b. Heidelberg, Friedhofweg 1, Germany; 6884.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Ernst Emil Karl Schaefer, deceased; Germany, 5270, 82.

Ernst Friedrich Wilhelm Schaeffer; Nortorf, Germany; 2899.

Ernst Ludwig Schaefer; Woessingen (Baden), Germany; 8001.

Ernst S. Schaeffer; Friedrichstrasse 108, Berlin, N.W. 7, Germany; 11574.

Erwin Schäfer; Bollwerkbau, Stuttgart, Germany; 10105.

Eugen Schäfer; Boleite 64 b, Kempten/Allgau, Germany; 11386.

Eugen Schaefer; Kandel, Pfalz, Germany; 7991.

Eugen Schaefer; Augsburg, Frauentorstrasse 32, Germany.

Eva Maria Schaefer; Muggensturm 1/B, Germany; 10551.

Eve Schäfer; Trösel, Post Weinheim, Germany; 15196.

Ewald Schaeffer; Bochum-Langendreer, 1/ Westf., Germany; 5033.

Familie Schaefer; Schwandorf Opf., Roseggerstr. 4, Germany (U. S. Zone); 23822.

Ferdinand Julius Schaffer; Bonn, Germany; 4983.

Franz Schaefer; Veitsteinbach, Post Neuhof, Kreis Fulda 57, Hessen-Nassau, Germany; 506, 2226, 5356.

Franz Schäfer; Krefeld, Markstrasse 94, Germany; 9017, 8776.

Franz Schaefer; Arndtstrasse 21, I Tilsit (Oberpreussen), Germany; 10615.

Franz Schaefer; Platenstrasse 22, Koeln-Ehrenfeld, Germany; 13642.

Franz Schäfer; Genselbruchstrasse 7, Stettin, Germany; 15930.

Franz Brandau Schäffer; 23 Hilter, Landkreis Osnabrück, Osnabrückerstr. 95a, Germany (British Zone); 21048.

Franz Wilhelm Schaeffer; Mühlrodstrasse 4, Aachen-B., Germany; 4792.

Franz Xaver Schaefer; Neuenburg, Amt Muelheim (Baden), Germany; 165.

Franz Xaver Schäfer; Zeisig 418½, Donauwörth, Germany; 11387.

Rev. Dr. Franz Schaefer; Kalksburg bei Wien, Ostmark, Germany; 17302.

Franz Schaefer; Kreuzstrasse 14a, Dusseldorf, Germany; 5245.

Franz Schaefer; Neuensee Oberfranken uber Lichtenfels, Berg 22 A, Germany (U. S. Zone) (c/o Joseph Hoffman); 96.

Franz Schäfer; Bochumerstrasse 285, Recklinghausen, Süd 11, Westfalen, Germany; 6979.

Franz Schäfer; Stummstrasse 57, Dillingen (Saar), Germany; 6972.

Franz Schäfer; Vogtareutherstrasse 92/1/8, Schossberg, near Rosenheim, Germany; 570.

Franz Schaefers; Pömbsen 114, Post Brakel-Land, Kreis Höxter, Westfalen, Germany; 87, 4794.

Franz Schäffer; Bierverlag, Hitler T. W., Germany; 21047.

Franziska Schaefer; Hauptstrasse 328, Rastatt (Baden), Germany; 159.

Frieda Schafer; Brome/Hannover, District of Gifhorn, Germany; 9493.

Frieda Schaefer; Stollhofen, Germany; 10527.

Friedericka Auguste Luise Schäffer; Weimer (Thuringia), Rothauserbergweg 14, Germany; 4819.

Friederike Schaeffer; Silschede ueber Gevelsberg (Westf.), Germany; 10133, 10617.

Friederike Charlotte Ernestine Schäfer; 48 Beekstrasse, Ricklingen, Hannover, Germany; 10735.

Friedrick Schäfer; Hauptstr. 140, Schulenberg (Leine), Post Elze Land, Provinz Hannover, Germany; 16194.

Friedrich Schäfer; Bochum-Stiepel, Varenholtstrasse 119, Germany (British Zone); 12559.

Friedrich Schaefer; Echweiler, Stolltenhofstrasse 42, Germany; 9940.

Friedrich (Fritz) Schäffer; Haver 9, Menninghüffen, 1/Westfalen, Germany; 23558.

Friedrich Schäffer; Hauptstrasse 30, Permosens, Germany; 5530.

Friedrich Schaefer; Kassel, Kaiserstrasse 118, Germany; 7592.

Friedrich Schaefer; Karlsruhe, Baden, Germany; 10534.

Friedrich Scheffer; Lutherstrasse 32, Wesermünde-Lehe, Germany; 5121.

Friedrich Schaefer; Goethestrasse 36, Halle a. a. Saale, Germany; 5676.

Friedrich Schaefer; Niederstaufenbach, Pfalz-Germany; 23823.

Friedrich (Fritz) Schaeffer; Königstein 1, Taunus Gerichtsstrasse 14, Germany; 10089.

Friedrich Schaefer; Durlach, Germany; 7999.

Dr. Friedrich Schäffer; Johannesstrasse 15, Giessen (Hessen), Germany; 2148.

Friedrich Schaefer; Penzberg 1/Oberbayern, Germany; 10582.

Friedrich Schäfer; Brückenauerstrasse 49, Schlüchtern, Germany; 5225.

Friedrich Schäfer; Frankfurterstrasse 8, Wolfenbüttel, Germany; 9342.

Friedrich Schaeffer; Stemmer bei Minden in Westfalen, Germany; 8785.

Friedrich Schäffer; Hiddenhausen 185, Kreis Herford (Westphalia), Germany; 3993.

Adolp Friedrich August Carl Schaeffer; Minden in Westfalen, Germany (Obermarkstr. 17, 1); 5113.

Friedrich Christoph Schäfer; Uckendorferstrasse 156, Essen-Katenberg, Germany; 16701.

Friedrich Hermann Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10418.

(Fritz) Friedrich Karl Schäfer; Salzwedel, Germany, c/o Helene Schäfer; 9554, 9331.

Fredrich Konrad Schäfer; Freienhagen, Arolsen Land (Waldeck), Germany; 4796.

Friedrich Schaefer; Stemmer 153, bei Minden in Westf., Germany; 11438.

Friedrich Rudolf Schaefer; Mathildenstrasse 25, Düsseldorf, Germany; 6082.

Friedrich Wilhelm Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10417.

Friedrich Wilhelm Schaefer; Leiche bei Kamen, Germany; 690.

Friedrich Wilhelm Schaefer; Minden (Westfalen), Bruderstrasse 16, Germany; 8771.

Friedrich Wilhelm Schaeffer; Gilgenstrasse 31, Speyer am Rhein (Pfalz), Germany; 10767.

Fritz Schaefers; Pömbsen 90, Post Brakel-Land, Kreis Höxter, Westphalia, Germany; 9460.

Fritz Schaeffer; Edenkoben/Palatinate, Edesheimerstr. 38, Germany; 10783.

Fritz Schaffer; Oelkensallee 67, III Altona-Elbe, Germany; 5124.

Fritz Schaefer; (21b) Arnsberg/Westfalen, Schefferel, Germany (British Zone).

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Fritz Friedrich Schaefer, deceased; Germany; 6943.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Fritz Schaefer, deceased; Germany; 9548.

Dr. G. E. K. Freidrich Schäffer; Johannestrasse 15, Giessen, Hessen, Germany; 5031, 6969.

Georg Schaefer; Talstrasse 15, ptr. links-Hannover, Germany; 10621.

Georg Schaefer; Karlsruhe 1/B, Germany; 10580.

Georg Schaefer; Karlsruhe 1/B, Germany; 10555.

Georg Schaefer; Burstrasse 6, Burgsteinfurt, Bez. Muenster, Westfalen, Germany; 6078.

Georg Schäfer; Stalburgstrasse 3, Frankfurt a/Main, Germany; 5253.

Georg Schäfer, c/o Heinrich Meyer, Herzogstrasse 80, Dusseldorf, Germany; 5658.

Georg Schäfer; Veitstrasse 7, Berlin-Tegel, Germany; 14169.

Georg Schäfer; Herdorf bei Betzdorf, (Sieg) Rheinland, Germany; 11772.

Georg Schäfer; Hechenwang bei Landsberg/Lech, Germany; 11388.

Georg Schäfer; Buchenreuth 3, Post Wannbach 13 (a) via Forscheim, Oberfranken Bavaria, Germany.

Georg Schaefer; Hattenheim, Kreis, Rheingau Hauptstrasse 12, Germany; 2966.

Georg Schäffer; Schussenried (Württemberg), Germany; 4944.

Georg Scheffer; Metzerstrasse 15, Oldenburg 1, Oldbg., Germany; 23824.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Georg Schaefer, deceased; Germany; 23695.

Georg Armbruster Schaefer; Endingen (Kaiserstuhl), Germany; 3833.

Georg Heinrich W. Schaefer; Braunschweig, Germany; 8781.

Georg Schäfer; Herdorf bei Bebzdorf, (Seig) Rheinland, Germany.

Gerda Schäffer; Königsfeld, Germany; 423.

Gerhard Schäfer; Solden, Germany; 9332.

Gertrud Schäfer; Horhausen/Westerwald über Neuwied (Rheinland), Germany; 16160.

Gertrud Schaefer; Seestrasse 4, Neu Stettin, Pommern, Germany; 6907, 261.

Gottfried Schäfer; Vollmarshausen, Bez. Kassel, Germany; 17796.

Gottfried Schaefer; Koenigstrasse 18, Bachem, Kreis Ahrweiler, Germany; 13607.

Gottfried Ludwig Schäfer; Vollmarshausen, Bez. Kassel, Germany; 17805.

Gustav Schaefer; c/o Theodore Baumann, Szredskistrasse 9, Berlin, Germany; 9753.

Gustav Schäffer; Kuglerstrasse 27, Essen, Westphalia, Germany; 4829.

Gustav Schaefer; Ursulastrasse 46, Essen, Germany; 6876.

Gustav Schaefer; Eschweiler (Rheinland), Stich 95a, Germany; 9942.

Gustav Schaefer; Karlsruhe, Germany; 10536.

Gustav Schaffer; Graach, Station Moseltalbahn, Germany; 5005.

Gustav Schaeffer; Wallstrasse 67, Postal Lock Box 429, Aachen, Germany; 4898.

Gustav Schafer; Kalkgriese bei Engter, District of Osnabrück, Germany; 5252.

Gustav Rudolf Schäfer; c/o John F. Herrman, Berhardstrasse 9, Karlsruhe (Baden), Germany; 10470.

Hans Schaefer; Karlsruhe-Doxlanden, (Baden) Krämerstrasse, 46, Germany; 10512.

Hans Schaefer; Schildeckstr. 21/111, Fulda, Germany (U. S. Zone).

Hans Heinrich Schäfer; Hohnorst 84, Grafschaft Schaumburg, Germany; 16700.

Heinrich Schäfer; Bismarckstrasse 9, Minden in Westfalen, Germany; 5275.

Heinrich Schaeffer; Berlin, N. O. 55, Winsstr. 14, Germany; 544, 6889.

Heinrich Schaefer; Bahnhofstrasse, Iffezheim, Germany; 167.

Heinrich Schaefers; Steinhausen, Kreis Buerren, Westfalen, Germany; 562, 6865.
Heinrich Schäffer; c/o Otto Friedrich Wilhelm Schaeffer, Rothaeuserbergweg 14, Germany (Weimar); 5039.
Heinrich Scheffer; Wickenrode 179, Kreis Witzenhausen, Bez. Kassel, Germany; 17533.
Heinrich Schnefer; Muggensturm, Germany; 8002.
Heinrich Schaefer; Muggensturm 1/B, Germany; 10540.
Heinrich Schäfers; Feldmarkstrasse 25, Altenbeken, Kreis Paderborn, Germany; 621.
Heinrich Schaefer; Schweidweg, Grevenbroich, Neederrhein, Germany; 9762.
Heinrich Schaefer; Oberweyer b/Hadamar, Germany; 7997.
Heinrich Schaefer; Boedigger ueber Wabein, Bez. Kassel, Hessen-Nassau, Germany; 6877.
Heinrich Schaefer; Limbeckstr. 10, Bochum-Werne, Germany; 142.
Heinrich Schaefer; Erbefeld, Germany; 10098.
Heinrich Schaeffer; Schellingstr. 138/0, München, Germany; 10088.
Heinrich Schäfer; Vollmarshausen 41, Bez. Kassel, Germany; 17807.
Heinrich Schaefer; Wehringhauserstrasse 41, Hagen, Germany; 6105.
Heinrich Schäfer; Lippstadt in Westf., Hermannstr. 21, Germany; 5136, 8777.
Heinrich Schäfer; Hauptstrasse 219, Kreis Sieglar, Reg. Bez., Köln, Germany; 4977.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Heinrich Schäfer, deceased; Germany; 17389.
Heinrich Schäffer, Sr.; Schlaugasse 24, Pirmasens, Germany; 4970, 5152.
Heinrich Schäffer; Mandern über Bad Wildungen, Bez. Kassel, Waldeck, Germany; 10936.
Heinrich Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10443.
Heinrich Schafer; c/o John F. Herrmann, Bernhardstr. 9, Karlsruhe (Baden), Germany, 10451.
Heinrich Schaefer; Kerckhoffstrasse 49, Essen, Germany; 6919.
Heinrich Schäfer; Hasenwinklerstrasse 167, Bochum Hasenwinkel, Germany; 6960.
Heinrich Schäfer; Kreimbach (Saarpfalz), Germany; 22886.
Heinrich Schaefer; c/o Wilhelm Schaefer, Romerberg 37, Wiesbaden, Germany; 24065.
Heinrich Schäffer; Hitler (Teutoburgerwald), Germany; 21045.
Lieut. Heinrich Schaefer; Brietz bei Salzwedel, Altmark, Germany; 5149, 9330.
Heinrich Andreas Schaefer; Hermuehle bei Schlitz, Hessen, Germany; 366, 5089.
Heinrich August Schäfer; (16) Bensheim/Bergstrasse, Nibelungenstr. 64, Germany (U. S. Zone); 5164.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Heinrich Carl Wilhelm Schaefer, deceased; Germany; 3402, 9658.
Heinrich Christian Conrad Schäfer Wuppertal-Barmen, Rudolf-Herzogstr. 12, Germany; 1346.
Heinrich Edmund Schäfer; Metzendorfstrasse 94, Essen-Margarethenhöle, Germany; 5274.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Heinrich Julius Schäfer, deceased; Germany, 17794.
Heinrich Karl Schaefer; Nussloch, Ant. Heidelberg, Baden, Sinsheimerstrasse 8, Germany; 6885.
Heinrich Nicolaus Carl Schafer; Pinneberg-Schleswig Holstein (24-b), Flagentwiete 36, Germany (British Zone).
Heinrich Wilhelm Schaefer; Stader Landstrasse 3, 1, Bremen-Lesum, Germany, 5169.
Heinrich Schäfer; Wernsurg, Haus Nr. 2, Kreis Fritzler-Homberg, Germany.
Heinrich Wilhelm Schaefer; Minden (Westfalen), Königstrasse 75, Germany; 8774.

Heinz Julius Schaefer; Grefrath near Krefeld, Kempenerstrasse 18, Germany; 6886.
Helena Schaefer; Fischerstrasse 110, Iffezheim, Germany; 170.
Helene Schäfer; (Mrs. Heinrich); Meggen in Westfalen, Germany; 110.
Helene Schaefer; Schlossberg 17, Eisenach (Thueringen), Germany; 23100.
Helene Schaefer; Aix-la-Chapelle (Aachen), Luisen Krankenhaus, Germany; 9938.
Helene Schäfer (Sister M. Kunihilde); Neuwied, St. Elisabeth Krankenhaus, Rheinland, Germany; 11769.
Helmut Schaefer; Sentmaringerweg 118, Münster 1/W, Germany; 5110.
Helmut Ludwig Schaefer; Schwersen, Amt Waldshut Baden, Germany; 182.
Helmuth Schaefer; Castrop-Rauxel, Westfalen, Germany; 10120.
Henry Walter Schaefer; Kaiser Strasse 11 (20a), Hildesheim, Land Neidersachsen, Germany (British Zone).
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Herbert Schaefer, deceased; Germany; 6083.
Hermann Schaeffer; Blankenese bei Hamburg, Germany; 2149.
Hermann Schäfer; Damaschkestrasse 11, Bramsche near Osnabrück, Germany; 5251.
Hermann Schäfer; Wesereschstrasse 67, Osnabrück-Schinkel, Germany; 13885.
Hermann Schaefer; Wiesbaden, Nerostraae 25, Germany; 24062.
Hermann Schäffer; Brackwede bei Bielefeld, Freibad 18, Germany; 22884.
Hermann Schaefer; Pforzheim-Broetzingen, Biberstrasse 5, Germany; 10493.
Hermann Schaefer; Hermannstrasse 32, Düsseldorf, Germany; 2791.
Hermann Schaefer; Blumenstrasse 9, 111 Karlsruhe (Baden), Germany; 5173.
Hermann Schaeffer; Mangerstrasse 15, Potsdam, Germany; 6870.
Hermann Schäfer; c/o A. Marcour, Immendahl 59/1, Duisburg am Rhein, Germany; 5701.
Hermann Schäfer; Wolfenbüttel, Frankfurterstrasse 8, Wolfenbüttel, Germany; 9344.
Hermann Schäfer; Mechtshausen No. 41, ub. Seesen No. 41b, Kr. Marienbuh (20b), Germany (British Zone); 22866.
Alfred Hermann Schaefer; Oberwihl, Amt Waldshut über Lautenberg/Baden, Germany; 179.
Hermann Karl Schäfer; Berlin N. Schieveibeinerstrasse 24, Germany; 12722.
Herman Otto Paul Schaefer, Gross Ottersleben bei, Magdeburg, Brutestr. 60, Germany; 12616.
Hilda Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10447.
Hilda Schaefer; Bernhardstrasse 28, Baden-Baden, Germany; 173.
Hilda Olga Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10419.
Hildegard Schaeffer; Holzlar uber Sieburg, Schule, Germany; 4986.
Hubert Schäfer; Saarbrucken 111 (Saar), 48 Nauwieserstrasse, Germany; 8437, 11542.
Hugo Schaefer; Heubschstrasse 24, Karlsruhe 1, Baden, Germany; 6085.
Hugo Schaefer; 17 a Heidelberg, Neugasse 8, Baden, Deutschland, Germany; 6931.
Ida Schäfer; Wolfenbüttel, Frankfurterstrasse 8, Germany; 9343.
Ilse Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10458.
Jacob Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10408.
Jacob Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10459.
Jacob Schaefer; Hinterweidenthal, Pirmasens, Saarpfalz, Germany; 23096.
Jacob Schaefer; Artilleriestrasse 28, Saarbrücken 6, Germany; 15932.

Jacob Schaefer; Ricklingen, Germany; 10483.
Jacob Schaefer; Minfeld, Germany; 10556.
Jacob Schaefer; Karlsruhe 1/B, Germany; 10579.
Jacob Schaefer; Bingen/Rhine, Beuchergasse 22, Germany; 3861.
Jakob Schaefer; Horden, Amt Rastatt Baden, Germany; 174.
Jakob Schaeffer; Hannover-Linden, Wittekindstrasse, Germany; 9006.
Jakob Schäfer; Karlsruhe/Baden, Vorholzstrasse 50, Germany; 12326.
Jean Schaefer; Cologne, Germany; 10101.
Jean Schladt Schaefer; Cologne, Germany; 10102.
Johann Schaefer; Hattingen, Westphalia, Germany; 1373.
Johann Schaefer; Lichstrasse 34, Leverkusen Wiesdorf, bei Köln am Rhein, Germany; 6987.
Johann Schaefer; Stephanstrasse 29 I, Berlin-Suedende, Germany; 6084.
Irmgard Schaefer; c/o Rechtsanwalt Stats Müller, Bremen, am Wall 192, 1, Germany.
Johann Schaefer; Schongau a/Lech, Oberbayern, Bahnhofweg 350, Germany; 5348.
Johann Schaefer; Unterdiessen, Bavaria, Germany; 5346.
Johann Schaefer; Elspe Kr. Olpe, Westfalen, Germany; 6089.
Johann Schafer; Roostrasse 55, Rheinhausen II, Rheinprovinz, Germany; 5257.
Johann Schaefer; Hornbach bei Zweibruecken (Pfalz), Germany; 427.
Johann Schäfer; Büdingen, Kreis Merzig, Saargebiet, Germany; 5160.
Johann Schäfer; Gladbeck 1/W, Tauschlag 47, Germany; 5239.
Johann Schaefer; Holsterhauserstrasse 136, Essen, Germany; 2970.
Johann Schaefer; Igzersheim, Germany; 10558.
Johann Schaefer; Hindenburgplatz 122, Thüngen (Unterfranken), Germany; 11576.
Johann Schaeffer; Haifeld, Germany; 8039.
Johann Schäfer; Post Schivabmünchen, Obermeitingen 26½, Oberbayern, Germany; 5347.
Johann Schäfer; Horhausen/Westerwald über Neuwied, Rheinland, Germany; 11773.
Johann Schafer; Rixenburgweg 64, Bochum-Werne, Germany; 141.
Johann Schäfer; c/o Jakob Theisen, Schlebusch II, Kuhnstrisch 29, Köln, Germany; 432, 9485.
Johann Schaefer; Ochtendung Kreis Mayen, Bezirk Koblenz, Graben Strasse 333, Germany; 16980.
Johann Schaefer; Roonstrasse 38, Cologne, Germany; 6984.
Johann Schäfer; Bahnhofstrasse 12, Muggensturm bei Rastatt, Baden, Germany; 4435, 8005.
Johann Schäfer; Büscheid, Wittlich Land, Bezirk Trier (Rheinland), Germany; 15895.
Mrs. Johann Schäfer; Geroisteinerstrasse, 128 III, Köln-Sülz, Germany; 16018.
Johann Adolf Schaefer; Schmittstrasse 1, Stolberg (Rhld.), Germany; 13488.
Johann Anton Schaefer; Vinelz b. Erlach, Canton Bern, Surtzerland, Germany; 6/83.
Johann Christoph Schäfer; Auggen, Baden, Germany; 15933.
Johann Friedrich Schäfer; Muggendorf Fr. Schweiz, Oberfranken, Germany; 2[illegible]0.
Johann Georg Schäfer; c/o Mrs. Theresia Schaefer, Wendelgardstrasse 30, Friedrichshafen Bodensee, Germany; 17417.
Johann Gottlieb Schäfer; c/o August Schäfer, Garnisonstrasse 33, Tilsit, Germany; 21503.
Johann Joseph Schäfer; Pfarrstrasse 216, Ettringen, District Koblenz, Germany; 5[illegible]1.
Johann Peter Schaefer; Trimport, Post Bitburg-Land, Rheinland, Germany; 6923.
Johann Peter Schaefer, II; Birresdorf über Remagen, Im Ort 3, Kreis Ahrweiler, Rheinland, Germany; 10620.
Johanna Schaefer; Eberweilerstrasse 26, Baden-Baden, Germany; 172.

Johanna Schäfer; c/o Kaspar Wiedenbauer, Schulstrasse 31/I lks., Munich, Bavaria, Germany; 5350.
Johanna Auguste Martha Schaefer; Braunschweig, Eschenburgstrasse 2, I, Germany; 8754.
Johanna Maria Schaefer; Rixenburgweg 65, Bochum-Werne, Germany; 1569.
Johanne Luise Schaeffer; Friedrichstrasse 27, Lochne Kreis Herford, Westf., Germany; 2911.
Johannes Schaefer; Ruprechtstrasse 7, Frankfurt Am Main, Germany; 510.
Johannes Schaefer; Julicherstrasse 30, Köln-Germany; 17044.
Johannes Schaefers; Pömbsen 13, Post Brakel-Land, Kreis Höxter, Westphalia, Germany; 9461.
Domiciliary personal representatives, heirsatelaw, next of kin, legatees and distributees, names unknown, of Johannes Schaefer, deceased; Germany; 9493.
Johannes Schafer; Baunackstrasse 5, Leipzig, Germany; 6077.
Johannes Schaefer; Heinigstrasse 81, Ludwigshafen am Rhein, Rheinpfalz, Germany; 11075.
Johannes Schaefer; Fischbach b. Dohn, Rheinpfalz, Bayern, Germany; 6937.
Johannes Schaefer; Minfeld, Germany; 10557.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Mrs. Johannes Schaefer, deceased; Germany; 4836.
Johannes Friedrich Schaefer; Niedersteinebach (Haus No. 10), Horhausen, Westerwald über Neuwied, Germany; 6949.
Johannes Konrad Schaefer; Rixenburgweg 65, Bochum-Werne, Germany; 48.
Mrs. Josef Schaeffer; Herrenalb (Schwarzwald), Germany; 4980.
Josef Eugen Schaefer; c/o Rössle, Baden-Baden, West, Germany; 166.
Josef Hubert Schaefer; Friedhofstrasse 9, Grevenbroich (Niederrhein), Germany; 9764.
Josefine Schaefer; Sparhof, Gemeinde Veitsteinbach, Kreis Fulda, Germany; 7335.
Josef Schaefer; Neusserstrasse 78, Düsseldorf, Germany; 6944.
Josef Schaefer; Karlsruhe, Germany; 10503.
Josef Schäfer; Durmersheimerstrasse 7, Karlsruhe-Grueenurnkel, Germany; 5068.
Josef Schaefer; Muggensturm, Germany; 8004.
Josef Schaefer; Muggensturm 1. B., Germany; 10559.
Josef Schaefer; Werderstrasse 3, Muggensturm bei Rastatt (Baden), Germany; 150.
Josef Schaefer; Strasse 73, bei Herzogenrath, Bezirk, Aachen, Germany; 23625.
Josef Schäfer, Isen, Oberbayern, Germany; 6055.
Josef Schaefer; Düsseldorf-Holthausen, Hermannstrasse 37a, Germany; 5024.
Josef Schäfer; Offenburg, 80 Adolf Hitlerstrasse (Konfectionshaus), Baden, Germany; 6968.
Josef Schaefer; Kuppenheimerstrasse 14, Baden-Baden West, Germany; 160.
Josef Schäfer; Kettig Koblenz a/Rhein, Hauptstrasse 83, Germany; 3859.
Josef Schaefer; Weilerstrasse 2-III, Munich, Bavaria, Germany; 5557.
Josef Schaefer; Bettinastrasse 52, Offenbach/M, Germany; 6935.
Josef Schaeffer; Obere Weissgerberstrasse 21 u. 23, Vienna III, Ostmark, Germany; 95, 10[illegible].
Josef Schäfer; Andernacherstrasse 104-A, Sinzig bei Andernach am Rhein, Germany; 4[illegible].
Josef Schaefer; Westermuehlstrasse 18/2I, München, Germany; 6932.
Josef Schäfer; c/o Dr. Peter Dierle, Ettlingen bei Karlsruhe, Schillerstrasse 1, Germany.
Joseph Schaefer; 22a Essen-Kray, Nord-Rheinprovinz, Germany (British Zone); 680.
Joseph Schaefer; Schulstrasse 47, Triberg i. Schw., Germany; 6033.

Joseph Schaeffer; Soers 64, near Aachen, Rheinland, Berensbergerstrasse, Germany; 5051.
Joseph Schaefer; Erbach, Kr. Rheingau, Franzekystrasse 8, Germany; 12077.
Joseph Schaefer; Altenstadt near Schongau, Oberbayern, Germany; 5452.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Joseph Schäfer, deceased; Germany; 126, 5197.
Joseph Karl Schäfer; Kilansberg, ueber Neuhof, District of Fulda, Germany; 271, 6900.
Julie Schaefer; Cenicstrasse, Muehringen-Horb, Wuerttemberg, Germany; 5221.
Julius Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10450.
Julius Schäffer; Rheinerstrasse 45, Lingen-Ems, Germany; 4981, 5004.
Julius Schäfer; Eppelsheim near Alzey, Rhine-Hessen, Germany; 4847.
Julius Schäffer; c/o Elisabeth Schäffer, Heerstrasse 2, Bonn am Rhein, Germany; 10978.
Justus Schafer; Kassel, Herkulesstrabe 3, Germany.
Justus Ludwig Schäfer; Vollmarshausen, Bez. Kassel, Germany; 17795.
K. Heinrich Franz Schaefer; Krefeld, Markstrasse 94, Germany; 8776.
Kalitus Schaefer; c/o Mayor of Wahlweiler, Amt. Ueberlingen, Gemeinde Homberg, Baden, Germany; 6879.
Karl Schaefer; Wertheim/M., Germany; 6871.
Karl Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10413.
Karl Schäfer; Holtestrasse 11, Dortmund, Lütgendortmund Westfalen, Germany; 5066.
Karl Schaffer; Nootstrasse No. 1, Essen-Altenessen, Germany; 5169.
Karl Schäfer; (1b) Derlammen Post Herbstein, Hessen, Germany (U. S. Zone); 23439.
Karl Schäffer; Halle, Saale, Schreberstrasse 15, Germany; 23561.
Karl Schaeffer; Edenkoben, Nonnenstrasse, Germany; 9005.
Karl Schafer; Sandstrasse B, Steuerinspektor, Gross-Gerau Hessen, Germany; 5264.
Karl Schaefer, Sebaldstrasse 10, Durlach b. Karlsruhe, Germany; 6893, 574.
Karl Schäffer; Manzelgasse 3/30, Vienna XII, Ostmark, Germany; 17853.
Karl Schaeffer; Walsheim bei Landau, Pfalz, Germany; 230.
Karl Scheffer; Richard Wagnerstrasse 12, Bei Feldmann Essen, Rheinland, Germany; 4749.
Karl Schäfer; Heudenborgstrasse 302, Wächersbach, Germany; 10127.
Karl Schäfer; Pferdeweg 8, Buchholz, Kreis Harburg, Germany; 13882.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Karl Schäfer, deceased; Germany; 15034.
Karl Schäfer, also known as Karl Shäfer; Kehl a/Rhein, Kasernenstrasse 14, Germany; 598.
Karl Schaefer; Westfeldstrasse 57, Wittenannen (21b), Westphalia, Germany; 5667.
Karl Schäfer; Farberstrasse 26, Kehl a Rh., Germany; 5231.
Karl Schaefer; Muggensturm 1/B, Germany; 10550.
Karl Schaefer; Pforzheim, Broetzingen, Germany; 10494.
Karl Schaefer; Worms, Germany; 10560.
Karl Schaefer; Andreestrasse 57, Bremen, Germany; 10419.
Karl Schäfer; Dornbach, Bez. Rockenhausen, Pfalz Franz, Germany; 17412.
Karl Schaefer; bei Hugo Merk Imsweiler, Bezirk Rockenhausen, Pfalz, Germany; 17490.
Karl Schaefer; Muggensturm, Germany; 10561.
Karl Schäfer; Bochum-Langendreer, Weststrasse 53, Westfalen, Germany.

Karl Schäfer; Bichl, Hs.-N 28½, Oberbayern, Germany.
Karl Schaefer; Weikersheim/Bad Mergentheim ü Wurttemberg, Rosenstr. 13, Germany.
Karl Schaefer; Heidkrug, Kr. Verden, Post Langwedel, Land, Niedersachsen, Germany (British Zone).
Karl Friedrich Schäfer; Woessingen (Baden), Germany; 10457.
Karl Friedrich Schäfer; Eisenach Thuringen, Schlossberg, Germany; 17345.
Karl Friedrich Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10463.
Karl Friedrich August Schäfer; Berlin N. Gerichtstrasse 32, Germany; 12723.
Karl Heinrich Schäfer; c/o John F. Herrmann, Karlsruhe (Baden), Bernhardstrasse 9, Germany; 10463.
Karl Josef Schäfer; Mannheim B-7, 3, Baden, Germany; 22989.
Karl Konrad Ernst Schäfer; Bad Oeynhausen, Hardenbergstrasse 22, Germany; 11753.
Karl Ludwig Gustav Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10411.
Karl Wilhelm Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10449.
Karl Wilhelm Schäfer; Block-Heimbach bei, Neuwied am Rhein, Germany; 16400.
Karoline Schaefer; c/o John F. Herrmann, Karlsruhe 1 B, Germany; 12099.
Kaspar Schaefer; Vereinstrasse 6, Frankfurt M. No. 14, Germany; 6882.
Kaspar Schaefer; Ilmuenster a. d. Ilm, O. Bayern, Germany; 6918.
Katharina Schaefer; c/o Louis Schaefer, Postschliessfach 71, Linz Rhein, Germany; 5344.
Katharina Schäfer; Kilansberg, above Neuhof, District of Fulda, Germany; 270, 6900.
Katharina Schaefer; Hauptstrasse 329, Iffezheim, Germany; 152.
Käthe Schaefer; Toeplitzstrasse 5/IIr., Frankfurt M, Germany; 5668.
Katherina Maria Hubertine Schaefer; Niedersteinback, Neuwied, Rheinland, Germany; 6984.
Katherina Schaefer; Niederluetzlingen, Bezirk, Koblenz, Germany; 13619.
Kilian Schaefer; (16) Neuenbrunslar, uber Wabern, Bezirk Kassel, Hessen, Germany; 6878.
Klara Schaefer; Karlsruhe 1/Baden, Waldhorstrasse 55, Germany; 10510.
Klara Albertine Helen Schäffer; Herford Westf., Germany; 5112.
Konrad Schnefer; c/o Louis Schaefer, Esq., Postschliessfach 71, Linz/Rhein, Germany; 5337.
Konrad Schäfer; Langured bei Munchen, Allacherstrasse 9, Germany; 5753.
Konrad Schäfer; Württemberg, Eberstbach, Kreis Saulgau, Germany; 9306, 9849.
Konrad Schaefer; Karlsruhe, Germany; 7392.
Konrad Heinrich Schäfer; Bahnhofstrasse 16, Augersbach (Hessen), Kreis Lauterbach, Germany; 347.
Kurt Schaefer; c/o Louis Schaefer, Postschliessfach 71, Linz Rhein, Germany; 5339.
Kurt Schäfer; Felderstrasse 41, Chemnitz, (Saxony), Germany; 5325.
Kurt Schaefer; Karlsruhe, Germany; 10573.
Kurt Schaefer; c/o Mrs. Anna Sturm, Halle a d-Saale, Kellnerstrasse 16, Germany; 24103.
Kurt August Schäfer; Emilienstrasse 4 ptr., links, Hannover, Germany; 75, 573, 7356.
Leo Schäfer; Magdlos 67, Kreis, Fulda, Germany; 6074.
Leo Schaefer; Muggensturm 1/B, Germany; 10539.
Leo Schaefer; Muggensturm, Germany; 10563.
Leonhard Schaefer; Muenchnerstrasse 258, Kreis Lerchenau, Post, Muenchen 13, Germany; 26826.

Leonhard Schäfer; Tennis Platz, Mannheim, Germany; 15194.
Leopold Schaefer; Kehl a/Rhein, Germany; 10501.
Lilly Johanna Schäfer; Emilienstrasse 4, ptr., Hannover, Germany; 74, 7355, 572.
Lina Louise Ottilie Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10416.
Lisel Schaefer; Neuhaldensleberstrasse 52, Althaldensleben bei Magdeberg, Germany; 133.
Lorenz Schäfer; Bingen/Rhine, Heinrichstrasse (10), Germany; 3862.
Louis Schaefer; Georgiring 9 III, Leipzig 1, Germany; 6081.
Louis Schaefer, Esq.; Postschliessfach 71, Linz Rhein, Germany; 5345.
Louise Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10473.
Louise Schaefer; München, Germany; 7995.
Louise Schaefer; Minfeld, Germany; 10562.
Louise Adelheid Schaefer; Stolberg (Rheinland), Schmittstrasse 7, Germany; 10052.
F. Lorenz Schäfer; Martin Luther Platz No. 3, Ansbach-Bavaria, Germany.
Ludwig Schaefer; Noessingen 1/Bretten, Baden, Germany; 10481.
Ludwig Schaefer; Postschliessfach 71, Linz am Rhein, Germany; 969, 5339.
Ludwig Schaefer; Leutenstrasse 12a, Gelsenkirchen, Germany; 6891.
Ludwig Schaefer; Enpstrasse 124, Oberstdorf/Allgäu, Bavaria, Germany; 5451.
Ludwig-Schaefer; Reilingen (Baden), Germany; 10511.
Ludwig Schaefer; Karlsruhe 1/Baden, Alte, Brauerei Schrumpel, Durlacherstrasse 81/3, Germany; 10514.
Ludwig Schäfer; Königsbach b/Pforzheim, Bleichstrasse/Baden, Germany; 12328.
Ludwig Schäfer; Angerstrasse 30, Münder a. D., Germany; 15442.
Ludwig Oskar Schaefer; Mathildenstrasse 25, (Büro) Düsseldorf, Germany; 5213.
Luise Schaefer; (20) Bad Harzburg-Bundheim, Prinz. Albrechtstrasse 3, Germany; 9512.
Luise Schaeffer; c/o Adolf Rickert, Gymnasium St. 26, St. Ingbert, Germany; 15354.
Luise Schaeffer; Roermonderstrasse 44, Aachen, Germany; 4969.
Luise Johanne Schäfer; Bremen, Reederstrasse 22, Germany; 9067.
Magdalena Schäffer; Weissenbach an der Enns, Steiermark, Germany.
Margarete Schaefer; Klieken bei Dessau, Anhalt, Germany; 10627.
Margarete Schaeffer; Windorf No. 6, Gemeinde, Pirka, Post Strassgang, Ostmark, Germany; 20440.
Margaretha Schaefer; Gartenstrasse 3, Nuernberg, Germany; 6087.
Margarethe Luise Schäfer; Blankenburgerstrasse 38, Bremen, Germany; 9066, 5648.
Maria Schaeffer; Windorf, Gemeinde Pirka, Post Strassgang, Ostmark, Germany; 20441.
Maria Schaefer; Ruckers, Kreis, Fulda, Germany; 7336.
Marianne Schäfer; Thüngen Mainfr. Herrenstrasse 36, Germany (U. S. Zone).
Luise Schaeffer; Friedrichstrasse 7, Loehne, Kreis Herford I, Westfalen, Germany; 6975.
Maria Schaefer; Prefeld/Rhld. von Kettelerstrasse 111, Nordrhein-Westfalen, Germany (British Zone).
Maria Katharina Schäfer; Block-Heimbach bei Neuwied am Rhein, Germany; 16397.
Marie Schaeffer; Brühl (near Cologne), Kaiserstrasse 22, Germany; 5084.
Marie Schaeffer; Alexanderstrasse 21, Aachen, Germany; 5071.
Marie Franziska Amalie Schaefer; c/o Martin Bernhard Schafer, Berlin-Niederschoenhausen, Blumenthalstrasse 26a, Germany; 12977, 21908.
Martha Schäfer; Berlin N. 65, Togo St., 5 II, Tr., Germany.
Martin Schäfer; Obermeitingen 26, Oberbayern, Germany; 332.

Martin Bernhard Schaefer; Berlin-Niederschoenhausen, Blumenthalstrasse 26a, Germany; 12979, 21907.
Martin Gottfried Schäfer; Vollmarshausen, Bez., Kassel, Germany; 17806.
Major Martin Wilhelm Schaeffer; Elisenstrasse 70, Dresden, A–16, Germany; 23619.
Mathias Schaefer; Karlsruhe, Germany; 7903.
Mathilde Schäffer; Hagedorn 31, Post Stift, Buernheim, Kreis Herford, Westfalen, Germany; 9345.
Mathilde Schäfer; Allenbögge (Krs. Unna) 1 Adalbertstr. N. 3, Westfalen, Germany (British Zone).
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Max Schäfer, deceased, Germany; 5112.
Max Hermann Schaefer; Dortmund, Münsterstrasse, 95, Germany; 11762.
Dr. Max Johann Schaefer; Kaiserplatz 10/I, Augsburg, Germany; 357, 6929.
Medarus Schaefer; Muggensturm 1/B, Germany; 10599.
Michael Schafer; Gangloff, Bez. Kusel, (Rheinpfalz), Hessen/Pfalz, Germany; 20762.
Michael Schaefer; Niederluetzlingen, Bezirk Koblenz, Germany; 13618.
Michael Schaefer; Landsbergerstrasse 105, I mb., Muenchen, Germany; 10619.
Mina Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10420.
Mina Schaefer; Karlsruhe in Baden, Sybelstrasse 11, Germany; 10513.
Minna Schäffer; Feldmark-West Nr. 25, Viotho, Westfalen, Germany; 11577.
Moritz Schaffer; Lauchem über Hameln, Hannover, Germany; 7357.
Nicolaus Schäfer; Wierschem über Palch, Bezirk Koblenz, Rheinland, Germany; 17693.
Nikolas Schaeffer; Germany; 15533.
Nikolaus Schaefer; Im Alten Holz 5, Hagen, Westfalen, Germany; 23827.
Nikolaus Schaefer I; Schlaufstrasse 40, Dohr, Post Faid ueber, Cochem, Reg. Bez., Koblenz, Germany; 6922.
Nikolaus Schaefer; Landsberg/Lech, Dietrich-Ekartstrasse, 13, Bavaria, Germany; 5558.
Nikolaus Schäfer; Kaiser-Friedrichstrasse, 83/II, Hof I, Berlin-Neukölln, Germany; 12584.
Nikolaus Schäfer; Bergstein 79, Krs., Düren, Rheinland, Germany; 5176.
Nina Schaefer; Waessingen, Germany; 12006.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Oskar Schäfer, deceased; Germany; 10441.
Oskar Schaefer; Ochtendung bei Koblenzam-Rhein, Germany; 6947.
Oskar Schaefer; Maunheim, Germany; 10497.
Otto Schaefer; Klauschen, Germany; 16964.
Otto Schäfer; Elnöllen bei Wolfstein, Palatinate, Germany; 22871.
Otto Schaefer; Günzelstrasse 46, Berlin-Wilmersdorf, Germany; 581.
Otto Schaefer; Muggensturm, Germany; 8003.
Otto Schaefer; Muggensturm 1/B, Germany; 10544.
Otto Schaefer; Bahnhofstrasse 21, Budingen (Oberhessen), Germany; 5234.
Otto Schaefer; Grossestrasse 9, Althaldensbehen, Kr. Neuhaldensleben, Reg. Bez. Magdeburg, Germany; 6880.
Otto Schäfer; Grumsin, Kreis Angermünde Germany; 11578.
Otto Schäfer; Einoellen ueber Lauterecken, Saarpfaz, Germany; 10626.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Otto Schaefer, deceased; Germany; 157.
Otto Schäfer; Lebenstedt 2 (Braunschweg) Dieselweg 5, Germany (British Zone).
Otto Schaefer; Stuttgar-Vaihingen, Zeppelinstrasse 52, Germany.

Oto Schaefer; Hemer, Krs. Iserlohn, Hemerhardt, Germany.
Otto Schaefer; Zeppelinstrasse 52, Stuttgart-Vaihingen, Germany.
Otto Schaefer; Mannheim (17A) Lanastr. 84, Germany (U. S. Zone).
Otto Bernhard Schaefer; Missundestrasse 6, Altona/Elbe, Germany; 272.
Otto Ernst Schaefer; Treuburg Ostpreussen, Barkermeisterstrasse, Poststrasse 26, Germany; 583.
Otto Friedrich Wilhelm Schäffer; Weimar (Thüringen), Rothauserbergweg 14, Germany; 4829.
Otto Paul Schaefer; Moltkestrasse 10a, Magdeburg, Germany; 10613.
Paul Schaeffer; 8 Poststrasse (Bonn/Rhein), Germany; 4987.
Paul Schaefer; Adolf-Hitlerstrasse 156, Oberkassel/Bonn am Rhein, Rheinland, Germany; 5363.
Paul Schaefer; Helmweg 2, Duisburg-Wedau, Germany; 10625.
Peter Schäfer; Rüthen in Westfalen, Hochstrasse 3, Germany; 12036.;
Peter Schäfer; 1 Bissingerstrasse, Weinheim/Baden, Germany; 15197.
Peter Schäfer; Frankfurt am Main, Germany; 10109.
Peter Schäfer; Guellesheim, Neuwied, Rheinland, Germany; 21155.
Peter Schaefer; (22–b) Horhausen/Westerwald, Germany; 6924.
Peter Schäffer; Schaephuysen ueber, Krefeld 2, Germany; 4912.
Peter Schäffer; Hoeningerplatz 19, Köln-Zollstock, Germany; 5118.
Peter Schäfer; c/o Johann Schäfer, Büdingen, Kreis Merzig, Saargebiet, Germany; 5163.
Peter Schäfer; Block-Heimbach bei Neuwied am Rhein, Germany; 16398.
Peter Franz Schaeffer; Wittlich (Rheinland), Oberstrasse 1, Germany; 555.
Peter Joseph Schaefer; Alte Strasse 71, Kohlberg 4, bei Herzogenrath, Kreis, Aachen, Germany; 6917.
Peter Josef Schaefer; Deesen, Westerwald, Hessen-Nassau, Germany; 10616.
Peter Josef Schaefer; Niederluetzlingen, Bezirk, Koblenz, Germany; 13616.
Peter Josef Schaefer; Grevenbroich (Niederrhein), Von Hindenburgstrasse 50, Germany; 9765.
Paul Peter Schaefer; Hollenstrasse 15, 17 Wossingen, Kreis, Karlsruhe, Germany; 10524.
Peter Wilhelm Schaefer; Frankfurt am Main, Basaltstrasse 19 III, Germany; 6097.
Philipp Schaefer; Winzlerstrasse 59, Pirmasens, Rheinpfalz, Germany; 5702.
Philipp Schäfer; Königsbach b/Pforzheim, Durlacherstrasse 18, Baden, Germany; 12327.
Philipp Heinrich Schäffer; Edenkoben, Platinate, 136, Bahnhofstrasse, Germany; 10784.
Philipp Heinrich Schäffer; Edenkoben, Watzengasse, 17, Germany; 10787.
Philipp Heinrich Schäffer, Sr.; Schlaugasse 24, Pirmasens/Pfalz, Germany; 4970, 5152.
Philippina Schaefer; Hinterweidenthal, County of Pirmasens, Saarpfalz, Germany; 23746.
Raimund Schaefer; Kandlgasse 18, Vienna VII, Ostmark, Germany; 7185.
Rheinhold Schaefer; (20) Brome, Kr. Gifhorn, Salzwedelerstrasse 105, Germany; 9124.
Richard Schafer; c o John F. Herrman, Bernhardstrasse 9, Karlsruhe, Baden, Germany; 10475.
Robert Schäffer; c/o Deutsches Ausland Institut, Danziger, Freiheit 17 (DA 1), Stuttgart S, Germany; 5099.
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Robert Schäfer; Hardegsen am Anger No. 162, District Northeim in Hannover, Germany; 21409.
Robert Franz Wilhelm Schaefer; Falkenkrug, Detmold, Germany; 40.
Robert Heinrich Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10409.

Robert Paul Schaefer; Marienstrasse 94, Karlsruhe (Baden), Germany; 180.
Rudolf Schaffer; Dollfussplatz 10, Judenburg (Steiermark), Ostmark, Germany; 17519.
Prof. Dr. Rudolf Schäfer; Grossestrasse 8, Ratenburg in Hannover, Germany; 16113.
Rudolf Johannes Schaefer; Klieken (20) Cothen i. Hannover, Hartzerstrasse, 3 A, Germany (British Zone); 17428.
Rudolf Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10478.
Rudolf Schaefer; Grunerstrasse 3, Düsseldorf, Germany; 2792.
Siegmund Schaeffer; Steubenrauchstrasse, Berlin-Friedenau, Germany; 5263.
Simon Schäffer; Bahnhofstrasse 79, Edenkoben, Germany; 10735.
Sister Sophie Schäfer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10410.
Stefan Schaefer; Windsheim Pfruende, Bayern, Mittelfranken, Germany; 23623.
Stephan Schaefer; Dietershofen b/Messkirch, Germany; 10528.
Stephan Schäfer; Nöttenstrasse 17, Soest in Westphalia, Germany (British Zone); 16977.
Stephan Schaefer; Koeln-Zollstock, Kalscheuerweg 23, Germany; 13640.
Stephanie Schaefer; Lindenstrasse 116, Ifezheim, Germany; 156.
Susanna Schaefer; Linzhausenstrasse 11, Linz Rhein (22b), Germany (French Zone); 5343.
Syndolph Schaeffer; Wehlstrasse 70/29, Vienna XX, Ostmark, Germany; 17674.
Theobald Schaefer; c/o John F. Herrmann, Karlsruhe I B, Germany; 12010.
Theobald Schaefer; Hübschstrasse 30, Karlsruhe in Baden, Germany; 10517.
Theodor Schaefer; Kehlerstrasse 4, Restatt (Baden), Germany; 150.
Theodor Schaeffer, Dürenerstrasse 108, Birkesdorf /Düren, Germany; 4793.
Theodor Wilhelm Schäfer; Goldstrasse No. 1, Haltern 1 Westfalen, Germany; 6950.
Theresia Schaefer; Muggensturm 1/B, Germany; 10548.
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Theresia Maria Schäfer; Linkengasse 27, No. 6, Vienna VI, Ostmark, Germany; 20653.
Valentin Schaefer; Sauerbrod 9, Saarbrucken 3, Germany; 15935.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Valentin Schaefer, deceased; Germany; 505, 2225, 5355.
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Walter Schäfer; Parkstrasse 2, Uerdingen, a/Niederrhein, Germany; 5159.
Walter Schaeffer; Meerweinstrasse 21, Hamburg 39, Germany; 5182.
Wendelin Schäfer; Rheinstrasse 68, Hügelsheim bei Rastatt (Baden), Germany; 168.
Werner Schäfer; Frohnstrasse 36, Langenberg, Rheinland, Germany; 12205.
Wilhelm Schäfer; Adolf Hitlerstrasse 38, Elmshorn bei Hamburg, Germany; 17639.
Wilhelm Schäfer; Veitstein bach über Neuhof, District of Fulda, Germany; 549.
Wilhelm Schäfer; Bomberg, Kapuzinerstr. 23, Bamberg, Germany.
Wilhelm Schaeffer, Hagedorn 31, Post, Stift Buernheim, Kreis Herford, Westfalen, Germany, 9946.
Wilhelm Schäffer; Düsseldorf, Faunastrasse 37, Germany; 5177.
Wilhelm Scheffer; 53a Braunschweigerstrasse, Bremen, Germany; 5036.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Wilhelm Scheffer, deceased; Germany; 4963.
Wilhelm Scheffer; Helsa 151, Kr. Kassel, Hessen-Nassau, Germany; 6020.
Wilhelm Schiffers; Weltrop, Westfalen, Hochstrasse 48, Germany; 5125, 5183.
Wilhelm Schaefer; Romberberg 37, Wiesbaden, Germany; 24060.
Wilhelm Schaefer; Schlesurger Strasse 61 I, Wuppertal-Elberfeld, Germany; 23689.
Wilhelm Schäfer I; Beinstrasse 21, Biebesheim in Hessen, Kreis, Gross Gerau, Germany; 13278.
Wilhelm Schaefer; Losheim (Eifel) über, Jünkerath, Kreis, Schlinden, Germany; 5063.
Wilhelm Schaefer; Schmittstrasse 7, Stolberg (Rhld.), Germany; 12869.
Wilhelm Schaefer; Eugen-Adolffstrasse 100, Backnang in Württemberg, Germany; 14166.
Wilhelm Schaefer; Enersberg Bhf. 33, Kreis, Meschede, Germany; 6088.
Wilhelm Schaefer; Post Muenster, Kr. Hoechst, Niederhofheim/Taumus, Germany; 6938.
Wilhelm Schäfer; Oberhausen, Rhld., Muelheimerstrasse 153, Germany; 6926.
Wilhelm Schäfer; Bruchhauserstrasse 88, Opladen-Bruchhausen, Rheinland, Germany; 104.
Wilhelm Schäfer; Gutsnerwalter, Gut Schafhof b/Frankershausen, Kreis Eschwege-Bezirk Kassel, Germany.
Wilhelm Adolph Schaefer; Grupenhagen über, Hameln, Germany; 10221.
Wilhelm Friedrich Schaefer; Ebstorf, Bahnmeisterterei (Nelzen), Germany; 8778.
Wilhelm Heinrich Schäffer; Fabbenstedt b/29. Kreis, Luebbecke, Westfalen, Germany; 13773.
Wilhelm Hubert Schäfer; Kreis Aachen, Bardenberg, Pleyerstrasse 32, Germany; 11431.
Wilhelm Max Schäfer; Schlossstrasse 3, Wuppertal-Unterbarmen, Germany; 10614.
Wilhelm Schäfer, c o Mrs. M. Hemmers, Hesselerstrasse 131, Gelsenkirchen, Hessler, Germany; 5677.
Wilhelm Schaffer; Germany; 5991.
Wilhelm Schäfer, c/o John F. Hermann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10465.
Wilhelm Schafer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10465.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Wilhelm Schäffer (Major), deceased; Germany; 23370.
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Wilhelm Schaefer; Koelnerstrasse 68a, Solingen-Ohligs, Germany; 6837.
Wilhelm Schäfer; Mainzerlandstrasse 242, Frankfurt am Main, Germany; 353.
Wilhelm Schäfer; Suess bei Gerstungen, Hessen-Kassel Thueringen, Germany; 356.
Wilhelm Schaefer; Freidbergerstrasse 46, Bremen 8, Germany; 8604.
Wilhelm Schaefer; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10532.
Wilhelm Schaefer; Singe/Hohentwiel, Germany; 10505.
Wilhelm Schäfer; Basaltstrasse 19/III, Frankfurt am Main 13, Germany; 6097.
Wilhelm Schäfer; Humboldtstrasse 59, Ludwigshafen a. Rh., Germany; 5026.
Wilhelm Schäfer; Kepplerstrasse 43, Mannheim, Germany; 5223.
Wilhelm Schäfer; Provinzialstrasse 171, Dortmund-Lutgendortmund, Westfalen, Germany; 5069.
Wilhelm Schäfer; Quettingerstrasse 131, Quettigen-Opladen, Köln, Germany; 9484.
Wilhelm Schafer; Lesum, Bez. Bremen, Germany; 11521.
Wilhelm Schäfer; Hemmelzen, Post Weyerbusch, Kreis Altenkirchen Westerwald, Germany; 17593.
Wilhelm Schäfer; Langenbergerstrasse 244, Essen-Ueberruhr, Germany; 15936.
Wilhelm Schäfer; Block-Heimbach bei Neuwied am Rhein, Germany; 16399.
Dr. Wilhelm Schaeffer; Dierolfstrasse 19, Warms, Germany; 2147.
Wilhelmine Schäfer; Cologne, Germany; 5654.
Wilhelmine Schaefers; (16) Frankfurt a M-Fechenheim 45, Alt-Fechenheim 45, Hessen, Germany (U. S. Zone); 13686.
Wilhelmine Schäfer; c o Legal Committee Office of Provincial Court of Appeal for Poor-Law, Köln, Germany; 6102.
Willi Schäfer; Wirbelau, Wellburg an der Lahn, Reg. Bez. Wiesbaden, Germany; 5145.
Willi (Wilhelm) Schaefer; Kirchstrasse, Linnich (Ruhr), Germany; 9766.
Xaver Schäfer; Holzgünz, Post Ungerhausen/Schwaben, Germany; 11389.
Heinrich Sichelschmidt; Schattwegstrasse 17, Letmathe/Westphalia, Germany; 6730.
Adolf Siebert; Dahre, Kreis, Salzwedel, Germany; 6663.
Friedrich Arthur Siebert; (20b) Bad Lauterberg/Herz, Hauptstrasse 59, Germany (Western Zone); 8362.
George Gottfried Paul Siebert; Germany; 8361.
Wilhelm Siebert; Bad Wildungen, Brunnenstrasse 53, Germany; 6729.
Elise Siede; Neuhaldensleben, Germany; 9721.
Rudolf Siefker; c/o H. Wilh. Kormeyer, Hankenberge, Bez., Osnabrück, Germany; 21042.
Otto Siegfried (Mrs.); Schoenaicherstrasse 9, Boeblingen b. Stuttgart, Wurttemberg, Germany; 5862.
Mrs. Martin Siegle; Pfullendorf, Baden, Germany; 17542.
Maria Magdalena Siehl (Mrs. Karl); Freistett b. Kehl, Baden, Germany; 6717.
Marla Simmacher; Oberbayern, Bobingen 264, Germany; 5454.
Margaretha Simon; Irlich b/Neuwied, a/Rhein, Kirchstrasse 41, Germany; 6955.
Maria Simon; Mittelstrasse 26, Gelsenkirchen, Germany; 5170.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Frau Peter Simon, deceased; Germany; 17861.
Rosalie Singer; Wiedergeltingen, Bavaria, Swabia, Germany; 5455.
Katharine Sinner; Giessen, Hessen, Wartweg 96, Germany; 11568.
Franciszka Siodmiak; Hamborn a/Rhein, Warbruckstr. 42, Germany; 24252.
Gertrud Sirch (Mrs. Sylvester); Breiterweg 76 (22a), Wesel, Germany; 709.
Paul Sobschinski; Anklamer Str. 50, Ueckermunde, Germany; 68.
Kreszenz Socher; Kaufbeuren, Germany; 11395.
Georg Söder; Wickenrode 108, Kreis Witzenhausen, Reg. Bez. Kassel, Germany; 20799.
Martha Elisabeth Söder; c/o Karl Nödler I, Wickenrode No. 12, Kreis Witzenhausen, Bezirk, Kassel, Germany; 20362.
F. W. Knies Soehne; Iserlohn, Germany; 6684.
Frieda Söhlke; Lutherstrasse 28–B, Hannover, Germany; 5695.
Heinrich Söhlke; Fischbeck (Weser), No. 103, Germany; 16534.
Mrs. Gustav Solmecke; Drescheiderhagen, Post, Altroggenrahmede, District Altena, Westphalia, Germany; 5669.
Fritz Sommer; Wentorferstrasse 9, Bergedorf bei, Hamburg, Germany; 5838.
Fritz Sommer; Hamburg-Bergedorf, Wentorferstrasse 9, Hinterhaus, Germany.
Johannes Sommer; Dubbekolt Gehrde, Bergedorf, Vllerlanderstr. 17a, Germany (c o Mr. A. Zylla); 9010.
Hilda Sommereisen; Bismarkstrasse 137, Aachen, Germany; 11314.
Ella Sommerfeld; Bastianstr. 9, Berlin, N. 20, Germany; 6794.
Domiciliary personal representatives, heirsat-law, next of kin, legatees and distributees, names unknown, of Lena Theodora Sonders, deceased; Germany; 5243.
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Margareta Sonnet; Schiessbergstrasse 89, Leverkusen-Wiesdorf Rheinland, Germany; 10023.

Philipp Sonnet; Schiessbergstrasse 89, Leverkusen-Wiesdorf, Rheinland, Germany; 10024.

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Mrs. Henrey Sostmann; Arndstr. 8, Osnabrueck, Germany; 6716.

Therese Speck; Muggensturm, Germany; 10575.

Luise Speckmann; Post Ovenstaedt 68, Kreis Minden (Westfalen), Germany; 23815.

Franz Spengler; Sosberg, Kreis Zell, Bezirk, Koblenz, Germany.

Anna Sperlich; Rosawitz, No. 458, Bodenbach II, Sudetengau, Germany; 24695.

Otto Spiess; Kettlerstrasse 23, Ludwigshafen/Rh., Germany; 10281.

A. Spitzmuller; Offenburg, Germany; 10504.

Georg Spohn; Hafenbad 26, Wul/Donau, Germany; 11396.

Johanna Maria Spohn; Rosensteinweg 23, Ulm/Donau, Württemberg, Germany; 5957.

Friedrich Sponheimer; Kempenfeldrom 61, Post Horn in Lippe, Germany; 77.

Jakob Sprietzer; Grünerhof 18, Köln, Nippes, Germany; 20366.

Dora Charlotte Eleonore Marie Sprengel; Goettinger Chaussee 215, Hannover, Germany; 5006.

Ida Stäbler; Neudorferstrasse 63, Reichenbach-Niederstadt, Eulengeb., Germany; 24787.

Sophie Stäcker (Mrs. Karl); (24b) Kiel, Westring 255, Germany (British Zone); 6737, 15389.

Hans Stackmann (or Johannes); Arendtschildstrasse 1, Northeim (Hannover), Germany; 9500.

Margarete Stahl; Kirschgartenstr. 27, Nürnberg (Bavaria), Germany; 5323.

Matthias Stamms; Lochnerstrasse 24, Bad Aachen, Germany; 12177.

Maria Stauf; Berlinerstrasse, Köln-Dünnwald, Rheinland, Germany; 16025.

Wilhelm Steffen; Barby a/Elbe, Germany; 5037.

Johann Steffens; Düsseldorf-Reisholz, Tönisstrasse 68, Germany; 359.

Anton Stegemann; Munster 1/Westfalen, Droselstrasse 2, Germany; 9932.

Friederika Steimel; Stolberg-Kohlbusch, Buschstr. 133 (Rheinland), Germany; 13475.

Anna Maria Steimels (Mrs. Johann); Höfestrasse 22, Köln-Kalk, Germany; 15830.

Aloys Stein; Mörsdorf, Kreis Kochem, Bezirk Koblenz, Germany.

Maria Ottilia Steinbrenner; Bruchhausen über Karlsruhe, Baden 2, Germany; 9531.

Elisabeth Steinbüchel (Mrs. Wilhelm); Schbebusch-Manfort über, Opladen/Rhein, Germany; 15829.

Alfreda Hildegarde Steiner; Theresiengasse 4, Thür 18, Wien XVIII, Ostmark, Germany; 13817.

Emma Steiner; Hauptstrasse 186, Schwegenheim, Pfalz, Germany; 23816.

Mrs. Johann Steines; Büscheid bei Wittlich, Bez. Trier (Rheinland), Germany; 17205.

Elisabeth Steinfeld; Bahnhofstrasse 6, Schlüchtern, Bez., Kassel, Germany; 456.

Alfred Steinhauer; Herrenstrasse 14, Hohenlimburg, Germany; 8710.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Carl August Steinhauer, deceased; Germany; 11318.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Emmi Steinhauer, deceased; Germany; 8715.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Friedrich Steinhauer, deceased; Germany; 11319.

Gustav Steinhauer; Goldbeckufer 6/III, Hamburg 39, Germany; 6687.

Wilhelm Steinhauer; Hefersweilerstrasse, Wolfstein (Pfalz), Germany; 6688.

Mathias Steinheuer; Hindenburghoehe, Erpel/Rhein, Germany; 6718.

Katharina Steinkamp; Alfhausen bei Bersenbrück, Bezirk, Osnabrück, Germany; 14290.

Christiane Steinmetz; Weisbaden, Ludwigstrasse 8, Germany; 24063.

Willibert Steinmetz, Schmiedstrasse 3, Katzweiler bei Kaiserslautern, Germany; 22383.

Auguste Steinsiek; Lachem bei Hameln No. 71, Germany; 16543.

Wilhelmine Steller; Imsweiler Rheinpfalz/22b, Germany (French Zone); 23690.

Bernhard Stelz; Emmendingen, Baden, Germany; 5058.

Mrs. Stember; Neustr. 13, Bueren/Westfalen, Germany; 6715.

Sabina Stenz; Wecher No. 10, Landkreis Erlangen, Germany; 6715.

Anna Sticket; Mimmenhausen 17B, Baden, Germany; 6823.

Adolf Stief; Hauptstrasse 45, Fellhammer-Süd, Kreis Waldenburg in Schlesien, Germany; 15921.

Maria Stier; Heerstr. 4, Bonn am Rhein, Germany; 6690.

Franziska Driesch Stock; Frankfurt a/m, Oskar, V. Millerstrasse 3, Germany; 9604.

Wilhelmine Friederike Charlotte Stock; Hessendorf bei Rinteln a. d. Weser, Germany; 8759.

Fritz Stöckle; Lindauerstr. 7, Goggingen-Augsburg, Germany; 11397.

Elisabeth Monika Stöcklein; Gottesauerstrasse 1, Karlsruhe, Baden, Germany; 9529.

Christine Stoeckel; Iningerstr. 21 b. bei Stepmeier, Haunstettin bei Augsburg (Bayern), Germany; 6721.

Wilhelm Steinhauer; Haynstrasse 21, Hamburg 20, Germany; 11320.

W. Stoerkel; Gegernstr. 5, Frankfurt/M, Germany; 6692.

Domiciliary personal representatives heirs-at-law, next of kin, legatees and distributees, names unknown, of Caroline Schaefer Stoll, deceased; Germany; 6710.

George Stoll; Altenheim 1/B, Germany 10516.

Jakob Stoll; Königstrasse 14, Saarbrücken 5, Burbach Germany; 81.

Margarethe Stopperich; Rheinbrohl am Rhein (22b), Bezirk Koblenz, Bitzerweg 29, Germany; 13623.

Berta Strack; Driesen (Neumark) Gartenstrasse 7, Germany; 21125.

Karl Strack; Düppelstrasse 15 Brandenburg (Havel), Germany; 21053.

Reinhold Strack; Wilhelmstrasse 12, Driesen (Neumark), Germany; 21124.

Ferdinand Strandt; Habichtswalderstr. 28, Kassel, Cross-Hessen, Germany; 6719.

Karl Strauss; Birkenweg 65, Limburgerhof/Pfalz, Germany; 252.

Katharina Margaretha Strauss; Tanzstrasse, Edenkoben (Pfalz), Germany; 10757.

Clara Streeck; Deutschestrasse 29, Stettin, Germany; 17671.

Susanna Streit; Budingen, P. 18, Post, Schemmlingen, Krs. Merzig, Sarrgebiet, Germany; 5162.

Elise Streitberg (Mrs. Johann); Cornelius-strasse 3, Köln am Rhein, Germany; 5094.

Berta Strohmeier; Viktorinstrasse 23, Bielefeld, Germany; 4451.

Josepha Stromeyer; Obermeitingen 43, Oberbayern, Post Schwabmünchen, Germany; 5456.

Georg Stroth; Brunzlau, St./S., Germany; 23850.

Wilhelmine Struck; Viereck, Post Pasewalk-Land, Germany; 5528.

Christmann Stubanus; Ottenheim, Baden, Germany; 10538.

Emma Stukenbrok; Detmold-Lippe, Paulinenstrasse 46, Germany; 282.

Engel Stummeyer; Riepen 59, Post Haste, Land Bez., Hannover, Grafschaft S, Germany; 12130.

Johanna Sturm; Lueneburg, Germany; 9011.

Mrs. Franziska Stüsser; Rochussstrasse 108, Cologne-Bickendorf, Germany; 4427.

Louise Stutenmund; Grovestr. 6/II, Hamburg, Germany; 12117.

Elise Sudowe; Hollage, Post Wallenhorst bei Osnabrück, Germany; 14285.

Mr. Sunnen; Navigeserstr. 268, Birken über Wuppertal-Vohwinkel, Germany; 6954.

Philipp Schäfer-Sutor; Köln Dellbrück, Beethovenstrasse VI, Rheinland, Germany; 11770.

Christine Sutter; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10428.

Friedrich Sutter; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10433.

Willy Sutter; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10431.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Luch Johanna Szieszewski, deceased; Germany; 5466.

Jeno Szucs; D. P. Camp "D" 2929, Assembly Centre, 20/b Heerte, uber Braunschweig, Germany.

T

Erna Tacke; Friedrichstrasse #7, Loehne, Bahnhof (Westf.), Germany; 2912.

Heinrich Taebel; Hagen bei Knesebeck, Kr. Gifhorn, Germany; 9504.

Karl Taebel; Wettendorf/Wittingen, Kr. Gifhorn, Germany; 9505.

Marianna Talarowska; Wattenscheid, Hanzastrasse 18, Westfalen, Germany; 24269.

Engel Dorothee Tatge; Bad Nenndorf, Gratschaft, Schaumburg, Germany; 16698.

Greta Tautz; Ringstrasse 10, Pasewalk, Pommern, Germany; 5718.

Wilhelm Tegeler; Flachsstrasse 212, Rahden, Kreis Lubbecke (Westfalen), Germany; 15922.

Paul August Conrad Tegtmeier, 13 Menzelstrasse, Ricklingen, Hannover, Germany; 10733.

Gertrud Tellers; c/o Dr. Ing. Hermann Tellers, Oppenerstrasse 2, Wuerselem b/Aachen, Rheinland, Germany; 17692.

Friedrich Temme; c/o H. Wilh. Kormeyer, Hankenberge, Bez. Osnabrück, Germany; 21046.

Widow Temme; c/o H. Wilh. Kormeyer Hankenberge, Bez. Osnabrück, Germany; 21040.

Wilhelm Temme; c/o H. Wilh. Kormeyer, Hankenberge, Bez. Osnabrück, Germany; 21039.

Julie Tesch; Neustadt 31, Wismar 1., Mecklenburg, Germany; 6796.

Therese Thalmaier; Stammelestrasse I, Peissenberg, Oberbayern, Germany; 5457.

Dietrich Thamer; Plettenberg, Westfalen, Germany; 10114.

Maria Thamer; Dortmund-Aplerbeck, Westfalen, Aplerbeckerstrasse 460, Germany; 10115.

Caroline Thebille; Paderborn in Westfalen, Kettelerstrasse, Germany; 611.

Elisabetha Theis; Kaiserslautern (Rheinpfalz), Friedenstrasse 37, Germany; 23701.

Jakob Theisen; Berlinerstrasse 896 Köln-Dünnwald, Germany; 431, 9481.

Mrs. Josef Thelen; Bonn, Germany; 4962.

Maria Christina Thelen; Nöllstrasse 3, Köln-Mülheim, Rheinland, Germany; 16026.

Elli Theune; Jahnstr. 17 I, Braunschweig Germany; 10106.

Elisabeth Thiel; Heinsruckenstrasse 5, Dusseldorf, Germany; 5884.

Katharine Thiel; Temmels bei Trier, Germany; 17443.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Anna Thielebien, deceased; Germany; 24863.

Heinrich Thies; Hilter (Teutoburgerwald) 31, Germany; 21043.

Wilhelm Thies; Hilter (Teutoburgerwald) 103, Germany; 21044.

Anna Sophie Marie Thöle; Helzendorf, Kreis Hoya, Prov. Hannover, Germany; 113.

Anna Thomas; Viereck, Pommern, Germany; 5535.

Bruno Thomas; Rostock in Mecklenburg, Kossfelderstrasse 20, II, Germany; 274.

Katharina Thomas; Willroth bei Horhausen, Ueber Neuwied/Westerwald, Germany; 11270.

Marie Thomas; an der Schnelle 63, Prenzlau, Uckermark, Germany; 5881.

Martha Maria Thomas; Veireck Pommern, Kreis Uckermunde, Pasewalk-Lande, Germany; 5534.

Otto Thomas; Hoppenwalde b. Ueckermunde Pom., Germany; 10880.

Antonie Thome; Steinstr. 108, Gladbeck i/W., Germany; 206.

Franz Thome; Steinstrasse 108, Gladbeck in Westphalia, Germany; 6799.

Margarethe Thumann; Mundenheimerstrasse 257, Ludwigshafen am Rhein, Germany; 83.

Wanda Tiedemann; Robert Koch Platz 3, Berlin, N. W. 7, Germany; 11571.

Karl Tietz; Kirchstrasse 55 A, III Dusseldorf am Rhein, Germany; 6802.

Elisabeth Tils; Niederdrees, Rheinbach-Land, Germany; 24671.

Toelle; c/o Joseph Wiegart Killianstrasse, Paderborn, Germany; 52.

Margarethe Toelle; Delbrueck No. 172, (Westf.), Germany; 617.

Maria Toelle; Geseke (Westfalen), Westmauer 13, Germany; 461.

Frieda Toerner; Jungmannstrasse 25, Hamburg, Germany; 23817.

Franz Tofall; Bielefelderstrasse 3, Bad Lippspringer (Westfalen), Germany; 5265.

Johannes Tokarski; Dresden, Germany; 5086.

Katharina Tokarski; Wallottstrasse 22, Dresden, Germany; 5085.

Meta Töpfer; Regensburgerstrasse No. 104–I, Germany; 4444.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Christine Torge, deceased; Germany; 17812.

Arnold Torhorst; am Market 46, Lengerich in Westphalia, Germany; 44445.

Frieda Törner; Jungmannstrass 25, Hamburg, Germany; 23323.

Charlotte Traube; Wickenrode 178, Post Grossalmerode, Hessen-Nassau, Germany; 13594.

Maria Trautwein; 13 B. Markt Wald uber Buchloe, Reg. Bez., Augsburg, Bavaria, Germany (U. S. Zone); 15923.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Rosine Trebing, deceased; Germany; 20375.

August Trebing; Wolferlingen (Westerwald), Post Freilingen, Germany; 20376.

Karl Trebing; Gewerkenstr. 56, Essen-Altenessen, Germany; 20376.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Martha Trebing, deceased; Germany; 20376.

Anna Treitz; Kothen, Unterfranken, Bayern, Germany; 7312.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Margarethe Trepper, deceased; Germany; 8714.

Emil Trepper; Bissinghelm 61, Hagen, Germany; 11572.

Ernst Emil Trepper; Waldorfstr. 3, Hagen, Westfalen, Germany; 457.

Emil Karl Friedrich Trepper; Muhlinghausen uber Milspe, Germany; 9096, 11315.

Hans Hugo Trepper; Mainstr. 20, Hagen (Westf.), Germany; 9093.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hugo Trepper, deceased; Germany; 9094.

Käthe Trepper; Hohenzollernstrasse 79, Koblenz am Rhein, Germany; 9091.

Paula Trepper; Hohenzollernstrasse 79, Koblenz am Rhein, Germany; 9091.

Robert Trepper, Bleckenburgerstrasse 4, Magdeburg-Buckau, Germany; 8703.

Rudolf Trepper, Rembergstrasse 37, Hagen in Westfalen, Germany; 8701.

Werner Trepper; Adolf Hitler Str. 3, Ratingen, Germany; 9088.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Anna Treppmann, deceased; Germany; 1035.

Johann Treppo; Vienna XVI, Friedmanngasse 18, Osmark, Germany; 17300.

Adolf Triesch; Birkenau, i. Odenwald, b. Weinheim a. d. B., Germany; 6795.

Karl Heinrich Trieschmann; Widdershausen (Werra), Bezirk Kassel, Germany; 10761.

Mathilde Trinsch; c/o Hermann Trinsch, Kaufungerstrasse 16a, Kassel, Germany; 15576.

Dorothea Trollmann; Rendsburg, Fockbecker, Chaussee 6, Germany; 23107.

Oskar Trümper; Langenhain, Über Eschwege/Werra, Germany; 5227.

Lina Trutter; 4. Ebnersgasse, Nuernberg, Germany; 1581.

U

Joh. Doris Anna Uber; Wilhelmstrasse 24, Striegau, Germany; 8782.

Hermann Uffelmann; Sechsigstrasse 25, Cologne-Nippes, Germany; 5100.

Friederike W. Uhlendorf; Minden (Westfalen), Am Brühl 1, Germany; 8772.

Karl Uhrhan; Somborner strasse 38, Post Kley, Dortmund-Somborn/Westfalen, Germany; 5067.

Robert Ullmann; Mittelstrasse 7/1, Bremerhaven, Germany; 149.

Herbert Ullrich; Wilskistrasse 47, Berlin-Zehlendorf, Germany; 15449.

Karolina Ullrich; Reisberg, Germany; 23760.

Kurt Ullrich; Allensteinerstrasse 14, Berlin, N. O. 55, Germany; 11721.

Maria Ullrich; Hufelandstrasse 46, Berlin, N. O. 55, Germany; 5376.

Valeria Ullrich; Hufelandstrasse 46, Berlin, N. O. 55, Germany; 5375.

Walter Ullrich; Hufelandstrasse 19, Berlin, N. O. 55, Germany; 15451.

Willi Ullrich; Unionstrasse 3, Berlin N. W., Germany; 15450.

Elisabeth Hassler Ulmann; c/o Albert Gleichauf, Hadurgstrasse 10, Singen (Hohentwiel), Germany; 25504.

Maria Eva Unser; Muggensturm, Germany; 10576.

V

Wilhelmine Van De Sande; Germany; 968.

Bernhardine Vargel; Immendingen 1/Baden, Germany; 10432.

Rosine Brandt Vaupel; Wickenrode 116, Reg. Bez. Kassel, Germany; 11203.

Margarethe Vauth; Tieckstrasse 27, Hannover-Kleefeld, Germany; 16540.

Maria Barbara Veit; Suedallee 4, Trier, Germany; 21957.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Bernhard Veltin, deceased; Germany; 106.

Franz Veltin; Attendorn in Westfalen, Germany; 5650.

Maria Veltin; Marienheim, Gereonswall 26, IV, Koeln, Germany; 12957.

Walter Verse; Bad Friedrichshall-Jagstfeld, Plarrstrasse 2 I, Wurtt, Germany (U. S. Zone).

Elise Viel; Ulm an der Donau, Pionierstrasse 26, Germany; 10286.

Christoph Schäfer Vierson; Alte-Bruchstrasse 28, Rheinland, Germany (British Zone).

Lucie Vincentz; Bornum b/Bockenem, (Hass) Hans Hermann 2, Germany; 11441.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Louise Wilhelmine Vinz, deceased; Germany; 20475.

Maria Visarius; Koenigstrasse 23–a, Hagen 1/Westphalia, Germany; 5664.

Marie Vogel; Moltkestrasse 13, Dresden, N. 23, Germany; 9650.

Anna Vogelgesang; Kirchheimbolanden Rheinpfalz, Glaserstrasse 6, Germany; 5891.

Camilla Vogl; Vienna XII, Rosenhügelstrasse 114, Ostmark, Germany; 5501.

Luise Vogler; Singen-Hohentnil, Kleiststr. 28, Baden, Germany.

Ludwig Vogt; Löwengasse 15, Giessen in Hessen, Germany; 5665.

Margarethe Vogt; Soemmeringstrasse 71, Koeln-Ehrenfeld, Germany; 13643.

Adolf Volgt (Mrs.); Katernberger-Schulweg 86, Wuppertal-Elberfeld, Germany (British Zone).

Katharine Voland; Heinrichstrasse #4, Bad Soden am Taunus, Germany; 2058.

Else Völker; Opladen-Lützenkirchen-Hufe, Rheinland, Germany; 16027.

Erna Völker; Friedrichtrasse Nr. 3, Wetter (Ruhr), Germany; 10122.

Franz August Hermann Völl; Berlin-Tempelhof, Schönebergerstrasse 6, Germany; 17497.

Anna Volland; Wickenrode, Post Grossalmerode, Bez. Kassel, Germany; 5890.

Amalia Magdalena Elisabeth Vollmer; Altona-Gr. Flottbek, Stockkamp 2, Germany; 2297.

Maria Volz; Muggensturm 1/B, Germany; 10545.

Nikolaus Volz; Gamshurst, Germany; 10523.

Karl Völzing; (16) Bad Homburg v. d. H., Kreis Obertaunus, Land Hessen, Germany (U. S. Zone).

Selma Frische Von-Beckfort; Weststrasse 74, Wuppertal-Elberfeld, Germany; 5869, 6970.

Gustel Von Levetzow (Mrs.); Hohenmistorf, Mecklenburg, Schwerin, Germany; 10289.

Elly Von Rueden; Moltkestrasse 10, Hagen/Westfalen, Germany; 10287.

Dora Frieda Hermine Vorhauer; Fuhlendorf bei Barth (Pommern), Kreis Franzburg-Barth, Germany; 4615.

Anna Voss; Barnerstrasse 6, Altona, Germany; 22812.

W

Elisabeth Wachter; Hollage 59, Post Wallenhorst bei Osnabrück, Germany; 14305.

Eduard Ferdinand Waechter; Karlsruhe (Baden), Kaiserallee 52, Germany; 8000, 10403.

Hedwig Waechter; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10405.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Adam Wagner, deceased; Germany; 24273.

Ingaborg Wagner; Ludwigsfeld, Kreis Teltow, Ernst Thalmannstrasse 57, Germany; 20582.

Klaus Wagner; Herrenstrunden, Bergisch Gladbach bei Köln, Germany; 10299.

Luise Wagner; Obere Schmiedgasse 1/II, Nuernberg A., Germany; 6835.

Mary Schaefer Wagner; Emil Hechelstrasse 5, Mannheim, Baden, Germany; 7608.

Veronika Wagner; Winkel 26, bei Landsberg/Lech, Germany; 11398.

Hubert Wahls; Kuchenheim, Kreis Euskirchen, Rheinland, Germany; 5107.

Selma Walbrecht; Wuppertal-Elberfeld, Ravensbergerstrasse 55, Germany; 8981.

Helene Walbröhl; Unkel (Rhein), Kreis Neuwied, Germany; 20668.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Gertrud Waldmann, deceased; Germany; 4971, 10663.

Franz Heinrich Walkenhaus; Ofden, Landkreis, Aachen, Germany; 5083.

Margarethe Walker; Haydnstrasse 7, Fredersdorf bei Berlin, Germany; 15905.

Elisabeth Wallenfels; Giessen/Hessen, No. 15, Loewengasse in Giessen, Germany; 5237.

Franz Xaver Walsdorf; Friedrichstrasse 110, Duesseldorf, Nord-Rheinprovinz, Germany (British Zone); 13626.

Matthias Joseph Walsdorf; Niederluetzlingen, Bezirk Koblenz, Germany; 13615.

Paul Walsdorf; Eupenerstrasse 33, Duesseldorf-Heerdt, Germany; 13627.

Peter Walsdorf; Friedrichstrasse 110, Duesseldorf, Germany; 13629.

Amalia Walter; (16) Horgenau, Post Herbstein, Hessen Germany; 23453.

Magdalena Walter; Josefstrasse, Iffezheim, Rastatt, Germany; 175.

Mary Walter; Ottenheim, Baden, Germany; 10537.

Frieda Walz; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10406.

Pauline Walz; c/o John Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10426.

Wilhelmina Wawra; Kassel-Harleshausen, An der Rehwiessen, Germany; 6846.

Albert Weber; c/o Wilhelm Hanitzsch, Hahnerbergerstrasse 17, Wuppertal-Elberfeld, Germany; 9774.

Karolina Weber; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10430.

Karolina Weber; Westerringen 189, Einöde, Post Gennach, Germany; 5458.

Katharina Weber; Kempen, Rheinland, Vorsterstrasse 44, Germany; 9479.

Nikolaus Weber; Wickenrode, Post Grossalmerode, Kreis Witzenhausen, Germany; 21034.

Mrs. Robert Weber; c/o Robert Weber, Lamsborn, Landstuhl-Land, Rheinpfalz, Germany; 9480.

Elisabeth Wegele; Raisting bei Diessen, Germany; 11399.

Rosina Weger; Oberfinning, Oberbayern, Germany; 5459.

Maria Wegner; Sedanstrasse 77, Berlin, Weissensee, Germany; 6816.

Thrine Engel Marie Wehmhoyer; Bad Neundorf, Grafschaft Schaumburg Lindenallee 12, Germany; 16699.

Christian Wehmeier; Valdorf 31 bei Vlotho/Weser, Germany; 5219.

Friedrich Ludwig Hermann Wehrmann; Geimania Drogerie Vlotho a. d. Weser, Germany; 4153.

Willy Weiand; Neuenhaus 5, Koeln-Paffrath, Germany; 287.

Anna Marie Auguste Weichbrodt; Faerberstrasse 40, Swinemuende, Germany; 5895.

Emma Weick; Schillerstrasse 15, Bruchsal, Baden, Germany; 9526.

Anny or Agnes Weidemann; Hannover-Linden, Posthornstrasse 29, Germany; 10051, 13760.

Elisabeth Weiersbach; Gneisenaustrasse 43, Trier/Mosel, Germany; 14177.

Nikolaus Weiersbach; Treres/Moselle (22b), Nikolausstrasse 29, Rhinlande-Palatinate, Germany (French Zone); 14002.

Karl Weigand; Augsburg, Metzgplatz, C 274/11, Germany; 222.

Lina Weigle; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10444.

Elisabeth Weib; 16,1 Ohlstadterstreet, Munich 25, Germany.

Louise Weihe; Bensen No. 7 bei Rinteln, Germany; 16537.

Hans Weilocher; Rosenheim Münchnerstr. 66 0, Bavaria, Germany (U. S. Zone).

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Kaethe Weiler, deceased; Germany; 9515.

Mr. & Mrs. Josef Weinand; Wegstrasse 25, I, Hamburg, Germany; 5140.

Anna Luise Weindel; Mollstrasse 16, Mannhein, Germany; 9750.

Erich Norbert Weindel; Mannheim-Feudenheim, unteres Kirchfeld 13, Walter-Flexstrasse 1, Germany; 9752.

Hedwig Lina Weindel; Haslach, Kinzigthal, Baden, Germany; 9533.

Dr. Kurt Weindel; Mannheim, Baden, Meerwiesenstrasse 19, Germany; 9751.

Maria Gisela Weindel; Haslach Kinzigthal, Baden, Germany; 9532.

Marie Weinmeister; Vollmarshausen, Bez. Kassel, Germany; 17785.

Christian Weinreich; Obertor 12, Homberg, Bezirk, Kassel, Germany; 10935.

Carl Weirich; Sulzbach-Saar am Bahnhof 2, Germany; 5093.

Hermann Weirich; Machabaerstrasse 65, Köln-Rhein, Germany; 5092.

Ludwig Weirich; Viktoriastrasse 81, Darmstadt, Germany; 20821.

Johann Weiss; Hochhausen am Neckar, Baden, Germany; 416.

Dr. Phil. Theod. Weiss; Bonnerstr. 23 F, Koln, Germany.

Theodor Weiss; Hochhausen am Neckar, Baden, Germany; 417.

Wilhelmine Weiss; Altenessenerstrasse 405, Essen-Altenessen, Germany; 17811.

Anna Weitzel; Münchmühle, Allendorf, Kreis Marburg a/Lahn, Germany; 16032.

Anton Weitzel; Münchmühle, Allendorf, Kreis Marburg a/Lahn, Germany; 16028.

Charlotte Dorothea Weitzel; Fuerstenau in Hannover, Germany; 6836.

Maria Elisabeth Weitzel; Münchmühle Allendorf, Kreis Marburg a/Lahn, Germany; 16031.

Christine Welle; Kehl a/Rhein, Germany; 10500.

Luise Weller; Altzbach bei Wetzlar, Germany; 12868.

Magdalena Maria Welslau; Paderborn in Westfalen, Herbert Norkusstrasse 27, Germany; 607.

Mrs. Wilhelmine Wende; Ludgeristrasse 62, Muenster in Westfalen, Germany; 691.

Josefine Wenzel; Hinter der Schönen, Aussicht 4, Frankfurt am Main, Germany; 11786.

Meta Werk; Reimannstrasse 49, Salzwedel 1. d. Altmark, Germany; 9351.

Gertrud Werker; Opladen-Holzhausen bei, Möller, Rheinland, Germany; 16033.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Pauline Werkmeister, deceased; Germany; 9308.

Emma Werner; Cuorystrasse 30/IV, Berlin, S. O. 36, Germany; 589.

Kathe Wesen; (22a) Frecheu b/Köln, Ulrichstr. 11, Köln, Land, Germany.

Auguste Wessling; Osterberg-Lotte 45, bei Tecklenburg, Germany; 2799.

Katharina Hesse Westergerling; Funkerstrasse 11, Neuwied am Rhein, Germany; 24439.

Adam Konrad Westermann; Widdershausen, Werra, Kreis Hersfeld (Kassel), Germany; 2731, 5249.

Alois Wetzel; Bolstern, Kreis Saulgau, Württemberg, Germany; 9313.

Oskar Wetzel; Bolstern, (Saulgau) Württemberg, Germany; 9311, 9852.

Anna Weyand; Dillingen-Saar, Heiligenbergstrasse 12, Germany; 14003.

Matthias Weyand; Swinemünde, Adolf. Hitler Platz (gegenuber der Post) Germany; 17429.

Minna Weyrauther; (Münder-Deister), Prov. Hannover, Pohle, 60, Germany; 448.

Maria Wibel; Pfafferode b. Muchlhausen/Thuer, Germany; 9723.

Ann Gertrud Wicke; Dennhausen, Bez. Kassel, Germany; 17787.

Ida Wicker; Oberwaldhausen (Saulgau), Württemberg, Germany; 9309.

Joseph Wicker; Niederklein, Kreis, Marburg a/L, Reg. Bez. Kassel, Germany; 16034.

Mathilde Widmayer; Köln am Rhein, Zülpicherstrasse 21, Germany; 5697.

Antonie Wiedemann; Drentwettstrasse 11/0, Augsburg (Bayern), Faerberstrasse 19/11, Germany; 107.

Barbara Wiedemann; Gruenbaumgasse 1, Kempten (Bayern), Germany; 109.

Johannes Wiedenstritt; Hermannstrasse 4, Castrop-Rauxel II (Westf.), Germany; 462.

Kaspar Wiedenbauer; Schulstrasse 31/I lks., Munich, Bavaria, Germany; 5461.

Joseph Wiedenstritt; Siddinghausen ueber, Buern (Westf.), Germany.

Joseph Wiegard; Killianstrasse 24, Paderborn, Germany; 6852.

Carl Ludwig Rudolf Wiemer; Busenscher Weg. 19, Berlin-Fredersdorf, Germany; 6818.

Walter Wiemer; Am Treptower Park 27, Berlin, S. O. 36, Germany; 514.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Emilie Auguste Wieschemann, deceased; Germany; 6817.

Katharina Wiese; c/o Emil Wiese, Worms/Rhein, Germany; 9469.

Johanna Wilfert; (22a) Büderich bei Duesseldorf (Nordrhein-Westfalen), Schillerstr. 12, Germany.

Anna Wilhelm; Elizabethstrasse 10, Neuwied am Rhein, Germany; 433.

Oskar Wilhelmi; Reichstrasse Plaidt bein Koblez (Rheinland), Germany; 26926.

Caroline Wilkening; Steinbergen 109 bei, Bückeburg (Schaumburg-Lippe, Germany; 15404.

Heinrich Wilkening; Steinbergen Nr. 152, Schaumburg-Lippe, Germany; 20381.

Karl Wilking; Rothselberg, Germany; 23685.

Irmgard Willig; Ferd. Wallbrechtstrasse 15, Hannover, Germany; 22716.

Luise Schaefer Willmann; Gelsenkirchen (Rhein), Admiral-Scheer Strasse, Germany; 9937.

Barbara Wind; Bahnhofstr. 104, Palatinate, Edenkoben, Germany; 10786.

Friedrich Windmann; Obernbeck 143 b/Löhne, Westfalen, Germany; 8443.

Wilhelmane Windmann; Obernbeck 419 b/Löhne, Westfalen, Germany; 8440.

Mrs. Heinrich Winkler; Schlosstrasse 34, Wattenscheid, Eppendorf (Westfalen), Germany; 16497.

Max Winkler; Meissen/in Sachsen, Heumarkt 33/1, Germany; 21182.

Irmgard Winter; Hochheimerstr. 123, Worms/Rhein, Germany.

Marie Elisabeth Winterberg; Herzbergerstr. 19, Bremen, Germany; 12004.

Sophie Winterle; c/o John F. Herrmann, Bernhardstrasse 9, Karlsruhe (Baden), Germany; 10456.

Philomena Winterstetter; Adolf Hitlerstr. 66, Landsberg/Lech, Germany; 11379.

Agnes Wintgens; Lilliencronstrasse 12, Duisburg, Rhein, Germany (British Zone).

Margaretha Wirtgen; Horhausen (Westerwald), über Neuwied (Rheinland), Germany; 11257.

Sofie Luise Dorothee Wissmer; Beeke Str. 52 A II, Ricklingen Hannover, Germany, 10737.

Adolf Witte; Süderstrasse, 133/IV, Hamburg 26, Germany; 5939.

Mathilde Witthus; 56 Forstrasse, Meisen, bei Minden, Westfalen, Germany; 9560.

Justina Wittka; Mährisch Neustadt, Jos. Gocbigasse 5, Sudetengau, Germany; 17[illegible]0.

Marie Wittman; Walpernhain Nr. 47, a über Eisenberg/Thur, Germany; 23441.

Elisabeth Witzell; Frankfurt am Main, Wasserweg 25, Germany; 7614.

Johanna Wobig; Berlin-Wilmersdorf, Germany; 6965.

Marie Wöhl; Bremer-Chausse 1, Marmsdorf, bei Harburg, Germany; 9341.

Susanne Wohlfarth; (16) Dieburg, Zuckerstrasse 6, Germany.

Alois Wolf; Waldstrasse 5, Höhr-Grenzhausen, Kres., Montabaur, Germany; 16035.

Edmund Wolf; Frankenstrasse 8, Germany; 21037.

Margareta Wolf; Nauroth, Kr. Untertaunus, Germany; 16924.

Maria Wolf; Roitz bei Spremberg (Niederlausitz), Brandenburg, Germany; 24306.

Marie Wolf; Oberahr. bei Meudt, Kreis Ober Westerwald, Germany; 16036.

Mathilde Wolf; Vienna XIII, Meiselstrasse 78 Th. 35, Ostmark, Germany; 6976.

Hilde Wölfel; Walfram von Eschenbachstrasse 10, Hamborn, Germany; 23974.

Betty Louise Wolff; % Franz Hasse, Caffamacherreihe 53, Hamburg 63, Germany; 5465.

Georgine Wolflein; Zollnerstr. 10, Bamberg (Bavaria), Germany; 5222.

Johannes Wolfram; Dörnhagen bei Kassel, Germany; 17780.

Ludwig Heinrich Wolfram; Dörnhagen bei Kassel, Germany; 17779.

Major Erich Wollmar; Seeblick 5, Kiel, Germany; 5032.

Elisabeth Wolter; Birkinallee 8a, Stettin, Germany; 5893.

Widow Wölterhoff; Bruningstrasse 5/0, Wuppertal-Elberfeld, Germany; 21080.

Conrad Heinrich Wolters; Bandoln, Guskop, Kreis Pommern, Germany; 10736.

Martha Wollerstorff; Brome Kreis Gifhorn, Provinz Hannover, Germany.

Maria Wolz; Muggensturm i. B., Germany.

Adamine Wopata; Dorf Haaf No. 8, Post Amstetten, Niederdonau, Germany; 23738.

Hans Joachim Worms; (24b) Pinneberg/Holst., Germany.

Elisabeth Anna Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9469.

Franz Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9471.

Johannes Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9467.

Josef Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9470.

Ludwig Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9465.

Ludwig Friedrich Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9466.

Maria Wöstefeld; Baarestrasse 1, Bochum (Westf.), Germany; 9468.

Marta Wrocklage; Viereck b/Rasewalk, Germany; 5721.

Alfred Wruck; Koonstrasse 7, II, Marienburg, West, Prussia, Germany; 23851.

Mrs. Wuehr; Munich, Germany; 10759.

August Wuellner; Klosterbauerschaft No. 207, Kreis Herford (Westf.), Germany; 540.

Marie Wuensche; Albertstrasse 54, Hamm in Westfalen, Germany; 10300.

Erich Wuertemberger; Bodenbach, Post Bad, Schandau II, Bez., Dresden, Germany; 20694.

Rosa Wuertemberger; c/o Anna Hänsch, Danndorfstrasse 8, Dresden-A. 20, Germany; 20370.

August Wuestenfeld; Witten-Annen, Herdeckerstrasse 43, Germany; 10778.

Anton Wuestner; Ringstrasse, Büren in Westfalen, Germany; 5057.

Martha Friederike Wulf; Berlin-Charlottenburg, Germany; 21224.

Fritz Wullbrandt; Möllbergen 147 bei Minden in Westf., Germany; 11442.

Karoline Wusteney; Elisabethstrasse 5, Nienburg a/Weser, Hannover, Germany; 23310.

Lina Wycisk; Bergstr. 24, 2 Etg., Beuthen (Oberschesien), Germany; 20485.

Z

Anna Zacharias; Rostockerstrasse 33, Berlin, N. W., Germany; 10751.

Erna Zacharias; Burgholstr. 60, Dortmund, Germany; 9095.

Michael Zartkowiak; Reiklinghausen S III, Mervelotstr. 227, Westfalen, Germany.

Berta Zech; Milse 83 bei Bielefeld, über Bielefeld 2, Germany; 9336.

Maria Zech (Mrs. Peter); Gülleshelm bei Horhause/Westerwald über Neuwied, Rheinland, Germany; 11342.

Frieda Wilhelmine Zemke; Graudenzerweg 15, Stargard in Pommern, Germany; 11579.

Sophie Zepke; Lindenstrasse 42, Schwerin/Warthe, Grenzmark, Germany; 23818.

Wilhelm Zepke; 22c Rösrath (Bz. Köln), Hauptstrasse 25c, Germany (North Rhine Province); 24696.

Berta Zeplin; Grabenstrasse 5, Wollin in Pommern, Germany; 6860.

Bernhard Zerfas; Ober Sayn, Kreis, Westerburg, Germany; 16038.

Marie Zerfas (Mrs. Adam); Ober Sayn, Kreis, Westerburg, Germany; 16037.

Peter Zerfas; Koln-Deutz, Helenen-Wallstrasse 127, Germany; 17453.

Stefani Zerfass; House No. 55, Windsbach/Mfr., Bavaria, Germany (U. S. Zone).

Christian Ziegler; Karlsruhe-Rintheim, Germany; 10521.

Emma Ziehmer; Fettenbach (Pfalz), Germany; 23692.

Adam Heinrich Zier; Rolandstrasse 27, Bochum-Werne, Germany; 144.

August Zier; Boltestrasse 47, Bochum, Werne, Germany; 143

Anna Margartha Zilch-Friedewald; Germany; 5589.

Gertrud Zimmer (Mrs. Aloys); Leverkusen-Wiesdorf, Germany; 16039.

Marie Zimmer; (24) Rellingen in Holstein am Markt 10, Germany (British Zone); 20695.

Margaretha Zimmer; Minfeld, Germany; 10552.

Heinrich Zimmerman; Duren/Nord-Rheinpr. Frobelstr. 23, Germany (British Zone); 4945.

Agnes Marie Zimmerman; Hohenwutzen-Ost über, Bad Freienwalde an der, Oder, Germany; 16839.

Heinrich Zimmerman; Fröbelstrasse 23, Düren, Rhineland, Germany; 5154.

Herman Kretzchmar Zimmerman; Gröden N. 200, Post, Elsterwerda-Land, Germany; 13953.

Isabella Zimmerman; Hilpertshausen, Bayern, Unterfranken, Germany; 12560.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Mrs. Joseph Magdalena Zimmerman, deceased; Germany; 4945.

Maria Zimmermann; Elysiumstrasse 36, Eingang Adolstrasse, Stettin, Germany; 5946.

Maria Franziska Zimmerman; Tengstrasse 24/11 G. H., München 13, Bavaria, Germany; 5947.

Maria Katharina Zimmerman (Mrs. Georg); Färberbachstrasse 118, Meudt, Kreis Ober, Westerwald, Germany; 16040.

Martha Zingrele; Eisenschmiede 79, Kassel, Germany; 20795.

Joseph Zingg; Kempten/Allgaü, Saarlandstrasse 52, Bavaria, Germany; 5565.

Armin Zinn; Waldeide an der Memel, Krs. Tilsit-Ragnit, Germany; 21180.

Emma Zirkel; Steinforthhof 20, Essen West, Germany; 7317.

Willi Zirkel; Crampestrasse 27, Essen, Germany; 7315.

Wilhelm Zitterbaum; Schlichtingstrasse 2, Kiel, Schleswig, Holstein, Germany; 4610.

Fritz Zoeberlein; (13a) Unterzaunsbach 3, Post Wannbach, Ober, Franken, Germany.

Johann Zoeberlein; (13a) Unterzaunsbach 8, Post Wannbach, Ober, Franken, Germany.

Dr. Michel Zorn; Düsseldorf-Kaiserwerth, Im Muhlacker 17, Germany; 15925.

Sophie Wilhelmine Zumpe; Weingarten 23, Minden, Westfalen, Germany; 8773.

Karoline Zutschke; Pforzheim-Broetzingen, Germany; 10496.

Margaretha Zwickler; Eppendorfeweg 73, Homburg 19, Germany; 6864.

A. Zylla; Marbostel bei Soltau in Hannover, Germany; 10604.

A

Agnes Ahrens; Viereck near Pasewalk, Germany.

Georg Appel; Germany.

B

Konrad Back; Buckenreuth No. 3, Wannback via Forcheim, Oberfranken, Bavaria, Germany.

Mrs. Karl Balke; Bremenstrasse, Schinkelberg, Osnabruck, Germany.

Hans Berlemann; Tecklenbergerstr. 29, Lengerich/Westfalen, Germany.

Reinhold Berlemann; Am Friedstein 17, Werne a. d. Lippe, Germany.

Friedrich Brokmann; Penta bei Bramsche, No. 6, Germany.

Leni Busch; Hauptstrasse 46, Grulbingen, Kr. Goepplingen, Wurtemberg, Germany.

D

Luise Davidmeister, Werrendorf 55 uber Bohmte, Germany.

Franz Dumschat; Klempau 24a Post, Krummesse bei Lübeck, Germany.

E

Mrs. Henrich Ebeling; Schiefestrasse 42, Gronau/Westfalen, Germany.

Martha Eikholt; Leeden-Loose Nr. 39, Kreis Tecklenburg, Germany.

F

Lina Feldkamp; Burggartemweg 14, Bramsche bei Osnabruck, Germany.

George Fischer; Aachen, Germany.

Margarete Fuss-Kretschmar; Germany; 6625.

G

Elizabeth Glander; Urbanstrasse 71, Berlin S. W. 29, Germany; 5971.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of C. Gneist, deceased; Germany (Berlin); 5109.

Josef Göttel; Kashofen near Zuellbrucken 22B, Palatinate, Germany; 23451.

H

Anna Haese; Grundstrasse 13, Pasewalk, Germany; 5732.

Adolf Hakmann; Landbergen-Wester 75, Kreis Tecklenburg, Germany.

Rudolf Hakmann; Landbergen-Wester 75, Kreis Tecklenburg, Germany.

Willy Heger; Melanchthomstrasse 3, Karlsruhe in Baden, Germany; 12008.

Josephine Heil; Stegstrasse 78, Frankfurt/A/Main, Germany; 7334.

Leonhard Herbert; Frankfurt am Main, Germany.

Johanne Holzgrewe; Malgartenstrasse 4, Bramshe bei Osnabruck, Germany.

Christine Hornstein; Reichensachsen, Kreis Eschwege, Germany; 22681.

Auguste Hukriede; Lengerich, Ringel 17, Kreis Tecklenburg, Germany.

J

Johanne Janfruchte; Leeden-Loose 24, Kreis Tecklenburg, Germany.

K

Lina Kleine-Pollman; Richard Wagnerstrasse 34, Osnabruck, Germany.

Katherine Koch; Neustadterstrasse 17, Sandbach, Odenwald, Germany.

A. Kohnhorst; Muensterstrasse 43, Lengerich, Westfalen, Germany.

Hedwig Kohnhorst; Muensterstrasse 43, Lengerich, Westfalen, Germany.

Auguste Kottenkeinrich; Landsbergenholter, Kreis Techlenburg, Germany.

Ludwig Kretschmar; Bruckstrasse 20, Witten-Ruhr, Germany; 6427.

Wilhelm Kretschmar; Am Wannebach (14a), Witten-Ruhr, Germany; 6625.

Bruno Kretschmer; Burgelstrasse 1, Magdeburg-Buckan, Germany; 24856.

L

Ingeborg Linnebach; Kolbergerstrasse 33/1, Munich 27, Germany.

M

Mima Manecke; Landbergen, Wester 2, Kreis Tecklenburg, Germany.

Auguste Meyran; Penterweg 1, Bramsche, bei Osnabruck, Germany.

Friedrich Mock; c/o Adam Mock, Neuburgweier bei Karlsruhe, Baden, Germany; 23419.

Wilhelmine Moschnick; Schneebergstrasse 100, Berlin-Lankwitz, Germany.

N

Luise Neumann; Wilhelmstrasse (83a), (21) Hamon (Westfalen), Germany.

Rudolf Niendiecker; Leeden-Oberberge 16, Kreis Tecklenburg, Germany.

Fritz Nollman; Herman Holscherstr., Lengerich, Westfalen, Germany.

Gustav Nollman; Wassenweckstrasse 157, Osnebruck-Voxtrup, Germany.

Heinz Nollman; Natrup Hagen Nr. 115, Lankreis Osnabruck, Germany.

Liesbeth Nollman; Schuzenstrasse 79, Osnabruck, Germany.

Willy Nollman; Natrup Hagen Nr. 5, Lan-Kreis Tecklenburg, Germany.

Willy Nollman; Schledenhausen (Landkreis Osnabruck), Germany.

O

Ludwig Obermueller, Augsburg 8, Sedanstrasse 34, Germany.

P

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Joseph Padberg, deceased; Germany; 11765.

Hermine Penning; Himbergen Nr. 3, uber Osnabruck, Germany.

Johannes Plon; Kanalstrasse 112, Hamburg, Wilhelmsburg, Germany; 5016.

R

Elizabeth Schaefer Reimer; Osnhausen, Germany.

Fritz Remscheid; Koenigstrasse 78, Nord Rhine Provinz, Germany.

Christine Tillman Richarz; Hackentäuerstrasse 68, III, Köln-Mülheim, Germany; 12160.

N. Obergerichtsvolzieher (Niedergall); Hotenburg a/Fulda, Germany; 11559.

Adolph Richter; Hamburg-Harburg 1, Rickel Str. 17, Germany.

Ella Richter; (22b) Neunkirchen über, Rennerod (Oberwesterwaldkreis), Germany.

Josefine Richter; Dormagen/Niederrhein, Bahnhofstrasse 25, Germany.

Barbara Richter; Buchenreuth #3, Post Wamsach 13 (a) via Forscheim, Oberfranken, Bavaria, Germany.

Lisa Rick; Bretten, Baden, Germany; 10488.

August Ricke; Blückeburg, Germany; 13762.

Friedrich Ricke; Gr. Kurf. Str. 64, Möbel-und Folsterwaren, Germany; 16545.

Dorothea Rohloff; Loignystrasse 8, Lübeck, Germany; 6057.

Dr. A. Rotzer; Schwabmuenchen, Bayern, Germany.

Richard Ruch; Immannelruchstrasse 36/I, Berlin N. O. 55, Germany; 10765, 6038.

S

August Schafer; Westendstrasse 196/II, Muenchen, Germany.

Christof Schäfer; Blumenstrasse 46, Fuerth, Bavaria, Germany; 3609.

Domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, fo Conrad Schaefer, deceased; Germany; 6079.

Erwin Schaefer; Bornmannstrasse 11, West Berlin N. 65, Germany.

Gustav Schäfer; 24b Gohl, Lei Oldenburg/H, Germany.

Hermann Schäfer; Oenhausen, Germany.

Ernst Schaper; Lengerich-Wachte 18, Kreis Tecklenburg, Germany.

Friedrich Schaper; Wechte 59 bei Lengerich, Germany.

Rudolf Schaper; Leeden-Leese 12, Kreis Tecklenburg, Germany.

Rudolf Schaper; Werrendorf 55 über, Bohmte, Germany.

Simon Schelle; Schmellerstrasse 32/II, Muenchen, Germany.

Heinrich Schilling; (13) Stuttgart, Germany; 5226.

Marie Schlosgang; Birkland No. 6 Kreis Schongau, Oberbayern, Germany.

Mimi Sopper; Termerhofe 36, Essen-Katernberg, Germany.

Johann Spengler; Sosberg, Kreis Zell, Bez. Koblenz, Germany.

Margarete Splete; Belm bei Osnabruck, Germany.

Gregor Steinrucke; Isestrasse 117, Hamburg 13, Germany; 278.

Wilhelm Stelz; (17) Munich, Germany; 6095.

T

Elfriede Tiemann; Kurz Strasse, Lengerich/Westfalen, Germany.

Fritz Tiemann; Wechte (Schule) I, Lengerich/Westfalen, Germany.

Ilse Tölle; Schenden Lippe, Pyromonterstrasse 40, Germany.

Dr. Ing. Horst-Tonn; Ludwigsburger St. 107, Stuttgart, Zuffenhausen, Germany.

W

Hans Wagner; Wuppertal-Elberfeld, Germany.

George Wallman; Landbergen-Overbeck 3 (Kreis Techlenburg), Germany.

Johanna Wiedenbauer; Schulstrasse 31/I Inks., Munich, Bavaria, Germany; 5460.

Eugen Wzigman; Platzgasse 26, Ulm/Donau, Germany; 9949.

Mrs. Hermann Wulf; Leeden-Oberberge 44, Kreis Tecklenburg, Germany.

[F. R. Doc. 51-511; Filed, Jan. 9, 1951; 10:26 a. m.]

[Vesting Order 16640]

FREDERICK SUESSER ET AL.

In re: Rights of Frederick Suesser et al. under insurance contracts. Files No. F-28-24806-H-1, H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Suesser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Frederick Suesser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 74970800, 74970801 and 74970802, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Frederick Suesser, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frederick Suesser or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Frederick Suesser, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Frederick Suesser, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1087; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16641]

TOOJIRO TABUSHI ET AL.

In re: Rights of Toojiro Tabushi et al. under insurance contract. F-39-3577-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toojiro Tabushi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toojiro Tabushi, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2155812, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Toojiro Tabushi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Toojiro Tabushi or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toojiro Tabushi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Toojiro Tabushi, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1088; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16643]

KURAICHI AND ITO TAKENO

In re: Rights of Kuraichi Takeno and Ito Takeno under insurance contracts. F-39-4510-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kuraichi Takeno and Ito Takeno, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 8106147 and 8090476, issued by the New York Life Insurance Company, New York, New York, to Kuraichi Takeno, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kuraichi Takeno or Ito Takeno, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1090; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16647]

WARREN SAKAYE AND TORAICHI UYEDA

In re: Rights of Warren Sakaye Uyeda and Toraichi Uyeda under a contract of insurance. File No. F-39-5914-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Warren Sakaye Uyeda and Toraichi Uyeda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 738,307 issued by The Manufacturers Life Insurance Company, Toronto, Ontario, Canada, to Warren Sakaye Uyeda, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Manufacturers Life Insurance Company together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Warren Sakaye Uyeda or Toraichi Uyeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1091; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16645]

SATOJI TSUDA ET AL.

In re: Rights of Satoji Tsuda et al. under insurance contract. File No. D-39-16906-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Satoji Tsuda and Yoshino Tsuda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9,161,975, issued by the New York Life Insurance Company, New York, New York, to Satoji Tsuda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Satoji Tsuda or Yoshino Tsuda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1092; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16673]

GERMANY AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Germany and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-23876-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "State of Hamburg 6 percent bonds, due 1946", maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 1400 and RM 5085, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons due in the second half of 1933 and the first half of 1934, on the bonds referred to in subparagraph 2 above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany), and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1095; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16648]

NAKAJIRO WATANABE ET AL.

In re: Rights of Nakajiro Watanabe et al. under insurance contract. File No. F-39-2514-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nakajiro Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Nakajiro Watanabe, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 652 276, issued by the New York Life Insurance Company, New York, New York, to Nakajiro Watanabe, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nakajiro Watanabe or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Nakajiro Watanabe, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Nakajiro Watanabe are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1093; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16675]

HAMBURG ELECTRIC CO. AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke Aktiengesellschaft, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-8199-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke Aktiengesellschaft, the last known address of which is Pferdemarkt 48, Hamburg 1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupon Deposit Accounts, entitled "Hamburg Electric Company 7 percent debentures, due 1935", and "Hamburg Electric Company 2 percent debentures due 1943, as extended", maintained at the aforesaid bank, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amounts of RM 750 and RM 1810, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons due in the second half of 1933 and the first half of 1934, on the 7 percent debentures, due 1935 referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hamburg Electric Company, also known as Hamburgische Elektricitaets-Werke Aktiengesellschaft, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1096; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16650]

ICHIRO YAMAKI ET AL.

In re: Rights of Ichiro Yamaki et al. under insurance contract. File No. F-39-4099-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ichiro Yamaki and Mary Yamaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15 143 558, issued by the New York Life Insurance Company, New York, New York, to Ichiro Yamaki, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ichiro Yamaki or Mary Yamaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1094; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16745]

CARL AND AGNES SCHMALENBACH

In re: Stock owned by Carl Schmalenbach, also known as Karl Schmalenbach, and Agnes Schmalenbach. D-28-5603-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Schmalenbach, also known as Karl Schmalenbach, and Agnes Schmalenbach, each of whose last known address is Bendof near Doblenz, Muehlenstrasse 78, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred (100) shares of $6.00 par value common capital stock of The Omnibus Corporation, 4221 Diversey Avenue, Chicago 39, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NC6278, registered in the name of Carl Schmalenbach and Mrs. Agnes Schmalenbach, as joint tenants with the right of survivorship and not as tenants in common, and presently in the custody of The Division of Protective Services, Department of State, Washington 25, D. C., together with all declared and unpaid dividends thereon,

b. Eighty (80) shares of $100.00 par value common capital stock of Connecticut Railway and Lighting Company, 177 State Street, Bridgeport 3, Connecticut, a corporation organized under the laws of the State of Connecticut, evidenced by a certificate numbered D11069, registered in the name of Carl Schmalenbach and Mrs. Agnes Schmalenbach as joint tenants with the right of survivorship and not as tenants in common, and presently in the custody of The Division of Protective Services, Department of State, Washington 25, D. C. together with all declared and unpaid dividends thereon,

c. Ten (10) shares of $1.00 par value common capital stock of Central Foundry Co., 386 Fourth Avenue, New York 16, New York, a corporation organized under the laws of the State of Maine, evidenced by a certificate numbered $\frac{NC}{O}$ 22216, registered in the name of Carl Schmalenbach and Mrs. Agnes Schmalenbach as joint tenants with the right of survivorship and not as tenants in common, and presently in the custody of The Division of Protective Services, Department of State, Washington 25, D. C., together with all declared and unpaid dividends thereon, and

d. Twenty (20) shares of no par value common capital stock of Continental Baking Company, 630 Fifth Avenue, New York 20, New York, a corporation organized under the laws of the State of Delaware evidenced by a certificate numbered C06436, registered in the name of Carl Schmalenbach and Mrs. Agnes Schmalenbach as joint tenants with the right of survivorship and not as tenants in common, and presently in the custody of The Division of Protective Services, Department of State, Washington 25, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control, by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1098; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16677]

MAERKISCHES ELEKTRICITAETSWERK AKTIENGESELLSCHAFT AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Coupon accounts and scrip owned by Maerkisches Elektricitaetswerk Aktiengesellschaft, and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-26311-E-1, D-66-2469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maerkisches Elektricitaetswerk Aktiengesellschaft, the last known address of which is Keithstrasse 30, Berlin W 62, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of Coupor Deposit Accounts, entitled "Pomerania Electric Company 6 percent Bonds, due 1953", maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amount of RM 4200, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, said Certificates of Indebtedness having been offered by the said Conversion Office, along with certain cash funds, in settlement of the coupons due in the first half of 1934, on the bonds referred to in subparagraph 3-a above, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maerkisches Elektricitaetswerk Aktiengesellschaft and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1097; Filed, Jan. 22, 1951; 8:52 a. m.]

[Vesting Order 16747]

ANNA MARIA SELVE

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Anna Maria Selve, deceased. D-28-12927.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Anna Maria Selve, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of American Radiator and Standard Sanitary Corporation, 40 West Fortieth Street, New York, New York, evidenced by Certificate number C-303451, registered in the name of Egger & Company, 30 Broad Street, New York, New York, and presently in the custody of Chase National Bank of the City of New York, Custodial Department, 30 Broad Street, New York, New York, in an account entitled "Clients Account, Credit Suisse, Zurich, Switzerland", together with all declared and unpaid dividends thereon, and

b. Two hundred-ten (210) shares of five dollar par value common capital stock of Timken Detroit Axle Company, 100-400 Clark Avenue, Detroit, Michigan, evidenced by Certificates numbered N-16074, N-16075 for one hundred shares each and Certificate number N-010104 for ten shares registered in the name of Egger and Company, 30 Broad Street, New York, New York, and presently in the custody of Chase National Bank of the City of New York, Custodial Department, 30 Broad Street, New York, New York, in an account entitled "Clients Account, Credit Suisse, Zurich, Switzerland", together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Anna Maria Selve, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Anna Maria Selve, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1099; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16771]

BERTHA KELLER

In re: Estate of Bertha Keller, deceased. File No. D-28-10522; E. T. sec. 16435.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Keller, Louisa (Lisa) Keller, Erich Keller, Johanna Keller, Adolph Keller and Gerda Keller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Louisa (Lisa) Keller, of Erich Keller, and of Adolph Keller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Bertha Keller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Granville Whittlesey, Jr., as executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Louisa (Lisa) Keller, of Erich Keller, and of Adolph Keller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1100; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16772]

MASAHIRO KIMURA ET AL.

In re: Rights of Masahiro Kimura et al. under insurance contract. File No. D-39-18727-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masahiro Kimura and Mrs. Katsu Kimura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Kame Kusu (Kamekusu) Kimura, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. N-679555, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Alexander Legge, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Kame Kusu (Kamekusu) Kimura, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1101; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16774]

RUDOLF KLEINJUNG

In re: Trust under the Will of Rudolf Kleinjung, deceased. File No. D-28-10393; E. T. Sec. No. 17078.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Horst Kleinjung and Rolf Kleinjung, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kurt Kleinjung, deceased, and of Walter Kleinjung, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Rudolf Kleinjung, deceased, presently being administered by Mrs. Josephine R. Kleinjung, 180—30th Avenue, San Francisco 21, California, and by Mr. Hans R. Kleinjung, Box 292, Desert Hot Springs, California, trustees,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Kurt Kleinjung, deceased, and of Walter Kleinjung, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1102; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16696]

REICHSKREDIT GESELLSCHAFT

In re: Debt owing to Reichskredit Gesellschaft. F-28-226-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichskredit Gesellschaft, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Reichskredit Gesellschaft, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an overdraft on a nostro account maintained with Reichskredit Gesellschaft by The Chase National Bank of the City of New York, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1103; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16900]

F. SUGA

In re: Debt owing to F. Suga. D-39-18953-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. Suga, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to F. Suga by the National City Bank of New York, 2560 Broadway, New York 25, New York, representing the balance of a cancelled and unused credit opened by F. Suga on October 5, 1940, together with all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1104; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16903]

CHARLOTTE WAGNER

In re: Bank account owned by Charlotte Wagner, also known as Lotta Kahl. D-28-12918-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Wagner, also known as Lotta Kahl, whose last known address is Frauenwald Adolf Hitler Street, 56 Schleusingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Charlotte Wagner, also known as Lotta Kahl, by The Bank of Farmingdale, Farmingdale, Long Island, arising out of a savings account number 5622, entitled "Elsie Wagner in Trust for Charlotte Wagner", and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1105; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16904]

DRS. C. WEIGAND AND E. WEIGAND

In re: Debts owing to Drs. C. Weigand and E. Weigand also known as Weigand & Weigand. F-28-22779-C-3; C-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Drs. C. Weigand and E. Weigand, also known as Weigand & Weigand, the last known address of which is Tempelhofer Ufer 10, Berlin S. W. 61, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Wiegand & Wiegand by Langner, Parry, Card and Langner, 120 East 41st Street, New York 17, New York, arising out of a cash debit for Patent services, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Campbell, Brumbaugh, Free & Graves (formerly Hoguet, Neary & Campbell), 90 Broad Street, New York, arising out of legal fees per invoices from the person named in subparagraph 1 hereof dated between April 1940 and July 1941, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1106; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16987]

TOSHIHIKO AND GENTARO ARITA

In re: Rights of Toshihiko Arita and Gentaro Arita under an insurance contract. File No. F-39-6547-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toshihiko Arita and Gentaro Arita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1071845 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toshihiko Arita, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Toshihiko Arita or Gentaro Arita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1107; Filed, Jan. 22, 1951; 8:53 a. m.]

[Vesting Order 16990]

YONEICHI AND KONOBU KAWATE

In re: Rights of Yoneichi Kawate and Konobu Kawate under insurance contract. File No. F-39-3122-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoneichi Kawate and Konobu Kawate, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1 448 065, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Yoneichi Kawate, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Yoneichi Kawate or Konobu Kawate, the aforesaid nationals of a designated enemy country (Japan).

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1108; Filed, Jan. 22, 1951; 8:53 a. m.]

— [Return Order 864]

ANNA MARIA WEBER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Anna Maria Weber, Long Island City, N. Y.: Claim No. 5835; October 20, 1950 (15 F. R. 7043) $399.68 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1113; Filed, Jan. 22, 1951; 8:54 a. m.]

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[Vesting Order 10293, Amdt.]

META BEHRMAN

In re: Stock and bond owned by Meta Behrman.

Vesting Order 10293, dated December 9, 1947, is hereby amended to read as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 10293 the certificate number "NN31022840" and substituting therefor the certificate number "NN310228,"

All other provisions of said Vesting Order 10293 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1112; Filed, Jan. 22, 1951; 8:54 a. m.]

[Return Order 868]

EMILY FRITZE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Emily Fritze, Milton, Mass.; Claim No. 5893; November 16, 1950 (15 F. R. 7823); $9,452.43 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1114; Filed, Jan. 22, 1951; 8:54 a. m.]

CATHERINE SCHOEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Catherine Schoen, Washington, D. C.; Claim No. 5910; $1,260.84 in the Treasury of the United States.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1115; Filed, Jan. 22, 1951; 8:55 a. m.]

PAUL CARNIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Carnier, Lyon, France; Claim No. 29556; property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 451,094.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1117; Filed, Jan. 22, 1951; 8:55 a. m.]

HUGO AND EMIL ALTSCHUL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hugo Altschul, Long Island City, N. Y., and Emil Altschul, New York, N. Y.; Claim No. 4992; $416.66 in the Treasury of the United States in equal shares to the claimants. A one-half share of the all right, title, interest and claim of any kind or character whatsoever of Karl Altschul in and to a trust established under an indenture of trust executed by Josephine Zimmermann as settlor and Maryan H. Hauser and Samuel B. Newman as trustees on December 15, 1931, to each of the claimants.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1118; Filed, Jan. 22, 1951; 8:55 a. m.]

BERTHOLD CROHN (HAPP) AND MARGOT CROHN DE SCHLESINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Berthold Crohn (Happ), Santiago, Chile, Claim No. 36290; Margot Crohn de Schlesinger, Valdivia, Chile, Claim No. 36291; $8,083.58 in the Treasury of the United States, ½ to each claimant.

The following securities located in the Federal Reserve Bank of New York (½ to each claimant): United States Treasury Bonds, 2½%, of 1952-54, due June 15, 1954, Nos. 120750L and 120751A, each $1,000 and No. 50146F, $500; United States Treasury Bond, 2½%, of 1967-72, due June 15, 1972, No. 9c749K, $500; United States Treasury Bonds, 2½%, of 1959-62, due June 15, 1962, No. 2013C, $1,000 and No. 65049K, $500; United States Treasury Bonds, 2¼%, of 1959-62, due December 15, 1962, No. 50215E, $1,000 and No. 18767H, $500; All the above bonds with coupons due June 15, 1951, and s. c. a. United States Savings Bonds, Series G, 2½%, due October 1, 1954, Nos. M7688144 to M7688149, inclusive, $1,000 each, registered in the name of the Attorney General of the United States. United States Savings Bonds, Series G, 2½%, due April 1, 1955, Nos. M7688150 and M7688151, $1,000 each and No. D3438236, $500, registered in the name of the Attorney General of the United States.

The right, title and interest of Dr. Siegfried Crohn and Johanna Crohn in and to the trust estate created under the will of Herman Crohn, deceased, ½ to each claimant; and to each claimant, his own right, title and interest in and to that trust estate; trust administered by National Bank of Commerce in Memphis, Trustee.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 51-1116; Filed, Jan. 22, 1951; 8:55 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

VOLUME 16 NUMBER 16

Washington, Wednesday, January 24, 1951

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Deparment of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 39] [1]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

DATA SUPPLEMENTING THE LICENSE APPLICATION AND EXPORT LICENSING POLICY FOR MATERIALS COVERED BY NPA M (MATERIALS) ORDERS

1. The effective date of paragraph (d) *Data supplementing the license application*, § 372.3 *How to file an application for export license* is changed from January 27, 1951,[2] to March 1, 1951.

2. Part 373 is amended in the following particulars: A new § 373.19 is added to read as follows:

§ 373.19 *Export licensing policy for materials covered by NPA M (Materials) orders.* Under the authority of the Defense Production Act of 1950, the National Production Authority has issued numerous orders limiting production of commodities or restricting the uses to which commodities may be put. The purpose of these orders is to conserve the supply and channel production into essential uses for national defense.

In general, it will be the policy of the Office of International Trade, in considering export license applications covering commodities subject to such orders, to limit approvals to end uses consistent with end uses permitted in the domestic economy.

In order to administer this policy, it may be necessary for the Office of International Trade to return license applications to the applicants for the purpose of obtaining a more detailed and comprehensive statement of end use, which will enable the Office of International Trade to consider the application in the light of the domestic restrictions. Applications covering shipments for resale, further distribution, or fabrication in the foreign country should specify particularly the end use to which the commodities will be put by the ultimate consumer, in order to expedite the consideration of such applications.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of January 18, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1148; Filed, Jan. 23, 1951; 8:51 a. m.]

[1] This amendment was published in Current Export Bulletin No. 602 dated January 18, 1951.

[2] See Amendment No. 35 (16 F. R. 221, 224).

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

ECONOMIC STABILIZATION AGENCY

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Economic Stabilization Agency, § 6.155 is amended as set out below, effective upon publication in the FEDERAL REGISTER.

§ 6.155 *Economic Stabilization Agency*—(a) *Office of the Administrator.* * * *

(2) Nine Special Assistants to the Administrator: Three GS–13; three GS–14; three GS–15.

(b) *Office of Price Stabilization.* * * *

(2) Nine Special Assistants to the Director of Price Stabilization: Three GS–13; three GS–14; three GS–15.

(c) *Office of Wage Stabilization.* * * *

(2) Nine Special Assistants to the Chairman of the Wage Stabilization Board: Three GS–13; three GS–14; three GS–15.

(R. S. 1753, sec. 2. 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-1144; Filed, Jan. 23, 1951; 8:50 a. m.]

CONTENTS

	Page
Agriculture Department	
See Forest Service; Production and Marketing Administration.	
Air Force Department	
Rules and regulations:	
Personnel; enlistment in grades appropriate to training and experience	641
Reserve, enlisted; enlistment and re-enlistment	639
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
AEG Cia. Argentina de Electricidad S. A. et al	661
Akiyama, Michiharu, et al	655
Bahr, Herbert Karl Friedrich	660
Brexel, Anna	653
Burgdorf, Martha E., et al	658
Faber, Dora	667
Germany and Conversion Office for German Foreign Debts	656
Haller, Franz Wilhelm, et al	662
Hamburger Allgemeine Versich Aktiengesellschaft	667
Hammer-Purgstall, Arthur	668
Hofmann, Heinz Georg	664
Internasjonalt Kvelstoffaksjeselskap	662
Junkers Flugzeug-und-Motorenwerke Aktiengesellschaft	656
Kaneshima, Minosuke	653
Kessler, Margaret	665
Killer, Anna	656
Klaeber, Frederick, et al	653
Kohn, Ludolf Diedrich	664
Kruse, Heinrich, et al	665
Mizuhara, Hachiro, et al	657
Muhlen, Friedrich Wilhelm	654
Murakawa, Masaru	665
Nebel, Hans	657
Neumann, Henry F. E., et al	655
Nishi, Sokichi, et al	653
Nishimura, J	660
Okuda, Kiichi, and Ryu	660
Reindler, Leonhard, et al	659
Schellhorn, Franz	657
Schiffert, Elisabeth Maria	667
Singer, Rebecca Little	668
Sinicropi, Jessie Miller	668
Trefileries et Laminoirs du Havre	667
Viggiani, Raffaele, et al	668
Wetzel, Kurt	653

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Yamamoto, Fumiko 654
Yamashina, Goichi, and Toyo 654
Zimmermann, Emilie, et al 655

Army Department
See Engineers Corps.

Civil Service Commission Page
Rules and regulations:
Exceptions from the competitive service; Economic Stabilization Agency 637

Commerce Department
See International Trade, Office of.

Defense Department
See Air Force Department; Engineer Corps.

Defense Mobilization, Office of
Notices:
Committee on Foreign Supplies Requirements, creation 646

Engineers Corps
Rules and regulations:
Danger zone regulations; Atlantic Ocean off Delaware coast 643

Executive Office of the President
Committee on Foreign Supplies and Requirements, creation (*see* Defense Mobilization, Office of).

Federal Communications Commission
Notices:
Civil defense communication, frequencies available for amateur participation 649
Class B FM broadcast stations; tentative allocation plan 649
Hearings, etc.:
Baltimore, David M., et al 648
Crosley Broadcasting Corp. (WINS) 647
Easton Publishing Co. and Allentown Broadcasting Corp 648
Greenville Broadcasting Co. (WESC) and Spartan Radiocasting Co. (WORD) 648
Heart of the Black Hills Station (KDSJ) and Minnesota Valley Broadcasting Co. (KTOE) 646
Interlake Broadcasting Corp. (KORN) 647
KWHK Broadcasting Co. Inc. (KWHK) 647
Towery, R. W., and Pulaski Broadcasting Co. (WKSR) 648
West Coast Telephone Co 647
Mexican broadcast stations, list of changes, proposed changes, and corrections in assignments 649

Federal Power Commission
Notices:
Hearings, etc.:
Houston Lighting & Power Co 650
Niagara Falls Power Co 650
Niagara Mohawk Power Corp 650
Northeastern Gas Transmission Co 650
Pacific Gas and Electric Co 650

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Forest Service
Notices:
Ochoco National Forest; removal of trespassing horses 646

Housing and Home Finance Agency Page
See Public Housing Administration.

International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions 637
Provisions for individual and other validated licenses 637

Interstate Commerce Commission
Notices:
Applications for relief:
Articles, iron and steel, to Knoxville, Tenn 651
Tea and tea dust from Texas ports to points in Texas 651
Express rates and charges, 1951, increased 651
Freight rates, increased, 1951 650
Rules and regulations:
Annual, special or periodical reports; free transportation issued and requested 645

Justice Department
See Alien Property, Office of.

Production and Marketing Administration
Notices:
Rapid City Livestock Sales Co.; removal from listing as a stockyard 646
Proposed rule making:
Milk handling in Suburban St. Louis, Mo., marketing area 645

Public Housing Administration
Notices:
Description of agency and programs and final delegations of authority (2 documents) 650

Securities and Exchange Commission
Notices:
Hearings, etc.:
Analytical Securities Corp 651
Equity Corp. et al 652
National Aviation Corp 652

Veterans' Administration
Rules and regulations:
Claims, veterans; funds available to beneficiary on a trial visit or upon discharge 643
Vocational rehabilitation and education, registration and research; charges against entitlement 643

War Claims Commission
Rules and regulations:
Entitlement to award; prisoner of war compensation; survivors entitled to award of compensation 644
Filing of claims and procedures therefor; official certificates of dependency 644
Preparation and submission of the report to the Congress; miscellaneous amendments 644
Provisions of general application; definitions 644

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 6	637
Title 7	
Chapter IX:	
Part 911 (proposed)	645
Title 15	
Chapter III:	
Part 372	637
Part 373	637
Title 32	
Chapter V	
Part 864	639
Part 883	641
Title 33	
Chapter II:	
Part 204	643
Title 38	
Chapter I:	
Part 3	643
Part 21	643
Title 45	
Chapter V:	
Part 505	644
Part 506	644
Part 507	644
Part 520	644
Title 49	
Chapter I:	
Part 120	645

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

REVISION OF REGULATIONS

The material contained in Chapter VII, Department of the Air Force (13 F. R. 8751; 32 CFR and 1949 Supp., 864), pertaining to the applicability of certain portions of Army Regulations to the Department of the Air Force is hereby amended by revoking the reference of Chapter VII, Part 864, to Chapter V, Part 564, Department of the Army, and substituting therefore, §§ 864.1 to 864.14, Enlistment and Re-enlistment.

Pursuant to the authority conferred by sections 257 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C., Sup., 626 (f) 626c (e)), Transfer Order 10, April 27, 1948 (13 F. R. 2428), and cited laws, the following regulation is hereby prescribed:

ENLISTMENT AND RE-ENLISTMENT

Sec.
864.1 Purpose.
864.2 Scope.
864.3 Definition.
864.4 Authority.
864.5 Eligibility.
864.6 Ineligibility.
864.7 Grade.
864.8 Rating.
864.9 Length of enlistment.
864.10 Where accomplished.
864.11 Issuance of certificate of discharge.
864.12 Service numbers.
864.13 Physical examinations.
864.14 Records.

AUTHORITY: §§ 864.1 to 864.14 issued under R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. and Sup., 22, 171a. Interprets or applies sec. 55, 39 Stat. 195, as amended; secs. 109, 310, 62 Stat. 362, 374; 10 U. S. C. 423, 424 and Sup., 378; 5 U. S. C., Sup. 6271.

SOURCE: AFR 39–43; 39–43A.

ENLISTMENT AND RE-ENLISTMENT

§ 864.1 *Purpose.* Sections 864.1 to 864.14 prescribed the eligibility requirements and procedures for enlistment and re-enlistment in the Air Force Reserve.

§ 864.2 *Scope.* Unless otherwise specified, §§ 864.1 to 864.14 have equal application to women in the Air Force Reserve.

§ 864.3 *Definition.* Commanding General, Continental Air Command, will be interpreted to include commanding generals of major air commands overseas.

§ 864.4 *Authority*—(a) *To accomplish enlistments.* Enlistment and re-enlistment in the Air Force Reserve may be accomplished:

(1) By an authorized officer on active duty at the point of separation.

(2) By any commissioned officer on active duty detailed as a recruiting officer for the purpose of accomplishing enlistment and re-enlistments in the Regular Air Force or Regular Army.

(3) By any commissioned officer on active duty at any Air Force installation detailed as a recruiting officer by any Air Force commander or by any officer to whom authority to make such appointments has been delegated by an Air Force commander.

(4) By any commissioned officer of the Air Force Reserve not on active duty in Federal service detailed as a recruiting officer for the Air Force Reserve by the Commanding General, Continental Air Command, or any subordinate commander to whom authority to make such appointments has been delegated.

(b) *To administer oaths.* Notaries public are authorized to administer the oath of enlistment to airmen re-enlisting in the Air Force Reserve. The use of such officials to perform this function will not entail expense to the Government.

(c) *To grant waivers.* Authority to grant waivers for enlistment, and for final grade determinations made as outlined in § 864.7 (h) rests with the Commanding General, Continental Air Command, and may not be delegated to subordinate commanders.

§ 864.5 *Eligibility.* Any person who meets the following prerequisites may be enlisted or re-enlisted in the Air Force Reserve.

(a) *Citizenship.* Male applicants must be citizens of the United States or must have filed legal declaration of intention to become citizens of the United States. Female applicants must be citizens of the United States.

(b) *Age*—(1) *Applicants without prior service.* Each male applicant without prior service in any branch of the Armed Forces of the United States must have passed his 17th birthday and not have reached his 35th birthday at the time of enlistment. Each female applicant without prior service in any branch of the Armed Forces of the United States must have passed her 18th birthday and not have reached her 35th birthday at time of enlistment. A male applicant who is 17 years of age but has not reached his 18th birthday, and a female applicant who is 18 years of age but has not reached her 21st birthday will be required to furnish written consent of their parents or guardian. Parent's consent will be accomplished by use of Department of Defense Form 373, "Consent, Declaration of Parent or Legal Guardian", which will be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either parent objects.

(2) *Applicants with prior service*—(i) *Up to and including age 34.* Applicants with prior service in any branch of the Armed Forces of the United States may be enlisted or re-enlisted up to and including the age of 34, without regard to the length of such prior service.

(ii) *Age 35 through 55.* Enlistments and re-enlistments are authorized for those persons 35 and over but less than 55 years of age; *Provided*, That their age, at the time of enlistment does not exceed 35 plus the length of their prior active Federal and Reserve service in completed years of honorable service. A former member of the Navy, Marine Corps, or Coast Guard without prior Army or Air Force service who is 35 years of age or over cannot be enlisted in the Air Force Reserve.

(3) *Applicants with technical skills.* Exception to the age limitations prescribed in this paragraph may be made for any applicant, with or without prior service, who possesses technical skills needed in the Air Force Reserve. Such applicants may be accepted for enlistment or re-enlistment after reaching their 35th birthday and prior to reaching their 45th birthday when specifically authorized by the Commanding General, Continental Air Command. A person originally enlisted under this provision will be re-enlisted without the special authorization: *Provided*, That such re-enlistment is accomplished the day following date of discharge from a prior enlistment. Such re-enlistments will be made without regard to the age requirements specified in subparagraph (2) (i) and (ii) of this paragraph.

(c) *Members of Reserve components of other Armed Forces.* Applicants who are members of the Reserve component of another branch of the Armed Forces may be enlisted in the Air Force Reserve; *Provided*, That,

(1) Their applications are submitted through, and approved by those officers of their present organization authorized to accept resignations or otherwise effect separations and contain a statement that they are eligible for honorable separation, or

(2) They submit a certificate, signed by an officer of their present organization authorized to accept resignations or otherwise effect separation, stating

that the applicants are eligible for honorable separation and will be released from their current status upon enlistment in the Air Force Reserve.

(d) *Dependents.* Male applicants having dependents are eligible for enlistment if otherwise qualified.

(e) *Mental qualifications.* (1) No mental test is required for persons with prior service providing they have been separated under honorable conditions.

(2) Male applicants without prior service must obtain a score of at least 100 on the R-Test or a converted score of 31 (raw score 57) on the Armed Forces Qualification Test 1 or 2, except that male applicants who possess a certificate of graduation from high school must obtain a score of at least 90 on the R-Test or a converted score of 21 (raw score 47) on the Armed Forces Qualification Test 1 or 2.

(3) Female applicants without prior service must possess a certificate of graduation from high school and obtain a score of at least 100 on the R-Test or a converted score of at least 31 (raw score 57) on the Armed Forces Qualification Test 1 or 2.

(f) *Retired personnel.* Persons who have made application for retirement, or persons who are drawing retirement pay from any of the Armed Forces, whether receiving disability allowance, or disability compensation from the United States Government, may be enlisted in the Air Force Reserve if physically qualified.

(g) *Permanent home address.* Each applicant must report a permanent home address within the continental limits of the United States.

§ 864.6 *Ineligibility.* The following persons are ineligible for enlistment or re-enlistment in the Air Force Reserve, even though they meet the requirements of § 864.5. No waivers will be granted except for male applicants only, as indicated in paragraphs (e), (h), and (i) of this section. Request for waivers will be forwarded only for especially desirable men after a complete investigation of the case. The investigation will include letters of recommendation from at least three reputable citizens who are acquainted with the person, information concerning the applicant's current character, a record of his employment since the offense, a complete description of the offense to include restrictions imposed, all Air Force Specialties in which the applicant is qualified, and any additional evidence concerning the case as well as the recommendation of the investigating officer.

(a) Any member of the Air Force, Army Officers' Reserve Corps, National Guard, Coast Guard, Public Health Service, Coast and Geodetic Survey, Navy, Marine Corps (including Reserve components thereof) or Reserve Officers' Training Corps students, except under conditions stated in § 864.5 (c).

(b) Cadets at the United States Military Academy, United States Naval Academy, and the United States Coast Guard Academy.

(c) Insane or habitually inebriated persons.

(d) Persons with prior service in any of the Armed Forces who were last separated from such service under other than honorable conditions or whose separation was due to unfitness, inaptitude, unsuitability, disloyalty, or other allied causes.

(e) Persons who have been imprisoned under sentence of a civil court for other than a felony. The Commanding General, Continental Air Command, is authorized to waive this disqualification in the case of male applicants only, for enlistment in the Air Force Reserve of persons who have served only short sentences for minor offenses such as those involving juvenile delinquency or minor traffic violations, but only, if in the opinion of the Commanding General, the applicant will be an asset to the service.

(f) Persons who have been convicted of a felony or who have criminal charges filed and pending against them alleging a violation of a State, Federal, or Territorial statute.

(g) Persons under parole or probation from any civil court.

(h) Persons having frequent difficulty with law enforcement agencies, who possess criminal tendencies, who have a long history of anti-social—behavior, questionable moral character, or traits of character which render them unfit to associate with others. The Commanding General, Continental Air Command (after complete investigation through appropriate agencies), may waive this disqualification for male applicants only, in cases in which juvenile delinquency is involved, if in the opinion of the Commanding General the applicant will be an asset to the service.

(i) Male persons discharged from the Air Force, Army, Navy, Marine Corps, or Coast Guard whose total time lost under Article of War 107 (or time lost under similar circumstances in the Navy, Coast Guard, or Marine Corps) was 30 days or more during their last period of enlistment of active service. In meritorious cases, waivers may be granted by the Commanding General, Continental Air Command. Female applicants having time lost under Article of War 107 are ineligible for enlistment.

(j) Married female applicants without prior military service. No waivers will be granted.

(k) Female applicants for enlistment who have dependents or children under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children under 18 years of age will not be enlisted. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings, may be accepted for enlistment. However, women having stepchildren or foster children under 18 years of age, or who otherwise stand in relationship of a parent to such child or children, will not be accepted for enlistment. No waivers will be granted.

(l) Selective Service registrants without prior active Federal service who have been classified 1A by their local board, unless release is obtained from the local Selective Service Board.

(m) Female applicants with a history of hospitalization in a mental institution. No waivers will be granted.

§ 864.7 *Grade.* Enlistments will be in the grade of private (E–1), except that,

(a) Former officers, warrant officers, and flight officers may be enlisted in a grade determined as outlined in paragraph (h) of this section.

(b) Former enlisted personnel of the Air Force, Army, Marine Corps, Navy, Coast Guard, or civilian components thereof, may be enlisted in the grade or equivalent grade held at the time of discharge or relief from active duty, or discharge from a civilian component thereof, unless eligible for higher grade, as outlined in paragraph (h) of this section.

(c) Date of rank for enlistment and re-enlistment in the Air Force Reserve will be as follows:

(1) Persons who re-enlist within 30 days from date of discharge from the Air Force or Air Force Reserve, will have the same date of rank as that held at time of discharge.

(2) Persons who re-enlist after 30 days has elapsed from date of discharge from the Air Force or Air Force Reserve, and former enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, or civilian components thereof, date of rank will be date of enlistment.

(d) Re-enlistment of former enlisted Reservists who were discharged from the Air Force Reserve for the purpose of enlistment in the Regular Air Force, is authorized in the grade held at time of discharge from the Regular Air Force, or the grade held in the Air Force Reserve immediately prior to enlistment in the Regular Air Force, whichever is higher, provided a lower grade held at time of discharge from the Air Force was not due directly or indirectly to reduction for cause.

(e) Applicants who have successfully completed the following number of years of Reserve Officers' Training Corps or Air Force Reserve Officers' Training Corps instruction and whose termination of such instruction was under honorable conditions and for reasons other than academic failure are authorized the following scale of grade eligibility:

(1) Years of senior Reserve Officers' Training Corps or Air Force Reserve Officers' Training Corps instruction successfully completed:

Years:	Grade
1	E–2
2	E–3
3	E–4

(2) Grade E–2 (private first class) is authorized where the applicant has graduated from junior Reserve Officers' Training Corps unit.

(f) Civil Air Patrol cadets who possess appropriate certificates of proficiency indicating that they have successfully completed the three years Civil Air Patrol program may be enlisted in the Air Force Reserve in grade of private first class (E–2).

(g) Applicants who have had satisfactory active service of at least four months in the Air Force, Army, Navy, Coast Guard, or Marine Corps and who are otherwise qualified and acceptable, if not eligible to enlist in a higher grade, will be enlisted in grade of private first class (E–2).

(h) Applicants without prior active Federal service may, based on their civilian technical skills, be enlisted in the Air Force Reserve in a higher grade upon approval of the Commanding General, Continental Air Command: *Provided*, That, they are enlisted for an authorized vacancy in the Corollary Unit program or the Air Force Reserve Training Center program, and agree in writing to such assignment and training. Applicants with prior service may be similarly enlisted in a grade higher than that held upon discharge if the civilian technical skills acquired since discharge merit such higher grade.

§ 864.8 *Rating.* A person enlisted in the Air Force Reserve who possesses an aeronautical rating or technical rating, such as parachutist, combat infantryman, etc., may wear the badge of that rating. However, the aeronautical ratings will not be valid unless the person is rerated in Air Force Orders subsequent to enlistment in the Air Force Reserve.

§ 864.9 *Length of enlistment.* Enlistment and re-enlistment in the Air Force Reserve will be for a period of three years.

§ 864.10 *Where accomplished.* Enlistments and re-enlistments will be accomplished only in the United States, its possessions and Territories, and in those areas occupied by the United States forces.

§ 864.11 *Notation on certificate of discharge.* Persons applying for enlistment in the Air Force Reserve who have had prior military service will present their last certificate of discharge to the recruiting officer who will enter thereon the date, place, and period of enlistment in the Air Force Reserve.

(a) In those instances in which an applicant for enlistment in the Air Force Reserve has lost or misplaced certificate of prior service, or who cannot otherwise present evidence of such service, verification will be obtained by the recruiting officer from proper officials of the branch in which prior service is claimed.

(b) For personnel re-enlisting in the Air Force Reserve, the identification card WD AGO Form 166 will serve to verify the preceding enlistment. The organization preparing the discharge certificate on the re-enlistee will note thereon the date, place, and period of re-enlistment.

§ 864.12 *Service numbers.* Persons enlisted in the Air Force Reserve will be assigned the service number under which last previous Army or Air Force service was recorded. New service numbers will be assigned to those with no prior Army or Air Force service. The prefix "AF" will precede the service number of male enlisted Reservists and the prefix "AA" will precede the service number of female enlisted Reservists.

§ 864.13 *Physical examinations*—(a) *Standards.* The standards for physical examination will be those as prescribed in current directives.

(b) *Determination of physical fitness.* The physical examination given upon separation from active Federal service will form the basis for determination of physical fitness for those members of the Air Force, Army, Navy, or Marine Corps who are enlisted immediately upon discharge or relief from active duty. An applicant for enlistment with prior active Federal service as an officer, warrant officer, or enlisted person since September 16, 1940, not re-enlisting immediately upon discharge or relief from active duty therefrom, and personnel who were members of the Air Force Reserve may be enlisted without physical examination, if otherwise qualified, provided the applicant signs a certificate to the effect that to the best of his knowledge and belief, he is now sound and well and that he understands that if he is ordered to active duty he will be given a physical examination and may be discharged from the Air Force Reserve if found physically disqualified for military service upon that examination. Each applicant for enlistment in the Air Force Reserve who is drawing a pension, disability allowance, or disability compensation from the Government of the United States, will be given a physical examination regardless of the period of time since latest discharge from active service.

(c) *Results of other examinations.* Results of other Air Force or Army physical examinations, including those given applicants for the Reserve Officers' Training Corps, officer candidate schools, aviation cadets, commissions in the Air Force Reserve, etc., will be acceptable in determining physical fitness for enlistment or re-enlistment in the Air Force Reserve, in lieu of physical examination, provided that the applicant was found to be qualified at time of previous examination and such examination was given during the preceding 12 months, and the applicant signs a statement regarding physical condition as indicated in paragraph (b) of this section.

(d) *Final type examination.* All other applicants for enlistment or re-enlistment will be given final-type physical examinations less serology (except when otherwise indicated), chest X-ray, electrocardiogram, audiogram determination, microscopic urinalysis, and lens correction, and less pelvic examinations for female personnel. This physical examination may be given by any medical officer of any component of the Air Force, Army, Navy, Marine Corps, or National Guard, whether on active duty, or inactive duty status. Any expense incurred in having such physical examination by a medical officer not on active duty will be borne by the applicant.

§ 864.14 *Records.* The following records will be prepared upon enlistment or re-enlistment of a person in the Air Force Reserve:

(a) *Enlistment record.* Department of Defense Form 4 will be prepared in duplicate and both copies of this form will be signed by the Reservist and the enlisting officer.

(1) The oath and certification of enlistment appearing on Department of Defense Form 4 will be accomplished less the last phrase of oath which states, "according to the rules and articles of war."

(2) The following statement will appear above the signature of the recruiting officer:

(i) "Honorably discharged (date)." The date of discharge will be as of day preceding the date of re-enlistment unless previous enlistment has expired earlier. This notation will be accepted as documentary evidence of fact of discharge.

(ii) "Enlisted for specific assignment to (*Reserve Unit of Assignment*)."

(3) The following certificates will be entered in item 39, Department of Defense Form 4, and both copies will be signed by the individual:

(i) I certify that to the best of my knowledge and belief, my physical condition has not changed since my discharge, that I (am) (am not) drawing compensation from the Veterans' Administration for physical disability, and I (do) (do not) have a claim for such compensation pending with that agency; that I understand that if I am ordered to active duty I will be given a final type physical examination and may be discharged from the Air Force Reserve if found physically disqualified for military service under that examination.

(ii) I further understand that if I am ordered to active duty, and am receiving compensation from the Veterans' Administration for physical disability, I must waive such disability compensation prior to reporting for active duty.

(4) All applicants for enlistment will be required to execute Department of Defense Form 98, "Loyalty Certificate for Personnel of the Armed Forces," as prescribed in § 886.1 of this chapter.

(b) *Service record.* Department of Defense Form 220 or WD AGO Form 24A will be initiated for each person without prior service enlisted, or when re-enlisted with a break in service of more than 30 days.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51–1125; Filed, Jan. 23, 1951; 8:45 a. m.]

Subchapter G—Personnel

PART 883—ENLISTMENT IN GRADES APPROPRIATE TO TRAINING AND EXPERIENCE

REVISION OF REGULATIONS

Regulations contained in §§ 883.1 to 883.11 inclusive (14 F. R. 4874; 32 CFR, 1949 Supp., 883) are hereby revised.

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C., Sup., 626 (f), 626c (e)), Transfer Order 29, December 10, 1948 (13 F. R. 8162), the following regulation is hereby prescribed:

Sec.
883.1 Purpose.
883.2 Eligibility.
883.3 Method of evaluation.
883.4 Grade determination for former enlisted personnel.
883.5 Grade determination for former officer personnel.
883.6 Enlistment without prior service or those separated more than 24 months.
883.7 Enlistment of Reservists.
883.8 Processing of applicants.
883.9 Date of grade.

Sec.
883.10 Grade adjustments.
883.11 Assignment.

AUTHORITY: §§ 883.1 to 883.11 issued under R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. and Sup., 22, 171a. Interprets or applies sec. 27, 39 Stat. 185, as amended; sec. 1, 53 Stat. 1001, sec. 5, 59 Stat. 539, sec. 305, 62 Stat. 372; 5 U. S. C., Sup., 627d; 10 U. S. C. and Sup., 628, 10 U. S. C. 631a, 10 U. S. C. 636.

DERIVATION: AFR 39-25.

§ 883.1 *Purpose.* Sections 883.1 to 883.11 establish criteria and procedure whereby specialists, who have received prior training and experience in the Air Force, Army, Navy, Coast Guard, or the Marine Corps, or certain skilled civilians without prior service who are not otherwise eligible to enter the Air Force in grades higher than grade E–2, may enlist in the Air Force in grades commensurate with their prior training and experience. In explanation, emphasis is placed on the fact that final grade determination will be guided by the needs and requirements of the Air Force.

§ 883.2 *Eligibility.* In addition to being qualified for enlistment under the provisions of §§ 571.1 to 571.5 of this title (15 F. R. 7260) all applicants must have completed at least six months of prior active service in one of the Armed Services (Air Force, Army, Navy, Coast Guard, or Marine Corps) which was terminated by separation under honorable conditions within the 24-month period immediately preceding date of enlistment, except as provided in § 883.6.

§ 883.3 *Method of evaluation.* To properly evaluate the applicant's expected value to the service, the following factors will be considered: Prior service, training, experience, schooling, and civilian occupation.

§ 883.4 *Grade determination for former enlisted personnel.* (a) Grades for enlistment of persons last discharged from the Regular Air Force will be determined as follows:

(1) One grade lower if enlistment is accomplished within 12 months from date of last discharge.

(2) Two grades lower if enlistment is accomplished after 12 months and within 24 months from date of discharge.

(3) Persons who have acquired additional knowledge, skill, experience, schooling, or on-the-job training since last discharge will be considered for an equivalent or higher grade than that held at time of discharge, in accordance with § 883.8: *Provided*, That such training and experience can be substantiated by documentary evidence.

(b) Grades for enlistment of persons last discharged from the Army, Navy, Marine Corps, or the Coast Guard will be determined as prescribed in § 883.8.

§ 883.5 *Grade determination for former office personnel.* (a) Persons whose last service was in the status of officer, warrant officer, or flight officer in the Air Force or the Army, or in an equivalent grade in the Navy, the Marine Corps, or the Coast Guard, and who have been relieved from active duty may be enlisted under the provisions of §§ 883.1 to 883.11 in a grade to be determined as prescribed in § 883.8.

(b) Reserve officers and warrant officers currently serving on active duty who desire to enlist in the Regular Air Force must apply for grade determination through any Army or Air Force recruiting station or Air Force base after they have received official notification of relief from extended active duty. (A copy of authority for separation will be forwarded with enlistment application.)

(c) Air Force Reserve officers currently serving on active duty and holding permanent enlisted grades may be enlisted in their permanent enlisted grade under the provisions of pertinent regulation upon relief from active duty. Those Reserve Officers who hold permanent enlisted grades from E–3 through E–6 and who feel that they are fully qualified for a higher grade may submit application for higher grade, under the provisions of § 883.8 upon notification of relief from active duty.

§ 883.6 *Enlistment without prior service or those separated more than 24 months.* Persons without prior military or naval service, or those having military or naval service but who have been honorably separated more than 24 months, may be enlisted in the Air Force under the provisions of §§ 883.1 to 883.11 in a grade to be determined as prescribed in § 883.8.

§ 883.7 *Enlistment of Reservists*—(a) *Air Force.* (1) Air Force Reservists who have been recalled to extended active duty and who desire to enlist in the Regular Establishment may be enlisted in the Regular Air Force under the provisions of § 883.1 to 883.11 as prescribed in this section. An applicant for enlistment under this section must apply at an Air Force base for interview by the commanding officer or his designated representative. The interview will be conducted to determine the applicant's degree of skill and the desirability of enlisting him in the Air Force. (The travel performed in connection with the interview will be without expense to the Government.)

(2) Each Air Force base commander will establish an interview board to consist of a minimum of three officers, including a field grade officer, a base classification officer, and a base recruiting officer.

(3) The screening and selection procedures and exact nature of the interview will be left to the discretion of the Air Force base commander. The interview will be complete and detailed enough to satisfy the interviewing officers that the applicant's qualifications are as claimed. The applicant will be given the oral trade tests in his claimed Military Occupational Specialty. In addition to oral tests, the applicant will be given a practical on-the-job examination, by a qualified person, in the Military Occupational Specialty and/or Air Force Specialty in which he claims he is qualified.

(4) Applicants reporting for interview will have in their possession all supporting documents which will establish and verify their claims relating to identity, educational and technical qualifications, and experience in a particular technical specialty or job field. Letters of recommendation or any other documents which indicate the person's potential value to the Air Force may be included.

(5) Applicants for enlistment under the provisions of this section:

(i) Must be fully qualified.

(ii) Must have served at least 90 days on a duty status during present tour of extended active duty.

(iii) Will be limited to one interview annually.

(iv) Will not be enlisted in a grade to exceed the grade in which the Reservist is currently serving and/or may be enlisted in any recommended lower grade.

(6) The interview board of the Air Force base at which interview is accomplished will make recommendation direct to the commanding officer of the Air Force base at which interview is accomplished as to the suitability of the applicant, and the grade, Military Occupational Specialty, and/or Air Force Specialty in which the enlistment should be accomplished.

(7) The commanding officer of the Air Force base is authorized to make final grade determination. He will review each application together with recommendations of interviewing officers and will notify the applicant's commanding officer, by letter, of the grade and Military Occupational Specialty and/or Air Force Specialty in which the applicant is authorized to enlist.

(8) Applicants accepting grades authorized for enlistment under this section will be enlisted for their own vacancy the day following the date of discharge.

(b) *Army, Navy, Marine Corps, and Coast Guard.* Army, Navy, Marine Corps, and Coast Guard Reservists who are serving on extended active duty are not eligible for grade determination under the provisions of §§ 883.1 to 883.11 until they have been relieved from active duty.

§ 883.8 *Processing of applicants.* (a) Applicants for enlistment under §§ 883.4 (a) (3), 883.4 (b), 883.5, 883.6, and 883.7 (b) will apply direct to the Army and Air Force recruiting station or Air Force base for interview by the commanding officer or his designated representative.

(b) The interview will be conducted to determine the applicant's qualifications and the desirability of enlisting him in the Air Force. (The travel performed in connection with the interview will be without expense to the Government.)

(c) Applicants reporting for interview will have in their possession all supporting documents which will establish and verify their claims relating to identity, prior service, qualifications, and experience in a particular technical specialty or job field. Letters of recommendation or any other documents which indicate the person's potential value to the Air Force may be included.

(d) The commanding officer of the recruiting station or Air Force base at which interview is accomplished will complete Air Force Form 207 and forward with the applicant's supporting documents direct to Headquarters United States Air Force, Directorate of Training, Attention: Personnel Procurement Division, Washington 25, D. C.

(e) The Directorate of Training, Headquarters, United States Air Force, will review each application, together with recommendations of interviewing officers, and will notify, by letter, the commanding officer of the Army and Air Force recruiting station or Air Force base at which the interview was accomplished of the grade and Military Occupational Specialty and/or Air Force Specialty in which the applicant is authorized to enlist.

§ 883.9 *Date of grade.* The date of grade for personnel enlisted under the provisions of §§ 883.1 to 883.11 will be the date of enlistment.

§ 883.10 *Grade adjustments.* The provisions of §§ 883.1 to 883.11 are applicable to enlistment grades only and enlistments will not be made or implied with a view toward future adjustments hereunder.

§ 883.11 *Assignment.* Initial assignment choice of men enlisting under the provisions of §§ 883.1 to 883.11 will be limited to Air Force, unassigned.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51-1124; Filed, Jan. 23, 1951; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.25 governing the use and navigation of waters of the Atlantic Ocean off the Delaware coast comprising Army antiaircraft artillery firing areas is hereby amended, effective on and after publication of this amendment in the FEDERAL REGISTER due to the urgent necessity for commencing operations at the earliest possible time, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army*—(a) *The danger zones*—(1) *Automatic weapons area.* An area east and southeast of Rehoboth Beach described as follows: Beginning at a point on the shore at latitude 38°40′45″; thence to latitude 38°45′30″, longitude 75°01′24″; thence to latitude 38°43′00″, longitude 74°57′10″; thence to latitude 38°38′50″, longitude 74°55′33″; thence to latitude 38°36′15″, longitude 74°57′00″; thence to a point on the shore at latitude 38°37′54″; and thence northerly along the shore to the point of beginning.

(2) *90-mm. gun area.* An area east of Bethany Beach described as follows: Beginning at a point on the shore at latitude 38°31′15″; thence to latitude 38°38′27″, longitude 74°52′42″; thence to latitude 38°35′45″, longitude 74°49′12″; thence 180° true to latitude 38°25′00″; thence to latitude 38°22′26″, longitude 74°52′06″; thence to a point on the shore at latitude 38°29′03″; and thence northerly along the shore to the point of beginning.

(3) *120-mm. gun area.* An area which includes the 90-mm. gun area and extends that area about 7,800 yards on its northeast, east, and southeast sides, described as follows: Beginning at a point on the shore at latitude 38°31′15″; thence to latitude 38°40′26″, longitude 74°49′45″; thence to latitude 38°36′30″, longitude 74°44′18″; thence 180° true to latitude 38°24′32″; thence to latitude 38°20′30″, longitude 74°48′45″; thence to a point on the shore at latitude 38°29′03″; and thence northerly along the shore to the point of beginning.

NOTE: The danger zones will be marked by spar buoys.

(b) *The regulations.* (1) All firing during the months January to April, inclusive, November, and December, will be conducted between 8:00 a. m. and 5:30 p. m. All firing during the months May to October, inclusive, will be conducted between 1:00 and 7:00 p. m. Such firing as are conducted prior to 1:00 p. m. during this latter period will be occasional individual rounds fired at fixed points for testing purposes in accordance with established Department of the Army Safety Regulations, and will involve no restrictions on navigation. No firing will be conducted during hours of darkness, or on Saturdays, Sundays, or legal holidays. Firing in the various areas will take place on the following days in 1951 (all dates inclusive):

(i) *Automatic weapons area.* February 26–28; March 1–2, 5–9, 12–16, 19–23, 26–30; April 2–6, 9–13, 16–20, 23–27, 30; May 1–4, 7–11, 14–18, 21–25, 28–29, 31; July 31; August 1–3, 6–10, 21–24, 27–31; October 1–5, 8–12, 15–19, 22–26, 29–31.

(ii) *90-mm. gun area.* All days listed in subdivision (iii) of this subparagraph and, in addition: February 1–2, 5–9, 12–16; July 10–13, 16–20; August 21–24, 27–31.

(iii) *120-mm. gun area.* January 15–19, 22–26, 29–31; February 19–21, 23, 26–28; March 1–2; April 4–6, 9–13, 16–20, 23–27, 30; May 1–3, 7–11, 14–18, 21–25; July 31; August 1–3, 6–10; October 1–5, 8–12, 15–19, 22–26, 29–31; November 1–2, 5–9, 13–16, 19–21, 26–30; December 3–7, 10–14, 17–21.

* * * * * *

[Regs. Jan. 18, 1951, ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. 40 Stat. 892; 33 U. S. C. 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-1146; Filed, Jan. 23, 1951; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

FUNDS AVAILABLE TO BENEFICIARY ON A TRIAL VISIT OR UPON DISCHARGE

In § 3.278, paragraph (a) is amended to read as follows:

§ 3.278 *Funds available to beneficiary on a trial visit or upon discharge.* (a) The amount which shall have been paid the chief officer of an institution to be expended for the benefit of an incompetent or insane beneficiary may be made available by the chief officer for the use of the incompetent or insane patient while on a trial visit from the institution. Any part of the accrued funds, which in the judgment of the chief officer is thought necessary, may be paid to a beneficiary who is without a guardian, when departing upon a trial visit, provided he is regarded as competent to disburse the money with ordinary prudence. If, at the time of his departure upon a trial visit, there is any doubt as to the competency of the beneficiary to disburse properly such funds or for any other good reason the chief officer considers it inadvisable to give the money to the beneficiary himself, a proper amount may be paid to the person into whose custody the beneficiary is released on a trial visit for the benefit of the beneficiary.

* * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation is effective January 24, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-1077; Filed, Jan. 23, 1951; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

CHARGES AGAINST ENTITLEMENT

In § 21.52, paragraphs (c) and (g) are amended to read as follows:

§ 21.52 *Charges against entitlement.*

* * *

(c) *Correspondence courses.* A veteran who pursues education or training by correspondence only shall have charged against his period of entitlement one-fourth of the elapsed time from the date of enrollment to the date of interruption or discontinuance. (See § 21.110 (c).)

In accord with existing regulations, which provide that only one course may be pursued at any one time, only one correspondence course may be pursued at any one time, but a correspondence course may consist of more than one subject if multiple subjects are prescribed or recommended by the institution as constituting the course and such is approved by the Veterans' Administration as reasonable. Therefore, the maximum charge against entitlement for the pursuit of education or training by correspondence alone will be one-fourth of the elapsed time in pursuit of the course as defined in this section. *Provided*, That the total amount payable for a correspondence course or courses for any veteran shall not exceed $500. For combinations of either institutional or on-the-job training with related training by correspondence, where the charge against entitlement for the resident phase of training is three-fourths, one-half, or one-fourth, the total charge against entitlement will be

that charge which is proper for the resident phase plus an additional charge of one-quarter of the elapsed time for the pursuit of the related training by correspondence: *Provided*, That where a full-time charge against entitlement is proper for the resident phase (institutional or on-the-job), no additional entitlement charge will be assessed for the correspondence training concurrently pursued as authorized related training.

* * * * *

(g) *Training interrupted or veteran withdraws prior to the completion of a period of instruction.* (1) Where a veteran withdraws from a school, college, or university, or his course of training therein is interrupted or discontinued prior to the completion of any period of instruction considered as a unit for the purpose of paying tuition and related fees and the Veterans' Administration is required to pay tuition, the veteran must arrange to restore to the Veterans' Administration the amounts which have been paid for that portion of the time when he was no longer in attendance, or a charge will be made against his entitlement in terms of years, months, and days equivalent to the period for which payment was made. Unless and until restoration of such amounts is made by or in behalf of the veteran, no further adjustments in his entitlement will be in order as to the period or periods so charged.

(2) If it is shown that the payment made on behalf of the veteran represents a percentage of the total charges for a term or semester, the encumbrance will be a corresponding percentage of the term or semester in point of time.

(3) Where the customary charges for tuition and related fees exceed $500 for an ordinary school year and the veteran has elected to have the Veterans' Administration pay such excess costs, the additional charge against his period of entitlement will be made in accordance with paragraph (d) of this section; otherwise, entitlement charges will be in accordance with subparagraphs (1) and (2) of this paragraph.

* * * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective January 24, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-1078; Filed, Jan. 23, 1951; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

OFFICIAL CERTIFICATES OF DEPENDENCY

Section 505.4 (14 F. R. 7843) is hereby amended to read as follows:

§ 505.4 *Official certificates of dependency.* Claims submitted to the Commission for adjudication by a dependent husband as a survivor of a deceased prisoner of war or as a survivor of a deceased civilian American citizen (as defined in section 5 of the act) shall be accompanied by a certificate of dependency prepared on an official form designated and identified as WCC Form-551, Husband's Certificate of Dependency.

(Sec. 2, 62 Stat. 1240; as amended; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 51-1201; Filed, Jan. 23, 1951; 8:58 a. m.]

PART 506—PROVISIONS OF GENERAL APPLICATION

DEFINITIONS

Section 506.3 (14 F. R. 7844, 15 F. R. 3452) is hereby amended to read as follows:

§ 506.3 *Definitions*—(a) *Widow.* A "widow" is the surviving female spouse of a deceased prisoner of war or a deceased civilian American citizen who was married to the deceased at the time of his death by a marriage valid under the applicable law of the place where entered into.

(b) *Dependent husband.* A "dependent husband" is the surviving male spouse of a deceased prisoner of war or of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into, and who was then dependent upon the deceased.

(c) *Child.* (1) A "child" is a natural or adopted son or daughter of a deceased prisoner of war or a deceased civilian American citizen, including any posthumous son or daughter of such deceased person.

(2) Any son or daughter of such deceased person born out of wedlock will be deemed to be a child of such deceased for the purposes of this act if, (i) legitimated by a subsequent marriage of the parents, (ii) recognized as a child of the deceased by his or her admission, or (iii) so declared by an order or decree of any court of competent jurisdiction.

(d) *Parent.* A "parent" is the natural or adoptive father or mother of a deceased prisoner of war, or any person standing in loco parentis to the deceased.

(e) *Dependent.* A husband of a deceased prisoner of war or a deceased civilian American citizen will be deemed to have been dependent upon the deceased, if, at the time of determination, the deceased contributed substantially to the support of such husband.

(Sec. 2, 62 Stat. 1240; as amended; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 51-1202; Filed, Jan. 23, 1951; 8:58 a. m.]

PART 507—ENTITLEMENT TO AWARD

SUBPART A—PRISONER OF WAR COMPENSATION

Section 507.12 (14 F. R. 7845) is hereby amended to read as follows:

§ 507.12 *Survivors entitled to award of compensation.* In the case of the death of a prisoner of war who would have been entitled to an award of compensation under section 6 of the act, such compensation shall be awarded to, and if claim is made only to, the following persons: (a) Widow or dependent husband if there is no child or children of the deceased; (b) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children of the deceased in equal shares; (c) child or children of the deceased (in equal shares) if there is no widow or dependent husband; and (d) parents (in equal shares) if there is no widow, dependent husband, or child.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 51-1203; Filed, Jan. 23, 1951; 8:58 a. m.]

Subchapter D—Report for the Congress Regarding War Claims Arising Out of World War II

PART 520—PREPARATION AND SUBMISSION OF THE REPORT TO THE CONGRESS

MISCELLANEOUS AMENDMENTS

1. Section 520.1 (15 F. R. 241) is hereby amended to read as follows:

§ 520.1 *General provisions.* Pursuant to the provisions of section 8 of the War Claims Act of 1948, as amended, the War Claims Commission initiated an inquiry and prepared and submitted an initial report to the President and the Congress on March 31, 1950, with respect to war claims arising out of World War II other than claims which may be received and adjudicated under the act. The preliminary report of the Commission presented initial estimates of the numbers, types, categories, and amounts of such claims and suggested certain priorities and limitations for consideration in connection with its initial recommendations as to the recognition and payment of such claims. The War Claims Commission is now required to complete its inquiry and to report further under the terms applicable to its preliminary report.

2. Section 520.3 (15 F. R. 241) is hereby amended to read as follows:

§ 520.3 *War claims.* Shall include any loss, injury, or damage suffered or sustained by a person or business entity or organization, who, at the time of such loss, injury, or damage was:

(a) A national of the United States, as hereafter defined, who did not give aid or comfort to, or collaborate with any enemy or ally of enemy of the United States; or a branch or agency of the United States Government; or a regularly appointed, enrolled, enlisted or inducted member of the military or naval forces of the United States; or an alien to whom the United States owes protection, such as an alien seaman signed on a United States vessel. Such loss, injury, or damage must be the result of action by a branch or agency, civil or military, of any sovereign power who, by declaration of war or by military activity of its regular forces, was at war during World War II, such loss, injury, or damage being one which would not have occurred, but for the existence of a state of war; or

(b) Not a national of the United States and not an enemy, or ally of enemy, as defined in section 2 of the Trading With the Enemy Act of 1917 (50 U. S. C. Appendix, sec. 2): *Provided*, That such definition shall not apply to a person who, after September 1, 1939, being resident within enemy or ally of enemy territory, or being a citizen or subject of such enemy or ally of enemy nation, was deprived of liberty, or did not enjoy full rights of citizenship under the laws of such enemy or ally of enemy nation, as a consequence of any law, decree or regulation, of the nation within which he resided, or of which he was a citizen or subject, discriminating against political, racial, or religious groups. Such loss, injury, or damage must be the result of an action by the Government of the United States or one of its civil or military agencies. Such action must arise out of World War II and the loss, injury, or damage must be one which would not have occurred but for the existence of a state of war.

3. Section 520.4 (15 F. R. 242) is hereby amended to read as follows:

§ 520.4 *National of the United States.* (a) In the case of an individual, the provisions of the Nationality Act of 1940 (8 U. S. C. 501 et seq.) shall apply;

(b) In the case of a business entity or organization, incorporated or unincorporated, such entity or business organization must be organized under the applicable laws of the United States or one or more of the States of the United States, its territories or possessions; and its owners, participants, members or shareholders representing at least 50 percent of the ownership or control of such business entity or organization, must be nationals of the United States; or in the case of a business entity or organization, incorporated or unincorporated, not organized under the applicable laws of the United States or one or more of the States of the United States, its territories or possessions, its owners, participants, members or shareholders representing at least that percentage of control necessary under the laws of that State or territory, where such business entity or organization is organized, to effect the liquidation of such business entity or organization, must be nationals of the United States.

4. Section 520.13 (15 F. R. 242) is hereby amended to read as follows:

§ 520.13 *Where to send information.* All questionnaires and statements of loss, injury, or damage must be sent to the War Claims Commission, Attention: Legislation and Opinions Service, Washington 25, D. C.

5. Section 520.14 (15 F. R. 242) is hereby amended to read as follows:

§ 520.14 *Time information must be received.* All questionnaires and statements of loss, injury, or damage must be received by the Commission on or before June 30, 1951. Consideration cannot be given to any questionnaires or statements received after that date.

6. Section 520.15 (15 F. R. 242) is hereby rescinded.

(Sec. 2, 62 Stat. 1240; as amended; 50 U. S. C. App. Sup., 2001)

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 51-1204; Filed, Jan. 23, 1951; 8:58 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FREE TRANSPORTATION ISSUED AND REQUESTED; RAILROADS AND PULLMAN CO.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of December A. D. 1950.

The matter of free transportation issued and requested for use during the year 1951 being under consideration: It is ordered, that:

§ 120.80 *Free transportation issued and requested*—(a) *Carriers affected.* All steam railroads of Class I (except switching and terminal companies), and the Pullman Company, subject to the provisions of section 20, part 1, of the Interstate Commerce Act, are hereby required to file special periodical reports of free transportation issued and requested, for use during 1951, in the form and in accordance with instructions thereon, which is attached hereto and made a part hereof.[1]

(b) *Reporting periods and date of filing.* Such reports shall be filed for the three-month period ending March 31, 1951, and for the calendar year 1951, and shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C.: the report for the three-month period ending March 31, 1951 shall be filed on or before June 30, 1951, and the report for the calendar year 1951, shall be filed on or before March 1, 1952.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

It is further ordered, that a copy of this order and the form pertaining thereto, shall be served upon every class I railroad (except switching and terminal companies) and the Pullman Company, subject to section 20, part 1, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad; and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Objections may be filed. Any interested party may on or before 60 days after the date of this order, file with the Commission a written statement of reasons why the said order should not become effective as provided above. Unless otherwise ordered after consideration of such objections, the said order shall become effective as herein ordered.

NOTE: Budget Bureau No. 60–R–294.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1141; Filed, Jan. 23, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 911]

HANDLING OF MILK IN SUBURBAN ST. LOUIS, MO., MARKETING AREA

AMENDMENT OF ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS

The order of the Secretary of Agriculture, issued January 3, 1951 (16 F. R. 179), directing that a referendum be conducted among the producers supplying milk to the Suburban St. Louis, Missouri, marketing area is hereby amended to provide that such referendum shall be completed not later than January 24, 1951.

Done at Washington, D. C., this 18th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1138; Filed, Jan. 23, 1951; 8:48 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF AGRICULTURE

Forest Service

OCHOCO NATIONAL FOREST, OREGON

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Snow Mountain, Black Butte, Bear Butte, and Little Emigrant Sheep Allotments in the Snow Mountain Ranger District of the Ochoco National Forest, in the County of Harney, State of Oregon; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat., 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Snow Mountain District, Ochoco National Forest, is issued:

Temporary closure from livestock grazing. (a) The Snow Mountain, Black Butte, Bear Butte, and Little Emigrant Sheep Allotments, in the Snow Mountain Ranger District of the Ochoco National Forest, in the County of Harney, State of Oregon, are hereby closed from March 1, 1951, to June 30, 1952, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such area pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Ochoco National Forest is located.

Done at Washington, D. C., this 18th day of January 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F R. Doc. 51-1137; Filed, Jan. 23, 1951; 8:48 a. m.]

Production and Marketing Administration

RAPID CITY LIVESTOCK SALES CO.

REMOVAL FROM LISTING AS STOCKYARD

It has been ascertained that the Rapid City Livestock Sales Company, Rapid City, South Dakota, originally posted on October 19, 1940, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer used as a public livestock market. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer being used as a public livestock market and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 19th day of January 1951.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 51-1200; Filed, Jan. 23, 1951; 9:04 a. m.]

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Defense Mobilization

[Defense Mobilization Order 1]

CREATION OF COMMITTEE ON FOREIGN SUPPLIES AND REQUIREMENTS

By virtue of the authority vested in me by Executive Order No. 10193 and in order to assist the Director of Defense Mobilization to improve the coordination and effectiveness of Federal policies and programs relating to foreign supplies and requirements, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the Committee on Foreign Supplies and Requirements, which shall consist of the representatives of the following: Department of State, Department of the Treasury, Department of Defense, Department of the Interior, Department of Agriculture, Department of Commerce, Department of Labor, Economic Cooperation Administration, Defense Production Administration, General Services Administration, and the Special Assistant to the President, Mr. Harriman.

The Chairman of the Committee shall be designated by the Director of Defense Mobilization.

2. The Committee shall: (a) Advise the Director of Defense Mobilization on problems relating to economic aspects of foreign requirements, including policies which should govern the allocation of materials and end items (other than military) required to meet approved or proposed foreign programs.

(b) Formulate for the Director of Defense Mobilization appropriate guidance for United States representatives abroad regarding the policies, plans, and programs of the Director of the Office of Defense Mobilization as they may affect the position of the United States Government in making commitments regarding end items and materials available for meeting foreign requirements.

(c) Review for the Director of Defense Mobilization such proposed legislation, Executive Orders, and administrative orders and regulations relating to economic aspects of foreign requirements as he may direct.

(d) Formulate for the Director of Defense Mobilization policies and programs which will employ the economic resources of the United States for the purpose of obtaining strategic needs from foreign sources.

3. This order shall take effect on January 19, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-1147; Filed, Jan. 23, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9831, 9876]

HEART OF THE BLACK HILLS STATION (KDSJ) AND MINNESOTA VALLEY BROADCASTING CO. (KTOE)

ORDER CONTINUING HEARING

In re application of John Daniels, Eli Daniels and Harry Daniels, d/b as Heart of the Black Hills Station (KDSJ) Deadwood, South Dakota, Docket No. 9831, File No. BP-7597; Minnesota Valley Broadcasting Company (KTOE), Mankato, Minnesota, Docket No. 9876, File No. BP-7941; for construction permit.

The Commission having before it a petition for a thirty-day continuance of the hearing in this proceeding, filed January 10, 1951 on behalf of John Daniels, Eli Daniels and Harry Daniels, d/b as Heart of the Black Hills Station (KDSJ), which petition was considered at the time and place designated for hearing upon the above applications in the Commission's orders dated November 14, 1950 and January 8, 1951; and

It appearing, that counsel for each applicant and for the Commission were present at the appointed time and place for hearing in this proceeding, and that KUJ, Inc., which was heretofore named as a party respondent herein, has not heretofore entered its appearance in this proceeding and was not present or represented at the scheduled hearing time and place; and

It further appearing, that all counsel present agreed that the petition for continuance should be considered forthwith and granted to the extent hereinafter ordered; and

It further appearing, that the applications herein were consolidated for comparative hearing upon enlarged issues by Commission order of January 8, 1951, and that the intervening period of time was inadequate to permit either applicant to prepare for the hearing on this date upon the changed issues and alignment of parties; and

It further appearing, that the granting of the petition as hereinafter ordered will conduce to the orderly dispatch of the Commission's business and serve the ends of justice; now therefore,

It is ordered, This 11th day of January 1951, that the petition for continuance is granted, and the hearing which was scheduled to commence on this date is continued to 10:00 a. m. Monday, February 19, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1149; Filed, Jan. 23, 1951; 8:51 a. m.]

[Docket No. 9393]

KWHK BROADCASTING CO., INC. (KWHK)

ORDER CONTINUING HEARING

In re: application of KWHK Broadcasting Company, Inc. (KWHK), Hutchinson, Kansas, Docket No. 9393, No. BP-6831; for construction permit.

The Commission having under consideration a petition filed on January 10, 1951, by the above-named applicant requesting continuance of the hearing upon its application scheduled for January 19, 1951, by order of the Commission dated November 14, 1950; and

It appearing, that there is now pending before the Commission a petition to reconsider and grant the above-entitled application without hearing; and

It further appearing, that counsel for the only respondent in this proceeding and Commission counsel have informally agreed to an immediate consideration and grant of the petition for continuance;

It is ordered, This 12th day of January 1951, that the petition be, and the same is hereby, granted, and the hearing on the above-entitled application, be, and the same is hereby, continued, until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R Doc. 51-1150; Filed, Jan. 23, 1951; 8:52 a. m.]

[Docket No. 9858]

WEST COAST TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of charges, classifications, regulations and practices for and in connection with channels for program transmission of West Coast Telephone Company and its connecting and concurring carriers; Docket No. 9858.

The Commission having under consideration a petition filed on January 8, 1951, by West Coast Telephone Company requesting continuance of the hearing in the above-entitled matter, now scheduled for January 22, 1951, until ten days after the Commission acts on the application for special tariff permission relative to the subject matter of this proceeding, now pending before the Commission; and

It appearing, that a grant of the pending application will doubtless render the hearing unnecessary;

It is ordered, This 15th day of January 1951, that the petition be, and the same is, hereby granted, and the hearing in this proceeding is hereby continued until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1151; Filed, Jan. 23, 1951; 8:52 a. m.]

[Docket No. 9514]

CROSLEY BROADCASTING CORP. (WINS)

ORDER CONTINUING HEARING

In re application of Crosley Broadcasting Corporation (WINS), New York, New York; Docket No. 9514, File No. BMP-4758; for extension of completion date.

The Commission having under consideration a petition filed December 28, 1950 by the Crosley Broadcasting Corporation (WINS), New York, New York, requesting that the hearing herein, presently scheduled for January 18, 1951 be continued to April 16, 1951 or, in the alternative, to a date approximately six weeks after the antenna system of Station WMGM has been reconstructed and a new proof of performance report filed with the Commission on the ground that it cannot complete certain phases of the engineering work necessary to meet the issues in this hearing until after Stations WOV and WMGM have reconstructed their antenna systems, which were seriously damaged or practically demolished by the storm of November 25, 1950; and

It appearing that on January 4, 1951, the General Counsel filed an opposition to the petition of the Crosley Broadcasting Corporation, stating that the hearing herein has been continued since January 5, 1950 at the request of the petitioner, that applicant has filed numerous measurements relating to its directional antenna system, and that petitioner has not satisfactorily shown why measurements must be taken or that they will be of any greater assistance to the Commission than those previously filed, and, further, requesting oral argument; and

It further appearing that on January 5, 1951, Oral Argument was held on said petition for a continuance and it was determined that action on the petition would be withheld until Crosley Broadcasting Corporation filed a memorandum in support of its motion for a continuance, explaining why measurements taken before the storm of November 25, 1950 were not adequate to meet the issues; and

It further appearing that on January 10, 1951, the Crosley Broadcasting Corporation filed a memorandum in support of motion for continuance, accompanied by an affidavit of the applicant's consulting engineer, showing good reason for a continuance of the hearing herein;

It is therefore ordered, This 15th day of January 1951, that the petition of the Crosley Broadcasting Corporation (WINS), requesting a continuance of the hearing herein, presently scheduled for January 18, 1951, be and it is hereby granted and the hearing herein is hereby continued to April 16, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1152; Filed, Jan. 23, 1951; 8:52 a. m.]

[Docket No. 9746]

INTERLAKE BROADCASTING CORP. (KXRN)

ORDER CONTINUING HEARING

In re application of Interlake Broadcasting Corporation (KXRN), Renton, Washington, Docket No. 9746, File No. BP-7560; for construction permit.

The Commission having under consideration a motion filed January 12, 1951 by the applicant requesting that the hearing upon its application be continued to permit Commission action upon a pending petition for reconsideration and grant; and

If appearing, that the hearing in this proceeding is scheduled to be commenced on January 17, 1951 and that the application is pending before the Commission upon a petition for reconsideration and grant heretofore filed by the applicant; and

It further appearing, that the Commission's disposition of the pending petition may eliminate or alter the hearing proceeding upon this application and that the orderly dispatch of business and the ends of justice will be served by postponing the hearing until after the Commission has considered the pending petition; and

It further appearing, that the imminence of the scheduled hearing date requires that the instant motion receive immediate consideration and that such action will serve the public interest and will be consistent with the requirements of § 1.745; now therefore,

It is ordered, This 16th day of January 1951, that the motion for continu-

ance be granted and the hearing in this proceeding is continued from January 17, 1951 to such date as may be fixed by further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1153; Filed, Jan. 23, 1951; 8:52 a. m.]

[Docket Nos. 9641, 9809, 9810]

DAVID M. BALTIMORE ET AL.

ORDER CONTINUING HEARING

In re applications of David M. Baltimore, Scranton, Pennsylvania, Docket No. 9641, File No. BP-7541; The Scranton Times (Co-Partnership), Elizabeth R. Lynett and Edward J. Lynett, Jr., (WQAN), Scranton, Pennsylvania, Docket No. 9809, File No. BP-7791; Richard G. Evans tr/as Radio Pittston FM and Television Company, Pittston, Pennsylvania, Docket No. 9810, File No. BP-7815; for construction permits.

The Commission having under consideration a petition filed January 8, 1951, by David M. Baltimore, Scranton, Pennsylvania, requesting a 30-day continuance of the hearing presently scheduled for January 22, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 16th day of January 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, February 26, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1154; Filed, Jan. 23, 1951; 8:52 a. m.]

[Docket Nos. 7179, 7180]

EASTON PUBLISHING CO. AND ALLENTOWN BROADCASTING CORP.

ORDER SETTING DATE FOR HEARING

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 7180, File No. BP-4374; for construction permits.

The Commission having under consideration the hearing date in the above-entitled proceeding; and

It appearing, that the hearing was heretofore continued pending action by the United States Circuit Court of Appeals for the District of Columbia in proceedings involving the same subject matter, and that the awaited decision was rendered by the Court on October 23, 1950;

It is ordered, This 16th day of January 1951, that the hearing in the above-entitled proceeding be, and it is hereby, set for March 5, 1951, at 10:00 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1155; Filed, Jan. 23, 1951; 8:53 a. m.]

[Docket Nos. 9877, 9878]

R. W. TOWERY AND PULASKI BROADCASTING CO. (WKSR)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of R. W. Towery, Iuka, Mississippi, Docket No. 9877, File No. BP-7893; John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company (WKSR) Pulaski, Tennessee, Docket No. 9878, File No. BP-7922; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission having under consideration the above-entitled applications of R. W. Towery for a new standard broadcast station to operate on the frequency 580 kc, with 1 kilowatt of power, daytime only, at Iuka, Mississippi, and of the Pulaski Broadcasting Company for a permit to change the facilities of Station WKSR from 730 kc, 250 w daytime only to 580 kc, with 500 watts night, and 1,000 watts day, utilizing different directional patterns day and night, at Pulaski, Tennessee;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 26, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of R. W. Towery and the technical, financial and other qualifications of John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations; and with particular reference as regards the Pulaski proposal to (1) the ratio of the population within the normally protected and actual nighttime interference-free contour to the population which would receive satisfactory service, and (2) the excessive blanket population within the 250 mv/m contour.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1156; Filed, Jan. 23, 1951; 8:53 a. m.]

[Docket Nos. 9879, 9880]

GREENVILLE BROADCASTING CO. (WESC) AND SPARTAN RADIOCASTING CO. (WORD)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Greenville Broadcasting Company (WESC), Greenville, South Carolina, Docket No. 9879, File No. BP-7804; The Spartan Radiocasting Company (WORD), Spartanburg, South Carolina, Docket No. 9880, File No. BP-7810; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1951;

The Commission having under consideration the above-entitled applications each requesting the frequency 910 kilocycles, with 1 kilowatt of power, unlimited time, using different directional antennas for day and night use;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on February 28, 1951, at Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the corporate applicants, their officers, directors and stockholders to operate Stations WESC and WORD as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Stations WESC and WORD as proposed, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WORD as proposed would involve objectionable interference with Station WJHL, Johnson City, Tennessee, or whether the operations of Stations WESC and WORD as proposed would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Stations WESC and WORD as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of Stations WESC and WORD as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That WJHL, Incorporated, licensee of Station WJHL, Johnson City, Tennessee is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1157; Filed, Jan. 23, 1951; 8:53 a. m.]

CIVIL DEFENSE COMMUNICATION

FREQUENCIES AVAILABLE FOR AMATEUR PARTICIPATION

JANUARY 17, 1951.

The Civil Defense Administration has brought to the attention of the Commission the fact that licensed radio amateurs may be requested by the appropriate local Civil Defense authorities to provide civil defense communications or to supplement other existing communications systems for civil defense purposes.

The matter of permanent availability of specific frequency bands within the regularly allocated amateur bands for eventual use by amateurs in providing civil defense communications, after any suspension of normal amateur activity which may later be found to be necessary because of war or other national emergency, has been the subject of particular study by the Commission, the Civil Defense Administration and the Armed Forces of the United States.

After consideration of all factors known to be involved at this time, including frequency requirements of other radio services in time of war or other national emergency, certain frequency bands already allocated to amateurs have been selected for their retention and use for the purposes described in the preceding paragraph. The extent to which these bands meet the actual requirements for amateur participation in civil defense communications may be reviewed after a sufficient number of local communities have established appropriate civil defense plans, conducted communications drills or otherwise accumulated data which will permit such a review.

The frequency bands which will remain available for civil defense use by amateurs are tabulated herewith:

1800–2000 kc	50.35–50.75 Mc
3500–3510 kc	53.35–53.75 Mc
3990–4000 kc	145.17–145.71 Mc
28.55–28.75 Mc	146.79–147.33 Mc
29.45–29.65 Mc	220–225 Mc

In addition to the above bands, the band of frequencies 1750–1800 kc will continue to be available for use by properly qualified amateurs and others to provide a Disaster Communications Service, but it should be noted that such a service is intended as a permanent one for use in a disaster occurring at any time, to assist in handling communications within or with a disaster area, whereas the frequencies listed above are designated for amateur use for the handling of such communications as may be required in the interest of civil defense.

This notice is primarily intended to make clear which portions of the regularly allocated amateur bands will continue to be available for amateur use to provide civil defense communications after any suspension of normal amateur activity. It is not intended to deal with the various other phases of the problem, such as eligibility for continuing operation in these bands, operating regulations and procedures, and other related matters. However, to the extent that knowledge of frequency availability is required for planning purposes, such planning may proceed on the basis of this announcement for the organization of civil defense communication networks.

Nothing herein should be construed to alter in any way the present availability of amateur frequency bands or the normal operation of amateurs in these bands as presently being practiced in accordance with existing Commission rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1158; Filed, Jan. 23, 1951; 8:53 a. m.]

[Mexican Change List 123]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 28, 1950.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEJC	Cuernavaca, Morelos	980 kilocycles, 250 w. (change of call letters and power; previously XEY, 150 w.).	U	IV	Dec. 15, 1950
XEY	do	1420 kilocycles (change of call letters; previously XEJC).			
XFAM	Matamoros, Tamaulipas	1450 kilocycles 250 w-N/1 kw-D	U	IV	May 1, 1951

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1159; Filed, Jan. 23, 1951; 8:54 a. m.]

[Docket No. 9836]

CLASS B FM BROADCAST STATIONS

TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held in its office in Washington, D. C., on the 17th day of January 1951;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule-making (FCC 50-1399) setting forth the above amendment was issued by the Commission on November 22, 1950, and was duly published in the FEDERAL REGISTER (15 F. R. 8651), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before December 26, 1950; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would make possible a more fair, equitable and efficient distribution of FM frequencies;

It is ordered, That, effective February 28, 1951, the Revised Tentative Alloca-

tion Plan for Class B FM Broadcast Stations is amended as follows:

General Area	Channels	
	Delete	Add
1. Hopkinsville, Ky.	230	
Madisonville, Ky.		230
2. Fostoria, Ohio		225
3. Warren, Pa.		222

Released: January 18, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1160; Filed, Jan. 23, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6264]

NIAGARA FALLS POWER CO.

ORDER POSTPONING HEARING

JANUARY 18, 1951.

In the matter of The Niagara Falls Power Company (Niagara Mohawk Power Corporation, successor licensee), Docket No. E-6264.

By order dated November 2, 1950, the Commission postponed to January 20, 1951, the hearing in the above-entitled matter.

The staff assigned to this proceeding has requested a further postponement of the hearing because the necessity for preparation of other Commission cases now pending on review in the courts has deprived the staff of an adequate opportunity to prepare for the hearing on January 29.

Counsel for the company has been advised of the staff's request for further postponement and has no objection thereto.

The Commission finds: Good cause exists for further postponing the date of hearing as hereinafter provided:

The Commission orders: The public hearing in the above-entitled matter is hereby further postponed to March 14, 1951, commencing at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 19, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1139; Filed, Jan. 23, 1951; 8:49 a. m.]

[Docket No. E-6335]

HOUSTON LIGHTING & POWER CO.

NOTICE OF ORDER AUTHORIZING ESTABLISHMENT AND MAINTENANCE OF INTERCONNECTION FOR EMERGENCY USE

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 16, 1951, in the above-designated matter, authorizing establishment and maintenance of permanent interconnection for emergency use only until December 31, 1953.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1126; Filed, Jan. 23, 1951; 8:46 a. m.]

[Docket No. G-1568]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF ORDER DISMISSING APPLICATION IN PART

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 10, 1951, in the above-designated matter, dismissing application in part without prejudice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1127; Filed, Jan. 23, 1951; 8:46 a. m.]

[Project No. 584]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR LICENSE

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 16, 1951, dismissing application for license (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1128; Filed, Jan. 23, 1951; 8:46 a. m.]

[Project No. 2047]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER APPROVING EXHIBIT AS PART OF LICENSE

JANUARY 18, 1951.

Notice is hereby given that, on January 17, 1951, the Federal Power Commission issued its order entered January 16, 1951, approving Exhibit L as part of the license in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1129; Filed, Jan. 23, 1951; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III b 6, subparagraph (k) is amended to read as follows:

(k) To renew and extend leases and use permits for sites.

Date approved: January 17, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-1133; Filed, Jan. 23, 1951; 8:48 a. m.]

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph (t) is added to section III b 7, as follows:

(t) To execute and issue Physical Completion Notices.

Subparagraph (l) is added to section III b 8, as follows:

(l) To approve on behalf of the PHA formal change orders which modify the requirements of contracts for main construction, demolition, landscaping, or the furnishing of movable equipment.

Date approved: January 17, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-1134; Filed, Jan. 23, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 175]

INCREASED FREIGHT RATES, 1951

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of January A. D. 1951.

A petition was filed with the Interstate Commerce Commission on January 16, 1951, by the railroads listed in Appendix I thereof, being substantially all the class I railroads in the United States and many railroads of other classes, which requests the Commission to institute an investigation into the adequacy of railway freight rates and charges of the petitioners, with the object of effecting general increases in freight rates and charges as set forth in Appendix II thereof; and also seeks permission to make such increased rates and charges effective at the earliest possible date, upon less than statutory notice; and prays for the entry of a general order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective, and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act.

Upon consideration thereof:

It is ordered, That an investigation under the caption hereof is hereby instituted into and concerning the reasonableness and lawfulness of the increases in freight rates and charges requested by petitioning carriers, and that the investigation and the petition described shall be assigned for hearing as may be ordered hereafter by the Commission.

Notice to the general public will be given by depositing a copy of this order in the office of the Secretary of the Commission, for public inspection, and by filing a copy of this order with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1161; Filed, Jan. 23, 1951; 8:54 a. m.]

[Ex Parte No. 177]

INCREASED EXPRESS RATES AND CHARGES, 1951

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of January A. D. 1951.

The Commission, having before it petition filed January 12, 1951, by the Railway Express Agency, Incorporated, for authority to increase its rates and charges and to make other modifications of the express rate structure, in the manner and to the extent set forth in such petition; and it appearing that petitioner prays that it be permitted to make such increases and changes, and that the Commission institute an investigation to determine whether the increases and changes proposed will be just and reasonable and not in excess of maximum reasonable rates and charges, and that the Commission enter a general order modifying its outstanding orders to the extent necessary to enable petitioner promptly to make effective the rates and charges proposed on less than statutory notice, and that where the application of the rates and charges herein proposed to the existing rates and charges would result in departures from section 4 of the Interstate Commerce Act, the Commission authorize such departures, which petition so filed is referred to for greater certainty:

It is ordered, That the Commission enter upon an investigation of the proposals made in such petition as above summarized; and that a copy of this order be served upon petitioner and upon the Governors and regulatory bodies of the several States;

It is further ordered, That the proceeding be assigned for hearing at such times and places as hereafter may be designated;

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1140; Filed, Jan. 23, 1951; 8:49 a. m.]

[4th Sec. Application 25761]

IRON AND STEEL ARTICLES FROM OHIO, KENTUCKY, AND WEST VIRGINIA TO KNOXVILLE, TENN.

APPLICATION FOR RELIEF

JANUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, including tin and terne plate, carloads.

From: Portsmouth and New Boston, Ohio, Ashland, Ky., and Huntington, W. Va.

To: Knoxville, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1142; Filed, Jan. 23, 1951; 8:49 a. m.]

[4th Sec. Application 25762]

TEA AND TEA DUST FROM TEXAS PORTS TO POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to Agent Ira D. Dodge's tariff I. C. C. No. 743.

Commodities involved: Tea and tea dust, less-than-carloads.

From: Texas ports.

To: Points in Texas.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: Ira D. Dodge's tariff I. C. C. No. 743, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1143; Filed, Jan. 23, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-395]

ANALYTICAL SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 18th day of January A. D. 1951.

Notice is hereby given that Analytical Securities Corporation, located at No. 31 Nassau Street, New York, New York, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

The following facts appear from the application:

Analytical Securities Corporation, incorporated under the laws of the State of Delaware, is a closed-end, non-diversified management investment company registered under the act.

A special meeting of the common and preferred stockholders was held on October 27, 1949, at which liquidation and dissolution of the corporation was approved.

Pursuant to the Delaware law, the corporation was dissolved on November 1, 1949.

Final liquidating dividends were mailed to stockholders on October 19, 1950.

At the time of the distribution there were outstanding 17,918 shares of common stock owned by 114 stockholders of record and 3,399 shares of preferred stock owned by 68 stockholders of record. Liquidating dividends have been paid on all of the stock and there are no further shares of stock now outstanding.

Actual assets distributed after payment of all liabilities amounted to $139,867.98. Of this amount, 97 percent totaling $135,671.95 was paid to preferred stockholders and 3 percent totaling $4,196.03 was paid to common stockholders

at the rate of $39.91527 per share of preferred stock and $.23418 per share of common stock.

All liabilities have been paid including expenses of distribution.

All interested persons are referred to said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after February 9, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 7, 1951, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1131; Filed, Jan. 23, 1951; 8:47 a. m.]

[File No. 812-700]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of January A. D. 1951.

In the matter of the Equity Corporation, the Morris Plan Corporation of America and the Bank of Ohio Company, File No. 812-700.

Notice is hereby given that The Morris Plan Corporation of America (Morris Plan), 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the provisions of section 17 (a) of the act, the proposed purchase by Morris Plan of shares of the capital stock of The Bank of Ohio Company (Bank), 921 Huron Road, Cleveland, Ohio, from persons affiliated with the Bank and holding stock in said Bank.

Morris Plan is the owner and holder of 24.88 percent of the Bank's authorized issued and outstanding capital stock. The Equity Corporation, a registered investment company of the closed end, nondiversified, management type, owns more than 25 percent of the voting stock of Morris Plan. Certain persons holding stock of said Bank are directors, officers, employees, or holders of more than 5 percent of the capital stock of the Bank and, therefore, "affiliated" with the Bank within the definition of the act. Accordingly, any sale of such stock to Morris Plan by any affiliated person of the Bank would constitute a sale of a security by an affiliated person of an affiliated person of a registered investment company to a company controlled by such registered company and would be barred under the provision of section 17 (a) (1) of the act, unless exempted therefrom by the Commission pursuant to the authority vested in it by section 17 (b) of the act. Morris Plan, accordingly, requests such an exemption.

The Bank was organized under the laws of Ohio on or about March 18, 1916. Morris Plan (or a predecessor in interest) became the owner of 25 percent of the capital stock by original subscription and has subsequently maintained ownership of between 20 percent and 25 percent of the Bank's outstanding stock. At the present time Morris Plan is the owner of 24,880 shares of capital stock of the Bank, representing 24.88 percent of the capital stock outstanding.

Morris Plan proposes to purchase up to 26,000 shares of the Bank's capital stock at a price of $30.00 per share from present shareholders who accept the offer. The application states that the stock of the Bank is not listed on any recognized stock exchange but that the stock is quoted in an active over-the-counter market in Cleveland, Ohio. On or about October 31, 1950, the Bank stock was quoted at approximately $25.00 per share. On December 1, 1950, after possible public knowledge of the pending offer, the stock was quoted at approximately $29.00 per share. The book value of the Bank's capital stock as of October 31, 1950, was slightly in excess of $25.95 per share. The applicant asserts that the growth of the Bank, its demonstrated earning capacity over a long period of time, and the benefits resulting from control of a majority of the shares warrant a valuation of the stock above book value. It is asserted, therefore, that the proposed purchase price of $30.00 is fair and reasonable.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after February 8, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 6, 1951, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1130; Filed, Jan. 23, 1951; 8:47 a. m.]

[File No. 812-709]

NATIONAL AVIATION CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of January A. D. 1951.

Notice is hereby given that National Aviation Corporation (the Company), 111 Broadway, New York 6, New York, a management investment company registered under the Investment Company Act of 1940, has filed an application under Rule N-17D-1 promulgated under the act with respect to a proposed pension plan for all persons employed by the Company on a full time basis.

Pursuant to the proposed pension plan, all contributions will be made by the Company and none by employees. Contributed funds are to be held and administered by Bankers Trust Company as trustee. If the plan were in effect at the present time, it would be applicable to six employees, three of whom are officers. The normal retirement age under the plan is 65. The retirement pension, payable annually, is to consist of an amount equal to 1 percent of the first $300 and 2 percent of the excess over $300 of the employee's compensation paid to him for each month of his credited service, plus a similar allowance computed on an annual basis with respect to service rendered prior to the effective date of the plan. The maximum pension payable to any employee is limited to $7,500 per annum. It is estimated that the cost of prior service contributions will be $39,510 and that the contribution for current service credits for 1951 will be $4,631. It is intended to submit the plan to stockholders for approval and to qualify the plan under section 165 (a) of the Internal Revenue Code.

Rule N-17D-1 provides, in part, that:

> No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof, if not so submitted.

All interested persons are referred to said application which is on file at the Washington, D. C. office of the Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after February 8, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 6, 1951, at 5:30 p. m., eastern standard time, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1132; Filed, Jan. 23, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16995]

KURT WETZEL

In re: Rights of Kurt Wetzel also known as Kurt Fritz Wetzel et al. under insurance contract. File No. F-28-27648-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Wetzel also known as Kurt Fritz Wetzel and Elizabeth (Elisabeth) Wetzel, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That Helene Wetzel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1519718, issued by The Travelers Insurance Company, Hartford, Connecticut, to Kurt Wetzel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Travelers Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kurt Wetzel also known as Kurt Fritz Wetzel or Elizabeth (Elisabeth) Wetzel or Helene Wetzel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the said Kurt Wetzel also known as Kurt Fritz Wetzel and Elizabeth (Elisabeth) Wetzel, be treated as nationals of a designated enemy country (Germany);

5. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1110; Filed, Jan. 22, 1951; 8:54 a. m.]

[Vesting Order 17081]

MINOSUKE KANESHIMA

In re: Bank account owned by Minosuke Kaneshima. D-39-5363-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minosuke Kaneshima, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Minosuke Kaneshima, by the Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, account number 10065, entitled M. Kaneshima, presently in an "attached account" section pursuant to a writ of attachment in United States vs. Minosuke Kaneshima, No. 701628 (Municipal Court, City of Los Angeles), said account maintained at the branch office of the aforesaid bank, located at Wilmington, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1111; Filed, Jan. 22, 1951; 8:54 a. m.]

[Vesting Order 16994]

SOKICHI NISHI ET AL.

In re: Rights of Sokichi Nishi et al. under contracts of insurance. File Nos. F-39-5999-H-2, H-3, H-4, H-5 and H-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sokichi Nishi, Sumiko Nishi, Miss Toshiko Nishi, Miss Yuriko Nishi and Michiko Nishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 1337227, 1402691, 1599439, 1599440, 1599441, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Sokichi Nishi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States)

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1109; Filed, Jan. 22, 1951; 8:54 a. m.]

[Vesting Order 16614]

FRIEDRICH WILHELM MUHLEN

In re: Estate of Friedrich Wilhelm Muhlen, deceased. File No. 017-24456.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite Louise Muhlen, nee Masson, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Friedrich Wilhelm Muhlen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William I. Riegelman, as ancillary administrator, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the said Marguerite Louise Muhlen, nee Masson, be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1163; Filed, Jan. 23, 1951; 8:55 a. m.]

[Vesting Order 16651]

GOICHI AND TOYO YAMASHINA

In re: Rights of Goichi Yamashina and Toyo Yamashina under insurance contract. F-39-4566-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Goichi Yamashina and Toyo Yamashina, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7919114, issued by the New York Life Insurance Company, New York, New York, to Goichi Yamashina, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Goichi Yamashina or Toyo Yamashina, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1165; Filed, Jan. 23, 1951; 8:56 a. m.]

[Vesting Order 16652]

FUMIKO YAMAMOTO

In re: Rights of Fumiko Yamamoto under insurance contract. File No. D-39-12967-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fumiko Yamamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2079216, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Masao Yamamoto, together with the right to demand, receive, and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1164; Filed, Jan. 23, 1951; 8:55 a. m.]

[Vesting Order 16654]

HENRY F. E. NEUMANN ET AL.

In re: Rights of Henry F. E. Neumann, Emma B. Neumann and Henry C. Neumann under insurance contract. File F-28-23379-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry F. E. Neumann, Emma B. Neumann and Henry C. Neumann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,890,841 issued by the Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Henry F. E. Neumann, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henry F. E. Neumann or Emma B. Neumann and Henry C. Neumann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-1167; Filed, Jan. 23, 1951; 8:56 a. m.]

[Vesting Order 16653]

EMILIE ZIMMERMANN ET AL.

In re: Rights of Emilie Zimmermann et al., under insurance contracts. Files No. D-28-11453; H-1, 2, 3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Zimmermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Zimmermann, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 94 982 285, 94 982 286 and 666 117 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Emilie Zimmermann, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emilie Zimmermann or the domciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Zimmermann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emilie Zimmermann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1166; Filed, Jan. 23, 1951; 8:56 a. m.]

[Vesting Order 16752]

MICHIHARU AKIYAMA ET AL.

In re: Rights of Michiharu Akiyama et al., under insurance contracts. Files D-39-2231-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michiharu Akiyama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Michiharu Akiyama, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 1 375 220 and No. 1 375 219, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Michiharu Akiyama, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Michiharu Akiyama or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Michiharu Akiyama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Michiharu Akiyama, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1169; Filed, Jan. 23, 1951; 8:56 a. m.]

[Vesting Order 16881]

GERMANY AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts owned by Germany and scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden. F–28–7621–A–1; E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, N. Y., arising out of coupon accounts and a coupon suspense account entitled "City of Frankfort on Main 7 percent Serial Gold Bonds of 1925" maintained at the office of said J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany);

2. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows: Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of RM 1785, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, N. Y., said certificates of indebtedness having been offered by the said Conversion Office in partial settlement of coupons numbered 8, 16 and 17, appertaining to the bonds named in subparagraph 1 hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1169; Filed, Jan. 23, 1951; 8:56 a. m.]

[Vesting Order 16886]

JUNKERS FLUGZEUG-UND-MOTORENWERKE AKTIENGESELLSCHAFT

In re: Debt owing to Junkers Flugzeug-und-Motorenwerke Aktiengesellschaft. F–28–4972–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junkers Flugzeug-und-Motorenwerke Aktiengesellschaft, the last known address of which is P. O. Box 94, Dassau, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Junkers Flugzeug-und-Motorenwerke Aktiengesellschaft, by United Aircraft Corporation, 400 Main Street, East Hartford, Connecticut, representing a credit balance in favor of the aforesaid Junkers Flugzeug-und-Motorenwerke Aktiengesellschaft, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1170; Filed, Jan. 23, 1951; 8:57 a. m.]

[Vesting Order 16888]

ANNA KILLER

In re: Stocks and bonds owned by Anna Killer (nee Pomnitz). F–28–22599–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Killer (nee Pomnitz), whose last known address is 15 Reichenbacher Strasse, Ruedescheim/Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Associated Gas and Electric Company (succeeded by General Public Utilities Corporation under Plan of Reorganization under Chapter X of the Bankruptcy Act) 5 percent Sinking Fund Income Debentures, of $1,000 face value, due 1986, bearing the number MB670, in bearer form, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond,

b. That certain debt or other obligation, matured or unmatured, evidenced by one (1) Erie Railroad Company Refunding and Improvement Mortgage 5 percent Gold Bond, Series of 1927, of $1,000.00 face value, due May 1, 1967, bearing the number M1658, in bearer form, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond,

c. Fifty (50) shares of $25.00 par value common capital stock of the Oriental Gold Mining Company, c/o City Bank Farmers Trust Company, Agent in Liquidation, 22 William Street, New York 15, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered A1853, issued on June 10, 1881, to C. W. Hussey and W. Gibson, and endorsed by them in blank on June 11, 1881, together with all declared and unpaid dividends thereon, and any and all rights to receive proceeds of liquidation therefor, and

d. Fifty (50) shares of $25.00 par value common capital stock of the Miller Gold Mining Company, c/o City Bank Farmers Trust Company, 22 William Street, New York 15, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered A1839, issued on June 10, 1881, to C. W. Hussey and W. Gibson, and endorsed by them in blank on June 11, 1881, together with all declared and unpaid dividends thereon, and any and all rights to receive proceeds of liquidation therefor,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1171; Filed, Jan. 23, 1951; 8:57 a. m.]

[Vesting Order 16891]

HACHIRO MIZUHARA ET AL.

In re: Cash owned by Hachiro Mizuhara and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are set forth in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $8,943.48 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the names of the persons listed in Exhibit A, attached hereto and by reference made a part hereof, in the amounts appearing opposite such names, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name	Amount	OAP file No.
Hachiro Mizuhara	$175.55	F–39–6834–E–1
Akira Norisuye	121.50	F–39–6835–E–1
Toshiyuki Obayashi	119.32	F–39–6836–E–1
Yoshiro Oye	229.50	F–39–6837–E–1
Chitoshi Ryuto	152.65	F–39–6838–E–1
Yeishi Eddie Sakaniwa	258.60	F–39–6839–E–1
Masayuki Sato	130.00	F–39–6840–E–1
Suyeo Shoji	207.74	F–39–6842–E–1
Jiro Suzuki	175.00	F–39–6843–E–1
Kiyoshi Takano	100.00	F–39–6844–E–1
Shinsei Yoshida	182.25	F–39–6846–E–1
Motoichi Kobayashi	102.63	F–39–3130–E–1
Shunji Aoyama	782.89	F–39–4376–E–1
Junichi Iwakami	9.50	D–39–4809–E–2
Kazuso Shibata	548.03	F–39–5768–E–1
Kahei Miyake also known as Habei Miyake	130.90	F–39–5786–E–2
Toyomi Okaji	387.60	F–39–5862–E–1
Tsutomu Akata	350.00	F–39–5926–E–2
Goro Kitayama	279.03	F–39–6191–E–1
Noboru Nakamoto	586.63	F–39–6287
George Okabe	575.84	F–39–6293
Kiyoshi Fukaye	132.87	F–39–6454–E–1
Ben Tsutomu Funakawa	209.27	F–39–6455–E–1
Kaniehi Furuta	104.80	F–39–6456–E–1
Masaoki Herada	410.38	F–39–6461–E–1
Noburu Harry Kawashima also known as Noburu Kawashima	2,263.18	D–39–6587–E–1
Noboru Tsuda also known as Noburu Tsuda	109.42	D–39–17146–E–2

[F. R. Doc. 51–1172; Filed, Jan. 23, 1951; 8:57 a. m.]

[Vesting Order 16892]

HANS NEBEL

In re: Stock owned by Hans Nebel. F–28–13206–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Nebel, whose last known address is Mittenwald, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred (100) shares of common capital stock of Thompson-Starrett Co., Inc., 444 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered C 29056, registered in the name of Hans Nebel, and presently in the custody of Martin Nebel, 103 S. 11th Street, Philadelphia, Pennsylvania, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Nebel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1173; Filed, Jan. 23, 1951; 8:57 a. m.]

[Vesting Order 16897]

FRANZ SCHELLHORN

In re: Stock owned by Franz Schellhorn. F–28–31114.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Exec-

utive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Schellhorn, whose last known address is Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two and two-tenths (2.2) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered VL756376 for twenty (20) shares and XL380254 for two (2) shares of common no par value stock of the aforesaid Company, registered in the name of Franz Schellhorn, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for $10.00 par value stock of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1175; Filed, Jan. 23, 1951; 8:58 a. m.]

[Vesting Order 17006]

ANNA BREXEL

In re: Bank account owned by Anna Brexel. F-28-31141.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Brexel, whose last known address is W. Nord Str. 1, Munster, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Brexel by Merchants National Bank, Terre Haute, Indiana, arising out of a blocked account entitled Anna Brexel, by L. P. Kincade, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1180; Filed, Jan. 23, 1951; 8:59 a. m.]

[Vesting Order 16988]

MARTHA E. BURGDORF ET AL.

In re: Rights of Martha E. Burgdorf et al. under insurance contracts. File Nos. F-28-9425-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha E. Burgdorf and Marie Burgdorf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha E. Burgdorf and of Marie Burgdorf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 1,162,158 and No. 1,162,159, issued by The Mutual Benefit Life Insurance Company, Newark, New Jersey, to Christian C. Burgdorf, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha E. Burgdorf or Marie Burgdorf or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha E. Burgdorf and of Marie Burgdorf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha E. Burgdorf and of Marie Burgdorf are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1178; Filed, Jan. 23, 1951; 8:58 a. m.]

[Vesting Order 17075]

FREDERICK KLAEBER ET AL.

In re: Interests in and rights under real estate contracts, mortgages and claims owned by Frederick Klaeber, also known as Frederic Klaeber, and others. F-28-13724-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Klaeber, also known as Frederic Klaeber, whose last known address is 15 Chamberlain Street, Berlin-Zehlendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All interests and all rights of the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof, arising out of certain real estate contracts, covering real properties situated in Hennepin County, Minnesota, and more particularly described in Exhibit A, attached hereto and by reference made a part hereof, which said contracts are now being serviced, or were heretofore serviced, by and are known to David C. Bell Investment Company, 501 Second Avenue South, Minneapolis, Minnesota, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the interests and rights of said persons pertaining to such property,

b. All those certain debts or other obligations owing to the person named in subparagraph 1 hereof, and to the persons referred to in subparagraph 2 hereof, and secured by mortgages covering real properties situated in Hennepin County, Minnesota, and more particularly described in Exhibit B, attached hereto and by reference made a part hereof, and which said mortgages are now being serviced, or were heretofore serviced, by and are known to David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, including but not limited to all security rights in and to any and all collateral (including said mortgages) for any and all such obligations and the right to possession of all mortgages, notes, bonds or other instruments evidencing such obligations, and

c. All those certain debts or other obligations owing to the person named in subparagraph 1 or to the persons referred to in subparagraph 2 hereof by David C. Bell Investment Company, 501 Second Avenue South, Minneapolis, Minnesota, arising out of collections made by said company for the account of said persons and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Contract No.	Address of transferee and of real property covered by contract	Original contract price
1	Albert L. Busch, 5346 Dupont Ave. South	$1,300.00
2	Rose P. Stone, 3208-10 Columbus Ave.	1,708.86
3	Alvin W. Glimer, 3433 22d Ave. South	2,900.00

All of the above real property covered by contracts is located in Hennepin County, Minn.

EXHIBIT B

Mortgage No.	Address of mortgagor or his successor and of real property securing mortgage	Original amount of mortgage
1	Joseph W. Curtis, 4069 Brunswick Ave	$750.00
2	Andrew L. Swanson, 5421 30th Ave. South	1,400.00
3	Carl W. Magnuson, 3439 38th Ave. South	2,250.00
4	C. G. Kronmiller, 3913 West 48th St	300.00
5	Thomas C. Byrne, 4246 39th Ave. South	12500.00
6	R. O. Naegele, on East Hennepin Ave.	3,500.00
7	Leo C. Kirkbride, 3350 James Ave. North	900.00
8	O. O. Robbins, 7317 Bryant Ave. South	500.00
9	W. L. Huntington, 4704 28th Ave. South	447.40
10	G. L. Sawyer, Bellgrove	700.00
11	Almon G. Hovey, 5844 Kellog Ave	567.93
12	Cathedral Church of St. Mark	1,533.24
13	Anna M. Bell, 5216 Chowen Ave. South	3,500.00
14	Henry F. Bezoier, Bellgrove	500.00
15	V. E. McCoy, 4105 Brunswick	362.80
16	A. C. Ragnow, 1804 West 49th St	500.00
17	John S. Carney, Bellgrove	2,504.83
18	K. H. Wilson, 4108 Quail Ave	500.00
19	R. C. Wilson, 5159 Xerxes Ave. South	350.00
20	A. H. Moore, in Interlachen Park	1,000.00
21	C. G. Hules, 4147 Brunswick Ave	600.00
22	L. F. Ramberg, 2315 Laurel Ave	400.00
23	E. J. Beckstrom, by Wood Circle	1,000.00
24	J. L. Morrison, 5352 Emerson Ave. South	500.00
25	C. V. Nelson, 4647 Dupont Ave. South	2,000.00
26	J. E. Alexander, 100 Natchez Ave	500.00
27	Eugene M. Smith	1,600.00

All of the above parcels of real estate are situated in Hennepin County, Minnesota.

[F. R. Doc. 51-1186; Filed, Jan. 23, 1951; 9:01 a. m.]

[Vesting Order 17078]

LEONHARD REINDLER ET AL.

In re: Real property, interest in real property, property insurance policies, and a claim owned by Leonhard Reindler and others. D-28-2079.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonhard Reindler, Margarethe Braun, Mare Leichs, Babette Buettner, Eva Reiter, Barbara Schneider, Marie Stuetzer, also known as Marie Struetzer, Babette Uhlmann, Margaretha Noelp, Zacharius Tobias Grometer, Georg Grometer, Fritz Grometer, Johann Grometer, Babette Grometer, Johanna Grometer, Johann Kernstock, and Eva Barbara Bauereiss, also known as Eva Barbara Buereiss, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Naperville, County of DuPage, State of Illinois, particularly described as Tract No. 1 in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. An undivided nineteen twenty-thirds (19/23rds) interest in real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described as Tract No. 2 in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

c. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraphs 2-a and 2-b hereof, and any and all extensions or renewals thereof, and

d. All those debts or other obligations owing to the persons named in subparagraph 1 hereof by Melvin F. Abrahamson, Attorney at Law, Naperville, Illinois, and John A. Schmidt Co. of 111 West Washington Street, Chicago, Illinois, arising out of their share of the net income by reason of the collection of rents on the real property described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a and 2–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–c and 2–d hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Tract 1. Lot Seven (7) in Block Four (4) of Martin's Second Addition to Naperville, in the Northeast Quarter of Section 24, Township 38 North, Range 9, East of the Third Principal Meridian, in the City of Naperville, County of DuPage, State of Illinois.

Tract 2. Lot Three (3) in Smith's Subdivision of the North Six (6) feet of Lot Twenty-one (21) and all of Lots Twenty-two (22) and Twenty-three (23) in Block One (1) in University Subdivision of that part of the South one-half (½) of the North East fractional one-half (½) of Section Thirty-four (34) Township thirty-nine (39) North, Range Fourteen (14) East of the Third Principal Meridian, lying West of Cottage Grove Avenue, otherwise known as 3319 Rhodes Avenue, Chicago, Cook County, Illinois.

[F. R. Doc. 51–1169; Filed, Jan. 23, 1951; 9:02 a. m.]

[Vesting Order 16894]

KIICHI AND RYU OKUDA

In re: Securities owned by and debt owing to Kiichi Okuda and Ryu Okuda. F–39–1241–A–1/E–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiichi Okuda and Ryu Okuda, each of whose last known address is Tokyo, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) Nippon Electric Power Co. Ltd., First Ext. 6½ Percent Bond, due January 1, 1953, numbered 5475, of $1,000.00 face value, presently held by the Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California, in a Custodian Account for Kiichi Okuda and Ryu Okuda, together with any and all rights thereunder and thereto,

b. Nine (9) Tokyo City Sterling Loan of 1912 5 Percent Bonds, due September 1952, said bonds numbered and in the face amount listed below:

Numbered:	*Face amount (pounds sterling)*
25092/3	100
31054	100
30504	100
43938	200
44303	200
45601	200
51435/6	200

and presently held by the Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California in a Custodian Account for Kiichi Okuda and Ryu Okuda, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of the Anglo National Bank of San Francisco, 1 Sansome Street, San Francisco, California, arising out of a savings account, Account No. 16530, entitled Kiichi Okuda and Ryu Okuda, maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1174; Filed, Jan. 23, 1951; 8:57 a. m.]

[Vesting Order 16980]

HERBERT KARL FRIEDRICH BAHR

In re: Cash and property of Herbert Karl Friedrich Bahr. D–28–6974.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Karl Friedrich Bahr, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Herbert Karl Friedrich Bahr in and to $1,782.66 in currency of the United States, one Zeiss Ikon Camera, one box of camera filters and one tripod, said funds and property used as evidence in the trial of a case in the District Court of the United States, District of New Jersey, entitled "United States v. Herbert Karl Friedrich Bahr, Criminal No. 845c," presently in the possession and custody of William H. Tallyn, Clerk of the said District Court of the United States, District of New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1176; Filed, Jan. 23, 1951; 8:58 a. m.]

[Vesting Order 16983]

J. NISHIMURA

In re: Bank account owned by J Nishimura, also known as Jiro Nishimura and as Ziro Nishimura. F–39–6203–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. Nishimura, also known as Jiro Nishimura and as Ziro Nishimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to J. Nishimura, also known as Jiro Nishimura and as Ziro Nishimura by the Bank of California, National Association, 815 Second Avenue, Seattle, Washington, arising out of a checking account entitled J. Nishimura, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1177; Filed, Jan. 23, 1951; 8:58 a. m.]

[Vesting Order 17004]

AEG CIA. ARGENTINA DE ELECTRICIDAD, S.A. ET AL.

In re: Debts owing to AEG Cia. Argentina de Electricidad, S.A. and others. D–66–1066–C–1, F–28–18972–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allgemeine Elektricitaets-Gesellschaft, also known as A.E.G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That A.E.G. Cia. Argentina de Electricidad, S.A., the last known address of which is Buenos Aires, Argentina, is a corporation, partnership, association or other business organization, organized under the laws of Argentina and is or since the effective date of Executive Order 8389, as amended, has been controlled by or all of the stock of which is or has been owned or controlled, directly or indirectly, by the aforesaid Allgemeine Elektricitaets-Gesellschaft, also known as A.E.G., referred to in subparagraph 1 hereof, and is a national of a designated enemy country (Germany);

3. That A.E.G. Elektrotechnica A.G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

4. That Oficina Tecnica OTICO, also known as A. E. G. Electrotechnica S. A., the last known address of which is Medellin, Colombia, is a branch of and is or since the effective date of Executive Order 8389, as amended, has been controlled by or all of the stock of which is or has been owned or controlled, directly or indirectly, by the aforesaid A. E. G. Elektrotechnica A. G., referred to in subparagraph 3 hereof, and is a national of a designated enemy country (Germany);

5. That A. E. G. Mexikanische Elektrizitaets G. m. b. H., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

6. That A. E. G. Cia. Mexicana de Electricidad S. A., the last known address of which is Mexico City, Mexico D. F., is a branch of and is, or since the effective date of Executive Order 8389, as amended, has been controlled by or all of the stock of which is, or has been owned or controlled, directly or indirectly, by the aforesaid A. E. G. Mexikanische Elektrizitaets G. m. b. H. referred to in subparagraph 5 hereof, and is a national of a designated enemy country (Germany);

7. That A. E. G. China Elektrizitaets G. m. b. H., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

8. That A. E. G. China Electric Co., the last known address of which is Tientsin, China, is a branch of and is, or since the effective date of Executive Order 8389, as amended, has been controlled by or all of the stock of which is, or has been owned or controlled, directly or indirectly, by the aforesaid A. E. G. China Elektrizitaets G. m. b. H. referred to in subparagraph 7 hereof, and is a national of a designated enemy country (Germany);

9. That A. E. G. Sudamerikanische Elektrizitaets G. m. b. H., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

10. That A. E. G. Cia. Sudamericana de Electricidad, the last known address of which is Santiago, Chile, is a branch of and is, or since the effective date of Executive Order 8389, as amended, has been controlled by or all of the stock of which is, or has been owned or controlled, directly or indirectly, by the aforesaid A. E. G. Sudamerikanische Elektrizitaets G. m. b. H. referred to in subparagraph 9 hereof, and is a national of a designated enemy country (Germany);

11. That the property described as follows: That certain debt or other obligation owing to A. E. G. Cia. Argentina de Electricidad, S. A., Buenos Aires, Argentina, by the Corn Exchange Bank Trust Company, 26 Rector Street, New York 6, New York, in the amount of $1,092.47 as of October 24, 1947, representing a portion of funds on deposit in a checking account, entitled "Harry F. Perissi No. 2 Account", maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by A. E. G. Cia. Argentina de Electricidad, S. A., Buenos Aires, Argentina, the aforesaid national of a designated enemy country (Germany);

12. That the property described as follows: That certain debt or other obligation owing to Oficina Tecnica OTICO, also known as A. E. G. Electrotechnica, S. A., Medellin, Colombia, by the Corn Exchange Bank Trust Company, 26 Rector Street, New York 6, New York, in the amount of $457.33 as of October 24, 1947, representing a portion of funds on deposit in a checking account entitled "Harry F. Perissi No. 2 Account," maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by

Oficina Tecnica OTICO, also known as A. E. G. Electrotechnica, S. A., Medellin, Colombia, the aforesaid national of a designated enemy country (Germany);

13. That the property described as follows: That certain debt or other obligation owing to A. E. G. Cia, Mexicana de Electricidad, S. A., Mexico City, Mexico D. F., by the Corn Exchange Bank Trust Company, 26 Rector Street, New York 6, New York, in the amount of $9.64 as of October 24, 1947, representing a portion of funds on deposit in a checking account entitled "Harry F. Perissi No. 2 Account," maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held in behalf of or on account of, or owing to, or which is evidence of ownership or control by A. E. G. Cía. Mexicana de Electricidad, S. A., Mexico City, Mexico D. F., the aforesaid national of a designated enemy country (Germany);

14. That the property described as follows: That certain debt or other obligation owing to A. E. G. China Electric Co., Tientsin, China, by the Corn Exchange Bank Trust Company, 26 Rector Street, New York 6, New York, in the amount of $24.29 as of October 24, 1947, representing a portion of funds on deposit in a checking account, entitled "Harry F. Perissi No. 2 Account," maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by A. E. G. China Electric Co., Tientsin, China, the aforesaid national of a designated enemy country (Germany);

15. That the property described as follows:

a. That certain debt or other obligation owing to A. E G. Cia. Sudamericana de Electricidad, Santiago, Chile, by the Corn Exchange Bank Trust Company, 26 Rector Street, New York 6, New York, in the amount of $872.37 as of October 24, 1947, representing a portion of funds on deposit in a checking account, entitled "Harry F. Perissi No. 2 Account," maintained by the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to A. E. G. Cia. Sudamericana de Electricidad, Santiago, Chile, by W. R. Grace & Co., 7 Hanover Square, New York 5, New York, arising out of an Account Payable representing the proceeds of a check received from the Eagle Star Insurance Co., in payment of claim of A. E. G. Cia. Sudamericana de Electricidad, Santiago, Chile, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by A. E. G. Cia. Sudamericana de Electricidad, Santiago, Chile, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

16. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1179; Filed, Jan. 23, 1951; 8:59 a. m.]

[Vesting Order 17008]

INTERNASJONALT KVELSTOFFAKSJESELSKAP

In re: Bank account owned by Internasjonalt Kvelstoffaksjeselskap. F-51-424-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfurt am Main, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Stickstoff-Syndikat G. m. b. H., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

3. That Internationale Gesellschaft der Stickstoff-Industrie A. G. is a corporation organized under the laws of Switzerland, whose principal place of business is located at Basle, Switzerland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid I. G. Farbenindustrie A. G., and Stickstoff-Syndikat G. m. b. H., and is a national of a designated enemy country (Germany);

4. That Internasjonalt Kvelstoffaksjeselskap is a corporation organized under the laws of Norway, whose principal place of business is located at Oslo, Norway, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Internationale Gesellschaft der Stickstoff-Industrie A. G. and is a national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account entitled Internasjonalt Kvelstoffaksjeselskap (I. K. A.), and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Internasjonalt Kvelstoffaksjelskap, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That Internationale Gesellschaft der Stickstoff-Industrie A. G. and Internasjonalt Kvelstoffaksjeselskap are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany); and

7. That to the extent that the persons named in subparagraphs 1, 2, 3 and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1181; Filed, Jan. 23, 1951; 8:59 a. m.]

[Vesting Order 17072]

FRANZ WILHELM HALLER ET AL.

In re: Interest in real property and property insurance policies owned by Franz Wilhelm Haller, Thomas Georg Haller and Guenther Haller. F-28-28779.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Wilhelm Haller, Thomas Georg Haller and Guenther Haller, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-sixth (1/6) interest in eleven parcels of real property situated in the City of Pittsburgh, County of Allegheny, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. An undivided one-twelfth (1/12) interest in real property situated in the City of Pittsburgh, County of Allegheny, State of Pennsylvania, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

c. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraphs 2-a and 2-b hereof and any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All that certain lot or piece of ground situate in the Third Ward, Pittsburgh, Pennsylvania, on the southerly side of Bedford Avenue, between Fullerton and Logan Streets, having a frontage of about Forty-one (41) feet on Bedford Avenue, extending of uniform width throughout to Poplar Alley One Hundred (100) feet.

Being Lot Numbered 16, and parts of Lots Numbered 15 and 17, in Block 2, in the Fifth, Seventh and Eighth Ward Plan of the Denny Estate, recorded in the Recorder's Office aforesaid in Plan Book Vol. 6, pages 178 and 179.

Parcel No. 2. All that certain lot or piece of ground situate in the Fourth Ward, Pittsburgh, Pennsylvania, at Nos. 3608-3610 Fifth Avenue, having a frontage of Forty-four (44) feet, more or less, on Fifth Avenue, with a depth of One Hundred Twenty-seven (127) feet, more or less, to an alley.

Being Lots Numbers 5 and 6 in Plan of Charles Meyran, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 4, page 134.

Parcel No. 3. All that certain lot or piece of ground situate in the Sixth Ward, City of Pittsburgh, County of Allegheny, and State of Pennsylvania, being bounded and described as follows, to-wit:

Beginning at a point on the northerly side of Smallman Street, at line common to lots numbers Nine (9) and Ten (10) in Block Twelve (12), of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 6, page 180; thence eastwardly along Smallman Street, Twenty-four (24) feet to line common to lots numbers 10 and 11 in said plan; thence Northwardly along said line common to Lots Numbers 10 and 11, One Hundred Twenty (120) feet to Spruce Alley; thence westwardly along Spruce Alley, twenty-four (24) feet to line common to Lots Numbers 9 and 10 in aforesaid plan; thence southwardly along line common to Lots Numbers 9 and 10, One Hundred Twenty (120) feet to Smallman Street, at the place of beginning.

Being Lot Number 10, in Block 12, of the Springfield Farm Plan of the Denny Estate aforesaid.

Parcel No. 4. All that certain lot or piece of ground situate in the Sixth Ward, Pittsburgh, Pennsylvania, being bounded and described as follows, to-wit:

Beginning on the northerly side of Smallman Street, at line common to Lots Numbers 6 and 7 in Block 81 in Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 6, page 180; thence eastwardly along Smallman Street, Twenty-four (24) feet, more or less, to line common to Lot Numbers 7 and 8 in aforesaid plan; thence northwardly along the last mentioned line, One Hundred Twenty (120) feet, more or less, to Spruce Alley; thence Westwardly along Spruce Alley, Twenty-four (24) feet, more or less, to line common to Lots Numbers 6 and 7 in said plan; thence southwardly along the last mentioned line, One Hundred Twenty (120) feet, more or less, to Smallman Street, at the place of beginning.

Being Lot Number 7, in Block 81, in aforementioned plan.

Parcel No. 5. All that certain lot or piece of ground situate on the northerly side of Smallman Street, in the Sixth Ward, of the City of Pittsburgh, County and State aforesaid, being bounded and described as follows, to-wit:

Beginning on the northerly side of Smallman Street, at line common to Lots Numbers 7 and 8, in Block 81, of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County in Plan Book Vol. 6, page 180; thence eastwardly along Smallman Street, Twenty-four (24) feet, more or less, to line common to Lots Numbers 8 and 9 in said Plan; thence northwardly along the last mentioned line, One Hundred Twenty (120) feet, more or less, to Spruce Alley; thence westwardly along Spruce Alley, Twenty-four (24) feet, more or less, to line common to Lots Numbers 7 and 8 in the aforesaid plan; thence southwardly along last mentioned line, One Hundred Twenty (120) feet, more or less, to Smallman Street, at the place of beginning.

Being Lot Number 8, in Block 81, of the Springfield Farm Plan of the Denny Estate aforesaid.

Parcel No. 6. All that certain lot or piece of ground situate on the southerly side of Penn Avenue, in the Sixth Ward, City of Pittsburgh, County and State aforesaid, being bounded and described as follows, to-wit:

Beginning on the southerly side of Penn Avenue, at line common to Lots Numbers 7 and 8 in Block 43, of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 6, page 180; thence eastwardly along Penn Avenue, Twenty-four (24) feet, more or less, to line common to Lots Numbers 8 and 9 in said plan; thence southwardly along the last mentioned line, One Hundred (100) feet, more or less, to Spring Alley; thence westwardly along Spring Alley, Twenty-four (24) feet, more or less, to line common to Lots Numbers 7 and 8 in said plan; thence northwardly along the last mentioned line, One Hundred (100) feet, more or less, to Penn Avenue, at the place of beginning.

Being Lot Number 8, in Block 43, in aforementioned Plan.

Parcel No. 7. All that certain lot or piece of ground situate in the Sixth Ward, of the City of Pittsburgh, County and State aforesaid, being bounded and described as follows, to-wit:

Beginning on the southerly side of Penn Avenue, at line common to Lots Numbers 2 and 3 in Block 33, of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County in Plan Book Vol. 6, page 180; thence eastwardly along Penn Avenue, Forty-eight (48) feet, more or less, to line common to Lots Numbers 4 and 5 in said plan; thence southwardly along the last mentioned line, One Hundred (100) feet, more or less, to Spring Alley; thence westwardly along Spring Alley, Forty-eight (48) feet, more or less, to line common to Lots Numbers 2 and 3 in said Plan; thence northwardly along the last mentioned line, One Hundred (100) feet, more or less, to Penn Avenue, at the place of beginning.

Being Lots Numbers 3 and 4, in Block 33, in aforementioned plan.

Parcel No. 8. All that certain lot or piece of ground situate in the Sixth Ward (formerly Twelfth), City of Pittsburgh, Pennsylvania, being bounded and described as follows, to-wit:

Beginning at a point on the southerly side of Liberty Avenue, One Hundred Fifty-four (154) feet eastwardly from Twenty-ninth Street; thence eastwardly along said Liberty Avenue, Ninety-six (96) feet to Lot Number

11; thence southwardly along line of said Lot Number 11, One Hundred Seventy-four (174) feet to Sassafras Way; thence westwardly along said Sassafras Way, Ninety-six (96) feet to line of lot Number 6; thence northwardly along said line of lot Number 6, One Hundred Seventy-four (174) feet to Liberty Avenue, at the place of beginning.

Being Lots Numbers 7 to 10 inclusive, in Block 16, of the Springfield Farm Plan of Lots of the Denny Estate, recorded in said Allegheny County in Plan Book Vol. 6, page 180.

Parcel No. 9. All that certain lot or piece of ground situate in the Sixth (formerly Thirteenth) Ward, City of Pittsburgh, Pennsylvania, bounded and described as follows, to-wit:

Beginning at a point on the westerly side of Marcella Street (formerly Mingo Street) Thirty (30) feet northwardly from Ridgeway (formerly Arch) Street; thence northwardly along said Marcella Street, Fifty (50) feet to line of Lot Number 4; thence westwardly along said line of Lot Number 4, One Hundred Twenty (120) feet to Rust Way; thence Southwardly along said Rust Way, Fifty (50) feet to the line of Lot Number 7; thence eastwardly along said line of Lot Number 7, One Hundred Twenty (120) feet to Marcella Street, at the place of beginning.

Being Lots Numbers 5 and 6 in Block 10, in Executors Revised Plan of the Denny Estate in the Thirteenth Ward, recorded in said Allegheny County, in Plan Book Vol. 7, page 17, etc.

Parcel No. 10. All that certain lot or piece of ground situate in the Sixth Ward, of the City of Pittsburgh, County and State aforesaid, being bounded and described as follows, to-wit:

Beginning on the southerly side of Allegheny Valley Railroad, or Railroad Street, at line common to Lots Numbers 7 and 8 in Block 80, of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 6, page 180; thence eastwardly along said Railroad Street, Twenty-four (24) feet, more or less, to line common to Lots Numbers 8 and 9 in said Plan; thence southwardly along said dividing line between Lots Numbers 8 and 9, One Hundred Twenty (120) feet, more or less, to Spruce Alley; thence westwardly along Spruce Alley, Twenty-four (24) feet, more or less, to line common to Lots numbers 7 and 8 in aforesaid plan; thence northwardly along said line common to Lots numbers 7 and 8, One Hundred Twenty (120) feet, more or less, to Railroad Street, at the place of beginning.

Being Lot Number 8, in Block 80, of the Springfield Farm Plan of the Denny Estate aforesaid.

Parcel No. 11. All that certain lot or piece of ground situate in the Twenty-second Ward, City of Pittsburgh aforesaid (formerly Third Ward, City of Allegheny), being bounded and described as follows, to-wit:

Beginning at a point on the easterly side of Ark Way, Forty (40) feet southwardly from North Diamond, East, Street (formerly Strawberry Way); thence southwardly along said Ark Way, Forty (40) feet to line of Lot Number 36; thence westwardly along line of said Lot Number 36, Seventy (70) feet to a point; thence northwardly, parallel with Ark Way, Forty (40) feet to line of Lot Number 39; thence westwardly along said line of Lot Number 39, Seventy (70) feet to Ark Way, at the place of beginning.

Being Lots Numbers 37 and 38 in the Third Ward, Allegheny City Plan of the Denny Estate, recorded in said Allegheny County, in Plan Book Vol. 6, page 197.

The title of Martha McMurtrie Gregg Haller in the properties heretofore described, became vested in said Martha McMurtrie Gregg Haller, by Will of Bessie D. Gregg, her mother, duly probated and recorded in the Register of Wills Office of Allegheny County, Pennsylvania, in Will Book Vol. 149, page 303; and the said Martha McMurtrie Gregg Haller and Ferdinand Haller, her husband, by their deed dated August 25, 1921, and recorded September 17, 1921 in the Recorder's Office of Allegheny County in Deed Book Volume 2061, page 531, granted and conveyed same unto Commonwealth Trust Company of Pittsburgh, Trustee.

EXHIBIT B

Parcel No. 12. All that certain lot or piece of ground situate in the Sixth Ward, City of Pittsburgh aforesaid, being Lot Number 6 in Block 80, of the Springfield Farm Plan of the Denny Estate, recorded in the Recorder's Office of Allegheny County, in Plan Book Vol. 6, page 180, being bounded and described as follows, to-wit:

Beginning on the northerly side of Spruce Alley, at line of Lot Number 5 in said Block; thence eastwardly along Spruce Alley, Twenty-four (24) feet to line of Lot Number 7 in said Block; and extending back northwardly along lines of said Lots Numbers 5 and 7, preserving an even width of One Hundred Forty-six (146) feet throughout, to the southerly side of Allegheny Valley Railroad.

The title of Martha McMurtrie Gregg Haller in the property heretofore described, became vested in said Martha McMurtrie Gregg Haller, by Will of Bessie D. Gregg, her mother, duly probated and recorded in the Register of Wills Office of Allegheny County, Pennsylvania, in Will Book Vol. 149, page 303; and the said Martha McMurtrie Gregg Haller and Ferdinand Haller, her husband, by their deed dated August 25, 1921, and recorded September 17, 1921, in the Recorder's Office of Allegheny County in Deed Book Volume 2061, page 531, granted and conveyed same unto Commonwealth Trust Company of Pittsburgh, Trustee.

[F. R. Doc. 51-1183; Filed, Jan. 23, 1951; 9:00 a. m.]

[Vesting Order 17011]

LUDOLF DIEDRICH KOHN

In re: Bank account and claim owned by Ludolf Diedrich Kohn, also known as Ludolf Dietrich Köhne, as Ludolf Diedrich Köhne, and as Ludolf Dietrich Kohn. F-28-28727 & C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludolf Diedrich Kohn, also known as Ludolf Dietrich Köhne, as Ludolf Diedrich Köhne, and as Ludolf Dietrich Kohn, whose last known address is 147 Waldsaum, Essen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Crocker First National Bank of San Francisco, 1 Montgomery Street, San Francisco, California, arising out of a blocked account, entitled Ludolf Dietrich Kohn, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. All those debts or other obligations owing to Ludolf Diedrich Kohn, also known as Ludolf Diedrich Köhne, as Ludolf Diedrich Köhne, and as Ludolf Dietrich Kohn, by Carl Heinz Kohn, also known as Karl Heinz Koehne, 675 Third Avenue, San Francisco 18, California, including particularly but not limited to the sum of $3,967.26, the same being a portion of the sum of money on deposit with The Title Insurance and Guaranty Co., 130 Montgomery Street, San Francisco, California, in an escrow account, held for Carl Heinz Kohn, also known as Karl Heinz Koehne, and/or Ludolf Diedrich Kohn, also known as Ludolf Dietrich Köhne, as Ludolf Diedrich Köhne, and as Ludolf Dietrich Kohn, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1162; Filed, Jan. 23, 1951; 9:00 a. m.]

[Vesting Order 17073]

HEINZ GEORG HOFMANN

In re: Interest in oil, gas and other minerals in and under certain real property and claim owned by Heinz Georg Hofmann. D-28-9026.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Georg Hofmann, whose last known address is Mathilden Strasse 33, Chemnitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-eightieth (1/80th) interest in and to all of the oil, gas and other minerals in and under and that may be produced from lands situated in McPherson County, State of Kansas, described as the East Half (E½) of the Southeast Quarter (SE¼) of Section Thirty-three (33), Township Twenty South (20 S), Range Three West (3 W), together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest, and

b. That certain debt or other obligation owing to Heinz Georg Hofmann by the Sinclair Oil & Gas Company, Post Office Box 460, Independence, Kansas, arising from royalties accrued with respect to the above described mineral interest owned by said Heinz Georg Hofmann and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1184; Filed, Jan. 23, 1951; 9:00 a. m.]

[Vesting Order 17074]

MARGARET KESSLER

In re: Interests in oil, gas and other minerals in and under certain real property, and claims owned by Margaret Kessler. D-28-6438-B-1, D-28-6438-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Kessler, whose last known address is Kaulbachstra 12, Nurnberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-six hundred fortieths (3/640ths) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Pottawatomie County, State of Oklahoma, to-wit:

West Half (W½) of the Southwest Quarter (SW¼) of Section Thirty-three (33), Township Seven North (7N), Range Four East (4E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

b. An undivided three-six hundred fortieths (3/640ths) interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Lea County, State of New Mexico, to-wit:

Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section Thirty-three (33), Township Twenty-four South (24S), Range Thirty-seven East (37E),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

c. An undivided 2000/973440ths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in Oklahoma County, State of Oklahoma, to-wit:

Block Two (2) to Nine (9), inclusive, Silverwood Addition, Block One (1) to Seven (7), inclusive, Silverwood Addition and a part of Lot Three (3) of Section One (1), Township Eleven North (11N), Range Three West (3W),

together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

d. That certain debt or other obligation owing to Margaret Kessler by Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago, Illinois, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation owing to Margaret Kessler by Stanolind Oil Purchasing Company, Tulsa, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation owing to Margaret Kessler by Phillips Petroleum Company, Bartlesville, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-b hereof, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation owing to Margaret Kessler by Mid-Continent Petroleum Corporation, Tulsa 2, Oklahoma, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-c hereof, and any and all rights to demand, enforce and collect the same, and

h. That certain debt or other obligation owing to Margaret Kessler by Magnolia Petroleum Company, Dallas, Texas, arising from royalties accrued with respect to the mineral interest described in subparagraph 2-c hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a to 2-c hereof, inclusive, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-d to 2-h hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1185; Filed, Jan. 23, 1951; 9:01 a. m.]

[Vesting Order 17077]

MASARU MURAKAWA

In re: Real property, interest in real property, property insurance policies and bank accounts owned by Masaru Murakawa. D-39-18023, B-1, E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaru Murakawa, whose last known address is c/o Takumi Hamaguchi, Tsunogi, Okiura-mura, Oshima-gun, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in the Town of Naalehu, Kau District, Island of Hawaii, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. An undivided one-half interest in real property situated in the Town of Naalehu, Kau District, Island of Hawaii, Territory of Hawaii, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

c. All right, title, interest and claim of the person named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraphs 2–a and 2–b hereof, and any and all extensions or renewals thereof,

d. That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, account number 5873, entitled Masaru Murakawa by Mrs. Kaneko A. Murakawa, Attorney in Fact, maintained at the branch office of the aforesaid bank located at Pahala, Kau, Hawaii, Territory of Hawaii, and any and all rights to demand, enforce and collect the same, and

e. An undivided one-half interest in that certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, account number 5557, entitled Masaru Murakawa & V. M. Fujii (either or the survivor), maintained at the branch office of the aforesaid bank located at Pahala, Kau, Hawaii, Territory of Hawaii, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masaru Murakawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a and 2–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–c, 2–d and 2–e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of that certain parcel of land (being all of the land described in Land Patent Grant Number 8582 to Sam Kelliwaole (Kaohe) situate, lying and being at Waiohinu, District of Kau, Island, County and Territory of Hawaii, and thus bounded and described:

Beginning at a ½ inch pipe at the South corner of this lot, on the North side of Government Road and on the boundary between the lands of Kahilipali-iki and Waiohinu, the coordinates of said pipe referred to Government Survey Trig. Station "Puu-a-Ao" being 2,767.2 feet South and 6,717.7 feet East, as shown on Government Survey Registered Map No. 2477, and running by true azimuths:

1. 115° 51'—350.8 feet along stonewall along the North side of Government Road to a pipe;
2. 211° 57'—189.7 feet along stonewall to the foot of ridge;
3. 302° 09'—279.0 feet along stonewall at foot of ridge;
4. 7° 12'—166.8 feet along boundary of the lands of Kahilipali-iki and Waiohinu to the point of beginning.

Containing an area of $1^{24}/_{100}$ acres, or thereabouts.

EXHIBIT B

All of that certain parcel of land (portion of the land described in Royal Patent Number 7326, Land Commission Award Number 7314 to Ku (w)) situate, lying and being at Naalehu, Kau, Island, County and Territory of Hawaii, and thus bounded and described:

Beginning at a point on the makai edge of the government road on the easterly boundary line of R. P. 7326, and running:

1. S. 22°45' E. Mag.—952.46 feet, more or less, along the easterly boundary of R. P. 7326, thence
2. S. 81°30' W. Mag.—101.25 feet, more or less, along the southern boundary of R. P. 7326, to a stake, thence
3. N. 25°25' W. Mag.—921.6 feet, more or less, to a stake on the makai edge of the government road, thence
4. Easterly along said government road a distance of 141 feet, more or less, to the point of beginning.

Containing an area of 2.57 acres, or thereabouts.

[F. R. Doc. 51–1188; Filed, Jan. 23, 1951; 9:02 a. m.]

[Vesting Order 17076]

HEINRICH KRUSE ET AL.

In re: Real property owned by Heinrich Kruse and others. D–28–12942.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Names and Last Known Addresses

Heinrich Kruse, Rheydt, Oberheydenerstrasse, 60 Germany.

Else Kellers, also known as Else Holz, nee Kruse, Germany.

Mrs. Sophie Fehrholz, nee Kruse, Germany

Maria Blinten, also known as Marie Blinten and as Marie Kruse, Germany.

Mrs. Helen Coenen, also known as Helene Coenen, nee Kruse, Germany.

Anna Heyll, nee Kruse, Rheydt, Oberheydenerstrasse, 60 Germany.

2. That the property described as follows: Real property situated in the County of Los Angeles, State of California, particularly described as Lot 3, in Tract 5585, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1187; Filed, Jan. 23, 1951; 9:01 a. m.]

[Vesting Order 17080]

ELISABETH MARIA SCHIFFERT

In re: Real property and property insurance policy owned by Elisabeth Maria Schiffert. F–28–31033.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Maria Schiffert, whose last known address is 27 Allescherstr., Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of New Britain, County of Hartford, State of Connecticut, known as 215 Wooster Street, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Elisabeth Maria Schiffert in and to Fire Insurance Policy No. 27661 issued by the New York Underwriters Insurance Company, 90 John Street, New York, New York, in the amount of $2,700.00, expiring August 4, 1951, which policy insures the property described in subparagraph 2–a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, but not subject to any rights therein of Millie Schiffert, 215 Wooster Street, New Britain, Connecticut, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in the City of New Britain, County of Hartford, State of Connecticut, particularly described as follows:

Parcel 1. Being known as Lot No. 5 as shown on map of property of New Britain Quartette Club, dated 10–7–20 on file in office of Town Clerk of New Britain Volume 3B of Maps page 105.

Bounded:

North: by Lot No. 4 as shown on said Map;
East: by Wooster Street;
South: by Lot No. 6 as shown on said Map, and,
West: by a 12-foot passway as shown on said Map,

Being 50 ft. in width, front & rear, and about 144 ft. in depth. Together with the right to pass over, along and upon a strip of land 12 ft. wide and adjoining the above described land on the west, said passway to be used in common with the New Britain Quartette Club, its successor and assigns, and the grantor herein and her heirs and assigns.

Parcel 2. Being known as Lot No. 6 as shown on the Map hereinbefore referred to.

Bounded:

North: by Lot No. 5 as shown on said Map;
East: by Wooster Street;
South: by a proposed street, and,
West: by a 12-foot passway as shown on said map.

Being 50 feet in width, front and rear, and about 144 feet in depth. Together with the rights in the passway above referred to, as above mentioned.

[F. R. Doc. 51–1191; Filed, Jan. 23, 1951; 9:09 a. m.]

[Vesting Order 15363, Amdt.]

DORA FABER

In re: Securities and cash owned by Dora Faber, also known as Theodora Faber.

Vesting Order 15363, dated October 25, 1950, is hereby amended as follows and not otherwise:

By adding to said Vesting Order 15363 after subparagraph 2 (h) a new subparagraph numbered 2 (i) and reading as follows:

(i) One (1) scrip certificate for one fourth (¼) share of $8.75 par value common stock of The Kansas Power and Light Company, 808 Kansas Avenue, Topeka, Kansas, a corporation organized under the laws of the State of Kansas, said certificate numbered S16144, in bearer form, presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 15363 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1192; Filed, Jan. 23, 1951; 9:03 a. m.]

[Vesting Order 15454, Amdt.]

HAMBURGER ALLGEMEINE VERSICH AKTIENGESELLSCHAFT

In re: Debt owing to Hamburger Allgemeine Versich Aktiengesellschaft.

Vesting Order 15454, dated October 30, 1950, is hereby amended as follows and not otherwise:

By deleting from paragraph 2 of the aforesaid Vesting Order 15454 the words and figures "and 644c" and substituting therefor the following words and figures "644c and 644d".

All other provisions of said Vesting Order 15454 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1193; Filed, Jan. 23, 1951; 9:03 a. m.]

[Return Order 798]

TREFILERIES ET LAMINOIRS DU HAVRE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement there-

of, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Trefileries et Laminoirs du Havre, Paris, France; Claim Nos. 11876 and 40443; July 20, 1950 (15 F. R. 4668); Property described in Vesting Order No. 2501 (8 F. R. 16341, December 4, 1943) relating to United States Letters Patent No. 1,799,157.

Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 1,963,693.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor (created in Societe Anonyme Trefileries et Laminoirs du Havre by virtue of an agreement dated March 29, 1932 (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme Trefileries et Laminoirs du Havre and The American Metal Company, Limited, which agreement relates, among other things, to Patent No. 1,799,157 to the extent owned by Societe Anonyme Trefileries et Laminoirs du Havre immediately prior to the vesting thereof by Vesting Order No. 2501; including royalties in the amount of $184,936.36.

This return shall not be deemed to include the rights of any licensees under the above patent or patent contract.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1194; Filed, Jan. 23, 1951; 9:03 a. m.]

[Return Order 825]

ARTHUR HAMMER-PURGSTALL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Arthur Hammer-Purgstall, Vienna, Austria; Claim No. 36998; October 13, 1950 (15 F. R. 6900); Property described in Vesting Order No. 201, dated October 2, 1942 (8 F. R. 625, January 16, 1943) relating to U. S. Letters Patent No. 2198384.

This return order shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1195; Filed, Jan. 23, 1951; 9:04 a. m.]

[Return Order No. 860]

REBECCA LITTLE SINGER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Rebecca Little Singer, York, Pennsylvania; Claim No. 4799; November 2, 1950 (15 F. R. 7362); $33,584.99 in the Treasury of the United States.

All right, title and interest of Rebecca W. Singer in and to the trust estate created under the will of Washington A. Little, deceased; York County National Bank, Trustee, York, Pa.

All right, title and interest of Rebecca Singer in and to the trust estate created by a deed of trust of Sevilla B. Grove, deceased, dated April 18, 1931; estate administered by Orphans' Court, York County, Pa.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1196; Filed, Jan. 23, 1951; 9:04 a. m.]

RAFFAELE VIGGIANI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., Property, and Location

Raffaele Viggiani, Rogiano Gravina, Italy; Claim Nos. 36831 and 36832; $8,297.29 in the Treasury of the United States.

Domenica Viggiani, Rogiano, Gravina, Italy; Claim Nos. 36833 and 41527; $4,257.29 in the Treasury of the United States.

Enrico Viggiani, New York, N. Y.; Claim Nos. 36460 and 36461; $5,959.91 in the Treasury of the United States.

All right, title and interest of Enrico Viggiani, his heirs at law, distributees and legatees in and to the trust estate created under the will of Enrico Viggiani, deceased.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1197; Filed, Jan. 23, 1951; 9:04 a. m.]

JESSIE MILLER SINICROPI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jessie Miller Sinicropi, S. Stefano in Aspromonte, Province of Reggio Di Calabria, Italy; Claim No. 32449; $608.18 in the Treasury of the United States; an undivided 1/21 fee simple interest in two parcels of real property in Knox County, Ohio, known as Lots 9 and 10 of Section 25, Township 7, Range 10; and all right, title, interest and claim of Jessie Sanaicrappia (Sinicrope), a/k/a Jessie Miller Sinicropi, in and to an undivided 1/21 interest in the rents and royalties issuing from real property described in a lease to the Millwood Sand Company from George Miller and Sophia Miller (both now deceased), dated November 15, 1932.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1198; Filed, Jan. 23, 1951; 9:04 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

1934 OF THE UNITED STATES

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Washington, Thursday, January 25, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 70—LOAN INTEREST RATES AND SECURITY

ELIGIBLE COMMODITIES

Section 70.3, Chapter I, Subchapter F, Title 6, Code of Federal Regulations, is hereby amended by adding at the end of the list of "Farm supplies (in bulk and held in storage):" stated therein, the following: "Petroleum products."

(Sec. 41, 48 Stat. 264, sec. 14, 49 Stat. 317, sec. 36, 50 Stat. 717, secs. 34, 38, 48 Stat. 262, 264, sec. 13, 49 Stat. 317, sec. 35, 50 Stat. 717, sec. 8, 46 Stat. 14, sec. 54, 48 Stat. 266, sec. 11, 49 Stat. 316, sec. 5, 50 Stat. 704; 12 U. S. C. 1134c, 1134j, 1141f. E. O. 6084, Mar. 27, 1933)

[SEAL] R. L. FARRINGTON,
Acting Cooperative Bank Commissioner.

[F. R. Doc. 51-1222; Filed, Jan. 24, 1951; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[BAI Order 373, Amdt. 1]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

IMPORTATION OF CERTAIN ANIMALS AND PRODUCTS FROM COLOMBIA

Pursuant to the authority conferred by section 306 of the Tariff Act of 1930 (46 Stat. 689, 19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (32 Stat. 792, as amended, 21 U. S. C. 111), § 94.1 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (15 F. R. 6907), is hereby amended by removing the words "except Colombia" after "all the countries of South America" as I have determined that foot-and-mouth disease now exists in Colombia and have so notified the Secretary of the Treasury.

The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants and swine, and fresh, chilled or frozen beef, veal, mutton, lamb, and pork, and meat and meat products of wild ruminants and swine from Colombia, and to prohibit or restrict the importation of certain other meats and products and dressed poultry from Colombia. The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sec. 306, 46 Stat. 689; 19 U. S. C. 1306)

Done at Washington, D. C., this 19th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1221; Filed, Jan. 24, 1951; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 9]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

AIRCRAFT COMPONENTS

The following rules add and eliminate cross-reference to technical standard orders on aircraft components. All such technical standard orders are being transferred to and published in Part 514 of this title. The technical standard

(Continued on p. 671)

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Farm Credit Administration; Production and Marketing Administration; Rural Electrification Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Behrens, Rosalie, et al	701
Born, August, et al	702
Fagliano, Santiago, et al	707
Faiveley, Louis	707
Ishiyama, Heinai, et al	702
Kaiser, Grete	702
Kaneyuki, Masujiro and Yone	703
Koper, Lottman & Co	705
Kurashita, Tadashi, et al	703
Lang-Aeppli, Alice	706
Lieker, Marie, et al	703
Masudo, Sataro and Koyono	704
Mueller, Max and Miranda	706
Poetzl, Fred	704
Rensch, Adolph, et al	701
Schepke, Fritz	704
Schlemper, Carl	706
Schroeder, Elizabeth	705
Voith, J. M., et al	699
Walz-Figdor, Margarete	705
Animal Industry Bureau	
Rules and regulations:	
Rinderpest, foot-and-mouth disease, fowl pest, and Newcastle disease; importation of certain animals and products from Colombia	669
Civil Aeronautics Administration	
Rules and regulations:	
Aircraft components:	
Aircraft equipment airworthiness	672
Airplane airworthiness	671
Normal, utility, acrobatic, and restricted purpose categories	669
Transport categories	671
Rotorcraft airworthiness	672
Technical standard orders	675
Air traffic rules; minimum enroute instrument altitudes	672
Civil Aeronautics Board	
See also Civil Aeronautics Administration.	

FEDERAL REGISTER

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CONTENTS—Continued

Civil Aeronautics Board—Con. Page
Proposed rule making:
Knowledge, experience, and skill requirements for private pilot rating 693

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board; National Production Authority.

Defense Department
See Navy Department.

Farm Credit Administration Page
Rules and regulations:
Loan interest rates and security; eligible commodities 669

Federal Maritime Board
Rules and regulations:
Maritime carriers; approval of charters of certain vessels to aliens 691

Federal Power Commission
Notices:
Hearings, etc.:
Carolina Natural Gas Corp. et al 695
Pittsburgh and West Virginia Gas Co. and Equitable Gas Co 697
Warwick Gas Corp. et al 697

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Candy from Amarillo to El Paso, Tex 697
Citrus and pineapple concentrates, frozen, from border territory to East 697
Grain rates, proportional, from Ohio River crossings to South 697
Lumber from North Carolina, South Carolina and Virginia to Wisconsin 698

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
California; classification order 694

Library of Congress
Rules and regulations:
Procedures; loans of Library materials for blind 690

Maritime Administration
See Federal Maritime Board.

National Production Authority
Rules and regulations:
Aluminum scrap, distribution; correction 688
Tungsten 686

Navy Department
Notices:
Navigation lights; certificate of Secretary regarding auxiliary, miscellaneous vessels 695

Post Office Department
Rules and regulations:
Postal service, international:
Canada 689
Miscellaneous amendments (2 documents) 688, 689

Production and Marketing Administration
Proposed rule making:
Milk handling in Columbus, Ohio, area 691

Rural Electrification Administration Page
Notices:
Delegation of authority to Chief and Assistant Chiefs, Engineer Division with respect to release of liens upon motor vehicles 695

Secret Service
Rules and regulations:
Film recordation of U. S. securities, checks, warrants and paper money 693

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Natural Gas Co. and Michigan Consolidated Gas Co 699
Consolidated Natural Gas Co. et al 698
Pittsburgh Railways Co. and Philadelphia Co 696

Treasury Department
See also Secret Service.
Notices:
Founders' Insurance Co.; corporations acceptable as securities on Federal bonds 695

Wage and Hour Division
Proposed rule making:
Citrus pulp and waste in Florida and Texas, processing; preliminary determination 692
Rules and regulations:
Grading, stapling, and classification of cotton for original producer in Memphis, Tenn., as industry of seasonal nature 695

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 6
Chapter I:
Part 70 669

Title 7
Chapter IX:
Part 974 (proposed) 691

Title 9
Chapter I:
Part 94 669

Title 14
Chapter I:
Part 3 669
Part 4a 671
Part 4b 671
Part 6 672
Part 15 672
Part 20 (proposed) 693
Part 60 672
Chapter II:
Part 514 675

Title 29
Chapter V:
Part 526 685
Proposed 692

CODIFICATION GUIDE—Con.

Page
Title 31
Chapter IV:
Part 404 686

Title 32A
Chapter I:
Part 26 686
Part 34 686

Title 39
Chapter I:
Part 127 (3 documents) 688, 689

Title 44
Chapter V:
Part 501 690

Title 46
Chapter II:
Part 221 691

orders have been coordinated with interested persons. The rules are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 3.31–1 is adopted to read:

§ 3.31–1 *Approval of aircraft components (CAA rules which apply to § 3.31).* Aircraft components made the subject of technical standard orders shall be approved upon the basis and in the manner provided in Part 514 of this title.

2. Section 3.48–1, published in 13 F. R. 7723, is revoked.

3. Section 3.320–1, published in 13 F. R. 7723, is revoked.

4. Section 3.345–2, published in 15 F. R. 762, is revoked.

5. Section 3.388–1, published in 14 F. R. 3305, is revoked.

6. Section 3.625–1, published in 13 F. R. 7723, is revoked.

7. Section 3.655–1, published in 13 F. R. 7725, is revoked.

8. Section 3.667–1, published in 13 F. R. 7725, is revoked.

9. Section 3.716–1, published in 13 F. R. 7725, is revoked.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–884; Filed, Jan. 24, 1951; 8:45 a. m.]

[Supp. 9]

PART 4a—AIRPLANE AIRWORTHINESS

AIRCRAFT COMPONENTS

The following rules add and eliminate cross-references to technical standard orders on aircraft components. All such technical standard orders are being transferred to and published in Part 514 of this title. The technical standard orders have been coordinated with interested persons. The rules are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 4a.31–1 is adopted to read:

§ 4a.31–1 *Approval of aircraft components (CAA rules which apply to § 4a.31).* Aircraft components made the subject of Technical Standard Orders shall be approved upon the basis and in the manner provided in Part 514 of this title.

2. Section 4a.252–1, published in 13 F. R. 7725, is revoked.

3. Section 4a.301–1, published in 14 F. R. 3305, and § 4a.301–2, published in 15 F. R. 762, are revoked.

4. Section 4a.338–1, published in 13 F. R. 7725, is revoked.

5. Section 4a.524–1 is adopted to read:

§ 4a.524–1 *Approval of aircraft components (CAA rules which apply to § 4a.524).* Aircraft components made the subject of technical standard orders shall be approved upon the basis and in the manner provided in Part 514 of this title.

6. Section 4a.525–1, published in 13 F. R. 7725, is revoked.

7. Section 4a532–1, published in 14 F. R. 3196, is revoked.

8. Section 4a.535–1, published in 13 F R. 7725, is revoked.

9. Section 4a.537–1, published in 13 F R. 7725, is revoked.

10. Section 4a.550–1, published in 13 F. R. 7725, is revoked.

11. Section 4a.578–1, published in 14 F. R. 3196, is revoked.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Admtnistrator of Civil Aeronautics.

[F. R. Doc. 51–885; Filed, Jan. 24, 1951; 8:45 a. m.]

[Supp. 12]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

AIRCRAFT COMPONENTS

The following rules and policies exclude from the new Part 4b which became effective July 20, 1950, all Civil Aeronautics Administration determinations published under the old Part 4b which was effective prior to that date. In addition, they add a cross-reference to technical standard orders on aircraft components. All such technical standard orders are being transferred to and published in Part 514 of this title. The technical standard orders have been coordinated with interested persons. The rules are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 4b.1–1, published in 15 F. R. 3936, is revoked.

2. Section 4b.19–1 is adopted to read:

§ 4b.19–1 *Approval of aircraft components (CAA rules which apply to § 4b.19).* Aircraft components made the subject of technical standard orders shall be approved upon the basis and in the manner prescribed in Part 514 of this title.

3. Section 4b.26–1, published in 15 F. R. 3936, is revoked.

4. Section 4b.30–1, published in 15 F. R. 3936, is revoked.

5. Section 4b.58–1, published in 14 F. R. 4107, is revoked.

6. Section 4b.96–1, published in 12 F. R. 3438, 14 F. R. 37, is revoked.

7. Section 4b.302–1, published in 13 F. R. 7726, is deleted, and Technical Standard Order C14 published therein is transferred to § 514.14 of this title.

8. Section 4b.302–2, published in 13 F. R. 7727, is deleted, and Technical Standard Order C15 published therein is transferred to § 514.15 of this title.

9. Section 4b.332–1, published in 13 F. R. 7728, is revoked.

10. Section 4b.367–1, published in 15 F. R. 762, is deleted, and Technical Standard Order C21 published therein is transferred to § 514.21 of this title.

11. Section 4b.396–1, published in 12 F. R. 3438, 14 F. R. 37, is revoked.

12. Section 4b.445–1, published in 14 F. R. 3308, is deleted, and Technical Standard Order C20 published therein is transferred to § 514.20 of this title.

13. Section 4b.447–1, published in 13 F. R. 7728, is revoked.

14. Section 4b.448–1, published in 13 F. R. 3843, 7728, is deleted, and Technical Standard Order C1a published therein is transferred to § 514.1 of this title.

15. Section 4b.448–2, published in 13 F. R. 3857, 7728, is deleted. It is superseded by § 514.11 of this title.

16. Section 4b.448–3, published in 13 F. R. 7728, is deleted, and Technical Standard Order C17 published therein is transferred to § 514.17 of this title.

17. Section 4b.448–4, published in 14 F. R. 3196, 15 F. R. 765, is deleted, and Technical Standard Order C19a published therein is transferred to § 514.19 of this title.

18. Section 4b.466–1, published in 12 F. R. 3438, 14 F. R. 37, is deleted.

19. Section 4b.592–1, published in 13 F. R. 7729, is revoked.

20. Section 4b.623–1, published in 13 F. R. 7729, is revoked.

21. Section 4b.654–1, published in 13 F. R. 7729, is revoked.

22. Section 4b.665–1, published in 13 F. R. 7729, is revoked.

23. Section 4b.676–1, published in 13 F. R. 7729, is revoked.

24. Section 4b.691–1, published in 14 F. R. 3365, is deleted, and Technical Standard Order C2a published therein is transferred to § 514.2 of this title.

25. Section 4b.691–2, published in 14 F. R. 3845, 7731, is deleted, and Technical Standard Order C3a published therein is transferred to § 514.3 of this title.

26. Section 4b.691–3, published in 14 F. R. 3461, is deleted, and Technical Standard Order C4b published therein is transferred to § 514.4 of this title.

27. Section 4b.691–4, published in 14 F. R. 3463, is deleted, and Technical Standard Order C5b published therein is transferred to § 514.5 of this title.

28. Section 4b.691–5, published in 14 F. R. 3464, is deleted, and Technical Standard Order C6b published therein is transferred to § 514.6 of this title.

29. Section 4b.691–6, published in 13 F. R. 3852, 7731, is deleted. It is superseded by § 514.7 of this title.

30. Section 4b.691–7, published in 13 F. R. 3853, is deleted, and Technical Standard Order C8a published therein is transferred to § 514.8 of this title.

31. Section 4b.691–8, published in 14 F. R. 3368, is deleted, and Technical Standard Order C10a published therein is transferred to § 514.10 of this title.

32. Section 4b.691–9, published in 13 F. R. 7733, is deleted, and Technical Standard Order C16 published therein is transferred to § 514.16 of this title.

33. Section 4b.691–10, published in 14 F. R. 3197, is revoked.

34. Section 4b.705–1, published in 13 F. R. 3855, 7734, is deleted, and Technical Standard Order C9a published therein is transferred to § 514.9 of this title.

35. Section 4b.776–1, published in 14 F. R. 3197, is deleted, and Technical Standard Order C18 published therein is transferred to § 514.18 of this title.

36. Section 4b.799–1, published in 15 F. R. 620, is revoked.

37. Section 4b.811–1, published in 13 F. R. 7734, is deleted, and Technical Standard Order C12 published therein is transferred to § 514.12 of this title.

38. Section 4b.811–2, published in 13 F. R. 7736, is deleted, and Technical Standard Order C13 published therein is transferred to § 514.13 of this title.

39. Section 4b.911–1, published in 13 F. R. 4182, 14 F. R. 37, is revoked.

(Sec. 205, 54 Stat. 984, as amended, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules and policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator,
of Civil Aeronautics.

[F. R. Doc. 51–886; Filed, Jan. 24, 1951; 8:45 a. m.]

[Supp. 5]

PART 6—ROTORCRAFT AIRWORTHINESS

AIRCRAFT COMPONENTS

The following rules add and eliminate cross-references to technical standard orders on aircraft components. All such technical standard orders are being transferred to and published in Part 514 of this title. The technical standard orders have been coordinated with interested persons. The rules are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 6.6–1 is adopted to read:

§ 6.6–1 *Approval of aircraft components (CAA rules which apply to § 6.6).* Aircraft components made the subject of technical standard orders shall be approved upon the basis and in the manner provided in Part 514 of this title.

2. Section 6.30–1, published in 15 F. R. 765, is revoked.

3. Section 6.47–1, published in 13 F. R. 7737, is revoked.

4. Section 6.52–1, published in 13 F. R. 7737, is revoked.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator
of Civil Aeronautics.

[F. R. Doc. 51–883; Filed, Jan. 24, 1951; 8:45 a. m.]

[Supp. 3]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

AIRCRAFT COMPONENTS

The following rules add and eliminate cross-references to technical standard orders on aircraft components. All such technical standard orders are being transferred to and published in Part 514 of this title. The technical standard orders have been coordinated with interested persons. The rules are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. Section 15.3–1, published in 13 F. R. 7737, is revoked.

2. Section 15.8–1 is adopted to read:

§ 15.8–1 *Approval of aircraft components (CAA rules which apply to § 15.8).* Aircraft components made the subject of technical standard orders shall be approved upon the basis and in the manner provided in Part 514 of this title.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51–882; Filed, Jan. 24, 1951; 8:45 a. m.]

[Supp. 2, Amdt. 9]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–1 is amended by adding paragraphs (g) and (h), as follows:

§ 60.17–1 *Definitions.* • • •

(g) "LFR" means low frequency radio range.

(h) "VOR" means VHF omni range.

2. Section 60.17–3 is amended by adding paragraph (a) (3), as follows:

§ 60.17–3 *Minimum en route instrument altitudes along particular routes.* • • •

(a) • • •

(3) *VOR reception altitudes.* At certain locations VOR reception may not be assured under normal operating conditions at the minimum en route instrument altitudes prescribed along a segment of the route. It may be necessary to fly at higher altitudes at certain points in order to be assured of adequate VOR reception. Points where VOR reception is not assured at the minimum en route altitude under normal operating conditions will be denoted by an asterisk preceding the minimum altitude followed by the minimum VOR reception altitude.

Example:

Roswell, N. Mex.-- Hobbs, N. Mex.-- *5,500'

3. In § 60.17–3 *Minimum en route instrument altitudes along particular routes*, paragraph (b) is amended to read:

(b) *Routes.* Except when necessary for taking off and landing, no person shall operate an aircraft in accordance with IFR along the routes and below the altitudes set forth in § 60.17–11 through § 60.17–1004, unless otherwise authorized by the Administrator.

7. The table in § 60.17–102 *Amber Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Cut Bank, Mont.	Lethbridge, Alberta, Canada	6,000

8. The table in § 60.17–103 *Amber Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Harrington Ranch (INT), N. Mex.	Hot Springs, N. Mex. (LFR) (VOR) via (LFR) or (VOR) radial 140.	10,000
Hot Springs, N. Mex. (LFR) (VOR) via (LFR) or (VOR) radial 08.	Albuquerque, N. Mex. (LFR) (VOR) via (LFR) or (VOR) radial 155.	10,000
Tapia (INT), N. Mex.	Las Vegas, N. Mex. (LFR) (VOR) via (LFR) or (VOR) radial 20.	9,000
Las Vegas, N. Mex. (LFR) (VOR) via (LFR) or (VOR) radial 22 or 27.	Raton, N. Mex. (VOR) via (LFR) or (VOR)	11,000
Raton, N. Mex. (VOR)	*Trinidad, Colo. (LFR)	11,000
Trinidad, Colo. (LFR)	Pueblo, Colo. (LFR)	*7,800
10,000'—Minimum crossing altitude	Pueblo, Colo. (VOR)	*7,600
	11,000'—Minimum continuous VOR reception altitude	

9. The table in § 60.17–104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR)	Int. N crs. Fort Worth, Tex. (LFR) and S crs. Oklahoma City, Okla. (LFR)	2,000
Fort Worth, Tex. (VOR) via VOR radial 347 or 02.	Ardmore, Okla. (VOR) via VOR radial 197 or 182.	2,300
Int. N crs. Fort Worth, Tex. (LFR) and S crs. Oklahoma City, Okla. (LFR).	Oklahoma City, Okla. (LFR)	2,000
Ardmore, Okla. (VOR) via VOR radial 332 or 347.	Oklahoma City, Okla. (VOR) via VOR radial 152 or 137.	2,700
Oklahoma City, Okla. (LFR)	Newalla (INT), Okla.	2,700
Newalla, Okla. (INT)	Tulsa, Okla. (LFR)	2,700
Oklahoma City, Okla. (VOR) via VOR radial 34	Tulsa, Okla. (VOR) via VOR radial 216 or 231.	3,100
Kansas City, Mo. (LFR) (VOR).	St. Joseph, Mo. (LFR) (VOR).	2,400
St. Joseph, Mo. (LFR)	Glenwood (INT), Nebr.	2,800
Glenwood (INT), Nebr.	Omaha, Nebr. (LFR)	2,700
St. Joseph, Mo. (VOR) via radial 325 or 340.	Omaha, Nebr. (VOR) via radial 129 or 144.	2,500

10. The table in § 60.17–204 *Red Civil Airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Albuquerque, N. Mex. (VOR) via radial 24.	Santa Fe, N. Mex. (VOR) via radial 227.	10,000
Santa Fe, N. Mex. (VOR):	Las Vegas, N. Mex. (VOR):	
Via radial 71	Via radial 252	12,500
Via radial 86	Via radial 257	11,800

11. The table in § 60.17–206 *Red Civil Airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Akron, Colo., via radial 62 or 47.	Imperial, Nebr., via radial 244 or 239.	5,000
Imperial, Nebr. (VOR) via radial 66 or 51	Int. N crs. Hayes Center, Nebr. (LFR) and Imperial, Nebr. (VOR) radial 66 or 51.	4,500
Int. N crs. Hayes Center, Nebr. (LFR) and Imperial, Nebr. (VOR) radial 66 or 51.	Lexington, Nebr. (VOR) via radial 248 or 263.	4,500
Lexington, Nebr. (VOR) via radial 68 or 83.	Grand Island, Nebr. (VOR) via radial 234 or 249.	4,000

4. The table in § 60.17–13 *Green Civil Airways No. 3* is amended to read in part:

From—	To—	Minimum altitude
Cheyenne, Wyo. (VOR) (LFR)	Egbert (INT), Wyo.	*7,900
Egbert (INT), Wyo.	Kimball (INT), Nebr.	*7,600
Kimball (INT), Nebr.	7,500'—Minimum continuous VOR reception altitude	
	Sidney, Nebr. (VOR) (Rbn)	*5,700
Sidney, Nebr. (VOR) (Rbn)	6,000'—Minimum continuous VOR reception altitude	
	Chappell (INT), Nebr.	*5,700
Chappell (INT), Nebr.	6,000'—Minimum continuous VOR reception altitude	
	Paxton (INT), Nebr.	*5,000
Paxton (INT), Nebr.	6,000'—Minimum continuous VOR reception altitude	
	North Platte, Nebr. (VOR) (LFR)	*4,900
North Platte, Nebr. (VOR) (LFR)	6,000'—Minimum continuous VOR reception altitude	
	Grand Island, Nebr. (VOR) (LFR)	*4,200
Grand Island, Nebr. (LFR)	4,900'—Minimum continuous VOR reception altitude	
	Weston (INT), Nebr.	2,900
Weston (INT), Nebr.	Omaha, Nebr. (LFR)	2,700
Grand Island, Nebr. (VOR) via radial 72.	Int. N crs. Lincoln, Nebr. (LFR) and Grand Island, Nebr. (VOR) radial 72.	3,200
Int. N crs. Lincoln, Nebr. (LFR) and Grand Island, Nebr. (VOR), radial 72.	Omaha, Nebr. (VOR) via radial 255.	2,700
Allentown, Pa.	*Bellmead (INT), N. J.	2,500
	1,700'—Minimum crossing altitude at Bellemead (INT), westbound	

5. The table in § 60.17–14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Albuquerque, N. Mex. (VOR)	Otto, N. Mex. (VOR)	12,000
Albuquerque, N. Mex. (VOR) via radial 80	Otto, N. Mex. (VOR) via radial 246	10,000
*Albuquerque, N. Mex. (LFR)	Otto, N. Mex. (LFR)	11,000
	10,000'—Minimum crossing altitude at Otto (LFR), westbound	
Otto, N. Mex. (LFR) (VOR)	Tapia (INT), N. Mex.	9,900
Tapia (INT), N. Mex.	Anton Chico, N. Mex. (VOR)	9,000
Anton Chico, N. Mex. (VOR)	Tucumcari, N. Mex. (LFR) (VOR)	7,500
Tucumcari (INT), N. Mex.	Cassoday (INT), Kans.	2,900
Wichita, Kans. (LFR) (VOR)	Emporia, Kans. (VOR)	*2,600
Cassoday (INT), Kans.	2,800'—Minimum continuous VOR reception altitude	
Emporia, Kans. (VOR)	Lebo, Kans. (LFR)	2,800
Lebo, Kans. (LFR)	Ipomona (INT), Kans.	2,800
Ipomona (INT), Kans.	De Soto (INT), Kans.	2,700
De Soto (INT), Kans.	Kansas City, Mo. (LFR)	2,600
Int. S crs. St. Joseph, Mo. (LFR) and Kansas City, Mo. (VOR) radial 224.	Kansas City, Mo. (VOR) via radial 224.	*2,600
	*2,200'—Minimum continuous VOR reception altitude)	

6. The table in § 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Columbus, N. Mex. (LFR) (VOR)	Harrington Ranch (INT), N. Mex.	8,500
Harrington Ranch (INT), N. Mex.	El Paso, Tex. (LFR) (VOR) via (LFR) or (VOR) radial 258.	8,500
El Paso, Tex. (LFR) (VOR):	Salt Flat, Tex. (LFR) (VOR):	
Via (LFR) radial 80	Via (LFR) or (VOR) radial 260	8,000
Via (VOR) radial 65	Via (VOR) radial 255	9,000
*Salt Flat, Tex. (VOR)	Int. Salt Flat, Tex. (VOR) radial 73 and Carlsbad, N. Mex. (VOR) radial 263.	10,000
*Salt Flat, Tex. (LFR)	8,000'—Minimum crossing altitude at Salt Flat (VOR), eastbound	
	8,000'—Minimum crossing altitude at Salt Flat (LFR), eastbound	10,000
Guadalupe Pass, Tex. (FM)	Orla (INT), Tex. (eastbound)	8,000
Midland (INT), Tex. (VOR)	Big Spring, Tex. (LFR) (VOR)	4,000
Big Spring, Tex. (LFR) (VOR)	Abilene, Tex. (LFR) (VOR)	3,000
Abilene, Tex. (LFR) (VOR)	Mineral Wells, Tex. (Rbn) (VOR)	2,500
Mineral Wells, Tex. (Rbn) (VOR)	Fort Worth, Tex. (LFR) (VOR)	2,500

19. The table in § 60.17–288 *Red Civil Airway No. 88* is amended to read:

From—	To—	Minimum altitude
Albuquerque, N. Mex. (LFR) (VOR) via LFR or VOR radial 112.	Corona, N. Mex. (VOR) via VOR radial 293	12,000
Corona, N. Mex. (VOR) via VOR radial 124 or 109.	Roswell, N. Mex. (LFR) (VOR) via LFR or VOR radial 304.	9,000
Roswell, N. Mex. (LFR) (VOR) via LFR or VOR radial 104.	Hobbs, N. Mex. (LFR) (VOR) via LFR or VOR radial 285.	*8,500

6,000'—Minimum continuous VOR reception altitude

20. The table in § 60.17–291 *Red Civil Airway No. 91* is amended to read:

From—	To—	Minimum altitude
*Salt Flat, Tex. (LFR)	*Carlsbad, N. Mex. (LFR)	11,800

10,500'—Minimum crossing altitude at Salt Flat, Northbeastbound
8,500'—Minimum crossing altitude at Carlsbad, Southwestbound

Int. Salt Flat, Tex. (VOR) radial 253 and Carlsbad, N. Mex. (VOR) radial 73.	Carlsbad, N. Mex. (VOR) via radial 253	7,000
Carlsbad, N. Mex. (LFR) (VOR) via LFR or VOR radial 104.	Hobbs, N. Mex. (LFR) (VOR) via LFR or VOR radial 285.	5,000

21. The table in § 60.17–296 *Red Civil Airway No. 96* is amended by adding:

From—	To—	Minimum altitude
Big Spring, Tex. (VOR) via VOR radial 43	Wichita Falls, Tex. (VOR) via VOR radial 226	*3,800

7,000'—Minimum continuous VOR reception altitude

22. The table in § 60.17–297 *Red Civil Airway No. 97* is amended to read:

From—	To—	Minimum altitude
Buffalo, N. Y. (VOR) via radial 199	Binghampton, N. Y. (VOR) via radial 303	3,500
Binghamton, N. Y. (VOR) via radial 150	East Scranton (INT), Pa	4,000

23. The table in § 60.17–604 *Blue Civil Airway No. 4* is amended to read:

From—	To—	Minimum altitude
Burlington, Vt	Hemingford, P. Q. (FM)	2,000

24. The table in § 60.17–605 *Blue Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Oklahoma City, Okla. (LFR)	Ponca City, Okla. (Rbn) (VOR)	3,000
Ponca City, Okla. (Rbn) (VOR)	Wichita, Kans. (LFR)	2,700
Wichita, Kans. (LFR)	Wichita, Kans. (VOR)	2,800

25. The table in § 60.17–606 *Blue Civil Airway No. 6* is amended to read:

From—	To—	Minimum altitude
Abilene, Tex. (VOR) via radial 21 or 89	Wichita Falls, Tex. (VOR) via radial 191 or 206	*3,000

4,000'—Minimum continuous VOR reception altitude

Wichita Falls, Tex. (LFR)	Washington, Kans. (FM)	2,500
Oklahoma City, Okla. (LFR)	Oklahoma City, Okla. (LFR) via radial 15 or 75	*4,000
Wichita Falls, Tex. (VOR) via radial 15 or 75	Oklahoma City, Okla. (LFR) via radial 15 or 75	4,000

*2,800'—Minimum continuous VOR reception altitude

26. The table in § 60.17–622 *Blue Civil Airway No. 22* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR) via radial 316 or 331	Wichita, Kans. (VOR) via radial 135 or 120	2,800
Tulsa, Okla. (LFR)	Oxford, (INT) Kans.	2,300
Tulsa, Okla. (VOR) via radial 271 or 286	Ponca City, Okla. (VOR) via radial 120 or 105	2,200

27. The table in § 60.17–630 *Blue Civil Airway No. 30* is amended by adding:

From—	To—	Minimum altitude
San Angelo, Tex. (VOR) via radial 306 or 321	Big Spring, Tex. (VOR) via radial 125 or 110	4,000

28. The table in § 60.17–632 *Blue Civil Airway No. 32* is amended to read:

From—	To	Minimum altitude
Dungeness, Wash. (FM)	Patricia Bay, B. C., Canada	2,500

29. The table in § 60.17–668 *Blue Civil Airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Midland, Tex. (VOR) via radial 286 or 301	Hobbs, N. Mex. (VOR) via radial 120 or 135	5,000

30. The table in § 60.17–674 *Blue Civil Airway No. 74* is amended to read in part:

From—	To—	Minimum altitude
Carlsbad, N. Mex. (LFR) (VOR) via LFR or VOR radial 334.	Roswell, N. Mex. (LFR) (VOR) via LFR or VOR radial 153.	5,000
Corona, N. Mex. (VOR) via radial 330	Otto, N. Mex. (VOR) via radial 150	10,000
Otto, N. Mex. (LFR) (VOR) via LFR or VOR radial 334.	Santa Fe, N. Mex. (VOR) via radial 153	10,000

31. The table in § 60.17–1002 *Direct route—Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La	Meridian, Miss.	1,700

32. The table in § 60.17–1003 *Direct route—Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Las Vegas, N. Mex. (VOR) via radial 216	Otto, N. Mex. (VOR) via radial 36	9,000

33. The table in § 60.17–1003 *Direct route—Southwest United States* is amended to eliminate:

From—	To—	Minimum altitude
Blythe, Calif.	Tucson, Ariz.	7,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective January 25, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1205; Filed, Jan. 24, 1951; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 514—TECHNICAL STANDARD ORDERS—C SERIES—AIRCRAFT COMPONENTS

The following part is adopted to include all Technical Standard Orders relating to aircraft components. They have been coordinated with interested persons, and they are made effective without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Sec.
514.1 Technical Standard Order C1a: "Smoke Detectors".
514.2 Technical Standard Order C2a: "Airspeed Indicator (Pitot Static)".
514.3 Technical Standard Order C3a: "Turn-and-Bank Indicator".
514.4 Technical Standard Order C4b: "Bank-and-Pitch Indicator (Stabilized Type) (Gyro Horizon, Attitude Gyro)".
514.5 Technical Standard Order C5b: "Direction Indicator, Non-Magnetic, Stabilized Type (Directional Gyro)".
514.6 Technical Standard Order C6b: "Direction Indicator, Magnetic (Stabilized Type) (Stabilized Magnetic Compass)".
514.7 Technical Standard Order C7b: "Direction Indicator, Magnetic, Non-Stabilized Type (Magnetic Compass)".
514.8 Technical Standard Order C8a: "Climb Indicator, Pressure Actuated (Vertical Speed Indicator)".
514.9 Technical Standard Order C9a: "Automatic Pilot".
514.10 Technical Standard Order C10a: "Altimeter, Pressure Actuated, Sensitive Type".
514.11 Technical Standard Order C11a: "Fire Detectors".
514.12 Technical Standard Order C12: "Life Rafts".
514.13 Technical Standard Order C13: "Life Preservers".
514.14 Technical Standard Order C14: "Aircraft Fabric, 'Intermediate' Grade; External Covering Material".
514.15 Technical Standard Order C15: "Aircraft Fabric, Grade 'A'; External Covering Material".
514.16 Technical Standard Order C16: "Airspeed Tubes (Electrically Heated)".
514.17 Technical Standard Order C17: "Fire-Resistant Aircraft Material".
514.18 Technical Standard Order C18: "Position Light Flashers".
514.19 Technical Standard Order C19: "Portable Water-Solution Type Fire Extinguishers".
514.20 Technical Standard Order C20: "Combustion Heaters".
514.21 Technical Standard Order C21: "Special Aircraft Turnbuckle Assemblies and/or Turnbuckle Safetying Devices".
514.22 Technical Standard Order C22a: "Safety Belts".
514.23 Technical Standard Order C23: "Parachutes".
514.24 Technical Standard Order C24: "Landing Flares".
514.25 Technical Standard Order C25: "Aircraft Seats and Berths".

AUTHORITY: §§ 514.1 to 514.25 issued under sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

1. Section 514.1 shall consist of Technical Standard Order C1a, published in 13 F. R. 3843, 7728, with "Parts 4a and 4b" substituted for "§§ 04a.062, 04a.07, 04a.500, 04b.00, 04b.05, and 04b.38251".

2. Section 514.2 shall consist of Technical Standard Order C2a, published in 14 F. R. 3365, with "Parts 3, 4a, 4b, and

6" substituted for "§§ 3.06, 3.51, 4a.07, 4a.513, 4b.05, 4b.51, 6.05, and 6.51".

3. Section 514.3 shall consist of Technical Standard Order C3a, published in 13 F. R. 3845, 7731, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.5, 04a.07, 04a.5, 04b.05, 04b.5, 06.05, and 06.5".

4. Section 514.4 shall consist of Technical Standard Order C4b, published in 14 F. R. 3461, with "Parts 4a and 4b" substituted for "§§ 4a.07, 4a.532, 4b.05, and 4b.51".

5. Section 514.5 shall consist of Technical Standard Order C5b, published in 14 F. R. 3463, with "Parts 4a and 4b" substituted for "§§ 4a.07, 4a.532, 4b.05, and 4b.51".

6. Section 514.6 shall consist of Technical Standard Order C6b, published in 14 F. R. 3464, with "Parts 4a and 4b" substituted for "§§ 4a.07, 4a.532, 4b.05, and 4b.51".

7. Section 514.7 shall read as follows:

§ 514.7 *Technical Standard Order C7b: "Direction Indicator, Magnetic, Non-Stabilized Type (Magnetic Compass)"*—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 3, 4a, 4b, and 6 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for non-stabilized magnetic direction indicators intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for non-stabilized magnetic direction indicators.

(b) *Directive* — (1) *Provision.* (i) The requirements for non-stabilized magnetic direction indicators, as set forth in SAE Specification AS–398 Direction Indicator Magnetic, Non-Stabilized Type dated July 1, 1947 [1] (13 F. R. 3852, 7731) with the exceptions hereinafter noted, are hereby established as minimum safety standards for non-stabilized magnetic direction indicators intended for use in civil aircraft.

(ii) *Exceptions.* Section 4.5, "Means shall be provided for compensating for semi-circular deviation. Compensating effect shall be between 15 and 40 degrees in each direction for each axis when adjusted for maximum effect."

(iii) Section 6.7, second sentence, line 4—"The maximum adjustable compensation effect shall be between 15 and 40 degrees in each direction for each axis."

(2) *Application.* (i) Non-stabilized magnetic direction indicators complying with the specifications appearing in this section are hereby approved for all aircraft. Non-stabilized magnetic direction indicators already approved by the Administrator may continue to be installed in aircraft:

(*a*) For which an application for original type certificate is made prior to the effective date of this section,

(*b*) The prototype of which is flown within one year after the effective date of this section, and

(*c*) The prototype of which is not flown within one year after the effective date of this section if due to causes beyond the applicant's control.

If an alteration or replacement involving a change in type or model of non-stabilized magnetic direction indicators, is made within nine months after the effective date of this section, previously approved types of non-stabilized magnetic direction indicators may be installed. However, in any such change made after the nine month period, new types of non-stabilized magnetic direction indicators installed in aircraft used in instrument flight shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification information required in the referenced specification, each non-stabilized magnetic direction indicator shall be permanently marked with the Technical Standard Order designation, CAA–TSO–C7b, to identify the non-stabilized magnetic direction indicators as meeting the requirements of this section in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for non-stabilized magnetic direction indicators have been met.

(2) *Data requirements.* (i) None.

(3) *Effective date.* (i) After July 1, 1948, specifications contained in this section will constitute the basis for Civil Aeronautics Administration approval of non-stabilized magnetic direction indicators for use in certificated aircraft used in instrument flight.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Superintendent, Aircraft Branch.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W–298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the non-stabilized magnetic direction indicators to be produced by him meet the minimum safety requirements established in this section. Immediately thereafter distribution of the non-stabilized magnetic direction indicators conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the non-stabilized magnetic direction indicators does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the non-stabilized magnetic direction indicators in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

8. Section 514.8 shall consist of Technical Standard Order C8a, published in 13 F. R. 3853, 7731, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.5, 04a.07, 04a.5, 0.4b.05, 04b.5, 06.05, and 06.5".

9. Section 514.9 shall consist of Technical Standard Order C9a, published in 13 F. R. 3855, 7734, with "Parts 3, 4a, 4b, 6, and 15" substituted for §§ 03.06, 03.5, 04a.07, 04a.5, 04b.05, 04b.5, 06.05, and 06.5".

10. Section 514.10 shall consist of Technical Standard Order C10a, published in 14 F. R. 3368, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 3.06, 3.51, 4a.07, 4a.513, 4a.532, 4b.05, 4b.51, 6.05, and 6.51".

11. Section 514.11 shall read as follows:

§ 514.11 *Technical Standard Order C11a: "Fire Detectors"*—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 4a and 4b of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for fire detectors intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for fire detectors.

(b) *Directive*—(1) *Provision.* (i) The requirements for fire detectors, as set forth in SAE Specification AS 401a, Fire and Heat Detectors, revised October 1, 1949,[1] stated below, with the exceptions hereinafter noted, are hereby established as minimum safety standards for fire detectors intended for use in civil aircraft.

1. *Purpose.* To specify minimum requirements for fire and heat detection instruments for use in aircraft, the operation of which may subject the instrument to environmental conditions specified in section 3.4.

2. *Scope.* This specification covers the following basic types of instruments, or combinations thereof, intended for use in protecting aircraft power plant installations, auxiliary power plants, combustion heaters and other installation where fuel, oil or similar fires may occur.

Type I. Rate of temperature rise.
Type II. Flame.
Type III, Fixed temperature.

3. *General requirements.*

3.1 *Materials and workmanship.*

3.1.1 *Materials.* Materials shall be of a quality which experience and/or tests have demonstrated to be suitable and dependable for use in aircraft instruments.

3.1.2 *Workmanship.* Workmanship shall be consistent with high-grade aircraft instrument manufacturing practice.

3.2 *Radio interference.* The instrument shall not be the source of objectionable interference, under operating conditions at any frequencies used on aircraft, either by radiation of feed-back, in radio sets installed in the same aircraft as the instrument.

[1] Copies may be obtained from the Society of Automotive Engineers, 29 West 39th St., New York, N. Y.

3.3 *Identification.* The following information shall be legibly and permanently marked on the instrument or attached thereto:

(a) Name of instrument.
(b) SAE Spec. AS–401.
(c) Rating (electrical, vacuum, etc.).
(d) Alarm temperature (sensing element, where applicable).
(e) Manufacturer's part number.
(f) Manufacturer's serial number or date of manufacture.
(g) Manufacturer's name and/or trademark.

3.4 *Environmental conditions.* The following conditions have been established as design criteria only. Tests shall be conducted as specified in sections 5, 6 and 7.

3.4.1 *Temperature.* When mounted in accordance with the manufacturer's recommendations, the unit shall function over the range of ambient temperatures shown in column A below and shall not be adversely affected by exposure to the temperatures shown in column B below:

Instrument location	A	B
Power plant compartments.	−20 to 130 C.	−65 to 130 C.
Other areas	−20 to 70 C.	−65 to 70 C.

3.4.2 *Humidity.* The instrument shall function and not be adversely affected by exposure to a relative humidity of up to and including 95% at a temperature of approximately 32° C.

3.4.3 *Altitude.* The instrument shall function and shall not be adversely affected when subjected to a pressure and temperature range equivalent to −1,000 feet to +40,000 feet standard altitude.

3.4.4 *Vibration.* When mounted in accordance with the instrument manufacturer's instructions, the units shall function and shall not be adversely affected when subjected to the following vibrations at a frequency of 500 to 3,000 cycles per minute. When specified by the purchaser for use in rotary wing aircraft, the frequency range shall be 150 to 3,000 cycles per minute.

Type of instrument mounting	Amplitude (inch)	Acceleration
Structurally mounted instruments	0.030	3.8 g.
Engine compartment mounted instruments.	.20	25 g.

It is understood that the instrument shall withstand vibration at higher frequencies, but the acceleration values need not exceed those shown above.

4. *Detail requirements.*

4.1 *Indicating method.* The instrument shall be capable of actuating both visual and aural alarm indicators.

4.2 *Reliability.* False signals in the instrument shall not result from variations in voltage between 0 and 125% of the rated, flight attitude, dust and accelerations encountered in flight or landing.

4.3 *Integrity test provisions.* The instrument shall permit testing of the continuity of the associated electrical circuit in flight.

4.4 *Calibration adjustment.* All calibration adjustments in the instrument shall be provided with tamper-proof seals.

5. *Test conditions.*

5.1 *Atmospheric conditions.* Unless otherwise specified, all tests required by this specification shall be conducted at an atmospheric pressure of approximately 29.92 inches of mercury and at an ambient temperature of approximately 22° C. When tests are conducted with the atmospheric pressure or the temperature substantially different from these values, allowance shall be made for the variations from the specified conditions.

5.2 *Vibration (To minimize friction).* Unless otherwise specified, all tests for performance may be made with the instrument subjected to a vibration of 0.002 to 0.005 inch amplitude at a frequency of 1500 to 2000 cycles per minute. The term amplitude as used herein indicates the total displacement from positive maximum to negative maximum.

5.3 *Vibration stand.* A vibration stand shall be used which will vibrate at any desired frequency between 500 and 3000 cycles per minute and shall subject the instrument to vibration such that a point on the instrument will describe, in a plane inclined 45 degrees to the horizontal plane, a circle, the diameter of which is equal to the amplitude specified herein.

5.4 *Test position.* Unless otherwise specified, the instrument shall be mounted and tested in its normal operation position.

5.5 *Power conditions.* Unless otherwise specified, all tests shall be conducted at the power rating recommended by the manufacturer and the instrument shall be in an operating condition.

5.6 *Flame temperature measurement and flame size.* All flame temperatures shall be measured by using an 18 gauge wire thermocouple and the two strands of wire shall be twisted together for a distance of ½ inch from the thermocouple bead. The thermocouple bead shall be at the center of the flame and the two wires leading to the bead shall be parallel and extend radially into the flame. The nature and size of the flame and the method of test shall be specified in Figure 2.

5.7 *Test sample.* Unless otherwise specified, when qualification tests are being conducted on continuous type detectors, at least eight inches of the continuous detecting element shall be subjected to the test conditions as well as at least two typical insulators, supports, or connectors of each basic type used.

6. *Individual performance tests.* All instruments or components of such shall be subjected to whatever tests the manufacturer deems necessary to demonstrate specific compliance with this specification.

6.1 *Response time.* The sensing element shall be tested as specified in section 7.1, or in some equivalent manner which will adequately check the sensitivity and calibration.

6.2 *Dielectric.* The instrument shall be subjected to whichever one of the following dielectric tests is most applicable:

6.2.1 Ungrounded instruments, or grounded instruments prior to connection of in-

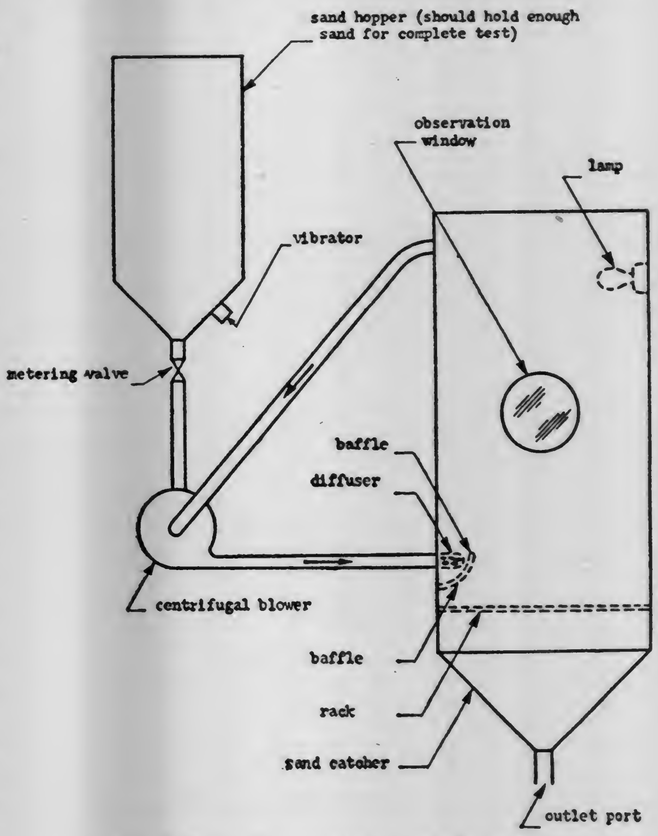


FIGURE 1. Schematic Sand Test Arrangement (Ref. sec. 7.9).

ternal ground wire, shall be tested by either the method of section 6.2.1.1 or 6.2.1.2.

6.2.1.1 *Insulation resistance.* The insulation resistance measured at 500 volts d-c between all electrical circuits connected together and the metallic case shall not be less than 20 megohms.

6.2.1.2 *Dielectric strength.* The insulation shall withstand without evidence of damage the application of a sinusoidal voltage at a commercial frequency between all electrical circuits connected together and the metallic case, for a period of 5 seconds. The RMS value of the sinusoidal voltage applied shall be either five (5) times the maximum instrument operating voltage, or 500 volts, whichever is the greater.

6.2.2 Instruments operated with a permanent internal ground connection shall be tested as follows:

The insulation shall withstand without evidence of damage the application of a sinusoidal voltage at a commercial frequency between each electric circuit and the metallic case, for a period of 5 seconds. The RMS value of the sinusoidal voltage applied shall be 1.25 times the maximum circuit operating voltage obtainable between two test points.

7. *Qualification tests.* As many instruments as appear necessary to demonstrate that all instruments will comply with the requirements of this section shall be subjected to the following tests where applicable. The tests on each instrument shall be conducted consecutively and after the tests have been initiated, no further adjustments of the instrument shall be permitted. There shall be no false alarms signalled during any of the tests. A response time test per section 7.1 shall be conducted after each qualification test, except sections 7.1.1, 7.2, 7.3, 7.3.1, 7.3.2, 7.3.3 and 7.14. However, except in the case of the response time test following the qualification test of section 7.14, the instrument subjected to the response time test need not be the same instrument or instruments being subjected to the entire series of qualification tests.

7.1 *Response time.* The sensing element shall be tested in an 815° C maximum temperature flame as specified in Figure 2. The ambient temperature from which the test is started shall be normal room temperature. However, a higher starting ambient temperature may be used if the sensing element is specified for use only in locations where the ambient temperature will not, under any normal continuous operating conditions, fall below this value. For types of detectors and detector systems whose sensitivity is affected by the number of sensing elements, by the length of the sensing element exposed to flame (for continuous types), or by other factors which may be varied from one system design to another, all response time tests shall be conducted with the least sensitive system configuration to be used. The time of response shall not exceed 5 seconds when the instrument is tested in accordance with this section.

7.1.1 *Repeat response time.* The sensing element(s) of the fire detector system shall be subjected to an 815° C flame for a period of one minute. It shall then be removed from the flame. Within 5 seconds after the alarm has cleared the sensing element shall again be subjected to the flame. An alarm shall be signalled in five seconds. The units subjected to this test need not be subjected to any other tests.

7.2 *Fixed temperature operation.* (For Type III instruments only). The detecting element shall be placed in a suitable heating chamber and the temperature shall be raised at the rate of not less than 7 C per minute, to not less than 80% of the rated temperature setting. The temperature shall be maintained at this value for not less than one hour. The temperature shall then be raised, at a rate of not more than 7 C per minute, to 10% above the rated temperature setting. An alarm shall be signalled within a tolerance of 10% of the rated temperature setting. The temperature shall then be lowered, at a rate of not more than 7 C per minute. The alarm indication shall cease before the temperature falls below 90% of the rated setting.

7.3 *False alarm due to rate of temperature rise.* No alarm shall be signalled during these tests except in the case of Type III instruments which may signal an alarm when the temperature reaches a value not less than 90% of the rated setting. For types of detectors and detector systems whose sensitivity is affected by the number of sensing elements, the length of the sensing element exposed to the test temperature (for continuous types), or by other factors which may be varied from one system design to another, the tests of 7.3.1 and 7.3.2 shall be conducted with the most sensitive system configuration to be used.

7.3.1 *False alarm due to local temperature rise.* The sensing element shall be subjected to various combinations of rates of temperature rise and durations of these rates of rise. Except as indicated in section 7.3, no alarm shall be signalled when the element is exposed to any combination of the rates of rise and durations within the shaded area in Figure 3 (a). This test shall be conducted in a manner simulating conditions due to local overheating.

7.3.2 *False alarm due to general temperature rise.* The test of 7.3.1 shall be repeated except that Figure 3 (b) shall be employed and the test shall be conducted in a manner simulating conditions existing due to a general temperature rise throughout an engine compartment where the sensing element(s) may be located.

7.3.3 *False clearing of alarm due to partial extinguishing of fire.* The system configuration specified in 7.3 shall be subjected to an 815° C flame for 30 seconds. The flame shall then be removed from all except the portion of the system as specified in 7.1. The alarm shall not clear. After an additional 30 seconds the flame shall be removed entirely and the alarm shall then clear. The units subjected to this test need not be subjected to any other test.

7.4 *Vibration.* The instrument shall be mounted on a vibration stand, in its own shock mounted base, if provided with one, in its normal operating plane. The instrument shall be subjected to vibration with an amplitude between .003 and .005 inch at frequencies for 500 to 3000 cycles per minute, in order to determine whether the natural frequency of the instrument occurs in this frequency range.

7.5 *Vibration endurance.* With the instrument mounted on a vibration stand, per section 7.4, it shall be vibrated continuously at a total amplitude as specified in section

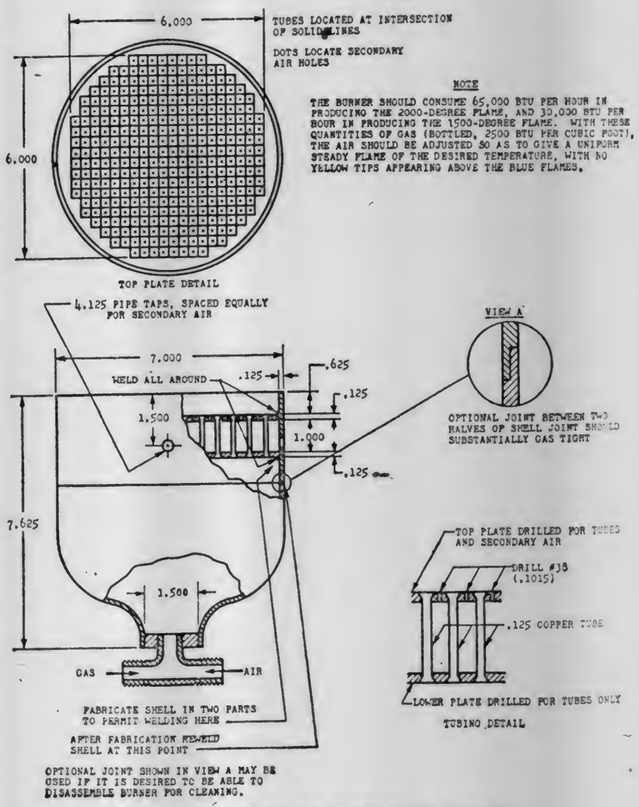


FIGURE 2—Flame Test Burner (Ref. sec. 5.6, 7.1 and 7.14).

8.4.4 for a period of 24 hours at the natural frequency, if applicable, as determined in section 7.4, or if not applicable, at a frequency of 2000 cycles per minute. No damage shall be evident after this test. In the case of this test, the response time test of 7.1.1 shall be conducted while the instrument is being vibrated. However, the sensing and indicating elements need not be vibrated simultaneously unless it is apparent that simultaneous vibration will be critical.

7.6 *Water spray.* All parts of the instrument which may be installed in exposed portions of the airplane shall be subjected to the following tests.

7.6.1 *Simulated rain.* The components being tested shall be subjected to a spray of water, to simulate rain, for a period of three hours. The detector shall not be dried prior to testing per section 7.1.

7.6.2 *Salt spray.* The components being tested shall be subjected to spray with a 20% sodium chloride solution for a period of fifteen minutes. The components shall then be dried in air at room temperature before they are tested per section 7.1. The components shall not be cleaned before the test of section 7.1 is conducted.

7.7 *Corrosion.* All parts of the instrument which may be installed in exposed portions of the airplane shall be subjected to a finely atomized spray of 20% sodium chloride solution for 200 hours. At the end of this period the parts shall be allowed to dry and may then be cleaned prior to conducting the test per section 7.1.

7.8 *Fuel and oil immersion.* All parts of the instrument which may be located in engine compartments, or other locations where they may be contaminated by fuel or oil, shall be subjected to the following tests.

7.8.1 *Fuel immersion.* The components being tested shall be thoroughly immersed in normally leaded 100 octane fuel at approximately room temperature and then allowed to drain for one minute before being tested per section 7.1. No cleaning other than the drainage specified above shall be accomplished prior to conducting subsequent tests.

7.8.2 *Oil immersion.* The same test shall be conducted with used SAE #60 oil.

7.9 *Sand.* All parts of the instrument which may be installed in exposed portions of the airplane (such as in nacelles, wheel wells, etc.) shall be subjected to a sand or dust laden air stream, flowing at a constant rate of 2½ pounds per hour, for four hours. The stream shall be formed of sand or dust that has been sifted through a 150 mesh screen and shall pass over all parts of the units under test. The test chamber shall be equivalent to that shown in Figure 1.

7.10 *High temperature.* All components of the instrument which may be located in engine compartments shall be exposed to a temperature of 130° C for 48 hours prior to being tested per section 7.1 except a 130 C. All other components shall be subjected to a similar test at 70° C.

7.11 *Low temperature.* The instrument shall be exposed to a temperature of −65° C for a period of 24 hours, after which it shall be raised to a temperature of −55° C for a period of six hours prior to being tested per Section 6.1 except at −55° C. However, compliance with section 7.1 shall be considered to have been accomplished in this case if the time of response does not exceed 10 seconds.

7.12 *Altitude effects.*

7.12.1 *High altitude and rate of climb.* The instrument shall be subjected to a pressure that is varied from normal atmospheric pressure to an altitude pressure equivalent to 40,000 feet at a rate of not less than 3000 feet per minute. The instrument shall be maintained at the altitude pressure equivalent to 40,000 feet for a period of 48 hours. The instrument shall then be returned to sea level conditions and then tested per section 7.1. Sealed units shall not leak as a result of exposure to this pressure. Where applicable, this shall be demonstrated by immersion in water after the test.

7.12.2 *Low altitude.* The instrument shall be subjected to the same test as outlined in section 7.12.1, except that the rate of pressure variation need not be as specified therein and the pressure shall be maintained at an altitude pressure equivalent to −1000 feet.

7.12.3 *Pressurization test.* All components of the instrument which may be located in pressurized area shall be subjected to an external pressure of 8 p. s. i. for a period of fifteen minutes. The response time test of 7.1.1 shall be conducted while the components involved are under the 8 p. s. i. pressure.

7.13 *Voltage variation.* The instrument shall be operated with the voltage varying from 110% to 75% of the rated. The instrument shall then be tested per section 6.1 under these conditions. Compliance with the provisions of section 4.2 shall also be demonstrated.

7.14 *Flame.* The detecting element of the instrument shall be subjected to a completely enveloping flame at a temperature of 1100° C minimum for two periods of one minute each. The flame shall be as specified in Figure 2. The instrument shall be cooled to approximately room temperature or to the ambient temperature permitted in section 7.2 after each exposure to flame. The instrument shall then be exposed to the same flame a third time. An alarm shall be signalled in not more than five seconds after each exposure to flame. During cooling of the instrument after the first two exposures to flame the alarm shall clear in not more than 45 seconds after the flame has been removed in the first two cases. Artificial means of cooling the instrument shall not be used until after the alarm has cleared. A manual resetting device may be used to clear the alarm provided it is demonstrated that the resetting device will clear the alarm only if the flame has been removed; i. e., if flame is still present and the manual resetting device is operated, the instrument must continue to indicate the presence of a fire. The instrument need not clear the alarm and need not be capable of further operation after the third exposure to flame. During this test the sensing element shall be subjected to vibration as specified in section 7.5.

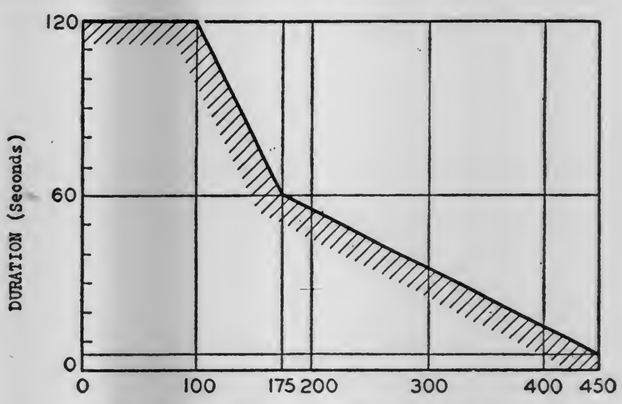


FIGURE 3 (a)—Local temperature rise condition (Ref. sec. 7.3.1).

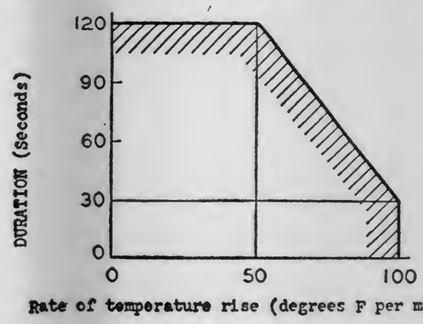


FIGURE 3 (b)—General temperature rise condition (Ref. sec. 7.3.2).

(ii) *Exceptions.* Item (b) of section 3.3 "Identification" need not be complied with for conformance with the terms of this section.

(2) *Application.* (i) Fire detectors complying with the specifications appearing in this section are hereby approved for all aircraft. Fire detectors already approved by the Administrator may continue to be installed in aircraft:

(*a*) For which an application for original type certificate is made prior to the effective date of this section,

(*b*) The prototype of which is flown within one year after the effective date of this section, and

(*c*) The prototype of which is not flown within one year after the effective date of this section if due to causes beyond the applicant's control.

If an alteration or replacement involving a change in type or model of fire detector is made within nine months after the effective date of this section, previously approved types of fire detectors may be installed. However, in any such change made after the nine-month period, new types of fire detectors installed shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification information required in the referenced specification (see "Exceptions" above), each fire detector shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C11a, to identify the fire detector as meeting the requirements of this section in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for fire detectors have been met.

(2) *Data requirements.* (i) Ten copies of the following technical information shall be submitted by the manufacturer of the fire detector with his statement of conformance to the Civil Aeronautics Administration, Aircraft Division, Attention: W-298, Washington 25, D. C. These data shall consist of all information such as descriptive data, drawings, diagrams, etc., which are necessary to define the limitations of use for which the fire detectors are satisfactory, and which are essential to outline the conditions for their proper installation and operation. They shall include at least the following, wherever applicable, in addition to other limitations which may apply:

(*a*) Maximum allowable normal ambient temperature at the point of detector location.

(*b*) Maximum allowable rate of temperature rise at point of detector location as a result of normal operation.

(*c*) Electrical circuit arrangement.

(*d*) Operating voltage.

(*e*) Mounting or support method.

(*f*) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature variations associated with normal operation.

(3) *Effective date.* (i) After August 1, 1948, specifications contained in this section will constitute the basis for Civil Aeronautics Administration approval of fire detectors for use in certificated aircraft.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W-298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the fire detector to be produced by him meets the minimum safety requirements established in this section. Immediately thereafter, distribution of the fire detector conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the fire detector does not relieve the aircraft manufacturer or owner of responsibility for the proper application of the fire detector in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

12. Section 514.12 shall consist of Technical Standard Order C12, published in 13 F. R. 7734, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.500, 03.5440, 03.5441, 04a.07, 04a.500, 04a.501, 04a.515, 04a.534, 04b.05, 04b.5460, 04b.5461, 06.05, and 06.500".

13. Section 514.13 shall consist of Technical Standard Order C13, published in 13 F. R. 7736, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.500, 03.5440, 03.5441, 04a.07, 04a.500, 04a.501, 04a.515, 04a.534, 04b.05, 04b.5460, 04b.5461, 06.05, and 06.500".

14. Section 514.14 shall consist of Technical Standard Order C14, published in 14 F. R. 7726, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.301, 03.332, 04a.07, 04a.400, 04a.415, 04b.05, 04b.301, 04b.331, and 06.05".

15. Section 514.15 shall consist of Technical Standard Order C15, published in 13 F. R. 7727, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.301, 03.332, 04a.07, 04a.400, 04a.415, 04b.05, 04b.301, 04b.331, and 06.05".

16. Section 514.16 shall consist of Technical Standard Order C16, published in 13 F. R. 7733, with "Parts 4a and 4b" substituted for "§§ 04a.07, 04a.530, 04b.05, and 04b.51".

17. Section 514.17 shall consist of Technical Standard Order C17, published in 13 F. R. 7728, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 03.06, 03.075 (b), 04a.07, 04a.062, 04b.05, and 04b.075 (b)".

18. Section 514.18 shall consist of Technical Standard Order C18, published in 14 F. R. 3197, with "Parts 4a and 4b" substituted for "§§ 4a.07, 4a.5827, 4b.05, and 4b.5383".

19. Section 514.19 shall consist of Technical Standard Order C19a, published in 14 F. R. 3196, 15 F. R. 765, with "Parts 4a and 4b" substituted for "§§ 4a.31, 4a.532, 4b.41, 4b.448, and 4b.691".

20. Section 514.20 shall consist of Technical Standard Order C20, published in 14 F. R. 3308, with "Parts 3, 4a, and 4b" substituted for "§§ 3.06, 3.38132, 4a.07, 4a.40, 4b.05, and 4b.38231".

21. Section 514.21 shall consist of Technical Standard Order C21, published in 15 F. R. 762, with "Parts 3, 4a, 4b, and 6" substituted for "§§ 3.31, 3.345, 4a.31, 4a.301, 4b.41, 4b.367, 6.6, and 6.30".

22. Section 514.22 shall read as follows:

§ 514.22 *Technical Standard Order C22a: "Safety Belts"*— (a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 3, 4a, 4b, 6 and 15 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for safety belts intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for the minimum strength and performance requirements for safety belts intended for use in civil aircraft. This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Civil Aeronautics Administration approval of his safety belts. Aircraft manufacturers may also obtain approval of safety belts as part of their aircraft design. Such belts shall comply with the strength and performance requirements for safety belts stated herein, and the approval thereof will be recognized by all Civil Aeronautics Administration representatives.

(b) *Directive*—(1) *Provision.* (i) The strength and performance requirements for safety belts as set forth in sections 3.1, 4.1 and 4.3 of National Aircraft Standards Specification NAS 802, Revision 1, dated May 15, 1950,[1] stated below, are hereby, established as minimum safety standards for safety belts intended for use in civil aircraft, except that, for the purpose of this Technical Standard Order, the strengths specified in 4.1.1. are hereby amended to read 1500 pounds and 3000 pounds, respectively, instead of 3000 pounds and 6000 pounds.

1. *Applicable specifications.*

1.1 The latest issue and amendment of the following documents are made a part of this specification by reference to the applicable sections hereinafter noted.

[1] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D. C.

1.1.1 *Aeronautical Materials Specifications (SAE).* AMS 3852, Flame-Resistant Properties for Aircraft Materials.

2. *Types.*

2.1 This specification covers all types of safety belts for civil aircraft use.

3. *Material and workmanship.*

3.1 Materials shall be of a quality which experience and/or tests have conclusively demonstrated to be suitable for use in aircraft safety belts. Workmanship shall be consistent with high-grade aircraft manufacturing practice.

3.1.1 *Strength of webbing materials.* The rated minimum breaking strength of the webbing to be used in belts shall be at least 50% greater than the rated strength of the complete belt assembly as specified in section 4.1.1 when tested under standard test conditions (see 4.3.1.2).

3.1.2 *Age of webbing.* No webbing which is more than six (6) months old from date of weaving shall be used in the manufacture or fabrication of a safety belt assembly unless the webbing has been retested in accordance with section 4.3.1.2.

3.1.3 *Protection.* All portions of the belt assembly shall be protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion from sharp corners, or other causes where the type of material requires such protection. Belt webbing which is subject to effects of mildew shall be treated against mildew.

3.1.4 *Fire precaution.* The webbing and all other materials used in the belt assembly shall have flame-resistant properties as specified by Aeronautical Material Specification AMS 3852.

4. *Detail requirements.*

4.1 *Design.*

4.1.1 *Rated strength of belt assembly.* The safety belt assembly, intended for use with a seat designed for single occupancy, including webbing, release mechanism, and all parts integral with the belt which are necessary for installing the belt, shall be designed to withstand at least a 3000 pound load applied in alignment with the anchored belt according to the test requirements specified in section 4.3.2.1. If designed for double occupancy, the rated strength shall be increased to at least 6000 pounds. The rated strength of the safety belt assembly shall be suitably marked upon each half of the safety belt assembly.

4.1.2 *Safety belt release mechanism.* The safety belt assembly shall be adjustable and shall include an easily operable quick-release mechanism which will enable the wearer to release himself easily under a load simulating the wearer hanging in the belt after an application of a load that will impose a tensile loading on the belt webbing at least equal to the rated strength of the belt assembly as defined in section 4.1.1.

4.1.3 *Width of webbing.* The width of the safety belt webbing shall not be less than 2 inches.

4.2 *Marking.* Each half of the belt assembly shall have legibly and permanently marked on or attached to it a nameplate or identification label bearing the following information:

Manufacturer's name.
Model number or model name.
Date of manufacture of the safety belt assembly (note section 3.1.2).
Rated strength of safety belt assembly.
National Aircraft Standard Number (NAS 802).

4.3 *Qualification tests.*

4.3.1 *Webbing tests.*

4.3.1.1 *Flame resistance test.* Specimens of the belt webbing shall pass the tests outlined in AMS 3852, Flame-Resistant Properties of Aircraft Material.

4.3.1.2 *Tensile test; rated minimum breaking strength.* After all special finishing processes which may be required have been accomplished to provide for mildew and flame resistance, three samples of webbing shall be prepared for testing. It is desirable that the three samples be taken at random from different rolls or lots of the type of webbing intended to be used in the manufacture of the safety belt being tested. The tests shall be conducted when each sample is in moisture equilibrium with an atmosphere having a relative humidity of 65% and a temperature of 70° F. A tolerance of plus or minus 2% is permitted in relative humidity and plus 10° F. in temperature. The samples shall be tested in a suitable textile testing machine acceptable to the manufacturer. The samples shall be mounted in the machine when the heads are 10 inches apart. The heads shall separate at the rate of 4 inches per minute maximum under no load. Each test sample of the webbing shall withstand a load at least equal to its rated minimum breaking strength without failure for at least three seconds.

4.3.2 *Complete belt assembly tests.*

4.3.2.1 *Tensile test; rated strength.* Three identical samples of a safety belt assembly shall be tested to determine the rated strength. If the design incorporates adjustment adapters, the adapters shall be positioned approximately halfway between the buckle and the end fittings. If a cam-type buckle is used, about 10 inches of the free end of the webbing shall extend beyond the cam when the latch is in the locked position. The tests may be conducted under prevailing atmospheric conditions. The ends of the assembly shall be attached to the stationary and movable heads of the testing machine by means of adequate fittings. The heads shall separate at the rate of 4 inches per minute maximum under no load. The buckle shall be in a locked position and the entire assembly should be in axial alignment with the heads of the testing machine. All precautions shall be taken to prevent eccentric loading. Each sample shall be pulled at least to the load designated in 4.1.1 as the rated strength. After removal of the load, the webbing and stitching shall show no signs of failure or weakening and the metal components shall show no permanent deformation which will result in malfunctioning of the belt assembly. The total slippage in the adjusting arrangement or the quick-release mechanism shall not exceed 1 inch.

4.3.2.2 *Functional test; release mechanism.* At least three identical samples of a safety belt assembly shall be tested to determine the functional characteristics of the quick-release mechanism. (NOTE.—It is desirable that the sample safety belts used in performing the tensile tests for rated strength be used in this test. However, the samples may be new, untested assemblies if desired by the test witnesses.) The safety belt assemblies shall be adjusted to approximately 36 inches in length, this distance being measured from the bolt hole in one end fitting to the bolt hole in the other.

Each safety belt sample in turn shall then be tested in a test jig, the end fittings being attached to jig anchorage fittings located 20 inches apart horizontally and so positioned as to suspend the belt in a vertical plane. It shall be possible to apply the required loading vertically downward through a 6-inch thick semicircular wooden form having a radius of not more than 8 inches. The curved portion of this test form may provide a cut-out to accommodate the belt buckle and may have installed on it padding to simulate the wearer's clothes. The tests may be conducted under prevailing atmospheric conditions.

A static load of 1.9 times the rated strength of the belt assembly shall be applied to the belt assembly through the wooden form for a one- or two-person belt and then relieved to 250 pounds for a one-person belt or 500 pounds for a two-person belt.

The quick-release mechanism shall then be operable at no more than a 45-pound pull applied in the direction which would normally actuate the release. The latter measurement may be taken by using a small precision hand scale. After removal of the loads, the quick-release mechanism shall show no signs of failure or sufficient permanent deformation to prevent the operation of the release. The total slippage in the adjusting arrangement or the quick-release mechanism shall not exceed 1 inch.

(2) *Application.* (i) Safety belts complying with the specifications appearing in this section are hereby approved for all civil aircraft. Safety belts already approved by the Administrator may continue to be installed in aircraft except that (a) all safety belts installed in aircraft manufactured on or after January 1, 1951, and (b) all safety belts installed as original or replacement equipment in aircraft on or after July 1, 1951, shall be safety belts which comply with the strength and performance requirements of this Technical Standard Order.

(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification required in the referenced specification, except that the NAS specification number NAS 802 is not required, each half of each safety belt shall be permanently marked with the Technical Standard Order designation, CAA-TSO-C22, to identify the safety belt as meeting the requirements of this section in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for safety belts have been met.

(2) *Data requirements.* (i) None.

(3) *Effective date.* (i) After July 1, 1950, specifications contained in this section will constitute the basis for Civil Aeronautics Administration approval of safety belts for use in certificated aircraft.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W-298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the safety belts to be produced by him meet the minimum safety standards established in this section. Immediately thereafter, distribution of the safety belts conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the safety belts does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the safety belts in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

23. Section 514.23 shall read as follows:

§ 514.23 *Technical Standard Order C23: "Parachutes"*—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 3, 4a, 4b, and 15 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for parachutes intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for the minimum performance and safety requirements for parachutes intended for use in civil aircraft. This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Civil Aeronautics Administration approval of his parachute.

(b) *Directive*—(1) *Provision.* (i) The performance requirements for parachutes, as set forth in section 4.3 through section 4.38 of the National Aircraft Standards Specification NAS 804 dated August 24, 1949,[1] stated below, are hereby established as minimum performance standards for parachutes intended for use in civil aircraft.

1. *Applicable specifications.*
1.1 None.
2. *Types.*
2.1 This specification covers two types of man-carrying parachutes for use in certificated civil aircraft:
Standard type parachute.
Low speed type parachute (up to 150 miles per hour).
3. *Material and workmanship.*
3.1 Materials shall be of a quality which experience and/or tests have conclusively demonstrated to be suitable for use in parachutes. Workmanship shall be consistent with high-grade parachute manufacturing practice.
3.1.1 *Canopy material.* The fabric used in the canopy construction shall be free from harmful gums, starches and other foreign material. It shall also be free from avoidable imperfections in manufacture and from defects or blemishes affecting its strength or durability and shall have been finished without application of excessive heat. The canopy material shall have sufficient resilience to insure proper opening of the canopy under conditions outlined in 4.3.5.
3.1.2 *Fitting materials.* Fittings shall be fabricated from carbon steel, alloy steel, or corrosion-resisting material. Fittings made from metals that are not corrosion-resisting shall be plated or otherwise protected, to resist corrosion during the normal life of the parachute. The use of dissimilar metals, especially brass, copper, or steel in intimate metal-to-metal contact with aluminum or aluminum alloy, shall be avoided, wherever possible.
4. *Detail requirements.*
4.1 *Design and construction.*
4.1.1 *Fittings.* All fittings shall be designed to carry their full rated load without yielding.
4.1.2 *Suspension lines.* All suspension lines of a given model parachute shall be marked under equal tension to show points of attachment.
4.1.3 *Stitching.* Stitching shall be of a type that will not ravel when broken.
4.1.4 *Rip cord.* The rip cord, including joints between the handle and the release, shall be designed to withstand the tension test load of 4.3.1.
4.1.5 *Pack opening device.* No more than 22 pounds pull shall be required to cause the positive and quick functioning of the pack opening device.
4.1.6 *Harness release.* The harness shall be so constructed that the rider can release himself and drop clear in case of a water landing, but a quick-attachable or quick-releasing device between the harness and the parachute is not mandatory.
4.2 *Marking.*
4.2.1 *Pack.* The following information shall be legibly and permanently marked on or attached to the outside of the parachute pack by use of a name plate, identification label or stenciled letters:
Manufacturer's name.
Model number or model name.[1]
Parachute serial number.
Date of manufacture.
National Aircraft Standard Number (NAS804).
4.2.2 *Canopy.* Each parachute canopy shall be legibly and permanently marked, preferably adjacent to the skirt, with the same information as in 4.2.1.
4.2.3 *Harness.* The parachute model number or model name and date of manufacture shall be stenciled on all harnesses. This marking shall be placed inside the back strap of the harness or other suitable location where it will be subject to minimum of obliteration.
4.2.4 *Inspection data pocket.* Each parachute outfit shall be provided with an inner and an outer pocket for keeping a record card containing space for recording the date of repacking or repair and the rigger's name and serial number. The inner pocket shall be located in the center of the packed container, tray or frame and the outer pocket placed externally in an easily accessible position. If the inner record card can be read from the outside of the pack because of the use of transparent materials, only the inner pocket need be provided.
4.3 *Qualification tests.* 100% performance in qualification tests 4.3.1 through 4.3.8 is required.
4.3.1 *Rip cord tension test.* The rip cord, including joints between the handle and the release, shall not fail under a straight tension test load of 300 pounds applied for not less than three seconds.
4.3.2 *Pull test; pack opening device.* The pack opening device shall be tested by use of an accurate spring balance to indicate its positive and quick-functioning with no more than 22 pounds pull.
4.3.3 *Functional test (normal pack).* Twelve drops at least six of which shall be from an airplane with a 170-pound dummy man, from an altitude of not more than 500 feet. The indicated air speed at the time of release shall be 70 miles per hour. No twists shall purposely be packed in the suspension lines. The parachute must be fully open within three seconds from time of release.
4.3.4 *Functional test (twisted lines).* Five drops with a 170-pound dummy man, from an altitude of not more than 500 feet. The indicated air speed at the time of release shall be 70 miles per hour. Three twists shall purposely be packed in the suspension lines near the skirt. The parachute must be fully open within four seconds from time of release.
4.3.5 *Compressed pack test.* This test is required only when canopy materials other than pongee, silk or nylon are used (Ref. 3.1.1). Three drops with the conditions stated in 4.3.3 except that prior to the tests the parachutes completely packed shall be subjected continuously to a 200-pound weight for 400 hours and then dropped without being repacked.
4.3.6 *Strength test.*
4.3.6.1 *Standard type parachute.* Three drops with a parachute of the same type at an altitude of not more than 500 feet shall be made with a dummy weight and indicated air speed to give the equivalent of 5,000 lbs. shock load. (See Table I.) No twists shall purposely be packed in the suspension lines. The weight shall be attached to the harness. No external shock absorbers or material which may act as such shall be permitted. The parachute shall show no failure of any material.

TABLE I—Launching speeds and total weights for approx. 5,000 lbs. shock load.[1]

Speed, miles per hour	*Total weight (including chute), pounds*
150	660
175	500
200	400
225	325
250	275
275	225
300	200
325	175
350	160
375	150

[1] Data computed for 28 ft. Standard Flat-Type Parachute based on USAF Parachute Handbook Section V.

4.3.6.2. *Low speed type parachute.* Three drops with a parachute of the same type at an altitude of not more than 500 feet shall be made with a dummy weight and indicated air speed to give the equivalent of 3,000 lbs. shock load. No twists shall purposely be packed in the suspension lines. The weight shall be attached to the harness. No external shock absorbers or material which may act as such shall be permitted. The parachute shall show no failure of any material.

TABLE II—Launching speeds and total weights for approx. 3,000 lbs. shock load.[1]

Speed, miles per hour	*Total weight (including chute), pounds*
100	750
125	525
150	375
175	300
200	235
225	200

[1] Data computed for 28 ft. Standard Flat-Type Parachute based on USAF Parachute Handbook Section V.

4.3.7 *Live drop tests.* Two live drop tests from an airplane with a man weighing approximately 170 pounds, including the weight of an additional certificated auxiliary parachute, from an altitude of 2000 feet on a comparatively still day. The rider must suffer no discomfort from the opening shock and must be able to disengage himself, unaided from the harness after landing. For this test the standard harness may be altered to permit attachment of an auxiliary parachute provided that such alteration does not interfere with the normal operation of the parachute and harness equipment being tested.
4.3.8 *Rate of descent test.* At least six drops from an airplane with a 170-pound dummy man. The average rate of descent shall not exceed 21 feet per second for the last 100 feet under standard sea level altitude conditions. A method shall be employed for direct and accurate measurement of rate of descent for the last 100 feet, such as the use of a weighted cord or cable by which the descent may be timed from the time of ground impact of the weight to ground impact of the parachute.

(ii) Moreover, a parachute to be used as an auxiliary parachute in combination with a standard parachute shall comply with all the provisions of this section and the following:
(*a*) The auxiliary parachute shall be designed for use in combination with a specific main parachute and not for the auxiliary parachute alone.
(*b*) The rate of descent of the auxiliary parachute shall not exceed 25 feet per second and, therefore, the provisions of NAS 804 paragraph 4.3.8 do not apply.
(*c*) The auxiliary parachute and its pack shall be marked "Auxiliary Parachute".
(2) *Application.* (i) Parachutes complying with the specifications appearing in this section are hereby approved for use in civil aircraft. Parachutes approved by the Administrator prior to the effective date of this section may continue to be used.
(ii) If, within nine months after the effective date of this section, a major change is made in the type or model which requires drop testing to demonstrate that the performance characteristics of the parachute type or model are not adversely affected, the revised parachute shall meet the specifications contained herein.
(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification information required in the referenced specification, (except that the NAS 804 number is not required) each parachute shall be permanently marked with the Technical Standard Order designation, CAA–TSO–C23, to identify the parachute as meeting the requirements of this section in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for parachutes have been met.
(2) *Data requirements.* (i) None.
(3) *Effective date.* (i) After October 10, 1950, specifications contained in this Order will constitute the basis for Civil Aeronautics Administration approval of parachutes for use in civil aircraft.
(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Chief, Aircraft Division.
(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W–298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the parachutes to be produced by him meet the minimum safety requirements established in this section. Immediately thereafter distribution of the parachutes conforming with the terms of this section may be started and continued.
(ii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.
(iii) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

24. Section 514.24 shall read as follows:

§ 514.24 *Technical Standard Order C24: "Landing Flares"*—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 3, 4a, 4b, 6 and 15 of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for landing flares intended for use in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for the minimum performance requirements for landing flares intended for use in civil aircraft. This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Civil Aeronautics Administration approval of his landing flares.
(b) *Directive*—(1) *Provision.* (i) The performance requirements for landing flares as set forth in sections 4.1 and 4.3 of National Aircraft Standards Specification NAS 805 dated February 15, 1950,[1] stated below, are hereby established as minimum performance requirements for landing flares intended for use in civil aircraft.

1. *Applicable specifications.*
1.1 None.
2. *Types.*
2.1 This specification covers four types of landing flares suitable for use in certificated civil aircraft.
Class 1.
Class 1A.
Class 2.
Class 3.
3. *Material and workmanship.*
3.1 Materials shall be of a quality which experience and/or tests have conclusively demonstrated to be suitable for use in landing flares. Workmanship shall be consistent with high-grade landing flare manufacturing practice.
3.2 The flare body should be so sealed as to reduce to a minimum deterioration of the ignition element and to increase, insofar as possible the service life of the unit. All metal parts should be suitably protected against corrosion. All fabric except nylon material should be mildew-proofed.
4. *Detail requirements.*
4.1 *Design and construction.*
4.1.1 *Light duration.* Flares shall have a minimum light duration as follows:
Classes 1 and 1A—3 minutes.
Class 2—1½ minutes.
Class 3—1 minute.
4.1.2 *Light intensity.* Flares shall have a minimum light intensity as follows:
Classes 1 and 1A—300,000 candlepower.
Class 2—110,000 candlepower.
Class 3—70,000 candlepower.
4.1.3 *Rate of descent.* Flares shall have an average rate of descent not greater than 550 feet per minute.
4.1.4 *Delaying fuse.* Class 1A flares shall incorporate a 90 second plus or minus 10 seconds delaying fuse.
4.1.5 *Firing cord.* Flares incorporating a manual firing cord actuating cable shall have cord length not less than 20 feet.
4.2 *Marking and instructions.*
4.2.1 Each flare shall carry the following information legibly marked on or attached to the flare and the flare container:
Manufacturer's name.
Model number or model name.
Instructions for installation procedures and safety precautions.
Date of manufacture (month and year).
National Aircraft Standard Number NAS 805.
4.3 *Qualification tests.* The following qualification tests shall be conducted.
4.3.1 *Functional tests.* Five flares of each model shall be installed in an airplane according to the manufacturer's instructions and shall be dropped from an altitude adequate to insure complete burning of the flare prior to ground contact.
4.3.1.1 In the event that there is one failure out of the five flares subjected to the functional tests, five additional flares shall be subjected to the functional tests.
4.3.1.2 Failure of two or more flares out of the ten dropped shall be sufficient grounds for rejection. The flare model will be considered to be satisfactory only if all five original flares function satisfactorily or in the event of one failure in the original five, if the second five function satisfactorily.

(2) *Application.* (i) Landing flares complying with the specifications appearing in this Technical Standard Order are hereby approved for use in all aircraft. Landing flares already approved by the Administrator may continue to be installed in aircraft.
(ii) If an installation change involving a new type or model landing flare is made within nine months after the effective date of this section, previously approved types of landing flares may be installed. However, in any such change made after the nine-month period, new types of landing flares installed in aircraft shall meet the specifications contained herein.
(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification information required in the referenced specification, except that the NAS 805 number is not required) each flare shall be permanently marked with the Technical Standard Order designation, CAA–TSO–C24, to identify the landing flare as meeting the requirements of this section in accordance with the manufacturers' statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for landing flares have been met.

[1] Special designation or identification of low speed type parachutes must be indicated on the outside pack by stenciling in red letters one inch high the following: "Low Speed Parachute" and in red letters one-half inch high, "Limited to Use in Airplane Under 150 MPH."

[1] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D. C.

[1] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan and Trust Building, Washington 4, D. C.

(2) *Data requirements.* (i) None.

(3) *Effective date.* (i) After October 10, 1950, specifications contained in this section will constitute the basis for Civil Aeronautics Administration approval of landing flares for use in civil aircraft.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W–298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the landing flares to be produced by him meet the minimum safety standards established in this section. Immediately thereafter distribution of the landing flares conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the landing flares does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the landing flares in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

25. Section 514.25 shall read as follows:

§ 514.25 *Technical Standard Order C25: "Aircraft Seats and Berths"*—(a) *Introduction.* (1) Under section 601 of the Civil Aeronautics Act of 1938, as amended, and Parts 3, 4a and 4b of the Civil Air Regulations issued pursuant thereto, the Administrator of Civil Aeronautics is authorized to adopt standards for seats and berths intended for installation in civil aircraft. In adopting these standards, consideration has been given to existing Government and industry standards for the minimum strength and performance requirements for seats and berths intended for use in civil aircraft. This Technical Standard Order is intended to serve as a criterion by which the product manufacturer may obtain Civil Aeronautics Administration approval of seats and berths. Aircraft manufacturers may also obtain approval of seats and berths as part of their aircraft design and should include them on the aircraft drawings. Such seats and berths shall comply with the strength and performance requirements for seats and berths stated herein, and approval thereof will be recognized by all Civil Aeronautics Administration representatives.

(b) *Directive*—(1) *Provision.* (i) The performance requirements as set forth in section 3, subsections 4.1.1, 4.1.2, 4.1.3 and 4.1.5 and section 4.3 of National Aircraft Standards Specification 806 dated April 1, 1950,[1] stated below, together with provisions and exceptions noted below are hereby established as minimum safety standards for seats and berths intended for use in all civil aircraft except rotorcraft.

1. *Applicable specifications.*

1.1 The latest issue and amendment of the following documents are made a part of this specification by reference to the applicable sections hereinafter noted.

1.1.1 *CAA Safety Regulation Release No. 259,* "Compliance of Equipment and Materials Used in Air Carrier Aircraft with Fire Prevention Requirements".

2. *Types.*

2.1 This specification covers all types of crew and passenger seats and berths for civil aircraft use in the following categories:

Type I. Transport.

Type II. Normal—Utility.

Type III. Acrobatic.

3. *Material and workmanship.*

3.1 Materials shall be of a quality which experience and/or tests have conclusively demonstrated to be suitable for use in aircraft seats and berths. Workmanship shall be consistent with high-grade aircraft manufacturing practice.

3.1.1 *Protection.* All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion or other causes where the type of material requires such protection.

3.1.2 *Fire precaution.* The covering and upholstery and all other exposed material used in the seat or berth shall have flame-resistant properties as specified by CAA Safety Regulation Release No. 259. If ashtrays are installed in, or attached to, the seat or berth, they shall be of a self-contained, completely removable type.

4. *Detail requirements.*

4.1 *Design.*

4.1.1 *General.* The seat shall be designed so that in any of its adjustable positions and when installed facing in a specified direction or directions, it will provide protection for the occupant in a manner compatible with the function for which the seat is designed, i. e., pilot, cabin attendant, check pilot, passenger, and the like.

4.1.2 *Strength.* All seats and berths intended for single occupancy shall be designed for the ultimate loads specified in Table I to which occupants are subjected. The loads shall be considered as acting separately and shall be based on a passenger weight of 170 pounds for Type I and 190 pounds (includes parachute) for Types II and III. The sideward, upward and downward loads, as specified in Table I, are the minimums corresponding to flight and ground load conditions prescribed in the applicable Civil Air Regulations. The forward loads correspond to the emergency conditions prescribed in the applicable Civil Air Regulations. For seats intended for multiple occupancy the loads must be increased accordingly. Ultimate loads are 1.5 times the limit loads.

TABLE I

Force direction	Type I	Type II [1]	Type III
Forward	1,020 pounds (6.0 g)	1,710 pounds (9.0 g)	1,710 pounds (9.0 g).
Sideward	255 pounds (1.5 g)	285 pounds (1.5 g)	285 pounds (1.5 g).
Upward	340 pounds (2.0 g)	570 pounds (3.0 g)	855 pounds (4.5 g).
Downward	765 pounds (4.5 g)	1,254 pounds (6.6 g)	1,710 pounds (9.0 g).

[1] Civil Air Regulations require use of parachute in utility category aircraft operated in acrobatic flight when carrying passengers.

4.1.2.1 *Ultimate load strength.* The seat or berth in any of its adjustable positions while installed, facing in a specified direction or directions, when occupied by maximum number of occupants, shall be capable of withstanding ultimate loads without failure for at least three (3) seconds.

4.1.2.2 *Limit load strength.* The seat or berth in any of its adjustable positions shall be capable of withstanding the limit loads without suffering detrimental permanent deformation. At all loads up to these limit loads the deformation shall be such as not to interfere with safe operation of the airplane. (Note: this limit load requirement is not applicable to the forward loading since it is an emergency condition).

4.1.3 *Safety belt anchorages.* When anchorages for safety belts are provided they shall be of a type which will permit self-aligning of the belt and fitting.

4.1.4 *Shoulder harness anchorages.* When anchorages for shoulder harneses are provided, they shall be so located as to ensure they will be above the shoulder level of the occupant.

4.1.5 *Projections.* The surfaces of the seat shall be free fom sharp edges or any projections which may chafe the safety belt or harness webbing. Projections, sharp corners, and other hazardous features, against which occupants may be thrown during a crash, shall be avoided insofar as possible. Any unavoidable features of this nature shall be adequately padded.

4.2 *Marking.* Each seat or berth shall be legibly and permanently marked with the following information:

Manufacturer's name.
Model number or model name.
Seat type.
Serial number or date of manufacture.
National Aircraft Standard Number (NAS ----).

4.3 *Qualification tests.* Tests shall be conducted as necessary to demonstrate the following: (a) that seats or berths manufactured in accordance with this specification are capable of supporting the limit loads without detrimental permanent deformation; (b) that, at all loads up to limit loads, the deformation shall be such as not to interfere with the safe operation of the aircraft; and (c) that the structure is capable of supporting the ultimate loads specified herein without failure for at least 3 seconds.

4.3.1 *Detail qualification test requirements.* The seat or berth shall be loaded in tests such that the loads imposed on the seat or berth by the occupant(s) in conjunction with the safety belt or belts and their attachments are accurately simulated by means of a block or frame or dummy, said block or frame or dummy being restrained in the seat or berth by the belt or belts attached to their fittings. The tests may be conducted in a jig simulating installation conditions.

4.3.1.1 When a seat or berth is to be installed or adjusts to face in other than the forward direction, sufficient tests shall be made to substantiate the seat strength for all intended positions.

4.3.1.2 When testing for a particular load condition of a vertically or horizontally adjustable seat, the most critical seat position associated with that load shall be used for the test.

4.3.1.3 Where the safety belt or belts or harness are not attached to the seat or berth structure, the seat or berth shall be tested for the loads which would be imposed on such installation.

4.3.2 *Flame-resistance test of seat covers.* Specimens of the seat covering and upholstery shall meet the tests outlined in CAA Safety Regulation Release No. 259.

(a) In complying with sub-section 4.1.1, Type II and Type III seats shall be designed to accommodate passengers wearing parachutes, except that Type II seats designed specifically for Normal Category Aircraft need not comply with this requirement but shall be identified in the marking required by the section on "Marking" of this section as "For Normal Category Aircraft Only."

(b) The ultimate loads corresponding to the aircraft reduced weight gust load factor or the airplane designer's special requirements may exceed the ultimate down loads for Type I and Type II seats specified in sub-section 4.1.2 of NAS 806. For the purpose of this section, in order to provide for such loading conditions, the ultimate down loads specified in table I of 4.1.2 for Type I and Type II seats shall be 1,000 pounds (6g) and 1,330 (7 g) pounds, respectively, instead of 765 pounds and 1,254 pounds.

(c) To insure that pilot and co-pilot seats will provide for the rearward loads resulting from the application of pilot forces to the flight controls, such seats shall withstand the following rearward loads:

Type I seats— 450 pounds.
Type II and Type III seats—300 pounds for aircraft weighing 5,000 pounds or under, and 450 pounds for aircraft weighing over 5,000 pounds.

The loads shall be applied 8 inches above the intersection of the seat back with the seat bottom.

(d) The weight of the seat or berth times the appropriate "g" value shall be added to the design ultimate loads specified in 2 above and in sub-section 4.1.2 of NAS 806.

(e) For the purpose of this section, 4.3. (c) of NAS 806 should read: "that the structure is capable of supporting without failure for at least 3 seconds the ultimate loads specified in this section when applied separately."

(2) *Application* (i) Seats and berths complying with the specifications appearing in this section are hereby approved for all civil aircraft, except rotorcraft. Seats and berths already approved by the Administrator prior to the effective date of this Order may continue to be installed in aircraft for which they were approved, and installed in aircraft:

(a) For which an application for original type certificate is made prior to the effective date of this section;

(b) The prototype of which is flown within one year after the effective date of this section, and

(c) The prototype of which is not flown within one year after the effective date of this section if due to causes beyond the applicant's control.

(ii) If a major alteration, involving a change in type or model of seat or berth, is made in the installation within nine months after the effective date of this section previously approved seats and berths may be installed. However, in any such change made after the nine-month period, new seats or berths installed in aircraft shall meet the specifications contained herein.

(c) *Specific instructions*—(1) *Marking.* (i) In addition to the identification required in section 1 of the directive of this section and in section 4.2 of Specification NAS 806, except that the number NAS 806 is not required, each seat and berth shall be permanently marked with the Technical Standard Order designation CAA–TSO–C25, to identify the seat and berth as meeting the requirements of this section in accordance with the manufacturer's statement of conformance outlined below. This identification will be accepted by the Civil Aeronautics Administration as evidence that the established minimum safety requirements for seats and berths have been met.

(2) *Data requirements.* (i) None.

(3) *Effective date.* (i) After January 1, 1951, specifications contained in this section will constitute the basis for Civil Aeronautics Administration approval of seats and berths for use in certificated aircraft.

(4) *Deviations.* (i) Requests for deviation from, or waiver of, the requirements of this section, which affect the basic airworthiness of the component, should be submitted for approval by the Chief, Aircraft Division, Office of Aviation Safety, Civil Aeronautics Administration. These requests should be addressed to the nearest Regional Office of the Civil Aeronautics Administration, Attention: Chief, Aircraft Division.

(5) *Conformance.* (i) The manufacturer shall furnish to the Civil Aeronautics Administration, Aircraft Division, Attention: W–298, Washington 25, D. C., a written statement of conformance signed by a responsible official of his company, setting forth that the seats and berths to be produced by him meet the minimum safety standards established in this section. Immediately thereafter, distribution of the seats and berths conforming with the terms of this section may be started and continued.

(ii) The prescribed identification on the seats and berths does not relieve the aircraft manufacturer or owner of responsibility for the proper installation of the seats and berths in his aircraft, nor waive any of the requirements concerning type certification of the aircraft in accordance with existing Civil Air Regulations.

(iii) If complaints of nonconformance with the requirements of this section are brought to the attention of the Civil Aeronautics Administration, and investigation indicates that such complaints are justified, the Administrator will take appropriate action to restrict the use of the product involved.

(iv) Copies of this Technical Standard Order and other Technical Standard Orders may be obtained from the Civil Aeronautics Administration, Aviation Information Office, Washington 25, D. C.

This part shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–881; Filed, Jan. 24, 1951; 8:45 a. m.]

[1] Copies may be obtained from the American Aeronautical Forum, 527 Washington Loan & Trust Building, Washington 4, D. C.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

DETERMINATION OF GRADING, STAPLING, AND CLASSIFICATION OF COTTON FOR ORIGINAL PRODUCER IN MEMPHIS, TENN., AS INDUSTRY OF SEASONAL NATURE

An application was filed by the Lytle McKee Cotton Company and other cotton factors in Memphis, Tennessee, for a determination that the branch of the cotton industry engaged in the grading, stapling, and classification of cotton for the original producer is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

It appeared from such application that:

(1) There is a branch of the cotton industry in Memphis, Tennessee, which is engaged in the grading, stapling, and classification of cotton for the original producer.

(2) Cotton is harvested from September through November each year and ginned during the approximate period from September through January.

(3) Cotton factors, who are located in Memphis, Tennessee, receive cotton, constituting samples of gin bales of cotton, for grading, stapling, and classification for the original producer during the period of approximately five months when ginning operations are performed.

(4) This branch of the cotton industry engages in the handling of cotton during a season occurring in a regularly, annually recurring part of the year. During the remainder of the year cotton factors cease operations, apart from work such as maintenance, repair, clerical and sales work because, owing to climatic or other natural conditions, cotton, in the form in which it is handled by this branch of the cotton industry, is not available.

On December 22, 1950, upon consideration of the facts stated in the application, the Administrator determined, pursuant to § 526.5 (b) (2) of this part, that a prima facie case had been shown for finding that the cotton factor branch of the cotton industry in Memphis, Tennessee, constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a) of this part. This preliminary determination was published in the FEDERAL REGISTER on December 28, 1950 (15 F. R. 9357) and interested persons were given

15 days from such date to file objections or a request for a hearing.

No objection or request for hearing has been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2) of the regulations contained in this part, the Administrator hereby finds that the cotton factor branch of the cotton industry in Memphis, Tennessee, constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

As used herein, the term "cotton factor branch of the cotton industry in Memphis, Tennessee," includes that branch of the cotton industry in Memphis, Tennessee, which is engaged in the following activities for the account and on behalf of the original producer: The receiving of samples of gin bales of cotton, the grading, stapling, and classification of the cotton, the subsequent marketing of the baled cotton represented by the samples, and any operations or services necessary or incident to the foregoing, during the period or periods when the cotton is being received.

This determination shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of January 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-1226; Filed, Jan. 24, 1951; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service, Department of the Treasury

PART 404—FILM RECORDATION OF UNITED STATES AND FOREIGN OBLIGATIONS OR OTHER SECURITIES

FILM RECORDS OF U. S. SECURITIES, CHECKS, WARRANTS AND PAPER MONEY

1. The headnote of Part 404 is amended to read as set forth above.

2. Section 404.1 is amended to read as follows:

§ 404.1 (a) *Film records of United States securities, checks, warrants and paper money.* Authority is hereby given to all banks and banking institutions, to members of established stock exchanges, and to investment bankers and dealers in Government securities having membership in the Investment Bankers Association or the National Security Dealers Association, who in the ordinary course of business handle securities, checks, warrants, or paper money of the United States, to make film records thereof and to project such film records on a screen: *Provided,* That the film records are maintained as confidential.

(b) *Film records of foreign obligations.* Authority is hereby given to the corporations, associations, partnerships, and individuals in the classes set forth in paragraph (a) of this section, who in the ordinary course of business handle notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, to make film records thereof and to project such film records on a screen: *Provided,* That the film records are maintained as confidential.

(c) *Other reproductions.* No prints, enlargements, or other reproductions of any film records authorized by this section shall be made except with the permission of the Secretary of the Treasury, the Treasurer of the United States, the Commissioner of the Public Debt, or the Chief of the Secret Service Division, or such officers as may be designated by them.

(d) *Film record as evidence of ownership.* A film record made pursuant to this section establishes only that at the time the film record was made the obligation or other security was in the possession of the person making the record. A film record does not prove continued ownership, which ownership as well as proof of destruction must be established to the satisfaction of the Secretary of the Treasury before a duplicate security will be issued pursuant to section 8 of the act of July 8, 1937, as amended (31 U. S. C. 738a).

(Sec. 1, 62 Stat. 706, 708; 18 U. S. C. Sup., 474, 481. Interprets or applies sec. 8, 50 Stat. 481, as amended; 31 U. S. C. 738a)

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1247; Filed, Jan. 24, 1951; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-22]

PART 26—ALUMINUM

SUBPART C—DISTRIBUTION OF ALUMINUM SCRAP

Correction

In Federal Register Document 51-846, appearing at page 392 of the issue for Tuesday, January 16, 1951, the following corrections are made in List A:

1. The address for Northwestern Iron and Metal Co. should read "900 'I', Lincoln (1), Nebr."

2. The name "Temke Aluminum Co., Inc." should read "Tomke Aluminum Co., Inc."

[NPA Order M-30]

PART 34—TUNGSTEN

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950.

In the formulation of this order, there has been consultation with industry representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
34.1 What this part does.
34.2 Relation to other regulations.
34.3 Definitions.
34.4 High-speed steels.
34.5 Substition required.
34.6 Uses prohibited.
34.7 Allocation authorization required.
34.8 Exceptions from allocation requirements.
34.9 Use authorizations required for ores and concentrates.
34.10 Limitation on inventory.
34.11 Monthly reports required.
34.12 Records, audit, inspection and reports.
34.13 Adjustments and exceptions.
34.14 Communications.
34.15 Violations.

AUTHORITY: §§ 34.1 to 34.15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 34.1 *What this part does.* The purpose of this part is to conserve and provide for an equitable distribution of tungsten, so as best to serve the interests of the national defense program and the highly essential non-defense requirements. It prohibits the use of tungsten in the manufacture of certain specified products and also those in which substitute materials may be used. It establishes limitations on additions to inventory, and makes tungsten subject to allocation. It prohibits, subject to limited exceptions, deliveries of tungsten not specifically allocated by authorizations to be issued monthly by the NPA, and provides for authorization for use under certain conditions.

§ 34.2 *Relation to other regulations.* The provisions of this part supersede all other NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects, such regulations and orders remain applicable to tungsten. In particular Part 11 of this chapter (NPA Regulation 2) continues to apply to tungsten, but deliveries on DO rated orders, as well as on any other orders, may be made only in accordance with allocation authorizations issued by NPA, except as otherwise provided in this part. The NPA may, from time to time, issue directives as to deliveries or use of tungsten and, unless otherwise provided therein, such directives will prevail over the provisions of this part.

§ 34.3 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Manufacture" means to melt, alloy, mix, fabricate or process in any other way or to consume or otherwise employ any tungsten in the course of manufacture.

(c) "Processor" means any person who produces from ores and concentrates or from scrap or residues any chemical or metallurgical forms of tungsten for any industrial use.

(d) "Dealer" means any person who procures tungsten either by importing or from domestic sources for sale or resale without change in form, whether or not any such person receives title to or physical delivery of the material, and includes warehousemen, brokers and jobbers.

(e) "Tungsten" means and includes:

(1) The element "tungsten" in pure form as metal powder or in any shape into which the same may be fabricated;

(2) Ferro-tungsten, and other combinations of tungsten with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes;

(3) All primary chemical compounds having tungsten as an essential and recognizable component;

(4) All scrap or secondary material containing commercially recoverable tungsten as defined above.

§ 34.4 *High speed steels.* (a) Effective March 1, 1951, no producer of high speed steels which contain tungsten shall schedule orders for production, nor shall he produce or ship such steel in any one month except in the following percentages of the aggregate by weight of his total production of such steel: not less than 80 percent of Class A high speed steel (6.75 percent or less tungsten content); and not more than 20 percent of Class B high speed steel (12 percent or more tungsten content).

(b) Effective as of the date of this part, no person shall place orders for delivery from individual and from all sources, in any one month of more than 20 percent of his total requirements of high speed steels containing tungsten in the form of Class B high speed steel (12 percent or more tungsten content).

(c) Effective March 1, 1951, no person shall receive, from individual and from all sources, in any one month, more than 20 percent of his total requirements of high speed steel containing tungsten in the form of Class B high speed steel (12 percent or more tungsten content).

(d) Effective March 1, 1951, no person shall place orders for or shall accept delivery of high speed steels containing tungsten except for actual use: *Provided, however,* That this prohibition shall not extend to steel distributors, but only if they place their orders for such steel pursuant to paragraph (b) of this section and receive such steel pursuant to paragraph (c) of this section.

(e) The restrictions contained in this section shall not apply to persons who use not in excess of 500 pounds of Class B high speed steel (12 percent or more tungsten content) during any quarter.

§ 34.5 *Substitution required.* Effective as of the date of the issuance of this part, no Class B high speed steel (12 percent or more tungsten content) shall be used where Class A high speed steel (6.75 percent or less tungsten content) can be substituted therefor, and in other products substitution for tungsten must be made if any substitute therefor will meet the requirements for the use to be made of such product or material. The substitution requirement hereof applies to all uses of tungsten-bearing materials, whether they are to be used to fill rated or unrated orders.

§ 34.6 *Uses prohibited.* (a) Effective March 1, 1951, no person shall use tungsten in the manufacture of pigments of any type, whether used for printing or lithographing inks, as coloring material for rubber, linoleum or other similar materials or as coloring or coating materials for paper of any kind, including wallpaper; or grinding wheels: *Provided, however,* That these prohibitions do not apply to:

(1) The use of tungsten in the manufacture of pigments for coloring employed by the United States Government in the production of currency or bonds.

(2) The use of tungsten required by any person to fill an order that is rated under the priorities system established by Part 11 of this chapter (NPA Reg. 2) or to comply with any order or directive of the NPA.

(3) The use by any person of a quantity of tungsten not in excess of fifty pounds (tungsten content) during any three months' period beginning March 1, 1951, for all purposes otherwise prohibited under this section.

(b) During February 1951, no person may use more tungsten for the purposes prohibited in paragraph (a) of this section than the average monthly amount he used for such purposes during the third calendar quarter of 1950.

§ 34.7 *Allocation authorizations required.* (a) After March 1, 1951, no person shall deliver or accept delivery of tungsten in any form as listed below in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. The forms of tungsten so to be the subject of allocation are as follows:

Tungsten, including the metal powders.
Ferro-tungsten and other ferrous alloys of tungsten.
Non-ferrous alloys (such as nickel tungsten, chrome tungsten, etc.)
Tungsten carbides.
Primary chemicals in which tungsten is a valuable and essential component.

(b) The NPA will, from time to time, allocate the supply of tungsten and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Any person seeking to place a purchase order for tungsten may be required to place the same with one or more particular suppliers.

(c) An application for an allocation must be filed with the NPA by the purchaser on Form NPAF-15 and Form NPAF-22, not later than the 15th day of the month preceding the month in which delivery is sought. Such application must furnish all information required by the form.

(d) The authorization allocation (Form NPAF-22) issued will be sent by the NPA to the appropriate supplier(s) and a copy furnished to the purchaser. The authorization will require the supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization. In placing his order, the purchaser shall specify the date and serial number of the applicable allocation authorization.

§ 34.8 *Exceptions from allocation requirements.* The provisions of § 34.7 shall not apply to:

(a) Deliveries to the General Services Administration for the purpose of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the current calendar month are not thereby made to exceed 25 lbs. of contained tungsten, and who delivers a signed certification to his supplier as follows:

Certified under M-30

Such certification constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this part to accept delivery of tungsten as permitted in NPA Order M-30, and that his receipt of the shipment in the amount requested during the month of specified delivery will not bring his total receipts of tungsten during that month above 25 pounds (tungsten content).

(c) Deliveries of tungsten bearing scrap, tungsten ores and concentrates by any producer, dealer, or processor.

§ 34.9 *Use authorizations required for ores and concentrates.* After March 1, 1951, no steel producer may use in any one month any tungsten ores or concentrates including beneficiated or treated forms containing commercially recognized tungsten in his electric furnace production of tungsten-bearing steels except in accordance with the terms of a use authorization issued for such month by NPA on Form NPAF 22.

If form NPAF 15 has been filed in accordance with § 34.7, only NPAF 22 need be filed with the NPA under this section by the 15th day of the month preceding the month in which such use will occur. In using the form for this purpose, Block 1 should show the month in which the tungsten ores and concentrates will be used, and Block 2 should indicate as coming from suppliers or "from own inventory."

§ 34.10 *Limitation on inventory.* No person (notwithstanding any allocation made to him) shall place an order for tungsten calling for delivery, and no person shall accept delivery of tungsten at a time when his inventory exceeds, or by acceptance of such delivery, would be made to exceed, 60 days' requirements at his then scheduled rate and method of operation, or a minimum practicable working inventory within the meaning of Part 10 of this chapter (NPA Regulation 1), whichever is less. Any person who, on the effective date of this part or at any other time, has outstanding orders for tungsten calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic tungsten, except when such imported tungsten has been purchased for resale, is subject to this section and so is to be included in computing inventory. Tungsten which

has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory.

§ 34.11 *Monthly reports required.* Every person who, on the first day of any calendar month, has in his possession or under his control more than 50 pounds of tungsten (as defined herein), shall report to the NPA on Form NPAF 15, on or before the 15th day of each such month. However, if he applies on such form for an allocation of tungsten for delivery during the succeeding month, his application serves also as the required report.

§ 34.12 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this part shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 34.13 *Adjustments and exceptions.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him, not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

§ 34.14 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref. M–30.

§ 34.15 *Violations.* Any person who wilfully violates any provision of this part or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part shall take effect on January 22, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F R. Doc. 51–1275; Filed, Jan. 23, 1951; 4:12 p. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.71 *Sealing* (39 CFR 127.71) amend paragraph (a) by inserting "Belgium (insured)", "Germany (Western zone and Western sector of Berlin) (insured)", "Gibraltar (insured)", "Japan (insured)", "Netherlands (insured)" and "Yugoslavia (insured)" in alphabetical order in the list of countries shown therein.

b. In § 127.76 *Group shipments* (39 CFR 127.76) make the following changes:

1. Amend paragraph (b) by adding the word "(ordinary)" immediately following "Belgium", "Gibraltar" and "Yugoslavia", and by inserting "Japan (ordinary)" in alphabetical order in the list of countries shown therein.

2. Amend paragraph (c) to read as follows:

(c) It will be noted that the "group shipment" arrangement does not apply to insured parcels when addressed to Argentina, Barbados, Belgium, British Guiana, Gibraltar, Great Britain and Northern Ireland, Guatemala, Japan, New Zealand, Western Samoa (British), Windward Islands, and Yugoslavia.

c. In § 127.102 (39 CFR 127.102; 15 F. R. 6549, 6762) amend paragraph (a) to read as follows:

§ 127.102 *Special provisions applicable to international insurance service.* (a) Insured parcel-post service is in effect between the United States and the following countries:

Argentina.
Bahamas.
Barbados.
Belgium (surface only).
British Guiana.
Canada.
Cape Verde Islands.
Colombia.
Czechoslovakia.
Denmark.
Ecuador.
Finland.
France (including Algeria and Corsica).
Germany (Western zone and Western sector of Berlin).
Gibraltar.
Great Britain and Northern Ireland.
Guatemala.
Iceland.
Ireland.
Japan.
Leeward Islands.
Netherlands.
New Zealand.
Norway.
Portugal (including Madeira and the Azores).
Portuguese East Africa (Mozambique).
Portuguese West Africa.
Surinam.
Sweden.
Switzerland.
Western Samoa (British).
Windward Islands.
Yugoslavia.

d. In § 127.216 *Belgium* (39 CFR 127.216) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.76.)
Registration: Yes. Fee, 25 cents.
Insurance: Yes (surface parcels only).
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (4a) to read as follows:

(4a) *Insurance.* (i) Surface parcels only may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles must be insured. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel and its dispatch note must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(v) For further information concerning insurance service see §§ 127.102 and 127.108.

e. In § 127.239 *Czechoslovakia* (39 CFR 127.239) amend paragraph (b) (4) to read as follows:

(4) *Observations.* Gift parcels for Czechoslovakia are delivered free of customs duty only if addressed to persons who can prove to the authorities that they are without means, or to charitable institutions for authorized disposal.

(R. S. 161, 396, 398 secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–1212; Filed, Jan. 24, 1951; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CANADA

In § 127.227 *Canada* (39 CFR 127.227; 15 F. R. 4499, 9520) make the following changes:

1. Amend paragraph (a) (15) to read as follows:

(15) *Prohibitions.* (i) Reprints of works registered in Canada. Counterfeit coins. Imitation postage stamps. Unused Canadian postage stamps. Reproductions of Canadian postage stamps unless printed in publications and, if in color, considerably magnified or reduced in size and with a defacing line drawn across each reproduction.

(ii) The articles prohibited or restricted by parcel post are likewise prohibited or restricted in the regular mails.

2. Amend paragraph (b) (6) to read as follows:

(6) *Prohibitions.* (i) Except packages of day-old chicks during the period allowed, and packages of bees, parcel-post packages will not be accepted by the Canadian authorities outside of mail sacks. Bees are prohibited to those offices in Canada which are not served by railway post offices. Therefore, mailers should ascertain from addresses in Canada in advance of mailing the manner in which the office of intended destination is served. Special-handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks. Shipments of bees are accepted only at the risk of senders.

(ii) Automatic, semi-automatic, or auto-loading pistols are prohibited. Military rifles require a permit from the Canadian customs for importation.

(iii) Commercial tags of metal. Prison-made goods. Plumage and skins of wild birds.

(iv) Articles so marked as to create the false impression that they were made in the United Kingdom.

(v) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–1211; Filed, Jan. 24, 1951; 8:45 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.264 *Germany* (39 CFR 127.264) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: [1] Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (3a) to read as follows:

(3a) *Insurance.* (i) Parcel post packages may be insured to the Western zone and the Western sector of Berlin subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. Return receipts must be attached to the dispatch notes of the parcels. (See § 127.102 (d).)

(iii) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewelry, or other precious articles must be insured. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel and its dispatch note must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

b. In § 127.265 *Gibraltar* (39 CFR 127.265) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.76.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (3a) to read as follows:

(3a) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35

(ii) *Insurance return receipt:* Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must be insured. If a parcel containing such articles is mailed uninsured it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel must have written on the address side, in United States currency (both in arabic figures and in roman letters spelled out in full) the amount for which the parcel is insured.

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

c. In § 127.286 *Japan* (39 CFR 127.286) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.76.)

[1] Insurance service is applicable only to parcels addressed for delivery in the American, British, and French Zones (Western zone) and in the corresponding sectors of Berlin. There is no provision for the insurance of parcels addressed for delivery in the Soviet (Eastern) zone or in the Soviet sector of Berlin.

Registration: No.
Insurance: Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (3a) to read as follows:

(3a) *Insurance.* (i) Parcel-post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bullion, valuable jewelry or any other precious article must be insured. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).) The amount of insurance must also be shown on the customs declaration.

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

d. In § 127.309 *Netherlands* (39 CFR 127.309) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 44 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.76.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (4a) to read as follows:

(4a) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(ii) Insurance return receipts: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bullion, jewelry, or any other precious article must be insured. If a parcel containing such articles is mailed uninsured it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured and treated accordingly.

(iv) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. The amount of insurance must also be shown on the dispatch note. (See § 127.102 (b) (5).)

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

e. In § 127.380 *Yugoslavia* (39 CFR 127.380; 15 F. R. 4498) make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.76.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subcaption "Insurance".

3. Insert a new paragraph (b) (4a) to read as follows:

(4a) *Insurance.* (i) Parcel-post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or not; precious stones, jewelry, or other precious articles must be insured. If a parcel containing such articles is mailed uninsured, it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured, and treated accordingly.

(iv) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

(R. S. 161, 396, 398, Secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-1213; Filed, Jan. 24, 1951; 8:46 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter V—Library of Congress

PART 501—PROCEDURES

LOANS OF LIBRARY MATERIALS FOR THE BLIND

Section 501.6, Title 44, Code of Federal Regulations, is revised to read as follows:

§ 501.6 *Loans of Library materials for the blind*—(a) *Definition of blind.* In connection with the Library's program of service under the act of March 3, 1931, as amended, entitled "An Act to Provide Books for the Adult Blind," the blind readers entitled to service under this act shall be defined as "Residents of the United States, including the several States, Territories, Insular Possessions, and the District of Columbia, sixteen years of age or older, whose visual acuity is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than twenty degrees." The degree of such blindness shall be certified by a duly licensed physician or ophthalmologist. The reading materials for the blind provided under the authority of the act cited above, including sound reproducers, may be loaned not only to readers who qualify under the above definition but also to institutions and schools for the use of such readers.

(b) *Loans to residents.* The Division for the Blind lends books in embossed characters and talking-book records to the adult blind under regulations and conditions of use established by the Librarian. The area to which this service is extended is limited generally to the District of Columbia, Maryland, Virginia, North Carolina and South Carolina. Inquiries by mail concerning this service should be addressed to: Chief, Division for the Blind, Washington 25, D. C.

(c) *Loans to residents temporarily domiciled abroad.* In accordance with the definition given in paragraph (a) of this section, and the intent and purpose of the Act to Provide Books for the Adult Blind Residents of the United States, its Territories, Insular Possessions, and the District of Columbia (2 U. S. C. 135a), the distributing libraries which have been designated by the Librarian of Congress to serve as local or regional centers for the circulation of such books (2 U. S. C. 135b) shall lend such book to adult blind residents of the United States, its Territories, etc., who may be temporarily domiciled outside the jurisdictions enumerated by the act. The following regulations shall govern loans of this kind.

(1) Prior to the approval of such loan to a borrower, the local or regional library shall require him to submit in writing the following:

(i) A statement of his intention to absent himself from the jurisdiction of the United States or its Territories, etc., for a temporary period;

(ii) The passport number of borrower, together with the date of issuance;

(iii) An agreement by the borrower to take necessary safeguards for protection of the loaned materials, to assume responsibility for any damage to them resulting from his negligence, and to pay all transportation charges.

(2) Embossed or talking books for the blind may be transmitted, under current International Postal Regulations, to all foreign countries at the rate of 1 cent for each 2 pounds, 3 ounces, or fraction thereof. In the event shipment is made in such manner, such articles should be endorsed "Printed Matter for the Blind (P. G. Pt. 2)" and any shipment shall not exceed 15 pounds, 6 ounces in weight.

(3) Since the authorized distributing libraries and the Library of Congress have no funds to prepay charges on loans of the character authorized by this section, transportation charges must be paid by the borrower. Accordingly, each borrower shall make an advance payment to the lending library (U. S. postage stamps are acceptable) in an amount sufficient to pay the cost of postage from the United States for materials to be loaned; and shall be responsible for paying the local postage for the return of material to the lending library.

(4) When requests for loans of the character authorized in this section are made of the Library of Congress, they shall be addressed to the Loan Division, Library of Congress, Washington 25, D. C., U. S. A.

(5) Talking book machine lending agencies are authorized to permit blind readers, residents of the United States, temporarily domiciled abroad, to take the talking book machines loaned to them when they go abroad under the same three conditions stated in subparagraph (1) of this paragraph for embossed books and talking book records.

(Sec. 1, 29 Stat. 544, 546; 2 U. S. C. 136)

VERNER W. CLAPP,
Acting Librarian of Congress.

[F. R. Doc. 51-1210; Filed, Jan. 24, 1951; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce [1]

Subchapter B—Regulations Affecting Maritime Carriers

[Rev. Gen. Order 59]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

APPROVAL OF CHARTERS OF CERTAIN VESSELS TO ALIENS

General Order 59 (§ 221.7 *Approval of charters of certain vessels to aliens*) is hereby revised as set forth below. General Order 59 (10 F. R. 14969) and General Order 59, Amendment 2 (15 F. R. 6964), heretofore in effect, are superseded by this revision. Other amendments to General Order 59 were heretofore revoked (14 F. R. 829).

Section 221.7 shall read as follows:

§ 221.7 *Approval of charters of certain vessels to aliens.* (a) The Department of Commerce, Maritime Administration, hereby approves under sections 9 and 37 of the Shipping Act, 1916, as amended (52 Stat. 964; 40 Stat. 901; 46 U. S. C. 808 and 835) the charter to a person not a citizen of the United States of any vessel (including space in such vessel) documented under the laws of the United States, or the last documentation of which was under the laws of the United States, or owned in whole or in part by any person a citizen of the United States, or by a corporation organized under the laws of the United States or of any State, Territory, District or possession thereof, for a period not more than six (6) months, or for a voyage or voyages the duration of which will probably not exceed six (6) months, except:

(1) Demise or bareboat charters;

(2) A tank vessel for an ocean voyage or voyages between foreign ports, or from United States to foreign ports, excluding, however, voyages from United States or Caribbean ports to Canadian ports;

(3) For the carriage of cargoes of any kind to or from the Soviet Union, Latvia, Lithuania, Estonia, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, North Korea, the Soviet Zone of Germany, Manchuria, or Communist China;

(4) Extension or renewals of a charter approved by this section. The Maritime Administration will consider each request for such an extension or renewal on its merits.

(5) For use in the fisheries.

(b) A copy of any such charter, as executed, which is approved by this section shall be filed with the Secretary of the Maritime Administration as soon as may be practicable but in any event not later than twenty (20) days after the beginning of the charter period or within such further time as may be permitted by the Maritime Administration.

This General Order 59, Revised (§ 221.7) shall be effective as to all charters entered into on and after January 24, 1951.

AUTHORITY: Sec. 19, 41 Stat. 995, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114, 876. Reorg. Plan No. 21 of 1950, 15 F. R. 3178. Interprets or applies sec. 9, 39 Stat. 730, as amended, sec. 37, 40 Stat. 901, as amended; 46 U. S. C. 808, 835.

[SEAL] E. L. COCHRANE,
Maritime Administrator,
Maritime Administration.

JANUARY 22, 1951.

[F. R. Doc. 51-1269; Filed, Jan. 24, 1951; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 974]

[Docket No. AO 176-A8

HANDLING OF MILK IN THE COLUMBUS, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Columbus, Ohio, on October 10 and 11, 1950, pursuant to a notice thereof which was issued on September 29, 1950 (15 F. R. 6672).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on December 14, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 19, 1950 (15 F. R. 9075; F. R. Doc. 50-11919).

The material issues and the findings and conclusions of the recommended decision (15 F. R. 9075; F. R. Doc. 50-11919) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the

[1] The new chapter head note is an interim designation designed to reflect Reorganization Plan No. 21 of 1950 (15 F. R. 3178).

act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Columbus, Ohio, Marketing Area*

§ 974.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 974.51 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.75; and all others, $1.10: *Provided*, That there shall be added to the price of Class I milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by all handlers during the most recent 4 months for which such information is available which was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950): *And provided further*, That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding.

2. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.35; and all others, $0.70: *Provided*, That there shall be added to the price of Class II milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by all handlers during the most recent 4 months for which such information is available which was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950).

[F. R. Doc. 51-1223; Filed, Jan. 24, 1951, 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 526]

CITRUS PULP AND WASTE IN FLORIDA AND TEXAS

PRELIMINARY DETERMINATION REGARDING PROCESSING

On March 25, 1943, the Administrator of the Wage and Hour Division issued a determination (8 F. R. 3811) that the dehydration of citrus pulp and waste in the States of Florida and Texas is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

Applications have been filed by the Citrus Processors Association, Inc., and the Luban Company, Inc., of Florida, for amendment of the aforesaid determination to include the manufacture of citrus molasses and the chemical processing of citrus peel.

It appears from the foregoing applications that:

(1) At the time the original determination was issued cattle feed was produced from citrus pulp and citrus waste by dehydration. Operations in this industry now also include the operations of (a) the manufacture of citrus molasses and (b) the chemical processing of citrus peel to preserve it for subsequent processing.

(2) The production of citrus molasses is a continuation of the processing of citrus pulp and waste into cattle feed, the perishable liquid residue of which is processed into molasses. The portion of the industry engaged in the chemical processing of citrus peel performs this processing on sectionized peel received from establishments which sectionize citrus fruit.

(3) Establishments which engage in the processing of citrus pulp and citrus waste, including the chemical processing of citrus peel to preserve it, receive the citrus pulp and waste from citrus canneries and must process it within a few hours after the juice or sections have been removed. These establishments operate during the period or periods in which the citrus canning and citrus juicing plants operate and are entirely dependent upon them for their principal raw materials. The manufacture of citrus molasses and the chemical processing of citrus peel do not lengthen the operating season of the portion of the citrus dehydrating industry heretofore determined to be of a seasonal nature.

(4) The industry in Florida and Texas engaged in the dehydrating of citrus pulp and waste, the manufacture of citrus molasses, and the chemical processing of citrus peel operates during a season occurring in a regularly, annually recurring part of the year and ceases production apart from work such as maintenance, repair, clerical and sales work during the remainder of the year because of the fact that owing to climatic or other natural conditions, the materials processed are not available in the remainder of the year in the form in which they are processed.

Accordingly, upon consideration of the facts stated in said application, the Administrator hereby determines, pursuant to §§ 526.3 (a) and 526.5 (b) (2) of the regulations contained in this part, that a prima facie case has been shown for amending the aforesaid determination of March 25, 1943 (8 F. R. 3811) to include the manufacture of citrus molasses and the chemical processing of citrus peel and changing the name of the industry from the "dehydration of citrus pulp and waste industry in Florida and Texas" to the "processing of citrus pulp and waste industry in Florida and Texas."

For purposes of this determination, "the processing of citrus pulp and waste industry in Florida and Texas" includes the following operations when performed in the States of Florida and Texas during the period or periods when citrus pulp and waste (including sectionized peel) are being received for processing: The receipt of citrus pulp and waste (including sectionized peel) for processing, the dehydration of pulp and waste and the manufacture of cattle feed and citrus molasses therefrom, the chemical processing of citrus peel to preserve it (but excluding such chemical processing when performed at an establishment which further processes preserved peel into other products), including any operations or services necessary or incident to the foregoing.

If no objection and request for hearing is received within 15 days following the publication of this preliminary determination, the Administrator, pursuant to § 526.5 (b) (2) of the regulations will make a finding upon the prima facie case. Objections and requests for hearing from any interested person should be submitted in writing to the Wage and Hour Division, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C. The application for a seasonal determination may be examined in Room 5422 at this address.

Signed at Washington, D. C., this 22d day of January 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-1225; Filed, Jan. 24, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 20]

KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS FOR PRIVATE PILOT RATING

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 20 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by February 28, 1951 will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after March 2, 1951 for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Sections 20.24 through 20.26 of the Civil Air Regulations prescribe certain standards of aeronautical knowledge, experience, and skill for applicants seeking private pilot ratings. An analysis of the accidents involving private pilots for the years 1948 and 1949 which was recently conducted by the Civil Aeronautics Administration indicates an urgent need for revision of these standards. Pilot error, owing in the main to insufficient information, instruction, or experience, was shown to be the principal or contributing cause of most of the accidents. Seventy-six percent of the accidents studied involved pilots with 51 to 300 hours of flying experience. Their errors arose frequently in the course of cross-country flying while mishandling flight controls, or landing on or taking off from unsuitable terrain, or they were the result of faulty flight planning especially in reckoning with weather, faulty navigation, or violations of Civil Air Regulations.

The proposed amendments are intended to require applicants for private pilot ratings (1) to pass a more comprehensive written examination, including questions on regulations affecting the airworthiness and operation of aircraft and the reporting of accidents, and (2) to obtain special instruction and experience in dealing with the problems attendant upon cross-country flight. It is believed that, consistent with the best interests of safety, the proposed changes will serve to reduce the number of accidents caused in whole or in part by pilot error by raising the required level of competence among private pilots.

It is proposed to amend Part 20 as follows:

1. By amending § 20.24 to read as follows:

§ 20.24 *Aeronautical knowledge*—(a) *Powered aircraft.* Applicant for a powered aircraft rating shall have passed within the preceding 24 months a written examination based on Parts 1, 43, 60, and 62 of this subchapter and on practical aspects of cross-country flight planning, weather recognition and forecasting, pilotage, dead reckoning, and general safety practices in the operation of aircraft.

(b) *Glider.* Applicant for a glider rating shall have passed within the preceding 24 months a written examination based on pertinent provisions of Parts 43 and 60 of this subchapter.

2. By amending § 20.25 (a) to read as follows:

§ 20.25 *Aeronautical experience*—(a) *Powered aircraft.* Each applicant for a powered aircraft rating, whether he has obtained his flight experience in spinnable, nonspinnable, two-control, or three-control aircraft, shall have not less than 25 hours of solo flight time and 15 hours of dual instruction time given by a rated flight instructor: *Provided*, That if the applicant holds a private or commercial pilot certificate with a glider rating, he may receive credit for not more than 10 hours of the required solo flight time for equal flight time obtained in gliders. Each applicant shall in addition meet the requirements of subparagraphs (1) through (3) of this paragraph.

(1) At least 10 hours of the required solo flight time shall be cross-country flight time. Each solo cross-country flight shall include a landing at a point more than 25 miles from the point of departure, and at least one flight shall include a landing at a point more than 100 miles from the point of departure.

(2) After the applicant's first solo flight, at least 5 hours of dual instruction time shall be given in cross-country flying, of which not less than 3 hours shall be given before his first solo cross-country flight.

(3) Dual instruction time shall include instruction in the prevention of and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes.

3. By amending § 20.26 to read as follows:

§ 20.26 *Aeronautical skill.* Applicant shall meet the following requirements:

(a) *Powered aircraft.* (1) Preflight inspection, starting, taxying, and run-up check of aircraft before take-off;

(2) Planning of a cross-country flight to a specified destination, reckoning with weather conditions, fuel requirements, check points, estimated time of arrival, and available alternate airports, and accomplishing such portion of the planned flight, including change of course to an alternate airport, as is necessary to

demonstrate proficiency in cross-country flying;

(3) Straight and level flight, left and right medium banked turns, left and right climbing and gliding turns at normal and at minimum controllable speeds, and recovery from power-on and power-off stalls entered from all normally anticipated flight attitudes;

(4) Turns while maintaining a constant radius, or track, around a point, or area, including a 720° turn in each direction in a banked attitude of more than 45°;

(5) Normal and cross-wind take-offs and landings following appropriate traffic control procedures of the airport involved, using power, flaps, and slips at the applicant's discretion for assistance in landing;

(6) Simulated emergency take-offs and landings, including one short or soft-field take-off, and one landing, if in single-engine aircraft, with engine throttled and using flaps, slips, or both, for assistance; or, if in multiengine aircraft, in accordance with proper one-engine-out procedure.

(b) *Glider.* (1) At least 2 flights, one of which shall include a 360° approach to the right and one to the left, landing each time within 200 feet beyond a designated line or point;

(2) Recovery from stalls entered from all normally anticipated flight attitudes. (Stall maneuvers may be demonstrated in airplanes.)

(c) *Standards.* (1) Applicant shall exercise reasonable judgment, coordination, and smoothness in the execution of all flight maneuvers, any of which, however, may be modified or eliminated if not consistent with the characteristics of the aircraft used in the flight test and appropriate operation limitations are entered on the rating record.

(2) When the applicant's medical certificate shows a structural defect or limitation, such additional maneuvers and tests as may be necessary to demonstrate the competency of the applicant to pilot aircraft safely shall be required, and appropriate operation limitations shall be entered on the rating record.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendments may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216; 49 U. S. C. 551–560, Act of July 1, 1948)

Dated January 19, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-1227; Filed, Jan. 24, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 12, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Sacramento, California, land district, embracing approximately 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 249

For lease and sale for homesites only:

T. 11 N., R. 8 W., M. D. M.,
Sec. 14, N½SW¼,
Sec. 22, N½NE¼.

This land is in Lake County, California, about 19 miles from Lakeport, the County Seat. It is in an area used extensively by the public for recreational and summer resort purposes. The land is rather inaccessible but can be reached over State Highway No. 29 to Whispering Pines Resort, and thence over dirt roads. No public utilities are available, but there are numerous small business establishments in the vicinity where necessary supplies may be purchased.

2. As to applications regularly filed prior to 8:30 a. m., March 22, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 16, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 16, 1951, to close of business on June 14, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., March 16, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 15, 1951.

(a) Advance period for simultaneous non-preference filings from 8:30 a. m., March 22, 1946, to 10:00 a. m., June 15, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

L. T. HOFFMAN, *Regional Administrator.*

[F. R. Doc. 51-1224; Filed, Jan. 24, 1951; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1950, 43d Supp.]

FOUNDERS' INSURANCE CO.

CORPORATION ACCEPTABLE AS SURETY ON FEDERAL BONDS

JANUARY 19, 1951.

Under date of January 2, 1951, "Founders' Fire & Marine Insurance Co.", Los Angeles, California, a California Corporation, formally changed its name to that of "Founders' Insurance Company". A copy of the Certificate of Amendment of the Articles of Incorporation, duly certified by the Secretary of State of the State of California has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Founders' Fire & Marine Insurance Co., may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Founders' Insurance Company" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 51-1246; Filed, Jan. 24, 1951; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

[No. 13]

NAVIGATION LIGHTS

CERTIFICATE OF SECRETARY OF NAVY REGARDING AUXILIARY, MISCELLANEOUS (AG146 CLASS) VESSELS

Whereas, section 360, Title 33, United States Code, provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under Acts of Congress, as enumerated in said section 360, Title 33, United States Code, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas a study of the arrangement and position of the navigation lights of that type of naval vessels known as Auxiliary, Miscellaneous, AG146 Class, has been made in the Navy Department and, as a result of such study, it has been determined that because of their construction it is not possible for Auxiliary, Miscellaneous, AG146 Class, to comply with the requirements of the statutes enumerated in said section 360, Title 33, United States Code;

Now, therefore, I, Francis P. Matthews, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that the type of naval vessels known as Auxiliary, Miscellaneous, AG146 Class, are naval vessels of special construction and that on such vessels, with respect to the position of the masthead light and the additional white light (commonly termed the range light), it is not possible to comply with the requirements of the statutes enumerated in section 360, Title 33, United States Code. Further, I do find and certify as follows:

(a) That it is feasible to locate the aforesaid masthead light in the after part of said vessels approximately two hundred seventy feet abaft the stem.

(b) That it is feasible to locate the additional white light (commonly termed the range light), if such light is installed in any of the aforesaid type of vessels, in the forward part of the vessel and in front of the light referred to in the preceding paragraph.

I direct that the aforesaid lights, that is the masthead light and the additional white light (commonly termed the range light), if such light is installed, shall be located in this type of vessel in the manner above described. I further direct that the two aforesaid lights, referred to in subparagraphs (a) and (b), if both lights are installed, shall be placed in line with the keel and that the after light shall be at least fifteen feet higher than the forward light and that the vertical distance between the two lights shall be less than the horizontal distance. I further certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 16th day of January A. D. 1951.

FRANCIS P. MATTHEWS, *Secretary of the Navy.*

JANUARY 19, 1951.

[F. R. Doc. 51-1209; Filed, Jan. 24, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

CHIEF AND ASSISTANT CHIEFS, ENGINEERING DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO RELEASE OF LIENS UPON MOTOR VEHICLES

Effective December 27, 1950, the following delegation of authority has been authorized:

Authority has been delegated to the Chief and Assistant Chiefs, Engineering Division (in addition to Deputy Administrator and Assistant Administrator), to execute, "for Claude R. Wickard, Administrator," release of liens upon motor vehicles, and all other documents or instruments relating to such liens or releases thereof, including, without limitation, notices that the United States of America has such liens upon such motor vehicles.

This delegation supersedes all prior delegations with reference to these matters.

Issued this 27th day of December 1950.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1248; Filed, Jan. 24, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1335, G-1407, G-1411, G-1413]

CAROLINA NATURAL GAS CORP. ET AL.

ORDER MODIFYING AND AFFIRMING AS MODIFIED INITIAL DECISION OF PRESIDING EXAMINER, REOPENING PROCEEDING AND FIXING DATE OF HEARING

JANUARY 19, 1951.

In the matters of Carolina Natural Gas Corporation, Docket No. G-1335; Public Service Company of North Carolina, Inc., Docket No. G-1407; Transcontinental Gas Pipe Line Corporation, Docket No. G-1411; Piedmont Natural Gas Company, Inc., Docket No. G-1413.

Carolina Natural Gas Corporation, Public Service Company of North Carolina, Inc., and South Carolina Public Service Commission filed exceptions on December 6, 7 and 8, 1950, respectively, pursuant to § 1.31 of the Commission's general rules and regulations (18 CFR 1.31) to the Examiner's initial decision. The Presiding Examiner's decision had been served upon all parties in accordance with the rules.

The Commission affirms the Presiding Examiner's decision subject to modifications herein set forth and adopts said decision, as so modified, as its final decision as hereinafter ordered.

The decision of the Examiner states that the City of Blacksburg, South Carolina, through its representative, failed to make the minimum showing which should be made in a case of this kind to warrant an allocation of natural gas from Transcontinental Gas Pipe Line Corporation's expansion proposed in this proceeding.

The decision also recites that there is no evidence that the municipality of Blacksburg considers its representative's local distribution project feasible or that the municipality is able to finance such a project, or that it proposes to do what must be done in order to install a municipal gas system. The Examiner concludes that on the basis of the present record, Blacksburg's request for an allocation of gas through its duly authorized representative should be denied.

Similarly, the Examiner would deny natural gas to Piedmont Gas Company, Inc.,[1] South Carolina Electric & Gas Company,[2] and to Laurens, Clinton and Newberry, South Carolina.

We agree with the Examiner that capacity in Transcontinental's proposed pipe-line project should not be reserved

[1] Piedmont Gas Company, Inc., serves the cities of Hickory, Lenoir, Newton, Conover, and Granite Falls, North Carolina.

[2] South Carolina Electric & Gas Company supplies gas in Columbia, S. C.

for the communities to be served by Piedmont Gas Company, Inc., South Carolina Electric & Gas Company, or for Blacksburg, Laurens, Clinton and Newberry on the basis of the present record. Nevertheless, there has been some showing as to the need for natural gas in the several communities in North and South Carolina and we feel that these communities should be afforded further opportunity to submit additional evidence in support of the need for, and feasibility of, the introduction of natural gas in the respective cities. We will so provide in our order herein.

The Examiner in paragraph (G) relating to Docket No. G–1413, provided:

(G) This certificate if further conditioned upon the maintenance by Piedmont Natural, for a period of 45 days from the date hereof,[1] of the offer to transport from Transcontinental's pipeline through Piedmont Natural's proposed Greensboro-Burlington lateral, natural gas for the use and benefit of distributors beyond the City of Burlington, North Carolina, and for such other period thereafter as may be required by the Commission for the purpose of determining the public convenience and necessity for the use of the Greensboro-Burlington lateral for such purpose. If the offer of Piedmont Natural is accepted within the period here specified, Piedmont Natural shall submit a plan or plans for the installation of facilities adequate to permit the use thereof for such purposes. The proceeding in Docket No. G–1413 shall remain open pending the disposition of this portion of Piedmont Natural's application herein (p. 118).

Since the period of time within which Piedmont Natural's offer was to be maintained has expired, we will extend such period for a reasonable time.

The Examiner reopened the proceedings, In the matters of Carolina Natural Gas Corporation, Docket No. G–1335, and Public Service Company of North Carolina, Inc., Docket No. G–1407, to afford the companies an opportunity to file amendments to their applications eliminating therefrom proposals to supply natural gas to Charlotte, Winston-Salem, Greensboro, Salisbury, High Point, and Burlington, North Carolina; and Greenville and Spartanburg, South Carolina. We shall provide herein a date for such further hearing.

One of the questions raised by the exceptions to the Examiner's decision deserves special comment. It is contended that the economic development of the Piedmont Region of the Carolinas requires that service be rendered to the entire area by a single company at uniform city gate rates.

It is true that we have in the past required uniform rates to be charged throughout relatively large areas. Justification for such arrangements lies in the fact that service to each customer is made feasible because of service to the others, and in the principle that utility customers of the same class, receiving the same kind of service under substantially similar circumstances, are entitled to the same rates. Usually individual customers cannot bear the entire cost of a pipeline or any substantial part of it and each, therefore, benefits because the others are served.

Such is not the situation before us. None of the Carolina applicants proposes to construct an integrated pipeline system. Instead there are to be a number of laterals, of varying lengths, from Transcontinental's main transmission line, each serving a single community or a single group of communities. Certainly, it cannot be said that the communities in which Piedmont Natural proposes to distribute natural gas and which are relatively near to Transcontinental's line will receive any benefit because of service to the Carolina communities farther away. Nor are the circumstances under which service is to be rendered substantially similar. Therefore, for us to require the Piedmont Natural communities to bear part of the cost of gas attributable to service to other communities would not be just.

Based upon Piedmont Natural's estimated requirements, the cost of gas to it in the third year would be higher by approximately $589,000, or 8¢ per Mcf, if it is required to purchase gas from Carolina Natural than if it purchased gas directly from Transcontinental. Under the same circumstances, if gas were purchased by Piedmont Natural from Public Service, its cost in the third year would be higher by about $457,000, or 6½¢ per Mcf.

Of course, the cost of gas to some parts of remaining area may be increased somewhat, but this is only because we will not require the cities which Piedmont Natural proposes to serve and which comprise more than half of the population of the entire area proposed to be served to pay what would be, in effect, a subsidy to their less advantageously located neighbors.

Granting a certificate to Piedmont Natural to supply gas to those communities in which it already owns and operates gas distribution systems does not preclude service to the remainder of the area. Both Carolina Natural and Public Service, in their exceptions to the Examiner's decision indicated that, in the event Piedmont Natural is certificated, they will still seek authorization to supply natural gas in the area. We hereinafter provide opportunity for them to make the requisite showing therefor.

The Commission has considered all of the exceptions to the Examiner's decision. To the extent that they are inconsistent with our action herein they should be denied.

The Commission orders:

(A) The decision of the Presiding Examiner filed November 16, 1950, as hereinafter modified, shall become effective as the decision of the Commission as of the date of the issuance of this order, and the consolidated proceeding herein be and the same is hereby reopened for the specific purposes hereinafter set forth:

(i) Carolina Natural Gas Corporation (Docket No. G–1335), and Public Service Company of North Carolina, Inc. (Docket No. G–1407), shall be afforded an opportunity to file amendments to their applications to exclude from their proposals the service of natural gas to Charlotte, Winston-Salem, Greensboro, Salisbury, High Point and Burlington, North Carolina, to Greenville and Spartanburg, South Carolina, and to the several communities which will obtain their natural gas either directly from Transcontinental Gas Pipe Line Corporation or indirectly through local distribution companies by reason of the decision herein. The parties shall be afforded an opportunity to present evidence relevant to such amended applications.

(ii) The record in Docket No. G–1413 shall remain open for a period of 90 days from the issuance of this order, unless otherwise ordered by the Commission, and for said period Piedmont Natural shall maintain its offer to transport from Transcontinental's pipe line through Piedmont Natural's proposed Greensboro-Burlington lateral natural gas for the use and benefit of distributors beyond the City of Burlington, North Carolina. If the offer of Piedmont Natural is accepted within the period here specified, Piedmont Natural shall submit a plan or plans for the installation of facilities adequate to permit use of the lateral for such purposes.

(iii) Piedmont Gas Company, Inc., South Carolina Electric & Gas Company and the Cities of Blacksburg, Laurens, Clinton and Newberry, South Carolina, shall be afforded an opportunity to submit further evidence with respect to the need, desirability and economic feasibility of introduction of natural gas to their respective communities.

(B) Nothing in this order shall be construed to affect in any manner the authorization herein granted, as conditioned, to Transcontinental Gas Pipe Line Corporation, and Piedmont Natural Gas Company, Inc., in the proceedings in Docket Nos. G–1411 and G–1413, respectively.

(C) To the extent that the exceptions filed by the various parties are inconsistent with our action herein they are denied.

(D) The record in this consolidated proceeding be and it hereby is remanded to the Presiding Examiner, heretofore designated, for the limited and sole purpose of hearing and taking of additional evidence on the matters described in paragraph (A), above, and for the rendering of an appropriate decision thereon unless the Commission should otherwise provide by subsequent order.

(E) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing concerning the matters referred to in paragraph (A), in the above-entitled consolidated proceedings be held commencing on February 20, 1951, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Date of issuance: January 19, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1219; Filed, Jan. 24, 1951; 8:47 a. m.]

[1] November 16, 1950.

[Docket Nos. G–1476, G–1479, G–1480, G–1481, G–1501]

WARWICK GAS CORP. ET AL.

ORDER POSTPONING HEARING

JANUARY 19, 1951.

In the matters of Warwick Gas Corporation, Docket No. G–1476; Bangor Gas Company, Docket No. G–1479; Citizens Gas Company, Docket No. G–1480; Pen Argyl Gas Company, Docket No. G–1481; Crystal City Gas Company, Docket No. G–1501.

By order issued December 21, 1950, and published in the FEDERAL REGISTER on December 28, 1950 (15 F. R. 9358–9359) these proceedings were consolidated and set for hearing to commence on January 30, 1951, at 10:00 a. m., e. s. t.

On January 4, 1951, the Manufacturers Light and Heat Company and Home Gas Company, respondents in these proceedings, filed a joint motion with the Commission requesting a postponement of the hearing herein to a date at least sixty days subsequent to January 30, 1951. In support of the joint motion, respondents state that they are not now, and do not expect to be by January 30, 1951, in a position to determine their gas supply and requirements situation with any degree of certainty and would prefer to have the 1950–1951 winter experience behind them before being placed in the situation of taking any position with reference to having new loads added to their system.

Separate answers to the joint motion were filed on January 10, 1951, by Bangor Gas Company, applicant in Docket No. G–1479; Citizens Gas Company, applicant in Docket No. G–1480; and Pen Argyl Gas Company, applicant in Docket No. G–1480.

The Commission finds: Good cause exists and it would be in the public interest to postpone such hearing to April 2, 1951.

Date of issuance: January 19, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1220; Filed, Jan. 24, 1951; 8:47 a. m.]

[Docket No. G–1586]

PITTSBURGH AND WEST VIRGINIA GAS CO. AND EQUITABLE GAS CO.

NOTICE OF APPLICATION

JANUARY 19, 1951.

Take notice that Pittsburgh and West Virginia Gas Company (Pittsburgh), a West Virginia corporation, and Equitable Gas Company (Equitable), a Pennsylvania corporation, each having its principal place of business in Pittsburgh, Pennsylvania, filed on January 11, 1951, a joint application pursuant to section 7 of the Natural Gas Act. Equitable seeks a certificate of public convenience and necessity authorizing the acquisition and operation of all of the natural gas facilities of Pittsburgh, subject to the jurisdiction of the Commission. Pittsburgh seeks authorization under section 7 (b) of the act to abandon, by conveyance and transfer to Equitable, all of its facilities subject to the jurisdiction of the Commission and to terminate service presently rendered by Pittsburgh by means of such facilities. Pittsburgh also seeks authority to terminate and vacate Rate Schedule T–1 of its FPC Gas Tariff, Original Volume No. 1, as of the date Equitable shall acquire the Fittsburgh properties. Equitable requests authority to adopt as its own the Rate Schedules contained in Original Volumes Nos. 1 and 2 of the FPC Gas Tariff of Pittsburgh, other than Rate Schedule T–1, as of the date Equitable shall acquire the property and facilities of Pittsburgh.

The application states that the facilities of Pittsburgh and Equitable are physically interconnected and integrated and are operated as a unified part of the Equitable Gas System. It is stated that the transfer of ownership of the Pittsburgh facilities to Equitable will permit a reduction in operating expenses and the simplification of accounting procedures and reduce the number of reports required to be made to regulatory commissions.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1218; Filed, Jan. 24, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25763]

FROZEN CITRUS AND PINEAPPLE CONCENTRATES FROM BORDER TERRITORY TO THE EAST

APPLICATION FOR RELIEF

JANUARY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A–726.

Commodities involved: Frozen citrus and pineapple concentrates, in carloads.

From: Points in Virginia, North Carolina, Kentucky and Tennessee.

To: Trunk line (including Buffalo-Pittsburgh zone) and New England territories.

Grounds for relief: Circuitous routes. To maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such applicaton without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–1214; Filed, Jan. 24, 1951; 8:46 a. m.]

[4th Sec. Application 25764]

PROPORTIONAL GRAIN RATES FROM OHIO RIVER CROSSINGS TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1128.

Commodities involved: Grain and grain products, in carloads and less-than-carloads.

From: Cincinnati, Ohio and Louisville, Ky. (applicable on traffic originating at points in Indiana located in the Chicago, Ill., switching district).

To: Points in southern territory.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–1215; Filed, Jan. 24, 1951; 8:46 a. m.]

[4th Sec. Application 25765]

CANDY FROM AMARILLO TO EL PASO, TEX.

APPLICATION FOR RELIEF

JANUARY 22, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to Agent Ira D. Dodge's tariff I. C. C. No. 666.

Commodities involved: Candy, less-than-carloads.

From: Amarillo, Tex.

To: El Paso, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; Ira D. Dodge's tariff I. C. C. No. 666, Supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1216; Filed, Jan. 24, 1951; 8:46 a. m.]

[4th Sec. Application 25766]

LUMBER FROM NORTH CAROLINA, SOUTH CAROLINA AND VIRGINIA TO WISCONSIN

APPLICATION FOR RELIEF

JANUARY 22, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 714.

Commodities involved: Lumber and other forest products, carloads.

From: Points in North Carolina, South Carolina and Virginia.

To: Dodgeville, Janesville, Madison, Monticello, and Watertown, Wis., and points grouped therewith.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1217; Filed, Jan. 24, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-28, 54-183]

PITTSBURGH RAILWAYS CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January 1951.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor, and Philadelphia Company, File No. 52-28, Philadelphia Company, File No. 54-183.

The Commission, by orders dated March 27, 1950, August 23, 1950, and December 27, 1950 (Holding Company Act Release Nos. 9759, 10058 and 10318), and the United States District Court for the Western District of Pennsylvania, by orders dated May 1, 1950, September 15, 1950, and December 29, 1950, having approved a plan ("Combined Plan") which was filed jointly by Elmer E. Bauer ("Bauer"), Trustee of Pittsburgh Railways Company ("Railways"), Debtor, and by Philadelphia Company, a registered holding company, for the reorganization of the Railways system under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge, pursuant to section 11 (e) of the Holding Company Act of Philadelphia Company's guarantees affecting certain securities of companies included in the Railways system; and

Said orders of the Commission having also granted and permitted to become effective applications and declarations with respect to the transactions involved in consummation of said Combined Plan, including the issuance of bonds in the aggregate principal amount of $5,853,750 by the reorganized company ("New Company"), subject, among others, to the conditions specified in Rule U-24 of the rules and regulations promulgated under the Holding Company Act; and

Applicant-declarant, Bauer, having filed, pursuant to said Rule U-24, a post effective amendment to said applications-declarations in connection with said Combined Plan, wherein it is proposed to eliminate the issuance by New Company of any bonds in the denomination of $250 and instead to pay cash to those persons who would otherwise be entitled to new bonds in the face amount of $250, thus reducing by $4,250 the aggregate amount of new bonds to be issued; and

The Commission having examined the proposed modifications and finding with respect to said applications-declarations, as further amended, that the requirements of the Combined Plan, the applicable provisions of the Holding Company Act, and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said applications-declarations, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the Holding Company Act, that the said applications-declarations, as further amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1207; Filed, Jan. 24, 1951; 8:45 a. m.]

[File Nos. 70-2325, 70-2499]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January A. D. 1951.

In the matters of Consolidated Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, and Hope Natural Gas Company, File No. 70-2325; Consolidated Natural Gas Company, Hope Natural Gas Company. File No. 70-2499.

Notice is hereby given that amendments to previous joint applications-declarations have been filed pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and Hope Natural Gas Company ("Hope").

Notice is further given that any interested person may, not later than January 30, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said amendments to the joint applications-declarations proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time after January 30, 1951, such amendments to the joint applications-declarations may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to the amendments to said joint applications-declarations which are on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Consolidated has heretofore issued to certain banks an aggregate of $20,000,000 of its 2 percent promissory notes pursuant to the Loan Agreement dated February 1, 1950, and the Supplemental Agreement dated July 14, 1950; and, in turn, 2 percent promissory notes of subsidiaries have been issued to Consolidated as follows:

Peoples	$8,000,000
New York State	10,000,000
Hope	2,000,000
	20,000,000

The said Loan Agreement and Supplemental Agreement and the said notes issued by subsidiaries provide an ultimate maturity at March 15, 1955, but, as set forth in the Commission's order of March 10, 1950, and supplemental order of September 6, 1950, in the above file, further approval must be secured in order to continue such notes in effect beyond March 15, 1951.

The General Financial Plan set forth in the joint applications-declarations contemplates that the said notes will be continued in effect and permanently refinanced along with other notes which may be issued by Consolidated in connection with its present construction program. In accordance with present estimates, it is contemplated that refinancing of said notes will not take place until after March 15, 1952, at the earliest.

The above subsidiary companies have each given notice to Consolidated of intention to continue this interim financing in effect to March 15, 1952; and Consolidated likewise intends to give notice to the banks pursuant to the said Loan Agreements that it will continue its said outstanding notes in effect to March 15, 1952. All companies are reserving the right to continue the notes in effect beyond March 15, 1952, if at that time this course becomes advisable and is approved by the Commission.

In addition, Hope has heretofore issued to Consolidated its 2% promissory note in the face amount of $2,500,000 with an ultimate maturity of March 15, 1955, but, as set forth in the Commission's order of November 29, 1950, further approval must be secured in order to continue such note in effect beyond March 15, 1951.

The note is related to the General Financial Plan indicated above and will be continued in effect until the refinancing of the notes issued by Consolidated pursuant to File No. 70-2325.

Hope has given notice to Consolidated of intention to continue this interim financing in effect to March 14, 1952, but is reserving the right to continue the note in effect beyond March 15, 1952, if at that time this course becomes advisable and is approved by the Commission.

Consolidated and its above subsidiaries have requested the Commission to enter its order permitting all of the above outstanding promissory notes to be continued in effect to March 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1208; Filed, Jan. 24, 1951; 8:45 a. m.]

[File No. 70-2492]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January, A. D. 1951.

American Natural Gas Company ("American Natural"), a registered holding company, and its public utility subsidiary, Michigan Consolidated Gas Company ("Michigan Consolidated"), having filed a joint application-declaration and amendments thereto with respect to the issue and sale, pursuant to competitive bidding requirements of Rule U-50, by Michigan Consolidated of $20,000,000 principal amount of First Mortgage Bonds, the issue and sale by Michigan Consolidated to American Natural of 428,574 shares of additional common stock, the retirement by Michigan Consolidated of its outstanding bank loan notes issued under the credit agreement dated August 23, 1950, and the cancellation of such credit agreement; and

The Commission having by orders issued November 6 and November 14, 1950, respectively, granted and permitted to become effective said application-declaration as amended; and

The Commission, because of the incompleteness of the record at the date of said orders with respect to the fees and expenses to be incurred and paid in connection with the proposed transactions, having reserved jurisdiction with respect to such fees and expenses; and

The record having been subsequently completed with respect to such fees and expenses, and it appearing that the fees and expenses to be paid are estimated at an aggregate of $166,500 as follows:

SEC registration fee	$2,100
Federal revenue stamps	28,600
Michigan Public Service Commission fee	26,000
Michigan Corporation and Securities Commission	2,900
Printing and engraving:	
S-1, U-1, indentures, etc	38,000
Bonds	6,000
Trustee: Authentication and delivery fees and expenses (temporary and definitive pieces)	15,000
Accounting Fee of Arthur Andersen & Co	4,500
Fee of Ralph E. Davis, petroleum and natural gas engineer	2,500
Counsel fees:	
Dyer, Angell, Meek & Batten	10,000
Clare J. Hall	1,500
Clifford B. Longley	500
James W. Williams	500
Sidley, Austin, Burgess & Smith	16,000
Mortgage recording and title expense	5,000
Miscellaneous	7,400
	166,500

It also appearing that the fees of Chadbourne, Hunt, Jaeckel & Brown, independent counsel, to be paid by the purchaser of the bonds are estimated at $12,500; and

The Commission having examined the record as so made with respect to the fees and expenses to be incurred and paid, and it appearing that such fees and expenses are not unreasonable if they do not exceed the estimates, and the Commission deeming it appropriate to release jurisdiction with respect to the payment of such fees and expenses:

It is ordered, That the jurisdiction reserved in the orders issued November 6 and November 14, 1950, respectively, with respect to the fees and expenses to be incurred and paid in connection with the proposed issue and sale of securities, the retirement of debt and cancellation of credit agreement be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1206; Filed, Jan. 24, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16462]

J. M. VOITH ET AL.

In re: Patent applications and interests in patents and patent applications owned by J. M. Voith and others, including United States Letters Patent No. 2,289,440.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. M. Voith, whose last known address is Heidenheim an der Brenz, Germany, is a partnership organized under the laws of Germany, with its principal place of business in Germany and is a national of a foreign country (Germany);

2. That each of the persons whose names are set forth in the column headed "Inventors" in Exhibit A, attached hereto and by reference made a part hereof, each of whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

3. That the property described as follows:

(a) All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the United States Letters Patent the numbers of which are listed in Exhibit A attached hereto and by reference made a part hereof, and the titles of which stand of record in the United States Patent Office in the names of the persons appearing opposite the respective numbers listed therein;

(b) The applications for United States Letters Patent listed in Exhibit A, attached hereto and by reference made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such applications, which applications stand of record in the United States Patent Office in the names of the persons appearing opposite the respective numbers of such applications for United States Letters Patent,

is property of the persons referred to in subparagraphs 1 and 2 hereof, the aforesaid nationals of a foreign country (Germany);

4. That the property described as follows: All right, title and interest and claim of whatsoever kind or nature of J. M. Voith, Germany, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) who are residents of, or which are organized under the laws of, or have their principal place in, Germany, and are nationals of such foreign country, in, to and under the following:

(a) The United States Letters Patent listed in Exhibit B, attached hereto and by reference made a part hereof, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

(b) The applications for United States Letters Patent listed in Exhibit C, attached hereto and by reference made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such applications,

is property of the persons referred to in paragraphs 1 and 4 hereof, the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

United States Letters patent, re-issue patent, and applications for United States Letters patent reported by American Voith Contact Company in APC-2 File No. 2,289,440, recorded in the names of German individuals.

Application S. N. and date	Inventor	Title
20,322, May 8, 1935 (abandoned).	Ernst Seibold (Germany)	Hydraulic driving mechanism for vehicles.
107,264, Oct. 23, 1936	....do	Operating mechanism for reverse gear.
164,591, Sept. 18, 1937 (abandoned).	Hans F. Canaan (Germany)	Deserating device for fluid transmissions.
Patent No. and date		
Re. 19,334, Oct. 2, 1934	Friedrich Stern (Germany)	Device for copying on machine tools.
1,551,055, Aug. 25, 1925	Hermann Rieseler (Germany)	Hydraulic change-speed and reversing gear.
1,593,473, July 20, 1926	....do	Fluid change-speed gear.
1,644,148, Oct. 4, 1927	Paul Priem (Germany)	Apparatus for feeding continuous wood working grinders.
1,727,903, Sept. 10, 1929	Hermann Rieseler (Germany)	Hydraulic transmission gear.
1,960,705, May 29, 1934	Heinrich Gottschalk and Wilhelm Steinkopff (Germany), assignees of inventor P. F. A. Kochling (Germany)	Fluid change gear.
2,008,360, July 16, 1935	Jacob Lell (Germany)	Synchronous machine.
2,039,322, May 5, 1936	....do	Synchronous alternating current machine for low and for variable speed.
2,078,715, Apr. 27, 1937	Klemens Lurz and K. Schonenmann (Germany).	Oscillating mechanism for the oscillating wires or sieves of paper making and other machinery.
2,083,828, June 15, 1937	Falc Canaan (Germany)	Fluid transmission having a number of fluid circuits.
2,100,440, Nov. 30, 1937	Dietrich Gossler (Germany)	Lateral fluid container for hydraulic transmissions.
2,100,580, Nov. 30, 1937	Dieter Thoma (Germany)	Double governor for turbines.
2,106,843, Feb. 1, 1938	Wilhelm Hahn (Germany)	Power transmission gear for rail vehicles.
2,127,738, Aug. 23, 1938	Fritz Kugel (Germany)	Hydrodynamic fluid coupling.
2,155,740, Apr. 25, 1939	Ernst Seibold (Germany)	Braking mechanism for rail vehicles.
2,161,158, June 6, 1939	Dietrich Gossler (Germany)	Pressure loaded tank for hydraulic transmissions.
2,226,031, Dec. 24, 1940	Albert Wahl and L. Gilmann (Germany).	Pressure actuated valve.
2,277,198, Mar. 24, 1942	Wilhelm Auer (Germany)	Shifting mechanism for change gearing.
2,288,105, Oct. 6, 1942	Falc Canaan (Germany)	Control device for fluid power transmitters.

EXHIBIT B

Patents assigned to and recorded in the name of American Voith Contact Co. and reported by that company in APC-2 File No. 2,289,440.

Patent No. and date	Inventor	Title
1,556,372, Oct. 6, 1925	Wilhelm Thaler	Separator.
1,635,765, July 12, 1927	Paul Friem	Paper machine drive.
1,722,395, July 30, 1929	Wilhelm Rabus	Wood grinder feed mechanism.
1,775,905, Sept. 16, 1930	Richard T. Lang	Stock inlet for paper machines.
1,786,679, Dec. 30, 1930	Wilhelm Thaler	Wood grinder.
1,829,563, Oct. 27, 1931	Richard T. Lang	Pulp conveying machine.
1,832,882, Nov. 24, 1931	Wilhelm Thaler	Beater.
1,833,058, Nov. 24, 1931	....do	Do.
1,835,789, Dec. 8, 1931	Richard T. Lang	Screw press.
1,838,696, Dec. 29, 1931	....do	Do.
1,843,605, Feb. 2, 1932	....do	Wood grinder.
1,851,191, Mar. 29, 1932	....do	Screw Press.
1,858,514, May 17, 1932	Jacob Lell	Coupling.
1,861,184, May 31, 1932	Richard T. Lang	Pulp conveying machine.
1,866,880, July 12, 1932	Carlos Schmitthenner	Sealing device for K. turbines.
1,875,677, Sept. 6, 1932	Wilhelm Thaler	Rotary feeder.
1,876,064, Sept. 6, 1932	Richard T. Land	Pulp washer.
1,928,107, Sept. 26, 1933	....do	Stock inlet for paper machines.
1,941,845, Jan. 2, 1934	Jacob Lell	Pumping plant operation.
1,953,237, Apr. 3, 1934	Joseph Klotz	Centrifugal separator.
1,960,106, May 22, 1934	Fredrik Grewin	Method for conditioning paper stock.
1,990,992, Feb. 12, 1935	Richard T. Lang et al	Fibre separator.
2,028,673, Jan. 21, 1936	Richard T. Lang	Stock inlet for paper machines.
2,042,064, May 26, 1936	Fritz Kugel	Runner for centrifugal machines.
2,042,069, May 26, 1936	Albrecht Maurer	Resilient coupling.
2,045,515, June 30, 1936	Heinrich Roesle et al	Hydraulic coupling.
2,055,692, Sept. 29, 1936	Richard T. Lang	Paper making machine.
2,067,209, Jan. 12, 1937	Ernst Seibold	Hydraulic transmission.
2,067,793, Jan. 12, 1937	....do	Do.
2,078,287, Apr. 27, 1937	....do	Variable speed transmission.
2,078,728, Apr. 27, 1937	....do	Hydraulic coupling.
2,092,821, Sept. 14, 1937	Wilhelm Thaler	Beater.
2,110,741, Mar. 8, 1938	Ernst Seibold	Hydraulic variable speed transmission.
2,120,010, June 7, 1938	Wilhelm Thaler	Control and regulator means.
2,133,029, Oct. 11, 1938	Fritz Kugel	Turbo couplings.
2,142,269, Jan. 3, 1939	Dietrich Goessler	Hydraulic drive for vehicles.
2,158,231, May 16, 1939	....do	Hydraulic power plants.
2,191,999, Feb. 27, 1940	Wilhelm Thaler	Cylinder paper machine.
2,203,802, June 11, 1940	....do	Stock inlet for paper machines.
2,204,780, June 18, 1940	....do	Suction roll paper machines.
2,215,342, Sept. 3, 1940	Dietrich Goessler	Torque converter.
2,215,349, Sept. 3, 1940	Ernest Seibold	Hydraulic power transmission.
2,241,077, May 6, 1941	Dieter Thoma	Regulator for power machines.
2,250,702, July 29, 1941	Falc Canaan	Turbo transmission.
2,281,214, Apr. 28, 1942	Karl J. Van Erp	Turbo machine.
2,281,293, Apr. 28, 1942	Richard T. Lang	Stock inlet for paper machines.
2,284,098, May 26, 1942	....do	Do.
2,289,430, July 14, 1942	Hans Graver	Hydraulic machines.
2,289,432, July 14, 1942	Franz Kammerer	Nozzle body for impulse wheels.
2,289,440, July 14, 1942	Fritz Kugel	Cooling device.

EXHIBIT C

Applications for United States patents assigned to and recorded in the name of American Voith Contact Co. and reported by that company in APC-2 File No. 2,289,440.

Application S. N. and date	Inventor	Title
123,916 (abandoned)	Hans F. Canaan	Hydraulic transmission with adjustable guide blade.
194,912, Mar. 9, 1938 (abandoned)	Dietrich Goessler	Transmission for vehicles.
213,620 (abandoned)	....do	Diesel locomotive.
247,223 (now patent No. 2,337,748), Dec. 27, 1938.	Wilhelm Gsching	Control for mechanical hydraulic gearing.
266,873 (now patent No. 2,329,915), Apr. 25, 1939.	Fritz Kugel	Hydraulic transmission.
321,701 (now patent No. 2,299,662), Mar. 13, 1940.	Wilhelm Thaler	Drying device for felts.
327,791, Apr. 2, 1940	Richard T. Lang	Stock inlet for paper machines.
332,930 May 5, 1940	Fritz Kugel et al	Turbo circuit.
341,852, July 3, 1940	Lorenz Karl et al	Turbo circuit outlet valve control.
360,251 (now patent No. 2,341,624), Feb. 15, 1944.	Hugo Kieser	Speed regulator.
368,892 (now patent No. 2,343,378), Oct. 8, 1940.	....do	Governing device for ship engines.
372,883 (now patent No. 2,313,467), Jan. 2, 1941.	Johannes Elken	Resilient coupling.
381,015 (now patent No. 2,323,003), Feb. 28, 1941.	Paul Baur	Apparatus for cutting paper sheets.
383,715, Mar. 14, 1941	Fritz Schumacher	Apparatus for liquid removal fibre material.
392,438, May 7, 1941 (dropped)	Johannes Liese	Flexible coupling.
392,549, May 7, 1941	Reinhold Frick	Paper machine press arrangement.
395,960, May 31, 1941 (abandoned)	Fritz Kugel et al	Control device for turbo transmission.

[F. R. Doc. 51-1162; Filed, Jan. 23, 1951; 8:55 a. m.]

[Vesting Order 17079]

ADOLPH RENSCH ET AL.

In re: Real property and property insurance policies owned by Adolph Rensch and others. D-28-12941.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Rensch, Martha Rensch, Anna Noriki, Bertha Ludicke, and Helen Heider, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Ottilie Mickel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, and State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof in and to any and all insurance policies which insure the improvements on the real property described in subparagraph 3-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel 1. All that certain lot or piece of ground, with the buildings and improvements thereon erected, situate on the southwesterly corner of Airdrie Street and Lawrence Street, in the Thirty-third Ward of the City of Philadelphia; known as Premises No. 430 West Airdrie Street. Containing in front or breadth on the Southerly side of said Airdrie Street Fourteen feet and extending of that width in length or depth southwardly, between lines parallel with the said Lawrence Street and along the West side thereof, Fifty-three feet to a certain Four feet wide alley, which leads Eastward into said Lawrence Street and Westward into a certain Three feet wide alley, which leads Northward into Airdrie Street aforesaid. Together with the free and common use, right, liberty and privilege of the said alleys, as and for passageways and watercourses, at all times hereafter forever.

Being the same premises which George P. Winterstine and Gertrude, his wife, by Indenture dated the Fourteenth day of May, A. D. 1940, and recorded at Philadelphia in Deed Book D. W. H., No. 968, page 565, etc., granted and conveyed to Emil Zschunke and Selma Zschunke, his wife.

Parcel 2. All that certain lot or piece of ground, with the two-story brick tenement or messuage thereon erected, situate on the Northwest corner of a certain Thirty feet wide street called Airdrie Street (said street being laid out One Hundred and Fifty-seven feet Northward from Erie Avenue and extending from Fifth Street to Lawrence Street) and Lawrence Street, in the Thirty-third Ward of the City of Philadelphia. Containing in front or breadth on said Airdrie Street Fourteen feet and extending of that width in length or depth Northward along the West side of said Lawrence Street Sixty-nine feet to a certain Four Feet wide alley, which leads Eastward into Lawrence Street aforesaid and Westward into a certain Three Feet wide alley, which leads Northward into Carey Street and Southward into Airdrie Street aforesaid. Together with the free and common use, right, liberty and privilege of the said alleys, as and for passageways and watercourses, at all times hereafter forever.

Being the same premises which Richard Murphy and Katherine, his wife, by Indenture dated the Fifteenth day of January, A. D. 1929, and recorded at Philadelphia in Deed Book J. M. H., No. 2885, page 543, etc., granted and conveyed to Emil Zschunke and Selma Zschunke, his wife.

[F. R. Doc. 51-1190; Filed, Jan. 23, 1951; 9:02 a. m.]

[Vesting Order 16756]

ROSALIE BEHRENS ET AL.

In re: Rights of Rosalie Behrens et al. under insurance contract. File No. F-28-24791-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosalie Behrens, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosalie Behrens, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 50920837, issued by The Prudential Insurance Company of America, Newark, New Jer-

sey, to Rosalie Behrens, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Rosalie Behrens or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosalie Behrens, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Rosalie Behrens, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1228; Filed, Jan. 24, 1951; 8:48 a. m.]

[Vesting Order 16758]

AUGUST BORN ET AL.

In re: Rights of August Born et al. under Insurance contract. File No. F-28-3312-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Born, Herbert Born and Helmut Born, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of August Born, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6 399 618 A, issued by the Metropolitan Life Insurance Company, New York, New York, to August Born, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Heinai Ishiyama or Kiyono Ishiyama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1230; Filed, Jan. 24, 1951; 8:48 a. m.]

[Vesting Order 16765]

GRETE KAISER

In re: Rights of Grete Kaiser under contract of insurance. File No. F-28-24324-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Grete Kaiser, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Grete Kaiser under a contract of insurance evidenced by Policy No. 1 968 333 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Isidor Kaiser, also known as James I. Kaiser, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1231; Filed, Jan. 24, 1951; 8:48 a. m.]

[Vesting Order 16767]

MASUJIRO AND YONE KANEYUKI

In re: Rights of Masujiro Kaneyuki and Yone Kaneyuki under insurance contract. File No. F-39-6764-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masujiro Kaneyuki and Yone Kaneyuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 294849, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Masujiro Kaneyuki, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Masujiro Kaneyuki or Yone Kaneyuki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1232; Filed, Jan. 24, 1951; 8:48 a. m.]

[Vesting Order 16782]

MARIE LIEKER ET AL.

In re: Rights of Marie Lieker, domiciliary personal representatives, et al. of Friederick Lieker, deceased, under annuity contracts. Files Nos. F-28-26819-H-1, 2, 3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Lieker, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Friederick Lieker, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under life annuity contracts evidenced by policies Nos. A1859, A2216 and A3133, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Friederick Lieker, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Friederick Lieker, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1234; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16778]

TADASHI KURASHITA ET AL.

In re: Rights of Tadashi Kurashita et al. under insurance contract. File No. F-39-6702-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadashi Kurashita and Raku Kurashita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 11 745 190, issued by the New York Life Insurance Company, New York, New York, to Tadashi Kurashita, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Tadashi Kurashita or Raku Kurashita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R Doc. 51-1233; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16786]

SATARO MASUDO AND KOYONO MASUDO

In re: Rights of Sataro Masudo and Koyono Masudo under insurance contract. File No. F-39-4403-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sataro Masudo and Koyono Masudo, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8911637 issued by the New York Life Insurance Company, New York, New York, to Sataro Masudo, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Sataro Masudo or Koyono Masudo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1235; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16895]

FRED POETZL

In re: Bonds and certificate owned by Fred Poetzl. F-28-30693-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Poetzl, whose last known address is Roggersdoferstr. 20 Holzkirchen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by three (3) Rosenwald & Weil (succeeded by Armitage-Hamlin Corporation, Chicago, Illinois) Gold Bonds of $100.00 face value, bearing the numbers 1078, 1079 and 1080, registered in the name of Fred Poetzl, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, and

b. All rights and interest in and under one (1) certificate of beneficial interest for six (6) shares in Medical Arts Building Realty Trust, said certificate numbered 773 and registered in the name of Fred Poetzl, and any and all rights to the proceeds of liquidation due or to become due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fred Poetzl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1237; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16898]

FRITZ SCHEPKE

In re: Stock owned by Fritz Schepke. F-28-30890.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Schepke, whose last known address is (22c) Ratheim, Bez. Aachen, Germany, Burgstr. 32, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred and twenty (120) shares of no par value common capital stock of Bethlehem Steel Corporation, a corporation organized under the laws of the State of Delaware, 20 shares of which evidenced by a part of a certificate numbered K 19210 for 100 shares; 20 shares of which evidenced by a part of a certificate numbered K 19213 for 100 shares and 80 shares of which evidenced by certificates numbered K 57447/54 for 10 shares each, registered in the name of N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgerigt Door Broes & Gosman Ten Have & Van Essen en Jarman & Zoonen, te Amsterdam, together with all declared and unpaid dividends thereon, and

b. Sixty (60) shares of no par value common capital stock of United States Steel Corporation, a corporation organized under the laws of the State of New Jersey, 20 shares of which evidenced by a part of a certificate numbered N 15811 for 100 shares; and 40 shares of which evidenced by a part of a certificate numbered Y 96637 for 100 shares, registered in the name of N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgerigt Door Broes & Gosman Ten Have & Van Essen en Jarman & Zoonen, te Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Schepke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1238; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 17012]

KOPER, LOTTMAN & CO.

In re: Bank account owned by and debt owing to Koper, Lottman & Co., also known as Koper, Lottmann & Cia. F-28-285◆C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederico Koper, Jr., whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Guillermo Lottmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Koper, Lottman & Co., also known as Koper, Lottmann & Cia., is a corporation, partnership, association, or other business organization, organized under the laws of Guatemala, whose place of business is located at Guatemala City, Guatemala, and is, or since the effective date of Executive Order 8389, as amended, has been, controlled by or a substantial part of the stock of which has been owned or controlled, directly or indirectly, by the aforesaid Frederico Koper, Jr., and the personal representatives, heirs, next of kin, legatees and distributees of Guillermo Lottmann, deceased, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation owing to Koper, Lottman & Co., also known as Koper, Lottmann & Cia., by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an inactive account, entitled "Koper, Lottmann & Cia., Guatemala, Guatemala", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Koper, Lottman & Co., also known as Koper, Lottmann & Cia., by Grace Line, Inc., 10 Hanover Square, New York, New York, arising out of a claim, entitled "San Francisco Claim No. 1674", with said Grace Line, Inc., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Koper, Lottman & Co., also known as Koper, Lottmann & Cia., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Koper, Lottman & Co., also known as Koper, Lottmann & Cia., is controlled by or acting for or on behalf of a designated enemy country (Germany), or persons within such enemy country, and is a national of a designated enemy country (Germany);

6. That to the extent that the persons identified in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1240; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16806]

ELIZABETH SCHROEDER

In re: Estate of Elizabeth Schroeder, deceased. File D-28-12924; E. T. sec. 17077.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Sprau, Gottfried Wolf, Lina Fuhrmann, Albert Wolf, Magdalena Leibrock, Philipp Dilgard, Karl (Nord) Dilgard, Magdalena Ipser, Philipp Krebs, Elisabeta Theysohn, Magdalena Doniat, Luise Fuchs, Heinrich Krebs, Emma Scheid, Karl Krebs, Friedrich Krebs, Jakob Krebs and Anna Huther, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louise Wolf, of Christian Dilgard, and of Sophie Krebs, except Katharina Custer, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Katharina Custer, a resident of the United States, in and to the estate of Elizabeth Schroeder, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Donald A. Dietsch, Administrator, acting under the judicial supervision of the Probate Court of Hancock County, State of Ohio,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Louise Wolf, of Christian Dilgard, and of Sophie Krebs, except Katharina Custer, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1236; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 16947]

MARGARETE WALZ-FIGDOR

In re: Securities and cash owned by the personal representatives, heirs, next of kin, legatees and distributees of Margarete Walz-Figdor, deceased. F-28-31123-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Margarete Walz-Figdor, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One hudred fifty (150) shares of $50.00 par value 4% non-cumulative preferred stock of the Union Pacific Railroad Company, a corporation organized under the laws of the State of Utah, evidenced by certificates numbered 7578 and 7049 for one hundred shares and for fifty (50) shares respectively, registered in the name of Hurley and Company, 55 Wall Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in a safekeeping account, entitled Albert Figdor, together

with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Albert Figdor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Margarete Walz-Figdor, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Margarete Walz-Figdor, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1239; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 17014]

ALICE LANG-AEPPLI

In re: Bank account owned by Alice Lang-Aeppli. F-28-29435.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alice Lang-Aeppli, whose last known address is Federburgstrasse 33, Ravensburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of a cash deposit account entitled "A. Sarasin & Co., Basel-identified account Q 6767 Major Emil Aeppli Stiftung", maintained with the aforesaid bank, and any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alice Lang-Aeppli, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1241; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 17015]

MAX AND MIRANDA MUELLER

In re: Bank account owned by Max Mueller and Miranda Mueller. F-28-13175-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Mueller and Miranda Mueller, each of whose last known address is Weida Thueringen, Gabelsbergerstrasse #6, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Mercantile-Commerce Bank and Trust Company, 721 Locust Street, St. Louis, Missouri, arising out of a trust account, account number 6089, entitled Mercantile-Commerce Bank & Trust Co., St. Louis, Mo., Agent for Max and Miranda Mueller, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Max Mueller and Miranda Mueller, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1242; Filed, Jan. 24, 1951; 8:49 a. m.]

[Vesting Order 17017]

CARL SCHLEMPER

In re: Debts owing to Carl Schlemper, also known as Carl Schlemper, Web-Utensilien-Fabrik. F-28-8641-A-1; A-2; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Schlemper, also known as Carl Schlemper, Web-Utensilien-Fabrik, the last known address of which is Solingen-Ohligs, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl Schlemper, also known as Carl Schlemper, Web-Utensilien-Fabrik, by Hygrolit, American Textile Engineering and Canusa Corporation, 681 Schuyler Avenue, Kearny, New Jersey, arising out of the importation of merchandise for Carsch, Inc., Brooklyn, New York, by said Hygrolit, American Textile Engineering and Canusa Corporation, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Carl Schlemper, also known as Carl Schlemper, Web-Utensilien-Fabrik by Kearny Manufacturing Company, Inc., 681 Schuyler Avenue, Kearny, New Jersey, arising out of the delivery of merchandise for Carsch, Inc., Brooklyn, New York, by said Kearny Manufacturing Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Carl Schlemper, also known as Carl Schlemper, Web-Utensilien-Fabrik by J. J. Krehbiel Company, Inc., 381 Fourth Avenue, New York, New York, arising by reason of the receipt by said J. J. Krehbiel of machinery parts and freight adjustments, evidenced on the records of said J. J. Krehbiel Company, Inc., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1243; Filed, Jan. 24, 1951; 8:49 a. m.]

LOUIS FAIVELEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Faiveley, Saint-Quen, France; Claim No. 15308; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,142,438.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1244; Filed, Jan. 24, 1951; 8:50 a. m.]

SANTIAGO FAGLIANO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Santiago Fagliano, Carrega Ligure, Italy; Rosa Gamba, Carrega Ligure, Italy; Maria Francesca Gamba, Carrega Ligure, Italy; Nicola Gamba, Carrega Ligure, Italy; Claim No. 42157; $3,557.77 in the Treasury of the United States to Santiago Fagliano; $2,371.84 in the Treasury of the United States in equal shares to Rosa Gamba and Maria Francesca Gamba; $1,185.93 in the Treasury of the United States to Nicola Gamba, Rosa Gamba and Maria Francesca Gamba, with Nicola Gamba having a life interest therein and Rosa Gamba and Maria Francesca Gamba being entitled to the remainder thereof in equal shares.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1245; Filed, Jan. 24, 1951; 8:50 a. m.]

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FEDERAL REGISTER

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Washington, Friday, January 26, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10207

ESTABLISHING THE PRESIDENT'S COMMISSION ON INTERNAL SECURITY AND INDIVIDUAL RIGHTS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. There is hereby established in the Executive Office of the President a commission to be known as the President's Commission on Internal Security and Individual Rights, which shall be composed of a Chairman, a Vice Chairman, and seven other members, all of whom shall be designated by the President.

2. (a) The Commission shall make a thorough study of the problem of providing for the internal security of the United States and at the same time protecting the rights and freedoms of individuals. The Commission shall consider how this problem should be met by Government action and by private action. Among other things, the Commission shall examine the laws, practices, and procedures concerning protection against treason, sabotage, espionage, and other matters affecting the internal security of the Nation; and the Commission shall consider the operation of and any need for changes in such laws, practices, and procedures. The subjects considered by the Commission shall include the Government employee loyalty program and the Government employee security program. The Commission shall also consider the need for protecting individuals from unwarranted attacks and from unwarranted infringement of their rights and liberties in the name of security.

(b) The Commission shall make a report to the President of its findings and conclusions (to be preceded by such interim reports as it may find desirable), and shall make such recommendations for legislative, administrative, or other action as it deems appropriate.

3. In carrying out its functions under this order, the Commission shall prescribe its own rules of procedure. The Commission may hold such public hearings and hear such witnesses as it may determine, and it may, in connection with matters relating to Federal employees, examine any and all records and files relating to individual cases in possession of any executive department or agency. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information and assistance, not inconsistent with law, as it may require in the performance of its functions. The Commission shall take appropriate measures to protect the security or confidential character of any security-classified information or information of a confidential nature submitted to it or examined by it.

4. The expenditures of the Commission shall be paid out of an allotment made by the President from the appropriation "Executive Office of the President—Emergencies (National Defense)". Such payments shall be made without regard to the provisions of (a) section 3681 of the Revised Statutes of the United States (31 U. S. C. 672), (b) section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673), and (c) such other laws as the President may hereafter specify.

5. Thirty days after the presentation of its final report to the President, the Commission shall cease to exist unless the President shall otherwise direct.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 23, 1951.

[F. R. Doc. 51-1298; Filed, Jan. 24, 1951; 3:17 p. m.]

EXECUTIVE ORDER 10208

PROVIDING FOR THE ADMINISTRATION OF THE YUGOSLAV EMERGENCY RELIEF ASSISTANCE ACT OF 1950

By virtue of the authority vested in me by the Constitution and the statutes, including the Yugoslav Emergency Relief Assistance Act of 1950, approved December 29, 1950 (Public Law 897, 81st Congress), and the act of August 8, 1950 (Public Law 673, 81st Congress), and as President of the United States, it is hereby ordered as follows:

(Continued on p. 711)

CONTENTS

THE PRESIDENT

Executive Orders — Page

President's Commission on Internal Security and Individual Rights, establishment 709

Yugoslav Emergency Relief Assistance Act of 1950, administration 709

EXECUTIVE AGENCIES

Agriculture Department

See Comodity Credit Corporation; Production and Marketing Administration; Rural Electrification Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Aoki, Tokumon and Hisako Kuriyama 750

Berz-Schmitz, Franz, et al 755

Cederholm, Metta, et al 755

Copyrights of certain German nationals (2 documents) 748, 750

Ernst, Joseph (W) 756

Fujii, Yoshitoshi, et al 754

German and Japanese nationals and governments 753

Hartman, John 751

Heise, Marie 756

Horn, Carl Georg and Anna Maria Elizabeth 756

Irmischer, Max A. W., et al 757

Knoll, Rudolph 757

Liebgott, Sophia 745

Loeper, Hermann and Mrs. Emmi 751

Matsumoto, Yonekichi 745

Morita, Karo Saki and Noriaki 746

Moritz, Anna 746

Niimi, Kanco 751

Olson, Anna, et al 747

Pruhsmeyer, August 747

Rothkehl, Theodor 746

Sanchez, Valentine, et al 747

Satow, Gensaburo and Sentaro 743

Satow, Teruko 748

Schechtzabel, Anna Helene Marcus, and Louise Emilie Baldus 743

Schenck, Carl A., et al 758

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Schnellback, Wolfgang 758
Simmering, Mrs. Anna 749
Tanaka, Frank and Yoshitaro 758
Tokunga, S 753
Truck, Georg, et al 755
Veith, Johannes, et al 759

Civil Aeronautics Administration
Rules and regulations:
Air traffic rules; danger area alterations 713

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
Richardson, J. R., and J. W. Kiewel; hearing 738
Rules and regulations:
Rotorcraft airworthiness; correction 713

Coast Guard
Commandant and Commissioner of Customs; delegation of waiver authority with respect to navigation and vessel inspection laws (*see* Treasury Department).

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Grains and related commodities, 1950-crop loan and purchase agreement program:
Barley 711
Flaxseed 712
Grain sorghums 712
Oats 712
Rye 713
Soybean 712
Wheat 713

Community Facilities Service
Commissioner; delegation of authority with respect to housing for educational facilities (*see* Housing and Home Finance Agency).

Customs Bureau
Commandant, U. S. Coast Guard and Commissioner; delegation of waiver authority with respect to navigation and vessel inspection laws (*see* Treasury Department).

Defense Production Administration
Notices:
Delegation of authority to certain officers and agencies 738

Economic Stabilization Agency
Notices:
Functions to be performed:
Price stabilization, Director of Price Stabilization 738
Wage stabilization, Wage Stabilization Board 739
General Counsel functions 739
Rules and regulations:
Cattlehides, kips and calfskins 727

Federal Communications Commission Page
Notices:
American Telephone and Telegraph Co. and Associated Companies of the Bell System; rates and charges for interstate and foreign communication services 740
Rules and regulations:
Practice and procedure; application for nonscheduled aircraft radio station license 715

Federal Power Commission
Notices:
Hearings, etc.:
Delaware Power & Light Co 739
Philadelphia Electric Co 739

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Notices:
Monroe Sales Co.; hearing 740

Fish and Wildlife Service
Rules and regulations:
Piedmont National Wildlife Refuge, Ga.; quail hunting 716

Food and Drug Administration
Proposed rule making:
Milk and cream; definitions and standards of identity 731
Rules and regulations:
Antibiotic and antibiotic-containing drugs:
Certification of batches 714
Tests and methods of assay 714

Housing and Home Finance Agency
Notices:
Commissioner of Community Facilities; delegation of authority with respect to housing for educational facilities 741

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of; Reclamation Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Alloys, ferro, from Emco, Ala., to Litchfield, Ill 741
Cans, sheet iron or steel, to Baytown and Houston, Texas 742
Fabric, tire, from the south to official territory 741
Molasses, blackstrap, from Texas to Kansas and Oklahoma 742
Petroleum products from Cheyenne, Wyo., to Sterling, Colo 741
Pulpboard and strawboard from Detroit, Mich., to southern territory 742

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
California; opening lands to mineral location, entry and patenting 731

CONTINUED

National Production Authority Page
Notices:
Confirmation of delegations 738
Rules and regulations:
Aluminum scrap, distribution 719
Chemicals:
Chlorine 726
Limitation for DO rated orders 725
Iron and steel 716
Nickel 721

Production and Marketing Administration
Proposed rule making:
Market agencies at Union Stock Yards, Ogden, Utah; petition for modification of rates 729
Milk handling in South Bend-La Porte, Ind 730
Time extensions, U. S. standards for sugarcane:
Molasses, cdible 729
Sirup 729

Reclamation Bureau
Notices:
Redelegations of authority; execution of contracts involving sale of electric power and energy 732

Rural Electrification Administration
Notices:
Allocation of funds for loans 732
Loan allocations:
Alabama 733
Arizona 735
Arkansas (2 documents) 734, 736
California 733
Florida (2 documents) 734
Illinois 734
Indiana (3 documents) 735
Iowa (2 documents) 734
Kansas (3 documents) 732, 735
Kentucky (4 documents) 733, 735
Maryland 735
Minnesota (3 documents) 732, 735, 737
Missouri (3 documents) 734, 737
Montana 737
Nebraska 733
New Mexico (3 documents) 733, 736, 737

Rural Electrification Administration—Continued Page
Notices—Continued
Loan allocations—Continued
North Carolina (2 documents) 736
North Dakota 736
Ohio (2 documents) 734, 736
Oregon (3 documents) 733, 736, 738
South Carolina (2 documents) 733, 734
South Dakota (4 documents) 732, 734, 737
Tennessee (3 documents) 733, 737
Texas (4 documents) 733, 734, 737
Vermont 736
Virginia (2 documents) 736
Wisconsin (2 documents) 733, 736

Securities and Exchange Commission
Notices:
Hearings, etc.:
Barnes, George Warren, III 743
Fauble, Arthur L 744
Hix, Mrs. Jack H 743
Ruse, Wayne D 742
Sioux City Gas and Electric Co., et al 744

Treasury Department
Notices:
Commandant, U. S. Coast Guard and Commissioner of Customs; delegation of waiver authority with respect to navigation and vessel inspection laws 731

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10207 709
10208 709

Title 6
Chapter IV:
Part 601 (7 documents) 711–713

Title 7
Chapter I:
Part 44 (proposed) (2 documents) 729
Chapter IX:
Part 967 (proposed) 730

Title 14
Chapter I:
Part 6 713
Part 60 713

Title 21
Chapter I:
Part 18 (proposed) 731
Part 141 714
Part 146 714

Title 32A
Chapter I:
Part 20 716
Part 26 719
Part 32 721
Part 37 (2 documents) 725, 726
Chapter II:
Part 313 727

Title 47
Chapter I:
Part 1 715

Title 50
Chapter I:
Part 34 716

1. The Secretary of State is authorized and directed to perform the functions and exercise the powers and authority vested in the President by the Yugoslav Emergency Relief Assistance Act of 1950.

2. Of the funds heretofore appropriated to carry out the Economic Cooperation Act of 1948 (62 Stat. 137), as amended, $37,800,000 are withdrawn from the Economic Cooperation Administration and are transferred to the Department of Agriculture to be administered under the said Yugoslav Emergency Relief Assistance Act of 1950 as directed by the Secretary of State.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 25, 1951.

[F. R. Doc. 51-1446; Filed, Jan. 25, 1951; 10:55 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4669 and 16 F. R. 63 and containing the requirements for the 1950-crop Barley Price Support Program are hereby amended as follows:

Under § 601.58 *Support rates*, paragraph (a) *Support rates at designated terminal markets*, the following terminal and rate therefor is added:

Terminal market:	*Rate per bushel for No. 1*
Oakland, Calif.	$1.39

Under § 601.58 *Support rates*, paragraph (c) *County support rates for No. 1 barley*, the following support rates are added:

1. To the schedule of rates for counties in Ohio add the following:

County:	*Rate per bushel for No. 1*
Seneca	$1.21

2. To the schedule of rates for counties in Texas add the following:

County:	*Rate per bushel for No. 1*
Wilbarger	$1.10

3. To the schedule of rates for counties in Washington add the following:

County:	*Rate per bushel for No. 1*
Adams	$1.14

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1316; Filed, Jan. 25, 1951; 8:47 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Flaxseed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 3180 and 16 F. R. 64, and containing the requirements for the 1950-crop Flaxseed Price Support Program are hereby amended as follows:

Under § 601.208 *Support rates*, paragraph (c) *County support rates for No. 1 flaxseed*, the following support rates are added:

1. To the schedule of rates for counties in Idaho add the following:

County:	*Rate per bushel for No. 1*
Boundary	$2.46

2. To the schedule of rates for counties in Oklahoma add the following:

County:	*Rate per bushel for No. 1*
Canadian	$2.31

3. To the schedule of rates for counties in Wyoming add the following:

County:	*Rate per bushel for No. 1*
Washakie	$2.19

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1318; Filed, Jan. 25, 1951; 8:47 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4617 and 16 F. R. 65 and containing the requirements for the 1950-crop Grain Sorghums Price Support Program are hereby amended as follows:

Under § 601.258 *Support rates*, paragraph (c) *County support rates*, the following support rates are added:

1. A support rate for Harrison County, Iowa, is hereby established at $2.08 per 100 pounds for U. S. No. 2 or better.

2. A support rate for Cottonwood County, Minnesota, is hereby established at $1.95 per 100 pounds for U. S. No. 2 or better.

3. The support rate for Lea County, New Mexico, is hereby changed from $1.74 per 100 pounds to $1.77 per 100 pounds.

4. Support rates for all counties in North Carolina are hereby established at $2.09 per 100 pounds for U. S. No. 2 or better.

5. Support rates are established for the following counties in North Dakota:

County:	*Rate per 100 pounds for U. S. No. 2 or better*
Dickey	$1.80
LaMoure	1.77
Ransom	1.81
Richland	1.84
Sargent	1.82

6. Support rates for all counties in South Carolina are hereby established at $2.09 per 100 pounds for U. S. No. 2 or better.

7. To the schedule of rates for counties in South Dakota add the following:

County:	*Rate per 100 pounds for U. S. No. 2 or better*
Bon Homme	$1.98
Faulk	1.85
Grant	1.88
Lake	1.97
McCook	1.98
Miner	1.96
Stanley	1.84
Yankton	2.00

8. Support rates for all counties in Tennessee are hereby established at $2.04 per 100 pounds for U. S. No. 2 or better.

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1315; Filed, Jan. 25, 1951; 8:47 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4621 and 16 F. R. 65 and containing the requirements for the 1950-Crop Oats Price Support Program are hereby amended as follows:

Under § 601.308 *Support rates*, paragraph (a) *County support rates for oats grading No. 3 or better*, the following additions in support rates should be made:

1. To the schedule of rates for counties in Texas add the following:

County:	*Rate per bushel for No. 3 or better*
Pecos	$0.77
Reeves	.77

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat., 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1317; Filed, Jan. 25, 1951; 8:47 a. m.]

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 6625 and 16 F. R. 65 and containing the requirements for the 1950-Crop Soybean Price Support Program are hereby amended as follows:

Under § 601.508 *Support rates*, paragraph (a) *County support rates for No. 2 or better*, the support rate for Hand county, South Dakota, should be established at $2.00 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1319; Filed, Jan. 25, 1951; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 6—ROTORCRAFT AIRWORTHINESS

Correction

Paragraph 1 of the correction (16 F. R. 545) to Federal Register Document 50-11710 (15 F. R. 8905), should read:

1. In § 6.1 (b) (3) the last sentence should read: "The propulsion is independent of the rotor system and usually consists of conventional propellers."

[Supp. 7, Amdt. 64]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. A Milford, Delaware, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MILFORD (Washington Chart).	A circular area with a 3 mile radius, centered at lat. 38°54'00" N, long. 75°30'00" W.	Surface to 20,000 feet.	Daylight hours only (when ceiling is at least 3,000 feet and visibility is 3 miles or better).	ComNab, 4th Naval District, Atlantic City NAS, N. J.

2. The Camp Atterbury, Indiana, area, published on April 21, 1949, in 14 F. R. 1913, and amended on May 26, 1950, in 15 F. R. 3180, and on June 27, 1950, in 15 F. R. 4112, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP ATTERBURY (Cincinnati Chart).	N boundary: lat. 39°31'30" N; long. 86°12'00" W; E boundary: lat. 39°30'00" N; S boundary: lat. 39°13'00" N; W boundary: long. 86°06'00" W.	Surface to unlimited.	Continuous...	24 Army, Camp Atterbury, Ind.

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4869, 4938 and 16 F. R. 66, and containing the requirements for the 1950-crop Wheat Price Support Program are hereby amended as follows:

Under § 601.578 *Support rates*, paragraph (c) *County support rates*, the following support rates are added:

1. To the schedule of rates for counties in Indiana add the following:

County:	*Rate per bushel*
Switzerland	$2.14

2. The support rate for Ionia County, Michigan, should be changed from $2.05 per bushel to $2.06 per bushel.

3. The rate of $2.15 for all counties in New York should be deleted and the following substituted in lieu thereof:

County:	*Rate per bushel*
Albany	$2.20
Allegany	2.20
Broome	2.20
Cattaraugus	2.18
Cayuga	2.21
Chautauqua	2.15
Chemung	2.21
Chenango	2.21
Columbia	2.22
Cortland	2.20
Delaware	2.17
Dutchess	2.20
Erie	2.18
Essex	2.15
Fulton	2.21
Genesee	2.21
Greene	2.22
Herkimer	2.22
Jefferson	2.17
Lewis	2.17
Livingston	2.21
Madison	2.21
Monroe	2.21
Montgomery	2.24
Nassau	2.15
Niagara	2.20
Oneida	2.19
Onondaga	2.20
Ontario	2.20
Orange	2.18
Orleans	2.20
Oswego	2.21
Otsego	2.20
Putnam	2.18
Rensselaer	2.22
Rockland	2.17
Saratoga	2.22
Schenectady	2.26
Schoharie	2.22
Schuyler	2.18
Seneca	2.21
Steuben	2.20
Suffolk	2.15
Sullivan	2.17
Tioga	2.21
Tompkins	2.21
Ulster	2.19
Warren	2.18
Washington	2.21
Wayne	2.21
Westchester	2.17
Wyoming	2.20
Yates	2.20

4. The support rate for Harper County, Oklahoma, should be changed from $1.95 per bushel to $1.96 per bushel.

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 15 F. R. 4626 and 16 F. R. 66 and containing the requirements for the 1950-Crop Rye Price Support Program are hereby amended as follows:

Under § 601.608 *Support rates*, paragraph (c) *County support rates*, the following support rates are added:

1. To the schedule of rates for counties in Kansas add the following:

County:	*Rate per bushel for No. 2 or better*
Greenwood	$1.29

2. Under the schedule of rates for counties in Ohio add the following:

County:	*Rate per bushel for No. 2 or better*
Licking	$1.33
Pickaway	1.32

3. The support rate for Armstrong County, Texas, should be changed from $1.11 per bushel to $1.20 per bushel.

4. To the schedule of rates for counties in Washington add the following:

County:	*Rate per bushel for No. 2 or better*
Adams	$1.27
Asotin	1.28
Kittitas	1.32
Klickitat	1.39
Whitman	1.27

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1320; Filed, Jan. 25, 1951; 8:48 a. m.]

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5. To the schedule of rates for the counties in South Dakota add the following:

County:	*Rate per bushel*
Stanley	$1.90

6. To the schedule of rates for counties in Texas add the following:

County:	*Rate per bushel for No. 2 or better*
Oldham	$1.95

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 23d day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-1321; Filed, Jan. 25, 1951; 8:48 a. m.]

3. A Devils Lake, North Dakota, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEVILS LAKE (Minot and Fargo Charts).	N boundary: lat. 48°09'00" N; S boundary: lat. 47°58'45" N; E boundary: long. 98°55'20" W; W boundary: long. 99°07'20" W.	Surface to unlimited.	Continuous Jan. 28, 1951, through Mar. 15, 1951.	Climatic Test Detachment, Devils Lake, N. Dak.

4. An Olympic Peninsula, Washington, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
OLYMPIC PENINSULA (Seattle Chart).	N boundary: lat. 48°00'00" N; E boundary: long. 123°15'00" W; S boundary: lat. 46°15'00" N; W boundary: Continental coastline.	15,000 feet m. s. l. to 35,000 feet m. s. l.	Continuous...	325th Fighter, All-weather Wing, McChord AFB, Wash.

5. The Camp McCoy, Wisconsin, area, published on April 21, 1949, in 14 F. R. 1913, is amended by changing the "Designated Altitudes" column to read: "Surface to unlimited".[1]

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpreta or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on January 28, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1249; Filed, Jan. 25, 1951; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.407 *Bacitracin-tyrothricin ointment.* Proceed as directed in § 141.402. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram it is represented to contain.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2. a. The headnote of § 146.30 and the first and third sentences of paragraph (a) are amended to read:

§ 146.30 *Penicillin troches*—(a) *Standards of identity, strength, quality, and purity.* Penicillin troches are troches composed of sodium penicillin, calcium penicillin, potassium penicillin, procaine penicillin, or crystalline penicillin O and one or more suitable or harmless diluents, binders, and lubricants, with or without one or more suitable and harmless local anesthetics, chemical antimicrobial agents, masticatory substances, colorings, and flavorings. • • • The sodium penicillin, calcium penicillin, crystalline penicillin O, or potassium penicillin used conforms to the requirements of § 146.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), and (4) of § 146.24 (a), but the potency is not less than 300 units per milligram. • • •

b. Section 146.30 (c) (1) (ii) and (iii) are amended to read:

(c) *Labeling.*
(1) • • •
(i) • • •

(ii) The number of units of penicillin, and if it contains a local anesthetic or a chemical antimocrobial agent the quantity of each in each troche of the batch; and

(iii) The statement "Expiration date ----------," the blank being filled in, if crystalline penicillin, procaine penicillin, or crystalline penicillin O is used, with the date which is 12 months after the month during which the batch was certified, except if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months at room temperature such drug as being prepared by him complies with the standards prescribed by paragraph (a) of this section, the blank shall be filled in with the date which is 18 months, or if crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used, with the date which is 9 months after the month during which the batch was certified.

c. Section 146.30 (c) (2) (i) is amended to read:

(i) If crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used, the statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

d. Section 146.30 (c) (3) is amended to read:

(3) On the label and labeling, wherever the name penicillin troches appears:
(i) Immediately preceding such name, if a masticatory substance is present, the word "chewing" or "masticatory"; and
(ii) Immediately following such name, if a local anesthetic and/or a chemical antimicrobial agent are present, the words "with ----------," the blank being filled in with the common or usual name of each such other ingredient present.

e. Section 146.30 (d) (2) (ii) is amended to read:

(d) *Request for certification; samples.*
• • •
(2) • • •
(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium penicillin, potassium penicillin, or crystalline penicillin O; the penicillin G content if it is crystalline sodium penicillin G, potassium penicillin G, or crystalline penicillin O; the procaine penicillin G content if it is crystalline procaine penicillin G, and the penicillin O content if it is crystalline penicillin O.

3. Section 146.40 (a), third sentence, is amended to read:

§ 146.40 *Penicillin bougies* • • •.—(a) *Standards of identity, strength, quality, and purity.* • • • Its moisture content is not more than 1.0 percent, except if it contains procaine penicillin, its moisture content is not more than 2.0 percent. • • •

4. Section 146.47 (c) (2) is amended to read:

§ 146.47 *Procaine penicillin for aqueous injection.* • • •
(c) *Labeling.* • • •
(2) On the outside wrapper or container, if it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)."

5. a. In § 146.57 *Procaine penicillin and streptomycin in oil* • • • paragraph (a) *Standards of identity, etc.* is amended by renumbering subparagraphs (2) and (3) as (3) and (4), respectively, and by inserting the following new subparagraph between subparagraph (1) and renumbered subparagraph (3):

(2) It may contain one or more suitable sulfonamides, each of which, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In § 146.57 (a) renumbered subparagraph (3) is amended to read:

(3) In lieu of the directions prescribed for procaine penicillin in oil by § 146.45 (c) (1) (ii) and (iv) each package shall bear on the outside wrapper or container and on the immediate container the number of units of penicillin per milliliter, the number of milligrams of streptomycin or dihydrostreptomycin per milliliter, if it contains one or more sulfonamides the quantity of each, the statement "For udder instillations of cattle only," and if it is a multiple-dose container, "Shake well." Each package shall also bear on its label and labeling, if sulfonamides are present, after the name "Procaine penicillin and streptomycin in oil," or "Procaine penicillin and dihydrostreptomycin in oil," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

6. Section 146.101 (a) (1) is amended by changing the figure "300" to read "650".

7. Section 146.103 (a) (1) is amended by changing the figure "600" to read "650".

8. In § 146.402 (a), the first three sentences are amended to read:

§ 146.402 *Bacitracin ointment*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment is bacitracin in a suitable and harmless ointment base or it is powder composed of bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives, which, upon the addition of the quantity of water recommended in its labeling, produces an ointment. Its potency is not less than 500 units per gram. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. • • •

b. In § 146.402 (b), the first two sentences are amended to read:

(b) *Packaging.* If it is bacitracin in an ointment base it shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and which shall not be larger than the 2-ounce size, except if it is labeled solely for hospital use; but in no case shall such ointment be packaged in containers other than collapsible tubes if it is labeled for ophthalmic use, and such tubes shall not be larger than the ⅛-ounce size. If it is a powder, it shall be packaged in immediate containers of glass which meet the tests for tight containers as defined by the U. S. P. • • •

c. Section 146.402 (c) (1) (ii) is amended to read:

(c) *Labeling.* (1) • • •
(ii) The number of units per gram of the batch, or if it is a powder, the number of units per gram after the addition of the quantity of water recommended in its labeling;

d. Section 146.402 (c) (1) is amended by changing the period at the end of subdivision (iii) to "; and", and by adding the following new subdivision:

(iv) If it is a powder, the statement "After the addition of water the ointment may be stored in refrigerator for 1 week without significant loss of potency."

9. Part 146 is amended by adding the following new section:

§ 146.407 *Bacitracin-tyrothricin ointment.* (a) Bacitracin-tyrothricin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except:

(1) It contains not less than 0.5 milligram of tyrothricin per gram of ointment.

(2) In lieu of the directions prescribed for bacitracin ointment by § 146.402 (c) (1) (ii), each package shall bear on the outside wrapper or container and on the immediate container the number of units of bacitracin and the number of milligrams of tyrothricin in each gram of the batch.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Those parts of this order which provide for the addition of one or more suitable and harmless chemical antimicrobial agents to penicillin troches, for the certification of crystalline penicillin O troches, for a change in the moisture limitation for procaine penicillin bougies from 1 percent to 2 percent, for the optional use of one or more suitable sulfonamides as an ingredient in procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, for a change in the minimum potency for streptomycin from 300 micrograms per milligram to 650 micrograms per milligram, for a change in the minimum potency for dihydrostreptomycin from 600 micrograms per milligram to 650 micrograms per milligram, for certification of a new form of bacitracin ointment, and for certification of bacitracin-tyrothricin ointment, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

That part of this order which provides for a modification of the storage statement required to appear on the containers of aqueous suspensions of procaine penicillin shall become effective 120 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the interested members of the affected industries and since it would be against public interest to delay providing for the addition of one or more suitable and harmless chemical antimicrobial agents to penicillin troches, for the certification of crystalline penicillin O troches, for a change in the moisture limitation for procaine penicillin bougies from 1 percent to 2 percent, for the optional use of one or more suitable sulfonamides as an ingredient in procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, for a change in the minimum potency for streptomycin from 300 micrograms per milligram to 650 micrograms per milligram, for a change in the minimum potency for dihydrostreptomycin from 600 micrograms per milligram to 650 micrograms per milligram, for certification of a new form of bacitracin ointment, and for certification of bacitracin-tyrothricin ointment.

Dated: January 19, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-1256; Filed, Jan. 25, 1951; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of revision of FCC Form 404–A. Application for Non-Scheduled Aircraft Radio Station License, and the amendment of Part 1 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission having under consideration the revision of F. C. C. Form 404–A, Application for Non-Scheduled Aircraft Radio Station License, and the amendment of "Table showing Forms Currently in Effect and Where They Are Referred to in Part 1 of the Rules and Regulations" and §§ 1.318 (b) (4), 1.319 (b) (5), and 1.320 (c) (7) of the Commission's Rules; and

It appearing, that certain editorial changes have been made for the purpose of clarification and the deletion of certain other questions the answers to which are no longer required by the Commission; and

It further appearing, that processing of applications will be expedited by combining the application (FCC Form 404–A) and authorization (FCC Form 453–A) both of which will be completed by the applicant and upon approval by the Commission the authorization portion will be authenticated and returned to the applicant as his official station license; and

It further appearing, that the nature of the revision of the form is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act; and

It further appearing, that authority to make the changes in the form is contained in sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended:

It is ordered, That, effective immediately, FCC Form 404–A, Application for Non-Scheduled Aircraft Radio Station License, is revised as set forth in the attachment hereto[1]; and

It is further ordered, That, effective immediately, Part 1 of the Commission's rules is amended as set forth below:

1. Amend "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations" as follows:

Change "404–A -------- 1.320 (c) (8)" to read "404–A -------- 1.320 (c) (7)."

2. Delete present language of § 1.318 (b) (4) and substitute:

(4) FCC Form 404–A, "Application For Private Aircraft Radio Station License".

3. Delete present language of § 1.319 (b) (5) and substitute:

(5) FCC Form 404–A, "Application For Private Aircraft Radio Station License".

[1] Filed as part of the original document.

4. Delete present language of § 1.320 (c) (7) and substitute:

(7) FCC Form 404-A, "Application For Private Aircraft Radio Station License".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 308, 48 Stat. 1084, sec. 303, 50 Stat. 191; 47 U. S. C. 308, 303)

Released: January 17, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1272; Filed, Jan. 25, 1951; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 34—SOUTHEASTERN REGION

SUBPART—PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA

QUAIL HUNTING

Basis and purpose. It has been determined from observation and reports that there are seasonal surpluses of quail on the Piedmont National Wildlife Refuge that can best be utilized through public hunting and that the regulations heretofore in effect have been unnecessarily restrictive for the conducting of such public hunts.

Inasmuch as the following regulations are relaxations of the present restrictions governing hunting on the Piedmont National Wildlife Refuge, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

1. Effective immediately upon publication in the FEDERAL REGISTER, §§ 34.131 and 34.132 are hereby revised to read as follows:

§ 34.131 *Quail hunting permitted.* Until further notice the controlled public hunting of quail is permitted in accordance with State laws and regulation at such time and under such restrictions as are determined annually by the officer in charge of the Piedmont National Wildlife Refuge to be in accord with the proper management of wildlife on the Refuge, subject to the provisions of Parts 18 and 21 of this chapter and §§ 34.132 to 34.139, inclusive.

§ 34.132 *Areas open to hunting.* Such areas of the Piedmont National Wildlife Refuge as are determined by annual inventory by the officer in charge of the Refuge to have a surplus population of quail may be opened by such officer in charge by suitably posting such areas.

2. Effective immediately upon publication in the FEDERAL REGISTER, §§ 34.134 to 34.136, inclusive, are deleted and in lieu thereof the following sections are added:

§ 34.134 *Hunting licenses.* Any person who hunts within the Refuge shall be in possession of a valid State hunting license, if such license is required, and when requested to do so shall exhibit it to any State or Federal officer authorized to enforce the game laws of Georgia or of the United States. Upon request of any such officer, the licensee must also exhibit for inspection all game killed by him or in his possession.

§ 34.135 *Special hunting permits.* Each person hunting on the Refuge shall first have received a permit from the officer in charge of the Refuge specifying the area and period in which the hunting may be conducted, and such other conditions as such officer may require for properly regulating the hunt.

§ 34.136 *Dogs.* Each person hunting for quail on the public shooting grounds will be permitted to take his dogs, not to exceed two in number, upon the Refuge, but such dogs will not be permitted to roam uncontrolled on the public shooting grounds or elsewhere on the Refuge.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: January 19, 1951.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 51-1264; Filed, Jan. 25, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—National Production Authority, Department of Commerce

[NPA Order M-1, as Amended January 22, 1951]

PART 20—IRON AND STEEL

This amendment to Order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-1 as amended December 1, 1950, as follows:

(a) It amends §§ 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 20.10, 20.11, 20.16; it adds §§ 20.12, 20.13. It renumbers the sections where necessary. As amended, this part (M-1) is revised to read as follows:

Sec.

20.1 What this part does.
20.2 Forms of iron and steel products to which this part applies.
20.3 Required shipment dates.
20.4 Rejection of rated orders (lead time).
20.5 Product limitation for acceptance of rated orders.
20.6 Conditions for acceptance of rated orders.
20.7 Changes in lead time.
20.8 Allotments for further conversion.
20.9 Extension of ratings for further conversion of steel products.
20.10 NPA assistance in placing rated orders.
20.11 Scheduled programs.
20.12 Minimum orders.
20.13 Inventories.
20.14 Application for adjustment or exception.
20.15 Communications.
20.16 Reports.
20.17 Records.
20.18 Audits and inspection.
20.19 Violations.

AUTHORITY: §§ 20.1 to 20.19 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 20.1 *What this part does.* This part applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment, and maximum inventories. It supplements NPA Regulations 1 and 2 (Parts 10 and 11 of this chapter), but only those provisions of Regulations 1 and 2 which are inconsistent with this part are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

§ 20.2 *Forms of iron and steel products to which this part applies.* The iron and steel products to which this part applies are set out in Table I at the end of this part. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This part also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

§ 20.3 *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Column A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

§ 20.4 *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Column A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Column B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

§ 20.5 *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Column C of Table I, of his average monthly shipments of the products listed in said column, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

§ 20.6 *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of Part 11 of this chapter (NPA Regulation 2), each iron or steel producer shall be required to accept rated orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Column A of Table I up to the amount of the percentages listed in Column C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Column C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of Part 11 of this chapter (NPA Regulation 2), unless otherwise specifically directed by the National Production Authority.

§ 20.7 *Changes in lead time* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this part as originally issued or as subsequently amended, and a longer lead time as established by § 20.4, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Column C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Column C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Column C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March, 1951, and should continue at that new figure thereafter.

§ 20.8 *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in Column A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment of his production of each steel mill product that remains after shipments on DO ratings and NPA Directives to each of his converter customers. Such monthly allotment shall be at least equal to that percentage of his available production so remaining, as the producer supplier's shipments to each converter customer bore to his total shipments, during the base period, from January 1, 1950, through September 30, 1950. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in Column B of Table I. Shipments under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter involved, to provide for any abnormal situations which affect any steel products.

§ 20.9 *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

§ 20.10 *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by §§ 20.5 and 20.6 should apply to the NPA, Iron and Steel Division, Reference Order M-1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

§ 20.11 *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this part will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

§ 20.12 *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this part. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this part have been met, orders for such minimum quantities shall be accepted.

§ 20.13 *Inventories.* In addition to the provisions of Part 10 of this chapter (NPA Reg. 1), relating to Inventory Control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this part during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

§ 20.14 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 20.15 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-1.

§ 20.16 *Reports.* Persons subject to this part shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77 Cong., 5 U. S. C. 139–139F). All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. In accordance with this section all steel producers are required to report on "NPAF–13—Steel Producers Report of Orders Accepted for DO ratings and programs" the orders accepted bearing DO ratings and orders resulting from programs made effective by NPA directives; and on "NPAF–17—Steel Producers' Monthly Report of Shipments and Past Due Orders" the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

§ 20.17 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 20.18 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

§ 20.19 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This part as amended shall take effect on January 22, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS PART APPLIES

Column A	Column B: Lead times (days)			Column C: Product limitation: required acceptance (percentage)		
Name of product	Carbon (including low alloy high strength)	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
Steel mill products:						
Ingots	45	45	45	5	25	[1] 25
Billets, projectile and shell quality	45		45	[1]		
Blooms, slabs, billets, (except projectile and shell quality) tube rounds, sheet bars, etc.	45	45	45	[2] 5	[2] 25	[2] 35
Skelp	45			5		25
Wire rods	45	60	45	10		
Structural shapes (heavy)	45	[3] 120	60	20		
Steel piling	45			15		
Plates:			[1]			[1]
Rolled armor	45	60	45	[4] 15	25	[4] 15
Other			60	10		
Rails:	45		60	10		
Standard (over 60 pounds)	45		60	10		
All other	45		60	10		
Joint bars	45		60	10		
Tie plates	45		60			
Track spikes	45		60			
Wheels (rolled and forged)	45					
Axles						
Bars:						
Hot rolled, projectile and shell quality (includes projectile components such as fuzes, adapters and base plugs, etc.)	45		45	[1] 10	25	[1] 35
Hot rolled, other (including light shapes)	[5]	60	[5]	15	25	25
Reinforcing	45		[1]	15		
Cold finished	[7]	75	[7]		25	
Tool steel	[8]		[8]	5		
Standard pipe	45	90				
Oil-country goods	45			5		
Line pipe	45			10	25	35
Mechanical tubing	[5]	90	90	10	25	25
Pressure tubing	[7]	90	90			
Wire:	[8]					
Drawn	45	75	60	[10]	25	25
Nails and staples	45			5		
Barbed and twisted	45			5		
Woven wire fence	45			5		
Bale ties	45			5		
Tin mill black plate	45			6		
Tin- and terne-plate, hot dipped	45			5		
Tin plate, electrolytic				5		
Sheets:	45	60	45	12	25	5
Hot rolled	45	75	60	12	25	5
Cold rolled	45			7		
Galvanized	45			7		
All other coated	45			5		7
Enameling	45		60	7		5
Electrical sheets and strip	45	60	45	10	25	5
Strip—Hot rolled	45	75	60	10	25	
Strip—Cold rolled		[11] 60	[11] 60		20	20
Steel castings:				20		
High alloy, rough as cast (heat and corrosion resisting)	[11] 60					
Carbon and low alloy	90	90	90	20	20	20
Steel products, fabricated:						
Forgings (rough as forged)						
Wire rope and strand						
Welded wire mesh						
Netting						
Iron products:	45					
Pig iron (not including iron with more than 6 percent silicon)	[11] 60			20		
Malleable casting (rough as cast)	[11] 60			20		
Gray iron, excluding pipes and fittings (rough as cast)						

[1] No "product limitation" or "lead time," whichever is applicable. Subject to direct negotiation by NPA if necessary.
[2] Of each item.
[3] Applies to special rolled shapes including angles and channels.
[4] Including alloys.
[5] Including carbon.
[6] If annealed or heat-treated, 60 days; otherwise, 45 days.
[7] If annealed or heat-treated, 90 days; otherwise, 75 days.
[8] If cold finished, 75 days; otherwise, 60 days.
[9] If cold drawn or cold finished, 60 days; otherwise, 45 days.
[10] Wire drawn: Low carbon, 5 percent; high carbon, 15 percent.
[11] Lead times apply to unmachined castings after approval of patterns for production

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 2" inclusive	600 feet.
Over 2" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.[1]
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3).
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in § 20.13.

[F. R. Doc. 51–1395; Filed, Jan. 24, 1951; 12:36 p. m.]

[NPA Order M–22, as Amended Jan. 23, 1951]

PART 26—ALUMINUM

SUBPART C—DISTRIBUTION OF ALUMINUM SCRAP

This amendment to NPA Order M–22 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M–22 as follows:

It amends §§ 26.52 (d), 26.52 (e), and 26.56 (a); a new section, 26.58 is added; §§ 26.58, 26.59, 26.60, and 26.61 are redesignated to be §§ 26.59, 26.60, 26.61, 26.62; a new effective date is added, Lists A and B are designated §§ 26.63 and 26.64 respectively.

As amended this part reads as follows:

Sec.
26.51 What this subpart does.
26.52 Definitions.
26.53 Restrictions on use of aluminum scrap.
26.54 Restrictions on distribution of aluminum scrap.
26.55 Segregation of aluminum scrap.
26.56 Restrictions on toll agreements.
26.57 No acquisition or delivery in violation of order.
26.58 Request for designation as approved user of aluminum scrap.
26.59 Applications for adjustment.
26.60 Records and reports.
26.61 Communications.
26.62 Violations.
26.63 List A—Aluminum smelters.
26.64 List B—Aluminum fabricators.

AUTHORITY: §§ 26.51 to 26.64 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 26.51 *What this subpart does.* The primary purpose of this subpart is to regulate the segregation, acceptance, delivery and distribution (whether on purchase, toll agreement or otherwise) of aluminum scrap. The subpart also prohibits undue accumulations of such scrap.

§ 26.52 *Definitions.* As used in this subpart:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and

includes any agency of the United States or any other government.

(b) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum either of domestic generation or imported in either loose or pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings and buffings: *Provided, however,* That the recoverable metallic aluminum content, as determined by fire assay, hydrogen evolution or other method of comparable efficiency, constitutes 50 percent or more by weight of such residues.

(c) "Producer" means the following prime producers: Aluminum Company of America, Reynolds Metals Company, and Kaiser Aluminum and Chemical Corporation; and such other producers of metallic aluminum who may be designated by the National Production Authority from time to time.

(d) "Approved smelter" means any person whose name appears in § 26.63 *List A* and also any person whose name is added to said List following a determination by the National Production Authority that he is qualified as an "Approved smelter" on the basis of the facilities and technical resources available to him which are mentioned in § 26.58.

(e) "Approved fabricator" means any independent fabricator whose name appears in § 26.64 *List B* and also any person whose name is added to said List following a determination by the National Production Authority that he is qualified as an "Approved fabricator" on the basis of the facilities and technical resources available to him which are mentioned in § 26.58.

(f) "Dealer" means any person regularly engaged in the business of buying and selling aluminum scrap.

(g) "Generator of aluminum scrap" means any person who in manufacture or fabrication produces aluminum scrap.

§ 26.53 *Restrictions on use of aluminum scrap.* (a) Unless specifically authorized in writing by the National Production Authority, no person, other than a producer, approved smelter or approved fabricator shall melt, reprocess, smelt or otherwise use aluminum scrap: *Provided, however,* That a foundry may remelt the gates, sprues, risers and defective castings resulting from its own operations if in so doing it does not debase or contaminate the material, and if, in acquiring aluminum, it reduces the requirements contained in its orders to its suppliers by an amount equal to the anticipated recoverable metal; a foundry may also accept on a return a new casting of its own production which was found to be defective, or use a casting that was spoiled in machining, and recast such castings to replace castings of the same alloy.

(b) The National Production Authority may, from time to time, issue directives: (1) To producers, smelters, fabricators and others who are permitted to melt or use aluminum scrap, which directives may specify the exact alloy or alloys which must be produced therewith and the amount of such alloy or alloys, and may prohibit the production of certain alloys; (2) prescribing the amount of secondary ingot that all fabricators (both independent and integrated) will be required to blend with primary ingot in the production of fabricated shapes; and (3) designating certain smelters who will be the only smelters permitted to receive and melt scrap of specified alloys or who will be the only smelters permitted to produce specified alloys. Directives with respect to the foregoing may contain directions as to the production schedule of the persons to whom they are issued.

§ 26.54 *Restrictions on distribution of aluminum scrap*—(a) *Delivery by scrap owners and originators.* Except as provided in § 26.53 (a) or as specifically authorized in writing by the National Production Authority, any person (other than a producer, approved smelter, approved fabricator or dealer) who owns or originates any aluminum scrap shall deliver such scrap to any producer, approved smelter, approved fabricator or dealer and shall not dispose of such scrap in any other way.

(b) *Time of delivery.* Except as provided in § 26.53 (a) or as specifically authorized in writing by the National Production Authority, any person who generates or holds any aluminum scrap shall deliver such scrap to any producer, approved smelter, approved fabricator or dealer at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 60 days, whichever shall first occur.

(c) *Time of delivery by dealers.* Except as specifically authorized in writing by the National Production Authority, every dealer shall deliver any aluminum scrap (whether or not deemed to be usable in its "as is" form) to any producer, approved smelter or approved fabricator at intervals not longer than required to accumulate a minimum carload or at intervals not exceeding 60 days, whichever shall first occur: *Provided, however,* That any dealer may sell any such scrap to another dealer, if, in the regular course of business, he does not collect sufficient scrap to make it practicable for him to sell directly to a producer, approved smelter or approved fabricator.

§ 26.55 *Segregation of aluminum scrap.* (a) Any generator of aluminum scrap must segregate such scrap by alloy and shall not mix scrap of one alloy with any other alloy or material: *Provided, however,* That this segregation requirement does not apply to skimmings, drosses, grindings, buffings and sawings.

(b) Any dealer receiving aluminum scrap in segregated form must maintain such segregation.

§ 26.56 *Restrictions on toll agreements.* (a) No aluminum scrap shall be delivered or received pursuant to any existing or future toll, conversion or repurchase agreement or any similar arrangement unless the person delivering or owning the scrap or the person for whose benefit the processing of the scrap will be effected has received approval in writing from National Production Authority for such transaction: *Provided, however,* That genuine aluminum billet butts and other mill scrap generated by an extruded shape manufacturer may be returned to an extrusion ingot supplier for conversion into extrusion ingots.

(b) Persons requesting such approval shall file with the National Production Authority a letter setting forth: the names and addresses of the parties to any existing or proposed toll, conversion or repurchase agreement; the kind, grade and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the aluminum resulting; the estimated rate and dates of delivery of such aluminum; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such aluminum is to be used; and such other information as the applicant may wish to submit.

§ 26.57 *No acquisition or delivery in violation of order.* No person shall acquire or deliver aluminum scrap or products made therefrom if he knows or has reason to believe that such material has been or will be used in violation of this or of any other order of the National Production Authority: *Provided, however,* That any producer, approved smelter or approved fabricator may acquire aluminum scrap for any use permitted by this subpart whether or not the person from whom it is acquired has complied with this subpart.

§ 26.58 *Request for designation as approved user of aluminum scrap.* (a) Any smelter or fabricator who in the course of his regular operations melts, reprocesses, smelts or otherwise uses aluminum scrap may request the National Production Authority to add his name to § 26.63 *List A* or § 26.64 *List B*, as the case may be. The names of applicants found to be qualified will be added to the appropriate list.

(b) Any person other than a smelter or a fabricator who uses aluminum scrap in his regular operations (such as an aluminum foundry, chemical plant, steel mill, etc.) may request the National Production Authority for an authorization to use aluminum scrap in connection with such operations. Any person determined by the National Production Authority to be qualified will be specifically authorized to use certain types of aluminum scrap for stated purposes.

(c) Any request under paragraph (a) or (b) of this section should be made by letter addressed to the National Production Authority stating: (1) The length of time the applicant has used aluminum scrap in his operations; (2) the nature of applicant's operations involving the use of such scrap and a description of the product that will result therefrom; (3) a description of the plant facilities and equipment available to applicant for preparing, maintaining segregation of, melting, smelting, fabricating or otherwise processing such scrap; (4) a description of the facilities available to applicant for metallurgical or chemical controls over such scrap, such as laboratory and physical testing equipment, and spectrographic controls; (5) general information regarding the experience and qualifications of personnel engaged in the preparation, and metallurgical or chemical controls over the use of such scrap; and (6) such other information as the applicant may wish to submit.

§ 26.59 *Applications for adjustment.* Any person affected by any provision of this subpart may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. All such requests shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this subpart, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 26.60 *Records and reports.* (a) Each person participating in any transaction covered by this subpart shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this subpart have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this subpart shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) All persons, including producers, smelters, and others authorized by the National Production Authority, who melt or smelt any aluminum scrap, shall file with the Department of the Interior, Bureau of Mines, Washington 25, D. C., in duplicate, report Form 6–1114–M. Such report shall be filed on or before January 15, 1951, and on or before the 15th day of each month thereafter with respect to the preceding month.

(d) Persons subject to this subpart shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 26.61 *Communications.* Except as provided in § 26.59 (c), all communications concerning this subpart shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–22.

§ 26.62 *Violations.* Any person who wilfully violates any provision of this subpart or any other order or regulation of the National Production Authority in the course of operation under this subpart is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

§ 26.63 *List A—Aluminum smelters.*

Aluminum & Magnesium, Inc., Corona, Calif.
Aluminum & Magnesium, Inc., Huron Street, Sandusky, Ohio
Aluminum Smelting & Refining Co., 5463 Dunham Road, Bedford, Ohio
American Metal Co., Ltd., Division U. S. Metals Refining Co., Carteret, N. J.
American Smelting & Refining Co., Federated Metals Division, 4010 E. 26th Street, Los Angeles, Calif.
American Smelting & Refining Co., Federated Metals Division, Fisher Building, Detroit (2), Mich.
American Smelting & Refining Co., Federated Metals Division, Barber, N. J.
Apex Smelting Co., 2537 W. Taylor, Chicago (12), Ill.
Apex Smelting Co., The, 6700 Grant Ave., Cleveland (5), Ohio
Associated Smelting Corp., 2730 Peralta St., Oakland (7), Calif.
Aurora Refining Co., Aurora, Ill.
Berg Metals Corp., 2652 Long Beach, Los Angeles, Calif.
Bohn Aluminum & Brass Corp., Lafayette Bldg., Detroit 26, Mich.
Bullock, W. J., Inc., 1501 Erie, Birmingham, Ala.
Cleveland Electro Metals Co., 2391 W. 38th St., Cleveland (13), Ohio
Continental Steel & Copper Industries, Inc., Niagara Falls Smelting & Refining Division, 2208 Elmwood Ave., Buffalo, N. Y.
General Smelting Co., Westmoreland & Richmond, Philadelphia (34), Pa.
Greenfield, Samuel, Co., Inc., 31 Stone, Buffalo (12), N. Y.
Industrial Smelting Corp., Chicago Heights, Ill.
Jobbins, Wm. F., Inc., Aurora, Ill.
Kirk, Morris P., & Sons, Inc., 2717 S. Indiana, Los Angeles, Calif.
Lavin, R., & Sons, Inc., 3426 S. Kedzie Ave., Chicago (23), Ill.
North American Smelting Co., Ft. of Christiana Ave., Wilmington, Del.
Northwestern Iron & Metal Co., 900 "I." Lincoln (1), Nebr.
Rochester Smelting & Refining Co., Inc., 26 Sherer St., Rochester (2), N. Y.
Sall, Geo., Metals Co., Westmoreland & Tulip, Philadelphia (34), Pa.
Sonken-Galamba Corp., 64 N. Second, Kansas City (18), Kans.
Tomke Aluminum Co., Inc., 4201 E. Monument St., Baltimore (5), Md.
U. S. Reduction Co., East Chicago, Ind.
U. S. Reduction Co., Toledo, Ohio
Vanadium Corporation, Chester, Pa.
Western Metal Co., 3201 S. Kedzie Ave., Chicago (23), Ill.

§ 26.64 *List B—Aluminum fabricators.*

Fairmont Aluminum Company, Fairmont, West Virginia.
Harvey Machine Company, Torrance, California.
Revere Copper and Brass, Inc., New York, New York.
United Smelting and Aluminum Company, New Haven, Connecticut.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This subpart shall take effect on January 12, 1951, except that §§ 26.53, 26.54 and 26.57 shall take effect on March 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51–1454; Filed, Jan. 25, 1951; 12:18 p. m.]

[NPA Order M–14 as Amended Jan. 23, 1951]

PART 32—NICKEL

This amendment to NPA Order M–14 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M–14 as follows:

A new paragraph (f) is added to § 32.2; § 32.3 is amended, new §§ 32.6 and 32.14 are added; §§ 32.6, 32.7, 32.8, 32.9, 32.10, 32.11, and 32.12 are redesignated to be §§ 32.7, 32.8, 32.9, 32.10, 32.11, 32.12, and 32.13, respectively, and all references are changed accordingly.

As amended, this part reads as follows:

Sec.
32.1 What this part does.
32.2 Definitions.
32.3 Nickel forms and products to which this part applies.
32.4 Application of part.
32.5 Use of nickel.
32.6 Prohibited uses of nickel.
32.7 Maintenance, repair and operating supplies.
32.8 Exemptions.
32.9 Inventories.
32.10 Application for adjustments.
32.11 Records and reports.
32.12 Communications.
32.13 Violations.
32.14 List A.

AUTHORITY: §§ 32.1 to 32.14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 32.1 *What this part does.* The purpose of this part is to describe how the primary nickel remaining after allowing for the requirements of national defense may be distributed to the civilian economy. It is the policy of the National Production Authority that primary nickel, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by sup-

pliers to the needs of new and small business. It is the intent of this part that other materials which are not in short supply will be substituted for nickel wherever possible.

§ 32.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Consume" means to melt, alloy, mix, electrodeposit, process or otherwise alter nickel as defined by this order by physical or chemical means.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any forms of nickel listed in § 32.3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Manufacture" means to put into process, machine, fabricate, electroplate, clad, or otherwise alter materials by physical or chemical means.

§ 32.3 *Nickel forms and products to which this part applies.* (a) The word "nickel" as used in this part means only the following forms of primary nickel: electrolytic nickel, ingots, pig, rolled and cast anodes, shot, oxides, salts, chemicals and residues derived directly from new nickel including residues containing nickel derived as a by-product from copper refinery operations.

(b) "Stainless Steel", as used in this part, means chromium-nickel iron base alloys, wrought or cast, containing 6 percent to 22 percent inclusive of nickel, commonly referred to as "austenitic chromium-nickel stainless steel".

(c) "High Nickel Alloy", as used in this part, means ferrous and non-ferrous alloys, wrought or cast, containing more than 22 percent nickel.

(d) "Nickel Silver", as used in this part, means non-ferrous alloys, wrought or cast, containing 8 percent or more nickel.

(e) "Nickel Plating", as used in this part, means all plating regardless of plating procedure.

§ 32.4 *Application of part.* Subject to the exemptions stated in § 32.8, this part applies to all persons who consume nickel in manufacture, processing or construction, or who use nickel for maintenance, repair or operating supplies. This part does not apply to suppliers of nickel in the forms listed in § 32.3.

§ 32.5 *Use of nickel.* Subject to the exemptions stated in § 32.8, or unless specifically directed by the National Production Authority, no person shall consume in manufacture, processing or construction during the first calendar quarter of 1951 a quantity of nickel by weight in excess of 65 percent of his average quarterly consumption of nickel for such purposes during the base period: *Provided, however,* That his consumption of nickel in any one month shall not exceed 40 percent of the permitted use during said quarter.

§ 32.6 *Prohibited uses of nickel.* (a) Commencing on March 1, 1951, no person shall: (i) Consume nickel as defined in § 32.3, secondary nickel, or nickel bearing scrap containing 6 percent or more nickel in the production of any Nickel Silver or Nickel Plating items included in § 32.14 *List A* except as indicated therein; or (ii) use any such forms of nickel or any alloys containing nickel in the manufacture of any of said items included in § 32.14 *List A* except as indicated therein. Notwithstanding the foregoing, any such items may be completed if they were in the process of production or manufacture on or before February 28, 1951 and such completion is effected not later than April 30, 1951. Commencing on April 1, 1951, no person shall: (i) Consume nickel as defined in § 32.3, secondary nickel, or nickel bearing scrap containing 6 percent or more nickel in the production of any Stainless Steel or High Nickel Alloy items included in § 32.14 *List A* except as indicated therein; or (ii) use any such forms of nickel or any alloys containing nickel in the manufacture of any of said items included in § 32.14 *List A* except as indicated therein. Notwithstanding the foregoing, any such items may be completed if they were in the process of manufacture or production on or before March 31, 1951 and such completion is effected not later than May 31, 1951. Any items included in § 32.14 *List A* which are completed, in the case of Nickel Silver and Nickel Plating items not later than April 30, 1951, and in the case of Stainless Steel and High Nickel Alloy items not later than May 31, 1951, may be sold after said dates, respectively.

(b) No person may use in construction any Stainless Steel, High Nickel Alloy, Nickel Silver or Nickel Plating for any item included in § 32.14 *List A* after May 31, 1951: *Provided, however,* That this prohibition will not apply to the use of said forms of nickel in any such item if its manufacture or processing was completed within the time limits specified by this section.

(c) Commencing on March 1, 1951, no person may consume or use; (i) in the manufacture of any item, including components and parts therefor, a greater quantity of nickel or an alloy containing a greater percentage of nickel than is necessary for the functional operation of such item; or (ii) any nickel or nickel bearing materials in the manufacture of any item for decorative or ornamental purposes.

(d) The prohibitions of this section apply notwithstanding the provisions of Part 11 of this chapter (NPA Reg. 2) with respect to the filling of rated orders, and are not affected by any of the exemptions stated in § 32.8.

§ 32.7 *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, no person shall consume for maintenance, repair or operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a quantity by weight in excess of his average quarterly consumption of nickel for such purposes during the base period.

§ 32.8 *Exemptions.* (a) The consumption of nickel to fill an order that is rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the consumption of nickel authorized by the provisions of §§ 32.5 and 32.7.

(b) Nickel acquired by a rated order, or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of §§ 32.5 and 32.7

(c) The provisions of §§ 32.5 and 32.7 do not apply to persons who use less than 250 lbs. of nickel during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of § 32.5 would be permitted to use less than 250 lbs. during any calendar quarter may use during such period a quantity up to 250 lbs.

§ 32.9 *Inventories.* In addition to the provisions of Part 10 of this chapter (NPA Reg. 1), relating to Inventory Control, it is considered that a more exact requirement applying to consumers of nickel is necessary. No person obtaining nickel for use in manufacture, processing or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of nickel if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this part during the succeeding 30 day period, or in excess of a "practicable minimum working inventory" (as defined in Part 10 of this chapter (NPA Reg. 1)), whichever is less. For the purpose of this section, the forms of nickel listed in § 32.3 in which only minor changes or alterations have been effected shall be included in inventory. Part 10 of this chapter (NPA Reg. 1) will apply to nickel except as modified by this section.

§ 32.10 *Application for adjustments.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 32.11 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act.

(Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F)

§ 32.12 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–14.

§ 32.13 *Violations.* Any person who wilfully violates any provisions of this part or any other part or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

§ 32.14 *List A.* The use of the forms and products of nickel defined in § 32.3 in the items listed below is prohibited except to the extent permitted by this part, or as specified on this list.

STAINLESS STEEL—NICKEL BEARING

Agriculture farm equipment, etc.:
- Barn cleaners.
- Ensilage cutters.
- Feeding troughs.
- Fertilizer spreading equipment.
- Grain bins and cribs.
- Implements, hand tools, etc.
- Silos.
- Spreaders.

Automotive:
- Bumpers, clad.
- Clad panels for buses.
- Grills.
- Hardware.
- Horn rings.
- Hubcaps.
- Mufflers (except on heavy duty equipment).
- Steering wheel spoke wire.
- Trim.
- Wheel rings and wheel covers.

Construction:
- Curtain walls.
- Decorative trim.
- Doors.
- Down spouts.
- Elevator and escalator kick plates and panels.
- Flashing.
- Gutters.
- Mouldings.
- Roofing.
- Screens (except in extractive or manufacturing industries where no other substitute is available).
- Sheathing.
- Spandrels.
- Storefronts.
- Window frames.

Domestic appliances and utensils (except cooking ware):
- Ash trays.
- Cabinets.
- Cake and pie dishes.
- Cake servers.
- Canisters.
- Cooling racks.
- Counter tops.
- Deep freeze units, sheathing.
- Drainboards.
- Egg beaters.
- Flat ware.
- Furniture.
- Garbage cans.
- Hardware.
- Ironing boards.
- Irons.
- Ladles.
- Mixing bowls.
- Mixing spoons.
- Picnic coolers.
- Potato mashers.
- Range tops.
- Refrigerator shelves, trim and dishes.
- Sinks.
- Spatulas.
- Table tops.
- Toasters.
- Utility cans.
- Washing machine tubs.

Electrical machinery and equipment:
- Pole line hardware.
- Pole line guy wires.
- Radio towers.
- Transmission tower baskets.

General:
- Automatic vending machines.
- Bar equipment.
- Beer barrels.
- Coal bins and coal hoppers (except in coal preparation plants).
- Diesel grills.
- Jewelry (except watch cases).
- Pens and pencils (except fountain pen nibs and separate fountain pen inner caps).
- Radio antennas (except military).
- Railings.
- Soda fountains.
- Sporting goods, all applications.
- Toys.
- Water coolers.
- Water softener tanks.

Railroad:
- Trim and decorative parts in passenger cars.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

STAINLESS STEEL—NICKEL BEARING—Continued

Miscellaneous:
- Bank Inst. valves.
- Binder (index bks).
- Button parts.
- Cheese slicer.
- Cocktail shaker and accessories.
- Cup holders.
- Dairy equipment (except functional uses).
- Deodorisors.
- Diaper pins.
- Dog leashes.
- Fly screen.
- Garden accessories.
- Hardware parts, including builders finishing hardware.
- Humidifiers.
- Lightning rods.
- Mirror clips.
- Musical instrument strings.
- Organ springs.
- Paint brush ferrules and rivets.
- Permanent wave equipment.
- Phonograph needles.
- Pot cleaner.
- Refuse cans.
- Rulers.
- Teabag staples.
- Tooth brushes.
- Water reservoir (gum tape machine).
- Weather stripping.
- Shovels (except food and chemical).

HIGH NICKEL ALLOY

Building materials:
- All sheet metal building applications including but not limited to:
  - Air ducts.
  - Downspouts.
  - Elevator cabs.
  - Flashings.
  - Garbage grinder parts.
  - Gutters.
  - Leaders.
  - Louvers.
  - Roofing.
  - Siding.
  - Sinks.
  - Sink bowls.
  - Skylight framing.
  - Brick anchors.
  - Hanger wire for suspended ceiling construction.
- Ornamental and decorative applications.
- Tie-wire for suspended ceiling construction.

Domestic appliances:
- Element name plates.
- Element pan on electric range.
- Oven linings.
- Radiant broilers on gas ranges.
- Range crumb trays.
- Range tops.
- Range vents.
- Refrigerator light shields.
- Refrigerator shelf parts.
- Steam iron casings.
- Washing machine tubs.

Dry cleaning (except for functional uses):
- Condenser tubing.
- Irons.
- Lint traps.
- Pads for dry cleaning presses and tailors' presses.
- Piping, valves and fittings.
- Solvent pressure filters, including filter cloth.
- Spotting boards.
- Sump tanks.
- Truck tubs.
- Utensils.
- Water separators.

Food servicing and kitchen equipment:
- All food service applications including but not limited to:
  - Bar equipment.
  - Beverage tubing.
  - Bottle beverage cabinets.
  - Cafeteria counters.

HIGH NICKEL ALLOY—Continued

Food servicing and kitchen equipment—Con.
- Deep freeze cabinets.
- Dishwashing machines.
- Electric food warming cups.
- Ice cream cabinets.
- Mobile food trucks.
- Refrigerated food display cases.
- Scullery and dishwashing sinks.
- Soap dispensers.
- Soda fountains.
- Steam tables.
- Water coolers.
- Work tables.

Hospital equipment:
- Counter tops.
- Furniture.
- Instrument cabinets.
- Instrument tables.
- Kick and push plates.
- Linen cabinets.
- Medicine cabinets.
- Operating tables.
- Paneling and wainscoting, decorative.
- Surgical lights.
- Work tables.

Jewelry:
- Ash trays.
- Badges.
- Cigarette lighters.
- Collar buttons.
- Comb trim.
- Costume jewelry.
- Cuff buttons.
- Emblems.
- Finger nail files.
- Jewelry.
- Key chains.
- Knives (except blades).
- Necklaces.
- Novelties.
- Pill containers.
- Pen and pencil parts.
- Perfume flacons.
- Watch bracelets.
- Watch cases.
- Watch chains.
- Watch Crowns.
- Watch inserts, (movement holders).
- Watch strap pinions.

Laundry equipment:
- Laundry chutes.
- Net racks.
- Plant truck tubs.
- Rug pole pins.
- Soap storage tanks.
- Sorting tables.
- Starch cookers.
- Ironers, rug cleaning machines, trim on flatwork.
- Utensils.
- Ventilating hoods and fans.
- Washers, for blankets, silks, etc.
- Water storage tanks.

Motor vehicles:
- Antennas.
- Battery cables.
- Hub caps.
- Exhaust gaskets.
- Exhaust manifolds.
- Windshield wiper blades.

Miscellaneous:
- Barbecue grills.
- Bits and spurs.
- Ferrules.
- Out door stoves.
- Portable refrigerator.
- Sporting goods, all applications.

NICKEL PLATING

Communications:
- Escutcheon plates.
- Knobs.
- Name plates.
- Radio and television, decorative trim.
- Speaker grilles.

Hardware:
- Bells.
- Boat trim and accessories.
- Builders' finishing hardware (except half trim for bathroom and toilet side of door).

NICKEL PLATING—Continued

Hardware—Continued
- Casket hardware.
- Chimes.
- Curtain hooks.
- Door catches.
- Door knobs.
- Door knockers.
- Drawer pulls.
- Harnesses.
- Hinges.
- Kick plates.
- Leashes.
- Letter boxes.
- Locks.
- Luggage hardware.
- Nails.
- Picture frames
- Picture hangers.
- Push plates.
- Screen door and window hardware exclusive of screen.
- Screws.
- Switch plates.
- Tacks.
- Valve handles with the exception of bathroom and kitchen fixtures.

Household appliances (except parts subject to destructive abrasion and heat and except the strike prior to silver plating or vitreous enameling):
- Including but not limited to:
- Food mixers.
- Heaters.
- Polishers.
- Refrigerators (except shelving and door handles).
- Washing machines.
- Waxers.
- Vacuum cleaners (except runners).

Jewelry—Clocks:
- Alarm clocks.
- Clocks.
- Costume jewelry.
- Lighters.
- Pens and pencils (except functional brass parts).
- Trim and optical glasses (except frames).
- Watches.

Metal furniture and fixtures:
- Commercial furniture, all decorative parts.
- Electrical fixtures.
- Home furniture, all decorative parts.
- Napkin dispensers.
- Store display cases.
- Store fixtures.
- Straw dispensers.

Motor vehicle (etc.):
- Accessories.
- Dash panels (including instruments, controls and appearance items mounted in or on dash panels).
- Escutcheon plates.
- Gas caps.
- Gravel guards.
- Grilles.
- Horns.
- Interior trim.
- Lamp housing.
- License frames.
- Name plates.
- Ornamental trim around windows.
- Radiator trim.
- Trim rings.
- Wheel discs.
- Window levers.
- All other parts with the exception of window frames and slide channels, external and internal door handles, the bumpers, bumper guards, bumper bolts, hub caps, and exposed screws where no satisfactory substitutes are possible. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of .001" on outside surfaces.

Novelties:
- Ash trays.
- Coasters.

NICKEL PLATING—Continued

Novelties—Continued
- Cocktail shakers and accessories.
- Clothing ornamentation.
- Cosmetic containers.
- Hair curlers.
- Handbag trim.
- Humidors.
- Ornamental buttons.
- Smoking stands.

Plumbing:
- Basin supports.
- Cabinet trim.
- Soap dishes.
- Shower curtain rods and rings.
- Shower doors and trim.
- Tooth brush holders.
- Towel racks.
- Tumbler holders.

Sheet, strip and wire products:
- All decorative parts fabricated from plated sheets, strips or coils.
- Bird cages.
- Clothes hangers.
- Display stands.
- Lamp shades.
- Shopping carts.
- Vending machines.

Tools:
- Drills.
- Flexible metal tapes (except measuring tape).
- Hammers.
- Office machines, and business machines, decorative trim.
- Planes.
- Pliers.
- Power tools (except for functional parts).
- Punches.
- Rules.
- Saws.
- Screw drivers.
- Wrenches.

Toys:
- Bicycles (except handle bars, sprockets, spokes and hubs).
- Mechanical toys.
- Pistols.
- Toys.
- Trains.
- Tricycles.
- Wagons.

Utensils (except the strike necessary prior to silver plating or vitreous enameling):
- Flatware.
- Hollow ware.
- Serving dishes.
- Serving utensils.
- Racks.
- Trays.

Miscellaneous:
- Electric fans.
- Gambling equipment.
- Ornamentation on musical instruments.
- Pin ball machines.
- Slot machines.
- Sporting goods.
- Tonsorial equipment (except tools).
- Vending machines.

NICKEL SILVER

All uses except:
- Communications equipment, functional parts.
- Dairy equipment.
- Draughting instruments.
- Electrical equipment, functional parts.
- Engineering instruments.
- Eyelets.
- Flat and hollow ware, not over 15% nickel.
- Fountain pen separate inner caps.
- Hospital equipment.
- Keys, not over 10% nickel.
- Optical goods.
- Orthopedic appliances.
- Pins.
- Slide fasteners.
- Tonsorial tools.
- Watch cases, not over 10% nickel.
- Springs, where required for functional purposes.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part as amended shall take effect on January 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-1453; Filed, Jan. 25, 1951; 12:17 p. m.]

[NPA Order M-32]

PART 37—CHEMICALS

LIMITATION FOR DO RATED ORDERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all chemical industries and trade associations affected, in advance of the issuance of this order, has been rendered impracticable due to the necessity of immediate action and the fact that it affects a large number of different industries.

Sec.
- 37.1 What this part does.
- 37.2 Definitions.
- 37.3 Chemicals to which this order applies.
- 37.4 Required shipment dates.
- 37.5 Rejection of rated orders.
- 37.6 Limitation for acceptance of rated orders.
- 37.7 NPA assistance in placing rated orders.
- 37.8 Adjustments and exceptions.
- 37.9 Communications.
- 37.10 Records.
- 37.11 Audit and inspection.
- 37.12 Reports.
- 37.13 Violations.

AUTHORITY: §§ 37.1 to 37.13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.: sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 37.1 *What this part does.* This part applies particularly to producers of each chemical listed in Schedule A appearing at the end of this part and provides rules for placing, accepting and scheduling rated orders for such chemical. Its purpose is to provide equitable distribution of rated orders among all producers thereof, in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It supplements Part 11 of this chapter (NPA Regulation 2) but only those provisions of Regulation 2 which are inconsistent with this part are superseded and all other provisions of Regulation 2 continue to apply to the chemical industry.

§ 37.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing for sale any chemical listed in Schedule A.

(c) "Schedule A" means the list of chemicals marked "Schedule A" appearing at the end of this part.

(d) "NPA" means National Production Authority.

§ 37.3 *Chemicals to which this part applies.* This part applies only to the chemicals listed in Schedule A, as amended from time to time. It is the intention of NPA that if and when the need arises, additional chemicals will be added to Schedule A.

§ 37.4 *Required shipment dates.* A rated order for any chemical listed in Schedule A must specify shipment on a particular date or dates or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of such chemical must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable, considering the need for maximum production.

§ 37.5 *Rejection of rated orders.* Unless otherwise specifically directed by NPA, a producer need not accept a rated order for any chemical listed in Schedule A which is received by him less than the number of days (lead time), if any, set forth in Schedule A opposite the name of such chemical, prior to the first day of the month in which shipment is requested. Rated orders for any such chemical as to which no such period of time is specified in Schedule A are not subject to the provisions of this section.

§ 37.6 *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no producer shall be required to accept rated orders for shipment of any chemical listed in Schedule A in any one month in excess of the quantity of such chemical determined as in Schedule A provided.

§ 37.7 *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for any chemical listed in Schedule A due to the limitation imposed by § 37.6 should apply to NPA, Ref: Order M-32, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

§ 37.8 *Adjustments and exceptions.* Any person affected by any provision of this part may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

§ 37.9 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-32.

§ 37.10 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 37.11 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

§ 37.12 *Reports.* Persons subject to this part shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 37.13 *Violations.* Any person who wilfully violates any provision of this part or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on January 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

SCHEDULE A

Name of chemical	Limitation for acceptance of rated order	Number of days (lead time) if any
Ethyl ether of cellulose (known as "ethyl cellulose").	40% by weight of the producer's scheduled production for the month of shipment.	15

[F. R. Doc. 51-1455; Filed, Jan. 25, 1951; 12:18 p. m.]

[NPA Order M-31]

PART 37—CHEMICALS

CHLORINE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations.

Sec.

37.31 What this order does.
37.32 Definitions.
37.33 Required shipment date.
37.34 Rejection of rated orders.
37.35 Limitations for acceptance of rated orders.
37.36 Orders for public health chlorine.
37.37 Sources of supply of public health chlorine.
37.38 Certification of orders.
37.39 Use of chlorine obtained upon certified order.
37.40 Delivery dates and rejection of orders for public health chlorine.
37.41 Supply of public health chlorine to distributors.
37.42 NPA assistance in placing rated orders.
37.43 Adjustments and exceptions.
37.44 Communications.
37.45 Records, audit, inspection and reports.
37.46 Violations.

AUTHORITY: §§ 37.31 to 37.46 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 37.31 *What this order does.* This order applies particularly to producers and distributors of chlorine and provides rules for placing, accepting and scheduling rated orders for chlorine and orders for chlorine essential to public health. Its purposes are to provide equitable distribution of rated orders among all producers and distributors of chlorine, and to provide for filling public health needs for chlorine, in order to make possible maximum production of chlorine by reducing to a minimum disruption of normal distribution. This order supplements Part 11 of this chapter (NPA Regulation 2) but only those provisions of Part 11 which are inconsistent with this order are superseded, and all other provisions of Part 11 continue to apply to the chlorine industry.

§ 37.32 *Definitions.* As used in this order.

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Chlorine" means the element chlorine whether in gaseous or liquid form.

(c) "Producer" means any person who produces chlorine for sale.

(d) "Distributor" means any person who buys and receives from a producer chlorine and who resells or holds for resale such chlorine (including a repacker of chlorine).

(e) "Public health chlorine" means chlorine which is essential for purification of water for human consumption and use (exclusive of chlorine used for swimming pools) or for treatment of sewage, in order to protect the public health, welfare and safety.

(f) "Marketable production" means that portion of chlorine which remains for sale in the hands of a producer after deducting the amount of chlorine which he consumes in his other operations, and after deducting the chlorine which he sells and delivers by pipeline.

(g) "NPA" means National Production Authority in the Department of Commerce.

§ 37.33 *Required shipment date.* A rated order for chlorine must specify shipment on a particular date or during a particular month which in no case may be earlier than required by the person placing the order. The producer must schedule the order for shipment within the requested month as close to the shipment date as is practicable considering the need for maximum production. The distributor must schedule the order for shipment within the requested month as close to the shipment date as is practicable.

§ 37.34 *Rejection of rated orders.* Unless otherwise directed by NPA: A producer need not accept a rated order that is received less than 15 days prior to the first day of the month in which shipment is requested. A distributor need not accept a rated order that is received less than 20 days prior to the first day of the month in which shipment is requested.

§ 37.35 *Limitations for acceptance of rated orders.* Unless otherwise directed by NPA:

(a) No producer shall be required to accept rated orders for shipment in any month of a total tonnage of chlorine in excess of 10 percent of his scheduled marketable production for such month for the type of container required for shipment.

(b) No producer or distributor shall be required to accept rated orders for an amount which is less than the minimum unit quantity sold by such producer or distributor in accordance with his standard practice.

(c) No distributor shall be required to accept rated orders for shipment in any month of a total tonnage of chlorine in excess of 10 percent of the chlorine available to him during such month for the type of container required for shipment.

§ 37.36 *Orders for public health chlorine.* (a) In the interests of national defense, it is found necessary to provide for supplies of chlorine to all persons, whether public or private, engaged directly in the business or operation of purifying water for human consumption and use, or of treatment of sewage, where the use of chlorine is essential to public health.

(b) Every producer and distributor must accept and schedule for shipment each month, commencing March 1, 1951, orders for public health chlorine which may be placed with him by consumers thereof who were supplied with chlorine by such producer or distributor during the year 1950: *Provided, however,* That the total amount of public health chlorine by weight required by this section to be delivered to each such consumer during 1951 need not exceed the total amount of chlorine delivered by the producer or distributor to such consumer during the year 1950. In any event, the amount of public health chlorine so required to be delivered in any month need not exceed 25 percent of such total amount delivered during the year 1950.

(c) Deliveries under orders for public health chlorine are required to be scheduled and made in addition to deliveries required to be made under rated orders pursuant to Part 11 of this chapter (NPA Regulation 2) and to meet other mandatory orders of NPA, but are not to be included among deliveries made under rated orders for the purpose of determining the obligations of producers and distributors under § 37.35.

§ 37.37 *Sources of supply of public health chlorine.* Consumers of public health chlorine shall place all orders therefor for delivery in 1951 with the producers or distributors from which they received their supplies of chlorine during the year 1950 unless they prefer and are able without the assistance of this order to purchase their chlorine needs elsewhere.

§ 37.38 *Certification of orders.* Every order for public health chlorine pursuant to this order shall contain a certification thereon or on a separate paper attached thereto, as follows:

Certified under NPA Order M-31.

Every such certificate constitutes a representation to the seller and to NPA that the chlorine called for in such order is required and will be used exclusively for the purification of water for human consumption and use (other than for a swimming pool) or for treatment of sewage. Every such certificate shall be duly signed by the purchaser.

§ 37.39 *Use of chlorine obtained upon certified order.* All chlorine obtained under purchase orders certified as provided in § 37.38 shall be used by the deliveree exclusively for the purpose or purposes set forth in that section.

§ 37.40 *Delivery dates and rejection of orders for public health chlorine.* Unless otherwise directed by NPA: An order for public health chlorine must specify shipment on a date or during a particular month which in no case may be earlier than required by the person placing the order. A producer need not accept an order for public health chlorine that is received less than 15 days prior to the first day of the month in which shipment is requested. A distributor need not accept an order for public health chlorine that is received less than 20 days prior to the first day of the month in which shipment is requested.

§ 37.41 *Supply of public health chlorine to distributors.* (a) In all instances where consumers of public health chlorine purchase their supplies of chlorine for 1951 from a distributor as provided in § 37.36, any producer who supplied any such distributor with chlorine during 1950 must accept and schedule for shipment each month during 1951, commencing March 1, 1951, orders of the distributor for chlorine in at least the quantity of public health chlorine which the distributor is required to deliver or has delivered to the consumer (his customer) unless that quantity is less than the smallest practicable delivery unit, in which event the quantity shall be such unit: *Provided, however,* That the total amount of chlorine required by this section to be delivered to the distributor need not exceed the total amount delivered to him by the producer in 1950. In any event, the amount of chlorine so required to be delivered to the distributor in any month need not exceed 25 percent of such total amount delivered during the year 1950.

(b) Every order of the distributor referred to in this section shall contain a certification thereon or on a separate paper attached thereto as follows:

Certified under NPA Order M-31.

Every such certificate constitutes a representation to the seller and to NPA that the distributor delivered or will deliver the chlorine called for in such order of the distributor, to a consumer whose certificate in accordance with § 37.38 has been or will be, prior to such delivery, received by the distributor. Every such certificate of the distributor shall be duly signed by the distributor.

(c) All orders of distributors pursuant to this section are subject to the requirements of paragraph (c) of § 37.36 and of § 37.40 and for the purpose of said sections shall be deemed to be direct orders for public health chlorine.

§ 37.42 *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for chlorine due to the limitations imposed by § 37.35 or who is unable to place an order for chlorine as provided in § 37.36 or § 37.41 should apply to NPA, Washington 25, D. C., Ref: M-31, specifying the producers or distributors who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

§ 37.43 *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period or that such provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

§ 37.44 *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-31.

§ 37.45 *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 37.46 *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on January 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] W. H. HARRISON,
Administrator.

[F. R. Doc. 51-1394; Filed, Jan. 24, 1951; 12:36 p. m.]

Chapter II—Economic Stabilization Agency

[Ceiling Price Reg. 2]

PART 313—CATTLEHIDES, KIPS AND CALFSKINS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), and in accordance with Economic Stabilization Agency General Order No. 1 (16 F. R. 100), *It is hereby ordered,* That price ceilings on the sale of cattlehides, kips and calfskins shall be effective as provided in this ceiling price regulation.

Statement of considerations. Cattlehides, kips and calfskins are the basic raw materials of the shoe and leather industries. Shoes are one of the most important commodities in the Bureau of Labor Statistics consumer price index having a total weight 2.0 percent. In addition, present indications are that the Armed Services shoe procurement programs will absorb an increasing percentage of the total available hides. Cattlehides and skins are a by-product of the slaughter of cattle and calves for meat. Changes in their prices have a negligible effect on the marketing of cattle. And the imposition of the heavy military requirements for shoes on top of the normal civilian demand has not, therefore, changed the supply of domestic hides available to tanners. Not only does the increased military procurement add to the demand through an increase in the number of shoes required but the combat boot, which is the principal item, requires three times as much leather per pair as the ordinary civilian style of men's shoes. The result is a bidding up in the prices of leather which does not influence available supplies. Marked increases in shoe prices would be a serious threat to living costs and increase substantially the cost of the defense effort.

Cattlehides and skin prices were relatively stable during the first six months of 1950. Shortly after the outbreak in Korea they advanced rapidly. Prices of large packer cattlehides increased from 25 percent to 45 percent in the three months of July, August and September. Calfskin and kip skins advanced approximately 21 percent to 26 percent respectively in the same interval. In subsequent months there was some moderation in the rate of advance of these prices. However, during the last weeks of 1950 and the early weeks of 1951 there again occurred sharp and substantial increases in prices in cattlehides and skins caused in part by the announcement on December 21, 1950, of the Department of Defense procurement program of approximately thirteen million pairs of footwear. Some types of packer hides have increased as much as 17 percent in the last 30 days. Increases in prices of small packer and country hides and skins have been much greater. The demand has been such that the customary differentials between different qualities of hides and skins have become distorted. Small packer hides which customarily sell below large packer hides because of their generally poorer quality, are now commanding premiums over large packer hides. These advances have occurred notwithstanding appeals by the Economic Stabilization Agency for voluntary compliance to pricing standards which, had they been followed, would have avoided many of the ensuing price increases. They have had a serious disturbing effect on leather and shoe prices. It, therefore, becomes apparent that the public interest requires that maximum prices be established for hides and skins covered in the existing regulation.

This regulation establishes as the maximum price for producers and hide dealers the highest price at which they sold or delivered each kind, type, quality, weight, grade and trim of hide or skin during the period November 1 to November 30, 1950. Where they did not sell or deliver hides or skins, the same as those

they sold or delivered in November 1950, sellers are directed to apply an "in-lining" technique. This period, November 1 to November 30, 1950, was chosen because it is believed that the customary price differentials between different types, qualities, and weights of hides and between different classes of sellers were in effect at this time. Distortion arose during the month of December 1950 and became accentuated during the early weeks of January 1951. The maximum prices established by this regulation are generally fair and equitable to sellers and buyers. Before establishing these prices the level of prices prevailing in the industry during the period May 24 to June 24, 1950, was considered. Although the prices of cattlehides, kips and calfskins rose rapidly following the Korean invasion, similar movements occurred in the prices of other commodities and processed agricultural products. With a leveling out in the rate of advances during the latter part of September, October and November distortions that arose during the preceding up-swing were largely eliminated. The cattlehide and calf leather tanners in general were able to adjust selling prices to the new level of hide prices. The time interval between slaughter of the cattle to the sale of the hide in the form of a finished shoe covers a number of months. To roll back hide prices to the May 24–June 24 level with corresponding adjustments at the tannery, shoe manufacturing and shoe retailing levels would be impracticable because of the full pipe-line of higher priced hides and leather. Such is not the case, however, in respect to the recent advances.

Upon the basis of these facts and circumstances and other economic data, the Director of Price Stabilization finds that: (1) Prices for cattlehides, kips and calfskins have risen and threaten to rise unreasonably above the prices prevailing during the period from May 24, 1950, to June 24, 1950; (2) such price increases will materially affect the cost of living and the national defense; (3) the imposition of the ceiling prices established by this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950; (4) it is practicable and feasible to establish ceiling prices for sales of cattlehides, kips and calfskins; (5) such ceilings will be generally fair and equitable to sellers and buyers of cattlehides, kips and calfskins and to buyers and sellers of related and competitive materials and services; and (6) the issuance of this regulation will help to effectuate the purposes of the Defense Production Act of 1950.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations. The regulation, however, has been designed only for temporary use pending development of controls more exactly adapted to the industry.

For reasons set forth in a statement of considerations accompanying an order of the Economic Stabilization Administrator, being issued separately, no regulation has been promulgated to stabilize wages, salaries or other compensation of employees engaged in producing or selling the products covered by this regulation.

In the opinion of the Director, the accompanying regulations satisfy the requirements of the provisions of the Defense Production Act of 1950 relating to ceilings for agricultural commodities.

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry have been carefully considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

Sec.
313.1 What this part does.
313.2 Ceiling prices.
313.3 Evasion.
313.4 Enforcement.
313.5 Records.
313.6 Petition for amendment.
313.7 Where this part applies.
313.8 Definitions.

AUTHORITY: §§ 313.1 to 313.8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

§ 313.1 *What this part does*—(a) *What is covered.* This part fixes ceiling prices and maximum brokerage commissions for all sales of untanned domestic cattlehides, kips and calfskins.

(b) *Who is covered.* If you are a person who sells or buys cattlehides, kips or calfskins or acts as a broker in connection with their sale or purchase, this part applies to you.

(c) On or after January 29, 1951, regardless of the terms of any contract of sale or purchase or other commitment or obligation, you shall not sell or deliver or offer to sell or deliver cattlehides, kips and calfskins, whether for immediate or future delivery, and you shall not buy for immediate or future delivery or accept delivery of any cattlehides, kips or calfskins at a price exceeding the ceiling prices permitted by this part.

§ 313.2 *Ceiling prices.* This part fixes ceiling prices and maximum commissions with reference to prices and commissions during the period November 1, 1950, to November 30, 1950, inclusive (hereafter called the "base period").

(a) *Same cattlehide, kip or calfskin.* Your ceiling price for the sale of any cattlehide, kip or calfskin is the highest price at which you sold or delivered the same cattlehide, kip or calfskin during the base period. One cattlehide, kip or calfskin is the same as another when it is of the same kind, type, quality, weight, grade and trim.

(b) *Cattlehide, kip or calfskin which is not the same.* If the cattlehide, kip or calfskin you are pricing is not the same as any which you sold or delivered during the base period your selling price is a price in line with the selling price of the most closely related cattlehide, kip or calfskin which you sold or delivered during the base period. You determine your in-line selling price by taking your selling price for the most closely related cattlehide, kip or calfskin which you sold or delivered in the base period and by adjusting that price to reflect your customary differentials in the base period for the differences between it and the cattlehide, kip or calfskin you are pricing. If you had no such differentials you shall make your adjustments on the basis of the differentials customary in the industry during the base period.

(c) *Customary practices.* You must continue to grant all discounts, price differentials, or other allowances, including tare or grub allowances, granted by you in the base period. If you had no such differentials you must use the customary differentials in the industry in the base period. No seller shall require any purchaser and no purchaser shall be permitted to pay a larger proportion of the charges for transportation, handling, or other charges than the seller required a purchaser of the same class to pay during the base period for the same cattlehides, kips or calfskins.

(d) *Brokers' commissions.* A broker may not charge a commission in excess of that customarily charged by him in the base period. If a broker is employed to sell or buy cattlehides, kips or calfskins, such brokerage commission may be added to the applicable ceiling price otherwise established under this part.

(e) *Application for ceiling price or maximum commissions.* If no other provision of this section affords you a means of fixing your ceiling price or maximum commission you shall file an application in writing with the Economic Stabilization Agency, Washington 25, D. C., for approval of a proposed ceiling price or maximum commission. Your application shall state your name and your business address. If it relates to the pricing of a cattlehide, kip or calfskin it shall contain a complete description of that cattlehide, kip or calfskin, the ceiling which you propose, the class of purchaser to whom you will sell, the terms of sale and the price charged by your closest competitors on such sales. In the case of an application for a maximum commission your application shall propose a commission rate and give information showing why it is in line with the commission rates established under this part. A cattlehide, kip or calfskin for which a ceiling price is proposed under this section may not be sold until the price has been approved by the Director of Price Stabilization but the proposed price shall be deemed to be approved twenty (20) days after the mailing of the application (or all additional information which may have been requested) unless, within that time the Director notifies you that your proposed price has been disapproved.

(f) The Director may at any time approve, disapprove or revise ceiling prices proposed or established under this part.

§ 313.3 *Evasion.* You shall not evade or circumvent the provisions of this part by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of cattlehides, kips and calfskins, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation charge, or other charge, or discount, premium, or other privilege, or by upgrading, tying-agreement, trade understanding, or otherwise.

§ 313.4 *Enforcement.* If you violate any provision of this part you are subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

§ 313.5 *Records.* If you sell cattlehides, kips or calfskins for which ceiling prices are established by this part you must have the following records:

(a) *Base period records.* (1) You must preserve for examination by the Office of Price Stabilization all existing records relating to the prices at which you sold or delivered cattlehides, kips and calfskins in November 1950, and (2) you must prepare on or before February 19, 1951, on the basis of all information and records available to you and thereafter hold for examination by the Office of Price Stabilization, a statement showing:

(i) The highest price which you charged for each kind, type, quality, grade, weight, and trim of cattlehide, kip and calfskin sold or delivered by you in the base period, together with an appropriate description or identification of each such cattlehide, kip or calfskin;

(ii) All your customary allowances, discounts, and other price differentials during the base period.

(b) *Current records.* You must keep and make available for examination by the Office of Price Stabilization records of the same kind as you customarily have maintained relating to the prices which you charge for cattlehides, kips and calfskins sold or delivered after the effective date of this regulation, and, in addition, (1) records, showing as precisely as possible, the basis upon which you determined your ceiling prices for those cattlehides, kips and calfskins, and (2) a copy of each invoice or similar document delivered in connection with a purchase or sale of cattlehides, kips and calfskins.

§ 313.6 *Petitions for amendment.* If you wish to have this part amended you may file a petition for amendment in accordance with the provisions of Part 300 of this chapter (Price Procedural Regulation 1, 15 F. R. 9055).

§ 313.7 *Where this part applies.* This part applies in the forty-eight states and the District of Columbia.

§ 313.8 *Definitions.* As used in this part (a) "person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Cattlehides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) "Domestic" means originating from the continental United States.

(d) "Broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of cattlehides, kips or calfskins.

(e) All other trade terms used in this part shall have the meanings generally accepted in the trade.

(f) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this part shall be construed to prohibit the making of a contract to sell cattlehides, kips or calfskins at a price not to exceed the maximum price at the time of delivery.

(g) "Delivered:" A cattlehide, kip or calfskin shall be deemed to have been delivered during November 1950 if, during such month, it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Effective date. This part shall become effective on the 29th day of January 1951.

NOTE: The record keeping and reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

JANUARY 25, 1951.

[F. R. Doc. 51-1447; Filed, Jan. 25, 1951; 11:07 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS OGDEN, UTAH

NOTICE OF PETITION FOR MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on July 13, 1949 (8 A. D. 788), authorizing certain temporary rates and charges for sales of livestock by auction.

By a petition filed on January 15, 1951, J. E. Manning, owner of the Ogden Livestock Auction Co., one of the respondents, has requested an authorization to file a Supplement to Tariff No. 1 amending Section No. 1 of said Tariff No. 1, to read as follows:

Section No. 1

Cattle

	Per head
Calves:	
Weighing 450 pounds or under	$0.75
Cattle:	
Weighing 451 pounds or more	1.25

If authorized, the proposed charges will produce additional revenue for the respondents and increase the cost of marketing by auction. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested parties who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 22d day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-1263; Filed, Jan. 25, 1951; 8:49 a. m.]

[7 CFR, Part 44]

U. S. STANDARDS FOR EDIBLE SUGARCANE MOLASSES

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXTENSION OF TIME

Notice is hereby given of a further extension, until March 24, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with proposed United States Standards for Edible Sugarcane Molasses. A previous notice of extension of such period of time appeared in the FEDERAL REGISTER of October 28, 1950 (15 F. R. 7271).

The proposed standards are set forth in the notice which was published in the FEDERAL REGISTER on September 26, 1950 (15 F. R. 6474).

Done at Washington, D. C., this 23d day of January 1951.

[SEAL] ROY W. LENNARTSON,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1323; Filed, Jan. 25, 1951; 8:49 a. m.]

[7 CFR, Part 44]

U. S. STANDARDS FOR SUGARCANE SIRUP

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXTENSION OF TIME

Notice is hereby given of a further extension, until March 24, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with proposed United States Standards for Sugarcane Sirup. A previous notice of extension of such period

of time appeared in the FEDERAL REGISTER of October 28, 1950. (15 F. R. 7271).

The proposed standards are set forth in the notice which was published in the FEDERAL REGISTER on September 26, 1950. (15 F. R. 6476)

Done at Washington, D. C., this 23d day of January 1951.

[SEAL] ROY W. LENNARTSON,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1324; Filed, Jan. 25, 1951; 8:49 a. m.]

[17 CFR, Part 967]

[Docket No. AO 170-A 5]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the YMCA, 236 South Main Street, South Bend, Indiana, beginning at 9:30 a. m., c. s. t., on February 15, 1951.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the South Bend-La Porte, Indiana, marketing area and to the proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the said marketing area set forth herein below, or modifications thereof. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Pure Milk Association:

Proposal No. 1. Delete the words "and butterfat" from § 967.41 (a) (2).

Proposal No. 2. Amend § 967.41 (b) to read as follows:

(b) Class II milk shall be (1) all skim milk and butterfat disposed of as fluid cream (sweet or sour), any fluid cream product containing not less than six percent (6%) butterfat, butter cream, filled cream, eggnog, yogurt and cottage cheese, and (2) shrinkage on receipts of producer butterfat computed pursuant to § 967.42 which is in excess of two percent (2%) of such receipts and all butterfat not specifically accounted for as any item under subparagraph (1) of this paragraph on Class I, Class III or Class IV butterfat.

Proposal No. 3. Amend § 967.46 (b) to read as follows:

(b) From the remaining pounds of skim milk and butterfat subtract in series beginning with Class IV, then from Class III, next from Class II, and finally from Class I, to the extent available, the pounds of skim milk and butterfat in other source milk, excluding that subtracted pursuant to paragraph (a) of this section.

Proposal No. 4. Amend § 967.50 (d) and (e) to read as follows:

(d) From the highest of the prices resulting from paragraphs (a), (b) and (c) of this section, for the next preceding delivery period deduct the value of 96.5 pounds of Class IV skim milk for the current delivery period, as computed under § 967.53 (b). Divide the result by 3.5 and the result shall be known as the basic formula price per pound of butterfat.

(e) The basic formula price per hundredweight of skim milk shall be the same as that computed under § 967.53 for Class IV skim milk.

Proposal No. 5. Amend § 967.51 to read as follows:

§ 967.51 *Class I and Class II milk prices.* The minimum prices to be paid by each handler for skim milk and butterfat in producer milk classified as Class I milk and Class II milk, shall be determined by adding the following amounts to the respective basic formula prices for skim milk and butterfat for the delivery period.

Delivery period	Class I skim milk (per hundredweight)	Class II butterfat (per pound)
April	$0.7279	$0.1143
May and June	.5813	.0857
July through December	1.3415	.2000
All other months	.9264	.1429

Proposal No. 6. Amend § 967.52 (b) and (c) to read as follows:

(b) The per hundredweight skim milk value of Class III milk shall be the same as that determined for the Class IV price under § 967.50 (e). The price per pound of butterfat in Class III milk shall be determined as follows:

(c) From the price determined under paragraph (a) of this section deduct the value of 96.5 pounds of Class III skim milk. Divide the remainder by 3.5 and the result shall be known as the price per pound of butterfat in Class III milk.

Proposal No. 7. Delete § 967.52 (d) and (e).

Proposal No. 8. Amend § 967.53 to read as follows:

§ 967.53 *Class IV milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class IV milk, shall be determined as follows:

(a) Multiply the average of the daily wholesale prices per pound of 92-score butter at Chicago, Illinois, during the delivery period as reported by the Department by 1.2, which amount shall be known as the Class IV price per pound of butterfat.

(b) Multiply the Class IV price per pound of butterfat by 3.5. Deduct the amount arrived at from the price resulting from the formula under § 967.50 (c). Divide this result by 0.965, which amount shall be known as the Class IV price per hundredweight of skim milk.

Proposal No. 9. Amend § 967.60 to read as follows:

§ 967.60 *Exempt milk.* Skim milk and butterfat disposed of as Class I and Class II milk on a route in the marketing area shall not be subject to the provisions of this order, if

(a) Such milk is priced under another marketing agreement or order issued pursuant to the act; and

(b) The person making such disposition of milk in the marketing area is subject to regulation under this or such other marketing agreement or order: *Provided*, That the handler making such disposition of milk in the marketing area shall, at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

The following amendments have been proposed by the La Porte County Milk Producers Association, Inc.:

Proposal No. 10. Amend § 967.80 (a) to read:

(a) Not less than 50% of amount due to each producer for milk delivered to handler by producer during the previous delivery period on or before the 4th day of the month following the delivery period and the balance on or before the 18th day after the end of each delivery period, to each producer, except producers for whom payments are made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for such delivery period pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

The following amendments have been proposed by Reliable Dairy Company, Inc., South Bend, Indiana, et al.:

Proposal No. 11. Amend § 967.7 to read as follows:

§ 967.7 *South Bend-La Porte Marketing Area.* "South Bend-La Porte Marketing Area," hereinafter called "marketing area" means all of the territory within the geographical limits of St. Joseph County, Indiana, excepting the Townships of Olive, Liberty and Lincoln, and all of the territory in Bertrand and Niles Townships, Berrien County, Michigan, and Milton and Ontwa Townships, Case County, Michigan, excepting that part of said townships within the corporate limits of the City of Niles, Michigan, and all the territory within the corporate limits of La Porte and Michigan City, Indiana.

Proposal No. 12. Amend § 967.8 to read as follows:

§ 967.8 *Plant.* "Plant" means any plant which disposes of milk in the marketing area.

Proposal No. 13. Amend § 967.9 to read as follows:

§ 967.9 *Producer.* "Producer" means any person who produces milk which is received at a plant.

Proposal No. 14. Amend § 967.41 (a) to read as follows:

(a) Class I milk shall be all skim milk and butterfat: (1) Disposed of in fluid form as milk, flavored milk, having a butterfat content of not less than 3.25 percent (2) shrinkage on receipts of producer milk which is in excess of 3 percent of such receipts.

Proposal No. 15. Amend § 967.46 (b) to read as follows:

(b) Subtract pro rata from the remaining pounds of skim milk and butterfat the pounds of skim milk and butterfat in other source milk: *Provided however*, That if such milk is priced under another marketing agreement or order issued pursuant to the act, then such milk shall be classified in the class in which it is used.

Proposal No. 16. Amend § 967.60 to read as follows:

§ 967.60 *Exempt milk.* There shall be no exempt milk and all skim milk and butterfat disposed of as Class I or Class II milk on any route in the marketing area shall be subject to the provisions of this part.

The following amendments have been proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 17. Amend § 967.41 (a) (1) to read as follows:

(1) Disposed of in fluid form as milk, skim milk, flavored milk, flavored milk drinks, fluid cream (sweet or sour), any mixture of cream and milk (or skim milk), containing not less than 6 percent butterfat, eggnog, and buttermilk (except as provided in paragraphs (b) (1) and (c) (2) of this section); and

Proposal No. 18. Redesignate Class III milk as Class II milk and redesignate Class IV milk as Class III milk; redesignate paragraphs (c) and (d) of § 967.41 as paragraphs (b) and (c) of such section, respectively.

Proposal No. 19. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 116 South William Street, South Bend, Indiana, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: January 22, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-1322; Filed, Jan. 25, 1951; 8:48 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 18]

[Docket No. FDC-7-C-1]

MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF HEARING TO AMEND DEFINITION AND STANDARD OF IDENTITY OF EVAPORATED MILK

In the matter of amending the definition and standard of identity for evaporated milk:

Notice is hereby given that the Federal Security Administrator, upon his own initiative in accordance with sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of March 5, 1951, in room 5439, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of receiving evidence upon proposals to amend the regulations fixing and establishing definitions and standards of identity for evaporated milk (21 CFR 18.520).

At the hearing, evidence will be restricted to testimony and exhibits relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor. Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing in place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceeding to the Administrator for initial decision.

The proposed amendments set forth below for consideration at the hearing are subject to adoption, rejection, or modification by the Federal Security Administrator, in whole or in part, as the evidence adduced at the hearing may require.

It is proposed that § 18.520 *Evaporated milk; identity; label statement of optional ingredients*, be amended in the following respects:

1. By changing subparagraph (2) of paragraph (a), so that as changed it reads as follows:

(2) Vitamin D in such quantity as to increase the total vitamin D content to not less than 25 U. S. P. units per fluid ounce of the finished evaporated milk.

2. By changing subparagraph (5) of paragraph (c), so that as changed it reads as follows:

(5) The quantity of vitamin D is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 7th edition, page 788 et seq., under the heading "Vitamin D in Milk—Official."

Dated: January 19, 1951.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-1255; Filed, Jan. 25, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[CGFR 51-1]

COMMANDANT, U. S. COAST GUARD, AND COMMISSIONER OF CUSTOMS

DELEGATION OF WAIVER AUTHORITY WITH RESPECT TO NAVIGATION AND VESSEL INSPECTION LAWS

By virtue of the authority vested in me by the provisions of section 2, Reorganization Plan No. 26, 1950, 15 F. R. 4935, I hereby confer and impose upon the Commandant, United States Coast Guard, with respect to the navigation and vessel inspection laws administered by the Coast Guard, and the Commissioner of Customs, with respect to the navigation laws administered by the Bureau of Customs, all the rights, privileges, powers, or duties to waive compliance with the provisions of the navigation and vessel inspection laws in the interest of national defense, which were vested in me by virtue of the act of December 27, 1950 (Public Law 891, 81st Cong., 2d Sess.).

Dated: January 23, 1951.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1274; Filed, Jan. 25, 1951; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 58183]

CALIFORNIA

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY AND PATENTING

JANUARY 19, 1951.

Under authority of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and pursuant to section 2.22 of Order No. 2583 of August 16, 1950, of the Secretary of the Interior (15 F. R. 5645), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the

following described lands shall, commencing at 10 a. m. on the thirty-fifth day after the date of this order, be open to location, entry and patenting under the United States mining laws, subject to the stipulations quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Los Angeles, California, before locations are made:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 11 E.,
Sec. 4, S½SW¼,
Sec. 5, S½S½,
Sec. 6, S½SE¼,
Sec. 7, NE¼, N½SE¼, SE¼SE¼,
Sec. 8, all,
Sec. 9, W½, SW¼SE¼,
Sec. 15, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼,
Sec. 17, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼.

The area described aggregates 2,320 acres.

There is reserved to the United States, its agents and employees, at all times free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; and there is further reserved to the United States, its successors and assigns, the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant works, including the right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without any payment made by the United States, or its successor for such right. The Locator further agrees that the United States, its officers, agents and employees, and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the Locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1265; Filed, Jan. 25, 1951; 8:49 a. m.]

Bureau of Reclamation

[Commissioner's Order 5]

REGIONAL DIRECTOR

REDELEGATION OF AUTHORITY FOR EXECUTION OF CONTRACTS INVOLVING SALE OF ELECTRIC POWER AND ENERGY

JANUARY 18, 1951.

Redelegation of authority. Pursuant to the authority delegated by the Secretary to the Commissioner in Order No. 2479 (13 F. R. 5793), Regional Directors are authorized, with respect to Federal Reclamation projects and other Federal projects for which the Bureau is the power marketing agent within their regions, to negotiate and execute, without specific prior approval, contracts, including supplements and amendments, for the sale of electric power and energy (excepting contracts involving major policy considerations and contracts with Federal Agencies and privately-owned public utilities) which are comprised solely of standard articles and standard rates approved by the Secretary.

G. W. LINEWEAVER,
Acting Commissioner of Reclamation.

[F. R. Doc. 51-1266; Filed, Jan. 25, 1951; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3068]

MINNESOTA

LOAN ANNOUNCEMENT

DECEMBER 18, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 94K North Itasca	$120,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1325; Filed, Jan. 25, 1951; 8:49 a. m.]

[Administrative Order 3069]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 18, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 42A Lyman	$3,975,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1326; Filed, Jan. 25, 1951; 8:49 a. m.]

[Administrative Order 3070]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 18, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 44A Pennington	$2,164,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1327; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3071]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 19, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 15R Dickinson	$355,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1328; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3072]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 20, 1950.

Inasmuch as Beltrami Electric Cooperative, Inc. has transferred certain of its properties and assets to Clearwater-Polk Electric Co-operative, Inc., and Clearwater-Polk Electric Co-operative, Inc., has assumed in part the indebtedness to United States of America, of Beltrami Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 612, dated August 8, 1941, by changing the project designation appearing therein as "Minnesota 2096A2 Beltrami" in the amount of $249,000 to read "Minnesota 2096A2 Beltrami" in the amount of $217,829.50 and "Minnesota 101 Clearwater (Minnesota 2096A2 Beltrami)" in the amount of $31,170.50.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1329; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3073]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 20, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 47G Trego	$340,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1330; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3074]

WISCONSIN

LOAN ANNOUNCEMENT

DECEMBER 21, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 58M Price	$10,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1331; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3075]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 21, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 14F Mora	$335,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1332; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3076]

CALIFORNIA

LOAN ANNOUNCEMENT

DECEMBER 22, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
California 35B Sacramento District Public	$3,925,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1333; Filed, Jan. 25, 1951; 8:50 a. m.]

[Administrative Order 3077]

NEBRASKA

LOAN ANNOUNCEMENT

DECEMBER 26, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 65M Wayne District Public	$355,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1334; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3078]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 26, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 32M Calhoun	$165,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1335; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3079]

OREGON

LOAN ANNOUNCEMENT

DECEMBER 26, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oregon 21R Coos	$205,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1336; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3080]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 26, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 87U Karnes	$143,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1337; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3081]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 26, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 24L Montgomery	$570,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51-1338; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3082]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 23L Taylor	$320,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-1339; Filed, Jan. 25, 1951; 8:51 a. m.]

[Administrative Order 3083]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 25F Bullock	$520,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 51-1340; Filed, Jan. 25, 1951; 8:52 a. m.]

[Administrative Order 3084]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34F Bay	$115,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1341; Filed, Jan. 25, 1951; 8:52 a. m.]

[Administrative Order 3085]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 72L Lamar	$225,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1342; Filed, Jan. 25, 1951; 8:52 a. m.]

[Administrative Order 3086]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 35F Glades	$270,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1343; Filed, Jan. 25, 1951; 8:52 a. m.]

[Administrative Order 3087]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 47V Cooper	$90,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1344; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3088]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 71N Buchanan	$129,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1345; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3089]

OHIO

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 74P Butler	$195,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1346; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3090]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 36P Jasper	$1,030,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1347; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3091]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 75L Montgomery	$97,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1348; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3092]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 11L Pennington	$317,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1349; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3093]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 23N Dorchester	$130,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1350; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3094]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 13V Johnson	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1351; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3095]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 29, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation, has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 92P Jackson	$375,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 51-1352; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3096]

MINNESOTA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 81L Aitkin	$325,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1353; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3097]

MARYLAND

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Maryland 4AD St. Mary's	$2,350,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1354; Filed, Jan. 25, 1951; 8:53 a. m.]

[Administrative Order 3098]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 56N Morgan	$470,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1355; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3099]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 45L Anderson	$295,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1356; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3100]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 33S Daviess	$890,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1357; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3101]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 22E Doniphan	$83,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1358; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3102]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 60N Morgan	$130,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1359; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3103]

INDIANA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 32H Hancock	$140,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1360; Filed, Jan. 25, 1951; 8:54 a. m.]

[Administrative Order 3104]

ARIZONA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 22E Kingman	$25,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-1361; Filed, Jan. 25, 1951; 8:55 a. m.]

[Aministrative Order 3105]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 18W Carroll	$595,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1362; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3106]

OREGON

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 17P Douglas	$300,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1363; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3107]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 29D McKenzie	$300,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1364; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3108]

OHIO

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 84L Carroll	$155,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1365; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3109]

WISCONSIN

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 63N, P Bayfield	$545,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1366; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3110]

VIRGINIA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 38K Loudoun	$378,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1367; Filed, Jan. 25, 1951; 8:55 a. m.]

[Administrative Order 3111]

VIRGINIA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 31X Mecklenburg	$2,430,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1368; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3112]

VERMONT

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Vermont 7X Orleans	$10,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1369; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3113]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 46U Madison	$200,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1370; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3114]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 46S Madison	$1,920,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1371; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3115]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 11N Taos	$60,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1372; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3116]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 4Y Eddy	$365,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1373; Filed, Jan. 25, 1951; 8:56 a. m.]

[Administrative Order 3117]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 2R Cascade	$120,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1374; Filed, Jan. 25, 1951; 8:57 a. m.]

[Administrative Order 3118]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 69E Barry	$230,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1375; Filed, Jan. 25, 1951; 8:57 a. m.]

[Administrative Order 3119]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan Designation:	*Amount*
Missouri 18S, V Texas	$1,480,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1376; Filed, Jan. 25, 1951; 8:57 a. m.]

[Administrative Order 3120]

MINNESOTA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 12M St. Louis	$685,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1377; Filed, Jan. 25, 1951; 8:57 a. m.]

[Administrative Order 3121]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan Designation:	*Amount*
Texas 111P Austin	$242,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1378; Filed, Jan. 25, 1951; 8:57 a. m.]

[Administrative Order 3122]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 48N Hidalgo	$470,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1379; Filed, Jan. 25, 1951; 8:58 a. m.]

[Administrative Order 3123]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 34E Hardin	$590,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1380; Filed, Jan. 25, 1951; 8:58 a. m.]

[Administrative Order 3124]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 19V Rutherford	$825,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1381; Filed, Jan. 25, 1951; 8:58 a. m.]

[Administrative Order 3125]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 35B Bennett	$1,075,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1382; Filed, Jan. 25, 1951; 8:58 a. m.]

[Administrative Order 3126]

OREGON

LOAN ANNOUNCEMENT

DECEMBER 30, 1950.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 22L Clackamas	$350,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51-1383; Filed, Jan. 25, 1951; 8:58 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

CONFIRMATION OF DELEGATIONS 1, 2, 3, 4 AND 6

National Production Authority Delegations 1, 2, 3, 4 and 6, heretofore issued pursuant to Executive Order 10161 (September 15, 1950) and Department of Commerce Order 123 (as amended September 28, 1950), are hereby approved, confirmed and readopted as delegations under the authority of Executive Order 10200 (January 3, 1951), Defense Production Administration Delegation No. 1 (January 24, 1951), and Department of Commerce Order 123 (as amended January 24, 1951).

Dated: January 24, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-1456; Filed, Jan. 25, 1951; 12:18 p. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SR-2090, SR-2091]

J. R. RICHARDSON AND J. W. KIEWEL

NOTICE OF ORAL ARGUMENTS

In the matters of Donald W. Nyrop, Administrator of Civil Aeronautics, complainant, v. J. R. Richardson, and J. W. Kiewel, respondents.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral arguments in these cases are assigned to be heard February 6, 1951, at 10:00 a. m., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 22, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-1270; Filed, Jan. 25, 1951; 8:50 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[Delegation No. 1]

DELEGATION OF AUTHORITY TO CERTAIN OFFICERS AND AGENCIES

Pursuant to Executive Order No. 10200, issued January 3, 1950, certain of the functions conferred upon the Defense Production Administration by said order are further delegated as follows:

1. The functions conferred upon the President by Title I of the Defense Production Act of 1950 are hereby delegated to the same officers and agencies to whom the said functions were delegated by section 101 of Executive Order No. 10161 issued on September 9, 1950 (F. R. Doc. 50-8018), except as modified in the next succeeding paragraph of this delegation.

2. Those functions under Title I of the Defense Production Act of 1950 which were previously delegated to the Secretary of Interior by the Secretary of Commerce in National Production Authority Delegation No. 5 issued on December 18, 1950 (15 F. R. 9195) are hereby delegated to the Secretary of the Interior.

3. Each officer and agency to whom functions are delegated by this Delegation No. 1 shall, with respect to the materials and facilities within his particular jurisdiction as defined in the preceding paragraphs of this Delegation No. 1, continue to perform the claimant functions assigned to him by sections 102 and 103 of Executive Order 10161.

4. Each officer and agency to whom functions are delegated by this Delegation No. 1 shall, with respect to the materials and facilities within his particular jurisdiction as defined in the preceding paragraphs of this Delegation No. 1, make recommendations to the Defense Production Administrator for the issuance of certificates by the Administrator for action under Sections 302 and 303 of the Defense Production Act of 1950 (loans, purchases, commitments, etc.) as specified in paragraph 2b of section 2 of Executive Order 10200, and in sections 303 and 304 of Executive Order 10161, as amended. Such officers and agencies shall perform such additional functions with respect to the issuance of such certificates as may be prescribed by any regulations or procedures which may hereafter be issued. This paragraph shall not be construed to limit or affect the authority of the Secretary of Agriculture under section 303 of Executive Order 10161, as amended by Executive Order 10200.

5. Each officer and agency to whom functions under Title I of the Defense Production Act of 1950 are delegated shall, with respect to the materials and facilities within his particular jurisdiction, make recommendations to the Defense Production Administrator for the issuance of certificates under subsection (c) of section 124A of the Internal Revenue Code, as added by section 216 of the Revenue Act of 1950, approved September 23, 1950, subject to any regulations and procedures which may hereafter be issued.

6. Each officer and agency to whom functions under Title I of the Defense Production Act of 1950 are delegated may, with respect to the materials and facilities within his jurisdiction, carry out the consultations referred to in subsection 708 (a) of that act, and make recommendations to the Defense Production Administrator for the approval of voluntary agreements and programs as provided in section 708 of that act.

7. Nothing in this Delegation No. 1 shall be construed to limit the right of redelegation and authorization of successive redelegation of any of the foregoing functions, pursuant to paragraph (b) of section 902 of Executive Order 10161.

8. The functions delegated by the preceding paragraphs of this Delegation No. 1 shall be exercised subject to the direction and control of the Defense Production Administrator.

This delegation shall take effect immediately (January 24, 1951).

W. H. HARRISON,
Defense Production Administrator.

[F. R. Doc. 51-1436; Filed, Jan. 24, 1951; 5:05 p. m.]

ECONOMIC STABILIZATION AGENCY

[Gen. Order 2]

FUNCTIONS WITH RESPECT TO PRICE STABILIZATION TO BE PERFORMED BY THE DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. (a) There is hereby created within the Economic Stabilization Agency an Office of Price Stabilization which shall be headed by the Director of Price Stabilization.

(b) The functions delegated to the Economic Stabilization Administrator by the provisions of Part IV of Executive Order No. 10161 of September 9, 1950, with respect to price stabilization are hereby redelegated to the Director of Price Stabilization and shall be performed by him subject to the supervision and direction of the Administrator.

(c) The Director of Price Stabilization shall make such recommendations to the Administrator regarding stabilization policies as he deems appropriate.

(d) There are hereby redelegated to the Director of Price Stabilization so much of the functions of the Administrator pursuant to the Defense Production Act of 1950 and provided for in sections 902 and 903 of Executive Order No. 10161 of September 9, 1950, as is necessary for the performance of the functions with respect to price stabilization hereinabove redelegated to the Director of Price Stabilization and, except as redelegation may be prohibited therein, so much of the functions of the Administrator pursuant to Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 3, 1951, as is necessary for the performance of the functions with respect to price stabilization so redelegated hereinabove to the Director of Price Stabilization.

SEC. 2. Without prejudice to anything heretofore done thereunder, General Order No. 1, promulgated by the Economic Stabilization Administrator January 2, 1951, is hereby revoked. All other orders and directives of the said Administrator, including Administrator's Management Order No. 1 of October 20, 1950, are hereby superseded to the extent that they are inconsistent herewith.

SEC. 3. This order shall become effective as of the commencement of business on Wednesday, January 24, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

JANUARY 24, 1951.

[F. R. Doc. 51-1433; Filed, Jan. 24, 1951; 5:02 p. m.]

[Gen. Order 3]

FUNCTIONS WITH RESPECT TO WAGE STABILIZATION TO BE PERFORMED BY THE WAGE STABILIZATION BOARD

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. (a) The functions delegated to the Economic Stabilization Administrator by the provisions of Part IV of Executive Order No. 10161 of September 9, 1950, with respect to wage stabilization are hereby redelegated to the Wage Stabilization Board and shall be performed by said Board, subject to the supervision and direction of the Administrator; except as otherwise hereinafter provided.

(b) There are hereby redelegated to the Chairman of the Wage Stabilization Board so much of the functions of the Administrator pursuant to the Defense Production Act of 1950 and provided for in sections 902 and 903 of Executive Order No. 10161 of September 9, 1950, as is necessary for the performance of the functions with respect to wage stabilization hereinabove redelegated to the Wage Stabilization Board and, except as redelegation may be prohibited therein, so much of the functions of the Administrator pursuant to Executive Order No. 10182 of November 21, 1950, as amended by Executive Order No. 10205 of January 3, 1951, as is necessary for the performance of the functions with respect to wage stabilization so redelegated hereinabove to the Wage Stabilization Board.

(c) The said Board shall make such recommendations to the Administrator regarding stabilization policies as it may deem appropriate.

(d) The Wage Stabilization Board shall to the maximum extent practicable redelegate to the Chairman of the Board the internal administrative affairs of the Board and the administration of the regulations, orders, decisions, and other actions of the Board.

(e) In carrying out his functions pursuant to paragraphs (b) and (d) of this section, the Chairman shall be governed by the general policies of the Wage Stabilization Board and by such other instructions and determinations as the Board may from time to time make.

SEC. 2. All other orders and directives of the said Administrator, including Administrator's Management Order No. 1 of October 20, 1950, are hereby superseded to the extent that they are inconsistent herewith.

SEC. 3. This order shall become effective as of the commencement of business on Wednesday, January 24, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

JANUARY 24, 1951.

[F. R. Doc. 51-1434; Filed, Jan. 24, 1951; 5:02 p. m.]

[Gen. Order 4]

FUNCTIONS OF THE GENERAL COUNSEL

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. The General Counsel of the Economic Stabilization Agency shall be the chief legal officer of the Agency.

SEC. 2. General Orders Nos. 2[1] and 3[2] shall be subject to the provisions of this order.

SEC. 3. This order shall become effective as of the commencement of business on Wednesday, January 24, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

JANUARY 24, 1951.

[F. R. Doc. 51-1435; Filed, Jan. 24, 1951; 5:02 p. m.]

[1] See F. R. Doc. 51-1433, *supra.*
[2] See F. R. Doc. 51-1434, *supra.*

FEDERAL POWER COMMISSION

[Docket No. G-1587]

DELAWARE POWER & LIGHT CO.

NOTICE OF APPLICATION

JANUARY 22, 1951.

Take notice that on January 11, 1951, Delaware Power & Light Company (Applicant), a Delaware corporation with its principal place of business in Wilmington, Delaware, filed an application pursuant to section 7 (b) of the Natural Gas Act to abandon the transportation of natural gas in interstate commerce to the Chester County Light and Power Company, and to abandon such facilities used in connection therewith to the extent that they are now used in such transportation.

Delaware Power & Light Company recites in its application that it desires to discontinue the transportation of gas to Chester County Light and Power Company in order that it may convert its full pipeline capacity of all of its facilities, now partially used for such transportation, to supply gas to its customers, and that such utilization would result in better service to its customers.

The application points out that Philadelphia Electric Company is filing an application for a certificate of public convenience and necessity for authority to construct and operate certain proposed natural gas facilities described for the purpose of transporting and delivering direct to the pipeline facilities of Chester the natural gas sold in interstate commerce by Philadelphia Electric Company to Chester for resale,[1] which natural gas is now being transported by Applicant.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 12th day of February 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1267; Filed, Jan. 25, 1951; 8:50 a. m.]

[Docket No. G-1588]

PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 22, 1951.

Take notice that on January 12, 1951, Philadelphia Electric Company (Applicant), a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described.

Applicant proposes to construct a 6-inch pipe line which will commence at a point of connection with an existing line consisting of 1.1 miles of 16-inch pipe and 6.9 miles of 12-inch pipe originating from Applicant's Tilghman Street gas production plant in the City of Chester, Pennsylvania, to the Pennsylvania-Delaware State line near Booth Corner, Pennsylvania. The proposed 6-inch main will connect with Applicant's existing pipe line in the vicinity of Chester, near the intersection of Wilmington-Kennett Pike and Baltimore Pike, in Kennett Township, Chester County, Pennsylvania.

Philadelphia Electric Company supplies the entire gas requirements of the

[1] Philadelphia Electric Company filed said application January 12, 1951, in Docket No. G-1588.

Chester County Light and Power Company (Chester), which company supplies a portion of Chester County.

All gas sold by Applicant to Chester for resale is transported and delivered to the Delaware Power & Light Company (Delaware) and by the latter transported and delivered to Chester at a point at the boundary line between Chester County, Pennsylvania and New Castle County, Delaware. Applicant, by means of its project, proposes through said 6-inch main to transport and deliver natural gas direct to Chester.

The estimated cost of construction of said main and associated facilities is $311,000. The cost will be financed out of Applicant's general funds. The time required for the construction is estimated at four months.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 12th day of February 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1268; Filed, Jan. 25, 1951; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND THE ASSOCIATED COMPANIES OF THE BELL SYSTEM

ORDER INSTITUTING INVESTIGATION

In the matter of rates and charges for interstate and foreign communication services furnished by the American Telephone and Telegraph Company and the Associated Companies of the Bell System.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of January 1951;

The Commission, having under consideration the level of earnings of the Long Lines Department of the American Telephone and Telegraph Company and the Associated Companies of the Bell System, listed in Attachment A hereof, from interstate and foreign communication services; and the specific rates and rate relationships in the existing message toll telephone rate schedules;

It appearing, that according to information contained in reports received by the Commission from the above-mentioned companies, as summarized in Attachment B hereof, said companies are earning upon the reported book cost of their telephone plant devoted to interstate and foreign communication services, less depreciation and amortization reserves, at a rate of more than 7.0 percent after all taxes;

It further appearing, that the most recent reports of the earnings of said companies indicate an upward trend in their level of earnings from interstate and foreign communication services;

It further appearing, that in view of such high level of earnings, and the aforementioned trend thereof, and with due regard to the higher Federal income tax rates applicable in 1951, the rates and charges for interstate and foreign communication services furnished by the above-named companies may be so high as to be unjust and unreasonable and unduly burdensome upon the public;

It further appearing, that consideration should be given to the need and desirability for adjustments in specific rates and rate relationships in the existing interstate message toll telephone rate schedules;

It is ordered, That pursuant to sections 201, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the justness and reasonableness of the rates and charges for interstate and foreign communication services which are furnished by the above-named companies, and into the need and desirability for adjustments in specific rates and rate relationships in the existing interstate message toll telephone rate schedules;

It is further ordered, That each of the above-named companies is hereby made a party respondent to this proceeding, and shall appear and show cause why, on the basis of the data summarized in Attachment B hereof, (1) the Commission should not find that the existing rates and charges for and in connection with interstate and foreign communication services furnished by said respondents are or will be unjust and unreasonable; and (2) an interim reduction in earnings through appropriate adjustments in rates and charges should not be ordered to be made, pending conclusion of the proceedings of investigation;

It is further ordered, That respondents shall file with this Commission on or before the 23d day of March 1951, their answer or answers to this order, verified by the person or persons having personal knowledge of the facts alleged therein;

It is further ordered, That hearings be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 16th day of April 1951; and that the Commission's telephone committee or any member or members thereof shall preside at said hearings and, at the conclusion of the show cause aspect thereof, shall issue an initial decision;

It is further ordered, That a copy of this order shall be served upon each of the above-named respondents; upon the Governors of the States of Iowa and Texas; upon the commission, board, or official of each of the other States and of the District of Columbia which has regulatory jurisdiction with respect to rates and charges for communication services; upon the National Association of Railroad and Utilities Commissioners; and upon the United States Independent Telephone Association.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

ATTACHMENT A

New England Telephone & Telegraph Co.
New York Telephone Co.
New Jersey Bell Telephone Co.
Bell Telephone Co. of Pennsylvania.
Diamond State Telephone Co.
Chesapeake & Potomac Telephone Co.
Chesapeake & Potomac Telephone Co. of Baltimore City.
Chesapeake & Potomac Telephone Co. of Virginia.
Chesapeake & Potomac Telephone Co. of West Virginia.
Southern Bell Telephone & Telegraph Co.
Ohio Bell Telephone Co.
Michigan Bell Telephone Co.
Indiana Bell Telephone Co.
Wisconsin Telephone Co.
Illinois Bell Telephone Co.
Northwestern Bell Telephone Co.
Southwestern Bell Telephone Co.
Mountain States Telephone & Telegraph Co.
Pacific Telephone & Telegraph Co.
Bell Telephone Co. of Nevada.
Southern New England Telephone Co.
Cincinnati & Suburban Bell Telephone Co.

ATTACHMENT B

BELL TELEPHONE SYSTEM

Earnings and plant book cost data related to interstate communications services under the Division of Revenues Contracts, calendar year 1949 and January 1–October 31, 1950.

	Calendar year 1949	Jan. 1–Oct. 31, 1950
Book cost of telephone plant (account 100.1, 3, 4)	$1,714,510,272	$1,860,970,109
Depreciation and amortization reserves [1]	568,017,253	616,542,309
Net book cost of telephone plant	1,146,493,019	1,244,436,770
Operating revenues	502,906,651	522,618,811
Operating revenue deductions [2]	460,975,217	401,566,976
Federal income taxes [3]	32,209,776	45,143,070
Net amount available for return	69,721,658	75,878,776
Ratio of net amount available for return to net book cost of telephone plant	*Percent* 6.08	*Percent* [4] 7.92

[1] Estimated on basis of applying to book cost the ratio of these reserves to book cost used by American Telephone & Telegraph Co. in a statement supplied informally to the Commission relating to the 12 months ended Apr. 30, 1950.

[2] Includes service pension accruals accounted for by charge to account 223 and also includes operating taxes except Federal income taxes.

[3] Federal income taxes are computed at a 38 percent tax rate for 1949 and a 42 percent tax rate for the 1950 period. Taxable income is computed by allocation to interstate operations the same proportion of total interest expense of the Bell System (including Southern New England Telephone Co. and Cincinnati & Suburban Bell Telephone Co.) as book cost of telephone plant allocated to interstate operations is of total telephone plant of the Bell System (including SNET and C&S). It is assumed that 87 percent of the earnings of the associated companies which are available for dividends is paid out as dividends, and that 95.36 percent of those dividends accrues to A. T. & T. Co. For purposes of this statement, allowance is made in taxable income for the 15 percent of such dividends which will be taxable income to A. T. & T. Co.

[4] Annual basis; at a 47 percent Federal income tax rate, this ratio would be 6.31 percent.

[F. R. Doc. 51-1273; Filed, Jan. 25, 1951; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5782]

MONROE SALES CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of Samuel Cohen and Irwin H. Fisher, individuals and partners trading as Monroe Sales Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That William L. Pack, a Trial Examiner of this Commission, be and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, February 5, 1951, at 11 o'clock in the forenoon of that day (eastern standard time), in Room 709, U. S. Appraisers Stores Building, southeast corner of Gay and Lombard Streets, Baltimore, Maryland.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-1271; Filed, Jan. 25, 1951; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMISSIONER OF COMMUNITY FACILITIES

DELEGATION OF AUTHORITY WITH RESPECT TO HOUSING FOR EDUCATIONAL INSTITUTIONS

Statutory responsibility of the Housing and Home Finance Administrator with respect to Housing for Educational Institutions. The Housing and Home Finance Administrator is responsible for the administration of the program authorized under Title IV of the Housing Act of 1950 (64 Stat. 77, 12 U. S. C. 1749–1749c, inclusive), designed to assist educational institutions in providing housing for their students and faculties. There is available under this program, for loans to serve the most acute needs of such institutions arising from defense or defense-related activities, an amount not to exceed $40,000,000 to be obtained through borrowings by the Administrator from the Secretary of the Treasury.

Delegation of authority. The Commissioner of Community Facilities, head of the Community Facilities Service, an organizational unit in the Office of the Administrator, is hereby authorized to administer the program authorized under Title IV of the Housing Act of 1950, in accordance with applicable law and under the supervision of the Housing and Home Finance Administrator: *Provided, however*, That with respect to loans under such program no officer or employee of the Housing and Home Finance Agency other than the Housing and Home Finance Administrator (or the Acting Administrator) shall authorize loans, make loan or other contractual commitments, execute loan or other agreements or amendments thereto, make determinations with respect to a breach of contract, or issue notes or other obligations for purchase by the Secretary of the Treasury.

To the Commissioner of Community Facilities. In carrying out the functions under Title IV of the Housing Act of 1950, the Commissioner of Community Facilities is hereby authorized, specifically:

(a) To approve requisitions and vouchers for funds to be disbursed within amounts established in contracts executed by the Administrator.

(b) To redelegate the authority herein delegated to such officers and employees of the Community Facilities Service as he may select.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283–85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended by Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (April 20, 1950); 64 Stat. 77–80, 12 U. S. C. 1749–1749c (Supp. 1949))

Effective this 23d day of January 1951.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 51-1276; Filed, Jan. 25, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25767]

TIRE FABRIC FROM SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. 856 and 899.

Commodities involved: Tire fabric and related articles, in less-than-carloads.

From: Mill points in southern territory.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 856, Supp. 126; C. A. Spaninger's tariff I. C. C. No. 899, Supp. 104.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1257; Filed, Jan. 25, 1951; 8:48 a. m.]

[4th Sec. Application 25768]

FERRO ALLOYS FROM EMCO, ALA., TO LITCHFIELD, ILL.

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Southern Railway Company and other carriers named in the application.

Commodities involved: Ferro-manganese, ferro-silicon and related articles, in carloads.

From: Emco, Ala.

To: Litchfield, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1079, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1258; Filed, Jan. 25, 1951; 8:48 a. m.]

[4th Sec. Application 25769]

PETROLEUM PRODUCTS FROM CHEYENNE, WYO., TO STERLING, COLO.

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Union Pacific Railroad Company.

Commodities involved: Petroleum products, carloads.

From: Cheyenne, Wyo.

To: Sterling, Colo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: U. P. RR. tariff I. C. C. No. 4933, Supp. 147.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1259; Filed, Jan. 25, 1951; 8:48 a. m.]

[4th Sec. Application 25770]

BLACKSTRAP MOLASSES FROM TEXAS TO KANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3857.

Commodities involved: Blackstrap molasses and distillery molasses residuum, in tank-car loads.

From: Galveston, Houston, Sugar Land, Texas City and Corpus Christi, Tex.

To: Points in Kansas and Marland, Okla.

Grounds for relief: To restore rate relationships.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3857, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1260; Filed, Jan. 25, 1951; 8:48 a. m.]

[4th Sec. Application 25771]

CANS, SHEET IRON OR STEEL TO BAYTOWN AND HOUSTON, TEX.

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Cans, sheet iron or steel, in carloads.

From: Chicago, Ill., and points taking same rates, and St. Louis, Mo.

To: Baytown and Houston, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1261; Filed, Jan. 25, 1951; 8:48 a. m.]

[4th Sec. Application 25772]

PULPBOARD AND STRAWBOARD FROM DETROIT, MICH., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JANUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Paper, pulpboard or strawboard, in carloads.

From: Detroit, Mich.

To: Points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1262; Filed, Jan. 25, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WAYNE D. RUSE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of January 1951.

In the matter of Wayne D. Ruse, 406 Chickasha Street, Chickasha, Oklahoma.

I. The Commission's public official files disclose that Wayne D. Ruse, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 26th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 19, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 26, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1251; Filed, Jan. 25, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

MRS. JACK H. HIX

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of January 1951.

In the matter of Mrs. Jack H. Hix, 4433 Edmondson, Dallas, Texas, and 565 First National Bank Bldg., Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that Mrs. Jack H. Hix, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of her financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 26th day of February 1951 at the main office of the Securities and Exchange Commission located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 19, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 26, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of Investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1252; Filed, Jan. 25, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

GEORGE WARREN BARNES, III

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of January 1951.

In the matter of George Warren Barnes, III, Ramsey Tower Building, Oklahoma City, Oklahoma.

I. The Commission's public official files disclose that George Warren Barnes, III, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 26th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 19, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 26, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1253; Filed, Jan. 25, 1951; 8:46 a. m.]

ARTHUR L. FAUBLE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of January 1951.

In the matter of Arthur L. Fauble, 620 North Louisa Street, Shawnee, Oklahoma.

I. The Commission's public official files disclose that Arthur L. Fauble, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 26th day of February 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 19, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

[1] Filed as part of the original document.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to February 26, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1250; Filed, Jan. 25, 1951; 8:45 a. m.]

[File Nos. 54-174, 70-1741]

SIOUX CITY GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON APPLICATIONS FOR ALLOWANCE OF FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of January A. D. 1951.

In the matter of Sioux City Gas and Electric Company, Iowa Public Service Company, Nebraska Public Service Company, Penn-Western Service Corporation, File No. 54-174; Sioux City Gas and Electric Company, South Dakota Public Service Company, Yankton Gas Company, File No. 70-1741.

The Commission by order dated September 7, 1949, having approved a section 11 (e) plan and related applications-declarations proposing the consolidation into Sioux City Gas and Electric Company, an Iowa corporation ("Iowa company"), the name of which has since been changed to Iowa Public Service Company, of all of its subsidiary companies, including the principal subsidiary, Iowa Public Service Company, a Delaware corporation ("Delaware company"), and the District Court of the United States for the Northern District of Iowa, Western Division, on October 24, 1949, having issued an order approving and enforcing said plan of consolidation, and the plan having become effective on October 31, 1949; and

The plan having provided for payment by the Iowa Company of all fees and expenses in connection therewith, and the Commission in its said order having reserved jurisdiction over the determination of the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan and the transactions incident thereto;

Notice is hereby given that the Iowa company and others have filed applications and amendments thereto requesting the Commission to approve payment or release jurisdiction over the payment of fees and expenses for services rendered in connection with the plan and the transactions incident thereto.

Notice is hereby given that the Iowa company and others have filed applications and amendments thereto requesting the Commission to approve payment or release jurisdiction over the payment of fees and expenses for services rendered in connection with the plan and the transactions incident thereto.

All interested persons are referred to said applications and amendments thereto, which are on file in the office of the Commission, for a full statement of the claims for fees or other compensation and for reimbursement of expenditures, which are summarized as follows:

	Fees	Expenses	Total
Fees and expenses of company:			
Winthrop, Stimson, Putnam & Roberts, counsel for company	$60,000.00	$1,645.62	$61,645.62
Sifford & Wadden, local counsel for company	7,500.00	[1] 991.78	8,491.78
Reis & Chandler, Inc., expert witness for company	25,000.00	296.93	[2] 25,296.93
Manufacturers Trust Co., exchange and scrip agent with respect to common stock	6,500.00	[3] 2,035.15	8,535.15
The Commercial National Bank & Trust Co. of New York:			
For services as exchange agent with respect to bonds	1,828.75	[4] 1,666.52	2,925.27
For services as trustee of Iowa company bonds	470.00		470.00
Chadbourne, Wallace, Parke & Whiteside, counsel for The Commercial National Bank & Trust Co. of New York	1,600.00	35.84	1,635.84
Bankers Trust Co., exchange agent with respect to preferred stock	1,000.00	[3] 270.77	1,270.77
Chemical Bank & Trust Co., trustees of bonds of Delaware company for authentication of new bonds	3,872.00	46.78	3,918.78
Cravath, Swaine & Moore, counsel for trustee of bonds of Delaware company	1,900.00	76.17	1,976.17
Arthur Andersen & Co., accountants for company	9,965.65	847.59	10,813.25
General expenses		[5] 37,548.27	[5] 37,548.27
Total fees and expenses of company	119,636.41	44,765.42	164,439.83
Other fees and expenses:			
Debevoise, Plimpton & McLean, counsel for a holder of Delaware company preferred stock	$3,000.00	307.58	3,307.58
Francis S. Gaines, counsel for individual common stockholders of Delaware company	5,000.00	467.40	5,467.40
Buff and Phelps, financial adviser to Francis S. Gaines	3,650.00	294.00	3,944.00
Total other fees and expenses	11,650.00	1,068.98	12,718.98
Grand total	131,286.41	45,802.40	177,158.81

[1] These expenses have already been paid.
[2] $15,296.93 of this claim has already been paid.
[3] Although most of the exchanges have already been made under the plan, exchanges may be made until Dec. 14, 1954. Therefore, the final amount of expenses to be incurred therein is not presently known.
[4] This item has already been paid.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications:

It is ordered, Pursuant to sections 11 (e) and 18 of the act, that hearings herein be reconvened for the purpose of taking evidence on said applications, said hearings to commence on February 14, 1951, at 10 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Secretary of the Commission, on or before February 12, 1951, a request or application relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for the purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby empowered to exercise all such powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's Rules of Practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the services and disbursements for which remuneration is sought are compensable, and whether it is lawful or appropriate to grant any allowances for fees and expenses to the persons making such claims.

2. Whether the amounts claimed are fair and reasonable and, if not, what amounts should be fixed by the Commission.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That a copy of this notice shall be mailed by registered mail to Iowa Public Service Company and the applicants herein, that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1254; Filed, Jan. 25, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 78th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9789, Oct. 14, 1946, 11 F R. 11981.

[Vesting Order 16781]

SOPHIA LIEBGOTT

In re: Estate of Sophia Liebgott, deceased. File No. D-28-1760.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anton Liebgott, Lizette Weindel, and Carl Weindel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Sophia Liebgott, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alice D. Classen, administrator de bonis non, acting under the judicial supervision of the Probate Court of St. Clair County, State of Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1277; Filed, Jan. 25, 1951; 8:53 a. m.]

[Vesting Order 16787]

YONEKICHI MATSUMOTO

In re: Estate of Yonekichi Matsumoto, deceased. File No. D-39-19303; E. T. sec. 17063.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motoaki Matsumoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Yonekichi Matsumoto, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by Haruaki Yotsuuye, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for Pierce County;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1278; Filed, Jan. 25, 1951; 8:53 a. m.]

[Vesting Order 16789]

KARO SAKI AND NORIAKI MORITA

In re: Rights of Karo Saki Morita and Noriaki Morita under insurance contract. File No. F-39-4451-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karo Saki Morita and Noriaki Morita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 10,993,408, issued by the New York Life Insurance Company, New York, New York, to Karo Saki Morita, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1279; Filed, Jan. 25, 1951; 8:53 a. m.]

[Vesting Order 16790]

ANNA MORITZ

In re: Estate of Anna Moritz, deceased. File No. D-28-12839; E. T. sec. 17005.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Hawranka (Hawranke) and Alfred Hawranka (Hawranke), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Erna Hawranka (Hawranke), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Moritz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1280; Filed, Jan. 25, 1951; 8:53 a. m.]

[Vesting Order 16791]

THEODOR ROTHKEHL

In re: Rights of Theodor Rothkehl under insurance contract. File No. F-28-24642-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor Rothkehl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 204808, issued by the West Coast Life Insurance Company, San Francisco, California, to Helmut Karl Ernst Rothkehl, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1281; Filed, Jan. 25, 1951; 8:53 a. m.]

[Vesting Order 16792]

ANNA OLSON ET AL.

In re: Anna Olson et al. vs. John A. Esch et al. (partition suit). File No. D-28-12671; E. T. sec. 16846.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph (Josef) Vogt, also known as Joseph (Josef) Franz Vogt, and Lena Vogt, also known as Helena Vogt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled "Anna Olson et al. vs. John A. Esch et al." in the District Court of Custer County, Nebraska, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Kenneth L. Myers, as Referee, acting under the judicial supervision of the District Court of Custer County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1282; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 16795]

AUGUST PRUHSMEYER

In re: Estate of August Pruhsmeyer, deceased. File No. D-28-3476; E & T No. 5485.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Schilling, Anna Hartwig, Gustave Pruhsmeyer, Anna Pruhsmeyer Sundermeier and Karl Pruhsmeyer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to any and all property of any kind or character whatsoever distributed to Elizabeth Pruhsmeyer and the persons named in subparagraph 1 hereof pursuant to an order of the Superior Court, Clark County, Washington, dated May 12, 1943, in the matter of the Estate of August Pruhsmeyer, deceased, or the substitutions therefor,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1283; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 16801]

VALENTINE SANCHEZ ET AL.

In re: Rights of Valentine Sanchez et al. under insurance contracts. File Nos. F-28-24431-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Valentine Sanchez, whose last known adress is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Valentine Sanchez, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 94884008 and 99433245, issued by the Metropolitan Life Insurance Company, New York, New York, to Valentine Sanchez, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Valentine Sanchez or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Valentine Sanchez, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Valentine Sanchez, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1284; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 16802]

GENSABURO AND SENTARO SATOW

In re: Rights of Gensaburo Satow and Sentaro Satow under insurance contract. F-39-4513-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gensaburo Satow and Sentaro Satow, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8780581, issued by the New York Life Insurance Company, New York, New York, to Gensaburo Satow, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gensaburo Satow or Sentaro Satow, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1285; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 16803]

TERUKO SATOW

In re: Rights of Teruko Satow under insurance contract. File No. F-39-4941-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teruko Satow, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,182,524 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toshito Satow; together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Teruko Satow, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1286; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 16804]

ANNA HELENE MARCUS SCHACHTZABEL AND LOUISE EMILIE BALDUS

In re: Rights of Anna Helene Marcus Schachtzabel and of Louise Emilie Baldus under insurance contract. File No. F-28-3353-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Helene Marcus Schachtzabel and Louise Emilie Baldus, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna Helene Marcus Schachtzabel and to Louise Emilie Baldus under a contract of insurance evidenced by Policy No. SL-25094, issued by The Mutual Life Insurance Company of New York, New York, New York, to Anna Helene Marcus Schachtzabel, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control, by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1287; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 500A-285]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyright or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Unheimliche Geschichten.	Eufemia von Aldersfeld-Ballestrem (nationality not established).	Philipp Reclam, Leipzig, Germany (nationality, German).	Owner.
Do	Begebenheiten (1935)	Werner Bergengruen (nationality not established).	Eckart-Verlag, Berlin, Germany (nationality, German).	Do.
Do	Die französische Kultur, eine Einführung (being vol. 1 of Frankreich by Ernst Robert Curtius and Arnold Bergsträsser) (1930).	Ernst Robert Curtius (nationality not established).	Deutsche Verlagsanstalt, Stuttgart, Berlin and Leipzig, Germany (nationality, German).	Do.
Do	Lustige Geschichten (1930)	Paul Ernst (nationality not established).	Georg Müller Verlag Aktiengesellschaft, München, Germany (nationality, German).	Do.
Do	Totaliter aliter (1923)	Hans Franck (nationality not established).	Albert Langen-Georg Müller, München, Germany (nationality, German).	Do.
Do	Unter Tieren (1926)	Manfred Kyber (nationality not established).	Walter Seifert, Stuttgart, Germany (nationality, German).	Do.
Do	Geschichten von Liebe und Hass (1927).	Peter Zoege von Manteuffel (nationality not established).	Adolf Bonz Verlag, Stuttgart, Germany (nationality, German).	Do.
Do	Die Kopierpresse (1927)	Fritz Müller-Partenkirchen (nationality not established).	L. Staackmann Verlag, Leipzig, Germany (nationality, German).	Do.
Do	Liebe, third edition (1927).	Rudolph Presber (nationality not established).	Dr. Eysler & Co., Berlin, Germany (nationality, German).	Do.
Do	Uferleute	Wilhelm Schmidtbonn (nationality not established).	Egon Fleischel, Berlin, Germany (nationality, German).	Do.
Do	Geschichten im Zwielicht (1927).	Oskar A. H. Schmitz (nationality not established).	Georg Müller, München, Germany (nationality, German).	Do.
Do	Hans Peter (a short story from a collection entitled Neue Deutsche Erzähler).	Heinrich Zerkaulen (nationality not established).	Paul Franke, Berlin, Germany (nationality, German).	Do.
Do	Richard Strauss (1934)	Fritz Gysi (nationality not established).	Akademische Verlagsgesellschaft Athenaion m. b. H., Potsdam, Germany (nationality, German).	Do.

[F. R. Doc. 51-1312; Filed, Jan. 25, 1951; 8:59 a. m.]

[Vesting Order 16808]

MRS. ANNA SIMMERING

In re: Rights of Mrs. Anna Simmering, also known as Mrs. Anna Simmering Foerg under Workmen's Compensation Policy. File No. F-28-25908-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Anna Simmering, also known as Mrs. Anna Simmering Foerg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That certain debt or other obligation due or to become due to the person named in subparagraph 1 hereof by The Aetna Casualty and Surety Company, Hartford, Connecticut, under Workmen's Compensation policy No. 1C-6606 and in conformity with the award of the Industrial Commission of Virginia, dated December 16, 1936, in Claim No. 53 CC 10507-C-1, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1288; Filed, Jan. 25, 1951; 8:54 a. m.]

[Vesting Order 500A-286]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Das Jahr der schönen Tafelschungen, 1942.	Hans Carossa (nationality not established).	Insel-Verlag, Leipzig, Germany (nationality, German).	Owner.
Do	Der Siebente Ring, sixth edition, 1922.	Stefan George (nationality not established).	Georg Biondi, Berlin, Germany (nationality German).	Do.
Do	Gedichte, 1935	Rudolf Alexander Schröder (nationality not established).	Insel-Verlag, Leipzig, Germany (nationality, German).	Do.
Do	Späte Gedichte, 1934	Rainer Maria Rilke (nationality not established).	---do---	Do.

[F. R. Doc. 51-1313; Filed, Jan. 25, 1951; 8:59 a. m.]

[Vesting Order 16877]

TOKUMON AND HISAKO KURIYAMA AOKI

In re: Stock owned by Tokumon Aoki and Hisako Kuriyama Aoki, also known as Hisa Aoki and as Mrs. Hisako Aoki. D-39-2322.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokumon Aoki and Hisako Kuriyama Aoki, also known as Hisa Aoki and as Mrs. Hisako Aoki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Fifty (50) shares of no par value common stock of the Consolidated Steel Corporation, Ltd. (in dissolution), 5700 South Eastern Avenue, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered CO-9239, registered in the name of Tokumon Aoki, together with all declared and unpaid dividends thereon, and all liquidating dividends due or to become due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1289; Filed, Jan. 25, 1951; 8:55 a. m.]

[Vesting Order 16893]

KANEO NIIMI

In re: Bank account owned by Kaneo Niimi, also known as Kaneo Futani, guardian of Akira Niimi, also known as Akira Futani. F-39-6078-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaneo Niimi, also known as Kaneo Futani and Akira Niimi, also known as Akira Futani, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Receiver's Liability number 1995, entitled Kaneo Niimi, guardian of Akira Niimi, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kaneo Niimi, also known as Kaneo Futani and/or Akira Niimi, also known as Akira Futani, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1290; Filed, Jan. 25, 1951; 8:55 a. m.]

[Vesting Order 16882]

JOHN HARTMAN

In re: Stock owned by John Hartman. F-28-24061-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Hartman, whose last known address is 25 Stromer Street, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Certificate numbered AO 2565 for seven (7) shares of Class A stock of Tubize Chatillon Corporation and certificate numbered CO 3246, for twelve (12) shares of common stock of Tubize Chatillon Corporation, presently in the custody of Moritz Wilhelm, 40 Dewey Avenue, Little Falls, New Jersey, together with any and all rights allocable to the foregoing pursuant to the merger of Tubize Rayon Corporation (formerly Tubize Chatillon Corporation) into the Celanese Corporation of America, 180 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, including particularly the rights to receive distributions of cash and/or shares of said Celanese Corporation of America on account of said merger and on account of a September 1946 stock split of said Celanese Corporation of America, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1291; Filed, Jan. 25, 1951; 8:55 a. m.]

[Vesting Order 16890]

HERMANN AND EMMI LOEPER

In re: Stocks and bonds owned by and debt owing to Hermann Loeper, also known as Herman Loeper, and Mrs. Emmi Loeper, also known as Emmi Muchow Loeper. D-28-893-A-1, D-28-893-D-1/D-5, D-28-893-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Loeper, also known as Herman Loeper, and Mrs. Emmi Loeper, also known as Emmi Muchow Loeper, each of whose last known address is c/o Auswaertiges Amt, Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, said certificates presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, said bonds presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., and any and all rights thereunder and thereto,

c. Thirteen (13) shares of $10 par value capital stock of the Grand Union Company, 50 Church Street, New York 7, New York, evidenced by certificates numbered TO 6693 and TO 13293 for four and two shares of no par value common stock of the aforesaid corporation, presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., and seven shares evidenced by certificate numbered

08484, all registered in the name of Hermann Loeper, together with any and all declared and unpaid dividends thereon,

d. All rights and interests in, to and under a certificate for 12 shares of 10¢ par value common stock of The Equity Corporation, now dissolved, said certificate numbered JC 034216, and presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends on such shares,

e. All rights and interests in, to and under a certificate for 7 shares of 12¢ par value preferred stock of The Equity Corporation, now dissolved, said certificate numbered JP 010285, and presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends on such shares,

f. One hundred (100) shares of $1 par value common stock of Minneapolis, Moline Power Implement Company, now merged with and known as Minneapolis-Moline Co., 130 Ninth Ave. South, Hopkins, Minnesota, evidenced by a certificate numbered NC 33829, presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon.

g. Four (4) shares of no par value common stock of the Republic Steel Corporation, Republic Bldg., Cleveland, Ohio, evidenced by a certificate numbered CLCO 117023, registered in the name of Hermann Loeper, together with any and all declared and unpaid dividends thereon,

h. One hundred and twenty (120) shares of no par value common stock of International Telephone and Telegraph Corporation, 67 Broad Street, New York, New York, evidenced by foreign share certificates numbered NN/A 3925 and NN/AF 55074 for 100 and 20 shares, respectively, presently in the custody of the Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon.

i. Five (5) German Government External 5½ percent Bonds due 1965, stamped U. S. domicile, October 31, 1935, with an aggregate face value of $5,000, bearing numbers 55612, 55613, 55652, 33275 and 33276, said bonds presently in the custody of Otto A. Hoecker, 1808 Russ Building, San Francisco, California, together with any and all rights thereunder and thereto, and

j. That certain debt or other obligation owing to Hermann Loeper, also known as Herman Loeper, and Mrs. Emmi Loeper, also known as Emmi Muchow Loeper, by Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco, California, arising out of a commercial account entitled "Hermann Loeper or Mrs. Emmi Loeper," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hermann Loeper, also known as Herman Loeper, and Mrs. Emmi Loeper, also known as Emmi Muchow Loeper, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—STOCKS

Issuing corporation	Number of shares	Par value	Type	Certificate No.	Form of registration
American Radiator & Standard Sanitary Corp., 40 East 40th St., New York 18, N. Y.	20	No par	Common	C020051	Hermann Loeper.
Bendix Aviation Corp., 30 Rockefeller Plaza, New York, N. Y.	100	$5	do	NC111537	
Chicago, Great Western RR. Co., Illinois.	100	$100	do	F29581	
Como Mine Co., Dayton, Nev.	100	$100	do	F29732	
Commercial Solvents Corp., 174 East 42d St., New York, N. Y.	20	$1	do	3214	
Hayes Body Corp. (now known as Hayes Manufacturing Corp.), Grand Rapids, Mich.	10	No par	do	A/0180360	
The Hupp Motor Car Corp. (now known as Hupp Corp.), 3641 East Milwaukee Ave., Detroit, Mich.	50	$2	do	NY02096	
Calumet & Hecla Consolidated Copper Co., 12 Ashburton Pl., Boston, Mass.	50	$1	do	N03737	
Missouri, Kans., Texas R. R. Co., Railway Exchange Bldg., St. Louis, Mo.	20	$25	do	NY/0116963	Do.
Allied Stores Corp., 1440 Broadway, New York, N. Y.	100	No par	do	C71960	
Butte Copper & Zinc Co., 25 Broad St., New York, N. Y.	50	No par	do	C05967	
American Encaustic Tiling Co., Inc., Perth Amboy, N. J.	30	No par	do	C012986	
Shawnee Pottery Co., Zanesville, Ohio.	50	$5	do	028940	
Warren Bros. Co., 38 Memorial Dr., Cambridge, Mass.	44	$1	do	C0762	
Packard Motor Car Co., 1580 East Grand Blvd., Detroit 12, Mich.	10	$1	do	C06071	
Missouri Pacific R. R. Co., 30 Broad St., New York, N. Y.	54	$1	do	CF224	
The Pennroad Corp., 14 Delaware Trust Bldg., Wilmington 28, Del.	20	No par	do	NY05168	
Paramount Motors Corp., Buckingham, Arlington, Va.	50	No par	do	NO02655	Do.
Republic Steel Corp., Republic Bldg., Cleveland 15, Ohio.	50	No par	do	NO397158	Do.
Radio Corp. of America, 30 Rockefeller Plaza, New York 20, N. Y.	100	$100	do	44376	
St. Louis-San Francisco Ry. Co., Mo.	100	$100	do	44274	
	4	$1	do	W03301	Do.
	20	No par	do	016475	
	50	No par	do	NYC0348234	Do.
	30	No par	do	NYC0348851	Do.
	20	No par	do	NYC0350079	Do.
	20	No par	do	497169	Do
Blaw-Knox Co., 656 Farmers Bank Bldg., Pittsburgh, Pa.	100	$100	do	56588	
Norfolk Southern R. R. Co., Terminal Bldg., Norfolk, Va.	100	$100	do	55434	
	25		Preferred	A028433	
	50	No par	Common	NY012682	
	100	No par	do	NY24350	
	100	$100	do	9778	

EXHIBIT B—BONDS

Description of issue	Face value	Number of bonds
Municipality Medellin, Colombia, external 6½ percent gold bonds of 1928	[1] $1,000	5
State of Rio de Janeiro, Brazil, external 30-year 6½ percent sinking fund gold bonds of 1928	1,000	2
City of Rio de Janeiro, Brazil, 6½ percent external secured sinking fund gold bonds due Feb. 1, 1953	1,000	2
Republic of Bolivia, external 7 percent secured sinking fund bonds of 1928	1,000	9
Republic of Bolivia, external 25-year secured refunding 8 percent sinking fund gold bond	1,000	1
State of Pernambuco, Brazil, 7 percent external secured sinking fund gold bonds	1,000	7
Chicago, Milwaukee, St. Paul & Pacific R. R. Co., 5 percent convertible adjustments mortgage gold bonds, series A	1,000	7
Missouri, Pacific Ry. Co., general mortgage 4 percent gold bond	1,000	1
Department of Cauca Valley, Republic of Colombia, external secured 7 percent sinking fund gold bonds of 1948		2

[1] Each.

[F. R. Doc. 51-1292; Filed, Jan. 25, 1951; 8:55 a. m.]

[Vesting Order 16948]

ANNA WERTHEIMBER

In re: Debt owing to Anna Wertheimber, also known as Anna de Bary Wertheimber. F-28-2151-A-4; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wertheimber, also known as Anna de Bary Wertheimber, whose last known address is 38 Denhardtstrasse, Frankfurt A/Main-Eschersheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National City Bank of New York, New York 15, New York, in the amount of $7,197.38, as of December 31, 1943, presently held in an account entitled "Union Bank of Switzerland—New Account, Zurich, Switzerland," maintained with the aforesaid Bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Wertheimber, also known as Anna de Bary Wertheimber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1293; Filed, Jan. 25, 1951; 8:56 a. m.]

[Vesting Order 16949]

ANNA WERTHEIMBER

In re: Interest in debt owing to Anna Wertheimber also known as Anna de Bary Wertheimber. F-28-2151-A-4; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Wertheimber, also known as Anna de Bary Wertheimber, whose last known address is 38 Denhardtstrasse, Frankfurt A/Main-Eschersheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A three-fourths interest in that certain debt or other obligation of the National City Bank of New York, New York 15, New York, arising out of an account entitled "Union Bank of Switzerland Identified G. R. 17 Cueppers and Co. Bankinghouse Blocked for Swiss-German Nationalities," maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Wertheimber, also known as Anna de Bary Wertheimber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1294; Filed, Jan. 25, 1951; 8:56 a. m.]

[Vesting Order 16902]

S. TOKUNGA

In re: Bonds owned by S. Tokunga, also known as Shigeki Tokunaga. F-39-1739; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Tokunga, also known as Shigeki Tokunaga, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Ten (10) Tokyo Dento Kabushiki Kaisha (Tokyo Electric Light Company, Limited), 6 percent Bonds of $1,000 face value, bearing the numbers 12170, 13160, 32901, 38329, 38330, 57791, 62919, 66163, 66164, and 63668, presently in a safekeeping account in the custody of Sumitomo Bank of Seattle, Room 1210-1411 Fourth Avenue Building, Seattle, Washington, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by S. Tokunga, also known as Shigeki Tokunaga, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1295; Filed, Jan. 25, 1951; 8:56 a. m.]

[Vesting Order 16905]

PAUL WOLFF AND ANNA WOLFF HAMMOSER

In re: Stock owned by and debt owing to Paul Wolff and stock owned by Anna Wolff Hammoser. F-28-6233-D-1; F-28-6271-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Wolff, whose last known address is Giselastrasse 9, Berlin-Lichtenberg, Germany, is a resident of Germany and a national of a designated enemy (Germany);

2. That Anna Wolff Hammoser, whose last known address is Schulstrasse 116,

Berlin N63, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Ten (10) shares of $100.00 par value preferred stock of the Ann Arbor Railroad Company, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered A–4331, registered in the name of Paul Wolff, together with all declared and unpaid dividends thereon, and

b. Those certain debts or other obligations of Corn Products Refining Company, a corporation organized under the laws of the State of New Jersey, evidenced by two (2) checks, drawn by the said Corn Products Refining Company, payable to Paul Wolff, each in the amount of $35.77, representing dividend payments on shares of common stock of the said Corn Products Refining Company, formerly registered in the name of Paul Wolff, one (1) of said checks, dated on or about October 20, 1939, presently in the custody of the said Corn Products Refining Company, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under, including particularly but not limited to the right to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Paul Wolff, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Ten (10) shares of $100.00 par value preferred stock of the Ann Arbor Railroad Company, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered A–4332, registered in the name of Anna Wolff Hammoser, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Wolff Hammoser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1296; Filed, Jan. 25, 1951; 8:56 a. m.]

[Vesting Order 16906]

MATHILDE WOLF ZOBEL

In re: Stock owned by Mathilde Wolfe Zobel. F–28–31125.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilde Wolf Zobel, whose last known address is Hauptstrasse No. 124 Aglasternausen 6/Heidelberg, Germany 17a, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three and six-tenths (3.6) shares of $10.00 par value common capital stock of Cities Service Company; 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered GL2309 for thirty (30) shares and XL390281 for six (6) shares of common no par value stock of the aforesaid Company, together with all declared and unpaid dividends thereon, and any and all rights to receive new certificates for $10.00 par value stock of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy county (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1297; Filed, Jan. 25, 1951; 8:56 a. m.]

[Vesting Order 16981]

YOSHITOSHI FUJII ET AL.

In re: Stock owned by Yoshitoshi Fujii, Sumiko Fujii and the personal representatives, heirs, next of kin, legatees and distributees of Kakuo Fujii, deceased. D–39–3065.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitoshi Fujii and Sumiko Fujii, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Kakuo Fujii, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: Twelve and three quarters ($12\frac{3}{4}$) shares of $100.00 par value capital stock of Fujii Nursery Company, 1534 Oregon Street, Berkeley, California, a corporation organized under the laws of the State of California, being part of those shares evidenced by a certificate numbered 19, for seventeen (17) shares of $100.00 par value capital stock of the aforesaid company, registered in the name of Takuma Fujii, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Sumiko Fujii, Sumiko Fujii and the personal representatives, heirs, next of kin, legatees and distributees of Kakuo Fujii, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kakuo Fujii, deceased, referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1298; Filed, Jan. 25, 1951; 8:57 a. m.]

[Vesting Order 17019]

GEORG TRUCK

In re: Interest in claims of the personal representatives, heirs, next of kin, legatees and distributees of Georg Truck, deceased, and others. D–28–12911.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Georg Truck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Barbara Russi, also known as Barbara Truck Russi, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Ludwig Truck, deceased, who there is reasonable caused to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Truck, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

5. That the property described as follows: All rights and interests of the persons referred to in subparagraphs 1, 2, 3 and 4 hereof in, to and under those certain claims against the State Treasurer of the State of Pennsylvania arising by reason of the transfer to and receipt by said Treasurer of certain funds, without escheat, pursuant to a decree dated April 7, 1923, of the Orphans Court of Philadelphia County, Pennsylvania, sur account of Louis Fleisher, Administrator, in the matter of the Estate of Elizabeth Truck, deceased, and any and all rights to file with said Treasurer, demand, enforce and collect the aforesaid claims,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Georg Truck, deceased, of Barbara Rossi, also known as Barbara Truck Rossi, deceased, of Ludwig Truck, deceased, and of Karl Truck, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Georg Truck, deceased, of Barbara Rossi, also known as Barbara Truck Rossi, deceased, of Ludwig Truck, deceased, and of Karl Truck, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1299; Filed, Jan. 25, 1951; 8:57 a. m.]

[Vesting Order 17021]

FRANZ BERZ-SCHMITZ ET AL.

In re: Rights of Franz Berz-Schmitz et al. under Contract of Insurance. File No. F–28–20107–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Berz-Schmitz and Anna Schmitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,106,033, issued by the Massachusetts Mutual Life Insurance Company, Springfield, Massachusetts, to Franz Berz-Schmitz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Massachusetts Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to or which is evidence of ownership or control by Franz Berz-Schmitz or Anna Schmitz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1300; Filed, Jan. 25, 1951; 8:57 a. m.]

[Vesting Order 17023]

METTA CEDERHOLM ET AL.

In re: Rights of Metta Cederholm et al. under Insurance Contracts. Files Nos. F–28–23748–H–1, H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Metta Cederholm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Metta Cederholm, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due to Metta Cederholm, under a contract of insurance evidenced by policy No. 4,406,046–B, issued by the Metropolitan Life Insurance Company, New York, New York, to Metta Cederholm, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Bertha Pahl, a resident of the United States and of the aforesaid Metropolitan Life Insur-

ance Company, together with the right to demand, enforce, receive and collect the same, and the net proceeds due or to become due under a contract of insurance evidenced by policy No. 98,304,660, issued by said Metropolitan Life Insurance Company to Metta Cederholm, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Metta Cederholm or the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Metta Cederholm, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Metta Cederholm, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1301; Filed, Jan. 25, 1951; 8:57 a. m.]

[Vesting Order 17025]

JOSEPH (W) ERNST

In re: Trust under will of Joseph (W) Ernst, deceased. File No. D-28-2132; E. T. sec. 2681.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Schulz, Gottlieb Schulz, Johann Schulz, Christina Schulz, Adolph Schulz, Pauline Schulz, Louisa Schulz, Rosina Gartling (Gurtling), Rosa Gartling (Gurtling), Gustav Gartling (Gurtling), and Adolf Gartling (Gurtling), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust established under the will of Joseph (W) Ernst, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Land Title Bank and Trust Company, as Substituted Trustee, acting under the judicial supervision of the Orphans' Court of Montgomery County, Norristown, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1302; Filed, Jan. 25, 1951; 8:57 a. m.]

[Vesting Order 17028]

CARL GEORG HORN AND ANNA MARIA ELIZABETH HORN

In re: Rights of Carl Georg Horn and of Anna Maria Elizabeth Horn under Insurance Contract. File No. F-28-3658-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Georg Horn and Anna Maria Elizabeth Horn, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1038808, issued by The Mutual Life Insurance Company of New York, New York, New York, to Carl Georg Horn, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Carl Georg Horn or Anna Maria Elizabeth Horn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1303; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17029]

MARIE HEISE

In re: Rights of Marie Heise under contract of insurance. File No. F-28-30600-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Heise, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Marie Heise under a contract of insurance evidenced by Policy No. M-3273599, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Marie Heise, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Louise Schmidt and of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1304; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17032]

KONRAD VON ILBERG

In re: Rights of Konrad Von Ilberg under insurance contract. File No. F-28-26620-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Von Ilberg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Konrad Von Ilberg under a contract of insurance evidenced by Policy No. 477,162, issued by The Guardian Life Insurance Company of America, New York, New York, to Konrad Von Ilberg, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of The Chase National Bank of the City of New York, as trustee under agreement dated January 30, 1930, as amended, and of the aforesaid The Guardian Life Insurance Company of America together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1305; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17034]

MAX A. W. IRMISCHER ET AL.

In re: Rights of Max A. W. Irmischer et al. under Contract of Insurance. File No. F-28-3592-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max A. W. Irmischer and Elizabeth Irmischer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Max A. W. Irmischer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4278303, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Max A. W. Irmischer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Max A. W. Irmischer or Elizabeth Irmischer or the children, names unknown, of Max A. W. Irmischer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Max A. W. Irmischer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1306; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17035]

RUDOLPH KNOLL

In re: Estate of Rudolph Knoll, deceased. File No. D-28-12930; E. T. sec. 17082.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Czibulka and Richard Eichlinger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Rudolph Knoll, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Louis Kohn, as administrator, acting under the judicial supervision of the Atlantic County Court, Probate Division, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1307; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17055]

CARL A. SCHENCK ET AL.

In re: Rights of Carl A. Schenck et al. under Contract of Insurance. File No. F-28-2803-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl A. Schenck and Oberst Emanuel Schenck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 991688, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Carl A. Schenck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl A. Schenck or Oberst Emanuel Schenck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1308; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 17057]

WOLFGANG SCHNELLBACH

In re: Rights of Wolfgang Schnellbach under certain contracts of insurance. Files Nos. F-28-29082-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Schnellbach, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Wolfgang Schnellbach under contracts of insurance evidenced by Policies No. 11575056A and No. 8338083A, issued by the Metropolitan Life Insurance Company, New York, New York, to Wolfgang Schnellbach, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance, except those of Wolf-Dittmer Schnellbach and of Wolf-Gernot Schnellbach, residents of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1309; Filed, Jan. 25, 1951; 8:58 a. m.]

[Vesting Order 15520, Amdt.]

GERMAN AND JAPANESE NATIONALS AND GOVERNMENTS

In re: Literary Property in Photographs and Other Works Owned by German and Japanese Nationals and Governments.

Vesting Order 15520, dated November 3, 1950, is hereby amended as follows and not otherwise:

By adding at the end of part I. B. of Exhibit A, attached to and by reference made a part of said Vesting Order 15520, the following item:

"Page 316: 'Entrenched in the sacred Prussian soil of the Fatherland, worn Nazi veterans waited * * *'" (attributed to Alfred Hierl).

All other provisions of said Vesting Order 15520 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1314; Filed, Jan. 25, 1951; 8:59 a. m.]

[Vesting Order 17064]

FRANK AND YOSHITARO TANAKA

In re: Rights of Frank Tanaka and Yoshitaro Tanaka under contract of insurance. File F-39-5767-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Tanaka and Yoshitaro Tanaka, whose last known address is Japan, are residents of Japan, and nationals of a designated enemy country Japan).

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1609932 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Frank Tanaka, and any and all other benefits and rights of any kind or character whatsoever under or arising out

of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frank Tanaka or Yoshitaro Tanaka, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1310; Filed Jan. 25, 1951; 8:59 a. m.]

[Vesting Order 17065]

JOHANNES VEITH ET AL.

In re: Rights of Johannes Veith et al. under Insurance Contract File No. F-28-25126-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Veith and Jean Veith, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 204813 issued by the West Coast Life Insurance Company, San Francisco, California, to Johannes Veith, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Johannes Veith or Jean Veith, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1311; Filed, Jan. 25, 1951; 8:59 a. m.]

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THE NATIONAL ARCHIVES

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OF THE UNITED STATES 1934

VOLUME 16 NUMBER 19

Washington, Saturday, January 27, 1951

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 192]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.508 *Orange Regulation 192*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 29, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until January 29, 1951; the recommendation and supporting information for continued regulation subsequent to January 28 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 23; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 29, 1951, and ending at 12:01 a. m., e. s. t., February 12, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than 2$\frac{2}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size

(Continued on next page)

CONTENTS

Agriculture Department Page

See Production and Marketing Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Allmendinger, George J. 785
Bierwirth, Heinrich Conrad, and Harvard Trust Co. 788
Del Drago, Clemente 790
Dubusc, Roger 790
Hissink, Dr. Karin 787
Kohlman, Rent P. 782
Koperberg, Catharina Helmina 787
Kühlemeier, Emma 788
Matoba, T. 786
Melcher, Frances, et al. (2 documents) 785
Middlemann, Else, et al. 786
Murakawa, Masaru 789
Nakayama, Takao and Iwao 788
Pausche, Alfred 786
Pfeiffer, Adolf, et al. 789
Pregge, Emelie L. 782
Pryll, Adele 782
Richter, Kurt Hermann Gottlieb, et al. 790
Ruppel, Damiam 783
Sell, Paul 783
Steimer, Eugene, et al. 781
Sumida, Saburo 783
Taoka, Kathleen M. 791
Tatsuta, Saichi, et al. 784
University of Vienna, Medical Faculty 790
Von Martinitz, William F. 783
Weber, Josephine Proctor 786
Wemper, Heinrich and Emma 784
Weyland, Ruth E. 784

Army Department

Rules and regulations:

Personnel review boards; Army Board on Correction of Military Records 767

Customs Bureau

Notices:

Convict, forced or indentured labor goods; canned crab meat from Union of Soviet Socialist Republics 776

Defense Department

See Army Department.

FEDERAL REGISTER

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CONTENTS—Continued

Education, Office of — Page
Rules and regulations:
Construction of school facilities in areas affected by Federal activities; deadline for applications for payments and order of certifications from funds available for 1951 — 769

Federal Power Commission
Notices:
Hearings, etc.:
Gardner Gas Fuel and Light Co — 779
Louisiana Power & Light Co. and Gulf Public Service Co., Inc — 779
Tennessee Gas Transmission Co — 779
Texas Gas Transmission Corp — 779

Federal Security Agency
See Education, Office of.

Geological Survey
Notices:
Montana and New Mexico; definitions of known geologic structures of producing oil and gas fields — 777

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in California, Iowa, Michigan, Montana and New Hampshire — 766

Interior Department
See Geological Survey.

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Production and Marketing Administration
Proposed rule making:
Rice, rough, brown, and milled; U. S. standards — 771
Rules and regulations:
Limitation of shipments:
California and Arizona:
Lemons — 763
Oranges — 764
Florida:
Oranges — 761
Tangerines — 763

Securities and Exchange Commission
Notices:
Hearings, etc.:
Consumers Gas Co — 779
Interstate Power Co — 780
New England Gas and Electric Assn. and New Hampshire Electric Co — 780

Tariff Commission
Notices:
Cotton, extra-long-staple; termination of investigation for additional supplemental quota for imports — 781

Treasury Department
See also Customs Bureau.
Notices:
Statements of organization — 776
Rules and regulations:
Central office procedures; rules governing access to final opinions or orders, to rules and to official records — 767
Foreign assets control:
Exchange of certain securities — 767

CONTENTS—Continued

Treasury Department—Con. — Page
Rules and regulations—Continued
Foreign assets control—Con.
Transactions incident to importations from designated nationals — 767

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 777

War Claims Commission
Rules and regulations:
Subpoenas, depositions and oaths — 770

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 7
Chapter I:
Part 68 (proposed) — 771
Chapter IX:
Part 933 (2 documents) — 761, 763
Part 953 — 763
Part 966 (2 documents) — 764
Title 24
Chapter VIII:
Part 825 — 766
Title 31
Subtitle A:
Part 1 — 767
Chapter V:
Part 500 (2 documents) — 767
Title 32
Chapter V:
Part 581 — 767
Title 45
Chapter I:
Part 104 — 769
Chapter V:
Part 502 — 770

United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1448; Filed, Jan. 26, 1951; 8:57 a. m.]

[Tangerine Reg. 106]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.509 *Tangerine Regulation 106*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 29, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until January 29, 1951; the recommendation and supporting information for continued regulation subsequent to January 28 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 23; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., January 29, 1951, and ending at 12:01 a. m., e. s. t., February 5, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be 2$^{5}/_{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2$^{5}/_{16}$ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than 2$^{4}/_{16}$ inches in diameter.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1449; Filed, Jan. 26, 1951; 8:57 a. m.]

[Lemon Reg. 367]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.474 *Lemon Regulation 367*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F.R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 24, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 28, 1951, and ending at 12:01 a. m., P. s. t., February 4, 1951, is hereby fixed as follows:

(i) District 1: 20 carloads;

(ii) District 2: 230 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when

used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Jan. 21, 1951]

DISTRICT NO. 1

[12:01 a. m. Jan. 28, 1951, to 12:01 a. m. Feb. 11, 1951]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	27.683
Lemon Cove Association	20.249
Porterville Citrus Association, The	.197
Tulare County Lemon & Grapefruit Association	44.489
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	7.348
Kroells Packing Co	.034
Sky Acres Ranch	.000
Zaninovich Bros., Inc	.000

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.545
American Fruit Growers, Inc., Fullerton	.257
American Fruit Growers, Inc., Upland	.442
Eadington Fruit Co	.088
Hazeltine Packing Co	2.913
Ventura Coastal Lemon Co	4.800
Ventura Pacific Co	2.371
Glendora Lemon Growers Association	1.707
La Verne Lemon Association	.639
La Habra Citrus Association	.507
Yorba Linda Citrus Association	.096
Escondido Lemon Association	2.644
Alta Loma Heights Citrus Association	1.334
Etiwanda Citrus Fruit Association	.874
Mountain View Fruit Association	.526
Old Baldy Citrus Association	1.577
San Dimas Lemon Association	.919
Upland Lemon Growers Association	7.483
Central Lemon Association	.209
Irvine Citrus Association	.185
Placentia Mutual Orange Association	.574
Corona Citrus Association	1.130
Corona Foothill Lemon Co	3.359
Jameson Co	1.340
Arlington Heights Citrus Co	1.284
College Heights Orange & Lemon Association	3.070
Chula Vista Citrus Association	.665
El Cajon Valley Citrus Association	.057
Escondido	.295
Fallbrook Citrus Association	2.176
Lemon Grove Citrus Association	.191
Carpinteria Lemon Association	2.895
Carpinteria Mutual Citrus Association	3.113
Goleta Lemon Association	4.604
Johnston Fruit Co	6.314
North Whittier Heights Citrus Association	.371
San Fernando Heights Lemon Association	6.933
Sierra Madre-Lamanda Citrus Association	1.963
Briggs Lemon Association	.614
Culbertson Lemon Association	1.583
Fillmore Lemon Association	.857
Oxnard Citrus Association	4.648

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Rancho Sespe	0.285
Santa Clara Lemon Association	2.279
Santa Paula Citrus Fruit Association	.944
Saticoy Lemon Association	3.132
Seaboard Lemon Association	3.195
Somis Lemon Association	2.144
Ventura Citrus Association	.748
Ventura County Citrus Association	.014
Limoneira Co	.839
Teague-McKevett Association	.379
East Whittier Citrus Association	.194
Leffingwell Rancho Lemon Association	.146
Murphy Ranch Co	.234
Chula Vista Mutual Lemon Association	.632
Index Mutual Association	.183
La Verne Co-operative Citrus Association	3.317
Orange Belt Fruit Distributors	.662
Ventura County Orange & Lemon Association	1.724
Whittier Mutual Orange & Lemon Association	.085
Evans Bros. Packing Co	.009
Latimer, Harold	.107
MacDonald Fruit Co	.064
Paramount Citrus Association, Inc.	.514
San Antonio Orchard Co	.018

[F. R. Doc. 51-1496; Filed, Jan. 26, 1951; 8:48 a. m.]

[Orange Reg. 355, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the provisions of Order No. 66 (7 CFR Part 966; 14 F. R. 3614) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (*a*) of § 966.501 (Orange Regulation 355, 16 F. R. 533) are hereby amended to read as follows:

(ii) Oranges other than Valencia oranges * * *

(*a*) Prorate District No. 1: 600 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1508; Filed, Jan. 26, 1951; 11:45 a. m.]

[Orange Reg. 356]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.502 *Orange Regulation 356*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on January 25, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 28, 1951, and ending at 12:01 a. m., P. s. t., February 4, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 450 carloads;

(*b*) Prorate District No. 2: 600 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. (P. s. t.) Jan. 28, 1951, to 12:01 a. m., (P. s. t.) Feb. 4, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.9577
A. F. G. Porterville	1.9454
Ivanhoe Cooperative Association	.6750
Sandilands Fruit Co	.6180
Dofflemyer & Son, W. Todd	.2594
Earlibest Orange Association	1.5316

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Elderwood Citrus Association	1.0037
Exeter Citrus Association	2.5257
Exeter Orange Growers Association	1.3106
Exeter Orchard Association	1.1016
Hillside Packing Association	1.1876
Ivanhoe Mutual Orange Association	1.1409
Klink Citrus Association	4.5660
Lemon Cove Association	2.3378
Lindsay Citrus Growers Association	2.3953
Lindsay Cooperative Citrus Association	1.0817
Lindsay Fruit Association	1.6381
Lindsay Orange Growers Association	1.5416
Naranjo Packing House	.9246
Orange Cove Citrus Association	4.0350
Orange Packing Co	1.2177
Orosi Foothill Citrus Association	1.5958
Paloma Citrus Fruit Association	1.2549
Rocky Hill Citrus Association	1.2790
Sanger Citrus Association	4.4597
Sequoia Citrus Association	1.1069
Stark Packing Corp	3.1746
Visalia Citrus Association	1.7392
Waddell & Son	1.7973
Baird-Neece Corp	1.0611
Beattie Association, D. A	.2964
Grand View Heights Citrus Association	1.3116
Magnolia Citrus Association	2.3045
Porterville Citrus Association	1.8146
Richgrove Jasmine Citrus Association	1.2583
Strathmore Cooperative Association	1.3225
Strathmore District Orange Association	1.2798
Strathmore Fruit Growers Association	1.0073
Strathmore Packing House Co	1.4903
Sunflower Packing Association	1.6653
Sunland Packing House Co	2.4825
Terra Bella Citrus Association	1.2626
Tule River Citrus Association	1.0845
La Verne Cooperative Citrus Association	.1651
Lindsay Mutual Groves	1.4620
Martin Ranch	1.4863
Orange Cove Orange Growers	3.0660
Webb Packing Co., Inc	.2588
Woodlake Packing House	2.8061
Anderson Packing Co., R. M	.6320
Andrews Bros. of California	.0000
Baker Bros	.3627
Barnes, J. L	.0272
Batkins Jr., Fred A	.0693
Bear State Packers, Inc	.1739
California Citrus Groves, Inc., Ltd.	3.4574
Chess Co., Meyer W	.6289
Darby, Fred J	.0349
Darling, Curtis	.0016
Dubendorf, John	.1857
Edison Groves Co	.0000
Evans Bros. Packing Co	.0000
Harding & Leggett	2.3499
Hirasuna, Jimmie	.0055
Independent Growers, Inc	2.3681
Kim, Charles	.0536
Kroells Packing Co	2.9307
Larson, Kermit	.1121
Lo Bue Bros	1.1467
Maas, W. A	.0712
Marks, W. M	.4233
Minasian, Bob	.0045
Moore Packing Co., Myron	.0689
Nicholas, Richard	.0040
Randolph Marketing Co., Inc	2.2397
Reimers, Don H	.4357
Shiba, Geo. G	.0011
Sky Acres Ranch	.0468
Swenson, L. W	.0501
Terry, Floyd J	0.0059
Toy, Chin	.0000
Woodlake Heights Packing Corp	.5174
Zaninovich Bros., Inc	1.2312

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.3051
A. F. G. Corona	.2078
A. F. G. Fullerton	.0385
A. F. G. Orange	.0372
A. F. G. Riverside	.7051
A. F. G. Santa Paula	.0494
Eadington Fruit Co., Inc	.7771
Hazeltine Packing Co	.1667
Krinard Packing Co	1.7233
Placentia Cooperative Orange Association	.6186
Placentia Pioneer Valley Growers Association	.0445
Signal Fruit Association	.7361
Azusa Citrus Association	1.5094
Covina Citrus Association	1.7563
Covina Orange, Growers Association	.5612
Damerel-Allison Company	1.2577
Glendora Citrus Association	1.4402
Glendora Mutual Orange Association	.6229
Puente Mutual Citrus Association	.0747
Valencia Heights Orchard Association	.2295
Gold Buckle Association	2.7153
La Verne Orange Association	3.9678
Anaheim Valencia Orange Association	.0191
Fullerton Mutual Orange Association	.3540
La Habra Citrus Association	.1409
Yorba Linda Citrus Association, The	.0557
Escondido Orange Association	.6004
Alta Loma Heights Citrus Association	.3853
Citrus Fruit Growers	.9186
Etiwanda Citrus Fruit Association	.2105
Mountain View Fruit Association	.1455
Old Baldy Citrus Association	.4936
Rialto Heights Orange Growers	.3453
Upland Citrus Association	2.9948
Upland Heights Orange Association	1.4606
Consolidated Orange Growers	.0249
Garden Grove Citrus Association	.0281
Goldenwest Citrus Association, The	.1770
Olive Heights Citrus Association	.0457
Santiago Orange Growers Association	.1387
Villa Park Orchard Association, The	.0269
Bradford Bros., Inc	.1913
Placentia Mutual Orange Association	.2307
Placentia Orange Growers Association	.3107
Yorba Orange Growers Association	.0597
Call Ranch	.7475
Corona Citrus Association	1.0743
Jameson Co	.5407
Orange Heights Orange Association	2.2135
Crafton Orange Growers Association	.9842
East Highlands Citrus Association	.3177
Redlands Heights Groves	.5797
Redlands Orangedale Association	.7053
Rialto-Fontana Citrus Association	.2903
Break & Sons, Allen	.1987
Bryn Mawr Fruit Growers Association	.7094
Mission Citrus Association	.8068

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Cooperative Fruit Association	1.0365
Redlands Orange Growers Association	.7482
Redlands Select Groves	.4253
Rialto Orange Co	.3314
Southern Citrus Association	.6728
United Citrus Growers	.5676
Zilen Citrus Co	.3876
Arlington Height Citrus Co	.7731
Brown Estate, L. V. W	1.8130
Gavilan Citrus Association	2.0762
Highgrove Fruit Association	.6157
McDermont Fruit Co	1.4953
Monte Vista Citrus Association	1.4519
National Orange Co	1.1850
Riverside Heights Orange Growers Association	1.0750
Sierra Vista Packing Association	.8597
Victoria Avenue Citrus Association	3.3142
Claremont Citrus Association	1.0494
College Heights Orange & Lemon Association	2.1933
Indian Hill Citrus Association	1.3005
Pomona Fruit Growers Exchange	2.1235
Walnut Fruit Growers Association	.6791
West Ontario Citrus Association	1.2861
El Cajon Valley Citrus Association	.2970
Escondido Cooperative Citrus Association	.0498
San Dimas Orange Grocers Association	1.0899
Canoga Citrus Association	.4437
North Whittier Heights Citrus Association	.1600
San Fernando Fruit Growers Association	.0000
San Fernando Heights Orange Association	.3348
Sierra Madre-Lamanda Citrus Association	.1815
Camarillo Citrus Association	.0120
Fillmore Citrus Association	1.4009
Ojai Orange Association	.9819
Piru Citrus Association	1.4963
Rancho Sespe	.0014
Santa Paula Orange Association	.1419
Tapo Citrus Association	.0087
Ventura County Citrus Association	.0349
East Whittier Citrus Association	.0064
Murphy Ranch Co	.0833
Anaheim Cooperative Orange Association	.0547
Bryn Mawr Mutual Orange Association	.4590
Chula Vista Mutual Lemon Association	.1390
Euclid Avenue Orange Association	2.8092
Foothill Citrus Union, Inc	.6661
Garden Groves Orange Cooperative, Inc	.0343
Golden Orange Groves, Inc	.2832
Highland Mutual Groves, Inc	.2081
Index Mutual Association	.0109
La Verne Cooperative Citrus Association	3.7664
Mentone Heights Association	.4956
Olive Hillside Groves	.0079
Orange Cooperative Citrus Association	.0584
Redlands Foothill Groves	1.9298
Redlands Mutual Orange Association	.7769
Ventura County Orange & Lemon Association	.3029
Whittier Mutual Orange & Lemon Association	.0290
Allec Bros	.0047
Babijuice Corp. of California	.3829
Banks, L. M	.0259
Bennett Fruit Co., Inc	.3400
Book, Maynard C	0.0007
Borden Fruit Co	.0180
Cherokee Citrus Co., Inc	.7803
Chess Co., Meyer W	.4267
Dunning Ranch	.1544
Evans Bros. Packing Co	1.2119
Gold Banner Association	1.4316
Granada Packing House	.5059
Hill Packing House, Fred A	.6068
Knapp Packing Co., John C	.3850
Lawson, Geo. P	.0070
MacDonald Fruit Co	.1053
Orange Belt Fruit Distributors	2.0589
Panno Fruit Co., Carlo	.0490
Paramount Citrus Association, Inc	.3478
Placentia Orchard Co	.0915
Prescott, John A	.0084
Riverside Citrus Association	.1846
Ronald, P. W	.0379
San Antonio Orchard Co	1.4620
Stephens, T. F	.1677
Summit Citrus Packers	.0508
Wall, E. T., Grower-Shipper	2.1075
Western Fruit Growers, Inc	2.7401

[F. R. Doc. 51-1507; Filed, Jan. 26, 1951; 11:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 345]

[Controlled Rooms in Rooming Houses and Other Establishments, Rent Reg., Amdt. 341]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, IOWA, MICHIGAN, MONTANA AND NEW HAMPSHIRE

Amendment 345 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 341 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 34, is amended to describe the Counties in the Defense-Rental Area as follows:

Contra Costa County, except the Cities of Brentwood, Martinez and Walnut Creek; and Solano County.

This decontrols the City of Martinez in Contra Costa County, California, a portion of the Richmond-Vallejo, California, Defense-Rental Area.

2. Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County; San Mateo County, except the Cities of Belmont, Burlingame, Menlo Park, Millbrae, Redwood City, San Bruno and South San Francisco, and the Town of Atherton; and Sonoma County, except (i) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols the City of Belmont in San Mateo County, California, a portion of the San Francisco Bay, California, Defense-Rental Area.

3. Schedule A, Item 39c, is amended to describe the counties in the Defense-Rental Area as follows:

Santa Clara County, except the Cities of Palo Alto, San Jose and Santa Clara, and the Town of Los Gatos.

This decontrols the Town of Los Gatos in Santa Clara County, California, a portion of the San Jose, California, Defense-Rental Area.

4. Schedule A, Item 114d, is amended to describe the counties in the Defense-Rental Area as follows:

In Black Hawk County, the City of Cedar Falls.

This decontrols (1) the City of Waterloo in Black Hawk County, Iowa, a portion of the Waterloo, Iowa, Defense-Rental Area, and all unincorporated localities in said Area, said City of Waterloo being the major portion of said Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area, except the City of Cedar Falls, on the Housing Expediter's own initiative under section 204 (c) of said act.

5. Schedule A, Item 153, is amended to read as follows:

(153) [Revoked and decontrolled.]

This decontrols (1) the City of East Lansing, in Ingham County, Michigan, in the Lansing, Michigan, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

6. Schedule A, Item 175a, is amended to read as follows:

(175a) [Revoked and decontrolled.]

This decontrols (1) the City of Billings, and the unincorporated localities in Yellowstone County in the Billings, Montana, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

7. Schedule A, Item 187, is amended to read as follows:

(187) [Revoked and decontrolled.]

This decontrols the entire Portsmouth, New Hampshire, Defense-Rental Area.

All decontrols effected by this amendment, except Items 4, 5 and 6 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective January 25, 1951.

Issued this 24th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-1400; Filed, Jan. 26, 1951; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 1—CENTRAL OFFICE PROCEDURES

ACCESS TO FINAL OPINIONS OR ORDERS, TO RULES AND TO OFFICIAL RECORDS

The purpose of this amendment is to except the Division of Foreign Assets Control in the Office of International Finance from the list of offices, bureaus and divisions which do not issue any final opinions or orders in the adjudication of cases or rules (other than those relating solely to the internal management of the Treasury Department).

Section 1.2 (a) is hereby amended to read as follows:

§ 1.2 *Rules governing access to final opinions or orders, to rules and to official records*—(a) *Availability of final opinions or orders and rules.* Except as hereinafter stated, all final opinions or orders in the adjudication of cases and all rules (other than those relating solely to the internal management of the Treasury Department) issued by the Office of the Secretary of the Treasury (including the Offices of the Under Secretary, the Assistant Secretaries, the Fiscal Assistant Secretary, the Assistants and Special Assistants to the Secretary, and the Administrative Assistant Secretary) are made available to public inspection at the Treasury Department, Washington 25, D. C. This provision shall not apply, however, to final opinions or orders which are not cited as precedents and which contain information held confidential for one or more of the good causes set forth in paragraph (e) of this section. In view of the nature of their functions, the Office of the General Counsel, the Bureau of Engraving and Printing, the Office of International Finance (except the Division of Foreign Assets Control) the Division of Personnel, the Office of the Technical Staff, the Division of Tax Research, the Office of Administrative Services, the United States Savings Bonds Division, the Office of the Tax Legislative Counsel, and the Office of the Chief Coordinator, Treasury Enforcement Agencies, do not issue any final opinions or orders in the adjudication of cases, nor do they issue any rules (other than those relating solely to the internal management of the Treasury Department.)

(R. S. 161; 5 U. S. C. 22)

[SEAL] WM. MCC. MARTIN, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1461; Filed, Jan. 26, 1951; 9:00 a. m.]

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

TRANSACTIONS INCIDENT TO IMPORTATIONS FROM DESIGNATED NATIONALS

31 CFR 500.534 is hereby amended to read as follows:

§ 500.534 *Transactions incident to importations from designated nationals.* (a) All transactions ordinarily incident to the importation of goods, wares and merchandise into the United States from any designated national are hereby authorized, provided the following terms and conditions are complied with:

(1) Payment for any goods, wares or merchandise shall be made only by deposit of the dollar amount thereof with a domestic bank for credit to a blocked account in the name of such national or in a blocked account in the name of a banking institution in the designated foreign country from which the goods, wares or merchandise were exported; and

(2) Any other payments in which a designated national has any interest shall be made only by deposit of the dollar amount thereof with a domestic bank for credit to a blocked account in the name of such national.

(b) This section does not authorize the debiting of any blocked account.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] WM. MCC. MARTIN, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1462; Filed, Jan. 26, 1951; 9:00 a. m.]

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

EXCHANGE OF CERTAIN SECURITIES

The Foreign Assets Control regulations, 31 CFR 500.101–500.807, 15 F. R. 9040, are hereby amended by the addition of the following section:

§ 500.535 *Exchange of certain securities.* (a) Subject to the limitations and conditions of paragraph (b) of this section and notwithstanding § 500.202 of this chapter, any banking institution within the United States is authorized to engage in the following transactions with respect to securities listed on a national securities exchange, including the withdrawal of such securities from blocked accounts:

(1) Exchange of certificates necessitated by reason of changes in corporate name, par value or capitalization,

(2) Exchanges of temporary for permanent certificates,

(3) Exchanges or deposits under plans of reorganization,

(4) Exchanges under refunding plans, or

(5) Exchanges pursuant to conversion privileges accruing to securities held.

(b) This section does not authorize the following transactions:

(1) Any exchange of securities unless the new securities and other proceeds, if any, received are deposited in the blocked account in which the original securities were held immediately prior to the exchange.

(2) Any exchange of securities registered in the name of any designated national, unless the new securities received are registered in the same name in which the securities exchanged were registered prior to the exchange.

(3) Any exchange of securities issued by a person engaged in the business of offering, buying, selling, or otherwise dealing, or trading in securities, or evidences thereof, issued by another person.

(4) Any transaction with respect to any security by an issuer or other obligor who is a designated national.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5, E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] WM. MCC. MARTIN, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1463; Filed, Jan. 26, 1951; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD ON CORRECTION OF MILITARY RECORDS

Section 581.3 is revised to read as follows:

§ 581.3 *Army Board on Correction of Military Records*—(a) *General*—(1) *Legislative mandate.* Section 131 of the Legislative Reorganization Act of August 2, 1946 (60 Stat. 831) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of a military record shall be received or considered in either the Senate or the House of Representatives. Section 207 of the same act (60 Stat. 837; 5 U. S. C. 191a) provides that the Secretary of the Army, acting through a board of civilian officers or employees, is authorized to correct any military record where in his judgment such action is necessary to correct an error or to remove an injustice. This legislative mandate gives to the Secretary of the Army the same jurisdiction as heretofore possessed by Congress in this respect.

(2) *Application for relief*—(i) *General.* The applicant for relief will submit a written request to the Secretary of the Army, Attention: Army Board on Correction of Military Records. The request should be made on DD Form 149 (Application for Correction of Military or Naval Records), which may be obtained from The Adjutant General, Washington 25, D. C., Attention: AGPI.

(ii) *Content.* The application will include:

(*a*) The full name, Army service number, grade, and organization or assignment of the person whose military record is involved.

(*b*) A description of the military record sought to be corrected.

(c) A particular description of the alleged error or injustice sought to be corrected or removed.

(d) The reasons in support of the relief requested.

(e) The full name and address of counsel if the applicant desires to be so represented.

(f) A request for a hearing before the Board in Washington, D. C., if the applicant so desires.

(g) The full name and address of any witness or witnesses whose testimony the applicant may desire the Board to consider at the hearing. The nature of each witness's testimony, or the principal facts concerning which he will testify, should be included.

(h) Any statements or affidavits from persons other than the applicant in support of the request for relief.

(i) Signature of the applicant.

(iii) *Execution.* The application will be executed under oath or will contain a provision that the statements submitted in the application, as part of the claim, are made with full knowledge of the penalty provided for making a false statement.

(iv) *Undue delay.* The Board may refuse an application on the ground that there has been undue delay in filing the application.

(3) *Scope of inquiry*—(i) *General.* Unless directed by the Secretary of the Army, the Board shall not review any case involving the sentence of a general court-martial, or any case wherein final action has been taken by the President of the United States, the Secretary of the Army, the Under Secretary of the Army, or an Assistant Secretary of the Army. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations.

(ii) *Inability to grant relief or insufficient basis.* It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(iii) *Stay of proceedings.* The right to apply to the Board for relief shall not operate as a stay of any proceedings taken against the person involved.

(4) *Furnishing of records.* Upon request of the Board, The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertinent to the relief requested. Such records together with the application and all supporting documents will be transmitted to the Chairman of the Board.

(b) *Constitution, purpose, and jurisdiction*—(1) *General.* (i) Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 (60 Stat. 837; 5 U. S. C. 191a) the Army Board on Correction of Military Records, referred to in this section as the Board, is established in the Office of the Secretary of the Army.

(ii) The Board is authorized to call upon the Office of the Secretary of the Army, and the Department of the Army General and Special Staffs for investigative and advisory services and upon any other Department of the Army agency for assistance within the specialized jurisdiction of that agency.

(iii) The proceedings of the Board in open session and the testimony taken before it will be reported verbatim.

(2) *Functions.* (i) The functions of the Board will be to:

(a) Recommend to the Secretary of the Army the action he should take to correct any military record when such action is necessary to correct an error or to remove an injustice.

(b) Consider all applications presently on file and subsequently received which seek such relief as is provided for in section 207 of the act cited in subparagraph (1) of this paragraph.

(ii) In event of doubt by the Board either as to its jurisdiction or as to its power to act in any given case, the Board may request the opinion of The Judge Advocate General.

(iii) The Board may initiate recommendation for such changes in procedure as established herein as may be deemed necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Army.

(3) *Convening.* (i) The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(ii) The Board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to it, and any briefs submitted by or on behalf of applicant.

(c) *Hearings*—(1) *General.* (i) An applicant for the correction of a military record, upon request, shall be entitled to appear before the Board in open session, either in person or by counsel of his own selection. At the discretion of the Board, the applicant may present witnesses to testify in support of his claim. As used in this section the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031; 38 U. S. C. 101) and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses of the applicant or expenses or compensation of witnesses or counsel for the applicant be paid by the Government.

(ii) In each case in which hearing is requested the Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice will be mailed at least 15 days prior to the date of hearing to the applicant and his counsel, if any. It will be the responsibility of the applicant to notify his witnesses, if any. The applicant may waive such time limit and an earlier date may be set by the Board. The record will contain evidence that written notice was given the applicant and his counsel, if any, and the time and manner thereof.

(iii) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails without cause to appear at the appointed time, either in person or by counsel, shall be deemed to have waived his right to be present, and the Board will have authority to proceed with the consideration and determination of the case.

(2) *Conduct.* (i) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified papers or reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Assistant Chief of Staff, G–2, Department of the Army, or other appropriate official, on the request of the Board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(ii) The Board will not be limited by the restrictions of common law rules of evidence.

(iii) In order to justify correction of a military record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust under directives, standards, administration, and practice either existing at the time, or subsequently changed in the petitioner's favor, effective retroactively. The directives, standards, administration, and practice herein contemplated are those stated in statutes, regulations, manuals, directives of the Department of the Army, and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General, and of The Judge Advocate General.

(3) *Witnesses.* The testimony of witnesses will be under oath administered by the presiding officer or by affidavit. If a witness testifies in person he will be subject to examination by members of the Board.

(4) *Continuances.* The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(5) *Withdrawal.* The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his application without prejudice at any time before the Board makes its final recommendation.

(d) *Findings, conclusions, and recommendations*—(1) *Findings.* The Board will make findings in writing in each case. The findings and conclusions of a majority of the Board will constitute the findings and conclusions of the Board.

(2) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, or to the recommendations, or to both. The reasons for the minority report will be clearly stated.

(3) *Recommendations for corrective action.* The Chairman of the Board will, in the name of the Board, recommend to the Secretary of the Army such action as may be necessary to carry into effect the determinations of the Board.

(4) *Record of proceedings.* (i) When the Board has concluded its proceedings in any case, the Board will prepare a complete record thereof. Such record will include the application for relief; a transcript of the hearing, if any; affidavits, papers, and documents considered by the Board; all briefs and written arguments filed in the case; the report of the examiner, if any; the findings and conclusions of the Board and its recommendation for corrective action; any minority report prepared by a dissenting member of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the Chairman as being true and complete.

(ii) All records of proceedings of the Board in closed session will be confidential.

(5) *Transmittal of records and action by The Adjutant General.* Upon the approval of the Secretary of the Army, the record of proceedings and recommendation in each case will be transmitted to The Adjutant General or other proper authority for appropriate Department of the Army action. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the Chairman of the Board.

[AR 15–185, 12 Jan. 1951] (Sec. 207, 60 Stat. 837; 5 U. S. C. 191a)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–1397; Filed, Jan. 26, 1951; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 104—CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

DEAD LINE FOR APPLICATIONS FOR PAYMENTS AND ORDER OF CERTIFICATIONS FROM FUNDS AVAILABLE FOR FISCAL YEAR 1951

Sec.
104.1 Procedure if funds are inadequate to make all payments.
104.2 Determination made for fiscal year 1951 of insufficiency of available funds.
104.3 Deadline for applications for payments from funds available for fiscal year 1951.
104.4 Order of making certifications from available funds.
104.5 Priorities to applications requesting minimum school facilities funds; certifications restricted to cost of such facilities.
104.6 Priority and certification conditioned on readiness to proceed with construction.
104.7 Preceding provisions not exhaustive of jurisdiction of Commissioner of Education.

AUTHORITY: §§ 104.1 to 104.7 issued under sec. 208, Pub. Law 815, 81st Cong. Interpret or apply sec. 206, Pub. Law 815, 81st Cong.

§ 104.1 *Procedure if funds are inadequate to make all payments.* Section 206 (d), Public Law 815, 81st Congress reads as follows:

> If the Commissioner of Education determines for any fiscal year that the funds which will be available therefor may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive under applications approved under this title before the end of such year, he shall by regulations prescribe (1) a date or dates before which all applications for payments out of such funds shall be filed, and (2) the order in which the certifications required by subsections (a) and (b) of this section will be made. The order so prescribed shall be based on relative urgency of need and shall give applications under section 205 (b) priority over applications under section 205 (c).

§ 104.2 *Determination made for fiscal year 1951 of insufficiency of available funds.* The Commissioner of Education has determined that for the fiscal year 1951 available funds may not be sufficient to pay in full the amounts which all local educational agencies would otherwise be entitled to receive as provided in section 206 (d), Public Law 815, 81st Congress.

§ 104.3 *Dead line for applications for payments from funds available for fiscal year 1951.* By reason of the foregoing February 28, 1951, is hereby fixed as the date before which all applications for payments out of funds available for the fiscal year 1951 shall be filed.

§ 104.4 *Order of making certifications from available funds.* Subject to the condition of readiness hereinafter stated, the order in which certifications required by subsections (a) and (b) of section 206, Public Law 815, 81st Congress from funds appropriated and available therefor on February 28, 1951, will be made is as follows:

(a) *Preference to projects for school facilities where none are presently available.* Projects designed to provide school facilities for those for whom no facilities are presently available, as indicated in subparagraph (1) of this paragraph will be preferred.

(1) *When children deemed to be without school facilities.* For the purposes of this section, children will be deemed to be without school facilities who (i) are in excess of the normal one-session-per-day capacity of available school facilities above the kindergarten level or (ii) are presently dependent upon a building or space which is unsafe, or the use of which for school purposes in view of its character, inaccessibility, or other equally cogent reason seriously prejudices or would seriously prejudice the educational objective. Mere obsolescence in terms of existing State standards or the use of temporary but otherwise adequate facilities will not in themselves constitute preference factors.

(2) *Determination of order of priority for payments.* The order of priority hereunder will be determined by adding (i) the percentage of the average daily attendance with respect to which the local agency is eligible and the application is made, to (ii) the percentage of the school membership within the same jurisdictional area who are without school facilities under the definition in subparagraph (1) of this paragraph, those projects with the highest combined percentages being first certified for payment:

Provided, however, (a) That where the jurisdictional area of the applicant with respect to which the application is made comprises an extensive territory and the Federal activity is localized within the area served by one or more attendance centers, and the other attendance centers within the District are substantially unavailable to meet the needs of such attendance centers affected by Federal activities, then, in such case, the percentages described in subdivision (i) and (ii) of this subparagraph will be determined with respect to the Federally affected attendance areas, and not with respect to the entire school district or jurisdiction: *And provided,* (b) That where Federal or other housing projects, undertaken primarily to house those with respect to whose children the applicant may claim Federal funds, have been provided for and scheduled for completion or substantial completion by the beginning of the ensuing school year, then the school membership anticipated from such construction shall be included in computing the percentage in subdivision (ii) of this subparagraph.

(3) *Responsibility of applicant and Regional Representative in priority determinations.* The applicant must submit as a part of its application all facts and circumstances in each case which are pertinent to an accurate determination of priority status as above, and the Regional Representative will assume primary responsibility for designating and determining differentiated attendance centers under (a) of the proviso to subparagraph (2) of this paragraph and determining the school membership anticipated under (b) of the proviso to subparagraph (2) of this paragraph.

(b) *Certification of remaining funds and priority of construction applications over reimbursement applications.* Federal funds not certified under paragraph (a) of this section may be drawn upon to replace or improve obsolescent, substandard, or temporary facilities, or for projects requiring amounts of Federal funds in excess of those necessary to provide minimum facilities as described in § 104.5. All applications under section 205 (b), Public Law 815, 81st Congress, will have as set forth in the statute priority over applications under section 205 (c), Public Law 815, 81st Congress.

§ 104.5 *Priorities to applications requesting minimum school facilities funds; certifications restricted to cost of such facilities.* Certification of funds

for priority projects will be restricted in amount to the cost of providing minimum school facilities including square footage per pupil necessary to operate a school program on a one-session-per-day basis above the kindergarten level with necessary auxiliary facilities exclusive of single-purpose auditoria or gymnasia with large built-in spectator space, and priority will be established in the first instance only for those applications in which the Federal funds requested do not exceed such cost as shown in the application. However, nothing contained in the regulations of this part shall be deemed to bar the State, or the applicant with the approval of the State educational agency, from using, in addition to the Federal grant, moneys otherwise obtained, to provide a higher type or larger or better implemented facility, as the State or local authorities may deem reasonable under the existing circumstances. The applicant will be required to show in such cases that the added cost is being thus independently met.

§ 104.6 *Priority and certification conditioned on readiness to proceed with construction.* Certification and transfer of funds with respect to any project described in this part will be subject to postponement in the event the applicant is not ready to proceed with construction before June 30, 1951, and may be subordinated by reason thereof to other projects of lower rank or forfeit its priority in the discretion of the program director.

§ 104.7 *Preceeding provisions not exhaustive of jurisdiction of Commissioner of Education.* The provisions of §§ 104.1 to 104.6, inclusive, shall not be deemed exhaustive of the jurisdiction of the Commissioner of Education under section 206 (d), Public Law 815, 81st Congress. Such provisions may be modified or further regulations may be issued hereafter as circumstances may require.

Dated: January 23, 1951.

[SEAL] EARL J. McGRATH,
U. S. Commissioner of Education.

Approved:

JOHN L. THURSTON,
Acting Administrator,
Federal Security Agency.

[F. R. Doc. 51-1387; Filed, Jan. 26, 1951; 8:45 a. m.]

Chapter V—War Claims Commission

Subchapter A—Rules of Practice

PART 502—SUBPOENAS, DEPOSITIONS AND OATHS

Sec.
502.1 Extent of authority.
502.2 Subpoenas.
502.3 Service.
502.4 Witnesses.
502.5 Depositions.
502.6 Documentary evidence.
502.7 Time.

AUTHORITY: §§ 502.1 to 502.7 issued under sec. 2, 62 Stat. 1240, as amended; 50 U. S. C., App. Sup. 2001.

§ 502.1 *Extent of authority*—(a) *Subpoenas, oaths and affirmations.* The Commission or any member thereof may issue subpoenas, administer oaths and affirmations, take affidavits, conduct investigations, and examine witnesses in connection with any hearing, examination, or investigation within its jurisdiction.

(b) *Certification.* The Commission or any member thereof may, for the purpose of any such hearing, examination, or investigation, certify the correctness of any papers, documents, and other matters pertaining to the administration of any laws relating to the functions of the Commission.

§ 502.2 *Subpoenas*—(a) *Issuance.* A member of the Commission or a designated employee may, on his own volition or upon written application by any party and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring persons to appear and testify or to appear and produce documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought. The subpeona shall show on its face the name and address of the party at whose request the subpoena was issued.

(b) *Deposit for costs.* The Commission or designated employee, before issuing any subpoena in response to any application by an interested party, may require a deposit in an amount adequate to cover the fees and mileage involved.

(c) *Motion to quash.* If any person subpoenaed does not intend to comply with the subpoena, he shall, within 15 days after the date of service of the subpoena upon him, petition in writing to quash the subpoena. The basis for the motion must be stated in detail. Any party desiring to file an answer to a motion to quash must file such answer not later than 15 days after the filing of the motion. The Commission shall rule on the motion to quash, duly recognizing any answer thereto filed. The motion, answer, and any ruling thereon shall become part of the official record.

(d) *Appeal from interlocutory order.* An appeal may be taken to the Commission by the interested parties from the denial of a motion to quash or from the refusal to issue a subpoena for the production of documentary evidence.

(e) *Order of court upon failure to comply.* Upon the failure or refusal of any person to comply with a subpoena, the Commission may invoke the aid of the United States District Court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or wherein such person resides or transacts business. Such court, pursuant to the provisions of Public Law 696, 81st Congress, approved August 16, 1950, 50 U. S. C. App. Sup., 2001 (d), may issue an order requiring such person to appear at the designated place of hearing, examination, or investigation, then and there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such an order may be punished by the court as a contempt thereof. All processes in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

§ 502.3 *Service*—(a) *Service by registered mail.* Subpoenas, orders, rulings, and other processes of the Commission, may be served by delivering in person or by registered mail addressed to the person, partnership, or corporation to be served at his or its residence, principal office or place of business, except when service by another method shall be specifically ordered by the Commission.

(b) *Personal service.* Service by delivering in person may be accomplished by:

(1) Delivering a copy of the document to the person to be served, to a member of the partnership to be served, to an executive officer, or a director of the corporation to be served, or to a person competent to accept service; or

(2) By leaving a copy thereof at the residence, principal office or place of business of such person, partnership, or corporation.

(c) *Proof of service.* The return post office registered receipt for said order, other process or supporting papers, or the verification by the person serving, setting forth the manner of said service, shall be proof of the service of the document.

(d) *Service upon attorney or agent.* When any party has appeared by an authorized attorney or agent, service upon such attorney or agent shall be deemed service upon the party.

(e) *Date of service.* The date of service shall be the day upon which the document is deposited in the United States mail or delivered in person, as the case may be.

§ 502.4 *Witnesses*—(a) *Examination of witnesses.* Witnesses shall appear in person and be examined orally under oath, except that for good cause shown, testimony may be taken by deposition.

(b) *Witness fees and mileage.* Witnesses summoned by the Commission on its own behalf or on behalf of a claimant or interested party shall be paid the same fees and mileage that are allowed and paid witnesses in the District Courts of the United States. Witness fees and mileage shall be paid by the Commission or by the party at whose request the witness appears.

(c) *Transcript of testimony.* Every person required to attend and testify or to submit documents or other evidence shall be entitled to retain or, on payment of prescribed costs, procure a copy or transcript of his testimony or the documents produced.

§ 502.5 *Depositions*—(a) *Application to take.* An application to take a deposition shall be in writing setting forth the reason why such deposition should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken. If such deposition is being offered in connection with a hearing or examination, the application for deposition shall be made to the Commission at least 15 days prior to the proposed date of such hearing or examination.

Application to take a deposition may be made during a hearing or examination, or, subsequent to a hearing or examination only where it is shown for good cause that such testimony is essential and that the facts as set forth in the application to take the deposition were not within the knowledge of the person signing the application prior to the time of the hearing or examination.

The Commission or its representative shall, upon receipt of the application and a showing of good cause, make and cause to be served upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time, the place, and where practicable the designation of the officer before whom the witness is to testify. Such officer may or may not be the one specified in the application. The order shall be served upon all parties at least 10 days prior to the date of the taking of the deposition.

(b) *Who may take.* Such deposition may be taken before the designated officer or, if none is designated, before any officer authorized to administer oaths by the laws of the United States. If the examination is held in a foreign country, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) *Examination and certification of testimony.* At the time and place specified in said order the officer taking such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and his testimony shall be reduced to writing by, or under the direction of, the presiding officer. All objections to questions or evidence shall be deemed waived unless made in accordance with paragraph (d) of this section. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not counsel or attorney to any of the interested parties. The officer shall immediately seal and deliver an original and two copies of said transcript, together with his certificate, by registered mail to the War Claims Commission, Washington 25, D. C., or the field office designated.

(d) *Admissibility in evidence.* The deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten (10) days after the return thereof, and would be valid were the witness personally present at the hearing.

(e) *Errors and irregularities.* All errors or irregularities occurring shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

(f) *Scope of use.* The deposition of a witness, if relevant, may be used if the Commission finds: (1) That the witness has died since the deposition was taken; or (2) that the witness is beyond a distance greater than 100 mile radius of Washington, D. C., the designated field office or the designated place of the hearing; or (3) that the witness is unable to attend because of other good cause shown.

(g) *Interrogatories and cross-interrogatories.* Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examinations. When a deposition is taken upon interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, and his representative or attorney, a stenographic reporter and the presiding officer, shall be present at the examination of the witness, which fact shall be certified by such officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(h) *Fees.* A witness whose deposition is taken pursuant to the regulations in this part and the officer taking the deposition, shall be entitled to the same fees and mileage allowed and paid for like service in the United States District Court for the district in which the deposition is taken. Such fees shall be paid by the Commission or by the party at whose request the deposition is being taken.

§ 502.6 *Documentary evidence.* Documentary evidence may consist of books, records, correspondence or other documents pertinent to any hearing, examination, or investigation within the jurisdiction of the Commission. The application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought. The production of documentary evidence shall not be required at any place other than the witness' place of business. The production of such documents shall not be required at any place if, prior to the return date specified in the subpoena, such person either has furnished the issuer of the subpoena with a properly certified copy of such documents or has entered into a stipulation as to the information contained in such documents.

§ 502.7 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by the regulations in this part, by order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) *Enlargement.* When by the regulations in this part or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specified time, the Commission for cause shown may, at any time in its discretion (1) with or without motion or notice, previous order or (2) upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect.

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 51-1396; Filed, Jan. 26, 1951; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 68]

UNITED STATES STANDARDS FOR ROUGH RICE, BROWN RICE AND MILLED RICE

NOTICE OF HEARINGS ON PROPOSED REVISIONS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the items for Market Inspection of Farm Products and Marketing Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Ch. VI, Pub. Law 759, 81st Congress; 7 U. S. C. Supp. 414) the United States Department of Agriculture is considering the complete revision, essentially as herein proposed, of the United States standards for rough rice, brown rice, and milled rice. The present rough rice standards have been in effect since May 15, 1942, the present brown rice standards since May 15, 1942, and the present milled rice standards since September 4, 1946 (7 CFR 60.75 et seq.).

The proposed standards for rough rice have been developed to provide an indication of the grade of milled rice that may be made from a lot of rough rice offered for inspection, and also to pro-

vide an estimate of the percentages of whole kernels and of broken kernels that may reasonably be expected in the commercial milling of such rice. The proposed brown rice standards have been developed to provide a better measure of the quality of such brown rice as may be prepared for consumer use and also to provide a better quality measurement of such brown rice as may be intended for further milling by providing an estimate of the percentages of whole kernels and of broken kernels that may be produced from a lot of brown rice offered for inspection.

The proposed milled rice standards have been developed to more nearly meet present-day marketing requirements and have been simplified to provide one set of grade requirements for all classes of milled rice other than second head milled rice, screenings milled rice and brewers' milled rice. The standards would be set forth in Part 68 of Subtitle B in Title 7 of the Code of Federal Regulations, to read essentially as follows with such changes as may be suggested by interested parties and considered desirable by the Department:

UNITED STATES STANDARDS FOR ROUGH RICE[1]

§ 68.201 *Terms defined.* The following definitions shall apply for the purposes of the United States Standards for rough rice:

(a) *Rough rice.* Rough rice shall be rice which consists of 50 percent or more of kernels of rice from which the hulls have not been removed.

(b) *Classes.*[2] (1) Rough rice shall be divided into the following classes:

Rexoro rough rice, including the variety known as Rexark.
Blue Bonnet rough rice.
Patna rough rice.
Nira rough rice.
Fortuna rough rice.
Blue Rose rough rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Calrose.
Zenith rough rice.
Magnolia rough rice.
Early prolific rough rice.
Pearl rough rice.
Mixed rough rice.

(2) Except with respect to the class Mixed rough rice, each class shall contain more than 25.0 percent of whole kernels of rough rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

(3) Mixed rough rice shall be any mixture of rough rice which does not meet the requirements for any of the classes specifically named.

(4) Rough rice that is not otherwise provided for in these standards shall be classified according to the commonly accepted commercial name of such rough rice.

[1] The specifications of these standards shall not excuse failure to comply with provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of rough rice does not imply any guarantee of varietal purity.

(c) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 68.203.

(d) *Contrasting classes.* Rough rice of contrasting classes shall be rough rice of other classes than the class designated, in which the size, length, or shape of the kernels differ distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice of which one half or more of each is chalky.

(f) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have any appreciable amount of red bran thereon.

(g) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rough rice which are distinctly damaged by water, insects, heat, or any other means.

(h) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rough rice which are materially discolored and damaged by heat.

(i) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(j) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(k) *Milling quality (yield).* Milling quality of rough rice shall be the quality of the rough rice with respect to resistance to breakage in terms of the quantity of whole and broken kernels of milled rice that can be produced from a unit of rough rice.

(l) *Removable foreign material (dockage).* Removable foreign material (dockage) shall be all matter other than rough rice which can be removed readily from the rough rice by the use of appropriate sieves and cleaning devices, and underdeveloped, shriveled, and small pieces of kernels of rough rice removed in properly separating the foreign material, and which cannot be recovered by properly rescreening or recleaning.

(m) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel, as determined by the testing apparatus and the method of use thereof described in Bulletin No. 1065, dated May 18, 1922, issued by the United States Department of Agriculture, or as determined by any device and method which give equivalent results.

§ 68.202 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of rough rice:

(a) *Basis of determinations.* Each determination of seeds, objectionable seeds, damaged kernels, heat-damaged kernels, red rice, chalky kernels, rice of contrasting classes, and color and general appearance, shall be on the basis of the rice after milling. All other determinations shall be on the basis of the rough rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by any method which gives equivalent results.

(d) *Determination of milling quality (yield).* The determination of milling quality of rough rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling quality shall be expressed in terms of whole percent and any fraction of a percent shall be disregarded.

§ 68.203 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under the rough rice standards:

(a) *Grades and grade requirements for all classes of rough rice.* (See also paragraph (c) of this section.)

Grade[1]	Maximum limits of—						
	Seeds and heat-damaged kernels						
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)	Red rice and damaged kernels (singly or combined)	Chalky kernels	Rice of contrasting classes[2]		
	Number in 500 grams	Number in 500 grams	Pct.	Pct.	Pct.		
U. S. No. 1	2	1	0.5	1.0	1.0		
U. S. No. 2	4	2	1.0	2.0	2.0		
U. S. No. 3	7	5	2.0	4.0	3.0		
U. S. No. 4	15	10	3.0	6.0	7.0		
U. S. No. 5	30	20	6.0	10.0	10.0		
U. S. No. 6	75	75	[3] 15.0	15.0	10.0		
U. S. Sample grade	U. S. Sample grade shall be rough rice which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which heats or has damaged or extremely rotted kernels; or which is otherwise of distinctly low quality.						

[1] Color and general appearance: U. S. No. 1 shall be white or creamy; U. S. No. 2 may be slightly gray; U. S. No. 3 may be light gray; U. S. No. 4 may be gray or slightly rosy; U. S. No. 5 may be dark gray or rosy; U. S. No. 6 may be dark gray or rosy.

[2] These limits do not apply to the class mixed rough rice.

[3] The rice in grade U. S. No. 6 may contain not more than 6 percent of damaged kernels other than heat-damaged kernels.

(b) *Grade designations—(1) Rough rice except Mixed rough rice.* The grade designation for all classes of rough rice, except Mixed rough rice, shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; and there shall be added thereto a statement of the milling quality (yield).

(2) *Mixed rough rice.* The grade designation for Mixed rough rice shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the words "Mixed rough rice," followed by the name and approximate percentage of the predominant class of rough rice and of each contrasting class of rough rice in the mixture; and the name of each applicable special grade; and there shall be added thereto a statement of the milling quality (yield).

(c) *Special grades, special grade requirements, and special grade designations for rough rice.*—(1) *Damp rough rice.*—(i) *Requirements.* Damp rough rice shall be rough rice which contains more than 14.0 percent but not more than 16.0 percent of moisture.

(ii) *Grade designation.* Damp rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice, and there shall be added to and made a part of the grade designation the word "Damp."

(2) *Weevily rough rice.*—(i) *Requirements.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

(ii) *Grade designation.* Weevily rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice and there shall be added to and made a part of the grade designation the word "Weevily."

UNITED STATES STANDARDS FOR BROWN RICE[1]

§ 68.251 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for brown rice:

(a) *Brown rice.* Brown rice shall be rice which consists of more than 50 percent of kernels of rice from which the hulls only have been removed.

(b) *Classes.*[2] (1) Brown rice shall be divided into the following classes:

Rexoro brown rice, including the variety known as Rexark.
Blue Bonnet brown rice.
Patna brown rice.
Nira brown rice.
Fortuna brown rice.
Blue Rose brown rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Calrose.
Zenith brown rice.
Magnolia brown rice.
Early Prolific brown rice.
Pearl brown rice.
Mixed brown rice.

(2) Except with respect to the class Mixed brown rice, each class shall contain more than 25.0 percent of whole kernels of brown rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of brown rice does not imply any guarantee of varietal purity.

(3) Mixed brown rice shall be any mixture of brown rice which does not meet the requirements for any of the classes specifically named.

(4) Brown rice that is not otherwise provided for in these standards shall be classified according to the commonly accepted commercial name of such brown rice.

(c) *Grades.* Grades shall be the numerical grades and sample grade provided for in § 68.253.

(d) *Contrasting classes.* Brown rice of contrasting classes shall be brown rice of other classes than the one designated, in which the size, length, or shape of the kernels differ distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice of which one-half or more of each is chalky.

(f) *Broken kernels.* Broken kernels shall be pieces of kernels of brown rice which are less than three-fourths of the length of whole kernels, and split kernels of brown rice.

(g) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have any appreciable amount of red bran thereon.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of brown rice which are distinctly damaged by water, insects, heat, or any other means.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of brown rice which are materially discolored and damaged by heat.

(j) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(k) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(l) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(m) *6½/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 6½/64 inch in diameter.

(n) *Milling quality (yield).* Milling quality of brown rice shall be the quality of the brown rice with respect to resistance to breakage in terms of the quantity of whole and broken kernels of milled rice that can be produced from a unit of brown rice.

§ 68.252 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of brown rice:

(a) *Basis of determinations.* All determinations shall be upon the basis of the brown rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by any method which gives equivalent results.

(d) *Determination of milling quality (yield).* The determination of milling quality of brown rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. The milling quality shall be expressed in terms of whole percent and any fraction of a percent shall be disregarded.

§ 68.253. *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under the brown rice standards:

(a) *Grades and grade requirements for all classes of brown rice.*

Grade[1]	Maximum limits of—							
	Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Through 6½/64 sieve	Rice of contrasting classes[2]
	Number in 500 grams	Number in 500 grams	Number in 500 grams	Pct.	Pct.	Pct.	Pct.	Pct.
U. S. No. 1	25	1	2	0.5	1.0	5.0	1.0	1.0
U. S. No. 2	50	2	10	2.0	3.0	10.0	2.0	2.0
U. S. No. 3	75	4	20	4.0	5.0	15.0	3.0	3.0
U. S. No. 4	100	8	35	8.0	8.0	25.0	4.0	10.0
U. S. Sample grade	U. S. Sample grade shall be brown rice which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 4, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.							

[1] The brown rice in grade U. S. No. 1 may contain not more than 1.0 percent, in grade U. S. No. 2 not more than 3.0 percent, and in grades U. S. No. 3 and U. S. No. 4 not more than 10.0 percent of milled rice.

[2] These limits do not apply to the class Mixed brown rice.

(b) *Grade designations—(1) Brown rice except Mixed brown rice.* The grade designation for all classes of brown rice, except Mixed brown rice, shall include, in the order named, the letters "U. S.;" the number of the grade or the words "sample grade," as the case may be; and the name of the class; and there may be added thereto a statement of the milling quality (yield).

(2) *Mixed brown rice.* The grade designation for Mixed brown rice shall include, in the order named, the letters "U. S.;" the number of the grade or the words "sample grade," as the case may be; the words "Mixed brown rice," followed by the name and approximate percentage of the predominant class of brown rice and of each contrasting class of brown rice in the mixture; and there may be added thereto a statement of the milling quality (yield).

UNITED STATES STANDARDS FOR MILLED RICE[1]

§ 68.301 *Terms defined.* The following definitions shall apply for the purposes of the United States standards for milled rice:

(a) *Milled rice.* Milled rice shall be whole or broken kernels of rice from which, (1) in the case of milled rice other than milled rice of the special grade unpolished milled rice, the hulls and practically all of the germs and bran layers have been removed; or (2) in the case of milled rice of the special grade unpolished milled rice, the hulls, a part of the germs, and the outer bran layers, but not the inner bran layers, have been removed; and which contains not more than 10.0 percent of seeds or foreign material, either singly or combined.

(b) *Classes.*[2] (1) Milled rice shall be divided into the following classes:

Rexoro milled rice, including the variety known as Rexark.
Blue Bonnet milled rice.
Patna milled rice.
Nira milled rice.
Fortuna milled rice.
Blue Rose milled rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Calrose.
Zenith milled rice.
Magnolia milled rice.
Early prolific milled rice.
Pearl milled rice.
Mixed milled rice.
Second head milled rice.
Screenings milled rice.
Brewers' milled rice.

(2) Except with respect to the classes Mixed milled rice, Second Head milled rice, Screenings milled rice, and Brewers' milled rice, each class shall contain more than 25.0 percent of whole kernels of milled rice of the designated class, and may contain not more than 10.0 percent of milled rice of contrasting classes, and the percentage of whole and broken kernels of a designated class in any lot of rice of such class shall exceed the percentage therein of kernels of any other class.

(3) Mixed milled rice shall be any mixture of milled rice which contains more than 25.0 percent of whole kernels of milled rice and which does not meet the requirements for any of the classes specifically named.

(4) Second Head milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

(5) Screenings milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels, which does not meet the kernel-size requirements for the class Second Head milled rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 sieve; and

(6) Brewers milled rice shall be any milled rice which contains not more than 25.0 percent of whole kernels and which contains more than 15.0 percent of broken kernels that will pass readily through a 5½/64 sieve.

(7) Milled rice that is not otherwise provided for in these standards shall be classified according to the commonly accepted commercial name of such milled rice.

(c) *Grades.* Grades shall be the numerical grades, Sample grades, and special grades provided for in § 68.303.

(d) *Contrasting classes.* Milled rice of contrasting classes shall be milled rice of other classes than the one designated, in which the size, length, or shape of the kernels differ distinctly from these characteristics of the kernels of the class designated.

(e) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of milled rice of which one-half or more of each is chalky.

(f) *Broken kernels.* Broken kernels shall be pieces of kernels of milled rice which are less than three-fourths of the length of whole kernels, and split kernels of milled rice.

(g) *Red rice.* Red rice shall be kernels and pieces of kernels of milled rice which are distinctly red in color or which have any appreciable amount of red bran thereon.

(h) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of milled rice which are distinctly damaged by water, insects, heat, or any other means.

(i) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of milled rice which are materially discolored and damaged by heat.

(j) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(k) *Objectionable seeds.* Objectionable seeds shall be all seeds other than unhulled rice and seeds of the varieties of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(l) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(m) *5½/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 5½/64 inch in diameter.

(n) *6/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 6/64 inch in diameter.

(o) *6½/64 sieve.* A metal sieve 0.032 inch thick perforated with round holes 6½/64 inch in diameter.

§ 68.302 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of milled rice:

(a) *Basis of determinations.* All determinations shall be upon the basis of the milled rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Percentage of moisture.* Percentage of moisture shall be that ascertained by the air-oven method described in Service and Regulatory Announcements No. 147 (revised August 1941) of the Agricultural Marketing Service (now Production and Marketing Administration) of the United States Department of Agriculture, or ascertained by any method which gives equivalent results.

§ 68.303 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under the milled rice standards:

(a) *Grades and grade requirements for all classes of milled rice, except Second Head milled rice, Screenings milled rice, and Brewers milled rice.* (See also paragraph (f) of this section).

Grade[1]	Maximum limits of—						
	Seeds and heat-damaged kernels					Broken kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)	Red rice and damaged kernels (singly or combined)	Chalky kernels	Total	Through 5½/64 sieve	Pieces of coarse[3]
	Number in 500 grams	Number in 500 grams	Pct.	Pct.	Pct.	Pct.	Pct.
U. S. No. 1	2	1	0.5	1.0	4.0	0.1	1.0
U. S. No. 2	4	2	1.0	2.0	7.0	.2	2.0
U. S. No. 3	7	5	2.0	4.0	15.0	.7	5.0
U. S. No. 4	15	10	3.0	6.0	25.0	1.7	7.0
U. S. No. 5	30	30	6.0	10.0	35.0	3.0	10.0
U. S. No. 6	75	75	[2] 15.0	15.0	50.0	2.0	10.0
U. S. Sample grade.	U. S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.						

[1] Color and general appearance:
U. S. No. 1 Shall be white or creamy, and shall be well milled.
U. S. No. 2 May be slightly gray, and shall be well milled.
U. S. No. 3 May be light gray, and shall be reasonably well milled.
U. S. No. 4 May be gray or slightly rosy, and shall be reasonably well milled.
U. S. No. 5 May be dark gray or rosy, and shall be reasonably well milled.
U. S. No. 6 May be dark gray or rosy, and shall be reasonably well milled.

[2] These limits do not apply to the class Mixed milled rice.
[3] The milled rice in grade U. S. No. 6 may contain more than 6.0 percent of damaged kernels other than heat-damaged kernels.

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of milled rice does not imply any guarantee of varietal purity.

(b) *Grades and grade requirements for the class Second Head milled rice.* (See also paragraph (f) of this section).

Grade[1]	Maximum limits of—					
	Seeds and heat-damaged kernels				Broken kernels	
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)	Red rice and damaged kernels (singly or combined)	Chalky kernels	Through 6/64 sieve	Through 6½/64 sieve
	Number in 500 grams	Number in 500 grams	Pct.	Pct.	Pct.	Pct.
U. S. No. 1	15	2	1.0	3.0	3.0	15.0
U. S. No. 2	20	3	1.5	5.0	5.0	25.0
U. S. No. 3	25	5	3.0	10.0	7.0	35.0
U. S. No. 4	50	10	5.0	15.0	10.0	50.0
U. S. No. 5	75	15	10.0	20.0	10.0	50.0
U. S. Sample grade.	U. S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.					

[1] Color and general appearance: U. S. No. 1 shall be white or creamy, and shall be well milled; U. S. No. 2 may be slightly gray, and shall be well milled; U. S. No. 3 may be light gray, and shall be reasonably well milled; U. S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled; U. S. No. 5 may be dark gray or rosy, and shall be reasonably well milled.

(c) *Grades and grade requirements for the class Screenings milled rice.* (See also paragraph (f) of this section).

Grade[1]	Maximum limits of—				
	Seeds			Broken kernels	
	Total	Objectionable seeds	Chalky kernels	Through 5½/64 sieve	Through 6/64 sieve
	Number in 500 grams	Number in 500 grams	Pct.	Pct.	Pct.
U. S. No. 1	30	20	5.0	4.0	20.0
U. S. No. 2	75	50	8.0	6.0	30.0
U. S. No. 3	125	90	12.0	8.0	40.0
U. S. No. 4	175	140	20.0	10.0	50.0
U. S. No. 5	350	300	30.0	15.0	60.0
U. S. Sample grade.	U. S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.				

[1] Color and general appearance: U. S. No. 1 shall be white or creamy, and shall be well milled; U. S. No. 2 may be slightly gray, and shall be well milled; U. S. No. 3 may be light gray, or slightly rosy, and shall be reasonably well milled; U. S. No. 4 may be gray or rosy, and shall be reasonably well milled; U. S. No. 5 may be dark gray or very rosy, and shall be reasonably well milled.

(d) *Grades and grade requirements for the class Brewers milled rice.* (See also paragraph (f) of this section).

Grade	Seeds (maximum limits)		Color and general appearance
	Total	Objectionable seeds	
	Pct.	Pct.	
U. S. No. 1	0.5	0.05	Shall be white or creamy, and shall be well milled.
U. S. No. 2	1.0	.1	May be slightly gray, and shall be well milled.
U. S. No. 3	1.5	.2	May be light gray or slightly rosy, and shall be reasonably well milled.
U. S. No. 4	3.0	.4	May be gray or rosy, and shall be reasonably well milled.
U. S. No. 5	5.0	1.5	May be dark gray or very rosy, and shall be reasonably well milled.
U. S. Sample grade.	U. S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U. S. No. 1 to U. S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which has a badly damaged or extremely red appearance; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

(e) *Grade designations—(1) Milled rice except Mixed milled rice.* The grade designation for all classes of milled rice, except Mixed milled rice, shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade.

(2) *Mixed milled rice.* The grade designation for the class Mixed milled rice shall include, in the order named, the letters "U. S.;" the number of the grade or the words "Sample grade," as the case may be; the words "Mixed milled rice," followed by the name and approximate percentage of the predominant class of milled rice and of each contrasting class of milled rice in the mixture; and the name of each applicable special grade.

(f) *Special grades, special grade requirements, and special grade designations for milled rice—(1) Unpolished milled rice—(i) Requirements.* Unpolished milled rice (sometimes referred to as undermilled rice) shall be rice from which the hulls, a part of the germs, and the outer bran layers, but not the inner bran layers, have been removed. Unpolished milled rice in grades U. S. No. 1 and U. S. No. 2 may contain not more than 5.0 percent, in grades U. S. No. 3 and U. S. No. 4 not more than 10.0 percent, and in grades U. S. No. 5 and U. S. No. 6 not more than 20.0 percent, of milled rice other than unpolished milled rice, and the factor "color and general appearance" shall be disregarded.

(ii) *Grade designation.* Unpolished milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Unpolished."

(2) *Parboiled milled rice—(i) Requirements.* Parboiled milled rice shall be milled rice which, before being milled, was processed by soaking, steaming, and drying. Parboiled milled rice in grades U. S. Nos. 1 to 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled milled rice that have ungelatinized areas; and Parboiled milled rice in grades U. S. No. 1 and U. S. No. 2 may contain not more than 0.1 percent, in grades U. S. No. 3 and U. S. No. 4 not more than 0.5 percent, and in grades U. S. No. 5 and U. S. No. 6 not more than 1.0 percent of nonparboiled milled rice.

(ii) *Grade designation.* Parboiled milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the milled rice is not colored or is slightly colored, the word "Parboiled" if the milled rice is distinctly but not materially colored, and the words "Parboiled Dark" if the milled rice is materially colored from the parboiling treatment.

(3) *Coated milled rice—(i) Requirements.* Coated milled rice shall be milled rice which, in whole or in part, is coated with glucose and talc.

(ii) *Grade designation.* Coated milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "coated."

Informal hearings will be held in Crowley, Louisiana, and San Francisco, California, at which interested persons may submit their views and opinions orally or in writing with respect to the desirability of promulgating the proposed revisions, and related matters. The times and places of such hearings will be as follows:

March 1, 1951, 10 a. m. City Auditorium, Crowley, Louisiana.

March 8, 1951, 10 a. m., Room 1152 New Appraisers Bldg., 630 Sansome Street, San Francisco, Cal.

Interested persons may also submit written data, views or arguments to the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., to be received by him not later than March 20, 1951.

Consideration will be given to all information obtained at the hearings, to written data, views, and arguments, received not later than March 20, 1951, and to all other information available in the United States Department of Agriculture before a decision is made as to what revisions, if any, to the official United States Standards for Rough Rice, Brown Rice and Milled Rice shall be promulgated.

E. J. Murphy, Grain Branch, Production and Marketing Administration, is

hereby designated to conduct the hearings held pursuant to this notice; and B. W. Whitlock and W. B. Smith, Grain Branch, Production and Marketing Administration, are hereby designated to serve as his alternates.

Done at Washington, D. C., this 24th day of January 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-1432; Filed, Jan. 26, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

AMENDMENT OF STATEMENTS OF ORGANIZATION

Section 9 of the statements with respect to the organization of the Office of the Secretary and Bureaus, Divisions, and Offices performing chiefly staff and service functions is revised by the deletion of paragraph (b) (3) and the addition of paragraph (c) to read as follows:

SEC. 9. *Office of International Finance.* (a) The Office of International Finance is headed by a Director, who is under the supervision of an Assistant Secretary of the Treasury. The Director is assisted in discharging his responsibilities and duties by a Deputy Director and by such Assistant Directors as may be appointed by the Assistant Secretary. The Deputy Director acts as Secretary of the National Advisory Council on International Monetary and Financial Problems. The Deputy Director serves as Acting Director, Office of International Finance, in the absence of the Director or in case of a vacancy in the office.

(b) The Director, Office of International Finance, is responsible for advising and assisting the Secretary of the Treasury in the formulation and execution of policies and programs relating to the responsibilities of the Treasury Department in the international financial and monetary field, including the policies and programs arising in connection with the following:

(1) The National Advisory Council on International Monetary and Financial Problems, the International Monetary Fund, the International Bank for Reconstruction and Development, and all other matters related to foreign lending, financial, monetary, or exchange activities;

(2) The Anglo-American Financial Agreement and other international loans and financial assistance programs of this Government, including the Foreign Assistance Act of 1948;

(3) Administration and operation of the United States Exchange Stabilization Fund;

(4) Statutes and regulations relating to gold, silver, exchange rates, exchange stabilization operations and agreements, acquisition and disposition of foreign currencies, international capital movements, monetary policy, the position of the dollar in relation to foreign currencies, and international trade and commercial policy, including trade agreements, anti-dumping measures, and countervailing duties;

(5) The financial aspects of international treaties, agreements, organizations, or operations in which the United States Government participates;

(6) Financial and monetary problems arising in foreign areas controlled or administered by the United States Government;

(7) Obtaining current information concerning the financial position and exchange and other controls of foreign countries and developments in their financial and economic life having a bearing upon United States financial or monetary policy, and preparing analyses and recommendations based thereon;

(8) Participating in negotiations with foreign governments with respect to the foregoing responsibilities; and

(9) Maintaining such Treasury representatives abroad as may be required to assist in discharging the foregoing responsibilities, and directing and coordinating their activities.

(c) The Division of Foreign Assets Control, established in the Office of International Finance under Treasury Department Order No. 128 of December 14, 1950, is headed by a Director, who is under the supervision of the Assistant Secretary of the Treasury in charge of the Office of International Finance.

(1) The Division administers controls over the assets in the United States of, and financial transactions by, China (except Formosa), North Korea and their nationals for the purpose of preventing transactions which would be inimical to the interests of the United States. The controls are administered through a system of licenses, rulings and other documents (see 31 CFR Chapter V) pursuant to powers of the President under section 5 (b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations or rulings that have been or may be issued thereunder. The Division of Foreign Assets Control is represented in the field by the Federal Reserve Bank of New York.

(2) Regulations, rulings, general licenses and other public documents except public interpretations are issued by the Secretary of the Treasury. The Director of the Division of Foreign Assets Control has been delegated general authority to take final action with respect to all other Foreign Assets Control matters.

Authority to take final licensing action on certain applications for specific licenses authorizing certain types of transactions prohibited by the regulations is delegated to the Federal Reserve Bank of New York, subject to policies and procedures prescribed by the Division of Foreign Assets Control.

(3) The public may in general secure any information or make submittals, requests or petitions with respect to any Foreign Assets Control matters by communicating through correspondence or telephone or by coming in person or sending a representative, either to the central office in Washington or to the Federal Reserve Bank of New York.

Correspondence with the central office should be directed to "Foreign Assets Control, United States Treasury Department, Washington 25, D. C." Personal inquiries to the central office should be made to the Main Treasury Building, Washington, D. C. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Assets Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 7, New York.

[SEAL] WM. MCC. MARTIN, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1464; Filed, Jan. 26, 1951; 9:00 a. m.]

Bureau of Customs

[T. D. 52655]

CONVICT, FORCED OR INDENTURED LABOR GOODS

CANNED CRAB MEAT FROM THE UNION OF SOVIET SOCIALIST REPUBLICS

Upon the basis of the evidence obtained from various sources, I have ascertained and hereby find, pursuant to the provisions of § 12.42, Customs Regulations of 1943, promulgated in accordance with the authority contained in section 307, Tariff Act of 1930 (19 U. S. C. 1307), that convict labor, forced labor, and indentured labor under penal sanctions are used in whole or in part in the manufacture and production of canned crab meat in the Union of Soviet Socialist Republics and on vessels which are of "U. S. S. R." registry or under the exclusive dominion and control of the "U. S. S. R.", and that canned crab meat is manufactured or produced in the United States in sufficient quantities to meet the consumptive demands of the United States.

Accordingly, on and after the date of the publication of this finding in the FEDERAL REGISTER, collectors of customs shall prohibit, under the provisions of section 307, Tariff Act of 1930, the importation of canned crab meat manufactured or produced wholly or in part in the Union of Soviet Socialist Republics or manufactured or produced wholly or in part on vessels of "U. S. S. R." registry or on vessels under the exclusive dominion and control of the "U. S. S. R.", unless the importer establishes by satisfactory evidence, as provided for in §§ 12.42-12.46, inclusive, Customs Regulations of 1943, that the merchandise was not manufactured or produced wholly or in part by any one of the classes of labor mentioned above.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 25, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1476; Filed, Jan. 26, 1951; 12:00 m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

MONTANA AND NEW MEXICO

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

JANUARY 23, 1951.

Former paragraph (c) of § 227.0, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

Name of Field, Effective Date, and Acreage

(4) MONTANA

East Dome of Cat Creek Field, Nov. 24, 1950 ---------- 630

(5) NEW MEXICO

South Maljamar Field (revision), Jan. 10, 1951 ---------- 360

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 51-1391; Filed, Jan. 26, 1951; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Anderson Bros. Consolidated Co. Inc., corner Floyd and High Streets, Danville, Va., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton work clothing).

Ashland Shirt & Pajama Co., Inc., Ashland, Pa., effective 1-16-51 to 1-15-52; 10 percent normal labor turnover (shirts).

Belle Manufacturing Co., 8 Plymouth Avenue, Fall River, Mass., effective 1-12-51 to 1-11-52; five learners normal labor turnover (cotton and rayon dresses; seersucker, rayon, and flannel housecoats).

Berlin Manufacturing Co., Inc., Berlin, Md., effective 1-11-51 to 1-10-52; 10 learners normal labor turnover (cotton work clothing).

Blue Bell, Inc., Natchez, Miss., effective 1-15-51 to 1-14-52; 10 percent normal labor turnover (cotton trousers).

Blue Bell, Inc., Natchez, Miss., effective 1-15-51 to 7-14-52; 54 learners for expansion purposes only (cotton trousers).

Carter Dress Co., 40 West Main Street, Plymouth, Pa., effective 1-10-51 to 1-9-52; 10 learners normal labor turnover (ladies' street dresses).

Clairmont, Inc., 2114 Peachtree Road, NW., Atlanta, Ga., effective 1-12-51 to 1-11-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton slips and gowns, rayon slips).

Don Juan Manufacturing Co., Hertford, N. C., effective 1-12-51 to 1-11-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (shirts).

Dunhill Shirt Co., Lexington, Mo., effective 1-12-51 to 1-11-52; 10 percent normal labor turnover (shirts).

East Salem Shirt Factory, R. D., Mifflintown, Pa., effective 1-15-51 to 1-14-52; five learners normal labor turnover (men's and boys' dress and sport shirts).

Ely & Walker Garment Factory, Paragould, Ark., effective 1-17-51 to 1-16-52; 10 percent normal labor turnover (boys' sport shirts; army shirts).

Emmitsburg Manufacturing Co., Emmitsburg, Md., effective 1-10-51 to 1-9-52; 10 learners normal labor turnover (men's trousers).

Fashion Frocks, Inc., of Tennessee, Greeneville, Tenn., effective 1-15-51 to 1-14-52; 10 percent normal labor turnover (street dresses).

Freeland Sportswear Co., Inc., 246-250 Centre Street, Freeland, Pa., effective 1-18-51 to 1-17-52; 10 percent normal labor turnover (men's shirts, sportswear, jackets and other outerwear).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa., effective 1-12-51 to 1-11-52; 10 percent normal labor turnover (men's sport shirts and work clothes).

General Garment Co., Staunton, Ill., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's cotton and rayon dresses).

General Garment Co., Whitehall, Ill., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' washable outer garments).

General Garment Co., Roodhouse, Ill., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' washable outer clothing).

General Garment Co., Virden, Ill., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' cotton and rayon garments).

General Garment Co., Winchester, Ill., effective 1-10-51 to 4-30-51; 15 learners for expansion purposes only (women's and junior dresses and sportswear).

Hoosick Falls Undergarment Corp., Hoosick Falls, N. Y., effective 1-15-51 to 1-14-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' slips).

Howard-Lance Manufacturing, 106 West Apple Street, Connellsville, Pa., effective 1-9-51 to 1-8-52; 10 learners normal labor turnover (men's and boys' trousers).

J. D. & F Sportswear & New Fashion Sportswear Manufacturing Co., 129 West Third Street, Los Angeles 14, Calif., effective 1-12-51 to 1-11-52; 10 learners normal labor turnover (ladies' sportswear).

Jantus Manufacturing Co., Inc., 1517 Madison, Gary, Ind., effective 2-1-51 to 1-31-52; five learners normal labor turnover (ladies' sportswear).

Jay Manufacturing Co., Inc., 33 Simmons Street, Roxbury, Mass., effective 1-10-51 to 1-9-52; five learners normal labor turnover (dungarees).

Jesse Jean Manufacturing Corp., College and Line Streets, Ellwood City, Pa., effective 1-11-51 to 1-10-52; 10 learners normal labor turnover (boys' denim dungarees).

Keystone Garment Co., Reinholds, Pa., effective 1-15-51 to 1-14-52; five learners normal labor turnover (ladies' pajamas).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va., effective 1-15-51 to 1-14-52; for normal labor turnover, 10 percent or 10 learners whichever is greater (water repellent jackets, boxer trucks, and T shirts).

Lenoir Shirt Co., 501 East Caswell Street, Kinston, N. C., effective 1-15-51 to 1-14-52; 10 learners normal labor turnover (men's sport shirts).

"Little Lady" Lingerie Co., 306 Twelfth Street, Oakland 7, Calif., effective 1-9-51 to 1-8-52; five learners normal labor turnover (children's underwear and sleeping garments).

Luzerne Dress Co., Inc., 232 Carpenter Street, Luzerne, Pa., effective 1-10-51 to 1-9-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' better dresses).

McAllisterville Shirt Factory, McAllisterville, Pa., effective 1-15-51 to 1-14-52; 10 percent normal labor turnover (men's and boys' dress and sport shirts).

McLoughlin Manufacturing Co., Akron, Ind., effective 1-17-51 to 1-16-52; five learners normal labor turnover (ladies' blouses).

Marden Clothing Co., Inc., Lurgan Avenue, Shippensburg, Pa., effective 1-10-51 to 1-9-52; 10 percent normal labor turnover (men's trousers).

Metro Pants Co., 254 East Elizabeth Street, Harrisonburg, Va., effective 1-15-51 to 1-14-52; 10 percent normal labor turnover (men's and boys' trousers).

Millberg & Millberg, Inc., Diller Avenue, New Holland, Pa., effective 1-10-51; to 1-9-52; 10 learners normal labor turnover (ladies' undergarments).

Miranda Blouse Co., Noxen, Pa., effective 1-15-51 to 1-14-52; 10 learners normal labor turnover (ladies' blouses).

Monocacy Sportswear Co., North Chestnut Street, Bath, Pa., effective 1-15-51 to 1-14-52; 10 percent normal labor turnover (dresses).

Myles Manufacturing Co., Inc., Pennsboro, W. Va., Factory, Pennsboro, W. Va., effective 1-12-51 to 1-11-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's pajamas).

Myles Manufacturing Co., Inc., West Union, W. Va., effective 1-12-51 to 1-11-52; 10 percent normal labor turnover (brassieres).

Nazareth Dress Co., Wood and Madison Streets, Nazareth, Pa., effective 1-17-51 to 1-16-52; 10 percent normal labor turnover (blouses).

Oberman & Co., Arkadelphia, Ark., effective 1-12-51 to 1-11-52; 10 percent normal labor turnover (men's and boys' pants).

Patterson Manufacturing Co., Siloam Springs, Ark., effective 1-15-51 to 1-14-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' sportswear and work clothing).

Perfect Brassiere Co., Inc., 34 Exchange Pl., Jersey City 2, N. J., effective 1-10-51 to 1-9-52; 10 learners normal labor turnover (brassieres and garter belts).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex., effective 1-12-51 to 1-11-52; 10 percent normal labor turnover (work clothing; uniform pants and slacks).

Quarles Manufacturing Co., Sanger, Tex., effective 1-10-51 to 7-9-51; 45 learners for expansion purposes only (men's and boys' sportswear).

Red Lion Manufacturing Co., 224–238 First Avenue, Red Lion, Pa., effective 1–16–51 to 1–15–52; 10 learners normal labor turnover (ladies' and girls' sportswear, dresses and pajamas).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa., effective 1–11–51 to 1–10–52; 10 percent normal labor turnover (men's shirts).

Reidbord Bros., 1331 Fifth Avenue, Pittsburgh, Pa., effective 1–12–51 to 7–11–51; 30 learners for expansion purposes only (men's and boys' trousers).

Reynolds Textile Co., 211 West Franklin, 212½ South Washington, Clinton, Mo., effective 1–16–51 to 1–15–52; 10 percent normal labor turnover (overalls, jeans, and dungarees).

Richfield Shirt Factory, Richfield, Pa., effective 1–15–51 to 1–14–52; 10 percent normal labor turnover (men's and boys' dress and sport shirts).

Jacob Schimel, Twelfth and Chestnut Streets, Chester, Pa., effective 1–16–51 to 1–15–52; five learners normal labor turnover (ladies' dresses).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Okla., effective 1–11–51 to 1–10–52; 10 learners normal labor turnover (denim overalls, coats, and pants; cotton shirts).

Short Manufacturing Co., 127 Light Street, Baltimore, Md., effective 1–16–51 to 1–15–52; five learners normal labor turnover (waitresses' and nurses' uniforms).

Solomon Bros. Co., Camden, Ala., effective 1–11–51 to 1–10–52; 10 learners normal labor turnover (men's sport shirts).

Sorbeau Juvenile Manufacturing Co., Dubuque, Iowa, effective 2–1–51 to 1–31–52; five learners normal labor turnover (infants' layette garments).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 1–16–51 to 1–15–52; 10 percent normal labor turnover (men's and boys' waistband overalls).

Sun Manufacturing Co., Twelfth and Penn Streets, St. Joseph, Mo., effective 1–16–51 to 1–15–52; 10 learners normal labor turnover (work shirts).

Tuf Nut Garment Manufacturing Co., 423 East Third Street, Little Rock, Ark., effective 1–12–51 to 1–11–52; 10 percent normal labor turnover (men's and boys' cotton work clothes).

Union Pants Manufacturing Co., Bordentown, N. J., effective 1–16–51 to 1–15–52; 10 percent normal labor turnover (men's and boys' slacks and work pants).

W. G. Sewing Co., Inc., 829 Newark Avenue, Elizabeth, N. J., effective 1–17–51 to 1–16–52; 10 percent normal labor turnover (children's garments).

Ward-Stilson Co., Bainbridge, Ga., effective 1–16–51 to 1–15–52; 10 percent normal labor turnover (dresses).

Wilson Bros., 1008 West Sample Street, South Bend, Ind., effective 1–10–51 to 11–28–51; for normal labor turnover, 10 percent of workers engaged in the manufacture of shirts and pajamas (dress shirts and pajamas).

Wilson Bros., 1000 Layne Avenue, Crawfordsville, Ind., effective 1–12–51 to 1–11–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's sport shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950, 15 F. R. 6888).

Joseph A. Milstein Co., Inc., Schenectady, N. Y., effective 1–10–51 to 7–9–51; 10 learners for expansion purposes only.

Joseph A. Milstein Co., Inc., Albany, N. Y., effective 1–10–51 to 1–9–52; four learners normal labor turnover.

Monte Glove Co., Inc., Shelbyville, Ind., effective 1–25–51 to 1–25–52; 10 learners normal labor turnover.

Stott & Son Corp., Winona, Minn., effective 1–25–51 to 7–24–51; five learners for expansion purposes only.

Tampa Glove Co., Tampa, Fla., effective 1–10–51 to 7–9–51; five learners for expansion purposes only.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

C. W. Anderson Hosiery Co., Inc., Clinton, S. C., effective 1–12–51 to 9–11–51; five additional learners for expansion purposes.

C. W. Anderson Hosiery Co., Inc., Clinton, S. C., effective 1–12–51 to 1–11–52; five learners normal labor turnover.

Charles H. Bacon Co., Lenoir City, Tenn., effective 1–11–51 to 1–10–52; 5 percent normal labor turnover.

Mauney Hosiery Mills, Inc., Kings Mountain, N. C., effective 1–12–51 to 9–11–51; seven additional learners for expansion purposes.

Mauney Hosiery Mills, Inc., Kings Mountain, N. C., effective 1–12–51 to 1–11–52; 5 percent normal labor turnover.

Holde & Horst Co., Reading, Pa., effective 1–11–51 to 1–10–52; 5 percent normal labor turnover.

Van Raalte Co., Inc., Franklin, N. C., effective 1–12–51 to 9–11–51; six additional learners for expansion purposes.

Williamson Hosiery Mills, Inc., Athens, Tenn., effective 1–11–51 to 1–10–52; five learners normal labor turnover.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Hampton Underwear Co., Inc., Greenwood, S. C., effective 1–9–51 to 4–15–51; 37 learners for expansion purposes only.

Hoosick Falls Undergarment Corp., Hoosick Falls, N. Y., effective 1–15–51 to 1–14–52; five learners normal labor turnover.

Little Manufacturing Co., Greenville, Ala., effective 1–12–51 to 1–11–52; 5 percent normal labor turnover.

Robert P. Miller Co., Shoemakersville, Pa., effective 1–9–51 to 12–5–51; five learners normal labor turnover.

Rice Stix Factory No. 17, Houston, Miss., effective 1–9–51 to 10–8–51; 5 percent normal labor turnover.

Robinhold & Co., Port Clinton, Pa., effective 1–9–51 to 11–8–51; three learners normal labor turnover.

Wilson Bros., South Bend, Ind., effective 1–10–51 to 11–28–51; for normal labor turnover, 5 percent of workers employed on knitted underwear and sportswear and woven underwear.

The following special learner certificates were issued to the school-operated industries listed below:

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif., effective 1–26–51 to 1–25–52; three learners; typesetting and presswork finishing, skilled and semiskilled occupations only, 350 hours at 50 cents, 325 hours at 55 cents, 325 hours at 60 cents unless State law sets higher standards (printshop).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Atlas Boot Manufacturing Co., Inc., 101 Locust Street, Cookeville, Tenn., effective 1–11–51 to 11–15–51; 10 percent normal labor turnover.

Brown Shoe Co., Salem, Illinois Plant, Maple and Whittaker Streets, Salem, Ill., effective 1–10–51 to 11–15–51; 10 percent normal labor turnover.

Cardinal Shoe Co., Pulaski, Wis., effective 1–11–51 to 11–15–51; for normal labor turnover, 10 percent or 5 learners, whichever is greater.

Craddock-Terry Shoe Corp., Chase City, Va., effective 1–15–51 to 11–30–51; 10 percent normal labor turnover.

International Shoe Co., Mount Vernon Factory, Nineteenth and Perkins Street, Mount Vernon, Ill., effective 1–10–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., 10 North Clark Street, Sullivan, Mo., effective 1–10–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., Sweet Springs, Mo., effective 1–10–51 to 11–15–51; 10 percent normal labor turnover.

International Shoe Co., 705 West Michigan, Kirksville, Mo., effective 1–12–51 to 11–30–51; 10 percent normal labor turnover.

Northern Shoe Co., Pulaski, Wis., effective 1–11–51 to 11–15–51; 10 percent normal labor turnover.

Pleasant Valley Shoe Co., Pleasant Valley, Westminster, Md., effective 1–11–51 to 11–15–51; seven learners normal labor turnover.

Thomasetti's Shoes, Inc., Cole Camp, Mo., effective 1–12–51 to 11–30–51; for normal labor turnover, 10 percent or 10 learners, whichever is greater.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Store Fixture Co., 860 Pleasant Street, Fall River, Mass., effective 1–9–51 to 7–8–51; one learner normal labor turnover; glazier helper, 960 hours, 480 hours at 60 cents and 480 hours at 70 cents (refrigerated coolers and display cases).

Greenwood Embroidery & Trimming Co., 331–333 Walker Avenue, Greenwood, S. C., effective 1–15–51 to 2–28–51; 30 learners for expansion purposes only; machine operator (except cutter), 320 hours; not less than 60 cents per hour.

Hart Schaffner & Marx, Chicago, Ill., effective 1–9–51 to 1–8–52; for normal labor turnover, 7 percent of workers employed on men's clothing only; machine operators (except cutting), pressers, handsewers, each 480 hours, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's and boys' clothing).

Hart Schaffner & Marx, Joliet, Ill., effective 1–9–51 to 1–8–52; for normal labor turnover, 7 percent of workers employed on men's clothing only; machine operating (except cutting), pressers, handsewers, each 480 hours, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's and boys' clothing).

Hart Schaffner & Marx, Joliet, Ill., effective 1–9–51 to 7–8–51; for expansion purposes, 59 learners employed on men's clothing only; machine operators (except cutting), pressers, handsewers, each 480 hours, 60 cents for the first 240 hours and not less than 65 cents for the remaining 240 hours (men's and boys' clothing).

Linofelt Glove Manufacturing Co., Inc., Des Moines, Iowa, effective 1–15–51 to 1–14–52; 10 learners normal labor turnover; sewing machine operators, 480 hours, not less than 60 cents for 320 hours, 65 cents for 160 hours (leather athletic gloves).

Mike Mennics & Son, Philadelphia, Pa., effective 1–25–51 to 7–24–51; five learners normal labor turnover; handsewers, 200 hours, not less than 60 cents per hour (loafer socks).

Meyers Bros., Inc., 108 Deweese Street, Lexington, Ky., effective 1–12–51 to 7–11–51; 40 learners for expansion purposes only; machine operating (except cutting), pressers, handsewers, each 480 hours, not less than 60 cents per hour for the first 240 hours and at least 65 cents per hour for the remaining 240 hours (riding apparel and sportswear; officers' uniforms and slacks).

Picariello & Singer, Inc., East Boston, Mass., effective 1–12–51 to 1–11–52; 7 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each

480 hours, not less than 60 cents an hour for the first 240 hours and at least 65 cents an hour for the remaining 240 hours (boys' clothing).

Portis Style Ind., Inc., Chicago 10, Ill., effective 1–9–51 to 1–8–52; 10 percent normal labor turnover; machine operating (except cutting), pressers, handsewers, each 240 hours, not less than 65 cents per hour (men's and boys' caps).

Joseph Ruzicka, 230 East Market Street, Greensboro, N. C., effective 1–15–51 to 7–14–51; five learners normal labor turnover; bindery sewing, 320 hours, not less than 60 cents per hour (library bookbinding).

Soboroff Sons Co., Chicago, Ill., effective 1–8–51 to 7–7–51; 10 percent normal labor turnover; machine operator (except cutter), presser, handsewers, each 240 hours, not less than 65 cents per hour (men's and boys' cloth hats and caps).

Taunton Textiles, Taunton, Mass., effective 1–12–51 to 7–11–51; three learners normal labor turnover; sewing machine operators, 240 hours, 65 cents per hour (rugs).

Wesco Electrical & Manufacturing Co., Greenfield, Mass., effective 1–10–51 to 7–9–51; two learners normal labor turnover; condenser makers, 240 hours, not less than 65 cents per hour (electrical condensers).

Wilson Bros., South Bend, Ind., effective 1–10–51 to 11–28–51; for normal labor turnover, 5 percent of workers employed on neckwear; machine operating (except cutting), pressers, handsewers, each 320 hours, not less than 60 cents per hour (neckwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of those certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 19th day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51–1384; Filed, Jan. 26, 1951; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6333]

LOUISIANA POWER & LIGHT CO. AND GULF PUBLIC SERVICE CO., INC.

NOTICE OF ORDER

JANUARY 23, 1951.

Notice is hereby given that, on January 19, 1951, the Federal Power Commission issued its order entered January 18, 1951, approving mergers or consolidations of facilities and denying request for dismissal of application for want of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–1385; Filed, Jan. 26, 1951; 8:45 a. m.]

[Docket No. G–1471]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

JANUARY 23, 1951.

Notice is hereby given that, on January 22, 1951, the Federal Power Commission issued its findings and order entered January 19, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–1386; Filed, Jan. 26, 1951; 8:45 a. m.]

[Docket No. G–1582]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JANUARY 23, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office at Commerce Building, Houston, Texas, filed on January 8, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities as hereinafter described and as more fully described in the application.

Applicant proposes to construct approximately 413 miles of 24-inch O. D. and approximately 25 miles of 26-inch O. D. transmission pipeline along its Buffalo and New England extensions and new compressor units aggregating approximately 44,000 horsepower together with appurtenant facilities to be installed in existing or authorized compressor stations, and approximately 14,000 horsepower in a new compressor station. Such facilities are designed to increase the Applicant's transmission capacity by approximately 40,000 Mcf per day. Applicant proposes to develop and operate a storage pool in the New York-Pennsylvania Area to enable it to deliver an additional 200,000 Mcf of gas per day during periods of maximum customer demand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–1392; Filed, Jan. 26, 1951; 8:47 a. m.]

[Docket No. G–1584]

GARDNER GAS FUEL AND LIGHT CO.

NOTICE OF APPLICATION

JANUARY 23, 1951.

Take notice that Gardner Gas Fuel and Light Company (Applicant), a Massachusetts corporation with its principal place of business at Gardner, Massachusetts, filed on January 8, 1951, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Northeastern Gas Transmission Company (Northeastern) to extend its authorized transmission lines and to establish physical connection of such facilities with the distribution facilities of Applicant, and to sell natural gas to Applicant.

Applicant is engaged in the manufacture, local distribution and sale of manufactured gas in Gardner, Massachusetts, and Northeastern has been authorized by Commission Opinion No. 292 and the order attached thereto issued on November 8, 1950, to serve natural gas in areas near the territory served by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–1393; Filed, Jan. 26, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1711]

CONSUMERS GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of January A. D. 1951.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one year extension to January 27, 1952, of the time fixed by our order of January 27, 1948 (Holding Company Act Release No. 7986), as extended by our orders of January 6, 1949, and January 27, 1950 (Holding Company Act Release Nos. 8778 and 9634), within which Consumers Gas Company may purchase a maximum of 400 shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase; and

Consumers Gas Company having stated that to date no shares of the capital stock of Reading Gas Company have been purchased under the permission granted by the above orders, and that an additional one year extension is desired in order to consummate the said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interests of investors or consumers:

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from January 27, 1951, within which to consummate the proposed purchase program covered by our order of January 27, 1948,

subject, however, to the same conditions and reservations of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1380; Filed, Jan. 26, 1951; 8:46 a. m.]

[File No. 70-2369]

INTERSTATE POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of January A. D. 1951.

The Commission, by order dated May 23, 1950, having granted and permitted to become effective an application-declaration, as amended, filed by Interstate Power Company ("Interstate"), regarding the issuance and sale by Interstate of $3,000,000 principal amount of First Mortgage Bonds due 1980 and 275,000 shares of $3.50 par value common stock pursuant to the competitive bidding requirements of Rule U-50; the issuance and sale by Interstate of 100,000 shares of $50 par value preferred stock in a negotiated transaction; and the negotiation by Interstate with the sole holder of its outstanding $5,000,000 principal amount of 4¾ percent Debentures due 1968 for a reduction in the interest rate thereof to 3¾ percent; and

Said order of May 23, 1950 having reserved jurisdiction over the proposed payment of fees and expenses to counsel for Interstate and over the payment of fees of counsel for the successful underwriters; and

The Commission having by order dated August 3, 1950 released jurisdiction with respect to said fees and expenses of counsel for Interstate, and having continued the reservation of jurisdiction with respect to fees of Winthrop, Stimson, Putnam & Roberts, counsel for the successful underwriters, in the amount of $12,000, because the record at the date of such order was incomplete with respect thereto; and

The record having been subsequently completed with respect to such fees; and

The Commission having examined the record as so completed, and it appearing that the fees requested by Winthrop, Stimson, Putnam & Roberts are not unreasonable, and the Commission deeming it appropriate to release jurisdiction with respect to said fees of Winthrop, Stimson, Putnam & Roberts:

It is ordered, That the jurisdiction heretofore reserved with respect to the fees of Winthrop, Stimson, Putnam & Roberts in this matter be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1388; Filed, Jan. 26, 1951; 8:45 a. m.]

[File No. 70-2464]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND NEW HAMPSHIRE ELECTRIC CO.

NOTICE OF FILING OF AMENDMENT TO APPLICATION-DECLARATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of January A. D. 1951.

Notice is hereby given that an amendment to a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company, and its utility subsidiary, New Hampshire Electric Company ("New Hampshire").

It has heretofore been proposed, and public notice thereof has been given and hearings have been held with respect thereto, that New Hampshire issue 15,000 shares of $4.50 Preferred Stock of a par value of $100 per share and 140,000 shares of Common Stock, no par value, with an aggregate stated valuc of $2,100,000, and to exchange the same for all of its presently outstanding common stock which is held by Negea, consisting of 150,000 shares of common stock of no par value having an aggregate stated value of $3,595,000. The stated purpose of such proposed transactions was to facilitate disposition by Negea of its interests in New Hampshire.

The proposed issuances and exchange of securities have been approved by the Public Service Commission of New Hampshire.

All interested persons are referred to said amendment to said joint application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

It is proposed by said amendment that Negea will donate to New Hampshire all of the capital stock of Kittery Electric Light Company ("Kittery"), consisting of 4,200 shares of a par value of $50 a share. Kittery is an electric utility company operating in and about the city of Kittery, Maine which is adjacent to the area of operations of New Hampshire, and Kittery is dependent upon New Hampshire for its supply of electric energy.

It is also proposed that, upon consummation of all the transactions set forth above, Negea (i) will sell at competitive bidding, pursuant to Rule U-50, the 15,000 shares of the $4.50 Preferred Stock of New Hampshire to be acquired as aforesaid; and (ii) will offer 132,683 shares of the 140,000 shares of common stock of New Hampshire, to be acquired as aforesaid, to its common stockholders on the basis of one share of New Hampshire common stock for each 12 shares of Negea common stock owned. Negea states that it is its present intention to invite bids for the underwriting of the public sale of any of the unsubscribed shares of New Hampshire stock offered to its stockholders as well as the balance of 7,317 shares of such stock not being so offered.

Negea proposes to apply sufficient of the proceeds from the sale of the New Hampshire securities to call and retire $2,425,000 principal amount of its Series A Bonds due 1967 and any balance will be used to call and retire part of its outstanding 4½% Cumulative Convertible Preferred Stock.

New Hampshire proposes to write out of its property accounts the amount of $335,399.12 representing certain intangibles, by charging an amount of $115,667.26 against its retirement reserve and the balance of $219,731.86 against its capital surplus account. Negea proposes to write down its investment in the common stock of New Hampshire in the amount of $219,731.86 by charging the same to a Special Reserve to the extent available, (i. e., $170,893.94 at November 30, 1950) and the balance to its capital surplus account. To the extent that the proceeds realized from the sale of the New Hampshire preferred and common stocks are less than Negea's carrying value of its investment in the New Hampshire and Kittery common stocks, adjusted as above, such deficiency will be charged to Negea's capital surplus account.

New Hampshire has also requested that if the Commission permits it to acquire the common stock of Kittery, the Commission enter an order pursuant to section 3 (a) (2) of the act exempting it as a holding company from the provisions of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said amended joint application-declaration should not be permitted to become effective except pursuant to the further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that a hearing with respect to said amended joint application-declaration be held on February 12, 1951, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission, on or before February 9, 1951, a written request therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the amended application-declaration and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters or questions are presented for consideration:

(1) Whether the issuance and exchange of preferred stock are solely for the purpose of financing the business of New Hampshire.

(2) Whether the preferred stock meets the standards of section 7 (c) of the act.

(3) Whether the preferred stock is reasonably adapted to the security structure and earning power of New Hampshire.

(4) Whether the issuance and exchange of preferred stock are necessary and appropriate to the economical and efficient operation of New Hampshire's business.

(5) Whether the fees, commissions, or other remunerations to be paid by Negea in conection with the sale or distribution of the common stock of New Hampshire are reasonable.

(6) Whether the terms and conditions of the sale by Negea of the common stock of New Hampshire are detrimental to the public interest or the interest of investors or consumers.

(7) Whether the proposed accounting entries to be recorded on the books of New Hampshire and Negea are consistent with sound accounting principles and conform to the standards of the act.

(8) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers.

(9) Generally whether the proposed transactions comply with the applicable provisions of the act, rules and regulations and orders promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice of filing and order for hearing to Negea and New Hampshire and to the Public Service Commission of New Hampshire, and to the Public Utilities Commission of Maine, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1389; Filed, Jan. 26, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

ADDITIONAL SUPPLEMENTAL QUOTA FOR IMPORTS OF EXTRA-LONG-STAPLE COTTON

TERMINATION OF INVESTIGATION

JANUARY 24, 1951.

The Tariff Commission announced today the termination of the supplemental investigation regarding extra-long-staple cotton ordered November 29, 1950. The Commission is not recommending to the President that a second additional quota for imports of such cotton be permitted during the current quota year which ends January 31, 1951.

The regular annual quota on imports of extra-long-staple cotton for the current quota year was exhausted very early in the quota year and a supplemental quota of 7,500,000 pounds of extra-long-staple cotton was proclaimed by the President on October 12, 1950, upon the recommendation of the Tariff Commission. In accordance with the Proclamation, the Commission issued licenses authorizing importation on behalf of individual cotton manufacturing concerns in quantities determined to be essential for their needs. Under this procedure the entry of the full amount of the supplemental quota was licensed by November 22, 1950.

The supplemental investigation ordered on November 29, 1950, was undertaken as a result of reports that domestic producers of certain products were experiencing difficulties due to inadequate supplies of extra-long staple cotton. A public hearing in connection with the investigation was held on December 11, 1950. The information obtained by the Commission in the public hearing and from other sources indicates that a second supplemental quota for extra-long-staple cotton during the present quota year is not warranted.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-1399; Filed, Jan. 26, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16703]

EUGENE STEIMER ET AL.

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Eugene Steimer, deceased, Hilda Sietas, Willy Brose, Juro Watanabe, (Mrs.) Dora Lieder and Hugo Freytag. D-28-3409-D-1, F-28-25855-D-1, F-28-24856-D-1; D2, F-28-25859-D-1, F-39-5268-D-1, F-28-25857-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Sietas, whose last known address is Crang Ad Elbe, Germany; that Hugo Freytag, whose last known address is Koopstrasse 21, Hamburg 13, Germany; that Willy Brose, whose last known address is Alte Post Str. 46, Guber, Germany; that Juro Wantanabe, whose last known address is c/o Mitsubishi Skoji Vaisha, G O M B 9, Herman Goering Strasse 6, Berlin 9, Germany; and that (Mrs.) Dora Lieder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Eugene Steimer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: All rights and interests evidenced or represented by American Depositary Receipts, issued by the Guaranty Trust Company of New York, 140 Broadway, New York, New York, for one hundred fifty-eight (158) shares of one pound (£1) par value Ordinary Registered Capital Stock of Ford Motor Company, Limited, London, England, numbered and registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate Nos.	Number of shares
Eugene Steimer	OF 184842	10
Hilda Sietas	OF 113405	5
Hugo Freytag	OF 89913	8
Willy Brose	OF 53257	25
Willy Brose	OF 105229	25
Juro Watanabe	OF 11159	10
(Mrs. Dora Lieder)	OF 147522	75

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Eugene Steimer, deceased, and the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Fifteen (15) shares of Five Dollar ($5.00) par value common stock (New) of Adolf Gobel, Inc., 24 Rock Street, Brooklyn 21, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 1910, for thirty (30) shares of five (5) dollar par value common stock (Old) of Adolf Gobel, Inc., registered in the name of Willy Brose, together with all declared and unpaid dividends and capital distributions thereon, and the right to receive a certificate for five (5) dollar par value common stock (New) of said corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Willy Brose, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Eugene Steimer, deceased, and the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1402; Filed, Jan. 26, 1951; 8:50 a. m.]

[Vesting Order 16775]

RENT P. KOHLMAN

In re: Estate of Rent P. Kohlman, deceased. File No. D-28-12576; E. T. sec. 17064.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antje Schwitters, Arnold Jansen, Johann Jansen, Mamme Jansen, Eva Jansen Hohlen and Antke Jansen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,570.57 in the possession, custody, or control of H. Otto Giese, as attorney in fact and trustee for the persons named in subparagraph 1 hereof, together with any accumulations thereon, subject, however, to any lawful fees and disbursements of H. Otto Giese, as attorney in fact and trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on December 27, 1950 .

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1403; Filed, Jan. 26, 1951; 8:50 a. m.]

[Vesting Order 16794]

EMELIE L. PREGGE

In re: Estate of Emelie L. Pregge, also known as Emelie Pregge, as Emilie L. Pregge, as Emilie Pregge, as Emily Pregge and as Emily L. Pregge, deceased. File No. D-28-12492; E. T. sec. 16702.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosalie Hentzsch, also known as Rosa Hentzsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs, names unknown, of Edith (Loppach) Wurst, of Gertrude Loppach, also known as Gertrud Loppach, and of Heinz Arthur Loppach, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Emelie L. Pregge, also known as Emelie Pregge, as Emilie L. Pregge, as Emilie Pregge, as Emily Pregge and as Emily L. Pregge, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. Glenn, as administrator with the will annexed, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Edith (Loppach) Wurst, of Gertrude Loppach, known also as Gertrud Loppach, and of Heinz Arthur Loppach, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1405; Filed, Jan. 26, 1951; 8:50 a. m.]

[Vesting Order 16796]

ADELE PRYLL

In re: Estate of Adele Pryll, deceased. File No. D-28-9941; E&T No. 14094.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha Mueller, deceased, except Richard G. Pohl and Hilda Kalinowsky, within the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, except Richard G. Pohl and Hilda Kalinowsky, in and to the Estate of Adele Pryll, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Richard G. Pohl, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Martha Mueller, deceased, except Richard G. Pohl and Hilda Kalinowsky, within the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1406; Filed, Jan. 26, 1951; 8:51 a. m.]

[Vesting Order 16785]

WILLIAM F. VON MARTINITZ

In re: Deed of trust of William F. von Martinitz, dated January 12, 1939. File: F-28-19325 and F-28-19325-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Kratochwil, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain deed of trust, dated January 12, 1939, by and between William F. von Martinitz as settlor and the American National Bank of Denver as trustee, presently being administered by the American National Bank of Denver, Denver, Colorado, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1404; Filed, Jan. 26, 1951; 8:50 a. m.]

[Vesting Order 16800]

DAMIAN RUPPEL

In re: Estate of Damian Ruppel, deceased. File No. D-28-12901; E. T. sec. 17061.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Ruppel and Anna Burkhard, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Damian Ruppel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Emil J. Ruppel, as administrator, acting under the judicial supervision of the Probate Court of Summit County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1407; Filed, Jan. 26, 1951; 8:51 a. m.]

[Vesting Order 16807]

PAUL SELL

In re: Estate of Paul Sell, deceased. File No. O17-26377.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Sell, Dr. Karl Sell, Lisbeth Sell, Martin Sell, Alfred Sell, Gerhard Sell, and Martha Fischer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Richard Sell, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Paul Sell, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in process of administration by the City Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Richard Sell, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1408; Filed, Jan. 26, 1951; 8:51 a. m.]

[Vesting Order 16810]

SABURO SUMIDA

In re: Rights of Saburo Sumida under insurance contract. File No. F-39-6774-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saburo Sumida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance

evidenced by Policy No. 1,525,953, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Hiroyoshi Sumida, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1409; Filed, Jan. 26, 1951; 8:51 a. m.]

[Vesting Order 16812]

SAICHI TATSUTA ET AL.

In re: Rights of Saichi Tatsuta et al. under contract of insurance. File No. F-39-4934-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saichi Tatsuta, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1097796 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Saichi Tatsuta, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices, legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Saichi Tatsuta or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1410; Filed, Jan. 26, 1951; 8:51 a. m.]

[Vesting Order 16817]

HEINRICH AND EMMA WEMPER

In re: Rights of Heinrich Wemper and Emma Wemper under insurance contract. File No. F-28-22781-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Wemper and Emma Wemper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 10 006 058, issued by the New York Life Insurance Company, New York, New York, to Charles Wemper, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1411; Filed, Jan. 26, 1951; 8:52 a. m.]

[Vesting Order 16818]

RUTH E. WEYLAND (BREDOW)

In re: Rights of Ruth E. Weyland (Bredow) under insurance contract. F-28-24654-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth E. Weyland, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 62489432, issued by the Metropolitan Life Insurance Company, New York, New York, to Ruth E. Weyland, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1412; Filed, Jan. 26, 1951; 8:52 a. m.]

[Vesting Order 16834]

GEORGE J. ALLMENDINGER

In re: Trust under Will of George J. Allmendinger, deceased. File No. D-28-12023.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Benedict Allmendinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Benedict Allmendinger, and the children, names unknown, of Mary Bauerly, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the Trust created under the Will of George J. Allmendinger, deceased, presently being administered by The Cleveland Trust Company, Cleveland, Ohio, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Benedict Allmendinger, and the children, names unknown, of Mary Bauerly, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1413; Filed, Jan. 26, 1951; 8:52 a. m.]

[Vesting Order 16840]

FRANCES MELCHER ET AL.

In re: Rights of Frances Melcher et al. under annuity contracts. File No. D-28-10949-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Melcher, Emi Von Andreas, and Harry Bornemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under single premium annuity contracts evidenced by policies Nos. An-11870 and An-11916, issued by the Aetna Life Insurance Company, Hartford, Connecticut, to Ernst Bornemann, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1414; Filed, Jan. 26, 1951; 8:52 a. m.]

[Vesting Order 16841]

FRANCES MELCHER ET AL.

In re: Rights of Frances Melcher et al. under supplementary contracts. File Nos. D-28-584-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frances Melcher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frances Melcher, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under said supplementary contracts evidenced by Policy Nos. S. N. 17691-C and S. N. 17692-C, issued by The Mutual Life Insurance Company of New York, New York, New York, to Frances Melcher, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Frances Melcher or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frances Melcher, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frances Melcher, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1415; Filed, Jan. 26, 1951; 8:52 a. m.]

[Vesting Order 16846]

ALFRED PAUSCHE

In re: Rights of Alfred Pausche under insurance contracts. Files: F-28-26823-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Pausche, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Alfred Pausche under contracts of insurance evidenced by Policy Number G-2311 C-D154 and by Policy Number G-2253 C-287A issued by The Prudential Insurance Company of America, Newark, New Jersey, to George Pausche, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1417; Filed, Jan. 26, 1951; 8:53 a. m.]

NOTICES

[Vesting Order 16843]

ELSE MIDDLEMANN, NEE BRUEGGESTRAT, ET AL.

In re: Rights of Else Middlemann, nee Brueggestrat, et al. under insurance contract. File No. F-28-29130-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Middlemann, nee Brueggestrat, Julius Brueggestrat, Gustave Brueggestrat and Mrs. Friederike Cremer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate No. 12886, issued by the New York Life Insurance Company, New York, New York, to Maria Brueggestrat, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1416; Filed, Jan. 26, 1951; 8:53 a. m.]

[Vesting Order 16871]

JOSEPHINE PROCTOR WEBER

In re: Estate of Josephine Proctor Weber, deceased. File No. D-28-2591: E. T. sec. 4130.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walther (Walter) Weber, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Josephine Proctor Weber, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Public Administrator of the County of New York, N. Y., as administrator, c. t. a. and d. b. n., acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the said Walther (Walter) Weber, be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1418; Filed, Jan 26, 1951; 8:53 a. m.]

[Vesting Order 16945]

T. MATOBA

In re: Bonds and bank account owned by T. Matoba, also known as Tadashi Matoba. F-39-1771; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Matoba, also known as Tadashi Matoba, whose last known address is Okayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Six (6) Tokyo Dento Kabushiki Kaisha (Tokyo Electric Light Company, Limited), 6 Percent Bonds of $1,000.00 face value, bearing the numbers 597, 9840, 18842, 45863, 47468 and 47541, presently in the custody of Sumitomo Bank of Seattle, c/o Office of Alien Property, Room 214, Federal Office Building, San Francisco, California, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to T. Matoba, also known as Tadashi Matoba, by Sumitomo Bank of Seattle, c/o Office of Alien Property, Room 214, Federal Office Building, San Francisco, California, arising out of a savings account, account number 6517, entitled T. Matoba, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, T. Matoba, also known as Tadashi Matoba, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1419; Filed, Jan. 26, 1951; 8:53 a. m.]

[Vesting Order 17007]

DR. KARIN HISSINK

In re: Stock owned by and debt owing to Dr. Karin Hissink. F-28-30752.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Karin Hissink, whose last known address is 29 Myliusstrasse, Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) shares of no par value common stock of General Aniline & Film Corporation, 230 Park Avenue, New York, New York, evidenced by certificate numbered A-0404, registered in the name of Barnes & Co. and presently held by the City Bank Farmers Trust Company, 22 William Street, New York 15, New York in a Clients Securities Account for Nationale Handelsbank N. V., Amsterdam, together with any and all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York in the amount of $17.68 as of November 13, 1950, representing a portion of funds on deposit in an account, Account No. 322891 for the Nationale Handelsbank N. V., Amsterdam, Holland, maintained by the City Bank Farmers Trust Company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Karin Hissink, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1420; Filed, Jan. 26, 1951; 8:54 a. m.]

[Vesting Order 17013]

CATHARINA HELMINA KOPERBERG

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Catharina Helmina Koperberg, deceased. F-28-28552-D-1, 2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Catharina Helmina Koperberg, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $25.00 par value capital stock of Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered C784530, registered in the name of Miss Catharina Helmina Koperberg, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in the amount of $17.03 as of December 5, 1950, representing the proceeds of sale of Standard Oil Company (New Jersey) Series D, scrip, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. Two (2) Standard Oil Company (New Jersey) Bearer Scrip Certificates, bearing the numbers E94427 and F201347 for fifty two-hundredths (50/200ths) and forty two-hundredths (40/200ths) shares respectively, said certificates presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with any and all rights thereunder and thereto,

d. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in the amount of $12.82 as of November 20, 1950, representing the proceeds of sale of Consolidated Natural Gas Company subscription warrants paid on certificate number 059909, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

e. One (1) share of $15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate number 059909, registered in the name of Miss Catharina Helmina Koperberg, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Catharina Helmina Koperberg, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Catharina Helmina Koperberg, deceased, are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1421; Filed, Jan. 26, 1951; 8:54 a. m.]

[Vesting Order 17038]

EMMA KUHLEMEIER

In re: Trust under item 2 of paragraph sixth of the will of Emma Kuhlemeier, deceased. File No. D-28-12831; E. T. sec. 17000.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Auguste Hirlehei (Hirlehi), Heinrich Wilhelm Christian Hirlehei (Hirlehi), Marie Henriette Sophie Luise Klaus and Wilhelm Friedrich Christian Hirlehei (Hirlehi), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof not heretofore vested by Vesting Order No. 15222 in and to the trust created under item 2 of paragraph sixth of the will of Emma Kuhlemeier, deceased, and

b. All property in the possession, custody or control of Jay Franklin Ziegenfuss and Henry M. Keller, as trustees of the trust created under item 2 of paragraph sixth of the will of Emma Kuhlemeier, deceased, including particularly but not limited to the following described bonds together with any and all rights thereunder and thereto:

Description of issue	Face value	Certificate Nos.
United States Defense Bonds, Series "G".	$10,000	X-1190486-G
	5,000	V-1078861-G
	1,000	M-1773545-G
	1,000	M-1773546-G
	1,000	M-1773547-G
	1,000	M-1773548-G
	500	D-3446232-G

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Jay Franklin Ziegenfuss and Henry M. Keller, as trustees, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof subject to all lawful fees and disbursements of Jay Franklin Ziegenfuss and Henry M. Keller, as trustees of the trust created under item 2 of paragraph sixth of the will of Emma Kuhlemeier, deceased,

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1423; Filed, Jan. 26, 1951; 8:54 a. m.]

[Vesting Order 17043]

TAKAO AND IWAO NAKAYAMA

In re: Rights of Takao Nakayama and Iwao Nakayama under contract of insurance. File No. F-39-1336-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takao Nakayama and Iwao Nakayama, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 448313 issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Takao Nakayama, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid the Manufacturers Life Insurance Company, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Takao Nakayama or Iwao Nakayama, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1425; Filed, Jan. 26, 1951; 8:55 a. m.]

[Vesting Order 17022]

HEINRICH CONRAD BIERWIRTH AND HARVARD TRUST CO.

In re: Trust Agreement dated September 29, 1939, between Heinrich Conrad Bierwirth, settlor, and Harvard Trust Company, trustee. File No. D-28-5208-G-1; E. T. sec. 1501.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Winfried (Winifried) Koepke, Waltraut Koepke, Dora Foerste, Wilmut (William) Foerste, Helmut Foerste, Artur (Arthur) Foerste, Mile Foerste, Werner (Werirr) Foerste, Gunter Foerste, Elsa Rahlf, Nite Rahlf, Heine Rahlf, Mile Kruse, Lene Ehler, Willi Ehler, Conrad Ehler, Karl-Heinz Ehler, Anna (Anne) Ehler, Jan Kruse and Elke Kruse, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof not heretofore vested by Vesting Order 12469 in and to and arising out of or under that certain trust agreement dated September 29, 1939, by and between Heinrich Conrad Bierwirth, Settlor, and Harvard Trust Company, Trustee, presently being administered by Harvard Trust Company, Cambridge, Massachusetts, as trustee, and

b. All property in the possession, custody or control of the Harvard Trust Company, Cambridge, Massachusetts, as trustee under that certain trust agreement dated September 29, 1939, by and between Heinrich Conrad Bierwirth, Settlor, and Harvard Trust Company, Trustee, including particularly but not limited to:

(1) The following described bonds, together with any and all rights thereunder and thereto:

Description of issue	Certificate Nos.	Face value
United States Savings Bonds, Series "G."	M338919G1M	$1,000
	M338920G1M	1,000
	M338921G1M	1,000

(2) The sum of $39,742.65, as of November 1, 1950, together with any and all accruals thereto, and

(3) Those certain debts or other obligations arising out of share accounts, evidenced by share certificates numbered, in the amounts and face values as set forth opposite the name of the issuing bank as follows:

Name of bank	Type of shares	Certificate Nos.	Number of shares	Face value
Reliance Co-Operative Bank, 15 Dunster St., Cambridge, Mass.	Matured	4679	10	$2,000
	do	5195	10	2,000
	Paid up	1247	10	2,000
	do	1670	10	2,000
Watertown Co-Operative Bank, 56 Main St., Watertown, Mass.	Matured	19088	10	2,000
Waverley Co-Operative Bank, 30 Church St., Belmont, Mass.	Paid up	1150	10	2,000
	Matured	2585	10	2,000

Said certificates presently in the custody of Harvard Trust Company together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce, and collect the same, and all rights in, to and under the aforesaid share certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above subject to all lawful fees and disbursements of the Harvard Trust Company, Cambridge, Massachusetts, as trustee under that certain trust agreement dated September 29, 1939, by and between Heinrich Conrad Bierwirth, Settlor, and Harvard Trust Company, Trustee.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1422; Filed, Jan. 26, 1951; 8:54 a. m.]

[Vesting Order 17041]

MASARU MURAKAWA

In re: Rights of Masaru Murakawa under insurance contract. File No. D-39-18023-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masaru Murakawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Masaru Murakawa under a contract of insurance evidenced by policy No. 15,111,976, issued by the New York Life Insurance Company, New York, New York, to Masaru Murakawa, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Kaneko Murakawa, a resident of the Territory of Hawaii, and of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1424; Filed, Jan. 26, 1951; 8:55 a. m.]

[Vesting Order 17047]

ADOLF PFEIFFER ET AL.

In re: Rights of Adolf Pfeiffer et al., under insurance contract. File No. F-28-26022-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Pfeiffer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adolf Pfeiffer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8208812, issued by the New York Life Insurance Company, New York, New York, to Adolf Pfeiffer, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Adolf Pfeiffer or the domiciliary personal representatives, heirs, next of kin, legatees

and distributees, names unknown, of Adolf Pfeiffer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Adolf Pfeiffer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany). All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1426; Filed, Jan. 26, 1951; 8:55 a. m.]

[Vesting Order 17049]

KURT HERMANN GOTTLIEB RICHTER ET AL.

In re: Rights of Kurt Hermann Gottlieb Richter et al., under insurance contract. File No. F-28-3395-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Hermann Gottlieb Richter and Clara Richter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4294 352, issued by the Mutual Life Insurance Company of New York, New York, New York, to Kurt Hermann Gottlieb Richter, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Kurt Hermann Gottlieb Richter or Clara Richter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1427; Filed, Jan. 26, 1951; 8:55 a. m.]

[Return Order 872]

ROGER DUBUSC

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Roger Dubusc, Boulogne (Seine) France; Claim No. 38711; November 28, 1950 (15 F. R. 8143); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,234,235.

This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1431; Filed, Jan. 26, 1951; 8:56 a. m.]

[Return Order 862]

UNIVERSITY OF VIENNA, MEDICAL FACULTY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

University of Vienna, Medical Faculty, Vienna, Austria; Claim No. 42356; December 9, 1950 (15 F. R. 8763); all right, title, interest and claim of any kind or character whatsoever of Das Medecinische Professoren Collegium (The Medical Faculty of the University of Vienna), Austria, in and to the Estate of Sigmund Lustgarten, deceased, as such interest is described in Vesting Order 4761.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 22, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1429; Filed, Jan. 26, 1951; 8:56 a. m.]

[Return Order 863]

CLEMENTE AND MARCEL DEL DRAGO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention to Return Published, and Property

Clemente del Drago, by his guardian Marcel del Drago; Rome, Italy, Claim No. 42976; October 20, 1950, (15 F. R. 7043); all right, title, interest and claim of any kind or character whatsoever of Clemente del Drago, the son of Marcel del Drago, in and to the trusts created under the will of Josephine del Drago, deceased; Trustee: Corn Exchange Bank Trust Company, New York, New York, vested by Vesting Order No. 1999 (8 F. R. 11819, August 26, 1943).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1430; Filed, Jan. 26, 1951; 8:56 a. m.]

[Vesting Order 16096, Amdt.]

KATHLEEN M. TAOKA

In re: Cash, bank account and securities owned by Kathleen M. Taoka, also known as Mrs. Yahei Taoka.

Vesting Order 16096, dated December 1, 1950, is hereby amended as follows and not otherwise:

1. By deleting in subparagraph 2 (a) the number "W 1179" and inserting therefor the number "W 2607",

2. By deleting in subparagraph 2 (b) the number "W 2607" and inserting therefor the number "W 1179", and

3. By deleting in subparagraph 2 (c) the number "W 2607" and inserting therefor the number "W 1179",

All other provisions of said Vesting Order 16096 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1428; Filed, Jan. 26, 1951; 8:56 a. m.]

FEB 7 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 20

Washington, Tuesday, January 30, 1951

TITLE 3—THE PRESIDENT

LETTER OF JANUARY 26, 1951

[Cooperation With Economic Stabilization Agency]

THE WHITE HOUSE,
Washington, January 26, 1951.

To the Heads of Executive Departments and Agencies:

It is imperative that the economic stabilization orders issued today receive the fullest possible support by business and industry and by the people of the nation. The initial success of these orders in accomplishing their purposes for the good of all will require sacrifice and a high degree of self-restraint. The Federal Government must be prepared to do everything in its power to insure equitable and just administration of these orders and to obtain full compliance with them.

Until such time as the Economic Stabilization Agency can recruit and train the staff it will need, all departments and agencies should make whatever contribution they can to assure the success of our efforts to stabilize prices and wages. It is understood that essential work now programmed may have to be postponed temporarily. Therefore, as President of the United States and pursuant to the authority vested in me by the Constitution and statutes, including section 403 of the Defense Production Act of 1950, I call upon each agency to make its resources in staff, and knowledge and experience available to the Economic Stabilization Agency, including the Office of Price Stabilization and the Wage Stabilization Board, to the extent requested by the Director of Defense Mobilization.

Specifically, each agency shall provide such cooperation and assistance, consonant with law, as it can, to meet the following types:

1. Assignment of personnel in Washington, D. C., and in regional and field offices on a reimbursable loan basis for temporary periods as agreed upon in individual cases, including

(a) Personnel qualified in investigation, intelligence and enforcement duties and functions, and the supervision and administration thereof, except that, in view of the responsibility of the Federal Bureau of Investigation in the field of internal security, no agents shall be assigned without the consent of the Attorney General.

(b) Personnel qualified in the study and analysis of costs, prices, wages, working conditions, and other economic and social data relating thereto.

2. Furnishing any available reports, information, or other data concerning costs of production, distribution and transportation, prices and price trends, profits, and wages and wage trends.

3. Providing such other services, information, and facilities as may be appropriate.

In many cases rapid implementation of this program will require early notification of field offices and establishments, by you, of arrangements whereby these offices and establishments can be most effective in providing assistance.

HARRY S. TRUMAN

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Program Bulletin 1, Amdt. 1 to Supp. 1, Winter Cover Crop and Kobe Lespedeza Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950-CROP WINTER COVER CROP AND KOBE LESPEDEZA SEED

The 1950 Price Support Bulletin 1, Supplement 1, Winter Cover Crop and Kobe Lespedeza Seed Price Support Bulletin, published in 15 F. R. 3714, is amended by changing §§ 601.422 (d), 601.428, 601.429, 601.430, and 601.433 (d) to read as shown below:

§ 601.422 *Availability of price support.* * * *

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through December 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date, except that loan documents and purchase agree-

(Continued on p. 795)

CONTENTS

THE PRESIDENT

Letter — Page
Cooperation with Economic Stabilization Agency — 793

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Abrams, Maria Helena, et al. — 875
Arts, Gerard — 874
Feyerabend, Frieda, and Anna Von Schuh — 879
Gertz, William — 874
Graf, Ernest — 879
Hoeck, Wilhelmina Rahder — 872
Hulsmann, Anton — 874
Krell, Emil Moritz — 877
Oyabu, Dewey K — 879
Scholz, Siegelinde, et al — 873
Takeda, Tokutaro and Toyo — 873
Tellefesen, Arthur Thomas and Ethel Frances — 873
Tiegs, Frieda — 873
Wester, Charles — 876
Wichern, Gesche — 875
Zschunke, Selma — 875

Army Department
See Engineers Corps.

Civil Aeronautics Administration
Notices:
Organization and functions — 866

Civil Aeronautics Board
Notices:
Accident at Philadelphia International Airport, Philadelphia, Pa.; hearing — 867

Coast Guard
Rules and regulations:
Security of vessels; security check and clearance of merchant marine personnel; employment of personnel on merchant vessels — 817
Security of waterfront facilities; identification credentials for persons requiring access to waterfront facilities or vessels; notification of denial or revocation of Coast Guard Port Security Card — 817

FEDERAL REGISTER

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CONTENTS—Continued

Commerce Department Page
See Civil Aeronautics Administration; Commerce, Undersecretary for Transportation; Federal Maritime Board; International Trade, Office of; National Production Authority.

Commerce, Undersecretary for Transportation
Rules and regulations:
Reassignment of chapter 808

Commodity Credit Corporation
Rules and regulations:
Grain price support program; 1950-crop winter cover crop and Kobe Lespedeza seed 793
Tobacco loan program, 1950 795

Defense Department
See also Engineers Corps.
Delegation of further authority to Secretary as to certain programs (*see* National Production Authority).

Defense Fisheries Administration
Rules and regulations:
Reassignment of chapter 808

Defense Minerals Administration
Rules and regulations:
Reassignment of chapter 808

Defense Mobilization, Office of
Rules and regulations:
Designations as members of Defense Mobilization Board:
Administrator of Defense Production Administration 808

Defense Mobilization, Office of—Continued Page
Rules and regulations—Continued
Designation as members of Defense Mobilization Board—Continued
Administrator of Economic Stabilization Agency 808
Priorities and allocations, effective use in achieving economic stabilization 808
Reassignment of chapter 808

Defense Power Administration
Rules and regulations:
Reassignment of chapter 808

Defense Production Administration
Designation of Administrator as member of Defense Mobilization Board (*see* Defense Mobilization, Office of).
Rules and regulations:
Reassignment of chapter 808

Defense Solid Fuels Administration
Rules and regulations:
Reassignment of chapter 808

Defense Transport Administration
Rules and regulations:
Reassignment of chapter 808

Economic Stabilization Agency
See also Price Stabilization, Office of; Wage Stabilization Board.
Designation of Administrator as member of Defense Mobilization Board (*see* Defense Mobilization, Office of).
Rules and regulations:
Reassignment of chapters 808

Engineers Corps
Rules and regulations:
Danger zone regulations; miscellaneous amendments 818

Federal Communications Commission
Rules and regulations:
Radio broadcast services; recapitulation of regulations 820

Federal Maritime Board
Rules and regulations:
Statements and agreements required to be filed; cargo and passenger reports to be filed by common carriers by water 859

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co. (2 documents) 868
Independent Natural Gas Co. and Northern Natural Gas Co 867
Michigan-Wisconsin Pipe Line Co 868
Southwestern Virginia Gas Transmission Co 867
United Gas Pipe Line Co 867

Foreign and Domestic Commerce Bureau Page
See International Trade, Office of.

Interior Department
See Defense Fisheries Administration; Defense Minerals Administration; Defense Power Administration; Defense Solid Fuels Administration; National Park Service; Petroleum Administration for Defense.

Internal Revenue Bureau
Rules and regulations:
Employment taxes; collection of income tax at source on wages; miscellaneous amendments 797

International Trade, Office of
Rules and regulations:
Export regulations:
Enforcement provisions; destination control 797
General orders; order revoking certain general licenses to mainland of China (including Manchuria), Hongkong and Macao 797

Interstate Commerce Commission
Notices:
Increased freight rates, 1951 (2 documents) 868, 869
Rules and regulations:
Demurrage on freight cars 819
Freight cars, all; Saturdays and Sundays to be included in computing demurrage 818
Fruit and vegetable containers and box shooks, transportation; substitution of refrigerator cars for box cars 819
Lumber; restrictions on reconsigning 819
Railroad freight cars to be stopped to complete loading 819

Justice Department
See Alien Property, Office of.

Maritime Administration
See Federal Maritime Board.

National Park Service
Notices:
Delegations of authority to certain officials with respect to execution and approval of contracts 866

National Production Authority
Notices:
Delegation of further authority to Secretary of Defense as to certain programs 867
Rules and regulations:
Reassignment of chapter 808

Petroleum Administration for Defense
Rules and regulations:
Reassignment of chapter 808

Price Stabilization, Office of
Rules and regulations:
General ceiling price regulations 808
Reassignment of chapter 808

CONTENTS—Continued

Production and Marketing Administration Page
Proposed rule making:
Cream for use in manufacture of butter; U. S. standards for grades 860
Milk handling in Tri-State area 864
Nashville Union Stock Yards, Inc.; notice of petition for modification 860
Veal and calf carcasses and vealers and slaughter calves; official U. S. standards for grades 861
Rules and regulations:
Milk handling in Columbus, Ohio, area 796

Securities and Exchange Commission
Notices:
Hearings, etc.:
New England Electric System 871
Niagara Mohawk Power Corp. and Frontier Corp 871
Southern Natural Gas Co 870
Proposed rule making:
Form S–1 for registration of securities 866

Tariff Commission
Notices:
Emergency Lead Committee and New Mexico Miners and Prospectors Assn.; dismissal of application for investigation of imports of lead and lead-bearing materials 871

Treasury Department
See Coast Guard; Internal Revenue Bureau.

Wage Stabilization Board
Rules and regulations:
General wage stabilization regulation 816
Effect on prior stabilization regulations 817
Reassignment of chapter 808

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter III:
Letter, Jan. 26, 1951 793

Title 6
Chapter IV:
Part 601 793
Part 664 795

Title 7
Chapter I:
Part 38 (proposed) 860
Part 53 (proposed) 861
Chapter IX:
Part 972 (proposed) 864
Part 974 796

Title 15
Chapter III:
Part 381 797
Part 384 797

CODIFICATION GUIDE—Con.

Title 17 Page
Chapter II:
Part 239 (proposed) 866

Title 26
Chapter I:
Part 405 797

Title 32A
Reassignment of chapters 808
Chapter I:
DMO 2 808
DMO 3 808
DMO 4 808
Chapter III:
GCPR 808
Chapter IV:
GWS Reg. 1 816
Wage Proc. Reg. 1 (see GWS Reg. 1).

Title 33
Chapter I:
Part 121 817
Part 125 817
Chapter II:
Part 204 818

Title 46
Chapter II:
Part 222 859

Title 47
Chapter I:
Part 3 820

Title 49
Chapter I:
Part 95 (5 documents) 818, 819

ments on Kobe Lespedeza seed will be accepted through February 28, 1951. Dealer purchase agreements will be available to dealers from time of harvest through January 31, 1951, except that dealer purchase agreements on Kobe Lespedeza seed will be accepted through March 31, 1951. Disbursements under the loan program will be made not later than January 15, 1951, except Kobe Lespedeza for which disbursements under the loan program will be made not later than March 15, 1951, unless specially approved by CCC in each instance.

§ 601.428 *Warehouse and other charges.* CCC will not pay or assume cleaning, drying, bagging, sampling, testing and analysis reports, tagging, or other handling or processing charges which are necessary to prepare the seed to meet eligibility requirements for price support, or storage charges which accrue prior to February 1, 1951 (April 1, 1951, in the case of Kobe Lespedeza) or the date of the warehouse receipt, whichever is later.

§ 601.429 *Maturity of loans.* Loans mature on demand but not later than January 31, 1951, except that loans on Kobe Lespedeza will mature on demand but not later than March 31, 1951.

§ 601.430 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and dealers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the "Schedule of Basic Rates and Specifications Applicable for 1950-Crop Winter Cover Crop Seeds and Kobe Lespedeza Seed," except the applicable county rates for the county of production shown in § 601.431 shall be used for hairy vetch, and provided further, where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

§ 601.433 *Delivery of seed to CCC.*

* * *

(d) Seed delivered to CCC under a loan or producers purchase agreement, or under a Dealer Purchase Agreement, must be packaged in evenweight, net capacity, new bags of approved quality as described below; or if new bags are not available, No. 1 used bags as heavy as, or heavier than, those described below, thoroughly cleaned before being filled, free of holes, patches, or other defects may be used:

(1) Austrian winter peas, blue lupine, hairy vetch, Willamette vetch, common vetch, Kobe Lespedeza, and rough peas:

Type	Net capacity (pounds)
(i) 3-harness twill: 36-inch 8-ounce or heavier	100
(ii) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(iii) Burlap: 10-ounce or heavier	100

(2) Crimson clover:

Type	
(i) Osnaburg which can be probed (seamless or double seam):	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Seamless cotton:	
13-ounce (20 x 42-inch)	120
16-ounce (20 x 45-inch)	150

(3) Common ryegrass:

Type	
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Burlap: 8-ounce or heavier	100

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 25th day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51–1494; Filed, Jan. 29, 1951; 8:56 a. m.]

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of type 41 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333)

§ 664.225 *1950 crop; Pennsylvania filler tobacco, Type 41, advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Advanced rate
Fillers (sized farm wrappers):	
C1	35
C2	31
C3	28
C4	25
C5	21
Fillers (unsized farm wrappers):	
C3 unsized	23
C4 unsized	21
C5 unsized	18
Crop-run (full-off crops):	
X1	22
X2	20
X3	18
X4	16
X5	14
Farm fillers:	
Y1	17
Y2	15
Y3	13

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 25th day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 51-1495; Filed, Jan. 29, 1951; 8:56 a. m.]

[1] The Cooperative Association through which the loans are made for Pennsylvania Filler tobacco, type 41, is authorized to deduct from the amount paid to growers $0.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. The advance for the "X" group will be one cent per pound lower when the tobacco is delivered untied. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript).

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Columbus, Ohio, on October 10–11, 1950, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area. Upon the basis of the evidence at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than February 1, 1951. Any delay beyond February 1, 1951, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Columbus, Ohio, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective February 1, 1951 (sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Columbus, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 974.51 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.75; and all others $1.10: *Provided,* That there shall be added to the price of Class I milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by all handlers during the most recent 4 months for which such information is available which was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950): *And provided further,* That the price of Class I milk for any of the months of October through December, inclusive, shall not be lower than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding and the price of Class I milk for any of the months of April through June, inclusive, shall not be higher than the arithmetical average of the prices computed for such class pursuant to this paragraph (prior to this proviso) for the 2 months immediately preceding.

2. Delete § 974.52 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the month indicated: April, May, June, and July, $0.35; and all others $0.70: *Provided,* That there shall be added to the price of Class II milk so computed 10 cents for any month if the percentage of the total receipts of milk from producers by handlers during the most recent 4 months for which such information is available was classified in Classes I and II was greater than the percentage of the total receipts of milk from producers by all handlers during the same 4 months of the period May 1949 through April 1950 which was classified in Classes I and II (Classes I, II, and III in months prior to January 1950).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of January 1951, to be effective on and after the 1st day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1451; Filed, Jan. 29, 1951; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 40]

PART 381—ENFORCEMENT PROVISIONS

PART 384—GENERAL ORDERS

DESTINATION CONTROL AND ORDER REVOKING CERTAIN GENERAL LICENSES TO MAINLAND OF CHINA (INCLUDING MANCHURIA), HONG KONG AND MACAO

1. Section 381.4 *Destination control* is amended in the following particulars:

a. Paragraph (c) *Statement regarding ultimate destination on declaration, bill of lading and commercial invoice,* subparagraph (3) is amended to read as follows:

(3) No licensee, shipper, consignor, exporter, or agent thereof, or any other person shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the statement set forth in subparagraph (1) of this paragraph.

b. Paragraph (d) *Notice and prohibition against diversion,* subparagraph (1) is amended to read as follows:

(1) Whenever a commercial invoice shall be issued containing the statement prescribed in paragraph (c) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated shipper's export declaration, (ii) the intermediate consignee and (iii) any other persons named in the invoice who are located in a foreign country. Nothing contained in this paragraph shall be construed to limit the persons or classes of persons to whom such invoices and bills of lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or in lieu of a copy of the commercial invoice, may send a copy of the bill of lading containing the statement prescribed in paragraph (c) of this section.

This part of the amendment shall become effective as of January 22, 1951.

2. Section 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao* is amended in the following particulars:

The last paragraph is amended to read as follows:

Shipments of perishable food products, not including frozen food products, ultimately destined to Hong Kong and Macao may continue to be made under General License GRO up to 12:01 a. m., eastern standard time, January 2, 1951, except that such general license shipments of fresh fruits and vegetables may be made through March 31, 1951.

This part of the amendment shall become effective as of January 25, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1440; Filed, Jan. 29, 1951; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5828; Regs. 116]

PART 405—COLLECTION OF INCOME TAX AT SOURCE ON WAGES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 116 (26 CFR Part 405) to the Social Security Act Amendments of 1950, approved August 28, 1950, and to the Revenue Act of 1950, approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately after section 1621 (a) of the Internal Revenue Code as set forth preceding § 405.101 the following:

SEC. 202. INCOME TAX EXEMPTIONS FOR MEMBERS OF THE ARMED FORCES SERVING IN COMBAT AREAS [Revenue Act of 1950, approved September 23, 1950].

* * * * * *

(b) *Withholding of income tax on wages.* Effective with respect to wages paid after October 31, 1950, section 1621 (a) (relating to definition of wages for income tax withholding purposes) is hereby amended by inserting before paragraph (2) thereof the following:

"(1) for active service as a member of the armed forces of the United States performed prior to January 1, 1952, in a month during any part of which such member performed service in a combat zone as determined under section 22 (b) (13), or".

* * * * * *

SEC. 221. RESIDENTS OF PUERTO RICO [Revenue Act of 1950, approved September 23, 1950].

* * * * * *

(f) *Withholding of tax on wages.* (1) Section 1621 (a) (6) (relating to collection of income tax at source on wages) is hereby amended to read as follows:

"(6) for services performed by a nonresident alien individual, other than (A) a resident of a contiguous country who enters and leaves the United States at frequent intervals, or (B) a resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof, or".

(2) Section 1621 (a) (8) (relating to collection of income tax at source on wages) is hereby amended by striking out subparagraph (B) thereof and inserting in lieu thereof the following:

"(B) for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico), if it is reasonable to believe that at least 80 per centum of the remuneration to be paid to the employee by such employer during the calendar year will be for such services, or

"(C) for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within Puerto Rico, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico, or".

* * * * * *

(k) *Effective date.* The amendments made by * * * subsection (f) shall be applicable with respect to wages paid on or after January 1, 1951. * * *.

SEC. 209 (c) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950 [Approved August 28, 1950].

(c) (1) Section 1621 (a) (4) of the Internal Revenue Code is amended to read as follows:

"(4) for service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter, or".

(2) Section 1621 (a) of the Internal Revenue Code is amended by striking out paragraph (9) thereof and inserting in lieu thereof the following:

"(9) for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, or

"(10) (A) for services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or

"(B) for services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, or

"(11) for services not in the course of the employer's trade or business, to the extent paid in any medium other than cash, or

"(12) to, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6)."

(3) The amendments made by paragraphs (1) and (2) shall be applicable only with respect to remuneration paid after 1950.

PAR. 2. There is inserted immediately after section 1426 (h) as set forth preceding § 405.101 the following:

SEC. 204 (d) AND (g) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950 [Approved August 28, 1950].

(d) Section 1426 (h) of the Internal Revenue Code is amended to read as follows:

"(h) *Agricultural labor.* The term 'agricultural labor' includes all service performed—

"(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

"(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

"(4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed.

"(B) In the employ of a group of operators of farms (other than a cooperative organization) in the performance of services described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than twenty at any time during the calendar quarter in which such service is performed.

"(C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural comodity after its delivery to a terminal market for distribution for consumption.

"(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

"As used in this section, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards."

• • • • •

(g) The amendments made by subsections (c), (d), (e), and (f) of this section shall be applicable only with respect to services performed after 1950.

PAR. 3. Section 405.101 is amended as follows:

(A) By inserting in the first sentence of the second paragraph of § 405.101 (b), immediately after the words "No withholding is required", the following: "prior to January 1, 1951,".

(B) By adding at the end of the second paragraph of § 405.101 (b) the following: "As to withholding in respect of these payments on and after January 1, 1951, see § 405.102 (m)."

(C) By striking out the first and second sentences of the third paragraph of § 405.101 (b) and inserting in lieu thereof the following:

Retirement pay for service in the military or naval forces of the United States is subject to withholding unless such pay is excluded from gross income under section 22 (b) (5). Where such retirement pay (not excluded from gross income under section 22 (b) (5)) is paid to a nonresident alien individual, withholding is required only in the case of such amounts paid on or after January 1, 1951, to a nonresident alien individual who is a resident of Puerto Rico. • • •

(D) By revising the last sentence of § 405.101 (f) to read as follows: "It is immaterial that the Internal Revenue Code, or any Act of Congress, or the law of any State or of Puerto Rico, requires or permits such deductions and the payment of the amounts thereof to the United States, a State, a Territory, Puerto Rico, or the District of Columbia, or any political subdivision of any one or more of the foregoing."

(E) By inserting in the second sentence of § 405.101 (h), immediately after the words "United States", the following: "(including Puerto Rico as if a part of the United States)".

(F) By inserting at the end of § 405.101 (h) the following new sentence: "See § 405.102 (h) (3) for the treatment of wages paid for services performed by a citizen of the United States in Puerto Rico."

PAR. 4. Section 405.102, as amended by Treasury Decision 5759, approved November 10, 1949, is further amended as follows:

(A) By changing § 405.102 (b) to read as follows:

(b) *Compensation of members of the armed forces of the United States.* (1) Remuneration paid before January 1, 1949, for services performed as a member of the armed forces of the United States is excepted from the definition of the term "wages". Remuneration paid on or after November 1, 1950, for active service, as a member of the armed forces of the United States, performed in a month during any part of which such member served in a combat zone (as determined under section 22 (b) (13)) is excepted from the definition of the term "wages" and is, therefore, not subject to withholding. For the purposes of the exceptions, the armed forces of the United States include the regular and reserve components thereof. Pensions and retirement pay, if includible in gross income under chapter 1 of the Internal Revenue Code, are not within the exceptions from the definition of the term "wages" and hence constitute wages subject to withholding.

(2) All other remuneration paid on or after January 1, 1949, for services performed as a member of the armed forces of the United States constitutes wages subject to withholding.

(B) By striking out § 405.102 (c), and by inserting in lieu thereof the following paragraph:

(c) *Remuneration paid for agricultural labor*—(1) *In general.* (i) The term "wages" does not include remuneration for services which constitute agricultural labor as defined in section 1426 (h). The term "agricultural labor" as so defined includes services performed before January 1, 1951, of a character described in subparagraphs (2), (3), (4), and (5) of this paragraph, and includes services performed on or after January 1, 1951, of a character described in subparagraphs (2), (3), (4), (5), and (6) of this paragraph. In general, however, the term agricultural labor does not include services performed in connection with forestry, lumbering, or landscaping.

(ii) The term "farm" as used in this paragraph includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms".

(2) *Services described in section 1426 (h) (1).* Remuneration paid for services performed on a farm by an employee of any person in connection with any of the following activities is excepted as remuneration for agricultural labor:

(i) The cultivation of the soil;

(ii) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(iii) The raising or harvesting of any other agricultural or horticultural commodity.

Remuneration paid for services performed on or after January 1, 1951, in connection with the production or harvesting of maple sap, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry is excepted only if such services are performed on a farm. Thus, services performed in connection with the operation of a hatchery, if not operated as part of a poultry or other farm, do not constitute agricultural labor. Services performed in the processing (as distinguished from the gathering) of maple sap into maple sirup or maple sugar do not constitute agricultural labor, even though such services are performed on a farm. See subparagraph (4) of this paragraph for provisions relating to such services performed before January 1, 1951.

(3) *Services described in section 1426 (h) (2).* The remuneration paid for the following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms is excepted as remuneration for agricultural labor, provided the major part of such services is performed on a farm:

(i) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(ii) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

The services described in subdivision (i) of this subparagraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged. Since the services described in this subparagraph must be performed in the employ of the owner or tenant or other operator of the farm, the exception does not extend to remuneration paid for services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(4) *Services described in section 1426 (h) (3).* Remuneration paid for services performed by an employee in the employ of any person in connection with any of the following operations is excepted as remuneration for agricultural labor without regard to the place where such services are performed:

(i) The ginning of cotton;

(ii) The hatching of poultry, if such services are performed before January 1, 1951;

(iii) The raising or harvesting of mushrooms, if such services are performed before January 1, 1951;

(iv) The operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying or storing water for farming purposes, but, in the case of such services performed on or after January 1, 1951, only if such ditches, canals, reservoirs, or waterways are not owned or operated for profit;

(v) The production or harvesting of maple sap or the processing of maple sap into maple sirup or maple sugar (but not the subsequent blending or other processing of such sirup or sugar with other products), if such services are performed prior to January 1, 1951; or

(vi) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

See subparagraph (2) of this paragraph for provisions relating to services performed on or after January 1, 1951, in connection with the hatching of poultry, the raising or harvesting of mushrooms, or the production or harvesting of maple sap.

(5) *Services described in section 1426 (h) (4).* (i) Remuneration paid for services performed prior to January 1, 1951, by an employee in the employ of a farmer or a farmers' cooperative organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity, other than fruits and vegetables (see subdivision (ii) of this subparagraph), produced by such farmer or farmer-members of such organization or group of farmers is excepted, provided such services are performed as an incident to ordinary farming operations.

Generally services are performed "as an incident to ordinary farming operations" within the meaning of this paragraph if they are services of the character ordinarily performed by the employees of a farmer or of a farmers' cooperative organization or group as a prerequisite to the marketing, in its unmanufactured state, of any agricultural or horticultural commodity produced by such farmer or by the members of such farmers' organization or group. Services performed by employees of such farmer or farmers' organization or group in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of commodities produced by persons other than such farmer or members of such farmers' organization or group are not performed "as an incident to ordinary farming operations."

(ii) Remuneration paid for services performed prior to January 1, 1951, by an employee in the employ of any person in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of fruits and vegetables, whether or not of a perishable nature, is excepted as remuneration for agricultural labor, provided such services are performed as an incident to the preparation of such fruits and vegetables for market. For example, if services in the sorting, grading, or storing of fruits, or in the cleaning of beans, are performed as an incident to their preparation for market, remuneration paid for such services may be excepted whether the services are performed in the employ of a farmer, a farmers' cooperative, or a commercial handler of such commodities.

(iii) Remuneration paid for services performed on or after January 1, 1951, by an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity is excepted as remuneration for agricultural labor if—

(*a*) Such services are performed by the employee in the employ of an operator of a farm or in the employ of a group of operators of farms (other than a cooperative organization);

(*b*) Such services are performed with respect to the commodity in its unmanufactured state; and

(*c*) Such operator produced more than one-half of the commodity with respect to which such services are performed during the pay period, or such group of operators produced all of the commodity with respect to which such services are performed during the pay period.

The term "operator of a farm" as used in this subparagraph means an owner, tenant, or other person, in possession of a farm and engaged in the operation of such farm.

The services described in this subparagraph do not constitute agricultural labor if performed in the employ of a cooperative organization. The term "organization" includes corporations, joint-stock companies, and associations which are treated as corporations under the Internal Revenue Code. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which the services involved are performed.

Processing services which change the commodity from its raw or natural state do not constitute agricultural labor. For example, the extraction of juices from fruits or vegetables is a processing operation which changes the character of the fruits or vegetables from their raw or natural state and, therefore, does not constitute agricultural labor. On the other hand, services rendered in the cutting and drying of fruits or vegetables are processing operations which do not change the character of the fruits or vegetables and, therefore, constitute agricultural labor, if the other requisite conditions are met. Services performed with respect to a commodity after its character has been changed from its raw or natural state by a processing operation do not constitute agricultural labor.

The term "commodity" refers to a single agricultural or horticultural product, for example, all apples are to be treated as a single commodity, while apples and peaches are to be treated as two separate commodities. The services with respect to each such commodity are to be considered separately in determining whether the condition set forth in (*c*) of this subdivision has been satisfied. The portion of the commodity produced by an operator or group of operators with respect to which the services described in this subparagraph are performed by a particular employee shall be determined on the basis of the pay period in which such services were performed by such employee.

(iv) The services described in subdivisions (i), (ii), and (iii) of this subparagraph, do not include services performed in connection with commercial canning or commercial freezing, or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in such subdivisions must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of

such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of subparagraph (3) of this paragraph.

(6) *Services described in section 1426 (h) (5).* Remuneration paid for services not in the course of the employer's trade or business or for domestic services in a private home of the employer is excepted as remuneration for agricultural labor if such services are performed on or after January 1, 1951, on a farm operated for profit. For provisions with respect to remuneration paid for such services performed before January 1, 1951, see paragraphs (d) and (e) of this section. Generally, a farm is not operated for profit if it is occupied by the employer primarily for residential purposes, or is used primarily for the pleasure of the employer or his family such as for the entertainment of guests or as a hobby of the employer or his family.

(C) By redesignating subparagraphs (1) to (5) of § 405.102 (e) as subdivisions (i) to (v), respectively, and by revising the heading of § 405.102 (e) to read as follows:

(e) *Remuneration for service not in the course of employer's trade or business—(1) Payments made before 1951 for casual labor.* • • •

(D) By inserting immediately after the provisions of § 405.102 (e) as so amended the following:

(2) *Payments made after 1950.* (i) To the extent the compensation paid after 1950 for services not in the course of the employer's trade or business is paid in any medium other than cash, it is not subject to withholding under section 1622. Cash remuneration paid after 1950 for service not in the course of the employer's trade or business performed in any calendar quarter by an employee is excepted from the term "wages" if—

(*a*) The cash remuneration paid for such service is less than $50, or

(*b*) Such service is performed by an individual who is not regularly employed by such employer to perform such service.

(ii) Cash remuneration for service not in the course of the employer's trade or business performed in any calendar quarter by an employee does not come within the exception if both of the following conditions are met:

(*a*) The cash remuneration paid for such service is $50 or more, and

(*b*) Such service is performed by an individual who is regularly employed by such employer to perform such service.

(iii) An individual performing service not in the course of the employer's trade or business is deemed to be regularly employed by such employer during the calendar quarter only if:

(*a*) On each of some 24 days during such quarter such individual performs, for such employer for some portion of the day, service not in the course of the employer's trade or business, or

(*b*) Such individual was regularly employed (as determined under (*a*) of this subdivision) by such employer in the performance of such service during the preceding calendar quarter.

(iv) The cash test refers to the cash paid for services performed during a calendar quarter, regardless of when paid. The term "cash remuneration" includes checks and other monetary mediums of exchange.

The term "not in the course of the employer's trade or business" includes service that does not promote or advance the employer's trade or business. Remuneration paid for service performed in the course of the employer's trade or business does not come within the exception from the term "wages".

Remuneration paid for services performed for a corporation does not come within this exception.

For provisions relating to domestic service and to service performed on a farm operated for profit, see paragraphs (c) and (d) of this section.

(E) By inserting in the last sentence of the first paragraph of § 405.102 (f) (1), immediately before the words "even though such corporation", the words "or of Puerto Rico".

(F) By striking out the words "Canada and Mexico" in the first sentence of the first paragraph of § 405.102 (g) and inserting in lieu thereof the following: "Canada, Mexico, and Puerto Rico,".

(G) By inserting at the end of § 405.102 (g) the following new paragraph:

Withholding is not required in the case of wages paid to a nonresident alien individual for services performed in Puerto Rico for an employer (other than the United States or any agency thereof), even though such alien individual is a resident of Puerto Rico at the time when such services are performed. Wages paid for services performed by a nonresident alien individual who is a resident of Puerto Rico are subject to withholding if such services are performed as an employee of the United States or any agency thereof. The place of performance of such services is immaterial, provided such alien individual is a resident of Puerto Rico at the time of performance. Wages representing retired pay for service in the military or naval forces of the United States are subject to withholding under the limitation specified in § 405.101 (b), in the case of an alien resident of Puerto Rico.

(H) By changing the heading of § 405.102 (h) (2) to read as follows:

(2) *Remuneration paid on or after January 1, 1948, to citizens resident in foreign countries.* • • •

(I) By striking out of § 405.102 (h) (2) the fifth paragraph, which paragraph begins with the words "Remuneration paid on or after January 1, 1948, for services".

(J) By inserting immediately after the last paragraph of § 405.102 (h) (2) the following:

(3) *Remuneration paid on or after January 1, 1948, to citizens in possessions of the United States.* (i) Remuneration paid on or after January 1, 1948, and before January 1, 1951, for services for an employer performed within a possession of the United States by a citizen of the United States is not subject to withholding, if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the employee by such employer during the calendar year will be for such services.

(ii) Remuneration paid on or after January 1, 1951, for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States, other than Puerto Rico, is not subject to withholding, if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the employee by such employer during the calendar year will be for such services.

(iii) Withholding is required in the case of remuneration paid on or after January 1, 1951, to a citizen of the United States for services performed as an employee of the United States or any agency thereof in any possession of the United States, including Puerto Rico.

(iv) Remuneration paid on or after January 1, 1951, for services performed within Puerto Rico for an employer (other than the United States or any agency thereof) by a citizen of the United States is not subject to withholding, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico.

(v) The reasonable belief mentioned in section 1621 (a) (8) (C) with respect to the employee's bona fide residence in Puerto Rico may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence might be insufficient, upon closer examination by the Commissioner or the courts, finally to establish such bona fide residence in Puerto Rico so as to justify the exemption from tax provided for in section 116 (1).

(vi) In addition, the employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be a bona fide resident of Puerto Rico during the entire calendar year—

(*a*) In every case except where the employee is known by the employer to have maintained his abode at a place outside Puerto Rico at some time during the current or the preceding calendar year; or

(*b*) In every case where the employee files with the employer a statement (containing a declaration under the penalties of perjury that such statement is true to the best of the employee's knowledge and belief) that such employee has at all times during the current calendar year been a bona fide resident of Puerto Rico and that he intends to remain a bona fide resident of Puerto Rico during the entire remaining portion of such current calendar year.

The statement shall be retained by the employer and shall be available at all times for inspection by Internal Revenue officers.

(K) By revising the heading of § 405.102 (i) to read as follows:

(i) *Compensation paid before 1951 for services performed as a minister of the gospel.* • • •

(L) By inserting in the first sentence of § 405.102 (i), immediately after the word "Compensation", the following "paid before 1951".

(M) By inserting immediately after the provisions of § 405.102 (i) the following:

(j) *Compensation paid after 1950 for services performed by a minister or by a member of a religious order.* Compensation paid after 1950 for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, is not subject to withholding under section 1622. The duties of ministers include the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination.

(k) *Compensation for delivery or distribution of newspapers or shopping news.* Compensation paid after 1950 for services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, is not subject to withholding under section 1622. Thus, the compensation, irrespective of the form thereof, for services performed by an individual under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, is excepted. The compensation for incidental services by the individual who makes a house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time the individual is under the age of 18.

(l) *Compensation for sale of newspapers or magazines.* Compensation paid after 1950 for services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are to be charged to him, is not subject to withholding under section 1622. This compensation is excepted whether or not the individual is guaranteed a minimum amount of compensation for such services or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the compensation is excepted without regard to the age of the individual. Compensation for services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the compensation for the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer is not within the exception. However, compensation for incidental services by the individual who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, is considered to be within the exception.

(m) *Remuneration from certain trusts or annuities.* The remuneration paid after 1950 to or on behalf of an employee or his beneficiary, from a trust exempt from tax under section 165 (a) at the time of such payment, unless such payment is made to an employee of the trust as remuneration for services performed as such employee and not as a beneficiary of the trust, and the remuneration paid after 1950 to or on behalf of an employee or his beneficiary, under an annuity plan which meets the requirements of section 165 (a) (3), (4), (5), and (6) at the time of such payment, is not subject to withholding under section 1622. Remuneration paid after 1950 on behalf of an employee or his beneficiary to a trust exempt from tax under section 165 (a) at the time of such payment (subject to the exception in respect of an employee of the trust) is not subject to withholding at the time of such payment under section 1622. Remuneration paid after 1950 on behalf of an employee or his beneficiary to an annuity plan which meets the requirements of section 165 (a) (3), (4), (5), and (6) at the time of such payment is not subject to withholding at the time of such payment under section 1622.

PAR. 5. Section 405.104 is amended by changing the second sentence of the first paragraph thereof to read as follows: "The term includes officers and employees, whether elected or appointed, of the United States, a State, Territory, Puerto Rico, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing."

PAR. 6. Section 405.105 is amended as follows:

(A) By inserting in the fourth paragraph of § 405.105, immediately after the words "United States", the following: "(including Puerto Rico as if a part of the United States)".

(B) By inserting in the last paragraph of § 405.105, immediately after "the States, Territories,", the following: "Puerto Rico,".

PAR. 7. Section 405.107, as amended by Treasury Decision 5760, approved November 10, 1949, is further amended as follows:

(A) By redesignating (e) of such section as (f).

(B) By inserting immediately after § 405.107 (d) the following:

(e) The term "military or naval forces of the United States" and the term "armed forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The terms also include the Coast Guard. The members of such forces include commissioned officers and the personnel below the grade of commissioned officer in such forces.

PAR. 8. There is inserted immediately preceding § 405.201 the following:

SEC. 141. PERCENTAGE METHOD OF WITHHOLDING [Revenue Act of 1950, approved September 23, 1950].

Section 1622 (a) (relating to percentage method of withholding) is hereby amended by striking out "15 per centum" and inserting in lieu thereof "18 per centum".

SEC. 142. WAGE BRACKET WITHHOLDING [Revenue Act of 1950, approved September 23, 1950].

The tables contained in section 1622 (c) (1) (relating to wage bracket withholding) are hereby amended to read as follows:

IF THE PAY-ROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

And the wages are—		And the number of withholding exemptions claimed is—									
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
		18% of wages										
$0	$13	$2.40	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	2.60	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.80	.30	0	0	0	0	0	0	0	0	0
$15	$16	3.00	.50	0	0	0	0	0	0	0	0	0
$16	$17	3.20	.70	0	0	0	0	0	0	0	0	0
$17	$18	3.20	.80	0	0	0	0	0	0	0	0	0
$18	$19	3.30	1.00	0	0	0	0	0	0	0	0	0
$19	$20	3.50	1.20	0	0	0	0	0	0	0	0	0
$20	$21	3.70	1.40	0	0	0	0	0	0	0	0	0
$21	$22	3.80	1.60	0	0	0	0	0	0	0	0	0
$22	$23	4.10	1.70	0	0	0	0	0	0	0	0	0
$23	$24	4.20	1.90	0	0	0	0	0	0	0	0	0
$24	$25	4.40	2.10	0	0	0	0	0	0	0	0	0
$25	$26	4.60	2.30	0	0	0	0	0	0	0	0	0
$26	$27	4.80	2.50	.20	0	0	0	0	0	0	0	0
$27	$28	5.00	2.60	.30	0	0	0	0	0	0	0	0
$28	$29	5.10	2.80	.50	0	0	0	0	0	0	0	0
$29	$30	5.30	3.00	.70	0	0	0	0	0	0	0	0
$30	$31	5.50	3.20	.90	0	0	0	0	0	0	0	0
$31	$32	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$32	$33	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$33	$34	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$34	$35	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$35	$36	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$36	$37	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$37	$38	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$38	$39	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$39	$40	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$40	$41	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$41	$42	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$42	$43	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$43	$44	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$44	$45	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0

IF THE PAY-ROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY—Continued

And the wages are—	And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$320	$330	$48.20	$43.00	$39.80	$36.60	$33.40	$30.00	$26.80	$23.60	$20.40	$17.20	$14.00
330	340	49.80	44.60	41.40	38.20	35.00	31.80	28.60	25.40	22.20	19.00	15.80
340	350	51.40	46.20	43.00	39.80	36.60	33.40	30.20	27.00	23.80	20.60	17.40
350	360	53.00	47.80	44.60	41.40	38.20	35.00	31.80	28.60	25.40	22.20	19.00
360	370	54.60	49.40	46.20	43.00	39.80	36.60	33.40	30.20	27.00	23.80	20.60
370	380	56.20	51.00	47.80	44.60	41.40	38.20	35.00	31.80	28.60	25.40	22.20
380	390	57.80	52.60	49.40	46.20	43.00	39.80	36.60	33.40	30.20	27.00	23.80
390	400	59.40	54.20	51.00	47.80	44.60	41.40	38.20	35.00	31.80	28.60	25.40
400	410	61.00	55.80	52.60	49.40	46.20	43.00	39.80	36.60	33.40	30.20	27.00
410	420	62.60	57.40	54.20	51.00	47.80	44.60	41.40	38.20	35.00	31.80	28.60
420	430	64.20	59.00	55.80	52.60	49.40	46.20	43.00	39.80	36.60	33.40	30.20
430	440	65.80	60.60	57.40	54.20	51.00	47.80	44.60	41.40	38.20	35.00	31.80
440	450	67.40	62.20	59.00	55.80	52.60	49.40	46.20	43.00	39.80	36.60	33.40
450	460	69.00	63.80	60.60	57.40	54.20	51.00	47.80	44.60	41.40	38.20	35.00
460	470	70.60	65.40	62.20	59.00	55.80	52.60	49.40	46.20	43.00	39.80	36.60
470	480	72.20	67.00	63.80	60.60	57.40	54.20	51.00	47.80	44.60	41.40	38.20
480	490	73.80	68.60	65.40	62.20	59.00	55.80	52.60	49.40	46.20	43.00	39.80
490	500	75.40	70.20	67.00	63.80	60.60	57.40	54.20	51.00	47.80	44.60	41.40
500	510	77.00	71.80	68.60	65.40	62.20	59.00	55.80	52.60	49.40	46.20	43.00
510	520	78.60	73.40	70.20	67.00	63.80	60.60	57.40	54.20	51.00	47.80	44.60
520	530	80.20	75.00	71.80	68.60	65.40	62.20	59.00	55.80	52.60	49.40	46.20
530	540	81.80	76.60	73.40	70.20	67.00	63.80	60.60	57.40	54.20	51.00	47.80
540	550	83.40	78.20	75.00	71.80	68.60	65.40	62.20	59.00	55.80	52.60	49.40
550	560	85.00	79.80	76.60	73.40	70.20	67.00	63.80	60.60	57.40	54.20	51.00
560	570	86.60	81.40	78.20	75.00	71.80	68.60	65.40	62.20	59.00	55.80	52.60
570	580	88.20	83.00	79.80	76.60	73.40	70.20	67.00	63.80	60.60	57.40	54.20
580	590	89.80	84.60	81.40	78.20	75.00	71.80	68.60	65.40	62.20	59.00	55.80
590	600	91.40	86.20	83.00	79.80	76.60	73.40	70.20	67.00	63.80	60.60	57.40
600	610	93.00	87.80	84.60	81.40	78.20	75.00	71.80	68.60	65.40	62.20	59.00
610	620	94.60	89.40	86.20	83.00	79.80	76.60	73.40	70.20	67.00	63.80	60.60
620	630	96.20	91.00	87.80	84.60	81.40	78.20	75.00	71.80	68.60	65.40	62.20
630	640	97.80	92.60	89.40	86.20	83.00	79.80	76.60	73.40	70.20	67.00	63.80
640	650	99.40	94.20	91.00	87.80	84.60	81.40	78.20	75.00	71.80	68.60	65.40
650	660	101.00	95.80	92.60	89.40	86.20	83.00	79.80	76.60	73.40	70.20	67.00
660	670	102.60	97.40	94.20	91.00	87.80	84.60	81.40	78.20	75.00	71.80	68.60
670	680	104.20	99.00	95.80	92.60	89.40	86.20	83.00	79.80	76.60	73.40	70.20
680	690	105.80	100.60	97.40	94.20	91.00	87.80	84.60	81.40	78.20	75.00	71.80
690	700	107.40	102.20	99.00	95.80	92.60	89.40	86.20	83.00	79.80	76.60	73.40
700	710	109.00	103.80	100.60	97.40	94.20	91.00	87.80	84.60	81.40	78.20	75.00
710	720	110.60	105.40	102.20	99.00	95.80	92.60	89.40	86.20	83.00	79.80	76.60
720	730	112.20	107.00	103.80	100.60	97.40	94.20	91.00	87.80	84.60	81.40	78.20
730	740	113.80	108.60	105.40	102.20	99.00	95.80	92.60	89.40	86.20	83.00	79.80
740	750	115.40	110.20	107.00	103.80	100.60	97.40	94.20	91.00	87.80	84.60	81.40
750	760	117.00	111.80	108.60	105.40	102.20	99.00	95.80	92.60	89.40	86.20	83.00
760	770	118.60	113.40	110.20	107.00	103.80	100.60	97.40	94.20	91.00	87.80	84.60
770	780	120.20	115.00	111.80	108.60	105.40	102.20	99.00	95.80	92.60	89.40	86.20
780	790	121.80	116.60	113.40	110.20	107.00	103.80	100.60	97.40	94.20	91.00	87.80
790	800	123.40	118.20	115.00	111.80	108.60	105.40	102.20	99.00	95.80	92.60	89.40
800	810	125.00	119.80	116.60	113.40	110.20	107.00	103.80	100.60	97.40	94.20	91.00
810	820	126.60	121.40	118.20	115.00	111.80	108.60	105.40	102.20	99.00	95.80	92.60
820	830	128.20	123.00	119.80	116.60	113.40	110.20	107.00	103.80	100.60	97.40	94.20
830	840	129.80	124.60	121.40	118.20	115.00	111.80	108.60	105.40	102.20	99.00	95.80
840	850	131.40	126.20	123.00	119.80	116.60	113.40	110.20	107.00	103.80	100.60	97.40
850	860	133.00	127.80	124.60	121.40	118.20	115.00	111.80	108.60	105.40	102.20	99.00
860	870	134.60	129.40	126.20	123.00	119.80	116.60	113.40	110.20	107.00	103.80	100.60
870	880	136.20	131.00	127.80	124.60	121.40	118.20	115.00	111.80	108.60	105.40	102.20
880	890	137.80	132.60	129.40	126.20	123.00	119.80	116.60	113.40	110.20	107.00	103.80
890	900	139.40	134.20	131.00	127.80	124.60	121.40	118.20	115.00	111.80	108.60	105.40
900	910	141.00	135.80	132.60	129.40	126.20	123.00	119.80	116.60	113.40	110.20	107.00
910	920	142.60	137.40	134.20	131.00	127.80	124.60	121.40	118.20	115.00	111.80	108.60
920	930	144.20	139.00	135.80	132.60	129.40	126.20	123.00	119.80	116.60	113.40	110.20
930	940	145.80	140.60	137.40	134.20	131.00	127.80	124.60	121.40	118.20	115.00	111.80
940	950	147.40	142.20	139.00	135.80	132.60	129.40	126.20	123.00	119.80	116.60	113.40
950	960	149.00	143.80	140.60	137.40	134.20	131.00	127.80	124.60	121.40	118.20	115.00
960	970	150.60	145.40	142.20	139.00	135.80	132.60	129.40	126.20	123.00	119.80	116.60
970	980	152.20	147.00	143.80	140.60	137.40	134.20	131.00	127.80	124.60	121.40	118.20
980	990	153.80	148.60	145.40	142.20	139.00	135.80	132.60	129.40	126.20	123.00	119.80
990	1,000	155.40	150.20	147.00	143.80	140.60	137.40	134.20	131.00	127.80	124.60	121.40
1,000	1,010	157.00	151.80	148.60	145.40	142.20	139.00	135.80	132.60	129.40	126.20	123.00
1,010	1,020	158.60	153.40	150.20	147.00	143.80	140.60	137.40	134.20	131.00	127.80	124.60
1,020	1,030	160.20	155.00	151.80	148.60	145.40	142.20	139.00	135.80	132.60	129.40	126.20
1,030	1,040	161.80	156.60	153.40	150.20	147.00	143.80	140.60	137.40	134.20	131.00	127.80
1,040	1,050	163.40	158.20	155.00	151.80	148.60	145.40	142.20	139.00	135.80	132.60	129.40
1,050	1,060	165.00	159.80	156.60	153.40	150.20	147.00	143.80	140.60	137.40	134.20	131.00
1,060	1,070	166.60	161.40	158.20	155.00	151.80	148.60	145.40	142.20	139.00	135.80	132.60
1,070	1,080	168.20	163.00	159.80	156.60	153.40	150.20	147.00	143.80	140.60	137.40	134.20
1,080	1,090	169.80	164.60	161.40	158.20	155.00	151.80	148.60	145.40	142.20	139.00	135.80
1,090	1,100	171.40	166.20	163.00	159.80	156.60	153.40	150.20	147.00	143.80	140.60	137.40
1,100	1,110	173.00	167.80	164.60	161.40	158.20	155.00	151.80	148.60	145.40	142.20	139.00
1,110	1,120	174.60	169.40	166.20	163.00	159.80	156.60	153.40	150.20	147.00	143.80	140.60
1,120	1,130	176.20	171.00	167.80	164.60	161.40	158.20	155.00	151.80	148.60	145.40	142.20
1,130	1,140	177.80	172.60	169.40	166.20	163.00	159.80	156.60	153.40	150.20	147.00	143.80
1,140	1,150	179.40	174.20	171.00	167.80	164.60	161.40	158.20	155.00	151.80	148.60	145.40
1,150	1,160	181.00	175.80	172.60	169.40	166.20	163.00	159.80	156.60	153.40	150.20	147.00
1,160	1,170	182.60	177.40	174.20	171.00	167.80	164.60	161.40	158.20	155.00	151.80	148.60
1,170	1,180	184.20	179.00	175.80	172.60	169.40	166.20	163.00	159.80	156.60	153.40	150.20
1,180	1,190	185.80	180.60	177.40	174.20	171.00	167.80	164.60	161.40	158.20	155.00	151.80
1,190	1,200	187.40	182.20	179.00	175.80	172.60	169.40	166.20	163.00	159.80	156.60	153.40
1,200	1,210	189.00	183.80	180.60	177.40	174.20	171.00	167.80	164.60	161.40	158.20	155.00
1,210	1,220	190.60	185.40	182.20	179.00	175.80	172.60	169.40	166.20	163.00	159.80	156.60
1,220	1,230	192.20	187.00	183.80	180.60	177.40	174.20	171.00	167.80	164.60	161.40	158.20
1,230	1,240	193.80	188.60	185.40	182.20	179.00	175.80	172.60	169.40	166.20	163.00	159.80
1,240	1,250	195.40	190.20	187.00	183.80	180.60	177.40	174.20	171.00	167.80	164.60	161.40
1,250	1,260	197.00	191.80	188.60	185.40	182.20	179.00	175.80	172.60	169.40	166.20	163.00
1,260	1,270	198.60	193.40	190.20	187.00	183.80	180.60	177.40	174.20	171.00	167.80	164.60
1,270	1,280	200.20	195.00	191.80	188.60	185.40	182.20	179.00	175.80	172.60	169.40	166.20
1,280	1,290	201.80	196.60	193.40	190.20	187.00	183.80	180.60	177.40	174.20	171.00	167.80
1,290	1,300	203.40	198.20	195.00	191.80	188.60	185.40	182.20	179.00	175.80	172.60	169.40
1,300	1,310	205.00	199.80	196.60	193.40	190.20	187.00	183.80	180.60	177.40	174.20	171.00
1,310	1,320	206.60	201.40	198.20	195.00	191.80	188.60	185.40	182.20	179.00	175.80	172.60
1,320	1,330	208.20	203.00	199.80	196.60	193.40	190.20	187.00	183.80	180.60	177.40	174.20
1,330	1,340	209.80	204.60	201.40	198.20	195.00	191.80	188.60	185.40	182.20	179.00	175.80
1,340	1,350	211.40	206.20	203.00	199.80	196.60	193.40	190.20	187.00	183.80	180.60	177.40
1,350	1,360	213.00	207.80	204.60	201.40	198.20	195.00	191.80	188.60	185.40	182.20	179.00
1,360	1,370	214.60	209.40	206.20	203.00	199.80	196.60	193.40	190.20	187.00	183.80	180.60
1,370	1,380	216.20	211.00	207.80	204.60	201.40	198.20	195.00	191.80	188.60	185.40	182.20
1,380	1,390	217.80	212.60	209.40	206.20	203.00	199.80	196.60	193.40	190.20	187.00	183.80
1,390	1,400	219.40	214.20	211.00	207.80	204.60	201.40	198.20	195.00	191.80	188.60	185.40
1,400	1,410	221.00	215.80	212.60	209.40	206.20	203.00	199.80	196.60	193.40	190.20	187.00
1,410	1,420	222.60	217.40	214.20	211.00	207.80	204.60	201.40	198.20	195.00	191.80	188.60
1,420	1,430	224.20	219.00	215.80	212.60	209.40	206.20	203.00	199.80	196.60	193.40	190.20
1,430	1,440	225.80	220.60	217.40	214.20	211.00	207.80	204.60	201.40	198.20	195.00	191.80
1,440	1,450	227.40	222.20	219.00	215.80	212.60	209.40	206.20	203.00	199.80	196.60	193.40
1,450	1,460	229.00	223.80	220.60	217.40	214.20	211.00	207.80	204.60	201.40	198.20	195.00
1,460	1,470	230.60	225.40	222.20	219.00	215.80	212.60	209.40	206.20	203.00	199.80	196.60
1,470	1,480	232.20	227.00	223.80	220.60	217.40	214.20	211.00	207.80	204.60	201.40	198.20
1,480	1,490	233.80	228.60	225.40	222.20	219.00	215.80	212.60	209.40	206.20	203.00	199.80
1,490	1,500	235.40	230.20	227.00	223.80	220.60	217.40	214.20	211.00	207.80	204.60	201.40
1,500	1,510	237.00	231.80	228.60	225.40	222.20	219.00	215.80	212.60	209.40	206.20	203.00
1,510	1,520	238.60	233.40	230.20	227.00	223.80	220.60	217.40	214.20	211.00	207.80	204.60
1,520	1,530	240.20	235.00	231.80	228.60	225.40	222.20	219.00	215.80	212.60	209.40	206.20
1,530	1,540	241.80	236.60	233.40	230.20	227.00	223.80	220.60	217.40	214.20	211.00	207.80
1,540	1,550	243.40	238.20	235.00	231.80	228.60	225.40	222.20	219.00	215.80	212.60	209.40
1,550	1,560	245.00	239.80	236.60	233.40	230.20	227.00	223.80	220.60	217.40	214.20	211.00
1,560	1,570	246.60	241.40	238.20	235.00	231.80	228.60	225.40	222.20	219.00	215.80	212.60
1,570	1,580	248.20	243.00	239.80	236.60	233.40	230.20	227.00	223.80	220.60	217.40	214.20
1,580	1,590	249.80	244.60	241.40	238.20	235.00	231.80	228.60	225.40	222.20	219.00	215.80
1,590	1,600	251.40	246.20	243.00	239.80	236.60	233.40	230.20	227.00	223.80	220.60	217.40
1,600	1,610	253.00	247.80	244.60	241.40	238.20	235.00	231.80	228.60	225.40	222.20	219.00
1,610	1,620	254.60	249.40	246.20	243.00	239.80	236.60	233.40	230.20	227.00	223.80	220.60
1,620	1,630	256.20	251.00	247.80	244.60	241.40	238.20	235.00	231.80	228.60	225.40	222.20
1,630	1,640	257.80	252.60	249.40	246.20	243.00	239.80	236.60	233.40	230.20	227.00	223.80
1,640	1,650	259.40	254.20	251.00	247.80	244.60	241.40	238.20	235.00	231.80	228.60	225.40
1,650	1,660	261.00	255.80	252.60	249.40	246.20	243.00	239.80	236.60	233.40	230.20	227.00
1,660	1,670	262.60	257.40	254.20	251.00	247.80	244.60	241.40	238.20	235.00	231.80	228.60
1,670	1,680	264.20	259.00	255.80	252.60	249.40	246.20	243.00	239.80	236.60	233.40	230.20
1,680	1,690	265.80	260.60	257.40	254.20	251.00	247.80	244.60	241.40	238.20	235.00	231.80
1,690	1,700	267.40	262.20	259.00	255.80	252.60	249.40	246.20	243.00	239.80	236.60	233.40
1,700	1,710	269.00	263.80	260.60	257.40	254.20	251.00	247.80	244.60	241.40	238.20	235.00
1,710	1,720	270.60	265.40	262.20	259.00	255.80	252.60	249.40	246.20	243.00	239.80	236.60
1,720	1,730	272.20	267.00	263.80	260.60	257.40	254.20	251.00	247.80	244.60	241.40	238.20
1,730	1,740	273.80	268.60	265.40	262.20	259.00	255.80	252.60	249.40	246.20	243.00	239.80
1,740	1,750	275.40	270.20	267.00	263.80	260.60	257.40	254.20	251.00	247.80	244.60	241.40
1,750	1,760	277.00	271.80	268.60	265.40	262.20	259.00	255.80	252.60	249.40	246.20	243.00
1,760	1,770	278.60	273.40	270.20	267.00	263.80	260.60	257.40	254.20	251.00	247.80	244.60
1,770	1,780	280.20	275.00	271.80	268.60	265.40	262.20	259.00	255.80	252.60	249.40	246.20
1,780	1,790	281.80	276.60	273.40	270.20	267.00	263.80	260.60	257.40	254.20	251.00	247.80
1,790	1,800	283.40	278.20	275.00	271.80	268.60	265.40	262.20	259.00	255.80	252.60	249.40
1,800	1,810	285.00	279.80	276.60	273.40	270.20	267.00	263.80	260.60	257.40	254.20	251.00
1,810	1,820	286.60	281.40	278.20	275.00	271.80	268.60	265.40	262.20	259.00	255.80	252.60
1,820	1,830	288.20	283.00	279.80	276.60	273.40	270.20	267.00	263.80	260.60	257.40	254.20
1,830	1,840	289.80	284.60	281.40	278.20	275.00	271.80	268.60	265.40	262.20	259.00	255.80
1,840	1,850	291.40	286.20	283.00	279.80	276.60	273.40	270.20	267.00	263.80	260.60	257.40
1,850	1,860	293.00	287.80	284.60	281.40	278.20	275.00	271.80	268.60	265.40	262.20	259.00
1,860	1,870	294.60	289.40	286.20	283.00	279.80	276.60	273.40	270.20	267.00	263.80	260.60
1,870	1,880	296.20	291.00	287.80	284.60	281.40	278.20	275.00	271.80	268.60	265.40	262.20
1,880	1,890	297.80	292.60	289.40	286.20	283.00	279.80	276.60	273.40	270.20	267.00	263.80
1,890	1,900	299.40	294.20	291.00	287.80	284.60	281.40	278.20	275.00	271.80	268.60	265.40
1,900	1,910	301.00	295.80	292.60	289.40	286.20	283.00	279.80	276.60	273.40	270.20	267.00
1,910	1,920	302.60	297.40	294.20	291.00	287.80	284.60	281.40	278.20	275.00	271.80	268.60
1,920	1,930	304.20	299.00	295.80	292.60	289.40	286.20	283.00	279.80	276.60	273.40	270.20
1,930	1,940	305.80	300.60	297.40	294.20	291.00	287.80	284.60	281.40	278.20	275.00	271.80
1,940	1,950	307.40	302.20	299.00	295.80	292.60	289.40	286.20	283.00	279.80	276.60	273.40
1,950	1,960	309.00	303.80	300.60	297.40	294.20	291.00	287.80	284.60	281.40	278.20	275.00
1,960	1,970	310.60	305.40	302.20	299.00	295.80	292.60	289.40	286.20	283.00	279.80	276.60
1,970	1,980	312.20	307.00	303.80	300.60	297.40	294.20	291.00	287.80	284.60	281.40	278.20
1,980	1,990	313.80	308.60	305.40	302.20	299.00	295.80	292.60	289.40	286.20	283.00	279.80
1,990	2,000	315.40	310.20	307.00	303.80	300.60	297.40	294.20	291.00	287.80	284.60	281.40
2,000	2,010	317.00	311.80	308.60	305.40	302.20	299.00	295.80	292.60	289.40	286.20	283.00
2,010	2,020	318.60	313.40	310.20	307.00	303.80	300.60	297.40	294.20	291.00	287.80	284.60
2,020	2,030	320.20	315.00	311.80	308.60	305.40	302.20	299.00	295.80	292.60	289.40	286.20
2,030	2,040	321.80	316.60	313.40	310.20	307.00	303.80	300.60	297.40	294.20	291.00	287.80
2,040	2,050	323.40	318.20	315.00	311.80	308.60	305.40	302.20	299.00	295.80	292.60	289.40
2,050	2,060	325.00	319.80	316.60	313.40	310.20	307.00	303.80	300.60	297.40	294.20	291.00
2,060	2,070	326.60	321.40	318.20	315.00	311.80	308.60	305.40	302.20	299.00	295.80	292.60
2,070	2,080	328.20	323.00	319.80	316.60	313.40	310.20	307.00	303.80	300.60	297.40	294.20
2,080	2,090	329.80	324.60	321.40	318.20	315.00	311.80	308.60	305.40	302.20	299.00	295.80
2,090	2,100	331.40	326.20	323.00	319.80	316.60	313.40	310.20	307.00	303.80	300.60	297.40
2,100	2,110	333.00	327.80	324.60	321.40	318.20	315.00	311.80	308.60	305.40	302.20	299.00
2,110	2,120	334.60	329.40	326.20	323.00	319.80	316.60	313.40	310.20	307.00	303.80	300.60
2,120	2,130	336.20	331.00	327.80	324.60	321.40	318.20	315.00	311.80	308.60	305.40	302.20
2,130	2,140	337.80	332.60	329.40	326.20	323.00	319.80	316.60	313.40	310.20	307.00	303.80
2,140	2,150	339.40	334.20	331.00	327.80	324.60	321.40	318.20	315.00	311.80	308.60	305.40
2,150	2,160	341.00	335.80	332.60	329.40	326.20	323.00	319.80	316.60	313.40	310.20	307.00
2,160	2,170	342.60	337.40	334.20	331.00	327.80	324.60	321.40	318.20	315.00	311.80	308.60
2,170	2,180	344.20	339.00	335.80	332.60	329.40	326.20	323.00	319.80	316.60	313.40	310.20
2,180	2,190	345.80	340.60	337.40	334.20	331.00	327.80	324.60	321.40	318.20	315.00	311.80
2,190	2,200	347.40	342.20	339.00	335.80	332.60	329.40	326.20	323.00	319.80	316.60	313.40
2,200	2,210	349.00	343.80	340.60	337.40	334.20	331.00	327.80	324.60	321.40	318.20	315.00
2,210	2,220	350.60	345.40	342.20	339.00	335.80	332.60	329.40	326.20	323.00	319.80	316.60
2,220	2,230	352.20	347.00	343.80	340.60	337.40	334.20	331.00	327.80	324.60	321.40	318.20
2,230	2,240	353.80	348.60	345.40	342.20	339.00	335.80	332.60	329.40	326.20	323.00	319.80
2,240	2,250	355.40	350.20	347.00	343.80	340.60	337.40	334.20	331.00	327.80	324.60	321.40
2,250	2,260	357.00	351.80	348.60	345.40	342.20	339.00	335.80	332.60	329.40	326.20	323.00
2,260	2,270	358.60	353.40	350.20	347.00	343.80	340.60	337.40	334.20	331.00	327.80	324.60
2,270	2,280	360.20	355.00	351.80	348.60	345.40	342.20	339.00	335.80	332.60	329.40	326.20
2,280	2,290	361.80	356.60	353.40	350.20	347.00	343.80	340.60	337.40	334.20	331.00	327.80
2,290	2,300	363.40	358.20	355.00	351.80	348.60	345.40	342.20	339.00	335.80	332.60	329.40
2,300	2,310	365.00	359.80	356.60	353.40	350.20	347.00	343.80	340.60	337.40	334.20	331.00
2,310	2,320	366.60	361.40	358.20	355.00	351.80	348.60	345.40	342.20	339.00	335.80	332.60
2,320	2,330	368.20	363

IF THE PAY-ROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$999	$1,000	$169.20	$166.40	$163.60	$160.80	$158.00	$155.20	$152.40	$149.60	$146.80	$144.00	$141.20
$1,000 and over		$189.00	$186.20	$183.40	$180.60	$177.80	$175.00	$172.20	$169.40	$166.60	$163.80	$161.00

IF THE PAY-ROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAY-ROLL OR A MISCELLANEOUS PAY ROLL PERIOD

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$2.00	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	.40	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.45	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.55	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.60	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.65	.25	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.70	.30	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.75	.35	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.80	.40	.05	0	0	0	0	0	0	0	0
$4.00	$4.50	.90	.45	.10	0	0	0	0	0	0	0	0
$4.50	$5.00	.95	.55	.15	0	0	0	0	0	0	0	0
$5.00	$5.25	1.00	.60	.20	0	0	0	0	0	0	0	0
$5.25	$5.50	1.05	.65	.25	0	0	0	0	0	0	0	0
$5.50	$5.75	1.10	.70	.30	0	0	0	0	0	0	0	0
$5.75	$6.00	1.15	.75	.35	0	0	0	0	0	0	0	0
$6.00	$6.25	1.20	.80	.40	.05	0	0	0	0	0	0	0
$6.25	$6.50	1.25	.85	.45	.10	0	0	0	0	0	0	0
$6.50	$6.75	1.30	.90	.50	.15	0	0	0	0	0	0	0
$6.75	$7.00	1.35	.95	.55	.20	0	0	0	0	0	0	0
$7.00	$7.25	1.40	1.00	.60	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.45	1.05	.65	.30	0	0	0	0	0	0	0
$7.50	$7.75	1.50	1.10	.70	.35	0	0	0	0	0	0	0
$7.75	$8.00	1.55	1.15	.75	.40	.05	0	0	0	0	0	0
$8.00	$8.25	1.60	1.20	.80	.45	.10	0	0	0	0	0	0
$8.25	$8.50	1.65	1.25	.85	.50	.15	0	0	0	0	0	0
$8.50	$8.75	1.70	1.30	.90	.55	.20	0	0	0	0	0	0
$8.75	$9.00	1.75	1.35	.95	.60	.25	0	0	0	0	0	0
$9.00	$9.25	1.80	1.40	1.00	.65	.30	0	0	0	0	0	0
$9.25	$9.50	1.85	1.45	1.05	.70	.35	0	0	0	0	0	0
$9.50	$9.75	1.90	1.50	1.10	.75	.40	.05	0	0	0	0	0
$9.75	$10.00	1.95	1.55	1.15	.80	.45	.10	0	0	0	0	0
$10.00	$10.50	2.05	1.65	1.25	.90	.55	.20	0	0	0	0	0
$10.50	$11.00	2.15	1.75	1.35	1.00	.65	.30	0	0	0	0	0
$11.00	$11.50	2.25	1.85	1.45	1.10	.75	.40	.05	0	0	0	0
$11.50	$12.00	2.35	1.95	1.55	1.20	.85	.50	.15	0	0	0	0
$12.00	$12.50	2.45	2.05	1.65	1.30	.95	.60	.25	0	0	0	0
$12.50	$13.00	2.55	2.15	1.75	1.40	1.05	.70	.35	0	0	0	0
$13.00	$13.50	2.65	2.25	1.85	1.50	1.15	.80	.45	.10	0	0	0
$13.50	$14.00	2.75	2.35	1.95	1.60	1.25	.90	.55	.20	0	0	0
$14.00	$14.50	2.85	2.45	2.05	1.70	1.35	1.00	.65	.30	0	0	0
$14.50	$15.00	2.95	2.55	2.15	1.80	1.45	1.10	.75	.40	.05	0	0
$15.00	$15.50	3.05	2.65	2.25	1.90	1.55	1.20	.85	.50	.15	0	0
$15.50	$16.00	3.15	2.75	2.35	2.00	1.65	1.30	.95	.60	.25	0	0
$16.00	$16.50	3.25	2.85	2.45	2.10	1.75	1.40	1.05	.70	.35	0	0
$16.50	$17.00	3.35	2.95	2.55	2.20	1.85	1.50	1.15	.80	.45	.10	0
$17.00	$17.50	3.45	3.05	2.65	2.30	1.95	1.60	1.25	.90	.55	.20	0
$17.50	$18.00	3.55	3.15	2.75	2.40	2.05	1.70	1.35	1.00	.65	.30	0
$18.00	$18.50	3.65	3.25	2.85	2.50	2.15	1.80	1.45	1.10	.75	.40	.05
$18.50	$19.00	3.75	3.35	2.95	2.60	2.25	1.90	1.55	1.20	.85	.50	.15
$19.00	$19.50	3.85	3.45	3.05	2.70	2.35	2.00	1.65	1.30	.95	.60	.25
$19.50	$20.00	3.95	3.55	3.15	2.80	2.45	2.10	1.75	1.40	1.05	.70	.35
$20.00	$21.00	4.05	3.65	3.25	2.90	2.55	2.20	1.85	1.50	1.15	.80	.45
$21.00	$22.00	4.20	3.80	3.40	3.00	2.65	2.30	1.95	1.60	1.25	.90	.55
$22.00	$23.00	4.40	4.00	3.60	3.20	2.80	2.40	2.05	1.70	1.35	1.00	.65
$23.00	$24.00	4.60	4.20	3.80	3.40	3.00	2.60	2.15	1.80	1.45	1.10	.75
$24.00	$25.00	4.80	4.40	4.00	3.60	3.20	2.80	2.40	2.00	1.55	1.20	.85
$25.00	$26.00	5.00	4.60	4.20	3.80	3.40	3.00	2.60	2.20	1.80	1.30	.90
$26.00	$27.00	5.20	4.80	4.40	4.00	3.60	3.20	2.80	2.40	2.00	1.60	1.00
$27.00	$28.00	5.40	5.00	4.60	4.20	3.80	3.40	3.00	2.60	2.20	1.80	1.40
$28.00	$29.00	5.60	5.20	4.80	4.40	4.00	3.60	3.20	2.80	2.40	2.00	1.60
$29.00	$30.00	5.80	5.40	5.00	4.60	4.20	3.80	3.40	3.00	2.60	2.20	1.80
$30.00	$31.00	6.00	5.60	5.20	4.80	4.40	4.00	3.60	3.20	2.80	2.40	2.00
$31.00	$32.00	6.20	5.80	5.40	5.00	4.60	4.20	3.80	3.40	3.00	2.60	2.20
$32.00	$33.00	6.40	6.00	5.60	5.20	4.80	4.40	4.00	3.60	3.20	2.80	2.40
$33.00	$34.00	6.60	6.20	5.80	5.40	5.00	4.60	4.20	3.80	3.40	3.00	2.60
$34.00	$35.00	6.80	6.40	6.00	5.60	5.20	4.80	4.40	4.00	3.60	3.20	2.80
$35.00	$36.00	7.00	6.60	6.20	5.80	5.40	5.00	4.60	4.20	3.80	3.40	3.00
$36.00	$37.00	7.20	6.80	6.40	6.00	5.60	5.20	4.80	4.40	4.00	3.60	3.20
$37.00	$38.00	7.40	7.00	6.60	6.20	5.80	5.40	5.00	4.60	4.20	3.80	3.40
$38.00	$39.00	7.60	7.20	6.80	6.40	6.00	5.60	5.20	4.80	4.40	4.00	3.60
$39.00	$40.00	7.80	7.40	7.00	6.60	6.20	5.80	5.40	5.00	4.60	4.20	3.80
$40.00	$41.00	8.00	7.60	7.20	6.80	6.40	6.00	5.60	5.20	4.80	4.40	4.00
$41.00	$42.00	8.20	7.80	7.40	7.00	6.60	6.20	5.80	5.40	5.00	4.60	4.20
$42.00	$43.00	8.40	8.00	7.60	7.20	6.80	6.40	6.00	5.60	5.20	4.80	4.40
$43.00	$44.00	8.60	8.20	7.80	7.40	7.00	6.60	6.20	5.80	5.40	5.00	4.60
$44.00	$45.00	8.80	8.40	8.00	7.60	7.20	6.80	6.40	6.00	5.60	5.20	4.80
$45.00	$46.00	9.00	8.60	8.20	7.80	7.40	7.00	6.60	6.20	5.80	5.40	5.00
$46.00	$47.00	9.20	8.80	8.40	8.00	7.60	7.20	6.80	6.40	6.00	5.60	5.20
$47.00	$48.00	9.40	9.00	8.60	8.20	7.80	7.40	7.00	6.60	6.20	5.80	5.40
$48.00	$49.00	9.60	9.20	8.80	8.40	8.00	7.60	7.20	6.80	6.40	6.00	5.60
$49.00	$50.00	9.80	9.40	9.00	8.60	8.20	7.80	7.40	7.00	6.60	6.20	5.80
$50.00	$52.00	10.10	9.70	9.30	8.90	8.50	8.10	7.70	7.30	6.90	6.50	6.10
$52.00	$54.00	10.50	10.10	9.70	9.30	8.90	8.50	8.10	7.70	7.30	6.90	6.50
$54.00	$56.00	10.90	10.50	10.10	9.70	9.30	8.90	8.50	8.10	7.70	7.30	6.90
$56.00	$58.00	11.30	10.90	10.50	10.10	9.70	9.30	8.90	8.50	8.10	7.70	7.30
$58.00	$60.00	11.70	11.30	10.90	10.50	10.10	9.70	9.30	8.90	8.50	8.10	7.70
$60.00	$62.00	12.10	11.70	11.30	10.90	10.50	10.10	9.70	9.30	8.90	8.50	8.10
$62.00	$64.00	12.50	12.10	11.70	11.30	10.90	10.50	10.10	9.70	9.30	8.90	8.50
$64.00	$66.00	12.90	12.50	12.10	11.70	11.30	10.90	10.50	10.10	9.70	9.30	8.90
$66.00	$68.00	13.30	12.90	12.50	12.10	11.70	11.30	10.90	10.50	10.10	9.70	9.30
$68.00	$70.00	13.70	13.30	12.90	12.50	12.10	11.70	11.30	10.90	10.50	10.10	9.70
$70.00	$72.00	14.10	13.70	13.30	12.90	12.50	12.10	11.70	11.30	10.90	10.50	10.10
$72.00	$74.00	14.50	14.10	13.70	13.30	12.90	12.50	12.10	11.70	11.30	10.90	10.50
$74.00	$76.00	14.90	14.50	14.10	13.70	13.30	12.90	12.50	12.10	11.70	11.30	10.90
$76.00	$78.00	15.30	14.90	14.50	14.10	13.70	13.30	12.90	12.50	12.10	11.70	11.30
$78.00	$80.00	15.70	15.30	14.90	14.50	14.10	13.70	13.30	12.90	12.50	12.10	11.70
$80.00	$82.00	16.10	15.70	15.30	14.90	14.50	14.10	13.70	13.30	12.90	12.50	12.10
$82.00	$84.00	16.50	16.10	15.70	15.30	14.90	14.50	14.10	13.70	13.30	12.90	12.50
$84.00	$86.00	16.90	16.50	16.10	15.70	15.30	14.90	14.50	14.10	13.70	13.30	12.90
$86.00	$88.00	17.30	16.90	16.50	16.10	15.70	15.30	14.90	14.50	14.10	13.70	13.30
$88.00	$90.00	17.70	17.30	16.90	16.50	16.10	15.70	15.30	14.90	14.50	14.10	13.70
$90.00	$92.00	18.10	17.70	17.30	16.90	16.50	16.10	15.70	15.30	14.90	14.50	14.10
$92.00	$94.00	18.50	18.10	17.70	17.30	16.90	16.50	16.10	15.70	15.30	14.90	14.50
$94.00	$96.00	18.90	18.50	18.10	17.70	17.30	16.90	16.50	16.10	15.70	15.30	14.90
$96.00	$98.00	19.30	18.90	18.50	18.10	17.70	17.30	16.90	16.50	16.10	15.70	15.30
$98.00	$100.00	19.70	19.30	18.90	18.50	18.10	17.70	17.30	16.90	16.50	16.10	15.70
$100.00	$102.00	20.10	19.70	19.30	18.90	18.50	18.10	17.70	17.30	16.90	16.50	16.10
$102.00	$104.00	20.50	20.10	19.70	19.30	18.90	18.50	18.10	17.70	17.30	16.90	16.50
$104.00	$106.00	20.90	20.50	20.10	19.70	19.30	18.90	18.50	18.10	17.70	17.30	16.90
$106.00	$108.00	21.30	20.90	20.50	20.10	19.70	19.30	18.90	18.50	18.10	17.70	17.30
$108.00	$110.00	21.70	21.30	20.90	20.50	20.10	19.70	19.30	18.90	18.50	18.10	17.70
$110.00	$112.00	22.10	21.70	21.30	20.90	20.50	20.10	19.70	19.30	18.90	18.50	18.10
$112.00	$114.00	22.50	22.10	21.70	21.30	20.90	20.50	20.10	19.70	19.30	18.90	18.50
$114.00	$116.00	22.90	22.50	22.10	21.70	21.30	20.90	20.50	20.10	19.70	19.30	18.90
$116.00	$118.00	23.30	22.90	22.50	22.10	21.70	21.30	20.90	20.50	20.10	19.70	19.30
$118.00	$120.00	23.70	23.30	22.90	22.50	22.10	21.70	21.30	20.90	20.50	20.10	19.70
$120.00	$122.00	24.10	23.70	23.30	22.90	22.50	22.10	21.70	21.30	20.90	20.50	20.10
$122.00	$124.00	24.50	24.10	23.70	23.30	22.90	22.50	22.10	21.70	21.30	20.90	20.50
$124.00	$126.00	24.90	24.50	24.10	23.70	23.30	22.90	22.50	22.10	21.70	21.30	20.90
$126.00	$128.00	25.30	24.90	24.50	24.10	23.70	23.30	22.90	22.50	22.10	21.70	21.30
$128.00	$130.00	25.70	25.30	24.90	24.50	24.10	23.70	23.30	22.90	22.50	22.10	21.70
$130.00	$132.00	26.10	25.70	25.30	24.90	24.50	24.10	23.70	23.30	22.90	22.50	22.10
$132.00	$134.00	26.50	26.10	25.70	25.30	24.90	24.50	24.10	23.70	23.30	22.90	22.50
$134.00	$136.00	26.90	26.50	26.10	25.70	25.30	24.90	24.50	24.10	23.70	23.30	22.90
$136.00	$138.00	27.30	26.90	26.50	26.10	25.70	25.30	24.90	24.50	24.10	23.70	23.30
$138.00	$140.00	27.70	27.30	26.90	26.50	26.10	25.70	25.30	24.90	24.50	24.10	23.70
$140.00	$142.00	28.10	27.70	27.30	26.90	26.50	26.10	25.70	25.30	24.90	24.50	24.10
$142.00	$144.00	28.50	28.10	27.70	27.30	26.90	26.50	26.10	25.70	25.30	24.90	24.50
$144.00	$146.00	28.90	28.50	28.10	27.70	27.30	26.90	26.50	26.10	25.70	25.30	24.90
$146.00	$148.00	29.30	28.90	28.50	28.10	27.70	27.30	26.90	26.50	26.10	25.70	25.30
$148.00	$150.00	29.70	29.30	28.90	28.50	28.10	27.70	27.30	26.90	26.50	26.10	25.70
$150.00	$152.00	30.10	29.70	29.30	28.90	28.50	28.10	27.70	27.30	26.90	26.50	26.10
$152.00	$154.00	30.50	30.10	29.70	29.30	28.90	28.50	28.10	27.70	27.30	26.90	26.50
$154.00	$156.00	30.90	30.50	30.10	29.70	29.30	28.90	28.50	28.10	27.70	27.30	26.90
$156.00	$158.00	31.30	30.90	30.50	30.10	29.70	29.30	28.90	28.50	28.10	27.70	27.30
$158.00	$160.00	31.70	31.30	30.90	30.50	30.10	29.70	29.30	28.90	28.50	28.10	27.70
$160.00	$162.00	32.10	31.70	31.30	30.90	30.50	30.10	29.70	29.30	28.90	28.50	28.10
$162.00	$164.00	32.50	32.10	31.70	31.30	30.90	30.50	30.10	29.70	29.30	28.90	28.50
$164.00	$166.00	32.90	32.50	32.10	31.70	31.30	30.90	30.50	30.10	29.70	29.30	28.90
$166.00	$168.00	33.30	32.90	32.50	32.10	31.70	31.30	30.90	30.50	30.10	29.70	29.30
$168.00	$170.00	33.70	33.30	32.90	32.50	32.10	31.70	31.30	30.90	30.50	30.10	29.70
$170.00	$172.00	34.10	33.70	33.30	32.90	32.50	32.10	31.70	31.30	30.90	30.50	30.10
$172.00	$174.00	34.50	34.10	33.70	33.30	32.90	32.50	32.10	31.70	31.30	30.90	30.50
$174.00	$176.00	34.90	34.50	34.10	33.70	33.30	32.90	32.50	32.10	31.70	31.30	30.90
$176.00	$178.00	35.30	34.90	34.50	34.10	33.70	33.30	32.90	32.50	32.10	31.70	31.30
$178.00	$180.00	35.70	35.30	34.90	34.50	34.10	33.70	33.30	32.90	32.50	32.10	31.70
$180.00	$182.00	36.10	35.70	35.30	34.90	34.50	34.10	33.70	33.30	32.90	32.50	32.10
$182.00	$184.00	36.50	36.10	35.70	35.30	34.90	34.50	34.10	33.70	33.30	32.90	32.50
$184.00	$186.00	36.90	36.50	36.10	35.70	35.30	34.90	34.50	34.10	33.70	33.30	32.90
$186.00	$188.00	37.30	36.90	36.50	36.10	35.70	35.30	34.90	34.50	34.10	33.70	33.30
$188.00	$190.00	37.70	37.30	36.90	36.50	36.10	35.70	35.30	34.90	34.50	34.10	33.70
$190.00	$192.00	38.10	37.70	37.30	36.90	36.50	36.10	35.70	35.30	34.90	34.50	34.10
$192.00	$194.00	38.50	38.10	37.70	37.30	36.90	36.50	36.10	35.70	35.30	34.90	34.50
$194.00	$196.00	38.90	38.50	38.10	37.70	37.30	36.90	36.50	36.10	35.70	35.30	34.90
$196.00	$198.00	39.30	38.90	38.50	38.10	37.70	37.30	36.90	36.50	36.10	35.70	35.30
$198.00	$200.00	39.70	39.30	38.90	38.50	38.10	37.70	37.30	36.90	36.50	36.10	35.70
$200.00	$204.00	40.30	39.90	39.50	39.10	38.70	38.30	37.90	37.50	37.10	36.70	36.30
$204.00	$208.00	41.10	40.70	40.30	39.90	39.50	39.10	38.70	38.30	37.90	37.50	37.10
$208.00	$212.00	41.90	41.50	41.10	40.70	40.30	39.90	39.50	39.10	38.70	38.30	37.90
$212.00	$216.00	42.70	42.30	41.90	41.50	41.10	40.70	40.30	39.90	39.50	39.10	38.70
$216.00	$220.00	43.50	43.10	42.70	42.30	41.90	41.50	41.10	40.70	40.30	39.90	39.50
$220.00	$224.00	44.30	43.90	43.50	43.10	42.70	42.30	41.90	41.50	41.10	40.70	40.30
$224.00	$228.00	45.10	44.70	44.30	43.90	43.50	43.10	42.70	42.30	41.90	41.50	41.10
$228.00	$232.00	45.90	45.50	45.10	44.70	44.30	43.90	43.50	43.10	42.70	42.30	41.90
$232.00	$236.00	46.70	46.30	45.90	45.50	45.10	44.70	44.30	43.90	43.50	43.10	42.70
$236.00	$240.00	47.50	47.10	46.70	46.30	45.90	45.50	45.10	44.70	44.30	43.90	43.50
$240.00	$244.00	48.30	47.90	47.50	47.10	46.70	46.30	45.90	45.50	45.10	44.70	44.30
$244.00	$248.00	49.10	48.70	48.30	47.90	47.50	47.10	46.70	46.30	45.90	45.50	45.10
$248.00	$252.00	49.90	49.50	49.10	48.70	48.30	47.90	47.50	47.10	46.70	46.30	45.90
$252.00	$256.00	50.70	50.30	49.90	49.50	49.10	48.70	48.30	47.90	47.50	47.10	46.70
$256.00	$260.00	51.50	51.10	50.70	50.30	49.90	49.50	49.10	48.70	48.30	47.90	47.50
$260.00	$264.00	52.30	51.90	51.50	51.10	50.70	50.30	49.90	49.50	49.10	48.70	48.30
$264.00	$268.00	53.10	52.70	52.30	51.90	51.50	51.10	50.70	50.30	49.90	49.50	49.10
$268.00	$272.00	53.90	53.50	53.10	52.70	52.30	51.90	51.50	51.10	50.70	50.30	49.90
$272.00	$276.00	54.70	54.30	53.90	53.50	53.10	52.70	52.30	51.90	51.50	51.10	50.70
$276.00	$280.00	55.50	55.10	54.70	54.30	53.90	53.50	53.10	52.70	52.30	51.90	51.50
$280.00	$284.00	56.30	55.90	55.50	55.10	54.70	54.30	53.90	53.50	53.10	52.70	52.30
$284.00	$288.00	57.10	56.70	56.30	55.90	55.50	55.10	54.70	54.30	53.90	53.50	53.10
$288.00	$292.00	57.90	57.50	57.10	56.70	56.30	55.90	55.50	55.10	54.70	54.30	53.90
$292.00	$296.00	58.70	58.30	57.90	57.50	57.10	56.70	56.30	55.90	55.50	55.10	54.70
$296.00	$300.00	59.50	59.10	58.70	58.30	57.90	57.50	57.10	56.70	56.30	55.90	55.50
$300.00	$304.00	60.30	59.90	59.50	59.10	58.70	58.30	57.90	57.50	57.10	56.70	56.30
$304.00	$308.00	61.10	60.70	60.30	59.90	59.50	59.10	58.70	58.30	57.90	57.50	57.10
$308.00	$312.00	61.90	61.50	61.10	60.70	60.30	59.90	59.50	59.10	58.70	58.30	57.90
$312.00	$316.00	62.70	62.30	61.90	61.50	61.10	60.70	60.30	59.90	59.50	59.10	58.70
$316.00	$320.00	63.50	63.10	62.70	62.30	61.90	61.50	61.10	60.70	60.30	59.90	59.50
$320.00	$324.00	64.30	63.90	63.50	63.10	62.70	62.30	61.90	61.50	61.10	60.70	60.30
$324.00	$328.00	65.10	64.70	64.30	63.90	63.50	63.10	62.70	62.30	61.90	61.50	61.10
$328.00	$332.00	65.90	65.50	65.10	64.70	64.30	63.90	63.50	63.10	62.70	62.30	61.90
$332.00	$336.00	66.70	66.30	65.90	65.50	65.10	64.70	64.30	63.90	63.50	63.10	62.70
$336.00	$340.00	67.50	67.10	66.70	66.30	65.90	65.50	65.10	64.70	64.30	63.90	63.50
$340.00	$344.00	68.30	67.90	67.50	67.10	66.70	66.30	65.90	65.50	65.10	64.70	64.30
$344.00	$348.00	69.10	68.70	68.30	67.90	67.50	67.10	66.70	66.30	65.90	65.50	65.10
$348.00	$352.00	69.90	69.50	69.10	68.70	68.30	67.90	67.50	67.10	66.70	66.30	65.90
$352.00	$356.00	70.70	70.30	69.90	69.50	69.10	68.70	68.30	67.90	67.50	67.10	66.70
$356.00	$360.00	71.50	71.10	70.70	70.30	69.90	69.50	69.10	68.70	68.30	67.90	67.50
$360.00	$364.00	72.30	71.90	71.50	71.10	70.70	70.30	69.90	69.50	69.10	68.70	68.30
$364.00	$368.00	73.10	72.70	72.30	71.90	71.50	71.10	70.70	70.30	69.90	69.50	69.10
$368.00	$372.00	73.90	73.50	73.10	72.70	72.30	71.90	71.50	71.10	70.70	70.30	69.90
$372.00	$376.00	74.70	74.30	73.90	73.50	73.10	72.70	72.30	71.90	71.50	71.10	70.70
$376.00	$380.00	75.50	75.10	74.70	74.30	73.90	73.50	73.10	72.70	72.30	71.90	71.50
$380.00	$384.00	76.30	75.90	75.50	75.10	74.70	74.30	73.90	73.50	73.10	72.70	72.30
$384.00	$388.00	77.10	76.70	76.30	75.90	75.50	75.10

sion of time (not in excess of thirty days) with respect to the statements required to be furnished under this section.

SEC. 1634. PENALTIES [As added by section 206 (a), Social Security Act Amendments of 1950; applicable with respect to wages paid after December 31, 1950].

(a) *Penalties for fraudulent statement or failure to furnish statement.* In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations, prescribed thereunder, shall for each such failure, upon conviction thereof, be fined not more than $1,000, or imprisoned for not more than one year, or both.

(b) *Additional penalty.* In addition to the penalty provided by subsection (a) of this section, any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of $50. Such penalty shall be assessed and collected in the same manner as the tax imposed by section 1410.

PAR. 14. Section 405.501, as amended by Treasury Decision 5759, approved November 10, 1949, is further amended as follows:

(A) By revising the heading of § 405.501 (a) to read as follows:

(a) *Wages paid before January 1, 1951.* * * *

(B) By inserting in the second sentence of § 405.501 (a), immediately after "January 1, 1946,", the following: "and before January 1, 1951,".

(C) By redesignating (b), (c), and (d) of § 405.501 as (d), (e), and (f), respectively.

(D) By inserting immediately after § 405.501 (a) the following:

(b) *Wages paid after December 31, 1950.* With respect to wages paid on or after January 1, 1951, every person required to deduct and withhold from an employee a tax under section 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, is required to furnish to each such employee, in respect of the remuneration paid by such person to such employee during the calendar year, the original and duplicate of Form W–2 showing the following: (1) The name of such person, (2) the name of the employee (and his social security account number if wages as defined in section 1426 (a) have been paid), (3) the total amount of wages as defined in section 1621 (a), (4) the total amount deducted and withheld as tax under section 1622, (5) the total amount of wages as defined in section 1426 (a), and (6) the total amount deducted and withheld as tax under section 1400.

For example, if the table method is used, a withholding statement must be furnished each employee whose earnings during any payroll period are equal to or in excess of the smallest wage for which tax must be withheld from employees claiming one exemption. If the percentage computation method is used, a withholding statement must be furnished each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 1622 (b) (1). Statements prepared in substantially like form and size as Form W–2, but in no case larger than 8 by 3¾ inches, will be acceptable if approved by the Commissioner.

The statement on Form W–2 shall be furnished to the employee on or before January 31 of the succeeding calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made.

See the regulations under the Federal Insurance Contributions Act, effective on and after January 1, 1951, for the requirements as to the furnishing of a statement in cases where such statement is required solely by reason of the tax under section 1400 of such act.

(c) *Statements for members of the armed forces of the United States.* Section 1625 (a) and section 1633 (a) contain certain special provisions which are applicable to calendar years after 1949 in the case of members of the armed forces of the United States in active service after June 24, 1950. In such case, Form W–2 shall be furnished to each such member of the armed forces of the United States if any tax has been withheld during the calendar year from the remuneration of such member or if any of the remuneration paid during the calendar year for such active service is includible under chapter 1 in the gross income of such member. Form W–2, in the case of such member, shall show, as wages paid during the calendar year, the amount of the remuneration paid during the calendar year which is not excludable under chapter 1, from the gross income of such member, whether or not such remuneration constitutes wages as defined in section 1621 (a) and whether or not paid for such active service.

(E) By striking out of the first and second sentences of § 405.501 (d) (as redesignated by (C) of this paragraph) the words "Withholding Receipt" and by inserting in lieu thereof the following word: "statement".

(F) By inserting in the first sentence of such § 405.501 (d), immediately after "required by section 1625 (a)", the following: "or section 1633".

(G) By striking out of § 405.501 (e) (as redesignated by (C) of this paragraph) the words "Withholding Receipts" and by inserting in lieu thereof the following word: "statements".

(H) By revising § 405.501 (f) (as redesignated by (C) of this paragraph) to read as follows:

(f) *Penalties for fraudulent statement or failure to furnish statement*—(1) *Wages paid after December 31, 1950.* Section 1634 imposes criminal and civil penalties for the willful failure to furnish a statement in the manner, at the time, and showing the information required under section 1633 or regulations prescribed thereunder or for willfully furnishing a false or fraudulent statement. The criminal penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both, for each such violation. The civil penalty is a fine of $50 for each such violation. The civil penalty shall be assessed and collected in the same manner as the tax imposed by section 1410. These penalties are in lieu of any other penalties provided by law respecting the failure to furnish a statement or the furnishing of a false or fraudulent statement.

(2) *Wages paid before January 1, 1951.* Section 1626 imposes criminal and civil penalties for the willful failure to furnish a statement in the manner, at the time, and showing the information required under section 1625 or regulations prescribed thereunder or for willfully furnishing a false or fraudulent statement. The criminal penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both, and the civil penalty is a fine of not more than $50 for each such violation. Such penalties are in lieu of any other penalties provided by law respecting the failure to furnish a statement or the furnishing of a false or fraudulent statement.

PAR. 15. Section 405.601, as amended by Treasury Decision 5795, approved July 12, 1950, is further amended by inserting in the seventh paragraph, immediately before the words "or political subdivision", the following: "Puerto Rico,".

PAR. 16. There is inserted immediately after the provisions of § 405.606, as added by Treasury Decision 5760, approved November 10, 1949, the following:

SEC. 1635. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION OF CERTAIN EMPLOYMENT TAXES [As added by section 207 (a), Social Security Act Amendments of 1950, approved August 28, 1950].

(a) *General rule.* The amount of any tax imposed by subchapter A of this chapter or subchapter D of this chapter shall (except as otherwise provided in the following subsections of this section) be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.

(b) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(c) *Willful attempt to evade tax.* In case of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(d) *Collection after assessment.* Where the assessment of any tax imposed by subchapter A of this chapter or subchapter D of this chapter has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer.

(e) *Date of filing of return.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year.

(f) *Application of section.* The provisions of this section shall apply only to those taxes imposed by subchapter A of this chapter, or subchapter D of this chapter, which are required to be collected and paid by making and filing returns.

(g) *Effective date.* The provisions of this section shall not apply to any tax imposed with respect to remuneration paid during any calendar year before 1951.

§ 405.607 *Period of limitation upon assessment of tax.* Section 1635 provides, in general, for a three-year period of limitation on the assessment of the tax required to be withheld during any calendar year after 1950. This period of limitation is measured from the date the return is filed, except that if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be deemed filed on March 15 of such succeeding calendar year. For example, if quarterly returns are filed for the four quarters of 1951 on April 30, July 31, and October 31, 1951, and on January 31, 1952, the period of limitation for assessment with respect to the tax required to be reported on each such return is measured from March 15, 1952. However, if any of such returns is filed after March 15, 1952, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed. In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, and in the case of a willful attempt in any manner to defeat or evade tax, the tax required to be reported on the return may be assessed at any time.

PAR. 17. There is inserted immediately preceding § 405.702 the following:

SEC. 207 (b) (2) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950 [Approved August 28, 1950].

(2) Section 3313 of the Internal Revenue Code is amended as follows:

(A) By inserting immediately after the words "and gift taxes,", where those words first appear in the section, the following: "and except as otherwise provided by law in the case of employment taxes under subchapters A and D of chapter 9,"; and

(B) By inserting immediately after the words "and gift taxes", where those words appear in the parenthetical phrase, a comma and the following: "and other than such employment taxes".

SEC. 1636. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS OF CERTAIN EMPLOYMENT TAXES [As added by section 207 (a), Social Security Act Amendments of 1950, approved August 28, 1950].

(a) *General rule.* In the case of any tax imposed by subchapter A of this chapter or subchapter D of this chapter—

(1) *Period of limitation.* Unless a claim for credit or refund is filed by the taxpayer within three years from the time the return was filed or within two years from the time the tax was paid, no credit or refund shall be allowed or made after the expiration of whichever of such periods expires the later. If no return is filed, then no credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.

(2) *Limit on amount of credit or refund.* The amount of the credit or refund shall not exceed the portion of the tax paid—

(A) If a return was filed, and the claim was filed within three years from the time the return was filed, during the three years immediately preceding the filing of the claim.

(B) If a claim was filed, and (i) no return was filed, or (ii) if the claim was not filed within three years from the time the return was filed, during the two years immediately preceding the filing of the claim.

(C) If no claim was filed and the allowance of credit or refund is made within three years from the time the return was filed, during the three years immediately preceding the allowance of the credit or refund.

(D) If no claim was filed, and (i) no return was filed or (ii) the allowance of the credit or refund is not made within three years from the time the return was filed, during the two years immediately preceding the allowance of the credit or refund.

(b) *Penalties, etc.* The provisions of subsection (a) of this section shall apply to any penalty or sum assessed or collected with respect to the tax imposed by subchapter A of this chapter or subchapter D of this chapter.

(c) *Date of filing return and date of payment of tax.* For the purposes of this section—

(1) If a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be considered paid on March 15 of such succeeding calendar year.

(d) *Application of section.* The provisions of this section shall apply only to those taxes imposed by subchapter A of this chapter, or subchapter D of this chapter, which are required to be collected and paid by making and filing returns.

(e) *Effective date.* The provisions of this section shall not apply to any tax paid or collected with respect to remuneration paid during any calendar year before 1951 or to any penalty or sum paid or collected with respect to such tax.

PAR. 18. There is inserted immediately after the provisions of § 405.702 the following:

§ 405.703 *Limitations upon credits and refunds*—(a) *In general.* Unless a claim for credit or refund of an overpayment is filed within three years from the time the return was filed, or within two years from the time the tax was paid, the Commissioner is prohibited, after both periods have expired, from allowing or making a credit or refund of such overpayment. If no return is filed, the Comriods have expired, from allowing or making a credit or refund of the overpayment after two years from the time the tax was paid unless before the expiration of such two-year period a claim therefor is filed.

(b) *Limitation on amount of credit or refund.* The limitations on the amount of credit or refund shall be determined in accordance with section 1636 (a) (2).

(c) *Penalties.* The provisions of this section as to the tax required to be deducted and withheld are also applicable to any penalty or other sum assessed or collected with respect to such tax.

(d) *Date of filing return and payment of tax.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, it shall be deemed filed on March 15 of such succeeding calendar year. Likewise, if any tax required to be deducted and withheld during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be deemed paid on March 15 of such succeeding calendar year.

(e) *Applicability of section.* The provisions of this section shall apply only to taxes required to be withheld on or after January 1, 1951.

PAR. 19. There is inserted immediately preceding § 405.805 the following:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN [As amended by section 209 (d), Social Security Act Amendments of 1950; applicable to returns filed after December 31, 1950].

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5.

PAR. 20. Section 405.805, as amended by Treasury Decision 5794, approved July 6, 1950, is further amended as follows:

(A) By redesignating (a) and (b) of such section as (b) and (c), respectively.

(B) By inserting immediately after the heading of the section the following:

(a) If an employer fails to file a return within the time prescribed in § 405.601 or § 405.602, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5. The addition to the tax or taxes shall be computed as provided by section 3612 (d) and if less than $5 shall be increased to $5. The provisions of this paragraph shall be applicable only with respect to returns filed after December 31, 1950.

(C) By adding at the end of § 405.805 (b) (as redesignated by (A) of this paragraph) the following: "The provisions of this paragraph shall be applicable only with respect to returns filed before January 1, 1951, and to the tax required to be shown on such returns."

(D) By striking out of § 405.805 (c) (as redesignated by (A) of this paragraph) the letter "a" within the parentheses and by inserting in lieu of such "a" the letter "b".

(E) By adding at the end of such § 405.805 (c) the following new sentence: "The provisions of this paragraph shall be applicable only with respect to returns filed before January 1, 1951, and to the tax required to be shown on such returns."

Because the amendments made by this Treasury decision are necessary to conform Regulations 116, relating to withholding of income tax at source on wages, to the changes in law made by the Social Security Act Amendments of 1950 and

by the Revenue Act of 1950, which changes are applicable in part to wage payments made on and after October 1, 1950, in part to wage payments made on and after November 1, 1950, and in part to wage payments made on and after January 1, 1951, it is found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 178, 467; 26 U. S. C. 1429, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: January 22, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1401; Filed, Jan. 29, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

REASSIGNMENT OF CHAPTERS

The chapter assignments in this title have been changed as follows:

Chap.
I. Office of Defense Mobilization.
II. Economic Stabilization Agency.
III. Office of Price Stabilization, Economic Stabilization Agency.
IV. Wage Stabilization Board, Economic Stabilization Agency.
V. Defense Production Administration.
VI. National Production Authority, Department of Commerce.
VII. Undersecretary of Commerce for Transportation.
VIII. Defense Transport Administration.
IX. Petroleum Administration for Defense, Department of the Interior.
X. Defense Solid Fuels Administration, Department of the Interior.
XI. Defense Power Administration, Department of the Interior.
XII. Defense Minerals Administration, Department of the Interior.
XIII. Defense Fisheries Administration, Department of the Interior.

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 2]

MAKING ADMINISTRATOR OF ECONOMIC STABILIZATION AGENCY A MEMBER OF DEFENSE MOBILIZATION BOARD

Pursuant to the authority vested in me by section 8 of Executive Order No. 10200, dated January 3, 1951, I hereby designate the Administrator of the Economic Stabilization Agency a member of the Defense Mobilization Board.

This order is effective January 23, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F R. Doc. 51-1569; Filed, Jan. 29, 1951; 12:05 p. m.]

[Defense Mobilization Order 3]

MAKING ADMINISTRATOR OF DEFENSE PRODUCTION ADMINISTRATION A MEMBER OF DEFENSE MOBILIZATION BOARD

Pursuant to the authority vested in me by section 8 of Executive Order No. 10200, dated January 3, 1951, I hereby designate the Administrator of the Defense Production Administration a member of the Defense Mobilization Board.

This order is effective January 23, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-1568; Filed, Jan. 29, 1951; 12:05 p. m.]

[Defense Mobilization Order 4]

PROVIDING FOR EFFECTIVE USE OF PRIORITIES AND ALLOCATIONS IN ACHIEVING ECONOMIC STABILIZATION

By virtue of the authority vested in me by Executive Order No. 10193 and in order to provide for coordinated use of priorities and allocations authority in achieving economic stabilization, *It is hereby ordered:*

1. The Defense Production Administration and the agencies exercising priority and allocations functions delegated pursuant to Executive Orders Nos. 10161 and 10200 under the Defense Production Act of 1950, shall cooperate and consult with the Economic Stabilization Agency and the Office of Price Stabilization in order to assist in the effectuation of economic stabilization.

2. The Defense Production Administration and the agencies indicated above shall plan and develop programs, and issue appropriate regulations in pursuance thereof, having the purpose and objectives of:

(a) Allocating scarce materials and commodities in such manner as to preserve distribution for most essential purposes; minimize excess of effective civilian demand over available supply; avoid diversion of available supply to persons or channels acquiring the materials for uses or upon terms and conditions in conflict with applicable law and regulations.

(b) Assuring that the production and distribution of materials and commodities in short supply shall, after satisfaction of priority demands and needs of the armed services and essential industrial uses, result in maxium production of consumer goods effectuating the objectives of economic stabilization and avoiding increases in the real cost of living resulting from changes and diversions to high-price models and lines; maintenance of balanced production, including continuance of lower-priced and medium-priced lines and models in due proportion to total production.

(c) Encouraging savings of scarce and critical materials; substitution of less scarce and critical materials; and limiting changes in models and lines of products using scarce and critical materials to those necessary and appropriate to the achievement of such savings and substitutions.

3. This order shall take effect on January 26, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-1600; Filed, Jan. 29, 1951; 12:05 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

GENERAL CEILING PRICE REGULATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS FOR THE GENERAL PRICE CEILING REGULATION

THE URGENT NEED FOR SWEEPING ACTION

Since June 1950, the country has been in the throes of a mounting inflation. What is most alarming is the violence and rapidity with which prices are rising throughout the economy. Since the outbreak in Korea, basic commodity prices have risen almost 50 percent, farm prices about 16 percent, wholesale food prices 12 percent, and industrial prices about 14 percent. Wholesale textile prices have advanced over 30 percent, chemicals over 25 percent, building materials and metals and metal products about 10 percent.

The cost of living is now at an all-time high and is rising sharply.

These increases in prices have added billions to the cost of the defense program and many more billions to the cost of living of the general public. Every 2 percent increase in the price level means that the cost of the present security program goes up 1 billion dollars per annum. Every 1 percent rise in the cost of living means that consumers are called upon to spend an additional 2 billion dollars annually for the same goods and services.

The cause of these inflationary pressures is evident. When Korea was invaded our economy was operating very close to capacity. Our national output was at an all-time peak. Unemployment was low. Great as is the normal resilience of our industrial structure, it is impossible under these conditions to undertake a greatly expanded security program without curtailing civilian supplies of many kinds of goods.

Long before real shortages could even begin to appear, however, prices started to jump as a result of efforts on the part of consumers and businessmen to anticipate the shortages which they foresaw. With spendable incomes at the highest levels in our history, and with huge liquid assets in the hands of the public, the demand for goods of all kinds

was great. Scare buying and profiteering were major factors in the sharp price advances which occurred in the last half of 1950. Similar conditions in foreign markets caused the prices of many of the essential articles which we import to advance sharply. Each price advance increased costs, and thereby augmented the pressure for further and broader price increases.

It is clear that these inflationary pressures will intensify as the expanded security program goes into high gear. We are now spending at an annual rate of almost 20 billions of dollars to build up our own strength and to help our allies to build up theirs so that the security of the free world can be assured. By the end of this year we will be spending at an annual rate of between 45 and 55 billions for these purposes. We are now devoting less than 7 percent of our total output to security; within 12 months we shall be devoting about 18 percent. This means that we shall have to divert resources from the civilian sector of the economy and that the output of many consumer goods will have to be curtailed, some drastically.

At the same time we shall need to expand our labor force by additional millions of people and this will further increase spendable income. Thus, there will be a growing gap between the demand for consumer goods and the supply of such goods resulting in even greater inflationary pressures. We are nowhere near the contemplated rate of expenditures for security purposes, hence the inflationary forces already at work in the economy are only a foretaste of those that will be created as our defense program expands. This situation calls for vigorous counter action. Over a period of time it may well be hoped that we can increase our total level of industrial production to the point where we can support our security programs and meet civilian demand in full. But this is a slow process which may take several years to accomplish. Meanwhile, the danger confronting us is immediate.

PRIOR EFFORTS TO STABILIZE PRICES

Up to now, the basic reliance in seeking to stabilize prices has been on general measures to reduce demand and on voluntary action. The Government has increased taxes, imposed selective credit restrictions, and established many controls over the flow of scarce and essential materials. Moreover, the President, prior to the passage of the Defense Production Act and since, has repeatedly urged business, labor, farmers and consumers to exercise restraint in their buying and selling.

In December, as price increases began once more to accelerate following the Chinese interventions, several actions were taken to curb price advances. Ceiling Price Regulation No. 1 was issued controlling manufacturers' prices of new automobiles. A set of Voluntary Pricing Standards was announced on December 19, 1950, as a guide to aid sellers who wished to cooperate in a program of voluntary price stabilization. Several hundred large firms were requested to give prior notice of intended price increases. Meetings were held with producers of a number of basic industrial commodities to explore ways of stabilizing prices in these fields.

Unfortunately, although some sellers sought conscientiously to comply with the objectives of stabilization, price increases continued at an alarming rate. For example, one company, attempting to observe the Voluntary Pricing Standards, reported that, among 500 of its suppliers, 468 had increased prices between 1 and 32 percent since December 1, 1950. A retailer furnished to the agency 52 notices of price increases received since December 1, covering hundreds of items. Within the last month alone, prices of basic commodities have advanced almost 7 percent, compared with a monthly average rate of advance of 6 percent during the last half of 1950; industrial prices have risen 2.2 percent, compared with an average of less than 2 percent; and retail food prices since mid-December jumped 2.6 percent, compared with an average monthly rise of about 1 percent. At this rate, we would see price increases of 30 or 40 or even 50 percent a year. This path leads only to disaster and collapse.

THE DESTRUCTIVE CHARACTER OF INFLATION

This situation requires bold and drastic action. We cannot permit this ever-widening spiral of price increases, reinforced by wage increases, to continue. Inflation, if unchecked, feeds upon itself and grows constantly more acute and more dangerous.

Rapidly rising prices strike hardest at those living on pensions and others whose incomes are relatively fixed. While their impact on this group is most obvious and immediate, a continued uncontrolled increase in prices presents a broader threat to every American citizen. Inflation impairs the smooth functioning of our economy at a time when we must exert every effort to strengthen the United States and the free world against the growing danger of aggression. It destroys the value of savings and, therefore, the motive to save. It makes it impossible for the businessman to plan ahead, thus disrupting production and the orderly flow of goods. It creates a panic flight from liquid assets to goods. It creates intolerable tensions in our social fabric leading to sharp social conflict and mutual recriminations as to who is to blame. Those nations which have failed to check inflation have invariably paid the price in social and economic chaos. This disaster we are resolved to avoid.

THE REQUIREMENTS OF THE DEFENSE PRODUCTION ACT OF 1950

In this emergency, we cannot be content with partial measures. The problem which confronts us today is not the result of price increases for a few commodities or groups of commodities; prices have been going up all along the line. We must therefore take broad-gauged, sweeping action to halt the spiral in prices. Because of the comprehensive character of this action and the need for speed, it has not been practicable to establish committees of representatives of the persons substantially affected by this general ceiling price regulation and to consult with them.

It is recognized that the issuance of one regulation covering millions of prices and sellers and thousands of industries, differing in structure, market organization and degree of complexity, cannot be expected to cover adequately the multitude of problems that arise in day-to-day pricing. It is, therefore, the intention of the Director of Price Stabilization to issue, as soon as practicable and after appropriate consultation, additional price ceiling regulations, some general in scope, and some tailored to meet the separate problems of individual industries.

This regulation, freezing prices at the highest levels charged in the period December 19, 1950–January 25, 1951, is generally fair and equitable.

According to the latest data available, corporate profits before taxes in the second half of 1950 were at an all-time high, running at an estimated annual rate of 47 billion dollars. Prior to 1950, the previous peak was reached in the third quarter of 1948, when corporate profits before taxes were at an annual rate of about 35 billion dollars. The average annual rate of profits in the period 1946–49 was slightly under 29 billion. Thus, the current rate is more than a third above the peak level of 1948, and more than 60 percent above the annual average of the period, 1946–1949. Data available for individual industries, and for businesses of all size classifications, present an almost uniform picture of high profitability.

First things come first. The dire need of the moment is to stop the on-rushing price advance in its tracks. The fact that prices are now frozen at current levels does not mean that there will be no downward adjustments in the future. The choice of the base period specified in the present regulation was dictated by considerations of administrative practicability. In the future the price-cost structures in the various industries will be examined to determine where changes in present prices are appropriate.

The base period selected is uniform for all sellers covered by this regulation. Normally, there is a lag between a change in prices at one level and a corresponding change in prices at the next level of production and distribution. The degree of the lag usually depends on the rapidity with which merchandise is turned over and on the state of the markets. But these are certainly not normal times. The speed with which prices have been rising over the whole economy indicates that most sellers have been keeping pace with, and in many cases anticipating, the rise in costs.

In addition to the basic requirement that the regulation "be generally fair and equitable," the Defense Production Act of 1950 provides: "So far as practicable * * * The President shall ascertain and give due consideration to comparable prices * * * which he finds to be representative of those prevailing during the period from May 24, 1950, to June 24, 1950 * * * shall also give due consideration to the national effort to achieve maximum production in furtherance of the objectives of this act * * *

[and] shall give due consideration to such relevant factors as he may deem to be of general applicability * * * including the following: Speculative fluctuations, general increases or decreases in cost of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the material or by persons performing the service, subsequent to June 24, 1950."

The Director of Price Stabilization has for obvious reasons found it impracticable to ascertain separately for each of the thousands of commodities covered by this regulation the price prevailing from May 24 to June 24, 1950, and to give separate consideration for each of these commodities to the factors listed above. With respect to commodities generally, it is clear: (a) that the prices established by this regulation exceed those of the May 24–June 24 period; (b) that the ceiling prices established hereby will not interfere with the effort to achieve maximum production—rather, failure to halt the spiral of price increases would threaten this effort; (c) that changes which have occurred in costs or profits since the period, May 24–June 24, do not make the level of prices established by this regulation unfair, inequitable, or unreasonable to sellers. The unresolved question is whether and to what extent the purposes and provisions of the Act require, at least for some commodities, a lower level of prices than the level established by this regulation. The further consideration which the Agency will proceed to give to the prices of commodities will determine the extent, if any, to which ceiling prices may need to be reduced in order "to effectuate the purposes of this Act."

THE PLACE OF PRICE CONTROL IN STABILIZATION

The fact that prices have been frozen by this regulation should not be interpreted as ending the danger of inflation. This would be to confuse controlling the symptoms of a disease with its cure. The effect of price control is not to eliminate inflation, but to "suppress" it. Inflation comes about as a result of a gap between the available supply of goods and the amounts which consumers, business firms, and governments would like to buy and can pay for. Price control does not eliminate this gap although it will remove a major factor causing the gap to widen by halting the price-wage spiral. It is the job of other measures to narrow this gap and thus to reduce the degree of inflationary pressure. Major reliance must be placed upon vigorous taxation and strong credit policy. To the extent that we succeed in reducing the inflationary pressure by these means, we make the task of price control that much easier, and reduce the dislocations that even a "suppressed" inflation inevitably engenders.

Price control not only must be backed by strong fiscal and credit measures but it is equally important that it be integrated with a vigorous use of production and distribution controls. It must be clearly understood that, even if price control does a perfect job in holding the prices of individual commodities, it is powerless to ensure that the essential commodities will be produced in the right quantities. With the imposition of price controls to halt the inflationary spiral, we shall be freezing a price structure geared to relatively normal patterns of output. Such a price structure cannot be expected to bring about the pattern of output appropriate to an advanced defense economy. Nor can price controls alone be generally administered to achieve these necessary changes in output. When we refuse to allow goods to be distributed among buyers through the wild scramble of competitive bidding in inflationary markets, we must substitute orderly means to determine whose wants shall be met and in what amount.

We have a growing system of production and distribution controls designed to assure that defense needs shall be met. We have already begun to extend these controls to assure the production of essential civilian goods and, where necessary, their fair distribution. The experience of World War II is eloquent testimony to the need for expanding such controls. In a market where goods are scarce, sellers have every inducement to drop lower priced, more essential items and to shift to higher priced, more profitable items. Such shifts in output must be prevented if living costs are to be stabilized. It will probably also be necessary to control the frequent changes in models so normal under ordinary conditions but so wasteful in terms of essential materials and so unnecessary now when demand is great and goods are short. If we are to have successful stabilization, therefore, production and distribution controls must be effectively meshed with price controls.

WHAT THIS REGULATION DOES

The purpose of the accompanying general regulation is to hold prices on a broad front. Accordingly, it covers the widest possible range of commodities and sellers. Manufacturers, wholesalers and retailers together with suppliers of services come within its terms. The intention has been to include within its scope all sellers of all commodities and services except to the extent that legal or strong practical reasons require that particular sellers or types of commodities be exempt.

Some exemptions are found provided in the Act itself. Thus, real estate is exempted by section 402 (e). That section of the Act also exempts professional services, materials furnished for publication by press associations or feature services, books, magazines, motion pictures, periodicals, newspapers, radio-broadcasting and television stations, outdoor advertising facilities, insurance, common carriers, public utilities, and margin requirements on commodity exchanges.

A number of commodities are excluded from the regulation for reasons of administrative impracticability. These include: stamps and coins; precious stones; paintings; antiques; used personal or household effects sold by the owner; and damaged, abandoned or confiscated property.

The regulation also excludes a number of agricultural and related commodities. Raw and unprocessed agricultural commodities when sold by the producer have been exempted, first, because the freeze technique is at present administratively impracticable when applied to sales by individual farmers, and, second, because the current prices of most such commodities are below the minimum price levels at which ceilings may be established under the Act. The further exemption of sales by farmers of farm-processed commodities in minor amounts is also dictated by administrative considerations.

Fresh fruits and vegetables and fresh fish and seafood, because of unusual marketing factors and seasonal and perishable characteristics, are subject to sharp and unforeseeable price fluctuations. Consequently, the imposition of a general freeze on these commodities would lead to capricious and inequitable price results. However, as soon as practicable, the Director of Price Stabilization will issue regulations for such commodities specifically adapted to these unusual factors.

Although the prices of live animals are generally above the minimum standards of the Act, it is the judgment of the Director of Price Stabilization that control can be more adequately effected at this time at the processing level. Tailored livestock ceilings will be issued as soon as practicable.

In some instances exemptions for certain agricultural commodities were based upon considerations of essential supply. For example, a ceiling price at the base period level would, in the judgment of the Department of Agriculture, preclude the importation of certain oil-bearing materials and oils and would deter necessary increases in production of pine gum and American-Egyptian cotton essential to the defense effort. They have therefore been exempted at this time.

The regulation employs the freeze technique. The highest prices charged by a particular seller for each commodity during the period from December 19, 1950 to January 25, 1951, become his ceiling prices for all subsequent sales of the same commodities. Methods are provided for establishing ceiling prices for new commodities or services not sold during this base period. These methods are designed to set ceiling prices for the new commodities which are directly in line with the ceiling prices established through sales in the base period. These new commodity pricing methods have been made as automatic as possible. However, where sellers are permitted, because they start handling a new category or a new business, to price their wares with reference to the ceiling prices of most closely competitive sellers of the same class, they are required to submit reports which will enable the Office of Price Stabilization to guard against abuses of this pricing formula. There is a special problem in the case of some new wholesalers since previous experience under price control has demonstrated that intermediaries speculating in scarce goods inject themselves into the channels of distribution, multiplying the number of hands through which the goods must pass, and the number of markups added to basic costs. Such new intermediaries can be the source of a substantial amount of price inflation.

No general provision for the adjustment of individual hardship cases is included in the regulation. This is because it is virtually impossible to predict the specific types of hardship situations which an order of this scope may create and which can be relieved consistently with the effectuation of the fundamental stabilization objectives of the Defense Production Act of 1950. However, the Office of Price Stabilization will at a future date issue such provisions and standards for adjustment as may be necessary and proper under the statute.

There are two specific instances in which provision for relief is made. These situations involve, first, agricultural commodities or commodities processed or manufactured in whole or substantial part from agricultural commodities whose prices are at present below the standards set for them in the Defense Production Act of 1950, and second, certain sales of imported commodities.

The regulation makes special provision for certain importers, permitting them to pass on price increases for imported goods which they receive after January 26, 1951, pursuant to contracts entered into on or before that date. The purpose of this provision is to avoid interruptions in the flow of essential imported commodities, and the consequent reduction of supplies available for the defense program, as well as to avoid the damage to our relations with friendly nations that would result if importers canceled bona fide contracts. Once deliveries on existing contracts have been disposed of, the importer's ceiling price reverts to the base level.

Opportunity will be afforded, through arrangements to be made by the Department of State, for consideration by the Director of Price Stabilization of the views of foreign governments regarding adjustments of ceiling prices of commodities which are of special concern to them.

HIGHEST PRICE LINE LIMITATIONS

Manufacturers of certain apparel and consumers' durable goods are required to maintain ceiling prices which do not exceed their highest price line in the base period. The purpose of this provision is to prevent unnecessary increases in the cost of living. The Act permits the issuance of such a requirement at the manufacturer's level. This provision will become effective in a short time, with the issuance of the list of particular categories subject to this requirement.

PARITY ADJUSTMENT PROVISION

This special provision of the regulation is made necessary by section 402 (d) (3) of the Defense Production Act of 1950 relating to minimum standards for agricultural commodities, which provides in part as follows:

"No ceiling shall be established or maintained for any agricultural commodity below the highest of the following prices: (1) The parity price for such commodity, as determined by the Secretary of Agriculture in accordance with the Agricultural Adjustment Act of 1938, as amended, and adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or (ii) the highest price received by producers during the period from May 24, 1950 to June 24, 1950, inclusive, as determined by the Secretary of Agriculture and adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, * * *. No ceilings shall be established or maintained hereunder for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agricultural commodity equal to the highest price therefor specified in this subsection * * *."

Both under the Defense Production Act and this regulation, a commodity is an "agricultural commodity" only if parity prices are determined for it by the Secretary of Agriculture. He determines parity prices for approximately 170 different agricultural commodities. Parity prices for the most important of these commodities are published on the 30th day of each month in Agricultural Prices, an official publication of the Department of Agriculture. Parity prices for other agricultural commodities are similarly published in Agricultural Prices at less frequent intervals.

Those agricultural commodities which are under the legal minima have been exempted at the producer level. The prices at distributor levels have been frozen under the regulation, subject however to the provision that any increase in the price paid to the producer may be passed on, in exact dollars and cents amounts, through all subsequent stages of distribution.

As for commodities processed from such agricultural commodities, any increase in the price of the agricultural commodity may be passed on by the processor in the exact dollars and cents amount of his corresponding cost increase. This adjustment formula is made applicable to subsequent processors, and to distributors of the processed commodities.

The provisions represent the most effective controls available, in the context of a general freeze ceiling regulation, to achieve maximum stability in the cost of living consistent with a general compliance with the special provisions quoted above. There may be areas where margins of distributors of agricultural commodities, and of processors and distributors of their products, are ample to permit a requirement of absorption of the basic cost increases. Such requirements will be imposed where the situation warrants. At the time of the issuance of this general freeze regulation it has not been possible to consider the separate special situations involved.

The formulas used in the parity adjustment provision in effect maintain a dollars and cents mark-up, and therefore do not permit compounding of basic cost increases.

Finally, attention should be drawn to the provision bringing these adjustments to a halt when the parity determinations of the Secretary of Agriculture disclose that the legal minima have been satisfied.

This automatic parity adjustment provision is not applicable to commodities which are currently above legal minima, and therefore any increase in their costs may not be passed through from one level of production or distribution to another. The most important of these commodities above legal minima are beef cattle, veal calves, lambs, sheep, hogs, wool, mohair, cotton, cottonseed, flue-cured tobacco, rice, and prunes. Any other approach to the price control of commodities which exceed their "legal minima" would be wholly inconsistent with stabilization.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the prices of commodities and services generally have risen and are threatening further to rise to an extent inconsistent with the purposes of the Defense Production Act of 1950.

In the judgment of the Director of Price Stabilization the objectives of Title IV of the Defense Production Act of 1950 cannot be attained by voluntary action by business, agriculture, labor and consumers or by taking action with respect to individual commodities and service.

In the judgment of the Director of Price Stabilization the ceiling prices established by this Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

In the formulation of this Regulation special circumstances have rendered impracticable consultation with industry representatives, including trade association representatives. However, prior to the formulation of this Regulation the Director of Price Stabilization has advised with a large number of persons representing a substantial segment of trade and industry concerning methods of checking inflationary trends.

GENERAL CEILING PRICE REGULATION

Sec.

1 What this regulation does.
2 Applicability, effective date and prohibitions.
3 Ceiling prices for all sellers for commodities or services sold in base period.
4 Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.
5 Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.
6 Ceiling prices for commodities in new categories; for new services; and for new sellers.
7 Sellers who cannot price under other sections.
8 Modification of proposed ceiling prices by Director of Price Stabilization.
9 Customary price differentials.
10 Exporters and importers.

Sec.
11 "Parity" adjustments in ceiling prices.
12 Group of retail sellers under common control.
13 Highest price line limitation for manufacturers of wearing apparel and consumer durable goods.
14 Exemptions and exceptions.
15 Amendments, protests and interpretations.
16 Records.
17 Sales slips and receipts.
18 Evasion.
19 Transfers of business or stock in trade.
20 Separate statement of taxes.
21 Penalties.
22 Definitions and explanations.

AUTHORITY: Sections 1 to 22 issued under sec. 704, Pub. Law 774, 81st Cong.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish ceiling prices for all commodities and services (except those specifically exempt) upon the basis of prices in effect during the period from December 19, 1950 to January 25, 1951, inclusive. This period is referred to as the "base period."

SEC. 2. *Applicability, effective date and prohibitions.*—(a) *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and possessions and the District of Columbia.

(b) *Effective date.* This regulation is effective immediately.

(c) *Prohibitions.* After the date of this order, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any commodity or service at a price exceeding the ceiling price established by this regulation.

SEC. 3. *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing, but in the case of a retailer may have been made by display.

SEC. 4. *Manufacturers' ceiling prices for new commodities falling within categories dealt in during the base period.* (a) If you are a manufacturer of a commodity which you did not deliver or offer for delivery during the base period but which falls within a "category" in which you dealt during the base period, determine your ceiling price by applying to your current unit direct cost the percentage markup you are currently receiving on a "comparison commodity."

Your current unit direct cost for the commodity being priced and for the comparison commodity shall consist of the total unit direct labor and direct material cost for each. The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be of the commodities in that category with lower current unit direct costs, the one most nearly like the commodity being priced. If there is no commodity in the category having a lower current unit direct cost, your comparison commodity is the one with the same or higher current unit direct cost which is most nearly like the commodity being priced. If you are no longer manufacturing any commodities which meet the above standards for a comparison commodity, the commodity which you dealt in during the base period, in the same category, which is most nearly like the commodity being priced, is your comparison commodity, but the current unit direct cost of the base period commodity must be computed by using current material prices and wage rates.

(b) To determine your ceiling price you ascertain the percentage markup for the comparison commodity by comparing its current unit direct cost with its ceiling price. You determine your ceiling price on the new commodity by applying this markup to your current unit direct cost for the new commodity. The ceiling price so determined remains your ceiling price on all subsequent sales.

(c) Category means a group of commodities which are normally classed together in your industry for purposes of production, accounting, or sales. You are required by section 16 of this regulation to prepare a list of your categories and in applying the pricing provisions of this section, you should refer to this list. You might, for example, have a category such as one of the following: glass containers; fractional horsepower motors; brass mill products; millwork; print cloth yarn fabrics; screw machine products; ball bearings; textile machinery; women's and misses' blouses; house and barn paints; motor oils.

SEC. 5. *Wholesalers' and retailers' ceiling prices for new commodities falling within categories dealt in during base period.* (a) If you are a wholesaler or retailer and wish to determine a ceiling price for a commodity which you did not deliver or offer for delivery during the base period, but which falls within a "category" in which you dealt during the base period, you determine your ceiling price by applying to your net invoice cost the percentage markup you are currently receiving on a "comparison commodity."

The comparison commodity must be in the same category as the commodity being priced; must be a commodity for which your ceiling price was determined under section 3; and must be, of the commodities in that category with lower costs, the one most nearly like the commodity being priced. (If you have no commodity in the category with a cost below that of the commodity being priced, your comparison commodity is the one with the same or higher cost which is most nearly like the commodity being priced.) The percentage markup of the comparison commodity must be determined with reference to your most recent net invoice cost for that commodity. The ceiling price so determined remains your ceiling price for all subsequent sales of that commodity.

(b) Category means a line of merchandise, a merchandise department, or a group of commodities which are normally classed together in your trade for selling, buying, merchandising or accounting. You are required by section 16 of this regulation to prepare a list of your categories and in applying the pricing provisions of this section you should refer to this list. You might, for example, have a category such as one of the following: men's clothing; men's furnishings; infants' wear; canned fruits; cosmetics and toiletries; frozen foods, notions; musical instruments; women's coats and suits; cotton piece goods; major household appliances; women's house dresses; office furniture; hand tools.

SEC. 6. *Ceiling prices for commodities in new categories; for new services; and for new sellers.* (a) If you are pricing a commodity which is in a different category from any dealt in by you during the base period or if you are selling a service which cannot be priced under section 3, your ceiling price is the same as the ceiling price of your most closely competitive seller of the same class selling the same commodity or service to the same class of purchaser.

Once you have determined your ceiling prices under this section you may not redetermine them. Before selling any commodity or service for which you have determined a ceiling price under this section you must file the report required by paragraph (b) with the Director of Price Stabilization, Washington 25, D. C., and in addition you must observe the following requirements:

(1) *If you are a manufacturer*, you may not sell the commodity until ten days after mailing your report; thereafter you may sell the commodity at your proposed ceiling price unless and until notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(2) *If you are a wholesaler*, you may not sell the commodity until thirty days after mailing the report; thereafter you may sell the commodity at your proposed ceiling prices unless and until you are notified by the Director of Price Stabilization that your proposed ceiling price has been disapproved or that more information is required.

(3) *If you are a retailer or are selling a service*, you must prepare and maintain for the commodities or services being priced under this section the records required of you under section 16. You may begin sales of the new commodities and services as soon as you have prepared these records and mailed the required report to the Director of Price Stabilization, Washington 25, D. C., and may continue to sell them unless and until notified by the Director of Price Stabilization that your ceiling prices have been disapproved or that more information is required. If, as a retailer, you feel that because of the large number of new commodities which you propose to sell, an item by item price comparison would be too burdensome, you may apply to the Director of Price Stabilization for an alternative method of establishing ceiling prices. Your application should contain the information required in paragraph (b) together with a complete statement of the formula proposed and your reasons demonstrating that it will result, on the average, in ceiling prices no higher than those of your most closely competitive sellers. In such a case you may not begin sales of any commodity with reference to which the application has been made until the Director of Price Stabilization has fixed a method for establishing your ceiling prices.

(b) *Required report if you are pricing under this section.* Your report should state the name and address of your company; the new categories in which the commodities fall and the most comparable categories dealt in by you during the base period; the name, address and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; a statement of your customary price differentials; and, if you are starting a new business, a statement whether you or the principal owner of your business are now or during the past twelve months have been engaged in any capacity in the same or a similar business at any other establishment, and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a manufacturer:* Your proposed ceiling price and the specifications of the commodity you are pricing; the manufacturing processes involved; your unit direct costs; and the types of customers to whom you will be selling.

(2) *If you are a wholesaler:* Your proposed ceiling price and your net invoice cost of the commodity being priced; the names and addresses of your sources of supply, the function performed by them (e. g., manufacturing, distributing, etc.), and the types of purchasers to whom they customarily sell; the types of customers to whom you plan to sell; and a statement showing that your proposed ceiling price will not exceed the ceiling price your customers paid to their customary sources of supply.

(3) *If you are selling a service:* Your proposed ceiling price and a description of the most comparable service delivered by you during the base period showing your present direct labor and materials costs and ceiling price for it.

SEC. 7. *Sellers who cannot price under other sections.* If you claim that you are unable to determine your ceiling price for a commodity or service under any of the foregoing provisions of this regulation (which, in the opinion of the Director of Price Stabilization, provides adequate pricing instructions for virtually all transactions), you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the commodity or service, and the nature of your business; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation. You may not sell the commodity or service until the Director of Price Stabilization, in writing, notifies you of your ceiling price.

SEC. 8. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 9. *Customary price differentials.* Your ceiling prices, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 10. *Exporters and importers.*—(a) *Exporters.* Sales by persons exporting commodities from the United States (or its territories and possessions) are subject to the provisions of this regulation. If the ceiling price is determined by the seller for domestic purchasers, it may be adjusted pursuant to section 9 to take account of the seller's customary differentials for export sales.

(b) *Importers.* Sales made within the territorial jurisdiction of the United States, its territories and possessions, of commodities imported by the sellers from other countries are subject to the provisions of this regulation.

(c) *Special provision for importers with existing purchase commitments.* (1) If you resell a commodity which you import in substantially the same form (except for services normally performed by importers such as sorting or packaging), or sell that commodity after simple processing operations by you, such as wool scouring or coffee roasting, you may adjust a ceiling price determined under section 3 for any such commodity which is delivered to you pursuant to a contract dated on or before January 26, 1951, to offset an increase in landed cost since the base period. The amount of the permitted increase is the dollar and cents amount by which your current landed cost per unit exceeds your highest base period landed cost for the commodity.

(2) If you are adjusting your ceiling prices under this section for any of the commodities listed below, you must within ten days after your first sale at the new price, file with the Director of Price Stabilization, Washington 25, D. C., a report showing your base period price, current foreign invoice price and total landed costs of commodities repriced. This paragraph applies to importers of the following kinds of commodities: Non-ferrous metals; ferro-alloys; minerals; raw agricultural products; textile fibres and fabrics; chemicals; metal scrap, crude and semi-finished steel; lumber and pulp.

(3) The landed cost means the foreign invoice price plus the following expenses actually incurred: (i) transportation costs; (ii) customs duties or import taxes; (iii) other commodity taxes; (iv) dock charges; (v) clearance; (vi) insurance; (vii) letter of credit expenses; and (viii) any customary buying commission to a purchasing agent outside the continental United States.

SEC. 11. *"Parity" adjustments in ceiling prices.*—(a) *Commodities covered by this section.* This section applies to the following listed agricultural commodities and to commodities processed in substantial part from them.[1] Based on the most recent publication by the Secretary of Agriculture prior to the effective date of this regulation, the listed commodities are selling below the minimum prices required to be reflected to producers by section 402 (d) (3) of the Defense Production Act of 1950. This section shall cease to apply, however, to any such commodity as soon as the Secretary has announced by publication that the price of the listed commodity has reached the highest of the "legal minima," the two most important being (1) the parity price, and (2) the highest price received by producers of the commodity during the period from May 24, 1950, to June 24, 1950, inclusive, both as determined and adjusted by him. Any ceiling price previously determined under this section and in effect at the time this section ceases to apply shall remain as the ceiling price.

Listed agricultural commodities

Field crops:
- Barley
- Beans, dry edible
- Buckwheat
- Corn
- Flaxseed
- Hay
- Oats
- Peanuts
- Peas, dry field
- Popcorn
- Rye
- Sorghums for grain
- Soybeans
- Wheat

Livestock products:
- Butterfat
- Chickens
- Eggs
- Milk
- Turkeys

Sugar crops:
- Maple sirup
- Maple sugar
- Sugar beets
- Sugarcane sirup
- Sugarcane

Fruits:
- Grapefruit
- Lemons
- Limes
- Oranges and tangerines
- Apples
- Apricots

Tobacco:
- Burley—type 31
- Cigar filler and binder types 42–44, 46, 51–55
- Cigar wrapper, type 61
- Cigar wrapper, type 62
- Dark air-cured, types 35–36
- Fire cured, types 21–24
- Maryland type, 32
- Pa. seedleaf type 41
- Sun cured, type 37

Fruits—Continued
- Avocados
- Cherries, sweet
- Cherries, sour
- Cranberries
- Dates
- Peaches
- Pears
- Pineapples

Tree nuts:
- Almonds
- Filberts
- Pecans
- Walnuts

Vegetables:
- Beans, lima
- Beans, snap
- Beets
- Cabbage
- Sweet corn
- Peas, green
- Pimentos
- Spinach
- Tomatoes
- Cantaloupe
- Carrots
- Cauliflower
- Celery
- Garlic
- Kale
- Lettuce
- Onions
- Potatoes
- Shallots
- Sweetpotatoes

Miscellaneous:
- Hops
- Peppermint oil
- Spearmint oil
- Tungnuts

[1] Certain of the above commodities, namely, fruits, tree nuts and vegetables are exempt from this regulation under section 14. Therefore, with respect to such commodities this "Parity" Adjustment Provision applies only to commodities processed from them.

(b) *Processors and manufacturers.* This section applies to you only if:

(1) you sell a commodity which you process at least in substantial part from one or more of the listed agricultural commodities, the prices of which are below the "legal minima," or from a commodity processed from them, and

(2) the cost to you of a current purchase of the listed agricultural commodity (or the commodity processed therefrom) exceeds the highest price you paid during the base period. In such case you may increase your ceiling price (as otherwise determined in this regulation) for the commodity by the dollars and cents difference per unit between the highest price paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased your ceiling price for the commodity, you may increase your present ceiling price for the commodity by the dollars and cents difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

Example: You are a processor of evaporated milk, a commodity processed in substantial part from a listed agricultural commodity.

The highest price paid by you for a customary purchase of manufacturing milk in the base period was $3.80 per cwt. The cost to you of the most recent purchase is $4.00 per cwt.—a difference of 20 cents or $\frac{2}{10}$ cent per lb.

If you use 94 lbs. of milk to produce a case of evaporated milk, you may increase your maximum price per case by 18.8 cents per case ($94 \times \frac{2}{10}$ cent).

If, subsequent to this adjustment, the price you pay for a customary purchase of manufacturing milk should increase to $4.10—a further increase of $0.10 per cwt. or $\frac{1}{10}$ cent per lb.—you may add an additional 9.4¢ to your maximum price per case ($94 \times \frac{1}{10}$ cent).

(c) *Distributors.* This section applies to you only if:

(1) you resell in substantially the same form one or more of the listed agricultural commodities, the prices of which are below the "legal minima", or a commodity processed from them, *and*

(2) the cost to you of a current purchase of that commodity exceeds the highest price you paid for it during the base period. In such case you may increase your ceiling price (as otherwise determined in this regulation) for the commodity by the dollars and cents difference per unit between the highest price paid by you for a customary purchase during the base period and the cost to you of the most recent customary purchase.

If you have previously increased your ceiling price for the commodity, you may increase your present ceiling price for that commodity by the dollars and cents difference per unit between the price upon which your last previous increase was based and the cost to you of the most recent customary purchase.

(d) *Method for computing "parity" adjustments where no customary purchase was made during the base period.* If you cannot figure your increase under paragraphs (b) and (c) because you made no customary purchase during the base period, then you shall use the highest price you paid during the most recent five-week period prior to the base period in which you conducted your customary purchasing activities.

(e) *Method for computing "parity" adjustments where prices have been based customarily on commodity exchange quotations.* In case any of the above listed commodities or commodities processed from them are traded regularly upon a commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges, and if it has been both your own practice and the general practice of your industry to figure selling prices on the basis of commodity exchange quotations, the increase per unit you are entitled to add under paragraphs (b) and (c) shall be the difference in dollars and cents between (1) the quotation upon which you based your ceiling price under this regulation, and (2) the comparable current quotation.

(f) *Notice of "parity" adjustment increases.* If you are a person buying a commodity from its producer, or you are the processor of the commodity, you may not increase your ceiling price for such commodity until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail giving the following information:

(1) Your existing ceiling price and the description of the commodity;

(2) The highest price you paid for a customary purchase (or, if applicable, the commodity exchange quotation) of the pertinent commodity during the base period, or if you have previously increased your price, then the price upon which you based your existing ceiling price;

(3) The new costs or commodity exchange quotations, whichever are applicable;

(4) The increased ceiling price.

In the case of increased cost of ingredients, furnish the figures substantiating the conversion of your increase in cost to the increase in the ceiling price of the commodity.

(g) *Effect of notification of "parity" adjustment.* Upon mailing the notification required in paragraph (f) above, you may charge the new ceiling price. If, in the judgment of the Director of Price Stabilization, the increase is deemed unreasonable, excessive or otherwise improper, he may disapprove the price and restore the old ceiling price or establish a new ceiling price and may apply it retroactively.

SEC. 12. *Group of retail sellers under common control.* A group of retail sellers under common ownership or control which had an established practice of centrally determining uniform prices during the base period for some or all of their categories of commodities or services, may treat the entire group of retail sellers as one seller for the purpose of (a) computing ceiling prices for the commodities or services for which this practice existed and (b) complying with the record-keeping, reporting and filing provisions of this regulation.

The ceiling prices shall be the uniform centrally determined prices. Records shall be centrally kept, listing the names and addresses of all retail sellers of this group. If a group of retail sellers determines ceiling prices under this section, each retail outlet which is a member of the group must continue to abide by the ceiling prices under this section. The permission granted by this section may be withdrawn by the Director of Price Stabilization from any group of retail sellers upon consideration of the price records maintained by such group and such reports as he may require.

SEC. 13. *Highest price line limitation for manufacturers of wearing apparel and consumer durable goods.*—(a) *Manufacturers with base period sales.* If you manufacture certain wearing apparel or consumer durable goods falling within a list of categories which will be issued shortly you may not, after the effective date prescribed in the supplementary order, sell a commodity in any such category at a price higher than your ceiling price determined under section 3 for a commodity in that category.

Example: Your base period ceiling prices for women's rayon dresses were $5.75, $6.75 and $8.75. You will not be permitted to sell any women's dresses at a price in excess of $8.75.

(b) *Manufacturers without base period sales.* If you did not deliver during the base period, or offer in writing for delivery during the base period, any commodity in a particular category listed, you must apply to the Director of Price Stabilization, Washington 25, D. C., for a highest price line limitation for the category which you wish to sell.

SEC. 14. *Exemptions and exceptions.* This regulation does not apply to the following:

(a) Prices or rentals for real property;

(b) Rates or fees charged for professional services;

(c) Prices or rentals for:

(1) Materials furnished for publication by any press association or feature service;

(2) Books, magazines, motion pictures, periodicals, or newspapers, other than as waste or scrap;

(d) Rates charged by any person in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting or television station, a motion picture or other theatre enterp..se, or outdoor advertising facilities;

(e) Rates charged by any person in the business of selling or underwriting insurance;

(f) Rates charged by any common carrier or other public utility;

(g) Margin requirements on any commodity exchange;

(h) Sales of bonds, stocks, or other securities and evidences of indebtedness;

(i) Sales of stamps and coins, precious stones, paintings, other objects of art, and commodities made prior to 1850;

(j) Sales of used personal or household effects by a private owner;

(k) Sales and deliveries at a bona fide auction of used household or personal effects, except that this exception shall not apply to any sale at auction conducted in, by, or for a retail or wholesale establishment regularly engaged in the business of selling such commodities other than by auction.

(l) Indian and Eskimo handicraft objects which are produced by the manual skill of American Indians, Alaskan Indians or Eskimos.

(m) Sales and deliveries of damaged commodities by insurance companies, transportation companies, or agents of the United States Government or by any other person engaged in reconditioning and selling damaged commodities received, in direct connection with the adjustment of losses, from insurance companies, transportation companies, or agents of the United States Government: provided that such person is engaged principally and primarily in such business and is not engaged in selling new or second-hand commodities for his own account.

(n) Sales or deliveries of commodities made or produced by the seller at his home, solely for his own account, without the assistance of hired employees, if the total of such sales or deliveries does not exceed $200 in any one calendar month.

(o) Services the rates of which are regulated by the Department of Agriculture under the Stockyards and Packers Act.

(p) Sales of abandoned or confiscated property by Government agencies or pursuant to a court decree.

(q) Sales of commodities or services the ceiling prices of which are now or subsequently established by other regulations or orders of the Director of Price Stabilization or by voluntary agreements approved in accordance with the provisions of Section 708 of the Defense Production Act of 1950.

(r) Sales of military and strategic commodities but only to the extent specified by supplementary regulations or orders which will be issued defining the scope of this exemption.

(s) The following agricultural commodities:

(1) Any raw and unprocessed agricultural commodity when sold by the producer of that commodity.

(2) Any commodity grown and processed on the farm when sold by the farmer if the total of such sales and deliveries does not exceed $200 in any one calendar month.

(3) Raw wool when sold by the producer of that commodity.

(4) Cotton when sold by the producer of that commodity.

(5) American-Egyptian cotton.

(6) All live animals.

(7) All fresh fruits and vegetables and tree nuts.

(8) Fresh fish and seafood and game.

(9) Seeds including hay, pasture, legume and covercrop seeds and other seeds.

(10) Crude pine gum.

(11) The following oilseeds or nuts, their oils and fatty acids or combinations of these oils so long as in normal trade practice they retain their identity:

Babassu kernels	Palm oil
Babassu oil	Palm kernels
Cacao butter	Palm kernel oil
Castor beans	Poppyseed
Castor oil	Poppyseed oil
Cohune kernels	Rapeseed, rapeseed oil
Cohune oil	Rubberseed
Coquito kernels	Rubberseed oil
Coquito oil	Sesame seed
Copra	Sesame oil
Cocoanut oil	Sunflower seed
Hemp seed	Sunflower seed oil
Hemp seed oil	Tucum kernels
Kapok seed	Tucum oil
Kapok seed oil	Uricury kernels
Perilla seeds	Uricury oil
Perilla seed oil	Cashew nut shell liquid
Oiticica oil	Shark oil
Muru-muru kernels	Whale oil
Muru-muru oil	Sperm oil
Olive oil, edible, sulphur and other inedible	Cod oil

SEC. 15. *Amendments, protests and interpretations.* The Director of Price Stabilization may issue supplementary regulations modifying or implementing this regulation as he deems appropriate. Price Procedural Regulation No. 1 sets forth the circumstances and the manner in which you may obtain an official interpretation of this regulation; file a protest; or petition for an amendment. If the Director of Price Stabilization determines that adjustments are necessary to prevent or correct hardships or inequities and can be put into effect consistently with the objectives of the Defense Production Act of 1950, he will issue appropriate amendments or supplementary regulations providing for such adjustments.

SEC. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer).

(2) In addition, on or before March 1, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period; or if you sold services you must prepare and preserve a statement listing the services which you delivered or offered to deliver during the base period.

(3) On or before March 1, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. If you are a retailer you may satisfy the requirement of this paragraph (3) by recording on your purchase invoices, covering the commodities (including every model, type, style, and kind) delivered or offered for delivery by you during the base period, the price at which you sold, or offered the commodities for delivery, during the base period.

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

(5) If you operate a restaurant, you are required to preserve all menus used by you during the last ten days of the base period and all menus hereafter used by you.

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price.

(c) In certain situations, other sections of this regulation require additional records to be prepared or submitted.

SEC. 17. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 18. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie in agreements and trade understandings.

SEC. 19. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or op-

erated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 20. *Separate statement of taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales or similar taxes paid by you as such only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after January 26, 1951, you may collect the amount of the tax actually paid as such by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 21. *Penalties.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 22. *Definitions and explanations.* This General Ceiling Price Regulation and the terms which appear in it shall be construed in the following manner, unless otherwise clearly required by the context:

Business establishment. This term refers to the physical location of the store, shop or other place of business in which commodities are manufactured or sold or at or from which commodities or services are supplied.

Class of purchaser or purchaser of same class. This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery.

Commodity. This term includes commodities, materials, articles, products, supplies, components, processes and contracts to buy, sell or deliver any of the foregoing.

Delivered. A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser. A service shall be deemed to have been delivered or supplied during the specified period if during the period it was completed or in process.

Director of Price Stabilization. This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

Exporter. This term means any person selling a commodity priced under this regulation either directly or through an agent and delivering or shipping to a place outside the United States, its territories and possessions.

Importer. This term means the person by whom a commodity is imported and who first sells it after importation.

Imported. A commodity is imported which is transported from a place outside to a place inside the United States, its territories or possessions, for sale within such area.

Manufacturer. This term refers to any person who is engaged in business other than as a wholesaler or retailer.

Most closely competitive seller of the same class. Your most closely competitive seller of the same class is the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity or service (e. g., if you are a wholesaler of a commodity, your most closely competitive seller may be a manufacturer; or, if you are a retail supplier of a service, your most closely competitive seller may be a wholesaler). You are in direct competition with another seller who sells the same types of commodities or services to the same classes of purchaser in similar quantities, on similar terms and, if you are selling a commodity, you supply approximately the same amount of service.

Net invoice cost. This term refers to your invoice cost less any discount or allowance you took or could have taken. It does not include separately stated charges such as freight, taxes, etc.

Offering price. The price at which a commodity or service was offered means the price quoted in the seller's price list, or if he had no price list, the price which he regularly quoted in any other manner. This regulation requires that an offer for sale other than at retail must have been in writing. For sales of commodities at retail the offer must have been made at the immediate point of sale (e. g., the shelves or counters). The term offering price does not include a price intended to withhold a commodity or service from the market or a price offered as a bargaining price by a seller who usually sells at a price lower than his asking price.

Person. This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Records. This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Restaurant. This term refers to any establishment in which meals, food items, or beverages are sold and served primarily for consumption on or about the premises (hotels, soda fountains, boarding houses, lunch wagons, etc., are included).

Sale at retail and retailer. Sale at retail means a sale to an ultimate consumer other than an industrial or commercial user. A seller who in the regular course of business makes sales at retail is a retailer.

Sale at wholesale and wholesaler. Sale at wholesale means a sale by a person who buys a commodity and re sells it, without substantially changing its form, or who supplies a service, to an industrial or commercial user, or to any person other than the ultimate consumer. A seller who in the regular course of business makes sales at wholesale is a wholesaler.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

Seller. This term includes the seller of any commodity or service. Where a seller at retail makes sales or supplies services through more than one selling unit (other than salesmen making sales at uniform price) each such separate place of business shall be deemed to be a separate seller.

Service. This term includes any service rendered or supplied, otherwise than as an employee, and contracts to sell or supply such service.

Unit direct cost. This term means labor and material costs which enter directly into the product. It does not include factory overhead, or indirect manufacturing expenses, administrative, general or selling expenses.

You. The pronoun you as used in this regulation indicates the person subject to the regulation.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

JANUARY 26, 1951.

Approved: January 26, 1951.

ERIC JOHNSTON,
Administrator, Economic Stabilization Agency.

[F. R. Doc. 51-1563; Filed, Jan. 29, 1951; 8:45 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

GENERAL WAGE STABILIZATION REGULATION 1

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), *It is hereby ordered*, That rates of wages, salaries and other compensation are stabilized as hereinafter provided.

Statement of considerations. A regulation establishing ceilings on prices of materials and services generally was issued by the Economic Stabilization Agency on the 26th day of January 1951. The provisions of Section 402 (b) of the Defense Production Act of 1950 require that upon the issuance of such an order wages, salaries and other compensation generally shall be stabilized.

For the purpose of preparing itself for the discharge of its responsibilities the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies.

Following the distribution of the series of questions, the Wage Stabilization Board conducted conferences which were attended by representative groups of labor and industry which presented their views respecting the development of wage stabilization policies.

The Administrator has this day issued General Ceiling Price Regulation 1 and is required by the Defense Production Act of 1950 to stabilize at the same time wages, salaries and other compensation. This regulation will be modified and implemented, from time to time, as the Wage Stabilization Board develops its wage stabilization policy. The Board will issue regulations governing the procedure for applying for modifications and adjustments.

GENERAL WAGE STABILIZATION REGULATION 1

Sec.
1 General stabilization of wages, salaries and other compensation.
2 Other existing regulations and orders superseded.
3 No rates below May 24–June 24, 1950, period.
4 Definitions.
5 Petitions for approval of increases.
6 Modifications and amendments.

AUTHORITY: §§ 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *General stabilization of wages, salaries and other compensation.* No employer shall pay any employee and no employee shall receive "wages, salaries and other compensation" at a rate in excess of the rate at which such employee was compensated on January 25, 1951, without the prior approval or authorization of the Wage Stabilization Board. New employees shall not be compensated at rates higher than those in effect on January 25, 1951, for the jobs for which they are hired.

SEC. 2. *Other existing regulations and orders superseded.* The provisions of this regulation shall supersede the provisions of existing wage regulations and orders of the Economic Stabilization Agency. Wage Procedural Regulation No. 1 is hereby revoked.

SEC. 3. *No rates below May 24–June 24, 1950, period.* Nothing in this regulation shall be construed to require the stabilization of wages, salaries and other compensation for any job at a rate less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive.

SEC. 4. *Definitions.* The term "wages, salaries and other compensation" shall have the meaning defined in Section 702 (e) of the Defense Production Act of 1950.

SEC. 5. *Petitions for approval of increases.* Petitions for the approval of any increase in "wages, salaries and other compensation" affected by this regulation shall be filed with the Wage Stabilization Board.

SEC. 6. *Modifications and amendments.* This regulation may be modified, amended or superseded by orders or regulations hereafter issued by the Wage Stabilization Board.

All other orders and directives of the Economic Stabilization Administrator, including General Order No. 3 of January 24, 1951, are hereby superseded to the extent that they are inconsistent herewith.

Issued: January 26, 1951.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-1562; Filed, Jan. 29, 1951; 8:45 a. m.]

EFFECT OF GENERAL WAGE STABILIZATION REGULATION 1 ON PRIOR STABILIZATION REGULATIONS

CROSS REFERENCE: For revocation of Wage Procedural Regulation 1 (15 F. R. 9325), and supersedure of provisions of existing wage regulations and orders of the Economic Stabilization Agency, see the General Wage Stabilization Regulation 1, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 51-4]

EMPLOYMENT OF PERSONNEL ON MERCHANT VESSELS; AND EDITORIAL CORRECTION

Pursuant to the proviso in 33 CFR 6.10–1 to Executive Order 10173 (15 F. R. 7007), the Commandant may designate categories of merchant vessels of the United States to which the requirements of 33 CFR 6.10–1 regarding the employment of personnel on merchant vessels do not apply. The purpose of the following new regulation designated 33 CFR 121.02 is to indicate the categories of merchant vessels of the United States to which the provisions of 33 CFR 6.10–1 do apply. The editorial amendment to 33 CFR 125.27 is to delete the reference to any "Temporary Identification" issued by the Coast Guard as a substitute for the Coast Guard Port Security Card since this reference was left in the original regulations through oversight and there is no so-called "Temporary Identification" provided in the regulations. Because of the national emergency declared by the President it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order No. 10173, the following regulations are prescribed which shall become effective upon date of publication of this document in the FEDERAL REGISTER:

Subchapter K—Security of Vessels

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

Part 121 is amended by adding a new § 121.02, reading as follows:

§ 121.02 *Employment of personnel on merchant vessels.* The employment of merchant marine personnel on merchant vessels of the United States is subject to § 6.10–1 of Subchapter A of this chapter and the proviso at the end thereof authorizes the Commandant to exempt certain categories of merchant vessels. All categories of merchant vessels of the United States shall be exempt from the requirements of § 6.10–1 of Subchapter A of this chapter except the following:

(a) All merchant vessels of the United States of 100 gross tons and upward engaged in the foreign trade.

(b) All merchant vessels of the United States of 100 gross tons and upward engaged in trade to the Dominion of Canada, the West Indies, or Mexico.

(c) All merchant vessels of the United States of 100 gross tons and upward engaged in the intercoastal trade.

(d) All merchant vessels of the United States of 100 gross tons and upward engaged in the coastwise trade, including those vessels engaged in trade to Alaska or the Hawaiian Islands.

(e) All merchant vessels of the United States of 100 gross tons and upward engaged in trade on the Great Lakes.

(E. O. 10173, Oct. 18, 1950, 15 F. R. 7005. Interprets or applies 40 Stat. 220, as amended; 50 U. S. C. 191)

Subchapter L—Security of Waterfront Facilities

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

Section 125.27 is amended by deleting the phrase "Temporary Identification or" from the last sentence so that the section will read as follows:

§ 125.27 *Notification of denial or revocation of Coast Guard Port Security Card.* When it is determined by the Commandant that a person who has applied for a Coast Guard Port Security Card or a person to whom a Coast Guard Port Security Card has been issued is not eligible therefor within the meaning of §§ 125.29 or 125.31, such person shall be so notified in writing, and in the latter event he shall immediately surrender to the Coast Guard any Coast Guard Port Security Card held by him.

(E. O. 10173, Oct. 18, 1950, 15 F. R. 7005. Interprets or applies 40 Stat. 220, as amended; 50 U. S. C. 191)

Dated: January 24, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51-1475; Filed, Jan. 29, 1951; 8:52 a. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.38 is hereby revoked, § 204.81 governing the use of an aerial gunnery and bombing range in the Atlantic Ocean off the Georgia Coast is hereby amended, and § 204.197 is hereby prescribed to govern the use of practice firing ranges for United States Army Reserve, National Guard, and Coast Guard units in the Pacific Ocean in the vicinity of San Pedro, California, as follows:

§ 204.38 *Atlantic Ocean and Sinepuxent and Chincoteague Bays, Md.; target areas. U. S. Navy.* [Revoked.]

§ 204.81 *Atlantic Ocean off Georgia Coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, United States Air Force*—(a) *The danger zones*—(1) *For fighter aircraft.* An area approximately 30 miles off shore between Wassaw Sound and Brunswick, Georgia, described as follows: Beginning at latitude 31°55'30", longitude 80°24'00"; thence 90° true to longitude 80°16'00"; thence southwesterly to latitude 31°10'00", longitude 80°43'00"; thence 270° true to longitude 81°51'00"; and then northeasterly to the point of beginning.

(2) *For bombardment aircraft.* An area approximately 70 miles off shore between Savannah Beach and Brunswick, Georgia, described as follows: Beginning at latitude 32°00'00", longitude 79°43'00"; thence 90° true to longitude 79°07'00"; thence southwesterly to latitude 31°10'00", longitude 79°24'00"; thence 270° true to longitude 80°00'00"; and thence northeasterly to the point of beginning.

(b) *The regulations.* (1) The danger zones shall be open to navigation except when aerial gunnery or bombing practice is being conducted.

(2) Prior to conducting each practice the entire area will be patrolled by aircraft to warn any watercraft found in the vicinity that such practice is about to take place. The warnings will be by "buzzing," i. e., by flying low over the watercraft. Any watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until practice has ceased.

(3) The regulations in this section shall be enforced by the Commanding Officer, 2d Bombardment Wing, Hunter Air Force Base, Savannah, Georgia, and such agencies as he may designate.

§ 204.197 *Pacific Ocean in vicinity of San Pedro, Calif.; practice firing ranges for United States Army Reserve, National Guard, and Coast Guard units*—(a) *The danger zones*—(1) *Zone A.* An area extending south and west from Point Fermin, described as follows: Beginning at Point Fermin Light, latitude 33°42'18", longitude 118°17'36"; thence 180° true to latitude 33°41'12"; thence northwesterly to latitude 33°41'54", longitude 118°19'24"; thence northeasterly to the shore at Whites Point, latitude 33°42'48", longitude 118°19'00"; and thence southeasterly along the shore to the point of beginning.

(2) *Zone B.* An area extending south and west from Whites Point, described as follows: Beginning at the shore at Whites Point, latitude 33°42'48", longitude 118°19'00"; thence southwesterly to latitude 33°41'54", longitude 118°19'24"; thence northwesterly to latitude 33°42'42", longitude 118°21'24"; thence northeasterly to latitude 33°43'12", longitude 118°21'06"; thence 90° true to a point on the shore at longitude 118°19'36"; and thence southeasterly along the shore to the point of beginning.

(3) *Zone C.* An area extending southwest and northwest from Point Vicente, described as follows: Beginning at Point Vicente Light, latitude 33°44'30", longitude 118°24'36"; thence southwesterly to latitude 33°43'42", longitude 118°25'24"; thence northwesterly to latitude 33°46'30", longitude 118°27'06"; thence southeasterly to the shore, latitude 33°44'54", longitude 118°24'42"; and thence southerly along the shore to the point of beginning.

(b) *The regulations.* (1) Intermittent firing will take place in Zone A and Zone C between 12:30 and 5:30 p. m. on Saturdays and between 8:00 a. m. and 12:30 p. m. on Sundays, and in Zone B between 12:30 and 5:30 p. m. on Saturdays and between 8:00 a. m. and 5:30 p. m. on Sundays.

(2) Except as otherwise provided in this paragraph, the danger zones will be open to fishing and general navigation. When firing is not scheduled the danger zones may be occupied without restriction. When firing is in progress safety observers will be maintained to warn all vessels . Notice to vacate the area, or to stop at the boundaries, will be given by siren, patrol vessel, or other effective means, and such notice shall be promptly obeyed. All vessels permitted to enter a danger zone during a firing period, other than those owned by and operated by or under the direction of the United States Government, shall proceed across the area by the most direct route and clear the area with the greatest possible dispatch. No vessel, fishing boat, or recreational craft shall anchor in any danger zone during an actual firing period.

(3) Nothing in this section shall be construed as relieving the owner or person in charge of a vessel from any penalties for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights and fog signals, or for otherwise violating any law or regulations.

(4) The regulations in this section shall be enforced by the Commander, Southern Subarea, Sixth Army, Fort MacArthur, California, and such agencies as he may designate.

[Regs. Jan. 9, 1951, 800.2121-ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interpret or apply 40 Stat. 892; 33 U. S. C. 3)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 51-1467; Filed, Jan. 29, 1951; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 2]

PART 95—CAR SERVICE

SATURDAYS AND SUNDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 856 (15 F. R. 5050, 8994), and good cause appearing therefor: It is ordered, that: Section 95.856 *Saturdays and Sundays to be included in computing demurrage on all freight cars*, of Service Order No. 856 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7 a. m., May 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 7 a. m., February 1, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1470; Filed, Jan. 29, 1951; 8:51 a. m.]

[Rev. S. O. 858, Amdt. 2]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434) and good cause appearing therefor: It is ordered, that: Section 95.858 *Lumber; restrictions on reconsigning*, of Service Order No. 858 be, and it is hereby further amended by substituting paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 15, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission .

Effective date: This amendment shall become effective 11:59 p. m., February 2, 1951.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F R. Doc. 51-1471; Filed, Jan. 29, 1951; 8:51 a. m.]

[Rev. S. O. 859, Amdt. 2]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 859 (15 F. R. 5051, 5797), and good cause appearing therefor: It is ordered, that: Section 95.859 *Railroad freight cars to be stopped to complete loading* of Service Order No. 859 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 1, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p. m., January 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1472; Filed, Jan. 29, 1951; 8:51 a. m.]

[Rev. S. O. 860, Amdt. 3]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS TO TRANSPORT FRUIT AND VEGETABLE CONTAINERS AND BOX SHOOKS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 860 (15 F. R. 5081, 5395, 7139), and good cause appearing therefor: It is ordered, that: Section 95.860 *Substitution of refrigerator cars for box cars to transport fruit and vegetable containers and box shooks*, of Service Order No. 860 be, and it is hereby further amended by substituting the following paragraph (d), for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., May 15, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p. m., January 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1473; Filed, Jan. 29, 1951; 8:52 a. m.]

[Rev. S. O. 865, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 16 F. R. 320), and good cause appearing therefor: It is ordered that: Section 95.865 *Demurrage on freight cars* of Service Order 865 as amended, be and it is hereby suspended until 7:00 a. m., March 16, 1951, to the extent it applies on ore cars A. A. R. Mechanical Designation "HM" and "HMA" as described or listed in the official railroad equipment register I. C. C.—R. E. R. No. 298, or reissues thereof, issued by M. A. Zenobia, Agent, when such cars are used in transporting iron ore from origins in the States of Wisconsin, Michigan, and Minnesota.

It is further ordered, that this amendment shall become effective at 7:00 a. m., January 26, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1474; Filed, Jan. 29, 1951; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 3 since it was last recapitulated in the FEDERAL REGISTER (December 8, 1948) there follows a recapitulation of Part 3 as revised to and including the Commission's action of December 13, 1950 (15 F. R. 9189).

The Standards of Good Engineering Practice Concerning Standard Broadcast Stations (appendix to Subpart A of this part), the Standards of Good Engineering Practice Concerning FM Broadcast Stations (appendix to Subpart B of this part), and the Standards of Good Engineering Practice Concerning Television Broadcast Stations (appendix to Subpart E of this part), are not included in this recapitulation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

DEFINITIONS

Sec.
3.1 Standard broadcast station.
3.2 Standard broadcast band.
3.3 Standard broadcast channel.
3.4 Dominant station.
3.5 Secondary station.
3.6 Daytime.
3.7 Nighttime.
3.8 Sunrise and sunset.
3.9 Broadcast day.
3.10 Experimental period.
3.11 Service areas.
3.12 Portable transmitter.
3.13 Auxiliary transmitter.
3.14 Technical definitions.

ALLOCATION OF FACILITIES

3.21 Three classes of standard broadcast channels.
3.22 Classes and power of standard broadcast stations.
3.23 Time of operation of the several classes of stations.
3.24 Broadcast facilities; showing required.

FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

3.25 Clear channels; Classes I and II stations.
3.26 Regional channels; Classes III–A and III–B stations.
3.27 Local channels; Class IV stations.
3.28 Assignment of stations to channels.
3.29 Assignment of Class IV stations to regional channels.
3.30 Station location and program origination.
3.31 Authority to move main studio.
3.32 Special experimental authorizations.
3.33 Directional antenna; showing required.
3.34 Normal license period.
3.35 Multiple ownership.

EQUIPMENT

3.41 Maximum rated carrier power; tolerances.
3.42 Maximum rated carrier power; how determined.
3.43 Changes in equipment; authority for.
3.44 Other changes in equipment.
3.45 Radiating system.
3.46 Transmitter.

TECHNICAL OPERATION

3.51 Operating power; how determined.
3.52 Operating power; indirect measurement.
3.53 Application of efficiency factors.
3.54 Operating power; direct measurement.
3.55 Modulation.
3.56 Modulation; data required.
3.57 Operating power; maintenance of.
3.58 Indicating instruments.
3.59 Frequency tolerance.
3.60 Frequency monitor.
3.61 New equipment; restrictions.
3.62 Automatic frequency control equipment; authorization required.
3.63 Auxiliary transmitter.
3.64 Alternate main transmitters.
3.65 Inspection of tower lights and associated control equipment.

OPERATION

3.71 Minimum operating schedule.
3.72 Operation during experimental period.
3.73 Specified hours.
3.74 Sharing time.
3.75 Sharing time; equivalence of day and night hours.
3.76 Sharing time; experimental period.
3.77 Sharing time; departure from regular schedule.
3.78 Sharing time stations; notification to Commission.
3.79 License to specify sunrise and sunset hours.
3.80 Secondary station; filing of operating schedule.
3.81 Secondary station; failure to reach agreement.
3.82 Departure from schedule; material violation.
3.83 Local standard time.
3.84 Daylight saving time.
3.85 Changes in time; agreement between licensees.
3.86 Local standard time; license provisions.
3.87 Program transmissions prior to local sunrise.

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

3.101 Exclusive affiliation of station.
3.102 Territorial exclusivity.
3.103 Term of affiliation.
3.104 Option time.
3.105 Right to reject programs.
3.106 Network ownership of stations.
3.107 Dual network operation.
3.108 Control by networks of station rates.
3.109 Special rules relating to contracts providing for reservation of time upon sale of a station.

GENERAL RULES APPLICABLE TO STANDARD BROADCAST STATIONS

3.163 Discontinuance of operation.
3.164 Station license; posting of.
3.165 Operator requirements.
3.166 Period of construction.
3.167 Equipment tests.
3.168 Program tests.
3.169 Station inspection.
3.181 Logs.
3.182 Logs; retention of.
3.183 Logs; by whom kept.
3.184 Log form.
3.185 Correction of logs.
3.186 Rough logs.
3.187 Station identification.
3.188 Mechanical records.
3.189 Sponsored programs; announcement of.
3.190 Broadcasts by candidates for public office.
3.191 Rebroadcast.
3.192 Lotteries and give-away programs.

SUBPART B—RULES GOVERNING FM BROADCAST STATIONS

CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

Sec.
3.201 Numerical designation of FM broadcast channels.
3.202 Areas of the United States.
3.203 Class A stations.
3.204 Class B stations.
3.205 Station location and program origination.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.211 Application for FM broadcast stations.
3.212 Full disclosures.
3.213 Installation of apparatus.
3.214 Period of construction.
3.215 Forfeiture of construction permits: Extension of time.
3.216 Equipment tests.
3.217 Program tests.
3.218 Normal license period.
3.219 License, simultaneous modification and renewal.
3.220 Renewal of license.
3.221 Temporary extension of station licenses.
3.222 Repetitious applications.
3.223 Assignment or transfer of control.

RULES RELATING TO LICENSING POLICIES

3.231 Exclusive affiliation of station.
3.232 Territorial exclusivity.
3.233 Terms of affiliation.
3.234 Option time.
3.235 Right to reject programs.
3.236 Network ownership of stations.
3.237 Dual network operation.
3.238 Control by networks of station rates.
3.239 Use of common antenna site.
3.240 Multiple ownership.
3.241 Special rules relating to contracts providing for reservation of time upon sale of a station.

RULES RELATING TO EQUIPMENT

3.251 Transmitter power.
3.252 Frequency monitor.
3.253 Modulation monitor.
3.254 Required transmitter performance.
3.255 Auxiliary transmitter.
3.256 Alternate main transmitters.
3.257 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.261 Time of operation.
3.262 Experimental operation.
3.263 Station inspection.
3.264 Station license, posting of.
3.265 Operator requirements.
3.266 Facsimile broadcasting and multiplex transmission.
3.267 Operating power; how determined.
3.268 Modulation.
3.269 Frequency tolerance.
3.270 Inspection of tower lights and associated control equipment.
3.271 Discontinuance of operation.
3.272 Field intensity measurements.
3.273 Emergency antenna.

OTHER RULES RELATING TO OPERATION

3.281 Logs.
3.282 Logs, retention of.
3.283 Logs, by whom kept.
3.284 Log form.
3.285 Correction of logs.
3.286 Rough logs.
3.287 Station identification.
3.288 Mechanical records.
3.289 Sponsored programs, announcement of.
3.290 Broadcasts by candidates for public office.
3.291 Rebroadcast.
3.292 Lotteries and give-away programs.

SUBPART C—RULES GOVERNING NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

Sec.
3.501 Channels available for assignment.
3.502 State-wide plans.
3.503 Licensing requirements and service.
3.504 Frequency, power and service area.
3.505 Standards of good engineering practice.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.511 Application for noncommercial educational FM broadcast stations.
3.512 Full disclosures.
3.513 Installation of apparatus.
3.514 Period of construction.
3.515 Forfeiture of construction permits; extension of time.
3.516 Equipment tests.
3.517 Program tests.
3.518 Normal license period.
3.519 License, simultaneous modification and renewal.
3.520 Renewal of license.
3.521 Temporary extension of station licenses.
3.522 Repetitious applications.
3.523 Assignment or transfer of control.

RULES RELATING TO EQUIPMENT

3.551 Transmitter power.
3.552 Frequency monitor.
3.553 Modulation monitor.
3.554 Transmitter performance.
3.555 Auxiliary transmitter.
3.556 Alternate main transmitters.
3.557 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.561 Operating schedule.
3.562 Experimental operation.
3.563 Station inspection.
3.564 Station license, posting of.
3.565 Operator requirements.
3.566 Facsimile broadcasting and multiplex transmission.
3.567 Operating power; determination and maintenance of.
3.568 Modulation.
3.569 Frequency tolerance.
3.570 Inspection of tower lights and associated control equipment.
3.571 Discontinuance of operation.

OTHER RULES RELATING TO OPERATION

3.581 Logs.
3.582 Logs, retention of.
3.583 Logs, by whom kept.
3.584 Log form.
3.585 Correction of logs.
3.586 Rough logs.
3.587 Station identification.
3.588 Mechanical records.
3.591 Rebroadcast.

SUBPART D—RULES GOVERNING FACSIMILE BROADCAST STATIONS (UNDER PREPARATION)

SUBPART E—RULES GOVERNING TELEVISION BROADCAST STATIONS

CLASSIFICATION OF TELEVISION STATIONS AND ALLOCATION OF FREQUENCIES

3.601 Numerical designation of television channels.
3.602 Sharing of television channels.
3.603 Community stations.
3.604 Metropolitan stations.
3.605 Rural stations.
3.606 Table showing allocation of television channels to metropolitan districts in the United States.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.611 Application for television stations.
3.612 Full disclosures.
3.613 Installation of apparatus.
3.614 Period of construction.
3.615 Forfeiture of construction permits; extension of time.
3.616 Equipment tests.
3.617 Program tests.
3.618 Normal license period.
3.619 License, simultaneous modification and renewal.
3.620 Renewal of license.
3.621 Temporary extension of station licenses.
3.622 Repetitious applications.
3.623 Assignment or transfer of control.

RULES RELATING TO LICENSING POLICIES

3.631 Exclusive affiliation of station.
3.632 Territorial exclusivity.
3.633 Term of affiliation.
3.634 Option time.
3.635 Right to reject programs.
3.636 Network ownership of stations.
3.637 Dual network operation.
3.638 Control by networks of station rates.
3.639 Use of common antenna site.
3.640 Multiple ownership.
3.641 Special rules relating to contracts providing for reservation of time upon sale of a station.

RULES RELATING TO EQUIPMENT

3.651 Transmitter power.
3.652 Frequency monitors.
3.653 Modulation monitors.
3.654 Required transmitter performance.
3.655 Auxiliary transmitter.
3.656 Alternate main transmitters.
3.657 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.661 Time of operation.
3.662 Experimental operation.
3.663 Station inspection.
3.664 Station license, posting of.
3.665 Operator requirements.
3.666 Operating power; how determined.
3.667 Modulation.
3.668 Frequency tolerance.
3.669 Inspection of tower lights and associated control equipment.
3.670 Discontinuance of operation.

OTHER RULES RELATING TO OPERATION

3.681 Logs.
3.682 Logs, retention of.
3.683 Logs, by whom kept.
3.684 Log form.
3.685 Correction of logs.
3.686 Rough logs.
3.687 Station identification.
3.688 Mechanical reproductions.
3.689 Sponsored programs, announcement.
3.690 Broadcasts by candidates for public office.
3.691 Rebroadcast.
3.692 Lotteries and give-away programs.

SUBPART F—RULES GOVERNING INTERNATIONAL BROADCAST STATIONS

DEFINITION OF INTERNATIONAL BROADCAST STATIONS AND ALLOCATION OF FACILITIES

3.701 Defined.
3.702 Frequency assignments.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

3.711 Application for international broadcast stations.
3.712 Full disclosures.
3.713 Installation or removal of apparatus.
3.714 Period of construction.
3.715 Forfeiture of construction permits; extension of time.
3.716 Equipment tests.
3.717 Program tests.
3.718 Normal license period.
3.719 License, simultaneous modification and renewal.
3.720 Renewal of license.
3.721 Temporary extension of station licenses.
3.722 Repetitious applications.
3.723 Assignment or transfer of control.

RULES RELATING TO LICENSING POLICIES

3.731 Licensing requirements; necessary showing.

RULES RELATING TO EQUIPMENT

3.751 Power requirement.
3.752 Frequency control.
3.753 Antenna.
3.754 Frequency monitors.
3.755 Modulation monitors.
3.756 Required transmitter performance.
3.757 Auxiliary transmitters.
3.758 Alternate main transmitters.
3.759 Changes in equipment and antenna system.

RULES RELATING TO TECHNICAL OPERATION

3.761 Time of operation.
3.762 Station inspection.
3.763 Station license, posting of.
3.764 Operator requirements.
3.765 Operating power; how determined.
3.766 Modulation.
3.767 Frequency tolerance.
3.768 Inspection of tower lights and associated control equipment.
3.769 Discontinuance of operation.

OTHER RULES RELATING TO OPERATION

3.781 Logs.
3.782 Logs, retention of.
3.783 Logs, by whom kept.
3.784 Log form.
3.785 Correction of logs.
3.786 Rough logs.
3.787 Station identification.
3.788 Service; commercial or sponsored programs.
3.789 Sponsored programs, announcement of.
3.790 Rebroadcast.
3.791 Supplemental report with renewal application.

AUTHORITY: §§ 3.1 to 3.791 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

SUBPART A—RULES GOVERNING STANDARD BROADCAST STATIONS

DEFINITIONS [1]

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 550–1600 kilocycles, inclusive.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 550–1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.

[1] Other definitions which may pertain to standard broadcast stations are included in the Communications Act of 1934, as amended, and in §§ 2.1 and 2.102 of this chapter.

§ 3.4 *Dominant station.* The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

§ 3.5 *Secondary station.* The term "secondary station" means any station except a Class I station operating on a clear channel.

§ 3.6 *Daytime.* The term "daytime" means that period of time between local sunrise and local sunset.

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

§ 3.8 *Sunrise and sunset.* The terms "sunrise and sunset" mean, for each particular location and during any particular month, the average time of sunrise and sunset as specified in the license of a broadcast station. (For tabulation of average sunrise and sunset times for each month at various points in the United States, see "Average Sunrise and Sunset Times.")

§ 3.9 *Broadcast day.* The term "broadcast day" means that period of time between local sunrise and 12 midnight local standard time.

§ 3.10 *Experimental period.* The term "experimental period" means that time between 12 midnight and local sunrise. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

§ 3.11 *Service areas.* (a) The term "primary service area" of a broadcast station means the area in which the groundwave is not subject to objectionable interference or objectionable fading.

(b) The term "secondary service area" of a broadcast station means the area served by the skywave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(c) The term "intermittent service area" of a broadcast station means the area receiving service from the groundwave but beyond the primary service area and subject to some interference and fading.

§ 3.12 *Portable transmitter.* The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

§ 3.13 *Auxiliary transmitter.* The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

§ 3.14 *Technical definitions*—(a) *Combined audio harmonics.* The term "combined audio harmonics" means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.

(b) *Effective field.* The term "effective field" or "effective field intensity" is the root-mean-square (RMS) value of the inverse distance fields at a distance of 1 mile from the antenna in all directions in the horizontal plane.

(c) *Operating power.* "Operating power" is the power that is actually supplied to the radio station antenna.

(d) *Maximum rated carrier power.* "Maximum rated carrier power" is the maximum power at which the transmitter can be operated satisfactorily and is determined by the design of the transmitter and the type and number of vacuum tubes used in the last radio stage.

(e) *Plate input power.* "Plate input power" means the product of the direct plate voltage applied to the tubes in the last radio stage and the total direct current flowing to the plates of these tubes, measured without modulation.

(f) *Antenna power.* "Antenna input power" or "antenna power" means the product of the square of the antenna current and the antenna resistance at the point where the current is measured.

(g) *Antenna current.* "Antenna current" means the radio-frequency current in the antenna with no modulation.

(h) *Antenna resistance.* "Antenna resistance" means the total resistance of the transmitting antenna system at the operating frequency and at the point at which the antenna current is measured.

(i) *Modulator stage.* "Modulator stage" means the last amplifier stage of the modulating wave which modulates a radio-frequency stage.

(j) *Modulated stage.* "Modulated stage" means the radio-frequency stage to which the modulator is coupled and in which the continuous wave (carrier wave) is modulated in accordance with the system of modulation and the characteristics of the modulating wave.

(k) *Last radio stage.* "Last radio stage" means the oscillator or radio-frequency-power amplifier stage which supplies power to the antenna.

(l) *Percentage modulation (amplitude).* "Percentage modulation" with respect to an amplitude modulated wave means the ratio of half the difference between the maximum and minimum amplitudes of the amplitude modulated wave to the average amplitude expressed in percentage.

(m) *Maximum percentage modulation.* "Maximum percentage of modulation" means the greatest percentage of modulation that may be obtained by a transmitter without producing in its output harmonics of the modulating frequency in excess of those permitted by these regulations.

(n) *High level modulation.* "High level modulation" is modulation produced in the plate circuit of the last radio stage of the system.

(o) *Low level modulation.* "Low level modulation" is modulation produced in an earlier stage than the final.

(p) *Plate modulation.* "Plate modulation" is modulation produced by introduction of the modulating wave into the plate circuit of any tube in which the carrier frequency wave is present.

(q) *Grid modulation.* "Grid modulation" is modulation produced by introduction of the modulating wave into any of the grid circuits of any tube in which the carrier frequency wave is present.

ALLOCATION OF FACILITIES

§ 3.21 *Three classes of standard broadcast channels*—(a) *Clear channel.* A clear channel is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference within their primary service areas and over all or a substantial portion of their secondary service areas.

(b) *Regional channel.* A regional channel is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

(c) *Local channel.* A local channel is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited as a consequence of interference to a given field intensity contour.

§ 3.22 *Classes and power of standard broadcast stations*—(a) *Class I station.* A Class I station is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in § 3.25 or in accordance with the Engineering Standards of Allocation. The operating power shall be not less than 10 kilowatts nor more than 50 kilowatts. (Also see § 3.25 (a) for further power limitation.)

(b) *Class II station.* A Class II station is a secondary station which operates on a clear channel (see § 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the Engineering Standards of Allocation.

(c) *Class III station.* A Class III station is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district[1] and the rural area contiguous thereto. Class III stations are subdivided into two classes.

(1) *Class III–A station.* A Class III–A station is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(2) *Class III–B station.* A Class III–B station is a Class III station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the Engineering Standards of Allocation.

(d) *Class IV station.* A Class IV station is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt, and its service area is subject to interference in accordance with the Engineering Standards of Allocation.

§ 3.23 *Time of operation of the several classes of stations.* The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) Unlimited time permits operation without a maximum limit as to time.

(b) Limited time is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset. (For exact time of sunset at any location see Average Sunrise and Sunset Times.) Daytime stations operating on local channels may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

(d) Sharing time permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 3.71.) Specified hours stations operating on local channels except those sharing time with other stations may, upon notification to the Commission and the engineer in charge of the district in which they are located, operate at hours beyond those specified in their license.

§ 3.24 *Broadcast facilities; showing required.* An authorization for a new standard broadcast station or increase in facilities of an existing station[2] will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to affect a fair, efficient, and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see Engineering Standards of Allocation and Field Intensity Measurements in Allocation.)

(c) That the applicant is financially qualified to construct and operate the proposed station.[3]

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and Locations of Transmitters of Standard Broadcast Stations.)

(f) That the facilities sought are subject to assignment as requested under existing international agreements and the rules and regulations of the Commission.

(g) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

§ 3.25 *Clear channels: Class I and II stations.* The frequencies in the following tabulations are designated as clear channels and assigned for use by the classes of stations given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on said border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 690, 740, 860, 990, 1010[4] and 1580 kilocycles.

(d) For Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the nearest Mexican border, 730, 800, 900, 1050,[5] 1220,[6] and 1570 kilocycles.

(e) For Class II stations which will deliver not over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point of land in the Bahama Islands, and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest point of land in the Bahama Islands, 1540 kilocycles.

§ 3.26 *Regional channels; Classes III–A and III–B stations.* The following frequencies are designated as regional channels and are assigned for use by Class III–A and III–B stations:[7] 550, 560,[8] 570,[9] 580, 590,[9] 600, 610, 620, 630,[9] 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,[9] 1280, 1290, 1300, 1310, 1320, 1330; 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

§ 3.27 *Local channels: Class IV stations.* The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

§ 3.28 *Assignment of stations to channels.* (a) The individual assignments of stations to channels which may cause interference to other United States stations only shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see Engineering Standards of Allocation and Field Intensity Measurements in Allocation, sec. C.)

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[1] The term "metropolitan district" as used in this paragraph is not limited in accordance with the definition given by the Bureau of the Census but includes any principal center of population in any area.

[2] Formal applications required. See Standards of Good Engineering Practice for form number.

[3] See Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers.

[4] A station on 1010 kilocycles shall also protect a Class I–B station at Havana, Cuba.

[5] See North American Regional Broadcasting Agreements for use of this channel by a station in New York (appendix I, table IV).

[6] See agreement with Mexico for further use of this channel.

[7] See § 3.29 in regard to assigning Class IV station to regional channels.

[8] See North American Regional Broadcasting Agreement for special provisions concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with appendix II, table I, of said agreement.

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

§ 3.29 *Assignment of Class IV stations to regional channels.* On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

§ 3.30 *Station location and program organization.* (a) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network ⅔ of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, or other political sub-division. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the Standards of Good Engineering Practice, prescribed by the Commission.

§ 3.31 *Authority to move main studio.* The licensee of a standard broadcast station shall not move its main studio outside the borders of the borough or city, state, district, territory, or possession in which it is located, unless such move is to the location of the station's transmitter, without first making written application [10] to the Commission for authority to so move, and securing written permission for such removal. The licensee shall promptly notify the Commission of any other change in location of the main studio.

§ 3.32 *Special experimental authorizations.* (a) Special experimental authorizations [11] may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor [10] and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience, and necessity will be served by granting the authorization requested.

(b) In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A special experimental authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

[10] Formal application required. See Standards of Good Engineering Practice for form number.

[11] Special authorizations which do not involve experimental operation may be granted pursuant to § 1.324 of this chapter.

§ 3.33 *Directional antenna; showing required.* (a) No application for authority to install a directional antenna [10] will be accepted unless a definite site and full details of the design of the directional antenna are given with the application. (See Data Required With Applications Involving Directional Antenna Systems.)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See Field Intensity Measurements in Allocation, sec. B.)

§ 3.34 *Normal license period.* (a) All standard broadcast station licenses will be issued for a normal license period of 3 years. Licenses will be issued to expire at the hour of 3 a. m., eastern standard time, in accordance with the following schedule, and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, November 1, 1946.

(2) For stations operating on the frequencies 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580 kilocycles, May 1, 1945.

(3) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, May 1, 1946.

(4) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1150, 1250 kilocycles, May 1, 1947.

(5) For stations operating on the frequencies 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1350, 1360 kilocycles, November 1, 1945.

(6) For stations operating on the frequencies 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, 1600 kilocycles, November 1, 1947.

(7) For stations operating on the frequency 1230 kilocycles, February 1, 1946.

(8) For stations operating on the frequency 1240 kilocycles, August 1, 1946.

(9) For stations operating on the frequency 1340 kilocycles, February 1, 1947.

(10) For stations operating on the frequency 1400 kilocycles, August 1, 1947.

(11) For stations operating on the frequency 1450 kilocycles, February 1, 1948.

(12) For stations operating on the frequency 1490 kilocycles, August 1, 1948.

(b) Unless otherwise ordered, when an application for a new station license is granted within three months of the expiration date for licenses of the particular class of station involved, the license shall be issued for the unexpired period of the current license term and for the full succeeding term. If granted more than three months from the normal expiration date, the license will be issued for the unexpired period of the current license term only.

(c) When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.35 *Multiple ownership.* No license shall be granted for a standard broadcast station, directly or indirectly owned, operated or controlled [12] by any person [13] where such station renders or will render primary service to a substantial portion of the primary service area of another standard broadcast station, directly or indirectly owned, operated or controlled by such person, except upon a showing that public interest, convenience, and necessity will be served through such multiple ownership situation.

EQUIPMENT

§ 3.41 *Maximum rated carrier power; tolerances.* The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed [1]
		Watts
Class IV	100 or 250 watts	250
Class III	500 or 1,000 watts	1,000
	5,000 watts	5,000
Class II	250, 500, or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
Class I	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

[1] The maximum rated carrier power must be distinguished from the operating power. (See §3.15 (c) and (d).)

§ 3.42 *Maximum rated carrier power; how determined.* The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(a) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in Power Rating of Vacuum Tubes prescribed by the Commission.

(b) If the maximum rated carrier power of any broadcast transmitter, as determined by paragraph (a) of this section, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(c) Authority will not be granted to employ, in the last radio stage of a standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with Requirements for the Approval of the Power Rating of Vacuum Tubes, prescribed by the Commission.

§ 3.43 *Changes in equipment; authority for.* No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.[14]

§ 3.44 *Other changes in equipment.* Other changes except as provided for in this subpart or Standards of Good Engineering Practice, appendix to this subpart, prescribed by the Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes which affect the information already on file shall be shown in full.

§ 3.45 *Radiating system.* (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See Minimum Antenna Heights or Field Intensity Requirements and Field Intensity Measurements in Allocation, sec. A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns, except upon written application to and authority from the Commission.[14]

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to section 303 (q) of the Communications Act of 1934, as amended. (See Standard Lamps and Paints.)

(e) The simultaneous use of a common antenna or antenna structure by more than one standard broadcast station, or by one or more standard broadcast stations and one or more stations of any other class or service may be authorized provided complete responsibility for maintaining the installation and for painting and illuminating the structure in accordance with paragraph (d) of this section and for compliance with the pertinent provisions of the Standards of Good Engineering Practice is assumed by one of the licensees. (See Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.)

§ 3.46 *Transmitter.* (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in the regulations in this part.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band [15] which cause or which, in accordance with the Standards of Good Engineering Practice, are considered as being capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this section, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See Construction, General Operation and Safety of Life Requirements.)

(e) The licensee of each standard [16] broadcast station shall make the following equipment performance measurements at yearly intervals. One such set shall be made during the four-month period preceding the date of filing application for renewal of station license:[17] (1) Data and curves showing over-all audio frequency response from 30 to 7500 CPS for approximately 25, 50, 85 and 100 (if obtainable) percent modulation. Family of curves should be plotted (one for each percentage above) with DB above and below a reference frequency of 1000 CPS as ordinate and audio frequency as abscissa. (2) Data and curves showing audio frequency harmonic content for 25, 50, 85 and 100 percent modulation for fundamental frequencies of 50, 100, 400, 1000, 5000 and 7500 CPS (either

[12] The word "control," as used herein, is not limited to majority stock ownership but includes actual working control in whatever manner exercised.

[13] The word "person," as used herein, includes all persons under common control.

[14] Formal application required. See Standards of Good Engineering Practice for form number.

[15] Informal application may be made, except in controversial cases or in cases involving directional antenna, then formal application shall be made.

[16] See Construction, General Operation and Safety of Life Requirements.

[17] In view of the fact that it is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of this paragraph is extended from August 1, 1948 to August 1, 1949.

[18] Applications for renewal of licenses expiring prior to February 1, 1950 are not required to indicate that these measurements have been made; applications for renewal of licenses expiring on or after February 1, 1950 shall indicate that the measurements have been made.

arithmetical or root sum square values up to the tenth harmonic or 16000 CPS). Plot family of curves (one for each percentage above) with percent distortion as ordinate and audio frequency as abscissa. (3) Data showing percentage carrier shift for 25, 50, 85 and 100 percent modulation with 400 CPS tone. (4) Carrier hum and extraneous noise generated within the equipment and measured as the level below 100 percent modulation throughout the audio spectrum or by bands. (5) Measurements or evidence showing that spurious radiations including radio frequency harmonics are suppressed or are not present to a degree capable of causing objectionable interference to other radio services. Field intensity measurements are preferred but observations made with a communications type receiver may be accepted. However, in particular cases involving interference or controversy, the Commission may require actual measurements. Measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between main studio amplier input and antenna output including equalizer or correction circuits normally employed, but without compression if such amplifier is employed. The above data together with a description of instruments and procedure signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

TECHNICAL OPERATION

§ 3.51 *Operating power; how determined.* The operating power of each standard broadcast station shall be determined by:

(a) Direct measurement of the antenna power in accordance with § 3.54.[19]

(1) Each new standard broadcast station.

(2) Each existing standard broadcast station after June 1, 1941.

(b) Indirect measurement by means of the plate input power to the last radio stage on a temporary basis in accordance with §§ 3.52 and 3.53.

(1) In the case of existing standard broadcast stations and pending compliance with paragraph (a) (2) of this section.

(2) In case of an emergency where the licensed antenna has been damaged or destroyed by storm or other cause beyond the control of the licensee or pending completion of authorized changes.[20] in the antenna system.

(c) Upon making any change [20] in the antenna system, or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, the licensee shall immediately make a new determination of the antenna resistance (see § 3.54) and shall submit application for authority to determine power by the direct method on the basis of the new measurements.

§ 3.52 *Operating power; indirect measurement.* The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (E_p), the total plate current of the last radio stage (I_p), and the proper factor (F) given in the following tables: that is

Operating power $E_p \times I_p \times F$

A. Factor to be used for stations employing plate modulation in the last radio stage [1]

	Factor (F) to be used in determining the operating power from the plate input power
Maximum rated carrier power of transmitter: [2]	
100–1,000 watts	0.70
5,000 and over watts	.80

B. Factor to be used for stations of all powers using low level modulation [1]

	Factor (F) to be used in determining the operating power from the plate input power
Class of power amplifier in the last radio stage:	
Class B	0.35
Class BC [3]	.65

C. Factors to be used for stations of all powers employing grid modulation in the last radio stage [1]

	Factor (F) to be used in determining the operating power from the plate input power
Type of tube in the last radio stage:	
Table C [1]	0.25
Table D [1]	.35

[1] See Power Rating of Vacuum Tubes.

[2] The maximum rated carrier power must be distinguished from the operating power. (See § 3.15 (c) and § 3.15 (d).)

[3] All linear amplifier operation where efficiency approaches that of class C operation.

§ 3.53 *Application of efficiency factors.* In computing operating power by indirect measurement the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See Plate Efficiency of Last Radio Stage.)

§ 3.54 *Operating power; direct measurement.* The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.[21] These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.[22] The antenna ammeter shall not be changed to one of different type, maximum reading, or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See Further Requirements for Direct Measurements of Power.)

§ 3.55 *Modulation.* (a) A licensee of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 percent. When the transmitter is operated with 85 percent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See Approved Modulation Monitors and also Requirements for Approval of Modulation Monitors.)

§ 3.56 *Modulation; data required.* A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 percent or more, with not over 10 percent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.

§ 3.57 *Operating power; maintenance of.* The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the engineer in charge,[23] shall be notified in writing immediately after the emergency develops. (See Operating Power Tolerance.)

§ 3.58 *Indicating instruments.* Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See Indicating Instruments Pursuant to § 3.58.)

[19] Program tests on equipment, including a new or different antenna system, will not be authorized unless application for authority to determine power by the direct method has been granted, or is submitted simultaneously with the application for license to cover the construction permit and the application for license will not be granted until such time as the application for direct measurement is approved.

[20] Changes shall not be made except upon making proper request and obtaining approval thereof in accordance with §§ 3.45 and 3.58.

[21] See Indicating Instruments pursuant to § 3.58.

[22] Formal application required. See Standards of Good Engineering Practice for form number.

[23] See Field Offices of the Commission.

§ 3.59 *Frequency tolerance.* The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1940, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

§ 3.60 *Frequency monitor.* The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See Approved Frequency Monitors and also Requirements for Approval of Frequency Monitors.)

§ 3.61 *New equipment; restrictions.* The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in § 3.59.

§ 3.62 *Automatic frequency control equipment; authorization required.* New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization [24] from the Commission. (See Approved Equipment.)

§ 3.63 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter [25] in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided,* That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification [26] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c) of this section. Tests shall be conducted only between midnight and 9 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by the regulations in this part without any manual adjustment during operation or when it is being put into operation.

(g) The operating power of an auxiliary transmitter may be less than the authorized power, but in no event shall it be greater than such power.

§ 3.64 *Alternate main transmitters.* The licensee of a standard broadcast station may be licensed for alternate main transmitters provided that a technical need [27] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating except at stations operating with different daytime and nighttime power when it shall be permissible to employ transmitters of power ratings appropriate to either the licensed daytime or nighttime power.

(c) The external effects from both transmitters are substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

§ 3.65 *Inspection of tower lights and associated control equipment.* The licensee of each station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, shall:

(a) Make a visual observation of the tower lights at least once each 24 hours to insure that all lights are functioning properly as required.

(b) Report imediately by telephone or telegraph to the nearest airways communication station or office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light or top light not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Inspect at intervals of at least once each three months all automatic and mechanical control devices associated with flashing or rotating beacons to insure that such apparatus is functioning properly as required.

OPERATION

§ 3.71 *Minimum operating schedule.* Except Sundays, the licensee of each standard broadcast station shall maintain a minimum operating schedule of two-thirds of the total hours that it is authorized to operate between 6 a. m. and 6 p. m., local standard time, and two-thirds of the total hours it is authorized to operate between 6 p. m. and midnight, local standard time, except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the engineer in charge [28] shall be notified in writing immediately after the emergency develops.

§ 3.72 *Operation during experimental period.* The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

§ 3.73 *Specified hours.* If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in §§ 3.71 and 3.72.

§ 3.74 *Sharing time.* If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and

[24] Formal application required. See Standards of Good Engineering Practice for form number.

[25] All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See Use of Frequency and Modulation Monitors at Auxiliary Transmitter.)

[26] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made in accordance with § 1.324 of this chapter.

[27] Such as licensees maintaining 24-hour schedule and needing alternate operations for maintenance, or where developmental work requires alternate operation.

[28] See Field Offices of the Commission.

when such written agreements are properly filed in conformity with this section the file mark of the Commission will be affixed thereto, one copy will be retained by the Commission, one copy forwarded to the engineer in charge, and one copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

§ 3.75 *Sharing time; equivalence of day and night hours.* For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations 1 night hour shall be considered the equivalent of 2 day hours.

§ 3.76 *Sharing time; experimental period.* If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with § 3.72. Time-sharing agreements for operation during the experimental period need not be submitted to the Commission.

§ 3.77 *Sharing time; departure from regular schedule.* A departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the engineer in charge.[29]

§ 3.78 *Sharing time stations; notification to Commission.* If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewals of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

§ 3.79 *License to specify sunrise and sunset hours.* If the licensee of a broadcast station is required to commence or cease operation of the station at the time of sunrise or sunset, the license will specify the hour of the day during each month of the license period when operation of such station will commence or cease. (See Average Sunrise and Sunset Time.)

[29] See Field Offices of the Commission.

§ 3.80 *Secondary station; filing of operating schedule.* The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station (or stations) on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return one copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in § 3.77.

§ 3.81 *Secondary station; failure to reach agreement.* If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

§ 3.82 *Departure from schedule; material violation.* In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

§ 3.83 *Local standard time.* All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

§ 3.84 *Daylight saving time.* If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight saving time, and not standard time, as long as daylight saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, however,* That when the license specifies average time of sunrise and sunset, local standard time shall be observed. In no event shall a station licensed for daytime only operate on regular schedule prior to local sunrise, or shall a station licensed for greater daytime power than nighttime power or for a different radiation pattern for daytime operation than for nighttime operation operate with the daytime power or radiation pattern prior to local sunrise.

§ 3.85 *Changes in time; agreement between licensees.* Where the local time is not changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight saving time is observed at the location of some of these stations.

§ 3.86 *Local standard time; license provisions.* The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

§ 3.87 *Program transmissions prior to local sunrise.* (a) The provisions of §§ 3.6, 3.8, 3.9, 3.10, 3.23, 3.79 and 3.84 shall not prevent the transmission of programs between 4 o'clock a. m., local standard time, and local sunrise, of standard broadcast stations with their authorized daytime facilities: *Provided,* That the provisions of this section shall not extend to:

(1) Stations regularly sharing time during daytime hours either under licenses pursuant to which time-sharing agreements have been entered into or licenses specifying hours of operation, unless time-sharing agreements have been reached covering such operation prior to local sunrise. Sections 3.74, 3.77, and 3.78 shall be applicable to such agreements.

(2) Any Class II station causing interference[30] by use of its daytime facilities within the 0.5 mv/m 50 percent skywave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (i) where the Class I station is located east of the Class II station in which case operation may begin at local sunrise at the Class I station; (ii) where an agreement has been reached with the Class I station to begin operation prior to local sunrise.

(3) Operation by use of its daytime facilities of any Class II station on any Class I–A channel not assigned to the United States under the North American Regional Broadcasting Agreement.

(b) Any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

(d) The period 4 a. m. to 6 a. m., local standard time, shall not be included in determining compliance with § 3.71.

[30] As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

§ 3.101 *Exclusive affiliation of station.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization [31] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.102 *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.103 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network orgatization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within six months prior to the commencement of such period.

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station which options [32] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours [33] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[34] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.105 *Right to reject programs.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a) with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b) with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.106 *Network ownership of stations.*[35] No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control [36] with a network organization, for more than one standard broadcast station where one of the stations covers substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.107 *Dual network operation.* No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.108 *Control by networks of station rates.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.109 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a standard broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section.[37] Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

[31] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

[32] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[33] All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[34] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[35] Effective date of this section with respect to any station may be extended from time to time in order to permit the orderly disposition of properties; and it shall be suspended indefinitely with respect to regional network organizations.

[36] The word "control" as used herein is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

[37] The effective date of this section with respect to any station may be extended, upon request, until November 15, 1949, *Provided,* That any such station shall file with the Commission, in triplicate, on or before September 15, 1949, a complete statement under oath of the status of its negotiations to modify any contract, arrangement or understanding to insure compliance with the provisions of this section, the extent to which it has been unable to achieve such modification at the time of the report, the reason for such failure to secure the requisite modification, a statement of what further action such licensee intends to take to insure compliance with the provisions of the section, and proof of service of copies of such statement upon all other parties to such contracts, arrangements, or understandings.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right of termination. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

GENERAL RULES APPLICABLE TO STANDARD BROADCAST STATIONS

§ 3.163 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.164 *Station license; posting of.* The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner.

§ 3.165 *Operator requirements.* (a) The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located.

(b) The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, however,* That such duties shall in nowise interfere with the proper operation of the standard broadcast transmitter.

§ 3.166 *Period of construction.* Each construction permit for a radio station in the standard broadcast service will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and with the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.167 *Equipment tests.* (a) During the process of construction of a standard broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests during the experimental period for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards. In addition, the Commission may authorize equipment tests other than during the experimental period if such operation is shown to be desirable to the proper completion of construction and adjustment of the transmitting equipment and antenna system. An informal application for such authority, giving full details regarding the need for such tests, shall be filed with the Commission at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) prior to the date on which it is desired to begin such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid and shall be conducted only during the experimental period (12 midnight to local sunrise) unless otherwise specifically authorized.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of program tests. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer In Charge of the District in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.168 *Program tests.* (a) Upon completion of construction of a standard broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[35] the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation on program test authority shall be in strict compliance with the rules governing standard broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.169 *Station inspection.* The licensee of any radio station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.181 *Logs.* The licensee of each standard broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period. (If regular operation is maintained during this period, the above logs shall be kept.)

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna and antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio log appropriate to the requirements of § 3.65 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs, or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotation beacon light or top light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

§ 3.182 *Logs, retention of.*[39] Logs of standard broadcast stations shall be retained by the licensee for a period of two years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.183 *Logs; by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.184 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.185 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.186 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.187 *Station identification.* (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby, except as otherwise provided in § 3.287 of the Commission's rules governing FM broadcast stations.

§ 3.188 *Mechanical records.*[40] Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement im-

[35] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed as required by § 3.33 (b).

[39] Attention is called to the fact, however, that application forms for licenses and other authorizations require that certain operating program data be supplied. It is suggested that these application forms be kept in mind in connection with maintenance of station program and operating records.

[40] During the annual periods in which daylight saving time will be effective the requirements of this section are waived with respect to network programs, transcribed and rebroadcast one hour later because of the time differential resulting from the adoption of daylight saving time in some areas, this waiver being applicable whether the off-the-line recording is made by the network itself at one of its key stations or by an individual station, but only when the off-the-line recording is for broadcast one hour later by those stations which operate on standard time. Furthermore, each station which broadcasts network programs one hour later in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10 a. m. and 10 p. m., stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission.

mediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.189 *Sponsored programs, announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.190 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly, or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.191 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [41] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[42]

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard or high frequency broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[43]

(c) (1) The licensee of the standard broadcast station located within a state or the District of Columbia, may, without further authority of the Commission rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of a standard broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.[44][45][46]

[41] As used in § 3.191, program includes any complete program or part thereof, or any signals if other than A–3 emission.

[42] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[43] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station on several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[44] The broadcasting of a program relayed by a remote pick-up broadcast station (§ 4.401 of this chapter) is not considered a rebroadcast.

[45] Informal application may be employed.

[46] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.191 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

(e) In case of a program rebroadcast by several standard broadcast stations, such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of the station originating the program.

Attention is directed to section 325 (b) of the Communications Act of 1934, which reads as follows:

> No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there, having a power output of sufficient intensity, and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.[47]

§ 3.192 *Lotteries and give-away programs.*[48] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

[47] Formal application required. See Standards of Good Engineering Practice for form number.

[48] The Commission on Sept. 21, 1949, adopted an order which reads in part as follows:

> *It is ordered,* That, effective immediately, the effective date of §§ 3.192, 3.292 and 3.692 of the Commission's rules is hereby postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an apepal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to these rules.

SUBPART B—RULES GOVERNING FM BROADCAST STATIONS

CLASSIFICATION OF FM BROADCAST STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.201 *Numerical designation of FM broadcast channels.* For convenience, the frequencies available for FM broadcasting (including those assigned to noncommercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1	201	95.3	237
88.3	202	95.5	238
88.5	203	95.7	239
88.7	204	95.9	240
88.9	205	96.1	241
89.1	206	96.3	242
89.3	207	96.5	243
89.5	208	96.7	244
89.7	209	96.9	245
89.9	210	97.1	246
90.1	211	97.3	247
90.3	212	97.5	248
90.5	213	97.7	249
90.7	214	97.9	250
90.9	215	98.1	251
91.1	216	98.3	252
91.3	217	98.5	253
91.5	218	98.7	254
91.7	219	98.9	255
91.9	220	99.1	256
92.1	221	99.3	257
92.3	222	99.5	258
92.5	223	99.7	259
92.7	224	99.9	260
92.9	225	100.1	261
93.1	226	100.3	262
93.3	227	100.5	263
93.5	228	100.7	264
93.7	229	100.9	265
93.9	230	101.1	266
94.1	231	101.3	267
94.3	232	101.5	268
94.5	233	101.7	269
94.7	234	101.9	270
94.9	235	102.1	271
95.1	236	102.3	272
102.5	273	105.3	287
102.7	274	105.5	288
102.9	275	105.7	289
103.1	276	105.9	290
103.3	277	106.1	291
103.5	278	106.3	292
103.7	279	106.5	293
103.9	280	106.7	294
104.1	281	106.9	295
104.3	282	107.1	296
104.5	283	107.3	297
104.7	284	107.5	298
104.9	285	107.7	299
105.1	286	107.9	300

§ 3.202 *Areas of the United States.* For the purpose of allocation the United States is divided into two areas. The first area—area I—includes southern New Hampshire; all of Massachusetts, Rhode Island, and Connecticut; southeastern New York as far north as Albany-Troy-Schenectady; all of New Jersey, Delaware, and the District of Columbia; Maryland as far west as Hagerstown; and eastern Pennsylvania as far west as Harrisburg.[1] The second area—area II—comprehends the remainder of the United States not included in area I.

§ 3.203 *Class A stations.* (a) A Class A station is a station which operates on a Class A channel and is designed to render service primarily to a community or to a city or town other than the principal city of an area, and the surrounding rural area. The coverage of a Class A station shall be not more than the equivalent [2] of 1 kilowatt effective radiated power and antenna height of 250 feet above average terrain, as determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. A Class A station will not be licensed with more than 1 kilowatt effective radiated power. The power rating of the transmitter used for a Class A station shall be not less than 250 watts nor more than 1 kilowatt. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class A station. Class A stations will normally be protected to the 1 mv/m contour; however, assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service.

[1] In some of the territory contiguous to area I, the demand for frequencies requires that applications be given careful study and consideration to insure an equitable distribution of facilities throughout the region. This region includes the remainder of Maryland, Pennsylvania, and New York (except the northeastern corner) not included in area I; Virginia, West Virginia, North Carolina, South Carolina, Ohio, and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur; and southeastern Wisconsin as far north as Sheboygan. Other regions may be added as required.

[2] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

(b) The following frequencies are designated as class A channels and are assigned for use by class A stations:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.1	221	100.1	261
92.7	224	100.9	265
93.5	228	101.7	269
94.3	232	102.3	272
95.3	237	103.1	276
95.9	240	103.9	280
96.7	244	104.9	285
97.7	249	105.5	288
98.3	252	106.3	292
99.3	257	107.1	296

These channels are available for assignment (1) in cities which are not the central city or cities of a metropolitan district, and (2) in central cities of metropolitan districts which have fewer than six Class B stations.

(c) The main studio of a Class A station shall be located in the city served and the transmitter shall be located as near the center of the city as practicable.

§ 3.204 *Class B stations.* (a) A Class B station is a station which operates on a Class B channel and is designed to render service primarily to a metropolitan district or principal city and the surrounding rural area, or to rural areas removed from large centers of population. The service area of a Class B station will not be protected beyond the 1 mv/m contour; however, Class B assignments will be made in a manner to insure, insofar as possible, a maximum of service to all listeners, whether urban or rural, giving consideration to the minimum signal capable of providing service. Standard power ratings of transmitters used for Class B stations shall be 1 kw. or greater. The signal intensity requirements of section 2 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall determine the minimum coverage of a Class B station. In the following subparagraphs antenna height above average terrain and effective radiated power are to be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(1) The coverage of a Class B station in Area I shall be not more than the equivalent[3] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[4] A Class B station in Area I will not be licensed with an effective radiated power greater than 20 kilowatts.

(2) The coverage of a Class B station in Area II shall normally be not more than the equivalent[3] of 20 kilowatts effective radiated power and antenna height of 500 feet above average terrain.[4] The use of greater power and antenna height will be encouraged in those portions of Area II where such use would not result in undue interference to stations already authorized or to probable assignments insofar as can be determined at the time of the grant. In such case, the power, antenna height, and area will be determined on the merits of each application with particular attention being given to rural areas which would not otherwise receive service.

(b) The following frequencies are designated as class B channels and are assigned for use by class B stations:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
92.3	222	100.3	262
92.5	223	100.5	263
92.9	225	100.7	264
93.1	226	101.1	266
93.3	227	101.3	267
93.7	229	101.5	268
93.9	230	101.9	270
94.1	231	102.1	271
94.5	233	102.5	273
94.7	234	102.7	274
94.9	235	102.9	275
95.1	236	103.3	277
95.5	238	103.5	278
95.7	239	103.7	279
96.1	241	104.1	281
96.3	242	104.3	282
96.5	243	104.5	283
96.9	245	104.7	284
97.1	246	105.1	286
97.3	247	105.3	287
97.5	248	105.7	289
97.9	250	105.9	290
98.1	251	106.1	291
98.5	253	106.5	293
98.7	254	106.7	294
98.9	255	106.9	295
99.1	256	107.3	297
99.5	258	107.5	298
99.7	259	107.7	299
99.9	260	107.9	300

§ 3.205 *Station location and program origination.* (a) Except as provided in paragraph (b) of this section, each FM broadcast station will be licensed to serve primarily a particular city, town, or other political subdivision which will be specified in the station license and the station will be considered to be located in such place. Each station shall maintain a studio, which will be known as the main studio, in the place where the station is located provided that the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. A majority (computed on the basis of duration and not number) of a station's programs or in the case of a station affiliated with a network, two-thirds of such station's non-network programs, whichever is smaller, shall originate from the main studio or from other studios or remote points situated in the place where the station is located.

(b) Stations will be licensed to serve more than one city, town, or other political subdivision, only where a satisfactory showing is made that each such place meets all the requirements of the rules and Standards of Good Engineering Practice with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town or other political subdivision. A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each FM broadcast station shall be so located that satisfactory service is delivered to the city where the main studio is located, in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations: *Provided, however,* Upon special showing of need, authorization may be granted to locate the transmitter so that adequate service is not rendered to this city, but in no event shall this city be beyond the 50 uv/m contour.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.211 *Application for FM broadcast stations.* If the application is for a construction permit or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, FCC Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.212 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.213 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.214 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.215 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this

[3] For the purpose of determining equivalent coverage, the 1 mv/m contour should be used.

[4] In the determination of appropriate coverage, consideration should be given to population distribution, terrain, service from other FM stations, trade area, and other economic factors. Among the recognized trade area authorities are the following: J. Walter Thompson (Retail Shopping Areas), Hearst Magazines, Inc. (Consumer Trading Areas), Rand McNally Map Co. (Trading Areas) and Hagstrom Map Co. (Four color Retail Trading Area Map).

provision will be placed in the records of the Commission as of the expiration date.

(b) Any application[5] for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.216 *Equipment tests.* (a) During the process of construction of an FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurments as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.217 *Program tests.* (a) Upon completion of construction of an FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[6] the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the district in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.218 *Normal license period.* (a) All initial licenses covering construction permits for new FM broadcast stations will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5, 94.3, 95.3, 95.9, 96.7, 97.7, 98.3, 99.3 Mcs., June 1.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7, 102.3, 103.1, 103.9, 104.9, 105.5, 106.3, 107.1 Mcs., September 1.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1 102.5, 102.7, 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3, 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7, 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3, 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1.

(b) All renewals of FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 92.1, 92.7, 93.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 100.1, 100.9, 101.7 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 100.3, 100.5, 100.7, 101.1, 101.3, 101.5, 101.9, 102.1, 102.5, 102.7 Mcs., December 1, 1948.

(4) For stations operating on the frequencies 92.3, 92.5, 92.9, 93.1, 93.3, 93.7, 93.9, 94.1, 94.5, 94.7 Mcs., March 1, 1949.

(5) For stations operating on the frequencies 94.3, 95.3, 95.9 Mcs., June 1, 1949.

(6) For stations operating on the frequencies 102.3, 103.1, 103.9 Mcs., September 1, 1949.

(7) For stations operating on the frequencies 102.9, 103.3, 103.5, 103.7, 104.1, 104.3, 104.5, 104.7, 105.1, 105.3 Mcs., December 1, 1949.

(8) For stations operating on the frequencies 94.9, 95.1, 95.5, 95.7, 96.1, 96.3, 96.5, 96.9, 97.1, 97.3 Mcs., March 1, 1950.

(9) For stations operating on the frequencies 96.7, 97.7, 98.3, 99.3 Mcs., June 1, 1950.

(10) For stations operating on the frequencies 104.9, 105.5, 106.3, 107.1 Mcs., September 1, 1950.

(11) For stations operating on the frequencies 105.7, 105.9, 106.1, 106.5, 106.7, 106.9, 107.3, 107.5, 107.7, 107.9 Mcs., December 1, 1950.

(12) For stations operating on the frequencies 97.5, 97.9, 98.1, 98.5, 98.7, 98.9, 99.1, 99.5, 99.7, 99.9 Mcs., March 1, 1951.

§ 3.219 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.220 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an FM broadcast station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of an FM broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341–1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an FM broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall pro-

[5] Form FCC No. 701.

[6] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

ceed as if such renewal application had been received.

§ 3.221 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing FM broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.222 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.223 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an FM broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding an FM broadcast station construction permit or license shall be filed with the Commission on Form FCC No. 314 (Assignment of License), Form FCC No. 315 (Transfer of Control) or Form FCC No. 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within 30 days after the occurrence of such death or legal disability, application on Form FCC No. 316 shall be filed for consent to involuntary assignment of such FM broadcast station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.231 *Exclusive affiliation of station.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization [9] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.232 *Territorial exclusivity.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

[9] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

§ 3.233 *Term of affiliation.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.234 *Option time.* No license shall be granted to an FM broadcast station which options [9] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours [10] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[11] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.235 *Right to reject programs.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.236 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control [12] of a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

[9] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[10] All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[11] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

§ 3.237 *Dual network operation.* No license shall be issued to an FM broadcast station affiliated with a network organization which maintains more than one network of FM broadcast stations: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.238 *Control by networks of station rates.* No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.239 *Use of common antenna site.* No FM broadcast station license or renewal of FM broadcast station license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for FM broadcasting in a particular area and (a) which is not available for use by other FM broadcast station licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of FM broadcast stations that can be authorized in a particular area or would unduly restrict competition among FM broadcast stations.

§ 3.240 *Multiple ownership.* (a) No person (including all persons under common control) [13] shall, directly or indirectly, own, operate, or control more than one FM broadcast station that would serve substantially the same service area as another FM broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one FM broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among FM broadcast stations or provide an FM broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than six FM broadcast stations to constitute the concentration of control of FM broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

§ 3.241 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a FM broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferror of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferror retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modification will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964 and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

RULES RELATING TO EQUIPMENT

§ 3.251 *Transmitter power.* The standard power rating and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.252 *Frequency monitor.* The licensee of each FM broadcast station shall have in operation at the transmitter an approved frequency monitor independent of the frequency control of the transmitter. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.253 *Modulation monitor.* The licensee of each FM broadcast station shall have in operation at the transmitter an approved modulation monitor. For detailed requirements thereof see Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.254 *Required transmitter performance.*[14] (a) The construction, installation, operation and performance of the FM broadcast transmitting system shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations (sections 8 and 13). The licensee of each FM broadcast station shall make the following equipment performance measurements at least at yearly intervals. (One such set of measurements shall be made during the four-month period preceding the date of filing application for renewal of station license.)[15]

[12] The word "control" as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

[13] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[14] In view of the fact that it is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of the requirement that the equipment performance measurements be made at yearly intervals is extended from August 1, 1948 to August 1, 1949.

[15] Applications for renewal of licenses expiring prior to February 1, 1950 are not required to indicate that these measurements have been made; applications for renewal of licenses expiring on or after February 1, 1950 shall indicate that the measurements have been made.

(1) Audio frequency response from 50 to 15,000 cycles for approximately 25, 50 and 100 percent modulation. Measurements shall be made on at least the following audio frequencies: 50, 100, 400, 1000, 5000, 10,000 and 15,000 cycles. The frequency response measurements should normally be made without deemphasis; however, standard 75 microsecond deemphasis may be employed in the measuring equipment or system provided the accuracy of the deemphasis circuit is sufficient to insure that the measured response is within the prescribed limits.

(2) Audio frequency harmonic distortion for 25, 50 and 100 percent modulation for the fundamental frequencies of 50, 100, 400, 1000, and 5000 cycles. Audio frequency harmonics for 100 percent modulation for fundamental frequencies of 10,000 and 15,000 cycles. Measurements shall normally include harmonics to 30,000 cycles. The distortion measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(3) Output noise level (frequency modulation) in the band of 50 to 15,000 cycles in decibels below the audio frequency level representing a frequency swing of 75 kilocycles. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system.

(4) Output noise level (amplitude modulation) in the band of 50 to 15,000 cycles in decibels below the level representing 100 percent amplitude modulation. The noise measurements shall be made employing 75 microsecond deemphasis in the measuring equipment or system. All measurements shall be made with the equipment adjusted for normal program operation and shall include all circuits between the main studio microphone terminals and the antenna output, including telephone lines, preemphasis circuits and any equalizers employed except for microphones, and without compression if a compression amplifier is installed.

(b) The above data, diagrams and appropriate graphs together with a description of measurement procedures and instruments, signed by the engineer making the measurements, shall be kept on file at the transmitter and shall be made available upon request to any duly authorized representative of the Federal Communications Commission.

§ 3.255 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of an FM broadcast station, a license therefor may be issued: *Provided*, That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification [14] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 6 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.256 *Alternate main transmitters.* The licensee of an FM broadcast station may be licensed for alternate main transmitters provided that a technical need [15] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.257 *Changes in equipment and antenna system.* Licensees of FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice Concerning FM Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission: *Provided*, That the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.261 *Time of operation.* All FM broadcast stations will be licensed for unlimited time operation. Until further notice a minimum of 6 hours per day of operation will be required, which shall consist of 3 hours during the period 6 a. m. to 6 p. m., local standard time, and 3 hours during the period 6 p. m. to midnight, local standard time. In an emergency, however, when due to causes beyond the control of a licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

§ 3.262 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization by the Commission.

§ 3.263 *Station inspection.* The licensee of any FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.264 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.265 *Operator requirements.* One or more licensed radio telephone first-class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each FM broadcast station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an FM broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.266 *Facsimile broadcasting and multiplex transmission.* (a) FM broadcast stations may transmit simplex facsimile in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations during periods not devoted to FM aural broadcasting. However, such transmissions may not exceed one hour during the period between 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) and may not be counted toward the minimum operation required by § 3.261.

(b) FM broadcast stations may, upon securing authorization from the Commission, transmit multiplex facsimile and aural broadcast programs for a maximum of three hours between the hours of 7 a. m. and midnight (no limit for the hours between midnight and 7 a. m.) in accordance with transmission standards set forth in the Standards of Good Engineering Practice Concerning FM Broadcast Stations provided that the transmission of facsimile does not impair the quality of the aural program below 10,000 cycles per second, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile.

§ 3.267 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each FM broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice concerning FM broadcast stations.

§ 3.268 *Modulation.* The percentage of modulation of FM broadcast stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.269 *Frequency tolerance.* The center frequency of each FM broadcast station shall be maintained within 2000 cycles of the assigned center frequency.

§ 3.270 *Inspection of tower lights and associated control equipment.* The licensee of any FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Inspect at intervals of at least once each three months all automatic and mechanical control devices associated with flashing or rotating beacons to insure that such apparatus is functioning properly as required.

§ 3.271 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

§ 3.272 *Field intensity measurements.* The Commission may require field intensity measurements in connection with applications and in other cases where such measurements are found to be necessary. For example, any application which asserts that interference predicted under the Standards of Good Engineering Practice would not be realized may require supplementary data including appropriate field intensity measurements. Furthermore, in order that FM broadcast station coverage data may be accumulated it is desirable that existing FM broadcast stations make such measurements where feasible and file the data with the Commission.

§ 3.273 *Emergency antenna.* In the event it becomes impossible to operate with the regularly authorized antenna, the station may, without further authority, be operated with an emergency antenna for a period of 10 days or less pending necessary repairs: *Provided*, That the Commission and the engineer in charge of the district in which the station is located shall be notified in writing immediately upon the beginning of such operation and upon the resumption of normal operation.

OTHER RULES RELATING TO OPERATION

§ 3.281 *Logs.* The licensee of each FM broadcast station shall maintain separate program and operating logs for such station: *Provided, however*, If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, one program log may be maintained for both stations for such periods as both stations simultaneously broadcast the same programs. Such licensee shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna and antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio log appropriate to the requirements of § 3.65 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs, or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotation beacon light or top light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.282 *Logs, retention of.* Logs of FM broadcast stations shall be retained by the licensee for a period of two years: *Provided, however*, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the

[14] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

[15] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.283 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.284 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.285 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.286 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.287 *Station identification.* (a) A licensee of an FM broadcast station shall make separate station identification announcement (call letters and location) for such station: *Provided, however,* That if the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall state that one of the stations is an FM station. Station identification announcement shall be made at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour: *Provided,*

(b) Such identification announcement need not be made on the hour when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the entertainment continuity, and at the conclusion of the program.

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program: *Provided,* That an announcement within 5 minutes of the times specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game programs or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs, the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(f) In making the identification announcement the call letters shall be given only on the channel of the station identified thereby except as otherwise provided herein.

§ 3.288 *Mechanical records.* Each program broadcast which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of duration of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.289 *Sponsored programs, announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) hereof are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for, or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.290 *Broadcasts by candidates for public office*—(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to the regulations in this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.291 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [19] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[20]

(b) The licensee of an FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM or noncommercial educational broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[20]

(c) (1) The licensee of an FM broadcast station located within a State or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program of a United States international broadcast station.

(2) The licensee of an FM broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph, the Commission shall be notified of the call letters of each station whose program is rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

(d) No licensee of an FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) or (c) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[21]

§ 3.292 *Lotteries and give-away programs.*[22] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

SUBPART C—RULES GOVERNING NONCOMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

CLASSIFICATION OF STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.501 *Channels available for assignment.*[23] The channels available for non-

[19] As used in this section, program includes any complete program or part thereof.

[20] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[20] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard or FM broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[21] The broadcasting of a program relayed by a remote pickup broadcast station or an ST broadcast station is not considered a rebroadcast.

By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.291 (d) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by United States Government radio stations.

[22] The Commission on Sept. 21, 1949, adopted an order which reads in part as follows:

It is ordered, That, effective immediately, the effective date of §§ 3.192, 3.292 and 3.692 of the Commission's rules is hereby postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an appeal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to these rules.

[23] The frequency 89.1 Mc., Channel No. 206 in the New York City metropolitan area is reserved for the use of the United Nations with the equivalent of an antenna height of 500 feet above average terrain and effective radiated power of 20 kw., and the Commission will make no assignments which would cause objectionable interference with such use.

commercial educational FM broadcasting are listed in the table below, together with numerical designations for convenience:

Frequency (Mc):	Channel No.	Frequency (Mc):	Channel No.
88.1	201	90.1	211
88.3	202	90.3	212
88.5	203	90.5	213
88.7	204	90.7	214
88.9	205	90.9	215
89.1	206	91.1	216
89.3	207	91.3	217
89.5	208	91.5	218
89.7	209	91.7	219
89.9	210	91.9	220

§ 3.502 *State-wide plans.* In considering the assignment of a channel for a noncommercial educational FM broadcast station, the Commission will take into consideration the extent to which each application meets the requirements of any state-wide plan for noncommercial educational FM broadcast stations filed with the Commission, provided that such plans afford fair treatment to public and private educational institutions, urban and rural, at the primary, secondary, higher, and adult educational levels, and appear otherwise fair and equitable.

§ 3.503 *Licensing requirements and service.* The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.

(1) In determining the eligibility of publicly supported educational organizations, the accreditation of their respective state departments of education shall be taken into consideration.

(2) In determining the eligibility of privately controlled educational organizations, the accreditation of state departments of education and/or recognized regional and national educational accrediting organizations shall be taken into consideration.

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

(c) Each station shall furnish a nonprofit and noncommercial broadcast service. No sponsored or commercial program shall be transmitted nor shall commercial announcements of any character be made. A station shall not transmit the programs of other classes of broadcast stations unless all commercial announcements and commercial references in the continuity are eliminated.

§ 3.504 *Frequency, power and service area.* (a) In the assignment of frequency and power to a noncommercial educational FM broadcast station the Commission will consider with the application: (1) the area served by applicant's existing educational facilities; and (2) the provisions of any statewide plan on file with the Commission which meets the requirements of § 3.502. A station licensed for transmitter power output of 10 watts or less normally will be licensed to operate on the frequency 88.1 megacycles; however, should it appear that operation on this frequency would cause objectionable interference, such station may be licensed to operate on the next higher frequency that would not cause objectionable interference.

(b) The license of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall specify the maximum authorized operating power output of the transmitter. The license of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall specify the authorized effective radiated power of the station and the authorized operating power output of the transmitter.

(c) Each application for a new noncommercial educational FM broadcast station or increase in facilities of an existing station which proposes transmitter power output above 10 watts shall contain a determination of the antenna height above average terrain and the extent of the 1 mv/m and 50 uv/m contours of the proposed station by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.505 *Standards of good engineering practice.* The definitions and interference standards contained in the Standards of Good Engineering Practice Concerning FM Broadcast Stations shall be applicable to noncommercial educational FM broadcast stations. Other portions of such Standards shall be applicable to the extent specifically prescribed by this part.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form FCC No. 341[1] should be filed; and for modification of a noncommercial educational FM license or for change in facilities of an existing noncommercial educational FM broadcast station Form FCC No. 342[1] should be filed.

[1] Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

§ 3.512 *Full disclosures.* Each application shall contain full and complete disclosures with regard to all matters and things required to be disclosed by the application forms.

§ 3.513 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.514 *Period of construction.* Each construction permit will specify a maximum of 8 months from the date of granting thereof as the time within which construction of the station shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case. Each construction permit shall bear the date of the Commission's action authorizing the issuance of the construction permit. Where a conditional grant is ordered, the construction permit shall be dated as of the time when all conditions have been satisfied.

§ 3.515 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) Any application[1] for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321 "Application for a Construction Permit to Replace Expired Permit".

§ 3.516 *Equipment tests.* (a) During the process of construction of a noncommercial educational FM broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

[1] Form FCC No. 701.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 3.517 *Program tests.* (a) Upon completion of construction of a noncommercial educational FM broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition,[1] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the District in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests, or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing noncommercial educational FM broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The grant of program test authority shall not be construed as approval by the Commission of the application for station license.

[1] All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

§ 3.518 *Normal license period.* (a) All initial licenses covering construction permits for new noncommercial educational FM broadcast stations will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a minimum period of one year and a maximum period of one year and 11 months to expire in accordance with the following schedule:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5, 88.7, 88.9, 89.1, 89.3, 89.5, 89.7 and 89.9 Mcs., June 1.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5, 90.7, 90.9, 91.1, 91.3, 91.5, 91.7 and 91.9 Mcs., September 1.

(b) All renewals of noncommercial educational FM broadcast station licenses will be issued so as to expire at the hour of 3 a. m., eastern standard time, and will be issued for a maximum period of three years to expire in accordance with the following schedule and at 3-year intervals thereafter:

(1) For stations operating on the frequencies 88.1, 88.3, 88.5 Mcs., June 1, 1948.

(2) For stations operating on the frequencies 90.1, 90.3, 90.5 Mcs., September 1, 1948.

(3) For stations operating on the frequencies 88.7, 88.9, 89.1 Mcs., June 1, 1949.

(4) For stations operating on the frequencies 90.7, 90.9, 91.1 Mcs., September 1, 1949.

(5) For stations operating on the frequencies 89.3, 89.5, 89.7, 89.9 Mcs., June 1, 1950.

(6) For stations operating on the frequencies 91.3, 91.5, 91.7, 91.9 Mcs., September 1, 1950.

§ 3.519 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.520 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 343).[1]

(b) Whenever the Commission regards an application for renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

[1] Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

§ 3.521 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing noncommercial educational FM license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.522 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new noncommercial educational FM broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until after the final disposition of such appeal.

§ 3.523 *Assignment or transfer of control.* (a) Application for consent to assignment of a noncommercial educational FM construction permit or license or for consent to voluntary transfer of control of a corporation holding a noncommercial educational FM construction permit or license shall be filed with the Commission on Form FCC No. 314 (Assignment of License), Form FCC No. 315 (Transfer of Control) or Form FCC No. 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma* assignment or transfer applications shall be filed on FCC Form 316. Such cases are defined as cases in which:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders

without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

RULES RELATING TO EQUIPMENT

§ 3.551 *Transmitter power.* (a) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The standard power rating of the transmitter of a noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be not less than the authorized operating power and not more than 10 watts.

§ 3.552 *Frequency monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. (See Approved Frequency Monitors and Requirements for Type Approval of Frequency Monitors in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide for the measurement of the station frequency by a means independent of the frequency control of the transmitter. The station frequency shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules.

§ 3.553 *Modulation monitor.* (a) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter a modulation monitor approved by the Commission. (See Approved Modulation Monitor and Requirements for Type Approval of Modulation Monitors in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.)

(b) The licensee of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall provide a percentage modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation of the transmitter can be determined.

§ 3.554 *Transmitter performance.* (a) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be designed, constructed and operated in accordance with the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of the Standards of Good Engineering Practice Concerning FM Broadcast Stations, shall be constructed with safety features in accordance with the specifications of article 810 of the current National Electrical Code as approved by the American Standards Association and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

§ 3.555 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter in addition to the regular transmitter of a broadcast station, a license therefor may be issued: *Provided*, That:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be placed into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification[1] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitter, but in no event shall it be greater than such power.

§ 3.556 *Alternate main transmitters.* The licensee of a noncommercial educational FM broadcast station may be licensed for alternate main transmitters provided that a technical need[2] for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the requirements of § 3.554.

§ 3.557 *Changes in equipment and antenna system.* Licenses of noncommercial educational FM broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with § 3.554.

(b) Specific authority, upon filing formal application (Form FCC No. 342[3]) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitter.

[1] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

[2] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or where developmental work requires alternate operation.

[3] Will be issued by the Commission at a later date. Appropriate forms to be employed may be obtained from the Commission on request.

(2) A replacement of the transmitter as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section, may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.561 *Operating schedule.* Noncommercial educational FM broadcast stations are not required to operate on a regular schedule and no minimum number of hours of operation is specified; but the hours of actual operation during a license period shall be taken into consideration in considering the renewal of noncommercial educational FM broadcast licenses wherever it appears that the channels available for such stations are insufficient to meet the demand.

§ 3.562 *Experimental operation.* The period between 1:00 a. m., and 6:00 a. m., local standard time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncommercial educational FM broadcast station on its assigned frequency and not in excess of its authorized power, without specific authorization from the Commission.

§ 3.563 *Station inspection.* The licensee of any noncommercial educational FM broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.564 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.565 *Operator requirements.*[4] (a) If the transmitter power rating is in excess of 1 kilowatt, one or more operators holding first-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(b) If the transmitter power rating is in excess of 10 watts but not greater than 1 kilowatt, one or more operators holding first- or second-class radiotelephone licenses shall be on duty at the place where the transmitting apparatus of the station is located and in actual charge thereof.

(c) If the transmitter power rating is 10 watts or less, one or more operators holding first-, second- or third-class radiotelephone or telegraph licenses or permits shall be on duty at the place where the transmitting apparatus of the station is located, except as provided in paragraph (d) of this section, and in actual charge thereof: *Provided*, That, in the case of an operator holding a third-class radiotelephone or radiotelegraph permit, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequency of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class radiotelephone or radiotelegraph operator license who shall be responsible for the proper functioning of the station equipment.

(d) A noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less may, upon securing prior authorization from the Commission, be operated by remote control. Application for authorization to operate by remote control may be made as a part of an application for construction permit or license, or modification thereof, or may be made by informal application at any time. For the purpose of this section, remote control is defined as the operation of a transmitter by a licensed operator from an operating position from which the transmitter is not directly accessible to but is under the control of the operator. Authority for operation by remote control shall be subject to the following conditions and applications for such authority shall clearly indicate the means whereby the conditions will be met:

(1) The equipment at the operating and transmitting positions shall be on premises under the control and supervision of the licensee at all times and shall not be accessible to persons other than the licensee or his agents.

(2) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(3) Monitoring equipment shall be installed at the remote control point so as to continuously monitor the actual FM carrier and audibly indicate the nature and quality of the program being broadcast.

(e) The original license (or FCC Form 759) of each station operator and of each operator responsible for the proper functioning of the transmitting equipment shall be posted at the place where the transmitting apparatus is located: *Provided, however*, That where remote control operation is authorized the original license (or FCC Form 759) of each station operator shall be posted at his normal place of duty at the station.

(f) The licensed operator on duty and in charge of a non-commercial educational FM broadcast transmitter may, at the discretion of the station licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations; however, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.566 *Facsimile broadcasting and multiplex transmission.* Transmission of simplex facsimile on FM channels may be permitted upon application to the Commission. The Commission may grant experimental authority to a noncommercial educational FM broadcast station for the multiplex transmission of facsimile or other signals and aural broadcast programs: *Provided*, That the transmission of facsimile or other signals does not reduce the quality of the aural program, and that a filter or other additional equipment is not required for receivers not equipped to receive facsimile or other signals.

§ 3.567 *Operating power; determination and maintenance of.* (a) The operating power of each station licensed for transmitter power output of 10 watts or less shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations. The power at which the station is operated may be less than the licensed power but shall in no event be more than 5 percent above the licensed power. The transmitter of each such station shall be so maintained as to be capable of operation at maximum licensed power.

(b) The operating power, and the requirements for maintenance thereof, of each station licensed for transmitter power output above 10 watts shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning FM Broadcast Stations.

§ 3.568 *Modulation.* The percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent or more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.569 *Frequency tolerance.* (a) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less shall be maintained within 3,000 cycles of the assigned center frequency.

(b) The center frequency of each noncommercial educational FM broadcast station licensed for transmitter power output above 10 watts shall be main-

[4] For additional information regarding operator licenses see Part 13 of this chapter.

tained within 2,000 cycles of the assigned center frequency.

§ 3.570 *Inspection of tower lights and associated control equipment.* The licensee of any noncommercial educational FM broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Acronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Inspect at intervals of at least once each three months all automatic and mechanical control devices associated with flashing or rotating beacons to insure that such apparatus is functioning properly as required.

§ 3.571 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

OTHER RULES RELATING TO OPERATION

§ 3.581 *Logs.* The licensee of each noncommercial educational FM broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, with the time of the beginning and ending of the complete program. If a mechanical record is used, the entry shall show the exact nature thereof, such as "record," "transcription," etc., and the time it is announced. If the program is of network origin, its source shall be indicated. If the broadcast is under the auspices of an institution or organization other than the licensee, its name shall be noted.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program service begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) For each station licensed for transmitter power output above 10 watts, an entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Radio frequency transmission line meter reading.

(iii) Frequency monitor reading.

(5) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna and antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio log appropriate to the requirements of § 3.65 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotation beacon light or top light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection (required at least once each 3 months):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 3.582 *Logs, retention of.* Logs of non-commercial, educational FM broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.583 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.584 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.585 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.586 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.587 *Station identification.* (a) A licensee of a noncommercial educational FM broadcast station shall make at least the following station identification announcements (call letters and location): (1) at the beginning and ending of each time of operation; and (2) within 2 minutes of each hour and each half hour during operation: *Provided,*

(b) Such identification announcement need not be made on the hour or half hour when to make such announcement would interrupt a single continuous program of longer duration than 30 minutes. In such cases the identification announcement shall be made at the beginning of the program, at the first interruption of the continuity, and at the conclusion of the program.

(c) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

§ 3.588 *Mechanical records.* Each program broadcast, except when designed specifically for in-school listening, which consists in whole or in part of one or more mechanical reproductions shall be announced in the manner and to the extent set out below.

(a) Each such program of longer duration than 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by appropriate announcement at the beginning of the program, at each 30-minute interval and at the conclusion of the program: *Provided, however,* That the identifying announcement at each 30-minute interval is not required in case of a mechanical reproduction consisting of a continuous uninterrupted speech, play, religious service, symphony concert, or operatic production of longer than 30 minutes.

(b) Each such program of a longer duration than 5 minutes and not in excess of 30 minutes, consisting in whole or in part of one or more mechanical reproductions, shall be identified by an appropriate announcement at the beginning and end of the program.

(c) Each such program of 5 minutes or less, consisting in whole or in part of mechanical reproductions, shall be identified by appropriate announcement immediately preceding the use thereof: *Provided, however,* That each such program of one minute or less need not be announced as such.

(d) In case a mechanical reproduction is used for background music, sound

effects, station identification, program identification (theme music of short duration) or identification of the sponsorship of the program proper, no announcement of the mechanical reproduction is required.

(e) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. A licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.591 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [9] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a remote pick-up broadcast station or studio transmitter link is not considered a rebroadcast. In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

(b) The licensee of a noncommercial educational FM broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, FM, noncommercial educational, or international broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program." [10] [11]

(c) No licensee of a noncommercial educational FM broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program." [12]

SUBPART D—RESERVED FOR RULES GOVERNING FACSIMILE BROADCAST STATIONS (UNDER PREPARATION)

SUBPART E—RULES GOVERNING TELEVISION BROADCAST STATIONS

CLASSIFICATION OF TELEVISION STATIONS AND ALLOCATION OF FREQUENCIES

§ 3.601 *Numerical designation of television channels.* The channels or frequency bands set forth below are available for television broadcast stations.

Channel No.:	*Megacycles*
1	44–50
2	54–60
3	60–66
4	66–72
5	76–82
6	82–88
7	174–180
8	180–186
9	186–192
10	192–198
11	198–204
12	204–210
13	210–216

§ 3.602 *Sharing of television channels.* Channels 1 through 5 and 7 through 13 are available for assignment to radio services other than television upon a showing that no mutual interference will result.

§ 3.603 *Community stations.* (a) A community station is designed primarily for rendering service to the smaller metropolitan districts or principal cities. Television channel No. 1 is assigned exclusively for community stations. Channels 2 to 13, inclusive, can also be used for community stations provided such use complies with § 3.606.

(b) The power of a community station may not exceed an effective radiated peak power of 1 kilowatt. The maximum antenna height for such stations shall be 500 feet above the average terrain as determined by methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

(c) The main studio of a community station shall be located in the city or town served and the transmitter shall be located as near the center of the city as practicable.

§ 3.604 *Metropolitan stations.* (a) Metropolitan stations may be assigned to television channels 2 through 13, both inclusive. They are designed primarily to render service to a single metropolitan district or a principal city and to the rural area surrounding such metropolitan district or principal city.

(b) Metropolitan stations are limited to a maximum of 50 kilowatts effective radiated peak power with antenna having a height of 500 feet above the average terrain, as determined by the methods prescribed in Standards of Good Engineering Practice Concerning Television Broadcast Stations. Where higher antenna heights are available, they should be used but in such cases the Commission may authorize less than 50 kilowatts effective radiated peak power so that the coverage (within the 5000 uv/m contour) shall be substantially similar to that which would be provided by 50 kilowatts effective radiated peak power and a 500-foot antenna. Where it is shown that an antenna height of 500 feet is not available, the Commission may authorize the use of a lower height antenna but will not permit an increase in radiated power in excess of 50 kilowatts. The service area of metropolitan stations will not be protected beyond the 5000 uv/m contour and such stations will be located in such a manner as to insure, insofar as possible, a maximum of television service to all listeners, whether urban or rural.

(c) The main studio for metropolitan stations shall be located in the city or metropolitan district with which the station is associated and the transmitter should be located so as to provide the maximum service to the city or metropolitan district served.

§ 3.605 *Rural stations.* (a) Licensees of metropolitan stations or applicants who desire to qualify as licensees of rural stations must make a special showing to the Commission that they propose to serve an area more extensive than that served by a metropolitan station and that the additional area proposed to be served is predominantly rural in character. In addition, a showing must be made that such use of the channel will not cause objectionable interference to other television stations or prevent the assignment of other television stations where there is reasonable evidence of the probability of such station being located in the future.

(b) Channels 2 through 13 are available for assignment to rural stations. The service area of rural stations will be determined by the Commission.

(c) The main studio of rural stations shall be located within the 500 uv/m contour.

§ 3.606 *Table showing allocation of television channels to metropolitan districts in the United States.* (a) The table below sets forth the channels which are available for the areas indicated. The table will be revised from time to time depending upon the demand for television stations which may exist in the various cities. Where it is desired to use a different channel in any such area, or to use one of the channels in another area conflicting therewith, it must be shown that public interest, convenience, or necessity will be better served thereby than by the allocation set forth in the table.

(b) Only the first 140 metropolitan districts are listed in the table below. Stations in other metropolitan or city areas not listed in the table will not be assigned closer than 150 miles on the same channel or 75 miles on adjacent channels, except upon an adequate showing that public interest, convenience, or necessity would be better served thereby or that by using lower power or by other means equivalent protection is provided.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission pursuant to the provision of § 3.661 (c).

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.611 *Application for television stations.* If the application is for a new station or for modification of an existing authorization, FCC Form 301 shall be filed; if for a license, Form 302 shall be filed; if for a renewal of license, FCC Form 303 shall be filed.

§ 3.612 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things

[9] As used in this section, program includes any complete program or part thereof.

[10] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[11] See § 3.503 (c).

[12] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.591 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for the express purpose by U. S. Government radio stations.

Metropolitan district (U. S. Census 1940)	Sales rank	Population	Channel No.		Total stations	
			Metropolitan	Community	Metropolitan	Community
Akron	35	349,705	11		1	
Albany	23	431,575	2, 4, 7, 9, 11		5	
Schenectady						
Troy						
Allentown	43	325,142		8		1
Bethlehem						
Easton						
Altoona	111	114,094	9		1	
Amarillo	126	53,463	2, 4, 5, 7		4	
Asheville	132	76,324	5, 7, 12		3	
Atlanta	25	442,294	2, 5, 8, 11		4	
Atlantic City	83	100,096		8		1
Augusta, Ga	135	87,809	3, 6, 12		2	
Austin	106	168,193	8, 10, 12		3	
Baltimore	13	1,046,692	2, 11, 13		3	
Beaumont	90	138,608	3, 6, 8, 10		4	
Port Arthur						
Binghamton	75	145,156	12		1	
Birmingham	42	457,851	4, 9, 13		3	
Boston	5	2,350,514	2, 4, 7, 9, 13		5	
Bridgeport, Conn	53	216,621		1		1
Buffalo	14	857,719	4, 7, 9, 13		4	
Niagara						
Canton, Ohio	63	200,352		1		
Cedar Rapids	115	73,219	7, 11		2	
Charleston, S. C	127	98,711	7, 10, 13		3	
Charleston, W. Va	88	136,332	7, 11, 13		3	
Charlotte	99	112,986	3, 9, 11		3	
Chattanooga	76	163,215	3, 6, 10, 12		4	
Chicago	2	4,499,126	2, 4, 5, 7, 9, 11, 13		7	
Cincinnati	16	789,709	2, 4, 7, 11		4	
Cleveland	9	1,214,943	2, 4, 5, 7, 9		5	
Columbia	117	89,555	2, 4, 8		3	
Columbus, Ga	123	92,478	3, 12		2	
Columbus, Ohio	29	365,796	3, 6, 8, 10		4	
Corpus Christi	121	70,677	3, 6, 8, 10		4	
Dallas	27	376,548	4, 8, 12		3	
Davenport	67	174,995	2, 4, 5, 9		4	
Rock Island						
Moline						
Dayton	44	271,513	5, 13		2	
Decatur	122	65,764	2		1	
Denver	26	384,372	2, 4, 5, 7, 9		5	
Des Moines	59	183,973	2, 5, 9		3	
Detroit	6	2,295,867	2, 4, 5, 7		4	
Duluth	72	157,098	3, 6, 8, 10		4	
Superior						
Durham	139	69,683	4, 7		2	
El Paso	105	115,801	2, 4, 5, 7		4	
Erie	95	134,039	12		1	
Evansville, Ind	93	141,614	2, 11		2	
Fall River	55	272,648		1		1
New Bedford						
Flint	64	188,554	11		1	
Fort Wayne	81	134,385	2, 4, 7, 9		4	
Fort Worth	51	207,677	2, 5, 10		3	
Fresno	79	97,504	2, 4, 5, 7		4	
Galveston	131	71,677	9, 11, 13		3	
Grand Rapids	57	200,873	7, 9		2	
Greensboro	130	73,055	2, 10		2	
Hamilton	110	112,686	9		1	
Middletown						
Harrisburg	70	173,367	8		1	
Hartford	20	502,103	8, 10		2	
New Britain						
Houston	21	610,397	2, 4, 5, 7		4	
Huntington, W. Va	92	170,979	5		1	
Ashland, Ky						
Indianapolis	24	455,357	3, 6, 8, 12		4	
Jackson	128	88,003	2, 4, 5, 7		4	
Jacksonville	66	195,610	2, 4, 6, 8		4	
Johnstown, Pa	100	151,781	13		1	
Kalamazoo	112	77,213	3		1	
Kansas City, Mo	17	634,093	2, 4, 5, 9		4	
Kansas City, Kans						
Knoxville	87	151,829	2, 4, 8, 11		4	
Lancaster	91	132,027		4		1
Lansing	94	110,356	6		1	
Lincoln	109	88,191	10, 12		2	
Little Rock	98	126,724	3, 6, 8, 10		4	
Los Angeles	3	2,904,596	2, 4, 5, 7, 9, 11, 13		7	
Louisville	33	434,408	5, 9		2	
Lowell	45	334,969	6		1	
Lawrence						
Haverhill						
Macon	137	74,830	4, 7, 10		3	
Madison	101	78,340	9		1	
Manchester	118	81,932		1		1
Memphis	37	332,477	2, 4, 5, 7, 9		5	
Miami	38	250,537	2, 4, 5, 7		4	
Milwaukee	15	790,336	3, 6, 8, 1		4	
Minneapolis	11	911,077	2, 4, 5, 7, 9		5	
St. Paul						
Mobile	119	144,906	3, 5, 9, 11		4	
Montgomery	125	93,697	6, 10		2	
Nashville	56	241,769	4, 5, 7, 9		4	
New Haven	39	303,258		6		1
New Orleans	31	540,030	2, 4, 6, 7, 10		5	
New York	1	11,690,520	2, 4, 5, 7, 9, 11, 13		7	
Northeastern New Jersey						
Norfolk	47	330,396	4, 7, 11, 13		4	
Portsmouth						
Newport News						
Oklahoma City	52	221,229	2, 4, 5, 9		4	
Omaha	40	287,269	3, 6, 7		3	
Council Bluffs						
Peoria	69	162,566	3, 6, 12		3	
Philadelphia	4	2,898,644	3, 6, 10, 12		4	
Phoenix	84	121,828	2, 4, 5, 7		4	
Pittsburgh	8	1,994,969	3, 6, 8, 10		4	
Portland, Maine	89	106,596	3, 8		2	
Portland, Oreg	22	406,406	3, 6, 8, 10, 12		5	
Providence, R. I	18	711,560	11		1	
Pueblo	140	62,039	3, 6, 8, 10		4	
Racine	97	135,075		1		1
Kenosha						
Reading	73	175,355		5		1
Richmond	48	245,674	3, 6, 8, 10		4	
Roanoke	104	110,593	5, 9, 12		3	
Rochester	28	411,970	2, 6, 11		3	
Rockford	102	105,259	12		1	
Sacramento	54	158,999	3, 6, 10		3	
Saginaw	77	153,388	3, 8, 13		3	
Bay City						
St. Joseph	129	86,994	13		1	
St. Louis	10	1,567,977	4, 5, 7, 9, 13		5	
Salt Lake City	58	204,488	2, 4, 5, 7, 9		5	
San Antonio	50	319,010	2, 4, 5, 7, 9		5	
San Diego	49	256,268	3, 6, 8, 10		4	
San Francisco	7	1,428,525	2, 4, 5, 7, 9, 11		6	
Oakland						
San Jose	78	129,367	13		1	
Savannah	114	117,970	3, 5, 9, 11		4	
Scranton	80	629,581	11	1	1	1
Wilkes-Barre						
Seattle	19	452,639	2, 5, 7, 11		4	
Shreveport	96	112,225	2, 4, 6, 8		4	
Sioux City	107	87,791	4, 9, 11, 13		4	
South Bend	80	147,022		1		1
Spokane	71	141,370	2, 4, 5, 7, 9		5	
Springfield, Ill	103	89,481	8, 10		2	
Springfield, Mass	32	304,623	3	1	1	1
Holyoke						
Springfield, Mo	134	70,514	2, 4, 5, 9		4	
Springfield, Ohio	125	77,406		1		1
Stockton	108	79,337	8		1	
Syracuse	46	256,352	5, 8, 10		3	
Tacoma	74	156,018	4, 9, 13		3	
Tampa	61	209,693	2, 4, 5, 7		4	
St. Petersburg						
Terre Haute	116	83,370	4		1	
Toledo	34	341,663	13		1	
Topeka	123	77,749	7, 11		2	
Trenton	60	200,128		1		1
Tulsa	65	188,562	3, 6, 8, 10		4	
Utica	68	197,128	3, 13		2	
Rome						
Waco	138	71,114	3, 6, 9, 11		4	
Washington	12	907,816	4, 5, 7, 9		4	
Waterbury	85	144,822	12		1	
Waterloo	120	67,050	3, 6, 13		3	
Wheeling	82	106,340	12		1	
Wichita	86	127,308	2, 4, 5, 9		4	
Wilmington	62	188,974		7		1
Winston-Salem	124	109,833	6, 8		2	
Worcester	41	306,194	5		1	
York	113	92,637		1		1
Youngstown	36	372,428	13		1	

required to be disclosed by the application forms.

§ 3.613 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 3.614 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.615 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

(c) If a construction permit has been allowed to expire for any reason, application may be made for a new permit on FCC Form 321, "Application for Construction Permit to Replace Expired Permit."

§ 3.616 *Equipment tests.* (a) During the process of construction of a television broadcast station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) Inspection of a station will ordinarily be required during the equipment test period and before the commencement of the program test. After construction and after adjustments and measurements have been completed to show compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations and the applicable engineering standards, the permittee should notify the Engineer in Charge of the district in which the station is located that it is ready for inspection.

(e) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

(f) Within the period prescribed by this section for equipment tests, field intensity measurements in accordance with the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations shall be submitted to the Commission.

§ 3.617 *Program tests.* (a) Upon completion of construction of a television broadcast station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards and when an application for station license has been filed showing the station to be in satisfactory operating condition,[1] the permittee may request authority to conduct program tests: *Provided*, That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the District in which the station is located is notified.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked the program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing television broadcast stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

[1] All data necessary to show compliance with the terms and conditions of the construction permit, including proof of performance, must be filed with the license application.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 3.618 *Normal license period.* All television broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time, and will be issued for a normal license period of 1 year.

§ 3.619 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.620 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of a television station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 303). No application for renewal of license of a television broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341–1.344 of this chapter, reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of a television station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.621 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing television license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however*, That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further*, That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.622 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new television broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed

it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.623 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of a television station construction permit or license or for consent to voluntary transfer of control of a corporation holding a television station construction permit or license shall be filed with the Commission on Form FCC No. 314 (Assignment of License), Form FCC No. 315 (Transfer of Control) or Form FCC No. 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer application shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests;

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 316 shall be filed for consent to involuntary transfer of control of such corporation to a person or entity qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.631 *Exclusive affiliation of station.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied with a network organization[2] under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization.

§ 3.632 *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station serving substantially the same area from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.633 *Term of affiliation.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which provides, by original terms, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than 2 years: *Provided,* That a contract, arrangement, or understanding for a period up to 2 years, may be entered into within 6 months prior to the commencement of such period.

§ 3.634 *Option time.* No license shall be granted to a television broadcast station which options[3] for network programs any time subject to call on less than 56 days' notice, or more time than a total of 3 hours[4] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into four segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[5] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

§ 3.635 *Right to reject programs.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which (a), with respect to programs offered pursuant to an affiliation contract, prevents or hinders the station from rejecting or refusing network programs which the station reasonably believes to be unsatisfactory or unsuitable; or which (b), with respect to network programs so offered or already contracted for, prevents the station from rejecting or refusing any program which, in its opinion, is contrary to the public interest, or from substituting a program of outstanding local or national importance.

§ 3.636 *Network ownership of stations.* No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control[6] of a network organization, for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing.

§ 3.637 *Dual network operation.* No license shall be issued to a television broadcast station affiliated with a network organization which maintains more than one network of television broadcast stations: *Provided,* That this section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

§ 3.638 *Control by networks of station rates.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, fixing or altering its rates for the sale of broadcast time for other than the network's programs.

§ 3.639 *Use of common antenna site.* No television license or renewal of a television license will be granted to any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) which is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

§ 3.640 *Multiple ownership.* (a) No person (including all persons under common control)[7] shall, directly or indirectly, own, operate, or control more than one television broadcast station that would serve substantially the same service area as another television broadcast station owned, operated, or controlled by such person.

(b) No person (including all persons under common control) shall, directly or indirectly, own, operate, or control more than one television broadcast station, except upon a showing (1) that such ownership, operation, or control would foster competition among television broadcast stations or provide a television broadcasting service distinct and separate from existing services, and (2) that such ownership, operation, or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity: *Provided, however,* That the Commission will consider the ownership, operation, or control of more than five television broadcast stations to constitute the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity.

§ 3.641 *Special rules relating to contracts providing for reservation of time upon sale of a station.* (a) No license, renewal of license, assignment of license, or transfer of control of a corporate licensee shall be granted or authorized to a television broadcast station which has a contract, arrangement or understanding, express or implied, pursuant to which, as consideration or partial consideration for the assignment of license or transfer of control, the assignor of a station license or the transferor of stock, where transfer of a corporate licensee is involved, or the nominee of such assignor or transferor retains any right of reversion of the license or any right to the reassignment of the license in the future, or reserves the right to use the facilities of the station for any period whatsoever.

(b) In the case of assignment of license or transfer of control of a corporate licensee approved by the Commission before the effective date of this section, February 15, 1949, involving a contract, arrangement or understanding of the type covered by paragraph (a) of this section and the existence and terms of which were fully disclosed to the Commission at the time of execution, the Commission will give consideration to the issuance of a license despite the existence of such contract, arrangement or understanding, if the parties thereto modify such contract within 6 months from the effective date of this section. Such modifications will be considered on the facts of each case but no such modification will be approved unless the modified contract contains at least the following provisions:

(1) A maximum limitation of the time subject to reservation so that no more than 12 hours per week shall be subject to reservation, of which no more than 4 hours shall be on any given day.

(2) A clause providing that the licensee reserves the right to reject or refuse programs which he reasonably believes to be unsatisfactory or unsuitable or for which, in his opinion, a program of outstanding local or national importance should be substituted, but provision may be made for the substitution of other radio time for programs so rejected or for the payment at the station card rate for the time made unavailable.

(3) A prohibition against the resale or reassignment of any of the broadcast time reserved by such modified contract.

(4) An express negation of any right with respect to reversion or reassignment of license.

(5) An express provision setting forth a definite expiration date of the contract, arrangement or understanding. Such expiration date shall not extend beyond February 15, 1964, and shall in no event extend beyond the expiration date originally provided for in any such contract, agreement or understanding, in the event that such expiration date is a date prior to February 15, 1964.

(6) An express provision giving to the licensee the right to terminate the contract, arrangement or understanding for substantial cause, including, but not limited to, the assignment of license or the transfer of control of a corporate licensee, consistent disagreement over programs between the parties, or the acquisition of a network affiliation by the licensee, upon the payment of a lump sum or periodic payments, and providing that the amount initially fixed shall thereafter decrease as the amount of time reserved is decreased by performance of the contract. Any such payment should not be so unduly large as to constitute in practice an effective deterrent to the licensee exercising the right. In determining whether the amount is unduly large, the Commission will consider the amount by which consideration in return for the transfer of the station was decreased by reason of the reservation of time or the present value of the radio time still reserved and unused as of the date of the exercise of the right of termination.

RULES RELATING TO EQUIPMENT

§ 3.651 *Transmitter power.* The rated power and operating power range of transmitters shall be in accordance with the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.652 *Frequency monitors.* The licensee of each television broadcast station shall have in operation at the transmitters frequency monitors independent of the frequency control of the transmitters.

§ 3.653 *Modulation monitors.* The licensee of each television broadcast station shall have in operation at the transmitter a modulation monitor for the aural transmitter. There shall also be sufficient monitoring equipment for the visual signal to determine that the signal complies with the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.654 *Required transmitter performance.* The construction, installation, operation, and performance of the television broadcast transmitter system shall be in accordance with the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.655 *Auxiliary transmitter.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of a television station, a license therefor may be issued: *Provided,* That:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification,[8] work on the main transmitters necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

[2] The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting.

[3] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[4] All time options permitted under this section must be specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[5] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

[6] The word "control" as used in this section, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.

[7] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[8] This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.656 *Alternate main transmitters.* The licensee of a television broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.657 *Changes in equipment and antenna system.* Licensees of television broadcast stations shall observe the following provisions with regard to change in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(2) That would result in the external performance of the transmitter being in disagreement with that prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

(b) Specific authority, upon filing formal application (Form FCC No. 301) therefor, is required for a change in service area or for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in antenna system, including transmission line.

(5) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(6) Change in the power delivered to the antenna.

(7) Change in frequency control and/or modulation system.

(c) Specific authority, upon filing informal request therefor, is required for a change in the indicating instruments installed to measure transmitter power output, except by instruments of the same maximum scale reading and accuracy.

(d) Other changes, except as above provided for in this section or in Standards of Good Engineering Practice Concerning Television Broadcast Stations prescribed by the Commission may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.661 *Time of operation.* (a) All television broadcast stations will be licensed for unlimited time operation. Each such station shall maintain a regular program operating schedule as follows: not less than two hours daily in any five broadcast days per week and not less than a total of twelve hours per week during the first eighteen months of the station's operation; not less than two hours daily in any five broadcast days per week and not less than a total of sixteen hours, twenty hours and twenty-four hours per week for each successive six month period of operation, respectively; and not less than two hours in each of the seven days of the week and not less than a total of twenty-eight hours per week thereafter. "Operation" includes the period during which a station is operated pursuant to special temporary authority or during program tests, as well as during the license period. Time devoted to test patterns, or to aural presentations accompanied by the incidental use of fixed visual images which have no substantial relationship to the subject matter of such aural presentations, shall not be considered in computing periods of program service. If, in the event of an emergency due to causes beyond the control of a licensee, it becomes impossible to continue operation, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops and immediately after the emergency ceases and operation is resumed.

(b) The aural transmitter of a television broadcast station shall not be operated separately from the visual transmitter except for experimental or test purposes.

(c) Persons desiring to enter into a voluntary sharing arrangement of a television channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.662 *Experimental operation.* Television broadcast stations may conduct technical experimentation directed to the improvement of technical phases of operation and for such purposes may utilize a signal other than the standard television signal subject to the following conditions:

(a) That the licensee complies with the provisions of § 3.661 with regard to the minimum number of hours of transmission with a standard television signal.

(b) That no transmissions are radiated outside of the authorized channel and subject to the condition that no interference is caused to the transmissions of a standard television signal by other television broadcast stations.

(c) No charges either direct or indirect shall be made by the licensee of a television broadcast station for the production or transmission of programs when conducting technical experimentation.

§ 3.663 *Station inspection.* The licensee of any television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.664 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.665 *Operator requirements.* One or more licensed radio-telephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of a television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.666 *Operating power; how determined.* The operating power, and the requirements for maintenance thereof, of each television broadcast station shall be determined by the methods prescribed in the Standards of Good Engineering Practice Concerning Television Broadcast Stations.

§ 3.667 *Modulation.* The percentage of modulation of the aural transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.668 *Frequency tolerance.* The operating frequencies of the aural and visual transmitters of a television broadcast station shall be maintained within 0.002 percent of the assigned frequencies.

§ 3.669 *Inspection of tower lights and associated control equipment.* The licensee of any television station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Inspect at intervals of at least once each three months all automatic and mechanical control devices associated with flashing or rotating beacons to insure that such apparatus is functioning properly as required.

§ 3.670 *Discontinuance of operation.* The licensee of each station shall notify the Commission in Washington, D. C., and the Engineer in Charge of the district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee, shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D. C., office of the Commission for cancellation.

OTHER RULES RELATING TO OPERATION

§ 2.681 *Logs.* The licensee of each television station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof and the sponsor's name, with the time of the beginning and ending of the complete program. If a mechanical reproduction, either visual or aural, is used, the entry shall show the exact nature thereof, and the time it is announced as a mechanical reproduction. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(4) An entry showing, for each program of network origin, the name of the network originating the program.

(b) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the aural transmitter (total plate current and plate voltage).

(ii) Transmission line current or voltage of both transmitters.

(iii) Frequency monitor reading.

(5) Log of experimental operation during experimental period (if regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(c) Where an antenna and antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio log appropriate to the requirements of § 3.65 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any code or rotation beacon light or top light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each 3 months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

§ 3.682 *Logs, retention of.* Logs of television broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.683 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.684 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.685 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.686 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.687 *Station identification.* (a) A licensee of a television broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour. The announcement at the beginning and ending of each time of operation shall be by both aural and visual means. Other announcements may be by either aural or visual means.

(b) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.688 *Mechanical reproductions.* (a) Each program which consists in whole or in part of one or more mechanical reproductions, either visual or aural, shall be accompanied by an appropriate announcement to that effect either at the beginning or end of such reproduction or at the beginning or end of the program in which such reproduction is used. No such announcement shall be required where a mechanical reproduction is used for background music, sound effects, station identification, program identification (theme music of short duration) or identification of sponsorship of the program proper.

(b) The exact form of identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood. The licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

§ 3.689 *Sponsored programs, announcement.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is re-

ceived, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the television broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.690 *Broadcasts by candidates for public office*—(a) *Legally qualified candidate.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities: *Provided,* That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to the regulations in this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Inspection of records.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

§ 3.691 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program [9] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station. The broadcasting of a program relayed by a relay broadcast station or studio transmitter link is not considered a rebroadcast.

(b) The licensee of a television broadcast station may, without further authority of the Commission, rebroadcast the program of a United States television broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[10]

(c) No licensee of a television broadcast station shall rebroadcast the program of any United States radio station not designated in paragraph (b) of this section without written authority having first been obtained from the Commission upon application (informal) accompanied by written consent or certification of consent of the licensee of the station originating the program.[11]

[9] As used in this section, program includes any complete program or part thereof.

[10] The notice and certification of consent shall be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a television broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[11] By Order No. 82, dated and effective June 24, 1941, until further order of the Commission, § 3.691 (c) is suspended only insofar as it requires prior written authority of the Commission for the rebroadcasting of programs originated for that express purpose by U. S. Government radio stations.

§ 3.692 *Lotteries and give-away programs.*[12] (a) An application for construction permit, license, renewal of license, or any other authorization for the operation of a broadcast station, will not be granted where the applicant proposes to follow or continue to follow a policy or practice of broadcasting or permitting "the broadcasting of any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes." (See 18 U. S. C. sec. 1304.)

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize:

(1) Such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished or distributed by a sponsor of a program broadcast on the station in question; or

(2) Such winner or winners are required to be listening to or viewing the program in question on a radio or television receiver; or

(3) Such winner or winners are required to answer correctly a question, the answer to which is given on a program broadcast over the station in question or where aid to answering the question correctly is given on a program broadcast over the station in question. For the purposes of this provision the broadcasting of the question to be answered over the radio station on a previous program will be considered as an aid in answering the question correctly; or

(4) Such winner or winners are required to answer the phone in a prescribed manner or with a prescribed phrase, or are required to write a letter in a prescribed manner or containing a prescribed phrase, if the prescribed manner of answering the phone or writing the letter or the prescribed phrase to be used over the phone or in the letter (or an aid in ascertaining the prescribed phrase or

[12] The Commission on September 21, 1949, adopted an order which read, in part as follows:

It is ordered, That, effective immediately, the effective date of §§ 3.192, 3.292 and 3.692 of the Commission's rules is hereby postponed until a date to be fixed by further order, which shall be at least thirty days after a final decision by the Supreme Court of the United States, or thirty days after the time within which an appeal to the Supreme Court may be taken has expired without such an appeal being taken, in pending litigation with respect to these rules.

the prescribed manner of answering the phone or writing the letter) is, or has been, broadcast over the station in question.

SUBPART F—RULES GOVERNING INTERNATIONAL BROADCAST STATIONS

DEFINITION OF INTERNATIONAL BROADCAST STATIONS AND ALLOCATION OF FACILITIES

§ 3.701 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned (between 6000 and 21700 kilocycles) for broadcasting by international agreement.)

§ 3.702 *Frequency assignments.* (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

[In kilocycles]

Group A	Group B	Group C	Group D	Group E	Group F
6040	9530	11710	[1] 15130	17750	21460
6060	[1] [2] 9550	[1] [2] 11730	15150	17760	[1] [2] 21500
6080	9570	11790	15210	17780	21520
6100	9590	11820	15260	17800	21540
[1] 6120	9650	11830	15270	17830	21570
6140	9670	11870	15330		21590
6170		11890	15350		21610
6190					21630
					21650

[1] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that the authorizations for these frequencies may be modified by the Commission to delete these frequencies without advance notice or hearing.

[2] Authorizations for international broadcast stations which permit operation on these frequencies shall be subject to the condition that there shall be no commercial or advertising announcements of any kind in the programs broadcast through the medium of these frequencies, and that the names of program sponsors shall not be broadcast.

(b) Additional frequencies allocated by international agreement may be assigned to international broadcast stations subject to the conditions that no objectionable interference results to the service of foreign international broadcast stations which, in the opinion of the Commission, have priority of assignment.

(c) Any frequency licensed to an international broadcast station shall also be available for assignment to other international broadcast stations, provided no objectionable interference is caused to the service of any United States international broadcast station.

(d) [1] An international broadcast station will not be authorized to use more than one frequency listed in any group listed in paragraph (a) of this section without a showing of technical necessity.

(e) [1] Not more than one frequency shall be used simultaneously under the same authorization and call letter designation.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 3.711 *Application for international broadcast stations.* Each applicant for a construction permit for a new international broadcast station, change in facilities of any existing international broadcast station, or international station license or modification of license shall file with the Commission in Washington, D. C., three copies of applications on the appropriate form designated by the Commission and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for a construction permit for a new international station, Form FCC No. 309 should be filed; for an international station license, Form FCC No. 310 should be filed; for modification of an international station license or for change in facilities of an existing international station, Form FCC No. 312 should be filed.

[1] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

§ 3.712 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 3.713 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 3.714 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 3.715 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 3.716 *Equipment tests.* (a) Upon completion of construction of an international station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations and prior to filing of application for license, the permittee is authorized to test the equipment for a period not to exceed 30 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) The Commission may grant extensions of time upon showing of reasonable need therefor.

§ 3.717 *Program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and after an application for station license has been filed with the Commission showing the equipment to be in satisfactory operating condition, the permittee is authorized to conduct program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or § 3.716 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 3.718 *Normal license period.* All international broadcast station licenses will be issued so as to expire at the hour of 3 a. m. eastern standard time and will be issued for a normal license period of 1 year expiring November 1.

§ 3.719 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license shall be issued to conform to the combined action of the Commission.

§ 3.720 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of an international broadcast station license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed (Form FCC No. 311). No application for renewal of license of an international broadcast station will be considered unless there is on file with the Commission, the information currently required by §§ 1.341–1.344 of this chapter

reference to which by date and file number shall be included in the application.

(b) Whenever the Commission regards an application for a renewal of an international broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

§ 3.721 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing international license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 3.722 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new international broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 3.723 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an international station construction permit or license or for consent to voluntary transfer of control of a corporation holding an international station construction permit or license shall be filed with the Commission on Form FCC No. 314 (Assignment of License), Form FCC No. 315 (Transfer of Control) or Form FCC No. 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Pro forma.* Assignment or transfer applications shall be filed on FCC Form 316 where:

(1) There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

(2) There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the disposition of their interests;

(3) There is an assignment or transfer by which certain partners or stockholders retire but no new ones are brought in, provided that the interest transferred is not a controlling one;

(4) There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

(5) There is an involuntary transfer to an Executor, Administrator or other court appointed officer caused by death or legal disability except that this form does not cover assignments (or transfers) from the Executor, Administrator or other court appointed officers to the ultimate beneficiary;

(6) There is an assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.

(7) There is an assignment of less than a controlling interest in a partnership.

(c) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 316 shall be filed for consent to involuntary assignment of such international station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

RULES RELATING TO LICENSING POLICIES

§ 3.731 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That there is a need for the international broadcast service proposed to be rendered.

(b) That the necessary program sources are available to the applicant to render an effective international service.

(c) That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.[1]

(d) That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.

(e) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(f) That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(g) That the public interest, convenience and necessity will be served through the operation of the proposed station.

RULES RELATING TO EQUIPMENT

§ 3.751 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.

§ 3.752 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 percent of the assigned frequency.

§ 3.753 *Antenna.* The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

§ 3.754 *Frequency monitors.* (a) The licensee of each international broadcast station shall operate at the transmitter a frequency monitor independent of the frequency control of the transmitter.

(b) The frequency monitor shall be designed and constructed in accordance with good engineering practice and shall have an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance.

§ 3.755 *Modulation monitors.* The licensee of each international broadcast station shall have in operation at the transmitter a modulation monitor.

§ 3.756 *Required transmitter performance.* The construction, installation, operation, and performance of the international broadcast transmitter system shall be in accordance with good engineering practice.

§ 3.757 *Auxiliary transmitters.* Upon showing that a need exists for the use of auxiliary transmitters in addition to the regular transmitters of an international broadcast station, a license therefor may be issued provided that:

(a) Auxiliary transmitters may be installed either at the same location as the main transmitters or at another location.

(b) A licensed operator shall be in control whenever auxiliary transmitters are placed in operation.

(c) The auxiliary transmitters shall be maintained so that they may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitters.

(2) The transmission of regular programs during maintenance or modification[2] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c).

(e) The auxiliary transmitters shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by the regulations in this part.

(f) The operating power of an auxiliary transmitter may be less than the authorized power of the main transmitters, but in no event shall it be greater than such power.

§ 3.758 *Alternate main transmitters.* The licensee of an international broadcast station may be licensed for alternate main transmitters provided that a technical need for such alternate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) Both transmitters shall have the same power rating.

(c) Both transmitters shall meet the construction, installation, operation, and performance requirements of good engineering practice.

§ 3.759 *Changes in equipment and antenna system.* Licensees of international broadcast stations shall observe the following provisions with regard to changes in equipment and antenna system:

(a) No changes in equipment shall be made:

(1) That would result in the emission of signals outside of the authorized channel.

(b) Specific authority, upon filing formal application (Form FCC No. 312) therefor, is required for any of the following changes:

(1) Changes involving an increase or decrease in the power rating of the transmitters.

(2) A replacement of the transmitters as a whole.

(3) Change in the location of the transmitting antenna.

(4) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(5) Change in the power delivered to the antenna.

(6) Change in frequency control and/or modulation system.

(c) Other changes, except as above provided for in this section may be made at any time without the authority of the Commission, provided that the Commission shall be promptly notified thereof and such changes shall be shown in the next application for renewal of license.

RULES RELATING TO TECHNICAL OPERATION

§ 3.761 *Time of operation.* (a) All international broadcast stations will be licensed for unlimited time operation except as may be directed by the Commission from time to time. In an emergency, however, when due to causes beyond the control of the licensee, it becomes impossible to continue operation, the station may cease operation for a period not to exceed 10 days, provided that the Commission and the engineer in charge of the radio district in which the station is located shall be notified in writing immediately after the emergency develops.

(b) Persons desiring to enter into a voluntary sharing arrangement of an international channel may file application therefor with the Commission. Copies of the time-sharing agreement should be filed with the application.

§ 3.762 *Station inspection.* The licensee of any international broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 3.763 *Station license, posting of.* The original of each station license shall be posted in the transmitter room.

§ 3.764 *Operator requirements.* One or more licensed radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. The original license (or Form FCC No. 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of an international broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 3.765 *Operating power; how determined.* The operating power, and its maintenance, of each international broadcast station shall be in conformity with good engineering practice.

§ 3.766 *Modulation.* The percentage of modulation of the transmissions shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 50 percent nor more than 100 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

§ 3.767 *Frequency tolerance.* The operating frequencies of international broadcast station transmitters shall be maintained within .005% of the assigned frequencies.

§ 3.768 *Inspection of tower lights and associated control equipment.* The licensee of any international broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or Office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 3.769 *Discontinuance of operation.* The licensee of each station, except stations operating in Alaska, shall notify the engineer in charge of the district where such station is located of any of the following changes in the status of such station at least two days before such change:

(a) Temporary discontinuance of operation for a period of ten days or more;

(b) The date of resumption of operation after temporary discontinuance of operation for a period of ten days or more;

(c) Permanent discontinuance of operation.

In all cases of permanent discontinuance of operation the licensee shall, in addition to notifying the engineer of intention to discontinue operation immediately forward the station license to the Washington, D. C., office of the Commission for cancellation.

OTHER RULES RELATING TO OPERATION

§ 3.781 *Logs.* The licensee of each international broadcast station shall maintain program and operating logs in the following manner:

(a) In the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

[1] See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, art. 7. Prior to September 1, 1939, and thereafter see Cairo General Radio Regulations, art. 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

[2] This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be in accordance with § 1.324 of this chapter.

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, language, and the sponsor's name, with the time of the beginning and ending of the complete program.

(3) An entry showing, for each program of network origin, the name of the network originating the program.

(b)[1] Each licensee of an international broadcast station shall make verbatim mechanical records of all international programs transmitted.

(1) The mechanical records, and such manuscripts, transcripts, and translations of international broadcast programs as are made shall be kept by the licensee for a period of 2 years after the date of broadcast and shall be furnished the Commission or be available for inspection by representatives of the Commission upon request.

(2) If the broadcast is in a language other than English the licensee shall furnish the Commission upon request such record and scripts together with complete translations in English.

(c) In the operating log:

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause, and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage of the transmitter (total plate current and plate voltage).

(ii) Frequency monitor reading.

(5) A log must be kept of all experimental operation. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

(d) When an antenna or antenna-supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log appropriate to the requirements of § 3.768 as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light:

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (CAA) notified of the failure of any tower light not corrected within 30 minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements.

§ 3.782 *Logs, retention of.* Logs of international broadcast stations shall be retained by the licensee for a period of two years, *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has notice shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 3.783 *Logs, by whom kept.* Each log shall be kept by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty. The logs shall be made available upon request by an authorized representative of the Commission.

§ 3.784 *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log.

§ 3.785 *Correction of logs.* No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the rules. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

§ 3.786 *Rough logs.* Rough logs may be transcribed into condensed form, but in such case, the original log or memoranda and all portions thereof shall be preserved and made a part of the complete log.

§ 3.787 *Station identification.* (a) A licensee of an international broadcast station shall make station identification announcement (call letters and location), at the beginning and ending of each time of operation and during the operation on the hour.

(b) Station identification, program announcements, and oral continuity shall be made with international significance (language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

(c) Identification announcements during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

§ 3.788 *Service; commercial or sponsored program.* (a)[2] A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding, and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs: *Provided,* That:

(1) Commercial program continuities give no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.

(2) In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with paragraph (c) of this section.

(3) In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with paragraph (c) of this section.

(4) In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.

(5) In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with paragraph (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries.

(d) An international broadcast station may transmit the program of a standard broadcast station or network system: *Provided,* The conditions in paragraph (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency: *And provided further,* That in the case of chain broadcasting[3] the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency

[1] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

[2] The Commission on July 14, 1939, suspended the operation of § 3.788 (a) until further order of the Commission.

[3] See sec. 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

§ 3.789 *Sponsored programs, announcement of.* (a) In the case of each program for the broadcasting of which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, any radio broadcast station, the station broadcasting such program shall make, or cause to be made, an appropriate announcement that the program is sponsored, paid for, or furnished, either in whole or in part.

(b) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the beginning and conclusion of such program on which such material or services are used that such films, records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of 5 minutes' duration or less, which announcement may be made either at the beginning or conclusion of the program.

(c) The announcement required by this section shall fully and fairly disclose the true identity of the person or persons by whom or in whose behalf such payment is made or promised, or from whom or in whose behalf such services or other valuable consideration is received, or by whom the material or services referred to in paragraph (b) of this section are furnished. Where an agent or other person contracts or otherwise makes arrangements with a station on behalf of another, and such fact is known to the station, the announcement shall disclose the identity of the person or persons in whose behalf such agent is acting instead of the name of such agent.

(d) In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in paragraph (b) of this section are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association, or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association, or other unincorporated group shall be made available for public inspection at one of the international broadcast stations carrying the program.

(e) In the case of programs advertising commercial products or services, an announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, shall be deemed sufficient for the purposes of this section and only one such announcement need be made at any time during the course of the program.

§ 3.790 *Rebroadcast.*[1] (a) The licensee of an international broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard, noncommercial educational, or FM broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[2] (See § 3.788 concerning commercial announcements.)

(b) No licensee of an international broadcast station shall rebroadcast the programs of any other class of United States radio station without written authority having first been obtained from the Commission.

(c) A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided,* That the station rebroadcasting the programs cannot be received consistently in the United States.

§ 3.791 *Supplemental report with renewal application.*[3] A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) The number of hours operated on each frequency.

(b) A list of programs transmitted of special international interest.

(c) Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

[F. R. Doc. 51-1525; Filed, Jan. 29, 1951; 8:58 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Rev. Gen. Order 39]

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

CARGO AND PASSENGER REPORTS TO BE FILED BY COMMON CARRIERS BY WATER

Whereas, the United States Maritime Commission published in the FEDERAL REGISTER, issue of May 23, 1950, 15 F. R. 3131, a notice of proposed rules constituting a revision of General Order 39, amended (6 F. R. 5899), as amended by Supplement No. 1 (7 F. R. 7561); and

Whereas, the functions of the United States Maritime Commission were transferred to the Secretary of Commerce and to the Federal Maritime Board pursuant to Reorganization Plan No. 21 of 1950 (15 F. R. 3178); and

Whereas, the time and date provided in said notice for the submission of written comments on the proposed rules has expired; and

Whereas, after careful consideration of the comments submitted, the Secretary of Commerce has adopted the following General Order 29 revised; and

Whereas, the Federal Maritime Board has consented to the repeal of such of the provisions of General Order 39, as previously published, as may relate to the functions transferred to the Board under the provisions of Reorganization Plan No. 21 of 1950: *Now, therefore, it is hereby ordered,* That:

General Order No. 39, amended (6 F. R. 5899), as amended by supplement No. 1 (7 F. R. 7561), (§§ 222.2 through 222.4, Code of Federal Regulations), is hereby amended effective February 15, 1951, as follows:

Strike out §§ 222.2, 222.3 and 222.4 and insert in lieu thereof the following §§ 222.2 through 222.9:

§ 222.2 *Revised forms of cargo report and vessel performance summary prescribed.* Pursuant to the authority of section 204 (b) of the Merchant Marine Act, 1936 (49 Stat. 1987, as amended by 52 Stat. 953, 964; 46 U. S. C. 1114), the Secretary of Commerce has determined that it is necessary to the performance of his duties under sections 211 and 212 of the Merchant Marine Act, 1936, as amended (49 Stat. 1989, 1990; 46 U. S. C. 1121, 1122), to require persons operating vessels in the water-borne foreign commerce of the United States to file reports on the utilization and performance of such vessels in the form of Maritime Administration forms 7801, 7802, 7803, and 7804, and hereby prescribes and approves such forms.[1]

§ 222.3 *Dry cargo reports.* Vessel utilization and performance reports (Form 7801, inbound, and Form 7802, outbound) must be filed in duplicate with the Collector of Customs for transmittal to the Maritime Administration by the operator of every dry cargo vessel of 300 or more net registered tons carrying cargo, passengers, or in ballast for each inward and outward voyage in the foreign trade of the United States.

§ 222.4 *Time for filing dry cargo inbound reports.* Form 7801 must be filed before midnight of the tenth day, not including Saturdays, Sundays or holidays, after entering the first United States port, including any port in the Hawaiian Islands, Alaska or Puerto Rico, from a foreign port, provided however a vessel entering a port in the Hawaiian Islands, Alaska or Puerto Rico to depart for a continental United States port shall file such report at such non-

[1] The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[2] The notice and certification of consent must be given within 3 days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of another broadcast station several times during a license period, notice and certification of consent must be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[3] Suspended until further order of the Commission by Order No. 108, dated and effective December 22, 1942.

[1] Filed as a part of the original document.

contiguous port, and also at the first continental United States port of arrival.

§ 222.5 *Time for filing dry cargo outbound reports.* Form 7802 must be filed before midnight of the tenth day, not including Saturdays, Sundays or holidays, after clearing the last United States port, including a port in the Hawaiian Islands, Alaska or Puerto Rico, for a foreign port: *Provided, however,* That vessels departing from a continental United States port to clear for a foreign port from a port in the Hawaiian Islands, Alaska or Puerto Rico shall file such report with the Collector of Customs at the continental port of departure and also at the noncontiguous port of clearance.

§ 222.6 *Tanker reports.* (Form 7803, inbound, and Form 7804, outbound) must be filed in duplicate with the Collector of Customs for transmittal to the Maritime Administration by the operator of every tanker of 300 or more net registered tons carrying cargo, passengers, or in ballast for each inward and outward voyage in the foreign trade of the United States.

§ 222.7 *Time for filing tanker inbound reports.* Form 7803 must be filed before midnight of the tenth day, not including Saturdays, Sundays or holidays, after entering the first United States port, including any port in the Hawaiian Islands, Alaska or Puerto Rico, from a foreign port: *Provided, however,* A tanker entering a port in the Hawaiian Island, Alaska or Puerto Rico to depart for a continental United States port shall file such report at such noncontiguous port, and also at the first continental United States port of arrival.

§ 222.8 *Time for filing tanker outbound reports.* Form 7804 must be filed before midnight of the tenth day, not including Saturdays, Sundays or holidays, after clearing the last United States port, including a port in the Hawaiian Islands, Alaska or Puerto Rico, for a foreign port: *Provided, however,* That tankers departing from a continental United States port to clear for a foreign port from a port in the Hawaiian Islands, Alaska or Puerto Rico shall file such report with the Collector of Customs at the continental port of departure and also at the noncontiguous port of clearance.

§ 222.9 *Penalty.* Section 806 (d) of the Merchant Marine Act 1936, as amended, 53 Stat. 1182, provides:

(d) Whoever knowingly and willfully violates any order, rule, or regulation of the United States Maritime Commission made or issued in the exercise of the powers, duties, or functions transferred to it or vested in it by this Act, as amended, for which no penalty is otherwise expressly provided, shall upon conviction thereof be subject to a fine of not more than $500. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

(Sec. 21, 39 Stat. 736, sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Reorg. Plan No. 21 of 1950, 15 F. R. 3178)

NOTE: The reporting requirements contained in this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

By direction of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary of the Federal Maritime Board.

[F. R. Doc. 51-1452; Filed, Jan. 29, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 291]

NASHVILLE UNION STOCK YARDS, INC.

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary prescribed reasonable rates and charges for the respondent in an order dated August 2, 1929. Certain modifications of these rates and charges have been placed into effect for temporary periods.

By petition filed on January 10, 1951, the respondent requested authority to put into effect the increased rates set out below:

YARDAGE CHARGES

(Applicable to both initial yardage charges and resales in the commission firms' pens)

	Cents
Cattle, per head	75
Calves, per head	43
Hogs, per head	25
Sheep, per head	25

FEED CHARGES

Corn—60 cents per bushel above current market price.

Inasmuch as the authorization petitioned for will produce additional revenue for the respondent and increase yardage charges to the public, it appears that notice of the petition should be given to the public in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice of the filing of the petition is hereby given to the public and to all interested persons. All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-1498; Filed, Jan. 29, 1951; 8:57 a. m.]

[7 CFR, Part 38]

CREAM FOR USE IN MANUFACTURE OF BUTTER

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Cream for Use in the Manufacture of Butter pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). All persons who desire to submit written data, views, or arguments, for consideration in connection with the proposed standards should file the same, in duplicate, with the Director, Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than April 15, 1951.

The proposed standards are as follows:

DEFINITIONS

§ 38.1 *Cream.* Cream is that portion of fresh milk, produced by healthy cows, which rises to the surface on standing or is separated by centrifugal force, is clean and contains not less than eighteen percent of milk fat.

U. S. GRADES

§ 38.2 *Nomenclature of U. S. Grades.* (a) The nomenclature of the U. S. Grades is as follows:

(1) U. S. Sweet; U. S. No. 1; U. S. No. 2; and U. S. No. 3.

(b) *Basis for determination of U. S. Grades.* The respective U. S. Grades of cream for use in the manufacture of butter are determined on the basis of flavor and odor, titratable acidity, physical character, and sediment content:

(1) *Titratable acidity and sediment content.* With respect to the ascertainment of acidity and sediment content, the following are applicable:

(i) *Titratable acidity.* The cream is examined for titratable acidity in accordance with the procedure prescribed in subdivision (ii) of this subparagraph.

(ii) *Procedure.* Using a 9 ml. pipette, pipette 9 ml. of the cream into a suitable container. Rinse the pipette with one filling of distilled water, adding the rinse to the 9 ml. of cream. Add 3 drops of a one percent alcoholic solution of phenolphthalein as the color indicator and titrate with 0.1N sodium hydroxide solution. The ml. of sodium hydroxide solution used in the titration divided by 10 equals the percent of titratable acidity.

(iii) *Sediment.* The cream is examined for sediment content by using the "off-bottom" method of sediment testing set forth in paragraph 9.06 of the publication "Standard Methods for the Examination of Dairy Products," Ninth Edition, 1948, published by the American Public Health Association, 1790 Broadway, New York, New York. Sediment content is determined on the basis of the United States Sediment Standards for Milk and Milk Products (7 CFR 43.101).

§ 38.3 *U. S. Grades*—(a) *U. S. Sweet.* U. S. Sweet grade of cream for use in the manufacture of butter conforms to the following requirements:

(1) *Flavor and odor.* Has not more than slight feed flavor and odor.

(2) *Titratable acidity.* Has not more than 0.2 of one percent titratable acidity.

(3) *Physical character.* Is of smooth and uniform consistency; and is free from abnormal conditions (including, but not being limited to, foam, lumps, curd, surface mold, and extraneous matter).

(4) *Sediment.* Contains not more than 0.50 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 0.50 mg. of sediment.

(b) *U. S. No. 1.* U. S. No. 1 cream for use in the manufacture of butter conforms to the following requirements:

(1) *Flavor and odor.* Has not more than slight feed and slight acid flavor and odor.

(2) *Titratable acidity.* Has not more than 0.35 of one percent titratable acidity.

(3) *Physical character.* Is of smooth and uniform consistency; and is free from abnormal conditions (including but not being limited to, foam, lumps, curd, surface mold, and extraneous matter).

(4) *Sediment.* Contains not more than the sediment content permitted for U. S. Sweet grade.

(c) *U. S. No. 2.* U. S. No. 2 cream for use in the manufacture of butter conforms to the following requirements:

(1) *Flavor and odor.* Has not more than moderate acid, old cream, feed, and utensil flavors and odors and other unnatural flavors and odors to more than a slight degree.

(2) *Titratable acidity.* Has not more than 0.6 of one percent titratable acidity.

(3) *Physical character.* Is of slightly lumpy or curdy consistency, but is free from other abnormal conditions (including, but not being limited to, surface mold, foam, and extraneous matter).

(4) *Sediment.* Contains not more than 1.00 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 1.00 mg. of sediment.

(d) *U. S. No. 3.* U. S. No. 3 cream for use in the manufacture of butter conforms to the following requirements:

(1) *Flavor and odor.* Has not more than strong feed flavor and odor; and not more than moderate acid, bitter, stale, weed, and other unnatural but not offensive flavors and odors.

(2) *Titratable acidity.* Has not more than 0.8 of one percent titratable acidity.

(3) *Physical character.* Is of lumpy or curdy consistency but is free from other abnormal conditions (including, but not being limited to, surface mold, foam, and extraneous matter).

(4) *Sediment.* Contains not more than 2.50 mg. of sediment when tested by comparison of a properly prepared sediment disc with the aforesaid United States Sediment Standards for Milk and Milk Products sediment disc representing 2.50 mg. of sediment.

EXPLANATION OF TERMS

§ 38.4 *Explanation of terms*—(a) *With respect to flavor and odor of cream*—(1) *Slight.* Barely noticeable or detectable and unlikely to result in an unnatural flavor or odor of the butter.

(2) *Moderate.* Definitely noticeable or detectable and present to such degree that it may result in an unnatural flavor or odor of the butter.

(3) *Strong.* Pronounced and practically certain to result in an unnatural flavor or odor of the butter.

(4) *Offensive.* (i) Extreme, in the case of feed flavors or odors or weed flavors or odors.

(ii) So strong, in the case of any other unnatural flavor or odor as to be repulsive or reflect contamination by filth, kerosene, gasoline, fly spray, or substances comparable to any of the foregoing.

(5) *Natural.* Characteristic of fresh, cool cream and free from unnatural flavors and odors.

(6) *Unnatural.* Attributable to any one or more of the following: feeds (such as silage, green alfalfa, green rye, or turnips), or weeds (such as peppergrass, french weed, skunk cabbage, wild onion, or garlic); utensil; any contamination (including, but not being limited to, unclean equipment, or other contamination with bacteria, molds, or sediment), or presence of odors in the vicinity.

(7) *Acid.* Any odor or flavor attributable to acidity.

(8) *Utensil.* Suggestive of improper or inadequate washing and sanitizing of milking machines, utensils, or factory equipment.

(b) *With respect to flavor and odor of the butter*—(1) *Natural.* Characteristic of butter that was processed from cream having a natural flavor and odor.

(2) *Unnatural.* Attributable to any one or more of the following: Unnatural cream flavor and odor, manner of processing the butter; any contamination (including, but not being limited to, that due to bacteria or mold); or exposure to odors.

(c) *With respect to physical character of cream*—(1) *Slightly.* Barely noticeable or detectable.

(2) *Extraneous matter.* Substances (such as filth, hair, insects and parts thereof, and rodents and parts thereof), and materials (such as metal, wood, glass, and leather particles or objects).

(3) *Lumps or curd.* Lumps or curd particles.

(4) *Lumpy or curdy.* Possessing lumps or curd.

Done at Washington, D. C., this 25th day of January, 1951.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1497; Filed, Jan. 29, 1951; 8:56 a. m.]

[7 CFR, Part 53]

VEAL AND CALF CARCASSES AND VEALERS AND SLAUGHTER CALVES

REVISION OF OFFICIAL U. S. STANDARDS FOR GRADES

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture has under consideration a proposed revision of the standards for grades of veal and calf carcasses (7 CFR 53.107 to 53.113, inclusive) and a proposed revision of the standards for grades of vealers and slaughter calves (U. S. D. A., PMA. Service and Regulatory Announcement No. 113), under the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.) and the item for Market Inspection of Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Chap. VI, Public Law 759—81st Cong.; 7 U. S. C. Sup. 414).

The principal changes proposed in the standards for grades of veal and calf carcasses are as follows:

(1) The existing Prime and Choice grades would be combined and designated as Prime; the existing Good grade would be renamed Choice; and the top half of existing Commercial grade would be designated as Good. Other grade designations would remain the same as they now are.

(2) Relevant changes in the specifications would be made to reflect the minimum requirements for the respective grade designations.

(3) The method of differentiating between veal and calf carcasses would be clarified, with special emphasis upon the role of color of flesh. Other changes of a minor nature would be made in order to facilitate interpretation of the standards.

The purpose of the revision of the grade standards for veal and calf carcasses is to bring them into full agreement with the revised standards for grades of carcass beef which became effective December 29, 1950 (15 F. R. 9422). Appropriate changes are also proposed for the standards for grades of vealers and slaughter calves to make them conform to the proposed veal and calf carcass grade standards and the revised slaughter cattle grade standards adopted December 30, 1950.

To accomplish these changes, the standards would be revised to read as follows:

VEAL AND CALF CARCASSES

§ 53.107 *Differentiation between veal and calf carcasses.* Differentiation between veal and calf carcasses is made primarily on the basis of the color of the lean, although factors such as texture of lean, character of fat, size and color of the rib bones, and carcass weight are also considered. Typical veal carcasses have a grayish pink color of lean that is very smooth and velvety in texture. They also have a slightly soft, pliable character of fat and narrow, very red rib bones, and weigh less than 100 pounds. By contrast, typical calf carcasses have a distinctly reddish color of lean, a harder, flakier type of fat and somewhat wider rib bones with less pronounced evidences of red color, and weigh more than 150 pounds.

§ 53.108 *Classes of veal and calf carcasses.* Class determination is based on the apparent sex condition of the animal at time of slaughter. Hence, there are three classes of veal and calf carcasses—steers, heifers, and bulls. While recognition may sometimes be given to these different classes on the market, especially in the case of calf carcasses that are approaching beef in maturity, the differences between the various classes are so slight that accurate description of them is impractical. Therefore, the grade standards which follow are equally applicable to all classes of veal and calf carcasses.

§ 53.109 *Application of standards.* (a) Veal and calf carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts in the carcass, the proportions of fat, lean, and bone in the carcass, and the quality of the flesh. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors; and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of conformation, finish, and quality and which are also representative of the lower limit of each grade.

(b) The standards specify only one degree of fatness for each grade of veal and calf. However, this degree of fatness applies only to carcasses of average weight and maturity. In order to qualify for any particular grade, heavier, more mature carcasses are required to have a somewhat greater quantity of fat and lighter, younger carcasses somewhat less fat than that specified. Because of the greater variability in weight and maturity among calf carcasses, a somewhat greater variation in degree of fatness will be present within each grade of that class than will be present among carcasses of each grade of veal carcasses.

(c) While color of lean is of primary importance in differentiating between veal and calf carcasses, the range of colors within the various grades is slightly different. Very young veal usually has a very light grayish pink color of lean regardless of grade. As veal carcasses approach calf in development and maturity, the color of the lean becomes progressively more reddish. However, in the higher grades the color remains light and bright; whereas, in the lower grades the color may become progressively darker and duller. A similar variation in color is found among the various grades of calf.

§ 53.110 *Specifications for official United States standards for grades of veal carcasses*—(a) *Prime.* (1) A veal carcass possessing the minimum qualifications for Prime grade is superior in conformation, finish, and quality.

(2) In conformation it is blocky and compact and tends to be broad in proportion to its length. It tends to be thickly fleshed and has a rather plump, full, well-rounded appearance.

(3) Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breasts tend to be thick.

(4) There is a thin covering of fat over the rump, loin, back, top of the shoulders, and over the inner walls of the chest and abdomen. There are slightly large deposits of fat in the breast, flanks, and crotch, and around the kidneys, the latter being completely covered. All exterior fat is smooth.

(5) The flesh is rather firm, fine textured and, in a cut surface, velvety to sight and touch. All bones are small in proportion to the size and weight of the carcass.

(b) *Choice.* (1) A veal carcass possessing the minimum qualifications for Choice grade is moderately blocky and compact and tends to be moderately broad in proportion to its length. It is slightly thick-fleshed and has a slightly plump appearance.

(2) Rounds are slightly thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast are slightly thick.

(3) There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are slightly small deposits of fat in the breast, flanks and crotch, and around the kidneys. All exterior fat is moderately smooth. The flesh is slightly firm and fine textured, and may be slightly moist to sight and touch. All bones are moderately small in proportion to the size and weight of the carcass.

(c) *Good.* (1) A veal carcass possessing the minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be slightly thin fleshed and has little or no evidence of plumpness.

(2) Loin, back and rounds are slightly thin and nearly flat. Shoulders and breasts tend to be slightly thin.

(3) There are very thin patches of fat over the loin and back and over the inner walls of the chest and abdomen. There are small deposits of fat in the breast, flanks, and crotch and around the kidneys. The flesh is moderately soft, and, in a cut surface, slightly moist to sight and touch. All bones are slightly large in proportion to the size and weight of the carcass.

(d) *Commercial.* (1) A veal carcass possessing the minimum qualifications for the Commercial grade is rough and rangy and is narrow in proportion to its length. It is thinly fleshed and has an empty, sunken, or hollowed-out appearance.

(2) Rounds are thin and tapering and slightly concave. Loin and back are depressed. Shoulders and breast are narrow and thin.

(3) There are extremely thin patches of fat over the back and loin and over a portion of the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks and crotch and around the kidneys, the latter being incompletely covered.

(4) The flesh is soft, and in a cut surface, moist to the touch. All bones are moderately large in proportion to the size and weight of the carcass.

(e) *Utility.* (1) A veal carcass possessing the minimum qualifications for the Utility grade is very rough and rangy and very narrow in proportion to its length. It is very thinly fleshed and has a very depressed or hollowed-out appearance.

(2) Rounds are very thin and tapering and moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin.

(3) There is no fat covering over the back, loin, or inner walls of the chest and abdomen. There are extremely small deposits of fat in the breast, flanks and crotch, and around the kidneys.

(4) The flesh is very soft, and, in a cut surface, very moist to the touch. All bones are large in proportion to the size and weight of the carcass.

(f) *Cull.* (1) A typical Cull grade veal carcass is extremely rough and rangy and extremely narrow in proportion to its length. It is extremely deficient in fleshing and has an extremely shallow, depressed, or hollowed-out appearance.

(2) Rounds are concave and extremely thin and tapering. Loin and back are extremely depressed. Shoulders and breast are extremely narrow and thin.

(3) There is no fat covering over any part of the exterior of the carcass and none on the inner walls of the chest and abdomen. There are no discernible fat deposits in the breast, flanks, or crotch, and only extremely small quantities around the kidneys.

(4) The flesh is very soft and watery. All bones are very large in proportion to the size and weight of the carcass.

§ 53.111 *Specifications for official United States standards for grades of calf carcasses*—(a) *Prime.* (1) A calf carcass possessing the minimum qualifications for the Prime grade is superior in conformation, finish, and quality.

(2) In conformation, it is blocky and compact and tends to be broad in proportion to its length. It is thickly fleshed and has a plump, full, well-rounded appearance.

(3) Rounds tend to be thick and bulging. Loin and back tend to be full and plump. Shoulders and breasts tend to be thick.

(4) There is a slightly thick covering of fat over the back and loin and a slightly thin fat covering over the rump and the top of the shoulders and over the inner walls of the chest and abdomen. There are moderately large deposits of fat in the breast, flanks and crotch, and around the kidneys, the latter being completely covered. All exterior fat is smooth and moderately firm.

(5) The flesh is firm, fine textured and, in a cut surface, velvety to sight and touch, and has a small amount of marbling. Calf carcasses which are approaching beef in maturity and development will have a moderate amount of marbling. All bones are small in proportion to the size and weight of the carcass.

(b) *Choice.* (1) A calf carcass possessing the minimum qualifications for the Choice grade tends to be moderately blocky and compact and tends to be moderately broad in proportion to its length. It tends to be moderately thick-fleshed and has a moderately plump appearance.

(2) Rounds tend to be moderately thick and bulging. Loin and back tend to be moderately full and plump. Shoulders and breast tend to be moderately thick.

(3) There is a moderately thin covering of fat over the loin and back and over the inner walls of the chest and abdomen and a very thin fat covering over the rump and tops of the shoulders. There are moderate deposits of fat in the breast, flanks, and crotch, and around the kidneys.

(4) The flesh tends to be moderately firm and fine textured, and, in a cut surface, may be slightly moist to sight and touch, and has traces of marbling. Calf carcasses approaching beef in maturity and development will have a slight amount of marbling. All bones are moderately small in proportion to the size and weight of the carcass.

(c) *Good.* (1) A calf carcass possessing the minimum qualifications for the Good grade tends to be slightly blocky and compact and tends to be slightly broad in proportion to its length. It tends to be only slightly thick fleshed and has a slightly plump appearance.

(2) Rounds are slightly thick but have little evidence of plumpness. Loin and back are very slightly full and plump. Shoulders and breast are slightly thick.

(3) There is a very thin covering of fat over the loin and back and over the inner walls of the chest and abdomen. There are very thin patches of fat over the rump and top of the shoulders. There are slightly small deposits of fat in the breast, flanks and crotch, and around the kidneys.

(4) The flesh is slightly soft and, in a cut surface, is somewhat moist to sight and touch. All bones are slightly large in proportion to the size and weight of the carcass.

(d) *Commercial.* (1) A calf carcass possessing the minimum qualifications for the Commercial grade is rough and rangy and narrow in proportion to its length. It tends to be thinly fleshed and has a depressed, sunken, or hollowed-out appearance.

(2) Rounds are thin and tapering and very slightly concave. Loins and back are slightly shallow and depressed. Shoulders and breasts are thin.

(3) There are very small, thin patches of fat on the back and loin and on the inner walls of the chest and abdomen. There are very small deposits of fat in the breast, flanks and crotch, and around the kidneys, the latter being only partially covered.

(4) The flesh is moderately soft, and, in a cut surface, is slightly watery in appearance. All bones are moderately large in proportion to the size and weight of the carcass.

(e) *Utility.* (1) A calf carcass possessing the minimum qualifications for the Utility grade is very rough and rangy and very narrow in proportion to its length. It is very thinly fleshed and has a very depressed, sunken, or hollowed-out appearance.

(2) Rounds are very thin and tapering and are moderately concave. Loin and back are very shallow and depressed. Shoulders and breast are very narrow and thin.

(3) The exterior surface of the carcass is practically devoid of fat covering and there is no discernible fat over the inner walls of the chest and abdomen. There are extremely small deposits of fat in the breast, flanks, and crotch, and around the kidneys.

(4) The flesh is very soft and very moist and watery. All bones are very large in proportion to the size and weight of the carcass.

(f) *Cull.* (1) A typical Cull grade calf carcass is extremely rough and rangy and extremely narrow in proportion to its length. It is extremely thinly fleshed and has an extremely depressed, sunken, or hollowed-out appearance.

(2) Rounds are extremely thin, tapering and concave. Loins and back are extremely shallow and depressed. Shoulders and breast are extremely narrow and thin.

(3) There is usually no visible exterior fat and the interior fat is limited to extremely small amounts in the crotch and around the kidneys.

(4) The flesh is very soft and watery. All bones are extremely large in proportion to the size and weight of the carcass.

VEALERS AND SLAUGHTER CALVES

§ 53.120 *Differentiation between vealers and calves.* Young bovine animals are segregated for market purposes as vealers or calves. The basis for differentiation between vealers and calves is made primarily on age and certain evidences of type of feeding. Typical vealers are less than 3 months of age and have subsisted largely on milk. Since vealers have consumed little, if any, roughages, they have the characteristic trimness of middle associated with limited paunch development. Calves are usually between 3 and 8 months of age, have subsisted partially or entirely on feeds other than milk for a substantial period of time, and have developed the heavier middles and physical characteristics associated with maturity beyond the vealer stage.

§ 53.121 *Classes of vealers and calves.* There are three classes of vealers and calves, based on sex condition—steers, heifers, and bulls. However, the influence of sex condition on physical characteristics is not sufficient to merit separate grade standards for each class.

§ 53.122 *Application of standards*—(a) *Grade factors.* Vealers and calves are graded largely on a composite evaluation of three general factors—conformation, finish, and quality. Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. While primarily determined by the inherent muscular and skeletal system, it is also influenced by degree of fatness. Finish refers to the fatness of the animal. The quality, quantity, and distribution of finish are all closely associated with the palatability and quality of the meat. Quality in the slaughter animal refers to the refinement of hair, hide, and bone and to the smoothness and symmetry of the body. Quality is also closely associated with carcass yield and the proportion of meat to bone.

(b) *General principles.* (1) The determination of the carcass grade that the live animal will produce requires the exercising of well regulated judgment. Each animal presents a different combination of the grade determining factors. It is not unusual to find an animal of one grade that has some of the characteristics associated with another grade or grades. Therefore, a composite evaluation of the total inherent physical characteristics of the animal is essential for accuracy in determining grade.

(2) The descriptions of the physical characteristics of the grades of vealers and calves represent the lower limits of each grade. No attempt is made to describe the numerous combinations of grade factors which may meet the minimum requirements for a particular grade. Descriptions are limited largely to animals considered as typical of the lower limits of the grade.

(3) The grade descriptions of both vealers and calves apply to those of average age or maturity. In order to qualify for a specific grade, more mature animals should carry somewhat more finish, while very young animals may carry somewhat less finish than specified herein.

§ 53.123 *Specifications for official United States standards for grades of vealers*—(a) *Prime.* Vealers possessing the minimum qualifications for Prime grade are superior in conformation, quality, and finish. In conformation, Prime vealers tend to be low-set, compact, short of neck and body, and relatively thick fleshed. They are wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the rounds are thick and moderately plump. There is a slight fullness or plumpness evident over the crops,

loin, and rump, which contributes to a rather well-rounded appearance. Prime vealers have a thin fat covering over the crops, back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder show distinct evidence of fullness. Prime vealers exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the hide moderately thin and pliable, and the body very trim, smooth, and symmetrical.

(b) *Choice.* Vealers possessing the minimum qualifications for Choice grade tend to be moderately low-set, short necked, and compact. They are slightly thick-fleshed and moderately wide over the back and loin. Shoulders and hips are usually moderately neat and smoothly laid in, with only a a slight tendency toward prominence. The loin, rump, and rounds may appear almost flat, with little evidence of fullness. Choice vealers have a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder may show a very slight fullness. Choice vealers usually present a moderately refined appearance.

(c) *Good.* Vealers possessing the minimum qualifications for Good grade tend to be slightly compact and slightly wide of back and loin. The neck may be slightly long and thin. Good grade vealers tend to be slightly thin fleshed, and the loin, rump, and rounds are flat and may present a very slight sunken or hollowed-out appearance. The shoulders and hips are slightly prominent. The fat covering is very limited and is discernible only over portions of the back and loin. The brisket, rear flanks, and cod or udder may have small fat deposits but have no apparent fullness. Good grade vealers are usually moderately smooth and slightly refined in appearance.

(d) *Commercial.* Vealers possessing the minimum requirements for Commercial grade tend to be rangy, upstanding, long and thin of neck, narrow over the back, loin, and rump, and shallow in the twist. They are thin fleshed, and there is a distinctly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear moderately prominent. There is an extremely thin fat covering over portions of the back and loin that is difficult to detect in the live animal. Such vealers may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness, or they may show the small bones, tight hide, and angularity denoting over-refinement.

(e) *Utility.* Vealers possessing the minimum requirements for the Utility grade may tend to be very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and rounds present a very sunken or hollowed-out appearance. Utility vealers show no visible evidence of any fat covering. Utility vealers tend to be of low quality. The bones and joints are usually proportionately large and the hide either thick or tight and inelastic.

(f) *Cull.* The typical Cull grade vealer appears extremely rangy, angular, long and thin necked, narrow and shallow bodied. Shoulders and hips are extremely prominent, and the crops, back, loin, rump, and round present an extremely sunken or hollowed-out appearance. The general appearance denotes low quality. The relative proportion of meat to bone is very low, joints appear large and coarse, and the body is very unsymmetrical.

§ 53.124 *Specifications for official United States standards for grades of slaughter calves*—(a) *Prime.* Calves possessing the minimum qualifications for Prime grade are superior in conformation, quality, and finish. In conformation, Prime calves tend to be low-set, compact, and short of neck and body and thick-fleshed. They are wide over the back, loin, and rump. Shoulders and hips are neat and smoothly laid in. The twist is deep and full and the rounds are thick and moderately plump. There is a fullness or plumpness evident over the crops, loin, and rump which contributes to a well-rounded appearance. Prime calves have a slightly thick fat covering over the crops, back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder show a marked fullness. Prime calves exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the hide moderately thin and pliable, and the body very trim, smooth, and symmetrical.

(b) *Choice.* Calves possessing the minimum qualifications for Choice grade tend to be moderately low-set, short-necked, and compact. They tend to be moderately thick-fleshed, and are moderately wide over the back and loin. Shoulders and hips are usually moderately neat and smoothly laid in. There is a slight fullness or plumpness over the crops, loin, rump, and rounds which contribute to a rather well-rounded appearance. Choice calves have a moderately thin fat covering over the back, loin, rump, and upper ribs. The brisket, rear flanks, and cod or udder are slightly full. Choice calves usually present a moderately refined appearance.

(c) *Good.* Calves possessing the minimum qualifications for Good grade tend to be slightly compact and slightly wide of back and loin. The neck may be slightly long and thin. Good grade calves tend to be only slightly thick-fleshed, and the loin, rump, and rounds may appear almost flat with little or no evidence of fullness. The shoulders and hips are usually moderately neat and smoothly laid in but may appear slightly prominent. There is a very thin fat covering over the back, loin, and upper ribs. The brisket, rear flanks, and cod or udder may show a very slight fullness. Good grade calves are usually moderately smooth and slightly refined in appearance.

(d) *Commercial.* Calves possessing the minimum requirements for Commercial grade tend to be rangy, upstanding, long and thin of neck; narrow over the back, loin, and rump, and shallow in the twist. They tend to be thinly fleshed, and there is a slightly sunken or hollowed-out appearance over the back, loin, and rounds. Hips and shoulders appear somewhat prominent. There is a very thin fat covering that is discernible only over portions of the back and loin. Such calves may show the heavy bones, thick hide, prominent hips and shoulders associated with coarseness; or they may show the small bones, tight hide, and angularity denoting over-refinement.

(e) *Utility.* Calves possessing the minimum requirements for the Utility grade tend to be very rangy, angular, and long and thin of neck. They tend to be very thinly fleshed, narrow over the back, loin, and rump, and shallow in the twist. Hips and shoulders are very prominent, and the crops, back, loin, rump, and round present a very sunken or hollowed-out appearance. There is an extremely thin fat covering over the back and loin that is difficult to detect in the live animal. Utility calves tend to be of low quality. The bones and joints are usually proportionately large, and the hide either thick or tight and inelastic.

(f) *Cull.* The typical Cull grade calf appears extremely rangy, angular, long and thin necked, narrow, and shallow bodied. Shoulders and hips are extremely prominent, and the crops, back, loin, rump, and round present an extremely sunken or hollowed-out appearance. The general appearance denotes low quality. The relative proportion of meat to bone is very low, joints appear large and coarse, and the body is very unsymmetrical.

Any interested person who desires to submit written data, views, or arguments concerning the proposed revised standards, as set forth herein, may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 25th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1499; Filed, Jan. 29, 1951, 8:57 a. m.]

[7 CFR, Part 972]

[Docket No. AO 177-A9]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Gallipolis, Ohio, on January 10, 1951, pursuant to notice thereof which was issued on January 2, 1951 (16 F. R. 98) upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

The material issues on the record related to (1) the prevention of a decrease in the prices for Class I milk and Class II milk during the months of February and March 1951, and (2) whether a recommended decision and filing of exceptions thereto should be omitted.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The prices for Class I milk and Class II milk for the months of February and March 1951 should not be lower than the corresponding prices for such classes during January 1951.

Because of certain provisions in the current order 25 cents has been added to the computed prices for Class I milk and Class II milk during the months of October, November, and December 1950, and January 1951. The evidence shows that during both October and November 1950 (figures were not available for December 1950 and January 1951) when this increase was effective there was not sufficient producer milk to meet the market requirements for Class I milk and Class II milk. A decrease in the prices for Class I milk and Class II milk for the months of February and March 1951 would tend to discourage the production of milk during these months when it will be needed in the market. Accordingly, it is concluded that the prices for Class I milk and Class II milk during February and March 1951 should not be lower than the corresponding prices for such classes during January 1951.

The current order contains a proviso that the prices for Class I milk and Class II milk for the months of April through July, inclusive, shall not be higher than the respective prices for such classes for the preceding March. It was not intended that this proposed amendment should raise the prices for Class I milk and Class II milk during the months of April, May, June, and July and provision is made to prevent such a result.

(2) The due and timely execution of the function of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

Immediate action must be taken if an amendment is to relieve the disorderly marketing conditions which would result if the prices for Class I milk and Class II milk should decrease during February or March 1951. The delay necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would defeat the purpose of the amendment.

Every point covered in the briefs filed by interested parties was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete from the end of § 972.5 (b) the words "for the preceding March," and substitute therefor the following: "prior to the following proviso for the preceding March: *And provided further,* That the prices for Class I milk and Class II milk for the months of February and March 1951 shall not be lower than the respective prices computed for such classes pursuant to this section for January 1951."

[F. R. Doc. 51-1450; Filed, Jan. 29, 1951; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 239]

FORM S–1 FOR REGISTRATION OF SECURITIES

NOTICE OF PROPOSED RULE MAKING

The Securities and Exchange Commission has under consideration a proposed revision of Form S–1[1] (§ 239.11), which is one of the forms for registration of securities under the Securities Act of 1933. The purpose of this revision is mainly to shorten and improve the prospectus and thereby facilitate its distribution and make it more useful to investors.

Some of the items of information currently required to be shown in the prospectus would be omitted from the prospectus but would be otherwise filed with the registration statement. For example, the prospectus would include very limited information as to the nature of the underwriting commitment. Details of the underwriting arrangements would be omitted from the prospectus but would be otherwise filed as a part of the registration statement. Certain other items of information would be similarly treated.

An entirely new approach in the disclosure of financial data in the prospectus is provided for in the proposed revision. At the present time, the prospectus is required to include not only a summary of earnings for a period of years but also the formal balance sheets, profit and loss statements, statements of surplus and certain schedules filed as a part of the registration statement. It is proposed that the summary of earnings be accepted in the prospectus in lieu of any formal profit and loss statements. In addition, a statement of financial position containing the substance of the information set forth in the formal balance sheets would be included in the prospectus in lieu of such balance sheets. Thus all conventional balance sheets, profit and loss statements, surplus statements and schedules would be omitted from the propectus but would be otherwise filed as a part of the registration statement.

It is contemplated that the presentation of the financial data included in the prospectus, particularly the statement of financial position, would be left largely up to registrants and their accountants. This would permit them to break away from conventional forms of presentation now in common use in favor of a more informal presentation.

The Commission's experience has been that to a considerable extent detailed items and instructions result in unnecessarily detailed answers in the prospectus. Accordingly, the revised items and instructions of the proposed form have been somewhat streamlined for the purpose of producing more concise statements in the prospectus without sacrificing essential information.

The Commission believes that a prospectus based upon the proposed revision would result in a shorter and more usable prospectus which would at the same time give the average investor the information he needs in appraising a registered security.

The Commission invites comments and suggestions on the proposed form from all interested persons. It will be glad to consider any suggestions for the further shortening of prospectuses without detriment to investors. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before February 26, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 24, 1951.

[F. R. Doc. 51–1445; Filed, Jan. 29, 1951; 8:48 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 2, Amdt. 1]

EXECUTION AND APPROVAL OF CONTRACTS

DELEGATIONS OF AUTHORITY BY THE DIRECTOR TO CERTAIN OFFICIALS

Section 1, entitled *Execution and Approval of Contracts*, is amended as follows:

(e) • • •

(2) With respect to contracts entered into in their respective regions and by National Capital Parks, including contracts approved by either the Secretary or the Director, the Regional Directors and the Superintendent, National Capital Parks, respectively, may issue or approve change orders and extra work orders, pursuant to the contract and enter into or approve modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized, irrespective of the amounts involved in such change orders, extra work orders, modifications, or terminations.

(Secretary's Order No. 2509, Jan. 13, 1949; 39 Stat. 535, 16 U. S. C., 2)

Issued this 19th day of January 1951.

[SEAL] NEWTON B. DRURY, *Director.*

[F. R. Doc. 51–1437; Filed, Jan 29, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

ORGANIZATION AND FUNCTIONS

1. *Purpose.* The purpose of this notice is to provide the organization for the Administrator of Civil Aeronautics to carry out his delegated and assigned responsibilities and powers under the Defense Production Act of 1950 and implementing documents.

2. *Establishment of the Office of Aviation Defense Requirements.* (a) There is hereby established in the Civil Aeronautics Administration an Office of Aviation Defense Requirements, the director of which shall report and be responsible to the Administrator.

(b) The Office of Aviation Defense Requirements shall carry out the responsibilities and powers of the Administrator of Civil Aeronautics as assigned by him in connection with (1) his responsibilities and powers as a claimant under Executive Order 10161 (see 15 F. R. 8090–8091), and (2) his authority to apply priority ratings, with respect to delegations of authority both as they exist at the effective date of this notice and as they may subsequently be extended or otherwise amended.

3. *Assignment of functions.* The Office of Aviation Defense Requirements, under the general supervision of the Administrator, shall serve as the central point of coordination of all Civil Aeronautics Administration activities relating to the defense production program; provide basic policies, standards and procedures for use by Civil Aeronautics Administration offices in carrying out their responsibilities in the defense production program; and maintain such records and make such reports as may be required to satisfy the requirements of Civil Aeronautics Administration and other agencies involved in the program.

In connection with its claimancy function, the Office of Aviation Defense Requirements shall collect and process civil aviation requirements and, in this respect, shall (a) develop standard instructions and procedures to be used by agencies whose requirements are to be presented by Civil Aeronautics Administration for processing and transmittal to the appropriate agencies, and (b) review and evaluate, in light of available materials and facilities, all civil aviation requirements filed with Civil Aeronautics Administration as a claimant agency, consolidate such requirements into periodic programs, and submit them to appropriate agencies for action.

The Office of Aviation Defense Requirements shall also carry out for the Administrator the authority delegated to him with respect to the application of priority ratings to the extent he may direct.

This notice is effective January 19, 1951.

(R. S. 161; 5 USC 22; Reorg. Plan No. 5 of 1950)

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51–1500; Filed, Jan. 29, 1951; 8:57 a. m.]

National Production Authority

[Supplement 1 to NPA Del. 1, as Amended]

SECRETARY OF DEFENSE

SUPPLEMENT 1—DELEGATION OF FURTHER AUTHORITY AS TO CERTAIN PROGRAMS

This supplement to NPA Delegation 1 is issued pursuant to the Defense Production Act of 1950. The Secretary of Defense has been delegated certain authority to apply and assign ratings by NPA Delegation 1. In addition to such authority, there is hereby delegated to the Secretary of Defense the following authority:

1. To reschedule deliveries of the materials specified in Column I of attached List A which are required in support of the authorized programs appearing in the corresponding section of Column II of the List: *Provided, however,* That such authority (a) shall be applicable only to deliveries to fill orders rated by or under the authority of the Secretary of Defense; and (b) shall be applicable only to the extent that such rescheduling of deliveries requires no change in production schedules.

2. To redelegate the authority hereby delegated to appropriate agencies of the Department of Defense or its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

This supplement shall take effect on January 25, 1951.

NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Acting Administrator.

LIST A

The authority hereby delegated shall be exercised only with respect to the following materials to be used in connection with the authorized programs of the Department of Defense specified below:

Column I	Column II
(1) Aluminum forms and products listed in section 26.2 of NPA Order M–5	(1) DO–01 Aircraft DO–02 Guided Missiles

[F. R. Doc. 51–1515; Filed, Jan. 26, 1951; 12:45 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–226]

ACCIDENT OCCURRING AT PHILADELPHIA INTERNATIONAL AIRPORT, PHILADELPHIA, PA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry, N–74685, which occurred at Philadelphia International Airport, Philadelphia, Pennsylvania, on January 14, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, January 31, 1951, at 9:00 a. m. (local time) in the Della Rovia Room, Penn-Sheraton Hotel, 39th and Chestnut Streets, Philadelphia, Pennsylvania.

Dated at Washington, D. C., January 24, 1951.

[SEAL] VAN R. O'BRIEN, *Presiding Officer.*

[F. R. Doc. 51–1441; Filed, Jan. 29, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1458]

INDEPENDENT NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

ORDER POSTPONING HEARING

JANUARY 24, 1951.

On January 23, 1951, Northern Natural Gas Company with the consent of Independent Natural Gas Company advised the Commission of its intention to withdraw the joint application filed in Docket No. G–1458 and requested that the hearing be postponed pending the filing of a notice of withdrawal pursuant to § 1.11 (d) of the Commission's rules of practice and procedure.

The Commission orders: The hearing now set to commence on January 26, 1951, on the joint application of Independent Natural Gas Company and Northern Natural Gas Company in Docket No. G–1458 be and the same hereby is postponed to May 8, 1951, at 10:00 a. m., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1458; Filed, Jan. 29, 1951; 8:50 a. m.]

[Docket No. G–1564]

SOUTHWESTERN VIRGINIA GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

On December 18, 1950, Southwestern Virginia Gas Transportation Company (Applicant), a Virginia corporation with its principal place of business in Martinsville, Virginia, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission pipe line facilities and for an order pursuant to section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to supply natural gas for ultimate distribution in Martinsville, Virginia.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on February 5, 1951, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: January 24, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1459; Filed, Jan. 29, 1951; 8:50 a. m.]

[Docket No. G–1574]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JANUARY 24, 1951.

On December 29, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe line facilities subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 5, 1951 (15 F. R. 136).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 13, 1951, at 9:45 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such appli-

cation; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1460; Filed, Jan. 29, 1951; 8:50 a. m.]

[Docket No. G-1580]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION

JANUARY 24, 1951.

Take notice that on January 5, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation of Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the acquisition from Iowa Electric Company and the operation of approximately 6.5 miles of 4-inch pipeline extending from Applicant's main line to Fairfield, Iowa, and the installation of certain regulating and measuring facilities therein.

In the Commission's Opinion No. 180 and order of August 2, 1949, Applicant was ordered to sell and deliver natural gas to Iowa Electric Company, and in Opinion No. 180-A and accompanying order of July 12, 1950, the Applicant was directed to remove the discrimination which the Commission found would result from the rates and conditions under which Applicant then proposed to render service to Iowa Electric Company. The present application is filed in accordance with Opinion No. 180-A and order of July 12, 1950.

The application recites that the proposed purchase of facilities is to be made in accordance with the terms of an agreement between Applicant and Iowa Electric Company, executed December 27, 1950, and the purchase price is estimated to approximate $76,000. The cost of facilities to be constructed is estimated to be $7,000 and all expenditures will be paid from general funds of the Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1457; Filed, Jan. 29, 1951; 8:49 a. m.]

[Docket No. G-1589]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 23, 1951.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address, Oklahoma City, Oklahoma, filed on January 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to install three additional 1600 hp. compressor units at its existing Hugoton Station in Grant County, Kansas, which will increase the daily delivery capacity of said Station by 55,500 Mcf; to construct and operate a 6400 hp. compressor station on its Hugoton-Kansas City 26-inch pipeline for delivery of the volumes made available by the Hugoton Station; to construct and operate a 1200 hp. compressor station on its Quapaw 16-inch pipeline and to construct and operate a 680 hp. compressor station on its Springfield 10-inch pipeline which will increase the transmission capacity of Applicant's Quapaw-Springfield system.

The estimated cost of the proposed facilities is $4,204,000, which will be paid for by funds disbursed from Applicant's own treasury.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1438; Filed, Jan. 29, 1951; 8:46 a. m.]

[Docket No. G-1590]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JANUARY 23, 1951.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address, Oklahoma City, Oklahoma, filed on January 15, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described, and for an order pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of certain other transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate approximately 29 miles of 16-inch pipeline between Wichita and Hesston, Kansas, which will allow Applicant to abandon and reclaim approximately 114 miles of 6-inch, 8-inch, 10-inch, and 12-inch lines from its existing system. Said lines were constructed between 1906 and 1936 and have been used for the past several years to move natural gas from Wichita to Hutchinson and Newton, Kansas, from the south, but more recently have delivered gas into the Wichita area from the north. Applicant states that their abandonment is required by reason of their condition, age, size and length.

Applicant also proposes to construct and operate approximately 11.1 miles of 3-inch pipeline to connect its system with the towns of Valley Center, Bentley, Burrton and Mount Hope, in Kansas, and approximately 16 miles of 10-inch pipeline between its existing 16-inch pipeline and the town of Parsons, Kansas. In addition, Applicant proposes to abandon and reclaim approximately 32.25 miles of 8-inch pipeline in the vicinity of Parsons, Kansas, and to abandon and reclaim approximately 40.25 miles of 8-inch pipeline which heretofore had been used to transport natural gas from the Cunningham, Chitwood and Lerado Fields to a point near Hutchinson, Kansas. In connection with the proposed abandonment, Applicant states, forty-two individual customers now served by The Gas Service Company with gas from Applicant's system will no longer be served, and Applicant proposes to advise such customers that service will be discontinued on or about April 1, 1951. Applicant states that said customers have agreed to a discontinuance of service on ten days' notice under the terms of their contract with The Gas Service Company.

The estimated cost of the facilities proposed to be constructed and operated by Applicant is $982,610, which will be paid for out of funds disbursed from Applicant's own treasury.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1439; Filed, Jan. 29, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 175 (Sub-No. 1)]

INCREASED FREIGHT RATES, 1951

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of January, A. D. 1951.

Upon consideration of a petition filed January 22, 1951, by Newtex Steamship Corporation, Pan-Atlantic Steamship Corporation and Seatrain Lines, Inc., common carriers by water subject to the Interstate Commerce Act, engaged in the transportation of property between North Atlantic ports and South Atlantic and Gulf of Mexico ports, requesting permission to make increases in their

port-to-port rates, their proportional rates and charges, and joint through rates in which they participate with other carriers, corresponding to the increases requested by carriers by railroad in a petition filed with the Commission on January 16, 1951 in Docket Ex Parte No. 175:

It is ordered, That the said petition be, and it is hereby, docketed as Ex Parte No. 175 (Sub-No. 1), Increased Freight Rates, 1951;

It is further ordered, That an investigation be, and it is hereby, instituted into and concerning the reasonableness and lawfulness of the increases in the freight rates and charges requested by the petitioning carriers herein;

It is further ordered, That the proceeding be assigned for hearing at such times and places as may hereinafter be designated;

And it is further ordered, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1468; Filed, Jan. 29, 1951; 8:51 a. m.]

[Ex Parte No. 175 and Ex Parte No. 175 (Sub.-No. 1)]

INCREASED FREIGHT RATES, 1951

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D. C., on the 24th day of January A. D. 1951.

1. A petition was filed with the Interstate Commerce Commission on January 16, 1951, by the railroads listed in Appendix I thereof, being substantially all the class I railroads in the United States and many railroads of other classes, which requests the Commission to institute an investigation into the adequacy of railway freight rates and charges of the petitioners, with the object of effecting general increases in freight rates and charges as set forth in Appendix II thereof; and also seeks permission to make such increased rates and charges effective at the earliest possible date, upon less than statutory notice; and prays for the entry of a general order modifying all outstanding orders of the Commission to the extent necessary to enable the railroads to make the proposed increased rates and charges effective, and also for the entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act. A subsequent amendment modified the petition in certain matters of detail.

2. On January 22, 1951, 29 freight forwarders on leave granted for the purpose became intervening parties by a petition which sought the same relief as the petitioning railroads as above referred to. Subsequently the intervening petition was concurred in by 2 other freight forwarders.

3. On January 19, 1951, Newtex Steamship Corporation, Pan-Atlantic Steamship Corporation, and Seatrain Lines, Inc., as participants in joint rates and charges with connecting carriers via Atlantic and Gulf of Mexico ports to and from origins and destinations on the lines of such connecting carriers, petition that in the event the authority sought by the railroads is granted, they be permitted to make corresponding increases in their local and proportional rates and in their joint rates with other carriers between Official Territory and Southern and Southwestern Territories. The Commission has directed that this petition be received and docketed under the above caption, and docketed as Ex Parte No. 175 (Sub-No. 1).

4. On January 19, 1951, petitioners described in paragraph 1 hereof filed a "Motion for Immediate Increase in Freight Rates and Charges on an Interim Basis", together with a "Verified Statement" of J. H. Parmelee in support thereof, with an accompanying, attached statistical exhibit. The motion seeks authority to put the increased freight rates and charges described in the petition into effect on an interim basis, on one day's notice, pending hearing and final determination of the proceeding, for grounds stated therein, supported by the verified statement and exhibit referred to in this paragraph. In their petition the freight forwarders ask that their pleading be also considered as a petition or motion for authority to make such interim increases on short notice as the rail carriers may be authorized to make. The intervening steamship lines do not speak of interim relief in terms, but their petition shows their request implies simultaneous changes in their port-to-port and their rail-ocean, ocean-rail, and rail-ocean-rail rates, with any changes authorized for the all-rail carriers, and their petition will be considered as a motion to that effect.

Upon consideration of the foregoing matters:

It is ordered, That the several motions for "Immediate" or "Interim" increases in freight rates, described in paragraph 4 hereof, be set for hearing at the offices of the Commission in Washington, D. C., commencing February 19, 1951, at 10:00 o'clock a. m., before Division Two of the Commission, for the reception of evidence; and that the matter be argued orally or upon memorandum briefs in substitution for or supplemental to oral argument. Oral argument before the Commission at its offices in Washington will follow as promptly as possible after the close of the hearing for the reception of evidence.

It is further ordered, That the special instructions and rules of procedure appearing in the Appendix below be followed in the submission of the motions for interim relief, in addition to the general rules of practice before the Commission.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX—SPECIAL RULES OF PROCEDURE AND INSTRUCTIONS GOVERNING THE HEARING UPON MOTIONS FOR INTERIM RELIEF

Interventions. Petitions of intervention by carriers, other than the petitioners, seeking similar relief should comply with the General Rules of Practice, Rule 72.

Persons appearing in opposition to the petition herein, or in opposition to similar petitions of carriers other than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. To conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Basic data, when of a voluminous character, should not be included if it is possible to make it available for inspection by other parties, for instance, by temporarily lodging it with the Commission.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84, inclusive, should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 250 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory, in order to minimize the amount of time required for explanation by oral testimony.

Use of portions of record made in other proceedings. Parties desiring to present for the record a portion of the record in any other proceeding before the Commission should comply with Rule 82 of the General Rules of Practice.

Stipulation as to use of Commission's records, and other data. The petitioners have stipulated and agreed in writing for all purposes in the proceeding various documents filed with or issued by the Commission, described as follows, may be noticed and considered by it:

Annual reports. Freight Commodity Statistics, Class I Steam Railways; Comparative Statement of Railway Operating Statistics; Preliminary Abstract of Railway Statistics; Annual Report on the Statistics of Railways in the United States; Similar compilations of statistics of Class I motor carriers, electric railways, freight forwarders, carriers by water, and private car owners.

Quarterly reports. Series No. Q-500, 550, 650, 750, and 800.

Monthly reports. Series No. M-100, 125, 150, 211, 213, 220, 230, 250, 300, 500, and 550.

Weekly reports. A. A. R. Car Service Division Revenue Freight Loaded and Received from Connections.

Special studies. Analyses of the 1 percent sample of waybills, by the Commission's Bureau of Transport Economics and Statistics.

The annual returns of railroads to Valuation Order No. 3.

The stipulation, the Commission understands, extends to such documents on file or to be filed or issued during the pendency of the proceedings, and is for the benefit of all parties as well as the Commission.

To the extent that the Commission may be asked to take notice of matters shown in

such documents, reference to the portion thereof to be noticed should be given to the Commission and parties in an open manner and at a timely stage of the proceeding.

Prepared statements. Witnesses who expect in the course of their oral testimony to read from a written statement should comply with Rule 77 of the rules of practice. They should have sufficient copies thereof to supply opposing counsel present, the presiding officers and the official reporter. Such written statements should be furnished counsel a reasonable time before the appearance of the witness on the stand. To conserve time, it is suggested that such statements be prepared and offered in the manner indicated in the paragraph below, relating to verified statements, instead of being submitted orally by a witness on the stand.

Witnesses who will use prepared statements should remember that extensive tabular matter should be submitted separately, as an exhibit, and thus avoid the necessity for copying tabular matter into the transcript of oral testimony with accompanying expense and delay.

Hearings. The hearing set in the notice and order to which these rules are appended is to be primarily upon the motions for interim relief, and for the purpose of receiving testimony on behalf of (a) the petitioners, (b) interveners, and (c) protestants who are prepared and desire to be heard on that issue. Such additional hearings will be provided as the progress of the proceeding indicates to be necessary or desirable, at which time the evidence received upon the motions will be considered as already a part of the record.

Submission of evidence in chief in written form. The evidence in chief to be produced on behalf of the petitioners and any intervening petitioners who may come into the proceeding, shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing 25 copies on or before January 30, 1951, and a copy should be transmitted as first class mail by petitioners and intervening petitioners to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioners and intervening petitioners, and also to each person who shall give timely notice to the Commission and counsel for petitioners of their intention to appear as protestants. Such notification to petitioners should be made in writing promptly, addressed to E. H. Burgess, B. & O. Building, Baltimore 1, Md.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified.

The Commission desires for its own use 20 copies of each verified statement, with accompanying exhibit or exhibits firmly attached. Copies for the Commission should be filed with the Secretary of the Commission by the dates herein stated. Verified statements of evidence in chief on behalf of petitioners and parties in support of petitioners should be filed on or before January 30, 1951. Evidence on behalf of protestants (parties other than respondents) should be filed with the Commission at or before the opening of the hearing.

Parties other than petitioners should also furnish 75 copies of each verified statement to E. H. Burgess, B. & O. Building, Baltimore 1, Md., for distribution by him to the petitioners in the three rate territories, and should furnish 5 copies to W. S. Jermain, 140 Cedar Street, New York 6, N. Y., for the use of the steamship lines, petitioners in Sub-No. 1, and should furnish 20 copies to Giles Morrow, 1220 Dupont Circle Building, Washington 6, D. C., for the use of the freight forwarders, interveners on behalf of the petitioners and themselves. In addition, the petitioners and all other parties should be prepared with a sufficient number of copies for general distribution of verified statements to counsel present at the hearing.

The verified statements received will be open to public inspection promptly upon filing, at the office of the Commission in Washington, D. C.

Notice of objections to the receipt in evidence of any verified statement should be filed with the Commission and a copy be given to the affiant promptly, and if not so given, it will be considered that objection is waived. But objection to the weight to be accorded the statement of facts is reserved.

If cross-examination of a witness is desired by any party, written request therefor must be given to the Commission or to the witness or his attorney as promptly as circumstances permit, and in time to enable the witness to reach Washington not later than the third day of the hearing—otherwise the privilege of cross-examination will be deemed to be waived.

Witnesses receiving such notice of desire for cross-examination must report at the hearing, or their verified statements cannot be received.

Verified statements should conform to the rules of practice in respect of style, mimeographing, or printing, etc. They should be limited strictly to statements of fact, and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing.

All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission before February 15, 1951, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Interstate Commerce Commission at Washington 25, D. C., and not to a particular Commissioner, with a reference to the docket number, Ex Parte No. 175 or Ex Parte No. 175 (Sub-No. 1) or both, as the case may be.

[F. R. Doc. 51-1469; Filed, Jan. 29, 1951; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2524]

SOUTHERN NATURAL GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of January A. D. 1951.

Southern Natural Gas Company ("Southern"), a registered holding company, having filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder, regarding, among other things, the issuance and sale by Southern, pursuant to the competitive bidding requirements of said Rule U-50, of $17,500,000 principal amount of First Mortgage Pipe Line Sinking Fund Bonds, Series due 1970 ("New Bonds"), and the issuance and sale by Southern, without underwriting, of 155,546 additional shares of its common stock with a par value of $7.50 per share ("New Stock"), upon the exercise of transferable subscription warrants to be issued pro rata to Southern's stockholders in the ratio of one share of New Stock for ten shares of present common stock held of record on January 30, 1951, at a price of $33 per share; and

The Commission having, by order dated January 16, 1951, permitted said declaration, as amended, to become effective subject, among other things, to the condition that the proposed sale of said bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in these proceedings and a further order shall have been entered by this Commission in the light of the record so completed; and subject to the reservation of jurisdiction over all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

Southern, on January 23, 1951, having filed a further amendment herein setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids the following bids were received:

Bidder	Annual interest rate (percent)	Price to company (percent of principal)	Annual cost to company (percent)
The First Boston Corp	2¾	100.1899	2.8024
Halsey, Stuart & Co., Inc.	2¾	100.18	2.8031
Kuhn, Loeb & Co	2¾	100.104	2.8081
Equitable Securities Corp.	2¾	100.099	2.8084
Blyth & Co	3	101.82	2.8795

[1] Exclusive of accrued interest from Dec. 1, 1950.

Southern having stated that it has accepted the bid of The First Boston Corporation and that the bonds are to be offered to the public at a price of 100.683 percent of the principal amount, plus accrued interest from December 1, 1950, resulting in an underwriter's spread of .4931 percent of the principal amount of the bonds, or an aggregate of $86,292.50; and

It appearing from the record that Southern estimates its fees and expenses to be incurred in connection with the proposed transactions will amount to $178,000, including $10,000 legal fees payable to the firm of Hughes, Hubbard & Ewing of New York; $8,500 legal fees payable to the firm of Cabaniss & Johnston of Birmingham, Alabama; $1,400 legal fees payable to the firm of Milbank, Tweed, Hope & Hadley of New York, counsel for the Trustee; $10,500 payable to various local counsel for title examinations and services in connection with the recording of the Supplemental Indenture of Southern; accounting fees and expenses payable to Arthur Young & Company in the amount of $14,350; and that

the legal fees of counsel for the successful purchasers of the bonds are estimated in the amount of $12,000 payable to the firm of Chadbourne, Hunt, Jaeckel, & Brown of New York, which latter fees are to be paid by the successful bidder; and

This Commission having examined the said amendments filed herein on January 23, 1951, and having considered the record and finding no basis for imposing terms and conditions with respect to the price to be received by the company for the bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses, if they do not exceed the amounts estimated, are not unreasonable; and it appearing appropriate to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over fees and expenses be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the sale of said bonds and over the fees and expenses to be paid in connection with the proposed transactions be, and hereby is, released and that said declaration, as further amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1443; Filed, Jan. 29, 1951; 8:47 a. m.]

[File No. 70-2558]

NIAGARA MOHAWK POWER CORP. AND FRONTIER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of January, A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company, and Frontier Corporation ("Frontier"), a wholly owned subsidiary of Niagara Mohawk. Applicants-declarants have designated sections 9, 10 and 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 6, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 6, 1951, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

It is proposed to merge Frontier into Niagara Mohawk. Frontier owns undeveloped riparian lands and water rights and other real and personal property in and along the St. Lawrence River within the State of New York. The application-declaration states that the merger is subject to the jurisdiction of The Public Service Commission of the State of New York, and that the order of that Commission with respect to the merger will be supplied by amendment to the instant application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1444; Filed, Jan. 29, 1951; 8:47 a. m.]

[File No. 70-2560]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 24th day of January A. D. 1951.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935. NEES has designated sections 9 (a) (1) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 5, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact, or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested parties are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

NEES proposes to acquire a $3,540,000 collateral promissory note of What Cheer Associates, Inc. as part of the consideration for the sale of its security holdings of United Electric Railways Company ("UER"), a transportation company incorporated and doing business in Rhode Island. Such securities to be sold consist of 81,800 shares (99 percent) of the UER capital stock ($100 par value per share) and all of its outstanding funded debt, namely $939,800 principal amount of General and Refunding Mortgage Bonds, 5 percent series A, due January 1, 1951, and $1,475,300 principal amount of General and Refunding Mortgage Bonds, 4 percent series B, due January 1, 1951.

The total consideration for the securities to be sold by NEES is $4,700,000, of which $1,160,000 is to be paid in cash upon transfer of title and the balance of $3,540,000 is to be represented by the note to be acquired. Said promissory note is payable $500,000 on December 1, 1951, and $500,000 annually thereafter (the last such payment being $540,000), with interest on the unpaid balance at the rate of 4 percent per annum and with privilege of prior payment in whole or in part. Said promissory note is to be secured by the deposit with NEES of $661,300 principal amount of said 5 percent series A bonds, $1,038,700 principal amount of said 4 percent series B bonds and 74,300 shares of capital stock of UER.

The declaration states that NEES made available to the representatives of six interested groups the minimum acceptable conditions for the sale of the securities it owns and that three bids were received. The declaration further states that the successful bidder, What Cheer Associates, Inc., is not a registered holding company or a subsidiary thereof and is not now, and by virtue of the proposed transactions will not become, an affiliate of a holding company or a public utility.

Services to NEES in connection with the proposed transactions performed at the actual cost thereof by New England Power Service Company, an affiliated service company are estimated not to exceed $5,000. In addition thereto, NEES will pay the necessary transfer taxes estimated at $6,115.

NEES requests that the Commission issue an order permitting the declaration to become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1442; Filed, Jan. 29, 1951; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-13 (E)]

EMERGENCY LEAD COMMITTEE AND NEW MEXICO MINERS AND PROSPECTORS ASSN.

DISMISSAL OF APPLICATION FOR INVESTIGATION OF IMPORTS OF LEAD AND LEAD-BEARING MATERIALS

JANUARY 25, 1951.

The United States Tariff Commission today announces dismissal of the appli-

cations for an investigation of imports of lead and lead-bearing materials under the escape clause provision of the former Mexican Trade Agreement. The applications were filed by the Emergency Lead Committee and the New Mexico Miners and Prospectors Association. This action by the Tariff Commission was due to the termination of the trade agreement between the United States and Mexico effective at the close of December 31, 1950, resulting in there being no escape clause provision in any trade agreement regarding the rates of duty on lead and lead-bearing materials.

The applications of the Emergency Lead Committee and the New Mexico Miners and Prospectors Association were pursuant to escape clause procedure and each contained a request for an increase in the rates of duty on lead-bearing ores, flue dust, mattes of all kinds, lead bullion, lead in pigs and bars, lead dross, reclaimed lead, and scrap lead.

Lead-bearing ores, flue dust, and mattes of all kinds are dutiable under the Tariff Act of 1930 at 1½ cents per pound of lead content. Under the Trade Agreement with Mexico this rate was reduced to ¾ cent per pound. Lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, and scrap lead are dutiable under the Tariff Act of 1930 at 2⅛ cents per pound of lead content. This rate was reduced in the Trade Agreement with Mexico to 1⅛ cents per pound.

Presidential Proclamation No. 2901 dated September 6, 1950, terminated the Trade Agreement with Mexico effective at the close of December 31, 1950, resulting in there being no escape clause provision in any trade agreement regarding the rates of duty on the commodities involved and in the rates of duty on the articles enumerated being restored to those provided in the Tariff Act of 1930.

DONN N. BENT,
Secretary.

[F. R. Doc. 51-1465; Filed, Jan. 29, 1951; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16722]

WILHELMINA RAHDER HOECK

In re: Securities and bank account owned by Wilhelmina Rahder Hoeck, also known as Wilhelmina Hoeck-Rahder. F-28-224, F-28-224-A-1, F-28-22180-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmina Rahder Hoeck, also known as Wilhelmina Hoeck-Rahder, on or since December 11, 1941, and on or since the effective date of Executive Order 8389, as amended, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in an account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of $5 par value common stock of General Motors Corporation evidenced by certificate number 554-416 for fifty (50) shares of $10 par value common stock of said General Motors Corporation, registered in the name of Salkeld & Co. and presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in an account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, together with all declared and unpaid dividends thereon and together with the right to receive a certificate for $5 par value common stock of said Corporation,

c. One (1) scrip certificate, bearing number 17858, for ten-fifteenths (10/15ths) share of common stock of Public Service Company of Indiana, Inc., presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in an account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, together with any and all rights thereunder and thereto,

d. One (1) surrender receipt for shares of capital stock of Middle West Corporation, presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in an account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, together with any and all rights thereunder and thereto,

e. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, in an account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, together with any and all rights thereunder and thereto, and

f. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York, New York, arising out of a Custodian Cash Account entitled Adolphe Boissevain and Dorothy V. Boissevain, Agents, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelmina Rahder Hoeck, also known as Wilhelmina Hoeck-Rahder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of corporations	Type of stock	Number of shares	Certificate No.	Name in which registered
American Eagle Aircraft Corp. of Delaware.	Common	45	11672	Blake Bros. & Co.
Caterpillar Tractor Co.	do	100	22603	Salkeld & Co.
Central Illinois Public Service Co.	4 percent cumulative preferred.	50	1335	Do.
	Common	200	7195/6 @ $100	Do.
		50	16972	Do.
Central & Southwest Corp.	do	500	415859 @ $100	Do.
		500	21608/12 @ $100	Do.
General Electric Co.	do	50	385508	Do.
Kentucky Utilities Co.	do	200	2930/1 @ $100	Do.
		50	12966	Do.
		66	66675	Do.
Public Service Co., of Indiana, Inc.	do	100	47861	Do.
Tide Water Associated Oil Co.	do	160	324888	Do.
Union Carbide & Carbon Corp.	Capital	50	542523	Do.
		100	9750	Do.
Wisconsin Power & Light Co.	Common	25	17848	Do.

EXHIBIT B

Description of issue	Face value	Bond Nos.
Baltimore & Ohio R. R. Co. refunding and general mortgage bond, series G, due 1995.	$5,000	13805/9 @ $1,000.
Erie R. R. Co., general mortgage income bonds, series A, due 2015	7,000	2903/9 @ $1,000.
New York Central R. R. Co., refunding and improvement mortgage bonds, series C, due 2013.	6,000	1249, 16171, 23119, 69143 and 77702 @ $1,000.
Kingdom of Netherlands, 10-year external sinking fund bonds, due 1957	9,000	12161/9 @ $1,000.
Seaboard Air Line R. R. Co., general mortgage income bonds, series A, due 2016.	500	302 @ $500.
	500	1173/7 @ $100.

[F. R. Doc. 51-1477; Filed, Jan. 29, 1951; 8:52 a. m.]

[Vesting Order 16850]

TOKUTARO AND TOYO TAKEDA

In re: Rights of Tokutaro Takeda and Toyo Takeda under insurance contract. F-39-4953-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokutaro Takeda and Toyo Takeda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 2160 970 issued by The Equitable Life Assurance Society of the United States, New York, New York, to Tokutaro Takeda, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Tokutaro Takeda or Toyo Takeda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1480; Filed, Jan. 29, 1951; 8:52 a. m.]

[Vesting Order 16813]

ARTHUR THOMAS TELLEFESEN AND ETHEL FRANCES TELLEFESEN

In re: In the matter of the petition of Arthur Thomas Tellefesen and Ethel Frances Tellefesen, his wife, to register the title to certain lands in Suffolk County, New York. File No. 017-25945.

Under the authority of the Trading With the Eenemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaethe Schlicksupp, Helene Eichel, Marie Frank and George Draude, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to all those certain tracts, pieces or parcels of land, situate, lying and being near St. James, L. I., Town of Smithtown, County of Suffolk and State of New York, known and designated on a certain map entitled "18th Map of Property of the House and Home Co., situated near St. James, L. I., Town of Smithtown, Suffolk County, N. Y." surveyed by Israel G. Hawkins, C. E., and surveyor, subdivided by Robert Kurz, C. E., and filed in the office of the County Clerk of Suffolk County, and known as and by the plot Nos. Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22) and Twenty-three (23) containing five (5) acres of land be the same more or less, being the same premises of which George Draude died seized and possessed, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc 51-1478; Filed, Jan. 29, 1951; 8:52 a. m.]

[Vesting Order 16851]

FRIEDA TIEGS

In re: Rights of Frieda Tiegs under insurance contracts. Files F-28-31077 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Tiegs, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 8047605A and 8091510A, issued by the Metropolitan Life Insurance Company, New York, New York, to Emil Tiegs, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1481; Filed, Jan. 29, 1951; 8:52 a. m.]

[Vesting Order 16848]

SIEGELINDE SCHOLZ ET AL.

In re: Rights of Siegelinde Scholz et al. under contract of insurance. File No. F-28-29196 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siegelinde Scholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Siegelinde Scholz, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 115 214 405 issued by the Metropolitan Life Insurance Company, New York, New York, to Siegelinde Scholz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Siegelinde Scholz or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Siegelinde Scholz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Siegelinde Scholz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1479; Filed, Jan. 29, 1951; 8:52 a. m.]

[Vesting Order 16909]

WILLIAM GERTZ

In re: Estate of William Gertz, also known as J. William Gertz, deceased. File No. D-28-12879; E. T. sec. 1704.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luzil Groskreutz, Christina Dau, Jr., Mimi Dau, Ludwig Dau, Johanas Dau, August Dau and Emma Dau, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Christina Dau, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of William Gertz, also known as J. William Gertz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Otto Groskreutz, as administrator, acting under the judicial supervision of the County Court, County of Codington, South Dakota;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Christina Dau, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1483; Filed, Jan. 29, 1951; 8:53 a. m.]

[Vesting Order 16912]

ANTON HULSMANN

In re: Estate of Anton Hulsmann, deceased. File No. D-28-12921; E. T. sec. 17076.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Hulsmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the Estate of Anton Hulsmann, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by J. Ray Keaton, as executor, acting under the judicial supervision of the Superior Court of the State of California, County of Marin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1484; Filed, Jan. 29, 1951; 8:53 a. m.]

[Vesting Order 16930]

GESCHE WICHERN

In re: Estate of Gesche Wichern, deceased. File No. D-28-12085; E. T. sec. 16284.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Frederich Wichern, Claus Hinrich Wichern, Anna Koch, Claus Frederich Wichern, Gesine Anna Margareta Ahrens and Anita Geisele Wichern, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Gesche Wichern, deceased, except Johann Hinrich Wichern, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the sum of $3,952.18, paid to the County Auditor of San Diego County, California, pursuant to an order of the Superior Court of the State of California in and for the County of San Diego, dated April 24, 1941, in the Matter of the Estate of Gerard Arts, deceased, and any and all additions thereto, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which there is

evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1485; Filed, Jan. 29, 1951; 8:53 a. m.]

[Vesting Order 17020]

MARIA HELENA ABRAMS, ET AL.

In re: Rights of Maria Helena Abrams, et al., under Contract of insurance. File No. F-28-18075 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Helena Abrams, Lambert J. Abrams, Karl Franz Abrams and Johannes Henry Abrams, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Gerhard Abrams, deceased, except Gerhard Bernard Abrams, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due to Maria Helena Abrams, Lambert J. Abrams, Karl Franz Abrams, Johannes Henry Abrams and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Gerhard Abrams, deceased, except Gerhard Bernard Abrams, a resident of the United States, under a contract of insurance evidenced by Policy No. 4 567 021, issued by the New York Life Insurance Company, New York, New York, to Gerhard Abrams, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Gerhard Abrams, deceased, except Gerhard Bernard Abrams, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1486; Filed, Jan. 29, 1951; 8:53 a. m.]

[Vesting Order 17069]

SELMA ZSCHUNKE

In re: Estate of Selma Zschunke, deceased. File No. 017-26190.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Rensch, Martha Rensch, Anna Noriki, Bertha Ludicke and Helen Heider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Ottilie Mickel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in sub-

paragraphs 1 and 2 hereof, and each of them, in and to the estate of Selma Zschunke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William Linton, as executor, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Ottilie Mickel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1486; Filed, Jan. 29, 1951; 8:54 a. m.]

[Vesting Order 17068]

CHARLES WESTER

In re: Trust under the will of Charles Wester, deceased. File No. D-28-6466; E. T. sec. No. 3649.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Wester, Franz Wester and Ernst Wester, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Franz Wester and of Ernst Wester, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, not heretofore vested by Vesting Order No. 4925, in and to the trust created under the will of Charles Wester, deceased, and

b. All property in the possession, custody or control of the Chase National Bank of the City of New York and Herbert Wester, as trustees of the trust created under the will of Charles Wester, deceased, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto,

(2) Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

(3) One (1) scrip certificate, bearing number B85046, for twenty hundredths (20/100) share of Standard Oil Company of California, Standard Oil Building, 225 Bush Street, San Francisco, California, a corporation organized under the laws of the State of Delaware, together with any and all rights thereunder and thereto,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Chase National Bank of the City of New York and by Herbert Wester, as trustees, acting under the judicial supervision of the County Court of Hudson County, New Jersey, Probate Division;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the descendants, names unknown, of Franz Wester and of Ernst Wester are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of The Chase National Bank of the City of New York and of Herbert Wester, as trustees of the trust created under the will of Charles Wester, deceased.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
Rochester Gas & Electric Corp., general mortgage 3¼ percent bond, series J, due Mar. 1, 1969.	$1,000	3662
	1,000	3663
	1,000	3664
	1,000	8307
United States savings bonds, series G	1,000	M283769
	1,000	M283770
	5,000	V25871
	500	D1248112
	1,000	M2560501
	1,000	M2560502
	1,000	M2560503
	1,000	M2560504
	1,000	M4368110
	1,000	M4368111
	1,000	M4368112

EXHIBIT B

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate Nos.	Number of shares
Allied Chemical & Dye Corp., 61 Broadway, New York 6, N. Y.	New York	Common	No par	0307710	20
American Telephone & Telegraph Co., 195 Broadway, New York 7, N. Y.	do	Capital	$100.00	277449	2
American Can Co., 230 Park Ave., New York, N. Y.	New Jersey	Common	25.00	0387223	2
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	Delaware	do	10.00	E321-565	40
Pure Oil Co., 35 East Wacker Dr., Chicago, Ill.	Ohio	5 percent cum. conv. preferred.	100.00	NYO30652	23
Standard Oil Co. of California, Standard Oil Bldg., 225 Bush St., San Francisco 20, Calif.	Delaware	Capital	No par	NY/C350333	80
				SF/C296704	1
				SF/C397153	4
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N. Y.	New Jersey	do	25.00	C675671	40
				CC557003	1
				CC507303	1
				3C-181451	1
				3C-174936	1

[F. R. Doc. 51-1487; Filed, Jan. 29, 1951; 8:54 a. m.]

[Vesting Order 17104]

EMIL MORITZ KRELL

In re: Securities owned by and debts owing to Emil Moritz Krell. F-28-30761-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Moritz Krell, whose last known address is 23 Oberweg, Frankfurt A/M, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds, in bearer form, described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

b. Those certain shares of stock evidenced by the certificates described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in the aforesaid Exhibit B, presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with all declared and unpaid dividends thereon,

c. Ten (10) coupons, detached from Conversion Office for German Foreign Debts 3 percent Dollar Bonds, each in the amount of $15.00, numbered 013619/25, 012673/5, dated January 1, 1940, which coupons are presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto.

d. Ten (10) coupons, detached from Conversion Office for German Foreign Debts 3 percent Dollar Bonds, each in the amount of $15.00, numbered 013619/25, 012673/5, dated July 1, 1940, which coupons are presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto.

e. Fifty (50) shares of $100.00 par value 7 percent non-cumulative preferred stock of American Car & Foundry Company, 30 Church Street, New York 7, New York, a corporation organized under the laws of the State of New Jersey, being a part of the seventy-two (72) shares of the above-described stock, evidenced by a certificate, numbered 29104, registered in the name of Cobb & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

f. Fifty (50) shares of $100.00 par value 7 percent cumulative preferred stock of American Locomotive Company, 30 Church Street, New York 7, New York, a corporation organized under the laws of the State of New York, being a part of the seventy (70) shares of the above described stock, evidenced by a certificate, numbered 19608, registered in the name of Cobb & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

g. Thirty-seven and one-half (37½) shares of $1.00 par value common capital stock of American Locomotive Company, 30 Church Street, New York 7, New York, a corporation organized under the laws of the State of New York, being a part of the forty-eight (48) shares of the above-described stock, evidenced by a certificate, numbered 66187, registered in the name of Cobb & Co., with certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., and any and all declared and unpaid dividends thereon,

h. Three (3) shares of $.50 par value common stock of Stokely Foods Inc., 941 North Meridian Street, Indianapolis, Indiana, a corporation organized under the laws of the State of Delaware, being a part of the four (4) shares of the above-described stock, evidenced by a certificate, numbered 3594, registered in the name of Cobb & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

i. Two (2) Great Northern Iron Ore Properties Trustees Certificates of Beneficial Interest, numbered 135996 and 121213, each for one hundred (100) shares, registered in the name of Cobb & Co., presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all rights thereunder and thereto,

j. Twenty-five (25) shares of no par value common stock of Standard Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, being a part of the seventy-five (75) shares of the above described stock, evidenced by a certificate, numbered 142861, registered in the name of Cobb & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

k. Twenty-three (23) shares of $15.00 par value capital stock of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, being a part of the twenty-six (26) shares of the above-described stock, evidenced by a certificate numbered 0277649, registered in the name of Cobb & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

l. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt of the proceeds of the sale of one (1) Yale & Towne Manufacturing Company scrip certificate, numbered 2710, constituting a portion of the amount of money on deposit with the New York Trust Company, in a blocked account, entitled H. M. H. Albert de Bary & Co., N. V., and any and all rights to demand, enforce and collect the same.

m. Fifty (50) shares of $50 par value $3 cumulative preferred stock of North American Rayon Corporation, a corporation organized under the laws of the State of Delaware, being a part of sixty (60) shares of the above-described stock, evidenced by a certificate, numbered 614, registered in the name of J. C. Orr & Co., which certificate is presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with any and all declared and unpaid dividends thereon,

n. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt of income derived from the securities described in the aforesaid Exhibits A and B and subparagraphs 2-c to 2-m hereof, on and after November 1, 1950, constituting a portion of the amount of money on deposit with the New York Trust Company in a blocked account entitled H. M. H. Albert de Bary & Co., N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

o. Those certain shares of stock evidenced by certificates described in Exhibit C, attached hereto and by reference made a part hereof, registered in the names of persons set forth in the aforesaid Exhibit C, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., together with all declared and unpaid dividends thereon,

p. Fifty (50) shares of $25 par value common capital stock of Chesapeake & Ohio Railway Co., Terminal Tower, Cleveland, Ohio, a corporation organized under the laws of the State of Virginia, being a part of a certificate of one hundred (100) shares of the above-described stock, bearing certificate number 155304, registered in the name of Egger & Co., which certificate is presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., and

any and all declared and unpaid dividends thereon,

q. Three and Three-fourths (3¾) shares of $100 par value common capital stock of the New York, Chicago & St. Louis Railroad Co., Terminal Tower, Cleveland, Ohio, a corporation organized under the laws of the State of Missouri, being a part of the six (6) shares of the above-described stock, evidenced by a certificate numbered TCO 100548, registered in the name of Egger & Co., which certificate is presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., and any and all declared and unpaid dividends thereon,

r. Three and Thirty-fortieths (3³⁰⁄₄₀) shares of $1 par value common capital stock of the Pittston Company, 350 Fifth Avenue, New York, New York, a corporation organized under the laws of the States of Delaware and Virginia, being a part of the five (5) shares of the above-described stock, evidenced by a certificate numbered CO 76255, registered in the name of Egger & Co., which certificate is presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V., and any and all declared and unpaid dividends thereon,

s. One (1) Great Northern Iron Ore Properties trustees certificate of beneficial interest numbered 140188 for one hundred (100) shares, registered in the name of Egger & Co., presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V. together with any and all rights thereunder and thereto,

t. Fifty Four One Hundredths (0.54) Standard Oil of New Jersey capital stock scrip certificate in bearer form due 6/29/51, evidenced by scrip certificate F212827, issued to bearer and presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled H. M. H. Albert de Bary & Co., N. V. together with any and all rights thereunder and thereto,

u. That certain debt or other obligation of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt of income derived from the securities described in the aforesaid Exhibit C and subparagraphs 2–p through 2–t hereof, on and after November 1, 1950, constituting a portion of the amount on deposit with the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a blocked account entitled H. M. H. Albert de Bary & Co., N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

v. That certain debt or other obligation of the New York Trust Co., 100 Broadway, New York, New York, in the amount of $56,942.30 representing a portion of the blocked special depot account in the name of H. M. H. Albert de Bary & Co., N. V., maintained at the aforesaid New York Trust Co. and any and all rights to demand, enforce and collect the same,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Moritz Krell, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificates numbered	Face value
Baltimore & Ohio R. R. Co. convertible 4½ percent income bonds, due Feb. 1, 2010, dated Jan. 1, 1946.	28069 28070 28071	3 @ $1,000.
Kingdom of Denmark, 4½ percent external bonds, due Apr. 15, 1962, dated Apr. 15, 1928.	48070 53938 53939 26442 27023	5 @ $1,000.
Conversion Office for German foreign debts 3 percent dollar bonds, due Jan. 1, 1946, dated July 1, 1936.	013619/25 012673/5	10 @ $1,000. 5 @ $1,000.
Southern Pacific Co., 4½ percent bonds, due May 1, 1981, dated May 1, 1931	39422/26	5 @ $1,000.
Southern Pacific Co., 4½ percent bonds, due May 1, 1969, dated May 1, 1929	2777 42261 25008 23007 23006	5 @ $1,000.

EXHIBIT B

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
American Locomotive Co., 30 Church St., New York 7, N. Y.	New York	Common	$1.00	70371	50	Cobb & Co.
Atlantic Coast Line R. R. Co., 71 Broadway, New York, N. Y.	Virginia	do	No par	68555	100	Do.
Boeing Airplane Co., 7755 East Marginal Way, Seattle 14, Wash.	Delaware	Capital	5.00	90415 2044 2041 2042	3 6 12 12	Do. Do. Do. Do.
Cerro De Pasco Copper Corp., 40 Wall St., New York, N. Y.	New York	do	5.00	236552	50	Do.
Congoleum-Nairn Inc., 195 Belgrove Dr., Kearney, N. J.	do	Common	No par	98218	100	Do.
Crucible Steel Co. of America, 405 Lexington Ave., New York, N. Y.	New Jersey	Convertible preferred 5 percent.	100.00	1197	70	Do.
Norfolk & Western Ry. Co., Roanoke, Va.	Virginia	Common	25.00	13140 23180	60 100	Do. Do.
Pacific Gas & Electric Co., 245 Market St., San Francisco, Calif.	California	do	25.00	147898	100	J. C. Orr & Co.
Pacific Lighting Corp., 433 California St., San Francisco, Calif.	do	do	No par	61670 52221	25 75	Cobb & Co. Do.
Pullman, Inc., 52 Vanderbilt Ave., New York, N. Y.	Delaware	Capital	No par	204902	50	Do.
Pure Oil Co., 5 East Wacker Dr., Chicago, Ill.	Ohio	5 percent preferred	100.00	1805	50	Do.
Standard Oil Co., of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey	Capital	25.00	904055 904057 904049 904051 904052 904048 904053 808274	1 13 5 10 50 11 50 100	Do. J. C. Orr & Co. Do. Do. Do. Do. Do. Do.
United Air Lines, Inc., Chicago 38, Ill.	Delaware	Common	10.00	2029 2021 2011 2024 2025	39 33 1 12 15	Cobb & Co. Do. Do. Do. Do.
Union Pacific R. R. Co., 120 Broadway, New York, N. Y.	Utah	4 percent noncumulative preferred.	50.00	7817	100	Do.
Westinghouse Electric Corp., 306 4th Ave., Pittsburgh, Pa.	Pennsylvania	Common	12.50	52422	100	J. C. Orr & Co.
Yale & Towne Manufacturing Co., Chrysler Bldg., 405 Lexington Ave., New York, N. Y.	Connecticut	Capital	25.00	52421 51855 32016	100 2 50	Do. Cobb & Co. Do.

EXHIBIT C

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	Delaware	Capital	$15.00	0278637	7	Egger & Co.
Norfolk & Western Ry. Co., Roanoke, Va.	Virginia	Common	25.00	NF 17228	40	Do.
North American Rayon Corp.	Delaware	$3 cumulative preferred.	50.00	P 1115	100	Do.
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey	Common	25.00	CC 936963 3C70704	77 1	Do. Do.
Chesapeake & Ohio Ry. Co., Terminal Tower, Cleveland, Ohio.	Virginia	do	25.00	155303	100	Do.

[F. R. Doc. 51–1490; Filed, Jan. 29, 1951; 8:55 a. m.]

[Vesting Order 17092]

ERNEST GRAF

In re: Stock owned by and debt owing to Ernest Graf. F–28–22246–D–1/D–2; E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Graf, whose last known address is Burg-Uber Oberwait-Steinmark, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) shares of capital stock of Grocery Store Products Co., Union and Adams Streets, West Chester, Pennsylvania, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 0369, registered in the name of Ernest Graf, together with all declared and unpaid dividends thereon,

b. Thirty (30) shares of common stock of Republic Pictures Corp., 1790 Broadway, New York 19, New York, evidenced by two certificates for 40 shares of $1.00 par value common stock of Consolidated Film Industries, Inc. (merged with Republic Pictures Corp.), said certificates numbered 17769 and 19850 for 10 and 30 shares respectively, registered in the name of Ernest Graf, together with all declared and unpaid dividends thereon and any and all rights to receive certificates of Republic Pictures Corp., and

c. That certain debt or other obligation owing to Ernest Graf by the National City Bank of New York, Madison Avenue, New York 21, New York, arising out of an account, Account number V6585, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1489; Filed, Jan. 29, 1951; 8:54 a. m.]

[Vesting Order 17113]

DEWEY K. OYABU

In re: Stock owned by Dewey K. Oyabu, also known as K. Oyabu and as K. Oyabe. D–39–19304–D–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dewey K. Oyabu, also known as K. Oyabu and as K. Oyabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Twenty-five (25) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LA–58253, registered in the name of Dewey K. Oyabu, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1491; Filed, Jan. 29, 1951; 8:55 a. m.]

[Vesting Order 17146]

FRIEDA FEYERABEND AND ANNA VON SCHUH

In re: Interest in real property and claims owned by Frieda Feyerabend and Anna Von Schuh. F–28–25965–B–1, F–28–25965–B–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Feyerabend, whose last known address is, care Dr. Bolza, (13a) Wuerzburg 7 Am/Main, Bavaria, Germany, and Anna Von Schuh, whose last known address is 180 Pleystein-uber-Weiden (13a) Oberpfalz, Bavaria, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half interest in real property situated in the City of Bedford, County of Cuyahoga, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

FEB 2 '51

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: All those debts or other obligations owing to Frieda Feyerabend by Gretchen Schneider, Wade Park Manor, Cleveland 6, Ohio, including particularly but not limited to that sum of money on deposit with the Cleveland Trust Company, Euclid and East Ninth Street, Cleveland 1, Ohio, in a blocked savings account, Account Number 329972, entitled Gretchen Schneider, Attorney in fact, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Feyerabend, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: All those debts or other obligations owing to Anna Von Schuh, by Gretchen Schneider, Wade Park Manor, Cleveland 6, Ohio, including particularly but not limited to that sum of money on deposit with the Cleveland Trust Company, Euclid and East Ninth Street, Cleveland 1, Ohio, in a blocked savings account, Account Number 329971, entitled Gretchen Schneider, Attorney in fact, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Von Schuh, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3 and 4 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. Sub-lot No. 306 in The Bedford Land & Improvement Co. and Paul Schneider's Subdivisions of part of Original Bedford Township Lots Nos. 57 and 67, as shown by the recorded plat in Volume 29 of Maps, Page 30 of Cuyahoga County Records, and being 50 feet front on the Southwesterly side of Union Street, and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2. That part of Original Bedford Township Lot No. 66, and bounded and described as follows:

Beginning in the center line of Egbert Road, (60 feet wide), at its intersection with the Westerly line of said Original Lot No. 66; thence Northeasterly along said center line of Egbert Road to the Southwesterly line of the old Right-of-Way of the C. & P. Railroad Company; thence Southeasterly along said Southwesterly line of the old Right-of-Way of the C. & P. Railroad Company to the Northeasterly corner of land conveyed to The Best Foundry Company by deed dated April 14, 1905, and recorded in Volume 978, Page 34 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to The Best Foundry Company, about 1001.21 feet to the Northwesterly corner thereof; thence Southerly along the Westerly line of land so conveyed to The Best Foundry Company and along the Westerly line of Krick Road, as dedicated by plat recorded in Volume 131 of Maps, Page 216 of Cuyahoga County Records, about 624 feet to the Southerly line of said Original Lot No. 66; thence Westerly along said Southerly line of Original Lot No. 66 to the Easterly line of land conveyed to The Northern Realty Company by deed dated June 20, 1917, and recorded in Volume 1938, Page 17 of Cuyahoga County Records; thence Northerly along said Easterly line of land so conveyed to The Northern Realty Company to its intersection with the Westerly line of said Original Lot No. 66; thence Northerly along said Westerly line of Original Lot No. 66 to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 3. That part of Original Lot No. 66 of said Bedford Township, bounded and described as follows:

Beginning at a point on the Westerly line of the new right of way of the Pennsylvania Railroad Company North 20° 43' 30" West 32.16 feet from the intersection of said Westerly line of said right of way with the South line of Original Lot 66; thence North 89° 38' West parallel with and 30.00 feet distant at right angles Northerly from said South line of said Original Lot, 215.73 feet to the Easterly line of the old right of way of said Pennsylvania Railroad Company; thence North 23° 32' West along said Easterly line of said old right of way 604.55 feet to the Southerly line of land conveyed to Paul Schneider by deed recorded in Volume 734, Page 257 of Cuyahoga County Records, and described in the first parcel thereof; thence South 89° 09' 30" East along said Southerly line of land so conveyed to Paul Schneider, 248.27 feet to the Westerly line of the new right of way of said Pennsylvania Railroad Company; thence South 20° 43' 30" East along said Westerly line of said new right of way 590.20 feet to the place of beginning, and containing 2.9963 Acres of land, be the same more or less, but subject to all legal highways.

Parcel No. 4. Sub-lot No. 330 in The Bedford Land & Improvement Co. and Paul Schneider's Subdivisions of part of Original Bedford Township Lots Nos. 57 and 67, as shown by the recorded plat in Volume 29 of Maps, Page 30 of Cuyahoga County Records, and being 50 feet front on the Southwesterly side of Union Street, and extending back of equal width 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 5. That part of Original Bedford Township Lot No. 66, and bounded and described as follows:

Beginning in the Northeasterly line of the old Right of Way of the C. & P. Railroad Company at the Northwesterly corner of land conveyed to Paul Schneider by deed dated March 16, 1905, and recorded in Volume 967, Page 73 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Paul Schneider, about 237.49 feet to a Southwesterly line of the new Right of Way of said C. & P. Railroad Company; thence Northwesterly along said Southwesterly line of the new Right of Way of the C. & P. Railroad Company, about 2162.45 feet to a Northwesterly line of Parcel No. 1 of land conveyed to Paul Schneider by deed dated October 2, 1899, and recorded in Volume 734, Page 257 of Cuyahoga County Records; thence Southwesterly along said Northwesterly line, about 337.40 feet to said Northeasterly line of the old Right-of-Way of the C. & P. Railroad Company; thence Southeasterly along said Northeasterly line of said old Right-of-Way of the C. & P. Railroad Company, about 1984.08 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 6. Sub-lots Nos. 307 to 329 inclusive, 333 to 341 inclusive, 351, 352, 353, 355 and 356 in The Bedford Land & Improvement Co. and Paul Schneider's Subdivisions of part of Original Bedford Township Lots Nos. 57 and 67, as shown by the recorded plat in Volume 29 of Maps, Page 30 of Cuyahoga County Records, said sub-lots subject to all legal highways.

[F. R. Doc. 51-1493; Filed, Jan. 29, 1951; 8:55 a. m.]

FEB 2 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 21

Washington, Wednesday, January 31, 1951

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

RECONSTRUCTION FINANCE CORPORATION

1. Effective upon publication in the FEDERAL REGISTER, the exception of the position of Chief Accountant of the Corporation (§ 6.121 (a) (1)) is revoked.

2. Effective upon publication in the FEDERAL REGISTER, the exception of the position of Chief of the Agency Division (§ 6.121 (a) (2)) is revoked. As amended, subparagraph (2) of § 6.121 (a) will read as follows:

(2) Chief of the Information Division of the Corporation.

3. Effective upon publication in the FEDERAL REGISTER, the exceptions of the positions of Executive Director of the Defense Plants, Metals Reserve and Defense Supplies offices are revoked. As amended, subparagraph (3) of § 6.121 (a) will read as follows:

(3) Executive Director of the Office of Rubber Reserve.

4. Effective upon publication in the FEDERAL REGISTER, the number of exceptions of positions of Loan Agency Manager is increased from thirty-two to forty-two. As amended, subparagraph (5) of § 6.121 (a) will read as follows:

(5) Not to exceed forty-two positions as Loan Agency Manager and not to exceed thirty-six positions of Assistant Loan Agency Manager.

5. Effective upon publication in the FEDERAL REGISTER, a new subparagraph (7) is added to § 6.121 (a) as follows:

(7) Until December 31, 1951, positions of Manager and Assistant Manager, Office of Production.

6. Effective upon publication in the FEDERAL REGISTER, a new subparagraph (5) is added to § 6.121 (b) as follows:

(5) Until December 31, 1951, positions of Manager and Assistant Manager, Office of Defense Loans.

7. Effective upon publication in the FEDERAL REGISTER, the position of one assistant treasurer (§ 6.121 (d) (1)) is revoked. As amended, subparagraph (1) of § 6.121 (d) will read as follows:

(1) A Treasurer of the Corporation; a private secretary or confidential assistant to the Treasurer and one Assistant Treasurer.

8. Effective upon publication in the FEDERAL REGISTER, the exception of the position of Chief of the Research and Economics Division (§ 6.121 (e) (1)) is revoked. As amended, subparagraph (1) of § 6.121 (e) will read as follows:

(1) A Controller of the Corporation; one private secretary or confidential assistant to the Controller; one Assistant Controller; the Chief of the Audit Division.

9. Effective upon publication in the FEDERAL REGISTER, the exception of the position of the Chief Administrative Officer, Price Adjustment Board (§ 6.121 (g) (1)) is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-1523; Filed, Jan. 30, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 972—MILK IN TRI-STATE MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified

(Continued on p. 883)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Banco Aleman Transatlantico 918
Bartel, Gustav Adolph 920
Behrendt, Johanna Eleonore 920
Brown, Kiku, et al 919
Kitagawa, Yukie 917
Nishi, Toichi and Fusa 918
Nishimoto, Minoru and Jotaro 919
Servos, Mrs. Margot Noafeldt 920
Share, Hansi 920
Stein, Erich 916
Von Finckenstein, Elisabeth Grafin Finck 917
Yamakami, Nuio, et al 919
Yamanishi, Gitaro, et al 920
Zelmet, Elizabeth, et al 916

Army Department
See Engineers Corps.

Civil Aeronautics Board
Proposed rule making:
Position light system on transport category airplanes 909

Civil Service Commission
Rules and regulations:
Competitive service exceptions; Reconstruction Finance Corporation 881

Commerce Department
See Foreign and Domestic Commerce Bureau; National Production Authority.

Defense Department
See Engineers Corps.

Defense Minerals Administration
Rules and regulations:
Confirmation of defense actions and redelegations of authority 904

Defense Power Administration
Rules and regulations:
Confirmation of defense actions and redelegations of authority 904

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CONTENTS—Continued

Defense Solid Fuels Administration — Page
Rules and regulations:
Confirmation of defense actions and redelegations of authority — 904

Economic Stabilization Agency
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Chesapeake Bay and its tributaries, Everett Harbor, Wash., and vicinity; fishing and hunting regulations — 904

Federal Communications Commission
Notices:
Hearings, etc.:
American Telephone and Telegraph Co. and Western Union Telegraph Co — 911
Circle Broadcasting Corp — 914
Dowlander Broadcasting Co. (WOOF) — 914
Hoffman Answering Service and Newton Z. Wolpert — 913
Inter-American Radio Corp. — 912
International Bank for Reconstruction and Development et al — 912
Kirpatovsky, Sergei Vladimar — 912
Lawrence County Broadcast-Co — 914
Muhlenberg County Broadcasting Co. and Central City-Greenville Broadcasting Co — 915
Rogers, Ward C., et al — 912
Station WTNJ — 913
Telanserphone, Inc., and Robert C. Crabb — 913
Telanserphone, Inc., and Ward C. Rogers — 913
Proposed rule making:
Aeronautical services and radio stations in Alaska — 909

Federal Power Commission
Notices:
Hearings, etc.:
Brazos River Conservation and Reclamation District — 915
Idaho Power Co — 916
Iowa-Illinois Gas and Electric Co — 915
Iowa Power and Light Co — 915
Montana-Dakota Utilities Co — 915

Federal Trade Commission
Rules and regulations:
Corn Products Refining Co. et al.; cease and desist order — 884

Foreign and Domestic Commerce Bureau
Notices:
Kersten Shipping Agency, Inc.; decision of Appeals Board — 910

Housing Expediter, Office of
Rules and regulations:
Rent, controlled;
Housing and rooms in rooming houses and other establishments in certain States and Puerto Rico — 887
Housing for Atlantic County defense-rental area — 887

Interior Department
See Defense Minerals Administration; Defense Power Administration; Defense Solid Fuels Administration; Petroleum Administration for Defense.

Interstate Commerce Commission — Page
Notices:
Applications for relief:
Fertilizer solutions from Charlestown, Ind., to South — 910
Lumber from southern territory to Fairfield, Ill — 911
Peanut hulls from Courtland, Va — 911
Pulpboard or fibreboard from Hutchinson, Kans., to Sweetwater, Tex — 911

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Cans — 897
Iron and steel scrap — 903
Molybdenum — 904
Tin — 891
Tin plate and terne plate — 889
Tin-plate closures — 901
Tubes, collapsible — 896

Petroleum Administration for Defense
Rules and regulations:
Confirmation of defense actions and redelegations of authority — 904

Price Stabilization, Office of
Rules and regulations:
Delegation of authority to Assistant Director for Management with respect to budget, personnel, management, organization, and general administration — 889

Production and Marketing Administration
Proposed rule making:
Potatoes, Irish, in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont; exemption certificates and safeguards — 907
Rules and regulations:
Milk handling in Tri-State area — 881
Potatoes, Irish, in eastern South Dakota; limitation of shipments — 883

Securities and Exchange Commission
Notices:
Missouri Pacific Railroad Co.; notice of application for unlisted trading privileges, and of opportunity for hearing — 916

State Department
Rules and regulations:
International traffic in arms, ammunition, and implements of war; validity and terms of licenses — 887

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; education and training — 906

CONTENTS—Continued

Wage and Hour Division — Page
Notices:
Special Industry Committee for Virgin Islands; appointment of member — 910
Proposed rule making:
Special Industry Committee for Virgin Islands; public hearing for purpose of receiving evidence to be considered in recommending minimum wage rates — 908

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapted I: Part 6	881
Title 7	
Chapter IX: Part 920 (proposed)	907
Part 972	881
Part 979	883
Title 14	
Chapter I: Part 4b (proposed)	909
Title 16	
Chapter I: Part 3	884
Title 22	
Chapter I: Part 75	887
Title 24	
Chapter VIII: Part 825 (2 documents)	887
Title 29	
Chapter V: Part 669 (proposed)	908
Title 32A	
Chapter III: A. O. 1	889
Chapter VI: M–8	891
M–20	903
M–24	889
M–25	897
M–26	901
M–27	896
M–33	904
Chapter X: Order 2614	904
Chapter XI: Order 2614	904
Chapter XII: Order 2614	904
Title 33	
Chapter II: Part 206	904
Title 38	
Chapter I: Part 21	906
Title 47	
Chapter I: Part 9 (proposed)	909
Part 14 (proposed)	909

and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Gallipolis, Ohio, on January 10, 1951, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than February 1, 1951. Any delay beyond February 1, 1951, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Tri-State marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective February 1, 1951 (Sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing areas; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (October 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete from the end of § 972.5 (b) the words "for the preceding March," and substitute therefor the following: "prior to the following proviso for the preceding March: *And provided further*, That the prices for Class I milk and Class II milk for the months of February and March 1951 shall not be lower than the respective prices computed for such classes pursuant to this section for January 1951."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c).

Issued at Washington, D. C., this 29th day of January 1951 to be effective on and after the 1st day of February 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–1658; Filed, Jan. 30, 1951; 10:20 a. m.]

PART 979—IRISH POTATOES GROWN IN THE EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.304 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policies of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5

U. S. C. 1001 et seq.) in that (i) shipments of the 1950 crop Irish potatoes grown in the production area are now being made and have been subject to grade and size regulations since August 3, 1950, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting shipments of potatoes on and after the effective date hereinafter provided in the manner set forth, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, (v) the time intervening between the date when adequate information became available to the South Dakota Potato Committee to make its recommendation and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and (vi) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning February 5, 1951, and ending June 30, 1951, both dates inclusive, each shipment of table stock potatoes grown in the production area shall be limited to U. S. Commercial, or better grade, and which are not less than 2 inches minimum diameter, as such grades and size are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) The terms used in this section shall have the same meanings as when used in Marketing Agreement No. 103 and Order No. 79 (7 CFR Part 979).

(3) The limitations set forth in this section supersede the limitations issued on August 3, 1950, and published in the FEDERAL REGISTER on August 5, 1950 (15 F. R. 5041), and such prior limitations are hereby terminated and revoked as of the effective date of the limitations set forth in this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of January 1951, to be effective February 5, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1560; Filed, Jan. 30, 1951; 8:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5502]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CORN PRODUCTS REFINING CO. ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Discriminating in price under Sec. 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.735 *Delivered price systems.* I. In or in connection with the offering for sale, sale and distribution in commerce of corn derivatives, as in said order defined, and on the part of nine manufacturers of said products, and the seven subsidiaries of five of them, entering into, continuing, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy between or among any two or more of said respondents or between any one or more of said respondents and others not parties hereto, to (1) establish, fix or maintain prices, terms or conditions of sale; (2) establish or maintain any plan for the purpose or with the effect of informing or advising any of the respondents or any other manufacturer of corn derivatives as to prices, terms or conditions of sale at or upon which any manufacturing respondent or other seller of corn derivatives expects to sell corn derivatives; (3) exchange, distribute or relay among the respondents or any of them directly or through any institute or central agency or private individual or corporation or through any other medium or central agency information as to current prices for the purpose or with the effect of fixing or maintaining prices, terms or conditions of sale for corn derivatives; (4) exchange, distribute or relay among the respondents or any of them or through any other medium or central agency information, or authorize or permit the examination of the books or records of the manufacturing respondents by any agent or representative, concerning prices charged particular customers or information concerning sales or shipments of corn derivatives when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the capacity or tendency of aiding in securing compliance with the prices, terms or conditions of sales as announced by any one or more of the manufacturing respondents; (5) collectively investigate, review, consider or act upon, either directly or through any medium or central agency, the act of any seller of corn derivatives in making a sale, at prices or on terms or conditions of sale different from those announced, exchanged or relayed by such seller to other respondents directly through an institute, medium or central agency or otherwise; (6) take any action having the purpose, capacity or tendency to aid in securing on the part of any seller of corn derivatives compliance with its announced prices, terms or conditions of sale; (7) formulate, establish, put into operation or use in any way any price reporting plan which has the tendency or the effect of depriving the public of any benefit of competition in price upon or among the manufacturing respondents or between any of them and any other manufacturer or seller of corn derivatives; (8) select, determine or establish a method of quoting or charging prices for corn derivatives, to wit: (a) establishing or maintaining a zone system of quoting or charging prices; (b) dividing the country into a number of geographical territories and establishing or fixing the same delivered price to all consumers of the same class within each territory; (c) establishing or maintaining a basing point system or pattern of pricing; (d) establishing, maintaining or using any method, practice, policy or system of quoting or charging prices; (9) fail to quote or sell and deliver corn derivatives f. o. b. each production point; or, (10) fix or maintain allowances for return of containers or unused corn derivatives; differentials for warehouse, tank car or other means of delivery to customers; charges for installation of pumping and other service facilities and for performing service functions for customers; terms and conditions for guarantee against price declines on orders of corn derivatives; terms and conditions governing the booking of orders for future delivery of corn derivatives and the lengths of time and prices at which such orders may be booked; and, II, in said connection, and on the part of said manufacturing respondents, acting, individually or otherwise so as to knowingly contribute to the maintenance or operation of any planned common course of action, agreement, understanding, combination or conspiracy between or among any two or more of the said respondents or between any one or more of said respondents and others not parties hereto through the commission of any of the acts, practices or things prohibited in the preceding parts of the order; and, III, in said connection, and on the part of said nine manufacturing respondents, and the seven subsidiaries of five of them, and their respective officers, etc., discriminating in price as between purchasers of corn derivatives of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which respondents or customers of respondents are engaged, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination; prohibited, subject to the provisions, however, that nothing contained in such order shall prevent any respondent from showing that any differentials alleged to be in violation of the provisions thereof are differentials which make only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered, and that when differentials are thus shown by any respondent to be justified they are not to be construed as in violation of the orders; or shall prevent any seller from rebutting a prima facie case based upon discriminations which may be practiced subsequent to the date of the order by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor; or shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned; and subject to the further provisions, as respects parts I through III, inclusive, of the order, that nothing therein contained shall be construed as prohibiting any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are made lawful by the provisions of the Miller-Tydings Act; or from taking such action relating to its export sales as would be lawful under the provisions of the Webb-Pomerene Act, or, when not for the purpose nor with the tendency of lessening competition or restraining trade, from the establishment or maintenance of any lawful bona fide agreements, discussions, or other action solely between any respondent and its directors, officers and employees, or between the officers, directors or employees of any respondent relating solely to the carrying on of that corporation's sole and separate business, or between any respondent and any of its wholly owned subsidiaries.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 49 Stat. 1527, sec. 11, 38 Stat. 734, as amended; 15 U. S. C. 13, 21)

[Cease and desist order, Corn Products Refining Company et al., Docket 5502, November 20, 1950]

In the Matter of Corn Products Refining Company, a Corporation; Corn Products Sales Company, a Corporation; Corn Products Sales Company, a Massachusetts Trust; A. E. Staley Manufacturing Company, a Corporation; Staley Sales Corporation, a Corporation; Clinton Industries, Inc., a Corporation; Clinton Sales Company, a Corporation; Bliss Syrup and Preserving Company, a Corporation; D. B. Scully Syrup Company, Inc., a Corporation; Penick and Ford, Ltd., Inc., a Corporation; American Maize-Products Company, a Corporation; Anheuser-Busch, Inc., a Corporation; A. A. Busch and Company, Inc., a Corporation; A. A. Busch and Company of Massachusetts, a Corporation; Southern Syrup Company, Inc., a Corporation; The Hubinger Company, a Corporation; National Starch Products, Inc., a Corporation; Union Starch & Refining Company, a Corporation; and Union Sales Corporation

This proceeding was heard by William L. Pack, trial examiner theretofore designated by the Federal Trade Commission for that purpose, upon the complaint of the Commission, and the answer of the respondents, and upon evidence which was introduced, and stipulations as to certain facts which were made on the record, before said trial examiner. Such evidence and stipulations, which followed the initiation of conferences contemplating settlement by respondents, after the filing of their answer, and their consent to the entry of a cease and desist order in the form set forth in the initial decision herein noted, were duly recorded and filed in the office of the Commission.

Thereafter the proceeding regularly came on for final consideration by the trial examiner on the complaints, answers, stipulations, evidence, proposed findings as to the facts and conclusions filed by counsel supporting the complaint (the filing of such proposals having been waived by counsel for respondents), and the proposed order to which respondents had consented; and said trial examiner having duly considered the matter, made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist, and order of dismissal as to certain respondents.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission November 20, 1950, except, in conformity with the joint request of respondents and counsel supporting the complaint, the words "do or perform" are substituted for the words "engage in" in the language at the end of section I of the order to cease and desist in the initial decision which reads "or between any one or more of said respondents and others not parties hereto to engage in any of the following acts or practices:", so that said section I of the order to cease and desist shall read, as thus modified, as set out in the "Decision of the Commission and order to File Report of Compliance", which, dated November 20, 1950, announced the fruition of said initial decision, subject to the aforesaid modification of the order to cease and desist, and required compliance with said order to cease and desist, as hereinafter set forth.

The said order to cease and desist, as thus modified, is as follows:

Order to cease and desist. The words "corn derivatives" as used throughout this order shall mean and include the products corn syrup unmixed, pearl starch, gloss starch, powdered starch, thin boiling starch, moulding starch, refined grits, dextrin, corn sugar, refined corn oil, crude corn oil, soap-stock and mixed corn syrup, but shall not include dextrose (refined corn sugar), Amioca (starch made from waxy maize) or adhesives produced from corn derivatives through the further process of cooking or gelatinizing, or any product of a different character resulting from the further processing of any of the foregoing products defined as "corn derivatives."

I. *It Is Ordered*, Under the authority vested in the Federal Trade Commission by the Federal Trade Commission Act, that the respondents, Corn Products Refining Company, a corporation; Corn Products Sales Company, a corporation; Corn Products Sales Company, a Massachusetts trust; A. E. Staley Manufacturing Company, a corporation; Staley Sales Corporation, a corporation; Clinton Foods, Inc., a corporation; (formerly known as Clinton Industries, Inc.); Bliss Syrup and Preserving Company, a corporation; D. B. Scully Syrup Company, Inc., a corporation; Penick & Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; Southern Syrup Company, Inc., a corporation; The Hubinger Company, a corporation; National Starch Products, Inc., a corporation; Union Starch & Refining Company, a corporation; and Union Sales Corporation, a corporation, in or in connection with the offering for sale, sale and distribution of corn derivatives in commerce between and among the several States of the United States and in the District of Columbia, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy between or among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to engage in any of the following acts or practices:

1. Establishing, fixing or maintaining prices, terms or conditions of sale;

2. Establishing or maintaining any plan for the purpose or with the effect of informing or advising any of the respondents or any other manufacturer of corn derivatives as to prices, terms or conditions of sale at or upon which any manufacturing respondent or other seller of corn derivatives expects to sell corn derivatives;

3. Exchanging, distributing or relaying among the respondents or any of them directly or through any institute or central agency or private individual or corporation or through any other medium or central agency information as to current prices for the purpose or with the effect of fixing or maintaining prices, terms or conditions of sale for corn derivatives;

4. Exchanging, distributing or relaying among the respondents or any of them or through any other medium or control agency information, or authorizing or permitting the examination of the books or records of the manufacturing respondents by any agent or representative, concerning prices charged particular customers or information concerning sales or shipments of corn derivatives when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the capacity or tendency of aiding in securing compliance with the prices, terms or conditions of sale as announced by any one or more of the manufacturing respondents;

5. Collectively investigating, reviewing, considering or acting upon, either directly or through any medium or central agency, the act of any seller of corn derivatives in making a sale, at prices or on terms or conditions of sale different from those announced, exchanged or relayed by such seller to other respondents directly through an institute, medium or central agency or otherwise;

6. Taking any action having the purpose, capacity or tendency to aid in securing on the part of any seller of corn derivatives compliance with its announced prices, terms or conditions of sale;

7. Formulating, establishing, putting into operation or using in any way any price reporting plan which has the tendency or the effect of depriving the public of any benefit of competition; in price between or among the manufacturing respondents or between any of them and any other manufacturer or seller of corn derivatives;

8. Selecting, determining or establishing a method of quoting or charging prices for corn derivatives, to wit:

a. Establishing or maintaining a zone system of quoting or charging prices;

b. Dividing the country into a number of geographical territories and establishing or fixing the same delivered price to all consumers of the same class within each territory;

c. Establishing or maintaining a basing point system or pattern of pricing;

d. Establishing, maintaining or using any method, practice, policy or system of quoting or charging prices;

9. Failing to quote or sell and deliver corn derivatives f. o. b. each production point;

10. Fixing or maintaining allowances for return of containers or unused corn derivatives; differentials for warehouse, tank car or other means of delivery to customers; charges for installation of pumping and other service facilities and for performing service functions for customers; terms and conditions for guarantee against price declines on orders of corn derivatives; terms and conditions governing the booking of orders for future delivery of corn derivatives and the lengths of time and prices at which such orders may be booked.

II. *It is further ordered*, Under the authority vested in the Federal Trade Commission by the Federal Trade Commission Act, that each of the manufacturing respondents, Corn Products Refining Company, a corporation; A. E. Staley Manufacturing Company, a corporation; Clinton Foods, Inc., a corporation (formerly known as Clinton Industries, Inc.); Penick & Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; The Hubinger Company, a corporation; National Starch Products, Inc., a corporation; and Union Starch & Refining Company, a corporation, directly or indirectly, in or in connection with the offering for sale, sale or distribution in commerce of corn derivatives between and among the several States of the United States and in the District of Columbia, do forthwith cease and desist from acting, individually or otherwise, so as to knowingly contribute to the maintenance or operation of any planned common course of action, agreement, understanding, combination or conspiracy between or among any two or more of the said respondents or between any one or more of said respondents and others not parties hereto through the Commission of any of the acts, practices or things prohibited in the preceding parts of this order.

III. *It is further ordered*, Under the authority vested in the Federal Trade Commission by section 2 (a) and section II of the Clayton Act, as amended, that each of the respondents, Corn Products Refining Company, a corporation; Corn Products Sales Company, a corporation; Corn Products Sales Company, a Massachusetts trust; A. E. Staley Manufacturing Company, a corporation; Staley Sales Corporation, a corporation; Clinton Foods, Inc., a corporation (formerly known as Clinton Industries, Inc.); Bliss Syrup and Preserving Company, a corporation; D. B. Scully Syrup Company, Inc., a corporation; Penick & Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; Southern Syrup Company, Inc., a corporation; the Hubinger Company, a corporation; National Starch Products, Inc., a corporation; Union Starch & Refining Company, a corporation; and Union Sales Corporation, a corporation, and their respective officers, representatives, agents and employees, directly or indirectly, in or in connection with the offering for sale, sale or distribution of corn derivatives in commerce between and among the several States of the United States and in the District of Columbia, do forthwith cease and desist from discriminating in price as between purchasers of corn derivatives of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which respondents or customers of respondents are engaged, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination: *Provided*, That nothing herein contained shall prevent any respondent from showing that any differentials alleged to be in violation of this provision of this order are differentials which make only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered, and when differentials are thus shown by any respondent to be justified they are not to be construed as in violation of this order: *And provided further*, That nothing herein contained shall prevent any seller from rebutting a prima facie case based upon discriminations which may be practiced subsequent to the date of this order by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor: *And provided further*, That nothing herein contained shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned,

Provided, That nothing contained in any of the foregoing provisions of paragraphs I through III, inclusive, of this order shall be construed as prohibiting any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are made lawful by the provisions of the Miller-Tydings Act; or from taking such action relating to its export sales as would be lawful under the provisions of the Webb-Pomerene Act, or, when not for the purpose nor with the tendency of lessening competition or restraining trade, from the establishment or maintenance of any lawful bona fide agreements, discussions, or other action solely between any respondent and its directors, officers and employees, or between the officers, directors or employees of any respondent relating solely to the carrying on of that corporation's sole and separate business, or between any respondent and any of its wholly owned subsidiaries.

It is further ordered, That for the reasons appearing in the findings as to the facts in this proceeding the complaint be, and the same hereby is, dismissed as to respondents A. A. Busch and Company, Inc., A. A. Busch and Company of Massachusetts and Clinton Sales Company.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5502, November 20, 1950, which announced fruition of said initial decision, subject to the modification of section I of the order to cease and desist as above set forth, report of compliance with the order was required as follows:

I. *It is ordered*, Under the authority vested in the Federal Trade Commission by the Federal Trade Commission Act, that the respondents, Corn Products Refining Company, a corporation; Corn Products Sales Company, a corporation; Corn Products Sales Company, a Massachusetts trust; A. E. Staley Manufacturing Company, a corporation; Staley Sales Corporation, a corporation; Clinton Foods, Inc., a corporation (formerly known as Clinton Industries, Inc.); Bliss Syrup and Preserving Company, a corporation; D. B. Scully Syrup Company, Inc., a corporation; Penick & Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; Southern Syrup Company, Inc., a corporation; the Hubinger Company, a corporation; National Starch Products, Inc., a corporation; Union Starch & Refining Company, a corporation; and Union Sales Corporation, a corporation, in or in connection with the offering for sale, sale and distribution of corn derivatives in commerce between and among the several States of the United States and in the District of Columbia, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy between or among any two or more of said respondents or between any one or more of said respondents and others not parties hereto to do or perform any of the following acts or practices:

As a further part of the decision of the Commission, it is ordered that the respondents, Corn Products Refining Company, a corporation; Corn Products Sales Company, a corporation; Corn Products Sales Company, a Massachusetts trust; A. E. Staley Manufacturing Company, a corporation; Staley Sales Corporation, a corporation; Clinton Foods, Inc., a corporation (formerly known as Clinton Industries, Inc.); Bliss Syrup and Preserving Company, a corporation; D. B. Scully Syrup Company, Inc., a corporation; Penick & Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; Southern Syrup Company, Inc., a corporation; the Hubinger Company, a corporation; National Starch Products, Inc., a corporation; Union Starch & Refining Company, a corporation; and Union Sales Corporation, a corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 20, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-1516; Filed, Jan. 30, 1951; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.120]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

VALIDITY AND TERMS OF LICENSES

Part 75 of the Code of Federal Regulations is hereby amended by adding, following § 75.42 thereof, the following new section:

§ 75.43 *Validity and terms of licenses.* (a) Export and import licenses are not transferable and are subject to revocation, suspension or revision without notice. If not revoked or suspended, licenses are valid for six months from the date of issuance unless otherwise stated thereon.

(b) The validity of outstanding licenses is hereby limited to six months from the date of issuance, except with respect to licenses authorizing the exportation or importation of articles which were enroute to the United States port of exit or entry or did arrive at such port for lading or unlading within ten days of the effective date of this regulation, in which case such licenses continue valid.

Section 75.13 of Title 22 is hereby revoked.

Effective date: January 31, 1951.

(Sec. 1, 42 Stat. 361, sec. 12, 54 Stat. 10, as amended; 22 U. S. C. 409, 452)

For the Secretary of State.

S. D. BOYKIN,
Director,
Office of Consular Affairs.

JANUARY 18, 1951.

[F. R. Doc. 51-1514; Filed, Jan. 30, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., for Atlantic County Defense-Rental Area, Amdt. 30]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ATLANTIC COUNTY

Amendment 30 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72). Said rent regulation is hereby amended in the following respects:

1. In § 825.61 (a) the date "December 31, 1950" is changed, wherever it appears therein, to "March 31, 1951."

2. In § 825.61 (a) the proviso clause is changed further to read as follows:

Provided, however, That after March 31, 1951, said §§ 825.61 to 825.72 will apply only to housing accommodations in the Cities of Atlantic City and Linwood, the Town of Hammonton, and all unincorporated localities in Atlantic County, New Jersey.

This adds the City of Linwood, New Jersey, as a locality affected by a declaration for continuance of rent control after March 31, 1951, based on a declaration made on September 12, 1950, in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective as of September 12, 1950.

Issued this 26th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-1521; Filed, Jan. 30, 1951; 8:48 a. m.]

[Controlled Housing Rent Reg., Amdt. 346]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 342]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES AND PUERTO RICO

Amendment 346 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 342 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92).

A. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is amended in the following respect:

In Schedule C, Item 187a, the description of localities affected by declarations for continuance of rent control after March 31, 1951, is amended to read as follows:

In Atlantic County, the Cities of Atlantic City and Linwood, the Town of Hammonton, and all unincorporated localities.

This adds to Schedule C the City of Linwood, New Jersey, based on a declaration made on September 12, 1950, in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

B. The Controlled Housing Rent Regulation and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments are amended in the following respects:

1. The following new Items are incorporated in Schedule C:

Name of Defense-Rental Area, State, and Localities Affected by Declarations for Continuation of Rent Control After March 31, 1951

(116a) Great Bend, Kans., in Ellis County, the city of Hays.

(185c) Coos County, N. H., in Coos County, the town of Northumberland.

This adds to Schedule C (1) the Town of Northumberland, New Hampshire, as of December 15, 1950, and (2) the City of Hays, Kansas, as of December 19, 1950.

2. In schedule C, the description of localities affected by declarations for continuation of rent control after March 31, 1951, is amended with respect to certain Defense-Rental Areas to read as follows:

a. (48) Hartford-New Britain, Connecticut, Defense-Rental Area: In Hartford County, the Cities of Bristol, Hartford and New Britain, the Towns of East Hartford, Glastonbury, Southington, West Hartford, Wethersfield and Windsor, and all unincorporated localities, if any, in the Towns of Berlin, Bloomfield, East Windsor, Farmington, Manchester, Newington, Plainville, Rocky Hill, South Windsor and Windsor Locks; in Middlesex County, the Town of Cromwell and all unincorporated localities, if any, in the Towns of Middlefield and Portland; in New Haven County, the City of Meriden, the Borough of Wallingford, and the Town of Wallingford; and in Tolland County, all unincorporated localities, if any, in the Town of Vernon.

In the remainder of Hartford County, the Towns of Enfield and Simsbury, and all unincorporated localities, if any; in the remainder of Middlesex County, the Town of East Haddam and all unincorporated localities, if any; and in the remainder of Tolland County, the Towns of Hebron and Stafford, and all unincorporated localities, if any.

This adds to Schedule C the Town of Enfield, Connecticut, as of December 4, 1950.

b. (49) New Haven, Connecticut, Defense-Rental Area: In New Haven County, the Cities of Ansonia, Derby and New Haven, the Towns of Branford, East Haven, Hamden, Milford, North Haven, Seymour, West Haven and Woodbridge, and all unincorporated localities, if any, in the Towns of Guilford, Madison, North Branford, North Haven and Orange.

This adds to Schedule C the Town of North Haven, Connecticut, as of November 30, 1950.

c. (50) New London, Connecticut, Defense-Rental Area: In New London County, the Cities of New London and Norwich, the Borough of Jewett City, the Towns of Griswold, Groton and Stonington, and all unincorporated localities; and in Windham County, the City of Willimantic, and the Town of Windham, and all unincorporated localities.

This adds to Schedule C (1) the City of Willimantic, Connecticut, as of December 27, 1950, (2) the Town of Windham, Connecticut, as of December 27, 1950, and (3) all unincorporated localities in the Defense-Rental Area as of December 27, 1950, by virtue of declarations made by incorporated localities constituting the major portion of the Defense-Rental Area.

d. (110a) Dubuque, Iowa, Defense-Rental Area: In Dubuque County, the City of Dubuque.

In Jo Daviess County, the City of East Dubuque.

This adds to Schedule C the City of East Dubuque, Illinois, as of January 4, 1951.

e. (172) Rolla-Waynesville, Missouri, Defense-Rental Area: In Laclede County, the City of Lebanon; and in Pulaski County, the City of Waynesville.

This adds to Schedule C the City of Lebanon, Missouri, as of December 18, 1950.

f. (188a) Southern New Jersey Defense-Rental Area: In Burlington County, the City of Burlington, the Boroughs of Fieldsboro and Palmyra, and the Townships of Hainesport, Moorestown, Mount Holly and North Hanover; in Camden County, the Cities of Camden and Gloucester City, the Boroughs of Audubon Park, Barrington, Berlin, Chesilhurst, Clementon, Collingswood, Gibbsboro, Haddon Heights, Lawnside, Lindenwold, Magnolia, Mount Ephraim, Oaklyn, Pine Hill, Runnemede, Somerdale and Woodlynne, and the Townships of Berlin and Gloucester; and in Gloucester County, the Boroughs of Glassboro, Swedesboro and Wenonah, and the Township of Monroe.

This adds to Schedule C the Borough of Fieldsboro, New Jersey, as of December 4, 1950.

g. (190a) Ocean County, New Jersey, Defense-Rental Area: In Ocean County, the Borough of Beachwood, and the Township of Lakewood.

This adds to Schedule C the Borough of Beachwood, New Jersey, as of January 8, 1951.

h. (241) Youngstown-Warren, Ohio, Defense-Rental Area: In Mahoning County, the Cities of Campbell, Struthers and Youngstown, the Villages of Beloit, Lowellville and Sebring, and all unincorporated localities; and in Trumbull County, the Cities of Girard, Niles and Warren, the Villages of Hubbard, McDonald and Newton Falls, and all unincorporated localities.

This adds to Schedule C the Village of Sebring, Ohio, as of September 16, 1950.

i. (258) Altoona-Johnstown, Pennsylvania, Defense-Rental Area: In Blair County, the unincorporated localities, if any, in the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Synder; in Cambria County, the City of Johnstown, the Boroughs of Barnesboro, Brownstown, Ebensburg, Franklin, Gallitzin, Geistown, Lorain, Nanty-Glo, Scalp Level and South Fork, and all unincorporated localities; and in Somerset County, the Boroughs of Boswell, Central City, Garrett, Hooversville, Meyersdale and Windber, and all unincorporated localities, if any, in the Townships of Black, Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning.

This adds to Schedule C the Borough of Brownstown, Pennsylvania, as of December 1, 1950.

j. (266) Philadelphia, Pennsylvania, Defense-Rental Area: In Bucks County, the Boroughs of Bristol, Quakertown and Riegelsville, and all unincorporated localities; in Chester County, the Boroughs of Kennett Square and Phoenixville, and all unincorporated localities; in Delaware County (exclusive of the Borough of Swarthmore), the Boroughs of Clifton Heights, Collingdale, Eddystone, Folcroft, Glenolden, Marcus Hook, Millbourne, Norwood and Sharon Hill, the Township of Ridley, and all unincorporated localities, including Upper Darby Township; in Montgomery County, the Boroughs of Ambler, Conshohocken, Jenkintown, Pottstown and West Conshochocken, and all unincorporated localities; and the County and City of Philadelphia.

This adds to Schedule C the Borough of Sharon Hill, Pennsylvania, as of December 12, 1950.

k. (267) Pittsburgh, Pennsylvania, Defense-Rental Area: In Allegheny County (exclusive of Mount Lebanon Township), the Cities of Clairton, Duquesne, McKeesport and Pittsburgh, the Boroughs of Blawnox, Brackenridge, Braddock, Braddock Hills, Bridgeville, Carnegie, Castle Shannon, Chesswick, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Eden Park, Etna, Glassport, Homestead, Leetsdale, Liberty, McKee's Rocks, Millvale, Munhall, North Braddock, Pitcairn, Rankin, Sharpsburg, Swissvale, Turtle Creek, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin and Wilmerding, the Townships of Baldwin, Harrison, Jefferson, Leet, Neville, Reserve, Sewickley, South Versailles, Springdale, Stowe and West Deer, and all unincorporated localities.

In Armstrong County, the Boroughs of Ford City, Kittaning and Leechburg, and all unincorporated localities.

In Beaver County, the City of Beaver Falls, the Boroughs of Aliquippa, Ambridge, Baden, Bridgewater, Freedom, Koppell, Midland and Monaca, the Townships of Borough and Chippewa, and all unincorporated localities.

In Butler County, all unincorporated localities, if any, in the Townships of Adams, Butler, Jackson and Slippery Rock.

In Fayette County (exclusive of the Townships of Henry Clay, Stewart and Wharton), the City of Connellsville, the Boroughs of Belle Vernon, Everson, Masontown and South Connellsville, the Township of Franklin, and all unincorporated localities.

In Greene County, the Township of Jefferson and all unincorporated localities, if any, in the Townships of Cumberland, Dunkard, Franklin, Monongahela and Morgan.

In Lawrence County, the Borough of Elwood City and all unincorporated localities.

In Washington County (exclusive of the Townships of East Finley, Morris, South Franklin and West Finley), the City of Monongahela, the Boroughs of Allenport, Beallsville, Bentleyville, Burgettstown, California, Cannonsburg, Charleroi, Coal Center, Donora, Elco, New Eagle, North Charleroi, Roscoe, Stockdale and West Brownsville, the Township of North Strabane, and all unincorporated localities.

In Westmoreland County, the Cities of Arnold, Jeanette, Monessen and New Kensington, the Boroughs of East Vandergrift, Export, Manor, North Belle Vernon, Penn, South Greensburg, Southwest Greensburg and West Newton, the Township of East Huntingdon, and all unincorporated localities.

This adds to Schedule C the following localities in the State of Pennsylvania: (1) Borough of Stockdale as of November 6, 1950. (2) Borough of Etna as of November 13, 1950. (3) Borough of Coal Center as of December 11, 1950. (4) Borough of Coraopolis as of December 29, 1950.

l. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area: In Carbon County, the Boroughs of East Mauch Chunk, Lansford, Mauch Chunk and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn, Mayfield and Winton; in Luzerne County, the Cities of Nanticoke, Wilkes-Barre and the Boroughs of Dupont, Exeter, Forty Fort, Hughestown, Kingston, Luzerne, Shickshinny, West Hazleton and West Wyoming; and in Schuylkill County, the City of Pottsville and the Boroughs of Ashland, McAdoo, Shenandoah and Tamaqua.

This adds to Schedule C the Borough of West Hazleton, Pennsylvania, as of December 15, 1950.

m. (275) Washington County, Rhode Island, Defense-Rental Area: In Washington County, the Towns of Richmond and Westerly.

This adds to Schedule C the Town of Richmond, Rhode Island, as of October 23, 1950.

n. (359) Wheeling-Steubenville, West Virginia, Defense-Rental Area: In Belmont County, the City of Bethesda; and in Jefferson County, the City of Steubenville and the Villages of Tiltonsville and Yorkville.

This adds to Schedule C the City of Bethesda, Ohio, as of December 28, 1950.

o. (371) Puerto Rico Defense-Rental Area: In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Gueyanilla, Gurabo, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa and Yanco.

This adds to Schedule C the Municipality of Culebra, Puerto Rico, as of December 18, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declaration affecting that locality was made.

Issued this 26th day of January 1951.

TICHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51–1522; Filed, Jan. 30, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilizaton Agency

[Administrative Order 1]

ASSISTANT DIRECTOR FOR MANAGEMENT

DELEGATION OF AUTHORITY WITH RESPECT TO BUDGET, PERSONNEL, MANAGEMENT, ORGANIZATION, AND GENERAL ADMINISTRATION

JANUARY 27, 1951.

1. Pursuant to the authority vested in me as Director of the Office of Price Stabilization, by General Order No. 2 of the Economic Stabilization Agency, I hereby establish the position of Assistant Director for Management, and delegate to it full authority to discharge the responsibilities vested in me on all matters concerning the budget, personnel, management, organization, and general administration of the Office of Price Stabilization.

2. The Assistant Director for Management is authorized to redelegate any of the authorities vested in him by this order to the extent that he deems advisable in the interest of efficient operation of the Office of Price Stabilization.

MICHAEL V. DISALLE,
Director.

[F. R. Doc. 51–1664; Filed, J. n. 30, 1951; 10:37 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–24]

PART 23—TIN PLATE AND TERNE PLATE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
23.1 What this part does.
23.2 Definitions.
23.3 Permitted uses.
23.4 Additional permitted uses.
23.5 Optional uses.
23.6 Manufacture.
23.7 Other restrictions.
23.8 Certification of delivery of plate.
23.9 Exceptions.
23.10 Application for adjustments.
23.11 Communications.
23.12 Records and reports.
23.13 Violations.

AUTHORITY: §§ 23.1 to 23.13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, dated January 3, 1951, 16 F. R. 61.

§ 23.1 *What this part does.* The purpose of this part is to set forth the permitted uses of tin plate and terne plate, the permitted materials in those uses, and the maximum permitted coating of tin or of terne metal per single base box. This part also sets forth certain additional permitted uses, optional uses, restrictions on manufacturers, and permitted substitutions. Part 27 of this chapter (NPA Order M–8, as amended), contains certain limitations on the use of pig tin in the manufacture of tin plate and terne plate, but permits the use of tin for tin plate and terne plate in accordance with the provisions of this Order insofar as tin plate and terne plate specifications are concerned.

§ 23.2 *Definitions.* As used in this part:

(a) "Tin plate" means steel sheet coated with tin and includes electrolytic tin plate, hot dipped tin plate, primes, seconds, unassorted, and waste-waste.

(b) "Terne plate" means steel sheet coated with terne metal and includes short ternes (which are steel sheets coated on tin mill coating machines), long ternes (which are steel sheets coated on sheet mill coating machines), primes, seconds, unassorted, and waste-waste.

(c) "Reconditioned tin plate or terne plate" means damaged tin plate or terne plate which has been put into usable condition by recoating.

(d) "Terne metal" means a tin-bearing lead alloy used as a coating for terne plate, but does not include lead recovered from secondary sources which contains less than 1½ percent residual tin.

(e) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes, seconds, or unassorted.

(f) "Idle and excess inventories" means (1) inventories of tin plate accumulated at a steel mill which have resulted from overruns or materials which did not comply with the original specifications and which overruns and material has been offered for sale on the domestic market by the mill as "primes", "seconds" or "unassorted" for a period of at least 30 days prior to being declared by the mill as idle and excess; (2) inventories of tin plate in the possession of a warehouse or distributor which have been offered for sale by the warehouse or distributor on the domestic market as "primes," "seconds" or "unassorted", for a period of at least 60 days prior to being declared by the warehouse or distributor as idle and excess.

(g) "Menders" means tin plate arising in the production of electrolytic tin plate which has been rejected by the producer by reason of defects which disqualify such tin plate from sale as "primes", "seconds", or "unassorted" and which tin plate has been (1) mended into coke tin plate primes, seconds or unassorted by hot dipping in tin, or (2) mended into terne plate by hot dipping in terne metal.

(h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

§ 23.3 *Permitted uses.* Tin plate, terne plate and reconditioned tin plate and terne plate may be used only for the purposes set forth in Schedule A of this part, subject to the limitations, restrictions, and conditions specified in the said Schedule A with respect to the various items and purposes.

§ 23.4 *Additional permitted uses.* (a) Any person may use waste-waste from electrolytic tin plate, from hot dipped tin plate, or from terne plate for any purpose which is not prohibited in List A of NPA Order M–8, as effective March 1, 1951, or as subsequently amended. In addition, any person may use tin plate or terne plate for any purpose which is not prohibited in List A of NPA Order M–8, if his total annual consumption of tin plate and terne plate does not exceed 100 base boxes.

(b) Tin plate menders arising in the production of electroytic tin plate may be used without regard to the weight of coating for any purpose where .50 pound electrolytic tin plate is permitted under Schedule A. Where menders arising cannot be used to replace .50 pound electrolytic or heavier tin plate, they may be used to replace any electrolytic tin plate.

§ 23.5 *Optional uses*—(a) *Substitution of material with lower tin content.* Wherever Schedule A permits use of tin plate or terne plate in any grade, tin plate or terne plate coated with less tin per base box may be used; or if tin mill black plate is adaptable it may be used as a substitute.

(b) *Optional use of 0.25 tin plate for terne plate.* Where terne plate is permitted to be used in the manufacture of an item listed in Schedule A of this part, a manufacturer may substitute electrolytic tin plate with a maximum permitted tin coating of 0.25 pound per base box for that item.

(c) *Optional use of electrolytic tin plate.* Where hot dipped tin plate is permitted to be used in the manufacture of an item listed in Schedule A of this part, the manufacturer may substitute electrolytic tin plate.

(d) *Use of idle and excess inventories.* (1) Idle and excess inventories of hot dipped tin plate may be used without regard to weight of coating for any purpose where electrolytic tin plate is permitted under Schedule A.

(2) Idle and excess inventories of electrolytic tin plate menders may be used without regard to the weight of coating for any purpose under Schedule A.

§ 23.6 *Manufacture*—(a) *Manufacture of tin plate and terne plate.* Tin plate and terne plate may be manufactured and tested as in this section provided and for the purposes set forth in Schedule A. Coating shall be determined on the basis of average spot coating tests, in the case of electrolytic tin plate, and on the basis of pot yield, in the case of hot dipped tin plate. No

person may use terne metal containing more than 15 percent tin in tin mill coating machines, and for coating roofing ternes. No person may use terne metal containing more than 10 percent tin in sheet mill coating machines.

(b) *Manufacture of terne metal.* Secondary tin only may be used to make terne metal.

§ 23.7 *Other restrictions.* No person shall manufacture, sell or deliver any tin plate, terne plate or reconditioned tin plate or terne plate which he knows or has reason to believe will be accepted or used in violation of the terms of this part, or any other order or regulation of the National Production Authority.

§ 23.8 *Certification of delivery of plate.* No person shall sell or deliver any tin plate or terne plate to any person unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of tin plate or terne plate from the manufacturer to that purchaser:

To _____, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for mispresentation, that he is familiar with Order M-24 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

§ 23.9 *Exceptions.* The restrictions in this part shall not apply to military requirements for tin plate or terne plate intended for manufacture of items of a special design or style not normally produced or used commercially, nor to tin plate or terne plate intended for manufacture of items for emergency rations and supplies for lifeboats.

The provisions of this part do not apply to use of tin plate or terne plate which is in process of manufacture or in the inventory of a consumer, or in the inventory of a manufacturer for the account of a consumer, on the effective date of this part.

§ 23.10 *Application for adjustments.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 23.11 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref.: M-24.

§ 23.12 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 23.13 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This part shall take effect on January 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

SCHEDULE A

Permitted use	Permitted material	Maximum permitted coating of tin or terne metal (per single base box)
1. All kitchen equipment	Electrolytic tin plate	0.25 pound per base box.
2. Food preparation and cooking equipment:		
(a) Baking pans for institutions and commercial bakers.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
(b) All other food preparation and cooking equipment.	Electrolytic tin plate	0.50 pound per base box.
3. Battery cups for electrical contact	Electrolytic tin plate	0.50 pound per base box.
4. Brushes, power driven	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
5. Cans as defined in Order M-25	As permitted by Order M-25	As permitted by Order M-25.
6. (a) Closures as defined in Order M-26	As permitted by Order M-26	As permitted by Order M-26.
(b) Closures for steel drums	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
7. Carbide nonexplosive emergency lights	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
8. Chaplets, skingates, and tin forms for foundry use.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
9. Cheese vats	Hot dipped tin plate	1.25 pounds per base box.
10. Component parts for internal Combustion engines including air cleaners, cooling systems, fuel systems, and lubricating systems, but only where less essential material is impractical because of corrosion or solderability.	Hot dipped tin plate	3.30 pounds per base box (2A charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
11. Cylinder liners for lard and fruit presses	Hot dipped tin plate	1.25 pounds per base box.
12. Dairy ware and equipment including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
13. Diamond cutting wheels	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
14. Dusters and sprayers, hand, for disinfectant and pest control; parts requiring solderable coatings.	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
15. Equipment or appliance parts requiring solderable coatings.	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
16. (a) Fuel tanks, except for automotive equipment.	Electrolytic tin plate	0.25 pound per base box.
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
(b) Fuel tanks for automotive equipment.	Short ternes	1.30 pounds per base box.
	Long ternes	6 pounds per base box.
	Reconditioned terne plate	
17. Gas mask canisters	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	

SCHEDULE A—Continued

Permitted use	Permitted material	Maximum permitted coating of tin or terne metal (per single base box)
18. Gas meters	Hot dipped tin plate	3.30 pounds per base box (2A charcoal).
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
19. Heat exchangers	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
20. Integral parts of signal cells—but only for current collectors and baskets.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
21. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate	11 pounds per base box.
	Reconditioned tin plate	
22. Maple syrup evaporators	Hot dipped tin plate	Do.
	Reconditioned tin plate	
23. Oilers (excluding cans as defined by Order M-25).	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
24. Oil lanterns and non-electric lamps	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
25. Repair parts for domestic laundry equipment.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
26. Safety cans for inflammable liquids	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
27. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate	1.25 pounds per base box.
	Electrolytic tin plate	0.50 pound per base box.
	Reconditioned tin plate	
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
28. Torpedoes for oil and gas well shooting	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
29. Vaporizing liquid fire extinguishers	Hot dipped tin plate	1.25 pounds per base box.
	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
30. Wick holders for oil stoves	Short ternes	1.30 pounds per base box.
	Long ternes	4 pounds per base box.
	Reconditioned terne plate	
31. Smoke pipe elbows and fittings	Long ternes	10 pounds per base box.
32. Hot water heater flue jacket liners and other parts exposed to flame or hot flue gases.	Long ternes	6 pounds per base box.
33. Roofing, fire doors, gutters, downspouts and fittings for same; roof flashings; exterior louvres and exterior shutters, where such flashings, louvres and shutters are to be soldered and painted.	Roofing ternes	10 pounds per base box.

(Also see § 23.4 of this order for Additional Permitted Uses and § 23.5 for Optional Uses.)

[F. R. Doc. 51-1660; Filed, Jan. 30, 1951; 10:15 a. m.]

[NPA Order M-8, as amended]

PART 27—TIN

This order which amends and supersedes NPA Order M-8, dated December 18, 1950, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order, has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
27.1 What this part does.
27.2 Definitions.
27.3 Application of part.
27.4 Restrictions on use of pig tin and alloys and other materials containing tin.
27.5 Limitations on use of pig tin.
27.6 Maintenance, repair and operating supplies.
27.7 Certification.
27.8 Defense orders for items containing tin.
27.9 Exemption.
27.10 Inventories.
27.11 Export certificates.
27.12 Reports and records.
27.13 Application for adjustments.
27.14 Communications.
27.15 Violations.

AUTHORITY: §§ 27.1 to 27.15 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, dated Jan. 3, 1951, 16 F. R. 61.

§ 27.1 *What this part does.* This part amends and supersedes NPA Order M-8. The purpose of this part is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing and construction. It prohibits all uses of pig tin, secondary tin and certain tin bearing products not expressly set forth in the attached Schedules I through VII. In addition, many of the permissible uses included in the Schedules I through VII are prohibited in connection with the manufacture of the items or for the purposes set forth in List A. The part also sets forth limitations on inventories of pig tin and alloys and other materials containing tin and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It is the intent of this part that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

§ 27.2 *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like; *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States. It includes shipments into a U. S. foreign trade zone, or bonded custody of any United States Collector of Customs (bonded warehouse) in the continental United States and shipments into the continental United States for processing or manufacture in bond for

exportation. "Import" does not include shipments in transit in bond through the continental United States without processing or manufacture to Canada, Mexico or any other foreign country, or shipments through U. S. foreign trade zones to a foreign country without processing or manufacture. However, if any material in such shipments in transit in bond is, because of a change in plans, to be sold or used in the continental United States, or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order and requires the reports specified in § 27.12.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in Section IV of report Form NPAF–7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in § 27.12 (b): "Tin" means pig tin and tin in any raw, semifinished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semifinished or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters and metallics	6790.720
Tin bichloride, tin tetrachloride and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV and Schedule VII, item 13).

(m) "Low grade" secondary tin bearing drosses, residues and scrap metal means such material having a tin content not over 10 percent and an impurity content too high for use in the production of other items for which secondary low grade tin bearing materials are permitted in the attached Schedules.

(n) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles and radio and radar equipment), and any parts, assemblies or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

§ 27.3 *Application of part.* Subject to the exemptions stated in § 27.9 this part applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in § 27.12 apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

§ 27.4 *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in § 27.9, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) Commencing on March 1, 1951, no person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5% or more tin, or other materials containing 1.5% or more tin in the manufacture, treatment, installation, construction of any item or product, or in any process, or for any purpose, except those set forth in the attached Schedules and to the extent permitted thereby. Uses not expressly authorized by said Schedules are prohibited.

(c) During February 1951, no person shall use in the manufacture of any item or in any process set forth in the attached List A a total quantity by weight of tin in any form specified in paragraph (b) in excess of 80% of his average monthly use of such materials for said purposes during the base period. Commencing on March 1, 1951, no person shall use tin in any form specified in paragraph (b) in the manufacture of any item or in any process set forth in List A, even though such use might otherwise be permissible under paragraph (b); *provided however*, that this prohibition will not apply to the use of solder for joining purposes to the extent permitted in attached Schedule II.

(d) In addition to the restrictions set forth in the attached Schedules, commencing on March 1, 1951, no person shall use: (i) In the manufacture of any product or for any purpose as to which the attached Schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (ii) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (iii) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the Schedules.

(e) Paragraphs (b) and (c) do not apply to the use of tin in any form specified in paragraph (b) of this section prior to May 1, 1951 in the completion of any item that was in the process of manufacture or production on March 1, 1951.

§ 27.5 *Limitations on use of pig tin.* Subject to the restrictions of § 27.4 and to the exemption in § 27.9, or unless specifically directed by the National Production Authority, no person shall put into process or otherwise use in manufacturing, treating, installation or construction during the following months, a total quantity by weight of pig tin in excess of the percentages specified with respect to each month of his average monthly use of such forms of tin during the base period:

	Percent
January 1951	100
February 1951	80
March 1951	80

§ 27.6 *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority during the calendar quarter commencing January 1, 1951, no person shall use for maintenance, repair and operating supplies a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That such use is permissible only in connection with items, products or processes included in the attached Schedules and to the extent permitted thereby. No pig tin shall be used for such purposes where secondary tin can be used.

§ 27.7 *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt containing more than 10 percent of tin, copper-base alloys containing 3.5 percent or more tin, or other alloys containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin unless the purchaser furnishes a signed certification as follows:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule____, item____) as follows: [1]

_____
(Specify end use)

[1] In cases coming within the exemption stated in section 27.9, substitute the phrase "implements of war" for the reference to Schedule and item.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached Schedules or for "implements of war," and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) This certification shall not be required in connection with the delivery of: (1) Tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder in lots not exceeding 2 pounds, if in wire form, solid or cored, not over 5/32" in diameter, and containing no more than 40 percent tin by weight; (4) solder in lots not exceeding 5 pounds, if in any other form and containing not more than 35 percent tin by weight; (5) babbitt in lots not exceeding 5 pounds; or (6) printing plates and type metal containing tin for use by the printing, publishing and related services industries.

(c) No person giving a certification under this section may receive, use or dispose of the materials obtained upon such certification contrary to its terms.

§ 27.8 *Defense orders for items containing tin.* Notwithstanding the provisions of Part 11 of this chapter (NPA Reg. 2) which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of §§ 27.4, 27.5, 27.6 and 27.7, unless within the exemption provided in § 27.9 or unless otherwise directed by the National Production Authority.

§ 27.9 *Exemption.* The restrictions of §§ 27.4 and 27.5 shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, National Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

§ 27.10 *Inventories.* In addition to the inventory provisions of Part 10 of this chapter (NPA Reg. 1), it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in the corresponding section of Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
1. Pig tin.	1. 120 days (for manufacture of tin plate); 60 days (for any other use).
2. Copper-base alloys (containing 1.5 percent or more tin).	2. 60 days.
3. Solder, babbitt, and other alloys containing 1.5 percent or more tin (except copper-base alloys).	3. 60 days.
4. All other materials containing tin.	4. 60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10.11 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of this regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in § 27.2, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

§ 27.11 *Export certificates.* Any purchaser of an item included in the attached Schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under § 27.7 the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of § 27.4.

§ 27.12 *Reports and records.* (a) Reports on pig tin:

(1) Any person using 1,000 lbs. or more of pig tin in any calendar month must complete and file report Form NPAF–7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on the last day of any calendar month has in his possession or under his control 1,000 lbs. or more of pig tin must complete and file report Form NPAF–7 with the National Production Authority on or before the 20th day of November 1950, and on or before the 20th day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF–7, or by letter in triplicate with the National Production Authority, on or before the 20th day of November 1950, with respect to all such operations and transactions during October 1950, and on or before the 10th of December and on or before the 10th day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) Reports on Customs Entry: No tin, including without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, U. S. Commercial Company, or any other United States Governmental department, agency or corporation, shall be entered through the United States Collectors of Customs unless the person making the entry shall complete and file with the Collector of Customs Form NPAF–8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF–8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) Records: (1) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(2) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(3) Persons subject to this part shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

(d) All reports required by this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

§ 27.13 *Application for adjustments.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the

relief sought, and shall state the justification therefor.

§ 27.14 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-8.

§ 27.15 *Violations.* Any person who wilfully violates any provision of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and, upon conviction, may be punished by a fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This part, as amended, shall take effect except as otherwise specifically stated on January 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLIESCHMANN,
Acting Administrator.

SCHEDULES

(See § 27.4)

SCHEDULE I—BRASS AND BRONZE

A. CAST COPPER-BASE ALLOYS

Alloys containing 3.5% or more by weight of tin may be cast for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts	(2) 18.
(3) High ratio worm gears, fire engine pump gears, jack nuts, feed nuts, elevating nuts, thrust washers or discs, machine tool spindle bearings	(3) 12.
(4) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings and bushings	(4) 10.
(5) Bearings produced by the process of powder metallurgy	(5) 10.
(6) Steam industrial and aircraft valves, fittings and specialties	(6) 9.
(7) Tablets, markers, and memorials	(7) 3.5.
(8) All other castings	(8) 6.

B. WROUGHT ALLOYS

Pig or secondary tin may be used to make wrought alloys, but the tin content of such alloys must be limited to the amount essential for the particular purpose.

C. COPPER NICKEL ALLOYS

(1) Seats, discs, and bearing surfaces of steam and industrial valves	(1) 12.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 27.4, solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans	(2) 26.
(3) For the sealing of milk cans	(3) 21.

SCHEDULE II—SOLDERS—Continued

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 27.4, solder coating is covered by Schedule IV, and item 13, Schedule VII.)	*Maximum permissible tin content of solder (percent by weight)*
(4) For a filler or smoother for automobile or truck bodies or fenders or for similar purposes.	(4) 20.
(5) Radiators	(5)
(i) All cellular type radiators (average per radiator)	(i) 21.
(ii) All fin and tube type radiators for military and civilian use (average per radiator).	(ii) 30.
(6) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers, aircraft motors, electric-traction motors for railroads, street cars, mine locomotives, railway locomotives and busses (including the dipping of commutator segments); electrical precision instruments; meters; dairy equipment; food processing equipment; hospital and sterilizing equipment.	(6) Unlimited.
(7) For other hand soldering operations done either with a soldering iron or with a torch and wiping.	(7) 40.
(8) For any other soldering operations	(8) 35.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt for the following purposes only	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers or busses.	(2) 90.
(3) For manufacture, repair, maintenance or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines; generators and motors; compressors; pumps; vessels or other ship facilities; electric lomomotives; electric traction motor bearings; stone crusher bearings; saw mill, planing mill, and paper mill machinery.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(1) Dairy equipment, including fluid milk shipping containers, ice cream cans, strainers, pails, and other dairy equipment.	(1) Plate, coat or retin.
(2) Equipment for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) Cutlery and flatware.	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(5) Snap fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) Copper-base alloy wire and strip:	(6)
(i) Wire—0.032" nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032" nominal diameter.	(ii) Coat with alloy containing not more than 12% tin by weight.
(iii) Strip—0.0250" thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to .0004" in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15% tin by weight.
(7) Steel wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 lbs. per sq. in. for manufacture of stranded cable (not including picture wire, fishing leaders and like items) but including musical instrument strings.	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used (this does not include wire for spiral binding and like applications).	
(v) Wire for use in manufacture of equipment for the production of textiles.	
(vi) Wire for manufacture of pin tickets and tag wire in direct contact with garments and other textiles and including dry cleaning and laundry tag use, for pin type card holders and brake strand.	
(vii) Beekeepers' wire for comb construction.	
(viii) Wire for packaging or marking food where wire comes into actual contact with edible portions of the food.	
(ix) Bookbinders' wire or preformed staple wire to be used in foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Stitching of magazines, books, booklets and pamphlets, other than those used solely for advertising purposes.	
(b) Preformed containers for dairy products and other foods and for pull-up tabs for bottles and tubs only where the wire comes into direct contact with the food.	

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(7) Steel wire, for following purposes—Continued	(7) Coat for purposes indicated.
(x) Stitching wire and wire for staples to be used in hand, foot or power operated stitching machines using wire in coils or spools or preformed staples for the following:	
(a) Attaching tabs and tickets to garments, other textiles, leather and imitation leather, and sheet plastics, and for attaching these items to other items or materials;	
(b) Stitching and stapling in industrial manufacturing operations where tinned stitching wire or staples are required for penetration and alternative coatings cannot be used (this does not include wire for office staples, staples for tea bags, book matches or box and carton construction).	
(8) Tin plate and terne plate	(8) Pig or secondary tin may be used to coat tin plate and terne metal containing not more than 15% tin to coat short ternes and roofing ternes and terne metal containing not more than 10% tin may be used to coat all other long ternes in accordance with the specification limits stated in NPA Order M-24.
(9) Sheet (other than tin plate, terne plate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 7% of tin, may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding .00006."
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	*Maximum permissible tin content of foil (percent by weight)*
(1) Electrotypers foil	(1) 30.
(2) Soft babbitt for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions .00035" by 1 inch or less	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50%, and for which other types of liners cannot be used.	(6) Unlimited.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

A. TIN CHEMICALS

Types of tin chemicals	*Permitted use*
(1) Pig tin or tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other Schedules). (2) May be used for any purpose except to make items included in List A.
(2) Tin chemicals (excluding tin oxide) produced from "low-grade" secondary tin-bearing drosses, residues, or scrap metal (See definition in § 27.2).	

B. TIN OXIDE

Production	*Permitted use*
Pig tin cannot be used to make tin oxide except when and to the extent that manufacture is specifically authorized in writing by NPA.	(1) Commencing on March 1, 1951, for the production of green, pink, yellow and red colors in amounts in any one month not in excess of 50% of the average monthly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures.

SCHEDULE VII—MISCELLANEOUS

Items	*Permitted use*
(1) Aluminum alloys containing tin where tin content does not exceed 7% by weight.	(1) For any purpose except to make items included in List A.
(2) Tin pipe, sheet tin and fittings to repair or maintain beverage dispensing units and their parts.	(2) May be made from pig or secondary tin provided the purchaser returns to the supplier a quantity of scrap tin with the same tin content as that supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35% of tin by weight.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15% of tin may be produced if made from secondary tin only.
(11) Fusible alloys and dry pipe seat rings	(11)—
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead base alloys containing not more than 4% tin may be used if the alloys are derived from secondary tin only.
(13) Secondary tin bearing drosses, residues, and scrap metal containing not more than 10% tin.	(13) May be used for any purpose except to make items included in List "A."

LIST A

(See § 27.4)

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: book match clips and staples, paper clips, spiral binders, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Holloware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game and vending machines.
19. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
20. Toys and games.
21. Zinc galvanizing.
22. All other ornamental or decorative purposes.

[F. R. Doc. 51-1659; Filed, Jan. 30, 1951; 10:15 a. m.]

[NPA Order M-27]

PART 101—COLLAPSIBLE TUBES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
101.1 What this part does.
101.2 Definitions.
101.3 Restrictions on use of tin for collapsible tubes.
101.4 Restrictions of use of aluminum in collapsible tubes.
101.5 Other restrictions.
101.6 Exceptions.
101.7 Certification of delivery of collapsible tubes.
101.8 Application for adjustment or exception.
101.9 Records and reports.
101.10 Communications.
101.11 Violations.

AUTHORITY: §§ 101.1 to 101.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, dated January 3, 1951, 16 F. R. 61.

§ 101.1 *What this part does.* This part places restrictions upon collapsible tubes. Schedule A of § 101.3 specifies the amount of tin that may be contained in collapsible tubes. This amount varies according to the products packaged. Part 27 of this chapter (NPA Order M-8, as amended), contains certain limitations on the use of pig tin in the manufacturing of collapsible tubes but permits the use of tin for collapsible tubes in accordance with the provisions of the within order insofar as collapsible tubes specifications are concerned. Section 101.4 specifies the amount of aluminum which may be used in the manufacture of collapsible tubes. Part 26 of this chapter (Order M-7) will exempt from the provisions of that order restrictions on the use of aluminum for collapsible tubes.

§ 101.2 *Definitions.* As used in this part:

(a) "Collapsible tube" means any collapsible container in the shape of a tube made in whole or in part of tin or aluminum. The term also includes all pile pipes in whole or in part made of tin or aluminum.

(b) "Tin" means any material which contains 1.5 percent or more by weight of the element of tin.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

§ 101.3 *Restrictions on use of tin for collapsible tubes.* No person shall purchase, accept delivery of, or use collapsible tubes containing tin for the purpose of packaging products except as specifically permitted in this section. Products may be packaged in collapsible tubes containing tin in accordance with Schedule A, if the tin content by weight of the tube is no greater than the maximum percentages specified in said Schedule A. Regardless of these restrictions no person may use a collapsible tube for any product with a tin content greater than that used for packaging such product as of the effective date of this part. Schedule A follows:

Product	*Permitted tin content of tubes.*
1. Ointments and other preparations for ophthalmic use	Unlimited
2. Sulfa drugs in ointment or jelly form	Do.
3. Diagnostic extracts (allergens)	Do.
4. Morphine or hypodermic injection	Do.
5. Antibiotics and combinations of antibiotics in ointment and jelly forms and antihistamine formulations	Do.
6. (a) Medicinal and pharmaceutical preparations which are intended for introduction into the body orifices (nasal, vaginal, rectal, surgical jelly, etc.)	Not to exceed 12½% by weight of tube.
(b) Medicinal and pharmaceutical ointments (excluding unmedicated petroleum jelly and lanolin)	Do.
7. Food products for human consumption	Unlimited
8. Dental cleansing preparations	Not to exceed 5% by weight of tube.
9. Cosmetic and shaving creams	Not to exceed 3% by weight of tube.

These restrictions shall not apply to collapsible tubes containing less than 1.5 percent of residual tin. These restrictions are subject to the exceptions contained in § 101.6.

§ 101.4 *Restrictions on use of aluminum in collapsible tubes.* After February 1, 1951, no person shall use in the manufacture of collapsible tubes during any calendar month more aluminum than 90 percent of his average monthly use of aluminum for this purpose during the period from August 1, 1950 through November 30, 1950.

§ 101.5 *Other restrictions.* No person shall manufacture, sell or deliver any collapsible tubes or tube blanks which he knows or has reason to believe will be accepted or used in violation of the terms of this part, or any other order or regulation of the NPA.

§ 101.6 *Exceptions.* The provisions of this part do not apply to the use of any collapsible tubes which are in the inventory of the packager, or in the inventory of the collapsible tube manufacturer, or goods in process of manufacture, on the effective date of this order.

§ 101.7 *Certification of delivery of Collapsible tubes.* No manufacturer shall sell or deliver collapsible tubes unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of collapsible tubes from the manufacturer to that purchaser:

To ____, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-27 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

§ 101.8 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 101.9 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 101.10 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-27.

§ 101.11 *Violations.* Any person who wilfully violates any provision of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This part shall take effect on Jan. 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-1663; Filed, Jan. 30, 1951; 10:16 a. m.]

[NPA Order M-25]

PART 102—CANS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.
102.1 What this part does.
102.2 Definitions.
102.3 Restrictions on use of cans.
102.4 Other restrictions.
102.5 Restrictions on amount that may be packed.
102.6 Exceptions.
102.7 Certification of delivery of cans.
102.8 Application for adjustment or exception.
102.9 Records and reports.
102.10 Communications.
102.11 Violations.

AUTHORITY: §§ 102.1 to 102.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Sec. 101, Pub. Law 774, 81st Cong., Sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, dated January 3, 1951, 16 F. R. 61.

§ 102.1 *What this part does.* This part places restrictions upon cans made of tin plate and terne plate. Schedule I sets out plate specifications for cans which vary according to the products packed. This part also limits the use of cans made of tin plate and terne plate. Cans made wholly of black plate are not restricted by this part. Part 23 of this chapter (Order M-24) permits the use of tin plate and terne plate for cans in accordance with the terms of this part. Part 27 of this chapter (Order M-8) sets forth the specifications for solder that may be used in the manufacture of cans.

§ 102.2 *Definitions.* As used in this part:

(a) "Can" means any unused container made in whole or in part of tin plate, terne plate or black plate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tin plate, terne plate or black plate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes", "seconds", and all other forms of tin plate, except waste and waste-waste.

(c) "Terne plate" means steel sheets coated with terne metal and includes "primes" and "seconds". The term does not include terne plate waste-waste, or terne plate waste. "Terne metal" means the lead-tin alloy used as the coating for terne plate, but does not include lead recovered from secondary sources which contains less than 1½ percent residual tin.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tinplate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans, and tinplate and terneplate strips produced in the ordinary course of manufacturing tinplate and terneplate. The term also includes tinplate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Blackplate" means steel sheets (other than tinplate or terneplate) 29 gauge (128 pounds) or lighter. The term includes can manufacturing quality blackplate (CMQ), "blackplate rejects", chemically treated blackplate (CTB), waste-waste, and waste.

(h) "Packer" means any person who uses cans for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

§ 102.3 *Restrictions on use of cans.* No packer shall purchase, accept delivery of, or use a can made in whole or in part of tin plate or terne plate for any purpose other than for packing products listed in Schedule I, and in accordance with the specifications set out in said Schedule I. The restrictions contained in this section and said Schedule I are subject to the exceptions of § 102.6. Schedule I is set out at the end of this part.

§ 102.4 *Other restrictions.* No person shall manufacture, sell or deliver any cans which he knows or has reason to believe will be accepted or used in violation of the terms of this part or any other order or regulation of the NPA.

§ 102.5 *Restrictions on amount that may be packed.* (a) The restrictions of this section do not apply to the packing of those products which are listed in Schedule I and preceded by a single asterisk. However, the restrictions of paragraph (b) of this section do apply to products preceded by a single asterisk if such products are re-packed from other containers.

(b) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any particular product which is listed in Schedule I and preceded by a double asterisk any cans, made in whole or in part of tin plate or terne plate, requiring more than 100 percent of the quantity by area of measurement of tin plate, terne plate and black plate which he used for packing that particular product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

(c) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any other product which is listed in Schedule I any cans, made in whole or in part of tin plate or terne plate, by area of measurement requiring more than 90 percent of the quantity by area of measurement of tin plate, terne plate and black plate which he used for packing such product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

§ 102.6 *Exceptions.* (a) The plate specifications set out in Schedule I do not apply to the use of any cans which are in the inventory of a packer or in the inventory of a can manufacturer or in process of manufacture, or to tin plate or terne plate which was either in process at a tin mill, in the inventory of a tin mill for the account of a can manufacturer or in the inventory of a can manufacturer on the effective date of this part. It is the intent of this section that any tin plate or terne plate intended for use in the manufacture of cans in inventory or process as aforesaid shall be used notwithstanding the plate specifications of this part. However, the restrictions of § 102.5 are not excepted by this paragraph (a).

(b) Until March 31, 1951, .25 pound electrolytic tin plate or SCMT plate may be used in place of black plate for soldered parts on cans where facilities for soldering black plate are not available. This exception is provided to enable manufacturers to equip themselves to solder black plate.

(c) Any person whose total use of cans for packing any product in any calendar year requires less than 250 base boxes of tin plate and terne plate shall be exempt from the use limitations of § 102.5 but not from the plate specifications of Schedule I.

(d) Cans may be used to pack any product provided such product is not to be sold in the same or different form, but this does not permit the use of cans contrary to the provisions of this part for the purpose of aiding or promoting the sale of a product.

(e) (1) Orders having a properly applied DO rating are exempt from the use limitations of this part but not from the plate specifications.

(2) The restrictions in this part shall not apply to military requirements for cans of a special design or style not normally produced or used commercially, nor to cans for emergency rations and supplies for life boats.

§ 102.7 *Certification of delivery of cans.* No manufacturer shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of cans from the manufacturer to that purchaser:

To ----------, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

§ 102.8 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue of exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 102.9 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 102.10 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M–25.

§ 102.11 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This part shall take effect on January 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

SCHEDULE I—CAN SPECIFICATIONS

Columns 2 and 3 specify the weights of tincoating per base box of tinplate and terneplate which may be used for the parts of cans for the products listed in column 1. Any packer may also use for packing a listed product blackplate cans or cans with a tin coating lighter than that specified for that product. Wherever .25 lb. electrolytic tinplate is specified SCMT may be used. Tinplate menders arising in the production of electrolytic tin plate may be used without regard to the weight of coating for any purpose where .50 lb. electrolytic tin plate is permitted under this Schedule. Where menders arising cannot be used to replace .50 lb. electrolytic tin plate, they may be used to replace any electrolytic tin plate. When only a figure is given in columns 2 or 3 this means that tin plate may be used for the part and the figures given indicate the maximum weight of tin coating on each base box of plate. Reference is made to § 102.5 for restrictions on amount that may be packed and meaning of the asterisks preceding certain products.

CAN MATERIALS

Product	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)
Fruit and Fruit Products		
1. **Apples, baked, processed	1.50	1.50
2. *Apples, quartered and sliced, processed	1.25	.50
3. **Apple butter	1.50	1.50
4. *Apple juice, single strength, processed:		
Enameled cans	1.50	1.50
Plain bodies	1.25	.50
5. *Apple sauce, processed	1.25	.50
6. *Apricots, whole or halves, processed	1.25	.50
7. **Apricots, concentrate, processed	1.50	.50
8. **Apricots, spiced, processed	1.50	.50
9. **Apricot nectar, processed	1.25	.50
10. **Bananas and pulp, processed	1.25	.50
11. *Berries, processed	1.50	1.50
Includes the following: Blackberries. Blueberries. Boysenberries. Cranberries, whole or sauce. Dewberries. Elderberries. Huckleberries. Loganberries. Raspberries. Strawberries. Youngberries.		
12. *Cherries, dark sweet, processed	1.50	1.50
13. **Cherries, Maraschino	1.50	1.50
14. *Cherries, red sour, processed	1.50	1.50
15. *Cherries, light sweet, processed	1.25	.50
16. **Cider	Same as apple juice	
17. **Crabapples and juice	Same as apples and apple products.	
18. **Crabapples, spiced, processed:		
Enamel cans	1.50	1.50
Plain bodies	1.50	.50
19. **Currants, processed:		
Enamel cans	1.50	1.50
Plain bodies	1.25	.50
20. *Figs, processed	1.25	.50
21. **Fruits, dehydrated or dried (except prunes):		
5 gallon square can	.50	.50
Other sizes	.25	.25
22. *Fruits, frozen—all varieties	.25	.25
23. *Fruit cocktail, incl. fruits for salad and mixed fruits, processed	1.25	.50
24. *Fruit juice concentrate, frozen	.25	.25
Includes the following: Apple. Cherry. Cranberry. Grape.		
25. *Fruit juice, single strength, processed	1.50	1.50
Includes the following: Boysenberry. Cherry. Cherry-apple blend. Cranberry. Raspberry. Raspberry-apple blend. Loganberry.		
26. *Fruit pulp and puree (except baby food)	Same as non-pureed fruits	
27. *Gooseberries, processed	1.25	.50
28. **Grape ade, ready to drink, processed	1.25	1.25
29. **Grape ade base, processed	1.50	1.50
30. **Grapes, processed (Thompson seedless)	1.25	.50
31. **Grapes, processed, colored	1.50	1.50
32. **Grapes, spiced (Thompson seedless)	1.50	1.50
33. *Grape juice, concentrate, processed	1.50	1.50
34. *Grape juice, single strength, processed	1.25	1.25
35. *Grapefruit (segments) processed	1.25	1.25
36. *Grapefruit juice concentrate, frozen	.25	.25
37. *Grapefruit juice concentrate, processed	1.25	1.25
38. *Grapefruit juice, single strength, processed	1.25	1.25
39. *Grapefruit and orange segments, processed	1.25	1.25
40. *Grapefruit-orange and other citrus juice blends concentrate, frozen	.25	.25
41. *Grapefruit-orange and other citrus juice blends concentrate, processed	1.25	1.25
42. *Grapefruit-orange and other citrus juice blends single strength, processed	1.25	1.25

CAN MATERIALS—Continued

Product	Soldered or welded parts	Non-soldered parts
(1)	(2)	(3)
Fruit and Fruit Products—Continued		
43. **Fruit jams, jellies, preserves and butters:		
From red fruits	1.50	1.50
From all other fruits	1.25	.50
44. *Lemon juice, single strength, frozen	.25	.25
45. *Lemon juice, single strength, processed	1.25	1.25
46. *Lemon juice concentrate, frozen	.25	.25
47. *Lemon juice concentrate, processed	1.50	1.50
48. **Lemonade, ready to drink, processed	1.25	1.25
49. **Lemonade base concentrate, frozen	.25	.25
50. **Lemonade base concentrate, processed	1.50	1.50
51. *Lime juice, frozen	.25	.25
52. *Lime juice, processed	1.25	1.25
53. **Marmalades	Same as jams	
54. *Nectarines	Same as peaches	
55. *Olives, whole and chopped, green and green ripe	1.25	1.25
56. *Olives, whole and chopped, ripe	1.50	1.50
57. **Orangeade, ready to drink, processed	1.25	1.25
58. *Orange segments, processed	1.25	1.25
59. *Orange juice, single strength, frozen	.25	.25
60. *Orange juice, single strength, processed	1.25	1.25
61. *Orange juice concentrate, frozen	.25	.25
62. *Orange juice, concentrate, processed	1.50	1.50
63. **Papayas and papaya products, processed	1.25	1.25
64. *Peaches, whole, halves, quarters, diced and sliced, processed	1.25	.50
65. **Peaches, spiced, processed	1.50	.50
66. *Peach concentrate, processed	1.25	.50
67. **Peach nectar, processed	1.25	.50
68. **Pears, baked	1.50	1.50
69. *Pears, whole, halves, quarters, diced and sliced, processed	1.25	.50
70. **Pears, spiced, processed	1.50	.50
71. *Pear concentrate, processed	1.25	.50
72. **Pear nectar, processed	1.25	.50
73. *Pectin, liquid	1.50	1.50
74. *Pineapple and pineapple juice, processed	1.25	1.25
75. *Pineapple-grapefruit juice, processed	1.25	1.25
76. *Plums, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
77. **Plum Butter	1.50	1.50
78. **Plum nectar, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
79. **Prunes, dehydrated or dried	1.25	.50
80. **Prunes, dried, in syrup	1.50	1.50
81. *Prunes, fresh, in syrup, processed	1.50	1.50
82. **Prune nectar, processed	1.50	1.50
83. **Prune juice, from dried prunes	1.50	1.50
84. **Quinces, processed	1.25	.50
85. *Tangerine juice, single strength and concentrate	Same as orange	
Vegetable and Vegetable Products		
86. **Artichokes, acidified, processed	1.25	.50
87. *Asparagus, processed	1.25	1.25
88. **Bamboo sprouts, processed	1.25	.25
89. **Beans, dry, soaked, processed. All varieties:		
With sweetened sauce (Boston style)	.25	.25
With chili sauce	.50	.50
With plain sauce or brine	.25	.25
With tomato sauce	1.25	.25
90. *Beans, fresh shelled, processed all varieties	.25	.25
91. *Beans, green and wax, processed	1.25	.25
92. **Bean sprouts, processed	1.25	.25
93. *Beets, processed	1.25	1.25
94. **Beets, pickled	1.50	1.50
95. **Broccoli, processed	1.25	.25
96. *Brussel sprouts, processed	1.25	.25
97. **Cabbage, processed	1.25	.25
98. **Cabbage, red, acidified, processed	1.50	1.50
99. *Carrots, processed	1.25	.25
100. *Carrot juice, processed	1.25	.25
101. *Carrots and peas, processed	1.25	.25
102. **Cauliflower, processed	1.25	.25
103. **Celery, processed	1.25	.25
104. **Celery juice, processed	1.25	1.25
105. **Chick peas, dry, soaked, processed	.25	.25
106. *Corn, cream style and whole grain, processed	.25	.25
107. **Corn-on-cob, processed	.25	.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Vegetable and Vegetable Products—Con.		
08. *Green Leafy Vegetables, Processed:		
Plain	1.25	.25
Chopped and pureed	1.25	1.25
Includes the following:		
Beet greens.		
Chard.		
Collard greens.		
Dandelion greens.		
Kale.		
Spinach.		
Turnip greens.		
109. **Lentils, dry, soaked, processed	.25	.25
110. *Mushrooms, processed:		
Whole, sliced, stems and pieces	1.25	.25
Broiled in butter	.25	.25
111. *Okra, with and without tomatoes, processed	1.25	.25
112. **Onions, acidified, processed	1.25	1.25
113. **Parsnips, processed	1.25	.25
114. *Peas, all varieties, fresh, processed	.25	.25
115. *Peas, green, fresh, processed	.25	.25
116. **Peas, dry, soaked, processed	.25	.25
117. *Peppers and pimientos, processed	1.25	.25
118. **Pickles and pickled relishes	1.50	1.50
119. *Potatoes, sweet, processed	1.25	.25
120. **Potatoes, white, processed	1.25	.25
121. *Pumpkin and squash, processed	1.25	1.25
122. **Rhubarb, processed	1.50	1.50
123. **Rutabagas, processed	1.25	.25
124. *Sauerkraut, (including juice)	1.50	1.50
125. *Sauerkraut & tomato juice blend	1.50	1.50
126. *Succotash, processed	.25	.25
127. *Tomatoes, processed	1.25	.25
128. *Tomato juice, processed	1.25	.25
129. *Tomato juice cocktail (spices only added), processed	1.25	.25
130. *Tomato juice concentrate, frozen	.25	.25
131. *Tomato paste, processed	1.25	.25
132. *Tomato sauce, processed	1.25	.25
133. *Tomato pulp & puree, processed	1.25	.25
134. *Tomato catsup, chili sauce and cocktail sauce:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
135. *Tomato juice with other vegetable juices	1.25	1.25
136. **Turnips, processed	1.25	.25
137. *Vegetables, dehydrated:		
Round double seamed cans	.25	CMQ
5 gallon square cans	.50	CMQ
138. *Vegetables, frozen	.25	.25
139. *Vegetables, mixed, processed	1.25	.25
Fish and Shell Fish		
140. *Abalone	.25	.25
141. *Alewives	.25	.25
142. *Anchovies	.25	.25
143. **Caviar	.25	.25
144. **Chowder, all varieties:		
Inside enameled cans	.25	.25
Plain body cans	1.25	.25
145. *Clams, processed	.25	.25
146. *Clam juice	.25	.25
147. **Codfish, salted, dry	.25	.25
148. **Crab, deviled	.25	.25
149. *Crabmeat, processed	.25	.25
150. *Crawfish	.25	.25
151. *Eels	.25	.25
152. *Finan haddie:		
In round cans	.25	.25
In oval cans	1.25	1.25
153. **Fish balls and cakes	.25	.25
154. **Fish frankfurters	.25	.25
155. *Fish and seafood, frozen or refrigerated	.25	.25
156. *Fish flakes and ground fish for human consumption only	.25	.25
157. *Fish livers:		
In reusable 5 gallon square cans	1.25	1.25
In non-reusable 5 gallon square cans	.50	.50
158. *Fish oil in 5 gallon square cans	.50	.50
159. *Fish paste	.25	.25
160. **Fish, pickled	1.50	1.50
161. *Fish roe:		
In round double seamed cans	.25	.25
In oval drawn cans	.50	.50
162. *Halibut	.25	.25
163. *Herring, in oil or brine (including sardines, pilchards and mackerel):		
Round cans	.25	.25
¼ drawn cans	.25	.25
½—3 piece cans	.50	.50
Oval, drawn or oblong (other than ¼ drawn)	.50	.50
1.25 may be used for scored covers		

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Fish and Salt Fish—Continued		
164. *Herring, in tomato or mustard sauce (including sardines, pilchards and mackerel):		
In oval drawn or oblong cans	.50	.50
1.25 may be used for scored covers		
165. Lobster:		
*Processed	.25	.25
**Newburg	.25	.25
166. *Menhaden	.25	.25
167. *Mullet	.25	.25
168. *Mussels:		
Fresh Shucked	.25	.25
Processed	.25	.25
169. *Oysters: processed	.25	.25
170. *Salmon:		
In round double seam cans	1.25	.25
In oval or drawn cans	.50	.50
171. *Scallops: processed	.25	.25
172. *Shad		
In round double seam cans	.25	.25
In oval or drawn cans	.50	.50
173. *Shrimp: Processed	.25	.25
174. *Squid:		
In inside enameled cans	.25	.25
Plain body cans	1.25	.25
175. *Tuna	.25	.25
176. *Turtle	.25	.25
Dairy Products		
177. **Butter and Butter Substitutes	.25	.25
178. **Butter oil:		
5 gal. square cans	.50	.50
Other cans	.25	.25
179. **Buttermilk, dry	CMQ	CMQ
180. **Cheese:		
Reusable containers	1.25	1.25
Cottage, grated or processed	.25	.25
181. **Malted and other milk formulations, dry	CMQ	CMQ
182. **Chocolate and other flavored: milk, liquid	.25	.25
183. *Cream:		
Fresh or frozen	.50	.50
Sterilized	.25	.25
184. *Goat milk	.25	.25
185. **Ice cream	.25	.25
186. **Ice cream mix:		
Dry	CMQ	CMQ
Wet	.25	.25
187. **Milk, dry, whole or skimmed:		
50# and 5 gallon square cans	.50	.50
All other cans	CMQ	CMQ
188. *Milk, fresh, frozen or refrigerated:		
5 gallon square cans	.50	.50
189. *Milk, liquid, condensed, sweetened	.75	.75
190. *Milk, liquid, evaporated and modifications of evaporated milk:		
14½ ounces or larger:		
Body	1.25	
Ends	.75	.75
Under 14½ ounces	.75	.75
Meat		
191. **Bacon:		
All seams soldered	1.25	1.25
Side seams only soldered	.25	.25
192. **Barbecued meat:		
Plain body	1.25	1.25
Inside enameled	.50	.50
193. **Beef, veal, mutton or pork (boiled, broiled, braised, corned, roasted):		
All seams soldered	1.25	1.25
Side seams only soldered	.25	.25
194. **Beef, dried	.25	.25
195. **Beefsteak	.25	.25
196. **Brains	.25	.25
197. **Chili con carne	.50	.50
198. **Frankfurters in brine	.25	.25
199. **Frankfurters with beans and tomato sauce	1.25	.25
200. **Frankfurters with barbecue sauce	1.25	1.25
201. **Frankfurters with sauerkraut	1.50	1.50
202. **Ham a la king	.25	.25
203. **Ham and eggs	.25	.25
204. **Ham, deviled	1.25	1.25
205. **Ham, spiced or chopped (including luncheon meat)	1.25	.25
206. **Hamburger with or without onions	.25	.25
207. **Hash, meat (including corned beef hash)	.25	.25
208. **Meat and beans with tomato sauce	1.25	.25
209. **Meat and gravy (including goulash)	.25	.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Meat—Continued		
210. **Meat balls	.25	.25
211. **Meat loaf	.25	.25
212. **Meat in vinegar	1.50	1.50
213. **Meats, refrigerated (including fancy meats or offal)	.25	.25
214. **Meat spreads with or without liver	.25	.25
215. **Pork and soya links	.25	.25
216. **Potted meat	.25	.25
217. **Sausage (including bulk, in casings, in oil, pork or vienna)	.25	.25
218. **Scrapple	.25	.25
219. **Spareribs and sauerkraut	1.50	1.50
220. **Stew, meat type (including beef, brunswick and kidney)	.50	.50
221. **Tamales	.50	.50
222. **Tongue	.25	.25
223. **Tripe	1.25	1.25
224. **Veal and noodles	.25	.25
225. **Chicken, or turkey, boned	.25	.25
226. **Chicken and noodles	.25	.25
227. **Chicken and veal with noodles	.25	.25
228. **Chicken or turkey a la king	.25	.25
229. **Chicken, fat	.25	.25
230. **Chicken, friesse	.25	.25
231. **Chicken or poultry spreads	.25	.25
232. **Chicken livers and liver spread	.25	.25
233. **Chicken, whole, half or disjointed	.25	.25
234. **Pheasant	.25	.25
235. **Squab	.25	.25
236. **Turkey, disjointed	.25	.25
Miscellaneous foods		
237. **Almond paste	.25	.25
238. Animal and pet food	.25	.25
239. **Aspic	1.25	.25
240. *Baby food:		
Fruit base type	1.50	1.50
Vegetable base type	1.25	1.25
Meat base type	.50	.50
Fish base type	.50	.50
Custards and puddings (non-fruit type)	.50	.50
Dry or powdered milk formulas	CMQ	CMQ
241. **Bakery products:		
A. Less than 15 percent moisture	.25	CMQ
B. More than 15 percent moisture	.25	.25
Including the following:		
Biscuits.		
Bread.		
Bread crumbs.		
Cakes.		
Crackers.		
Crackermeal.		
Cookies.		
Doughnuts.		
Ice cream cones.		
Pretzels.		
Wafers.		
242. **Baking mixes, dry	CMQ	CMQ
243. **Baking powder	CMQ	CMQ
244. **Barbecue sauce	1.25	.25
245. Beer and ale	.25	.25
246. **Bouillion cubes	CMQ	CMQ
247. **Candied fruit	.50	.50
248. **Candy and confectionery	CMQ	CMQ
249. **Cereals and flours	CMQ	CMQ
Including the following:		
Rolled oats.		
Wheat germ.		
Grain flours.		
Breakfast foods.		
Corn meal.		
250. **Chocolate and cocoa, dry	CMQ	CMQ
251. **Chocolate pudding, dry	CMQ	CMQ
252. **Chocolate syrup	.25	.25
253. **Chop suey	1.25	.25
254. **Chow mein	1.25	.25
255. **Citrus peel, moist	1.25	1.25
256. **Cocoanut, moist	.25	.25
257. **Coffee, dry:		
5# and smaller cans	CMQ	CMQ
10# and larger cans	.50	CMQ
258. **Coffee, liquid concentrate, frozen	.25	.25
259. **Coffee, soluble	CMQ	CMQ
260. **Coffee substitutes, dry	CMQ	CMQ
261. **Cornmeal mush, processed	.25	.25
262. **Crepe Suzettes	.25	.25
263. **Dessert powder	CMQ	CMQ
264. **Dextri-maltose	CMQ	CMQ
265. **Dietary foods, special formula:		
Dry	CMQ	CMQ
Wet	.50	.50
266. **Dry food specialties	CMQ	CMQ
Including the following:		
Popcorn.		
Popped corn.		

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Miscellaneous foods—Continued		
266. Dry food specialties—Continued		
Including the following—Con.		
Nutmeats.		
Peanuts.		
Potato chips.		
Fried noodles.		
Macaroni.		
Spaghetti.		
Noodles.		
Other dry products.		
267. Eggs:		
**Dry powdered	.25	CMQ
*Frozen	.25	.25
268. **Enchiladas	.25	.25
269. **Food stabilizers	CMQ	CMQ
270. **Fountain fruits and syrups:		
Fruit and other syrups	1.25	1.25
Toppings nonacid in character	.50	.50
Carbonated beverage base syrups	1.50	1.50
271. **Fruit cakes:		
Hermetic cans	.25	CMQ
Nonhermetic cans	CMQ	CMQ
272. **Gelatin deserts, other than powder	1.25	.25
273. **Hominy, processed	.25	.25
274. *Honey:		
All seams soldered	1.25	1.25
Only side seams soldered	.25	.25
275. **Lard:		
5 gallon square cans	.50	.50
All other cans	CMQ	CMQ
276. **Lima bean loaf	.25	.25
277. **Macaroni, noodles and spaghetti, wet pack	1.25	.25
278. **Mayonnaise (including salad dressing)	1.50	1.50
279. **Milk sugar, dry	CMQ	CMQ
280. **Mincemeat	1.50	1.50
281. **Mushroom sauce	1.25	.25
282. **Peanut and other edible nut butters	CMQ	CMQ
283. **Oils, edible:		
5-gallon squares	.50	.50
Other sizes	.25	CMQ
284. **Onions, French fried	.25	CMQ
285. **Plum pudding, including spiced pudding	1.25	1.25
286. **Potatoes, french fried, shoestring and sticks	.25	CMQ
287. **Potato salad	1.25	1.25
288. **Ravioli	1.25	.25
289. **Rice, plain, processed	.25	.25
290. **Rice, Spanish (including rice dinner), processed	1.25	.25
291. **Shortening	CMQ	CMQ
292. **Soups, dehydrated:		
Round double seamed cans	.25	CMQ
5 gallon square cans	.50	CMQ
293. Soups, liquid:		
*Seasonal from fresh vegetables only:		
Tomato, vegetarian vegetable	1.25	.25
All other seasonal	.50	.50
**Nonseasonal:		
Black bean, bean with bacon	1.25	.25
Chicken with noodles or rice	.50	.50
All other nonseasonal	.75	.50
294. **Soybean milk	.25	.25
295. **Spices and condiments:		
Prepared	1.50	1.25
Dry	CMQ	CMQ
Dredges and sifter tops		1.25
296. **Steak sauce, with mushrooms	1.25	.25
297. **Syrups:		
All seams soldered	1.25	1.25
Double seamed oblong	1.25	.25
Double seamed round	.25	.25
Irregular shaped	.25	.25
Includes the following syrups and blends:		
Cane.		
Corn.		
Corn blends.		
Molasses.		
Malt.		
Maple.		
Sorghum.		
298. **Tea, dry	CMQ	CMQ
299. **Yeast, dry	CMQ	CMQ
Non Food Products		
300. Aniline	1.25	1.25
301. Artists and school supplies (including water color boxes, trays, pans, cups, chalk and crayon boxes and all others)	CMQ	CMQ
302. Anti-freeze (all types)	CMQ	CMQ
303. Asphalt, pitch, tar	CMQ	CMQ

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Non Food Products—Continued		
304. Auto supplies:		
Liquid radiator antirust compounds	.50	.50
Radiator stop leaks	.50	.50
Hydraulic brake fluid	.25	.25
Shock absorber fluid	.25	.25
Tire preserver	.25	.25
Top dressing paste and liquid	.25	.25
Carbon removers	.25	.25
Gasoline additives	.25	.25
All others	CMQ	CMQ
305. Bee feeder cans	.25	.25
306. Belt dressing	CMQ	CMQ
307. Cements:		
Water base linoleum	1.25	1.25
Rubber, latex type	1.25	1.25
Rubber, neoprene	1.25	1.25
Solvent base linoleum	.25	.25
Rubber base liquid and paste	.25	.25
All others	CMQ	CMQ
308. Chemicals, dry:		
Phenols	1.50	1.50
Phosphorus	1.25	1.25
Ammonium salts	1.25	1.25
Hypochlorite powders	.25	.25
Permanganates	.25	CMQ
Sodium and potassium metals	.25	CMQ
All others	CMQ	CMQ
309. Chemicals, liquid:		
*Alcohols, CP and USP	1.25	1.25
*Chloroform and ether USP	1.25	1.25
Aldehydes and halogenated hydrocarbons	.25	.25
Carbon disulfide	.25	.25
Carbon tetrachloride	.25	.25
Ketones, ethers, glycols	.25	.25
Sodium silicate	.25	.25
Alcohol, industrial	CMQ	CMQ
310. Cleaners:		
Window spray	1.25	1.25
Wall paper	1.25	1.25
	or 8# terne	
Radiator, liquid	.50	.50
Cleaners, liquid or paste	.25	.25
Cleaning Fluids, Solvent Type	.25	.25
All others dry or powder	CMQ	CMQ
311. Compounds:		
Boiler, liquid	.50	.50
Caulking or sealing	.25	CMQ
Grinding and buffing	.25	CMQ
Soldering or welding	.25	CMQ
All others	CMQ	CMQ
312. Cosmetic and toiletry supplies:		
Brushless shaving cream	.75	.75
Drawn parts		1.25
Hair dressings and pomades	.50	.50
Cold creams, lotions and hair wave preparations	.25	.25
All others, including personal and other powders	CMQ	CMQ
313. Dental supplies:		
Tooth powder, ammoniated	.25	.25
All others, including nonammoniated tooth powder	CMQ	CMQ
314. Disinfectants and deodorizers:		
Creosote	.50	.50
Fumigants	.50	.50
Liquid formulations	.50	.50
Pine oil	.25	.25
315. Drugs:		
Ointments and salves	.50	.50
*Blood plasma (outer container)	.25	.25
Distilled water (outer container)	.25	.25
Ampoules	.25	.25
Dry products	CMQ	CMQ
316. Dyes:		
Pastes and liquids	.50	.50
Dry	.25	CMQ
317. Essential oils	1.25	1.25
318. Exterminators: paste and powders	.25	.25
319. Film boxes	.50	.50
320. First aid cabinets and kits	CMQ	CMQ
321. Glues, pastes and adhesives:		
Moist pastes and glues	1.25	1.25
Dry powders	CMQ	CMQ
322. Glycerine:		
CP and USP	1.25	1.25
Industrial	.50	.50
323. Grain fumigant	.50	.50
324. Graphite:		
In oil	.25	.25
Dry	CMQ	CMQ
325. Lubricating grease	CMQ	CMQ
326. Lye and drain and toilet bowl cleaners	CMQ	CMQ
327. Inks:		
Spirit aniline	.50	.50
Rotogravure	.50	.50
Printing, duplicating	.25	.25
328. Insecticides:		
Nicotine sulphate	1.50	1.50

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Non Food Products—Continued		
328. Insecticides—Continued		
Water base	1.25	1.25
Emulsifiable concentrate	1.25	1.25
Oil base	.25	.25
Dry	CMQ	CMQ
329. Leather dressings, saddle soap	.50	.50
330. Oils (Industrial, vegetable):		
Animal or fish	.50	.50
Transformer	.50	.50
Soluble and cutting	.25	CMQ
Lubricating and motor:		
5 gallon square cans	SCMT	SCMT
1 quart and 5 quart round	CMQ	CMQ
All other	.25	.25
or	SCMT	SCMT
331. Paint products:		
Anti-fouling paints	1.50	1.50
	or 12# terne	
Oil base paints	CMQ	CMQ
Water base paints	.25	.25
or		SCMT
Lacquers and thinners	.25	.25
Asphalt paints	CMQ	CMQ
Shellac	8# terne	
Dry pigments, bronze powders	CMQ	CMQ
Paint and varnish removers	.25	.25
Varnishes and oil or shingle stains	.25	CMQ
332. Plaster of paris	CMQ	CMQ
333. Plastic wood	1.25	1.25
334. Polishes and waxes:		
Water base	.50	.50
Solvent base	.25	CMQ
Shoe, paste	CMQ	CMQ
Shoe, liquid	8# terne	
335. Putty	.25	CMQ
336. Recreational supplies:		
Vacuum or pressure packages	.25	CMQ
All other	CMQ	CMQ
337. Seeds	CMQ	CMQ
338. Seed inoculants	.50	.50
339. Snuff	.50	.50
340. Soap and detergents:		
Liquid	1.25	1.25
Paste	.25	.25
Powders	CMQ	CMQ
341. Stock and poultry food:	CMQ	CMQ
Dry products		
Containing 15 percent or more moisture	.25	.25
342. Stock, pet and poultry remedies:		
Roost paint	1.25	1.25
Liquids, worm killer, sheep and cattle dip, sheep and horse drench:		
For internal use	1.25	1.25
For external use	.25	.25
Dry products	CMQ	CMQ
343. Surgical dressings and hospital supplies, bandages, adhesive tape, mustard plasters, etc	CMQ	CMQ
344. Tobacco:		
Cigars and cigarettes	.25	CMQ
Pipe tobacco	CMQ	CMQ
345. Turpentine	.50	.50
346. Wood filler	.25	CMQ
347. Miscellaneous items:		
Bottle seal cap solution	1.25	1.25
Brush keepers	.25	CMQ
Cremation boxes	1.25	1.25
Explosives	.25	.25
Weed killers	.50	.50

[F. R. Doc. 51-1661; Filed, Jan. 30, 1951; 10:15 a. m.]

[NPA Order M-26]

PART 103—TIN-PLATE CLOSURES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However,

consultation with representatives of all trades and industries affected in advance of the issuance of this order, has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

Sec.

103.1 What this part does.
103.2 Definitions.
103.3 Restrictions on use of tin-plate closures.
103.4 Other restrictions.
103.5 Exceptions.
103.6 Certification of delivery of tin-plate closures.
103.7 Application for adjustment or exception.
103.8 Records and reports.
103.9 Communications.
103.10 Violations.

AUTHORITY: §§ 103.1 to 103.10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, dated January 3, 1951, 16 F. R. 61.

§ 103.1 *What this part does.* This part places restrictions upon tinplate closures. Schedule A of § 103.3 specifies the maximum tin coatings for tin-plate closures. This maximum varies according to the products packed. This part does not restrict the use of closures made of any material other than tin plate. Part 23 of this chapter (Order M–24) permits the use of tin plate for tin-plate closures in accordance with the terms of this part.

§ 103.2 *Definitions.* As used in this part:

(a) "Tin-plate closures" means any new sealing or covering device made of tinplate and affixed or to be affixed to a glass container, and also includes crowns made of tin plate and affixed or to be affixed to a glass or metal container, for the purpose of retaining the contents within the container.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes", "seconds", and all other forms of tin plate except waste and waste-waste.

(c) "Waste" means scrap tin plate, and includes strips and circles produced in the ordinary course of manufacturing tin plate or tin-plate closures.

(d) "Waste-waste" means hot dipped or electrolytic tin coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(e) "Packer" means any person who uses tinplate closures for commercially packing any product.

(f) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

§ 103.3 *Restrictions on use of tinplate closures.* (a) No packer shall purchase, accept delivery of, or use tinplate closures for the purpose of packing products except as specifically permitted in this section. Tin plate closures may be used for packing the classes of products listed in Schedule A below if they comply with the tin plate specifications set out in said Schedule A. The tin plate specifications set out in said Schedule A indicate the maximum number of pounds per base box of tin coating permitted for the particular products listed.

(b) Schedule A:

Product	*Tin plate specifications (maximum pounds of tin coating per base box)*
1. All food products (excluding malt beverages and nonalcoholic beverages) if preserved in a hermetically sealed container made sterile by heat	1.50
2. Olives, pickles, relishes, sauces, vinegar, french dressing, flavoring extracts, spices, mustard, horseradish, and cherries	.75
3. All other products except malt beverages and nonalcoholic beverages	.50
4. Malt beverages, including only beer, ale, porter, near beer and mixtures thereof. Nonalcoholic beverages, including only carbonated soft drinks, noncarbonated soft drinks, unflavored carbonated waters and unflavored naturally carbonated and still waters, drinks consisting of fruit juices, vegetable juices and combinations thereof, where less than 85% by weight of such drinks is pure fruit juices, vegetable juice, or a mixture thereof, and sterilized milk drinks made with powdered milk	.25

These restrictions are subject to the exceptions contained in § 103.5.

§ 103.4 *Other restrictions.* (a) No person shall manufacture, sell, or deliver any tin plate closures which he knows or has reason to believe will be accepted or used in violation of the terms of this part, or any other order or regulation of the NPA.

(b) In the manufacture of home canning tin plate closures, no person shall use any tin plate with a tin coating in excess of .50 lb. per base box for the manufacture of top seal lids, or in excess of .25 lb. per base box for the manufacture of bands, or jelly glass lids.

§ 103.5 *Exceptions.* (a) The restrictions in this part shall not apply to military requirements for tin plate closures of a special design or style not normally produced or used commercially nor to tin plate closures for emergency rations and supplies for life boats.

(b) The provisions of this part do not apply to the use of any tin plate closures which are in the inventory of the packer, or in the inventory of the tin plate closure manufacturer, or in process of manufacture, or any tin plate in inventory at a tin mill for the account of the tin plate closure manufacturer on the effective date of this part. It is the intent of this part that any tin plate intended for use in the manufacture of tin plate closures in inventory or process as aforesaid shall be used notwithstanding the provisions of § 103.3.

§ 103.6 *Certification of delivery of tin-plate closures.* No person shall sell or deliver tin-plate closures to a packer (except to a retail pharmacist) unless he has received from such packer a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of tin-plate closures from the manufacturer to that purchaser:

To ----------, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-26 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

§ 103.7 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 103.8 *Records and reports.* (a) Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 103.9 *Communications.* All communications concerning this part shall be addressed to the National Production Authority, Washington 25, D. C., Ref: *M–26.*

§ 103.10 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Note: All reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This part shall take effect on January 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51–1662; Filed, Jan. 30, 1951; 10:16 a. m.]

[NPA Order M–20 as amended January 29, 1951]

PART 24—IRON AND STEEL SCRAP

This amendment to Order M–20 is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the amendment affects a large number of users in different trades and industries.

This amendment affects NPA Order M–20 as follows:

It amends the present §§ 24.1, 24.2 and 24.4; eliminates the present § 24.3; redesignates as § 24.3 the present § 24.4; adds new sections designated §§ 24.4, 24.5 and 24.10; and redesignates the present §§ 24.5, 24.6, 24.7, 24.8 and 24.9, respectively, as §§ 24.6, 24.7, 24.8, 24.9 and 24.11. As amended, this part (M–20) is revised to read as follows:

Sec.

24.1 What this part does.
24.2 Definitions.
24.3 Restrictions on shippers.
24.4 Restrictions on consumers.
24.5 Allocations and directives.
24.6 Application for adjustment or exception.
24.7 Communications.
24.8 Records.
24.9 Audit and inspection.
24.10 Reports.
24.11 Violations.

AUTHORITY: §§ 24.1 to 24.11 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

§ 24.1 *What this part does.* This part establishes inventory limitations for iron and steel scrap and subjects such scrap to allocation to assure its distribution in the interest of national defense.

§ 24.2 *Definitions.* As used in this part: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is the principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescense, failure or other reasons, including therein iron and steel rail and axles for rerolling purposes.

(c) "Shipper" means any person engaged in the business of scrap dealer, scrap broker or automobile wrecker, and any person (except a person engaged in demolition, shipbreaking or other long-term projects) engaged in any business in the course of which scrap results, accumulates, or is generated or produced.

(d) "Consumer" means any person who melts scrap in the course of manufacture of iron, steel or ferro-alloys, and includes persons engaged in the operating of blast furnaces or in the rerolling of iron or steel rails or axles. If the business of any consumer is carried on in or by more than one operating unit, each operating unit shall constitute a consumer within the meaning and intent of this part.

§ 24.3 *Restrictions on shippers.* (a) No shipper, in any 60-day period, may receive delivery of any scrap the total of which will have the effect of increasing his inventory working position beyond a practicable minimum working inventory or beyond the average of his inventory position during the last preceding 60-day period, whichever is the lesser: *Provided, however,* That the prohibition set forth in this section shall not extend to those engaged in normal seasonal accumulation of scrap for subsequent water shipments.

(b) No shipper shall accept an order for, sell or deliver scrap which, or any part of which, he knows or has reason to believe will be accepted, received, held or used in violation of any provision of this part.

§ 24.4 *Restrictions on consumers.* The National Production Authority from time to time may establish, with respect to the scrap inventory of consumers, limitations either greater or less than the limitations established by the provisions of Part 10 of this chapter (NPA Reg. 1). The permissible scrap inventory of a consumer which is subject to a limitation established under this section and differing from the limitation established by the provisions of Part 10 of this chapter shall for the purposes of this section be known as an emergency inventory. No customer may receive or accept delivery of scrap if his inventory thereof is, or by such receipt would become, more than a practicable minimum working inventory, or, if NPA shall have established with respect to such consumer an emergency inventory, more than such emergency inventory as of the date of the proposed receipt. In figuring his inventory a customer must include all scrap in his possession or held for his account by others, but not that held by him for the account of others.

§ 24.5 *Allocations and directives.* The National Production Authority from time to time may allocate scrap and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee or amount of scrap to be delivered or acquired by such person.

§ 24.6 *Application for adjustment or exception.* Any person affected by any provision of this part may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 24.7 *Communications.* All communications concerning this part shall be addressed to National Production Authority, Washington 25, D. C., Ref: Order M–20.

§ 24.8 *Records.* Each person participating in any transaction covered by this part shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this part have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

§ 24.9 *Audit and inspection.* All records required by this part shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

§ 24.10 *Reports.* Persons subject to this part shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Public Law 831, 77th Congress, 5 U. S. C. 139–139F).

§ 24.11 *Violations.* Any person who wilfully violates any provisions of this part or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation

control and to deprive him of further priorities assistance.

This part as amended shall take effect on January 29, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-1677; Filed, Jan. 30, 1951; 12:09 p. m.]

[NPA Order M-33]

PART 36—MOLYBDENUM

This part is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this part consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because this part affects a large number of users in different trades and industries.

Sec.
36.1 What this part does.
36.2 Molybdenum to which this part applies.
36.3 Limitation on inventory.
36.4 Placing and adjusting orders.

AUTHORITY: § 36.1 to § 36.4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, dated Jan. 3, 1951, 16 F. R. 61.

§ 36.1 *What this part does.* This part establishes specific inventory limitations for molybdenum. It thus supplements Part 10 of this chapter (NPA Reg. 1), but supersedes Part 10 only insofar as inconsistent therewith.

§ 36.2 *Molybdenum to which this part applies.* This part applies to molybdenum in pure form as metal powder or in any shape into which it may be fabricated; ferromolybdenum; molybdic oxide; calcium molybdate; other combinations of molybdenum with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel or for other purposes; and all primary chemical compounds having molybdenum as an essential and recognizable component. This part applies also to imported as well as to domestic molybdenum except where such imported molybdenum has been purchased directly by the importer from a foreign seller for the purpose of resale by the importer and not for the purpose of use by him and where such imported molybdenum remains in the possession of such importer.

§ 36.3 *Limitation on inventory.* No person may receive delivery of molybdenum if his inventory thereof exceeds, or by such receipt would be made to exceed, his minimum requirements for the succeeding 20 days at his then scheduled method and rate of operation.

§ 36.4 *Placing and adjusting orders.* No person shall place any order calling for delivery of molybdenum earlier or in quantities greater than he would be permitted to receive under § 36.3. Any person who, on the effective date of this part or at any other time, has outstanding orders for molybdenum calling for delivery earlier or in quantities greater than he would be permitted to receive under § 36.3, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be accordingly adjusted.

This part shall take effect on January 27, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-1678; Filed, Jan. 30, 1951; 12:09 p. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[Order No. 2614]

CONFIRMATION OF DEFENSE ACTIONS AND REDELEGATIONS OF AUTHORITY

JANUARY 25, 1951.

SECTION 1. *Confirmations.* The Petroleum Administration for Defense, established by Order No. 2591, as amended (15 F. R. 6767, 9529), and the Defense Minerals Administration, the Defense Power Administration, and the Defense Solid Fucls Administration, established by Order No. 2605 (15 F. R. 8718), are continued, and all orders and appointments made and all actions taken by appropriate officials of these agencies or by the Secretary of the Interior pursuant to Executive Order 10161 (15 F. R. 6105) and Executive Order 10182 (15 F. R. 8013) are ratified and confirmed, under the authority vested in the Secretary of the Interior by Delegation No. 1 of the Defense Production Administrator issued pursuant to Executive Order 10200 (16 F. R. 61).

SEC. 2. *Redelegations.* In so far as Delegation No. 1 issued by the Defense Production Administrator pursuant to Executive Order 10200 (16 F. R. 61) vests in the Secretary of the Interior the powers redelegated by the Secretary to the Deputy Administrator of the Petroleum Administration for Defense by Order No. 2591, as amended (15 F. R. 6767, 9529) and to the respective Administrators of the Defense Minerals Administration, the Defense Power Administration, and the Defense Solid Fuels Administration by Order No. 2605 (15 F. R. 8718), those powers are again redelegated to the Deputy Administrator and to the respective Administrators under the conditions stated in those orders.

(Sec. 6, E. O. 10200, 16 F. R. 61)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-1502; Filed, Jan. 30, 1951; 8:45 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Order 2614]

CONFIRMATION OF DEFENSE ACTIONS AND REDELEGATIONS OF AUTHORITY

CROSS REFERENCE: For confirmation of defense actions and redelegations of authority concerning the Defense Solid Fuels Administration, see Order 2614 of the Secretary of the Interior under Chapter IX, *supra*.

Chapter XI—Defense Power Administration, Department of the Interior

[Order 2614]

CONFIRMATION OF DEFENSE ACTIONS AND DELEGATIONS OF AUTHORITY

CROSS REFERENCE: For confirmation of defense actions and redelegations of authority concerning the Defense Power Administration, see Order 2614 of the Secretary of the Interior under Chapter IX, *supra*.

Chapter XII—Defense Minerals Administration, Department of the Interior

[Order 2614]

CONFIRMATION OF DEFENSE ACTIONS AND REDELEGATIONS OF AUTHORITY

CROSS REFERENCE: For confirmation of defense actions and redelegations of authority concerning the Defense Minerals Administration, see Order 2614 of the Secretary of the Interior under Chapter IX, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY AND ITS TRIBUTARIES; EVERETT HARBOR, WASH., AND VICINITY

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), and section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 206.50 (e) governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, is hereby amended, and § 206.93 is hereby prescribed to govern the use of gill nets in Everett Harbor, Washington, and vicinity, as follows:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.* * * *

(e) *Baltimore District—(1) West side of Chesapeake Bay north from Cove Point to Middle River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point	38 23 09.8	76 22 33.8
Following line of 30-foot depth.		
S "1B"	38 26 33.6	76 26 00.0
S "2B"		
S "3B"	38 31 07.8	76 28 58.8
S "4B"		
S "5B"	38 35 43.2	76 28 43.2
S "6B"	38 38 39.0	76 29 12.0
S "7B"	38 41 24.0	76 30 06.0
C 25	38 43 34.8	76 29 57.6
S "8B"	38 45 12.0	76 30 00.0
No limit line.		
S "9B"	38 46 06.7	76 29 43.1
S "10B"	38 48 18.6	76 28 24.0
C 27	38 49 56.4	76 27 45.6
S "32B"	38 51 50.1	76 27 01.1
C 1	38 52 11.7	76 28 54.2
No limit line.		
(Fl. R) "4"	38 54 04.6	76 28 38.4
N 2	38 53 43.9	76 27 53.4
S "11B"	38 53 13.9	76 26 13.6
C 31	38 53 39.0	76 25 53.4
Following line of 25-foot depth to point 1,700 yards northerly of Sandy Point Light. (No limit line for a distance of 200 feet on either side of approach channel to Severn River.)		
No limit line.		
Baltimore Light.		
Unmarked Point	39 04 06.5	76 24 24.0
Do	39 06 42.0	76 24 24.0
Do	39 08 28.0	76 25 04.0
No limit line.		
Point bearing 329° 45′ true, 1,000 yards, from (Qk. Fl. R) "14K".		
S "19B"		
S "21B"	39 14 16.7	76 19 33.8
S "40B"	39 15 00.0	76 18 15.0
(Fl. W) "1"	39 16 15.6	76 20 02.4

(2) *Fishing area southeast of mouth of Patapsco River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point	39 04 39.0	76 23 17.0
Do	39 07 36.7	76 23 17.0
S "34B"	39 09 59.0	76 25 02.0
S "16B"		
S "15B"	39 08 49.0	76 21 07.5
S "14B"	39 08 03.0	76 20 22.0
S "33B"		
S "13B"	39 05 43.0	76 20 54.0
S "12B"	39 04 39.0	76 22 24.0
Thence to point of beginning.		

(3) *Fishing area east of mouth of Patapsco River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "35B"	39 00 46.0	76 25 00.0
S "18B"		
S "20B"		
N 2		
S "2"	39 14 45.0	76 17 49.2
S "22B"	39 16 13.5	76 14 23.0
S "25B"	39 14 52.0	76 14 46.5
S "39B"		
S "26B"	39 12 45.0	76 15 48.0
S "38B"		
C 5		
S "37B"		
S "36B"	39 09 23.5	76 20 21.0
S "17B"		
Thence to point of beginning.		

(4) *Vicinity of Pooles Island.* (i) No fishing structure shall be placed or maintained within 1,000 yards of Pooles Island.

(ii) During the period from October 2 to May 19, inclusive, fishing structures will be permitted in the following-described area southwest and west of Pooles Island: Beginning at the southernmost tip of Pooles Island; thence to Pooles Island Bar Light; thence to S "41B" (lat. 39°16′28.0″, long. 76°18′25.2″); thence to N 2 (lat. 39°17′14.0″, long. 76°20′15.0″); thence to N 4 (lat. 39°17′56.0″, long. 76°19′54.0″); and thence to the point of beginning; excluding all waters within 1,000 yards of Pooles Island. During the period from May 20 to October 1, inclusive, no fishing structures shall be placed or maintained in this area.

(5) *Upper Chesapeake Bay and tributaries within Hartford and Cecil Counties.* (i) Within Hartford and Cecil Counties no fishing structures shall be placed or maintained more than 800 yards from shore or in water exceeding 18 feet in depth.

(ii) North of Rocky Point no fishing structure shall be placed or maintained within 200 feet of the buoyed channel to and in Northeast River.

(6) *East side of Chesapeake Bay south from Howell Point to lower end of Tangier Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Howell Point Light	39 22 16.8	76 06 40.9
N "6"	39 20 23.2	76 10 45.6
Bell (Fl. R) "4W"	39 19 46.2	76 11 33.0
S "42B"		
S "23B"	3 916 35.0	76 13 25.0
S "24B"	39 14 54.6	76 13 59.0
Following line of 20-foot depth.		
Bell (Fl. R) "6"	39 11 00.0	76 16 47.4
Bell (1 R) "4"	39 09 37.2	76 18 11.4
Bell "2"	39 07 37.2	76 18 57.6
S "27B"	39 05 00.0	76 16 18.0
No limit line.		
Point on line of 25-foot depth in vicinity of Bell "2" northeast of Love Point Light.		
Following line of 25-foot depth.		
N "20C"	38 56 07.6	76 22 54.0
Bloody Point Bar Light	38 50 00.7	76 23 31.2
No limit line.		
Point on line of 30-foot depth 4,500 yards northerly of N 20.		
Following line of 30-foot depth.		
N 20	38 45 27.0	76 25 07.8
S "28B"	38 41 36.0	76 24 12.0
Bell (Fl. W) "7"	38 38 25.8	76 20 25.2
Following line of 21-foot depth.		
S 11	38 39 25.2	76 18 05.4
No limit line.		
Following line of 21-foot depth from Point "A" 1,550 yards northeast of S 11 to Point "B", 1,750 yards east of Point "A".		
No limit line.		
Following line of 21-foot depth from Point "C" 1,350 yards east of Point "B" to Point "D" southwest of Benoni Point.		
No limit line.		
Point on intersection of line ranging from S 11 to S 6 with line ranging from Bell (Fl. R) "10" to Bell (Fl. W) "7".		
S 6	38 36 35.4	76 20 13.8
S 1	38 33 55.2	76 20 28.8
No limit line.		
Point on line of 30-foot depth approximately 3,400 yards west of S 1.		
Following line of 30-foot depth to its intersection with southerly Red Sector line approximately 4,000 yards west by south of Bell (Fl. ″) "1".		
Following southerly Red Sector line to its intersection with line of 18-foot depth in vicinity of Bell (Fl. W) "L".		
Following line of 18-foot depth to point 5,300 yards east by north of Bell (Fl. W) "1".		
No limit line.		
Point on line of 18-foot depth 800 yards southwest of N 2.		
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.		
No limit line.		
Point of intersection of line ranging from Holland Island Bar Light to N 12 with southerly Red Sector line approximately 3,100 yards south from Holland Island Bar Light.		
N 12	37 47 03.6	76 05 42.0
S "31B"	37 44 24.0	76 02 42.9
Tangier Sound Light	37 47 16.6	75 58 26.7

(7) *Fishing area in vicinity of Sharps Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Point on line of 30-foot depth due west of S 3. Following line of 30-foot depth.		
S "29B"	38 40 06.0	76 23 08.4
S 8	38 38 06.0	76 21 45.6
C 5	38 36 38.4	76 21 04.2
S 3	38 35 03.6	76 23 03.6
Thence due west to point of beginning.		

(8) *Pocomoke Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
White S "C"	37 54 45.0	75 48 03.6
C 9	37 56 08.4	75 44 32.4
White S "E"	37 57 00.0	75 43 33.0
Pocomoke Channel Light "1"	37 57 22.4	75 42 48.6
No line limit.		
Pocomoke Channel Day Marker "2"	37 57 20.0	75 42 46.9
North End Point Light	37 56 18.5	75 43 42.5
Starling Creek Light "1"	37 55 27.0	75 44 07.8
S "30B"	37 54 30.0	75 46 15.0
(Fl. W) "6"	37 52 21.6	75 49 07.2

* * * * * *

§ 206.93 *Everett Harbor, Wash., and vicinity; gill nets*—(a) *Restricted fishing area northeast, east, and southeast of Gedney Island.* (1) The regulations in this paragraph shall govern fishing with gill nets, within all tidal waters of Possession Sound, Tulalip Bay, Steamboat Slough, Snohomish River, Everett Harbor, and Port Gardner, easterly of a line extending from the most southerly point of the mainland north of the entrance to Tulalip Bay southwesterly to the most northerly point of Gedney (Hat) Island, and of a line extending from the most southerly point of Gedney Island southeasterly to the Great Northern Railway Company's oil dock (approximately latitude 47°57′30″, longitude 122°15′00″); exclusive of waters lying within the Tulalip Indian Reservation.

(2) A tug with tow, whose intended course will take it through waters occupied by gill net gear, shall sound one long blast, followed by two short blasts, of a whistle or horn, and during darkness or fog shall, in addition, indicate its intended course by directing a searchlight beam on such course. Gill net fishermen operating within the indicated

course of the tug shall draw in their gear or otherwise maneuver to permit passage of the tug and its tow without hindrance or unreasonable delay.

(3) A tug without tow, if unable to determine the lay of the nets and doubt exists aboard the tug as to the best course to take, may request assistance of the nearest gill net boat which shall, without delay, drop its net and pilot the tug through. If assistance of a pilot boat is not obtainable, or if nets are so concentrated as to make it impracticable to lay a course through the nets, the tug shall proceed as indicated in subparagraph (2) of this paragraph for a tug with tow, and nets shall be lifted or maneuvered out of the way to permit passage of the tug without hindrance or unreasonable delay.

(4) A boat with at least one man in it capable of controlling the net shall be in constant attendance upon each net while it is laid out, except when providing pilot service as provided in subparagraph (3) of this paragraph.

(b) *Prohibited fishing area in Possession Sound between Mukilteo and Columbia Beach.* Fishing with gill nets is prohibited within 440 yards on each side of a straight line connecting the ferry landings at Mukilteo and Columbia Beach.

[Regs. Jan. 9, 1951, 800.217–ENGWO] (40 Stat. 1151, 33 U. S. C. 1. Interpret or apply sec. 10, 30 Stat. 1151; 33 U. S. C. 403)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–1518; Filed, Jan. 30, 1951; 8:58 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

1. Section 21.210 is amended to show new material, and material formerly appearing in § 21.210 is revised and redesignated § 21.210a.

§ 21.210 *Authority to make arrangements with establishments for training on the job under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note).* (a) The chief of education and training is authorized to make arrangements and agreements with establishments, private and public, within his regional territory to furnish training on the job, including apprentice training, as a means of accomplishing the vocational rehabilitation of disabled veterans as provided by Part VII, Veterans Regulation 1 (a), as amended where, in addition to meeting the applicable criteria set forth in § 21.211 (a) (1) through (10), the establishment:

(1) Agrees to furnish to the Veterans' Administration monthly a statement in writing as required by paragraph 3, Part VII, showing wages, compensation, and other income paid directly or indirectly to each trainee during the month; and

(2) Signs an agreement to train on the job disabled veterans under Public Law 16, 78th Congress, as amended.

(b) For purposes of Part VII, Veterans Regulation 1 (a), as amended, a joint apprenticeship committee or similar labor-management committee may be recognized as a training institution where the committee has been charged with the responsibility for controlling training programs in a standard apprentice course for a given craft and where it is found that the establishments which such committee utilizes for training actually are qualified to provide a satisfactory course of training on the basis of the requirements of paragraph (a) of this section and § 21.211, and the joint committee is performing in a satisfactory manner the functions delegated to it.

(c) Agreements with establishments for training veterans under Part VII, Veterans Regulation 1 (a), as amended will be executed as the need develops for a definite course or courses and when there is reasonable assurance that the establishment will be utilized. The agreement may cover any or all courses offered by the establishment which it is expected will be utilized even though the need for all such courses is not present at the time the agreement is executed.

§ 21.210a *Basis for selection.* The training officer will select a satisfactory training facility for each veteran assigned to him, based upon the requirements of the prescribed course modified by the assets, qualifications, and limitations of the particular veteran, including those imposed by his disability.

2. In § 21.211 (a), the introduction and subparagraphs (2) and (6) are amended, and in paragraph (c), subparagraph (1) is amended and subparagraph (2) is deleted, so that the amended material reads as follows:

§ 21.211 *Factors to be considered in selecting the facility—*(a) *Criteria which must be met by the training facility.* Trainees are to be placed only in training facilities with which there is an agreement or contract to train disabled veterans and which:

* * * * *

(2) Have fully accepted the obligation to give training in the significant constituent parts of the training program which has been prepared for the particular veteran.

* * * * *

(6) Provide daytime courses in accord with § 21.202 (a) for the trainee except where necessary courses cannot be obtained during the working hours of the day. Evening courses will not be permitted except where satisfactory daytime courses are not available and the evening course is in full accord with § 21.202 (a) or where the evening course is prescribed as related instruction supplementing daytime on-the-job training.

* * * * *

(c) *Ownership or control by veteran or relatives.* A proprietary school or training-on-the-job establishment in which the veteran or a close family relative of the veteran has control or a pecuniary interest ordinarily shall not be selected as an appropriate training facility for training that veteran except where the chief of education and training determines that, beyond any reasonable doubt, another facility in which such control does not exist and which is satisfactory is not available and the social and economic relationship of teacher to the veteran, who will be the pupil, will be satisfactory for the efficient promotion of learning activities. Where, in spite of the foregoing, a veteran is inducted into training at a school or establishment in which the veteran or a close family relative has control, a clear statement will be placed by the chief of education and training in the veteran's training subfolder demonstrating the propriety of such action.

3. In § 21.220, paragraph (b) is amended to read as follows:

§ 21.220 *Conditions to be met before induction into training.* * * *

(b) When there has been obtained and is waiting to be utilized a training facility which, on the basis of adequate investigation by the education and training section, is clearly qualified as to space, equipment, instructional material, and personnel to give the required course and has agreed to cooperate fully with the Veterans' Administration in accomplishing records of the trainee's attendance, performance, and progress in training, and, in the case of training on the job, to report to the Veterans' Administration monthly as required by the law any payments of money to the trainee;

* * * * *

4. Section 21.221 is amended to read as follows:

§ 21.221 *Additional conditions to be met prior to induction into training in a school.* Veteran trainees will not be entered into training in a school under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), until a contract or a written memorandum agreement with the school has been negotiated. Where a veteran's interests and rights under Part VII will be jeopardized by withholding him from training because of the absence of a contract, and the contract cannot be completed immediately, and there is no question of the merits of the school being adequate, and indications are that the contract eventually will be completed, the chief of education and training will make urgent request upon the chief of training facilities to effect immediately the necessary memorandum agreement to permit the induction of the veteran.

5. Section 21.288 is amended to read as follows:

§ 21.288 *Reentrance after discontinuance.* When a veteran, whose training was discontinued under one of the conditions set forth in § 21.283, applies for reentrance into training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), due consideration will be given to the facts in the individual case, and, if the facts warrant, the veteran may be reentered into training: *Provided,* That the veterans' disability rating has not been reduced to less than a compensable degree and, following that determination, need for vocational rehabilitation is reestablished: *And provided further,* That the veteran may not be reentered into training for an employment objective other than that for which he was pursuing training at the time of discontinuance except where it is clear that a change of employment objective is necessary because (a) for the veteran to resume training for the previous objective would result in failure to accomplish bona fide vocational rehabilitation for reasons not within the veteran's control, or (b) although the veteran could successfully resume training for the previous employment objective it is determined that another employment objective requested by the veteran is more in keeping with the veteran's interests and aptitudes and will not require any greater period of time for completion than the previous employment objective: *And provided further,* That where the veteran withdrew from training because his request to change his employment objective was denied, the veteran may not be reentered into training for the employment objective which was denied except where it is found that on the basis of all the facts in the case the denial to change employment objective was erroneous or that, although the denial was not erroneous at the time it was made, the veteran's disability has undergone such unfavorable change as to make the previous employment objective incompatible with the veteran's disability and the employment objective which was denied now is compatible.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective January 31, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–1466; Filed, Jan. 30, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 920]

HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

EXEMPTION CERTIFICATES AND SAFEGUARDS

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations, hereinafter set forth, which were recommended by the New England Potato Committee, established under Order No. 20 (15 F. R. 7349), regulating the handling of Irish potatoes grown in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

Sec.
920.101 Definitions.
920.102 Area determinations.
920.103 Exemption certificates.
920.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 920.101 to 920.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 920.101 *Definitions.* For the purposes of §§ 920.101 to 920.104, inclusive, order means Order No. 20 (§§ 920.1 to 920.92; 15 F. R. 7349) regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, and the terms used in such sections shall have the meanings set forth in §§ 920.1 to 920.92.

§ 920.102 *Area determinations.* (a) "Immediate area of production" is synonymous with "districts"; and (b) "Immediate shipping area" means the "district" wherein the potatoes to be covered by a handler exemption will be first handled under such exemption.

§ 920.103 *Exemption certificates—*(a) *Application.* Each producer and handler applying for exemption from regulations issued pursuant to § 920.53 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by the committee. Each application shall state the name and address of the applicant; the grade, size, and quality regulations from which exemption is requested, and facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicants reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate or Certificates covering the lot or lots of potatoes for which exemption is requested: *Provided,* That the committee may authorize the submission of such Federal-State Inspection Certificates subsequent to the filing of the applications for exemption and prior to consideration of such applications. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1) and (2) of this paragraph, and the information required on handler applications by subparagraphs (3) and (4) of this paragraph:

(1) The location of the farm or farms on which potatoes for which exemption is requested were produced, or, if such potatoes are stored, the location of the storage where such potatoes are held, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if exemption is granted;

(2) Acreage and quantity (by grade, size, quality, and variety) of potatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); the quantity (by grade, size, quality, and variety) of potatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the potatoes to be disposed of, together with the place where such potatoes will be first handled; an estimate of the portion of such potatoes which can be handled under regulations issued pursuant to § 920.53, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); and the reasons why all of such potatoes cannot be handled under such regulations;

(3) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, with appropriate identification of the location of individual storage bins, and a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(4) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application;

(5) Any applicant who is a producer of potatoes and a handler of potatoes produced by others may be required by the committee to distinguish between his producer and handler operations in submitting reports and data with respect to his applications for exemption.

(b) *Investigation of applications.* The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

(c) *Issuance.* (1) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of the order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 920.71: *Provided*, That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted potatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted potatoes to be contained in the respective lots shipped and the total quantity of exempted potatoes covered by such certificates shall not exceed the total quantity of such potatoes which would be authorized if only one certificate were issued to such applicant.

(2) The applicant shall be notified in writing if his request for exemption is denied.

(3) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of the committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all potatoes authorized to be shipped thereunder, the quantity (by varieties, grade, size, and quality) of potatoes which will be permitted in the exempted shipments, and such other information as may be deemed necessary by the committee to provide the committee, the recipient, or both, with adequate and specific information regarding such exempted potatoes.

(d) *Disposition of certificates and reports.* (1) Each lot of potatoes handled under an exemption certificate shall be accompanied by such certificate or by such appropriate identifying information with respect to such certificate as the committee may require to facilitate the administration of regulatory provisions applicable thereto.

(2) Handlers of potatoes exempted from regulation under exemption certificates shall, at such time as may be specified in such certificate, report thereon to the committee the names and addresses of persons to whom such potatoes were shipped, the quantity shipped, the grades, sizes, and qualities (by varieties) of potatoes so shipped, the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by the committee in order to administer the regulatory provisions applicable thereto.

(e) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee in accordance with § 920.72.

§ 920.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) All handlers desiring to make shipments of potatoes for the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments:

(i) Seed;

(ii) Export;

(iii) Livestock feed, except dyed potatoes distributed for livestock feed by the Federal Government; and

(iv) Manufacture or conversion into potato chips or potato salad.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the quantities and varieties of potatoes to be shipped, the grades, sizes, and quality to be shipped, the mode of transportation, name of consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates are granted.

(b) *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and, pursuant to applicable provisions of the order, shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specific period of time.

(c) *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall, 24 hours after each such shipment is made, supply the committee with a report thereon (except shipments of less than 10,000 pounds which shall be reported within 7 days after such shipment), showing the name and address of the shipper, car or truck license number, Federal-State Inspection Certificate number, loading point, destination, and consignee.

(d) *Denial and appeals.* The committee may rescind a Certificate or Certificates of Privilege, issued to a handler pursuant to this section, or deny Certificates of Privilege to a handler, upon proof, satisfactory to the committee, that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 26th day of January 1951.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 51-1559; Filed, Jan. 30, 1951; 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 669]

SPECIAL INDUSTRY COMMITTEE FOR VIRGIN ISLANDS

NOTICE OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (sec. 5, 8, 63 Stat. 911, 915; 29 U. S. C. 205, 208), and in accordance with § 511.11 of the regulations, issued pursuant thereto (Title 29, Chapter V, Code of Federal Regulations, Part 511), notice is hereby given to all interested persons that a public hearing will be held at the time and places hereinafter specified, for the purpose of receiving evidence to be considered by the Special Industry Committee for the Virgin Islands appointed by Administrative Order No. 409 (16 F. R. 584), in determining the highest minimum wage rates for all employees in said islands who, within the meaning of said act, are "engaged in commerce or in the production of goods for commerce," which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of the Virgin Islands.

By Administrative Order No. 409, the Special Industry Committee for the Virgin Islands is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and rules and regulations promulgated thereunder, with the duty of investigating conditions in the industries in the Virgin Islands and of recommending to the Administrator minimum wage rates which may not be higher than 75 cents per hour for all employees in the Virgin Islands who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator, and at which all interested persons will have an opportunity to be heard.

Administrative Order No. 409 directed the Special Industry Committee for the Virgin Islands to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for all employees in the industries in said islands and in such order as the Committee may elect.

The public hearing for the purpose of receiving evidence to be considered by the Committee in determining the highest minimum wage rates for all employees in the Municipality of St. Thomas and St. John, Virgin Islands, will be held beginning on February 20, 1951, at 10:00 a. m. in the Municipal Council Chamber, Charlotte Amalie, St. Thomas, Virgin Islands.

The public hearing for the purpose of receiving evidence to be considered by the Committee in determining the highest minimum wage rates for all employees in the Municipality of St. Croix, Virgin Islands, will be held at such time during the subsequent week, as shall be designated by the Chairman, in the Federal Court Room, Christiansted, St. Croix, Virgin Islands.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration, may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with Russell Sturgis, Territorial Director of the Wage and Hour Division, New York Department Store Building, Post Office Box 3906, Santurce 29, Puerto Rico, not later than February 13, 1951, a notice of intention to appear. A copy of such notice must also be filed by such persons with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the same date. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

3. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as the Special Industry Committee for the Virgin Islands may make.

Written statements of persons who cannot appear personally will be considered by the Committee provided that such statements are sworn and that at least nine copies thereof are received not later than February 20, 1951, at the Wage and Hour Division of the United States Department of Labor, New York Department Store Building, Post Office Box 3906, Santurce 29, Puerto Rico. Any person appearing at the hearing who offers written material must submit nine copies thereof.

Signed at St. Thomas, V. I., this 26th day of January 1951.

JOHN P. SCOTT,
Chairman,
Special Industry Committee for the Virgin Islands.

[F. R. Doc. 51-1520; Filed, Jan. 30, 1951; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 4b]

POSITION LIGHT SYSTEM ON TRANSPORT CATEGORY AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by February 15, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after February 19, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Sections 4b.632 through 4b.635 of the current Civil Air Regulations prescribe requirements for the position light system on airplanes of the transport category. Experience has shown the need for improvements in the present system, and recent demonstrations conducted by the Civil Aeronautics Administration indicate that new systems, requiring material changes in design, are promising and warrant further experimentation. When, as a result of this experimentation, a more satisfactory position light system is decided upon, it is planned to adopt new requirements domestically and to solicit modification of current international standards.

One improvement, however, in the operation of the present system, involving only minor mechanical adjustments, is believed to be of immediate value and worth testing in practice. Accordingly, while research and experimentation develop other improvements or new systems, it is proposed to allow an increase in flash rates in the present dual circuit position light system.

This Special Civil Air Regulation is intended to authorize for a temporary period, subject to the approval of the Administrator, experiments generally with position light systems, and the use, in particular, of flash rates with frequencies of 80, plus or minus 10, cycles per minute in the present system. In the interest of safety, the public as well as the armed forces and the aviation industry must be kept fully apprised of the experiments as conducted and with the practices resulting therefrom. For this reason the Administrator is authorized to require those conducting the experiments to assist the Civil Aeronautics Administration in making their experiments and practices widely known.

It is therefore proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, any scheduled air carrier may, subject to the approval of the Administrator, (1) utilize, while operating the present position light system as established in Part 4b of the Civil Air Regulations, a flashing sequence which provides flashing rates of 80, plus or minus 10, cycles per minute for each forward position and fuselage light and flashing rates of 40, plus or minus 5, cycles per minute for each rear position light; and (2) engage, while operating aircraft in scheduled or other service, in similar experiments which are designed to improve the present position light system and which are not likely to cause confusion in air navigation. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and avoid confusion in air navigation and shall require each carrier to disclose publicly its experiments and practices at times and in a manner which he deems consistent with the best interests of safety.

This regulation shall terminate January 1, 1953, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of the comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat. 1216; 49 U. S. C. 551-560, act of July 1, 1948)

Dated January 24, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51-1558; Filed, Jan. 30, 1951; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 9, 14]

[Docket No. 9827]

AERONAUTICAL SERVICES AND RADIO STATIONS IN ALASKA

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of extension of time within which to file reply comments or briefs concerning amendment of Part 9, rules and regulations governing Aeronautical Services, to provide for aviation service in Alaska, and amendment of Part 14, rules governing Radio Stations in Alaska, to delete the subpart thereof entitled "Aviation Service"; Docket No. 9827.

The Commission having on November 13, 1950, adopted a notice of proposed rule making in the above designated docket in which December 31, 1950, was set as the time within which comments were to be filed and 30 days thereafter as the last day for filing comments in reply to the original ones;

It appearing, that one of the interested persons petitioned the Commission

for waiver of the December 31, 1950, closing date in order to enable it to file its comments; and

It further appearing, that such a waiver has been granted; and

It further appearing, that, in view of this waiver, it is desirable to extend the time within which comments or briefs in reply to the original comments or briefs may be filed, the authority for which is contained in sections 4 (i) and 303 (r), of the Communications Act of 1934, as amended;

It is ordered, This 18th day of January 1951, that the time within which to file such reply comments or briefs in the above entitled matter be and the same hereby is extended to February 20, 1951.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-1539; Filed, Jan. 30, 1951; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

[Case No. 94]

KERSTEN SHIPPING AGENCY, INC.

DECISION OF APPEALS BOARD

In the matter of Kersten Shipping Agency, Inc., 36 Bridge Street, New York 4, New York, on appeal; Docket FC-9, O. I. T. Case No. 94.

Upon reading the transcript of the hearing held in New York, New York, September 14, 1950, by Milton M. Thompson, Compliance Commissioner, together with the exhibits introduced in evidence at said hearing, the report and recommendations, dated November 17, 1950, of said Commissioner to John C. Borton, Assistant Director for Export Supply, Office of International Trade, the order suspending license privileges, dated December 19, 1950 (15 F. R. 9399), issued by said John C. Borton thereon, and upon oral arguments of counsel for Office of International Trade and appellant before the Appeals Board in Washington, D. C., January 15, 1951, upon appeal from said order suspending license privileges, the Appeals Board finds as follows:

(1) That the findings and recommendations contained in the report of the Compliance Commissioner, November 17, 1950, are justified by the evidence; and,

(2) That the provisions of the order suspending license privileges, dated December 19, 1950, are appropriate in view of the nature of the violations disclosed.

In considering justification for the suspension ordered, the Appeals Board took note of that portion of the report of the Compliance Commissioner wherein he stated: "This is not a case in which a forwarder is held under a duty to make independent investigations even when no suspicious circumstances exist, but rather a case in which the suspicious circumstances were in fact known but disregarded." "* * * that the violations were relatively minor and suspension should be rather limited," * * * "it is quite possible that they believed they were resorting to avoidance as distinguished from evasion of the regulations."

However, the evidence clearly showed that during a period of about four consecutive working days the appellant, as freight forwarder, handled three transactions for other respondents cited in the Compliance Commissioner's report involving the export shipment of galvanized steel sheets, valued at amounts each approaching the then $1,000 limit for GLV shipments; received powers of attorney from two of these respondents; caused the transfer from a railroad to a dock of a single shipment of steel sheets from which then were taken the sheets necessary to fill the GLV shipments mentioned above; and arranged for export of all of the above shipments to the same consignee, on the same vessel, at the same time. Within six days after the above transactions took place the appellant billed one of the above respondents for his total services for handling all three shipments.

Appellant contends that these transactions were the acts of an employee. However, this employee holds a position of responsibility and is an officer of the appellant and the appellant is clearly responsible for his acts.

The Appeals Board concurs with the above quoted statements of the Compliance Commissioner but in addition notes that one of the appellant's contentions is that his fees amounted to less than $10.00 per shipment and it is apparent to the Board that appellant feels that the "irregularity" is to be measured by a sum of less than $30.00 when in fact, because of this split shipment, approximately 32,000 lbs. of galvanized steel sheets was exported in violation of Government regulations established in the interest of national security. The Board feels that appellant's disregard of control regulations as applied to freight forwarders has been in such degree that the suspension ordered is justified.

Now, therefore, it is ordered, That: The appeal of Kersten Shipping Agency, Inc. be and is hereby denied and the order suspending license privileges is in all respects sustained.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

JANUARY 23, 1951.

[F. R. Doc. 51-1501; Filed, Jan. 30, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 410]

SPECIAL INDUSTRY COMMITTEE FOR VIRGIN ISLANDS

APPOINTMENT OF MEMBER

Amending Administrative Order No. 409 Appointing Special Industry Committee for the Virgin Islands.

On January 16, 1951 by Administrative Order No. 409, published in the FEDERAL REGISTER on January 23, 1951 (16 F. R. 584), I created a Special Industry Committee for the Virgin Islands and charged it with the duty of investigating conditions in the industries in the Virgin Islands and of recommending minimum wage rates for employees in such industries. By such order, I appointed two persons representing employees in the industries in such islands, two persons representing employers in such industries, and one disinterested person representing the public, and indicated that a resident of the continental United States would be appointed to said committee as a second representative of the public.

Now, therefore, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), I hereby appoint James C. Hill, Pelham Manor, New York, as a member of said Committee representing the public, to serve in the same manner and with the same duties as the appointees named in Administrative Order No. 409; and said order is hereby amended accordingly.

Signed at Washington, D. C., this 26th day of January 1951.

WM. R. MCCOMB, *Administrator*
Wage and Hour Division.

[F. R. Doc. 51-1519; Filed, Jan. 30, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25773]

FERTILIZER SOLUTIONS FROM CHARLESTOWN, IND., TO THE SOUTH

APPLICATION FOR RELIEF

JANUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4406.

Commodities involved: Fertilizer ammoniating solution and nitrogen fertilizer solution, in carloads.

From: Charlestown, Ind.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4406.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1503; Filed, Jan. 30, 1951; 8:45 a. m.]

[4th Sec. Application 25774]

PULPBOARD OR FIBREBOARD FROM HUTCHINSON, KANS., TO SWEETWATER, TEX.

APPLICATION FOR RELIEF

JANUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Missouri Pacific Railroad Company and other carriers named in the application.

Commodities involved: Pulpboard or fibreboard, in carloads.

From: Hutchinson, Kans.

To: Sweetwater, Tex.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1504; Filed, Jan. 30, 1951; 8:45 a. m.]

[4th Sec. Application 25775]

PEANUT HULLS FROM COURTLAND, VA.

APPLICATION FOR RELIEF

JANUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1194.

Commodities involved: Peanut hulls, in carloads.

From: Courtland, Va.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1194, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1505; Filed, Jan. 30, 1951; 8:46 a. m.]

[4th Sec. Application 25776]

LUMBER FROM SOUTHERN TERRITORY TO FAIRFIELD, ILL.

APPLICATION FOR RELIEF

JANUARY 26, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 696, 708, 709 and 714.

Commodities involved: Lumber and other forest products, in carloads.

From: Points in southern territory.

To: Fairfield, Ill., and points grouped therewith.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariffs I. C. C. No. 696, Supp. 180, No. 708, Supp. 158, No. 709, Supp. 155 and No. 714, Supp. 143.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1506; Filed, Jan. 30, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8963]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

SUPPLEMENTAL ORDER ENLARGING THE SCOPE OF INVESTIGATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission, having under consideration its order, dated April 28, 1948, herein, instituting an investigation into the lawfulness of the charges, classifications, regulations, practices and services of the American Telephone and Telegraph Company and the Western Union Telegraph Company for and in connection with the transmission of television programs; and also having under consideration revised tariff schedules of the American Telephone and Telegraph Company Tariff F. C. C. No. 216 applicable to the furnishing of intercity channels and station connections for video transmission, filed with the Commission on December 21, 1950, to become effective January 25, 1951, containing provisions applicable for the use of such facilities on an alternate basis for the transmission of 525 line monochrome and 405 line field sequential color video signals and for additional charges for video station connections used on such an alternate basis;

It appearing, that the investigation herein should include an investigation into the lawfulness of the above-mentioned rates, classifications, regulations, practices and services filed by the American Telephone and Telegraph Company on December 21, 1950, and into any and all other new or revised charges, classifications, regulations, practices and services which have been or may be filed by respondents before or during the course of hearings to be scheduled herein applicable to the furnishing of facilities for video transmission as described above;

It is ordered, That the charges, classifications, regulations, practices and

services contained in the above-mentioned revised tariff schedules and any and all other new or revised charges, classifications, regulations, practices and services which may be filed by respondents at any time before or during the course of the hearings to be held herein, shall be included within the scope of the investigation provided for in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1528; Filed, Jan. 30, 1951; 8:50 a. m.]

[Docket No. 9362]

INTERNATIONAL BANK FOR RECONSTRUCTION ET AL.

ORDER SCHEDULING FURTHER HEARING

In the matter of International Bank for Reconstruction and Development and International Monetary Fund, complainants v. All America Cables & Radio, Inc., the Commercial Cable Company, Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc. and the Western Union Telegraph Company, defendants; Docket No. 9362.

It is hereby ordered, This 19th day of January 1951, that a further session of the hearing herein shall be held in Washington, D. C., at 10:00 a. m., on February 1, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1538; Filed, Jan. 30, 1951; 8:52 a. m.]

[Docket No. 9819]

SERGEI VLADIMAR KIRPATOVSKY

ORDER SETTING DATE FOR TIME AND PLACE OF HEARING

In the matter of Sergei Vladimar Kirpatovsky, application for radiotelephone first class operator license; Docket No. 9819.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission having under consideration its order of October 23, 1950, designating the above-entitled matter for hearing to be held at a date and place to be subsequently specified by the Commission and a request that the Commission accept the applicant's appearance which was filed late;

It is ordered, That the applicant's late appearance be accepted for filing; and

It is further ordered, That the hearing be held in Miami, Florida, on February 28, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1529; Filed, Jan. 30, 1951; 8:50 a. m.]

[Docket No. 9829]

INTER-AMERICAN RADIO CORP.

ORDER DESIGNATING REVOCATION OF LICENSE FOR HEARING

In the matter of revocation of license of Inter-American Radio Corporation for Station WRIA, Caguas, Puerto Rico, Docket No. 9829.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of January 1951:

The Commission having under consideration a request for hearing filed by Inter-American Radio Corporation pursuant to section 312 (a) of the Communications Act of 1934, as amended, upon the Commission's order of revocation adopted with respect to Station WRIA, Caguas, Puerto Rico, on November 13, 1950; and

It appearing, that the Commission's order of revocation was based on information of violations of the Communications Act of 1934, as amended, and the Commission's rules and regulations and Standards of Good Engineering Practice, including official notices and advisory notices which have been served upon the licensee; and

It further appearing, that the operation of Station WRIA has not complied with the requirements of section 303 (q) of the Communications Act of 1934, as amended; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.45 (d) of the Commission's rules and regulations on August 16, 1948; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.46 of the Commission's rules and regulations on August 16, 1948, September 30, 1949, and April 11, 1950; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 1.401 of the Commission's rules and regulations on June 5, 1950; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.55 (b) of the Commission's rules and regulations on June 25, 1949, September 30, 1949, and April 11, 1950; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.57 of the Commission's rules and regulations and Part 11 of the Standards of Good Engineering Practice on June 25, 1949; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.58 of the Commission's rules and regulations and Part 13 B (3) (c) of the Standards of Good Engineering Practice on June 25, 1949; and

It further appearing, that the operation of Station WRIA did not comply with the requirements of § 3.60 of the Commission's rules and regulations on June 25, 1949, September 30, 1949, and April 11, 1950; and

It further appearing, that Station WRIA did not comply with the requirements of §§ 3.165 (a), 13.1, and 13.61 (f) (3) of the Commission's rules and regulations on May 2, 1950; and

It further appearing, that Station WRIA did not comply with the requirements of § 3.181 (formerly § 3.404) of the Commission's rules and regulations on August 16, 1948, and April 11, 1950; and

It further appearing, that Station WRIA did not comply with the requirements of § 3.183 (formerly § 2.55) of the Commission's rules and regulations on August 16, 1948, September 30, 1949, and April 11, 1950; and

It further appearing, that the operation of Station WRIA does not comply with the Commission's rules after notice to the licensee of the said violations;

It is ordered, That, pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above-entitled matter is designated for hearing; and

It is further ordered, That the said hearing shall commence at 10:00 a. m., March 5, 1951, at Caguas, Puerto Rico, before Commissioner Walker, Presiding Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1534; Filed, Jan. 30, 1951; 8:51 a. m.]

[Docket Nos. 9837-9844, 9856, 9881]

WARD C. ROGERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Ward C. Rogers, Chicago, Illinois, Docket No. 9837, Files Nos. 3540/3541-C2-ML-E; H. T. Sagert, d/b as the Sagert Radin Co., Hammond, Indiana, Docket No. 9838, Files Nos. 5005/5006-C2-ML-E; Paul C. Benson, tr/as the Lake County Mobile Radio Dispatching Co., North Chicago, Illinois, Docket No. 9839, Files Nos. 2463/2464-C2-ML-E; Willett Radio Corporation, Chicago, Illinois, Docket No. 9840, Files Nos. 5189/5190-C2-P/L-E; South Shore Radio Telephone, Inc., Hammond, Indiana, Docket No. 9841, Files Nos. 7585/7586-C2-P-E; Edward G. Melka, tr/as North Shore Radio-Telephone Dispatch Service, Northfield, Illinois, Docket No. 9842, File No. 21305-C2-P-E; Roger E. Dooley, Des Plaines, Illinois, Docket No. 9843, File No. 8877-C2-P-E; Robert H. Butcher, Kenosha, Wisconsin, Docket No. 9844, Files Nos. 8598 and 8600-C2-MP-E and 8599 and 8601-C2-L-E; Louis S. Ritter, tr/as Racine Radio Dispatch Service, Racine, Wisconsin, Docket No. 9856, File No. 47-C2-P-51; E. R. Streight, Gary, Indiana, Docket No. 9881, File No. 480-C2-P-51.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission, having under consideration the above-entitled applications of E. R. Streight for new construction permit in the Domestic Public Land Mobile Radio Service at Gary, Indiana; and

It appearing, that, on November 22, 1950, the Commission designated for hearing in a consolidated proceeding the other above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service in Chicago, Illinois, and certain nearby communities; and

It further appearing, that the proposed station of E. R. Streight would be located within the Chicago service area and that such applications are substantially mutually exclusive with the other above-entitled applications for authorizations in the Domestic Public Land Mobile Radio Service in the Chicago area; and

It further appearing, that the above-entitled applications of E. R. Streight were filed more than twenty days prior to the date of the hearing in the above-entitled proceeding, as required by the Commission's rules;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications of E. R. Streight are designated for hearing in the above-entitled consolidated proceeding at the time and place hereinbefore specified on the issues set forth in the Commission's order of November 22, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1526; Filed, Jan. 30, 1951; 8:49 a. m.]

[Docket Nos. 9845, 9846]

TELANSERPHONE, INC. AND WARD C. ROGERS

ORDER MODIFYING ISSUE

In re applications of Telanserphone, Inc., Docket No. 9845, File No. 7240-C2-P-E; and Ward C. Rogers, Docket No. 9846, File No. 8192-C2-P-E; for construction permits in the Domestic Public Land Mobile Radio Service at Chicago, Illinois.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1951;

The Commission, having under consideration a petition filed by Telanserphone, Inc., on January 8, 1951, requesting that the issues in the Commission's order dated November 22, 1950, in the above-entitled matter be modified to delete therefrom that portion of Issue No. 1 thereof requiring petitioner to prove its legal qualifications in such comparative proceeding; and

It appearing, that no opposition to said petition has been filed and good reason for the grant of such petition has been shown;

It is ordered, That the above-mentioned petition of Telanserphone, Inc., is granted and that Issue No. 1 of the Commission's order dated November 22, 1950, in the above-entitled matter is modified to read as follows:

1. To determine the technical and financial qualifications of Telanserphone, Inc., and the legal, technical and financial qualifications of Ward C. Rogers to construct and operate their proposed stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1537; Filed, Jan. 30, 1951; 8:52 a. m.]

[Docket Nos. 9847, 9848]

TELANSERPHONE, INC. AND ROBERT C. CRABB

ORDER MODIFYING ISSUE

In re applications of Telanserphone, Inc., Docket No. 9847, File No. 7241-C2-P-E; and Robert C. Crabb, Docket No. 9848, File No. 7750-C2-P-E; for construction permits in the Domestic Public Land Mobile Radio Service at Los Angeles, California.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of January 1951;

The Commission, having under consideration a petition filed by Telanserphone, Inc., on January 8, 1951, requesting that the issues in the Commission's order dated November 22, 1950, in the above-entitled matter be modified to delete therefrom that portion of Issue No. 1 thereof requiring petitioner to prove its legal qualifications in such comparative proceeding; and

It appearing, that no opposition to said petition has been filed and good reason for the grant of such petition has been shown;

It is ordered, That the above-mentioned petition of Telanserphone, Inc., is granted and that Issue No. 1 of the Commission's order dated November 22, 1950, in the above-entitled matter is modified to read as follows:

1. To determine the technical and financial qualifications of Telanserphone, Inc., and the legal, technical and financial qualifications of Robert C. Crabb to construct and operate their proposed stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1536; Filed, Jan. 30, 1951; 8:52 a. m.]

[Docket No. 9865]

STATION WTNJ

ORDER DESIGNATING REVOCATION OF LICENSE FOR HEARING

In the matter of revocation of license of Station WTNJ, Trenton, New Jersey, Docket No. 9865.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 17th day of January 1951;

The Commission having under consideration the written application of WOAX, Inc., licensee of Station WTNJ, Trenton, New Jersey, filed pursuant to section 312 (a) of the Communications Act of 1934, as amended, requesting hearing in the above-entitled matter;

It is ordered, That, pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above-entitled matter be, and it is hereby designated for hearing on all matters pertinent to the Commission's order of revocation, dated December 20, 1950, said hearing to be held at Trenton, New Jersey, and to commence on the 19th day of February 1951; and that the Commission's order of revocation issued December 20, 1950, shall stand suspended until the conclusion of the said hearing and the Commission's decision therein.

It is further ordered, That the said hearing shall be held before Commissioner Jones, presiding Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1535; Filed, Jan. 30, 1951; 8:51 a. m.]

[Docket Nos. 9882, 9883]

HOFFMAN ANSWERING SERVICE AND NEWTON Z. WOLPERT

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John B. Hoffman, d/b as Hoffman Answering Service, for construction permit, Docket No. 9882, File No. 149-C2-P-51; and Newton Z. Wolpert, for modification of license to change frequencies in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota; Docket No. 9883, File No. 420-C2-ML-51.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission, having under consideration the application of John B. Hoffman for authorization to construct a radio station to provide mobile radiocommunication service on the frequencies 152.03 Mc. and 158.49 Mc. in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota, and the application of Newton Z. Wolpert for authorization to modify his existing license for radio station KAA285 to provide mobile radiocommunication service on the frequencies 152.03 Mc. and 158.49 Mc. in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota; and

It appearing, that in accordance with the Commission's report and order in Dockets Nos. 8658, et al., dated April 27, 1949, and § 6.409 of the Commission's rules governing Public Radiocommunication Services (other than Maritime Mobile), each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area in order to permit the rendition of service on an interference-free basis, and that such applications are mutually exclusive; and

The Commission, also having under consideration a petition filed December

13, 1950, by John B. Hoffman requesting dismissal of the instant application of Newton Z. Wolpert pursuant to the provisions of § 1.363 (a) of the Commission's rules, or, in the alternative, requesting issuance to John B. Hoffman of a conditional grant of construction permit, pursuant to the provisions of § 1.365 (e) (1) and (2) of the Commission's rules; and having also under consideration the response to said petition filed by Wolpert on December 26, 1950; and

It appearing, that § 1.363 (a) of the Commission's rules is not applicable to the instant application of Wolpert; and

It further appearing, that the public interest requires the prompt establishment of mobile radiocommunication service in the St. Paul area on the frequencies 152.03 Mc. and 158.49 Mc. in order that continuity of service may be maintained for the public presently served on such frequencies, pending the determination of the issues in this proceeding;

It is ordered, That, pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to be heard in Washington, D. C., at a time and place to be hereafter designated, upon the following issues:

(1) To determine the legal, technical and financial qualifications of John B. Hoffman to construct and operate the proposed station, and the technical and financial qualifications of Newton Z. Wolpert.

(2) To determine the nature, type and scope of service proposed to be provided by each applicant.

(3) To determine the area which may be expected to receive service from the proposed stations and the need for such service in the area proposed to be served.

(4) To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of radiocommunication service in the Domestic Public Land Mobile Radio Service at St. Paul, Minnesota.

(5) To determine the special need of Newton Z. Wolpert for an assignment of the frequency pair 152.03 Mc. and 158.49 Mc. in lieu of those presently assigned to him.

(6) To determine, in the light of the evidence on the foregoing issues, which applicant is better qualified to serve the public interest, convenience or necessity.

(7) To determine, on a comparative basis, which, if either, of the applications in this proceeding should be granted.

It is further ordered, With respect to the petition filed by John B. Hoffman on December 13, 1950, that the request for dismissal of the instant application of Newton Z. Wolpert is denied, and the request for conditional grant of construction permit to John B. Hoffman is granted, upon express condition that such grant is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of Wolpert's application, or that public interest will not be served by a grant of either application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1527; Filed, Jan. 30, 1951; 8:50 a. m.]

[Docket No. 9884]

CIRCLE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Circle Broadcasting Corporation, Hollywood, Florida, for construction permit; Docket No. 9884, File No. BP-7750.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission having under consideration the above-entitled application for a new standard broadcast station to be operated on the frequency 1260 kilocycles, with 1 kilowatt of power, daytime only at Hollywood, Florida;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on March 1, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with station CMCI, Havana, Cuba or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1530; Filed, Jan. 30, 1951; 8:50 a. m.]

[Docket No. 9885]

LAWRENCE COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of James L. Harrison, J. E. Sowell, Harold Twitty and R. C. Wiley d/b as Lawrence County Broadcasting Company, Lawrenceburg, Tennessee, for construction permit; Docket No. 9885, File No. BP-7756.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951:

The Commission having under consideration the above-entitled application for a new standard broadcast station to be operated on the frequency of 1230 kilocycles with a power of 250 watts, unlimited time in Lawrenceburg, Tennessee;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the proposed station may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on March 2, 1951 at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with station WBHP, Huntsville, Alabama, and with Station WCMA, Corinth, Mississippi, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Wilton Harvey Pollard, licensee of Station WBHP, Huntsville, Alabama, and the Cosmopolitan Broadcasting Corporation, licensee of Station WCMA, Corinth, Mississippi, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1531; Filed, Jan. 30, 1951; 8:51 a. m.]

[Docket No. 9886]

DOWLANDER BROADCASTING CO. (WOOF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. A. Dowling, Jr., tr/as Dowlander Broadcasting Company (WOOF), Dothan, Alabama, for construction permit; Docket No. 9886, File No. BP-7757.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of January 1951;

The Commission having under consideration (1) the above-entitled application of Dowlander Broadcasting Company for a construction permit to increase power from 1 kw to 5 kw, daytime only, at Station WOOF, Dothan, Alabama; and (2) a petition filed September 21, 1950, by Miami Broadcasting Company (WQAM) to designate the above-entitled application for hearing and to make the petitioner a party to the proceeding; and

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate Station WOOF as proposed but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on March 7, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WOOF, as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station WOOF, as proposed, would involve objectionable interference with Station WQAM, Miami, Florida, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WOOF, as proposed, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the excessive blanket population within the 250 mv/m contour.

It is further ordered, That the petition of Miami Broadcasting Company (WQAM) is granted, and that the Miami Broadcasting Company, licensee of Station WQAM, Miami, Florida, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1532; Filed, Jan. 30, 1951; 8:51 a. m.]

[Docket Nos. 9887, 9888]

MUHLENBERG COUNTY BROADCASTING CO. AND CENTRAL CITY-GREENVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lawrence W. Hager, W. Bruce Hager, George M. Fuqua and Hugh O. Potter d/b as Muhlenberg County Broadcasting Company, Central City, Kentucky, Docket No. 9887, File No. BP-7762; L. L. Stone, Sr., A. E. Stone and R. G. Utley d/b as Central City-Greenville Broadcasting Company, Central City, Kentucky, for construction permits; Docket No. 9888, File No. BP-7856.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1951.

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on frequency 1380 kilocycles, with 500 watts power, daytime only at Central City, Kentucky;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on March 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant partnerships and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the station proposed in the application of Muhlenberg County Broadcasting Company and Station WOMI, Owensboro, Kentucky, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1533; Filed, Jan. 30, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6258]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT

NOTICE OF DETERMINATION

JANUARY 26, 1951.

Notice is hereby given that, on January 25, 1951, the Federal Power Commission issued its finding entered January 24, 1951, in the above-designated matter determining, under section 23 (b) of the Federal Power Act, that the interests of interstate or foreign commerce will not be affected by construction of the proposed developments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1509; Filed, Jan. 30, 1951; 8:46 a. m.]

[Docket No. G-303]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

JANUARY 26, 1951.

Notice is hereby given that, on January 24, 1951, the Federal Power Commission issued its findings and order entered January 24, 1951, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1510; Filed, Jan. 30, 1951; 8:46 a. m.]

[Docket Nos. G-1529, G-1530]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDERS

JANUARY 26, 1951.

Notice is hereby given that, on January 25, 1951, the Federal Power Commission issued its findings and orders entered January 24, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1511; Filed, Jan. 30, 1951; 8:46 a. m.]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS

JANUARY 26, 1951.

Notice is hereby given that, on January 24, 1951, the Federal Power Com-

mission issued its order entered January 24, 1951, approving and directing disposition of amounts classified in Electric Plant and Gas Plant Adjustment Accounts in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1512; Filed, Jan. 30, 1951; 8:46 a. m.]

[Project No. 2061]

IDAHO POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

JANUARY 25, 1951.

Public notice is hereby given that Idaho Power Company, of Boise, Idaho, has filed application for license under the Federal Power Act (16 U. S. C. 791a–825r) for a newly reconstructed hydroelectric development, designated as Project No. 2061, on Snake River, Idaho. The Applicant's old development which was replaced by the new project was designated as Project No. 457.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before March 6, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1517; Filed, Jan. 30, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1272]

MISSOURI PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 5 percent cumulative convertible preferred stock, $100 par value, of Missouri Pacific Railroad Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 8, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1513; Filed, Jan. 30, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17120]

ERICH STEIN

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Erich Stein, deceased. F-28-31149.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Erich Stein, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: Four and five tenths (4⅕/10) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 443278 and 443390 for twenty (20) shares each, and 188213 for five (5) shares of common, no par value stock of the aforesaid Company, registered in the name of Erich Stein, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for $10.00 par value stock of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Erich Stein, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Erich Stein, deceased referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1492; Filed, Jan. 29, 1951; 8:55 a. m.]

[Vesting Order 16855]

ELIZABETH ZEIMET ET AL.

In re: Rights of Elizabeth Zeimet et al. under insurance contract. Files No. F-28-31068-H-1, 2, 3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Zeimet, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth Zeimet, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 94 887 828, 94 955 929 and 95 976 087, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Elizabeth Zeimet, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Zeimet or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth Zeimet, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Elizabeth Zeimet, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 29, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1540; Filed, Jan. 30, 1951; 8:53 a. m.]

[Vesting Order 16862]

YUKIE KITAGAWA

In re: Rights of Yukie Kitagawa under an insurance contract. File No. F-39-4883-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yukie Kitagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,076,028 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Yoshitaro Kitagawa, together with the right to demand, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1541; Filed, Jan. 30, 1951; 8:53 a. m.]

[Vesting Order 16955]

ELISABETH GRAFIN FINCK VON FINCKENSTEIN

In re: Estate of Elisabeth Grafin Finck von Finckenstein, deceased. File No. F-28-4625; E. T. sec. No. 464.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Graf Finck von Finckenstein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Elisabeth Grafin Finck von Finckenstein, deceased, is property payable to or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Kingston Trust Company, as administrator c. t. a., acting under the judicial supervision of the Surrogate's Court, Ulster County, New York;

4. That the property described as follows:

a. An undivided 2/30ths interest plus 14.975 percent of an undivided 3/20ths interest in real property situated in the City of Utica, County of Oneida, State of New York, particularly described as Parcel No. 1 of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, or other payments arising from the ownership of such property,

b. An undivided 13/30th interest in real property situated in the County of Oneida, State of New York, particularly described as Parcel No. 2 of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances hereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

c. An undivided 2/15th interest plus 14.975 percent of an undivided 1/10th interest in real property situated in the City of Utica, County of Oneida, State of New York, particularly described as Parcel No. 3 of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

d. All right, title, interest and claim of the person named in subparagraph 1 hereof in and to any and all insurance policies which insure the property described in subparagraphs 4–a to 4–c hereof, inclusive,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2 and 4–d hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 4–a to 4–c hereof, inclusive, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All that tract or parcel of land situate in the City of Utica, County of Oneida, State of New York, bounded and described as follows, to wit:

Beginning at the southeasterly corner of Genesee and Broad Streets; running thence southwesterly along the southeasterly line of Genesee Street and making an interior angle of 122° 55' from the southerly line of Broad Street to the southeasterly line of Genesee Street a distance of 53.08 feet to a point; thence southeasterly, making an interior angle of 89° 50' from the southeasterly line of Genesee Street and along the southwesterly face of the one story brick gas station

building, a distance of 100.10 feet to a point in the westerly line of Franklin Street; thence northerly along the westerly line of Franklin Street making an interior angle of 57° 04' a distance of 98.80 feet to a point in the southerly line of Broad Street; thence westerly along the southerly line of Broad Street making an interior angle of 90° 11' from the westerly line of Franklin Street to the southerly line of Broad Street a distance of 55 feet to the place of beginning.

Parcel No. 2. All that certain piece or parcel of land situate, lying and being in the Town of Whitestown, County of Oneida and State of New York, and being part of Great Lot No. 15, in the 1st allotment of the Oriskany Patent bounded and described as follows, to wit: Commencing at a point in the center of the road leading from Oriskany Village to Coleman's Mills where the south bank of the Waste Weir Creek intersects said road and running thence southerly in the centre of said road as the same winds and turns 27 chs. and 84 lks. to a point opposite the flush board of the Oriskany Dam so called, the property of A. B. Buell and D. A. Shaw, thence across the Oriskany Creek on the flush board of said dam to the E. Bank of said Creek, thence southerly along the E. Bank of the Creek, 3 chs. and 86 lks. to the easterly line of said Lot No. 15, thence on said line in a course of N. 43 degrees E. 29 chs. to a point on the E. bank of said Oriskany Creek opposite the S. bank of the Waste Weir Creek, thence across the Oriskany Creek and along the S. bank of the Waste Weir Creek to the place of beginning, containing 23 acres and .99 of an acre be the same more or less.

Excepting and reserving all that tract or parcel of land situate in the Town of Whitestown, County of Oneida and State of New York, and lying southeasterly of the Village of Oriskany located and described as follows: Beginning at a point formed by the intersection of the line between the lands of the parties of the first part and the party of the second part with the blue line on the easterly side of the Feeder to the Erie Canal known as the Oriskany Feeder, running thence along the said line of the lands of said parties of the first part and the party of the second part S. 47 degrees 12' W. 1054.5 ft. to the said blue line on the easterly side of said Feeder at the southerly corner of the property herein described; thence along said blue line on the easterly side of said Feeder as it winds and turns northerly and northeasterly to the place of beginning, being all the lands now owned by the parties of the first part, lying between the lands of said Baker on the E. and said blue line on the W. containing 3.44 acres of land, be the same more or less.

Parcel No. 3. All that tract or parcel of land, with the buildings and improvements thereon, situate in the City of Utica, County of Oneida and State of New York, delineated as Parcel F on a Map showing property of the Tibbitts Estate, Utica, N. Y., made by Kemper-McLoughlin Co., Inc., Civil Engineers, dated October 16, 1923, and filed in Oneida County Clerk's Office February 13, 1924, bounded and described as follows, to wit:

Beginning at a point of intersection of the easterly line of Franklin Street with the southerly line of Fulton Street; running thence easterly along the southerly line of Fulton Street a distance of 100.86 feet to a point in the center line of the brick wall dividing the one-story brick building on the west and the two-story brick building on the east; thence southerly at an interior angle of 89° 22' along the center of the brick division wall aforesaid a distance of 24.81 feet to a point; thence westerly along the southerly face of the one-story brick building on the west at an interior angle of 90° 42' a distance of 20.32 feet to a point; thence southerly at an exterior angle of 89° 46' a distance of 15.27 feet to a point; thence westerly at an interior angle of 89° 46' along the southerly face of a brick building a distance of 80.56 feet to a point in the easterly line of Franklin Street 39.76 feet to the place of beginning.

[F. R. Doc. 51-1547; Filed, Jan. 30, 1951; 8:54 a. m.]

[Vesting Order 17005]

BANCO ALEMAN TRANSATLANTICO

In re: Stock owned by and debt owing to Banco Aleman Transatlantico, Madrid, Spain. F-28-1099-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Ueberseeische Bank, A. G., also known as Banco Aleman Transatlantico, and as Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Aleman Transatlantico, the last known address of which is Madrid, Spain, is a branch of Deutsche Ueberseeische Bank, A. G., also known as Banco Aleman Transatlantico and as Banco Alemao Transatlantico, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsche Ueberseeische Bank, A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Seventy (70) shares of capital stock of St. Louis National Stockyards Company, East St. Louis, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificate number C01413, registered in the name of Lee & Company, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled Customers' Securities Account, No. FS 84092, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Banco Aleman Transatlantico, Madrid, Spain, by The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a Customers' Securities Account, No. FS 84092, in the name of Banco Aleman Transatlantico, Madrid, Spain, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Banco Aleman Transatlantico, Madrid, Spain, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Banco Aleman Transatlantico, Madrid, Spain, is controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1548; Filed, Jan. 30, 1951; 8:55 a. m.]

[Vesting Order 16866]

TOICHI AND FUSA NISHI

In re: Rights of Toichi Nishi and Fusa Nishi under insurance contract. File No. F-39-5957-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toichi Nishi and Fusa Nishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,017,210, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Toichi Nishi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Toichi Nishi or Fusa Nishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1542; Filed, Jan. 30, 1951; 8:53 a. m.]

[Vesting Order 16867]

MINORU AND JOTARO NISHIMOTO

In re: Rights of Minoru Nishimoto and Jotaro Nishimoto under an insurance contract. File No. F-39-4465-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Nishimoto and Jotaro Nishimoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8,439,059 issued by the New York Life Insurance Company, New York 10, New York, to Minoru Nishimoto, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Minoru Nishimoto or Jotaro Nishimoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1543; Filed, Jan. 30, 1951; 8:53 a. m.]

[Vesting Order 16872]

NUIO YAMAKAMI ET AL.

In re: Rights of Nuio Yamakami et al. under contract of insurance. File No. F-39-6351-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nuio Yamakami and Hayamatsu Yamakami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7696422 issued by the New York Life Insurance Company, New York, New York, to Nuio Yamakami, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Nuio Yamakami or Hayamatsu Yamakami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1544; Filed, Jan. 30, 1951; 8:53 a. m.]

[Vesting Order 16908]

KIKU BROWN ET AL.

In re: Rights of Kiku Brown et al. under insurance contracts. Files F-39-5460-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiku Brown, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Frederick W. Brown, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 2747 GAB and GC 103—Serial T 33875, issued by the Metropolitan Life Insurance Company, New York, New York, to Frederick W. Brown, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Frederick W. Brown, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1546; Filed, Jan. 30, 1951; 8:54 a. m.]

[Vesting Order 16873]

GITARO (JITARO) YAMANISHI ET AL.

In re: Rights of Gitaro (Jitaro) Yamanishi, et al. under contracts of insurance. Files F-39-4562 H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gitaro (Jitaro) Yamanishi and Moto Yamanishi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 7913814 and 6494882 issued by the New York Life Insurance Company, New York, New York, to Gitaro (Jitaro) Yamanishi, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Gitaro (Jitaro) Yamanishi or Moto Yamanishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1545; Filed, Jan. 30, 1951; 8:54 a. m.]

MRS. MARGOT NOAFELDT SERVOS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Margot Noafeldt Servos, East Vineland, N. J.; Claim No. 13116; $1,000 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1554; Filed, Jan. 30, 1951; 8:56 a. m.]

GUSTAV ADOLPH BARTEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gustav Adolph Bartel, Bremerhaven, Germany; Claim No. 40241; $129.75 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1556; Filed Jan. 30, 1951; 8:57 a. m.]

HANSI SHARE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hansi Share, Hollywood, Calif.; Claim No. 35429; $141.05 in the Treasury of the United States. Twenty-five (25) shares of Beaunit Mills, Inc., New York, $1.25 Dividend Cumulative Convertible Preferred Stock, no par value (not convertible after August 1, 1952), Certificate No. 50, registered in the name of the Attorney General of the United States, presently in the custody of the Federal Reserve Bank of New York, New York, New York.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1555; Filed, Jan. 30, 1951; 8:57 a. m.]

JOHANNA ELEONORE BEHRENDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johanna Eleonore Behrendt, New York, N. Y.; Claim No. 41919; $42,444.61 in the Treasury of the United States. All right, title, interest and claim of Marga Kahn, and the heirs-at-law of Marga Kahn in and to the Estate of Gustave Bastheim, deceased, and in and to the trust created under the will of Gustave Bastheim, deceased.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1557; Filed Jan. 30, 1951; 8:57 a. m.]

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Volume 16 | INDEX, FEBRUARY 1951 | Nos. 22–40

A

ADVISORY COMMITTEE FOR AERONAUTICS. *See* National Advisory Committee for Aeronautics. Page

ADVISORY COMMITTEE ON PRIORITIES ADMINISTRATION, membership; Economic Stabilization Agency, added ---- 1129

AGRICULTURE DEPARTMENT:

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.

Administration:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Committees, Regional, representation on ---- 1583
Defense Production Act; designation of Production and Marketing Administration as claimant agency with respect to non-military food requirements for certain foreign countries, and domestic food requirements for United States civilians under, by Secretary ---- 1289
Food, non-military requirements for certain foreign countries, and domestic food requirements for United States civilians; Production and Marketing Administration designated as claimant agency respecting by Secretary ---- 1289
Forest lands:
Cherokee National Forest; certain lands transferred to and from, Executive orders respecting. *See main heading* Presidential documents.
Nantahala National Forest, enlargement; Executive order respecting. *See main heading* Presidential documents.
Manpower Policy Committee, representation on ---- 1272
Meat, allocation of; delegation of authority by Secretary to Economic Stabilization Agency ---- 1272
Minerals, reserved, disposition of; designation of countries in various States as areas in which mineral interests are to be sold at their fair market value by Farmers Home Administration and Federal Farm Mortgage Corporation ---- 1150, 1151, 1774

Agricultural adjustment:
Commodity marketing quotas:
Cotton, 1950, regulations; marketing, penalties, records and reports:
Farm marketing excess adjustment ---- 1578
Records to be kept and reports to be made by producers; farm operator's reports ---- 1579
Rice; termination of acreage allotments for 1951 crop ---- 1052
Tobacco:
Burley, 1951–52; notice of review by Secretary with respect to national quota proclaimed, and States and farm acreage allotments for ---- 1679

AGRICULTURE DEPARTMENT—Continued

Agricultural adjustment—Continued
Commodity marketing quotas—Continued
Tobacco—Continued
Cigar-filler and binder, 1951–52, regulations; marketing, penalties, records and reports, proposed rule making ---- 1479
Flue-cured, 1951–52; notice of review by Secretary with respect to national quota proclaimed, and State and farm acreage allotments for ---- 1679
Conservation programs, national agricultural:
1950 program:
Conservation materials and services; deduction respecting materials ---- 1223
Conservation practices and maximum rates of assistance ---- 1223
1951 program:
Conservation materials and services; deduction respecting materials ---- 1225
Conservation practices and maximum rates of assistance ---- 1225
Practices to develop cropping systems that restore soil productivity, etc.; increasing farm acreage of legumes and grasses or mixtures of these ---- 1815

Commodities and supplies; regulations, etc.:
Beans. *See* Fruits, berries, and vegetables.
Blueberries. *See* Fruits, berries, and vegetables.
Broccoli. *See* Fruits, berries, and vegetables.
Canned and processed foods; fruits, berries, and vegetables. *See* Fruits, berries, and vegetables.
Citrus fruits. *See* Fruits, berries, and vegetables.
Cotton; marketing quotas. *See* Agricultural adjustment, *above.*
Cranberry sauce. *See* Fruits, berries, and vegetables.
Cream. *See* Milk, cream, and byproducts.
Dairy products; milk, cream, and byproducts. *See* Milk, cream, and byproducts.
Dried prunes. *See* Fruits, berries, and vegetables.
Dry milks. *See* Milk, cream, and byproducts.
Food:
See also specific commodities.
Food commodities acquired through price support operations, disposal of. *See main heading* Commodity Credit Corporation.
Fruits, berries, and vegetables:
Export and diversion programs. *See* Export and diversion programs, *below.*
Grading, inspection, etc., of fruits, berries, and vegetables:
Fresh vegetables, standards for; broccoli for processing, proposed ---- 1595
Processed fruits, berries, and vegetables; standards:
Beans, lima, canned, standards; proposed revision ---- 1596
Blueberries:
Canned, standards; revision ---- 1663
Frozen, standards; revision ---- 1666
Cranberry sauce, canned; standards ---- 1575
Orange marmalade, standards; proposed ---- 1550
Sweetpotatoes, canned, standards; proposed revision ---- 1285

AGRICULTURE DEPARTMENT—Continued Page

Commodities and supplies; regulations, etc.—Con.
- Fruits, berries, and vegetables—Continued
  - Handling of various fruits and vegetables:
    - Citrus fruits, grown in various States:
      - Arizona:
        - Grapefruit; limitation of shipments 1627
        - Lemons; limitation of shipments 1003, 1266, 1673, 1788
        - Oranges; limitation of shipments 1004, 1268, 1674, 1783
      - California:
        - Grapefruit (Imperial and Riverside Counties); limitation of shipments 1627
        - Lemons; limitation of shipments 1003, 1266, 1673, 1788
        - Oranges; limitation of shipments 1004, 1268, 1674, 1783
      - Florida, oranges, grapefruit and tangerines grown in; limitation of shipments:
        - Grapefruit 981, 1265, 1786
        - Oranges 1263, 1787
        - Tangerines 1003, 1266, 1786
    - Potatoes, Irish, grown in various States and production areas:
      - California (Modoc and Siskiyou Counties):
        - Exemption certificates and safeguards 1680
        - Limitation of shipments 1471
      - Idaho (certain designated counties); limitation of shipments 1180
      - Indiana. *See* Michigan.
      - Iowa. *See* Michigan.
      - Michigan, Wisconsin, Minnesota, North Dakota, and certain counties in Iowa and Indiana:
        - Limitation of shipments 1267
        - Reports from handlers; inspection reports 1603
      - Minnesota. *See* Michigan.
      - North Dakota. *See* Michigan.
      - Oregon:
        - Crook, Deschutes, Jefferson, Klamath, and Lake Counties:
          - Exemption certificates and safeguards 1680
          - Limitation of shipments 1471
        - Malheur County; limitation of shipments 1180
        - Washington, potatoes grown in; limitation of shipments 1269
        - Wisconsin. *See* Michigan.
      - Prunes, dried, produced in California; marketing agreement and order:
        - Order suspending certain provisions 1817
        - Proposed amendments; notice of hearing respecting 1793

Grains:
- *See also specific grains.*
- Export programs for wheat and wheat-flour. *See* Export and diversion programs, *below.*
- Support prices for various grains. *See main heading* Commodity Credit Corporation.

Grapefruit. *See* Fruits, berries, and vegetables.
Lemons. *See* Fruits, berries, and vegetables.
Livestock inspection:
- At various stockyards. *See* Packers and Stockyards Division, *below.*
- Regulation of Animal Industry Bureau. *See main heading* Animal Industry Bureau.

Marmalade, orange. *See* Fruits, berries, vegetables.
Meats, prepared meats, and meat products:
- Grading, certification and standards:
  - Carcasses, lamb, yearling mutton, and mutton; standards, proposed revision 1736
  - Slaughter lambs, yearlings, and sheep, standards; proposed 1736
- Inspection and certification; regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.

Milk, cream and byproducts:
- Dry milks; standards. *See* Standards.
- Handling in various marketing and sales areas; amendments o marketing agreements and orders, etc.;
  - Illinois:
    - Quad Cities 1740
    - Southern marketing area 990

AGRICULTURE DEPARTMENT—Continued Page

Commodities and supplies; regulations, etc.—Con.
- Milk, cream and byproducts—Continued
  - Handling in various marketing and sales areas; amendments to marketing agreements and orders, etc.—Continued
    - Iowa:
      - Clinton 1740
      - Quad Cities 1740
      - Kansas; Wichita 1242
      - Louisiana; New Orleans 1771, 1899
      - Missouri:
        - St. Louis suburban area 990
        - Springfield 1225
      - Ohio:
        - Cincinnati 1832
        - Toledo 1021
      - Oklahoma:
        - Oklahoma City 1596
        - Tulsa 1599
      - Pennsylvania; Philadelphia 1771, 1774
      - Washington; Puget Sound marketing area 935, 1089, 1680
  - Standards; scorched particle standards for dry milks 923
- Orange marmalade. *See* Fruits, berries, and vegetables.
- Oranges. *See* Fruits, berries, and vegetables.
- Potatoes. *See* Fruits, berries, and vegetables.
- Processed fruits, vegetables, and products. *See* Fruits, berries, and vegetables.
- Prunes. *See* Fruits, berries, and vegetables.
- Rice; marketing quotas. *See* Agricultural adjustment, *above.*
- Sugar regulations, consumption requirements and quotas for Puerto Rico; allotment of sugar quotas, 1951 1668
  - Direct-consumption portion of 1671
- Sweetpotatoes. *See* Fruits, berries, and vegetables.
- Tangerines. *See* Fruits, berries, and vegetables.
- Tobacco; marketing quotas. *See* Agricultural adjustment, *above.*
- Vegetables. *See* Fruits, berries, and vegetables.
- Wheat and wheat-flour; export program. *See* Export and diversion programs, *below.*

Conservation programs, national agricultural. *See* Agricultural adjustment.
Diversion programs. *See* Export and diversion programs.
Export and diversion programs; various agricultural commodities:
- Citrus fruit export program RMX 135a, correction 1474
- Wheat and wheat-flour export program—International Wheat Agreement; terms and conditions of Commodity Credit Corporation program:
  - Eligible countries 1497
  - Payment:
    - Application for; documents to evidence exportation by exporter (bills of lading or shipper's export declaration) 1497
    - Eligibility for:
      - Exports to eligible countries 1495
      - General conditions of eligibility 1495
    - Reports; declaration of sale and evidence of sale 1497
    - Sale:
      - *See also* Reports.
      - Confirmation of sale 1495
      - Exporter, responsibility of 1495

Imported commodities; Agricultural-Import Order, Appendix A, revision 1113
Marketing quotas, commodity. *See* Agricultural adjustment.
National School Lunch Act; apportionment of food assistance funds pursuant to. *See* School lunch program.
Office of the Secretary:
- Agriculture-Import Order. *See* War food orders.
- Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests are to be sold at their fair market value by Farmers Home Administration and Federal Farm Mortgage Corporation 1150, 1151, 1744
- War food orders; Agriculture-Import Order, Appendix A, revision 1113

AGRICULTURE DEPARTMENT—Continued Page

Packers and Stockyards Division; notices respecting petitions for modification of rates and charges at certain stockyards:
- New Orleans Stock Yards, Arabi, La., market agencies at 1021
- Omaha Union Stock Yards, market agencies at 1020
- St. Paul Union Stockyards Co 934
- Union Stock Yards Co., of Omaha (Ltd.) 1242

Production and Marketing Administration:
- Agricultural adjustment; commodity marketing quotas, conservation programs, etc. *See* Agricultural adjustment.
- Commodity credit. *See main heading* Commodity Credit Corporation.
- Food; designation as claimant agency to present requirements respecting, under Defense Production Act:
  - Domestic food requirements for civilians 1289
  - Non-military food requirements for those foreign countries having no ECA programs 1289
- Livestock inspection under Packers and Stockyards Act, designation of stockyards, etc. *See* Packers and Stockyards Division.
- Marketing agreement and orders; specific commodities. *See* Commodities and supplies.
- Packers and Stockyards Act; notices, etc. *See* Packers and Stockyards Division.
- Regulations respecting specific commodities. *See* Commodities and supplies.
- School lunch program. *See* School lunch program.
- Standards, grading, inspection, etc., specific commodities. *See* Commodities and supplies.
- War food orders; Agriculture-Import Order, Appendix A, revision 1113

School lunch program; apportionment of food assistance funds, for various States, pursuant to National School Lunch Act, 1951, supplemental apportionment 1223
Support prices, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
War food orders. *See* Production and Marketing Administration.
Wheat Agreement, International; terms and conditions of wheat and wheat-flour export program. *See* Export and diversion programs.

AIR FORCE DEPARTMENT:
- Barksdale Air Force Base Reservation (bombing and gunnery range), Louisiana; transfer of jurisdiction over oil and gas deposits in, from Department to Interior Department. *See main heading* Land Management Bureau.
- Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
- Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
- Freight, military; preference and priority for transportation. *See main heading* Defense Transport Administration.
- Lands, public; withdrawal of, for use of Department. *See main heading* Land Management Bureau.
- Regulations:
  - Aircraft; Air Force participation in ceremonies, celebrations and exhibitions (revision) 1270
  - Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.

AIR TRANSPORTATION, FACILITIES, ETC.:
- Accidents, aircraft; investigation of. *See* Civil Aeronautics Board.
- Civil aircraft, navigation, etc., regulations respecting. *See* Civil Aeronautics Administration, *and* Civil Aeronautics Board.
- Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
- Security control of air traffic. *See* Civil Aeronautics Administration.

ALASKA:
- Alaska Housing Authority; regulations, town sites. *See* Land Management Bureau.
- Public lands in. *See* Land Management Bureau.
- Wildlife protection. *See* Alaska Game Commission.

ALASKA GAME COMMISSION: Page
- Regulations:
  - Fur management areas, establishment; proposed rule making 1147
  - Guides, employment of, and qualifications for guide licenses; proposed rule making 1147
  - Licenses:
    - Guides. *See* Guides.
    - Resident trapping, hunting and fishing licenses; proposed rule making 1147
  - Poisons whose use is prohibited in killing of game or fur animals or birds; possession, sale, use, etc.; proposed rule making 1147
  - Special permit hunts; proposed rule making 1147

ALASKA HOUSING AUTHORITY, sale of lots or tracts to, in connection with town sites; regulations. *See* Land Management Bureau.

ALIEN PROPERTY, OFFICE OF:
- Procedure; bar dates for claims in respect of Deutsches Kalisyndikat G. m. b. H 1134
- Return of vested property, orders respecting. *See* Vesting orders, etc.
- Vesting orders, etc.:
  - Copyrights; certain German nationals 1660
  - Costs incurred in court actions in State of New York 1112
  - Dissolution orders; Ritter, H. F., & Co., Inc 1110
  - Return of vested property:
    - Azzi, Enrico 1000
    - Bardet, Gerard 1000
    - Berges, Andre 1718
    - Decombe, Georges 1661
    - del Drago, Angela, Maria, Ferdinando, Giovanna 999
    - Dewas, Raymond 1661
    - Di Falco, Pietro 1702
    - Diedrichs, Emile Charles Robert 1661
    - Dreyfus, Georges 1718
    - Ebeler, Emma Zimlick 1662
    - Ecker, Emma 1701
    - Ferigo, Elisa 1782
    - Garcin, Louis Marie Antoine 1702
    - Haberpointner, Johann 1702
    - Halle, Werner 999
    - Hemmerle, Vendelin 1625
    - Johansson, J. R 1702
    - Kodak-Pathe Societe Anonyme Francaise 1662
    - Lancia & C. Fabbrica Automobili Torino—S. A 1000
    - Larson, Wallace M 1702
    - Lemaire, Maurice Henri 1262
    - Lemoigne, Pierre 1625
    - Lochner, Lena C 1000
    - Matsuoka, Shunji 1262
    - Meyron, Davide 1661
    - Paul, Lena Lochner 1000
    - Paul, Mrs. George 1000
    - Reygagne, Leonce 1701
    - Rings, Elsie 1702
    - Rouat, Roger 1662
    - Santomenna, Lelio 1702
    - Scarpellini, Edoardo 1661
    - Schindler, Annie Elizabeth 1000
    - Societe Carbochimique S. A 999
    - Societe "L'Aviorex" Dreyfus Freres 1000
    - Societe Solex 1715
    - Souche, Fernand Charles 1661
    - Vitale, Maria Concetta 999
  - Various interests, in estates, litigation proceedings, etc.:
    - Ackmann, Hildegard 1749
    - Adyama, Itsuo 1778
    - Ahrens, Henry 1750
    - Alianz Versicherungs A. G 1107
    - Allianz Versicherungs 1107
    - Altfatter, Kathie Brunnett 1572
    - Altvater, Katherine 1572
    - Andermahr, Herbert 1698
    - Andermahr, Joseph Hubert 1698
    - Aoyoma, Itsuo 1777
    - Aramki, K 997
    - Aramki, Kameki 997
    - Arita, Kimiko 1161
    - Arita, Mrs. Kimiko 1161
    - Asai, Seiji 997

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Automobil, Max Foerster G. M. B. H. 972
Badum, Ernst 1650
Balthazar, Paula 1045
Banco Aleman Transatlantico 1659
Banco Germanico de la America del Sud 998
Bankiershantoor, Rebholz 1295
Batholdt, Antonie 1926
Bartholdt, Hans W 1926
Bartholdt, Toni 1926
Baum, Wilhelm 1650
Baumfield, Herman and Kaneko 1660
Beck, Frederick 974
Beck, Maria 974
Becker, Anna Dorothea Katharina 1574
Behr Schultz & Co 1624
Behrens, Lilli Elizabeth Schneider 1574
Benzenberg, Gustave 1778
Berenberg-Gossler, Sarah D 967, 998
Berger, Wilhelmine 1491
Berkel, Adele 1656
Berlin, City of 1657
Bobrik, Mrs. Isa 1925
Bockemuhl, Hans 974
Bohm, Hermann and Ida 1621
Brambeer, Francis Moran, Jr 967
Brandt, Anna A. A 1623
Brochhaus, Hans 1299
Brodersen, August 1164
Bruhn, Bruno 1106, 1840
Bruhn, Eva O 1840
Brunnett, John E 1572
Capito, Eduard 1574
Capito, George I 1574
Capito, Wilhelm 1574
Carlowitz & Co 1622
Chemisch-Pharmazeutische A. G. Bad Homburg 1294
Commerce Bank Aktiengesellschaft 1037
Commerz and Privatbank A. G 1037
Commerz Bank Aktiengesellschaft 1037
Commerzbank Aktie 1037
Commerzbank Aktiengesellschaft 1037
Conrades, Stiftung and Werner 1779
Conversion Office for German Foreign Depts 1301, 1656, 1697, 1756, 1807
Dai Ichi Ginko, Ltd 1221
Daniel, Helen and Suye 1838
De Visser, Anna 1572
DeCair, Julia 1042
Deufel, Mrs. Joseph A 1036
Deutsch-Sudamerikanische Bank 998
Deutsche Bau und Bodenbank, A. G 1699
Deutsche Reichsbank 1217, 1295
Diakonissen Anstalt Bethanien & Ernestinenhof 1216
Dieter, Phillip A 1924
Dietsche, O 1839
Dinklage, August J 1717
Dinklage, Ulrich, Joerg, and Rudiger 1717
Dittmann, Arthur 1109
Doell, Anna 1043
Dojahn, Frank 1811
Dolle, John 1298
Dreyerler, Eugene 1164
Dunkak, Margaret 1818
Durler, Lorenz 968
Effectenkantoor, Rebholz 1295
Elektricitatswerke Unterelbe A. G 1701
Emerich, Heinrich Georg 1293
Emig, Katharina 1574
Emiko, Elizabeth 1813
Endo, Sutematsu 1840
Englehard, Karl 1032
Eprinchard, Ferdinande Marie-Therese 1298
Eprinchard, Therese 1298
Erben, Herman August Meywald 1924
Exportkreditbank, A. G 1301
Fechner, Ada Ursula (nee Brambeer) 967
Feldmuhle Papier and Zellstoffwerke, A. G 1754
Felten & Guilleaume Carlswerk Action-Gesellschaft 1650
Feubel, Albert C 1818
Feubel, Carl Albert 1808
Finkbeiner, Karl Bernhardt 1807

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Finkbeiner, Michael Friedrich 1807
Fittkau, Karl 1756
Fleitman, Herman C 1044
Foebel, Katharine 1574
Foerster, Maria 972
Foerster, Max, Automobil G. M. B. H 972
Forstmann, Guenther 973
Fox, Albert Frank 1808, 1809
Fox, Mrs. Charlotte 1808, 1809
Fox, William Herbert 1808, 1809
Friederichs, Otto 1573
Fritze, Rudolf 1044
Fujii, Mincyoshi 1780
Fujino, Hideo 1106
Gandolfi, L., and Co., Inc 1656
Gantvoort, Hilde 1651
Garrett, Henrietta E 1261
Gauernack, Frieda 1781
Geffcken, Heinrich 1649
Gerber, Ludwig and Herta 1299
German Building and Land Bank 1699
German Government, debt of Radiomarine Corporation of America 998
German nationals, certain unknown 1038
Germany, Berlin, City of 1657
Germany, Oldenberg, Free State of 1756
Goerg, Alice 963
Goerg, Franz 963
Goerg, Ida 963
Goessling, Anna 974
Gotz, Else 967
Grabis, Cecilie 999
Gramenz, Gabriela 967
Greiner, Wally 1810
Groeschke, Herman 1222
Gross, Edmund 1696
Grossman, Pauline 1807
Gudert, Carl 1261
H. M. H. Albert de Bary & Co., N. V 1619
Haack, Bertha 1220
Hagemeister, Heinz Juergen 1655
Hagena, Jane Beatrice 1751
Hahn, Frank 1222
Haist, Marie 1807
Halbach, Walter C 1814
Hamano, Julius 1841
Hamano, Kiku 1841
Hamburgische Landesbank-Girozentrale 1297
Handelstrust West N. V 1039, 1107
Hanow, Hedwig 973
Hansen, Johanna Margaretha 1040
Harlander, Kathi 1032
Hasuike, Mitsuye 1811
Hasuike, Susumu 1811
Hauman, Marie 1032
Heiser, Adolph 1042
Heisinger, Guenther 1033
Held, Anna 1781
Helm Bros. Ltd., Messrs 1112
Hermes Kreditversicherungs 1107
Herweg, Dorette 1810
Hessinger, Guenther 1033
Hessling, Arthur Victor Waldemar 1717
Heyman, Ernst 1486
Heyman, Ernst Theodor 1486
Heymann, Ernst and Johanna 1486
Heymann, Ernst Theodor 1486
Hidakata, Hisayoshi 1040
Hidikata, Hisayoshi 1040
Hijikata, Hisayoshi 1040
Hillmann, Rudolf 1301
Hobelsberger, Ludwig 1840
Hoechst, Dr. Theo 1716
Hoeft, Hildegard 1111
Hoffmann-Walbeck, Hans and Alice Louise 1778
Hofmeister, Josef 1040
Hohn, Barbara 1262
Holling, Friedrich August Herman 964
Horsinka, Theresia 1488, 1494
Huecking, Victor L. F. H 1657
Huffmann, Elisabeth 1751
Huffmann, Frieda 1216

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Hutwohl, Jacob 1656
Iguchi, Masako and Sadao 1716
Ijuin, Toraichi 1039
Imperial Japanese Government, debt of Radiomarine Corporation of America 1573
Inouye, Lee 1033
Ishikawa, G 1103
Ishikawa, Tamaye 1809
Ishikawa, William Sekifumi 1809
Itoh, Nobumi 962
Iwamoto, Tsuyoshi 975
Jacobs, Hans 1651
Japanese Association of America 1261
Japanese nationals 1639
Jebenstreit, Elizabeth Wilhelmine Irma, Erna Franziska Hedwig 1493
Jebenstreit, Friedrich 1493
Jetter, Charlotte 963
Jetter, Friedericke 1807
Joerling, Henry 1103
Jurgens, Ella A 973
Jurgensen, Augusta Hansen 1041
Just, Francis 1749
Kaisha, Shinko Menkwa Kabushiki 1221
Kamerbeek, Vincent Josef Herman Anton 1031
Kanazawe, Tai and Fuyonosuke 1110
Karstadt, Rudolph, Aktiengesellschaft 1749
Kaselitz, Fritz 975
Katagiri, Chihaku 965
Katagiri, Chihiro 965
Katagiri, Shizu 964
Kawato, Harry T 1753
Kazuo, Fred 978
Kirschstein, Friedrich 1650
Klaeber, Emma A. C 1103
Klaeber, Frederic 1103
Klaeber, Frederick and Charlotte 1103
Klaeber, John Frederick 1103
Kluftinger, Leonhard M 1811
Klumpp, Maria Magdalena 1807
Klung, Anna 1718
Kneifel, Julius 1030
Kneifel, Wally 1030
Knobe, George 1162
Knoll, A. G 1109
Kobayashi, Ken 1162
Kock, Marie 1695
Kock, Marie Nicolai 1695
Koda, Heli 1717
Koenig, Joseph L 969
Koenig, Joseph Lorene 969
Koenig, Rosa L 969
Koeppe, Gertrud Margarete 1046
Koeppe, Hans-Werner and Horst 1046
Koeppe, Dr. W. H. Leonhard 1047
Kojima, Kagenobu 1163
Komatsu, Shizuyo 975
Komatsu, Yusaburo 975
Kondo, Hama 1652
Kondo, Hanako, Yukiko, Yoshiko, Marico and Isaac 1652
Kondo, Seiko 1220
Konversionskasse für Deutsche Auslandsschulden 1301, 1656, 1697, 1756, 1807
Koopmann, Amanda 969
Koopmann, Hanns 1034
Kortmann, Clara 1298
Kortmann, Joseph, Bernard, August, Felix, Alfons, Ludger, Hedwig, and Marie 1298
Korwau, Anna 1573
Kosai, Ben 1161
Koshiba, Takeji 1492
Koshiba, Takezo 1492
Koshiba, Taroemon 1492
Kota, Hirai 1750
Koyano, Kitsue and Taoko 1715
Kramer, Renita 1041
Kranold, Herman 1034
Kranold, Ursula 1034
Kratzke, Emilia (Emilie) 1042
Kronauge, Hilda 1716
Kuepper, Clemens 1781

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Kuhne, Renate 1811
Kuhnle, Barbara (nee Hohn) 1262
Kuhule, Barbara 1262
Kunert, Emil 1260
Kunitomo, Kamejiu 965
Kunitomo, Tadao 965
Kussnik, Anna Maria 1574
Land and Seekabelwerke A. G 1651
Lang, Franc and Kunegude 1110
Lang, Katharina 1574
Lange, Joseph Wilhelm 1574
Lauber, Gretel 1574
Lauber, Margaretha 1574
Leipzig, City of 1657
Leipzig Overland Power Companies 1841
Lenger, Dr. Walter C 971, 976
Lenger, Helen C, nee Punchera 971
Lesser, F 1695
Leverkuehn, Paul 1811
Leverkuehn, Paul Martin Adolf 1811
Liebegott, Katherina Lukas 1574
Lindenberg, Barbara 1034
Linder, Johannes 1622
Lisel, Elisabeth 1717
Loeffler, Ernest 1487, 1621
Loerky, Karl 1842
Longardt, Alfred 973
Longardt, Martha 976
Lotzbeck Gebruder Import G. m. b. H 1574
Ludwig, Oskar 997
Lueders, Albert, Irene, Gisela, and Gudrun 1030
Luhrig, Wilhelm 1107
Lukas, Georg 1574
Lukas, Helma 1574
Lukas, Johann 1574
Maas, Joachim 1781
MacGowan, Gault 1108
Mahnert, Franz 969
Mandel, Charlotte 1717
Mank, William and Marie 1701
Mano, Mika and Takichi 1111
Manz, Clara Madler 1812
Manz, Josephine 1812
Marx, Julius 1111
Matsukuma, Haruyo 1164
Matthews, August 1166
Matthias, August 1166
Maulbetsch, Fritz 1807
Maulbetsch, George 1807
McKee, Fridel 1043
McKee, Lucie Frieda Christine 1043
McKee, William Alexander 1043
Mecke, Annemarie 1030
Mecke, Mary 1030
Meier, Frederica 963
Meth, Johanna Roser 1574
Meywald, H 1924
Meywald, Hermann August 1924
Mikami, N. B 1621
Mikami, Nobuo 1621
Miketta; Hans Claus 1036
Milberg, Paul 1699
Mills, Charles 1777
Minamoto, Kita 1658
Mitteldeutsche Stahlwerke A. G 1108
Mizuta, Yone 1750
Mohr, August L 1043
Mohr, Fritz 1043
Moschkowitz, Ernst 1043
Mueller, William 964
Muenchener Rueckversicherungs Gesellshaft 1107
Munchener 1107
Munchner Ruckversicherungsgesellshaft 1107
N. V. Maatschappij Algemeen Beheer 1045
N. V. Staalproducten Handel en Agenturen Mij Prosteel 1108
Nakahara, Waro 1046
Nakano, Kosuke 1034
"National" Lebensversicherungs Aktiengesellschaft 1294
National Life Assurance Co., Ltd 1294
Nazaki, Kimi 965

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Nederlansche Credietverzekering Maatschappij N. V 1107
Nicholls, Helga 1220
Niedersaechiche Landesbank Girozentrale 1297
Niederschlesische Bergbau, A. G 1259
Niesters, Peter 961
Niino, Chisa 1035
Nishida, Jinsuke 1658
Noak, Emmy 1573
Nobukawa, Kiyono and Itsuji 1165
Nobusuye, Yoshiko and Shizuo 1165
Norddeutsche Lebensvers A. G 1218
Numone Kakujiro 1493
Nunome, Kanji 1493
Oberwalder, Ingrid Lori 1926
Oberwalder, Mariachristina 1926
Oberwalder, Rosetta 1926
Oda, Ayako 977
Oda, Junichi 976
Oefinger, Celestine 1163
Ohno, Tamotsu 1220
Okada, Ruth K 1222
Okamoto, Ishimatsu 974
Oldenberg, Free State of 1756
Ono, Matsuno 976
Ono, Mojiro 976
Opp, Erna 1035
Ortlepp, Katharina 968
Ortutay, Olica 1035
Osram G. m. b. H. Kommanditgesellschaft 1296
Ota, Eigoro 962
Patzer, Paul 1623
Peters, F. M 1297
Petersen, Meta 1925
Pollert, Anna 1043
Prussia, Free State of 1754
Puck, Arthur N 1780
Punchera, Helen C 971
Rabe, Frank and Marie 1754
Radiomarine Corporation of America, debt owing to German Government 998
Radiomarine Corporation of America, debt owing to Imperial Japanese Government 1573
Raisch, Jacobine 1807
Rapp, Franziska 1109
Rebholz, Otto 1295
Redmann, Alma 1036
Reh, Willy 1651
Reher, Fritz 1111
Rehr, Fritz 1111
Reinhardt, Walther L 1748
Reubke, Anna 1218
Reuter, Richard 972
Rhein Main Donau, A. G 1697
Rheinisch-Westfaelisches Kohlensyndikat 1045
Rheinische Kampferfabrik, G. m. b. H 1259
Rhine Main Danube Corporation 1697
Richter, Hans 1649
Robinson, Clarinda 1036
Rodling, Guido 1779
Roedder, Otto C 1757
Roedling, Guido 1779
Roese, Henry 1046
Rohrer, Enma 1807
Rosahl, Johannes Herman Curt 972
Roth, John 1812
Runge, Alex 1698
Samson, Frances 1036
Sandhagen, Anton Friedrich 1216
Sanhein, Peter 1104
Sawada, Minoru 1219
Schacker, Henry 1658
Schafertons, Amalie 963
Schauren, Katharine 1622
Scheible, Carl (Karl) 977
Schelling, Christine 1807
Schenk, Alix 1696
Scherf, Alexander 1492
Schering, A. G 1258
Schlicke, Mrs. Hildegard, nee Hoeft 1111
Schmauss, John 1036
Schmidt, Anna 1573

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Schmidt, Anna M 1812
Schmidt, Dora 1032
Schmidt, George 1812
Schmitt, Joseph Wilhelm 1574
Schneider, Lotte 971
Schreyer, Hugo 1624
Schumacher, Carl Emil 1043
Schwartz, Lottie 1035
Schwarz, Elisabetha C 1035
Schwarz, Eugen Richard 1035
Seeger, Richard 1041
Seidel, Carl 1104
Senoo, Hisayo 965
Senoo, Kwanji 965
Shiba, Otokichi and Souzu 1105
Shibata, Kazuso 1813
Shigeru, Gordon 1813
Shinden, Kuniyoshi 966
Shinden, Shosayemon 966
Shinko Menkwa Kabushiki Kaisha 1221
Siemens & Halske, A. G 1753
Siemens-Schuckwerke, G. m. b. H 1753
Siemssen, Edith Courvoisier 1630
Siemssen, Ellen 1030
Siemssen, Hermann 1030
Siemssen, Marianne 1030
Siemssen, Marie Lukas 1030
Siemssen, Nicolaus 1030
Siemssen, Oswald 1030
Siemssen, Werner 1030
Siemssen, Wilhelm 1030
Sioto, G. m. b. H 1259
Smiley, Ida B 970
Smiley, Ida Belle 970
Sonoda, Saburo 1042
Sperling, Wilhelm 1753
Staab-van den Vrijhoef, M. B. H 1103
Standard Braid & Produce Co. of Japan 1700
Stangen, Carl 1656
Stapff, Adolf 977
Stapff, Lissy 977
Steel, Catharine A 996
Steel, Katharina 996
Steenken, Elisabeth 1717
Steenkholen Handelsvereeniging N. V 1045
Steilmann, Frank 1624
Stein, Henry 1105
Steltzer, Emilio Ernesto Borjas Sylvester 1486, 1487
Stier, Mrs. Edith 1033
Stockmann, Aloys 1841
Stoeckle, Helen 1105
Storz, Carl 1220
Storz, Johann Friedrich 1220
Straubel, Fritz 1262
Strauss, Rudolph 1037
Surmann, Julius 1623
Sylvester, Emilio 1302, 1486, 1487
Tademoto, M 1033
Takeda, Hoshu 1813
Takeda, Samonji 1813
Takeshita, Takao 1493
Takeshita, Takasuke 1493
Tama, Charlotte 977, 978
Tanabe, Tadao 1215
Tanaka, Matakichi 1042
Tanigawa, Tomizo 1112
Tanimura, Kaneme 966
Tatsuta, Saichi 1260
Taxis, Marie 1044
Tegeler, Hermann 962
Terra-Film-kunst G. m. b. H 1562
Teshirogi, Harry Teiji 1813
Theuner, Helen Marie 995, 1029
Tiebert-Daeniker, Emma 1753
Tiebert-Daeniker, Emmy 1753
Tiemann, Wm 1219
Tobis-Melofilm G. m. b. H 1562
Togasaki, Kiyoshi 1813, 1814
Togioka, Tsunegoro 1047
Togosaki, Misu 1813
Toji, Keichi 966
Tokunaga, Kakuji 1925
Torikai, Kenzo 962

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Ufa 1488
Uhrig, Johannes and Katherine 1221
Uhrig, Katharina 1221
United Steel Works Corporation 1219
Universum-Film, A. G. 1489, 1561, 1562, 1565, 1616, 1652
Uno, Hanayo 1814
Uno, Toichi 1814
Unterelbe Power & Light Co 1701
Uyemura, Mrs. Chiyo 1810
Uyemura, Yayeko, Miyoko, and Toshiko 1810
Van den Vryhoef, Maria 1102
Van der Stucken, Mary 1925
Vereinigte Stahlwerke Aktiengesellschaft 1219
Vietheer, Peter John 967
Vietor, Friedrich Martin 1755
Vietor, Fritz M 1755
Voggenreiter, Fanny 1032
Voigtländer & Sohn, A. G 1259
Von Berenberg-Gossler, Sarah 967, 998
von Biedenfeld, Clara 1036
von Biedenfeld, Hans Claus 1036
von Biedenfeld, Ruprecht 1036
von Biedenfeld, Waldtraut 1036
Von Dannenberg, Hildegard 1751
Von Frauendorfer, Sigmund 1780
Von Ilberg, Irmgard 971
Von Ilberg, Konrad 970
Von Simson, Walther 1699
Von Warburg-Jkvr. von Lindeiner, E. Ch 1755
Von Warburg-von Lindeiner, E. Ch 1755
Vonwiller, Alfred 1696
Wachenfeld, Gustav O 1106
Walliser, Elizabeth 1030
Washeim, Anna 1926
Weidmann, Luise 1165
Weiler, Jakob 1264
Weinrich, F. J 1494
Weinrich, Francis J 1494
Wenzel, Hedwig M 1216
Westhaussen, Mathilda 1165
Westhaussen, Robert E 1166
Westholsteinische Bank Altona 972
Wetzel, Elizabeth 1047
Wetzel, Lilli 1047
Weyersberg, Herman 1298
Weyh, Sophie Mag 1574
Weymann, Henry 1638
Weymann, Paula 1638
Wien Film G. m. b. H 1488
Windels, Erich 1842
Wirth, Berta 1035
Wirth, Elisabetha C 1035
Wirth, Emil 1035
Wirth, Emma 1035
Wirth, Karl 1035
Wirth, Wilhelm Emil 1035
Wohlfahrtsverwaltung, Stettin 996
Wolff-Koch, Aline 978
Wuerz, Amalia Elfrieda 1035
Yamagata, Kouko and Sansho 1625
Yamaguchi, Isamu 968
Yamaguchi, Katsuichi 968
Yamakami, Hayamatsu 1659
Yamakami, Nino 1659
Yamamoto, Junichi 1493
Yamamoto, Miwako 1700
Yamamoto, Yoshino 1493
Yamashita, Hanjiro 978
Yamazaki, Tsuneshiro 1695
Yanagimura, Masaji Mrs 970
Yanamura, Mrs. Masaji 970
Yanamura, Torahiko 970
Yoshimura, Kotaro 1782
Yoshimura, Masao, Natsuyo, Ayako, Masako and Tamako 1782
Yurt, Margaret 1659
Ziegler, Gustav 1782
Zu Schweinsberg, Alix Louise Schenk 1695

ALIENS:
Immigration regulations. *See* Immigration and Naturalization Service.

ALIENS—Continued Page
Property of; vesting orders, etc. *See* Alien Property, Office of.

ANIMAL INDUSTRY BUREAU:
Organization and functions, statement of; revision 1604
Regulations, orders, etc.:
Animal breeds; recognition of breeds and books of record of purebred animals:
Canada; animals generally (goats) 1180
Countries other than Canada:
Cattle; "The Dun and Belted Galloway Herd Book", proposed recognition of 1019
Dogs, various recognized breeds; Livre des Origines Francais, withdrawal of recognition 1006
Hog cholera; production, testing, etc., of antihog-cholera serum and hog-cholera virus. *See* Viruses, serums, toxins, etc.
Rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease; prohibited and restricted importations of certain animals and products from Union of South Africa because of 1473
Viruses, serums, toxins, etc.:
Anti-hog-cholera serum. *See* Hog cholera.
Hog cholera; anti-hog-cholera serum and hog-cholera virus, production and testing, etc.:
Anti-hog-cholera serum; testing:
Dosage, minimum; proposed rule making 1640
Test pigs; proposed rule making 1640
Hog-cholera virus; simultaneous virus:
Holding of; proposed rule making 1640
Sickness and records thereof; proposed rule making 1640
Swine erysipelas; proposed rule making 1640
Licensed establishment; production, testing, etc., of biological products:
Anti-hog-cholera serum. *See* Hog cholera *above*.
Hog-cholera virus. *See* Hog cholera, *above*.
Miscellaneous requirements, biological products other than anti-hog-cholera serum and hog-cholera virus; rabies vaccine, proposed rule making 1640

ARMED FORCES:
See also Defense Department.
Courts-Martial Manual, 1951, prescribed; Executive order respecting. *See* Presidential documents.
Veterans. *See* Veterans.

ARMY DEPARTMENT:
See Engineers, Corps of.
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
Freight, military; preference and priority for transportation. *See main heading* Defense Transport Administration.
Lands, public; withdrawal of, for national defense purposes. *See main heading* Land Management Bureau.
Regulations:
Appointment of commissioned officers and warrant officers. *See* Personnel.
Personnel, appointment of commissioned officers and warrant officers; appointment in Medical, Dental, Veterinary, Medical Service, Army Nurse and Women's Medical Specialist Corps, Regular Army:
Age and special eligibility requirements:
Medical Service Corps 1475
Veterinary Corps 1475
Application 1476
Evaluation Boards 1476
Grade determination; Medical Corps or Dental Corps 1476
Service credit 1475
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.

ATOMIC ENERGY COMMISSION: Page

Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Preference and priority; transportation of military freight. *See main heading* Defense Transport Administration.
Price control; exemption of Commission as "Defense Agency" from provisions of General Ceiling Price Regulation, by supplementary regulation. *See main heading* Price Stabilization, Office of.
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized operation and construction programs; delegation of authority by National Production Administrator ---- 1508
Procurement:
Operation and construction; NPA delegation of authority to apply priority (DO) ratings ---- 1508
Policy; regulations. *See under* Regulations.
Radioisotopes; regulations respecting. *See under* Regulations.
Regulations:
Procurement policy; broad policies with respect to methods of procurement ---- 1759
Authority; procurement responsibility and authority, administrative provisions ---- 1764
Award of contracts, justification of; administrative provisions ---- 1764
Basic policies; general provisions ---- 1761
Definitions of terms; general provision ---- 1761
Procedure; methods:
Procurement by Commission:
With formal advertising ---- 1762
Without formal advertising ---- 1763
Procurement by cost-type contractors ---- 1764
Responsibility, procurement; administrative provisions ---- 1764
Radioisotope distribution; proposed rule making ---- 1089
Applications ---- 1090
Authorizations ---- 1090
Records ---- 1090
Reports; records, reports, inspections ---- 1090
Transfer, possession, and use ---- 1090
Withdrawals of land in Colorado, for use of Commission. *See main heading* Land Management Bureau.

B

BANKS:
Federal reserve banks. *See* Federal Reserve System.
Insurance of accounts. *See* Federal Savings and Loan Insurance Corporation.
Mail money shipments; excepted from restricted mail service order. *See* Post Office Department.
BLOCKED ASSETS. *See* Alien Property, Office of.
BOARDS. *See* Committees, boards, etc.

C

CIVIL AERONAUTICS ADMINISTRATION:
Administrator; approval, specifications, etc., by, with respect to air carrier operations, certificates and ratings and scheduled air carrier rules. *See main heading* Civil Aeronautics Board.
Regulations:
Air navigation; designation of various civil airways, control areas, etc.:
Civil airways, designation of:
Amber civil airways:
Montana; Great Falls to El Paso, Tex ---- 1058
Texas; El Paso to Great Falls, Mont ---- 1058
Blue civil airways:
Iowa; Des Moines to St. Louis, Mo ---- 1765
Missouri; St. Louis to Des Moines, Iowa ---- 1765
Red civil airways:
Massachusetts; Boston to Pittsburgh, Pa ---- 1058
Missouri; Kansas City to Portland, Oreg ---- 1058
Oregon; Portland to Kansas City, Mo ---- 1058
Pennsylvania; Pittsburgh to Boston, Mass ---- 1058
Control areas, zones, and reporting points; designation of:
Control areas:
Civil airways (blue and red):
Blue civil airways:
Iowa; Des Moines to St. Louis, Mo ---- 1766

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Regulations—Continued
Air navigation; designation of various civil airways, control areas, etc.—Continued
Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Civil airways (blue and red)—Continued
Blue civil airways—Continued
Minnesota; Minneapolis to Houston, Tex ---- 1766
Missouri; St. Louis to Des Moines, Iowa ---- 1766
Texas; Houston to Minneapolis, Minn ---- 1766
Red civil airways:
Colorado; Pueblo to Wichita, Kans ---- 1766
Illinois; Peoria to St. Louis, Mo ---- 1766
Kansas; Wichita to Pueblo, Colo ---- 1766
Missouri:
Kansas City to Williamsport, Pa ---- 1766
St. Louis to Peoria, Ill ---- 1766
Pennsylvania; Williamsport to Kansas City, Mo ---- 1766
Extension of control areas:
California; Silver Lake ---- 1058
Hawaii, Territory of; Hilo, revocation ---- 1058
Kentucky; Bowling Green ---- 1766
Louisiana:
Lake Charles ---- 1058
New Orleans ---- 1058
Michigan:
Jackson ---- 1766
Mt. Clemens ---- 1766
Tennessee; Smithville ---- 1058
Texas:
Abilene; revocation ---- 1058
Brownsville ---- 1058
Galveston ---- 1058
Washington; Moses Lake ---- 1766
Control zones:
Additional control zones:
Alaska; Anchorage ---- 1059
Georgia:
Atlanta ---- 1766
Savannah ---- 1058
Illinois:
Rockford ---- 1766
Springfield ---- 1766
Kansas:
Dodge City ---- 1058
Garden City ---- 1058
Hutchinson ---- 1058
Massachusetts; New Bedford ---- 1059
Michigan; Mt. Clemens ---- 1766
New Mexico; Hobbs ---- 1059
Rhode Island; Providence ---- 1058
South Dakota, Aberdeen; Aberdeen Airport, amended to read Aberdeen Municipal Airport, Saunders Field ---- 1059
Washington; Tacoma ---- 1766
Five mile radius zones, around various airports:
Alaska:
Anchorage; Merrill Field, deletion ---- 1058
Nome; Marks AFB, deletion ---- 1058
Massachusetts, Bedford; Bedford Municipal Airport, amended to read Lawrence G. Hanscom Field ---- 1058
Washington:
Moses Lake; Larson AFB ---- 1766
Tacoma; McChord Field, deletion ---- 1766
Reporting points, on various civil airways:
Amber civil airways:
Montana; Great Falls to El Paso, Tex ---- 1059
Texas; El Paso to Great Falls, Mont ---- 1059
Blue civil airways:
Idaho; Malad City to Spring Bay, Utah ---- 1059
Utah; Spring Bay to Malad City, Idaho ---- 1059
Air traffic, security control of. *See* Security control of air traffic.
Security control of air traffic; operating rules:
Adherence to DVFR flight plans and air traffic clearance; DVFR flights ---- 1579
Authorized exceptions; intra-zone VFR flights ---- 1579

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Regulations—Continued
Security control of air traffic; operating rules—Con.
Reporting points; flights within or penetrating domestic ADIZ or entering United States across an International Boundary ADIZ, DVFR flights ---- 1579

CIVIL AERONAUTICS BOARD:
Air carriers and other aircraft:
Civil air regulations. *See* Civil air regulations.
Economic regulations. *See* Economic regulations.
Authority, delegations of. *See* Organization, delegations of authority, information, etc.
Civil air regulations:
Accidents and missing aircraft, investigations respecting; investigation of accident occurring near Reardon, Wash ---- 1095
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Irregular. *See* Irregular air carriers and off-route rules.
Scheduled. *See* Scheduled air carriers.
Air traffic rules:
General flight rules (GFR), minimum safe altitudes; minimum en route instrument altitudes on various airways, routes between various cities on red, blue, green, and amber airways (CAA rules) ---- 1232, 1233, 1725, 1726
Instrument altitude minimums. *See* General flight rules.
Instrument flight rules (IFR); standard approach procedures (CAA rules) ---- 926
Automatic direction finding procedures ---- 931
Low frequency range procedures ---- 927
Airmen, certificates and ratings. *See* Certificates and ratings.
Airworthiness; requirements for transport category airplane:
Equipment:
Instruments, installation; flight and navigational instruments, automatic pilot systems (CAA policies) ---- 1052
Safety equipment; hand fire extinguishers, number and installation (portable water-solution-type extinguishers) (CAA policies) ---- 1057
Operating limitations and information, airplane flight manual; preparation of airplane flight manuals for aircraft certificated in transport category (CAA policies) ---- 1052
Structure, water loads; alternate standards (CAA policies) ---- 1630
Certificates and ratings; airmen:
Engineer, flight, certificates; requirements for certificate:
Knowledge, aeronautical; content and scope of written examination required in proof of (CAA policies) ---- 1630
Limited certificates under which flight engineers may serve aboard aircraft having less than four engines and incorporating flight engineer station (CAA policies) ---- 1630
Physical standards; color vision requirements ---- 1707
Skill, aeronautical; content and scope of practical examination required in proof of (CAA policies) ---- 1630
Lighter-than-air pilot certificates; requirements for various grades of certificates:
Commercial pilot certificate, physical condition; color vision requirements ---- 1704
Free balloon pilot certificate; exemption of hot air balloon operators from certain requirements, proposed rule making ---- 991
Private pilot certificate, physical condition; color vision requirements ---- 1704
Student pilot certificate, physical condition; color vision requirements ---- 1704
Navigator, flight, certificates; physical standards, color vision requirements ---- 1706
Physical standards, for airmen:
First class:
Eye; near vision requirements ---- 1705
Physical condition, general; blood pressure requirements ---- 1705

CIVIL AERONAUTICS BOARD—Continued Page

Civil air regulations—Continued
Certificates and ratings; airmen—Continued
Physical standards, for airmen—Continued
Second class; eye, color vision requirements ---- 1705
Third class; eye, color vision requirements ---- 1705
Waiver of physical standards ---- 1705
Pilot certificates:
Commercial pilot rating, physical standards, powered aircraft (color vision requirements) ---- 1704
Private pilot rating, physical standards; powered aircraft (color vision requirements) ---- 1703
Student pilot certificate, physical standards; powered aircraft (color vision requirements) ---- 1703
Radio operator, flight, certificates; physical standards, color vision requirements ---- 1706
Irregular air carriers and off-route rules:
Aircraft equipment; radio communication system and navigational equipment for large aircraft, proposed rule making ---- 1710
Aircraft requirements; aircraft required:
Exclusive use (CAA policies); revocation ---- 926
Leasing of aircraft (CAA policies); revocation ---- 926
Listing of aircraft (CAA rules); revocation ---- 926
Flight crew requirement, proficiency of crew serving on large aircraft; familiarization with aircraft involved in interchange of equipment (CAA policies), revocation ---- 926
Operating limitations, for large passenger carrying airplanes; aircraft not certificated in transport category, performance data on Boeing S–307 aircraft (CAA rules) ---- 1681
Scheduled air carriers:
Certification, operating:
General minimum requirements, route requirements; visual-contact night operations (CAA rules) ---- 1057
Passenger minimum requirements:
Miscellaneous requirements, weather minimums; ceiling and visibility minimums (CAA policies) ---- 1630
Route requirements; visual-contact night operation (CAA rules) ---- 1057
Operations outside continental limits of United States:
Certificates, issuance of; ceiling and visibility minimums (CAA policies) ---- 1632
Passenger operation rules, airman rules; flight time limitation for pilots not regularly assigned to one type of crew, proposed rule making ---- 1833
Operations within continental limits of United States, flight operations; dispatching rules (for clearance), weather minimums visual-contact clearance, dispatch-visual contact night operation (CAA rules) ---- 1058
Economic regulations:
Air taxi operators; proposed rule making ---- 1684
Cargo carriers, noncertificated; filing of reports by. *See* Irregular air carriers.
Classification and exemption of irregular air carriers; proposed rule making ---- 1683
Irregular air carriers, and noncertificated cargo carriers, filing of reports by; proposed rule making ---- 1683
Hearings, investigations, etc.:
Accidents, aircraft, and missing aircraft; investigation of. *See under* Civil air regulations.
Hearings, etc.:
All American Airways, Inc.; service to Asbury Park, N. J. case ---- 1252
Asbury Park, N. J., service case ---- 1252
Chicago and Southern Air Lines, Inc.; Indiana-Ohio local service case ---- 1554
Indiana-Ohio local service case ---- 1554
Kiewel, J. W ---- 954, 1801
Lake Central Airlines, Inc.; Indiana-Ohio local service case ---- 1554
Lineas Aereas Nacionales, S. A ---- 1611
Mid-Continent Airlines, Inc.; Mid-Continent Route 80 renewal case ---- 954
Mid-Continent Route 80 renewal case ---- 954
Richardson, J. R ---- 954, 1801

70000—51——2

CIVIL AERONAUTICS BOARD—Continued Page
Hearings, investigations, etc.—Continued
Hearings, etc.—Continued
Samoan Airlines 1801
Trans World Airlines Inc.; Indiana-Ohio local service case 1554
Youngstown Airways, Inc.; Indiana-Ohio local service case 1554
Organization, delegations of authority, information, etc.; final statement of delegations of authority:
Director, Bureau of Economic Regulations; Letters of Registration issued pursuant to Part 296 of Economic Regulations 1908
Director, Bureau of Safety Regulations; waiver of civil air regulations for operations conducted under contract with the Armed Services 1908

CIVIL SERVICE COMMISSION:
Executive orders affecting Government employees. *See main heading* Presidential documents.
Manpower Policy Committee, representation on 1272
Rules and regulations:
Appeals of preference eligibles under Veterans' Preference Act of 1944, applicability of regulations; coverage, preference eligible employees 1471
Appointments:
Through competitive system (Civil Service Rule II); indefinite appointment, special provisions respecting postal employees 1843
To positions excepted from competitive service. *See* Exceptions from competitive service.
Demotion. *See* Promotion, demotion, and reassignment.
Exceptions from competitive service (Civil Service Rule VI; positions in various agencies excepted from examination (Schedule A):
Defense Production Administration; Special Assistant to Administrator in grades GS–14 or GS–15.
Indian Affairs Bureau; housekeeper positions 1001
Interior Department. *See* Indian Affairs Bureau.
Indefinite employment:
Appointment. *See* Appointment: through competitive system.
Promotion, demotion and reassignment; procedure. *See* Promotion, demotion, and reassignment.
Reduction in force; status of permanent employees. *See* Promotion, demotion, and reassignment.
Movement of employees between agencies with reemployment rights. *See* Promotion, demotion, and reassignment.
Postal employees; indefinite appointment, special provisions respecting 1843
Promotion, demotion, and reassignment, and movement of employees between agencies with reemployment rights:
Indefinite status of promotions, demotions, and reassignments 1001
Permanent status of certain demotions and reassignments 1001
Status of permanent employees on indefinite assignment reached in reduction in force 1001
Reassignment. *See* Promotion, demotion, and reassignment.
Veterans' preference. *See* Appeals of preference eligibles under Veterans' Preference Act of 1944.

COAST GUARD;
Bays, vessels in; lifesaving equipment. *See* Shipping regulations.
British Ministry of War Transport, cargo vessels equipped with certificates issued by; waiver of certain navigation and vessel inspection laws and regulations respecting loading of passengers at United States ports for outward transportation, revocation 1830
Coastwise waters, vessels in; lifesaving equipment. *See* Shipping regulations.
Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
Dangerous cargo (explosives, etc.); transportation or storage on board vessels, use as ships' stores, etc. *See* Shipping regulations.

COAST GUARD—Continued Page
Emergency, war; waivers of certain navigation and vessel inspection laws and regulations during. *See* Waivers of certain navigation and vessel inspection laws and regulations.
Ferryboats on bays, sounds, Great Lakes, and other lakes and rivers; equipment. *See* Shipping regulations.
Great Lakes:
Pilot rules for; navigation requirements. *See* Navigation regulations.
Vessels on; lifesaving equipment. *See* Shipping regulations.
Hours of labor on shipboard. *See* Merchant marine officers and seamen.
Inland waters, pilot rules for; navigation requirements. *See* Navigation regulations.
Load lines for passenger vessels. *See* Shipping regulations.
Merchant Marine Council, public hearing, notice of, and agenda for; proposed changes in inspection and navigation regulations 1831
Merchant marine officers and seamen:
Seamen; waivers respecting employment, etc. *See* Waivers.
Waivers of certain regulations respecting seamen, during war emergency 1829
Allotments, bond, on shipping articles; revocation 1830
Discharge or termination of seamen; reporting of:
On tugs, towboats and seagoing barges; revocation 1830
On vessels employed exclusively in trade on lake other than Great Lakes, bays, sounds, bayous, canals, and harbors 1830
Employment:
On Great Lakes vessels. *See* Great Lakes vessels.
Previous employment, chronological record of 1830
Reporting of:
On tugs, towboats, and barges; revocation 1830
On vessels employed exclusively in trade on lakes other than Great Lakes, bays, sounds, bayous, canals, and harbors 1830
Great Lakes vessels, seamen on; eight-hour day on tugs navigating Great Lakes and tributary waters 1830
Hours of labor; eight-hour day on tugs navigating Great Lakes and tributary waters 1830
Record, chronological, of seamen's previous employment 1830
Shipping articles, bond allotments on; revocation 1830
Navigation regulations, etc.; navigation requirements, for vessels in various waters:
Great Lakes, pilot rules for; warning signals for use by Coast Guard buoy tenders while working buoys, proposed new regulation 1831
Inland waters, pilot rules for; warning signals for use by Coast Guard buoy tenders while working buoys, proposed new regulation 1831
Western rivers, pilot rules for; warning signals for use by Coast Guard buoy tenders while working buoys, proposed new regulation 1831
Ocean waters, vessels in; lifesaving equipment. *See* Shipping regulations.
Pilot rules, for inland waters, Great Lakes, and Western rivers; navigation requirements. *See* Navigation regulations.
Preference and priority, for transportation of military freight and mail. *See main heading* Defense Transport Administration.
Price control; exemption of Coast Guard as "Defense Agency" from provisions of General Ceiling Price Regulation, by supplementary regulation. *See main heading* Price Stabilization, Office of.
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 1509

COAST GUARD—Continued Page
Rivers:
Pilot rules for Western rivers; navigation requirements. *See* Navigation regulations.
Vessels in; lifesaving equipment. *See* Shipping regulations.
Seamen. *See* Merchant marine officers and seamen.
Shipping regulations; requirements respecting operation, equipment, etc., of merchant marine vessels:
Bays, sounds, and lakes, vessels in; lifesaving equipment. *See* Vessels in various waters.
Coastwise waters, vessels in; lifesaving equipment. *See* Vessels in various waters.
Construction of vessels; engineering. *See* Marine engineering.
Equipment; approval of miscellaneous items 1685, 1686
Explosives or other dangerous articles or substances, and combustible liquids on board vessels; transportation or stowage on board vessels, use as ships' stores, etc.:
Ships' stores and supplies on board vessels, use of dangerous articles as; Table S-classification, ships' stores and supplies of a dangerous nature, carbon dioxide, solid (dry ice) 1085
Transportation or stowage:
Definition; flammable or inflammable, proposed changes in regulations 1832
Hazardous articles, detailed regulations governing; Table K-classification, hazardous articles, requirements regarding carbon dioxide, solid (dry ice, carbonice) 1084
Liquids; flammable or inflammable; detailed regulations governing, proposed changes in regulations 1832
List of explosives or other dangerous articles containing shipping name or description of articles subject to regulations:
Carbon dioxide, solid (dry ice) 1083
Liquids, flammable or inflammable; proposed changes in regulations 1832
Vehicles loaded with solidified carbon dioxide (dry ice) and transported on board cargo vessels or railroad car ferries:
Highway vehicle, stowage of 1084
Railroad vehicle, stowage of 1084
Ferryboats, on bays, sounds, Great Lakes and other lakes and rivers. *See* Vessels in various waters.
Great Lakes, vessels in; lifesaving equipment, *See* Vessels in various waters.
Load lines; passenger vessels, subdivision load lines for:
Coastwise voyages. *See* Foreign and coastwise voyages.
Foreign and coastwise voyages:
Ash chutes 1073
Inlets and discharges 1073
Pumping arrangements 1073
Great Lakes voyages; exceptions applicable to subdivision Great Lakes vessels 1073
Marine engineering:
Construction:
Boilers:
Fire-tube, combustion chambers and tube sheets of; detail requirements 1073
Tubes for; detail requirements 1073
Valves, safety; installation 1074
Inspections. *See* Installations, tests, inspections, etc.
Installations, tests, inspections, repairs, etc.:
Repairs; boilers, pressure vessels, etc 1078
Tests and inspections; boilers, steam pipes, etc 1077
Materials; carbon-steel bolting material, workmanship and finish 1073
Piping systems, pumps, refrigeration machinery, and fuel tanks:
Detail requirements:
Bolting; materials 1075
Expansion and flexibility 1074
Installation 1076
Joints and flanged connections; tables 1075
Pipes, design pressures and thickness 1074
Tests 1076
Valves; class I piping 1075

COAST GUARD—Continued Page
Shipping regulations; requirements respecting operation, equipment, etc., of merchant marine vessels—Continued
Marine engineering—Continued
Piping systems, pumps, refrigeration machinery, and fuel tanks—Continued
Pumping arrangements and piping systems; lubricating oil system 1076
Pressure vessels, unfired; tests, for new pressure vessels 1074
Repairs. *See* Installations, tests, inspections, etc.
Tests. *See* Installations, tests, inspections, etc.
Welding; arc welding, gas welding, and brazing; tests and inspections, hydrostatic and hammer tests 1076
Materials:
Engineering materials, piping, castings, etc. *See* Marine engineering.
Lifesaving equipment; specifications for. *See* Specifications.
Ocean and coastwise waters, vessels in; lifesaving equipment. *See* Vessels in various waters.
Pipes and piping systems. *See* Marine engineering.
Rivers, vessels in; lifesaving equipment. *See* Vessels in various waters.
Ships' stores and supplies on board vessels, use of dangerous articles as. *See* Explosives or other dangerous articles or substances.
Sounds and lakes, vessels in; lifesaving equipment. *See* Vessels in various waters.
Specifications, for various types of equipment and materials:
Construction; doors, watertight, sliding (and door controls), for merchant vessels 1086
Flares; distress signals. *See* Lifesaving equipment.
Lifesaving equipment, for merchant vessels:
Preservers, using fibrous glass as buoyant material; proposed new regulation 1832
Pumps, bilge, lifeboat 1085
Signals, distress, pistol-projected parachute red flare (and signal pistol); proposed cancellation 1832
Tank vessels:
Certification. *See* Inspection and certification of tank ships and barges.
Equipment, special, machinery, and hull requirements, for tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1513
Revision of regulations 1518
Fire-fighting equipment for tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Revision of regulations 1535
Gases, petroleum, liquefied; transportation by tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Revision of regulations 1545
General provisions:
Comparison of old section numbers and new section numbers 1511, 1512
Revision of regulations 1514
Hull requirements. *See* Equipment, special, machinery, and hull requirements.
Inspection and certification of tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1512
Revision of regulations 1516
Lifesaving appliances, for tank ships and barges:
Comparison of old section numbers and new section numbers 1511, 1513
Revision of regulations 1528
Liquids, inflammable or combustible, having lethel characteristics; transportation by tank ships and barges:
Comparison of old section numbers and new section numbers 1512, 1513
New regulations 1548

COAST GUARD—Continued Page

Shipping regulations; requirements respecting operation, equipment, etc., of merchant marine vessels—Continued
Tank vessels—Continued
Machinery, for tank ships and barges. *See* Equipment, special, machinery, etc.
Operations, tank ship and barges:
Comparison of old section numbers and new section numbers 1512, 1513
Revision of regulations 1539
Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast); regulations respecting equipment, operating requirements, inspection, etc.:
Bays, sounds, and lakes other than Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances:
Boats, mechanical means for lowering; limit switches in control of lifeboat winches, proposed changes in regulations 1831
Passenger vessels, subdivision and watertight integrity of 1082
Ferryboats; subdivision and watertight integrity of ferry vessels 1083
Great Lakes:
Boats, rafts, bulkheads, and lifesaving appliances:
Boats, mechanical means for lowering; limit switches in control of lifeboat winches, proposed change in regulations 1831
Passenger vessels, subdivision and watertight integrity of 1080
Ferryboats; subdivision and watertight integrity of ferry vessels 1081
Ocean and coastwise; boats, rafts, bulkheads, and lifesaving appliances:
Coastwise:
Boats, mechanical means for lowering; limit switches in control of lifeboat winches, proposed changes in regulations 1831
Passenger vessels of less than 150 gross tons, subdivision and watertight integrity of 1079
Ocean:
Boats, mechanical means for lowering; limit switches in control of lifeboat winches, proposed changes in regulations 1831
Passenger vessels of less than 150 gross tons, subdivision and watertight integrity 1079
Rivers:
Boats, rafts, bulkheads, and lifesaving appliances; subdivision and watertight integrity of passenger vessels 1083
Ferryboats; subdivision and watertight integrity of ferry vessels 1083
Welding, arc and gas. *See* Marine engineering.
Tank vessels; operation, inspection and certification, lifesaving appliances for, etc. *See* Shipping regulations.
Vessel inspection, certification, etc.:
Shipping regulations. *See* Shipping regulations.
Waivers of certain vessel inspection laws and regulations, during war emergency. *See* Waivers of certain navigation and vessel inspection laws and regulations.
Waivers of navigation and vessel inspection laws and regulations, during war emergency:
British Ministry of War Transport certificates, cargo vessels equipped with; permission to load at United States ports for outward transportation, revocation 1830
Petroleum, utilization for motive power of steam vessels; revocation 1830
Seamen, waivers respecting. *See* Merchant marine officers and seamen.
Waivers:
Continuation in effect of certain, regulations and instructions, effective July 1, 1950; revocation 1830
Procedure for effecting individual waivers of navigation and vessel inspection laws and regulations; revocation 1830
Welding on construction of vessels; engineering requirements. *See* Shipping regulations.
Western rivers, pilot rules for; navigation requirements. *See* Navigation regulations.

COMMERCE DEPARTMENT: Page

See Civil Aeronautics Administration.
Civil Aeronautics Board.
Foreign and Domestic Commerce.
Maritime Administration.
Maritime Board, Federal.
National Production Authority.
Patent Office.
Authority delegations by Secretary to various officials:
International Trade, Office of, Compliance Commissioner for Export Control; authority to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges 1094
Patent Office, Appeals Board; authority to hear appeals in trade-mark cases 1094
Construction; delegation of authority from National Production Authority to Regional Directors and District Managers to administer NPA Order M-4 1071, 1277
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Defense Production Act:
Construction; delegations of authority respecting. *See* Construction.
Designation of Department as claimant agency with respect to domestic uses of food for manufacturing non-food commodities or products under, by Secretary of Agriculture 1289
Transportation. *See* Transportation activities.
Export Control, Compliance Commissioner for; authority to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges 1094
Food, domestic uses of, for manufacturing non-food commodities or products; Department designated as claimant agency respecting, by Secretary of Agriculture 1289
Trade-mark cases; appeals to be heard by Appeal Board of Patent Office 1094
Transportation activities, with respect to air transportation, and intercoastal, coastwise and overseas shipping; functions of Undersecretary of Commerce for Transportation respecting 1030
Undersecretary of Commerce for Transportation; functions in connection with air transportation, and intercoastal, coastwise and overseas shipping 1130

COMMISSIONS. *See* Committees, boards, etc.
COMMITTEES, BOARDS, ETC.:
Aeronautics, National Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Alaska Game Commission. *See* Alaska Game Commission.
Appeals Board for Patent Office; authority in trade-mark cases. *See* Patent Office.
Defense Mobilization Committees, Regional; creation of. *See* Defense Mobilization, Office of.
Industry Advisory Committees, under Defense Production Act. *See* Price Stabilization, Office of.
Manpower Policy, Committee on; creation of. *See* Defense Mobilization, Office of.
Patent Office Appeals Board. *See* Patent Office.
Priorities Administration, Advisory Committee on, membership; Economic Stabilization Agency, added 1129
Special Industry Committees for Puerto Rico. *See* Wage and Hour Division.

COMMODITY CREDIT CORPORATION:
Cotton, American-Egyptian; determination of required level of price support for 1951-crop Amsak and Pima 32 1250
Export program for wheat and wheat flour. *See main heading* Agriculture Department.
Food commodities acquired through price support operations:
Pricing policy for commodities available for sale (including Mexican canned meats acquired under other programs); sales of certain commodities at fixed prices pursuant to. *See* Sales of certain commodities at fixed prices.
Sales of certain commodities at fixed prices:
Domestic price list, for February 1208
Export price list, for February 1209

COMMODITY CREDIT CORPORATION—Con. Page

Loans, purchases, and other operations:
Peanuts, price support program, 1950; determination of grade 981
Tobacco loan program, 1950:
New York and Pennsylvania seed tobacco, type 53, advance schedule 1498
Puerto Rican tobacco, type 46, advance schedule 1765
Wheat and wheat flour, export program and loans. *See main heading* Agriculture Department.

COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION):
Special provision applicable to various commodities; reports:
Cotton; daily reports on Form 300 by clearing members, information shown 925
Fats; daily reports on Form 900 by clearing members, information shown 925
Oils; daily reports on Form 1000 by clearing members, information shown 925

COMMUNITY FACILITIES SERVICE, HOUSING AND HOME FINANCE AGENCY:
School facilities in areas affected by Federal activities; authority of Housing and Home Finance Agency respecting procurement in connection with 1802

COMPTROLLER GENERAL OF THE UNITED STATES:
Contracts under First War Powers Act, availability of records pertaining to; Executive order respecting. *See main heading* Presidential documents.
CONSTRUCTION:
Priority order respecting. *See* National Production Authority.
Real estate construction credit. *See* Federal Reserve System.
School facilities; delegation of authority respecting procurement in connection with. *See* General Services Administration.
CONSUMER CREDIT. *See* Federal Reserve System.
CONTRACTS, GOVERNMENT:
See also Procurement.
Loan guarantees for financing contracts or operations related to national defense; Executive order respecting. *See* Presidential documents.
Renegotiation; joint regulations of armed services. *See* Defense Department.
Under First War Powers Act; Executive orders respecting. *See* Presidential documents.
COURTS-MARTIAL MANUAL, 1951, for armed forces; Executive order respecting. *See* Presidential documents.

CUSTOMS BUREAU:
Comptroller of Customs, New York, exemption from compulsory retirement for age; Executive order respecting. *See main heading* Presidential documents.
Excess property, foreign; metal articles. *See under* Regulations.
Metal articles; entry free of duty. *See* Regulations.
Personnel, exemption of Arthur A. Quinn from compulsory retirement for age; Executive order respecting. *See main heading* Presidential documents.
Regulations and notices:
Antidumping; revocation of dumping finding on wool knitted berets from France 1789
Appraisement; procedure under antidumping act; revocation of dumping finding on wool knitted berets from France 1789
Containers, marking to indicate point of origin; products of Trieste, temporary acceptance of former marking 1711
Documentation of vessels. *See* Vessels.
International Food Exposition, Inc., Chicago, Ill.; importation of articles in connection with, under Public Law 705, 81st Congress 1579
Entry; compliance, exemptions, and procedural provisions 1579
Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under general tariff law 1580

CUSTOMS BUREAU—Continued Page

Regulations and notices—Continued
Mail, importations by; export entry or withdrawals for imported articles, requirements 1115
See also Transportation in bond and merchandise in transit.
Marking of articles and containers to indicate point of origin; products of Trieste, temporary acceptance of former marking 1711
Metal articles to be used in remanufacture by melting; entry free of duty and import tax 983
Foreign excess property: Government surplus, applicable regulations 984
Transportation in bond and merchandise in transit; direct exportation by mail from customs custody of merchandise unentered or covered by unliquidated consumption entry, Form 7512 1115
Vessels, documentation of; registration:
Funnel mark; California Oil Co 1091
House flag; California Oil Co 1091

D

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Navy Department.
Contracts:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Contracts containing renegotiation article entered into by or on behalf of Department (including Air Force, Army and Navy Departments) through September 30, 1950; supplemental list 1185
Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
Defense Mobilization Committee, Regional; representation on 1583
Defense Production Act; designation of Department as claimant agency with respect to food requirements of military, civilian relief for occupied areas, etc., under, by Secretary of Agriculture 1289
Food, for military requirements, civilian relief for occupied areas, etc.; Department designated as claimant agency respecting, by Secretary of Agriculture 1289
Joint regulations of armed forces, military renegotiation regulations; determination of renegotiable business and costs, supplemental list of contracts containing renegotiation article entered into by or on behalf of Department through September 30, 1950 1185
Lands, public; withdrawal of, for national defense purposes. *See main heading* Land Management Bureau.
Price control; exemption of Department as "Defense Agency" from provisions of General Ceiling Price Regulation, by supplementary regulation. *See main heading* Price Stabilization, Office of.
Regulations, joint, of armed forces; military renegotiation. *See* Joint regulations of armed forces.
Secretary of Defense; Office of:
Priority (DO) ratings, authority to Secretary to apply to direct Government contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 1508
Transportation of United States military freight and United States mail; preference and priority. *See main heading* Defense Transport Administration.

DEFENSE ELECTRIC POWER ADMINISTRATION:
Critical materials, for major plant additions; use of aluminum, copper and copper-base alloy, collection of information in connection with 933
Plant additions, major, use of aluminum, copper and copper-base alloy; collection of information in connection with 933
Procurement of equipment or materials for projects; information to be furnished in requesting procurement assistance 933

DEFENSE ELECTRIC POWER ADMINISTRATION—Continued Page
Redesignation 1283

DEFENSE MANPOWER, OFFICE OF: Page
Regional Defense Mobilization Committees, representation on 1583

DEFENSE MINERALS ADMINISTRATION:
Manganese ore:
Allocation authorizations; requirements and exemptions 1637
Records, reports, etc 1637
Scheelite, synthetic. *See* Tungsten concentrates.
Tungsten concentrates; directed deliveries to specific purchasers 1585

DEFENSE MOBILIZATION, OFFICE OF:
Manpower Policy, Committee on; creation of 1272
Regional Defense Mobilization Committees, interagency; creation, functions, and representation on 1583

DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE PRODUCTION ADMINISTRATION:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Manpower Policy Committee, representation on 1272
Regional Defense Mobilization Committees, representation on 1583

DEFENSE TRANSPORT ADMINISTRATION:
Establishment and functions; internal organization 1677
Organization, internal. *See* Establishment.
Preference and priority for transportation of United States military freight and United States mail 1130

DISCRIMINATION, on account of race, creed, color, or national origin, provision respecting in contracts under First War Powers Act; Executive order respecting. *See* Presidential documents.

DRUGS:
Mailing; excepted from restricted mail service order. *See* Post Office Department.
Tests, certification, etc. *See* Food and Drug Administration.

E

ECONOMIC COOPERATION ADMINISTRATION:
Food, non-military requirements for foreign countries having ECA programs; designation as claimant agency to present requirements with respect to, under Defense Production Act, by Secretary of Agriculture 1289
Vessels, war-built dry cargo, for use in ECA export programs; request of Administration to Maritime Board to consider applications for bareboat charter 1151

ECONOMIC STABILIZATION AGENCY:
See Price Stabilization, Office of.
Wage Stabilization Board.
Meat, allocation of; delegations of authority respecting:
From Secretary of Agriculture to Economic Stabilization Agency 1272
To Director of Price Stabilization 1273
Organizational statement; regional and district offices, locations of 987
Priorities Administration, Advisory Committee on; representation on 1129

EDUCATIONAL FACILITIES; school facilities in areas affected by Federal activities, procurement in connection with. *See* Housing and Home Finance Agency.

ELECTRIC POWER ADMINISTRATION. *See* Defense Electric Power Administration.

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
Flood control regulations; Heart Butte Dam and Reservoir, Heart River, N. Dak 1183
Navigation regulations; Chesapeake Bay near Annapolis, Maryland, seaplane restricted areas 1016

ENTOMOLOGY AND PLANT QUARANTINE BUREAU: Page
Regulations, etc.:
Importations:
Hawaii; quarantine with respect to movement of banana plants from. *See* Quarantine notices: domestic.
Puerto Rico; quarantine with respect to movement of banana plants from. *See* Quarantine notices: domestic.
Quarantine notices; prohibition of importation of various plants and plant products from foreign countries, to prevent spread of insect pests and plant diseases. *See* Quarantine notices.
Virgin Islands; quarantine with respect to movement of certain plants and plant products, proposed. *See* Quarantine notices.
Quarantine notices:
Domestic:
Domestic movement of plants and plant products from territories, possessions and districts of United States; notice of hearing to consider advisability of modifying, lifting, etc., certain quarantines governing 1203
Hawaii and Puerto Rico; quarantine with respect to banana plants, proposed rule making 934
Various States and District of Columbia, quarantine to prevent spread of Japanese beetle; notice of hearing to consider revocation of present quarantine, or extension of quarantine to Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, and South Carolina 1184
Virgin Islands; notice of hearing to consider advisability of prohibiting or restricting movement of certain plants and plant products from, to other parts of United States 1203
Foreign; prohibition of importation of various plants, etc., from foreign countries:
Banana plants; proposed rule making 934
Cotton, cotton products, and cotton wrappings; notice of hearing to consider revising various quarantines, orders, etc., on importation into United States and movement between territories and possessions and mainland 1204
Flag smut disease; notice of hearing on advisability of revising, extending, etc., of quarantine respecting 1207
Virgin Islands; notice of hearing on advisability of applying in, provisions of certain quarantines, orders, etc., restricting importation of plants and plant products into United States from 1205

EXCESS PROPERTY. *See* Surplus property.

EXECUTIVE ORDERS. *See* Presidential documents.

EXPLOSIVES, transportation of. *See* Coast Guard.

EXPORT CONTROL. *See* International Trade, Office of.

EXPORTS. *See* Imports and exports.

F

FARM CREDIT ADMINISTRATION:
Federal Farm Mortgage Corporation; disposition of reserved minerals:
Designation of counties in various States as areas in which mineral interests are to be sold at their fair market value 1150
Regulations respecting 1177
Minerals, reserved, disposition of. *See* Federal Farm Mortgage Corporation.

FARM MORTGAGE CORPORATION, FEDERAL. *See* Farm Credit Administration.

FARMERS HOME ADMINISTRATION:
Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests are to be sold at their fair market value 1150

FARMERS HOME ADMINISTRATION—Continued Page
Regulations:
Farm ownership loans; basic regulations respecting loans; loan limitations, average values of farms and investment limits:
Nebraska 1179
New York 1474
North Dakota 921, 1179
Oregon 921
Washington 921
Water facilities loans; policies:
Eligibility requirements for water facilities loans; associations 1180
Purposes for which water facilities loans and assistance may be extended 1180

FEDERAL CIVIL DEFENSE ADMINISTRATION:
Organizational statement 1909

FEDERAL COMMUNICATIONS COMMISSION:
Hearings, etc.:
Allentown Broadcasting Corp 1555
American Telephone and Telegraph Co 1152, 1252, 1801
American Telephone Answering Service 1555
Ark-Valley Broadcasting Co., Inc. (KGAR) 1612
Automotive Communications Co 1555
Bell System, Associated Companies of 1801
Booth Radio & Television Stations, Inc 1253, 1687
Broadcasting Corp. of America (KPRO) 1802
Business and Professional Telephone Exchange 1555
Capital Broadcasting Co. (KFNF) 1612
Carrell, Adelaide Lillian 1253, 1687
Clark-Montgomery Broadcasting Co., Inc 1612
Commonwealth Broadcasting Corp. (WLOW) 1557
Crabb, Robert C 1153, 1555
Daphne Investment Trust 1152
Domestic Public Land Mobile Radio Service 1556
Eastern Idaho Broadcasting and Television Co. (KEIO) 1802
Easton Publishing Co 1555
Electronic Secretary, Inc 1152
Electronic Secretary Industries, Inc 1152
Elizabethtown Broadcasting Co. (WIEL) 1801
Epperson, Ralph D. (WPAQ) 1255
Formby, Marshall 1256
Great Northern Radio, Inc. (WWSC) 1255
Greater New Castle Broadcasting Corp 1557
Hawthorn Broadcasting Co 1254, 1910
Heart of the Black Hills (KDSJ) 1687
Helena Broadcasting Co. (KFFA) 1556
Hirsch Communication Engineering Corp 1254, 1910
Joint Industry Committee on High Frequency Stabilized Arc Welders 1284
Jordaphone Corp. of America 1152
Madison Broadcasting Co., Inc 1801
Midwestern Broadcasting Co 1910
Milwaukee Broadcasting Co. (WEMP) 1555
Minnesota Valley Broadcasting Co. (KTOE) 1687
Mississippi Broadcasting Co., Inc. (WCOC) 1255
News-Journal Corp. (WNDB) 1255
North Carolina Broadcasting Co., Inc. (WBIG) 1253, 1254, 1687
Ohio Broadcasting Co. (WHBC) 1557
Orange County Radiotelephone Service 1555
Patterson, S. H. (KJAY) 1802
Physicians' Exchange 1555
Pomeroy, John C 1253, 1687
Prairie Broadcasting Co 1555
Pratt Broadcasting Co 1254
Pulaski Broadcasting Co. (WKSR) 1612
Radio California 1556
Radio Corp. of Toledo 1910
Radio Message Service and Television Answering Service 1555
Radio Reading 1612
Radiomarine Corp. of America 1252
Rogers, Ward C 1153, 1154
Rural Broadcasting Co. of Ohio 1910
Schafitz, Sanford A 1557
Sinyard, James D. (WMOD) 1557
Southeast Colorado Broadcasting Co. (KLMR) 1612
Southern Tier Radio Service, Inc. (WINR) 1153
Star Broadcasting Co., Inc. (KCSJ) 1152
Sudbury, Harold L. (KLCN) 1255
Taylor County Broadcasting Co., Inc. (WLCK) 1612
Telanserphone, Inc 1153, 1154
Telemaster Co 1152
Hearings, etc.—Continued
Telephone Answering Bureau 1555
Toledo Blade Co 1910
Tone, Albert 1252
Towery, R. W 1612
Tri-City Radio Dispatch Co 1555
Tri-State Broadcasting Co. (WCPM) 1154
Turlock Broadcasting Corp. (KTUR) 1556
Union Carbide and Carbon Corp 1284
United Broadcasting Co., Inc. (WANT) 1558
United Radio Communications 1555
Unity Corp. Inc. (WTOD) 1910
WHBY, Inc. (WBAY) 1555
WOAX, Inc. (WTNJ) 1255, 1712
WOW, Inc 1152
WTNJ 1255
Warner Brothers (KWBR) 1253
Warren Tribune Radio Station, Inc. (WHHH) 1557
Williamsburg Radio Co., Inc 1154
Organization and delegations of authority; Motions Commissioner, designation of, for February 1951 1256
Rules and regulations, etc.:
Check list of rules and regulations as of January 16, 1951 1152
Common carriers; investigations, etc., affecting:
Rates and charges for interstate and foreign communication services furnished by American Telephone and Telegraph Co. and associated companies of Bell System; hearing postponed 1801
Ship/shore radiotelephone service via foreign coastal stations (Radiomarine Corp. of America); investigation of tariffs 1252
Telephone answering and recording devices, use of, in connection with interstate and foreign telephone service; order amending issues (Jordaphone Corp. of America et al.) 1152
Practice and procedure; radio licenses, applications requiring special aeronautical study, procedures for handling 1793
Radio regulations:
Aeronautical study, applications requiring; procedures. *See* Practice and procedure.
Aircraft radiotelephone operator authorization. *See* Commercial radio operators.
Amateur radio service:
Basis and purpose 1239
Operators, amateur:
Application for license 1283
Classes of amateur operator licenses 1239
Eligibility for license 1239
Examinations:
Additional examination for holders of conditional class operator licenses 1283
Code test procedure 1240
Credit, examination 1240
Elements 1240
Grading 1284
Manner of conducting examinations 1240
Reexamination, eligibility for 1284
Requirements for various classes 1240
Persons who may operate stations 1283
Privileges for various classes of amateur operator licenses 1239
Renewal of amateur operator license 1239
Terms of license 1239
Stations, amateur radio:
Emission, types of 1240, 1241
Frequencies 1240
License period 1240
Auxiliary broadcast services. *See* Experimental and auxiliary broadcast services.
Call signs, allocation and use of. *See* Frequency allocations and radio treaty matters.
Commercial radio operators; operator's authority:
Aircraft radiotelephone operator authorization; proposed addition 1148
Restricted radiotelephone operator permit; 50 watt limitation on ship stations or aircraft stations (proposed rule making) 1148
Conservation agencies, non-Federal; frequency allocations. *See* Frequencies or channels, allocation or use of.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Rules and regulations, etc.—Continued
Radio regulations—Continued
Developmental broadcast stations. *See* Experimental and auxiliary broadcast services.
Distress, disaster and emergency communications. *See* Frequency allocations and radio treaty matters.
Experimental and auxiliary broadcast services; reissuance 1132
Administrative procedure 1133
Broadcast services covered by regulations, list of 1133
Developmental broadcast stations 1138
Facsimile broadcast stations, experimental 1136
Remote pickup broadcast stations 1140
ST broadcast stations 1142
Television broadcast stations:
Auxiliary 1144
Experimental 1134
Facsimile broadcast stations, experimental. *See* Experimental and auxiliary broadcast services.
Forest products radio service. *See* Industrial radio services.
Frequencies and channels, allocation or use of: *See also* Frequency allocations and radio treaty matters.
Frequency bands:
1750–1800 kc 1830
162–174 mc 1131
Services and stations:
Conservation agencies, non-Federal 1131
Radiolocation service 1830
Frequency allocations and radio treaty matters; general rules and regulations 1845
Call signs. *See* Identification of radio communication.
Definitions 1845
Distress, disaster and emergency communications 1869
Emergency communications. *See* Distress, disaster and emergency communications.
Emissions 1867
Frequencies; allocation, assignment, and use of 1848
Table of frequency allocations; amendments 1131, 1830
Identification of radio communication and allocation and use of call signs 1868
International agreements, treaties, Federal Laws, etc., relating to radio in which United States participates; list of 1870
Industrial, scientific, and medical service; suspension of effective date of regulations with respect to welding devices 1284
Industrial radio services:
General:
Applications; supplemental information for control, repeater, or relay stations (proposed rule making) 1553
Definition of terms:
Relay stations; proposed definitions:
Fixed relay 1553
Mobile relay 1553
Repeater station; proposed deletion 1553
Relay stations, fixed and mobile; general information, proposed rule making 1553
Various services:
Forest products radio service; frequencies available for fixed relay stations, proposed rule making 1553
Motion picture radio service; frequencies available for fixed relay stations, proposed rule making 1553
Petroleum radio service; frequencies available for fixed relay stations, proposed rule making 1553
Power radio service; frequencies available for fixed relay stations, proposed rule making 1553
Press, relay, radio service; frequencies available for fixed relay stations, proposed rule making 1553
Special industrial radio service; frequencies available for fixed relay stations, proposed rule making 1553

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Rules and regulations, etc.—Continued
Radio regulations—Continued
International agreements, etc., relating to radio in which United States participates:
List of. *See* Frequency allocations and radio treaty matters.
North American Regional Broadcasting Agreement; notification of changes in assignments to Cuban broadcast stations 1256
Land transportation radio services:
Applications; supplemental information required for control, repeater, or relay stations (proposed rule making) 1554
Definition of terms:
Relay stations; proposed definitions:
Fixed relay 1553
Mobile relay 1553
Repeater station; proposed deletion 1553
Relay stations, fixed and mobile; proposed rule making 1553
Motion picture radio service. *See* Industrial radio services.
Petroleum products in Gulf of Mexico, temporary allocation of frequencies to radiolocation service for purpose of locating. *See* Radiolocation service.
Petroleum radio service. *See* Industrial radio services.
Power radio service. *See* Industrial radio services.
Press, relay, radio service. *See* Industrial radio services.
Radiolocation service; extension of temporary allocation of frequencies to, for location of petroleum products in Gulf of Mexico 1830
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services.
ST broadcast stations. *See* Experimental and auxiliary broadcast services.
Television experimental and auxiliary broadcast stations. *See* Experimental and auxiliary broadcast services.
Welding devices using radio frequency energy. *See* Industrial, scientific, and medical service.
Telephone and telegraph companies. *See* Common carriers.

FEDERAL MARITIME BOARD. *See* Maritime Board, Federal.

FEDERAL PERSONNEL:
Civil service rules and regulations. *See* Civil Service Commission.
Executive orders affecting. *See* Presidential documents.

FEDERAL POWER COMMISSION:
Hearings, etc.:
Arkansas Louisiana Gas Co 1257, 1689, 1911
Arkansas Power and Light Co 1910
Athol Gas and Electric Co 1611
Austin Field Pipe Line Co 1689
Bonneville Project, Columbia River, Washington-Oregon 994
California Oregon Power Co 1912
Canadian River Gas Co 1558, 1712
Carolina Natural Gas Corp 1910
Central Indiana Gas Co 953
Central Massachusetts Electric Co 1611
Cities Service Gas Co 1290
Claytor, Graham 1776
Cole, Eugene H 1776
Colorado Interstate Gas Co 1712
Consolidated Gas Utilities Corp 993, 1911
Consumers Gas Co 1155
Crumb, K. B 1776
Davis, Claude Owen 1155
El Paso Natural Gas Co 1290, 1713
Electric Power Co. of New Jersey 1611
Equitable Gas Co 1911
Gardner Electric Light Co 1611
Georgia Power Co 1558
Grand River Gas Transmission Co 1776
Halbig, John P 1713
Hanley and Bird 1910
Hooper, M. C 1912
Hope Natural Gas Co 1023

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Independent Natural Gas Co 1836
Indiana Gas & Water Co., Inc 1023, 1690
Interior Department 1558, 1713
Kansas-Colorado Utilities, Inc 1481
Kansas-Nebraska Natural Gas Co., Inc 1688
Lake Shore Pipe Line Co 1776
McGlone, M. P 1713
Michigan Consolidated Gas Co 1689
Michigan Gas Storage Co 1690
Michigan-Wisconsin Pipe Line Co 993, 1154
MidSouth Gas Co 993, 1911
Miller, Betty M., Chester O., Faye S. and Henry W 1556
Minnesota Power & Light Co 1481
Mississippi River Fuel Corp 1209, 1713
Montana-Dakota Utilities Co 1689
Moore, C. E 1713
National Gas & Oil Corp 1492
Nelson, George M 1558
New England Power Co 993
New York State Natural Gas Corp 1154, 1290, 1690
Niagara Mohawk Power Corp 1558
Northern Indiana Public Service Co 1688
Northern Natural Gas Co 1291, 1692, 1713
Ohio Fuel Gas Co 1481, 1693
Otter Tail Power Co 1095
Pacific Power and Light Co 1691
Panhandle Eastern Pipe Line Co 953
Philadelphia Electric Co 1911
Pittsburgh and West Virginia Gas Co 1911
Potomac Electric Power Co 1558
Public Service Corp. of North Carolina, Inc 1421
Rose, W. J 1776
Southern California Gas Co 1690
Southern Natural Gas Co 993, 1289, 1558, 1836
Southern Utah Power Co 1558
Southwestern Power Administration 1558, 1713
Spencer Gas Co 1611
Sporn, Philip 1776
Sylvania Corp 1643
Telluride Power Co 1558
Tennessee Gas Transmission Co 1291, 1643
Texas Eastern Transmission Corp 994, 1154, 1155, 1689, 1690, 1713
Texas Gas Transmission Corp 994, 993, 1023, 1256, 1641, 1690, 1713, 1911
Thorne, Hans and Helen A 1256
Transcontinental Gas Pipe Line Corp 953, 1209
Turner, Harold 1713
United Gas Pipe Line Co 1776
United Natural Gas Co 1643
Utah Power and Light Co 1558
Virginia Electric and Power Co 1611
Wabash Natural Gas Co 1023
Wachusett Electric Co 1611
Wilmut Gas & Oil Co 1776
Winchendon Electric Light & Power Co 1611
Worcester County Electric Co 1611
Worcester Suburban Electric Co 1511

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
Banking regulations:
Reserves of member banks; classification of reserve cities 1871
Trust powers of national banks:
Common Trust Funds, for general investment; miscellaneous limitations 1629
Custody of trust securities and investments; footnote amended 1629
Investment, collective, of trust funds; footnote amended 1629
National defense regulations:
Consumer credit:
Exempt credits; certain temporary rentals 1829
Interpretations; automobile appraisal guides, listed, and use of 1586
Redesignation 1586
Credit:
Consumer credit. *See* Consumer credit.
Real estate credit. *See* Residential real estate construction credit.
Loan guarantees for defense production; redesignation 1586
Residential real estate construction credit; redesignation and revision 1586

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued Page

National defense regulations—Continued
Residential real estate construction credit; redesignation and revision—Continued
Interpretations:
Maturity, maximum 1593
Real estate brokers 1593

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION. *See* Home Loan Bank Board.

FEDERAL SECURITY AGENCY:
See Food and Drug Administration. Public Health Service.
Authority, delegations of:
To Administrator to act as contracting officer for distribution of certain motion pictures and film strips 1482
To various officials of Agency, with respect to surplus real property disposal for health and educational purposes:
Regional directors 1713
Regional property coordinators 1713
Defense Mobilization Committees, Regional, representation on 1583
Manpower Policy, Committee on: representation on Committee in connection with community services 1272
Motion pictures and film strips, distribution of: authority of Administrator to act as contracting officer on Contract No. GS-OOS-3085 1482
Surplus real property; disposal for health and educational purposes, authority delegation to officials of Agency. *See* Authority, delegation of.

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints:
American Academy of Applied Science 1719
Anderson, Bessie E 1500
Crouch, Leon A 1719
Gomperts, Jack, & Co., Inc 1493
Gomperts, Jacob 1498
Green, Conard E 1719
Heatade Appliances, Inc 1500
Interstate Training Service Corp 1719
McFarland, Charles H. and Lucille E 1500
Pan American Food Co., Inc 1498
Reed, Harry J. and Mary W 1500
Spatz, Jacob W 1719
Steadle, Leo F 1724
Sun Crown Food Corp 1498
Trubowitch, Jacob and Victor 1498
Hearings, etc.:
See also Trade practice rules.
Continental Radio Tube Co 954
Gaber, Jacob L. and Martin 954
Jackson, P. D 954
Philco Corp 994
Rempert, Erwin F 954
Silk-O-Lite Mfg. Corp 1558
Sylvania Electric Products, Inc 994
Trade practice rules:
Motor vehicles; installment sale and financing 1659
Set-up paper box industry; notice of conference 1482
Wool and wool products, use of certain terms in connection with; notice of hearing 1741

FISH AND WILDLIFE SERVICE:
Regulations, etc.:
Alaska:
Animals, birds, and game fishes, taking of. *See* Wildlife protection.
Wildlife protection:
Alaska Game Commission; regulations respecting guides, poisons, etc. *See main heading* Alaska Game Commission.
Taking of animals, birds, and game fishes; proposed rule making 1147
Wildlife conservation areas, management of; Arrowwood National Wildlife Refuge, North Dakota, ice fishing 990

FLOOD CONTROL, regulations. *See* Engineers, Corps of.

70000—51——3

FOOD AND DRUG ADMINISTRATION: Page

Regulations:
Antibiotic drugs. *See* Drugs.
Cheeses; definitions and standards. *See* Definitions and standards of identity.
Definitions and standards of identity, etc., for various foods:
Cheese, cheese foods, etc.:
Cream cheese with other foods 1632, 1818
Neufchatel cheese spread, pasteurized, with (and) other foods 1634, 1818
Mushrooms, canned; proposed rule making 1797
Oleomargarine; notice of hearing 1640
Vegetables, canned; proposed rule making 1797
Drugs:
Antibiotic drugs:
Certification of batches. *See* Certification of batches.
Tests and methods of assay. *See* Tests and methods of assay.
Certification of batches of drugs:
Aureomycin 985
Bacitracin 1581
Chloramphenicol 985, 1475
Penicillin-bacitracin 985
New drugs, provisions respecting certain drugs under Federal Food, Drug, and Cosmetic Act; status of salt substitutes 1725
Tests and methods of assay for antibiotic drugs and antibiotic-containing drugs:
Bacitracin 1581
Chloramphenicol 985, 1475
Penicillin 984
Penicillin-bacitracin 984
Mushrooms canned; definitions and standards. *See* Definitions and standards of identity.
Oleomargarine; definitions and standards. *See* Definitions and standards of identity.
Salt substitutes, status of, under the Federal Food, Drug, and Cosmetic Act 1725
Statement of general policy or interpretation; status of salt substitutes under the Federal Food, Drug, and Cosmetic Act 1725
Vegetables, canned; definitions and standards. *See* Definitions and standards of identity.

FOREIGN AND DOMESTIC COMMERCE BUREAU:
See International Trade, Office of.

FOREST SERVICE:
Trespassing horses; removal from Salmon National Forest (Copper Creek Ranger District), Idaho 1209

G

GAS. *See* Petroleum and petroleum products.

GENERAL ACCOUNTING OFFICE:
Advertising procedure; revocation 1223

GENERAL SERVICES ADMINISTRATION:
Authority, delegation of:
By Administrator to various officials:
Comptroller; authority respecting guarantees of loans under Defense Production Act 994
Emergency Procurement Service, Commissioner, and Director and Deputy Director, Rubber Division; authority respecting rubber procurement 1072
Federal Security Administrator; authority to act as contracting officer for distribution of certain motion pictures and film strips on Contract No. GS-00S-3085 1482
Housing and Home Finance Agency, Administrator; authority with respect to procurement in connection with school facilities in areas affected by Federal activities for use by Community Facilities Service 1802
Interior Department, Secretary; authority to represent interests of Reclamation Bureau in proceedings involving carriers, before Federal and State regulatory bodies 1155
Public Buildings Service, Commissioner; general authority respecting property leases 994

GENERAL SERVICES ADMINISTRATION—Con. Page

Authority, delegation of—Continued
By Administrator to various officials—Continued
Regional Directors; general authority respecting property leases 994
By General Counsel:
To Assistant General Counsel, Claims and Litigation Division; redelegation of authority respecting certain claims and litigation vested in General Counsel 957
To Associate General Counsel; redelegation of authority of General Counsel respecting claims and litigation 957
General delegation of authority to heads of Services, staff officers and regional directors:
Budget and accounting; authority of Comptroller respecting guarantees of loans under Defense Production Act 994
Claims and litigation; redelegation of certain authority by General Counsel respecting 957
General provisions; drawback documentation 994
Public buildings acquisition, construction, management and operation; general delegation of authority to Public Buildings Commissioner and Regional Directors respecting property leases 994
Claims and litigation; redelegation of authority respecting by General Counsel to Associate General Counsel and Assistant General Counsel, Claims and Litigation Division 957
Defense Production Act; guarantee of loans under, authority of Comptroller respecting 994
Guarantee of loans under Defense Production Act; authority of Comptroller respecting 994
Motion pictures and film strips, distribution of; authority of Federal Security Administrator to act as contracting officer on Contract No. GS-00S-3085 1482
Procurement:
Rubber; authority of certain officials of Emergency Procurement Service respecting 1072
School facilities in areas affected by Federal activities; procurement in connection with, for use by Community Facilities Service, authority of Housing and Home Finance Administrator respecting 1802
Property leases; authority of Public Buildings Commissioner and Regional Directors respecting 994
Public buildings acquisition, construction, management and operation; general delegation of authority to Public Buildings Commissioner and Regional Directors respecting property leases 994
Rubber procurement; authority of certain officials of Emergency Procurement Service respecting 1072
Transfer from Chapter X, Title 32A to Chapter XIV 1072

GEOLOGICAL SURVEY:
Oil and gas fields; definitions of known geologic structures of producing fields in New Mexico 1484

GOVERNMENT EMPLOYEES:
Civil service rules and regulations. *See* Civil Service Commission.
Executive orders affecting. *See* Presidential documents.

GOVERNMENT PRINTING OFFICE:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.

GUAM:
Income-tax under Organic Act of Guam; Executive order respecting. *See* Presidential documents.
Price control; ceiling price regulations affecting commodities sold in. *See* Price Stabilization, Office of.

GULF OF MEXICO, oil and gas operations in; radiolocation service for location of petroleum deposits, extension of temporary allocation of frequencies for purposes of, radio regulations. *See* Federal Communications Commission.

H

HAWAII:
Banana plants; quarantine with respect to movement from. *See* Entomology and Plant Quarantine Bureau.

HAWAII—Continued Page
Price control; ceiling price regulations affecting commodities sold in. *See* Price Stabilization, Office of.

HOME LOAN BANK BOARD:
Federal Savings and Loan Insurance Corporation; insurance of accounts, operations:
Credits, regular; reduction of Federal insurance reserve account, proviso 1819
Dividends, payment of, and charging of losses; additional proviso 1819
Losses, charging of, and payment of dividends; additional proviso 1819

HOUSING EXPEDITER, OFFICE OF:
Regulations; rent control, regulations under Housing and Rent Act of 1947, as amended:
Controlled housing:
Rent regulation 1233, 1726
Amendments affecting areas in listed States and possession:
California 926
Illinois 1270, 1789
Indiana 1634
Iowa 1270
Michigan 1634, 1789
Minnesota 1270
New Jersey 1270
See also Special area.
1789
North Carolina 1789
Ohio 1475, 1634, 1789
Pennsylvania 1270, 1789
Puerto Rico 1270
Special area, regulation; Atlantic County, New Jersey 1726
Rooming houses and other establishments, controlled rooms in; rent regulation 1233
Amendments affecting areas in listed States and possession:
California 926
Illinois 1270, 1789
Indiana 1634
Iowa 1270
Michigan 1634, 1789
Minnesota 1270
New Jersey 1270
North Carolina 1789
Ohio 1475, 1634, 1789
Pennsylvania 1270, 1789
Puerto Rico 1270
Regulations by document designation; rent control, regulations under Housing and Rent Act of 1947, as amended:
Housing, controlled:
Area, special; Atlantic County, N. J., regulation, amendment 31 1726
Regulation:
Amendment 270, correction 1233
Amendment 347 926
Amendment 348 1270
Amendment 349 1475
Amendment 350 1634
Amendment 351 1726
Amendment 352 1789
Rooming houses and other establishments, controlled rooms in; regulation:
Amendment 267, correction 1233
Amendment 343 926
Amendment 344 1270
Amendment 345 1475
Amendment 346 1634
Amendment 347 1789

HOUSING AND HOME FINANCE AGENCY:
See Community Facilities Service.
Home Loan Bank Board.
Public Housing Administration.
Authority delegations. *See* Organization, *and* School facilities in areas affected by Federal activities.
Defense Mobilization Committees, Regional, representation on 1583
Manpower Policy, Committee on; representation on Committee in connection with housing problems 1272
Organization, temporary; prefabricated homes, authority respecting loans and agreements delegated to Agency accounting officer and assistant 1157

HOUSING AND HOME FINANCE AGENCY—Con. Page
School facilities in areas affected by Federal activities; delegation of authority to Administrator by General Services Administrator respecting procurement in connection with, for use by Community Facilities Service 1802

I

IMMIGRATION AND NATURALIZATION SERVICE:
Immigration regulations:
Distressed aliens, removal from United States; final disposition 1231
Preexamination of aliens within United States; notification of authorization 1231
Reentrance into United States:
Immigrant aliens. *See* Preexamination of aliens within United States.
Permanent resident alien; reentry, permit:
Extensions; deletion of notification requirement 1231
Issuance; notice of action and return of fee 1231
Removal of distressed aliens from United States; final disposition 1231
Students; procedural and other nonsubstantive provisions:
Extension of stay; procedure, endorsement on passport 1900
Records of admission, readmission, and departure:
Admission; passport marking 1900
Readmission; transfer of files 1231
Transfers from one school to another 1231
Nationality regulations:
Documentations of aliens:
Registry, etc., under Nationality Act of 1940. *See* Nationality Act of 1940.
Replacement of naturalization papers. *See* Replacement of naturalization papers.
Nationality Act of 1940, documentation of aliens pursuant to:
Citizenship certificates under section 339 of act; record and reason, etc., deletion of notification requirement 1231, 1471
Registry of aliens; records and recommendation, etc., notification requirements 1231
Replacement of naturalization papers, new certificate in changed name; new papers, etc., deletion of notification requirement 1231, 1474

IMPORTS AND EXPORTS:
Agricultural products. *See* Agriculture Department.
Animals and animal products, importation of. *See* Animal Industry Bureau.
Customs regulations. *See* Customs Bureau.
Excess property, foreign; Government surplus metal articles, applicable customs regulations. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Foreign aid; bareboat charter applications in connection with ECA programs. *See* Maritime Board.
International Food Exposition, Inc., at Chicago, Ill.; customs regulations respecting imports for. *See* Customs Bureau.
Investigation of imports. *See* Tariff Commission.
Metal articles, entry free of duty and import tax. *See* Customs Bureau.
Quarantine regulations; plants and plant products. *See* Entomology and Plant Quarantine Bureau.
Radioisotope transfer regulations. *See* Atomic Energy Commission.

INDIAN AFFAIRS BUREAU:
Civil Service Rules; certain positions excepted from competitive service (Schedule A). *See main heading* Civil Service Commission.
Irrigation projects, operation and maintenance regulations; proposed rule making:
Charges; Crow Indian irrigation project, Montana 1903
Flathead Indian irrigation project, Montana, delivery point 1903

INSTALLMENT SALE AND FINANCING:
Consumer credit. *See* Federal Reserve System.
Motor vehicles; trade practice rules. *See* Federal Reserve System; *and* Federal Trade Commission.

INTERIOR DEPARTMENT: Page

See Defense Electric Power Administration.
Defense Minerals Administration.
Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.

Authority delegations of, to officials of various agencies:
- National Park Service; designated officials to serve as Acting Director — 1835
- Supersedure of previous delegations to Associate Director and to Assistant Director — 1835
- Southeastern Power Administration; Chief Counsel to serve as Acting Administrator — 1835

Defense Production Act; designation of Department as claimant agency with respect to food requirements for civilians in territories and possessions of United States and Trust Territory of the Pacific under, by Secretary of Agriculture — 1289

Food, civilian requirements in territories and possessions of United States and Trust Territory of the Pacific; Department designated as claimant agency respecting by Secretary of Agriculture — 1289

Industrial chemicals used principally in petroleum industry; delegation of authority from Administrator of National Production Authority with respect to production and distribution — 1908

Oil and gas deposits:
- Jurisdiction over deposits in Barksdale Air Force Base Reservation, Louisiana; transfer from Air Force Department — 1901
- Operations in submerged coastal lands of Gulf of Mexico:
  - Operation in designated lands adjacent to Texas and Louisiana coasts; extension of period, supplementary authorization — 1203
  - Payments required by State leases — 953

Petroleum industry, delegation of authority to Secretary from National Production Administrator respecting certain industrial chemicals used in; production and distribution of various listed products (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) — 1908

Reclamation Bureau, construction activities of; authority delegated to Secretary with respect to representation in specified proceedings — 1155

Records, official, copies, of; regulations. *See* Regulations.

Regulations, Office of Secretary; availability of official records, charges:
- Copies furnished by managers of land offices — 1638
- Inapplicability of provisions in specified cases — 1638

Representation of interests of Reclamation Bureau in proceedings involving carriers, before Federal and State regulatory bodies; delegation of authority to Secretary by General Services Administrator respecting — 1155

Southeastern Power Administration; delegation of authority to Chief Counsel to serve as Acting Administrator — 1835

Submerged coastal lands of Gulf of Mexico; oil and gas operations. *See under* Oil and gas deposits.

INTERNAL REVENUE BUREAU:

Excess profits tax. *See* Income and excess profits taxes.

Excise taxes; liquors, distilled spirits, etc., production, tax-payment, etc., of wines:
- Amendments to prescribed standards for solids content of wines, ameliorated or sweetened with sugar or a sugar and water solution, consistent with those in Federal Alcohol Administration Regulation 4 — 1676
- Nonstandard wines; labeling — 1675
- Standard wines:
  - Fruit and berry wines:
    - Amelioration, proviso — 1675
    - Sweetening, proviso — 1675
  - Natural wine:
    - Amelioration, proviso — 1675
    - Sweetening, proviso — 1675
  - Pure sweet wine; total solids content — 1675, 1818

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes:
- Excess profits taxes; taxable years ending after June 30, 1950:
  - Depressed industry subgroups:
    - Adjusted rates of return, tentative — 1118
    - Determinations, tentative — 1118
  - Rates of return:
    - Adjusted rates for depressed industry subgroups. *See under* Depressed industry subgroups.
    - Base period rate of return, tentative — 1118
    - Yearly rates; tentative base period yearly rates of return — 1118
- Income taxes; taxable years beginning after December 31, 1941; proposed rule making:
  - General provisions; returns and payment of tax, records and income tax forms, additional reference — 1288
  - Supplementary provisions:
    - Estates and trusts, income of; additional reference to provision respecting annual information return — 1288
    - Rates of tax; proof of exemption on or after January 1, 1943 and annual returns for accounting periods beginning on or after January 1, 1943:
      - Annual returns:
        - Date for filing; forms — 1288
        - Organizations not required to file; forms — 1288
        - Requirements; miscellaneous amendments — 1288
      - Form 990; deletion of revision date — 1288
      - Group returns; miscellaneous amendments — 1288
      - Records:
        - Collector's records; forms — 1288
        - Tax-exempt organizations; records, statements, and other returns, forms — 1288
      - Returns in payment of tax:
        - Information from specified sources:
          - Tax-exempt organizations; certain:
            - Regulations — 1287
            - Statutory provisions — 1287
          - Trusts claiming charitable or other deductions under section 162 (a):
            - Regulations — 1288
            - Statutory provisions — 1287
        - Penalties:
          - Regulations — 1288
          - Statutory provisions — 1287
        - Publicity of returns:
          - Regulations — 1288
          - Statutory provisions — 1287

INTERNATIONAL TRADE, OFFICE OF:

Authority, delegation of; denial of licensing privileges. *See* Export control.

Export control:
- Clearance, export; note. *See* General orders.
- Denial or suspension of licensing privileges:
  - Compliance Commissioner for Export Control; delegation of authority by Secretary of Commerce to administer oaths, issue subpoenas, etc., in proceedings for denial of licensing privileges — 1094
  - Order. *See* Suspension of license privileges, *below.*
- Enforcement provisions; destination control, interpretations — 1767
- General orders; export clearance of certain commodities by Collectors of Customs on posting of bond, Far East and intransit shipments (addition of note relating to cited sections) — 1117
- Licenses:
  - Individual and other validated licenses, provisions for; how to file application for export license, data supplementing license application — 1115, 1767
  - Project licenses; supplement 1, list of restricted commodities — 1767
- Licensing policies and related special provisions:
  - Export licensing general policy; commodities subject to this export licensing policy — 1116
  - Time schedules for submission of applications for licenses to export certain Positive List commodities; Supplement 1 — 1117

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
- Positive List of Commodities and related matters:
  - Appendix A, Positive List of Commodities — 924, 925, 1181, 1473, 1767
  - Addition of specific commodities in listed categories:
    - Aluminum and manufactures — 1768
    - Automobiles, parts and equipment — 1768
    - Chemicals; industrial, and specialties — 1182, 1473, 1768
    - Clay and products — 1768
    - Coal-tar products — 1768
    - Copper and manufactures — 1768
    - Cotton manufactures — 1767
    - Engines, turbines and parts — 1768
    - Fibers, synthetic, and manufactures — 1182
    - Glass and products — 1768
    - Instruments, apparatus and supplies; scientific and professional — 1768
    - Iron and steel; manufactures, products, materials, etc — 1182, 1768
    - Lumber. *See* Wood.
    - Machinery; electrical, construction, industrial, agricultural — 1182, 1768
    - Medicinal and pharmaceutical preparations — 1768
    - Metals, precious — 1768
    - Nails and bolts — 1182
    - Naval stores, gums and resins — 1182, 1767
    - Nickel and manufactures — 1768
    - Nonmetallic minerals — 1182
    - Paper base stocks — 1768
    - Photographic and projection goods — 1768
    - Plated ware — 1768
    - Railway-track material — 1182
    - Rubber and manufactures — 924, 1767
    - Steel. *See* Iron.
    - Vehicles and parts — 1768
    - Wood, lumber and manufactures — 1767, 1768
    - Wool semimanufactures — 1767
  - Appendix C, Commodity Processing Codes — 925, 1474, 1769

Suspension of license privileges; order affecting Rediker Bros. Shipping Co., Inc — 1610

INTERSTATE COMMERCE COMMISSION:

See Defense Transport Administration.

Alabama intrastate express rates and charges. *See* Rates and charges.

Annual reports; forms. *See* Reports.

Car service:
- Demurrage on freight cars; order suspended temporarily to extent it applies on designated cars used in transporting iron ore from origins in Wisconsin, Michigan, Minnesota — 1131
- Grain, movement to terminal elevators by permit; appointment of agent, designation of duties — 1549
- Lumber; restrictions on reconsigning — 1284, 1678
- Refrigerator cars, substitution of, for box cars for transporting carload freight in certain area; new expiration date — 989
- Tank cars, control of; appointment of agent — 1131

Charges:
- Demurrage; freight cars. *See* Car service.
- Long-and-short-haul charges provision; relief from. *See* Tariffs and schedules.
- Rates and charges. *See* Rates and charges.

Demurrage. *See* Car service.

Express rates and charges. *See* Rates and charges.

Freight forwarders; annual reports. *See* Reports.

Freight rates, increased; 1951. *See* Rates and charges.

Grain; movement to terminal elevators. *See* Car service.

Inspection and testing, locomotives other than steam; main reservoir system — 1019

Locomotive inspection and testing. *See* Inspection and testing.

Long-and-short-haul charges. *See* Tariffs and schedules.

Lumber:
- Long-and-short-haul charges provision; relief from. *See* Tariffs and schedules.
- Restrictions on reconsigning. *See* Car service.

INTERSTATE COMMERCE COMMISSION—Con. Page

Ore:
- Iron; demurrage on freight cars transporting. *See* Car service.
- Manganese; long-and-short-haul charges provision. *See* Tariffs and schedules.

Rail carriers:
- Long-and-short-haul charges provision of Interstate Commerce Act; applications for relief. *See* Tariffs and schedules.
- Rates and charges. *See* Rates and charges.
- Reports, annual. *See* Reports.
- Routing of traffic. *See* Routing of traffic.

Rates and charges:
- Alabama intrastate express rates and charges; institution of investigation — 1744
- Increased express rates and charges, 1951; notice of hearing, special rules of practice and Railway Express Agency's proposals — 1097
- Increased freight rates, 1951; petitions from listed petitioners for leave to intervene and for authority to make rate increases — 1157

Refrigerator cars; car service. *See* Car service.

Reports, annual; forms prescribed:
- For freight forwarders; form F-a — 1902
- For large and medium steam railways and switching and terminal companies; form A — 1594

Routing of traffic; authority and direction to listed carriers to reroute or divert certain traffic:
- Central of Ga. Ry. Co — 1210, 1291, 1691
- Southern Ry. Co — 1210
- United States, certain railroads in; new expiration date — 1713

Steam railways; reports. *See* Reports.

Tank cars; control. *See* Car service.

Tariffs and schedules:
- Long-and-short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
  - Acetaldehyde, from Tallant, Okla., and Brownsville, Texas, to southern and official territories — 957
  - Acetone and related articles, from Brownsville, Texas, to official territory — 1803
  - Acids:
    - Acetic, from southwest to Norfolk, Newport News and Hopewell, Va — 956
    - Sulphuric, from Louisiana to south — 1774
  - Alcohol, from southwest to Twin Cities — 1803
  - All and/or various commodities:
    - Between Providence, R. I., and/or Boston, Mass., on one hand and Harlem River, N. Y., on other — 1211, 1293
    - Between Providence, R. I., and Springfield and Worcester, Mass., on one hand and Harlem River, N. Y., on other — 957
    - From and to points in south — 1645
    - From official territory to south — 1775
  - All freight, from Syracuse, N. Y., to Milwaukee, Wis — 1484
  - Alumina, from Louisiana to St. Louis, Mo — 1714
  - Aluminum, scrap, from Texas to Heath, Ohio — 1155
  - Ammonia, from official territory to south — 1775
  - Aplite rock, from Piney River, Va., to Indiana and Ohio — 1257
  - Asphalt or asphalt compounds:
    - Between Illinois territory and south — 1743
    - From Rogerslacy, Miss., to Indiana — 1156
    - In official territory — 1211
  - Automobile parts, from official territory to south — 1775
  - Batteries, electric, from Ohio to Atlanta, Ga., and Chemway, N. C — 995
  - Benzene hexachloride. *See* DDT.
  - Bottle caps, from Dallas, Texas, to southwest and west — 1744
  - Butter, from Winona, Minn., to Chicago, Ill — 1714
  - Cement:
    - From Birmingham, Ala., to La Grange, Ga — 1714
    - From Lone Star, Va., to southern territory — 1156
    - From Pennsylvania to southwest — 1292
  - Charcoal:
    - Briquettes, from Michigan and Wisconsin to official territory — 1024
    - Wood, from Crosset, Ark., to Tennessee — 1097
  - Chlorine gas, liquefied, from Memphis, Tenn., to Terre Haute, Ind — 1211

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Clothing, from Chicago, Ill., to Maspeth and New York, N. Y. 1559
Coal:
From Alabama to Houston, Texas 1744
From Kentucky to Charleston, S. C 995
From Kentucky, Tennessee and Virginia to Indianapolis, Ind 1836
Coke, from Hopewell, Va., to Wilson, N. C 1257
Cottonseed products, from Memphis to Kingsport, Tenn 1645
DDT and/or benzene hexachloride:
From Delaware, Indiana, New York and Pennsylvania to Arkansas, Louisiana and Texas 1613
From West Virginia:
To Alabama, Florida, Georgia, North Carolina and South Carolina 1484
To Memphis, Tenn 1484
Fibreboard. *See* Pulpboard.
Formaldehyde, from Texas and Oklahoma to south 1258
Gasoline, natural, and liquefied petroleum gas, from Butler and Hocker, Okla., to official, southern, southwestern and western territories 956
Grain and products, from Iowa, Minnesota and Missouri to gulf ports for export 1484
Gravel, from Louisiana, Mo., to Illinois 1803
Hides, pelts, and skins, from southern territory to trunkline and New England territories 1096
Houses, prefabricated or portable, from Lafayette, Ind., to Missouri and Nebraska 1836
Iron and steel, etc.:
Articles:
From Atlanta, Ga., and Chattanooga and Knoxville, Tenn., to Dyersburg, Bells and Jackson, Tenn 956
From Baltimore, Md., to Georgia, North Carolina, South Carolina and Virginia 1024
From Birmingham, Ala., group to Atlanta, Ga 1096
From defined territories to Louisiana and Texas gulf ports 1097
From Missouri and Ohio to Tennessee 1775
From southern ports to Knoxville, Tenn 1292
Castings, from Buffalo, N. Y., to Detroit, Mich 1645
Pig iron:
From north Atlantic ports to Canton and Mansfield, Ohio 1023
From south Atlantic ports to Alabama 1802
From Texas:
To Alabama 1744
To Greenville, S. C 955
To Toccoa, Ga 956
Pipe:
From St. Louis, Mo., and East St. Louis, Ill., to Texas 1025
From Texas to western trunkline, Illinois and official territories 1802
Scrap, from Pensacola, Fla., to Birmingham, Ala 1024
Wire fabric, from southwestern and western trunkline territories to Texas and Louisiana gulf ports 1096
Lard and vegetable oils, from Texas to Kansas, Oklahoma and Joplin, Mo 1210
Lime, from southern points to Wakulla, Fla 1292
Liquors, malt, from Terre Haute, Ind., to Chattanooga and other Tennessee points 955
Livestock, from west to south 1923
Lumber and/or other forest products:
From Brookhaven, Miss., to St. Louis, Mo., and East St. Louis, Ill 1156
From south to stations in Missouri on St. Louis-San Francisco Ry 1644
Woods, foreign, from Junction City, Ky.:
To central and Illinois territories 1156
To southern territory 1155
Manganese ore, from eastern and New England ports to Holston, Tenn 1836

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Molasses, from Louisiana to Oklahoma 1257
Netting, poultry, from defined territories to Louisiana and Texas gulf ports 1097
Onion sets, from Illinois to south 1211
Peanuts and pecans, from south to official territory 1292
Pecans. *See* Peanuts.
Petroleum and/or petroleum products:
Between Texas points 1775
Gas, liquefied, from Oklahoma points to official, southern, southwestern and western territories 956
Oil, road, between Illinois territory and south 1743
Plasterboard, from Sweetwater, Texas, to Arkansas and Louisiana 1803
Potatoes, from Maine to New Jersey points 1802
Pulpboard or fiberboard:
From and to southwestern territory and Kansas 1155
From Detroit, Mich., to Memphis, Tenn., and New Orleans, La 1559
Pulpwood, from Atlantic Coast Line R. R. stations in Florida to Panama City, Fla 1775
Ranges. *See* Stoves.
Sand:
From Illinois to Lexington, Ky 1644
From Lexington, Tenn., to Topeka, Kans 1774
Soda and products:
Between points in official territory 1024
Between stations on Minneapolis, St. Paul & Sault Ste. Marie Ry. on one hand and official territory on other 1644
Caustic soda:
From Midland, Mich., to Cincinnati, Ohio 955
From New Jersey, Virginia and New York to Cincinnati, Ohio 1025
From New York and Pennsylvania to Cincinnati, Ohio 1096
Steel. *See* Iron and steel.
Stoves and ranges from Illinois to south 1211
Sugar from Palm Beach, Fla., to Florida points 994
Sulphur:
From Alabama and Florida to Arkansas and Louisiana 1644
From Louisiana and Texas:
To Calvert, Ky 1257
To Hamilton, Ohio 1804
To Piney River, Va 955
Tape, paper, to and within southwest 1644
Tires, rubber, from Waco, Texas, to Illinois, Kansas, Missouri and Tennessee 1096
Various commodities. *See* All and/or various commodities.
Wood. *See* Lumber.
Rates and charges. *See* Rates and charges.
Terminal and switching companies; annual reports. *See* Reports.
Testing; locomotives. *See* Inspection and testing.
IRRIGATION PROJECTS. *See* Indian Affairs Bureau, *and* Reclamation Bureau.

J

JUSTICE DEPARTMENT:
See Alien Property, Office of.
Immigration and Naturalization Service.

L

LABOR DEPARTMENT:
See Wage and Hour Division.
Manpower Policy Committee, representation on 1272

LAND MANAGEMENT BUREAU:
Public lands:
Orders:
Barksdale Bombing and Gunnery Range, Louisiana; transfer of jurisdiction over oil and gas deposits. *See* Oil and gas deposits.

LAND MANAGEMENT BUREAU—Continued Page

Public lands—Continued
Orders—Continued
Deer winter pasture, Wyoming; withdrawal of public lands in connection with. *See* Withdrawals.
Gas deposits in Barksdale Bombing and Gunnery Range. *See* Oil and gas deposits.
Grazing districts and lands:
Nevada; district No. 6 established 1604
Oregon; district No. 1, range improvement fee 1800
Homesites; described tracts excluded from Chugach National Forest and Tongass National Forest, Alaska, and restored for purchase as (PLO 700) 1771
Homesteads; orders opening lands in listed national forests to entry under Forest Homestead Act revoked so far as they affect described lands:
Alaska; Tongass National Forest 1482
California:
Los Padres National Forest 1482
Six Rivers National Forest 1482
Lands opened to entry by veterans and general public:
Alaska 1686
Arizona 1092
California 1092, 1150, 1201, 1202, 1835
Colorado 1149, 1638
Idaho 952, 1483
Nevada 1149, 1288
Utah 1800
Mineral lands; Colorado:
Atomic Energy Commission; withdrawal for use of. *See* Withdrawals.
Location, entry and patenting; described land opened to 1149
National forests:
Alaska:
Chugach National Forest:
Homesites; described tracts excluded and restored for purchase as (PLO 700) 1771
Power purposes; restoration of lands reserved for power purposes 1482
Tongass National Forest:
Homesites; described tracts excluded and restored for purchase as (PLO 700) 1771
Homesteads; orders opening lands to entry under Forest Homestead Act revoked so far as they affect described lands 1482
California; orders opening lands in Los Padres National Forest and Six Rivers National Forest to entry under Forest Homestead Act revoked so far as they affect described lands 1482
National parks, Alaska; certain land in Mt. McKinley National Park withdrawn for national defense purposes (PLO 697) 1184, 1203
Oil and gas deposits in Barksdale Bombing and Gunnery Range of Barksdale Air Force Base Reservation, Louisiana; transfer of jurisdiction over, from Air Force Department to Interior Department (PLO 701) 1901
Power site reserves, etc.; restoration of lands, Alaska:
Power project No. 119 1482
Power site reserve No. 674 1482
Shore space reserves, Alaska; restorations:
No. 452 1686
No. 453 1686
No. 454 1687
No. 455 1834
Small tract classifications:
Alaska; No. 36 1288
California:
No. 203, amendment 1150
No. 251 1201
No. 252 1202
No. 255 1835
Nevada:
No. 64, correction 1149
No. 65 1288
Survey; notice of filing of plats of:
Alaska 1202
California 1092

LAND MANAGEMENT BUREAU—Continued Page

Public lands—Continued
Orders, etc.—Continued
Survey; notice of filing of plats of—Continued
Colorado 952
Florida 1742
Idaho 952, 1093, 1483
Nevada 1093, 1149
Utah 1800
Withdrawals, of certain lands:
Alaska:
Air Force Department, described land withdrawn for use of; description in withdrawal order (PLO 690) corrected 1476
National defense purposes; public lands in described area withdrawn for (PLO 697) 1184, 1203
Proposed legislation, withdrawal of certain lands in described area in aid of; withdrawal order (PLO 538) revoked (PLO 697) 1184, 1203
Colorado; public lands and minerals reserved to United States in patented lands in certain areas withdrawn for use of Atomic Energy Commission:
PLO 459 and 494 revoked so far as they affect lands and minerals in described areas (PLO 698) 1638
PLO 698, describing areas containing lands and minerals withdrawn 1638
Wyoming; described lands withdrawn for use by State Game and Fish Commission in connection with Sybille Deer Winter Pasture (PLO 699) 1639, 1641
Regulations:
Alaska:
Public uses 1792
Transfer of jurisdiction over public lands to Office of Territories for use under Alaska Public Works Act; effect of application for transfer 1792
Sites, park, recreational and cemetery; part heading changed. *See* Public uses.
Townsites entered by trustee; sale to Alaska Housing Authority 1736
Grazing districts, Federal range code for; fees and time of payment, notice of range improvement fee in Oregon grazing district No. 1. *See* Orders.
Payments, fees and commissions chargeable in all states; transcripts of records and certificates as to information of record, revocation 1638

M

MAIL:
Importations by mail; customs regulations. *See* Customs Bureau.
Postal regulations. *See* Post Office Department.
Preference and priority for transportation of. *See* Defense Transport Administration.
MANPOWER POLICY, COMMITTEE ON; creation of and representation on 1272
MARINE CORPS; Courts-Martial Manual, 1951, Executive order respecting. *See* Presidential documents.

MARITIME ADMINISTRATION:
Price control; exemption of Administration as "Defense Agency" from provisions of General Ceiling Price Regulation, by supplementary regulation. *See main heading* Price Stabilization, Office of.

MARITIME BOARD, FEDERAL:
Agreements, transportation. *See* Transportation agreements.
Bareboat chartering of war-built vessels; applications. *See under* Merchant Ship Sales Act of 1946.
Merchant Ship Sales Act of 1946; bareboat chartering of war-built vessels:
Applications of listed companies; hearings, etc.:
American President Lines, Ltd 953
Dolphin Steamship Corp 1151
Luckenbach Steamship Co 1022, 1151
Lykes Bros. Steamship Co., Inc 1774
Maine Steamship Corp 1151
Orion Shipping & Trading Co., Inc 1151
Shepard Steamship Co 1151

MARITIME BOARD, FEDERAL—Continued Page

Merchant Ship Sales Act of 1946; bareboat chartering of war-built vessels—Continued
Applications of listed companies; hearings, etc.—Continued
South Atlantic Steamship Line, Inc 1151
Stevenson, T. J., & Co., Inc 1151
United States Lines Co 1151
United States Navigation Co 1151
Economic Cooperation Administration, war-built dry cargo vessels for use of; request of Administration for hearing on applications of designated companies 1151
Military Sea Transportation Service, Navy Department application for time charter use of bareboat chartered vessels for; notice of hearing 1801
Military Sea Transportation Service, Navy Department application for time charter use of bareboat chartered vessels for; notice of hearing 1801
Transportation agreements; approval, hearings, etc., affecting listed companies:
Continental U. S. A. Gulf Westbound Freight Conference (agreement No. 6150–3) 1093
Pacific Coast European Conference (agreement No. 5200–L) 1093
Pacific Lumber Carriers' Association (agreement No. 6310–4) 1610
Pacific Westbound Conference (agreement No. 57–33) 1094
United States Atlantic & Gulf-Puerto Rico Conference (agreement No. 6120–4) 1093
Vessels, war-built dry cargo; application to bareboat charter. *See* Merchant Ship Sales Act of 1946.

MILITARY RENEGOTIATION POLICY AND REVIEW BOARD: regulations. *See* Defense Department.

MILITARY SEA TRANSPORTATION SERVICE: hearing respecting use of certain vessels for. *See* Maritime Board.

N

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Priority (DO) ratings, authority to apply to direct Government contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 1509

NATIONAL PARK SERVICE:
Authority, delegation of, by Secretary of Interior; authority and designations of precedence, of Associate Director, Assistant Director and General Counsel to serve as Acting Director, in absence of Director 1835
Supersedure of previous delegations to Associate Director and to Assistant Director 1835
Mt. McKinley National Park, Alaska; withdrawal of land within for national defense purposes. *See main heading* Land Management Bureau.

NATIONAL PRODUCTION AUTHORITY:
Delegations of authority to agencies or officials:
Atomic Energy Commission; authority to apply priority (DO) ratings on direct contracts and purchase orders to meet authorized operation and construction programs (Delegation 2) 1508
Coast Guard, U. S.; authority to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs (Delegation 4) 1509
Commerce Department; delegation of authority to Directors of Regional Offices and Managers of District Offices to administer NPA Order M–4 with respect to construction (Delegation 7) 1071, 1277
Defense, Secretary of; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs (Delegation 1) 1508

NATIONAL PRODUCTION AUTHORITY—Continued Page

Delegations of authority to agencies or officials—Con.
Interior, Secretary of; authority respecting certain industrial chemicals used principally in petroleum industry (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) (Delegation 9) 1908
National Advisory Committee for Aeronautics; authority to apply priority (DO) ratings to direct Government contracts and purchase orders to meet authorized procurement and construction programs (Delegation 3) 1509
State, Secretary of; authority to apply priority (DO) ratings to direct contracts and purchase orders to meet authorized procurement and construction programs (Delegation 8) 1509
Establishment and functions 1129
Advisory Committee on Priorities Administration, membership; Economic Stabilization Agency, added 1129
Prior actions, confirmed 1130
Redelegations of authority by Administrator to any officer or agency of Government 1129
Priority orders:
Aluminum:
Rules for placing, accepting and scheduling rated orders for (M–5) 1182
Use in civilian economy (M–7) 1122
Directions 2 and 3, respecting first calendar quarter 1951 and March 1951; redesignation 1122, 1124, 1125
List A; forms and products subject to prohibitions 1126
List B; ducts and windows 1792
Antimony; limitations on inventories of antimony and materials (other than ores and concentrates) containing antimony (M–39) 1709
Brass mill products. *See* Copper and copper-base alloys.
Calfskins and kips. *See* Cattlehides, calfskins and kips.
Cans, tin plate and terneplate; specifications and use, and list of products packed in cans (M–25) 1824
Cattlehides, calfskins and kips; prohibition of sales or deliveries prior to March 15, 1951, and required reports on hides tanned during calendar 1950 (M–35) 1071
Chemicals; rules for placing, accepting and scheduling rated orders (M–32) 1127
DDT, added 1127
Chromium-nickel stainless steel, use in various products. *See* Nickel.
Construction; prohibition of or limitation on construction which does not further defense effort (M–4) 1583, 1728
Delegation of authority respecting, to Commerce Department officials. *See under* Delegation of authority to agencies or officials, *above*.
Exemptions:
Printing establishments for newspapers, books, periodicals 1584
Radio and television broadcasting purposes 1584
Small jobs of new construction 1729
List A, prohibited construction 1595, 1730
List B; construction where authorization is required 1585, 1730
Copper and copper-base alloys:
Scrap; acceptance, delivery, distribution (including toll agreements, etc.), and accumulation (M–16) 987
Use in civilian economy (M–12) 1730
Base period, applications for adjustment, use during the first calendar quarter 1951 (M–12, Direction 1) 1016
Prohibited products (List A and B) 1733, 1735
Deerskins. *See* Horsehide fronts and deerskins.
Horsehide fronts and deerskins; restriction on tanning, sale and use (M–29) 1727
Iron and steel; rules for placing, accepting, and scheduling rated orders for (M–1) 1821
Repair and conversion of seagoing vessels (M–1, Supplement 4) 1717
Lead; limitations on inventories of lead and materials (other than ores and concentrates) containing lead (M–38) 1708

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Leather, sole, of military weight and quality; production and distribution (M–34) 1128
Nickel; use in civilian economy (M–14) 1278
List of forms and products subject to prohibitions 1280
Paper; rules for placing, accepting, and scheduling Government orders for (M–36) 1281
Rayon yarn, high tenacity; rules for placing, accepting and scheduling rated orders (M–13) 1677
Rubber; use of natural and synthetic rubber in certain products (tires, tubes, non-essential items, etc.) (M–2) 1119
Limitations on production of tires and tubes and certain industrial products (belts, hose, wire and cable) (M–2, Supplement 1) 1727
Steel. *See* Iron and steel.
Tin plate and terneplate; cans. *See* Cans.
Zinc scrap; acceptance, delivery and distribution (including toll agreements, etc.), and accumulation (M–37) 1636

NAVIGATION LAWS AND REGULATIONS:
Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
Waterways. *See* Coast Guard; Engineers, Corps of; *and* Maritime Board, Federal.

NAVY DEPARTMENT:
Contracts and purchases, under First War Powers Act; Executive order respecting. *See main heading* Presidential documents.
Courts-Martial Manual, 1951; Executive order respecting. *See main heading* Presidential documents.
Freight, military, and mail; preference and priority for transportation. *See main heading* Defense Transport Administration.
Marine Corps; preference and priority for transportation of military freight and mail. *See main heading* Defense Transport Administration.
Military Sea Transportation Service; Department request for time charter use of war-built dry cargo vessels. *See main heading* Maritime Board.
Price control; exemption of Department as "Defense Agency" from provisions of General Ceiling Price Regulation, by supplementary regulation. *See main heading* Price Stabilization, Office of.
Regulations:
Personnel; physical separation and retirement, Physical Evaluation Boards:
Composition 932
Findings 932
Renegotiation, military; joint regulations of armed forces. *See main heading* Defense Department.
War-built dry cargo vessels, time charter use by Military Sea Transportation Service under bareboat charter; notice of Federal Maritime Board of hearing on request of Department. *See main heading* Maritime Board.

O

OFFICE OF INTERNATIONAL TRADE. *See* International Trade, Office of.

OIL. *See* Petroleum and petroleum products.

P

PANAMA CANAL ZONE; exemption from operation of all price regulations 1791

PATENT OFFICE:
Appeals Board; amendment to temporary order of Secretary of Commerce delegating authority in trade-mark cases 1094

PAY, ALLOWANCES, ETC.:
Foreign service allowances; Public Health Service personnel regulations. *See* Public Health Service.
Veterans' subsistence allowances. *See* Veterans' Administration.

PETROLEUM ADMINISTRATION FOR DEFENSE: Page
Establishment and organization; revision 932
Orders; tetraethyl lead fluid, automotive (PAD–1) 1808
Petroleum industry:
Delegation of authority to Secretary of Interior from National Production Administrator respecting certain industrial chemicals used in; production and distribution of various listed products (tetraethyl lead fluid, petroleum cracking catalysts, additives, etc.) 1903
Order respecting tetraethyl lead fluid. *See* Orders.

PETROLEUM AND PETROLEUM PRODUCTS:
Coastal lands, submerged, deposits in; operations. *See* Interior Department.
Petroleum administration for defense. *See* Petroleum Administration for Defense.
Producing field in New Mexico. *See* Geological Survey.
Radio-location of petroleum deposits, extension of temporary allocation of frequencies for purpose of; radio regulations. *See* Federal Communications Commission.

POST OFFICE DEPARTMENT:
Organization; regulations respecting. *See* Regulations.
Preference and priority for transportation of United States mail. *See main heading* Defense Transport Administration.
Regulations:
Department and postal service; organization of Department:
Facilities, Bureau of. *See* Fourth Assistant Postmaster General.
Finance, Bureau of. *See* Third Assistant Postmaster General.
Fourth Assistant Postmaster General; Bureau of Facilities:
Divisions of bureau and assignment of duties; division of engineering 1019
Duties of Assistant Postmaster General; public buildings, design, leasing, etc 1019
Third Assistant Postmaster General; Bureau of Finance:
Finance, postal; division of 1019
Investments; division of postal savings and investments 1019
Savings, postal, and investments; division of 1019
International postal service:
Ocean noncontract service; compensation for transportation of foreign mails, exceptions to specified rate 1829
Postage rates, service available, and instructions for mailing:
Insurance; special provisions applicable to, Netherlands West Indies 1900
Parcel post:
See also Various countries, conditions applicable to.
For foreign countries:
Group shipments; Netherlands New Guinea 1900
Sealing 1900
Storage (demurrage) charge; Netherlands New Guinea 1900
Regular (Postal Union) mails, general information; small packets, Netherlands New Guinea 1900
Various countries, provisions applicable to 1900
Canada; parcel post 1901
Indonesia (Bali, Banka, Billiton, Netherlands Borneo, Celebes, Java, Little Soenda (Sunda), Madoera, Moluccas (Moloques), Rhio (Riouw), Sumatra, and Netherlands Timor):
Parcel post 1900
Regular mail 1900
Israel (State of); parcel post 1901
Netherlands West Indies; parcel post 1900
Turkey; parcel post 1901
Organization. *See* Department and postal service.

70030—51——4

POST OFFICE DEPARTMENT—Continued Page

Regulations—Continued
Procedures of Department; procedures before Assistant Postmaster General in charge of transportation:
Fines and deductions:
Regulations affecting messengers, contractors, and carriers 1147
Rescission of cited sections 1147
Second Assistant Postmaster General; caption of subpart amended 1147
Restricted service, temporary; orders:
Categories restricted:
See also Discontinuance of temporary service restrictions.
Definition, with extension and supersedure 1091, 1092, 1250
Exceptions (drugs, bank shipments of money, etc.) 1091, 1092, 1250
Discontinuance of temporary service restrictions 1289
Locations where restrictions effective; list with extension and supersedure 1091, 1092, 1250
See also Discontinuance of temporary service restrictions.
Temporary mail service restrictions. *See* Restricted service.
POWER ADMINISTRATION. *See* Defense Electric Power Administration.

PRESIDENTIAL DOCUMENTS:
Aeronautics, Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Agriculture Department:
See Forest Service.
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10216) 1815
Air Force Department:
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Army Department:
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Atomic Energy Commission; contracts and purchases under First War Powers Act, regulations for exercise of functions respecting (EO 10216) 1815
Civil service:
Death expenses of certain civilian officers and employees, payment of; prior order amended (EO 10209) 1001
Retirement; exemption of Arthur A. Quinn, Comptroller of Customs, New York, from compulsory retirement for age (EO 10215) 1703
Status, competitive, acquisition of; recommendation by agency, provision respecting veterans (EO 10217) 1843
Veterans; acquisition of competitive status on discharge from service, recommendation by agency (EO 10217) 1843
Coast Guard; Courts-Martial Manual, 1951 (EO 10214) 1303
Commerce Department; contracts and purchases, under First War Powers Act, regulations for exercise of functions respecting (EO 10210) 1049
Comptroller General of the United States; availability to, of records pertaining to contracts under First War Powers Act (EO 10210) 1049
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting, by various agencies:
Agriculture Department (EO 10216) 1815
Air Force Department (EO 10210) 1049
Army Department (EO 10210) 1049
Atomic Energy Commission (EO 10216) 1815
Commerce Department (EO 10210) 1049
Defense Department (EO 10210) 1049
Government Printing Office (EO 10216) 1815
National Advisory Committee for Aeronautics (EO 10216) 1815
Navy Department (EO 10210) 1049

PRESIDENTIAL DOCUMENTS—Continued Page

Courts-Martial Manual, 1951 (EO 10214) 1303
Customs Bureau; exemption of Arthur A. Quinn, Comptroller of Customs, New York, from compulsory retirement for age (EO 10215) 1703
Days of observance; Red Cross Month, 1951 (Proc. 2917) 1627
Death expenses of certain civilian officers and employees, payment of; prior order amended (EO 10209) 1001
Defense Department:
See Air Force Department; Army Department; and Navy Department.
Contracts and purchases, under First War Powers Act; regulations for exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Discrimination on account of race, creed, color, or national origin; provision respecting, in contracts under First War Powers Act (EO 10210) 1049
Federal personnel. *See* Civil service.
First War Powers Act, contracts and purchases under. *See* First War Powers Act.
Forest Service:
Cherokee National Forest, Polk County, Tennessee:
Inclusion of certain lands (EO 10213) 1170
Transfer of certain lands and rights-of-way to Tennessee Valley Authority (EO 10212) 1167
Nantahala National Forest; inclusion of certain lands in Cherokee County, North Carolina (EO 10213) 1170
Government employees. *See* Civil service.
Government Printing Office; contracts and purchases under First War Powers Act, regulations for exercise of functions respecting (EO 10216) 1815
Guam; income-tax laws of United States to be in force in Guam, pursuant to section 31 of Organic Act of Guam (EO 10211) 1167
Information. *See* Records, information, etc.
Lands, in national forests. *See* Forest Service.
Marine Corps; Courts-Martial Manual, 1951 (EO 10214) 1303
National Advisory Committee for Aeronautics; contracts and purchases under First War Powers Act, exercise of functions respecting (EO 10216) 1815
National forests. *See* Forest Service.
Navy Department:
Contracts and purchases under First War Powers Act, regulations for exercise of functions respecting (EO 10210) 1049
Courts-Martial Manual, 1951 (EO 10214) 1303
Records, information, etc., pertaining to contracts under First War Powers Act; availability to Comptroller General of the United States (EO 10210) 1049
Red Cross Month, 1951 (Proc. 2917) 1627
Solicitation of contracts; warranty respecting, in contracts under First War Powers Act (EO 10210) 1049
Status, competitive, acquisition of, in civil service. *See* Civil service.
Taxes, income, in Guam. *See* Internal Revenue Bureau.
Tennessee Valley Authority; transfer of certain lands in Cherokee National Forest, from Agriculture Department to Authority (EO 10212) 1167
Treasury Department. *See* Customs Bureau.
Veterans; acquisition of competitive status on discharge from service, recommendation by agency (EO 10217) 1843

PRICE STABILIZATION, OFFICE OF:
Delegations of authority:
From Economic Stabilization Administrator, respecting allocation of meat 1273
To various officials:
Assistant Director, Commodity Divisions; authority to act as Acting Director in absence of Director (Administrative Order 4) 1071, 1676
Chief Counsel:
Authority to act as Acting Director in absence of Director and Assistant Director in charge of Commodity Divisions (Administrative Order 4) 1676

PRICE STABILIZATION, OFFICE OF—Continued Page

Delegations of authority—Continued
To various officials—Continued
Chief Counsel—Continued
Authority to issue official price interpretations (Administrative Order 4) 1583
Distribution orders; livestock and meat, fair distribution of (DO 1) 1273, 1819
Suppliers must sell meats to certain institutional users (prisons, hospitals, etc.) 1819
Meat; allocation, pricing, etc.:
See also Distribution orders; *and* Price control regulations.
Delegation of authority from Economic Stabilization Director to Director of Price Stabilization, respecting allocation of meat 1273
Panama Canal Zone; exemption from operation of all price regulations (GCPR, Supp. Reg. 6) 1791
Price control regulations:
Ceiling price regulations, for specific commodities:
See also General Ceiling Price Regulation, *below.*
Agricultural commodities; exemptions, "parity" adjustments, etc. *See under* General Ceiling Price Regulation.
Apparel. *See* Consumer goods.
Automobiles, new and used, retail prices for (GCPR, Supp. Reg. 5) 1769
Broom corn; exemption from provisions of GCPR 1504
Chain stores, special pricing methods for 1895
Clothing (apparel). *See* Consumer goods.
Coal:
Anthracite delivered from mine or preparation plant (CPR 4) 1011
Coal (except Pennsylvania anthracite) delivered from mine or preparation plant (CPR 3) 1008, 1476
Retail dealers, authority to increase ceiling prices (GCPR, Supp. Reg. 2) 1060
Tidewater coal dock dealers (GCPR, Supp. Reg. 4) 1635
Cocoa beans, raw; sales other than retail (GCPR, Supp. Reg. 3) 1505
Coffee, green; sales other than retail (GCPR, Supp. Reg. 3) 1505
Consumer goods, certain, retail ceiling prices for (CPR 7) 1872
Commodities covered 1874, 1884
Apparel:
Infants' apparel and accessories 1886
Men's and boys' apparel and accessories 1884
Shoes and other footwear 1837
Women's, girls', and children's apparel and accessories 1886, 1890
Consumer durable goods (furniture, rugs, lamps, etc.) 1889
Household textile commodities, drapery hardware and certain yard goods 1898
Comparable categories (Appendix C) 1891
Computing ceiling prices 1877
General provisions; taxes, records, etc 1880
Pricing charts 1875
See also Supplementary regulations.
Examples (Appendix A) 1883
Special cases 1879
Chain stores and mail order establishments 1879
Transfers of business 1879
Uniform prices 1880
"Upstream" and "cross-stream" sales 1879
Supplementary regulations:
Chain stores and mail order establishments, special pricing methods for (Supp. Reg. 1) 1895
Pricing chart, list date and pricing, alternative methods for preparing (Supp. Reg. 2) 1897
Tables for category markups (Appendix D, E, F) 1893, 1895
Cottonseed; exemption from provisions of GCPR 1504
Defense Agencies, sales to; supplementary regulation respecting. *See under* General Ceiling Price Regulation.
Draperies and hardware. *See* Consumer goods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Price control regulations—Continued
Ceiling price regulations, for specific commodities—Continued
Dried figs, raisins, prunes; exemption from provision of GCPR 1504
Fats and oils (CPR 6) 1501
Corn oil 1501
Cottonseed oil 1501
Soybean oil 1501
Feeds, manufactured; prices for processors (GCPR, Supp. Reg. 7) 1819
Furniture. *See* Consumer goods.
General Ceiling Price Regulation. *See* General Ceiling Price Regulation, *below.*
Hogs. *See* Livestock and meat.
Honey; "parity" adjustment 1503
Iron and steel scrap (CPR 5) 1061, 1234
Lamps. *See* Consumer goods.
Livestock and meat:
See also under Delegations of authority; *and* Distribution orders, *above.*
Hogs, dressed; adjustments in ceiling prices for certain sales (GCPR, Supp. Reg. 3) 1506
Mail order establishments, special pricing methods for 1895
Meat. *See* Livestock and meat.
Military arms, ammunition, materials, equipment, etc.; exemption from provisions of GCPR for sales to Defense Agencies (GCPR, Supp. Reg. 1) 1007
Oils, oilseeds, etc.:
See also Fats and oils.
Exemption of listed oils from provisions of GCPR 1504
Panama Canal Zone; exemption from operation of all price regulations (GCPR, Supp. Reg. 6) 1791
Pine gum, crude; exemption from provisions of GCPR 1504
Rugs. *See* Consumer goods.
Shoes. *See* Consumer goods.
Soybean oil. *See* Fats and oils.
Soybeans and soybean oil meal:
Parity adjustment 1503
Sales other than retail (GCPR, Supp. Reg. 3) 1505
Steel scrap. *See* Iron and steel scrap.
Strategic and critical materials; exemption from provisions of GCPR for sales to Defense Agencies (GCPR, Supp. Reg. 1) 1006
Sugarcane, sugar:
Exemption from provisions of GCPR 1504
Sugarcane; "parity" adjustment 1503
Textile commodities, household. *See* Consumer goods.
Tobacco; exemption from provisions of GCPR 1504
Wool products; exemption from provisions of GCPR for sales to Defense Agenies (GCPR, Supp. Reg. 1) 1234, 1707
Yard goods. *See* Consumer goods.
General Ceiling Price Regulation:
Agricultural commodities:
See also Exemptions and exceptions; *and* Supplementary regulations.
"Parity" adjustment in ceiling prices for:
Applicability to listed commodities 1503
Honey (added) 1503
Soybeans (deleted) 1503
Sugarcane (deleted) 1503
Distributors 1503
Methods of computing "parity" adjustments; commodity exchanges 1503
Notice of "parity" adjustment increases 1503
Processors and manufacturers; "costs incurred" 1503
All sellers, ceiling prices 1790
General increases by manufacturers and wholesalers 1789
Definitions; amendments respecting "seller", "commodity", and "service" 1790
Exemptions and exceptions; certain agricultural commodities 1503, 1504
Broom corn 1504
Cottonseed 1504

PRICE STABILIZATION, OFFICE OF—Continued Page
Price control regulations—Continued
General Ceiling Price Regulation—Continued
Exemptions and exceptions; certain agricultural commodities—Continued
Crude pine gum 1504
Dried figs, raisins, prunes 1504
Oils, oilseeds, etc 1504
Sugarcane, sugar 1504
Tobacco 1504
Records, base period; statements to be prepared on or before March 1, 1951 (for deliveries other than at retail) or March 22, 1951 (for deliveries at retail) 1791
Supersedure, as to certain listed articles (apparel, furniture, rugs, yard goods, etc.), by CPR 7 1874
Supplementary regulations:
Agricultural commodities. *See* Food.
Automobiles, new and used; retail prices for (Supp. Reg. 5) 1769
Coal:
Retail coal dealers, anthracite, bituminous, etc. (Supp. Reg. 2) 1060
Tidewater coal dock dealers (Supp. Reg. 4) 1635
Defense Agency pricing (Supp. Reg. 1) 1006
Adjustment of ceiling prices in hardship cases 1007, 1234
Contracts and deliveries pending disposition of adjustment applications 1008, 1234
Agencies as buyers, relief from liability 1008
Exemption from GCPR of certain sales to agencies or their suppliers 1006
Developmental contracts 1007
Emergency sales 1007
Military arms, ammunition, equipment, etc 1007
Secret contracts 1007
Services 1007
Strategic and critical materials 1006
Temporary exemption (until April 1, 1951) for military needs 1006, 1707
Wool products 1234, 1707
Feeds, manufactured, processors of (Supp. Reg. 7) 1819
Food, agricultural and related commodities (Supp. Reg. 3) 1505
Agricultural commodities, processed and unprocessed, ceiling prices for all sellers other than retailers 1505
Cocoa beans, raw 1505
Coffee, green 1505
Soybeans and soybean oil meal 1505, 1506, 1676
Hogs, dressed; adjustments in ceiling prices for certain sales 1506
Panama Canal Zone; exemption from operation of all price regulations (Supp. Reg. 6) 1791
Procedural regulations; Industry Advisory Committee appointed under Defense Production Act, appointment and administration rules for (PPR 2) 1234, 1707

PRIORITIES; delegations of authority, orders, etc. *See* National Production Authority.

PRIORITIES ADMINISTRATION, ADVISORY COMMITTEE ON, membership; Economic Stabilization Agency, added 1129

PROCLAMATIONS. *See* Presidential documents.

PROCUREMENT:
See also Contracts.
By Atomic Energy Commission; policy. *See* Atomic Energy Commission.
By Government agencies; delegations of authority, etc., respecting. *See* General Services Administration.
Defense electric power projects; requests for procurement assistance in connection with. *See* Defense Electric Power Administration.
Radioisotopes; procurement applications, authorizations, etc. *See* Atomic Energy Commission.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC HEALTH SERVICE:
Functions. *See* Organization and functions.
Organization and functions 1912

PUBLIC HEALTH SERVICE—Continued Page
Regulations, personnel; foreign service allowances for commissioned officers, classifications:
Additional classifications 1237
Applicability to areas of service; changes 1237

PUBLIC HOUSING ADMINISTRATION:
Organizational description of Agency and final delegations of authority:
Central office organization and delegations of authority:
Administrative and Fiscal Division:
Administrative Assistant to Comptroller, powers of 1922
Comptroller, powers of 1922
Field organization and final delegations of authority:
Field office attorneys 1923
Field office directors; powers in connection with various matters:
Farm labor camps 1922
Specified projects 1922
Housing managers, assistants, et al 1922

PUERTO RICO:
Minimum wage order for workers in handcraft products industry. *See* Wage and Hour Division.
Price control; ceiling price regulations affecting commodities sold in. *See* Price Stabilization, Office of.
Quarantine regulations respecting movement of plants and plant products, from. *See* Entomology and Plant Quarantine Bureau.
Sugar quotas. *See* Agriculture Department.

R

RECLAMATION BUREAU:
Flood control, operation by Bureau of Heart Butte Dam and Reservoir, N. Dak., in interest of; regulations. *See main heading* Engineers, Corps of.
Regulations and notices:
Authority delegation from regional director, Region I, to officers in charge of designated projects with reference to various matters:
Appraisals of land 1641
Contracts for purchases or exchange, etc., of lands 1641
Leasing for grazing or agricultural uses 1641
Licenses, certain 1641
Permits, certain 1641
Construction activities, Federal and State regulatory proceedings affecting; delegation of authority to Secretary of Interior to represent interests of Bureau 1155
Irrigation projects:
Lands in projects for exchange or sale; notices of:
Exchanges of private lands severed from Yuma Auxiliary project for public lands within project; public notice respecting applications for certificates of eligibility 1561
Farm units opened for entry with preference to veterans; Columbia Basin project, Quincy-Columbia Basin irrigation district, Washington 1904
Water, availability of; notices of availability, rentals charges, etc.:
Gila project, Yuma Mesa division, Arizona:
Desert land entries and private lands; irrigation charges 1561
Public land farm units, etc.:
Charges, irrigation and predevelopment 1560
Unit descriptions 1560
Klamath irrigation project, Oregon-California; annual water charge 1904
Yakima project, Rosa division, Washington; notice of delivery to designated land, amendment 1904
Representation of interests of Bureau in proceedings involving carriers, before Federal and State regulatory bodies; delegation of authority to Secretary of Interior by General Services Administrator respecting 1155

RECONSTRUCTION FINANCE CORPORATION: Page
Rubber Reserve, Office of; exemption as "Defense Agency" from provisions of General Ceiling Price Regulation (supplementary regulation) as to sales of soap for use in manufacture of synthetic rubber. *See main heading* Price Stabilization, Office of.

RECORDS, INFORMATION, ETC.:
Manganese, records in connection with conservation and distribution. *See* Defense Minerals Administration.
Price control; base period records, under general ceiling price regulations. *See* Price Stabilization, Office of.
Radioisotopes; records respecting. *See* Atomic Energy Commission.
Student immigrants; records of admission, etc. *See* Immigration and Naturalization Service.

RED CROSS MONTH, 1951; proclamation respecting. *See* Presidential documents.

RENT CONTROL. *See* Housing Expediter, Office of.

RUBBER RESERVE, OFFICE OF. *See* Reconstruction Finance Corporation.

RURAL ELECTRIFICATION ADMINISTRATION:
Funds for loans for projects in various States; allocation of:
Colorado 1608
Iowa 1607, 1609
Louisiana 1608, 1609
Minnesota 1610
Mississippi 1607
Missouri 1608, 1609
New Mexico 1607, 1608
New York 1609
North Carolina 1610
Oklahoma 1610
Pennsylvania 1609
South Carolina 1608, 1609
Tennessee 1609
Texas 1607
Virginia 1609
Washington 1609
Wisconsin 1608, 1609
Wyoming 1608

S

SAMOA, price control; ceiling price regulations affecting commodities sold in. *See* Price Stabilization, Office of.

SCHOOL LUNCH PROGRAM. *See* Agriculture Department.

SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Aeronautical Securities, Inc 1838
Alabama Power Co 1486
Allegheny Ludlum Steel Corp 1213
Allentown-Bethlehem Gas Co 1102
American Cities Power and Light Corp 1837
American & Foreign Power Co., Inc 1025
American Gas and Electric Co 959
American Gas and Electric Service Corp 959
American Power & Light Co 1214, 1645, 1693, 1714, 1745
Arkansas Natural Gas Corp 1100
Athol Gas Co 1101
Athol Gas and Electric Co 1101
Baldwin-Lima-Hamilton Corp 1213
Baldwin Securities Corp 1748
Bankers Securities Corp 1160
Blackstone Gas Co 1101
Bond Research Corp 1215
Boston Stock Exchange 1213
Bullock Fund, Ltd 1838
Central Louisiana Electric Co., Inc 1157
Central Massachusetts Electric Co 1101
Central Massachusetts Gas Co 1101
Chicago, Milwaukee, St. Paul & Pacific Railroad Co 1615, 1616
Cincinnati Stock Exchange 1213
Cities Service Co 1100
Commercial Controls Corp 1693
Composite Bond and Preferred Stock Fund, Inc 1215
Composite Stock Fund, Inc 1215

SECURITIES AND EXCHANGE COMMISSION—Con. Page
Hearings, etc.—Continued
Consolidated Electric and Gas Co 960
Consolidated Natural Gas Co 1485
Corn Products Refining Co 1605
Detroit Stock Exchange 1745
Electric Bond and Share Co 1025, 1214, 1486, 1745
Equitable Securities Corp 958
Equity Corp 1776
First New York Corp 1693, 1776
Gardner Electric Light Co 1101
General Public Utilities Corp 1806
Gentilly Development Co., Inc 1776
Granite State Electric Co 1159
Hecht, O. H 1258
Hicks, Mercer 1211
Hope Natural Gas Co 1485, 1647
Interstate Power Co 958, 961, 1804, 1837
Junger, S. H., & Co 1614
Keswick Corp 1023
Kraft, Oscar F., & Co 1836
Lattner, Forrest C 1157
Lattner, Frances H 1157
Lee Moor 1102
Leominster Gas Light Co 1101
Los Angeles Stock Exchange 1615
Louisiana Power & Light Co 1805
Malden and Melrose Gas Light Co 1027
Mercer Hicks 1211
Mercer Hicks Corp 1211
Middle South Utilities, Inc 1776
Murphey Favre, Inc 1215
National Association of Securities Dealers, Inc 1258, 1836
National Power & Light Co 1213
New England Electric System 960, 1101, 1714, 1745
New England Power Co 935, 1027, 1692, 1924
New York State Natural Gas Corp 1485
Niagara Mohawk Power Corp 1647
Northern Berkshire Gas Co 1159
Ogden Corp 958, 1837
Ohio Edison Co 1646
Pacific Western Oil Corp 1615
Pennsylvania Power Co 1646
Peoples Natural Gas Co 1485
Philadelphia Co 1643
Porto Rico Gas and Coke Co 930
Quincy Electric Light and Power Co 1158
RKO Pictures Corp 1745
RKO Theatres Corp 1745
Rachlin, Albert C 1160
Republic Service Corp 1804
Salem Gas Light Co 960, 1746
San Francisco Stock Exchange 1615, 1616
Southern Berkshire Power & Electric Co 1027
Southern Co 1486
Southern Natural Gas Co 953
Spencer Gas Co 1101
Standard Gas and Electric Co 1643
Standard Power and Light Corp 1646
Staysa, Harold C 1614
Stearns & Co 1059
Sterling, W. L. Co 1039
Tobin, M. E., Co 1692
Toledo Edison Co 1213
Union Producing Co 1214, 1805
United Gas Corp 1214, 1746, 1805
United Gas Improvement Co 1102
United Gas Pipe Line Co 1214, 1805
United States & Foreign Securities Corp 1028
United States & International Securities Corp 1028
Utah Power & Light Co 1836
Van Benschoten, E 1212
Van Patten, L. A 1613
Wachusett Electric Co 1101
Way, Robert S., Co 1691
Werner, Charles J 1293
West Penn Electric Co 1559, 1923
Weymouth Light and Power Co 1160
Williams, John D 1613
Wilson, Matthew P 1093
Winchendon Electric Light and Power Co 1101
Worcester County Electric Co 1101
Worcester Suburban Electric Co 1101

SELECTIVE SERVICE SYSTEM:
Manpower Policy Committee, representation on 1272

SOUTHEASTERN POWER ADMINISTRATION. *See* Interior Department. Page

STATE DEPARTMENT:
Priority (DO) ratings, authority to apply to direct contracts and purchase orders to meet authorized procurement and construction programs; delegation of authority by National Production Administrator 1509

SURPLUS PROPERTY:
Foreign excess property; Government surplus metal articles, applicable customs regulations. *See* Customs Bureau.
Real property; authority delegations with respect to disposal for health and educational purposes. *See* Federal Security Agency.

T

TARIFF COMMISSION, UNITED STATES:
Investigation of importation of various commodities:
Jewelled watches and watch movements 1649
Lead-bearing ores, flue dust, scrap lead, etc 1748

TAX COURT OF UNITED STATES:
Rules of practice; admission to practice 1233

TAXES, INCOME, EXCISE, ETC.:
Excess Profits Tax Act of 1950; regulations pursuant to. *See* Internal Revenue Bureau.
Guam, income-taxes for; Executive order respecting. *See* Presidential documents.

TENNESSEE VALLEY AUTHORITY:
Cherokee National Forest, lands in, transferred to Authority; Executive order respecting. *See main heading* Presidential documents.

TRADE MARKS; appeals respecting. *See* Patent Office.

TRANSPORT ADMINISTRATION. *See* Defense Transport Administration.

TRANSPORTATION, UNDERSECRETARY OF COMMERCE FOR. *See* Commerce Department.

TRANSPORTATION SERVICE, MILITARY SEA; hearing respecting use of certain vessels for. *See* Maritime Board.

TREASURY DEPARTMENT:
Accounts Bureau:
Checks and warrants to addresses outside United States, its Territories and possessions, delivery of; withholding of delivery to specified places in Europe 1818
Deposits, special, of public moneys under act of September 24, 1917:
Deposits in Treasury Tax and Loan Account; funds which may be deposited into 1582
How deposits are to be made; deposit of funds representing certain Federal taxes 1582
Introductory 1582
Regulations, amendment of; redesignation 1582
Special draft for credit in Treasury Tax and Loan Account 1582
Withdrawal of deposits, calls for; redesignation 1582
Surety companies acceptable on Federal bonds; certificates of authority issued to:
New England Casualty Insurance Co. (revocation) 1022
New England Insurance Co 1022
Public Debt Bureau; Treasury bonds, call for redemption, 1951–54, 2¾% 1604

V

VESSELS:
Charter of certain vessels under Merchant Ship Sales Act of 1946. *See* Maritime Board.
Documentation; customs regulations. *See* Customs Bureau.
Navigation laws and regulations, etc. *See* Coast Guard; Engineers, Corps of; *and* Maritime Board.

VETERANS:
Benefits to. *See* Veterans' Administration.
Civil service status, acquisition of; Executive order respecting. *See* Presidential documents.
Public lands, preferential rights to. *See* Land Management Bureau, *and* Reclamation Bureau.

VETERANS' ADMINISTRATION: Page
Regulations:
Claims, for compensation or pension, by veterans, dependents or beneficiaries:
Dependents and beneficiaries claims:
Certification of eligibility to loan guaranty benefits 1594
Death pension and compensation; payment of, to child when it reaches age 16 or 18:
Helplessness:
After age 16; section headnote amended 1594
Cross reference added 1594
After age 18; section headnote amended 1594
Payment of pension or compensation based on school attendance; centerhead changed to section headnote 1594
Payment of pension or compensation based upon helplessness; centerhead deleted 1594
Helpless child; cancellation 1594
Veterans' claims, for disability compensation or pension and service pension; claims of veterans of World Wars I and II:
Determinations as to helplessness of children; centerhead added 1593
Conditions which determine helplessness 1593
Preference certificates, issuance of, under section 302, Public Law 171, 81st Congress; cancellation 1594
Provisional regulations. *See* Preference certificates.
Education. *See* Vocational rehabilitation and education.
Loan guaranty; guaranty or insurance of loans to veterans. *See* Servicemen's Readjustment Act.
Servicemen's Readjustment Act of 1944:
Application of provisions of act, as amended, with respect to criteria for approval of profit schools; provisional regulation. *See* Vocational rehabilitation and education.
Loan guaranty, guaranty or insurance of loans to veterans; partial or total loss of guaranty or insurance 1594
Subsistence allowance; authorization of, etc. *See* Vocational rehabilitation and education.
Vocational rehabilitation and education; registration and research:
Conduct and progress. *See* Leaves of absence.
Criteria for approval of profit schools, having fewer than 25 students or one-fourth of students enrolled paying own tuition; provisional regulation 1677
Leaves of absence and conduct and progress:
Conduct and progress; unauthorized absences and absences in excess of 30 days in calendar year (effective April 1, 1949) 1018
Leaves of absence (effective April 1, 1949) 1017
Provisional regulation; application of provisions of Servicemen's Readjustment Act, Title II, amended by sec. 5, Public Law 610, 81st Congress. *See* Criteria for approval of profit schools.
Subsistence allowance:
Apportionment of; apportionment to minor child legally adopted outside of veteran's family 1735
Authorization of:
Effective beginning dates for payment of benefits 989
Effective closing dates of 1018
Effective date of increase in rate of subsistence allowance on account of dependency 989

VIRGIN ISLANDS; ceiling price regulations affecting commodities sold in. *See* Price Stabilization, Office of.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Regulations, orders, etc.:
Agricultural commodities; "area of production" defined. *See* Area of production.

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page
Regulations, orders, etc.—Continued
Area of production, definition respecting, for certain operations on agricultural or horticultural commodities, and in making dairy products; notice of hearing 1741
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops:
Baltimore Goodwill Industries 1094
Evansville Goodwill Industries, Inc 1094
Goodwill Home and Rescue Mission 1094
Indianapolis Goodwill Industries, Inc 1094
Lighthouse for the Blind, Inc 1095
Minneapolis Goodwill Industries 1095
National Society of Volunteers of America 1094
Pennsylvania Association for the Blind:
Philadelphia Branch 1094
Upper Susquehanna Branch 1094
St. Joseph County Goodwill Industries, Inc 1094
San Bernardino and Riverside Counties Goodwill Industries 1095
San Francisco Goodwill Industries, Santa Cruz Branch 1095
Society of St. Vincent dePaul 1095
Southern California Goodwill Industries 1095
Tacoma Goodwill Industries 1095
Volunteers of America:
Everett, Wash 1095
San Diego, Calif 1095
Tacoma, Wash 1095
Learners; issuance of certificates, for various industries:
Apparel:
Glove 1743
Hosiery 992, 1251, 1711, 1743
Knitted wear 992, 1251, 1743
Single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions 991, 1251, 1711, 1742
Glove 1743
Hosiery 992, 1251, 1711, 1743
Knitted wear 992, 1251, 1743
Miscellaneous 992, 1252, 1712, 1743
In Puerto Rico (miscellaneous industries) 1743
Shoe 992, 1252, 1712, 1743
Single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheeplined garments divisions 991, 1251, 1711, 1742
Telephone (independent) 1712, 1743
Cotton, ginning of; finding respecting. *See* Seasonal industries.
Handicapped persons, employment of; special certificates, issuance to certain workshops. *See* Certificates.
Horticultural commodities; "area of production" defined. *See* Area of production.
Industry committee, special, for Puerto Rico. *See* Special Industry Committee, *below*.

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page
Regulations, orders, etc.—Continued
Learners, employment of, at below minimum wages; special certificates, issuance to various industries. *See* Certificates.
Minimum wage orders, for workers in handcraft products industry; in Puerto Rico. *See* Puerto Rico.
Puerto Rico:
Minimum wage rates in handcraft products industry in; notice of proposed decision 1480
Special industry committee for. *See* Special Industry Committee, *below*.
Retail or service establishments; notice of hearing relating to application of exemption to establishments selling stationery, school and office supplies and equipment, and to combined stationery and printing establishments 1992
Seasonal industries, wages and hours of employees in; finding of ginning of cotton to be seasonal 1500
Special Industry Committee No. 9, for Puerto Rico; notice of hearing on minimum wage recommendations, for various industries:
Cigar and cigarette 1478
Clay and clay products; semi-vitreous and vitreous-china food utensils division 1478
Tobacco, leaf 1478

WAGE STABILIZATION BOARD:
Manpower Policy Committee, representation on 1272
Wage stabilization regulations:
Adjustments of wages for certain employees:
Employees of religious, charitable and educational organizations (Gen. Reg. 7) 1791
Individual employees; adjustments of wages without prior approval of Board, authorized (Gen. Reg. 5) 1236, 1507, 1636
Hiring new employees 1236, 1507
Increases not to justify price increases 1237, 1507
Merit and/or length of service:
Where no plan exists 1236, 1507
Where plan exists 1236, 1507
New or changed jobs 1236, 1507
Permissible variations in earnings 1236, 1507
Promotions and transfers 1236, 1507
Definitions, of wages, salaries or other compensation (Gen. Reg. 1) 1014
Increases:
January 25, 1951; increases determined but not effective prior to (Gen. Reg. 2) 1014
Minimum wage laws, increases to comply with, authorized (Gen. Reg. 3) 1015
Non-Federal public employees, increases in wages of (Gen. Reg. 4) 1015

WAGES AND HOURS:
See also Pay, allowances, etc.
Merchant marine officers and seamen; hours of labor on shipboard, *See* Coast Guard.
Wage and Hour Division regulations, orders, etc. Wage and Hour Division.
Wage stabilization. *See* Wage Stabilization Board.

WAR CLAIMS COMMISSION:
Appeals, filing of, and commission action 1476
Investigational hearings 1478

WILDLIFE; regulations respecting. *See* Alaska Game Commission; *and* Fish and Wildlife Service.

CODIFICATION GUIDE, FEBRUARY 1951

A numerical list of the sections of the Code of Federal Regulations affected by documents published during February 1951. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Title 3.

TITLE 3 Page
Chapter I (Proclamations):
2917 ... 1627
Chapter II (Executive orders):
8557 (amended by EO 10209) ... 1001
10157 (amended by EO 10217) ... 1843
10209 ... 1001
10210 ... 1049
See also EO 10216 ... 1815
10211 ... 1167
10212 ... 1167
10213 ... 1170
10214 ... 1303
10215 ... 1703
10216 ... 1815
10217 ... 1843

TITLE 4
Chapter I:
Part 14 ... 1223

TITLE 5
Chapter I:
Part 2:
2.115 ... 1843
Part 3:
3.305 ... [1843]
Part 6:
6.110 ... 1001
6.159 ... 1783
Part 8:
8.107 ... 1001
8.110 ... 1001
8.111 ... 1003
8.114–8.115 ... 1845
Part 22:
22.1 ... 1471

TITLE 6
Chapter I:
Part 91 ... 1177
Chapter III:
Part 311:
311.30 ... 921, 1179, 1474
Part 352:
352.5 ... 1180
352.8 ... 1180
Chapter IV:
Part 518:
518.271 ... 1474
Part 571:
571.50 ... 1495
571.53 ... 1495
571.67 ... 1495
571.69 ... 1495
571.75 ... 1497
571.77 ... 1497
571.87 ... 1497
Part 646:
646.207 ... 981
Part 664:
664.227 ... 1498
664.229 ... 1765

TITLE 7
Subtitle A:
Part 4:
4.1 ... 1113
Chapter I:
Part 37 ... 923
Part 51:
Proposed rules ... 1595
Part 52:
Proposed rules ... 1285, 1550, 1596
52.137 ... 1663

TITLE 7—Continued Page
Chapter I—Continued
Part 52—Continued
52.189 ... 1666
52.282 ... 1575
Part 53:
Proposed rules ... 1736
Chapter II:
Part 210:
Appendix ... 1223
Chapter III:
Part 301:
Proposed rules ... 934, 1184
Part 319:
Proposed rules ... 934
Chapter VII:
Part 701:
701.103 ... 1225
701.107 ... 1225
701.210 ... 1225
701.232 ... 1915
701.277 ... 1225
Part 722:
722.142 ... 1578
722.169 ... 1579
Part 723:
Proposed rules ... 1679
Part 725:
Proposed rules ... 1679
Part 730:
730.201a–730.202 ... 1052
Chapter VIII:
Part 814:
814.5 ... 1670
814.6 ... 1673
Chapter IX:
Part 905:
Proposed rules ... 1596
Part 906:
Proposed rules ... 1599
Part 911:
Proposed rules ... 990
Part 916:
Proposed rules ... 990
Part 921 ... 1225
Part 925:
Proposed rules ... 935, 1089, 1689
Part 930:
Proposed rules ... 1021
Part 933:
933.510 ... 981
933.511 ... 1003
933.512 ... 1263
933.513 ... 1265
933.514 ... 1266
933.515 ... 1787
933.516 ... 1786
933.517 ... 1786
Part 942:
Proposed rules ... 1771
942.5 ... 1899
Part 944:
Proposed rules ... 1740
Part 953:
953.475 ... 1003
953.476 ... 1266, 1673
953.477 ... 1673
953.478 ... 1788
Part 955:
955.336 ... 1627
Part 957:
957.307 ... 1180

TITLE 7—Continued Page
Chapter IX—Continued
Part 959:
Proposed rules ... 1680
959.306 ... 1473
Part 960:
Proposed rules ... 1603
960.309 ... 1267
Part 961:
Proposed rules ... 1771, 1774
Part 965:
Proposed rules ... 1832
Part 966:
966.503 ... 1004
966.504 ... 1268
966.505 ... 1674
966.506 ... 1783
Part 968:
Proposed rules ... 1242
Part 970:
Proposed rules ... 1740
Part 992:
992.305 ... 1269
Part 993:
Proposed rules ... 1793
993.4–993.5 ... 1817
993.104–993.105 ... 1817
993.201 ... 1817

TITLE 8
Chapter I:
Part 125:
125.12 ... 1231, 1900
125.13 ... 1900
125.14 ... 1231
Part 142:
142.7 ... 1231
Part 157:
157.5 ... 1231
Part 164:
164.4 ... 1231
164.6 ... 1231
Part 362:
362.10 ... 1231, 1474
Part 379:
379.7 ... 1231, 1474
Part 382:
382.5 ... 1231, 1474
Chapter II:
Part 511:
511.198 ... 1113

TITLE 9
Chapter I:
Part 94:
94.1 ... 1473
Part 114:
Proposed rules ... 1640
Part 118:
Proposed rules ... 1640
Part 119:
Proposed rules ... 1640
Part 151:
Proposed rules ... 1019
151.10 ... 1006, 1180

TITLE 10
Chapter I:
Part 5 ... 1759
Part 30:
Proposed rules ... 1089

TITLE 12 Page
Chapter II:
Part 204:
204.52 ... 1871
Part 206:
206.10 ... 1629
206.12 ... 1629
206.17 ... 1629
Part 222 ... 1586
Part 223 ... 1586
Part 225 ... 1586

TITLE 14
Chapter I:
Part 4b:
4b.250–1 ... 1630
4b.612–1 ... 1052
4b.641–1 ... 1057
4b.740–1 ... 1052
Part 20:
20.5 ... 1703
20.23 ... 1703
20.33 ... 1704
Part 22:
Proposed rules ... 991
22.10 ... 1705
22.11 ... 1705
22.12 ... 1705
Part 29:
29.2 ... 1706
29.3 ... 1706
29.4 ... 1706
29.5 ... 1706
Part 33:
33.27 ... 1706
Part 34:
34.5 ... 1706
Part 35:
35.5 ... 1707
35.7–1 ... 1630
35.8–1 ... 1630
35.9–1 ... 1630
Part 40:
40.7–1 ... 1057
40.36–1 ... 1057
40.101–1 ... 1630
Part 41:
Proposed rules ... 1833
41.1–2 ... 1632
Part 42:
Proposed rules ... 1681, 1710
42.11–1 ... 926
42.11–2 ... 926
42.11–3 ... 926
42.45–2 ... 926
Part 60:
60.17–14 ... 1232, 1725
60.17–15 ... 1725
60.17–102 ... 1232
60.17–104 ... 1232, 1725
60.17–105 ... 1725
60.17–107 ... 1232
60.17–208 ... 1232
60.17–210 ... 1232, 1725
60.17–211 ... 1232, 1725
60.17–221 ... 1232
60.17–223 ... 1725
60.17–226 ... 1232
60.17–229 ... 1232
60.17–259 ... 1232
60.17–262 ... 1726
60.17–268 ... 1232
60.17–296 ... 1726
60.17–297 ... 1726
60.17–605 ... 1726
60.17–611 ... 1726
60.17–613 ... 1232
60.17–622 ... 1726
60.17–632 ... 1232
60.17–670 ... 1232
60.17–672 ... 1233

TITLE 14—Continued Page
Chapter I—Continued
Part 60—Continued
60.17–1002 ... 1233, 1726
60.46–4 ... 926
60.46–7 ... 931
Part 61:
61.200–1 ... 1058
Part 242:
Proposed rules ... 1683
Part 291:
Proposed rules ... 1683
Part 298:
Proposed rules ... 1683
Chapter II:
Part 600:
600.103 ... 1058
600.201 ... 1058
600.221 ... 1058
600.669 ... 1765
Part 601:
601.14 ... 1766
601.212 ... 1766
601.235 ... 1766
601.289 ... 1766
601.613 ... 1766
601.669 ... 1766
601.1001 ... 1058, 1766
601.1020 ... 1058
601.1043 ... 1766
601.1061 ... 1058, 1766
601.1187 ... 1766
601.1195 ... 1058
601.1213 ... 1058
601.1214 ... 1058
601.1215 ... 1058
601.1216 ... 1058
601.1217 ... 1058
601.1218 ... 1058
601.1984 ... 1058, 1766
601.2019 ... 1058
601.2050 ... 1058
601.2054 ... 1058
601.2088 ... 1058
601.2121 ... 1766
601.2165 ... 1058
601.2217 ... 1059
601.2226 ... 1766
601.2278–601.2280 ... 1059
601.2281–601.2283 ... 1766
601.4103 ... 1059
601.4678 ... 1059
Part 620:
620.12 ... 1579
620.13 ... 1579
620.15 ... 1579

TITLE 15
Chapter III:
Part 372:
372.3 ... 1115, 1767
Part 373:
373.1 ... 1116
373.51 ... 1117
Part 374:
374.51 ... 1767
Part 381:
381.4 ... 1767
Part 384:
384.5–384.7 ... [1117]
Part 399:
399.1 ... 924, 925, 1181, 1473, 1767, 1769
399.3 ... 925, 1474, 1769

TITLE 16
Chapter I:
Proposed rules ... 1741
Part 3:
3.15 ... 1719
3.55 ... 1719
3.75 ... 1719

TITLE 16—Continued Page
Chapter I—Continued
Part 3—Continued
3.115 ... 1719
3.170 ... 1500, 1719, 1724
3.205 ... 1500, 1719
3.820 ... 1498
3.1390 ... 1719
3.1515 ... 1719
3.1520 ... 1719
3.1610 ... 1719
3.1625 ... 1719
3.1670 ... 1719
3.1735 ... 1719
3.1740 ... 1719
3.1955 ... 1719
3.1960 ... 1719
3.1995 ... 1719
3.2015 ... 1719
Part 197 ... 1059

TITLE 17
Chapter I:
Part 3:
3.01 ... 925
Part 9:
9.01 ... 925
Part 10:
10.01 ... 925

TITLE 19
Chapter I:
Part 9:
9.11 ... 1115
Part 14:
14.7 ... 1789
Part 18:
18.25 ... 1115
Part 64 ... 983
Part 65 ... 1579

TITLE 21
Chapter I:
Part 3:
3.20 ... 1725
Part 19:
19.782–19.783 ... 1633, 1818
Part 45:
Proposed rules ... 1640
Part 52:
Proposed rules ... 1797
Part 141:
141.1 ... 984
141.5 ... 984
141.41 ... 984
141.301 ... 985, 1475
141.303–141.304 ... 985
141.408 ... 1581
Part 146:
146.60 ... 985
146.203 ... 935
146.301 ... 985
146.302 ... 985
146.303 ... 985, 1475
146.304 ... 935
146.408 ... 1581

TITLE 24
Chapter I:
Part 163:
163.13–163.14 ... 1818
Chapter VIII:
Part 825:
825.1–825.12:
825.1 ... 1234
825.4 ... 1726
Schedule A ... 926, 1475, 1634, 1635, 1789
Schedule C ... 1270
825.64 ... 1726

70090—51——5

TITLE 24—Continued Page
Chapter VIII—Continued
Part 825—Continued
825.81–825.92:
825.81 ---- 1233
Schedule A ---- 926, 1475, 1634, 1635, 1789
Schedule C ---- 1270

TITLE 25
Chapter I:
Part 97:
Proposed rules ---- 1903
Part 130:
Proposed rules ---- 1903

TITLE 26
Chapter I:
Part 29:
Proposed rules ---- 1287
Part 40 ---- 1118
Part 178:
178.143 ---- 1675, 1818
178.144 ---- 1675
178.145 ---- 1675
178.149 ---- 1675
Chapter II:
Part 701:
701.2 ---- 1233

TITLE 29
Chapter V:
Part 526:
526.101 ---- 1500
Part 536:
Proposed rules ---- 1741
Part 657:
Proposed rules ---- 1478
Part 678:
Proposed rules ---- 1478
Part 693:
Proposed rules ---- 1478
Part 702:
Proposed rules ---- 1480
Part 779:
Proposed rules ---- 1902

TITLE 31
Chapter II:
Part 203:
203.0 ---- 1582
203.13 ---- 1582
203.17–203.24 ---- 1582
Part 211:
211.3 ---- 1818

TITLE 32
Chapter V:
Part 573:
573.2 ---- 1475
573.2a–573.2b ---- 1475
573.4 ---- 1476
573.5 ---- 1476
Chapter VI:
Part 725:
725.8 ---- 932
725.11 ---- 932
Chapter VII:
Part 824 ---- 1270

TITLE 32A
Chapter I (ODM):
DMO 5 ---- 1272
DMO 6 ---- 1583
Chapter III (OPS):
CPR 3 ---- 1008
4 ---- 1476
CPR 4 ---- 1011
CPR 5 ---- 1061
23 ---- 1234
CPR 6 ---- 1501

TITLE 32A—Continued Page
Chapter III (OPS)—Con.
CPR 7 ---- 1872
CPR 7, SR 1 ---- 1895
CPR 7, SR 2 ---- 1897
DO 1 ---- 1273
15 ---- 1819
GCPR ---- 1874
3 ---- 1790
11 ---- 1503
14 ---- 1503, 1504
16 ---- 1791
22 ---- 1790
GCPR, SR 1 ---- 1006
2 ---- 1234, 1707
10 ---- 1234
13 ---- 1234
GCPR, SR 2 ---- 1060
GCPR, SR 3 ---- 1505
1 ---- 1676
GCPR, SR 4 ---- 1635
GCPR, SR 5 ---- 1769
GCPR, SR 6 ---- 1791
GCPR, SR 7 ---- 1819
PPR 2 ---- 1234
10 ---- 1707
Chapter IV (WSB):
GR 1 ---- 1014
GR 2 ---- 1014
GR 3 ---- 1015
GR 4 ---- 1015
GR 5 ---- 1507
Prior to revision ---- 1236
1 ---- 1636
GR 7 ---- 1791
Chapter VI (NPA):
M–1 ---- 1821
M–1, Supp. 4 ---- 1707
M–2 ---- 1119
M–2, Supp. 1 ---- 1727
M–4 ---- 1728
Prior to revision ---- 1583
M–5 ---- 1182
M–7 ---- 1122
6 ---- 1792
List B ---- 1792
M–12 ---- 1730
M–12, Dir. 1 ---- 1016
M–13 ---- 1676
M–14 ---- 1278
M–16 ---- 987
M–25 ---- 1824
M–29 ---- 1727
M–32 ---- 1127
M–34 ---- 1128
M–35 ---- 1071
M–36 ---- 1281
M–37 ---- 1636
M–38 ---- 1708
M–39 ---- 1709
Chapter VIII (DTA):
DTA 1 ---- 1130
Chapter IX (PAD):
PAD 1 ---- 1898
Chapter XI (DEPA) ---- 1283
EO–1 ---- 933
EO–2 ---- 933
Chapter XII (DMA):
MO 2 ---- 1637
MO 4 ---- 1585
Chapter XIV (GSA) ---- 1072
Chapter XV (FRS):
Reg. V ---- 1586
Reg. W ---- 1586
7 ---- 1829
Int. 30 ---- 1586
Reg. X ---- 1586
1–7 ---- 1586

TITLE 32A—Continued Page
Chapter XV (FRS)—Con.
Reg. X—Continued
Int. 22 ---- 1593
Int. 23 ---- 1593

TITLE 33
Chapter I:
Part 19 ---- 1829
Part 80:
Proposed rules ---- 1831
Part 90:
Proposed rules ---- 1831
Part 95:
Proposed rules ---- 1831
Chapter II:
Part 207:
207.115 ---- 1016
Part 208:
208.36 ---- 1183

TITLE 38
Chapter I:
Part 3:
3.58 ---- 1593
3.1509 ---- 1594
Part 4:
4.65 ---- 1594
4.94 ---- 1594
4.95–4.96 ---- [1594]
Part 21:
21.65 ---- 1017
21.66 ---- 1018
21.92 ---- 1735
21.100 ---- 989
21.101 ---- 989
21.102 ---- 1018
21.191 ---- 1677
Part 36:
36.4325 ---- 1594

TITLE 39
Chapter I:
Part 1:
1.12 ---- 1019
1.13 ---- 1019
Part 120:
120.7 ---- 1829
Part 127:
127.10 ---- 1900
127.71 ---- 1900
127.76 ---- 1900
127.93 ---- 1900
127.102 ---- 1900
127.227 ---- 1901
127.278a ---- 1900
127.282 ---- 1901
127.310 ---- 1900
127.310a ---- 1900
127.370 ---- 1901
Part 150:
150.910 ---- 1147
150.1002–150.1003 ---- 1147
150.1113 ---- 1147
150.1302 ---- 1147
150.1306 ---- 1147
150.1401–150.1402 ---- 1147

TITLE 42
Chapter I:
Part 21:
21.351–21.360:
Appendix A ---- 1237

TITLE 43
Subtitle A:
Part 2:
2.4 ---- 1638
Chapter I:
Part 72:
72.15 ---- 1792
Part 80:
80.14a ---- 1736

TITLE 43—Continued Page
Chapter I—Continued
Part 216:
216.19 ---- 1638
Appendix (Public land orders):
459 (revoked in part by PLO 668) ---- 1638
494 (revoked in part by PLO 698) ---- 1638
538 (revoked by PLO 697) ---- 1184
690 ---- 1476
697 ---- 1184
698 ---- 1638
699 ---- 1639
700 ---- 1771
701 ---- 1901

TITLE 45
Chapter V:
Part 505 ---- 1510
Part 515 ---- 1476
Part 516 ---- 1478

TITLE 46
Chapter I:
Parts 30–39 [*revised*] ---- 1511
Part 30 ---- 1514
Part 31 ---- 1516
Part 32 ---- 1518
Part 33 ---- 1528
Part 34 ---- 1535
Part 35 ---- 1539
Part 38 ---- 1545
Part 39 ---- 1548
Part 46:
46.30 ---- 1073
46.32 ---- 1073
46.38 ---- 1073
46.42 ---- 1073
Part 51:
51.52–60 ---- 1073
Part 52:
52.45–15 ---- 1073
52.55–15 ---- 1073
52.65–15 ---- 1074
Part 54:
54.01–40 ---- 1074
Part 55:
55.07–5 ---- 1074
55.07–6 ---- 1074
55.07–10 ---- 1075

TITLE 46—Continued Page
Chapter I—Continued
Part 55—Continued
55.07–15 ---- 1075
55.07–20 ---- 1075
55.07–25 ---- 1076
55.07–30 ---- 1076
55.10–55 ---- 1076
Part 56:
56.05–10 ---- 1076
Part 57:
57.10–15 ---- 1077
57.10–20 ---- 1077
57.15–1 ---- 1078
57.15–25 ---- 1079
Part 59:
Proposed rules ---- 1831
59.64 ---- 1079
Part 60:
Proposed rules ---- 1831
60.57 ---- 1079
Part 76:
Proposed rules ---- 1831
76.57 ---- 1080
Part 80:
80.2 ---- 1081
Part 94:
Proposed rules ---- 1831
94.56 ---- 1082
Part 98:
98.2 ---- 1083
Part 113:
113.50 ---- 1083
Part 117:
117.2 ---- 1083
Part 146:
Proposed rules ---- 1831
146.04–5 ---- 1083
146.07–7 ---- 1084
146.08–6 ---- 1084
146.27–100 ---- 1084
Part 147:
147.05–100 ---- 1085
Part 154 ---- 1829
Part 160:
Proposed rules ---- 1831
160.044–1—160.044–6 ---- 1085
Part 163 ---- 1086

TITLE 47
Chapter I:
Part 1:
1.377 ---- 1793

TITLE 47—Continued Page
Chapter I—Continued
Part 2 ---- 1845
2.104 ---- 1131, 1830
Part 4 ---- 1132
Part 11:
Proposed rules ---- 1551
Part 12:
12.0 ---- 1239
12.20 ---- 1239
12.21 ---- 1239
12.22 ---- 1283
12.23 ---- 1239
12.27 ---- 1239
12.28 ---- 1283
12.29 ---- 1239
12.42–12.44 ---- 1240
12.45 ---- 1283
12.46 ---- 1240
12.48–12.49 ---- 1284
12.50 ---- 1240
12.65 ---- 1240
12.111 ---- 1240
12.114 ---- 1241
Part 13:
Proposed rules ---- 1148
Part 16:
Proposed rules ---- 1551
Part 18:
18.1 ---- 1284

TITLE 49
Chapter I:
Part 91:
91.205 ---- 1019
Part 95:
95.851 ---- 990
95.858 ---- 1284, 1678
95.865 ---- 1131
95.872 ---- 1549
95.873 ---- 1131
Part 120:
120.11 ---- 1595
Part 445:
445.1 ---- 1902

TITLE 50
Chapter I:
Part 33:
33.9 ---- 990
Part 46:
Proposed rules ---- 1147
Parts 161–165:
Proposed rules ---- 1147

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NORTH DAKOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

NORTH DAKOTA

County	Average value	Investment limit
Ransom	$11,500	$11,500

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018)

Issued this 26th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; OREGON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

OREGON

County	Average value	Investment limit
Jefferson	$18,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; WASHINGTON

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

WASHINGTON

County	Average value	Investment limit
Grant	$20,500	$12,000
Yakima	19,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
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CONTENTS

	Page
Agriculture Department	
See Commodity Exchange Authority; Entomology and Plant Quarantine Bureau; Farmers Home Administration; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Beck, Maria and Fredrick	974
Bockemuhl, Hans	974
Durler, Lorenz	968
Foerster, Max, Automobil G. M. B. H. et al	972
Forstmann, Guenther	973
Goerg, Alice	963
Goessling, Anna	974
Gotz, Else	967
Gramenz, Gabriela	967
Hanow, Hedwig	973
Holling, Friedrich August Herman	964
Itoh, Nobumi	962
Iwamoto, Tsuyoshi, et al	975
Jetter, Charlotte	963
Jurgens, Ella A	973
Kaselitz, Fritz, et al	975
Katagiri, Shizu, et al	964
Koenig, Joseph L., et al	969
Komatsu, Yusaburo, et al	975
Koopmann, Amanda	969
Kunitomo, Tadao and Kameiju	965
Lenger, Dr. Walter C., and Marine Midland Trust Co	971
Longardt, Alfred, et al	976
Mahnert, Franz	969
Mueller, William	964
Nazaki, Kimi	965
Niesters, Peter	961
Oda, Junichi, et al	976
Okamoto, Ishimatsu	974
Ono, Mojiro and Matsuno	976
Ortlepp, Katharina	968
Ota, Eigoro	962
Rosahl, Johannes Hermann Curt, and National Newark and Essex Banking Co. of Newark	972
Scheible, Carl, et al	977
Schneider, Lotte	971
Senoo, Kwanji and Hisayo	965
Shinden, Kuniyoshi and Shosayemon	963
Smiley, Ida Belle	970
Stapff, Adolf, et al	977
Tama, Charlotte	978
Tama, Charlotte, et al	977

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Tanimura, Kaneme 966
Tegeler, Hermann, et al 962
Toji, Keichi 966
Torikai, Kenzo 962
Vietheer, Peter John 967
Von Berenberg-Gossler, Sarah, and Bank of New York and Trust Co 967
Von Ilberg, Konrad, and Chase National Bank of the City of New York 970
Westholsteinische Bank Altona 972
Wolff-Koch, Aline 978
Yamaguchi, Isamu, et al 968
Yamashita, Fred Kazuo and Hanjiro 978
Yanagimura, Mrs. Masaji, et al 970

Civil Aeronautics Administration
Rules and regulations:
Irregular air carrier and off-route rules; aircraft requirements 926

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
Hearings, etc.:
Mid-Continent Airlines, Inc.: Mid-Continent Route 80 renewal case 954
Richardson, J. R., and J. W. Kiewel 954
Rules and regulations:
Air traffic rules; standard instrument approach procedures 926

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board; International Trade, Office of.

Commodity Exchange Authority
Rules and regulations:
Special provisions applicable to cotton, fats and oils; Forms 300, 900, and 1000 925

Defense Department
See Navy Department.

Defense Power Administration
Rules and regulations:
Major plant additions; use of aluminum, copper and copper-base alloy 933
Materials and equipment; requests for procurement assistance 933

Entomology and Plant Quarantine Bureau
Proposed rule making:
Banana plants 934

Farmers Home Administration
Rules and regulations:
Farm ownership loan limitations; average values of farms and investment limits:
North Dakota 921
Oregon 921
Washington 921

Federal Maritime Board
Notices:
American President Lines, Ltd.; hearing on application to bareboat charter dry-cargo vessels 953

Federal Power Commission
Notices:
Hearings, etc.:
Panhandle Eastern Pipe Line Co. and Central Indiana Gas Co 953
Texas Gas Transmission Corp 954
Transcontinental Gas Pipe Line Corp 953

Federal Trade Commission
Notices:
Continental Radio Tube Co. et al.; order appointing trial examiner 954

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notices:
Redelegation of authority by General Counsel to Associate General Counsel, Assistant General Counsel, and Claims and Litigation Division 957

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and and rooms in rooming houses and other establishments in California 926

Interior Department
See also Defense Power Administration; Land Management, Bureau of; Petroleum Administration for Defense.
Notices:
Oil and gas operations in submerged coastal lands of Gulf of Mexico 953

International Trade, Office of
Rules and regulations:
Export regulations; positive list of commodities and related matters; miscellaneous amendments 924

Interstate Commerce Commission
Notices:
Applications for relief:
Acetaldehyde from Tallant, Okla., and Brownsville, Tex 957
Acids from Southwest to Norfolk and Hopewell, Va 956
Batteries from Cleveland and Fremont, Ohio, to Atlanta, Ga., and Chemway, N. C 955
Iron and steel articles from Atlanta, Ga., Chattanooga and Knoxville, Tenn., to Dyersburg, Bells and Jackson, Tenn 956

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Liquors, malt, from Terre Haute, Ind., to Chattanooga, Jackson, Knoxville, Memphis and Nashville, Tenn 955
Motor-rail rates; New York, New Haven and Hartford Railroad Co. and Holland Transportation Co., Inc 957
Natural gasoline and petroleum gas from Butler and Hooker, Okla 956
Pig iron:
Daingerfield and Lone Star, Tex., to Toccoa, Ga 956
Texas to Greenville, S. C 955
Soda, caustic, from Midland, Mich., to Cincinnati, Ohio 955
Sulphur, crude, from Texas and Louisiana to Piney River, Va 955

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Filing of plats of surveys:
Colorado 952
Idaho 952

Navy Department
Rules and regulations:
Physical separation and retirement; physical evaluation boards 932

Petroleum Administration for Defense
Rules and regulations:
Establishment and organization 932

Production and Marketing Administration
Proposed rule making:
Milk handling in Puget Sound, Wash., area 935
St. Paul Union Stockyards Co.; notice of supplemental petition for modification 934
Rules and regulations:
Dry milks; U. S. scorched particle standards 923

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Gas and Electric Co. and American Gas and Electric Service Corp 959
Consolidated Electric and Gas Co. and Porto Rico Gas & Coke Co 960
Interstate Power Co 961
Interstate Power Co. and Ogden Corp 958
New England Electric System and Salem Gas Light Co 960
Southern Natural Gas Co. and Equitable Securities Corp 958

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter III:
Part 311 (3 documents) 921
Title 7
Chapter I:
Part 37 923
Chapter III:
Part 301 (proposed) 934
Part 319 (proposed) 934
Chapter IX:
Part 925 (proposed) 935
Title 14
Chapter I:
Part 42 926
Part 60 926
Title 15
Chapter III:
Part 399 924
Title 17
Chapter I:
Part 3 925
Part 9 925
Part 10 925
Title 24
Chapter VIII:
Part 825 926
Title 32
Chapter VI:
Part 725 932
Title 32A
Chapter IX:
Order 2591, Amdt. 2 932
Chapter XI:
EO–1 933
EO–2 933

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 37—UNITED STATES SCORCHED PARTICLE STANDARDS FOR DRY MILKS

On December 13, 1950, notice was published in the FEDERAL REGISTER (F. R. Doc. 50–11536; 15 F. R. 8827) regarding proposed United States Scorched Particle Standards for Dried Milks pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved Sept. 6, 1950). After consideration of all relevant matters presented, including the proposals in the aforesaid notice, the standards hereinafter set forth are promulgated with respect to scorched particle standards for dry milks (i. e., "dried milks" as described in aforesaid notice).

Since the term "dry milks" has been generally used and accepted by the dairy industry, such term is employed in lieu of "dried milks." The promulgation of these standards will provide the Department with official standards for use in ascertaining the quantity of scorched particles in dry milks, and will make available to the dairy industry a uniform standard for its use.

The standards are as follows:

Sec.
87.1 United States scorched particle standards for dry milks.
37.2 Preparation of discs.
37.3 General.

AUTHORITY: §§ 37.1 to 37.3 issued under Pub. Law 759, 81st Cong.

§ 37.1 *United States scorched particle standards for dry milks.* The standards contained in this part consist of four (4) discs, each of which represents one of the following:

7.5 mg. of scorched particles.
15.0 mg. of scorched particles.
22.5 mg. of scorched particles.
32.5 mg. of scorched particles.

§ 37.2 *Preparation of discs.* Each of the four (4) discs was prepared in accordance with the procedure set forth in this section.

(a) Spread five grams of nonfat dry milk solids evenly over a petri dish and heat at 119° C. for four hours to produce scorched particles.

(b) After heating, keep in desiccator until the particles are weighed.

(c) Prepare scorched particle solution by mixing 0.50 gram of the scorched particles (prepared in accordance with paragraph (a) of this section) gently with approximately 20 ml. of a 50 percent filtered sucrose solution. Transfer the mixture to a 200 ml. volumetric flask and dilute to volume using a 50 percent filtered sucrose solution and mix thoroughly.

(d) To provide particles which, in appearance, are similar to highly scorched, or burned, protein particles, prepare at least 1.0 gram of a charcoal mixture by using the following specified percentages of charcoal of the designated meshes:

200 mesh charcoal: 20 percent.
150 mesh charcoal: 50 percent.
100 mesh charcoal: 20 percent.
65 mesh charcoal: 10 percent.

(e) Prepare charcoal solution by placing 1.0 gram of the charcoal mixture (prepared in accordance with paragraph (d) of this section) in a one-liter volumetric flask and dilute to volume, using a 50 percent filtered sucrose solution and mix thoroughly.

(f) Prepare each of the following sample solutions:

(1) *Sample Solution 1.* Mix 75 ml. of filtered, reconstituted, spray process nonfat dry milk solids with (i) a quantity of scorched particle solution containing scorched particles aggregating 7.425 mg. and (ii) a quantity of charcoal solution containing charcoal particles aggregating 0.075 mg. The particle content of this sample solution is 7.5 mg.

(2) *Sample Solution 2.* Mix 75 ml. of filtered, reconstituted, spray process nonfat dry milk solids with (i) a quantity of scorched particle solution containing scorched particles aggregating 14.85 mg. and (ii) a quantity of char-

coal solution containing charcoal particles aggregating 0.15 mg. The particle content of this sample solution is 15.0 mg.

(3) *Sample Solution 3.* Mix 75 ml. of filtered, reconstituted, spray process nonfat dry milk solids with (i) a quantity of scorched particle solution containing scorched particles aggregating 22.2 mg. and (ii) a quantity of charcoal solution containing charcoal particles aggregating 0.30 mg. The particle content of this sample solution is 22.5 mg.

(4) *Sample Solution 4.* Mix 75 ml. of filtered, reconstituted, spray process nonfat dry milk solids with (i) a quantity of scorched particle solution containing scorched particles aggregating 31.9 mg. and (ii) a quantity of charcoal solution containing charcoal particles aggregating 0.60 mg. The particle content of this sample solution is 32.5 mg.

(g) Stir each sample solution immediately prior to filtering and filter through a standard lintine disc (1¼" diameter) using a filtering surface of 1⅛" diameter. Rinse the container of each sample solution with filtered, reconstituted, spray process nonfat dry milk solids and filter the rinse through the applicable disc.

(h) Dry the discs at room temperature.

§ 37.3 *General.* To facilitate the use and availability of these scorched particle standards, a composite photograph of the four (4) discs is attached hereto and made a part hereof;[1] and a copy of the photograph may be obtained, upon request, from the Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Room 2651, South Building, Washington 25, D. C.

Done at Washington, D. C., this 26th day of January 1951, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1586; Filed, Jan. 31, 1951; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 35][2]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
	Synthetic rubbers (dry rubber content):				
200901	Buna S (copolymers of butadiene and styrene): GR-S type only.	Lb.	RUBR 14	100	RO
200906	Thiokol (organic polysulfides)	Lb.	RUBR 14	25	RO
201100	Rubber, reclaimed	Lb.	RUBR 9	100	R
201200	Rubber scrap	Lb.	RUBR 9	100	R
	Tires, tire casings and inner tubes (report scrap tires and tire casings with both beads cut through or at least one bead removed from the casings or the casings made discontinuous by being completely cut through or the carcass broken completely through for a length equal to at least the cross-sectional width, and inner tubes completely lacerated or cut cross-sectionally into two separate pieces, under 201200):				
	Pneumatic tires and casings, new and used:				
206200	Passenger car casings	No.	RUBR 9	100	R
	Inner tubes:				
206520	Passenger car	No.	RUBR 9	25	R
	Tire sundries and repair material:				
206905	Camelback	Lb.	RUBR 9	100	R

2. The entries on the Positive List for polyisobutylene (Vistanex type only), Schedule B No. 200907; and silicone rubber, Schedule B No. 200998, are revised and amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
	Synthetic rubbers (dry rubber content):				
200907	Polyisobutylene—polymers of isobutylene (all types)[1]	Lb.	RUBR 2	100	R
200998	Synthetic rubbers, n. e. s.[2]	Lb.	RUBR 2	100	R

[1] By this amendment, all commodities classified under Schedule B No. 200907 are now on the Positive List and subject to R control.
[2] By this amendment, all commodities classified under Schedule B No. 200998 are now on the Positive List and subject to R control.

3. The entries on the Positive List for certain truck and bus casings, Schedule B No. 206000; certain off-the-road casings, Schedule B No. 206430; farm tractor and implement casings with cross section of 7.00 and over, Schedule B No. 206450; certain industrial casings, Schedule B No. 206490; certain truck and bus inner tubes, Schedule B No. 206530; and certain off-the-road, industrial, and farm tractor and implement inner tubes, Schedule B No. 206570, are revised and amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
	Tires, tire casings, and inner tubes (report scrap tires and tire casings with both beads cut through or at least one bead removed from the casings or the casings made discontinuous by being completely cut through or the carcass broken completely through for a length equal to at least the cross-sectional width, and inner tubes completely lacerated or cut cross-sectionally into two separate pieces, under 201200):				
	Pneumatic tires and casings, new and used:				
206000	Other truck and bus casings[1]	No.	RUBR 9	250	R
206430	Other off-the-road casings (except farm tractor and implements)[2]	No.	RUBR 9	250	R
206450	Farm tractor and implement casings[3]	No.	RUBR 9	250	R
206490	Other industrial casings[4]	No.	RUBR 9	250	R
	Inner tubes:				
206530	Other truck and bus inner tubes[5]	No.	RUBR 9	100	R
206570	Other off-the-road and industrial inner tubes; farm tractor and implement inner tubes.[6]	No.	RUBR 9	100	R

[1] By this amendment, the Positive List coverage is extended to all truck and bus casings, classified under this Schedule B number, regardless of size or ply rating. The types now on the Positive List under this Schedule B number and subject to RO control are unaffected by this amendment.
[2] By this amendment, the Positive List coverage is extended to all off-the-road casings classified under this Schedule B number, regardless of size or ply rating. The types now on the Positive List under this Schedule B number and subject to RO control are unaffected by this amendment.
[3] The effect of this amendment is to add to the Positive List, subject to R control, farm tractor and implement casings with cross section under 7.00.
[4] By this amendment, the Positive List coverage is extended to all industrial casings classified under this Schedule B number, regardless of size or ply rating. The types now on the Positive List under this Schedule B number and subject to RO control are unaffected by this amendment.
[5] By this amendment, the Positive List coverage is extended to all truck and bus inner tubes classified under this Schedule B number. The types now on the Positive List under this Schedule B number and subject to RO control are unaffected by this amendment.
[6] By this amendment, the Positive List coverage is extended to all off-the-road, industrial, and farm tractor and implement inner tubes classified under this Schedule B number. Types of these commodities now on the Positive List under this Schedule B number and subject to RO control are unaffected by this amendment.

[1] Filed as part of the original document.
[2] This amendment was published in Current Export Bulletin No. 603 dated January 25, 1951.

4. The entry on the Positive List for coal-tar coke, including coal-tar coke flour, Schedule B No. 500400, is revised and amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Coal and related fuels:				
500400	Coke, except petroleum coke (report petroleum coke, including petroleum coke flour, in 504800).[1]	S. ton	COAL	100	RO

[1] By this amendment, all commodities classified under Schedule B No. 500400 are now on the Positive List and subject to RO control.

5. The following commodities are changed from R to RO. Accordingly, the entries therefor on the Positive List are amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
	Crude, rubber and allied gums:				
200100	Crude rubber (dry rubber content)	Lb.	RUBR 2	250	RO
	Synthetic rubbers (dry rubber content):				
200503	Butyl (copolymers of isobutylene and isoprene, or other diolefins)	Lb.	RUBR 2	100	RO
200504	Neoprene (polymers of chloroprene)	Lb.	RUBR 2	100	RO
200505	Buna N (copolymers of butadiene and acrylonitrile)	Lb.	RUBR 2	100	RO

Section 399.1 *Appendix A—Positive List of Commodities* and § 399.3 *Appendix C—Commodity Processing Codes*, are amended in the following particulars:

The processing codes are changed as follows, for the commodities listed below:

Dept. of Commerce Schedule B Number	Commodity	Processing code
	Copper and manufactures:	
649998	Copper manufactures, n. e. s.	CDGS
	Brass and bronze manufactures:	
647000	Plumbers' brass goods	CDGS
647500	Hardware, brass and bronze, n. e. s.	CDGS
647998	All other brass and bronze manufactures[1]	CDGS
	Lead and manufactures:	
651598	Other lead manufactures, n. e. s.[2]	CDGS
	Zinc and manufactures:	
658998	Zinc manufactures, n. e. s.	CDGS
	Electrical machinery and apparatus:	
705710-705755	Electric household refrigerators, and parts; flashlights; electric fans and lamps, and parts	CDGS
706100-706560	Electric household laundry equipment, vacuum cleaners and parts, mixers and blenders; electric razors; electric household motor-driven appliances, n. e. s., and parts; electric flatirons, household cooking ranges, coffee percolators, toasters and waffle irons, household storage water heaters, and heating or cooking appliances and utensils and parts, n. e. s.	CDGS
709812-707890	Electric lighting fixtures, portable lamps, and parts:	
[3] 709610	Fluorescent, portable lamps	CDGS
[3] 709620	Incandescent: lighting fixtures, interior	BLDG
[3] 709630	Incandescent portable lamps	CDGS
[3] 709640	Incandescent lighting fixtures, exterior	ELME
[3] 709690	Other electric lighting fixtures, and parts	CDGS
	Textile, sewing, and shoe machinery:	
755105-755107	Domestic sewing machines and parts	CDGS
	Miscellaneous commodities, n. e. s.:	
984100, 984500	Household and commercial refrigerators, except electric, and parts	CDGS

[1] Brass and bronze blanks and circles, Schedule B No. 647988, retain the processing code NONF.
[2] Lead castings; calking yarn; circles; disks; flanges; plugs; powder; rings; metal packing rings; roof flanges; sash weights, except scale weights; wire; and wool, Schedule B No. 651598, retain the processing code NONF.
[3] Change in Schedule B classifications. These commodities were formerly classified under Schedule B Nos. 709607 through 709700. See Census Bulletin P. B. 143.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port or exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including February 26, 1951. Any such shipment not laden aboard the exporting carrier on or before February 26, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong, and Macao.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of January 25, 1951.

LORING K. MACY,
Deputy Director, Office of International Trade.

[F. R. Doc. 51-1601; Filed, Jan. 31, 1951; 8:55 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission) Department of Agriculture

PART 3—SPECIAL PROVISIONS APPLICABLE TO COTTON

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

FORMS 300, 900, AND 1000

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), Parts 3, 9, and 10, Chapter I, Title 17, Code of Federal Regulations (17 CFR Parts 3, 9, and 10), are hereby amended as follows:

1. By deleting paragraphs (c), (d), and (e) of § 3.01 and substituting in lieu thereof the following:

(c) The quantity of cotton bought and the quantity of cotton sold on such contracts during the period covered by the report; and

(d) The quantity of cotton delivered and the quantity of cotton received on such contracts during the period covered by the report.

2. By deleting paragraph (e) in § 9.01 and substituting in lieu thereof the following:

(e) The quantity of fat represented by delivery notices passed back to the clearing organization or passed on to other clearing members during the period covered by the report.

3. By deleting paragraph (e) of § 10.01 and substituting in lieu thereof the following:

(e) The quantity of oil represented by delivery notices passed back to the clearing organization or passed on to other clearing members, during the period covered by the report.

The effect of these amendments will be to reduce the amount of information concerning delivery notices reportable on Forms 300, 900, and 1000 by clearing members of contract markets. Since the amendments will operate to relieve or liberalize restrictions and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that

the amendments should be made effective within less than thirty days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Interprets or applies sec. 5, 42 Stat. 1000; 7 U. S. C. 7)

Issued this 26th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1581; Filed, Jan. 31, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 347]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 343]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA

Amendment 347 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 343 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said Regulations are amended in the following respect:

Schedule A, Item 38, is amended to describe the counties in the Defense-Rental Area as follows:

San Francisco County: San Mateo County, except the Cities of Belmont, Burlingame, Menlo Park, Millbrae, Redwood City, South San Francisco and San Bruno, the Town of Atherton, and the Community known as Lomita Park, which Community is more particularly described as follows:

Beginning at a point on the Northeasterly line of the Main County Road leading from San Francisco to San Jose, where said line is intersected by the Southeasterly line of San Juan Avenue as the same is shown and delineated upon that certain map entitled "Map of Lomita Park, showing subdivision No. 3" and recorded in Book No. 3 of Maps at Page 45, Records of San Mateo County; thence from said point of beginning North 56°30' East along the said Southeasterly line of San Juan Avenue to the Southwesterly line of the right of way of the United Railways Electric Road; thence Northwesterly along said line of said right of way to its intersection with the centerline of San Felipe Avenue as the same is shown and delineated upon that certain map entitled "Map of Lomita Park, showing subdivision No. 1 and 2," and recorded in Book No. 3 of Maps at page 41, Records of San Mateo County; thence South 59° 45' West along said centerline; which said centerline on April 24, 1950 was coincident with the city limit of San Bruno to a point on the Southwesterly line of the Main County Road leading from San Francisco to San Jose, which said Southwesterly line on April 24, 1950 was coincident with the city limit of San Bruno; thence Southeasterly along said city limit to a point in the Southwesterly line of the Main County Road leading from San Francisco to San Jose, where said point intersects the Southeasterly line of Santa Lucia Avenue as the same is shown and delineated on that certain map entitled "Map of San Bruno Park, Fourth Addition," filed in the office of the Recorder of San Mateo County in Liber "B" of Maps at page 1 and a copy entered in Liber 4 of Maps at page 15; thence Northeasterly along the projection of said Southeasterly line of said Santa Lucia Avenue to a point in the centerline of the Main County Road leading from San Francisco to San Jose; thence Southeasterly along said centerline of the Main County Road leading from San Francisco to San Jose which said centerline on April 24, 1950, was coincident with the city limit of San Bruno, to a point where said centerline intersects the extension of the Northwesterly line of Lot 1, as shown and delineated upon that certain map entitled "Capuchino Golf Corporation, Subdivision No. 1," and recorded in Volume 14 of Maps at page 24 San Mateo County Records; thence Northeasterly along the extension of said lot line to a point on the Northeasterly line of said Main County Road leading from San Francisco to San Jose; thence Southeasterly along the Northeasterly line of said Main County Road leading from San Francisco to San Jose to the point of beginning;

and Sonoma County, except (i) the Cities of Healdsburg and Santa Rosa, (ii) the Judicial Townships of Redwood and Sonoma (including the City of Sonoma) and (iii) that portion of Analy Judicial Township lying west of the Monte Rio-Valley Ford Highway and lying between Redwood Judicial Township on the north and the northern line of Marin County on the south.

This decontrols on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, what is known as the Community of Lomita Park, in San Mateo County, California, a portion of the San Francisco Bay, Defense-Rental Area.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective January 30, 1951.

Issued this 29th day of January 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-1605; Filed, Jan. 31, 1951; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 8]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIRCRAFT REQUIREMENTS

The following alterations of Part 42 are hereby adopted. The amended rules do not impose any additional burdens upon interested persons. Compliance with the notice, procedures and effective date provisions of the Administrative Procedure Act would be unnecessary and therefore is not required.

1. Section 42.11–1 published on November 22, 1949, in 14 F. R. 7033 is revoked.

2. Section 42.11–2 published on November 22, 1949, in 14 F. R. 7033 is renumbered 42.11–1 and that portion of paragraph (d) beginning with "The following table • • •" and ending with "• • • each aircraft concerned.", is revoked.

3. Section 42.11–3 published on November 22, 1949, in 14 F. R. 7033 is revoked.

4. Section 42.45–2 published on November 22, 1949, in 14 F. R. 7039 is revoked.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 42 Stat. 1007, 1010; 49 U. S. C. 551, 554)

These rules and policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1561; Filed, Jan. 31, 1951; 8:44 a. m.]

[Supp. 3, Amdt. 9]

PART 60—AIR TRAFFIC RULES

STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce, and the Administrator of Civil Aeronautics is empowered to make and amend such general or special rules, regulations, and procedures as he deems necessary to exercise and perform his powers and duties under the act. Under § 60.46 of the Civil Air Regulations the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe standard instrument approach procedures.

Acting pursuant to the foregoing statutes and regulations, standard instrument approach procedures were prescribed. Those procedures are hereby amended. This amendment is made effective without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

1. The low frequency range procedures prescribed in § 60.46–4 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification, class	Minimum initial approach altitude from fix; direction and radio fix initiated	Shuttle	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range-to-final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums: Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport or authorized landing minimums, or if landing not accomplished; remarks
ATLANTA, GA. Hartsfield AFB (Marietta, Ga.) 234 kc; NCQ MRLZ	N—Minimum en route altitude E—3,000' (NE crs Atlanta) S—3,000' (SE crs Atlanta) W—5,000' (SW crs Atlanta)	N crs at 4,900' minimum altitude within 25 mi.	E	10 mi—2,700' N side E crs 15 mi—3,000' N side E crs 20 mi—3,000' N side E crs 25 mi—3,000' N side E crs	• 2,200	287	8.5	1,030	R (1K) S A T	2.0 2.0 1.0	600 500 300	2.0 2.0 1.0	Climb to 3,000' on track of 287° within 25 mi. then turn right to intercept W crs Atlanta NAS and return to sta. •Runway 28. #Runway 5 prohibited if fog (Freq 238 kc, Identi-MGE). CAUTION: 1,825' msl mountain, 6 mi NW of field. 1,787' msl radio towers, 4.5 mi SE of R crs.
BEAUMONT, TEX. Jefferson County Airport 234 kc; BMT SBRAZ-DTV	N—Minimum en route altitude E—Minimum en route altitude W—1,900 (Houston Range)	None	N	10 mi—1,400' W side N crs 15 mi—1,400' W side N crs 20 mi—1,400' W side N crs 25 mi—1,400' W side N crs	900	160	3.6	15	R (1K) S A T	1.5 1.0 1.5 2.0	500 500 800 800	1.5 1.0 1.5 2.0	Climb to 1,500' on S crs.
BLYTHE, CALIF. Blythe Airport 278 kc; BLH SBRAZ-DTV	N—6,000' (Needles Range) E—6,000' (N crs Gila Bend) S—5,000' (Yuma Range) W—8,500' (N crs Thermal)	None	S	10 mi—2,000' W side S crs 15 mi—3,000' W side S crs 20 mi—4,000' W side S crs 25 mi—4,000' W side S crs	1,200	268	4.1	307	R A T	2.0 2.0 1.0	800 800 500	2.0 2.0 1.0	If not contact over range, make 180° left turn and climb to 5,000' on S crs.
CASPER, WYO. Natrona County Airport 200 kc; CPR SBRAZ-DTV	N—7,500' (SE crs Sheridan) E—Minimum en route altitude E—6,000' (Tarkerton FM) (final) S—11,000' (E crs Sinclair) W—Minimum en route altitude	None	E	10 mi—6,500' N side E crs 15 mi—7,000' N side E crs 20 mi—7,000' N side E crs 25 mi—7,000' N side E crs	6,000	256	7.7	5,347	R A T	2.0 2.0 1.0	800 800 500	2.0 2.0 1.0	Climb to 7,500' on N crs, or alternate procedure (when directed by ATC), climb to 7,500 on E crs within 25 mi. CAUTION: 5,000' msl 3 mi. ESW and W of airport.
COLUMBUS, OHIO Lockbourne AFB 364 kc; CMH SBRAZ-DTV	NE—2,000' (W crs Cleveland) N E—2,500' (Mansfield Rdo) E—2,500' (S crs Cleveland) S—2,300' (SW crs Huntington) W—2,300' (N crs Wright-Patterson)	None	NE	10 mi—2,300' N side NE crs 15 mi—2,300' N side NE crs 20 mi—2,500' N side NE crs 25 mi—2,500' N side NE crs	2,500	182	11.7	774	R A T	2.0 2.0 1.0	800 800 500	2.0 2.0 1.0	Climb to 2,300' on S crs.
DES MOINES, IOWA Municipal Airport 278 kc; DSM SBRAZ-DTV	N—2,500' (SW crs La Crosse) E—2,300' (N crs Burlington) S—2,500' (NW crs Kirksville) W—1,900' (Indianola FM) (final) W—2,500' (Omaha Range) W—2,800' (Omaha Range)	None	S	10 mi—2,100' E side S crs• 15 mi—2,100' E side S crs• 20 mi—2,200' E side S crs• 25 mi—2,200' E side S crs•	•1,600	341	2.2	957	R (1K) S A T	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	If not contact over range, or alternate procedure (when directed by ATC), climb to 2,500' on W crs. •If procedure turn is accomplished to the east, fly outside Inbound to Indianola FM is 1,700'. #Runway 35.
EL PASO, TEX. El Paso International Airport 278 kc; ELP SBRAZ-DTV	N—Minimum en route altitude N—5,000' (Newman Rbn) E—8,000' (Salt Flat Range) E—5,000' (Dueco 31in FM) (final) S—5,000' (Clint Rbn) W—8,500' (Columbus Range) W—6,500' (NE crs 11.5)	None	E	10 mi—6,500' S side E crs 15 mi—6,500' S side E crs 20 mi—8,000' S side E crs 25 mi—8,000' S side E crs	5,000	257	4.5	3,596	R (1K) S A T	1.5 1.0 1.5 2.0 1.0	500 500 600 800 500	1.5 1.0 1.5 2.0 1.0	Make left turn to 125° to intersect S crs; climb to 6,000' on S crs within 25 mi. •Maintain 5,000 until 5 mi W of Hueco 31in FM. CAUTION: High terrain on N side of E crs.
ESTHERTA, WASH. Larson AFB (Moses Lake) 200 kc; ETH SBRAZ-DTV	N—Minimum en route altitude E—5,000' (Spokane Range) E—3,500' (Hairtrigger FM) S—Minimum en route altitude W—5,000' (Ellensburg Range)	None	W	10 mi—2,500' S side W crs 15 mi—3,000' S side W crs 20 mi—3,000' S side W crs 25 mi—3,000' S side W crs	2,200	88	8.7	1,190	R A T	2.0 2.0 2.0	700 800 500	2.0 2.0 2.0	If not contact over Ephrata range, climb to 3,500' on E crs within 25 mi.
FORT WORTH, TEX. Carswell AFB 365 kc; FTW SBRAZ-DTXV	N—2,000' (S crs Oklahoma City) N—1,900' (Hulbert FM) (final) E—2,200' (N crs Dallas) S—2,500' (Mineral Wells Rbn) W—2,000' (NW crs Abilene)	None	N	10 mi—2,000' W side N crs 15 mi—2,000' W side N crs 20 mi—2,000' W side N crs 25 mi—2,000' W side N crs	1,400	214	6.8	638	R A T	2.0 2.0 1.0	800 800 500	1.5 2.0 1.0	Turn to a heading of 214°, climb to 2,500' and contact Ft. Worth Approach Control for further instructions. NOTE: Instrument runway is 17R.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Shuttle	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished, remarks
GLENVIEW, ILL. Glenview NAS 289 kc; NBU; SMLZ	NE—Minimum en route altitude SE—2,300' (NE crs Chicago) SW—2,500' (SE crs Rockford) NW—2,000' (E crs Rockford)	None	NW	10 mi.—1,900' N side NW crs 15 mi.—2,000' N side NW crs 20 mi.—2,000' N side NW crs 25 mi.—2,000' N side NW crs	1,400	140	3.0	652	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	#500 #500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Turn left and climb to 2,000' on NW crs within 25 mi. *Runway 14. #Night operations authorized only providing Glenview NAS has been given 2 hrs. advance notice.
LEBO, KANS. CAA Int. Field	(PROCEDURE CANCELED.)													
LITTLE ROCK, ARK. Adams Field 354 kc; LIT SBRAZ-DTV	NE—1,600' (N crs Stuttgart) SE—1,300' (SW crs Memphis) SE—800' (Keo FM) (FINAL) SW—1,700' (NE crs Texarkana) NW—3,300' (Van Buren Rbn)	None	SE	10 mi.—1,300' E side SE crs 15 mi.—1,300' E side SE crs 20 mi.—1,300' E side SE crs 25 mi.—1,300' E side SE crs	800	315	3.8	257	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 3,000' on NW crs within 25 mi., or alternate procedure (when directed by ATC), turn right and climb to 1,600' on NE crs within 25 mi.
LONG BEACH, CALIF. Long Beach Airport 233 kc; LGB; SBMRLZ-DTV	NE—3,000' (E crs Los Angeles) NE—1,500' (La Habra FM) SE—4,000' (N crs San Diego) SE—1,000' (Huntington Beach FM) (final) SW—Minimum en route altitude NW—1,600' (Los Angeles Range)	None	SE	10 mi.—1,500' W side SE crs 15 mi.—1,500' W side SE crs 20 mi.—NA 25 mi.—NA	1,000	298	3.9	56	R (R) S* A T	600 500 500 800 300	2.0 1.0 1.0 2.0 1.0	600 500 500 800 300	2.0 1.0 1.0 2.0 1.0	Climb to 800' on NW crs of Long Beach, then turn left to a heading of 250° continuing climb to intercept S crs of Los Angeles LF range and proceed to San Pedro Int. at a minimum altitude of 2,000'. *Runway 30.
McCHORD (Tacoma), WASH. McChord AFM 272 kc; TCM; SBMRAZ	E—9,000' (W crs Ellensburg) S—5,000' (E crs Toledo) W—Minimum en route altitude W—2,000' (S crs Shelton) N—2,000' (NW crs Seattle)	W side S crs between range and 1 min. S (All turns left)	S	10 mi.—4,000' *W side S crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,500	337	7.2	286	R A T	600 800 300	2.0 2.0 1.0	600 800 300	3.0 3.0 2.0	Climb to 2,000' on N crs within 5 mi of field return to McChord range and shuttle to 4,000' on W side of S crs between range and 1 min S, in non-standard elliptical pattern, all turns left. *All turns W side S crs—high terrain E side S crs. emergency altitude: 16,500'
MELBOURNE, FLA. Melbourne-Eau Gallie Airport 257 kc; MLB; SBRAZ-DTV	N—1,200' (NE crs Orlando) E—Minimum en route altitude S—1,500' (N crs W Palm Beach S—1,200' (Vero Beach Rbn) W—Minimum en route altitude	None	N	10 mi.—1,200' W side N crs 15 mi.—1,200' W side N crs 20 mi.—1,200' W side N crs 25 mi.—1,200' W side N crs	800	158	2.3	26	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	NA NA NA NA NA	----------	Climb to 1,200' on S crs. * Runway 16.
MIRAMAR, CALIF. Miramar NAAS 310 kc; NML; MRLZ	(From the San Diego range, transition may be made to Miramar range via W crs of Miramar at 2,500', or to S crs Miramar via E crs San Diego at 2,500')*	None	S	10 mi.—2,500' W side S crs 15 mi.—3,000' W side S crs 20 mi.—3,000' W side S crs 25 mi.—NA	2,000	325	3.2	475	R (R) A T	800 800 1,000 300	1.5 1.0 2.0 1.0	800 800 1,000 300	1.5 1.0 2.0 1.0	Climb to 1,500' on heading of 270°, maintain 1,500' until 5 mi. W of N crs San Diego and contact San Diego approach control for further clearance. *All initial approaches shall be made on San Diego range in accordance with San Diego standard instrument approach procedure.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Shuttle	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
NEWARK, N. J. Newark Airport 341 kc; EWR; SBRAZ-DTV	NE—2,500' (NW crs LaGuardia) SE—2,000' (SW crs LaGuardia) SW—1,500' (E crs Allentown) SW—900' (Metuchen FM) (final) SW—**800' (Linden Rbn) (final) W—2,700' (NE crs Allentown)	None	SW	10 mi.—1,500' S side SW crs 15 mi.—1,500' S side SW crs 20 mi.—1,500' S side SW crs 25 mi.—1,500' S side SW crs	**800	58	1.1	18	R (R) S* A T	500 500 #500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,000' on NE crs, make left turn climbing to 2,700' on heading of 250° before proceeding out W crs; or alternate procedure (when directed by ATC), climb to 1,000' on NE crs, turn left and proceed to Paterson Rbn, climbing to 2,000'. **Descent to Newark Arpt may be started after passing Elizabeth Rbn. If Elizabeth Rbn not received, final approach altitude over rug is 800'. #These minimums apply only when Elizabeth Rbn is used. *Runway 6.
NEW YORK, N. Y. LaGuardia Field 209 kc; LGA; SBRAZ-DTXV (Procedure No. 1)	NE—1,500' (NE crs Newark) NE—1,000' (Port Chester FM) (final) E—1,600' (NE crs Idlewild) SW—2,500' (SE crs Newark) NW—1,700' (S crs Poughkeepsie)	None	NE	10 mi.—1,500' N side NE crs 15 mi.—1,500' N side NE crs 20 mi.—1,500' N side NE crs 25 mi.—1,900' N side NE crs	*1,000	223	3.2	20	R (R) S# A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,500' on SW crs. *Descent to 800' authorized after passing New Rochelle Rbn; descent to landing minimums authorized only after passing LaGuardia range. #Runway 22.
(Procedure No. 2)	NE—1,500' (NE crs Newark) E—1,500 (NE crs) SW—2,500' (SE crs Newark) SW—1,200' (Flatbush Rbn) (final) NW—1,700' (S crs Poughkeepsie)	None	SW	10 mi.—1,500' S side S W crs 15 mi.—1,500' S side S W crs 20 mi.—1,500' S side S W crs 25 mi.—1,500' S side S W crs	*1,200 (Over Maspeth LOM)	43 (from Maspeth LOM)	4.5	20	R (R) S# A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1500' on NE crs *Descent to landing minimums authorized after passing Maspeth LOM. #Runway 4.
OGDEN, UTAH Hill AFB 263 kc; OGD; SBRAZ-DTV (Procedure No. 1)	N—11,000' (Malad City Range) N—5,780' (Corinne FM) (final) E—12,000' (Ft. Bridger Range) S—12,000' (N crs Fairfield) S—6,500' (Salt Lake City Range) W—11,000' (Lucin Range)	None	N	10 mi.—11,000' W side N crs 15 mi.—11,000' W side N crs 20 mi.—11,000' W side N crs 25 mi.—11,000' W side N crs	5,780	124	8.0	4,788	R A T	1,000 1,000 400	2.0 3.0 1.5	1,000 1,000 400	2.0 3.0 2.0	If not contact over range, make immediate right turn and climb to 9,000' on W crs.
(Procedure No. 2)	N—11,000' (Malad City Range) E—12,000' (Ft. Bridger Range) S—12,000' (Fairfield Range) S—11,000' (Riverton FM) S—6,500' (Salt Lake City Range) S—5,780' (Layton FM) (final) W—11,000 (Lucin Range)	None	S	None (straight-in approach)	5,780	124	8.0	4,788	R A T	1,000 1,000 400	2.0 3.0 1.5	1,000 1,000 400	2.0 3.0 2.0	If not contact over range, make immediate left turn and climb to 9,000' on W crs.
PERRIN (Sherman), TEX. Perrin AFB	(PROCEDURE CANCELED.)													
PIERRE, S. DAK. Pierre Airport 347 kc; PIR; SBRAZ-DTV	N—3300' (Bismarck Range) E—3,300' (SW crs Huron) S—Minimum en route altitude W—4,400' (Rapid City Range) W—3,300' (Philip Rbn)	None	E	10 mi.—2000' N side E crs 15 mi.- 3,100' N side E crs 20 mi.—3,100' N side E crs 25 mi.—3,100' N side E crs	*2,400	249	3.5	1,742	R (R) A T#	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	2.0 1.5 2.0 1.0	Climb to 3,500' on W crs within 25 mi. *If procedure turn made beyond 10 mi. final approach altitude is 2,900'. #All take-offs to the NW will be restricted to 100-1.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station; frequency; identification, class	Minimum initial approach altitudes from fix; direction and radio fix indicated	Shuttle	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (deg.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
PUEBLO, COLO. Pueblo Airport No. 1 302 kc; PUR; SBRAZ-DTV	N—8,000′ (Colorado Springs Range) N—7,000 (Colorado Springs LOM or Fountain FM) (south bound only) E—7,000′ (LaJunta Range) S—7,500′ (Trinidad Range) S—5,800′ (Lime FM) (final) (north bound only) W—Minimum en route altitude	None	S	10 mi.—6,600′ E side S crs 15 mi.—7,500′ E side S crs 20 mi.—7,500′ E side S crs 25 mi.—7,500′ E side S crs	**5,800	328	1.8	4853	R (R) A T	500 500 800 400	1.5 1.0 2.0 1.0	500 500 800 400	2.0 2.0 2.0 1.0	Turn right and climb to 6,000′ on E crs, or alternate procedure (when directed by ATC), climb to 8,000′ on N crs. *If contact is not estab at 6,000′ prior to reaching range, climb to 6,600′ on S crs within 10 mi for procedure turn. **If procedure turn is accomplished beyond 10 mi, altitude on final approach is 6,100′.
TAMPA, FLA. International Airport 388 kc; TPA; SBRAZ-DTV	NE—1,500′ (Orlando Range) SE—1,300′ (NE crs Ft. Myers) SW—Minimum en route altitude N—1,300′ (SE crs Cross City)	None	SE	10 mi.—1,200′ E side SE crs 15 mi.—1,200′ E side SE crs 20 mi.—1,200′ E side SE crs 25 mi.—1,200′ E side SE crs	700	339	5.7	26	R (R) S A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,300′ on N crs, or alternate procedure (when directed by ATC), climb to 1,500′ on NE crs.
SAN DIEGO, CALIF. Lindbergh Field 224 kc; SAN; SBRAZ-DTV	N—4,000′ (SE crs Long Beach) N—2,500′ (Oceanside FM) N—1,200′ (La Jolla FM) (Final) E—8,000′ (W crs El Centro) E—6,000′ (Barrett Lake FM) E—3,600′ (Jamul Rbn) E—1,500′ (Lemon Grove FM) SE—Min. en route altitude W—Min. en route altitude	None	N	10 mi.—2,000′ W side N crs 15 mi.—2,000′ W side N crs 20 mi.—2,000′ W side N crs 25 mi.—2,000′ W side N crs	*1,500	155	2.2	14	R (R) A T	700 600 800 300	2.0 2.0 2.0 1.0	700 600 800 300	2.0 2.0 2.0 1.0	Climb to 3,000′ on SE crs within 15 mi. (Mexican Border). *Descent to 1,200′ to pass over range at 1,200′ may be started after passing La Jolla FM. If La Jolla FM not received, final approach altitude over range is 1,500′. CAUTION: High terrain 9 mi. E of N crs.
San Diego NAS	(MAKE LET-DOWN TO LINDBERGH FIELD. FLY VFR FROM LINDBERGH FIELD TO SAN DIEGO NAS.)							22	R A T	700 800 300	2.0 2.0 1.0	700 800 300	2.0 2.0 1.0	
SEATTLE, WASH. Boeing Field 290 kc; SEA; SBRAZ-DTXPV	NE—Min. en route altitude NE—3,000′ (E crs Everett) E—8,000′ (Ellensburg Range) E—7,000′ (Easton FM) E—5,000′ (Hobart FM) S—5,000′ (Toledo Range) S—3,000′ (McChord Range) S—1,500′ (Lakeview FM)* NW—2,000′ (Port Gamble Int.)	None	S	10 mi.—2,000′ E side S crs 15 mi.—2,000′ E side S crs 20 mi.—NA 25 mi.—NA	*1,200	292	2.8	15	R A T	800 800 300	2.0 2.0 1.0	800 800 300	2.0 2.0 1.0	Climb to 1,500′ on NW crs within 15 mi. *Descent to cross range at 1,200′ may be started after passing LOM (Ident-SE, 9 mi. S of range); if LOM not received, final approach altitude over range is 1,500′.
Seattle - Tacoma (International Airport.	NE—Minimum en route altitude NE—3,000′ (E crs Everett) E—8,000′ (Ellensburg Range) E—7,000′ (Easton FM) E—5,000′ (Hobart FM) S—5,000′ (Toledo Range) S—3,000′ (McChord Range) S—1,500′ (Lakeview FM) NW—2,000′ (Port Gamble Int.) NW—1,500′ (Hollingbay Int.) (final)	None	NW	10 mi.—1,500′ W side NW crs 15 mi.—1,500′ W side NW crs 20 mi.—NA 25 mi.—NA	1,500	193	4.0	405	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	2.0 1.0 2.0 1.0	Climb to 2,000′ on S crs within 15 mi of range.
SINCLAIR, WYO. Rawlins Airport [illegible] kc; RIW; SBRAZ-DTV	N—Minimum en route altitude E—12,000′ (NW crs Laramie) S—Minimum en route altitude W—10,000′ (Rock Springs Range)	None	E	10 mi.—*8,600′ N side E crs 15 mi.—NA 20 mi.—NA 25 mi.—NA	8,300	255	5.1	6,784	R A T	1,500 1,500 500	3.0 3.0 1.0	2,000 2,000 (HC OB) #1,500	5.0 5.0 3.0	If not contact over range, climb to 10,000′ on W crs. *Procedure turn must be accomplished within 10 mile high beam to E. #Take-off to SW only. NOTE: Rawlins Arpt not approved for acft with stall speeds in excess of 75 mph.
WAYNE (Enid), OKLA. [illegible] AFB [illegible] FND; [illegible] LWZ	NE—3,000′ (S crs Wichita) S—3,000′ (N crs OKC, City) SW—Minimum en route altitude NW—3,000′ (SW crs Wichita)	None	NE	10 mi.—2,500′ N side NE crs 15 mi.—2,500′ N side NE crs 20 mi.—2,500′ N side NE crs 25 mi.—2,500′ N side NE crs	2,000	214	3.7	1,290	R A T	500 800 300	2.0 2.0 2.0	500 800 300	3.0 2.0 3.0	Climb to 2,500′ on SW crs within 25 mi.

2. The automatic direction finding procedures prescribed in § 60.60–7 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station; frequency; identity; class	Initial approach to direction finding station: From—	To—	Magnetic course (degrees)	Distance (mi.)	Minimum altitude (ft.)	Final approach track; degrees inbound, outbound	Procedure turn minimum at distances from direction finding station	Minimum altitude over direction finding station on final approach (ft.)	Distance from direction finding station to approach end of runway (mi.)	Field elevation (feet)	Minimums	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
BOSTON, MASS. Logan Airport 293 kc; OS; LMM 221 kc; BO; LOM	Int. SW crs Boston & N crs Providence	LOM	66	20.0	1,700	35 215	10 mi.—1,700′ SE side track 15 mi.—1,700′ SE side track 20 mi.—1,700′ SE side track 25 mi.—1,700′ SE side track	1,200 (over LOM) 720 (over LMM)	5.30 (LOM) .06 (LMM)	19	R (R) A T	600 *500 800 300	1.5 1.0 2.0 1.0	Climb to 1,500′ on track of 31° from Boston rng within 15 mi; or alternate procedure (when directed by ATC), make climbing turn to right to 1,500′ on E crs of Boston. *600-1 required when circling W of airport.
	Boston Range	LOM	220	8.4	1,700									
	Int. E crs Boston & NE crs Squantum.	LOM	269	19.0	1,700									
	Int. W crs Boston & N crs Providence	LOM	150	1.6	1,700									
CHATTANOOGA, TENN. Lovell Field 215 kc; CH; LOM 201 kc; HA; LMM	Chattanooga Range	LOM	360	1.6	2,500	194 14	10 mi.—2,500′ E side track 15 mi.—2,500′ E side track 20 mi.—2,500′ E side track 25 mi.—2,500′ E side track	2,200 (over LOM)	4.72 (LOM) .72 (LMM)	682	R (R) • S# A T	700 500 700 500 800 300	2.0 2.0 2.0 2.0 2.0 1.0	Climb to 4,000′ on SE crs of Chattanooga rng. •Night minimums. #Runway 19.
CHICAGO, ILL. O'Hare International Airport 362 kc; OH; LOM	Int. S crs Milwaukee & E crs Rockford	LOM	192	13.3	2,600	138 318	10 mi.—2,500′ W side track 15 mi.—2,500′ W side track 20 mi.—2,500′ W side track 25 mi.—2,500′ W side track	2,000	4.4	657	R (R) • S A T	500 500 500 500 800 300	1.5 1.0 1.5 1.0 2.0 1.0	Turn left and climb to 2,500′ on track of 50° to SE crs Glenview, then proceed NW to Int. NW crs Glenview & E crs Rockford. •Night minimums.
	Int. E crs Rockford & 138° bearing on LOM	LOM	138	19.3	2,500									
	Int. NW crs Chicago & 318° bearing on LOM	LOM	318	6.8	2,500									
	Glenview Range	LOM	219	7.8	2,500									
DAYTON, OHIO Dayton Airport 356 kc; DA; LOM	Dayton Range	LOM	189	3.0	2,300	55 235	10 mi.—2,300′ W side track 15 mi.—2,300′ W side track 20 mi.—2,300′ W side track 25 mi.—2,300′ W side track	2,300	4.4	1,007	R (R) S• A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,100′ on N crs Dayton rng to W crs Columbus (Troy Int.). •Runway 6. NOTE: LMM located 0.66 mi from end of runway; Freq-347 kc, Ident-AY.
	Vernon FM	LOM	106	10.0	2,300									
	Int. W crs Columbus & 235° bearing on LOM	LOM	235	18.0	2,300									
	Int. S crs Dayton & 55° bearing on LOM	LOM	55	1.1	2,300									
FORT SMITH, ARK. Fort Smith Airport 324 kc; FSM; BH-DTV	Int. NE crs Tulsa & S crs Joplin	Rbn	167	103	3,000	167 347	10 mi.—2,000′ W side track 15 mi.—NA 20 mi.—NA 25 mi.—NA	1,440	30°, 11.2	460	R • (R) • A T	600 600 600 600 1,000 (HCOB) 300	1.5 2.0 1.0 2.0 2.0 1.0	Climb to 3,800′ on track of 163° within 25 mi. of Rbn. •Night minimums.
	Texarkana Range	Rbn	343	130	3,800									
	Tulsa Range	Rbn	118	103	2,600									
	Van Buren Rbn (final)	Rbn	167	10.5	1,440									
PORTLAND, OREG. Portland Airport 219 kc; SVV; MHW 201 kc; DX, LMM	Woodland FM to Sauvies Island Rbn		176	19.0	2,000	113 293	5 mi.—2,500′ •N side track 15 mi.—NA 20 mi.—NA 25 mi.—NA (Make procedure turn within 5 mi NW of Sauvies Island Rbn)	1,300 (over OM••)	4.81 (from OM)	23	R ## (R) S#) A T	600 700 600 600 800 300	1.5 1.5 1.0 1.0 2.0 1.0	If not contact over LMM, execute a climbing right turn and proceed out S crs of Portland climbing to 3,000′. •Procedure turn on S side of track NA due to high terrain. ••If OM not received both aurally and visually, maintain 1,300′ to LMM, then climb to 3,000′ on S crs of Portland. #Runway 11. ##Night min.
	Sauvies Island Rbn (final)	LMM	113	10.7	1,300									
	Willamette FM to Sauvies Island Rbn		333	25.0	3,000									
	Portland Range to Sauvies Island Rbn		278	9.8	2,500									

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These procedures shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1570; Filed, Jan. 31, 1951; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 725—PHYSICAL SEPARATION AND RETIREMENT

PHYSICAL EVALUATION BOARDS

The following changes are effective as of January 1, 1951.

1. Delete § 725.8 (c) and substitute therefor the following:

(c) An officer shall be detailed to act as recorder of a Board empowered to act in any one case.

2. Delete § 725.8 (d) and substtiute therefor the following:

(d) At the request of an individual whose physical fitness is to be evaluated, the convening authority shall detail an officer as counsel for such individual; in lieu thereof the individual whose physical fitness is to be evaluated may obtain, at his own expense, the services of civilian counsel.

3. Delete § 725.11 (a) and substitute therefor the following:

§ 725.11 *Findings.* (a) After deliberating on the evidence before it, the Board, in the case of a member of the Regular Navy or Marine Corps entitled to receive basic pay or a member of a Reserve component thereof entitled to receive basic pay who has been called or ordered to extended active duty in excess of thirty days, shall make a recommended finding whether the member is fit or unfit to perform the duties of his office, rank, grade or rating, by reason of physical disability. If the recommendation of the Board is that the member be found unfit to perform the duties of his office, rank, grade or rating by reason of physical disability, the Board shall make a recommended finding as to whether such physical disability was or was not incurred while such member was entitled to receive basic pay, and in addition thereto the Board shall make recommended findings with respect to the following factors:

(Sec. 413, 63 Stat. 824; 37 U. S. C., Sup. 283)

Dated: January 24, 1951.

FRANCIS P. MATTHEWS,
Secretary of the Navy.

[F. R. Doc. 51-1567; Filed, Jan. 31, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[Order 2591, Amdt. 2]

ESTABLISHMENT AND ORGANIZATION

Order No. 2591 of October 3, 1950, as heretofore amended is hereby revised in its entirety to read as follows:

SECTION 1. *Purpose.* The purpose of this order is to establish the Petroleum Administration for Defense and the organization necessary to carry out the functions with respect to petroleum and gas delegated to or vested in the Secretary of the Interior by Executive Order No. 10161 as amended and by such delegations or redelegations as may have been or may hereafter be made by the Defense Production Administrator pursuant to Executive Order No. 10200.

SEC. 2. *Establishment of Petroleum Administration for Defense.* There is established a Petroleum Administration for Defense which shall be headed by the Secretary of the Interior as Administrator and a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall report directly and be responsible only to the Secretary. Except as provided in paragraph (b) of section 8 of this order the Petroleum Administration for Defense shall operate separately from, independently of and outside the jurisdiction or authority of any officer or employee of the Department of the Interior except the Secretary.

SEC. 3. *Delegation of authority.* Except as provided in section 4 of this order, all of the functions and powers delegated to the Secretary of the Interior by Executive Order No. 10161 as amended and by delegations or redelegations heretofore or hereafter made by the Defense Production Administrator pursuant to Executive Order No. 10200 are hereby delegated to and may be performed by the Deputy Administrator insofar as these functions and powers relate to petroleum and gas. These functions and powers shall include but not be limited to:

(a) The determination of requirements of various claimant agencies for petroleum and gas;

(b) The allocation of petroleum and gas among said claimants and, under appropriate circumstances, to the public and industry in general;

(c) The establishment of programs and policies with respect to the operation of the petroleum and gas industries;

(d) The development with other appropriate governmental agencies of such arrangements relating to petroleum and gas as may be necessary with respect to industrial operations, materials, manpower, procurement, financing, loans or other forms of assistance and the administration thereof;

(e) The claiming on behalf of and the distribution to the petroleum and gas industries of such materials, facilities and commodities as may be required in the operation of these industries;

(f) The making of recommendations with respect to the issuance of Necessity Certificates for Accelerated Amortization pursuant to section 124 A of the Internal Revenue Code;

(g) The exercise of the powers and the performance of the functions respecting voluntary agreements and programs under section 708 (a) of the Defense Production Act of 1950;

(h) The issuance of petroleum and gas industry orders or directives;

(i) The maintenance and implementation of all inter-agency relationships necessary for the efficient operation of the Petroleum Administration for Defense;

(j) The exercise of the powers and the performance of the functions respecting loans, purchases and commitments;

(k) The requisitioning of property;

(l) Matters of internal administration of the Petroleum Administration for Defense;

(m) The creation and appointment of industry advisory committees or councils;

(n) The power to redelegate any of the powers or authority delegated to him by this order.

SEC. 4. *Limitations.* The Deputy Administrator may not appoint or employ persons under section 710 of the Defense Production Act of 1950 or exercise the functions vested in the Secretary of the Interior by Executive Order No. 10182 as amended.

SEC. 5. *Executive organization.* Subject to such adjustments as may be made from time to time with the approval of the Secretary of the Interior, the executive organization of the Petroleum Administration for Defense shall consist of the following: Administrator (the Secretary of the Interior); Deputy Administrator; General Counsel and Assistant Deputy Administrator; Finance Counselor; Manpower Counselor; Materials Director; Program Director; Director of Public Information; Administrative Officer; Assistant Deputy Administrators, as appropriate; Special Assistants to the Deputy Administrator, as appropriate; Directors of Operating Divisions, as appropriate; District Directors in Charge, as appropriate.

SEC. 6. *Personnel and administrative services.* (a) Subject to the requirements of applicable statutes and within the limits of funds which may be allocated or appropriated for the purposes, the Deputy Administrator is hereby authorized to:

(1) Employ necessary personnel and in connection therewith take final action with respect to all appointments and status changes in all positions in the Petroleum Administration for Defense, provided that final personnel action in cases involving alleged serious misconduct, irregularities, disloyalty or subversive activities may be taken only after approval thereof by the Secretary;

(2) Make provision for all necessary supplies, space, facilities, equipment, travel, payment of expenses on permanent change of station, or services required in the operation of the Petroleum Administration for Defense.

(b) The authority vested in the Deputy Administrator by paragraph (a) of this section may be exercised by the Administrative Officer of the Petroleum Administration for Defense upon formal notification in writing from the Deputy Administrator.

SEC. 7. *Definitions.* As used in this order:

(a) The terms "petroleum" and "gas" shall mean "petroleum" and "gas" as defined in sections 901 (c) and (d) of Executive Order No. 10161 as amended;

(b) The term "appointments and status changes" means all personnel actions, including all types of appointments, changes in salary, position or grade and separations.

SEC. 8. *Effect on other orders.* (a) Except as provided in paragraph (b) of this section, the provisions of section 4 of Order No. 2509 as amended, Order No. 2596 and Order No. 2609 shall not apply to the Petroleum Administration for Defense and this order supersedes the provisions of any other order which are inconsistent or in conflict herewith.

(b) The provisions of sections 1, 6, 7, 9, 10, 11, 12, 13, and 14 of Order No. 2609 shall apply to the Petroleum Administration for Defense.

SEC. 9. *Utilization of services of the Department of the Interior.* The services of the U. S. Geological Survey, the Bureau of Mines and the personnel, accounting, administrative and other services of the Department of the Interior shall be available to the Petroleum Administration for Defense to the maximum practical extent.

SEC. 10. *Direction and control.* The functions delegated by the preceding paragraphs shall be exercised subject to the direction and control of the Petroleum Administrator and/or Secretary of the Interior.

(Sec. 902, E. O. 10161, 15 F. R. 6105; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 29, 1951.

[F. R. Doc. 51-1578; Filed, Jan. 31, 1951; 8:49 a. m.]

Chapter XI—Defense Power Administration, Department of the Interior

[EO-1]

MAJOR PLANT ADDITIONS: USE OF ALUMINUM, COPPER AND COPPER-BASE ALLOY

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Filing instructions.
4. Communications.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81 Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order establishes procedures for the collection of information on major plant additions for the electric utility industry contemplating that, by arrangement with the National Production Authority, authorizations will be issued by the Defense Power Administration for the use or receipt of certain critical materials, after April 1, 1951, for such major plant addition projects.

SEC. 2. *Definitions.* As used in this order:

(a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories, or possessions, supplying, or having facilities built for supplying electric power, directly or indirectly for general use by the public.

(b) "Net material cost" means the cost of all material incorporated in plant less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(c) "Major plant addition" means an electric utility construction project which involves:

(1) Line construction designed for operation at more than 15 kv. where the project requires more than 10,000 pounds gross weight of conductor, or

(2) Line construction designed for operation at 15 kv. or less where the project has a net material cost exceeding $50,000, or

(3) Non-line construction, including but not limited to construction of or additions to generating plant, substations, or buildings, where the project has a net material cost over $50,000.

(d) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of Copperweld wire and steel core in the case of aluminum conductor steel reinforced, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(e) "Line construction" means construction of both overhead and underground lines.

SEC. 3. *Filing instructions.* (a) Effective at once, electric utilities shall file Form DPA-2, "Electric Utility Statement of a Current or Proposed Construction Project" and Form DPA-3, "Electric Utility Statement of Proposed Use of Aluminum, Copper or Copper-Base Alloy for a Construction Project," for major plant additions which involve use or receipt of aluminum, copper or copper-base alloy on or after April 1, 1951. Such filing shall occur as soon as the project has taken specific form and, whenever practicable, at least four months before receipt of aluminum, copper or copper-base alloy is required.

(b) Electric utilities should not file Forms DPA-2 or DPA-3 for construction projects not herein defined as major plant additions. Materials requirements after April 1, 1951, for such projects will be handled, along with requirements for maintenance, repair and operating supplies, by some other procedure. Electric utilities will be notified when this procedure has been established.

SEC. 4. *Communications.* All communications concerning this order and requests for Forms DPA-2 and DPA-3 shall be addressed to the Defense Power Administration, Department of the Interior, Washington 25, D. C.

CLIFFORD B. MCMANUS,
Administrator,
Defense Power Administration.

Approved: January 30, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-1715; Filed, Jan. 31, 1951; 10:57 a. m.]

[EO-2]

MATERIALS AND EQUIPMENT: REQUESTS FOR PROCUREMENT ASSISTANCE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950. Consultation with representatives of industry in advance of the issuance of this order has been rendered impracticable because the order is informative in nature and is issued in response to inquiries from representatives of the electric power industry as to the information which should be furnished in requesting procurement assistance.

Sec.
1. Qualifications for obtaining procurement assistance.
2. Information required; general.
3. Additional information required where an order has been placed and the promised delivery date is inadequate to meet the construction schedule.
4. Additional information required in requesting assistance in placing an order.
5. Cross-reference to other applications.
6. Communications.

AUTHORITY: Sections 1 to 6 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Qualifications for obtaining procurement assistance.* It is imperative that orders for material be placed sufficiently in advance to allow manufacturers reasonable time in which to make required deliveries. Moreover, delivery dates specified should not be earlier than actually required to meet construction or installation schedules. The design of power plant facilities should be restricted to the use of standard sizes and shapes of steel wherever possible. Requests for assistance in connection with the construction of electric power facilities should be filed only after the applicant has exhausted every reasonable effort to obtain the equipment or material required and has completely investigated all possibilities of substituting non-critical material for critical material.

SEC. 2. *Information required; general.* The following information should be supplied in requesting assistance in procuring equipment or materials for each project:

(a) Project information should be submitted as specified in sections 1 and 2 of Form DPA-2, "Electric Utility State-

ment of a Current or Proposed Construction Project." If Form DPA–2 has already been submitted for the project, supply cross-reference information as specified in section 5 of this order.

(b) A progressive, construction schedule should be submitted monthly until all the items for which assistance is requested have been obtained.

SEC. 3. *Additional information required where an order has been placed and the promised delivery date is inadequate to meet the construction schedule.* (a) The following additional information should be supplied in requesting procurement assistance for mill shapes and forms of steel, copper or aluminum:

(1) Quantities, description, size, dimension, grade, specification, weight and dollar value of each product required (i. e., angles, shapes, plates, etc.).

(2) Order number on mill and date of order number.

(3) Current promised delivery date.

(4) Latest delivery date required to meet the construction schedule or other needs of applicant.

(5) Name and address of supplier or manufacturer with whom order has been placed, manufacturer's shop order number and the supplier's or manufacturer's reason for not being able to fill the order or orders in time to meet the construction schedule.

(b) The following additional information should be supplied in requesting procurement assistance for specific items other than mill shapes and forms of steel, copper or aluminum:

(1) Description as shown on purchase order, including dollar value.

(2) Number and date of applicant's purchase order.

(3) Current promised delivery date.

(4) Latest delivery date required to meet the construction schedule or other needs of applicant.

(5) Name and address of supplier or manufacturer with whom order has been placed, manufacturer's shop order number and the supplier's or manufacturer's reason for not being able to fill the order or orders in time to meet the construction schedule. Enclose copies of letter or letters received from the suppliers or manufacturers contacted.

SEC. 5. *Cross-reference to other applications.* If any of the information specified in this order has been previously submitted to any Government agency in connection with another application, it will not be necessary to resubmit such information. However, the applicant should furnish, with respect to such previous application, the name of the Government agency to which it was submitted, the form number, date of application, serial number, if known, affixed to the application by the Government agency, action taken by the Government agency and date of such action.

SEC. 6. *Communications.* All communications concerning this order and requests for Form DPA–2 shall be addressed to the Defense Power Administration, Department of the Interior, Washington 25, D. C.

CLIFFORD B. MCMANUS,
Administrator,
Defense Power Administration.

Approved: January 30, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51–1716; Filed, Jan. 31, 1951; 10:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Parts 301, 319]

BANANA PLANTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 7 and 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 160, 161), is considering lifting the quarantine prohibiting the importation, from all foreign countries and localities into the United States, of any variety of banana plants (Musa spp.) or portions thereof, except the fruit (7 CFR 319.31, B. E. P. Q.—Q. 31), and the quarantine prohibiting the movement, from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States, of all species and varieties of banana plants (Musa spp.) or portions thereof 7 CFR 301.32, B. E. P. Q.—Q. 32).

The purpose of Quarantine No. 31, was to prevent the introduction of the banana root borer (Cosmopolites sordidus Germ.). The purpose of Quarantine No. 32 was to prevent the spread from Hawaii and Puerto Rico into any other State, Territory, or District of a weevil then known as Rhabdocnemis obscurus Boisd. but now called the New Guinea sugarcane weevil (Rhabdoscelus obscurus Bdvl.) and another weevil known as Metamasius hemipterus Linn., commonly called the West Indian cane weevil. Both quarantines have been in effect since April 1, 1918.

When promulgated, these quarantines were designed to protect the banana industry of this country. Banana production is of importance in Hawaii and Puerto Rico but not on the mainland, where banana plants are now grown chiefly for ornamental or novelty purposes. The banana root borer exists in Puerto Rico, and as late as 1944 it was recorded from Florida. There is little potential traffic in banana propagating material to the United States, but there is an occasional effort to import experimentally parts of the plant for industrial uses. Such importations are now forbidden by Quarantine No. 31. Upon the lifting of that quarantine, the admission of banana planting stock would automatically fall within the provisions of Nursery Stock, Plant, and Seed Quarantine No. 37 (7 CFR 319.37), which it is believed would afford adequate protection against the further entry of the banana root borer. There appears to be, therefore, little necessity for continuing the more severe prohibitions of the foreign banana plant quarantine.

The New Guinea sugarcane weevil which occurs in Hawaii and the West Indian cane weevil which occurs in Puerto Rico are now believed to be relatively unimportant as pests of banana plants. Moreover, the possibilities of traffic in banana propagating materials in either direction between Hawaii and Puerto Rico are remote, and should it occur there is even less likelihood, in the light of current information, that these pests would be carried with the shipments. Furthermore, in the absence of a Federal quarantine, both Hawaii and Puerto Rico would be free to enforce Territorial or Insular quarantine regulations on such domestic movement should they find the protection necessary.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 20 days after the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 7, 8, 37 Stat. 317, 318, as amended, 7 U. S. C. 160, 161)

Done at Washington, D. C., this 26th day of January 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–1582; Filed, Jan. 31, 1951, 8:50 a. m.]

Production and Marketing Administration

[P. & S. Docket No. 1211]

ST. PAUL UNION STOCKYARDS CO.

NOTICE OF SUPPLEMENTAL PETITION FOR MODIFICATION

On January 5, 1951, the Judicial Officer issued an order permitting the respondent to make effective certain temporary modifications of its charges for the yarding and feeding of livestock.

On January 24, 1951, the respondent filed a supplemental petition requesting further temporary modifications of its charges as follows:

(1) To increase the yardage rates on horses and mules from 70¢ per head to 80¢ per head.

(2) To change the schedule of charges in connection with hog immunization as set forth in Item 5 of respondent's tariff so as to read as follows:

Hog Immunization

5. (a) All vaccination or castration of hogs in these stockyards is subject to the supervision and regulations of the Bureau of Animal Industry of the United States Department of Agriculture and The Live Stock Sanitary Board of the State of Minnesota.

(b) Facilities are provided by the Stockyards Company for the services as set out in paragraph (a). The owner or his representative will make his own arrangements with authorized veterinarians for service. For the use of facilities and necessary labor for vaccinating, temperaturizing, holding, castrating, removing tusks, branding and ear-tagging hogs, owner will be assessed the following charges:

	Cents per head
(A) Temperaturizing and holding hogs weighing under 175 pounds	12
(A) An additional 12 cents for each 100 pounds or fraction thereof will be charged for hogs weighing over 175 pounds.	
Hogs temperaturized but not vaccinated (except rejects)	5
Applying ear tags or rings	3
Branding with paint	3
Castration of hogs weighing 175 pounds or under	50
An additional 50¢ for each 100 pounds or fraction thereof will be charged for hogs weighing over 175 pounds.	
(N) Removing tusks on hogs:	
When removed at time of castration	25
(This charge will be in addition to charges for castration.)	
When performed without castration, the regular charges for holding of hogs for castration will apply in addition to charge of	25

NOTE: This Company will not be responsible for loss of or damage to animals resulting from the use of the facilities provided in the service set out above.

(A) Advance. (N) New.

If authorized the modifications will produce additional revenues for the respondent and increase the cost of marketing to the shippers. Accordingly, it appears that this public notice should be given of the filing of the petition in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 29th day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51–1657; Filed, Jan. 31, 1951; 8:46 a. m.]

[7 CFR, Part 925]

[Docket No. AO–226]

HANDLING OF MILK IN PUGET SOUND, WASH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Puget Sound, Washington, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., not later than the close of business on the 20th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the recommended marketing agreement and order were formulated was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed on behalf of the United Dairymen's Association of Seattle, Washington, and was held at Seattle, Washington, from August 14–September 6, 1950, pursuant to notice duly published in the FEDERAL REGISTER (15 F. R. 4508; Doc. 50–6161; 15 F. R. 4694; Doc. 50–6342). The period from September 6–October 9, 1950 was reserved to interested parties for the filing of briefs on the record.

The major issues developed at the hearing were concerned with the following matters:

1. Whether the handling of milk produced for the Puget Sound marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether the issuance of a milk marketing agreement or order will tend to effectuate the declared policy of the act; and

3. If an order is issued, what its provisions should be. With respect to this issue, several primary points were developed. These were concerned with:

(a) The proper size of the marketing area;

(b) The proper scope of regulation;

(c) The classification of milk;

(d) The level of class prices to be paid and the methods for determining such prices;

(e) The type of pool to be used in distributing returns to producers; and

(f) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

Character of the commerce. (1) The handling of milk produced for the Puget Sound marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in milk and its products.

There are substantial interstate movements of milk produced for the Puget Sound marketing area and of milk products manufactured from such milk. Fresh fluid milk and frozen fluid milk processed in plants of handlers are transported by ship or van to the Territory of Alaska for use there by both Army and commercial establishments.

During 1949 the Seattle Quartermaster Market Center procured 2,892,068 quarts of Grade A milk from the area and in 1950, 1,115,366 quarts (to August 1). Such milk was processed from milk of the type (Grade A) proposed to be covered by the order and in plants of Seattle, Everett and Tacoma handlers. At least 90 percent of the volume of milk so purchased is frozen and exported in paper containers to Alaska for consumption there by the Army. Such purchases have been made by the Center regularly since July 1946.

A plant operated by a cooperative association of producers shipped by air and water 209,763 pounds of Grade A fresh and frozen fluid milk to commercial accounts in Alaska between January 1 and June 15, 1950. Occasional shipments of Grade A milk have been made also to the Portland, Oregon, market. Occasional shipments of Grade A milk to the Pullman and Spokane, Washington, markets have been combined with, and have entered into competition with, milk produced in Idaho. In addition, interstate rail and airlines, steamships and other ocean-going vessels are provisioned with locally produced Grade A milk.

When fluid milk plants located in the proposed marketing area have excesses of Grade A milk above their needs for fluid milk uses, which occur particularly during the months of seasonally high milk production, such excesses normally are disposed of to manufacturing milk plants in the form of milk where they are processed primarily into evaporated milk, nonfat dry milk solids, butter and cheese. Over 52 million pounds were so diverted to milk product uses by cooperatives in the area in 1949 while more than 92 million were diverted by such organizations up to June 15 in 1950. The products containing such milk are shipped in large part to other states and to foreign countries. Some additional Grade A milk is disposed of by proprietary handlers in similar channels. Such milk products (butter, cheese, evaporated milk and nonfat dry milk solids), produced in part from Grade A milk received by cooperatives and proprietary handlers in the Puget Sound area, compete for markets both locally and in other states with similar products produced in other states. Substantial amounts of both Grade A milk in fluid form and milk products are sold also to military authorities and commercial accounts on military reservations

which have been ceded to the United States by the State of Washington.

Need for order. (2) The issuance of a marketing agreement or order will tend to effectuate the declared policy of the act.

The problems encountered by producers supplying the Puget Sound market in maintaining a satisfactory price level to all producers or groups of producers and in providing an adequate supply of milk are not uncommon in fluid milk markets. These problems have reached an acute state. They arise from the presence of factors of instability as described below and generally inherent in the fluid milk industry. Voluntary attempts of producers to maintain an orderly market have been disappointing and ineffective.

Milk produced for the Puget Sound market for consumption in fluid form as Grade A milk must be produced under rigid sanitation requirements. Producers must incur heavy operating expenses not only for extra labor and equipment to attain the required cleanliness and quality of milk but also for purchased feed to keep production at the necessary levels through the fall and winter and for transportation to assure prompt, sanitary and reliable delivery to the market. For the market as a whole the demand for milk for consumption as fluid milk is relatively stable. There are other uses of milk, such as butter, cheese, evaporated milk, ice cream, etc., however, which may be made from "factory" or manufacturing milk which is not required to meet such high sanitation standards as Grade A milk. The production of factory milk is less costly to the farmer.

Although consumer demand for milk for consumption as fluid milk is quite constant throughout the year, there is a wide seasonal variation in the production of milk eligible for such purposes. The breeding characteristics of dairy cattle and the varying availability of fresh pasturage seasonally causes production in the milkshed to follow a pronounced seasonal cycle. Vastly more milk is produced in the spring and summer than in the fall and winter. To meet the winter requirements for Grade A milk in fluid form, including a necessary "reserve," producers produce in the summer about twice as much milk as is needed for fluid consumption, causing extreme market surpluses of supply of a seasonal nature. The need for a "reserve" or "cushion" of supply which on a market-wide basis must approximate 10 to 15 percent of the amount of milk sold in fluid form is created by the variation in fluid milk consumption from day to day depending upon such factors as the weather, 6-day milk delivery, and holidays, and by the existence of many distributors operating independently of each other, who attempt to carry the necessary daily reserves in their varying operations. Since there has been no practicable way of correlating supplies to fluid consumption more closely, there must be available to handlers at all times more milk than they expect to sell for fluid use.

The presence of market surplus above fluid milk and cream needs caused by these recurring conditions and from time to time by price maladjustment has produced difficult pricing and marketing problems. Significant also is the fact that milk is highly perishable and bulky. Because of the latter characteristics, farmers cannot retain milk on their farms to await favorable price conditions. The milk must be shipped every day irrespective of whether prices are favorable or unfavorable. Since the total supply of Grade A milk produced cannot find a ready market as fluid milk, particularly in flush periods, the surplus quantities, even though of Grade A standard, must find outlets in butter, cheese or other manufactured milk products in competition with similar products produced in other production areas or locally from factory grade milk, and, therefore, cannot command as high a price to producers as milk disposed of in fluid form. Because milk as a food beverage has a value higher than for most other uses, producers of Grade A milk for the Puget Sound area strive in competition for this outlet.

During and immediately following World War II there was a shortage of milk in this market. In such period the competition for milk supplies was keen. Handlers as a group competed among themselves and with the proponent cooperatives for the available supply of Grade A milk. Some handlers purchased milk from such cooperatives, some bought all or nearly all of their requirements from independent producers, and others purchased milk from both sources. The proponent cooperative associations, selling through a single marketing agency, offered milk for fluid use to handlers at a uniform price established by the agency. The proceeds of the sale of milk by such associations have been "pooled" and then apportioned among the individual associations in accordance with a "base and surplus" plan (additional discussion of base and surplus plans is set forth hereinafter). The final "settling price" with member producers by the individual association became the major factor in establishing the returns received by all producers of Grade A milk in the segment of the milkshed in which the association had membership whether the producer was a member or an independent shipping to a proprietary handler. The price paid for milk purchased by handlers from independent producers tended to follow the settling price of the association in the local area of the milkshed. Although variations in the associations' monthly settling prices occurred, such variations, except those caused by differences in cost of plant operation, were offset through the distribution to the members of (a) a thirteenth check, (b) an added increment in his share of ownership in the association or its assets, or (c) a certificate of debt payable at a later date. The tendency of handlers to follow the prices announced monthly by the associations in the different parts of the milkshed resulted in the payment to independent producers of various prices for milk. A substantial proportion of the supply was being utilized in fluid form even in the flush production season and little surplus remained to fall into lower-valued uses. Because the settling prices to producers were not widely different from the fluid milk price of the associations as the result of the short supply, the situation was not critical in this period.

However, there have been times since when the production of Grade A milk has exceeded greatly the area's requirements for fluid use. Volumewise this has been caused mainly by the wide seasonal increases in production during the spring and summer months. However, even in the short production seasons of 1948–1949 and 1949–1950 some surplus above the necessary daily reserve requirements existed. In this situation handlers buying from independent producers have tended to adjust supplies carried in their plants as close as practicable to actual short period needs while cooperatives, not restricting membership or refusing to accept Grade A milk offered by members, have been unable to avoid assuming an increasing proportion of the total surplus present. The larger handlers also have tended to favor buying from independent producers rather than from the proponent cooperatives wherever possible even to the extent of developing additional sources of supply instead of using the existing facilities of such cooperatives. Such developments in buying practices, as discussed more in detail hereafter, introduced and aggravated price variations and inequities between producers of the essential milk supply which, if not corrected, could lead ultimately in this market to the kind of extreme competitive conditions that cause the Congress to make available the type of regulatory program under consideration here.

In the fall of 1949 one of the largest companies stopped buying over 11,000 pounds of milk daily from one of the cooperatives and another dropped 2?,400 pounds daily from another association. The latter action alone reduced the associations' ability to pay members by 10 cents per hundredweight. This trend reached a peak in May of this year when several handlers, including the two handlers referred to, discontinued all receipts from producers who had been independent shippers but who just previously had joined a cooperative association. This reduced the surplus carried by such handlers in the flush season this year to very small proportions as compared with those of the proponent cooperatives. The milk transferred to cooperative plants as the result of this action is estimated at 150,000 pounds daily, and lower-valued manufactured milk products provided the only available outlet for this milk. Although the latter handler has resumed purchases through the cooperative marketing agency for a volume of milk to satisfy his needs in the short production season this fall and winter (under a contract to expire June 30, 1951, in the middle of the coming flush production season), the proponent cooperatives as a group are relieved only in part of the disproportionate share of the surplus burden which they must carry as the result of such buying methods of proprietary distributors.

It appears that the ability of the cooperatives to divert and utilize in the

cooperatives' own plant facilities the member milk dropped by handlers was the major factor responsible for preventing a further decrease in the price charged for milk for fluid use in the spring and summer months of this year. On the other hand, the settling prices of the cooperatives were lowered by the increase in supply in the cooperative pool to be disposed of in manufacturing uses, and this resulted in widening the differentials between the settling prices and the price charged by the cooperatives for milk for fluid use. It is recognized that handlers should not be expected to carry physically in their plants more milk than can be handled reasonably in terms of the plants' requirements. It is equally true, however, that the lower returns from either the necessary reserve or the seasonal surplus of fluid quality milk must be reflected in the price of all such milk irrespective of the plant in which it is received, if a stable market is to exist. Whenever surpluses have occurred, severe pressure has been felt by the cooperatives to lower their price to handlers for milk for fluid use, or in the alternative, to lose their market for fluid milk, since those handlers making payment for milk for fluid use at or near the cooperative blended price have, under the circumstances, a definite and substantial advantage in the purchase of milk for sale competitively on wholesale and retail routes. Either path leads to disorderly marketing and results in an unreasonable price situation for producers as a whole. Extreme competition for fluid milk outlets has developed among producers and, except in times of a real shortage of milk, organized producers have no apparent means to bring about reasonable uniformity in prices among all handlers at a satisfactory level or to prevent one group of handlers from obtaining milk for the same purposes at substantially lower costs than are paid by others, and thus to prevent recurrences of disorder in this market.

The prevailing buying practices have resulted also in wide variations in producer returns both within the ranks of independent producers and between the independent producers and cooperative members. Milk statements of producers submitted for recent months indicate that in many instances independent producers have been paid higher returns per hundred weight than cooperative members in comparable circumstances as to location and the butterfat test of milk. A handler may well be in a position to pay a higher return to the independent producer and yet have a price advantage, in terms of his own utilization, over other handlers in the purchase of milk. Also, the large companies purchasing milk from independent producers in more than one county in the milkshed follow the practice of paying different returns to such producers depending on the county from which the milk is drawn, which variations are not related strictly to differences in transportation and handling costs. It appears that, even among handlers buying independent milk, the cost of acquiring milk varies with the location of the farms from which the particular handler draws his supply. The higher returns paid to independent producers as compared with payments made by the associations that are based on their smaller share of the fluid milk market have caused extreme dissatisfaction among the member producers who represent between 65 and 85 percent of the total number supplying the market.

Lack of uniformity among handlers in the cost of milk has made it impossible during the past 12 months for handlers buying all or most all of their milk for fluid use from the proponent cooperatives to bid on equal cost terms for the large volume business of supplying military and other public establishments in the area. Because of substantial variations in the quantities of milk required by these establishments, supplying handlers need to maintain substantial reserve supplies. Many handlers in the area rely on the cooperative plant facilities to handle the backlog supplies. After paying for their milk the fluid milk price of the cooperatives, such handlers cannot compete effectively with handlers who have a price advantage buying independently. A similar situation has existed also in the wholesale market generally.

In the face of increasing costs with respect to certain important items in the production of milk, such as feed and farm labor, a restriction of the labor supply, and improve alternative opportunities, all resulting in a curtailment of production in the milkshed during the past summer, the proponent cooperatives indicated their intention to raise their selling price of milk for fluid use from $4.75 to $5.56 per hundredweight.[1] It may be possible in view of currently existing short season supply and demand conditions for producers to maintain the increased price level for a temporary period. However, an increased price at this time constitutes no complete or lasting remedy for recurring unstable market conditions. The market has no framework for orderly price making at such times as surpluses are the dominating factor in price determination. Past experience indicates that the inclination of handlers to carry on bargaining negotiations with the cooperatives which will assure cooperative members a proportionate share of the higher-valued market for milk for fluid consumption depends to a large extent on their inability to obtain adequate supplies elsewhere and on the existence of a shortage of total supply for the market. Under the conditions described, the restoration of an orderly market for all producers, including members of cooperatives, appears unlikely by voluntary means. From the experience of this market, as well as that of large urban markets generally, it is concluded that a fair division of the returns from fluid milk sales among all producers supplying the market and an equitable sharing of the lower returns from the necessary reserve and seasonal excesses is essential for the maintenance of stable market conditions. The adoption of the classified price plan based on the audited utilization of handlers and a market-wide pool will effectively accomplish this purpose. The record discloses also that producers lack detailed market information which is important to the efficient marketing of milk and in arriving at reasonable price levels. Prices are being established at present with limited milk production and consumption data. Under an order, more complete information would become available to all interested parties and would provide the background for price-making under public procedures which afford opportunity to consider complete and reliable marketing information and which encourage a full expression of views by all concerned.

It is concluded, therefore, that the issuance of a marketing agreement and order for the Puget Sound marketing area will tend to effectuate the declared policy of the act, namely, to establish and maintain, by means of the regulatory provisions expressly provided for in the act for such purposes, such orderly marketing conditions in such area as will tend to establish prices to the producers of milk for the marketing area at a level as will reflect the factors set forth in section 8c (18) of the act, insure a sufficient quantity of pure and wholesome milk for the marketing area, protect the interests of the consumer, and be in the public interest.

Marketing area. (3) (a) The marketing area should be defined to include all territory lying (a) west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; (b) west of range 8E and north of township 18W, in Pierce County, except the islands of Anderson, McNeil and Fox and the peninsulas on which Gig Harbor and Lake Bay are located northward to the Kitsap County line; (c) within Thurston County; (d) west of range 5E in Lewis County; (e) east of range 10W and north of township 12N in Pacific County; and (f) south of township 19W in Grays Harbor County, all in the State of Washington. As used in the definition, "territory" would include all municipal corporations; Federal military reservations, facilities and installations, and State institutions lying wholly or partly within the above-described area.

The major fluid milk markets in the Puget Sound marketing area, as defined in the attached order, are the cities of Seattle and Tacoma. The smaller markets proposed for coverage in addition to Seattle and Tacoma, and the plants from which a substantial portion of their supplies of milk are drawn, however, are an integral part of the business of milk handling and distribution in the latter cities. Most of the Grade A milk for local distribution in communities of the marketing area other than Seattle and Tacoma comes from plant sources which also supply handlers operating in the latter two cities. Milk is furnished from country plants in Whatcom County to distribution plants in communities in such county and also to plants in Seattle. Similarly country plants in Skagit and Snohomish Counties supply milk to both local distributing plants and to Seattle plants. As increased supplies

[1] Official notice is taken that the prevailing price of milk used for fluid milk in Seattle has been increased since the hearing to $5.56 per hundredweight.

above "direct-shipped" quantities are needed in Seattle and Tacoma seasonally, the added milk comes for the most part from plants located in Whatcom and Skagit Counties. A plant in King County sends bulk milk regularly to Seattle and distributes bottled milk locally in Enumclaw. Tacoma, Olympia, and Puyallup plants are supplied throughout the year with milk from a receiving, or country, plant in Lewis County. The latter plant is also the primary source of supply for certain handlers distributing in markets in Lewis and Pacific Counties. A plant at Satsop in Grays Harbor County furnishes milk to buyers in Hoquiam, Aberdeen, Montesano, Fort Lewis, Tacoma, and other communities in the proposed area. Milk assembled at a loading platform at Elma is sometimes received at the Aberdeen plant of a handler for use in serving Grays Harbor County outlets for bottled milk and at other times is shipped to a plant of such handler at Seattle for bottling purposes. Milk qualified for sale in fluid form in one part of the marketing area is equally qualified for sale in other segments of the area with the exception that milk for sale in fluid form in Grays Harbor County must meet health requirements slightly at variance with those in other communities covered. Such difference in requirements, however, is not a barrier to the disposition of milk from plants located in Grays Harbor County to plants serving other counties.

The milk distribution routes, as well as the procurement areas, of handlers in the larger communities of the marketing area overlap to an appreciable extent. This is becoming increasingly so as population between the cities grows. Everett distributors sell in King County, even within the city limits of Seattle. Tacoma and Seattle handlers both serve a residential area between Seattle and Tacoma. A handler at Auburn distributes locally and in Seattle, and in other markets in the proposed area. One Seattle handler, selling through 83 store outlets in the marketing area, distributes in nearly all of the sizable communities, such as Tacoma, Seattle, Everett, Olympia, Burlington, and Bellingham, milk processed in a Seattle plant. Another large handler distributes out of its Bremerton and Tacoma plants milk which is processed at its Seattle plant. Handlers, both proprietary and cooperative, in Seattle, Tacoma and other parts of the marketing area compete for the bid business of the military reservations and other Federal procurement agencies in the Puget Sound area. In view of the above circumstances, it is concluded that the entire area described should be included in the defined marketing area.

The record contains proposals to include also in the marketing area the Counties of Kitsap, Mason, Clallam and Jefferson on the Olympic Peninsula and the eastern half of Whatcom County. The inclusion of Kitsap and Mason Counties is not required to deal with the problems at issue. The bulk of the milk sold in the latter counties is produced and distributed locally. Their inclusion at this time would do little to aid the producers who produce milk primarily for such counties or to assist in stabilizing conditions in Seattle, Tacoma, and other markets on the eastern side of Puget Sound. Clallam and Jefferson Counties are only sparsely populated except for a few small port communities. Much of such area is composed of wilderness and cut-over timberland. There is no serious competition for markets in such counties by handlers distributing from plants east of Puget Sound. Similarly the area east of range 8E in Whatcom County is largely an unpopulated area and lacks important outlets for fluid milk. Since it is appropriate to establish a boundary line for the marketing area at a logical point which will give due consideration to the problems as shown by the record, it is not considered feasible to include such counties on the Olympic Peninsula or the area east of range 8E in Whatcom County on the evidence presented.

Scope of regulation. (b) The minimum class prices established should apply only to milk (exclusive of milk of producer-handlers as hereinafter indicated) which is qualified under applicable health authority regulations for consumption as fluid milk, fluid milk products, and cream in the marketing area, and only to that portion of the milk so qualified which is either actually so utilized in the marketing area or is produced primarily for and constitutes a part of the necessary reserve supply for the marketing area. Only those farmers producing milk meeting such conditions should be considered to be producers of milk to which the minimum class prices apply, and to be producers eligible to share, under the market-wide pool, in the returns from the sale of milk for fluid purposes by being given assurance of payment for their base milk at not less than the uniform price for base milk.

The establishment of minimum prices for milk which are required to be paid by handlers, and the distribution to producers of the returns from the sale of milk by means of a market-wide pool as herein provided, make it necessary to identify rather precisely (a) the milk to which such minimum prices apply, and (b) the farmers or producers who are to share in the returns from the sale of milk for which minimum prices are established. Primarily for this purpose an order should include definitions of "dairy farmer," "producer," "fluid milk plant," "country plant," "nonpool plant," "producer milk" and "other source milk."

It is also necessary, of course, to define the term "handler" essentially for the purpose of identifying those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay the minimum prices established. It is provided, however, that a "producer-handler" shall be exempt from all the regulatory provisions of the order except that requiring the filing of reports as requested by the market administrator. The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed through a handler. On the other hand, such persons frequently change their status and it is necessary for the market administrator to have authority to require reports from the producer-handler in order to verify his continued status as such as well as to supplement other market information. The proponent cooperatives proposed the pooling and pricing of milk of producer-handlers (who do not receive milk from other producers) in the same manner as producer milk received by other handlers. The testimony of several witnesses indicates, however, that this would add to the administrative burden without assisting in a substantial measure to a solution of the market difficulties of which proponents complain.

The Washington State Uniform Fluid Milk Act, together with county and municipal milk ordinances and codes, requires that milk for consumption in the marketing area in the form of milk and the milk products defined herein (§ 925.41 (a)) as Class I milk be derived exclusively from Grade A milk. Such laws and regulations prescribe the conditions under which such milk may be produced and distributed. In general, however, any Grade A milk is eligible for distribution within the marketing area, insofar as health authority regulations are concerned, regardless of whether or not it was produced primarily for, and as a part of the regular supply for, markets within the marketing area.

Virtually all milk utilized as Class I milk in the marketing area during recent years, however, has come from farms and plants located within and immediately adjacent to the marketing area, or on the Olympic peninsula. With or without an order regulating the handling of milk in the Puget Sound area, there appears to be no immediate necessity for or prospect of expanding the area from which current requirements of Grade A milk are obtained because of relatively large potential supplies within the area. While it is not the purpose of the order to prescribe the area from which milk may be obtained for distribution in the marketing area, it must be recognized that a market-wide pooling arrangement is subject to certain abuses against which reasonable safeguards must be provided.

The institution of a market-wide pool could create incentive for producers and handlers who had not previously supplied milk for the marketing area to become eligible to share in the Class I sales of the market without actually supplying the market with fluid milk or assuming any responsibility for maintenance of the necessary reserve supply. Such a development would not only fail to contribute to the orderly marketing of milk in the area or to any of the purposes sought to be accomplished by the order but would tend to conflict with such objectives. On the other hand, all sources from which milk is obtained as a necessary part of the supply for the area during the season of lowest production should be entitled to participation in the pool on a year-round basis. Otherwise, milk from producers in outlying areas most distant from the centers of population within the area and needed during the season of shortest production would have to continue to be distributed in the area at times when

the necessary supply could be obtained more economically and efficiently from nearby sources. It seems apparent, however, that no significant abuse will result from permitting, without restriction, participation in the pool on a year-round basis of all Grade A milk received at plants within the present, and historical, supply area.

Accordingly, "producer milk" (intended to identify the milk for which minimum prices are required to be paid) is defined as Grade A milk received at (or caused to be diverted from) either a "fluid milk plant" or a "country plant." The terms "fluid milk plant" and "country plant" in turn are defined in a manner designed to include all of those plant sources, and only those sources, of Grade A milk which in the past have been, or in the future may become, an integral part of the year-round supply for the marketing area. As these terms are defined, all Grade A milk received directly from producers at a plant located in the marketing area, duly approved by health authorities, and from which milk in the form of fluid milk, fluid milk products or cream is distributed within the marketing area would be milk to which the minimum class prices apply, and such producers would be eligible to receive the minimum payments established. The definition of this type of plant (fluid milk plant) is designed, by being applicable only to plants located in the marketing area, to include only those plants customarily and regularly engaged in the distribution of milk and cream in the usual manner within the marketing area. All of such plants currently known to exist are located within the marketing area. Furthermore, an out-of-the-area plant which might later engage in direct distribution in the area would be eligible for pool participation as a country plant on the same basis as a plant similarly located from which bulk shipments were made to a fluid milk plant in the marketing area.

Distribution, in this connection, is intended to include but not to be limited to delivery on wholesale or retail routes, or delivery at the plant or plant store, in customary consumer packages to various types of consumers such as homes, stores, hotels, restaurants, or miscellaneous other establishments which themselves are not primarily engaged in the handling and processing of milk or milk products.

It is apparent that the total volume of Grade A milk produced and received at plants in the territory from which the marketing area is currently, and historically has been, supplied (the marketing area and the Olympic peninsula) is an integral part of the supply for the marketing area. That being the case, it is concluded that all such milk received at plants approved for the receiving of milk qualified for consumption within the marketing area should be included in the pool on a year-round basis. It seems inevitable that the imposition of restrictions designed to exclude any of such milk from the pool would merely result in modification of the manner in which it was marketed and handled so as to comply with the restrictions imposed. Such modifications made merely for that purpose would be unlikely to be in the direction of more orderly marketing and efficient handling.

The limitations on pool participation embodied in the proviso of the definition of "country plant" should apply only to plants located outside of the area from which Grade A milk is currently, or historically has been, supplied to the marketing area. Since such plants have no record of having supplied the marketing area with Grade A milk, they should be included in the market-wide pool under the order only in those months in which they either actually supply a substantial quantity of milk to the area or may reasonably be considered to constitute an integral part of the necessary reserve supply. Pursuant to the country plant definition, a plant not located in the current production area would be included in the pool in the months of October, November and December of any year (period of seasonally lowest production) if 50 percent or more of the milk received at the plant directly from producers was either distributed as Class I milk within the marketing area or shipped in the form of milk to a fluid milk plant. A plant supplying the marketing area with at least 50 percent of the milk received directly from dairy farmers for the entire period of October through December would be eligible for pool participation without additional requirements during the following months of January through September. A plant supplying the marketing area with less than 50 percent of its receipts in the season of shortest production is a source primarily for some other market. Such a plant could nevertheless participate in the pool during any of the following months of January through September if 20 percent or more of the milk received from producers at the plant was either distributed directly in the marketing area or shipped to a fluid milk plant in the area. Withdrawal from the market of the milk received at a particular plant during the relatively high production months of February through September would not be likely to seriously threaten the marketing area with an insufficient supply. There seems to be no justification, therefore, for not permitting voluntary withdrawal of any country plant from the pool during that period.

If milk other than producer milk as defined and to which minimum class prices apply is distributed within the marketing area, it is necessary to require payments to be made into the producer-settlement fund on such milk in order to maintain reasonable uniformity of cost of milk and equity among handlers, and to avoid undue displacement of producer milk in Class I by milk from other sources without offsetting compensation. Accordingly, there is included in § 925.70 of the order a provision for including in the value of milk computed for each handler a payment at the difference between the Class I price and the Class II price per hundredweight of Class I milk which is either distributed on such routes within the marketing area or, in the case of a handler receiving milk from producers, which is "other source milk" received by him in excess of his total volume of Class II milk.

Classification of milk. (c) Two classes of milk should be established.

Class I milk should include skim milk and butterfat disposed of in fluid form as milk or skim milk, flavored milk and milk drinks, cream, and cream products. It should include also all skim milk and butterfat not specifically accounted for as Class II milk, except for a reasonable allowance for shrinkage associated with Class II milk operations. Class II milk should include skim milk and butterfat used in manufactured milk products such as cottage cheese, ice cream, evaporated milk, cheddar cheese, nonfat dry milk solids, aerated cream products, etc., and a reasonable shrinkage allowance.

Milk disposed of in fluid form and certain products of milk, including cream and cream products for consumption in fluid form, are required under the health regulations in effect in the marketing area to be made from Grade A milk. The extra expense necessary to produce milk for these purposes warrants their inclusion in Class I milk to be priced above the price level for milk for Class II uses. The products included in Class II milk are those which are not required under the applicable health regulations to be processed from Grade A milk. Such products, although they may contain Grade A milk, must be disposed of in the same competitive field as products made from factory or manufacturing milk. It is considered necessary to permit the free movement of any excess milk into manufacturing channels without burdensome competitive disadvantage to handlers when producer receipts are in excess of the market needs for Grade A milk for fluid uses.

Two proposals for classifying milk "shrinkage" were offered. One would classify all unaccounted-for milk, including operating shrinkage, in Class I milk; the other would classify in Class II milk unaccounted-for milk in an amount up to 3 percent of the total volume of producer milk and other source milk received by the handler, and any remaining quantity in Class I milk.

In paying for factory grade milk, local manufacturing plants pay a stated price per hundredweight of milk received from dairy farmers and thus the same price for the shrinkage associated with such milk as for that portion disposed of in products made. The inevitable shrinkage which results from the manufacture of milk products is reflected in the level of prices paid to dairy farmers for the milk received by these manufacturing plants. The bulk of Grade A milk disposed of in the uses covered by Class II milk is diverted to manufacturing plants where it is commingled with factory milk in the production of milk products such as butter, cheese, evaporated milk, and nonfat dry milk solids. The price paid for such milk is equivalent to the prevailing price to dairy farmers for factory milk. It must be presumed that a given volume of Grade A milk so processed results in a yield of product no less than that produced from factory milk of similar solids content. It is reasonable to presume that the normal shrinkage resulting from the manufacture of Class II milk products will not exceed 3 percent of the skim milk and butterfat so

utilized. Handlers who purchase Grade A milk for Class II products, such as ice cream and cottage cheese, to be made in fluid milk plants customarily pay a price for such milk, f. o. b. the seller's plant, at least as high as the going price paid to dairy farmers at representative manufacturing plants in the milkshed. Further, the Class II price formula set forth in the order is designed to produce a price level for Class II milk products substantially equivalent to representative manufacturing milk prices in the production area. It is concluded that equity among handlers with respect to customary shrinkage on Class II operations will result from the application of the Class II price to skim milk and butterfat actually utilized in milk products covered by Class II milk as defined under the order in conjunction with an allowance in such class for actual shrinkage up to 3 percent of such skim milk and butterfat.

Some shrinkage, percentagewise ordinarily a lesser amount than results from the manufacture of the products covered by Class II milk, will result also from Class I operations. The record indicates that in the past handlers purchasing milk from producers at the Class I price established by the proponent cooperative associations have paid such price without discount, or special allowance, of any kind for the portion of such milk lost in shrinkage. Also, both of the order proposals submitted contemplate that abnormal losses of milk from any operation would be priced as Class I milk. In order to achieve equity among handlers with respect to the price of milk lost in shrinkage resulting directly from Class I operations and to avoid an excessively generous allowance (above that discussed above) in Class II milk for shrinkage which normally results from Class II operations, it is concluded that the above pricing practice followed by the associations in selling milk to certain handlers for fluid purposes should be extended to all handlers. Thus, all unaccounted-for milk other than actual shrinkage in Class II operations within the specified limits should be classified as Class I milk. Shrinkage on other source milk will be deducted, however, from the lowest available use classification under the allocation provisions since other source milk is deducted on the basis of receipts rather than on product use.

In the case of transfers or diversions of milk, it is provided that the responsibility for correct classification be placed on the handler who first receives the milk from producers. In the event milk is transferred without adequate proof of utilization, such milk will be classified as Class I milk. Administratively a method of classifying milk transferred between plants of different types is necessary since such transactions are frequent. In this connection the necessity for providing price differentials between districts within the marketing area by means of "location adjustments" (later discussed) creates a need for specific methods of classifying milk transferred between plants in the districts where the location adjustment applies and plants in the district having no such adjustment in order that the producers' uniform price will not be reduced by excessive allowances for the transportation of milk. The method adopted offers the simplest and most feasible solution to the matter of accounting correctly for such milk.

It is necessary further to fix some reasonable distance beyond which the market administrator is not required to send auditors to verify the utilization of milk. The record does not disclose shipments of milk, skim milk, or cream from Grade A milk for manufacturing to locations outside the defined marketing area or the counties of Clallam, Jefferson, Grays Harbor, Kitsap Island, or Mason in the State of Washington although shipments for emergency fluid use to such markets as Pullman, Spokane, and Portland have been made. There are adequate facilities within the marketing area and the above-named counties to absorb all the surplus associated with supplies of Grade A milk produced for the marketing area. Accordingly, skim milk or butterfat derived from producer milk and moved in the form of any of the products covered by the definition of Class I milk to locations more distant should be classified as Class I milk. In the case of products moved to nonpool plants within the marketing area or the above counties, it is concluded that they should be included in Class II milk if the receiving plant does not distribute milk for consumption as fluid milk. In the case of milk transferred to nonpool plants outside the marketing area but within the above-named counties and from which plant milk is distributed for consumption as fluid milk, classification of the milk transferred would depend on the verified use of milk in the transferee plant with the transferred producer milk first allocated to Class I milk uses, or, if verification were not permitted, all of the transferred producer milk would be classified as Class I milk.

Provision is made also for the reclassification of milk originally classified in one class but ultimately used or reused in other class. The general plan for the classification of milk is designed particularly to assure producers of the proper return for milk utilized in the products of each class and to place handlers on an equitable cost basis. The handler, being the person who receives and disposes of the producers' milk, should carry the responsibility of properly accounting for the use of such milk. It follows that he should be required to prove the use made of such milk. This will be facilitated by requiring that he show an actual Class II use of milk or as an alternative have such milk placed in Class I. Other source milk should be allocated first to Class II uses in the handler's fluid milk plant or country plant. This is to prevent other source milk from displacing in Class I milk the milk of producers on which the market relies for a continuous milk supply.

Class prices. (d) (1) Class I price: The Class I price should be established as $5.56, subject to a future supply-demand adjustment, until such time as the price so determined is less than a basic formula price plus $1.45.

Producer proponents submitted a proposal to price Class I milk by adding $1.45 to the highest of the following prices per hundredweight (to be known as a "basic formula price"): (a) the paying price of 18 Wisconsin and Michigan condenseries, (b) a price based on the market values of butter and cheese, and (c) a price based on the market values of butter and nonfat dry milk solids. Such proposal was supplemented by one to establish an alternate Class I price of $5.56.

In accordance with the act, prices must be fixed at a level which will reflect the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient supply of pure and wholesome milk, and be in the public interest. Prices of several of the major feeds for dairy animals have increased in recent months. The outlook is for higher feed prices in 1951. Farm stocks of principal feeds in the State of Washington are lower than last year. The supply of farm labor in the Puget Sound milkshed is tightening rapidly as the result of the Korean conflict, the expansion of defense industry, and military requirements. Many farm laborers are shifting to airplane factories, lumber mills and logging operations. Farm wages have tended to rise in the past few months. Farm machinery prices are higher than in 1949. Official notice is taken that the index of prices paid by farmers for commodities bought (including interest, taxes, and wage rates) increased from 246 to 265 between December 1949 and December 1950 (1910–14=100). These developments have resulted in a more unfavorable cost position for the milk producer. Beef cattle and hog prices have been relatively high for some time and have attracted an unusually large number of dairy animals in the milkshed to slaughter. Large numbers of milk cows also are being shipped from farms in the supply area to other west coast areas. Milk prices have not kept pace with increased price levels for most other farm commodities offering competition for the milk producer's capital and labor. Grade A milk supplies declined following the flush production months of 1950 to a greater degree than might be expected from normal seasonal change.

The present volume of purchasing power among consumers is high. Population has expanded in and around the major communities of the marketing area and increased business activity has resulted from the Korean conflict. Employment is high as a result of defense activity. Expanded military operations in the marketing area require increased quantities of milk as compared with requirements in 1949. Fluid milk sales may reasonably be expected to remain at present or increased levels for an indefinite period.

In view of the above factors relating to the production and marketing of milk, it is concluded that a Class I price lower than $5.56 during the remainder of 1951 would not give reasonable assurance of the production of an adequate supply of Grade A milk in the coming fall and winter months when milk production again will be at its lowest ebb seasonally.

The record indicates that it is necessary for the market to carry in the season of lowest production a reserve or "cushion" of milk equivalent to 10 to 15 percent of the actual volume of Class I milk in order that daily fluctuations in sales may be met. When and if supplies materially in excess of Class I sales plus the necessary reserve develop, an adjustment should be made in the Class I price level to encourage a closer relationship between supplies and effective demand for Class I milk. In order to accomplish this objective, a "supply-demand adjustment" is provided in conjunction with the fixed price of $5.56 pursuant to which a gradual decrease in the Class I price will occur if the total volume of Class I milk in the October, November and December period of any year falls below 80 percent of the receipts of producer milk in such months.

It must be recognized further that historically prices paid for inspected milk for fluid purposes have been related in a high degree to prices paid for milk for manufacturing purposes. Such relationships are quite pronounced in areas where milk is produced in relatively large quantities and where manufacturing plants serve as alternative outlets for inspected milk produced. Such a relationship has existed in the Puget Sound milkshed. The production and marketing of milk for each type of outlet are subject to many of the same economic factors. Since the market for most manufactured products is nation-wide, the prices of such products reflect some of the changes in general economic conditions affecting the supply and demand for milk. For these reasons fluid milk markets have long used butter, nonfat dry milk solids, and cheese prices, and the prices paid by condensery plants, as the foundation for establishing prices for inspected milk for fluid use. Differentials over these basic, or manufacturing, prices frequently have been employed to arrive at the price of milk for fluid use. Such differentials have as their purpose to reflect, over the long run, the costs of meeting quality requirements in the production of inspected milk and to furnish the necessary incentive to get such milk produced. Such underlying factors and price relationships must be taken into account even though for temporary periods special price incentive may be necessary to bring about the required amounts of inspected milk to insure an adequate milk supply. Therefore, it is concluded that a differential over the price level for manufacturing milk should be included as an alternate method of pricing to maintain the price of inspected milk for fluid use in this market at all times reasonably above manufacturing milk prices. Based upon past price relationships a differential of $1.45 over the basic formula price, as proposed by the order proponents, should serve this purpose.

(2) Class II price: The Class II price formula should reflect the value of milk for manufacturing purposes in the supply area.

Producer milk in excess of the amount necessary to satisfy Class I milk needs is either moved from fluid milk plants to manufacturing plants for processing or competes for outlets with milk produced for manufacturing purposes (factory milk). In some instances, particularly during the fish production season, milk is diverted directly from producers' farms to manufacturing plants without being physically received in a country plant or fluid milk plant of a handler. As stated previously, large quantities of producer milk are commingled with factory milk to make butter, cheese, evaporated milk, and other milk products. Ice cream and cottage cheese for sale in any part of the marketing area may be made from factory milk. Thus, producer milk utilized in the products named competes directly with factory milk and since such products are the principal outlets for producer milk in excess of Class I milk requirements, it is concluded that Class II milk should be priced at a level equivalent to prices paid dairy farmers for factory milk by representative manufacturing plants in the area.

Proponents of the order proposed that Class II milk be computed on the basis of a formula employing central market prices of butter and nonfat dry milk solids with an allowance to reflect a reasonable operating margin for the manufacture of such products. These products constitute the major outlets for surplus milk in the milkshed, although some of the products of Class II milk customarily result in higher returns to the plant operator. It was proposed that an operating margin of 80 cents per hundredweight be increased in the butter-nonfat dry milk solids formula. However, the historical price comparison shown in support of this margin did not allow for patronage dividend payments by the plants of the cooperatives involved in the comparison. Such payments were stated to approximate 10 cents per hundredweight. In view of this and considering the somewhat higher returns which may be expected to accrue from the processing and sale of other Class II products, an operating allowance of 70 cents per hundredweight appears reasonable. It is concluded that the butter-nonfat dry milk solids formula adopted will reasonably reflect manufacturing milk values in the milkshed and will assure producers of a market for milk which is not utilized as Class I milk. Actual monthly paying prices by local manufacturing plants are not considered an appropriate yardstick for Class II milk prices because the principal manufacturing plants in the milkshed are operated by proprietary companies and cooperatives which also would be handlers under an order.

Because of variations in the butterfat content of (a) fluid milk and milk products sold by different handlers, and (b) milk delivered by individual producers, it is necessary to provide "butterfat differentials" to provide equitable payment with respect to such variations in butterfat. The class prices and uniform prices are established with reference to a butterfat content of 4.0 percent. Thus, a butterfat differential should be employed to reflect differences in values based on the variations in butterfat content of milk and its products from 4.0 percent. It is determined that the butterfat differential to be applied as an adjustment to the Class I price should be 1.4 times the average price of 92-score San Francisco butter in the preceding month and that the butterfat differential to be applied to the Class II price should be such butter price at San Francisco times 1.15. The use of butterfat differentials in this manner follows standard practice of fluid milk markets in adjusting for butterfat variations, and the particular percentages assigned in relation to the market price of butter will reflect reasonable values for butterfat utilized in the individual classes of milk. One proposal made would provide the same butterfat differential (1.15 times the price of butter) for both classes of milk. It is concluded, however, that a somewhat higher butterfat differential for Class I milk is necessary to provide an appropriate relationship between the values of skim milk and butterfat in such class.

Base milk is designed to provide the quantity of milk needed for Class I uses. It appears appropriate then to adjust for variations of butterfat in base milk at the Class I butterfat differential and to employ the Class II differential in adjusting for butterfat variations in excess milk delivered by the individual producer.

The hearing developed some discussion as to the "basic test" to be used in establishing the class prices and uniform price. Proponents of the order proposed 4.0 percent as the butterfat test on which prices should be announced while a handler proposal suggested 3.5 percent. The average test of milk received from producers on a year-round basis approximates 4.0 percent. The weighted average test of all products covered by Class I milk appears to vary between 4.1 and 4.6 percent. Grade A milk is produced primarily to meet the needs for products covered by Class I milk. The customary practice in the area has been to announce prices on the basis of 4.0 percent butterfat. In view of these facts, it is concluded that a test basis of 4.0 percent is preferable to a 3.5 percent basis for this market.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.58 per hundredweight as of December 15, 1950. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area, nor would it insure a sufficient quantity of pure and wholesome milk for the marketing area or be in the public interest.

(3) Location adjustments: Provision should be made in the order for location adjustment credits to handlers on Class I milk and for some variation in the amount of payment required to be made to producers for base milk, depending upon the location of the plant at which the milk is received from producers in relation to the principal consuming centers in the area. For the purpose of implementing this conclusion the marketing area is divided into three dis-

tricts; district No. 1 including that part lying within the counties of King, Pierce, Snohomish and Thurston; district No. 2 including that part lying within the counties of Skagit and Whatcom; and district No. 3 including that part lying within the counties of Grays Harbor, Lewis and Pacific.

The cities of Seattle and Tacoma, located about midway between the northern and southern extremes of the production area, are the largest consuming centers of the marketing area. The quantity of Class I milk required at fluid milk plants in the principal consuming centers within the marketing area is in part received directly at such plants from farms and in part from other plants throughout the production area. The proportion from each source varies materially throughout the year depending upon the volume of direct-shipped milk in relation to total Class I requirements. Ordinarily, but with some exceptions, milk is brought in from country plants only when necessary to supplement the supply of direct-shipped milk.

Except for occasional brief periods, the total supply of milk produced in district No. 1 as a whole is insufficient to meet the entire requirements of the district for milk for fluid consumption. District No. 2 and, to some extent, district No. 3 and the Olympic peninsula produce, on the other hand, greater quantities than can be consumed in fluid form in local communities and constitute the principal reserve supply areas for markets in district No. 1.

Because of the necessity of drawing a portion of the district No. 1 supply from distant reserve supply areas the price of Class I milk at plants in the reserve supply areas should allow for the cost of transporting milk from such areas to fluid milk plants in the principal consuming centers when needed to supplement direct-shipped supplies. Much of the milk moved into fluid milk plants from country plants is hauled in tank trucks operated by cooperative and proprietary handlers. Substantial quantities of milk are moved, however, by contract haulers or common carriers at rates published by or on file with the State of Washington Public Service Commission. It appears on the basis of these contract rates that the prevailing charge for hauling milk by tank truck is 10 cents per hundredweight for hauls up to 20 miles and 25 cents for hauls of more than 20 miles, with an additional 10 cents applicable to milk moved by ferry into the marketing area from the Olympic peninsula. Since the distance to the principal consuming centers in district No. 1 from plants in areas from which the reserve supply is obtained is substantially more than 20 miles, it is concluded that 25 cents per hundredweight is the appropriate amount of the location adjustment credit to be allowed handlers per hundredweight of Class I milk in milk received at plants located outside of district No. 1 with an additional 10 cents at plants in Clallam and Jefferson counties. Sales in Kitsap and Mason counties of milk received at plants in those counties are not included in the pool, and therefore, no location adjustment is provided for Class I milk at plants located in those counties.

Consideration has been given to the request for an additional allowance to cover the costs incurred in the handling of milk in country plants. The costs of services performed at country plants, such as for receiving, weighing, testing, cooling, and can washing, are incurred also at fluid milk plants with respect to milk received directly from farms of producers, but are avoided at fluid milk plants when milk is received in tanks from country plants. Since the cost of such services is inherent in the receiving of milk from individual producers at any plant, no justification is found for a charge against the producers' price to cover the cost of such services when performed at a country plant.

If location adjustment credits were to be allowed on a greater volume of milk than is necessary to meet the Class I requirements of markets in district No. 1 the returns to producers (collectively) would be unnecessarily reduced. In order to avoid that result Class I milk at a district No. 1 fluid milk plant is assigned (pursuant to § 925.44) to sources outside of district No. 1 only to the extent to which the quantity of Class I milk at the transferee plant in district No. 1 exceeds the quantity of milk received at the plant from district No. 1 sources. A proposal was made to allow this credit on a quantity of milk greater than that indicated in view of relative fluctuations within a given month in the quantity of Class I milk sold and the amount of milk received directly from farms in the direct-ship area for district No. 1. A tolerance above the allowance on actual shipments for Class I uses, as computed, should not be included, however, in view of (a) the flexibility of operations available to the handler resulting from the inclusion of cream, a storable product, in Class I milk and (b) the apparent opportunities for the handler to adjust his requirements from country plant sources on a daily basis.

It is concluded that no location adjustment credit should be allowed on Class I milk at any plant located in district No. 1. Country plants in district No. 1 are located within the area from which milk is shipped directly from farms to fluid milk plants in the main consuming centers. Such plants exist primarily as alternative facilities for the procurement by handlers of milk originating in the district either for use in centrally located fluid milk plants or for distribution locally in the area surrounding the plants at which the milk is received from producers and do not appear essential to the maintenance of milk supplies in this area.

Associated with the fixing of location adjustments to handlers, by which process, together with the fixing of class prices, the amount of money to be paid by handlers to producers (collectively) is established, is the question of the manner in which that sum of money is to be distributed to producers. Elsewhere herein it is concluded that returns to producers should be distributed by means of a market-wide pool and "base and excess" plan. There is also the question of whether all producers should receive the same base price for milk of the same butterfat test without regard to the location of the plant at which the milk is first received. It is concluded that the base price payable to producers for milk delivered to plants located in district No. 1 should be 35 cents per hundredweight higher than for milk delivered to plants located in Clallam and Jefferson counties and 25 cents higher than for milk delivered to plants in districts Nos. 2 and 3 or outside of the marketing area in locations other than in the counties of Clallam, Jefferson, Kitsap, and Mason.

Such location adjustments reflect the approximate transportation disadvantage associated with the location of such plants and their farm supplies as sources of supply for the principal consuming centers in the marketing area. Transportation rates for milk moved in tank trucks to Seattle are 25 cents per hundredweight from plants located in districts Nos. 2 and 3 or outside of the marketing area, plus an extra 10 cents ferry cost from points on the Olympic peninsula. Prevailing rates for hauling milk in cans for direct delivery from farms or loading platforms to Seattle are established by zones and appear to range from 18 cents per hundredweight in the nearby territory just south of Seattle to about 27 cents in other parts of the direct-ship territory in district No. 1. Substantially the same rates apply generally to farm to plant hauls in other segments of the production area, leaving a net difference in transportation cost between plants in district No. 1 and country plants in other supply sources of about 25 cents.

It is concluded that no location adjustments should be provided in connection with payments to producers for milk received at country plants located in district No. 1. Such plants do not appear to be essential to district No. 1 producers as a means of making their milk available for the principal consuming centers in the marketing area. The alternative of direct delivery to city plants is entirely feasible and practical for all or nearly all producers delivering to such nearby country plants. If the marketing of the producers' milk by means of these plants is more expensive than by direct delivery to fluid milk plants such additional expense should not be charged to producers.

The assembly of milk at loading platforms is considered to be a part of the process of delivery from farms to a plant. Prices should apply at the plant of first receipt rather than at a loading platform. No location adjustment against the uniform price associated with loading platform assembly is necessary or appropriate since the delivery from his farm to the first plant, whether or not by way of a loading platform, is a responsibility of the producer.

Proposals were made at the hearing to relate the aggregate amount of producer location adjustments to the amount of the handler adjustments. Adoption of such proposals would result in producer location adjustments of variable amounts from month to month and would tend to narrow the rates of adjustment during seasons of relatively high production. Such variations appear to be without particular merit and to constitute unnecessary complications not contributing to a reasonable payment pattern.

Type of pool. (e) The "market-wide" type of pool should be established for the purpose of distributing among producers returns from the sale of their milk.

With only minor exception (milk entering Grays Harbor County), all Grade A milk produced for the marketing area as defined is eligible for sale in fluid form as milk and cream in all parts of such marketing area. However, much of the milk supply is concentrated in plants where it is held off the market and disposed of for manufacturing when not needed for fluid use. "Stand-by" plant facilities for receiving milk appear necessary as insurance against an inadequate market supply in view of inadequate supplies of "direct-shipped" milk during several months of the year and to provide an efficient method of handling seasonal surpluses. The use of the market-wide pool, under which the burden of surplus will be proportionately distributed among qualified producers, will permit such producers to receive a uniform price (with appropriate adjustments for location and differences in butterfat content of milk produced) and at the same time permit the efficient country handling of milk when it is not needed for shipment to city distribution plants for sale in fluid form as milk or cream. A market-wide pool also will permit all interested handlers to bid on large blocks of bid business, such as that offered by military installations and other public institutions, and to obtain the necessary supplies for such outlets without upsetting the market at such time as the business might shift from one handler to another. The use of "individual-handler" pools, under which producers delivering to each handler receive a uniform price based on such handler's individual utilization of milk, would not facilitate orderly marketing under circumstances now prevailing in the milkshed.

A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool. The record reveals a wide seasonal variation in the production of milk and a need for the production of more milk in the fall and winter months relative to spring and summer levels. Deliveries of milk are more nearly equated to fluid milk and cream sales in the fall and winter months than in spring and summer. Some handlers in the market have difficulty in utilizing efficiently all milk delivered to them in the months of seasonally high production. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries in the spring and summer, a production pattern more nearly fitted to the sales pattern of fluid milk and cream will be encouraged. Base and excess plans in one form or another are operating widely within the market at the present time although individual producer bases are not established in a uniform manner. Such a means of distributing milk returns was proposed by the order proponents and has wide support among producers.

Study of the particular plan submitted by proponents disclosed some features which would tend to prevent full achievement of the objectives sought. Such plan would not guarantee the opportunity for full return at the base price in the fall months to those producers who increase deliveries at that time (this is the time of the year when the market supply is lowest, and also the period when the producer is to make his base for the coming year). In comparison the plan adopted will provide an "open period" each year from October through February, inclusive, in which all producers will receive a uniform, or blended, price for all milk delivered. All milk of a producer who delivered on at least 90 days during the months of October through January, inclusive, will become the foundation for computing his daily base to be applicable in the following March-September period. By providing an open period each year producers will receive a similar price for all milk delivered during the months they are competing to establish bases for future months. New producers enter the market from time to time, and, therefore, a method of computing bases for such producers is necessary. Accordingly, it is provided that such a producer will receive as a temporary base for the current month (in the March-September period) a percentage of his production in such month equivalent to the market-wide percentage between deliveries for the preceding base-making period and for the current month, less 10 percentage points. Such producer will establish a base in the regular manner as soon as he has delivered at least 90 days in the base-making period of October through January and thus has demonstrated his ability to deliver when the market most needs his milk.

At the beginning of the program, however, it would be unduly burdensome to establish bases for either category of producers. Proponents suggested that bases for 1951 be computed from information on producer milk deliveries covering certain months in 1950 and early 1951. However, it is not considered advisable to compute bases from information regarding deliveries in a prior period. It is more equitable to give all producers some advance notice of the period to be employed in the establishment of bases. Individual producer bases will be made effective in March 1952. Meanwhile, each producer's total monthly deliveries will be considered as base milk and a uniform price will be computed to apply to all such milk. This will not prevent, however, any cooperative association from making payment to producers in accordance with a base and excess plan of its own design.

It is necessary also to provide certain rules in connection with the establishment of bases to provide reasonable administrative workability of the plan. Contingencies such as the establishment of tenant-landlord operations and partnerships, the dissolution of such arrangements, changes in a producer's operations because of death or retirement, and the entry of new producers into the market create a need for covering provisions. Certain base rules, therefore, are included to meet these situations.

Administrative provisions. (f) Certain other provisions should be included in order to carry out administratively the purposes of the regulation.

Expense of administration. Each handler should be required to pay to the market administrator, as his prorata share in the costs of administration of the order, not more than 4 cents per hundredweight, or such amount not to exceed 4 cents per hundredweight as the Secretary may from time to time prescribe, on receipts of (a) producer milk and (b) other source milk classified as Class I milk.

The market administrator is required to verify the disposition of milk from all sources and therefore other source milk, as well as producer milk, should bear an appropriate share of the administrative cost. A charge on other source milk used as Class I milk will apportion appropriately the expenses among handlers.

Both handlers and producers recognize that the market administrator must have the necessary funds to enable him to administer properly the terms of the order. Proponents of the order suggested a rate of 4 cents per hundredweight. In view of the anticipated volume of milk on which the rate would apply, a maximum rate of 4 cents per hundredweight should be adopted to guarantee sufficient administrative income. In the event a lesser amount proves upon experience to be sufficient for proper administration, provision should be made to enable the Secretary to revise the assessment accordingly within the 4-cent maximum without the necessity of amending the order. The act provides that such assessments shall be the means of financing costs of administration.

Marketing services. Provision should be included for furnishing marketing services for producers who do not belong to a cooperative association performing such services, with appropriate deductions therefor. Orderly marketing will be promoted by assuring individual producers accurate payments based on the classification, price, and pooling provisions previously discussed. To accomplish this fully, it is necessary to determine that the butterfat tests and weights of their milk are accurate. In the case of producers who are members of cooperatives having plants, the matter of milk-testing and milk-weighing is under the complete control of such producers and is assessed against such producers either through an association check-off or as a plant operating cost. Bargaining associations in the area are performing check-weighing and check-testing services for their members under their association check-off. In order to place such services on a market-wide basis, the market administrator should provide them for producers not otherwise receiving services through a cooperative association. The additional service of providing market information to producers is carried on to some extent at present by the cooperatives although detailed information regarding market

prices, supplies and the utilization of milk is not available to either the cooperative associations and their members or the independent producers. The record indicates that the furnishing to producers of additional data regarding prices, supplies, and utilization also would assist in orderly marketing.

Such a provision is specifically authorized by the act, and the proponents of the order proposed a rate of deduction of 5 cents per hundredweight with respect to the milk of producers who receive such services to cover expenses incurred. The cost of performing services will vary with the amount of milk involved at any given time and with the number and location of producers by plants. In view of the fact that independent producers are scattered among plants widely separated, it appears that the cost of such services will be relatively high and cannot be performed in the near future on less income than the proposed rate of deduction will afford. It is determined that the deductions for these services should be made from payments to producers and should be at the rate of 5 cents per hundredweight of milk until such time as it can be determined from experience that a lower rate will suffice. In the event any qualified cooperative association of producers is determined by the market administrator to be performing such services for its members, handlers would be required to pay to the cooperative association such deductions as are authorized by the members of the association.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records and to make certain reports. Such records and reports are necessary for the purpose of determining proper classification, pricing and payment relative to the milk of producers. Producers proposed that such reports be filed with the market administrator on or before the 7th day after the end of the month. It is necessary to allow sufficient time following the month for the compiling and filing of reports by the handler but not to delay unduly the computation of the uniform price and payments to producers. It is concluded that the 6th day following the end of the month is the latest date on which such reports may be filed with the market administrator to permit a uniform price announcement by the 12th day after the end of the month.

The order should provide for the verification of each handler's reports to insure producers the proper returns for milk as provided for in the other sections of the order. It is necessary that the handler provide also whatever facilities are necessary to verify reports or to ascertain the correct information regarding the receipts and utilization of milk and payments to producers.

The proposal called for payment on or before the 15th day after the end of the month in the case of individual producers and on or before the 13th day after the end of the month when payment is made to a cooperative association authorized to collect for milk marketed through it. These dates, in view of the necessity of allowing adequate time for the filing of handler reports and for the necessary computation and announcement of producer prices, do not appear, however, to allow sufficient time for handlers to make the required payments to producers and cooperative associations. It is concluded, therefore, that handlers should be allowed until the 18th to make payment to individual producers and until the 16th to make payment to cooperative associations.

The prevailing practice in the market is for the major bargaining cooperatives to collect payment from operating handlers for milk delivered by their members to such handlers' plants and to distribute such payments to individual members through a pooling plan in which both bargaining and operating cooperatives participate. In order to preserve this appropriate function for cooperatives, it is concluded that the order should provide an opportunity for cooperatives to continue to distribute the returns from the sale of the milk of their members. Accordingly, the order requires a handler operating a fluid milk plant or a country plant to pay, upon request of a cooperative association, to the cooperative association the aggregate amount of the payments otherwise required to be made by the handler to individual producers who are members of the cooperative. A proposal made at the hearing to consider a bargaining cooperative to be a handler with respect to milk of its members received at fluid milk plants and country plants of proprietary operating handlers, thus requiring payment to the cooperative of the class utilization value of the milk and establishing the cooperative as the party primarily responsible for making a report of utilization to the market administrator and for payments to the producer-settlement and administrative assessment funds, should not be adopted. Its adoption would result in unnecessary administrative complications and duplication with respect to matters of reporting, classification, allocation, and payments by introducing a third party in transactions between the market administrator and those persons primarily to be regulated and who have first hand knowledge of the receipt and disposition of the milk to be priced. Moreover, it was not shown that the essential purposes of the order could not be effectuated without this complicating provision. The status of non-operating cooperatives and the opportunity for performance by them of appropriate bargaining functions is fully preserved without assignment to such cooperatives of certain unrealistic and cumbersome functions which would follow from their designation as handlers.

Retention of records. The order provides also for the retention of necessary records by handlers and for the ultimate termination of obligations. It is necessary for handlers to retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of the producers' milk are not completed and audited until several months after producers have delivered the milk to the handler's plant. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the month to which such records related. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

Termination of obligations. The order should provide for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertaintlies which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general, a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

It was proposed that if a handler fails to make the required reports or payments, his name shall be publicly announced at the discretion of the market administrator. Such announcement is provided for by the act, and it is concluded that its adoption will facilitate the enforcement of the terms of the order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings, conclusions and motions. Briefs were filed on behalf of the United Dairymen's Association (proponent), the Kitsap Dairymen's Association, and a substantial number of the handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Motions were filed after the hearing on behalf of a group of handlers to (a) reopen the hearing, (b) fix a date for the filing of reply briefs, and (c) provide an opportunity for oral argument prior to the issuance of a recommended decision. It was requested further that the present proposal of the proponents be rejected in toto and that no decision be reached on the issuance of an order until "the submittal of a new and definite proposal by the proponents upon which the handlers may then have an adequate opportunity to meet the issues." It was contended that this is necessary to a meaningful record under the statute.

The purposes of reopening the hearing, as stated in the motion of handlers, were to permit the production of evidence showing that (a) two increases, each in the amount of 40 cents per hundredweight, have been made since the hearing in the price paid by handlers for Grade A milk for fluid uses, and (b) any disproportionate sharing of surplus milk between cooperatives and other handlers which may have prevailed prior to July 1950 has completely disappeared.

Since official notice is taken herein of the price increases to which the motion refers, a reopening of the hearing to permit handlers to produce evidence to that effect is unnecessary and unwarranted. Production of evidence showing complete disappearance of disproportion in sharing of the surplus in the market during the last half of 1950 would not materially alter the basic findings and conclusions herein set forth. The motion to reopen the hearing is denied.

Full opportunity for all interested parties to be heard on all issues in this proceeding was provided at the hearing. Ample time was allowed following the hearing for the filing of briefs and proposed findings and conclusions. A reasonable period of time subsequent to the issuance of this recommended decision is allowed for the filing of exceptions to the findings and conclusions and to the recommended marketing agreement and order contained herein. Such procedure provides adequate opportunity for all interested parties to present their views and arguments and leaves no useful purpose to be served by oral argument or reply briefs. Accordingly, the motions to provide for such oral argument and reply briefs are denied.

It is concluded further that a decision on the issues, including the proposed provisions of an order, should not be made to await the submittal by the proponents of another proposal for hearing. In our view the issues are clear in the record. As previously stated, there has been ample opportunity for interested parties to meet such issues. Therefore, the request to await the submittal by the proponents of further proposals for hearing prior to a decision on the issues is denied.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, and Thurston. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Grays Harbor, Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area (but excluding that portion of any plant used to receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk so qualified): *Provided,* That a plant located outside of the marketing area and outside of the counties of Clallam and Jefferson shall not be a country plant if the percentage of either butterfat or skim milk

in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December;

(b) 20 percent in the current month during the period January through September: *Provided*, That if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September.

A plant which otherwise meets the requirements of this section shall not be classified as a country plant in any of the months of February through September in which the operator of the plant files with the market administrator, prior to the first day of any such month, a written request that the plant not be so classified.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk qualified by any health authority having jurisdiction in the marketing area for consumption as fluid milk in the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means all milk produced in the manner described in § 925.12 and either received directly from a farm at a fluid milk plant or at a country plant, or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than in (a) producer milk, and (b) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant, and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler, but who receives no milk from other producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk.* "Base milk" means milk delivered by a producer each month, which is not in excess of his base multiplied by the number of days of delivery in such month.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 6th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and dairy farmers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk (including milk frozen), skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream (sweet or sour), any mixture (not including ice cream mix disposed of to a commercial processor or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product) of cream and milk or skim milk in fluid form, and (2) not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat (1) disposed of or on hand (or used to produce, in the case of ice cream, aerated cream products, and and frozen desserts) any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk to bakeries, soup companies, and candy manufacturing establishments in their capacity as such, (4) contained in monthly inventory variations, (5) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 3 percent of the quantity of skim milk and butterfat, respectively, accounted for pursuant to subparagraph (1) of this paragraph (except that accounted for pursuant to the parenthetical provision in such subparagraph), and (6) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in district No. 1 to any fluid milk plant, (ii) from a country plant located outside district No. 1 to a fluid milk plant in district No. 2 or district No. 3, or (iii) between fluid milk plants not located in district No. 1.

(2) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant located outside district No. 1 to a fluid milk plant in district No. 1: *Provided*, That the quantity of Class I milk at the transferee plant available for assignment to the transferor plant shall be limited to the amount remaining after Class I milk in the transferee plant has been assigned first receipts from country plants located in district No. 1, and then to receipts directly from producers at the transferee fluid milk plant: *And pro-*

vided further, That if such transfers originate with more than one plant located outside district No. 1 the total quantity of Class I milk available for assignment to such plants shall be prorated among such plants in proportion to the respective quantities transferred.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk is butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk received at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area or in the counties of Clallam, Jefferson, Grays Harbor, Kitsap, Island, or Mason in the State of Washington.

(2) As Class I milk if the transfer is to a nonpool plant not located in the marketing area but within the counties named in subparagraph (1) of this paragraph which is engaged in the distribution of milk for consumption as fluid milk, unless the receipts and utilization of milk and milk products at the nonpool plant are reported to the market administrator and he is permitted to audit the records of such nonpool plant for the purpose of verification; and if such conditions are met, the milk transferred shall be classified as follows:

(i) The classification of all skim milk and butterfat at such nonpool plant shall be determined on the basis of the classes of utilization set forth in § 925.41; and

(ii) The skim milk and butterfat so transferred shall be allocated to Class I milk to the extent available at such plant and any remaining quantity to Class II milk.

(3) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties specified in subparagraph (1) of this paragraph which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified in subparagraph (1) of this paragraph, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other fluid milk plants and country plants;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) with this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarue, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk cremery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 50 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differential provided in § 925.52, the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be $5.56 per hundredweight reduced by steps of 23 cents per hundredweight in each three-month period after January of any year following 1951 if, during the period October-December immediately preceding, the pounds of Class I milk for all handlers (computed pursuant to § 925.45 (d)) is less than 80 percent of the total pounds of milk received by such handlers from producers: *Provided*, That at such time as the basic formula price plus $1.45 results in a price for the month higher than that computed prior to this proviso, the Class I price for such month and for each month thereafter shall be the basic formula price plus $1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 70 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class prices computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply by 1.40;

(b) Class II milk: Multiply by 1.15.

§ 925.53 *Location adjustment credit to handlers.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant located outside of district No. 1 and the counties of Kitsap and Mason and classified as Class I milk, 25 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson counties.

DETERMINATION OF BASE

§ 925.60 *Computation of daily base.* Subject to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a), (b) and (c) of this section:

(a) During the period from the effective date of this part through September 1951 and during the period from October of any year through February of the next year, inclusive, each producer's base shall be his total pounds of milk delivered to a handler(s) in the current month divided by the number of days of such producer's delivery in such month.

(b) During each of the months of March through September, inclusive, of each year after 1951, the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by the market administrator by dividing such producer's total pounds of milk delivered in such four-month period by the number of days on which delivery was made.

(c) During the period from March through September, inclusive, of each year after 1951, the daily base for the current month of any producer who is not eligible to receive a base computed pursuant to paragraph (b) of this section shall be a quantity computed by the handler, subject to verification by the market administrator, by dividing such producer's total pounds of milk delivered to a handler(s) in the current month divided by the number of days of his delivery in such month and multiplied by the percentage applicable for such month computed by the market administrator as follows: divide the daily average deliveries of milk to handlers by all producers in the period from October of the preceding year through January of the current year, inclusive, by the daily average deliveries of all producers to handlers in the current month, and subtract 10 from the figure so obtained.

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A producer with a base, including a landlord or tenant, shall retain such base when moving his entire herd from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the bases of both landlord and tenant shall be combined.

(b) A landlord who rents to a tenant on a share basis is entitled to the entire base if the landlord owns the entire herd. A tenant who rents on a share basis is entitled to the entire base if the tenant owns the entire herd. In the event both landlord and tenant have ownership in a herd, the base shall be combined base to be divided equally between the joint owners when such share basis is terminated: *Provided*, That if the market administrator is notified in writing by both parties on or before the last day of any month of an agreement to divide the base otherwise, such base shall be divided in acordance with such agreement beginning with such month.

(c) In the case of a landlord or tenant who owns a herd and has no base computed pursuant to § 925.60 (b), who combines herds with a landlord or tenant having a base so computed, such base may be relinquished by notifying the market administrator within 10 days after the herds are combined and a new base acquired with respect to the total deliveries from the combined herds in accordance with the method provided in § 925.60 (c) beginning with the month in which such notification is given.

(d) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (b) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (c) until he can establish a new base under § 925.60 (b) beginning the next March 1.

(e) A base may be transferred only in the event of the death or retirement of a person having a base where a member of his immediate family continues to supply producer milk to a handler from the same farm.

(f) By notifying the market administrator at least 30 days in advance, a producer having a base established pursuant to § 925.60 (b) may relinquish such base by cancellation once in any 12-month period ending with January, and acquire a base to be effective until the next March 1 in the manner provided by § 925.60 (e).

(g) In the event of a partnership, the base computed pursuant to § 925.60 (b) shall be a combined base and in the event of dissolution of the partnership, the base shall be divided equally between the partners when such partnership is terminated: *Provided*, That if the market administrator is notified in writing by both parties on or before the last day of any month of an agreement to divide the base otherwise, such base shall be divided in accordance with such agreement beginning with such month.

(h) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving the producer's milk and to the cooperative association of which the producer is a member.

(i) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price; and

(5) Add, with respect to other source milk received at such handler's fluid milk plant(s) and country plant(s) in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices (§ 925.51), and in the case of a fluid milk plant or country plant located outside of district No. 1 and the counties of Kitsap and Mason, reduced by 25 cents per hundredweight.

(b) The value of milk of each handler who during the month received only other source milk and disposed of any such milk within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by

the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices (§ 925.51) and, in the case of disposition within districts Nos. 2 and 3, reduced by 25 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81.

(c) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided,* That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk), such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the amount obtained in paragraph (e) of this section plus any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 18th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month, pursuant to subparagraphs (1) and (2) of this paragraph: *Provided,* That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further,* That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by the applicable location adjustment provided in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for milk received from such cooperative association during such month, an amount of money representing not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the class price less the amount of the location adjustment credits pursuant to § 925.53.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustment to producers.* In making payments to producers pursuant to § 925.80 (a) (1), an amount not to exceed 25 cents may be deducted per hundredweight of base milk received from producers at a plant located outside of district No. 1 and the counties of Kitsap or Mason: *Provided,* That an additional 10 cents per hundredweight may be deducted for base milk received from producers at a plant located in Clallam or Jefferson counties.

(b) At the fluid milk plant of the Enumclaw Cooperative Creamery Company at Enumclaw, at country plants and fluid milk plants located within the marketing area in the counties of Grays Harbor, Lewis and Pacific, and at country plants located within the marketing area in the counties of King, Pierce, Snohomish and Thurston, 15 cents per hundredweight.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.4 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest one-tenth of a cent.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payment to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.96 *Liquidation.* Upon the suspension or termination of the provisions on this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Filed at Washington, D. C., this 29th day of January 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-1587; Filed, Jan. 31, 1951; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[53054]

COLORADO

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 24, 1951.

Notice is given that the plat of original survey of the following described lands, accepted July 21, 1949, will be officially filed in the Land Office, Denver, Colorado, effective at 10:00 a. m. on the 35th day after the date of this notice:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 73 W.,
Sec. 30, lot 1.

The area described aggregates 5.17 acres.

Available information indicates that the land described is rough and mountainous with some level bottom land.

The above-described tract was withdrawn by Executive order of July 2, 1910, and placed in Power Site Reserve.

In view thereof, the land will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-1564; Filed, Jan. 31, 1951; 8:45 a. m.]

[1646293]

IDAHO

NOTICE OF FILING OF PLATS OF ORIGINAL SURVEYS

JANUARY 25, 1951.

Notice is given that the plats of original surveys of the following described lands, accepted November 7, 1942, December 15, 23, 1942, and March 9, 1943, will be officially filed in the Land and Survey Office, Boise, Idaho, effective 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 5 N., R. 26 E.,
Secs. 1, 12, 13, all;
Sec. 25, Lots 3, 4, E½SW¼, SE¼;
Sec. 36, Lots 6, 7, 8, 9, 10, NE¼NW¼, N½ NE¼;
T. 5 N., R. 28 E.,
Secs. 1 to 36, inclusive, all.
T. 6 N., R. 28 E.,
Secs. 26 to 35 inclusive, all.
T. 7 N., R. 28 E.,
Secs. 13, 14, 15, 22, 23, 24, all.
T. 8 N., R. 28 E.,
Secs. 1 to 5 inclusive, all;
Secs. 8 to 17 inclusive, all;
Secs. 22 to 25 inclusive, all.
T. 9 N., R. 28 E.,
Secs. 1 to 36, inclusive, all.
T. 8 N., R. 30 E.,
Secs. 6, 7, 18, 19, 30, 31, all;
Sec. 32, W½.
T. 8 N., R. 31 E.,
Secs. 3, 4, 9, 10, 15, 16, all.
T. 9 N., R. 31 E.,
Secs. 1, 2, 3, all;
Secs. 10 to 15 inclusive, all;
Secs. 22 to 27 inclusive, all;
Secs. 34, 35, 36, all.
T. 11 N., R. 32 E.,
Secs. 1 to 14 inclusive, all;
Secs. 23, 24, all.

The areas described, exclusive of segregations, aggregate 100,028.83 acres.

Available data indicates that the lands described are level and rolling to rough and mountainous.

All of sec. 1, E½ sec. 12, E½ sec. 13, T. 5 N., R. 26 E., all of secs. 3 to 11, 14 to 23, 25 to 30, 32 to 36, all inclusive, T. 5 N., R. 28 E., all of secs. 31 to 34 incl., T. 6 N., R. 28 E., all of secs. 1, 2, 3, 4, all of secs. 9 to 15, T. 8 N., R. 28 E., all of secs. 1 to 18 incl., N½ sec. 19, N½, SE¼ sec. 20, all of secs. 21 to 28 incl., E½ sec. 29, E½ sec. 32, all of secs. 33 to 36 incl., T. 9 N., R. 28 E., are within the exterior boundaries of the Challis National Forest by proclamation of November 5, 1906, May 19, 1913, February 9, 1923, and Executive orders of July 1, 1908, and October 8, 1938. All of secs. 30, 21, W½ sec. 32, T. 8 N., R. 30 E., all of secs. 1, 2, 3, all secs. 10 to 15 incl., all sec. 24, T. 9 N., R. 31 E., Lots 3, 4, S½-NW¼, SW¼ sec. 1, all of secs. 2 to 11 incl., Lots 3, 4, W½, W½SE¼ sec. 12, all of secs. 13, 14, 23, 24, T. 11 N., R. 32 E., B. M., are within the exterior boundaries of the Salmon National Forest by proclamations of November 5, 1906, March 1, 1907, July 1, 1910, May 19 1913, September 7, 1916, and by Executive orders of July 1, 1908, and October 8, 1938. Therefore, these lands are not public lands subject to disposition under the general public land laws.

All those portions of Lot 4, SW¼ NW¼, W½SW¼ sec. 14, Lots 2, 3, W½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼ sec. 23, T. 7 N., R. 28 E., B. M., lying within 50 feet of the center line of the transmission line right-of-way of the Utah Power and Light Company were reserved September 5, 1930, and included in Federal Power Project No. 765.

No applications for the remainder of the described lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring in the SE¼SE¼ sec. 8 and 3 springs in the NE¼ sec. 23, T. 8 N., R. 28 E., B. M.

The legal subdivision containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the springs are of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-1565; Filed, Jan. 31, 1951; 8:45 a. m.]

Office of the Secretary

OIL AND GAS OPERATIONS IN SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

Part III of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Gulf of Mexico" (15 F. R. 8835) is amended, effective December 11, 1950, to read as follows:

III. Any sum which the provisions of any State oil and gas lease covering an area of the aforesaid submerged coastal lands require or permit a lessee who was not on December 11, 1950, conducting operations in such area to pay to the lessor may be tendered to the Secretary of the Interior in the form of a check payable to the order of the Treasurer of the United States, accompanied by two copies of such lease. Such a payment will be accepted subject to the following conditions:

(a) The acceptance of such remittance will not amount to, or have the effect of being, an adoption, confirmation, ratification, or validation of the State lease by the United States and will be without prejudice to any rights of the United States.

(b) The Secretary of the Interior will not grant, in return for such payment, any right to inaugurate operations for the discovery and production of oil or gas within the area of submerged coastal land covered by the State lease, or any other right respecting such land.

(c) The remittance will be deposited in a special account within the Treasury of the United States under 31 U. S. C., 1946 ed., sec. 725r, subject to the control of the Secretary of the Interior, the proceeds to be expended in such manner as may hereafter be directed by an act of Congress or, in the absence of such direction, as the Secretary of the Interior may deem to be proper, which may include a refund of the money for reasons other than those hereinafter set forth.

(d) In the event that all or any part of the area covered by the State lease should later be determined to be above the ordinary low-water mark or within navigable inland waters, any sum tendered with respect to such area and held under paragraph (c) above will be refunded, either entirely or proportionately, as such determination may make appropriate, upon the request of the person who tendered such sum.

(e) If the United States should fail to provide within a period of two years from December 11, 1950, for the granting to the person making such a tender of the right to conduct oil and gas operations on the land covered by the State lease, under provisions substantially equivalent to those of the State lease, the sum so tendered and held under paragraph (c) above will be refunded upon the request of the person who tendered it, unless (1) such person shall have accepted a grant from the United States of the right to conduct oil and gas operations on the land under provisions different from those of the State lease, or (2) such person shall have failed to tender to the Secretary of the Interior, during the two-year period, a further payment required under the provisions of the State lease.

(f) If, at the time for the making of a refund to any person under the preceding paragraphs of this part, the United States should have a claim against such person, the right to offset the amount of such claim against the amount otherwise scheduled for refund may be asserted.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JANUARY 26, 1951.

[F. R. Doc. 51-1566; Filed, Jan. 31, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-20]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on February 5, 1951, at 10 o'clock a. m., in Room 4823, Department of Commerce Building, before Examiner C. W. Robinson, upon the application of American President Lines, Ltd., to bareboat charter 2 AP-2 Victory-type cargo vessels for employment in its Atlantic/Straits service (C-2, Trade Route No. 17).

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserved the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: January 25, 1951.

By order of the Federal Maritime Board.

[SEAL] R. Z. MCDONALD,
Assistant Secretary.

[F. R. Doc. 51-1604; Filed, Jan. 31, 1951; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1414]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINAL DECISION

JANUARY 26, 1951.

Notice is hereby given that the initial decision, issuing a certificate of public convenience and necessity in the above-designated matter, was issued and served upon all parties on December 26, 1950. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said initial decision became effective on January 26, 1951, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1580; Filed, Jan. 31, 1951; 8:50 a. m.]

[Docket No. G-1585]

PANHANDLE EASTERN PIPE LINE CO. AND CENTRAL INDIANA GAS CO.

NOTICE OF APPLICATION

JANUARY 26, 1951.

Take notice that on January 10, 1951, Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation with its principal office in Kansas City, Missouri, filed an application for (1) an order requiring Central Indiana Gas Company (Central Indiana) to cease and desist from violations of filed rate schedules and (2) an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon all service of interruptible natural gas to Central Indiana (a) if that company does not within a reasonable time (to be fixed by the Commission) comply with the directions of the requested cease and desist order and (b) whenever Central Indiana, acting in derogation of the directions in the cease and desist order, is guilty of a substantial violation of any curtailment order hereafter announced by Panhandle.

The application recites that Panhandle is now serving gas to Central Indiana for resale under Panhandle's Rate Schedules Gd-1 and Rd-2; that Central Indiana has willfully taken on new customers in violation of applicable rate schedules, has refused to give Panhandle access to its books and records, and has violated and disregarded curtailment orders.

Panhandle states Central Indiana began to sell on July 24, 1950, and is now selling approximately 600,000 cubic feet of natural gas daily on an interruptible basis to the Banner-Rock Division of Johns-Manville Products Corporation (Banner-Rock) at Alexandria, Indiana, purportedly under Panhandle's applicable filed rate schedules but actually in violation thereof; that Central Indiana has just taken on another large interruptible industrial customer to whom it is supplying large quantities of Panhandle gas (and intends to supply increasingly larger amounts thereof up to at least 1,000,000 cubic feet per day) without complying with Panhandle's filed applicable rate schedules.

Panhandle further states that on or about August 17, 1950, Central Indiana refused its representatives the right to see Central Indiana's books and records as they have a right to do under the provisions of the "General Terms and Conditions" contained in Panhandle's FPC Schedule No. 112, sheet No. 14 under "Billing".

Panhandle further states Central Indiana has failed and refused to conform to the specified curtailment orders of the Commission's so-called "winter rules", and as recently as November 24, 25, and 26, 1950, when certain curtailments were in effect, has disregarded such orders and taken from 2,300,000 to 6,800,000 cubic feet more of interruptible gas (based on average take for the preceding month of October 1950) than it was entitled to take under such curtailments.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of February 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1571; Filed, Jan. 31, 1951; 8:46 a. m.]

[Docket No. G-1593]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 29, 1951.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed on January 22, 1951, an application for a certificate of convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural gas facilities:

(1) 12 miles of 10¾-inch diameter lateral pipeline from the south header of Applicant's river crossing of White River at a point 7 miles west of Petersburg, Indiana, and extending in a due easterly direction to the Alford, Indiana, Gas Storage Field.

(2) 4.5 miles of field lines having diameters of 6⅝ inches, 4.5 inches, 3.5 inches and 2⅜ inches.

(3) A measuring station to record the amounts of gas delivered into or withdrawn from the Alford, Indiana, Gas Storage Field.

(4) A 1200 hp. gas compressor station to pump gas into or out of the Alford, Indiana, Gas Storage Field.

Applicant states that it is the only major natural gas pipe-line company rendering service within Pike County, Indiana, where the Alford Storage Field is located. The proposed facilities which are estimated to cost $938,811.86, and which are to be financed through current funds or short term bank loans, would be integrated with Applicant's presently constructed transmission system to render a more adequate service to its present customers in this area, and would not be used to serve any new markets or areas. Applicant's present plans provide for an available capacity of 30,000 Mcf per day to supplement its peak day deliverability.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1579; Filed, Jan. 31, 1951; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3693 et al.]

MID-CONTINENT AIRLINES, INC., ET AL.; MID-CONTINENT ROUTE 80 RENEWAL CASE

NOTICE OF HEARING

In the matter of the renewal of temporary certificate of public convenience and necessity for route No. 80 held by Mid-Continent Airlines, Inc., and amendment of certificate held by Mid-Continent Airlines, Inc.; Braniff Airways Inc.; and Chicago and Southern Air Lines, Inc., involving nonstop service between Kansas City and Houston.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-indicated proceeding is assigned for hearing on February 12, 1951, at 10:00 a. m., e. s. t., in Room "A" Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before examiner Walter W. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether public convenience and necessity require the alteration, amendment, modification of the temporary certificate held by Mid-Continent, as well as the permanent certificates held by the above-mentioned carriers, as set forth in Order Serial Nos. E-4601 and E-4881, and

2. Whether the above carriers are fit, willing, and able to perform such services as may be found required by public convenience and necessity, and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding should file with the Board on or before February 12, 1951, a statement setting forth the issues of fact or law which he desires to controvert.

For further details with respect to this proceeding, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the official docket.

Dated at Washington, D. C., January 25, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-1588; Filed, Jan. 31, 1951; 8:52 a. m.]

[Docket Nos. SR-2090, SR-2091]

J. R. RICHARDSON AND J. W. KIEWEL

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matters of Donald W. Nyrop, Administrator of Civil Aeronautics, Complainant, vs. J. R. Richardson and J. W. Kiewel, respondents.

Notice is hereby given that oral argument in each of the above entitled proceedings, now assigned to be held on February 6, 1951, at Washington, D. C., is hereby portponed to a future date to be announced hereafter.

Dated at Washington, D. C., January 26, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-1655; Filed, Jan. 31, 1951; 9:05 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5725]

CONTINENTAL RADIO TUBE CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER

In the matter of Continental Radio Tube Company, a corporation; and P. D. Jackson, Jacob L. Gaber, Erwin F. Rempert and Martin Gaber, individually and as officers of Continental Radio Tube Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin

at a time and place to be later designated by the Trial Examiner.

Issued: January 25, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-1602; Filed, Jan. 31, 1951; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25777]

CAUSTIC SODA FROM MIDLAND, MICH. TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for The Chesapeake and Ohio Railway Company and The New York Central Railroad Company.

Commodities involved: Sodium (soda), caustic (sodium hydroxide) in solution, in tank-car loads.

From: Midland, Mich.

To: Cincinnati, Ohio.

Grounds for relief: Circuitous routes. Market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1589; Filed, Jan. 31, 1951; 8:53 a. m.]

[4th Sec. Application 25778]

BATTERIES FROM CLEVELAND AND FREMONT, OHIO TO ATLANTA, GA., AND CHEMWAY, N. C.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Batteries, electric, dry cells, in carloads.

From: Cleveland and Fremont, Ohio.

To: Atlanta, Ga., and points grouped therewith, and Chemway, N. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1590; Filed, Jan. 31, 1951; 8:53 a. m.]

[4th Sec. Application 25779]

PIG IRON FROM TEXAS TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, in carloads.

From: Daingerfield and Lone Star, Tex.

To: Greenville, S. C.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 538.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1591; Filed, Jan. 31, 1951; 8:53 a. m.]

[4th Sec. Application 25780]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO PINEY RIVER, VA.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude sulphur, carloads.

From: Points in Texas and Louisiana.

To: Piney River, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1592; Filed, Jan. 31, 1951; 8:53 a. m.]

[4th Sec. Application 25781]

MALT LIQUORS FROM TERRE HAUTE, IND., TO CHATTANOOGA, JACKSON, KNOXVILLE, MEMPHIS, AND NASHVILLE, TENN.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3636.

Commodities involved: Malt liquors, in carloads.

From: Terre Haute, Ind.

To: Chattanooga, Jackson, Knoxville, Memphis and Nashville, Tenn.

Grounds for relief: Competition with rail carriers. Competition with motor carriers.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 3636, Supp. 238.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1593; Filed, Jan. 31, 1951; 8:54 a. m.]

[4th Sec. Application 25782]

ACIDS FROM SOUTHWEST TO NORFOLK AND HOPEWELL, VA.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3908.

Commodities involved: Acetic acid, glacial or liquid, in carloads.

From: Crossett, Ark., Bishop, Houston, Brownsville and Texas City, Tex.

To: Norfolk, Newport News and Hopewell, Va.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 539. D. Q. Marsh's tariff I C. C. No. 3908, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1594 Filed, Jan. 31, 1951; 8:54 a. m.]

[4th Sec. Application 25783]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX. TO TOCCOA, GA.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, in carloads.

From: Daingerfield and Lone Star, Tex.

To: Toccoa, Ga.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 540.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1595; Filed, Jan. 31, 1951; 8:54 a. m.]

[4th Sec. Application 25784]

IRON AND STEEL ARTICLES FROM ATLANTA, GA., CHATTANOOGA AND KNOXVILLE, TENN. TO DYERSBURG, BELLS AND JACKSON, TENN.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, including tin and terne plate, in carloads.

From: Atlanta, Ga., Chattanooga and Knoxville, Tenn., and points grouped therewith.

To: Dyersburg, Bells and Jackson, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 205.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1596; Filed, Jan. 31, 1951; 8:54 a. m.]

[4th Sec. Application 25785]

NATURAL GASOLINE AND PETROLEUM GAS FROM BUTLER AND HOCKER, OKLA., TO SPECIFIED POINTS

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3494, 3585, 3651, 3723, 3724, 3802, 3821 and 3825.

Commodities involved: Natural gasoline and liquefied petroleum gas, in tank-car loads.

From: Butler and Hocker, Okla.

To: Points in official, southern, southwestern and western territories.

Grounds for relief: Competition with rail carriers. To maintain grouping.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
D. Q. Marsh, agent	3585	446
	3821	64
	3802	52
	3825	65
	3651	248
	3724	131
	3723	140
	3494	213

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1597; Filed, Jan. 31, 1951; 8:54 a. m.]

[4th Sec. Application 25786]

ACETALDEHYDE FROM TALLANT, OKLA., AND BROWNSVILLE, TEX., TO SPECIFIED POINTS

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752, 3880, and 3919.

Commodities involved: Acetaldehyde, in tankcar loads.

From Tallant, Okla., and Brownsville, Tex.

To: Specified points in southern and official territories.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 25. D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 541. D. Q. Marsh's tariff I. C. C. No. 3880, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1598; Filed, Jan. 31, 1951; 8:55 a. m.]

[4th Sec. Application 25787]

MOTOR-RAIL RATES; N. Y. N. H. & H. R. R. AND HOLLAND TRANSPORTATION CO., INC.

APPLICATION FOR RELIEF

JANUARY 29, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Holland Transportation Company, Inc., of Boston, Mass.

Commodities involved: All commodities.

Between: Providence, R. I., Springfield and Worcester, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1599; Filed, Jan. 31, 1951; 8:55 a. m.]

GENERAL SERVICES ADMINISTRATION

REDELEGATION OF AUTHORITY BY GENERAL COUNSEL TO ASSOCIATE GENERAL COUNSEL, ASSISTANT GENERAL COUNSEL, AND CLAIMS AND LITIGATION DIVISION

1. *Purpose.* This delegation redelegates to the Associate General Counsel authorities vested in the Administrator by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, and delegated to the General Counsel by section 2b of the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775), and redelegates to the Assistant General Counsel, Claims and Litigation Division, certain authorities therein delegated to the General Counsel.

2. *General.* All authority herein redelegated shall be exercised in accordance with the provisions of the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775), as well as any instructions, procedures, and precedents heretofore or hereafter issued by the General Counsel.

3. *Authority redelegated to the Associate General Counsel.* All of the authority delegated to the General Counsel by 7a of the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775), hereby is redelegated to the Associate General Counsel.

4. *Authority redelegated to the Assistant General Counsel, Claims and Litigation Division.* Authority to consider, ascertain, determine, adjust and settle the following claims and litigation matters to the extent vested in the General Counsel by 7a of the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775), hereby is redelegated to the Assistant General Counsel, Claims and Litigation Division, to the extent indicated below:

(a) Claims or adjustments under section 204 (c) of the act where the amount of the claim does not exceed $5,000 or 20 percent of the contract price, whichever is greater: *Provided, however,* That in the case of any settlement or adjustment involving real property disposals, such settlement or adjustment may not exceed 5 percent of the contract price or $5,000, whichever is greater.

(b) Any claim under the Federal Tort Claims Act, as amended, Public Law 773, 80th Congress, 28 U. S. C., section 2672, and any claim in tort by the General Services Administration on behalf of the Government.

(c) With respect to transportation and other public utility services for use of executive agencies to represent such agencies in proceedings involving carriers and other public bodies before Federal and State regulatory bodies under section 201 (a) (4) of the act, excluding authority to sign originating petitions or complaints and answers, but including authority to sign any other petition, brief, or other pleading necessary to be filed before a regulatory body: *Provided,* That the authority delegated in this subparagraph may be redelegated by the Assistant General Counsel, Claims and Litigation Division, to any attorney of the Claims and Litigation Division.

(d) To apply for a court order for delivery of property subject to forfeiture proceedings under section 304 of the act of August 27, 1935, U. S. C. Title 40, section 304 i.

This delegation of authority shall be effective as of October 1, 1950.

MAXWELL H. ELLIOTT, *General Counsel.*

[F. R. Doc. 51-1606; Filed, Jan. 31, 1951; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-567, 70-2234]

SOUTHERN NATURAL GAS CO. AND EQUITABLE SECURITIES CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in this city of Washington, D. C., on the 26th day of January A. D. 1951.

In the matter of Southern Natural Gas Company, File No. 70-2234; Equitable Securities Corporation, File No. 31-567.

On December 30, 1949, the Commission issued its Findings, Opinion, and Order approving the sale by Southern Natural Gas Company to Equitable Securities Corporation ("Equitable") of all the outstanding shares of common stock of Chattanooga Gas Company ("Chattanooga"). The Commission also granted Equitable an exemption as a holding company from the duties, obligations, and liabilities of the provisions of the Public Utility Holding Company Act of 1935, subject to certain conditions, including the condition that Equitable dispose of its interest in Chattanooga within a period of 12 months from the date of acquisition unless such time is extended by order of the Commission after an appropriate application.

Equitable has filed an application and an amendment thereto, requesting the Commission to extend its exemption as a holding company under the act for a period of 6 months from January 31, 1951 to July 31, 1951. The record shows that arrangements were made for a public offering of its entire interest but that the underwriting group, prior to making a firm underwriting commitment, advised that they would be able to take only 400,000 shares leaving Equitable with the ownership of 195,000 shares or approximately 30 percent of the Chattanooga common stock. In addition, Equitable agreed with the underwriting group that the 195,000 shares retained by it would not be the subject of a public offering for a period of at least 90 days from the effective date of Chattanooga's Registration Statement, which date was December 22, 1950. Equitable states that it has no plans for the immediate sale of the remaining 195,000 shares. Equitable further states that its failure to dispose of its entire interest in the Chattanooga stock within the 12 month period from the date of acquisition was due to no fault of its own.

Equitable represents that so long as its exemption as a holding company is in effect Equitable will not vote said 195,000 shares of the common stock of Chattanooga at any election of the directors of the latter company and that during such period no officer or director of Equitable will serve as a director of Chattanooga.

The Commission having considered the application, as amended, of Equitable requesting an extension of an exemption as a holding company under the act, and being of the opinion that Equitable has shown a diligent but unsuccessful effort to dispose of its entire interest in Chattanooga within the 12 month period, as ordered by the Commission, and being of the further opinion that, under the circumstances of this case, an extension of a six months' period is appropriate in order to afford Equitable additional opportunity to dispose of its remaining interest in Chattanooga, and that the application, as amended, should be granted forthwith:

It is ordered, That the application, as amended, of Equitable with respect to an extension of its exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935 (File No. 31-567) for a period of six months or until July 31, 1951, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24, and subject further to the condition that Equitable give the Commission at least 10 days' notice of any proposed sale of its stock interest in Chattanooga.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1574; Filed, Jan. 31, 1951; 8:48 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1951.

By order dated June 30, 1949 (Holding Company Act Release No. 9202) the Commission approved a plan ("Compromise Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") providing for the distribution of 944,961 escrowed shares of the $3.50 par value common stock of Interstate Power Company ("Interstate"), a registered holding company, together with approximately $1,050,000 of escrowed cash, among the holders of Interstate's formerly outstanding 6 percent Debentures due 1952 (or debenture escrow certificates issued in exchange therefor), the public holders of Interstate's formerly outstanding $6 and $7 preferred stock (or preferred escrow certificates issued in exchange therefor) and Ogden Corporation ("Ogden"), Interstate's former parent, as holder of Interstate's formerly outstanding 6 percent demand note and certain shares of Interstate's formerly outstanding preferred stocks. The Compromise Plan was the result of negotiations among, and was supported by, Ogden, a Committee for former preferred stockholders of Interstate ("Preferred Stockholders Committee"), and Philip D. Crockett (representing holders of approximately $2,000,000 principal amount of debenture escrow certificates), and was opposed by the "Colton Group" of preferred escrow certificate holders.

Following hearings before the United States District Court for the District of Delaware on the Commission's application for enforcement of the Compromise Plan, the Court entered an opinion holding that the Commission's approval of the Compromise Plan as fair and equitable was supported by evidence, and not contrary to law. Subsequently the Court entered a Memorandum allowing the Colton Group time to present to the Commission evidence of alleged changes in circumstances subsequent to Commission approval of the Compromise Plan. The Colton Group thereupon filed with the Commission a petition for hearing on such evidence. Pursuant to an order of the Court dated May 18, 1950, the Commission, by order dated June 8, 1950, directed that hearings in the matter be reconvened to receive evidence limited to "matters bearing upon the question whether there has been such a change in factors affecting the valuation of the escrowed Interstate common stock as to make the allocations proposed in the Compromise Plan no longer fair and equitable to the persons affected by it." At the same time, the Commission reserved jurisdiction, after completion of said hearing, "to submit to the Court a proposed order enforcing the Compromise Plan, or to take such other action in respect of the Compromise Plan, any proposed amendments thereto, or any alternative plan or plans, as the Commission may deem appropriate" (Holding Company Act Release No. 9910).

Pursuant to said order of the Commission, hearings were held, briefs were filed, and the Division of Public Utilities of the Commission filed a Statement of Views stating, among other things, that "the changes which have occurred since June 1949 in the factors affecting the valuation of the escrowed stock are such as to make the allocations proposed in the Compromise Plan no longer fair and equitable to the public holders of the preferred stock escrow certificates • • •." Thereafter a Committee for holders of debenture escrow certificates (the "Debenture Committee") was organized, and negotiations concerning possible adjustments to the Compromise Plan were held among all representatives of security holders participating in this proceeding.

Notice is hereby given that a petition has been filed with this Commission on behalf of Ogden, the Preferred Stockholders Committee, the Colton Group, Philip D. Crockett, and the Debenture Committee, setting forth, among other things, certain proposed adjustments of the allocations contained in the Compromise Plan. The Compromise Plan as adjusted by the terms and conditions set forth in said petition, will hereinafter be referred to as the "Adjusted Compromise Plan". The following table shows the allocations of the escrowed shares of Interstate common stock and cash proposed by the Adjusted Compromise Plan, compared to the allocations thereof pursuant to the original Compromise Plan, as of January 2, 1951.

	Distributions proposed under—	
	Adjusted compromise plan	Compromise plan
CLASS OF SECURITY HOLDER		
For each $1,000 principal amount of debentures (or debenture escrow certificates):		
Shares	108	102
Cash	0	[1] $66.15
Public preferred stockholders—for each escrow unit (there being 10 escrow units for each share of $7 preferred and 9 escrow units for each share of $6 preferred):		
Shares	12/100	5/100
Cash	0	$0.01349
Ogden—for $2,475,000 demand note and 12,968 shares of preferred stock:		
Shares	10,619.2	128,157.6
Cash	$1,200,000	[1] $689,903
AGGREGATE DISTRIBUTIONS BY CLASSES		
Debenture holders:		
Shares	809,989.2	764,989.8
Cash	0	[1] $496,118
Public preferred stockholders:		
Shares	124,352.6	51,813.6
Cash	0	$13,979
Ogden:		
Shares	10,619.2	128,157.6
Cash	$1,200,000	[1] $689,903
Aggregate distributions:		
Shares	944,961	944,961
Cash	$1,200,000	[1] $1,200,000

[1] The basic cash allocations under the Compromise Plan were $73.50 per $1,000 debenture or an aggregate of $551,212 for the class, and the aggregate cash allocation to Ogden was $485,415—all subject to certain adjustments specified in the Compromise Plan. The cash amounts shown in the table reflect such adjustments as of Jan. 2, 1951. As of that date the total amount of escrowed cash was $1,200,000, as compared with $1,050,000 as of June 1948 when the Compromise Plan was formulated.

All distributions of stock and cash under the Adjusted Compromise Plan will be made by Chemical Bank and Trust Company ("Chemical") as Distribution Agent. No fractional shares will be issued under the Adjusted Compromise Plan. On or about the distribution date Chemical will sell the full shares estimated to represent the aggregate of fractional shares otherwise issuable, and persons entitled to fractional shares shall receive, in lieu thereof, their pro rata portion of the net proceeds of said sale.

The effective date of the Adjusted Compromise Plan will be the date of entry of an order of the United States District Court for the District of Delaware enforcing it. Chemical will fix a date for distribution of the escrowed stock and cash (the "payment date") to be as soon as practicable after the effective date. In the event that a dividend is paid on Interstate's common stock prior to the payment date and subsequent to the last payment of interest on the debenture escrow certificates, holders of debenture escrow certificates will receive cash equal to 6 percent per annum on principal amount from the last interest date to and including the date such dividend is paid. Holders of preferred escrow certificates will be entitled to receive all dividends, if any, paid by Interstate subsequent to March 20, 1951, on the shares allocated to them.

Ogden agrees to pay all fees and expenses of Chemical, as Distribution Agent, in respect of distributions made to all holders of, and persons entitled to, escrow certificates who present their securities to Chemical no later than 60 days after the payment date for the purpose of claiming their escrowed stock (and cash, if any). Holders who present their securities after said period of 60 days shall be required to pay out of the accumulated dividends, if any, to which they are entitled, the fees and expenses charged them by Chemical. To the extent that such charges to any holder shall exceed such accumulated dividends, Ogden agrees to pay the excess.

Ogden also agrees to pay the fees and expenses of all participants in the proceedings relating to the Adjusted Compromise Plan, and the formulations, adjustments, and consummation thereof, including fees and expenses, if any, relating to Interstate's reorganization of March 1948, as may be determined, allocated or ordered by the Commission. Ogden, however, reserves the right to urge upon the Commission that some or all of said fees and expenses shall be payable by Interstate.

Except as the provisions of the Compromise Plan are specifically affected by the terms and conditions contained in the petition herein, or are in conflict therewith and with any amendments thereto, the provisions of the Compromise Plan shall be deemed to be controlling in carrying out the Adjusted Compromise Plan, and any provisions of the Compromise Plan which are not so specifically affected shall be considered to remain in full force and effect.

Petitioners request that the Commission approve the Adjusted Compromise Plan and apply to the United States District Court for the District of Delaware for an order enforcing the terms and provisions thereof, in accordance with the provisions of section 11 (e) of the act.

The Debenture Committee's joinder in the petition is conditioned on the plan's becoming effective on or before March 20, 1951; and, in the event the plan does not become effective on or before June 30, 1951, Ogden reserves the right to apply to the Commission and the District Court for appropriate modification of the Adjusted Compromise Plan with respect to the fees and expenses of Chemical and such other matters as may be equitable.

Notice is further given that any interested person may, not later than February 14, 1951, at 5:30 p. m., e. s. t., file a written request that he be heard by the Commission in this matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 14, 1951, the Adjusted Compromise Plan may be approved by the Commission under the applicable provisions of the act.

Notice is further given that in the event the Commission approves the Adjusted Compromise Plan, the Commission will apply to the United States District Court for the District of Delaware for an order enforcing the Adjusted Compromise Plan. All interested persons (other than those who have heretofore entered their appearance herein) who desire to be advised of any hearing to be held before said District Court pursuant to such application of the Commission, should file a written request to that effect with the Secretary of the Commission on or before February 14, 1951.

It is ordered, That the Secretary of the Commission cause copies of this notice to be mailed, by registered mail, to Interstate, to Ogden Corporation, to the Colton Group, to the Preferred Stockholders Committee, to Philip D. Crockett, and to the Debenture Committee, or to their attorneys of record.

It is further ordered, That Ogden cause copies of this notice to be mailed to all holders of record of debenture escrow certificates and preferred stock escrow certificates as of a date not earlier than January 1, 1951, such notice to be mailed not later than January 31, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1577; Filed, Jan. 31, 1951; 8:49 a. m.]

[File No. 70-2539]

AMERICAN GAS AND ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1951.

American Gas and Electric Company ("American Gas"), a registered holding company, and American Gas and Electric Service Corporation ("Service Corporation"), a wholly owned service company subsidiary of American Gas, having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof with respect to the following proposed transactions:

Service Corporation has authorized 10,000 shares of its $100 par value common capital stock, of which 7,850 shares are issued and outstanding, all of which are owned by American Gas. Service Corporation proposes to issue and sell to American Gas, and American Gas proposes to acquire, 2,150 shares of the common capital stock of Service Corporation, for an aggregate cash consideration of $215,000. The application-declaration states that the proceeds from the proposed sale of stock will be used by Service Corporation to purchase and install a 480 cycle A-C Network Analyzer (calculating board), estimated to cost approximately $217,500.

Said application-declaration having been filed on December 5, 1950, notice of said filing having been given in the form and manner required by Rule U-23

promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable provisions of the act and that no adverse findings are necessary thereunder, the Commission deeming it appropriate to grant said application and permit said declaration to become effective, and also deeming it appropriate to grant applicants-declarants' request that the order herein become effective forthwith upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1572; Filed, Jan. 31, 1951; 8:47 a. m.]

[File No. 70-2543]

NEW ENGLAND ELECTRIC SYSTEM AND SALEM GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Salem Gas Light Company ("Salem"). The application-declaration designates sections 6, 7, 9 and 10 of the act and Rules U-23, U-24 and U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Salem proposes to reduce the par value of its 45,353 shares of capital stock, aggregate par value $1,133,825, from $25 to $10 per share, and to transfer $680,295 representing such reduction from capital stock account to premium on capital stock account. Salem also proposes to issue and sell, for cash, 30,236 shares of additional capital stock, par value $10 per share, and to issue to its stockholders warrants to subscribe to such shares on the basis of 2/3ds of a new share for each share held. Salem also proposes to issue and sell $1,000,000 principal amount of 20-year First Mortgage Bonds, 3½ Percent Series, due 1970.

The proposed additional shares of capital stock will be offered to Salem's stockholders at a subscription price of $15 per share as determined by Salem's board of directors. Each warrant will expire on the 21st day following the date of mailing of the notices and warrants to stockholders and each warrant will indicate the number of new shares or the fraction of a new share to which the holder thereof is entitled to subscribe. No fractional shares will be issued, but fractional warrants may be combined.

NEES owns 42,138 shares (92.9 percent) of the present capital stock of Salem and will receive warrants to subscribe for 28,092 additional shares, the total subscription price therefor being $421,380. The minority public shareholders own 3,125 shares (7.1 percent) of such capital stock and will receive warrants to subscribe for an aggregate of 2,143⅓ shares, the total subscription price therefor being $32,145. Salem proposes to sell any shares unsubscribed for by its shareholders to NEES at the price of $15 per share, provided the same is authorized by the Department of Public Utilities of Massachusetts.

NEES proposes to exercise its right to subscribe to said 28,092 shares of capital stock of Salem and will offer to purchase from the minority stockholders at $15 per share their present holdings and any shares which they may acquire through the exercise of rights, such offer to remain open for a period of 60 days following the date of offering of Salem's additional capital stock. The total cost of minority shares to NEES, if all such shares are acquired, is expected to be not more than $80,370.

Salem proposes to sell the bonds to John Hancock Mutual Life Insurance Company under a First Mortgage Indenture and Deed of Trust which provides, among other things, that such bonds are secured by a direct first mortgage lien on substantially all of Salem's gas properties.

The proceeds of $453,540 from the sale of the proposed additional capital stock and the proceeds of $1,000,000 from the sale of the proposed First Mortgage Bonds are to be applied by Salem to the payment of (a) $350,000 face amount of 3 percent notes payable to NEES, (b) $100,000 non-interest bearing advances from NEES, (c) $800,000 face amount of 3½ percent notes payable to banks and (d) the balance estimated at $203,540 is to be applied to the cost of properly capitalizable extensions, enlargements and additions to plant and property.

Total expenses to be borne by Salem in connection with the reduction in par value of its capital stock the issue of 30,236 additional shares of capital stock and warrants representing rights to subscribe therefor and the issuance of said $1,000,000 principal amount of First Mortgage Bonds are estimated at $13,300. Such estimate includes $5,000 for services rendered at the actual cost thereof by New England Power Service Company, an affiliated service company, and $1,000 for counsel for the purchasers of the Bonds. The cost to NEES for services to be rendered by said Service Company is estimated not to exceed $500.

The application-declaration indicates that the Department of Public Utilities of Massachusetts has jurisdiction over the transactions proposed by Salem, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the transactions proposed by NEES.

The applicants-declarants request that the order of this Commission be made effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 7, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1575; Filed, Jan. 31, 1951; 8:48 a. m.]

[File No. 70-2549]

CONSOLIDATED ELECTRIC AND GAS CO. AND PORTO RICO GAS AND COKE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of January A. D. 1951.

Notice is hereby given that a joint declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a subsidiary of Central Public Utility Corporation, also a registered holding company, and by Porto Rico Gas & Coke Company ("Porto Rico"), a direct public utility subsidiary of Consolidated. The filing has designated sections 12 (c), (d) and (f) of the act and Rules U-42, U-43 and U-44 thereunder as being applicable to the transactions therein described.

Notice is further given that any interested person may, not later than February 9, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said joint declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Porto Rico proposes to purchase from Consolidated 1,000 shares of Porto Rico's 6 percent Cumulative Preferred Stock, $100 par value, at a price of $100 per share. Consolidated proposes to apply the proceeds of such sale, or an amount equivalent thereto, to the partial payment of its one year note, maturing September 20, 1951, presently outstanding in the amount of $650,000, payable to The Chase National Bank of The City of New York ("Chase"). The outstanding securities of Porto Rico consist of $750,000 principal amount of 4½ percent First Mortgage Bonds due 1965, 3,445 shares of $100 par value 6 percent Cumulative Preferred Stock and 10,000 shares of $25 par value Common Stock. All of the outstanding securities of Porto Rico, except its mortgage bonds, which are owned by two insurance companies, are owned by Consolidated and pledged as security for the bank loan with Chase. The outstanding securities of Consolidated consist of the above described note to Chase and preferred and common stocks, all owned by Central Public Utility Corporation.

The fees and expenses applicable to the proposed transactions are estimated by declarants as not to exceed $100.

Declarants request that the final order of this Commission with respect to the joint declaration become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1576; Filed, Jan. 31, 1951; 8:49 a. m.]

[File No. 70-2554]

INTERSTATE POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1951.

Notice is hereby given that a declaration and an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Interstate Power Company ("Interstate"), a registered holding company and an operating public utility company. Declarant has designated sections 6 and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 14, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, as filed or as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 14, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Interstate proposes to issue and sell at par on or before April 15, 1951, and on or before September 15, 1951, promissory notes in the aggregate amount of $2,500,000 and $2,000,000 respectively. Said notes, bearing an interest rate of 2¾ percent per annum and maturing 360 days from the date of the first borrowing, will be issued to The Chase National Bank of the City of New York and Manufacturers Trust Company, respectively, in equal amounts not to exceed $2,250,000 to each of said banks in accordance with the terms of a loan agreement dated January 9, 1951. The notes may be prepaid in whole or in part at any time without premium, however, if such prepayment is made from proceeds of any bank borrowing, a premium at the rate of 1 percent per annum on the principal amount so prepaid, calculated from the date of such prepayment to the stated maturity of the notes, will be payable.

Interstate requests the Commission to authorize, at this time, the issue and sale of only $2,500,000 aggregate principal amount of its 2¾ percent promissory notes as described above in equal amounts to the order of the two above named banks on or before April 15, 1951, and to reserve jurisdiction until some later date prior to September 15, 1951, with respect to the proposed issuance and sale of the additional $2,000,000 principal amount of its 2¾ percent promissory notes. Interstate makes the foregoing requests so that it may study the advisability of issuing additional common stock or other equity securities.

Declarant states that the proceeds of the notes will be applied toward the financing of the construction program of the declarant and will also be used to reimburse the company for funds already used to finance new construction. The expenses in connection with the proposed transaction are estimated by Interstate at $14,000, of which $3,500 represents estimated fees for legal services and $9,000 represents a commitment fee to be paid to the lending banks.

Declarant states that no Commission other than this Commission has jurisdiction over the proposed transactions.

Declarant requests that the Commission enter its order as early as possible and before February 19, 1951, and that the Commission's order herein become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1573; Filed, Jan. 31, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR., 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17016]

PETER NIESTERS

In re: Stock owned by Peter Niesters. F-28-31140.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Niesters, whose last known address is 15 Graben Strasse in Unkelbach, near Remagen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Two hundred and forty (240) shares of no par value common capital stock of United States Steel Corporation, a corporation organized under the laws of the State of New Jersey, 60 shares of which evidenced by a part of a certificate numbered N15807 for 100 shares; 20 shares of which evidenced by a part of a certificate numbered N15808 for 100 shares; 20 shares of which evidenced by a part of a certificate numbered Y96600 for 100 shares; 40 shares of which evidenced by a part of a certificate numbered Y96602 for 100 shares; and 100 shares of which evidenced by certificate numbered Y96603, registered in the name of N. V. Maatschappij Tot Beheer van het Administratiekantoor van Amerikaansche Fondsen opgerigt door Broes & Gosman, Ten Have & Van Essen en Jarman & Zoonen, Amsterdam, together with all declared and unpair dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Peter Niesters, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1549; Filed, Jan. 30, 1951; 8:55 a. m.]

[Vesting Order 17099]

NOBUMI ITOH

In re: Bonds owned by Nobumi Itoh. F-39-1031-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobumi Itoh, whose last known address is Bureau of Foreign Affairs, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Seventeen (17) Imperial Japanese Government 5½ percent 1965 bonds, of $1,000 face value each, bearing the numbers 3698, 3699, 6270, 8904, 10284, 10285, 10322, 10323, 10324, 10325, 10326, 10327, 12055, 35005, 43509, 43510 and 47319, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1550; Filed, Jan. 30, 1951; 8:55 a. m.]

[Vesting Order 17174]

EIGORO OTA

In re: Rights of Eigoro Ota under an insurance contract. File No. F-39-4956-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eigoro Ota, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Eigoro Ota under a contract of insurance evidenced by Policy No. 1729996 issued by The Equitable Life Assurance Society of the United States, New York City, New York, to Eigoro Ota, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1552; Filed, Jan. 30, 1951; 8:56 a. m.]

[Vesting Order 17124]

KENZO TORIKAI

In re: Bonds owned by Kenzo Torikai. F-39-111-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenzo Torikai, whose last known address is Sekikane P. O., Tahaku-Gun, Tottoriken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Imperial Japanese Government 6½ percent 1954 bonds, of $500 face value each, bearing the numbers 11775 and 11776, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1551; Filed, Jan. 30, 1951; 8:55 a. m.]

[Vesting Order 17192]

HERMANN TEGELER ET AL.

In re: Interest in real property, and in oil, gas and other minerals in and under real property and claims owned by Hermann Tegeler and others. D-28-12906-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Tegeler, Frederica Meier and Amalie Schafertons, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Hermann Tegeler, Frederica Meier and Amalie Schafertons, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided three-tenths (3/10ths) interest in and to the real property particularly described as the Southeast Quarter (S. E. ¼) and the Northeast Quarter (N. E. ¼) of Section Twenty-two (22), Township Twenty-eight South (28 S.), Range Twenty-seven East (27 E.), M. D. B. & M., situated in Kern County, State of California, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. An undivided three-tenths (3/10ths) of three-fourths (3/4ths) of nine and two-sevenths percent (9 2/7%) interest in and to all of the oil and gas and other petroleum products in and under and that may be produced from the Southeast Quarter (S. E. ¼) of Section Twenty-two (22), Township Twenty-eight South (28 S.), Range Twenty-seven East (27 E.), M. D. B. & M., situated in Kern County, State of California, under that certain renewal of lease of oil and gas lands, known as Sacramento No. 019927, dated August 4, 1945, and pursuant to an agreement between Fred W. Tegeler, lessor, and A. W. Wright, also known as A. E. Wright, lessee, and pursuant also to an agreement between Fred W. Tegeler, party of the first part, and F. E. Dunlap and Ira M. Flocker, parties of the second part, together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

c. An undivided three-tenths (3/10ths) interest in and to all mineral, oil, gas and petroleum products rights in, on, to and in connection with the Northeast Quarter (NE.¼) of Section Twenty-two (22), Township Twenty-eight South (28 S.), Range Twenty-seven East (27 E.), M. D. B. & M., situated in Kern County, California, subject to agreements made by F. W. Tegeler, as party of the first part and F. E. Dunlap and Ira M. Flocker, as parties of the second part, together with any and all claims for rents, refunds, royalties, benefits or other payments arising from the ownership of such interest,

d. All interests and rights of the persons named in subparagraph 1 hereof and of the persons referred to in subparagraph 2 hereof, in and to that certain agreement dated January 19, 1925, between Fred. W. Tegeler, a widower, lessor, and A. W. Wright, also known as A. E. Wright, lessee, duly acknowledged by said Fred. W. Tegeler before Victor A. Chargin, a Notary Public in and for the County of Santa Clara, State of California, on the Twenty-seventh (27th) day of January, 1925, and duly acknowledged by said A. E. Wright, also named A. W. Wright, before Kathryn James, a Notary Public in and for Los Angeles County, State of California, and

e. All those debts or other obligations owing to the persons named in subparagraph 1 hereof, and/or the persons referred to in subparagraph 2 hereof, by Robinson Agency, 1711 19th Street, Bakersfield, California, including particularly but not limited to the sum of money on deposit with Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, in a commercial account, account number 90-139, entitled Robinson Agency—Trustee, maintained at the branch office of the aforesaid bank located at 1921 Chester Avenue, Bakersfield, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-a, 3-b, 3-c and 3-d hereof, subject to to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1553; Filed, Jan. 30, 1951; 8:56 a. m.]

[Vesting Order 16914]

CHARLOTTE JETTER

In re: Rights of Charlotte Jetter under contract of insurance. File No. D-28-989-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Jetter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 302-847, issued by the Pan-American Life Insurance Company, New Orleans, Louisiana, to Christian Jetter, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1610; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16857]

ALICE GOERG

In re: Estate of Alice Goerg deceased. File No. F-28-29776-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Goerg and Ida Goerg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alice Goerg, deceased, except Bernard Goerg, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Bernard Goerg, a resident of the United States, in and to the proceeds of a contract of insurance evidenced by Policy No. 409756, issued by the Equitable Life Assurance Society of the United States, New York, New York, to Carl Goerg, together with the right to demand, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Alice Goerg, deceased, except Bernard Goerg, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1607; Filed, Jan. 31, 1951; 8:58 a. m.]

[Vesting Order 16865]

WILLIAM MUELLER

In re: Estate of William Mueller, deceased. File No. D-28-12922; E. T. sec. 17075.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Mueller, Jr., Fritz Mueller, Dora (Doris) Meyer, Karl Mueller, Jr., Herbert Mueller, Dora Mueller, Emma Schrieber, Ella Mueller Isermann, Luise Kasann (Kasan), Fritz Mueller, Hermine Paulmann, and Dora (Doris) Herwig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Mueller, Jr., who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the estate of William Mueller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Gordon R. Ennen, County Treasurer of Iroquois County, Illinois, Watseka, Illinois, acting under the judicial supervision of the County Court, In Probate, Iroquois County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Mueller, Jr., are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1608; Filed, Jan. 31, 1951; 8:58 a. m.]

[Vesting Order 16911]

FRIEDRICH AUGUST HERMAN HOLLING

In re: Estate of Friedrich August Herman Holling, also known as Friedrich August Herrman Holling, deceased. File No. D-28-9050; E. T. sec. 11563.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Thiele, Anna Muschter, Friedrich Paul Holling, Frieda Noack, Anton Max Holling, Hilda Klaus, Gerda Heidrich and Otto Klaus, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Friedrich August Holling, Friedrich Herrmann Holling and Wilhelmine Klaus, deceased, who there is resonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Friedrich August Herman Holling, also known as Friedrich August Herrman Holling, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by James F. Egan, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Friedrich August Holling, Friedrich Herrmann Holling and Wilhelmine Klaus are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on Japuary 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1609; Filed, Jan. 31, 1951; 8:58 a. m.]

[Vesting Order 16915]

SHIZU KATAGIRI ET AL.

In re: Rights of Shizu Katagiri et al., under insurance contracts. Files No. F-39-1090-H-1, H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizu Katagiri, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Chihaku Katagiri, a/k/a Chihiro Katagiri, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies numbered 7888954, 2050055, and 8081861, issued by the New York Life Insurance Company, New York, New York, to Chihaku Katagiri, also known as Chihiro Katagiri, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Chihaku Katagiri, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1611; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16916]

TADAO AND KAMEJIU KUNITOMO

In re: Rights of Tadao Kunitomo and Kamejiu Kunitomo under insurance contract. File No. F-39-6034-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadao Kunitomo and Kamejiu Kunitomo, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7947356, issued by the New York Life Insurance Company, New York, New York, to Tadao Kunitomo, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Tadao Kunitomo or Kamejiu Kunitomo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1612; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16919]

KIMI NAZAKI

In re: Rights of Kimi Nazaki under insurance contract. File No. F-39-86-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimi Nazaki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4,415,878, issued by the New York Life Insurance Company, New York, New York, to Sueo Nazaki, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby recommended:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-1613; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16922]

KWANJI AND HISAYO SENOO

In re: Rights of Kwanji Senoo and Hisayo Senoo under an insurance contract. File No. F-39-4498-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kwanji Senoo and Hisayo Senoo, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6,872,544 issued by the New York Life Insurance Company, New York, New York, to Kwanji Senoo, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kwanji Senoo or Hisayo Senoo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1614; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16924]

KUNIYOSHI AND SHOSAYEMON SHINDEN

In re: Rights of Kuniyoshi Shinden and Shosayemon Shinden under an insurance contract. File No. F-39-4496-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kuniyoshi Shinden and Shosayemon Shinden, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7,651,692 issued by the New York Life Insurance Company, New York, New York, to Kuniyoshi Shinden, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kuniyoshi Shinden or Shosayemon Shinden, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1615; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16925]

KANEME TANIMURA

In re: Rights of Kaneme Tanimura under insurance contract. File No. F-39-5947-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaneme Tanimura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 394575, issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Eisuke Tanimura, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1616; Filed, Jan. 31, 1951; 8:59 a. m.]

[Vesting Order 16927]

KEICHI TOJI

In re: Rights of Keichi Toji under insurance contract. File No. F-39-5709-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Keichi Toji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Keichi Toji under a contract of insurance evidenced by Policy No. 382,096 issued by the Manufacturers Life Insurance Company, Toronto, Canada, to Keichi Toji, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1617; Filed, Jan. 31, 1951; 9:00 a. m.]

[Vesting Order 16928]

PETER JOHN VIETHEER

In re: Estate of Peter John Vietheer, deceased. File No. D-28-12819; E. T. sec. 16989.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Paul Cobobes, Mrs. Johanna Wolf, Alma Nagel and Katherine Lubkowitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown of Mrs. Louise Stammerjohan, deceased, and of Hermann Stammerjohan, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Peter John Vietheer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Albert H. Vietheer, as executor, acting under the judicial supervision of the Superior Court of the State of California, County of San Francisco;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Mrs. Louise Stammerjohan, deceased, and of Hermann Stammerjohan, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1618; Filed, Jan. 31, 1951; 9:00 a. m.]

[Vesting Order 16958]

ELSE GOTZ

In re: Estate of Else Gotz, deceased. File F-28-13617; E. T. sec. 17081.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred F. Gotz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Else Gotz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court, County of Kings, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1620; Filed, Jan. 31, 1951; 9:00 a. m.]

[Vesting Order 16953]

SARAH VON BERENBERG-GOSSLER AND BANK OF NEW YORK AND TRUST CO.

In re: Trust agreement, dated February 19, 1937, by and between Sarah Von Berenberg-Gossler, as settlor, and Bank of New York and Trust Company, as trustee. File No. F-28-3044; E. T. sec. 6407.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sarah Von Berenberg-Gossler, also known as Sarah D. Berenberg-Gossler, Francis Moran Brambeer, Jr., and Ada Ursula Fechner, nee Brambeer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Francis Moran Brambeer, Jr., and the issue, names unknown, of Ada Ursula Fechner, nee Brambeer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to or arising out of or under a trust agreement between Sarah Von Berenberg-Gossler, as settlor, and the Bank of New York and Trust Company, as trustee, dated February 19, 1937, now being administered by the Bank of New York and Fifth Avenue Bank, New York, New York, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Francis Moran Brambeer, Jr., and of Ada Ursula Fechner, nee Brambeer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1619; Filed, Jan. 31, 1951; 9:00 a. m.]

[Vesting Order 16959]

GABRIELA GRAMENZ

In re: Estate of Gabriela Gramenz, also known as Elly Gramenz, deceased. File F-28-9397 and C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth Bruegmann, nee Frase, Willy Gramenz, Elisabeth Kreyser, nee Frase, Clara Marschall and Klara Marschall, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Georg Marschall, deceased, and of Hermann Marschall, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the sum of $16,069.97, paid to the County Auditor of San Diego County, San Diego, California, pursuant to an order of the Superior Court of the State of California in and for the County of San Diego, dated April 11, 1941, in the Matter of the Estate of Gabriela Gramenz, also known as Elly Gramenz, deceased, and any and all additions thereto,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which there is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Georg Marschall and of Hermann Marschall, both deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1621; Filed, Jan. 31, 1951; 9:00 a. m.]

[Vesting Order 16966]

KATHARINA ORTLEPP

In re: Estate of Katharina Ortlepp, deceased. D-28-12934.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Kumpf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Katharina Ortlepp, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ernest Ortlepp, as executor, acting under the judicial supervision of the Surrogate's Court, Erie County, Buffalo, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1622; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16971]

ISAMU YAMAGUCHI ET AL.

In re: Rights of Isamu Yamaguchi et al., under contract of insurance. File No. F-39-4558-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isamu Yamaguchi and Katsuichi Yamaguchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8,468,778, issued by the New York Life Insurance Company, New York, New York, to Isamu Yamaguchi, together with the right to demand, receive and collect said net proceeds, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Isamu Yamaguchi or Katsuichi Yamaguchi, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1623; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16989]

LORENZ DURLER

In re: Estate of Lorenz Durler, deceased. File D-28-12905.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berta Durler Herrman who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Anna Durler Glatz, Luise Durler Sibald, Emma Durler Griephaber, Marie Durler Kaffer, Friederich P. Durler, Klara Durler, and Maria Erika Durler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the sum of $4,247.35, paid to the State Controller for the State of California, Sacramento, California, on October 3, 1944, pursuant to an order of the Superior Court of the State of California in and for the County of Yolo, California, in the Matter of the Estate of Lorenz Durler, deceased, and any and all additions thereto,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or an account of or owing to, or which there is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the said Berta Durler Herrman be treated as a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1624; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16992]

AMANDA KOOPMANN ET AL.

In re: Rights of Amanda Koopmann et al., under insurance contract. File No. F-28-31108-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Koopmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amanda Koopmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 91,952,768, issued by the Metropolitan Life Insurance Company, New York, New York, to Amanda Koopmann, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Amanda Koopmann or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amanda Koopmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Amanda Koopmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1626; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16993]

FRANZ MAHNERT, ET AL.

In re: Rights of the domiciliary personal representatives et al., names unknown, of Franz Mahnert, deceased, under Pension Plan. File No. F-28-22656-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Mahnert, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) That certain debt or other obligation of the New York Life Insurance Company, 51 Madison Avenue, New York, New York, arising by reason of an allowance to Franz Mahnert while on the Reserve Force of the said New York Life Insurance Company, and any and all rights to demand, enforce and collect the same, and

(b) That certain debt or other obligation of the New York Life Insurance Company, 51 Madison Avenue, New York, New York, arising by reason of the appointment of Franz Mahnert as Legal Representative and as Attorney in Fact in Germany for the said New York Life Insurance Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesafd nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Franz Mahnert, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1627; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16991]

JOSEPH L. KOENIG ET AL.

In re: Rights of Joseph L. Koenig et al. under insurance contract. File No. F-28-8756-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph L. Koenig, also known as Joseph Lorene Koenig and Rosa L. Koenig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees

and distributees, names unknown, of Joseph L. Koenig, also known as Joseph Lorene Koenig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 3414657, 3439666 and 3514328, issued by The Mutual Life Insurance Company of New York, New York, New York, to Joseph L. Koenig, also known as Joseph Lorene Koenig, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same and any and all rights of the insured in and to, under or arising out of any other contracts or instruments by and between Joseph L. Koenig, also known as Joseph Lorene Koenig, and The Mutual Life Insurance Company of New York, to settle or liquidate the liability of the said insurer under said contracts of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph L. Koenig, also known as Joseph Lorene Koenig, or Rosa L. Koenig, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph L. Koenig, also known as Joseph Lorene Koenig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Joseph L. Koenig, also known as Joseph Lorene Koenig, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1625; Filed, Jan. 31, 1951; 9:01 a. m.]

[Vesting Order 16996]

MRS. MASAJI YANAGIMURA

In re: Rights of Mrs. Masaji Yanagimura also known as Mrs. Masaji Yanamura et al., under insurance contract. File No. F-39-4569-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Masaji Yanagimura also known as Mrs. Masaji Yanamura and Torahiko Yanamura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7716493 issued by the New York Life Insurance Company, New York, New York, to Mrs. Masaji Yanagimura, also known as Mrs. Masaji Yanamura, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Masaji Yanagimura also known as Mrs. Masaji Yanamura or Torahiko Yanamura, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1628; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17018]

IDA BELLE SMILEY

In re: Stock owned by Ida Belle Smiley, also known as Ida B. Smiley. F-28-23611-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Belle Smiley, also known as Ida B. Smiley, whose last known address is c/o Mrs. Ida B. Von Buelow, c/o Dr. Deche Cornell, Klerst Str. 24, Berlin W-62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Eight shares of no par value common stock of Purity Bakeries Corporation, 919 North Michigan Street, Chicago 11, Illinois, evidenced by Certificate Number 028950, registered in the name of Ida Belle Smiley, together with all declared and unpaid dividends thereon,

b. All rights and interests evidenced or represented by American Depositary Receipts issued by Guaranty Trust Company of New York, 140 Broadway, New York, New York, for seventy-two (72) shares of one (£1) pound par value Ordinary Registered Capital Stock of Ford Motor Company, Limited, London, England, numbered OF111904 and OF171481, registered in the name of Ida B. Smiley, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1629; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17031]

KONRAD VON ILBERG AND CHASE NATIONAL BANK OF THE CITY OF NEW YORK

In re: Trust agreement dated January 30, 1930, between Konrad Von Ilberg, grantor, and The Chase National Bank of the City of New York, trustee, as amended October 30, 1934. File F-28-149-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konrad Von Ilberg and Irmgard Von Ilberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Konrad Von Ilberg and the heirs, names unknown, of Konrad Von Ilberg, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated January 30, 1930, by and between Konrad Von Ilberg, donor, and The Chase National Bank of the City of New York, trustee, as amended October 30, 1934, including particularly but not limited to the rights of Konrad Von Ilberg to revoke or modify the said trust agreement and to withdraw insurance policy No. 477162 issued by The Guardian Life Insurance Company of America from the trust, presently being administered by The Chase National Bank of the City of New York, as trustee, 11 Broad Street, New York 15, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Konrad Von Ilberg and the heirs, names unknown, of Konrad Von Ilberg, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1630; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17117]

LOTTE SCHNEIDER

In re: Stock owned by and debt owing to Lotte Schneider. F-28-31148.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lotte Schneider, whose last known address is Wiesen a/Lieg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two Hundred (200) shares of $6.00 non-cumulative preferred no par value capital stock of Great Northern Railway Company, a corporation organized under the laws of the State of Minnesota, evidenced by certificates numbered 34650 and 34651, each for 100 shares, registered in the name of L. D. Pickering & Co., 40 Wall Street, New York, New York, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon,

b. Two Hundred (200) shares of $15.00 par value common capital stock of Shell Oil Company, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered NY 2907 and NY 2908, each for 100 shares, registered in the name of L. D. Pickering & Co., 40 Wall Street, New York, New York, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in the amount of $4,889.92, as of December 13, 1949, representing a portion of a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Lotte Schneider, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1633; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17039]

DR. WALTER C. LENGER AND MARINE MIDLAND TRUST CO.

In re: Trust agreement, dated June 30, 1933, between Dr. Walter C. Lenger, settlor, and Marine Midland Trust Company of Binghamton, Broome County, New York, trustee. File F-28-8013-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen C. Lenger nee Punchera, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Walter C. Lenger except Anita F. V. Lenger, a resident of the United States, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them except Anita F. V. Lenger, a resident of the United States, in and to and arising out of or under that certain trust agreement, dated June 30, 1933, between Dr. Walter C. Lenger, settlor, and Marine Midland Trust Company of Binghamton, Binghamton, New York, trustee, presently being administered by the said Marine Midland Trust Company of Binghamton, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the

issue, names unknown, of Walter C. Lenger, except Anita F. V. Lenger, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1631; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17051]

JOHANNES HERMANN CURT ROSAHL AND NATIONAL NEWARK AND ESSEX BANKING CO. OF NEWARK

In re: Trust agreement dated July 16, 1921, between Johannes Hermann Curt Rosahl and The National Newark and Essex Banking Company of Newark. D-28-7631 and G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wanda Rosahl and Marta Rosahl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to and arising out of or under that certain trust agreement dated July 16, 1921, by and between Johannes Hermann Curt Rosahl and the National Newark & Essex Banking Company of Newark, presently being administered by the National Newark & Essex Banking Company, P. O. Box 569, Newark 1, New Jersey, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1632; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17127]

WESTHOLSTEINISCHE BANK ALTONA

In re: Stock and draft account owned by Westholsteinische Bank Altona. F-28-22163-A-1, F-28-22163-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Westholsteinische Bank Altona, the last known address of which is Hamburg-Altona, Germany is a national of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of no par value capital stock of Belldrey Apartments Corporation, evidenced by certificate number 99, dated July 15, 1936, registered in the name of Fred Tonissen, which certificate is presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a General Ruling No. 6 account, entitled Westholsteinische Bank Altona, Hamburg-Altona, Germany (FS86296-A), together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Westholsteinische Bank Altona, Hamburg-Altona, Germany, by Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of an unpresented foreign draft account, entitled Westholsteinische Bank, maintained at the said Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Westholsteinische Bank Altona, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1634; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17133]

MAX FOERSTER AUTOMOBIL G. M. B. H. ET AL.

In re: Debt owing to Max Foerster Automobil G. M. B. H., Maria Foerster and Richard Reuter. F-28-19569.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Foerster Automobil G. M. B. H., the last known address of which is Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That Maria Foerster and Richard Reuter, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Chrysler Corporation, 341 Massachusetts Avenue, Detroit, Michigan, representing an account carried on the books of said Chrysler Corporation, for Max Foerster Automobil G. M. B. H., entitled "accounts receivable-cars", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Foerster Automobil G. M. B. H., Maria Foerster and Richard Reuter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1635; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17134]

GUENTHER FORSTMANN ET AL.

In re: Bank account owned by personal representatives, heirs, next of kin, legatees and distributees of Guenther Forstmann, deceased. D-28-9340-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Guenther Forstmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Fidelity Union Trust Company, 755 Broad Street, Newark, New Jersey, arising out of a savings account entitled, Fidelity Union Trust Company Agent for Guenther Forstmann, Konto 2 for Bruno Forstmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Guenther Forstmann, deceased, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Guenther Forstmann, deceased referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on Jauary 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1636; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17137]

HEDWIG HANOW

In re: Bank account owned by Hedwig Hanow. F-28-31121-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Hanow, whose last known address is 48/49 Lutzow Strasse, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one half (½) interest in that certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Julius Hanow, Deceased, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Hanow, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1637; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17139]

ELLA A. JURGENS

In re: Bank account owned by Ella A. Jurgens. F-28-31157.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella A. Jurgens, whose last known address is Nordseebad-Langeoog, Tongers-Familienhaus, Baltenheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ella A. Jurgens by Webster Five Cents Savings Bank, Webster, Massachusetts, arising out of a Savings account, entitled Ella A. Jurgens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1637; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17139]

ELLA A. JURGENS

In re: Bank account owned by Ella A. Jurgens. F-28-31157.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella A. Jurgens, whose last known address is Nordseebad-Langeoog, Tongers-Familienhaus, Baltenheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ella A. Jurgens by Webster Five Cents Savings Bank, Webster, Massachusetts, arising out of a Savings account, entitled Ella A. Jurgens, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or

otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1638; Filed, Jan. 31, 1951; 9:02 a. m.]

[Vesting Order 17148]

HANS BOCKEMUHL

In re: Rights of Hans Bockemuhl under an insurance contract. File No. F-28-30130-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Bockemuhl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Hans Bockemuhl under a contract of insurance evidenced by Policy No. M 3483607 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Hans Bockemuhl, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Otto Bockemuhl and of Meta Bockemuhl, residents of the United States, and of the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Hans Bockemuhl, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1639; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17140]

ISHIMATSU OKAMOTO

In re: Debt owing to Ishimatsu Okamoto. F-39-150.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ishimatsu Okamoto, whose last known address is 3, Isobe-Dori 2 Chome, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Commercial National Bank and Trust Company of New York, 46 Wall Street, New York, New York, in the amount of $216.24, representing a portion of funds on deposit in a blocked account entitled Banque Franco-Japonaise S. A., maintained at the aforesaid Commercial National Bank and Trust Company of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1640; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17147]

MARIA AND FREDRICK BECK

In re: Rights of Maria Beck and Fredrick Beck under insurance contract. File No. F-28-31075-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Beck and Fredrick Beck, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 26686, issued by the Lutheran Mutual Life Insurance Company, Waverly, Iowa, to Maria Beck, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Lutheran Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Beck or Fredrick Beck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1641; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17154]

ANNA GOESSLING

In re: Rights of Anna Goessling under insurance contract. File No. F-28-24536-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Goessling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Anna Goessling under a contract of insurance evidenced by policy No. 1 043 558 C, issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Goessling, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of The American Lutheran Church, 57 East Main Street, Columbus, Ohio, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1642; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17157]

TSUYOSHI IWAMOTO ET AL.

In re: Rights of Tsuyoshi Iwamoto et al. under insurance contract. File No. F-39-6758-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuyoshi Iwamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tsuyoshi Iwamoto, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 646028, issued by The Manufacturers Life Insurance Company, Toronto, Canada, to Tsuyoshi Iwamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Manufacturers Life Insurance Company together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States) is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tsuyoshi Iwamoto or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tsuyoshi Iwamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Tsuyoshi Iwamoto, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1643; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17161]

YUSABURO KOMATSU ET AL.

In re: Rights of Yusaburo Komatsu et al., under contract of insurance. File No. D-39-6065-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yusaburo Komatsu and Shizuyo Komatsu, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15229205 issued by the New York Life Insurance Company, New York, New York, to Yusaburo Komatsu, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yusaburo Komatsu or Shizuyo Komatsu, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1645; Filed, Jan. 31, 1951; 9:03 a. m.]

[Vesting Order 17160]

FRITZ KASELITZ ET AL.

In re: Rights of Fritz Kaselitz et al., under contract of insurance. File No. F-28-1753-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as-amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Kaselitz, whose last known address is Germany, is a resi-

dent of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, executors, administrators, heirs, next of kin, legatees and distributees, names unknown, of Fritz Kaselitz and the widow, children, parents, brothers and sisters, names unknown, of Fritz Kaselitz, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Group Annuity Certificate No. 1573 issued to Fritz Kaselitz pursuant to Group Annuity Contracts AC 239 of the Equitable Life Assurance Society of the United States and GA 148 of the Prudential Insurance Company of America with the Standard Oil Company of New Jersey, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States and the Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, executors, administrators, heirs, next of kin, legatees and distributees, names unknown, of Fritz Kaselitz and the widow, children, parents, brothers and sisters, names unknown, of Fritz Kaselitz, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1644; Filed, Jan. 31, 1951; 8:03 a. m.]

[Vesting Order 17172]

MOJIRO AND MATSUNO ONO

In re: Rights of Mojiro Ono and Matsuno Ono under contract of insurance. File No. D-39-9701-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mojiro Ono and Matsuno Ono, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 52387 issued by the Standard Insurance Company, Portland, Oregon, to Mojiro Ono, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Standard Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Mojiro Ono or Matsuno Ono, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1647; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17165]

ALFRED LONGARDT ET AL.

In re: Rights of Alfred Longardt et al., under an insurance contract. File No. F-28-30592-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Longardt and Martha Longardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Alfred Longardt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 600 640, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Alfred Longardt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Alfred Longardt or Martha Longardt or the children, names unknown, of Alfred Longardt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Alfred Longardt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1646; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17173]

JUNICHI ODA ET AL.

In re: Rights of Junichi Oda et al. under contract of insurance. File No. D-39-10163-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junichi Oda and Ayako Oda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15182599, issued by the New York Life Insurance Company, New York, New York, to Junichi Oda, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Junichi Oda or Ayako Oda, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1648; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17176]

CARL (KARL) SCHEIBLE ET AL.

In re: Rights of Carl (Karl) Scheible et al., under an insurance contract. File No. F-28-30416-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl (Karl) Scheible, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl (Karl) Scheible, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9 966 282 issued by the New York Life Insurance Company, New York, New York, to Carl (Karl) Scheible, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Carl (Karl) Scheible or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl (Karl) Scheible, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl (Karl) Scheible, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1649; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17178]

ADOLF STAPFF ET AL.

In re: Rights of Adolf Stapff et al., under insurance contract. File No. F-28-2879-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Stapff and Lissy Stapff, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1007977, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Adolf Stapff, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Adolf Stapff or Lissy Stapff, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Adolf Stapff and Lissy Stapff be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1650; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17181]

CHARLOTTE TAMA ET AL.

In re: Rights of Charlotte Tama et al., under insurance contracts. File Nos. F-63-10015-H-1, H-2, H-3, H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Tama, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Tama, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insur-

ance evidenced by policies numbered 1543070, 1543071, 1543072 and 1899581, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Manuel Tama, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Charlotte Tama or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Tama, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Tama, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1651; Filed, Jan. 31, 1951; 9:04 a. m.]

[Vesting Order 17182]

CHARLOTTE TAMA

In re: Rights of Charlotte Tama under insurance contracts. File No. F-63-10015-H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Tama, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Tama, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 3154451 and 3155515 issued by The Mutual Life Insurance Company of New York, New York, New York, to Manuel Tama, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid The Mutual Life Insurance Company of New York, together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Charlotte Tama or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Charlotte Tama, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Charlotte Tama, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1652; Filed, Jan. 31, 1951; 9:05 a. m.]

[Vesting Order 17187]

ALINE WOLFF-KOCH

In re: Rights of Aline Wolff-Koch under certain contracts of insurance. Files Nos. F-28-29277-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aline Wolff-Koch, whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Aline Wolff-Koch under contracts of insurance evidenced by Policies No. 900930 B and No. 3184211 B, issued by the Metropolitan Life Insurance Company, New York, New York, to Aline Wolff-Koch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Elsie Wolff, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1653; Filed, Jan. 31, 1951; 9:05 a. m.]

[Vesting Order 17188]

FRED KAZUO AND HANJIRO YAMASHITA

In re: Rights of Fred Kazuo Yamashita and Hanjiro Yamashita under an insurance contract. File No. F-39-4923-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Kazuo Yamashita and Hanjiro Yamashita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance

evidenced by Policy No. 1,294,864 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Fred Kazuo Yamashita, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada together with the right to demand, enforce, receive and collect the same including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Fred Kazuo Yamashita or Hanjiro Yamashita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1654; Filed, Jan. 31, 1951; 9:05 a. m.]

FEB 5

THE NATIONAL ARCHIVES

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Washington, Friday, February 2, 1951

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Peanut Bulletin, 721 (Peanuts 1950)–1, Amdt. 1]

PART 646—PEANUTS

SUBPART—1950 CROP PEANUT PRICE SUPPORT PROGRAM

The bulletin issued by Commodity Credit Corporation with respect to the 1950 crop peanut price support program (15 F. R. 6465) is amended by revising paragraphs (a) and (d) of § 646.207, Determination of grade, so that such section reads as follows:

§ 646.207 *Determination of grade.* A Federal or Federal-State inspector shall determine the grade (i e., percentages of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, and extra large kernels in the case of Virginia-type peanuts) of:

(a) Farmers stock peanuts delivered to a Receiving Agency for purchase by CCC, such grade to be determined at the time of delivery, except that for peanuts delivered after the date of issuance of this amendment in lots of less than 1,000 pounds the grade may be determined by the buyer if the producer is agreeable to the grade so determined. If the producer does not agree with the grade determined by the buyer, he may request that the peanuts be inspected and graded by a Federal or Federal-State inspector.

(b) Farmers stock peanuts to be pledged as security for a sheller loan, such grade to be determined at the time the peanuts are purchased from the producer.

(c) Farmers stock peanuts to be mortgaged as security for a producer loan, such grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be determined on the basis of the grade determined at the time such peanuts are delivered.

(d) Each lot of farmers stock quota peanuts and each lot of farmers stock peanuts containing both quota and excess oil peanuts purchased by a sheller under the terms of the 1950 Peanut Program Sheller Contract, such grade to be determined at the time of the purchase from the producer; except that for peanuts delivered after the date of issuance of this amendment in lots of less than 1,000 pounds the grade may be determined by the buyer if the producer is agreeable to the grade so determined. If the producer does not agree with the grade determined by the buyer, he may request that the peanuts be inspected and graded by a Federal or Federal-State inspector.

(e) Each lot of farmers stock peanuts and of No. 2 shelled peanuts (and other kernels contained therein) purchased by CCC from shellers, such grade to be determined at the time of delivery to CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 359, 55 Stat. 90, as amended, sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 6, Pub. Law 471, 81st Cong.; 7 U. S. C. and Sup., 1359; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1442)

Issued this 29th day of January 1951.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 51–1679; Filed, Feb. 1, 1951; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 136]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.510 *Grapefruit Regulation 136*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the

(Continued on p. 983)

CONTENTS

	Page
Agriculture Department	
See Commodity Credit Corporation; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Aramaki, Kameki	997
Asai, Seiji	997
Azzi, Enrico, et al	1000
Banco Germanico de la America del Sud	998
Bardet, Gerard	1000
Berenberg-Gossler, Sarah D	998
Del Grago, Angela, et al	999
German Government	998
Grabis, Cecilie	999
Halle, Werner	999
Lancia & C. Fabbrica Automobili	1000
Lenger, Walter	996
Ludwig, Oskar	997
Paul, Lena Lochner	1000
Schindler, Annie Elisabeth	1000
Societe Carbochimique S. A	999
Societe "L'Aviorex" Dreyfus Freres	1000
Steel, Catharine A., and Brooklyn Trust Co	996
Stettin Wohlfahrtsverwaltung	996
Theuner, Helen Marie	995
Vitale, Maria Concetta	999
Civil Aeronautics Board	
Proposed rule making:	
Pilot certificate requirements for hot air balloons	991
Commerce Department	
See National Production Authority.	
Commodity Credit Corporation	
Rules and regulations:	
Peanut price support program, 1950 crop	981
Customs Bureau	
Rules and regulations:	
Metal articles to be used in remanufacture by melting; entry free of duty and import tax	983
Economic Stabilization Agency	
Rules and regulations:	
Organizational statement	987
Federal Power Commission	
Notices:	
Hearings, etc.:	
Bonneville Project	994

FEDERAL REGISTER

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CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Consolidated Gas Utilities Corp. — 993
Michigan-Wisconsin Pipe Line Co. — 993
New England Power Co. — 993
Southern Natural Gas Co. — 993
Texas Eastern Transmission Corp. — 994
Texas Gas Transmission Corp. and MidSouth Gas Co. — 993

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Notices:
Sylvania Electric Products, Inc. and Philco Corp.; order appointing trial examiner and fixing time and place for taking testimony — 994

Fish and Wildlife Service
Rules and regulations:
Arrowwood National Wildlife Refuge, N. Dak.; fishing — 990

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs:
Certification of batches — 984
Tests and methods of assay — 984

General Services Administration
Notices:
General delegation of authority to heads of services, staff officers, and regional directors — 984

Interior Department
See Fish and Wildlife Service.

Interstate Commerce Commission
Notices:
Applications for relief:
Coal, fine, from Kentucky to Charleston, S. C. — 995
Sugar from Port of Palm Beach, Fla., to points in Florida — 994
Rules and regulations:
Car service; substitution of refrigerator cars for box cars — 989

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Copper and copper-base alloy scrap; distribution — 987

Production and Marketing Administration
Proposed rule making:
Milk handling:
Southern Illinois area — 990
Suburban St. Louis, Mo., area — 990
Rules and regulations:
Grapefruit in Florida; limitation of shipments — 981

Securities and Exchange Commission
Notices:
New England Power Co.; notice of filing — 995

Treasury Department
See Customs Bureau.

Veterans' Administration — Page
Rules and regulations:
Vocational rehabilitation and education; effective beginning dates for payment of benefits and effective date of increase in rate of subsistence allowance on account of dependency — 989

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 991

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 — Page
Chapter IV:
Part 646 — 981

Title 7
Chapter IX:
Part 911 (proposed) — 990
Part 916 (proposed) — 990
Part 933 — 981

Title 14
Chapter I:
Part 22 (proposed) — 991

Title 19
Chapter I:
Part 64 — 983

Title 21
Chapter I:
Part 141 — 984
Part 146 — 984

Title 32A
Chapter II—ESA:
Organization — 987
Chapter VI—NPA:
M–16 — 987

Title 33
Chapter I:
Part 21 — 989

Title 49
Chapter I:
Part 95 — 989

Title 50
Chapter I:
Part 33 — 990

State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 5, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 5, 1951; the recommendation and supporting information for continued regulation subsequent to February 4 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 23; such meeting was held to consider recommendations for regulating, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this regulation, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 5, 1951, and ending at 12:01 a. m., e. s. t., February 12, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any white seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any white seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xii) Any pink seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xiii) Any pink seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 30th day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–1710; Filed, Feb. 1, 1951; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52656]

PART 64—METAL ARTICLES TO BE USED IN REMANUFACTURE BY MELTING

ENTRY FREE OF DUTY AND IMPORT TAX

Regulations governing the entry free of duty and import tax of metal articles imported to be used in remanufacture by melting, prescribed under section 2 of the act of March 13, 1942 (56 Stat. 171), as amended by Public Law 869, 81st Congress.

The following regulations for the entry free of duty and import tax of articles of which metal is the component material of chief value, other than ores or concentrates or crude metal, imported to be used in remanufacture by melting are prescribed under section 2 of the act of March 13, 1942 (56 Stat. 171), as amended by Public Law 869, 81st Congress.[1]

Sec.
64.1 Scope of exemption; non-deposit of estimated duty.
64.2 Proof of intent; bond; proof of use; liquidation.
64.3 Foreign excess property.

AUTHORITY: §§ 64.1 to 64.3 issued under R. S. 251; 19 U. S. C. 66. Interprets or applies sec. 2, 56 Stat. 171, as amended; 19 U. S. C. 1001 note.

§ 64.1 *Scope of exemption; non-deposit of estimated duty.* (a) Articles in chief value of metal (except ores, concentrates, and crude metal) imported to be used, and actually used, in remanufacture by melting shall be exempted from duty (including import tax), upon compliance with the provisions of §§ 64.2 and 64.3, if entered, or withdrawn from warehouse, for consumption on or after October 1, 1950, and before the close of June 30, 1951.

(b) Such articles shall likewise be exempt from duty if so entered or withdrawn before October 1, 1950, and the provisions of the said §§ 64.2 and 64.3 are complied with before the liquidation of the covering entry or withdrawal, or any other controlling decision or exac-

[1] • • • SECTION 1. (a) No duties or import taxes shall be levied, collected, or payable under the Tariff Act of 1930, as amended, or under section 3425 of the Internal Revenue Code with respect to metal scrap, or relaying and rerolling rails.

(b) The word "scrap", as used in this Act, shall mean all ferrous and nonferrous materials and articles, of which ferrous or nonferrous metal is the component material of chief value, which are second-hand or waste or refuse, or are obsolete, defective or damaged, and which are fit only to be remanufactured.

SEC. 2. Articles of which metal is the component material of chief value, other than ores or concentrates or crude metal, imported to be used in remanufacture by melting, shall be accorded entry free of duty and import tax, upon submission of proof, under such regulations and within such time as the Secretary of the Treasury may prescribe, that they have been used in remanufacture by melting: *Provided, however,* That nothing contained in the provisions of this section shall be construed to limit or restrict the exemption granted by section 1 of this Act.

tion, has become final and conclusive by reason of section 514, Tariff Act of 1930.

(c) In the case of articles entered or withdrawn before October 1, 1950, if the entry or withdrawal[2] has not been liquidated, and no other controlling decision or exaction has been made, and if claim is made by the importer in writing that the articles were imported to be used in remanufacture by melting, as provided for in section 2 of the act of March 13, 1942, as amended by Public Law 869, 81st Congress, liquidation shall be suspended pending proof of use or other disposition of the articles in accordance with § 64.2. If in such a case the entry or withdrawal has been liquidated, or other controlling decision or exaction has been made, action toward the collection of duty shall be suspended to allow compliance with § 64.2 if (1) a claim by the importer in writing has been made or shall be made that the articles were imported to be used in remanufacture by melting, and (2) a timely protest has been or shall be filed against the liquidation, decision, or exaction.

(d) No deposit of estimated duty shall be required upon the entry, or withdrawal, for consumption of articles within the purview of paragraph (a) of this section if the collector is satisfied at the time of entry or withdrawal by an affidavit of the importer that the merchandise was imported to be used in remanufacture by melting.

§ 64.2 *Proof of intent; bond; proof of use; liquidation.* Articles in chief value of metal, except ores, concentrates, and crude metal, imported to be used in remanufacture by melting shall be admitted free of duty (including import tax), upon compliance with the following conditions:

(a) There shall be filed in connection with the entry[2] an affidavit of the importer that the articles are to be used in remanufacture by melting. Where the articles have been entered prior to the promulgation of the regulations in this part, the foregoing affidavit may be filed at any time prior to liquidation or in connection with a timely protest, provided the declared intent to import the articles to be used in remanufacture by melting existed at the time of importation.

(b) If the articles are entered for consumption, there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553. If the articles are entered for warehouse, the regular warehouse bond, customs Form 7555, shall be given and withdrawals shall be made on customs Form 7506. The liquidation of the consumption or warehouse entry shall be suspended pending proof of use or other disposition of the articles within the time hereinafter prescribed.

(c) Within 3 years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit to the collector of customs at the port of entry an affidavit of the superintendent or manager of the plant at which the articles were used in remanufacture by melting, showing: (1) The name and location of the plant; (2) the entry number, date, and port of entry (if the affiant is not in possession of this information a reference to invoices, purchase orders, or other documents which will identify the shipment with the entry may be substituted); (3) the date or inclusive dates of the processing of the articles; and (4) a description of the processing in sufficient detail to enable the collector to determine whether such processing constituted a use in remanufacture by melting. In appropriate cases the processing of the articles covered by more than one entry may be included in one affidavit. The affidavit shall be based on adequate and carefully kept plant and import records, which shall be open at all times to customs agents or other employees of the Customs Service. The affidavit shall be in duplicate, one copy to be forwarded to the comptroller of customs.

(d) If satisfactory proof of use of the articles in remanufacture by melting is furnished within the prescribed time, the entry shall be liquidated without the assessment of duty on the articles covered by such proof. If such proof is not filed within 3 years from the date of entry, or the use does not warrant the classification claimed, the entry shall be liquidated without any exemption from duty under section 2 of the act of March 13, 1942, as amended.

§ 64.3 *Foreign excess property.* In the event that metal articles entered or withdrawn under the provisions of the regulations in this part are foreign excess property subject to the provisions of § 59.2 of this chapter (T. D. 51875), compliance with the provisions of §§ 64.1, 64.2 and 59.2, of this chapter, shall be required, except that satisfactory proof of use submitted in connection with either set of regulations may be accepted under the other.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 26, 1951.

JOHN S. GRAHAM,
Acting Secretary of Treasury.

[F. R. Doc. 51-1682; Filed, Jan. 31, 1951; 4:03 p. m.]

[2] Public Law 869, 81st Congress, does not contemplate any liquidation of a warehouse withdrawal otherwise than as may be provided for in the general customs regulations.

SEC. 2. The amendment made by this act shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on or after the day following the date of the enactment of this act and before the close of June 30, 1951. It shall also be effective as to merchandise entered, or withdrawn from warehouse, for consumption before the period specified where the liquidation of the entry or withdrawal covering the merchandise, or the exaction or decision relating to the rate of duty applicable to the merchandise, has not become final by reason of section 514, Tariff Act of 1930.

NOTE: Section 2 of Public Law 869, 81st Congress applies to both sections 1 (a) and 2 of the act of March 13, 1942, as amended by said Public Law 869.

[2] "In connection with the entry" means any time prior to liquidation of the entry or within the period during which a valid reliquidation may be completed (§ 25.18 (c), Customs Regulations of 1943; 19 CFR 25.18 (c)). Therefore, a claim for free entry under section 2 of the act of March 13, 1942 (56 Stat. 171), as amended by Public Law 869, 81st Congress, supported by an affidavit of intent may be filed at any time prior to the liquidation of the entry or within the period during which a valid reliquidation may be completed.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.: 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464), are amended as indicated below:

1. In § 141.1 (h), the headnote and first two sentences are amended to read as follows:

§ 141.1 *Sodium penicillin, calcium penicillin, potassium penicillin; potency.* • • •

(h) *Assay by alternative methods.* The potency of the sample may also be determined by the iodometric method as described in § 141.5 (d), or by the standard-curve technique, using a single dose of standard and unknown. In the case of the standard-curve technique, dilute the sample to be tested to 1.0 unit per milliliter (estimated) in 1 percent phosphate buffer pH 6.0. • • •

2. Section 141.5 (d) (2) is amended to read as follows:

§ 141.5 *Sodium penicillin, calcium penicillin, potassium penicillin.* • • •

(d) *Heat stability.* • • •

(2) *Crystalline penicillin O.* Proceed as directed in subparagraph (1) of this paragraph, except regard the difference in titers divided by 2.80 as the milligrams of penicillin O salt. Penicillin O does not show a loss of more than 10 percent of its original potency.

3. Part 141 is amended by adding the following new section:

§ 141.41 *Penicillin-bacitracin troches*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141.12 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Bacitracin content.* Proceed as directed in § 141.403 (a), except that sufficient penicillinase is added to the solution under test to completely inactivate the penicillin present. Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

4. Section 141.301 *Chloramphenicol* is amended by deleting paragraph (g).

5. Part 141 is amended by adding the following new sections:

§ 141.303 *Chloramphenicol ointment*—(a) *Potency.* Proceed as directed in § 141.301 (a), except subparagraphs (8) and (9) thereof, and in lieu of the directions in subparagraph (4), prepare sample as follows: Accurately weigh approximately 1.0 gram of the ointment and place in blending jar containing 100 milliliters of 1-percent phosphate buffer at pH 6.0. Using a high-speed blender, blend the mixture for 2 minutes and make the proper estimated dilutions in 1-percent phosphate buffer at pH 6.0. The potency of chloramphenicol ointment is satisfactory if it contains not less than 85 percent of the number of milligrams per gram it is represented to contain.

§ 141.304 *Chloramphenicol ophthalmic*—(a) *Potency.* Proceed as directed in § 141.301 (a), except subparagraph (9) thereof. The potency of chloramphenicol ophthalmic is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

(b) *pH.* Proceed as directed in § 141.5 (b), using a solution prepared as directed in the labeling of the drug.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

6. Part 146 is amended by adding the following new section:

§ 146.60 *Penicillin-bacitracin troches.* (a) Penicillin-bacitracin troches conform to all requirements prescribed by § 146.30 for penicillin troches and are subject to all procedures prescribed by § 146.30 for penicillin troches, except that:

(1) Each troche shall contain not less than 50 units of bacitracin. The bacitracin used conforms to the standards prescribed by § 146.401 (a), except subparagraphs (1), (2), and (4) of that paragraph, but its potency is not less than 30 units per milligram.

(2) In lieu of the labeling prescribed for penicillin troches by § 146.30 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of units of bacitracin in each troche of the batch.

(3) In addition to complying with the requirements of § 146.30 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the bacitracin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 30 troches of such batch and (unless it was previously submitted) a sample consisting of 6 packages, each containing approximately equal portions of not less than 500 milligrams of the bacitracin used in making the batch, packaged in accordance with the requirements of § 146.401 (b).

(b) The fee for the services rendered with respect to each immediate container in the sample of bacitracin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

7a. In § 146.203 (a), the first sentence is amended to read as follows:

§ 146.203 *Aureomycin troches* • • •

(a) *Standards of identity, strength, quality, and purity.* Aureomycin troches are troches composed of crystalline aureomycin and one or more suitable and harmless diluents, binders, and lubricants, with or without one or more suitable and harmless perservatives, colorings, and flavorings. • • •

b. Section 146.203 (c) (1) is amended by deleting the "and" at the end of subdivision (ii), by renumbering subdivision (iii) as (iv), and by inserting a new subdivision numbered (iii) reading as follows between subdivision (ii) and renumbered subdivision (iv):

(iii) If it contains a preservative, the name and quantity of each such ingredient; and

8. In § 146.301, paragraph (d) (1) is amended by deleting the word "crystallinity," from the second sentence.

9. In § 146.302, paragraph (d) (2) (ii) is amended by deleting the word "crystallinity,".

10. Part 146 is amended by adding the following new sections:

§ 146.303 *Chloramphenicol ointment (chloramphenicol cream)*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ointment is chloramphenicol in a suitable and harmless ointment base, with or without suitable and harmless dispersing and suspending agents. If such base is water-miscible, it shall contain a suitable and harmless preservative. Its potency is not less than 1.0 milligram per gram. The chloramphenicol used conforms to the requirements of § 146.301 (a), except subparagraphs (2), (4), and (5), of that paragraph. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Chloramphenicol ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the ⅛-ounce size if such ointment is represented for ophthalmic use, and in no case larger than the 2-ounce size, except that if it is labeled solely for hospital use it may be packaged in immediate containers of glass which meet the test for tight containers as defined by the U. S. P. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloramphenicol ointment shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chloramphenicol per gram of the batch;

(iii) If it contains a preservative, the name and quantity of such ingredient; and

(iv) The statement "Expiration date ————," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ————," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless the drug is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloramphenicol ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloram phenicol used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following,

made by him on an accurately representative sample of:

(i) The batch; average potency per gram.

(ii) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146.301 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 200 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.304 *Chloramphenicol ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic is chloramphenicol, with or without one or more suitable and harmless buffer substances and diluents. The chloramphenicol is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 1.0 milligram per milliliter and maintains its labeled potency after it has been kept for 10 days at room temperature. Such solution has a pH of 7.3±0.2. The chloramphenicol used conforms to the requirements of § 146.301 (a), except subparagraphs (2), (4), and (5) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of chloramphenicol ophthalmic shall be a tight container as defined by the U. S. P. Its closure shall be one through which a hypodermic needle cannot be introduced. The composition of the immediate container and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 25 milligrams and each may be packaged in combination with a container of the solvent, distilled water U. S. P.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of milligrams of chloramphenicol in the immediate container;

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(iv) If it is packaged in combination with a container of a solvent the statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such chloramphenicol ophthalmic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if it is intended solely for veterinary use, directions and precautions adequate for the use of such chloramphenicol ophthalmic, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars and other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloramphenicol ophthalmic shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless previously submitted) the date on which the latest assay of the chloramphenicol used in making such batch was completed, the number of milligrams of chloramphenicol in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and pH of the solution prepared as directed in its labeling.

(ii) The chloramphenicol used in making the batch; potency, toxicity, pH, specific rotation, melting point, and extinction coefficient.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol used in making the batch; 10 packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146.301 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.8 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup., 357)

This order, which provides for the use of an iodometric method of assay for determining the potency of penicillin; a change in the method for determining the stability of crystalline penicillin O; deletion of the test for crystallinity of chloramphenicol; certification of three new antibiotic preparations, penicillin-bacitracin troches, chloramphenicol ointment, and chloramphenicol ophthalmic; and the optional use of a suitable and harmless preservative in the manufacture of aureomycin troches, shall become effective upon publication in the FEDERAL REGISTER; since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the use of an iodometric method of assay for determining the potency of penicillin; a change in the method for determining the stability of crystalline penicillin O; deletion of the test for crystallinity of chloramphenicol; certification of three new antibiotic preparations, penicillin-bacitracin troches, chloramphenicol ointment, and chloramphenicol ophthalmic; and the optional use of a suitable and harmless preservative in the manufacture of aureomycin troches.

Dated: January 29, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-1631; Filed, Feb. 1, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

REGIONAL AND DISTRICT OFFICES

AMENDMENT OF ORGANIZATIONAL STATEMENT

The organization of the Economic Stabilization Agency, established pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), and Executive Order 10161 (15 F. R. 6105), as published in the FEDERAL REGISTER dated December 16, 1950 (15 F. R. 9004), is amended by adding the following section thereto:

SEC. VII. *Location.* The Regional and District Offices of the Economic Stabilization Agency are located as follows:

Region I (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont). Office: Boston, Mass., 141 Milk Street. District offices: Portland, Maine, Post Office Building; Montpelier, Vt., 126 Main Street; Concord, N. H., 44 South Main Street; Hartford, Conn., 179 Allyn Street; Providence, R. I., 49 Westminster Street.

Region II (New York, New Jersey). Office: New York, N. Y., 2 Park Avenue. District offices: Buffalo, N. Y., 295 Main Street; Newark, N. J., 165 Washington Street.

Region III (Delaware, Pennsylvania). Office: Philadelphia, Pa., Fifteenth and Market Streets. District offices: Pittsburgh, Pa., Fulton Building; Wilmington, Del., 901 West Eighth Street.

Region IV (Maryland, North Carolina, Virginia, West Virginia, District of Columbia). Office: Richmond, Va., 900 North Lombardy Street. District offices: Charleston, W. Va., 601 Virginia Street East; Charlotte, N. C., 500 West Trade Street; Baltimore, Md., 103 South Gay Street; District of Columbia, 310 Sixth Street NW.

Region V (Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee). Office: Atlanta, Ga., 114 Marietta Street NW. District offices: Columbia, S. C., 1313 Main Street; Memphis, Tenn., Marx & Bensdorf Building; Jackson, Miss., 437 West Capitol Street; Birmingham, Ala., 1814 Second Avenue; Jacksonville, Fla., 221 West Adams Street.

Region VI (Kentucky, Michigan, Ohio). Office: Cleveland, Ohio, 1901 East Thirteenth Street. District offices: Cincinnati, Ohio, 37-41 West Seventh Street; Detroit, Mich., Book Tower; Louisville, Ky., 307 South Fifth Avenue.

Region VII (Illinois, Indiana, Wisconsin). Office: Chicago, Ill., 219 South Clark Street. District offices: Indianapolis, Ind., 730 East Washington Street; Milwaukee, Wis., 161 West Wisconsin Avenue.

Region VIII (Minnesota, North Dakota, Montana, South Dakota). Office: Minneapolis, Minn., 620 Marquette. District offices: Fargo, N. Dak., 16 Eighth Street South; Sioux Falls, S. Dak., 114 South Main Avenue; Helena, Mont., Federal Building.

Region IX (Iowa, Kansas, Missouri, Nebraska). Office: Kansas City, Mo., 112 Ninth Street. District offices: St. Louis, Mo., 314 North Broadway; Omaha, Nebr., 1516 Harney Street; Des Moines, Iowa, 418 Seventh Street; Wichita, Kans., 3234 East Douglas Street.

Region X (Louisiana, Oklahoma, Arkansas, Texas). Office: Dallas, Tex., 3306 Main Street. District offices: Little Rock, Ark., 555 Building; Houston, Tex., 510 LaBanc Street; New Orleans, La., Standard Oil Building; Oklahoma City, Okla., 322 North Robinson Street.

Region XI (Colorado, New Mexico, Utah, Wyoming). Office: Denver, Colo., Central Savings Building, Fifteenth and Arapahoe Streets. District Offices: Cheyenne, Wyo., 1509 Bent Avenue; Salt Lake City, Utah, 222 South West Temple Street; Albuquerque, N. Mex., 142 North Monroe Street.

Region XII (Arizona, California, Nevada). Office: San Francisco, Calif., 1000 Geary Street. District offices: Reno, Nev., 1475 Wells Avenue; Los Angeles, Calif., 108 West 6th Street; Phoenix, Ariz., 315 North Central Avenue.

Region XIII (Idaho, Oregon, Washington). Office: Seattle, Wash., 1110 Second Avenue. District offices: Portland, Oreg., Lincoln Building; Boise, Idaho, American Legion Building.

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-1733; Filed, Feb. 1, 1951; 8:51 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, as amended Jan. 31, 1951]

PART 29—COPPER AND COPPER-BASE ALLOYS

SUBPART C—DISTRIBUTION OF COPPER AND COPPER-BASE ALLOY SCRAP

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives, including trade association representatives of all trades and industries affected, in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-16 dated December 18, 1950, as follows:

It amends §§ 29.52, 29.53, and 29.54. As amended, this order reads as follows:

Sec.
29.51 What this subpart does.
29.52 Definitions.
29.53 Acceptance and deliveries of scrap.
29.54 Restrictions on disposal of scrap.
29.55 Restrictions on inventory accumulations by scrap dealers.
29.56 Restrictions on toll agreements.
29.57 Specific authorizations and directions.
29.58 Applications for adjustment.
29.59 Records and reports.
29.60 Communications.
29.61 Violations.

AUTHORITY: §§ 29.51 to 29.61 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

§ 29.51 *What this subpart does.* The primary purpose of this subpart is to regulate the acceptance, delivery and distribution (whether on purchase, toll agreement or otherwise) of copper scrap and copper-base alloy scrap. The subpart also prohibits undue accumulations of such scrap.

§ 29.52 *Definitions.* As used in this subpart:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire refined copper and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. (Includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard C3 67-38).

(d) "Scrap" means all copper or copper-base alloy materials or objects,

which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(e) "Copper wire mill product" means bare wire, insulated wire and cable, whatever the outer protective coverings may be, and uninsulated wire and cable, where the conductors are made from copper, copper-base alloy, or copper clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill product" means sheet, including strip and plate; rod, including bars; wire, or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (Includes the removal of gates, risers and sprues and sandblasting, tumbling or dipping, but excludes any further machining or processing.)

(h) "Brass mill scrap" means scrap which is the waste or by-product of industry fabrication or of the production of brass mill products and copper wire mill products. It also includes reclaimed scrap which, by processing, has become usable by brass mills. It does not include material which has been reclaimed for use and which is unsuitable for brass mill use because of contamination.

(i) "Other copper-base alloy scrap" means alloyed copper scrap other than brass mill scrap.

(j) "Other unalloyed copper scrap" means unalloyed copper scrap other than brass mill scrap.

(k) "Fired and demilitarized cartridge and artillery cases" means fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products.

§ 29.53 *Acceptance of deliveries of scrap.* Any person listed in Column A of the table set forth below may accept delivery of the scrap materials specified in the corresponding section of Column B of the table. Unless specifically authorized in writing by the National Production Authority, deliveries of any such scrap materials shall not be made to or accepted by any person except as permitted by this section. Accordingly, any person who in his own operations generates scrap, but who does not produce copper raw materials, may not accept any of the scrap materials specified in Column B unless he qualifies as a "Miscellaneous Producer" as listed in Column A.

Column A	*Column B*
1. Scrap Dealer—Any person regularly engaged in the business of buying and selling scrap, but who does not melt such scrap.	1. Other unalloyed copper scrap; other copper-base alloy scrap; brass mill scrap; fired and demilitarized cartridge and artillery cases, both contaminated and uncontaminated.
2. Refiner—Any person who produces unalloyed copper. This includes any person who converts copper or copper-base alloy scrap into refined copper or other usable forms of copper.	2. Other unalloyed copper scrap; other copper-base alloy scrap; contaminated fired or demilitarized cartridge and artillery cases not usable by a brass mill.
3. Brass Mill—Any person who produces brass mill products, brass mill castings, or intermediate shapes.	3. Brass mill scrap; uncontaminated fired or demilitarized cartridge and artillery cases.
4. Brass and Bronze Foundry—Any person who produces foundry copper or copper-base alloy products.	4. Other unalloyed scrap; other copper-base alloy scrap; contaminated fired or demilitarized cartridge and artillery cases not usable by a brass mill.
5. Ingot Maker—Any person who produces copper-base alloy ingot for delivery as such.	5. Other unalloyed scrap; other copper-base alloy scrap; contaminated fired or demilitarized cartridge and artillery cases not usable by a brass mill.
6. Miscellaneous Producer—Any person, not listed above, who requires copper raw materials in his regular production operation, such as operators of chemical plants, iron foundries, aluminum foundries, etc.	6. Other unalloyed scrap; other copper-base alloy scrap.

§ 29.54 *Restrictions on disposal of scrap.* (a) No person, other than one who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills or foundries) or who qualifies as a "Miscellaneous Producer" as listed in Column A under § 29.53, shall melt or process any scrap generated in his plant through fabrication or accumulated in his operations through obsolescence, except as specifically authorized in writing by the National Production Authority, nor shall he dispose of such materials in any way other than by delivery to a person authorized by this subpart to accept such delivery.

(b) The provisions of paragraph (a) of this section will not apply to any establishment of the United States Army, Navy or Air Force such as arsenals, navy yards, gun factories and depots.

(c) Nothing contained in this subpart shall prohibit any public utility from using in its own operation copper wire or cable which has become scrap by obsolescence.

§ 29.55 *Restrictions on inventory accumulations.* (a) No person who generates scrap in his operations through fabrication, manufacture or obsolescence shall accumulate excessive inventories of scrap. Such excessive inventories may be subject to requisition, under certain circumstances, as provided in section 201 (a) of Title II of the Defense Production Act of 1950.

(b) No scrap dealer shall accept delivery of any form of scrap, defined in § 29.52, if his total inventory of such scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of his total deliveries of such scrap by weight during the first six months of 1950, divided by three.

§ 29.56 *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of the National Production Authority, no person shall deliver scrap, and no person shall accept same, for converting, remelting or other processing into electrolytic or fire refined copper under any existing or future toll agreement, conversion agreement or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement hereinabove described.

(b) Persons requesting such approval shall file with the National Production Authority a letter setting forth: the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the electrolytic or fire refined copper resulting; the estimated rate and dates of delivery of such copper; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper is to be used; and such other information as the applicant may wish to submit.

§ 29.57 *Authorizations and directives.* The National Production Authority may issue authorizations or directives from time to time with respect to the delivery, disposal and conversion of scrap. Such authorizations and directives shall be complied with by the recipients thereof, unless otherwise directed by the National Production Authority.

§ 29.58 *Applications for adjustment.* Any person affected by any provision of this subpart may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this subpart, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

§ 29.59 *Records and reports.* (a) Each person participating in any transaction covered by this subpart shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this subpart have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this subpart shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this subpart shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

§ 29.60 *Communications.* All communications concerning this subpart shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–16.

§ 29.61 *Violations.* Any person who wilfully violates any provision of this subpart or any other order or regulation of the National Production Authority in the course of operation under this subpart is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority on allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this subpart have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This subpart as amended shall take effect on January 31, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51–1812; Filed, Feb. 1, 1951; 12:04 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

EFFECTIVE BEGINNING DATES FOR PAYMENT OF BENEFITS AND EFFECTIVE DATE OF INCREASE IN RATE OF SUBSISTENCE ALLOWANCES ON ACCOUNT OF DEPENDENCY

1. In § 21.100, the title and paragraphs (b) and (e) are amended to read as follows:

§ 21.100 *Effective beginning dates for payment of benefits.* * * *

(b) The beginning date for payment of benefits will be authorized effective as of the date of receipt of claim, or the date of entrance or reentrance into training as certified by the institution, or the date of approval of the institution, course, or establishment by the appropriate agency of the State or by the Veterans' Administration, or the date the institution applied to the State agency for approval, whichever is the later.

(1) The date of receipt of claim for benefits, VA Form 7–1953 or 7–1909, by the institution will be accepted as the date of receipt by the Veterans' Administration if the claim is transmitted by the institution and received in the Veterans' Administration within a period of 90 days from the date received by the institution. Otherwise, except as provided in subparagraph (3) of this paragraph, the date of receipt by the Veterans' Administration will be the governing date.

(2) The date of entrance or reentrance into training as certified by the institution will be accepted if the certification on VA Form 7–1953 or 7–1909 is received in the Veterans' Administration within a period of 90 days from that date. Otherwise, except as provided in subparagraph (3) of this paragraph, the date of receipt by the Veterans' Administration will be the governing date.

(3) Where a veteran's application for education or training and/or subsistence allowance or the certification of his entrance or reentrance into training or evidence of dependency is received in the Veterans' Administration after the delimiting period prescribed in subparagraphs (1) and (2) of this paragraph, and where it is clearly shown by competent evidence that the veteran exercised all reasonable care and diligence toward the protection of his own interest, or that the institution or establishment acted in good faith and exercised reasonable care and diligence, and in the opinion of the chief, vocational rehabilitation and education division, the 90-day limitation should be waived, a statement of all pertinent facts and circumstances, together with appropriate recommendations, may be forwarded to the assistant administrator for vocational rehabilitation and education, central office. If such recommendation be approved, the date of receipt of claim for education or training and/or subsistence allowance by the institution, or the date of entrance or reentrance into training as certified by the institution will be accepted by the Veterans' Administration.

* * * * *

(e) Where the veteran asserts on his original application for subsistence allowance that he has a dependent or dependents, he will be informed of the necessity to submit satisfactory evidence of such dependency, and that until such evidence is received in the Veterans' Administration subsistence allowance on the basis of dependency will not be authorized. If satisfactory evidence of such dependency is received within 1 year of the date of request therefor, subsistence allowance payable because of the dependency will be authorized effective as of the date of entrance into training or the receipt of the application if received at a later date. If such evidence is received after 1 year of the date of request therefor, the effective date of an authorization in subsistence allowance on account of dependency will be as of the date of the receipt by the Veterans' Administration of the evidence showing entitlement thereto.

2. Section 21.101 is amended to read as follows:

§ 21.101 *Effective date of increase in rate of subsistence allowance on account of dependency.* The effective date of an increase in subsistence allowance on account of a dependent will be the date the evidence establishing the dependency is received in the Veterans' Administration. Such evidence of dependency will be considered as received in the Veterans' Administration as of the date received by an institution if it is transmitted to and received in the Veterans' Administration within a period of 90 days from the date received by the institution on as determined under § 21.100 (b) (3). In those cases where additional evidence is necessary to substantiate or confirm the original evidence submitted by the veteran, the effective date of increased subsistence allowance is the date of receipt of the original evidence if the additional evidence confirms the original evidence and is received in the Veterans' Administration within 1 year from the date of request therefor. Additional evidence required for the purpose of inquiring into the veracity of a witness or the authenticity or validity of the documentary evidence falls within this section.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective February 2, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–1003; Filed, Jan. 31, 1951; 8:56 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Corr. S. O. 851, Amdt. 4]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1951.

Upon further consideration of Service Order No. 851 (15 F. R. 3453, 3486, 4895, 7133), and good cause appearing there-

for: It is ordered, that: Section 95.851 *Substitution of refrigerator cars for box cars*, of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1951, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., January 31, 1951.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1675; Filed, Feb. 1, 1951; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

ICE FISHING

Basis and purpose. Observation and reports by field representatives of the Fish and Wildlife Service show that fishing through the ice on the Arrowwood National Wildlife Refuge could be permitted without detrimental effect upon the primary purpose of the administration of the Refuge.

Inasmuch as the following regulations are relaxations of the present restrictions governing fishing on the Refuge, publication prior to the effective date thereof is not required. (60 Stat. 237, 5 U. S. C. 1001 et seq.)

Effective immediately upon publication in the FEDERAL REGISTER, the following section is added:

§ 33.9 *Ice fishing.* Fishing through the ice is permitted during the daylight hours from December 16 to March 15, inclusive, on such waters of the Arrowwood National Wildlife Refuge as are designated by suitable posting by the officer in charge, subject to the provisions of Parts 18 and 21 of this chapter, and §§ 33.4, 33.5, and 33.6.

(Sec. 10, 45 Stat. 1224, 16 U. S. C. 715i)

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 51-1707; Filed, Feb. 1, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 911]

[Docket No. AO-215]

HANDLING OF MILK IN SUBURBAN ST. LOUIS, MO., MARKETING AREA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at East St. Louis, Illinois, on February 23 and 24 and February 27 to March 3, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 327), upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area. The recommended decision (15 F. R. 7317), of the Assistant Administrator, Production and Marketing Administration, and the decision (16 F. R. 163), of the Secretary of Agriculture, setting forth a proposed marketing agreement and a proposed order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on November 21, 1950 and January 6, 1951, respectively. The Secretary also issued an order (16 F. R. 179) directing that a referendum be conducted among producers to determine whether the requisite percentage of such producers favor the issuance of the proposed order.

Of the three cooperative associations of producers that voted in the referendum, two were not in favor of the issuance of the proposed order regulating the handling of milk in the Suburban St. Louis, Missouri, marketing area. The ballot cast by one of these associations for its members as a group is not valid, since it has been found that the indicia of membership specified in the cooperative by-laws have never been executed. The results should not be affected by this legal technicality. Since the Board of Directors of the aforementioned cooperative association and the Board of Directors of an association empowered to vote for its members did not favor issuance of the proposed order for the Suburban St. Louis, Missouri, milk marketing area, it is determined that the proposed order set forth in the Secretary's decision of January 6, 1951 (16 F. R. 168) will not tend to effectuate the purpose of the act, and therefore will not be issued or made effective.

Done at Washington, D. C., this 30th day of January 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 51-1709; Filed, Feb. 1, 1951; 8:52 a. m.]

[7 CFR, Part 916]

[Docket No. AO-217]

HANDLING OF MILK IN SOUTHERN ILLINOIS MARKETING AREA

FINDINGS AND DETERMINATIONS ON RESULTS OF REFERENDUM ON PROPOSED MARKETING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Murphysboro, Illinois, oh March 7-11, 1950, pursuant to notice thereof which was published in the FEDERAL REGISTER (15 F. R. 800), upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Southern Illinois marketing area. The recommended decision (15 F. R. 7327), of the Assistant Administrator, Production and Marketing Administration, and the decision (16 F. R. 179), of the Secretary of Agriculture, setting forth a proposed marketing agreement and a proposed order as the appropriate and detailed means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, were published in the FEDERAL REGISTER on November 1, 1950, and January 6, 1951, respectively. The Secretary also issued an order (16 F. R. 191), directing that a referendum be conducted among producers to determine whether the requisite percentage of such producers favor the issuance of the proposed order.

It is hereby found and determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that issuance of the proposed order regulating the handling of milk in the Southern Illinois marketing area, is not favored by the requisite percentage of producers voting in the aforesaid referendum.

It is hereby further determined that the proposed order set forth in the Secretary's decision of January 6, 1951 (16 F. R. 179), will not be issued or made effective because of the failure of producers to approve or favor its issuance by the requisite percentage of producers voting in the referendum conducted among such producers.

Done at Washington, D. C. this 30th day of January 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 51-1708; Filed, Feb. 1, 1951; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 22]

PILOT CERTIFICATE REQUIREMENTS FOR HOT AIR BALLOONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendment of Part 22 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by February 19, 1951, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after February 21, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Section 22.13 currently establishes requirements for the issuance of free balloon pilot certificates. Of these requirements, those in paragraphs (f), (g), and (h) are directly affected by this proposal. Under paragraph (f), each applicant is required to pass an extensive examination on aeronautical matters which include meteorology, navigation, and the servicing and operation of airships. Under paragraph (g) he must comply with the minimum experience requirements in respect of flight instruction and solo flight time. Under paragraph (h) he is required to demonstrate successfully his skill in actual solo flight.

The proposed amendment would exempt from the requirements of paragraphs (f), (g), and (h) an applicant who seeks a certificate for the operation of hot air balloons and who otherwise meets the requirements of the section. Experience has shown that the knowledge requirements of paragraph (f) are not prerequisite to the safe operation of hot air balloons and that the experience and skill requirements of paragraphs (g) and (h) are inconsistent with the operating limitations of hot air balloons. For these reasons, we have been requested to amend the Civil Air Regulations to permit the issuance of a free balloon pilot certificate limited to the operation of hot air balloons without requiring compliance with the provisions of § 22.13 (f), (g), and (h).

It is proposed to amend Part 22 by amending § 22.13, as follows:

§ 22.13 *Free balloon pilot certificate.* An applicant for a free balloon pilot certificate other than for a hot air balloon shall comply with the requirements of paragraphs (a) through (h) of this section. An applicant for a certificate limited to the operation of hot air balloons shall comply only with the requirements of paragraphs (a) through (d) of this section.

[It is not proposed to amend paragraphs (a) through (h) of this section.]

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendment when finally adopted by the Board may be considerably changed in view of the comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 49 U. S. C. 551-560, Act of July 1, 1948)

Dated: January 29, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-1683; Filed, Feb. 1, 1951; 8:47 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Lindy Allan, Inc., 59 O'Neill Street, Kingston, N. Y., effective 1-18-51 to 1-17-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's rayon and cotton dresses).

Alto Dress Co., Inc., 305-307 East Diamond Avenue, Hazleton, Pa., effective 1-18-51 to 1-17-52; 10 learners normal labor turnover (ladies' better dresses).

Altoona Factories, Inc., 1715 Eleventh Avenue, Altoona, Pa., effective 1-20-51 to 7-19-51; five learners for expansion purposes (sportswear and cotton work clothing).

Altoona Factories, Inc., 1715 Eleventh Avenue, Altoona, Pa., effective 1-20-51 to 1-19-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (sportswear and cotton work clothing).

Barmon Bros. Co., Inc., Westfield, N. Y., effective 1-17-51 to 1-16-52; 10 learners normal labor turnover (wash dresses).

Benton Industries, Inc., Benton, Pa., effective 1-19-51 to 1-18-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (sport shirts).

Berk Ray Corp., 701-711 River Street and Grand and Front Streets, Troy, N. Y., effective 1-24-51 to 1-23-52; 10 percent normal labor turnover (men's outer sportswear (not knitted)).

Berkshire Maid Garment Manufacturing Co., 162 Chestnut Street, Springfield, Mass., effective 1-22-51 to 1-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses).

Burlington Manufacturing Co., Concordia, Mo., effective 1-18-51 to 1-17-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (pants, shirts and jackets).

Candy Frocks, 945 South Main Street, Old Forge, Pa., effective 1-22-51 to 1-21-52; 10 learners normal labor turnover (dresses).

Chetopa Manufacturing Co., Inc., Chetopa, Kans., effective 1-24-51 to 6-23-51; 35 learners for expansion purposes (men's work clothing).

Fashion Clothes, Inc., 34-42 Taylor Street, Jamestown, N. Y., effective 1-24-51 to 1-23-52; for normal labor turnover, 10 percent or 10 learners whichever is greater. (This certificate authorizes the employment of learners at subminimum wage rates in the manufacture of men's raincoats and trousers only.)

Clever Maid Uniform Co., 633 South Plymouth Court, Chicago 5, Ill., effective 1-22-51 to 1-21-52; five learners normal labor turnover (nurses and maids' uniforms; women's industrial uniforms).

Edwardsville Dress Co., Inc., 76 Atlantic Avenue, Edwardsville, Pa., effective 1-18-51 to 1-17-52; 10 learners normal labor turnover (ladies' better dresses).

Green Valley Sportswear Co., 134 North Thirteenth Street, Philadelphia 7, Pa., effective 1-24-51 to 1-23-52; five learners normal labor turnover (sport shirts).

Hamilton Carhartt Overall Co., Inc., Irvine, Ky., effective 1-22-51 to 1-21-52; 10 percent normal labor turnover (overalls).

Hartsville Co., Hartsville, Tenn., effective 1-17-51 to 7-16-51; 40 learners for expansion purposes (sport shirts).

Hunter Bros. Co., Inc., P. O. Box 822, Statesville, N. C., effective 1-19-51 to 1-18-52; for normal labor turnover, five learners to be employed on men's work and sport shirts only (sport shirts).

Industrial Garment Manufacturing Co., 8 North Center Street, Springfield, Ohio, effective 1-18-51 to 10-12-51; 10 learners normal labor turnover (amended certificate) (men's cotton work clothes).

Jackson-Kennedy Co., Inc., Harperville, Ala., effective 1-18-51 to 1-17-52; five learners normal labor turnover (children's denim pants; women's and children's boxer shorts).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa., effective 2-1-51 to 1-31-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's snowsuits and jackets).

Keiser Dress Corp., Keiser, Pa., effective 1-22-51 to 1-21-52; 10 learners normal labor turnover (dresses).

Lafayette Pants Corp., 401 Lafayette Boulevard, Fredericksburg, Va., effective 1-22-51 to 1-21-52; 10 percent normal labor turnover (men's trousers).

Emanuel Levy Blouses Manufacturing, 114 Main Street, Ravens, N. Y., effective 1-17-51 to 1-16-52; 10 percent normal labor turnover (women's blouses).

Mahanoy City Sportswear, Inc., 108-110 South Main Street, Mahanoy City, Pa., effective 1-16-51 to 1-15-52; 10 percent normal labor turnover (men's sport shirts).

Mills-Mathanson Co., 12940 South Western Avenue, Blue Island, Ill., effective 1-24-51 to 1-23-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (wash dresses).

Mitchell Garment Co., Inc., Farmville, Va., effective 2-1-51 to 1-31-52; six learners normal labor turnover (children's wash dresses).

Morris Manufacturing Co., Fifth and Walnut Streets, Shamokin, Pa., effective 1-19-51 to 1-18-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men and boys sport shirts).

Newport Dress Factory, 28 South Third Street, Newport, Pa., effective 1-23-51 to 1-22-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses and other clothing).

Esther Page, 8 Loring Street, Lawrence, Mass., effective 1-22-51 to 1-21-52; 10 learners normal labor turnover (ladies' blouses and sportswear).

Perfect Brassiere Corp., 214 Academy Street, Hampton, Va., effective 1-24-51 to 1-23-52; 10 learners normal labor turnover (brassieres).

Piedmont Shirt Co., Greer Branch, Greer, S. C., effective 1-19-51 to 1-18-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (nylon dress and sport shirts).

Regal Manufacturing Co., 3913-15 Main Street, Dallas, Tex., effective 1-22-51 to 1-21-52; 10 learners normal labor turnover (cotton service uniforms).

Rock Hall Manufacturing Co., Rock Hall, Md., effective 1-22-51 to 1-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's cotton and rayon sport shirts).

Rockwood Undergarment Co., Inc., Rockwood, Pa., effective 1-17-51 to 7-16-51; 20 learners for expansion purposes only (rayon panties).

Rosenau Bros., Inc., West Bertsch Street, Lansford, Pa., effective 1-18-51 to 7-17-51; 75 learners for expansion purposes only (children's dresses).

Ruth's Originals, Burleson, Tex., effective 1-17-51 to 1-16-52; three learners normal labor turnover (small girls' dresses).

Salant & Salant, Inc., First Street, Lawrenceburg, Tenn., effective 1-20-51 to 1-19-52; 10 percent normal labor turnover (cotton work shirts).

N. Schekman Dress Co., 65 Main Street, Springfield, Mass., effective 1-24-51 to 1-23-52; five learners normal labor turnover (women's dresses).

Seamprufe, Inc., McAlester, Okla., effective 1-18-51 to 7-17-51; 50 learners for expansion purposes only (slips and lingerie).

E. & E. Shuwall Co., 80 Main Street, White Plains, N. Y., effective 1-19-51 to 1-18-52; 10 learners normal labor turnover (children's cotton dresses).

Henry I. Siegel Co., Inc., Fulton, Ky., effective 1-19-51 to 1-18-52; 10 percent normal labor turnover (leather and sheeplined garments).

Henry I. Siegel Co., Inc., Trezevant, Tenn., effective 1-19-51 to 1-18-52; 10 percent normal labor turnover (leather and sheeplined garments).

Henry I. Siegel Co., Inc., Dickson, Tenn., effective 1-19-51 to 1-18-52; 10 percent normal labor turnover (leather and sheeplined outer garments).

Henry I. Siegel Co., Inc., Bruceton, Tenn., effective 1-19-51 to 1-18-52; 10 percent normal labor turnover (men's jackets, mackinaws and ski pants).

Sipkin Corp., 160 South Poplar Street, Elizabethtown, Pa., effective 1-24-51 to 1-23-52; 10 percent normal labor turnover (children's cotton dresses).

Sipkin Corp., 137 East Market Street, Marietta, Pa., effective 1-24-51 to 1-23-52; five learners normal labor turnover (dresses).

Rudolph Stern Dress Co., 337 South High Street, Columbus 15, Ohio, effective 2-1-51 to 1-31-52; five learners normal labor turnover (dresses and blouses).

Southwestern Jacket Manufacturing Co., 1333-35 Buena Vista Street, San Antonio, Tex., effective 1-25-51 to 1-24-52; 10 learners normal labor turnover (cotton service clothing; hospital apparel; maids' and waitresses' uniforms).

Sunnyvale Inc., 3 South Webster Avenue, Scranton, Pa., effective 1-24-51 to 7-23-51; 15 learners for expansion purposes only (ladies' dresses).

Sunstate Slacks, Inc., 1202 North Howard Avenue, Tampa, Fla., effective 1-22-51 to 1-21-52; 10 percent normal labor turnover (pants).

Superior Surgical Manufacturing Co., Inc., Tenth Avenue, East Northport, N. Y., effective 1-24-51 to 1-23-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (washable service apparel).

Robert Terry Garment Co., Walkersville, Md., effective 1-22-51 to 1-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (sport shirts).

Robert Terry Garment Co., Inc., 55 East Patrick Street, Walkersville, Md., effective 1-22-51 to 1-21-52; five learners normal labor turnover (sport shirts).

Thompsontown Manufacturing Co., Thompsontown, Pa., effective 1-22-51 to 1-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (pajamas).

Tunkhannock Dress Co., Inc., Putnam Street, Tunkhannock, Pa., effective 1-16-51 to 1-15-52; 10 percent normal labor turnover (ladies' better dresses).

Westway Sportswear, Inc., Gainesville, Tex., effective 1-24-51 to 1-23-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' dresses).

Wilgree Manufacturing Co., Inc., Camilla, Ga., effective 1-22-51 to 1-21-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (shirts).

Woolrich Woolen Mills, Avia, Pa., effective 1-18-51 to 1-17-52; 5 learners normal labor turnover (sportswear).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Damascus Hosiery Mills, Inc., Damascus, Va., effective 1-19-51 to 7-18-51; five learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Emkay Manufacturing Co., West Wyoming, Pa., effective 1-19-51 to 1-18-52; 5 percent normal labor turnover.

Hunter Bros. Co., Inc., Statesville, N. C., effective 1-19-51 to 1-18-52; for normal labor turnover, five learners in manufacture of men's woven shorts only.

Royal Manufacturing Co., Inc., Alburtis, Pa., effective 1-18-51 to 12-2-51; 5 percent normal labor turnover.

Stone Manufacturing Co., Columbia, S. C., effective 1-19-51 to 7-18-51; 100 learners for expansion purposes only.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiring dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated in parentheses respectively.

Atlas Products Corp., Tao Alta, P. R. (effective 11-17-51 to 5-16-51. Total 55 learners including: Inserting 10 learners, 110 hours at 25 cents per hour, 110 hours at 29 cents per hour; kiling 10 learners, 95 hours at 25 cents per hour, 95 hours at 29 cents per hour; closing 20 learners, 135 hours at 25 cents per hour, 135 hours at 29 cents per hour; kiss sewing (sew cuff and shirr) 10 learners, 90 hours at 25 cents per hour, 90 hours at 29 cents per hour; thumb sewing 5 learners, 90 hours at 25 cents per hour and 90 hours at 29 cents per hour) (machine sewn fabric gloves).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

International Shoe Co., 1037 State Street, Chester, Ill., effective 1-22-51 to 12-15-51; 10 percent normal labor turnover.

The Krippendorf-Dittmann Co., Sycamore and Seventh Streets, Cincinnati, Ohio, effective 1-22-51 to 12-15-51; 10 percent normal labor turnover.

L. V. Marks & Sons Co., Augusta, Ky., effective 1-22-51 to 12-15-51; 10 percent normal labor turnover.

Perry-Norvell Co., Twenty-fifth Street and Guyan Avenue, Huntington, W. Va., effective 1-22-51 to 12-15-51; 10 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Carolyn Chenilles, Inc., Sweetwater, Tenn., effective 1-20-51 to 7-19-51; 20 chenille machine operators for expansion purposes; chenille machine operator, 320 hours, not less than 65 cents for the first 160 hours and not less than 65 cents an hour for the remaining 160 hours (tufted chenille bedspreads).

Electrical Reactance Corp., Olean, N. Y., effective 1-17-51 to 7-16-51; 300 learners for expansion purposes; condenser makers, 480 hours, 60 cents an hour for the first 320 hours and 65 cents an hour for the remaining 160 hours (ceramic condensers).

Lewis Pad & Binding Co., Philadelphia, Pa., effective 1-17-51 to 7-16-51; 10 learners for expansion purposes; sewing machine operators, 480 hours, not less than 60 cents for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (canvas coat fronts and bias bindings).

Manhattan Shirt Co., Paterson, N. J., effective 1-17-51 to 1-16-52; for normal labor turnover, 5 percent of force engaged in manufacture of neckwear and handkerchiefs; machine operating (except cutting), pressers, handsewers, each 320 hours, not less than 60 cents per hour (neckwear and handkerchiefs).

Philadelphia Uniform Co., Inc., Conshohocken, Pa., effective 1-17-51 to 1-16-52; for normal labor turnover, 7 percent of force engaged in manufacture of uniforms only; machine operating (except cutting), pressers, handsewers, each 480 hours; not less than 60 cents an hour for the first 240 hours and not less than 65 cents an hour for the remaining 240 hours (uniforms and caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of January 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-1672; Filed, Feb. 1, 1951; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6329]

NEW ENGLAND POWER CO.

ORDER FURTHER POSTPONING DATE OF HEARING

JANUARY 26, 1951.

By order entered on December 6, 1950, in this matter the Commission postponed the hearing relative to the suspension of New England Power Company's Rate Schedule FPC No. 81 from December 11, 1950, to February 1, 1951.

Representatives of the Company and members of the staff have recently had conferences concerning Rate Schedule FPC No. 81 and related matters and expect to have further conference which may result in submission to the Commission of a proposal effectuating settlement of this matter. It has therefore been requested that there be a further postponement of the hearing scheduled to commence on February 1, 1951.

The Commission orders: The public hearing in the above-entitled matter be and the same is hereby further postponed from February 1, 1951, to April 2, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1666; Filed, Feb. 1, 1951; 8:45 a. m.]

[Docket No. G-730]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER WITH RESPECT TO CERTIFICATE OF CONVENIENCE

JANUARY 29, 1951.

Notice is hereby given that, on January 24, 1951, the Federal Power Commission issued its order entered January 24, 1951, amending order of June 21, 1946, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1668; Filed, Feb. 1, 1951; 8:45 a. m.]

[Docket Nos. G-1492, G-1527]

TEXAS GAS TRANSMISSION CORP. AND MIDSOUTH GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 29, 1951.

On September 25, 1950, Texas Gas Transmission Corporation, a Delaware corporation of Owensboro, Kentucky, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas by Applicant to MidSouth Gas Company for resale in Helena, Arkansas, and on November 3, 1950, MidSouth Gas Company, an Arkansas corporation of Little Rock, Arkansas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain pipeline facilities connecting the systems of the Applicants, as fully described in each application on file with the Commission and open to public inspection.

Temporary authorization to construct and operate the requested facilities and make the requested sales was granted by the Commission on December 19, 1950.

The Commission finds:

(1) Good cause exists and it would be in the public interest to consolidate the above-named proceedings for purposes of hearing.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their applications be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on October 11, 1950 (15 F. R. 6835) and November 21, 1950 (15 F. R. 7958), respectively.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 16, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 29, 1951.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1667; Filed, Feb. 1, 1951; 8:45 a. m.]

[Docket No. G-1592]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION

JANUARY 29, 1951.

Take notice that on January 19, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation of Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing (1) the acquisition from National Utilities Company of Michigan (National Utilities) and the operation of an existing 6-inch lateral pipeline approximately 18.75 miles in length and an existing 4-inch lateral line approximately 12.23 miles in length extending from Applicant's main line to National Utilities' Grand Haven and Otsego (Allegan) Divisions, respectively; (2) relocation of certain measuring stations; and (3) the construction of necessary regulator stations.

The purchase price of the facilities to be acquired from National Utilities is estimated to be $349,000. It is estimated that the total cost of relocating the measuring stations will be $16,000. All such proposed expenditures will be financed out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1669; Filed, Feb. 1, 1951; 8:46 a. m.]

[Docket No. G-1531]

CONSOLIDATED GAS UTILITIES CORP.

ORDER FIXING DATE OF HEARING

JANUARY 29, 1951.

On November 6, 1950, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of facilities

for the transportation and sale of natural gas by Applicant to Frontier Chemical Company of Kansas, Inc., as fully described in the application on file with the Commission and open to public inspection.

Temporary authorization to construct and operate the requested facilities was granted by the Commission on December 1, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 21, 1950 (15 F. R. 7958).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 16, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: January 29, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1671; Filed, Feb. 1, 1951; 8:46 a. m.]

[Docket No. G-1591]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JANUARY 30, 1951.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation, having it principal office at Shreveport, Louisiana, filed on January 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas on an emergency basis to Illinois Electric and Gas Company, National Gas & Oil Corporation, and Waynesburg Home Gas Company, to the extent such sales can be made without impairment of Applicant's obligations to its other customers.

No new construction and no new capital expenditures are contemplated in connection with the proposed service.

Applicant states that except for possible purchases of gas from other natural gas companies on an emergency basis, the proposed deliveries will be made from natural gas reserves heretofore committed to its system and will not be in excess of its prior estimates of system deliveries as heretofore filed with the Commission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1680; Filed, Feb. 1, 1951; 8:47 a. m.]

[Docket No. IT-5619]

BONNEVILLE PROJECT

NOTICE OF ORDER WITH RESPECT TO CONFIRMING AND APPROVING RATE SCHEDULE

JANUARY 29, 1951.

In the matter of Bonneville Project, Columbia River, Washington-Oregon.

Notice is hereby given that, on January 29, 1951, the Federal Power Commission issued its order entered January 26, 1951, confirming and approving amendment to rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1670; Filed, Feb. 1, 1951; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5728]

SYLVANIA ELECTRIC PRODUCTS, INC., AND PHILCO CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, March 12, 1951, at ten o'clock in the forenoon of that day (e. s. t.), in Room 1309, Post Office and Courthouse Building, Boston, Massachusetts.

Issued: January 26, 1951.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-1685; Filed, Feb. 1, 1951; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

GENERAL DELEGATION OF AUTHORITY TO HEADS OF THE SERVICES, STAFF OFFICERS, AND REGIONAL DIRECTORS

Consonant with the provisions of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002 (a) (1)), and pursuant to authority vested in me as Administrator of General Services by the Federal Property and Administrative Services Act (63 Stat. 378; 41 U. S. C. 201), the General Delegation of Authority to Heads of the Services, Staff Officers, and Regional Directors (15 F. R. 7775) is hereby supplemented in the following respects:

1. Subsection 2. g. is added, providing as follows:

g. *Drawback documentation.* Procurement authority delegated hereunder shall include the authority to execute certificates required in support of drawback entries, pursuant to Customs Regulations, to endorse export bills of lading, and to execute certificates of exportation.

2. Subparagraphs 5. a. (4) (f) and 5. b. (4) (f) are amended to read as follows:

(f) To exercise the authority contained in section 210 (a) (5) of the act, and, upon prior approval of the Administrator, the authority contained in section 210 (a) (8) of the act.

3. Subparagraphs 5. a. (4) (g) and 5. b. (4) (g) are added, providing as follows:

(g) To issue permits and licenses, revocable at will, for the use of Government lands and buildings, and to make the determination that the Government's interest will be subserved thereby.

4. Section 7A is added, providing as follows:

7A. *Budget and Accounting*—a. *Comptroller.* To authorize guarantees of loans under the Defense Production Act of 1950, and otherwise to act on behalf of the General Services Administration in connection with such loan guarantee program.

This supplement shall be effective October 1, 1950: *Provided, however*, That item 4 hereof shall be effective November 2, 1950.

JESS LARSON, *Administrator.*

JANUARY 29, 1951.

[F. R. Doc. 51-1706; Filed, Feb. 1, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25788]

SUGAR FROM PORT OF PALM BEACH, FLA. TO POINTS IN FLORIDA

APPLICATION FOR RELIEF

JANUARY 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 380.

Commodities involved: Sugar, beet or cane, in carloads (import traffic).

From: Port of Palm Beach, Fla.

To: Points in Florida.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr's. tariff I. C. C. No. 380, Supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1673; Filed, Feb. 1, 1951; 8:47 a. m.]

[4th Sec. Application 25789]

FINE COAL FROM KENTUCKY TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

JANUARY 30, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Artemus-Jellico Railroad Company and other carriers named in the application.

Commodities involved: Coal which has passed through a bar screen not exceeding one and one-half inches between bars, or its equivalent, in carloads.

From: Artemus-Jellico Railroad mines in Kentucky.

To: Charleston, S. C.

Grounds for relief: Competition with rail carriers. Market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2,

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1674; Filed, Feb. 1, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2555]

NEW ENGLAND POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 29th day of January A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Power Company ("NEPCO"), a subsidiary of New England Electric System ("NEES"), a registered holding company. The application designates the third sentence of section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than February 12, 1951, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to the application, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by the application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:30 p. m., e. s. t., on February 12, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the proposed transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to the application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

NEPCO proposes to issue and sell $12,000,000 principal amount of First Mortgage Bonds, Series D, to be dated February 1, 1951, and to mature February 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to NEPCO (which, excluding accrued interest, shall not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding pursuant to Rule U-50. NEPCO proposes to issue the bonds under an Indenture of Trust and First Mortgage dated November 15, 1936, as amended and supplemented by supplemental indentures dated July 1, 1948 and July 1, 1949, and a third supplemental indenture to be dated February 1, 1951, securing the bonds to be issued, like the bonds of the three preceding series now outstanding, by a direct first mortgage lien on substantially all the electric properties then owned by the company, with certain limited exceptions.

The application states that the proceeds from the sale of the bonds will be used by NEPCO to pay indebtedness to banks which it is expected will aggregate $10,500,000 at the time of receipt of such proceeds and the balance of the proceeds will be used to pay for construction expenditures made or to be made (see Holding Company Act Release No. 10343).

In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the application contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

NEPCO estimates the expenses to be paid by it in connection with the proposed transactions as $84,000.

The application states that petitions have been filed with the Massachusetts Department of Public Utilities and the New Hampshire and Vermont Public Service Commissions for authorization of the proposed transactions.

Applicant requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1676; Filed, Feb. 1, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16926]

HELEN MARIE THEUNER

In re: Rights of Helen Marie Theuner under insurance contract. File No. D-28-10906-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Marie Theuner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Group Life Certificate No. 2940A-LP-238, issued by The Equitable Life Assurance Society of the United

States, New York, New York, to George F. Theuner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1684; Filed, Feb. 1, 1951; 8:47 a. m.]

[Vesting Order 16970]

STETTIN WOHLFAHRTSVERWALTUNG

In re: Rights of Stettin Wohlfahrtsverwaltung under insurance contract. File No. F-28-26706-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Stettin Wohlfahrtsverwaltung, Germany, is an agency of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 17244163 issued by the Metropolitan Life Insurance Company, New York, New York, to Paul May, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1686; Filed, Feb. 1, 1951; 8:47 a. m.]

[Vesting Order 17060]

CATHARINE A. STEEL AND BROOKLYN TRUST CO.

In re: Trust indenture between Catharine A. Steel, as settlor, and the Brooklyn Trust Company, as trustee, dated January 24, 1929. Files: D-66-805 and D-66-805-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Ackmann and Meta Kruschewski, nee Ackman, also known as Meta Kruscherosky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Catharine A. Steel, also known as Katharina Steel, deceased, and of Elizabeth Westendarp, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under a trust indenture between Catharine A. Steel, as settlor, and the Brooklyn Trust Company, as trustee, dated January 24, 1929, presently being administered by the Brooklyn Trust Company, Brooklyn, New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Catharine A. Steel, also known as Katharina Steel, deceased, and of Elizabeth Westendarp, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1688; Filed, Feb. 1, 1951; 8:48 a. m.]

[Vesting Order 16964]

WALTER LENGER

In re: Rights of Walter Lenger under insurance contract. File: F-28-8513-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter Lenger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right and benefits of any kind or character whatsoever of Walter Lenger under or arising out of a contract of insurance evidenced by Policy No. 935865, issued by the Massachusetts Mutual Life Insurance Company to Walter Lenger, together with the right to demand, enforce and receive the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1685; Filed, Feb. 1, 1951; 8:47 a. m.]

[Vesting Order 17082]

KAMEKI ARAMAKI

In re: Interest in bank account and cash owned by Kameki Aramaki, also known as K. Aramaki. D-39-2862-C-1, E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kameki Aramaki, also known as K. Aramaki, whose last known address is Kumamoto-ken, Kamimashiki-gun, Hiroyasumura, Soyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation in the amount of $3,562.90, of Pajaro Valley Savings Bank, Main and Peck Streets, Watsonville, California, arising out of a portion of a savings account, account number 4274, entitled Yoneko Aramaki or K. Aramaki, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. All right, title, interest and claim of the person named in subparagraph 1 hereof, in and to a sum of money held in escrow by John L. McCarthy, 419 Lettunich Building, Watsonville, California, arising out of the net proceeds of the sale to Perry M. Andrews of Watsonville, California, of the real property described in Exhibit A, attached hereto and by reference made a part hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kameki Aramaki, also known as K. Aramaki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

That certain lot, piece or parcel of land situated in the City of Watsonville, County of Santa Cruz, State of California, more particularly described as follows:

Beginning on the southwest side of Union Street at the most Easterly corner of a lot now or formerly of Palmtag; thence along said lands now or formerly of Palmtag South 47° 37' West 117 feet; thence South 43° 23' East 100 feet; thence North 47° 37' East 117 feet to the Southwest wall line of Union Street; thence along the southwestern wall line of Union Street North 42° 23' West 100 feet to the said place of beginning; and being a portion of the lot described in deed from the Watsonville Investment Company to Perry M. Andrews dated September 30, 1920, and recorded in Book 298 of Deeds, at page 172, Santa Cruz County Records.

[F. R. Doc. 51-1689; Filed, Feb. 1, 1951; 8:48 a. m.]

[Vesting Order 17040]

OSKAR LUDWIG

In re: Trust under the will of Oskar Ludwig, deceased. File No. D-28-2414: E. T. sec. 3768.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Mueller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Charlotte Mueller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to the trust created under the will of Oskar Ludwig, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by State Street Trust Company, as Trustee, acting under the judicial supervision of the Probate Court, Suffolk County, Massachusetts;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Charlotte Mueller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1687; Filed, Feb. 1, 1951; 8:48 a. m.]

[Vesting Order 17083]

SEIJI ASAI

In re: Debt owing to Seiji Asai. F-39-6851-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiji Asai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Seiji Asai by International Harvester Company, 180 N. Michigan Avenue, Chicago 1, Illinois, arising out of an account payable on the books of the International Harvester Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1690; Filed, Feb. 1, 1951; 8:48 a. m.]

[Vesting Order 17084]

BANCO GERMANICO DE LA AMERICA DEL SUD

In re: Claim owned by Banco Germanico de la America del Sud, Buenos Aires, also known as Deutsch-Sudamerikanische Bank. F-28-1114-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsch-Sudamerikanische Bank, also known as Deutsche-Sudamerikanische Bank A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Casilla de Correo 1021, Buenos Aires, Argentina, is a branch of Deutsch-Sudamerikanische Bank and is or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank and is a national of a designated enemy country (Germany);

3. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit with the Superintendent of Banks of the State of New York in Trust for Depositors and Creditors of the Bank of the United States in Liquidation, 80 Spring Street, New York 12, New York, arising out of unclaimed liquidating dividends on claim numbered S-9083, held in account entitled, "International Acceptance Bank, Inc., as Collecting Agents for Banco Germanico de la America del Sud, Buenos Aires," and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sud, Buenos Aires, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1691; Filed, Feb. 1, 1951; 8:48 a. m.]

[Vesting Order 17085]

SARAH D. BERENBERG-GOSSLER

In re: Bank account owned by Sarah D. Berenberg-Gossler, also known as Baroness Von Berenberg-Gossler. F-28-3044-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sarah D. Berenberg-Gossler, also known as Baroness Von Berenberg-Gossler, whose last known address is Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sarah D. Berenberg-Gossler, also known as Baroness Von Berenberg-Gossler, by Bank of New York, 48 Wall Street, New York 15, New York, arising out of a custodian account, entitled Sarah D. Berenberg-Gossler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1692; Filed, Feb. 1, 1951; 8:49 a. m.]

[Vesting Order 17089]

GERMAN GOVERNMENT

In re: Debt owing to German Government. F-28-13979.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: That certain debt or other obligation owing to the German Government (Bipartite Control Office Communications Group, Room 254, I. G. Farben Building, Frankfurt, Main, Germany), by Radiomarine Corporation of America, 75 Varick Street, New York 13, New York, arising out of an account for tolls on Radiograms sent through German coastal stations by ships whose equipment is under contract to the Radiomarine Corporation of America, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1693; Filed, Feb. 1, 1951; 8:49 a. m.]

[Vesting Order 17091]

CECILIE GRABIS

In re: Bank account owned by Cecilie Grabis. F-28-31155.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cecilie Grabis, whose last known address is Neo-Ulm (Donau) Arnulfstr 2, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Cecilie Grabis, by the Old National Bank of Spokane, Spokane, Washington, arising out of a savings account numbered 2322, maintained at the aforesaid the Old National Bank of Spokane, Spokane, Washington, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1694; Filed, Feb. 1, 1951; 8:49 a. m.]

[Return Order 866]

ANGELA DEL DRAGO ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Angela del Drago, Maria del Drago, Ferdinando del Drago, and Giovanna del Drago all of Rome, Italy; Claims Nos. 42853, 42854, 42855, and 42857; October 13, 1950 (15 F. R. 6900); all right, title, interest and claim of any kind or character whatsoever of Angela del Drago, Maria del Drago, Ferdinando del Drago and Giovanna del Drago, children of Mario del Drago, in and to the Trust under item ninth of the will of Josephine del Drago, deceased. Trustee: Corn Exchange Bank Trust Company, New York, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1696; Filed, Feb. 1, 1951; 8:49 a. m.]

[Return Order 873]

SOCIETE CARBOCHIMIQUE S. A.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Societe Carbochimique S. A., Tertre, Hainaut, Belgium; Claim No. 37589; December 19, 1950 (15 F. R. 9100); property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. 2,056,448; 2,103,813 and 2,103,936. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1697; Filed, Feb. 1, 1951; 8:50 a. m.]

[Return Order 874]

WERNER HALLE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Werner Halle, Bogota, Colombia; Claim No. 58292; December 19, 1950 (15 F. R. 9100); all right, title, interest and claim of any kind or character whatsoever of Werner Halle (son of Marie Halle, deceased) in and to the estate of Carl T. Heye, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1698; Filed, Feb. 1, 1951; 8:50 a. m.]

[Return Order 875]

MARIA CONCETTA VITALE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Concetta Vitale, Corleone, Italy; Claim No. 4308; December 7, 1950 (15 F. R. 8707); $17,158.15 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1699; Filed, Feb. 1, 1951; 8:50 a. m.]

[Return Order 876]

LENA LOCHNER PAUL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Lena Lochner Paul, a/k/a Lena C. Lochner, a/k/a Mrs. George Paul, Bellport, Long Island, N. Y.; Claim No. 3308; December 23, 1950 (15 F. R. 9270); $35,088.04 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1700; Filed, Feb. 1, 1951; 8:50 a. m.]

[Return Order 877]

ANNIE ELISABETH SCHINDLER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Annie Elisabeth Schindler, St. Gall, Switzerland; Claim No. 9953; December 21, 1950 (15 F. R. 9176); $2,124.55 in the Treasury of the United States. All right, title, and interest of the Attorney General acquired pursuant to Vesting Order No. 7057 in and to an undivided one-half interest in that certain debt or obligation owing by Credit Suisse New York Agency, 30 Pine Street, New York, New York, arising out of a memorandum record established pursuant to General Ruling #17 issued under Executive Order 8389, as amended, account entitled Credit Suisse, Zurich, Identified: Swiss.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1701; Filed, Feb. 1, 1951; 8:51 a. m.]

LANCIA & C. FABBRICA AUTOMOBILI—TORINO—S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lancia & C. Fabbrica Automobili—Torino—S. A., Turin, Italy; Claim No. 44114; $6,367.56 in the Treasury of the United States; 26 bundles of steel bars stored at Lacawanna Warehouse Company, Jersey City, N. J.

Executed at Washington, D. C., on January 25, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1703; Filed, Feb. 1, 1951; 8:51 a. m.]

GERARD BARDET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Gerard Bardet, Paris, France; Claim No. 18398; property described in Vesting Order No. 1187 (8 F. R. 7036—May 27, 1943) relating to United States Patent Application Serial No. 470,616 (now United States Letters Patent No. 2,376,651).

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1704; Filed, Feb. 1, 1951; 8:51 a. m.]

[Return Order 879]

ENRICO AZZI ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Enrico Azzi, Lilia Azzi, Adalberto Azzi, Luciano Azzi, Lucca, Italy; and Ruggero Azzi, Albertina Azzi Vannucci, Alighiero Azzi, Lock Haven, Pa.; Claim No. 41712; December 7, 1950 (15 F. R. 8707); $13,513.26 in the Treasury of the United States; one-seventh thereof to each claimant.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1702; Filed, Feb. 1, 1951; 8:51 a. m.]

SOCIETE "L'AVIOREX" DREYFUS FRERES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe "L'Aviorex" Dreyfus Freres, Paris, France, Claim No. 13338; property described in Vesting Order No. 293 (7 F. R. 9836—November 26, 1942) relating to United States Patent Application Serial No. 326,529 (now United States Letters Patent 2,352,036) United States Patent Application Serial No. 335,599 (now United States Letters Patent 2,314,433) and United States Patent Application Serial No. 318,343.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1705; Filed, Feb. 1, 1951; 8:51 a. m.]

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Washington, Saturday, February 3, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10209

AMENDING EXECUTIVE ORDER NO. 8557 OF SEPTEMBER 30, 1940, ENTITLED "PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF EXPENSES INCURRED IN CONNECTION WITH THE DEATH OF CERTAIN CIVILIAN OFFICERS AND EMPLOYEES OF THE UNITED STATES"

By virtue of and pursuant to the authority vested in me by the act of July 8, 1940, 54 Stat. 743, it is ordered that section 3 of Executive Order No. 8557 of September 30, 1940, prescribing regulations governing the payment of expenses incurred in connection with the death of certain civilian officers and employees of the United States, be, and it is hereby, amended to read as follows:

SEC. 3. *Preparation of remains.* The costs of preparation of remains allowable under section 2 of these regulations shall include costs of embalming, cremation, necessary clothing, and casket. The total amount allowed for such preparation shall not exceed $150.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 1, 1951.

[F. R. Doc. 51-1862; Filed, Feb. 2, 1951; 10:06 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR; BUREAU OF INDIAN AFFAIRS

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of the Interior, subparagraph (4) of § 6.110 (c) is amended to read as follows:

§ 6.110 *Department of the Interior.* • • •

(c) *Bureau of Indian Affairs.* • • •

(4) NC/PD. Housekeeper positions up to and including CPC-6 under the Bureau of Indian Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-1731; Filed, Feb. 2, 1951; 8:48 a. m.]

PART 8—PROMOTION, DEMOTION, AND REASSIGNMENT AND MOVEMENT OF EMPLOYEES BETWEEN AGENCIES WITH REEMPLOYMENT RIGHTS

MISCELLANEOUS AMENDMENTS

1. Section 8.107 is amended to read as follows:

§ 8.107 *Promotions, demotions, and reassignments.* (a) All promotions after September 1, 1950, shall be indefinite.

(b) All reassignments of an employee on and after December 1, 1950, to positions above the grade (or level) which he last occupied on a permanent basis shall be indefinite. All reassignments within his last permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency, except that any reassignment to the position last held on a permanent basis shall be permanent.

(c) All demotions of an employee on and after December 1, 1950, to positions above the grade (or level) which he last occupied on a permanent basis shall be indefinite. All demotions to positions below his last permanent grade (or level) shall be permanent. All demotions to positions within his last permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency, except that a demotion to the position last held on a permanent basis shall be permanent.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 8.110 is amended to read as set out below.

§ 8.110 *Status unchanged.* • • •

(c) Any permanent employee of the agency who is reached for separation by reduction in force from the position to which he was given an indefinite promotion, demotion, or reassignment shall, unless he is placed in a higher grade position than the one last occupied on a permanent basis, be considered as re-

(Continued on p. 1003)

CONTENTS

THE PRESIDENT

Executive Order — Page
Prescribing regulations governing payment of expenses incurred in connection with death of certain civilian officers and employees of U. S.; amending EO 8557 ---- 1001

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Commerzbank Aktiengesellschaft ---- 1037
Englehard, Karl, et al ---- 1032
Fleitmann, Herman C ---- 1044
Fritze, Rudolf ---- 1044
German nationals ---- 1038
Handelstrust West N. V., et al ---- 1039
Hansen, Johanna Margaretha ---- 1040
Harlander, Kathi, et al ---- 1032
Heiser, Adolph ---- 1042
Helmholz, Kurt ---- 1046
Hessinger, Guenther ---- 1033
Hidakata, Hisayoshi ---- 1040
Hofmeister, Josef ---- 1040
Ijuin, Toraichi ---- 1039
Inouye, Lee ---- 1033
Jurgensen, Augusta Hansen ---- 1041
Kamerbeck, Vincent Josef Herman Anton ---- 1031
Kneifel, Julius and Wally ---- 1030
Koeppe, Dr. W. H. Leonhard, and Security Trust Co. of Rochester ---- 1047
Koopmann, Hanns, et al ---- 1034
Kramer, Renita ---- 1041
Kranold, Ursula, and Barbara Lindenberg ---- 1031
McKee, William Alexander ---- 1043
Mohr, August L., et al ---- 1043
Nakahara, Waro ---- 1046
Nakano, Kosuke ---- 1031
Niino, Chisa ---- 1035
Opp, Erna, et al ---- 1025
Ortutay, Olica ---- 1035
Redmann, Alma ---- 1036
Robinson, Clarinda ---- 1036
Roese, Henry ---- 1046
Samson, Frances ---- 1036

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Schmauss, John 1036
Schmidt, Dora 1032
Schumacher, Carl Emil 1043
Seeger, Richard 1041
Siemssen, Ellen, et al 1030
Sonada, Saburo 1042
Steenkolen Handelsvereeniging N. V 1045

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Strauss, Rudolph 1037
Tademoto, M 1033
Tanaka, Matakichi 1042
Taxis, Marie 1044
Theuner, Helen Marie 1029
Togioka, Tsunegoro 1047
Wetzel, Lilli, et al 1047

Animal Industry Bureau
Proposed rule making:
Cattle; recognition of breeds and books of record of purebred animals 1019
Rules and regulations:
Dogs; recognition of breeds and books of record of purebred animals 1006

Army Department
See Engineers Corps.

Civil Service Commission
Rules and regulations:
Competitive service exceptions; Department of the Interior 1001
Promotion, demotion, and reassignment and movement of employees between agencies with reemployment rights; miscellaneous amendments 1001

Commerce Department
See Federal Maritime Board; National Production Authority.

Defense Department
See Engineers Corps.

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Engineers Corps
Rules and regulations:
Navigation regulations; Chesapeake Bay near Annapolis, Md 1016

Federal Maritime Board
Notices:
Luckenbach Steamship Co.; hearing on application to bareboat charter dry-cargo vessels 1022

Federal Power Commission
Notices:
Hearings, etc.:
Hope Natural Gas Co 1023
Indiana Gas and Water Co., Inc., and Texas Gas Transmission Corp 1023
Wabash Natural Gas Co 1023

Interstate Commerce Commission
Notices:
Applications for relief:
Charcoal briquettes from Michigan and Wisconsin to points in official territory 1024
Pig iron from North Atlantic ports to Canton and Mansfield, Ohio 1023
Scrap iron or steel from Pensacola, Fla., to Birmingham, Ala 1024
Soda and soda products between points in official territory 1024

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Soda, caustic, from New Jersey, Virginia, and New York to Cincinnati, Ohio 1025
Steel or wrought pipe and fittings from St. Louis, Mo., and East St. Louis, Ill., to points in Texas 1025
Water-rail rates; iron and steel articles from Baltimore, Md., to Southeast 1024
Rules and regulations:
Locomotives other than steam; rules and instructions for inspection and testing 1019

Justice Department
See Alien Property, Office of.

National Production Authority
Rules and regulations:
Copper and copper-base alloys, use; base period; applications for adjustment; use during first calendar quarter of 1951 1016

Post Office Department
Rules and regulations:
Establishment and organization; Bureau of Finance and Bureau of Facilities 1019

Price Stabilization, Office of
Rules and regulations:
Anthracite delivered from mine or preparation plant 1011
Coal, except Pennsylvania anthracite, delivered from mine or preparation plant 1008
Defense Agency pricing 1006

Production and Marketing Administration
Proposed rule making:
Milk handling in Toledo, Ohio, area 1021
Petitions for modification:
New Orleans Stock Yards, Arabi, La 1021
Omaha Union Stock Yards 1020
Rules and regulations:
Limitation of shipments:
California and Arizona:
Lemons 1003
Oranges 1004
Florida; tangerines 1003

Securities and Exchange Commission
Notices:
Hearings, etc.:
American & Foreign Power Co., Inc., et al 1025
Malden and Melrose Gas Light Co. et al 1027
U. S. & Foreign Securities Corp. et al 1028

Treasury Department
Notices:
New England Casualty Insurance Co. of Springfield, Mass.; surety companies acceptable on Federal bonds 1022

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; registration and research 1017

CONTENTS—Continued

Wage Stabilization Board Page
Rules and regulations:
Definition of wages, salaries or other compensation 1014
Increases determined but not effective prior to Jan. 25 1014
Increases to comply with minimum wage laws authorized 1015
Non-Federal public employees 1015

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders): 8557 (amended by EO 10209), 10209	1001
Title 5	
Chapter I: Part 6	1001
Part 8	1001
Title 7	
Chapter IX: Part 930 (proposed)	1021
Part 933	1003
Part 953	1003
Part 966	1004
Title 9	
Chapter I: Part 151	1006
Proposed	1019
Title 32A	
Chapter III—OPS: CPR 3	1008
CPR 4	1011
GCPR, SP 1	1006
Chapter IV—WSB: GR 1	1014
GR 2	1014
GR 3	1015
GR 4	1015
Chapter VI—NPA: M–12, Dir. 1	1016
Title 33	
Chapter II: Part 207	1016
Title 38	
Chapter I: Part 21	1017
Title 39	
Chapter I: Part 1	1019
Title 49	
Chapter I: Part 91	1019

stored to the position he last held on a permanent basis or to one in the same grade (or level) as such position and shall compete for retention at that grade (or level) under Part 20 of this chapter.

3. Effective upon publication in the FEDERAL REGISTER, § 8.111 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51–1732; Filed, Feb. 2, 1951; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 107]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.511 *Tangerine Regulation 107*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 5, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until February 5, 1951; the recommendation and supporting information for continued regulation subsequent to February 4 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 30; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 5, 1951, and ending at 12:01 a. m., e. s. t., February 12, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be 2⁵⁄₁₆ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2⁵⁄₁₆ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than 2¹⁄₁₆ inches in diameter.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 31st day of January 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–1738; Filed, Feb. 2, 1951; 8:51 a. m.]

[Lemon Reg. 368]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.475 *Lemon Regulation 368*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on January 31, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 4, 1951, and ending at 12:01 a. m., P. s. t., February 11, 1951, is hereby fixed as follows:

(i) District 1: 20 carloads;

(ii) District 2: 230 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 367 (16 F. R. 763), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended. 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 1st day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-1857; Filed, Feb. 2, 1951; 8:53 a. m.]

[Orange Reg. 357]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.503 *Orange Regulation 357*—(a) *Findings.* (1) Pursuant to the Provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 1, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., February 4, 1951, and ending at 12:01 a. m., P. s. t., February 11, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 350 carloads;

(*b*) Prorate District No. 2: 750 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of February 1951.

[SEAL] S. R. SMITH.
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 4, 1951, to 12:01 a. m., P. s. t., Feb. 11, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.0200
A. F. G. Porterville	1.5184
Ivanhoe Cooperative Association	.6964
Sandilands Fruit Co	.6377
Dofflemyer & Son, W. Todd	.4515
Earlibest Orange Association	1.7432
Elderwood Citrus Association	.9815
Exeter Citrus Association	3.1374
Exeter Orange Growers Association	1.3522
Exeter Orchard Association	.0340
Hillside Packing Association	1.2254
Ivanhoe Mutual Orange Association	1.1771
Klink Citrus Association	4.7111
Lemon Cove Association	2.4121
Lindsay Citrus Growers Association	2.4713
Lindsay Cooperative Citrus Association	1.1161
Lindsay Fruit Association	1.6301
Lindsay Orange Growers Association	1.2235
Naranjo Packing House	1.0817
Orange Cove Citrus Association	4.1632
Orange Packing Co	1.2563
Orosi Foothill Citrus Association	1.6406
Paloma Citrus Fruit Association	1.2021
Rocky Hill Citrus Association	1.3197
Sanger Citrus Association	4.6014
Sequoia Citrus Association	1.1420
Stark Packing Corporation	2.7935
Visalia Citrus Association	1.9166
Waddell & Son	1.8544
Baird-Neece Corporation	1.8092
Beattie Association, D. A.	.3059
Grand View Heights Citrus Association	1.3532
Magnolia Citrus Association	2.2292
Porterville Citrus Association	1.8724
Richgrove-Jasmine Citrus Association	.0000
Strathmore Cooperative Association	1.2044
Strathmore District Orange Association	1.3205
Strathmore Fruit Growers Association	1.0393
Strathmore Packing House Co	1.6286
Sunflower Packing House Co	1.9127
Sunland Packing House Co	2.5614
Terra Bella Citrus Association	1.3026
Tule River Citrus Association	1.1245
La Verne Cooperative Citizens Association	.1703
Lindsay Mutual Groves	1.3607
Martin Ranch	.0000
Orange Cove Orange Growers	3.1634
Webb Packing Co., Inc	.3610
Woodlake Packing House	2.8353
Anderson Packing Co., R. M	.9291
Andrews Bros. of California	.0000
Baker Bros	.3742
Barnes, J. L	.0281
Batkins, Jr., Fred A.	.0715
Bear State Packers, Inc	.1794
California Citrus Groves, Inc., Ltd	3.5672
Chess Co., Meyer W	.6883
Darby, Fred J	.0361
Darling, Curtis	.0016
Dubendorf, John	.1917
Edison Groves Co	.0000
Evans Bros. Packing Co	.0000
Harding & Leggett	2.4215
Hirasuna, Jimmie	.0057
Independent Growers, Inc	2.3433
Kim, Charles	.0553
Kroells Packing Co	2.8466
Larson, Kermit	.1156
Lo Bue Bros	1.3262
Maas, W. A	.0735
Marks, W. & M	.4367
Manasian, Bob	.0046
Moore Packing Co., Myron	.0917
Nicholas, Richard	.0042
Randolph Marketing Co., Inc	2.3108
Reimers, Don H	.4496
Shiba, Geo G	.0011
Sky Acres Ranch	.0482
Swenson, L. W	.0517
Terry, Floyd J	.0061
Toy, Chin	.0000
Woodlake Heights Packing Corp	.5339
Zaninovich Bros., Inc	1.3219

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.3040
A. F. G. Corona	.2668
A. F. G. Fullerton	.0317
A. F. G. Orange	.0304
A. F. G. Riverside	.7024
A. F. G. Santa Paula	.0492
Badington Fruit Co., Inc	.7300
Hazeltine Packing Co	.1318
Krinard Packing Co	1.7562
Placentia Cooperative Orange Association	.6163
Placentia Pioneer Valencia Growers Association	.0443
Signal Fruit Association	.7462
Azusa Citrus Association	1.5038
Covina Citrus Association	1.7597
Covina Orange Growers Association	.5591
Damerel-Allison Co	1.2529
Glendora Citrus Association	1.4348
Glendora Mutual Orange Association	.6205
Puente Mutual Citrus Association	.0745
Valencia Heights Orchard Association	.2407
Gold Buckle Association	2.7050
La Verne Orange Association	3.9529
Anaheim Valencia Orange Association	.0190
Fullerton Mutual Orange Association	.3880
La Habra Citrus Association	.1403
Yorba Linda Citrus Association, The	.0555
Escondido Orange Association	.5932
Alta Loma Heights Citrus Association	.3838
Citrus Fruit Growers	.9151
Etiwanda Citrus Fruit Association	.2098
Mountain View Fruit Association	.1449
Old Baldy Citrus Association	.4918
Rialto Heights Orange Growers	.3439
Upland Citrus Association	2.9836
Upland Heights Orange Association	1.4551
Consolidated Orange Growers	.0248
Garden Grove Citrus Association	.0279
Goldenwest Citrus Association, The	.1764
Olive Heights Citrus Association	.0455
Santiago Orange Growers Association	.1382
Villa Park Orchards Association, The	.0367
Bradford Bros., Inc	.2288
Placentia Mutual Orange Association	.2298
Placentia Orange Growers Association	.3095
Yorba Orange Growers Association	.0595
Call Ranch	.7660
Corona Citrus Association	1.0702
Jameson Co	.5214
Orange Heights Orange Association	2.2318
Crafton Orange Growers Association	.9756
East Highlands Citrus Association	.3165
Redlands Heights Groves	.5775
Redlands Orangedale Association	.7026
Rialto-Fontana Citrus Association	.2927
Break & Sons, Allen	.1980
Bryn Mawr Fruit Growers Association	.7096
Mission Citrus Association	.7956
Redlands Cooperative Fruit Association	1.0325
Redlands Orange Growers Association	.7455
Redlands Select Groves	.4447
Rialto Orange Co	.3302
Southern Citrus Association	.6762
United Citrus Growers	.5066
Zilen Citrus Co	.3342
Arlington Heights Citrus Co	.7762
Brown Estate, L. V. W	1.8031
Gavilan Citrus Association	2.0704
Highgrove Fruit Association	.6194
McDermont Fruit Co	1.4928
Monte Vista Citrus Association	1.4521
National Orange Co	1.1805
Riverside Heights Orange Growers Association	1.0782
Sierra Vista Packing Association	.8503
Victoria Avenue Citrus Association	3.3182
Claremont Citrus Association	1.0455
College Heights Orange & Lemon Association	2.2169
Indian Hill Citrus Association	1.2956
Pomona Fruit Growers Exchange	2.1155
Walnut Fruit Growers Association	.6301
West Ontario Citrus Association	1.2328
El Cajon Valley Citrus Association	.2958
Escondido Cooperative Citrus Association	.0197
San Dimas Orange Growers Association	1.0857
Canoga Citrus Association	.4421
North Whittier Heights Citrus Association	.1594
San Fernando Heights Orange Association	.3335
Sierra Madre-Lamanda Citrus Association	.1809
Camarillo Citrus Association	.0119
Fillmore Citrus Association	1.3956
Ojai Orange Association	.9782
Piru Citrus Association	1.4206
Rancho Sespe	.0014
Santa Paula Orange Association	.0000
Tapo Citrus Association	.0087
Ventura County Citrus Association	.1869
East Whittier Citrus Association	.0064
Murphy Ranch	.0799
Anaheim Cooperative Orange Association	.0545
Bryn Mawr Mutual Orange Association	.4573
Chula Vista Mutual Lemon Association	.1384
Euclid Avenue Orange Association	2.7987
Foothill Citrus Union, Inc	.6236
Garden Grove Orange Cooperative, Inc	.0341
Golden Orange Groves, Inc	.2822
Highland Mutual Groves, Inc	.2073
Index Mutual Association	.0142
La Verne Cooperative Citrus Association	3.7522
Mentone Heights Association	.5238
Olive Hillside Groves	.0079
Orange Coop Citrus Association	.0582
Redlands Foothill Groves	1.9320
Redlands Mutual Orange Association	.7740
Ventura County Orange & Lemon Association	.4068
Whittier Mutual Orange & Lemon Association	.0289
Allec Bros	.0047
Babijuice Corp. of California	.3814
Banks, L. M	.0259
Bennett Fruit Co., Inc	.3648
Book, Maynard C	.0007
Borden Fruit Co	.0179
Cherokee Citrus Co., Inc	.7870
Chess Co., Meyer W	.4750
Dunning Ranch	.1538
Evans Bros. Packing Co	1.2144
Gold Banner Association	1.4354
Granada Packing House	.3914
Hill Packing House, Fred A	.6045
Knapp Packing Co., John C	.3845
Lawson, Geo. P	.0000
MacDonald Fruit Co	.1049
Orange Belt Fruit Distributors	2.0511
Panno Fruit Co., Carlo	.0488
Paramount Citrus Association, Inc	.4183
Placentia Orchard Co	.0912
Prescott, John A	.0083
Redlands Fruit Association, Inc	.0175
Riverside Citrus Association	.1839
Ronald, P. W	.0377
San Antonio Orchard Co	1.4565
Stephens, T. F	.1671
Summit Citrus Packers	.0507
Wall, E. T., Grower-Shipper	2.0865
Western Fruit Growers, Inc	2.7230

[F. R. Doc. 51-1874; Filed, Feb. 2, 1951; 11:44 a. m.]

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 12]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

On November 28, 1950, a notice of rule making was published in the FEDERAL REGISTER (15 F. R. 8120) regarding the proposed withdrawal of recognition by the Secretary of Agriculture of the book of record of purebred dogs entitled "Livre des Origines Français", sponsored by the Société Centrale Canine pour l'Amélioration des Races de Chiens en France, 3 Rue de Choiseul, Paris, France, of which Mr. A. Bordereau is Director General.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, Paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, sec. 1201, Par. 1606), hereby withdraws recognition of the said book of record, and hereby amends § 151.10 (a), Chapter I, Title 9, Code of Federal Regulations (14 F. R. 159), as amended, by removing the name of said stud book from the list of books of record named under the subheading "dogs".

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. and Sup. 1201, par. 1606)

The foregoing amendment shall become effective on the 7th day of March 1951.

Done at Washington, D. C., this 30th day of January 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1725; Filed, Feb. 2, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[GCPR, Supp. Reg. 1]

DEFENSE AGENCY PRICING

Pursuant to the Defense Product on Act of 1950 (Pub. Law 774 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of considerations. This Supplementary Regulation 1 exempts from the General Ceiling Price Regulation certain purchases and sales of defense materials and services. These exemptions are deemed to be necessary at the present time in order to insure that price controls shall not interfere with the defense effort.

Many commodities and services purchased by Defense Agencies are of a strictly military nature and the imposition of price ceilings upon them is not practical or advisable because of frequent changes of specifications or production plans or because of variations in the conditions under which contractors and subcontractors operate. Moreover, there are certain types of purchases, such as emergency purchases, and purchases under secret and developmental contracts for which the price control techniques of the General Ceiling Price Regulation are not suitable. Experience has indicated that in such cases and in the case of commodities especially designed for military needs, prices can be best controlled by the Defense Agencies themselves either in the original negotiation or in renegotiation provided for by law to eliminate excessive profits.

This supplementary regulation exempts from the General Ceiling Price Regulation until April 1, 1951, sales to the Defense Agencies or to suppliers with defense contracts or sub-contracts of commodities or services normally produced or supplied only for military use. This provision is designed to eliminate any immediate adverse effect of the freeze upon military procurement. After April 1, 1951, the exemption applies only to a more limited group of commodities and services of this type specified in the supplementary regulation. Furthermore, in order to facilitate defense programs, specific provision is made to exempt purchases of strategic and critical materials from marginal sources for the stockpile until April 1, 1951.

Contracting officers of Defense Agencies are specifically exempted from the civil and criminal liabilities under the General Ceiling Price Regulation for buying commodities or services at higher than ceiling prices. Those selling to the Defense Agencies are, however, still bound by these provisions of the General Ceiling Price Regulation, and the removal of the liability on the part of the purchaser in no way affects the seller's obligation. Contracting officers are not typically purchasers "in the regular course of business or trade" and, as such, are not subject to the prohibition of the Defense Production Act of 1950. This supplementary regulation, however, specifically removes this liability in order that there may be no misunderstanding which would lead to delay in the procurement of essential defense materials.

Sales of scrap, waste, damaged, or used materials or commodities by a Defense Agency, sales by the Atomic Energy Commission and sales by commissaries, exchanges and stores of the Department of Defense are also exempt from the General Ceiling Price Regulation. The operations of these stores are governed by law and regulations of the Department of Defense. Such stores are not open to the public and the prices charged in them are generally lower than prevailing market prices. To subject these stores to price control would impose an unnecessary task both upon the Department of Defense and upon the Director of Price Stabilization.

Sec.
1. What this regulation does.
2. Temporary exemptions, commodities and services for military needs.
3. Strategic and critical materials.
4. Special sales.
5. Certain commodities sold to a Defense Agency.
6. Certain services supplied to a Defense Agency.
7. Developmental contracts.
8. Secret contracts.
9. Emergencies.
10. Individual hardship adjustments.
11. Facts to be shown in applications for adjustment.
12. Certification required for adjustment.
13. Contracts and deliveries pending disposition of adjustment applications.
14. Records.
15. Defense Agencies and officers not liable as purchasers.
16. Definitions.

AUTHORITY: Sections 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this regulation does.* This Supplementary Regulation 1 provides for the exemption from the General Ceiling Price Regulation of certain sales to the Defense Agencies and to their suppliers and, with respect to sales not exempt, for the adjustment of ceiling prices in certain hardship cases. It also relieves the Defense Agencies and their officers of any liability, as buyers, under the General Ceiling Price Regulation.

SEC. 2. *Temporary exemptions, commodities and services for military needs.* Until April 1, 1951, the provisions of the General Ceiling Price Regulation shall not apply to sales, of commodities and services normally produced and supplied only for military use, to a Defense Agency or to any person for use in connection with a defense contract or subcontract.

SEC. 3. *Strategic and critical materials.* The provisions of the General Ceiling Price Regulation shall not apply to sales made to the General Services Administration pursuant to Public Law 520, 79th Congress, of strategic and critical materials:

(a) Under contracts outstanding on January 25, 1951, or,

(b) With the prior written approval of the Director of Price Stabilization, under contracts entered into after January 25, 1951, but prior to April 1, 1951, in those cases where such materials are produced from sources the operation of which is determined by the Administrator of General Services to be uneconomical, at the ceiling price otherwise applicable, by reason of the marginal or submarginal character of such source.

SEC. 4. *Special sales.* The provisions of the General Ceiling Price Regulation shall not apply:

(a) To sales by the Department of Defense through such Department's commissaries, exchanges, and stores.

(b) To sales by the Atomic Energy Commission.

(c) To sales of scrap, waste, damaged, or used materials or commodities by a Defense Agency.

SEC. 5. *Certain commodities sold to a Defense Agency.* The provisions of the

General Ceiling Price Regulation shall not apply to sales of the following commodities to a Defense Agency or to any person for use in connection with a defense contract or subcontract:

(a) Aircraft, ammunition, amphibians, armor plate, armored trains, artillery, automatic weapons, balloon barrage equipment, boats, bombs, bomb directors, bomb sights, caissons, degaussing equipment, depth charges, fire control equipment, gas, gas masks, grenades, guided missiles, gun mounts, gyros, gun sights, harbor and yard craft, machine guns, military bridges, military propellents, military synchros, mines, mine sweeping equipment, missile and rocket launchers, mortars, parachutes, projectiles, projector charges, pyrotechnics, radar, range finders, rockets, servo motors, ships, small arms, sonar, torpedoes, and torpedo tubes.

(b) The following commodities when especially designed to meet military needs: Armored vehicles, automobiles, beach markers, chemical products, diving lungs (self-contained), drop tanks (fuel), electronic and communication devices, field ranges, ground handling equipment for aircraft, instruments, landing mats, military-type caskets, nets and booms, photographic equipment, ration containers, shipboard water coolers, special construction equipment, special conveyers, special dehydrated foods, special hand tools, special mobile units (including bath, laundry, shoe repair, and bakery), special navigational buoys, special training and testing equipment, special training and testing devices, tanks, tents, trailers, trailer mounted floodlight units, train trucks and other handling equipment, trucks, water distillation units, and water purification equipment and tablets.

(c) Component parts and assemblies of any product listed in section 5 (a) or (b) of this supplementary regulation, including all metallic and non-metallic component parts, adjuncts and accessories which have been machined or fabricated (but not including raw or unfinished materials or any materials or articles which are in such form as to permit their use in the manufacture of products not listed in section 5 (a) or (b) of this supplementary regulation).

(d) Ammunition boxes, aviation gasoline of 100 octane or higher, canteens, canteen cups, cartridge cases, combat helmets, concertina barbed wire, helmet liners, identification tags, meat cans, metal insignia, military explosives, paratroop equipment, source and fissionable materials, and water sterilization bags.

(e) Completed operational rations—when made especially to military specifications and not sold commercially in the normal course of trade.

SEC. 6. *Certain services supplied to a Defense Agency.* The provisions of the General Ceiling Price Regulation shall not apply to the following services supplied, to a Defense Agency or to any person in connection with a defense contract or subcontract, by independent contractors (as distinguished from employees):

(a) Any service which is rendered or supplied otherwise than in connection with the processing, distribution, storage or installation of any article or material.

(b) Repairs to and maintenance of boats, ships, and vessels.

(c) Stevedoring and car loading and unloading.

(d) Aircraft services—lubrication, maintenance, painting, rental, repair, storage, washing, operation, conversion, modification, or other servicing thereof (including but not limited to maintenance of or repairs to engines, instruments, accessories, parts and other equipment used in connection therewith).

(e) Any manufacturing service performed in the production of a product listed in section 5 (a), (b) or (c) of this supplementary regulation.

(f) Preparation for shipment of aircraft, tanks, and other special purpose military vehicles, and engines, parts, accessories, and instruments therefor, including but not limited to lubricating, painting, storing, packing, washing, testing, repairing, converting, modifying, maintaining, and preparing and restoring the premises, facilities, and equipment used in connection with such services.

(g) Experimental, developmental, and research services.

(h) Tow boat, barge, and lighterage services and charter hire of ships and vessels.

(i) Cateloguing, material identification, and material preservation services.

(j) Construction services, including the installation and removal of building materials and equipment, performed in connection with any building, structure, or construction project.

(k) Marine salvage operations.

SEC. 7. *Developmental contracts.* (a) The provisions of the General Ceiling Price Regulation shall not apply to sales of any commodities or services pursuant to a defense contract or subcontract which is certified in writing to the Director of Price Stabilization, Washington 25, D. C., by the appropriate Defense Agency as being a "developmental" contract or subcontract.

(b) A contract or subcontract is, for the purpose of this section 7, deemed to be "developmental" during such period, not to exceed six months, as is required by the manufacturer or supplier for the accumulation of sufficient production experience to permit him to make a reasonably accurate estimate of his manufacturing costs or as is required by a purchaser thereunder for the selection of a product.

(c) The certifying Defense Agency shall promptly file with the Director of Price Stabilization, Washington 25, D. C., a report containing a description of the product to be manufactured or service to be supplied, a summary of the terms of the contract or subcontract, including all pricing provisions, a statement of the production program of which the contract or subcontract is a part, and an estimate of the expected duration of such developmental work.

(d) If at any time the Director of Price Stabilization determines, after consultation with the certifying Defense Agency, that the period necessary for development has expired, and in writing so notifies such agency and the manufacturer of the commodity or supplier of the service, this exception shall not apply to the commodities or services thereafter sold, delivered, or supplied under the contract or subcontract to which such notice relates.

SEC. 8. *Secret contracts.* The provisions of the General Ceiling Price Regulation shall not apply to sales of any commodity or the performance of any service pursuant to a contract which is officially classified as "secret" or above.

SEC. 9. *Emergencies.* (a) The provisions of the General Ceiling Price Regulation shall not apply to the sale of any commodity or service to a Defense Agency under such circumstances of emergency as to make immediate delivery imperative and as, in the judgment of the Defense Agency, to render it impossible to secure immediate delivery at the ceiling price which would otherwise be applicable.

(b) The sale shall not be exempt unless the Defense Agency promptly files with the Director of Price Stabilization, Washington 25, D. C., a report setting forth for each purchase: (1) The name and address of the seller, (2) the date of purchase, (3) the date of delivery, (4) a description of the commodity, or service purchased, and (5) a brief statement of the facts giving rise to the emergency situation which necessitated such purchase at a price higher than the applicable ceiling price; except that the information specified in items (4) and (5) of this paragraph may be omitted where such agency states that omission is required in the interests of national security.

SEC. 10. *Individual hardship adjustments.* The Director of Price Stabilization, either on his own motion or on application for adjustment in accordance with Price Procedural Regulation 1 may adjust the ceiling price or prices of any seller who has entered into or proposes to enter into a defense contract or subcontract for the sale of a commodity or service essential to the defense program, whenever it appears that the ceiling price impedes or threatens to impede the production, manufacture, or distribution of such commodity or the supply of such service.

SEC. 11. *Facts to be shown in applications for adjustment.* Such application shall set forth for each commodity and service, (1) the applicable ceiling price, (2) the requested price, and (3) the facts showing the nature and cause of the hardship.

SEC. 12. *Certification required for adjustment.* The seller shall forward such application to the appropriate Defense Agency which shall transmit it to the Director of Price Stabilization, Washington 25, D. C., with a certification by the Defense Agency that in its judgment:

(a) The ceiling price or prices impedes or threatens to impede the production, manufacture, or distribution or such commodity or the supply of such service, and

(b) The production, manufacture, or distribution of the commodity or the supply of the service is essential to the defense program.

SEC. 13. *Contracts and deliveries pending disposition of adjustment applications.* Upon the filing of an application for adjustment and until final disposition of the application, contracts may be entered into or proposals and bids may be submitted at the price or prices requested in the application and deliveries may be made under such contracts, but the seller may not receive and the buyer may not pay the amount by which the requested price exceeds the ceiling price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested:

(a) The ceiling price for the commodity or service in question.

(b) A statement that the quoted price is subject to approval by the Director of Price Stabilization.

(c) A statement that an appropriate application has been filed with the Director of Price Stabilization.

SEC. 14. *Records.* A seller of commodities and services the sale of which is exempted by this supplementary regulation from the price ceiling established in General Ceiling Price Regulation shall not be required to comply with the record keeping provisions of the General Ceiling Price Regulation (Sec. 16) but must preserve and keep available for examination by the Director of Price Stabilization records in his possession showing the prices charged by him for the commodities and services which he delivered or offered to deliver during the base period, December 19, 1950 to January 25, 1951.

SEC. 15. *Defense Agencies and officers not liable as purchasers.* The prohibitions contained in the General Ceiling Price Regulation against buying or receiving any commodity or service at a price higher than the ceiling price permitted shall not be construed to apply to any Defense Agency, or any contracting or paying finance officer thereof. Any such Defense Agency or contracting or paying finance officer thereof shall be relieved of any and every liability, civil or criminal, imposed by such regulation or by the Defense Production Act of 1950.

SEC. 16. *Definitions.* (a) Terms used in this supplementary regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) The term "Defense Agency" as used in this regulation means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, and the Atomic Energy Commission.

(c) "Defense contract" means a purchase order, or agreement with a Defense Agency.

(d) "Subcontract" means any purchase order, or agreement to perform all or any part of the work required under or to make or furnish any commodity needed for the performance of a defense contract.

Effective date. This regulation is effective immediately.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 1, 1951.

[F. R. Doc. 51-1858; Filed, Feb. 1, 1951; 5:14 p. m.]

[CPR 3]

COAL, EXCEPT PENNSYLVANIA ANTHRACITE, DELIVERED FROM MINE OR PREPARATION PLANT

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738): *It is hereby ordered*, That ceiling prices and ceilings on the weighted average realization on the sale of coal, except Pennsylvania anthracite, from a mine or preparation plant shall be effective as provided in this Ceiling Price Regulation No. 3.

Statement of considerations. Bituminous coal prices have been non-inflationary since the Korean outbreak. However, with the threat of a more serious emergency and the possibilities of record-high levels in industrial activity resulting from the defense program, it is likely that a basic industry such as coal will not be able to avoid the forces of inflation. During World War II coal proved to be the main source of energy for the economy, and it was produced in great volume to satisfy the civilian and military needs of the country. It again may have to be produced in large amounts to meet the needs of the country in building its defenses.

Average mine realization, i. e., the average price per ton f. o. b. the mine, has changed very little during the last three years. According to figures compiled and published by the United States Bureau of Mines, the average mine realization was as follows:

	Per ton
1948	$4.93
1949	4.85
1950 estimated	4.90

Since July 1948 wholesale prices on bituminous coal—f. o. b. mine prices plus transportation charges—compiled by the United States Bureau of Labor Statistics, have fluctuated within a narrow range of one percent. At the same time, they reflect increased transportation costs in part, which means that current mine prices are lower, even though slightly, than they were a year or two back. According to the latest information available, it appears that the bituminous coal price level has changed little since 1948, and the change that has taken place has edged downward. There is no evidence of a general increase in bituminous coal prices since the Korean outbreak.

Bituminous coal is mined in 30 States of the United States and Alaska by thousands of companies. Over 90 percent of the total production is mined east of the Mississippi River to supply a substantial part of the country's main fuel market. Today, coal is in good supply except as occasioned in special instances by transportation shortages. With present manpower and equipment, along with adequate transport, the bituminous coal industry can increase its output well above the current rate, which is 550 to 560 million tons annually.

With its many companies spread over the nation, the bituminous coal industry is highly competitive and there are few markets where tonnage from widely separated fields fail to meet. In addition, coal has strong competition from oil, natural gas and waterpower.

Actually, coal is not one but many products represented by sizes and grades produced under widely different conditions. Because of this factor and because of the keen competition, it has a complex market structure. If the latter is ignored under a system of ceiling price control, production and distribution will be hampered and financial difficulties will be encountered which will jeopardize the ability of the industry to supply the maximum needs of the economy. Because of seasonal and other factors, it requires a period of approximately one year to obtain a representative picture of market operations.

Records over the years show that the bituminous coal industry is not a prosperous one and that it has been considered hazardous for investment purposes. New capital has to be derived primarily from earnings. Yet, the progressive management in the industry has mechanized the mines to a high degree, particularly in late years, and has provided a plant that needs a steady return for financial support. A large percentage of the earnings during the better periods since World War II have been used in large amounts to promote greater plant modernization. This accounts for the very sound and strong position of the industry to produce all of the coal required by the country for its civilian and defense programs.

In combatting inflation, the bituminous coal industry generally can adopt pre-Korean price levels without financial hardship except for the impact of the wage increase negotiated during the first two weeks of January 1951, and effective February 1, 1951, and parallel wage increases in other segments of the industry. Since the industry absorbed the increased costs of the wage agreement entered into in March of 1950, the additional cost of the 1951 wage increase, without price adjustment by mines, would result in serious financial difficulties. It is estimated that the 1951 wage advance will cost, on a weighted average basis, approximately 25 cents per ton. This advance, of course, will vary from mine to mine. Furthermore, not only was the 1950 wage addition absorbed, but the increased costs of supplies and other items related to mining, have been absorbed without price advances since the start of the Korean conflict.

Another consideration is that the bituminous industry, with its numerous units, has many mines operating at a return near or below costs. A price schedule established without recognition of these situations can depress production. A cost increase such as resulting from wages, unless reflected in prices, may cause the actual closing of mines.

In arriving at a fair and representative period upon which to base ceiling prices, it was obvious that the 12 months' period prior to the Korean outbreak was unrepresentative insofar as most of the bituminous coal industry is concerned. During that period there were general suspensions of operations and there were three-day week operations beyond the control of the industry during a good part of the period. In addition to these factors the 1949–50 winter was comparatively warm in the major fuel consuming markets, which depressed coal sales of domestic heating coals. Excesses in the supply of residual fuel oil caused by imports from foreign fields competed with industrial coal and captured large coal markets on the Atlantic seaboard and at other points. This factor also resulted in price reductions. These factors, viewed as exceptional and temporary, combined to cause serious disruptions in the marketing of bituminous coal and their effects are still noticeable today.

The period July 1948 to June 1949, inclusive, is considered to be the latest year that has the features of normalcy. Bituminous coal production during that year was 576 million tons, about what might be expected during the year ahead. There were no general strikes of consequence. At the same time, on the conservative side, the 1948–49 winter was relatively warm, and the impact of foreign oil had begun to be felt by late 1948. As stated above, there have been no wide fluctuations since the middle of 1948.

The regulation controlling ceiling prices of bituminous coal, lignite and Virginia anthracite contemplates (a) limiting the average mine realization, during 12 months' periods under the regulation, to the average mine realization of the base period, as adjusted, and (b) fixing ceiling prices at the highest prices received during the base period or the period from January 1–15, 1951, as adjusted. The latter period permits the reflection of the more current changes in price relationships. In brief, the regulation fixes average mine realizations at a representative pre-Korean year and the ceiling prices for individual sizes or grades of coal at the highest prices received during the same year except for recognition of recent changes in price patterns. On the average, prices for domestic heating coals and other major grades are today at about the same level they were in the base period. Average realization obtainable under this order will not exceed the average realization that could be obtained under the General Ceiling Price Regulation. To the realization levels and ceiling prices so established, the regulation permits the addition of the increased costs under the 1951 wage agreement.

In arriving at a fair and representative base period for the industry, it was determined that conditions affecting the bituminous coal industry west of the Mississippi River required a different base period. This segment of the industry produces less than 10 percent of the national output. In that part of the country the industry was affected less by strikes and the three-day week than was the industry east of the Mississippi. Furthermore, the western fields were affected less by competition with foreign oil. The winters in the west were more normal and enhanced the marketing and realization of domestic sizes. Therefore, the realization levels have increased since 1948 but have not shown an increase since June of 1950.

Therefore, the regulation as applicable to the bituminous coal industry west of the Mississippi River and Alaska will use (a) a period March to December 1950, inclusive, as a base period, and (b) that period and January 1–15, 1951, inclusive, will be used from which to establish ceiling prices. It is found that provisions of the regulation promote stability and efficiency.

Findings of the Director of Price Stabilization. In the judgment of the Director of Price Stabilization the provisions of Ceiling Price Regulation No. 3 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

Sec.
1. Applicability of regulation.
2. Definitions.
3. Prohibition against selling, delivering or otherwise disposing of coal at prices above the ceiling.
4. Ceiling prices and ceiling weighted average realization.
5. Long-term contracts.
6. Procedure for establishing ceilings on new products.
7. Less than ceiling prices.
8. Evasion.
9. Reporting, invoicing and record-keeping requirements.
10. Sales agents and distributors.
11. Petitions for amendments.
12. Adjustable pricing.
13. Taxes.
14. Enforcement.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Public Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of regulation.* This regulation establishes ceiling prices and ceilings on weighted average realization for coal, except Pennsylvania anthracite, produced and sold at a mine or preparation plant in the 48 States of the United States, the District of Columbia, and the territories and possessions of the United States. It is applicable to all sales or deliveries of coal f. o. b. mine.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant which is an adjunct of a mine or mines, and any person acting as an agent of a producer in the sale of coal;

(c) "Distributor" means a person who purchases coal for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, and any person acting as an agent of such distributor in the sale of coal;

(d) "Sales agent" is a person who, as agent of a producer, sells coal produced by such producer for him or on his behalf;

(e) "Coal" means: (1) Bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite (which is defined as a coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place at the mine of 30 per centum or more); and (3) Virginia anthracite coal.

(f) "Bunker fuel" means coal used aboard a vessel for consumption thereon;

(g) "Ton" means a short or net ton of 2,000 pounds;

(h) "F. o. b. mine" means free on board transportation facilities at a mine, a preparation plant operating as an adjunct of a mine or mines, or other loading facilities;

(i) "Base period" means: (1) For all coal produced east of the Mississippi River, the base period shall be July 1, 1948, to June 30, 1949, inclusive; (2) for all coal produced west of the Mississippi River and Alaska, the base period shall be March 1, 1950, to December 31, 1950, inclusive;

(j) "Realization" is the gross amount of money or value received or debited to the account of the producer in the sale of coal and shall include the total price charged by the producer (including commissions to sales agents and discounts to distributors);

(k) "Open market sales" shall include coal sold, delivered or otherwise disposed of by rail, truck, barge or other method of transportation pursuant to an arms-length transaction and shall not include coal used to produce coal, sales to employees of the producer, coal used by the producer, and controlled sales. "Controlled Sales" means sales for consumption by the buyer (1) where the relationship between producer and buyer is that of a wholly-owned or controlled subsidiary and parent corporation, or (2) where there is common ownership or control of the producer and buyer in a third party, or (3) where the relation

between producer and buyer for any similar reason is such that the sale is non-competitive, and is generally termed "captive" sales.

(l) "Ceiling price" means the highest price applicable to a particular size or grade of coal determined in accordance with the provisions of this regulation. Such ceiling price shall include commissions to sales agents and discounts to distributors, and shall be an f. o. b. mine price.

SEC. 3. *Prohibition against selling, delivering or otherwise disposing of coal at prices above the ceiling.* On and after the 1st day of February 1951, regardless of any contract, agreement, lease or other obligation:

(a) No person who is a producer or distributor shall sell, dispose, deliver or ship coal from a mine or preparation plant operating as an adjunct of a mine or mines or from mine loading facilities, at prices higher, f. o. b. the mine, than the ceiling prices determined in accordance with the provisions of this regulation.

(b) No person shall, in the course of trade or business, buy or receive such coal so delivered or shipped at prices higher than the ceiling prices determined in accordance with the provisions of this regulation. Any person who buys or receives coal subject to the provisions of this regulation may rely in good faith on a certified statement furnished by the seller that the prices charged do not exceed the ceiling prices so established.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited in paragraphs (a) and (b) of this section.

SEC. 4. *Ceiling prices and ceiling weighted average realization.* (a) The ceiling prices for each mine or group of mines, for any size or grade of coal, as established by previous marketing practices, which may be charged under this regulation shall be the highest prices received for coal in the same sizes or grades in the base period or in the period January 1–15, inclusive, 1951. The producer shall file a certified statement of these ceiling prices, to include such ceiling prices as are derived from distributors' sales, with the Director and with the regional office or offices of the Office of Price Stabilization in the area or areas where the producer's coal is shipped, within 10 days after such prices become effective, on a form prescribed and in accordance with instructions issued by the Director, as provided in section 7 of this regulation.

(b) On and after February 1, 1951, the prices charged for the coal produced at any mine or group of mines shall be such that the weighted average realization per ton by the producer for the 12-month period commencing February 1, 1951, and ending January 31, 1952, and for each 12-month period beginning on the first day of each succeeding month, commencing March 1, 1951, shall not exceed the weighted average realization obtained by the producer from the sale, delivery or other disposal of coal during the base period.

(c) The producer shall determine his ceiling weighted average realization for the base period for any such mine or group of mines by dividing the realization received from sales of coal on the open market by the number of tons so sold. The producer shall file a certified statement of the ceiling weighted average realization so determined with the Director, as required by section 8 (a) of this regulation.

(d) The ceiling prices and ceiling weighted average realization determined for a mine or mines in accordance with the provisions of this regulation may be increased by the amount of the increase in cost resulting from wage and salary advances and other items related to the payroll: *Provided*, That such increases became effective on or after January 1, 1951, and prior to July 1, 1951, and that such increases satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency.

(e) The highest price referred to in paragraph (a) of this section shall be separately determined by the producer in accordance with such classification, whether by size, grade or other grouping or designation as established by previous marketing practices.

(f) The ceiling prices to be determined in paragraph (a) of this section and the ceiling weighted average realization to be determined under paragraph (b) of this section may, at the option of the producer, be determined and established for a group of mines (as distinguished from a particular mine), where such mines are operated or controlled by a single person, and where such mines produce similar and interchangeable coals: *And provided, further*, That such groupings have been the usual custom and practice in the marketing of such coals.

SEC. 5. *Long-term contracts.* (a) A producer who sells and delivers coal under a bona fide long-term written contract of three years or longer, entered into prior to July 1, 1948, may, at his option, exclude such tonnage in determining the ceiling weighted average realization under section 4 (c) of this regulation and must exclude such tonnage in determining ceiling prices under section 4 (a) of this regulation. In such event, the realization obtained from coal sold under such contract during the life of this regulation may not be included in computing realization under section 4 (b) of this regulation. Such tonnage and realization shall be reported separately on forms prescribed and in accordance with instructions issued by the Director.

(b) Coal sold and delivered under the terms and conditions of all such contracts, whether excluded or not, may continue to be sold and delivered in accordance with the terms and conditions, including pricing provisions, of such contracts.

SEC. 6. *Procedure for establishing ceilings on new products.* (a) In the event the weighted average realization for a mine or group of mines as determined in accordance with the foregoing provisions is less than the representative cost of production at such mine or mines the producer may file a petition asking for such adjustment in his ceiling prices or realization as will not require the mine or group of mines to operate at a loss.

(b) In the event a mine or group of mines were not in operation during all or part of the base period, or in the event all or a portion of a mine or group of mines' production as presently produced has been affected by unusual circumstances or is of a special or enhanced quality due to the installation of preparation or other facilities during or since the base period, such producer may file a petition seeking the establishment of ceiling prices and a ceiling weighted average realization that are fair and equitable. The producer shall state the name of the mine, if any, the name or number of the seam, the county and the state in which the mine is located, the type of operation whether underground or strip; and in addition shall furnish the same information for the nearest mine or mines in the same seam and producing coal similarly processed, and the applicable ceiling prices for such mine. If there is no such mine in the same seam, the producer shall furnish the same comparative information for the nearest mine in a substantially similar seam.

For 30 days after filing the application, such coals of the applicant shall be sold at temporary ceiling prices no higher than the ceiling prices established under this regulation for the coals which are produced at the nearest mine or mines in the same seam or in a substantially similar seam and similarly processed. After 30 days from the filing of the application, if no action has been taken by the Director, the prices as requested in the application shall be the ceiling prices for such coals.

(c) If a particular size of coal was not made or sold during the base period or during the period January 1–15, inclusive, 1951, and therefore no specific ceiling price is established therefor, the ceiling price for such size shall be determined as follows:

(d) (1) If the particular unpriced size is a lump size, the ceiling price shall be not more than the lowest ceiling price established for any size of lump coal for the same mine.

(2) If the particular unpriced size is a double-screened coal, the ceiling price shall be not more than the lowest ceiling price established for any double-screened size of the same mine.

(3) If the particular unpriced size is a resultant (slack or screening) size, the ceiling price shall be not more than the lowest ceiling price for any resultant (slack or screening) size of the same mine.

(e) In the event of the mixture of two or more sizes or classifications of coal to which different ceiling prices are applicable, which mixture was not made during the base period or the period January 1–15, 1951, the ceiling price for such mixture shall not be more than the weighted average of the ceiling prices for each of the component sizes or classifications of coal in said mixture, on a per net ton basis.

(f) It is the intent and purpose of this section and this regulation that no mine or group of mines shall obtain an average realization for any consecutive 12-month period beginning February 1, 1951, which exceeds the weighted average realization during the base period as adjusted.

(g) Where bituminous coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or subsidiary or affiliate of the producer, or in any transportation facilities hired by the producer, there may be added to the applicable ceiling prices established herein a sum not in excess of the highest charge for transportation costs made during the base period or the period January 1–15, 1951, inclusive, but in no event to exceed the lowest common carrier rate for a haul between the same points; provided that there may also be added by a producer, to the applicable ceiling price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said producer incurred such tax and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(h) The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during the base period.

(i) Any purchaser, lessee or transferee of a mine for which ceiling prices and a ceiling weighted average realization have been established shall take the ceiling prices or ceiling weighted average realization previously assigned to the mine or other seller, lessor, or transferor thereof.

SEC. 7. *Less than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 8. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to bituminous coal alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise. Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

SEC. 9. *Reporting, invoicing and record-keeping requirements.* (a) Each producer shall compute and establish its weighted average realization during the base period and shall report such realization base to the Director within 10 days after the date ceiling prices become effective under this regulation. The report shall be made on forms prescribed and according to instructions issued by the Administrator.

(b) The basis for setting up ceiling prices on particular sizes and grades of bituminous coal shall be submitted to the Director on forms provided by him in accordance with his instructions within ten days after this regulation becomes effective.

(c) Ceiling price schedules shall be filed by the producer, sales agent or distributor with the Director and with the regional office or offices of the Agency in the area or areas where the producer's coal is shipped, within ten days after the day such prices become effective. Copies of such price schedules shall be open for public inspection. All changes in ceiling prices shall be similarly filed.

(d) Each producer shall report monthly its monthly realization to the Director on forms provided by him and in accordance with his instructions on or before the twentieth day of the month following the month for which the report is being filed.

(e) Each person subject to this regulation shall keep on file invoices and other sales data of the base periods applicable to average realizations and ceiling prices. Each person subject to this regulation shall furnish to each person to whom he sells bituminous coal an invoice stating the ceiling price established by this part separately from any other charge or a certified statement that the prices charged do not exceed the ceiling prices established under this regulation.

(f) Each person subject to this regulation shall preserve and keep available for inspection by the Director for a period of two years, all records necessary to substantiate ceiling prices, base period realization and average realization established pursuant to this regulation.

(g) The producer shall furnish to each retail coal dealer to whom he sells coal a statement showing the exact dollar-and-cents amount the producer has added to the price of his coal as authorized under this regulation.

SEC. 10. *Sales agents and distributors.* No sales agent or distributor shall charge a price f. o. b. mine, preparation plant operated as an adjunct of a mine or mines, or from mine loading facilities in excess of the ceiling price or prices established for such mine or mines under the provisions of this regulation: *Provided*, That in the event a distributor purchased coal from a mine or mines during the producer's base period or the period January 1–15, 1951, and resold such coal, said distributor may buy and resell coal from said mine or mines and charge the highest price or prices he received for each size or grade of coal during the aforesaid periods plus any adjustments in price applied to the f. o. b. mine price of such coal: *Provided, further*, That the distributor files with the Director such reports or records as may be required on forms prescribed and according to instructions issued by the Director. The distributor shall preserve his records to support such reports for a period of two years.

SEC. 11. *Petitions for amendments.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1 issued by the Economic Stabilization Administrator.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Director after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director or by any official of the Office of Price Stabilization to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Taxes.* There may be added to the applicable ceiling price the amount of any sales, gross receipts, gross proceeds or use tax levied by any statute or ordinance, under which the tax is measured by gross proceeds or units of sale, only if the statute or ordinance permits or requires the seller to state the tax separately and the seller does state it separately on his invoice or other memorandum of sale, and only if the seller customarily added the amount of such tax to the ceiling price and separately stated the tax on his invoices prior to January 15, 1951.

SEC. 14. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, and enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on the 1st day of February 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-1887; Filed, Feb. 2, 1951; 12:01 p. m.]

[CPR 4]

ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738); *It is hereby ordered*, That ceiling prices on the sale of anthracite from a mine or preparation plant shall be effective as provided in this Ceiling Price Regulation 4.

Statement of Considerations

The level of prices on anthracite has not changed basically since the start of the Korean conflict. Faced with intensive competition of oil, natural gas, and bituminous coal, the anthracite industry

has not been able to realize market expansion with the growth of defense activity and, as a matter of fact, is operating on a narrow financial margin. Moreover, it appears that anthracite mining capacity is well above requirements of the prospective market.

Available information, covering over two-thirds of the anthracite industry, shows that net income before taxes was about 15 cents per ton in 1950, and as low as 5 cents per ton in November of that year. This income was only 1 to 2 percent of the average mine price.

The larger sizes are distributed almost exclusively for home heating. Although a substantial portion of the steam sizes is sold to industrial consumers, primarily for steam generation purposes, the major portion of the small sizes is consumed in domestic and commercial heating. All together, about 75 percent of the commercial anthracite production moves for space heating purposes. Substitutes for solid fuels cannot be made without equipment changes.

The New England States, New York, New Jersey, Delaware, Maryland, Pennsylvania, and the District of Columbia make up the industry's primary marketing area, and this area consumes about 80 percent of the anthracite shipped to market. As of July 1, 1948, the Census Bureau estimated that almost one-third of the nation's population lived in this marketing area. These facts demonstrate the vital importance of the anthracite industry as an important source of fuel for a large segment of the nation's population. The need to increase its production during the defense period, is underscored further by the fact that of all the fuels commonly used for space heating in this principal market area, the consumption of anthracite accounted for 40 percent of the total of all fuels consumed.

Anthracite during World War II and the need for increased production during the present defense period. The anthracite industry made a substantial contribution to the heavy demands for fuel during World War II. For the five years ending December 31, 1946, the total anthracite production averaged more than 60 million tons per year. Because of the large military demands for fuel oil, the great industrial needs for bituminous coal and metallurgical coke, and the shifts in population, many consumers formerly using these war-drafted fuels, had to use anthracite to take care of their fuel needs.

The strategic importance of anthracite in time of national emergency, cannot, therefore, be overestimated.

Upon the basis of these facts and circumstances, and giving consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, it is readily apparent that anthracite production must expand to meet the present defense demands.

The present position of the anthracite industry. Preliminary figures show that the total production for 1950 will approximate 42 million tons, or 30 percent less than the average yearly production during the period of World War II.

The industry's price pattern since April 1950. On March 16, 1950, the anthracite industry signed a wage contract, calling for increased wages, with representatives of the United Mine Workers of America. Anthracite prices are customarily reflected in published circular prices issued by the major operators, and in April of 1950, the operators published their circular prices which took into account the March wage contract. Since April 1950, however, basic material and supply costs have steadily risen, while the prices published in April 1950 prevailed for sales made throughout that year.

A study of the industry's supply cost shows a weighted average increase of 13.4 percent. This is equivalent to 10.7 cents per net commercial ton of production. Anthracite companies were notified on January 1, 1951, by the Bureau of Employment and Unemployment Compensation of the State of Pennsylvania that minimum unemployment rates in effect under the merit rating system were being increased. The maximum taxable wages increased from $3,000 to $3,600 for Old Age Insurance. The total social security increase cost is 9.2 cents per net ton.

On January 26, 1951, the industry signed a new wage contract with the UMWA calling for a higher wage. Translated into production costs, this wage increase with equalizing increases for clerical and supervisory forces, adds $0.696 per net ton to the industry's cost of producing anthracite. The industry's level of prices on January 1, 1951, and its present financial condition does not permit industry absorption of this increased cost of production. The total of all of the cost increases detailed is 89.5 cents.

Giving due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, it is thus apparent that the ceiling prices for the industry must take into account the increased supply costs which the industry has not passed along to its customers. It is also apparent, for the same reasons, that the period May 24, 1950, to June 24, 1950, is not generally representative for this industry, and that the industry must be permitted to price its anthracite on the basis of the circular prices which it had in effect on January 1, 1951, supplemented by the aforesaid increased costs.

Special services such as oil treatment, truck loading at pockets, etc., shall be continued and charges for such services shall be made in the same amounts as they have historically been in the past.

The regulation also establishes quality standards for anthracite and specified amounts by which ceiling prices must be reduced for anthracite failing to meet such standards. These stated differentials are defined to reflect the loss in value to the consumer by reason of the higher ash content, and it is accordingly necessary to decrease the ceiling prices applicable to substandard anthracite to preserve the relative values between standard and poor quality anthracite.

With respect to customary marketing of anthracite some companies have received a premium for anthracite. Upon filing proof with the Director, producers may add such differential, not in excess of 25 cents per net ton, to the ceiling price applicable to such coals.

Findings of the Director of Price Stabilization

In the judgment of the Director of Price Stabilization the provisions of Ceiling Price Regulation No. 4 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

In formulating this regulation the Director has consulted with representatives of the industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

Sec.
1. Applicability of regulation.
2. Definitions.
3. Prohibitions against selling or delivering anthracite at prices above the ceiling.
4. Less than ceiling prices.
5. Adjustment of prices.
6. Adjustable pricing.
7. Premium coals.
8. Special services.
9. Transportation
10. Taxes.
11. Evasion.
12. Records and reports.
13. Petitions for amendment.
14. Enforcement.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of regulation.* This regulation establishes ceiling prices on anthracite produced and sold f. o. b. the mine.

SEC. 2. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Producer" means a person engaged in the business of mining and or preparing anthracite and any person acting as an agent of a producer in the sale of anthracite.

(c) "Distributor" means a person who purchases anthracite f. o. b. transportation facilities at a mine or preparation plant for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, without physically handling such anthracite, and any person acting as an agent of a distributor in the sale of anthracite.

(d) "Anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(e) "Ground storage facility" means a storage facility not operated as an adjunct of a mine or preparation plant, which is customarily used by a producer or distributor for storage of anthracite in transit from a mine or adjunct preparation plant to a purchaser.

(f) "Ton" means a short or net ton of 2,000 pounds.

(g) "F. o. b. mine" means free on board transportation facilities at a mine, a preparation plant or other loading facilities (not including ground storage facilities).

SEC. 3. *Prohibition against selling or delivering anthracite at prices above the ceiling.* On and after the 1st day of February 1951, regardless of any contract, agreement, lease, or other obligation:

(a) No person who is a producer or distributor shall sell, dispose, deliver, or ship anthracite from a mine at prices higher, f. o. b. mine, than the ceiling prices set forth in Appendix A, attached hereto, and made a part hereof.

(b) No person shall, in the course of trade or business, buy or receive anthracite so delivered or shipped at prices higher than the ceiling prices set forth in Appendix A, attached hereto, and made a part hereof.

(c) No person shall agree, offer, solicit, or attempt to do anything prohibited under this regulation.

SEC. 4. *Less than ceiling prices.* Lower prices than those set forth in this part and Appendix A attached hereto may be charged, demanded, paid, or offered.

SEC. 5. *Adjustment of prices.* The Director may by order grant an adjustment of the prices shown in Appendix A when the producers, individually or collectively, show to the satisfaction of the Director that (a) the sale of the entire production of the mine at ceiling prices would not return a realization equal to the representative cost of production; and (b) such costs of production are of a continuing nature; and (c) the production of the mine is necessary to supply the fuel needs of the economy. The adjustments to ceiling prices resulting from such cost increases may be allocated among the various sizes of anthracite after consultation with the Anthracite Industry Advisory Committee.

SEC. 6. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Director after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950. The authorization may be given by the Director or by any official of the Office of Price Stabilization to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 7. *Premium coals.* Where a producer historically has marketed anthracite, graded as premium coals, and has sold such coals at premium prices, such producer may, for such premium coals in the rice and larger sizes, and upon filing evidence in support thereof with the Director, add to the ceiling prices established in this part a sum, not in excess of 25 cents per net ton, equal to the amount by which the price at which such producer had theretofore marketed and sold such premium coals in excess of the standard prices.

SEC. 8. *Special services.* There may be added to the applicable ceiling prices set forth in this part the charges made for any special services and pocket charges including (specifically but not exclusively) calcium chloride treatment, oil treatment, specially prepared sizes, split cars (containing more than one size), partitions, box-car loading, truck loading from pockets at the mines, bags and bagging, and the making of local or retail deliveries from the mine or adjunct preparation plant: *Provided, however,* That such charges shall not exceed the charges made for the same service during the month of January 1951 (or if no such charges were made in January 1951, the nearest month prior thereto).

SEC. 9. *Transportation.* Where anthracite is delivered from a mine, adjunct preparation plant, to or from any ground storage facility in any transportation facilities owned or subject to the control of the producer or a distributor or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or distributor, there may be added to the applicable ceiling prices established herein a sum not in excess of the actual transportation costs incurred by such producer or distributor, or subsidiary or affiliate thereof, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate, if any, for a haul between the same points: *Provided,* That there may also be added by a producer, to the applicable maximum price established herein, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942 if said producer incurred such tax and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

SEC. 10. *Taxes.* There may be added to applicable ceiling prices the amount of any sales, gross receipts, gross proceeds, or use tax levied by any statute or ordinance, under which the tax is measured by gross proceeds on units of sale, only if the statute or ordinance permits or requires the seller to state the tax separately and the seller does state it separately on his invoice or other memorandum of sale, and only if the seller customarily added the amount of such tax to the ceiling price and separately stated the tax on his invoices in the month of January 1951.

SEC. 11. *Evasion.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to anthracite coal alone or in conjunction with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise.

SEC. 12. *Records and reports.* (a) Each producer and distributor shall preserve and keep available for inspection by the Director for a period of two years such records as the Director shall determine to be necessary under this part; and the Director may require such reports as he deems necessary in order to effectuate this regulation.

(b) The producer shall furnish to each retail coal dealer to whom he sells coal a statement showing the exact dollar-and-cents amount the producer has added to the price of his coal as authorized under this regulation.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with Price Procedural Regulation 1 issued by the Economic Stabilization Administrator.

SEC. 14. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damage provided for by the Defense Production Act of 1950.

Effective date. This regulation shall become effective on the first day of February, 1951.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 1, 1951.

APPENDIX A

1. The following ceiling prices, subject to the exceptions set forth in this regulation, are established for anthracite f. o. b. mine:

	Per net ton		Per net ton
Broken	$14.20	Rice	$6.40
Egg coal	14.45	Barley	5.10
Stove	14.70	Buckwheat No. 4 and smaller	4.10
Chestnut	14.60		
Pea	11.40		
Buckwheat	8.00		

2. No person subject to this regulation may sell or deliver anthracite produced and

prepared by him at ceiling prices established by paragraph 1 of this Appendix, unless such anthracite meets the quality standards and size specifications set forth in Appendix B hereof; otherwise, the ceiling prices shall be those set forth in paragraph 3 of this appendix.

3. The ceiling prices for anthracite (including anthracite for which a ceiling price has been established by any special order issued under this regulation, or otherwise), which does not meet the quality standards and price specifications set forth in Appendix B hereof, shall be the applicable ceiling price set forth below:

	Per net ton		Per net ton
Broken	$13.05	Rice	$5.80
Egg	13.30	Barley	4.60
Stove	13.55	Buckwheat No. 4 and smaller	8.70
Chestnut	13.45		
Pea	10.40		
Buckwheat	7.30		

NOTE: Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

APPENDIX B—STANDARD ANTHRACITE SPECIFICATIONS APPROVED AND ADOPTED BY THE ANTHRACITE COMMITTEE EFFETIVE JULY 28, 1947

	Round test mesh, inches	Percent					
		Oversize, maximum	Undersize, maximum	Minimum	Maximum, impurities [1]		
					Slate	Bone	Ash [2]
Broken	Through 4⅜				1½	2	11
	Over 3¼ to 3		15	7½			
Egg	Through 3¼ to 3	5			1½	2	11
	Over 25/16		15	7½			
Stove	Through 2⅜	7½			2	3	11
	Over 1⅜		15	7½			
Chestnut	Through 1⅜	7½			3	4	11
	Over 13/16		15	7½			
Pea	Through 13/16	10			4	5	12
	Over 9/16		15	7½			
Buckwheat No. 1	Through 9/16	10					13
	Over 5/16		15	7½			
Buckwheat No. 2 (Rice)	Through 5/16	10					13
	Over 3/16		17	7½			
Buckwheat No. 3 (Barley)	Through 3/16	10					15
	Over 3/32		20	10			
Buckwheat No. 4	Through 3/32	20					13
	Over 3/64		30	10			
Buckwheat No. 5	Through 3/64	30	No limit				16

[1] When slate content in the sizes from broken to chestnut, inclusive, is less than above standards, bone content may be increased by 1½ times the decrease in the slate content under the allowable limits, but slate content specified above shall not be exceeded in any event.

A tolerance of 1 percent is allowed on the maximum percentage of undersize and the maximum percentage of ash content. The maximum percentage of undersize is applicable only to anthracite as it is produced at the preparation plant. "Slate" is defined as any material which has less than 40 percent fixed carbon. "Bone" is defined as any material which has 40 percent or more, but less than 75 percent fixed carbon.

[2] Ash determinations are on a dry basis.

[F. R. Doc. 51-1888; Filed, Feb. 2, 1951; 12:01 p. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[Gen. Reg. 1]

DEFINITION OF WAGES, SALARIES OR OTHER COMPENSATION

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 1 is hereby issued.

Statement of Considerations

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

SECTION 1. *Definition of wages, salaries or other compensation.* In accordance with and pursuant to section 702 (c) of Title VII of the Defense Production Act of 1950, increases in wages, salaries or other compensation covered by General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator, which require the prior approval or authorization of the Wage Stabilization Board, include increases in all forms of remuneration to employees by their employers for personal services, including, but not limited to, vacation and holiday payments, night shift and other bonuses, incentive payments, year-end bonuses, employer contributions to or payments of insurance or welfare benefits, employer contributions to a pension fund or annunity, payments in kind, and premium overtime practices and rates.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Adopted unanimously by the Wage Stabilization Board.

Issued: February 1, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-1889; Filed, Feb. 2, 1951; 12:02 p. m.]

[Gen. Reg. 2]

INCREASES DETERMINED BUT NOT EFFECTIVE PRIOR TO JANUARY 25

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 2 is hereby issued.

Statement of Considerations

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

Collective bargaining conferences, arbitration proceedings and other proceedings directed to the resolution of wage questions were in progress prior to January 25, 1951, the effective date of General Wage Stabilization Regulation 1. In some instances collective bargaining agreements were reached, wage determinations made and awards issued prior to the effective date of that regulation. In the interest of furthering and maintaining sound working relations including collective bargaining and avoiding the imposition of inequities and hardships it is necessary and desirable to recognize and give effect to such agreements, determinations and awards applicable to work performed within a relatively short period of time after January 25, 1951, without prior approval of the Wage Stabilization Board.

Sec.
1. Increases determined on or before January 25 and not applicable to work performed within 15 days thereafter.
2. Increases determined on or before January 25 and applicable to work performed within 15 days thereafter.
3. Awards or decisions issued before January 25 and applicable to work performed within 15 days thereafter.
4. Agreements for intra-plant adjustments effective prior to January 25.
5. Filing of copies required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Increases determined on or before January 25 and not applicable to work performed within 15 days thereafter.* Increases in wages, salaries, and other compensation agreed to in writing or determined and communicated to the employees on or before January 25, 1951, but which, by the terms of such agreement or determination, are to become applicable only to work performed later than fifteen (15) calendar days after January 25, 1951, require the prior approval or authorization of the Wage Stabilization Board.

SEC. 2. *Increases determined on or before January 25 and applicable to work performed within 15 days thereafter.* The Wage Stabilization Board hereby authorizes the payment of increases in wages, salaries, and other compensation provided for by written agreement executed on or before January 25, 1951, or formally determined and communicated to the employees on or before said date, which increases, by the terms of said agreement or communications, are to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

SEC. 3. *Awards or decisions issued before January 25 and applicable to work performed within 15 days thereafter.* The Wage Stabilization Board hereby authorizes the increases in wages, salaries, and other compensation resulting from the award or decision of an arbitrator or referee issued on or before January 25, 1951, which increases, by the terms of said award or decision, are to take effect and to be applicable to work performed after January 25, 1951, but not later than fifteen (15) calendar days after said date.

SEC. 4. *Agreements for intra-plant adjustments effective prior to January 25.* Authorization is hereby granted also of payments pursuant to wage or salary increase agreements entered into and effective on or before January 25, 1951, calling for application of a fixed amount of payroll increase to accomplish intra-plant adjustments, but which adjustments were not actually reflected in wage or salary payments prior to that date because of the necessity for determining the allocation and method of application of such increases among different job classifications.

SEC. 5. *Filing of copies required.* In all instances in which increases in wages, salaries, and other compensation are placed in effect under the terms of sections 2 or 3 of this regulation, copies of the agreement, award, or decision providing for such increases, or, if no such agreement, award, or decision exists, a statement of the amounts and manner in which the determination was formally made and communicated to the employees, and the date or dates, and place or places, shall be filed with the Wage Stabilization Board on or before February 20, 1951.

Adopted by the Wage Stabilization Board. Dissenting: Industry Members Henry B. Arthur, J. Ward Keener, Reuben Robertson, Jr.

Issued: February 1, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-1890; Filed, Feb. 2, 1951; 12:02 p. m.]

[Gen. Reg. 3]

INCREASES TO COMPLY WITH MINIMUM WAGE LAWS AUTHORIZED

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 3 is hereby issued.

Statement of Considerations

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, and General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Agency. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulations.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representative groups of labor and industry, which presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

SECTION 1. *Increases to comply with minimum wage laws authorized.* Section 402, subdivision (d) (2) of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) provides that "No action shall be taken under authority of this title with respect to wages, salaries, or other compensation which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the Labor Management Relations Act, 1947, or any other law of the United States, or of any State, the District of Columbia, or any Territory or possession of the United States." Since statutes and orders of the duly constituted authorities acting under any Federal or State law fixing minimum rates for certain types of workers are consistent with the purposes and intent of the Fair Labor Standards Act of 1938, as amended, the Wage Stabilization Board hereby authorizes increases in wages, salaries, and other compensation to bring such wages, salaries and other compensation into compliance with the Fair Labor Standards Act of 1938, as amended, and such other statutes and orders establishing minimum rates of compensation.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105).

Adopted unanimously by the Wage Stabilization Board.

Issued: February 1, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-1891; Filed, Feb. 2, 1951; 12:02 p. m.]

[Gen. Reg. 4]

NON-FEDERAL PUBLIC EMPLOYEES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order 3 (16 F. R. 739), this General Regulation 4 is hereby issued.

Statement of Considerations

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Agency. It is designed to stabilize wages, salaries, and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representative groups of labor and industry, which presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

Sec.
1. Increases in wages of non-federal public employees authorized.
2. Increases in wages of non-federal public employees subject to stabilization policies.
3. Increases in wages of non-federal public employess subject to Board review.

AUTHORITY: Sections 1 to 3 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105

SECTION 1. *Increases in wages of non-federal public employees authorized.* Increases in the wages, salaries, and other compensation of state, county, municipal and other non-federal governmental employees, whose wages, salaries and other compensation are fixed by statute, ordinance, or regulation of duly constituted authorities of such governmental bodies, may be made without the prior authorization of the Wage Stabilization Board, subject to the provisions of sections 2 and 3 of this regulation.

SEC. 2. *Increases in wages of non-federal public employees subject to stabilization policies.* State, county, municipal and other non-federal governments and agencies thereof, in making increases in wages, salaries, and other compensation of their employees, are expected to conform to the national wage stabilization policy as expressed in the Defense Production Act of 1950, Executive Order 10161, General Wage Stabilization Regulation 1 issued by the Economic Stabilization Administrator on January 26, 1951, the general regulations and statements of policy issued by the Wage Stabilization Board pursuant thereto, and such orders or regulations as may from time to time be issued thereunder or in connection therewith.

SEC. 3. *Increases in wages of non-federal public employees subject to Board review.* The Wage Stabilization Board reserves the right to review increases made under the terms of section 1 of this regulation, and to revoke or modify such increases when required in order to effectuate the policies of the Defense Production Act and the applicable orders or regulations issued thereunder or in connection therewith.

Adopted unanimously by the Wage Stabilization Board.

Issued: February 1, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-1892; Filed, Feb. 2, 1951; 12:03 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-12, as amended December 30, 1950, Direction 1]

USE OF COPPER AND COPPER-BASE ALLOYS

BASE PERIOD—APPLICATIONS FOR ADJUSTMENT—USE DURING THE FIRST CALENDAR QUARTER OF 1951

The following Direction is issued under NPA Order M-12 as amended December 30, 1950. This Direction relates to the permitted use of the forms and products of copper which are specified in § 29.23 of the Order during the first calendar quarter of 1951.

SECTION 1. (a) Paragraph (b) of § 29.26 of the Order states that no person shall manufacture (as defined) or use in installation or construction "During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c) and (d) of § 29.23 in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January 1951	85
February 1951	85
March 1951	80

Paragraph (c) of § 29.26 states that no person shall manufacture or use in installation or construction "During the calendar quarter commencing on January 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period."

(b) Section 29.28 of the order states: "Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of § 29.23 in excess of 100 percent of his average quarterly use for such purposes during the base period."

(c) "Base period" is defined by § 29.22 (b) as the six months period ending June 30, 1950.

(d) Section 29.31 states, in part, that "any person affected by any provision of this subpart may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry. • • •"

(e) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the application of the base period to the applicants' business operations caused undue hardship upon the applicants by reason of the fact that their business operations were substantially interrupted during the base period. This Direction will constitute a determination of adjustment with respect to the limitations stated in § 29.26 (b) and (c) and § 29.28 of the Order in such cases, whether or not applications for adjustment have been filed with the National Production Authority under § 29.31 thereof. This determination is subject, however, to the conditions hereinafter stated.

Direction. In any case in which manufacturing operations or construction was shut down or suspended for more than 15 consecutive calendar days, the applicant in determining its average monthly use during the base period may exclude from the base period specified in the Order the month or months in which the shutdown or suspension existed. In determining its average quarterly use during the base period, it may calculate the same to be three times its average monthly use during the base period as above determined.

Illustration 1: The A company was shut down from March 16 through April 5, 1950. Its base period will comprise the months of January, February, May and June 1950. Its average monthly use will be one-fourth of its total use during these months, and its average quarterly use will be three times this average monthly use.

SEC. 2. (a) The above determination of adjustment is subject to the following conditions: (1) That every person relying on this determination will promptly after the date of the issuance of this Direction prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative; and (2) that such record shall be retained for at least two years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(b) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this Direction No. 1. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such actions will be effective upon such date or dates subsequent to the date of the notification as are specified therein.

NOTE: All reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect on February 1, 1951.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-1893; Filed, Feb. 2, 1951; 12:31 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

CHESAPEAKE BAY NEAR ANNAPOLIS, MD.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.115 is hereby prescribed establishing seaplane restricted areas in Chesapeake Bay near Annapolis, Maryland, to be used by the United States Navy for practice landings, and governing their use, as follows:

§ 207.115 *Chesapeake Bay near Annapolis, Md.; seaplane restricted areas.* (a) *The areas.*—(1) *North area.* The waters of Chesapeake Bay bounded as follows: Beginning at the southernmost tip of Greenbury Point; thence southerly to Greenbury Point Shoal Light; thence 90° true to longitude 76°25'; thence due north to an east-west line tangent to Hackett Point; thence 270° true along said east-west line to the shore at the Naval Radio Station; and thence southerly along the shore to the point of beginning.

(2) *South area.* The waters of Chesapeake Bay bounded as follows: Beginning at the easternmost tip of Tolly Point; thence southeasterly to Tolly Point Shoal Lighted Bell Buoy 33; thence 180° true to an east-west line passing through the southeasternmost tip of Thomas Point; thence 270° true along said east-west line to Thomas Point; and thence northeasterly to the point of beginning.

(b) *The regulations.* (1) Only one of the areas will be used for practice landings during any period. The north area will normally be used except when firing practice is being conducted at the Naval Academy Rifle Range. Such firing practice is generally conducted during the summer months, and at such times the south area will be used for practice landings.

(2) Within the area selected for practice landings, such operations will be confined during any period to a landing strip one mile long and one-fourth mile wide. This landing strip will be laid out, so far as the wind direction will permit, in such manner as to cause the least possible interference with commercial fishing and navigation, and will be patrolled during practice landings.

(3) Vessels will be permitted to pass through either area, including the landing strip, at any time, but they shall give seaplanes using the landing strip the right-of-way. Vessels shall not moor or anchor or otherwise delay their progress within the landing strip when informed by naval personnel assigned to patrol the landing strip that it is in use.

(4) Fixed fishing nets supported on stakes in accordance with Department of the Army regulations governing such structures may be placed in the areas without restriction. Unattended anchored or buoyed nets or other apparatus used for the purpose of taking sea food, except fixed fishing nets supported on stakes, may be placed in or permitted to enter the areas but only at the owners' risk, and the United States shall not be liable for any accidental damage thereto resulting from seaplane operations.

(5) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, United States Naval Academy, Annapolis, Maryland, and such agencies as he may designate.

[Regs. Jan. 17, 1951, 800.2121-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51-1730; Filed, Feb. 2, 1951; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

1. Section 21.65 is amended to read as follows:

§ 21.65 *Leaves of absence (effective April 1, 1949).* (a) Leaves of absence for veterans enrolled in institutions of higher learning will be authorized in accordance with the following:

(1) When the period of enrollment as certified by the school is for an ordinary school year and the interval between consecutive terms or semesters is in no case greater than 15 calendar days duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of the school year as shown by the catalog of the institution. If the certification by the institution is for the ordinary school year plus a summer term of 5 weeks or more in length and no interval between 2 consecutive terms is in excess of 15 calendar days in duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of the summer term as shown by the school catalog. If the certification by the school is for 4 quarters and no interval between quarters exceeds 15 calendar days in duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days after termination of the fourth quarter as shown by the school catalog. If the certification by the school is for a single term, or a single quarter, or a single summer session, and such summer session is 5 weeks or more in length, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of such certified term as shown by the school catalog. The provisions of this subparagraph apply even though the closing of the term constitutes the completion of the course for which the veteran was enrolled.

(2) If any interval between terms (within a period of certified enrollment) is in excess of 15 calendar days, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the end of the term immediately preceding such interval, as shown by the school catalog, and shall recommence as of the date of the commencement of the term immediately following such interval as shown by the school catalog.

(3) In no event will the extension authorized in subparagraph (1) and (2) of this paragraph be applicable at the end of the school year or at the end of attendance at a single term or semester, if the veteran elects at the time of enrollment, or prior to the completion of the period of enrollment, not to be granted leave. Intervals between consecutively attended terms or semesters within the ordinary school year are regular holidays and the veteran has no choice or election as to such intervals.

(4) Where a veteran withdraws from training at any time prior to the end of the period of certified enrollment, there will be no extension of training status except as provided in § 21.102 (d).

(5) Except as to days of leave within terms as may be granted by the institution in accordance with its policy respecting leave to all students no other leave will be authorized for any period in addition to the extensions of training status provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(6) An institution of higher learning will not be expected to maintain for veteran-trainees records of attendance not normally maintained for other students provided, however, the institution must discharge its obligation to determine and notify the Veterans' Administration immediately when the veteran-trainee's conduct or progress is not satisfactory, i. e., such as to raise a question as to the desirability of his continuance as a student in the institution, or the veteran ceases to be in attendance or is permitted to modify his course so as to affect the charge against his period of entitlement, the payment of subsistence allowance or tuition. No other routine or grade reports will be required. The veteran will be carried in a training status so long as his conduct and progress continues to be satisfactory for continuation in training status according to the regularly prescribed standards and practices of the institution.

(b) *Veterans enrolled in institutional on-farm training.* A veteran enrolled in a course of institutional on-farm training shall be entitled to that leave which the approved institution grants to other students but not in excess of 30 days in a calendar year (or a pro-rata portion thereof where the course in which the veteran is enrolled is less than 12 months in duration) exclusive of Saturdays, Sundays, and holidays, provided such leave does not interfere with the progress of the trainee. No attendance reports need be made to the regional office.

(c) *Veterans enrolled in on-the-job training.* A veteran enrolled in on-the-job training will be granted such leave as is granted by the training establishment in accordance with its established policy, but not to exceed 30 days in a calendar year (or a pro-rata portion thereof where the course in which the veteran is enrolled is less than 12 months in duration) exclusive of Saturdays, Sundays, and holidays. The training establishment is not required to report any such leave to the Veterans' Administration. No other leave during the course will be granted by the Veterans' Administration. No records or accounting of leave accrued or used will be maintained by the Veterans' Administration. At the veteran's option and provided application is received by the Veterans' Administration prior to the completion of his enrollment, the veteran may be granted 15 calendar days of leave at the completion of the period of enrollment, subject to remaining entitlement.

(d) *Veterans enrolled for other school training.* A veteran enrolled for school training other than institutional on-farm or in institutions of higher learn-

ing will be granted leave in accordance with the provisions of the school's contract with the Veterans' Administration, or, in the absence of a specific contractual provision, in accordance with the school's established policy for granting leave to all students, but not to exceed 30 days in a calendar year (or a pro rata portion thereof where the course in which the veteran is enrolled is less than 12 months in duration) exclusive of Saturdays, Sundays, and holidays. The school is not required to report any such leave to the Veterans' Administration. No other leave during the course will be granted by the Veterans' Administration. No records or accounting of leave accrued or used will be maintained by the Veterans' Administration. At the veteran's option, and provided application is received by the Veterans' Administration prior to the completion of his enrollment, the veteran may be granted 15 calendar days of leave at the completion of the period of enrollment, subject to remaining entitlement, and provided further that the period of enrollment is 5 weeks or more in length. Two such optional leave periods may be granted in any cumulative 12 months of training in those instances where there exists an interval between the end of the spring semester and the beginning of the summer term and a further interval following the end of the summer term. Otherwise, there will be no more than one such optional leave period granted in any cumulative 12 months of training.

(e) *Definitions of holidays and charging of leave.* Regular holidays are those days within a period of training on which the school or training establishment grants total exemption from attendance to all students or enrollees in the same course, i. e., those days during a continuous period of enrollment in which the trainee holds himself available and ready to attend classes but classes are not in session because of the calendar of the training institution. For enrollees pursuing courses in schools, regular holidays are also defined as school holidays and short intermissions between terms or periods of instruction within the ordinary school year of two semesters or three quarters if such intervals are not more than 15 days in duration and provided that the veteran actually attends the succeeding term. Under this policy leave will not be charged against the trainee for any Saturday, Sunday, holiday, or intermissions between terms within the ordinary school year as defined in this paragraph on which the trainee has no scheduled classes or exercises and is not expected to be in attendance at the institution. Vacation periods between school years or the corresponding vacation periods in those schools which operate on a year round basis and in job training establishments are not holidays within the definitions in this paragraph and accordingly any periods for which subsistence allowance is paid during such vacation periods will be chargeable as leave. An approved absence covering a period of less than the standard school or work week of the training institution or establishment should be charged against leave at the rate of 1 day for each school or working day of absence from the institution. An approved absence covering a period of 1 calendar week or more will be charged at the rate of 5 days for each 7 consecutive days of absence if the school or establishment furnishes instruction on a 5-day per week basis.

2. In § 21.66, paragraph (b) is amended to read as follows:

§ 21.66 *Conduct and progress.*

* * *

(b) *Unauthorized absences and absences in excess of 30 days in a calendar year (effective April 1, 1949).* (1) Applicable schools and training establishments will be responsible for reporting to the Veterans' Administration on VA Form 7–1963 all absences in excess of 30 days in a calendar year (or a pro-rata portion thereof where the course in which the veteran is enrolled is less than 12 months in duration) and all absences which the school or establishment considers unauthorized. Schools will also be responsible for notifying the Veterans' Administration of interruption of training where the provision of the contract with the Veterans' Administration or the established policy of the school requires interruption for lack of progress due to excessive absenteeism. Schools will also be responsible upon interruption, discontinuance, or completion of the veteran's training for notifying the Veterans' Administration of any absences or leave (authorized or unauthorized) which exceed 30 days in a calendar year (or a pro rata portion thereof where the course in which the veteran is enrolled is less than 12 months in duration), and such absence has not previously been reported to the Veterans' Administration on VA Form 7–1963. Such reports may be made on VA Form 7–1908.

(2) Subsistence allowance will be reduced for unauthorized absences reported on VA Form 7–1963 in accordance with § 21.107 (i).

* * * * *

3. In § 21.102, the introductory paragraph and paragraphs (a) and (b) are amended; and a new paragraph (d) is added as follows:

§ 21.102 *Effective closing dates of an authorization of subsistence allowance.* The effective closing date of an authorization of subsistence allowance shall be determined in accordance with the criteria set forth below:

(a) *Schools, colleges, and universities.* The effective closing date shall be the closing date of the course, or the closing date of the period of enrollment as certified by the school (or as either may be extended by a period of leave granted in accordance with the provisions of § 21.65), or the expiration date of the veteran's entitlement, whichever is the earlier.

(b) *Apprenticeship or other on-the-job training.* The effective closing date shall be the ending date of the training as established by the training agreement (or as extended by a period of leave granted in accordance with the provisions of § 21.65), or the expiration date of the veteran's entitlement, whichever is the earlier.

* * * * *

(d) *Where veteran withdraws from training without giving prior notice to the Veterans' Administration.* Notwithstanding the provisions of paragraphs (a), (b) or (c) of this section, when a veteran in receipt of regular monthly payments of subsistence allowance withdraws—without giving prior notice to the Veterans' Administration—from either institutional or on-the-job training prior to the end of the course or the end of the certified period of enrollment, the authorization action will terminate the training status and subsistence allowance as of the end of the month in which the withdrawal, interruption, or discontinuance occurred: *Provided, however,* That in any case where an ending date has been previously fixed within the month in which the withdrawal, interruption, or discontinuance occurred, there will be no extension beyond such ending date: *And provided further,* That in no case will such extension be granted if the school or training establishment reports that the veteran's course of training has been discontinued because of unsatisfactory conduct or progress. If a report showing that the veteran's course of training has been discontinued because of unsatisfactory conduct or progress is received from a school or training establishment after an extension to the end of the month has been effected a revised authorization action will be accomplished to cancel such extension. This extension will be initially made by the Veterans' Administration even though there is of record no affirmative election upon the part of the veteran. It is provided further that only one such extension of training status shall be made in any cumulative 12 months of training and that as to any veteran whose training status and subsistence allowance has been extended to the end of the month under these circumstances and who is subsequently restored to training status in the same course in the same institution or training establishment the action authorizing such extension will be amended to establish the ending date effective as of the date the withdrawal from training occurred since under these conditions the period of interruption actually constituted a period of absence. The extension in this paragraph will not be applicable to interruptions of training occurring prior to May 27, 1948, except in the cases of deceased veterans who had withdrawn from or interrupted training status prior to that date under the circumstances defined in this paragraph, and to whom subsistence allowance was paid to the end of the month in which such withdrawal or interruption occurred, thus eliminating overpayments which would otherwise stand against the estate of the decedent.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective February 3, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–1859; Filed, Feb. 2, 1951; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 1—ESTABLISHMENT AND ORGANIZATION OF THE POST OFFICE DEPARTMENT

BUREAU OF FINANCE AND BUREAU OF FACILITIES

a. In § 1.12 *Bureau of Finance* (39 CFR 1.12; 15 F. R. 4689) amend paragraph (d) as follows:

1. Strike out the words "Division of Finance", wherever they appear therein, and insert, in lieu thereof, the words "Division of Postal Finance".

2. Strike out the words "Division of Postal Savings Banking Investments" and insert, in lieu thereof, the words "Division of Postal Savings Banking and Investments".

b. In § 1.13 *Bureau of Facilities* (39 CFR 1.13; 15 F. R. 4693) make the following changes:

1. Amend the first sentence of paragraph (a) by striking out "with the design and construction of buildings insofar as the operation of the post-office service is concerned; with the lay-out of post-office quarters in Federal buildings and leased buildings, including conveyor and other labor-saving equipment for same; with the general engineering problems affecting the activities of the Postal Service; in collaboration with the Administrative Assistant to the Postmaster General, with the consideration of the practicability of devices and inventions for use in the Postal Service" and by inserting, in lieu thereof, "with the planning and design of new Federal buildings housing postal activities; with determination of space and mechanical facilities for postal operational requirements; collaboration in site selection; with the planning of postal quarters in leased buildings; with the planning of conveyor and other mechanical mail-handling facilities; with general engineering relating to buildings, equipment, devices and materials used in the postal service; with the providing of engineering and technical assistance to other Bureaus and offices in the planning and design of facilities to obtain maximum efficiency in postal operations; and with the analysis of technical reports and specifications".

2. Amend paragraph (d) by striking out "a Division of Engineering and Research" and by inserting, in lieu thereof, "a Division of Engineering".

(R. S. 161,396, secs. 304,309, 42 Stat. 24, 25, Reorg. Plan No. 3 of 1949; 14 F. R. 5225, 3 CFR, 1949 Supp., 63 Stat. 1066; 5 U. S. C. 22, 369, 5 U. S. C. Sup., 133z–15)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–1711; Filed, Feb. 2, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 174]

PART 91—LOCOMOTIVE INSPECTION

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF LOCOMOTIVES OTHER THAN STEAM

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of January A. D. 1951.

It appearing, that on October 4, 1950, the Division issued in the above-entitled proceeding a notice of proposed rule making (15 F. R. 6892) pursuant to the provisions of the Locomotive Inspection Act of February 17, 1911, as amended, accompanied by a copy of special rules of practice applicable thereto, which notice set forth a rule, 205 (a), which was proposed to supersede Rule 205 (a) prescribed by the Commission's order of December 14, 1925;

It further appearing, that no evidence has been filed pursuant to said special rules of practice and no objection made to the proposed Rule 205 (a):

It is ordered, That the Commission's order of December 14, 1925, prescribing rules and instructions for the inspection and testing of locomotives other than steam be, and it is hereby, amended by substituting for § 91.205 (a) in said rules and instructions the following:

§ 91.205 *Main reservoir system*—(a) *Safety valve.* The main reservoir system of each unit shall be equipped with at least one safety valve, the capacity of which shall be sufficient to prevent an accumulation of pressure of more than 10 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the locomotive. Each unit that has a pneumatically actuated system of power controls shall be equipped with a separate reservoir of air under pressure to be used for operating such controls, other than brake controls, which reservoir shall be provided with means to automatically prevent loss of pressure in event of failure of main reservoir air pressure, shall have storage capacity to permit not less than 3 complete operating cycles of control equipment and shall be so located that it will not be readily susceptible to damage. Each unit built before January 1, 1951, that has a pneumatically actuated control system of power control shall be so equipped the first time said unit receives repairs of a general nature but not later than January 1, 1952.

A copy of this order will be served on each common carrier subject to the Interstate Commerce Act and on each National Organization of Railroad Employees and notice thereof shall be given to the general public by depositing a copy of said order in the office of the Secretary of the Commission at Washington and by filing it with the Director of the Division of the Federal Register.

(Sec. 5, 36 Stat. 914, as amended; 45 U. S. C. 28. Interprets or applies sec. 2, 36 Stat. 913, as amended; 45 U. S. C. 23)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–1717; Filed, Feb. 2, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

CATTLE

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, Paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, Sec. 1201, Par. 1606), proposes to recognize the book of record of purebred cattle entitled "The Dun and Belted Galloway Herd Book," published under the auspices of the Dun and Belted Galloway Cattle Breeders' Association, 111 English Street, Dumfries, Scotland, of which John Kincaid is Secretary, and to amend the regulations governing the recognition of breeds and books of record of purebred animals by adding the name of the herd book to the list of books of record named in 9 CFR 151.10 (a), as amended, under the subheading "Cattle." The said regulations would further be amended to provide that the certification of cattle registered in the said herd book shall be restricted to animals for which pedigree certificates are furnished showing three complete generations of known and recorded purebred ancestry of the Dun and Belted Galloway breed.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 201, Par. 1606, 46 Stat. 673 as amended by 62 Stat. 161; 19 U. S. C. and Supp. III, 1201, par. 1606)

Done at Washington, D. C., this 30th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-1726; Filed, Feb. 2, 1951; 8:49 a. m.]

Production and Marketing Administration

[P. & S. Docket No. 143]

MARKET AGENCIES AT OMAHA UNION STOCK YARDS

PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, (7 U. S. C. 181 et seq.) an order was issued on May 3, 1950 (9 A. D. 571) authorizing the respondents to assess the charges currently in effect.

On January 25, 1951, respondents filed a petition requesting that a supplemental and temporary order be issued authorizing respondents to file a new tariff No. 12 attached to the petition providing for the following charges for market services:

SECTION A—SELLING CHARGES

(The selling charges apply only when animals offered for sale are sold)

	Cents per head
Calves:	
Consignments of 1 head and 1 head only	75
Consignments of more than 1 head:	
First 5 head in each consignment	60
Next 10 head in each consignment	55
Each head over 15 in each consignment	45
Cripples or subjects	75
	Per head
Cattle:	
Consignments of 1 head and 1 head only	$1.30
Consignments of more than 1 head:	
First 5 head in each consignment	1.10
Next 10 head in each consignment	1.05
Each head over 15 in each consignment	.95
Bulls	1.75
T. B.'s, Bangs, subjects, or cripples	1.75

SECTION B—SELLING CHARGES

	Cents per head
Hogs:	
Consignments of 1 head and 1 head only	55
Consignments of more than 1 head:	
First 10 head in each consignment	40
Next 15 head in each consignment	35
Each head over 25 in each consignment	30
Cripples or subjects	75

SECTION C—SELLING CHARGES

	Cents per head
Sheep or Goats:	
Consignments of 1 head and 1 head only	50
Consignments of more than 1 head:	
First 10 head in each 225 head in each consignment	37
Next 20 head in each 225 head in each consignment	30
Next 30 head in each 225 head in each consignment	24
Next 40 head in each 225 head in each consignment	15
Next 125 head in each 225 head in each consignment	9
Cripples	65

The charge on a rail consignment of sheep shall not exceed an amount equal to $30.00 × the number of double deck cars plus an amount equal to $20.00 × the number of single deck cars in the consignment.

SECTION D—SELLING CHARGES

	Per head
Resales:	
Cattle	$0.75
Calves	.35
Bulls	1.00
Hogs	.25
Boars	.50
Sheep	.20

SECTION E—EXTRA SERVICE CHARGES

In the case of those consignments where more than three weight drafts are necessary or requested, 25 cents per weight draft in excess of three, maximum $3.00 on any one consignment, will be charged.

In the case of those cars where prorating is necessary or requested, the following additional charges will apply: 30 cents for each such proration minimum 60 cents and maximum $3.00 on any one car.

When separate subsequent accountings are made to the consignor on account of delayed sales, a charge of 25 cents will be assessed for each additional account of sale rendered.

Extra Draft charges and Subsequent Report charges do not apply to Bangs, T. B.'s, Subjects, crippled or dead livestock.

SECTION F—BUYING CHARGES

Cattle and calves: The charges for buying cattle and calves shall be the same as the selling charges with the following exceptions:

1. There shall be no draft charge, but when it is necessary to purchase and pick up a purchase order from more than two market agencies and/or dealers, a charge of 50 cents shall be made for each market agency and/or dealer in excess of two, with a maximum of $3.00 on any one purchase order.

2. On carloads the minimum charge shall be $22.00 per car, and the maximum charge shall be $28.00. Pick up charge as set out in paragraph 1 is in addition to the buying charge.

3. On trucked out cattle for immediate slaughter the unit of charge shall be 22,000 pounds. On purchase orders weighing less than 22,000 pounds the maximum charge shall be $22.00. On purchase orders weighing 22,000 pounds or over the charge shall be $22.00 for each unit of 22,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the cattle in the purchase order. The number of animals so ascertained shall carry a charge of 90 cents per head.

Bulls: The charge for buying bulls shall be the same as the selling charge. There shall be no draft charge, but when it is necessary to purchase and pick up a purchase order from more than two market agencies and/or dealers, a charge of 50 cents shall be made for each market agency and/or dealer in excess of two, with a maximum of $3.00 on any one purchase order.

Hogs: The charges for buying hogs shall be the same as the selling charges with the following exceptions:

1. There shall be no draft charge, but whenever it is necessary to purchase and pick up a purchase order from more than two market agencies and/or dealers, a charge of 50 cents shall be made for each agency and/or dealer over two, with a maximum charge of $3.00 on any one purchase order.

2. The minimum charge on hogs for immediate slaughter shipped out by rail shall be $21.00 per single deck and the maximum charge, $25.00. The minimum charge on double deck cars shall be $28.00 and the maximum, $35.00. Pick up charges as set out in paragraph 1 is in addition to the regular buying charges.

3. On trucked out hogs for immediate slaughter the unit of the charge shall be 17,000 pounds. On purchase orders of less than 17,000 pounds the maximum charge shall be $21.00. On purchase orders weighing 17,000 pounds or over the charge shall be $21.00 for each unit of 17,000 pounds. In the case of those purchase orders which are of such weight that a fraction of a unit results, the charge on the fraction shall be computed by dividing the weight of the fraction by the average per head weight of the hogs in the purchase order. The number of animals so ascertained shall carry a charge of 28 cents per head.

Sheep: The charges for buying sheep shall be the same as the selling charges with the following exceptions:

1. There shall be no draft charge, but whenever it is necessary to purchase and pick up a purchase order from more than two market agencies and/or dealers, a charge of 50 cents shall be made for each agency and/or dealer over two, with a maximum charge of $3.00 on any one purchase order. The maximum charge shall be:

Single deck	$20.00
Double deck	30.00
Each 250 head (other than by rail)	30.00

Pick up charge as set out in paragraph 1 is in addition to the maximum buying charge.

SECTION C—MISCELLANEOUS BUYING CHARGES

1. No account sale shall be rendered for less than 75 cents.

2. When a commission firm renders service to any purchaser of livestock by paying for and/or rendering service relative to tuberculosis or abortion tests, such service shall be deemed the same as a purchase of livestock and shall be charged for at the regular buying rates.

3. When a purchaser requests the agency to bill out the purchase order or deliver any cattle, calves and sheep for branding, dehorning, castrating, vaccinating, immunizing, spraying, etc., and/or to drive the animals to the truck pens, a charge of 50 cents per head shall be made on cattle, 25 cents per head on calves and 50 per cent of the buying charge on sheep.

To defray the expenses of the present system of ante mortem inspection of cattle and calves, provided by this Exchange, the following charges shall be made on all cattle and calves sold at these yards by members of this Exchange and others receiving said inspection:

Cattle or calves: 2 cents per head (with maximum charge of 40 cents up to each 25 head).

To defray the cost of inspection of the hogs at the scale:

Hogs: 1 cent per head, maximum 30 cents for each 100 head in a consignment.

Services of Chief Inspector	$0.75
Services of Board of Arbitration	1.50

(Services of Chief Inspector and Board of Arbitration are to be paid by the owner of the consignment when services are requested by the selling agency and by the purchaser of the consignment when requested by him.)

If authorized, the increased charges will produce additional revenue for the respondents and increase the cost of marketing. It appears therefore that this notice of the petition should be given to the public.

All interested parties who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within the 15 days period following the publication of this notice.

Done at Washington, D. C., this 31st day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-1735; Filed, Feb. 2, 1951; 8:50 a. m.]

[P. & S. Docket No. 534]

MARKET AGENCIES AT NEW ORLEANS STOCK YARDS, ARABI, LA.

PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on March 14, 1950, authorizing the current charges for respondents' services.

By petition filed on January 18, 1951, respondents have requested authority to file a new Tariff No. 8, copy of which is attached to the petition and put into effect the charges provided for in said Tariff No. 8 which charges are as follows:

ARTICLE II—SELLING CHARGES—ALL MODES OF ARRIVAL

ANIMALS OF THE BOVINE SPECIES

	Per head
Light weight bovines:	
0 pounds to 95 pounds	$0.55
100 pounds to 295 pounds	.65
Medium weight bovines: 300 pounds to 695 pounds	1.00
Heavy weight bovines: 700 pounds and over	1.35
Bulls: 600 pounds and over	2.50
Dairy cattle: Milkers or springers (cows with calves at feet being considered as one)	5.00

SWINE

65 pounds and under	.40
70 pounds to 95 pounds	.55
100 pounds and up	.60

SHEEP AND GOATS

All weights	.35

ARTICLE III—EXTRA SERVICE CHARGES

	Per head
For each additional draft over 3 in any 1 consignment	$0.25
For each additional check, each additional account sales, each additional proceeds deposit over 1 per consignment	.10
For each additional day after arrival of milch cows, until sold, not to except a maximum charge of	2.50
Per head per day	.50
Tipping horns	.15
Branding	.20
When requested, or when necessary, for brand or identification tag, a charge will be made of	.25

ARTICLE IV—BUYING CHARGES

The charges for buying livestock of the various species shall not be in excess of those for selling like species and shall be as follows:

	Per car
Slaughter cattle and calves in carload lots, single deck, maximum of	$15.00
Slaughter cattle and calves in carload lots, double deck, maximum of	22.50
Hogs and sheep in carload lots, 20 cents per head not to exceed:	
Maximum for single deck of	12.00
Maximum for double deck of	18.00

ARTICLE IV—BUYING CHARGES—Continued

	Per head
Stocker cattle and calves in carload lots, single deck, maximum of	$25.00
Stocker cattle and calves in carload lots, double deck, maximum of	37.50
Slaughter cattle, less than carload lots:	
Cattle, 500 pounds and up	$0.65
Calves, 495 pounds and under	.40
Stocker cattle, less than carload lots:	
Cattle, 500 pounds and up	1.00
Calves, 495 pounds and under	.65
Hogs and sheep, less than carload lots	.25

ARTICLE V—RESALE CHARGES

The rates for reselling livestock of the various species shall be the same as those for selling under the provisions of Article II.

ARTICLE VI—FEED CHARGES

Hay—all kinds: Current market prices, f. o. b. stockyards: plus $0.50 per cwt.

Cottonseed hulls: Current market prices, f. o. b. stockyards: plus $0.50 per cwt.

Cottonseed meal: Current market prices, f. o. b. stockyards: plus $0.50 per cwt.

Corn: Current market prices, f. o. b. stockyards: plus $0.25 per bu.

Special feeds: A reasonable handling charge not to exceed 50 cents per cwt. or fraction thereof.

The charge made for hay, hulls, meal, and corn shall be divisible by 5 and shall be amended when the margin between cost and sale price of the feeds named varies five cents from the margin specified above.

ARTICLE VII—INSURANCE

Livestock, all species, received by rail: $0.10 per car.

Livestock received other than by rail:

Cattle, ½ cent per head.
Calves, ½ cent per head.
Hogs, ½ cent per head.
Sheep, ⅛ cent per head.
Minimum of 1 cent per single ownership.
Maximum charge 10 cents on all consignments of single ownership received for the same market day up to:
30 head of cattle.
75 head of calves not over 300 pounds.
75 head of hogs.
300 head of sheep.

ARTICLE VIII—SHIPPING CHARGES

When shipments are forwarded by rail and where partitions are required a charge of $4.50 for each partition furnished will be made.

When shipments are forwarded by rail a charge will be made of $4.00 per car, for bedding single deck, and $6.00 per car for double deck.

When required, a charge of $1.50 per head will be made for tying bulls in cars.

If authorized, the proposed charges will produce additional revenue for the respondents and increase the cost of marketing by auction. It appears, therefore, that this notice of the filing of the petition should be given to the public.

All interested parties who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 31st day of January 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-1736; Filed, Feb. 2, 1951; 8:50 a. m.]

[7 CFR, Part 930]

[Docket No. AO 72 A15]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED AMENDMENT TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on June 1, 1950, reopened on November 30, 1950, pursuant to notices thereof which were issued on May 5, 1950 (15 F. R. 2804) and November 17, 1950 (15 F. R. 7980).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on January 9, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 12, 1951 (16 F. R. 321; F. R. Doc. 51-570).

Ruling on exceptions. Within the period reserved for filing exceptions, to the recommended decision, exceptions were submitted on behalf of producers. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision (16 F. R. 321; F. R. Doc. 51-570) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

Determination of representative period. The month of December 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an amendment to the order regulating the handling of milk in the Toledo, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C. this 30th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area*

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on June 1, 1950, reopened on November 30, 1950, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling.—It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

Delete subparagraphs (a) (1) and (2) of § 930.5 and substitute therefor the following:

(1) *Class I milk price.* (i) Except as provided in subdivision (ii) of this subparagraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	1.00
All others	1.20

(ii) For the second delivery period following any period of 12 consecutive months in which the total receipts of milk from producers by all handlers exceed 135 percent of the total Class I utilization of all handlers, and continuing until the beginning of the second delivery period following any period of 12 consecutive months in which such milk receipts are less than 125 percent of such utilization, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
May and June	$0.75
March, April, July, August	.75
All others	1.05

(2) *Class II milk price.* The Class II milk price for each delivery period shall be the Class I milk price for such delivery period less 30 cents.

[F. R. Doc. 51-1737; Filed, Feb. 2, 1951, 8:50 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-14]

LUCKENBACH STEAMSHIP CO.

NOTICE OF FURTHER HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that a further hearing will be held at Washington, D. C., on February 8, 1951, at 10 o'clock a. m., in Room 4823 Department of Commerce Building, before Examiner A. L. Jordan, upon the application of Luckenbach Steamship Company to bareboat charter Government-owned war-built dry-cargo vessels.

In its report herein, issued January 24, 1951, the Board determined that the record adduced at the original hearing on December 6, 1950, [held pursuant to notice of November 21, 1950, (15 F. R. 7956)] was insufficient to enable it to make necessary findings under Public Law 591, with respect to the application of Luckenbach Steamship Company for the charter of vessels for use in its Gulf Intercoastal service, and the matter was remanded to the examiner for the receipt of additional evidence in connection therewith.

The purpose of the hearing is to receive further evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: January 24, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-1821, Filed, Feb. 2, 1951; 9:01 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 882]

NEW ENGLAND CASUALTY INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

JANUARY 30, 1951.

The Certificate of Authority issued by the Secretary of the Treasury to the New England Casualty Insurance Company of Springfield, Massachusetts, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States has been revoked effective as of midnight on December 31, 1950.

The New England Insurance Company, Springfield, Massachusetts, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States, and as the continuing corporation under an agreement of merger dated October 16, 1950, effective as of midnight, December 31, 1950, and approved by the Commonwealth of Massachusetts Insurance Department under date of November 14, 1950, acquired all of the assets and assumed all of the debts, obligations and liabilities of the New England Insurance Company, the New England Casualty Insurance Company and the Sentinel Fire Insurance Company. Further details as to the agreement of merger may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1734; Filed, Feb. 2, 1951; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1292]

HOPE NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

The decision of the presiding examiner in this matter was entered on December 29, 1950. In due course thereafter, exceptions thereto were filed by applicant, Hope Natural Gas Company, by the intervenor Public Service Commission of the State of New York, and by Commission staff counsel; and opportunity to present oral argument upon the exceptions was requested.

The Commission finds: It is appropriate that oral argument in the proceeding be had before the Commission respecting all issues raised by the respective exceptions.

The Commission orders: This matter be and the same is hereby set down for oral argument before the Commission commencing at 10:00 a. m., e. s. t., on February 14, 1951, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 30, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1728; Filed, Feb. 2, 1951; 8:50 a. m.]

[Docket No. G-1486]

WABASH NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On September 20, 1950, Wabash Natural Gas Company filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate approximately ½ mile of 4-inch natural gas transmission line from the transmission line of Texas Eastern Transmission Corporation to the City of Carmi, Illinois, and for an order under section 7 (a) of the Natural Gas Act directing Texas Eastern to establish physical connection with the proposed facilities and to deliver and sell gas to Applicant for resale to Consumers Gas Company for distribution in the City of Carmi, all as more fully described in its application on file with the Commission and open for public inspection.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on October 5, 1950 (15 F. R. 6730).

The Commission finds: Good cause exists to set this application for hearing with less than the normal 15 days notice.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on February 13, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of Issuance: January 30, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1727; Filed, Feb. 2, 1951; 8:49 a. m.]

[Docket Nos. G-1551, G-1552]

INDIANA GAS AND WATER CO., INC., AND TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING AND DENYING REQUEST FOR DISMISSAL OF PETITIONS OR FOR CONSOLIDATION WITH OTHER PROCEEDINGS

JANUARY 30, 1951.

Indiana Gas and Water Company, Inc. (Indiana Gas) and Texas Gas Transmission Corporation (Texas Gas) on December 8, 1950, filed petitions, Docket Nos. G-1551 and G-1552, respectively, for an order directing Panhandle Eastern Pipe Line Corporation (Panhandle) to deliver up to 12,000 Mcf per day to Texas Gas at its connection with Panhandle near Danville, Indiana, during the 1950–1951 heating season and such additional quantities in the future at this delivery point as Texas Gas may request from time to time up to the full contractual obligation of Panhandle to Texas Gas of 18,000 Mcf per day.

Panhandle on December 29, 1950, filed responses to both petitions and requested that the petitions be dismissed, or, in the alternative, that they be consolidated with Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, and G-1379, and heard at the time that evidence is taken in regard to Issue No. 6 as defined in the Commission's orders issued July 13, July 31 and November 30, 1950, in said dockets.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 7, and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on February 19, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the above-mentioned petitions and responses.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(C) Panhandle's request that the petitions be dismissed or, in the alternative, that they be consolidated with Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, and G-1379 be and the same is hereby denied.

Date of issuance: January 31, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1729; Filed, Feb. 2, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25790]

PIG IRON FROM NORTH ATLANTIC PORTS TO CANTON AND MANSFIELD, OHIO

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to fourth-section application No. 25550.

Commodities involved: Pig iron, in carloads (import).

From: North Atlantic ports.

To: Canton and Mansfield, Ohio.

Grounds for relief: Circuitous routes. To maintain grouping. To maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-914, Supp. 12. I. N. Doe's tariff I. C. C. No. 591, Supp. 24. R. B. LeGrande's tariff I. C. C. No. 238, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission,

in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1718; Filed, Feb. 2, 1951; 8:46 a. m.]

[4th Sec. Application 25791]

SCRAP IRON OR STEEL FROM PENSACOLA, FLA. TO BIRMINGHAM, ALA.

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for St. Louis-San Francisco Railway Company and other carriers named in the application.

Commodities involved: Scrap iron or steel, in carloads.

From: Pensacola, Fla.

To: Birmingham, Ala., and points grouped therewith.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 950, Supp. 135.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1719; Filed, Feb. 2, 1951; 8:46 a. m.]

[4th Sec. Application 25792]

WATER-RAIL RATES, IRON AND STEEL ARTICLES FROM BALTIMORE, MD., TO THE SOUTHEAST

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, in carloads.

From: Baltimore, Md.

To: Points in Georgia, North Carolina, South Carolina and Virginia (on traffic over water-rail routes).

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1720; Filed, Feb. 2, 1951; 8:46 a. m.]

[4th Sec. Application 25793]

CHARCOAL BRIQUETTES FROM MICHIGAN AND WISCONSIN TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3763.

Commodities involved: Charcoal briquettes, in carloads.

From: Goodman, Wis., Iron Mountain, Marquette and Newberry, Mich.

To: Points in official territory.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp's tariff I. C. C. No. A-3763, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1721; Filed, Feb. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25794]

SODA AND SODA PRODUCTS BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-848.

Commodities involved: Soda and soda products, in carloads.

Between: Points on the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in Illinois, Wisconsin and eastern Iowa, on the one hand, and points in central, trunk-line and New England territories, on the other.

Grounds for relief: Competition with rail and motor carriers, and circuitous routes.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C. W. Boin, Agent	A-848	142
	3779	1
	2445	2
	2446	2
	2447	2
	2448	2
D. T. Jones, Agent	2655	12
	2663	12
	2451	11
	2425	12
	3048	12
	3042	12

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1722; Filed, Feb. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25795]

CAUSTIC SODA FROM NEW JERSEY, VIRGINIA, AND NEW YORK, TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-823.

Commodities involved: Sodium (soda), caustic (sodium hydroxide), in tank-car loads.

From: Carteret and Newark, N. J., Saltville, Va., Solvay and Syracuse, N. Y.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers. Market competition.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-823, Supp. 232. N&W. Ry. tariff I. C. C. No. 9335, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1723; Filed, Feb. 2, 1951; 8:47 a. m.]

[4th Sec. Application 25796]

STEEL OR WROUGHT PIPE AND FITTINGS FROM ST. LOUIS, MO., AND EAST ST. LOUIS, ILL., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

JANUARY 31, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Wabash Railroad Company and other carriers named in the application.

Commodities involved: Pipe, steel or wrought iron, pipe fittings, and related articles, in carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Points in Texas.

Grounds for relief: Competition with rail carriers. Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3748, Supp. 71.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1724; Filed, Feb. 2, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-111, 59-12]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

NOTICE OF FILING OF PLAN AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of January A. D. 1951.

In the matter of American & Foreign Power Company, Inc., Electric Bond and Share Company; File No. 54-111. In the matter of Electric Bond and Share Company, et al., respondents; File No. 59-12.

I. Notice is hereby given that American & Foreign Power Company, Inc. ("Foreign Power"), a registered holding company, and its parent company, Electric Bond and Share Company ("Bond and Share"), also a registered holding company, have filed a joint application with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan proposed by Foreign Power and joined in by Bond and Share for the reorganization of Foreign Power.

The stated purposes of said plan are the simplification of the capital structure of Foreign Power, the fair and equitable distribution of voting power among the security holders of Foreign Power in conformity with the provisions of the act, and the settlement and discharge of various claims and counterclaims among Bond and Share, Foreign Power, and their respective security holders. The proposed plan is filed in substitution for and supersedes a previous plan proposed for the reorganization of Foreign Power dated October 25, 1944, as amended, and applicants request permission to withdraw such previous plan.

Foreign Power is a corporation organized under the laws of the State of Maine for the purpose of acting as a holding company of foreign properties or securities of corporations owning foreign properties. Foreign Power's subsidiaries operate in Argentina, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, India, Mexico, Panama, and Venezuela. Bond and Share is a corporation organized under the laws of the State of New York and is the parent of Foreign Power.

At December 31, 1950, the capitalization of Foreign Power was as follows:

	Total outstanding	Owned by—	
		Bond and Share	Others
3½ percent bank loans, due serially 1951-54	$10,000,000		$10,000,000
3.75-4.25 percent loan from Bond and Share due 1955	40,500,000	40,500,000	
Gold debentures, 5 percent series due 2030	50,000,000		49,999,000
	Shares	*Shares*	*Shares*
Preferred stock ($7)—no par value—cumulative	478,962	13,200	465,762
$6 preferred stock—no par value—cumulative	387,625.65	65,000.10	322,625.55
Second preferred stock, series A ($7)—no par value—cumulative	2,547,731	2,155,200	392,531
Common stock—no par value	2,281,130	781,500	1,499,630
Option warrants to purchase common stock	6,444,594.8	5,512,884	931,710.8

The Preferred Stock ($7), the $6 Preferred Stock, and the Second Preferred Stock have no normal voting rights. The existing common stock is entitled to one vote per share. All the preferred stocks bear cumulative dividends and are entitled to $100 per share on liquidation plus accumulated dividends. The Preferred Stock ($7) and the $6 Preferred Stock rank equally. The redemption prices with respect to the preferred stocks are $110 per share for the Preferred Stock ($7) and the $6 Preferred Stock, and $105 per share for the Second Preferred Stock, plus accumulated dividends in each instance. As of September 30, 1950, accumulated dividends on the preferred stocks amounted to $41,995,867 ($87.675 per share) on the Preferred Stock ($7), $20,034,920 ($75.15 per share) on the $6 Preferred Stock, and $356,684,404 ($140 per share) on the Second Preferred Stock.

The existing Option Warrants entitle the holders, without limitation as to time, to purchase 6,444,594.8 shares of common stock of Foreign Power at $25 per share and, in lieu of cash, a share of Second Preferred Stock may be surrendered with four Option Warrants in payment of four shares of existing common stock.

All interested persons are referred to said joint plan which is on file in the offices of this Commission for a full statement of the transactions therein proposed which may be summarized as follows:

II. 1. *Allocation of new securities proposed under the plan*—(a) *Bank loans and gold debentures, 5 percent series due 2030.* The existing notes held by banks in the aggregate principal amount of $10,000,000 (which, in accordance with the terms of the loan agreement, may be increased to an aggregate principal amount of $15,000,000 on or before July 1, 1951), and the existing gold debentures in the aggregate principal amount of $50,000,000 will remain outstanding.

(b) *Preferred stock ($7).* The public holders of the Preferred Stock ($7) will receive for each share, $90 principal amount of 4½ percent debentures and $3^{9}/_{10}$ shares of new common stock. Upon consummation of the plan such stockholders will also receive for the period from October 1, 1950, to the effective date of the plan, interest at the rate of 4½ percent per annum on the debentures to which they are entitled and additional new common stock at the annual rate of $^{7}/_{10}$ of a share for each share of preferred stock.

(c) *$6 Preferred stock.* The public holders of the $6 Preferred Stock will receive for each share, $80 principal amount of 4½ percent debentures and $2^{9}/_{10}$ shares of new common stock. Upon consummation of the plan such stockholders will also receive for the period from October 1, 1950, to the effective date of the plan, interest at the rate of 4½ percent per annum on the debentures to which they are entitled and additional new common stock at the annual rate of $^{16}/_{100}$ of a share for each share of preferred stock.

(d) *Second preferred stock, series A ($7).* The public holders of the Second Preferred Stock will receive for each share $^{65}/_{100}$ of a share of new common stock.

(e) *Common stock.* The public holders of the common stock will receive for each share $^{1}/_{50}$ of a share of new common stock.

(f) *Option warrants.* The holders of option warrants will be accorded no participation in the new securities to be issued under the plan and such option warrants will be cancelled.

(g) *Allocation to bond and share.* For all of its security holdings in Foreign Power, Bond and Share will receive 3,750,098 shares (approximately 56 percent) of the new common stock. Upon consummation of the plan Bond and Share will also receive additional new common stock at the rate of 2,730.3 shares per month from October 1, 1950, to the effective date. Until the effective date Bond and Share will be paid interest on the $49,500,000 of indebtedness now owing to it by Foreign Power.

2. *Capitalization of Foreign Power after consummation of the plan.* Upon consummation of the plan the capitalization of Foreign Power will consist of debt and common stock in the following amounts:

	Total to be outstanding
3½ percent bank loans, due serially 1951–54	$10,000,000
Gold debentures, 5 percent series due 2030	50,000,000
4½ debentures	67,564,600
New common stock—no par value	*Shares*[1] 6,637,500

[1] Excludes any shares of new common stock to be issued in respect of the period between October 1, 1950, and the effective date.

The 4½ percent Debentures will be dated October 1, 1950, will mature not later than 35 years from the effective date of the plan, will bear interest at the rate of 4½ percent per annum payable semi-annually, and will be subordinate as to principal and interest on default to the Bank Loans and the Gold Debentures and to certain other debt which may be issued. The debenture agreement will, among other things, provide for a sinking fund and an improvement fund, both funds conditioned on earnings of Foreign Power and on the availability to it of dollar exchange and will also provide that other debt may be issued subordinate to the 4½ percent Debentures.

3. *Fractional interests.* No certificates for fractional securities will be issued in respect of fractional interests. Upon surrender of securities to be exchanged for new securities, holders will be requested whether additional fractional interests sufficient to constitute one whole new security should be purchased. If no such instructions are given the fractional interest will be sold for the holder's account.

4. *Time limitations.* Upon expiration of six years following the effective date, any securities or cash which shall not by that time have been claimed shall, in the case of securities, be cancelled or be sold for cash and the proceeds therefrom, together with any other cash so held, will become part of Foreign Power's general corporate funds.

5. *Amendment of Foreign Power's certificate of organization and bylaws.* The certificate of Organization and the By-Laws of Foreign Power will be amended to conform to the plan and will provide for limited preemptive rights to the holders of Foreign Power's capital stock, provided that the provisions with regard to such preemptive rights shall not be required to be printed on Foreign Power's stock certificates.

6. *Claim settlement.* The plan provides that its approval by the Commission, its confirmation by the Court, and its consummation by the parties, shall have the effect of a complete compromise, settlement and discharge of all claims and counter-claims of the parties or their various security holders as such, against the parties and wholly owned subsidiaries.

7. *Fees and expenses.* The Commission is petitioned if it aproves the plan to approve the amount of the payments which Foreign Power agrees to make to the plaintiffs or their attorneys or accountants in the Court actions enumerated in the plan and to any other persons by way of reimbursement of the disbursements or allowances for legal, accounting or other services. Foreign Power undertakes to make such other payments as may be determined or allowed by the Commission without prejudice, however, to its right to seek judicial review of any such determination.

8. *Effective date.* The effective date of the plan will be a date as soon as practicable following the entry by a United States District Court of an order approving and enforcing the plan and will be specifically fixed in a written notice delivered by Foreign Power to this Commission.

9. *Miscellaneous.* The Commission is requested in the event it approves the plan to apply to an appropriate District Court of the United States for its enforcement.

The plan states that its consummation is subject to the receipt from the United States Treasury Department of a closing agreement or ruling as to the tax consequences to Foreign Power and to the holders of its stocks of the transactions necessary to carry out the plan and such agreement or ruling shall be satisfactory to Foreign Power and Bond and Share. It is requested that any order of the Commission approving the plan recite that the relevant transactions of the plan are necessary or appropriate to the integration or simplification of the holding company system of which Foreign Power is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act within the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

While application for approval of the plan is pending or while the plan is being carried out Foreign Power reserves the right to dispose of any securities or other assets or take any other action in a manner consistent with the provisions of the plan and of the act and other applicable provisions of law.

III. The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that such plan, as amended or as modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Foreign Power and Bond and Share to afford all interested persons an opportunity to be heard with respect thereto; and

It further appearing to the Commission that the record with respect to Foreign Power's previous plan dated October 25, 1944, as amended (File Nos. 54–111 and 59–12) contains facts and data pertinent to the present proceeding and should be incorporated in and deemed a part of the record in these proceedings subject, however, to the qualifications hereinafter set forth:

It is ordered, That all evidence adduced in the proceedings contained in File Nos. 54–111 and 59–12 shall be incorporated in and be deemed a part of the record in the proceedings with respect to the present plan without prejudice, however, to the right of the Commission upon its own motion or upon the motion of any interested party to strike such portions of the record in the prior proceedings as may be deemed irrelevant to the issues raised with respect to the proposed plan, and to the right of any interested person upon proper showing, to supplement the evidence therein and to recall witnesses therein for further examination.

It is further ordered, That a hearing with respect to the proposed plan be held on March 6, 1951, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated on that date by the Hearing Room Clerk in Room 193.

A petition having been filed on December 21, 1950, by C. Shelby Carter, et al., as a committee for the holders of the $7 and $6 First Preferred Stocks of Foreign Power requesting that the Commission issue an order requiring (1) that Foreign Power make no further payment of principal or interest on the $49,500,000 principal amount of its notes held by Bond and Share pending determination of such motion and until the December 1948, and all subsequent dividends of Foreign Power's First Preferred Stocks shall have been fully paid and (2) that an order be issued enjoining Bond and Share from taking any steps to collect any such principal or interest and (3) that an order be issued directing an immediate redistribution of voting power on a fair and equitable basis among the holders of the First and Second Preferred Stocks of Foreign Power.

It is further ordered, That the petition of the said C. Shelby Carter, et al., be considered at the hearings commencing March 6, 1951, hereinbefore ordered.

It is further ordered, That Harold B. Teegarden or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of this Commission having advised the Commission that it has made a preliminary examination of the plan and upon the basis thereof the following matters and questions are presented for consideration without prejudice to the specifying of additional matters and questions upon further examination:

(1) Whether the plan as submitted or as hereafter modified is necessary to effectuate the provisions of section 11 (b) of the act, is fair and equitable to the persons affected thereby and is in conformity with the requirements of the Commission's order of May 2, 1949.

(2) Whether the securities to be issued in connection with the proposed plan are appropriate and reasonably adapted to the security structure and earning power of Foreign Power and its holding company system and whether any terms or conditions should be imposed in connection therewith.

(3) Whether the allocation of securities proposed in the plan to the present security holders of Foreign Power is fair and equitable.

(4) Whether the Commission shall, in accordance with the petition of the parties to the plan, take and exercise jurisdiction to fix and determine the amounts of the payments, if any, to be made by Foreign Power to the plaintiffs or their attorneys or accountants in the legal proceedings specifically enumerated in the plan, by way of reimbursement for disbursements or allowances for legal, accounting or other services, and if so, what action it should take in the exercise of such jurisdiction.

(5) Whether the fees and expenses to be paid in connection with the plan and all proceedings with respect to the reorganization of Foreign Power are reasonable and appropriate.

(6) Whether the accounting entries in connection with the plan are in accordance with sound accounting principles.

(7) Whether the plan as submitted, or any modification thereof, approved or required by the Commission should be approved pursuant to the provisions of section 11 (d) of the act, so as to permit the Commission on its own motion and irrespective of any request therefor on the part of Foreign Power and Bond and Share to apply to a court for the enforcement of such plan pursuant to the provisions of section 11 (d).

(8) Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors or consumers and consistent with the applicable requirements of the act and the rules thereunder, and whether any modification should be required to be made therein and, whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

(9) Whether the petition of C. Shelby Carter, et al. shall be granted in whole or in part.

It is ordered, That particular attention be directed at such hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take other action as may appear conducive to an orderly, prompt and expeditious disposition of the matters involved in accordance with the standards of the Act.

It is further ordered, That notice of this hearing shall be given by registered mail to Foreign Power, Bond and Share and to all persons previously granted participation in the proceedings herein and to the attorneys of record in the court proceedings specifically enumerated in the plan involving claims of the kind sought to be compromised, settled and discharged by said plan; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings or proposing to intervene or participate herein, shall file with the Secretary of this Commission on or before March 1, 1951, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the application of Bond and Share and Foreign Power to withdraw the plan of reorganization of Foreign Power dated October 25, 1944, as amended, be, and is hereby granted, and such plan, as amended, be, and hereby is, deemed withdrawn.

It is further ordered, That Foreign Power shall give notice of this hearing to all of its security holders insofar as the identity of such security holders is known or available to it by mailing to each of said persons a copy of this notice and order for hearing and a copy of the proposed plan of reorganization, at least 15 days prior to the date set for the hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–1714; Filed, Feb. 2, 1951; 8:46 a. m.]

[File No. 70–2547]

MALDEN AND MELROSE GAS LIGHT CO. ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of January A. D. 1951.

In the matter of Malden and Melrose Gas Light Company, New England Power Company, Southern Berkshire Power & Electric Company, File No. 70–2547.

Malden and Melrose Gas Light Company ("Malden and Melrose"), New England Power Company ("NEPCO") and Southern Berkshire Power & Electric Company ("Southern Berkshire"), all subsidiaries of New England Electric System ("NEES"), a registered holding company, having filed with this Commission separate declarations under section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

The three declarant companies propose during the three months ending March 31, 1951, to issue to certain banks, pursuant to bank letter agreements, notes in the aggregate amounts shown in the following table. The table also shows, among other things, the maximum amounts of notes which may be outstanding at any one time under the bank letter agreements and the amounts of such notes outstanding at January 1, 1951.

	Amounts proposed to be issued up to Mar 31, 1951	Outstanding Jan. 1, 1951	Maximum amounts which may be outstanding at any one time	Estimated amounts	
				To be retired by Mar. 31, 1951	To be outstanding Mar. 31, 1951
NEPCO	[1] $5,500,000	$7,500,000	$10,500,000	$10,500,000	[1] $2,500,000
Malden and Melrose	100,000	850,000	1,000,000		950,000
Southern Berkshire	50,000	350,000	500,000		400,000

[1] NEPCO states that borrowings by that company would be reduced by $1,500,000 in the event of a bond issue of $12,000,000 principal amount, and the balance at Mar. 31, 1951 of notes payable would thereby be reduced to $1,000,000.

Under the bank letter agreements (see Holding Company Act Releases Nos. 8253, 9527, and 10182), the notes proposed to be issued by NEPCO, like its notes presently outstanding, would bear interest at a rate of 2¼ percent and mature May 31, 1951, and the notes proposed to be issued by Malden and Melrose and by Southern Berkshire, like the notes of these two companies presently outstanding, would bear interest at a rate of 2½ percent and mature May 31, 1951. NEPCO states that it has entered into a supplemental agreement extending its prior bank letter agreement from December 31, 1950, to March 31, 1951. The existing agreements of Malden and Melrose and of Southern Berkshire extend to May 31, 1951. Under each of the three agreements the commitment fee is ½ of 1 percent per annum of the average daily unborrowed balance of the commitment.

Each of the declarant companies proposes that if any permanent financing is done before the maturity of the notes issued under bank letter agreements, exclusive of permanent financing which replaces indebtedness to NEES, it will apply the proceeds therefrom in reduction of, or in total payment of, notes then outstanding, and the balance of such notes then unissued, if any, pursuant to the declarations herein, or to any order of this Commission with reference thereto, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the outstanding. NEPCO states that it plans to issue $12,000,000 of bonds, the proceeds of which it assumes will be realized early in March 1951, and it estimates that $10,500,000 of such proceeds will be used to pay off its total bank debt then outstanding. NEPCO states that the balance of the proceeds, $1,500,000 will be used to pay construction costs in March 1951 but, as it is estimated that a total of $2,500,000 will be needed in that month, it will be necessary to borrow the balance of $1,000,000.

The three declarant companies state that the proposed transactions have as their purpose the temporary financing of construction through March 31, 1951, or until such earlier time as permanent financing is arranged, and to replenish any depletion of working capital occasioned by construction of property already in progress. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by declarants as $600 for NEPCO and $200 each for Malden and Melrose and for Southern Berkshire. In addition NEPCO proposes to reimburse The First National Bank of Boston, as agent under the bank letter agreement for out-of-pocket expenses, including counsel fees, incurred in connection with the supplemental agreement, estimated to be $200 and miscellaneous expenses, including printing, estimated to be $100.

It is stated that no state commission has jurisdiction over the proposed transactions.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Declarants having requested that the Commission's order become effective upon issuance; and

The Commission finding with respect to said declarations, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declarations, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declarations, as amended, be, and hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1713; Filed, Feb. 2, 1951; 8:45 a. m.]

[File No. 812-711]

UNITED STATES & FOREIGN SECURITIES CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

In the matter of United States & Foreign Securities Corporation, United States & International Securities Corporation, and Keswick Corporation; File No. 812-711.

Notice is hereby given that United States & Foreign Securities Corporation, a registered investment company, having its office at 33 Rector Street, New York, N. Y. (hereinafter sometimes referred to as "Foreign"), United States & International Securities Corporation, also a registered investment company and having its office at 33 Rector Street, New York, N. Y. (hereinafter sometimes referred to as "International") and Keswick Corporation, having its office at 40 Wall Street, New York, N. Y. (hereinafter sometimes referred to as "Keswick") have filed an application pursuant to Rule N-17D-1 of the general rules and regulations under the Investment Company Act of 1940 for an order of the Commission permitting them to participate in the pension plan hereinafter described, as proposed to be modified.

Rule N-17D-1 of the general rules and regulations was promulgated by the Commission pursuant to section 17 (d) of the act. The rule among other things provides, in effect, that no registered investment company shall participate in or effect any transaction in connection with a pension plan or arrangement, unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval of prior to the adoption thereof if not so submitted.

Foreign owns approximately 99 percent of the Second Preferred Stock and approximately 80 percent of the Common Stock of International. Keswick which is owned equally by Foreign and International is a non-profit service company performing research and statistical work for both companies. All expenses of Keswick are prorated between Foreign and International in approximately equal proportion.

On February 5, 1947, Foreign, International and Keswick (hereinafter sometimes referred to collectively as "Applicants") filed an application pursuant to Rule N-17D-1 relating to a pension plan in which all three companies proposed to participate. Under the rule as then in effect, an application became effective on the tenth day after filing unless on or before such tenth day the Commission ordered a hearing thereon for the purpose of determining whether or not the plan or arrangement met the standards prescribed in the rule. The Commission permitted the application to become effective without ordering a hearing thereon.[1] The stockholders of both Foreign and International adopted the plan at their annual meetings held on March 19, 1947, and the Treasury Department subsequently approved the plan as meeting

[1] Subsequently the rule was revised to require affirmative action by the Commission in the form of an order authorizing a registered investment company to participate in or effect a transaction in connection with a pension plan.

the requirements of section 165 (a) of the Internal Revenue Code.

The plan provides among other things that any employee, including officers, in the service of any of the three companies on April 1, 1947, or on any April 1st thereafter who has completed at least two years of continuous service, has attained the age of twenty-five, and has not attained his sixty-second birthday, shall be eligible to become a participant in the plan. Contributions are required from participants and the benefits under the plan are provided through annuity contracts issued by an insurance company. The plan provides that the standard pension payable annually shall be one-half of the average of a participant's annual salary for each of the ten years commencing with the calendar year in which he has reached the age of 50 years less his annual primary Social Security benefits. Averages of shorter periods are provided for in the computation of pensions of employees who are employed after they have reached the age of 50. The plan also provides that the maximum pension payable under the plan shall be an amount equal to $10,000 a year, less the participant's annual primary Social Security benefits.

The application states that legislation has recently been enacted increasing the amount of primary Social Security benefits and also increasing the amounts deducted from salaries pursuant to the Social Security Law. In addition, the cost of living has increased considerably since the adoption of the plan in 1947. If the plan is not amended, the recently enacted increase in primary Social Security benefits will not increase the aggregate amount which a participant in the plan will receive upon his retirement, although the amounts deducted from the salaries of participants will in nearly all cases be increased. In addition, Applicants believe that consideration should be given to the increase in the cost of living since the plan was adopted. Applicants therefore desire to amend the plan in the following respects:

(a) To provide that instead of subtracting 100 percent of the annual primary Social Security benefits from one-half of a participant's average annual salary in order to determine the amount of his pension, there shall be subtracted 50 percent of such annual primary Social Security benefits; and

(b) To provide that the maximum annual pension shall be an amount equal to $12,500 per annum less 50 percent of a participant's primary Social Security benefits rather than $10,000 per annum less 100 percent of his primary Social Security benefits.

The current service costs of Applicants in the year 1951 without giving effect to the proposed amendments are estimated to be approximately:

Foreign	$9,400
International	10,500
Keswick	18,000
	37,900

The increased cost to Applicants in 1951 if only amendment (a) were to be adopted is estimated to be approximately:

Foreign	$500
International	600
Keswick	1,500
	2,600

The increased cost to Applicants in 1951 if only amendment (b) were to be adopted is estimated to be approximately:

Foreign	$1,200
International	1,200
Keswick	1,800
	4,200

Applicants desire to obtain from the U. S. Treasury Department an approval, under section 165 (a) of the Internal Revenue Code, of the plan as amended by the proposed amendments. Applicants have discussed this matter with the United States Treasury Department and have been assured that there will be no difficulty in obtaining such approval. The proposed amendments to the plan will not be put into effect if for any reason such approval should not be obtained. If the order of the Commission requested by Applicants is granted, Foreign and International propose to submit the proposed amendments for approval of their respective stockholders at their annual meetings to be held on March 21, 1951.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after February 19, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than February 16, 1951 at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1712; Filed, Feb. 2, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16926, Amdt.]

HELEN MARIE THEUNER

In re: Rights of Helen Marie Theuner under insurance contract. File No. D-28-10906-H-1. Vesting Order No. 16926, dated January 4, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Marie Theuner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Marie Theuner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Group Life Certificate No. 2940A-LP-238, issued by the Equitable Life Assurance Society of the United States, New York, New York, to George F. Theuner, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Helen Marie Theuner or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Marie Theuner, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Helen Marie Theuner, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1695; Filed, Feb. 1, 1951; 8:49 a. m.]

[Vesting Order 16938]

ELLEN SIEMSSEN ET AL.

In re: Cash and Securities owned by Ellen Siemssen and others. F-28-1852-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ellen Siemssen and Werner Siemssen, each of whose last known address is Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Mary Mecke, Annemarie Mecke and Elizabeth Walliser, each of whose last known address is Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That Hermann Siemssen, Oswald Siemssen and Marianne Siemssen, each of whose last known address is Reinbek/Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

4. That Wilhelm Siemssen, Edith Courvoisier Siemssen and their children, names unknown, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

5. That Nicolaus Siemssen and Marie Lukas Siemssen, each of whose last known address is Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

6. That Jenny Lueders, Albert Lueders, Irene Lueders, Gisela Lueders and Gudrun Lueders, each of whose last known address is Ludwigsburg, Wurttemberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

7. That the property described as follows:

a. An undivided three-fifths (3/5) interest in one hundred (100) shares of $50.00 par value common capital stock of Anaconda Copper Mining Company, a corporation organized under the laws of the State of Montana, evidenced by certificate number 640521, registered in the name of L. D. Pickering and Company, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

b. An undivided three-fifths (3/5) interest in two hundred (200) shares of $10.00 par value common capital stock of General Motors Corporation, a corporation organized under the laws of the State of Delaware, evidenced in part by certificates numbered D613-339 for one hundred (100) shares of $10.00 par value common capital stock of said corporation registered in the name of L. D. Pickering and Company, issued prior to the 2 for 1 stock split effective October 3, 1950 of said corporation, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

c. An undivided three-fifths (3/5) interest in two hundred (200) shares no par value common capital stock of National Dairy Products Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered C312975/76 for one hundred (100) shares each, registered in the name of L. D. Pickering and Company, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

d. An undivided three-fifths (3/5) interest in one hundred (100) shares of Class B, $10.00 par value common capital stock of R. J. Reynolds Tobacco Company, a corporation organized under the laws of the State of New Jersey, evidenced by certificate number B247977, registered in the name of L. D. Pickering and Company, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

e. An undivided three-fifths (3/5) interest in one hundred (100) shares of $15.00 par value common capital stock of Chase National Bank of the City of New York, evidenced by certificate number 94596, registered in the name of L. D. Pickering and Company, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

f. An undivided three-fifths (3/5) interest in eight (8) Western Union Telegraph Company 5 percent Bonds, due March 1, 1960, each of $1000.00 face value, in bearer form, bearing the numbers 14299/303 inclusive, 15037, 22646 and 34181, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto,

g. An undivided three-fifths (3/5) interest in two (2) certificates for two hundred (200) rights to subscribe to shares of preferred stock R. J. Reynolds Tobacco Company, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto,

h. An undivided three-fifths (3/5) interest in ten (10) warrants to subscribe to shares of stock of Royal Dutch Company, in bearer form, numbers 027815/18 inclusive and 027927/32 inclusive, presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto, and

i. An undivided three-fifths (3/5) interest in that certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, arising out of a cash balance held by the aforesaid company, in the name of Dorothy Siemssen, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ellen Siemssen, Werner Siemssen, Mary Mecke, Annemarie Mecke, Elizabeth Walliser, Hermann Siemssen, Oswald Siemssen, Marieanne Siemssen, Wilhelm Siemssen, Edith Courvoisier Siemssen and their children, names unknown, Nicolaus Siemssen, Mary Lukas Siemssen, Jenny Lueders, Albert Lueders, Irene Lueders, Gisela Lueders and Gudrun Lueders, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5, and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1739; Filed, Feb. 2, 1951; 8:51 a. m.]

[Vesting Order 16944]

JULIUS AND WALLY KNEIFEL

In re: A debt owed to and securities owned by Julius Kneifel and Wally Kneifel. F-28-19290-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Kneifel and Wally Kneifel, whose last known address is Amfortasweg, 31, Berlin, Steglitz, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligations owing to Julius Kneifel and Wally Kneifel by the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a cash custodian account, together with any and all accruals thereto, and all rights to demand, enforce and collect the same,

b. One (1) Finland Residential Mortgage Bank 1st Collateral Sinking Fund 5 Percent Gold Bond, due September 1, 1961 of $1,000 face value, in bearer form, and bearing the number M6405, presently in the custody of the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered S88218, together with any and all rights thereunder and thereto,

c. One (1) State of Rio Grande do Sul External Sinking Fund 6 Percent Gold Bond, due June 1, 1968, of $1,000 face value, in bearer form, and bearing the number M17856, presently in the custody of the Chase National Bank of the City of New York, in an account numbered S88218, together with any and all rights thereunder and thereto,

d. One (1) Savoy-Plaza, Inc., 3 percent Income Bond, due October 1, 1956, of $500 face value, bearing the number D1411, registered in the name of Julius Kneifel, and presently in the custody of the Chase National Bank of the City of New York, in an account numbered S38218, together with any and all rights thereunder and thereto,

e. Two certificates of deposit for two (2) Seaboard Airline Railway Company 1st. and Consolidated Mortgage 6 percent Bonds, Series A, due September 1, 1945, of $1,000 face value each, in bearer form, bearing the numbers 8609/10, presently in the custody of the Chase National Bank of the City of New York, in an account numbered S38218, together with any and all rights thereunder and thereto,

f. Six (6) shares of common Class A capital stock of the Savoy-Plaza, Inc., a corporation organized under the laws of the State of New York, evidenced by a certificate numbered AF9439, registered in the name of Julius Kneifel, and presently in the custody of the Chase National Bank of the City of New York, in an account numbered S88218, together with all declared and unpaid dividends thereon, and

g. Eighteen (18) coupons detached from the State of Rio Grande do Sul External Sinking Fund 6 percent Gold Bond, bearing the number M17856, said coupons of $30 face value each, presently in the custody of the Chase National Bank of the City of New York, in an account numbered S88218, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1740; Filed, Feb. 2, 1951; 8:51 a. m.]

[Vesting Order 16982]

VINCENT JOSEF HERMAN ANTON KAMERBEEK

In re: Stock owned by Vincent Josef Herman Anton Kamerbeek, also known as V. J. H. A. Kamerbeek. F-28-31124.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vincent Josef Herman Anton Kamerbeek, also known as V. J. H. A. Kamerbeek, whose last known address is Cleverstrasse 31, Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value common capital stock of Kennecott Copper Corporation, 120 Broadway, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered B25508 registered in the name of Broekmans Administratiekantoor N. V., Amsterdam, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value common capital stock of International Nickel Company of Canada, Ltd., a corporation organized under the laws of the Dominion of Canada, evidenced by a certificate numbered N.J.72875, registered in the name of Broekmans Administratiekantoor N. V., Amsterdam together with all declared and unpaid dividends thereon,

c. Ten (10) shares of $10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered V.H.392411 for one hundred (100) shares of no par value, common stock of the aforesaid Company, registered in the name of Brockmans Administratiekantoor N. V., Amsterdam together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for $10.00 par value stock of the aforesaid Company,

d. Ten (10) shares of $5.00 par value common capital stock of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, a corporation organized under the laws of the State of Delaware, five (5) shares being part of those shares evidenced by a certificate numbered D164-313 for one hundred (100) shares of $10.00 par value common capital stock of the aforesaid corporation, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, Amsterdam, issued prior to the two-for-one stock split of said corporation, effective October 3, 1950, together with all declared and unpaid dividends thereon,

e. Twenty (20) shares of no par value common capital stock of Radio Corporation of America, R. C. A. Building, 30 Rockefeller Plaza, New York 20, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered FN 0143580 and 143582 for ten (10) shares each, registered in the name of Nieuw Amsterdamsch Administratiekantoor N. V., Amsterdam, together with all declared and unpaid dividends thereon, and

f. Ten (10) shares of $10.00 par value common capital stock of North American Company, 60 Broadway, New York 4, New York, a corporation organized under the laws of the State of New Jersey, being part of those shares evidenced by a certificate numbered B99721 for one hundred (100) shares of $10.00 par value common stock of the aforesaid Company, registered in the name of N. V. Maatschappij tot Beheer van het Administratiekantoor van Amerikaansche Fondsen, opgericht door Eroes & Gosman, Ten Have & Van Essen en Jarman & Zoonen te Amsterdam, Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1741; Filed, Feb. 2, 1951; 8:52 a. m.]

[Vesting Order 17026]

KATHI HARLANDER ET AL.

In re: Rights of Kathi Harlander, et al., under insurance contract. File No. D-28-11634-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathi Harlander, Fanny Voggenreiter and Marie Hauman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Kathi Harlander, Fanny Voggenreiter and Marie Hauman, under a contract of insurance evidenced by Policy No. 8,204,674, issued by the New York Life Insurance Company, New York, New York, to Louis V. Ritter, except those of Elizabeth Ritter, a resident of the United States, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1745; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 17024]

KARL ENGLEHARD ET AL.

In re: Rights of Karl Englehard et al., under insurance contract. File No. F-28-31102-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Englehard, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Englehard, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 122,290,103, issued by the Metropolitan Life Insurance Company, New York, New York, to Karl Englehard, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Karl Englehard or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Englehard, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Englehard, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1744; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 16984]

DORA SCHMIDT

In re: Securities owned by and debt owing to Dora Schmidt. F-28-257-E-1, G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Schmidt, whose last known address is c/o Hotel Goldener Stern, Ansbach, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixteen (16) shares of $.25 par value common stock of Susquehanna Mills Inc., a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 3825 registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, New York, in account number B26287, together with any and all declared and unpaid dividends thereon,

b. Four hundred (400) shares of no par value common stock of Hiram Walker Gooderham & Worts Ltd., a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered 1834/37, for 100 shares, each, registered in the name of Richard & Co., presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account numbered B26287, together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of no par value common stock of Hudson Bay Mining and Smelting Company, Limited, a corporation organized under the laws of the Dominion of Canada, evidenced by a certificate numbered N16827, registered in the name of C. B. Richard & Company, 60 Beaver Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with all declared and unpaid dividends thereon,

d. Two hundred (200) shares of no par value common stock of International Petroleum Company Limited, a corporation organized under the laws of the Dominion of Canada, evidenced by certificates numbered K05023 and K07348, registered in the name of C. B. Richard & Co., 60 Beaver Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with all declared and unpaid dividends thereon,

e. One hundred twenty-nine (129) shares of $5.00 par value common stock of General Public Utilities Corporation, a corporation organized under the laws of the State of New York, evidenced by certificates numbered 9617 and 30894, for one hundred (100) shares and twenty-nine (29) shares respectively, registered in the name of Hurley & Co., presently in the custody of the National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with all declared and unpaid dividends thereon,

f. Twelve and nine hundred eighty one thousandths (12 980/1000ths) shares of $4.50 par value Common stock of South Carolina Electric & Gas Company, a corporation organized under the laws of the State of South Carolina, evidenced by certificate numbered 16437 for twelve (12) shares, registered in the name of Hurley & Co., and fractional certificate for 980/1000ths of a share, in bearer form, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with all declared and unpaid dividends thereon,

g. Seven (7) 2½ percent United States Treasury Bonds, 1956-1958, each of $1,000 face value, bearing the numbers 64613/19 presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with any and all rights thereunder and thereto,

h. Six (6) Republic of Peru External Secured Sinking Fund 7 percent Bonds due September 1, 1959, each of $1,000 face value, bearing the numbers 264, 2767, 3527, 3673, 10126 and 12938, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in account number B26287, together with any and all rights thereunder and thereto, and

i. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Provisional deposit account, entitled "Mr. Hugo Schmidt in Trust for Dora Schmidt", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1742; Filed, Feb. 2, 1951; 8:52 a. m.]

[Vesting Order 17027]

GUENTHER HESSINGER (HEISINGER)

In re: Rights of Guenther Hessinger (Heisinger) under insurance contract. File No. F-28-22642-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Guenther Hessinger (Heisinger), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 734266, issued by the New York Life Insurance Company, New York, New York, to Carl F. Hessinger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1746; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 16985]

M. TADEMOTO

In re: Safe deposit box lease and contents owned by personal representatives, heirs, next of kin, legatees and distributees of M. Tademoto, deceased. D-39-16919-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of M. Tademoto, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created under and by virtue of a safe deposit box lease agreement by and between M. Tademoto and N. Nakatani and the California Bank, Los Angeles, California, relating to safe deposit box 1595, located in the vaults of the City Market Office branch of the aforesaid bank, 863 South San Pedro Street, Los Angeles 14, California, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever in the safe deposit box referred to in subparagraph 2a hereof and any and all rights evidenced or represented thereby,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of M. Tademoto, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of M. Tademoto, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1743; Filed, Feb. 2, 1951; 8:52 a. m.]

[Vesting Order 17033]

LEE INOUYE

In re: Rights of Lee Inouye under insurance contracts. Files Nos. D-39-17218-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lee Inouye, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 0 451 960 SC and 0 452 744 SC, issued by the Metropolitan Life Insurance Company, New York, New York, to Lee Inouye, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1747; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 17036]

HANNS KOOPMANN ET AL.

In re: Rights of Hanns Koopmann et al., under insurance contract. File No. F-28-31109-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanns Koopmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanns Koopmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 91,952,767, issued by the Metropolitan Life Insurance Company, New York, New York, to Hanns Koopmann, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Hanns Koopmann, or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanns Koopmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanns Koopmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1748; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 17037]

URSULA KRANOLD AND BARBARA LINDENBERG

In re: Rights of Ursula Kranold and Barbara Lindenberg under contract of insurance. File No. D-28-10677-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ursula Kranold and Barbara Lindenberg, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3758G, Serial 945 issued by the Metropolitan Life Insurance Company, New York, New York, to Herman Kranold, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ursula Kranold and Barbara Lindenberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1749; Filed, Feb. 2, 1951; 8:53 a. m.]

[Vesting Order 17042]

KOSUKE NAKANO

In re: Rights of Kosuke Nakano under annuity contract. File D-39-2000-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosuke Nakano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under an annuity contract evidenced by Policy No. 1312191 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Kosuke Nakano, together with the right to demand, received and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kosuke Nakano, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1750; Filed, Feb. 2, 1951; 8:54 a. m.]

[Vesting Order 17044]

CHISA NIINO

In re: Rights of Chisa Niino under insurance contract. File No. F-39-4464-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chisa Niino, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Chisa Niino under a contract of insurance evidenced by policy No. 7594466, issued by the New York Life Insurance Company, New York, New York, to Chisa Niino, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1751; Filed, Feb. 2, 1951; 8:54 a. m.]

[Vesting Order 17045]

ERNA OPP ET AL.

In re: Rights of Erna Opp et al., under insurance contract. File No. F-28-24470-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Opp, Eugen Richard Schwarz, Elisabetha C. Wirth, Karl Wirth, Wilhelm Emil Wirth, Amalia Elfrieda Wuerz, Emma Wirth, Berta Wirth and Emil Wirth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Erna Opp, Eugen Richard Schwarz Elisabetha C. Wirth, Karl Wirth, Wilhelm Emil Wirth, Amalia Elfrieda Wuerz, Emma Wirth, Berta Wirth and Emil Wirth under a contract of insurance evidenced by Policy No. 1810791-C, issued by the Metropolitan Life Insurance Company, New York, New York, to Lottie Schwartz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1752; Filed, Feb. 2, 1951; 8:54 a. m.]

[Vesting Order 17046]

OLICA ORTUTAY

In re: Rights of Olica Ortutay under contract of insurance. File No. F-28-29026-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olica Ortutay, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Olica Ortutay under a contract of insurance evidence by Policy No. 10120086, issued by the New York Life Insurance Company, New York, New York, to Olica Ortutay, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1753; Filed, Feb. 2, 1951; 8:54 a. m.]

[Vesting Order 17048]

ALMA REDMANN

In re: Rights of Alma Redmann under an insurance contract. File No. F-28-30581-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alma Redmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Alma Redmann under a contract of insurance evidenced by Policy No. 5787887 C issued by the Metropolitan Life Insurance Company, New York, New York, to Alma Redmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1754; Filed, Feb. 2, 1951; 8:54 a. m.]

[Vesting Order 17050]

CLARINDA ROBINSON

In re: Trust under will of Clarinda Robinson, deceased. File No. F-28-9247.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waldtraut von Biedenfeld, Ruprecht von Biedenfeld and Hans Claus Miketta (von Biedenfeld), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Clara von Biedenfeld, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under item Second of the Will of Clarinda Robinson, deceased, and presently being administered by The Northern Trust Company, Fifty South La Salle Street, Chicago 90, Illinois, as Successor Trustee,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which there is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Clara von Biedenfeld are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1755; Filed, Feb. 2, 1951; 8:55 a. m.]

[Vesting Order 17052]

FRANCES SAMSON

In re: Estate of Frances Samson, deceased. File No. D-28-12928. E. T. 17080.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Joseph A. Deufel, whose last known address was on December 11, 1950, Germany, was on such date a resident of Germany and a national of designated enemy country (Germany);

2. That the sum of $188.07 was paid to the Attorney General of the United States by Mrs. Edith Stier, Executrix of the Estate of Frances Samson, deceased;

3. That the said sum of $188.07 was accepted by the Attorney General of the United States on December 11, 1950, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $188.07 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on December 11, 1950, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1756; Filed, Feb. 2, 1951; 8:55 a. m.]

[Vesting Order 17056]

JOHN SCHMAUSS

In re: Trust under the will of John Schmauss, deceased. File No. D-28-12141; E. T. sec. 16344.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Schmauss, Jr., George Falkner, Babette Falkner-Kampfer, Elise Pemsel-Wölfel, Martin Ruder, Maria Mausner-Hubmann, Maria Wölfel Gramm, Josef Hosemann, George Hosemann, August Berchtold, Ludwig Berchtold, Anna Loehr-Herz, Elizabeth Zimmerer-Kalb, Margarete Zimmerer, Kunigunde Zimmerer, Michael Zimmerer, Elise Pemsel-Wölfel, Engelbert Froehlich, Barbara Froehlich, Maria Froehlich Brunner, Josephine Froehlich Wedl, Josef Wolfgang Froehlich, Max Froehlich, Mela Froehlich Schrenk, Herman Froehlich, Annelise Froehlich, Otto Froelich, Elizabeth Haderer, Maria Haderer-Antweiler, and Friedrich Haderer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Schmauss, deceased; of Anna Falkner, deceased; of Elizabeth Ruder Pemsel, deceased; of George Ruder, deceased; of Elizabeth Loehr, also known as Laher, deceased; of George Zimmerer, deceased; of Kunigunda Ruder Pemsel, deceased; of Joseph Froehlich, deceased, except Raymond Frölich, Ralph Frölich, Dorothy Frölich Armour and Joseph Frederick Frölich, also known as Fred Grill, residents of the United States, and of Kunigunda Dirnernot (Durner), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Raymond Frölich, Ralph Frölich, Dorothy Frölich Armour and Joseph Frederick Frölich, also known as Fred Grill, residents of the United States, in and to the Trust under the Will of John Schmauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Third National Bank, Rockford, Illinois, as Successor Trustee, acting under the judicial supervision of The Circuit Court of Winnebago County, Rockford, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of George Schmauss, deceased; of Anna Falkner, deceased; of Elizabeth Ruder Pemsel, deceased; of George Ruder, deceased; of Elizabeth Loehr, also known as Laher, deceased; of George Zimmerer, deceased; of Kunigunda Ruder Pemsel, deceased; of Joseph Froehlich, deceased, except Raymond Frölich, Ralph Frölich, Dorothy Frölich Armour and Joseph Frederick Frölich, also known as Fred Grill, residents of the United States, and of Kunigunda Dirnernot (Durner), deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1757; Filed, Feb. 2, 1951; 8:55 a. m.]

[Vesting Order 17063]

RUDOLPH STRAUSS

In re: Estate of Rudolph Strauss, deceased. File No. D-28-11999; E. T. sec. 16179.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Rissmann, Karoline Bahrens (Baehren) and Christel Bahrens (Baehren), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Wilhelm Bahrens (Baehren) deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them, in and to the Estate of Rudolph Strauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Kenneth C. Cole, Public Administrator of Westchester County, New York, as administrator, c. t. a., acting under the judicial supervision of the Surrogate's Court, Westchester County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelm Bahrens (Baehren) deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1758; Filed, Feb. 2, 1951; 8:55 a. m.]

[Vesting Order 17087]

COMMERZBANK AKTIENGESELLSCHAFT

In re: Securities owned by and debts owing to Commerzbank Aktiengesellschaft, also known as Commerz Bank Aktiengesellschaft, Commerzbank Aktie., Commerce Bank Aktiengesellschaft, and as Commerz and Privatbank A. G. F-28-170-A-2; C-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerzbank Aktiengesellschaft, also known as Commerz Bank Aktiengesellschaft, Commerzbank Aktie., Commerce Bank Aktiengesellschaft, and as Commerz and Privatbank A. G., is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Louisville and Nashville Railroad Co., St. Louis Division, Second Mortgage 3 Percent Bearer Bond, of $1,000.00 face value, bearing the number 1821, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

b. Certificates of Deposit for three (3) St. Louis and San Francisco Railway Co. Prior Lien Mortgage Series A 4 Percent Bonds, bearing the numbers AD2539, of $500.00 face value, and AY1212/13, of $250.00 face value each, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

c. One (1) National Railways of Mexico 6 Percent note, of RM9 face value, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers

account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

d. One (1) National Railway of Mexico Seed 6 Percent Note, of RM10,000 face value, bearing the number C14, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

c. Three (3) Kingdom of the Serbs Croats and Slovens 40 yr. Seed Extl 8 Percent Bonds, of $1,000.00 face value each, bearing the numbers 6620, 3441, and 6419, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

f. Five (5) Consolidated Hydro Electric Works of Upper Wuerttemberg First Mortgage S/F 7 Percent Bonds, bearing the numbers 3048, of $1,000.00 face value, and 334, 368, 523 and 610, of $500.00 face value each, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in a customers account for Commerzbank Aktiengesellschaft, together with any and all rights thereunder and thereto,

g. Four (4) shares of no par value common capital stock of Western Pacific Railroad Co., 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered N/CO 184, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Commerce Bank Aktiengesellschaft Sub Depot B General Ruling No. 6 account, together with all declared and unpaid dividends thereon,

h. Six (6) shares of $100.00 par value 5 percent Cumulative Preferred Series A capital stock of Western Pacific Railroad Co., 526 Mission Street, San Francisco 5, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered N/PO 206, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account entitled Commerce Bank Aktiengesellschaft Sub Depot B General Ruling No. 6 account, together with all declared and unpaid dividends thereon,

i. That certain debt or other obligation of the Canal Bank and Trust Company in liquidation, New Orleans, Louisiana, arising out of liquidating dividends and interest distributions on account of a deposit account, maintained by Commerzbank Aktiengesellschaft, also known as Commerz und Privat Bank, with the aforesaid bank and trust company, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with those certain checks drawn for payment of the aforesaid debt or other obligation, said checks drawn by W. J. Begnaud, payable to Commerzbank Aktiengellschaft and drawn on The National Bank of Commerce in New Orleans, New Orleans, Louisiana, numbered, dated and in the amounts as follows:

Number	Date	Amount
14406	Oct. 18, 1941	$73.72
11694	Apr. 30, 1948	73.72
10746	do	132.70
10784	Aug. 1, 1945	88.47
A10784	Aug. 4, 1947	26.97
B10820	Dec. 26, 1947	13.49
C10820	Apr. 26, 1948	13.49
14408	Oct. 18, 1941	248.24
11606	Apr. 30, 1948	248.24
10747	do	446.83
10785	Aug. 1, 1945	297.89
A10785	Aug. 4, 1947	90.83
B10821	Dec. 26, 1947	45.42
C10821	Apr. 26, 1948	45.42

and presently in the custody of J. Edgar Monroe, George E. Burgess, and John F. Finke, Commissioners, 1206 Canal Bank Building, New Orleans 12, Louisiana, together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1759; Filed, Feb. 2, 1951; 8:55 a. m.]

[Vesting Order 17090]

CERTAIN GERMAN NATIONALS

In re: Stock owned by German nationals whose names are unknown. F-28-20169-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by J. P. Morgan & Company, Inc., 23 Wall Street, New York 8, New York, for the account of Credit Suisse, Zurich, Switzerland;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Germany and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Eleven (11) shares of 100 florins each par value capital stock of the Royal Dutch Company, evidenced by certificates numbered 287343J, 385240J, 287343I, 287343H, 287343G, 286768F, 427571E, 286768E, 140021B, 425018A, and 232907A, in bearer form, and presently in the custody of J. P. Morgan & Company, Inc., 23 Wall Street, New York 8, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1760; Filed, Feb. 2, 1951; 8:56 a. m.]

[Vesting Order 17093]

HANDELSTRUST WEST N. V. ET AL.

In re: Bank accounts owned by Handelstrust West N. V., and/or others. F-49-1302 E-1 to E-6; A-1 to A-5, A-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Handelstrust West N. V., the last known address of which is Keizersgracht 569-571, Amsterdam, Holland, is a corporation, partnership, association or other business organization, organized under the laws of Holland, whose principal place of business is located in Amsterdam, Holland, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Dresdner Bank, and is a national of a designated enemy country (Germany);

3. That the clients of Handelstrust West N. V., names unknown, referred to in subparagraph 4 hereof, who there is reasonable cause to believe are residents in Germany, are nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a dollar account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a custody cash account, entitled Handelstrust West N. V., Custody Cash Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, arising out of a current account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York, New York, arising out of a customers account for custody, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account, entitled Handelstrust West N. V., Special Income Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account, entitled Handelstrust West N. V. Clients Account Special Income Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Handelstrust West N. V. Sub-Account Clients Securities, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

i. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a checking account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

j. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York, New York, arising out of a regular blocked account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

k. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York, New York, arising out of a blocked clients account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

l. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, New York, arising out of a regular blocked account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

m. That certain debt or other obligation of Hallgarten & Co., 44 Wall Street, New York, New York, arising out of a blocked G. R. No. 6 account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

n. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, arising out of a blocked cash account, entitled Handelstrust West N. V., Client's Depot, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Handelstrust West N. V. and/or clients of Handelstrust West N. V., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That Handelstrust West N. V. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

6. That to the extent that the persons named in subparagraphs 1 and 2 hereof and the persons referred to in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1762; Filed, Feb. 2, 1951; 8:56 a. m.]

[Vesting Order 17098]

TORAICHI IJUIN

In re: Bonds owned by Toraichi Ijuin. F-39-2326-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toraichi Ijuin, whose last known address is 2537-5 Kamimeguro, Maguroku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. Seven (7) Taiwan Electric Power Company, Ltd., 5½ percent 1971 bonds, of $1,000 face value each, bearing the numbers 17784, 17785, 20934, 20935, 20936, 20937 and 2330, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto, and

b. Four (4) Imperial Japanese Government 6½ percent 1954 bonds, of $100 face value each, bearing the numbers

813, 814, 1950 and 9908, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1761; Filed, Feb. 2, 1951; 8:56 a. m.]

[Vesting Order 17094]

JOHANNA MARGARETHA HANSEN

In re: Bank account owned by Johanna Margaretha Hansen. F-28-23822.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Margaretha Hansen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 632, entitled California Holding Company, as Trustee for Johanna Margaretha Hansen, maintained at the branch office of the aforesaid bank located at 1019 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hisayoshi Hidakata, also known as Hisayashi Hijikata and as Hisayoshi Hidikata, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1763; Filed, Feb. 2, 1951; 8:57 a. m.]

[Vesting Order 17095]

HISAYOSHI HIDAKATA

In re: Debt owing to Hisayoshi Hidakata, also known as Hisayoshi Hijikata and as Hisayoshi Hidikata. F-39-6548-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hisayoshi Hidakata, also known as Hisayashi Hijikata and as Hisayoshi Hidikata, whose last known address is Tochigi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The American Express Company, Inc., 65 Broadway, New York 6, New York, arising out of a deposit account, in the sum of $2,060 as of June 28, 1949, maintained on behalf of the branch office of the aforesaid company located at 11 Rue Scribe, Paris, France, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1764; Filed, Feb. 2, 1951; 8:57 a. m.]

[Vesting Order 17096]

JOSEF HOFMEISTER

In re: Bank account owned by Josef Hofmeister. F-28-10263-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Hofmeister, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Josef Hofmeister, by The Market Street National Bank of Philadelphia, Philadelphia 1, Pennsylvania, arising out of a savings account, account number 985, entitled Josef Hofmeister, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1765; Filed, Feb. 2, 1951; 8:58 a. m.]

[Vesting Order 17100]

AUGUSTA HANSEN JURGENSEN

In re: Bank accounts owned by Augusta Hansen Jurgensen. F-28-23824.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Hansen Jurgensen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 631, entitled California Holding Company, Trustee for Augusta Hansen Jurgensen, maintained at the branch office of the aforesaid bank located at 1019 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Bank of America National Savings and Trust Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 638, entitled California Holding Company as Trustee for Augusta Hansen Jurgensen, maintained at the branch office of the aforesaid bank located at 1019 Fillmore Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Augusta Hansen Jurgensen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1766; Filed, Feb. 2, 1951; 8:58 a. m.]

[Vesting Order 17103]

RENITA KRAMER

In re: Bank account owned by Renita Kramer. F-28-29761.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Renita Kramer, whose last known address is Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Renita Kramer, by The National City Bank of New York, 55 Wall Street, New York 5, New York, arising out of a Compound Interest Account, account number E 15351, maintained at the branch office of the aforesaid bank located at Park Avenue at 57th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1767; Filed, Feb. 2, 1951; 8:58 a. m.]

[Vesting Order 17118]

RICHARD SEEGER

In re: Interest in bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Richard Seeger, deceased. F-28-26104-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Richard Seeger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Two (2) Baltimore and Ohio Railroad Company, 5 percent Convertible Refunding and General Mortgage Bonds, Series K, $1,000 face value each, due March 1, 2000, bearing Certificate Numbers 18702/3 presently in the custody of The Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account designated Banque Cantonale de Zurich, Zurich, Switzerland, General Ruling #6 account, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Richard Seeger, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Richard Seeger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals

of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-1768; Filed, Feb. 2, 1951; 8:58 a. m.]

[Vesting Order 17119]

SABURO SONODA

In re: Bonds owned by Saburo Sonoda. F-39-876-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saburo Sonoda, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) Taiwan Electric Power Company, Ltd., 5½ percent 1970 bonds, of $1,000 face value each, bearing the numbers 8005 through 8014 inclusive, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, held in a safekeeping account entitled "Bank of Taiwan Ltd., Tokyo, Japan, Sub-Account, Saburo Sonoda", together with any and all rights thereunder and thereto,

b. Ten (10) City of Yokohama 6 percent 1961 bonds, of $1,000 face value each, bearing the numbers 12069, 12070, 12071, 12072, 10319, 13597, 5794, 5795, 5929 and 6517, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, held in a safekeeping account entitled "Bank of Taiwan Ltd., Tokyo, Japan, Sub-Account, Saburo Sonoda", together with any and all rights thereunder and thereto, and

c. Thirty (30) Oriental Development Company, Ltd., 6 percent 1953 bonds, of $1,000 face value each, bearing the numbers 532, 533, 534, 535, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 1498, 1499, 2650, 4401, 5582, 5757, 2080, 6777, 7352, 8267, 8268, 10111, 14048, 14492, 10834 and 8627, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Bank of Taiwan, Ltd., 80 Spring Street, New York, New York, held in a safekeeping account entitled "Bank of Taiwan, Tokyo, Japan, Sub-Account, Saburo Sonoda", together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1769; Filed, Feb. 2, 1951; 8:58 a. m.]

[Vesting Order 17122]

MATAKICHI TANAKA

In re: Bonds owned by Matakichi Tanaka. F-39-940-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matakichi Tanaka, whose last known address is c/o Mitsubishi Shoji Kaisha, 10 Marunouchi, 2 Chome-Kajumachi Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Three (3) Tokyo Electric Light Company 6 percent 1953 bonds, of $1,000 face value each, bearing the numbers 13892, 13893, and 13894, issued in the name of bearer, presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York of Yokohama Specie Bank, Ltd., 80 Spring Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1770; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17156]

ADOLPH HEISER

In re: Estate of Adolph Heiser, deceased. File No. D-28-12887; E. T. sec. 17046.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Emilia (Emilie) Kratzke, also known as Amilia Kratezke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Adolph Heiser, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Julia DeCair, as administratrix, acting under the judicial supervision of the Probate Court for the County of Eaton, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1771; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17168]

AUGUST L. MOHR ET AL.

In re: August L. Mohr vs. Fritz Mohr, et al. File D-28-3545.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Mohr, Anna Doell, Ernst Moschkowitz and Anna Pollert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $732.57 held by the Clerk of the Circuit Court of Cook County, Illinois, for the account of the persons named in subparagraph 1 hereof in the matter of August L. Mohr vs. Fritz Mohr, et al., a partition suit filed in the Circuit Court of Cook County, Illinois, No. 41 C 5017, together with any additions thereto, subject to all lawful fees and disbursements of the aforesaid Clerk of the Circuit Court of Cook County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Circuit Court of Cook County, Illinois, acting under the judicial supervision of the Circuit Court of Cook County, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1772; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17169]

WILLIAM ALEXANDER McKEE

In re: Estate of William Alexander McKee, deceased. File No. F-28-27402; E. T. sec. 17090.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lucie Frieda Christine McKee also known as Fridel McKee who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the Estate of William Alexander McKee, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ralph W. Noe, as ancillary administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the said Lucie Frieda Christine McKee also known as Fridel McKee be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1773; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17177]

CARL EMIL SCHUMACHER

In re: Trust under will of Carl Emil Schumacher, deceased. File No. D-28-10643-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Schumacher, Paula Kuhn, Else Juhling, Karl Schumacher, Walter Schumacher and Hedwig Regenbogen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Hugo Schumacher, of Paula Kuhn, of Else Juhling, of Karl Schumacher, of Walter Schumacher, and of Hedwig Regenboger and the heirs-at-law, names unknown, of Carl Emil Schumacher, deceased, except Emily Wenk Schumacher, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except Emily Wenk Schumacher, a resident of the United States, in and to the trust created under the will of Carl Emil Schumacher, deceased, presently being administered by the Mercantile-Commerce Bank and Trust Company, 721 Locust Street, St. Louis, Missouri, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the descendents, names unknown, of Hugo Schumacher, of Paula Kuhn, of Else Juhling, of Karl Schumacher, of Walter Schumacher, and of Hedwig Regenbogen, and the heirs-at-law, names unknown, of Carl Emil Schumacher, deceased, except Emily Wenk Schumacher, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate

consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1774; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17183]

MARIE TAXIS

In re: Trust under the will of Marie Taxis, deceased. File No. D-28-9333; E. T. sec. 12335.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Caroline Richter nee Taxis, Ludwig Mack, Kurt Walter Mack, Else Mack, Anna Taxis nee Bauder, Gisela Lieber nee Taxis, Eva Haug nee Taxis, Heinrich Friedrich Herbert Taxis, Viola Taxis, Barbara (Baerbel) Taxis, Charlotte Becker nee Suess, Katharina (Katie) Suess, Elisabeth (Elisa) Clara Schick nee Suess, Albert Weckauf, Karl Heinrich Weckauf, Wilhelmine Klara Weckauf and Wilhelmine (Mina) Schuster nee Suess, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Emma Caroline Richter nee Taxis, of Anna Taxis nee Bauder, of Charlotte Becker, of Katharina (Katie) Suess, of Elisabeth (Elisa) Clara Schick, of Barbara (Babette) Weckauf and of Wilhelmine Klara Weckauf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof not heretofore vested by Vesting Order No. 5271 in and to the trust created under the will of Marie Taxis, deceased, and

b. All property in the possession, custody or control of Hugo A. Koelle and of Lux H. Bock, as trustees of the trust created under the will of Marie Taxis, deceased,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Hugo A. Koelle and Lux H. Bock, as trustees, acting under the judicial supervision of the Probate Court of St. Louis County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Emma Caroline Richter nee Taxis, of Anna Taxis nee Bauder, of Charlotte Becker, of Katharina (Katie) Suess, of Elisabeth (Elisa) Clara Schick, of Barbara (Babette) Weckauf and of Wilhelmine Klara Weckauf, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of Hugo A. Koelle and of Lux H. Bock, as trustees of the trust created under the will of Marie Taxis, deceased.

All such property so vested shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1775; Filed, Feb. 2, 1951; 8:59 a. m.]

[Vesting Order 17217]

HERMAN C. FLEITMANN

In re: Trust under will of Herman C. Fleitmann, deceased. File No. D-28-7485.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine F. Watjen, Eduard Watjen, Katherine Marie Watjen, Elena Watjen, Maria Watjen, and Dotty Watjen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Eduard Watjen, of Katherine F. Watjen, and of Dotty Watjen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the Will of Herman C. Fleitmann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Thomas Crimmins and the Fifth Avenue Bank of New York, as trustees, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Eduard Watjen, of Katherine F. Watjen, and of Dotty Watjen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1777; Filed, Feb. 2, 1951; 9:00 a. m.]

[Vesting Order 17218]

RUDOLF FRITZE

In re: Rights of Rudolf Fritze under insurance contract. File No. D-28-12845-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Fritze, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Rudolf Fritze under a contract of insurance evidenced by Policy No. 615320, issued by the Phoenix Mutual Life Insurance Company, Hartford, Connecticut, to Rudolf Fritze, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of William Toerber, a resident of the United States, of Walter Fritze, and of the aforesaid Phoenix Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Rudolf Fritze be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1778; Filed, Feb. 2, 1951; 9:00 a. m.]

[Vesting Order 17214]

STEENKOLEN HANDELSVEREENIGING N. V.

In re: Stock, cash and promissory note owned by Steenkolen Handelsvereeniging N. V. F-49-498, D-49-299.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rheinisch-Westfaelisches Kohlensyndikat, the last known address of which is Essen, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the enterprises whose names and last known addresses are listed on Exhibit A, attached hereto and by reference made a part hereof, are corporations, partnerships, associations or other business organizations organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

3. That Paula Balthazar, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

4. That N. V. Maatschappij Algemeen Beheer is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Utrecht, The Netherlands, and all of whose outstanding capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by, directly or indirectly, the aforesaid Rheinisch-Westfaelisches Kohlensyndikat and the enterprises whose names are listed in Exhibit A, and is a national of a designated enemy country (Germany);

5. That Steenkolen Handelsvereeniging N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is located at Utrecht, The Netherlands, and a substantial part of whose outstanding capital stock is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by, directly or indirectly, the aforesaid Rheinisch-Westfaelisches Kohlensyndikat, Paula Balthazar and N. V. Maatschappij Algemeen Beheer and is a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a Blocked General Ruling 11-A Account in the name of Vlaer & Kol, Utrecht, Holland, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt by said Bank of dividends on the shares of stock described in subparagraph 6-a hereof, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Combined Investment Corporation, c/o Cadwalader, Wickersham & Taft, 14 Wall Street, New York 5, New York, evidenced by a promissory note in the principal amount of $3,000,000 issued by said Combined Investment Corporation on or about October 20, 1939, to The Chase National Bank of the City of New York, as payee, which said promissory note is presently in the custody of The Chase National Bank of the City of New York in an account entitled Administratiekantoor Unitas N. V. Special A/C # PS-87005, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and all accrued and unpaid interest thereon, to gether with any and all rights in, to and under including particularly the right to possession of, the aforesaid promissory note, and

d. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the receipt by said Bank for the account of Administratiekantoor Unitas N. V. of interest payments made by Combined Investment Corporation with respect to the promissory note described in subparagraph 6-c hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Steenkolen Handelsvereeniging N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That N. V. Maatschappij Algemeen Beheer and Steenkolen Handelsvereeniging N. V. are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

8. That to the extent that the persons named in Exhibit A and subparagraphs 1, 3, 4 and 5 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of Enterprise and Last Known Address

Gewerkschaft Alte Haase, Sprockhoevel, Germany.
Gewerkschaft Caroline, Sprockhoevel, Germany.
Concordia Bergbau-Aktien-Gesellschaft, Oberhausen, Germany.
Gewerkschaft ver. Constantin der Grosse, Bochum, Germany.
Bergwerks-Gesellschaft Dahlbusch, Gelsenkirchen, Germany.
Gewerkschaften Diergardt-Mevissen, Rheinh.-Hochemmerich, Germany.
Deutsche Erdol-Aktiengesellschaft, Gelsenkirchen, Germany.
Gewerkschaft Emscher-Lippe, Datteln, Germany.
Essener Steinkohlen A. G., Essen, Germany.
Gewerkschaft Ewald-Koenig Ludwig, Herten, Germany.
Gewerkschaft Auguste Victoria, Huels, Germany.
Gewerkschaft des Steinkohlenbergwerks "Friedrich der Grosse", Herne, Germany.
Steinkohlenbergwerk Friedrich Heinrich A. G., Kamp-Lintfort, Germany.

Gewerkschaft Gottessegen, Sprockhoevel, Germany.
Gutehoffnungshuette A. G., Oberhausen, Germany.
Harpener Bergbau-Aktien-Gesellschaft, Dortmund, Germany.
Steinkohlenzeche de Wendel (Heinrich, Robert), Hamm, Germany.
Reichswerke Hermann Goering A. G., Hamm, Germany.
Bergwerksgesellschaft Hibernia, Herne, Germany.
Hoesch-Koln-Neuessen, Aktiengesellschaft fur Bergbau und Huttenbetrieb, Dortmund, Germany.
Klockner-Werke A. G., Duisburg, Germany.
Fried. Krupp Aktiengesellschaft, Essen, Germany.
Bergbau - Aktiengesellschaft Lothringen, Bochum, Germany.
Mannesmannrohrenwerke A. G., Dusseldorf, Germany.
Mansfeld Aktiengesellschaft fur Bergbau und Huttenbetrieb, Bochum-Langendreer, Germany.
Gewerkschaft Neumuehl, Homberg, Germany.
Niederrheinische Berkwerks-Aktien-Gesellschaft, Duesseldorf, Germany.
Gewerkschaft Rheinstahl, Essen, Germany.
Steinkohlen-Bergwerks "Rheinpreussen", Homberg, Germany.
Gwerkschaft der Zeche Siebenplaneten, Dortmund, Germany.
Gewerkschaft Sophia Jacoba, Hueckelhoven, Germany.
Gebruder Stumm G. m. b. H., Essen, Germany.
OBAG/Ver. Stahlwerke, Essen, Germany.
Gwerkschaft des Steinkohlen-Bergwerks Victoria Mathias, Essen, Germany.
Gewerkschaften Friedrich Ernestine, Essen, Germany.
Gewerkschaften Graft Beust, Essen, Germany.
Gewerkschaft der Zeche Heinrich, Essen-Kupferdreh, Germany.

EXHIBIT B

Name of issuing corporation	Type of stock	Number of shares
Underwood Corp	Common	1,500
American Telephone & Telegraph Co.	Capital	520
Western Auto Supply Co	Common	750
Abbott Laboratories Co	do	880
American Airlines Inc	do	3,700
Eastern Air Lines Inc	Capital	3,000
International Business Machine Corp.	do	643½
Bayuk Cigars Inc	Common	2,250
Beech Nut Packing Co	do	770
American Can Co	do	750
Corn Products Refining Co	do	750
Continental Can Co	do	450
Commonwealth Edison Co	Capital	750
The Coca Cola Co	Common	150
American Chicle Co	do	900
Chesapeake & Ohio Ry. Co	do	1,270
Chicago & St. Louis R. R. Co	do	313¼
Dow Chemical Co	do	902
Southern California Edison Co	do	1,500
Consolidated Edison Co. of New York.	do	750
The Detroit Edison Co	do	2,035
Ex-Cell-O Corp	Capital	750
Fairbanks Morse & Co	Common	750
Holland Furnace Co	do	1,500
The Kroger Co	do	1,870
S. S. Kresge Co	do	1,500
Liggett & Myers Tobacco Co	do	370
P. Lorillard Co	do	1,500
Monsanto Chemical Co	do	900
General Mills Inc	do	1,110
Niles-Bement-Pond Co	Capital	600
Norfolk & Western R. R. Co	Common	1,480
Owens Illinois Glass Co	do	750
Procter & Gamble Co	do	750
J. C. Penney Co	do	1,110
Phillip Morris & Co	do	740
Pittsburgh Plate Glass Co	Capital	2,080
Pittston Co	Common	313¼
R. J. Reynolds Tobacco Co	do	2,250
Safeway Stores Inc	do	6,750
First National Stores Inc	do	370
American Tobacco Co	do	370

[F. R. Doc. 51-1776; Filed, Feb. 2, 1951; 9:00 a. m.]

[Vesting Order 17222]

KURT (CURT) HELMHOLZ

In re: Rights of Kurt (Curt) Helmholz under insurance contracts. F-28-24490-H-2, H-3, H-4, H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt (Curt) Helmholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Kurt (Curt) Helmholz under contracts of insurance evidenced by policies numbered 74716987, 74716988, 75021535 and 91776432, issued by the Metropolitan Life Insurance Company, New York, New York, to Kurt (Curt) Helmholz, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Irene Helmholz, a resident of the United States, and the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1779; Filed, Feb. 2, 1951; 9:00 a. m.]

[Vesting Order 17227]

WARO NAKAHARA

In re: Rights of Waro Nakahara under contract of insurance. File No. F-39-5463-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waro Nakahara, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Waro Nakahara under a contract of insurance evidenced by Policy No. 2,332,958 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Waro Nakahara, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Berenice D. Nakahara, a resident of the United States and those of the aforesaid Metropolitan Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1781; Filed, Feb. 2, 1951; 9:01 a. m.]

[Vesting Order 17229]

HENRY ROESE

In re: Rights of Henry Roese under insurance contract. File No. F-28-27946-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Roese, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Henry Roese under a contract of insurance evidenced by Policy No. 5316665 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Henry Roese, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Ida F. Roese, a resident of Switzerland, and of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1782; Filed, Feb. 2, 1951; 9:01 a. m.]

[Vesting Order 17223]

DR. W. H. LEONHARD KOEPPE AND SECURITY TRUST CO. OF ROCHESTER

In re: Indenture of trust dated October 11, 1926, between Dr. W. H. Leonhard Koeppe, Grantor, and Security Trust Company of Rochester, Trustee. File No. D-28-2553; E. T. sec. 4990.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. W. H. Leonhard Koeppe, Gertrud Margarete Koeppe, Hans-Werner Koeppe and Horst Koeppe, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Dr. W. H. Leonhard Koeppe, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain indenture of trust dated October 11, 1926, by and between Dr. W. H. Leonhard Koeppe, Grantor, and Security Trust Company of Rochester, Trustee, including particularly but not limited to the right of Gertrud Margarete Koeppe to withdraw, after the death of Dr. W. H. Leonhard Koeppe, any or all of the principal of the said trust and the rights reserved to the grantor by paragraphs 4 (a) and 4 (b) of said trust indenture, presently being administered by Security Trust Company of Rochester, Trustee, 103 East Main Street, Rochester, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Dr. W. H. Leonhard Koeppe are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1780; Filed, Feb. 2, 1951; 9:01 a. m.]

[Vesting Order 17231]

TSUNEGORO TOGIOKA

In re: Rights of Tsunegoro Togioka under contract of insurance. File No. D-39-19156-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsunegoro Togioka, who on or since the effective date of Executive Order 8389, as amended, and on or since December 8, 1941, has been a resident of Japan, is a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1405434, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Miss Hagime Togioka, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That the national interest of the United States requires that the said Tsunegoro Togioka be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1783; Filed, Feb. 2, 1951; 9:01 a. m.]

[Vesting Order 17233]

LILLI WETZEL ET AL.

In re: Rights of Lilli Wetzel, also known as Elisabeth Wetzel et al. under insurance contracts. Files No. F-28-28132-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilli Wetzel, also known as Elisabeth Wetzel, who on or since the

effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lilli Wetzel, also known as Elisabeth Wetzel, except Kurt George Wetzel, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due to Lilli Wetzel, also known as Elisabeth Wetzel, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lilli Wetzel, also known as Elisabeth Wetzel, except Kurt George Wetzel, a resident of the United States, under contracts of insurance evidenced by policies numbered 1105439–M and 2098404–A, issued by the Metropolitan Life Insurance Company, New York, New York, to Lilli Wetzel, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Kurt George Wetzel, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the said Lilli Wetzel, also known as Elisabeth Wetzel, be treated as a national of a designated enemy country (Germany);

5. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lilli Wetzel, also known as Elisabeth Wetzel, except Kurt George Wetzel, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1734; Filed, Feb. 2, 1951, 9:01 a. m.]

FEB 8

THE NATIONAL ARCHIVES
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1934

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VOLUME 16 NUMBER 25

Washington, Tuesday, February 6, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10210

AUTHORIZING THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF COMMERCE TO EXERCISE THE FUNCTIONS AND POWERS SET FORTH IN TITLE II OF THE FIRST WAR POWERS ACT, 1941, AS AMENDED BY THE ACT OF JANUARY 12, 1951, AND PRESCRIBING REGULATIONS FOR THE EXERCISE OF SUCH FUNCTIONS AND POWERS

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act To amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), hereinafter called the Act, and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming that such action will facilitate the national defense, it is hereby ordered as follows:

PART I

Under such regulations, which shall be uniform to the extent practicable, as may be prescribed or approved by the Secretary of Defense:

1. The Department of Defense is authorized, within the limits of the amounts appropriated and the contract authorization provided therefor, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts.

2. The Secretaries of Defense, the Army, the Navy, and the Air Force may exercise the authority herein conferred and, in their discretion and by their direction may delegate such authority to any other military or civilian officers or officials of their respective departments, and may confer upon any such military or civilian officers or officials the power to make further delegations of such authority within their respective departments.

3. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the national defense, or for the invention, development, or production of, or research concerning any such things, including, but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment without any restriction of any kind, either as to type, character, location, or form.

4. The Department of Defense may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the Secretaries of Defense, the Army, the Navy, or the Air Force, respectively, or their duly authorized representatives, the national defense will be thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making, or the form, of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

5. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security need not be required.

6. Complete data shall be maintained by the Department of Defense as to all contracts and purchases made pursuant to the Act and this order. The Secretaries of Defense, the Army, the Navy, and the Air Force shall make available for public inspection so much of such data as they may respectively deem compatible with the public interest and as does not cover classified contracts or purchases.

7. There shall be no discrimination in any act performed hereunder against any person on the ground of race, creed,

(Continued on p. 1051)

CONTENTS

THE PRESIDENT

Executive Order — Page
Department of Defense and Department of Commerce; authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers... 1049

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Bruhn, Bruno... 1106
Costs and expenses incurred in New York court action... 1112
Dittmann, Arthur... 1109
Fujino, Hideo... 1106
Helm Bros. Ltd., Messrs... 1112
Ishikawa, G... 1103
Joerling, Henry, et al... 1108
Kanazawe, Tai and Fuyonosuke... 1110
Klaeber, Frederick and Charlotte... 1103
Knoll A. G... 1109
Lang, Franc and Kunegude... 1110
Luhrig, Wilhelm... 1107
MacGowan, Gault... 1103
Mano, Mika and Takichi... 1111
Marx, Julius... 1111
N. V. Staalproducten Handel en Agenturen Mij Prosteel... 1108
Nederlandsche Credietverzekering Maatschappij N. V... 1107
Rapp, Franziska... 1109
Reher (Rehr), Fritz... 1111
Ritter, H. F. & Co., Inc... 1110
Sanhein, Peter... 1104
Seidel, Carl, et al... 1104
Shiba, Otokichi and Souzu... 1105
Staab-van den Vrijhoef, M. B. H... 1103
Stein, Henry... 1105
Stoeckle, Helen... 1105
Tanigawa, Tomizo... 1112
Wachenfeld, Gustav O... 1106

Atomic Energy Commission
Proposed rule making:
Radioisotope distribution... 1089

FEDERAL REGISTER

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CONTENTS—Continued

Civil Aeronautics Administration — Page

Rules and regulations:
- Air carrier operating certification; route requirements; visual contact night operations — 1057
- Airplane airworthiness; transport categories:
  - Airplane flight manual — 1052
  - Flight and navigational instruments — 1052
- Airplane airworthiness; transport categories—Continued
  - Hand fire extinguishers; number and installation — 1057
- Civil airways, designation; miscellaneous amendments — 1058
- Control areas, control zones, and reporting points, designation; miscellaneous amendments — 1058
- Scheduled air carrier rules; weather minimums; visual-contact clearance — 1058

Civil Aeronautics Board

See also Civil Aeronautics Administration.

Notices:
- Accident near Reardon, Wash.; hearing — 1095

Coast Guard

Rules and regulations:
- Arc welding, gas welding and brazing — 1076
- Boats, rafts, bulkheads and lifesaving appliances — 1079, 1080, 1082, 1083
- Construction — 1073, 1084
- Dangerous articles, use as ships' stores — 1084
- Ferryboats — 1080, 1082
- Installations, tests, inspection, repairs and miscellaneous requirements — 1077
- Lifesaving equipment — 1084
- Materials — 1073
- Piping systems — 1074
- Pressure vessels, unfired — 1074
- Subdivision load lines for passenger vessels — 1073
- Transportation or storage of explosives or other dangerous articles or substances and combustible liquids on board vessels — 1082

Commerce Department

See also Civil Aeronautics Administration; Federal Maritime Board; National Production Authority.

Notices:
- Appeals in trade mark cases — 1094
- Delegation of authority to Compliance Commissioner for Export Control by Director or Deputy Director of Office of International Trade relating to export control — 1094

Customs Bureau

Notices:
- California Oil Co.; registration of house flag and funnel mark — 1091

Economic Stabilization Agency

See Price Stabilization, Office of.

Federal Maritime Board

Notices:
- Continental U. S. A. Gulf Westbound Freight Conference et al., member lines; agreements filed for approval — 1093

Federal Power Commission

Notices:
- Otter Tail Power Co.; notice of application — 1095

Federal Trade Commission — Page

Rules and regulations:
- Motor vehicles, installment sale and financing — 1059

General Services Administration

Rules and regulations:
- Delegation of authority with respect to rubber procurement — 1072
- Transfer of chapter; editorial note — 1072

Interior Department

See Land Management, Bureau of.

Interstate Commerce Commission

Notices:

Applications for relief:
- Charcoal, wood, from Crossett, Ark., to Lowland and Morristown — 1097
- Hides, pelts and skins from southern territory — 1096
- Iron and steel articles from Birmingham, Ala., group to Atlanta, Ga. — 1096
- Poultry netting and iron and steel articles to gulf ports — 1097
- Rubber tires from Waco, Tex. — 1096
- Soda, caustic, from Buffalo, N. Y., to Cincinnati, Ohio — 1096
- Wire fabric to Texas ports — 1096
- Express rates and charges, 1951, increased — 1097

Justice Department

See Alien Property, Office of.

Labor Department

See Wage and Hour Division.

Land Management, Bureau of

Notices:

Filing of plats of survey:
- California — 1092
- Idaho — 1093
- Nevada — 1093
- Opening of public lands; Arizona — 1092

National Production Authority

Rules and regulations:
- Cattlehides, calfskins and kips (NPA Order M–35) — 1071
- Delegation of authority to administer NPA Order M–4 (NPA Delegation 7) — 1071

Post Office Department

Notices:
- Temporary mail service restrictions (2 documents) — 1091

Price Stabilization, Office of

Rules and regulations:
- Coal dealers, retail (GCPR, Supp. Reg. 2) — 1060
- Delegation of authority to Assistant Director, Commodity Divisions — 1071
- Scrap, iron and steel (CPR 5) — 1061

Production and Marketing Administration

Proposed rule making:
- Milk handling in Puget Sound, Wash., marketing area — 1089

Rules and regulations:
- Rice; termination of acreage allotments for 1951 crop — 1052

CONTENTS—Continued

Public Contracts Division — Page

See Wage and Hour Division.

Securities and Exchange Commission

Notices:

Hearings, etc.:
- Arkansas Natural Gas Corp. et al. — 1100
- Moor, Lee — 1102
- New England Electric System et al. — 1101
- Stearns & Co. — 1099
- Sterling, W. L., Co. — 1099
- United Gas Improvement Co. and Allentown-Bethlehem Gas Co. — 1102
- Wilson, Matthew P. — 1098

Treasury Department

See Coast Guard; Customs Bureau.

Wage and Hour Division

Notices:
- Employment of handicapped clients; issuance of special certificates to sheltered workshops — 1094

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10210	1049
Title 7	
Chapter VII:	
Part 730	1052
Chapter IX:	
Part 925 (proposed)	1089
Title 10	
Chapter I:	
Part 30 (proposed)	1089
Title 14	
Chapter I:	
Part 4b (3 documents)	1052, 1057
Part 40	1057
Part 61	1058
Chapter II:	
Part 600	1058
Part 601	1058
Title 16	
Chapter I:	
Part 197	1059
Title 32A	
Chapter III—OPS:	
AO 4	1071
CPR 5	1061
GCPR, SR 2	1060
Chapter VI—NPA:	
Del. 7	1071
M–35	1071
Chapter XIV—GSA	1072
Title 46	
Chapter I	1073

color or national origin, and all contracts hereunder shall contain a provision that the contractor and any subcontractors thereunder shall not so discriminate.

8. No claim against the United States arising under any purchase or contract made under the authority of the Act and this order shall be assigned except in accordance with the Assignment of Claims Act of 1940 (54 Stat. 1029).

9. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national defense.

10. Every contract entered into, amended, or modified pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

> The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. All contracts entered into, amended, or modified pursuant to authority of this order shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

12. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

13. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds or granting the contract authorization obligated by a contract. In the absence of such limitation, the fixed fee to be paid the contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this order shall not exceed 10 percentum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of Defense, the Army, the Navy, or the Air Force at the time of entering into such contract (except that a fee not in excess of 15 percentum of such estimated cost is authorized in any such contract for experimental, developmental, or research work, and that a fee inclusive of the contractor's costs and not in excess of 6 percentum of the estimated cost, exclusive of fees, as determined by the Secretary of Defense, the Army, the Navy, or the Air Force at the time of entering into the contract, of the project to which such fee is applicable, is authorized in contracts for architectural or engineering services relating to any public works or utility project).

14. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036), as amended, because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act (49 Stat. 1011), as amended, the Copeland Act (48 Stat. 948), as amended, and the Eight Hour Law (37 Stat. 137), as amended, if otherwise applicable shall apply to contracts made and performed under the authority of this order.

15. Nothing herein contained shall prejudice anything heretofore done under Executive Order No. 9001 of December 27, 1941, or any amendments or extensions thereof, or the continuance in force of an action heretofore taken under the said order or any amendments or extensions thereof.

16. Nothing herein contained shall prejudice any authority to utilize the provisions of the Armed Services Procurement Act of 1947 (62 Stat. 26) and regulations thereunder.

PART II

The provisions of Part I of this order are hereby extended to the Department of Commerce; and, subject to the limitations and regulations contained in such part, and under such regulations as he may prescribe, the Secretary of Commerce is authorized to perform and exercise, as to the Department of Commerce, all the functions and authority vested in and granted by Part I of this order to the Secretaries named therein: *Provided*, That the regulations of the Secretary of Commerce need not be approved by the Secretary of Defense but shall, to the extent practicable, be uniform with the regulations prescribed or approved by the Secretary of Defense pursuant to Part I hereof: *And provided further*, That nothing contained herein shall prejudice any other authority which the Department of Commerce or the Secretary of Commerce may have with respect to procurement.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 2, 1951.

[F. R. Doc. 51–1993; Filed, Feb. 2, 1951; 3:02 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 730—RICE

TERMINATION OF ACREAGE ALLOTMENTS FOR 1951 CROP

§ 730.201a *Basis and purpose.* This regulation is issued to announce the termination of 1951 national, State and county rice acreage allotments (15 F. R. 8673) and of farm acreage allotments determined under regulations applicable to the 1951 crop of rice issued December 19, 1950 (15 F. R. 9181). Such termination is based upon section 371 (b) of the Agricultural Adjustment Act of 1938, as amended.

Section 371 (b) of the act authorizes the Secretary to increase or terminate the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be continued in effect for the 1951 crop of rice. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to terminate all acreage allotments for the 1951 crop of rice. Such termination is made effective by this revision of § 730.202.

In order to provide for the required increase in rice production to meet the present emergency and to make certain that farmers have ample time to readjust their plans for planting rice for the 1951 crop, it is hereby found and determined that compliance with the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest.

§ 730.202 *1951 national, State, county and farm acreage allotments for rice.* The national acreage allotment for the 1951 crop is hereby terminated. Accordingly, no State, county or farm acreage allotments shall be in effect for the 1951 rice crop.

(Sec. 375, 52 Stat. 66, as amended, 7 U. S. C. 1375. Interpret or apply sec. 371, 52 Stat. 64, as amended; 7 U. S. C. 1371)

Issued at Washington, D. C., this 1st day of February 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-1856; Filed, Feb. 5, 1951; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 13]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

FLIGHT AND NAVIGATIONAL INSTRUMENTS

The following policies are hereby adopted:

§ 4b.612-1 *Automatic pilot systems (CAA policies which apply to § 4b.612 (d)).* Recent advances in the design of automatic pilot systems (automatic flight control system) together with their use in newer type aircraft, both at higher speeds and in conjunction with navigation aids, have made it necessary that a more thorough investigation be made of their function and operation in order that the safety level of air carrier operation be maintained.

To preclude hazardous conditions which may result from any failure or malfunctioning of the automatic pilot system, or its inadvertent use by the human pilot, the following conditions should be investigated by flight tests:

(a) A signal or combination of signals about all axes simulating maximum failure or malfunction should be induced into the automatic pilot system during all regimes of flight appropriate to its use (straight cruising flight and maneuvering flight). If corrective action is taken three seconds after the signal is induced, neither the simulated failure nor the subsequent corrective action resulting therefrom should create loads beyond an envelope of 0 to 2 "g," or speeds beyond V_{NE}, or dangerous deviations from the flight path, or loads greater than those prescribed in § 4b.612 (d) (4).

(b) The automatic pilot system, including altitude control and coordinated turn control if installed, should be able to perform its intended function throughout all maneuvers appropriate to its type. All such maneuvers should be accomplished smoothly and without inadvertently placing loads on the aircraft greater than those called out in paragraph (a) of this section.

(c) If the automatic pilot system is used in conjunction with an automatic approach coupler it should be able to perform its intended function and the following should apply:

(1) Throughout an approach no signal or combination of signals simulating maximum failure or malfunction in the automatic pilot system should produce hazardous deviations in the flight path or any degree of loss of control if corrective action is initiated one second after inducing the failure.

(2) An engine failure during such an approach should not result in rapid deviations of the airplane from the flight path.

(3) A positive means should be provided to indicate to the human pilot when the automatic pilot system has been uncoupled from the automatic approach coupler.

(d) If an automatic trim follow-up system is used, it should be so designed and adjusted that a maximum failure signal to the trim system will not create a hazardous condition.

(e) The provisions of paragraphs (a), (b), (c) (1), and (d) of this section, may be met by the use of an automatic disconnect if the pilot is provided with positive means to indicate when the automatic pilot system has been uncoupled from the airplane flight controls by the automatic disconnect.

(f) The automatic pilot system should not be subject to reactions that would produce spurious control signals due to variations in the automatic pilot system power source or induced signals produced by other electrical systems.

(g) The automatic pilot system should be so designed and adjusted that the servo stall force used during flight tests can be maintained in operation without excessive periods of adjustments. (This may be accompilshed by flight testing throughout an envelope of servo stall forces.)

(h) Sufficient limitations and operating procedures should be entered in the Airplane Flight Manual to insure the proper use and safety of the automatic pilot system.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

These policies shall become effective upon publication in the FEDERAL REGISTER.

L. C. ELLIOTT, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 51-1792; Filed, Feb. 5, 1951; 8:46 a. m.]

[Supp. 14]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

AIRPLANE FLIGHT MANUAL

The following policies are hereby adopted:

§ 4b.740-1 *Preparation of airplane flight manuals for aircraft certificated in the transport category (CAA policies which apply to § 4b.740).* The primary purpose of the manual is to provide for the crew who will operate the airplane any information concerning the airplane considered by the Civil Aeronautics Administration essential to or likely to promote safety during such operation. This will ordinarily require a certain amount of descriptive material concerning those parts of the airplane directly operated or otherwise used by the crew, an understanding by them of the nature, location, and functioning of which is therefore essential. The manual should also contain, in order to serve this purpose, a description and chronological outline of the procedure to be followed by the crew during various phases of the operation both "normal" and "emergency" in which special attention and emphasis should be given to any precaution which should be observed therein in the interest of safety.

Another important purpose of the manual is to implement the operating requirements of §§ 41.27, 42.70, and 61.213 of this chapter; i. e., to furnish a source for all the airplane information necessary to establish the limitations specified by those requirements as well as that necessary to enable the crew readily to operate the airplane within the limitations so established. This purpose requires the inclusion in the manual of all operating limitations peculiar to the airplane under any circumstances likely to be encountered during its life as well as information concerning each of the items of performance involved by §§ 41.27, 42.70, and 61.213 of this chapter as functions of weight, altitude, outside air temperature, wind velocity, flap setting, etc., throughout the range of these variables for which it is desired by the applicant to provide; the point being that the scheduled operation of the airplane by an air carrier will be limited to values of all such variables within the range(s) covered by information available in the manual. This situation requires that the applicant consider the extent to which he wishes to limit the usefulness of the airplane subsequent to its certification as a type.

It may be noted, concerning the material to be included in the manual, that two types are involved. The first of these is the operating limitations which are, in effect, a partial statement of the terms upon which the airworthiness certificate is issued. Compliance with these operating limitations is therefore required by law (see section 610 (a) of the Civil Aeronautics Act of 1938 and § 4b.738 (d). The second type of material is the performance information, recommended operating procedures, and loading instructions, the observance or use of which is not legally required of the operator of the airplane by this part, but may be required by §§ 41.27, 42.70, or 61.213 of this chapter. This second type of material is intended to convey information believed likely to promote or contribute to safety in operation.

The following outlines an acceptable arrangement of the Airplane Flight Manual. This policy does not affect the status of manuals which already have final approval. However, whenever such manuals are revised for other reasons, it is recommended that the terminology of this policy be incorporated wherever it will increase clarity and uniformity. It should be noted that not all the items outlined below for inclusion in the document for a given airplane, and the Civil Aeronautics Administration is desirous of holding the document to the smallest practicable amount of material as it is believed that the usefulness of the manual will bear some inverse relation to its physical bulk and to the extent of its complexity. It is, therefore, strongly recommended that great care be taken to prepare it in the simplest, most compact form consistent with the completeness and clarity of presentation of the necessary information. Also it is suggested that consideration be given to the likelihood of revisions and the manner in and ease with which this may be accomplished. Only the material (listed below) required by this part should be included in the Civil Aeronautics Administration approved portion of the manual. However, if desired, the manufacturer or operator may add other data in a distinctly separate section in the same cover. The portion of the material (outlined below) that is to be approved by the Civil Aeronautics Administration must be so marked, and clearly separated from any other material so that no one could easily err in regard to the part that is approved. The aircraft specification for the type will list the manual as an item of required equipment and the manual must be made available upon request to any CAA agent issuing an original airworthiness certificate under the type certificate in order that he may verify that the manual furnished with that individual airplane conforms with the approval manual. Since the manual is necessary for safe operation of the airplane, the manual is considered to be public information.

There is no objection to air carrier operators incorporating the subject manual in their own Operations Manual which is assigned to individual crew members in lieu of carrying two separate manuals provided the manual which is furnished by the air carrier includes a separate and properly identified chapter which contains the manufacturer's issue of the CAA Approved Airplane Flight Manual or a satisfactory reproduction identical in both form and contents. The Airplane Flight Manual or its equivalent may, in lieu of individual identification by serial or N numbers, contain a list of the airplane to which the manual is applicable. Such manuals may be installed in the aircraft or be issued to members of the flight crew. Regardless of the procedure in effect, it is the air carrier operator's responsibility to establish a satisfactory system whereby an up-to-date copy of the appropriate manual for the particular airplane is readily available to the flight crew during the operation of the airplane. Inasmuch as the subject manual constitutes a required item of equipment, it is the responsibility of the assigned Air Carrier Maintenance Agent to ascertain that an appropriate and up-to-date copy, or its equivalent, is available to the crew at all times during flight.

The page size for the Airplane Flight Manual will be left to the decision of the manufacturer, although it is believed that an 8" x 10½" size will probably be found most convenient and this size is recommended. A cover should be provided and it should indicate the nature of the contents with the following title: "Airplane Flight Manual." Each page of the approved portion should bear the notation "CAA Approved" and the date of issuance. The material should be bound in a semi-permanent fashion so that the pages will not be lost easily, yet should be so bound that revised pages can be inserted. The aircraft specification will identify the manual, and when different types of the airplane are covered in separate manuals, each will be listed. Also, the latest approved revisions will be shown on the aircraft specification when these changes are considered to be of major importance to airworthiness.

The Airplane Flight Manual should contain as much of the following as is applicable to the individual model. It is suggested that the document be divided into sections as indicated in paragraphs (a)–(g) of this section. The sequence of sections and of items within sections should follow this outline insofar as practicable. This will facilitate revising the document when an airplane is altered in the field. It is recommended that revisions to the manual resulting from major alterations to the airplane be in the form of supplements to the original manual with individual log of revision pages.

(a) *Introduction*—(1) *Title page.* This page should include the manufacturer's name, airplane model, registration or serial number, date of approval and space for the signature of the Chief, Aircraft Division. In addition the following note should be included: "This airplane must be operated in compliance with the Operating Limitations herein."

(2) *Table of contents.*

(3) *Log of revisions.* This page should be in the form of a table in which to record for each revision an identifying symbol, a date, and the page numbers involved. All revised pages should show a revision date and a vertical bar should be placed along the left hand margin to indicate the latest revised portion of each page.

(b) *Operating limitations.* The purpose of this section is merely to state the limitations without any unnecessary explanation of what they are. The manual should point out that observance of these limitations is required by law.

(1) *Weight limits.* Indicate the range of maximum take-off and landing weight approved by means of a table or suitable diagram showing these weights at various altitudes throughout the range for which performance information is contained in the manual. State that airplane weight in excess of maximum landing weight must be disposable fuel. State any other limitations on weight. In addition to the maximum weights and any relative information, a statement to the effect that the airplane must be loaded in accordance with the approved loading schedule should be included. (See paragraph (c) of this section.) The following is a typical example:

(i) Maximum take-off weight at sea level is 92,000 pounds.

(ii) Maximum landing weight at sea level is 73,000 pounds.

NOTE: This airplane is to be operated in accordance with the approved loading schedule. (See paragraph (c) of this section.) For maximum permissible weights at various altitudes, see paragraph (d), *Performance information*, of this section. In scheduled or irregular passenger operations, operating weights are limited in accordance with parts 41, 42, or 61 of this chapter.

(iii) All weight in excess of the maximum permissible landing weight must consist of disposable fuel.

(iv) All weight in excess of 68,000 pounds must consist of fuel for structural reasons.

(v) All fuel weight must be distributed equally on both sides of the airplane. All main tanks must be filled (equally) first, alternate second, and then auxiliaries. Fuel must be used in reverse order from fuel loading except for take-off, climb and landing—at which time the main tanks should be used.

(2) *Center of gravity limits.* State all authorized C. G. limits and refer to paragraph (e) of this section for weight and balance data. All C. G. limits should be given in inches from the datum, which should be identified and in percent of the mean aerodynamic chord, with the landing gear extended in all cases.

(3) *Power plant.* State all power plant limitations; i. e., manifold pressure, rpm, maximum time for use of take-off power, cylinder head and barrel and oil temperatures, minimum fuel octane number, etc. Give any limitation on rpm due to vibration, tip speed, etc.; also propeller pitch, cowl flap position limitations, etc. The items should be listed as follows:

(i) *Engine.*
(*a*) Manufacturer.
(*b*) Model.
(*c*) Propeller drive gear ratio.
(*d*) Fuel, minimum octane.
(*e*) Temperatures — Maximum permissible cylinder head and oil inlet.
(*f*) Power limits—Those given by the engine specification; i. e., excluding the effect of ram on critical altitude.
(*g*) Any limitations, such as rpm ranges in which operation is prohibited due to engine or propeller vibration.
(ii) *Propellers.*
(*a*) Manufacturer.
(*b*) Model designation.
(iii) *Instrument markings.* An explanation of the instrument markings should be included. A typical example follows:
(*a*) General: Red radial line—Maximum and minimum limits. Yellow arc—Take-off and precautionary ranges. Green arc—Normal operating ranges. Red arc—Ranges in which operation is prohibited.
(*b*) Fuel quantity indicator (when applicable—Reference § 4b.736). Red arc—Fuel which cannot be used safely in flight.

(4) *Speed limitations.* The speeds and explanations of their significance given in subdivisions (i) through (vi) of this subparagraph should be included. Section 4b.710 does specify whether airspeed limitations should be expressed in terms of calibrated or indicated airspeed. However, to agree with past practice it is suggested that the airspeed values be expressed in terms of calibrated airspeed. The indicated airspeed values may also be included, but should be properly identified, e. g. by parentheses.

(i) *Never exceed speed.* V_{NE} (previously known as "glide or dive speed") with and without de-icer boots, if applicable plus a statement to the effect that speeds in excess of this value may result in structural, flutter, or control hazards. The effects of altitude (i. e., Mach number) on this speed should be given if applicable unless the airplane is equipped with a Machmeter, in which case the "never-exceed" Mach number should also be quoted.

(ii) *Normal operating limit speed.* V_{NO} (previously known as "level flight or climb speed" or "maximum structural cruising speed"), with and without de-icer boots if applicable, plus statements to the effect that: Speeds in excess of this value may result in excessive gust loads, whereas speeds below this value will reduce the structural loads produced by severe gusts. (The "maneuvering speed" is generally considered the optimum speed to avoid excessive loads as well as inadvertent stalling or loss of control in turbulent air.) The speed V_{NO} should not be deliberately exceeded, even during descents because of the possibility of unexpected gusts. The speed range between V_{NO} and V_{NE} is to provide for inadvertent speed increases. When this speed is reduced at altitude because of Mach number effects, the purpose of such reduction is to maintain the margin between V_{NO} and V_{NE} for inadvertent speed increases.

(iii) *Maneuvering speed.* V_A, plus a statement of its significance, of which the following is an example: "Maximum use" of the primary flight controls should be confined to speeds below this value. For this purpose, "maximum use" is defined as the lesser of the following: Rudder—full throw, or ------ pounds force. Elevator—full throw, or ------ pounds force. Aileron—full throw, or ------ pounds force with each hand.

(iv) *Flaps extended speed.* V_{FE} at least the speed determined in accordance with § 4b.714 must be given. However, when desired, speeds for various combinations of flap settings and power conditions may be given, the following is an example:

Flap setting	Maximum speed (m. p. h.)	Maximum power
Take-off	----------	Take-off.
Approach	----------	Continuous.
	----------	Take-off.
Landing	----------	Idling.
	----------	Take-off.

(A note should be added to indicate which of the values is to be marked on the airspeed indicator.)

(v) *Landing gear operating speed.* V_{LO}, plus a statement that this is the maximum speed at which the landing gear may be lowered or raised.

(vi) *Landing gear extended speed.* V_{LE}, plus a statement that this is the maximum speed with landing gear extended and locked.

(vii) *Compressibility effects.* When a speed limitation (e. g., never exceed speed) results from compressibility effects, the manual should include a statement to this effect and information concerning warning symptoms, probable behavior of the airplane and suggested recovery procedure.

(viii) *Airspeed-indicator markings.* An explanation of the airspeed-indicator markings should be included. A typical example follows: "Airspeed-Indicator markings (See definitions of speeds in subdivisions (i) through (vi) of this subparagraph). Red radial line—never exceed speed, V_{NE}. Yellow arc—caution range, extending from V_{NO} to V_{NE}. White arc—flaps extended range, extending from stalling speed (V_{S_0}) with flaps in landing position at maximum landing weight to the flaps extended speed (§4b.714). Green arc—normal operating range; i. e., from stalling speed with flaps retracted at maximum take-off weight to V_{NO}."

(5) *Demonstrated crosswind.* The statement on this item should indicate the maximum cross component of wind velocity at which it has been demonstrated to be safe to take-off or land. If the value established during the tests is considered the maximum up to which it is considered safe to operate the airplane on the ground, including take-offs and landings, it should be entered under this item; i. e., as a limitation. However, if the value established is not considered limiting it should be included as performance information, as outlined in paragraph (d) of this section, instead of a limitation. In the case of flying boats and additional maximum cross component of wind velocity for taxiing may be appropriate material. Crosswind should be based on reported wind velocities measured at 50 feet above the ground.

(6) *Flight load acceleration limits.* Flaps up ------ (at take-off weight). Flaps down ------ (at landing weight).

(7) *Type of airplane operation.* A typical example would be as follows:
(i) Transport category.
(ii) Instrument night flying (when required equipment is installed).
(iii) Atmospheric icing conditions—should stipulate "none, trace, light, moderate or heavy."

(8) *Minimum crew.* Information should be given in this item for all operations specified under subparagraph (7) of this paragraph and any additional conditions if desired or considered pertinent. The number and identity of members of minimum crew necessary to safe operation should be stated.

(9) *Miscellaneous.* This item should include any information not given under the preceding headings that is restrictive and considered necessary for the safe operation of the airplane. Some typical examples are as follows:
(i) The wing and tail anti-icing heaters should not be operated in flight when the outside air temperature is above 50° F.
(ii) Pressurized cabin differential pressure limits, etc.
(iii) A notation should be included to warn flight personnel against jettisoning fuel while the flaps are lowered unless it has been demonstrated that flap position does not adversely affect fuel jettisoning. (See § 4b.437 (b).)
(iv) Propeller reversing to be used for taxiing only.

(c) *Operating procedures; general.* This section of the manual should contain information peculiar to the airplane, concerning normal and emergency procedures, knowledge of which might enhance the safety of operation of the airplane. The manual should state that these procedures are not made mandatory by this part. However, they may be made mandatory by other parts of the regulations such as Parts 40, 41, 42, 61, etc. of this chapter.

(1) *Normal procedures.* This section should contain information and instructions regarding peculiarities of: Starting and warming engines, taxiing, operation of wing flaps, landing gear, automatic pilot, etc. Outline normal procedures for each, noting any special precautions in the interests of safety. Describe or refer to procedure in any emergency likely to occur in each. Also included in this section should be instructions for the operation of any equipment that is considered new in the aeronautical field or comparatively complicated.

(i) A typical example of the former would be: "Wing flaps should be exercised through three complete cycles prior to all initial take-offs. This operation accomplishes the automatic bleeding and the equalization of pressure to the eight separate hydraulic flap actuating cylinders."

(ii) Typical examples of the latter are: "Recommended operating procedures for thermal ice prevention system, recommended operating procedures for reversible pitch propellers, and cabin pressurization."

(2) *Emergency procedures*—(i) *Engine failure.* This section should include the procedure to be used in the event of an engine failure, including recommended minimum speeds, trim, operation of remaining engine(s), etc. A typical example would be as follows: "Engine Failure on Take-Off. The minimum speed (V_1) at which the airplane can be controlled directionally on the runway with an outboard engine inoperative and its propeller windmilling, and with take-off power on the remaining engines, is 60 m. p. h. TIAS. The minimum speed at which the airplane is controllable in flight with the sudden failure of an outboard engine, with take-off power on the remaining engines, is 96 m. p. h. TIAS. If an engine fails during the ground roll below speed V_1, cut the throttles on all engines and apply brakes. If ground contact has already been broken, land straight ahead if sufficient runway remains. If not, retract landing gear, maintain full power on live engines, and continue take-off. Feather the dead engine as outlined in subdivision (ii) of this subparagraph. Use minimum cowl flap setting on live engines to maintain cylinder temperatures within limits. Retrim airplane as necessary. Speed for best climb under these conditions is 115 m. p. h. TIAS. See paragraph (d) *Performance information*, of this section, for criterion and V_1 speeds used in determining the runway lengths."

(ii) *Propeller feathering.* This section of the manual should outline the procedure to be followed in stopping the rotation of propellers in flight. A typical procedure is outlined below:
(*a*) Throttle—"Closed."
(*b*) Push feathering switch button. When propeller blades are fully feathered the button will kick out automatically.
(*c*) Mixture control—Idle cut-off."
(*d*) Fuel and oil fire wall shut-off switches—"Off" (closed).
(*e*) Cowl flaps—"Closed."
(*f*) Fuel booster pump—"Off."
(*g*) Tank selector for engine being feathered—"Off." (Do not shut tank selector "Off" if crossfeed is being used.)
(*h*) Ignition for dead engine—"Off."
(*i*) Propeller pitch control—"Full decrease r. p. m."
(iii) *Automatic propeller feathering.*
(iv) *Unusual procedures.* Information on any emergency procedures that are considered unusual or in which a specific sequence of events are required to accomplish the operation satisfactorily should be specified. Some typical examples are as follows:
(*a*) All-engine go-around when it is recommended practice to retract the flap prior to retracting the gear resulting from a design condition in which the flap creates more drag than the landing gear.
(*b*) Fire control procedures.
(*c*) Emergency cabin depressurization.
(*d*) Emergency landing gear extension.
(*e*) Emergency brake operation.
(*f*) Fuel dumping.
(*g*) Electrical: In addition to other electrical items, the manual should specify the circuits in which overriding breakers, if any, are used and contain instructions concerning operation of both overriding and non-over-riding types. The following is a typical example: "All circuit breakers are of the non-over-riding type except the fuel booster pumps and propeller feathering circuits. In an emergency, the breakers in these two circuits may be held closed with the possible risk of fire hazard due to short circuits, etc. Discretion should also be used in repeatedly resetting non-overriding breakers due to the fact that resetting may reestablish an arc and increase the fire hazard."
(*h*) Emergency by day and/or night.
(*i*) Flare release procedure.
(*j*) Wheels up landing procedure.
(*k*) Ditching procedure.

(3) *Other special operating procedures (if any).*

(4) *Alternate operating procedures.* After gaining a large amount of experience with a particular model airplane, some operators may develop various operating procedures that they consider equivalent or better than some of those originally described in the manual. If an operator wants to incorporate new procedures in the Airplane Flight Manual, the operator should apply to the CAA office in the region where he is located for approval of the alternate procedures in the same manner that he would normally use in the case of a structural change or alteration. The local CAA regional office will coordinate the application with the CAA regional office containing the airplane technical data file if the proposed change in procedure is considered to be of sufficient importance.

(i) *For scheduled air carrier operators only.* For greater flexibility and to avoid duplication of instructions to pilots when operators desire to incorporate Airplane Flight Manual Operating Procedures in their operations manuals or devise their own operating procedures, the CAA will permit the removal of the Operating Procedures Section from the Airplane Flight Manual by scheduled air carrier operators provided the operators include the same or equivalent material in their operations manual and at the same time assume full responsibility of proving the equivalency of any new or altered procedures if called upon to do so by the CAA in connection with airplane accident investigations, etc. When the Operating Procedure Section is removed from the Airplane Flight Manual by an operator, an appropriate notation to this effect should be added to the Airplane Flight Maual of each airplane affected.

In accordance with the foregoing, the following statement should be included under the Operating Procedure Section of the Airplane Flight Manual when the Operating Procedure Section is transferred verbatim from the Airplane Flight Manual to the air carrier operations manual:

> The airplane operating procedures prescribed by § 4b.742 *Operating procedures* are included in ------ (show reference to appropriate section of the air carrier operations manual) ------.

If an air carrier operator desires to reword or restate the CAA approved operating procedures or establish new or alternate operating procedures without obtaining prior approval of these procedures from the CAA, the following additional statement should be included with the above statement:

> Where the procedures in the air carrier operations manual differ from those contained in the CAA Approved Airplane Flight Manual for this airplane, (------name of air carrier operator------) has determined that equivalent safety is provided by such alternate procedures and assumes full responsibility for this determination.

If for any reason the alternate operating procedures become inapplicable or inappropriate to the operation of the airplanes affected, the original CAA Approved Operating Procedures Section should be reinserted in the Airplane Flight Manual in order that the contents of the manual will revert to the same text as originally approved by the CAA.

(d) *Performance information.* This section should contain all the performance information necessary to implement the operating requirements of § 61.213 of this chapter, etc., and to operate the airplane safely.

(1) *Introductory information.* This should include any general information or any pertinent descriptions of the conditions under which the performance data were determined. The following examples are considered typical and appropriate:

(i) All climb data are for standard atmospheric conditions.

(ii) The minimum effective take-off runway lengths given in this section are defined as the longer "accelerate-stop distance" and the distance required to take off and clear a 50-foot obstacle with one engine becoming inoperative at speed V_1.

(a) The accelerate-stop distance is the distance required to accelerate the airplane from a standing start to the speed V_1, and assuming an engine to fail at this point, to stop.

(b) The take-off distance is defined as the sum of the following: Distance to accelerate to speed V_1 with all engines operating, distance to accelerate from speed V_1 to speed V_2 with one engine inoperative and propeller windmilling in low pitch. (It is assumed that gear retraction is initiated at the end of this segment), and the horizontal distance traveled in climbing to a height of 50 feet at speed V_2 with one engine inoperative. (It is assumed that propeller feathering is not commenced prior to the end of this segment.)

(c) Speed V_1 is defined as the critical engine failure speed and is a speed at which the controllability has been demonstrated to be adequate to permit proceeding safely with the take-off when the critical engine is suddenly made inoperative. The minimum V_1 speed for this airplane is 60 m. p. h. TIAS (airspeed calibration should include ground effect); however, as explained below, speeds in excess of this value were used in determining the runway lengths.

(d) Speed V_2 is defined as the minimum take-off climb speed and is the greater of the following: 1.15 times the power-off stalling speed with the flaps in the take-off position (assuming a four-engine airplane), 1.10 times the minimum control speed, V_{mc}.

(e) The minimum control speed, V_{mc}, is defined as the minimum speed at which the airplane is controllable in flight with the sudden failure of an outboard engine with take-off power on the remaining engines.

(f) All runway lengths given in this manual are based upon optimum V_1 speeds; i. e., the speed selected for V_1 is such that the accelerate-stop distance is equal to the distance to clear a fifty foot obstacle with one engine becoming inoperative at this speed. Consequently, V_1 varies with weight, altitude, wind, gradient, temperature, etc. Values for V_1 for the various conditions are given under subparagraph (2) of this paragraph.

(g) All take-off and landing distances are given for dry, concrete runways.

(h) If the maximum cross component wind velocity in which landings and take-offs were demonstrated was not considered limiting, it should be included in this section of the manual. A typical example would be as follows: "The maximum crosswind component in which this airplane has been tested in 20 m. p. h. measured at a height of 50 feet above the ground. Consequently, in determining the effective take-off and landing runway lengths, a crosswind component greater than this value may not be used."

(2) *Performance data.* These data may be given in either graphical or tabular form and should cover the weight range and all airport and terrain altitudes at which the airplane is intended to be operated. The scale of the charts should permit accurate reading within approximately 0.25 of one percent. The following should be included:

(i) *Airspeed calibration.* This should be given for the normal and alternate static sources. Ground effect should be included for V_1 speed range. (A plot of CAS vs. IAS @ various flap positions, preferably on one page.)

(ii) *Altimeter calibration.* This should be given for the normal and alternate static source.

(iii) *Stalling speeds.* A table or diagram of calibrated stalling speeds at various weights at all authorized flap settings, power-off should be given.

(iv) *Gross weight summary.* A summary of permissible operating landing and take-off gross weights as limited by the climb or structural requirements should be provided.

(v) *Minimum take-off runway length.* Unless optimum values of V_1 are selected, establishing equal distances to accelerate to speed V_1 and stop or to make a take-off over a 50-foot obstacle with the critical engine becoming inoperative at speed V_1, inclusion of both the accelerate-stop distance and runway length required to take-off and clear a 50-foot obstacle will be necessary. It is recommended that these data be given for a range of temperatures (see § 4b.117) and runway gradients sufficient to permit proper dispatching under the rules of § 61.213 of this chapter, etc., in addition to the standard day temperature data.

(vi) *Take-off information.* Take-off flight paths through the final climb segment, flight path slope or data supplementary to that obtained in subdivision (v) of this subparagraph that may be used for dispatching purposes should be included. These should be for the same range of temperatures (see § 4b.117) and runway gradients as subdivision (v) of this subparagraph.

(vii) *Minimum take-off climb speed, V_2.* This speed should be listed for the range of weights, altitudes and conditions covered in subdivisions (v) and (vi) of this subparagraph. The distance to accelerate to these speeds should also be included to provide data necessary for gradient problems involving runways with variable gradients of sufficient magnitude that average gradients cannot be assumed.

(viii) *Critical engine failure speed, V_1.* This speed or speeds V_1 for the range of weights, altitudes and conditions covered in subdivisions (v) and (vi) of this subparagraph if applicable should be given. The distances to accelerate to these speeds should also be included to provide data necessary for gradient problems involving runways with variable gradients of sufficient magnitude that average gradients cannot be assumed.

(ix) *Minimum runway length required for landing.* With respect to this item, the following data would be considered appropriate: Landing distance from height of 50 feet. Minimum effective landing runway length—scheduled stops. (See § 61.213 of this chapter.) Minimum effective landing runway length—alternate stops. (See § 61.213 of this chapter.)

(x) *Wind effect in landing and take-off.* If it is desired to take advantage of wind in determining landing and take-off distances all data should be based upon wind velocities reported at a height of 50 feet above the runway; i. e., the runway length would be calculated for one half of the reported headwind velocity, or one and one-half times the reported tailwind velocity, measured at a height of 50 feet corrected for wind gradient to the height of the center of aerodynamic drag of the airplane. A note clearly stating the above stipulations should be included in the manual.

(xi) *Rates of climb and climbing speeds.* These rates and speeds should be specified for the desired range of weights and altitudes, together with the corresponding airplane configuration (flap position, gear position, etc.), and should be given for the following when applicable:

(a) First segment take-off climb (§4b.120 (a)).

(b) Second segment take-off climb (§4b.120 (b)).

(c) Third segment take-off climb (§4b.116 (d)).

(d) Final segment take-off climb §4b.116 (e)).

(e) One-engine inoperative en route climb (§4b.120 (c)).

(f) All engine en route climb (§ 4b.119 (b)).

(g) Two-engine inoperative en route climb (§ 4b.121).

(h) Approach climb (§ 4b.120 (d)).

(i) Landing climb (§4b.119 c)).

(xii) *Engine power curve.* A copy of the CAA approved power chart of BHP vs. MP @ RPM and BHP vs. altitude @ RPM and @ MP should be included.

(xiii) *Performance charts.* Any instructions or examples for use of the performance charts should be included.

(xiv) *Removal of performance data.* The Performance Section of the Airplane Flight Manual should not be removed from the Airplane Flight Manual. However, any tables, charts etc., that an air carrier operator prepares which are based on airplane flight manual performance material for convenience in determination of load limitation data need not be carried in the Airplane Flight Manual even though approved by the CAA if the operator does not care to do so.

(e) *Weight and balance data*—(1) *General.* Inasmuch as it is desired to eliminate the necessity of submitting revisions of the Airplane Flight Manual to the CAA for approval whenever an item of equipment is altered or added, this section of the manual will not be included in the formally "approved" portion of the document. However, a note to the effect that the airplane should be operated in accordance with the approved loading schedule should be included in the Limitations Section. (See paragraph (b) (1).)

(2) *Responsibility for control of weight and balance.* It is the intention of the Civil Aeronautics Administration to place the responsibility for the control of weight and balance with the manufacturer and operator. The manufacturer will furnish a weight and balance report for each new airplane which may be included in the manual but not in the "approved" portion. The Civil Aeronautics Administration's representative will not approve each individual report but will make only occasional spot checks to ascertain that the manufacturer's weight control procedure is adequate. The manufacturer will be expected to furnish complete information with the airplane not only regarding its actual weight and balance, but also to include sketches, samples and other data that will assist the operator in checking the balance after alterations.

(3) *Conventional airplanes.* The following material is believed to be complete and adequate for a conventional airplane.

(i) *Weight limits.* A list and explanation (where necessary) of the various weight limits should be given.

(ii) *C. G. Limits.* The approved operating C. G. range should be specified.

(iii) *Empty weight and empty weight C. G. location.*

(iv) *Equipment list.* All equipment included in the empty weight should be listed.

(v) *Weight computations.* The computations necessary to determine the empty weight C. G. location, including identification of balance datum should be shown.

(vi) *Loading schedule.*

(vii) *Loading schedule instructions.* Complete instructions in the use of the loading schedule should be provided.

(4) *Unconventional airplanes.* In the case of unconventional airplanes or airplanes with special features, the information specified in subparagraph (3) of this paragraph should be modified or amplified as necessary to cover the case.

(f) *Supplements.* As a general rule, when major alterations are made by an operator (or owner) to an airplane involving appreciable changes to the Airplane Flight Manual it is advisable for the operator to prepare a separate supplement to the original manual under his own name covering the items that are different from the original manual. Then subsequent revisions to the manual by the manufacturer or operator will pertain only to their respective portions of the manual and should eliminate possible confusion.

(g) *Submittal.* Three copies of the above material, less the Weight and Balance Data Section, should be submitted to the appropriate Civil Aeronautics Administration regional office by the applicant for an original approval. The three copies will be signed by the regional Chief, Aircraft Division; one copy will be returned to the applicant, one will be forwarded to the Washington office and the other retained by the regional office. A single copy of the title page to be used for Chief's signature may be substituted for the applicant's copy if desired. In cases where the revisions to the manual are of primary importance to safety in flight, the pertinent Aircraft Specification will contain a description of the change to ensure that all manuals are revised. A revision of this type would usually be the subject of an Airworthiness Directive note. One copy of the Weight and Balance Section should be included in the manual by the applicant for each airplane at the time of certification.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

These policies shall become effective upon publication in the FEDERAL REGISTER.

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1793; Filed, Feb. 5, 1951; 8:46 a. m.]

[Supp. 15]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

HAND FIRE EXTINGUISHERS; NUMBER AND INSTALLATION

The following policies are hereby adopted:

§ 4b.641–1 *Portable water-solution-type extinguishers (CAA policies which apply to § 4b.641).* (a) *General:* It has been established that water-solution-type hand fire extinguishers are more suitable for controlling and extinguishing Class A fires (fires in seat upholstery, curtains, floor coverings, clothing, paper, etc.) than are other types designed primarily for extinguishing Class B fires (fires in inflammable liquids, greases, etc.) or Class C fires (electrical fires, which require non-conducting extinguishing agents).

(b) *Installation:* Water-solution-type portable fire extinguishers which comply with the provisions of Technical Standard Order TSO–C19 (a), the performance requirements for which are based on SAE Aeronautical Standard AS 245, dated November 1, 1948, may be used to meet the minimum requirements of this part for fuselage fire protection in civil aircraft on the following basis:

(1) The portable fire extinguisher required for use by the pilot or copilot in the cockpit should continue to be of the carbon dioxide, carbon tetrachloride, dry chemical, or an equivalent type, since Class B and Class C fires are considered to be the primary hazard in pilot compartments. Such an extinguisher should have a minimum capacity, if carbon tetrachloride, of 1 quart, or, if carbon dioxide, of 2 pounds.

(2) Other portable fire extinguishers may be of the water-solution-type, unless the primary hazard is considered to require Class B or Class C extinguishing equipment, e. g., possible grease fires in the galley (Class B fires), fires in the electrical or radio installations, etc. (Class C fires).

(3) When substitution of portable water-solution-type fire extinguishers for other types of extinguishers is contemplated in the design of new aircraft or as a replacement in aircraft already in service, it should be on a minimum basis of one 1⅜-quart water-solution-type fire extinguisher conforming to SAE Aeronautical Standard AS 245 for each 1-quart-capacity carbon tetrachloride unit, each 2-pound-capacity carbon dioxide extinguisher, or for each 2 pounds of dry-chemical extinguishing agent.

(c) There is no objection to installation of portable water-solution-type fire extinguishers in addition to those required in this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 552)

These policies shall become effective upon publication in the FEDERAL REGISTER.

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1794; Filed, Feb. 5, 1951; 8:47 a. m.]

[Supp. 5]

PART 40—AIR CARRIER OPERATING CERTIFICATION

ROUTE REQUIREMENTS: VISUAL CONTACT NIGHT OPERATIONS

Proposed rules regarding compliance with §§ 40.7 and 40.36 were published on September 22, 1950, in 15 F. R. 6330. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matter presented. The following rules are hereby adopted:

§ 40.7–1 *Route requirements: Visual contact night operation (CAA rules which apply to § 40.7).* See § 40.36-1.

§ 40.36–1 *Route requirements: Visual contact night operation (CAA rules which apply to § 40.36).* It has been determined that safe air carrier operation at night can be conducted under visual flight rules, when VFR weather conditions exist over the route or route segment to be flown, utilizing adequate radio navigational aids in lieu of the airway beacons and obstruction lights specified in § 40.36 where (a) sufficient radio aids coverage will provide safe aircraft navigation by that means, (b) the radio equipment in the aircraft meets the requirements of § 40.79 and the ground navigation aids are in normal operation during the time the flights are being conducted, and (c) airport beacon, obstruction lights, runway (contact) lights, and such other lighting facilities deemed necessary by the Administrator are in operation at all terminals and intermediate stops.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1009, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1795; Filed, Feb. 5, 1951; 8:47 a. m.]

[Supp. 14]

PART 61—SCHEDULED AIR CARRIER RULES

WEATHER MINIMUMS; VISUAL-CONTACT CLEARANCE

The following rules concerning Part 61 are hereby adopted. They do not impose additional burdens upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required.

§ 61.200–1 *Dispatch-visual contact night operation (CAA rules which apply to § 61.200 (c)).* Where a scheduled air carrier meets the requirements of § 40.36–1 of this chapter, the requirements of § 61.200 (c) shall not apply.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1009, as amended; 49 U. S. C. 551)

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-1796; Filed, Feb. 5, 1951; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 41]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* is corrected by changing "Engle, N. Mex., to read "Hot Springs, N. Mex."

2. Section 600.201 *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.)* is amended between Malad City, Idaho, and Rock Springs, Wyo., radio range stations by adding the following: "the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range".

3. Section 600.221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.)* is amended by correcting the first sentence to read: "From the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range via the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range to the Selinsgrove, Pa., nondirectional radio beacon."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. February 6, 1951.

DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-1790; Filed, Feb. 5, 1951; 8:45 a. m.]

[Amdt. 44]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore, is not required. Part 601 is amended as follows:

1. Section 601.1001 control area extension Abilene, Tex., is revoked.

2. Section 601.1195 is amended to read:

§ 601.1195 *Control area extension (Silver Lake, Calif.).* From the Silver Lake, Calif., radio range station extending 5 miles either side of the southeast and northwest courses of the radio range to points 25 miles southeast and northwest of the radio range station.

3. Section 601.1020 is amended to read:

§ 601.1020 *Control area extension (Smithville, Tenn.).* From the Smithville, Tenn., radio range station extending 5 miles either side of the northeast course of the radio range to a point 20 miles northeast of the radio range station.

4. Section 601.1061 control area extension Hilo, Hawaii, is revoked.

5. Section 601.1213 control area extension Lake Charles, La., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

6. Section 601.1214 control area extension Brownsville, Tex., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

7. Section 601.1215 control area extension Galveston, Tex., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

8. Section 601.1216 control area extension New Orleans, La., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

9. Section 601.1217 control area extension New Orleans, La., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

10. Section 601.1218 control area extension New Orleans, La., is amended by adding the following to the present designation: "excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area."

11. Section 601.1984 is amended by deleting the following airports: "Anchorage, Alaska: Merrill Field; Nome, Alaska: Marks AFB;" and by amending "Bedford, Mass.: Bedford Municipal Airport" to read: "Bedford, Mass.: Lawrence G. Hanscom Field".

12. Section 601.2019 is amended to read:

§ 601.2019 *Providence, R. I., control zone.* Within a 5 mile radius of the Theodore Francis Greene Airport (extending 2 miles either side of the southwest course of the Providence, R. I., radio range to a point 10 miles southwest of the radio range station.

13. Section 601.2050 is amended to read:

§ 601.2050 *Garden City, Kans., control zone.* Within a 5 mile radius of the (old) Garden City Municipal Airport including a 5 mile radius of the (new) Garden City Municipal Airport extending 2 miles either side of the north course of the Garden City radio range to a point 10 miles north of the radio range station, and extending 2 miles either side of the 288° magnetic radial of the Garden City omnirange to a point 10 miles northwest of the omnirange station.

14. Section 601.2054 is amended to read:

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5 mile radius of the Hutchinson Municipal Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 32° and 212° magnetic radials of the Hutchinson omnirange from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station.

15. Section 601.2088 is amended to read:

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5 mile radius of the Dodge City Municipal Airport extending 2 miles either side of a 360° True bearing from the Dodge City non-directional beacon to a point 10 miles north of the non-directional beacon, and extending 2 miles either side of the 150° and 330° magnetic radials of the Dodge City omnirange from the Dodge City Municipal Airport to a point 10 miles northwest of the omnirange station.

16. Section 601.2165 is amended to read:

§ 601.2165 *Savannah, Ga., control zone.* Within a 5 mile radius of Travis Field including a 5 mile radius of Hunter AFB, Savannah, Ga., extending to include the area 2 miles either side of the northwest and southeast courses of the Savannah radio range to a point 10 miles southeast of the radio range station, extending 2 miles either side of the southwest course of the radio range to the Richmond Hill fan marker, and extending 2 miles either side of the centerline of the east-west runway of Travis Field to a point 10 miles west of Travis Field.

17. Section 601.2217 Aberdeen, S. Dak., control zone is amended by correcting the name of airport from "Aberdeen Airport" to "Aberdeen Municipal Airport, Saunders Field".

18. Section 601.2278 is added to read:

§ 601.2278 *New Bedford, Mass., control zone.* Within a 5 mile radius of the New Bedford Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the localizer.

19. Section 601.2279 is added to read:

§ 601.2279 *Anchorage, Alaska, control zone.* Within a 10 mile radius of Anchorage International Airport (lat. 61°10'00", long. 149°59'30").

20. Section 601.2280 is added to read:

§ 601.2280 *Hobbs, N. Mex., control zone.* Within a 15 mile radius of Lea County Airport, Hobbs, N. Mex.

21. Section 601.4103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the name "Eagle, N. Mex., radio range station" to "Hot Springs, N. Mex., radio range station".

22. Section 601.4678 is amended to read:

§ 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., February 6, 1951.

DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-1791; Filed, Feb. 5, 1951; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-424]

PART 197—RELATING TO THE INSTALLMENT SALE AND FINANCING OF MOTOR VEHICLES

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of February 6, 1951.

Statement by the Commission. Trade practice rules relating to the sale and financing in commerce of motor vehicles on installment or deferred payment contracts, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are designed to eliminate and prevent certain unfair or deceptive acts or practices in such installment sale of motor vehicles, and in the financing of such sales, which are considered by the Commission to be violative of section 5 of the Federal Trade Commission Act as amended. The rules are applicable to all persons, partnerships, or corporations coming within the jurisdiction[1] of the Commission and will be applied to the elimination of the particular acts or practices therein specified which the Commission believes tend to suppress competition or restrain trade. Subject to commerce and other jurisdictional requirements, appropriate proceedings in the public interest will be taken by the Commission to prevent automobile dealers and financing institutions from engaging in any of the practices defined and proscribed by the rules.

The recent stabilization of prices of motor vehicles by the Government, made necessary by the inflationary trend, makes it more important that such opportunities as may exist for fair competition in the retail marketing of motor vehicles, including sales on the installment plan, be not impaired. The present promulgation of the rules having such objective is especially timely.

Proceedings leading to the establishment of rules were instituted by the Commission on its own motion. A general industry conference was held in Washington, D. C., at which suggestions and objections by interested parties and proposals for rules regarding the matter were presented and given consideration. Thereafter a draft of proposed rules in appropriate form was made available by the Commission and public notice given whereby all interested or affected parties were afforded opportunity to present their views, including such pertinent information, suggestions, or objections as they desired to offer, and to be heard in the premises. Hearing was accordingly held on February 2, 1950, in Washington, D. C., and additional hearings were held before the Commission on April 10, May 5, and May 8, 1950. Following such hearings, all matters presented or otherwise received in the proceedings were duly considered.

Thereafter, and in consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules hereinafter appearing. Such rules become operative thirty (30) days after date of promulgation.

In view of the exemplary objective of these rules, the Commission is hopeful of their approval by all who are engaged in such financing.

General statement. The practices proscribed in Group I rules are such as are considered to be prohibited by laws administered by the Federal Trade Commission. Appropriate proceedings in the public interest will be taken by the Commission to prevent the employment of any such practices in commerce[2] by any person, partnership, corporation, or other organization subject to its jurisdiction.

GROUP I

Sec.
197.1 Misrepresentation as to insurance coverage or rates, financing costs, etc.
197.2 Furnishing the purchaser with itemization of his costs in the installment sale of motor vehicles.
197.3 Installment sales contract containing blank spaces to be filled in after its execution.
197.4 False, misleading, or deceptive use of rate charts in connection with the installment sale and financing of motor vehicles.
197.5 Requiring the placing of insurance by the seller or financing institution as a condition to the sale or financing of a motor vehicle.

AUTHORITY: §§ 197.1 to 197.5 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46.

§ 197.1 *Misrepresentation as to insurance coverage or rates, financing costs, etc.* It is an unfair trade practice for any seller or financing institution, acting individually or in agreement, combination, conspiracy, or collusion with one another, to make any false, misleading, or deceptive statements or representations concerning insurance coverage or rates, plans respecting methods of financing, or financing costs or rates, in connection with the sale at retail of motor vehicles on installment or deferred payment contracts. [Rule 1.]

§ 197.2 *Furnishing the purchaser with itemization of his costs in the installment sale of motor vehicles.* (a) In the installment sale of motor vehicles it is an unfair trade practice for the seller to fail, before the consummation of the sale, to furnish the buyer an itemization in writing signed by the seller separately disclosing to the purchaser the finance charge, insurance costs, and other charges which are paid or to be paid by the purchaser, such failure to separately disclose such items having the capacity and tendency or effect of deceiving the purchaser as to the nature of his costs in the transaction or rendering competition with respect to the cost of financing and cost of the insurance involved ineffective from the standpoint of the purchaser.

[1] The Commission is empowered and directed to prevent persons, partnerships, or corporations, except banks, common carriers subject to the acts to regulate commerce, air carriers and foreign air carriers subject to the Civil Aeronautics Act of 1938, and persons, partnerships, or corporations subject to the Packers and Stockyards Act, 1921, except as provided in section 406 (b) of said act, from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.

[2] As here used the word "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(b) The seller shall be deemed to have fully complied with the requirements of this section when he has furnished the purchaser, before consummation of the sale, an itemization in writing which clearly discloses:

(1) The delivered price of the motor vehicle, including accessories or extras, if any; and

(2) The amounts to be credited as down payment and trade-in, if any; and

(3) The time balance owed by the buyer to seller, the amount of each installment payment to be made by the buyer, and the number of such installment payments, and the due dates thereof; and

(4) The cost of insurance,[1] the coverage provided, and the party or parties to whom the insurance is payable; and

(5) The finance charge; and

(6) Other charges making up the total consideration paid or to be paid by the purchaser, included in the time balance, the amounts and nature of each to be separately stated;

or when all said required information is clearly set forth in the installment sales contract, chattel mortgage, or other instrument evidencing the purchase transaction, and a true copy of such instrument is furnished to the purchaser before or at the time of the execution thereof.

Provided, however, That subparagraphs (1), (2), (3), (4), and (5) of this paragraph need not be stated in the sequence or order above set forth, and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the purchaser: *And provided further,* That when all the said required information is clearly set forth in an installment sales contract, chattel mortgage, or other instrument evidencing the purchase transaction, and a true copy of such instrument is furnished to the purchaser before or at the time of his execution thereof, no additional itemization need be furnished to the purchaser.

(c) In connection with the installment sale of motor vehicles, it is an unfair trade practice for any financing institution to aid or abet a seller in effecting concealment or nondisclosure to the purchaser of the information required to be furnished to the purchaser under the provisions of paragraph (a) of this section. [Rule 2].

§ 197.3 *Installment sales contract containing blank spaces to be filled in after its execution.* In the execution of an installment sales contract, it is an unfair trade practice for the seller to utilize the device of having the purchaser sign a contract or receipt in blank, to be filled in subsequently by the seller or financing institution with the purpose or effect of deceiving the purchaser.

NOTE: Nothing in this section shall be construed as prohibiting unfilled blanks for insertion of identifying serial numbers and identifying marks when knowledge concerning such numbers or marks is not available to the dealer at the time of the execution of the contract; *Provided,* That there is a clear and sufficient description of the motor vehicle which shall be fully adequate to identify it readily; *And provided further,* That such identifying numbers and identifying marks are subsequently inserted in the contract upon the delivery of the motor vehicle.

[Rule 3]

§ 197.4 *False, misleading, or deceptive use of rate charts in connection with the installment sale and financing of motor vehicles.* It is an unfair trade practice for any seller or financing institution, either individually, or in agreement, combination, conspiracy or collusion with each other, through the misuse of a rate or rate charts, or any other device or in any other manner, to make a false, misleading, or deceptive representation to the purchaser of a motor vehicle as to the finance charge required by a financing institution to finance the amount of the unpaid balance of the contract. [Rule 4]

§ 197.5 *Requiring the placing of insurance by the seller or financing institution as a condition to the sale or financing of a motor vehicle.* It is an unfair trade practice for any seller or financing institution, either individually or in agreement or collusion with each other, to condition the installment sale or financing of a motor vehicle on the purchase of an insurance policy from a particular insurance company when equivalent or better coverage by another insurance company is available and the purchaser desires to purchase the policy of such other company, where the effect of such conditioning may be to substantially lessen, stifle, or suppress competition. This section shall not prevent the exercise by the financing institution of the right to approve or disapprove for good cause the insurance company selected to underwrite the insurance. [Rule 5]

Issued: January 31, 1951.

Promulgated by the Federal Trade Commission February 6, 1951.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-1787; Filed, Feb. 5, 1951; 8:45 a. m.]

[1] If at the time of the sale the seller does not know the precise cost of the insurance and cannot ascertain same without unreasonable delay, he may state an estimate of such cost when such estimate is based upon the applicable rate or rates specified in a current rate manual of a recognized standard insurance rating bureau, or upon the applicable rate or rates specified in a rate chart approved by a state insurance administrator of the state in which the motor vehicle is to be kept: *Provided, however,* That when the cost of the insurance is so estimated the itemization to be furnished to the purchaser shall so state, and in conjunction it shall be stated in said itemization that the difference between the estimated cost and the actual cost, and the portion of the finance charge which is based on any overcharge, will be adjusted at the time of the payment of the final installment.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[GCPR, Supp. Reg. 2]

RETAIL COAL DEALERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to the General Ceiling Price Regulation is hereby issued.

Statement of Considerations

The retail coal industry is highly competitive and its product has been in surplus supply. Its prices have not been influenced by conditions developing since the Korean outbreak.

Prices for retail solid fuels reflect the cost of the product at the mine or preparation plant, transportation charges to the retail yard, handling at the yard and delivery to customers. Ceiling prices at the mine, one of the principal components in retail prices, had advances authorized effective February 1, 1951, under Ceiling Price Regulations Nos. 3 and 4, which will have the effect of shrinking the retailer's margin unless provision for adjustment is made. Retail solid fuel prices are subject to General Ceiling Price Regulation of January 26, 1951.

In order that there will be no disruption in the retail solid fuels industry, especially since a good part of the heating season remains, it is imperative that provision be made that a mine price increase may be added to retail prices. Otherwise many of the retail dealers will undergo serious financial hardship. The immediate relief contemplated is based upon actual advances in mine prices and does not change the retailer's margin.

Increases in ceiling mine prices averaged 25 cents per ton on bituminous and other soft coal and 90 cents per ton on anthracite. These increases will differ between mines in the soft coal industry and between sizes in the anthracite industry.

This supplementary regulation is an interim measure until a permanent industry regulation can be prepared and put into effect.

Findings of the Director of Price Stabilization

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 2 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Sec.

1. Applicability of supplementary regulation.
2. Definitions.

Sec

3. Authority to increase ceiling prices.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret, or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation grants authority to retail coal dealers to increase the ceiling prices on certain sizes and kinds of coal sold by them in the 48 States of the United States, the District of Columbia, and the territories and possessions of the United States.

SEC. 2. *Definitions.* When used in this part, the term:

(a) All definitions used in the General Ceiling Price Regulation, issued by the Director on January 26, 1951, which are pertinent to this supplementary regulation, are incorporated in this supplementary regulation by this reference, except those which are more particularly defined and used herein.

(b) "Retail coal dealer" means any person (including the retail outlet, branch or department, of one who is also a producer or wholesaler) to the extent that he sells, delivers, or disposes of coal in a transaction involving the disposal of coal physically handled in a truck, wagon or other less-than-carload facility, without regard to quantity or frequency of delivery.

(c) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant, and any person acting as an agent of a producer in the sale of coal.

(d) "Coal" means (1) bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite coal; (3) Virginia anthracite; and (4) Pennsylvania anthracite.

(e) "Ton" means a short or net ton of 2,000 pounds.

(f) "Distributor" means a person who purchases coal f. o. b. transportation facilities at a mine or preparation plant for resale, and resells the same in not less than cargo or railroad carload lots, or the equivalent thereof, without physically handling such coal, and any person acting as an agent of a distributor.

(g) "F. o. b. mine" means free on board transportation facilities at a mine, a preparation plant or other loading facilities (not including ground storage facilities).

SEC. 3. *Authority to increase ceiling prices.* (a) On and after the 3d day of February 1951, each retail coal dealer may increase the ceiling prices of each size and kind of coal he sells and delivers, determined under the provisions of the General Ceiling Price Regulation issued by the Director of the Office of Price Stabilization on January 26, 1951, by the actual dollar-and-cents per ton amount of increase in the f. o. b. mine price on each such size or grade charged by the retail coal dealer's supplier, either producer or distributor, under the authority of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, delivered from mine or preparation plant) and Ceiling Price Regulation No. 4 (Anthracite delivered from mine or preparation plant), both issued by the Director on February 1, 1951.

(b) The authority to increase base period ceiling prices shall be effective only upon receipt by the retail dealer of an acknowledgment of an order for coal, the shipping notice, and a written statement of the price increase required of the producers under Ceiling Price Regulations Nos. 3 and 4, respectively, showing the exact dollars-and-cents amount of increase the producer has added to the price of his coal under the authority of the aforesaid regulations.

(c) Where purchases of coal are made by a retail coal dealer from suppliers from which no purchases were made during the base period, the retail coal dealer's ceiling price on such coal shall be determined by adding his base period dollar-and-cents margin on a sale of a comparable coal customarily handled which is most nearly like the sale he will make of the new coal.

(d) An unequipped dealer, who is a retail coal dealer without yard facilities or scales, may increase his base period ceiling prices for each size and kind of coal by the exact dollar-and-cents amount of the increase in price charged to him by the retail coal dealer. On sales to unequipped dealers the retail coal dealer shall certify on the sales slip or invoice the exact amount of the increase in price he is hereunder allowed to charge on each such size or grade of coal.

SEC. 4. *Miscellaneous.* The retail coal dealer subject to this supplementary regulation shall be subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 3d day of February 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE, *Director of Price Stabilization.*

FEBRUARY 2, 1951.

[F. R. Doc. 51-1936; Filed, Feb. 5, 1951; 10:18 a. m.]

[CPR 5]

IRON AND STEEL SCRAP

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Order 10161 (15 F. R. 6105), and in accordance with Economic Stabilization Agency General Order No. 2 (16 F. R. 738): *It is hereby ordered,* That price ceilings on the sale of iron and steel scrap shall be effective as provided in this Ceiling Price Regulation No. 5. A statement of the considerations involved in the issuance of this regulation is incorporated hereinafter as Appendix A.

SCOPE OF THE REGULATION

Sec.

1. Prohibitions against dealing in iron and steel scrap at prices above the ceiling.
2. Geographical application.

CEILING PRICES

3. Basing point prices for steel scrap of dealer and industrial origin.
4. Ceiling shipping point prices for steel scrap of dealer and industrial origin.
5. Switching charge deductions.
6. Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin.
7. Basing point prices for steel scrap of railroad origin.
8. Ceiling on-line prices for steel scrap of railroad origin.
9. Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of railroad origin.
10. Ceiling prices for railroad steel scrap sold by sellers other than railroads.
11. Ceiling shipping point and on-line prices for all cast iron scrap.
12. Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for all cast iron scrap.
13. Ceiling prices for shipment by truck for all steel or cast iron scrap.

GENERAL PROVISIONS

14. Unlisted grades.
15. Intransit preparation.
16. Ceiling preparation charges.
17. Premiums for alloy content.
18. Mixed shipments.
19. Commissions.
20. Unprepared scrap.
21. Transportation.
22. Weights to govern.

SPECIFICATIONS

23. Steel grades of dealer and industrial origin.
24. Steel grades of railroad origin.
25. All cast iron grades.

MISCELLANEOUS PROVISIONS

26. Imported scrap.
27. Exported scrap.
28. Definitions.
29. Records and reports.
30. Less than maximum prices.
31. Evasion.
32. Enforcement.
33. Petitions for amendment.

Appendix A Statement of Consideration.

AUTHORITY: Sections 1 to 33 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SCOPE OF THE REGULATION

SECTION 1. *Prohibitions against dealing in iron and steel scrap at prices above the ceiling.* On and after the 7th day of February 1951, regardless of any contract or other obligation:

(a) No person shall sell or deliver iron or steel scrap to a consumer of scrap or his broker at prices higher than the ceiling prices established by this regulation;

(b) No person shall sell, deliver, buy or receive prepared iron or steel scrap at prices higher than the applicable ceiling prices established by this regulation;

(c) No industrial producer or railroad or governmental agency (whether federal, state or local) shall sell or deliver unprepared iron or steel scrap to any person at prices higher than the applicable ceiling prices established by this regulation. No person shall buy or receive unprepared iron or steel scrap from

such industrial producer or railroad or governmental agency at prices higher than the applicable ceiling prices established by this regulation;

(d) No consumer of scrap or his broker shall buy or receive iron or steel scrap at prices higher than the ceiling prices established by this regulation;

(e) No person shall export or sell iron or steel scrap to an exporter at prices higher than the ceiling prices established by this regulation;

(f) No person shall charge or pay a fee for the service of preparing iron or scrap in excess of the ceiling preparation charges established by this regulation;

(g) No person shall sell or deliver iron or steel scrap upon condition that the buyer shall sell or deliver to any person any other commodity. No person shall buy or receive iron or steel scrap upon the condition that he shall sell or deliver to any person any other commodity;

(h) No person shall act as both broker and dealer in the purchase of any single lot or item of iron or steel scrap, where the price paid for such lot or item of iron or steel scrap would exceed the applicable ceiling prices established by this regulation;

(i) No person shall agree, offer, solicit or attempt to do any of the foregoing.

SEC. 2. *Geographical application.* This regulation shall apply to sales, deliveries, and preparation of iron or steel scrap in the forty-eight states of the United States and the District of Columbia.

CEILING PRICES

SEC. 3. *Basing point prices for steel scrap of dealer and industrial origin—(a) Basing point prices from which maximum shipping prices are computed—(1) Basing point prices for the base grade, No. 1 heavy melting steel, Grade 1:*

Basing point:	Price per gross ton
Alabama City, Ala.	$39.00
Ashland, Ky.	42.00
Atlanta, Ga.	39.00
Bethlehem, Pa.	42.00
Birmingham, Ala.	39.00
Brackenridge, Pa.	44.00
Buffalo, N. Y.	43.00
Butler, Pa.	44.00
Canton, Ohio	44.00
Chicago, Ill.	42.50
Cincinnati, Ohio	43.00
Claymont, Del.	42.50
Cleveland, Ohio	43.00
Coatesville, Pa.	42.50
Conshohocken, Pa.	42.50
Detroit, Mich.	40.00
Duluth, Minn.	40.00
Harrisburg, Pa.	42.50
Houston, Tex.	37.00
Johnstown, Pa.	44.00
Kansas City, Mo.	39.50
Kokomo, Ind.	42.00
Los Angeles, Calif.	35.00
Middletown, Ohio	43.00
Midland, Pa.	44.00
Minnequa, Colo.	38.00
Monessen, Pa.	44.00
Phoenixville, Pa.	42.50
Pittsburg, Calif.	35.00
Pittsburgh, Pa.	44.00
Portland, Oreg.	35.00
Portsmouth, Ohio	42.00
St. Louis, Mo.	41.00
San Francisco, Calif.	35.00
Seattle, Wash.	35.00
Sharon, Pa.	44.00
Sparrows Point, Md.	42.00
Steubenville, Ohio	$44.00
Warren, Ohio	44.00
Weirton, W. Va.	44.00
Youngstown, Ohio	44.00

(2) Differentials per gross ton above or below the price of Grade 1 (No. 1 heavy melting steel) for other grades of steel scrap.

OPEN HEARTH AND BLAST FURNACE GRADES

Grades:	Differentials
2. No. 2 heavy melting steel	−$2.00
3. No. 1 busheling	Base
4. No. 1 bundles	Base
5. No. 2 bundles	−3.00
6. Machine shop turnings	−10.00
7. Mixed borings and short turnings	−6.00
8. Shoveling turnings	−6.00
9. No. 2 busheling	−4.00
10. Cast iron borings	−6.00

ELECTRIC FURNACE AND FOUNDRY GRADES

11. Billet, bloom and forge crops	+7.50
12. Bar crops and plate scrap	+5.00
13. Cast steel	+5.00
14. Punchings and plate scrap	+2.50
15. Electric furnace bundles	+2.00
16. Cut structural and plate scrap 3' and under	+3.00
17. Cut structural and plate scrap 2' and under	+5.00
18. Cut structural and plate scrap 1' and under	+6.00
19. Briquetted cast iron borings	Base
20. Foundry steel, 2 feet and under	+2.00
21. Foundry steel, 1 foot and under	+4.00
22. Springs and crankshafts	−1.00
23. Alloy free turnings	−3.00
24. Heavy turnings	−1.00

SPECIAL GRADES

25. Briquetted turnings	Base
26. No. 1 chemical borings	−3.00
27. No. 2 chemical borings	−4.00
28. Wrought iron	+10.00
29. Shafting	+10.00

(b) *Restrictions on use.* (1) The prices established for Grade 11 (billet, bloom and forge crops), Grade 23 (alloy free turnings) and Grade 24 (heavy turnings) may be charged only when shipped to a consumer directly from an industrial producer of such grades; otherwise the ceiling prices for such grades shall not exceed the prices established for the corresponding grades of basic open hearth and blast furnace scrap.

(2) The prices established for Grade 26 (No. 1 chemical borings) and Grade 27 (No. 2 chemical borings) may be charged only when such grades are sold for use for chemical or annealing purposes; otherwise the ceiling prices for such grades shall not exceed the price established for Grade 10 (cast iron borings).

(3) The price established for Grade 28 (wrought iron) may be charged only when sold to a producer of wrought iron; otherwise the ceiling price for such grade shall not exceed the ceiling price established for the corresponding grade of basic open hearth.

(c) *Special pricing provisions.* (1) Sellers of Grade 26 (No. 1 chemical borings) and Grade 27 (No. 2 chemical borings) may make an extra charge of $1.50 per gross ton for loading in boxcars or 75 cents per gross ton for covering gondola cars with a weather-resistent covering.

(2) The ceiling price of pit scrap, ladle scrap, salamander scrap, skulls, skimmings or scrap recovered from slag dumps and prepared to charging box size, shall be computed by deducting from the price of No. 1 heavy melting steel of dealer and industrial origin, the following amounts:

Where the iron content is 85 percent and over	−$4.00
Where the iron content is 75 percent and over	−6.00
Where the iron content is less than 75 percent	−10.00

(3) The ceiling price of any inferior grade of iron or steel scrap not listed in section 3 (a) (2) hereof shall not exceed the price of No. 1 heavy melting steel less $15.00.

SEC. 4. *Ceiling shipping point prices for steel scrap of dealer and industrial origin.* (a) For shipping points located within a basing point named in section 3 hereof, the ceiling shipping point price for any grade of steel scrap shall be the price established at such basing point, minus the applicable switching charge deduction set forth in section 5 hereof.

(b) For shipping points located outside the basing points named in section 3 hereof, the ceiling shipping point price of any grade of iron or steel scrap shall be the price established for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. (The most favorable basing point is the basing point named in section 3 hereof which will yield the highest shipping point price.)

(c) Where water rates are involved in the computations under paragraph (b) of this section the following additional deductions must be made. A flat charge of $1.25 per gross ton for dock charges, except, however, that at Memphis, Tennessee, the deduction shall be 95 cents per gross ton; at Great Lakes ports, $1.50 per gross ton; and at New England ports, $1.75 per gross ton.

Where the shipping point is located outside of the switching district of the city from which the water rate is applicable, the lowest established charge for transporting scrap by rail from the shipping point to the f. a. s. vessel point must be deducted. No deduction for switching charges need be made where the shipping point is located within the switching district of the city from which the water rate is applicable. If there is no established charge for transporting scrap by rail from the shipping point to the f. a. s. vessel point, water rates may not be used in computing shipping point prices.

(d) The ceiling shipping point price for No. 1 heavy melting steel (with differentials established in section 3 hereof for all other grades) at all shipping points in New York City (or Brooklyn, New York) shall be $36.99 per gross ton.

(e) Ceiling shipping point prices at all shipping points in Hudson and Bergen Counties, New Jersey, shall be computed from the Bethlehem, Pa., basing point.

(f) Ceiling shipping point prices at all shipping points in the State of New Jersey shall be computed by the use of all rail transportation charges.

(g) The ceiling shipping point price for No. 1 heavy melting steel (with differentials established in section 3 hereof for all other grades) need not fall below $32.00 per gross ton.

SEC. 5. *Switching charge deductions.* The switching charges to be deducted from the basing point price of dealer and industrial scrap as set forth in section 3 hereof, or the basing point price of non-operating railroad scrap, as set forth in section 7 hereof, in order to determine the ceiling shipping point prices for such scrap originating in basing points, are as follows:

(a) Basing point:

	Dollars per gross ton
Alabama City, Ala.	$0.43
Ashland, Ky.	.47
Bethlehem, Pa.	.52
Birmingham, Ala.	.50
Brackenridge, Pa.	.53
Buffalo, N. Y.	.83
Butler, Pa.	.65
Atlanta, Ga.	.51
Canton, Ohio	.51
Chicago, Ill.	1.34
Cincinnati, Ohio	.65
Claymont, Del.	.79
Cleveland, Ohio	.76
Coatesville, Pa.	.50
Conshohocken, Pa.	.20
Detroit, Mich.	.95
Duluth, Minn.	.50
Harrisburg, Pa.	.51
Houston, Tex.	.57
Johnstown, Pa.	.75
Kansas City, Mo.	.78
Kokomo, Ind.	.51
Los Angeles, Calif.	.66
Middletown, Ohio	.26
Midland, Pa.	.75
Minnequa, Colo.	.33
Monessen, Pa.	.51
Phoenixsville, Pa.	.51
Pittsburg, Calif.	.65
Pittsburgh, Pa.	.99
Portland, Oreg.	.52
Portsmouth, Ohio	.51
St. Louis, Mo.	.51
San Francisco, Calif.	.66
Seattle, Wash.	.59
Sharon, Pa.	.75
Sparrows Point, Md.	.20
Steubenville, Ohio	.51
Warren, Pa.	.75
Weirton, W. Va.	.70
Youngstown, Ohio	.75

(b) The Pittsburgh, Pa., basing point includes the switching districts of Bessemer, Homestead, Duquesne and Munhall, Pa.

(c) The Cincinnati, Ohio, basing point includes the switching district of Newport, Ky.

(d) The St. Louis, Mo., basing point includes the switching districts of Granite City, East St. Louis and Madison, Ill.

(e) The San Francisco, Calif., basing point includes the switching districts of South San Francisco, Niles and Oakland, Calif.

(f) The Claymont, Del., basing point includes the switching districts of Chester, Pa.

(g) The Chicago, Ill., basing point includes the switching district of Gary, Ind.

(h) The Los Angeles, Calif., basing point includes the Firestone switching district.

SEC. 6. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin.* (a) The ceiling delivered price of any grade of steel scrap delivered by rail, vessel, or combination thereof, shall be the shipping point price as determined in section 4 hereof, plus the actual charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed.

(b) If delivery to the consumer involves vessel movement, the actual charges incurred at a public dock may be added to the actual transportation charges. Where the dock facilities are owned or controlled by the shipper of the scrap, a maximum charge of $1.25 per gross ton may be added to the actual transportation charges; except that the maximum charge shall be 95 cents per gross ton at Memphis, Tenn., $1.50 per gross ton at any Great Lakes port, or $1.75 per gross ton at any New England port.

(c) In the case of water movement by deck scow or railroad lighter, no established charges at the dock or any charge or cost customarily incurred at the dock may be included in the delivered price. In lieu thereof a maximum charge of $1.25 per gross ton may be included in the delivered price.

SEC. 7. *Basing point prices for steel scrap of railroad origin—(a) Basing point prices from which ceiling on-line and ceiling delivered prices are computed—(1) Basing point prices for the base grade, No. 1 railroad heavy melting steel, Grade 1.*

	Price per gross ton
Alabama City, Ala.	$41.00
Ashland, Ky.	44.00
Atlanta, Ga.	41.00
Bethlehem, Pa.	44.00
Birmingham, Ala.	41.00
Brackenridge, Pa.	46.00
Buffalo, N. Y.	45.00
Butler, Pa.	46.00
Canton, Ohio	46.00
Chicago, Ill.	44.50
Cincinnati, Ohio	45.00
Claymont, Del.	44.50
Cleveland, Ohio	45.00
Coatesville, Pa.	44.50
Conshohocken, Pa.	44.50
Detroit, Mich.	42.00
Duluth, Minn.	42.00
Harrisburg, Pa.	44.50
Houston, Tex.	39.00
Johnstown, Pa.	46.00
Kansas City, Mo.	41.50
Kokomo, Ind.	44.00
Los Angeles, Calif.	37.00
Middletown, Ohio	45.00
Midland, Pa.	46.00
Minnequa, Colo.	40.00
Monessen, Pa.	46.00
Phoenixville, Pa.	44.50
Pittsburg, Calif.	37.00
Pittsburgh, Pa.	46.00
Portland, Oreg.	37.00
Portsmouth, Ohio	44.00
St. Louis, Mo.	43.00
San Francisco, Calif.	37.00
Seattle, Wash.	37.00
Sharon, Pa.	46.00
Sparrows Point, Md.	44.00
Steubenville, Ohio	46.00
Warren, Ohio	46.00
Weirton, W. Va.	46.00
Youngstown, Ohio	46.00

(2) Differentials per gross ton above or below the price of Grade 1 (No. 1 railroad heavy melting steel) for other grades of railroad steel scrap.

Grades:	Differentials
2. No. 2 heavy melting steel	−$2.00
3. No. 2 steel wheels	Base
4. Hollow bored axles	Base
5. No. 1 busheling	−3.50
6. No. 1 turnings	−3.00
7. No. 2 turnings, drillings and borings	−12.00
8. No. 2 cast steel	−6.00
9. Uncut frogs and switches	Base
10. Flues, tubes and pipes	−8.00
11. Structural, wrought iron and/or steel, uncut	−6.00
12. Destroyed steel cars	−8.00
13. No. 1 sheet scrap	−9.50
14. Scrap rails, random lengths	−2.00
15. Rerolling rails	−7.00
16. Cut rails, 3 feet and under	−5.00
17. Cut rails, 2 feet and under	−6.00
18. Cut rails, 18 inches and under	−8.00
19. Cast steel No. 1	−3.00
20. Uncut tires	+2.00
21. Cut tires	−5.00
22. Uncut bolsters and side frames	Base
23. Cut bolsters and side frames	−3.00
24. Angle and splice bars	−5.00
25. Solid steel axles	+12.00
26. Steel wheels, No. 3 oversize	Base
27. Steel wheels, No. 3	−5.00
28. Spring steel	+5.00
29. Couplers and knuckles	+5.00
30. Wrought iron	+8.00

(b) *Restrictions on use.* (1) The price established for grade 15 (rerolling rails) may be charged only when purchased and sold for rerollling use; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for grade 14 (scrap rails in random lengths). (The term "rerolling rails" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for relaying).

(2) The price established for grade 30 (Wrought Iron) may be charged only when sold to a producer of Wrought Iron; otherwise, the ceiling price for such grade shall not exceed the ceiling price established for the base grade, No. 1 railroad heavy melting steel.

SEC. 8. *Ceiling on-line prices for steel scrap of railroad origin.* The term "on-line prices" means the ceiling prices that the originating railroad may charge for scrap delivered to a consumer located on the line of the railroad.

(a) *On-line prices for operating railroads operating in a basing point.* The ceiling on-line price of any grade of steel scrap originating from an operating railroad operating in a basing point named in section 7 hereof shall be the price established in that section for the scrap at the highest priced basing point in which the railroad operates.

(b) *On-line prices for operating railroads not operating in a basing point.* The ceiling on-line price of any grade of steel scrap originating from an operating railroad not operating in a basing point named in section 7 hereof shall be the price established for the scrap at the most favorable basing point named in that section minus the foreign line proportion of the lowest established charge for transporting scrap by rail from the scrap accumulation point of

the railroad to such basing point. (The "scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year 1950.) The ceiling on-line prices of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 hereof for all other grades).

The "most favorable basing point" is the basing point named in section 7 hereof which will yield the highest ceiling on-line price.

On and after the effective date of this regulation, no operating railroad not operating in a basing point named in section 7 hereof may sell or offer to sell iron and steel scrap to a consumer or his broker (without obtaining prior written approval from the Office of Price Stabilization) unless it has filed with the Office of Price Stabilization, Washington 25, D. C., a statement in writing setting forth its ceiling on-line price for No. 1 railroad heavy melting steel and describing the method by which the said ceiling on-line price was calculated and such statement has been approved in writing by the Office of Price Stabilization, Washington, D. C. The statement shall include: the most favorable basing point selected, the price at such basing point, the location of the scrap accumulation point, the lowest established charge for transporting scrap by rail from such accumulation point to the named basing point, and the foreign line proportion of such lowest established charge.

(c) *Non-operating railroad.* (1) The ceiling on-line (or shipping point) price of any grade of steel scrap originating from a non-operating railroad shall be the price established for the scrap at the most favorable basing point named in section 7 hereof minus the lowest established charge for transporting scrap by rail from the scrap accumulation point of the railroad to such basing point. (The "scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year 1950; except, that the non-operating railroad may be permitted to use more than one accumulation point upon filing with the Office of Price Stabilization notice thereof showing the tonnage shipped from such additional point during 1950). The ceiling on-line price of No. 1 railroad heavy melting steel need not fall below $34.00 per gross ton (with differentials established in section 7 hereof for all other grades). The "most favorable basing point" is the basing point named in section 7 hereof which will yield the highest ceiling on-line or shipping point price.

(2) Where the non-operating railroad is located within a basing point set forth in section 7 hereof, the switching charge deductions established in section 5 hereof shall be applicable.

SEC. 9. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for steel scrap of railroad origin*—(a) *When delivered to a consumer located on the line of a railroad.* The ceiling delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer's plant located on the line of that railroad shall be the ceiling on-line price established in section 8 hereof.

(b) *When delivered to a consumer located off the line of the originating railroad.* The ceiling delivered price of any grade of steel scrap originating from an operating railroad and delivered to a consumer located off the line of that railroad, by rail, vessel or combination thereof, shall be the ceiling on-line price established in section 8 hereof, plus the foreign line proportion of the through rate from the point of shipment to the consumer's plant via the junction nearest such plant in terms of transportation charges, or the commercial rate from such nearest junction to the consumer's plant (unless off-line routing at another point is directed by order of a government agency). In no case may a railroad seller participate in the transportation charges incurred in off-line delivery of scrap unless the ceiling on-line price for the scrap is reduced by the amount of the participation in the off-line charges.

(c) *When delivered to a consumer from a non-operating railroad.* The ceiling delivered price of any grade of steel scrap originating from a non-operating railroad shall be the ceiling price established in section 8 (c) hereof, plus transportation charges to the point of delivery. Such transportation charges shall be computed in the same manner as charges allowable under section 6 or 15 hereof for dealer or industrial scrap.

SEC. 10. Ceiling prices for railroad *steel scrap sold by sellers other than railroads.* (a) Railroad steel scrap prepared by a dealer or moving through a dealer's yard (except for unprepared scrap prepared in-transit pursuant to section 15 hereof) or sold by any other person than a railroad as defined in this regulation, shall be classified and priced under sections 3 and 4 hereof except that for Grades Nos. 3, 4, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of steel scrap set forth in section 7 (a) (2) hereof, the ceiling shipping point prices shall be the same as those established for non-operating railroads in section 8 (c) hereof, and the ceiling delivered prices shall be the same as those established for non-operating railroads in section 9 (c) hereof.

(b) Where a dealer or contractor demolishes railroad equipment on the property of, or in a yard provided exclusively for that purpose by the railroad awarding the contract, the resultant railroad scrap may be sold at prices not in excess of the ceiling prices established in section 8 (c) hereof for non-operating railroads; *Provided*, That in each case the dealer or contractor awarded such contract by a railroad reports to the Office of Price Stabilization, Washington 25, D. C., within 7 days after the award of the contract the name of the selling railroad, the type of equipment involved, the location at which demolition will take place, and the estimated tonnage of each grade of scrap resulting; also such other relevant information as he considers necessary or advisable to explain the transaction.

SEC. 11. *Ceiling shipping point and ceiling on-line prices for all cast iron scrap.* (a) The ceiling price per gross ton for any of the following grades of cast iron scrap shall be the price shown in the following table, f. o. b. the shipping point:

Grades:	Price per gross ton
1. Cast iron No. 1 (cupola cast)	$49.00
2. Cast iron No. 2 (charging box cast)	47.00
3. Cast iron No. 3 (heavy breakable cast)	45.00
4. Cast iron No. 4 (burnt cast)	41.00
5. Cast iron brake shoes	41.00
6. Stove plate	46.00
7. Clean auto cast	52.00
8. Unstripped motor blocks	43.00
9. Wheels No. 1	47.00
10. Malleable	55.00
11. Drop broken machinery casts	52.00

(b) *Restrictions on use.* (1) The ceiling shipping point or on-line price which a basic open hearth consumer may pay for cast iron No. 1 (cupola cast), wheels No. 1, clean auto cast or malleable shall be the ceiling price established for cast iron No. 3 (heavy breakable cast).

(2) The ceiling shipping point or on-line price which any foundry consumer other than a malleable iron producer may pay for Grade 10 (malleable) shall be the ceiling price established for cast iron No. 1 (cupola cast).

SEC. 12. *Ceiling delivered prices for shipment by rail, vessel, or combination thereof, for all cast-iron scrap.* (a) The ceiling delivered price for shipment by rail, vessel, or combination thereof of any grade of cast iron scrap of dealer or industrial origin shall be the shipping point price as determined in section 11 hereof plus the actual charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed. If delivery to the consumer involves water movement the actual charges incurred at a public dock may be added to the actual transportation charges. Where the dock facilities are owned or controlled by the shipper of the cast-iron scrap, the following maximum dock charges may be added to the actual transportation charges: At Memphis, Tenn., 95 cents per gross ton; at any Great Lakes port, $1.50 per gross ton; at all New England ports, $1.75 per gross ton; and at all other ports, $1.25 per gross ton.

SEC. 13. *Ceiling delivered prices for shipment by truck for all steel or cast-iron scrap.* (a) Where delivery of any grade of iron or steel scrap is made by public carrier truck, the ceiling delivered price shall be the ceiling shipping point price, or in the case of railroad scrap, the ceiling on-line price, as established in section 4, 8, 10 or 11 hereof, whichever is applicable, plus the actual public carrier charge.

(b) Where delivery of any grade of iron or steel scrap is made in a truck owned or controlled by the shipper or broker of the scrap, the ceiling delivered price shall be the ceiling shipping point price, or in the case of railroad scrap, the ceiling on-line price, as established in section 4, 8, 10 or 11 hereof, whichever is applicable, plus the established rail carload freight rate for shipping scrap from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, except that, the transportation charge for delivering any grade of iron or steel scrap in a truck owned or controlled by the shipper shall not be in excess of $4.00 and need not fall below $2.50 per gross ton.

GENERAL PROVISIONS

SEC. 14. *Unlisted grades.* If the seller is unable to determine a ceiling price for any grade of iron or steel scrap under the applicable provisions hereof (which, in the opinion of the Director of Price Stabilization, provide adequate pricing instructions for all recognized grades), he shall file an application for approval of a ceiling price with the Office of Price Stabilization, Washington 25, D. C. The application shall set forth: (a) A complete description of the material, and (b) the ceiling price being requested.

The seller may not deliver or sell at his requested price until he has received written approval of the price from the Office of Price Stabilization.

SEC. 15. *Intransit preparation.* (a) A consumer may designate a dealer or dealers to prepare steel scrap of dealer and industrial origin intransit on a preparation fee basis under one of the following circumstances:

(1) Where unprepared steel scrap of dealer and industrial origin is allocated for preparation intransit by the National Production Authority.

(2) Where a consumer purchases unprepared scrap of dealer and industrial origin in rail carload lots.

(3) Where Grade 6 (machine shop turnings) or other grades of long or bushy turnings are allocated by the National Production Authority in rail carload lots to a consumer, or where a consumer purchases such turnings in rail carload lots for crushing.

(4) Where Grade 10 (cast iron borings) is allocated by the National Production Authority to a consumer for briquetting.

(b) A consumer may designate a dealer or dealers to prepare steel scrap of railroad origin intransit on a preparation fee basis only where a consumer without adequate preparation facilities purchases unprepared steel scrap from an originating railroad.

(c) A consumer may designate a dealer or dealers to prepare cast iron scrap intransit on a preparation fee basis where such consumer is without adequate preparation facilities.

(d) No fee may be paid to the person preparing scrap intransit pursuant to the provisions of this section if the scrap originates in the preparer's yard or if title to the scrap resides in the preparer at any time after the scrap leaves its shipping point, unless such scrap is allocated by the National Production Authority.

(e) The maximum preparation fee for preparing any grade of iron or steel scrap intransit shall be the applicable fee established in section 16 hereof.

(f) Whenever intransit preparation of iron or steel scrap is permissible pursuant to the provisions of this section, the ceiling delivered price shall be the ceiling shipping point price or ceiling on-line price for unprepared scrap plus the rail transportation charges incurred in moving the scrap to the point of preparation, plus the applicable ceiling preparation fee as established in section 16 hereof, plus the transportation charges from the preparation yard to the point of delivery as established and restricted in section 6, 9, 12 or 13 hereof, whichever is applicable.

SEC. 16. *Ceiling preparation charges.* (a) The ceiling fees which may be charged for intransit preparation of any grade of steel scrap of dealer or industrial origin which is allocated by the National Production Authority to a consumer, shall be as follows:

(1) For preparing into Grade No. 1 (No. 1 heavy melting steel), Grade No. 2 (No. 2 heavy melting steel) or Grade No. 3 (No. 1 busheling), $8.00 per gross ton.

(2) For hydraulically compressing Grade No. 4 (No. 1 bundles), $6.00 per gross ton or Grade No. 5 (No. 2 bundles), $8.00 per gross ton.

(3) For crushing Grade No. 6 (machine shop turnings), $3.00 per gross ton.

(4) For preparing into Grade No. 25 (briquetted turnings), $6.00 per gross ton.

(5) For preparing into Grade No. 19 (briquetted cast iron borings), $6.00 per gross ton.

(6) For preparing into Grade No. 12 (bar crops and plate scrap), Grade No. 13 (cast steel), Grade No. 14 (punchings and plate scrap), or Grade No. 18 (cut structural and plate scrap, 1 foot and under), $10.00 per gross ton.

(7) For preparing into Grade No. 17 (cut structural and plate scrap, 2 feet and under) or Grade No. 21 (foundry steel, one foot and under), $10.00 per gross ton.

(8) For preparing into Grade No. 16 (cut structural and plate scrap, 3 feet and under), or Grade No. 20 (foundry steel, two feet and under), $10.00 per gross ton.

(9) For hydraulically compressing Grade No. 15 (electric furnace bundles), $8.00 per gross ton.

(10) For preparing into Grade No. 28 (wrought iron), $10.00 per gross ton.

(b) The ceiling fees which may be charged for intransit preparation of any grade of steel scrap of railroad origin shall be as follows:

(1) For preparing into Grade No. 1 (No. 1 railroad heavy melting steel) and Grade No. 2 (No. 2 railroad heavy melting steel), $8.00 per gross ton.

(2) For hydraulically compressing Grade No. 13 (No. 1 sheet scrap), $6.00 per gross ton.

(3) For preparing into Grade No. 16 (Cut Rails, 3 feet and under), $4.00 per gross ton.

(4) For preparing into Grade No. 17 (Cut Rails, 2 feet and under), $5.00 per gross ton.

(5) For preparing into Grade No. 18 (Cut Rails, 18 inches and under), $7.00 per gross ton.

(6) For preparing into Grade No. 21 (cut tires), $4.00 per gross ton.

(7) For preparing into Grade No. 23 (cut Bolsters and side Frames), $4.00 per gross ton.

(c) The ceiling fees which may be charged for intransit preparation of cast iron shall be limited to the following: For preparing Grade No. 8 (unstripped motor blocks) into Grade No. 7 (clean auto cast), $9.00 per gross ton, and Grade No. 3 (heavy breakable cast) into Grade No. 1 (cast iron No. 1), $4.00 per gross ton.

(d) Whenever scrap has arrived at its point of delivery and the consumer engages a dealer to prepare such scrap, no fee may be charged or paid for such service unless the consumer obtains prior written approval from the Office of Price Stabilization, Washington 25, D. C.

(e) No preparation charge other than the charges set forth in this section may be made for the preparation of any grade of iron or steel scrap unless the consumer has secured prior written approval of such charge from the Office of Price Stabilization, Washington 25, D. C.

SEC. 17. *Premiums for alloy content.* With the exception of the premium specifically authorized in this section no premium may be charged for alloys contained in iron or steel scrap. Except as outlined below the premiums are not confined to a particular use.

(a) *Nickel.* A premium of $1.25 per gross ton for each ¼ of 1 percent may be charged in addition to the applicable ceiling price for No. 1 heavy melting steel where the scrap contains not less than 1 percent and not over 5.25 percent nickel.

(b) *Molybdenum.* A premium of $2.00 per gross ton may be charged in addition to the applicable ceiling price for No. 1 heavy melting steel for scrap containing not less than 0.15 percent molybdenum. A premium of $3.00 per gross ton may be charged in addition to the applicable ceiling price for No. 1 heavy melting steel for scrap containing not less than 0.65 percent molybdenum.

(c) *Manganese.* A premium of $4.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10 percent manganese and is in sizes larger than 12" x 24" x 8". A premium of $14.00 per gross ton over the applicable basing point price for No. 1 heavy melting steel or No. 1 railroad heavy melting steel may be charged where scrap contains not less than 10 percent manganese and is cut to sizes of 12" x 24" x 8" or smaller. The manganese premiums provided in this paragraph are only applicable if the scrap is sold for electric furnace use except on allocation by the National Production Authority.

(d) *Silicon.* The adjustments established under section 4 hereof for electric furnace, and foundry grades shall not be applicable if the scrap contains silicon between 0.5 percent and 1.75 percent.

(e) *Chromium.* Steel scrap conforming to SAE 52100 may command a premium of $1.00 per gross ton in addition to the applicable ceiling price for the corresponding grade when sold for electric furnace use only, but in no event shall the ceiling price plus the premium

provided herein exceed the ceiling price for No. 1 heavy melting steel plus $1.00.

(f) *Multiple alloys.* Where any grade of scrap contains two alloy elements for which premiums have been established in this section, the total premium may not exceed the ceiling premium for any one contained alloy.

SEC. 18. *Mixed shipments.* When grades of scrap commanding different ceiling prices under the provisions of this regulation are included in one vehicle, the ceiling price shall be the applicable ceiling price in section 4, 8, 10 or 11 hereof for the lowest grade contained in the vehicle, except when the grades are invoiced as separate grades and the grades are so loaded in the vehicle that they can readily be distinguished and separately weighed.

SEC. 19. *Commissions.* (a) No commission shall be payable on sales made under this regulation except by a consumer to a broker for brokerage services rendered to the consumer. Where scrap is allocated by the National Production Authority other than from a government agency, the seller may designate a broker. Where scrap is allocated by the National Production Authority from a governmental agency, the consumer may designate a broker. In the event that a broker purchases iron or steel scrap for sale to a consumer, such consumer may pay such broker a commission not exceeding $1.00 per gross ton. No commission shall be payable unless

(1) The broker is regularly and primarily engaged in the business of buying and selling iron and steel scrap;

(2) The broker guarantees the quality and delivery of an agreed tonnage of scrap;

(3) The scrap is purchased by the consumer at a price no higher than the ceiling prices established in this regulation;

(4) The broker sells the scrap to the consumer at the same price, with the same discounts and allowances, at which he purchased it, and does not include in the shipping point price any cost, fee, or charge incurred in placing the scrap at its shipping point;

(5) The broker does not split or divide the commission in whole or in part, with the seller or sellers of the scrap, or with another broker, or sub-broker, or with the consumer;

(6) The commission is shown as a separate item on the invoice.

(b) No commission shall be payable to a person for scrap which he prepares.

(c) No commission shall be payable to a person controlling, or holding directly or indirectly a substantial financial interest in the person preparing the scrap, or to a person employed or controlled by the person preparing the scrap, or to a person in whom the person preparing the scrap holds directly or indirectly a substantial financial interest or control.

SEC. 20. *Unprepared scrap.* (a) The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or automobiles, which must be so priced that the prepared scrap will be delivered to the consumer within the ceiling delivered prices established by this regulation.

(b) For unprepared steel scrap other than materials suitable for hydraulic compression, the ceiling basing point prices shall be $8.00 per gross ton beneath the price of the prepared base grades, No. 1 heavy melting steel or No. 1 railroad heavy melting steel, as established in section 3 or 7.

(c) For unprepared material which when compressed constitutes No. 1 bundles the ceiling basing point price shall be $6.00 per gross ton beneath the ceiling basing point price for No. 1 bundles or when compressed constitutes No. 2 bundles the ceiling basing point price shall be $3.00 per gross ton beneath the ceiling basing point price for No. 2 bundles, as established in section 3 hereof.

(d) Any iron casting which cannot be broken with an ordinary drop into Grade No. 2 (cast iron No. 2) or Grade No. 1 (cast iron No. 1) as established in section 11 hereof may not be classified as Grade No. 3 (cast iron No. 3). Where such iron casting requiring blasting or other special preparation is sold to a consumer of scrap, the shipping point price for Grade No. 3 (cast iron No. 3) as established in section 11 hereof must be reduced by the amount of the additional charges required for preparation.

SEC. 21. *Transportation charges.* (a) The rail or vessel charges, or combination rail-vessel charges, used in computing ceiling shipping point or ceiling on-line prices in section 4 or 8 hereof need not reflect any increase in rates which became effective after January 1, 1951, nor need such charges reflect any transportation tax.

(b) Any tax imposed upon the transportation charges from the shipping point to the point of delivery, may be included in the ceiling delivery price.

(c) No vessel charge shall be deemed an established charge within the provisions of this regulation unless regular vessel movement of scrap, except for seasonal restrictions, is being made to the most favorable basing point as of the effective date of this regulation, as a customary business practice.

(d) Where rail or vessel charges vary because of seasonal factors, the lowest established charge shall be the lowest charge in effect at any time during the year.

SEC. 22. *Weights to govern.* (a) Except as otherwise provided in this section, settlement for all scrap shall be made on the basis of weights at the point of delivery.

(b) *Rail shipments.* If the consumer is a member of a weighing association, settlement shall be on the basis of mill weights. If the consumer does not have weighing facilities, settlement shall be made on the basis of railroad weights at the point of delivery.

No adjustment need be made for shortages of 500 pounds or less per car between shipping point weights and weights at the point of delivery. If the shortage exceeds 500 pounds per car, adjustment must be made for the full shortage.

(c) *Vessel shipment.* When shipment is wholly or partially by vessel, weights at the dock prior to vessel movement shall govern. If the scrap moves from the shipping point to the dock by rail and weights at the shipping point have been determined, no adjustment need be made for differences of 500 pounds or less per car between shipping point weights and weights at the dock. If the difference exceeds 500 pounds per car, adjustment must be made for the full shortage in the car.

SPECIFICATIONS

SEC. 23. *Steel grades of dealer and industrial origin.* All grades must be free of dirt, non-ferrous metals or foreign material of any kind and free of excessive rust and corrosion.

(a) *Basic open hearth and blast furnace grades*—(1) *No. 1 heavy melting steel.* Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. Individual pieces must be free from attachments, and so cut as to lie flat in the charging box. May include heavy forgings, forge butts, billet, bloom, slab or bar crops not conforming to chemical analysis required for electric furnace or acid open hearth use. May include new mashed pipe ends, original diameter 4 inches and over. May not include auto body and fender stock.

(2) *No. 2 heavy melting steel.* Wrought iron or steel scrap, black or galvanized, ⅛ inch and over in thickness, not over 18 inches in width and not over 5 feet in length. (Uncut bumpers and front axles of passenger automobiles, and uncut rear ends of passenger automobiles free of wheels and brake assemblies and drained of oil, may be included even though over 5 feet in length.) Individual pieces must be free from attachments and so cut as to lie flat in the charging box. May include pipe; heavy oil field or similar cable not less than 1 inch in diameter and cut to lengths of 3 feet or less; and car sides and light plate cut 15 inches by 15 inches or under. May not include auto body and fender stock.

(3) *No. 1 busheling.* Clean new wrought iron or steel scrap $\frac{1}{16}$ inch and over in thickness, not exceeding 12 inches in any dimension, including new factory busheling 20 gauge or heavier (for example, sheet clippings, stampings, etc.) and steel cartridge cases 40 mm. or less. May not contain burnt material or auto body and fender stock. Must be free of metal coated, limed or porcelain enameled stock.

(4) *No. 1 bundles.* New black steel sheet scrap, clippings, or skeleton scrap, hydraulically compressed or hand bundled to charging box size and weighing not less than 75 pounds per cubic foot. (Hand bundles must also be tightly secured and stand handling with a magnet.) Must be free of paint or protective coating of any kind. May include Stanley balls, or mandrel wound bundles or skeleton reels, tightly secured. May not include detinned scrap, electrical sheets, or any material over 0.5 percent of silicon.

(5) *No. 2 bundles.* Body and fender scrap, or similar black sheet scrap, hydraulically compressed to charging box size and weighing not less than 75 pounds per cubic foot. May include chemically detinned material. No tin can will be deemed to be detinned unless it has undergone the chemical process for the removal and recovery of tin. May not include galvanized, vitreous enameled stock tin plate, terne plate, or other metal coated material. Painted or lacquered material shall not be considered as coated material. May include hydraulically compressed uncoated fence wire and light coil springs.

(6) *Machine shop turnings.* Clean steel or wrought iron turnings, free of cast or malleable iron borings, nonferrous metals in a free state, scale or excessive oil. May not contain badly rusted or corroded stock.

(7) *Mixed borings and turnings.* Shoveling turnings mixed with cast or malleable iron borings and drillings, free of scale or excessive oil or non-ferrous metals in a free state. May not contain badly rusted or corroded stock.

(8) *Shoveling turnings.* Clean short steel or wrought iron turnings, drillings or screw cuttings. May include any such material whether resulting from crushing, raking or other processes. Must be free of springy, bushy, tangled or matted material, lumps, non-ferrous metals in a free state, scale, grindings, or excessive oil.

(9) *No. 2 busheling.* Cut hoops, netting, cut unbaled fence wire, light sheets, rusted car sides, cotton ties, and galvanized light material. No dimension over 12 inches. May be black or galvanized. May include oil field or similar cable cut to lengths of 2 feet or less and machine gun clips. No hard steel, porcelain enameled, or metal coated material may be included.

(10) *Cast iron borings.* Clean cast iron or malleable iron borings and drillings, free of steel turnings, scale, lumps and excessive oil.

(b) *Electric furnace and foundry grades*—(1) *Billet, bloom and forge crops.* Billet, bloom, axle, slab, heavy plate and heavy forge crops, not over 0.05 percent phosphorus or sulphur and not over 0.5 percent silicon, free from alloys. Must not be less than 2 inches in thickness, not over 18 inches in width and not over 36 inches in length. Must be new material delivered to the consumer directly from the industrial producer.

(2) *Bar crops and plate scrap.* Bar crops, plate scrap, forgings, bits, jars and tool joints, containing not over 0.05 percent phosphorous or sulphur, not over 0.5 percent silicon, free from alloys. Must not be less than 2 inches in thickness, not over 18 inches in width and not over 36 inches in length, except that plate scrap may not be less than ½ inch thick.

(3) *Cast steel.* Steel castings not over 48 inches long, 18 inches wide and ¼ inch in thickness, containing not over 0.05 percent phosphorus or sulphur, free from alloys and attachments. May include heads, gates and risers.

(4) *Punchings and plate scrap.* Punchings or stampings, plate scrap and bar crops containing not over 0.05 percent phosphorus or sulphur and not over 0.5 percent silicon, free from alloys. All material must be cut 12 inches and under and with the exception of punchings or stampings must be at least ⅛ inch in thickness. Punchings or stampings may not be less than ¼ inch or more than 6 inches in diameter.

(5) *Electric furnace bundles.* New black steel sheet scrap hydraulically compressed into bundles 14 x 14 x 20 inches or smaller.

(6) *Cut structural and plate scrap, 3 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, nor over 3 feet in length and 18 inches in width. Must not contain over 0.05 percent phosphorus or sulphur.

(7) *Cut structural and plate scrap, 2 feet and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness, not over 2 feet in length and 18 inches in width. Must not contain over 0.05 percent phosphorus or sulphur.

(8) *Cut structural and plate scrap, 1 foot and under.* Clean open hearth steel plates, structural shapes, crop ends, shearings, or broken steel tires. Must be not less than ¼ inch in thickness or over 1 foot in length or width. Must not contain over 0.05 percent of phosphorus or sulphur.

(9) *Briquetted cast iron borings.* Cast iron borings, Grade 12, compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 percent.

(10) *Foundry steel, 2 feet and under.* Steel scrap ⅛ inch and over in thickness, not over 2 feet in length or 18 inches in width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

(11) *Foundry steel, 1 foot and under.* Steel scrap ⅛ inch and over in thickness, not over 1 foot in length or width. Individual pieces must be free from attachments. May not include nonferrous metals, metal coated material, cast or malleable iron, wrought iron, pipe, body and fender stock, cable, enameled or galvanized material.

(12) *Springs and crank shafts.* Clean automotive springs and crankshafts, either new or used.

(13) *Alloy free turnings.* New, short, clean steel turnings free from lumps, tangled or matted material, cast iron borings, or excessive oil, containing not more than 0.05 percent phosphorus or sulphur and free of alloys. Must be delivered to the consumer directly from the industrial producer.

(14) *Heavy turnings.* Short, heavy steel turnings, containing not over 0.05 percent phosphorus or sulphur and free of alloys. May include rail chips. May not include machine shop or other light turnings and must weigh not less than 75 pounds per cubic foot in the original state of production. Must be delivered to the consumer directly from the industrial producer.

(c) *Special grades*—(1) *Briquetted turnings.* Steel turnings compressed into a cohesive solid, reasonably free from oil, each briquette to weigh not more than 20 pounds and to have a density of not less than 60 percent.

(2) *No. 1 chemical borings.* New clean cast or malleable iron borings and drillings containing not more than 1 percent oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

(3) *No. 2 chemical borings.* New clean cast or malleable iron borings and drillings, containing not more than 1.50 percent oil, free from steel turnings, or chips, lumps, scale, corroded or rusty material.

(4) *Wrought iron.* Clean wrought iron scrap, free of steel and with rivets and attachments removed. May include structural shapes, plates, bars, pipes, staybolts, or any other material known to have been manufactured from wrought iron.

(5) *Shafting.* Random length shafting suitable without further preparation for rerolling, or forging. Must be reasonably straight and free of attachments.

SEC. 24. *Steel grades of railroad origin*—(a) (1) *No. 1 railroad heavy melting steel.* (A. A. R. No. 24.) Clean wrought iron or steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet in length. Individual pieces must be free from attachments and cut so as to lie reasonably flat in charging box. May include new mashed pipe ends, original diameter four inches and over. No needle or skeleton plate, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces will be accepted.

(2) *No. 2 railroad heavy melting steel.* (A. A. R. No. 25.) Plate scrap, such as car sides ⅛ inch and over in thickness, punchings ¼ inch and over in thickness, heavy clippings, unmashed pipe ends under four inches in diameter and/or similar material. Car sides and all light plates to be sheared 15 inches by 15 inches or under and all light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared in such shape that they will lie reasonably flat in a charging box and not tangle in handling with a magnet; all to be free from cast iron, malleable iron, burnt scrap, dirt or foreign material of any kind. Maximum size 15 inches wide by 3 feet long.

(3) *No. 2 steel wheels.* (A. A. R. No. 41.) Includes all kinds of built up or steel tired wheels 36 inches and under.

(4) *Hollow bored axles.* (A. A. R. No. 4.) Hollow bored steel axles. No axles to be included of shorter lengths than distances between wheel seats.

(5) *No. 1 busheling.* (A. A. R. No. 10.) Clean wrought iron and/or steel $\frac{1}{16}$ inch and over in thickness and/or pipe and/or flues not exceeding 12 inches in any dimension. May not contain burnt material. Must be free from metal coated, lined or porcelain enameled stock.

(6) *No. 1 turnings.* (A. A. R. No. 38.) Heavy turnings from wrought iron and/or steel railroad axles or heavy forgings and/or rail chips, to weigh not less than 75 pounds per cubic foot. Free from dirt or other foreign material of any kind.

(7) *No. 2 turnings, drillings and borings.* (A. A. R. No. 39.) Cast wrought steel and/or malleable iron borings, turnings and/or drillings, mixed with other metals.

(8) *No. 2 cast steel.* (A. A. R. No. 11.) Steel castings over 18 inches wide and over 5 feet long.

(9) *Uncut frogs and switches.* (A. A. R. No. 18.) Steel and/or iron frogs and switches that have not been cut apart. May include manganese.

(10) *Flues, tubes and/or pipes.* (A. A. R. No. 21.) Wrought iron and/or soft steel. Must be free from dirt, excessive corrosion or lime and riveted seams. Fittings attached permitted.

(11) *Structural, wrought iron and/or steel, uncut.* (A. A. R. No. 35.) All steel or steel mixed with iron from bridges, structures, and/or equipment that has not been cut apart; may include uncut bolsters, brake beams, steel trucks, underframes, channel bars, steel bridge plates, frog and/or crossing plates and/or other steel of similar character.

(12) *Destroyed steel cars.* (A. A. R. No. 45.) Bodies of steel cars cut apart sufficiently to load.

(13) *No. 1 sheet scrap.* (A. A. R. No. 30.) Under ¼ inch thick, consisting of cut stacks and/or netting, hoops, band iron and/or steel, scoops and/or shovels (free of wood), and/or wire rope, all sizes. Must be free from burnt or metal coated material, cushion or other similar springs and lime crusted pipe and flues from boilers.

(14) *Scrap rails in random lengths.* (A. A. R. No. 29). Standard section tee, girder or guard rails, to be free from frogs, and switch rails not cut apart, and contain no manganese, cast welds, or attachments of any kind except angle bars. Free from concrete, dirt and foreign material of any kind.

(15) *Rerolling rails.* (A. A. R. No. 27.) Standard section tee rails, original weight 50 pounds per yard or heavier, 5 feet long and over. Suitable for rerolling into bars and shapes. Free from bent and twisted rails, frog, switch and guard rails, or rails with split heads and broken flanges.

(16) *Cut rails, 3 feet and under.* (A. A. R. No. 28–A.) Cropped rail ends 3 feet and under in length. Free from concrete, dirt, or other foreign material.

(17) *Cut rails, 2 feet and under.* (A. A. R. No. 28–B.) Cropped rail ends 2 feet and under in length. Free from concrete, dirt, or other foreign material.

(18) *Cut rails, 18 inches and under.* (A. A. R. No. 28–C.) Cropped rail ends 18 inches and under in length. Free from concrete, dirt and other foreign material.

(19) *Cast steel No. 1.* (A. A. R. No. 11–A.) Steel castings cut to sizes 4 feet in length or 18 inches in width or smaller.

(20) *Uncut tires.* (A. A. R. No. 36.) All locomotive or car tires, uncut.

(21) *Cut tires.* (A. A. R. No. 37.) All locomotive or car tires cut 3 foot lengths and under.

(22) *Uncut bolsters and side frames.* (A. A. R. No. 9.) Cast steel bolsters and/or truck side frames, uncut.

(23) *Cut bolsters and side frames.* (A. A. R. No. 11–A.) Cast steel bolsters and/or truck side frames cut to sizes 4 feet in length by 18 inches in width or smaller.

(24) *Angle and splice bars.* (A. A. R. No. 6.) Fish plates and/or patented joints, iron or steel.

(25) *Solid steel axles.* (A. A. R. Nos. 2 and 3.) Solid car and/or locomotive steel axles. Free of axles with key-way between wheel seats; no axles or shorter lengths than distances between wheel seats to be included.

(26) *Steel wheels, No. 3, oversize.* (A. A. R. No. 42–A.) Solid cast steel, forged, pressed or rolled steel car and/or locomotive wheels over 42 inches in diameter.

(27) *Steel wheels, No. 3.* (A. A. R. No. 42.) Solid cast steel forged, pressed or rolled steel car and/or locomotive wheels, not over 42 inches in diameter. May include wheels over 42 inches in diameter, if cut to a length of not over 36 inches in the shortest dimension.

(28) *Spring steel.* (A. A. R. No. 34.) Coil and/or elliptical springs, minimum thickness ¼ inch; may be assembled or cut apart.

(29) *Couplers and knuckles.* (A. A. R. No. 17.) Railroad car and/or locomotive steel couplers, knuckles and/or locks stripped clean of all other attachments.

(30) *Wrought iron.* (A. A. R. No. 43.) Clean wrought iron scrap free of steel and with rivets and attachments removed.

SEC. 25. *All cast iron grades*—(a) (1) *Cast iron No. 1 (cupola cast).* Clean cast iron scrap such as columns, pipes, plates and castings of a miscellaneous nature, including the cast iron parts of agricultural machinery. Must be free from stove plate, burnt iron, brake shoes, or foreign material. Must be cupola size, not over 24 inches by 30 inches, and no piece to weigh over 150 pounds.

(2) *Cast iron No. 2 (charging box cast).* Clean cast iron scrap in sizes not over 5 feet in length or 18 inches in width, suitable for charging into an open-hearth furnace without further preparation. Must be free from burnt iron, brake shoes or stove plate.

(3) *Cast iron No. 3 (heavy breakable cast).* Cast iron scrap over charging box size or weighing more than 500 pounds and which can be broken by an ordinary drop into cupola size. May include cylinders, driving wheel centers, but may not include hammer blocks or bases. May include steel which is an integral part of the casting, which does not protrude more than 6 inches and which does not exceed 10 percent of the weight of the casting.

(4) *Cast iron No. 4 (burnt cast).* Burnt cast iron scrap such as stove parts, grade bars and miscellaneous burnt iron. Includes sash weights or window weights.

(5) *Cast iron brake shoes.* Driving and/or car brake shoes of all types except composition filled shoes.

(6) *Stove plate.* Clean cast iron stove plate. Must be free from malleable and steel parts, window weights, plow points or burnt cast.

(7) *Clean auto cast.* Clean auto blocks, free of all steel parts except camshafts, valves, valve springs and studs.

(8) *Unstripped motor blocks.* Automobile or truck motors from which steel and non-ferrous fittings have not been removed. Must be free from drive shafts, differentials and parts of frames.

(9) *Wheels, No. 1.* Cast iron railroad car or locomotive wheels.

(10) *Malleable.* Malleable parts of automobiles, railroad cars, locomotives or miscellaneous malleable iron castings. Must be free of cast iron and steel parts and other foreign material.

(11) *Drop broken machinery casts.* Clean heavy cast iron machinery scrap that has been broken under a drop. All pieces must be in cupola size, not over 24" x 30", and no piece to weigh over 150 pounds and not less than 5 pounds.

MISCELLANEOUS PROVISIONS

SEC. 26. *Imported scrap.* (a) This Ceiling Price Regulation No. 5 is not applicable to imported scrap as defined in section 28 (f) hereof.

SEC. 27. *Exported scrap.* The ceiling price for any grade of iron or steel scrap sold for export or to an exporter shall be the ceiling shipping point or on-line price as established in section 4, 8, 10 or 11 hereof, whichever is applicable, plus all transportation charges allowable under the appropriate section, to the place of export. For scrap exported by vessel, this ceiling export price shall be f. a. s. vessel at the place of export, and the actual cost incidental to shipment and export from that point may be added, if shown as separate charge on the invoice.

SEC. 28. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Iron and steel scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or any other reason, when sold to a consumer as defined in paragraph (c) of this section, or his broker.

(c) "Consumer" means a purchaser of iron or steel scrap for use in the production of iron or steel products by melting or rerolling; or any person purchasing iron or steel scrap for use as a reduction agent in the production of chemicals or pigments, for use in the production of non-ferrous materials, for use as ballast or counterweights, or for annealing; and includes any governmental agency or sub-division.

(d) "Operating railroad" means a railroad, terminal association, or switching company which operates a railway line and derives at least a portion of its revenue from the carrying of freight.

(e) "Non-operating railroad" means all railroads other than operating railroads, as defined in paragraph (d) of this section, and includes suburban and interurban electric railroads, street railways, refrigerator car, stock car, sleeping car and tank car companies engaged primarily in the transportation business, but does not include mine or logging roads.

(f) "Imported scrap" means all iron and steel scrap having a point of origin outside the 48 States of the United States and the District of Columbia.

(g) "Free of alloys" means that any alloys contained in the steel are residual and have not been added for the purpose of making an alloy steel. Steel scrap will be considered free of alloys where the residual alloying elements do not exceed the following amounts:

	Percent
Nickel	0.45
Chromium	.20
Molybdenum	.10
Manganese	1.65

and where the combined residuals other than the manganese do not exceed a total of 0.60 percent.

(h) "Lowest established charge:" The term shall mean the rail or vessel freight rate for transporting material generally classified as iron or steel scrap and shall not refer to freight charges for transporting any special grade thereof even though the latter grade is actually being shipped.

(i) "Shipping point:" Scrap is at its shipping point in the case of all rail, rail-vessel, rail-truck or truck-rail movement when it has been placed f. o. b. railroad cars for shipment to the consumer; in the case of all-vessel, vessel-rail or vessel-truck movement, when it has been placed f. a. s. vessel for shipment to the consumer; and, in the case of all-truck movement, when it has been placed f. o. b. truck for shipment to the consumer.

(j) "Point of delivery" shall mean that point at which scrap has arrived for unloading at the plant of the consumer.

(k) "Dealer and industrial origin" shall mean all sources of scrap other than railroads as defined in this regulation.

(l) "Scrap accumulation point" shall be that point from which the greatest tonnage of scrap was shipped in the calendar year 1950.

SEC. 29. *Records and reports.* (a) Every person making a sale of iron or steel scrap to a consumer or a broker and every consumer or broker purchasing iron or steel scrap shall keep for inspection by the Office of Price Stabilization for as long as the Defense Production Act of 1950 remains in effect, complete and accurate records of each such sale or purchase: the date thereof, the name and address of the buyer or seller, the shipping point price (or in the case of railroad sellers, the on-line price), the quantity in pounds, the quality in grades as defined in the applicable section, the method of transportation used from shipping point to point of delivery, the delivered price and the commission, if any, involved in the sale.

(b) Buyers and sellers of iron or steel scrap affected by this regulation shall submit such further reports to the Office of Price Stabilization as may from time to time be required, subject to the approval of the Bureau of the Budget under the Federal Reports Act.

(c) Where shipment of scrap to the consumer or his broker involves rail or water movement, the shipper must execute and mail to the consumer or his broker a shipping notice simultaneously with the shipment of the scrap. Such shipping notice must contain the date of shipment, number and initial of the car or name of vessel, the consumer's and/or broker's purchase order number, the specific grade or grades of scrap as they are designated in the applicable section of this regulation and the signature of the shipper or his duly authorized representative.

SEC. 30. *Less than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 31. *Evasion.* The provisions of this regulation shall not be evaded by direct or indirect means.

SEC. 32. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950.

SEC. 33. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Price Regulation No. 1, issued by the Economic Stabilization Agency.

This regulation shall become effective the 7th day of February 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APPENDIX A—STATEMENT OF CONSIDERATIONS

1. *Introduction.* Technological advances in the manufacture of steel late in the nineteenth century, particularly in the perfection of the open hearth process, made possible the use of ferrous materials, which were otherwise discarded and lost, and created the distributive mechanism by which this material is transmitted from its source to the consuming steel mills and foundries. No one deliberately sets out to make scrap but it is produced whenever iron or steel in one form or another is melted, tooled, machined, stamped, rolled or cut. It is also created when finished products reach the end of their usefulness and are discarded.

Together, scrap and pig iron make up approximately 98 percent of the total weight of raw materials used by steel mills, with the balance being accounted for by fuels and miscellaneous alloying metals. Of this 98 percent, approximately 50 percent is scrap and the balance pig iron.

2. *The need for price controls.* From June 24, 1950, to the end of the calendar year 1950, the general level of prices of iron and steel scrap increased approximately twenty percent. The pressures exerted by the growing disparity between demand and supply during this period caused the upward price movement.

From the period of June 24, 1950, to the end of the calendar year 1950, the rated capacity of the steel industry increased by approximately four million ingot tons to an estimated total of 104,500,000 ingot tons. During this period these facilities were operated at or above rated capacity. There are further indications that the rated capacity of the steel industry will continue to increase and these facilities will probably be fully utilized so as to further accentuate the deficit between demand and supply which will exert still further pressures on the pricing levels.

In fact, these pressures were reflected during the first half of January 1951, when, for example, the price of No. 1 heavy melting steel, the base grade, which had heretofore been relatively stable during December 1950 at about $44.00 per gross ton delivered Pittsburgh suddenly rose to approximately $52.00 per gross ton delivered Pittsburgh. This increase occurred despite the fact that numerous discussions had already been held by representatives of the Economic Stabilization Agency with consumers and producers of iron and steel scrap for the express purpose of stabilizing prices in this area.

Upon the basis of these facts and circumstances and other economic data, the Director of Price Stabilization finds that: (1) the prices for iron and steel scrap have risen unreasonably above the level of prices prevailing during the period from May 24 to June 24, 1950 and the ceiling prices established in the General Ceiling Price Regulation embody these inflationary price increases; (2) such price increases will materially affect the cost of living or the national defense; (3) the reduction of ceiling prices from the ceiling prices established in the General Ceiling Price Regulation is necessary to effectuate the purposes of the Defense Production Act of 1950; (4) it is practicable and feasible to impose such ceilings; and (5) such ceilings will be generally fair and equitable to sellers and buyers of such material or service subject to this regulation and to sellers and buyers of related or competitive materials and services.

This regulation, to the extent of its applicability, supersedes the General Ceiling Price Regulation issued by this Office. It applies generally only to sales and deliveries to the ultimate consumer. All sales not specifically covered by this Regulation remain subject to the General Ceiling Price Regulation.

In making these findings and issuing the regulation the Director has, so far as was practicable under the circumstances, advised and consulted with representative persons of the iron and steel scrap producing and consuming industries who would be substantially affected by this regulation. Due consideration has been given to their recommendations.

The provisions of this regulation and their effect upon business practices, cost practices, or methods, or means or aids

to distribution in the industry have been carefully considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

3. *Method of pricing.* In establishing ceiling prices for iron and steel scrap, two methods of pricing are used. The first is for steel making scrap and the second is for cast iron scrap.

The method of pricing for steel making scrap follows that utilized by the Office of Price Administration during World War II in its regulation of this scrap and has been designated by such agency as a basing point method. As such, it is designed to conform as nearly as possible to trade practices existing under free market conditions, and the Director has been urged by both buyers and sellers in this industry to perpetuate the use of this system. The promulgated regulation adopts this pricing method.

The basing point prices set out in this regulation represent the usual market relationships and thereby preserve the fluidity of scrap.

While the shipping point price for the seller is maintained, the consumer wherever located has an equal opportunity to obtain the scrap providing the consumer is willing to absorb the transportation costs.

The f. o. b. shipping point method of pricing has been adopted for cast iron scrap. In the distribution of cast iron scrap, the situation is not comparable to that existing in steel making scrap. Gray iron foundries, the major users of cast iron scrap, are widely scattered throughout the United States. They do not have the same geographical centralization as is the case in the producers of steel ingots. Experience has shown that attempts made by the Office of Price Administration to establish prices for cast iron scrap on a delivered basis were failures, because of the multiplicity of consumers and their wide geographical dispersal. After considering this experience, it has been determined that the disruptive effects of attempting to impose a delivered price formula upon cast iron scrap would result in a dangerous disruption of the free flow of material. The representatives of the scrap-producing and consuming industries consulting with this Agency recommended that the f. o. b. shipping point method be used for cast iron scrap.

These representatives further recommended that the f. o. b. shipping point price for cast iron scrap be the same regardless of the geographic location. Examination of this recommendation, in the light of the experience of the Office of Price Administration in which three broad zones of pricing were used, indicates that the uniform shipping point price is simpler to administer, will be more clearly understood throughout the industry and will conform to the pattern of demand which has been established in the post-World War II period.

4. *The general level of prices.* Iron and steel scrap is essentially a by-product of our industrial economy. It is generated from three major sources; namely, industrial scrap, railroad scrap, and dealer's scrap, that is, scrap from miscellaneous sources. Of these, the flow of dealer's scrap which represents less than a majority of the total scrap is more susceptible to price influences. Industrial scrap will be produced and will normally flow. Railroad scrap will likewise be produced and normally flow. Experience has demonstrated that when a reasonable and stable level of prices has been established, such stability will encourage the flow of scrap, as for example during World War II, when price controls were in effect, record-high production of scrap was maintained for a four and one half year period. While there were other factors, such as the stimulii of patriotism and Government salvage drives at work during that period, the fact that prices remained stable was of great importance in supporting the then record production. This stability permitted the adjustment of operations on a long-term basis by eliminating the possibilities of speculation on price fluctuations.

The price level established in this regulation takes cognizance of the present labor costs, present costs of processing materials, equipment costs, and transportation charges. The price level established in this regulation should at this time, make available all of the material which will move by ordinary pricing methods.

Despite the rollback occasioned by this regulation in certain grades of iron and steel scrap, the prices established for these grades are at levels which representative, well informed members of the scrap-producing and consuming industries believe are adequate to encourage the collection, preparation, and to maintain the flow of this scrap. In order to encourage the further flow of this scrap from remote areas, minimum ceiling prices have been established in this regulation.

5. *Establishment of new basing points.* Houston, Texas, Kansas City, Missouri, and Portland, Oreg., have been added to the basing points established in the former Office of Price Administration regulation, because it has been determined that substantial increases in steelmaking capacities have developed in these areas since World War II, plus the fact that important scrap collection and processing facilities have been established in these areas.

Consideration was given to the suggested inclusion of Fontana, California and Provo, Utah as basing points, but these two locations were not so included because, while they represent important scrap producing and consuming centers, they are nevertheless located in areas which are generally isolated from the metropolitan areas in which scrap collecting and processing facilities are customarily located, and the establishment of these locations as basing points would only tend to raise the general level of prices in the vicinity above the level which is necessary to encourage a flow of scrap.

6. *West Coast prices.* After specific consultation with representative producers and consumers of iron and steel scrap from the West Coast and producers and consumers from all other areas affected by this regulation, it was generally acknowledged that entirely different marketing conditions exist on the West Coast as distinguished from other geographical areas covered by this regulation. A generally lower level of basing point prices for scrap has historically prevailed on the West Coast.

The recommendations of the West Coast representatives, together with those of the rest of the industry, have been duly weighed and consideration has been given to other available data. The level of the prices established in this regulation for the West Coast area is necessary in order to maintain the flow of this material and to prevent the diversion of this material to other areas. Furthermore this level of prices is consistent with the general level of the prices established by this regulation.

7. *Basing point price differentials.* The differentials in basing point prices established in this regulation has been made after due consideration of the relevant factors which include the supply and demand situation at the particular location, the transportation charges from the point of origin to the consuming areas, as well as the relationship of competing consumer areas for the available scrap. Representative suppliers and consumers have generally agreed to the soundness and adequacy of the differentials.

8. *Grade differentials.* It has been customary in the scrap industry for consumers to pay different prices for different grades of scrap. Under free market conditions, the most important factors in determining the differentials in price which a consumer would pay are quality and size. This is particularly true for those consumers whose facilities, such as electric furnaces or cupolas, require a very heavy proportion of purchased scrap. While the major factors of quality and size are of importance in determining the differentials for the various grades of scrap, the factor of cost of preparation also is normally considered.

In addition to the aforegoing factors which are normally taken into consideration in determining differentials, consideration was also given to the historical price relationship amongst the grades. Representative sellers and consumers approve the fairness and reasonableness of the differentials adopted.

9. *Railroad prices.* The regulation adopts a differential in price between #1 heavy melting steel scrap of railroad origin and #1 heavy melting steel scrap of dealer or industrial origin. Historically, scrap of railroad origin has usually commanded a differential over scrap of dealer and industrial origin because it is generally of better quality, heavier, and of more uniform size than scrap of nonrailroad origin. In addition, it is ordinarily offered in larger quantities and flows to the consumer at more regular intervals. Furthermore, railroads absorb the cost of delivery to the consumer of that portion of the haul which is on the line of the selling railroad.

10. *Trucking charges.* Minimum and maximum charges for the transporting of iron or steel scrap in a truck owned or controlled by the shipper has been established in the regulation. After consultations with representative members of the industry, the Director of Price Stabilization found it to be the general opinion of those consulted that a trucker could not afford to ship and handle scrap for a fee below that established as the minimum and that any schedule which resulted in a lower return on these short hauls would discourage this essential segment of scrap collection and distribution.

The ceiling represents the maximum haul which the Director finds to be consistent with normal economical distribution and which will discourage long hauls, cross hauls and resulting dislocation of scrap. In addition it has been found that such a ceiling is necessary in order to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

11. *Restrictions on use.* Provisions prohibiting certain consumers from buying certain grades of iron and steel scrap at the premium prices provided in this regulation have been incorporated upon the express recommendation of the National Production Authority in order to assist it in allocating such scrap to those consumers whose melting facilities require these grades.

12. *Grade specifications.* The grade specifications as defined and limited in this Regulation represent general trade practice over the past several years and the recommendations of the industry. Insofar as this grading represents a departure in any respect from current business practice, it has been found by the Director to be necessary to prevent circumvention or evasion of this regulation.

[F. R. Doc. 51-1937; Filed, Feb. 5, 1951; 10:18 a. m.]

[Administrative Order 4]

DELEGATION OF AUTHORITY TO ASSISTANT DIRECTOR, COMMODITY DIVISIONS

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Administrative Order No. 4 is hereby issued.

Whenever the Director of Price Stabilization is absent from the city of Washington, D. C., the functions delegated to him by General Order No. 2 of the Economic Stabilization Agency are hereby further delegated to the Assistant Director in charge of Commodity Divisions, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

MICHAEL V. DISALLE,
Director,
Price Stabilization.

FEBRUARY 4, 1951.

[F. R. Doc. 51-1967; Filed, Feb. 5, 1951; 12:07 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Delegation 7]

DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M-4

Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M-4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A:

1. To receive, consider, pass upon and take action for and in the name of the National Production Authority upon, applications for an authorization to commence construction pursuant to § 71.6 of NPA Order M-4.

2. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to § 71.11 of NPA Order M-4.

3. To receive, consider, pass upon and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to § 71.11 of NPA Order M-4.

Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By ----------
(Name and Title)

This delegation shall take effect on February 5, 1951.

[SEAL] NATIONAL PRODUCTION AUTHORITY,
MANLY FLEISCHMANN,
Acting Administrator.

	Regional offices to whose directors this delegation extends	Area for which such director may act
Region I	1800 Customhouse, Boston 9, Mass.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II	42 Broadway, New York 4, N. Y.	New York and New Jersey.
Region III	Jefferson Bldg., 1015 Chestnut St., Philadelphia 6, Pa.	Delaware and Pennsylvania.
Region IV	Room 2, Mezzanine, 801 East Broad St., Richmond 19, Va.	Maryland, North Carolina, West Virginia, and Virginia.
Region V	418 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga.	Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.
Region VI	410 Union Commerce Bldg., 925 Euclid Ave., Cleveland 14, Ohio.	Kentucky, Ohio, and Michigan.
Region VII	1150 McCormick Bldg., 332 South Michigan Ave., Chicago 4, Ill.	Illinois, Indiana, and Wisconsin.
Region VIII	338 Midland Bank Bldg., 401 2d Ave. South, Minneapolis 1, Minn.	Minnesota, Montana, North Dakota, and South Dakota.
Region IX	2400 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo.	Iowa, Kansas, Missouri, and Nebraska.
Region X	Room 1114, 1114 Commerce St., Dallas 2, Tex.	Arkansas, Louisiana, Oklahoma, and Texas.
Region XI	142 New Customhouse, 19th and Stout Sts., Denver 2, Colo.	Colorado, New Mexico, Utah, and Wyoming.
Region XII	306 Customhouse, 555 Battery St., San Francisco 11, Calif.	Arizona, California, Hawaii, and Nevada.
Region XIII	809 Federal Office Bldg., 909 1st Ave., Seattle 4, Wash.	Alaska, Idaho, Oregon, and Washington.

District offices to whose managers this delegation extends	Area for which such managers may act
314 United States Appraisers' Stores Bldg., 103 S. Gay St., Baltimore 2, Md.	Maryland.
1038 Federal Bldg., 230 West Fort St., Detroit 26, Mich.	Michigan.
1546 United States Post Office and Court House, 312 North Spring St., Los Angeles 12, Calif.	The following counties in California: San Luis Obispo, Santa Barbara, Ventura, Kern, Los Angeles, Orange, San Bernardino, Riverside, Imperial, and San Diego.
217 Old United States Court House, 520 S. W. Morrison St., Portland 4, Oreg.	Oregon.
910 New Federal Bldg., 1114 Market St., St. Louis 1, Mo.	The area in Missouri east of the western boundaries of the following counties, up to the Mississippi River: Schuyler, Adair, Macon, Randolph, Howard, Cooper, Morgan, Camden, Dallas, Webster, Douglas, and Ozark.

[F. R. Doc. 51-1930; Filed, Feb. 2, 1951; 4:56 p. m.]

[NPA Order M-35]

CATTLEHIDES, CALFSKINS AND KIPS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action.

Sec.
1 What this order does.
2 Definitions.
3 Prohibited sales or deliveries of cattlehides, calfskins or kips.
4 Reports.
5 Records.
6 Audit and inspection.
7 Adjustments and exceptions.
8 Communications.
9 Violations.

AUTHORITY: §§ 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order prohibits the sale or delivery prior to March 15, 1951, of cattlehides, calfskins or kips to a tanner or converter by a producer or collector who acquires ownership or possession of such hides or skins on or subsequent to the effective date of this order. It also calls for reports on the number of such hides or skins put into the tanning process during the calendar year 1950. This order supplements NPA Regulation 2 but only those provisions of Regulation 2 which are inconsistent with this order are superseded and all other provisions of Regulation 2 continue to apply to the cattlehide, calfskin and kip industry.

SEC. 2. *Definitions.* As used in this part:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Cattlehide", "calfskin", and "kip" mean the raw hide or skin of any bull, stag, steer, ox, cow, heifer, calf, or buffalo, but do not include slunks.

(c) "Producer" means a person engaged in the business of slaughtering cattle or calves.

(d) "Collector" means a person, including a dealer, engaged in the business of acquiring from others untanned cattlehides, calfskins or kips for resale, or of removing cattlehides, calfskins or kips from cattle or calves not slaughtered by him.

(e) "Tanner" means a person engaged in the business of converting raw cattlehides, calfskins or kips into leather or "raw hide."

(f) "Converter" means a person engaged in the business of causing cattlehides, calfskins or kips to be tanned or similarly processed for his account in any tannery not owned or controlled by him.

(g) "Put into process" means the first step in the conversion of raw cattlehides, calfskins or kips into leather or "raw hide".

(h) "NPA" means the National Production Authority.

SEC. 3. *Prohibited sales or deliveries of cattlehides, calfskins, or kips.* Unless specifically directed by NPA, and notwithstanding the provisions of NPA Regulation 2 concerning DO rated orders, no producer or collector who acquires ownership or possession of cattlehides, calfskins, or kips on or subsequent to the effective date of this order and prior to March 15, 1951, may sell or deliver such hides or skins to any tanner or converter prior to March 15, 1951.

SEC. 4. *Reports.* (a) Every tanner and converter must report the number of cattlehides, calfskins and kips put into process by him or for his account, as the case may be, during the calendar year 1950, by completing and filing with NPA report form NPAF–29 on or before the 20th day of February 1951.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942. (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 5. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 7. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing, shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Communications.* All communications or reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref.: Order M–35.

SEC. 9. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of the NPA or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on February 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51–1934; Filed, Feb. 5, 1951; 10:11 a. m.]

Chapter XIV—General Services Administration

EDITORIAL NOTE: The General Services Administration formerly appearing as Chapter X (16 F. R. 13) has been assigned Chapter XIV in Title 32A as reorganized (16 F. R. 808).

DELEGATION OF AUTHORITY WITH RESPECT TO RUBBER PROCUREMENT

1. Pursuant to authority vested in the President by the Defense Production Act of 1950, Public Law 774, 81st Congress, which authority has been delegated to the Administrator of General Services by Executive Order 10161 of September 9, 1950, there are hereby delegated to the Commissioner, Emergency Procurement Service and the Director and Deputy Director, Rubber Division of the aforesaid Service, and to any official occupying any of such positions in an acting capacity, the following authorities, to be exercised, pursuant to certificate as to necessity duly issued pursuant to section 303 of the aforesaid Executive Order, in connection with crude natural rubber and natural rubber latex:

(a) The authority to make provision for purchases or commitments to purchase pursuant to section 303 (a) of the aforesaid act.

(b) The authority to determine the quantities, terms and conditions, including advance payments, and periods of such purchases and commitments pursuant to section 303 (b) of the aforesaid act: *Provided, however,* That such authority shall not include the authority to make the determinations required for purchases or commitments involving higher than currently prevailing market prices or anticipated loss on resale.

(c) The authority contained in section 303 (c) of the aforesaid act.

2. The authority delegated herein shall be exercised in accordance with such administrative procedures and controls as are in force as of the date of such exercise of authority.

3. This delegation of authority shall be effective as of the date hereof.

Dated: January 29, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51–1811; Filed, Feb. 5, 1951; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 50–30]

MISCELLANEOUS AMENDMENTS TO CHAPTER

A notice regarding proposed changes in the regulations for use in transportation of solidified carbon dioxide (dry ice); marine engineering regulations and material specifications; bulkheads, subdivision, and watertight integrity of passenger vessels; and specifications for lifeboat bilge pumps and watertight sliding doors, was published in the FEDERAL REGISTER, dated August 25, 1950, 15 F. R. 5706 et seq., as Items VIII, XVI, XVII, and XXIV on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 20, 1950, at Washington, D. C. All the comments submitted were considered and where possible were incorporated into the regulations as revised.

The purpose of the amendments to 46 CFR 46.30, 46.32, 46.38, 46.42, 59.64, 60.57, 76.57, 80.2, 94.56, 98.2, 113.50, and 117.2, regarding bulkheads, subdivision and watertight integrity of passenger vessels or ferry vessels, is to improve the standard of safety and to eliminate inconsistencies between the various regulations and to adequately describe the requirements concerning bulkheads, subdivision, permeability, margin lines, damaged stability, port lights, and openings in watertight bulkheads. In connection with vessels engaged in foreign trade the revised regulations are consistent with the requirements contained in the Safety of Life at Sea Convention of 1948. The purpose of the miscellaneous amendments to 46 CFR Parts 51 to 57, inclusive, is to bring the marine engineering regulations and material specifications up to date with current practices followed by industry and to have the regulations in agreement with the latest revisions of the codes or rules of the American Society of Mechanical Engineers, American Standards Association, and the American Bureau of Shipping. Due to the occurrence of several accidents resulting in loss of life from the use of solidified carbon dioxide on board vessels, the purpose of the new requirements regarding the use and transportation of solidified carbon dioxide (dry ice) in 46 CFR 146.04–5, 146.07–7, 146.08–6, 146.27–100, and 147.05–100 is to promote safety of life at sea. The purpose of the new specification in 46 CFR 160.044, regarding lifeboat bilge pumps, is to provide for a uniform standard and to describe the procedures for obtaining approval. The purpose of the new specification covering the construction of watertight sliding doors in 46 CFR 163.001 is to establish standards of construction and design found to be necessary in the manufacture of such equipment and to describe the procedures for obtaining approval.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed, which shall become effective ninety (90) days after date of publication of this document in the FEDERAL REGISTER, except the amendments to 46 CFR 46.30, 46.32, 46.38, 46.42, 59.64, 60.57, 76.57, 80.2, 94.56, 98.2, 113.50 and 117.2, which shall become effective on and after April 15, 1951.

Subchapter E—Load Lines

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

RULES FOR DETERMINING SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES

1. Section 46.30 is amended to read as follows:

§ 46.30 *Inlets and discharges.* All main and auxiliary inlets and discharges shall be so arranged as to prevent accidental admission of water into the vessel. Valves fitted on the vessel's sides are to be of substantial construction and are to be effectively protected against damage. Where operating gear is provided the lead thereof should be as direct as possible and all parts of the gear are to be protected against damage. The required valves, operating gear, and arrangement shall be in accordance with § 55.10–70 of Subchapter F of this chapter.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

2. Section 46.32 is amended to read as follows:

§ 46.32 *Ash chutes.* Ash chutes shall be in accordance with § 55.10–70 of Subchapter F of this chapter.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

3. Section 46.38 is amended to read as follows:

§ 46.38 *Pumping arrangements.* Pumping arrangements shall be in accordance with §§ 55.10–25 and 55.10–30 of Subchapter F of this chapter. Where practicable, power bilge pumps shall be placed in separate watertight compartments situated so that both compartments will not be expected to be flooded by the same damage. Lead pipes shall not be used under coal bunkers or fuel oil storage tanks, nor in boiler or machinery spaces, including motor rooms in which oil settling tanks or oil fuel pump units are situated.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

RULES FOR DETERMINING SUBDIVISION LOAD LINE FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES ON THE GREAT LAKES

4. Section 46.42 is amended to read as follows:

§ 46.42 *Exceptions applicable to subdivision Great Lakes vessels.* (a) Sections 46.1 to 46.6, 46.21, 46.22 and 46.28 are not applicable to Great Lakes vessels.

(b) The subdivision, damaged stability, permissible types of watertight doors, and port lights below the bulkhead deck for Great Lakes vessels shall be in accordance with §§ 76.57 and 80.2 of Subchapter H of this chapter.

(c) Sections 46.7 to 46.20, 46.23 to 46.27, and 46.29 to 46.41 are applicable to Great Lakes vessels except that, in § 46.41, all references to Part 43 shall read Part 45 when applied to Great Lakes vessels and a diamond will be substituted for the disk. No "fresh water" lines will be marked.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

Subchapter F—Marine Engineering

PART 51—MATERIALS

SUBPART 51.52—CARBON-STEEL BOLTING MATERIAL

Section 51.52–60 is amended by changing paragraphs (b), (c), and (d) to read as follows:

§ 51.52–60 *Workmanship and finish.*

* * *

(b) Nuts shall be semifinished, hexagonal in shape, and in accordance with the dimensions for the Heavy Series of the American Standard for Wrench-Head Bolts and Nuts and Wrench Openings (ASA No.: B 18.2–1941).

(c) Bolts shall have regular unfinished square or hexagonal heads and the dimensions of the heads shall conform to the American Standard for Wrench-Head Bolts and Nuts and Wrench Openings (ASA No.: B 18.2–1941).

(d) All bolts and nuts, unless otherwise specified, shall be threaded in accordance with the American Standard Screw Threads, Coarse-Thread Series (ASA No.: B 1.1–1935).

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

PART 52—CONSTRUCTION

SUBPART 52.45—COMBUSTION CHAMBERS AND TUBE SHEETS OF FIRE-TUBE BOILERS

1. Section 52.45–15 (c) is amended to read as follows:

§ 52.45–15 *Detail requirements.*

* * *

(c) The minimum inner radius of plates flanged to form the combustion chamber and back connections shall be not less than one and one-half times the thickness of the plate flanged.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

SUBPART 52.55—BOILER AND SUPERHEATER TUBES

2. Section 52.55–15 (b) is amended to read as follows:

§ 52.55–15 *Detail requirements.*

* * *

(b) Tubes may be lengthened or safe-ended by forge, electric-resistance, arc or gas butt welding methods. Arc or gas butt welded joints exceeding 2½ inches shall be nondestructively tested as required by § 56.05–5 of this sub-

chapter. Carbon steel tubing material shall be stress-relieved if arc welded, when the diameter exceeds 2½ inches. Alloy steel tubing shall be given a suitable preheat and postheat treatment to produce acceptable welds if deemed necessary by the Commandant.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

SUBPART 52.65—SAFETY VALVES

3. Section 52.65–15 (e) (1) is amended to read as follows:

§ 52.65–15 *Installation.* • • •

(e) (1) To insure safety valves being free, each safety valve shall have a substantial lifting device by which the valve disk may be positively lifted from its seat when there is at least 75 percent of the maximum allowable pressure on the boiler. Such mechanism shall be connected by suitable relieving gear so arranged that controls may be operated from the fireroom or engine-room floor.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

PART 54—UNFIRED PRESSURE VESSELS

Section 54.01–40 (a) is amended to read as follows:

§ 54.01–40 *Tests*—(a) *New pressure vessels.* Upon completion of a new pressure vessel one of the following applicable hydrostatic tests shall be made in the presence of an inspector:

(1) Riveted construction: 1½ times the maximum allowable pressure.

(2) Brazed construction: 1½ times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(3) Welded construction: 1½ times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(4) Cast construction: 2 times the maximum allowable pressure.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

PART 55—PIPING SYSTEMS

SUBPART 55.07—DETAILED REQUIREMENTS

1. Section 55.07–5 is amended by changing table 55.07–5 (a) to read as follows:

§ 55.07–5 *Design pressures and thickness of pipes.* (a) (1) • • •

TABLE 55.07–5 (a)—MAXIMUM FIBER STRESSES FOR PIPING

[Pounds per square inch]

FERROUS MATERIALS

Specification subpart	Grade	Minimum tensile strength p. s. i.	For temperatures not exceeding °F.[1]								
			650	700	750	800	850	900	950	1,000	1,050
			Multiplier "M"[1]								
			0.8	0.8	0.8	0.8	1.1	1.7	2.0	2.0	2.0
Seamless carbon steel:											
51.31	A	48,000	9,600	9,250	8,700	8,000					
51.34	B	60,000	12,000	11,400	10,400	9,100					
51.37	A	48,000	9,600	9,100	8,250						
51.37	B	60,000	12,000	11,400	9,950						
Seamless alloy steel:											
51.34	P1	55,000	11,000	11,000	11,000	10,250	10,500	10,000			
51.34	P2S0	55,000	11,000	11,000	11,000	10,750	10,500	10,000	8,000		
51.34	P3a	60,000	12,000	12,000	12,000	11,800	11,200	10,000	8,000	5,850	3,850
51.34	P3b	60,000	12,000	12,000	12,000	11,800	11,200	10,000	8,000	5,850	3,850
51.34	P5a	60,000	12,000	12,000	12,000	11,800	11,200	10,000	8,000	5,850	
51.34	P5b	60,000	12,000	12,000	12,000	12,000	11,800	11,000	8,800	6,000	4,200
51.34	P5c	60,000	11,000	11,000	11,000	11,000	11,000	10,850	10,000	8,000	5,850
51.34	P11	60,000	12,000	12,000	12,000	12,000	11,800	11,200	10,000	8,000	5,850
51.34	P15	60,000	12,000	12,000	12,000	12,000	11,500	11,000	10,000		
Electric-resistance-welded carbon steel:											
51.37 Or	A	48,000	8,100								
51.40	B	60,000	10,200								
Furnace-welded:											
51.37	Steel	45,000	[3] 4,800								
51.43	Wrought iron	40,000	[3] 4,400								

NONFERROUS MATERIALS

Specification subpart	Grade	Minimum tensile strength p. s. i.	For temperatures not exceeding °F.[1]			
			250	300	350	[2] 400
			Multiplier "M"[1]			
			0.8	0.8	0.8	0.8
Seamless pipe:						
51.70	Red brass	40,000	8,000	7,000	6,000	3,000
51.73	Copper	30,000	6,000	4,750	4,500	3,000
Brazed pipe	Copper		6,000	[4] 2,600		

[1] Intermediate values of *S* and *M* may be obtained by interpolation.
[2] Stress permitted for temperatures not to exceed 450° F.
[3] The same stress may be employed for 400° F.
[4] The same stress may be employed for 320° F.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

2. Section 55.07–5 *Design pressures and thickness of pipes* is amended by canceling paragraph (g).

3. Part 55 is amended by adding a new § 55.07–6 reading as follows:

§ 55.07–6 *Expansion and flexibility.* (a) Piping systems shall be designed to have sufficient flexibility to prevent thermal expansion or contraction from causing excessive stresses in the piping material, excessive bending moments at the joints, or excessive forces or moments at points of connection to equipment or at anchorage and guide points.

(b) Provision shall be made for expansion and contraction by changes in direction of pipe runs or by the use of expansion bends, loops, offsets, or slip joints.

(c) Piping shall be installed to avoid excessive strains and shall be adequately supported by hangers or guides, so that the weight of the piping is not transmitted to valves and fittings, and the effects of vibrations, pitching and rolling of the vessel are minimized. Pipe supports shall be designed and arranged so as not to interfere with expansion and contraction of the piping. Anchors, pivots and restraints shall be fabricated and installed to secure the desired points of piping in relatively fixed positions and freely permit expansion and contraction in opposite directions. Main junction points of piping subject to temperatures exceeding 450° F., which are not balance points shall be fitted with fixed anchors. If considered as a balance point the junction point may be free to move in all directions, or may be guided to limit the movement in one or more directions if computations indicate excessive strain may occur in any of the branch pipes.

(d) The combined stresses due to bending and pressure for the normal operating conditions shall not exceed two-thirds of the sum of the "S" value given in table 52.55–10 (a1) in Part 52 of this subchapter and table 55.07–5 (a) for the tubing and piping material at 650° F. and the "S" value at the design temperature.

(e) In order to modify the effect of expansion and contraction, runs of pipe should be cut short and sprung into place. Piping may be cold sprung any amount up to 100% of the total expansion. When it is desired to take credit for cold spring, the piping shall be cold sprung at least half of its computed expansion. In computing stress calculations for the hot condition, the total expansion movement may be reduced by one-third of the actual cold spring applied: *Provided*, That, in the opinion of the Commandant, satisfactory provision is made to obtain the design amount of cold spring. The full amount of cold spring shall be taken into account in considering the forces, moments, and stresses acting in the cold condition.

(f) A summary of the results of pipe stress calculations for the main and auxiliary steam piping where the design temperature exceeds 800° F., together with the arrangement piping drawings shall be submitted for approval. Calculations shall be made in accordance with one of the recognized methods of stress analysis acceptable to the Commandant. Under no conditions shall the calculated value of the combined stress be taken as less than the total longitudinal stress (the sum of the longitudinal bending stress and the longitudinal pressure stress).

(g) The stress calculations and piping arrangement plans shall indicate all piping runs, connections, materials, sizes, design pressure and temperature, anchorages, guides or junction points, total thermal expansion between anchor points, and design cold spring. The moment of inertia of the pipe shall be based upon the minimum thickness of the pipe or tubing.

(h) Stress calculations shall be made to determine the magnitude and direction of the forces (reactions) and moments at all terminal connections, anchor, guide and junction points, as well as the longitudinal bending and pressure stress, hoop stress, shear stress, and combined stress at all such points. The location of the maximum combined stress shall be indicated in each run of pipe between anchor or junction points. Where deemed necessary by the Commandant, and conditions are such as to warrant it, calculations for the cold conditions shall be made.

(i) Where it is desired to employ alloy steel pipe materials of better heat resistant properties than those specified in Part 51 of this subchapter, special consideration may be given by the Commandant for an increase in the maximum combined stress, if satisfactory evidence is furnished to establish the suitability of the material for the design temperature.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

4. Section 55.07–10 (b) is amended to read as follows:

§ 55.07–10 *Valves and fittings.* • • •

(b) Valves of class I piping having diameters exceeding 2 inches shall have bolted, pressure seal, or breech lock bonnets and flanged or welding ends, except that socket type welding ends, shall not be used where the diameter exceeds 2 inches. For diameters not exceeding 2 inches, screwed union bonnet valves or a type which will positively prevent the stem from screwing out of the body may be employed. Cast iron valves with screwed-in or screwed-over bonnets are prohibited. Union bonnet type cast iron valves shall have the bonnet ring made of steel, bronze or malleable iron.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

5. Section 55.07–15 is amended by changing tables 55.07–15 (e12) and 55.07–15 (e13) to read as follows:

§ 55.07–15 *Joints and flange connections.* • • •

(e) (1) • • •

TABLE 55.07–15 (e12)—SERVICE PRESSURE RATINGS FOR CARBON STEEL PIPE FLANGES AND FLANGED FITTINGS[1]

	Carbon steel flanges and flanged fittings at temperatures 800° F. and below with standard facings (other than ring joints)							Carbon steel flanges and flanged fittings at temperatures 800° F. and below with ring-joint facings						
Primary service pressure ratings	150	200	400	600	900	1,500	2,500	150	300	400	600	900	1,500	2,500
Maximum hydrostatic shell test pressures[2]	350	500	1,200	1,800	2,700	4,500	7,500	425	1,100	1,450	2,175	3,250	5,400	9,000
Service temperatures (°F.)	Maximum, nonshock, service pressure ratings at temperatures from 100° to 800° F.							Maximum, nonshock, service pressure ratings at temperatures from 100° to 800° F.						
100	290	400	800	1,200	1,800	3,000	5,000	275	720	960	1,440	2,160	3,600	6,000
150	290	400	785	1,180	1,770	2,950	4,915	255	710	945	1,420	2,130	3,550	5,915
200	290	400	770	1,160	1,740	2,900	4,830	240	700	930	1,400	2,100	3,500	5,830
250	290	370	760	1,140	1,710	2,850	4,750	225	690	920	1,380	2,070	3,450	5,750
300	290	360	740	1,120	1,680	2,800	4,660	210	680	910	1,365	2,050	3,415	5,690
350	280	350	725	1,095	1,645	2,740	4,565	195	675	900	1,350	2,025	3,375	5,625
400	270	340	710	1,075	1,615	2,690	4,475	180	665	890	1,330	2,000	3,330	5,550
450	260	325	700	1,050	1,580	2,630	4,380	165	660	875	1,320	1,975	3,295	5,490
500	[3] 150	300	665	1,000	1,500	2,500	4,165	[3] 150	650	865	1,295	1,945	3,245	5,410
550	140	275	630	950	1,420	2,370	3,950	140	580	780	1,165	1,775	2,955	4,925
600	130	265	590	890	1,330	2,220	3,700	130	555	740	1,110	1,660	2,770	4,620
650	120	215	550	830	1,240	2,070	3,450	120	515	690	1,030	1,550	2,580	4,300
700	110	280	500	760	1,140	1,900	3,160	110	470	635	940	1,410	2,350	3,920
750	100	240	450	680	1,020	1,700	2,830	100	425	575	850	1,275	2,125	3,550
800	90	[3] 200	[3] 400	[3] 600	[3] 900	[3] 1,500	[3] 2,500	90	365	490	730	1,100	1,830	3,050

[1] All pressures are in pounds per square inch, gauge.
[2] All tests shall be made with water at a temperature not to exceed 125° F.
[3] Primary service pressure rating.

TABLE 55.07–15 (e13)—SERVICE PRESSURE RATINGS FOR ALLOY STEEL PIPE FLANGES AND FLANGED FITTINGS[1]

	Alloy steels of suitable heat-resistant properties at temperatures 1,000° F. and below with standard facings (other than ring joints)[2]						Alloy steels of suitable heat-resistant properties at temperatures 1,000° F. and below with ring joint facings[2]					
Primary service pressure ratings	300	400	600	900	1,500	2,500	300	400	600	900	1,500	2,500
Maximum hydrostatic shell test pressures[3]	900	1,200	1,800	2,700	4,500	7,500	1,100	1,450	2,175	3,250	5,400	9,000
Service temperatures (° F.)	Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.						Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.					
100	600	800	1,200	1,800	3,000	5,000	720	960	1,440	2,160	3,600	6,000
150	590	785	1,180	1,770	2,950	4,915	710	945	1,420	2,130	3,550	5,915
200	580	770	1,160	1,740	2,900	4,830	700	930	1,400	2,100	3,500	5,830
250	570	760	1,140	1,710	2,850	4,750	690	920	1,380	2,070	3,450	5,750
300	560	740	1,120	1,680	2,800	4,660	680	910	1,365	2,050	3,415	5,690
350	550	725	1,095	1,645	2,740	4,565	675	900	1,350	2,025	3,375	5,625
400	540	710	1,075	1,615	2,690	4,475	665	890	1,330	2,000	3,330	5,550
450	525	700	1,050	1,580	2,630	4,380	660	875	1,320	1,975	3,295	5,490
500	500	665	1,000	1,500	2,500	4,165	650	865	1,295	1,945	3,245	5,410
550	475	630	950	1,420	2,370	3,950	580	780	1,165	1,775	2,955	4,925
600	445	590	890	1,330	2,220	3,700	555	740	1,110	1,660	2,770	4,620
650	415	550	830	1,240	2,070	3,450	515	690	1,030	1,550	2,580	4,300
700	380	500	760	1,140	1,900	3,160	470	635	940	1,410	2,350	3,920
750	360	475	720	1,080	1,800	2,995	425	575	850	1,275	2,125	3,550
800	340	450	680	1,020	1,700	2,830	375	500	750	1,125	1,875	3,125
850	320	425	640	960	1,600	2,665	350	475	700	1,050	1,750	2,925
900	[4] 300	[4] 400	[4] 600	[4] 900	[4] 1,500	[4] 2,500	325	425	650	975	1,625	2,700
950	285	350	570	795	1,325	2,205	[4] 300	[4] 400	[4] 600	[4] 900	[4] 1,500	[4] 2,500
1,000	190	230	380	570	950	1,580	230	310	470	700	1,170	1,950

[1] All pressures are in pounds per square inch, gauge.
[2] Carbon-molybdenum steel flanges and flanged fittings are not permitted for temperatures exceeding 900° F.
[3] All tests shall be made with water at a temperature not to exceed 125° F.
[4] Primary service pressure ratings.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

6. Section 55.07–20 is amended by canceling subparagraph (a) (3) and by changing paragraph (b) and table 55.07–20 (b) to read as follows:

§ 55.07–20 *Bolting.* • • •

(b) *Materials.* (1) For temperatures not exceeding 450° F., commercial carbon-steel bolting material may be used for attaching heads, doors, covers, or flanges. Carbon-steel bolting and nut material shall comply with Subpart 51.52 of this subchapter. Bolting and nuts shall meet the minimum requirements of American Standard Coarse-Thread Series. Nuts shall meet the requirements of American Standard Heavy Dimensions as given in table 55.07–20 (b).

(2) For temperatures exceeding 450° F., high strength or alloy steel bolting material complying with the requirements of Subpart 51.49 of this subchapter shall be employed. Nut material shall comply with Subpart 51.55 of this sub-

chapter. Bolting and nuts shall meet the minimum requirements of the American Standard Heavy Dimensions and the American Standard Threads for High Strength Bolting as given in table 55.07–20 (b). Washers are not required but when used shall be of forged rolled steel.

TABLE 55.07-20 (b)—BOLTING AND NUTS

[All dimensions given are in inches]

Diameter	Commercial steel bolts		High strength steel bolts		American Standard heavy nuts semifinished hexagonal		
	Number of threads [1]	Root area	Number of threads [1]	Root area	Width across flats (min.)	Width across corners (min.)	Nut thickness (min.)
½	13	0.126	13	0.126	0.850	0.969	0.464
9/16	12	.162	12	.162	.909	1.037	.525
⅝	11	.202	11	.202	1.031	1.175	.587
¾	10	.302	10	.302	1.212	1.382	.710
⅞	9	.419	9	.419	1.394	1.589	.833
1	8	.551	8	.551	1.575	1.796	.956
1⅛	7	.693	8	.728	1.756	2.002	1.097
1¼	7	.890	8	.929	1.938	2.209	1.187
1⅜	6	1.054	8	1.155	2.119	2.416	1.709
1½	6	1.294	8	1.405	2.300	2.622	1.433
1⅝	5½	1.515	8	1.680	2.481	2.828	1.556
1¾	5	1.744	8	1.980	2.662	3.035	1.679
1⅞	5	2.049	8	2.304	2.844	3.242	1.802
2	4½	2.300	8	2.652	3.025	3.449	1.925
2¼	4½	3.021	8	3.423	3.388	3.862	2.155
2½	4	3.716	8	4.292	3.750	4.275	2.401
2¾	4	4.619	8	5.259	4.112	4.688	2.647
3	4	5.621	8	6.324	4.475	5.102	2.893

[1] All bolting shall have threads at least as strong as American Standard screw threads.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

7. Section 55.07–25 is amended by canceling paragraph (b) and by changing paragraph (a) to read as follows:

§ 55.07–25 *Installation.* (a) Slip joints shall not be used in cargo holds, deep tanks, and in other places that are not always accessible, except that they may be used in cargo lines of tank vessels. Where used, slip joints shall be provided with positive means for preventing the end of the pipe from pulling out of the joint.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1554, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

8. Section 55.07–30 is amended to read as follows:

§ 55.07–30 *Tests*—(a) *Before installation.* (1) The manufacturer shall test all valves and fittings to a hydrostatic shell pressure as follows:

(i) For steam ratings; bronze, malleable iron, and cast iron: 2 times the primary pressure rating marked on the valve or fitting.

(ii) For steam ratings; steel: The respective test pressures as prescribed in tables 55.07–15 (e12) and 55.07–15 (e13).

(iii) For liquid or gas service not exceeding 150° F.; bronze or malleable iron: 1½ times the secondary pressure rating marked on the valve or fitting.

(2) Special valves, such as manifolds, scuppers, seacocks and appurtenances shall be tested to twice the design pressure stamped thereon.

(3) Pipe shall be subjected to the hydrostatic test pressure required by the respective specifications as prescribed in Part 51 of this subchapter.

(b) *After installation.* (1) The following piping systems shall be hydrostatically tested in the presence of an inspector at a pressure of 1½ times the maximum allowable pressure:

(i) Class I steam, feed-water, blow-off, and compressed air piping, except that where piping is attached to boilers by welding without practical means of blanking off for testing, the piping shall be subjected to the same hydrostatic pressure to which the boilers are tested.

(ii) Fuel oil discharge piping between the pumps and the burners, but not less than 500 p. s. i.

(iii) High-pressure piping for tank-cleaning operations.

(iv) Inflammable or corrosive liquids and compressed gas cargo piping, but not less than 150 p. s. i.

(v) Hydraulic oil piping.

(vi) Any class I piping not specifically listed in this paragraph.

(vii) Cargo oil piping.

(viii) Firemains, but not less than 150 p. s. i.

(ix) Fuel oil transfer and filling piping.

(2) Refrigeration piping shall be leak-tested to the design pressures as indicated in table 55.13–5.

(3) Piping systems not specifically listed in this paragraph shall be tested under working conditions.

(4) Arc or gas welded pipe joints of class I piping which are not examined by radiography shall be given a hammer test as required by § 56.05–10 of this subchapter.

(5) The required test pressures shall be maintained a sufficient length of time to permit an inspection to be made of all joints and connections.

(6) The setting of the safety or relief valve is considered as establishing the maximum allowable pressure of the system.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

9. Section 55.10–55 (f) is amended to read as follows:

§ 55.10–55 *Lubricating oil system.* * * *

(f) Steam turbine driven propulsion and auxiliary generating machinery depending on forced lubrication shall be arranged to shut down automatically upon failure of the lubricating system.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.05—TESTS AND INSPECTIONS

Section 56.05–10 is amended to read as follows:

§ 56.05–10 *Hydrostatic and hammer tests.* (a) Arc or gas welded vessels which have been both stress-relieved and radiographed need not be subjected to the hammer test but shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient time to permit an inspection of all joints and connections. Welded pressure vessels, 12 feet or less in diameter and/or 20 feet or less in vertical height, the welded joints of which are not stress-relieved and radiographed, shall be subjected to a hydrostatic test pressure of at least 1¼ times but not more than 1½ times the maximum allowable pressure, and while subject to this pressure all welded joints shall be given a thorough hammer or impact test. This impact test shall consist of striking the plate at 6-inch intervals on both sides of the welded joint and for the full length of all welded joints. The weight of the hammer in pounds shall approximately equal the thickness of the shell in tenths of an inch, but not to exceed 10 pounds, and the plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate. This hammer test shall be applied to vessels over 12 feet in diameter and/or 20 feet or more in vertical height while they are empty prior to the hydrostatic test.

(b) Following the hammer test, the vessels shall be hydrostatically tested to not less than 1½ times the maximum allowable pressure for a sufficient length of time to permit an inspection of all joints and connections.

(c) On all other pressure parts the hydrostatic pressure shall be maintained at not less than 1½ times the maximum allowable pressure for a sufficient length of time to permit complete inspection.

(d) The maximum allowable pressure used in determining the hydrostatic tests shall be that for which an unfired pressure vessel is suitable at normal atmospheric temperature based on the actual dimensions and material thicknesses of the vessel.

(e) Pinholes, cracks, or other defects shall be repaired only by chipping, machining, or burning out the defect and rewelding. For gas welding, the metal

around the defects shall be preheated to a dull red for a distance of at least 4 inches all around. Any preheating means may be used, such as a flange fire, gas or oil burner, or a welding torch. The preheating shall be done slowly, so the heat will soak into the plate and expand it thoroughly. After welding, the vessel shall be reheated in the vicinity of each weld until the heat has equalized in the dull-red spot, and then slowly cooled. For arc welding, preheating or reheating is not required.

(f) Vessels requiring stress relieving shall be stress-relieved after any welding repairs have been made.

(g) After repairs have been made the vessel shall again be tested in the regular way, and if it passes the test, the inspector shall accept it. If it does not pass the test, the inspector can order supplementary repairs, or, if in his judgment the vessel is not suitable for service, he may permanently reject it.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

PART 57—INSTALLATIONS, TESTS, INSPECTION, REPAIRS, AND MISCELLANEOUS REQUIREMENTS

SUBPART 57.10—TESTS AND INSPECTIONS

1. Section 57.10–15 is amended to read as follows:

§ 57.10–15 *Tests and inspection of boilers and main steam pipes in service.* (a) The boilers of all vessels subject to inspection, and other equipment as stipulated in this subpart, shall be subjected to periodic tests and inspections. Annually, at the inspection period, all boilers, superheaters, and economizers shall be examined internally and externally; and safety valves shall be set under steam at the maximum allowable pressure as prescribed in § 57.10–20. Hydrostatic tests shall be applied to all boilers as provided in table 57.10–15 (a) at the regular inspection period.

TABLE 57.10-15 (a)—HYDROSTATIC TESTS

Boiler (type)	Passenger vessels	Cargo, tank, and miscellaneous vessels
Fire tube	Annual	Annual.
Water tube	do	Quadrennial.

(b) Fire tube boilers which can be satisfactorily examined internally, except as indicated in paragraph (c) of this section, and all water tube boilers, shall be subjected to a hydrostatic test equal to 1¼ times the maximum allowable pressure at the regular inspection period, as provided in paragraph (a) of this section.

(c) Fire tube boilers which cannot be entered or which cannot be satisfactorily examined internally, and all boilers of lap-seam construction, shall be subjected to a hydrostatic test equal to 1½ times the maximum allowable pressure at the regular inspection period, as provided in paragraph (a) of this section.

(d) Main steam piping shall be subjected to a hydrostatic test equal to 1¼ times the maximum allowable pressure at the same periods prescribed for boilers in paragraph (a) of this section. The hydrostatic test shall be applied from the boiler drum to the throttle valve. If the covering of the piping is not removed, the test pressure shall be maintained on the piping for a period of ten minutes, and, if any evidence of moisture or leakage is detected, the covering shall be removed and the piping thoroughly examined.

(e) Boilers to which extensive repairs have been made, or the strength of which the inspector has any reason to doubt, shall be subjected to a hydrostatic test equal to 1½ times the maximum allowable pressure. The inspector, whenever he deems it necessary, or whenever evidence of moisture or leakage appears, shall have part or all of the boiler covering, refractory and internal fittings removed so that a complete internal and external examination of the boiler may be made. If the inspector has reason to believe that the boiler has deteriorated to any appreciable extent at the bottom where it rests on saddles or foundations, he shall have the boiler lifted so that it can be thoroughly examined if the examination cannot be made otherwise.

(f) At the annual inspection the inspector shall subject such parts as stays, flues, furnaces, and such other parts of the boiler as found necessary to a hammer or drill test or both.

(g) The inspector shall carefully examine the ligaments between rivets and between tube holes to ascertain if any cracks have started. The inspector shall also examine the edges of manholes or other openings and the edges of riveted joints to ascertain if cracks have started in the plate.

(h) The inspector shall examine the casing, brickwork, refractory and baffles. If any part is found in bad condition, he shall require such repairs or renewals as may be necessary.

(i) In applying hydrostatic pressure to boilers, arrangements shall be made to prevent main and auxiliary stop valves from being subjected at the same time to hydrostatic pressure on one side and steam pressure on the opposite side. Vessels laid up when undergoing annual inspection may have the hydrostatic pressure applied to boilers at any time preceding the date of the final inspection. However, in no instance will a passenger vessel be allowed to navigate for a period to exceed 12 months from the date of issue of the certificate of inspection, nor will a cargo, tank, or miscellaneous vessel be allowed to navigate for a period to exceed 1 or 4 years as provided in paragraph (a) of this section from the date of issue of the certificate of inspection, without the application of the hydrostatic pressure, except as provided in R. S. 4421, as amended (46 U. S. C. 399).

(j) The inspector may require any boiler to be drilled to determine the actual thickness at any time if doubt exists as to its safety. However, after a Scotch, western river, or other fire tube or flue boiler has been installed for 10 years, the inspector, at the first annual inspection thereafter, and at such subsequent periods as may be deemed necessary, shall cause the boiler to be drilled at or near the water line and bottom, and at such other places as he may deem necessary, for the purpose of gauging the shell to determine the extent of deterioration. If the thickness found by actual measurement is less than the original thickness, the maximum allowable pressure shall be recalculated using the thinnest portion of the shell plate as the thickness of the shell, and shall not exceed the maximum pressure permitted by the applicable boiler design formulas. For the purpose of such recalculation the formulas found in Parts 50 to 57, inclusive, of this subchapter shall be used for boilers made or contracted for on or after July 1, 1935. The design formulas specified in Part 58 of this subchapter may be used for boilers made or contracted for prior to July 1, 1935, or alternatively the design formulas set forth in Parts 50 to 57, inclusive, of this subchapter may be used for such boilers.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

2. Section 57.10–20 (a) is amended to read as follows:

§ 57.10–20 *Inspection of mountings and attachments*—(a) *Boiler stop valves and mountings.* The Officer in Charge, Marine Inspection, shall require all valves on boilers to be opened up every 4 years at the time of annual inspection or at the next regular overhaul period thereafter. All flanged valves shall be removed from the boiler at least once in every 8 years to determine the condition of the studs or bolts connecting the valves to the boiler and to permit examination of those parts of the valves which are not susceptible to examination by simply opening up the valves. When, as in the case of some of the older boilers, the valves are connected to nozzles or stools which are secured to the boiler by studs or bolts, the nozzle itself should also be removed from the boiler at 8-year intervals to permit examination of the studs or bolts connecting it to the boiler. When valves are bolted to nozzles or stools which are riveted or welded to the boiler, these riveted or welded joints should not be broken unless there is evidence of leakage or the Officer in Charge, Marine Inspection, is of the opinion that examination of such joints is necessary. These examinations may be made at intermediate periods if there is any evidence to indicate that defects have started or excessive corrosion exists. Where one or more flanged joints intervene between a stop valve and the boiler drum such flanged joints need not be opened up at the time the valve is removed from its flanged joint but may be opened up at any time the Officer in Charge, Marine Inspection, is of the opinion that examination of such joints is necessary. A record of the inspection of the valves will be made on Form CG 840–B and a notation made on the certificate of inspection. This notation will be carried on each certificate

until the next period of examination arrives.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

SUBPART 57.15—REPAIRS

3. Section 57.15–1 is amended to read as follows:

§ 57.15–1 *Welding repairs to existing boilers and unfired pressure vessels.* (a) Repairs to boilers or unfired pressure vessels fabricated of carbon steel may be performed by welding provided the welding meets the applicable requirements of Part 56 of this subchapter. No repairs by welding shall be made, except temporary emergency repairs, without the approval of the Officer in Charge, Marine Inspection. Emergency repairs shall be replaced with permanent repairs meeting the requirements of this subchapter when the vessel returns to a port in which an Officer in Charge, Marine Inspection, is located, except in the case of minor repairs which in the opinion of the Officer in Charge, Marine Inspection, do not materially affect the safety of the boiler or pressure vessel.

(b) Repair welding of power boilers not meeting requirements for class I welding is prohibited unless the stress is carried by such other type(s) of construction complying with the requirements of this subchapter, and where the adequacy of the boiler design is not solely dependent upon the strength of the welds.

(c) Welding repairs are permitted in stay-bolted areas or areas adequately stayed by other means so that should failure of the welds occur the stress will be carried by stays. The welds shall be located entirely within stay-bolted areas which prohibit welds passing through the outer row of stays.

(d) Cracks extending from the calking edge of plates to the rivet holes of circumferential joints may be welded provided the cracks are veed out so that complete penetration of the weld metal is secured.

(e) Circumferential cracks from rivet hole to rivet hole in girth joints may be welded provided there are not more than three consecutive cracked ligaments nor more than a total of six cracked ligaments in any one girth joint.

(f) Cracks in staybolted plates may be welded provided they are located entirely within staybolted areas and the total length of any crack or series of consecutive cracks does not exceed two staybolt pitches.

(g) Cracks in plain, circular or Adamson ring or similar type furnaces may be welded provided any one crack does not exceed 12 inches in length and after completion the weld is stress-relieved as required by § 56.01–70 of this subchapter. Cracks in corrugated furnaces may be repaired by welding provided any one crack does not exceed 20 inches in length.

(h) Fire cracks may be welded at riveted door openings extending from the edge of the plate, but not more than 2 inches beyond the centerline of the rivet holes.

(i) Cracks may be welded between tube holes in the shell of water-tube boiler drums, provided there are not more than two cracks in any one row in any direction, nor more than a total of four cracks in a drum, and further provided the welding meets the requirements of this subchapter for class I welding and is approved by the Commandant.

(j) All cracks permitted to be repaired under this subpart shall be excavated to sound metal by grinding, flame gouging or chipping out the defective metal to form a clean welding groove. Either a vee groove or "U" groove wherein complete penetration of the weld metal is secured may be used. The first two methods of excavation are preferable. After excavation is completed and prior to welding, the excavated area shall be examined by magnetic particle testing to insure that the entire crack was excavated. When the reverse side of the weld is accessible the root of the weld shall be chipped or ground out to insure a clean surface of the originally deposited metal and the resultant groove welded to obtain a sound weld having complete penetration. During welding a preheat of 200 degrees plus or minus 50 degrees F. shall be maintained by controlled temperature. For thicknesses exceeding ¾ inch, suitable "U" grooves should be employed. A welding sequence shall be used so as to equalize welding stresses. Each complete bead of welding except the last shall be peened before depositing the succeeding bead.

(k) After cracks originating in tube or rivet holes are repaired by welding the holes shall be properly reamed and the weld reinforcing ground flush with the plate in way of rivet heads.

(l) The welding of cracks or the repairs to drums of power boilers, except as otherwise permitted in this subpart is prohibited.

(m) The edge preparation and preheat of butt-welded joints employed in the renewal of defective or corroded boiler plates shall comply with the requirements of paragraph (j) of this section.

(n) It is not permitted to reinforce or build up by welding the heads of rivets or staybolts that have deteriorated. Such rivets or staybolts shall be replaced. The seal welding of rivet heads to secure tightness is prohibited.

(o) Corroded surfaces in the calking edges of circumferential seams may be built up by welding to the original thickness under the following conditions:

(1) The thickness of the original metal to be built up between rivet holes and calking edge shall not be less than one-fourth of the diameter of the rivet hole, and the portion of the calking edge to be thus reinforced shall not exceed 30 inches in length in a circumferential direction.

(2) In all repairs to circumferential seams by welding, the rivets shall be removed over the portions to be welded for a distance of at least 6 inches beyond the repaired portion.

(3) After repairs are made the rivet holes shall be reamed before the rivets are re-driven.

(p) Where leaks occur in riveted joints or connections, they shall be carefully investigated to determine the cause. Such leaks may be made tight by seal welding the edge, if, in the opinion of the Officer in Charge, Marine Inspection, this will make a satisfactory repair.

(q) It is not permissible to build up or reinforce a grooved or corroded area of unstayed internal surfaces by means of welding, except that widely scattered pit holes may be built up by welding.

(r) Where external corrosion has reduced the thickness of flat plates around hand holes to an extent of not more than 40 percent of the original thickness and for a distance not exceeding 2 inches from the edge of the hole, the plate may be built up by welding.

(s) Where stayed sheets have corroded to a depth not exceeding 40 percent of their original thickness, they may be reinforced or built up by welding. Where the staybolts are fitted with riveted heads, the staybolts in the reinforced area shall be renewed in accordance with the provisions of Subparts 52.30 and 52.35 of this subchapter, but where the staybolts are fitted with nuts, the nuts may be removed and after reinforcing has been applied, collars may be welded around the staybolts in lieu of the nuts. Such reinforced areas shall not exceed 400 square inches nor more than 30 inches in one direction. Two such areas in any one plate may be reinforced: *Provided*, That the distance between the reinforced surfaces is not less than 30 inches.

(t) When the corroded portion of a staybolted surface exceeds 400 square inches, it is permissible to repair the same by cutting out the defective portion and replacing it with a new plate, the edges of the new plate to be welded in position. In such cases, new staybolts shall be fitted in accordance with the requirements of Subparts 52.30 and 52.35 of this subchapter and where welding is performed through a line of staybolts, welded collars as required by figure 52.35–1 of this subchapter shall be used to attach the staybolts.

(u) Flat tube sheets in fire-tube boilers which have corroded or where cracks exist in the ligaments may be repaired by welding.

(v) Unreinforced openings in the shells or drums of boilers or pressure vessels, the diameter of which does not exceed the maximum diameter of an unreinforced opening in accordance with figures 52.25–15 (b1) and 52.25–15 (b2) of this subchapter, may be closed by the use of a patch or plate inside the drum or shell and sealed against leakage by welding. Such plates shall have a diameter of at least 2 inches larger than the diameter of the hole and shall have a thickness equal to the thickness of the plate to which it is attached. It is not permissible to insert such patches in the shell or head flush with the surrounding plate unless the requirements of this subchapter for Class I welding are met.

(w) Portions of tube sheets which have deteriorated may be renewed by replacing the wasted portion with a new section. The ligaments between the tube holes may be joined by means of welding and staytubes, or other acceptable means of lowering the stress on the repaired section may be installed if in the judgment of the Officer in Charge, Marine Inspection, it is necessary.

(x) Where leaks develop around staybolts which are otherwise in good condition, the nuts may be replaced with a beveled collar formed around the end of the stay by means of welding. In such cases, the depth of the collar measured on the stay and the width measured on the plate, shall be equal to one-half the diameter of the staybolt. (See figure 52.35–1 (l) of this subchapter.)

(y) Only welded repairs as specified in this subchapter are permitted on boilers and unfired pressure vessels. Such method of repairs by means of welding not covered by regulations in this subchapter shall be referred to the Commandant and may be authorized by him if, in his opinion, it meets the intent of the regulations in this subchapter. Welding repairs to boilers and unfired pressure vessels fabricated of alloy steel will be given special consideration by the Commandant.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

4. Section 57.15–25 is amended to read as follows:

§ 57.15–25 *Repair of wrapper plates and back heads.* Wrapper plates and back heads may be renewed in whole or repaired as follows:

(a) Wrapper plates or back heads shall be cut between two rows of staybolts or on a line of staybolts where the thickness is approximately the same as the original construction. If welding is employed on a line of staybolts, the staybolts shall be fitted with a welded collar as required in figure 52.35–1 of this subchapter.

(b) The edges of wrapper plates riveted to tube sheets and back heads shall be removed by cutting out the rivets.

(c) The edges of existing plates and new plates shall be beveled by chipping, flame cutting, or grinding so as to form a suitable groove whereby complete penetration of the weld metal will be obtained. The edge preparation and preheat shall comply with the requirements of § 57.15–1 (j).

(d) The edges of the new plate shall be butt-welded and the plate shall be riveted to the flanges of the tube sheet and back heads and the staybolts renewed.

(e) Sections of wrapper plates of combustion chambers outside of stayed areas may be repaired by welding provided the welded joints are stress-relieved by means of controlled heat and the joints are nondestructively tested.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, and 50 U. S. C. 1275)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.64 is amended to read as follows:

§ 59.64 *Subdivision and watertight integrity of passenger vessels of less than 150 gross tons.* (a) Every mechanically propelled vessel of less than 150 gross tons, whether or not specifically required by paragraph (b) of this section to meet a one-compartment standard of subdivision, shall be fitted with not less than 3 transverse watertight bulkheads.

(b) Every passenger vessel carrying more than 49 passengers, or of more than 75 gross tons and less than 150 gross tons, shall be subdivided so as to be capable of remaining afloat and with positive stability with any one main compartment flooded.

(c) To be considered effective, watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length. The collision bulkhead shall be fitted not more than 10 feet plus 5 percent of the load waterline length abaft the bow at the load waterline and not less than 5 percent of the load waterline length (5-foot minimum for steam vessels) abaft the bow at the load waterline. Bulkheads in vessels of wood construction (except steam vessels) may be of wood.

(d) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the center line at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (c) of this section, the step or recess will be acceptable.

(e) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except as follows:

(1) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition may be taken at a permeability of 60 percent.

(2) For purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(f) In making subdivision calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the ends of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(g) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(h) The bulkhead deck, or superstructure inclosing any portion thereof, shall be effectively weathertight. Adequate freeing arrangements shall be provided.

(i) Portlights shall not be fitted below the margin line.

(j) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkheads and as far inboard as practicable. Watertight doors are not permitted in forepeak bulkheads. Watertight doors between cargo spaces or between cargo and working spaces will not ordinarily be permitted. Watertight doors within accommodation and working spaces shall in no case exceed five in number and shall be of approved hand-operated sliding type. On vessels which do not proceed more than 20 miles from the nearest land, approved hinged watertight doors may be substituted for sliding doors providing such doors can be kept normally closed, except when actually being used for transit. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(k) Special consideration will be given to departures from the specific requirements of the regulations in this section when it can be shown that the special circumstances or arrangements warrant such departures.

(l) Any passenger vessel whose keel was laid before April 15, 1951, or any vessel converted to a passenger vessel before April 15, 1951, while normally required to essentially comply with a one-compartment standard of subdivision, is not subject to compliance with this standard or to the detail requirements of the regulations in this section to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 4490, 49 Stat. 1384, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.57 is amended to read as follows:

§ 60.57 *Subdivision and watertight integrity of passenger vessels of less than 150 gross tons.* (a) Every mechanically propelled vessel of less than 150 gross tons, whether or not specifically required by paragraph (b) of this section to meet

a one-compartment standard of subdivision, shall be fitted with not less than 3 transverse watertight bulkheads. On such a vessel operating not more than 15 miles from the mouth of bays or harbors, air tankage or other internal buoyancy sufficient to float the vessel when completely flooded may be substituted for the after two of the three required bulkheads, but a collision bulkhead extending to the weather deck shall be fitted on each vessel. The use of internal buoyancy shall not permit omission of bulkheads required by other regulations in this chapter dealing with machinery installations, etc.

(b) Every passenger vessel carrying more than 49 passengers or of more than 75 gross tons and less than 150 gross tons shall be subdivided so as to be capable of remaining afloat with positive stability with any one main compartment flooded.

(c) To be considered effective watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load water line length. The collision bulkhead shall be fitted not more than 10 feet plus 5 percent of the load water line length abaft the bow at the load water line and not less than 5 percent of the load water line length (5-foot minimum for steam vessels) abaft the bow at the load water line. Bulkheads in vessels of wood construction (except steam vessels) may be of wood.

(d) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the center line at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (c) of this section, the step or recess will be acceptable.

(e) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except as follows:

(1) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition may be taken at a permeability of 60 percent.

(2) For purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(f) In making subdivision calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the ends of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(g) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(h) The bulkhead deck, or superstructure inclosing any portion thereof, shall be effectively weathertight. Adequate freeing arrangements shall be provided. On vessels having internal buoyancy, as permitted under paragraph (a) of this section, a bulkhead deck is not required.

(i) Portlights shall not be fitted below the margin line.

(j) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkheads and as far inboard as practicable. Watertight doors are not permitted in forepeak bulkheads. Watertight doors between cargo spaces or between cargo and working spaces will not ordinarily be permitted. Watertight doors within accommodation and working spaces shall in no case exceed five in number and shall be of approved hand-operated sliding type. On vessels which do not proceed more than 20 miles from the nearest land, approved hinged watertight doors may be substituted for sliding doors providing such doors can be kept normally closed except when actually being used for transit. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(k) Special consideration will be given to departures from the specific requirements of the regulations in this section when it can be shown that the special circumstances or arrangements warrant such departures.

(l) Any passenger vessel whose keel was laid before April 15, 1951, or any vessel converted to a passenger vessel before April 15, 1951, while normally required to essentially comply with a one-compartment standard of subdivision, is not subject to compliance with this standard or to the detail requirements of the regulations in this section to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 4490, 49 Stat. 1384, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275)

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.57 is amended to read as follows:

§ 76.57 *Subdivision and watertight integrity of passenger vessels.* (a) Every mechanically propelled vessel, whether or not specifically required by this section to meet a one-compartment or better standard of subdivision, shall be fitted with not less than 3 transverse watertight bulkheads. On such a vessel operating not more than 15 miles from the mouth of bays or harbors, air tankage or other internal buoyancy sufficient to float the vessel when completely flooded may be substituted for the after two of the three required bulkheads, but a collision bulkhead extending to the weather deck shall be fitted on each vessel. The use of internal buoyancy shall not permit omission of bulkheads required by other regulations in this chapter dealing with machinery installations, etc.

(b) Every passenger vessel carrying more than 49 passengers or of more than 75 gross tons shall be so subdivided as to be capable of remaining afloat with positive stability with any one main compartment flooded.

(c) Every passenger vessel carrying more than 400 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with the forepeak and the adjacent main compartment both flooded.

(d) Every passenger vessel carrying more than 600 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with any two adjacent main compartments within at least the forward 40 percent of the vessel's length from the forward perpendicular flooded.

(e) Every passenger vessel carrying more than 800 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with any two adjacent main compartments within at least 60 percent of the vessel's length from the forward perpendicular flooded.

(f) Every passenger vessel carrying more than 1,000 passengers shall, in addition, be so subdivided by main transverse watertight bulkheads as to be capable of remaining afloat and with positive stability with any two adjacent main compartments flooded.

(g) To be considered effective, watertight bulkheads abaft the collision bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length. The collision bulkhead shall be fitted not more than 10 feet plus 5 percent of the load waterline length abaft the bow at the load waterline and not less than 5 percent of the load waterline length (5-foot minimum for steam vessels) abaft the bow at the load waterline. Bulkheads in vessels of wood construction (except steam vessels) may be of wood. On vessels of 150 gross tons or over, stern tubes shall be enclosed in watertight spaces. The stern glands shall be situated within a watertight shaft tunnel or other space of such volume that if flooded by leakage through the stern gland the margin line will not be submerged.

(h) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the centerline at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the maximum molded beam at the deck and at the load waterline differ appreciably the inboard damage penetration may be assumed at a mean position between that corresponding to one-fifth the maximum molded beam at the deck measured inboard at the deck, and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (g) of this section the step or recess will be acceptable.

(i) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except as follows:

(1) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition may be taken at a permeability of 60 percent.

(2) For purposes of calculating stability in the damage condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(j) In making subdivision calculation, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the ends of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(k) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(l) The bulkhead deck, or superstructure inclosing any portion thereof, shall be effectively weathertight. Adequate freeing arrangements shall be provided. On vessels having internal buoyancy, as permitted under paragraph (a) of this section, a bulkhead deck is not required.

(m) Portlights shall not be fitted below the margin line.

(n) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkheads and as far inboard as practicable. Watertight doors are not permitted in forepeak bulkheads. Watertight doors between cargo spaces or between cargo and working spaces will not ordinarily be permitted. Watertight doors within accommodation and working spaces, and having their sills below the subdivision waterline, shall not exceed 5 in number and shall be of approved hand-operated sliding type. Where it can be shown that more than 5 such watertight doors are required they shall be of approved power operated sliding type. On vessels which do not proceed more than 20 miles from the nearest land, approved hinged watertight doors may be substituted for hand-operated sliding doors providing such doors can be kept normally closed except when actually being used for transit. Where watertight doors are required above a deck which, at its lowest point at side, is at least 7 feet above the subdivision waterline, such doors may be of approved hinged type. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(o) Special consideration will be given to departures from the specific requirements of the regulations in this section when it can be shown that the special circumstances or arrangements warrant such departures.

(p) Any passenger vessel whose keel was laid before April 15, 1951, or any vessel converted to a passenger vessel before April 15, 1951, if of more than 75 gross tons, is normally required to comply with a one-compartment standard of subdivision. Such a vessel, however, is not subject to compliance with a one-compartment standard, or to the detail requirements of the regulations in this section to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 46 Stat. 888, 49 Stat. 1384, 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244 as amended; 46 U. S. C. 88a, 367, 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275; E. O. 7548, 2 F. R. 257)

PART 80—FERRYBOATS

Section 80.2 is amended to read as follows:

§ 80.2 *Subdivision and watertight integrity of ferry vessels.* (a) Every passenger ferry vessel shall be so subdivided by main transverse watertight bulkheads as to be capable of remaining afloat and with positive stability with any one main compartment flooded, unless provided with air tankage or other internal buoyancy sufficient to float the flooded vessel. The use of internal buoyancy shall not permit omission of bulkheads required by other regulations of this chapter dealing with machinery installation, etc.

(b) Every passenger ferry vessel above 150 feet in waterline length shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with either of the peak compartments and its adjacent main compartment both flooded.

(c) Every passenger ferry vessel above 230 feet in waterline length shall, in addition, be so subdivided by main transverse bulkheads as to be capable of remaining afloat and with positive stability with any two adjacent main compartments flooded.

(d) (1) To be considered effective, watertight bulkheads between the peak bulkheads shall be spaced not less than 10 feet plus 3 percent of the load waterline length. The peak bulkheads shall be fitted not less than 5 percent of the load waterline length and not more than 10 feet plus 5 percent of the load waterline length from the ends of the vessel at the load waterline.

(2) On ferryboats of 150 gross tons or over, shaft tubes shall be enclosed in watertight spaces. The glands shall be situated within watertight shaft tunnels or other spaces of such volume that the flooding by leakage through either gland will not submerge the margin line.

(e) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the center line at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the maximum molded beam at the deck and at the load waterline differ appreciably the inboard damage penetration may be assumed at a mean position between that corresponding to one-fifth the maximum molded beam at the deck measured inboard at the deck, and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (d) of this section, the step or recess will be acceptable.

(f) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except for purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(g) In making subdivision calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the end of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(h) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(i) The bulkhead deck, or superstructure enclosing any portion thereof, shall be effectively weathertight. Adequate freeing arrangements shall be provided. On vessels having internal buoyancy, as permitted under paragraph (a) of this section, a bulkhead deck is not required.

(j) Portlights shall not be fitted below the margin line.

(k) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkhead and so far inboard as practicable. Watertight doors are not permitted in peak bulkheads. Watertight doors within accommodation and working spaces shall be of approved hand-operated sliding type. However, doors which can be kept normally closed except when actually being used for transit, may be hinged doors of approved type. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(l) Special consideration will be given to departures from the specific requirements of the regulations in this part when it can be shown that the special circumstances or arrangements warrant such departures.

(m) Any passenger ferry vessel whose keel was laid before April 15, 1951, or any vessel converted to passenger ferry service before April 15, 1951, while normally required to essentially comply with a one-compartment standard of subdivision, is not subject to compliance with this standard or to the detail requirements of the regulations in this part to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 46 Stat. 838, 49 Stat. 1384, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 88a, 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275. E. O. 7548, 2 F. R. 257)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.56 is amended to read as follows:

§ 94.56 *Subdivision and watertight integrity of passenger vessels.* (a) Every mechanically propelled vessel carrying passengers for hire shall have not less than three transverse watertight bulkheads, unless provided with air tankage or other internal buoyancy sufficient to float the flooded vessel. The use of internal buoyancy shall not permit omission of bulkheads required by other regulations in this chapter dealing with machinery installations, etc.

(b) Every passenger vessel carrying more than 49 passengers or of more than 75 gross tons shall be subdivided so as to be capable of remaining afloat and with positive stability with any one main compartment flooded.

(c) Every passenger vessel carrying more than 400 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with the forepeak and the adjacent main compartment both flooded.

(d) Every passenger vessel carrying more than 600 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with any two adjacent main compartments within at least the forward 40 percent of the vessel's length from the forward perpendicular flooded.

(e) Every passenger vessel carrying more than 800 passengers shall, in addition, be so subdivided as to be capable of remaining afloat and with positive stability with any two adjacent main compartments within at least 60 percent of the vessel's length from the forward perpendicular flooded.

(f) Every passenger vessel carrying more than 1,000 passengers shall, in addition, be so subdivided by main transverse watertight bulkheads so as to be capable of remaining afloat and with positive stability with any two adjacent main compartments flooded.

(g) To be considered effective, watertight bulkheads abaft the forepeak bulkhead shall be spaced not less than 10 feet plus 3 percent of the load waterline length. The forepeak bulkhead shall be fitted not less than 5 percent of the load waterline length and not more than 10 feet plus 5 percent of the load waterline length abaft the bow of the vessel at the load waterline.

(h) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the center line at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the maximum molded beam at the deck and at the load waterline differ appreciably the inboard damage penetration may be assumed at a mean position between that corresponding to one-fifth the maximum molded beam at the deck measured inboard at the deck, and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (g) of this section, the step or recess will be acceptable.

(i) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except as follows:

(1) Tanks, chain lockers, and spaces normally filled with cargo, stores, mail, or baggage in the full load condition may be taken at a permeability of 60 percent.

(2) For purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirements.

(j) In making subdivision calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the ends of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(k) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(l) The bulkhead deck, or superstructure inclosing any portion thereof, shall be effectively weathertight. Adequate freeing arrangements shall be provided. On vessels having internal buoyancy, as permitted under paragraph (a) of this section, a bulkhead deck is not required.

(m) Portlights shall not be fitted below the margin line.

(n) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkheads and as far inboard as practicable. Watertight doors between cargo spaces or between cargo and working spaces will not ordinarily be permitted. Watertight doors within accommodation and working spaces shall in no case exceed five in number and shall be of approved hand-operated sliding type. Approved hinged watertight doors may be substituted for sliding doors providing such doors can be kept normally closed except when actually being used for transit. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(o) Special consideration will be given to departures from the specific requirements of the regulations in this section when it can be shown that the special circumstances or arrangements warrant such departures.

(p) Any passenger vessel whose keel was laid before April 15, 1951, or any vessel converted to a passenger vessel before April 15, 1951, if of more than 75 gross tons, is normally required to comply with a one-compartment standard of subdivision. Such vessel, however, is not subject to compliance with a one-compartment standard, or to the detail requirements of the regulations in this section to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 49 Stat. 1384, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275.)

PART 98—FERRYBOATS

§ 98.2 *Subdivision and watertight integrity of ferry vessels.* (a) Every passenger ferry vessel shall be subdivided by main transverse watertight bulkheads so as to be capable of remaining afloat and with positive stability with any one main compartment flooded, unless provided with air tankage or other internal buoyancy sufficient to float the flooded vessel. The use of internal buoyancy shall not permit omission of bulkheads required by other regulations in this chapter dealing with machinery installations, etc.

(b) Every passenger ferry vessel above 150 feet in waterline length shall, in addition be so subdivided as to be capable of remaining afloat and with positive stability with either of the peak compartments and its adjacent main compartment both flooded.

(c) Every passenger ferry vessel above 200 feet in waterline length shall, in addition, be so subdivided by main transverse bulkheads as to be capable of remaining afloat and with positive stability with any two adjacent main compartments flooded.

(d) To be considered effective, watertight bulkheads between the peak bulkheads shall be spaced not less than 10 feet plus 3 percent of the load waterline length. The peak bulkheads shall be fitted not less than 5 percent of the load waterline length and not more than 10 feet plus 5 percent of the load waterline length from the ends of the vessel at the load waterline.

(e) Watertight bulkheads shall not be stepped unless additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead. If watertight bulkheads are recessed, either the recess shall be inboard from the vessel's side by at least one-fifth the beam amidships measured at right angles to the center line at the level of the load waterline, or additional subdivision shall be provided in way of the recess to maintain the same measure of safety as that secured by a plane bulkhead. Where the maximum molded beam at the deck measured inboard, at the deck, and that corresponding to one-fifth the maximum molded beam at the load waterline measured inboard at the load waterline. Where the vessel can withstand the flooding of the two adjacent compartments separated by a stepped or recessed bulkhead and no part of such bulkhead is nearer to either of the other bulkheads bounding the adjacent compartments than is permitted by paragraph (d) of this section, the step or recess will be acceptable.

(f) Permeability of machinery spaces shall be taken at 85 percent and of all other spaces at 95 percent, except for purposes of calculating stability in the damaged condition, tanks or tight voids shall be taken either at 95 percent permeability or at zero permeability whichever results in the more severe requirement.

(g) In making subdivision calculations, the undamaged vessel is to be assumed floating at the maximum service draft and at a trim consistent therewith. Sinkage, trim, and heel after damage shall not be permitted beyond a margin line 3 inches below the top of the bulkhead deck at side. In the case of vessels, where the mean of the maximum sheer forward and aft is less than 12 inches, a modified margin line 3 inches below the top of the bulkhead deck at the ends of the vessel but lowered throughout its length so as to have a mean parabolic sheer of 12 inches is to be used. Where the bulkhead deck is not continuous the margin line shall be such as to give at least a standard of safety equivalent to the foregoing.

(h) Heel due to final unsymmetrical flooding shall be limited to fifteen degrees, except that under circumstances where such heel after damage may be deemed to constitute an undue hazard, the Commandant may require a lesser angle of heel. Equalizing arrangements, where required, shall not be dependent either upon manual or automatic operation of valves. Temporary heel prior to full equalization shall not be excessive.

(i) The bulkhead deck, or superstructure inclosing any portion thereof, shall be effectively weathertight. Adequate freezing arrangements shall be provided. On vessels having internal buoyancy, as permitted under paragraph (a) of this section, a bulkhead deck is not required.

(j) Portlights shall not be fitted below the margin line.

(k) Openings in watertight bulkheads shall be the minimum consistent with proper operation of the vessel and shall be located as high in the bulkheads and as far inboard as practicable. Watertight doors are not permitted in peak bulkheads. Watertight doors within accommodation and working spaces shall in no case exceed five in number and shall be of approved hand-operated sliding type. Approved hinged watertight doors may be substituted for sliding doors providing such doors can be kept normally closed except when actually being used for transit. Every space used by passengers or crew during the voyage shall have a vertical means of access independent of watertight doors. Sluice valves are not permitted in watertight bulkheads.

(l) Special consideration will be given to departures from the specific requirements of the regulations in this section when it can be shown that the special circumstances or arrangements warrant such departures.

(m) Any passenger ferry vessel whose keel was laid before April 15, 1951, or any vessel converted to passenger ferry service before April 15, 1951, while normally required to essentially comply with a one-compartment standard of subdivision, is not subject to compliance with this standard or to the detail requirements of the regulations in this section to a greater extent than is found reasonable and practicable.

(R. S. 4405, 4417, 4426, 49 Stat. 1384, and 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391, 404, and 50 U. S. C. 1275)

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.50 is amended to read as follows:

§ 113.50 *Subdivision and watertight integrity of passenger vessels.* (See § 94.56 of this chapter, as amended, which is identical with this section.)

PART 117—FERRYBOATS

Section 117.2 is amended to read as follows:

§ 117.2 *Subdivision and watertight integrity of ferry vessels.* (See § 98.2 of this chapter, as amended, which is identical with this section.)

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

1. The table in § 146.04–5 is amended by adding "carbon dioxide, solid" after "carbon dioxide, liquefied" as follows:

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label req.
• •	• •	• •
Carbon dioxide, solid	Nor.	

(R. S. 4405, 4472, as amended; 46 U. S. C. 170, 375)

SUBPART—RAILROAD VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD CARGO VESSELS OR RAILROAD CAR FERRIES

2. Section 146.07-7 is amended to read as follows:

§ 146.07-7 *Stowage of railroad vehicles.* (a) Railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the I. C. C. regulations, or hazardous articles packed, marked and labeled in accordance with the regulations in this part, shall when taken on board a cargo vessel be stowed in accordance with the following provisions:

(1) *Explosives.* Vehicles loaded with permitted explosives are not required to be given magazine stowage. Such vehicles may be stowed "Under deck" and away from all sources of heat. Inflammable placarded vehicles (other than explosives), corrosive placarded vehicles, dangerous placarded vehicles and poison placarded vehicles shall not be stowed adjacent to vehicles loaded with explosives nor within a distance of two car lengths of vehicles loaded with explosives. In "anchoring" vehicles loaded with explosives securing means shall be fitted over the top of the car so as to completely secure the entire vehicle to prevent any movement of the body of the car.

(2) *Other dangerous articles.* Vehicles loaded with any other permitted dangerous articles shall be stowed on board the vessel in accordance with the stowages required in the tables for the substances within the vehicle. Such stowages are not feasible in each instance for railroad freight vehicles stowed below deck on cargo vessels; and, for the purpose of adopting these stowages to the conditions incident to transportation of railroad freight vehicles in this method of transportation, a conversion table is shown in this paragraph. Permitted stowages as shown in the tables for the substance loaded within the vehicle may be converted in accordance with the table and when so converted the stowage in column 2 of subparagraph (3) of this paragraph may be utilized in lieu of the stowage indicated under column 1 of subparagraph (3) of this paragraph.

(3) *Conversion table of stowage.*

(1)	(2)
Substances required by the tables forming part of these regulations to be stowed as follows:	May be stowed in the following locations when contained in railroad vehicles:
On deck in open.	Weather deck.
On deck protected.	Weather deck or 1st deck below.
On deck under cover.	Weather deck or 1st deck below.
Tween decks readily accessible.	Weather deck or 1st deck below.
Tween decks.	Weather deck or 1st deck below.
Cargo hatch trunkway.	Any deck.
Under deck.	Any deck.
Under deck but not overstowed.	Any deck.
Under deck away from heat.	Any deck but at least 1 car length from heat bulkhead.

(b) Stowage, on board a railroad car ferry operating as a cargo vessel, of railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the I. C. C. regulations, or hazardous articles packed, marked and labeled in accordance with the regulations in this part, may be any location on the car deck away from heat. Railroad vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant, shall be stowed in a well-ventilated location.

(c) Stowage, on board a railroad car ferry operating as a passenger vessel, of railroad vehicles in which are loaded any permitted explosives or other dangerous articles or substances which are certified on the shipping papers as being described, packed, marked and labeled in accordance with the I. C. C. regulations, or combustible liquids, or hazardous articles certified on the shipping papers as being described, packed, marked and labeled as required by the regulations in this part, shall be in a location on the car deck in accordance with the provision of "Ferry stowage (BB)" as shown in § 146.03-34 (l). Railroad vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant, shall be stowed in a well-ventilated location.

(R. S. 4405, 4472, as amended; 46 U. S. C. 170, 375)

SUBPART—HIGHWAY VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD VESSELS

3. Section 146.08-6 is amended to read as follows:

§ 146.08-6 *Stowage of highway vehicles.* Highway vehicles in which are loaded any permitted explosives or other dangerous articles or combustible liquids which are certified by the vehicle operator in accordance with the provisions of § 146.08-4 shall when taken on board a vessel be stowed in accordance with the provisions for "Ferry stowage (AA)" as shown in § 146.03-34 (k). Highway vehicles containing carbon dioxide, solid, either as cargo or as a refrigerant, shall be stowed in a well-ventilated location.

(R. S. 4405, 4472, as amended; 46 U. S. C. 170, 375)

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

4. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended by adding requirements regarding "carbon dioxide, solid (dry ice, carbonice)" to follow after "camphor (crude, refined, or synthetic)", reading as follows:

(In column 1 add): Carbon dioxide, solid (dry ice, carbonice).

NOTE: When carbon dioxide, solid, is used as a refrigerant for other dangerous articles, the packing and stowage must comply with requirements for carbon dioxide, solid, and also with the requirements for the refrigerated material. Carbon dioxide, solid when used as a refrigerant for nonregulated commodities must comply with all the regulations for carbon dioxide, solid.

(In column 2 add): *A white, snow-like solid, usually compressed in cakes, having a very low temperature and generally used as a refrigerant. Will freeze tissue on even short contact. At temperatures above −109° F. (−78.5° C.) it passes from the solid to the gaseous state directly, evolving large quantities of a colorless, odorless, tasteless, noninflammable gas about 1½ times as heavy as air, which will cause suffocation if breathed in excessive quantities. Avoid breathing of concentrated vapors.*

Do not handle with bare hands.

Do not stow below decks.

Stow in a well-ventilated place where gas cannot accumulate, and away from open ventilation and direct openings.

Do not stow with sodium cyanide, potassium cyanide, or other materials which may develop hydrocyanic acid or similar poisonous gases.

Outside containers must be marked "Carbon dioxide, solid—Do not stow below decks".

Railroad cars and motor vehicles containing carbon dioxide, solid, when accepted for transportation on board vessels shall display suitable warnings on the outside of the vehicle, such as "Warning—CO_2, Solid (Dry Ice)."

(In column 3 add): No label required.

(In column 4 add): Stowage:

"On deck in open."

"On deck protected."

Outside containers: Strong outside containers capable of withstanding all shocks ordinarily incident to handling and stowage in transit. Containers must be provided with suitable means for the escape of the generated gas.

Motor vehicles.

Railroad cars.

(In column 5 add): Stowage:

"On deck in open."

"On deck protected."

Outside containers: Strong outside containers capable of withstanding all shocks ordinarily incident to handling and stowage in transit. Containers must be provided with suitable means for the escape of the generated gas.

(In column 6 add): Ferry stowage (AA).

Outside containers: Strong outside containers capable of withstanding all shocks ordinarily incident to handling and stowage in transit. Containers must be provided with suitable means for the escape of the generated gas.

(In column 7 add): Ferry stowage (BB).

Outside containers: Strong outside containers capable of withstanding all shocks ordinarily incident to handling and stowage in transit. Containers must be provided with suitable means for the escape of the generated gas.

Motor vehicles.

Railroad cars.

(In columns 4, 5, 6 and 7 add): The officer in charge of loading the vessel shall satisfy himself that the outside containers are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, or inability to properly contain the substance.

(R. S. 4405, 4472, as amended; 46 U. S. C. 170, 375)

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

Section 147.05-100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended by adding "carbon dioxide, solid (dry ice)" as a separate commodity to follow "refrigerants Group 'B'," reading as follows:

(In column 1): Refrigerants, unclassified: Carbon dioxide, solid (dry ice).

(In column 2): For characteristics and hazards see "Carbon dioxide, solid (dry ice, carbonice)" in § 140.27-100, Table K. When used as a refrigerant, to be limited to well-ventilated spaces on or above weather deck. Warning sign at entrance to spaces in which stowed shall be "Warning—CO_2 Solid (Dry Ice)."

(In column 3): None.

(In columns 4, 5, 6, and 7): Method of stowage: Carbon dioxide, solid (dry ice) when used as a refrigerant shall be kept in a well-ventilated place where gas cannot accumulate and shall be kept away from open ventilation and direct openings. Appropriate warning sign at the entrances to the spaces in which stowed shall be used.

(R. S. 4405, 4472, as amended; 46 U. S. C. 170, 375)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

Part 160 is amended by adding a new subpart 160.044, reading as follows:

SUBPART 160.044—PUMPS, BILGE, LIFEBOAT, FOR MERCHANT VESSELS

Sec.

160.044-1 Applicable specifications.
160.044-2 Types and sizes.
160.044-3 General requirements.
160.044-4 Inspection and tests.
160.044-5 Marking.
160.044-6 Procedure for approval.

AUTHORITY: §§ 160.044-1 to 160.044-6 issued under R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, and 50 U. S. C. 1275.

SUBPART 160.044—PUMPS, BILGE, LIFEBOAT, FOR MERCHANT VESSELS

§ 160.044-1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 160.044-2 *Types and sizes*—(a) *Type.* Bilge pumps covered by this subpart shall be manually operated, either oscillating, wing type, or full rotary type, with mountings so arranged as to permit attachment to a thwart or other part of the lifeboat structure without interference with the seating arrangement. Alternate types, arrangements or materials, which meet the performance requirements of this subpart will be given special consideration.

(b) *Sizes.* Bilge pumps covered by this subpart shall be of three sizes, having capacities as follows:

(1) *Size No. 1.* 5 gallons per minute at 65 double strokes,[1] for lifeboats up to 330 cubic feet capacity.[2]

(2) *Size No. 2.* 6 gallons per minute at 50 double strokes, for lifeboats from 330 cubic feet up to 700 cubic feet capacity.

(3) *Size No. 3.* 15 gallons per minute at 50 double strokes, for lifeboats of 700 cubic feet or more capacity.

§ 160.044-3 *General requirements.* (a) Bilge pumps shall be of rugged construction, of first class workmanship in every respect, and free from any defects affecting serviceability. Where a choice of materials is permitted, the materials used shall be of good quality and suitable for the purpose intended, and shall be corrosion-resistant or protected against corrosion by acceptable means, except that parts subject to wear shall not depend upon coatings for corrosion resistance.

(b) Bilge pumps covered by this subpart shall be capable of operating against a head pressure of 20 pounds per square inch when tested in accordance with § 160.044-4 (c).

(c) The bilge pump body shall be of bronze and shall be provided with a cover plate or plates, attached by means of wing nuts at least 1¼ inches long, on not more than 6 studs, or by means of a suitable bayonet type joint, so as to be readily removable for inspection or cleaning.

(d) The operating lever shall have a steel or bronze core through its entire length, but for comfort may have a gripping surface of wood or other suitable material. The lever shall be removable and shall be attached to the pump shaft which is to be square ended, by means of a set screw with 1¼-inch wings, and further shall be connected to the pump body or shaft end by a retaining chain to prevent loss.

(e) The suction line shall be fitted with an intake check valve and a suitable strainer. The strainer shall be removable for cleaning without the use of tools. The suction line shall contain no hose or fittings subject to collapsing when the pump is in service.

(f) Suction and discharge outlets shall be not less than 1 inch inside diameter for pump sizes Nos. 1 and 2, and not less than 1¼ inches inside diameter for pump size No. 3. Discharge outlets shall be provided with a tee of cast bronze or other corrosion-resistant material, with a removable plug at the top for priming, the plug to have a wing arrangement for removal by hand, and be secured to the tee by a retaining chain. The bottom of the tee shall have pipe threads to fit the discharge outlet of the pump, and the discharge portion of the tee shall be a plain clamp type male hose connection, with inside diameter not less than that of the pump discharge opening.

§ 160.044-4 *Inspection and tests*—(a) *General.* Bilge pumps specified by this subpart are not inspected at regularly scheduled factory inspections, but the Commander of the Coast Guard District in which approved pumps are manufactured may detail an inspector at any time to check the facilities, materials and methods, and to conduct such tests as are necessary to satisfy himself that the pumps are being manufactured in compliance with this subpart, and in accordance with the manufacturers' plans and specifications as approved by the Commandant. The manufacturer shall provide a suitable place and the apparatus necessary for the use of the inspector in conducting tests.

(b) *Capacity.* The pump being tested shall be set up over a source of water for operation with all the required fittings and connections, the set-up to simulate an installation in a lifeboat. The pump shall be operated at the standard speed specified for its size, and the flow of water measured. The amount of water discharged shall not be less than that required by § 160.044-2 (b).

(c) *Head pressure.* After the successful completion of the test outlined in paragraph (b) of this section, a pressure gage capable of registering 20 pounds per square inch, and a variable restriction, such as a nozzle, valve, etc., shall be fitted in the discharge line. The pump shall be put in operation with the discharge line open, and then the restriction shall be gradually closed until the pressure builds up to at least 20 pounds per square inch. This pressure shall be maintained for at least 15 seconds, after which the pump shall be disassembled and inspected. No destruction or deformation of parts sufficient to affect the serviceability of the pump shall be permitted as a result of this test.

(d) *Operating lever.* With the pump firmly secured in such a position that both the shaft and operating lever are in a horizontal position, apply a downward load of 200 pounds for a period of 5 minutes at the free end of the operating lever and perpendicular to its axis and the axis of the shaft. There shall be no slippage of the lever around the shaft, nor any evidence of permanent set or undue stress in any part of the pump. In cases where the design of the pump is such that this test may not be applicable to the complete pump, the pump shall be disassembled and the 200-pound load applied to the shaft and operating lever while the free end of the shaft is held in a vise or chuck so that both the shaft and the operating lever are in a horizontal position.

§ 160.044-5 *Marking.* (a) Each pump shall be permanently and legibly marked, in letters not less than ¼ inch high, either cast or stamped on the body, with the name of the manufacturer, the size for which approved (USCG No. 1, 2 or 3), and the Coast Guard approval number. The tee required by § 160.044-3 (f) shall be permanently and legibly marked with the words "PRIME HERE".

§ 160.044-6 *Procedure for approval*—(a) *General.* Bilge pumps for lifeboats on board merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence relating to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the pumps are manufactured.

(b) *Manufacturer's plans.* In order to obtain approval, submit detailed plans and specifications, including a complete bill of material, assembly drawing, and parts drawings descriptive of the arrangement and construction of the pump and fittings, to the Commander of the Coast Guard District in which the

[1] A double stroke is a complete cycle from one extreme to the other and back again to the original starting point, or, for rotary type, one complete revolution.

[2] The capacity of a lifeboat for determining the size of the bilge pump shall be 0.6 times the product of the length, breadth, and depth of the lifeboat, in feet.

factory is located. Each drawing shall have an identifying number, date, and an identification of the item; and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with drawing numbers and alteration numbers. At the time of selection of the pre-approval sample, the manufacturer shall furnish the inspector four copies of all plans and specifications, corrected as may have been required, for forwarding to the Commandant. A copy of the approved plans and the certificate of approval shall be kept on file by the manufacturer.

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to obtain a pre-approval sample, which will be forwarded, prepaid by the manufacturer, to the Commandant for the necessary inspections and tests to determine compliance with this subpart for qualification for type or brand approval for use in lifeboats on board merchant vessels.

PART 163—CONSTRUCTION

A new Part 163 is added to read as follows:

SUBPART 163.001—DOORS, WATERTIGHT, SLIDING (AND DOOR CONTROLS), FOR MERCHANT VESSELS

Sec.

163.001–1 Applicable specifications.
163.001–2 General requirements for sliding watertight doors.
163.001–3 Construction of sliding watertight doors.
163.001–4 Manual operating controls for sliding watertight doors.
163.001–5 Power operating controls for sliding watertight doors.
163.001–6 Inspection and testing of doors and controls.
163.001–7 Name plate and marking.
163.001–8 Procedure for approval of doors and controls.

AUTHORITY: §§ 163.001–1 to 163.001–8 issued under R. S. 4405, 4417, 4426, 4490, 24 Stat. 129, 46 Stat. 888, 49 Stat. 1384, 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended: 46 U. S. C. 88a, 367, 369, 375, 391, 404, 482, 483, 1333, and 50 U. S. C. 1275.

SUBPART 163.001—DOORS, WATERTIGHT, SLIDING (AND DOOR CONTROLS), FOR MERCHANT VESSELS

§ 163.001–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart except as noted herein.

§ 163.001–2 *General requirements for sliding watertight doors*—(a) *Applicability.* The requirements of this subpart apply to all new sliding watertight doors to be installed on merchant vessels. Sliding watertight doors approved and in use prior to these specifications may be continued in service as long as in good and serviceable condition.

(b) *Types.* Sliding watertight doors may be either the horizontal sliding type or the vertical sliding type, classed as follows:

(1) *Class 2.* Sliding doors operated both locally and remotely by hand gear.

(2) *Class 3.* Sliding doors operated both locally and remotely by hand and by power.

(c) *Location.* The permitted locations of the several types of watertight doors are contained in Subchapter E—Load Lines of this chapter.

(d) *Basic requirements.* Sliding watertight doors shall be efficiently designed to maintain watertightness within the limits set forth in these specifications. They shall be designed to open and close with ease when operated with the required operating gear.

(e) *Alternatives.* The requirements of this subpart shall be complied with unless other arrangements in matters of construction details, design, strength, equivalent in safety and efficiency are approved by the Commandant.

§ 163.001–3 *Construction of sliding watertight doors*—(a) *Material.* The door panel and the door frame shall be made of cast steel and/or fabricated steel unless otherwise specifically approved by the Commandant. Cast doors and frames and welded doors and frames shall be stress relieved before final machine work is done.

(b) *Contact strips.* Brass strips or other acceptable material shall be firmly screwed on the door to form the contact watertight surface of the door and frame. The contact watertight surface of the frame may be the machined parent metal of the frame. Special consideration will be given to other methods of attaching the strips to the door.

(c) *Rigidity.* The door and frame shall be of substantial and rigid construction to insure that the door can be closed under a 10 foot head of water. In locations where hinged doors are permitted, this requirement will not apply.

(d) *Adjustment.* The door shall be so designed that as the watertight joint wears through usage sufficient allowance or adjustment is provided to maintain the original watertight integrity of the door.

(e) *Alignment.* Retaining grooves or aligning strips shall be provided at the top and bottom of horizontal sliding doors and at the sides of vertical sliding doors to maintain the door in alignment when the door is not in the closed position. They should have sufficient strength to hold the door when being closed against a head of water as required in paragraph (c) of this section. Horizontal doors shall be supported on lubricated rollers to maintain alignment and to minimize friction.

(f) *Watertight workmanship.* The contact surfaces of the door and frame shall be finished as necessary to provide a plane surface and a satisfactory joint.

(g) *Door sill design.* The bottom of the door frame shall be so designed that the door is not likely to be prevented from closing properly by lodgements of dirt, coal, etc. A sill plate of $\frac{5}{16}$ inch minimum thickness may be employed to cover the bottom trackway provided it is designed to automatically retract when the door closes. Sill plate hinges shall be designed and located to prevent clogging with dirt.

(h) *Door positions.* The door shall be so designed that, when in the open position, the brass strips required by paragraph (b) of this section will not be exposed. Door stops shall be provided to prevent the door from leaving the track.

(i) *Door frame design.* (1) The door frame shall be continuous on all four sides and shall be designed to have a section moment of inertia (in.^{4}) on each side of not less than the value given by the formula:

$$I = .002\ Hwh^4$$

Where:

"*H*" equals the head of water in feet from the margin line to the bottom of the door opening, but not less than 20 feet unless the door is to be installed where a hinged door is permissible in which case "*H*" may be not less than 10 feet.
"*w*" equals the shorter dimension of the opening in feet, and
"*h*" equals the longer dimension of the opening in feet.

(2) If the door frame is to be mounted on the bulkhead on a reinforcing member, which acts as a secondary frame and which is continuous around the door opening, the "*I*" of that member may be included to obtain the required frame "*I*" value.

(j) *Door frame attachment.* The door frame may be either bolted or welded watertight to the bulkhead. If bolted, a suitable thin heat and fire resistant gasket or suitable compound shall be used between the bulkhead and the frame for watertightness, and the bulkhead plating shall be worked to a plane surface in way of the frame to prevent distortion of the frame when mounting. If welded, precaution shall be exercised in the welding process in order that the door frame is not distorted.

(k) *Door frame extension.* The frame extension for sliding watertight doors shall be made in one continuous piece, or suitable construction shall be employed to insure positive alignment.

(l) *Lubrication.* Means shall be provided for satisfactory lubrication of all parts as necessary for satisfactory operation.

§ 163.001–4 *Manual operating controls for sliding watertight doors*—(a) *Manual control locations.* All sliding watertight doors shall be provided with manual operating controls for opening and closing the door from both sides of the bulkhead adjacent to the door and also for closing the door from a position above the bulkhead deck. The controls adjacent to the door shall generally not be more than 10 feet from the door. The bulkhead deck, for door control purposes, is the first deck above the margin line.

(b) *Basic requirement.* Manual operating equipment shall be designed to close the door at an average rate of not less than 15 inches per minute with an applied manual force of not more than 50 pounds on the rim of handwheel or on hand crank.

(c) *Shafting and gear controls.* Where shafting and gears are used for manual control, the following conditions apply:

(1) *Handwheels.* Handwheels at least 18 inches in diameter shall be provided and permanently attached at each hand operating station in an accessible position for operation. In unusual circumstances, other arrangements will be considered by the Commandant. Shafting from the handwheels to the door pinions shall be as direct as possible with as few gears and universals as practicable.

(2) *Gears and universals.* Gears used in the operating controls shall be cut steel or other approved material. Standard forged steel universals and slip joint couplings shall be used to allow for working of the ship or deflection of structure. Universals shall not be used where there is more than 25° change in direction of the shafting. Universals, bearings, and gears shall have suitable provision for lubrication and should be enclosed to retain the lubricant and encased as necessary to prevent entry of foreign matter. Inaccessible bearings, and those in long leads of control shafting, shall be preferably of the antifriction "grease sealed" type, for which no additional means of lubrication will be required. No clutch devices shall be employed in the hand gear mechanism.

(3) *Keys and pins.* All parts transmitting torque shall be keyed or splined. Taper pins may be used only to prevent axial movement.

(4) *Door securing device.* If frictional damping is found insufficient to prevent movement of the door in a seaway or from other external forces, provision shall be made in the design of door or operating gear for the attachment of a spring latch or other approved device for securing the door in the open position. This device shall be released or forced out of engagement automatically, without hampering the closing operation.

(5) *Factor of safety.* In general, the manual control shafting, gears, universals, etc., shall be designed with a factor of safety of 5 based on the ultimate strength of the material in conjunction with a torque of 2,000 pounds-inches at the handwheels. While short shafts, such as gear box stub shafts, may be proportioned in accordance with the foregoing, the longer runs of shafting between the remote manual station and the door shall not be less than $1\frac{1}{4}$ inches diameter.

(d) *Hydraulic manual controls.* Where a hydraulic system is used for manual control, the following conditions apply:

(1) *Hand pumps.* Hand pumps operated by an all round crank motion shall be provided at each hand operating station in an accessible position for operation. A single hand pump may be provided at the door location if it is arranged so that it can be operated from either side of the bulkhead. The pump or pumps at the door station shall be reversible. The pump at the remote control station may be arranged to close the door only, and the direction of rotation shall be marked. Cranks or handwheels for turning shall be permanently attached, although in unusual circumstances, other arrangements will be considered by the Commandant. No remote pump shall operate more than one door.

(2) *Control valves.* Unless otherwise approved, the action of valves selecting the hydraulic circuits between pumps and operating cylinders or hydraulic motors shall be automatic with the operation of any one or more pumps. The valves or pumps shall be so arranged as to prevent the overhauling of an idle pump as a hydraulic motor, and they shall be so arranged as to hydraulically block the door operator to prevent movement of the door in a seaway.

(3) *Hydraulic systems.* In general the requirements in Subchapter F—Marine Engineering of this chapter shall apply in the selection of materials and scantlings, submittal of plans and diagrams, and in the testing of components and the complete shipboard installation of hydraulic systems for the operation of sliding watertight doors.

(e) *Direction of control rotation.* The handwheels or cranks at the remote stations shall turn in a clockwise direction to close the door.

(f) *Mechanical indicator.* The manual operating station above the bulkhead deck shall be provided with a mechanical indicator to show whether the door is open or closed. This indicator shall be independent of the manual control shafting when the door is fitted with power controls.

(g) *Guards.* Adequate guards shall be provided over moving parts of the control equipment to prevent the possibility of damage or jamming.

§ 163.001–5 *Power operating controls for sliding watertight doors*—(a) *Types of power.* Sliding watertight doors that are required to be power operated in addition to manual operation shall be fitted with the necessary equipment to use electric power, hydraulic power, or any other power supply that is acceptable to the Coast Guard.

(b) *Power control arrangement.* Power operated sliding watertight doors shall be provided with power controls for opening and closing the door from both sides of the bulkhead adjacent to the door and also for closing from a central control station on the bridge. These controls shall be arranged as follows:

(1) *Automatic reclosing.* The door, when opened by the local control after being closed from the central control, shall automatically reclose when the local control is released.

(2) *Prevention of remote operation.* Where means are provided to open doors from the central control, each door shall be arranged so that it can be kept closed by means of local arrangements which shall prevent the door from being opened from the central control.

(3) *Accessibility of local power controls.* The local control handles at each side of the bulkhead shall be so located that they may be held in the open position when a person is passing through the doorway, and shall be at least 48 inches above the deck. The direction of movement of the handles to open and close the door shall be clearly marked.

(4) *Operation.* The sliding watertight doors under power operation shall close at an approximately uniform rate of speed within the limits of one to two inches per second, and the power operator shall be capable of closing horizontal sliding doors in a reasonable length of time against a list of 15 degrees when the potential at the supply source is reduced to 87.5 percent of normal. The capacity of the accumulators or storage batteries shall be sufficient to open all doors twice and close them three times without recharging.

(c) *Central control panel.* The central control panel shall be arranged as follows:

(1) *Simultaneous closing.* Means shall be provided for closing all doors simultaneously. However, when electrically operated doors are energized from the temporary emergency lighting and power system and a large number of doors are involved, means may be provided for operating the doors in sequence, preference in closing being given to doors in the lowest part of the vessel.

(2) *Diagram.* A diagram shall be provided showing the location of each door on the deck or decks with visual indicators for each door to show whether the door is open or closed. A red light shall indicate the door is open and a green light shall indicate that it is closed and both lights shall indicate that it is in an intermediate position.

(d) *Warning sound signal.* Provision shall be made at the door to give warning by sound signal when the door is about to be closed. A minimum time interval of 20 seconds shall be provided between the time of sounding of the warning signal and the time the door reaches the closed position, but in any case the sounding of the warning shall precede the movement of the door into the clear opening in the bulkhead by at least 1 second. The warning sound signal shall be of the electric horn or howler type.

(e) *Hand gear operation with power controls.* Provision shall be made to prevent the hand gear from turning when the door is operated by the power unit. The arrangement shall be such that failure of the power unit or power supply will not prevent the door from being operated manually.

(f) *Construction of power components.* The construction of electrical, hydraulic and pneumatic components used with power operators shall be in accordance with the general requirements of Subchapters D, F, G, H, I or J of this chapter. If the power and hand operating systems are hydraulic, each driving a hydraulic operator at the door common to both, the requirements of § 163.001–4 (d) shall extend, where applicable, to include the power pumping unit. The enclosures for electrical components of the door operators at the door position shall be waterproof. The power unit shall be protected from injury due to a jammed door, excessive electrical current or excessive hydraulic or pneumatic pressure. No clutch devices shall be employed.

(g) *Protection against faults.* Connections shall be such and circuits shall be so protected against overcurrent that a failure in a door circuit shall not be the cause of failure in any other door circuit and that a short circuit or other fault in the alarm and indicator circuit will not result in loss of power for door operation. The connections shall be such that leakage of salt water into the local controller shall not establish a circuit which will cause the door to open.

§ 163.001–6 *Inspection and testing of doors and controls*—(a) *Shop tests and inspection*—(1) *Hydrostatic test.* Each door upon completion shall be subjected to a hydrostatic shop test to determine the strength, rigidity, workmanship and watertightness of the door. Inspectors shall witness each such test; however, in cases where this is impractical and a sufficient number of identical door tests have been witnessed and approved, the manufacturer may conduct the tests on additional doors of that design and certify to the Coast Guard that the test results are in accord with these specifications. However, the inspectors shall make periodic examinations and tests as deemed necessary to insure specification standards.

(2) *Examination.* The inspector shall examine the door and frame for conformance with the approved plans and for the workmanship involved.

(3) *Hydrostatic test set-up.* The door frame shall be mounted in either a vertical or horizontally flat position on a reinforced test plate or slab. A gasket may be used between the door frame and the closing plate for watertightness. Means shall be provided to vent air from the enclosure formed by the door, frame and plate and to supply water, at the required test pressure, to this enclosure. Means shall also be provided for catching and measuring the amount of water which leaks between sealing surfaces of door panel and frame. Except in the case of double seated doors, it will only be necessary to apply pressure to that side of the door which will tend to separate the sealing surfaces.

(4) *Hydrostatic test procedure.* The contact surfaces of the door and frame shall be wiped to remove excess grease and oil. The door shall be closed by operating equipment restricting the amount of closing force to that available from the operating gear to be used in the shipboard installation. The enclosure shall then be completely filled with water, air shall be vented and the test pressure shall be held for at least ten minutes, during which time the leakage rate shall be determined. The test pressure shall not be less than that corresponding to a head of water from the proposed location of the door sill in the vessel to the margin line or 20 feet, whichever is greater, except that the test head may be 10 feet if the door is to be installed where a hinged door is permissible. The measured leakage rate shall not exceed that given by the following formula except that below a 20-foot head pressure 5 gallons per hour is acceptable.

$$\text{Leakage rate (gal./hr.)} = \frac{h^3}{1600} \text{ or } \frac{p^3}{130}$$

where:
h = test head (feet).
p = pressure (lbs./in.^{2}).

(5) *Shop test of operating controls.* One door and frame of each design together with its manual operating equipment and in addition its power control equipment if a class 3 door, shall be mounted on a structure in the shop in a vertical position. The set-up for horizontal sliding doors shall be such that it can be heeled to simulate 15° port and starboard lists. The door shall be listed 15° and the operating equipment tested to demonstrate that the manual controls can close the door against an adverse list and in addition for class 3 doors that electrical and hydraulic operators can close the door under reduced potential as specified in § 163.001–5 (c). The 15° opposite list shall demonstrate that the door will not overhaul and close itself and when closed can be opened manually and by power. These tests for class 3 doors shall also show that the door can be unseated manually after power closing. In lieu of a tilting arrangement, the door may be mounted vertically in a level position and the list may be simulated by leading lines alternately in the closing and in the opening directions, over efficient fairleads to counterweights.

(b) *Installation tests and inspection*—(1) *Bulkhead reinforcement.* Before the sliding watertight door is installed in a vessel, the bulkhead in the vicinity of the door opening shall be stiffened in accordance with plans previously submitted by the shipyard or naval architect and approved by the Coast Guard. Such bulkhead stiffeners shall not be less than 6 inches nor more than 12 inches from the door frame in order that an unstiffened diaphragm of bulkhead plating 6 to 12 inches wide is provided completely around the door frame. Where such limits cannot be maintained, special consideration will be given to the particular installation. In determining the scantlings of these bulkhead stiffeners, the door frame should not be considered as contributing to the strength of the bulkhead. Provision shall also be made to adequately support the thrust bearings and other equipment that may be mounted on the bulkhead or deck.

(2) *Manual control installation test.* After the door and controls have been installed, the door shall be closed and opened by means of the manual controls at the door and shall be closed by the manual remote control. The time and effort required to close the door shall be within the limitations prescribed in § 163.001–4 (b).

(3) *Power control installation test.* If power controls are provided, the door shall be operated by the power controls from each of the three control stations. The rate of closing shall be as prescribed in § 163.001–5 (b) (4). Manual controls shall also be operated to show that closure by power will not jam the door so as to prevent manual opening.

(4) *Mechanical indicator operation.* The door indicator at the remote manual control station shall correctly show the position of the door when either manual or power operation is employed.

(5) *Test for tightness.* The door sealing strips shall be examined insofar as possible without dismantling the door, and any surface blemishes shall be corrected by stoning or draw-filing. The door shall then be closed and the degree of contact between the door and frame shall be such as to reject the insertion of a 0.003 inch feeler gage, or its clear passage through and between the sealing surfaces, at any point around the sealing perimeter.

§ 163.001–7 *Name plate and marking*—(a) *Watertight door name plate.* A substantial corrosion resistant nameplate shall be permanently attached to each watertight door on which is stamped the name of the manufacturer, manufacturer's symbol and/or serial number, type designation, test head, together with the inspector's initials, the date and the letters "U. S. C. G."

(b) *Markings.* Shipboard markings for watertight doors and operating controls shall be in accordance with the applicable requirements of Subchapters G, H, I, or J of this chapter.

§ 163.001–8 *Procedure for approval of doors and controls*—(a) *Plan submittal.* Before action is taken on any design of sliding watertight doors and operating equipment, detailed plans covering fully the arrangement and construction of the door and construction of the control equipment shall be submitted to the Commandant through the Commander of the Coast Guard District in which the door and control equipment is to be manufactured.

(b *Supervision of construction.* If such drawings are satisfactory, the manufacturer shall advise the Commander of the Coast Guard District when fabrication is to commence. Supervision of the construction will then be made in accordance with the plans. The inspector will conduct the required tests and upon satisfactory completion will stamp the name plate as provided in § 163.001–7 (a).

(c) *Corrected plans.* When the tests required by § 163.001–6 (a) (1)–(5) are successfully completed, the manufacturer shall submit four corrected copies of the construction and arrangement plans including any corrections, changes, or additions which may have been found necessary during the construction or testing. If the manufacturer desires more than one set of approved plans, additional copies shall be submitted at that time. On subsequent doors and controls where plans covering the complete unit have previously been approved, it may not be necessary to resubmit the plans, although all tests required by the specifications shall be conducted.

(d) *Installation plans.* For each installation on shipboard, plans shall be submitted to the Coast Guard for approval showing specific location and arrangement of the door and controls in the vessel together with a complete bill of material. In addition, plans showing bulkhead reinforcement in way of watertight door openings shall be submitted.

Dated: February 1, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51–1897; Filed, Feb. 5, 1951; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 925]

[Docket No. AO–226]

HANDLING OF MILK IN PUGET SOUND, WASH. MARKETING AREA

NOTICE OF CORRECTION OF RECOMMENDED DECISION

Notice is hereby given that the recommended order contained in the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture with respect to a proposed marketing agreement and order regulating the handling of milk in the Puget Sound, Washington, marketing area, as published in the FEDERAL REGISTER on February 1, 1951 (16 F. R. 935; F. R. Doc. 51–1587) is hereby corrected by deleting therefrom the entire paragraph designated "(b)" of § 925.81 and consisting of the last three lines in Column 2 and the first seven lines in Column 3, all on page 950 of such issue of the FEDERAL REGISTER.

Filed at Washington, D. C., this 2d day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51–1966; Filed, Feb. 5, 1951; 11:38 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR, Part 30]

RADIOISOTOPE DISTRIBUTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 (Pub. Law 585, 79th Cong.; 60 Stat. 755 ff) and to section 4 (a) of the Administrative Procedure Act of 1946 (Pub. Law 404, 79th Cong.), notice is hereby given of intention to issue regulations concerning the distribution of radioisotopes. The proposed regulations are set forth hereunder.

Interested persons are hereby given an opportunity to submit their views and other relevant information with respect to the proposed regulations in writing to the United States Atomic Energy Commission, Post Office Box E, Oak Ridge, Tennessee, Attention: Isotopes Division, within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 30th day of January 1951.

M. W. BOYER,
General Manager.

PART 30—RADIOISOTOPE DISTRIBUTION

GENERAL PROVISIONS

Sec.
30.1 Scope.
30.2 Definitions.
30.3 Amendment.
30.4 Communications.

EXEMPTIONS

30.10 Persons operating Commission owned facilities.
30.11 Transfer to the Commission or a distributor.
30.12 Carriers.
30.13 Items and quantities.

APPLICATIONS

30.20 Filing.
30.21 Conditions.
30.22 Service irradiations.

AUTHORIZATIONS

30.30 Issuance.
30.31 Nontransferability.
30.32 Expiration.
30.33 Modification.
30.34 Revocation.

POSSESSION, TRANSFER, USE

30.40 Limitations.
30.41 Authorized use.

RECORDS, REPORTS, INSPECTIONS

30.50 General records.
30.51 Overexposure records.
30.52 Reports of use.
30.53 Reports of transfer.
30.54 Inspections.

VIOLATIONS

30.60 Right to recall.
30.61 Other action.

SCHEDULES

30.70 Schedule A: Exempt items.
30.71 Schedule B: Exempt quantities.

GENERAL PROVISIONS

§ 30.1 *Scope.* The regulations in this part establish instructions and standards governing the procurement, delivery, possession, use, transfer (including export), and disposal of radioisotopes (a) originating in or procured from the facilities of the Commission or of a distributor, or (b) originating in domestic facilities not owned by the Commission, but distributed by or through the Commission or a distributor, or (c) originating in any foreign nuclear reactor for shipment into the United States. The regulations in this part do not apply to source and fissionable materials as defined herein, or to any radioactive material not covered by the immediately preceding sentence.

§ 30.2 *Definitions.* As used in this part:

(a) *Commission.* "Commission" means the United States Atomic Energy Commission created by the Atomic Energy Act of 1946, or its duly authorized representative.

(b) *Distributor.* "Distributor" means any person to the extent that such person is engaged in operating Commission-owned laboratories, plants, or other facilities under a contract with the Commission and is engaged in the distribution of radioisotopes for the Commission.

(c) *Fissionable material.* "Fissionable material" means fissionable material as defined in section 5 (a) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 70, Definition of Fissionable Material.

(d) *One millicurie.* "One millicurie" means that amount of radioactive material which disintegrates at the rate of 37 million atoms per second.

(e) *Person.* "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, the United States or any agency thereof, any government other than the United States, any political subdivision of any such government, and any legal successor, representative, agent, or agency of the foregoing, or other entity, but shall not include the Commission or officers or employees of the Commission in the exercise of duly authorized functions.

(f) *Radioisotope.* "Radioisotope" means any radioactive material yielded in or made radioactive by exposure to the radiation incident to the processes of producing or utilizing fissionable material. "Radioisotope" also means any other radioactive material.

(g) *Roentgen.* "Roentgen" (=r) means that quantity of X or gamma radiation such that the associated corpuscular emission per 0.001293 gram of air produces, in air, ions carrying 1 electrostatic unit of electricity of either sign.

(h) *Roentgen-equivalent-man.* "Roentgen-equivalent-man" (=rem) means that quantity of radiation that when absorbed by mammalian tissue produces an effect equivalent to the absorption by this tissue of one roentgen of X or gamma radiation.

(i) *Roentgen-equivalent-physical.* "Roentgen-equivalent-physical" (=rep) means that dose of ionizing radiation that is capable of producing energy absorption of 93 ergs per gram of tissue.

(j) *Service irradiation.* "Service irradiation" means the exposure of materials of any kind to radiation in accordance with instructions and at the request of some person.

(k) *Source material.* "Source material" means source material as defined in section 5 (b) (1) of the Atomic Energy Act of 1946 and in the regulations contained in Part 40, Control of Source Material.

§ 30.3 *Amendment.* Nothing in this part shall limit the authority of the Commission to issue or amend its regulations in accordance with law.

§ 30.4 *Communications.* All communications about the regulations in this part or any authorization issued under them should be addressed to the United States Atomic Energy Commission, Post Office Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

EXEMPTIONS

§ 30.10 *Persons operating Commission-owned facilities.* (a) Except as provided in paragraph (b) of this section, the regulations in this part do not apply to persons to the extent that such persons operate Commission-owned facilities in carrying out programs on behalf of the Commission. In such cases, the acquisition, transfer, use, and dis-

posal of radioisotopes are governed by the contracts between such persons and the Commission, and internal bulletins, instructions and directives issued by the Commission.

(b) Radioisotopes received by any person pursuant to an authorization under § 30.30 may be transferred to persons operating Commission-owned facilities only in accordance with an authorization from the Commission or as otherwise permitted by the regulations in this part.

§ 30.11 *Transfer to the Commission or a distributor.* The actions of any person in transferring or delivering radioisotopes to the Commission or to a distributor are not subject to the regulations in this part. The exemption provided in this section does not, however, relieve any person from the obligation to comply with shipping requirements otherwise provided by law. (See § 30.41.)

§ 30.12 *Carriers.* Common and contract carriers transporting radioisotopes in the normal course of business are exempt from the regulations in this part.

§ 30.13 *Items and quantities.* Sections 30.20 through 30.61, inclusive, do not apply to any item listed in § 30.70 (Schedule A), nor to any quantity listed in § 30.71 (Schedule B): *Provided, however,* That no person shall, except as otherwise permitted by the regulations contained in this part, effect an increase in the radioactivity of such scheduled items or quantities by adding other radioactive material thereto, by combining the radioisotopes from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation exposure of himself or others above the original rate therefrom.

APPLICATIONS

§ 30.20 *Filing.* (a) Any person, except the official representative of a foreign applicant, who desires to possess or use radioisotopes shall file "Application for Radioisotope Procurement," Form AEC-313, with the Isotopes Division of the Commission, or such other place as may be designated by the Commission, specifying the use to be made of the material and giving all other information called for by the form. Copies of the form will be furnished upon request to the United States Atomic Energy Commission, Post Office Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

(b) Applications for radioisotopes to be used in a foreign country shall be submitted through that country's official representative in charge of isotope procurement. Upon request, foreign representatives will be informed by the Commission of the desired form and content of applications and the terms and conditions upon which radioisotopes may be obtained.

§ 30.21 *Conditions.* The Commission will not approve a domestic application:

(a) Unless the radioisotope is requested for one or more of the following purposes: Research or development activity, medical therapy, industrial uses, processing or making of compounds, or such other useful applications as may be developed; or

(b) If it is determined by the Commission that the applicant is not equipped to observe the health and safety standards established by the Commission; or

(c) If it is determined by the Commission that the applicant is not qualified to use radioisotopes for the requested purpose.

§ 30.22 *Service irradiations.* Upon receipt of an application requesting that radioisotopes be produced through a service irradiation, the Commission may authorize such irradiation and subsequent possession and use of the irradiated materials in accordance with the regulations contained in this part.

AUTHORIZATIONS

§ 30.30 *Issuance.* Upon approval of an application, the Commission will issue an "Authorization for Radioisotope Procurement," Form AEC-374. The authorization shall be the only valid approval for procurement, and its issuance shall be based upon the representations in the application and shall be subject to and in accordance with the regulations in this part and the terms and conditions stated in the application.

§ 30.31 *Nontransferability.* The person to whom an authorization has been issued shall be deemed the holder thereof, and none of the rights or privileges conferred by the authorization shall be transferable.

§ 30.32 *Expiration.* An authorization shall be valid only for the period stated thereon; it shall expire at the end of such period without the necessity of notice or warning from the Commission. The holder shall not order radioisotopes after the period of validity stated on the authorization has run.

§ 30.33 *Modification.* Upon written request from the holder of an authorization for a modification of its terms, the Commission will usually consider the request without requiring a separate application, and it may modify the authorization by giving written notice to the holder or by issuing a supplemental authorization.

§ 30.34 *Revocation.* Any authorization may be annulled, suspended, or revoked at any time in the discretion of the Commission upon a determination by the Commission that the public health or safety requires such action, or that the holder has wilfully failed to comply with any term or condition to which his authorization may be subject. In the absence of such determination, no annulment, suspension, or revocation of any authorization will be made except upon request of the holder thereof, or unless conduct or other facts meriting such action shall have been called to the attention of the holder previously in writing, and unless he shall have been accorded opportunity to comply with all lawful requirements but shall have failed to do so.

POSSESSION, TRANSFER, USE

§ 30.40 *Limitations.* No person shall possess, use, or transfer radioisotopes except as permitted by a valid authorization from the Commission or as otherwise permitted by the regulations in this part. When transferring any nonexempt items or quantities of radioisotopes, the transferor shall limit delivery to the locations, materials, and quantities stated in the transferee's authorization.

§ 30.41 *Authorized use.* Each person authorized by the Commission to use radioisotopes shall confine his use to the locations and purposes approved by the Commission on his authorization, and such use is subject to all applicable laws, regulations of the Commission, and terms and conditions stated in the application for such material.

NOTE: Shipment and use of radioisotopes may also be subject to control by other authority; see, for example, (a) Federal Food, Drug, and Cosmetic Act and the general regulations for its enforcement, (b) rules and regulations of the Interstate Commerce Commission, (c) Civil Air Regulations, (d) postal laws and regulations, and (e) laws and regulations of State or other local authority.

RECORDS, REPORTS, INSPECTIONS

§ 30.50 *General records.* Each person who possesses or uses radioisotopes shall keep permanent records showing the receipt, use, storage, delivery, and disposal of such radioisotopes, and the safety measures used to protect health. These records shall be accurate and complete and shall be made available to the Commission upon request.

§ 30.51 *Overexposure records.* No report of the overexposure of a person to radioisotopes need be forwarded to the Commission, but where an overexposure is believed to have occurred, the occurrence and its observed effect upon the overexposed person shall be recorded in detail and filed with the general records.

§ 30.52 *Reports of use.* Upon written request from the Commission, any person who uses radioisotopes shall report fully the use made, stating substantially those facts required by §§ 30.50 and 30.51 to be recorded.

§ 30.53 *Reports of transfer.* In the absence of written waiver by the Commission, any person who transfers radioisotopes to another person shall promptly report to the Commission each delivery made, indicating the name and location of the transferee, transferee's authorization number, type and amount of material transferred, and date of delivery.

§ 30.54 *Inspections.* Each person who possesses or uses radioisotopes shall permit the Commission, at all reasonable times, to make such inspections of the facilities wherein materials are stored or used as the Commission deems necessary, and shall make available to the Commission the records required by §§ 30.50 and 30.51.

VIOLATIONS

§ 30.60 *Right to recall.* The Commission may withhold or recall radioisotopes from any person when it is determined by the Commission that such person (a) is not equipped to observe the health and safety standards established by the Commission, or has failed to do so; or (b) has used the material in a manner other than as disclosed in the application therefor; or (c) has used the material in violation of any law or of any regulation of the Commission.

§ 30.61 *Other action.* Any person who violates any provision of the regulations in this part, or who, in connection with the regulations in this part, wilfully conceals a material fact or furnishes false information to the Commission, may be prohibited by the Commission from making or obtaining further deliveries of radioisotopes or using, possessing, or storing them, and may be required to return to the Commission all radioisotopes remaining on hand. Violation of the regulations contained in this part or the furnishing of false information in connection with applications, statements and reports thereunder may also be a crime under the provision of the Atomic Energy Act of 1946 or of 18 U. S. C. sec. 1001, act of June 25, 1948, 62 Stat. 749.

SCHEDULES

§ 30.70 *Schedule A: Exempt items.* (See § 30.13.) None.

§ 30.71 *Schedule B: Exempt quantities.* (See § 30.13.)

(a) *Alpha emitters.* None.

(b) *Beta and Gamma emitters.* Not more than a combined total of 0.011 millicurie, made up as follows:

(1) Half-lives no greater than 30 days: Not more than 0.010 millicurie.

(2) Half-lives greater than 30 days: Not more than 0.001 millicurie.

(c) *Neutron emitters.* None.

NOTE: The quantities listed in Schedule B are not to be interpreted or considered as having any bearing on the determination of safe permissible levels of personnel exposure or for waste disposal. It is the Commission's intention to publish at a later date and incorporate in this part appropriate health and safety standards.

[F. R. Doc. 51-1789; Filed, Feb. 5, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52661]

CALIFORNIA OIL CO.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

FEBRUARY 1, 1951.

The Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (46 U. S. C., 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 3 CFR, 1946 Supp., 60 Stat. 1097), and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the California Oil Company described below:

(a) *House flag.* The house flag is rectangular in shape and red in color having superimposed thereon in white, Gothic, capital letters the word "CALSO" centered horizontally on the flag, the letter "L" being somewhat taller than the other letters. The proportionate dimensions are as follows: Hoist, 1.0; fly, 1.5; height of letter "L," 0.68; height of all other letters, 0.49; thickness of strokes of letters, 0.075; over-all length of the word "CALSO," 1.15; and distance from the lower edge of the flag to the bottom of the letters, 0.212.

(b) *Funnel mark.* The funnel mark is to appear on either side of a black stack, centered in a fore-and-aft direction and consists of a white circle upon which there is superimposed a somewhat smaller red circle or disk in which is printed in white, Gothic, capital letters the word "CALSO" so arranged as to be horizontal when the vessel is in fore-and-aft trim, the letter "L" being somewhat taller than the other letters. The horizontal center-line of the other letters passes through the center of the red circle. The proportionate dimensions are as follows: Diameter of funnel, 1.0; distance from top of funnel at the center-line to uppermost point of white circle, 0.23; diameter of white circle, 0.75; diameter of red circle or disk, 0.639; over-all length of the word "CALSO," 0.56; height of the letter "L," 0.375; height of other letters, 0.246; and width of strokes of letters, 0.437.

Colored scale replica drawings of the house flag and of the funnel marks described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 51-1822; Filed, Feb. 5, 1951; 8:50 a. m.]

POST OFFICE DEPARTMENT

[Order 45233]

TEMPORARY MAIL SERVICE RESTRICTIONS

On February 1, 1951, under authority of R. S. 161, 396, 3974, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 492, Order No 45233, reading as follows, was issued by the Postmaster General:

Tie up of railroad switching at various points throughout the country makes it imperative that certain mail service restrictions be imposed.

Restricted categories of mail will consist of second-class (except daily newspapers), and all third- and fourth-class matter, and matter of the first-class exceeding eight ounces in weight. Restrictions will not apply to medicine, drugs, surgical instruments and surgical dressings.

Effective at once no mail matter of the restricted categories will be accepted for mailing in Chicago, Illinois; Saint Louis, Missouri; Washington, D. C.; Philadelphia, Pennsylvania; Trenton, New Jersey; Jacksonville, Florida; New York, New York; Atlanta, Georgia; Cleveland, Ohio; or Baltimore, Maryland, except that mail of any class and weight may be accepted for local delivery at those offices, including delivery by rural routes and star routes. The restrictions as to acceptance of mail matter at the offices named in this paragraph also apply to post offices in cities and towns adjoining the cities named.

No other post offices will accept mail of the restricted categories addressed for delivery at any of the post offices named in the preceding paragraph.

Post Offices located in the States of Florida and Illinois will not accept mail of the restricted categories addressed for delivery to any post office not located in their respective states. Post offices located in other states will not accept mail of the restricted categories addressed for delivery at any post offices located in the States of Florida or Illinois.

Post Offices located in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Pennsylvania, Maryland, Ohio, Indiana, or Michigan will not accept matter of the restricted categories for delivery within any state not mentioned in this paragraph.

Post Offices located in states west of the Mississippi River and in the States of Wisconsin and Minnesota will not accept matter of the restricted categories addressed for delivery in any state named in the preceding paragraph.

Post Offices located south of the Ohio and Potomac Rivers will not accept mail of the restricted categories addressed for delivery in the States of Indiana, Ohio, Michigan, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, or Maine.

No restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices) to air mail or air parcel post, or to mails originating at and destined for delivery at points between which it is known that no interference with transportation exists.

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-1894; Filed, Feb. 2, 1951; 2:09 p. m.]

[Order 45254]

TEMPORARY MAIL SERVICE RESTRICTIONS

On February 3, 1951, under authority of R. S. 161, 396, 3974, sections 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 492, Order No. 45254, reading as follows, was issued by the Postmaster General:

In view of the widespread disruption of train service due to the switching tie up, which has spread to so many railroads and cities, it has become necessary to extend mail service restrictions.

Restricted categories of mail will consist of second-class (except daily newspapers), all third- and fourth-class

matter, matter of the first class exceeding eight ounces in weight, and air parcel post exceeding two pounds in weight. Restrictions will not apply to medicine, drugs, serums, laboratory specimens, artificial limbs, dentures, eyeglasses, surgical instruments, surgical dressings, or to money shipments by banks.

Effective immediately all post offices will discontinue acceptance of any mail matter of the restricted categories, except that no restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices), or to mail originating at and destined for delivery at nearby points on local lines between which it is known that no interference with transportation exists.

This order supersedes Order 45233 (*supra*) of February 1, 1951.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-1959; Filed, Feb. 5, 1951; 11:22 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 54328]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 31, 1951.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec 315g), the following-described lands has been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 2 S., R. 8 E.,
Sec. 15, SW¼NW¼.
T. 6 S., R. 23 E.,
Sec. 16, all;
Sec. 29, N½NW¼.
T. 7 S., R. 28 E.,
Sec. 32, SE¼SW¼.
T. 9 S., R. 27 E.,
Sec. 3, E½NE¼;
Sec. 13, NE¼SE¼;
Sec. 36, NW¼ and W½SW¼.
T. 13 S., R. 30 E.,
Sec. 6, lots 1, 2, and 3.
T. 20 S., R. 21 E.,
Sec. 32, all.
T. 21 S., R. 20 E.,
Secs. 1 and 2;
Sec. 4, lot 3;
Sec. 10, E½NE¼.
T. 21 S., R. 21 E.,
Sec. 4, N½, N½S½, and SW¼SW¼;
Secs. 8, 9, and 10, all.
T. 11 N., R. 16 W.,
Secs. 3, 7, 9, 15, 17, and 19, all.
T. 14 N., R. 14 W.,
Secs. 9 and 15, all.

The areas described aggregate 11,029.50 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 699 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1798; Filed, Feb. 5, 1951; 8:47 a. m.]

[1606481]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 31, 1951.

Notice is given that the plat of original survey of the following described lands, accepted May 20, 1942, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

SAN BERNARDINO MERIDIAN

T. 15½ N., R. 14 E.,
Sec. 19, Lots 1, 2, 3, 4, 5, SE¼;
Sec. 20, Lots 1, 2, 3, 4, S½;
Sec. 21, Lots 1, 2, 3, 4, S½;
Sec. 22, Lots 1, 2, 3, 4, S½;
Sec. 23, Lots 1, 2, 3, 4, S½;
Sec. 24, Lots 1, 2, 3, 4, S½;
All of Secs. 25, 26, 27, 28, 29;
Sec. 30, Lots 1, 2, 3, 4, E½;
Sec. 31, Lots 1, 2, 3, 4, E½;
All of Secs. 32, 33, 34, 35, 36.

The areas described aggregate 9,794.31 acres.

Available data indicate that the described land is generally rolling to rough and rocky.

No application for these lands may be allowed under the homestead, desert land, small tract, or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat there is a spring of water on the section line between sections 19 and 20.

The legal subdivision containing a spring and the lands within a quarter of a mile of each spring may be affected by the general withdrawal made by Executive Order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal, is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1799; Filed, Feb. 5, 1951; 8:47 a. m.]

[1817686]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 31, 1951.

Notice is given that the plats of original surveys of the following described lands, accepted July 7, 1948, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 21 N., R. 19 E.,
All of secs. 1, 2, 3, 4;
All of secs. 9 to 16 inclusive;
All of secs. 21 to 28 inclusive;
All of secs. 33, 34, 35, 36.
T. 21 N., R. 21 E.,
All of secs. 3 to 10 inclusive;
All of secs. 15 to 22 inclusive;
All of secs. 27 to 34 inclusive.

The areas described, exclusive of segregations, aggregate 30,665.54 acres.

All of the lands described are within the exterior boundaries of the Salmon National Forest, by proclamations of November 5, 1906, May 19, 1913, and Executive order of July 1, 1908.

Parts of secs. 12, 13, 14, 15, 16, 21, 22, 23, 27, 28, 33, 34, T. 21 N., R. 19 E., were withdrawn on December 19, 1923, by the Secretary of the Interior and placed in Power Site Classification No. 280.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within three months from the date on which the plats are officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1800; Filed, Feb. 5, 1951; 8:48 a. m.]

[35560]

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 31, 1951.

Notice is given that the plat of original survey of the following described lands, accepted February 24, 1949, will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 59 E.,
Secs. 1 to 36, inclusive.

The area described exclusive of segregations aggregates 22,773.82 acres.

All of the above-described lands were withdrawn by proclamation of February 10, 1909, and placed in the Nevada National Forest.

In view thereof, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of this plat.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1801; Filed, Feb. 5, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF THE CONTINENTAL U. S. A. GULF WESTBOUND FREIGHT CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 6150-3, between the member lines of the Continental U. S. A. Gulf Westbound Freight Conference, amends the basic agreement of said conference (No. 6150) to include a new article covering breach of the agreement. Agreement No. 6150, as amended, covers the trade from ports in Continental Europe between Bayonne, France, and Hamburg, Germany, both inclusive, to the United States Gulf ports between Tampa and Brownsville, both inclusive.

Agreement No. 6120-4, between the member lines of the United States Atlantic & Gulf-Puerto Rico Conference, amends the basic agreement of said conference (No. 6120) to provide that decisions of the conference, except as to modifications of the basic agreement and expulsion of members, shall be arrived at by a majority vote of the members, instead of by unanimous vote as presently provided. The basic agreement, which covers the trades between U. S. Atlantic and Gulf ports and ports in Puerto Rico and between ports in Puerto Rico, will continue to require the unanimous vote of all members (except the member involved) on expulsions.

Agreement No. 5200-L, between the member lines of the Pacific Coast European Conference, provides for the suspension of the sailing and spacing requirements as set forth in the first paragraph of Article 4 of the basic agreement of said conference and for the waiver of penalty assessments which might otherwise be applicable thereunder for the first six months of the year 1951. The basic agreement of the aforesaid conference (No. 5200, as amended) covers the trades from the Pacific Coast of the United States to Great Britain,

Northern Ireland, Irish Free State, Continental, Baltic and Scandinavian ports and to base ports in the Mediterranean Sea and to transhipment ports in the Mediterranean Sea, Adriatic Sea, Black Sea, West, South and East Africa, British India and Iraq.

Agreement No. 57–33, between the member lines of the Pacific Westbound Conference, covers admission of Ellerman and Bucknall Associated Lines to associate membership in the aforesaid conference. As an associate member the Ellerman and Bucknall Associated Lines will have no vote in conference affairs, but will be permitted to participate in conference contracts with shippers, and will be exempted from posting of the usual surety bond. This agreement has been filed to supersede and cancel associate membership agreement of Ellerman & Bucknall Steamship Co., Limited (Agreement No. 57–8). The basic agreement of the Pacific Westbound Conference (No. 57, as amended) covers the trades from or via the Pacific Coast ports of North America to Japan, Formosa, Siberia, Manchuria, China, Hong Kong, Indo-China, Siam and the Philippine Islands.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: February 1, 1951.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51–1855; Filed, Feb. 5, 1951; 8:58 a. m.]

Office of the Secretary

APPEALS IN TRADE-MARK CASES

AMENDMENT OF ORDER

The order issued September 25, 1950, published September 28, 1950 (15 F. R. 6554), authorizing members of the Board of Appeals of the United States Patent Office to hear and decide appeals in trade-mark cases in the Patent Office is amended by striking out the words "provided by section 20 of the Trade-Mark Act of 1946 (15 U. S. C. 1070)" and inserting in lieu thereof "in trade-mark cases."

(R. S. 161; 5 U. S. C. 22. Reorg. Plan 5 of 1950, 15 F. R. 3174)

Issued January 30, 1951.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51–1783; Filed, Feb. 5, 1951; 8:45 a. m.]

COMPLIANCE COMMISSIONER FOR EXPORT CONTROL

DELEGATION OF AUTHORITY BY DIRECTOR OR DEPUTY DIRECTOR OF OFFICE OF INTERNATIONAL TRADE RELATING TO EXPORT CONTROL

The delegation of authority previously made by me with respect to the Compliance Commissioner for Export Control (15 F. R. 3597, 6833) is amended as follows:

Any employee or officer designated to act as a Compliance Commissioner for Export Control by the Director or Deputy Director of the Office of International Trade is hereby authorized, in any proceeding for the denial of licensing privileges under the Export Control Act of 1949, (1) to administer oaths and affirmations, and (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings or both.

(63 Stat. 7; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: January 30, 1951.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 51–1785; Filed, Feb. 5, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that Special Certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 216; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR, Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The National Society of Volunteers of America, 69 Henry Street, Binghamton, New York; at a wage rate of not less than the piece rate non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher; certificate is effective February 1, 1951 and expires December 31, 1951.

Goodwill Home and Rescue Mission, 42–44 Eagles Street, Newark, New Jersey; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher; certificate is effective February 1, 1951 and expires December 31, 1951.

Baltimore Goodwill Industries, 201 South Broadway, Baltimore, Maryland; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective January 17, 1951 and expires December 31, 1951.

Philadelphia Branch Pennsylvania Association for the Blind, 1221 Race Street, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 70 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 19, 1951, and expires December 31, 1951.

Upper Susquehanna Branch Pennsylvania Association for the Blind, 1246 Vine Avenue, Williamsport, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951, and expires January 31, 1952.

Evansville Goodwill Industries, Inc., 18 Locust Street, Evansville 8, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective February 1, 1951, and expires January 31, 1952.

Indianapolis Goodwill Industries, Inc., 215 South Senate Avenue, Indianapolis, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951, and expires January 31, 1952.

St. Joseph County Goodwill Industries, Inc., 316 Chapin Street, South Bend 19, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation

in regular commercial industry maintaining approved labor standards, or not less than 40 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective February 1, 1951, and expires January 31, 1952.

Goodwill Industries of Minneapolis, 413–417 South Third Street, Minneapolis 15, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 45 cents per hour, whichever is higher, and a rate of not less than 40 cents for each new client during his initial 4-week evaluation period in the workshop; certificate if effective February 1, 1951, and expires January 31, 1952.

Goodwill Industries of Southern Calif., 342 San Fernando Road, Los Angeles 31, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Goodwill Industries of San Bernardino and Riverside Counties, 899 Third Street, San Bernardino, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

The Volunteers of America, 1637 Market Street, San Diego 2, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Society of St. Vincent dePaul, 1815 Mission Street, San Francisco, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 45 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Goodwill Industries of San Francisco—Santa Cruz Branch, 204 Union Street, Santa Cruz, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 60 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

The Volunteers of America, 2801 Lombard Avenue, Everett, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

Lighthouse for the Blind, Inc., 131 Elliott West, Seattle 99, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 50 cents per hour, whichever is higher; certificate is effective January 25, 1951, and expires January 24, 1952.

Tacoma Goodwill Industries, Inc., 2356 Tacoma Avenue, Tacoma, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 65 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

The Volunteers of America, 1517 Broadway, Tacoma 2, Washington; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 75 cents per hour, whichever is higher, and a rate of not less than 50 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective January 25, 1951, and expires January 24, 1952.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions or Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of January 1951.

JACOB I. BELLOW, *Assistant Chief of Field Operations.*

[F. R. Doc. 51–1813; Filed, Feb. 5, 1951; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–227]

INVESTIGATION OF ACCIDENT NEAR REARDON, WASHINGTON

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC–93054, which occurred near Reardon, Washington, on January 16, 1951.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 7, 1951, at 9:30 a. m. (local time) in the Davenport Hotel, 807 West Sprague Street, Spokane, Washington.

Dated at Washington, D. C., January 30, 1951.

[SEAL] ROBERT W. CHRISP, *Presiding Officer.*

[F. R. Doc. 51–1797; Filed, Feb. 5, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT–5905]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

JANUARY 31, 1951.

Notice is hereby given that Otter Tail Power Company of Fergus Falls, Minnesota, has filed application pursuant to the provisions of section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to transmit electric energy in an amount not to exceed 750,000 kilowatt-hours per year at a rate not in excess of 200 kilowatts over its existing transmission line to a point on the international boundary, United States and Canada, for sale and delivery to the Town of Emerson, Canada, which distributes and sells electric energy in that town and vicinity.

The requested authorization would also supersede the authorization heretofore granted in this docket by order dated July 27, 1945.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or

before the 19th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-1802; Filed, Feb. 5, 1951; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25797]

HIDES, PELTS AND SKINS FROM SOUTHERN TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193 and Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 394.

Commodities involved: Hides, pelts and skins, not dressed or tanned, in carloads.

From: Points in southern territory.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1809; Filed, Feb. 5, 1951; 8:49 a. m.]

[4th Sec. Application 25798]

CAUSTIC SODA FROM BUFFALO, N. Y., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3098.

Commodities involved: Sodium (soda), caustic (sodium hydroxide), in solution, in tank-car loads.

From: Buffalo, N. Y., and points in New York and Pennsylvania taking same rates.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers. Market competition.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 3098, Supp. 178.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1808; Filed, Feb. 5, 1951; 8:49 a. m.]

[4th Sec. Application 25799]

IRON AND STEEL ARTICLES FROM BIRMINGHAM, ALA., GROUP TO ATLANTA, GA.

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, and tin and terne plate, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Atlanta, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1807; Filed, Feb. 5, 1951; 8:49 a. m.]

[4th Sec. Application 25800]

RUBBER TIRES FROM WACO, TEX.

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Rubber tires, in carloads.

From: Waco, Tex.

To: Kansas City, Mo.-Kans., Memphis, Tenn., St. Louis, Mo., East St. Louis, Ill., and Chicago, Ill., and points taking same rates.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 542.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1806; Filed, Feb. 5, 1951; 8:48 a. m.]

[4th Sec. Application 25801]

WIRE FABRIC TO TEXAS PORTS

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3443, 3881, 3880, 3899 and 3932.

Commodities involved: Wire fabric, iron and steel, in carloads.

From: Points in southwestern and western trunk-line territories.

To: Texas and Louisiana gulf ports and interior points.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3899, Supp. 33, No. 3443, Supp. 165, No. 3881, Supp. 22, No. 3880, Supp. 11, and No. 3932, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1805; Filed, Feb. 5, 1951; 8:48 a. m.]

[4th Sec. Application 25802]

POULTRY NETTING AND IRON AND STEEL ARTICLES TO GULF PORTS

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3899 and 3932.

Commodities involved: Poultry netting and iron and steel articles.

From: Points in defined territories.

To: Texas and Louisiana gulf ports and interior points.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3899, Supp. 33. D. Q. Marsh's tariff I. C. C. No. 3932, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1804; Filed, Feb. 5, 1951; 8:48 a. m.]

[4th Sec. Application 25803]

WOOD CHARCOAL FROM CROSSETT, ARK., TO LOWLAND AND MORRISTOWN, TENN.

APPLICATION FOR RELIEF

FEBRUARY 1, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Wood charcoal, in carloads.

From: Crossett, Ark.

To: Lowland and Morristown, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3908, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1803; Filed, Feb. 5, 1951; 8:48 a. m.]

[Ex Parte No. 177]

INCREASED EXPRESS RATES AND CHARGES, 1951

JANUARY 31, 1951.

By petition dated January 11, 1951, the Railway Express Agency, Incorporated, requests authority to increase and revise its express rates and charges and classification provisions. Appendix I hereto contains the proposals of the agency that are more particularly set out in such petition and the exhibits attached thereto.

This proceeding is set for hearing at the office of the Commission in Washington, D. C., at 9:30 a. m. United States standard time, on March 29, 1951, before examiner S. R. Diamondson.

It is contemplated that regional hearings will be held at Jacksonville, Fla., Dallas, Tex., San Francisco, Calif., and Chicago, Ill., on dates to be announced later.

In appendix II of this notice are the "Special Rules of Practice" for application in this proceeding.

Notice of this hearing and of the special rules of practice will be served upon petitioner, and upon the Governors and regulatory bodies of the several States. Notice will also be given to the general public, by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX I

1. *First and second class rates and charges.* (a) Increase all first class rates per 100 pounds by 57 cents; all second class rates per 100 pounds to be 75 percent of the increased first class rates, thereby maintaining the present relationship.

(b) Publish first and second class charges, increased as proposed in 1 (c) below, for weights less than 100 pounds, in 5-pound gradations in the following manner, in lieu of the current specific charges published for each weight 1 to 100 pounds:

5 pounds and under----------
Over 5 pounds but not over 10 pounds--
Over 10 pounds but not over 15 pounds, etc ----------

Thus the charge for 5 pounds will be the charge for all lesser weights, the charge for 10 pounds will be the charge for all weights over 5 pounds and not exceeding 10 pounds, the charge for 15 pounds will be the charge for all weights over 10 pounds and not exceeding 15 pounds, and so on up.

(c) Increase all first class charges currently published for 5 pounds and for multiples of 5 pounds by 57 cents, but no charge to be less than $2.00; second class charges to be 75 percent of the increased first class charges, but no charge to be less than $2.00.

(d) First and second class rates increased as proposed herein are to be used in determining carload rates for application to carload shipments subject to class rates.

2. *Commodity rates and charges.* (a) Cancel all less carload commodity rates and charges on articles of food and drink and apply the ratings prescribed in Official Express Classification No. 34, and Supplements thereto.

(b) Increase by 25 per cent, subject to first class rates as maxima, all less carload commodity rates other than those applying on articles of food and drink referred to in 2 (a) above, except those applying on daily newspapers, and milk and cream and related commodities subject to milk and cream rates, the minimum charge to be $2.00 per shipment.

3. *Classification ratings, rates and charges.* (a) Cancel the rating of "First Class pound rates" on the following items published in

Official Express Classification No. 34, and Supplements thereto, and apply First Class rates and charges increased as proposed herein:

Item No.	Page No.	Applying to—
10-A	11 (Supp. No. 22)	Advertising matter.
1115-C	15 (Supp. No. 22)	Live lobsters.

(b) Increase the third class rate published in Rule 1 (j) of Official Express Classification No. 34, and Supplements thereto, to 1-cent per ounce, minimum charge $2.00 per shipment.

(c) Increase the minimum charges published in Rule 1 (p) and (r) of Official Express Classification No. 34, and Supplements thereto, to $2.00 per shipment.

(d) Increase the valuation charges published in Rule 13 (a), (b) 1 and (b) 2 of Official Express Classification No. 34, and Supplements thereto, from 11 cents to 15 cents and the valuation charges in Rule 13 (b) 4 and (c) by 25 percent.

(e) Increase by 25 percent the specific charges stated in cents per container published on returned empty containers in Official Express Classification No. 34, and Supplements thereto; apply on containers subject to charges based on first or second class rates the proposed increased first or second class rates; a minimum charge of $2.00 to apply on all shipments of returned empty containers.

(f) Increase by 25 percent c. o. d. service charges published in Rule 14 (v) of Official Express Classification No. 34, and Supplements thereto.

(g) Increase by 25 percent all rates and charges in the Money Classification section of Official Express Classification No. 34, and Supplements thereto, except where charges are determined by use of first class rates. Shipments upon which charges are determined by use of first class rates are to be subject to the increased first class rates. Minimum charge in all cases to be $2.00 per shipment.

(h) Increase by 25 percent all other minimum charges published in Official Express Classification No. 34, and Supplements thereto, but no minimum charge to be less than $2.00 per shipment.

4. *International rates and charges to and from points in Canada.* Increase local and joint international rates and charges between points in the United States and points in Canada and revise classification provisions to the same extent as is proposed for application within the United States.

APPENDIX II—SPECIAL RULES OF PRACTICE

Protestants; petitions of intervention unnecessary. Persons appearing in opposition to the petition herein, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should carefully be prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits, Rules 81 to 84, inclusive, of the general rules of practice should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible, exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 of the rules of practice. They should have sufficient copies thereof to supply opposing counsel, the representatives of the State Commissioners, the examiner on the bench, and the official reporter.

Submission of evidence in chief in written form. The evidence in chief to be produced on behalf of the petitioner Railway Express Agency, Inc., shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing 25 copies on or before March 15, 1951, and a copy should be transmitted as first class mail by petitioner to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioner, and also to each person who shall give notice on or before March 5, 1951, to the Commission and counsel for petitioner of their intention to appear at the hearings as protestants. Such notification to petitioner should be made in writing promptly, addressed to Mr. J. H. Mooers, Care Railway Express Agency, Inc., 230 Park Avenue, New York 17, N. Y.

Notice of intention to produce testimony at the hearings. Persons who desire to be heard will facilitate necessary arrangements by promptly sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission on or before March 5, 1951, which shall state the number of witnesses, the approximate amount of time considered necessary for presentation of direct testimony, and at which of the above-named cities they desire to be heard.

Correspondence. Correspondence relative to this matter should be addressed to the Secretary of the Interstate Commerce Commission at Washington 25, D. C., with reference to the docket number, Ex Parte No. 177.

[F. R. Doc. 51-1810; Filed, Feb. 5, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

MATTHEW P. WILSON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January 1951.

In the matter of Matthew P. Wilson, 627 Park Avenue, Dunkirk, New York.

I. The Commission's public official files disclose that Matthew P. Wilson, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 28, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 7, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[1] Filed as part of the original document.

[F. R. Doc. 51-1816; Filed, Feb. 5, 1951; 8:50 a. m.]

WARREN LEE STERLING CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of January 1951.

In the matter of Warren Lee Sterling, dba W. L. Sterling Company, 114 East 52d Street, New York, New York.

I. The Commission's public official files disclose that Warren Lee Sterling, doing business as W. L. Sterling Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 28, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 7, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[1] Filed as part of the original document.

[F. R. Doc. 51-1817; Filed, Feb. 5, 1951; 8:50 a. m.]

STEARNS & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of January 1951.

In the matter of Benjamin E. Stearns, dba Stearns & Co., 926 Exchange St., Rochester, N. Y.

I. The Commission's public official files disclose that Benjamin E. Stearns, doing business as Stearns & Co., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 28th, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 7th, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of

the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1818; Filed, Feb. 5, 1951; 8:50 a. m.]

[File Nos. 54-186, 59-93, 70-1804]

ARKANSAS NATURAL GAS CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

In the matter of Arkansas Natural Gas Corporation, File No. 54-186; Arkansas Natural Gas Corporation and its subsidiaries, and Cities Service Company, respondents File Nos. 59-93, 70-1804.

I. The Commission on February 9, 1949, entered an order instituting proceedings under sections 11 (b) (2), 12 (f), 15 (a), 15 (f), and 20 (a) of the Public Utility Holding Company Act of 1935 (File No. 59-93) directed to Arkansas Natural Gas Corporation ("Arkansas-Natural"), a registered holding company, and its subsidiaries and Cities Service Company ("Cities"), also a registered holding company and parent company of Arkansas-Natural. The proceedings instituted by said order raised issues, among others, with respect to the corporate structure of Arkansas-Natural and the distribution of voting power among its security holders and with respect to the organization and history of Arkansas-Natural and the relation of Cities thereto. No hearings have been held with respect to the above proceeding. The order instituting these proceedings consolidated them with declarations and applications filed with the Commission by Arkansas-Natural (File No. 70-1804), which have been the subject of limited hearings, in which it was proposed that Arkansas-Natural dispose of its interest in the gas distribution properties of Arkansas Louisiana Gas Company ("Arkansas-Louisiana"), a subsidiary.

II. Notice is hereby given that Arkansas-Natural has filed with the Commission, pursuant to section 11 (e) of the act, a plan stated to be for the simplification of its corporate structure, effectuation of compliance with the requirements of section 11 (b) of the act, and termination of its status as a holding company.

Arkansas-Natural, a Delaware corporation, is primarily a holding company owning, among other investments, all of the common stocks of Arkansas-Louisiana and Arkansas Fuel Oil Company ("Arkansas-Fuel"). Arkansas-Louisiana is engaged in the purchase, production, transmission, distribution, and sale of natural gas in the states of Louisiana, Arkansas, and Texas. Arkansas-Fuel, operating chiefly throughout the southern part of the United States, is engaged in the production, storage, and marketing of petroleum, and in the processing of natural gas.

As at December 31, 1949, Arkansas-Natural's outstanding securities consisted of 2,187,918 shares of 6 percent $10 par value Cumulative Preferred Stock with an aggregate par value of $21,879,180; 4,080,948 shares of no par value Common Stock with a stated value of $4,080,948; and 3,522,271¼ shares of no par value Class A Common Stock with a stated value of $3,522,271.25. Cities owns 870,812 shares (39.8 percent) of the Preferred Stock, 3,057,267 shares (74.96 percent) of the Common Stock, and 857,-112.25 shares (24.33 percent) of the Class A Stock.

All interested persons are referred to said Plan which is on file in the offices of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

1. Arkansas-Louisiana will transfer to Arkansas-Fuel all of its interests in leases, gas wells and equipment and field gathering lines in the Carthage Acreage, at net book value ($4,114,270.16 as at December 31, 1949), and Arkansas-Fuel will transfer to Arkansas-Louisiana certain natural gasoline plants at net book value ($4,946,977.25 as at December 31, 1949). Any difference in the respective net book values at the time of transfer is to be adjusted in cash.

2. Arkansas-Natural will transfer to Arkansas-Louisiana its pipeline property, consisting of approximately 51 miles of pipeline, at net book value ($93,948.77 as at December 31, 1949).

3. Arkansas-Natural, which owns $6,-500,000 principal amount of Arkansas-Louisiana 4¼ per cent debentures, will surrender said debentures to Arkansas-Louisiana for cancellation, as a donation of capital.

4. Arkansas-Louisiana will issue and sell $27,500,000 principal amount of First Mortgage Bonds and apply the proceeds thereof (a) to the retirement of its outstanding funded debt in the principal amount of $20,125,000, as at November 30, 1949 (b) to the retirement of $3,500,-000 principal amount of funded debt incurred and to be incurred in the year 1950, and (c) toward financing its construction program.

5. Arkansas-Fuel will merge into Arkansas-Natural, which will be the surviving corporation.

6. Arkansas-Natural will issue a new series of 3¾ per cent Cumulative Preferred Stock, par value $10, with an aggregate par value of $23,191,130, redeemable at par value, and will distribute said new Preferred Stock to the holders of its old $10 par value Preferred Stock on the basis of $10.60 par value of new Preferred Stock for each share of the old Preferred Stock held. The redemption value of the old Preferred Stock is $10.60 per share. Amounts receivable by holders in excess of multiples of $10 will be represented by the issuance of scrip, which, when combined in $10 amounts will be exchangeable, within a limited period, for shares of the new Preferred Stock. Unpaid dividends on the old Preferred Stock will accrue and will be paid by Arkansas-Natural to the date from which the new Preferred Stock bears dividends.

Holders of old Preferred Stock who notify Arkansas-Natural within the 30-day period immediately following the date fixed for exchange that they desire to dispose of the new Preferred Stock to which they are entitled at a price equal to the par value thereof, will receive $10.60 in cash per share of old Preferred Stock surrendered, together with any unpaid dividends. Arkansas-Natural will obtain funds necessary for this purpose from the sale of the new Preferred Stock to which such holders of the old Preferred Stock would be entitled and, to the extent required, from its other cash resources, and any excess of the net proceeds of such sale over the amount so paid to such holders will be retained by Arkansas-Natural.

7. Arkansas-Louisiana will reclassify its presently outstanding Common Stock into 7,603,219 shares of no par value Common Stock. The new shares will be distributed to the holders of Common and Class A stock of Arkansas-Natural as a dividend in partial liquidation on the basis of one share of common stock of Arkansas-Louisiana for each share of Common or Class A stock of Arkansas-Natural.

8. Arkansas-Natural will amend its charter so as to convert its Class A stock into Common Stock, resulting in a single class of Common Stock to be outstanding.

9. Arkansas-Natural will pay such fees and expenses for services rendered in connection with the plan (except in connection with the refinancing of Arkansas-Louisiana which will be paid by Arkansas-Louisiana) as may be allowed by the Commission.

Arkansas-Natural has requested the Commission, in the event it approves the Plan, to enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, as amended, and to apply to an appropriate court to enforce and carry out the terms and provisions of the Plan.

III. The Commission being required by the provisions of section 11 (e) of the act before approving any Plan thereunder to find, after notice and opportunity for hearing, that the Plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held upon the Plan filed by Arkansas-Natural to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing to the Commission that common questions of law and fact are involved in the consolidated proceedings presently pending before the Commission (File Nos. 59-93 and 70-1804) and in the proceeding upon the application filed by Arkansas-Natural pursuant to section 11 (e) of the act (File No. 54-186); that evidence offered in respect of each of said proceedings may have a bearing on the others; and that substantial savings in time, effort, and expense will result if said proceedings are consolidated so that they may be heard as one matter and so that evidence adduced in each proceeding may be considered as evidence in the others for all purposes;

It is ordered, That the pending consolidated proceedings (File Nos. 59-93 and 70-1804), and the proceeding with respect to the instant plan (File No. 54-186) be, and they hereby are, consolidated, and that all of the evidence adduced in the pending consolidated proceedings shall be incorporated in and deemed part of the record in the proceeding on the instant plan, without prejudice, however, to the Commission's right, upon its own motion or the motion of any interested party, to strike such portions of the record in the pending consolidated proceedings as may be deemed irrelevant to the issues raised with respect to the proposed plan, or to the Commission's right to separate, either for hearing, in whole or in part, or for determination, in whole or in part, any issues or questions herein set forth or which may arise in these proceedings, to separate any of the proceedings consolidated herein, or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That a public hearing in the consolidated proceeding be held under the applicable provisions of the act and the rules and regulations promulgated thereunder at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on the 27th day of March 1951. On that date the hearing room clerk in Room 193 will advise as to the room in which the hearing will be held. In the event that amendments to the Plan are filed during the course of said proceedings, no notice of such amendments need be given unless specifically ordered by the Commission. Any person desiring to be heard in connection with this consolidated proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before March 20, 1951, his written request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission, in addition to those stated in the Commission's Notice and Order dated February 9, 1949, Holding Company Act Release No. 8842, without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the Plan, as submitted or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. Whether the Plan achieves the statutory requirements with respect to corporate simplification of the Arkansas-Natural system and with respect to fair and equitable distribution of voting power among the security holders of Arkansas-Natural.

3. Whether the proposal to treat Cities' security holdings in Arkansas-Natural on the same basis as the holdings of public security holders is fair and equitable, and whether facts or circumstances exist which would support the subordination of the interests of Cities or of any other stockholder or group of stockholders in Arkansas-Natural to the interests of other security holders of Arkansas-Natural.

4. Whether facts or circumstances exist which would support the assertion by Arkansas-Natural of claims against Cities or against any other stockholder or group of stockholders of Arkansas-Natural.

5. Whether it is appropriate for Cities to acquire and retain the new Preferred Stock of Arkansas-Natural which Cities would be entitled to receive under the Plan in view of the fact that, under the Plan, Cities would also be entitled to receive a substantial amount of the new Common Stock of Arkansas-Natural.

6. Whether the Plan is appropriate in the light of the Commission's Orders issued pursuant to section 11 (b) (1) of the act dated May 5, 1944, and October 12, 1944, and particularly whether the Plan should provide for the concurrent disposition by Cities of the Common Stock of Arkansas-Louisiana which it would be entitled to receive under the Plan.

7. Generally, whether the transactions proposed in the Plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and of the rules and regulations thereunder, particularly with respect to the following proposals:

(a) The property transfers between Arkansas-Louisiana and Arkansas-Fuel,

(b) The issuance by Arkansas-Natural of new Preferred Stock and the terms and conditions under which said new Preferred Stock is to be issued and exchanged for its outstanding Preferred Stock,

(c) The terms and conditions with respect to the reclassification of the common stock of Arkansas-Louisiana and the Class A and Common Stocks of Arkansas-Natural,

(d) The issuance of First Mortgage Bonds by Arkansas-Louisiana.

8. Whether the proposed accounting entries are appropriate in the light of the requirements of the act, particularly section 15 (f) thereof, and whether such entries are in accordance with sound accounting principles and the requirements of the applicable systems of accounts.

9. Whether, and in what manner, the Plan should be modified or terms and conditions imposed to assure adequate protection to the public interest and the interests of investors and consumers and to assure compliance with all applicable provisions of the act and rules and regulations thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That notice of said hearing be given to Arkansas-Natural, to Cities and to all persons previously granted intervention or participation in the pending consolidated proceedings by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

It is further ordered, That Arkansas-Natural shall give further notice of said hearing to all of its security holders (in so far as the identity of such security holders is known or available to it) by mailing to each of said persons, to his last known address, a copy of this Notice and Order at least 30 days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1820; Filed, Feb. 5, 1951; 8:50 a. m.]

[File No. 70-2514]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

In the matter of New England Electric System, Athol Gas and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, The Spencer Gas Company, Wachusett Electric Company, Winchendon Electric Light and Power Company, Worcester Suburban Electric Company, Worcester County Electric Company, Leominster Gas Light Company, Athol Gas Company, Central Massachusetts Gas Company, Blackstone Gas Company, File No. 70-2514.

New England Electric System ("NEES"), a registered holding company, and certain of its subsidiary companies, namely, Athol Gas and Electric Company ("Athol"), Central Massachusetts Electric Company ("Central Massachusetts"), Gardner Electric Light Company ("Gardner"), The Spencer Gas Company ("Spencer"), Wachusett Electric Company ("Wachusett"), Winchendon Electric Light and Power Company ("Winchendon"), Worcester Suburban Electric Company ("Worcester Suburban"), Worcester County Electric Company ("Worcester County"), Leominster Gas Light Company (name changed to Wachusett Gas Company and referred to as "New Wachusett Gas"), Athol Gas Company ("New Athol Gas"), Central Massachusetts Gas Company ("New Central

Massachusetts Gas") and Blackstone Gas Company ("New Blackstone Gas"), having filed applications-declarations with this Commission, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, regarding the transfer of gas properties by Athol, Wachusett, Spencer, Worcester County and Worcester Suburban and the acquisition thereof by New Athol Gas, New Wachusett Gas, New Central Massachusetts Gas and New Blackstone Gas and thereupon, the transfer of electric properties by Athol, Central Massachusetts, Gardner, Spencer, Wachusett, Winchendon and Worcester Suburban and the acquisition thereof by Worcester County and the merger of said companies into Worcester County, and related transactions summarized as follows: (1) The disposition by NEES of its stock interests in Athol, Central Massachusetts, Spencer, Wachusett, Gardner, Winchendon and Worcester Surburban and the acquisition in exchange therefore of new securities of Worcester County, New Wachusett Gas, New Athol Gas, New Central Massachusetts Gas and New Blackstone Gas; (2) the issuance by New Wachusett Gas, New Athol Gas, New Central Massachusetts Gas and New Blackstone Gas of capital stock in the amounts of 790 shares, 1,595 shares, 18,269 shares and 418 shares (or fractional scrip), respectively, to effectuate the proposed separation of gas properties; (3) the issuance by Worcester County of 366,571 shares of additional common stock, par value $25 per share, or fractional scrip to effectuate the proposed merger of electric properties; (4) the offer by NEES to purchase shares of stock of Gardner, Winchendon and Worcester Suburban held by others than NEES (or the shares of stock or fractional scrip of Worcester County into which such shares of such companies are exchangeable); (5) the offer by NEES to purchase the fractional scrip or stock proposed to be issued by New Blackstone Gas to persons other than NEES; and (6) the proposal by NEES to enter on its books the new shares it will receive from Worcester County, New Wachusett Gas, New Athol Gas, New Central Massachusetts Gas and New Blackstone Gas in amounts the aggregate of which, namely, $21,454,372.47, will equal the aggregate of the presently recorded investments by NEES in the common stocks of the companies participating in the proposed merger and to enter on the books the shares of stock acquired from minority stockholders at the cash cost thereof;

A public hearing on these matters having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion wherein it was found that the applicable statutory standards of the act have been satisfied and that no adverse findings should be made with respect to said applications-declarations and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations be granted and permitted to become effective forthwith:

It is hereby ordered, That said applications-declarations be, and the same hereby are, granted and permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That a copy of the Commission's findings and opinion in this matter be transmitted to all public stockholders of Gardner, Winchendon and Worcester Suburban at the time the exchange proposals and the cash offers are submitted to such stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1819; Filed, Feb. 5, 1951; 8:50 a. m.]

[File No. 70-2545]

UNITED GAS IMPROVEMENT CO. AND ALLENTOWN-BETHLEHEM GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiary, Allentown-Bethlehem Gas Company ("Allentown"), having filed a joint application-declaration pursuant to the provisions of sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder with respect to the issue and sale by Allentown of 30,000 shares, at par, of its common capital stock (par value $50 per share) to UGI in payment of (1) Allentown's 4 percent promissory note in the principal amount of $600,000, maturing January 31, 1951, payable to UGI, and (2) advances on open account by UGI to Allentown, to the extent of $900,000; and said issue and sale of common capital stock having been approved by order of the Pennsylvania Public Utility Commission dated January 15, 1951; and

Said joint application-declaration having been filed on December 29, 1950, and the last amendment thereto having been filed on January 23, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1814; Filed, Feb. 5, 1951; 8:49 a. m.]

[File No. 70-2550]

LEE MOOR

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

Lee Moor, an affiliate of Southern Union Gas Company ("Southern"), having filed an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 with respect to his acquisition, directly or indirectly, of warrants entitling him to subscribe for not to exceed 21,990 shares of additional common stock to be issued by Southern pro rata to its stockholders and, through the exercise of such warrants, the acquisition, directly or indirectly, of 21,990 shares of such additional common stock at $16.00 per share; and applicant having also proposed the acquisition, directly or indirectly, of additional shares, if any, which the warrants authorize to be subscribed, subject to allotment and which are in fact allotted thereunder; and applicant having also proposed that, if desirable, he acquire as trustee all or any part of the warrants issuable to him in his individual capacity pursuant to the warrant offering by Southern, or the common stock subject to subscription pursuant to such warrants, or both such warrants and common stock; and

Said application having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1815; Filed, Feb. 5, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16986]

M. B. H. STAAB-VAN DEN VRIJHOEF

In re: Securities owned by M. B. H. Staab-van den Vrijhoef, also known as Maria Van den Vryhoef. F-28-31107.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. B. H. Staab-van den Vrijhoef, also known as Maria Van den Vryhoef, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $100 par value capital stock of American Telephone and Telegraph Company, 196 Broadway, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number RN 34654, registered in the name of N. V. Nederlandsch Administratie-en Trustkantoor, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of $10.00 par value common capital stock of General Motors Corporation, 1775 Broadway, New York 19, New York, a corporation organized under the laws of the State of Delaware, evidenced by a part of a certificate numbered D156330 for one hundred (100) shares of $10.00 par value common capital stock of said corporation, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, issued prior to the 2 for 1 stock split effective October 3, 1950, of said corporation, together with all declared and unpaid dividends thereon,

c. Ten (10) shares of no par value common capital stock of The Proctor and Gamble Company, Gwynne Building, Cincinnati, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificate number NY094125, registered in the name of Broekmans Administratiekantoor N. V., together with all declared and unpaid dividends thereon, and

d. Five (5) shares of $10.00 par value common capital stock of F. W. Woolworth Company, Woolworth Building, New York 7, New York, a corporation organized under the laws of the State of New York, being a part of the one hundred (100) shares evidenced by certificate number WT/0188817, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by M. B. H. Staab-van den Vrijhoef, also known as Maria Van den Vryhoef, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1823; Filed, Feb. 5, 1951; 8:50 a. m.]

[Vesting Order 17009]

G. ISHIKAWA

In re: Bonds, personal property, and envelope and contents owned by G. Ishikawa. F-39-6557-E-1; F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. Ishikawa, whose last known address is Yokohama, Japan, is a resident of Japan, and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Six (6) Tokyo Electric Light Company six percent (6 percent) First Mortgage Gold Bonds of One Thousand Dollar ($1000) face value, each, due June 12, 1953 bearing the numbers 21453, 49342, 40259, 34265, 54377, and 65876, with coupons numbered 27 to 50, both inclusive, attached, presently in the custody of Bank of America National Trust and Savings Association, Lompoc, California, in safekeeping account number 129377, together with any and all rights thereunder and thereto,

b. Two (2) City of Tokio five and one-half percent (5½ percent) Gold Bonds of One Thousand Dollar ($1000) face value, each, bearing the numbers 3131 and 9524, with coupons numbered 30 to 69, both inclusive, attached, presently in the custody of Bank of America National Trust and Savings Association, Lompoc, California, in safekeeping account number 129377, together with any and all rights thereunder and thereto

c. One (1) black silk handkerchief, presently in the custody of Bank of America National Trust and Savings Association, Lompoc, California, in safekeeping account number 129377, and

d. One (1) sealed envelope and contents thereof, presently in the custody of Bank of America National Trust and Savings Association, Lompoc, California, safekeeping parcel number 67794, together with any and all rights evidenced or represented thereby,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-1824; Filed, Feb. 5, 1951; 8:50 a. m.]

[Vesting Order 17010]

FREDERICK AND CHARLOTTE KLAEBER

In re: Debts owing to and stock and bonds owned by Frederick Klaeber, also known as Frederic Klaeber and as John Frederick Klaeber, and the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, also known as Emma A. C. Klaeber, deceased. F-28-13724; B-1; C-1; D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Klaeber, also known as Frederic Klaeber and as John Frederick Klaeber, whose last known address

is 3 Berbigstrasse, Bad Koesen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, also known as Emma A. C. Klaeber, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Frederick Klaeber, also known as Frederic Klaeber, and as John Frederick Klaeber, by the University of Minnesota, Minneapolis 14, Minnesota, in the amount of $708.30, as of February 6, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. Five (5) shares of no par value $6.00 cumulative preferred capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 13012, registered in the name of Frederick Klaeber, together with all declared and unpaid dividends thereon, and any and all rights under a plan of retirement of the aforesaid stock, and

c. Five (5) shares of $100.00 par value 7 percent cumulative preferred capital stock of the H. W. Wilson Company, Inc., 950–972 University Avenue, New York 52, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 21, registered in the name of Dr. Frederick Klaeber, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frederick Klaeber, also known as Frederic Klaeber and as John Frederick Klaeber, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. Two (2) United States Savings Bonds, Series G, of $600.00 aggregate face value, bearing the numbers D1–423518 for $500.00 and C2–951890 for $100.00, presently in the custody of David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, together with any and all rights thereunder and thereto,

b. That certain debt or other obligation, evidenced by an unsecured note in the principal amount of $2,000.00, bearing interest at the rate of 4 percent per annum, issued by Arthur C. Barsness and presently in the custody of David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly, the rights to possession, presentation and payment of the aforesaid note,

c. That certain debt or other obligation, evidenced by an unsecured note in the principal amount of $1,000.00, bearing interest at 4 percent per annum, issued by Earl C. Ware and presently in the custody of David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the rights to possession, presentation and payment of the aforesaid note, and

d. That certain debt or other obligation of David C. Bell Investment Company, 501 Second Avenue South, Minneapolis 2, Minnesota, arising by reason of a cash account maintained by said company, appearing on its books and records as an account for the benefit of Frederick Klaeber and Charlotte Klaeber, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frederick Klaeber, also known as Frederic Klaeber and as John Frederick Klaeber, and the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, also known as Emma A. C. Klaeber, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Charlotte Klaeber, also known as Emma A. C. Klaeber, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1825; Filed, Feb. 5, 1951; 8:51 a. m.]

[Vesting Order 17054]

PETER SANHEIN

In re: Rights of Peter Sanhein under insurance contract. File No. F–28–31080–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Sanhein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Peter Sanhein under a contract of insurance evidenced by policy No. G 6313, Certificate No. 176, issued by the Connecticut General Life Insurance Company, Hartford, Connecticut, to Jacob Sanhein, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1826; Filed, Feb. 5, 1951; 8:52 a. m.]

[Vesting Order 17058]

CARL SEIDEL ET AL.

In re: Rights of Carl Seidel et al. under insurance contract. File No. F–28–24336–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Seidel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Seidel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 101,775,254, issued by the Metropolitan Life Insurance Company, New York, New York, to Carl Seidel, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Carl Seidel or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Seidel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Seidel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1827; Filed, Feb. 5, 1951; 8:52 a. m.]

[Vesting Order 17059]

OTOKICHI AND SOUZU SHIBA

In re: Rights of Otokichi Shiba and Souzu Shiba under insurance contract. File No. D–39–18644–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found;

1. Otokichi Shiba and Souzu Shiba, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 368 628, issued by the New York Life Insurance Company, New York, New York, to Otokichi Shiba, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1828; Filed, Feb. 5, 1951; 8:52 a. m.]

[Vesting Order 17061]

HENRY STEIN

In re: Rights of father and mother, names unknown, of Henry Stein, deceased, under insurance contract. File No. F–28–3918–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the father and mother, names unknown, of Henry Stein, deceased, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the disability benefits due or to become due under a contract of insurance evidenced by policy No. 5135556 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Henry Stein, together with the right to demand, receive and collect said disability benefits,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said father and mother, names unknown, of Henry Stein, deceased, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1829; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17062]

HELEN STOECKLE

In re: Rights of Helen Stoeckle under insurance contract. File No. F–28–31100–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Stoeckle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Helen Stoeckle under a contract of insurance evidenced by policy No. M1164317, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Helen Stoeckle, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1830; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17066]

GUSTAV O. WACHENFELD

In re: Rights of Gustav O. Wachenfeld under insurance contract. File No. F-28-25124-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav O. Wachenfeld, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Gustav O. Wachenfeld under a contract of insurance evidenced by policy No. 16502684, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Gustav O. Wachenfeld, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1831; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17086]

BRUNO BRUHN

In re: Stock owned by and debt owing to Bruno Bruhn. F-28-22273-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bruno Bruhn, whose last known address is Freiburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two Hundred (200) shares of $5.00 par value common capital stock of General Motors Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered H-114-966 and H-114-967, each for 100 shares, registered in the name of L. D. Pickering & Co., 40 Wall Street, New York, New York, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon,

b. One Hundred (100) shares of $10.00 par value capital stock of F. W. Woolworth Company, a corporation organized under the laws of the State of New York, evidenced by certificates numbered WTF 316997, WTF 316998, WTF 316999 and WTF 317000, each for 25 shares, registered in the name of L. D. Pickering & Co., 40 Wall Street, New York, New York, and presently in the custody of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in the amount of $3,253.54, as of December 13, 1949, representing a portion of a blocked account in the name of N. V. Vidutrust Maatschappij voor Beheer en Belegging, Amsterdam, Holland, maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bruno Bruhn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1832; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17088]

HIDEO FUJINO

In re: Debt owing to Hideo Fujino. D-39-18729-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideo Fujino, who there is reasonable cause to believe is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Hideo Fujino by The Aetna Casualty and Surety Company, Hartford, Connecticut, arising out of the deposit of collateral as security for an Itinerant Merchant's Bond executed by the aforesaid company on October 26, 1939, and which expired on October 26, 1940, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hideo Fujino, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1833; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17105]

WILHELM LUHRIG

In re: Bank account owned by Wilhelm Luhrig. F-28-27081-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Luhrig, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wilhelm Luhrig, by the Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of a savings account, account number 23447, entitled "Wilhelm Luhrig", maintained at the branch office of the aforesaid bank located at Cristobal, Canal Zone, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1834; Filed, Feb. 5, 1951; 8:53 a. m.]

[Vesting Order 17109]

NEDERLANDSCHE CREDIETVERZEKERING MAATSCHAPPIJ N. V.

In re: Debt owing to Nederlandsche Credietverzekering Maatschappij N. V. F-49-1329.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the Handelstrust West N. V., is a corporation organized under the laws of The Netherlands whose principal place of business is located in Amsterdam, The Netherlands, and is or since the effective date of Executive Order 8389, as amended, has been controlled by, or the stock of which is or has been owned or controlled directly or indirectly by the aforesaid Dresdner Bank, and is a national of a designated enemy country (Germany);

3. That Hermes Kreditversicherungs, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

4. That Munchner Ruckversicherungsgesellschaft, also known as Muenchener Rueckversicherungs-Gesellschaft, and as Munchener, the last known address of which is Muenchen, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

5. That Allianz Versicherungs A. G., also known as Allianz Versicherungs, the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

6. That Nederlandsche Credietverzekering Maatschappij N. V. is a corporation organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, The Netherlands, and is or since the effective date of Executive Order 8389, as amended, has been controlled by, or a substantial part of the stock of which is or has been owned or controlled directly or indirectly by the aforesaid Dresdner Bank, Handelstrust West N. V., Hermes Kreditversicherungs, Munchner Ruckversicherungsgesellschaft, also known as Muenchener Rueckversicherungs-Gesellschaft, and as Munchener, and Allianz Versicherungs A. G., also known as Allianz Versicherungs, and is a national of a designated enemy country (Germany);

7. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, 1 Wall Street, New York 5, New York, in the amount of $38,690.09, as of November 1, 1949, representing funds on deposit in a blocked account in the name of Amsterdamsche Bank N. V., Amsterdam, The Netherlands, maintained with the aforesaid company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Nederlandsche Credietverzekering Maatschappij N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

8. That Nederlandsche Credietverzekering Maatschappij N. V. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

9. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5 and 6 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1836; Filed, Feb. 5, 1951; 8:54 a. m.]

[Vesting Order 17106]

GAULT MACGOWAN

In re: Bank account owned by Gault MacGowan. F-28-29861.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gault MacGowan, whose last known address is 9 "A" Sophienstrasse, Heidelberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gault MacGowan, by Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of a current account, entitled Gault MacGowan, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1835; Filed, Feb. 5, 1951; 8:54 a. m.]

[Vesting Order 17111]

N. V. STAALPRODUCTEN HANDEL EN AGENTUREN MIJ PROSTEEL

In re: Debt owing to N. V. Staalproducten Handel en Agenturen Mij Prosteel, Amsterdam, Holland. F-28-31095.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mitteldeutsche Stahlwerke A. G., the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That N. V. Staalproducten Handel en Agenturen Hij Prosteel, is a corporation, partnership, association or other business organization, organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the Mitteldeutsche Stahlwerke A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York 15, New York, in the amount of $15,922.96 as of December 13, 1949, representing a portion of a blocked account entitled N. V. Vidutrust Maatschappij voor Beheer en Belegging Blocked Account Amsterdam, Holland, maintained at the aforesaid Bank of the Manhattan Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Staalproducten Handel en Agenturen Mij, Prosteel, the aforesaid national of a designated enemy coutry (Germany);

and it is hereby determined:

4. That N. V. Staalproducten Handel en Agenturen Mij, Prosteel, is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1837; Filed, Feb. 5, 1951 8:54 a. m.]

[Vesting Order 17158]

HENRY JOERLING ET AL.

In re: Rights of Henry Joerling et al., under insurance contracts. Files No. F-28-24472-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Joerling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Joerling, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 72630789 and 72630790, issued by the Metropolitan Life Insurance Company, New York, New York, to Henry Joerling, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Joerling or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Joerling, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry Joerling, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1840; Filed, Feb. 5, 1951; 8:55 a. m.]

[Vesting Order 17207]

KNOLL A. G.

In re: Debt owing to and merchandise owned by Knoll A. G. F-28-5345.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Knoll A. G., the last known address of which is Ludwigshafen am Rhine, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Ludwigshafen am Rhine, Germany and is a national of a designated enemy country (Germany).

2. That the property described as follows:

a. That certain debt or other obligations of Francisco Garraton, S/C, Ponce de Leon 1608, Santurce, Puerto Rico, representing an account payable on the books of Francisco Garraton, for merchandise received from Knoll A. G., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain merchandise consisting of pharmaceuticals owned by Knoll A. G., and presently in the custody of Francisco Garraton, S. C. Ponce de Leon 1608, Santurce, Puerto Rico,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Knoll A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1846; Filed, Feb. 5, 1951; 8:56 a. m.]

[Vesting Order 17114]

FRANZISKA RAPP

In re: Bank account owned by Franziska Rapp. F-28-225.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franziska Rapp, whose last known address is 24 Platanen Street, Weisbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Greenwich Savings Bank, Broadway and 6th Avenue, at 36th Street, New York, New York, arising out of a savings account, account number 863186, entitled "Charles Rapp in trust for Franziska Rapp", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franziska Rapp, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1838; Filed, Feb. 5, 1951; 8:54 a. m.]

[Vesting Order 17151]

ARTHUR DITTMANN

In re: Rights of Arthur Dittmann under insurance contracts. File No. D-28-11569-H-1-2-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Dittmann whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Arthur Dittmann under contracts of insurance evidenced by Policies Numbered 66938700, 66938701 and 80604387 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Arthur Dittmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1839; Filed, Feb. 5, 1951; 8:55 a. m.]

[Dissolution order 93]

H. F. RITTER & CO., INC.

Whereas, by Vesting Order No. 1592, dated June 3, 1943 (8 F. R. 10678, July 31, 1943) there were vested 10 of the 20 issued and outstanding shares of no par value common stock of H. F. Ritter & Company, Inc., a New York corporation; and by said Vesting Order there were undertaken the direction, management, supervision and control of the said H. F. Ritter & Company, Inc.; and

Whereas, the remaining 10 shares of issued and outstanding capital stock are owned by a citizen of the United States, to wit: Herbert F. Ritter; and

Whereas, H. F. Ritter & Company, Inc., has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid; and

2. Finding that the claims of the Attorney General of the United States for moneys advanced or services rendered to or on behalf of the corporation have been satisfied; and

3. Finding that the known assets of said corporation consist of cash in the amount of $9,720.31 and three outstanding receivables in the total amount of $33,597.13 owed by Herbert F. Ritter, consisting of a note due from Herbert F. Ritter in the amount of $3,017.14 and an account receivable due from Herbert F. Ritter in the amount of $13,042.77 and an account receivable due from H. F. Ritter Manufacturing Company, a sole proprietorship owned by Herbert F. Ritter, in the amount of $17,537.22; and

4. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of New York, upon application of the Attorney General of the United States and Herbert F. Ritter, holders of all of the capital stock of said corporation:

Hereby orders, That officers and directors of H. F. Ritter & Company, Inc. (to wit: Herbert F. Ritter, President-Treasurer and Director; John Gordon West, Vice-President; Harry V. Pinkham, Secretary; Thaddeus H. Mitchell and Robert Kramer, Directors, and their successors, or any of them) continue the proceedings for the dissolution of H. F. Ritter & Company, Inc.; and

Further orders, That the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and distribute to the Attorney General of the United States all remaining cash of said corporation and his proportionate share of the accounts receivable and note owing by Herbert F. Ritter to said corporation, which would equal the difference between $16,798.56 (i. e., one-half of the amount of said indebtednesses) and one-half of the cash distributed to the Attorney General; and

(d) They shall then distribute to Herbert F. Ritter his proportionate share of the assets of said corporation by execution of a release of the balance of his indebtedness to said corporation, i. e., that portion not assigned to the Attorney General; and

(e) They shall then make a general assignment to the Attorney General of the United States of all other assets of the corporation, including any after acquired assets, the same to be held by the Attorney General of the United States for the benefit of himself and Herbert F. Ritter and the proceeds derived from liquidation of any such assets to be divided equally between the Attorney General of the United States and Herbert F. Ritter; however all amounts payable to Herbert F. Ritter shall be first applied to the extent necessary to satisfy the indebtedness of Herbert F. Ritter assigned to the Attorney General in accordance with paragraph (c) above; and

Further orders, That nothing herein set forth shall be construed as prejudicing the rights, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder: *Provided however*, That nothing herein contained shall be construed as creating additional rights in such person: *Provided further*, That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the said officers and directors of H. F. Ritter & Company, Inc., pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 31st day of January 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-1854; Filed, Feb. 5, 1951; 8:58 a. m.]

[Vesting Order 17159]

TAI AND FUYONOSUKE KANAZAWE

In re: Rights of Tai Kanazawe and Fuyonosuke Kanazawe under an insurance contract. File No. F-39-4413-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tai Kanazawe and Fuyonosuke Kanazawe, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 620 329, issued by the New York Life Insurance Company, New York, New York, to Tai Kanazawe, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tai Kanazawe or Fuyonosuke Kanazawe, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1841; Filed, Feb. 5, 1951; 8:55 a. m.]

[Vesting Order 17164]

FRANC AND KUNEGUDE LANG

In re: Rights of Franc Lang and Kunegude Lang under an insurance contract. File No. D-28-11497-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franc Lang and Kunegude Lang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 98343A, Certificate No. 277, issued by the Travelers Insurance Company, Hartford, Connecticut, to Carl Lang, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1842; Filed, Feb. 5, 1951; 8:55 a. m.]

[Vesting Order 17166]

MIKA AND TAKICHI MANO

In re: Rights of Mika Mano and Takichi Mano under an insurance contract. File No. F-39-4443-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mika Mano and Takichi Mano, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 778 777 issued by the New York Life Insurance Company, New York, New York, to Mika Mano, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mika Mano or Takichi Mano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1843; Filed, Feb. 5, 1951; 8:55 a. m.]

[Vesting Order 17175]

FRITZ REHER (REHR)

In re: Estate of Fritz Reher (Rehr), deceased. File D-28-12933 E. T. sec. 17083.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste (Agusta) Schnoor, Karl (Carl) Stolt, Frieda Sumofsky and Maria Faber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Fritz Reher (Rehr), deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by F. A. Martin, Executor, acting under the judicial supervision of the District Court of Muscatine County, State of Iowa.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1844; Filed, Feb. 5, 1951; 8:55 a. m.]

[Vesting Order 17225]

JULIUS MARX

In re: Trust under will of Julius Marx, deceased. File No. D-28-10513-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That (Mrs.) Hildegard Schlicke, nee Hoeft, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jenny Hoeft, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under paragraph sixth of the will of Julius Marx, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Victor E. Whitlock, as trustee, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jenny Hoeft, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1845; Filed, Feb. 5, 1951; 8:55 a. m.]

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1848; Filed, Feb. 5, 1951; 8:56 a. m.]

[Vesting Order 16313, Amdt.]

MESSRS. HELM BROS. LTD.

In re: Bonds owned by and debt owing to Messrs. Helm Bros. Ltd., also known as Helm Bros. Ltd. F-39-419-A-1.

Vesting Order 16313, dated December 8, 1950, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached to and by reference made a part of the aforesaid Vesting Order 16313, "Government of the Dominion of Canada Gold Bonds 4 per cent, due 1960" and the bond numbers and face values describing such bonds, and substituting theerfor the following:

Description of issue	Bond Nos.	Face value
U. S. Treasury 2½ percent bonds of 1967-72 due Dec. 15, 1972.	110452	$5,000
	162880	1,000
	226146	1,000
	448044	1,000
	10745	1,000
	396444	1,000
	626502	1,000
	338944	1,000

All other provisions of said Vesting Order 16313 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1852; Filed, Feb. 5, 1951; 8:57 a. m.]

[Vesting Order 17215]

TOMIZO TANIGAWA

In re: Bank account owned by Tomizo Tanigawa. F-39-6859.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomizo Tanigawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tomizo Tanigawa, by Bishop National Bank of Hawaii, at Honolulu, Honolulu 1, Hawaii, arising out of a dormant commercial account in the name of Tomizo Tanigawa, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1847; Filed, Feb. 5, 1951; 8:56 a. m.]

[Vesting Order CE 488]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN A NEW YORK COURT

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Joachim Friedrich Schultze	Germany	Empire Trust Co., as trustee u/d of trust made by Johanna Goldschmidt, dated June 27, 1929, vs. Johannes Arthur Goldschmidt, et al., Supreme Court, New York County, N. Y.	$221.60

[F. R. Doc. 51-1853; Filed, Feb. 5, 1951; 8:58 a. m.]

FEDERAL REGISTER

VOLUME 16 NUMBER 26

Washington, Wednesday, February 7, 1951

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 4—WAR FOOD ORDERS

AGRICULTURE-IMPORT ORDER

Pursuant to the authority vested in me by the Agriculture-Import Order (14 F. R. 3701, 4660), Appendix A to the Order is hereby revised to read as follows:

APPENDIX A—ITEMS SUBJECT TO AGRICULTURE-IMPORT ORDER

The numbers listed after the following foods are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of September 1, 1946). Foods are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.

Food	Commerce import class No.	Governing date
Butter	0044.000	Nov. 13, 1944
Butter oil	1423.200	Do.
Flaxseed (linseed)	2233.000	Do.
Flaxseed screenings	2945.000	Mar. 24, 1949
Linseed oil, and combinations and mixtures, in chief value of such oil	2254.000	Nov. 13, 1944
Peanuts, blanched, roasted, prepared or preserved	1380.080	July 30, 1949
Peanut butter	1380.060	Do.
Peanut (ground nut) oil	1427.000	Nov. 13, 1944
Peanuts, shelled or not shelled	1367.000 1368.000	Do.
Rice:		
Paddy	1051.000	Do.
Uncleaned or brown rice	1051.100	Do.
Cleaned or milled rice	1053.000	Do.
Patna rice, cleaned, for use in canned soups	1054.000	Do.
Rice meal, flour, polish and bran	1059.100	Do.
Rice starch	2815.100	July 30, 1949
Broken	1059.200	Nov. 13, 1944

This revision shall become effective upon publication in the FEDERAL REGISTER.

(E. O. 9280, 7 F. R. 10179, 3 CFR, 1943 Cum. Supp., E. O. 9577, 10 F. R. 8087, 3 CFR 1945 Supp.)

Issued this 1st day of February 1951.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 51-1876; Filed, Feb. 6, 1951; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 511—BLOCKED ASSETS: REGULATIONS ORIGINALLY ISSUED BY THE TREASURY DEPARTMENT

GENERAL LICENSE NO. 98

Part 511 is hereby amended by the addition of § 511.198 *General License No. 98*, as set forth below:

§ 511.198 *General License No. 98*—(a) *Certain transactions with respect to coupons appertaining to foreign or domestic scheduled securities authorized.* Notwithstanding the provisions of § 511.205 (General Ruling No. 5) and § 511.205b (General Ruling No. 5B), the following transactions with respect to any coupon which is a foreign scheduled security or a domestic scheduled security, as defined in said sections (any such coupon is hereinafter referred to as a "scheduled coupon" for the purposes of this section) are licensed subject to subparagraph (5) (i) and (ii) of this paragraph if effected within the United States:

(1) Delivery by any person in the United States of any scheduled coupon for collection to any person who in the ordinary course of his business forwards for payment coupons appertaining to securities;

(2) Receipt from any person in the United States for collection and forwarding for collection of any scheduled coupon by any person who in the ordinary course of his business forwards for payment coupons appertaining to securities;

(3) Presentation of any scheduled coupon to the issuer or its paying agent for payment thereof;

(4) Payment of any scheduled coupon by the issuer or its paying agent upon condition that within thirty days after presentation for payment the issuer or its paying agent shall return the coupon to the person who presented it for payment; and

(5) Transfer of cash or credit for a scheduled coupon to any party to any

(Continued on p. 1115)

CONTENTS

Agriculture Department Page

Notices:
Designation of certain areas in which mineral resources are to be sold at their fair market value ---------- 1150

Rules and regulations:
War food orders; items subject to Agriculture-Import Order ---------- 1113

Alien Property, Office of

Notices:
Vesting orders, etc.:
Arita, (Mrs.) Kimiko ---------- 1161
Brodersen, August ---------- 1164
Deyerler, Eugene ---------- 1164
Knoke, George, et al ---------- 1162
Kobayashi, Ken ---------- 1162
Kojima, Kagenobu ---------- 1163
Kosai, Ben ---------- 1161
Matsukuma, Haruyo ---------- 1164
Matthias, August ---------- 1166
Nobukawa, Kiyono and Itsuji ---------- 1165
Nobusuye, Yoshiko and Shizuo ---------- 1165
Oefinger, Celestine ---------- 1163
Weidmann, Luise ---------- 1165
Westhaussen, Mathilda, et al ---------- 1165
Westhaussen, Robert E., et al ---------- 1166

Rules and regulations:
Assets, blocked; certain transactions with respect to coupons appertaining to foreign or domestic scheduled securities authorized and reports and notices required ---------- 1113

Commerce Department

See Commerce, Undersecretary for Transportation; Federal Maritime Board; International Trade, Office of; National Production Authority.

Commerce, Undersecretary for Transportation

Rules and regulations:
Delegation of authority for administration of transportation activities ---------- 1130

Customs Bureau

Rules and regulations:
Importations by mail ---------- 1115
Transportation in bond and merchandise in transit ---------- 1115

FEDERAL REGISTER

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CONTENTS—Continued

Defense Transport Administration — Page
Rules and regulations:
Transportation of U. S. military freight and U. S. mail, preference and priority — 1130

Federal Communications Commission — Page
Notices:
Hearings, etc.:
Jordaphone Corp. of America et al — 1152
Radio Station WOW, Inc. (WOW), and Star Broadcasting Co., Inc. (KCSJ) — 1152
Southern Tier Radio Service, Inc. (WINR) — 1153
Telanserphone, Inc., and Robert C. Crabb — 1153
Telanserphone, Inc., and Ward C. Rogers (2 documents) — 1153, 1154
Tri-State Broadcasting Co. (WCPM) — 1154
Williamsburg Radio Co., Inc. — 1154
List of rules and regulations — 1152
Proposed rule making:
Radio operators, commercial — 1148
Rules and regulations:
Experimental and auxiliary broadcast services; recapitulation of regulations — 1132
Frequency allocations and radio treaty matters; frequency allocations to land stations operated by non-Federal conservation agencies — 1131

Federal Maritime Board
Notices:
Dolphin Steamship Corp. et al.; applications for bareboat charter of dry-cargo vessels — 1151

Federal Power Commission
Notices:
Hearings, etc.:
Consumers Gas Co — 1155
Davis, Claude Owen — 1155
Michigan-Wisconsin Pipe Line Co — 1154
New York State Natural Gas Corp. and Texas Eastern Transmission Corp — 1154
Texas Eastern Transmission Corp — 1155

Fish and Wildlife Service
Proposed rule making:
Alaska wildlife protection — 1147

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notices:
Delegation of authority; representation of the interests of the Bureau of Reclamation of the Department of the Interior in proceedings involving carriers before Federal and State regulatory bodies — 1155

Housing and Home Finance Agency
Notices:
Organization description, including delegations of final authority; Agency Accounting Officer and Assistant Agency Accounting Officer — 1157

Interior Department — Page
See also Fish and Wildlife Service; Land Management, Bureau of.
Delegation of authority; representation of the interests of the Secretary in proceedings involving carriers before Federal and State regulatory bodies (*see* General Services Administration).

Internal Revenue Bureau
Rules and regulations:
Excess profits taxes, taxable years ending after June 30, 1950; tentative determinations of depressed industry subgroups and the tentative adjusted rates of return thereof; tentative industry base period yearly rates of return and tentative industry base period rates of return — 1118

International Trade, Office of
Rules and regulations:
General orders; export clearance — 1117
Licensing policies and related special provisions; miscellaneous amendments — 1116
Provisions for individual and other validated licenses; data supplementing the license application — 1115

Interstate Commerce Commission
Notices:
Applications for relief:
Aluminum, scrap, from points in Texas to Heath, Ohio — 1155
Asphalt from Rogerslacy, Miss., to Indiana — 1156
Cement from Lone Star, Va., to the South — 1156
Lumber, hardwood, from Brookhaven, Miss., to St. Louis, Mo., and East St. Louis, Ill — 1156
Pulpwood and fibreboard from and to southwestern territory and Kansas — 1155
Woods, foreign, from Junction City, Ky.:
Central and Illinois territory — 1156
South — 1155
Freight rates, 1951, increased — 1157
Rules and regulations:
Car service:
Control of tank cars; appointment of agent — 1131
Demurrage on freight cars — 1131

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Classification orders:
California, amended — 1150
Nevada, corrected — 1149
Colorado; opening lands to mineral location, entry and patenting — 1149
Nevada; filing of plat of survey — 1149

CONTENTS—Continued

National Production Authority — Page
Rules and regulations:
Aluminum, use (NPA Order M–7, as amended Feb. 1, 1951) — 1122
Chemicals; limitation for DO rated orders (NPA Order M–32, as amended Feb. 5, 1951) — 1127
Establishment and functions — 1129
Leather, sole (NPA Order M–34) — 1128
Rubber (NPA Order M–2, as amended Feb. 1, 1951) — 1119

Post Office Department
Rules and regulations:
Procedures; fines and deductions — 1147

Securities and Exchange Commission
Notices:
Hearings, etc.:
Central Louisiana Electric Co., Inc., et al — 1157
Granite State Electric Co — 1159
Northern Berkshire Gas Co — 1159
Quincy Electric Light and Power Co — 1158
Rachlin, Albert C., and Bankers Securities Corp — 1160
Weymouth Light and Power Co — 1160

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 — Page
Subtitle A:
Part 4 — 1113

Title 8
Chapter II:
Part 511 — 1113

Title 15
Chapter III:
Part 372 — 1115
Part 373 — 1116
Part 384 — 1117

Title 19
Chapter I:
Part 9 — 1115
Part 18 — 1115

Title 26
Chapter I:
Part 40 — 1118

Title 32A
Chapter VI—NPA — 1129
M–2 — 1119
M–7 — 1122
M–32 — 1127
M–34 — 1128
Chapter VII—US/C — 1130
Chapter VIII—DTA:
DTA 1 — 1130

Title 39
Chapter I:
Part 150 — 1147

CODIFICATION GUIDE—Con.

Title 47 — Page
Chapter I:
Part 2 — 1131
Part 4 — 1132
Part 13 (proposed) — 1148

Title 49
Chapter I:
Part 95 (2 documents) — 1131

Title 50
Chapter I:
Part 46 (proposed) — 1147
Chapter II:
Parts 161–165 (proposed) — 1147

transaction licensed by this section; *Provided*, That:

(i) No transaction referred to in subparagraphs (1), (2), (3), (4) and (5) of this paragraph is licensed except upon the condition that the party delivering, forwarding, or presenting any such scheduled coupon, upon return to him of such coupon, reimburse the person returning it to him in the amount paid or credited to him by that person.

(ii) No transaction licensed by this section shall operate to transfer title to or to discharge the obligation evidenced by any scheduled coupon unless authorized by a license from the Director, Office of Alien Property, expressly referring to General Ruling No. 5 or General Ruling No. 5B.

(b) *Reports and notices required.* The provisions of paragraph (e) (5) of § 511.205 and paragraph (e) (5) of § 511.205b apply to any person making a return of any scheduled coupon.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5, E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

Executed at Washington, D. C., this 1st day of February 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-1928; Filed, Feb. 6, 1951; 8:57 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52662]

PART 9—IMPORTATIONS BY MAIL

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

EXPORTATION BY MAIL

To insure compliance with export control requirements, §§ 9.11 (a) and 18.25 (a), Customs Regulations of 1943 (19 CFR 9.11 (a) and 18.25 (a)), as amended by T. D. 52570, are hereby further amended as follows:

Section 9.11 (a) is amended by deleting the third, fourth, and fifth sentences and substituting the following: "Export entries or withdrawals for exportation, as the case may be, shall be filed for such articles, if the articles were imported otherwise than by mail, or if they were imported in the mails and (1) the articles would be subject to formal entry if entered for consumption, or (2) they are readdressed to a new addressee in any foreign country except Canada. See §§ 8.41 and 8.49 of this chapter. If a mail shipment which would not be subject to formal entry if entered for consumption is returned to the sender or is readdressed to the original addressee at a foreign address, no export entry is required. These rules, of course, do not apply to mail matter which contains no merchandise."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624.)

The first sentence of § 18.25 (a) is amended to read: "Except as otherwise provided for in § 9.11 (a), relating to exportation by mail, when no entry has been made or completed for merchandise in customs custody, or when the merchandise is covered by an unliquidated consumption entry, and such merchandise is to be exported directly without transportation to another port, an entry on customs Form 7512 shall be filed in quadruplicate."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: January 26, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1696; Filed, Feb. 6, 1951; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 43] [1]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

LICENSE APPLICATION

Section 372.3 *How to file an application for export license* is amended in the following particulars:

Paragraph (d) *Data supplementing the license application* is amended as follows: The present subparagraph (3) is re-numbered as subparagraph (4).

A new subparagraph (3) is added, and an explanatory statement and interpretations are inserted at the end thereof, to read as follows:

(3) *Alternative procedure; single statements from ultimate consignee.* As an alternative to subparagraphs (1) and (2) of this paragraph, which provide that each application for license shall be accompanied by a separate statement specifically covering the proposed expor-

[1] This amendment was published in Current Export Bulletin No. 605, dated February 1, 1951.

tation described in each application, the following procedure is authorized:

Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same kind of commodities to the same destinations and for the same end uses, may submit to the Office of International Trade a single statement signed by the ultimate consignee covering all proposed exportations of such commodities for any part or all of the current calendar year. If this procedure is used, the exporter shall submit two copies of the statement, plus an additional copy for each OIT processing code to which the statement applies. When submitting such statements, the exporter must attach a list of the processing codes to which the statement applies. All applications for licences submitted on the basis of a single statement under this procedure must contain the following: "This application is supported by the statement dated _____ _____ from the named consignee to this applicant." The statement must be signed by the ultimate consignee, and must contain the following representations and information:

(i) That the statement shall be considered a part of every application for license filed by the named applicant for export of the commodity or commodities described in the statement;

(ii) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in the statement which occurs after the statement is made;

(iii) The nature of the ultimate consignee's business, including whether he is the user, seller, etc., of the commodities described in the application;

(iv) The nature of the consignee's relationship to the applicant, and the duration of the relationship in the past and for the future;

(v) The nature and scope or extent of the ultimate consignee's operations by country and type of customer, including the method of distribution and redistribution, if any, of the commodities covered by the statement or products therefrom;

(vi) The specific commodities regularly ordered by the ultimate consignee and the respective end-uses thereof. The end use information shall be set forth in as much detail as is known to the consignee in the course of his trade;

(vii) If the ultimate consignee regularly sells or distributes a commodity or commodities described in the statement to a particular end-user or type of end-user, the ultimate consignee shall also describe the kind of products to be produced from the commodity or commodities, and, to the extent known, the countries in which such products are produced and distributed.

* * * * *

EXPLANATORY STATEMENT AND INTERPRETATIONS

1. Q. What is the alternative procedure?

A. Many exporters have a continuing and regular relationship with certain of their foreign consignees involving recurring orders for the same kinds of commodities to the same ultimate destinations and for the same-end uses. Such cases include, but are not limited to, firms having foreign branches or subsidiaries or franchised distributors. With respect to such transactions, it is recognized that the requirement of individual "ultimate-consignee" statements with each application may be unnecessarily repetitious and possibly burdensome. To meet this problem, the alternative procedure has been established by which the Office of International Trade will accept a single statement from the ultimate consignee covering the information required by the regulation.

Under the alternative procedure, the single statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until January 1, 1952, or any prior date specified in the statement. If there is any future change in the matters set forth in the statement, the consignee must promptly send the applicant a supplemental statement reflecting such change. The statement must be signed by a responsible official of the ultimate consignee who may be located either in the United States or abroad.

2. Q. What is the purpose of the Ultimate Consignee Statement Regulation as provided by CEB 599?

A. Applicants have always been required to submit on their applications information regarding the ultimate destination and end-use of the commodities to be exported. It has been OIT practice to rely largely upon the applicant's own representations in this regard, supplemented, in proper cases, by direct inquiries here and abroad to verify such representations. Many applicants have regularly been obtaining information of this character from their customers to provide assurance to themselves for the representations which they have been required to make in their applications. Moreover, such information has been readily made available to OIT by applicants and foreign consignees in specific instances.

The new regulation is intended simply to regularize these practices and, more specifically, to make more certain that foreign consignees are fully aware of their responsibility not only for the representations made to OIT but also for the proper disposition of the licensed commodities in the foreign country. In addition, it should facilitate the processing of applications and curtail the expensive and time-consuming supplementary inquiries now often necessary.

3. Q. To what cases does this requirement apply?

A. The statement is required only in connection with applications for validated licenses to ship commodities to Group R destinations (except project licenses, for which such information is already required).

4. Q. From whom is the statement required?

A. The statement must be furnished by the firm or individual that will be named as ultimate consignee on the application and also from the firm or individual that will be named as purchaser on the application, if not the same as the named ultimate consignee.

5. Q. Is any particular form of statement required by OIT?

A. Because of the variety of ways of doing business, no particular form is prescribed or suggested. The information shall be submitted in writing. However, it may be on the order form or in a separate letter or other form of statement. No form of notarial or other governmental certification is required on the statement.

6. Q. Must all the specified items of information be covered in the statement?

A. Yes, to the extent they are pertinent. This is an information-seeking-requirement and, therefore, is satisfied by the furnishing of all applicable information. Of course, if applicable information is unknown, that fact should also be disclosed.

7. Q. What is the liability of the ultimate consignee or purchaser for misrepresentations, failure to disclose facts or for disposition of commodities contrary to representations made in the required statement?

A. Depending upon the particular circumstances, such ultimate consignee or purchaser may be subject to administrative action by OIT, looking to suspension or revocation of licensing privileges and denial of other participation in U. S. exports.

8. Q. Will submission of the required information in a statement from the consignee assure the approval of a particular license application?

A. Favorable action is, of course, not assured by the submission of the end-use and destination statement from the consignee. While information regarding end-use and destination are essential, other criteria and policies will have to be considered in connection with the issuance of licenses.

9. Q. When the ultimate consignee is a foreign government does this regulation apply?

A. Where the ultimate consignee named in the application is a government or government agency, no statement by such consignee as to end-use and destination will be required. However, if a purchaser other than the foreign government or government agency is named on the application in such a transaction, a statement from the purchaser will be required.

10. Q. When exportations are financed by U. S. or International agencies, such as ECA, Export-Import Bank, International Bank, MDAP, etc., will the statement of end-use and destination be required?

A. Yes, because government financing generally is not made with reference to specific transactions.

11. Q. If the ultimate consignee is a reseller are statements required from his customers?

A. No, but the ultimate consignee must describe fully the nature of his sales; and he may require any information of his customers in connection with end-use and destination which he feels appropriate.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 1, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1915; Filed, Feb. 6, 1951; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 42][1]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.1 *Export licensing general policy* is amended in the following particulars:

Paragraph (h) *Commodities subject to this export licensing policy*, subparagraph (2) is amended by adding thereto the following commodities:

Commodity:	Schedule B No.
Cattle hides, dry	020102
Cattle hides, wet	020104

[1] This amendment was published in Current Export Bulletin No. 605 dated February 1, 1951.

2. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to provide submission dates with respect to certain applications for licenses, as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, first quarter, 1951
654905, 654909, 654908	Hides and skins, raw, except furs: Nickel and manufactures	Until Feb. 15, 1951.
641500, 641600	Scrap: copper, brass, and bronze	Do.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 1, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1783; Filed, Feb. 6, 1951; 8:45 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 41][1]

PART 384—GENERAL ORDERS

EXPORT CLEARANCE

The following note is added at the end of § 384.7:

NOTE: Note relating to §§ 384.5, 384.6 and 384.7: *Export clearance of certain commodities by Collectors of Customs on posting of bond: Far East and intransit shipments.*

(a) *Background*—(1) *General license revocation order.* General licenses GRO, GLR, GMC and GCC authorizing exportation from the U. S. of any commodity, whether or not included on the Positive List, were revoked as to mainland of China (including Manchuria), Hong Kong and Macao by order effective December 3, 1950 (12:01 a. m. eastern standard time). The order also applies to shipments through U. S. foreign trade zones to those destinations. (See § 384.5; Amdt. 28, 15 F. R. 8562; Current Export Bulletin 596.)

In addition, on December 5, 1950, Collectors of Customs were advised and instructed by the Office of International Trade that under this revocation order (§ 384.5) validated licenses were required for all shipments to the named destinations which were not laden aboard the exporting carrier prior to the effective date of the order, except that in the case of fresh perishable food (not including frozen food products) the effective date for Hong Kong and Macao was extended to January 2, 1951 (12:01 a. m. eastern standard time[1]). (See too Amdt. 29, 15 F. R. 8729; Current Export Bulletin 597)

Thereafter the revocation order (§ 384.5) was amended to make the order applicable to all shipments whether or not laden on the exporting carrier prior to December 3, 1950; to require validated export licenses for all commodities to destinations in mainland of China (including Manchuria), Hong Kong and Macao if the exporting carrier had not obtained clearance from the final port of departure in the U. S. for a foreign port, or after having received final clearance transits the Panama Canal Zone; and to require that shipments which had not been licensed must be off-loaded prior to final clearance or proceeding through the Canal Zone. (See Amdt. 29, 15 F. R. 8729; Current Export Bulletin 597)

(2) *The intransit shipment revocation order.* By order effective December 4, 1950 (12:01 a. m. eastern standard time), the export of shipments of Positive List commodities originating in any foreign country moving in transit through the U. S., or using the facilities of a foreign trade zone, or manifested to the U. S., were prohibited as to any destination in sub-group A (§ 371.3), Hong Kong or Macao, except under a validated export license (See § 384.6; Amdt. 28, 15 F. R. 8562). The order excepted from its provisions shipments covered by § 371.9 (b) (1).

Thereafter this intransit order (§ 384.6) was amended to prohibit, except under a validated license, intransit shipments to China, Manchuria, Hong Kong or Macao of all commodities whether or not on the Positive List; and the amendment was made applicable to such intransit shipments if the vessel had not obtained clearance from the final port of departure in the United States for a foreign port. (See Amdt. 30, 15 F. R. 8731; Current Export Bulletin 597)

The intransit order applies to shipments manifested to the U. S. whether or not off-loaded in the U. S.; It does not apply, however, to shipments not off-loaded in the U. S., including the Canal Zone, if manifested to a third country at the time of loading in the originating country.

On December 5, 1950, Collectors of Customs were advised and instructed by the Office of International Trade as follows: For the purposes of the revocation order (§ 384.5) shipments "via Hong Kong" are not regarded as shipments to Hong Kong where (1) goods are manifested to a destination other than Hong Kong at time of shipment, (2) vessel only calls at Hong Kong en route, and (3) shipment is not off-laden at Hong Kong. However, a validated license will be required if, because of letter of credit stipulations or for any other reason bill of lading names Hong Kong as port of discharge (even though exporter states that in actual fact there will be no off-loading at Hong Kong).[2]

(3) *The validated license suspension order.* By order effective December 9, 1950 (9:00 p. m. eastern standard time), all outstanding validated export licenses authorizing exportation of any commodity to Hong Kong or Macao were suspended. The order also applied to commodities which had been laden aboard the exporting carrier but had not departed from final United States port of call. (See § 384.7; Amdt. 32, 15 F. R. 9140.)

(4) *Further determinations.* The general effect of the foregoing orders was to require new validated export license or other specific authorization from the Office of International Trade to clear U. S. or other vessels (and aircraft) from final U. S. port of departure carrying U. S. or foreign cargo destined for China, Hong Kong or Macao.

Upon further consideration, it was determined that with respect to such goods laden aboard vessels which have not finally departed from the U. S., such vessels need not be required to unload such goods at U. S. ports prior to departure: *Provided*, They undertake not to unload such goods at Hong Kong or Macao (unless thereafter licensed or otherwise specifically authorized), and not to call with such goods at any China ports. Accordingly, Collectors of Customs were given authorization, as set forth in paragraph (b) below.

(b) *Export clearance of certain commodities upon posting bond.* (1) Effective December 8, 1950, Collectors of Customs were authorized to clear vessels carrying cargo originally consigned or destined for China, Hong Kong or Macao and not to require unloading of the cargo prior to departure of the vessel from U. S. ports, provided that (1) the cargo is covered by a new validated export license or other form of specific authorization from the Office of International Trade; or (2) bond is posted with the Collector in the amount of $50,000 (fifty thousand dollars), or double the value of such cargo, whichever is larger, to assure compliance with the conditions referred to above, namely, not to unload at Hong Kong or Macao unless licensed or otherwise authorized after December 8, 1950 by the Office of International Trade, and not to call at ports of mainland China or Manchuria.

(2) Effective December 15, 1950, the Office of International Trade amended its instructions of December 5, 1950 to Collectors of Customs as follows: On shipments manifested to Singapore or other ports outside subgroup A via Hong Kong, whether or not bill of lading issued in U. S. designates Hong Kong as port of discharge or another port via Hong Kong, shipment may proceed from U. S. to Singapore or such other port without further special clearance or license: *Provided*, Vessel is under bond not to call at any ports in China and not to discharge any cargo now requiring license from U. S. to Hong Kong in Hong Kong or Macao (unless licensed or otherwise specifically authorized after December 8, 1950).

(3) Thereafter, effective January 5, 1951, the Office of International Trade amended its instructions of December 15 (set forth in subparagraph (b) (2) above), to Collectors of Customs as follows: General and validated license shipments, which are manifested for Singapore or other ports outside sub-group A, Hong Kong, and Macao and which proceed through Hong Kong only for the purpose of exchanging bills of lading so as to obtain a bill of lading from Hong Kong to Singapore, etc., but which are not to be discharged, offloaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong provided they are manifested to and the bill of lading calls for discharge at Singapore, etc. Bills of lading claused so as to permit discharge only at an unrestricted port by the use of a statement such as "Singapore via Hong Kong" may be cleared without bond. However, shipments which are either manifested or under bills of lading calling for "Hong Kong" as port of discharge or "Hong Kong intransit to Singapore", or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1931; Filed, Feb. 6, 1951; 8:57 a. m.]

[1] Subsequently, authorization to make such GRO general license shipments of fresh fruits and vegetables was extended through January 31, 1950. (See Amdt. 36, 16 F. R. 316; Current Export Bulletin 599), and thereafter extended through March 31, 1950. (Current Export Bulletin 603.)

[2] This instruction was changed effective December 15. See paragraph (b) (2) of this section.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5829]

PART 40—EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

FEBRUARY 2, 1951.

Sec.

40.1 Tentative determinations of depressed industry subgroups and the tentative adjusted rates of return therefor.
40.2 Tentative industry base period yearly rates of return and tentative industry base period rates of return.

AUTHORITY: §§ 40.1 and 40.2 issued under sec. 446, Pub. Law 909, 81st Cong.

§ 40.1 *Tentative determinations of depressed industry subgroups and the tentative adjusted rates of return therefor.* By virtue of the authority vested in me by section 446 (h) of the Internal Revenue Code, added by section 101 of the Excess Profits Tax Act of 1950, approved January 3, 1951, it is hereby tentatively determined that the following industry subgroups are depressed industry subgroups, and the tentative adjusted rates of return therefor (computed to the nearest thousandth) are hereby determined as follows:

Industry subgroup	Tentative adjusted rate of return (percent)
1. The manufacture of aircraft and parts, including aircraft engines	11.3

This industry subgroup is [1] Standard Industrial Classification No. 372, consisting of the following: 3721 (Aircraft), 3722 (Aircraft engines and engine parts), 3723 (Aircraft propellers and propeller parts), and 3729 (Aircraft parts and auxiliary equipment, not elsewhere classified).

2. The manufacture of engines and turbines, except automotive, aircraft and railway	12.8

This industry subgroup is [1] Standard Industrial Classification No. 351, consisting of the following: 3511 (Steam engines, Turbines, and Water Wheels), and 3519 (Diesel and semi-Diesel engines; and other internal-combustion engines, not elsewhere classified).

3. The manufacture of metalworking machinery, including machine tools	16.8

This industry subgroup is [1] Standard Industrial Classification No. 354, consisting of the following: 3541 (Machine tools), 3542 (Metalworking machinery, except machine tools), and 3543 (Machine tool accessories and other metalworking machinery; small power-driven cutting and shaping tools and tool holders; and precision measuring tools).

4. Ship and boat building and repairing	10.4

This industry subgroup is [1] Standard Industrial Classification No. 373, consisting of the following: 3731 (Ship building and repairing), and 3732 (Boat building and repairing).

5. The manufacture of wines	7.8

This industry subgroup is [1] Standard Industrial Classification No. 2084 (Wines).

6. Photographic studios, including commercial photography	8.8

This industry subgroup is [1] Standard Industrial Classification No. 723, consisting of the following: 7231 (Photographic studios, except commercial photography), and 7232 (Commercial photography).

7. Telegraph communication, wire and radio	1.5

This industry subgroup is [1] Standard Industrial Classification No. 4821 (Telegraphic communication, wire and radio).

8. Transportation by air	3.0

This industry subgroup is [1] Standard Industrial Classification No. 45, consisting of the following: 4512 (Certified carriers), 4513 (Uncertified carriers), 4521 (Air carriage, except common carriers), 4582 (Airports and flying fields), and 4583 (Airport terminal services).

§ 40.2 *Tentative industry base period yearly rates of return and tentative industry base period rates of return.* By virtue of the authority vested in me by section 447 (d) of the Internal Revenue Code, added by section 101 of the Excess Profits Tax Act of 1950, approved January 3, 1951, the tentative industry base period yearly rates of return and the tentative industry base period rates of return (each computed to the nearest thousandth) are hereby determined for the following industry classifications as follows:

TENTATIVE INDUSTRY BASE PERIOD RATES OF RETURN

Major group number	Industry classification	Tentative base period yearly rates of return (percent)				Tentative base period rate of return (percent)
		1946	1947	1948	1949	
	Agriculture, Forestry, and Fisheries					
01 and 07	Farms and agricultural services, hunting, trapping	12.5	12.8	12.7	11.9	12.
08	Forestry	6.1	8.2	9.2	10.7	8.
09	Fisheries	9.1	2.1	4.5	4.5	4.
	Mining					
10	Metal mining	5.2	11.8	13.8	8.7	10.
11	Anthracite mining	6.4	5.8	8.0	4.5	6.
12	Bituminous coal and lignite mining	6.3	14.6	15.4	7.7	11.
13	Crude petroleum and natural gas extraction	5.1	9.7	11.8	11.2	9.
14	Nonmetallic minerals except fuels	11.9	14.2	15.0	14.9	14.
	Contract construction					
15 and 16	General contractors	8.6	10.5	13.7	14.5	12.
17	Special trade contractors	12.6	15.2	15.1	9.7	13.
	Manufacturing					
20	Food and kindred products	18.4	15.2	12.4	13.2	14.
21	Tobacco manufactures	9.7	9.8	11.1	11.8	10.
22	Textile mill products	24.0	23.2	20.6	10.3	19.
23	Apparel and other finished products made from fabrics	21.8	16.7	10.4	8.0	14.
24	Lumber and wood products	16.0	24.0	19.6	11.5	17.
25	Furniture and fixtures	16.4	16.4	14.6	13.7	15.
26	Paper and allied products	17.8	21.2	18.1	13.7	17.
27	Printing, publishing, and allied industries	18.6	15.7	13.8	13.2	15.
28	Chemicals and allied products	17.3	17.6	16.2	15.8	16.
29	Products of petroleum and coal	6.1	8.7	11.3	6.6	8.
30	Rubber products	18.6	12.4	13.4	9.0	13.
31	Leather and leather products	19.3	15.9	10.2	8.3	13.
32	Stone, clay, and glass products	15.4	16.3	17.2	16.8	16.
33 and 34	Primary metal industries and fabricated metal products (except ordnance, machinery, and transportation equipment)	9.8	15.4	16.4	12.9	14.
19	Ordnance and accessories	4.5	11.6	14.8	7.1	11.
35	Machinery (except electrical)	9.4	16.0	17.2	14.7	14.
36	Electrical machinery, equipment, and supplies	4.2	14.5	15.6	13.6	13.
37	Transportation equipment	1.4	13.5	18.6	21.4	11.
38 and 39	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; including miscellaneous manufacturing industries	11.9	13.8	13.5	12.8	13.
	Transportation, Communication, and Other Public Utilities					
40	Railroads	2.1	3.9	5.3	4.0	3.
41	Local and interurban railways and bus lines	4.1	(2.9)	2.2	1.7	1.
42	Trucking and warehousing	11.4	12.2	14.0	12.7	12.
43	Highway transportation not elsewhere classified	24.1	15.1	12.1	10.4	15.
44	Water transportation	9.1	9.9	8.1	8.4	8.
45	Transportation by air	(2.6)	(3.7)	1.3	4.3	1.
46	Pipeline transportation	11.1	10.5	10.5	9.1	10.
47	Services incidental to transportation	8.1	10.0	7.1	7.2	8.
48	Telecommunications	6.1	4.1	4.9	5.0	5.
49	Utilities and sanitary services	7.0	6.3	6.1	6.5	6.
	Wholesale Trade					
50 and 51	Wholesale trade	16.5	15.3	12.6	9.7	13.
	Retail Trade					
52	Building materials and farm equipment	15.3	16.3	15.3	10.0	14.
53	General merchandise	20.9	17.4	16.7	13.2	17.
54	Food	15.8	13.9	12.9	15.8	14.
55	Automotive dealers and gasoline service stations	27.5	33.0	27.3	15.7	25.
56	Apparel and accessories	19.4	14.4	11.6	7.8	13.
57	Furniture, home furnishings, and equipment	16.9	12.4	9.1	6.5	11.
58	Eating and drinking places	12.6	6.6	5.7	6.2	7.
59	Miscellaneous retail stores	14.3	10.7	9.1	6.8	9.

[1] Parentheses indicate negative rate of return.

[1] References are to the Standard Industrial Classification Manual prepared by the Division of Statistical Standards, Bureau of the Budget.

TENTATIVE INDUSTRY BASE PERIOD RATES OF RETURN—Continued

Major group number	Industry classification	Tentative base period yearly rates of return (percent)				Tentative base period rate of return (percent)
		1946	1947	1948	1949	
	Finance, Insurance, and Real Estate					
60	Banking	0.5	0.7	0.8	0.8	0.8
61	Credit agencies other than banks	3.3	3.7	4.8	5.1	4.3
62	Security and commodity brokers, dealers, exchanges, and services	2.8	1.5	1.5	2.4	2.1
63	Insurance carriers	2.4	2.4	2.8	3.2	2.7
64	Insurance agents, brokers, and service	8.3	9.5	10.0	10.3	9.6
65	Real estate	5.1	5.2	5.3	5.8	5.4
67	Holding and other investment companies	5.9	5.6	6.0	5.8	5.8
	Services					
70	Hotels, rooming houses, camps, and other lodging places	9.6	8.6	8.1	7.8	8.5
72	Personal services	11.7	11.1	9.1	11.5	10.8
73	Miscellaneous business services	12.8	13.1	13.0	14.2	13.3
75	Automobile repair services and garages	14.8	13.7	12.5	10.6	12.7
76	Miscellaneous repair services	10.4	13.4	13.3	14.6	13.2
77	Radio broadcasting, including facsimile broadcasting, and television	24.9	18.8	12.5	10.1	15.8
78	Motion pictures	19.4	14.6	9.2	8.4	12.7
79	Amusement and recreation services except motion pictures	21.3	13.6	11.9	12.0	14.9
80, 81, 82, 84, 86, and 89	Other services	8.8	9.7	10.3	8.3	9.3

It is found that notice and public procedure are impracticable and unnecessary because the tentative determinations announced herein are computed only by specific formulae expressly prescribed in section 446 and 447 of the Internal Revenue Code and because section 446 (h) and 447 (d) of the Internal Revenue Code require that such tentative determinations be proclaimed on or before March 1, 1951.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-1895; Filed, Feb. 2, 1951; 2:49 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended Feb. 1, 1951]

RUBBER

This order, as amended, is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment to NPA Order M-2, as amended December 29, 1950, amends the order in its entirety to read as follows:

EXPLANATORY PROVISIONS

Sec.
1. Purpose and effect.
2. Definitions.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

3. Private importation of natural rubber prohibited.
4. Limit on total new rubber consumption.
5. Limit on natural rubber consumption.
6. Limit on natural rubber latex consumption.

ALLOCATION OF SYNTHETIC RUBBER

7. Limitation on acquisition of synthetic rubber.
8. Allocation procedure.
9. Basis of allocation.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

10. Camelback production required.
11. Simplification of rubber products.
12. Elimination of natural rubber from designated products.
13. Required use of synthetic rubber.

GENERAL PROVISIONS

14. Reports of rubber consumption and stocks.
15. Reports by tire, tube and camelback manufacturers.
16. Reports by latex importers.
17. Other records and reports.
18. Inventory limitation.
19. Adjustments and exceptions.
20. Communications.
21. Violations.

AUTHORITY: Sections 1 to 21 issued under sec. 704, Pub. Law 774, 81st Cong., and sec. 10, 62 Stat. 105; 50 U. S. C. App. Sup. 1929, as amended. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., and sec. 3, 62 Stat. 102, 50 U. S. C. App. Sup. 1922; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; E. O. 9942, Apr. 1, 1948, 13 F. R. 1823.

EXPLANATORY PROVISIONS

SECTION 1. *Purpose and effect.* The purpose of this order is to conserve the supply of rubber for the needs of national defense and to provide for its equitable distribution. This order is a continuation, in expanded form, of the former allocation Order R-1 (15 CFR 338.71-338.85). It places over-all limits on the consumption of natural rubber, natural rubber latex, and total new rubber (including synthetic). It prohibits private importation of natural rubber and provides for allocation of Government-produced synthetic rubber. Provisions are also made for increasing production of camelback, for directing production of rubber products into standard lines, and for restricting the use of natural rubber in certain listed products.

SEC. 2. *Definitions.* As used in this order:

(a) "Natural rubber" means all new RHC (rubber hydrocarbon) forms and types of tree, vine, or shrub rubber, including natural rubber latex, but excluding reclaimed natural rubber.

(b) "Synthetic rubber" means all new RHC products of chemical synthesis similar in general properties and applications to natural rubber and specifically capable of vulcanization, including synthetic rubber latex but excluding reclaimed synthetic rubber.

(c) "GR-S" means a general-purpose synthetic rubber of the butadienestyrene type produced in the United States generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by the NPA, not including reclaimed general-purpose synthetic rubber.

(d) "Butyl" or "GR-I" means a special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, not including reclaimed special-purpose rubber.

(e) "Consume" means, in the case of natural rubber or synthetic rubber, to compound, expend, formulate or in any manner make any substantial change in the form, shape or chemical composition except where any of these materials are used in the preparation of masterbatches or compounds prepared for use in the manufacture of finished products.

(f) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(g) "New RHC" means total new rubber hydrocarbon. This is the total RHC content of natural rubber, synthetic rubber, uncured scrap rubber, uncured in-process materials, and the rubber hydrocarbon content of masterbatches or compounds of new RHC.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(j) "NPA" means the National Production Authority in the Department of Commerce.

RESTRICTIONS ON IMPORTATION AND CONSUMPTION

SEC. 3. *Private importation of natural rubber prohibited.* (a) On and after December 29, 1950, no person other than the Administrator of General Services shall import into the United States (including its territories and possessions) any natural rubber of the kinds specified in paragraph (b) of this section, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importa-

tion required by a contract which was made prior to December 29, 1950, and which is registered with the Administrator of General Services on or before January 5, 1951, except as any such private importation may be disapproved by said Administrator. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, whether placed in general order or in a foreign trade zone, or whether entered for consumption, bonded customs custody, transportation, exportation or otherwise.

(b) The prohibition in paragraph (a) of this section applies to all crude natural rubber and natural rubber latex, including the following grades of wild rubber (cut, uncut, washed or dried): upriver fine, acre fine, Bolivian fine, beni fine, island fine, and all other types of fine para which are of equivalent quality regardless of name or origin. Such prohibition does not apply, however, to any other South or Central American grades of wild rubber nor to rubber from guayule, balata or gutta-percha, but all such excepted grades and types shall be inspected by, and a certificate of import secured from, the Administrator of General Services prior to their importation.

SEC. 4. *Limit on total new rubber consumption.* (a) No person shall consume a total amount of new rubber (including all synthetic both dry and latex and all natural except latex and those grades and types of rubber listed as exceptions in section 3 (b)) in excess of 72 percent in February 1951 and in excess of 76 percent in March 1951 of his base monthly new rubber consumption as computed under paragraph (b) of this section.

(b) Each person's base monthly new rubber consumption shall be one-twelfth of his actual new rubber consumption (including all synthetic both dry and latex and all natural except latex and those grades and types of rubber listed as exceptions in section 3 (b)) during the year ending June 30, 1950, as adjusted by the NPA.

(c) Such quantities of new rubber as are used in making products to fill DO rated orders are hereby exempted from the limitation of this section and shall be excluded in computing consumption of new rubber in February and March 1951 for purposes of this section.

SEC. 5. *Limit on natural rubber consumption.* (a) No person shall consume natural rubber (exclusive of natural rubber latex and those grades and types of rubber listed as exceptions in section 3 (b)) in February 1951 in excess of 43 percent, nor in March, 1951 in excess of 35 percent of his base monthly natural rubber consumption as computed under paragraph (b) of this section. Neither may any person consume natural rubber (exclusive of natural rubber latex and those grades and types of rubber listed as exceptions in section 3 (b)) in either February or March, 1951, in excess of the difference between his total new rubber consumption as permitted for that month under section 4 and the total synthetic rubber acquired by him from all sources during that month.

(b) Each person's base monthly natural rubber consumption shall be one-twelfth of his actual consumption of natural rubber (exclusive of natural rubber latex and those grades and types of rubber listed as exceptions in section 3 (b)) during the year ending June 30, 1950, adjusted in the same proportion as his permitted total new rubber consumption has been or is hereafter adjusted by the NPA.

(c) Such quantities of natural rubber as are used in making products to fill DO rated orders are hereby exempted from the limitation of this section and shall be excluded in computing consumption of natural rubber in February and March 1951 for purposes of this section.

(d) The limitations prescribed in this section shall not apply during February or March 1951, as the case may be, to any person whose consumption of natural rubber (exclusive of natural rubber latex and those grades and types of rubber listed as exceptions in section 3 (b)) does not exceed 15,000 pounds during that month, but no such person may consume during that month more natural rubber (exclusive of natural rubber latex and those grades and types of rubber listed as exceptions in section 3 (b)) than his base monthly natural rubber consumption as computed under paragraph (b) of this section.

SEC. 6. *Limit on natural rubber latex consumption.* (a) No person shall consume during the months of February and March 1951, a total quantity of natural rubber latex in excess of one-sixth of his consumption during the year beginning July 1, 1949, and ending June 30, 1950.

(b) Any person who imports any natural rubber latex into the United States after October 1, 1950, shall offer at least 10 percent of his imports to the General Services Administration at his regularly established price.

(c) In the event that imports of natural rubber latex are of such volume that an excess remains available for consumption (including any amounts not accepted by General Services Administration), after deducting from total imports (1) the base-period consumption allowed by paragraph (a) of this section, (2) the stockpile set-aside provided by paragraph (b) of this section, and (3) a reasonable reserve for adjustments under section 19, such excess will be allocated quarterly to consumers by the NPA on the basis of their pro rata allocation of natural rubber latex during the fourth calendar quarter of 1950. Any allocations made under this paragraph may be consumed in addition to the amounts permitted by paragraph (a) of this section.

ALLOCATION OF SYNTHETIC RUBBER

SEC. 7. *Limitation on acquisition of synthetic rubber.* No person shall acquire more Government-produced GR–S or butyl (GR–I) than is allocated to him by the NPA. No person shall sell or transfer any synthetic rubber acquired from the Government to any person other than the Office of Rubber Reserve, Reconstruction Finance Corporation.

SEC. 8. *Allocation procedure.* The NPA will allocate quarterly, to each consumer of GR–S or butyl, the amounts of Government-produced GR–S and butyl that he may purchase during a specified calendar quarter. The NPA will notify the Office of Rubber Reserve, Reconstruction Finance Corporation, of such allocations and the Office of Rubber Reserve will not issue purchase permits to anyone for more GR–S or butyl than is allocated to him. Persons desiring to purchase GR–S or butyl will submit purchase requests to the Office of Rubber Reserve in accordance with its established procedure.

SEC. 9. *Basis of allocation.* GR–S and butyl will be separately allocated by the NPA for each calendar quarter on the following basis:

(a) GR–S. Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of GR–S will be allocated his pro rata share of total available Government-produced GR–S (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19), based on the proportion which his total new rubber consumption (exclusive of butyl) during the year ending June 30, 1950, bears to the total new rubber consumption (exclusive of butyl) of the industry during that period as determined by the NPA.

(b) *Butyl for tire tubes.* Subject to the provisions of paragraphs (d) and (e) of this section, each manufacturer of tire tubes will be allocated his pro rata share of total available Government-produced butyl (after a reasonable amount has been reserved for DO rated orders, for such other programs as may be approved by the NPA, and for adjustments under section 19), based on the proportion which his total new rubber consumption for tire tubes during the year ending June 30, 1950, bears to the total new rubber consumption of the industry for tire tubes during that period, as determined by the NPA.

(c) *Butyl for other uses.* Subject to the provisions of paragraphs (d) and (e) of this section, each consumer of butyl for purposes other than the manufacture of tire tubes will be allocated for each calendar quarter, his average quarterly consumption of butyl for such other purposes during the year ending June 30, 1950, as determined by the NPA.

(d) *Imports to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain the quantities of imported GR–S and butyl acquired by each consumer, and will reduce by the amounts of such imported rubber the allocations which would otherwise be made.

(e) *Inventories to be considered.* In making the allocations described in paragraphs (a), (b) and (c) of this section, the NPA will ascertain and take into account each consumer's inventory of GR–S and butyl, and will adjust the allocations insofar as practicable so that inventories (including rubber in warehouse and in transit) will not be increased beyond a 20-working-day supply.

RUBBER PRODUCT REQUIREMENTS AND LIMITATIONS

SEC. 10. *Camelback production required.* Every person who produced camelback during the year ending June 30, 1950 shall produce in each of the two months, February and March, 1951, an amount of camelback which by RHC weight is at least one and a half times as great in proportion to his total new rubber consumption used in the manufacture of transportation products during such months, respectively, as the proportion which his production of camelback during the year ending June 30, 1950 bore by weight on RHC basis to his total new rubber consumption in transportation products during that year. For example, if a person's production of camelback on RHC basis accounted for 5 percent of his new rubber RHC consumption in transportation products during the year specified, his production of camelback in February and March must account for at least 7½ percent of his new rubber RHC consumption in transportation products during each of those months.

SEC. 11. *Simplification of rubber products.* The use of any new RHC in the manufacture of any rubber product or component, for any one purpose, in more than one line, type, quality, style or color, will be prohibited by the NPA by amendment of this order as soon as satisfactory standards can be devised. It is anticipated that such prohibition will be put into effect for some segments of the industry by February 15, 1951, and for other segments shortly thereafter. The industry is therefore put on notice that it must be prepared to make prompt adjustment of its production by February 15, 1951, to eliminate multiplicity of line, type, quality, style and color in accordance with the standards to be established.

SEC. 12. *Elimination of natural rubber from designated products.* By March 1, 1951, or as soon as practicable thereafter, the NPA will establish, by amendment of this order, specifications determining the quantity of natural rubber, if any, which may be used in specified products. In order that the industry may be prepared to comply promptly with such specifications, notice is given that they will, in general, prohibit the use of any natural rubber (dry or latex) in the manufacture of any of the following products or component or replacement parts therefor:

Toys.
Non-functional household, industrial and automotive rubber goods which are not essential to the mechanical operation of the equipment involved.
Rubber sundries not essential to basic health needs.
Floor coverings, mats and matting.
Soles, heels and sole slabs (new or replacement).
Non-functional athletic and sports goods.
Inner tubes 8.25 cross-section and smaller.

SEC. 13. *Required use of synthetic rubber*—(a) *Synthetic rubber specifications.* No person shall manufacture any product described in this section in any specified type or size unless it conforms with the synthetic rubber specifications and such other terms and conditions as are prescribed below in this section. The synthetic rubber used to satisfy such specifications shall be that produced by the Government or for its account or purchased from others by the Government for resale by the Government or for its account.

(1) *Tires.* All pneumatic tires, in any type and size listed below, shall contain GR–S in at least the percentages designated in the following table:

Pneumatic tire groups, size and type	Percent GR–S of total natural rubber plus GR–S	
	Minimum group average	Minimum individual tire
Group 1:		
All 7.50 and down truck and bus tires, not including low platform trailer and wire tires	35	1
All 7.50 and down farm implement, garden implement and industrial tires	35	5
All passenger, and motorcycle, front farm tractor and garden tractor tires	35	5
Group 2: All rear farm tractor and all other farm implement tires, not including rice and cane spade grip tires	75	55

NOTE: The group averages for groups 1 and 2 may be reduced by not more than three (3) points, provided the aggregate GR–S consumption in these groups equals the total amount of GR–S which would have been consumed if calculated on the above minimum group averages for groups 1 and 2. The above group averages and permitted tolerances must be balanced out each calendar month.

(2) *Tire tubes*—(i) *Reestablishment of DR–I specifications.* No synthetic rubber specifications are presently prescribed for tire tubes (but see section 12 relating to the use of natural rubber in tubes 8.25 cross-section and smaller), but if the consumption of butyl (GR–I) by the entire industry indicates that the total annual consumption will be less than 15,000 long tons, specifications requiring the consumption of butyl (GR–I) in certain types and sizes of tire tubes will be reinstated in this order to the extent necessary.

(ii) *Markings on tire tubes.* Every tube containing butyl (GR–I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be 3/16" minimum width. No other tire tube shall be so marked.

(b) *Exceptions to required use of synthetic rubber*—(1) *Defense orders.* The provisions of paragraph (a) (1) of this section shall not apply to products manufactured to fill DO rated orders.

(2) *Experimental purposes.* Notwithstanding the provisions of paragraph (a) (1) of this section, any person may use up to a total of 2,000 pounds of natural rubber during any calendar quarter for experimentation in the manufacture of those sizes and types of tires for which specifications are provided in paragraph (a) (1) of this section.

(c) *Importation restrictions*—(1) *Certification required.* No product for which synthetic rubber specifications are established in paragraph (a) (1) of this section may be entered for consumption in the United States or its territories or possessions unless the importer furnishes to the appropriate Collector of Customs a certificate reading substantially as follows:

The undersigned hereby certifies, subject to the criminal penalties for misrepresentation contained in Title 18, U. S. Code (Crimes), section 1001, that the products covered by the invoice to which this certificate is attached contain at least the same percentage of synthetic rubber (of any type and wherever produced) as required by NPA Order M–2 for similar products.

(Date) (Signature)

(2) *Exceptions.* No such certificate shall, however, be required for the importation (i) of any products by a diplomatic representative of a foreign government for his personal use or for the use of members of his staff or by a commercial representative of a foreign government for use in his official business and not for sale or (ii) of any tires or camelback for experimental and testing purposes and not for sale.

GENERAL PROVISIONS

SEC. 14. *Reports of rubber consumption and stocks*—(a) *Monthly reports.* Every person who consumes or owns, at any time during any month, any type of rubber listed below in an amount equal to or in excess of the amounts specified below, shall file a monthly report on Form NPA–F3 (formerly IC–3410) with the NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production and shipments. No such report need be filed as to any listed type of rubber if the amount of it consumed and the amount of it owned during the month were each less than the amount specified below for such type of rubber.

Types:	Amount (pounds)
Natural rubber, excluding latex	15,000
Natural rubber liquid latex	5,000
Reclaimed rubber	10,000
GR–S Types, excluding latex [1]	15,000
GR–S Type latex [1]	5,000
Butyl types [1]	10,000
Neoprene, including latex	5,000
Butadiene-Acrylonitrile types (N–Type) [1]	5,000
Other special-purpose synthetic types [1]	5,000
Scrap rubber	10,000

[1] Includes all types whether obtained from Government or other source, including imports.

(b) *Annual reports.* Every person who, during any calendar year, consumes or owns any types of rubber listed in paragraph (a) of this section in excess of the amounts specified for such types, and who has not reported those types of rubber on Form NPA–F3 (formerly IC–3410) for all months of the calendar year, shall file an annual report covering consumption and stocks in accordance with the instructions accompanying the annual report form. This report shall be made on Form NPA–F4 (formerly IC–49–1) and shall be filed not later than January 31 following the year being reported.

SEC. 15. *Reports by tire, tube and camelback manufacturers*—(a) *Monthly*

reports. Each manufacturer of tires, tubes, and camelback shall file a report of his production, shipments and inventory for each calendar month on Form NPA–F5 (formerly IC–3438) with the NPA in accordance with the instructions accompanying the form. Such report shall be filed by the 10th of the month following the month to which it relates.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file a report of his production of cured tires for each week on Form NPA–F6 (formerly IC–4231) with the NPA in accordance with the instructions accompanying the form.

SEC. 16. *Reports by latex importers.* Every importer of natural rubber latex shall report by letter to the NPA by the 15th of each month in long tons of dry latex solids (a) his imports for the current month (actual receipts plus material due to arrive), (b) his scheduled imports for the next succeeding month, and (c) his estimate of his imports for the second and third succeeding months.

SEC. 17. *Other records and reports.* All persons subject to this order shall keep such records and file such other reports as may be required subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 18. *Inventory limitation.* All of the materials subject to this order are also subject to NPA Regulation 1 which prohibits the accumulation of materials in excess of a practicable minimum working inventory.

SEC. 19. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and shall state the justification therefor.

SEC. 20. *Communications.* All applications, reports and other communications relating to this order should be addressed to the National Production Authority, Washington 25, D. C., Ref: Order M–2.

SEC. 21. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to compel necessary adjustment of his inventories or consumption or to suspend his privilege of making or receiving further deliveries of, or from processing or using, materials subject to this order.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect as of February 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51–1093; Filed, Feb. 5, 1951; 4:53 p. m.]

[NPA Order M–7, as Amended Feb. 1, 1951]

USE OF ALUMINUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendation. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended, has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

This amendment affects NPA Order M–7 as amended Dec. 1, 1950, as follows: It redesignates §§ 26.21 to 26.32 as sections 1 to 12; adds a new section 6 and redesignates sections 6 to 12 to be sections 7 to 13; and amends sections 2, 3, 4 and 8. NPA Order M–7 as amended (including Directions 2 and 3, appearing herein as sections 22 and 23) reads as follows:

Sec.
1. Purpose and scope.
2. Definitions.
3. Aluminum forms and products to which this order applies.
4. Application of order.
5. Use of aluminum.
6. Prohibited use of aluminum.
7. Maintenance, repair, and operating supplies.
8. Exceptions.
9. Inventories.
10. Applications for adjustment.
11. Records and reports.
12. Communications.
13. Violations.

Directions

21. Base period: applications for adjustment; December 1950 use.
22. Base period: applications for adjustment; use during first calendar quarter of 1951.
23. Application for adjustment—component parts.

AUTHORITY: Sections 1 to 23 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Purpose and scope.* The purpose of this order is to describe how the aluminum remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that aluminum and articles made of aluminum, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, fabricate, or otherwise alter materials by physical or chemical means: *Provided, however,* That as applied to "Castings (foundry products as shipped by the producer)" specified in section 3 the word "manufacture" will also mean the assembly of said items into components or end products.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any aluminum forms or products listed in section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Aluminum forms and products to which this order applies.* The word "aluminum" as used in this order means only the following aluminum forms and products:

Rod and bar.
Wire (under 3/8").
Cables (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings (foundry products as shipped by the producer).
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet (coiled and flat), plate, circles and blanks.
Slugs.
Plain coil foil.
Tubing (extruded, drawn and roll formed).
Tube blooms.
Powder (including atomized, granular, flake, paste and pigments).
Ingot, pig, billets, slabs.
Purchased scrap.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8, this order applies to all persons who use

any aluminum for purposes of manufacture or construction, or for maintenance, repair, or operating supplies. It does not apply to persons (a) who produce aluminum in or convert it to the forms and products listed in section 3; or (b) who use aluminum in the production of other metals (including aluminized steel), or of metal alloys, the chief constituent of which is not aluminum, or of chemical salts of aluminum and compositions of aluminum used as a catalyst.

SEC. 5. *Use of aluminum.* Subject to the exemptions stated in section 8, and unless specifically directed by the National Production Authority, no person shall use in manufacture or construction:

(a) During December 1950, a quantity by weight of aluminum in excess of 100 percent of his average monthly use of aluminum during the base period.

(b) During the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January, 1951	80
February, 1951	75
March, 1951	65

SEC. 6. *Prohibited uses of aluminum.* (a) Commencing on April 1, 1951, aluminum may not be used in the manufacture or assembly of any item included in attached List A except as indicated therein; *Provided, however,* That any such item may be completed if it was in the process of manufacture or assembly on or before March 31, 1951 and such completion is effected not later than May 31, 1951, and any item included in List A which is completed not later than May 31, 1951 may be sold after that date.

(b) During the following months no person may use in the manufacture or assembly of any item included in attached List A a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum in the manufacture or assembly of such items during the base period:

	Percent
February 1951	75
March 1951	65

(c) No person may use in construction any aluminum for any item included in attached List A after May 31, 1951; *Provided, however,* That this prohibition will not apply to such use of aluminum for any such item if it was manufactured within the time limits specified by this section.

(d) Commencing on April 1, 1951, no person may use in the manufacture of any item, including components and parts therefor, a greater quantity or better grade of aluminum than is necessary for the functional operation of such item. Commencing on June 1, 1951, no person shall use any aluminum in the manufacture of any item to be used solely for decorative or ornamental purposes.

(e) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by the provisions of paragraphs (a) or (c) of section 8.

SEC. 7. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, during the six months period commencing on December 1, 1950 and each six months period thereafter, no person shall use for maintenance, repair, and operating supplies a quantity by weight of aluminum in excess of the quantity of aluminum that he used for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The use of aluminum required by any person to fill an order that is rated under the priorities system established by NPA Reg. 2 (15 F. R. 6911, 7185), or to meet any other mandatory order of the National Production Authority, is permitted in addition to the use of aluminum authorized by the provisions of sections 5 or 7.

(b) Pending development of requirements for aluminum conductor (including transmission cable, wire, and bus bar) for the production, transmission, or distribution of electric energy, this subpart does not presently restrict the use of aluminum conductor, conductor accessories or pole hardware for such purposes, if these items are on hand or the suppliers have accepted orders for these items prior to November 13, 1950, for delivery prior to April 1, 1951. The use of other shapes and forms of aluminum listed in section 3 for the production, transmission, or distribution of electric energy remain subject to the restrictions of this order.

(c) The provisions of sections 5 and 7 do not apply to persons who use less than 1,000 pounds of aluminum during any period of twelve consecutive months: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 1,000 pounds during any period of twelve consecutive months may use during such period a quantity up to 1,000 pounds.

(d) Commencing on February 1, 1951, the provisions of section 5 will not apply to the use of aluminum in the manufacture of collapsible tubes as defined in NPA Order M–27.

SEC. 9. *Inventories.* In addition to the provisions of NPA Reg. 1 (15 F. R. 6253), relating to Inventory Control, it is considered that a more exact requirement applying to users of aluminum is necessary. No person obtaining aluminum for use in manufacture or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of aluminum if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this subpart during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, aluminum shapes and forms listed in section 3 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to aluminum except as modified by this section.

SEC. 10. *Application for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained and will maintain of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139–F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M–7.

SEC. 13. *Violations.* Any person who willfully violates any provisions of this order or any other order or regulation of the National Production Authority or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

Directions

SEC. 21. *Base period; applications for adjustment; December 1950 use.* (a) Section 5 (a) of the regulation states, among other things, that no person shall use in manufacture (as defined) or construction "during December 1950 a quantity by weight of aluminum in excess of 100 percent of his average monthly use during the base period."

(b) "Base period" is defined by § 2 (b) as the six months period ending June 30, 1950.

(c) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry [illegible]"

(d) A number of requests for adjustment have been filed with the National

Production Authority upon the ground that the applicants' business operations were commenced during or after the base period, or that the application of the base period to the applicants' business operations otherwise caused undue hardship upon the applicants not suffered generally by others in the same trade or business. Since many of these applications present common problems, this direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (a) to the classes of cases described below, whether or not applications for adjustment have been filed with the National Production Authority under section 10. This determination is subject, however, to the conditions stated in paragraph (e) of this section.

(e) (1) Cases in which it is claimed that the base period specified in sections 1 to 13, inclusive, is inapplicable because: (i) The applicants commenced new business operations during or after the base period; (ii) although the applicants' business operations were commenced prior to the base period, the applicants produced or manufactured a new product during or after the base period; or (iii) the applicants brought additional productive or manufacturing capacity into operation during or after the base period.

(i) *Direction.* In any such case the applicant may apply as a measure of his permitted use of aluminum during December 1950, his average monthly use during October and November 1950.

(ii) *Illustration 1.* The X Company, a newly organized company, commenced its operations on March 15, 1950. This company will be permitted to use in manufacture or construction during December 1950 a quantity by weight of aluminum not in excess of 100 percent of his average monthly use of aluminum during October and November 1950.

(iii) *Illustration 2.* The Y Company had been engaged in the manufacture of several products incorporating aluminum. Subsequent to June 30, 1950, this company manufactured and marketed an additional line of products, requiring aluminum, not previously manufactured by it. The rule stated in Illustration 1 above applies to the use of aluminum during December 1950 in the manufacture of the new line of products. However, the limitation stated in section 5 (a) applies to the use of aluminum in manufacturing the company's other products.

(iv) *Illustration 3.* During August 1950, the A Company commenced operations for the first time in a new, additional plant. The A Company may use the months of October and November 1950 as the base period for the new plant whereas the base period specified in sections 1 to 13, inclusive, will apply to the operation of its original manufacturing facilities.

(2) Cases in which it is claimed that the base period specified in the order is inapplicable because of changes made during or after the base period in the design, specifications or operating features of certain of its products, and where these changes required the use of substantially larger quantities of aluminum to maintain the same unit output than were required during the base period specified in sections 1 to 13, inclusive.

(i) *Direction.* In any such case, the applicant may apply as a measure of his permitted use of aluminum during December 1950, his average monthly use during October and November 1950.

(ii) *Illustration 1.* During June 1950 the B Company redesigned a machine, its sole product, which it had manufactured and marketed for a number of years and its plant was retooled for its production. In order to conserve weight, aluminum was substituted for steel in various elements resulting in a 30 percent increase in the quantity of aluminum required for the manufacture of the machine. The B Company will be permitted to use in manufacture during December 1950 a quantity by weight of aluminum not in excess of 100 percent of its average monthly use of aluminum during October and November 1950.

(3) Cases in which it is claimed that the applicants' operations were substantially interrupted during the base period.

(i) *Direction.* In any such case in which production or manufacturing operations were shut down or suspended for more than 15 consecutive calendar days, the applicant in determining his base period may exclude from the base period specified in sections 1 to 13, inclusive, the month or months in which shut down or suspension existed.

(ii) *Illustration 1.* The C Company was shut down from February 16 through March 5, 1950. Its base period will comprise the months of January, April, May and June 1950.

(4) Cases in which it is claimed that operations during December 1950 cannot be fairly measured by the base period specified in sections 1 to 13, inclusive, because of seasonal fluctuations which will result in a substantially higher level of operations during December than the average rate of operations during the first six months of 1950.

(i) *Direction.* In any such case, in order to allow for the seasonal factor, the following formula may be applied: The ratio between the total quantity of aluminum used during December of the years 1947, 1948 and 1949, and the total quantity of aluminum used during the first six months of said years. Such ratio may be applied to the total quantity of aluminum used in the first six months of 1950 to determine the quantity that may be used during December 1950.

(ii) *Illustration 1.* By reason of a seasonal demand for its products, the E Company normally schedules its manufacturing operations during December at a rate substantially higher than the average monthly rate that prevailed during the first six months of the year, The ratio between the total quantity of aluminum used in the products manufactured by the E Company during December 1947, 1948 and 1949 and the total quantity of aluminum used during the first six months of these years is 20 percent. Accordingly, the company may use during December 1950 20 percent of the total quantity of aluminum used by it during the first six months of 1950.

(f) The above determinations of adjustment with respect to the classes of cases described are subject to the following conditions: (1) That every person relying on any such determination will promptly after December 1, 1950 prepare a detailed written record of the facts relating to the application of the determination to his operations and preserve same; (2) that a copy of such record will be promptly transmitted to the National Production Authority upon its request; and (3) that such record and all other records relating to production or manufacture and the use of aluminum forms and products listed in section 3 during 1950, and 1947, 1948, and 1949 to the extent applicable, will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 22. *Base period; applications for adjustment; use during first calendar quarter of 1951.* (a) (1) Section 5 (b) states, among other things, that no person shall use in manufacture (as defined) or construction "during the following months a total quantity by weight of aluminum in excess of the percentages specified with respect to each month of his average monthly use of aluminum during the base period:

	Percent
January 1951	80
February 1951	75
March 1951	65

(2) "Base period" is defined by section 2 (b) as the 6 months period ending June 30, 1950.

(3) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry."

(4) A number of requests for adjustment have been filed with the National Production Authority upon the ground that the applicants' business operations were commenced during or after the base period, or that the application of the base period to the applicants' business operations otherwise caused undue hardship upon the applicants not suffered generally by others in the same trade or business. Since many of these applications present common problems, this direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (b) to the classes of cases described below, whether or not applications for adjustment have been filed with the National Production Authority under section 10. This determination is subject, however, to the conditions hereinafter stated.

(i) Cases in which it is claimed that the base period specified in the order is inapplicable because: (1) The applicants commenced new business operations during or after the base period; or (2) although the applicants' business operations were commenced prior to the base period, the applicants produced or manufactured a new product during or after the base period.

(a) *Direction.* In any such case the applicant may apply as a measure of his permitted use of aluminum during the first quarter of 1951 as specified in the percentage limitations stated in section 5 (b), his average monthly use during October and November 1950.

(b) *Illustration 1.* The X Company, a newly organized company, commenced its operations on March 15, 1950. This company will be permitted to use in manufacture or construction during the following months a total quantity by weight of aluminum not in excess of the percentages specified with respect to each month of his average monthly use of aluminum during October and November 1950:

	Percent
January 1951	80
February 1951	75
March 1951	65

(c) *Illustration 2.* The Y Company had been engaged in the manufacture of several products incorporating aluminum. Subsequent to June 30, 1950, this company manufactured and marketed an additional line of products, requiring aluminum, not previously manufactured by it. The rule stated in Illustration 1 above applies to the use of aluminum during the first quarter of 1951 in the manufacture of the new line of products. However, the limitation stated in section 5 (b) as amended, applies to the use of aluminum in manufacturing the company's other products.

(ii) Cases in which it is claimed that the base period specified in the order is inapplicable because of changes made during or after the base period in the design, specifications or operating features of certain of its products, and where these changes required the use of substantially larger quantities of aluminum to maintain the same unit output than were required during the base period specified in the order.

(a) *Direction.* In any such case, the applicant may apply as a measure of his permitted use of aluminum during the following months a quantity by weight of aluminum not in excess of the following percentages specified with respect to each month of the quantity of aluminum that he would have used on an average monthly basis during the base period if during said period his products had been manufactured in accordance with the changed design, specifications or operating features:

	Percent
January 1951	80
February 1951	75
March 1951	65

(b) *Illustration 1.* During July 1950 the A Company redesigned a machine, its sole product, which it had manufactured and marketed for a number of years and its plant was retooled for its production. In order to conserve weight, aluminum was substituted for steel in various elements of the machine. In manufacturing this machine during the base period and prior to its redesign, 2 lbs. of aluminum had been required for each machine whereas each machine as redesigned required 3 lbs. of aluminum. The average monthly use of aluminum by A Company for this purpose during the base period was 1,000 lbs. During January 1951, the A Company will be permitted to use in manufacture a quantity by weight of aluminum not in excess of 80 percent of 1,500 lbs. of aluminum.

(iii) Cases in which it is claimed that the applicants' operations were substantially interrupted during the base period.

(a) *Direction.* In any such case in which production or manufacturing operations were shut down or suspended for more than 15 consecutive calendar days, the applicant in determining his base period may exclude from the base period specified in the order the month or months in which the shutdown or suspension existed.

(b) *Illustration 1.* The B Company was shut down from February 16 through March 5, 1950. Its base period will comprise the months of January, April, May, and June 1950.

(b) (1) The above determinations of adjustment with respect to the classes of cases described are subject to the following conditions: (i) That every person relying on any such determination will promptly after January 1, 1951, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative, and preserve same, such record to include (a) use permitted under the order as amended, of the aluminum forms and products listed in section 3 during the first quarter of 1951, (b) permitted use of such forms and products during said quarter under this section and (c) basis of computation; and (ii) that such record shall be retained for at least two years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(2) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this section. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such actions will be effective upon such date or dates subsequent to the date of the notification as are specified therein.

SEC. 23. *Application for adjustment—component parts.* (a) (1) Section 5 (b) states, among other things, that no person shall use in manufacture (as defined) or construction during March 1951 a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum during the base period. The base period is defined by section 2 (b) as the six months period ending on June 30, 1950.

(2) Section 10 states, in part, that "any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue and exceptional hardship upon him not suffered generally by others in the same trade or industry."

(3) A number of requests for adjustment have been filed with the National Production Authority on the ground that the permitted use of aluminum in March 1951 for the manufacture of certain component parts requiring relatively small amounts of aluminum will unduly curtail the production of the end products for which these components are designed and would not be in the public interest. The following direction will constitute a determination of adjustment with respect to the limitation stated in section 5 (b) to the manufacture of component parts hereinafter described whether or not applications for adjustment have been filed with the National Production Authority.

(b) Direction: Any person who manufactures any component parts made wholly or partly of aluminum may use a total quantity by weight of aluminum in the manufacture of such component parts during March 1951 not in excess of 75 percent of his average monthly use of aluminum for this purpose during the base period: *Provided,* That (1) such component parts serve a functional purpose in the end product; (2) it is not practicable to substitute another material for aluminum before or during March 1951; (3) the total weight of the aluminum in such component parts in the end product is less than 1 percent of the total weight of the end product; and (4) the manufacturer of such component parts obtains a signed certification from the manufacturer or assembler of the end product evidencing the facts set forth in subparagraphs (1) (2) and (3) of this paragraph.

(c) (1) The above determination of adjustment is subject to the following conditions: (i) That every person relying on such determination shall on or before April 1, 1951, prepare a detailed written record of the facts relating to the application of the determination to his operations which will be signed by such person or by an authorized officer or representative; and (ii) that such record will be retained for at least two years and will be made available at his usual place of business for inspection and audit by duly authorized representatives of the National Production Authority.

(2) The National Production Authority reserves the right to modify or revoke adjustments made pursuant to this section. Any person affected by such a modification or revocation will be notified in writing of the nature of the action taken and the reasons therefor. Such action will be effective upon such date or dates subsequent to the date of notification as are specified therein.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect, except as otherwise specifically stated, on Feb. 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

LIST A

(See section 6)

The use of the forms and products of aluminum defined in section 3 in the items listed below (excluding repair parts) is subject to the prohibitions stated in this order, except as otherwise stated in this order or the list:

Airfoil (tubing) for windmills
Aluminum wool
Andirons, screens, and fireplace fixtures
Animal cages
Animal training equipment
Animal traps
Applicators for moistening envelopes
Arbors and trellises
Architectural and other building ornamentation
Ash trays
Automobile hardware and trim (except functional parts)
Awnings
Badges
Balloon molds
Bar rails
Barber chairs
Batons
Bathtubs
Beauty parlor equipment
Beer equipment: all items
Bells
Beverage mixing and serving equipment, such as bottle coolers, cocktail shakers, ice buckets and pails, ice chippers and shavers
Bicycles
Bird and pet cages, houses, aquariums, accessories and equipment
Blackboard frames and chalk troughs
Boards: shampoo, tanning
Book covers
Book stacks
Boxes, including match, cigarette, typewriter ribbon
Brackets: light, shelf and wall
Brooms and brushes (except industrial)
Buckles, all types
Buckets, household
Burglar alarms
Burial vaults and urns
Buttons (except for work clothing where necessary to resist corrosion).
Cabinets: kitchen, medicine and radiator
Calendars, calendar pads and parts
Cameras, amateur box type still picture, fixed focus (except reflex)
Candle molds
Canes
Canopies
Cans, including ignition coil and motion picture humidor.
Caps: chimney and vent flue
Card tables
Cards, greeting
Carriages: baby, luggage, strollers, scooters (except functional parts)
Cases:
  Cigar
  Film
  Radio, home type
  Soft drink
  Spectacle
  Vanity
Caskets, and accessory devices
Caster cups, wheel casters and glides
Chicken crates
Chutes: coal, package and waste
Cigarette lighters
Cleaning accessories, such as carpet sweepers, dust pans and scrubbing sets
Clothespins
Coasters
Combs
Containers, foil lined, shoe polish
Coops, brooder, chicken, quail, etc.
Copings
Cornices
Crayon molds
Cups
Curtain, drapery, and carpet hardware
Cutlery handles
Cuspidors
Desk pads
Dispensers, fixed or portable, for soap, lotion, paper, straws, etc.
Dolls
Domestic laundry accessories, such as tubs and boilers, washboards, drain board and tub covers, clothes hampers, ironing boards and tables, garment stretchers and dryers, clothes drying frames, and clothes line hardware
Door chimes
Doors, including, but not limited to:
  Coal
  Door frames
  Dumbwaiter
  Incinerator
  Screen
  Storm
Draperies
Dresser sets
Emblems, medals (except religious), crestings and plates
Fences, wire
Flag poles, stanchions and sockets
Floor scrubbers
Flower boxes, stands and pot holders
Forms, concrete vault casting, wax
Fountains
Frames:
  electric sign
  level
  picture
Frames, Window Screen
Frozen fruit sticks
Furniture
Furniture, hardware (except functional parts)
Games
Garden tools and equipment
Garment hooks, brackets, racks, rods, trees and hangers
Giftware
Gutters, leaders and downspouts.
Hair curlers
Hand-tool handles
Hedge clipping machine
Highway markers, signals and signs
Holders:
  Brush
  Pen
  Soda fountain cup
Horse shoes
Hollow ware (tea sets, etc.)
Ice cream freezers for home use
Jewelry, all types (except religious goods)
Kick plates
Kitchen utensils and tools, and food processing equipment (except cooking and baking utensils)
Ladders and step stools (except industrial and fire)
Lawn and garden hose accessories, such as sprinklers, nozzles, couplings, clamps, menders, and reels
Lawn mowers, seeders, rollers and tampers
Ledger books
Letter openers
Lightning rods
Luggage fittings, trim and hardware
Machines: rowing, voting
Mail boxes
Maps and globes (world)
Marine construction:
  Boats: pleasure boats and fittings of all kinds
  Canoes
  Rowboats
  Sailboats
Markers:
  grave
  license plates
  price
  tee
Markers- Continued
  traffic
  tree
Medicine cabinets
Memorials and tablets
Mesh bags
Metal lath
Metal letters and numbers
Mops
Mouldings and trim
Mud scrapers
Nursing bottles
Oil cloth, foil-covered
Ornaments, Christmas tree
Packaging:
  Containers for:
    Bath salt
    Cosmetic, except collapsible tubes
    Gift
    Powder
    Tube, for cigar
  Jars, beauty cream
  Shakers, talcum powder
  Foil for:
    Capsules
    Cartons, liquor
    Florist
    Household
    Labels
    Over wraps (except food)
    Wraps: gift, cosmetic, liquor
    Wine bottle
Paper clips
Plates: name, scuff (except instruction plates on equipment)
Playground equipment
Pleasure boat fastenings, fittings and hardware
Portable bleachers
Push plates
Roofing, residential type (including shingles).
Rulers
Saddlery, and harness hardware
Screening (except insect wire screening)
Shoe heels
Shovels, scoops, scrapers and pushers, (except as required for handling chemical products and grain)
Siding, (except industrial)
Signs, including advertising
Smokers' accessories
Soap dishes
Souvenirs and novelties, advertising specialties
Spandrels
Spools: wire, adhesive tape
Sporting goods, all kinds (except commercial fishery goods)
Spray guns (except paint spraying equipment and agricultural sprays)
Spurs, climbing
Statuary (except religious and artists originals)
Stencils
Store fronts, (except glass holding members)
Stove pipe
Tent poles, frames and pegs
Thermostatic containers, (except shoulders and cups on vacuum bottles of one quart and under size)
Toilet seats and covers
Tokens (except where necessary for electrical operation)
Tombstones
Tooth brush and tumbler holders
Towel bars
Toys
Tricycles and other children's vehicles
Umbrellas and parasols
Venetian blinds, fittings and accessories
Vending machines (except functional parts)
Waste baskets
Wheel barrows (except as required for handling chemicals)
Whistles
Windows, storm (except sash slides)

[F. R. Doc. 51-1994; Filed, Feb. 5, 1951; 4:53 p. m.]

[NPA Order M-32 as Amended February 5, 1951]

CHEMICALS

LIMITATION FOR DO RATED ORDERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all chemical industries and trade associations affected, in advance of the issuance of this order, has been rendered impracticable due to the necessity of immediate action and the fact that it affects a large number of different industries.

This amendment effects NPA Order M-32 by adding one item to Schedule A and redesignates §§ 37.1 to 37.13 to be sections 1 to 13. As amended, this order now reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Chemicals to which this order applies.
4. Required shipment dates.
5. Rejection of rated orders.
6. Limitation for acceptance of rated orders.
7. NPA assistance in placing rated orders.
8. Adjustments and exceptions.
9. Communications.
10. Records.
11. Audit and inspection.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of each chemical listed in Schedule A appearing at the end of this order and provides rules for placing, accepting and scheduling rated orders for such chemical. Its purpose is to provide equitable distribution of rated orders among all producers thereof, in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It supplements NPA Regulation 2 but only those provisions of Regulation 2 which are inconsistent with this order are superseded and all other provisions of Regulation 2 continue to apply to the chemical industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Producer" means any person engaged in the business of producing for sale any chemical listed in Schedule A.

(c) "Schedule A" means the list of chemicals marked "Schedule A" appearing at the end of this order.

(d) "NPA" means National Production Authority.

SEC. 3. *Chemicals to which this order applies.* This order applies only to the chemicals listed in Schedule A, as amended from time to time. It is the intention of NPA that if and when the need arises, additional chemicals will be added to Schedule A.

SEC. 4. *Required shipment dates.* A rated order for any chemical listed in Schedule A must specify shipment on a particular date or dates or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of such chemical must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable, considering the need for maximum production.

SEC. 5. *Rejection of rated orders.* Unless otherwise specifically directed by NPA, a producer need not accept a rated order for any chemical listed in Schedule A which is received by him less than the number of days (lead time), if any, set forth in Schedule A opposite the name of such chemical, prior to the first day of the month in which shipment is requested. Rated orders for any such chemical as to which no such period of time is specified in Schedule A are not subject to the provisions of this section.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no producer shall be required to accept rated orders for shipment of any chemical listed in Schedule A in any one month in excess of the quantity of such chemical determined as in Schedule A provided.

SEC. 7. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for any chemical listed in Schedule A due to the limitation imposed by section 6 should apply to NPA, Ref: Order M-32, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 8. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-32.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 12. *Reports.* Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on February 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

SCHEDULE A

Name of chemical.	Limitation for acceptance of rated order	Number of days (lead time) if any
Ethyl ether of cellulose (known as "ethyl cellulose").	40% by weight of the producer's scheduled production for the month of shipment.	15
DDT (Dichlorodiphenyl-trichloroethane.	25% by weight of the producer's scheduled production for the month of shipment.	None

[F. R. Doc. 51-1995; Filed, Feb. 5, 1951; 4:53 p. m.]

[NPA Order M-34]

SOLE LEATHER

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by Section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.

1 What this order does.
2 Definitions.
3 Restrictions on tanning of sole leather.
4 Restrictions on cutting hides and on cutting and sale of sole leather.
5 Restrictions on sales, deliveries and use of cut stock.
6 Limitation for acceptance of rated orders.
7 NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.
8 Adjustments and exceptions.
9 Records.
10 Audit and inspection.
11 Reports.
12 Communications.
13 Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to tanners, cutters and any person who owns or possesses sole leather whole stock, midsoles of military weight and quality or innersoles of military weight and quality. It does not apply to any person whose use of sole leather is confined exclusively to the repairing of shoes for the general public. The purpose of this order is to insure the production of military grade midsoles and innersoles in quantities necessary to meet military requirements. This order prescribes how sole leather must be processed and cut; prohibits the cutting of sole leather unless so cut as to produce the quantities of military grade midsoles and innersoles set forth in Schedule A at the end of this order, which Schedule is hereby made a part of this order; and restricts the sale, delivery, processing or other use of all such soles cut after the effective date of this order, to the filling of orders for military shoes. This order further provides for equitable distribution of rated orders among all sole cutters in order to make possible maximum production of such soles and to reduce to a minimum disruption of normal distribution. In addition it calls for monthly reports by every sole cutter on the quantities of sole leather cut. This order supplements NPA Regulation 2, but only those provisions of Regulation 2 which are inconsistent with this order are superseded and all other provisions of Regulation 2 continue to apply to the sole leather industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Sole leather" means vegetable tanned sole leather commercially known as "manufacturers' " type.

(c) "Midsoles of military weight and quality" means men's cut soles of 7 to 8 iron, inclusive, of fine, semi-fine, imperfect fine, and No. 1 scratch grade or as otherwise required by the applicable specifications for military shoes.

(d) "Innersoles of military weight and quality" means men's soles of 5½ to 7½ iron, inclusive, first quality, full grain leather with strong fibre, of quality adapted to innersole use.

(e) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies, and belly centers.

(f) "Sole cutter" means any person who produces outer soles, midsoles, innersoles, blocks, squares, strips, or taps from sole leather, including an independent cutter, a tanner cutter, a packer-tanner cutter, a shoe manufacturer cutter, and a tanner-shoe manufacturer cutter. Such term does not include a person whose use of sole leather is confined exclusively to the repairing of shoes for the general public.

(g) "Military shoes" means shoes required to fill orders for the United States Department of Defense and Coast Guard.

(h) "Put into process" with respect to midsoles and innersoles means the first step taken in the preparation of such cut stock for shoe making or for attachments to shoes or shoe uppers.

(i) "NPA" means National Production Authority.

(j) All trade terms shall have their usual trade significance unless otherwise specified in this order.

SEC. 3. *Restrictions on tanning of sole leather.* No person shall process sole leather except in accordance with the requirements of Federal Specification KK-L-261C, including any emergency alternate specifications, or amendments thereof.

SEC. 4. *Restrictions on cutting hides and on cutting and sale of sole leather.* (a) No person shall cut bellies from cattle hides processed for sole leather (excluding stags and bulls) except in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(b) No persons shall cut shoulders from cattle hides processed for sole leather (excluding stags and bulls) except in a line running perpendicularly to line of backbone at a point within the limits of the break in the foreflank.

(c) No sole cutter shall cut any whole stock unless such cutting will produce at least the quantities of midsoles of military weight and quality and innersoles of military weight and quality set forth in Schedule A at the end of this order. Counters meeting military specifications may be cut in substitution for innersoles but only to the extent necessary to meet orders for military shoes and in the ratio set forth in said Schedule A. All such midsoles and innersoles shall be cut on Army size dies or commercial patterns fitting the Munson last currently used for the Department of Army, in sizes and widths to fit the sizes of shoes bought on U. S. Army tariffs as issued, or shall be cut in accordance with the shoe order schedules of the Navy or Marine Corps. In the absence of such tariffs or schedules the cut stock to which this order applies shall be of sizes meeting normal commercial cut stock casing practices.

(d) No person shall sell or deliver whole stock to any person other than a sole cutter.

SEC. 5. *Restrictions on sales, deliveries and use of cut stock.* No sole cutter shall, after the effective date of this order, sell, deliver, put into process, or otherwise use any midsoles of military weight and quality or innersoles of military weight and quality which are cut pursuant to section 4, except to fill DO rated orders for military shoes.

SEC. 6. *Limitation for acceptance of rated orders.* Unless otherwise specifically directed by NPA, no sole cutter shall be required to accept DO rated orders for midsoles of military weight and quality or innersoles of military weight and quality for shipment in any one month in excess of his scheduled production of such midsoles or innersoles in that month, in accordance with the provisions of this order.

SEC. 7. *NPA assistance in placing rated orders and disposing of inventories of midsoles and innersoles.* Any person who is unable to place a rated order for midsoles of military weight and quality or innersoles of military weight and quality due to a limitation imposed by section 6 should apply to NPA, Ref. Order M-34, specifying the sole cutters who refused to accept the order. NPA will arrange to assist him in locating sources of supply. A sole cutter may at any time apply to NPA for assistance in disposing of his inventories of midsoles and innersoles which may be accumulated as a result of this order. Provision is made for such requests in the form referred to in section 11.

SEC. 8. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interests of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought and the justification therefor.

SEC. 9. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 10. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 11. *Reports.* (a) Every sole cutter shall on or before the 10th day of each month, commencing March 10, 1951, file with NPA a report on Form NPAF-28, setting forth the number of pieces of sole leather cut and all other information required by such form. The first of such reports shall cover the period from the effective date of this order to and including February 28, 1951. Thereafter each such report shall cover the calendar month immediately preceding the month in which such report is required to be filed.

(b) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 12. *Communications.* All communications and reports concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M-34.

SEC. 13. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on February 5, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

Schedule A

From each day's cutting of whole stock (1) the total number of pairs of midsoles of military weight and quality shall be at least equal to the total number of pieces of the respective whole stock part (listed in Column A) cut that day, multiplied by the number of pairs, if any, in Column B set opposite the name of such respective whole stock part, and (2) the total number of pairs of innersoles of military weight and quality shall be at least equal to the total number of pieces of such respective whole stock part cut that day, multiplied by the number of pairs, if any, in Column C, or, in the case of belly and belly center parts, multiplied by the maximum possible number of pairs, as follows:

Column A	*Column B*	*Column C*
Whole stock part	*Pairs of midsoles per piece cut*	*Pairs of innersoles per piece cut* [1]
Bend, any weight [2]	1½	1 (5½ to 7½ iron, incl.).
Crop, any weight	1½	3 (6 to 7½ iron, incl.).
Back, any weight	1½	3 (6 to 7½ iron, incl.).
Belly	0	Maximum possible (5½ to 7½ iron, incl.).
Belly center	0	Maximum possible (5½ to 7½ iron, incl.).
Single shoulder	0	2 (6 to 7½ iron, incl.).

[1] Subject to the provisions of section 4 of Order M-34 (of which this Schedule is a part), counters may be cut in substitution for innersoles to the extent required by military orders in the ratio of two pairs of counters to one pair of innersoles.

[2] Includes bend strips, blocks or squares on the basis of ten pounds equals one bend.

[F. R. Doc. 51-1996; Filed, Feb. 5, 1951; 4:54 p. m.]

ESTABLISHMENT AND FUNCTIONS

The material appearing in 15 F. R. 6726-6728 is amended to read as follows:

1. *Purpose.* The purpose of this notice is to provide the authority to carry out the functions assigned to the Secretary of Commerce by Defense Production Administration Delegation No. 1 of January 24, 1951, issued pursuant to Executive Order No. 10200 which established the Defense Production Administration effective January 3, 1951.

2. *Functions of the National Production Authority.* The National Production Authority was established within the Department of Commerce (15 F. R. 6182 as amended by 15 F. R. 6726-6728) to carry out certain of the functions under the Defense Production Act of 1950 delegated to the Secretary of Commerce by Executive Order No. 10161 of September 9, 1950.

Executive Order No. 10200 of January 3, 1951, terminates certain of the delegations made to the Secretary of Commerce by Executive Order 10161 and places these authorities in the Defense Production Administrator, who has, in part, redelegated them to the Secretary of Commerce by Defense Production Administration Delegation No. 1 of January 24, 1951.

The National Production Authority is continued. The Administrator of the National Production Authority shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by Executive Order 10161 and by Defense Production Administration Delegation No. 1 except as provided in paragraph 5 below. In addition the Administrator shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by the Rubber Act of 1948, as amended (50 USC app. 1921) by Executive Order 9942 of April 1, 1948.

3. *Advisory Committee on Priorities Administration.* The Advisory Committee on Priorities Administration consists of the Administrator or his representative as Chairman and representatives from the following agencies and such other agencies as the Administrator may designate from time to time: (a) Department of Defense; (b) Department of Interior; (c) Department of Agriculture; (d) Department of State; (e) Department of Labor; (f) Department of the Treasury; (g) Office of International Trade (Department of Commerce); (h) Economic Cooperation Administration; (i) Atomic Energy Commission; (j) Housing and Home Finance Agency; (k) Interstate Commerce Commission (Bureau of Service); (l) Economic Stabilization Agency.

The Advisory Committee on Priorities Administration shall serve in an advisory capacity with respect to policy matters affecting the interests of the represented agencies. The Committee shall review proposed orders and regulations and perform such other functions as the Chairman may assign.

The Administrator, as Chairman, is authorized to: (a) Establish such subcommittees and working groups subsidiary to the Committee as he may determine to be necessary; and (b) establish rules and regulations governing the procedures and operations of the Committee and its sub-groups.

4. *Redelegations of authority.* The Administrator may delegate any power or authority conferred upon him by this notice to any officer of the National Production Authority, or to any other officer or agency of the Government, and he may authorize such redelegations by such officer or agency as he may deem appropriate.

5. *Reservations of authorities.* The following authorities vested in the Secretary of Commerce by Executive Order 10161, Executive Order 10200 and Defense Production Administration Delegation No. 1 are hereby reserved to the Secretary: (a) The authority to create new agencies within the Department of Commerce pursuant to section 902 (b) (2) of Executive Order 10161; and (b) The authorities with respect to the use of transportation facilities.

6. *Administrative and field services.* Until otherwise directed, the central personnel, accounting, information and other administrative service facilities of the Office of the Secretary shall provide administrative and other services to the National Production Authority.

In addition, any necessary field services will be provided by the Department

Field Service pending development of a sufficient volume of field work to justify separate field offices for the National Production Authority.

7. *Reemployment rights.* All permanent employees of the Office of Industry and Commerce transferred to the National Production Authority by the terms of the notice appearing in 15 F. R. 6182 and 15 F. R. 6726–6728, and who remain with that organization and perform satisfactory service shall be entitled to reemployment rights in an appropriate position of at least the same grade held on the effective date of such transfer, when the transferred functions are returned to that office. Other permanent employees of the Department who are transferred individually to the National Production Authority shall be entitled to reemployment rights under the same terms in the bureau or office from which transferred when their services are no longer needed in the National Production Authority.

8. *Status in the Department.* The National Production Authority shall operate as a primary organization unit of the Department of Commerce and shall be administered in conformance with established departmental policies, regulations and procedures as set forth in the Department of Commerce Manual of Orders.

9. *Effect on previous actions.* All official actions taken in respect of or by the Administrator, officers or employees of the National Production Authority and in effect immediately prior to the effective date of this notice, and not inconsistent with Executive Order 10200 or Defense Production Delegation 1, shall remain in full force and effect, until superseded, amended or revoked under appropriate authority.

10. *Effective date.* This notice is effective January 24, 1951.

(R. S. 161; 5 U. S. C. 22. Reorg. Plan No. 5 of 1950, 15 F. R. 3174. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51–1997; Filed, Feb. 6, 1951; 10:59 a. m.]

Chapter VII—Undersecretary of Commerce for Transportation

ESTABLISHMENT OF ADMINISTRATION OF TRANSPORTATION ACTIVITIES

Paragraph 3 of the material appearing under the above heading (15 F. R. 8739) is hereby amended to read as follows:

3. *Delegation of authority.* The Under Secretary of Commerce for Transportation shall perform the functions and exercise the powers, authority and discretion conferred on the Secretary of Commerce by Executive Orders 10161 and 10200 and by Defense Production Administration Delegation 1, with respect to air transportation, and intercoastal, coastwise and overseas shipping, including the use thereof.

The authority hereby delegated to the Under Secretary of Commerce for Transportation, which he is hereafter authorized to redelegate, includes the authority vested in the Secretary of Commerce under sections 902 and 903 of Executive Order 10161 and Section 6 (b) of Executive Order 10200, including the authority with respect to subpoena.

The Under Secretary of Commerce for Transportation may redelegate the authority hereby conferred on him to officers and agencies of the Department of Commerce.

All orders, regulations, rulings, certificates, directives, and other actions hitherto issued or taken under the notice appearing in 15 F. R. 8739 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

This notice is effective January 24, 1951.

(R. S. 161; 5 U. S. C. 22. Reorg. Plan No. 5 of 1950, 15 F. R. 3174, Reorg. Plan No. 21 of 1950, 15 F. R. 3178. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 51–1998; Filed, Feb. 6, 1951; 10:59 a. m.]

Chapter VIII—Defense Transport Administration

[Gen. Order DTA 1]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF UNITED STATES MILITARY FREIGHT AND UNITED STATES MAIL

Pursuant to Title I of the Defense Production Act of 1950, Executive Order 10161, Executive Order 10200, and Defense Production Administration Delegation No. 1; and it being deemed necessary in the public interest and to promote the national defense, by reason of the short supply of domestic transportation equipment and facilities, to regulate, allocate, and promote the use of motor carrier equipment and facilities for the preferential transportation of United States military freight and United States mail, and it being impractical to consult with industry representatives due to the necessity for immediate action, it is hereby ordered, that:

Sec.
1. Transportation of United States military freight and United States mail.
2. Applicability.
3. Definitions.
4. Communications.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title I, Pub. Law 774, 81st Cong. E. O. 10161, 15 F. R. 6105, 3 CFR 1950 Supp., E. O. 10200, 16 F. R. 61.

SECTION 1. *Transportation of United States military freight and United States mail.* Every motor carrier engaged in the transportation of property in over-the-road service shall give preference and priority over all other traffic to the transportation of (a) freight shipped by, or consigned to, any establishment of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or of the Atomic Energy Commission; and (b) United States mail, and where necessary to accord such preference and priority, shall limit or restrict the amount of other freight transported on any motor truck operated by it.

SEC. 2. *Applicability.* The provisions of this order shall apply to motor carriers engaged in intrastate, interstate, and foreign commerce within the continental United States.

SEC. 3. *Definitions.* As used in this order (sections 1 to 4, inclusive):

(a) The term "motor carrier" means any person which engages in the transportation of property by motor truck for compensation.

(b) The term "property" means anything, except persons, capable of being transported by motor truck.

(c) The term "motor truck" means either (1) a straight truck, (2) a combination truck tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof, or (5) any other rubber-tired vehicle propelled or drawn by mechanical power when used in the transportation of property, other than a motor vehicle engaged primarily in the transportation of persons, but shall not include (i) any motor truck of 12,000 pounds or less gross vehicle weight, (ii) any low-bed motor truck, (iii) any motor truck the primary carrying capacity of which is occupied by mounted machinery, or (iv) any other motor truck the load bearing space of which is not suitable for the efficient and safe transportation of property of the kind covered by this order.

(d) The term "over-the-road service" means all operations of a motor truck except (1) those within an area which includes any municipality or urban community and a zone extending 25 air miles from the boundaries thereof, (2) those within and between contiguous municipalities or urban communities, and (3) those not more than 25 miles in length.

(e) The term "continental United States" means the forty-eight States and the District of Columbia.

SEC. 4. *Communications.* Communications concerning this order should refer to "General Order DTA 1" and should be addressed to the Defense Transport Administration, Washington 25, D. C.

This General Order DTA 1 shall become effective February 6, 1951, and shall remain in full force and effect until further order of the Defense Transport Administration.

Issued at Washington, D. C., this 6th day of February 1951.

JAMES K. KNUDSON,
Administrator,
Defense Transport Administration.

[F. R. Doc. 51–2010; Filed, Feb. 6, 1951; 10:40 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 865, Corr. Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of January A. D. 1951.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 16 F. R. 320), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars,* of Service Order 865 as amended, be and it is hereby suspended until 7:00 a. m., March 16, 1951, to the extent it applies on ore cars A. A. R. Mechanical Designation "HM", "HMA", and "HK" as described or listed in the official railroad equipment register I. C. C.–R. E. R. No. 298, or reissues thereof, issued by M. A. Zenobia, Agent, when such cars are used in transporting iron ore from origins in the States of Wisconsin, Michigan, and Minnesota.

It is further ordered, that this amendment shall become effective at 7:00 a. m., January 26, 1951, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–1878; Filed, Feb. 6, 1951; 8:49 a. m.]

[S. O. 873]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of February A. D. 1951.

Upon representations made by the Defense Transport Administration and;

It appearing, that there is a shortage in the supply of tank cars and that such shortage will be aggravated in the coming months by weather conditions and the needs of the Armed Forces and of the National Defense, and that by reason thereof there is an urgent need to regulate the use, control, supply, movement, distribution, exchange, interchange and return of such cars for the purpose of conserving the use thereof; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.873 *Control of tank cars*—(a) *Appointment of agent.* Richard H. Lamberton, Room 5109 ICC Building, phone: Republic 7500, ext. 5161, 5162, is hereby designated and appointed as Agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service and vested with authority to control the movement of tank cars and to carry out the Commission's directions as to tank car service.

(b) *Outline of duties.* When necessary he shall direct the distribution of all tank cars without regard to ownership or assignment, whether located on railroad or privately-owned tracks, so as to increase efficiency and economy in the use of such cars. As agent of the Commission, he is authorized and directed to supervise, coordinate, and direct the distribution of all tank cars to meet the needs of the various loading areas and with due regard to economy in their use and mileage. As Agent, acting on instructions of the Director of the Bureau of Service, he is hereby authorized and directed to require any common carrier by railroad subject to the Interstate Commerce Act, to deliver, accept or transport empty tank cars for the purpose of equalizing the supply of such empty tank cars on railroads serving points where products are loaded.

(c) *Regulations suspended, announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a. m., February 3, 1951.

(e) *Expiration date.* This order shall expire at 11:59 p. m., July 31, 1951, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51–1916; Filed, Feb. 6, 1951; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9715]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FREQUENCY ALLOCATIONS TO LAND STATIONS OPERATED BY NON-FEDERAL CONSERVATION AGENCIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration the amendment of Footnote U S 19 to § 2.104 (a) to permit land stations operated by non-Federal conservation agencies to operate as mobile relay stations on the frequency 171.475 Mc west of the Mississippi River and the frequency 172.275 Mc. east of the Mississippi River.

It appearing, that in accordance with the requirement of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making was duly published in the FEDERAL REGISTER; and

It further appearing, that no comments were received by the Commission.

It further appearing, that in view of the above, public interest, convenience and necessity would be served by the adoption of the amendments as proposed and authority therefor is contained in section 303 (c) and (r) of the Communications Act of 1934, as amended.

It is ordered, That effective March 1, 1951, Footnote U S 19 of § 2.104 (a) is amended to read as follows:

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc east of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire fighting agencies. In addition, land stations operated by non-Federal conservation agencies for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi River and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government stations.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 30, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–1899; Filed, Feb. 6, 1951; 8:52 a. m.]

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 4 since it was last recapitulated in the FEDERAL REGISTER (September 18, 1946, at page 10437) there follows a recapitulation of Part 4 as revised to and including the Commission's action of October 30, 1950 (15 F. R. 7482).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

GENERAL

Sec.
4.1 Broadcast services covered by this part.

ADMINISTRATIVE PROCEDURE

4.11 Applications.
4.12 Full disclosures.
4.13 Installation of apparatus.
4.14 Period of construction.
4.15 Forfeiture of construction permits; extension of time.
4.16 Equipment tests.
4.17 Service or program tests.
4.18 License period; renewal.
4.19 License, simultaneous modification and renewal.
4.20 Renewal of license.
4.21 Temporary extension of station licenses.
4.22 Repetitious applications.
4.23 Assignment or transfer of control.

SUBPART A—EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

4.101 Definitions.
4.102 Purpose.
4.103 Frequency assignment.

ADMINISTRATIVE PROCEDURE

4.111 Cross reference.
4.112 Supplementary statements to be filed with application for construction permit.
4.113 Supplementary reports to be filed with application for renewal of license.

LICENSING POLICIES

4.131 Licensing requirements, necessary showing.
4.132 Power limitations.
4.133 Emission authorized.
4.134 Multiple ownership.

EQUIPMENT

4.151 Equipment changes.

TECHNICAL OPERATION

4.161 Frequency tolerance.
4.162 Frequence monitors and measurements.
4.163 Time of operation.
4.164 Station inspection.
4.165 Station and operator licenses; posting of.
4.166 Operator requirements.
4.167 Inspection of tower lights and associated control equipment.
4.168 Additional orders.

OTHER RULES RELATING TO OPERATION

4.181 Station records.
4.182 Charges.
4.183 Station identification.
4.184 Rebroadcasts.

SUBPART B—EXPERIMENTAL FACSIMILE BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.201 Definition.
4.202 Frequency assignment.

ADMINISTRATIVE PROCEDURE

4.211 Cross Reference.
4.212 Supplementary statements to be filed with application for construction permit.
4.213 Supplementary report with renewal application.

LICENSING POLICIES

4.231 Licensing requirements, necessary showing.
4.232 Power limitations.
4.233 Emission authorized.
4.234 Multiple ownership.

EQUIPMENT

4.251 Equipment changes.

TECHNICAL OPERATION

4.261 Frequency tolerance.
4.262 Frequency monitors and measurements.
4.263 Time of operation.
4.264 Station inspection.
4.265 Station and operator licenses; posting of.
4.266 Operator requirements.
4.267 Inspection of tower lights and associated control equipment.
4.268 Additional orders.

OTHER RULES RELATING TO OPERATION

4.281 Station records.
4.282 Charges.
4.283 Station identification.
4.284 Rebroadcasts.

SUBPART C—DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

4.301 Definition.
4.302 Frequency assignment.

ADMINISTRATIVE PROCEDURE

4.311 Cross Reference.
4.312 Supplementary statements to be filed with application for construction permit.
4.313 Supplementary report with renewal application.

LICENSING POLICIES

4.331 Licensing requirements; necessary showing.
4.332 Power limitations.
4.333 Emission authorized.

EQUIPMENT

4.351 Equipment changes.

TECHNICAL OPERATION

4.361 Frequency tolerance.
4.362 Frequency monitors and measurements
4.363 Time of operation.
4.364 Station inspection.
4.365 Station and operator licenses; posting of.
4.366 Operator requirements.
4.367 Inspection of tower lights and associated control equipment.
4.368 Additional orders.

OTHER RULES RELATING TO OPERATION

4.381 Station records.
4.382 Program service; charges prohibited; announcements.
4.383 Station identification.
4.384 Rebroadcasts.

SUBPART D—REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

Sec.
4.401 Definitions.
4.402 Frequency assignment.
4.403 Frequency selection to avoid interference.

ADMINISTRATIVE PROCEDURE

4.411 Cross Reference.

LICENSING POLICIES

4.431 Purpose of remote pickup broadcast stations.
4.432 Licensing requirements.
4.433 Temporary authorizations.
4.434 Remote control operation.
4.435 Power limitations.
4.436 Emission authorized.

EQUIPMENT

4.451 Equipment changes.

TECHNICAL OPERATION

4.461 Frequency tolerance.
4.462 Frequency monitors and measurements.
4.463 Station inspection.
4.464 Station and operator licenses; posting of.
4.465 Operator requirements.
4.466 Inspection of tower lights and associated control equipment.
4.467 Additional orders.

OTHER RULES RELATING TO OPERATION

4.481 Station records.
4.482 Station identification.

SUBPART E—ST BROADCAST STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

4.501 Definitions.
4.502 Frequency assignment.
4.503 Frequency selection.

ADMINISTRATIVE PROCEDURE

4.511 Administrative procedure.

LICENSING POLICIES

4.531 Licensing requirements.
4.532 Service.
4.533 Remote control operation.
4.534 Power limitations.
4.535 Emission authorized.
4.536 Directional antenna required.

EQUIPMENT

4.551 Equipment changes.

TECHNICAL OPERATION

4.561 Frequency tolerance.
4.562 Frequency monitors and measurements.
4.563 Station inspection.
4.564 Station and operator license; posting of.
4.565 Operator requirements.
4.566 Inspection of tower lights and associated control equipment.
4.567 Additional orders.

OTHER RULES RELATING TO OPERATION

4.581 Station records.
4.582 Station identification.

SUBPART F—TELEVISION AUXILIARY BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

4.601 Definitions.
4.602 Frequency assignment.
4.603 Sound channels.
4.604 Frequency selection to avoid interference.

ADMINISTRATIVE PROCEDURE

4.621 Cross reference.
4.631 Purpose of television auxiliary stations.
4.632 Licensing requirements.
4.634 Remote control operation.
4.635 Unattended operation.
4.636 Power limitations.
4.637 Emission authorized.

EQUIPMENT

4.651 Equipment changes.

TECHNICAL OPERATION

4.661 Frequency tolerance.
4.662 Frequency monitors and measurements.
4.663 Station inspection.
4.664 Station and operator licenses; posting of.
4.665 Operator requirements.
4.666 Inspection of tower lights and associated control equipment.
4.667 Additional orders.
4.681 Station logs.

AUTHORITY: §§ 4.1 to 4.681 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

GENERAL

§ 4.1 *Broadcast services covered by this part.* The following broadcast services are covered by this part:

(a) Experimental and developmental broadcast:

(1) Experimental television broadcast (Subpart A).

(2) Experimental facsimile broadcast (Subpart B).

(3) Developmental broadcast (Subpart C).

(b) Auxiliary broadcast:

(1) Remote pickup broadcast (Subpart D).

(2) Broadcast STL (subpart E).

(3) Television pickup (Subpart F).

(4) Television STL (Subpart F).

(5) Television inter-city relay (Subpart F).

ADMINISTRATIVE PROCEDURE

§ 4.11. *Applications.* Each applicant for a construction permit for a new remote pickup, broadcast STL, experimental facsimile or developmental broadcast station, or change in facilities or modification of license of any such existing station shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits or other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Experimental television applications should be submitted in triplicate.

§ 4.12 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 4.13 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 4.14 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 4.15 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 4.16 *Equipment tests.* (a) During the process of construction of any class of radio station listed in this part, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) The authorization for tests embodied in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 4.17 *Service or program tests.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisons of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests: *Provided*, That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

§ 4.18 *License period: renewal.* (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

Class of station	Date of expiration
Experimental television broadcast station	Apr. 1
Experimental facsimile broadcast station	Mar. 1
Developmental broadcast station	May 1

(b) Licenses for stations in the Auxiliary Broadcast Services will be issued for a period running concurrently with the licenses of the broadcast station with which such auxiliary stations are used. A remote pickup broadcast station licensed for use with more than one broadcast station will be licensed for a period running concurrently with the license of the broadcast station having the longer license period.

§ 4.19 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as

if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally[1] in accordance with the regulations governing each class of station.

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 4.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new auxiliary or experimental broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor as assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 4.23 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an auxiliary or experimental broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

[1] The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

SUBPART A—EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.101 *Definitions.* The term "experimental television broadcast station" means a station licensed for experimental transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public.[1]

§ 4.102 *Purpose.* A license for an experimental television broadcast station will be issued for the purpose of carrying on research and experimentation for the advancement of television broadcasting which may include tests of equipment, training of personnel, and experimental programs as are necessary for the experimentation.

§ 4.103 *Frequency assignment.* (a) The following groups of channels are available for assignment to television broadcast stations licensed experimentally:

Channel No.	Group A (megacycles)	Group B (megacycles) [1]
1	44-50	480-500
2	54-60	500-520
3	60-66	520-540
4	66-72	540-560
5	76-82	560-580
6	82-88	580-600
7	174-180	600-620
8	180-186	620-640
9	186-192	640-660
10	192-198	660-680
11	198-204	680-700
12	204-210	700-720
13	210-216	720-740
		740-760
		760-780
		780-800
		800-820
		820-840
		840-860
		860-880
		880-900

[1] The channel divisions of this band are tentative and subject to change.

[1] Higher frequency channels for experimental television will be announced in the near future. In the meantime persons desiring to employ higher frequency channels should correspond with the Commission prior to the filing of an application.

(b) No experimental television broadcast station will be authorized to use more than one channel in group A except for good cause shown. Both aural and visual carrier waves with side bands for modulation are authorized but no emission shall result outside the authorized channel.

(c) Channels in group B may be assigned to experimental television stations to serve auxiliary purposes such as television relay or pickup stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

[1] The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast.

ADMINISTRATIVE PROCEDURE

§ 4.111 *Cross reference.* See §§ 4.11 through 4.23.

§ 4.112 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental television broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only.

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation.

(d) That any frequency which may be assigned is subject to change without advance notice or hearing.

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.113 *Supplementary reports to be filed with application for renewal of license.* (a) A report shall be filed with each application for renewal of experimental television broadcast station license which shall include a statement of each of the following:

(1) Number of hours operated.

(2) Full date on research and experimentation conducted including the type of transmitting and studio equipment used and their mode of operation.

(3) Data on expense of research and operation during the period covered.

(4) Power employed, field intensity measurements and visual and aural observations and the types of instruments and receivers utilized to determine the station service area and the efficiency of the respective types of transmissions.

(5) Estimated degree of public participation in reception and the results of observations as to the effectiveness of types of transmission.

(6) Conclusions, tentative and final.

(7) Program for further developments in television broadcasting.

(8) All developments and major changes in equipment.

(9) Any other pertinent developments.

(b) Special or progress reports shall be submitted from time to time as the Commission shall direct.

LICENSING POLICIES

§ 4.131 *Licensing requirements, necessary showing.* (a) An applicant for a new experimental television broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as the following:

(1) That the applicant has a definite program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the developments of the television art.

(2) That upon the authorization of the proposed station the applicant can and will proceed immediately with its program of research and experimentation.

(3) That the transmission of signals by radio is essential to the proposed program of research and experimentation.

(4) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental television broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

(c) A license for an experimental television broadcast station will be issued only on the condition that no objectionable interference will result from the transmissions of the station to the regular program transmissions of television broadcast stations. It shall at all times be the duty of the licensee of an experimental television broadcast station to ascertain that no interference will result from the transmissions of its station. With regard to interference with the transmissions of an experimental television broadcast station or the experimental or test transmissions of a television broadcast station, the licensees shall make arrangements for operations to avoid interference.

§ 4.132 *Power limitations.* Experimental television broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.133 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.134 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental television broadcast stations (other than television relay broadcast stations) unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

EQUIPMENT

§ 4.151 *Equipment changes.* The licensee of an experimental television broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

TECHNICAL OPERATION

§ 4.161 *Frequency tolerance.* The licensee of an experimental television broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency. The licensee of an experimental television broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.162 *Frequency monitors and measurements.* The licensee of an experimental television broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.163 *Time of operation.* (a) A licensee of an experimental television broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental television broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.164 *Station inspection.* The licensee of each experimental television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.165 *Station and operator licenses, posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile[2] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[2] operation, a verification card[4] is acceptable in lieu of the posting of such license.

§ 4.166 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of an experimental television broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.167 *Inspection of tower lights and associated control equipment.* The licensee of each experimental television broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not

[2] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[4] Form 758-F.

corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.168 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.181 *Station records.* (a) The license of each experimental television broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) In case of relay or pickup station, an entry giving points of program origination and receiver location shall be included.
(6) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.
(2) The time the daily visual observation of the tower lights was made.
(3) In the event of any observed failure of a tower light,
(i) Nature of such failure.
(ii) Time the failure was observed.
(iii) Time and nature of the adjustments, repairs or replacements made.
(iv) Airways Communications Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.
(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.
(4) Upon completion of the periodic inspection required at least each three months,
(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.
(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.182 *Charges.* No charges, either direct or indirect, shall be made by the licensee of an experimental television broadcast station for the production or transmission of either aural or visual programs transmitted by such station except that this section shall not apply to the transmission of commercial programs by an experimental television relay or pickup broadcast station for retransmission by a television broadcast station.

§ 4.183 *Station identification.* Each experimental television broadcast station shall make aural and visual announcements of its call letters and location at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.184 *Rebroadcasts.* (a) The terms "rebroadcast" means reception by radio of the program[3] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[4]

(b) No licensee of any experimental television broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[5]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART B—EXPERIMENTAL FACSIMILE BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.201 *Definition.* The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

§ 4.202 *Frequency assignment.* (a) The band of frequencies between 470 and 480 megacycles is allocated for assignment to facsimile broadcast stations which will be licensed experimentally only.

(b) Other broadcast experimental frequencies may be assigned for the operation of an experimental facsimile broadcast station provided a sufficient need therefor is shown and no interference will be caused to established radio stations.

(c) One frequency only will be assigned to an experimental facsimile station from the band listed in paragraph (a) of this section. More than one frequency may be assigned under the provisions of paragraph (b) of this section if a need therefor is shown.

(d) Each applicant shall specify the maximum modulating frequencies proposed to be employed.

ADMINISTRATIVE PROCEDURE

§ 4.211 *Cross Reference.* See §§ 4.11 through 4.23.

§ 4.212 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental facsimile broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only,
(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and
(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,
(d) That any frequency which may be assigned is subject to change without advance notice or hearing,
(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.213 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) Number of hours operated for transmission of facsimile programs.
(b) Comprehensive report of research and experimentation conducted.
(c) Conclusions and program for further developments of the facsimile broadcast service.
(d) All developments and major changes in equipment.
(e) Any other pertinent developments.

LICENSING POLICIES

§ 4.231 *Licensing requirements. necessary showing.* (a) An applicant for a construction permit for a new experimental facsimile broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the facsimile broadcast service.
(2) That sufficient facsimile recorders will be distributed to accomplish the experimental program proposed.
(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental facsimile broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.232 *Power limitations.* Experimental facsimile broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.233 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.234 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental facsimile broadcast stations unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

EQUIPMENT

§ 4.251 *Equipment changes.* The licensee of an experimental facsimile broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;
(b) That the emissions are not permitted outside the authorized band;
(c) That the power output complies with the license and the regulations governing the same, and
(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

TECHNICAL OPERATION

§ 4.261 *Frequency tolerance.* The licensee of an experimental facsimile broadcast station shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[1] However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.262 *Frequency monitors and measurements.* The licensee of an experimental facsimile broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.263 *Time of operation.* (a) A licensee of an experimental facsimile broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental facsimile broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.264 *Station inspection.* The licensee of each experimental facsimile broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.265 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a vertification card[2] is acceptable in lieu of the posting of such license.

§ 4.266 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental facsimile broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 4.267 *Inspection of tower lights and associated control equipment.* The licensee of each experimental facsimile broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.268 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.281 *Station records.* (a) The licensee of each experimental facsimile broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.
(2) The time the daily visual observation of the tower lights was made.
(3) In the event of any observed failure of a tower light,
(i) Nature of such failure.
(ii) Time the failure was observed.
(iii) Time and nature of the adjustments, repairs or replacements made.
(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.
(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.
(4) Upon completion of the periodic inspection required at least each three months.
(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.
(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.282 *Charges.* (a) A licensee of an experimental facsimile broadcast station shall not make any charge, directly or indirectly, for the transmission of programs.

(b) No licensee of any standard or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of some phase of its programs by an associated experimental facsimile broadcast station.

§ 4.283 *Station identification.* Each experimental facsimile broadcast station shall transmit visual information which will permit it to be identified at the be-

[3] As used in this section the word "program" includes any complete program or part thereof.
[4] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.
[5] Informal application may be employed.

[1] Tolerance may be plus or minus 0.05 percent on equipment installed prior to October 1, 1946, and until October 1, 1947, when all experimental facsimile broadcast stations shall maintain frequency within the prescribed tolerance.
[2] Form 738-F.

ginning and end of each period of operation, and during operation, at least once every hour.

§ 4.284 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [5] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[6]

(b) No licensee of any experimental facsimile broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[6]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART C—DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.301 *Definition.* The term "developmental broadcast station" means a station licensed experimentally to carry on development and research primarily in radiotelephony for the advancement of the broadcast services.

§ 4.302 *Frequency assignment.* (a) The following frequencies are allocated for assignment to developmental broadcast stations.[1] [2]

Kc.	*Mc.*	*Mc.*	*Mc.*
1614	30.66	35.46	72.18
2398	31.02	37.06	72.22
3492.5	31.14	37.14	156.525
4797.5	31.18	37.54	156.975
6425	31.54	39.14	157.425
9135	33.34	39.46	157.725
12862.5	33.46	39.54	158.175
17310	33.62	40.98	920–940
23100	35.06	*42.98	Above 30000

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the minimum degree or absence of interference to establish stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in paragraph (a) of this section, the Commission may authorize developmental broadcast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

ADMINISTRATIVE PROCEDURE

§ 4.311 *Cross reference.* See §§ 4.11 through 4.23.

§ 4.312 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any developmental broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only.

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(d) That any frequency which may be assigned is subject to change without advance notice or hearing,

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.313 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

(a) The number of hours operated.

(b) Comprehensive report on research and experiments conducted.

(c) Conclusions and program for further development of the broadcast service.

(d) All developments and major changes in equipment.

(e) Any other pertinent developments.

LICENSING POLICIES

§ 4.331 *Licensing requirements: necessary showing.* (a) An applicant for a construction permit for a new developmental broadcast station, change of facilities or modification of an existing license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which can best be carried on under the license requested.

(2) That the program of research has reasonable promise of substantial contribution to the development of broadcasting.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for a developmental broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.332 *Power limitations.* Developmental broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.333 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

EQUIPMENT

§ 4.351 *Equipment changes.* The licensee of a developmental broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed. This limitation shall not apply to developmental broadcast stations licensed to operate in connection with the development and testing of commercial broadcast equipment.

TECHNICAL OPERATION

§ 4.361 *Frequency tolerance.* The licensee of a developmental broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[4] The licensee of a developmental broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.362 *Frequency monitors and measurements.* The licensee of a developmental broadcast station shall provide the necessary means for determining

*Subject to interference from radiations emitted by scientific, medical, and industrial stations.

[1] Subject to change in accordance with Docket No. 6651.

[2] Also available for assignment to other stations in the experimental services except for the band 920–940 megacycles.

[3] As used in this section the word "program" includes any complete program or part thereof.

[4] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[5] Informal application may be employed.

[4] Tolerance may be 0.05 on equipment installed prior to October 1, 1946, and until October 1, 1947, when all developmental broadcast stations shall maintain frequency within the prescribed tolerances.

that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.363 *Time of operation.* (a) A licensee of a developmental broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation. However, licensees of developmental broadcast stations which are licensed to conduct special intermittent experiments, such as the development and testing of commercial broadcast equipment, are authorized to operate only when there is a need therefor.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for a developmental broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.364 *Station inspection.* The licensee of each developmental broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.365 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile [5] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile [5] operation, a verification card [6] is acceptable in lieu of the posting of such license.

§ 4.366 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any developmental broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.367 *Inspection of tower lights and associated control equipment.* The licensee of each developmental broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediatedly by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.368 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.381 *Station records.* (a) The licensee of each developmental broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) In case of relay or remote pickup station, an entry giving points of program origination and receiver location shall be included.

(6) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.382 *Program service: charges prohibited: announcements.* (a) A licensee of a developmental broadcast station shall broadcast programs only when they are necessary to the experiments being conducted. No regular program service shall be broadcast unless specifically authorized. If the license authorizes the carrying of programs, the developmental broadcast station may transmit the programs of a standard, or FM broadcast station or networks, provided, that during the broadcast a statement is made identifying the station or network originating the program (by giving the call letters of the station or name of the network) and announcing that the program is being broadcast in connection with the experimental operation of a developmental broadcast station.

(b) No licensee of any standard, or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of programs by a developmental broadcast station.

(c) The provisions of paragraphs (a) and (b) shall be applicable to rebroadcasts of the programs of a standard, or FM broadcast station or network by a developmental broadcast station.

§ 4.383 *Station identification.* Each developmental broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.384 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [7] of a radio station, and the simultaneous or subsequent retransmission of such programs by a broadcast station.[8]

(b) No licensee of any developmental broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[8]

[5] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[6] Form 758-F.

[7] As used in this section the word "program" includes any complete program or part thereof.

[8] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[9] Informal application may be employed.

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART D—REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.401 *Definitions.* (a) Remote pickup broadcast mobile station. A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(b) Remote pickup broadcast base station. A base station licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(c) The term "remote pickup broadcast station" as used in this part of the rules includes both of the above definitions.

§ 4.402 *Frequency assignment.* (a) The following groups of frequencies are allocated for assignment to remote pickup broadcast stations: [1]

(1)

Group A (*kilocycles*)	*Group B* (*kilocycles*)	*Group C* (*kilocycles*)
1622	1606	1646
2058	[2] 2074	2090
2150	2102	2190
2790	2758	2830

(2)

Group D (*megacycles*)	*Group E* (*megacycles*)	*Group F* (*megacycles*)
26.15	26.17	26.19
26.25	26.27	26.29
26.35	26.37	26.39

Group G (*megacycles*)	*Group H* (*megacycles*)
26.21	26.23
26.31	26.33
26.41	26.43

(3)

Group I (*megacycles*)	*Group J* (*megacycles*)
26.11	26.13
26.45	26.47

(4) *Group K (megacycles)*

[3] 152.87	[3] 153.05	[3] 153.23
[3] 152.93	[3] 153.11	[3] 153.29
[3] 152.99	[3] 153.17	[3] 153.35

(5)

Group L (*megacycles*)	*Group M* (*megacycles*)
[4] 166.25	[4] 170.15

Operation on the frequencies 166.25 Mc and 170.15 Mc is not authorized (i) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and radius equal to the airline distance between Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City, and; (iii) outside the continental United States.

(6) *Group N (megacycles)*

450.05	450.55	451.05	451.55
450.15	450.65	451.15	451.65
450.25	450.75	451.25	451.75
450.35	450.85	451.35	451.85
450.45	450.95	451.45	451.95

(b) For the purpose of assignment, frequencies allocated to remote pickup broadcast stations are divided into six allocation divisions designated as subparagraphs (1), (2), (3), (4), (5), and (6) of paragraph (a) of this section. Within each allocation division is one or more frequency groups identified by letter designation, i. e., A, B, and C in division (1); D, E, F, G, and H in division (2); I and J in division (3); K in division (4); L and M in division (5); and N in division (6). A license for a remote pickup broadcast station may authorize a frequency or frequencies in one or more allocation divisions depending upon the frequency range of the equipment employed.[5] While a licensee may have one or more remote pickup broadcast stations licensed for operation in the same area, such stations will be limited within each allocation division to the assignment of frequencies from a single group.

(c) Remote pickup broadcast stations will not be granted exclusive frequency assignments, and the same frequency or frequencies may be assigned to other licensees in the same area.

§ 4.403 *Frequency selection to avoid interference.* (a) Where two or more remote pickup broadcast stations are licensed for the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a) (3): (1) The transmission of program material for broadcast, (2) the transmission of orders immediately necessary thereto, and (3) other transmissions permitted under § 4.431 (a). On frequencies listed in § 4.402 (a) (3), transmissions permitted under § 4.431 shall have priority over transmissions permitted under § 4.432 (e).

ADMINISTRATIVE PROCEDURE

§ 4.411 *Cross reference.* See §§ 4.11 through 4.23.

LICENSING POLICIES

§ 4.431 *Purpose of remote pickup broadcast stations.* (a) The license of a remote pickup broadcast station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to an associated broadcast station,[6] to such other stations as are also broadcasting the same program material, or to the network with which the broadcast station is regularly affiliated. A license issued within the provision of § 4.432 (e) authorizes the additional communications therein provided. Remote pickup broadcast stations may be operated in conjunction with other broadcast stations not aforementioned, provided that the transmissions by the remote pickup broadcast station shall be under the control of the remote pickup broadcast station licensee, and that such operation shall not exceed a total of 10 days in any 30-day period.

(b) In the event of damage or impairment of the regular circuits of a broadcast station due to storms or other emergencies, remote pickup broadcast stations may be used to provide temporary emergency circuits for program transmission and cue purposes pending completion of repairs. However, remote pickup broadcast stations may not be used for such circuits on a regular basis.

(c) The license of a remote pickup broadcast station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast stations simultaneously. Remote pickup broadcast stations may be used to transmit orders and related communications from the program control point to the remote pickup point.

(d) Remote pickup broadcast stations licensed in Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States may be used for any auxiliary broadcast purpose including inter-city relay circuits which may be operated by the licensee for the purpose of maintaining studios at locations other than that of the main studio: *Provided, however,* That such stations shall not be used for transmissions intended to be received by the public directly.

[1] As heretofore provided, remote pickup broadcast stations currently licensed for operation on frequencies within the ranges 30–40 Mc and 156–162 Mc will be permitted to continue operations on such frequencies temporarily subject to the condition that no harmful interference is caused to stations operating in accordance with existing frequency-service allocations, in order to allow for conversion of existing remote pickup equipment. However, in no event shall such operation be continued after July 1, 1960. Frequencies below 25 Mc are subject to change in accordance with action resulting from the proceedings in Docket No. 6651.

[2] Subject to the condition that no interference is caused to Government stations on adjacent channels.

[3] Subject to the condition that harmful interference will not be caused to the Industrial Radio Services.

[4] Subject to the condition that harmful interference will not be caused to government stations present or future in the government band 162–174 Mc.

[5] Note requirement of § 4.462 (b).

[6] The term "associated broadcast station" as used herein means a broadcast station with which the remote pickup station is licensed as an auxiliary facility.

§ 4.432 *Licensing requirements.* (a) A license for a remote pickup broadcast station will be issued only to the licensee of a broadcast station. Remote pickup broadcast stations will be licensed to television broadcast stations upon an interim basis pending development of equipment capable of transmitting the aural and the visual portions of television programs within the bands of frequencies allocated for television pickup stations. A separate license is required for each remote pickup broadcast station. Each application for construction permit for a new remote pickup broadcast station or for a change in the facilities of an existing station shall be specific with regard to the frequency or frequencies requested.

(b) In case a licensee has two or more broadcast stations of different services (standard, FM, television, etc.) located in the same city, it shall, in applying for a new remote pickup broadcast station or for renewal of license of an existing station, designate each of the stations with which the remote pickup broadcast station is to be operated.

(c) In case a licensee has two or more broadcast stations located in different cities, it shall, in applying for a new remote pickup station or for renewal of license of an existing station, designate the broadcast station, or stations under the provisions of paragraph (b) of this section, in conjunction with which the remote pickup station is to be operated.

(d) A remote pickup broadcast station may be licensed for portable or mobile operation in accordance with § 4.401 (a), or for operation at a fixed location in accordance with § 4.401 (b). An application for a new remote pickup broadcast station or for modification of license of an existing station requesting portable or mobile operation shall specify the area in which the proposed station is intended to be employed.

(e) Remote pickup broadcast base stations will be licensed for the purpose of providing communications between the studio and the transmitter of broadcast stations which utilize an FM broadcast STL station for program transmission, provided that such operation shall not be conducted on frequencies other than those listed in § 4.402 (a) (3).

§ 4.433 *Temporary authorizations.* (a) Special temporary authority may be granted for operation, as a remote pickup broadcast station, of equipment already licensed to another class of station or equipment in use by a class of station which under the Communications Act of 1934 does not require a construction permit.

(b) An application for special temporary authority for the operation of a remote pickup broadcast station[7] shall be filed with the Commission at least 10 days previous to the date of operation. Any application received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. The application shall set forth full particulars of the purpose for which the request is made and shall show the licensee, call letters, and type of equipment of the station proposed to be used and specify the frequency or frequencies, time and date, location, transmitter power, and type emission proposed and the purpose of the operation requested.

(c) An application for special temporary authority to operate another class of station as a remote pickup broadcast station[7] shall specify a frequency or frequencies allocated in § 4.402: *Provided, however,* In case of events of national interest and importance which cannot be transmitted successfully on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations; *And provided further,* That no remote pickup operation will be authorized on frequencies employed in the emergency service or otherwise employed for the safety of life and property.

(d) An application for special temporary authority to operate equipment as a remote pickup broadcast station[7] filed by a person other than the licensee of such equipment shall contain a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed. An application for special temporary authority to operate another class of station as a remote pickup broadcast station filed by a person other than the licensee of a standard or FM broadcast station shall contain a statement to show which broadcast station or stations contemplate broadcast of the program proposed to be transmitted.

§ 4.434 *Remote-control operation.* Remote-control operation of remote pickup stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.435 *Power limitations.* Remote pickup broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.436 *Emission authorized.* (a) The license for a remote pickup broadcast station operating on frequencies below 25 Mc will normally authorize A3 emission and may in addition authorize A1 and A2 emission where a need therefor is shown. A license for a remote pickup broadcast station operating on frequencies above 25 Mc will authorize A3 or F3 emission, depending upon the equipment employed. Stations licensed to employ F3 emission shall limit the frequency swing [8] so that the bandwidth of emission will conform to the requirements of the channel widths authorized as follows:

(1) For stations operating on the frequencies 26.11 to 26.47 Mc, 20 kilocycles.

(2) For stations operating on the frequencies 152.87 to 153.35, 166.25 and 170.15 Mc, 60 kilocycles.

(3) For stations operating on the frequencies 450.05 to 451.95 Mc, 100 kilocycles.

(b) Any emissions outside the authorized channel shall be limited to such an extent as not to constitute a source of potential interference to other stations and in no event shall such emissions be in excess of minus 40 decibels as compared to the emissions within the authorized channel.

EQUIPMENT

§ 4.451 *Equipment changes.* The licensee of a remote pickup broadcast station may make any changes in the equipment that are deemed desirable or necessary: *Provided:*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

TECHNICAL OPERATION

§ 4.461 *Frequency tolerance.* The licensee of a remote pickup broadcast station shall maintain the operating frequency of its station in accordance with the following: [9]

Frequency range	Tolerance (percent)	
	Base station	Mobile station
1606 to 2830 kc:		
200 watts or less	0.01	0.02
Over 200 watts [1]	.005	.02
26.11 to 26.47 Mc:		
5 watts or less	.005	.02
Over 5 watts	.005	.005
152.87 to 153.35, 166.25, and 170.15 Mc:		
5 watts or less	.005	.01
Over 5 watts	.005	.005
450.05 to 451.95 Mc: All powers	.01	.01

[1] The listing of tolerance for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

[8] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

[9] Remote pickup broadcast stations now operating in the frequency range 30–40 Mc and on frequencies above 154 Mc will, during the period such operation continues pending frequency reassignment of these stations pursuant to the proceedings in Docket No. 6651, retain the frequency tolerance requirements of their present licenses.

[7] Informal application may be employed.

§ 4.462 *Frequency monitors and measurements.* (a) The licensee of a remote pickup broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

(b) Each frequency for which the remote pickup broadcast station is licensed shall be measured at least once during each calendar year.[10]

§ 4.463 *Station inspection.* The licensee of each remote pickup broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.464 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located: *Provided:*

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.434 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for portable-mobile [11] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile [11] operation, a verification card [12] is acceptable in lieu of the posting of such license: *Provided, further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.465 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus of any remote pickup broadcast station is located, except as provided in § 4.434, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.466 *Inspection of tower lights and associated control equipment.* The licensee of each remote pickup broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.467 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.481 *Station records.* (a) The licensee of each remote pickup broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) An entry giving points of program origination and receiver location.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.
(2) The time the daily visual observation of the tower lights was made.
(3) In the event of any observed failure of a tower light.
(i) Nature of such failure.
(ii) Time the failure was observed.
(iii) Time and nature of the adjustments, repairs or replacements made.
(iv) Airways Communications Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.
(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months.
(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.
(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.482 *Station identification.* Each remote pickup broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation; at least once every hour it shall either announce its call letters or make an announcement [13] which will permit it to be identified.

SUBPART E—BROADCAST STL STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 *Definitions.* (a) FM Broadcast STL Station: A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(b) Standard broadcast STL station: A fixed station utilizing telephony to transmit from a studio of a standard broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(c) The term "FM broadcasting station" as used in this part of the rules includes non-commercial educational FM broadcasting stations.

(d) The abbreviation "STL" is derived from "studio-transmitter link."

§ 4.502 *Frequency assignment.* (a) An FM broadcast STL station may be licensed on one of the following frequencies:

Mc	*Mc*	*Mc*	*Mc*
940.5	943.5	946.5	949.5
941.0	944.0	947.0	950.0
941.5	944.5	947.5	950.5
942.0	945.0	948.0	951.0
942.5	945.5	948.5	951.5
943.0	946.0	949.0	

(b) A standard broadcast STL station may be licensed on one of the following frequencies: [1]

Mc	*Mc*	*Mc*	*Mc*
925.5	929.5	933.0	936.5
926.0	930.0	933.5	937.0
926.5	930.5	934.0	937.5
927.0	931.0	934.5	938.0
927.5	931.5	935.0	938.5
928.0	932.0	935.5	939.0
928.5	932.5	936.0	939.5
929.0			

Stations operating in the band 925–940 Mc must accept any interference that may be experienced from the operation of industrial, scientific and medical equipment.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficient space in that area is available in the band 940–952 Mc.

§ 4.503 *Frequency selection.* (a) Each application for a new station or change in an existing station shall be specific with regard to frequency. In general, the lowest suitable frequency will be assigned which, on an engineering basis, will not cause harmful interference to other stations operating in accordance with existing frequency allocations.

(b) Where it appears that interference may result from the operation of a new station or a change in the facilities of an existing station, the Commission may require a showing that harmful interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the loss of service due to the interference.

ADMINISTRATIVE PROCEDURE

§ 4.511 *Administrative procedure.* See §§ 4.11 to 4.23, inclusive.

LICENSING POLICIES

§ 4.531 *Licensing requirements.* (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as an auxiliary to a particular standard broadcast station of that licensee.

(c) More than one FM broadcast STL or standard broadcast STL transmitter will be licensed for use with a single broadcast station only upon a specific and satisfactory showing that (1) more than one STL transmitter is required for the effective operation of a single STL circuit, due to terrain, distance of transmission, or similar circumstances; or (2) more than one STL circuit is needed for the purpose of connecting an additional studio with the transmitter and it is shown that the nature and extent of use of such additional STL circuit is such as to justify its authorization.

(d) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

§ 4.532 *Service.* (a) The license of an FM broadcast STL station or a standard broadcast STL station authorizes the relaying of programs from a studio to the transmitter of the broadcast station with which it is licensed, for simultaneous or delayed broadcast: *Provided, however,* That where the licensee of an FM broadcast STL station or a standard broadcast STL station is the licensee of an FM broadcast station and a standard broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying to be made to either or both such broadcast stations.

(b) Each FM broadcast STL station or standard broadcast STL station will be licensed for unlimited time operation.

(c) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.[2] Superfluous transmissions are not permitted.

§ 4.533 *Remote control operation.* Remote control operation of broadcast STL stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.534 *Power limitations.* Broadcast STL stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.535 *Emission authorized.* (a) Broadcast STL stations normally will be authorized to employ frequency modulation only.

(b) The maximum frequency swing [3] employed shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each Broadcast STL station is required to employ a directional antenna. Considering one kilowatt of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 435 mv/m in the main lobe of radiation toward the receiver and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the receiver. Where more than one antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the foregoing requirement.

EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of a broadcast STL station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

TECHNICAL OPERATION

§ 4.561 *Frequency tolerance.* The licensee of each broadcast STL station shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of a broadcast STL station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.563 *Station inspection.* The licensee of each broadcast STL station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 *Station and operator license; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible, in a conspicuous place in the room in which the transmitter is located: *Provided,* That if the transmitter operator is located at a distance from the transmitter pursuant to § 4.533 the station license shall be posted in the above-described manner at the operating position.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

[10] Remote pickup broadcast stations licensed for frequencies that are subject to change in accordance with the proceedings in Docket No. 6651 are required to measure only those frequencies on which they are equipped to operate.

[11] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[12] Form 758–F.

[13] Such as announcement during program operation of the call letters of the broadcast station with which the remote pickup broadcast station is regularly affiliated.

[1] Shared with other services. See § 2.104 (a) of this chapter.

[2] If the STL transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

[3] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

§ 4.565 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus is located, except as provided in § 4.533, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the broadcast transmitter.

§ 4.566 *Inspection of tower lights and associated control equipment.* The licensee of each broadcast STL station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended.

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.567 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.581 *Station records.* (a) The licensee of each broadcast STL station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months.

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.582 *Station identification.* Each broadcast STL station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either announce its call letters or make an announcement[4] which will permit it to be identified.

SUBPART F—TELEVISION AUXILIARY BROADCAST STATIONS

The following rules govern television auxiliary broadcast stations operated by a television broadcast station licensee. The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.601 *Definitions.* (a) Television pickup station: A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

(b) Television STL station (studio-transmitter link): A fixed station used for the transmission of television program material and related communications from the studio to the transmitter of a television broadcast station.

(c) Television inter-city relay station: A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

(d) Wherever used in this subpart the term "television broadcast station licensee" includes a television broadcast station permittee.

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated for assignment to television pick-up stations, television STL stations, or television inter-city relay stations:

Group	2,000 megacycle band (Mc.)	7,000 megacycle band (Mc.)	13,000 megacycle band (Mc.)
A	1990–2008	6925–6950	13025–13075
B	2008–2025	6950–6975	13075–13125
C	2025–2042	6975–7000	13125–13175
D	2042–2059	7000–7025	13175–13225
E	2059–2076	7025–7050	13225–13275
F	2076–2093	6875–6900	13150–13175
G	2093–2110	6900–6925	13175–13200

(b) A licensee will be limited to the assignment of only one frequency in each of the bands shown above for use in a particular area, and apportioned in the manner shown below: *Provided however,* That where there are less than seven television broadcast stations allocated to a city the unapportioned frequencies in the above bands may be assigned to any television broadcast station licensee in that area for television pickup or television inter-city relay purposes only.

Broadcast channel assignment:	Group
2	A
3 or 4	B
5 or 6	C
7 or 8	D
9 or 10	E
11 or 12	F
13	G

In the event that a television broadcast station licensee engages a communications common carrier to provide a pickup or STL service, the frequencies available to that licensee under the above apportionment may be assigned to the communications common carrier for the purpose of providing such service to that licensee.

(c) The following frequencies are allocated for assignment to television pickup stations, television STL stations, or television inter-city relay stations on an unapportioned basis:[5]

12875–12900 Mc	12950–12975 Mc
12900–12925 Mc	12975–13000 Mc
12925–12950 Mc	13000–13025 Mc

(d) The frequencies listed in this section are allocated primarily for television pickup and STL purposes. Television inter-city relay use of these frequencies shall be on a secondary basis subject to the condition that no harmful interference is caused to television STL and television pickup stations.

§ 4.603 *Sound channels.* (a) All of the frequencies listed in § 4.602 may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs either by means of multiplexing or by use of a separate sound transmitter within the same channel.

(b) The following additional frequencies are allocated for assignment to television STL stations and television inter-city relay stations for the transmission of the sound portion only of television program material or communications relating thereto:[5]

Mc	*Mc*	*Mc*	*Mc*	*Mc*
890.5	895.0	899.0	903.0	907.0
891.0	895.5	899.5	903.5	907.5
891.5	896.0	900.0	904.0	908.0
892.0	896.5	900.5	904.5	908.5
892.5	897.0	901.0	905.0	909.0
893.0	897.5	901.5	905.5	909.5
893.5	898.0	902.0	906.0	910.0
894.0	893.5	902.5	906.5	910.5
894.5				

Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment in the 890–940 Mc band.

§ 4.604 *Frequency selection to avoid interference.* Where two or more television pickup stations are licensed for the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

ADMINISTRATIVE PROCEDURE

§ 4.621 *Cross reference.* See §§ 4.11 through 4.23.

§ 4.631 *Purpose of television auxiliary stations.* (a) The license of a television pickup station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to its associated television broadcast station,[6] to such other stations as are also broadcasting the same program material, or to the network or networks with which the television broadcast station is affiliated. Television pickup stations may be operated in conjunction with other television broadcast stations not aforementioned: *Provided,* That the transmissions by the television pickup station shall be under the control of the television pickup station licensee and that such operation shall not exceed a total of 10 days in any 30-day period. Television pickup stations licensed to broadcast licensees may not be used in lieu of common carrier fixed inter-city video transmission facilities where adequate common carrier fixed inter-city video facilities are available for use by such broadcast licensees.

(b) The license of a television STL station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, from the studio or studios of the associated television broadcast station to the transmitter of that station. A television STL station may be authorized to operate in the direction from the transmitter to the studio upon a showing that such operation is necessary and that it may be effected without the assignment of frequencies in addition to those available for assignment to the applicant under the rules in this part.

(c) Television inter-city relay stations provide a means on an interim basis whereby television broadcast licensees may provide their own inter-city television transmission services in connection with the operation of their television broadcast stations. The provision for this service is a purely temporary measure designed to assist the television industry until such time as adequate common carrier facilities are available, and broadcasters who venture into the business of relaying television programs by means of television inter-city relay stations should plan to amortize their investments at the earliest possible date.

§ 4.632 *Licensing requirements.* (a) A license for a television pickup station, television STL station, or television intercity relay station will be issued only to the licensee of a television broadcast station.[7] A separate license is required for each station and the application therefor shall be specific with regard to the frequency or frequencies requested.

(b) An application for construction permit for a new television inter-city relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the inter-city television transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received from such common carriers.

(c) An application for construction permit for a new television pickup station or for renewal of license of an existing station shall designate the television broadcast station with which it is to be operated and specify the area in which the proposed operation is intended.

(d) In case a licensee has two or more television broadcast stations located in different cities, it shall, in applying for a new television pickup station or for renewal of license of an existing station, designate the television broadcasting station in conjunction with which it is to be operated principally, and it shall not thereafter operate the television pickup station in conjunction with another of its television broadcast stations located in a different city for a total of more than 10 days in any 30-day period.

(e) More than one television STL transmitter will be licensed for use with a single television broadcast station only upon a specific and satisfactory showing that (1) more than one STL transmitter is required for the effective operation of a single STL circuit, due to terrain, distance of transmission, or similar circumstances; or (2) more than one STL circuit is needed for the purpose of connecting an additional studio with the transmitter and it is shown that the nature and extent of use of such additional STL circuit is such as to justify its authorization.

§ 4.634 *Remote control operation.* (a) A television auxiliary station may be operated by remote control provided that such operation is conducted in accordance with the conditions listed below, and provided further that the Commission is notified at least 10 days prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which a licensed operator, meeting the requirements of § 4.655 and responsible for the operation of the transmitter, is stationed.

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to turn the transmitter carrier on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than duly authorized personnel.

(b) The Commission may notify the licensee not to commence remote control operation, or to cancel, suspend, or change the date of beginning for such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.635 *Unattended operation.* (a) Television inter-city relay stations and television STL stations, where the circuit requires the use of more than one STL transmitter, may be operated unattended: *Provided,* That such operation is conducted in accordance with the conditions listed below: *And provided further,* That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of retransmitting by self-actuating means

[4] Such as announcement during program operation of the call letters of the broadcast station with which the broadcast STL station is operated.

[5] Shared with communications common carriers providing pickup and STL service to television broadcast station licensees.

[6] Shared with other services. See § 2.104 (a) of this chapter.

[7] Remote pickup broadcast stations may be used on an interim basis by television broadcast station licensees for the separate transmission of the sound channel to accompany the video transmissions of television pickup stations. See §§ 4.402 and 4.432 (a).

[8] As used in this subpart, "associated television broadcast station" means a television broadcast station licensed to the licensee of the television auxiliary broadcast station and with which the television auxiliary station is licensed as an auxiliary facility.

[9] The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

a radio signal received from another radio station or stations;

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operation, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a licensed operator as provided in § 4.665.

(b) The Commission may notify the licensee not to commence unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.636 *Power limitations.* Television auxiliary broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 10 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.637 *Emission authorized.* A license for a television auxiliary broadcast station operating above 1990 megacycles will normally authorize any type of emission for the video signal and accompanying sound within the assigned channel. A license for a television auxiliary broadcast station operating in the 890.5 to 910.5 mc band will authorize A3 or F3 emission, depending on the equipment employed. Such stations licensed to employ F3 emission shall limit the frequency swing[4] so that the bandwidth of emission will conform to the requirements of the channel widths of 500 kilocycles.

EQUIPMENT

§ 4.651 *Equipment changes.* The licensee of a television auxiliary broadcast station may make any changes in the equipment that are deemed desirable or necessary; *Provided:*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized channel;

(c) That the power output complies with the license and the regulations governing the same.

(d) That the antenna location, maximum antenna height above ground or direction of the main lobe of radiation of the transmitting antenna of a television STL or television inter-city relay station is not changed.

TECHNICAL OPERATION

§ 4.661 *Frequency tolerance.* The licensee of a television auxiliary broadcast station shall maintain the operating frequency of its station so that the normal sideband energy shall fall within the assigned channel. If transmission is by asymmetrical sideband operation, suitable filters or other devices shall be employed to insure a minimum of radiated energy outside the assigned channel.

§ 4.662 *Frequency monitors and measurements.* The licensee of a television auxiliary broadcast station shall provide means for measuring the operating frequency in order to insure that the emissions are confined to the authorized channel. The date and time of each frequency check, the frequency as measured and a description or identification of the method employed shall be entered in the station log.

§ 4.663 *Station inspection.* The licensee of each television auxiliary broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.664 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located; *Provided:*

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.634 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operators on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a duly issued verified statement[5] may be posted at the television auxiliary broadcast station in lieu of such original license: *And provided further,* That if the television auxiliary broadcast station is licensed for mobile[6] operation, a duly issued verification card[7] attesting to the existence of such original license may be carried on the person of the operator in lieu of the posting of such license or verified statement.

§ 4.665 *Operator requirements.* (a) One or more radio operators holding valid radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any television auxiliary broadcast station is located and in actual charge of its operation: *Provided, however,* That if a station is operated by remote control as provided in § 4.634 of this part, such operator or operators must be on duty at the control point in lieu of the transmitting location: *And provided further,* That, in case a station is operated unattended as provided in § 4.635 of these rules such an operator shall be on duty at the receiving end of the circuit and shall be responsible for the required observations and the proper operation of the station within the terms of its license.

(b) The licensed operator on duty and in charge of a television auxiliary broadcast station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operators license which he holds and the regulations governing such stations; however, such duties shall in nowise interfere with the operation of the television auxiliary broadcast station.

§ 4.666 *Inspection of tower lights and associated control equipment.* The licensee of each television auxiliary broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.667 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

[4] The term "frequency swing" means the instantaneous departure of the emitted wave from the carrier or normal operating frequency, resulting from modulation.

[5] Form 759.

[6] The term mobile as here used is intended to include any type of mobile operation.

[7] Form 753-F.

§ 4.681 *Station logs.* (a) The licensee of each television auxiliary broadcast station shall maintain adequate records of the operation including:

(1) Hours of operation.

(2) Call letters of broadcast station to which program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(b) Where an antenna supporting structure(s) is required to be illuminated, the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off, if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communications Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communications Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

[F. R. Doc. 51-1901; Filed, Feb. 6, 1951; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

MISCELLANEOUS AMENDMENTS

In Part 150, Procedures of the Post Office Department (39 CFR Part 150; 15 F. R. 4681) make the following changes:

1. Amend the caption of Subpart C to read: "Procedures Before Assistant Postmaster General in Charge of Transportation".

2. Rescind §§ 150.1002, 150.1003, 150.1113, 150.1302, 150.1306, 150.1401, and 150.1402.

3. Insert a new section, designated § 150.910 to read as follows:

§ 150.910 *Fines and deductions.* Railroad and electric car companies, mail messengers, power boat contractors in the United States, Alaska, Puerto Rico, and Hawaiian service, star route contractors and carriers, air carriers on certificated and star routes in the United States, its territories and possessions, steamship companies and air carriers conveying mails within the United States, between the United States or its territories or possessions and any foreign country, between the United States and its possessions or its naval or military forces abroad, or between any such possession or naval or military forces and any other such possession or naval or military forces.

(a) *Fines: Notice of irregularity; answer; assessment of fine.* Carriers or contractors, against whom evidence is found or reported of irregularities involving unreasonable or unnecessary delays, loss, or damage to the mails, careless handling, rough switching of mail cars, unsatisfactory condition of postal cars, violation of sections 405 (d) or 901 (a) of the Civil Aeronautics Act of 1938, or other delinquencies, are given notice of the facts briefly in writing by an official representative of the Postal Service. They are given an opportunity to answer the charges or give reason for the irregularity, or to acknowledge the delinquency. If this exchange is conducted in the field service, the facts are briefed and the papers are forwarded to the Bureau of Transportation. The carrier or contractor may be charged directly by the Bureau of Transportation, and replies directly thereto. In either case, the papers are carefully examined in the Bureau of Transportation to determine the responsibility of the carrier or contractor involved. The amount of the fine, if any, is then decided upon and imposed by authority of the Postmaster General. The only exception concerns overland and airplane star route and powerboat contractors in the United States and its territories and possessions. In their case, the fine is usually imposed in the Bureau of Transportation by authority of the Postmaster General without previous notice to the contractor or carrier. These contractors receive only written notice of fines assessed and reasons therefor.

NOTE: Postal Transportation Service field officials use Forms 5178 and 5179 (for surface carriers) and Form 2744 (for air carriers) on which to make briefs of the facts.

(b) *Deductions: Notice of irregularities; deduction.* Evidence against contractors or carriers of failure to perform service according to contract is forwarded by the field service to the Bureau of Transportation. There, after careful examination, the amount of the deduction, if any, is decided upon and imposed, by authority of the Postmaster General.

(c) *Damage or loss of mails; responsibility of carrier.* Damage cases are investigated in the same manner as a fine case. (See paragraph (a) of this section.) Where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise as a result of the damage to or loss of mails, such loss is usually taken into consideration when determining the amount of the fine.

(d) *Appeal.* When a fine or deduction is imposed, the carrier involved is mailed an advice on proper forms stating the facts and amount of fine. The carrier may protest the imposition of the fine or deduction, but must file his protest with supporting evidence in the office of the Assistant Postmaster General in charge of Transportation within six months from the date of notice of the fine. The case is then reviewed by the Assistant Postmaster General in charge of Transportation and his decision is final.

(R. S. 161, 396, 3962, 4010, sec. 5, 39 Stat. 428, 431, secs. 304, 309, 42 Stat. 24, 25, 44 Stat. 499, 46 Stat. 1049, 48 Stat. 952, secs. 405, 406, 901, 52 Stat. 994, 998, 1015; 5 U. S. C. 22, 369, 39 U. S. C. 443, 563, 567, 568, 655, 49 U. S. C. 485, 486, 621)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-1861; Filed, Feb. 6, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR, Parts 46, 161-165]

ALASKA WILDLIFE PROTECTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239), notice is hereby given:

(a) That under authority contained in section 9 of the Alaska Game Law (57 Stat. 306; 48 U. S. C. 198) the Secretary of the Interior intends to adopt amendments to the Alaska Game Regulations affecting seasons, bag limits, and closure of areas necessary to insure proper conservation and utilization of the wildlife resources of Alaska. In addition, some provisions relating primarily to the administration of the Alaska Game Law may be amended in minor respects for the purpose of clarifying the application of the regulations and to facilitate the administration of the Alaska Game Law.

(b) That under authority of section 8 and subdivision M of section 10 of the Alaska Game Law of July 1, 1943 (57 Stat. 301, 310) as amended, the Alaska Game Commission intends to consider the advisability of amending the regulations of the Alaska Game Commission respecting poisons, licenses, the qualification of guides, and the establishment of fur management areas.

The regulations referred to in paragraphs (a) and (b) above are to be effective beginning July 1, 1951.

Interested persons are hereby notified that at a hearing of the Alaska Game Commission to be held in Juneau, Alaska, on February 12, 1951, the said propbsed regulations will be considered, and any such person may present his views, data or arguments with respect thereto. Such interested persons are also hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C. To assure full consideration of such communications, they must be received in the Fish and Wildlife Service not later than March 15, 1951.

Dated: January 31, 1951.

DALE E. DOTY,
Assistant Secretary of the Interior.

[F. R. Doc. 51-1860; Filed, Feb. 6, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 13]

[Docket No. 9892]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 13.61 of Part 13 of the Commission's rules governing Commercial Radio Operators defining the operating authority of holders of the Restricted radiotelephone operator permit and the Aircraft radiotelephone operator authorization.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Proposed amendments to § 13.61 of Part 13 of the Commission's rules are set forth below. The Commission's Restricted radiotelephone operator permit and its Aircraft radiotelephone operator authorization are both issued upon "declaration" by eligible applicants, without examination. Because of this method of issuance, both of these classes of licenses correspond to the lower grade of Restricted radiotelephone operator's certificate provided for in the international radio regulations in force, in particular Article 24, Section 14, paragraph (2) of the Radio Regulations annexed to the International Telecommunications Convention of Atlantic City, 1947. Under Article 24 of these Radio Regulations, these two classes of Commission operator licenses are not valid for the operation of ship and aircraft radiotelephone stations of which the power in the antenna of the unmodulated carrier exceeds 50 watts. These proposed amendments are designed to bring the provisions of the Commission's rules, which define the scope of operating authority of holders of these licenses, into line with the Atlantic City Regulations by placing the same 50 watt power limitation therein.

3. These proposed rules are issued under authority of sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth below, may file with the Commission on or before March 2, 1951 a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Released: January 30, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 13.61 (g) of the rules governing Commercial Radio Operators is proposed to be amended to read as follows:

(g) *Restricted radiotelephone operator permit.* Any station except—

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(4) Coastal telephone stations or coastal harbor stations other than in the territory of Alaska, or

(5) Ship stations licensed to use telephony for communication with coastal telephone stations, or

(6) [25] At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes, or

(7) Ship stations or aircraft stations other than those used solely for telephony, or

(8) [25a] Ship stations or aircraft stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 50 watts;

Provided, That, with respect to any station which the holder of this class of license may operate, (i) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (ii) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (iii) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

2. Section 13.61 of the rules governing Commercial Radio Operators is proposed to be amended by adding a new paragraph (h) as follows:

(h) [25b] *Aircraft radiotelephone operator authorization.* Aircraft stations at which the installation is used solely for telephony and the power in the antenna of the unmodulated carrier wave is not authorized to exceed 50 watts: *Provided*, That, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 51-1900; Filed, Feb. 6, 1951; 8:52 a. m.]

[25] Effective January 2, 1951.

[25a] Fifty watt limitation is applicable to all Restricted radiotelephone operator permits issued on or after May 1, 1951.

[25b] Fifty watt limitation is applicable to all aircraft radiotelephone operator authorizations issued on or after May 1, 1951.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 54257]

COLORADO

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY AND PATENTING

JANUARY 30, 1951.

Under authority of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. 154), and the regulations thereunder contained in 43 CFR 185.36, and pursuant to section 2.22 of Order No. 2583 of August 16, 1950, of the Secretary of the Interior (15 F. R. 5645), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a. m. on the thirty-fifth day after the date of this order, be open to location, entry and patenting under the United States mining laws:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 77 W.,
Sec. 19, lots 2 and 5.
T. 5 S., R. 78 W.,
Sec. 24, lot 1, SE¼NE¼.

The area described aggregates 95.37 acres.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-1911; Filed, Feb. 6, 1951; 8:54 a. m.]

[1527217]

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

JANUARY 30, 1951.

Notice is given that the plats of original survey of the following described lands, accepted July 11, 1947, will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 14 N., R. 28 E.,
All of secs. 1, 2, 11, 12, 13, 24,
Sec. 14, N½, SE¼,
Sec. 23, E½,
Sec. 25, N½, SE¼.
T. 14 N., R. 29 E.,
All of secs. 1 to 36, inclusive.
T. 15 N., R. 29 E.,
All of secs. 1 to 36, inclusive.

The area described, including both public and non-public lands, aggregates 50,729.18 acres.

Available data indicates that the lands are desert in character.

All of secs. 1, 2, 11, 12, 13, 24, N½, SE¼ sec. 14, E½ sec. 23, N½, SE¼ sec. 25, T. 14 N., R. 28 E., secs. 1 to 36, inclusive, T. 14 N., R. 29 E., and all of secs. 25 to 36, inclusive, T. 15 N., R. 29 E., were added by order of the Secretary of the Interior, dated September 25, 1936, to the Walker River Indian Reservation. The minerals in these lands were reserved to the United States and made "subject to all forms of mineral entry or claim under the public land mining laws." On October 19, 1948, permission was granted to the Department of Navy to use all of secs. 13, 14, 15, 22, 23, 24, T. 15 N., R. 29 E., for a target area.

No applications for any of these lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring of water in the NW¼SW¼ sec. 12, T. 14 N., R. 29 E., M. D. M.

The legal subdivision containing a spring and the lands within a quarter of a mile of such spring may be affected by the general withdrawal made by Executive Order of April 17, 1926 (43 CFR 292.1) creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Reno, Nevada.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-1912; Filed, Feb. 6, 1951; 8:54 a. m.]

NEVADA

CORRECTED CLASSIFICATION ORDER

JANUARY 25, 1951.

Nevada Small Tract Classification Order No. 64, dated December 22, 1950, published in 16 F. R. 359, is corrected, as follows:

Paragraph 9 is changed to read:

Leases will be for a period of five years at an annual rental of $5.00 for homesites and $20.00 for business sites, payable for the entire lease period in advance of the issuance of the lease.

Paragraph 10: Delete that portion starting on line 7 with the words, "The rights-of-way may," through the remainder of the paragraph.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-1913; Filed, Feb. 6, 1951; 8:54 a. m.]

CALIFORNIA

AMENDED CLASSIFICATION ORDER

JANUARY 12, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938, (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing—

AMENDED CALIFORNIA SMALL TRACT CLASSIFICATION NO. 203

For lease and sale for homesites only:

T. 1 N., R. 8 E., S. B. M.
Section 30, Tracts numbered 3, 4, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 (formerly part of the N½).
Section 31, Tracts numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 26, 27, 28, 29, 40, 41, 61, 62, 64, 66 (formerly part of the S½).

The land is situated about 9 miles west of the Town of Twentynine Palms, California, and is within a mile of the main highway leading from Los Angeles, California, to that town. The land is desert in character and is in an area that is used extensively for health and recreation. All of the usual facilities and community services are obtainable at the Town of Twentynine Palms.

2. As to applications regularly filed prior to 9:00 a. m., December 27, 1950, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 16, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 16, 1951, to close of business on June 14, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., December 27, 1950, to 10:00 a. m., March 16, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 15, 1951.

(a) Advance period for simultaneous non-preference filings from 9:00 a. m., December 27, 1950, to 10:00 a. m., June 15, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by an agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-1914; Filed, Feb. 6, 1951; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF CERTAIN AREAS IN WHICH MINERAL INTERESTS ARE TO BE SOLD AT THEIR FAIR MARKET VALUE

The counties listed alphabetically by States in Exhibit A, attached hereto, are hereby designated as areas in which mineral interests covered by Public Law 760, 81st Congress (64 Stat. 769), are to be sold for their fair market value by the Farmers Home Administration and the Federal Farm Mortgage Corporation under delegations of authority dated October 16, 1950 (15 F. R. 6997, 6998).

Other counties in which mineral interests covered by the act are located will be designated as areas in which minerals are to be sold at fair market value, or as areas in which the mineral interests covered by a single application may be purchased for a consideration of $1.00, as soon as the necessary information can be obtained as a basis for making the appropriate area designations.

(Sec. 3, 64 Stat. 769)

Done at Washington, D. C., this 30th day of January 1951.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

EXHIBIT A—*Areas in Which Mineral Interests Are To Be Sold at Their Fair Market Value (P. L. 760, 81st Cong.)*

Alabama. Baldwin, Barbour, Bibb, Blount, Butler, Calhoun, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Etowah, Fayette, Franklin, Geneva, Greene, Houston, Jackson, Jefferson, Lamar, Limestone, Macon, Marengo, Marion, Mobile, Monroe, Montgomery, Pickens, St. Clair, Shelby, Sumter, Talladega, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arizona. Cochise, Maricopa, Pima, Pinal, Yuma.

Arkansas. Arkansas, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Cleburne, Cleveland, Conway, Crawford, Crittenden, Drew, Faulkner, Franklin, Grant, Hempstead, Johnson, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Marion, Miller, Monroe, Nevada, Newton, Ouachita, Pike, Poinsett, Pope, Prairie, Pulaski, Saline, Scott, Searcy, Sebastian, Van Buren, Washington, White.

California. Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Imperial, Kings, Lassen, Los Angeles, Madera, Mariposa, Mendocino, Merced, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Joaquin, San Luis Obispo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yolo, Yuba.

Colorado. Adams, Alamosa, Bent, Chaffee, Cheyenne, Crowley, Custer, Delta, Elbert, El Paso, Fremont, Garfield, Huerfano, Kiowa, Kit Carson, Larimer, La Plata, Las Animas, Lincoln, Logan, Mesa, Moffat, Montezuma, Montrose, Morgan, Ouray, Phillips, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, Teller, Washington, Weld, Sedgwick, Yuma.

Florida. Columbia, Jefferson, Leon, Madison, Santa Rosa.

Georgia. Barrow, Bleckley, Bulloch, Burke, Butts, Candler, Carroll, Chattooga, Coweta, Dodge, Dougherty, Fulton, Green, Gwinnett, Harris, Henry, Irwin, Jackson, Jefferson, Jenkins, Johnson, Laurens, Lee, Lowndes, Macon, Meriwether, Miller, Mitchell, Morgan, Oconee, Peach, Pike, Pulaski, Putnam, Randolph, Screven, Seminole, Spalding, Stewart, Sumter, Taliaferro, Terrell, Tift, Troup, Turner, Ware, Warren, Wilkes, Worth.

Idaho. Bonneville, Boundry, Payette.

Illinois. Adams, Alexander, Bond, Brown, Bureau, Calhoun, Christian, Coles, Edgar, Fayette, Fulton, Greene, Hamilton, Hancock, Iroquois, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Lake, La Salle, McDonough, McHenry, Macon, Macoupin, Madison, Marshall, Massac, Monroe, Montgomery, Morgan, Peoria, Pike, Pope, Pulaski, Randolph, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, White, Whiteside, Will.

Indiana. Benton, Crawford, Daviess, Decatur, Dubois, Fountain, Gibson, Greene, Jasper, Knox, Lawrence, Martin, Perry, Pike, Posey, Ripley, Shelby, Spencer, Sullivan, Warrick.

Iowa. Adams, Fremont, Lucas, Madison, Mills, Montgomery, Pottawattamie.

Kansas. Allen, Anderson, Atchison, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Franklin, Geary, Gove, Graham, Grant, Gray, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jackson, Jefferson, Jewell, Johnson, Kearney, Kingman, Kiowa, Labette, Lane, Leavenworth, Linn, Logan, Lyon, Marion, Marshall, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Phillips, Pottawatomie, Ralins, Reno, Republic, Riley, Rice, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Shawnee, Sheridan, Smith, Stanton, Stevens, Thomas, Trego, Wabaunsee, Wallace, Washington, Wilson, Woodson, Wyandotte.

Kentucky. Allen, Breckenridge, Butler, Caldwell, Christian, Daviess, Edmonson, Grayson, Hopkins, Laurel, Logan, McLean, Muhlenberg, Ohio, Pike, Todd, Trigg, Union, Warren, Webster.

Louisiana. Avoyelles, Bienville, Bossier, Caldwell, Claiborne, Concordia, De Sota, East Carroll, Franklin, Jackson, Madison, Morehouse, Natchitoches, Rapides, Red River, Richland, Sabine, St. Landry, Tensas, Terrebonne, West Carroll.

Maine. Androscoggin, Cumberland, Franklin, Hancock, Kennebec, Lincoln, Penobscot, Piscataquis, Waldo.

Maryland. Garrett.

Michigan. Allegan, Antrim, Baraga, Barry, Bay, Berrien, Calhoun, Cass, Charlevoix, Chippewa, Clinton, Delta, Dickinson, Emmet, Genesee, Gogebic, Grand Traverse, Houghton, Huron, Ionia, Iron, Isabella, Kalamazoo, Kalkaska, Kent, Lapeer, Livingston, Manistee, Marquette, Mason, Mecosta, Missaukee, Monroe, Montcalm, Muskegon, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Otsego, Ottawa, Saginaw, St. Clair, Shiawassee, Tuscola, Van Buren, Wayne, Wexford.

Minnesota. Aitkin, Beltrami, Cass, Crow Wing, Fillmore, Hubbard, Itasca, Koochiching, Marshall, Morrison, Ottertail, Pennington, St. Louis, Todd, Traverse, Wadena, Wilkin.

Mississippi. Adams, Amite, Attala, Carroll, Chickasaw, Claiborne, Clarke, Clay, Copiah, Covington, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kempher, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Madison, Marion, Marshall, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Stone, Tallahatchie, Tate, Union, Walthall, Washington, Wayne, Wilkinson, Yalobusha, Yazoo.

Missouri. Adair, Atchison, Audrain, Barton, Bates, Benton, Bollinger, Boone, Butler, Caldwell, Callaway, Carroll, Cass, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Franklin, Gentry, Greene, Harrison, Henry, Hickory, Holt, Howell, Iron, Jasper, Johnson, Knox, Laclede, Lawrence, Lewis, Linn, Livingston, McDonald, Macon, Maries, Mercer, Miller, Moniteau, Monroe, Morgan, Newton, Nodaway, Osage, Pemiscot, Perry, Pettis, Platte, Putnam, Ralls, Randolph, Ray, Ripley, St. Clair, St. Francois, Ste. Genevieve, Schuyler, Scotland, Stoddard, Sullivan, Vernon, Warren, Washington, Wayne, Worth.

Montana. Big Horn, Blaine, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Hill, Judith Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Powder River, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweetgrass, Teton, Toole, Treasure, Valley, Wibaux, Yellowstone.

Nebraska. Banner, Blaine, Box Butte, Brown, Buffalo, Burt, Cass, Chase, Cherry, Cheyenne, Dawes, Dawson, Deuel, Dundy, Fillmore, Franklin, Frontier, Furnas, Garden, Gosper, Hall, Harlan, Hayes, Hitchcock, Jefferson, Kearney, Keith, Kimball, Lancaster, Lincoln, Logan, McPherson, Morrill Otoe, Perkins, Phelps, Redwillow, Richardson, Saunders, Scottsbluff, Sheridan, Sherman, Sioux, Thomas, Thurston, Wheeler.

Nevada. Churchill, Lyon, Pershing, White Pine.

New Mexico. Curry, De Baca, Grant, Harding, Quay, Roosevelt, San Miguel, Union, Valencia.

New York. Allegany, Cortland, Jefferson, Lewis, Oneida, Schuyler, St. Lawrence, Tompkins.

North Carolina. Beaufort, Chatham, Jones, Onslow, Randolph, Tyrrell.

North Dakota. Adams, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sheridan, Sioux, Slope, Stark, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams.

Ohio. Belmont, Gallia, Guernsey, Hardin, Holmes, Licking, Lorain, Meigs, Monroe.

Oklahoma. Afoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cimarron, Comanche, Craig, Creek, Custer, Dewey, Ellis, Garvin, Grant, Grady, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnson, Kay, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McIntosh, Murray, Muskogee, Noble, Nowata, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Roger Mills, Rogers, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

Oregon. Daschutes, Grant, Jackson, Jefferson, Josephine.

Pennsylvania. Armstrong, Blair, Bradford, Centre, Crawford, Fayette, Huntingdon, Lycoming, Northampton, Perry, Tioga, Union, Warren, Wyoming.

South Carolina. Aiken, Allendale, Bamberg, Florence, Greenville, Laurens, Lexington, Orangeburg, Spartanburg.

South Dakota. Brule, Butte, Campbell, Corson, Custer, Dewey, Edmunds, Fall River, Faulk, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jones, Lawrence, Lyman, McPherson, Meade, Pennington, Perkins, Potter, Spink, Stanley, Walworth, Ziebach.

Tennessee. Carroll, Chester, Fentress, Hardeman, Henderson, Henry, Houston, Madison, Marion, Putnam, Robertson, Wayne.

Texas. Anderson, Andrews, Angelina, Armstrong, Atascosa, Bastrop, Bell, Bexar, Blanco, Bosque, Bowie, Brazos, Briscoe, Brown, Burnet, Caldwell, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Cochran, Coke, Collin, Collingsworth, Comal, Comanche, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmitt, Donley, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Floyd, Freestone, Garza, Gillespie, Gonzales, Gray, Grayson, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Hudspeth, Hunt, Hutchinson, Jasper, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kent, Knox, Lamar, Lamb, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Lubbock, Lynn, McLennan, Madison, Matagorda, Medina, Milam, Mills, Mitchell, Moore, Morris, Motley, Nacagdoches, Navarro, Newton, Nolan, Nueces, Oldham, Panola, Parmer, Polk, Presidio, Rains, Randall, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shelby, Sherman, Smith, Stonewall, Swisher, Tarrant, Taylor, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Walker, Washington, Wheeler, Wichita, Wilbarger, Williams, Wilson, Wise, Wood, Zavala.

Utah. Box Elder, Daggett, Davis, Duchesne, Emery, Garfield, Iron, Juab, Millard, Piute, Rich, Salt Lake, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch.

Virginia. Giles, Montgomery, Page, Rockingham, Tazewell.

Washington. Chelan, Clalam, Grays Harbor, Kittitas, Lewis, Skagit, Snohomish, Spokane, Stevens, Thurston, Whatcom, Yakima.

West Virginia. Mason, Mineral.

Wisconsin. Door, Florence, Grant, Iowa, Iron, Jackson, Lafayette.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Niobrara, Platte, Sheridan, Sweetwater, Uinta, Weston.

[F. R. Doc. 51-1875; Filed, Feb. 6, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-15]

DOLPHIN STEAMSHIP CORPORATION, ET AL.

NOTICE OF FURTHER HEARING ON APPLICATIONS FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

Dolphin Steamship Corporation, Luckenbach Steamship Co., Inc., Maine Steamship Corporation, Orion Shipping & Trading Co. Inc., Shepard Steamship Co., South Atlantic Steamship Line, Inc., T. J. Stevenson & Co. Inc., United States Lines Company and United States Navigation Co., et al.

At the request of the Economic Cooperation Administration, a further hearing will be held on February 13, 1951, at 10:00 a. m. in Room 4821, Commerce Building, Washington 25, D. C., before the Federal Maritime Board upon the applications heretofore filed in the above entitled proceeding and such other applications as may be filed with the Secretary of the Maritime Administration, Room 4850, Commerce Building, Washington 25, D. C., on or before 5:00 p. m., February 12, 1951, to bareboat charter war-built, dry-cargo vessels for use in the export of full cargoes of sulphur, coal, coke, pitch, lumber and grain from the United States to European countries in which the Economic Cooperation Administration has a program, their dependent overseas territories, India and countries in Southeast Asia and the import of full cargoes of metallic ores from countries in these areas to the United States.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels on reasonable conditions and at reasonable rates for this service.

All persons having an interest in such applications should arrange to be present.

Dated: February 1, 1951.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 51-1932; Filed, Feb. 6, 1951; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Public Notice 59217]

CHECK LIST OF RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION

JANUARY 24, 1951.

Listed below is identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check for the completeness thereof. This list brings the rules up to date as of January 16, 1951. All rules and regulations here listed are on sale at the Office of the Superintendent of Documents, Washington, D. C., with the exception of those parts opposite which there is placed an asterisk. Copies of the parts opposite which there is an asterisk may be obtained from the Federal Communications Commission on request. Amendments to all parts of the rules and regulations here listed may be secured from the FCC on request. (Note that all persons who obtain parts of these rules and regulations from the FCC, or who purchase those parts on sale at the Office of the Superintendent of Documents, who desire amendments to these parts, must fill out and return to the Commission one copy of #86780 (distributed with each part of the rules and regulations) for each part concerning which they desire to receive amendments.)

Part No.	Edition	Amendments outstanding to this edition
*0	Edition revised to Jan. 18, 1950 (No. 48118)	Nos. 0-1 through 0-6.
1	Edition revised to Dec. 29, 1949	Nos. 1-1 through 1-10.
2	Edition revised to Apr. 27, 1949	Nos. 2-1; 2-2; 2-4 through 2-8; 2-10 through 2-22.
3	Edition revised to Jan. 6, 1949	Nos. 3-1 through 3-16.
*4	Edition effective Sept. 10, 1946	Nos. 397, 406, 409, 410, 411, 412.
5	Edition revised to Jan. 16, 1948	Nos. 5-1 and 5-2.
6	Edition revised to Apr. 27, 1949	Nos. 6-1, 6-2, 6-3.
*7	Edition revised to Apr. 5, 1941	Nos. 77, 90, 116, 127, 19, 233, 279, 316, 340, 389, 391.
	or	
	Edition revised to Sept. 30, 1945	Nos. 316, 340, 389, 394.
8	Edition revised to May 31, 1945	Correction Sheet No. 12 and Nos. 184, 222, 231, 234, 247, 248, 252, 268, 280, 303, 317, 322, 341, 350, 354, 362, 369, 371, 377, 381, 390, 391, 395, 396, 401, 403, 405, 407.
9	Edition revised to July 1, 1947	Nos. 9-2 through 9-12.
10	Edition revised to Apr. 27, 1949	Nos. 10-1 through 10-5.
11	Edition revised to Apr. 27, 1949	Nos. 11-1, 11-2, 11-3.
12	Edition revised to Nov. 18, 1948	Nos. 12-1 through 12-4 and 12-6 through 12-11.
13	Edition revised to June 27, 1950	No amendments outstanding.
14	Edition revised to Apr. 2, 1942	Nos. 332, 380, 382.
	or	
	Effective Dec. 5, 1938	Nos. 118, 332, 380, 382.
*15	Recodified July 21, 1948 (as set forth in Amendment 15-1).	No. 15-1.
16	Revised to Apr. 27, 1949	16-2, 16-3.
*17	Effective Feb. 15, 1951 (457274)	No amendments outstanding.
18	Revised to Jan. 25, 1950	Do.
19	Edition revised to June 1, 1949	19-1, 19-2.
31	Edition revised to May 12, 1948 and Notice of Errata (substitute pages III-IV and 1 through 6).	No amendments outstanding.
33	Revised to May 12, 1948	Do.
34	Revised to Oct. 14, 1949	34-1.
35	do	35-1.
41	Revised to Dec. 4, 1947	No amendments outstanding.
43	Edition revised to July 21, 1948	43-1.
45	Effective Oct. 1, 1950	No amendments outstanding.
46	do	Do.
51	Effective July 25, 1944	Do.
52	Effective July 11, 1944	Do.
61	Revised to Aug. 1, 1946	Do.
62	Revised to May 23, 1944	Do.
*63	Revised to Dec. 30, 1949	Nos. 63-1 through 63-4.
64	Revised to July 16, 1948	Nos. 64-1, 64-2, 64-3.
*65	Effective July 5, 1944	No. 277.
	or	
	Revised to Sept. 4, 1945	No amendments outstanding.
Standards of Good Engineering Practice, edition revised to Oct. 30, 1947.		Standard broadcast, Nos. SGEP-AM-1 through SGEP-AM-4.
Sec. 26 of the Standards of Good Engineering Practice, edition revised to Apr. 20, 1948.		Standard broadcast, Nos. SGEP-AM-5 through SGEP-AM-7.
Standards of Good Engineering Practice—FM—Edition revised to Jan. 18, 1950.		No amendments outstanding.
Standards of Good Engineering Practice—Television—Edition effective Dec. 19, 1945.		No. SGEP-TV-1.

*Not available at GPO. May be obtained from the FCC on request.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1934; Filed, Feb. 6, 1951; 8:53 a. m.]

[Docket Nos. 9785, 9786]

RADIO STATION WOW, INC. AND THE STAR BROADCASTING CO., INC. (KCSJ)

ORDER CONTINUING HEARING

In re applications of Radio Station WOW, Inc., (WOW), Omaha, Nebraska, Docket No. 9785, File No. BR-686, and the Star Broadcasting Company, Inc. (KCSJ), Pueblo, Colorado, Docket No. 9786, File No. BR-1610, for renewal of license.

The Commission having under consideration a petition filed January 23, 1951, by Radio Station WOW, Inc., Omaha, Nebraska, requesting a continuance of the hearing presently scheduled for February 13, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications; and

It appearing, that there is pending before the Commission a petition for reconsideration and grant without hearing filed on January 22, 1951; and that Counsel for the other parties to this proceeding have consented to a grant of this petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 26th day of January, 1951, that the petition is granted; and that the hearing in the proceeding upon the above-entitled applications is continued indefinitely, pending action on the petition for reconsideration and grant without hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1902; Filed, Feb. 6, 1951; 8:53 a. m.]

[Docket Nos. 9383, 9701]

JORDAPHONE CORP. OF AMERICA ET AL. AND AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

ORDER AMENDING ISSUES

Jordaphone Corporation of America, et al., complainants, Docket No. 9383, v. American Telephone and Telegraph Company, et al., Defendants, Docket No. 9701; in the matter of use of telephone answering devices in connection with interstate and foreign telephone service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of January 1951;

The Commission, having under consideration its order of December 7, 1949, herein, designating for hearing the above-entitled complaint concerning the refusal of the defendant companies, on the basis of their so-called "foreign attachment, tariff provisions to permit the use of a telephone answering and recording device known as Telemagnet in connection with interstate and foreign telephone service (Docket No. 9383); its order of March 21, 1950, authorizing intervention herein by The Electronic Secretary, Inc. and Electronic Secretary Industries, Inc., its order of May 31, 1950, authorizing intervention herein by Telemaster Company; its order of June 8, 1950, instituting the above-entitled investigation into the matter of the use of telephone answering devices in connection with interstate and foreign telephone services and facilities (Docket No. 9701); and also having under consideration a petition to intervene and participate in the above proceedings, filed on January 16 1951, by the Daphne Investment Trust, alleged to be the holder of the patent and exploration rights for a telephone answering device known as the Notaphone; and an answer to the petition of Daphne Investment Trust to intervene, filed by the defendants herein on January 22, 1951;

It appearing, that it is appropriate and desirable that petitioner be made a party to the proceedings herein and that the Commission's order of December 7, 1949, be amended so as to make the issues specified therein applicable to the Notaphone device as well as to the Telemagnet, Electronic Secretary and Telemaster devices;

It is ordered, That petitioner, Daphne Investment Trust, is hereby made a party intervenor in the proceedings herein;

It is further ordered, That the issues specified in the order of December 7, 1949, in Docket No. 9383 herein, are hereby amended so that such issues shall apply to the Notaphone device as well as to the Telemagnet, Electronic Secretary and Telemaster devices.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1903; Filed, Feb. 6, 1951; 8:53 a. m.]

[Docket Nos. 9845, 9846]

TELANSERPHONE, INC., AND WARD C. ROGERS

ORDER CHANGING PLACE OF HEARING

In re applications of Telanserphone, Inc., docket No. 9845, file No. 7240-C2-P-E, and Ward C. Rogers, docket No. 9846, file No. 8192-C2-P-E, for construction permits in the domestic public land mobile radio service at Chicago, Illinois.

The Commission having under consideration a petition filed on January 12, 1951, on behalf of Telanserphone, Inc., requesting that the place of hearing on its application herein be changed from Chicago, Illinois, to Washington, D. C.; an opposition thereto filed on January 16, 1951, on behalf of Ward C. Rogers; and an oral argument on said petition and opposition held on January 23, 1951; and

It appearing, that the hearing herein is presently scheduled to be held in Chicago commencing on February 9, 1951, and the requested change in the place of hearing is predicated upon the expense which would be involved in bringing applicant's three witnesses to Chicago to testify in the proceeding; and

It further appearing, that during the course of the oral argument herein, counsel for both applicants agreed to a proposal whereby the nonengineering evidence in the respective cases would be presented in Chicago, and that upon completion thereof, the hearing would be continued to Washington, D. C., for the taking of the evidence on the engineering aspects of the proceeding; and they further agreed to an advancement of the date of the Chicago hearing from February 9 to January 30, 1951, so that it would fit into the schedule of other field hearings, including the proceeding in docket No. 9837, which is presently scheduled for Chicago, Illinois; and

It further appearing, that the public interest would be served by adopting the plan of presentation of evidence agreed upon by counsel and by advancing the date of hearing from February 9 to January 30, 1951;

It is ordered, this 24th day of January 1951, that the petition of Telanserphone, Inc., requesting a change in the place of hearing to Washington, D. C., is hereby granted in part, in that so much of the hearing as relates to the engineering issues herein will be held in Washington, D. C., at a date to be determined, upon the completion of the hearing in Chicago on the non-engineering issues; and

It is further ordered, that the date for commencement of the hearing in Chicago, Illinois, is hereby advanced, from February 9, 1951, to January 30, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1905; Filed, Feb. 6, 1951; 8:53 a. m.]

[Docket Nos. 9847, 9848]

TELANSERPHONE, INC., AND ROBERT C. CRABB

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Telanserphone, Inc., Docket No. 9847, File No. 7241-C2-P-E, and Robert C. Crabb, Docket No. 9848, File No. 7750-C2-P-E, for construction permits in the Domestic Public Land Mobile Radio Service at Los Angeles, California.

The Commission having under consideration a petition filed January 12, 1951, by Telanserphone, Inc., requesting that (1) the hearing in the above-entitled consolidated proceeding now scheduled to begin in Los Angeles, California, on February 15, 1951, be held in Washington, D. C., or (2) in the alternative that Telanserphone, Inc., be permitted to present the evidence in support of its application in Washington, D. C., rather than in Los Angeles, California; and

An answer filed January 16, 1951, by Robert C. Crabb, opposing both the petition to transfer the consolidated proceeding to Washington, D. C., and the alternate proposal to permit Telanserphone, Inc., to present the evidence in support of its application in Washington, D. C.; and

Oral argument having been held this date in which counsel for Telanserphone, Inc., Robert C. Crabb, and the Commission participated; and

It appearing that it is in the public interest that the applicants present testimony in support of their respective applications in a consolidated proceeding in Los Angeles, California, and Telanserphone, Inc., has failed to advance sufficient, good reasons to warrant granting the petition to transfer the Consolidated proceeding to Washington, D. C., or in the alternative, permit it to present the evidence in support of its application in Washington, D. C.;

It is ordered, This the 23d day of January 1951, that the petition of Telanserphone, Inc., be and it is hereby denied, and the hearing in the consolidated proceeding will be held in Los Angeles, California, beginning February 15, 1951, as presently scheduled.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1906; Filed, Feb. 6, 1951; 8:54 a. m.]

[Docket No. 9700]

SOUTHERN TIER RADIO SERVICE, INC. (WINR)

ORDER CONTINUING HEARING

In re application of Southern Tier Radio Service, Inc. (WINR), Binghamton, New York, Docket No. 9700, File No. BP-7619, for construction permit.

The Commission having under consideration a motion, filed January 18, 1951 by the applicant, requesting that the hearing upon its application be continued in order to permit Commission action upon a pending petition for reconsideration and grant; and

It appearing, that the hearing in this proceedings is scheduled to be commenced on January 25, 1951 and that the applicant has filed with the Commission a petition for reconsideration and grant of its application, and that this matter is pending upon said petition; and

It further appearing, that the Commission's disposition of the pending petition for reconsideration and grant may eliminate or alter the hearing proceeding upon this application, and that the orderly dispatch of business and the ends of justice will be served by postponing the hearing until after the Commission has considered the pending petition; and

It further appearing, that the imminence of the scheduled hearing date requires that the instant motion receive immediate consideration and that such action will serve the public interest and will be consistent with the requirements of Rule 1.745; now therefore,

It is ordered, This 23rd day of January 1951, that the motion for continuance is granted, and the hearing in this proceeding is continued from January 25, 1951 to such date as may be fixed by further order herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1907; Filed, Feb. 6, 1951; 8:54 a. m.]

[Docket No. 9417]

TRI-STATE BROADCASTING CO. (WCPM)

ORDER CONTINUING FURTHER HEARING

In re application of Tri-State Broadcasting Company (WCPM), Middlesboro, Kentucky, Docket No. 9417, File No. BMP-4581, for modification of construction permit.

There is before the Commission the petition of Tri-State Broadcasting Company (WCPM), Middlesboro, Kentucky, which requests that further hearing upon the above-entitled application, presently scheduled for January 23, 1951, be continued to March 26, 1951,

It appearing, that petitioner has retained the services of engineering counsel who are presently engaged in a study of the issue involved herein and that approximately 60 days will be required for completion of the study,

It appearing further, that counsel for the Commission and for all other parties to the proceeding have consented to the requested continuance and to a waiver of the provisions of § 1.745 of the Commission's rules and regulations to permit immediate consideration of the petition,

It appearing further, that the completeness of the record herein is dependent in large measure upon the results of the engineering study aforementioned, and, therefore, a reasonable delay in the progress of the hearing for such purpose would be warranted,

It is ordered, This 22d day of January 1951, that the petition of Tri-State Broadcasting Company (WCPM), be, and it is hereby, granted; and the further hearing in the above-entitled matter is continued to March 26, 1951, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1908; Filed, Feb. 6, 1951; 8:54 a. m.]

[Docket No. 9864]

WILLIAMSBURG RADIO CO., INC.

ORDER CONTINUING HEARING

In re application of Williamsburg Radio Company, Inc., Williamsburg, Virginia, Docket No. 9864, File No. BP-7729, for construction permit.

The Commission having under consideration a petition filed January 16, 1951, by Williamsburg Radio Company, Inc., Williamsburg, Virginia, requesting an indefinite continuance of the hearing presently scheduled for February 7, 1951, at Washington, D. C., in the proceeding upon the above-entitled application for construction permit; and

It Appearing, That there is pending before the Commission a petition for reconsideration and grant without hearing filed on January 16, 1951; and that no opposition to the granting of the instant petition has been filed;

It is ordered, This 26th day of January 1951 that the petition is granted; and that the hearing in the above-entitled proceeding is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1909; Filed, Feb. 6, 1951; 8:54 a. m.]

[Docket Nos. 9845, 9846]

TELANSERPHONE, INC., AND WARD C. ROGERS

ORDER POSTPONING HEARING

In re applications of Telanserphone, Inc., Docket No. 9845, File No. 7240-C2-P-E, and Ward C. Rogers, Docket No. 9846, File No. 8192-C2-P-E, for construction permits in the Domestic Public Land Mobile Radio Service at Chicago, Illinois.

The Commission, having under consideration a petition filed January 29, 1951, by Ward C. Rogers requesting the dismissal of his above-entitled application for construction permit; and also having under consideration a petition filed January 29, 1951 by Telanserphone, Inc. requesting an indefinite postponement of the hearing in the above-entitled proceeding;

It appearing, that Telanserphone, Inc. has filed a statement acknowledging service of said petition of Ward C. Rogers and consenting to a grant thereof and a waiver of the four-day period in which to file an opposition thereto; and that action on such petition to dismiss the application of Ward C. Rogers should be expedited because the hearing in the above-entitled proceeding is scheduled to commence in Chicago, Illinois on January 30, 1951;

It is ordered, This 29th day of January 1951, That the petition of Ward C. Rogers is granted; and that his above-entitled application for construction permit (File No. 8192-C2-P-E) is dismissed without prejudice.

It is further ordered, That the above-mentioned petition of Telanserphone, Inc. for an indefinite postponement of the hearing in the above-entitled proceeding is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-1910; Filed, Feb. 6, 1951; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1580]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 1, 1951.

On January 5, 1951, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at Detroit, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to acquire, construct, relocate and operate certain facilities, subject to the jurisdiction of the Commission, as are described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure. It appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 30, 1951 (16 F. R. 868).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on February 20, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: February 1, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1886; Filed, Feb. 6, 1951; 8:51 a. m.]

[Docket No. G-1391]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER WITH RESPECT TO CERTIFICATE OF CONVENIENCE

FEBRUARY 1, 1951.

Notice is hereby given that, on January 31, 1951, the Federal Power Commission issued its order entered January 30, 1951, amending order of October 31, 1950, published in the FEDERAL REGISTER on November 7, 1950 (15 F. R. 7488), issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1863; Filed, Feb. 6, 1951; 8:45 a. m.]

[Docket No. G-1538]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 1, 1951.

Notice is hereby given that, on January 31, 1951, the Federal Power Commission issued its findings and order entered January 30, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1864; Filed, Feb. 6, 1951; 8:45 a. m.]

[Project No. 2044]

CLAUDE OWEN DAVIS

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE

FEBRUARY 1, 1951.

Notice is hereby given that, on January 31, 1951, the Federal Power Commission issued its order entered Jauary 30, 1951, authorizing issuance of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1865; Filed, Feb. 6, 1951; 8:46 a. m.]

—CONSUMERS GAS CO.

NOTICE OF ORDER WITH RESPECT TO DIRECTING AND APPROVING DISPOSITION OF AMOUNTS

FEBRUARY 1, 1951.

Notice is hereby given that, on January 30, 1951, the Federal Power Commission issued its order entered January 30, 1951, directing and approving disposition of amounts classified in Account 107, Gas Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1866; Filed, Feb. 6, 1951; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO REPRESENTATION OF THE INTERESTS OF THE BUREAU OF RECLAMATION OF THE DEPARTMENT OF THE INTERIOR IN PROCEEDINGS INVOLVING CARRIERS BEFORE FEDERAL AND STATE REGULATORY BODIES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, there is hereby delegated to the Secretary of the Interior authority to represent the interests of the executive agencies of the United States in negotiations with carriers and proceedings involving carriers before Federal and State regulatory bodies in so far as such proceedings are directly related to and affect the construction activities of the Bureau of Reclamation of the Department of the Interior, provided that this delegation of authority is effective only in those instances where the interest of the Bureau of Reclamation of the Department of the Interior is the sole interest of the United States as a user in a particular proceeding before a regulatory body.

2. The Secretary of the Interior is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of the Interior.

3. The authority conferred herein shall be exercised in accordance with policies, procedures and controls prescribed by the General Services Administration and shall further be exercised by cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

JESS LARSON,
Administrator.

FEBRUARY 1, 1951.

[F. R. Doc. 51-1929; Filed, Feb. 6, 1951; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25804]

SCRAP ALUMINUM FROM POINTS IN TEXAS TO HEATH, OHIO

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Scrap aluminum, in carloads.

From: Dallas, Fort Worth, Garland, Grand Prairie and Saginaw, Tex.

To: Heath, Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 543.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1879; Filed, Feb. 6, 1951; 8:50 a. m.]

[4th Sec. Application 25805]

PULPBOARD AND FIBREBOARD FROM AND TO SOUTHWESTERN TERRITORY AND KANSAS

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Pulpboard and fibreboard, indented or not indented, in carloads.

From: Points in official, southern and southwestern territories.

To: Points in southwestern territory and Kansas.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1880; Filed, Feb. 6, 1951; 8:50 a. m.]

[4th Sec. Application 25806]

FOREIGN WOODS FROM JUNCTION CITY, KY. TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 889.

Commodities involved: Lumber, logs or flitches, and dimension stock, of foreign woods other than Canadian wood, Mexican pine, balsa wood or dyewoods, in carloads.

From: Junction City, Ky.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 889, Supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1881; Filed, Feb. 6, 1951; 8:50 a. m.]

[4th Sec. Application 25807]

FOREIGN WOODS FROM JUNCTION CITY, KY., TO CENTRAL AND ILLINOIS TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 708.

Commodities involved: Lumber, logs or flitches of mahogany, Philippine or foreign woods, veneer and built-up wood, in carloads.

From: Junction City, Ky.

To: Points in central and Illinois territories.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 708, Supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1882; Filed, Feb. 6, 1951; 8:50 a. m.]

[4th Sec. Application 25808]

CEMENT FROM LONE STAR, VA., TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1066.

Commodities involved: Cement and related articles, in carloads.

From: Lone Star, Va.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1883; Filed, Feb. 6, 1951; 8:51 a. m.]

[4th Sec. Application 25809]

HARDWOOD LUMBER FROM BROOKHAVEN, MISS. TO ST. LOUIS, MO. AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Illinois Central Railroad Company and other carriers named in the application.

Commodities involved: Hardwood lumber and related articles, in carloads.

From: Brookhaven, Miss.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes. Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 709, Supp. 156.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1884; Filed, Feb. 6, 1951; 8:51 a. m.]

[4th Sec. Application 25810]

ASPHALT FROM ROGERSLACY, MISS., TO POINTS IN INDIANA

APPLICATION FOR RELIEF

FEBRUARY 2, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1065.

Commodities involved: Asphalt and petroleum road oil, in tank-car loads.

From: Rogerslacy, Miss.

To: Points in Indiana.

Grounds for relief: Competition with rail carriers. Circuitous routes. Market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1065, Supp. 199.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1885; Filed, Feb. 6, 1951; 8:51 a. m.]

[Ex Parte 175]

INCREASED FREIGHT RATES, 1951

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of February A. D. 1951.

Upon consideration of a petition filed January 26, 1951, by Baltimore Steam Packet Company, Eastern Steamship Lines, Inc., Ocean Steamship Company of Savannah, and Philadelphia & Norfolk Steamship Company, asking leave to intervene in the above-entitled proceeding and that they be granted authority to increase their freight rates and charges in the same manner and to the same extent as prayed for by the railroad petitioners; and

Upon consideration of a petition filed January 31, 1951, by the Inland Waterways Corp., operating Federal Barge Lines, asking leave to intervene in the above-entitled proceeding for the purpose of securing authority to increase its rates and charges in the manner and to the extent therein set forth; and for the purpose of obtaining an order limiting increases in combination rates on coal applied over barge-line through routes to the maximum increase authorized by corresponding all-rail routes; and

Upon consideration of a petition filed January 25, 1951, by the Chicago and Eastern Illinois Railroad Company and Chicago Heights Terminal Transfer Railroad Company, asking leave to intervene in the above-entitled proceeding and asking for authority to make the same increases in freight rates and charges as those sought by the railroad petitioners, except that the Chicago and Eastern Illinois Railroad Company does not wish to increase certain line-haul carload rates on automobiles and petroleum products:

It is ordered, That said petitioners be allowed to intervene in the above-entitled proceeding and be treated as parties thereto, provided that hearings and further proceedings concerning these petitions of intervention shall be held commencing February 19, 1951, concurrently with the hearing now set in this proceeding and that the Special Rules of Procedure and Instructions governing the hearing upon motions for interim relief shall also apply to these intervening petitions, including the stipulation as to the use of Commission's records and other data; and

Upon consideration of a petition filed January 29, 1951, by the Middle Atlantic Conference (an organization of motor common carriers) asking leave to intervene in the above-entitled proceeding, and asking for authority to make simultaneous increases in freight rates and charges of certain motor common carriers with the railroad petitioners:

It is ordered, That said petition be, and it is hereby, denied, for the reason that it unduly broadens the issues, and for the further reason that the subject matter of this intervening petition can be more conveniently and appropriately handled upon the filing of a separate petition:

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-1877; Filed, Feb. 6, 1951; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

[Temporary Order 4, Amdt. 2]

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

AGENCY ACCOUNTING OFFICER AND ASSISTANT AGENCY ACCOUNTING OFFICER

The Agency Accounting Officer and Assistant Agency Accounting Officer each is hereby authorized, on behalf of the Housing and Home Finance Administrator, to approve vouchers for the disbursement of funds to participating banks under Bank Participation Agreements; and to Reconstruction Finance Corporation in adjustment and settlement of transferred loans and funds. The Administrator's Temporary Order No. 4, effective September 7, 1950, 15 F. R. 6035 (1950), as amended by Amendment No. 1, effective September 26, 1950, is hereby amended to the extent of this delegation but in no other respect.

(Reorganization Plan No. 3 of 1947, 12 Fed. Reg. 4981 (1947); 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C. 1701c (Supp. 1949); 63 Stat. 413, 440 (1949), as amended, 12 U. S. C. 1701d-1 (Supp. 1949); Pub. Law 475, 81st Cong., 2d Sess., section 503 (1) (April 20, 1950); Reorganization Plan No. 23 of 1950, 15 Fed. Reg. 4366 (1950))

Effective the 7th day of February 1951.

[SEAL] RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 51-1933; Filed, Feb. 6, 1951; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2548]

CENTRAL LOUISIANA ELECTRIC CO., INC., ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

In the Matter of Central Louisiana Electric Company, Inc., Forrest C. Lattner, and Frances H. Lattner, File No. 70-2548.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

Notice is hereby given that Central Louisiana Electric Company, Inc. ("Central Louisiana"), a public utility holding company which has filed an exemption statement on Form U-3A-2 pursuant to Rule U-2 promulgated under the Public Utility Holding Company Act of 1935, and Forrest C. Lattner and Frances H. Lattner, affiliates of Gulf Public Service Co., Inc. ("Gulf"), have filed a joint application pursuant to sections 9 (a) (2) and 10 of the act and Rules U-20, U-21, and U-22 promulgated under the act.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

Central Louisiana has entered into an agreement with Gulf and Forrest C. Lattner, John H. Rauscher and Charles C. Pierce (herein referred to as the "Contracting Stockholders"), common stockholders of Gulf owning 73,100 shares of such company, under which Central Louisiana proposes to acquire some or all the common stock of Gulf, an electric public utility company operating in the State of Louisiana. The agreement provides, among other things, that:

1. Central Louisiana will amend its Articles of Incorporation, subject to authorization by its stockholders, to increase its authorized capital stock to $12,500,000, which will be represented by 750,000 shares of common stock, par value $10 per share, and 50,000 shares of preferred stock, par value $100 per share, of which shares of preferred stock 21,480 shares shall be designated as "4.5 percent Preferred Stock";

2. The Contracting Stockholders will exchange the shares of common stock of Gulf owned by them for shares of common stock and preferred stock of Central Louisiana at the rate of 1/10 of a share of common stock and 1/25 of a share of preferred stock of Central Louisiana for each share of common stock of Gulf owned by them;

3. Central Louisiana will make the same offer of exchange with respect to the remaining 463,900 shares of common stock of Gulf, presently outstanding in the hands of the public, such offer to remain open for acceptance for a minimum period of three weeks after the effective date of the Registration Statement filed under the Securities Act of 1933, or for such longer period as may be agreed upon by the contracting parties or as may be ordered by the Commission;

4. The agreement will not become effective unless, in addition to the necessary approvals by this Commission and the Louisiana Public Service Commission, the holders of at least 429,600 shares (80 percent) of common stock of Gulf, including the Contracting Stockholders, accept the offer of exchange, and unless Central Louisiana receives a satisfactory ruling from the Commissioner of Internal Revenue that such an exchange will be a tax free reorganization of Cen-

tral Louisiana and Gulf, within the meaning of the Internal Revenue Code;

5. The closing date shall be on March 7, 1951, unless otherwise agreed upon by the contracting parties, but in any event not later than June 30, 1951; and

6. Central Louisiana may, prior to the closing date, declare a stock dividend to the holders of its common stock in the amount of 1/20 of a share of common stock for each share outstanding, and furthermore Central Louisiana may sell, within 120 days after the closing date, not more than 36,000 shares of its common stock, such additional shares to be subject to the preemptive rights applicable to the then outstanding shares of common stock of Central Louisiana, including any shares of common stock of Central Louisiana issued in exchange for common stock of Gulf pursuant to the agreement.

Under said agreement Gulf may declare a regular quarterly dividend at the rate of 20 cents per share on its common stock; provided, however, that in order to coordinate the payment of dividends on the common stocks of Gulf and Central Louisiana during the quarterly dividend period in which the closing date occurs, Gulf may declare a special dividend payable to stockholders of record on the day preceding the closing date which will adjust the dividend payments according to a formula set forth in such agreement.

At the proposed rate of exchange and assuming that the holders of all the outstanding shares of common stock of Gulf accept the exchange, Central Louisiana will issue an additional 214,800 shares of common stock and 21,480 shares of 4.5 percent preferred stock.

The application states that for the most part the electric properties of Gulf are located in territory adjacent to the Central Louisiana property and can be integrated into the Central Louisiana system.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except by further order of this Commission:

It is ordered, That a hearing on said application pursuant to the applicable provisions of the act and the rules thereunder be held on February 14, 1951, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the Hearing Room Clerk in Room 193. Any person desiring to be heard, or wishing to participate in the proceedings, shall file with the Secretary of the Commission on or before February 9, 1951, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and a Hearing Officer under the Commission's Rules of Practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the specification of additional matters or questions upon further examination:

1. Whether the proposed acquisition by Central Louisiana of the securities of Gulf meets the requirements of the applicable provisions of section 10 of the act.

2. Whether within the meaning of section 10 (b) (2) of the act the consideration involved in the proposed transaction is reasonable and bears a fair relationship to the sums invested in and to the earning capacity of the utility assets underlying the securities being acquired.

3. Whether within the meaning of section 10 (c) (2) of the act the acquisition by Central Louisiana of the securities of Gulf will serve the public interest by tending toward the economical and efficient development of an integrated public utility system.

4. Whether the proposed offer to be made to the holders of the common stock of Gulf is fair, and if not, whether such offer should be modified.

5. Whether the proposed acquisition will unduly complicate the capital structure of Central Louisiana or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such company within the meaning of section 10 (b) (3) of the act, and specifically whether the issuance of preferred stock by Central Louisiana unduly complicates the capital structure of such company.

6. Whether, and to what extent, the new charter provisions and any provisions concerning the future management of Central Louisiana are appropriate in the public interest and in the interest of investors.

7. Whether the fees, expenses and remunerations to be paid by Central Louisiana in connection with the proposed transactions are necessary services and are reasonable in amount.

8. Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

9. Whether, if the transactions proposed herein are approved, it is necessary and appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions.

It is further ordered, That at such hearing particular attention be directed to the foregoing matters.

It is further ordered, That a copy of this notice shall be mailed by registered mail to the Federal Power Commission, the Louisiana Public Service Commission, the mayors of the communities of Zwolle, Many, Mansfield, DeQuincy, De Ridder, Leesville, Glenmora, Opelousas, New Iberia, Breaux Bridge, Franklinton, and Alexandria, Louisiana; and to Central Louisiana Electric Co., Inc., Forrest C. Lattner, Frances H. Lattner, and Gulf Public Service Co., Inc.; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act, and that further notice be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1867; Filed, Feb. 6, 1951; 8:46 a. m.]

[File No. 70-2551]

QUINCY ELECTRIC LIGHT AND POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

Quincy Electric Light and Power Company ("Quincy"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Quincy proposes to issue up to and including March 31, 1951, notes due ninety days after the date of issue, as follows:

Granite Trust Co., Quincy, Mass	$75,000
Norfolk County Trust Co., Quincy, Mass	50,000
Quincy Trust Co., Quincy, Mass	25,000
	150,000

It is proposed that the notes bear interest at the rate of 2¼ percent per annum and that, should the interest rate on any of the notes exceed such amount, Quincy will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Quincy to the contrary within said five days, the amendment will become effective at the end of such period.

Quincy proposes to use the borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Quincy contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that Quincy presently has outstanding $45,000 of notes payable maturing April 27, 1951, with interest at the rate of 2¼ percent per annum. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company, et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company, and affiliated service company, for services to be performed at cost, are estimated by Quincy not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Declarant having requested that the Commission's order herein become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1861; Filed, Feb. 6, 1951; 8:47 a. m.]

[File No. 70-2552]

NORTHERN BERKSHIRE GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

Northern Berkshire Gas Company ("Northern Berkshire"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Northern Berkshire proposes to issue up to and including March 31, 1951, notes due six months after the date of issue, as follows:

Greylock National Bank, Adams, Mass	$50,000
North Adams National Bank, North Adams, Mass	50,000
North Adams Trust Company, North Adams, Mass	50,000
The First National Bank of Boston, Boston, Mass	50,000
	200,000

It is proposed that the notes bear interest at the rate of 2½ percent per annum and that, should the interest rate on any of the notes exceed such amount, Northern Berkshire will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Northern Berkshire to the contrary within said five days, the amendment will become effective at the end of such period.

Northern Berkshire proposes to use such borrowings to reimburse its treasury for past construction expenditures, to pay for additional estimated construction to March 31, 1951, and to pay $75,000 of 2 percent notes presently outstanding due March 26, 1951. The declaration states that Northern Berkshire contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that the notes to be outstanding upon the completion of the proposed transactions will constitute Northern Berkshire's only indebtedness other than current indebtedness incurred in the ordinary course of business. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by Northern Berkshire not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Declarant having requested that the Commission's order herein become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1869; Filed, Feb. 6, 1951; 8:47 a. m.]

[File No. 70-2553]

GRANITE STATE ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

Granite State Electric Company ("Granite State"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Granite State proposes to issue up to and including March 31, 1951, notes due ninety days after the date of issue in the principal amount of $100,000 payable to The First National Bank of Boston.

It is proposed that the notes bear interest at the rate of 2¼ percent per annum and that, should the interest rate on any of the notes exceed such amount, Granite State will file an amendment, stating the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Granite State to the contrary within said five days, the amendment will become effective at the end of such period.

Granite State proposes to use such borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Granite State contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that Granite State presently has outstanding $90,000 of 2¼ percent notes payable to The First National Bank of Boston, due April 30, 1951. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting exclusively of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by Granite State not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the Act and

the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Declarant having requested that the Commission's order herein become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the Rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1870; Filed, Feb. 6, 1951; 8:47 a. m.]

[File No. 70-2556]

WEYMOUTH LIGHT AND POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of January A. D. 1951.

Weymouth Light and Power Company ("Weymouth"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission a declaration under section 7 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Weymouth proposes to issue, up to and including March 31, 1951, notes due six months after the date of issue, as follows:

Granite Trust Company, Quincy, Mass.	$75,000
The First National Bank of Boston, Boston, Mass.	75,000
	150,000

It is proposed that the notes bear interest at the rate of 2½ percent per annum and that, should the interest rate on any of the notes exceed such amount, Weymouth will file an amendment, stating the name of the bank, the amount of the note and the rate of interest, at least five days prior to the execution of said note, and unless the Commission notifies Weymouth to the contrary within said five days, the amendment will become effective at the end of such period.

Weymouth proposes to use such borrowings to reimburse its treasury for past construction expenditures and to pay for additional estimated construction to March 31, 1951. The declaration states that Weymouth contemplates the proposed borrowings as temporary in character pending the issuance of permanent securities to finance such expenditures. It is further stated that the notes proposed to be issued will constitute Weymouth's only indebtedness other than current indebtedness incurred in the ordinary course of business. In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the declaration contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Expenses in connection with the proposed transactions, consisting of payments to be made to New England Power Service Company, an affiliated service company, for services to be performed at cost, are estimated by Weymouth not to exceed $600.

The declaration states that no state commission has jurisdiction over the proposed transactions.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the Act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

Declarant having requested that the Commission's order herein become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, and subject to the terms and conditions of Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1871; Filed, Feb. 6, 1951; 8:47 a. m.]

[File No. 812-710]

ALBERT C. RACHLIN AND BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

Notice is hereby given that Albert C. Rachlin ("Rachlin"), located at Academy Building, 17 Academy Street, Newark 2, New Jersey, and Bankers Securities Corporation ("Bankers"), located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940, have filed a joint application pursuant to section 17 (b) of the act for an order of the Commission exempting from the provisions of section 17 (a) of the act, the proposed purchase by Rachlin of (1) 76,948 shares of the common stock of Union Building Co. ("Union"), a controlled company of Bankers, pursuant to an agreement between Rachlin and Bankers, dated January 11, 1951, and (2) 20,011 shares of said common stock of Union from The Land Title Building Corporation ("Land Title"), located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, a presumptively controlled company, and such additional shares of common stock of Union as Rachlin may purchase from any other companies presumed or deemed to be controlled by Bankers, pursuant to a certain Agreement between Rachlin and Albert M. Greenfield & Co. ("Greenfield Company"), dated January 11, 1951.

Rachlin is Vice President and Treasurer of Union and presently owns of record 10,022 shares, or 5.18 percent of the 193,300 shares of Union's common stock, being the outstanding capital stock of said company. Hence, Rachlin is an affiliated person of Union within the meaning of section 2 (a) (3) of the act.

Bankers is a closed-end, non-diversified, management investment company. As of January 15, 1951, Bankers owned 39.51 percent of the outstanding capital stock of Union, so that Union may be presumed to be controlled by Bankers pursuant to section 2 (a) (9) of the act. As of said date, Bankers owned 14.74 percent, and its 95 percent owned subsidiary, Southwestern Market Company, owned 12.59 percent, together a total of 27.33 percent of Land Title's capital stock. Accordingly, Land Title may be presumed to be a controlled company of Bankers within the provisions of section 2 (a) (9) of the act.

On January 11, 1951, Rachlin entered into an agreement with Bankers to purchase from Bankers 76,948 shares of Union's common stock, constituting all of said shares owned by Bankers, for a price of $12.00 per share, or a total purchase price of $923,376, all cash. On January 11, 1951, Rachlin also entered into an agreement with Greenfield Company whereby Greenfield Company will cause to be sold to Rachlin such number of shares of Union (not less than 44,000 shares and not more than 54,000 shares) as may be designated by Greenfield Company upon due notice to Rachlin, for the price of $12.00 per share, all cash. Greenfield Company, of which Mr. Albert M. Greenfield is Chairman of the Board, President and controlling stockholder, in effecting the aforesaid sales to Rachlin, as provided under the agreement, is acting on his own behalf with respect to 4,740 shares of Union owned by it, and is acting as gratuitous agent on behalf of Albert Company (a company wholly owned by Albert M. Greenfield), with respect to 14,818 shares of Union owned by it, on behalf of Albert M. Greenfield with respect to 5,125 shares of Union owned by him, on behalf of Land Title (with respect to the said 20,011 shares of Union owned by it (constituting all of such shares owned by Land Title) and for and on behalf of other persons, not controlled by Bankers, who may avail themselves of Greenfield Company's agency under the agreement.

The purchase by Rachlin of the aforesaid shares of common stock of Union owned by Bankers and by Land Title, constituting a purchase of securities by and affiliated person (Rachlin) of an affiliated person (Union) of a registered investment company (Bankers) from such registered investment company, and from a company controlled (Land Title) by such investment company, is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission pursuant to section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after February 21, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the Rules and Regulations promulgated under the act. Any interested person may, not later than February 19, 1951, at 5:30 p. m., e. s. t., in writing, submit to the Commission his views or any additional facts bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature and interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-1872; Filed, Feb. 6, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17194]

(MRS.) KIMIKO ARITA

In re: Bonds owned by (Mrs.) Kimiko Arita. F-39-6442.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kimiko Arita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Three (3) 6 percent Gold Debenture Bearer Bonds, due March 15, 1953, of Oriental Development Company, Ltd., of $1,000 face value each, bearing the numbers 11736, 14324 and 17801, presently in the custody of Bishop National Bank of Hawaii, Lanai Branch, Lanai City, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 51-1845; Filed, Feb. 5, 1951; 8:56 a. m.]

[Vesting Order 17236]

BEN KOSAI

In re: Interest in real property, insurance policies and claim owned by Ben Kosai. D-39-6216.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ben Kosai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the real property described as follows:

a. An undivided one-sixth (1/6) interest in real property situated in the County of King, State of Washington, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of the property,

b. All right, title, interest and claim in and to all insurance policies covering the premises described in subparagraph 2-a hereof, and any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to the aforesaid Ben Kosai by the National Bank of Washington, Tacoma, Washington, Kent, Washington, Branch, arising out of his share of the net income by reason of the collection of rents from the real property described in subparagraph 2-a hereof and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Tracts 1 to 8, inclusive, Block 3, Christopher Garden Tracts, according to plat thereof recorded in Volume 23 of Plats, Page 6, records of King County, State of Washington, except portion of said tracts 6, 7 and 8 described as follows: Beginning at a point 491.5 feet north of southeast corner of said tract 8 on the east marginal line of said tract 8; running thence west 844.61 feet to a point 485.5 feet north of the south marginal line of tract 6; thence south 485.5 feet, more

or less, to the south marginal line of said tract 6 at a point 844.61 feet west of southeast corner of said tract 8; thence east along said south marginal line of tracts 6, 7 and 8 to the southeast corner of said tract 8; thence north along the east marginal line of said tract 8 to point of beginning.

Except a perpetual easement and right of way of the United States, granted by a decree of the District Court of the United States for the Western District of Washington, Northern Division, October 23, 1945, running over and across said land described as follows:

That portion of Lots 1, 2, 3 and 4 of Block 3 of Christopher Garden Tracts according to the recorded plat thereof, a subdivision in Section 1, Township 21 North, Range 4 E. W. M., King County, Washington, which lies within a strip of land 200 feet in width, the boundaries of said strip lying 100 feet distant on either side of and parallel to the survey line of the Covington-Tacoma transmission line No 2 as now located and staked on the ground over and across the above property, and particularly described as follows: Beginning at survey station 272+46.0, a point on the east line of Section 1; Township 21 North, Range 4 East of the Willamette Meridian, said point being N. 0° 01' W. a distance of 298.0 feet from the quarter section corner on the east line of said Section 1; thence N. 89° 56' W. a distance of 2837.9 feet to survey station 300 + 83.9 back equals 301 + 10.6 ahead; thence S. 60° 09' W. a distance of 2851.5 feet to survey station 329 + 62.1, a point on the west line of said Section 1, said point being N. 0° 04' W. a distance of 1270.2 feet from the southwest corner of said Section 1.

The above described strip of land has a length of 1,447 feet and contains 6.62 acres, more or less.

[F. R. Doc. 51-1851; Filed, Feb. 5, 1951; 8:57 a. m.]

[Vesting Order 17235]

KEN KOBAYASHI

In re: Real property and claims owned by Ken Kobayashi. F-39-6825.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ken Kobayashi, whose last known address is Yamaguchi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property situated in the County of Monterey, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All those debts or other obligations owing to the aforesaid Ken Kobayashi by Robert S. Kobayashi, Route 4, Box 33, Watsonville, California, and/or Foster Hutchings, Watsonville, California, arising out of the net income by reason of the collection of rents, refunds, benefits or other payments, arising from the ownership of the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, but not subject to either the purported Grant Deed dated November 16, 1946, of Ken Kobayashi to Robert S. Kobayashi, recorded in Volume 510 of Official Records, Santa Cruz County, California, on December 14, 1946, at page 204 and Re-Recorded in the Official Records of Monterey County, on December 24, 1946, in Volume 946 thereof, at page 368, or the purported deed from Robert S. Kobayashi to Foster Hutchings, dated September 22, 1948, recorded August 15, 1949, in Volume 1155, of the Official Records of Monterey County at page 302, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that plot or parcel of land situated in the County of Monterey, State of California, described as follows:

Being a part of the Rancho Bolsa de San Cayetano, and beginning on the Southern side of the San Juan Road in the center of a lane, the Northeastern corner of land of J. Albright and Northwestern corner of land of J. R. Spring; thence South 3° 43' East 29.17 chains to the center of S. P. Railroad, from which point a stake in the fence bears North 3° 43' West 76 links distant; thence along the center of said Railroad North 76° 43' East 5.33 chains to a station from which a stake "S" in the fence bears North 3° 43' West 76 links distant; thence North 3° 43' West 27.87 chains to a stake "S" on the South side of the San Juan Road; thence North 89° 12' West 5.27 chains to the place of beginning and containing 15 acres as surveyed by J. J. Lewis October 4th, 1939, courses true. Variation 16° 10' East.

Saving and excepting therefrom all portions of the above described tract of land conveyed to the Southern Pacific Railroad Company.

[F. R. Doc. 51-1850; Filed, Feb. 5, 1951; 8:57 a. m.]

[Vesting Order 17234]

GEORGE KNOKE ET AL.

In re: Interest in real property and claims owned by George Knoke and others. F-28-23809-B-1, F-28-23810-B-1, F-28-24010-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Knoke and Sophie Knoke Martin, each of whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Marie Hansen Knoke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided one-fifteenth (1/15th) interest in certain real property situated in Bee County, Texas, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, royalties or other payments, arising from the ownership of such property,

b. An undivided one-eighteenth (1/18th) interest in certain real property situated in Live Oak County, Texas, particularly described in Exhibit B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits, royalties or other payments, arising from the ownership of such property, and

c. All those debts or other obligations owing to the persons named in subparagraph 1 hereof and of the persons referred to in subparagraph 2 hereof by E. W. Clemens, 901 South Texas Bank Building, San Antonio 5, Texas, including particularly but not limited to a portion of the sum of money on deposit with The Groos National Bank of San Antonio, 143 West Commerce Street, San Antonio, Texas, in an account entitled E. W. Clemens Agent, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-a and 3-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that lot or parcel of land situated in the County of Bee, State of Texas, particularly described as follows: 2479.11 acres of land, being 1034$^{11}/_{100}$ acres of the northern part of a league and labor survey granted to Cayetano Rivas by Patent No. 40, Vol. No. 1, dated February 23, 1841, Abstract No. 280; 881$^{2}/_{10}$ acres of the R. S. Barnes 1280 acres survey by Patent No. 181, Vol. No. 3, dated September 9, 1846, Abstract No. 115; all of Survey No. 2 by Certificate No. 814 issued to Adams, Beatty & Moulton containing 320 acres, by Patent No. 82, Vol. No. 12, dated September 4, 1895, Abstract No. 457, patented to B. M. Fleming; all of a survey of 160 acres patented to B. M. Fleming by Patent No. 610, Vol. No. 1, dated January 10, 1882, Abstract No. 522; 49$^{3}/_{10}$ acres of the eastern part of Survey No. 1, by Adams, Beatty & Moulton Cert. No. 814, patented to J. Bartlett Atkins by Patent No. 114, Vol. No. 23, dated April 26, 1876, Abstract No. 78; 26$^{9}/_{10}$ acres of the Northeast part of Survey No. 1 by certificate No. 2/31 issued to J. Poitevant and patented to Milton H. Atkins by Patent No. 608, Vol. No. 29, dated April 4, 1878, Abstract No. 391; and 7$^{3}/_{10}$ acres of the northern part of a survey of 158$^{3}/_{10}$ acres by J. Poitevant Cert. No. 2/31, patented to A. C. Gillett by Patent No. 622, Vol. No. 14, dated June 12, 1895, Abstract No. 1203; said survey of 2479.11 acres of land is situated in Bee County, Texas, about 10 miles Northwest of the Town of Beeville, and is described by metes and bounds as follows:

Beginning at the Northeast corner of said Survey No. 2 by Certificate No. 814, issued to Adams, Beatty & Moulton and the Northwest corner of said 160 acres patented to B. M. Fleming whence a topped mesquite marked X bears S. 49° 30' E. 57½ varas. (This is the original tree called for in the field notes of said 160 acres.); thence S. 70° 05' W. with the northern boundary of said No. 2 and 1 at 1,569½ varas a stake in the middle of the Cadiz-Mineral public road for the Northwest corner of this survey; thence S. 19° 55' E. with the middle of said public road 2,080 varas to a stake for a corner of this survey; thence N. 70° 13' E. with the North line of 270 acres of land originally conveyed by B. M. Fleming to ---------- Adams 1,277 varas to its Northeast corner and a corner of this survey; thence S. 19° 56' E. with the East line of said 270 acres at 1,191$^{9}/_{10}$ varas a fence corner post on the northern boundary of the Beeville-Oakville public road, at 1,198$^{9}/_{10}$ varas a stake in the middle of said road for the most southern corner of this survey; thence N. 70° 09' E. with the middle of said road at 758 varas a forked mesquite in the middle of said road marked ☰ on the west side, at 882 varas a forked hackberry tree marked ☰ fore and aft, at 1,150 varas pass about 2 varas South of the 11 mile post from Beeville, at 1,198 varas a fence corner post for the corner of the fence on the north line of said Beeville-Oakville Road whence said road leaves Fleming's land and runs southeasterly at 3,860 varas a fence corner post for the southeast corner of this survey and the southwest corner of 125 acres of land originally conveyed by B. M. Fleming to ---------- Foley; thence N. 19° 25' W. with a fence on the west line of said 125 acres at 1,511 varas a fence corner post for the northwest corner of said 125 acres and a corner of this survey on the north line of said Rivas Survey; thence S. 70° 21' W. with a fence 473 varas to a post for a corner; thence N. 19° 38' W. with a fence at 1,322$^{2}/_{10}$ varas the Southeast corner of 90 acres out of the northeast corner of said R. S. Barnes Survey recovered by McCelvey in suit against B. M. Fleming for the northeast corner of this survey; thence S. 70° 05' W. with the South line of said 90 acres 1,149$^{8}/_{10}$ varas to a stake for the southwest corner of same and a corner of this survey; thence N. 19° 55' W. with the west line of said 90 acres 441 varas to an iron pipe for the northwest corner of same and a corner of this survey; thence S. 70° 05' W. with the north line of the Barnes 1,958½ varas to the place of beginning.

EXHIBIT B

All that lot or parcel of land situated in the County of Live Oak, State of Texas, being certain Blocks of the Subdivision of the Claunch Ranch, described as follows:

	Acres
Block 9	151.53
Block 10	293.89
Block 11	232.16
Block 12	168.00
Block 13	190.85
Block 14	173.74
Block 15	162.60
Block 16	148.44
Block 17	104.70
Jacobs Block	58.00
Total	1,683.71

[F. R. Doc. 51-1849; Filed, Feb. 5, 1951; 8:56 a. m.]

[Vesting Order 15443, Amdt.]

CELESTINE OEFINGER

In re: Estate of Celestine Oefinger, deceased. File No. D-28-12175; E. T. sec. 16400.

Vesting Order 15443 dated October 30, 1950, is hereby amended as follows and not otherwise: By adding to the name, Wilhelm Paustiltel, appearing in subparagraph 1 of said Vesting Order 15443, the words, also known as Wilhelm Heinrich Baudistel.

All other provisions of said Vesting Order 15443 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1927; Filed, Feb. 6, 1951; 8:56 a. m.]

[Vesting Order 17101]

KAGENOBU KOJIMA

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Kagenobu Kojima, also known as K. Kojima, deceased. F-39-6368-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Kagenobu Kojima, also known as K. Kojima, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: a. One (1) Tokyo Electric Light Co., Limited, 6 percent First Mortgage Gold Bond of $1,000 face value in bearer form, number 57789, presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles 14, California, together with any and all rights thereunder and thereto, subject, however, to any and all lawful liens of said California Bank against the aforesaid property, and

b. Two (2) The Oriental Development Company, Limited, 5½ percent Gold Debenture Bonds of $1,000 face value, each, in bearer form, bearing the numbers 7714 and 7745, presently in the custody of California Bank, City Market Office, 863 South San Pedro Street, Los Angeles 14, California, together with any and all rights thereunder and thereto, subject, however, to any and all lawful liens of said California Bank against the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Kagenobu Kojima, also known as K. Kojima, deceased, the aforesaid na-

tionals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Kagenobu Kojima, also known as K. Kojima, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1917; Filed, Feb. 6, 1951; 8:54 a. m.]

[Vesting Order 17149]

AUGUST BRODERSEN

In re: Estate of August Brodersen, deceased. File D-28-10732; E. T. sec. 14999.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisa Kulb, Mary Ann Dorrschmidt and Hans Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, under or arising out of the joint will of August Brodersen and Anna Brodersen, admitted to probate by the District Court of Crawford County, Denison, Iowa, and in and to the respective estate of the aforesaid August Brodersen, deceased, and Anna Brodersen, deceased,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1918; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17150]

EUGENE DEYERLER

In re: Estate of Eugene Deyerler, deceased. File D-28-12349; E. T. sec. 16567.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Deyerler, Karl Deyerler, Otto Deyerler and Josephine Hauf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Eugene Deyerler, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Marie (Mary) Deyerler, Executrix, acting under the judicial supervision of the Probate Court of Cook County, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1920; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17167]

HARUYO MATSUKUMA

In re: Rights of Haruyo Matsukuma under an Insurance Contract. File No. F-39-4909-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Haruyo Matsukuma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,517,268, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Sadao Matsukuma, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1919; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17170]

KIYONO AND ITSUJI NOBUKAWA

In re: Rights of Kiyono Nobukawa and Itsuji Nobukawa under an Insurance Contract. File No. F-39-4460-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyono Nobukawa and Itsuji Nobukawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 741 978 issued by the New York Life Insurance Company, New York, New York, to Kiyono Nobukawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyono Nobukawa or Itsuji Nobukawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1921; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17171]

YOSHIKO AND SHIZUO NOBUSUYE

In re: Rights of Yoshiko Nobusuye and Shizuo Nobusuye under an insurance contract. File No. F-39-4462-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshiko Nobusuye and Shizuo Nobusuye, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 782 044 issued by the New York Life Insurance Company, New York, New York, to Yoshiko Nobusuye, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoshiko Nobusuye or Shizuo Nobusuye, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1922; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17184]

LUISE WEIDMANN

In re: Rights of Luise Weidmann under Insurance Contract. File No. F-28-22818-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Weidmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 11260328, issued by the New York Life Insurance Company, New York, New York, to Luise Weidmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-1923; Filed, Feb. 6, 1951; 8:55 a. m.]

[Vesting Order 17185]

MATHILDA WESTHAUSSEN ET AL.

In re: Rights of Mathilda Westhaussen et al. under contracts of insurance. File Nos. F-28-28696-H-1, H-2, and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mathilda Westhaussen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mathilda Westhaussen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 75640001, No. 75640002 and No. 77527183, issued by the Metropolitan Life Insurance Company, New York, New York, to Mathilda Westhaussen, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mathilda Westhaussen or the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mathilda Westhaussen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 51-1922; Filed, Feb. 6, 1951; 8:55 a. m.]

tionals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Mathilda Westhaussen are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1924; Filed, Feb. 6, 1951; 8:56 a. m.]

[Vesting Order 17186]

ROBERT E. WESTHAUSSEN ET AL.

In re: Rights of Robert E. Westhaussen et al. under certain contracts of insurance. File Nos. F-28-28697-H-1, H-2, and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert E. Westhaussen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Robert E. Westhaussen, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 75582786, No. 75582787 and No. 77407566, issued by the Metropolitan Life Insurance Company, New York, New York, to Robert E. Westhaussen, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Robert E. Westhaussen or the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Robert E. Westhaussen, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Robert E. Westhaussen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1925; Filed, Feb. 6, 1951; 8:56 a. m.]

[Vesting Order 17226]

AUGUST MATTHIAS

In re: Estate of August Matthias, also known as August Matthews, and as Justus Matthias, deceased. File No. F-28-29877; E. T. sec. 17009.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Maria Matthias, Karl Konrad Matthias, Oscar Matthias, Hilda Matthias, Kurt Matthias and Walter Matthias, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Oscar Matthias, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of August Matthias, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emma Burger, as administratrix, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

5. That the property described as follows:

An undivided three-fourths (¾) interest in that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Twenty-sixth Ward of the Borough of Brooklyn, County of Kings, City and State of New York,

Beginning at a point on the easterly side of Schenck Avenue distant 150 feet southerly from the southeasterly corner of Schenck Avenue and Glenmore Avenue; running thence southerly along Schenck Avenue 25 feet; thence easterly parallel with Glenmore Avenue 100 feet; thence northerly and parallel with Schenck Avenue 25 feet; and thence westerly and parallel with Glenmore Avenue 100 feet to the point or place of beginning, said property being located in Section 13, Block 3996 on the Land Map of the County of Kings, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Oscar Matthias, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest:

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1926; Filed, Feb. 6, 1951; 8:56 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
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1934 OF THE UNITED STATES

VOLUME 16 NUMBER 27

Washington, Thursday, February 8, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10211

PLACING IN OPERATION THE PROVISIONS OF SECTION 31 OF THE ORGANIC ACT OF GUAM

WHEREAS section 31 of the Organic Act of Guam (Public Law 630, 81st Congress), approved August 1, 1950, provides:

The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

AND WHEREAS section 34 of the said Organic Act of Guam provides:

Upon the 21st day of July 1950, the anniversary of the liberation of the island of Guam by the Armed Forces of the United States in World War II, the authority and powers conferred by this Act shall come into force. However, the President is authorized, for a period not to exceed one year from the date of enactment of this Act, to continue the administration of Guam in all or in some respects as provided by law, Executive order, or local regulation in force on the date of enactment of this Act. The President may, in his discretion, place in operation all or some of the provisions of this Act if practicable before the expiration of the period of one year.

NOW, THEREFORE, by virtue of the authority vested in me by section 34 of the said Organic Act of Guam, it is hereby ordered that the provisions of section 31 of the said Act shall be in operation as of January 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 6, 1951.

[F. R. Doc. 51-2022; Filed, Feb. 6, 1951; 12:04 p. m.]

EXECUTIVE ORDER 10212

TRANSFERRING THE USE, POSSESSION, AND CONTROL OF CERTAIN LANDS AND RIGHTS-OF-WAY IN THE CHEROKEE NATIONAL FOREST FROM THE DEPARTMENT OF AGRICULTURE TO THE TENNESSEE VALLEY AUTHORITY

By virtue of and pursuant to the authority vested in me by section 7 (b) of the Tennessee Valley Authority Act of 1933 (48 Stat. 63; 16 U. S. C. 831 f (b)), it is ordered that the use, possession, and control of the following-described lands and rights-of-way within the Cherokee National Forest in Polk County, Tennessee, be, and they are hereby, transferred from the United States Department of Agriculture to the Tennessee Valley Authority for the purposes of the Authority as stated in the said act and in accordance with the terms and conditions of the Agreement of Transfer between the Tennessee Valley Authority and the United States Department of Agriculture dated December 4, 1947, and approved by me this date:

I

Five tracts of land located in Polk County, State of Tennessee, between the Apalachia Dam and Powerhouse, described as follows:

T. 1, R. 4 E. Ocoee District

Tract No. AR 164 in secs. 29, 32, and 33

Beginning at a point, the coordinates of which are N. 291,880 and E. 2,468,264, in the center of Big Hopper Creek and at the northeast corner of the Apalachia Powerhouse Site (Tract No. AR 141) which was transferred from the U. S. Department of Agriculture (Forest Service) to the Tennessee Valley Authority by Executive Order No. 9391.

From the initial point by bearings and distances,

S. 57° 31' E., 3,763 ft. to the north boundary of Tract No. AR 134-T of the Apalachia Tunnel Location;

N. 63° 46' W., with the north boundary of the tunnel location, 2,739 ft. to a point opposite survey station 417+50.44 on the center of the tunnel location;

N. 68° 55' W., with the north boundary of the tunnel location, 994 ft. to a point in the east boundary of the Apalachia Powerhouse Site;

N. 25° 00' E., with the east boundary of the powerhouse site, 499 ft. to the point of beginning.

The tract as described contains approximately 19.6 acres.

Tract No. AR 165 in secs. 32 and 33

Beginning at the intersection of the east boundary of the Apalachia Powerhouse Site and the south boundary of the Apalachia Tunnel Location, the coordinates of the said intersection being N. 290,973 and E. 2,467,841.

From the initial point by bearings and distances,

S. 68° 55' E., with the south boundary of the tunnel location, 1,006 ft. to a point opposite survey station 417+50.44 on the center of the tunnel location;

S. 63° 46' E., with the south boundary of the tunnel location, 2,184 ft. to the intersection of the south boundary of the Apala-

(Continued on p. 1169)

CONTENTS

THE PRESIDENT

Executive Orders — Page

Cherokee National Forest, transferring the use, possession and control of certain lands and rights-of-way from the Department of Agriculture to the Tennessee Valley Authority 1167

Nantahala and Cherokee National Forests, including certain lands 1170

Organic Act of Guam, placing in operation the provisions of section 31 1167

EXECUTIVE AGENCIES

Agriculture Department

See also Animal Industry Bureau; Commodity Credit Corporation; Entomology and Plant Quarantine Bureau; Farm Credit Administration; Farmers Home Administration; Forest Service; Production and Marketing Administration.

Cherokee National Forest, transferring the use, possession and control of certain lands and rights-of-way to the Tennessee Valley Authority (*see* Executive Order 10212).

Air Force Department

Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Army and Navy (*see* Military Renegotiation Policy and Review Board).

Alien Property, Office of

Notices:

Vesting orders, etc.:

Dai Ichi Ginko, Ltd 1221

Deutsche Reichsbank 1217

Groeschke, Herman 1222

Haack, Bertha, et al 1220

Hahn, Frank, et al 1222

Huffmann, Frieda 1216

Kaisha, Shinko Menkwa Kabushiki 1221

Kondo, Seiko, and Tamotsu Ohno 1220

Norddeutsche Lebensvers A. G 1218

Okada, Ruth G., et al 1222

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Reubke, Anna 1218
Sandhagen, Anton Friedrich 1216
Sawada, Minoru 1219
Storz, Carl, and Western Bank and Trust Co 1220
Tanabe, Tadao 1215

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Tiemann, Wm 1219
Uhrig, Johannes and Katherine 1221
Vereinigte Stahlwerke Aktiengesellschaft 1219
Wenzel, Hedwig M 1216

Animal Industry Bureau
Rules and regulations:
Goats; recognition of breeds and books of records of purebred animals 1180

Army Department
See also Engineers Corps.
Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Navy and Air Force (*see* Military Renegotiation Policy and Review Board).

Commerce Department
See International Trade, Office of; National Production Authority.

Commodity Credit Corporation
Notices:
Sales of certain commodities at fixed prices; February domestic and export price list 1208

Defense Department
See also Engineers Corps.
Contracts containing the Renegotiation Article entered into by or on behalf of the Departments of the Army, the Navy and Air Force (*see* Military Renegotiation Policy and Review Board).

Engineers Corps
Rules and regulations:
Heart Butte Dam and Reservoir, Heart River, Grant County, N. Dak.; flood control regulations 1183

Entomology and Plant Quarantine Bureau
Notices:
Public hearings:
Domestic quarantine 1203
Foreign quarantine (3 documents) 1204, 1205, 1207
Proposed rule making:
Domestic quarantine; revoking Japanese beetle quarantine or extending it to Georgia, Illinois, Indiana, Kentucky, Michigan, North and South Carolina 1184

Farm Credit Administration
Rules and regulations:
Disposal of mineral interests; Federal Farm Mortgage Corp 1177

Farmers Home Administration
Rules and regulations:
Farm ownership loan limitations; average values of farms and investment limits:
Nebraska 1179
North Dakota 1179
Water facilities loans; miscellaneous amendments 1180

Federal Power Commission Page
Notices:
Hearings, etc.:
Mississippi River Fuel Corp 1209
Transcontinental Gas Pipe Line Corp 1209

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Forest Service
Notices:
Salmon National Forest; removal of trespassing horses 1209

Interior Department
See also Land Management, Bureau of.
Notices:
Oil and gas operations in the submerged coastal lands of the Gulf of Mexico 1203

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters; miscellaneous amendments 1181

Interstate Commerce Commission
Notices:
Applications for relief:
Asphalt compounds and other commodities between points in official territory 1211
Gas, liquefied chlorine, from Memphis, Tenn., to Terre Haute, Ind 1211
Lard and vegetable oils from Texas points to Kansas, Oklahoma and Joplin, Mo 1210
Motor-rail rates between Boston, Mass., and Harlem River, N. Y 1211
Stoves, ranges and onion sets from Illinois to the South 1211
Rerouting or diversion of traffic:
Central of Georgia Railway Co 1210
Southern Railway Co 1210

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska:
Filing objections to Public Land Order 697 withdrawing public lands for national defense purposes 1203
Filing of plats of survey 1202
California; classification order (2 documents) 1201, 1202
Rules and regulations:
Alaska; withdrawing public lands for national defense purposes and revoking Public Land Order No. 538 1184

Military Renegotiation Policy and Review Board
Notices:
Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Army, the Navy and Air Force 1185

CONTENTS—Continued

National Production Authority Page
Rules and regulations:
Aluminum, general (NPA M-5) 1182

Navy Department
Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Army and Air Force (*see* Military Renegotiation Policy and Review Board).

Production and Marketing Administration
Rules and regulations:
Potatoes, Irish, grown in certain designated counties in Idaho and in Malheur County, Oreg.; limitation of shipments 1180

Securities and Exchange Commission
Notices:
Hearings, etc.:
Allegheny Ludlum Steel Corp 1213
Baldwin-Lima-Hamilton Corp 1213
Benschoten, E. Van 1212
Composite Bond and Preferred Stock Fund et al 1215
Electric Bond and Share Co. et al 1214
Mercer Hicks Corp 1211
National Power & Light Co. et al 1213
Toledo Edison Co 1213
United Gas Corp. et al 1214

Tennessee Valley Authority
Cherokee National Forest, transferring the use, possession, and control of certain lands and rights-of-way from the Department of Agriculture (*see* Executive Order 10212).

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10211 1167
10212 1167
10213 1170

Title 6
Chapter I:
Part 91 1177
Chapter III:
Part 311 (2 documents) 1179
Part 352 1180

Title 7
Chapter III:
Part 301 (proposed) 1184
Chapter IX:
Part 957 1180

Title 9
Chapter I:
Part 151 1180

Title 15
Chapter III:
Part 399 1181

Title 32A
Chapter VI:
M-5 1182

CODIFICATION GUIDE—Con.

Title 33 Page
Chapter II:
Part 208 1183

Title 43
Chapter I (Public land orders) 538 (revoked by PLO 697), 697 1184

chia Tunnel Location and the northwest boundary of the Apalachia Village Site (Tract No. AR 85);

S. 65° 55' W., with the northwest boundary of the village site, 160 ft.;
N. 65° 00' W., 2,633 ft.;
S. 25° 00' W., 1,370 ft.;
N. 65° 00' W., 450 ft.;
N. 25° 00' E., 1,469 ft. to the point of beginning.

The tract as described contains approximately 24.3 acres.

Tract No. AR 135-T in sec. 33

A strip of land 500 ft. wide, lying 250 ft. on each side of the center line of the Apalachia Tunnel Location, the said center line extending from approximate survey station 345+03 on the center line at the western terminus of Tract No. AR 136-T of the Apalachia Tunnel Location N. 80° 26' W., 200 ft., more or less, to approximate survey station 347+03 at the eastern terminus of Tract No. AR 134-T of the Apalachia Tunnel Location. Tracts Nos. AR 136-T and AR 134-T were transferred from the U. S. Department of Agriculture (Forest Service) to the Tennessee Valley Authority by Executive Order No. 9391.

The tract as described contains approximately 2.3 acres.

F. T. 2 S., R. 5 E., Ocoee District

Tract No. AR 147 in fractional secs. 15 and 16

Beginning at a stone at the southeast corner of sec. 16.

From the initial point by bearings and distances,

N. 66° 20' W., with the south line of sec. 16, 1,102 ft. to the intersection of the south line of sec. 16 and the southeast boundary of Tract No. AR 143-T of the Apalachia Tunnel Location (which was transferred from the U. S. Department of Agriculture (Forest Service) to the Tennessee Valley Authority by Executive Order No. 9391);

N. 66° 31' E., with the southeast boundary of the tunnel location, 1,615 ft.;

S. 55° 36' E., 169 ft. to a stone pile, the coordinates of which are N. 286,353 and E. 2,503,534 on the Tennessee-North Carolina State Line;

S. 4° 56' W., along the state line, 1,228 ft. to the intersection of the state line and the south line of sec. 15;

N. 66° 20' W., along the south line of sec. 15, 497 ft. to the point of beginning.

The tract as described contains approximately 23.1 acres.

Tract No. AR 167 in fractional sec. 16

Beginning at the intersection of the northwest boundary of Tract No. AR 143-T of the Apalachia Tunnel Location and the center of the L. & N. Railroad.

From the initial point,

Northerly with the meanders of the center of the railroad 620 ft., more or less, to a point, the coordinates of which are N. 286,987 and E. 2,507,698;

Leaving the railroad, by bearings and distances,

S. 55° 36' E., 424 ft., passing a 2 in. iron pipe at 53 ft., to the northwest boundary of the Apalachia Tunnel Location;

S. 66° 31' W., with the northwest boundary of the tunnel location, 963 ft. to the point of beginning.

The tract as described contains approximately 3.9 acres.

The positions of corners and directions of lines are referred to the Tennessee State Coordinate System.

II

A right of way for the construction, maintenance, and repair of an access road upon, over, and across the following described strip of land:

T. 1, R. 4 E., F. T. 2 S., R. 5 E. and F. T. 3 S., R. 5 E. Ocoee District

A strip of land 100 ft. wide, lying 50 ft. on each side of the center of the access road to the Apalachia Powerhouse, through secs. 25, 26, 27, 33, 34 and 36, T. 1, R. 4 E.; sec. 31, F. T. 2 S., R. 5 E.; and sec. 6, F. T. 3 S., R. 5 E., the center of the strip being described as follows:

Beginning in Ditney Gap at the intersection of the center of the access road to the Apalachia Powerhouse and the boundary of the land of the United States of America under the jurisdiction of the Forest Service, from which USFS Monument 31 6 1929 is located 20 ft. southwesterly along the top of Ditney Ridge.

From the initial point,

Northwesterly with the meanders of the center of the road 0.8 mi., more or less, to Stone Pile Gap at the top of the divide between Bear Branch and Wolf Creek;

Northwesterly with the meanders of the center of the road down the valley of Wolf Creek, crossing the south boundary of Tract No. AR-136-T of the Apalachia Tunnel at 2.7 mi., more or less, and the north boundary of the said tract at 2.8 mi., more or less, a total distance of 3.4 mi., more or less, to a point 150 ft., more or less, southeast of the L. & N. Railroad;

Southwesterly with the meanders of the center of the road, along the southeast side of the L. & N. Railroad for the first approximate 0.6 mi., crossing the north boundary of Tract No. AR-136-T of the Apalachia Tunnel at 0.7 mi., more or less, and the south boundary of the said tract at 0.8 mi., more or less, a total distance of 2.2 mi., more or less, to the intersection of the center of the road and the center of a section of road constructed by the Tennessee Valley Authority;

Northerly, westerly, then northerly with the meanders of the center of the said section of road 2.1 mi., more or less, to the intersection of the center of the said section of road and the east boundary of the Apalachia Village Site from which the intersection of the east boundary of the village site and the south boundary of Tract No. AR-134-T of the Apalachia Tunnel bears N. 12° 30' E., 170 ft., more or less. EXCEPT, therefrom, those portions of the described strip lying within the boundaries of Tract No. AR-136-T of the Apalachia Tunnel which was transferred from the U. S. Department of Agriculture (Forest Service) to the Tennessee Valley Authority by Executive Order No. 9391.

The strip as described has a net center line length of approximately 8.3 mi.

III

Rights of way for the construction, maintenance, repair, renewal, and replacement of telephone lines upon, over, across, and under the following described strips of land:

T. 2 S., R. 4 E., Ocoee District

Tract No. 3 OCR 22-TL in secs. 14 and 15

A strip of land 25 ft. wide, lying 12.5 ft. on each side of the center of a telephone line, located in Polk County, State of Tennessee, and extending from the Ocoee No. 3 Dam Site in a northeasterly direction to the Southern Bell Telephone & Tel[illegible]h Company's line

southwest of U. S. Highway 64, the center of the strip being described as follows:

Beginning at the point of intersection and the center of the telephone line and the east boundary of the Ocoee No. 3 Dam Site (Tract No. 3 OCR 15) which was transferred from the U. S. Department of Agriculture (Forest Service) to the Tennessee Valley Authority by Executive Order No. 9391, from which the northeast corner of sec. 15 bears N. 28° 30' E., 570 ft. (both bearing and distance being approximate).

From the initial point with the center of the telephone line approximately along the following bearings and distances:

S. 63° 30' E., 1,555 ft.;

N. 64° 30' E., 2,840 ft. to the intersection of the centers of the telephone line and the Southern Bell Telephone & Telegraph Company's line.

The strip as described contains approximately 2.5 acres.

In addition the right to cut and remove such danger trees located on the adjoining land as may be necessary to safeguard the telephone line constructed on the described land.

The directions of lines are referred to the Tennessee State Coordinate System.

F. T. 2 S., R. 5 E., Ocoee District

Tract No. AR 166–TL in E½ fractional sec. 16

Two strips of land each 25 ft. wide, lying 12.5 ft. on each side of the center of a telephone line, located in Polk County, State of Tennessee, the centers of the strips being described as follows:

Beginning at the intersection of the center of the telephone line and the west line of the E½ sec. 16, from which U. S. Forest Service Monument 323 at the southwest corner of the SE¼ sec. 16 bears S. 23° W., 90 ft., more or less.

From the initial point with the center of the telephone line approximately along the following bearing and distance:

S. 44° 30' E., 270 ft. to the intersection of the center of the telephone line and the south line of sec. 16, from which the monument at the southwest corner of the SE¼ sec. 16 bears N. 66° 20' W., 290 ft., more or less.

Beginning at the intersection of the center of the telephone line and the south line of sec. 16, from which the monument at the southwest corner of the SE¼ sec. 16 bears N. 66° 20' W., 420 ft., more or less.

From the initial point with the center of the telephone line approximately along the following bearing and distance:

N. 76° 30' E., 1,220 ft. to the intersection of the center of the telephone line and the center of the L. & N. Railroad.

The two strips as described contain approximately 0.9 acre.

In addition the right to cut and remove such danger trees located on the adjoining land as may be necessary to safeguard the telephone line constructed on the described land.

The directions of lines are referred to the Tennessee State Coordinate System.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 6, 1951.

[F. R. Doc. 51–2023; Filed, Feb. 6, 1951; 12:04 p. m.]

EXECUTIVE ORDER 10213

INCLUDING CERTAIN LANDS IN THE NANTAHALA AND CHEROKEE NATIONAL FORESTS

WHEREAS on December 4, 1947, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Cherokee County, North Carolina, and Polk County, Tennessee, so that such lands might be included in and reserved as parts of the Nantahala National Forest and the Cherokee National Forest, respectively, in accordance with the terms and conditions of the said agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and the inclusion of said lands in the Nantahala and Cherokee National Forests would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as parts of the Nantahala National Forest and the Cherokee National Forest, respectively, as hereinafter indicated, the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of December 4, 1947, between the Tennessee Valley Authority and the United States Department of Agriculture.

LANDS INCLUDED IN THE NANTAHALA NATIONAL FOREST

A tract of land located in Shoal Creek and Beaverdam Townships of Cherokee County, State of North Carolina, on the west shore of Hiwassee Lake and on both shores of Apalachia Lake, approximately ¾ mile west of the Hiwassee Dam, and more particularly described as follows:

Beginning at a 36 in. chestnut stump at USTVA Monument 2–1 W. C., the coordinates of which are N. 551, 685 and E. 450, 598, in the boundary of the land acquired by the Tennessee Valley Authority in the name of the United States of America and on the east side of the Hiwassee Dam-Anderson Road.

From the initial point by bearings and distances,

N. 1° 14' E., with the said boundary, 2,551 ft. to USTVA Monument 7–1 at a 30 in. chestnut stump in the boundary of the land transferred from the Tennessee Valley Authority to the U. S. Department of Agriculture (Forest Service) by the Agreement of Transfer dated June 20, 1940;

S. 59° 46' E., with the said boundary, 1,250 ft., more or less, to the 1,523 ft. contour on the west shore of Hiwassee Lake;

Southerly with the meanders of the contour to a point, the coordinates of which are N. 551, 673 and E. 452, 030, from which USTVA Monument 3–4 W. C. bears S. 52° 17' W., 22 ft.;

S. 52° 17' W., 2,831 ft., passing USTVA monument 3–4 W. C. at 22 ft., to a large boulder in which is set a bronze plate stamped 72–9;

S. 5° 35' E., 2,675 ft., passing a flat rock in which is set a bronze plate stamped 73–3A W. C. at 1,183 ft., crossing the 1,280 ft. contour on the north shore of Apalachia Lake at 1,197 ft., crossing the 1,280 ft. contour on the south shore of the lake at 1,728 ft., and passing USTVA Monument 27–1 W. C. at 1,743 ft., to USTVA Monument 26–1, the coordinates of which are N. 547, 279 and E. 450, 051, in the boundary of the land acquired by the Tennessee Valley Authority in the name of the United States of America;

With the said boundary,

S. 18° 59' W., 975 ft. to a dead 30 in. chestnut tree at USTVA Monument 29–2 W. C.;

N. 80° 03' W., 920 ft. to a 15 in. spanish oak tree at USTVA Monument 29–1 W. C.;

S. 89° 07' W., 1,804 ft. to USTVA Monument 30–2;

N. 1° 00' W., 683 ft. to USTVA Monument 30–1 on the 1,320 ft. contour on the south shore of Apalachia Lake;

North, 550 ft., more or less, crossing the 1,280 ft. contour at 130 ft., more or less, to the center of the Hiwassee River;

Northwesterly downstream with the meanders of the center of the river 780 ft., more or less, to a point from which USTVA Monument 72–1, the coordinates of which are N. 548, 524 and E. 446, 796, bears N. 56° 19' E., 351 ft., more or less;

N. 56° 19' E., 351 ft., more or less, crossing the 1,280 ft. contour on the north shore of Apalachia Lake at 280 ft., more or less, to USTVA Monument 72–1 on the 1,320 ft. contour;

N. 55° 43' E., 705 ft. to USTVA Monument 72–2;

N. 49° 07' E., 581 ft. to USTVA Monument 72–3;

N. 84° 55' E., 136 ft. to USTVA Monument 72–4;

N. 6° 31' E., 1,808 ft. to USTVA Monument 72–5;

S. 86° 56' E., 1,117 ft. to USTVA Monument 72–6;

S. 14° 20' W., 335 ft. to USTVA Monument 72–7;

N. 54° 26' E., 1,659 ft. to the 36 in. chestnut stump at USTVA Monument 2–1 W. C., the place of beginning. EXCEPT, therefrom, all land lying below an elevation of 1,280 ft. above mean sea level.

The tract as described contains approximately 305 acres.

The positions of corners and directions of lines are referred to the North Carolina State Coordinate System. The elevations 1,528 ft. and 1,280 ft. are based on Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey's 1929 Preliminary Adjustment and Southeastern Supplementary Adjustment of 1936, respectively. The boundary markers designated "USTVA Monument" above are concrete monuments in which are set bronze plates on which the numbers and letters given are stamped.

The above described tract of land is subject to such rights as may be vested in the State of North Carolina to the right of way of the Hiwassee Dam-Anderson Road.

A tract of land lying in Beaverdam and Shoal Creek Townships of Cherokee County, State of North Carolina, and extending along both shores of Apalachia Lake from a point approximately ¼ mile upstream from the Apalachia Dam to a point approximately 1½ miles downstream from the Hiwassee Dam, and more particularly described as follows:

Beginning at the intersection of the boundary of the land acquired by the Tennessee Valley Authority in the name of the United States of America and the center of the road along the north side of Shuler

Creek, from which a monument, the coordinates of which are N. 564,088 and E. 418,601, on the North Carolina-Tennessee State Line bears S. 11° 40' W., 346 ft.

From the initial point, along the boundary of the land acquired by the Tennessee Valley Authority in the name of the United States of America, by bearings and distances,

N. 11° 40' E., 54 ft. to USTVA Monument 5–1A W. C.;

N. 5° 40' E., 1,311 ft. to a stone pile on the North Carolina-Tennessee State Line;

N. 8° 47' E., along the state line, 603 ft. to a post in a pile of stones;

N. 8° 50' E., along the state line, 788 ft. to a post in a pile of stones;

S. 82° 04' E., 2,958 ft. to a painted 8 in. hickory tree;

S. 7° 20' W., 1,504 ft. to a monument;

N. 84° 31' W., 303 ft. to a painted 12 in. oak tree;

S. 29° 03' W., 1,487 ft. to a hacked and painted 20 in. hickory tree;

S. 63° 05' E., 219 ft. to a 16 in. post oak tree;

S. 56° 51' E., 1,174 ft., crossing a road at 640 ft., more or less, and Shuler Creek at 670 ft., more or less, to a painted stone at the top of a ridge;

Southeasterly with the meanders of the top of the ridge along the following approximate bearings and distances:

S. 23° 05' E., 801 ft.;

S. 54° 05' E., 560 ft.;

S. 37° 05' E., 225 ft.;

N. 86° 55' E., 410 ft.;

S. 42° 05' E., 596 ft. to a dead 24 in. oak tree, the coordinates of which are N. 561, 571 and E. 423, 651;

Leaving the ridge,

S. 22° 18' W., 1,012 ft. to a stone at the top of a ridge;

Westerly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 66° 25' W., 411 ft.;

S. 65° 35' W., 501 ft.;

N. 67° 25' W., 320 ft. to a 20 in. oak tree;

Leaving the ridge,

S. 39° 25' W., 1,307 ft. to a 24 in. black oak tree;

S. 46° 55' E., 212 ft. to a painted 6 in. sourwood tree;

S. 24° 00' W., 460 ft., more or less, to the 1,320 ft. contour on the north shore of Apalachia Lake;

Easterly with the meanders of the contour 9,100 ft., more or less, to a point from which a 1 in. post oak tree, the coordinates of which are N. 558, 282 and E. 423, 966, bears N. 23° 47' E., 500 ft., more or less;

N. 23° 47' E., 500 ft., more or less, to the 1 in. post oak tree;

N. 29° 06' E., 948 ft. to a 4 in. hickory tree;

N. 64° 18' E., 1,374 ft. to a 3 in. pine tree;

S. 56° 11' E., 581 ft., more or less, to the 1,320 ft. contour on the north shore of Apalachia Lake;

Easterly with the meanders of the contour 7,930 ft., more or less, to a point from which a pine tree, the coordinates of which are N. 560, 527 and E. 429, 915, bears N. 6° 37' E., 190 ft., more or less;

N. 6° 37' E., 190 ft., more or less, to the pine tree;

N. 21° 33' W., 553 ft. to a 30 in. chestnut tree;

N. 74° 03' W., 920 ft.;

N. 47° 30' E., 663 ft. to a chestnut stump;

N. 29° 04' E., 616 ft. to a poplar stump;

N. 2 29' W., 621 ft. to a corner to the land of the United States of America under the jurisdiction of the Forest Service;

With the boundary of the land of the United States of America under the jurisdiction of the Forest Service approximately along the following bearings and distances;

N. 31° 18' E., 320 ft.;

N. 30° 32' E., 792 ft.;

S. 86° 48' E., 303 ft.;

S. 16° 07' E., 1,420 ft.;

S. 82° 07' E., 1,008 ft.;

Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

S. 83° 00' E., 2,156 ft. to a painted 20 in. chestnut tree;

S. 84° 04' E., 310 ft. to a painted 18 in. oak tree;

N. 26° 54' E., 77 ft. to a point at the top of a ridge;

Southeasterly with the meanders of the top of the ridge along the following approximate bearings and distances:

S 89° 52' E., 484 ft.;

S. 61° 52' E., 292 ft.;

S. 41° 52' E., 490 ft. to a point, the coordinates of which are N. 561, 564 and E. 435, 394;

Leaving the ridge,

S. 12° 23' E., 261 ft.;

N. 33° 16' E., 624 ft. to the center of Shoal Creek;

Southeasterly downstream with the meanders of the center of the creek 1,110 ft., more or less, to a stone, the coordinates of which are N. 561, 042 and E. 436, 518;

S. 50° 30' E., 1,645 ft. to the boundary of the land of the United States of America under the jurisdiction of the Forest Service;

S. 25° 07' W., along the said boundary, 920 ft., more or less, to the top of a ridge;

Southwesterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 67° 10' W., 457 ft.;

S. 78° 50' W., 306 ft.;

S. 58° 50' W., 467 ft. to a burned 30 in. pine tree;

Leaving the ridge,

N. 57° 22' W., 280 ft., more or less, to the 1,320 ft. contour on the Southeast shore of the Shoal Creek Embayment of Apalachia Lake;

Southerly then Easterly with the meanders of the contour 1,560 ft., more or less, to a point from which a 15 in. oak tree, the coordinates of which are N. 557, 501 and E. 437, 113, bears S. 55° 19' E., 1,470 ft., more or less;

N. 56° 36' E., 383 ft.;

S. 19° 42' W., 371 ft. to a point in the 1,320 ft. contour on the southeast shore of an embayment of Apalachia Lake from which the above designated 15 in. oak tree bears S. 55° 19' E., 1,220 ft., more or less;

Southerly then Westerly with the meanders of the contour 1,620 ft., more or less, to the shore of Apalachia Lake;

Southerly then Easterly with the meanders of the contour 3,570 ft., more or less, to a point from which the above designated 15 in. oak tree bears N. 13° 45' E., 1,316 ft., more or less;

N. 13° 45' E., 1,316 ft., more or less, to the 15 in. oak tree;

S. 68° 19' E., 1,459 ft. to a 10 in. post oak tree;

N. 58° 35' E., 729 ft. to a 20 in. pine tree in the boundary of the land of the United States of America under the jurisdiction of the Forest Service;

With the boundary of the land of the United States of America under the jurisdiction of the Forest Service approximately along the following bearings and distances:

S. 34° 24' E., 147 ft.;

S. 47° 46' E., 114 ft.;

S. 31° 46' E., 173 ft.;

S. 25° 23' W., 125 ft.;

S. 69° 59' E., 574 ft.;

N. 46° 46' E., 108 ft.;

N. 38° 58' E., 180 ft.;

N. 64° 43' E., 257 ft.;

S. 76° 14' E., 130 ft.;

N. 69° 08' E., 159 ft.;

N. 58° 29' E., 184 ft.;

N. 23° 29' E., 185 ft.;

N. 75° 11' E., 100 ft.;

S. 74° 25' E., 133 ft.;

N. 59° 52' E., 102 ft.;

N. 23° 46' E., 151 ft.;

N. 61° 28' E., 95 ft.;

N. 24° 59' E., 385 ft.;

N. 16° 59' E., 223 ft.;

S. 30° 13' E., 646 ft. to a point, the coordinates of which are N. 557, 536 and E. 441, 777;

Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

S. 6° 37' W., 912 ft. to a 12 in. post oak tree;

S. 66° 42' W., 1,145 ft. to a black gum stump;

S. 73° 58' E., 898 ft. to a corner of the land of the United States of America under the jurisdiction of the Forest Service;

With the boundary of the land of the United States of America under the jurisdiction of the Forest Service approximately along the following bearings and distances:

S. 40° 36' E., 1,650 ft.;

N. 75° 36' W., 419 ft.;

S. 47° 35' E., 386 ft.;

N. 74° 15' W., 1,501 ft.;

S. 28° 55' W., 1,960 ft.;

S. 43° 23' W., 475 ft. to a 20 in. poplar tree, the coordinates of which are N. 552, 931 and E. 439, 653;

Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

S. 3° 56' W., 539 ft. to an 8 in. chestnut oak tree;

S. 65° 51' E., 1,075 ft. to a 12 in. spanish oak tree at the top of a ridge;

Easterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 42° 22' E., 386 ft.;

S. 67° 38' E., 305 ft.;

N. 51° 22' E., 536 ft. to a 20 in. pine tree, the coordinates of which are N. 552, 456 and E. 441, 558, in the boundary of the land of the United States of America under the jurisdiction of the Forest Service;

Leaving the ridge,

S. 11° 43' E., along the said boundary, 868 ft.;

S. 29° 17' E., 519 ft.;

S. 54° 11' W., 593 ft.;

S. 35° 26' E., 755 ft. to the top of a ridge;

Northeasterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 38° 17' E., 206 ft.;

N. 78° 17' E., 327 ft.;

Leaving the ridge,

S. 28° 30' E., 340 ft.;

S. 73 53' W., 47 ft.;

S. 35° 12' W., 735 ft.;

S. 14° 06' E., 230 ft.;

S. 58° 48' E., 863 ft.;

N. 60° 11' E., 672 ft.;

S. 77° 06' E., 233 ft.;

N. 66° 48' E., 655 ft.;

N. 45° 34' E., 636 ft.;

N. 15° 12' W., 511 ft. to a dead chestnut stump at the top of a ridge;

Northwesterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 50° 54' W., 260 ft.;

N. 44° 54' W., 230 ft.;

N. 21° 54' W., 630 ft. to the boundary of the land of the United States of America under the jurisdiction of the Forest Service;

Leaving the ridge and with the boundary of the land of the United States of America under the jurisdiction of the Forest Service approximately along the following bearings and distances:

N. 57° 35' E., 1,003 ft.;

S. 88° 03' E., 1,644 ft. to the top of a ridge;

Leaving the boundary of the land of the United States of America under the jurisdiction of the Forest Service,

Southwesterly with the meanders of the top of the ridge approximately along the following bearing and distance:

S. 57° 28' W., 455 ft.;

Leaving the ridge,

S. 59° 04' W., 399 ft. to the center of Anderson Creek;

Southwesterly downstream with the meanders of the center of the creek 500 ft.,

more or less, to a point, the coordinates of which are N. 550, 733 and E. 445, 500;

S. 0° 35' W., 897 ft.;
S. 88° 23' E., 494 ft.;
S. 67° 37' E., 313 ft.;
N. 55° 35' E., 308 ft.;
S. 80° 07' E., 285 ft.;
S. 2° 23' W., 409 ft.;
S. 82° 27' E., 1,034 ft. to USTVA Monument 72-3;
S. 49° 07' W., 581 ft. to USTVA Monument 72-2;
S. 55° 43' W., 705 ft. to USTVA Monument 72-1, the coordinates of which are N. 548, 524 and E. 446, 796, on the 1,320 ft. contour on the north shore of Apalachia Lake;
S. 56° 19' W., 351 ft., more or less, crossing the 1,280 ft. contour at 70 ft., more or less, to the center of the Hiwassee River;

Southeasterly upstream along the meanders of the center of the Hiwassee River 780 ft., more or less, to a point which USTVA Monument 30-1, the coordinates of which are N. 547, 171 and E. 447, 012, bears South, 550 ft., more or less;

South, 550 ft., more or less, crossing the 1,280 ft. contour on the south shore of Apalachia Lake at 420 ft., more or less, to USTVA Monument 30-1 on the 1,320 ft. contour;
S. 1° 00' E., 683 ft. to USTVA Monument 30-2;
S. 3° 17' W., 857 ft. to a chestnut stump;
N. 87 00' W., 2,202 ft. to a 24 in. chestnut stump;
N. 3° 27' E., 620 ft., more or less, to the 1,320 ft. contour on the south shore of Apalachia Lake;

Westerly with the meanders of the contour 2,700 ft., more or less;
S. 8° 50' W., 977 ft. to twin 14 in. pine trees;
S. 7° 01' W., 695 ft. to an oak stump, the coordinates of which are N. 545, 357 and E. 442, 137, at the top of a ridge;

Northwesterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 85° 42' W., 471 ft.;
S. 56° 18' W., 436 ft.;
N. 40° 42' W., 391 ft.;
S. 65° 18' W., 361 ft.;
N. 49° 42' W., 1,042 ft. to a black jack oak tree;

Leaving the ridge,

N. 5° 40' E., 1,164 ft. to an 18 in. black oak tree;
S. 35° 06' W., 765 ft. to a 6 in. black jack tree;
S. 45° 29' W., 248 ft. to an 18 in. black oak tree, the coordinates of which are N. 546, 328 and E. 439, 425;
N. 39° 17' W., 2,475 ft., crossing Shoal Creek at 760 ft., more or less, to a dead 18 in. spanish oak tree;
N. 49° 34' W., 870 ft. to a sourwood tree;
S. 59° 24' W., 438 ft. to a 24 in. pine tree at the top of a ridge;

Northeasterly with the meanders of the top of the ridge along the following approximate bearings and distances:

N. 5° 06' W., 412 ft.;
N. 38° 54' E., 342 ft.;
N. 64° 54' E., 327 ft. to a stake, the coordinates of which are N. 549, 401 and E. 437, 293;

Leaving the ridge,

N. 0° 35' W., 168 ft. to the 1,320 ft. contour on the south bank of Little Shoal Creek;

Westerly upstream with the meanders of the contour 2,060 ft., more or less, to the point where the contour crosses the creek;

Easterly downstream with the meanders of the contour along the north bank of the creek 2,060 ft., more or less, to a point from which a 12 in. pine tree bears N. 20° 49' W., 649 ft., more or less;

N. 20° 49' W., 649 ft., more or less, to the 12 in. pine tree;
S. 74° 34' E., 609 ft. to a stone, the coordinates of which are N. 550, 274 and E. 437, 810;
N. 30° 23' E., 321 ft. to the 1,320 ft. contour on the southwest shore of Apalachia Lake at a point opposite approximate mile 71.8 on the Hiwassee River;

Northwesterly downstream along the Hiwassee River with the meanders of the contour to a point opposite approximate mile 68.2 on the Hiwassee River;
S. 24° 59' W., 620 ft. to a 12 in. maple tree, the coordinates of which are N. 557, 843 and E. 428, 225;
S. 27° 15' W., 448 ft. to a 30 in. chestnut tree;
S. 67° 15' E., 545 ft. to a 6 in. dogwood tree;
S. 2° 04' W., 752 ft. to an iron pin at a spanish oak tree;
N. 84° 21' W., 1,714 ft.;
S. 6° 06' E., 537 ft. to an iron pin;
S. 63° 57' W., 2,297 ft., passing a 14 in. pine tree at the top of a ridge at 649 ft., to the common corner of the lands now or formerly owned by the Larkin Hamby Heirs, Noah Bryant et ux, and the W. M. Hamby Heirs, and the land acquired by the Tennessee Valley Authority in the name of the United States of America;
N. 38° 49' W., 957 ft. to a point, the coordinates of which are N. 555, 854 and E. 424, 184;
N. 4° 48' E., 608 ft., more or less, to the 1,320 ft. contour on the south shore of Apalachia Lake;

Westerly then Southerly with the meanders of the contour along the south shore of the lake and subsequently along the east shore of an embayment of the lake 1,880 ft., more or less, to a point from which the common corner of the lands now or formerly owned by the Larkin Hamby Heirs, Noah Bryant et ux, and the W. M. Hamby Heirs, and the land acquired by the Tennessee Valley Authority in the name of the United States of America bears N. 86° 47' E., 750 ft., more or less;
S. 86° 47' W., 50 ft., more or less, to the 1,320 ft. contour on the southwest shore of an embayment of Apalachia Lake;

Southwesterly with the meanders of the contour 2,530 ft., more or less, to the point where the contour crosses Camp Creek;

Northerly with the meanders of the contour along the west shore of the Camp Creek Embayment and then Westerly with the meanders of the contour along the south shore of Apalachia Lake a total distance of 6,690 ft., more or less, to the intersection of the said contour and the center of a road;

Southeasterly with the meanders of the center of the road approximately along the following bearings and distances:

S. 56° E., 200 ft.;
S. 10° W., 450 ft.;
S. 26° E., 540 ft.;
S. 42° E., 255 ft.;
S. 25° E., 520 ft. to a point, the coordinates of which are N. 554, 869 and E. 421, 497, from which the common corner of the lands now or formerly owned by the Larkin Hamby Heirs, Noah Bryant et ux, and the W. M. Hamby Heirs, and the land acquired by the Tennessee Valley Authority in the name of the United States of America bears N. 82° 23' E., 709 ft.; thence N. 86° 47' E., 2,588 ft.;

Leaving the road,

S. 73° 38' W., 1,921 ft.;
N. 21° 17' W., 1,030 ft.;
N. 39° 08' W., 1,679 ft. to an angle iron, the coordinates of which are N. 556, 591 and E. 418, 220, at a 16 in. black oak tree;

Leaving the boundary of the land acquired by the Tennessee Valley Authority in the name of the United States of America,

N. 55° 38' E., 1,392 ft., passing a rock outcrop in which is set a bronze plate stamped 6-27 W. C. at 1,384 ft., to the 1,280 ft. contour on the south shore of Apalachia Lake;
N. 2° 27' E., 570 ft., more or less, to the center of the Hiwassee River;

Easterly upstream with the meanders of the center of the river 200 ft., more or less, to a point from which USTVA Monument 5-26 W. C. bears N. 16° 48' E., 720 ft., more or less;

N. 16° 48' E., 720 ft., more or less, crossing the 1,280 ft. contour on the north shore of Apalachia Lake at 710 ft., more or less, to USTVA Monument 5-26 W. C., the coordinates of which are N. 558, 549 and E. 419, 798;
N. 16° 48' E., 1,449 ft. to a stone in which is set a bronze plate stamped 5-25;
N. 67° 55' W., 1,030 ft. to USTVA Monument 5-24;
N. 10° 58' W., 1,666 ft. to the point of a rock ledge in which is set a bronze plate stamped 5-23;
N. 14° 00' W., 1,360 ft. to USTVA Monument 5-22;
N. 62° 02' E., 275 ft. crossing Shuler Creek at 120 ft., more or less, and passing USTVA Monument 5-21 W. C. at 265 ft., to a point, the coordinates of which are N. 563, 403 and E. 418, 851, in the center of the road along the north side of Shuler Creek;

Northerly with the meanders of the center of the road 1,050 ft., more or less, to the point of beginning. EXCEPT, therefrom, all land lying below an elevation of 1,280 ft. above mean sea level. The tract as described contains approximately 2,500 acres.

The position of corners and direction of lines are referred to the North Carolina State Coordinate System. The elevations are based on Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936. The boundary markers designated "USTVA Monument" above are concrete monuments in which are set bronze plates on which the numbers and letters given are stamped.

The above described tract of land is subject to the following exceptions and reservations:

1. To such rights as remain outstanding in the State of North Carolina to rights of way for public roads;

2. To such mineral rights as remain outstanding in Tracts Nos. AR 64, AR 97 and AR 100;

3. To such burial rights as remain outstanding in Tract No. AR 99.

LANDS INCLUDED IN THE CHEROKEE NATIONAL FOREST

All right, title and interest acquired by the Tennessee Valley Authority in the name of the United States of America from the Hiwassee-Nolichucky Power Company by a Final Decree of record in Deed Book 36, page 433 in the Register's Office of Polk County, Tennessee, to lands located in Polk County, State of Tennessee, between the Tennessee-North Carolina State Line and Gee Creek which is 0.6 mile, more or less, downstream along the Hiwassee River, from the Town of Austral, the said lands being described as follows:

A parcel of land bounded on the north by the north line of sec. 30, F. T. 2 N., R. 3 E. Ocoee District, and by the prolongation of the said line westerly to the center of Gee Creek; on the east by the east line of the W½ sec. 30; on the south by the boundary of the land of the United States of America under the jurisdiction of the Forest Service (which is located approximately 330 ft. south of and parallel to the south bank of the Hiwassee River) from the east line of the W½ sec. 30 to the west line of sec. 30, by the south bank of Long Island from the west line of sec. 30 to the downstream tip of the island, and by the center of the Hiwassee River from the downstream tip of the island to a point opposite the mouth of Gee Creek; and on the west by the west line of sec. 30 and by the center of Gee Creek EXCEPT, therefrom, approximately 80 acres bounded on the north by the center of the L. & N. Railroad; on the east by a line extending from U. S. Coast and Geodetic Survey's Bench Mark E-16-1933, on the north side of the L. & N. Railroad at Austral, S 23° 00' W. (referred to the Tennessee State Coordinate System) to the north bank of the Hiwassee River; on the south by the Hiwassee River; and on the west by the center of Gee Creek. (The land is described under the heading of "PARCEL TWENTY-ONE" in the Final Decree.)

T. 1, R. 3 E. Ocoee District

N½ sec. 1. (The land is described under the headings "PARCEL FOUR" and "PARCEL TWENTY-ONE" in the Final Decree.)

A portion of sec. 2, described as follows:

Beginning at the northeast corner of sec. 2.

From the initial point by bearings and distances.

S. 23° W., with the section line, 1,560 ft. to the center of the L. & N. Railroad;

Westerly with the meanders of the center of the railroad 535 ft. to a point in a line 500 ft. west of and parallel to the east line of sec. 2;

N. 23° E., parallel to the east line of sec. 2, to the center of the sluice on the north side of Big Island;

Westerly downstream with the meanders of the center of the sluice to a line 940 ft. west of and parallel to the east line of sec. 2;

N. 23° E., parallel to the east line sec. 2, 610 ft. to a chestnut stake in the north line of sec. 2;

S. 67° E., with the north line of sec. 2, 940 ft. to the northeast corner of sec. 2, the place of beginning. (The land is described under the headings "PARCEL FOUR" and "PARCEL FOURTEEN" in the Final Decree.)

F. T. 2 N., R. 3 E. Ocoee District

SW¼ sec. 15.
S½SE¼ sec. 16.
E½ sec. 21.

That portion of the NW¼ sec. 21 lying south and west of the boundary of the land of the United States of America under the jurisdiction of the Forest Service.

That portion of the SW¼ sec. 21 lying south and east of the boundary of the land of the United States of America under the jurisdiction of the Forest Service.

That portion of the NW¼ sec. 22 lying west of the west boundary of the land now or formerly owned by Thompson & Sewell.

SW¼ sec. 22.

(The lands in secs. 15, 16, 21 and 22 are described under the heading "PARCEL TWENTY-ONE" in the Final Decree.)

That portion of the S½ sec. 25 lying south and east of the top of Linder Ridge. (The land is described under the headings "PARCEL FOUR" and "PARCEL TWENTY-ONE" in the Final Decree.)

That portion of the SE¼ sec. 26 lying south and east of the top of Linder Ridge. (The land is described under the heading "PARCEL FOUR" in the Final Decree.)

That portion of the NW¼ sec. 27 bounded on the north by the north line of sec. 27 and on the east, south and west by the land of the United States of America under the jurisdiction of the Forest Service. (The land is described under the heading "PARCEL TWENTY-ONE" in the Final Decree.)

N½ sec. 28.

A portion of the SW¼ sec. 28, described as follows:

Beginning at the northeast corner of the SW¼ sec. 28.

From the initial point,

Southerly with the east line of the SW¼ sec. 28 to the center of Hopper Branch;

Westerly downstream with the meanders of the center of the branch to the north bank of the Hiwassee River;

Southwardly at right angles to the north bank of the river to the center of the river;

Southerly upstream along the meanders of the center of the river to the south line of sec. 28;

Westerly with the south line of sec. 28 to its intersection with the boundary of the land of the United States of America under the jurisdiction of the Forest Service;

Northerly with the said boundary (which is located 330 ft., more or less, southwest of and parallel to the southwest bank of the Hiwassee River) to its intersection with the west line of sec. 28;

Northerly with the west line of sec. 28 to the northwest corner of the SW¼ sec. 28;

Easterly with the north line of the SW¼ sec. 28 to the northeast corner of the SW¼ sec. 28, the place of beginning.

N½SE¼ sec. 28.

That portion of the S½SE¼ sec. 28 lying east of the first branch flowing into the Hiwassee River northwest of Hambright.

That portion of the S½ sec. 29 lying north of the boundary of the land of the United States of America under the jurisdiction of the Forest Service (which is located 330 ft., more or less, south of and parallel to the south bank of the Hiwassee River).

That portion of the SE¼ sec. 30 lying north of the above designated boundary of the land of the United States of America under the jurisdiction of the Forest Service. (Those lands in secs. 28, 29 and 30 are described under the headings of "PARCEL TWENTY-ONE" and "PARCEL TWENTY-TWO" in the Final Decree.)

That portion of the NE¼ sec. 33 lying north of the south bank of the Hiwassee River and southeast of the first branch flowing into the Hiwassee River northwest of Hambright. (The land is described under the headings "PARCEL SEVENTEEN" and "PARCEL TWENTY-TWO" in the Final Decree.)

That portion of the NW¼ sec. 33 lying north and east of the boundary of the land of the United States of America under the jurisdiction of the Forest Service (which is located 330 ft., more or less, southwest of and parallel to the southwest bank of the Hiwassee River). (The land is described under the heading "PARCEL TWENTY-ONE" in the Final Decree.)

W½NW¼ sec. 34. (The land is described under the headings "PARCEL SEVENTEEN" and "PARCEL EIGHTEEN" in the Final Decree.)

That portion of the NE¼ sec. 35 lying east of the top of Linder Ridge.

SE¼ sec. 35.

Sec. 36.

(The lands in secs. 35 and 36 are described under the headings "PARCEL FOUR" and "PARCEL TWENTY-ONE" in the Final Decree.)

T. 1, R. 4 E. Ocoee District

A strip of land 1.52 ch. wide off the west side of sec. 6.

A strip of land 1.52 ch. wide off the west side of the SW¼ sec. 7.

(The lands in secs. 6 and 7 are described under the heading "PARCEL THREE" in the Final Decree.)

A strip of land 1.52 ch. wide off the west side of sec. 19. (The land is described under the heading "PARCEL TWO" in the Final Decree.)

A portion of the SE¼ sec. 21, described as follows: Beginning at USFS corner 27 at the southeast corner of sec. 21. From the initial point by bearings and distances,

N. 67° W., with the south line of sec. 21, 2,618 ft. to USFS Corner 22;
N. 24° 59' E., 426 ft. to USFS Corner 23;
S. 65° 20' E., 847 ft. to USFS Corner 24;
N. 24° 02' E., 487 ft. to USFS Corner 25;
S. 65° 24' E., 1771 ft. to USFS Corner 26 on the east line of sec. 21;
S. 24° 32' W., with the east line of sec. 21, 863 ft. to the southeast corner of sec. 21, the place of beginning.

All bearings are based on true north with the exception of the bearing of the south line of sec. 21 which is based on magnetic north.

(The land is described under the heading "PARCEL SEVEN" in the Final Decree.)

A portion of secs. 23, 24, 25 and 26, described as follows:

Beginning at a stone monument in the south line of sec. 23 from which the southwest corner of sec. 23 bears N. 65° 28' W., 800 ft.

From the initial point by bearings and distances,

N. 86° 02' E., 1,000 ft. to a stone monument;
S. 61° 43' E., 480 ft. to a stone monument;
N. 24° 37' E., 176 ft. to a stone monument;
S. 65° 23' E., 424 ft. to a stone monument;
S. 24° 07' W., 336 ft. to a stone monument;
S. 43° 38' E., 376 ft. to a stone monument;
N. 68° 32' E., 410 ft. to a stone monument;
N. 49° 37' E., 490 ft. to a stone monument;
S. 61° 53' E., 200 ft. to a stone monument;
S. 24° 37' W., 420 ft. to a stone monument;
S. 68° 03' E., 1,140 ft. to a stone monument at or near the east line of sec. 23;
S. 52° 43' E., 766 ft. to a stone monument;
S. 24° 37' W., 145 ft. to a stone monument;
S. 15° 43' E., 595 ft. to a stone monument;
S. 64° 38' E., 380 ft. to a stone monument;
N. 69° 52' E., 720 ft. to a stone monument;
N. 24° 37' E., 770 ft. to a stone monument;
S. 65° 23' E., 1,135 ft. to a stone monument;
S. 24° 37' W., 225 ft. to a stone monument;
S. 57° 18' E., 1,465 ft. to a stone monument;
S. 52° 38' E., 640 ft. to a stone monument on the east line of sec. 24;

S. 24° 40' W., with the east line of sec. 24, 235 ft. to a post in a mound of stones at the southeast corner of sec. 24;

S. 24° 40' W., with the east line of sec. 25, 2,668 ft. (2,650 ft. in the description of the fourth tract described in PARCEL ONE), crossing Turtletown Creek three times, to a stone monument at the intersection of the east line of sec. 25 and a line 50 ft. south of and parallel to the south bank of Turtletown Creek;

Westerly downstream with the meanders of the line 50 ft. from and parallel to the bank of the creek 4,200 ft. to a stone monument;

N. 6° 23' W., 190 ft. to a point in the center of the L. & N. Railroad, the said point being located 350 ft. as measured along the center of the railroad in a westerly direction from the center of the railroad bridge across Turtletown Creek;

Westerly with the meanders of the center of the railroad 8,900 ft. to the west line of sec. 26;

N. 24° 35' E., with the west line of sec. 26, 1,495 ft. to a stone monument;
S. 65° 23' E., 396 ft. to a stone monument;
N. 26° 47' E., 780 ft. to a stone monument;
S. 65° 23' E., 236 ft. to a stone monument;
N. 43° 12' E., 895 ft. to a stone monument in a line 1.52 ch. south of and parallel to the north line of sec. 26;

N. 7° 22' E., 106 ft. to the stone monument on the north line of sec. 26, the place of beginning. EXCEPT, therefrom, approximately 42.4 acres contained within the boundaries of a strip of land 500 ft. wide lying 250 ft. on each side of the center of the Apalachia Tunnel location, the center line of the said location being described as follows:

Beginning at approximate survey station 183 + 40 on the center of the Apalachia Tunnel Location at the intersection of the center of the said location and the east line of sec. 25, from which survey station 179 + 90.86, the coordinates of which are N. 235, 681.48 and E. 2, 491, 737.77, bears S. 87° 26' E., 359 ft., more or less.

From the initial point by bearing and distance,

N. 87° 26' W., 3,698 ft., more or less, to approximate survey station 220 + 38 at the intersection of the tunnel location and the line 50 ft. from and parallel to the left bank of the creek.

(The land is described under the heading "PARCEL ONE" in the Final Decree.)

A strip of land 1.52 ch. wide off the north side of the NW¼ sec. 26 extending from the west line of sec. 26 to a line which extends from a stone monument on the north line

of sec. 28 (which is S. 65° 23' E., 800 ft. from the northwest corner of sec. 26) S. 7° 22' W., to a stone monument on a line 1.52 ch. south of and parallel to the north line of sec. 26. (The land is described under the heading "PARCEL TWO" in the Final Decree.)

That portion of sec. 27 lying north of the center of the L. & N. Railroad. EXCEPT, therefrom, approximately 47.4 acres, described as follows:

Beginning at a point in the east line of sec. 27 from which the northeast corner of sec. 27 bears N. 23° E. 100 ft.

From the initial point by bearings and distances,

S. 23° W. with the east line of sec. 27, 1,764 ft.;

N. 67° W. (at right angles to the said section line), 1,170 ft.;

N. 23° E. (parallel to the said section line), 1,764 ft.;

S. 67° E., with a line 100 ft. south of and parallel to the north line of sec. 27, 1,170 ft. to the point of beginning.

The east line of sec. 27 is described as having a bearing of S. 24° 35' W. in the descriptions of PARCELS ONE AND TWO.

(The land in sec. 27 north of the L. & N. Railroad is described under the heading "PARCEL FIVE" in the Final Decree.)

A strip of land 100 ft. wide through the SW¼ sec. 27, the center line of the said strip extending from a point in the west line of sec. 27, from which the southwest corner of sec. 27 bears S. 23° W., 70 ft. more or less, N. 71° 30' E. to the center of the L. & N. Railroad. (The land is described under the heading "PARCEL SIX" in the Final Decree.)

A portion of the SW¼ sec. 27, described as follows:

Beginning at a point in the center of the L. & N. Railroad, from which the intersection of the center of the railroad and the south boundary of the 100 ft. strip of land through the SW¼ sec. 27 is located 320 ft., more or less, as measured along the center of the railroad in a northerly direction.

From the initial point by bearings and distances,

S. 63° 20' W., 197 ft. to a stone pile;

S. 27° 33' E., 467 ft. to a stake;

N. 63° 03' E., 196 ft. to the center of the L. & N. Railroad;

Northwesterly with the meanders of the center of the railroad 470 ft., more or less, to the point of beginning; being the same land acquired by the State of Tennessee Valley Authority in the name of the United States of America as PARCEL SIXTEEN in the Final Decree.

The directions of lines are referred to the Tennessee State Coordinate System.

A portion of the SE¼ sec. 27, described as follows:

Beginning at USFS Corner 1 in the center of the L. & N. Railroad, from which the intersection of southeast boundary of the parcel of land located in the SW¼ sec. 27 herein above described and the center of the L. & N. Railroad is located 210 ft., more or less, as measured along the center of the railroad in a northwesterly direction.

From the initial point by bearings and distances,

S. 39° 42' W., 79 ft. to USFS Corner 2;

S. 50° 18' E., 40 ft. to USFS Corner 3;

S. 39° 42' W., 123 ft. to USFS Corner 4;

S. 50° 18' E., 621 ft. to USFS Corner 5;

N. 39° 42' E., 203 ft. to USFS Corner 6 in the center of the L. & N. Railroad;

Northwesterly with the center of the railroad 661 ft. to the point of beginning.

(The land is described under the heading "PARCEL FIFTEEN" in the Final Decree.)

That portion of sec. 28 lying north of the center of the L. & N. Railroad. EXCEPT, therefrom, approximately 146 acres, described as follows:

Beginning at a point in the west line of sec. 28, from which the northwest corner of sec. 28 bears N. 23° E., 100 ft.

From the initial point by bearings and distances,

S. 67° E., with a line 100 ft. south of and parallel to the north line of sec. 28, 3,537 ft.;

S. 23° W., 1,550 ft.;

S. 73° W., 960 ft. to the east line of the NW¼ sec. 28;

N. 55° W., 1,865 ft.;

N. 67° W., 427 ft.;

N. 23° E., 663 ft.;

N. 67° W., 555 ft. to the west line of sec. 28;

N. 23° E., with the west line of sec. 28, 1,116 ft. to the point of beginning. (The land is described under the heading "PARCEL FIVE" in the Final Decree.)

A strip of land 1.52 ch. wide off the north side of sec. 29.

A strip of land 1.52 ch. wide off the west side of the NE¼ sec. 29 extending from a line 1.52 ch. south of and parallel to the north line of sec. 29 to a line which extends from a point in the west line of the NE¼ sec. 29 (which is located S. 24° 37' W., 1,649 ft. from the northwest corner of the NE¼ sec. 29) S. 67° 03' E. to the east boundary of the strip.

(The strips are described under the heading "PARCEL TWO" in the Final Decree.)

A portion of sec. 29, described as follows:

Beginning at the southwest corner of Sec. 29.

From the initial point by bearings and distances,

Easterly with the south line of sec. 29 to the center of the Hiwassee River;

Northerly with the meanders of the center of the river to a point, from which the intersection of the centers of the L. & N. Railroad and Big Hopper Creek bears N. 82° 00' E., 250 ft., more or less;

N. 82° 00' E., 250 ft., more or less, to the intersection of the centers of the L. & N. Railroad and Big Hopper Creek;

Easterly with the meanders of the center of the railroad to the offset east line of sec. 29 (also known as the Thompson-Heyser Line);

N. 24° 55' E., with the said line, 160 ft. to a point near the center of the Hiwassee River;

N. 87° 28' W., with the Thompson-Heyser Line, 325 ft. to a point in the east line of sec. 29;

N. 24° 20' E., with the east line of sec. 29, 1,060 ft. to a stone monument;

N. 65° 23' W., 210 ft. to a stone monument;

S. 24° 37' W., 465 ft. to a stone monument;

N. 28° 48' W., 520 ft. to a stone monument;

N. 65° 23' W., 490 ft. to a stone monument;

S. 24° 37' W., 180 ft. to a stone monument;

N. 67° 03' W., 1,550 ft. to a stone monument;

N. 24° 37' E., 140 ft. to a stone monument;

N. 66° 53' W., 1,136 ft. to a stone monument;

N. 79° 23' W., 840 ft. to a stone monument;

S. 64° 37' W., 1,015 ft. to a locust post in a pile of stones at the northwest corner of the SW¼ sec. 29;

S. 25° 09' W., with the west line of sec. 29, 2,225 ft. to the southwest corner of sec. 29, the place of beginning. (The land is described under the heading "PARCEL ONE" in the Final Decree.)

A strip of land 1.52 ch. wide off the north side of sec. 30.

A strip of land 1.52 ch. wide off the west side of the NW¼ sec. 30 extending from the south line of the NW¼ sec. 30 to a line 1.52 ch. south of and parallel to the north line of sec. 30.

(The strips of land are described under the heading "PARCEL TWO" in the Final Decree.)

A portion of the S½SW¼NW¼ sec. 30, described as follows:

Beginning at a stone monument on the south line of the NW¼ sec. 30, from which the southwest corner of the NW¼ sec. 30 bears N. 64° 58' W., 570 ft., more or less.

From the initial point by bearings and distances,

S. 64° 58' E., with the south line of the NW¼ sec. 30, 1,200 ft. to a stone monument;

N. 24° 37' E., 250 ft. to a stone monument;

N. 64° 58' W., parallel to the south line of the NW¼ sec. 30, 750 ft. to a stone monument;

S. 85° 37' W., 515 ft. to the stone monument which is the place of beginning. (The land is described under the heading "PARCEL ONE" in the Final Decree.)

S½ sec. 30. (The land is described under the headings "PARCEL FOUR" and "PARCEL TWENTY-ONE" in the Final Decree.)

That portion of the NE¼ sec. 31 lying north of the center of the L. & N. Railroad. (The land is described under the heading "PARCEL FOUR" in the Final Decree.)

13.2 acres lying in the NE¼ sec. 31 south of the center of the L. & N. Railroad. (The land is described under the heading of "PARCEL TWENTY-ONE" in the Final Decree.)

A strip of land 650 ft. wide off the north side of the NW¼ sec. 31.

A strip of land 100 ft. wide off the west side of the NW¼ sec. 31 extending from a line 650 ft. south of and parallel to the north line of sec. 31 to the south line of the NW¼ sec. 31 which is described in the Final Decree as being located 3,000 ft. south of and parallel to the north line of sec. 31. (The land is described under the heading "PARCEL FOUR" in the Final Decree.)

115 acres lying in the NW¼ sec. 31. (The land is described under the heading "PARCEL TWENTY-ONE" in the Final Decree.)

A strip of land 1.52 ch. wide off the west side of the SW¼ sec. 31. The north line of the SW¼ sec. 31 is described in the Final Decree as extending from a point in the west line of sec. 31 (the said point being located N. 24° 39' E., 2,350 ft. from the southwest corner of sec. 31) S. 65° E. to the east boundary of the strip.

A strip of land 1.52 ch. wide off the south side of sec. 31 extending from a line 1.52 ch. east of and parallel to the west line of sec. 31 to the east line of sec. 31.

A strip of land 1.52 ch. wide off the south side of sec. 32.

(The strips of land off the west side of the SW¼ sec. 31 and off the south sides of secs. 31 and 32 are described under the heading "PARCEL TWO" in the Final Decree.)

A strip of land 100 ft. wide through sec. 33. The southeast boundary of the strip extending from the southwest corner of sec. 33 N. 71° 30' E. to the east line of sec. 33 at its intersection with the offset north line of sec. 34. EXCEPT, therefrom approximately 2.3 acres constituting the tract designated on Tennessee Valley Authority's land records as "Tract No. AR-135-T". (The land is described under the heading "PARCEL FIVE" in the Final Decree.)

T. 2, R. 4 E., Ocoee District

A strip of land 1.52 ch. wide off the west sides of secs. 6, 7, 18, and 19. (The land is described under the heading "PARCEL TWO" in the Final Decree.)

F. T. 2 S., R. 5 E., Ocoee District

Approximately 10 acres situated in the northeast corner of fractional sec. 9, being that part of the Higdon land lying west of road and which land was conveyed by J. T. Griffin and wife to William H. Butler by deed dated July 15, 1913.

A portion of fractional secs. 9, 15, and 16, described as follows:

Beginning at the southwest corner of sec. 9.

From the initial point by bearings and distances,

N. 23° E., with the west line of sec. 9, 5,280 ft. to the northwest corner of sec. 9;

S. 67° E., with the north line of sec. 9, 1,815 ft.;

S. 16½° E., 386 ft. to a corner of the Higdon field on a ridge;

S. 30¼° W., with the ridge, 280 ft.;

S. 47¼° W., 578 ft. to a corner of the lands now or formerly owned by Stiles and Henegar (the boundary having been established by a survey by John L. Williams in February, 1907);

S. 3½° E., with said boundary, 297 ft.;

S. 16½° E., 116 ft. to a beech at the first branch flowing into Brush Creek on the east side;

South, to a road on top of a ridge;

Westerly down said road to a corner of a field;

N. 82° W., with a line established by John L. Williams in February, 1907, 396 ft. to the center of Brush Creek;

Northerly upstream with the meanders of the center of the creek to a point opposite a large sycamore stump on the west bank of the creek, a corner to the land now or formerly owned by Biggs & Taylor.

S. 86½° W., 375 ft. to a spur of a ridge;

S. 81° W., 314 ft.;

N. 84½° W., 275 ft.;

S. 81¼° W., 277 ft. to the top of a high ridge;

S. 16¼° W., with the top of the ridge, 165 ft.;

S. 32° W., 180 ft.;

S. 34° E., 213 ft. to a planted rock on the top of a high ridge;

S. 83° E., 693 ft. to the head of a drain;

S. 73½° E., downstream with the center of the drain, 182 ft.;

N. 81° E., 108 ft. to the old Ferry Road on Brush Creek;

S. 73° E., with the road, 139 ft.;

N. 80° E., 132 ft. to a branch;

N. 68° E., upstream with the meanders of the branch, 206 ft.;

N. 77½° E., 86 ft.;

S. 42¼° E., 495 ft. to the top of a ridge;

S. 33° W., 195 ft.;

S. 24½° E., 415 ft., crossing the east line of the W½ sec. 9 at 205 ft., to a stone monument;

S. 74½° E., 95 ft. to a stone monument below and close to the Church house;

East, 167 ft. to a stone monument;

S. 64° E., 240 ft. to a stone monument;

S. 46° E., 265 ft. to the Tennessee-North Carolina State Line;

S. 6° W., with the State Line, crossing the Hiwassee River three times, to a point which is located 500 ft., at right angles, from the south bank of the Hiwassee River;

Northwesterly downstream with the meanders of the line 500 ft. from and parallel to the bank of the river to the intersection of the said line and the north line of the S½ sec. 16;

Northerly to the intersection of the north line of sec. 16 and the center of the lower track of the L. & N. Railroad loop;

Westerly downstream with the meanders of the center of the railroad to the intersection of the center of the railroad and the south line of sec. 9;

N. 67° W., with the south line of sec. 9, to the southwest corner of sec. 9, the place of beginning. EXCEPT, therefrom, approximately 45 acres acquired by the United States of America by a Final Decree dated June 14, 1939. Also EXCEPT, therefrom, approximately 61 acres described as follows:

Beginning at a stone pile, the coordinates of which are N. 286,353 and E. 2,508,534, on the Tennessee-North Carolina State Line, from which the intersection of the state line and the south line of sec. 15 bears S. 4° 56' W., 1,228 ft. and the most southerly intersection of the state line and the center of the Hiwassee River bears N. 8° 26' E., 775 ft., more or less.

From the initial point by bearings and distances,

N. 55° 36' W., 1,123 ft., passing a 2 in. iron pipe in the east right of way line of the L. & N. Railroad at 1,070 ft., to a point in the center of the railroad;

Northerly with the center of the railroad 1,330 ft., more or less, to a point from which an iron pin in the east right of way line of the railroad bears S. 67° 12' E., 52 ft.;

S. 67° 12' E., 72 ft., passing the iron pin at 52 ft., to a 2 in. iron pipe;

N. 23° 10' E., 1,162 ft. to a stone;

S. 81° 36' E., 727 ft. to a stone on the Tennessee-North Carolina State Line;

S. 8° 26' W., with the state line, 2,945 ft., crossing the Hiwassee River at 440 ft., more or less, and at 2,170 ft., more or less, to the point of beginning.

The positions of corners and directions of lines given in the above description of the 61 acre parcel are based on the Tennessee State Coordinate System. (The lands in fractional secs. 9, 15 and 16 are described under the heading "PARCEL FIVE" in the Final Decree.)

A portion of secs. 17, 18, and 19, described as follows:

Beginning at a point in a mound of stones at the southwest corner of sec. 19.

From the initial point by bearings and distances,

N. 24° 40' E., with the west line of sec. 19, 235 ft. to a stone monument;

S. 65° 23' E., 235 ft. to a stone monument;

N. 61° 07' E., 1,155 ft. to a stone monument;

N. 36° 42' E., 1,500 ft. to a stone monument;

N. 55° 12' E., 760 ft. to a stone monument;

N. 35° 17' E., 1,450 ft. to a stone monument;

N. 57° 57' E., 1,125 ft., crossing the north line of sec. 19 at 685 ft., more or less, to a stone monument;

S. 77° 38' E., 2,650 ft. to a stone monument on the east line of sec. 18;

S. 65° 33' E., with the boundary of the land conveyed by the Ocoee Timber Company to the United States of America by a deed of record in Deed Book 17, page 274 in the Register's Office of Polk County, Tennessee, 2,573 ft. to the east line of the SW¼ sec. 17;

N. 68° 30' E., 2,450 ft. (N. 72° 53' E., 2,443 ft. in the said deed from Ocoee Timber Company to the United States of America) to a stone monument on the north line of the SE¼ sec. 17;

N. 34° 07' E., 645 ft. to a stone monument;

N. 77° 37' E., 315 ft. to a stone monument;

N. 49° 37' E., 1,143 ft. to a stone monument;

N. 35° 08' W., 607 ft. to a stone monument;

N. 42° 07' E., 318 ft. to a stone monument;

S. 39° 53' E., 750 ft. to a stone monument on the east line of sec. 17, from which the northeast corner of sec. 17 bears N. 24° E., 500 ft.;

S. 24° W., with the east line of sec. 17, 2,126 ft. to a chestnut post at the southeast corner of the NE¼ sec. 17;

S. 23° W., with the east line of sec. 17, 2,728 ft. to the southeast corner of sec. 17;

Westerly with the south line of sec. 17 to the center of the L. & N. Railroad at or near the southwest corner of sec. 17;

Southwesterly with the meanders of the center of the railroad 7,350 ft.;

S. 24° 37' W., 143 ft. to a post in a stone pile on the south line of sec. 19;

N. 65° 55' W., 931 ft. to the southwest corner of sec. 19, the place of beginning.

(The land is described under the headings "PARCEL ONE", "PARCEL FIVE" and "PARCEL EIGHT" in the Final Decree.)

That portion of the N½ sec. 20 lying north of the center of the L. & N. Railroad. (The land is described under the heading "PARCEL SIX" in the Final Decree.)

NW¼NW¼ sec. 21. EXCEPT, therefrom, approximately 1.4 acres lying south of a line 250 ft. north of and parallel to the center of the Apalachia Tunnel Location, which extends from survey station 51+15.26, the coordinates of which are N. 285,544.36 and E. 2,504,559.13 (Tennessee State Coordinate System), N. 79° 27' W. to the west line of sec. 21. (The land is described under the headings "PARCEL TEN" and "PARCEL TWENTY" in the Final Decree.)

A portion of secs. 19, 20, 28, 29, 30, 32 and 33 described as follows:

Beginning at a post in a mound of stones at the northwest corner of sec. 30.

From the initial point by bearings and distances,

S. 65° 55' E., with the north line of sec. 30, 931 ft. to a post in a mound of stones;

S. 65° 23' E., with the said section line, 2,905 ft. to a stone monument;

N. 88° 02' E., 1,118 ft. to a stone monument on the east line of sec. 19;

S. 65° 23' E., 1,982 ft. to a stone monument;

N. 24° 37' E., 760 ft. to a stone monument;

S. 65° 23' E., 630 ft. to a stone monument on the east line of the SW¼ sec. 20;

S. 23° 58' W., with the east line of the SW¼ sec. 20, 862 ft.;

S. 59¾° E., 280 ft.;

S. 40½° E., 284 ft. to a stake;

S. 54° E., 148 ft. to a stone monument witnessed by a white oak tree;

S. 34¼° W., 148 ft. to a stake in the south line of sec. 20;

S. 67° E., with the south line of sec. 20, 53 ft.;

S. 11½° W., 109 ft.;

S. 10° E., 198 ft.;

S. 31¼° E., 479 ft.;

S. 58° E., 165 ft.;

S. 46½° E., 132 ft.;

S. 74° E., 215 ft. to a stone monument;

S. 39½° E., 495 ft. to a stone monument;

S. 48¼° W., 297 ft. to a stone monument;

S. 45¼° E., with a fence, 502 ft. to a stone monument in the center of the Ducktown Road;

S. 10½° W., with the center of the road, 297 ft.;

S. 20½° W., with the center of the road, 274 ft. to a stone monument;

N. 63¼° W., 459 ft. to a stone monument;

S. 17½° W., 974 ft. to a stone monument at a fence corner;

S. 85° E., with the fence, 434 ft. to a stone monument at the southeast corner of the NE¼ of sec. 29;

S. 66½° E., with the north line of the SW¼ sec. 28, 1,502 ft. to a stone monument;

S. 25° W., 1,389 ft. to a stone monument at the mouth of a lane;

N. 64° W., with a conditional line, 136 ft. to a stone monument on a hillside just south of a branch and on the east line of the W½ SW¼ sec. 28;

S. 25½° W., with the east line of the W½ SW¼ sec. 28, 1,258 ft. to a stone monument at the southeast corner of the SW¼SW¼ sec. 28;

N. 66¾° W., with the south line of sec. 28, 550 ft. to a large natural rock at the intersection of the south line of sec. 28 and the wagon way to the Plumley house;

Northwesterly with the meanders of the wagon way approximately along the following bearings and distances:

N. 17¼° W., 79 ft.;

N. 30° W., 134 ft.;

N. 49¼° W., 154 ft.;

N. 36¼° W., 140 ft. to a 10 in. black gum tree on the lower side of the wagon way;

Leaving the wagon way,

S. 61° W., 37 ft. to the left bank of the Plumley Spring Branch;

Westerly downstream with the meanders of the left bank of the branch approximately along the following bearings and distances:

N. 30½° W., 43 ft.;

N. 64° W., 148 ft. to the center of Turtletown Creek;

Southwesterly upstream with the meanders of the center of the creek along the following approximate bearings and distances:

S. 20½° W., 73 ft.;

S. 62¼° W., 188 ft.;

S. 31° W., 46 ft. to the south line of sec. 28;

Leaving the creek,

S. 66½° E., with the north line of sec. 33, 284 ft. to a stone monument at the top of a ridge;

S. 28¼° E., with the top of the ridge, 59 ft. to a stake;
S. 14¼° W., 792 ft. to a double chestnut tree;
N. 66° 43' W., 181 ft. to a stone monument;
S. 27° 15' W., 436 ft. to a stone monument;
N. 70° 15' W., 343 ft.;
N. 61° W., 56 ft. to a yellow pine tree;
N. 70° W., 178 ft. to a stake;
N. 77° 45' W., 215 ft.;
N. 74° 45' W., 188 ft. to a stone monument;
S. 21° W., 597 ft. to a stone monument;
S. 54° 20' E., 142 ft. to a stone monument;
S. 18° 45' W., 235 ft.;
S. 57° 30' E., with a fence, 833 ft. to a stake on a conditional line;
S. 22° 30' W., 271 ft. to a stake on the south line of the NW¼ sec. 33;
N. 66° 30' W., with the south line of the NW¼ sec. 33, 327 ft. to a stone monument at the southeast corner of the NE¼ sec. 32;
S. 23½° W., with the east line of sec. 32, 1,782 ft. to a stone monument;
N. 66½° W., 1,163 ft. to a stone monument on the west line of the SE¼SE¼ sec. 32;
N. 23½° E., with the west line of the SE¼SE¼ sec. 32, 561 ft. to a stone monument at the northwest corner of the SE¼SE¼ sec. 32;
N. 66½° W., with the south line of the N½SE¼ sec. 32, 1,304 ft. to the southwest corner of the NW¼SE¼ sec. 32;
N. 23½° E., with the west line of the E½ sec. 32, 2,756 ft. to a stone monument;
S. 65° 18' W. (S. 65½° E. in the description of PARCEL TWELVE), 1,290 ft. to a marble monument at a fence;
N. 18° 52' E., with a conditional marked line, 1,115 ft. to a stone monument on the north line of sec. 32 on a hillside above and near a county road;
S. 66½° E., with the north line of sec. 32, 1,424 ft. to a stone monument at the northeast corner of sec. 32;
N. 23¾° E. (N. 23° E. in description of PARCEL THIRTEEN), with the west line of sec. 28, 2,313 ft. to a locust stake;
S. 70½° W., with a wire fence, 487 ft. to a point in the center of Turtletown Creek opposite a stake on the east bank of the creek from which the school house spring bears S. 1½° E., 38 ft.;
Northwesterly downstream with the meanders of the center of the creek along the following approximate bearings and distances:
N. 13½° E., 116 ft.;
N. 59½° W., 165 ft.;
S. 78½° W., 198 ft.;
N. 80½° W., 228 ft.;
N. 36° W., 218 ft.;
N. 51½° W., 746 ft.;
N. 41° W., 396 ft.;
Leaving the creek,
N. 35½° W., 206 ft. to a chestnut stump;
N. 47¾° W., 142 ft. to the northeast corner of the SW¼ sec. 29;
S. 23° W., with the east line of the W½ sec. 29, to the southeast corner of the SW¼ sec. 29;
N. 66½° W., with the south line of sec. 29, to the southwest corner of sec. 29;
N. 23° 59' E., with the east line of sec. 30, to a stone monument from which the northeast corner of the SE¼ sec. 30 bears N. 23° 59' E., 1,800 ft., more or less;
N. 65° 23' W., 1,100 ft. to a stone monument in a field;
N. 24° 37' E., 665 ft. to a stone monument;
S. 86° 58' E., 1,183 ft. to a stone monument on the east line of sec. 30;
N. 23° 59' E., with the east line of sec. 30, to a stone monument from which the northeast corner of sec. 30 bears N. 23° 59' E., 1,400 ft.;
N. 65° 23' W., 225 ft. to a stone monument;
N. 23° 59' E., parallel to the east line of sec. 30, 1,240 ft. to a stone monument in a line 50 ft. south of and parallel to the south bank of Turtletown Creek;
Westerly downstream with the meanders of the line 50 ft. from and parallel to the bank of the creek 6,650 ft. to a stone monument on the west line of sec. 30;
N. 24° 40' E., with the west line of sec. 30, 2,668 ft. (2650 ft. in the description of the fourth tract described in PARCEL ONE) to the post in a mound of stones at the northwest corner of sec. 30, the place of beginning. EXCEPT, therefrom, the right of way of the L. & N. Railroad through secs. 28, 29, and 32. Also EXCEPT, therefrom, the SE¼SW¼ sec. 29 and approximately 20 acres being that portion of the SW¼SW¼ sec. 29 lying south of the top of the ridge. And also EXCEPT, therefrom, approximately 29.2 acres contained within the boundaries of a strip of land 500 ft. wide lying 250 ft. on each side of the center of the Apalachia Tunnel Location, the center line of the said location being described as follows:
Beginning at approximate survey station 157+70 on the center of the Apalachia Tunnel Location at the intersection of the center of the said location and the north line of sec. 30.
From the initial point by bearings and distances,
S. 87° 52' W., 2,220.86 ft., more or less, to survey station 179+90.86, the coordinates of which are N. 285,681.48 and E. 2,491,737.77;
N. 87° 26' W., 349.14 ft., more or less, to approximate survey station 183+40 at the intersection of the center of the tunnel location and the west line of sec. 30.
(The land is described under the headings "PARCEL ONE", "PARCEL EIGHT", "PARCEL ELEVEN", "PARCEL TWELVE" and "PARCEL THIRTEEN" in the Final Decree.)

The above described lands appear to contain approximately 7,550 acres of which approximately 150 acres have been conveyed previously to the United States of America subject to certain easement reservations in favor of the Thompson Power Company which was a predecessor of the Hiwassee-Nolichucky Power Company.

The above described lands have been transferred by Tennessee Valley Authority to the Department of Agriculture subject to whatever rights and interests may be outstanding, including but not limited to the following:

1. The rights heretofore acquired in the name of the United States of America for the use of the Department of Agriculture (Forest Service).
2. Any fact or condition which would be disclosed by an accurate survey or by an examination of the premises and which is not disclosed by the public records of Polk County, Tennessee, including all right, title, and claim of third parties who may be in occupation.
3. Parcel 4 subject to the mineral rights reserved for T. M. Burkett by the deed recorded in Deed Book 32, page 458, in the Register's Office of Polk County, Tennessee, and subject to the adverse claim of F. B. Linder to 120 acres in the NW¼ of Sec. 36 and to a small portion of the SW¼ of Sec. 25, all in T2N, R3E.
4. Parcel 5 subject as to the portion within Sec. 16, T2, R5E, to such rights as may be vested in the State of Tennessee as trustee for the benefit of the common schools of Polk County, Tennessee, and subject to the mineral rights reserved by Thomas J. Knox et al., as to the portions lying in the SE¼ of Sec. 21, the E½ and NW¼ of Sec. 27, the NW¼, SE¼ and SW¼ of Sec. 28, and in Sec. 33, T1, R4E, in the deeds recorded in Deed Book 4, Pages 120 and 337, in Polk County; also, subject to the mineral rights reserved for J. L. Vaughan et ux, as to the portion in the SE¼ of Sec. 17, T2S, R5E, in the Deed recorded in Deed Book 32, Page 458 in said county.
5. Parcels 7 and 15 subject to the mineral rights reserved by Thomas J. Knox et al., as to the portions lying in the SE¼ of Sec. 21, T1, R4E, in the deeds recorded in said county in Deed Book 4, Pages 120 and 337.
6. Parcel 10 subject to the mineral rights reserved by Tennessee Copper Company in the deed recorded in Deed Book 12, Page 450, in said county.
7. Parcels 11, 12, and 20 subject to such rights as may be vested in the Louisville & Nashville Railroad Company to railroad rights of way. In addition, Parcel 20 was acquired subject to the mineral rights reserved by Tennessee Copper Company in the deed recorded in said county in Deed Book 26, Page 308.
8. Parcel 19 subject to the mineral rights reserved by Tennessee Copper Company in the deed recorded in Deed Book 26, Page 306, in said county.
9. Trace AR-51 subject to a reservation by Tennessee Copper Company of the right to damage trees and vegetation by smoke, fumes, gases, etc., from its mining and smelting operations.

The aforementioned agreement between Tennessee Valley Authority and the Department of Agriculture, dated December 4, 1947, is intended to transfer from the Tennessee Valley Authority to the U. S. Department of Agriculture for the use of the Forest Service all lands and rights and interests in lands acquired by the Authority in the name of the United States of America from the Hiwassee-Nolichucky Power Company except the following lands which have been reserved by the Authority:

1. Approximately 80 acres east of and adjacent to Gee Creek;
2. Approximately 4.3 acres lying in the SW¼SW¼ sec. 29, T. 1, R. 4 E., Ocoee District, between the centers of the Hiwassee River and the L. & N. Railroad;
3. That portion of the NW¼ sec. 32, T. 1, R. 4 E., Ocoee District, lying north and west of the center of the L. & N. Railroad and containing approximately 42.7 acres;
4. A strip of land 500 ft. wide through sec. 25, T. 1, R. 4 E., Ocoee District, containing approximately 42.4 acres;
5. Approximately 61 acres located in fractional secs. 15 and 16, F. T. 2 S. R. 5 E., Ocoee District;
6. Approximately 1.4 acres located on the south side of the NW¼NW¼ sec. 21, F. T. 2 S. R. 5 E., Ocoee Districts;
7. A strip of land 500 ft. wide through the N½ sec. 30, F. T. 2 S. R. 5 E., Ocoee District, containing approximately 29.2 acres.

It is expressly agreed and understood that all calls given in the above description, except those bounding or adjacent to the lands reserved by the Tennessee Valley Authority and the land described under the heading "PARCEL SIXTEEN" in the Final Decree are based on the descriptions set out in the Final Decree and the deed from the Ocoee Timber Company to the United States of America of record in Deed Book 17, page 274 in the Register's Office of Polk County, Tennessee.

Also excluded from the transfer to the Department of Agriculture, and reserved by and to the Authority, is a tract of land located in Polk County, State of Tennessee, in the NE¼NW¼ sec. 21, F. T. 2 S., R. 5 E., Ocoee District, approximately 1 mile north of Farner, and more particularly described as follows:

Beginning at a point, the coordinates of which are N. 286, 467 and E. 2,505,500, in the north line of sec. 21, from which U. S. Forest Service Monument 323 at the northeast corner of the NW¼ sec. 21 bears S. 71° 59' E., 307 ft.;
From the initial point by bearings and distances,
S. 33° 24' W., 234 ft. to an iron pin;
N. 37° 57' W., 204 ft. to an iron pin;
N. 61° 50' E., 153 ft. to the north line of sec. 21;
S. 71° 59' E., with the north line of sec. 21, 125 ft. to the point of beginning.
The tract as described contains approximately 0.6 acre.

The positions of corners and directions of lines are referred to the Tennessee State Coordinate System.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 6, 1951.

[F. R. Doc. 51-2024; Filed, Feb. 6, 1951; 12:04 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter G—Federal Farm Mortgage Corporation

PART 91—DISPOSAL OF MINERAL INTERESTS

Title 6, Chapter I, of the Code of Federal Regulations is hereby amended by the addition of new Subchapter G.

Sec.
91.1 Summary statement of applicable law.
91.2 Delegation of authorities and responsibilities.
91.3 Area determinations.
91.4 Notice to surface owners.
91.5 Application forms.
91.6 Closing sales in inactive areas.
91.7 Determination of fair market values.
91.8 Closing sales in active areas.
91.9 Title requirements—review required by district personnel.
91.10 Conveyance.
91.11 General provisions relating to sales.
91.12 Disposal of reservations contained in real estate sales contracts.

AUTHORITY: §§ 91.1 to 91.12 issued under sec. 6, Pub. Law 760, 81st Cong.

§ 91.1 *Summary statement of applicable law.* Pursuant to a policy authorized by Public Law 760, 81st Congress, all the mineral interests now held by the Federal Farm Mortgage Corporation may be sold to private persons who apply therefor on and after December 5, 1950, and prior to September 6, 1957 (or 7 years from the date the mineral interests were acquired by the Corporation, whichever is later), and who at the time of application are the owners of the surface of the land. In areas where it has been determined by the Secretary of Agriculture that there is no active mineral development or leasing, the mineral interests covered by a single application shall be sold for $1.00. In other areas the mineral interests are to be sold at their fair market value, fixed in accordance with procedures authorized by the law. Area determinations may be revised from time to time, and whether the mineral interests will be sold at $1.00 or at fair market value is dependent upon the rule applicable to the area at the time application is made. Applicants are required to establish, at their own expense, their title to the surface of the land covered by the application to the satisfaction of the Corporation.

§ 91.2 *Delegation of authorities and responsibilities*—(a) *Delegation by the Secretary of Agriculture to Federal Farm Mortgage Corporation.* By order dated October 16, 1950 (15 F. R. 6998), the Secretary of Agriculture has authorized the Federal Farm Mortgage Corporation to sell and convey the mineral interests heretofore or hereafter acquired by it in accordance with the policy expressed in Public Law 760, 81st Congress, with respect to the mineral interests described in section 1 thereof. This order also delegates to the Corporation all authorities, powers, functions, and duties vested in the Secretary of Agriculture by said act with respect to the disposition of mineral interests heretofore or hereafter acquired by the Corporation, except the power and authority to determine areas in which there is no active mineral development or leasing. The order further authorizes the Corporation, subject to the Secretary's approval, to issue rules and regulations necessary to carry out this disposal program and authorizes the Corporation, in its discretion, to redelegate upon such terms and conditions as it may prescribe, powers and authorities conferred upon it.

(b) *Delegation of authority to district vice presidents.* Subject to the general supervision and direction of the Central Office of the Federal Farm Mortgage Corporation (hereinafter referred to as the "Washington office"), one vice president of the Corporation in each farm credit district (hereinafter referred to as "district"), designated by the Executive Committee of the Corporation, shall be responsible for the activities relating to the disposal of the mineral interests of the Corporation and for the supervision of personnel directly engaged in this program in the particular district in which he is situated. Any other vice president of the Corporation in each district is authorized to act for the vice president in charge of the program in the latter's absence or inability to act for any other cause.

§ 91.3 *Area determinations*—(a) *Original determinations.* The Secretary of Agriculture has reserved to his office the authority conferred by Public Law 760 to determine the areas in which mineral interests shall be sold at $1.00. This determination will be made on the basis of information furnished by the interested agencies of the Department and after consultation with the Secretary of the Interior. The Federal Farm Mortgage Corporation has been requested in connection with original determinations to submit information by counties on active mineral development or leasing. Each district office will be advised of the area determinations made by the Secretary.

(b) *Information to be furnished in the event of changed conditions.* If the district vice president receives information of changed conditions in any area designated as an inactive area which in his judgment would warrant reclassification of the area to an active area, he should submit such information immediately in writing to the Washington office.

§ 91.4 *Notice to surface owners*—(a) *Preparation of lists of surface owners.* The district vice president will inaugurate the disposal program by sending a notice to the apparent owner of the surface notifying him of his rights under the law. For this purpose it will be necessary to determine as accurately as feasible the name and address of the apparent present owner of each tract where the Corporation has a mineral reservation. Instructions already issued in this connection suggest the development of cards or lists by counties describing the tracts, and a check of the county tax records or other sources of information to determine the name and address of the apparent present owner. In some cases it may be advisable to send the list to county officials or other persons capable of obtaining the information. It will be important to select the most efficient method possible for obtaining the required names.

(b) *Form of notice in inactive areas; time of mailing.* A form of notice (MD–a) should be used in notifying surface owners in inactive areas. This form of notice should be mailed as promptly as possible after receipt of area determination information, since transfers of mineral interests of the Corporation in the inactive areas will be made without appraisal and area determinations may be revised. Transfer in such areas should develop largely as a routine operation, but should be carried forward as expeditiously as possible.

(c) *Form of notice in active areas; time of mailing.* A form of notice (MD–b) should be used in notifying surface owners in active areas. The district vice president will have discretion as to the time of mailing this notice. Notices may be mailed by selected areas over a period of time. However, the mailings should occur as rapidly as prompt service can be given.

§ 91.5 *Application forms*—(a) *Inactive areas.* A combined form of application and offer to purchase mineral interests in inactive areas (MD–c) has

been furnished the district vice president. This application form should be mailed to the surface owners with the form of notice.

(b) *Active areas.* A form of application (MD–d) for use in accepting applications in active areas has been furnished the district vice president. This form may be adapted, if necessary, to meet local requirements, but prior approval of the Washington office should be obtained as to major revisions. This application form should be mailed to the surface owners with the form of notice.

§ 91.6 *Closing sales in inactive areas.* After the executed application and offer form and the certificate of title or abstract have been reviewed and the vice president is satisfied as to the ownership of the land as of the date of application and that all requirements have been met, he should execute and mail to the surface owner a quitclaim deed for the mineral interests, retaining a duplicate copy for the file.

§ 91.7 *Determination of fair market values.* In active areas, the owners of the surface land may purchase the mineral interests owned by the Corporation in such land at the fair market value of such mineral interests at the time the purchase price is mutually agreed upon. Since area designations are made on a county basis, it is recognized there may be tracts in a county designated as an active area on which appraisals may support sales at $1.00.

(a) *Definition of fair market value.* Fair market value as applied to mineral interests herein is defined as being equal to the price which a reasonably informed buyer might be expected to pay and which a reasonably informed seller might be expected to accept for the mineral interests in a tract of land should such mineral interests be actively offered for sale on the open market, recognizing that such price may be less than the highest price obtained for mineral interests in a speculative area or more than the price for which they can be sold readily in areas where the market is currently domant.

(b) *Appraisals.* The district vice president in charge of the program is responsible for the determination of fair market values of Corporation-owned mineral interests in his district. He is authorized to use such means as are at his disposal in order to determine such values on a fair and equitable basis; he may, at his discretion, procure outside professional or expert advice to assist him in the determination of such values, bearing in mind, however, that the cost of such outside services should be kept to a reasonable minimum and shall be proportionate to the value of the minerals involved and the chances of making a sale.

Due to varying conditions in different districts, States, and areas, it is impracticable for the Washington office to prescribe uniform methods of determining fair market values. There are, however, certain factors that may be applicable in most areas. Some of these are:

1. Such geological information as is available.
2. Leasing activity.
3. Lease bonus prices.
4. Lease rental prices.
5. Volume of trading activity in minerals and leases.
6. Prices paid for minerals in immediate area.
7. Proximity to drilling or mining activity.
8. Results of previous drilling or mining operations.

(c) *Approvals required in fixing fair market value.* While the district vice president is responsible for the final determination of the fair market value as the sale price for the particular mineral property, in all cases the recommendation or concurrence of one other person is required. If the appraisal is made by a person other than the vice president, such person's recommendation and the determination by the vice president are sufficient. In cases where a district vice president makes the appraisal, he shall obtain the concurrence of one other vice president of the Corporation in the fair market value that is established. When the tract of land involved is located within any known geological structure of a producing oil or gas field, the case shall be submitted to the Washington office prior to sale for approval of the fair market value being established.

(d) *Recording appraisal information.* The information having a bearing on the decision in each case shall be made a matter of permanent record. Such information shall disclose the factors that were the basis for arriving at the fair market value. It is recognized that such information may be uniformly applicable to several tracts, but in the folder relating to each tract appraised, reference shall be made to the file where the applicable appraisal data are recorded.

§ 91.8 *Closing sales in active areas.* After the mineral interests in a tract upon which an application has been filed have been appraised, the district vice president should get in touch with the applicant and undertake to negotiate a sales contract substantially in accordance with the form (MD–e) which has been provided for such purpose. If there is any question as to whether the Corporation (a) owns all the mineral interest described in its reservation, or (b) has a marketable title to such interest, full disclosure of these facts should be made on a case basis to the purchaser before a contract is entered into, in order that he may assure himself as to the interests he would acquire from the Corporation. Where the facts developed by the purchaser show that the interest owned by the Corporation is less than that stated in the reservation, the sales price should be adjusted to conform to the fair market value of the interest owned by the Corporation. If it appears that the Corporation holds no interest under its reservation, a quitclaim deed should be made without consideration. The sales contract should be signed by all persons owning an interest in the land at the time of application. In the event some of the owners are not available, or are minors, or are incompetents, or if the ownership is in an estate, the district vice president, in his discretion, may contract with less than all the owners, with the understanding, however, that conveyance will be made only to all persons having an interest in the land as shown by the title evidence. After the district vice president is satisfied that all requirements of the contract have been met, he should execute a quitclaim deed for the mineral interests, retaining a duplicate copy for the file, and proceed to close the sale.

§ 91.9 *Title requirements; review required by district personnel.* The law requires that applicants shall establish, at their own expense, their title to the surface land. The general requirement under this provision is that the applicant furnish at his own expense a certificate based upon an examination of the records from date of conveyance of the surface by the Corporation to date of application prepared by a practicing attorney at law setting forth the ownership of the surface of the land as of the date of the application, or an abstract of title covering such period. The district vice president shall make or cause to be made such review of this certificate or abstract as he deems necessary to establish that it is regular on its face, and that it shows a marketable title in the surface owners of the land as of the date of the application. Title requirements with respect to taxes, liens, and easements may be waived. In cases where producing or proven minerals are being sold for a relatively large consideration, the district vice president, in his discretion, may require in the contract of sale that the applicant furnish a short form abstract of title covering the period from date of conveyance of the surface by the Corporation to the date of the application, or other satisfactory title evidence, such as title insurance or title certificate issued by a title company, covering the same period of time.

§ 91.10 *Conveyance.* The district general counsel will be responsible for preparing the form of quitclaim deed to be used in each State, except that each deed shall contain the following uniform recitals:

1. This quitclaim deed is executed and delivered by Federal Farm Mortgage Corporation, acting under the authority of the Federal Farm Mortgage Corporation Act, as amended, and the order of the Secretary of Agriculture, dated October 16, 1950 (15 F. R. 6998), made pursuant to Public Law 760, 81st Congress, approved September 6, 1950 (64 Stat. 769).

2. No member of or delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this quitclaim deed or to any benefit which may arise therefrom, but this provision shall not be construed to extend to this quitclaim deed if made to a corporation for its general benefit.

Recording of the deed will be the responsibility of the surface owner, and it may be advisable to emphasize in the letter of transmittal the importance of his putting it of record promptly after receipt.

§ 91.11 *General provisions relating to sales*—(a) *Eligible parties.* Sales may be made only to private persons who are owners of the surface at the date of the application. The term "private persons" includes private corporations but public bodies are not eligible to purchase. Guardians, legal representatives of the estates of private persons, and trustees of property of which the beneficiaries are private persons, are eligible to purchase upon establishing to the satisfaction of the Corporation their authority to make the purchase as holders of the legal title to the surface land.

(b) *Interests sold.* The Corporation will not sell less than its entire mineral interest in the particular tract covered by a single application and will not convey to less than all the surface owners of such tract of land, all of whom must be eligible to purchase.

(c) *Terms.* All sales shall be for cash.

(d) *Taxes.* Any validly levied taxes which are due and payable on the mineral interests on or before the effective date of the sales contract and for which the Corporation, in its sole discretion, determines it is liable, shall be paid by the Corporation before a deed is issued. Tax claims on which the Corporation is denying liability should be the subject of special agreement in the contract with the purchaser.

(e) *Assignment of leases and division of lease income.* If all or any portion of the mineral interests are leased on the date of delivery of deed, the Corporation shall transfer to the surface owner as of such date all of its right, title, and interest as lessor in and to such lease. This may be done by a transfer included in the deed or by a separate assignment. The Corporation shall be entitled to all rentals that became due and payable, whether or not paid, on or before the effective date of the sales contract, and the surface owner shall be entitled to all rents that become due and payable after such date.

(f) *Fissionable materials.* Sales made under Public Law 760 should not contain a reservation of fissionable materials since Executive Order 9908, dated December 5, 1947, is not applicable to such sales. Fissionable materials reserved by the Corporation in its own name pursuant to Executive Order 9701 dated March 4, 1946, constitute mineral interests held by the Corporation and, therefore, are subject to sale under Public Law 760.

(g) *Reproduction of forms.* Each district will be responsible for preparing the necessary reproductions of the forms to be used, and five copies of each form prepared should be furnished to the Washington office. Sufficient copies of Public Law 760, to permit the enclosure of one copy with each notice to surface owners, have been furnished each district vice president in charge of the program.

(h) *Exchange of information with Farmers Home Administration personnel.* The district vice president should establish contact with each State Director of the Farmers Home Administration in his district and should arrange for the informal exchange of information with such State Directors particularly with respect to values being established and sales being made in counties in which both agencies have mineral reservations.

§ 91.12 *Disposal of reservations contained in real estate sales contracts.* A reservation in a real estate sales contract of a portion of the mineral interests in property subject to the contract is not considered a mineral interest of the Corporation which is subject to being sold under Public Law 760. However, in keeping with the policy of the act, the district vice president may negotiate a revision of any such contract so as to eliminate the provision for a reservation of mineral interests. The requirements of these regulations with respect to sales of mineral interests shall, insofar as practicable, apply to such contract renegotiations.

Issued this 26th day of January 1951.

[SEAL] E. C. JOHNSON,
Executive Vice President,
Federal Farm Mortgage Corporation.

Approved: February 2, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–1931; Filed, Feb. 7, 1951; 8:51 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEBRASKA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9331), are hereby superseded by the average values and investment limits set forth below for said counties.

NEBRASKA

County	Average value	Investment limit
Adam	$16,000	$12,000
Antelope	16,000	12,000
Blaine	16,000	12,000
Boone	16,000	12,000
Box Butte	17,000	12,000
Boyd	16,000	12,000
Brown	16,000	12,000
Buffalo	18,000	12,000
Burt	22,000	12,000
Butler	20,000	12,000
Cass	22,000	12,000
Cedar	17,000	12,000
Chase	17,000	12,000
Cherry	16,000	12,000
Cheyenne	17,000	12,000
Clay	16,000	12,000
Colfax	20,000	12,000
Cuming	22,000	12,000
Custer	16,000	12,000
Dakota	20,000	12,000
Dawes	17,000	12,000
Dawson	18,000	12,000
Deuel	17,000	12,000
Dixon	17,000	12,000
Dodge	22,000	12,000
Douglas	22,000	12,000
Dundy	$17,000	$12,000
Fillmore	17,000	12,000
Franklin	16,000	12,000
Frontier	16,000	12,000
Furnas	16,000	12,000
Gage	20,000	12,000
Garden	17,000	12,000
Garfield	16,000	12,000
Gosper	16,000	12,000
Greeley	16,000	12,000
Hall	17,000	12,000
Hamilton	17,000	12,000
Harlan	16,000	12,000
Hayes	17,000	12,000
Pitchcock	17,000	12,000
Holt	16,000	12,000
Hooker	16,000	12,000
Howard	18,000	12,000
Jefferson	17,000	12,000
Johnson	18,000	12,000
Kearney	18,000	12,000
Keith	17,000	12,000
Keya Paha	16,000	12,000
Knox	16,000	12,000
Lancaster	20,000	12,000
Lincoln	16,000	12,000
Logan	18,000	12,000
Loup	16,000	12,000
McPherson	16,000	12,000
Madison	18,000	12,000
Morrill	17,000	12,000
Nance	18,000	12,000
Nemaha	22,000	12,000
Nuckolls	16,000	12,000
Otoe	22,000	12,000
Pawnee	18,000	12,000
Perkins	17,000	12,000
Phelps	18,000	12,000
Pierce	17,000	12,000
Platte	18,000	12,000
Polk	18,000	12,000
Red Willow	17,000	12,000
Richardson	22,000	12,000
Rock	17,000	12,000
Saline	17,000	12,000
Sarpy	22,000	12,000
Saunders	20,000	12,000
Scotts Bluff	17,000	12,000
Seward	20,000	12,000
Sheridan	16,000	12,000
Sherman	16,000	12,000
Sioux	16,000	12,000
Stanton	20,000	12,000
Thayer	17,000	12,000
Thomas	16,000	12,000
Thurston	20,000	12,000
Valley	16,000	12,000
Washington	22,000	12,000
Wayne	20,000	12,000
Webster	18,000	12,000
Wheeler	16,000	12,000
York	17,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018.)

Issued this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–1963; Filed, Feb. 7, 1951; 8:52 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NORTH DAKOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded

by the average value and the investment limit set forth below for said county.

NORTH DAKOTA

County	Average value	Investment limit
Wells	$14,000	$12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C., 1003, 1018.)

Issued this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1964; Filed, Feb. 7, 1951; 8:52 a. m.]

Subchapter D—Water Facilities Loans

PART 352—POLICIES

MISCELLANEOUS AMENDMENTS

1. Section 352.5 in Title 6, Code of Federal Regulations (13 F. R. 9427) is amended to redesignate paragraphs (f) and (g) as (g) and (h), respectively, and to add a new paragraph (f) as follows:

§ 352.5 *Purposes for which Water Facilities loans and assistance may be extended.* • • •

(f) The purchase of equipment needed by an association having governmental or quasi governmental functions, such as a soil conservation district, for the purpose of use for construction, installation or maintenance of individual or group water facilities for the farmers served by such association: *Provided,* Equipment purchased is not otherwise available at reasonable cost or the cost of the projects will be materially lower as the result of such purchase, and the equipment can be used effectively in maintenance work upon such projects.

(Sec. 6, 50 Stat. 870; 16 U. S. C. 590w. Interprets or applies sec. 2, 50 Stat. 869; 16 U. S. C. 590s)

2. Section 352.8 (b) in Title 6, Code of Federal Regulations (13 F. R. 9427), is amended to read as follows:

§ 352.8 *Eligibility requirements for Water Facilities loans.* • • •

(b) *Associations.* Either a non-profit association having all corporate powers necessary to the borrowing and repayment of the loan and the operation of the water facility financed with the loan is eligible to receive a Water Facilities loan for authorized purposes; or a corporation organized for a profit, having the necessary powers to borrow and to repay the loan and to operate the water facility, will be eligible to receive a Water Facilities loan only upon approval of the Administrator, upon such conditions as may be prescribed by the Administrator, and upon the further condition that, within such time as the Administrator may prescribe, it will convey the facility to, to be operated on a non-profit basis by and for the benefit of, the users of water therefrom, either incorporated or unincorporated: *Provided,* In either case:

(1) The owners or tenants, operating farm units of a size not substantially in excess of those regarded as family-type farms for the area in which they are situated, will use the major portion of the water to be made available by the facility.

(2) The association does not have sufficient funds to carry out the objectives for which the loan is sought and cannot obtain such funds by levying special assessments or charges on its members, or from commercial banks, cooperative lending agencies, or from any other responsible source normally serving the area on reasonable terms and conditions.

(Sec. 6, 50 Stat. 870; 16 U. S. C. 590w. Interprets or applies sec. 2, 50 Stat. 869; 16 U. S. C. 590s)

DERIVATION: §§ 352.5 and 352.8 contained in FHA Instruction 442.2.

Dated: December 27, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: February 2, 1951.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1962; Filed, Feb. 7, 1951; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to marketing agreement No. 93 and Order No. 57, as amended (15 F. R. 311), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by said marketing agreement and amended order.

b. *Order, as amended.* The provisions in paragraph (b) (1) of § 957.307 (16 F. R. 1) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning 12:01 a. m., m. s. t., February 6, 1951, and ending 12:01 a. m., m. s. t., June 1, 1951, no handler shall ship potatoes of any variety unless (i) such potatoes of the Russet Burbank and long white varieties meet the requirements of the U. S. No. 2 or better grade and are at least 2 inches minimum diameter or 4 ounces minimum weight, and (ii) such potatoes of the red skin varieties meet the requirements of the U. S. No. 2 or better grade and are at least 1½ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of February 1951, to be effective on February 6, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2005; Filed, Feb. 7, 1951; 8:59 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 13]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORDS OF PUREBRED ANIMALS

GOATS

On November 28, 1950, a notice of rule making was published in the FEDERAL REGISTER (15 F. R. 8120-8121) regarding the proposed recognition by the Secretary of Agriculture of the Alpine Section of the book of record entitled "The Canadian National Record for Goats," published under the auspices of the Canadian National Live Stock Records, Ottawa, Canada, of which R. G. Hitchman is Director.

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. III, sec. 1201, par. 1606), hereby recognizes the Alpine section of the said book of record; hereby amends § 151.10 (b) (1), Chapter I, Title 9, Code of Federal Regulations, as amended, by adding the name "Alpine" to the breeds listed under the subheading "Goats," and amends the paragraph immediately preceding the list of breeds in § 151.10 (b) (1), Chapter I, Title 9, Code of Federal Regulations, as amended, to read as follows:

(b) *Breeds and books of record in Canada—(1) Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which R. G. T. Hitchman is Director, are recognized for the following breeds: *Provided, That* no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Bureau to be of the same breed: *Provided further, That* no Karakul sheep, Alpine goat, or horse of the American Saddle, Canadian, or Arabian breeds in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

(Par. 1606, 46 Stat. 673 as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 11th day of March 1951.

Done at Washington, D. C., this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-1960; Filed, Feb. 7, 1951; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 36[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions. The revisions include changes in validated license control:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and commodity group	GLV dollar value limits	Validated license required
720110	Construction, excavating, and conveying machinery:				
720115	Power or manual shovel, crawler mounting, full revolve, 2½ cu. yd. dipper capacity and under[2]	No.	CONS	None	RO
720120	Power cranes and shovels, crawler or walker mounting, full revolving, over 2½ cu. yd. dipper capacity, or over 100 tons maximum rated crane capacity	No.	CONS	None	RO
720130	Power cranes and shovels, crawler or walker mounting, full revolving, 2½ cu. yd. dipper capacity and under, but not limited to, barge, boat, or dock mounting[3]	No.	CONS	None	RO
720140	Power cranes and shovels, n. e. s., not full-revolving (including but not limited to, crawler, truck, wagon, barge, boat or dock mounting)	No.	CONS	None	R
720200	Parts, accessories and attachments for power cranes and shovels, tractors, dozers, loaders, and excavators included on the Positive List under Schedule B Nos. 720110 to 720140, inclusive, for which validated license is required to all country destinations		CONS	100	RO
720300	Parts, accessories and attachments for power cranes and shovels, tractors, dozers, loaders, and excavators included on the Positive List under Schedule B Nos. 720110 to 720140, inclusive, for which validated license is required to R country destinations		CONS	250	R
721500	Concrete mixers, centrainers, and portable, including truck- and trailer-mounted, and concrete transport truck-mounted agitators, 1s cu. ft. capacity and over[4]	No.	CONS	None	RO
721510	Concrete mixers, centrainers, and portable, including truck- and trailer-mounted, and concrete transport truck-mounted agitators, under 1s cu. ft. capacity,[5]	No.	CONS	None	R

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 604 dated January 30, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and commodity group	GLV dollar value limits	Validated license required
	Construction, excavating, and conveying machinery—Con.				
722300	Concrete pavers, paving spreaders and finishers.[6]	No.	CONS	None	R
722304	Self-propelled road graders	No.	CONS	None	RO
722305	Road scrapers, self-loading	No.	CONS	None	RO
722320	Bulldozers, tractor mounted	No.	CONS	None	RO
722310	Other road and airport machines: Bituminous mixing equipment, stationary, mobile, and semi-portable; bituminous paving units, spreaders; bituminous pavers; bituminous recycling and reconditioning equipment; bituminous surfacing and finishing and screening outfits, mobile and semi-portable.[6]	No.	CONS	None	R
722810	Other road and airport machines: Snowplow blades and ripper or rooter attachments for tractors; rotary snowplows.[7]	No.	CONS	None	RO
722890	Parts and accessories for the road and airport machines included on the Positive List under Schedule B Numbers 721500 through 722810 for which validated license is required to R and O country destinations.[8]		CONS	100	RO
722890	Parts and accessories for the road and airport machines included on the Positive List under Schedule B Numbers 721500 through 722810 for which validated license is required to R country destinations.[8]		CONS	250	R
723100	Construction equipment, and parts, n. e. s.: Concrete mixers, self-loading trucks, wagons and trailers, and parts.[9]		CONS	100	RO
723100	Dragline, clamshell, bucket and shovel excavator or loader attachments for tractors, and parts; crane jib, hoist, lifting magnet for tractors and parts; pile hammers, pile drivers for tractors and parts; tractor concrete-placing pumps, and parts.[10]		CONS	250	R
723110	Cranes with swinging booms, full-revolving (including but not limited to portal, tower, hammerhead, pintle and pillar types), 30 net tons and over maximum rated capacity	No.	CONS	None	RO
723110	Cranes with swinging booms, full-revolving (including but not limited to portal, tower, hammerhead, pintle and pillar types), 10 tons and under 30 tons maximum rated capacity	No.	CONS	None	R
723110	Cranes, railroad wrecking, locomotive and industrial railway types.[12]	No.	CONS	None	RO
725310	Cranes, overhead, electric traveling (elevated track country and semi-country types).[13]	No.	CONS	None	RO
729100	Other construction machinery and parts: Conveyors and parts for coal-mining operations; all-electric vibrating conveyors, and parts.[14]		CONS	100	R
729100	Parts for cranes included on the Positive List under Schedule B No. 723110 for which validated license is required to R and O country destinations		CONS	100	RO
729100	Parts for cranes included on the Positive List under Schedule B No. 723110 for which validated license is required to R country destinations		CONS	250	R

[1] The effect of this amendment is (1) to clarify the description unmistakably to include all crawler-mounted, full-revolving power cranes and shovels under Schedule B No. 720110, irrespective of the type of front end attachment(s) supplied initially with the basic machine; and (2) to change from R to RO control.

[2] The effect of this amendment is (1) to clarify the description unmistakably to include all rubber-tired mounted, full-revolving power cranes and shovels under Schedule B No. 720120, irrespective of the type of front end attachment(s) supplied initially with the basic machine; and (2) to change from R to RO control.

[3] The effect of this amendment is (1) to clarify the description unmistakably to include all full-revolving crawler or walker mounted power cranes and shovels under Schedule B No. 720130, irrespective of the type of front end attachment(s) supplied initially with the basic machine; and (2) to change from R to RO control.

[4] The effect of the amendments reflected in the two listings under Schedule B No. 720200 are (1) to extend to RO control parts, accessories and attachments for power cranes and shovels, classified under this Schedule B No. 720300 and all full-revolving power cranes and attachments for power cranes and shovels on which the controls have been changed from manual to power operation; and (2) to decrease the GLV dollar value limit.

[5] The effect of the amendments reflected in the two listings under Schedule B No. 720300 are (1) to extend to RO control parts, accessories and attachments for power cranes and shovels, classified under this Schedule B No. 721500 and all concrete mixers and concrete transport truck-mounted agitators, 1s cu. ft. capacity and over, and all concrete pavers, paving spreaders and finishers.

[6] The effect of this amendment is to change the control from R to RO.

[7] The effect of this amendment is (1) to increase from R to RO control and (2) to delete the word "automatic" as being superfluous, with clarification of the description.

[8] The effects of the amendments reflected in the two listings under Schedule B No. 722890 are (1) specifically to add bituminous-mix spreaders; bituminous mixer-paver combinations; scarifiers and liquefiers; and crushing and screening outfits, mobile and semi-portable, for RO control; (2) to extend from R to RO the control of bituminous mixing equipment, stationary, mobile, and semi-portable; (3) to delete bituminous distributors from the Positive List, and (4) to change of the present listings under this Schedule B No.; (2) to extend controls from R to RO on parts and accessories

[9] The effects of the amendments reflected in the two listings under Schedule B No. 723100 are (1) to extend to RO control concrete mixers, self-loading trucks, wagons and trailers, and parts; and (2) to change from R to RO control dragline, clamshell, bucket and shovel excavator or loader attachments for tractors, and parts; crane jib, hoist, lifting magnet for tractors and parts; pile hammers, pile drivers for tractors and parts; tractor concrete-placing pumps, and parts.

[10] The effect of this amendment is (1) to clarify the description unmistakably to include all full-revolving crawler and truck mounted cranes with swinging booms, full-revolving (including but not limited to portal, tower, hammerhead, pintle and pillar types), 30 net tons and over maximum rated capacity under Schedule B No. 723110 for which validated license is required to RO country destinations; and (2) to change from R to RO control.

[11] The effect of this amendment is (1) to clarify the description unmistakably to include all full-revolving crawler and truck mounted cranes with swinging booms, full-revolving (including but not limited to portal, tower, hammerhead, pintle and pillar types), 10 tons and under 30 tons maximum rated capacity under Schedule B No. 723110 for which validated license is required to R country destinations; and (2) to change from R to RO control.

[12] The effect of this amendment is to change the control from R to RO.

[13] The effect of this amendment is to change the control from R to RO.

[14] The effect of this amendment is (1) to increase from R to RO control and (2) to delete the word "automatic" as being superfluous, with clarification of the description.

for road and airport machinery on which the controls have been changed from R to RO by this bulletin; and (3) to decrease the GLV dollar value limit.

[1] The effects of the amendments reflected in the two listings under Schedule B No. 723100 are (1) to change the control of contractors' off-the-road trucks, wagons, and trailers, and parts, from R to RO; (2) to delete batcher outfits and high-speed concrete block machines and parts therefor from the Positive List; (3) to delete pile drivers, and pile hammers other than those diesel-powered, and parts therefor from the Positive List; (4) to add contractors' concrete-placing pumps and parts for R control, and (5) to increase the GLV dollar value limit of the commodities which remain under R control.

[2] The effects of the amendments reflected in the three listings under Schedule B No. 723410 are (1) to change the controls from R to RO for cranes with swinging booms, full-revolving, 30 net tons and over maximum rated capacity and railroad wrecking, locomotive and industrial railway types of cranes and (2) to remove from the Positive List cranes with swinging booms, full-revolving, less than 10 net tons maximum rated capacity, and all cranes with swinging booms which are not full-revolving.

[3] The effect of this amendment is (1) to change from R to RO the control of overhead, electric traveling cranes of 30 net tons and over maximum rated capacity; and (2) to add for RO control those of less than 30 tons maximum rated capacity.

[4] The effects of the amendments reflected in the listings under Schedule B No. 729100 are (1) to revise the first listing currently shown on the Positive List under this number; (2) to change the controls from R to RO for parts of conveying equipment on which the controls have been changed from R to RO in this bulletin; and (3) to increase the GLV dollar value limit for the parts for swinging booms which remain under R control.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Naval stores, gums, and resins:				
	Naval stores:				
211000	Gum rosin	Lb.	AGCH	500	RO
211100	Wood rosin, except B wood rosin (report B wood rosin in 219800)	Lb.	AGCH	500	RO
211300	Gum spirits of turpentine	Gal.	AGCH	500	RO
211510	Wood turpentine	Gal.	AGCH	500	RO
211610	Other terpene hydrocarbons derived from naval stores (specify by name)	Gal.	AGCH	500	RO
211710	Pine oil	Lb.	AGCH	500	RO
211800	Tar and pitch of wood	Lb.	AGCH	500	RO
212510	Tall oil, crude	Lb.	AGCH	500	RO
212550	Tall oil, refined				
	Synthetic fibers and manufactures:				
383005	Nylon waste and staple fiber	Lb.	TEXT	100	RO
384005	Nylon yarn, monofilament and bands	Lb.	TEXT	100	RO
384013	Viscose high-tenacity tire cord or yarn, on cones or warps, treated, dipped, or untreated (tuck-cell high-tenacity cord or yarn included)	Lb.	TEXT	100	RO
384098	Orlon yarn	Lb.	TEXT	100	RO
384025	Cord-tire and tuck-cell fabrics (treated, dipped, or untreated)	(Lb. / Sq. yd.)			
384026					
	Other nonmetallic minerals (precious included):				
	Abrasive products:				
842010	Iron and steel shot, chilled	Lb.	STEE	100	RO
	Railway-track material, iron and steel:				
605800	Railroad spikes	Lb.	STEE	100	RO
605900	Bolts, nuts, washers, and nut locks for railway track construction and maintenance	Lb.	STEE	100	RO
	Nails and bolts, iron and steel, n. e. s.:				
606000	Bolts, machine screws, nuts, rivets, and washers, n. e. s.	Lb.	STEE	100	RO
	Other iron and steel manufactures:				
620909	Unfabricated tie stock, whether or not sheared to length	Lb.	STEE	100	RO
620920	Stampings, iron and steel	Lb.	STEE	100	RO
620998	Iron and steel manufactures, n. e. s.: packing steel, stainless; steel tubes for manufacturing of ball bearings; steel shot; and perforated steel sheets, alloy and stainless.[1]		STEE	100	RO
620998	Iron and steel manufactures, n. e. s.: angle plates, slotted, iron; circles, steel; castings, iron, machine-drilled; perforated terneplate; sheets, steel, black, printed and lithographed; tubular scaffolding, vitrified steel pipe; flexible tubing, except electrical; perforated steel; poles, steel, electric line; and perforated steel sheets, carbon steel.[2]		STEE	1000	RO
775098	Industrial machinery, and parts, n. e. s.: Jacks, 10 tons and over, for industrial purposes		GIEQ	None	R
	Chemical specialties:				
820500	Animal dips containing turpentine or fractions of turpentine (including pine oil)	Lb.	AGCH	500	RO
820900	Household and industrial fumigants, deodorants, germicides and similar preparations containing turpentine or fractions of turpentine (including pine oil)	Lb.	AGCH	500	RO
	Plastics and resin materials:				
	Synthetic gums and resins in all unfinished forms, except laminated. (Report laminated sheets, plates, strips, rods, and tubes in 829900):				
825100	Ester gums, except pentaerythritol abietate	Lb.	PLAT	500	RO
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.):				
802020	Camphor, natural and synthetic	Lb.	ORGN	500	RO

[1] By this amendment perforated steel sheets, stainless and alloy, are changed from R to RO control and included in the description with other items having like control and GLV dollar value limit.

[2] By this amendment perforated steel sheets, plain, are described as perforated steel sheets, carbon, and included in the description with other items having like control and GLV dollar value limit.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including March 1, 1951. Any such shipment not laden aboard the exporting carrier on or before March 1, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong and Macao.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of January 30, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-1873; Filed, Feb. 6, 1951; 12:05 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of the Commerce

[NPA Order M-5, as Amended Feb. 1, 1951]

ALUMINUM

GENERAL

This amendment to NPA Order M-5, dated October 27, 1950, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-5 as follows: It redesignates §§ 26.1 to 26.13 as sections 1 to 13, a new table replaces the one in section 5 (b) and the percentages are changed in paragraphs (a) and (b) in section 6.

As amended, this order now reads as follows:

1. What this order does.
2. Aluminum forms and products to which this order applies.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitations for acceptance of rated orders.
6. Total tonnage limitation for acceptance of rated orders.
7. Distributors and jobbers.
8. Scheduled programs.
9. NPA assistance in placing rated orders.
10. Applications for adjustment or exception.
11. Communications.
12. Reports.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to primary and secondary producers, fabricators, distributors and jobbers of aluminum and provides rules for placing, accepting, and scheduling rated orders for aluminum. Its purpose is to make possible maximum production of aluminum by reducing to a minimum disruption of normal distribution and by providing equitable distribution of rated orders among all aluminum producers and fabricators and all distributors and jobbers of aluminum. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of that order continue to apply to the aluminum industry.

SEC. 2. *Aluminum forms and products to which this order applies.* This order applies to the following forms and products of aluminum.

Rod and bar.
Wire (under 3/8").
Cable (electrical transmission only).
Rivets.
Forgings and pressings (before machining).
Impact extrusions.
Castings.
Rolled structural shapes (angles, channels, zees, tees, etc.).
Extruded shapes.
Sheet, strip and plate.
Slugs.
Foil.
Tubing.
Tube blooms.
Powder (including atomized, granular, flake, paste and pigment).
Ingot, pig, billets, slabs.

SEC. 3. *Required delivery dates.* A rated order for aluminum in the forms listed in section 2 must specify shipment on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer of aluminum must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* Producers and fabricators of aluminum in the forms listed in section 2 need not accept a rated order which is received less than 60 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the National Production Authority.

SEC. 5. *Limitations for acceptance of rated orders.* Subject to the tonnage limitation stated in section 6 and unless specifically directed by the National Production Authority:

(a) In order to make provision for a supply of metal to independent fabricators of aluminum, producers of primary aluminum shall accept rated orders from such fabricators up to 6½ percent of their scheduled production each month of primary pig and ingot;

(b) No aluminum producer or fabricator shall be required to accept rated orders for the products listed below for shipment in any one month in excess of the following percentages of his average monthly shipments of such products during the first eight months of 1950:

	Percent
Sheet (coiled and flat), Plate, Circles, and Blanks	40
Extrusions and Tubing	45
Rolled Shapes	30
Rod, Bar, Wire and Cable	35
Forgings and Pressings	60
Castings	40
Secondary Ingots	45
All Other Mill Products, Each	40

SEC. 6. *Total tonnage limitation for acceptance of rated orders.* Unless specifically directed by the National Production Authority:

(a) No producer of primary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including pig and ingot, in excess of 45 percent of his scheduled production in terms of total primary pig tonnage for that month; no producer of secondary aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products, including ingots, in excess of 45 percent of his scheduled production in terms of total ingot tonnage for that month;

(b) No fabricator of aluminum shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 45 percent of his average monthly shipments during the first eight months of 1950.

SEC. 7. *Distributors and jobbers.* Unless specifically directed by the National Production Authority, no distributor or jobber of aluminum products shall be required to accept rated orders for shipment in any one month of a total tonnage of aluminum products in excess of 25 percent of the products available to him during such month.

SEC. 8. *Scheduled programs.* The National Production Authority will from time to time approve scheduled programs calling for the production and delivery of aluminum products for stated purposes over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the Aluminum Industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by the National Production Authority.

SEC. 9. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for aluminum due to the limitations imposed by sections 5, 6 or 7 should apply to the National Production Authority, Light Metals Division, Washington 25, D. C., Ref. M-5, specifying the producers, fabricators, distributors or jobbers who refused to accept the order. The National Production Authority will arrange to assist him in locating sources of supply.

SEC. 10. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an unreasonable hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request could result in undue and exceptional hardship.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M-5.

SEC. 12. *Reports.* Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act.

SEC. 13. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this part is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, shall take effect on February 1, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Acting Administrator.

[F. R. Doc. 51-2057; Filed, Feb. 6, 1951; 5:12 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

HEART BUTTE DAM AND RESERVOIR, HEART RIVER, NORTH DAKOTA

Pursuant to the applicable provisions of sections 7 and 9 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), the following regulations are hereby prescribed to govern the use of storage capacity for flood control purposes in the Heart Butte Reservoir on Heart River, Grant County, North Dakota, and the operation of Heart Butte Dam for flood control purposes.

§ 208.36 *Heart Butte Dam and Reservoir, Heart River, N. Dak.* The Bureau of Reclamation, Department of the Interior, represented by its appropriate Regional Director, hereinafter referred to as the Regional Director, shall operate the Heart Butte Dam and Reservoir in the interest of flood control as follows:

(a) The flood control storage capacity of the reservoir, which initially amounts to 150,000 acre feet between elevations 2064.5 and 2094.5, will be operated to restrict discharges to the capacity of the ungated glory-hole type shaft spillway except as necessary for irrigation requirements, unless otherwise directed by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Whenever the reservoir is above elevation 2064.5 and below elevation 2067.0, the Regional Director will at the request of the District Engineer make supplementary releases up to the full capacity of the irrigation outlet for the purpose of expediting evacuation of the flood control storage. Oral instructions of the District Engineer to the Regional

Director shall be confirmed in writing under date of the day issued.

(b) The discharge characteristics of the ungated glory-hole type shaft spillway (having an estimated capacity of 4,450 c. f. s. with water surface at maximum flood control pool elevation 2094.5), shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. 1992).

(c) Proposed schedules of irrigation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Regional Director. These data shall be tabulated daily and furnished periodically as required, and shall include such items as: reservoir elevation; reservoir storage; inflow; discharge; and pertinent available hydrologic data.

(d) Whenever the reservoir level reaches or exceeds elevation 2064.5 or flood discharges appear imminent, the Regional Director shall report at once to the District Engineer by telephone, telegraph, or radio and as requested thereafter until the reservoir level falls to elevation 2064.5 or below and flood discharges cease.

(e) Nothing in the regulations of this section shall be construed to require that releases shall be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from damage.

(f) All elevations stated in this section are at the Heart Butte-Dam and are referred to the datum in use at that location.

[Regs. Jan. 11, 1951—ENGWE] (Sec. 7, 58 Stat. 890; 33 U. S. C. 709)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.
The Adjutant General.

[F. R. Doc. 51-1970; Filed, Feb. 7, 1951; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 697]

ALASKA

WITHDRAWING PUBLIC LANDS FOR NATIONAL DEFENSE PURPOSES, AND REVOKING PUBLIC LAND ORDER 538 OF DECEMBER 16, 1948

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. Subject to valid existing rights, the public lands in the area in Alaska described below by metes and bounds are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for use in connection with the national defense:

Beginning at the mouth of Clear Creek on the west bank of the Nenana River, latitude 63°30' N., longitude 148 49' W., thence westerly along Clear Creek to north fork, thence northwesterly along the north fork of Clear Creek to the divide between Riley and Windy Creeks, thence westerly along the divide between Riley and Windy Creeks and Sanctuary River and Cantwell Creek to west longitude 149°25', thence due south to the divide between Bull River and Cantwell Creek, thence southeasterly along the divide to the northern boundary of T. 19 S., R. 9 W., Fairbanks Meridian, thence easterly along the north boundary of T. 19 S., to Edes Lake, thence northeasterly along the Edes Lake drainage to the Jack River, thence northeasterly along the Jack and Nenana Rivers to the point of beginning, containing approximately 119,000 acres, including both public and non-public lands.

A portion of the area above described is within Mount McKinley National Park as enlarged by the act of March 19, 1932, 47 Stat. 68 (16 U. S. C. 355).

2. Public Land Order No. 538 of December 16, 1948, withdrawing certain lands within the area above described, is hereby revoked.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 2, 1951.

[F. R. Doc. 51-1941; Filed, Feb. 7, 1951; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

DOMESTIC QUARANTINE NOTICES

NOTICE OF PROPOSED RULE MAKING TO CONSIDER THE ADVISABILITY OF EITHER REVOKING THE JAPANESE BEETLE QUARANTINE OR EXTENDING THE QUARANTINE TO GEORGIA, ILLINOIS, INDIANA, KENTUCKY, MICHIGAN, NORTH CAROLINA, AND SOUTH CAROLINA

The Secretary of Agriculture has information that the Japanese beetle (Popillia japonica Newm.), a dangerous insect which is known to exist in portions of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and in the District of Columbia, has been discovered in certain parts of the States of Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, and South Carolina.

It is necessary, therefore, to consider the advisability of either (a) revoking notice of Quarantine No. 48 and supplementary regulations on account of the Japanese beetle (7 CFR 301.48 et seq.), or (b) extending this quarantine to the additional States in which the beetle has been found and regulating the movement from these States or areas therein where the beetle has been discovered of possible host material, comprising (1) soil, humus, compost, and decomposed manure; (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; (3) cut flowers; and (4) fresh fruits and vegetables.

The interstate movement of these host materials from quarantined states has been regulated for many years for the purpose of retarding the artificial spread of the Japanese beetle and preventing the establishment of new centers of infestation. The last public hearing at which the Japanese beetle situation was similarly considered was held November 16, 1935. Since that hearing, improved methods of chemically controlling the beetle, the introduction of biological control methods, and more extensive distribution of information concerning means of protecting agricultural crops and home plantings against this pest have made possible cheaper and more easily applied means of localized eradication of the insect. During the same interval there has also occurred some rather extensive spread of the beetle for considerable distances from the Federally-regulated area.

Cooperative Federal-State chemical control programs have been carried on at most of these isolated infestations. Movement of host plant material from such sections has largely been under the provisions of State quarantines.

In view of these improvements in means of combatting the beetle, as well as the extent of the beetle spread in recent years, it is considered advisable to review all these recent developments. For this purpose a public hearing is being called.

At this hearing there will be considered (a) whether the continued spread of the Japanese beetle by natural flight and artificial dissemination has been so extensive and persistent as to render undesirable and inexpedient further expenditures by the Federal Government in attempting to retard distribution of the pest in interstate commerce; (b) whether control methods have been so improved that it is now feasible for the Federal Government to relinquish its control attempts to the States, municipalities, or individuals affected; (c) whether the advantages of maintaining the Federal quarantine regulations justify the cost of administration and the expense to the shippers of complying with the requirements; and (d) whether the States in which the Japanese beetle has not yet become established are able to provide under State authority, more advantageously and economically than can be done through Federal action, protection against the establishment of new centers of infestation carried by commercial and private shipments of infested products.

Notice is, therefore, hereby given that, in accordance with section 8 of the Plant Quarantine Act (37 Stat. 318, as amended, 7 U. S. C. 161), a public hearing will be held before the Bureau of Entomology and Plant Quarantine in Room 509, Administration Building, United States Department of Agriculture, Fourteenth Street and Independence Avenue NW., Washington, D. C., at 10 a. m., March 30, 1951, in order that any person interested in the proposed revocation or revision may appear and be heard, either in person or by attorney. Any interested person who desires to do so may submit his views on these subjects or written data or arguments thereon, and may file such views, data, or arguments with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., on or before March 28, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2001; Filed, Feb. 7, 1951; 8:58 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Military Renegotiation Policy and Review Board

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY AND AIR FORCE

Contracts containing the Renegotiation Article entered into by or on behalf of the Department of Defense, including the Departments of the Army, the Navy and the Air Force through September 30, 1950 exclusive of those previously reported and published in the FEDERAL REGISTER.

Pursuant to the note to § 423.322-1 (c) of the Military Renegotiation Regulations, six lists of numbers of prime contracts which contain the Renegotiation Article, together with the names of the contractors holding such contracts, have been published in the FEDERAL REGISTER. The last of these lists included information supplied by the Departments of the Army, the Navy and the Air Force and extended through June 30, 1950 and appeared in the October 27, 1950 issue of the FEDERAL REGISTER. The following list includes contracts entered into through September 30, 1950, but excludes those previously reported in the listings through June 30, 1950. Although a contract is not subject to renegotiation, one or more amendments of such contract may be subject thereto (see MRR 423.332-2). In such cases, only the subject amendments are listed. Subcontractors receiving orders which refer to any such partially listed prime contracts are cautioned to communicate with their customers to ascertain whether it is to the renegotiable or to the non-renegotiable portion of the prime contract that their orders relate. Contracts over $1,000, but under $5,000, have been omitted from this list; however, the omission does not affect the renegotiability of such contracts.

Publication of these lists is for the sole purpose of disseminating information to help contractors and subcontractors identify sales which are subject to renegotiation. Although every effort has been made to have the lists complete and accurate, the omission of the number of a contract subject to the Renegotiation Act of 1948 does not relieve the contractor and the subcontractors thereunder from renegotiation. Conversely, the inclusion in a published list of the number of a contract which is not subject to the act will not make the contractor or subcontractors thereunder subject to renegotiation. The Renegotiation Article is not physically present in some of the contracts listed herein. However, it is considered that such contracts are required to contain the Article and are therefore subject to the Renegotiation Act of 1948. Consequently, the numbers of such contracts are published herein for the same purpose of information as those in which the Article is physically present.

Under legislation applicable to fiscal years starting after June 30, 1949 the scope of the Renegotiation Act of 1948 was broadened substantially. Such legislation, by generally making all negotiated contracts by or on behalf of the Department of Defense, including the Departments of the Army, the Navy and the Air Force subject to the act, has very much simplified the identification of renegotiable business. For this reason, as well as the fact that in the last few months the physical number of subject contracts has greatly increased, the Military Renegotiation Policy and Review Board has decided to discontinue these publications after one more quarterly edition, i. e., for the period from October 1 to December 31, 1950.

FRANK L. ROBERTS,
Chairman.

JANUARY 25, 1951.

CONTRACTS CONTAINING THE RENEGOTIATION ARTICLE ENTERED INTO BY OR ON BEHALF OF THE DEPARTMENT OF DEFENSE, INCLUDING THE DEPARTMENTS OF THE ARMY, THE NAVY AND THE AIR FORCE THROUGH SEPTEMBER 30, 1950 EXCLUSIVE OF THOSE PREVIOUSLY REPORTED AND PUBLISHED IN THE FEDERAL REGISTER

A C F-Brill Motors Co., Philadelphia, Pa.—Hall-Scott Motor Division: DA-20-018-ord-10876, N104s-13185.

A. M. R. Chemical Co., Inc., Brooklyn, N. Y.: MPA-30-287-md-1522.

A R F Products, Inc., River Forest, Ill.: DA-36-039-sc-4738.

Abbott Laboratories, North Chicago, Ill.: DA-30-280-qm-4711.

Abrams Instrument Corp., Lansing, Mich.: AF 33(038)-14916.

Ace Engineering & Machine Co., Inc., Philadelphia, Pa.: DA-36-039-sc-4842.

Acme Aluminum Alloys, Inc., Dayton, Ohio: DA-11-070-ord-743, DA-11-070-ord-1634.

Acme Battery Co., Brooklyn, N. Y.: DA-36-039-sc-4003.

Acme Breweries, San Francisco, Calif.: N220s-55292.

Acme Cotton Products Co., Inc., New York, N. Y.: MPA-30-287-md-1893.

Acme Iron Works, San Antonio, Tex.: DA-41-294-eng-2.

Acme Laboratory Equipment Co., New York, N. Y.: MPA-30-287-md-2656.

Acme Pump Industry, San Francisco, Calif.: N104s-13276.

Acorn Refining Co., Cleveland, Ohio: DA-28-024-ord-789, DA-28-024-ord-790.

Acro Engineering Machine Corp., Stamford, Conn.: N156s-27169.

Adams, J. D., Manufacturing Co., Indianapolis, Ind.: N160s-2988.

Adams Manufacturing & Engineering Co., Huntington Park, Calif.: DA-04-203-eng-550, DA-04-203-eng-568.

Addington-Beaman Laboratory, Norfolk, Va.: DA-09-026-eng-5238, DA-09-026-eng-6474.

Addressograph-Multigraph Corp., Cleveland, Ohio: DA-11-009-qm-1576.

Adel Precision Products Corp., Burbank, Calif.: N383s-36693, AF 33(038)-14698, AF 33(038)-15520.

Admiral Corp., Chicago, Ill.: DA-36-039-sc-16.

Admiral Sales Co., Inc., Los Angeles, Calif.: N220s-55353.

Advertising Displays, Inc., Covington, Ky.: DA-11-184-eng-3876.

Aerial Machine & Tool Corp., Long Island City, N. Y.: DA-12-036-qm-1320, AF 33(038)-15022, AF 33(038)-15330.

Aerial Products, Inc., Elkton, Md.: DA-18-108-cml-911, DA-18-108-cml-8642, DA-18-108-cml-8682, DA-18-108-cml-10432.

Aermotor Co., Chicago, Ill.: DA-11-184-eng-4242.

Aero Instrument Co., Cleveland, Ohio: AF 33(038)-14908.

Aero Supply Manufacturing Co., Inc., Corry, Pa.: AF 33(038)-14287, AF 33(038)-14973, AF 33(038)-15714, AF 33(038)-15772.

Aerojet Engineering Corp., Azusa, Calif.: NOa(s) 10713, NOa(s) 12090, NOa(s) 12154, NOa(s) 12163, NOa(s) 12287, N7nr 46206, AF 33(038)-2733 S. A. No. 13, AF 33(038)-3362 S. A. No. 5.

Aeronautical Machinery Corp., Chicago, Ill.: N383s-37550.

Aeronca Aircraft Corp., Middletown, Ohio: DA-11-070-ord-1745, AF 33(038)-14758.

Aeroquip Corp., Jackson, Mich.: N383s-18301, N383s-38457, AF 33(038)-15172, AF 33-(0383-15205, AF 33(038)-15721.

Aerotec Corp., The, Greenwich, Conn.: N383s-37229.

Aerovox Corp., New Bedford, Mass.: DA-36-039-sc-4761.

Aetna Plywood & Veneer Co., Chicago, Ill.: DA-11-184-eng-4154.

Ainsworth, Wm., & Sons, Inc., Denver, Colo.: DA-23-072-ord-22.

Air Associates, Inc., Teterboro, N. J.: N383s-36611, N383s-36777, N383s-37509, AF 33(038)-15194, AF 33(038)-15318, AF 33(038)-15718, AF 33(038)-15736, AF 33(038)-15862.

Air Cruisers, Inc., Clifton, N. J.: AF 33(038)-15050.

Air-Maze Corp., Cleveland, Ohio: AF 33(038)-15079, AF 33(038)-15524.

Air Reduction Co., Inc., New York, N. Y.—Air Reduction Sales Co. Division: AF 33(038)-16174.

Airborne Accessories Corp., Hillside, N. J.: N383s-38306.

Airborne Instruments Laboratory Co., Mineola, Long Island, N. Y.: N383s-36793.

Aircooled Motors, Inc., Syracuse, N. Y.: AF 33(038)-14760.

Aircraft Engineering & Maintenance Co., Oakland, Calif.: AF 33(038)-15632.

Aircraft Equipment, Inc., Los Angeles, Calif.: AF 33(038)-15731.

Aircraft Fittings Co., The, Cleveland, Ohio: AF 33(038)-15774.

Aircraft Hardware Manufacturing Co., Inc., New York, N. Y.: AF 33(038)-15707.

Aircraft Radio Corp., Boonton, N. J.: DA-30-280-qm-4596, NOa(s) 12281 L. I., NOa(s) 12293, N383s-36349.

Airline Lumber Supply, Donner, La.: DA-09-026-eng-5342, DA-09-026-eng-5458, DA-09-026-eng-5475.

Airpath Instrument Co., St. Louis, Mo.: AF 33(038)-14859.

Airtron, Inc., Linden, N. J.: AF 33(038)-15448.

Airtronic Research, Inc., Bethesda, Md.: NOnr 12501.

Akeley Camera, Inc., New York, N. Y.: AF 33(038)-15625.

Alar Products, Inc., Cleveland, Ohio: W33-038 ac 21981, AF 33(038)-14291.

Alaska Airlines, Inc., Everett, Wash.: N406s-27449, AF 33(038)-14961.

Alaska Junk Co., Seattle, Wash.: DA-45-108-eng-481.

Albert Pipe Supply Co., Inc., Brooklyn, N. Y.: DA-30-075-eng-1009, DA-30-075-eng-1068.

Alcor Engineering Co., Chicago, Ill.: DA-11-184-eng-3864.

Aldan Rubber Co., Philadelphia, Pa.: NOm 57339.

Alger Sullivan Lumber Co., Century, Fla.: DA-09-026-eng-5125, DA-09-026-eng-5482, DA-09-026-eng-5483, DA-09-026-eng-5484.

All American Airways, Inc., Wilmington, Del.: NOa(s) 11048 Amd. No. 1, AF 33(038)-14963.

All Steel Welded Truck Corp., Rockford, Ill.: N600s-8138.

Allen-Bradley Co., Milwaukee, Wis.: DA-49-170-sc-75.

Allen Electric & Equipment Co., Kalamazoo, Mich.: DA-11-184-eng-4058.

Allen Laboratories, Inc., Palmer, Mass.: DA-30-287-md-2786.

Allied Chemical & Dye Corp., New York, N. Y.—General Chemical Division: AF 33(038)-15497.

Allied Federal Screw Machine Products Co., Newark, N. J.: DA-28-017-ord-853.

Allied Metals Corp., Wanaque, N. J.: DA-18-108-cml-1156.

Allied Oil Terminal Co., Chicago, Ill.: ASP 2470.

Allied Specialties, Philadelphia, Pa.: DA-36-038-ord-1278.

Allied Window & Building Cleaning Co., Detroit, Mich.: DA-20-089-ord-4086.

Allis-Chalmers Manufacturing Co., Milwaukee, Wis.: N104s-13100, N104s-13199, N173s-15576, N408s-1291.

Alloy Rods Co., York, Pa.: DA-20-089-ord-4105.

Altec Service Corp., New York, N. Y.: N140s-17526.

Aluminum Co. of America, Pittsburgh, Pa.: DA-11-070-ord-1536, DA-11-070-ord-1568, DA-11-070-ord-1582, DA-11-070-ord-1656, DA-11-070-ord-1661, DA-28-017-ord-793, DA-28-017-ord-832, DA-28-017-ord-837, DA-28-017-ord-852, N383s-38320, N600s-7182, N600s-8153, N600s-8197, AF 4(171)-131, AF 3(171)-142, AF 33(038)-15458.

American Air Filter Co., Inc., Louisville, Ky.: N383s-36402.

American Auto Parts, Kansas City, Mo.: DA-20-018-ord-10590.

American Biscuit & Cracker Co., Seattle, Wash.: DA-04-493-qm-1571, DA-04-493-qm-1639.

American Bosch Corp., Springfield, Mass.: DA-19-059-ord-34, N383s-37676.

American Box Board Co., Grand Rapids, Mich.: DA-11-009-qm-1715.

American Brass Co., The, Waterbury, Conn.: N173s-15502, N383s-38580.

American Bridge Co., Pittsburgh, Pa.: DA-11-184-eng-3742, DA-11-184-eng-3806, DA-11-184-eng-4008.

American Cabinet Co., Two Rivers, Wis.: MPA-23-075-md-340.

American Can Co., New York, N. Y.: DA-04-493-qm-1697, DA-11-009-qm-1225; N140s-17764, N140s-17957.

American Car & Foundry Co., New York, N. Y.: DA-20-089-ord-2972, DA-36-034-ord-32, DA-49-074-tc-83.

American Chain & Cable Co., Inc., Bridgeport, Conn.: DA-11-184-eng-3766.

American Commodities, Los Angeles, Calif.: N160s-3016.

American Cord & Webbing Co., Inc., New York, N. Y.: DA-12-036-qm-1246, NOm 57420.

American Creosote Works, Inc., New Orleans, La.: DA-09-026-eng-5664.

American Cyanamid Co., New York, N. Y.: DA-18-018-cml-1645, MPA-30-287-md-1877, Calco Chemical Division: DA-28-017-ord-836.

American Cystoscope Makers, Inc., New York, N. Y.: DA-36-038-ord-1294, MPA-30-287-md-1960, MPA-30-287-md-2698.

American District Telegraph Co., New York, N. Y.: N406s-26975.

American Helicopter Co., Inc., Manhattan Beach, Calif.: AF 33(038)-6099 S. A. No. 1.

American Hospital Supply Corp., Evanston, Ill.: MPA-30-287-md-1660, MPA-30-287-md-1691, MPA-30-287-md-1771, MPA-30-287-md-1893, MPA-30-287-md-1939, MPA-30-287-md-2155, MPA-30-287-md-2231, MPA-30-287-md-2251, MPA-30-287-md-2603.

American Hydromath Co., New York, N. Y.: N9nr 98303.

American Instrument Co., Inc., Silver Spring, Md.: DA-36-030-qm-1017, N9nr 83200.

American-LaFrance-Foamite Co., Elmira, N. Y.: AF 33(038)-15836.

American Laundry Machinery Co., The, Cincinnati, Ohio: N160s-2682.

American Lithofold Corp., Washington, D. C.: NOd 7624, NOd 7631, NOd 7638.

American Locomotive Co., New York, N. Y.: DA-36-022-tc-2203.

American Machine & Foundry Co., Brooklyn, N. Y.: DA-20-089-ord-4053.

American Machine & Metals, Inc., East Moline, Ill.—Troy Laundry Machinery Division: N160s-2012. U. S. Gauge Division: AF 33(038)-14689, AF 33(038)-14548, AF 33(038)-14856.

American Manufacturing Co., Brooklyn, N. Y.: DA-04-203-eng-583.

American-Marsh Pumps, Inc., Battle Creek, Mich.: AF 33(038)-15526.

American Medical Instrument Co., New York, N. Y.: NPA-30-287-md-2205.

American Metal Refining Co., Detroit, Mich.: AF 33(038)-14774.

American Molasses Co., New York, N. Y.—Sucrest Division: DA-30-280-qm-4914, DA-30-280-qm-5455.

American Optical Co., Southbridge, Mass.: DA-11-184-eng-3783, NPA-30-287-md-1526, NPA-30-287-md-2397, NPA-30-287-md-2807, NOa(s) 11026 Amd. No. 1.

American Phenolic Corp., Chicago, Ill.: N173s-15545.

American Sand Blasting, Lima, Ohio: DA-33-062-eng-33, DA-33-062-eng-34.

American Seating Co., Grand Rapids, Mich.: NOa(s) 12256, N383s-36451.

American Republics Corp., Houston, Tex.: ASP 2469.

American Smelting & Refining Co., New York, N. Y.—Federated Metals Division: N383s-38512.

American Spring & Wire Specialty Co., Chicago, Ill.: N600s-6621.

American Steel & Wire Co., Cleveland, Ohio: DA-11-184-eng-3638, DA-11-184-eng-3752, AF 33(038)-16055.

American Sterilizer Co., Erie, Pa.: MPA-30-287-md-1977, MPA-30-287-md-2006, MPA-30-287-md-2782.

American Sugar Refining Co., New York, N. Y.: DA-30-280-qm-5180, DA-30-280-qm-5235, DA-30-280-qm-5326, DA-30-280-qm-5602, DA-30-280-qm-5615.

American Television & Radio Corp., St. Paul, Minn.: DA-36-039-sc-4803.

American Tobacco Co., Inc., New York, N. Y.: DA-11-009-qm-942, DA-11-009-qm-1092, DA-11-009-qm-1094, DA-11-009-qm-1343, Order (11-006)51-944.

American Type Founders Sales Corp., Elizabeth, N. J.: AF 42(014)-86.

American Walnut Co., Kansas City, Kans.: DA-19-058-ord-1339.

American Zinc Sales Co., Columbus, Ohio: DA-18-108-cml-1157.

Ames Co., Inc., Elkhart, Ind.: MPA-30-287-md-2024.

Amos-James Grocer Co., San Francisco, Calif.: DA-04-493-qm-1379, DA-04-493-qm-1648.

Ams, Max, Machine Co., Bridgeport, Conn.: DA-12-038-ord-13.

Amsco Packaging Machinery, Inc., Long Island City, N. Y.: DA-36-039-sc-4956.

Anaconda Wire & Cable Co., New York, N. Y.: NObs 59039.

Anderson, O. L., Co., Inc., Detroit, Mich.: DA-20-089-ord-2925.

Anderson-O'Brien Co., Los Angeles, Calif.: N160s-2577.

Anderson-Tully Co., Memphis, Tenn.: DA-12-036-qm-1323.

Andrews & Tetz Glass Co., Vineland, N. J.: MPA-30-287-md-2110.

Ang-Lite Co., New York, N. Y.: DA-11-184-eng-4061.

Angelina County Lumber Co., Keltys, Tex.: DA-09-026-eng-2614, DA-09-026-eng-5128.

Animal Trap Co. of America, Lititz, Pa.: DA-28-017-ord-825.

Ankum Co., Alexandria, Va.: DA-44-009-eng-505.

Ansul Chemical Co., Marinette, Wis.: AF 33(038)-15822, Order (33-038)51-1011.

Apple, W. A., Textile Manufacturing Co., Dayton, Ohio: AF 33(038)-15016, AF 33(038)-15026.

Applied Science Corp., Princeton, N. J.: DA-36-034-ord-38.

Arabian American Oil Co., New York, N. Y.: ASP 2625.

Arcos Corp., Philadelphia, Pa.: N171s-2961.

Arctic Contractors, Seattle, Wash.: NOy 13360.

Arden Sunfreeze Creamery, Salt Lake City, Utah: DA-42-036-cml-38.

Arlington Chemical Co., Yonkers, N. Y.: MPA-30-287-md-1763.

Arma Corp., Brooklyn, N. Y.: NOrd 10717 Amd. No. 4, NOrd 10905, NOrd 10918.

Armco Steel Corp., Middletown, Ohio: DA-36-038-ord-1078, N600s-8227.

Armour & Co., Chicago, Ill.: DA-11-009-qm-1213, N220s-55191.

Arril, Morris, Bros., Bridgeton, N. J.: DA-11-009-qm-997.

Armstrong, Charles, Fort Worth, Tex.: DA-41-243-eng-743.

Armstrong Cork Co., Lancaster, Pa.: MPA-30-287-md-1636, MPA-30-287-md-1891.

Arnolt Corp., Warsaw, Ind.: AF 33(038)-15047.

Aro Equipment Co., The, Bryan, Ohio: AF 33(038)-14707, AF 33(038)-15511.

Aron, J., & Co., Inc., New Orleans, La.: DA-30-280-qm-5122, DA-30-280-qm-5161.

Aseptic-Thermo Indicator Co., Los Angeles, Calif.: MPA-30-287-md-2013.

Aspinall, Robert, Co., San Francisco, Calif.: N220s-55868, N220s-55893.

Associated Banning Co., Wilmington, Calif.: N123s-64067.

Associated Engineers, Inc., Fort Wayne, Ind.: DA-19-058-ord-1215, DA-19-058-ord-1423.

Associated Metal Manufacturing Co., Chicago, Ill.: MPA-30-287-md-2661.

Associated Spring Corp., Bristol, Conn.—Wallace Barnes Division: DA-11-184-eng-3969.

Associated Surveyors & Civil Engineers, Chicago, Ill.: NOy 21208.

Atchison, Topeka & Santa Fe Railway Co., The, Chicago, Ill.: DA-29-024-ord-10.

Athey Products Corp., Chicago, Ill.: DA-11-184-eng-3860.

Atlantic Electronics Corp., Port Washington, Long Island, N. Y.: N140s-17226.

Atlas Valve Co., Newark, N. J.: N104s-13139.

Atwood-McManus Box Co., Chelsea, Mass.: DA-19-035-sa1-35.

Auburn Spark Plug Co., Auburn, N. Y.: AF 33(038)-15196, AF 33(038)-15950.

Aurand Manufacturing & Equipment Co., Cincinnati, Ohio: N104s-13842.

Austin, Charles, Inc., Cincinnati, Ohio: AF 33(038)-15591.

Austin Co., The, Cleveland, Ohio: N9nr 91602, N9nr 91604, N9nr 91605, N9nr 91606.

Auto Equipment & Service Co., Philadelphia, Pa.: DA-36-039-sc-4690.

Auto Gear & Parts, Philadelphia, Pa.: DA-36-039-tc-2607.

Auto-Test, Inc., Chicago, Ill.: DA-11-184-eng-4065.

Autographic Register Co., Washington, D. C.: NOd 7622.

Automatic Electric Sales Corp., Chicago, Ill.: DA-36-039-sc-4948, N123s-65578.

Automatic Machine Products Co., Attleboro, Mass.: DA-28-017-ord-803, DA-28-017-ord-876.

Automatic Sprinkler Corp. of America, Youngstown, Ohio: NOm 57300.

Avco Manufacturing Corp., New York, N. Y.—Crosley Division: AF 33(038)-14939. Lycoming Division: AF 33(038)-14998.

Avildsen Tools & Machines, Inc., Chicago, Ill.: DA-11-184-eng-3749.

Avion Instrument Corp., New York, N. Y.: NOa(s) 12146.

B. G. Corp., The, New York, N. Y.: W33-038 ac 20989.

B & J Equipment Co., Seattle, Wash.: DA-45-045-tc-153, DA-45-045-tc-186, DA-45-045-tc-194, DA-45-045-tc-224.

Babcock & Wilcox Tube Co., Beaver Falls, Pa.: N171s-89897.

Bacharach Industrial Instrument Co., Pittsburgh, Pa.: N600s-8048.

Backus Camera Co., Narberth, Pa.: NOnr 5560.

Badt, P. L., Co., San Francisco, Calif.: DA-04-493-qm-2097.

Bailey Engineering, Ramsey, N. J.: MPA-30-287-md-1469, MPA-30-287-md-1702, MPA-30-287-md-2514.

Baldwin Locomotive Works, The, Eddystone, Pa.: DA-11-184-eng-3692.

Ballantine Laboratories, Inc., Boonton, N. J.: AF 33(038)-13012.

Baltimore Metal Products, Inc., Baltimore, Md.: MPA-30-287-md-1675.

Bama Lumber Co., Birmingham, Ala.: DA-09-026-eng-5169, DA-09-026-eng-5294, DA-09-026-eng-5380, DA-09-026-eng-5389, DA-09-026-eng-5401.

Bancroft, Jos., & Sons Co., Wilmington, Del.: NOm 57338.

Bar Ray Products, Inc., Brooklyn, N. Y.: MPA-30-287-md-2544.

Barber-Colman Co., Rockford, Ill.: N383s-36451; AF 33(038)-15132, AF 33(038)-15152.

Barber-Greene Co., Aurora, Ill.: DA-11-184-eng-3615, DA-11-184-eng-3625, DA-11-184-eng-3661, DA-11-184-eng-3871.

Barclay Home Products, Inc., Cohoes, N. Y.: NOm 57377.

Bard, C. R., Inc., Summit, N. J.: MPA-30-287-md-1959.

Barden Corp., Danbury, Conn.: AF 33(038)-862, AF 33(038)-15329, AF 33(038)-15493, AF 33(038)-15510.

Barlow-Maney Laboratories, Cedar Rapids, Iowa: MPA-30-287-md-1974.

Barnes Co., W. F. & John, Rockford, Ill.: DA-11-173-ord-20, NOrd 10840.

Barnes Drill Co., Rockford, Ill.: DA-19-066-ord-257.

Barns Manufacturing Co., Mansfield, Ohio: DA-11-184-eng-3811.

Barth Manufacturing Co., Millidale, Conn.: N600s-8370.

Bass, Julian, & Co., Inc., Seattle, Wash.: N406s-26469.

Bath Iron Works Corp., Bath, Maine: NOnr 13401 L. I.

Bauer & Black Co., Chicago, Ill.: MPA-30-287-md-1625, MPA-30-287-md-1988, MPA-30-287-md-2183.

Bauer Industrial Sales, Inc., Worthington, Ohio: DA-33-062-eng-25.

Baumer Foods, Inc., New Orleans, La.: DA-11-009-qm-931, DA-11-009-qm-938, DA-11-009-qm-1466, DA-11-009-qm-1467.

Bausch & Lomb Optical Co., Rochester, N. Y.: MPA-30-287-md-2568, DA-36-030-qm-999, DA-36-038-ord-1275, NOnr 9600.

Baxter, Don, Inc., Glendale, Calif.: MPA-30-287-md-1534, MPA-30-287-md-1663, MPA-30-287-md-1772, MPA-30-287-md-1804, MPA-30-287-md-2241.

Bay City Shovels, Inc., Bay City, Mich.: DA-11-184-eng-3948.

Bay Oil Corp., New York, N. Y.: ASP 2479.

Bead Chain Manufacturing Co., The, Bridgeport, Conn.: DA-11-009-qm-1604.

Bean, John H., Manufacturing Co., Lansing, Mich.: DA-18-108-cml-1056.

Beatrice Steel Tank Manufacturing Co., South Beatrice, Nebr.: NOrd 10914.

Beaumont & Crandell, Inc., Kansas City, Mo.: AF 33(038)-15013.

Bechtel Corp., San Francisco, Calif.: DA-95-507-eng-58, DA-95-507-eng-62.

Becton, Dickinson & Co., Rutherford, N. J.: MPA-30-287-md-1608, MPA-30-287-md-1902, MPA-30-287-md-2041, MPA-30-287-md-2515, MPA-20-287-md-2542, MPA-30-287-md-2938.

Bedford, John, Macon, Ga.: DA-09-026-eng-5187.

Bedford Paper Products, Dunkirk, N. Y.: DA-11-009-qm-1479.

Beeber, J., Co., Inc., New York, N. Y.: MPA-30-287-md-2142.

Beech Aircraft Corp., Wichita, Kans.: NOa(s) 51011 L. I., N383s-38143, AF 33(038)-14694, AF 33(038)-14709, AF 33(038)-15035, AF 33(038)-15106.

Beechwood Lumber Co., Manchester, Ga.: DA-09-026-eng-5331, DA-09-026-eng-5333.

Belden Manufacturing Co., Chicago, Ill.: DA-11-184-eng-3941.

Bell Aircraft Corp., Buffalo, N. Y.: NOa(s) 12253 L. I., W33038 ac 14169 S. A. No. 9, W33-038 ac 20062 C. O. No. 16, AF 33(038)-3298 C. O. No. 4 and C. O. No. 5, AF 33(038)-14544, AF 33(038)-14545, AF 33(038)-14729, AF 33(038)-14741, AF 33(038)-14996, AF 33(038)-15047, AF 33(038)-15069, AF 33(038)-15940.

Bell & Howell Co., Chicago, Ill.: N220s-55606, N383s-36323, N383s-36803, AF 33(038)-14917, AF 33(038)-14925.

Bell Rigging & Supply Co., Albion, Pa.: DA-04-197-tc-756, N220s-56272.

Bellamy-Roble, Inc., Cambridge, Mass.: N298s-4694.

Bemis Bro. Bag Co., St. Louis, Mo.: DA-04-493-qm-1789, DA-04-493-qm-1790, DA-04-493-qm-1851, DA-04-493-qm-1852, DA-04-493-qm-5367.

Bemiss-Jason Co., San Francisco, Calif.: DA-30-280-qm-5204.

Bendix Aviation Corp., Detroit, Mich.—Bendix Products Division: N383s-23976 and L. I., N383s-29477, N383s-30197 Amd. No. 3, N383s-30206 and L. I., N383s-30406, N383s-34639, N383s-35862 L. I., N383s-36367, N383s-36471, N383s-36662, N383s-36708 L. I., N383s-37053 L. I., N383s-37131 L. I., N383s-37205 L. I., N383s-37206 L. I., N383s-37208 L. I., N383s-37549, N383s-37588, N383s-37675 L. I., N383s-37992, N383s-38141, W33-038 ac 20969, W33-038 ac 20998, W33-038 ac 21503, W33-038 ac 21522, AF 33(038)-49, AF 33(038)-202, AF 33(038)-463, AF 33(038)-1326, AF 33(038)-14712, AF 33(038)-14724, AF 33(038)-14737, AF 33(038)-14750, AF 33(038)-14882, AF 33(038)-14902, AF 33(038)-14907, AF 33(038)-14943, AF 33(038)-15037, AF 33(038)-15264, AF 33(038)-15527, AF 33(038)-15680, AF 33(038)-15988, AF 33(038)-16028, AF 33(038)-16029. Bendix Radio Division: N126s-7448, N126s-7812, N126s-7897, N126s-7903, W33-038 ac 16795 C. O. No. 8, AF 33(038)-14220, AF 33(038)15787, Order (33-038)49-3004, Order (33-038)49-3155. Eclipse-Pioneer Division: DA-20-089-ord-2898, N163s-585, N383s-13560, N383s-35776 L. I., N383s-36061, N383s-36066, N383s-36067, N383s-36292, N383s-36413, N383s-36699, N383s-36715 L. I., N383s-36757, N383s-37117, N383s-37122, N383s-37211 L. I., N383s-37212, N383s-37674, N383s-37771, N383s-37860, N383s-38115 L. I., N383s-38443, N383s-38498, W33-038 ac 22563, AF 33(038)-39, AF 33(038)-130, AF 33(038)-132, AF 33(038)-329, AF 33(038)-341, AF 33(038)-342, AF 33(038)-2535, AF 33(038)-14831, AF 33(038)-14843, AF 33(038)-14844, AF 33(038)14845, AF 33(038)-14852, AF 33(038)-14855, AF 33(038)-14878, AF 33(038)-14881, AF 33(038)-14889, AF 33(038)-14891, AF 33(038)-14893, AF 33(038)-14895, AF 33(038)-14922, AF 33(038)-14946, AF 33(038)-14955, AF 33(038)-15501, AF 33(038)-15521, AF 33(038)-15589. Pacific Division: DA-20-089-ord-2801, DA-20-089-ord-2857, NOrd 10868, N383s-37822, W33-038 ac 21924, W33-038 ac 22596. AF 33(038)-14699, AF 33(038)-15169, AF 33(038)-15737, AF 33(038)-15933. Red Bank Division: W33-038 ac 20959, AF 33(038)-35, AF 33(038)-252. Research Laboratories Division: NOa(s) 51027 L. I. Scintilla Magneto Division: DA-20-089-ord-2843, N383s-36055, N383s-36065, N383s-36073, N383s-37124, N383s-37853, N383s-38282, N383s-38301, N383s-38494, W33-038 ac 22341, W33-038 ac 22353, W33-038 ac 22361, AF 33(038)-68, AF 33(038)-995, AF 33(038)-14829, AF 33(038)-14993, Order (33-038)49-4223. Skinner Purifier Division: NOa(s) 12214, N104s-13235, N104(s)-13791.

Bennett Box Co., Jersey City, N. J.: DA-18-108-ord-924.

Benrus Watch Co., Waterbury, Conn.: DA-28-017-ord-873.

Bensinger Co., St. Louis, Mo.: AF 41(183)-152.

Bercut-Richards Packing Co., Sacramento, Calif.: DA-11-009-qm-2319, DA-35-026-eng-2894.

Bermite Powder, Saugus, Calif.: N123s-62255.

Bers & Co., Inc., Philadelphia, Pa.: N173s-15480, N173s-15541.

Bertea Products, Pasadena, Calif.: N383s-38278.

Beryllium Corp., The, Reading, Pa.: DA-28-017-ord-922.

Bethlehem Pacific Coast Steel Corp., San Francisco, Calif.: N220s-55941.

Bethlehem Steel Co., Bethlehem, Pa.: DA-36-038-ord-1151, N600s-7181, N600s-8230, N600s-8252.

Betz, Henry C., Co., Philadelphia, Pa.: MPA-30-287-md-1595.

Bernard-Victor Industries, Philadelphia, Pa.: DA-36-039-sc-3969.

Biot & Arnold, New York, N. Y.: DA-30-069-ord-53.

Birchfield Boiler, Inc., Tacoma, Wash.: N251s-2749.

Bird Electronic Corp., Cleveland, Ohio: N383s-37109.

Birtman Electric Co., Chicago, Ill.: DA-11-070-ord-1518, DA-11-070-ord-1662, DA-11-070-ord-1674, DA-11-070-ord-1744.

Black, Sivalls & Bryson, Inc., Kansas City, Mo.: N160s-2945.

Blackson & Co., Michigan, Ind.: AF 33-(038)-15287.

Black-Veatch Consulting Engineers, Kansas City, Mo.: AF 33(038)-15616.

Blaw-Knox Co., Pittsburgh, Pa.: AF 33-(038)-15688.

Blickman, S., Inc., Weehawken, N. J.: MPA-30-287-md-1502, MPA-30-287-md-2335.

Blue Banner Foods, Kent, Wash.: DA-11-009-qm-1316.

Blue Moon Foods, Inc., Thorp, Wis.: DA-11-009-qm-1167, DA-11-009-qm-1170, DA-11-009-qm-1674.

Blum's Confectionery, San Francisco, Calif.: N220s-55827, N220s-56076, N220s-56088.

Boehm Surgical Instrument Co., Rochester, N. Y.: MPA-30-287-md-2456.

Boeing Airplane Co., Seattle, Wash.: W33-038 ac 13875 C. O. No. 14, W33-038 ac 18821 S. A. No. 28, AF 33(033)-8166, AF 33(038)-14688, AF 33(038)-14722, AF 33(038)-14747, AF 33(038)-14764, AF 33(038)-14809, AF 33(038)-15082.

Boker, H., & Co., Inc., New York, N. Y.: MPA-30-287-md-1879.

Bol, Ltd., New York, N. Y.: AF 33(033)-7631 C. O. No. 1, AF 33(033)-15536.

Boldt, Al, Lumber, Richmond, Calif.: DA-04-197-tc-685.

Bon Ami Co., New York, N. Y.: N140s-17003.

Boots Aircraft Nut Corp., Stamford, Conn.: AF 33(038)-15719.

Booz, Allen & Hamilton, Chicago, Ill.: NOa(s) 10598, AF 33(038)-14522, AF 33(038)-15044, AF 33(038)-15056.

Borden Co., The, New York, N. Y.: DA-11-009-qm-1470, DA-11-009-qm-1474, DA-11-009-qm-1484, DA-11-009-qm-1515, DA-11-009-qm-1519, DA-11-009-qm-1995, DA-11-009-qm-2179.

Berdo Products Co., Chicago, Ill.: DA-11-009-qm-1430.

Bord-Erickson Corp., Chicago, Ill.: MPA-30-287-md-2663.

Borg-Warner Corp., Chicago, Ill.: DA-20-089-ord-2978. Long Manufacturing Division: AF 33(038)-15755. Pesco Products Division: N383s-37026, N383s-37054, N383s-37620, AF 33(038)-14696, AF 33(038)-15142, AF 33(038)-15247, AF 33(038)-15270, AF 33(038)-15279, AF 33(038)-15814.

Bostitche-Wilson, Inc., Westerly, R. I., DA-36-039-sc-4840.

Bouillon, Lincoln, & Associates, Seattle, Wash.: DA-95-507-eng-72.

Bowen & McLaughlin, Phoenix, Ariz.: DA-36-022-tc-1815.

Bower Roller Bearing Co., Detroit, Mich.: AF 33(038)-15703.

Bowman-Durham-Robbins, Inc., Brooklyn, N. Y.: MPA-30-287-md-1743.

Bowser, Inc., Fort Wayne, Ind.: AF 33(038)-14933, AF 33(038)-15088.

Bowser-Morner Testing Laboratory, Dayton, Ohio: AF 33(038)-15119.

Boyt Co., Des Moines, Iowa: DA-11-070-ord-1675, DA-11-070-ord-1687.

Bracamonte, R. M., Co., San Francisco, Calif.: DA-04-493-qm-1910.

Brainard Steel Co., Warren, Ohio: DA-04-493-qm-1830, DA-11-009-qm-1144, AF 9(104)-266.

Brandenstein, M. J., San Francisco, Calif.: DA-30-289-qm-4805.

Braun-Knecht-Heimann Co., San Francisco, Calif.: AF 4(171)-150.

Bray, U. B., Co., Los Angeles, Calif.: N123s-68078, ASP 2933.

Breese Burners, Inc., Santa Fe, N. Mex.: DA-11-009-qm-1015, DA-11-009-qm-2114.

Breeze Corporations, Inc., Newark, N. J.: N383s-34026, N383s-36071, AF 33(038)-15122, AF 33(038)-15752.

Brew Manufacturing Co., Puyallup, Wash.: DA-04-493-qm-1825.

Briggs & Stratton Corp., Milwaukee, Wis.: N383s-36233.

Briner Rustproofing Co., Albuquerque, N. Mex.: AF 29(001)-314.

Brinker Supply, Pittsburgh, Pa.: DA-33-062-eng-32.

Bristol Co., The, Waterbury, Conn.—Aircraft Equipment Division: N383s-36667, N383s-36670.

Brooks & Perkins, Inc., Detroit, Mich.: AF 33(038)-15472.

Brooks Lumber Co., Greensboro, N. C.: DA-09-026-eng-5160, DA-09-026-eng-5161, DA-09-026-eng-5370, DA-09-026-eng-5478, DA-09-026-eng-5479.

Bros, Wm., Boiler & Manufacturing Co., Minneapolis, Minn.: DA-11-184-eng-3613.

Brown Art Studio, Detroit, Mich.: DA-20-089-ord-4012.

Brown, Chester B., Co., Morrill, Nebr.: DA-11-009-qm-1227.

Brown, Gordon D., & Associates, Beverly Hills, Calif.: AF 33(038)-15177, AF 33(038)-15323, AF 33(038)-15633.

Brown Equipment & Manufacturing Co., New York, N. Y.: DA-30-127-qm-198.

Brown & Sharpe Manufacturing Co., Providence, R. I.: DA-19-058-ord-1260, DA-36-038-ord-202, DA-49-170-sc-66.

Browning Laboratories, Inc., Winchester, Mass.: N173s-15518.

Brush Development Co., Cleveland, Ohio: N123s-68039.

Bryant Chucking Grinder Co., Springfield, Vt.: DA-30-144-ord-415.

Buchsbaum, S., & Co., Chicago, Ill.: AF 33(038)-15020.

Buck X-Ograph Co., St. Louis, Mo.: MPA-30-287-md-2356.

Bucyrus-Erie Co., South Milwaukee, Wis.: DA-11-184-eng-3904.

Buda Co., The, Harvey, Ill.: DA-11-184-eng-3883.

Budd Co., The, Philadelphia, Pa.: DA-36-034-ord-33, DA-36-034-ord-35.

Buff & Hodge Lumber, Unadilla, Ga.: DA-09-026-eng-5477.

Buffalo-Springfield Roller Co., Springfield, Ohio: DA-11-184-eng-3833.

Buffalo Weaving & Belting Co., Buffalo, N. Y.: N140s-17048.

Bull, C. H., Co., San Francisco, Calif.: DA-04-203-eng-677.

Bullard Co., The, Bridgeport, Conn.: DA-19-056-ord-259, DA-20-089-ord-4101, N600s-6610.

Bullard, E. D., Co., San Francisco, Calif.: N383s-37988.

Bunte Bros., Chicago, Ill.: DA-11-009-qm-2175.

Burgess Battery Co., Freeport, Ill.: DA-36-039-sc-4795.

Burke, Wm. J., Wire & Manila Rope Co., Brooklyn, N. Y.: DA-36-022-tc-1715.

Burlington Mills Corp., New York, N. Y.: DA-30-280-qm-4584.

Burndy Engineering Co., Inc., New York, N. Y.: AF 4(171)-143.

Burnell & Co., Yonkers, N. Y.: DA-49-170-sc-48.

Burton-Dixie Corp., Chicago, Ill.: N140s-18043.

Burton Manufacturing Co., Los Angeles, Calif.: MPA-30-287-md-2567.

Bush, Clinton G., Lumber Co., Huntington Station, Long Island, N. Y.: DA-30-182-tc-230.

Butler, M. Phillip, Seattle, Wash.: DA-45-103-eng-499.

Butler Manufacturing Co., Kansas City, Mo.: N160s-2946.

Byers, A. M., Co., Pittsburgh, Pa.: NOm 57282, NOm 57363.

Byers Machine Co., The, Ravenna, Ohio: DA-11-184-eng-3578, DA-11-184-eng-3908.

CBC Welding Corp., New York, N. Y.: MPA-30-287-md-2776.

C J B Construction Co., Oxnard, Calif.: N160s-2964, N160s-2974, N160s-2978.

Calhoun, J. V., Co., Ashland, Mass.: N104s-13550.

California & Hawaiian Sugar Refining Co., San Francisco, Calif.: DA-30-280-qm-5029, DA-30-280-qm-5148, DA-30-280-qm-5184, DA-30-280-qm-5224, N406s-27661, N406s-27717.

California Builders Supply Co., Ltd., Oakland, Calif.: Order (4-293)51-382.

California Eastern Airways, Inc., New York, N. Y.: AF 33(038)-15108.

California Fruit Growers Exchange, Los Angeles, Calif.: DA-11-009-qm-1204, DA-11-009-qm-1209, DA-11-009-qm-1211.

California Milling Corp., Los Angeles, Calif.: DA-11-009-qm-1369, DA-11-009-qm-1536.

California Morning Foods, Inc., Los Angeles, Calif.: DA-11-009-qm-1473, N220s-56428.

California Packing Corp., San Francisco, Calif.: DA-11-009-qm-1285.

California Portland Cement Co., Los Angeles, Calif.: N123s-68194.

California Research Corp., San Francisco, Calif.: W33-038 ac 9083 S. A. No. 9.

Camloc Fastener Corp., New York, N. Y.: AF 33(038)-14279.

Camp, E. V., Atlanta, Ga.: DA-30-144-ord-479.

Campbell Soup Co., Camden, N. J.: DA-04-493-qm-1442, DA-04-493-qm-1611, DA-11-009-qm-1539.

Canadian Commercial Corp., Ottawa, Canada: MPA-30-287-md-2396, AF 33(038)-14727.

Candling Light Co., San Francisco, Calif.: MPA-30-287-md-2662.

Canister Co., Inc., The, Phillipsburg, N. J.: NObs 59164.

Cannon Mills Co., Kannapolis, N. C.: N140s-17975.

Cantwell Machinery Co., Columbus, Ohio: DA-33-062-eng-26.

Capehart-Farnsworth Corp., Fort Wayne, Ind.: DA-11-184-eng-4139, DA-11-184-eng-4190.

Car Builders Equipment, Landisville, Pa.: DA-49-074-tc-107, DA-49-074-tc-111.

Carborundum Co., The, Niagara Falls, N. Y.: NOrd 10982.

Carey-Hirsch Lumber Co., Memphis, Tenn.: DA-09-026-eng-5270.

Cargo Packers, Inc., New York, N. Y.: DA-36-039-sc-7448.

Cargoaire Engineering Corp., New York, N. Y.: N383s-38517.

Carlson, G. O., Inc., Thorndale, Pa.: N600s-8265.

Carnation Company, Los Angeles, Calif.: DA-11-009-qm-1545, DA-11-009-qm-1924, DA-11-009-qm-1926, DA-11-009-qm-2228.

Carnegie-Illinois Steel Corp., Pittsburgh, Pa.: DA-20-089-ord-2990, N600s-8262.

Carr-Consolidated Biscuit Co., Chicago, Ill.: DA-11-009-qm-1372, DA-11-009-qm-1607.

Carrier Corp., Syracuse, N. Y.: DA-28-017-ord-896, N102s-52754, N160s-2910.

Carter, S. C., Jr., New York, N. Y.: AF-33(038)-15730.

Carter, W. T., & Bro., Houston, Tex.: DA-09-026-eng-5145, DA-09-026-eng-6663.

Cary Lumber Co., Tillery, N. C.: DA-09-026-eng-5132.

Cascade Pole Co., Tacoma, Wash.: AF 4(171)-134.

Case-Swayne Co., Inc., Santa Ana, Calif.: DA-11-009-qm-1205, DA-11-009-qm-1208.

Caterpillar Tractor Co., Peoria, Ill.: DA-11-184-eng-3746, DA-11-184-eng-3950, DA-11-184-eng-4047, DA-36-022-tc-1859, N160s-2914, N160s-2948.

Caulk, L. D., Co., The, Milford, Del.: MPA-30-287-md-1659.

Ceco Steel Products Corp., Chicago, Ill.: DA-11-184-eng-4007.

Celanese Corp. of America, New York, N. Y.: AF 41(142)-139.

Central Iron & Steel Co., Harrisburg, Pa.: N600s-8231.

Central Lumber & Supply Co., Inc., Seattle, Wash.: DA-45-045-tc-191.

Century Tool Co., Philadelphia, Pa.: N600s-7713, N600s-7871, AF 40(087)-97.

Cessna Aircraft Co., Wichita, Kans.: AF 33(038)-14749.

Chaffee Bros. Co., Oxford, Mass.: DA-19-035-al-35.

Chain Belt Co., Milwaukee, Wis.: DA-11-184-eng-3624, DA-11-184-eng-3841.

Chamberlain, S. F., Co., Long Island City, N. Y.: NOnr 9300, NCnr 11900.

Chamberlain Corp., Waterloo, Iowa: DA-04-493-qm-1841.

Chamberlain Machine Tool, Bellows Falls, Vt.: DA-30-144-ord-521, DA-30-144-ord-531.

Chambersburg Engineering Co., Chambersburg, Pa.: DA-19-058-ord-1201.

Champion Shoe Machinery Co., St. Louis, Mo.: N104s-13873.

Charms Sales Co., Asbury Park, N. J.: N160s-76131.

Chase Aircraft Co., Inc., West Trenton, N. J.: W33-038 ac 17025 C. O. No. 17.

Chase Bag Co., Chicago, Ill.: DA-11-184-eng-3591.

Chase Chemical Co., Newark, N. J.: MPA-30-287-md-2174.

Chase, M. J., Co., Pawtucket, R. I.: MPA-30-287-md-2008.

Chatham Electronics Corp., Newark, N. J.: DA-36-039-sc-6665, DA-49-170-sc-21.

Chayes Dental Instrument Corp., New York, N. Y.: MPA-30-287-md-2427.

Chefford Master Manufacturing Co., Inc., Fairfield, Ill.: DA-28-017-ord-870.

Chesterfield Lumber Co., Monroe, N. C.: DA-09-026-eng-5141.

Chicago Aerial Survey Co., Chicago, Ill.: AF 33(038)-14928, AF 33(038)-15253.

Chicago Apparatus Co., Chicago, Ill.: MPA-30-287-md-1935, MPA-30-287-md-2014.

Chicago Metal Hose Corp., Maywood, Ill.: AF 33(038)-15512, AF 33(038)-15753.

Chicago Pneumatic Tool Co., New York, N. Y.: AF 33(038)-14529.

Chicago Show Printing Co., Chicago, Ill.—Mystik Adhesive Products Division: AF 33(038)-15427.

Chicopee Mills, Inc., New York, N. Y.: NOm 57130.

Chiksan Co., Brea, Calif.: AF 33(038)-16042.

Chilcotte Laboratories, Morris Plains, N. J.: MPA-30-287-md-2159, MPA-30-287-md-2461.

Chippewa Paper Products Co., Inc., Chicago, Ill.: DA-30-280-qm-5274.

Chisholm & Elford, Bellingham, Wash.: DA-45-108-eng-523.

Christian, J. D., Engineering Co., San Francisco, Calif.: DA-36-022-tc-1926, DA-36-022-tc-2085, DA-36-022-tc-2109.

Ciba Pharmaceutical Products Co., Summit, N. J.: MPA-30-287-md-2686.

Cincinnati Electronics Co., Cincinnati, Ohio: AF 33(038)-15073, AF 33(038)-16180, AF 33(038)-16181.

Cincinnati Milling Machine Co., The, Cincinnati, Ohio: DA-19-058-ord-1193, NObs 59150 L. I.

Clark Equipment Co., Buchanan, Mich.: N600s-8147.

Clark Heating Co., Columbia, S. C.: DA-38-042-aIII-9.

Cla-Val Co., Alhambra, Calif.: NObs 50441.

Clearing Machine Corp., Chicago, Ill.: DA-36-038-ord-1245.

Cleaver-Brooks Co., Milwaukee, Wis.: DA-11-171-ord-91, NObs 53011.

Cleveland Container Co., Cleveland, Ohio: DA-11-171-ord-89, DA-28-017-ord-823, DA-28-017-ord-830, DA-28-017-ord-921.

Cleveland City Forge Co., Cleveland, Ohio: DA-36-022-tc-1721.

Cleveland Pneumatic Tool Co., The, Cleveland, Ohio: N383s-27174 and L. I., N383s-31477, N383s-32184, N383s-36298, N383s-36382, N383s-37393 L. I., N383s-37797 L. I., AF 33(038)-14723, AF 33(038)-15468.

Cleveland Trencher Co., Cleveland, Ohio: N160s-2911.

Clifton & Appleton, Spokane, Wash.: DA-45-108-eng-515.

Climax Engine & Pump Manufacturing Co., Clinton, Iowa: DA-11-184-eng-3960, DA-11-184-eng-4019.

Climax Machinery Co., Indianapolis, Ind.: AF 33(038)-14746.

Clinton Machine Co., Clinton, Mich.—Warner Division: AF 33(038)-15695.

Coastal Petroleum Corp., Mobile, Ala.: ASP 2472.

Cochran Foil Co., Louisville, Ky.: AF 33(038)-15593.

Codman, Glen L., Co., Inc., Oakland, Calif.: N52m 25270.

Cole Laboratories, Inc., Long Island City, N. Y.: DA-11-184-eng-3822, DA-28-024-ord-742, DA-28-024-ord-781, AF 33(038)-15331.

Coleman Instruments, Inc., Maywood, Ill.: MPA-30-287-md-2593.

Colgate-Palmolive-Peet Co., Jersey City, N. J.: DA-30-280-qm-4902.

Collins Radio Co., Cedar Rapids, Iowa: NOa(s) 12225, NOa(s) 12245, NOa(s) 12258, NOa(s) 12274.

Colonial Molasses Co., Inc., Jersey City, N. J.: DA-11-009-qm-1140, DA-11-009-qm-1328, DA-11-009-qm-1468.

Colonial Sugars Co., New York, N. Y.: DA-30-280-qm-5181, DA-30-280-qm-5331.

Colorado Milling & Elevator Co., Denver, Colo.: DA-11-009-qm-1147, DA-11-009-qm-1367.

Colorbac, Inc., San Francisco, Calif.: N220s-55714, N220s-56303.

Colson Corp., The, Elyria, Ohio: AF 33(033)-15012.

Colt's Manufacturing Co., Hartford, Conn.: DA-19-058-ord-1134, DA-19-058-ord-1227.

Columbia Paper Mill, Vancouver, Wash.: MPA-30-287-md-2149.

Columbia Trailer Co., Van Nuys, Calif.: N160s-3014.

Columbian Bronze Corp., Freeport, N. Y.: NObs 59045, N104s-13855.

Columbus Dental Manufacturing Co., Columbus, Ohio: MPA-30-287-md-2027.

Columbus Lumber Co., Columbus, Ga.: DA-09-026-eng-2496, DA-09-026-eng-5024, DA-09-026-eng-5027, DA-09-026-eng-5041, DA-09-026-eng-5044, DA-09-026-eng-5045, DA-09-026-eng-5072, DA-09-026-eng-5101, DA-09-026-eng-5159, DA-09-026-eng-5166, DA-09-026-eng-5239, DA-09-026-eng-5287, DA-09-026-eng-5312, DA-09-026-eng-5412, DA-09-026-eng-5414, DA-09-026-eng-5437.

Combustion Engineering-Superheater, Inc., New York, N. Y.: N220s-54203, N220s-55526.

Commercial Shearing & Stamping Co., The, Youngstown, Ohio: DA-11-184-eng-4179.

Compco Corp., Chicago, Ill.: AF 33(038)-15692.

Comstock Canning Corp., Newark, N. J.: DA-11-009-qm-1325.

Consolidated Dairy Products Co., Seattle, Wash.: DA-45-064-qm-1166, DA-45-064-qm-1486, DA-45-064-qm-1401.

Consolidated Radio Products Corp., Chicago, Ill.: AF 33(038)-14921.

Consolidated Vultee Aircraft Corp., San Diego, Calif.: NOa(s) 12143, N123s-68523, AF 33(038)-14755, AF 33(038)-14757, AF 33(038)-15425, AF 33(038)-15532, AF 33(038)-15726.

Consolidated Western, Knoxville, Tenn.: DA-11-184-eng-4250.

Container Corp. of America, Chicago, Ill.: DA-11-009-qm-1714, DA-42-015-qm-1136, DA-44-493-qm-1805.

Continental Aviation & Engineering Corp., Detroit, Mich.: NOa(s) 12174.

Continental Copper & Steel Industries, Inc., Buffalo, N. Y.—Hanover Wire Cloth Division: N383s-38706.

Continental-Diamond Fibre, Newark, Del.: DA-18-108-cml-458.

Continental Motors Corp., Muskegon, Mich.: DA-11-184-eng-3846, DA-20-089-ord-2110, DA-20-089-ord-2831, DA-20-089-ord-2907, DA-20-089-ord-3587, DA-20-089-ord-4108, AF 33(038)-14762.

Continental Steel Corp., Kokomo, Ind.: DA-11-184-eng-3975.

Control Instrument Co., Inc., Brooklyn, N. Y.: NOrd 10347, NOrd 10948, N104s-13474.

Converse, J. B., Co., Inc., Mobile, Ala.: DA-01-076-eng-594.

Cook Chocolate Co., Chicago, Ill.: DA-11-009-qm-1345, DA-11-009-qm-1352, N220s-55865.

Cook Electric Co., Chicago, Ill.: N383s-36711, N383s-37779, AF 33(038)-15619, AF 33(038)-15629, AF 33(038)-15725, AF 33(038)-15048.

Cook-Waite Laboratories, Inc., New York, N. Y.: MPA-30-287-md-1658.

Cooper-Bessemer Corp., The, Mount Vernon, Ohio: DA-04-197-tc-796, DA-04-197-tc-804, DA-36-022-tc-2200, N104s-13368.

Cooper, D. C., Co., Chicago, Ill.: DA-11-070-ord-1756.

Cooper Precision Products Co., Los Angeles, Calif.: AF 33(038)-15720.

Cork Insulation Co., Inc., New York, N. Y.: N383s-37043.

Corn Products Sales Co., Argo, Ill.: DA-11-009-qm-1303, DA-11-009-qm-1651.

Cornelius Co., The, Minneapolis, Minn.: NOa(s) 12180, AF 33(038)-14820, AF 33(038)-15166.

Cornell Dubilier Electric Corp., South Plainfield, N. J.: DA-11-184-eng-4080.

Corning Glass Works, Corning, N. Y.: DA-11-009-qm-1025.

Courtland Laboratories, Los Angeles, Calif.: MPA-30-287-md-1852.

Cowles Chemical Co., The, Cleveland, Ohio: N140s-17965.

Cox & Stevens Aircraft Corp., Mineola, Long Island, N. Y.: W33-038 ac 19540 S. A. No. 4.

Cramer, R. W., Co., Inc., Centerbrook, Conn.: AF 33(038)-15518.

Crane Co., Chicago, Ill.: DA-11-184-eng-3567, NOm 57291, N160s-2994, N160s-3030.

Crawford Lumber, Nacogdoches, Tex.: DA-09-026-eng-2624.

Crescent Dental Manufacturing Co., Chicago, Ill.: MPA-30-287-md-1813, MPA-30-287-md-2470.

Crosby Steam Gage & Valve Co., Boston, Mass.: N104s-13525.

Cresse & Blackwell Co., Baltimore, Md.: DA-11-009-qm-2033, DA-11-009-qm-2503.

Crossett Lumber Co., Crossett, Ark.: DA-09-026-eng-5344.

Crossfield Products Corp., Los Angeles, Calif.: N111s-54468.

Crouse-Hinds Co., Syracuse, N. Y.: AF 33(038)-15763.

Crown Cork & Seal Co., Inc., Baltimore, Md.: DA-30-144-ord-491.

Crown Office Supply Co., Chicago, Ill.: DA-11-009-qm-1933.

Crucible Steel Co. of America, New York, N. Y.: N600s-8176.

Cudahy Packing Co., The, Chicago, Ill.: DA-11-009-qm-1214.

Cummings, J. F., Burbank, Calif.: DA-04-353-eng-380.

Cummings Machine Works, Boston, Mass.: DA-19-020-ord-33.

Cummins Engine Co., Inc., Columbus, Ind.: DA-36-022-tc-1982, DA-36-022-tc-2220, DA-36-022-tc-2515.

Cuno Engineering Corp., Meriden, Conn.: N104s-13883.

Currier Co., Oakland, Calif.: N220s-55707.

Curtis Auto Devices, Inc., Bedford, Ind.: AF 33(038)-15300.

Curtis Lumber Co., Mapleton, Oreg.: DA-35-026-eng-2363.

Curtiss-Wright Corp., Columbus, Ohio—Airplane Division: N383s-36390. Propeller Division: W33-038 ac 19066 C. O. No. 21, W33-038 ac 22229, AF 33(038)-3532, AF 33(038)-14811, AF 33(033)-14838, AF 33(038)-14846, AF 33(038)-14849, AF 33(038)-14991, AF 33(038)-15114, AF 33(038)-15622, Order (33-038)49-6472. Wright Aeronautical Division: N383s-36817, AF 33(038)-15939.

Cushing & Nevell, New York, N. Y.: N600s-6412.

Cushman Motor Works, Lincoln, Nebr.: DA-11-184-eng-4243.

Custom Electronics, Morris Plains, N. J.: DA-36-039-sc-4735.

Cutler-Hammer, Inc., Milwaukee, Wis.: N104s-13189, N383s-36016.

Cutter Laboratories, Inc., New York, N. Y.: MPA-30-287-md-1458, MPA-30-287-md-1556, MPA-30-287-md-1850, MPA-30-287-md-1863, MPA-30-287-md-2096.

Dade Export Engineering, Alameda, Calif.: DA-04-197-tc-669.

Dahl, George L., Dallas, Tex.: DA-34-066-eng-1413.

Danbury-Knudsen, Inc., Danbury, Conn.: N173s-15620.

Daniel, Edward W., Co., Cleveland, Ohio: DA-36-022-tc-1702.

Daniels, C. R., Inc., Daniels, Md.: MPA-30-287-md-2023, MPA-30-287-md-2209.

Darley, W. S., & Co., Chicago, Ill.: DA-11-184-eng-3897.

Daven Co., The, Newark, N. J.: DA-36-039-sc-47847.

Davey Compressor Co., Kent, Ohio: DA-11-184-eng-3593.

Davies-Young Soap Co., Dayton, Ohio: MPA-30-287-md-1652.

Davis & Geck, Inc., Brooklyn, N. Y.: MPA-30-287-md-1576, MPA-30-287-md-1862.

Davol Rubber Co., Providence, R. I.: MPA-30-287-md-1953.

Day Laboratories, Inc., Chicago, Ill.: MPA-30-287-md-2198.

Day & Zimmerman, Inc., Philadelphia, Pa.: DA-11-173-ord-18, NOa(s) 12201.

Dayton Aircraft Products, Inc., Dayton, Ohio: N383s-37519, AF 33(038)-14942.

Deal Deal Trutter, Springfield, Ill.: DA-11-184-eng-3.

Dean Lumber Co., Gilmer, Tex.: DA-09-026-eng-6719.

Dearborn Packing Co., Inc., Chicago, Ill.: DA-04-493-qm-1936.

Decatur, Stephen, Brooklyn, N. Y.: DA-36-039-sc-4861.

De Golyer & MacNaughton, Dallas, Tex.: N660s-7553.

De Jur Amsco Corp., Long Island City, Long Island, N. Y.: N383s-37777.

Deknatel, J. A., & Son, Inc., Queens Village, Long Island, N. Y.: MPA-30-287-md-1667, MPA-30-287-md-1861.

Delaney, William M., Co., Salt Lake City, Utah: N220s-55869.

De Laval Pacific Co., San Francisco, Calif.: DA-04-203-eng-679.

De Laval Steam Turbine Co., East Trenton, N. J.: N220s-55420.

Delay, Earle & Co., Columbia, S. C.: DA-38-042-aIII-3.

Deline, Edwin F., Co., Denver, Colo.: DA-11-009-qm-1720.

Delmonico Foods, Inc., Louisville, Ky.: DA-11-009-qm-1237, DA-11-009-qm-1239, DA-11-009-qm-1411, DA-11-009-qm-1613.

Delron Co., Inc., The, Los Angeles, Calif.: AF 33(038)-15262.

Delta Canning, Raymondville, Tex.: DA-11-009-qm-2149.

Dempster Bros., Inc., Knoxville, Tenn.: Order (33-101)51-551.

Denison Engineering Co., Columbus, Ohio: AF 42(014)-88.

Dennison Foods, Oakland, Calif.: DA-04-493-qm-1608.

Dentists' Supply Co. of New York, New York, N. Y.: MPA-30-287-md-1839, MPA-30-287-md-2283.

Designers for Industry, Inc., Cleveland, Ohio: NOa(s) 12171.

De Stefano, Dominick, Newburgh, N. Y.: DA-09-026-eng-5030.

Detroit Broach Co., Detroit, Mich.: DA-19-058-ord-1209.

Detroit Lubricator Co., Detroit, Mich.: N104s-13579.

Detroit Testing Laboratory Co., Detroit, Mich.: DA-11-171-ord-96.

Deutsch Co., Los Angeles, Calif.: AF 33(038)-15715.

Deutschmann, Tobe, Corp., Canton, Mass.: DA-20-018-ord-11202.

Devenco, Inc., New York, N. Y.: N171s-89883.

Dewalt, Inc., Lancaster, Pa.: DA-11-184-eng-3756.

Deweese, A., Lumber Co., Philadelphia, Miss.: DA-09-026-eng-5131.

De Weldon, Felix G. W., Washington, D. C.: NOm 57080.

Dewey & Almy Chemical Co., Cambridge, Mass.: DA-36-039-sc-4726.

Dexter Folder Co., New York, N. Y.: DA-11-009-qm-1709.

Diagraph-Bradley Industries, Inc., St. Louis, Mo.: DA-36-039-sc-1836.

Diamond Power Specialty Corp., Lancaster, Ohio: N104s-13307.

Diamond T Motor Car Co., Chicago, Ill.: DA-33-079-ord-223, DA-36-005-ord-276.

Dick, Henry V., Co., Columbia, S. C.: DA-38-042-aIII-1112, DA-38-103-aIII-77.

Dickinson Lumber, San Francisco, Calif.: DA-04-197-tc-683.

Dierks Lumber & Coal Co., Kansas City, Mo.: DA-09-026-eng-5476.

Di-Noc Co., Cleveland, Ohio: AF 23(109)-36.

Distillation Products, Inc., Rochester, N. Y.: N220s-55133.

Dixie Lumber Co., New Orleans, La.: DA-09-026-eng-5399, DA-09-026-eng-5402.

Dixie Petroleum Co., San Antonio, Tex.: DA-04-493-cm-1369.

Dixon, William, Inc., Newark, N. J.: MPA-30-287-md-2816.

Dixon Manufacturing Co., Inc., Coffeyville, Kans.: AF 33(033)-15451.

Dobbins Bros. Lumber, Birmingham, Ala.: DA-09-023-eng-6701.

Dobeckmun Co., The, Cleveland, Ohio: DA-04-493-qm-1780.

Dodge Steel Co., Philadelphia, Pa.: DA-36-038-ord-1181.

Dohrmann Hotel Supply Co., San Francisco, Calif.: N160s-2837, N160s-2961.

Dollar, Robert, Co., South San Francisco, Calif.: AF 33(038)-15705.

Doran Lumber Corp., Brooklyn, N. Y.: DA-09-026-eng-2556, DA-09-026-eng-1615.

Doughnut Corp. of America, New York, N. Y.: DA-04-493-qm-1404, DA-04-493-qm-1545.

Douglas Aircraft Co., Inc., Santa Monica, Calif.: NOa(s) 10483, NOa(s) 10926, NOa(s) 12026 L. I. NOa(s) 51012 L. I., N383s-37862, N383s-37864, N383s-38670, W33-038 ac 10413 C. O. No. 19, W33-038 ac 20260 C. O. No. 20, AF 33(038)-14726, AF 33(038)-14751, AF 33(038)-14765.

Douglas Fir Lumber, San Francisco, Calif.: DA-04-197-tc-769.

Dowd, John, Co., New York, N. Y.: DA-30-162-tc-197.

Drafting Associates, Inc., Bristol, Pa.: N383s-36561.

Dravo Corp., Pittsburgh, Pa.: N104s-13492.

Dreyfus Machinery, New Orleans, La.: DA-16-049-tc-71.

Drexel Finishes Co., Philadelphia, Pa.: N151s-86338.

Driver Lumber Co., Selma, Ala.: DA-09-026-eng-5205, DA-09-026-eng-5393.

Duff-Norton Manufacturing Co., The, Pittsburgh, Pa.: N600s-6466.

Duffy Construction Corp., New York, N. Y.: AF 33(038)-14554.

Dulien Steel Products, Inc., Seattle, Wash.: DA-45-108-eng-519.

Du Mont, Allen B., Laboratories, Inc., Passaic, N. J.: N1732s-15520.

Dunlap & Associates, Inc., New York, N. Y.: N8nr 64105.

Dunlap & Co., Columbus, Ind.: DA-09-026-eng-5181, DA-09-026-eng-5182, DA-09-026-eng-5183.

Du Pont, E. I., de Nemours & Co., Inc., Wilmington, Del.: MPA-30-287-md-1627, AF 33(038)-14273.

Dwight Lumber & Box Co., San Francisco, Calif.: DA-04-468-qm-322.

Eagle Signal Corp., Moline, Ill.: N383s-36565.

East Asiatic Co., Inc., New York, N. Y.: DA-30-280-qm-4816.

East Rutherford Syringes, Inc., East Rutherford, N. J.: MPA-30-287-md-2094, MPA-30-287-md-2408.

Eastern Corp., Bangor, Maine: DA-30-280-qm-5540.

Eastern Rotorcraft Co., Willow Grove, Pa.: AF 33(038)-15188.

Eastern Stainless Steel Corp., Baltimore, Md.: N600s-8240, AF 33(038)-15455.

Eastern States Petroleum Co., Inc., Houston, Tex.: ASP 3302.

Eastern Tool & Manufacturing Co., Belleville, N. J.: DA-28-017-ord-818.

Eastman Kodak Co., Rochester, N. Y.: DA-11-171-ord-103, DA-11-184-eng-3959, DA-36-038-ord-1308, MPA-30-287-md-1626, MPA-30-287-md-1712, MPA-30-287-md-2250, AF 30(120)-198, AF 30(120)-201, AF 33(038)-14270, AF 33(038)-14702, AF 33(038)-14707, AF 33(038)-14970, AF 33(038)-15067, AF 33(038)-15150, AF 33(038)-15252, AF 33(038)-15267, AF 33(038)-15537, AF 33(038)-15543.

Easton Car & Construction Co., Easton, Pa.: DA-36-034-ord-28.

Eaton Laboratories, Inc., Norwich, N. Y.: MPA-30-287-md-2054.

Eddy Paper Corp., Chicago, Ill.: DA-04-493-qm-1803, DA-11-009-qm-1952.

Edgewater Steel Co., Pittsburgh, Pa.: N171s-89899.

Edison, Thomas A., Inc., West Orange, N. J.: N383s-38169, AF 33(038)-15728, AF 33(038)-15742.

Edlund Machinery Co., Inc., Cortland, N. Y.: DA-18-108-cml-927.

Edmund Salvage Co., Collingwood, N. J.: DA-36-038-ord-1270.

Edo Corp., College Point, Long Island, N. Y.: NOa(s) 9868 Amd. No. 5, NOa(s) 10616 Amdt. No. 1, NOa(s) 12149.

Edris Co., Oakland, Calif.: DA-11-009-qm-1323.

Edson Tool & Manufacturing Co., Belleville, N. J.: DA-30-144-ord-434.

Eicor, Inc., Chicago, Ill.: AF 33(038)-420, AF 33(038)-14771, AF 33(038)-14835, AF 33(038)-14871, AF 33(038)-14898, AF 33(038)-15429.

Eidal Manufacturing Co., Albuquerque, N. Mex.: DA-11-184-eng-3791, DA-11-184-eng-3812.

Eisen Bros., Inc., Hoboken, N. J.: DA-11-009-qm-940.

Ekco Products Co., Chicago, Ill.: DA-11-009-qm-1744.

Elastic Stop Nut Corp. of America, Union, N. J.: AF 33(038)-15137.

Elbe File & Binder Co., Inc., Fall River, Mass.: DA-30-280-qm-5426.

Electric Auto-Lite Co., The, Toledo, Ohio: DA-18-108-cml-8462, DA-33-079-ord-224.

Electric Eye Equipment Co., Danville, Ill.: DA-11-173-ord-39, DA-11-173-ord-40.

Electric Hotpack Co., Inc., Philadelphia, Pa.: MPA-30-287-md-1703.

Electric Machinery Manufacturing Co., Minneapolis, Minn.: DA-11-184-eng-3901.

Electric Storage Battery Co., The, Philadelphia, Pa.: NOa(s) 12147.

Electric Tachometer Corp., The, Philadelphia, Pa.: NObs 47953 Amd. No. 1, N104s-13657.

Electrical Engineering & Manufacturing Corp., Los Angeles, Calif.: N383s-37466, AF 33(038)-15437, AF 33(038)-15535.

Electro Engineering & Manufacturing Co., Detroit, Mich.: N104s-13831.

Electro Impulse Laboratory, Eatontown, N. J.: AF 33(038)-15637.

Electro Seal Corp., Des Plaines, Ill.: NOa(s) 12197.

Electronic Associates, Inc., Long Branch, N. J.: AF 8(169)-72.

Electronic Transformer Co., Inc., New York, N. Y.: DA-36-039-sc-3181.

Electronic Tube Corp., Philadelphia, Pa.: N178s-6312.

Ellendale Excelsior, Ellendale, Del.: DA-11-184-eng-4042.

Elliott Co., Jeanette, Pa.: N151s-85972 N151s-85932, N151s-86415, N220s-55506.

Ellis, Geo. D., & Sons, Inc., Philadelphia, Pa.: MPA-30-287-md-2375.

Elster's, Los Angeles, Calif.: Order (4-253)51-140.

Emerson Electric Manufacturing Co., The, St. Louis, Mo.: DA-11-184-eng-3830, NOa(s) 12177, NOa(s) 12220, W33-038 ac 15070 C. O. No. 12, AF 33(038)-14775, AF 33(038)-14824.

Emge Packing Co., Inc., Fort Branch, Ind.: DA-16-057-qm-621.

Empire Brush Works, Port Chester, N. Y.: MPA-30-287-md-1910.

Empire Findings Co., Long Island City, N. Y.: DA-11-009-qm-1675.

Engineering Research Associates, Inc., St. Paul, Minn.: DA-18-001-ord-404, DA-44-009-eng-228, AF 33(038)-15449.

Engineering & Research Corp., Riverdale, Md.: NOa(s) 51081, NOnr 13700 L. I., NOnr 13900 L. I., N383s-38450 L. I.

Engineers Book Service, Brooklyn, N. Y.: DA-30-280-qm-4760.

Erno Machine Co., White Plains, N. Y.: NOa(s) 12236.

Espey Manufacturing Co., Inc., New York, N. Y.: AF 33(038)-15610.

Essex Manufacturing Co., Inc., St. Louis, Mo.: N383s-38195.

Esso Export Corp., New York, N. Y.: ASP 2466, DA-30-182-tc-204, DA-30-182-tc-205, DA-30-182-tc-206, DA-30-182-tc-207, DA-30-182-tc-208, DA-30-182-tc-209, DA-30-182-tc-210, DA-30-182-tc-232, DA-30-182-233, DA-30-182-tc-235.

Esso Standard Oil Co., New York, N. Y.: ASP 2423 C. O. No. 9, ASP 2463, ASP 2488.

Esterline-Angus Co., Inc., Indianapolis, Ind.: NOa(s) 12272, AF 8(169)-70.

Ethicon Suture Laboratories, Inc., New Brunswick, N. J.: MPA-30-287-md-1636.

Etnyre, E. D., & Co., Oregon, Ill.: DA-11-184-eng-3690.

Eureka X-Ray Tube Corp., Chicago, Ill.: DA-23-075-md-353.

Evans Products Co., Plymouth, Mich.: NOrd 10915.

Ever Ready Label Corp., New York, N. Y.: MPA-30-287-md-1704.

Ewing, Frank M., Co., Inc., Brentwood, Md.: DA-09-026-eng-5215.

Ex-Cell-O Corp., Detroit, Mich.: N104s-13415.

Exchange Distributors, San Francisco, Calif.: N220s-56426.

Factory Lumber Co., Wichita Falls, Tex.: AF 41(183)-130.

Fafnir Bearing Co., The, New Britain, Conn.: AF 33(038)-15960.

Falling, Geo. E., Supply Co., Enid, Okla.: DA-11-184-eng-3842.

Fairbanks, Morse & Co., Chicago, Ill.: DA-11-184-eng-3718, DA-11-184-eng-4027, N104s-13196, N209s-4830.

Fairchild Camera & Instrument Co., Jamaica, Long Island, N. Y.: DA-36-039-sc-789, N383s-27892 and L. I., AF 33(038)-1364, AF 33(038)-2444, AF 33(038)-14918, AF 33(038)-14920, AF 33(038)-14923, AF 33(038)-14926, AF 33(038)-14927, Order (33-038)50-190.

Fairchild Engine & Airplane Corp., Hagerstown, Md.—Fairchild Aircraft Division: W33-038 ac 19200 C. O. No. 79, C. O. No. 84, C. O. No. 85, C. O. No. 86, S. A. No. 73 and S. A. No. 78; AF 33(038)-14714. Fairchild Guided Missiles Division: DA-18-064-cml-438, NOnr 11500. NEPA Division: W33-038 ac 14801 S. A. No. 12. Ranger Division: NOrd 10798, W33-038 ac 22287, AF 33(038)-14890, AF 33(038)-14966.

Farley & Loetscher Manufacturing Co., Dubuque, Iowa: DA-11-175-aV-803.

Farm & Home Lumber, Caledonia, Ohio: DA-33-062-eng-33.

Farrel-Birmingham Co., Inc., Ansonia, Conn.: N104s-13090.

Farrington Co., Detroit, Mich.: DA-20-089-ord-2767.

Fauver, J. N., Co., Inc., Detroit, Mich.: DA-20-089-ord-2959.

Fawick Airflex Co., Inc., Cleveland, Ohio: N104s-13200.

Fayette Manufacturing Co., Fayette, Ohio: DA-20-018-ord-10386.

Federal Electric Products Co., Newark, N. J.: N104s-13617.

Federal Enterprises, Inc., Chicago, Ill.: DA-11-184-eng-3951, NOa(s) 12198.

Federal Laboratories, Inc., Pittsburgh, Pa.: DA-18-108-cml-1002.

Federal Telecommunication Laboratory, Inc., Nutley, N. J.: DA-28-043-sc-6233, W33-038 ac 15012 S. A. No. 14.

Federal Telephone & Radio Corp., Clifton, N. J.: DA-36-039-sc-1392, DA-36-039-sc-3916, N126s-7902, AF 33(038)-15732, AF 33(038)-15854.

Felsenthal, G., & Sons, Inc., Chicago, Ill.: N383s-38496.

Fenwal, Inc., Ashland, Mass.: AF 33(038)-15121, AF 33(038)-15702, AF 33(038)-15849.

Ferguson Lumber Co., St. Louis, Mo.: DA-11-184-eng-4021.

Fibreboard Products, Inc., Downey, Calif.: DA-04-493-qm-1763, DA-11-009-qm-1039, DA-42-015-qm-1095.

Fibrous Glass Insulation Co., Wilkes-Barre, Pa.: AF 33(038)-15024.

Fine Organics, Inc., New York, N. Y.: MPA-30-287-md-1925.

Firestone Tire & Rubber Co., The, Akron, Ohio: DA-30-144-ord-399, DA-30-144-ord-400, DA-33-019-ord-33, AF 33(038)-15456, AF 33(038)-15874.

Fisher Flouring Mills Co., Los Angeles, Calif.: N220s-55747.

Fisheries Supply Co., Seattle, Wash.: DA-45-045-tc-181.

Flader, Inc., Frederic, North Tonowanda, N. Y.: NOa(s) 12308.

Fletcher Aviation Corp., Pasadena, Calif.: AF 33(038)-14292, AF 33(038)-14633, AF 33(038)-15034.

Fleming, Don D., Co., Inc., San Francisco, Calif.: DA-04-197-tc-691, DA-04-197-tc-694, DA-04-197-tc-695, DA-04-197-tc-702, DA-04-197-tc-703, DA-04-197-tc-704, DA-04-197-tc-757, DA-04-197-tc-764.

Flightex Fabrics, Inc., New York, N. Y.: AF 33(038)-15157.

Flinh & Thorpe, Memphis, Tenn.: NOy 21192.

Florida Fruit Canners, Frostproof, Fla.: DA-11-009-qm-1286.

Flotill Products, Inc., Stockton, Calif.: DA-04-493-qm-1651, DA-11-009-qm-929, DA-11-009-qm-936, DA-11-009-qm-972, DA-11-009-qm-991, DA-11-009-qm-1304, DA-11-009-qm-1773, DA-11-009-qm-1775, DA-11-009-qm-1777, DA-11-009-qm-2463, DA-11-009-qm-2466.

Fluke, J., Engineering Co., Springdale, Conn.: N173s-15595.

Fluor Corp., Ltd., The, Los Angeles, Calif.: DA-95-507-eng-38, AF 33(038)-14745.

Foley Lumber & Export Corp., Jacksonville, Fla.: DA-09-026-eng-5119, DA-09-026-eng-5128.

Folger, J. A., & Co., San Francisco, Calif.: DA-30-280-qm-4889.

Food Machinery & Chemical Corp., San Jose, Calif.—Westvaco Chemical Division: N123s-68272.

Foote Bros. Gear & Machine Corp., Chicago, Ill.: N383s-36575, N383s-36577.

Ford Motor Co., Dearborn, Mich.: AF 33(038)-15871.

Foss Launch & Tug Co., Seattle, Wash.: DA-45-045-tc-189, DA-45-045-tc-226, DA-45-045-tc-425.

Foster Bros. Manufacturing Co., Utica, N. Y.: N383s-38246.

Fox Valley Engineering Service, Aurora, Ill.: DA-30-144-ord-447.

Frazier Packing Corp., Elwood, Ind.: DA-11-009-qm-2135, DA-11-009-qm-2140.

French, R. T., Co., Rochester, N. Y.: DA-11-009-qm-1290, DA-11-009-qm-1389, DA-11-009-qm-1618, DA-11-009-qm-2433.

Frost Lumber Industries, Inc., Shreveport, La.: DA-09-026-eng-2620, DA-09-026-eng-5090, DA-09-026-eng-5094, DA-09-026-eng-5126.

Fry Trucking, Atascadero, Calif.: DA-04-353-eng-401.

Fuller, W. P., & Co., San Francisco, Calif.: DA-42-036-cml-36, DA-42-036-cml-37, N220s-56300.

Gaby Co., Philadelphia, Pa.: MPA-30-287-md-1765.

Gaiennie, E. J., Shreveport, La.: DA-09-026-eng-5319.

Gainsville Lumber Co., Augusta, Ga.: DA-09-026-eng-5413, DA-09-026-eng-5442, DA-09-026-eng-6473.

Gair, Robert, Co., Inc., New York, N. Y.: DA-11-009-qm-1711.

Galbraith, C. C., & Son, Inc., New York, N. Y.: N104s-13561, N104s-13758.

Galloto Bros., Chicago, Ill.: DA-11-009-qm-1375.

Gar-Bro Manufacturing Co., Los Angeles, Calif.: DA-04-203-eng-591.

Gardner, Clinton, Inc., Trenton, N. J.: DA-28-017-ord-875.

Gardner Displays Co., Pittsburgh, Pa.: NOnr 10400, NOnr 11800.

Garrett Corp., The, Los Angeles, Calif.—Airesearch Manufacturing Co. Division: NOa(s) 12153, NOa(s) 12263, N383s-35855, N383s-35858, N383s-36430, N383s-36947, N383s-37596, N383s-37634, N383s-37668, N383s-37950, AF 33(038)-14704, AF 33(038)-14960, AF 33(038)-15301, AF 33(038)-15750, AF 33(038)-15841.

Gasair Corp., San Francisco, Calif.: DA-04-203-eng-241.

Gaveco Laboratories, Inc., New York, N. Y.: AF 33(038)-14267.

Gaylord Container Corp., St. Louis, Mo.: DA-04-493-qm-1798, DA-11-009-qm-1463, DA-11-009-qm-1712.

Gear Grinding Machine Co., Detroit, Mich.: N383s-37051.

General Aniline & Film Corp., New York, N. Y.—Ansco Division: . F 33(038)-15149, AF 33(038)-15885. Central Research Laboratory Division: AF 33(038)-15526. Ozalid Division: N104s-13670.

General Arts, Columbia, S. C.: DA-38-042-aIII-16.

General Box Co., Chicago, Ill.: DA-11-184-eng-3572.

General Cable Corp., New York, N. Y.: DA-36-039-sc-888, N140s-17246, N383s-35824.

General Cement Manufacturing Co., Rockford, Ill.: DA-36-039-sc-7224.

General Controls Co., Glendale, Calif.: AF 33(038)-15078.

General Dry Batteries, Inc., Cleveland, Ohio: DA-36-039-sc-15, DA-36-039-sc-4794, DA-36-039-sc-4876.

General Electric Co., Schenectady, N. Y.: DA-36-039-sc-3993, DA-36-039-sc-4841, DA-36-039-sc-4963, DA-04-210-md-115, DA-04-210-md-116, NOa(s) 12000, NOa(s) 12051, NOa(s) 12284 L. I., NOa(s) 12285 L. I., NOm 57319, NOrd 10697 Amd. No. 5, NOrd 10820, NOrd 10866 L. I., NOrd 10939, N104s-13024, N104s-13539, N126s-7690, N126s-7860, N126s-7893, N126s-7991, N126s-7993, N126s-8108, N126s-8154, N126s-8205, N151s-85877, N171s-89868 L. I., N383s-34121, N383s-35864, N383s-36411, N383s-37056, N383s-37134, N383s-37678 L. I., N383s-37851, AF 33(038)-232 S. A. No. 4, AF 33(038)-14288, AF 33(038)-14692, AF 33(038)-14776, AF 33(038)-14777, AF 33(038)-14778, AF 33(038)-14779, AF 33(038)-14783, AF 33(038)-14789, AF 33(038)-14799, AF 33(038)-14825, AF 33(038)-14826, AF 33(038)-14827, AF 33(038)-14837, AF 33(038)-14841, AF 33(038)-14866, AF 33(038)-14867, AF 33(038)-14886, AF 33(038)-14888, AF 33(038)-14981, AF 33(038)-15051, AF 33(038)-15066, AF 33(038)-15319, AF 33(038)-15621, AF 33(038)-15757, AF 33(038)-15792, AF 33(038)-15853, Order 33(038)49-2128 Amd. No. 3.

General Electric Supply Corp., Bridgeport, Conn.: DA-36-030-qm-1016, DA-36-030-qm-1018, NOm 57320, N220s-54204.

General Electric X-Ray Corp., Milwaukee, Wis.: DA-13-002-md-32, DA-23-075-md-307, MPA-30-287-md-1616, MPA-30-287-md-1911, MPA-30-287-md-2144, MPA-30-287-md-2741.

General Fireproofing Co., The, Youngstown, Ohio: AF 33(038)-15740.

General Fittings Co., Providence, R. I.: N160s-2952.

General Foods Corp., New Orleans, La.: DA-04-493-qm-1370, DA-11-009-qm-1158, DA-30-280-qm-4890, DA-30-280-qm-5659.

General Industrial Supply Corp., Fort Worth, Tex.: AF 41(183)-135.

General Metals Corp., Oakland, Calif.: DA-11-184-eng-4166.

General Metals Corp., Oakland, Calif.—Adel Division: AF 33(038)-15790.

General Mills, Inc., Minneapolis, Minn.: N140s-17798, N220s-55746, N220s-55871, N220s-55911, AF 33(038)-14786, AF 33(038)-14930.

General Motors Corp., Detroit, Mich.—A. C. Spark Plug Division: N220s-55960, AF 33(038)-14665, AF 33(038)-14788, AF 33(038)-14796, AF 33(038)-14932, AF 33(038)-15271. Aeroproducts Division: NOa(s) 12089, NOa(s) 12138, N383s-37110, AF 33(038)-121, AF 33(038)-3674 S. A. No. 3, AF 33(038)-15438. Allison Division: NOa(s) 10958, NOa(s) 11055, DA-33-008-ord-18, DA-33-008-ord-19, DA-33-008-ord-2089, AF 33(038)-14782, AF 33(038)-14785, AF 33(038)-14790, AF 33(038)-15463. Cadillac Motor Car Division: DA-20-089-ord-2931, DA-20-089-ord-4044. Cleveland Diesel Engine Division: DA-11-184-eng-3604, DA-11-184-eng-3736, DA-11-184-eng-3834, DA-33-031-eng-2898, DA-36-022-tc-2222, N104s-13204, N104s-13209. Delco Products Division: DA-11-184-eng-4145, AF 33(038)-15500. Detroit Diesel Engine Division: AF 33(038)-15779. GMC Truck & Coach Division: DA-20-018-ord-4689. Harrison Radiator Division: AF 33(038)-15170. New Departure Division: N383s-36236, AF 33(038)-15509, AF 33(038)-15777, AF 33(038)-15859, AF 33(038)-15959. Rochester Products Division: N383s-33440.

General Office Furniture Co., Los Angeles, Calif.: N160s-2992.

General Petroleum Corp. of California, New York, N. Y.: N220s-55562, N220s-55563; ASP 2495 C. O. No. 1, C. O. No. 2, and C. O. No. 5.

General Radio Co., Cambridge, Mass.: NObs 53004, N126s-8152, N173s-15528, N383s-36457.

General Steel Castings Corp., Eddystone, Pa.: DA-20-089-ord-4022.

General Time Corp., New York, N. Y.: N123s-67371.

General Tire & Rubber Co., The, Akron, Ohio: W33-038 ac 21967, AF 33(038)-5689, AF 33(038)-15760.

Geophysical Service, Inc., Dallas, Tex.: NOa(s) 12273 L. I.

Gerber Products Co., Fremont, Mich.: MPA-30-287-md-1507, MPA-30-287-md-1601.

Gesell, R., Inc., New York, N. Y.: MPA-30-287-md-2182, MPA-30-287-md-2654, MPA-30-287-md-2753.

Getz, William, Corp., Chicago, Ill.: MPA-30-287-md-1766, MPA-30-287-md-2355.

Gibbs Manufacturing & Research Corp., Janesville, Wis.: AF 33(038)-14962.

Gidley Research, Inc., Fairhaven, Mass.: DA-01-021-ord-51.

Gifford, C. M., San Diego, Calif.: DA-04-493-qm-1320.

Gilson, H. D., Inc., Trenton, N. J.: N140s-17967.

Gilbert Plastics, Hillside, N. J.: DA-28-017-ord-929.

Gilfillan Bros., Inc., Los Angeles, Calif.: AF 33(038)-15123, AF 33(038)-15144, AF 33(038)-15704.

Gilliland Enterprises, Inc., Lafayette, Ind.: NOrd 10920.

Glasco Products Co., Chicago, Ill.: MPA-30-287-md-1775, MPA-30-287-md-2052.

Glidden Co., The, Cleveland, Ohio: DA-11-009-qm-1185, DA-11-009-qm-1223, DA-28-024-ord-794. Durkee Famous Foods Division: DA-11-009-qm-1610.

Globe Corp., Chicago, Ill.: N383s-13237, N383s-37670.

Globe Crayon Co., Inc., New York, N. Y.: DA-18-108-cml-49.

Godchaux Sugars, Inc., New Orleans, La.: DA-30-280-qm-5182.

Gold Leaf Pahr Co., New Rochelle, N. Y.: MPA-30-287-md-1533, MPA-30-287-md-1963.

Golden Gate Foods, Inc., Berkeley, Calif.: DA-11-009-qm-1472, DA-11-009-qm-1936.

Golden State Co., Ltd., San Francisco, Calif.: DA-11-009-qm-1467, N123s-68250, N220s-55803, N220s-55872, N220s-55880, N220s-56073.

Goldsmith Bros. Smelting & Refining Co., Chicago, Ill.: AF 9(104)-267.

Goodman-Kleiner Co., New York, N. Y.: MPA-30-287-md-2377.

Goodrich, B. F., Co., The, Akron, Ohio: N383s-36692, N383s-36695, N383s-37136 L. I., N383s-38277, W33-038 ac 21960, W33-038 ac 22137, AF 33(038)-159, AF 33(038)-263, AF 33(038)-608, AF 33(038)-924, AF 33(038)-1763, AF 33(038)-1859, AF 33(038)-2143, AF 33(038)-2286, AF 33(038)-2559, AF 33(038)-2665, AF 33(038)-2814, AF 33(038)-3405, AF 33(038)-3682, AF 33(038)-6058, AF 33(038)-6828, AF 33(038)-14706, AF 33(038)-14731; AF 33(038)-14861, AF 33(038)-14901, AF 33(038)-14903, AF 33(038)-14906.

Goodwin Preserving Co., Louisville, Ky.: DA-11-009-qm-932.

Goodyear Aircraft Corp., Akron, Ohio: NOa(s) 11073, N383s-28039 and L. I., N383s-37735 L. I., W33-038 ac 14153 S. A. No. 18 and S. A. No. 19, AF 33(038)-14034.

Goodyear Tire & Rubber Co., Inc., The, Akron, Ohio: DA-20-089-ord-3000, N383s-7371, N383s-7758 Lot II, N383s-7800, N383s-13049, N383s-13802, N383s-17798, N383s-37467, AF 33(038)-14268, AF 33(038)14711, AF 33(038)-14863, AF 33(038)-14876, AF 33(038)-14884, AF 33(038)-14892, AF 33(038)-14899, AF 33(038)-14900, AF 33(038)-14910, AF 33(038)-14911, AF 33(038)-15599, AF 33(038)-15678, AF 33(038)-15679, AF 33(038)-15875, AF 33(038)-15931, AF 33(038)-15932.

Gorman-Rupp Co., The, Mansfield, Ohio: AF 33(038)-15109.

Goulds Pumps, Inc., Seneca Falls, N. Y.: NObs 59162 L. I.

Grace, W. R., & Co., New York, N. Y.: DA-30-280-qm-4886, DA-30-280-qm-5121.

Graco Metal Products Co., Inc., Philadelphia, Pa.: DA-36-038-ord-1314.

Graflex, Inc., Rochester, N. Y.: DA-36-038-ord-1309, AF 33(038)-15699, AF 33(038)-15784.

Graham Transmissions, Inc., Milwaukee, Wis.: DA-28-043-sc-6010.

Grant Photo Products, Inc., Cleveland, Ohio: AF 33(038)-15268, AF 33(038)-15430, AF 33(038)-15754.

Gray Line, Inc., The, San Francisco, Calif.: DA-04-197-tc-609.

Gray Lumber Co., Waverly, Va.: DA-09-026-eng-6493.

Gray Television & Research, Inc., Boston, Mass.: NOa(s) 12277.

Graybar Electric Co., Inc., New York, N. Y.: DA-11-184-eng-4193, NOm 57296, N220s-54205, N383s-37615, N600s-8207.

Great American Industries, Inc., Meriden, Conn.: NOrd 10899, AF 33(038)-15061, AF 33(038)-15979.

Great Lakes Steel Corp., Detroit, Mich.: N160s-2653, N160s-2875, N160s-3101.

Green Bay Canning, Green Bay, Wis.: DA-11-009-qm-1289, DA-11-009-qm-1397.

Green, Richard, Co., Newark, N. J.: MPA-30-287-md-1778.

Greenleaf Manufacturing Co., St. Louis, Mo.: AF 33(038)-14909.

Greer Hydraulics, Inc., Brooklyn, N. Y.: NOa(s) 12217, NOa(s) 12241, AF 33(038)-6518, AF 33(038)-15539.

Gregory, E. T., & Co., Nashville, Tenn.: AF 33(038)-14904.

Gresham & Co., Kansas City, Mo.: DA-11-009-qm-1725.

Griffiths & Sprague Stevedoring Co., Seattle, Wash.: DA-45-045-tc-157, DA-45-045-tc-161, DA-45-045-tc-162, DA-45-045-tc-168, DA-45-045-tc-188, DA-45-045-tc-192, DA-45-045-tc-196, DA-45-045-tc-200, DA-45-045-tc-203.

Griggs, Cooper & Co., St. Paul, Minn.: DA-11-009-qm-1695, DA-11-009-qm-2146.

Grinalds, A. S., Sons, Macon, Ga.: DA-09-026-eng-5391, DA-09-026-eng-5399.

Grubbs, Hal B., & Co., San Francisco, Calif.: N220s-55349, N220s-55790.

Grumman Aircraft Engineering Corp., Bethpage, Long Island, N. Y.: NOa(s) 7932 Amd. No. 13, NOa(s) 12054 L. I., NOa(s) 12242 L. I., N383s-36261, N383s-36275, N383s-37865, N383s-38639.

Grundy, Maurice W., New Orleans, La.: DA-09-026-eng-5106.

Guardian Electric Manufacturing Co., Chicago, Ill.: AF 33(038)-15191.

Gudebrod Bros. Silk Co., Philadelphia, Pa.: MPA-30-287-md-2639.

Gudeman Co., The, Chicago, Ill.: DA-49-170-sc-25, DA-49-170-sc-69.

Gulf Oil Corp., Pittsburgh, Pa.: ASP 2430 C. O. No. 4, C. O. No. 5, C. O. No. 6 and C. C. O. No. 9.

H. K. Metal Craft Manufacturing Co., New York, N. Y.: AF 33(038)-15717.

Haas Bros., San Francisco, Calif.: N220s-55811, N220s-55823, N220s-55875, N220s-56059, N220s-56420.

Haberstump-Harris, Inc., Detroit, Mich.: DA-11-070-ord-1588.

Hagerty Bros. & Co., New York, N. Y.: MPA-30-287-md-1886.

Hagerty Co., Cohasset, Mass.: DA-19-058-ord-1198.

Hagy, J. Milton, Waste Works, Philadelphia, Pa.: N140s-17329.

Hale Fire Pump Co., Conshohocken, Pa.: NObs 53013 L. I.

Haller, Raymond & Brown, Inc., State College, Pa.: DA-44-109-qm-268.

Hallicrafters Co., Chicago, Ill.: DA-36-039-sc-3968, DA-36-039-sc-4745, AF 33(038)-15873.

Halmos & Keith, San Francisco, Calif.: N220s-56427.

Haloid Co., Rochester, N. Y.: AF 33(038)-15887.

Hamilton Tailoring Co., Cincinnati, Ohio: AF 33(038)-15116.

Hammond Manufacturing Corp., Pasadena, Calif.: AF 33(038)-15008.

Hammorlund Manufacturing Co., New York, N. Y.: DA-36-039-sc-4636.

Hanau Engineering Co., Inc., Buffalo, N. Y.: MPA-30-287-md-2320.

Handy Pad Supply Co., Worcester, Mass.: MPA-30-287-md-1946, MPA-30-287-md-2009.

Hanovia Chemical & Manufacturing Co., Newark, N. J.: MPA-30-267-md-1945.

Hanson, C. H., Co., The, Chicago, Ill.: DA-11-009-qm-1548, DA-11-184-eng-3765.

Hard & Rand, Inc., New York, N. Y.: DA-30-280-qm-5120, DA-30-280-qm-5160.

Harders Engineering Co., Chicago, Ill.: DA-11-184-eng-3674.

Hardesty Chemical Co., Inc., New York, N. Y.: DA-28-017-ord-872.

Harding Devices Co., Dallas, Tex.: AF 33(038)-15696.

Harley Soap Co., Philadelphia, Pa.: MPA-30-287-md-1815.

Harnischfeger Corp., Milwaukee, Wis.: DA-11-184-eng-3716.

Harriman, Alonzo J., Auburn, Maine: DA-19-016-eng-378.

Harrington & Richardson Arms Co., Worcester, Mass.: DA-19-020-ord-35, NOm 57100.

Harris, Frederic R., Inc., New York, N. Y.: NOy 21734.

Harrison & Bonini Sales, San Francisco, Calif.: DA-04-197-tc-692, DA-04-197-tc-697, DA-04-197-tc-698, DA-04-197-tc-705, DA-04-197-tc-706.

Harrison & Jarboe, Easton, Md.: DA-11-009-qm-2493.

Harter Corp., The, Sturgis, Mich.: DA-11-009-qm-1654.

Hartford Steam Boiler Inspection & Insurance Co., The, Hartford, Conn.: W33-038 ac 15321 C. O. No. 8.

Hartman Electrical Manufacturing Co., The, Mansfield, Ohio: NOa(s) 9974, AF 33(038)-14805.

Hartung, W. A., Supplies, Seattle, Wash.: DA-11-009-qm-1036.

Harvey Metal Corp., Chicago, Ill.: DA-11-070-ord-1567.

Harvey-Wells Electronics, Inc., Southbridge, Mass.: AF 33(038)-15465, AF 33(038)-15624.

Hass Bros., San Francisco, Calif.: DA-30-280-qm-4887.

Hauserman, E. F., Co., Cleveland, Ohio: DA-20-089-ord-2970.

Haviside Co., San Francisco, Calif.: DA-04-197-tc-690, DA-04-197-tc-693, DA-04-197-tc-701, DA-04-197-tc-755, DA-36-022-tc-1697, DA-36-022-tc-1726, N220s-55585.

Haxton, Geo. W., & Son, Oakfield, N. Y.: DA-11-009-qm-1236, DA-11-009-qm-1256.

Hays Corp., The, Michigan City, Ind.: AF 33(038)-15516.

Hayward Lumber & Investment Co., Los Angeles, Calif.: N52m 25254.

Hazeltine Electronics Corp., New York, N. Y.: NOa(s) 9884 Amdt. No. 1, Lot II and Amdt. No. 3, Lot III NOa(s) 12031, NOa(s) 12092, NOa(s) 12107, NObr 49255, N383s-37357, AF 33(038)-15107, AF 33(038)-15691.

Heckethorn Manufacturing & Supply Co., Littleton, Colo.: DA-23-072-ord-21.

Hedrick, Wyatt C., Co., Dallas, Tex.: DA-41-243-eng-742.

Heil Co., The, Milwaukee, Wis.: DA-11-022-ord-26.

Heim Co., The, Fairfield, Conn.: AF 33(038)-15843.

Heilige, Inc., Long Island City, N. Y.: MPA-30-287-md-1894, MPA-30-287-md-2028, MPA-30-287-md-2108.

Henderson, J. L., & Co., San Francisco, Calif.: N220s-55521, N220s-55973, N220s-55998, N220s-56051, N220s-56052.

Henderson, Black & Greene, Inc., Troy, Ala.: DA-01-076-eng-561.

Henry Bros. Tool & Die Works, Philadelphia, Pa.: DA-36-038-ord-1102.

Henry Products Co., Brooklyn, N. Y., DA-30-039-sc-4697.

Henry Valve Co., Melrose Park, Ill.: N104s-13715.

Hensel Wood Products Co., Winston Salem, N. C.: DA-09-026-eng-5047, DA-09-026-eng-5049, DA-09-026-eng-5056.

Henson, Fred C., Co., Pasadena, Calif.: DA-18-001-ord-354.

Herbach & Rademan, Inc., Philadelphia, Pa.: DA-36-039-sc-4965, N383s-37917.

Hercules Building Corp., Chicago, Ill.: DA-49-110-qm-211.

Hercules Motors Corp., The, Canton, Ohio: DA-36-022-tc-1940, DA-36-022-tc-2347.

Hercules Powder Co., Inc., Wilmington, Del.: DA-28-017-ord-820, DA-28-017-ord-889, DA-36-034-ord-30, DA-36-034-ord-41.

Herre Bros., Syracuse, N. Y.: N104s-13295, N104s-13371.

Herring, M., Wholesale Lumber Co., Oklahoma City, Okla.: AF 41(153)-134.

Hershey Chocolate Corp., Hershey, Pa.: DA-30-280-qm-5622, DA-45-064-qm-1153.

Hess & Barker Co., Philadelphia, Pa.: N383s-27244.

Hewlett Packard Co., Palo Alto, Calif.: N383s-36431.

Heyden Chemical Corp., New York, N. Y.: MPA-30-287-md-1531.

Hickok Electrical Instrument Co., Cleveland, Ohio: NObr 49238, N383s-37057.

Hirn, Charles, New Orleans, La.: DA-16-063-tc-63.

Higgins, Inc., New Orleans, La.: N104s-13230.

Higgins, J. E., Lumber Co., San Francisco, Calif.: AF 4(171)-130.

Hill Corp Co., Inc., Fresno, Calif.: DA-04-493-eng-545.

Hill Diesel Engine Co., Lansing, Mich.: N104s-13314.

Hilton Tool & Machine Co., Bronx, N. Y.: MPA-30-287-md-2363.

Hirsch Bros. Co. of California, San Francisco, Calif.: N220s-56090.

Hirsch, Gustave, Organization, Columbus, Ohio: AF 33(038)-15606.

Hobart Bros. Co., The, Troy, Ohio: DA-11-184-eng-3910, DA-12-036-qm-1257.

Hobart Manufacturing Co., Troy, Ohio: DA-11-184-eng-3864.

Hobart Welder Sales & Service, Chicago, Ill.: DA-11-184-eng-4085.

Hobbs Manufacturing Co., San Antonio, Tex.: DA-41-294-eng-1.

Hodgman Rubber Co., Inc., Framingham, Mass.: AF 33(038)-16054.

Hoffacker, C. O., Co., Cranston, R. I.: DA-19-058-ord-1308.

Hogan Laboratories, Inc., New York, N. Y.: DA-49-170-sc-53.

Holley Carburetor Co., Detroit, Mich.: AF 33(038)-14733.

Hollingshead, R. M., Corp., Camden, N. J.: MPA-30-287-md-1692.

Hollister Canning Co., Hollister, Calif.: DA-11-009-qm-2588.

Holmberg Electric Co., Inc., Brooklyn, N. Y.: DA-36-039-sc-3854.

Homelite Corp., Port Chester, N. Y.: N383s-37859.

Horizons, Inc., Princeton, N. J.: DA-36-034-ord-37, NOnr 9200.

Horlicks Corp., Racine, Wis.: DA-11-009-qm-1502.

Hormel, Geo. A., & Co., Austin, Minn.: N169s-75773.

Hotcan Corp., Los Angeles, Calif.: N123s-67280, N123s-67949.

Houck, H. B., Lumber Co., Little Rock, Ark.: DA-09-026-eng-2593, DA-09-026-eng-2630, DA-09-026-eng-5163, DA-09-026-eng-5214, DA-09-026-eng-5436.

Houdaille-Hershey Corp., Detroit, Mich.—Houde Engineering Division: DA-20-089-ord-2011, N383s-37640, N383s-38453, AF 33(038)-14724.

Howe Bros., Troy, N. Y.: DA-30-127-qm-197.

Howell Plywood Corp., Dothan, Ala.: DA-09-026-eng-5378.

Hu-Friedy Manufacturing Co., Chicago, Ill.: MPA-30-287-md-2475.

Hubeny Bros., Inc., Roselle, N. J.: DA-28-017-ord-868.

Huber, Frederick W., Inc., New York, N. Y.: DA-11-009-qm-1927, DA-11-009-qm-1930.

Hubinger Co., The, Keokuk, Iowa: DA-11-009-qm-1304, DA-11-009-qm-1650.

Hudson Tea & Spice Co., Brooklyn, N. Y.: DA-30-280-qm-4931, DA-30-280-qm-5044, DA-30-280-qm-5045, DA-30-280-qm-5046.

Hughes-Simonson Engineering Co., Dayton, Ohio: AF 33(033)-15043.

Hughes Tool Co., Houston, Tex.—Hughes Aircraft Co. Division: NOrd 10924 L. I., W33-038 ac 14220 S. A. No. 22, W33-038 ac 15011 S. A. No. 11, AF 33(038)-11776, AF 33(038)-15367, AF 33(038)-15723, AF 33(038)-15826, AF 33(038)-16027.

Hulman & Co., Terre Haute, Ind.: DA-11-009-qm-2334.

Humble Oil & Refining Co., Houston, Tex.: ASP 2966.

Hunt Foods, Inc., Los Angeles, Calif.: DA-45-064-qm-1154, DA-45-064-qm-1155.

Hunta Manufacturing Co., Cleveland, Ohio: DA-49-170-sc-43.

Hunter Photocopyist, Inc., Syracuse, Ind.: AF 33(038)-15281.

Hycon Manufacturing Co., Pasadena, Calif.: AF 33(038)-14713.

Hydro-Aire, Inc., Burbank, Calif.: AF 33(038)-14281, AF 33(038)-15077, AF 33(038)-15751, AF 33(038)-15934.

Hydrodyne Corp., Pasadena, Calif.: DA-20-089-ord-1589.

Hydrofoil Corp., Washington, D. C.: NOnr 13601.

Hyet & Struck Engineering Co., San Francisco, Calif.: DA-04-197-tc-349.

Hyland Laboratories, Los Angeles, Calif.: MPA-30-287-md-1851, MPA-30-287-md-2783.

Hyster Co., Portland, Oreg.: DA-11-184-eng-3802.

Immel, Lee J., San Pablo, Calif.: N220s-56032.

Imperial Brass Manufacturing Co., The, Chicago, Ill.: DA-20-089-ord-2826.

Imperial Electric Co., Akron, Ohio: N104s-13806.

Imperial Sugar Co., Sugarland, Tex.: DA-30-280-qm-5329.

Indianapolis Wire Bound Box Co., Indianapolis, Ind.: AF 33(038)-15897.

Independent Pneumatic Tool Co., Aurora, Ill.: DA-11-184-eng-3654.

Industrial Research Laboratories, Baltimore, Md.: NOa(s) 12082.

Industrial Scientific Co., New York, N. Y.: DA-20-089-ord-2438.

Ingersoll-Rand Co., New York, N. Y.: N104s-13132, N383s-37922.

Ingram, J. E., Equipment Co., San Antonio, Tex.: DA-41-294-eng-3.

Instrument Development Laboratories, Inc.: Needham Heights, Mass.: NOa(s) 12129.

Instruments Corp., The, Baltimore, Md.: NOa(s) 12189.

International Business Machines Corp., New York, N. Y.: DA-04-493-qm-1587, DA-11-009-qm-1359, DA-23-076-md-323.

International Harvester Co., Chicago, Ill.: DA-11-022-ord-30, DA-11-184-eng-4214, DA-20-018-ord-9197, DA-20-018-ord-10393, DA-20-089-ord-2995.

International Sales Corp., Seattle, Wash.: DA-45-045-tc-147, DA-45-045-tc-148, DA-45-045-tc-149.

International Staple & Machine Co., Havertown, Penn.: DA-36-039-sc-16.

International Text Book Co., Scranton, Pa.: NOm 57411.

Interstate Engineering Corp., El Segundo, Calif.: AF 33(033)-14290, AF 33(038)-15461.

Investment Casting Co., The, Newark, N. J.: DA-28-017-ord-855.

Iron Lung Co. of America, West Roxbury, Mass.: MPA-30-287-md-1559.

Ironrite, Inc., Mt. Clemens, Mich.: DA-30-144-ord-458, DA-30-144-ord-515, DA-30-144-ord-516.

Irving Air Chute Co., Inc., Buffalo, N. Y.: AF 33(038)-15005, AF 33(038)-15023.

Irvington Varnish & Insulator Co., Western, El Monte, Calif.: DA-12-036-qm-1421.

Irwin Auger Bit Co., Wilmington, Ohio: N600s-8353.

Israel, Leon & Bros., Inc., New York, N. Y.: DA-30-280-qm-4833, DA-30-280-qm-4988.

Ivory, J. W., Philadelphia, Pa.: MPA-30-287-md-1592, MPA-30-287-md-2407.

J. V. W. & Co., Binghamton, N. Y.: AF 33(028)-162 S. A. No. 5.

Jack & Heintz Precision Industries, Inc., Cleveland, Ohio: AF 33(033)-14833, AF 33(038)-14834, AF 33(038)-14862, AF 33(038)-14869, AF 33(038)-14872, AF 33(038)-14912, AF 33(038)-14915, AF 33(038)-14940, AF 33(038)-14956, AF 33(038)-15254, AF 33(038)-15487, AF 33(033)-15612.

Jack, Bill, Scientific Instrument Co., Inc., Solana Beach, Calif.: AF 33(038)-15641.

Jacobs Aircraft Engine Co., Pottstown, Pa.: AF 33(033)-14761.

Jacobs Industrial Sales, Buffalo, N. Y.: DA-36-039-sc-7450.

Jay Manufacturing Co., St. Louis, Mo.: DA-30-075-eng-1145.

Jefferys-McElrath Manufacturing Co., Macon, Ga.: DA-09-026-eng-5109.

Jeffreys-Myers Manufacturing Co., Oxford, N. C.: DA-09-026-eng-5023, DA-09-026-eng-5089.

Jennings Machine Co., Philadelphia, Pa.: DA-36-038-ord-1104, DA-36-038-ord-1170.

Jensen Radio Manufacturing Co., Chicago, Ill.: DA-36-039-sc-4756.

Jerguson Gage & Valve Co., Somerville, Mass.: N104s-13534.

Jessop Steel Co., Washington, Pa.: AF 33(038)-15454.

Johns Manville Products Corp., New York, N. Y.: N600s-6613.

Johnson, E. A., & Co., San Francisco, Calif.: DA-30-280-qm-4805.

Johnson & Johnson, New Brunswick, N. J.: MPA-30-287-md-1613, MPA-30-287-md-1619, MPA-30-287-md-1856, MPA-30-287-md-1907, MPA-30-287-md-1937, MPA-30-287-md-1960, MPA-30-287-md-1526.

Johnson & Joseph Co., San Francisco, Calif.: DA-04-197-tc-667, DA-04-197-tc-696.

Johnson Service Co., Milwaukee, Wis.: DA-36-039-sc-1, DA-36-039-sc-4799.

Johnson & Wimsatt, Inc., Washington, D. C.: DA-09-026-eng-5063, DA-09-026-eng-5064, DA-09-026-eng-5123, DA-09-026-eng-5178, DA-09-026-eng-5224, DA-09-026-eng-5253, DA-09-026-eng-5408.

Johnston Tin Foil & Metal Co., The, St. Louis, Mo.: AF 33(038)-15594.

Jones & Lamson Machine Co., Springfield, Vt.: DA-28-017-ord-800.

Jones & Laughlin Steel Corp., Pittsburgh, Pa.: DA-11-184-eng-3998, N160s-2855, N600s-8191.

Jones Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-33, DA-04-197-tc-34, DA-04-197-tc-38.

Jorgensen's Danish Bakeries, Inc., Seattle, Wash.: DA-04-493-qm-1637.

Joy Manufacturing Co., Pittsburgh, Pa.: DA-11-184-eng-3839, DA-30-075-eng-1116.

Justi, H. D., & Son, Philadelphia, Pa.: MPA-30-287-md-2018, MPA-30-287-md-2845.

Kaiser Aluminum & Chemical Sales, Inc., Oakland, Calif.: N600s-7183, AF 33(038)-15459.

Kaiser Steel Corp., Oakland, Calif.: N600s-8183.

Kaman Aircraft Corp., Windsor Locks, Conn.: NOa(s) 12202 L. I.

Kamen Soap Products Co., New York, N. Y.: N140s-17969.

Kay Industries, Inc., Detroit, Mich.: DA-20-089-ord-4002.

Kearfott Co., Inc., New York, N. Y.: NOrd 10925, AF 33(038)-14870.

Kelley Koett Manufacturing Co., Covington, Ky.: DA-23-075-md-248, DA-23-075-md-424, DA-23-075-md-SL616, DA-36-039-sc-4, MPA-30-287-md-2012, MPA-30-287-md-2143, MPA-30-287-md-2154, MPA-30-287-md-2166, MPA-30-287-md-2249, MPA-30-287-md-2473, MPA-30-287-md-2742.

Kellogg, M. W., Company, The, Jersey City, N. J.: DA-44-109-qm-222, NOrd 10773, AF 33(038)-2734 S. A. No. 15.

Kellogg Sales Co., Battle Creek, Mich.: DA-04-493-qm-1401, DA-04-493-qm-1434, DA-04-493-qm-1584, DA-04-493-qm-1586, DA-04-493-qm-1600.

Kellogg Switchboard & Supply Co., Chicago, Ill.: DA-36-039-sc-895, DA-36-039-sc-3064.

Kent Manufacturing Corp., Chestertown, Md.: DA-18-108-cml-932.

Kenwell Sporting Goods, Utica, N. Y.: DA-11-009-qm-1772.

Kenyon Instrument Co., Inc., New York, N. Y.: NOnr 12300, N363s-36701, N383s-38195.

Kern Food Products, Inc., Los Angeles, Calif.: DA-11-009-qm-1471, DA-11-009-qm-1475, DA-11-009-qm-2095, DA-11-009-qm-2274.

Ketay Manufacturing Corp., New York, N. Y.: NOrd 10950, NOrd 10959.

Keystone Coat & Apron Manufacturing Corp., Philadelphia, Pa.: DA-30-280-qm-5036.

Keystone Portland Cement Co., Philadelphia, Pa.: DA-30-075-eng-979.

Kidde, Walter & Co., Inc., Belleville, N. J.: N363s-38134, AF 33(038)-14272, AF 33(038)-14964, AF 33(038)-15182, AF 33(038)-15189, AF 33(038)-15273, AF 33(038)-15747, AF 33(038)-15835, AF 33(038)-15848.

Kieckhefer Container Co., Camden, N. J.: DA-11-009-qm-1224, DA-04-493-qm-1804.

Kieley & Mueller, Inc., North Bergen, N. J.: N104s-13341.

Kilgore Manufacturing Co., Westerville, Ohio: DA-18-108-cml-464.

Kimberly-Clark Corp., Neenah, Wis.: DA-30-280-qm-4839, DA-30-280-qm-4840.

King Gage Co., Ann Arbor, Mich.: N140s-17936.

Kingan & Co., Inc., Indianapolis, Ind.: DA-11-009-qm-1215.

Kings County Packing Co., Armona, Calif.: N220s-56077.

Kipco Industries, Mason, Mich.: N600s-6327.

Kirby Lumber Corp., Houston, Tex.: DA-09-026-eng-5099, DA-09-026-eng-5165, DA-09-026-eng-5258.

Klett Manufacturing Co., New York, N. Y.: MPA-30-287-md-1736.

Klumb Lumber Co., Crystal Springs, Miss.: DA-09-026-eng-5297, DA-09-026-eng-5453, DA-09-026-eng-5454.

Knox Lumber Sales Co., Thomson, Ga.: DA-09-026-eng-5073, DA-09-026-eng-5265, DA-09-026-eng-5275, DA-09-026-eng-5286, DA-09-026-eng-5405, DA-09-026-eng-5421.

Kochring Co., Milwaukee, Wis.: NOy 22274, N160s-2814.

Kohler Co., Kohler, Wis.: N160s-2594.

Kollmorgen Optical Corp., Brooklyn, N. Y.: NOrd 10960.

Koppers Co., Inc., Pittsburgh, Pa.—Piston Ring Department Division: N104s-13259.

Kropp Forge Company, Chicago, Ill.: DA-20-089-ord-2830, DA-20-089-ord-3725.

Krueger-Barnes Corp., Detroit, Mich.: DA-19-058-ord-1235, DA-19-058-ord-1309, DA-19-058-ord-1212, DA-19-058-ord-1315, DA-19-058-ord-1318.

Kuhlman Electric Co., Bay City, Mich.—Kuhlman Electric Furnace Division: N220s-52060.

Kunkle Valve Co., Fort Wayne, Ind.: N104s-13529.

Lac Chemicals, Inc., Culver City, Calif.: MPA-30-287-md-2247.

La Crosse Trailer & Equipment Co., La Crosse, Wis.: DA-11-184-eng-3792.

Lady's Choice Foods, Los Angeles, Calif.: DA-11-009-qm-1481.

Laguna Packing Corp., Hanford, Calif.: DA-11-009-qm-1254, DA-11-009-qm-1458.

Lake Odessa Canning Co., Lake Odessa, Mich.: DA-11-009-qm-976.

Lalance & Grosjean Manufacturing Co., New York, N. Y.: MPA-30-257-md-2415.

Lamb, W. H., & Sons, Summit, Miss.: DA-09-026-eng-5338.

Lambert Engineering Co., St. Louis, Mo.: AF 33(038)-15097.

La Mirada Olive Co., Inc., San Francisco, Calif.: DA-04-493-qm-1650.

Lampert, Irving, Co., Inc., Brooklyn, N. Y.: DA-11-184-eng-3675.

Lancaster Engineering Corp., Lancaster, Pa.: DA-36-022-tc-171.

Land-Air, Inc., Chicago, Ill.: AF 33(038)-1586 S. A. No. 4, Order (33-038)51-169.

Landau Metal Products Corp., Long Island City, N. Y.: MPA-30-287-md-2743.

Landers, Frary & Clark, New Britain, Conn.: AF 33(038)-15514.

Landis Machine Co., St. Louis, Mo.: DA-36-038-ord-1103.

Langendorf United Bakeries, Inc., San Francisco, Calif.: DA-04-493-qm-1592.

Langlois Flour Co., Los Angeles, Calif.: DA-04-493-qm-1465.

Lansdowne Steel & Iron Co., Morton, Pa.: DA-36-038-ord-1120.

Lapine, Arthur S., & Co., Chicago, Ill.: DA-11-184-eng-3821, DA-11-184-eng-3865.

La Pointe Machine Tool Co., Hudson, Mass.: DA-19-058-ord-1132.

La Salle Camera Co., Chicago, Ill.: DA-11-184-eng-4201.

Lasar Manufacturing Co., Los Angeles, Calif.: N160s-2902.

Lavole Laboratories, Morganville, N. J.: N383s-37479.

Leach Relay Co., Los Angeles, Calif.: DA-36-039-sc-6609.

Lear, Inc., Grand Rapids, Mich.: N383s-36366, N383s-36945, N383s-38095, AF 33(038)-14795, AF 33(038)-14818, AF 33(038)-15305, AF 33(038)-15326, AF 33(038)-15484, AF 33(038)-15739, AF 33(038)-15864, Romec Pump Co. Division: N383s-37990, AF 33(038)-14738, AF 33(038)-15095.

Le Blond, R. K., Machine Tool Co., The, Cincinnati, Ohio: N600s-6608.

Leece-Neville Co., Cleveland, Ohio: N383s-36713.

Leeds & Northrup Co., Philadelphia, Pa.: MPA-30-287-md-2608, AF 33(038)-15788.

Lehigh Structural Steel Co., Allentown, Pa.: DA-11-184-eng-3687.

Lehmann Machine Co., St. Louis, Mo.: N600s-6607.

Leland Electric Co., Dayton, Ohio: NOa(s) 12265, AF 33(038)-14632.

Leshner Corp., The, Hamilton, Ohio: N140s-17291.

Leslie Salt Co., San Francisco, Calif.: DA-04-197-tc-1579.

Le Tourneau, R. G., Inc., Peoria, Ill.: DA-11-184-eng-3786.

Lever Bros. Co., Cambridge, Mass.: N220s-55743, N220s-55817, N220s-56414.

Levernier Laboratories, Syracuse, Ind.: MPA-30-287-md-2778.

Lewis Engineering Co., The, Naugatuck, Conn.: AF 33(038)-14840, AF 33(038)-14842 AF 33(038)-14857, AF 33(038)-14853, AF 33(038)-14864, AF 33(038)-15764, AF 33(038)-15965.

Lewis, H. W., Equipment Co., San Antonio, Tex.: DA-41-294-eng-4.

Lewyt Corp., Brooklyn, N. Y.: DA-36-039-sc-3917.

Libbey-Owens-Ford Glass Co., Toledo, Ohio: DA-18-108-cml-948.

Liberty Dry Dock, Inc., Brooklyn, N. Y.: DA-30-222-tc-20, DA-30-222-tc-26, DA-30-222-tc-285, DA-30-291-aI-14.

Liberty Products Corp., Farmingdale, Long Island, N. Y.: NOm 57069.

Lieb Hardware Corp., Brooklyn, N. Y.: DA-30-075-eng-1072.

Liebel-Flarsheim Co., Cincinnati, Ohio: MPA-30-287-md-2815.

Liggett & Myers Tobacco Co., Inc., New York, N. Y.: DA-11-009-qm-941, DA-11-009-qm-994, DA-11-009-qm-998, DA-11-009-qm-1351, Order (11-006)51-943.

Lilly, Eli, & Co., Indianapolis, Ind.: MPA-30-257-md-1768, MPA-30-287-md-2172, MPA-30-287-md-2139, MPA-30-287-md-2360, MPA-30-287-md-2369.

Lily White Sales Co., Utica, N. Y.: MPA-30-257-md-1986.

Line Material Co. of Pennsylvania, East Stroudsburg, Pa.: AF 33(038)-15766.

Linzer, D., & Sons, Inc., New York, N. Y.: DA-11-184-eng-4143.

Liquidometer Corp., The, Long Island City, N. Y.: N383s-32157, N383s-37129, N383s-38149, AF 33(038)-14860, AF 33(038)-14935.

Lite Manufacturing Co., Inc., New York, N. Y.: DA-11-184-eng-3760.

Lockheed Aircraft Corp., Burbank, Calif.: N383s-36567, N383s-37020, N383s-37502, N383s-37593, W33-038 ac 14563 C. O. No. 14, W33-038 ac 17131 S. A. No. 11, W33-038 ac 21663 S. A. No. 56, AF 33(038)-14717, AF 33(038)-14744, AF 33(038)-14804, AF 33(038)-14805, AF 33(038)-14866, AF 33(038)-14892, AF 33(038)-15092, AF 33(038)-15639.

Lockheed Aircraft Service, Inc., Burbank, Calif.: N383s-38145, AF 33(038)-15464, AF 33(038)-15605.

Lockheed Air Terminal, Inc., Burbank, Calif.: ASP 3303.

Lodge & Shipley Co., The, Cincinnati, Ohio: N600s-6609.

Logan Co., Louisville, Ky.: N600s-8129.

Lombard Governor Corp., Ashland, Mass.: DA-19-066-ord-258.

Lonergan Manufacturing Co., Albion, Mich.: DA-11-009-qm-1785.

Longview Fibre Co., Longview, Wash.: DA-11-009-qm-1076.

Look, Arthur E., Inc., Boston, Mass.: MPA-30-287-md-2640.

Loop Lumber Co., Alameda, Calif.: DA-04-197-tc-681, DA-04-197-tc-687, DA-04-197-tc-688.

Loper, R. E., Lumber Co., Tuscaloosa, Ala.: DA-09-026-eng-3318, DA-09-026-eng-5400, DA-09-026-eng-5406, DA-09-026-eng-5424, DA-09-026-eng-5431, DA-09-026-eng-6486.

Loral Electronics Corp., New York, N. Y.: N383s-38530.

Lord Manufacturing Co., Erie, Pa.: N383s-37506, AF 33(038)-14974, AF 33(038)-15175.

Los Angeles Nut House, Los Angeles, Calif.: DA-04-493-qm-1953.

Loucks & Norling Studios, New York, N. Y.: NOnr 9500.

Loud, H. W., Machine Works, Inc., Pomona, Calif.: AF 33(038)-15053, AF 33(038)-15294.

Lowell Insulated Wire Co., Lowell, Mass.: DA-36-039-sc-4787.

Lowell Wrench Co., Worcester, Mass.: N600s-7119.

Lowenstein, M., & Sons, New York, N. Y.: DA-12-036-qm-1219.

Lucky Lager Brewing Co., San Francisco, Calif.: N220s-55293.

Lundy Manufacturing Corp., New York, N. Y.: N383s-36442, AF 33(038)-14278.

Lunex Co., Davenport, Iowa: DA-11-070-ord-1625, DA-11-070-ord-1706.

Luscombe Engineering, North Wales, Pa.: DA-36-005-ord-261.

Lustre Co., The, Chicago, Ill.: DA-11-184-eng-4202.

Lynd-Farquhar Co., Boston, Mass.: DA-19-066-ord-830.

Lyons, Wm. T., Co., Inc., Baltimore, Md.: NOy 19857.

M. B. Manufacturing Co., Inc., The, New Haven, Conn.: N383s-37930, AF 33(038)-15441, AF 33(038)-15951.

M & K Corp., San Francisco, Calif.: DA-04-203-eng-246.

M & R Dietetic Laboratories, Inc., Columbus, Ohio: DA-11-009-qm-1557, N220s-55836, N405s-27670.

Macalaster Bicknell Co., Cambridge, Mass.: MPA-30-287-md-2111.

MacDonald & Kruse, Sun Valley, Calif.: NOy 18310.

MacDonald Building, Tacoma, Wash.: AF 45(011)-58.

MacFarlane-Shoblad Lumber Co., Seattle, Wash.: DA-45-045-tc-165, DA-45-045-tc-174.

MacGregor Instrument Co., Needham, Mass.: MPA-30-287-md-2543.

Machine & Tool Designing Co., Philadelphia, Pa.: DA-19-058-ord-1434.

Machinery Sales Co., Buffalo, N. Y.: N160s-2701.

Machlett Laboratories, Inc., Springdale, Conn.: MPA-23-075-md-363.

Magnaflux Corp., Chicago, Ill.: DA-19-058-ord-1203.

Magnavox Co., Fort Wayne, Ind.: DA-11-070-ord-1707, DA-19-058-ord-1333, N383s-36324, AF 33(038)-15685.

Magnolia Petroleum Co., Dallas, Tex.: ASP 2437 C. O. No. 3, C. O. No. 5, C. O. No. 6 and C. O. No. 7.

Maine Specialty Co., Portland, Maine: DA-36-022-tc-1711, DA-36-022-tc-1752.

Majestic Molded Products, Inc., Long Island City, N. Y.: DA-36-038-ord-1158.

Malleable Iron Range Co., Beaver Dam, Wis.: DA-12-036-qm-1416.

Mallinckrodt Chemical Works, St. Louis, Mo.: MPA-30-287-md-2245, MPA-30-287-md-2814.

Mallory, P. R., & Co., Inc., Indianapolis, Ind.: DA-44-009-eng-237, NOa(s) 51006.

Manheim Manufacture & Belting Co., Manheim, Pa.: DA-11-184-eng-3837.

Mann, David W., Lincoln, Mass.: DA-19-020-ord-23, DA-19-020-ord-34.

Manning, Maxwell & Moore, Inc., Bridgeport, Conn.: N104s-13442.

Manhattan Soap Co., Omaha, Nebr.: DA-30-280-qm-4903.

Manufacturers Battery Co., Madison, Wis.: DA-36-039-sc-15, DA-36-039-sc-3000, DA-36-039-sc-4875.

Maple Island Farm, Inc., Stillwater, Minn.: DA-11-009-qm-1388, DA-11-009-qm-1483, DA-11-009-qm-1520, DA-11-009-qm-1572.

Marchant Calculating Machines Co., Oakland, Calif.: DA-11-009-qm-1575.

Marine Basin Co., Brooklyn, N. Y.: DA-30-222-tc-189.

Marine Iron Works, Inc., Tacoma, Wash.: DA-45-045-tc-173, DA-45-045-tc-311.

Marine Composition Paint & Scaling Co., Inc., Brooklyn, N. Y.: N140s-17548.

Marine Lumber Service, Inc., Seattle, Wash.: DA-45-045-tc-180.

Marine Products Engineering Co., Rochester, N. Y.: N104s-13351.

Marine Terminals Corp., Wilmington, Calif.: DA-04-197-tc-83, DA-04-197-tc-88, DA-04-197-tc-90, DA-04-197-tc-92.

Marinette Glove Co., Marinette, Wis.: DA-11-009-qm-1798.

Marinette Marine Corp., Marinette, Wis.: DA-11-184-eng-3636.

Markite Co., The, New York, N. Y.: NOnr 9101.

Marlin-Rockwell Corp., Jamestown, N. Y.: AF 33(038)-15743, AF 33(038)-15769, AF 33(038)-15840.

Mario Coils Co., St. Louis, Mo.: DA-30-075-eng-1105.

Marquette Metal Products Co., The, Cleveland, Ohio: AF 33(038)-14700, AF 33(038)-15297, AF 33(038)-15587.

Marsales Co., Inc., New York, N. Y.: MPA-30-287-md-1924, MPA-30-287-md-1987.

Marshall Hatchery, Hagerstown, Md.: DA-18-108-cml-9302.

Marshall-Newell Supply Co., San Francisco, Calif.: DA-04-197-tc-710, DA-04-197-tc-758.

Martin Bakery, Inc., San Antonio, Tex.: DA-11-009-qm-1420, DA-11-009-qm-1602, DA-11-009-qm-2385.

Martin, Glenn L., Co., The, Baltimore, Md.: DA-18-064-cml-436, DA-36-034-ord-36, NOa(s) 11057, NOa(s) 11064, NOa(s) 12028, N383s-36381, N383s-38735 L. I., AF 33(038)-15087.

Martin-Quaid Co., Philadelphia, Pa.: MPA-30-287-md-2334.

Martin & Turner Marine & Industrial Supplies, Wilmington, Calif.: DA-36-022-tc-1708.

Martinolich Ship Repair Co., San Francisco, Calif.: DA-04-197-tc-37.

Maryland Electronic Manufacturing Corp., College Park, Md.: NOa(s) 12298.

Maryland Terminals Corp., Baltimore, Md.: ASP 2477.

Mason, L. E., Co., Hyde Park, Mass.: DA-18-108-cml-8452.

Mason, L. Randolph, New York, N. Y.: AF 33(038)-14823.

Mason, Silas, Co., New York, N. Y.: DA-11-173-ord-38.

Masonite Corp., Chicago, Ill.: N383s-37704, N383s-38548.

Massachusetts Packing Co., Inc., New York, N. Y.: DA-30-280-qm-4930, DA-30-280-qm-5041.

Massey Harris Co., The, Racine, Wis.: DA-20-089-ord-4079.

Master Metal Products, Inc., Buffalo, N. Y.: MPA-30-287-md-2244.

Masterbilt Trailer Co., Glendale, Calif.: N160s-3013.

Mathews Lumber Co., Seattle, Wash.: DA-45-108-eng-516.

Mattatuck Manufacturing Co., The, Waterbury, Conn.: DA-28-017-ord-939, DA-28-017-ord-948.

Maxey, Homer, G., Co., Wichita Falls, Tex.: AF 41(183)-151.

Maxim Silencer Co., The, Hartford, Conn.: DA-20-089-ord-4023, N104s-13414.

Maxson, W. L., Corp., The, New York, N. Y.: N383s-30577 and L. I., AF 33(038)-14887.

McArthur Lumber Co., Goldsboro, N. C.: DA-09-026-eng-5321.

McBee Co., The, Athens, Ohio: DA-49-148-ag-27.

McCulloch Lumber Co., Atlanta, Ga.: DA-09-026-eng-5175, DA-09-026-eng-5218, DA-09-026-eng-5222, DA-09-026-eng-6302.

McCusker, Paul, San Francisco, Calif.: DA-04-197-tc-680, DA-04-197-tc-682.

McDonnell Aircraft Corp., St. Louis, Mo.: N383s-36900.

McGinnis Lumber Co., Meridian, Miss.: DA-09-026-eng-5264, DA-09-026-eng-5304.

McGowan Lumber Co., Pineapple, Ala.: DA-09-026-eng-5459.

McGregor & Werner, Inc., Washington, D. C.: NOd 7617, NOrd 10973.

McKay Co., The, Pittsburgh, Pa.: DA-20-089-ord-4119.

McKay-Davis Chemical Corp., Toledo, Ohio: AF 33(038)-15595.

McKesson Appliance Co., Toledo, Ohio: MPA-30-287-md-2203, MPA-30-287-md-2780.

McKiernan-Terry Corp., New York, N. Y.: NOnr 13001, N383s-36485.

McLaughlin Research Corp., New York, N. Y.; NOrd 10933.

McLaurin-Jones Co., Brookfield, Mass.: DA-30-280-qm-4683.

McPhillips & Co., Inc., Trenton, N. J.: AF 33(038)-15027.

McSweeney, Angus, San Francisco, Calif.: NOy 22452.

Mead Aviation Equipment Co., Trenton, N. J.: AF 33(038)-15014, AF 33(038)-15025.

Mearl Corp., The, New York, N. Y.: N140s-17874, N140s-17878, N140s-17921.

Measurements Corp., Boonton, N. J.: N383s-37356.

Mehl Manufacturing Co., Cincinnati, Ohio: DA-28-017-ord-812.

Meissner Bailey Co., Wichita Falls, Tex.: AF 41(183)-148.

Mel-Williams Co., San Francisco, Calif.: DA-11-009-qm-1322, DA-11-009-qm-1346, DA-11-009-qm-1350.

Melpar, Inc., Alexandria, Va.: NOa(s) 12119, AF 33(038)-15635.

Melrose Hospital Uniform Co., New York, N. Y.: MPA-30-287-md-1655.

Melvina Can Co., Inc., Maspeth, N. Y.: DA-28-017-ord-828.

Mercer Glass Works, Inc., New York, N. Y.: MPA-30-287-md-2186.

Mergenthaler Linotype Co., Brooklyn, N. Y.: DA-11-009-qm-927, DA-30-069-ord-82.

Merrell, Wm. S., Co., Cincinnati, Ohio: MPA-30-287-md-1972.

Merrill Bros., Maspeth, N. Y.: DA-30-144-ord-537, N383s-38174.

Metallurgical Research & Development Co., Inc., Washington, D. C.: AF 33(038)-16032.

Metro Engineering & Manufacturing Co., Inc., Detroit, Mich.: DA-20-089-ord-1301.

Metropolitan Tool Works, New York, N. Y.: DA-30-144-ord-413.

Meyer Wilson & George & Co., Los Angeles, Calif.: N123s-68076.

Mezzetta, G. L., & Co., San Francisco, Calif.: DA-04-493-qm-2055.

Miami Margarine Co., Cincinnati, Ohio: DA-11-009-qm-1240, DA-11-009-qm-1243, DA-11-009-qm-1244, DA-11-009-qm-1249, DA-11-009-qm-1696.

Michigan Bean Co., Saginaw, Mich.: DA-11-009-qm-1235.

Michigan Power Shovel Co., Benton Harbor, Mich.: DA-11-184-eng-3722.

Micro-Balancing, Inc., Oceanside, Long Island, N. Y.: AF 33(038)-15502.

Mid-Continent Petroleum Co., Tulsa, Okla.: ASP 2959, ASP 3424.

Midland Manufacturing Co., Kansas City, Mo.: DA-36-039-sc-3042, DA-36-039-sc-7288, AF 33(038)-15471.

Midvale Co., Philadelphia, Pa.: DA-18-001-ord-1071, NObs 59064, NOrd 10963.

Midwest Dental Manufacturing Co., Chicago, Ill.: MPA-30-287-md-2409.

Midwest Sheet Metal, Springfield, Mo.: DA-23-037-aV-14.

Midwest Walnut Co., Council Bluffs, Iowa: DA-19-058-ord-1306.

Milan Box Co., Milan, Tenn.: DA-40-121-ord-10, DA-40-121-ord-12.

Miller Lumber Co., Bogalusa, La.: DA-09-026-eng-5296.

Miller, I. & Sons, Inc., Long Island City, N. Y.: AF 33(038)-15009.

Miller, T. R., Mill Co., Inc., Brewton, Ala.: DA-09-026-eng-5461, DA-09-026-eng-5462, DA-09-026-eng-5463, DA-09-026-eng-5464, DA-09-026-eng-5465, DA-09-026-eng-5466, DA-09-026-eng-5467.

Miller & Stern Supply Co., San Francisco, Calif.: DA-04-203-eng-567.

Millivac Instruments, Schenectady, N. Y.: NOa(s) 11091.

Mills Industries, Inc., Chicago, Ill.: DA-11-184-eng-4203.

Mines Equipment Co., St. Louis, Mo.: DA-11-184-eng-3911.

Minneapolis-Honeywell Regulator Co., Minneapolis, Minn.: N383s-37045, AF 33(038)-14742, AF 33(038)-14828, AF 33(038)-14875, AF 33(038)-15508, AF 33(038)-15519.

Minnesota Consolidated Canners, Minneapolis, Minn.: DA-11-009-qm-1614.

Minnesota Mining & Manufacturing Co., St. Paul, Minn.: DA-20-089-ord-2956, DA-29-044-ml-100.

Mirsky, B., & Sons, Asbury Park, N. J.: N220s-55912.

Mission Biscuit Co., San Francisco, Calif.: DA-04-493-qm-1454, DA-04-493-qm-1638.

Mississippi Engineering, Grandmound, Iowa: DA-11-070-ord-1772.

Mitchell Camera Corp., Glendale, Calif.: N383s-36161.

Mitchell Mobilhanger Corp., New York, N. Y.: NOa(s) 12259.

Mizzy, Inc., New York, N. Y.: MPA-30-287-md-1933.

Modine Manufacturing Co., Racine, Wis.: DA-20-089-ord-2939.

Molded Insulation Co., Philadelphia, Pa.: DA-36-039-sc-3173, N173s-15618.

Molded Latex Products, Inc., Paterson, N. J.: NOa(s) 51033.

Molding Corp. of America, Inc., Providence, R. I.: N163s-562.

Mole-Richardson Co., Los Angeles, Calif.: N383s-36433.

Monroe Auto Equipment Co., Monroe, Mich.: DA-36-038-ord-1279.

Montgomery Elevator Co., Moline, Ill.: DA-36-022-tc-1979.

Moody, D., & Co., Tulsa, Okla.: AF 33(038)-15148, AF 33(038)-15168.

Moore & White Co., Philadelphia, Pa.: N156s-27227.

Moore Special Tool Co., Inc., Bridgeport, Conn.: DA-49-170-sc-23.

Morgan Machine Co., Inc., Rochester, N. Y.: DA-33-079-ord-230.

Morrison-Knudson Co., Inc., Los Angeles, Calif.: DA-04-353-eng-411.

Morrison Supply Co., Wichita Falls, Tex.: AF 41(183)-149.

Morton Salt Co., Chicago, Ill.: DA-04-493-qm-1589, DA-30-280-qm-5291.

Moss, T. J., Tie Co., St. Louis, Mo.: DA-09-026-eng-5186.

Motorola, Inc., Chicago, Ill.: DA-36-039-sc-3962, N123s-68310.

Mount Hood Soap Co., Portland, Oreg.: DA-30-280-qm-4901.

Mousley, Geo. E., Inc., West Warwick, R. I.: DA-11-009-qm-1371.

Mudge Paper Co., Washington, D. C.: NOd 7619.

Mullis, Carl W., Lumber Co., Lancaster, S. C.: DA-09-026-eng-5254.

Multiple Breaker Corp., Boston, Mass.: DA-30-280-qm-4682, N111s-54357, N111s-54363.

Mund Boilers, Inc., Los Angeles, Calif.: N160s-3028.

Murphy Diesel Co., Milwaukee, Wis.: DA-11-184-eng-4133.

Mutual Stevedoring Co., San Francisco, Calif.: DA-04-197-tc-44, DA-04-197-tc-46.

Myers, L., Co., San Francisco, Calif.: N220s-55999.

Myles Oil Products, Inc., Long Island City, N. Y.: DA-30-182-tc-2252.

National Acme Co., The, Cleveland, Ohio: DA-19-058-ord-1241.

National Battery Co., St. Paul, Minn.: NOa(s) 12128.

National Biscuit Co., New York, N. Y.: DA-04-493-qm-1432.

National Capital Toro, Inc., Silver Spring, Md.: NOm 56907.

National Carbon Co., Inc., New York, N. Y.: DA-36-039-sc-3019.

National Cine Equipment, Inc., New York, N. Y.: DA-36-039-sc-3814.

National Container Corp., Long Island City, N. Y.: DA-11-009-qm-1703, DA-11-009-qm-1721.

National Dairy Products Corp., New York, N. Y.—Kraft Foods Co. Division: DA-11-009-qm-1184, DA-11-009-qm-1358, DA-11-009-qm-1609, DA-11-027-qm-9446, N220s-55870.

National Drug Co., Philadelphia, Pa.: MPA-30-287-md-2570.

National Electrical Machine Shops, Inc., Silver Spring, Md.: N173s-15575.

National Fireworks, Inc., West Hanover, Mass.: NOrd 10975.

National Foam System, Inc., Philadelphia, Pa.: N104s-13796, AF 33(038)-15039.

National Forge & Ordnance Co., Irvine, Pa.: DA-30-141-ord-538.

National Fruit Canning Co., Seattle, Wash.: DA-11-009-qm-1937.

National Gage Co., Inc., Newark, N. J.: DA-28-017-ord-926, DA-28-017-ord-940.

National Lead Co., New York, N. Y.: N173s-15496, N173s-15558, N220s-56008, N220s-56281, N220s-56299.

National Pneumatic Co., Boston, Mass.: DA-11-184-eng-4069, DA-19-020-ord-2577.

National Silver Co., New York, N. Y.: DA-11-009-qm-1743.

National Sugar Refining Co., New York, N. Y.: DA-30-280-qm-4913, DA-30-280-qm-5363, DA-30-280-qm-5381.

National Supply Co., Pittsburgh, Pa.: N690s-8189. Superior Engine Division: N104s-13213.

National Survey, Chester, Vt.: DA-49-018-eng-119.

National Tube Co., Pittsburgh, Pa.: DA-20-089-ord-4072, NOrd 10883.

Naylor Pipe Co., Chicago, Ill.: N160s-2876.

Nesco, Inc., Granite City, Ill.: DA-11-009-qm-1988, DA-11-009-qm-2066.

New Haven Terminal, Inc., New Haven, Conn.: ASP 2478.

New Orleans Stevedoring Co., New Orleans, La.: DA-16-049-tc-62.

New Products Manufacturing, Inc., Dayton, Ohio: AF 33(038)-15452.

New York Air Brake Co., New York, N. Y.: AF 33(038)-14282, AF 33(038)-14284, AF 33(038)-15644, AF 33(038)-15789, AF 33(038)-15939.

Newport News Shipbuilding & Dry Dock Co., Newport News, Va.: NObs 2705 L. I., NOnr 5700.

Niles-Bement-Pond Co., West Hartford, Conn.—Chandler-Evans Division: N383s-37734 L. I., AF 33(038)-14269.

Nobles Engineering & Manufacturing Co., St. Paul, Minn.: AF 33(038)-15872.

Norden Laboratories Corp., White Plains, N. Y.: NOrd 10884.

Norris Stamping & Manufacturing Co., Los Angeles, Calif.: NOrd 10356.

North American Aviation, Inc., Los Angeles, Calif.: N383s-37516, W33-038 ac 14191 S. A. No. 15, W33-038 ac 15569 C. O. No. 70 and C. O. No. 72, AF 33(038)-14748, AF 33(038)-14800, AF 33(038)-14801.

North Electric Manufacturing Co., Galion, Ohio: DA-36-039-sc-782.

Northeast Machine Co., Cheltenham, Pa.: DA-36-022-tc-2533.

Northern Ordnance, Inc., Minneapolis, Minn.: NOrd 10924 L. I., NOrd 10935, N104s-13302.

Northrop Aircraft, Inc., Hawthorne, Calif.: N123s-67577, W33-038 ac 14175 S. A. No. 16, W33-038 ac 20243 S. A. No. 29, AF 33(038)-1492 S. A. No. 7, AF 33(038)-14725, AF 33(038)-14773.

Northside Lumber Co., Wichita Falls, Tex.: AF 41(183)-131.

Northwest Consolidators, Seattle, Wash.: N600s-7892.

Northwest Glove Co., Winona, Minn.: DA-11-009-qm-1799.

Norwalk Co., Inc., South Norwalk, Conn.: N298s-4668.

Nystrom, A. J., & Co., Chicago, Ill.: MPA-30-287-md-2428.

O E M Corp., Norwalk, Conn.: MPA-30-287-md-2865.

Ocean Box Corp., Brooklyn, N. Y.: DA-28-017-ord-928.

Ohio Chemical & Manufacturing Co., The, Madison, Wis.: MPA-30-287-md-1912.

Ohio Crankshaft Co., Cleveland, Ohio: DA-30-121-ord-11.

Ohio Rubber Co., The, Willoughby, Ohio: DA-20-089-ord-2601.

Oilgear Co., The, Milwaukee, Wis.: DA-20-089-ord-2534.

Okonite Co., The, Passaic, N. J.: DA-36-039-sc-15, N383s-36822.

Olin Industries, Inc., East Alton, Ill.—Electrical Division: DA-36-039-sc-4006, N123s-68019. Western Cartridge Co. Division: DA-36-038-ord-1224, NOa(s) 12055.

Oliver-Finnie Co., Memphis, Tenn.: DA-30-280-qm-5028.

Oregon Foods, Inc., McMinnville, Oreg.: DA-11-009-qm-1603.

Orleans County Canning Co., Barre, Vt.: DA-11-009-qm-2400, DA-11-009-qm-2403, DA-11-009-qm-2405.

Oro Manufacturing Co., Adrian, Mich.: N383s-37116, N383s-37589, N383s-37590, AF 33(038)-15870.

Orrells Food Products, Oakland, Calif.: DA-11-009-qm-1589.

Orthopedic Frame Co., Kalamazoo, Mich.: MPA-30-287-md-2521.

Osgood Co., The, Marion, Ohio: DA-11-184-eng-4122.

Otis McAllister & Co., Inc., San Francisco, Calif.: DA-30-280-qm-4906.

Otterbein Press, Dayton, Ohio: AF 33(038)-14051.

Owens-Corning Fiberglas Corp., Toledo, Ohio: DA-12-026-qm-1294.

Pace-Turpin Co., Salt Lake City, Utah: DA-42-036-cml-45.

Pacific Airmotive Corp., Burbank, Calif.: AF 33(038)-15640, AF 33(038)-15868, AF 33(038)-15947.

Pacific Car & Foundry Co., Renton, Wash.: DA-20-089-ord-4032.

Pacific Coast Tank & Manufacturing Co., Long Beach, Calif.: N160s-2975.

Pacific Fishermen, Inc., Seattle, Wash.: DA-45-045-tc-1397.

Pacific Mills, Boston, Mass.: N140s-17028.

Pacific Pumping Co., Oakland, Calif.: N160s-2760.

Pacific Ship Repair, Inc., San Francisco, Calif.: DA-04-197-tc-77.

Packard Motor Car Co., Detroit, Mich.: NObs 2701, N104s-13197.

Pal Processing Co., Brooklyn, N. Y.: MPA-30-287-md-2848.

Palen, Al, Motors, San Francisco, Calif.: N52m 25273.

Pan American Refining Corp., New York, N. Y.: ASP 2499.

Pan Pacific Oil Co., Inc., Los Angeles, Calif.: N123s-64090.

Pan Pacific Sales Corp., Gardena, Calif.: N160s-3021.

Paramount Supply Irrigation, Oxnard, Calif.: N160s-3008.

Parish Pressed Steel Co., Reading, Pa.: DA-36-039-sc-4800.

Parke, Davis & Co., Detroit, Mich.: MPA-30-287-md-1474, MPA-30-287-md-1508, MPA-30-287-md-1548, MPA-30-287-md-1558, MPA-30-287-md-1600, MPA-30-287-md-1892, MPA-30-287-md-1973, MPA-30-287-md-1989, MPA-30-287-md-2348, MPA-30-287-md-2471, MPA-30-287-md-2505.

Parker Appliance Co., The, Cleveland, Ohio: AF 33(038)-14697, AF 33(038)-15147.

Parker Lumber Co., Inc., Meridian, Miss.: DA-09-026-eng-5340, DA-09-026-eng-5371, DA-09-026-eng-5381, DA-09-026-eng-5394, DA-09-026-eng-5395, DA-09-026-eng-5410, DA-09-026-eng-5423, DA-09-026-eng-5433, DA-09-026-eng-5434, DA-09-026-eng-5461.

Parkersburg Junk Co., Parkersburg, W. Va.: AF 33(038)-16022.

Parmalee Pharmaceutical Co., Kansas City, Mo.: DA-11-009-qm-1405.

Parsons Corp., Detroit, Mich.: DA-20-089-ord-11232.

Pasco Packing Co., Dade City, Fla.: DA-11-009-qm-1202, DA-11-009-qm-1207, DA-11-009-qm-1429.

Pastushin, Vic, Industries, Inc., Los Angeles, Calif.: AF 33(038)-14937.

Patton-MacGuyer Co., Providence, R. I.: N273s-157.

Pauli & Griffin Co., San Francisco, Calif.: DA-04-197-tc-707, DA-04-197-tc-708, DA-04-197-tc-709.

Paulsen-Webber Cordage Corp., New York, N. Y.: DA-30-075-eng-1071, DA-36-022-tc-1706.

Paulus Bros. Packing Co., Salem, Oreg.: DA-11-009-qm-935, DA-11-009-qm-952.

Pedley, Knowles & Co., San Francisco, Calif.: DA-04-197-tc-699.

Peerless Electric Co., The, Warren, Ohio: N104s-13754.

Peerless Sales, San Diego, Calif.: DA-04-493-qm-1744.

Penn Box Lumber Co., Philadelphia, Pa.: DA-36-038-ord-1152.

Penn, H. O., Machinery Co., Inc., New York, N. Y.: DA-30-127-qm-202.

Peoria Cordage Co., Peoria, Ill.: DA-11-184-eng-4156.

Perkins-Eaton Machinery Co., Springfield, Mass.: DA-30-127-qm-193.

Perry Lumber Co., Henderson, N. C.: DA-09-026-eng-6654, DA-09-026-eng-6656.

Peters-Dalton, Inc., Detroit, Mich.: DA-44-109-qm-1726.

Pfizer, Chas., & Co., Inc., Brooklyn, N. Y.: MPA-30-287-md-2629, MPA-30-287-md-2922.

Phaostron Co., So. Pasadena, Calif.: AF 33(038)-14877, AF 33(038)-15118.

Phelps Dodge Copper Products Corp., New York, N. Y.—Habirshaw Cable & Wire Division: DA-11-184-eng-4072, N140s-17503, N383s-35823.

Philadelphia Ampoule Laboratories, Philadelphia, Pa.: MPA-30-287-md-2230.

Philadelphia Metal Warehouse Co., Philadelphia, Pa.: AF 33(038)-15791.

Philco Corp., Philadelphia, Pa.: NOa(s) 10979, NOa(s) 11082 L. I., NOa(s) 12252 L. I., N383s-38054.

Phillips Petroleum Co., Bartlesville, Okla.: ASP 2426 C. O. No. 1 and C. O. No. 4.

Phipps Products Corp., Camden, N. J.: N140s-17997.

Phoenix Trimming Co., Chicago, Ill.: N156s-27170, N156s-27205.

Pierce, M. H., Lumber Co., Morrilton, Ark.: DA-09-026-eng-6660.

Pierson-Hollowell Co., Inc., Indianapolis, Ind.: DA-19-058-ord-1338.

Piasecki Helicopter Corp., Morton, Pa.: NOa(s) 12023, NOa(s) 51035 L. I., N383s-37619.

Picker X-ray Corp., New York, N. Y.: DA-28-076-md-314.

Pioneer Engineering & Manufacturing Co., Detroit, Mich.: DA-19-058-ord-1356, DA-19-058-ord-1360.

Pioneer Parachute Co., Inc., Manchester, Conn.: AF 33(038)-15004, AF 33(038)-15010.

Piper Aircraft Corp., Lock Haven, Pa.: AF 33(038)-14950.

Pittsburgh Bridge & Iron Works, Rochester, Pa.: DA-11-184-eng-4199.

Pittsburgh-Des Moines Steel Co., Pittsburgh, Pa.: DA-44-009-eng-236.

Pittston Stevedoring Corp., New York, N. Y.: DA-30-182-tc-195.

Plainville Metal Works, Plainville, Conn.: AF 33(038)-15161, AF 33(038)-15683.

Plastic Film Corp., Plainfield, Conn.: AF 33(038)-15286.

Plastic Manufacturers, Inc., Stamford, Conn.: NOrd 10853.

Plastold Corp., Hamburg, N. J.: DA-36-039-sc-15.

Plumb Tool Co., Los Angeles, Calif.: AF 40(687)-96.

Polan Industries, Huntington, W. Va.: AF 33(038)-15007.

Polsak Engineering & Manufacturing Corp., Newark, N. J.: DA-28-017-ord-790.

Polytechnic Research & Development Co., Inc., Brooklyn, N. Y.: NOa(s) 11068, NOa(s) 11070, AF 33(038)-14816.

Poole Lumber Co., Covington, La.: DA-09-026-eng-5455.

Porcelain Steels, Inc., Cleveland, Ohio: DA-11-184-eng-4249.

Pratt-Low Preserving Co., Santa Clara, Calif.: DA-11-009-qm-2318.

Prehler Electrical Insulation Co., Chicago, Ill.: DA-11-184-eng-4119, DA-11-184-eng-4120, DA-11-184-eng-4284.

Prewitt Aircraft Co., Clifton Heights, Pa.: NOa(s) 10929 Amd. No. 1.

Procter & Gamble Distributing Co., Cincinnati, Ohio: DA-28-017-ord-925.

Products Research Co., Glendale, Calif.: N383s-37586, N383s-37723.

Progressive Coat & Apron Manufacturing Co., Philadelphia, Pa.: DA-30-280-qm-5035.

Propper Manufacturing Co., Long Island City, N. Y.: MPA-30-287-md-2378, MPA-30-287-md-2698.

Prosperity Co., Inc., Syracuse, N. Y.: N160s-2898.

Puccinelli Packing Co., Turlock, Calif.: DA-11-009-qm-1407.

Puget Sound Tug & Barge Co., Seattle, Wash.: DA-45-045-tc-247.

Purdy Co., The, Chicago, Ill.: DA-49-074-tc-103, DA-49-074-tc-104.

Pure Oil Co., The, Chicago, Ill.: ASP 1537 C. O. No. 7, ASP 2480.

Purity Stores, Ltd., San Francisco, Calif.: DA-30-280-qm-5323, N220s-55810, N220s-55822, N220s-55874, N220s-56058, N220s-56061, N220s-56123, N220s-56165, N220s-56189, N220s-56418.

Purolator Products, Inc., Newark, N. J.: AF 33(038)-14695, AF 33(038)-15275, AF 33(038)-15700.

Q-O-S Corp., New York, N. Y.: DA-11-184-eng-3823.

Quaker Oats Co., Chicago, Ill.: N220s-55900.

Quaker Rubber Corp., Philadelphia, Pa.: DA-36-039-sc-4733, N383s-38335.

"Quick-Way" Truck Shovel Co., Denver, Colo.: DA-11-184-eng-3909.

R C A Service Co., Inc., Camden, N. J.: DA-36-034-ord-24.

Radio City Products Co., Inc., New York, N. Y.: N383s-36339, N383s-38158.

Radio Corporation of America, Camden, N. J.—RCA Victor Division: DA-11-184-eng-4138, DA-36-039-sc-1391, N126s-5454, N126s-7555, N126s-7894, N126s-9092, W33-038 ac 18181 S. A. No. 4, W33-038 ac 20726 C. O. No. 10, AF 33(038)-14793.

Radio Manufacturing Engineers, Inc., Peoria, Ill.: AF 33(038)-15883.

Radiomarine Corp. of America, New York, N. Y.: N220s-55441, N220s-55944, N406s-27462.

Radioplane Co., Van Nuys, Calif.: NOa(s) 12117.

Rainford Manufacturing Co., Inc., Closter, N. J.: AF 33(038)-15469.

Ramming, John, Machine Co., St. Louis, Mo.: DA-23-055-eng-274.

Ransom & Randolph Co., Toledo, Ohio: MPA-30-287-md-2395.

Rapids-Standard Co., Inc., The, Grand Rapids, Mich.: N600s-8126 and L. I., AF 33(038)-15001.

Rapken & Co., Ltd., San Francisco, Calif.: N220s-55867.

Rauland Corp., The, Chicago, Ill.: DA-36-039-sc-4814.

Ray-O-Vac Co., Madison, Wis.: DA-36-039-sc-4000.

Raytheon Manufacturing Co., Waltham, Mass.: DA-36-039-sc-6621, NObr 59144 L. I., NObs 59163 L. I., N126s-7798, N126s-7895, N126s-7898, N126s-7899, N126s-8131, N126s-9139, N383s-38162, AF 33(038)-15734.

Reaction Motors, Inc., Dover, N. J.: NOa(s) 51004.

Recordak Corp., New York, N. Y.: AF 33(038)-15886.

Reed & Prince Manufacturing Co., Worcester, Mass.: N383s-38110.

Reeves Instrument Corp., New York, N. Y.: NOrd 10243 Amd. No. 1, Amd. No. 2, Amd. No. 4 and Amd. No. 7; AF 33(038)-6191.

Reeves Steel & Manufacturing Co., Dover, Ohio: DA-11-009-qm-1408.

Refined Syrups & Sugars, Inc., Yonkers, N. Y.: DA-30-280-qm-5186, DA-30-280-qm-5327.

Reiff & Nestor Co., Lykens, Pa.: DA-30-144-ord-514.

Reliance Manufacturing Co., Chicago, Ill.: AF 33(038)-15019, AF 33(038)-15021, AF 33(038)-15983.

Remington Rand, Inc., Buffalo, N. Y.: N220s-55600, N220s-56009, AF 33(038)-14817.

Replica Products Corp., Washington, D. C.: NOd 7620.

Republic Aviation Corp., Farmingdale, Long Island, N. Y.: AF 33(038)-14756, AF 33(038)-14802, AF 33(038)-14803, AF 33(038)-14810, AF 33(038)-14949, AF 33(038)-15091.

Republic Steel Corp., Cleveland, Ohio: DA-11-184-eng-3972, DA-19-058-ord-1340, DA-30-144-ord-510, N171s-83918, N600s-8171, N600s-8185.

Report Pharmaceutical Co., Inc., New York, N. Y.: MPA-30-287-md-2602, MPA-30-287-md-2724.

Revere Copper & Brass Co., New York, N. Y.: DA-36-038-ord-1291, N600s-8159.

Revere Corp. of America, Wallingford, Conn.: AF 33(038)-15283.

Revere Sugar Refinery, Boston, Mass.: DA-30-280-qm-4713, DA-30-280-qm-4916, DA-30-280-qm-5183.

Rex Co., Inc., Cambridge, Mass.: DA-36-039-sc-15.

Reynolds & Manley Lumber Co., Savannah, Ga.: DA-09-026-eng-2513, DA-09-026-eng-5315, DA-09-026-eng-5318, DA-09-026-eng-5323.

Reynolds Metals Co., Richmond, Va.: DA-11-070-ord-1513, DA-11-070-ord-1527, DA-11-070-ord-1528, DA-11-070-ord-1638, DA-11-070-ord-1682, DA-18-108-cml-1264, DA-36-038-ord-1241, N383s-38222, N383s-38321, N600s-8154, N600s-8173, N600s-8199, AF 33(038)-15457.

Reynolds, R. J., Tobacco Co., Winston-Salem, N. C.: DA-11-009-qm-933, DA-11-009-qm-1691, DA-11-009-qm-1093, DA-11-009-qm-1349, DA-11-009-qm-1453, DA-11-009-qm-1636, DA-11-009-qm-1801.

Rhodes Lewis Co., Los Angeles, Calif.: AF 33(038)-15113.

Rhyne Lumber Co., Montgomery, Ala.: DA-09-026-eng-5184.

Rice, Ervin A., Co., Chicago, Ill.: DA-11-009-qm-1791.

Rice Stix, Inc., St. Louis, Mo.: AF 33(038)-14293.

Richfield Oil Corp., Los Angeles, Calif.: ASP 2490.

Richmond Lumber, Inc., Augusta, Ga.: DA-09-026-eng-5084, DA-09-026-eng-5104, DA-09-026-eng-5139, DA-09-026-eng-5150, DA-09-026-eng-5162, DA-09-026-eng-5278, DA-09-026-eng-5282, DA-09-026-eng-5348, DA-09-026-eng-5349, DA-09-026-eng-5441, DA-09-026-eng-6472.

Riddell, W. A., Corp., Bucyrus, Ohio: N160s-2947.

Ridge Tool Co., The, Elyria, Ohio: N600s-8350.

Ritter Co., Inc., Rochester, N. Y.: DA-23-076-md-321, DA-23-076-md-330.

Ritter & Sussman, Newark, N. J.: DA-11-009-qm-1770.

Riverside Cement Co., Los Angeles, Calif.: N383s-37717.

Robertshaw-Fulton Controls Co., Youngwood, Pa.—Fulton Sylphon Division: N104s-13089, N104s-13524.

Robinson Aviation, Inc., Teterboro, N. J.—Vibrashock Division: AF 33(038)-14929.

Rochester Dairy Corp., Rochester, Minn.: DA-11-009-qm-2036, DA-11-009-qm-2037.

Rockbestos Products Corp., New Haven, Conn.: N126s-8416.

Rockford Machine Tool Co., Rockford, Ill.: NObs 59151.

Rockford Paint Manufacturing Co., Rockford, Ill.: DA-41-117-ord-462.

Rockford Screw Products Co., Rockford, Ill.: N383s-38509.

Rockingham Machine Co., Davenport, Iowa: DA-11-070-ord-1734.

Rodorn Corp., New York, N. Y.: DA-29-017-ord-889.

Rogers Bros. Corp., Albion, Pa.: DA-11-184-eng-3822.
Rohm & Haas Co., Philadelphia, Pa.: AF 33(038)-15756.
Romito-Donnelly Corp., Ravenna, Ohio: AF 33(038)-15190.
Rosen, Raymond, Engineering Products, Inc., Philadelphia, Pa.: NOa(s) 12300, AF 33(038)-15698.
Ross Carrier Co., The, Benton Harbor, Mich.: DA-33-031-qm-3204, DA-33-031-qm-3306, N160s-2692, N600s-7890.
Ross Lumber Co., Macon, Ga.: DA-09-026-eng-3317, DA-11-184-eng-3849.
Rothschild, John, Co., San Francisco, Calif.: N220s-55741, N220s-56064, N220s-56424.
Rowell, E. N., Co., Inc., Batavia, N. Y.: MPA-30-287-md-2615.
Royer & Roger, Inc., New York, N. Y.: N140s-17327.
Russell & Axon, St. Louis, Mo.: DA-25-066-eng-537.
Russell Electric Co., Chicago, Ill.: AF 33(038)-15320.
Russell Manufacturing Co., The, Middletown, Conn.: NOm 57419.
Rust-Oleum Corp., Evanston, Ill.: NOm 57249.
Ryan Aeronautical Co., San Diego, Calif.: AF 33(038)-14754.
Ryan Industries, Inc., Detroit, Mich.: AF 33(038)-14924, AF 33(038)-15103.
Ryker, Harrison, Co., Inc., Oakland, Calif.: NOM 57134.
SKF Industries, Inc., Philadelphia, Pa.: N383s-36486, N383s-36795.
St. Clair Rubber Co., Detroit, Mich.: DA-30-280-qm-5143, DA-41-117-ord-528.
St. Malo Lumber Co., Oceanside, Calif.: N52m 25252.
St. Regis Sales Corp., New York, N. Y.: N383s-37655.
Sager-Spuck Supply Co., Inc., Albany, N. Y.: DA-30-144-ord-513.
San Juan Fishing & Packing Co., Seattle, Wash.: DA-04-493-qm-1917.
Sanborn Co., Cambridge, Mass.: MPA-30-287-md-2622.
Sangamo Electric Co., Springfield, Ill.: NOnr 10700.
Santa Fe Tank & Tower Co., Los Angeles, Calif.: N160s-2935, N160s-2991.
Sapollo Products Co., New York, N. Y.: N140s-17962.
Sarco Co., Inc., New York, N. Y.: N104s-13530.
Sargent Engineering Corp., Huntington Park, Calif.: AF 33(038)-15768.
Savannah Sugar Refining Corp., Savannah, Ga.: DA-30-280-qm-4912, DA-30-280-qm-5330, DA-30-280-qm-5014.
Sawyer Bailey Corp., Buffalo, N. Y.: DA-20-089-ord-2893.
Scheidl Manufacturing Co., Copiague, N. Y.: NOnr 11701.
Schenuit, Frank G., Rubber Co., The, Baltimore, Md.: ASO 15394, ASO 15394-5, ASO 15394-6, Order (33-038)49-26, Order (33-038)49-31, Order (33-038)49-2973, Order (33-038)49-4239, Order (33-038)50-1545, Order (33-038)50-1569, Order (33-038)50-1585, Order (33-038)50-1792, Order (33-038)50-2616, Order (33-038)50-2621.
Schick, H. M., Products Co., San Francisco, Calif.: MPA-04-210-md-118.
Schnefel Bros. Corp., Newark, N. J.: MPA-30-287-md-2589.
Scholl Manufacturing Co., Inc., Chicago, Ill.: MPA-30-287-md-2062.
Schriber Contracting Corp., Washington, D. C.: DA-44-008-mi-212.
Schuckl & Co., Inc., Sunnyvale, Calif.: DA-11-009-qm-975, DA-11-009-qm-2169, DA-11-009-qm-2351.
Schutte & Koerting Co., Philadelphia, Pa.: N104s-13856.
Schuttig & Co., Inc., Washington, D. C.: NOnr 11400.
Schwien Engineering Co., Los Angeles, Calif.: AF 33(038)-14897, AF 33(038)-15045.
Scientific Engineering Co., New York, N. Y.: NOnr 6101.
Scovill Manufacturing Co., Waterbury, Conn.: DA-28-017-ord-780.
Seaboard Electric Co., New York, N. Y.: AF 33(038)-14781.
Seaboard Lumber Co., Seattle, Wash.: DA-45-045-tc-212.
Seaboard Supply Co., Inc., Seattle, Wash.: DA-45-045-tc-187.
Seacoast Stevedoring & Transportation Corp., Brooklyn, N. Y.: DA-30-182-tc-165.
Seal-Peel, Inc., Detroit, Mich.: DA-20-089-ord-2814.
Seamless Rubber Co., New Haven, Conn.: MPA-30-287-md-1648, MPA-30-287-md-1898, MPA-30-287-md-2038, MPA-30-287-md-2773.
Seattle American District Telegraph Co., New York, N. Y.: N406s-26974.
Seeburg, J. P., Corp., Chicago, Ill.: NOa(s) 12191.
Seneca Falls Machine Co., Seneca Falls, N. Y.: N171s-89900.
Settergren, Gene H., Portland, Oreg.: AF 35(071)-32.
Shallcross Manufacturing Co., Collingdale, Pa.: N383s-38634.
Sharp & Dohme, Inc., Philadelphia, Pa.: MPA-30-287-md-2207.
Sheaf, Geo. & Co., Columbus, Ohio: DA-33-167-aII-215.
Shell Oil Co., Inc., New York, N. Y.: DA-30-075-eng-1221, ASP 2175 C. O. No. 17, ASP 2467, ASP 2494, ASP 2932, N191s-38489, N220s-55571.
Shellmar Products Corp., Mount Vernon, Ohio: DA-11-009-qm-1362.
Shenango Pottery Co., New Castle, Pa.: DA-11-009-qm-1035.
Shepherd, John C., Charlotte, N. C.: DA-09-026-eng-5122, DA-09-026-eng-5174, DA-09-026-eng-5217, DA-09-026-eng-5223, DA-09-026-eng-5231, DA-09-026-eng-5272, DA-09-026-eng-5352, DA-09-026-eng-5411, DA-09-026-eng-5430, DA-09-026-eng-6496, DA-09-026-eng-6670.
Shepherd Lumber Corp., Montgomery, Ala.: DA-09-026-eng-6704.
Sherman Paper Products Corp., Newton Upper Falls, Mass.: DA-30-280-qm-5273.
Sherrill Terminal Co., Inc., Pensacola, Fla.: ASP 2475.
Shook, Charles H., Inc., Dayton, Ohio: AF 33(038)-15042.
Shubuta Tie & Timber Co., Shubuta, Miss.: DA-09-026-eng-5061, DA-09-026-eng-5071, DA-09-026-eng-5077, DA-09-026-eng-5078, DA-09-026-eng-5080, DA-09-026-eng-5082, DA-09-026-eng-5115, DA-09-026-eng-5147, DA-09-026-eng-5259, DA-09-026-eng-5263, DA-09-026-eng-5341, DA-09-026-eng-6500.
Sight Feed Generator Co., The, West Alexandria, Ohio: DA-11-184-eng-3808.
Sight Light Corporation, The, Deep River, Conn.: N383s-38322.
Signund-Eisner Co., Red Bank, N. J.: AF 33(038)-15002, AF 33(038)-15029.
Signode Steel Strapping Co., Chicago, Ill.: DA-04-493-qm-1753, DA-04-493-qm-1828, DA-04-493-qm-2120, DA-40-121-ord-11.
Siler Mill Co., Seattle, Wash.: DA-04-493-qm-1826.
Silzle, E. A., Corp., Anaheim, Calif.: DA-11-009-qm-1206, DA-11-009-qm-1210.
Simmonds Aerocessories, Inc., Tarrytown, N. Y.: N383s-36064, N383s-36410, AF 33(038)-15049.
Simmons Co., Chicago, Ill.: MPA-30-287-md-2132, MPA-30-287-md-2841.
Simmons, C. J., Sons, Philadelphia, Pa.: DA-11-009-qm-1194.
Simplot, J. R., Co., Caldwell, Idaho: DA-11-009-qm-1107, DA-11-009-qm-1201, DA-11-009-qm-1551, DA-11-009-qm-1617.
Simpson, Mark, Manufacturing Co., Inc., Long Island City, N. Y.: NObs 50563 Amd. No. 1.
Simpson Optical Manufacturing Co., Chicago, Ill.: DA-11-070-ord-1555, DA-36-038-ord-1307.
Sinclair Refining Co., New York, N. Y.: ASP 2425 C. O. No. 4.
Singer Lumber Co., New Orleans, La.: DA-09-026-eng-5434.
Singer Sewing Machine, New York, N. Y.: DA-12-026-qm-1258, DA-30-280-qm-5[illegible], DA-36-030-qm-852, DA-36-030-qm-880, DA-36-030-qm-888, DA-36-030-qm-904.
Sinsheimer & Co., San Francisco, Calif.: DA-11-009-qm-1226.
Skagit Steel & Iron Works, Sedro Woolley, Wash.: N160s-2696, N160s-2795.
Skelton Hotel Supply Co., Dallas, Tex.: AF 41(183)-141, AF 41(183)-158.
Skinner Engine Co., Erie, Pa.: DA-36-[illegible]-tc-1588, DA-36-022-tc-1633, DA-36-022-[illegible]-1677.
Skokie Produce Co., Somers, Wis.: DA-11-009-qm-1949.
Smith Booth Usher Co., Los Angeles, Calif.: N160s-2930.
Smith, Roy, Co., Detroit, Mich.: DA-20-089-ord-2934.
Smith, A. O., Corp., Milwaukee, Wis.: N104s-13597, N104s-13876.
Smith Instrument & Equipment Co., Detroit, Mich.: DA-20-089-ord-1533.
Smith, Kline & French Laboratories, Philadelphia, Pa.: MPA-30-287-md-1969.
Smith, R. J., Lumber Co., Charlotte, N. C.: DA-09-026-eng-5255, DA-09-026-eng-5282
Smith, W. C., Lumber Co., Montgomery, Ala.: DA-09-026-eng-5190, DA-09-026-eng-5266, DA-09-026-eng-5309, DA-09-026-eng-5320, DA-09-026-eng-5456, DA-09-026-eng-5457, DA-09-026-eng-5486, DA-09-026-eng-5487, DA-09-026-eng-5488, DA-09-026-eng-5489, DA-09-026-eng-5490, DA-09-026-eng-5491.
Smucker, J. M., Co., Orrville, Ohio: DA-11-009-qm-2310.
Snare, Frederick, Corp., New York, N. Y.: DA-30-075-eng-1111.
Snell, Foster D., Inc., New York, N. Y.: NOa(s) 51030.
Snively Groves, Inc., Bartow, Fla.: DA-11-009-qm-1428.
Snow-Nabstedt Gear Corp., Hamden, Conn.: N104s-13085, N104s-13183, N104s-13452.
Socony Vacuum Oil Co., Inc., New York, N. Y.: ASP 2436 C. O. No. 3, C. O. No. 7 and C. O. No. 11, ASP 2483, ASP 2680 C. O. No. 5.
Solar Aircraft Co., San Diego, Calif.: AF 33(038)-14730.
Sorensen & Co., Inc., Stamford, Conn.: MPA-30-287-md-2005, AF 33(038)-14277, AF 33(038)-14904.
Soundrive Engine Co., Los Angeles, Calif.: N8nr 70502.
South Chester Tube Co., Chester, Pa.: DA-30-075-eng-1118, N600s-7185.
Southern Dry Kiln, Atlanta, Ga.: DA-09-026-eng-5428, DA-09-026-eng-5432, DA-09-026-eng-6422.
Southern Lumber Co., Warren, Ark.: DA-09-026-eng-5091, DA-09-026-eng-5097.
Southern Lumber Sales Co., Pine Bluff, Ark.: DA-09-026-eng-5103.
Southern Paper Box, Little Rock, Ark.: DA-18-108-cml-982.
Southern Pine Lumber Co., Texarkana, Tex.: DA-09-026-eng-5093, DA-09-026-eng-5142, DA-09-026-eng-5144.
Southern Plywood Co., Greenville, Fla.: DA-09-026-eng-5378.
Southern Shell Fish Co., Harvey, La.: DA-11-009-qm-1665.
Southern States Supply, Columbia, S. C.: DA-38-042-aIII-4.
Southwestern Portland Cement Co., Los Angeles, Calif.: N383s-37542.
Southworth Machine, Portland, Maine: DA-19-020-ord-20.
Southworth Tractor & Machinery Co., Albany, N. Y.: DA-30-127-qm-194.
Sparkman & Stephens, Inc., New York, N. Y.: NObs 2704.
Spazier Soap & Chemical Co., Santa Monica, Calif.: N383s-38245.
Specialties, Inc., Syosset, Long Island, N. Y.: AF 33(038)-14274, AF 33(038)-15856.

Specialty Assembling & Packing Co., Inc., Brooklyn, N. Y.: AF 33(038)-15525, AF 33(038)-15831.
Specialty Battery Co., Madison, Wis.: DA-36-039-sc-4574.
Specialty Steel Wire Co., New York, N. Y.: MPA-30-287-md-1741, MPA-30-287-md-1874.
Spen, Henry, & Co., Inc., Brooklyn, N. Y.: NOm 57385.
Spencer Thermostat Co., Attleboro, Mass.: NOa(s) 11018.
Spencer Turbine Co., Hartford, Conn.: N104s-13346.
Sperry Corp., The, New York, N. Y.—Ford Instrument Co. Division: NOrd 10960. Sperry Gyroscope Co. Division: DA-36-039-sc-4848, NOa(s) 10974, N383s-35771, N383s-36714, W33-038 ac 20438, W33-038 ac 20467 S. A. No. 13, W33-038 ac 22235 C. O. No. 17, AF 33(038)-14519, AF 33(038)-14770, AF 33(038)-14787, AF 33(038)-14794, AF 33(038)-14850, AF 33(038)-14851, AF 33(038)-14868, AF 33(038)-14947, AF 33(038)-15055, AF 33(038)-15636.
Spirling Products, New York, N. Y.: DA-36-039-sc-4857.
Sprague Electric Co., North Adams, Mass.: AF 33(038)-15515.
Spray-Dip Rubber Corp., Buffalo, N. Y.: NOa(s) 12165.
Spreckels Sugar Co., San Francisco, Calif.: DA-30-280-qm-5147, N220s-56507.
Spriesch Tool & Manufacturing Co., Buffalo, N. Y.: N383s-37195.
Springfield Machine Tool Co., The, Springfield, Ohio: N600s-6592, AF 33(038)-15850.
Springfield Tent & Awning Co., Springfield, Ohio: AF 33(038)-15646.
Square D Co., Detroit, Mich.—Kollsman Instrument Division: NOa(s) 51008, AF 33(038)-14847, AF 33(038)-14854, AF 33(038)-14873, AF 33(038)-14874, AF 33(038)-14880, AF 33(038)-14883, AF 33(038)-14894, AF 33(038)-14941, AF 33(038)-15195, AF 33(038)-15761.
Squibb & Sons, E. R., New York, N. Y.: MPA-30-287-md-1533, MPA-30-287-md-1545, MPA-30-287-md-2133, MPA-30-287-md-2267, MPA 30-287-md-2434.
Stamford Metal Specialty Co., Inc., New York, N. Y.: DA-30-069-ord-849.
Standard Brands, Inc., New York, N. Y.: DA-30-260-qm-4815, DA-30-280-qm-4891.
Standard Cable Corp., Chickasha, Okla.: DA-36-039-sc-4785.
Standard Forge & Axle Co., Montgomery, Ala.: DA-11-184-eng-3840.
Standard Oil Co. of California, San Francisco, Calif.: DA-04-197-tc-714, ASP 2291 C. O. No. 3, ASP 2429 C. O. No. 3, C. O. No. 6, C. O. No. 8, C. O. No. 11, C. O. No. 12, C. O. No. 14, and C. O. No. 15, ASP 2775 C. O. No. 4, ASP 2826, ASP 2968.
Standard Oil Co. (Kentucky), Louisville, Ky.: ASP 2264 C. O. No. 8, ASP 2474.
Standard Oil Co. of Indiana, Chicago, Ill.: ASP 2433 C. O. No. 4.
Standard Oil Co. of Ohio, Cleveland, Ohio: ASP 945 C. O. No. 4, ASP 2432 C. O. No. 4.
Standard Pressed Steel Co., Jenkintown, Pa.: N383s-38468, AF 33(038)-15716.
Standard Products Co., Cleveland, Ohio: DA-19-058-ord-1254.
Standard Rolling Mills, Inc., Brooklyn, N. Y.: AF 33(038)-15592.
Standard Science Supply Corp., New York, N. Y.: MPA-30-287-md-2578.
Standard Steel Works, North Kansas City, Mo.: DA-30-144-ord-451.
Standard Wheel Rim, Harrisburg, Pa.: DA-36-605-ord-259.
Standard X-Ray Co., Chicago, Ill.: DA-23-075-md-3544.
Stanley Aviation Corp., Buffalo, N. Y.: N9nr 93102, N9nr 93104.
Stanley & Stolz, Los Angeles, Calif.: N600s-7562.
Star Loose Leaf Co., New York, N. Y.: DA-30-280-qm-5427.
Starr, J. W., & Sons Lumber Co., Atlanta, Ga.: DA-09-026-eng-3315, DA-09-026-eng-5157, DA-09-026-eng-5185, DA-09-026-eng-5207, DA-09-026-eng-5242, DA-09-026-eng-5271, DA-09-026-eng-5329, DA-09-026-eng-5363, DA-09-026-eng-5364, DA-09-026-eng-5446, DA-09-026-eng-6667, DA-09-026-eng-6669.
Stavid Engineering, Inc., Plainfield, N. J.: N140s-17560, N163s-568.
Steel Framing & Building Corp., Los Angeles, Calif.: N160s-2913.
Steel Products Engineering Co., The, Springfield, Ohio: AF 33(038)-14791, AF 33(038)-15607.
Steinberg Bros., Amsterdam, N. Y.: DA-11-009-qm-1800.
Steinthal, M., & Co., Inc., New York, N. Y.: AF 33(038)-15015, AF 33(038)-15028.
Sterling Engine Co., Buffalo, N. Y.: N104s-13536.
Sterling Manufacturing Co., Omaha, Nebr.: DA-11-009-qm-1071.
Sternoff Metals & Iron Works, Seattle, Wash.: DA-45-045-tc-163.
Stevens, J. P., & Co., Inc., New York, N. Y.: DA-28-017-ord-824.
Stewart-Warner Corp., Chicago, Ill.: AF 33(038)-14702, AF 33(038)-15324, AF 33(038)-15949. South Wind Division: DA-20-089-ord-2973, N383s-36573, N383s-38118.
Stile-Craft Manufacturers, Inc., St. Louis, Mo.: W-28-017-ord-1865 S. A. No. 7, DA-23-072-ord-1865.
Stokely-Van Camp, Inc., Indianapolis, Ind.: DA-11-009-qm-1321.
Story Marine Railway, Portland, Maine: DA-36-022-tc-1710.
Stott, Chas. G., & Co., Washington, D. C.: DA-11-009-qm-1655.
Stratos Corp., Farmingdale, Long Island, N. Y.: N383s-36199.
Strong Cobb Co., Inc., Cleveland, Ohio: MPA-30-287-md-1820.
Struthers-Dunn, Inc., Philadelphia, Pa.: DA-11-070-ord-1585, N104s-13055.
Struthers-Wells Corp., Warren, Pa.: DA-30-144-ord-539.
Studebaker Chemical Corp., Elyria, Ohio: N123s-68368, N298s-4698.
Sty Jar Products, Inc., Newark, N. J.: N383s-38617.
Sunbury Wire Rope Manufacturing Co., Sunbury, Pa.: DA-36-022-tc-1680, DA-45-045-tc-219.
Sun Oil Co., Philadelphia, Pa.: ASP 2497.
Sunde & Devers Co., Seattle, Wash.: DA-45-045-tc-156.
Sunlight Chemical Corp., Phillipsdale, R. I.: NOm 57277, NOm 57335, NOm 57358.
Sunset Oil Co., Los Angeles, Calif.: DA-44-109-qm-2248.
Sunshine Biscuits, Inc., Long Island City, N. Y.: DA-04-493-qm-1417, DA-04-493-qm-1598, DA-04-493-qm-1609, DA-04-493-qm-1610, N220s-55362.
Surface Combustion Corp., Toledo, Ohio: AF 33(038)-14701, AF 33(038)-15321.
Surgical Instrument Corp., New York, N. Y.: MPA-30-287-md-1880, MPA-30-287-md-1979, MPA-30-287-md-2566, MPA-30-287-md-2781.
Sutton, D. H., Co., Emeryville, Calif.: DA-04-493-qm-1359.
Sverdrup & Parcel, Inc., St. Louis, Mo.: DA-04-353-eng-364.
Swanson Boat Oar Factory, Albion, Pa.: N383s-38387.
Swanson, C. A., & Sons, Omaha, Nebr.: DA-11-009-qm-2030.
Swartwout Co., The, Cleveland, Ohio: N104s-13417.
Switlik Parachute Co., Inc., Trenton, N. J.: AF 33(038)-15003, AF 33(038)-15018, AF 33(038)-15312.
Sylvania Electric Products Co., Inc., Flushing, Long Island, N. Y.: DA-49-170-sc-38, AF 33(038)-15072, AF 33(038)-15302.
Syracuse Supply Co., Syracuse, N. Y.: DA-30-127-qm-207.
Szekely, O. E., & Associates, Philadelphia, Pa.: NOa(s) 12302, AF 33(038)-15266.
Tabor City Lumber Co., Tabor City, N. C.: DA-09-026-eng-2507, DA-09-026-eng-5043, DA-09-026-eng-5053, DA-09-026-eng-5134, DA-09-026-eng-5137, DA-09-026-eng-5156, DA-09-026-eng-5235, DA-09-026-eng-5236, DA-09-026-eng-5237, DA-09-026-eng-5238, DA-09-026-eng-5256, DA-09-026-eng-5313, DA-09-026-eng-5322, DA-09-026-eng-5419, DA-09-026-eng-5425, DA-09-026-eng-6497, DA-09-026-eng-6499.
Talon, Inc., Meadville, Pa.: NOm 57337.
Tapp, R. W., Lumber Co., Memphis, Tenn.: DA-09-026-eng-5251, DA-09-026-eng-5260, DA-09-026-eng-5261.
Taylor, Chas., Sons Co., The, Cincinnati, Ohio: DA-19-066-ord-518.
Taylor-Winfield Corp., Warren, Ohio: N273s-158.
Tea Garden Products Co., San Francisco, Calif.: DA-11-009-qm-1476, DA-11-009-qm-1485, DA-11-009-qm-2294.
Teague, Walter Dorwin, New York, N. Y.: NOrd 10952.
Tech Porcelain & Chinaware Co., El Centro, Calif.: DA-11-009-qm-1045.
Technicraft Corp., Kansas City, Mo.: N383s-38038.
Technocopy, Inc., New York, N. Y.: NOrd 10986.
Tekni-Craft, Beloit, Wis.: N160s-2951.
Telectro Industries Corp., Long Island City, N. Y.: NOa(s) 12271.
Telegraph Apparatus Co., Chicago, Ill.: DA-36-039-sc-3179.
Telephonics Corp., Huntington, Long Island, N. Y.: NOa(s) 10227, N383s-18743.
Teletype Corp., Chicago, Ill.: DA-36-039-sc-636, DA-36-039-sc-1050, DA-49-170-sc-27.
Templeton, Kenly & Co., Chicago, Ill.: N600s-7819.
Tennant, G. H., Co., Minneapolis, Minn.: N600s-7199.
Tennessee Soap Co., Memphis, Tenn.: DA-30-280-qm-4900.
Ternes, Art, Lumber & Coal Co., Dearborn, Mich.: DA-20-089-ord-2891.
Texas Co., The, New York, N. Y.: ASP 2482.
Texas Engineering & Manufacturing Co., Dallas, Tex.: AF 33(038)-15663.
Texas Long Leaf Lumber Co., New Willard, Tex.: DA-09-026-eng-5129, DA-09-026-eng-5149.
Texas Railway Equipment Co., Houston, Tex.: AF 33(038)-15568.
Thermo-Electric Co., Inc., Fair Lawn, N. J.: AF 33(038)-15284.
Thew Shovel Co., The, Lorain, Ohio: DA-11-184-eng-3665, DA-11-184-eng-3733, DA-11-184-eng-3775.
Thiokol Corp., Trenton, N. J.: N383s-38331 I. I.
Thompson, H. I., Co., The, Los Angeles, Calif.: AF 33(038)-15496.
Thompson Products, Inc., Cleveland, Ohio: N383s-36060, N383s-36062, N383s-37207, N383s-37832, AF 33(038)-14736.
Thrall Car Manufacturing Co., Chicago, Ill.: DA-49-074-tc-114.
Tidewater Associated Oil Co., New York, N. Y.: ASP 2423 C. O. No. 1.
Tidewater Stevedoring Corp., New York, N. Y.: DA-30-182-tc-2905.
Tiedemann & McMorran, Inc., San Francisco, Calif.: DA-04-493-qm-1544, DA-04-493-qm-1647, DA-11-009-qm-1218, N220s-55745, N220s-56405.
Timber Structures, Inc., Portland, Oreg.: DA-11-184-eng-3592.
Timken Roller Bearing Co., The, Canton, Ohio: DA-20-089-ord-2885, DA-20-089-ord-4046, DA-30-144-ord-391, DA-33-079-ord-229, AF 33(038)-15530, AF 33(038)-15628.
Tison Bros., Los Angeles, Calif.: AF 33(038)-14705.
Titeflex, Inc., Newark, N. J.: W33-038 ac 22324, AF 33(038)-991, AF 33(038)-14977, AF 33(038)-15069, AF 33(038)-15272.
Todd Shipyards Corp., New York, N. Y.: W-45-045-tc-167, W-45-045-tc-175, W-45-045-tc-177, DA-04-197-tc-891, DA-04-197-tc-2901, DA-30-222-tc-63, NOm 57313.
Toll & Henson Co., Detroit, Mich.: AF 33(038)-15315.
Torit Manufacturing Co., St. Paul, Minn.: MPA-30-287-md-1859.

Tracerlab, Inc., Boston, Mass.: N220s–55366, AF 4(171)–151.

Transco Products, Inc., Los Angeles, Calif.: N383s–37502.

Transmitter Equipment Manufacturing Co., Inc., New York, N. Y.: AF 33(038)–16198, AF 41(157)–50.

Trinity Testing Laboratories, Inc., Corpus Christi, Tex.: NOy 21944.

Triple A Machine Shop, San Francisco, Calif.: DA–04–197–tc–275.

Triple E Manufacturing Co., Marion, Iowa: DA–11–070–ord–1665.

Triplex Corp. of America, Pueblo, Colo.: DA–11–171–ord–104.

Tri-State Engineering Co., Washington, Pa.: NOm56770.

Troemmer, Henry, Philadelphia, Pa.: MPA–30–287–md–1634.

Troy Engine & Machine Co., Troy, Pa.: N104s–13254 and L. I.

Tung-Sol Lamp Works, Inc., Newark, N. J.: DA–36–039–sc–7293.

Tube Distributors Co., Inc., Brooklyn, N. Y.: DA–30–144–ord–387.

Tulsa Aircraft Parts Co., Tulsa, Okla.: AF 33(038)–15793.

Tumpane Co., Inc., Long Island City, N. Y.: AF 33(038)–14501, AF 33(038)–14503.

Turco Products, Inc., Los Angeles, Calif.: N383s–37096, N383s–37867.

Turn Signal Corp., Philadelphia, Pa.: DA–11–184–eng–3940.

Twin Disc Clutch Co., Racine, Wis.: N104s–13648.

Unexcelled Chemical Corp., New York, N. Y.: DA–28–017–ord–949.

Union Carbide & Carbon Corp., New York, N. Y.: DA–36–039–sc–4796, DA–36–039–sc–4877. Carbide & Carbon Chemicals Division: N383s–37433, AF 33(038)–15276. Bakelite Division: N189s–76190. Linde Air Products Co. Division: NOa(s) 10945, N220s–55528, AF 33(038)–15628. Haynes Stellite Co. Division: DA–11–070–ord–1575, MPA–30–287–md–2259.

Union Dental Co., Philadelphia, Pa.: MPA–30–287–md–1949.

Union Oil Co. of Calif., Los Angeles, Calif.: ASP 2496 C. O. No. 1, C. O. No. 2 and C. O. No. 4, ASP 3081, DA–44–109–qm–238.

Union Spring & Manufacturing Co., New Kensington, Pa.: DA–11–070–ord–1757, DA–19–066–ord–269.

Union Steam Pump Co., Battle Creek, Mich.: N104s–13255 and L. I., N104s–13261 and L. I., N104s–13264 and L. I.

Union Twist Drill Co., Athol, Mass.: DA–30–144–ord–56191.

Union Wire Rope Corp., Kansas City, Mo.: DA–45–045–tc–218.

United Aircraft Corp., East Hartford, Conn.—Chance Vought Division: NOa(s) 9450 Amd. No. 15, NOa(s) 10484 and L. I., NOa(s) 12035, N383s–36194, N383s–36355, N383s–37545. Hamilton Standard Propeller Division: AF 33(033)–14971. Pratt & Whitney Aircraft Division: N383s–32096, W33–038 ac 18662 S. A. No. 6. Sikorsky Aircraft Division: NOa(s) 10989, NOa(s) 12144 L. I., AF 33(038)–14752, AF 33(038)–14753, AF 33(038)–14807, AF 33(038)–15935.

United Aircraft Products, Inc., Dayton, Ohio: AF 33(038)–14715, AF 33(038)–15094.

United Can Co., Inc., New Village, N. J.: DA–28–017–ord–892.

United Container Co., Philadelphia, Pa.: DA–11–009–qm–1666.

United Electric Controls Co., Watertown, Mass.: N123s–1055.

U. S. Electric Manufacturing Corp., New York, N. Y.: DA–36–039–sc–4873.

U. S. Fiber & Plastics Corp., Sterling, N. J.: AF 33(038)–15470.

U. S. Industrial Chemicals, Inc., New York, N. Y.: MPA–30–287–md–1758, MPA–30–287–md–1842, AF 33(038)–15277.

U. S. Safety Service Co., Kansas City, Mo.: DA–11–009–qm–1406.

United States Lines Co., New York, N. Y.: DA–30–182–tc–3942.

United States Plywood Corp., New York, N. Y.: DA–29–044–mw–86, NOy 21267.

United States Rubber Co., New York, N. Y.: DA–36–039–sc–15, DA–36–039–sc–4866, MPA–30–287–md–1670, N383s–13715, AF 33(038)–14728, AF 33(038)–15131, AF 33(038)–15141, AF 33(038)–15876. General Products Division: NOm 57060. Mechanical Goods Division: NObs 53008, N383s–37174. Naugatuck Chemical Division: NOrd 10898, NOrd 10947.

United States Steel Export Co., New York, N. Y.: DA–30–075–eng–976, N600s–8190.

U. S. Wire & Cable Corp., Newark, N. J.: DA–36–039–sc–4792.

United Surgical Supplies Co., New York, N. Y.: DA–30–298–md–2297.

United Transformer Corp., New York, N. Y.: N104s–13598.

United Truck Sales Co., Kansas City, Mo.: DA–41–117–ord–452.

Universal Camera Corp., New York, N. Y.: DA–36–038–ord–1284.

Universal Pad Tablet, Newark, N. J.: DA–30–280–qm–5572.

Universal Recorders, Inc., Hollywood, Calif.: NOm 57309.

Upjohn Co., The, Kalamazoo, Mich.: MPA–30–287–md–2367, MPA–30–287–md–2600.

Upson-Walton Co., The, Cleveland, Ohio: DA–36–022–tc–1705.

Utah-Idaho Sugar Co., Salt Lake City, Utah: DA–30–280–qm–4915, DA–30–280–qm–5185.

Utility Electronics Corp., Newark, N. J.: DA–36–039–sc–4016, DA–36–039–sc–4862, DA–36–039–sc–6610.

Vacu-Blast Co., Inc., San Mateo, Calif.: DA–01–002–ord–67, N104s–13418.

Valentine Welder & Mfg. Co., Detroit, Mich.: NOa(s) 12306.

Van Erode Milling Co., Inc., Clinton, Mass.: DA–04–493–qm–1563, DA–04–493–qm–1564.

Van Dorn Electric Tool Co., Towson, Md.: DA–11–184–eng–3688.

Van Zelm Associates, Baltimore, Md.: NOa(s) 12244.

Vanant Products, Inc., Tomah, Wis.: AF 33(038)–15283.

Vanity Fair Mills, Inc., Reading, Pa.: AF 33(038)–15684.

Varo Manufacturing Co., Inc., Garland, Tex.: AF 33(038)–14905.

Vaughan, E. E., San Rafael, Calif.: DA–04–210–md–107, DA–04–210–md–103.

Vendo Co., Kansas City, Mo.: AF 33(038)–14759.

Vestal Lumber & Manufacturing Co., Knoxville, Tenn.: DA–09–026–eng–5409.

Vibradamp Corp., Los Angeles, Calif.: N123s–64692.

Vibration Specialty Co., Philadelphia, Pa.: NObs 59161 L. I.

Vickers, Inc., Detroit, Mich.: DA–33–038–ord–44, NOa(s) 12195, N104s–13109, N156s–27239 L. I., N383s–37682.

Waterbury Tool Division: NOrd 10701 Amd. No. 3.

Victoreen Instrument Co., Cleveland, Ohio: N173s–15490.

Victory Apparel Manufacturing Co., Newark, N. J.: N383s–36638.

Victory Plastics Co., Hudson, Mass.: DA–19–020–ord–6501.

Viking Manufacturing Corp., Cleveland, Ohio: N160s–2965.

Viking Pump Co., Cedar Falls, Iowa: DA–36–022–tc–2002.

Virginia Tractor Co., Richmond, Va.: DA–44–008–eng–8.

Vitarine Co., Inc., New York, N. Y.: MPA–30–287–md–1537, MPA–30–287–md–1563, MPA–30–287–md–2683.

W & R Manufacturing Co., New York, N. Y.: DA–36–039–sc–7340.

Waco Aircraft Co., The, Troy, Ohio: AF 33(038)–15011.

Wagner & Niehaus, San Francisco, Calif.: DA–04–197–tc–17, DA–04–197–tc–277, DA–04–197–tc–3277.

Wagner, Ferd, Co., The, Cincinnati, Ohio: AF 33(038)–15879.

Wagner Electric Corp., St. Louis, Mo.: DA–11–184–eng–3946, N52m–25321.

Wahfeld Manufacturing Co., Peoria, Ill.: DA–11–184–eng–3610, DA–11–184–eng–4188.

Waldorf Instrument Corp., New York, N. Y.: N140s–17653.

Wallace Press, The, Chicago, Ill.: DA–33–031–qm–2999.

Wallace & Tiernan Co., Inc., Newark, N. J.: DA–18–108–cml–233, DA–28–043–sc–202, DA–28–043–sc–216, MPA–30–287–md–1519, MPA–30–287–md–1895, MPA–30–287–md–1920, MPA–30–287–md–2735, NOm 57281.

Wallace & Tiernan Products, Inc., Belleville, N. J.: N6nr 25704, N383s–38206.

Walls, L. W., Co., New Castle, Del.: AF 7(019)–7.

Waltham Watch Co., Waltham, Mass.: DA–36–038–ord–1148.

Wander Co., The, Chicago, Ill.: DA–11–009–qm–1579.

Ward Leonard Electric Co., Mt. Vernon, N. Y.: DA–36–039–sc–1220.

Warner News, Inc., New York, N. Y.: DA–30–006–sc–3420.

Warner & Swasey Co., The, Cleveland, Ohio: DA–20–089–ord–4027.

Warren, J. M., Co., Troy, N. Y.: DA–30–144–ord–500.

Washington Fish & Oyster Co., Inc., Seattle, Wash.: DA–04–493–qm–1908.

Waterbury Co's, Inc., Waterbury, Conn.: DA–28–017–ord–736.

Waterman Products Co., Inc., Philadelphia, Pa.: N383s–35448.

Waterous Co., St. Paul, Minn.: N104s–13102.

Watson Automotive Equipment Co., Washington, D. C.: DA–49–074–tc–110.

Watson Elevator Co., Inc., New York, N. Y.: N9nr 90803.

Waukesha Motor Co., Waukesha, Wis.: DA–30–280–qm–5162.

Wayne Aluminum Foundry & Machinery Co., Wayne, Mich.: DA–20–089–ord–3011.

Wayne County Produce Co., Brooklyn, N. Y.: DA–11–009–qm–1265.

Weatherhead Co., The, Cleveland, Ohio: AF 33(038)–15759.

Weber Show Case & Fixture Co., Los Angeles, Calif.: N160s–2732, AF 33(038)–14225, AF 33(038)–15692.

Webster-Chicago Corp., Chicago, Ill.: AF 33(038)–15485.

Week, Edward & Co., Inc., New York, N. Y.: MPA–30–287–md–1535, MPA–30–287–md–1978, MPA–30–287–md–2738, MPA–30–287–md–2939.

Weeks-Howe-Emerson Co., San Francisco, Calif.: DA–04–197–tc–700, DA–04–197–tc–754.

Weil, J. H., & Co., Philadelphia, Pa.: DA–30–075–eng–1148.

Weinberg Bros. Co., Pease, Minn.: DA–11–009–qm–1558, DA–11–009–qm–1664.

Welch, W. M., Manufacturing Co., Chicago, Ill.: N104s–13571.

Weldert Canning Co., Tyler, Tex.: DA–01–197–tc–245.

Weldon Tool Co., The, Cleveland, Ohio: DA–30–144–ord–501, AF 33(038)–15785.

Welles, Carder, Associates, Ltd., San Francisco, Calif.: N220s–55783, N220s–56421.

Wellington Sears Co., New York, N. Y.: N140s–17876, N140s–17977, N140s–17978.

Wellman Peck & Co., San Francisco, Calif.: N220s–55820.

Wells, J. W., Lumber Co., Montgomery, Ala.: DA–09–026–eng–5153, DA–09–026–eng–5212, DA–09–026–eng–5362, DA–09–026–eng–5468, DA–09–026–eng–5469, DA–09–026–eng–5471, DA–09–026–eng–5473, DA–09–026–eng–5474.

Wells-Oates Lumber Co., New Bern, N. C.: DA–09–026–eng–2648, DA–09–026–eng–3300, DA–09–026–eng–3301, DA–09–026–eng–3302, DA–09–026–eng–5171, DA–09–026–eng–5326, DA–09–026–eng–6480.

Welsh & Associates, Washington, D. C.: DA–44–008–mi–34.

Wendel, Rudolf, Inc., New York, N. Y.: DA–30–069–ord–60.

Wepco-Equipment Co., Cleveland, Ohio: DA–33–062–eng–31.

Weschler, Maurice E., Washington, D. C.: NOy 21986.

Wesson Oil & Snowdrift Co., Inc., New Orleans, La.: DA–11–009–qm–1217.

West Coast Terminals, Inc., San Francisco, Calif.: DA–04–197–tc–177, DA–04–197–tc–234, DA–04–197–tc–238, DA–04–197–tc–245, DA–04–197–tc–254, DA–04–197–tc–255, DA–04–197–tc–258, DA–04–197–tc–259, DA–04–197–tc–260, DA–04–197–tc–261, DA–04–197–tc–263, DA–04–197–tc–265, DA–04–197–tc–266, DA–04–197–tc–268, DA–04–197–tc–275, DA–04–197–tc–276, DA–04–197–tc–284, DA–04–197–tc–285, DA–04–197–tc–288, DA–04–197–tc–305.

West Coast Wood Preserving Co., Seattle, Wash.: DA–45–108–eng–510.

West Winds, Inc., San Francisco, Calif.: DA–04–197–tc–2861.

Westcraft Manufacturing Co., Burbank, Calif.: N160s–3012.

Western Boat Building Co., Tacoma, Wash.: DA–45–045–tc–166.

Western Crate & Lumber Co., Ogden, Utah: DA–18–108–cml–995.

Western Electric Co., Inc., New York, N. Y.: DA–30–069–ord–3182, DA–36–039–sc–713, DA–36–039–sc–893, DA–36–039–sc–894, DA–36–039–sc–4682, DA–36–039–sc–4683, DA–36–039–sc–4684, DA–36–039–sc–4685, DA–36–039–sc–7009, NOa(s) 11090, NOa(s) 12161 L. I., NOm 57396, NOrd 10936, N123s–67372, N126s–7622, N126s–7811, N126s–7896, N126s–7992, N126s–8206, N126s–8550, N140s–17792, N140s–17938, N421s–1506, W33–038 ac 21292, AF 33(038)–14798, AF 33(038)–14983, AF 33(038)–15424, AF 33(038)–15536, AF 33(038)–15613, AF 33(038)–15722, AF 33(038)–15861, AF 33(038)–16053.

Western Electrochemical Co., Culver City, Calif.: DA–36–039–sc–716.

Western Products, Inc., Newark, Ohio: AF 33(038)–15596.

Western Gear Works, Seattle, Wash.: N383s–37694.

Western Lumber Co. of San Diego, San Diego, Calif.: N52m 25253, N52m 25307, N123s–68193.

Western Paper Products Co., Salt Lake City, Utah: DA–11–009–qm–1722.

Westerville Creamery, Covington, Ohio: DA–11–009–qm–1587.

Westholt Manufacturing, Inc., Wichita, Kans.: AF 33(038)–15006.

Westinghouse Electric Corp., Pittsburgh, Pa.: DA–01–021–ord–633, DA–04–210–md–119, DA–11–070–ord–1616, DA–30–075–eng–1104, MPA–30–287–md–1608, MPA–30–287–md–2010, NOa(s) 9670 Amd. No. 6, NOa(s) 12001, NOa(s) 12068, NOa(s) 12166, NObs 59140 L. I., N104s–13087, N104s–13272 L. I., N104s–13984 L. I., N126s–7563, N126s–7926, N126s–8153, N126s–8332, N383s–31269 Amd. No. 2, N383s–35336, N421s–1504, W33–038 ac 20103 S. A. No. 5, AF 33(038)–14815, AF 33(038)–14836, AF 33(038)–14897, AF 33(038)–15299, AF 33(038)–15583, AF 33(038)–15895.

Westinghouse Electric Supply Co., New York, N. Y.: AF 5(018)–81.

Weston Biscuit Co., Passaic, N. J.: DA–04–493–qm–1453.

Weston Electrical Instrument Corp., Newark, N. J.: MPA–30–287–md–2325, N383s–36561, N383s–38144, AF 33(038)–14853, AF 33(038)–14865, AF 33(038)–14936, AF 33(038)–15727.

Wheeling Steel Corp., Wheeling, W. Va.: N600s–8184.

Whipple Co., The, Natick, Mass.: DA–11–009–qm–1823.

White, David, Co., Milwaukee, Wis.: DA–11–184–eng–3618.

White, S. S., Dental Manufacturing Co., The, Philadelphia, Pa.: MPA–30–287–md–1948, MPA–30–287–md–2394, MPA–30–287–md–2426.

Whitehall Cement Manufacturing Co., Philadelphia, Pa.: DA–30–075–eng–984.

Whitehall Pharmacal Co., New York, N. Y.: MPA–30–287–md–1841.

Whiting Bros., Holbrook, Ariz.: DA–09–026–eng–5227.

Whiting, Wm. H., & Co., Baltimore, Md.: DA–36–022–tc–1753, DA–36–022–tc–1780.

Whitney & Co., Seattle, Wash.: DA–04–493–qm–1918, DA–04–493–qm–1919.

Whitney-Hanson Industries, Inc., The, Hartford, Conn.—Hanson Whitney Machine Co. Division: DA–19–058–ord–1431.

Whittaker, Wm. R., Co., Ltd., Los Angeles, Calif.: AF 33(038)–14739. Saval Division: AF 33(038)–14813, AF 33(038)–15171, AF 33(038)–15534.

Whiz Fish Products Co., Seattle, Wash.: DA–04–493–qm–1916.

Wickland Manufacturing Co., Pasadena, Calif.: AF 33(038)–14703, AF 33(038)–15125.

Wilber & Son, San Francisco, Calif.: N52m 25277, N383s–36637.

Wilcox Crittenden & Co., Inc., Middletown, Conn.: DA–36–022–tc–1707, N123s–68131.

Wild, Henry, Surveying Instruments Supply Co. of America, Inc., Brooklyn, N. Y.: AF 33(038)–15089.

Wilding Picture Productions, Inc., Chicago, Ill.: NOnr 11600.

Willard Storage Battery Co., Cleveland, Ohio: DA–11–184–eng–3606, DA–11–184–eng–3820, DA–11–184–eng–4116.

Williams & McKeithan Lumber Co., Lynchburg, Va.: DA–09–026–eng–5031, DA–09–026–eng–5216, DA–09–026–eng–5384, DA–09–026–eng–6469, DA–09–026–eng–6470, DA–09–026–eng–6471.

Williams Sales Co., High Point, N. C.: DA–09–026–eng–5038, DA–09–026–eng–5493, DA–09–026–eng–6672.

Williams & Wells Co., The, New York, N. Y.: DA–36–022–tc–1696.

Wilson, Thomas C., Inc., Long Island City, N. Y.: N104s–13908.

Wilson & Co., Inc., Chicago, Ill.: DA–11–009–qm–1216, DA–11–009–qm–1257, DA–11–099–qm–1902, DA–11–009–qm–2325.

Wilson, W. S., Corp., New York, N. Y.: DA–30–075–eng–1066.

Winter Park Laboratory, Winter Park, Colo.: DA–05–021–cml–104.

Winthrop-Stearns, Inc., New York, N. Y.: MPA–30–287–md–1472, MPA–30–287–md–1498, MPA–30–287–md–1505, MPA–30–287–md–1517, MPA–30–287–md–1547, MPA–30–287–md–1628.

Winzen Research, Inc., South St. Paul, Minn.: NOa(s) 12003.

Wittek Manufacturing Co., Chicago, Ill.: AF 33(038)–211.

Witte-O Flying, Inc., Tacoma, Wash.: AF 45(011)–59.

Wood Canning Co., Stockton, Calif.: DA–11–009–qm–2326.

Wood, Gar, Industries, Inc., Wayne, Mich.: DA–11–184–eng–3916.

Wood Lumber Co., Birmingham, Ala.: DA–09–026–eng–3311, DA–09–026–eng–3313, DA–09–026–eng–5023, DA–09–026–eng–5158, DA–09–026–eng–5179, DA–09–023–eng–5333, DA–09–026–eng–5376, DA–09–026–eng–5439.

Woodward Governor Co., Rockford, Ill.: N104s–13622.

Woodward Wight Co., Ltd., New Orleans, La.: AF 22(002)–125.

Worthington Pump & Machinery Corp., Harrison, N. J.: N160s–2669, N406s–27076, N406s–27082.

Wyatt, J. E. Petroleum Marketer, Kansas City, Mo.: ASP 2790 C. O. No. 4.

Wyckoff Steel Co., Pittsburgh, Pa.: N600s–8167.

Wyeth, Inc., Philadelphia, Pa.: MPA–30–287–md–1956.

Xzit Chemical Co., Hoboken, N. J.: M383s–37815.

Yankee Oil Co., Omaha, Nebr.: ASP 2471.

Yardney Electric Corp., New York, N. Y.: DA–28–043–sc–6019, NOa(s) 12032.

Yarnall-Waring Co., Philadelphia, Pa.: N104s–13448.

Yates-American Machine Co., Beloit, Wis.: DA–11–184–eng–3931.

Yellow Pine Laboratory Co., Chipley, Fla.: DA–09–026–eng–5134, DA–09–026–eng–5373.

Yoh, H. L., Co., Philadelphia, Pa.: DA–36–038–ord–37, DA–36–038–ord–233 DA–36–038–ord–687, DA–44–109–qm–270, N600s–8132 L. I.

York Band Instrument Co., Grand Rapids, Mich.: AF 33(038)–15063.

York Corp., York, Pa.: DA–36–022–tc–2567, N160s–2889, N160s–2928.

Yosemite Park & Curry Co., Yosemite National Park, Calif.: N220s–56002.

Young, Richard E., Rockville Centre, N. Y.: AF 33(038)–15104.

Zellerbach Paper Co., San Francisco, Calif.: DA–04–203–eng–571.

Ziegler Steel Service Co., Los Angeles, Calif.: AF 4(171)–141.

[F. R. Doc. 51–1524; Filed, Feb. 7, 1951; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 26, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Sacramento, California, land district, embracing approximately 80 acres,

California Small Tract Classification No. 251 for Lease and Sale for homesites only, T. 27 S., R. 33 E., M. D. M., Sec. 5, S½SW¼.

The land is situated in Kern County, California, about 45 miles northeast of Bakersfield, California. The nearest town is Isabella, California. The land can be reached over State Highway 178. Most community services are available in the nearby town of Isabella. The area is one that is used extensively for recreational purposes and homesites are in demand.

2. As to applications regularly filed prior to 8:30 a. m., November 16, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10 a. m., March 30, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10 a. m., March 30, 1951, to close of business on June 28, 1951.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., November 16, 1948, to 10 a. m., March 30, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10 a. m., June 29, 1951.

(a) Advance period for simultaneous non-preference filings from 8:30 a. m., November 16, 1948, to 10 a. m., June 29, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly h.s honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet.

7. Leases will be for a period of three years at an annual rental of $5 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

8. Tracts will be subject to existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-1939; Filed, Feb. 7, 1951; 8:45 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 26, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 125.71 acres,

California Small Tract Classification No. 252 For Lease and Sale for homesites only,
T. 3 S., R. 5 E., S. B. M.,
Sec. 30, Tracts numbered 3 to 26, both inclusive (formerly S½ Lot 1 of NW¼ and Lot 2 of NW¼).

The land is situated in Riverside County, California, about 5 miles from the City of Palm Springs, California. The area is one that is used extensively for health and recreational purposes. The land can be reached from U. S. Highway 70-99. The small town of Whitewater, California, is approximately 10 miles from the land. Palm Springs is the closest town that can furnish all of the usual community services.

2. As to applications regularly filed prior to 3:05 p. m., April 12, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10 a. m., March 30, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10 a. m., March 30, 1951, to close of business on June 28, 1951.

(b) Advance period for veterans' simultaneous filings from 3:05 p. m., April 12, 1948, to 10 a. m., March 30, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10 a. m., June 29, 1951.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m., April 12, 1948, to 10 a. m., June 29, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $75 per tract, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to existing rights-of-way for electrical transmission lines and pipe lines.

They will also be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51-1940; Filed, Feb. 7, 1951; 8:45 a. m.]

[35603 et al.]

ALASKA

NOTICE OF FILING OF PLATS OF SURVEY

FEBRUARY 2, 1951.

Notice is given that the plats of original surveys of the following described lands, accepted July 1 and August 17, 1948, January 31 and May 16, 1949, will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m., on the 35th day after the date of this notice:

U. S. Survey No. 2718, Lots 1, 2, 3, 4, area 11.48 acres, on the westerly side Alaska Highway at the Alaska-Canada boundary line.

U. S. Survey No. 2770, Lots 1, 2, 3, 4, area 4.99 acres, on easterly side Richardson Highway at junction of Alaska and Richardson Highways at Buffalo Center.

U. S. Survey No. 2771, Lots 1, 2, 3, area 3.83 acres, on the easterly side Richardson Highway north of Alaska and Richardson Highways Junction at Buffalo Center.

U. S. Survey No. 2772, Lots 1, 2, 3, 4, area 4.89 acres, on the easterly side Richardson Highway north of Alaska and Richardson Highways Junction at Buffalo Center.

U. S. Survey No. 2773, Lots 1, 2, 3, 4, area 5.00 acres, on the easterly side Richardson Highway, ½ mile north of the junction, Alaska and Richardson Highways at Buffalo Center.

U. S. Survey No. 2774, Lots 1, 2, 3, 4, area 5.20 acres, between the westerly side Richardson Highway and east bank Delta River, ¼ mile north of Alaska and Richardson Highways Junction at Buffalo Center.

U. S. Survey No. 2775, Lots 1, 2, 3, 4, area 5.00 acres, on the northeasterly side Alaska Highway, ⅛ mile southeasterly from Alaska and Richardson Highways Junction at Buffalo Center.

U. S. Survey No. 2776, Lots 1, 2, 3, 4, area 5.00 acres, on the northeasterly side of the Alaska Highway, ¾ mile southeasterly from Alaska and Richardson Highways Junction at Buffalo Center.

U. S. Survey No. 2779, Lots 1, 2, 3, area 7.33 acres, on the northerly side Alaska Highway at mile 1292 and about 600 feet northeast of Midway Lake.

U. S. Survey No. 2780, Lots 1, 2, 3, area 7.50 acres, on the westerly side Alaska Highway at mile 1351.75.

U. S. Survey No. 2782, Lots 1, 2, area 5.00 acres, on the northerly side Alaska Highway at junction of northway airport road and Alaska Highway at mile 1265.

U. S. Survey No. 2783, Lots 1, 2, 3, area 5.00 acres, on the westerly side Alaska Highway near the Alaska-Canada border.

U. S. Survey 2784, Lots 1, 2, area 5.00 acres, on the westerly side Alaska Highway at mile 1257.4.

U. S. Survey No. 2785, Lots 1, 2, 3, area 7.50 acres, on the westerly side Alaska Highway at mile 1257.2.

U. S. Survey No. 2786, Lots 1, 2, area 6.30 acres, on the west side of the Alaska Highway at mile 1248.

U. S. Survey No. 2787, Lots 1, 2, 3, 4, R. O. W., 5 and 6, area 8.26 acres, on south side Alaska Highway ¼ mile east of the Slana-Tok and Alaska Highway Junction.

U. S. Survey No. 2820, Lots 1, 2, 3, 4, R. O. W., 5 and 6, area 8.26 acres, on the southerly side Alaska Highway at mile 1345.25.

U. S. Survey No. 2821, Lots 1, 2, 3, area 7.50 acres, on the easterly side Alaska Highway at mile 1387.85.

U. S. Survey No. 2822, Lots 1, 2, 3, area 7.39 acres, on north side Berry Creek and southeasterly side Alaska Highway at mile 1377.15.

The areas described aggregate 120.43 acres.

All of the lands described were withdrawn subject to valid existing rights, by Public Land Order No. 386 of July 31, 1947, from all forms of appropriation under the public-land laws, including mining and mineral leasing laws, for classification.

In view thereof, the described lands will not be subject to disposition under the general public land laws by reason of the official filing of these plats.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-1935; Filed, Feb. 7, 1951; 8:45 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 697[1] WITHDRAWING PUBLIC LANDS FOR NATIONAL DEFENSE PURPOSES; REVOKING PUBLIC LAND ORDER 538 OF DECEMBER 16, 1948

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 2, 1951.

[F. R. Doc. 51-1942; Filed, Feb. 7, 1951; 8:46 a. m.]

[1] See Title 43, Chapter I Appendix, *supra.*

Office of the Secretary

OIL AND GAS OPERATIONS IN THE SUBMERGED COASTAL LANDS OF THE GULF OF MEXICO

This supplements part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835).

Persons conducting oil and gas operations in accordance with part II of the notice dated December 11, 1950, are hereby authorized to continue such operations for a period of 30 days after the expiration of the 60-day period mentioned in subdivision (1) of the first paragraph of part II. This supplementary authorization is subject to the conditions prescribed in part II.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 2, 1951.

[F. R. Doc. 51-1938; Filed, Feb. 7, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

DOMESTIC QUARANTINE

NOTICE OF PUBLIC HEARING

Notice of public hearing to consider the advisability of (1) prohibiting or restricting the movement of certain plants and plant products from the Virgin Islands of the United States to other parts of the United States, and (2) modifying by making more stringent or less stringent, or lifting, certain quarantines governing the domestic movement of plants and plant products from the territories, possessions and districts of the United States.

Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), notice is hereby given that the Secretary of Agriculture is considering the advisability of (1) prohibiting or restricting the movement of certain plants and plant products from the Virgin Islands of the United States to other parts of the United States, and (2) modifying, by making more stringent, or less stringent, or lifting, certain quarantines governing the domestic movement of plants and plant products from the territories, possessions, and districts of the United States. The specific quarantines, orders, and regulations are listed and described hereinafter.

The Plant Quarantine Act was formerly not thought to be applicable in the Virgin Islands of the United States, and, hence, plant material arriving in other parts of the United States from those islands was regarded as if it were of foreign origin and subject to the provisions of the foreign plant quarantines. The U. S. Virgin Islands are now considered to be a "district" of the United States within the meaning of the Plant Quarantine Act. Consequently, there is at present no Federal plant quarantine regulation of the movement of any plants or plant products of the Virgin Islands of the United States to Puerto Rico or to the mainland of this country. This creates a gap in the national program of plant quarantine protection of this country.

In some respects the diseases and insect pests of plants in the Virgin Islands are similar to those occurring in Puerto Rico. There are various plant quarantines prohibiting or restricting the movement to the mainland of certain plants and plant products of Puerto Rico. In the absence of Federal plant quarantines applying to the plants and plant products of the Virgin Islands moving to Puerto Rico, that Island can only derive protection against pests which do not occur there by enforcing such Insular plant quarantines as may be applicable.

At the present time the federal plant quarantines regulating the domestic movement of Puerto Rican plant material are those covering fruits and vegetables, sugarcane and bagasse, banana plants, cotton, cottonseed, and cottonseed products, and sand, soil, or earth with plants. Some of the pests attacking these products in Puerto Rico do not occur on the mainland of the United States and possibly some could not survive if transported here because of their tropical nature; other pests of Puerto Rico may have but limited distribution on the mainland.

It therefore becomes necessary to review the need for controlled movement of plants and plant products of the Virgin Islands to give protection to other parts of the United States as well as to reconsider the current plant quarantines governing like movement of Puerto Rican plants and plant products. (It is planned in other rule making procedures to consider the advisability of establishing foreign plant quarantine protection in the Virgin Islands, to review the restrictions on the movement of Puerto Rican cotton and cotton products and the advisability of extending them to include the Virgin Islands, and to review the need for the Banana Plant Quarantines).

Without limiting the scope of the practices and procedures requiring consideration, particular attention should be directed to the following matters:

1. The advisability of revoking, or of continuing without modification, or of modification to make more stringent or

less stringent, the following plant quarantines applying to plants and plant products of Puerto Rico.

No. 16. *Sugarcane.* Revised, effective January 1, 1935 (7 CFR 301.16). This quarantine prohibits the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States of canes of sugarcane, or cuttings or parts thereof, sugarcane leaves, and bagasse, on account of certain injurious insects and diseases of sugarcane, except that movement is allowed under permit of specific materials on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the Department, their movement will involve no pest risk.

No. 30. *Sweetpotato.* Revised, effective October 10, 1934 (7 CFR 301.30). This quarantine prohibits the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State or District of the United States of any variety of sweetpotato (Ipomoea batatas Poir.), on account of the sweetpotato stem borer (Omphisa anastomosalis Guen.) and the sweetpotato scarabee (Euscepes batatae Waterh.).

No. 53. *Fruits and vegetables.* Revised, effective January 22, 1941 (7 CFR 301.53). The quarantine prohibits, except as provided in the supplemental regulations, the movement from Puerto Rico into or through any other Territory, State, or District of the United States of all fruits and vegetables in the raw or unprocessed state, on account of certain injurious insects, including the fruitflies Anastrepha suspensa (Loew) and A. mombinpraeoptans Sein, and the bean-pod borer Maruca testulalis (Geyer).

No. 60. *Sand, soil, or earth with plants.* Revised, effective September 1, 1936 (7 CFR 301.60). This quarantine prohibits the movement from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States of sand (other than clean ocean sand), soil, or earth around the roots of plants to prevent the spread of certain injurious insects, including Phyllophaga spp. (white grubs), Phytalus sp., Adoretus sp., and of several species of termites or white ants.

2. The advisability of amending the following quarantines to cover plants and plant products of the Virgin Islands and thereby afford protection to other parts of the United States, as follows:

No. 16. *Sugarcane.* (7 CFR 301.16) To be made applicable to sugarcane and bagasse of the Virgin Islands, this quarantine would need amendment.

No. 30. *Sweetpotato.* (7 CFR 301.30) To be made applicable to sweetpotato of the Virgin Islands, this quarantine would need amendment. Consideration should be given to the desirability of so amending the quarantine as to permit movement of sweetpotatoes between Puerto Rico and the Virgin Islands.

No. 58. *Fruits and vegetables.* (7 CFR 301.58) To be made applicable to fruits and vegetables of the Virgin Islands this quarantine would need amendment. Consideration should be given to the desirability of so amending the quarantine as to omit any unnecessary impediment to movement of fruits and vegetables between Puerto Rico and the Virgin Islands.

No. 60. *Sand, soil, or earth with plants.* (7 CFR 301.60) To be made applicable to plants from the Virgin Islands this quarantine would need amendment.

3. The desirability of enforcing the following quarantines with respect to any proposed shipments from Hawaii to the Virgin Islands. These quarantines do not require amendment for this purpose but require amendment if they are not to be made applicable to such movement.

No. 13. *Hawaiian fruits and vegetables.* Revised, effective June 24, 1948 (7 CFR 301.13). This quarantine prohibits, except as provided in the supplemental regulations, the movement from the Territory of Hawaii into or through any other Territory, State, or District of the United States of all fruits and vegetables, in the natural or raw state, peels of fruits of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae, of the botanical family Rutaceae; cut flowers; rice straw; and mango seeds to prevent the spread of the Mediterranean fruitfly (Ceratitis capitata Hendl.), melon fly (Dacus cucurbitae Coq.), Oriental fruitfly (Dacus dorsalis Hendl.), citrus canker (Xanthomonas citri (Hasse) Dowson), green coffee scale (Coccus viridis Green), bean pod borer (Maruca testulalis Geyer), bean butterfly (Lampides boeticus L.), Asiatic rice borer (Chilo simplex Butl.), mango weevil (Cryptorhynchus mangiferae F.), and Chinese rose beetle (Adoretus sinicus Burm.).

No. 16. *Sugarcane* (described above).

No. 30. *Sweetpotato* (described above).

No. 47. *Hawaiian and Puerto Rican cotton, cottonseed, and cottonseed products.* Effective August 15, 1920 (7 CFR 301.47). This quarantine prohibits, except as provided in the supplemental regulations, the movement of cotton, seed or unginned cotton, cottonseed, and cottonseed products, except oil, from the Territories of Hawaii and Puerto Rico into or through any other Territory, State, or District of the United States on account of the pink bollworm (Pectinophora gossypiella Saund.) and the cotton-blister mite (Eriophyes gossypii Banks).

No. 60. *Sand, soil or earth with plants.* (Described above.)

No. 75. *Hawaiian citrus nursery stock.* Effective September 15, 1947 (7 CFR 301.75). This quarantine prohibits the movement from the Territory of Hawaii into or through any other Territory, State, or District of the United States of plants or any plant part, except fruits and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae, on account of the citrus canker disease and other citrus diseases.

Notice is therefore hereby given that in accordance with section 8 of the Plant Quarantine Act, as amended (7 U. S. C. 161), a public hearing will be held before the Bureau of Entomology and Plant Quarantine at Washington, D. C., in Room 509, Administration Building, U. S. Department of Agriculture, commencing at 1:30 p. m., on March 29, 1951, in order that any persons interested in consideration of any of the matters set forth above may appear and be heard either in person or by attorney.

This notice of public hearing is not intended to take the place of the notice of proposed rule making contemplated by section 4 of the Administrative Procedure Act (5 U. S. C. 1003). When an opportunity has been had to consider the evidence adduced and testimony offered at the public hearing, it will be possible to announce more definitely the action proposed to be taken with respect to each of the quarantines, orders, and regulations mentioned above. At that time, a reasonable opportunity will be afforded any interested person to submit his views, arguments, and data respecting such action, orally or in writing, to the Chief of the aforesaid Bureau of Entomology and Plant Quarantine.

Done at Washington, D. C., this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2003; Filed, Feb. 7, 1951; 8:59 a. m.]

FOREIGN QUARANTINE

NOTICE OF PUBLIC HEARING

Notice of public hearing to consider revising the various quarantines, orders, and regulations concerning the importation into the United States and the movement between the territories and possessions and the mainland of the United States of cotton, cotton products, and cotton wrappings.

Pursuant to sections 5, 7, and 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 159, 160, and 161), notice is hereby given that the Secretary of Agriculture is considering A, the desirability of revising and combining into one quarantine, with supplemental regulations, (1) the quarantine on account of pink bollworm of cotton (7 CFR 319.8), (2) the order regulating the admission into the United States of foreign cotton lint (7 CFR 321.101), (3) the rules and regulations governing the importation of cotton and cotton wrappings into the United States (7 CFR 321.102 et seq.), (4) the order restricting the admission into the United States of cottonseed cake, cottonseed meal, and all other cottonseed products except cottonseed oil (7 CFR 321.201), (5) the order restricting the admission of cottonseed oil from Mexico into the United States (7 CFR 321.202), (6) the rules and regulations governing the importation into the United States of cottonseed cake, cottonseed meal, and other cottonseed products (7 CFR 321.203 et seq.); B, the desirability of prohibiting or restricting the entry of the cotton and cotton products covered by the said quarantine, orders, and regulations into the Virgin Islands of the United States by making the revised quarantine and regulations, if adopted, specifically applicable

to those islands; and C, the desirability of prohibiting or further restricting the movement of cotton and the restricted cotton products from the territories and possessions of the United States by revising the quarantine against Hawaiian and Puerto Rican cotton, cottonseed, and cottonseed products (7 CFR 301.47) and making it applicable to such movement from and between such territories and possessions, including Hawaii, Puerto Rico, and the Virgin Islands of the United States.

More than thirty years have elapsed since the promulgation of the most recent of the above cited orders and regulations governing the importation of cotton and cotton products. While there has been some revision of the regulations from time to time, there has been no review of the entire subject such as is proposed for this hearing. It is proposed to take into account that which has been learned with respect to pest risk associated with the importation into the United States and its territories and districts of foreign cotton plants, seeds, lint, linters, and other forms of cotton fiber; cottonseed oil, hulls, cake, and meal; gin waste, mill waste, and other parts of cotton plants; and secondhand burlap or other fabric which has been used, or is of the kinds ordinarily used, for wrapping or containing cotton. This consideration will include the possible introduction of the golden nematode with such used fabrics when coming from golden nematode infested countries. It will also include the desirability of extending this protection to like importations into the Virgin Islands of the United States, which are now without such protection. It will also include a review of the restrictions necessary on the movement of such products from the territories, possessions, and districts (including the Virgin Islands) of the United States to the mainland of the United States, and between such territories, possessions, and districts.

Without limiting the scope of the practices and procedures requiring consideration, particular attention should be directed to the following matters:

1. The need for continuing restriction on the importation of cottonseed oil.

2. The need for prohibitions or restrictions in comformity with sections 1, 5, and 7 of the Plant Quarantine Act, as amended (7 U. S. C. and Sup. 154, 159, 160), to prevent the introduction of plant diseases and insect pests.

3. The extension of the foreign quarantine (7 CFR 319.8 *supra*) to give protection to the Virgin Islands of the United States, and in conformity with section 8, of the act, as amended (7 U. S. C. 161), the necessity for prohibitions and restrictions on the movement of the aforesaid cotton and cotton products from the Virgin Islands of the United States to other territories, possessions, districts, and the mainland of the United States, or such movement between the territories, possessions, and districts of the United States.

4. Recognition of geographical areas of the United States with respect to the risk of cotton pest introduction, and the relation of compression or non-compression of certain of the commodities to pest risk.

5. Utilization in specified geographical areas by manufacturing or other processing, under prescribed controlled conditions, of unfumigated cotton lint, linters, cotton waste, and cotton wrappings, in lieu of fumigation as a condition of entry.

6. Recognition of the effect of cooperative undertakings with the Republic of Mexico in combating the pink bollworm of cotton on the pest risk associated with imports from certain areas of Mexico; also the effect of Mexican enforcement programs on the pest risk associated with cotton from certain areas of Mexico.

7. Provision for the admission of small quantities of cottonseed for scientific or experimental purposes, under suitable safeguards, by others than the U. S. Department of Agriculture.

8. Recognition of the time element as a safeguard against pest risk, since the immature stages of the pink bollworm, under normal conditions, seldom survive in excess of eighteen months.

9. Reissuance in one document of the provisions of the foreign quarantine on account of pink bollworm of cotton (7 CFR 319.8 *supra*) and the various orders and regulations, including such modifications as may be necessary as the result of evidence developed at the hearing.

Examples of plant pests other than the pink bollworm which might warrant restrictions or prohibitions are: The cotton leaf-curl virus (Ruga gossypii Holmes); golden nematode cysts (Heterodera rostachiensis Wr.) in soil fouling used burlap, and the cotton stainers of the genus Dysdercus and weevils of the genus Anthonomus.

Notice is, therefore, hereby given that, in accordance with sections 5, 7, and 8 of the Plant Quarantine Act, as amended (7 U. S. C. 159, 160 and 161) a public hearing will be held before the Bureau of Entomology and Plant Quarantine at Washington, D. C., in Room 509, Administration Building, U. S. Department of Agriculture, commencing at 10 a. m., on March 23, 1951, in order that any person interested in the consideration of any of the matters set forth above may appear and be heard either in person or by attorney. Any interested person who desires to do so may submit his views on these subjects or written data or arguments thereon, and may file such views, data, or arguments with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., on or before March 27, 1951.

This notice of public hearing is not intended to take the place of the notice of proposed rule making contemplated by section 4 of the Administrative Procedure Act (5 U. S. C. 1003). When an opportunity has been had to consider the evidence adduced and testimony offered at the public hearing, it will be possible to announce much more definitely the action proposed to be taken. At that time, a reasonable opportunity will be afforded to any interested person to submit his views, arguments, and data respecting such proposed action, orally or in writing, to the Chief of the Bureau of Entomology and Plant Quarantine.

Done at Washington, D. C. this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2002; Filed, Feb. 7, 1951; 8:58 a. m.]

FOREIGN QUARANTINE

NOTICE OF PUBLIC HEARING

Notice of public hearing on advisability of applying in the Virgin Islands of the United States the provisions of certain quarantines, orders, and regulations restricting the importation of plants and plant products into the United States.

Pursuant to sections 5 and 7 of the Plant Quarantine Act of August 20, 1912 (7 U. S. C. 159, 160), notice is hereby given that the Secretary of Agriculture is considering the advisability of applying in the Virgin Islands of the United States the provisions of certain quarantines, orders, and regulations restricting the importation of plants and plant products into the United States. The specific quarantines, orders, and regulations are listed and described hereinafter.

The Plant Quarantine Act was formerly not thought to be applicable in the Virgin Islands of the United States and the foreign plant quarantines, orders and regulations issued under the Plant Quarantine Act are not enforced there. These Islands are now regarded as a "district" of the United States within the meaning of the said Plant Quarantine Act and, hence, the quarantines, orders, and regulations issued pursuant to sections 1, 5, and 7 of that act (7 U. S. C. & Sup., 154, 159, 160) may be made applicable to importations of prohibited and restricted plant material into the Virgin Islands.

The foreign plant quarantines administered by the U. S. Department of Agriculture now protect the mainland of the United States (including Alaska), Hawaii, and Puerto Rico against foreign plant pest entry. The protection thus afforded in Hawaii and Puerto Rico, in addition to being of benefit to the agriculture of those areas, is also an added protection to the mainland of the United States. Inasmuch as these foreign plant quarantines have not been made applicable in the Virgin Islands of the United States, there is now no similar direct protection of the Virgin Islands, nor indirect protection of the rest of the United States, against the introduction of foreign plant pests into or via the Virgin Islands. To remedy this situation, it is necessary to consider the advisability of extending to the Virgin Islands of the United States the protection afforded by the enforcement of the foreign plant quarantines. It is thought that some modifications may be needed in the existing prohibitive or restrictive features of some of the various quarantines, orders, or regulations to accord with the peculiar conditions of those Islands. In other rule-making pro-

cedures similar consideration will be given to the advisability of extending to the Virgin Islands the protection afforded against cotton pests by the foreign quarantines, orders, and regulations on cotton and related products, and against the flag smut of wheat by the foreign quarantine on account of that disease.

Without limiting the scope of the practices and procedures requiring consideration, particular attention should be directed to the following matters:

1. The need for providing foreign plant quarantine protection directly to the Virgin Islands and indirectly thereby to the remainder of the United States.

2. The advisability of enforcing without revision the following foreign plant quarantines in the Virgin Islands; or, if the protection so afforded is not required, to amend any or all of them so as to exclude importations into the Virgin Islands from the scope of their coverage.

No. 12. *Seeds of avocado or alligator pear.* Effective February 27, 1914 (7 CFR 319.12). This quarantine forbids the importation from Mexico and the countries of Central America of the seed of the avocado or alligator pear on account of the avocado weevil (Heilipus lauri Boheman).

No. 24. *Indian corn or maize and related plants.* Effective July 1, 1916, as amended (7 CFR 319.24). This quarantine forbids the importation from southeastern Asia (including India, Siam, Indochina, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Philippine Islands, Taiwan (Formosa), Manchuria, Japan, and adjacent islands, in the raw or unmanufactured state, of seed and all other portions of Indian corn or maize (Zea mays L.) and the closely related plants, including all species of Teosinte (Euchlaena), Job-tears (Coix), Polytoca, Chionachne, and Schlerachne, on account of the downy mildews and Physoderma diseases of Indian corn, except that Indian corn or maize may be imported under permit and upon compliance with the conditions prescribed in the supplemental regulations (7 CFR 319.24–1 et seq.).

No. 34. *Bamboo.* Effective October 1, 1918 (7 CFR 319.34). This quarantine forbids the importation for any purpose of any variety of bamboo seed, plants, or cuttings thereof capable of propagation, including all genera and species of the tribe Bambuseae, from all foreign countries and localities, on account of dangerous plant diseases, including the bamboo smut (Ustilago shiraiana P. Henn.).

No. 41. *European corn borer.* Revised, effective June 1, 1926 (7 CFR 319.41). This quarantine forbids, except as provided in the supplemental regulations revised effective March 1, 1933, as amended (7 CFR and Supp., 319.41–1 et seq.), the importation from all foreign countries and localities of the stalk and all other parts, whether used for packing or other purposes, in the raw or unmanufactured state, of Indian corn or maize, broomcorn, sweet sorghums, grain sorghums, Sudan grass, Johnson grass, sugarcane, pearl millet, napier grass, teosinte, and jobs-tears, on account of the European corn borer (Pyrausta nubilalis Hubn.) and other dangerous insects and plant diseases.

No. 55. *Rice.* Revised, effective November 23, 1933 (7 CFR 319.55). This quarantine forbids the importation of seed or paddy rice from all foreign countries and localities except the Republic of Mexico, and forbids the importation of rice straw and rice hulls from all foreign countries and localities, and seed or paddy rice from the Republic of Mexico, except as provided in the supplemental regulations effective November 23, 1933, as amended (7 CFR 319.55–1 et seq.), on account of injurious fungus diseases of rice, including downy mildew (Sclerospora macrocarpa Sacc.), leaf smut (Entyloma oryzae Syd.), blight (Cospora oryztorum Sacc.), and glume blotch (Melanomma glumarum Miy.), as well as dangerous insect pests.

No. 69. *Packing materials.* Effective July 1, 1933, as amended (7 CFR 319.69). This quarantine forbids the entry from all foreign countries and localities of the following materials when used as packing for other commodities, except in special cases where preparation, processing, or manufacture are judged by an inspector of the United States Department of Agriculture to have eliminated risk of carrying injurious insects and plant diseases: Rice straw, hulls, and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter; and soil containing an appreciable admixture of vegetable matter not therein provided for by regulation. All parts of corn and allied plants are likewise prohibited entry except from Mexico and the countries of Central America, the West Indies, and South America. This quarantine also brings under restriction the following when used as packing: Cereal straw, chaff, and hulls (other than rice); corn and allied plants from Mexico, Central America, the West Indies, and South America; willow twigs from Europe; grasses, hay, and similar dried plant mixtures from all countries; and authorized soil packing materials from all countries.

No. 70. *Dutch elm disease.* Revised, effective October 31, 1947 (7 CFR 319.70). This quarantine forbids, except as provided in the supplemental regulations, the importation from Canada and other foreign areas north of the United States, and from Europe, on account of a disease due to the fungus Ceratostomella ulmi Buisman, of seeds, leaves, plants, cuttings, and scions of elm and related plants; logs of elm and related plants; lumber, timber, and veneer of such plants if bark is present on them; and crates, boxes, barrels, packing cases, and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants if not free from bark.

Order of the Secretary of Agriculture of December 22, 1913, and the regulations governing the importation of potatoes into the United States, revised, effective March 1, 1922, as subsequently amended (7 CFR & Supp., 321.1 et seq.). These regulations restrict the importation of potatoes from all foreign countries and localities except the Dominion of Canada and Bermuda, on account of the European corn borer (Pyrausta nubilalis Hubn.) and other dangerous insects and plant diseases.

Order of the Secretary of Agriculture of October 4, 1932 and the Plant Safeguard Regulations, revised December 1, 1932 (7 CFR 352.1 et seq.). These regulations provide safeguards for the landing or unloading for transshipment and exportation and for transportation and exportation in bond of restricted or prohibited plants and plant products when it is determined that such entry can be made without involving risk to the plant cultures of the United States and also provide for the safeguarding of such plant material at a port or within the territorial limits of the United States where entry or landing is not intended or where entry has been refused.

3. The advisability of amending and enforcing the following plant quarantines in the Virgin Islands:

No. 15. *Sugarcane.* Revised, effective October 1, 1934 (7 CFR 319.15). This quarantine prohibits the importation from all foreign countries and localities of canes of sugarcane, or cuttings or parts thereof, sugercane leaves, and bagasse, on account of certain injurious insects and diseases of sugarcane, except that importation is allowed under permit of specific materials authorized by the United States Department of Agriculture, on condition that they have been or are to be so treated, processed, or manufactured that, in the judgment of the said Department, their entry will involve no pest risk.

Conditions may justify, at least temporarily, an exception to the prohibition contained in this quarantine in the movement of sugarcane from Tortola (Br.) to St. Thomas.

No. 19. *Citrus nursery stock.* Effective September 15, 1947 (7 CFR 319.19). This quarantine forbids the importation into the continental United States, Puerto Rico, and Hawaii from all foreign localities and countries of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Auranticideae, Rutoideae and Toddalioideae, of the botanical family Rutaceae, from Europe, Asia, Africa, South America, Central America, North America outside of the United States, Australia, and foreign oceanic countries and islands, on account of citurs canker and other citrus diseases.

If this quarantine is to be made applicable in the Virgin Islands, it appears to require amendment to include this district.

No. 28. *Citrus fruits.* Revised, effective October 25, 1947 (7 CFR 319.28). This quarantine forbids the importation into the continental United States, Puerto Rico, and Hawaii of all fruits and peel of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae, of the botanical family Rutaceae, from eastern and southeastern Asia (including India, Burma, Ceylon, Siam, Indochina, and China), the Malayan Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan (including Formosa and other islands adjacent to Japan), Mauritius, and Seychelles, on account of the citrus canker disease; forbids the importation into the continental United States, Puerto Rico and Hawaii of fruits and peels of all genera, species, and varieties of Citrus aurantifolia (Christm.) Swingle, C. aurantium L., C. hystrix DC., C. limon (L.) Burm. f., C. paradisi Macf., C. reticulata Blanco, C. sinensis (L.) Osbeck and Fortunella margarita (Lour.) Swingle, from Argentina, Brazil, Paraguay, and Uruguay, on account of sweet orange scab; and forbids the importation into the continental United States, Puerto Rico and Hawaii of fruits and peel of all genera, species, and varieties of Citrus aurantifolia (Christm.) Swingle, C. aurantium L., C. limon (L.) Burm. f., C. Medica L., and C. sinensis (L.) Osbeck, from Argentina, Paraguay, and Uruguay, on account of the bacterial disease known as "Cancrosis B". Seeds and processed peel of fruits designated herein are excluded from the provisions of this quarantine. Such seeds, however, are subject to the requirements of Nursery Stock, Plant, and Seed Quarantine No. 37 (7 CFR 319.37). If it is to be made applicable in the Virgin Islands, this quarantine appears to require amendment to include this district.

No. 29. *Sweetpotatoes and yams.* Effective January 1, 1918 (7 CFR 319.29). This quarantine forbids the importation for any purpose of any variety of sweetpotatoes and yams (Ipomoea batatas and Dioscorea spp.), from all foreign countries and localities, on account of the sweetpotato weevils (Cylas spp.) and the sweetpotato scarabee (Euscepes batatae Waterh.).

This quarantine does not apply to importations into the territories of Hawaii and Puerto Rico. If it is likewise not to be made applicable in the Virgin Islands, the exemption should be amended to include that district with Hawaii and Puerto Rico.

No. 37. *Nursery stock, plants, and seeds.* Revised, effective January 1, 1949, as amended (7 CFR & Supp. 319.37). This quarantine forbids the importation into the United States from designated countries of certain nursery stock and other plants and plant products specified in the quarantine because of the respective injurious insects and plant diseases listed. It restricts the importation from any foreign country or locality of nonprohibited field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, and fruit pits and other seeds of forest, fruit, and ornamental trees and shrubs; bedding plants; other herbaceous plants, bulbs, and roots; field, vegetable, and flower seeds; and other plants and plant products for, or capable of, propagation, except as provided in supplemental regulations (7 CFR & Supp., 319.37–1 et seq.). To be made applicable in the Virgin Islands, this quarantine should be revised to include that district.

No. 56. *Fruits and vegetables.* Effective November 1, 1923 (7 CFR 319.56). This quarantine forbids, except as provided in the supplemental regulations (7 CFR 319.56–1 et seq.), the importation of fruits and vegetables, and of plants or portions of plants used as packing material in connection with shipments of such fruits and vegetables, from all foreign countries and localities other than the Dominion of Canada, on account of injurious insects, including fruitflies and melonflies (Tephritidae). This quarantine does not need revision to make it applicable to the Virgin Islands. If enforced there the policy would be similar to that for the enforcement of the quarantine in Puerto Rico. The decision as to admissibility of a fruit or vegetable would be made on the basis of the problems of those Islands with consideration for the related problems of Puerto Rico.

N. 73. *Coffee.* Effective April 1, 1940 (7 CFR 319.73). This quarantine prohibits the importation into Puerto Rico from all foreign countries and localities of (1) the seed or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (2) coffee berries or fruits, and (3) coffee plants and leaves, on account of an injurious coffee insect known as the coffee berry borer (Stephanoderes [coffeae Hgdn.] hampei Ferr.) and an injurious rust disease due to the fungus Hemileia vastatrix B. and Br. Provision is made for importations of samples of unroasted coffee seeds or beans and for shipments of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico. This quarantine requires revision if it is to be made applicable in the Virgin Islands in order to give further needed protection to Puerto Rico.

No. 74. *Cut flowers.* Effective August 1, 1947 (7 CFR 319.74). This quarantine forbids the entry of cut flowers (other than cut flowers produced in the Dominion of Canada, Labrador, Newfoundland, and the United States) into the continental United States, Hawaii, and Puerto Rico from all foreign countries, except as provided in the regulations supplemental thereto, on account of injurious insects and plant diseases, including the citrus blackfly (Aleurocanthus woglumi Ashby) and a Cercospora leaf spot. To be made applicable in the Virgin Islands, this quarantine will require an amendment to include that district.

Notice is therefore hereby given that, in accordance with sections 5 and 7 of the Plant Quarantine Act (7 U. S. C. 159, 160), a public hearing will be held before the Bureau of Entomology and Plant Quarantine at Washington, D. C., in Room 509, Administration Building, U. S. Department of Agriculture, commencing at 10:30 a. m. on March 29, 1951, to consider the necessity of further prohibiting or restricting the entry of certain plants and plant products on account of plant pests as set forth above, pursuant to sections 1, 5, and 7 of the Plant Quarantine Act (7 U. S. C. & Sup. 154, 159, 160) in order that any person interested in consideration of any of the matters outlined above may appear and be heard either in person or by attorney.

This notice of public hearing is not intended to take the place of the notice of proposed rule making contemplated by section 4 of the Administrative Procedure Act (5 U. S. C. 1003). When an opportunity has been had to consider the evidence adduced and testimony offered at the public hearing, it will be possible to announce much more definitely the action proposed to be taken with respect to each of the quarantines, orders, and regulations mentioned above. At that time, a reasonable opportunity will be afforded any interested person to submit his views, arguments, and data respecting such proposed action, orally or in writing, to the Chief of the aforesaid Bureau of Entomology and Plant Quarantine.

Done at Washington, D. C., this 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2000; Filed, Feb. 7, 1951; 8:58 a. m.]

FOREIGN QUARANTINE

NOTICE OF PUBLIC HEARING

Notice of public hearing on advisability of revising, extending, or lifting flag smut disease quarantine.

Pursuant to sections 5 and 7 of the Plant Quarantine Act of August 20, 1912 (7 U. S. C. 159, 160), notice is hereby given that the Secretary of Agriculture is considering the advisability of revising, extending, or lifting the quarantine on account of flag smut disease (7 CFR 319.59, BEPQ–Q.59).

Effective February 1, 1926, the aforesaid quarantine prohibited the importation of all species and varieties of wheat from India, Japan, China, Australia, Union of South Africa, Italy, and Spain, on account of the flag smut disease, which was not widely prevalent or distributed within and throughout the United States. Wheat products, except those so milled or processed as to have destroyed all flag smut spores, were also prohibited entry.

Races of the flag smut disease have been recorded from the United States. Wheat varieties resistant to races of the disease in this country are susceptible to some races occurring in other countries. The disease is reported, in addition to the countries named in the quarantine, from Afghanistan, Bulgaria, Caucasus (including Azerbaidzhan, South Russia, and Transcaucasia), Chile, Cyprus, Egypt, Germany, Greece, Netherlands, Pakistan, Palestine, Persia, Portugal, Tunisia, Turkestan, and Turkey. Wheat products of the milling processes, such as bran, screenings, shorts, thistle sharps, pollards, etc., do not represent products which have been so milled as to have destroyed flag smut spores and are considered to be capable of carrying the disease. Notwithstanding this, they have been offered for entry into the United States.

Information recently received indicates that it is the practice in some flag smut disease areas to recover Melilotus indica seed from threshed wheat during the cleaning process. Field seeds so recovered could bear flag smut spores superficially and thus become a means of spreading the disease.

Wheat straw and chaff may likewise be the means of introducing the disease when entered from flag smut countries, either as such, or as material accompanying other entries (e. g. litter fouling a conveyance or imports, bedding for animals, or packing materials for other commodities). Bags which have been used to contain wheat or seeds recovered from threshed wheat in the cleaning process in flag smut countries could also bear the spores and be a means of introducing the disease.

It therefore becomes necessary to consider the advisability of revising this quarantine to accord with current knowledge of the world distribution of the disease and to take cognizance of the wheat products and materials which may carry it, or of lifting the quarantine because of its present limited protection to the wheat industry of this country. Because "wheat screenings" consisting of field seeds which are recovered from threshed wheat in the cleaning process are also offered for entry from flag smut countries, consideration should be given to the necessity of forbidding or restricting their importation to prevent the introduction of the flag smut disease. Similar consideration should be given to the necessity for prohibiting or restricting the entry of bags previously used to contain wheat or field seeds recovered from threshed wheat in the cleaning process. Inasmuch as foreign wheat has been permitted importation into the Virgin Islands of the United States and may be reshipped therefrom to other States, Territories, or Districts of the United States, without restriction, consideration should be given to making the quarantine specifically applicable to importations into that District as a further protection to the wheat industry of this country. Inclusion of wheat straw and chaff in a revised quarantine would require a minor change in the quarantine relating to packing materials (7 CFR 319.69, BEPQ–Q.69).

Notice is therefore hereby given that in accordance with sections 5 and 7 of the Plant Quarantine Act of 1912, as amended (37 Stat. 316, 317; U. S. C. 159, 160), a public hearing will be held before the Bureau of Entomology and Plant Quarantine at Washington, D. C., in Room 509, Administration Building, U. S. Department of Agriculture, commencing at 3:00 p. m. on March 30, 1951, to consider the advisability, as above set forth, of revising the said quarantine (7 CFR 319.59, BEPQ–Q.59) to further prohibit or restrict the entry of wheat and certain wheat products and materials and of field seeds recovered from threshed wheat and of bags used to contain wheat or field seeds recovered from threshed wheat in the cleaning process in flag smut countries in order to prevent the introduction of the flag smut disease of wheat (Urocystis tritici Koern.) from the countries named, or of lifting the said quarantine. A companion change may also be required in 7 CFR 319.69 (b) to accord with any action taken with respect to wheat straw and chaff under 7 CFR 319.59. Any person interested in the consideration of any of the matters set forth above may appear and be heard in person or by attorney.

This notice of public hearing is not intended to take the place of the notice of proposed rule making contemplated by section 4 of the Administrative Procedure Act (5 U. S. C. 1003). When an opportunity has been had to consider the evidence adduced and testimony offered at the public hearing, the action then proposed to be taken will be announced and a reasonable opportunity will be afforded to any interested person to submit his views, arguments and data respecting such proposed action, orally or in writing, to the Chief of the aforesaid Bureau of Entomology and Plant Quarantine.

Done at Washington, D. C., the 2d day of February 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–2004; Filed, Feb. 7, 1951; 8:59 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND EXPORT PRICE LISTS FOR FEBRUARY

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

FEBRUARY DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs (packed in barrels and drums) in carload lots only. 1 million pounds.[1]	1950 pack: $1.03 per pound f. o. b. cars or trucks at warehouses in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, Texas, Kansas, Nebraska, Missouri, Minnesota, Wisconsin, Pennsylvania, New York, and Delaware.
Nonfat dry milk solids, in carload lots only: Spray process: 72,000,000 pounds.[1]	14 cents per pound f. o. b. location of stock in any State.
Roller process: 46,000,000 pounds.[1]	12 cents per pound f. o. b. location of stock in any State.
Linseed oil, raw 216,000,000 pounds[1]	Market price on date of sale.
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price differential occurs, the price listed will apply. For other grades of all beans, market differentials will apply. Prices listed below, on all beans, are at point of production. Amount of any paid-in-freight to be added.
Pinto, bagged: 1,700,000 hundredweight.	No. 1 grade, 1948[1] and 1949 crops: $8.10 per 100 pounds, basis f. o. b. Denver rate area and California area; $7.70 per 100 pounds, basis f. o. b. Idaho area.
Pea, bagged: 990,000 hundredweight.	No. 1 grade 1948[1] and 1949 crops: $7.85 per 100 pounds, basis f. o. b. Michigan area.
Red kidney, bagged: 563,000 hundredweight.	No. 1 grade 1948[1] and 1949 crops: $9.30 per 100 pounds, basis f. o. b. New York area.
Great Northern, bagged: 2,000,000 hundredweight.	No. 1 grade 1948[1] and 1949 crops: $7.15 per 100 pounds, basis f. o. b. Twin Falls, Idaho area; $7.55 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged: 700,000 hundredweight.	No. 1 grade 1948[1] and 1949 crops: $7.95 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged: 30,000 hundredweight.	No. 1 grade 1949 crop: $8.60 per 100 pounds, basis f. o. b. California and Michigan areas.
Austrian winter pea seed, bagged: 137,000 hundredweight.[1]	$5.26 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Blue lupine seed, bagged: 315 hundredweight.	$5.26 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Kobe lespedeza seed, bagged: 4,500 hundredweight.	$13.49 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Weeping lovegrass seed, bagged: 1,300 hundredweight.	$54.33 per 100 pounds f. o. b. point of production. Amount of any paid-in freight to be added.
Wheat, bulk: 50,000,000 bushels	This wheat is available only when premium wheat is required or where emergency situations exist. Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 30 cents per bushel, if received by truck, or (2) 25 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.51; Minneapolis, No. 1 DNS, ex rail or barge $2.52; Chicago, No. 1 RW, ex rail or barge, $2.56; Portland— (NOTE: No wheat will be offered for sale in the Portland, Oreg., area until further notice).
Oats, bulk: 11,400,000 bushels	At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate plus 14 cents per bushel; at other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, 97 cents; Minneapolis, No. 3 or better, 93 cents.
Barley, bulk: 22,000,000 bushels	Basis in store, the market price but in no event less than the applicable 1950 loan rate for the class, grade, quality, and location, plus: (1) 22 cents per bushel if received by truck, or (2) 18 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 barley, ex rail or barge, $1.50; San Francisco, No. 1 Western barley, ex rail or barge, $1.57.
Corn, bulk: 50,000,000 bushels	1950 commercial corn-producing area: At points of production, basis in store, the market price but not less than the applicable 1950 county loan rate for No. 3 yellow, plus 19 cents per bushel, with market differentials for other grades, quality, and classes.
	At other delivery points: (1) the foregoing, plus average paid-in freight, or (2) basis the following fixed minimum terminal prices, with market differentials for grade, quality, and class, and freight differentials for location. Fixed minimum prices, per bushel: Chicago, No. 3 yellow, $1.81; St. Louis, No. 3 yellow, $1.81; Minneapolis, No. 3 yellow, $1.74; Omaha, No. 3 yellow, $1.73; Kansas City, No. 3 yellow, $1.77; market differentials for other grades, quality, and classes.
	1950 non-commercial corn-producing area: At points of production, or originating in a non-commercial county, basis in store, the market price but not less than 133 percent of the applicable 1950 county loan rate for No. 3, plus 19 cents per bushel; at other points, the foregoing plus average paid-in freight. If originating in a commercial county, the county loan rate for No. 3 plus 19 cents, plus average paid-in freight. Examples of minimum price, per bushel: 1950 county loan rate for Brown County, Ind., $1.10 per bushel, No. 3 corn, 133 percent of $1.10, plus 19 cents equals $1.66 per bushel, the minimum sales price.

[1] These same lots also are available at export sales prices announced concurrently.

FEBRUARY EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dried whole eggs (packed in barrels and drums) in carload lots only. 10,000,000 pounds.	1950 Pack—60 cents per lb., f. a. s. vessel U. S. Gulf or East Coast ports; or 60 cents per lb. f. o. b. cars or trucks at warehouse locations, less freight based on the average gross shipping weight at the lowest export freight rate to New York or New Orleans whichever is lower.
Nonfat dry milk solids, in carload lots only: Spray process: 72,000,000 pounds.[1]	For export to all countries except those listed below: Spray process—12½ cents per lb. f. o. b. location of stock in any State. Roller process—10½ cents per lb. f. o. b. location of stock in any State.
Roller process: 46,000,000 pounds.[1]	For export to Western Hemisphere countries except Canada and Colonial possessions of foreign countries, and territories and possessions of the U. S.: Spray process—9½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export. Roller process—7½ cents per pound f. o. b. location of stock in any State, less freight based on the average gross shipping weight, at the lowest export freight rate from that location to nearest port of export.
Linseed oil, raw 216,000,000 pounds[1]	Market price on date of sale.
Dry edible beans	No. 1 grade 1948 crop, f. a. s. vessel at locations shown below:
Pinto, bagged: 930,000 hundredweight.[1]	$5.90 per 100 pounds, San Francisco and Portland, Oreg.; $6 per 100 pounds U. S. Gulf ports. (See note below.)
Pea, bagged: 245,000 hundredweight.[1]	$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged: 725,000 hundredweight.[1]	$6 per 100 pounds, Portland, Oreg.; $6.10 per 100 pounds, U. S. Gulf ports. (See note below.)
Baby lima, bagged 230,000 hundredweight.[1]	$5 per 100 pounds, San Francisco.
	NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer.
	Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
	Purchasers of beans for export to Canada must provide proof of re-export from Canada and the beans must not be re-exported to the U. S.
	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter pea seed, bagged: 137,000 hundredweight.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Fresh Irish potatoes, packed in usual 100-pound burlap sacks, in carload or truckload lots only, substantial quantities, as available in Aroostook County, Maine.	U. S. No. 1 grade when loaded at CCC's point of purchase: 60 cents per sack, f. o. b. cars at country shipping point, for export to areas other than U. S. possessions, Cuba, Canada, Mexico, or the Caribbean area. Consideration will be given to offers to purchase potatoes packed in crates at above price, plus additional costs to CCC. Consideration also will be given to purchases of certified seed potatoes packed in usual 100-pound burlap sacks or crates at the above price plus additional costs to CCC. Communicate with the Director, FMA Commodity Office, 139 Centre Street, New York 13, N. Y. Tel. REctor 2-3100.
Fresh Irish potatoes, for processing into potato food products for export. Quantities as available in the Idaho potato producing States.	Basis 1 cent per hundredweight bulk ungraded at farm, plus reimbursement for approved marketing services required to be performed.

[1] These same lots also are available at domestic sales prices announced concurrently.

Issued: February 5, 1951.

[SEAL] FRANK K. WOOLLEY, *Acting President, Commodity Credit Corporation.*

[F. R. Doc. 51–1999; Filed, Feb. 7, 1951; 8:58 a. m.]

Forest Service

SALMON NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on a portion of the Panther Creek drainage in the Copper Creek Ranger District of the Salmon National Forest, Lemhi County, State of Idaho; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order for the occupancy, use, protection and administration of land in the Copper Creek Ranger District of the Salmon National Forest is issued:

Temporary closure from livestock grazing. (a) The following-described area within the Copper Creek Ranger District of the Salmon National Forest is hereby closed for the period February 15, 1951, to April 30, 1951, to the grazing of horses, excepting those that are lawfully grazing on or crossing land in such area pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land: The east side of Panther Creek from and including Beaver Creek on the South to and including Hot Springs Creek on the North and the west side of Panther Creek from and including Big Deer Creek on the South to and including Bear Gulch on the North.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Salmon National Forest is located.

Done at Washington, D. C., this 2d day of February 1951. Witness my hand and the seal of the Secretary of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–1965; Filed, Feb. 7, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1581]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

FEBRUARY 2, 1951.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation of St. Louis, Missouri, filed on January 5, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the drilling of 25 injection and withdrawal wells, the construction of four miles of 6-inch and 12-inch feeder lines, and nine miles of 24-inch withdrawal line, a field gathering system and meter and regulating equipment in Monroe County, Illinois. Applicant proposes by these facilities to develop and operate an underground natural gas storage reservoir in the "Waterloo Field" in Monroe County, Illinois. The estimated cost of the proposed facilities is $1,900,798, which will be paid for by the Applicant out of cash on hand.

Applicant states that the peakday requirements on Applicant's pipeline system in the St. Louis, Missouri, area have been increasing at a very rapid rate and that these underground storage facilities are highly desirable in order to satisfy these demands.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–1968; Filed, Feb. 7, 1951; 8:53 a. m.]

[Docket No. G–1597]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

FEBRUARY 2, 1951.

Take notice that on January 24, 1951, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware Corporation having its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission pipe line facilities hereinafter described.

Applicant proposes to construct approximately one-half mile of 6⅝-inch O. D. lateral line, extending westerly from a point on its presently certificated and constructed Marcus Hook lateral in

Pennsylvania, located approximately 18 miles south of Applicant's 30-inch main line to a point at the Delaware-Pennsylvania State line. Applicant also proposes to construct a meter and regulator station at or near such point on the Delaware-Pennsylvania State line to make delivery of natural gas there to the Delaware Power & Light Company.

Applicant proposes to deliver to Delaware Power & Light Company, through such facilities up to 10,000 Mcf per day of natural gas during the first year of service and up to 11,700 Mcf of natural gas per day during the third year of service and thereafter.

The estimated over-all capital cost of the proposed facilities is approximately $51,348. The application recites that the cost of construction will be paid out of earnings of the company and no additional financing will be required.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 23d day of February 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-1969; Filed, Feb. 7, 1951; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 42]

SOUTHERN RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Southern Railway Company, because of congestion at Knoxville Terminal, is unable to transport traffic routed over its lines to, from or via Knoxville, Tennessee. *It is ordered,* That:

(a) Rerouting traffic: The Southern Railway Company is hereby authorized and directed to reroute or divert traffic on its lines, routed over its lines to, from or via Knoxville, Tennessee, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective 4:00 p. m., January 29, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., February 28, 1951 unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register

Issued at Washington, D. C., January 29, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-1952; Filed, Feb. 7, 1951; 8:49 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 43]

CENTRAL OF GEORGIA RAILWAY CO.

REROUTING OR DIVISION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Central of Georgia Railway Company, because of land slides, is unable to transport traffic routed over its line between Columbus, Ga., and Birmingham, Ala. *It is ordered,* That:

(a) Rerouting CGA traffic: The Central of Georgia Railway Company is hereby authorized and directed to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., February 2, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., February 28, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., February 1, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-1953; Filed, Feb. 7, 1951; 8:49 a. m.]

[4th Sec. Application 25811]

LARD AND VEGETABLE OILS FROM TEXAS POINTS TO KANSAS, OKLAHOMA AND JOPLIN, MO.

APPLICATION FOR RELIEF

FEBRUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3588.

Commodities involved: Lard, lard compounds and substitutes; cooking or salad oils such as copra, corn, cottonseed, palm kernel, peanut and soyabean, in carloads.

From: Dallas, Ft. Worth, North Ft. Worth and Sherman, Tex.

To: Specified points in Kansas and Oklahoma, and Joplin, Mo.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3588, Supp. 129.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1954; Filed, Feb. 7, 1951; 8:50 a. m.]

[4th Sec. Application 25812]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS. AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and H. P. Welch Co., of Somerville, Mass., a common carrier by motor vehicle.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1955; Filed, Feb. 7, 1951; 8:50 a. m.]

[4th Sec. Application 25813]

ASPHALT COMPOUNDS AND OTHER COMMODITIES BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATON FOR RELIEF

FEBRUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 591 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Asphalt compounds and other commodities, in carloads.

Between: Specified points in official territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1956; Filed, Feb. 7, 1951; 8:50 a. m.]

[4th Sec. Application 25814]

STOVES, RANGES AND ONION SETS FROM ILLINOIS TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 699 and other tariffs, pursuant to fourth-section order No. 9800.

Commodities involved: Stoves and ranges, and onion sets, in carloads.

From: Specified points in Illinois.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1957; Filed, Feb. 7, 1951; 8:50 a. m.]

[4th Sec. Application 25815]

LIQUEFIED CHLORINE GAS FROM MEMPHIS, TENN., TO TERRE HAUTE, IND.

APPLICATION FOR RELIEF

FEBRUARY 5, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company, for itself and for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Liquefied Chlorine gas, in tank-car loads.

From: Memphis, Tenn.

To: Terre Haute, Ind.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-1958; Filed, Feb. 7, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

MERCER HICKS CORP. AND MERCER HICKS

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

In the matter of Mercer Hicks Corporation and Mercer Hicks, 72 Wall Street, New York 5, New York.

This is a proceeding to determine whether it is in the public interest to revoke the broker and dealer registration of Mercer Hicks Corporation pur-

suant to section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") and to suspend or expel it from membership in National Association of Securities Dealers, Inc. ("the NASD") pursuant to section 15A (*l*) (2) of the Exchange Act.[1] We must also decide whether under section 15A (b) (4) of the Exchange Act, Mercer Hicks, registrant's president, is a cause of any order of revocation, expulsion or suspension which we might enter in this proceeding.[2]

Respondents filed a stipulation and consent to revocation, in which they waived a hearing and consented to the entry of an order revoking registration and expelling registrant from the NASD. They also consented to the making of appropriate findings by the Commission, including a finding that Mercer Hicks personally is a cause of such order. On the basis of the record we make the following findings.

The registration of Mercer Hicks Corporation as a broker-dealer became effective on June 6, 1949. Hicks was the organizer, president and controlling stockholder. The corporation took over the business and assets of Mercer Hicks & Company, a sole proprietorship owned by Hicks, for which Hicks received 270,000 shares of common stock of the corporation.[3] The corporation, beginning about June 17, 1949, made a public offering of 30,000 shares of common stock and 30,000 shares of preferred stock. These shares were offered at $10 per unit, each unit consisting of one share of common stock having a par value of $.10 and one share of preferred stock having a par value of $1 and entitled to cumulative annual dividends of $.50.

A total of 11,998 units were sold at $10 per unit. From June 20 to December 31, 1949, 5,083 units of the corporation stock were sold. At December 31, 1949, the net worth of the corporation was not more than $27,722, or about $5.45 per share on its then outstanding preferred stock. Between January 1 and February 28, 1950, 3,092 more units were sold. At February 28, 1950, the net worth of the corporation was not more than $51,981.35 or about $6.35 per share on the 8,175 shares of outstanding preferred stock. Between February 28 and April 29, 1950, an additional 3,823 units were sold. At April 29, 1950, the net worth of the corporation was not more than $51,247.17 or about $4.25 per share on the 11,998 shares of outstanding preferred stock, and this included as an asset an investment of $22,573 in a wholly-owned subsidiary, General Radiant Heater Corporation.[4]

During the period in which these sales were made, four consecutive quarterly dividends of $0.125 per share were paid on the preferred stock, the first on July 1, 1949. These dividends were paid out of that portion of receipts from stock sales which had been credited to capital surplus. At April 29, 1950, the corporation had an operating loss of $64,600.66 according to its books. Salaries, advances and commissions to officers and employees totaled $62,570, whereas only $3,331.92 was obtained from brokerage commissions and trading profits.

The corporation and Hicks personally engaged in numerous fraudulent practices in connection with the sale of the corporation stock. Purchasers of the corporation stock were furnished with no financial data but were told that the Corporation was being operated at a profit. They were not advised of the disparity between the asset value of the securities being sold and the sales prices, of the corporation's operating deficits, or of the fact that dividends were paid out of capital surplus obtained from the sale of stock. Purchasers were falsely advised that the Johns-Manville Co. had made a substantial investment in General Radiant Heater Corporation, the wholly-owned subsidiary of Mercer Hicks Corporation. Misrepresentations were made concerning other companies to induce stockholders in those companies to sell their stock and buy Mercer Hicks Corporation stock. In addition, the corporation and Hicks appropriated cash and securities of customers without their knowledge or consent and substituted therefor the stock of the corporation.

In connection with all of these activities the corporation and Hicks made use of the mails and of the instrumentalities of interstate commerce.

We conclude that Mercer Hicks and Mercer Hicks Corporation willfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Exchange Act and Rules X-10B-5 and X-15C1-2 (a) and (b) thereunder. We find that it is in the public interest to revoke the registration of Mercer Hicks Corporation and to expel it from the NASD, and that Mercer Hicks personally is a cause of such order of revocation and expulsion within the meaning of section 15A (b) (4) of the Exchange Act.[5]

It is ordered, therefore, That the registration as a broker and dealer of Mercer Hicks Corporation be, and it hereby is, revoked and that Mercer Hicks Corporation be, and it hereby is, expelled from membership in National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1946; Filed, Feb. 7, 1951; 8:47 a. m.]

E. VAN BENSCHOTEN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 2d day of February 1951.

In the matter of E. Van Benschoten, Hotel Roosevelt, 45th Street and Madison Ave., New York, New York.

I. The Commission's public official files disclose that E. Van Benschoten, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 28, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 7, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1947; Filed, Feb. 7, 1951; 8:48 a. m.]

[File No. 7-1278]

TOLEDO EDISON CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of The Toledo Edison Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 21, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1944; Filed, Feb. 7, 1951; 8:47 a. m.]

[File No. 7-1279]

ALLEGHENY LUDLUM STEEL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1951.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Allegheny Ludlum Steel Corporation, a security listed and registered on the New York Stock Exchange and on the Pittsburgh Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 20, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1945; Filed, Feb. 7, 1951; 8:47 a. m.]

[File No. 7-1280]

BALDWIN-LIMA-HAMILTON CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

The Cincinnati Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $13 Par Value, of Baldwin-Lima-Hamilton Corporation, a security listed and registered on the New York Stock Exchange and on the Philadelphia-Baltimore Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to February 23, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1948; Filed, Feb. 7, 1951; 8:48 a. m.]

[File Nos. 54-51, 59-12]

NATIONAL POWER & LIGHT CO. ET AL.

ORDER PERMITTING SALE AND TRANSFER OF CERTAIN STOCKS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

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[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * or (2) any partner, officer, director, or branch manager of such broker or dealer * * * (C) is permanently * * * enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder * * *"

Section 15A (*l*) (2) of the Exchange Act, in substance, authorizes the Commission, if it is necessary or appropriate in the public interest, to suspend or expel a broker or dealer from membership in a registered securities association if it finds, after appropriate notice and opportunity for hearing, that the member has violated any provision of the Exchange Act or the Securities Act of 1933 or any rule adopted pursuant to those statutes.

[2] Under section 15A (b) (4), in the absence of approval or direction by the Commission, no broker or dealer may be admitted to or continued in membership in a national securities association if the broker or dealer or any person associated with such broker or dealer was "a cause" of any order of revocation, suspension or expulsion.

[3] Mercer Hicks & Company was also registered as a broker-dealer; its withdrawal from registration became effective on February 6, 1950.

[4] The net worth of General Radiant Heater Corporation as of April 29, 1950, appears to have been not more than $9,000.

[5] On December 26, 1950, on the complaint of this Commission, the U. S. District Court for the Southern District of New York entered a final judgment enjoining Mercer Hicks Corporation and Mercer Hicks from further violations of the anti-fraud provisions of the Securities Act. The existence of an effective injunctive decree in itself affords a basis under section 15 (b) for the revocation of registration. (See footnote 1, *supra.*) We had also applied for the appointment of a receiver for the corporation, but this motion was withdrawn when a receiver was appointed by the Supreme Court for the State of New York at the instance of the New York State Attorney General.

[1] Filed as part of the original document.

National Power & Light Company ("National"), a registered holding company, having notified the Commission pursuant to paragraph (c) of Rule U-44 promulgated pursuant to the Public Utility Holding Company Act of 1935, that it intends to sell 30,000 shares of its holdings of the common stock of Pennsylvania Power & Light Company ("Pennsylvania") from time to time in the open market on the New York Stock Exchange at prices to be fixed by the Company; and

The Commission having advised National that the proposed sale did not appear to require the filing of a declaration with the Commission under the act: *Provided however*, That if such Pennsylvania stock is not sold by April 1, 1951 National shall file a further notice with the Commission pursuant to Rule U-44 (c); and National having requested the Commission to enter an order containing findings and recitations conforming to the applicable requirements of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to grant such request:

It is ordered and recited, That the sale and transfer by National of 30,000 shares of common stock of Pennsylvania Power & Light Company and the sale and transfer of 4,146 shares of such stock heretofore consummated are necessary or appropriate to the integration and simplification of the holding company system of which National is a member and it is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1951; Filed, Feb. 7, 1951; 8:49 a. m.]

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

ORDER PERMITTING SALE AND TRANSFER OF CERTAIN STOCKS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of January A. D. 1951.

In the matter of Electric Bond and Share Company, American Power & Light Company, File No. 54-168; in the matter of Electric Bond and Share Company, American Power & Light Company, et al., File No. 59-12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having notified the Commission, pursuant to paragraph (c) of Rule U-44 promulgated pursuant to the Public Utility Holding Company Act of 1935, that it intends to carry out the following transactions:

Bond and Share proposes to sell 33,702 shares of the common stock of Minnesota Power & Light Company ("Minnesota"). These shares of common stock were acquired, together with other securities of former utility subsidiary companies of American Power & Light Company ("American") in exchange for Bond and Share's holdings of the former preferred and common stocks of American pursuant to a section 11 (e) Plan of American approved by this Commission on October 4, 1949 and made effective February 15, 1950. The acquisition of such securities, including the common stock of Minnesota, by Bond and Share under the above mentioned section 11 (e) Plan was subject to a commitment by Bond and Share to dispose of such securities within one year from the effective date of the Plan. Of the common stock of Minnesota to be sold, 23,000 shares will be sold to Bear, Stearns & Company and 10,702 shares to Kidder, Peabody & Company at 31⅝ per share.

The Commission having advised Bond and Share that the proposed sale did not appear to require the filing of a declaration with the Commission under the act, and Bond and Share having requested the Commission to enter an order containing findings and recitations conforming to the requirements of the Internal Revenue Code, as amended, and the Commission finding that the requested order may appropriately be entered:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 23,000 shares of the common stock of Minnesota Power & Light Company to Bear, Stearns & Co. and 10,702 shares of the common stock of Minnesota Power & Light Company to Kidder, Peabody & Co. at 31⅝ per share is necessary or appropriate to the integration and simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1950; Filed, Feb. 7, 1951; 8:49 a. m.]

[File No. 70-2561]

UNITED GAS CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 2d day of February A. D. 1951.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company, File No. 70-2561.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line"), and Union Producing Company ("Union"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 9 (a) (1), 10 and 12 thereof and Rule U-43 (a) of the rules and regulations promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

United, Union, and Pipe Line, are engaged in the production, purchase, transportation, distribution and sale of natural gas in the states of Texas, Louisiana and Mississippi. In addition, Pipe Line and Union are engaged in the production, transportation and sale of crude oil and extraction and sale of gasoline and other liquid hydrocarbons.

United proposes to purchase from Pipe Line a recently constructed research laboratory building and the equipment and fixtures used in connection therewith, all located in the city of Shreveport, Louisiana, for a cash consideration of $530,075.35, which is stated to be the actual depreciated cost of such property of Pipe Line. United also proposes to purchase from Union a tract of land consisting of 7.67 acres, upon which the research laboratory is located, for a cash consideration of $8,679.37, which is stated to be the actual cost of such land to Union.

Pipe Line maintains its own research department which deals with the day to day operating problems in connection with the production and transmission of natural gas, oil and other liquid hydrocarbons and in the development of new methods and processes in connection with said operations. The application-declaration states that Pipe Line is now enlarging its research personnel to take care of research problems with respect to current system operations. The application-declaration also states that the management of United has for some time considered the advisability of creating a research division whose activities will be devoted to the solution of problems as they arise with respect to day to day operations of United, Pipe Line and Union, and that in its opinion the best interests of the system, as an integrated operation, will be served by transferring the research duties to a separate division of United so that its service may be available equally to Pipe Line, Union, and the operating divisions of United. The application-declaration also states that upon consummation of the proposed transactions, research service will be available to system companies at cost.

The proceeds from the sale of property described above will be deposited by Pipe Line with the Corporate Trustee under its Mortgage and Deed of Trust dated September 25, 1944, in accordance with the provisions of such mortgage and deed of trust.

Applicants-declarants request that the Commission's order herein be issued as promptly as may be practicable and that it be effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than February 15, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 12, 1951, at 5:30 p. m., e. s. t. said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration on file with the Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1949; Filed, Feb. 7, 1951; 8:48 a. m.]

[File No. 812-707]

COMPOSITE BOND AND PREFERRED STOCK FUND, INC., ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

In the matter of Composite Bond and Preferred Stock Fund, Inc., Composite Stock Fund, Inc., Murphey Favre, Inc., and Bond Research Corporation. File No. 812-707.

Notice is hereby given that Composite Bond and Preferred Stock Fund., Inc., and Composite Stock Fund, Inc. (hereinafter sometimes refered to as "Fund" or "Funds," as the case may be), registered investment companies, Murphey Favre, Inc., principal underwriter for each of the Funds, and Bond Research Corporation, investment adviser for each of the Funds, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of the Funds at reduced public offering prices based on concurrent purchases of shares of both Funds aggregating more than $10,000.

Each of the Funds is registered under the act as an open-end investment company. The application states that Composite Bond and Preferred Stock Fund, Inc. invests solely in bonds and preferred stocks and that the paramount long-range objectives of the Fund are the maintenance of income and conservation of capital.

The application also states that the articles of incorporation of Composite Stock Fund, Inc. permit investment in bonds and preferred stock and common stock, but that it has been the policy of the Fund to invest at least 90 percent of its assets (other than cash and government securities) in common stocks and preferred stocks. At the annual meeting of stockholders held on January 9, 1951, stockholders of the Fund approved a restatement of the Fund's investment policy which in effect eliminated the requirement that a specified percentage of its assets must be invested in stocks and permits the management freedom of action in determining the proportion of the various types of securities which may be held by the Fund from time to time. In view of this change of policy, the Fund has changed its name from Composite Stock Fund, Inc. to Composite Fund, Inc.

The normal offering price of shares of each of the Funds is equal to the net asset value per share plus a percentage selling commission. Quantity discounts resulting in decreased selling commissions are presently available with respect to individual purchases of $10,000 or more of the shares of each of the individual Funds. In each Fund the selling commission is 8 percent of the public offering price on that portion of the purchase not in excess of $10,000; 5 percent of the public offering price on that portion of the purchase in excess of $10,000 but not in excess of $20,000; 3 percent of the public offering price on that portion of the purchase in excess of $20,000 but not in excess of $30,000; and 2 percent of the public offering price on that percent of the purchase in excess of $30,000. An individual or corporate trustee, guardian or other fiduciary or custodian may have the benefit for his fiduciary or custodian accounts (including accounts in which he has co-fiduciaries) of the reduced offering price stated above if the aggregate fiduciary or custodianship purchases made at a single time total $10,000 or more.

It is now proposed to extend quantity discounts to concurrent purchases of shares of both Funds aggregating more than $10,000.

The application further states that it has been the experience of the Funds, Murphey Favre, Inc. and Bond Research Corporation that persons contemplating a sizable purchase of investment company shares seek to diversify their holdings in more than one Fund with different portfolios and differing investment objectives. The proposed schedule of quantity discounts will permit such an investor to obtain the diversification he seeks without sacrificing the advantage of a quantity discount presently available for purchases of shares of a single Fund.

All interested persons are referred to said application which is on file in the Washington, D. C. office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after February 22, 1951, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 20, 1951 at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-1943; Filed, Feb. 7, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16301]

TADAO TANABE

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Tadao Tanabe, deceased. F-39-1724-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tadao Tanabe, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. One (1) The Oriental Development Company, Limited, External Loan 30-year, 6 Percent Gold Debenture Bond, due 1953, of the face value of $1,000 bearing number M16104, presently in the custody of the Attorney General of the United States, Office of Alien Property, Honolulu Office, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto, and

b. One (1) Tokyo Electric Light Company, Limited, First Mortgage Gold Bond, 6 Percent Dollar Series, due 1953, of the face value of $1,000, bearing number 46422, presently in the custody of the Attorney General of the United States, Office of Alien Property, Honolulu Office, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Tadao Tanabe, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin,

legatees and distributees of Tadao Tanabe, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 2, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1971; Filed Feb. 7, 1951; 8:54 a. m.]

[Vesting Order 17053]

ANTON FRIEDRICH SANDHAGEN

In re: Estate of Anton Friedrich Sandhagen, deceased. File No. D-28-1739.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Elisabeth d'Orville, Emma Sofia Maria d'Orville, also known as Maria d'Orville, and Hans Friedrich d'Orville, also known as Hans d'Orville, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Anton Friedrich Sandhagen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $14,467.76, held as of August 21, 1950, for the account of the Estate of Anton Friedrich Sandhagen by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, as trustee under the will of Heinrich E. F. Sandhagen, together with any accumulations thereon, subject, however, to any lawful fees and disbursements of Central Hanover Bank and Trust Company, trustee, as aforesaid,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Anton Friedrich Sandhagen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1973; Filed, Feb. 7, 1951; 8:54 a. m.]

[Vesting Order 17067]

HEDWIG M. WENZEL

In re: Estate of Hedwig M. Wenzel, deceased, and trust created under the will of Hedwig M. Wenzel, deceased. File: D-28-4168; E. T. sec. 7565.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Diakonissen Anstalt Bethanien & Ernestinenhof, whose last known address is Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Hedwig M. Wenzel, deceased, and in and to the trust established under the will of Hedwig M. Wenzel, deceased, at present in the possession of the Attorney General of the United States, and

(b) That certain real property situated in Ekalaka, Carter County, Montana, particularly described as the northeast quarter, east half of the northwest quarter, section thirty-one, north half of the northwest quarter, section thirty-two, township one north, range sixty east, M. M. M., containing 320 acres, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

(c) All right, title, interest, and claim of the person named in subparagraph 1 hereof in and to any and all insurance policies which insure the property described in subparagraph 2 (b) hereof.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 (a) hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2 (b) and 2 (c) hereof, inclusive, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1974; Filed, Feb. 7, 1951; 8:54 a. m.]

[Vesting Order 17097]

FRIEDA HUFFMANN

In re: Bonds owned by Frieda Huffmann. F-28-31119.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Huffmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by two (2) Erie Railroad, Refunding and Improvement 5 percent Gold Bonds, Series of 1930 $1000.00 face value each, in bearer form, bearing the numbers 43488 and 43489, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1975; Filed, Feb. 7, 1951; 8:55 a. m.]

[Vesting Order 16937]

DEUTSCHE REICHSBANK

In re: Securities owned by Deutsche Reichsbank. F-28-1282-A-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Deutsche Reichsbank, the last known address of which is Berlin, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, Deutsche Reichsbank, Wertpapieraebteilung, together with all declared and unpaid dividends thereon,

c. Those certain certificates of deposit described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, "Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights thereunder and thereto,

d. Receipt for Mercantile Arcade & Office Bldg. 6½ percent Bonds numbered D 6522/5 and M 6829/31, registered in the name of Fred Tollner, with an aggregate value of $5,000, said receipt numbered 26767, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account number F 86224, entitled, Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights in, to and under the aforesaid receipt and the aforesaid bonds,

e. Voting Trust Certificate for two (2) shares of no par value capital stock of Colonade Construction Corp., New York, New York, said voting trust certificate numbered 1206, registered in the name of John Koopman, and presently in the custody of The Chase National Bank of the City of New York in an account, Account number F 86224, entitled, Deutsche Reichsbank, Wertpapieraebteilung, together with any and all rights in, to and under the aforesaid voting trust certificate and all declared and unpaid dividends on the aforesaid shares of stock,

f. All rights and interest in, to and under a certificate for ten (10) shares no par value common stock of Electric Power & Light Corporation, 2 Rector Street, New York, New York (now dissolved), said certificate numbered 0123711, registered in the name of Miss Anna Prochnow, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F 86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, together with all declared and unpaid dividends thereon, and any and all liquidating dividends thereon,

h. Ten (10) shares of no par value common Class A new stock of General Gas & Electric Corporation, evidenced by certificate numbered G 075115, registered in the name of Anna Prochnow, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F 86224, entitled Deutsche Reichsbank, Wertpapieraebteilung, togetner with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization of December 1, 1945,

i. One (1) Participation Certificate for two shares of no par value capital stock of Forest Park Hotel Co., St. Louis, Missouri, said participation certificate numbered 938, registered in the name of Fred Tollner and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number F-86224, entitled Deutsche Reichsbank Wertpapieraebteilung, together with any and all rights in, to and under the aforesaid participation certificate, and

j. One (1) United States Customs House Receipt, bearing No. 6374, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account, Account Number S 63077/6374, entitled Deutsche Reichsbank, said receipt covering a Certificate of Participation, numbered 2564, of the Labor National Bank, Paterson, New Jersey, registered in the name of Edward Theuer, said certificate of participation presently in the custody of the Federal Reserve Bank of New York, in a General Ruling No. 5 account, entitled "Secretary of the Treasury under Executive Order No. 8389, as amended," and any and all rights in, to and under the aforesaid receipt, and any and all rights in, to and under the aforesaid certificate of participation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Reichsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Face value	Bond No.	Registered owner
Colonade Construction Corp., general mortgage 2½ percent bond, due bond, due Apr. 1, 1951.	$500	D79	John Koopman.
Fenway Hall Apartment Bldg., 1st mortgage S/F, 5½ percent gold bond, due Apr. 1, 1947.	500	1126	Do.
1 Park Ave. Bldg., 1st mortgage serial coupon, 6 percent bond, due Nov. 6, 1939.	500	3164	Do.
2 Park Ave. Bldg., 2d mortgage ref. ine. 3 percent bond, due Dec. 15, 1946.	500	D689	Do.

EXHIBIT B—STOCKS

Name and address of issuer	Place of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
American Chain Co., Inc., now known as American Chain & Cable Co., 230 Park Ave., New York, N. Y.	New York	Cumulative preferred.	$100	P010860	1	Nicholas Baumgartner.
American Hardware Corp., New Britain, Conn.	Connecticut	Common	25	B2642	9	Do.
New Britain Gas Light Co., New Britain, Conn.	do	Capital	25	4243	5	Do.
New Britain Machine Co., New Britain, Conn.	do	Cumulative preferred A	100	P3668	1	Do.
North & Judd Manufacturing Co., New Britain, Conn.	do	Capital	25	10811	3	Do.
Peck Stow & Wilcox Co., Southington, Conn.	do	do	25	12218	2	Do.
Union Manufacturing Co., New Britain, Conn.	do	do	25	6030	3	Do.
Inspiration Consolidated Copper Co., 25 Broadway, New York, N. Y.	Maine	do	20	A172891	13	Miss Anna Prochnow.
Radio Corp. of America, RCA Bldg., 30 Rockefeller Plaza, New York, N. Y.	Delaware	Common	No par	N0292745	25	Do.
United Corp.		do		C0235478	15	Do.
Western Maryland Ry., Standard Oil Bldg., Baltimore, Md.	Maryland and Pennsylvania.	do	100	015995	60	Miss Katherine Bender.
Cities Service Co., 60 Wall Tower, New York, N. Y.	Delaware	do	No par	VL165700	60	Miss Katherine Bender.

EXHIBIT C—CERTIFICATES OF DEPOSIT

Description of issue	Certificate No.	Form of registration
Certificate of deposit for Aquitania Apartments, Chicago, 1st mortgage 6½ percent bond of $1,000 face value.	935 (Dep. No. 10551)	Fred Tollner.
Certificate of deposit for Bellerive Apartments, Kansas City, Mo., bond No. D 2060 of $500 face value.	16574	Do.
Certificate of deposit for East Ave. Apartment Bldg., 1st mortgage 6 percent gold bond, numbered M 3488, of $1,000 face value.	1384	John Koopman.
Certificate of deposit for Ritz Carlton Hotel, 1st mortgage 6 percent gold bond of $3,000 face value.	1767	Do.
Certificate of deposit for Whittier Apartment, Detroit, 1st mortgage bond of $1,000 face value.	896 (Ref. No. 46922)	Fred Tollner.
Certificate of deposit for Wolff Manufacturing Corp., 1st mortgage 6½ percent bond of $1,000 face value.	974 (Ref. No. 57104)	Do.

[F. R. Doc. 51-1972; Filed, Feb. 7, 1951; 8:54 a. m.]

[Vesting Order 17110]

NORDDEUTSCHE LEBENSVERS, A. G.

In re: Bonds owned by Norddeutsche Lebensvers, A. G. F-28-8182.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Norrddeutsche Lebensvers, A. G., the last known address, of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by twenty-five (25) United States of America Treasury 3 percent Bonds, due September 15, 1955, in bearer form, bearing the numbers 46288J, 134963C, 178541A and 178542B of $1,000.00 face value each; 60561A, 64116F, 67860L, 67861A, 67862B, 71413C, 75463C, 83127H, 99433C, 103040L, 105837H, 122184D, 122185E, 122186F, 122190L, 123330L, 131768J, 141502B of $100.00 face value each and 2261A, 13264D, 15931A of $50.00 face value each, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1976; Filed, Feb. 7, 1951; 8:55 a. m.]

[Vesting Order 17115]

ANNA REUBKE

In re: Bank account owned by Anna Reubke. F-6-1331.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Reubke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Manhattan Savings Bank, 154 East 86th Street, New York 28, New York, arising out of a savings account, account numbered 621,481, entitled "Mary De Nardo in trust for Anna Reubke", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Reubke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1977; Filed, Feb. 7, 1951; 8:55 a. m.]

[Vesting Order 17116]

MINORU SAWADA

In re: Bank account owned by Minoru Sawada. F-39-5575-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru, Sawada, whose last known address is Teramachi-Higashiiru Shijo-Dori, Kyoto, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Minoru Sawada, by Bank of America National Trust and Savings Association, 660 South Spring Street, Los Angeles, California, arising out of a checking account, entitled Minoru Sawada, maintained at the branch office of the aforesaid bank located at 15835 East Main Street, Puente, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1978; Filed, Feb. 7, 1951; 8:55 a. m.]

[Vesting Order 17121]

VEREINIGTE STAHLWERKE AKTIENGESELLSCHAFT

In re: Debt owing to Vereinigte Stahlwerke Aktiengesellschaft, also known as United Steel Works Corporation. D-28-10717-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vereinigte Stahlwerke Aktiengesellschaft, also known as United Steel Works Corporation, the last known address of which is Duesseldorf, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of the deposit with said Bank for the account of Thor Corporation, Limited, London, England, of funds for the payment of principal and accrued interest of Gelsenkirchen Mining Corporation Six Year 6% Secured Notes, due March 1, 1934, and for the payment of certain coupons appertaining thereto together with accrued interest on certain of said coupons, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Vereinigte Stahlwerke Aktiengesellschaft, also known as United Steel Works Corporation, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1979; Filed, Feb. 7, 1951; 8:55 a. m.]

[Vesting Order 17123]

WM. TIEMANN

In re: Bank account owned by Wm. Tiemann. D-28-5707.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wm. Tiemann, whose last known address is 53 Destel Levern, Westfahlen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Wm. Tiemann by The Western Bank & Trust Company, 12th & Vine Streets, Cincinnati, Ohio, arising out of a savings account, Account Number 4840, entitled "Wm. Tiemann", maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1980; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17220]

BERTHA HAACK ET AL.

In re: Rights of Bertha Haack et al., under insurance contract. File No. F-28-31132-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Haack, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bertha Haack, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 107 802 393, issued by the Metropolitan Life Insurance Company, New York, New York, to Bertha Haack, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bertha Haack or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bertha Haack, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Bertha Haack, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1984; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17189]

SEIKO KONDO AND TAMOTSU OHNO

In re: Rights of Seiko Kondo and Tamotsu Ohno under an insurance contract. File No. F-39-4420-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Seiko Kondo and Tamotsu Ohno, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7 910 335 issued by the New York Life Insurance Company, New York, New York, to Seiko Kondo, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Seiko Kondo or Tamotsu Ohno, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1988; Filed, Feb. 7, 1951; 8:57 a. m.]

[Vesting Order 17179]

CARL STORZ AND THE WESTERN BANK AND TRUST CO.

In re: Trust under Agreement between Carl Storz, Grantor, and The Western Bank and Trust Company, Trustee, dated the 29th day of February 1932. File No. F-28-12357; E. T. sec. 6587.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helga Nicholls, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That Marie Storz, Johanna Storz, Werner Storz, Alvina (Alwine) Reiniger, Julie Ungerer, Gunther Storz, Maria Altpeter, Paul Stephan Storz, Ulrich Storz, Ingrid Storz, Rosine Anna Schlueter, and Ottilie Storz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the heirs of Johann Friedrich Storz, deceased, heirs of Anna Winterele, deceased, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Joseph Storz, deceased, of Ludwig Storz, deceased, of Katerina (Katharina) Ungerer (Unger), deceased, and of Ludwig (Louis) Friedrich Storz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, in and to and arising out of or under that certain trust agreement dated February 29, 1932, by and between Carl Storz, Grantor, and The Western Bank and Trust Company, Trustee, at present being administered by The Western Bank and Trust Company, Cincinnati, Ohio, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the said Helga Nicholls be treated as a national of a designated enemy country (Germany);

6. That to the extent that the persons identified in subparagraph 2 hereof and the heirs of Johann Friedrich Storz, deceased, heirs of Anna Winterele, deceased, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Karl Joseph Storz, deceased, of Ludwig Storz, deceased, of Katerina (Katharina) Ungerer (Unger), deceased, and of Ludwig (Louis) Friedrich Storz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1983; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17125]

JOHANNES AND KATHERINE UHRIG

In re: Funds payable and owing to Johannes and Katherine Uhrig, also known as Katharina Uhrig. F-28-24032-B-1; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes and Katherine Uhrig, also known as Katharina Uhrig, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Johannes and Katherine Uhrig, also known as Katharina Uhrig, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial account opened on July 7, 1947, pursuant to Treasury license NY 832989-T, entitled Johannes and Katherine Uhrig, maintained at the French American Branch Office of the aforesaid bank located in San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 and referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1981; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17202]

DAI ICHI GINKO, LTD.

In re: Bank account owned by Dai Ichi Ginko, Ltd. F-39-304-C-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dai Ichi Ginko, Ltd., the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Dai Ichi Ginko, Ltd., by the National City Bank of New York, 55 Wall Street, New York 5, New York, arising out of a current account entitled Dai Ichi Ginko, Ltd., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1985; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17210]

SHINKO MENKWA KABUSHIKI KAISHA

In re: Debt owing to Shinko Menkwa Kabushiki Kaisha. F-39-1639.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinko Menkwa Kabushiki Kaisha, the last known address of which is Osaka, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Bank of America National Trust and Savings Association, San Francisco, California, arising out of a Time Deposit/Open Account file No. 469 in the name of Shinko Menkwa Kabushiki Kaisha, maintained at the San Francisco Main Office of the aforesaid Bank of America National Trust and Savings Association, and any and all rights to demand, enforce and collect the same, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1986; Filed, Feb. 7, 1951; 8:57 a. m.]

[Vesting Order 17221]

FRANK HAHN ET AL.

In re: Rights of Frank Hahn, et al., under insurance contract. File No. F-28-31101-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Hahn and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Hahn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 80127693, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Frank Hahn, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Frank Hahn or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Hahn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that Frank Hahn and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Frank Hahn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1989; Filed, Feb. 7, 1951; 8:57 a. m.]

[Vesting Order 17228]

RUTH K. OKADA ET AL.

In re: Rights of Ruth K. Okada et al., under contract of insurance. File No. D 39-19032 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ruth K. Okada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ruth K. Okada, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 90731009, issued by the Metropolitan Life Insurance Company, New York, New York, to Ruth K. Okada, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ruth K. Okada or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ruth K. Okada, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ruth K. Okada, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1987; Filed, Feb. 7, 1951; 8:57 a. m.]

[Vesting Order 17219]

HERMAN GROESCHKE

In re: Estate of Herman Groeschke, deceased. File No. D-28-12944.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Groeschke, Anna Laute, Oskar Kaul, Walter Kaul, Anna Fiedler, Marta Ottlik, Lucie Fritzshe, Helene Drass, Fritz Groeschke, Willi Kaul, and Kurt Groeschke whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Herman Groeschke, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Administrator, acting under the judicial supervision of the Surrogate's Court, County of Bronx, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1991; Filed, Feb. 7, 1951; 8:57 a. m.]

FEB 12 '51

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 — 1934 — NUMBER 28

Washington, Friday, February 9, 1951

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

PART 14—PROCEDURE FOR GOVERNMENT ADVERTISING

REVOCATION

JANUARY 31, 1951.

Part 14, procedure for Government Advertising, is hereby revoked.

(Sec. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 51-2027; Filed, Feb. 8, 1951; 8:49 a. m.

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPENDIX—APPORTIONMENT OF ASSISTANCE FUNDS

SUPPLEMENTAL APPORTIONMENT OF $3,000,000 OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL-LUNCH ACT [1]

Pursuant to section 4 of the National School-Lunch Act (60 Stat. 230) supplemental food assistance funds available for the fiscal year ending June 30, 1951, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$117,258	$114,489	$2,769
Arizona	19,556	18,498	1,058
Arkansas	79,247	77,834	1,413
California	148,666	148,666	
Colorado	24,213	22,102	2,111
Connecticut	28,224	28,224	
Delaware	4,503	3,778	725
District of Columbia	10,311	10,311	
Florida	59,080	56,937	2,143
Georgia	113,722	113,722	
Idaho	14,466	14,041	425
Illinois	113,065	113,065	
Indiana	76,201	76,201	
Iowa	45,778	41,109	4,669
Kansas	38,946	38,946	
Kentucky	106,313	106,313	
Louisiana	84,845	84,845	
Maine	21,621	17,839	3,782
Maryland	36,126	29,779	6,423
Massachusetts	75,953	58,299	17,654
Michigan	118,035	100,084	17,951
Minnesota	$59,737	$51,465	$8,272
Mississippi	104,132	104,132	
Missouri	76,749	76,749	
Montana	8,905	8,116	789
Nebraska	23,857	21,440	2,417
Nevada	2,254	2,222	32
New Hampshire	10,825	10,825	
New Jersey	69,305	56,190	13,115
New Mexico	18,982	18,982	
New York	176,085	176,085	
North Carolina	144,108	144,108	
North Dakota	13,121	11,873	1,248
Ohio	132,102	114,125	17,977
Oklahoma	70,140	70,140	
Oregon	30,935	30,935	
Pennsylvania	33,981		33,981
Rhode Island	11,580	11,580	
South Carolina	86,564	85,496	1,068
South Dakota	11,999	11,013	986
Tennessee	109,117	106,476	2,641
Texas	188,564	188,564	
Utah	18,445	18,190	255
Vermont	8,688	8,688	
Virginia	81,165	78,665	2,500
Washington	43,254	40,765	2,489
West Virginia	59,527	58,224	1,303
Wisconsin	63,805	50,172	13,333
Wyoming	5,518	5,518	
Total	3,000,000	2,836,471	163,529

[1] Additional sum of $3,000,000 transferred from original amount set aside for sec. 6 purchases and made available for cash assistance to States.

(60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: February 6, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture

[F. R. Doc. 51-2054; Filed, Feb. 8, 1951; 8:56 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[ACP-1950-5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM SUBPART—1950

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE; MATERIALS AND SERVICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 National Agricultural Conservation Program, issued July 21, 1949 (14 F. R. 4627), as amended September 2, 1949 (14 F. R. 5520), December 16, 1949 (14 F. R. 7609), February 8, 1950 (15 F. R. 791), and August 28, 1950 (15 F. R. 5927), is futher amended as follows:

(Continued on p. 1225)

CONTENTS

Agriculture Department — Page
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Garrett, Henrietta E. — 1261
Gudert, Carl — 1261
Japanese Association of America — 1261
Kuhnle, Barbara (Kuhule), et al — 1262
Lemaire, Maurice Henri — 1262
Matsuoka, Shunji — 1262
Schering, A. G. et al — 1258
Straubel, Fritz — 1262
Tatsuta, Saichi, et al — 1260

Civil Aeronautics Administration
Rules and regulations:
Air traffic rules; minimum en-route instrument altitudes — 1232

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
All American Airways, Inc.; hearing — 1252

Commerce Department
See Civil Aeronautics Administration.

Commodity Credit Corporation
Notices:
Cotton, American-Egyptian; determination of required level of price support for 1951-crop Amsak and Pima 32 — 1250

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Federal Communications Commission
Notices:
Changes in assignments of broadcasting stations — 1256
Hearings, etc.:
Booth Radio & Television Stations, Inc. et al — 1253
Epperson, Ralph D. (WPAQ), and News-Journal Corp. (WNDB) — 1255
Formby, Marshall — 1256

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CONTENTS—Continued

Federal Communications Commission—Continued Page

Notices—Continued
Hearings, etc.—Continued
Great Northern Radio, Inc. (WWSC) 1255
Hirsch Communications Engineering Corp. and Hawthorn Broadcasting Co. 1254
Pratt Broadcasting Co. 1254

Federal Communications Commission—Continued Page

Notices—Continued
Hearings, etc.—Continued
Radiomarine Corp. of America 1252
Station WTNJ 1255
Sudbury, Harold L. (KLCN) 1255
Tone, Albert 1252
Warner Brothers (KWBR) 1253
Motions Commissioner designation for February 1951 1256
Rules and regulations:
Radio service, amateur; miscellaneous amendments 1237

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co. 1257
Texas Gas Transmission Corp. 1256
Thorne, Hans, et al. 1256

Federal Security Agency
See Public Health Service.

General Accounting Office
Rules and regulations:
Government advertising procedure, revocation 1223

Housing Expediter, Office of
Rules and regulations:
Rent controlled; housing and rooms in rooming houses and other establishments 1233

Immigration and Naturalization Service
Rules and regulations:
Certificates of citizenship 1231
Naturalization papers replaces: new certificate in changed name 1231
Permit to reenter the U. S. 1231
Preexamination of aliens within the U. S. 1231
Registry of aliens under Nationality Act of 1940 1231
Removal of distressed aliens from the U. S. 1231
Students 1231

Interstate Commerce Commission
Notices:
Applications for relief:
Coke from Hopewell, Va., to Wilson, N. C. 1257
Formaldehyde from Texas and Oklahoma to the South 1258
Molasses from Louisiana to Oklahoma 1257
Rock, aplite, from Piney River, Va., to Indiana and Ohio 1257
Sulphur, crude, from Texas and Louisiana to Calvert, Ky. 1257

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Post Office Department Page
Notices:
Mail service restrictions, temporary 1250

Price Stabilization, Office of
Rules and regulations:
Industry Advisory Committees appointed under Defense Production Act of 1950 (PPR 2) 1234
Scrap, iron and steel; correction (CPR 5) 1234
Wool products, certain, supplied to Defense Agencies; general ceiling price regulation (GCPR 1) 1234

Production and Marketing Administration
Proposed rule making:
Milk handling in Wichita, Kansas, marketing area 1242
Union Stock Yards Co. of Omaha (Ltd.); petition for modification of temporary rates 1242
Rules and regulations:
Milk handling in Springfield, Mo., marketing area 1225
National Agricultural Conservation program:
1950 1223
1951 1225
National School Lunch Act, Supplemental apportionment of food assistance; fiscal year 1951 1223

Public Health Service
Rules and regulations:
Officers, commissioned; foreign service allowance 1237

Securities and Exchange Commission
Notices:
Hecht, O. H.; hearing 1258

Tax Court of the United States
Rules and regulations:
Admission to practice; rules of practice 1233

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 1250

Wage Stabilization Board
Rules and regulations:
Adjustments for individual employees (GR 5) 1236

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page

Title 4
Chapter I:
Part 14 1223

Title 7
Chapter II:
Part 210 1223
Chapter VII:
Part 701 (2 documents) 1223, 1225
Chapter IX:
Part 921 1225
Part 968 (proposed) 1242

CODIFICATION GUIDE—Con.

Page

Title 8
Chapter I:
Part 125 1231
Part 142 1231
Part 157 1231
Part 164 1231
Part 362 1231
Part 379 1231
Part 382 1231

Title 14
Chapter I:
Part 60 1232

Title 24
Chapter VIII:
Part 825 1233

Title 26
Chapter III:
Part 701 1233

Title 32A
Chapter III (OPS):
CPR 5 1234
CCPR, SR 1 1234
PPR 2 1234
Chapter IV (WSB):
GR 5 1236

Title 42
Chapter I:
Part 21 1237

Title 47
Chapter I:
Part 12 1237

1. Section 701.103 is amended by inserting the following immediately preceding paragraph (a):

§ 701.103 *Conservation practices and maximum rates of assistance.* • • •

Assistance for the practices contained in paragraphs (a) (4), (13), (14); (b) (3), (4); and (c) (1) (iii), (iv), of this section may be given even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to reasons beyond the control of the producer. The county committee may require as a condition of assistance in such cases that the area be reseeded, or that other needed protective measures be carried out.

2. Section 701.107 (c) is amended by inserting the following at the end thereof:

§ 701.107 *Conservation materials and services.* • • •

(c) *Deduction.* • • •

Notwithstanding other provisions of this section, in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of this paragraph.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 6th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2017; Filed, Feb. 8, 1951; 8:47 a. m.]

[1051(51)-1, Supp. 3]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE; MATERIALS AND SERVICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 National Agricultural Conservation Program, issued September 6, 1950 (15 F. R. 6109), as amended October 6, 1950 (15 F. R. 6813), and October 24, 1950 (15 F. R. 7201), is further amended as follows:

1. Section 701.210 is amended by adding paragraph (c) as follows:

§ 701.210 *Conservation practices and maximum rates of assistance* • • •

(c) Assistance for the practices contained in §§ 701.214, 701.223, 701.224, 701.231, 701.232, 701.241 (c), and 701.241 (d) may be given even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to reasons beyond the control of the producer. The county committee may require as a condition of assistance in such cases that the area be reseeded, or that other needed protective measures be carried out.

2. Section 701.277 is amended by adding paragraph (c) as follows:

§ 701.277 *Deduction.* • • •

(c) Notwithstanding other provisions of this section and the provisions of § 701.275, in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of paragraph (a) of this section.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

FEBRUARY 6, 1951.

[F. R. Doc. 51-2019; Filed, Feb. 8, 1951; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 921—MILK IN THE SPRINGFIELD, MO., MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

Sec.
921.0 Findings and determinations.

DEFINITIONS

921.1 Act.
921.2 Secretary.
921.3 Department.
921.4 Person.
921.5 Delivery period.
921.6 Cooperative association.
921.7 Springfield, Missouri, marketing area.
921.8 Producer.
921.9 Handler.
921.10 Approved plant.
921.11 Unapproved plant.
921.12 Producer milk.
921.13 Other source milk.
921.14 Producer-handler.

MARKET ADMINISTRATOR

921.20 Designation.
921.21 Powers.
921.22 Duties.

REPORTS, RECORDS, AND FACILITIES

921.30 Reports of receipts and utilization.
921.31 Reports of payments to producers.
921.32 Reports of producer-handlers.
921.33 Records and facilities.
921.34 Retention of records.

CLASSIFICATION

921.40 Basis of classification.
921.41 Classes of utilization.
921.42 Shrinkage.
921.43 Responsibility of handlers and reclassification of milk.
921.44 Transfers.
921.45 Computation of skim milk and butterfat in each class.
921.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

921.50 Basic formula price.
921.51 Class prices.
921.52 Butterfat differentials to handlers.

APPLICATION OF PROVISIONS

921.60 Producer-handlers.
921.61 Interhandler transfers.

Sec.
921.62 Milk priced under other Federal orders.

DETERMINATION OF UNIFORM PRICE

921.70 Computation of value of milk.
921.71 Computation of uniform price.

PAYMENTS

921.80 Time and method of payment.
921.81 Producer butterfat differential.
921.82 Producer-settlement fund.
921.83 Payments to the producer-settlement fund.
921.84 Payments out of the producer-settlement fund.
921.85 Adjustment of accounts.
921.86 Marketing services.
921.87 Expense of administration.
921.88 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

921.90 Effective time.
921.91 Suspension or termination.
921.92 Continuing power and duty of the market administrator.
921.93 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

921.100 Agents.
921.101 Separability of provisions.

AUTHORITY: §§ 921.0 to 921.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 921.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held April 17–20, 1950, at Springfield, Missouri, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this part, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (i) producer milk (including such handler's own production) received during the month and (ii) other source milk required to be reported during the month.

(b) *Additional findings.* It is necessary, in the public interest, to make the several provisions of this order effective as hereinafter set forth. Any further delay in the effective date of the order will seriously threaten the orderly marketing and supply of milk in the Springfield, Missouri, marketing area. The need for the order is also disclosed by the decision (16 F. R. 463) which was executed on January 15, 1951. The provisions of the order are well known to handlers—the public hearing having been held on April 17–20, 1950, the recommended decision having been published in the FEDERAL REGISTER (15 F. R. 7017) on October 20, 1950, and the final decision (16 F. R. 463) having been executed by the Secretary on January 15, 1951. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective March 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order which is marketed within the Springfield, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (October 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 921.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Delivery period.* "Delivery period" means a calendar month during which this order or any amendment thereto is in effect.

§ 921.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.7 *Springfield, Missouri, marketing area.* "Springfield, Missouri, marketing area," hereinafter called the marketing area, means all of the territory within the limits of the city of Springfield, Missouri.

§ 921.8 *Producer.* "Producer" means any person other than a producer-handler who produces milk under a dairy farm permit or rating issued by the appropriate health authority of the City of Springfield, Missouri, for the production of milk intended for consumption as Grade A milk in the marketing area, which milk is received at an approved plant directly from the farm at which produced, or is caused to be diverted by a handler from an approved plant to an unapproved plant. Milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person defined as a producer under another Federal milk marketing order with respect to milk produced by him which is received at a plant operated by a handler who is subject to regulation with respect to such milk under such other order and who is partially exempt from the provisions of this order pursuant to § 921.62.

§ 921.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted from an approved plant to an unapproved plant by such cooperative association for its account.

§ 921.10 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is approved by the appropriate health authority of the City of Springfield, Missouri, for the handling of milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors.)

§ 921.11 *Unapproved plant.* "Unapproved plant" means any milk processing, distributing, or manufacturing plant which is not an approved plant.

§ 921.12 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received by a handler either directly from such producers or from other handlers.

§ 921.13 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 921.14 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 921.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Cause to be paid out of the funds provided by § 921.87 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.86) necessarily incurred by him in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments of each handler by inspection of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices and butterfat differentials determined for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the prices and butterfat differentials for each class of milk computed pursuant to §§ 921.51 and 921.52; and

(2) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 921.71 and the butterfat differential computed pursuant to § 921.82; and

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 921.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved plants within such delivery period.

(1) Of milk from producers (including his own farm production),

(2) From other handlers, and

(3) Of other source milk (except non-fluid Class II products disposed of in the form in which received without further processing or packaging by the handler).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk on routes wholly outside of the marketing area;

(c) The name and address of each producer from whom milk was received for the first time, and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer;

(a) The total pounds of milk received and the average butterfat content thereof,

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 921.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, and such facilities, as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each delivery period.

§ 921.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the delivery period by a handler at his approved plant(s) which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and products required by the health authority of the City of Springfield, Missouri, to be made from approved butterfat and skim milk; and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 921.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the delivery period within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located 125 miles or more by shortest highway distance, as determined by the market administrator, from the City Hall in Springfield, Missouri;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 125 miles from the City Hall in Springfield, Missouri, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the seventh day after the end of the delivery period within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 921.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler, and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk, for such handler.

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 921.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other handlers according to its classification pursuant to § 921.44 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetical average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the differentials set forth in § 921.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts: $1.08 for the delivery periods of July through December; 83 cents for the delivery periods of January through March; and 63 cents for the delivery periods of April through June: *Provided*, That if, after this order shall have been effective for 12 months, during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 115 percent of the total Class I milk disposed of by all handlers (other than producer-handlers, and those partially exempt from this part pursuant to § 921.62) during such 12 months period the following adjustments shall be made to the price for Class I milk for the respective groups of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of class I milk is	
	Below 115 percent (add)	Above 115 percent (subtract)
	Cents	*Cents*
January through March	1	2
April through June	0	2
July through December	2	2

And provided further, That for all delivery periods other than April, May and June from the effective date of this part until the date at which any adjustment, if required, could be effective under the proviso immediately preceding, the Class I price shall be increased 15 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price, except that for the delivery periods of April, May, June and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 921.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply by 1.25;
(b) *Class II milk.* Multiply by 1.20.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.52, 921.61, 921.70 and 921.71, 921.80 through 921.88, shall not apply to a producer-handler.

§ 921.61 *Interhandler transfers.* Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered as having been received by the handler who caused the milk to be diverted; milk received at an approved plant for more than 15 days during any delivery period shall be considered to have been received by the handler who operates such approved plant.

§ 921.62 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a handler who is subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be the sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 by the applicable class prices.

§ 921.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 921.70 of all handlers who made the reports prescribed in § 921.30 and who made the payments prescribed in §§ 921.80 through 921.83 for the previous delivery period;

(b) Add the unobligated balance in the producer-settlement fund;

(c) Subtract, if the weighted average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 921.81, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat differential computed pursuant to § 921.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.88 and (3) deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 921.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the 28th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period.

(c) On or before the 13th day after the end of each delivery period, and on or before the 26th day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section each handler shall furnish each producer with a supporting statement in

such form that it may be retained by the producer which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.86 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

In making payment to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(c) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments pursuant to § 921.80 (a) each handler shall add to or subtract from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 921.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 921.83 and 921.62 (b), and all appropriate payments pursuant to § 921.85 and out of which he shall make all payments to handlers pursuant to § 921.84 and appropriate payments pursuant to § 921.85: *Provided*, That payment due to any handler shall be offset by payments due from such handler.

§ 921.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential.

§ 921.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to §921.70 is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 921.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 921.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such delivery period, pay over such deductions to the cooperative association rendering such services.

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production) and other source milk required to be reported.

§ 921.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this part, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof there are any obligations arising under this part the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 921.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 921.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 6th day of February 1951, to be effective on and after the 1st day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2055; Filed, Feb. 8, 1951; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS DELETING REFERENCES TO FORM G-81

JANUARY 26, 1951.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Subchapter B—Immigration Regulations

PART 125—STUDENTS

The last sentence of paragraph (e) of § 125.12, *Records of admission, readmission, and departure*, is amended to read as follows: "If it is found that the student has been readmitted to the United States under another status, the file relating to the alien shall be transferred, where necessary, to the district acquiring jurisdiction over the alien following his readmission."

b. The last sentence of § 125.14, *Transfers from one school to another*, is amended to read as follows: "When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward the file (including any duplicate copy of Form I-94) pertaining to the student to the director of the district to which the student transfers."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 4, 13, 15, as amended; 43 Stat. 155, 161, 162, 47 Stat. 524, 50 Stat. 165, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. 204, 213, 215)

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

The last sentence of paragraph (b) of § 142.7, *Notification of authorization*, is amended to read as follows: "If no appeal is taken, the district director shall direct such further action as may be deemed appropriate for the disposition of the case."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

PART 157—REMOVAL OF DISTRESSED ALIENS FROM THE UNITED STATES

The last sentence of paragraph (a) of § 157.5, *Final disposition*, is amended to read as follows: "If the district director finds that the alien is not entitled to be removed, he shall deny the application."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102)

PART 164—PERMIT TO REENTER THE UNITED STATES

a. Paragraph (a) of § 164.4, *Issuance; effect; delivery in the United States*, is amended by deleting the last sentence, which reads as follows: "Whenever the district director issues a reentry permit, notice of such action on Form G-81 shall be sent to the Central Office."

b. The first sentence of paragraph (c) of § 164.4 is amended to read as follows: "Whenever an application for a permit to reenter the United States is denied and no appeal is taken, the fee shall be returned to the applicant."

c. Paragraph (b) of § 164.6, *Extensions*, is amended by deleting the last sentence thereof, which reads as follows: "If the extension is granted by a district director, the Central Office shall be notified on Form G-81 of such action."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 10, 43 Stat. 156; 8 U. S. C. 210)

Subchapter D—Nationality Regulations

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

a. Paragraph (b) of § 362.10, *Record, recommendation, review, and disposition*, is amended by deleting the last sentence thereof, which reads as follows: "The Central Office shall be notified on Form C-81 of the action taken."

b. Paragraph (e) of § 362.10 is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C-81 of the action taken by the district director."

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 328, 342, 54 Stat. 1152, 1161; 8 U. S. C. 72., 742)

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

Paragraph (d) of § 379.7, *Record; recommendation; review; issuance of certificate*, is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C-81 of the action taken by the district director."

(Sec. 37, 327, 54 Stat. 67, 1150; 8 U. S. C. 458, 727. Interprets or applies sec. 339, 54 Stat. 1160, 58 Stat. 4, 61 Stat. 414; 8 U. S. C. 601 note, 739)

PART 382—NATURALIZATION PAPERS REPLACED: NEW CERTIFICATE IN CHANGED NAME

Paragraph (d) of § 382.5, *New papers; by whom issued; forms; numbering*, is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C-81 of the action by the district director."

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 341, 342, 54 Stat. 1161, 58 Stat. 755; 8 U. S. C. 741, 742)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the amendments which are prescribed in this order pertain solely to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 102, 222, 458, 727)

[SEAL] A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: February 5, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-2028; Filed, Feb. 8, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 10]

PART 60—AIR TRAFFIC RULES

MINIMUM ENROUTE INSTRUMENT ALTITUDES

The minimum enroute instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–14 *Green Civil Airway No. 4 is amended to read in part:*

From—	To—	Minimum altitude
Int. S. crs. St. Joseph, Mo. (LFR) and Kansas City, Mo. (VOR), radial 224.	Kansas City, Mo. (VOR), via radial 224.	2,200

2. Section 60.17–102 *Amber Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Cut Bank, Mont. (LFR).	Lethbridge, Alberta, Can. (LFR).	6,000

3. Section 60.17–104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR).	Abeam Ardmore, Okla (Rbn).	2,000
Abeam Ardmore, Okla. (Rbn).	Oklahoma City, Okla. (LFR).	2,500
Glenwood (INT), Nebr.	Omaha, Nebr. (LFR).	2,500

4. Section 60.17–107 *Amber Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Melbourne, Fla. (LFR).	Daytona Beach, Fla. (LFR).	1,400
Daytona Beach, Fla. (LFR).	Jacksonville, Fla. (LFR).	1,400
Jacksonville, Fla. (LFR).	Savannah, Ga. (LFR).	1,500
Bedford (INT), Mass.	Boston, Mass. (LFR).	1,700

5. Section 60.17–208 *Red Civil Airway No. 8* is amended to eliminate:

From—	To—	Minimum altitude
Williamsport, Pa.	Kingston (INT), Pa.	3,600

6. Section 60.17–210 *Red Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga. (LFR).	Augusta, Ga. (LFR).	2,300

7. Section 60.17–210 *Red Civil Airway No. 10* is amended to eliminate:

From—	To—	Minimum altitude
Bold Spring (INT), Ga.	Augusta, Ga. (LFR).	2,800

8. Section 60.17–211 *Red Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Capron (INT), Okla.	Enid, Okla. (Vance LFR).	2,600
Enid, Okla. (Vance LFR).	Mulhall (INT), Okla.	2,600

9. Section 60.17–221 *Red Civil Airway No. 21* is amended to eliminate:

From—	To—	Minimum altitude
Int. S. crs. Wilkes-Barre, Pa. (LFR) and W. crs. Newark, N. J. (LFR).	Belfast (INT), Pa.	3,000
Belfast (INT), Pa.	Newark, N. J. (LFR).	

10. Section 60.17–221 *Red Civil Airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa. (LFR).	Int. SE. crs. Williamsport, Pa. (LFR) and SW. crs. Wilkes-Barre, Pa. (LFR).	3,500
Int. SE. crs. Williamsport, Pa. (LFR) and SW. crs. Wilkes-Barre, Pa. (LFR).	Int. NE. crs. Allentown, Pa. (LFR) and NW. crs. Newark, N. J. (LFR).	4,000
Int. NE. crs. Allentown, Pa. (LFR) and NW. crs. Newark, N. J. (LFR).	Newark, N. J. (LFR).	2,700

11. Section 60.17–226 *Red Civil Airway No. 26* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre, Pa. (LFR).	Slatington (INT), Pa.	4,000

12. Section 60.17–229 *Red Civil Airway No. 29* is amended to read in part:

From—	To—	Minimum altitude
West Henrietta (INT), N. Y.	Mt. Morris (INT), N. Y.)	2,700

13,500 feet—Minimum crossing altitude at Mt. Morris (INT), south-bound.

13. Section 60.17–259 *Red Civil Airway No. 59* is amended to read in part:

From—	To—	Minimum altitude
Garden City, Kans. (LFR).	Int. S. crs. Garden City, Kans. (LFR) and NW. crs. Gage, Okla. (LFR).	4,500
Int. S. crs. Garden City, Kans. (LFR) and NW. crs. Gage, Okla. (LFR).	Gage, Okla. (LFR).	4,000

14. Section 60.17–268 *Red Civil Airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
San Angelo, Tex. (LFR).	Paint Rock (INT), Tex.	3,500
Tyler, Tex. (LFR).	Gregg County, Tex. (Rbn).	1,900
Gregg County, Tex. (Rbn).	Shreveport, La. (LFR).	1,700

15. Section 60.17–268 *Red Civil Airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Hobbs, N. Mex. (LFR).	Int. E. crs. Hobbs, N. Mex. (LFR) and S. crs. Lubbock, Tex. (LFR).	5,000

16. Section 60.17–613 *Blue Civil Airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Belton (INT), Mo.	Kansas City, Mo. (LFR).	2,700

17. Section 60.17–632 *Blue Civil Airway No. 32* is amended to read in part:

From—	To—	Minimum altitude
Dungeness (INT), Wash.	Patricia Bay, British Columbia, Canada (LFR).	2,500

18. Section 60.17–670 *Blue Civil Airway No. 70* is amended to read:

From—	To—	Minimum altitude
Ardmore, Okla. (Rbn).	Abeam Oklahoma City, Okla. (LFR).	2,700
Abeam Oklahoma City, Okla. (LFR).	Tulsa, Okla. (LFR).	2,200

19. Section 60.17–672 *Blue Civil Airway No. 72* is amended to read:

From—	To—	Minimum altitude
Enid, Okla. (Vance LFR).	Blackwell (INT), Okla.	2,600

20. Section 60.17–1002 *Direct route; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR).	Int. SW. crs. Wichita Falls, Tex. (LFR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	2,500
Int. SW. crs. Wichita Falls, Tex. (LFR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Int. S. crs. Guthrie, Tex. (VAR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	3,500
Int. S. crs. Guthrie, Tex. (VAR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Lubbock, Tex. (LFR).	4,500

21. Section 60.17–1002 *Direct route; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Joaquin, Tex. (VAR).	Tyler, Tex. (LFR).	1,900

22. Section 60.17–1002 *Direct route; Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Augusta, Ga.	Atlanta, Ga.	2,300

(Sec. 205, 52 Stat. 934, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 9, 1951.

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2009; Filed, Feb. 8, 1951; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

ADMISSION TO PRACTICE

Section 701.2 is amended to read, as follows:

§ 701.2 *Admission to practice.* (a) An applicant who establishes to the satisfaction of the Court that he or she is a citizen of the United States, of good moral character and repute, and possessed of the requisite qualifications to represent others in the preparation and trial of cases, may be admitted to practice before the Court subject to the specific requirements stated hereafter in this section.

(b) Each application must be on the form provided by the Court. Application forms and other necessary information will be furnished upon request addressed to the Enrollment Clerk of this Court, Box 70, Washington 4, D. C.

(c) An attorney-at-law may be admitted to practice upon filing with the Enrollment Clerk a completed application accompanied by a current certificate from the Clerk of the appropriate court, showing that the applicant has been admitted to practice before and is a member in good standing of the Bar of the Supreme Court of the United States, or of the highest court of any State, or Territory, or of the District of Columbia.

(d) An applicant, not an attorney-at-law, as a condition of being admitted to practice, must pass a written examination given by the Court and the Court may require such person in addition, to take an oral examination. Any person who has thrice failed such examinations shall not thereafter be eligible to take another examination for admission.

(e) An applicant for admission by examination must be sponsored by at least three persons theretofore enrolled to practice before this Court, and each sponsor must send a letter of recommendation directly to the Enrollment Clerk of the Court where it will be treated as a confidential communication. The sponsor shall send in his letter promptly, stating therein fully and frankly the extent of his acquaintance with the applicant, his opinion of the moral character and repute of the applicant, and his opinion of the qualifications of the applicant to practice before this Court. The Court may in its discretion accept an applicant with less than three such sponsors.

(f) The Court will hold an examination for applicants at its offices in Washington, D. C., on the second Wednesday in September of each year, and at such other times and places as it may designate. The Court will notify each applicant, whose application is in order, of the time and place at which he is to present himself for examination, and the applicant must present that notice to the examiner as his authority for taking an examination. An applicant seeking to qualify by examination must accompany his application with a fee of $10; check or money order to be made payable to the "Treasurer of the United States."

(g) Corporations and firms will not be admitted or recognized.

(h) Practitioners before this Court shall carry on their practice in accordance with the letter and spirit of the canons of professional ethics as adopted by the American Bar Association.

(i) The Court may deny admission to, suspend, or disbar any person who in its judgment does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct. No person shall be suspended for more than 60 days or disbarred until he has been afforded an opportunity to be heard. A Division may immediately suspend any person for not more than 60 days for contempt or misconduct during the course of any proceeding.

(j) The Court may require any practitioner before it to furnish a statement under oath of the terms and circumstances of his employment in any proceeding. (See § 701.24.)

(53 Stat. 160, as amended; 26 U. S. C. 1111)

Dated: February 5, 1951.

By the Court.

[SEAL] JOHN W. KERN,
Chief Judge,
The Tax Court of the United States.

[F. R. Doc. 51-2020; Filed, Feb. 8, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdt. 270]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdt. 267]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respects:

Items 1 and 2 of Amendment 270 to §§ 825.1 to 825.12 and Amendment 267 to §§ 825.81 to 825.92 are corrected to read as follows:

A. Paragraph (a) of § 825.81 shall read as follows:

(a) *Rooms in rooming houses, hotels and other establishments and defense-rental areas to which §§ 825.81 to 825.92 inclusive, apply.* Sections 825.81 to 825.92, inclusive (except the provisions contained in Schedule B), apply to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under §§ 825.81 to to 825.92, inclusive, by consent of the Area Rent Director pursuant to paragraph (e) of this section and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.81 to 825.92, inclusive, as the "defense-rental area"), which are listed in Schedule A, except as provided in paragraph (b) of this section: *Provided, however,* That after December 31, 1950, said §§ 825.81 to 825.92 will apply only to said rooms and accommodations in those defense-rental areas which are listed in Schedule C.

In Schedule A of §§ 825.81 to 825.92, inclusive, the "maximum rent date" and

the "effective date of regulation" as established under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. These apply to defense-rental areas listed in Schedule C, as well as to those listed in Schedule A. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.81 to 825.92, inclusive, insofar as it is applicable to certain individual defense-rental areas, or portions thereof.

In Schedule C are listed those localities and the defense-rental areas in which they are located, which, by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.81 to 825.92 after December 31, 1950. The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

B. A sentence is added to the last paragraph of § 825.1 (a), so that said last paragraph will read as follows:

In Schedule C are listed those localities and the defense-rental areas in which they are located, which by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.1 to 825.12 after December 31, 1950. The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of August 18, 1950.

Issued this 6th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2029; Filed, Feb. 8, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5]

CPR 5—IRON AND STEEL SCRAP

In F. R. Doc. 51-1937 (16 F. R. 1061), the fourth sentence of section 23 (a) (5) reading: "May not include galvanized, vitreous enameled stock tin plate, terne plate, or other metal coated material" is corrected to read as follows: "May include galvanized, but not vitreous enameled stock tin plate, terne plate, or other metal coated material."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2117; Filed, Feb. 8, 1951; 11:47 a. m.]

[General Ceiling Price Regulation, Supplemental Regulation 1, Amdt. 1]

GCPR, SR 1—DEFENSE AGENCY PRICING AMDT. 1—CERTAIN WOOL PRODUCTS SUPPLIED TO DEFENSE AGENCIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 1 (16 F. R. 1006) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of Considerations

Supplementary Regulation 1 exempts from the General Ceiling Price Regulation certain purchases and sales of defense materials and services and establishes a procedure for the adjustment of ceiling prices in hardship cases. The accompanying amendment to Supplementary Regulation 1 exempts from the General Ceiling Price Regulation sales of certain wool products when sold to Defense Agencies or their suppliers.

Due to the fact that in the woolen industry deliveries to Defense Agencies frequently are not scheduled to commence until several months after a contract has been signed, substantial increases in material costs which occurred during the months immediately preceding the issuance of the General Ceiling Price Regulation, were not reflected in the prices of goods which were actually delivered during the base period. It is common knowledge that there has been a very substantial increase in the price of raw wool, most of which is imported. It is necessary, therefore, in order to facilitate procurement of woolen products for the Defense Agencies, to provide a limited exemption from the General Ceiling Price Regulation until such time as a proper method for computing ceiling prices, other than the method established by the General Ceiling Price Regulation, can be formulated.

This amendment also makes two procedural changes in the method of granting individual hardship adjustments.

1. Section 2 of Supplementary Regulation 1 is amended to read as follows:

SEC. 2. *Temporary exemptions, commodities and services for military needs.* (a) Until April 1, 1951, the provisions of the General Ceiling Price Regulation shall not apply to sales, of commodities and services normally produced and supplied only for military use, to a Defense Agency or to any person for use in connection with a defense contract or subcontract.

(b) The provisions of the General Ceiling Price Regulation shall not apply to sales of the following commodities pursuant to a defense contract entered into upon the basis of invitations for bids issued on or before January 26, 1951, or pursuant to a subcontract thereunder: (1) Woolen and worsted yarns and textiles; (2) Raw, scoured, and pulled wool, wool top, noils, mohair and wool waste; (3) Articles which are made principally from woolen or worsted yarns and textiles (except those in which the woolen material is supplied by a defense agency).

2. Section 10 of Supplementary Regulation 1 is amended to read as follows:

SEC. 10. *Individual hardship adjustments.* The Director of Price Stabilization, on application for adjustment in accordance with Price Procedural Regulation 1, may adjust the ceiling price or prices of any seller who has entered into or proposes to enter into a defense contract or subcontract for the sale of a commodity or service essential to the defense program, whenever it appears that the ceiling prices impedes or threatens to impede the production, manufacture, or distribution of such commodity or the supply of such service.

3. Section 13 of Supplementary Regulation 1 is amended to read as follows:

SEC. 13. *Contracts and deliveries pending disposition of adjustment applications.* Upon the filing of an application for adjustment with the appropriate Defense Agency for transmittal to the Director of Price Stabilization and pending final disposition of the application, contracts may be entered into or proposals and bids may be submitted at the price or prices requested in the application and deliveries may be made under such contracts, but the seller may not receive and the buyer may not pay the amount by which the requested price exceeds the ceiling price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested:

(a) The ceiling price for the commodity or service in question.

(b) A statement that the quoted price is subject to approval by the Director of Price Stabilization.

(c) A statement that an appropriate application has been filed with the Defense Agency for transmittal to the Director of Price Stabilization.

Effective date. This Amendment 1 is effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 7, 1951.

[F. R. Doc. 51-2118; Filed, Feb. 8, 1951; 11:48 a. m.]

[Price Procedural Regulation 2]

PPR 2—INDUSTRY ADVISORY COMMITTEES APPOINTED UNDER THE DEFENSE PRODUCTION ACT OF 1950

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738), the following rules are set forth for the appointment and administration of Industry Advisory Committees.

GENERAL

Sec.
1. Purpose.
2. Functions.
3. Meaning of "business" or "industry".

APPOINTMENTS

Sec.
4. Time of appointment.
5. Composition of Committees.
6. National or Regional Committees.
7. Eligibility for Committee membership.
8. Appointment of Committee members.
9. Alteration of Committees.
10. Maintenance of adequate membership.
11. Disbandment of a Committee.
12. Appointment of Subcommittees.

MEETINGS

13. The call.
14. The place.
15. Attendance.
16. Chairmanship.
17. Agenda.
18. Records of meetings.
19. Compensation and expenses.
20. Subcommittee meetings.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

GENERAL

SECTION 1. *Purpose.* Industry Advisory Committees serve an important and useful purpose in consulting with and advising the Director of Price Stabilization in regard to industry and business matters which should be considered by him in the preparation, issuance, and modification of price regulations and orders. By using such committees, business and industry and the Office of Price Stabilization can easily exchange views and discuss problems of mutual interest in connection with the stabilization of prices.

SEC. 2. *Functions.* Industry Advisory Committees function only in an advisory capacity, and shall confine their activities to the providing of information, advice and recommendations. All decisions with regard to price controls and the carrying out of such decisions shall remain the sole responsibility and within the sole authority of the Office of Price Stabilization. In addition to consultation with Industry Advisory Committees the Office of Price Stabilization may from time to time consult with such other persons or groups of persons, including trade associations, as it may deem appropriate or desirable.

SEC. 3. *Meaning of "business" or "industry".* The determination as to what constitutes a "business" or "industry" within the meaning of this regulation will be made by the Director of Price Stabilization in the light of the relevant circumstances. The appropriate considerations in such a determination will be those which will insure to the persons substantially affected by ceiling price regulations or orders a means of consultation and recommendation, but which will at the same time permit a workable framework for such consultation and recommendation, taking into account the organization of the Office of Price Stabilization. An undue multiplicity of committees will be avoided.

APPOINTMENTS

SEC. 4. *Time of appointment.* From time to time, as the need arises and as far as practicable, the Director of Price Stabilization will appoint appropriate Industry Advisory Committees, representative of any business or industry with regard to which the preparation or issuance of a ceiling price regulation or order, is being contemplated or considered.

SEC. 5. *Composition of Committees.* The Director of Price Stabilization shall select the members of each Industry Advisory Committee in a way to assure fair representation for independent small, for medium and for large business enterprises, for different geographical areas, for trade association members and non-members, and for different segments of the business or industry affected.

SEC. 6. *National or Regional Committees.* The Director of Price Stabilization will appoint Industry Advisory Committees on a national or regional basis, as he deems desirable or appropriate.

SEC. 7. *Eligibility for Committee membership.* Eligibility for membership on Industry Advisory Committees shall be determined by present employment with a firm in the business or industry affected, in a supervisory, managerial or technical capacity related to the production, distribution, or use of a material or service.

SEC. 8. *Appointment of Committee members.* Appointment of Industry Advisory Committee members shall be by letter from the Director of Price Stabilization. This letter will contain the names of all members of the Committee. At the time of the appointment of the Committee a press release will be issued publicly announcing such appointment.

SEC. 9. *Alteration of Committees.* The Director of Price Stabilization may from time to time in his discretion enlarge, reduce or change the membership of an Industry Advisory Committee.

SEC. 10. *Maintenance of adequate membership.* Industry Advisory Committees shall be kept staffed with full membership at all times. A vacancy shall be filled promptly by a person with as nearly the same business or industrial background as the person he is replacing, keeping in mind the requirements of Sec. 4.

SEC. 11. *Disbandment of a Committee.* Whenever the Director of Price Stabilization finds that an Industry Advisory Committee has accomplished its purpose, or whenever he deems it desirable, he will order the disbandment of the Committee.

SEC. 12. *Appointment of Subcommittees.* The Director of Price Stabilization may appoint Subcommittees of an Industry Advisory Committee for the purpose of considering problems of a specialized or technical nature in the businesss or industry represented by the Committee, or for the purpose of handling special and non-recurring tasks. A Committee may request the appointment of a Subcommittee. The Director of Price Stabilization may appoint to Subcommittees persons who are not members of the Committee.

MEETINGS

SEC. 13. *The call.* When the Director of Price Stabilization desires that an Industry Advisory Committee be called, he shall issue an invitation sufficiently in advance to enable the members of the Committee to make arrangements to attend and to permit time for prior consideration of the issues involved. The Director of Price Stabilization may call a meeting when requested by three Committee members, if he deems it desirable.

SEC. 14. *The place.* Unless otherwise specified by the Director of Price Stabilization, all meetings shall be held in Washington, D. C. and shall be under his supervision.

SEC. 15. *Attendance.* Attendance at Industry Advisory Committee meetings shall be limited as follows:

(a) Members of the Committee. No alternates will be permitted.

(b) Representatives of the Office of Price Stabilization and representatives of other Government agencies invited by the Director of Price Stabilization.

(c) Any other persons who may be invited by the Director of Price Stabilization. No business or industry representatives, except members of the Committee, shall be permitted to attend unless invited by the Director of Price Stabilization.

SEC. 16. *Chairmanship.* The Director of Price Stabilization or his representative shall act as Chairman of each Industry Advisory Committee and shall preside over all Committee meetings.

SEC. 17. *Agenda.* The agenda for each meeting shall be initiated by the Director of Price Stabilization or his representative, and so far as practicable, shall be forwarded to the Committee in advance of the meeting.

SEC. 18. *Records of meetings.* Full and complete minutes shall be kept of the proceedings and a record shall be made of those in attendance at each meeting. A summary report of the meeting shall be mailed to Industry Advisory Committee members as expeditiously as possible, unless the Director of Price Stabilization or his representative determines otherwise, after consultation with the Committee.

SEC. 19. *Compensation and expenses.* The Office of Price Stabilization shall not pay any compensation or reimbursement of expenses to any members of Industry Advisory Committees.

SEC. 20. *Subcommittee meetings.* Subcommittees shall have as their chairmen representatives of the Office of Price Stabilization designated by the Director. Meetings of a Subcommittee shall be held at the call of the chairman and complete minutes of the meeting shall be kept. Upon the conclusion of its consideration of each matter referred to it by an Industry Advisory Committee, the Subcommittee shall submit its views and conclusions and recommendations thereon in writing to the Committee.

Effective date. This regulation is effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 7, 1951.

[F. R. Doc. 51-2119; Filed, Feb. 8, 1951; 11:48 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 5]

GR 5—Adjustments for Individual Employees

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

The effective administration of wage stabilization program rests largely on the degree of success achieved in ensuring that individual wage and salary adjustments be not misused for the purposes of evading or avoiding the requirements of law. Efficient industrial management, harmonious labor-management relations and high level production cannot be attained unless a large measure of flexibility and discretion is reserved to management, or to management and labor, as the case may be, in the operation of sound systems for merit and/or length of service increases, promotions or transfers, establishing rates for new or changed jobs, new hirings, etc. It is the intention of the Board in the accompanying general regulation to permit the operation and administration of such systems subject to the standards and controls set forth therein.

Sec.
0. Regulation subject to future general regulation.
1. Merit and/or length of service increases where plan exists.
2. Merit and/or length of service increases in absence of plan.
3. Promotions and transfers.
4. New or changed jobs.
5. Hiring of new employees.
6. Permissible variations in earnings.
7. Rates subject to revision.
8. Record keeping required.
9. Increases shall not justify price increases.

AUTHORITY: Sections 0 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 0. *Regulation subject to future general regulation.* Pending the issuance of further general regulations on the subjects covered herein, individual wage or salary adjustments are authorized for employees, without prior approval of the Wage Stabilization Board, subject to this General Regulation No. 5.

SEC. 1. *Merit and/or length of service increases where plan exists.* Merit and/or length of service increases may be granted in accordance with a plan in effect on January 25, 1951, provided:

(a) That such a plan existed—

(1) In a written collective bargaining agreement in effect on or before January 25, 1951, or

(2) In the form of a written statement of policy or procedure or a written notice that had been furnished to or posted for the employees and which written statement or notice in effect on or before January 25, 1951, and that

(3) Such written agreement, statement, or notice, shall be kept available at all times for inspection by the Wage Stabilization Board, and

(b) That such a plan contains job classification rate ranges with clearly designated maximum rates; and

(c) That in accordance with the normal operation of such a plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at the time the increase is granted; and

(d) That if the plan provides for increases in specific amounts or percentage increases shall not be granted in excess of such amounts or percentages; and

(e) That if the plan does not provide for increases in specific amounts or percentages, the amount of increase granted to any individual employee shall not exceed the figure reached by dividing the total amount of the merit and/or length of service increases granted to individual employees in that classification during the calendar year 1950 by the number of employees in that classification who received such increases. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(f) That no employee's rate shall be raised above the maximum rate of his job classification.

SEC. 2. *Merit and/or length of service increases in absence of plan.* In the absence of an established plan meeting the requirements of section 1 above, merit and/or length of service increases may be granted subject to the following conditions:

(a) That the employee shall not have received a merit and/or length of service increase during the 12 calendar months preceding the effective date of such increase.

(b) That the number of employees whose rates may be increased in any one calendar month shall not exceed the proportionate number of increases granted per month during the calendar year 1950 in each bargaining unit or other appropriate groups of employees.

(c) That the increase granted an employee shall not exceed in amount the figure reached by dividing the total amount of merit and/or length of service increases granted to employees in the same job classification during the calendar year 1950, by the number of employees in that classification who received such increases; *Provided*, That in an establishment that has no system of job classifications, the increase shall not exceed in amount a figure similarly computed which averages the increases granted to employees doing similar work during the calendar year 1950. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(d) That no employee shall be raised to a rate higher than the maximum rate of the job classification, or in the absence of a formal system of rate ranges, than the highest rate paid to any employee doing similar work on January 25, 1951, except as such highest rate may have been raised pursuant to the terms of General Regulation No. 2 or other actions of the Board authorizing increases in wage or salary rates.

SEC. 3. *Promotions and transfers.* When a bona fide promotion or transfer of an employee to a higher job is made, the payment to such employee of the rate for such job is permissible provided:

(a) That the employee is required to perform the normal duties of the job to which he is promoted or transferred.

(b) That if the job to which the employee is promoted or transferred has a rate range, the rate within the range which he may be paid shall be governed by the practice followed under the terms of the applicable collective bargaining agreement, or under a written statement of policy or procedure existing and in actual operation on January 25, 1951. If such agreement or written statement does not exist, the employer shall follow the same practice in determining such rate as he followed in the calendar year 1950. In no event shall the employee receive a rate in excess of the maximum of the rate range to which he is promoted or transferred.

SEC. 4. *New or changed jobs.* Rates for new or changed jobs may be established in accordance with plans or procedures in effect on January 25, 1951, or, if no plan or procedure was in effect on such date, the rates established must be in balance with the existing rate structure. Slight or inconsequential changes in job content shall not provide the basis for establishing new job classifications, rates or rate ranges nor justify changes in existing job classifications, rates or rate ranges.

SEC. 5. *Hiring of new employees.* A new employee may not be hired at a rate exceeding:

(a) The minimum of the rate range of the job classification into which he is hired, provided that an employee who has special ability and experience may be hired at a rate corresponding to such ability and experience within the rate range, or

(b) The rate of the job, or

(c) The minimum rate paid to any employees doing similar work during the pay period immediately preceding January 25, 1951, if the establishment has no system of job classification.

SEC. 6. *Permissible variations in earnings.* Variations in earnings of industrial employees subsequent to January 25, 1951, resulting from the following are permissible: *Provided*, Such variations result from the operation of collective bargaining agreements or other plans or practices in effect on or before January 25, 1951, and further provided that the method of application of such agreements, plans or practices is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(a) The normal operation or application of incentive rates or plans; or

(b) Change from one shift to another; or

(c) The normal operation of a system for payment of commission on sales or business transactions; or

(d) The payment of overtime, premium, or penalty rates; or

(e) Other similar auxiliary pay practices.

SEC. 7. *Rates subject to revision.* The rate or rate ranges within which this regulation is to be operative may be revised pursuant to the other applicable regulations of the Board.

SEC. 8. *Record keeping required.* The employer shall keep records of each wage or salary adjustment made pursuant to the terms of sections 1 through 5 of this general regulation in readily accessible form for inspection by the Wage Stabilization Board.

SEC. 9. *Increases shall not justify price increases.* Increases in the wage rates of employees granted under the terms of this general regulation shall not furnish a basis either to increase price ceilings or resist otherwise justifiable reductions in price ceilings.

Adopted by the Wage Stabilization Board. Dissenting: Labor Members Emil Rieve, Elmer E. Walker, Harry C. Bates.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: February 5, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-2080; Filed, Feb. 7, 1951; 4:35 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective January 1, 1951, Appendix A is amended as follows:

Morocco	Subsistence	Quarters	Total	Travel
Deleted from class XXII	$2.75	$1.50	$4.05	$9.00
Placed in class II	2.55	2.50	5.05	8.00

Effective February 1, 1951, Appendix A is amended as follows:

	From class—	To class—
London, England	XI	XXVIII
Belgium	X	XXIX
Netherlands	XXVI	XXX
Norway	XXII	XXXI
Denmark	V	XXXII
Paris, France	XIII	XXXIII
Rome, Italy	XXIV	XXXIV

Add new classifications as follows:

	Subsistence	Quarters	Total	Travel
Class XXVIII	$3.75	$3.00	$6.75	$11
Class XXIX	3.75	3.00	6.75	12
Class XXX	2.55	2.00	4.55	10
Class XXXI	2.55	3.75	6.30	10
Class XXXII	3.00	2.50	5.50	10
Class XXXIII	3.00	5.00	8.00	13
Class XXXIV	3.75	5.25	9.00	13

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Dated: January 29, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: February 2, 1951.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2025; Filed, Feb. 8, 1951; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9295]

PART 12—AMATEUR RADIO SERVICE

REPORT AND ORDER OF THE COMMISSION

On April 21, 1949, the Commission published a general notice of proposed rule making which set forth substantial changes in Part 12, "Rules Governing Amateur Radio Service." Numerous comments both for and against the proposed amendments were received, whereupon the Commission held an informal conference in its offices at Washington, D. C., during the period October 10 to 11, 1949. As a result of the comments made and discussions which occurred at the conference, substantial revisions of the proposed rules were made, and on November 17, 1949, a further notice of proposed rule making and notice of provisional designation for oral argument was issued. Following a specific request by one of the amateur organizations a general oral argument was scheduled. On June 2, 1950, oral argument was heard by the Commission en banc.

In addition to stating the basis and purpose of the amateur rules, the amendments originally proposed provided for changes in the classification of amateur operator licenses which would eventually eliminate the three operator classifications now provided and substitute therefor six grades of amateur operator licenses, i. e., the novice, technician, conditional, general, advanced, and amateur extra classes of license; prescribed qualifications for these classes of licenses; amended the rule relating to renewal of license by providing, among other things, that the report of operation during the latter portion of the license term be specified in terms of operating time rather than number of communications; provided for changes in operator examinations in keeping with the new classes of licenses to be created, and restricted operation in certain frequency bands as to band width and modulation.

Following publication of the initial notice of proposed rule making the Commission received written comments from more than six hundred interested persons, including comments of some thirty-nine local, regional, or national amateur clubs and associations.

Because of the diversity of opinion expressed in the written comments, it was felt that by affording an opportunity for all interested parties to sit down with each other and the Commission's staff informally to discuss each of the specific rules proposed, these differences could be reconciled and each of the rules could assume the best possible substance and form. To a large extent these results were realized, and the further Notice of Proposed Rule Making thereafter issued reflected the discussions and agreements of the conference in a manner which, it was believed, would be generally acceptable to amateurs and which would also fulfill the Commission's statutory obligation in respect to the promulgation of rules and regulations.

In this further notice of rule making the Commission amended the proposed statement of the basis and purpose of the amateur rules in certain particulars, and in addition the proposed limitations of bandwidth, prohibition of wide-band frequency modulation, and further extension of narrow-band frequency modulation were eliminated. Provision was made for continuance of the Class A type of operator license in a manner designed to accommodate current licensees. The proposed new § 12.107, dealing with round table operation, was eliminated. The proposed requirement as to showing of operation during the license period as a prerequisite to renewal of license was modified.

Some forty or more persons and organizations filed initial or further comments following publication of the further notice of proposed rule making.

At the oral argument held June 2, 1950, considerable support of the pro-

posals, as revised, was expressed. The controversial portions of the argument related, primarily, to the statement of the basis and purpose of the amateur rules and the proposals to establish the amateur extra class of license. In addition, apparently because the underlying rationale was not clearly exposed, some objection was expressed to the proposed revision in the requirements for renewal of licenses and to the lack of a requirement for the re-examination of the holders of the technician class of license. However, the Commission was unable to determine, on the basis of the arguments, that further modifications should be made in the proposed amendments.

The disagreement with the proposed rule covering renewal of operator licenses was expressed, chiefly, on the ground that the present requirement, that application for renewal of license be accompanied by a showing of at least three communications by radiotelegraphy within the last six months of the license period, is sufficient. The theory underlying both the present and the proposed renewal requirements is that a certain showing of activity under the amateur license may be accepted as constituting a reasonable assurance that the licensee has maintained the skills which initially qualified him for the license. Accordingly, it is believed that a showing of operation in terms of actual operating time more accurately reflects this activity than would a mere showing of three contacts of indeterminate length.

The rules as to the technician class of license provide that an applicant may, if he resides more than 125 miles from the nearest examining point, is physically disabled, or is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason be unable to appear for examination at the time and place designated by the Commission, take the examination for the technician class of license before volunteer examiners. However, no provision is made for re-examination of the Technician Class operator when he changes residence and station location to within a regular examination area or when a new examination location is established within 125 miles of such licensee's residence and station location, as in the case of the Conditional Class license and the old Class C license. The reason for this difference lies in the comparative nature of the licenses. The technician class is designed for the experimenter or technician and the holder of the license is permitted to operate only on the higher frequency bands. Accordingly, it is believed that persons desiring this class of license would, primarily, be those who are truly interested in the radio art and who, because of the nature of their interest, are likely to be in fact qualified for the technician class of license whether examination for such license was conducted by an employee of the Commission or a volunteer examiner. Having this in mind and having in mind the administrative difficulties which are inherent in any requirement for re-examination, it is believed that to omit any requirement of re-examination in connection with the technician class of license is appropriate.

Objection to the proposal to create three new classes of amateur operator licenses was directed for the most part to the requirement of a code speed of 20 words per minute for the Amateur Extra Class license, on the grounds that this requirement would preclude many amateurs from obtaining this class of license. However, the new rules, in effect, provide a total of six grades of amateur licenses, including ones comparable to the present Classes A, B, and C; hence, persons not able to attain the code speed required for the Amateur Extra Class will still be able to obtain other licenses commensurate with their skills and abilities.

Objection was also expressed to the proposed eventual elimination of the present Class A license, which heretofore constituted the highest grade of amateur license and was supposed to indicate that the holder thereof was particularly well qualified in amateur radiotelephony. This grade of license was established several years ago when certain bands of frequencies were originally made available for amateur radiotelephony and it was considered advisable to restrict use of these bands to amateurs who showed above-average qualifications in this phase of the radio art. In view of this, the Class A license has become identified with advanced radiotelephony while at the same time constituting the only incentive in the amateur license structure for advancement in radio skills. Inasmuch as amateur radio activity contemplates many phases of the radio art in addition to radiotelephony, it is desired that the holder of the highest grade of license shall be well qualified in more than one of its phases, regardless of whether he intends to restrict his activities to a particular aspect of amateur activity. Accordingly, the Amateur Extra Class of license is provided to eventually replace the Class A in the belief that the logical grade of license beyond the General Class should be one which will afford an incentive to all amateurs to become highly proficient in all phases of the radio art.

At the oral argument it was proposed that, if the Commission deems it necessary to provide the Extra Class of license, such license, should be subdivided into two classes; viz., radiotelephone and radiotelegraph. However, comments received in this proceeding seem to indicate that a schism now exists among the ranks of the amateurs in regard to amateurs who are proficient in radiotelephony and amateurs skilled in code operation. It is not the purpose of these rules to widen this breach in the ranks of the amateurs but rather to cement together the various techniques employed in amateur radio into one license to symbolize a radio man who is highly proficient in all amateur phases of the radio art. It further appears that the type of emission or technique used in the operation of the amateur radio station would be an illogical dividing line between the various classes of operator licenses because of the almost limitless types of emission or techniques possible to the amateur. Accordingly, careful study and consideration of this proposal leads to the conclusion that such a division of the Extra Class license would be undesirable.

It was also suggested at the oral argument that, in addition to the requirements proposed, issuance of an Amateur Extra Class of license be restricted to persons who have had at least ten or fifteen years operating experience as a licensed amateur. However, since skill in operating and in radio technique depend to a considerable extent upon intensity of application this suggestion seems unnecessarily strict. Further, it is believed that a requirement of such lengthy experience, to some extent, would defeat the Commission's purpose in creating the Amateur Extra Class of license.

The basis and purpose statement evoked considerable comment and argument, largely upon the ground that the amateur body should seek its own objectives and request of the Commission such minimum regulation as would accomplish these objectives. However, since the Commission is charged, under the provisions of the Communications Act, with a positive responsibility to regulate the use of radio in the public interest, it may not, as suggested, shift that responsibility to others. Accordingly, the statement of the basis and purpose of the amateur rules is intended as a prospectus of the accomplishments which the Commission expects to result from the activities of a healthy amateur radio service functioning within the limits of rules shaped toward this end. Additionally, and of equal importance, is the fact that an expressed firm basis thereby will be afforded for future international negotiations affecting the Amateur Radio Service.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 4 (i) and 303 (b), (c), (g), (l), and (r) of the Communications Act of 1934, as amended; *It is ordered*, This 29th day of January 1951, that:

1. The foregoing report is adopted.

2. The rules set forth below are adopted and shall become effective on the dates specified therein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1032; as amended; 47 U. S. C. 303)

Released: January 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE,
Secretary.

Part 12, Rules Governing Amateur Radio Service, is amended as hereinafter indicated. These rules will become effective March 1, 1951, except as otherwise indicated by footnote.

[1] Statement of Commissioners Henock and Sterling dissenting and concurring in part filed as part of original document.

1. A new § 12.0 is added, as follows:

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an Amateur Radio Service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

2. A new § 12.20 is added as follows:

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra class.[1]
Advanced class [2] (previously class A).
General class [3] (previously class B).
Conditional class [3] (previously class C).
Technician class.[4]
Novice class.[4]

3. Section 12.21 is amended to read as follows:

§ 12.21 *Eligibility for license.*[5] Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes.

(b) *Advanced class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission, has held for a period of a year or more an amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes. New Advanced Class amateur operator licenses will not be issued after December 31, 1952. However, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

4. Section 12.23 is amended to read as follows:

§ 12.23 *Classes and privileges of amateur operator licenses* [6]—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and conditional classes.* All authorized amateur privileges except the use of radiotelephony on the frequency bands 3800 to 4000 kilocycles, and 14200 to 14300 kilocycles, and except those which may be reserved to holders of the Amateur Extra Class license.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kilocycles, radiotelegraphy using only type A1 emission in accordance with the geograpical restrictions set forth in § 12.111 (a) (2) (i).

(ii) 26.960 to 27.230 Mc., radiotelegraphy using only type A1 emission.

(iii) 145 to 147 megacycles, radiotelegraphy or radiotelephony using any type of emission except pulsed emissions and type B emission.

5. Section 12.27 is amended to read as follows:

§ 12.27 *Renewal of amateur operator license.* (a) An amateur operator license, except the Novice Class, may be renewed upon proper application stating that the applicant has lawfully accumulated a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time durig the last 12 months of the license term. Such "operating time", for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a "sequence of transmissions" as provided in this section. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which was originally required for the class of license being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) The renewal application shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license may be filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

6. Section 12.29 is amended to read as follows:

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate li-

[1] This class of operator license will become available to qualified applicants January 1, 1952.

[2] This class of license is the same as the Class A with change of name only. It (and the Class A) may be renewed as long as the holder to whom it was issued meets the renewal requirements current at the time renewal is applied for. New Advanced Class (or Class A) amateur operator licenses will not be issued after December 31, 1952.

[3] This class of operator license will become effective March 1, 1951.

[4] This class of license will become available to qualified applicants July 1, 1951.

[5] For effective dates of the various classes of operator licenses, see footnotes 1 through 4.

[6] By order dated and effective November 13, 1950, the Commission temporarily waived, to a limited extent, the requirement that all applications for renewal of an amateur operator license be accompanied by a showing that the applicant actually operated an amateur radio station or stations, in the manner and upon the occasions or for the period of time specified in Section 12.27, in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States. This order is applicable to all amateur operator licenses which expire during the period January 1 to December 31, 1951, inclusive.

censes shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

7. Section 12.42 is amended to read as follows:

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (A): *Advanced radiotelephone.* Technical, operational and other matter specifically applicable to the operation of amateur radiotelephone stations.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

8. Section 12.43 is amended to read as follows:

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *Advanced class.* Elements 1 (B), 2, 3 (B) and 4 (A).

(c) *General class.* Elements 1 (B), 2 and 3 (B).

(d) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(e) *Technician class.* Elements 1 (A), 2 and 3 (B).

(f) *Novice class.* Elements 1 (A) and 3 (A).

9. Section 12.44 is amended to read as follows:

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a technician or Novice Class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

10. A new § 12.50 is added, as follows:

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43, shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes, counting five characters to the word, each numeral or punctuation mark counting as two characters.

11. Section 12.46 is amended to read as follows:

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for Amateur Advanced Class operator license will be given credit for examination element 4 (A) if within 2 years prior to the receipt of his application by the Commission he held Class A privileges or an Advanced Class license.

(c) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

12. Section 12.65 is amended to read as follows:

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license, except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Modified or duplicate licenses shall bear the same issue date and expiration date as the licenses for which they are modifications or duplicates.

13. Section 12.111 is amended to read as follows:

§ 12.111 *Frequencies and types of emission for use of amateur stations.* (a) Subject to the limitations and restrictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation as follows:

(1) 1800 to 2000 kc and 2006 to 2050 kc. Use of this band by amateur radio stations is restricted as follows:

(i) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radio navigation. In any particular area the Loran system of radio navigation operates either on 1850 or 1950 kc, the band occupied being 1800 to 1900 or 1900 to 2000 kc. The amateur service may use in any area whichever bands, 1800 to 1825 and 1875 to 1900 kc, or 1900 to 1925 and 1975 to 2000 kc, are not required for Loran in that area, in accordance with the following limitations and conditions:

(*a*) Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico): 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*b*) Mississippi River to West Coast U. S. (except states bordering Gulf of Mexico): 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night, except in the State of Washington where daytime power is limited to 200 watts and nighttime power to 50 watts.

(*c*) Florida and states bordering Gulf of Mexico: 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 200 watts day, no operation at night.

(*d*) Puerto Rico and Virgin Islands: 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 50 watts night.

(*e*) Hawaiian Islands: 1900 to 1925 kc, and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*f*) The use of these frequencies by stations in the Amateur Service shall not cause harmful interference to the Loran system of radio navigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(*g*) The use of these frequencies by the Amateur Service shall not be a bar to expansion of the radio navigation (Loran) service, and such use, and the limitations and conditions of such use as set forth in this subparagraph, shall be considered temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radio navigation.

(ii) 2006 to 2050 kc. Not available for use.

(2) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A–1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3800 to 4000 kc, using type A3 emission and, on frequencies 3800 to 3850 kc, using narrow band frequency or phase modulation for radiotelephony, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission, or narrow band frequency or phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(3) 7000 to 7300 kc, using type A1 emission.

(4) 14000 to 14400 kc, using type A1 emission and, on frequencies 14200 to 14300 kc, type A3 emission and, on frequencies 14200 to 14250 kc, using narrow band frequency or phase modulation for radiotelephony, subject to the restriction that type A3 emission, or narrow band frequency of phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(5) 26.960 to 27.230 Mc, using A0, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120.

(6) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 220 to 225 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), provided that until January 1, 1952, if this band is required for distance measuring equipment at certain United States gateways and Canadian border locations, amateurs within interference range of those gateways and locations shall, after publication by the Commission of an order designating the areas involved, cease to use this band, but shall be entitled in lieu thereof to use the band 235 to 240 Mc.

(10) 235 to 240 Mc, using type A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) until January 1, 1952, provided that commencing with June 9, 1948, this band may be used only as a substitute for the band 220 to 225 Mc in those cases in which the band 220 to 225 Mc may not be used, as provided in subparagraph (9) of this paragraph.

(11) 420 to 450 Mc, using types A0, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(12) 1215 to 1300 Mc using types A0, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(13) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

14. Section 12.114 is amended to read as follows:

§ 12.114 *Types of emission.* (a) Type A0 emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A0 emission is specifically designated.

(b) [Deleted.]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

[F. R. Doc. 51–2043; Filed, Feb. 8, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS CO. OF OMAHA (LTD.)

NOTICE OF PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on August 12, 1949 (8 A. D. 877), which was continued and amended by orders dated July 6, 1950 (9 A. D. 791), and November 27, 1950 (9 A. D. 1333), respectively, authorizing the respondent to assess the current charges for stockyard services.

By petition filed on January 29, 1951, respondent requested authority to put into effect the following charges:

YARDAGE CHARGES

	Present rates	Proposed rates
(a) All livestock received, and (b) all livestock reweighed or resold:		
Cattle (except bulls 700 pounds or over)	*Per head* $0.75	$0.80
Bulls (minimum 700 pounds)	1.00	1.25
Calves (maximum 400 pounds)	.42	.45
Hogs	.26	.28
Sheep or goats	.16	.17
Horses or mules	.70	.80
Exceptions: (a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.		
(b) Yardage will not be assessed against livestock forwarded to another terminal market or returned to point of origin, provided the livestock has not changed ownership or been weighed.		
(c) Livestock, not sold on this market, forwarded other than to "point of origin" or "another terminal market" (one weighing permitted) will be assessed the following yardage charges:		
Cattle (except bulls 700 pounds or over)	$0.37	$0.40
Bulls (minimum 700 pounds)	.50	.62
Calves	.21	.23
Hogs	.13	.14
Sheep or goats	.08	.09
(d) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:		
Cattle (except bulls 700 pounds or over)	$0.37	$0.40
Bulls (minimum 700 pounds)	.50	.62
Calves	.21	.23
Hogs	.13	.11
Sheep or goats	.08	.09
(e) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:		
Cattle	$0.23	$0.25
Calves	.14	.15
Hogs	.08	.09
Sheep or goats	.05	.05
(f) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:		
Cattle	$0.11	$0.12
Calves	.07	.08
Hogs	.05	.06
Sheep or goats	.02	.03
Horses or mules	.12	.12

If authorized, the charges sought will produce additional revenue for the respondent and increase the expenses of marketing livestock. It appears, therefore, that the notice of the filing of the petition and its contents should be given to the public.

All interested parties who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 5th day of February 1951.

[SEAL] KATHERINE L. MASON, *Hearing Clerk.*

[F. R. Doc. 51-2016; Filed, Feb. 8, 1951; 8:47 a. m.]

[7 CFR, Part 968]

[Docket No. AO-173-A4]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 12th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Wichita, Kansas, on October 24, 1950, pursuant to notice thereof which was issued on October 13, 1950, (15 F. R. 6970).

Proposed amendments were submitted by the Wichita Milk Producers Association, the Central Kansas Cooperative Creamery Association, and the Dairy Branch, Production and Marketing Administration.

The material issues of record related to:

(1) A proposal that receipts of approved milk at a plant be included in the pool only if such plant disposes of a minimum percentage of such receipts as Class I or Class II milk in the marketing area;

(2) The classification of milk sold on certain bid specifications to agencies of the Government;

(3) The accounting for milk produced by a handler;

(4) The shrinkage allowance on milk diverted from one handler to another handler; and

(5) Minor administrative provisions of the order.

Findings and Conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The milk to be "pooled," i. e., included in the computation of the uniform or "pool" price for all months except March, April, May, and June, should be that received from producers at a plant from which at least 15 percent of the receipts of locally inspected and approved milk is disposed of as Class I milk and Class II milk in the marketing area. For the months of March, April, May, and June, the milk to be pooled should be that received from producers at a plant which disposed of a substantial portion of its receipts as Class I and Class II milk in the marketing area during four preceding fall months.

The order presently provides for pooling all locally inspected milk received at or diverted from a plant from which any milk is disposed of as Class I or as Class II milk in the marketing area. It was proposed to designate as "pool plants" those approved plants which disposed of a minimum percentage of their receipts of producer milk as Class I and Class II milk in the marketing area and to restrict the milk to be pooled to that received at or diverted from pool plants.

While the approval of health authorities of the marketing area with respect to both dairy farmers and plants constitutes a measure of identifying certain milk with the fluid trade of the area, there is opportunity under the present provisions of the order for considerable volumes of milk to be pooled on the basis of very slight contribution to the Class I and Class II needs of the marketing area. Token sales of Class I or Class II milk may now be made during periods of flush production from a plant at which the milk received is principally used for manufacturing dairy products and the entire receipts of approved milk at such a plant are pooled. The pooling of all milk received at such a plant reduces the uniform price received by producers whose milk is used regularly in the market and tends to discourage them from producing sufficient milk to meet the needs of the market.

Plants which dispose of a minor portion of their receipts of approved milk in the marketing area can hardly be considered to have fully identified such receipts as a part of the regular supply for the Wichita market to which uniform prices to producers should apply. It is likely that the Wichita market is not the primary market for which such milk is produced and that other markets may have first claim on the supplies of such a plant.

A cooperative marketing association with a plant located approximately 50 miles from Wichita has recently started route distribution in Wichita, the volume of which is less than 10 percent of its receipts of Wichita approved milk. From the testimony of a representative of the association it is evident that this supply of milk was first developed to supply out-of-state markets in bulk. Presently route sales, however, are being made in Wichita and other areas but the availability of other sales outlets indicates that a major portion of the supply will not enter the Wichita market. With respect to this milk, the approval of Wichita health authorities does not by itself constitute sufficient evidence that such milk has Wichita for its primary market.

In contrast to this situation the other milk now included in the Wichita pool is delivered to handlers located in Wichita whose primary market is Wichita. The minimum percentage of receipts of producer milk that any of these handlers has disposed of as Class I and Class II milk in any delivery period since June 1944 has been 59.7 percent; in fact Class I and Class II disposition of each of these handlers generally has exceeded this percentage materially.

It was proposed that the requirement for pool plant status for any month should be disposition of 40 percent of the inspected receipts of an approved plant as Class I and Class II milk in the marketing area during such month. In support of this proposal, it was contended that the percentage proposed was substantially less than that shown for any month over a period of years by the handlers regularly supplying the market. In opposition, it was asserted that such a requirement would prevent new handlers from entering the market.

The record indicates that the principal problem which concerns the producers' association regularly supplying the market is sales in the flush season from plants which do not contribute to the short season needs of the market. It does not appear that disposition as Class I and Class II milk in the marketing area of a portion of a plant's approved receipts as substantial as 40 percent need be required in each month of the year, if provision is made to restrict pool plant status during the flush production months to plants which have made a substantial contribution to the Class I and Class II needs of the market during the preceding season of short supply. Accordingly, it is concluded that, except for the months of flush production, an approved plant which disposes of 15 percent or more of its approved receipts as Class I and Class II milk in the marketing area shall be a pool plant. However, for four months associated with flush production (March through June), it is concluded that the requirement for pool plant status should be a much more substantial disposition of approved receipts as Class I and Class II milk in the marketing area during four preceding months (August through November) when supplies are normally short. Since the receipts of milk are less in the short production season than at other seasons of the year, a somewhat higher percentage of such receipts than that proposed for all months is an appropriate requirement for performance during this season which will qualify a plant as a pool plant during following months of flush production. Fifty percent of a plant's receipts in the short production months represents a volume of milk that is probably no greater than 40 percent of such receipts in the flush production months. As a condition of pool plant status for the months of March through June it is considered reasonable to require that a plant have been a pool plant during each of the months of August through November preceding, and during this four-month period also have disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of its total receipts of approved milk.

Such a provision is appropriate for all plants which were approved plants during the designated short supply months. Some additional provision should be made, however, for a plant which had no opportunity to qualify because it became an approved plant subsequent to August of the preceding year. It is concluded that such a plant should be a pool plant in any of the months of March through June if 40 percent or more of such plant's approved receipts are disposed of as Class I and Class II milk in the marketing area during such month.

It was proposed that a handler whose plant failed to qualify as an approved plant should be required to pay into the pool the difference between the Class III or manufacturing milk price and the Class I or Class II price for all milk disposed of as Class I or Class II milk in the marketing area. Provision should be made to price handlers' milk uniformly. Producers regularly supplying the market also need assurance that unpriced milk will not reduce their sales in the higher classes. It is doubtful, however, if the interests of pool handlers and regular producers require more than assurance that the cost of milk to the handler who fails to achieve pool status is equal to that provided in the order.

The provision proposed seeks to achieve this result on the basis that the non-pool handler could not purchase any milk at less than the Class III prices of the order and that an additional payment of the difference proposed would insure a cost equal to or greater than that of pool handlers on the milk actually disposed of in the marketing area for fluid use. This proposal, however, fails to recognize that the handler through choice or because of competitive conditions may pay farmers more than the Class III price for such milk, and as a result have a higher cost than the class prices of the order on the milk so disposed of in the marketing area. The non-pool handler must report to the market administrator his receipts and utilization in order that his status and pool obligations may be determined. The payments he makes to approved dairy farmers are also available. If through choice or competitive conditions these payments are equal to the amount that the order now provides at class prices on his entire utilization, the requirement of additional payments is not necessary to provide uniformity of costs to handlers and protection to regular producers. It is concluded therefore that the appropriate payment to the pool from a handler who operates an approved plant which fails to qualify as a pool plant should be the lesser of (a) the difference between the Class III price and price for the class of use with respect to all milk disposed of as Class I or Class II milk in the marketing area or (b) the difference, if any, between the costs of his milk at the class prices of the order and his payments to the approved dairy farmers who would be considered producers under the present provisions of the order. In addition such a handler should pay his pro rata share of the costs of administration of the order. Such provisions will insure uniformity of costs of milk among handlers, and will recognize the payments that non-pool handlers choose to make to approved dairy farmers.

2. It was proposed that milk, skim milk or cream bottled and sold pursuant to an invitation to bid by the Government of the United States as Type II, No. 3 and so labeled, by an approved plant which regularly receives ungraded milk should be classified as Class III milk to the extent of the receipts of ungraded milk at the approved plant. This proposal should not be adopted.

The proponent of this change indicated that the proposal was specifically designed to cover milk that might be sold to Fort Riley, which is located a considerable distance from the Wichita marketing area.

No detailed information was furnished on the record as to requirements for milk to be furnished army posts as Type II, No. 3, other than that such milk must be similar to Grade A milk, but need not be Grade A milk. It appears from the record that in effect locally inspected milk would, to the extent available, be used for such sales, and that the proposal was for a special classification on certain out-of-market sales of fluid milk and cream so that the milk used for such sales could be accounted for to the pool at surplus prices. It appears that these would be regular sales of fluid milk, skim milk and cream and that they would not differ materially from other out-of-market sales. They should, therefore, be classified and priced as Class I milk or Class II milk. It is concluded, therefore, that the proposed amendment should not be adopted.

3. Milk produced by a handler (other than a producer-handler) should be treated with respect to pooling and the application of the base-rating system the same as the milk of other producers.

The present order deducts a handler's production pro rata from his producer milk in each class. Since the Wichita order pools the sales of milk of all handlers and distributes the proceeds to producers on a base-rating system, a handler's own production would receive treatment different from that of other producers. It is concluded that the provisions should be changed so that a handler's own production will share equally in the market with that of other producers. At the present time no pool handler has milk of his own production.

The amendment is desirable, however, to clarify the status of milk which might be produced by a handler.

4. When a handler receives milk by diversion directly from the farm for the account of another handler, the quantity of Class III plant loss associated with such diverted milk should accrue to the handler who physically received the milk.

It is customary in the Wichita market for movements of milk between handlers to take place by diversion directly from producers' farms to the plant of the second handler. Many of these diversions are arranged by a producer's cooperative association in order to supply handlers in accordance with their needs for fluid sales; the handler from whose plant the milk was diverted reports such milk as a receipt and a transfer, accounts to the pool for it, and pays the producer.

The present language of the order permits the diverting handler to include such milk as receipts in computing the maximum Class III plant loss, and does not permit the handler who actually handles the milk any credit for plant loss on such milk. Flexibility in the diversion of milk between handlers will be facilitated if in such cases handlers to whom the milk is diverted receive credit for its receipt in computing the maximum plant loss allowance.

5. Other minor changes, largely of an administrative nature, should be made in the order for purposes of clarification and the entire order should be renumbered to conform to the codification requirements of the Division of the Federal Register.

The language of the present order requires clarification in a number of instances. The adoption of the pool plant provisions discussed above requires conforming changes in several sections of the order. Several additional definitions are also necessary to make clear the intent and scope of the order. The record of the hearing indicates that in redefining "producer" for this purpose an additional definition of "producer-handler" will serve to clarify other sections of the order without substantive change. Minor amendments should be made to clarify provisions of the base-rating plan, to compute uniform prices accurately for base milk and excess milk, to name the plants used in determining the Class III price in accordance with their present ownership and operation, and to make more specific the marketing service provisions of the order. The entire order, as amended, should be reissued and renumbered to conform to the codification system now required by the Division of the Federal Register.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Wichita Milk Producers Association and the Central Kansas Cooperative Creamery Association.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the city of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, and Wichita Townships and the city of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit issued by the Health Department of the City of Wichita for the production of milk to be disposed of as Grade "A" milk.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association.

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the city of Wichita, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period of January, February, July, August, September, October, November, or December within which such plant disposes of as Class I or Class II milk in the marketing area, an amount of milk equal to 15 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided*, That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be an approved plant during any of the delivery periods of March, April, May, and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purposes of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Delivery period.* "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

§ 968.13 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to paragraph (c) of § 968.41 and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 968.14 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration hereof.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof; and

(b) Report to the Secretary complaints of violation of the provisions hereof.

§ 968.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 968.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to §§ 968.30 through 968.32 or (2) made payments pursuant to §§ 968.80 through 968.86; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall, with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts at each plant of milk from each producer or approved dairy farmer, the butterfat content, and the number of days on which milk was received from each producer;

(b) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers or approved dairy farmers and the butterfat content;

(c) The receipts of milk, cream, and milk products from any other source and the butterfat content;

(d) The respective quantities of milk and milk products and the butterfat content which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 968.40; and

(e) Such other information with respect to the use of the milk as the market administrator may request, including a separate statement of Class I and Class II milk disposed of within the marketing area.

§ 968.31 *Reports of payments.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers or approved dairy farmers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer and each approved dairy farmer: (a) His total deliveries of base milk and total deliveries of milk in excess of base milk, (b) the average butterfat content of his milk, and (c) the net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers prescribed in § 968.80.

§ 968.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 968.41 subject to the following conditions:

(a) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream.

(b) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market adminis-

trator determines constitute its regular source of milk for Class I and Class II use.

(c) Milk, skim milk, or cream, which is moved to an unapproved plant from an approved plant which regularly receives type C milk, and which is sold as "type C milk for manufacturing only" and is so tagged or labeled, may be classified as Class III milk up to the extent of the receipt of type C milk at the approved plant.

(d) Except as provided in paragraph (a) of this section, milk, skim milk, or cream, moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be classified as Class III milk.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided*, That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided*, That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(g) Milk, skim milk, or cream sold or disposed of by a producer-handler to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

§ 968.41 *Classes of utilization.* Subject to the conditions set forth in § 968.40 the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, and all milk not classified as Class II milk or Class III pursuant to paragraphs (b) and (c) of this section.

(b) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (other than for use in products specified in paragraph (c) of this section), cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, acrated cream, and eggnog.

(c) Class III milk shall be all milk, used to produce butter, cheese (other than cottage cheese), evaporated milk, condensed milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers: *Provided*, That for the purpose of establishing such total receipts of butterfat, butterfat in milk diverted directly from producer's farms to another handler shall be included as receipts of the handler to whom such milk was diverted, and excluded from receipts of the diverting handler.

§ 968.42 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 968.41 of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 968.43 *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 968.41 as follows:

(a) Determine the total pounds of milk received as follows: add together total pounds of milk received at approved plants from (1) producers, (2) other handlers, and (3) other sources.

(b) Determine the total pounds of butterfat received as follows: (1) multiply by its average butterfat test the weight of the milk received at approved plants from (i) producers, (ii) other handlers, and (iii) other sources, and (2) add together the resulting amounts.

(c) Determine the total pounds of milk in Class I as follows: (1) convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (a) (2) and (c) (4) of this paragraph is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

(d) Determine the total pounds of milk in Class II as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the result obtained in (2) of this paragraph by 3.8 percent.

(e) Determine the total pounds of milk in Class III as follows: (1) multiply the actual weight of each of the several products of Class III by its average butterfat test, (2) add together the resulting amounts, (3) subtract from the total pounds of butterfat computed pursuant to (b) of this section the total pounds of butterfat in Class I milk, computed pursuant to (c) (2) of this section, the total pounds of butterfat in Class II milk, computed pursuant to (d) (2) of this section and the total pounds of butterfat computed pursuant to (2) of this paragraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts as specified in § 968.41 (c) of butterfat from producers by the handler), (4) add together the results obtained in (2) and (3) of this paragraph, and (5) divide the results obtained in (4) of this paragraph by 3.8 percent.

§ 968.44 *Allocation of milk classified.* Determine the classification of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in each class.

(b) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producers, and other handlers in series beginning with the lowest class.

§ 968.45 *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to § 968.44 and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 968.62, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts from producers and the total utilization of milk by classes for such handler.

MINIMUM PRICES

§ 968.50 *Class prices.* Each handler shall pay at the time and in the manner hereinafter set forth not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus $1.00 during the months of April, May, and June of each year, and plus $1.45 during the remaining months of each year.

(b) *Class II milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus 75 cents during the months of April, May, and June of each year and plus $1.20 during the remaining months of each year.

(c) *Class III milk.* The price per hundredweight shall be the average of the prices paid during each delivery period for ungraded milk containing 3.8 percent butterfat at the following plants now operated by the listed companies: at Wichita, Kansas, by the DeCoursey Cream Company; at Blackwell, Oklahoma, by Wilson and Company; and at Arkansas City, Kansas, by the Arkansas City Cooperative Milk Association, but in no event shall the price be less than that paid at the plant at Wichita, Kansas, operated by the DeCoursey Cream Company.

§ 968.51 *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices set forth in § 968.50 shall be the average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the immediately preceding delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and mutiplied by 3.8 but in no event shall such basic price be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the immediately preceding delivery period, and add 20 percent; *Provided*, That such price shall be subject to the following adjustments: (a) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 5½ cents per pound or (b) subtract 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids is below 5½ cents per pound. For purposes of determining this adjustment, the price of nonfat dry milk solids to be used shall be the average of carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, shall be used. In the latter event, such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ per cents per hundredweight for each full one-half cent that such price of nonfat dry milk solids is below 7½ cents per pound.

§ 968.52 *Emergency provisions.* (a) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(b) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to § 968.50 are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.45, 968.50 through 968.52, 968.61 through 968.63, 968.70, 968.71, 968.80 through 968.88, shall not apply to a producer-handler.

§ 968.61 *Other source milk.* If a handler has purchased or received milk or butterfat from a producer-handler, or from sources other than from producers or other handlers, and has sold or disposed of such milk for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler pursuant to § 968.70, shall add an amount equal to the difference between (a) the value of such milk or the milk equivalent of such butterfat according to its utilization by the handler and (b) the value at the Class III price. The provisions of this section shall not apply if the handler can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, either directly from producers or at the plant of another handler at the class prices provided pursuant to § 968.50 (a) and (b).

§ 968.62 *Excess milk.* If a handler, after subtracting receipts from other handlers, and receipts from sources determined as other than producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 968.70, shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

§ 968.63 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.80 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.50 (a) and the price for Class III milk pursuant to § 968.50 (c), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing areas as Class II milk during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 968.50 (b) and the price for Class III milk pursuant to § 968.50 (c).

(b) Any plus amount resulting from the following computation:

(1) To an amount equqal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, add for each one-tenth percent by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds of milk in each class computed pursuant to § 968.44 by the class price pursuant to § 968.50, add together the resulting values, and add the value of any payments required to be made pursuant to §§ 968.61 and 968.62.

§ 968.71 *Computation and announcement of uniform prices.* For each delivery period the market administrator shall compute and announce the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the net pool obligations of all handlers computed pursuant to § 968.70 who made the reports prescribed by § 968.30 for such delivery period and who made the payments prescribed by §§ 968.80 and 968.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to § 968.86;

(c) Compute the total value of the milk included in these computations which is in excess of the delivered base of producers by assigning such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, and then multiplying the total pounds of excess milk assigned to each class by the appropriate class price and adding together the resulting amounts;

(d) Divide the total value of excess milk obtained in paragraph (c) of this section by the total hundredweight of such milk and round to the nearest cent. This result shall be known as the uniform price for excess milk of 3.8 percent butterfat;

(e) Subtract the value of excess milk obtained in paragraph (c) of this section from the value of all milk obtained in paragraph (a) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(f) Divide the result obtained in paragraph (e) of this section by the total hundredweight of milk represented by the delivered bases of producers.

(g) Subtract not less than 4 cents nor more than 5 cents; the result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.8 percent butterfat.

PAYMENTS

§ 968.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to § 968.81, subject to the butterfat differential set forth in § 968.82 for milk purchased or received from producers by such handler during each delivery period as follows:

(a) To each producer, except as set forth in paragraph (c) of this section, not less than the uniform price per hundredweight computed pursuant to § 968.71 (g) for that quantity of milk received from such producer not in excess of such producer's base;

(b) To each producer, except as set forth in paragraph (c) of this section, not less than the excess price, computed pursuant to § 968.71 (d), for that quantity of milk received from such producer in excess of such producer's base; and

(c) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under paragraphs (a) and (b) of this section.

§ 968.81 *Half delivery period payments.* On or before the 27th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

§ 968.82 *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in § 968.80 shall add to the prices per hundredweight for such producers for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: to the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

§ 968.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.84, 968.86 and 968.63, and out of which he shall make all payments to handlers pursuant to §§ 968.85 and 968.86: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to §§ 968.61 and 968.62, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to §§ 968.61 and 968.62 is greater than the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81.

§ 968.85 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81 is greater than the net pool obligation of such handler, including the payments required to be made pursuant to §§ 968.61 and 968.62.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 968.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 968.86 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to § 968.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.85, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

§ 968.87 *Marketing services.*—(a) *Deductions from marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) and (b) with respect to all milk of such producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make the deductions from the payments to be made directly to producers pursuant to § 968.80 (a) and (b) which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

§ 968.88 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from approved dairy farmers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 968.90 *Determination of period base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to § 968.91 by the number of days during such delivery period on which milk was received from such producer.

§ 968.91 *Determination of daily base.* (a) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner: Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(b) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner: For each delivery period from the date upon which the producer first delivers milk to a handler until January 1 after he shall have established a base pursuant to paragraph (a) of this section, the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(c) In case of a handler who is also a producer and who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to paragraph (a) of this section.

§ 968.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided,* That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) in case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the city of Wichita, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

§ 968.101 *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property than in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Filed at Washington, D. C., this 5th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2056; Filed, Feb. 8, 1951; 8:56 a. m.]

NOTICES

POST OFFICE DEPARTMENT

TEMPORARY MAIL SERVICE RESTRICTIONS

On February 7, 1951, under authority of R. S. 161, 396, 3974, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 492, Order No. 45275, reading as follows, was issued by the Postmaster General:

In view of partial restorations of train service the order of February 3, 1951, is superseded by this order which is effective immediately.

Restricted categories of mail will consist of second-class (except daily newspapers), all third- and fourth-class matter, and matter of the first-class exceeding eight ounces in weight. Restrictions will not apply to medicine, drugs, serums, laboratory specimens, artificial limbs, dentures, eyeglasses, surgical instruments, surgical dressings, or to money shipments by banks.

The post office at Saint Louis, Missouri, and adjoining offices and post offices located in the States of Illinois, Indiana, Ohio and Michigan (except the northern peninsula) will not accept mail of the restricted categories excepting that no restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices).

Post offices located in states west of the Mississippi River and in the States of Wisconsin and Minnesota and the northern peninsula of Michigan will not accept matter of the restricted categories addressed for delivery within any state located east of the Mississippi River or the city of Saint Louis.

Post offices located in States east of the Mississippi River will not accept matter of the restricted categories addressed for delivery in any State west of the Mississippi River or in the States of Illinois, Indiana, Ohio, Michigan, Minnesota and Wisconsin.

No restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices), to air mail or air parcel post, or to mails originating at or destined for delivery at nearby points on local lines between which it is known that no interference with transportation exists.

The foregoing supersedes Order No. 45233 of the Postmaster General, dated February 1, 1951, and Order No. 45254 of the Postmaster General, dated February 3, 1951, (16 FR 1091).

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-2126; Filed, Feb. 8, 1951; 12:07 p. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

AMERICAN-EGYPTIAN COTTON

DETERMINATION OF REQUIRED LEVEL OF PRICE SUPPORT FOR 1951-CROP AMSAK AND PIMA 32 COTTON

Pursuant to the authority contained in section 402 of the Agricultural Act of 1949 (7 U. S. C. Sup. 1422), following a public hearing of which reasonable notice had been given (16 F. R. 554), and based upon information adduced at such hearing and other information available to me, I hereby determine that, in order to increase the domestic production of Amsak and Pima 32 cotton in the interest of national security, it is necessary to support the 1951-crop of Amsak and Pima 32 cotton at the following levels which exceed 90 percent of the parity price:

Grade	Staple 1 3/8"		Staple 1 7/16"		Staple 1 1/2" and longer	
	Ariz. and Calif.	N. Mex. and Texas	Ariz. and Calif.	N. Mex. and Texas	Ariz. and Calif.	N. Mex. and Texas
1	101.55	101.95	104.90	105.30	106.05	106.45
1 1/8	100.45	100.85	103.80	104.20	104.90	105.30
2	98.20	98.80	101.55	101.95	103.80	104.20
2 1/8	93.75	94.15	98.20	98.60	100.45	100.85
3	89.25	89.65	94.55	95.25	97.10	97.50
3 1/8	83.65	84.05	88.15	88.55	91.50	91.90
4	78.10	78.50	80.50	80.70	83.65	84.05
4 1/8	72.50	72.90	74.75	75.15	75.85	76.25
5	66.90	67.30	69.15	69.55	71.35	71.75

The foregoing levels represent cents per pound net weight.

Done at Washington, D. C., this 5th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2018; Filed, Feb. 8, 1951; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Ainsbrooke, Inc., Dothan, Ala., effective 1-26-51 to 12-13-51; for normal labor turnover, 10 percent of workers engaged in manufacture of men's woven pajamas (shorts and pajamas).

Ashley Shirt Corp., 304 Main Street, Branford, Conn., effective 1-23-51 to 1-22-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's cotton dress shirts).

Blue Bell, Inc., North Webster, Ind., effective 1-30-51 to 7-29-51; 40 learners for expansion purposes (denim dungarees).

Blue Bell, Inc., Nappannee, Ind., effective 1-30-51 to 7-29-51; 40 learners for expansion purposes (dungarees).

Borava Sportswear Inc., Baracoo, Wis., effective 1-27-51 to 1-26-52; 10 learners normal labor turnover (ladies' sportswear).

The Buckeye Overall Co., Coldwater, Ohio, effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (children's pants and shirts).

Dillsburg Pants Co., Dillsburg, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover (men's and boys' trousers).

Evergreen Garment Co., Inc., Evergreen, Ala., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (men's sport and dress shirts).

Fuller Sportswear, 1123 Broad Street, Fullerton, Pa., effective 1-23-51 to 1-22-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (blouses).

Gloucester Pants Co., 211 East Main Street, Gloucester, Mass., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (men's and boys' pants).

J. Grinchuck Co., Braidwood, Ill., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (boys' and students' trousers).

Hagale Garment Co., Reeds Spring, Mo., effective 1-26-51 to 1-25-52; five learners normal labor turnover (work clothes).

Husin Shirt Co., 14-16 Rose Street, Ephrata, Pa., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dress shirts, etc.).

I. C. Isaacs & Co., Inc., Bank and Grundy Streets, Baltimore, Md., effective 1-27-51 to 7-26-52; 18 additional learners for expansion purposes only (breeches, pants, ski suits).

Joseph's Manufacturing Co., Main and Second Street, Taylor, Tex., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (boys' and girls' play clothes).

Lerner Slone Clothing Corp., 304 East Main Street, Carbondale, Ill., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress trousers and slacks).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa., effective 1-29-51 to 1-28-52; 10 percent normal labor turnover (boys' shirts).

Maytown Manufacturing Co., Maytown, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover (ladies' nightwear).

Mysle Sportswear Inc., 314 North Thirteenth Street, Philadelphia 7, Pa., effective 1-25-51 to 1-24-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton outer garments).

Partridge Textiles, Inc., 283 West Pine Street, Mount Airy, N. C., effective 1-24-51 to 1-23-52; five learners normal labor turnover (children's cotton woven underwear).

Peerless Shirt & Overhall Manufacturing Co., 253 South Main Street, Wilkes-Barre, Pa., effective 1-25-51 to 1-24-52; 10 learners normal labor turnover (dungarees, pants, longies).

Pittston Apparel Co., Inc., East and Tompkins Streets, Pittston, Pa., effective 1-25-51 to 1-24-52; for normal labor turnover, 56 additional learners for expansion purposes only (foundation garments).

Premier Trouser Co., 1401 South Sixteenth Street, Philadelphia, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's trousers).

Quaker Manufacturing Co., 19-21 St. Louis Street, Lewisburg, Pa., effective 1-23-51 to 1-22-52; 10 learners normal turnover (ladies' nightwear).

R. C. Manufacturing Co., 1609 Third Avenue North, Escanaba, Mich., effective 1-26-51 to 1-25-52; five learners normal labor turnover (foundation garments).

R. C. Manufacturing Co., 1608 Third Avenue North, Escanaba, Mich., effective 1-26-51 to 7-25-51; 35 additional learners for expansion purposes only (foundation garments).

Rice-Stix Factory No. 20, Slater, Mo., effective 1-24-51 to 7-23-51; 30 learners for expansion purposes, to be employed on men's and boys' sport shirts only (men's and boys' sport shirts).

Rival Dress Co., 110 West Elaine Street, McAdoo, Pa., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (ladies' dresses).

Albert Rosenblatt & Sons, Inc., Main Street, Poultney, Vt., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses, robes, housecoats).

Albert Rosenblatt & Sons, Inc., Cleveland Avenue, Rutland, Vt., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses, robes, and housecoats).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 1-27-51 to 7-26-51; 15 additional learners for expansion purposes only (shirts and allied garments).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 1-27-51 to 1-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (shirts and allied garments).

Seneca Sportswear Manufacturing Co., Leggett and Clark Streets, Scranton, Pa., effective 2-1-51 to 1-31-52; 10 learners normal labor turnover (boys' outerwear).

Shari Manufacturing Co., 19 New Bennett Street, Wilkes-Barre, Pa., effective 1-29-51 to 1-28-52; five learners normal labor turnover (ladies' dresses).

Stitchmaster Corp., 116 Mitchell Street SW., Atlanta, Ga., effective 2-1-51 to 1-31-52; five learners normal labor turnover (ladies casual dresses and sportswear).

Thorntown Textile Co., Inc., Thorntown, Ind., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (cotton blouses).

Thorntown Textile Co., Inc., Thorntown, Ind., effective 1-26-51 to 7-25-51; five additional learners for expansion purposes only (cotton blouses).

Trouser Corp. of America, Meadow Avenue and Maple Street, Scranton, Pa., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (men's and boys' trousers).

Trouser Corp. of America, 284 Main Street, Dupont, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's and boys' trousers).

Trouser Corp. of America, 201 Chestnut Street, Dunmore, Pa., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' trousers).

Valoray, Inc., 8502 San Fernando Road, Sun Valley, Calif., effective 2-1-51 to 1-31-52; 10 learners normal labor turnover (blouses).

Westway Sportswear, Inc., Plano, Tex., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (ladies' dresses).

Westway Sportswear, Inc., Decatur, Tex., effective 1-26-51 to 1-25-52; five learners normal labor turnover (children's dresses).

Westway Sportswear, Inc., Cleburne, Tex., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Albany Manufacturing Co., Inc., Albany, Ga., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Belding Hosiery Mills, Inc., Anaheim, Calif., effective 1-31-51 to 7-30-51; five learners normal labor turnover.

Bland Hosiery Mills, Inc., Bland, Va., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Cross Hill Hosiery Mill, Cross Hill, S. C., effective 1-26-51 to 7-25-51; five learners normal labor turnover.

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 1-22-51 to 7-21-51; six additional learners for normal labor turnover.

Ellisville Hosiery Mills, Inc., Ellisville, Miss., effective 1-25-51 to 7-24-51; seven additional learners for expansion purposes.

Flair Hosiery Mills, Inc., Hartsville, S. C., effective 1-25-51 to 7-24-51; six learners for expansion purposes.

Graysville Hosiery Mills, Inc., Dayton, Tenn., effective 1-25-51 to 7-24-51; fifteen additional learners for expansion purposes.

Great American Knitting Mills, Inc., Bechtelsville, Pa., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Hansen Hosiery Mills, Inc., Chambersburg, Pa., effective 1-24-51 to 7-23-51; 15 learners for expansion purposes.

Henfine Hosiery Mills Co., Butner, N. C., effective 1-26-51 to 7-25-51; 32 learners for expansion purposes.

Hodges Knitting Mills, Milledgeville, Ga., effective 1-25-51 to 7-24-51; five additional learners for expansion purposes.

Portage Hosiery Co., Portage, Wis., effective 1-29-51 to 7-28-51; 50 learners for expansion purposes only.

Prim Hosiery, Inc., Chester, Ill., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Princeton Hosiery Mills, Inc., Princeton, Ky., effective 1-22-51 to 7-21-51; 23 additional learners for expansion purposes.

Tip-Top Hosiery Mills, Inc., Asheboro, N. C., effective 1-22-51 to 7-21-51; 14 additional learners for expansion purposes.

Vance Hosiery Plant, Kernersville, N. C., effective 1-22-51 to 7-21-51; seven additional learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Ainsbrooke, Inc., Dothan, Ala., effective 1-26-51 to 12-13-51; for normal labor turnover, three learners on men's woven shorts only.

Halsen Manufacturing Co., Slatington, Pa., effective 1-25-51 to 1-24-52; four learners normal labor turnover.

Rice—Stix Factory No. 17, Houston, Miss., effective 1-24-51 to 7-23-51; 10 learners for expansion purposes only.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Maisak Handler Shoe Co., Inc., Senath, Mo., effective 1-26-51 to 7-31-51; 35 learners normal labor turnover.

Robinson Manufacturing Co., Outer W. Main, Robinson, Ill., effective 1-26-51 to 12-15-51; 10 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Bodnar Neckwear Co., Philadelphia, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's neckwear).

M. Goldenberg & Sons, Inc., Philadelphia, Pa., effective 1-26-51 to 1-25-52; three learners normal labor turnover (neckwear).

Hyde Park Clothes, Inc., Newport, Ky., effective 1-23-51 to 1-22-52; 7 percent normal labor turnover (men's clothing).

Hyde Park Clothes, Inc., Newport, Ky., effective 1-23-51 to 7-22-51; 25 learners for expansion purposes only (men's clothing).

Kay Bros. Inc., Baltimore, Md., effective 1-26-51 to 7-25-51; five learners normal labor turnover (women's felt and straw hats).

Charles Navasky & Co., Inc., Philipsburg, Pa., effective 1-30-51 to 1-29-52; for normal labor turnover, 7 percent of employees employed on men's and boys' clothing (men's topcoats and overcoats).

Sandess Manufacturing Co., Philadelphia, Pa., effective 1-30-51 to 1-29-52; seven learners normal labor turnover (boys' clothing).

See Gal Manufacturing Co., Johnstown, Pa., effective 2-1-51 to 1-31-52; five learners normal labor turnover (silk covered ladies belts, pleating covered buckles).

Styl-Rite Optical Manufacturing Co., Inc., Miami, Fla., effective 1-22-51 to 7-21-51; nine learners normal labor turnover (eye glass frames).

Vokay Manufacturing Co., Inc., Wilkes-Barre, Pa., effective 2-1-51 to 1-31-52; five learners normal labor turnover (embroidery).

Wilson Awning Co., Newport News, Va., effective 1-29-51 to 7-28-51; three learners normal labor turnover (canvas articles).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of February 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-2006; Filed, Feb. 8, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4015 et al.]

ALL AMERICAN AIRWAYS, INC.; SERVICE TO ASBURY PARK, N. J., CASE

NOTICE OF HEARING

In the matter of a proceeding known as the Service to Asbury Park, N. J., case.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 19, 1951, at 10:00 a. m., e. s. t., in Room 4823, Department of Commerce Building, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by the parties in this proceeding, particular attention will be paid to the following matters and questions:

(1) Whether amendment of the certificate of All American for route No. 97 so as to extend segment 2 of the route beyond its present terminal Atlantic City, N. J., to the co-terminal points New York, N. Y.-Newark, N. J., via the intermediate point Asbury Park-Long Branch-Monmouth Beach, N. J., is required by the public convenience and necessity;

(2) If so, is All American Airways, Inc., fit, willing, and able to perform such transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board.

Notice is further given that any person desiring to be heard in opposition to this proceeding must file with the Board on or before February 19, 1951, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorization requested interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 5, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2026; Filed, Feb. 8, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9890]

ALBERT TONE

ORDER DESIGNATING HEARING ON SUSPENSION OF LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

It appearing, that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, Albert Tone, RD No. 19 Nixon, New Brunswick, New Jersey, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Order of November 13, 1950, suspending for a period of one year his amateur radio operator license; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter, and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of proceedings in the said hearing:

It is ordered, That the matter of the suspension of the amateur radio operator license of Albert Tone is hereby designated for hearing before a Commission Examiner at 10:00 a. m., on February 15, 1951, at the office of the Federal Communications Commission in Washington, D. C., upon the following issues:

1. To determine whether the licensee committed the violation of the Commission's rules set forth in the Commission's Order of Suspension.

2. If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's Order of Suspension.

It is further ordered, That copy of this order be transmitted by Registered Mail, Return Receipt Requested to Albert Tone, RD No. 19 Nixon, New Brunswick, New Jersey.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2030; Filed, Feb. 8, 1951; 8:49 a. m.]

[Docket No. 9891]

RADIOMARINE CORP. OF AMERICA

ORDER INSTITUTING INVESTIGATION

In the matter of Radiomarine Corporation of America, charges, classifications, regulations and practices, for and in connection with Ship/Shore Radiotelephone Service via foreign coastal stations; Docket No. 9891.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration certain new tariff schedules filed with it by Radiomarine Corporation of America, to become effective February 9, 1951, and designated as Radiomarine Corporation of America Tariff F. C. C. No. 11;

It appearing, that the above-mentioned new tariff schedules purport to establish charges, classifications, regulations and practices applicable to the "ship station" portion of telephone service between maritime mobile stations licensed to Radiomarine Corporation of America on the one hand and points on land and other maritime mobile stations on the other hand, via foreign coastal stations;

It further appearing, that such charges, classifications, regulations and practices may be in conflict with those contained in the presently effective tariff schedules issued by American Telephone and Telegraph Company applicable to same service in which schedules Radiomarine Corporation of America concurs;

It further appearing, that the new tariff schedules of Radiomarine Corporation of America will result in a substantial increase in charges to the public for the service to which they are applicable;

It further appearing, that the Commission is unable to determine from an examination of the above-mentioned tariff schedules whether the charges, classifications, regulations and practices therein contained will be just and reasonable or otherwise lawful under the provisions of the Communications Act of 1934, as amended.

It further appearing, that, if the above-mentioned tariff schedules were permitted to become effective on the date specified therein, the rights and interests of the public might be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission on its own motion and without formal pleading, shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules of the Radiomarine Corporation of America;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new tariff schedules of Radiomarine Corporation of America is hereby suspended until May 9, 1951, unless otherwise ordered by the Commission, and that during said period of suspension no changes shall be made in said tariff schedules, unless authorized by special permission;

It is further ordered, That pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the charges, classifications, regulations and practices of American Telephone and Telegraph Company in connection with telephone service between ship stations and points in the United States via foreign coastal stations;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include inquiry into the following specific matters:

(1) The basis upon which the proposed new "ship station" charges were determined and the justification therefor;

(2) Probable effect of the proposed increased charges upon public demand for the service;

(3) Whether the proposed new "ship station" charges should be collected from the customer in addition to the through charges published by American Telephone and Telegraph Company or should be paid by American Telephone and Telegraph Company out of such through charges;

(4) Whether the above-mentioned new tariff schedules comply with section 203 (a) of the Communications Act of 1934, as amended, and § 61.73 and related sections of Part 61 of the Commission's rules regarding the publication of through charges;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-mentioned tariff schedules go into effect, Radiomarine Corporation of America shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in said tariff schedules, specifying by whom and in whose behalf such amounts are paid and shall file with the Commission a report on or before the 10th of each calendar month, commencing June 10, 1951, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with the tariff schedules herein suspended; that Radiomarine Corporation of America and American Telephone and Telegraph Company are hereby made parties respondent to this proceeding; and that a copy hereof be served on each such respondent;

It is further ordered, That hearings be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10 a. m. on the 12th day of March 1951; that Elizabeth C. Smith is assigned to preside at such hearings; and that the presiding officer shall certify the record to the Commission for decision and shall not prepare either a recommended decision or initial decision.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2031; Filed, Feb. 8, 1951; 8:49 a. m.]

[Docket No. 9893]

S. W. WARNER AND E. N. WARNER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of S. W. Warner and E. N. Warner d/b as Warner Brothers (KWBR), Oakland, California, for construction permit; Docket No. 9893, File No. BP-7709.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration the above-entitled application requesting construction permit to install new transmitter and increase daytime power of Station KWBR, Oakland, California from 1 kilowatt to 5 kilowatts;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KWBR as proposed but that the application may not comply with the standards of Good Engineering Practice particularly with reference to population residing within the 250 mv/m blanket contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on March 16, 1951, at Washington, D. C., upon the following issue:

1. To determine whether the installation and operation of Station KWBR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 250 mv/m blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2032; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket Nos. 9894, 9895, 9896]

BOOTH RADIO & TELEVISION STATIONS, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio & Television Stations, Inc., Lansing, Michigan, Docket No. 9894, File No. BP-7905; John C. Pomeroy, Pontiac, Michigan, Docket No. 9895; File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration (1) the above-entitled applications of Booth Radio and Television Stations, Inc., for a new standard broadcast station to operate on the frequency 1470 kc, with 1 kilowatt power, daytime only, at Lansing, Michigan; of John C. Pomeroy for a new standard broadcast station to operate on the frequency of 1460 kc, with 500 watts, daytime only, at Pontiac, Michigan; and of Adelaide Lillian Carrell for a new standard broadcast station to operate on the frequency of 1470 kc, with 1 kilowatt of power, directional antenna day and night (DA-1), at Flint, Michigan; and (2) a petition, filed January 4, 1951, by North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina, requesting that the above-entitled application of Adelaide Lillian Carrell be designated for hearing, and that the petitioner be made a party to the proceeding; and an opposition to the said petition, filed January 15, 1951 by Adelaide Lillian Carrell;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications

are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on March 22, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of John C. Pomeroy and Adelaide Lillian Carrell and the technical, financial and other qualifications of Booth Radio and Television Stations, Inc., and its stockholders, officers and directors to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Flint, Michigan, would involve objectionable interference with Station WBIG, Greensboro, North Carolina; and to determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station WSGW, Lansing, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina is made a party to this proceeding with respect to the above-entitled application of Adelaide Lillian Carrell only.

It is further ordered, That the petition of North Carolina Broadcasting Company, Inc. (WBIG) is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2033; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9814, 9897]

HIRSH COMMUNICATION ENGINEERING CORP. AND HAWTHORN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hirsch Communication Engineering Corporation, Sparta, Illinois, Docket No. 9814, File No. BP-7803; Hawthorn Broadcasting Company, St. Louis, Missouri, Docket No. 9897, File No. BP-7934; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration (1) the above-entitled applications of the Hirsch Communication Engineering Corporation for a new standard broadcast station at Sparta, Illinois; and of the Hawthorn Broadcasting Company for a new standard broadcast station at St. Louis, Missouri, each application requesting the frequency 1230 kilocycles, with 250 watts of power, unlimited time; and (2) a petition, filed December 13, 1950, by the Hawthorn Broadcasting Company, requesting the Commission to designate its above-entitled application for hearing in a consolidated proceeding with the above-entitled application of Hirsch Communication Engineering Corporation and also with an application of Cape County Broadcasting Co. (File No. BP-7808; Docket No. 9815), which latter application was on December 22, 1950, amended and removed from hearing;

It is ordered, That, pursuant to section 309 (a) of the communications act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on March 23, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicants, their officers and stockholders, to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected hereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Sparta, Illinois and of Stations KFVS, Cape Girardeau, Missouri and KFMO, Flat River, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the petition of Hawthorn Broadcasting Company, insofar as it requests that the petitioner's above-entitled application be designated for hearing in a consolidated proceeding with the above-entitled application of Hirsch Broadcasting Corporation, is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2034; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9587]

PRATT BROADCASTING CO.

ORDER DELETING ISSUE

In re application of Clem Morgan and Robert E. Schmidt d/b as Pratt Broadcasting Company, Pratt, Kansas, Docket No. 9587, File No. BP-7395, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration a petition filed on December 18, 1950 by Clem Morgan and Robert E. Schmidt d/b as Pratt Broadcasting Company requesting modification of issues in the hearing on their above-entitled application for permit to construct a new standard broadcast station to operate on frequency 1570 kilocycles, with 250 watts power, daytime only at Pratt, Kansas;

It appearing, that the said application was designated for hearing by Commission order of November 14, 1950 to determine among other things, the financial qualifications of the applicant partnership and its partners to construct and operate the proposed station; and

It further appearing, that petition to amend the said application to show revised financial data and for continuance of hearing was granted on December 18, 1950, the amendment accepted and the hearing continued to March 9, 1951 and that on the basis of said amendment, petitioner requests deletion from the said order of designation of issue 1 which has reference to the financial qualifications of the applicant partnership and its partners to construct and operate the proposed station; and

It further appearing, that on the basis of information contained in the said application as amended, the applicant partnership and its partners are financially qualified to construct and operate the proposed station and that no opposition to a grant of the said request for modification of issues has been filed by KVGB, Incorporated, party respondent to the proceeding;

It is ordered, That the said petition for modification of issues is granted and that issue 1 is deleted from the said order of November 14, 1950, designating the above-entitled application for hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2035; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9664]

HAROLD L. SUDBURY (KLCN)

ORDER SCHEDULING HEARING

In re application of Harold L. Sudbury (KLCN), Blytheville, Arkansas, Docket No. 9664, File No. BP-7515; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January, 1951;

The Commission having under consideration a petition filed on September 7, 1950, by Harold L. Sudbury requesting reconsideration and grant without hearing of the above-entitled application for construction permit to change the facilities of Station KLCN, Blytheville, Arkansas, from frequency 900 kilocycles, 1 kilowatt power, daytime only, to frequency 910 kilocycles, 100 watts 1 kilowatt-LS power, unlimited time;

It appearing, that the said application was designated for hearing by Commission order of May 12, 1950, on specified issues among which was to determine whether the proposed operation of Station KLCN would involve objectionable interference to Station WSUI, Iowa City, Iowa, or with any other existing broadcast stations and to determine whether the installation and operation of Station KLCN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of a Class IV station on a regional frequency; and

It further appearing, that the petition filed on September 6, 1950, by Mississippi Broadcasting Company, Incorporated, licensee of Station WCOC, Meridian, Mississippi, requesting leave to intervene in the proceeding was dismissed by Commission order of September 15, 1950, due to failure to comply with § 1.388 (a) of the Commission's rules; and

It further appearing, that on the basis of information contained in the said application and the instant petition the Commission is unable to resolve the matters in issue in that nighttime limitation of Station WSUI may be lower than that computed by petitioner during the periods Station KPOF is not operating, and that objectionable interference may

be involved with Station WCOC, Meridian, Mississippi, and that Class III operation nighttime at Blytheville, Arkansas on the requested frequency may be practical;

It is ordered, That the said petition is denied and that hearing on the said application shall commence at 10:00 a. m., on March 29, 1951, at Washington, D. C.; and

It is further ordered, That on the Commission's own motion the order of May 12, 1950, designating the above-entitled application for hearing is amended to make Mississippi Broadcasting Company, Incorporated, licensee of Station WCOC, Meridian, Mississippi, a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2036; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket Nos. 9479, 9667]

RALPH D. EPPERSON (WPAQ) AND NEWS-JOURNAL CORP., (WNDB)

ORDER CONTINUING HEARING

In re applications of Ralph D. Epperson (WPAQ), Mount Airy, North Carolina, Docket No. 9479, File No. BP-7153; News-Journal Corporation (WNDB), Daytona Beach, Florida, Docket No. 9667, File No. BP-6983; for construction permits.

The Commission having under consideration a petition filed January 26, 1951, by the News-Journal Corporation (WNDB), Daytona Beach, Florida, requesting a continuance of the hearing herein of at least sixty days from the presently scheduled date of February 8, 1951, in order to afford petitioner an opportunity to make a technical study to investigate the availability of another frequency, and requesting a waiver of the Commission's four-day rule; and

It appearing that both the Commission Counsel and the parties to this proceeding have consented to immediate action upon this petition and that therefore the requirements of § 1.745 of the Commission's rules have been met, and that good cause has been shown for a grant thereof;

It is therefore ordered, This 30th day of January 1951, that the petition of the News-Journal Corporation be and it is hereby granted and the hearing herein is hereby continued to April 9, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2037; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9865]

STATION WTNJ

ORDER TRANSFERRING HEARING FOR FURTHER TESTIMONY

In the matter of revocation of license of station WTNJ, Trenton, New Jersey; Docket No. 9865.

Counsel for the licensee of Station WTNJ, WOAX, Inc., having requested that the proceedings in the above-entitled docket now scheduled to be heard at Trenton, New Jersey, and to commence on the 19th day of February 1951, be heard in Trenton with exception of certain portions of the licensee's case which counsel requested be heard in New York, New York at 120 Wall Street, in the office of Erling C. Olsen, commencing February 28, 1951, for the convenience of witnesses and counsel for the Commission offering no objection;

It is ordered, This 30th day of January 1951, that the hearing on the above-entitled application commence at 10:00 a. m. on February 19th, 1951, at Trenton, New Jersey, and thereupon after adducing necessary testimony at Trenton, be adjourned until February 28, 1951, and transferred to New York, New York at 120 Wall Street, for the purpose of taking further testimony.

[SEAL] ROBERT F. JONES,
Presiding Commissioner.

[F. R. Doc. 51-2038; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9834]

GREAT NORTHERN RADIO, INC. (WWSC)

ORDER CONTINUING HEARING

In re application of Great Northern Radio, Inc. (WWSC), Glens Falls, New York, Docket No. 9834, File No. BMP-5335; applicant for modification of construction permit.

The Commission having under consideration a petition filed January 24, 1951, by the applicant, requesting that the hearing on its above-entitled application be continued indefinitely in order to permit Commission action upon a pending petition for reconsideration and grant, filed by petitioner November 27, 1950; and

It appearing, that the hearing in this proceeding is scheduled to commence on February 12, 1951, at Washington, D. C., and that no action has as yet been taken by the Commission on the said petition for reconsideration and grant of its application without hearing; and

It further appearing, that the disposition of the pending petition for reconsideration and grant by the Commission may obviate the necessity for a hearing or alter the proceeding upon this application, and that the orderly dispatch of business and the ends of justice will be served by postponing the hearing until after the Commission has considered the petition filed November 27, 1950; and

It further appearing, that there are no parties to this proceeding other than the applicant, and Commission counsel has indicated he has no objection to the requested indefinite continuance;

It is, therefore, ordered, This 30th day of January 1951, That the petition for indefinite continuance is granted; and the hearing on the above-entitled application now scheduled for February 12,

1951, at Washington, D. C., is continued without date until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2039; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9710]

MARSHALL FORMBY

ORDER CONTINUING HEARING

In re application of Marshall Formby, Spur, Texas, Docket No. 9710, File No. BP-7577; for construction permit.

The Commission having under consideration a petition filed January 24, 1951, by Marshall Formby, Spur, Texas, requesting a 90-day continuance of the hearing presently scheduled for February 20, 1951, at Washington, D. C., in the proceeding upon his above-entitled for construction permit; and

It appearing, that this applicant had ample notice of the date on which this hearing was to be held; that the reasons assigned for the continuance do not justify a 90-day postponement of the hearing; and that, under the circumstances, the applicant should be allowed no more than approximately 30 days in which to prepare and be ready for hearing on his application;

It is ordered, This 2d day of February 1951, that, insofar as the petition requests a continuance, it is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Wednesday, March 28, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2040; Filed, Feb. 8, 1951; 8:51 a. m.]

[Designation Order 54]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 29th day of January 1951;

It is ordered, Pursuant to § 0.111 of the statement of delegations of authority, that Rosel H. Hyde, Commissioner, is hereby designated as Motions Commissioner for the month of February, 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2041; Filed, Feb. 8, 1951; 8:51 a. m.]

NOTIFICATION OF CHANGES IN ASSIGNMENTS OF BROADCASTING STATIONS

CUBAN NOTIFICATION LIST NUMBER 1

JANUARY 15, 1951.

CUBA

PRESENT OPERATION

Frequency (kc)	Call letters	Station location	Power kw.	Antenna	Schedule	Class
1360	CMBG	Havana	0.25	ND	S. H.	IV
1360	CMOA	do	.25	ND	S. H.	IV
1400	CMCM	do	.5	ND	U	III

PROPOSED CHANGES

1360	CMBG	Havana	0.25	ND	U	III
1460	CMCM	do	.25	ND	U	III
1590	CMOA	do	.25	ND	U	III

Date for the implementation of these changes: January 31, 1951, 12:30 p. m.

NOTE: The assignments listed as "present operation" correspond with the assignments shown in Annex 3, North American Regional Broadcasting Agreement, Washington, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2042; Filed, Feb. 8, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1808]

HANS THORNE ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

FEBRUARY 5, 1951.

In the matter of Hans Thorne and Helen A. Thorne and Chester O. Miller, Faye S. Miller, Henry W. Miller and Betty M. Miller, Project No. 1808.

Notice is hereby given that, on December 26, 1950, the Federal Power Commission issued its order entered December 13, 1950, modifying order of June 17, 1947, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2007; Filed, Feb. 8, 1951; 8:45 a. m.]

[Docket No. G-1489]

TEXAS GAS TRANSMISSION CORP.

ORDER SETTING HEARING UNDER ABRIDGED PROCEDURE

FEBRUARY 5, 1951.

On September 22, 1950, Texas Gas Transmission Corporation, a Delaware corporation, having offices at 416 West Third Street, Owensboro, Kentucky, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a direct industrial gas sales meter station, and the sale of natural gas to the American Vitrified Products Company at a point near Brazil, Indiana.

On October 19, 1950, the Public Service Commission of Indiana intervened in this proceeding in opposition to the application.

By order of the Commission dated November 10, 1950, and published in the FEDERAL REGISTER on November 16, 1950 (15 F. R. 7806), this proceeding was set for hearing to commence at 10:00 a. m. (e. s. t.), on December 19, 1950.

By order of the Commission dated December 13, 1950, the hearing in this proceeding was postponed to commence on February 7, 1951, at 10:00 a. m. (e. s. t.), at the applicant's request.

By a telegram received January 30, 1951, the Public Service Commission of Indiana withdrew its intervention.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and there being no request to be heard, protest or petition now before the Commission due notice of the filing of the application having been given, including publication in the FEDERAL REGISTER on October 14, 1950 (15 F. R. 6922).

(2) Good cause exists to set the hearing on February 7, 1951, under the abridged procedure without 15 days further notice being given.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 7, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 5, 1951.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2021; Filed, Feb. 8, 1951; 8:48 a. m.]

[Docket No. G-1598]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

FEBRUARY 5, 1951.

Take notice that on January 29, 1951, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction of a meter and regulator station at a point in its transmission system near Thornton, Arkansas. Applicant proposes by these facilities to sell natural gas in the community of Thornton, Arkansas, which has no gas utility service at present.

Through these facilities, Applicant proposes to sell and deliver approximately 20,000 Mcf per year of natural gas. The cost of these facilities is estimated to be $1,029, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26 th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2044; Filed, Feb. 8, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25816]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO CALVERT, KY.

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), in carloads.

From: Mines in Texas and Louisiana.

To: Calvert, Ky.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2011; Filed, Feb. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25817]

MOLASSES FROM LOUISIANA TO OKLAHOMA

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, in tank-car loads.

From: New Orleans, La., and points grouped therewith.

To: Checotah, Meyer, Oktaha and Rentiesville, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 395, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2012; Filed, Feb. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25818]

APLITE ROCK FROM PINEY RIVER, VA., TO INDIANA AND OHIO

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-823.

Commodities involved: Aplite rock, crushed or ground, in carloads.

From: Piney River, Va.

To: Muncie and Winchester, Ind., Lancaster, Mount Vernon, Newark and Zanesville, Ohio.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. B. Le Grande's tariff I. C. C. No. 240, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2013; Filed, Feb. 8, 1951; 8:47 a. m.]

[4th Sec. Application 25819]

COKE FROM HOPEWELL, VA., TO WILSON, N. C.

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Norfolk and Western Railway Company and Norfolk Southern Railway Company.

Commodities involved: Coke, coke breeze, coke dust and coke screenings, in carloads.

From: Hopewell, Va.

To: Wilson, N. C.

Grounds for relief: Circuitous route.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1150, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2014; Filed, Feb. 8, 1951; 8:47 a. m.]

[4th Sec. Application 25820]

FORMALDEHYDE FROM TEXAS AND OKLAHOMA TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3919.

Commodities involved: Liquid formaldehyde, in tank-car loads.

From: Bishop and Winnie, Tex., and Tallant, Okla.

To: Gadsden, Ala., Savannah, Ga., and Orangeburg, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 545; D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2015; Filed, Feb. 8, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 16-1A32]

O. H. HECHT

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

National Association of Securities Dealers, Inc. ("the NASD"), a registered national securities association, has applied, pursuant to section 15A (b) (4) of the Securities Exchange Act of 1934 ("the act"), for our approval of the admission of O. H. Hecht to membership.

Appropriate public notice was given of the filing of the application, and interested persons were afforded an opportunity to request a formal hearing. No such request has been filed. On the basis of our review of the record we make the following findings.

Under section 15A (b) (4) of the act, and Article I, Section 2, of the NASD bylaws, except in cases where the Commission approves or directs admission to or continuance in membership as appropriate in the public interest, no broker or dealer may be a member of the NASD if he has been expelled or has been a cause of any order of expulsion from a registered securities association for violation of a rule of the association prohibiting conduct inconsistent with just and equitable principles of trade.

Hecht has been in the securities business since 1922. In December 1938 he became a partner in Mutual Investments, Ltd. ("Mutual"), a broker-dealer registered under section 15 (b) of the act. On August 28, 1941, a complaint was filed with the District Business Conduct Committee for District No. 11 of the NASD ("the Committee") alleging that Mutual had engaged in the practice of selling oil royalties at prices which were not fair and were in violation of sections 1 and 4 of Article III of the Association's rules of Fair Practice. As illustrative of Mutual's general business practices, the complaint set forth a series of seven transactions on which profits ranged as high as 100 percent of Mutual's cost. In its answer Mutual neither denied nor admitted the allegations but stated, "We now appreciate the necessity for these rules as required of members, and regret our lack of proper interpretation of them as intended, and assure you that we will abide by them."

No hearing was requested and the Committee on November 7, 1941, found that Mutual had been guilty of conduct inconsistent with just and equitable principles of trade and expelled it from membership in the NASD.[1]

Mutual became inactive in the securities business about January 1, 1942. In October 1942 Hecht registered as a broker-dealer under section 15 (b) of the act. Mutual dissolved at about the same time and its registration as a broker and dealer was withdrawn on November 19, 1942.

Since his registration, Hecht has been conducting a general securities business and has also acted as underwriter of smaller securities issues. He states that he continued selling oil royalties for a few years after his registration at mark-ups considered reasonable by the trade but that those sales constituted a minor portion of his business. In April 1945 he discontinued selling oil royalties and does not intend to make such sales in the future. Hecht stated also that he has familiarized himself with the NASD mark-up policy; that his profits on securities dealings since the expulsion have been in accordance therewith; and that he does not sell securities on margin or hypothecate customers' securities.

Several letters have been submitted testifying to his good reputation and character, and the NASD has recommended his admission to membership as consonant with the stated purposes and policies of section 15A of the act.

After consideration of all the circumstances, and giving due weight to the recommendation of the NASD, we find it appropriate in the public interest to approve the admission of Hecht to NASD membership.

It is ordered, therefore, Pursuant to section 15A (b) (4) of the act, that the admission of O. H. Hecht to membership in National Association of Securities Dealers, Inc., be, and it hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2008; Filed, Feb. 8, 1951; 8:45 a. m.]

[1] The record is not clear as to Hecht's participation in the alleged misconduct, but he was a partner in Mutual and he has not sought to disclaim responsibility. In his application to the NASD for admission to membership Hecht indicated that he was a cause of the expulsion, and in a statement made before the Committee in connection with his application Hecht referred to "our mistake which I, of course, admit."

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16712]

SCHERING, A. G. ET AL.

In re: Interests and rights of Schering, A. G., Berlin, Germany, in agreements with Sherka Chemical Company, Inc.; U. S. Letters patent owned by Schering, A. G.; Sioto, G. m. b. H.; Niederschlesische Bergbau, A. G.; Voigtländer & Sohn, A. G.; Rheinische Kampferfabrik, G. m. b. H.; C. F. Böhringer & Söhne, G. m. b. H.; Hans Goebel, Burkhard von Becker; Herbert Schotte; Robert Ebert; Joachim Korpium, and Helmut Borst.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That each of the corporations, partnerships, associations, or other business organizations whose names and last known addresses are set forth below is organized under the laws of Germany, and has, or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany):

Names and Addresses

Schering, A. G., Berlin, Germany.
Sioto, G. m. b. H., Hamburg, Germany.
Niederschlesische Bergbau, A. G., Neuweisstein bei Waldenburg, Germany.
Voigtländer & Sohn, A. G., Braunschweig, Germany.
Rheinische Kampferfabrik, G. m. b. H., Dusseldorf-Oberkassel, Germany.

2. That C. F. Böhringer & Söhne, G. m. b. H., whose last known address is Mannheim-Waldhof, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, which has, or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That Hans Goebel, Burkhard von Becker, Herbert Schotte, Robert Ebert, Joachim Korpium, and Helmut Borst, whose last known addresses are Germany, are residents and nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. All interests and rights (including all monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schering, A. G. of Berlin, Germany by virtue of an agreement dated January 1, 1938 by and between Schering, A. G. and Sherka Chemical Company, Inc., Bloomfield, New Jersey (including all modifications thereof and supplements thereto, if any);

b. All interests and rights (including all monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schering, A. G. of Berlin, Germany, by virtue of the exchange of cables and letters between Schering, A. G., of Berlin, Germany, Schering Corporation of Bloomfield, New Jersey and Sherka Chemical Company, Inc., of Bloomfield, New Jersey, dated September 15, 1939; October 5 and 25, 1939; November 11, 20 & 27, 1939; February 24, 26 & 27, 1940; March 13, 1940; April 8, 1940; May 6, 8 & 31, 1940 and June 3, 1940 (including all modifications thereof and supplements thereto, if any);

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Schering, A. G., of Berlin, Germany, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: All right, title, and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation, or government for past infringement thereof, in and to the United States Letters Patent listed in Exhibits A and B, attached hereto and by reference made a part hereof;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1, 2, and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A—PATENTS ASSIGNED TO SHERKA CHEMICAL COMPANY, INC. BY SCHERING A. G.

Patent No.	Date of issue	Inventor	Title
1,855,940	7/ 5/32	Hans Meerwein, Heinrich Morschel	Production of Acetone.
1,877,333	9/13/32	Walter Schoeller, Hans Jordan, Walter Lihde.	Method of Simultaneous Hydrogenation and Dehydrogenation.
1,877,991	9/20/32	Erwin Schwenk, Hans Jordan	Production of Hydroaromatic Carboxylic Acids.
1,891,333	12/20/32	Hans Meerwein, Heinrich Morschel	Production of Acetone.
1,907,592	5/ 9/33	Walter Schoeller, Erwin Schwenk, Hans Goebel, Siegfried Michael.	Phosphoric Acid Ester of Gluconic Acid.
1,916,741	7/ 4/33	Rudolf Schmidt	Production of Aliphatic-Aromatic Ketones.
1,916,743	7/ 4/33	Erwin Schwenk, Max Gehrke, Franz Aichner.	Production of Acrolein.
1,933,757	11/ 7/33	Hans Priewe	Disinfectant.
1,997,403	7/24/34	Walter Schoeller, Erwin Schwenk, Erich Borgwardt, Franz Aichner.	Method of Producing Aliphatic and Hydro-Aromatic Oxides.
1,996,593	4/ 2/35	Erwin Schwenk, Hans Jordan	Vulcanization of Caoutchouc.
2,021,277	11/19/35	Fritz Wolff	Seed Disinfectant.
2,024,362	12/17/35	Herbert Schotte, Karl Gornitz	Insecticidal Preparation.
2,098,284	1/19/37	Karl Ziegler	Method For the Production of Derivatives of Cyclic B-Keto Carboxylic Acids.
2,103,286	12/28/37	do	Method of Producing Compounds of Cyclic B-Ketocarboxylic Acids.
2,103,538	12/28/37	Walter Schoeller, Erich Borgwardt	Phosphates of Amino Acid Esters and Method of Producing Same.
2,109,143	2/22/38	Fritz Wolff	Dry Disinfectant for Seeds.
2,136,808	11/15/38	Herbert Schotte, Karl Gornitz	Insecticide and Method of Making Same.
2,141,058	12/20/38	Karl Ziegler	Method of Producing Substituted Alkali Metal Amides.
2,142,564	1/ 3/39	Joachim Korpium	Process For Electrodeposition on Aluminum and Aluminum Alloys.
2,145,394	1/31/39	Karl Gornitz, Willy Harnack, Otto Wurm.	Seed Disinfectant Composition and Method of Making the Same.
2,145,595	1/31/39	do	Organic Mercury Compounds and a Method of Making the Same.
2,178,099	10/31/39	do	Organic Mercury Compound and a Method of Producing the Same.
2,196,018	4/ 2/40	Joachim Korpium	Cartridge Case Provided with a Non-metallic Surface.
2,208,868	7/23/40	Franz Gottwalt	Method for the Separation of Acylatable Substances from Mixtures Containing Same.
2,220,894	11/12/40	Josef Eimig	Luminous Materials and Intensifying Screens for X-Rays and a Method for Manufacturing the Same.
2,229,741	1/28/41	Gerhard Hinz	Process for the Manufacture of Noncurling Films.
2,231,086	2/11/41	Alwin Muller, Joachim Korpium	Method of Producing Oxide Coated Aluminum and Aluminum Base Alloys and Electrolyte therefor.
2,233,785	3/ 4/41	Joachim Korpium	Process for the Manufacture of Oxide Layers on Aluminum and Aluminum Alloys and to Electrolytes therefor.
2,241,800	5/13/41	Fritz Wolff	Process for Preparing Hydrated Copper Chlorides.
2,248,062	7/ 8/41	Joachim Korpium	Method for Treating Electroplating Baths.
2,260,173	10/21/41	Max Dohra, Hans Nahme	Production and Application of Media for Protection from Light.
2,265,381	11/18/41	Hans Goebel	Powder Box.
2,271,192	1/27/42	Gerhard Hinz	Process of Treating Plastic Sheets.
2,277,180	3/24/42	Fritz Wolff, Karl Gornitz, Willy Harnack.	Alkylene Diamine Alkyl Mercury Compounds.
2,292,461	8/11/42	Hans Meerwein	Process for the Introduction of Aryl Groups into a B-Unsaturated Carbonyl Compounds and their Derivatives.

EXHIBIT B—PATENTS ASSIGNED TO SHERKA CHEMICAL COMPANY, INC., BY SIOTO, G. M. B. H., NIEDERSCHLESISCHE BERGBAU, A. G., VOIGTLÄNDER & SOHN, A. G., C. F. BÖHRINGER & SÖHNE, G. M. B. H., HELMUT BORST, HANS GOEBEL, BURKHARD VON BECKER, HERBERT SCHOTTE, ROBERT EBERT, AND JOACHIM KORPIUM, ALL AS INDICATED BELOW

SIOTO, G. m. b. H.

Patent No.	Date of issue	Inventor	Title
2,104,246	3/19/40	Carl Oberlander, Fritz Hermann, Zschacke.	Enamels and Glazes and a Method of Producing the Same.

NIEDERSCHLESISCHE BERGBAU, A. G.

2,277,115	3/24/42	Hugo Kruger, Kurt Giesler	Process of Producing Pure Benzene Hydrocarbons.

VOIGTLÄNDER & SOHN, A. G.

2,012,234	8/27/35	Arpad Barenyi	Photographic Film Camera.
2,054,284	9/15/36	Walter Forstmann	Photographic Film.
2,075,081	3/30/37	Arpad Barenyi	Folding Camera.
2,153,813	4/11/39	Karl Pritschow	Photographic Camera.
2,167,929	7/25/39	Eugen Armbruster	Range Finder.
2,189,258	2/ 6/40	Wilhelm Reiche	Folding Camera.
2,235,258	2/25/41	Wilhelm Baumgartner	Roll Film Camera.
2,232,239	2/25/41	Wilhelm Baumgartner	Photographic Roll Film Camera.
2,249,959	7/22/41	Wilhelm Baumgartner	Roll Film Camera.
2,297,634	9/29/42	Karl Pritschow	Photographic Camera.

C. F. BÖHRINGER & SOHNE, G.m.b.H.

1,889,786	5/24/32	Richard Muller, Fritz Voeller	Production of Anhydrides of the Lower Fatty Acid Series.
1,910,176	5/23/33	Richard Muller, Martin Schenck	Controlling Reaction Between Cellulose and Other Reagents.
1,911,920	5/30/33	Richard Muller, Alfred Lubke, Hermann Dietrich.	Production of Acetic Acid.
1,941,951	1/ 2/34	Richard Muller, Hans Hatzig, Erich Rabald.	Separating Acetic Acid from Acetic Acid Anhydride.
1,967,421	7/24/34	Richard Muller, Alfred Lubke	Plastic Mass Containing Cellulose Esters.
2,001,211	5/14/35	Richard Muller, Erich Rabald	Production of Fatty Acid Anhydrides.
2,002,674	5/28/35	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Method of Treating Cellulose Acetate.
2,011,011	8/13/35	Erich Rabald	Process of Combining Acetylene with Acetic Acid.
2,024,381	12/17/35	Richard Muller, Martin Schenck, Wilhelm Wirbatz, Fritz Muller.	Esterification of Cellulose.
2,030,221	2/11/36	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Method of Producing Plastic Masses, etc., Containing Cellulose Esters.
2,032,540	3/ 3/36	...do	Treating Solid Cellulose Derivatives.
2,035,183	3/24/36	Richard Muller, Fritz Muller, Heinrich Messer.	Cellulose Composition.
2,045,161	6/23/36	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Cellulose Acetate Products and Method of Producing Same.
2,045,718	6/30/36	Richard Muller, Hans Hatzig, Erich Rabald.	Method of Producing Anhydrides of Lower Fatty Acids.
2,103,012	12/21/37	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Cellulose Esters.
2,143,205	1/10/39	Richard Muller, Alfred Lubke	Artificial Silk.

HELMUT BORST

2,192,891	3/12/40	Helmut Borst	Photographic Developer and Process of Development.

HANS GOEBEL

2,349,654	5/23/44	Hans Goebel	Aqueous Solutions of Phenols and their Homologues and a Method of Making the Same.

BURKHARD VON BECKER

2,368,277	1/30/45	Burkhard von Becker	Wetting Agent for Mercerizing and a Process for Increasing the Wetting Power of Mercerizing Lyes.

HERBERT SCHOTTE AND ROBERT EBERT

2,392,067	1/ 1/46	Herbert Schotte, Robert Ebert	Insecticides.

JOACHIM KORPIUM

2,418,265	4/ 1/47	Joachim Korpium	Process for Providing Aluminum and Aluminum Alloys with Metal Coating.

[F. R. Doc. 51-2046; Filed, Feb. 8, 1951; 8:53 a. m.]

[Vesting Order 17220]

SAICHI TATSUTA ET AL.

In re: Rights of Saichi Tatsuta, et al., under contract of insurance. File F 39-4934-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saichi Tatsuta, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1097797 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Saichi Tatsuta, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices, legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or an account of, or owing to, or which is evidence of ownership or control by Saichi Tatsuta or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1992; Filed, Feb. 7, 1951; 8:58 a. m.]

[Vesting Order 17155]

CARL GUDERT

In re: Trust under the will of Carl Gudert, deceased. File No. D-28-2204 E. T. sec. 3018.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Doerwald, Annie Beesser, Fritz Doerwald, Louis Doerwald and Elsie Doerwald, whose last known address was, on December 6, 1950, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Babetta Haeusler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $1,131.70 was paid to the Attorney General of the United States by George J. Haeusler, Milwaukee, Wisconsin, Surviving Trustee of the trust under the will of Carl Gudert, deceased;

4. That the said sum of $1,131.70 was accepted by the Attorney General of the United States on December 6, 1950, pursuant to the terms of the Trading With the Enemy Act, as amended;

5. That the said sum of $1,131.70 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Babetta Haeusler, deceased, were not within a designated enemy country on December 6, 1950, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1982; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17138]

JAPANESE ASSOCIATION OF AMERICA

In re: Debt owing to Japanese Association of America. D-39-2186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Japanese Association of America, a non-stock membership corporation organized under the laws of the State of California, is or, since the effective date of Executive Order 8389, as amended, has been controlled by, directly or indirectly, a designated enemy country (Japan) and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a Commercial Account in the name of Japanese Association of America, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Japanese Association of America, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That the Japanese Association of America is controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan); and

4. That to the extent that Japanese Association of America is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2048; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17153]

HENRIETTA E. GARRETT

In re: Estate of Henrietta E. Garrett, deceased. File No. D-28-1682; E. T. Sec. Nos. 538 and 539.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Gneist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees, distributees and assignees, names unknown, of Carl Gneist, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in, to and against the Estate of Henrietta E. Garrett, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles S. Starr and Frank G. Marcellus, administrators c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain contract entered into on February 16, 1938, by and between Carl Gneist of Berlin, Germany, and Arno P. Mowitz of Philadelphia, Pennsylvania, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees, distributees and assignees, names unknown, of Carl Gneist, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in sec-

tion 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2049; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17180]

FRITZ STRAUBEL

In re: Estate of Fritz Straubel, deceased. File No. 017-25269.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Maeder and Karl Straubel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $2,000 deposited with the Union Title Guaranty Company, Pittsburgh, Pennsylvania, by Frank Aldridge and Margaret Aldridge on account of the purchase price of a certain parcel of real property situated in Jefferson Township, Allegheny County, Pennsylvania, containing ten (10) acres of land in three parcels, as set forth in Deed from Bertha Benedict to Fritz Straubel and Otto Schmelzer, dated April 10, 1926, and recorded in Recorder's Office of Allegheny County, Pennsylvania, in Deed Book Volume 2276, page 576; and

b. That certain debt or obligation owing to Gertrud Maeder and Karl Straubel by Frank Aldridge and Margaret Aldridge arising out of the use and occupation of the real property described in subparagraph 2 (a) hereof, together with the right to demand, collect and enforce the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2050; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17224]

BARBARA KUHNLE (KUHULE) ET AL.

In re: Rights of Barbara Kuhnle (Kuhule) et al., under insurance contract. File No. F-28-29797-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Kuhnle (Kuhule), nee Hohn and Frieda Kuhnle (Kuhule), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kuhnle (Kuhule), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7270167, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Anna Kuhnle (Kuhule), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kuhnle (Kuhule), deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1990; Filed, Feb. 7, 1951; 8:57 a. m.]

[Return Order 878]

SHUNJI MATSUOKA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Shunji Matsuoka, Seattle, Wash.; Claim No. 6760; Notice of intention to return vested property published October 14, 1950 (15 F. R. 6923); $424.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 5, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2052; Filed, Feb. 8, 1951; 8:55 a. m.]

MAURICE HENRI LEMAIRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Maurice Henri Lemaire, Paris, France; Claim No. 41772; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,899,874; 1,922,895; 1,927,178; 2,004,051 and 2,007,400.

Executed at Washington, D. C., on February 5, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2053; Filed, Feb. 8, 1951; 8:55 a. m.]

PART I

FEDERAL REGISTER

VOLUME 16 NUMBER 29

Washington, Saturday, February 10, 1951

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 193]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.512 *Orange Regulation 193*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 12, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 12, 1951; the recommendation and supporting information for continued regulation subsequent to February 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 12, 1951, and ending at 12:01 a. m., e. s. t., February 26, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size

(Continued on p. 1265)

This issue is divided into two parts, Part II of which contains Executive Order 10214, prescribing the Manual for Courts-Martial, United States, 1951.

CONTENTS

THE PRESIDENT

Executive Order — Page
Prescribing the Manual for Courts-Martial, United States, 1951 (*see* Part II of this issue).

EXECUTIVE AGENCIES

Agriculture Department
See also Production and Marketing Administration.
Notices:
Designation of claimant agencies to present requirements with respect to food 1289
Rules and regulations:
Delegation of authority to Economic Stabilization Agency with respect to allocation of meat (*see* Economic Stabilization Agency).

Air Force Department
Prescribing the Manual for Courts-Martial, United States, 1951 (*see* Executive Order 10124, Part II of this issue).
Rules and regulations:
Air Force participation in ceremonies, celebrations and exhibitions 1270

Alien Property, Office of
Notices:
Vesting orders, etc.:
Bankierskantoor, Rebholz 1295
Brochhaus, Hans 1299
Chemisch - Pharmazeutische A. G. Bad Homburg et al 1294
Conversion Office for German foreign debts 1301
Deutsche Reichsbank 1295
Dolle, John, et al 1298
Emerich, Heinrich Georg 1293
Eprinchard, Ferdinande Marie-Therese 1298
Exportkreditbank A. G 1301
Gerber, Ludwig and Herta 1299
Hamburgisch Landesbank-Girozentral 1297
Hillmann, Rudolf 1301
National Life Assurance Co., Ltd 1294
Osram G. m. b. H. Kommanditgesellschaft 1296
Peters, F. M 1297

FEDERAL REGISTER

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CONTENTS—Continued

Alien Property, Office of—Con. Page
Notices—Continued
Vesting orders, etc.—Continued
Sylvester, Emilio 1302
Weiler, Jakob 1302
Weyersberg, Herman 1298

CONTENTS—Continued

Army Department Page
Prescribing the Manual for Courts-Martial, United States, 1951 (*see* Executive Order 10124, Part II of this issue).

Commerce Department
See National Production Authority.

Defense Department
See also Air Force Department.
Prescribing the Manual for Courts-Martial, United States, 1951 (*see* Executive Order 10124, Part II of this issue).

Defense Electric Power Administration
Rules and regulations:
Defense administration for minerals, power, solid fuels and fisheries 1283

Defense Mobilization, Office of
Rules and regulations:
Manpower Policy Committee, creation 1272

Economic Stabilization Agency
See also Price Stabilization, Office of.
Rules and regulations:
Meat allocation:
Delegation of authority by Secretary of Agriculture 1272
Delegation of authority to Director of Price Stabilization 1273

Federal Communications Commission
Rules and regulations:
Amateur radio service; miscellaneous amendments 1283
Industrial, scientific and medical service; welding using radio frequency energy 1284

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co 1290
El Paso Natural Gas Co 1290
New York State Natural Gas Corp 1290
Northern Natural Gas Co 1291
Southern Natural Gas Co 1289
Tennessee Gas Transmission Co 1291

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments; certain States and Puerto Rico 1270

Interior Department
See Defense Electric Power Administration; Land Management, Bureau of.

Internal Revenue Bureau
Proposed rule making:
Tax, income, taxable years beginning after Dec. 31, 1941; information from certain tax-exempt organizations and certain trusts to be made available to the public 1287

Interstate Commerce Commission Page
Notices:
Applications for relief:
Articles, iron and steel, from southern points to Knoxville, Tenn 1292
Cement from Pennsylvania to the Southwest 1292
Lime from southern points to Wakulla, Fla 1292
Motor-rail rates; New York, New Haven and Hartford Railroad Co 1293
Peanuts and pecans from the South to official territory 1292
Central of Georgia Railway Co.; rerouting or diversion of traffic 1291
Rules and regulations:
Car service; lumber, restrictions on reconsigning 1284

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; small tract classification 1288
Nevada; classification order 1288

National Production Authority
Rules and regulations:
Delegation of authority to administer NPA Order M-4 (NPA Del. 7) 1277
Nickel; inventories, exception to Regulation 2 (NPA M-14) 1278
Paper, government orders (NPA M-36) 1281

Navy Department
Prescribing the Manual for Courts-Martial, United States, 1951 (*see* Executive Order 10124, Part II of this issue).

Post Office Department
Notices:
Temporary mail service restrictions; discontinued 1289

Price Stabilization, Office of
Rules and regulations:
Livestock and meat, fair distribution 1273

Production and Marketing Administration
Proposed rule making:
Sweetpotatoes, canned; U. S. standards 1285
Rules and regulations:
Limitation of shipments:
Lemons grown in California and Arizona 1266
Oranges, grapefruit and tangerines grown in Florida (3 documents) 1263, 1265, 1266
Oranges grown in California or in Arizona 1268
Potatoes, Irish:
Michigan, Wisconsin, Minnesota, North Dakota and certain counties of Iowa and Indiana 1237
Washington 1269

CONTENTS—Continued

Securities and Exchange Commission Page
Notices:
Werner, Charles J.; hearing 1293

Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10214 (see Part II of this issue).

Title 7
Chapter I:
Part 52 (proposed) 1285
Chapter IX:
Part 933 (3 documents) 1263, 1265, 1266
Part 953 1266
Part 960 1267
Part 966 1268
Part 992 1269

Title 24
Chapter VIII:
Part 825 1270

Title 26
Chapter I:
Part 29 (proposed) 1287

Title 32
Chapter VII:
Part 824 1270

Title 32A
Chapter I (ODM):
DMO–5 1272
Chapter II (ESA) 1272
GO 5 1273
Chapter III (OPS):
DO 1 1273
Chapter VI (NPA):
Del. 7 1277
M–14 1278
M–36 1281
Chapter XI (DEPA) 1283

Title 47
Chapter I:
Part 12 1283
Part 18 1284

Title 49
Chapter I:
Part 95 1284

smaller than 2$^{5}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 20 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "container" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–2157; Filed, Feb. 9, 1951; 9:38 a. m.]

[Grapefruit Reg. 137]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.513 *Grapefruit Regulation 137*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 12, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 12, 1951; the recommendation and supporting information for continued regulation subsequent to February 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 12, 1951, and ending at 12:01 a. m., e. s. t., February 26, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2:

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any pink seeded grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ix) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a

size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2156; Filed, Feb. 9, 1951; 9:38 a. m.]

[Tangerine Reg. 103]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.514 *Tangerine Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 12, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until February 12, 1951; the recommendation and supporting information for continued regulation subsequent to February 11 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 6; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 12, 1951, and ending at 12:01 a. m., e. s. t., February 26, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be $2^{5}/_{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than $2^{5}/_{16}$ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than $2^{1}/_{16}$ inches in diameter.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2158; Filed, Feb. 9, 1951; 9:39 a. m.]

[Lemon Reg. 369]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.476 *Lemon Regulation 369*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 7, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulations, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 11, 1951, and ending at 12:01 a. m., P. s. t., February 18, 1951, is hereby fixed as follows:

(i) District 1: 7 carloads;

(ii) District 2: 218 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage Date: February 4, 1951]

DISTRICT NO. 1

[12:01 a. m. Feb. 11, 1951, to 12:01 a. m. Feb. 25, 1951]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	26.383
Lemon Cove Association	23.859
Porterville Citrus Association, The	.119
Tulare County Lemon & Grapefruit Association	44.926
California Citrus Groves, Inc., Ltd	.000
Harding & Leggett	4.502
Kroells Packing Co	.046
LoBue Bros	.119
Sky Acres Ranch	.046
Zaninovich Bros., Inc	.000

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.833
American Fruit Growers, Inc., Fullerton	.364
American Fruit Growers, Inc., Upland	.469
Badington Fruit Co	.181
Hazeltine Packing Co	2.954
Ventura Coastal Lemon Co	4.057
Ventura Pacific Co	1.824
Glendora Lemon Growers Association	1.862
La Verne Lemon Association	.646
La Habra Citrus Association	.700
Yorba Linda Citrus Association	.254
Escondido Lemon Association	3.381
Alta Loma Heights Citrus Association	1.357
Etiwanda Citrus Fruit Association	.727
Mountain View Fruit Association	.641
Old Baldy Citrus Association	1.690
San Dimas Lemon Association	1.230
Upland Lemon Growers Association	7.490
Central Lemon Association	.562
Irvine Citrus Association	.397
Placentia Mutual Orange Association	.730
Corona Citrus Association	1.362
Corona Foothill Lemon Co	3.865
Jameson Co	1.798
Arlington Heights Citrus Co	1.445
College Heights Orange & Lemon Association	3.262
Chula Vista Citrus Association	.672
El Cajon Valley Citrus Association	.164
Escondido Cooperative Citrus Association	.258
Fallbrook Citrus Association	2.768
Lemon Grove Citrus Association	.323
Carpinteria Lemon Association	2.034
Carpinteria Mutual Citrus Association	2.332

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Goleta Lemon Association	4.047
Johnston Fruit Co	5.452
North Whittier Heights Citrus Association	.445
San Fernando Heights Lemon Association	6.965
Sierra Madre-Lamanda Citrus Association	2.206
Briggs Lemon Association	.501
Culbertson Lemon Association	1.057
Fillmore Lemon Association	1.237
Oxnard Citrus Association	3.740
Rancho Sespe	.462
Santa Clara Lemon Association	2.212
Santa Paula Citrus Fruit Association	1.363
Saticoy Lemon Association	2.176
Seaboard Lemon Association	2.620
Somis Lemon Association	2.420
Ventura Citrus Association	.659
Ventura County Citrus Association	.021
Limoneira Co	.802
Teague-McKevett Association	.500
East Whittier Citrus Association	.281
Leffingwell Rancho Lemon Association	.279
Murphy Ranch Co	.411
Chula Vista Mutual Lemon Association	.513
Index Mutual Association	.221
La Verne Cooperative Citrus Association	3.668
Orange Belt Fruit Distributors	.747
Ventura County Orange & Lemon Association	1.264
Whittier Mutual Orange & Lemon Association	.095
Evans Brothers Packing Co	.013
Latimer, Harold	.244
Lorbeer, Carroll W. C	.047
MacDonald Fruit Co	.065
Paramount Citrus Association, Inc	.618
San Antonio Orchard Co	.017

[F. R. Doc. 51-2159; Filed, Feb. 9, 1951; 9:40 a. m.]

[960.309 Amdt. 1]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to Order No. 60, as amended (15 F. R. 6956), regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and Indiana, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the North Central Potato Committee, established pursuant to said order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient. The amended limitation of shipments, hereinafter set forth, relieves restrictions.

b. *Order, as amended.* The provisions of paragraph (b) of § 960.309 (15 F. R. 7915) are hereby amended to read as follows:

§ 960.309 *Limitation of shipments.*

* * *

(b) *Order.* (1) During the period from November 27, 1950, to June 30, 1951, both dates inclusive, each shipment of potatoes shall be limited, except as hereinafter otherwise provided, to potatoes which are not less than 2 inches minimum diameter if of round varieties and to not less than 1¾ inches minimum diamater if of long varieties; and

(i) In North Dakota Districts 1 and 2, in Minnesota Districts 1 and 3, in Wisconsin Districts 1 and 2, except the townships of Bevent, Franzen, and Elderon in Marathon County in Wisconsin in District 2, and in Michigan Districts 1 and 2, to such potatoes which are free from damage caused by dirt and which meet the requirements of the U. S. Commercial or better grade, of which at least 85 percent are not less than U. S. No. 1 quality;

(ii) In Minnesota District 2, in Wisconsin District 3, and the townships of Bevent, Franzen, and Elderon in Marathon County, in Wisconsin District 2, in Michigan District 3, in Iowa District 1, and in Indiana District 1, to such potatoes which are free from damage caused by dirt and which meet the requirements of U. S. No. 2 or better grade, of which at least 65 percent are not less than U. S. No. 1 quality: *Provided*, That individual containers in a lot of such potatoes may have not more than 15 percent less than the required percentage of U. S. No. 1 quality and the entire lot averages within the required percentage.

(2) During the aforesaid period, each shipment of washed potatoes shall be limited to washed potatoes which are not less than 2 inches minimum diameter if of round varieties, not less than 1¾ inches minimum diameter if of long varieties, and which meet the requirements of the U. S. No. 2 or better grade, of which at least 30 percent are not less than U. S. No. 1 quality: *Provided*, That individual containers in a lot of such washed potatoes may have not more than 15 percent less than the required percentage of U. S. No. 1 quality and the entire lot averages within the required percentage.

(3) During the aforesaid period, potatoes, including washed potatoes, may be shipped if they fail to meet the requirements of subparagraphs (1) and (2) of this paragraph only because of hollow heart.

(4) During each day of the aforesaid period, each handler may ship not to exceed 50 hundredweight of potatoes, including washed potatoes, without prior inspection and certification thereof and

without paying assessments in connection therewith.

(5) During the aforesaid period, shipments of potatoes for storing, grading, or both, within the production area and within 35 miles of the field where the potatoes were grown may be made without limitation.

(6) During the aforesaid period, shipments of potatoes, including washed potatoes, for the following purposes may be made without limitation if such shipments are accomplished in accordance with applicable safeguards contained in this part:

(i) For grading, storing, or both, within the production area and at a place which is more than 35 miles from the field where the potatoes are grown;

(ii) For export;

(iii) For distribution by the Federal Government;

(iv) For manufacture into starch or alcohol;

(v) For livestock feed;

(vi) For experiments conducted by Federal or State agencies.

(7) During the aforesaid period, shipments for manufacture into potato chips must meet the requirements of subparagraphs (1) and (2) of this paragraph, except that shipments which fail to meet the aforesaid requirements because of sprouting and shriveling may be shipped if such shipments are accomplished in accordance with the same safeguards applicable to shipments of potatoes for manufacture into starch or alcohol as provided in § 960.104.

(8) During the aforesaid period, shipments for seed (i) may be made without limitation if such potatoes are certified seed, and (ii) if shipped as non-certified seed, must meet the grade requirements of subparagraphs (1) and (2) of this paragraph and may be of sizes not less than 1½ inches if shipped in accordance with applicable safeguards contained in this part (§ 960.104 (b), 15 F. R. 8101) which include the provision that certificates of privilege for seed, other than certified seed potatoes, will be issued only for the period February 10 to June 1 of each year from Iowa District No. 1 and Indiana District No. 1, and for the period March 15 to June 1 for the remainder of the production area, and certificates so issued shall authorize shipments of seed potatoes covered thereunder only within the State where such potatoes are grown.

(9) Terms used in this section, except as hereinafter otherwise provided, have the meanings ascribed thereto in Order No. 60, as amended. "Washed potatoes" means potatoes which have been cleaned by water and certified by the Federal-State Inspection Service as "generally fairly clean." "Fairly clean" has the meaning ascribed thereto in the U. S. Standards for Potatoes (7 CFR 51.366), and "generally," when used in conjunction with "fairly clean" in this section, means that at least 90 percent of the washed potatoes in each shipment certified as aforesaid meet the requirements of "fairly clean." "Certified seed" means "seed potatoes," or "seed," which are defined in § 960.12 (a), and "non-certified seed" means "seed potatoes," or "seed," which are defined in § 960.12 (b). The grades and sizes specified in this section have the meanings ascribed thereto in the U. S. Standards for Potatoes, supra, as modified by the provisions of this section.

(10) The limitations set forth in this section supersede all grade and size limitations, applicable to the handling of potatoes grown in the production area, which were issued under § 960.4 and § 960.5 of Order No. 60 and which were in effect prior to November 27, 1950, are terminated and revoked as of November 27, 1950, as set forth in § 960.309 (15 F. R. 7915).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of February 1951, to be effective on February 12, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2075; Filed, Feb. 9, 1951; 8:51 a. m.]

[Orange Reg. 358]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.504 *Orange Regulation 358*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 8, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12: 01 a. m., P. s. t., February 11, 1951, and ending at 12: 01 a. m., P. s. t., February 18, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 850 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of February 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 11, 1951, to 12:01 a. m., P. s. t., Feb. 18, 1951]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2635
A. F. G. Corona	.2125
A. F. G. Fullerton	.0316
A. F. G. Orange	.0363
A. F. G. Riverside	.6994
A. F. G. Santa Paula	.0490
Eadington Fruit Co., Inc	.7269
Hazeltine Packing Co	.1312
Krinard Packing Co	1.7722
Placentia Cooperative Orange Association	.6137
Placentia Pioneer Valencia Growers Association	.0441
Signal Fruit Association	.7430
Azusa Citrus Association	1.5841
Covina Citrus Association	1.7769
Covina Orange Growers Association	.5567
Dameral-Allison Co	1.2475
Glendora Citrus Association	1.5058
Glendora Mutual Orange Association	.6179
Puente Mutual Citrus Association	.0742
Valencia Heights Orchard Association	.2396
Gold Buckle Association	2.6934
La Verne Orange Association	3.9360
Anaheim Valencia Orange Association	.0189
Fullerton Mutual Orange Association	.3863
La Habra Citrus Association	.1397
Yorba Linda Citrus Association, The	.0553
Escondido Orange Association	.5956
Atla Loma Heights Citrus Association	.3822
Citrus Fruit Growers	.9112
Etiwanda Citrus Fruit Association	.2089
Mountain View Fruit Association	.1443
Old Baldy Citrus Association	.4896
Rialto Heights Orange Growers	.3425
Upland Citrus Association	2.9708
Upland Heights Orange Association	1.4626
Consolidated Orange Growers	.0247
Garden Grove Citrus Association	.0278
Goldenwest Citrus Association, The	.1756
Olive Heights Citrus Association	.0453
Santiago Orange Growers Association	.1376
Villa Park Orchards Association, The	.0366
Bradford Bros., Inc	.2278
Placentia Mutual Orange Association	.2402
Placentia Orange Growers Association	.3634
Yorba Orange Growers	.0592
Call Ranch	.7627
Corona Citrus Association	1.0657
Jameson Co	.5745
Orange Heights Orange Association	2.2601
Crafton Orange Growers Association	.9714
East Highlands Citrus Association	.3152
Redlands Heights Groves	.5751
Redlands Orangedale Association	.6996
Rialto-Fontana Citrus Association	.2882
Break & Son, Allen	.1971
Bryn Mawr Fruit Growers Association	.7066
Mission Citrus Association	.7922

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Redlands Cooperative Fruit Association	1.0261
Redlands Orange Growers Association	.7423
Redlands Select Groves	.4428
Rialto Orange Co	.3440
Southern Citrus Association	.6733
United Citrus Growers	.6134
Zilen Citrus Co	.3105
Arlington Heights Citrus Co	.7819
Brown Estate, L. V. W	1.7954
Gavilan Citrus Association	2.0616
Highgrove Fruit Association	.6107
McDermont Fruit Co	1.5049
Monte Vista Citrus Association	1.4459
National Orange Co	1.1754
Riverside Heights Orange Growers Association	1.0664
Sierra Vista Packing Association	.8375
Victoria Ave. Citrus Association	3.3040
Claremont Citrus Association	1.0347
College Heights Orange and Lemon Association	2.2074
Indian Hill Citrus Association	1.2901
Pomona Fruit Growers Exchange	2.1064
Walnut Fruit Growers Association	.6871
West Ontario Citrus Association	1.2773
El Cajon Valley Citrus Association	.2946
Escondido Cooperative Citrus Association	.0494
San Dimas Orange Growers Association	1.1646
Canoga Citrus Association	.4401
North Whittier Heights Citrus Association	.1567
San Fernando Heights Orange Association	.3321
Sierra Madre-Lamanda Citrus Association	.1528
Camarillo Citrus Association	.0119
Fillmore Citrus Association	1.3896
Ojai Orange Association	.9740
Piru Citrus Association	1.4843
Rancho Sespe	.0013
Tapo Citrus Association	.0086
Ventura County Citrus Association	.1862
East Whittier Citrus Association	.0063
Murphy Ranch Co	.0796
Anaheim Cooperative Orange Association	.0543
Bryn Mawr Mutual Orange Association	.4604
Chula Vista Mutual Lemon Association	.1379
Euclid Avenue Orange Association	2.8066
Foothill Citrus Union, Inc	.6210
Garden Grove Orange Coop., Inc	.0340
Golden Orange Groves, Inc	.2786
Highland Mutual Groves, Inc	.2065
Index Mutual Association	.0141
La Verne Cooperative Citrus Association	3.7361
Mentone Height Association	.5216
Olive Hillside Groves, Inc	.0078
Orange Coop. Citrus Association	.0544
Redlands Foothill Groves	1.9561
Redlands Mutual Orange Association	.7749
Ventura County Orange & Lemon Association	.4051
Whittier Mutual Orange & Lemon Association	.0288
Allec Bros	.0046
Babijuice Corp. of California	.3869
Banks, L. M	.0258
Bennett Fruit Co., Inc	.3920
Book, Maynard C	.0007
Borden Fruit Co	.0178
Cherokee Citrus Association	.7837

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Chess Co., Meyer W	0.4729
Dunning Ranch	.1749
Evans Bros. Packing Co	1.1692
Gold Banner Association	1.4442
Granada Hills Packing Co	.0060
Granada Packing House	.3277
Hill Packing House, Fred A	.6019
Knapp Packing Co., John C	.3829
MacDonald Fruit Co	.1044
Orange Belt Fruit Distributors	2.0520
Panno Fruit Co., Carlo	.0763
Paramount Citrus Association, Inc	.4165
Placentia Orchard Co	.0308
Prescott, John A	.0083
Pulos, James J	.0278
Redlands Fruit Association, Inc	.0174
Riverside Citrus Association	.1757
Ronald, P. W	.0375
San Antonio Orchard Co	1.4503
Stephens, T. F	.1663
Summit Citrus Packers	.0505
Wall, E. T., Grower-Shipper	2.0776
Western Fruit Growers, Inc	2.6729

[F. R. Doc. 51-2176; Filed, Feb. 9, 1951; 11:38 a. m.]

[992.305, Amdt. 1]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

a. *Findings.* (1) Pursuant to marketing agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by said marketing agreement and order.

b. *Order, as amended.* The provisions in paragraph (b) (1) of § 992.305 (16 F. R. 3) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning February 8, 1951, and ending May 31, 1951,

both dates inclusive, each shipment of potatoes grown in the State of Washington shall be limited, except as hereinafter provided, to potatoes which are U. S. No. 2, or better grade, and which are not less than 2 inches minimum diameter or 4 ounces minimum weight, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of February 1951, to be effective on February 8, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2101; Filed, Feb. 9, 1951; 8:58 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 348]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 344]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CERTAIN STATES AND PUERTO RICO

Amendment 348 to the Controlled Housing Rent Regulation (§§ 825.1–12) and Amendment 344 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–92). Said regulations are amended in the following respects:

A. The following new Item is incorporated in Schedule C:

Name of defense-rental area	State	Localities affected by declarations for continuation of rent control after Mar. 31, 1951
(91b) Paxton	Illinois	In Ford County, the city of Paxton, and all unincorporated localities, if any, in Patton Township.

This adds to Schedule C the City of Paxton, Illinois, and all unincorporated localities in the Defense-Rental Area, said City of Paxton being the major portion of the Defense-Rental Area, as of August 7, 1950.

B. In Schedule C, the description of localities affected by declarations for continuation of rent control after March 31, 1951, is amended with respect to certain Defense-Rental Areas to read as follows:

1. (91) Champaign-Vermilion, Illinois, Defense-Rental Area:
In Champaign County, the City of Champaign, and the Villages of Ludlow, Rantoul and Thomasboro.

This adds to Schedule C the following localities in the State of Illinois:
(1) Village of Rantoul as of August 1, 1950.
(2) Villages of Ludlow and Thomasboro as of August 7, 1950.

2. (114) Des Moines, Iowa, Defense-Rental Area:
In Polk County, the Towns of Ankeny and Runnels.

This adds to Schedule C the Town of Runnels, Iowa, as of December 28, 1950.

3. (160) Minneapolis-St. Paul, Minnesota, Defense-Rental Area:
In Anoka County, the City of Columbia Heights, and the Village of Circle Pines; in Dakota County, the Cities of South St. Paul and West St. Paul, and the Village of Hampton; in Hennepin County, the City of Wayzata and the Village of Mound; in Ramsey County, the City of St. Paul; and in Washington County, the Village of Forest Lake.

This adds to Schedule C the Village of Circle Pines, Minnesota, as of December 14, 1950.

4. (190) Northeastern New Jersey Defense-Rental Area:
In Bergen County, the Cities of Garfield and North Arlington, the Boroughs of Bergenfield, Bogota, Cliffside Park, Closter, Dumont, East Paterson, East Rutherford, Edgewater, Fairview, Fort Lee, Harrington Park, Leonia, Little Ferry, Lodi, Maywood, Moonachie, Norwood, Palisades Park, Teterboro, Wallington and Wood-Ridge, the Villages of Ridgefield Park, the Township of Teaneck and all unincorporated localities.
In Essex County, the Cities of East Orange, Newark and Orange, the Towns of Belleville, Bloomfield and Nutley, the Township of Millburn, and all unincorporated localities.
In Hudson County, the Cities of Bayonne, Hoboken, Jersey City and Union City, the Towns of Harrison, Kearny, Secaucus and West New York, the Townships of North Bergen and Weehawken, and all unincorporated localities.
In Middlesex County, the Cities of New Brunswick and Perth Amboy, the Boroughs of Dunellen, Helmetta, Highland Park, Middlesex, South Plainfield and South River, the Townships of East Brunswick, North Brunswick, Piscataway, Raritan and Woodbridge, and all unincorporated localities.
In Monmouth County, the City of Long Branch, the Boroughs of Deal, Englishtown and Red Bank, and all unincorporated localities.
In Morris County, the Boroughs of Madison, Riverdale and Wharton, the Towns of Boonton, Dover and Morristown, the Townships of Denville, Hanover, Mine Hill and Passaic, and all unincorpated localities.
In Passaic County, the Cities of Clifton, Passaic and Paterson, and all unincorporated localities.
In Somerset County, the Boroughs of Manville, North Plainfield, Raritan, Somerville and South Bound Brook, the Township of Hillsborough, and all unincorporated localities.
In Union County, the Cities of Elizabeth, Linden, Plainfield, Rahway, and Summit, the Boroughs of Garwood, Roselle, and Roselle Park, the Townships of Cranford, Hillside; and Union, and all unincorporated localities.

This adds to Schedule C the Borough of Moonachie, New Jersey, as of December 27, 1950.

5. (263) Lancaster-York-Reading, Pennsylvania, Defense-Rental Area:
In Berks County, the City of Reading and the Boroughs of Birdsboro and Kenhorst; in Lancaster County, the Borough of Denver; and in York County, the City of York.

This adds to Schedule C the City of York, Pennsylvania, as of January 19, 1951.

6. (269a) Scranton-Wilkes-Barre, Pennsylvania, Defense-Rental Area:
In Carbon County, the Boroughs of East Mauch Chunk, Lansford, Mauch Chunk, and Weatherly; in Lackawanna County, the Boroughs of Dickson City, Jermyn, Mayfield, and Winton; in Luzerne County, the Cities of Nanticoke, Wilkes-Barre and the Boroughs of Dupont, Edwardsville, Exeter, Forty Fort, Hughestown, Kingston, Luzerne, Plymouth, Pringle, Shickshinny, West Hazelton, and West Wyoming; and in Schuylkill County, the City of Pottsville and the Boroughs of Ashland, McAdoo, Shenandoah, and Tamaqua.

This adds to Schedule C the following localities in the State of Pennsylvania:
(1) Borough of Plymouth as of December 4, 1950.
(2) Borough of Edwardsville as of December 29, 1950.
(3) Borough of Pringle as of January 2, 1951.

7. (371) Puerto Rico Defense-Rental Area:
In Puerto Rico, all unincorporated localities and the Municipalities of Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Arecibo, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Carolina, Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Gueyanilla, Gurabo, Hatillo, Hormigueros, Humacao, Isabella, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Las Piedras, Loiza, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naguabo, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenza, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa and Yauco.

This adds to Schedule C the Municipality of Guaynabo, Puerto Rico, as of December 20, 1950.

All the foregoing additions to Schedule C are based on declarations made on the dates specified above in accordance with section 204 (f) (1) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective with respect to each locality covered thereby as of the date on which the declarations affecting that locality was made.

Issued this 7th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2077; Filed, Feb. 9, 1951; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS AND EXHIBITIONS

Regulations contained in §§ 824.1 to 824.10 (13 F. R. 6631; 32 CFR 824) are hereby revised:

Sec.
824.1 General.
824.2 Definition of participation.
824.3 Types of participation.
824.4 Approving authority.
824.5 Suitable occasions.
824.6 Rules for participation.
824.7 Qualifications.
824.8 Indemnity insurance specifications.
824.9 Participation of Air Force military personnel.
824.10 Equipment for exhibitions.
824.11 United States Air Force Exhibit Unit.

AUTHORITY: §§ 824.1 to 824.11 issued under R. S. 161; sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 190–5; AFR 20–55.

§ 824.1 *General.* To sustain broad public understanding of the mission and operations of the Department of the Air Force, it is desired that the public be permitted to view the equipment and state of training of the Air Force within security and budgetary limitations.

§ 824.2 *Definition of participation.* (a) Participation of aircraft in demonstrations, celebrations, and public events is defined as any flight or display at a specific place or time, such as public gatherings, demonstrations, ceremonies, and similar events sponsored by public official, nonprofit civilian agencies, organizations representing the public, or by the Department of Defense or the Department of the Air Force.

(b) Owing to interruptions in training, operational maneuvers, and the high cost incurred by the Government, aircraft will participate in demonstrations only on carefully selected occasions.

§ 824.3 *Types of participation*—(a) *Class I; the flyover.* The aircraft depart from a military base, participate as practicable, and return to the base without landing.

(b) *Class II; major shows.* The aircraft depart from their home stations as necessary to arrive prior to the event, participate as practicable, refuel as necessary, and are based at a location other than the home station for the duration of the event.

(c) *Class III; open house.* The aircraft are demonstrated as practicable for public audiences on a Government-owned or -leased installation. The demonstration is composed of aircraft under the command jurisdiction of the headquarters approving the open house.

§ 824.4 *Approving authority*—(a) *Classes I and II.* Classes I and II must be approved by the Office of the Secretary of Defense. However, all requests for Class I and II participation will be directed through normal channels to Headquarters United States Air Force, Director of Public Relations, Washington 25, D. C.

(b) *Class III.* (1) If the event concerns National holidays, anniversaries, or other situations of great National or international interest, it will be approved and monitored by the Director of Public Relations, United States Air Force. Authority for the planning and arrangement of details is delegated to the major air command in accordance with applicable instructions contained in §§ 824.1 to 824.11.

(2) Arrangements for demonstrations and exhibitions for recruiting, local Air Force base open house, and similar matters of local Air Force interest will be approved by the Director of Public Relations. Arrangements will be delegated to the major air command in accordance with applicable instructions contained in §§ 824.1 to 824.11.

§ 824.5 *Suitable occasions*—(a) *Class I.* (1) Civic sponsored local celebrations of National holidays, specifically, Independence Day, Armistice Day, Memorial Day, and Armed Forces Day.

(2) Memorial services for deceased Nationally recognized military or Government figures.

(3) Celebrations or receptions for prominent representatives of foreign governments.

(4) National conventions of bona fide major veterans' organizations.

(b) *Class II.* Occasions which are designed primarily to encourage the advancements of aviation and which are of National importance.

(c) *Class III.* Such times or occasions as the Chief of Staff, United States Air Force, or properly delegated subordinate commanders believe to be in the interest of the Department of the Air Force.

§ 824.6 *Rules for participation*—(a) *General.* (1) The occasion must be sponsored by nonprofit civic agencies, public officials, the Department of Defense or the Department of the Air Force.

(2) No monetary gain will accrue to any person or organization other than that which would be used in the interest of the general public or a bona fide philanthropy.

(3) The sponsor must provide information indicated in Air Show Information Sheet and Questionnaire (to be furnished by the Director of Public Relations).

(4) Aircraft will not be flown in any race or engage in acrobatics, except as specifically authorized by the approving authority as outlined in § 824.4.

(5) Aircraft may demonstrate such tactics as are justified by conditions and by pilot proficiency but are subject to military or civil air regulations.

(6) Decision for aircraft to participate in any class event will be based on fuel allowances, operating schedules, safe operating radius and conditions, interference with normal operations and training, expenses of personnel, and availability of suitable types of aircraft in the area of participations.

(7) In no case will personnel be required to participate in aviation demonstrations, Class I, II, or III, without reasonable reimbursement by either the sponsor or the service concerned for necessary additional expenses which may be incurred as a result of such participation.

(b) *Class I.* (1) The occasion must be a suitable one as defined in § 824.5 (a).

(2) No acrobatics will be flown.

(3) No insurance bond is required, nor is any financial obligation on the part of the sponsoring agency incurred.

(c) *Class II.* (1) The occasion must be a suitable one for a Class II show, as defined in § 824.5 (b).

(2) The airport must be adequate; approaches, lengths of runways, and hazards to navigation must be such as to provide a wide margin of safety. Suitable fire-fighting and communications equipment must be provided.

(3) Participating personnel will be sufficient in number and proficiency to care for and maintain aircraft.

(4) A nonparticipating rated pilot will be designated the liaison officer. On occasions where two or more services are participating, the Office of the Secretary of Defense will indicate which service will designate the senior liaison officer. The senior liaison officer will be detailed in time to arrive at the properly appointed place sufficiently ahead of the participating units. He will be responsible for proper coordination between the sponsoring agency and the military units. It will be his responsibility to insure that all flight regulations are rigidly adhered to and that insurance bond is properly executed.

(d) *Class III.* The occasion must be a suitable one, as defined in § 824.5 (c).

(e) *Exceptions.* In unusual circumstances, exceptions to rules for participation will be submitted through channels to the Director of Public Relations.

§ 824.7 *Qualifications.* The organization requesting a Class II show as outlined in § 824.5 will:

(a) Furnish fuel of Air Force specification sufficient to cover flight demonstrations, including filling the tanks of the aircraft on arrival and again prior to departure.

(b) Defray the expenses of all personnel involved in the demonstration while away from their home stations. The expenses will include suitable hotel accommodations; suitable and adequate meals (or reasonable monetary reimbursement in lieu thereof); and adequate transportation during course of events for the participating personnel.

(c) Negotiate an insurance bond if any flight participation is staged from or over the site of the event. (No bond will be required when aircraft fly to an event for static exhibition only.)

(d) Give assurance that the performance will be in keeping with aviation progress and will not in any way endanger the spectators, unduly endanger the participants, or detract from the dignity of the participating service.

§ 824.8 *Indemnity insurance specifications.* (a) Participations not requiring indemnity bonds are as follows:

(1) Demonstration flights conducted at installations owned or leased by the United States Government.

(2) Public exhibitions not involving flight of service aircraft and equipment regardless of place of exhibition (static displays of aircraft).

(3) Flight of aircraft to and from place of exhibition.

(4) Class I demonstrations (flyover).

(b) *Participation requiring indemnity bond.* Flying demonstrations by service aircraft at places not owned or leased by the United States Government other than Class I participation, but to include helicopter demonstrations, require indemnity bonds.

(c) *Bond required*—(1) *Type.* A liability insurance policy will be considered as adequate insurance bond coverage.

(2) *Amount.* Indemnity or liability insurance indorsement to the extent of $50,000 to $500,000 for personal injury or death and $250,000 for property damage in connection with flying demonstrations is considered an adequate amount for normal participation.

(d) *Scope of coverage.* The subject bond or liability policy must state clearly the intent to cover accidents caused by or resulting from the maintenance, use or operation of aircraft and equipment owned by the United States Government, and officers or employees of the United States Government acting within the scope of their employment. The policy should contain the elements present in the sample indorsement below:

SAMPLE INDORSEMENT

(1) The coverage provided by this policy is extended to cover accidents caused by, or resulting from, the maintenance or use of aircraft or equipment owned by the United States Government, its officers or employees acting within the scope of their office or employment.

(2) It is understood and agreed that the coverage granted hereunder shall not apply with respect to bodily injury accidents (or death resulting therefrom) to officers or employees of the United States and/or damage to or destruction of United States Government aircraft or equipment.

(e) *Submission.* Subject bond or insurance must be submitted to Headquarters United States Air Force, Director of Public Relations, Washington 25, D. C., not later than ten days prior to the beginning of the demonstration.

§ 824.9 *Participation of Air Force military personnel.* Air Force military personnel may participate in parades, public exhibitions, etc., upon invitation from responsible public officials, on occasions that will not interfere with normal training or operational activities and when such participation would create favorable publicity for the Air Force. Information regarding such participation will be forwarded to Headquarters United States Air Force, Director of Public Relations, Washington 25, D. C.

§ 824.10 *Equipment for exhibitions—*(a) *Definition.* Equipment is defined to include aeronautics equipment, such as aircraft and parts thereof, instructional and informational literature, posters, etc.

(b) *Responsibility of major air commanders.* Commanding generals of major air commands will issue instructions concerning the type of equipment to be displayed and make provision for its availability. They will be guided by the principle that the Air Force should do everything within its power to promote interest at every opportunity by making available to the general public interesting exhibits of equipment, interesting motion pictures and captured equipment; by having qualified officers speak to civic organizations and other groups; and to include the possibility of each major air activity preparing fixed and mobile exhibits that would be of public interest. In addition, they will determine policies controlling exhibitions, particularly as to whether it is to the best interest of the Air Force to participate in a public display or hold "open house" at the nearest Air Force base.

(c) *Responsibility of commanding officers.* Commanding officers will, within policies established above, comply with all reasonable requests for furnishing such equipment for exhibition purposes for local civic nonprofit organizations. Decision to participate must be based upon the following considerations and, once the decision is made, every effort will be made to insure success:

(1) The display must be available to the general public and not confined solely to the members of the organization making the request.

(2) The organization making the request must be representative of the public in the general local area.

(3) The display must afford an opportunity to educate the general public in Air Force equipment and give favorable publicity.

(d) *Conditions to be met.* The following conditions will be met in furnishing such equipment:

(1) No classified equipment will be displayed.

(2) Equipment must be under such auspices and so displayed as to emphasize its educational value and to attract wide attention.

(3) Displayed equipment must be under the direct supervision of a military or civilian representative of the Air Force.

(4) Those organizations requesting Air Force participation involving static exhibit equipment and charging admission for admittance to exhibition will be governed by the rules for participation as outlined in §§ 824.7 (a) and 824.8 so far as the regulations apply.

(e) *Forwarding information.* Information concerning such participation will be forwarded to Headquarters United States Air Force, Director of Public Relations, Washington 25, D. C.

§ 824.11 *United States Air Force Exhibit Unit.* The mission of the United States Air Force Exhibit Unit is to present to the American people on a broad, nation-wide basis and by means of static exhibits, displays, and other appropriate means, the progress, activities, mission, and meaning of the Air Force to the security of the nation and advancement of aviation; and, to provide, visually, information about Air Force equipment and personnel at such functions and places as determined by the Director of Public Relations, Headquarters United States Air Force. All queries and proposals involving the participation of the United States Air Force Exhibit Unit in expositions, similar public, industrial, technical functions, and other events of National or regional importance which may warrant Air Force participation will be submitted to the Director of Public Relations, Headquarters United States Air Force, for approval.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 51-2059; Filed, Feb. 9, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 5]

DMO-5—CREATION OF A COMMITTEE ON MANPOWER POLICY

By virtue of the authority vested in me by Executive Order 10193, and in order to assist the Director of Defense Mobilization to improve the coordination and effectiveness of Federal policies and programs relating to manpower, it is hereby ordered:

SECTION 1. There is established in the Office of Defense Mobilization the Manpower Policy Committee, which shall consist of a Chairman, the Assistant Secretary of Defense primarily concerned with manpower, a representative of the Department of Agriculture, a representative of the Department of Labor, the Director of the Selective Service, the Chairman of the Civil Service Commission, the Deputy Administrator of the Defense Production Administration, and the Chairman of the Wage Stabilization Board of the Economic Stabilization Agency. The Chairman of the Committee shall be designated by the Director of Defense Mobilization. For those problems involving housing and community services the Chairman shall add, for the purpose of such discussion, the Housing and Home Finance Administrator and the Federal Security Administrator.

SEC. 2. The Manpower Policy Committee shall:

a. Advise the Director of Defense Mobilization on problems relating to manpower, including the allocation of manpower to meet civil and military requirements.

b. Review Federal policies, plans, and programs relating to manpower and formulate recommendations for the Director of Defense Mobilization to improve their coordination and effectiveness.

c. Review and formulate for the Director of Defense Mobilization proposed legislation and Executive orders, and administrative orders and regulations relating to manpower.

This order shall take effect on February 8, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2170; Filed, Feb. 9, 1951; 10:08 a. m.]

Chapter II—Economic Stabilization Agency

DELEGATION OF AUTHORITY BY SECRETARY OF AGRICULTURE TO ECONOMIC STABILIZATION AGENCY WITH RESPECT TO ALLOCATION OF MEAT

Pursuant to the provisions of section 902 (b) of Executive Order 10161 (15 F. R. 6105), the Economic Stabilization Administrator is hereby authorized to exercise the function to allocate meat vested in the Secretary of Agriculture by section 101 (b) of Executive Order 10161. In exercising such authority to allocate meat, the Economic Stabilization Administrator is authorized to exercise the functions vested in the Secretary of Agriculture by sections 902 (a) and 902 (b) of Executive Order 10161.

Nothing contained herein shall be construed as limiting the authority of the Secretary of Agriculture to exercise any functions vested in him under Executive Order 10161.

NOTE: See Distribution Order 1, Chapter III of this title, *infra.*

Issued this 26th day of January 1951.

CHARLES T. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2181; Filed, Feb. 9, 1951; 1:00 p. m.]

[General Order 5]

GO 5—AUTHORITY WITH RESPECT TO ALLOCATION OF MEAT TO BE EXERCISED BY DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Economic Stabilization Administrator by Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), and in order to further define the internal organization of the Economic Stabilization Agency, it is hereby determined and ordered:

SECTION 1. The authority delegated to the Economic Stabilization Administrator by the Secretary of Agriculture, January 26, 1951, under sections 902 (a) and (b) of Executive Order No. 10161 with respect to the allocation of meat, is hereby redelegated to the Director of Price Stabilization and shall be exercised by the Director subject to the supervision and direction of the Administrator.

This order shall become effective immediately.

Dated: February 8, 1951.

NOTE: See Distribution Order 1, Chapter III of this title, *infra.*

ERIC JOHNSTON,
Economic Stabilization Administrator.

[F. R. Doc. 51-2179; Filed, Feb. 9, 1951; 1:00 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Distribution Order 1]

DO 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

This order is found necessary and appropriate to promote the National Defense and is issued pursuant to the authority of Section 101 of the Defense Production Act of 1950.

In the formulation of this order, there has been consultation with industry representatives, and consideration has been given to their recommendations.

Preamble. As a necessary step in the stabilization of the national economy, price ceilings have been established on meat and on most other commodities. The establishment of price ceilings is in itself an evidence of a demand for meat at the fixed price in excess of the available supply. The demand, moreover, is exerted in every part of the nation.

Livestock are raised in almost every section of the country. A man with the necessary skill needs almost no facilities to slaughter any kind of livestock. Furthermore, both livestock and meat are easily transported. These facts mean that it is possible for meat to be produced to supply an insistent demand wholly apart from the regular channels of the meat-packing and meat-distributing industry. To the extent that production and distribution begin to occur outside of the established channels of the industry, grave and even irreparable harm is done to thousands of businesses throughout the country. Experience in World War II showed clearly how seriously long established companies in the meat business—large as well as small—were injured by the dislocation in the regular channels of distribution. In addition to the hardship imposed upon business, there resulted a grave maldistribution of meat, some areas receiving very large quantities for consumption while many areas densely populated and important for the national defense effort, received much too little.

This order is therefore a necessary first step in a larger effort to prevent dislocation of the normal channels of distribution for meat, with the resulting hardship to business and to consumers.

The specific effect of the regulation is to confine the slaughter of livestock to slaughterers in such a way that the normal channels of distribution of meat may be preserved. With minor exceptions, all slaughterers of livestock are required to be registered. Beginning April 1, 1951, the volume of their slaughter will be controlled by reference to quotas established in the manner prescribed by the order. Limitations are also imposed upon slaughterers who have livestock slaughtered for them by others.

The first part of the order makes provision for Class 1 slaughterers. They are slaughterers whose establishments are subject to Federal inspection. They are required to register on or before March 15, 1951, with the Office of Price Stabilization in Washington. Their quotas, for each species of livestock will be determined by the use of two figures furnished by the Office of Price Stabilization. The first figure is called a multiplier. It is a fraction which will represent approximately the ratio of the particular slaughterer's slaughter of a species of livestock to the total Federally-inspected slaughter of that species in each quarter of the calendar year, 1950. The Office of Price Stabilization will announce at the end of each week the total number of pounds live weight of each species of livestock expected to be slaughtered during the following week. By multiplying this figure by the multiplier the slaughterer will determine his quota for that week.

Class 2 slaughterers under the order are all slaughterers other than Class 1 slaughterers and farm slaughterers and persons slaughtering for home consumption. Class 2 slaughterers must register with the Regional Office of the Office of Price Stabilization on or before March 15, 1951. Each Class 2 slaughterer has a quota base for each species of livestock which is the live weight of that species which he slaughtered in each monthly accounting period of 1950. The Office of Price Stabilization will from time to time announce a percentage for each species of livestock which the Class 2 slaughterer applies to his quota base to determine his quota for each monthly quota period. This percentage will be more or less than 100 percent, depending on whether or not the amount of livestock available for slaughter is greater or less than the amount that was available in 1950. By applying the announced percentage to his quota base the Class 2 slaughterer will determine his quota for each quota period.

For both Class 1 and Class 2 slaughterers a stated percentage of the quota not used in any quota period may be used in the next succeeding quota period. If any Class 1 or Class 2 slaughterer exceeds his quota in any quota period, his quota for the following quota period will be reduced by twice the amount of the overage. If the overages are so large that when doubled they equal or exceed the quota for a particular period, the slaughterer may not slaughter that species during that period or any later period until the overage is made up.

Class 3 slaughterers are those who are resident operators of farms on which they reside for at least six months a year, and who did not during 1950, transfer more than 6,000 pounds of meat resulting from slaughter on their farm. Such slaughterers may not transfer meat for resale except to persons to whom they transferred such meat in 1950, nor may they transfer more than 3,000 pounds of meat in any specified six-month period.

The order requires the stamping or tagging of all meat by all three classes of slaughterers, as well as the making of invoices. The order defines in detail the conditions under which livestock may be slaughtered for home consumption. Special provision is also made for the slaughter of livestock purchased at sales conducted by members of 4-H Clubs and similar organizations.

The order also makes provision for custom slaughterers, those who in the past have had livestock slaughtered for them by others. These slaughterers are classified as Class 1A slaughterers or Class 2A slaughterers, depending on whether or not the person who slaughtered for them is a Class 1 or a Class 2 slaughterer. Quotas are established for Class 1A and Class 2A slaughterers, based upon the weight of each species of livestock slaughtered for them in 1950 by their slaughterers. They may not give to their slaughterers for slaughter a greater number of pounds of any species of livestock than is provided for in their quota for that period, and slaughterers may not slaughter more than the quotas of the Class 1A and Class 2A slaughterers. Provision is made for the trans-

fer of the business of such a slaughterer from one slaughterer to another, but only with the permission of the Office of Price Stabilization.

There are also provisions in the order for adjustments in special cases, for the sale or transfer of Class 1 and Class 2 slaughtering establishments, and for the registration of new Class 1 and Class 2 slaughtering establishments.

Sec.

1. What this order does.
2. Prohibitions against slaughtering.
3. Class 1 slaughterers.
4. Class 2 slaughterers.
5. Class 3 slaughterers.
6. Limitations upon slaughter of livestock for home consumption.
7. Slaughter of "Club" livestock.
8. Class 1A and Class 2A slaughterers (Custom slaughterers).
9. Adjustments or other relief.
10. Sale or transfer of Class 1 or Class 2 slaughtering establishments.
11. Registration of new Class 1 or Class 2 slaughtering establishments.
12. Records, reports and inspections.
13. Additional prohibitions.
14. Policy of this order.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

NOTE: See delegation of authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to the allocation of meat, Jan. 26, 1951 (F. R. Doc. 51-2181, Chapter II of this title, *supra*), Economic Stabilization Agency, General Order No. 5, Feb. 8, 1951 (F. R. Doc. 51-2179, Chapter II of this title, *supra*).

SECTION 1. *What this order does.* (a) If you wish to slaughter livestock (cattle, calves, sheep, and lambs, or swine) you are required to determine under this order whether you are permitted to slaughter livestock at all and if so the amount which you are permitted to slaughter.

(b) The order divides slaughterers and slaughtering establishments into classes and prescribes quotas by which slaughterers of each class ascertain the amount of livestock they may slaughter or have slaughtered for them. The classes are defined precisely in subsequent sections but generally the classes are:

(1) Class 1 or federally-inspected slaughterers;

(2) Class 2 or commercial slaughterers not federally inspected;

(3) Class 1A slaughterers—persons who have Class 1 slaughterers slaughter livestock for them.

(4) Class 2A slaughterers—persons who have Class 2 slaughterers slaughter livestock for them.

(5) Class 3 or farm slaughterers who transferred up to 6,000 pounds of meat during the calendar year 1950.

(6) Resident operators of farms or persons who raised their own livestock and slaughter it for use in their own household or on the farm which they operate.

(c) If you operate more than one slaughtering establishment, this order applies to each separate establishment and each of them must be operated as if owned by a different person.

SEC. 2. *Prohibitions against slaughtering.* (a) Between February 9, 1951, and April 1, 1951, you may not slaughter cattle, calves, sheep and lambs, or swine unless you were engaged in the business of slaughtering that species of livestock during the period from January 1, 1950, to February 9, 1951, or unless you are a resident operator of a farm who comes within the definition of a Class 3 slaughterer contained in section 5, or a livestock raiser as defined in section 6.

(b) On and after February 9, 1951, you may not have cattle, calves, sheep and lambs, or swine slaughtered for you unless you had that species of livestock slaughtered for you during the period from January 1, 1950, to January 1, 1951, or unless you are a resident operator of a farm or a livestock raiser mentioned in paragraph (a) of this section.

(c) After April 1, 1951, unless you have been registered by the Office of Price Stabilization, or unless you are a resident operator of a farm or a livestock raiser, as defined, you may not slaughter cattle, calves, sheep and lambs or swine.

(d) After April 1, 1951, if you are a Class 1 or Class 2 slaughterer, you may not slaughter cattle, calves, sheep and lambs, or swine in excess of your quota.

(e) Violation of the regulation will subject you to the penalties of the Defense Production Act of 1950, including a fine of $10,000 and imprisonment up to one year.

SEC. 3. *Class 1 slaughterers*—(a) *Definition.* If you operate a slaughtering establishment which is subject to Federal meat inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260) (12 U. S. C. 71) as amended, and the rules and regulations promulgated thereunder, you are, with respect to each such establishment, a Class 1 slaughterer.

(b) *Registration and notification to Class 1A slaughterers.* On or before March 15, 1951, you must register with the Office of Price Stabilization, Washington 25, D. C., by filing in duplicate OPS Form DO 1-1 with the information there required. If the information furnished by you on OPS Form DO 1-1 indicates that you are entitled to slaughter livestock under this regulation the Washington Office will send you prior to April 1, 1951, a copy of OPS Form DO 1-1 showing your registration number. After April 1, 1951, unless you have received your registration from the Washington Office you may not slaughter any livestock. Prior to filing this form with the Office of Price Stabilization you must notify each Class 1A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1-4 in duplicate with the information there required.

(c) *Quotas.* Beginning April 1, 1951, you will have a quota, fixing for each week the number of pounds live weight of each species of livestock you may slaughter. The quota for each species will be determined by the use of a multiplier and FIS base furnished you by the Office of Price Stabilization. The information required on OPS Form DO 1-1 will furnish the basis on which Office of Price Stabilization will determine multipliers for you to use during the calendar quarters beginning on the first Monday in January, April, July, and October of each year. You will be notified by the Office of Price Stabilization prior to the beginning of each quarter of the multiplier for each species of livestock to be used by you in determining your quotas for each week of the quarter. In addition you will be notified prior to the commencement of each week of the FIS base by species and by pounds live weight for that week to which you apply your multipliers to determine your quotas for that week. During the first two days of the week you may be notified of a decrease in the FIS base. At any time during the week you may be notified of an increase in the FIS base.

Example. Slaughterer A has been informed that his multiplier for swine is 0.004. Prior to the quota period slaughterer is notified that the FIS base for swine for the quota period is 250 million pounds, live weight. Multiplying 250 million by 0.004 the slaughterer determines that his quota for swine for that quota period is one million pounds live weight. Not later than the second day of the quota period slaughterer A may be informed by Office of Price Stabilization that the FIS base for swine has been reduced to 240 million pounds live weight. Multiplying 240 million by 0.004 he determines that his quota for swine for the quota period has been changed to 960,000 pounds live weight.

(d) *Carry-overs.* If you did not use your entire quota for any species during any given week you may use the unused portion, not to exceed 10 percent of that quota, in the next week only.

Example 1. Slaughterer A has a quota on swine of 100,000 pounds live weight for the quota period. He slaughters swine weighing a total of 90,000 pounds live weight during the quota period. He may carry over 10 percent of his quota for swine (10,000 pounds) to his next quota period.

Example 2. The same slaughterer in the next quota period has a quota of 90,000 pounds live weight for swine. Adding the 10,000 pounds from the previous period he may slaughter swine weighing a total of 100,000 pounds live weight during the quota period. If he slaughters swine weighing 90,000 pounds live weight he has slaughtered the full amount of his quota and does not have a carry-over to his next quota period. If he slaughters swine to the extent of only 85,000 pounds, he may carry over 5,000 pounds, the difference between 85,000 pounds and his quota of 90,000 pounds. The carry-over applies only to the current quota and not to the quota plus the carry-over from the previous quota period.

Example 3. If in example 2 the slaughterer slaughtered swine weighing 70,000 pounds live weight during the quota period he may not carry over more than 10 percent of his quota of 90,000 pounds, or 9,000 pounds live weight, to his next quota period. The carry-over for each species at all times is restricted to no more than 10 percent of the quota for that species for the quota period.

(e) *Overages.* If in any week you slaughter livestock of any species in excess of your quota (including any carry-over from the preceding week your quota for the following week for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota of the ensuing week you may not slaughter any of that species of livestock during that week nor in any succeeding week until the total of the quotas for the weeks in which you are prohibited from slaughtering livestock equals twice the amount of your overage. The quota limitations here imposed are in addition to any actions, penalties or proceedings authorized by law for violation of this order.

(f) *Marking requirements.* The registration number given to you by the Office of Price Stabilization for the purpose of this order will be the same as your federal inspection establishment number. On and after April 1, 1951, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut. You may not sell a wholesale cut unless it has been so marked. The establishment number stamp which you use for purposes of compliance with the federal inspection requirements will satisfy this purpose. On OPS Form DO 1-3 a number appears before the name of each Class 1A slaughterer whom you listed. All wholesale cuts of meat derived from livestock which you slaughter on behalf of a Class 1A slaughterer must bear an additional stamp at every place at which your establishment number stamp appears, showing the number of that Class 1A slaughterer as it appears on OPS Form DO 1-3.

(g) *Invoices.* On every sale of meat from your slaughtering establishment you must furnish the buyer with an invoice which contains the date the buyer's name and address, your own name and address, and the amount and kind of meat sold. Copies of all such invoices must be preserved by you and kept available for inspection by the Office of Price Stabilization.

(h) *Change in operation.* If you give up federal inspection for your establishment and you wish to continue your slaughter business as a Class 2 slaughterer you must notify the Washington Office within five days of the time you give up federal inspection. The Washington Office will withdraw your multiplier and cancel your registration as a Class 1 slaughterer. The Washington Office will instruct the Regional Office to issue to you a registration and assign quota bases to you as a Class 2 slaughterer. After this change in operation all of the sections pertaining to Class 2 slaughterers will apply to you.

(i) Sections 6 through 14 contain several provisions which may apply to you as a Class 1 slaughterer.

SEC. 4. *Class 2 slaughterers*—(a) *Definition.* If you slaughter livestock and such slaughter is not subject to federal meat inspection, you are a Class 2 slaughterer unless your slaughter is within the provisions of sections 5 or 6 of this order.

(b) *Registration.* On or before March 15, 1951, you must register with the Regional Office of the Office of Price Stabilization for the place in which your slaughtering establishment is located. You register by filing with the Regional Office, OPS Form DO 1-2 in duplicate, providing the information there required. Prior to filing this form you must notify each Class 2A slaughterer for whom you slaughtered livestock during the calendar year 1950 of the exact amount of livestock which you slaughtered for him during that period by mailing to him OPS Form DO 1-5 in duplicate with the information there required. If the information furnished by you on OPS Form DO 1-2 indicates that you are entitled to slaughter livestock under this order the Regional Office will send you, prior to April 1, 1951, a copy of OPS Form DO 1-2 showing your registration number. After April 1, 1951, unless you have received your registration from the Regional Office you may not slaughter any livestock.

If your slaughtering establishment is not in operation, because of a suspension or other order of a State, County, City, or Municipal government or agency, you may not register under this order. When the suspension or other order is revoked or cancelled you may apply to the Regional Office for registration under this order.

(c) *Quotas.* Beginning April 1, 1951, you must have a quota before you may slaughter any species of livestock in any quota period (accounting period or calendar month or similar period of not less than four or more than five weeks used by you instead of calendar months in keeping your own books and records). The information required on the OPS Form DO 1-2 will show by species the weight of livestock which you slaughtered during each accounting period of 1950. This is your quota base. A supplement to be issued to this order will contain a list of percentages for use by you and other Class 2 slaughterers in determining your quotas. To determine your quota for each quota period, you apply the appropriate percentage in the supplement to the quota base for each species. You may not slaughter more than 60 percent of your quota for any species (including your carry-over from the preceding quota period) during the first half of your quota period.

(d) *Carry-overs.* If you did not use your entire quota for any species during any quota period you may use the unused portion, not to exceed 5 percent of that quota, in the next quota period only.

Example 1. Slaughterer B has a quota for cattle of 200,000 pounds live weight for the quota period. He slaughters cattle weighing a total of 190,000 pounds live weight during the quota period. He may carry over 5 percent (10,000 pounds) of his quota of cattle to his next quota period.

Example 2. Assume that the same slaughterer in the next quota period has a quota of 150,000 pounds live weight for cattle. Adding the 10,000 pounds carry-over from the previous period he may slaughter cattle weighing a total of 160,000 pounds live weight during the quota period. If he slaughters cattle weighing 155,000 pounds live weight he has slaughtered the full amount of his quota (150,000 pounds) plus part (5,000 pounds) of his previous quota period carry-over and does not have any carry-over to his next quota period. If he slaughters cattle to the extent of only 145,000 pounds he may carry over 5,000 pounds, the difference between 145,000 pounds and his quota of 150,000 pounds. The carry-over applies only to the current quota and not to the quota plus the carry-over from the previous quota period.

Example 3. If in example 2 the slaughterer slaughtered cattle weighing only 130,000 pounds live weight during the quota period he may carry over not more than 5 percent of his quota of 150,000 pounds, or 7,500 pounds live weight to his next quota period. The carry-over for each species at all times is restricted to no more than 5 percent of the quota for that species for the quota period.

(e) *Overages.* If in any quota period you slaughter livestock of any species in excess of your quota (including any carry-over from the preceding quota period), for any quota period, your quota for the following quota period for that species shall be reduced by twice the amount by which you exceeded your quota. If twice the amount of the overage is greater than the quota for the ensuing quota period, you may not slaughter any of that species of livestock during that quota period or in any succeeding quota period until the total of the quotas for the quota periods in which you are prohibited from slaughtering livestock equals twice the amount of your overage. The quota limitations here imposed are in addition to any action, penalties or proceedings authorized by law for violation of this order.

(f) *Marking requirements.* On or after April 1, 1951, you are required to stamp or mark your registration number on each carcass so that it appears on every accessible wholesale cut. You may not sell a wholesale cut unless it has been so marked. On OPS Form DO 1-3 a number appears before the name of each Class 2A slaughterer whom you listed. All wholesale cuts of meat derived from livestock which you slaughter on behalf of a Class 2A slaughterer must bear an additional stamp at every place at which your registration number appears, showing the name of that Class 2A slaughterer as it appears on OPS Form DO 1-3.

(g) *Invoices.* On every sale of meat from your slaughtering establishment you must furnish the buyer with an invoice which contains the date, the buyer's name and address, your own name and address, and the amount and kind of meat sold. Copies of each such invoice must be preserved by you and kept available for inspection by the Office of Price Stabilization.

(h) *Change in operation.* If your establishment is subject to inspection under the provisions of the act of March 4, 1907 (34 Stat. 1260) as amended (21 U. S. C.) and the rules and regulations promulgated thereunder, you must notify the Regional Office within five (5) days of the time when you began to operate under federal inspection. Upon the issuance to you of a Class 1 registration number by the Washington Office, the Regional Office will cancel your Class 2 registration. Thereafter all of the sections pertaining to Class 1 slaughterers will apply to you.

(i) *Other provisions which may apply to your business.* Sections 6 through 14 contain general provisions which may apply to you as a Class 2 slaughterer.

SEC. 5. *Class 3 slaughterers.* (a) If you are a resident operator of a farm on which you reside at least six months a year, and if, during the calendar year

1950, you transferred no more than 6,000 pounds of meat resulting from the slaughter on your farm of livestock, you are a Class 3 slaughterer. The transfer of meat includes the selling, giving, exchanging, lending, delivering or consigning of meat and also the placing or storing of meat in warehouses or locker plants.

(b) You may not transfer any meat to any person who receives meat for resale, unless you transferred meat to such person in 1950. Furthermore, you may not transfer, during any six-month period beginning March 1 and September 1 of each year, more than the equivalent amount of meat you transferred during the same period of 1949–50. In no event may you transfer more than 3,000 pounds of meat in any such six-month period. The transfer of meat in excess of these amounts is a violation of this order subject to the penalties of the Defense Production Act of 1950.

(c) *Tagging requirements.* On and after April 1, 1951, you are required to attach a tag to each leg of every carcass transferred by you and to each wholesale cut transferred by you and you may not transfer meat unless it has been so tagged. Each tag must have on it the words "Class 3 slaughterer", and must also show your name and address.

(d) *Invoices.* On every transfer of meat you must furnish the buyer with an invoice which contains the date, the buyer's name and address, your own name and address and the amount and kind of meat transferred. Copies of all such invoices must be preserved by you and kept available for inspection by the Office of Price Stabilization.

SEC. 6. *Limitations upon slaughter of livestock for home consumption.* (a) There are only 2 situations in which you may slaughter livestock or have it slaughtered for consumption in your own household or on a farm which you operate: (1) If you operate a farm at which you reside for more than six months a year; or (2) if you actually superintended the raising of the livestock and it was raised on your own premises for at least 90 days immediately before slaughter, or, if the livestock is less than 90 days old at the time of slaughter, then it must have been raised on your own premises from the time of its birth.

(b) No Class 1 or Class 2 slaughterer may slaughter livestock for you under this section unless you furnish to him a signed statement containing: (1) A description of the livestock by species, number of head, and live weight; (2) a statement that you have read paragraph (a) above and that, under the provisions of that paragraph you are eligible to have the particular livestock slaughtered for you.

SEC. 7. *Slaughter of "Club" livestock.* (a) Notwithstanding the provisions of section 2 (b) if you purchase livestock at a sale conducted by members of 4–H Clubs, Future Farmers of America, or other recognized youth organizations, you may have such livestock slaughtered for you until April 1, 1951. Provision will be made by amendment to this order for the slaughter of such livestock after April 1, 1951.

SEC. 8. *Class 1A and Class 2A slaughterers (custom slaughterers).* (a) If you had livestock slaughtered for you during 1950 by a slaughterer who is designated Class 1 by this order you are a Class 1A slaughterer. You are entitled to have your livestock slaughtered by the same slaughterer and he is required to continue slaughtering livestock for you. A method for determining the quota for each Class 1A slaughterer will be provided before April 1, 1951.

(b) If you had livestock slaughtered for you during 1950 by a slaughterer who is designated Class 2 by this order, you are a Class 2A slaughterer. You are entitled to have your livestock slaughtered by the same slaughterer and he is required to continue to slaughter livestock for you. There will be a quota on the amount of livestock he may slaughter for you beginning April 1, 1951. This quota is found by first taking the number of pounds liveweight of each species of livestock which he slaughtered for you during each accounting period of 1950, as explained in section 4 (c). This information will appear on OPS Form DO 1–5. This is your quota base. Your quota for each quota period will be found by multiplying the quota base for each species of livestock by the percentage which will be published in the supplement to this order. Your Class 2 slaughterer is prohibited from slaughtering for you, and you are prohibited from giving him for slaughter, in any quota period, a greater number of pounds of any species of livestock than is provided for in the quota for that period.

(c) If the business of a Class 1 or Class 2 slaughterer is transferred to another person for continued operations, the person who acquired the slaughtering establishment (transferee) is required to continue slaughtering livestock for you just as if the transferee were the original slaughterer.

(d) If a Class 1 or Class 2 slaughterer or transferee, refuses or is unable to continue to slaughter for you, you may apply to the Washington Office if you are a Class 1A slaughterer, or to the Regional Office if you are a Class 2A slaughterer, for permission to have your livestock slaughtered by another Class 1 or Class 2 slaughterer. The application must be made in writing and must show:

(1) The name and address of the Class 1 or Class 2 slaughterer who formerly slaughtered for you;

(2) The reasons why such slaughterer will no longer slaughter for you; and

(3) The name and address of the Class 1 or Class 2 slaughterer whom you wish to perform the slaughtering for you.

If the Washington Office or the Regional Office finds that the slaughterer refuses or is unable to continue to slaughter for you it may transfer the quota base from such slaughterer to the Class 1 or Class 2 slaughterer named in the application. However, you must continue to serve the same general class of customers in the same areas that you served previously. If the application is granted the new Class 1 or Class 2 slaughterer and you shall be subject, with respect to that slaughter, to the provisions of paragraphs (a) and (b) of this section just as if the Class 1 or Class 2 slaughterer had formerly slaughtered livestock for you.

SEC. 9. *Adjustments or other relief.* (a) If you find that you need an adjustment or other relief under this order you may apply in writing to the Office of Price Stabilization. If you are a Class 1 or Class 1A Slaughterer you apply to the Washington Office. If you are a Class 2 or Class 2A slaughterer you apply to the Regional Office. The application must show what adjustment or relief you are requesting and all the facts showing your need for the adjustment or relief. You must give any further information requested by the Office of Price Stabilization.

(b) If the Regional Office finds that you have shown a need for an adjustment, or other relief it will forward your application to the Washington Office with its recommendation for a decision. If the Washington Office finds that you have shown a need for an adjustment, or other relief, it will take the necessary steps to grant the adjustment or other relief.

SEC. 10. *Sale or transfer of Class 1 or Class 2 slaughtering establishment.* (a) If you are a Class 1 or Class 2 slaughterer and wish to sell or transfer your slaughtering establishment to any other person for continued operation, you and the transferee must notify the Washington Office in the case of a Class 1 slaughtering establishment or the Regional Office in the case of a Class 2 slaughtering establishment. The notice must be given in writing at least ten days before the sale or transfer and must show:

(1) The name and address of the establishment and of the persons wishing to sell or transfer and the persons wishing to acquire it; and

(2) Whether the transferee will continue to operate the establishment in the same manner, and will maintain the pattern of distribution of meat from the slaughter of livestock in accordance with the policy of this order.

(b) If the Washington Office or the Regional Office finds that the establishment will continue to be operated in the same manner as before the transfer, and that the transferee will maintain the pattern of distribution in accordance with the policy of this order, it may, in the case of a Class 1 slaughterer, assign the registration and multipliers of the transferor to the transferee, and, in the case of a Class 2 slaughterer, assign the registration and quota bases of the transferor to the transferee for that establishment, and in each case shall cancel the registration of the transferor.

(c) The transferee of a Class 1 or Class 2 slaughterer may slaughter livestock during the balance of the quota period in which the transfer takes place only to the extent of the unused portion of the quota (including any carry-over) of the transferor for that period.

(d) No such transfer and assignment of registration, multipliers or quota bases may be made while your slaughtering establishment is under suspension by a State, County, Municipal or City government agency.

(e) If you are a Class 1 or Class 2 slaughterer and you wish to move all or part of your slaughtering business to another place, the moving is to be treated as a transfer to a different person under this section. For this purpose, the place from which the establishment is to be moved is considered the transferor and the place to which it is to be moved is considered the transferee.

(f) For the purpose of this order a sale or transfer of 10 percent or more of the stock of a corporation or the sale or transfer of 10 percent or more of the ownership of an establishment is considered a sale or transfer of the establishment.

SEC. 11. *Registration of new Class 1 and Class 2 slaughtering establishments.* (a) If you want to open a new Class 1 or Class 2 slaughtering establishment, you must apply to the Office of Price Stabilization for registration and multipliers or quota bases. Application will be granted only if you establish to the satisfaction of the Office of Price Stabilization that (1) the operation of the establishment is essential to meet civilian needs in the area in which it serves; (2) the products it will produce cannot be obtained from any other source, and (3) the operation of the new establishment will promote the National Defense by facilitating the production and orderly distribution of meat.

(b) If the application is made by a person who wishes to open a Class 1 slaughtering establishment, it must be made in writing to the Washington Office and must contain all the information relied upon to support the application. If the application is made by a person who wishes to open a Class 2 slaughtering establishment it must be made in writing to the Regional Office for the place where the applicant's establishment is or will be located, and must contain all the information relied upon to support the application. The applicant must also give any additional information requested by the Office of Price Stabilization.

(c) In the case of a Class 2 slaughterer the Regional Office must forward the entire file to the Washington Office, with its recommendation for decision, and take such other action as the Washington Office may authorize or direct.

(d) If you are Class 1 or Class 2 slaughterer who already has a quota you may not open another slaughtering establishment and use your quota there, unless you apply under this section and are given permission to do so.

SEC. 12. *Records, reports and inspections.* (a) Subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, every Class 1 and Class 2 slaughterer must file reports with Office of Price Stabilization as may be required by amendments to this order.

(b) In addition to other records or documents required to be kept by this order each Class 1 and Class 2 slaughterer must keep a record for each establishment, showing:

(1) The number of head and live weight of all cattle, calves, sheep and lambs and swine, stated separately for each such species, which he slaughtered during each quota period.

(2) The name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine and the number and live weight of each such species of livestock slaughtered by him for each of said persons during each quota period;

(3) The number of pounds of meat resulting from his slaughter of livestock, stated separately for each species, transferred during each quota period.

(4) The number of pounds of meat resulting from his slaughter of livestock for other persons, stated separately for each species, and each person, transferred during each quota period.

(5) The number of cattlehides, kips, and calfskins and sheep and lamb pelts sold or transferred by the slaughterer during each quota period. Also the names and addresses of the persons to whom they were sold or transferred and the number of each kind transferred to each person.

(c) Each Class 1 and Class 2 slaughterer must keep a copy of his registration under this order and the records upon which his registration was based.

(d) Each Class 1 and Class 2 slaughterer must keep a record showing the name and address of each person for whom he slaughtered cattle, calves, sheep and lambs or swine; the dates on which he slaughtered for each such person; and the number and live weight of each such species of livestock which he slaughtered for each such person on each date. He must also keep the statements given to him as required by section 6 (b).

(e) Every person subject to this order must keep all records required under this order for as long as this order shall remain in effect.

(f) All records kept by all persons under this order may be inspected by the Office of Price Stabilization through any authorized representative. The inspection may be made at a person's place of business during regular business hours. Every person required to keep records under this order must keep them available for such inspection.

(g) The Office of Price Stabilization, through any authorized representative may, at any reasonable time, inspect any place where livestock is or has been slaughtered, and any place at which a Class 1, Class 2 or Class 3 slaughterer is located.

(h) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Director of the Office of Price Stabilization (or a representative of the Office of Price Stabilization designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 13. *Additional prohibitions.* (a) this order prohibits, among other matters:

(1) Making false or misleading statements on any records or reports to the Office of Price Stabilization.

(2) Altering, defacing, mutilating, or destroying any document specified herein;

(3) Forging or counterfeiting any document specified herein;

(4) Acquiring, using, transferring or possessing a forged, counterfeited, altered, defaced, or mutilated document specified herein;

(5) Wrongfully withholding a document specified herein;

(6) Bribing, hindering, or interfering with authorized Office of Price Stabilization officials; and

(7) Attempting to do any act in violation of this order, directly or indirectly, or to add or encourage another to do so.

SEC. 14. *Policy of this order.* It is the policy of this order to maintain the normal distribution channels of the livestock and meat industry in order to promote the national defense by facilitating the production and orderly distribution of meat. In accordance with this policy, if the Office of Price Stabilization finds that the base period was not representative of the relative slaughter of Class 1 slaughterers generally, it will adjust multipliers generally in order to obtain a representative relationship. The policy of this order requires not only that the slaughter of livestock be maintained in normal channels but also that meat be distributed from the slaughtering plant through the normal classes of customers within geographical areas. All slaughterers, custom slaughterers, wholesalers, processors, and industrial users may be required to reflect a pattern of acquisition and distribution of livestock and meat based on all or any part of the period beginning January 1, 1950.

NOTE: The record keeping and reporting requirements contained in this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2180; Filed, Feb. 9, 1951; 1:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Delegation 7, as Amended Feb. 7, 1951]

DEL. 7—DELEGATION OF AUTHORITY TO ADMINISTER NPA ORDER M–4

N. P. A. Del. 7 is amended to change the area for Regional Office II and the Portland District Office.

Delegation 7 as amended reads as follows:

Pursuant to the authority of section 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; Defense Production Administration Delegation 1, January 24, 1951; and U. S. Department of Commerce Order 123 as amended, the following administrative functions to be performed pursuant to NPA Order M–4 are delegated to the Directors of the Regional Offices of the U. S. Department of Commerce, and the Managers of the District Offices of the U. S. Department of Commerce, specified in List A:

1. To receive, consider, pass upon and take action for and in the name of the

National Production Authority upon, applications for an authorization to commence construction pursuant to § 71.6 of NPA Order M-4.

2. To receive, consider, pass upon, and take action for and in the name of the National Production Authority upon, applications for adjustment and exception based upon unreasonable hardship pursuant to § 71.11 of NPA Order M-4.

3. To receive, consider, pass upon and take action for and in the name of the National Production Authority upon, applications for exemption where the prohibition of such construction would not be in the interest of the national defense pursuant to § 71.11 of NPA Order M-4.

Actions taken by a Regional Director or District Manager pursuant to this delegation shall be signed as follows:

National Production Authority
By ----------
(Name and Title)

This delegation as amended shall take effect on February 7, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

	Regional offices to whose directors this delegation extends	Area for which such director may act
Region I	1800 Customhouse, Boston 9, Mass	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II	42 Broadway, New York 4, N. Y	New York, New Jersey, and Puerto Rico.
Region III	Jefferson Bldg., 1015 Chestnut St., Philadelphia 6, Pa	Delaware and Pennsylvania.
Region IV	Room 2, Mezzanine, 801 East Broad St., Richmond 19, Va	Maryland, North Carolina, West Virginia, and Virginia.
Region V	418 Atlanta National Bldg., 50 Whitehall St. SW., Atlanta 3, Ga	Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.
Region VI	410 Union Commerce Bldg., 925 Euclid Ave., Cleveland 14, Ohio	Kentucky, Ohio, and Michigan.
Region VII	1150 McCormick Bldg., 332 South Michigan Ave., Chicago 4, Ill	Illinois, Indiana, and Wisconsin.
Region VIII	338 Midland Bank Bldg., 401 2d Ave. South, Minneapolis 1, Minn	Minnesota, Montana, North Dakota, and South Dakota.
Region IX	2400 Fidelity Bldg., 911 Walnut St., Kansas City 6, Mo	Iowa, Kansas, Missouri, and Nebraska.
Region X	Room 1114, 1114 Commerce St., Dallas 2, Tex	Arkansas, Louisiana, Oklahoma, and Texas.
Region XI	142 New Customhouse, 19th and Stout Sts., Denver 2, Colo	Colorado, New Mexico, Utah, and Wyoming.
Region XII	306 Customhouse, 555 Battery St., San Francisco 11, Calif	Arizona, California, Hawaii, and Nevada.
Region XIII	809 Federal Office Bldg., 909 1st Ave., Seattle 4, Wash	Alaska, Idaho, Oregon, and Washington.

District offices to whose managers this delegation extends	Area for which such managers may act
314 United States Appraisers' Stores Bldg., 103 S. Gay St., Baltimore 2, Md	Maryland.
1038 Federal Bldg., 250 West Fort St., Detroit 26, Mich	Michigan.
1540 United States Post Office and Court House, 312 North Spring St., Los Angeles 12, Calif.	The following counties in California: San Luis Obispo, Santa Barbara, Ventura, Kern, Los Angeles, Orange, San Bernardino, Riverside, Imperial, and San Diego.
217 Old United States Court House, 520 S. W. Morrison St., Portland 4, Oreg	Oregon, and the following counties in Washington: Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, Walla Walla, Columbia, Garfield, and Asotin.
910 New Federal Bldg., 1114 Market St., St. Louis 1, Mo	The area in Missouri east of the western boundaries of the following counties, up to the Mississippi River: Schuyler, Adair, Macon, Randolph, Howard, Cooper, Morgan, Camden, Dallas, Webster, Douglas, and Ozark.

[F. R. Doc. 51-2136; Filed, Feb. 8, 1951; 4:39 p. m.]

[NPA Order M-14 as Amended Feb. 8, 1951]

M-14—NICKEL

This amendment to NPA Order M-14 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-14 as amended Jan. 23, 1951, as follows:

It redesignates §§ 32.1 through 32.14 to Sections 1 through 14, and designates the text of section 9 to be paragraph (a) of section 9, and adds a new paragraph (b) to section 9.

As amended, this order reads as follows:

SEC.
1. What this order does.
2. Definitions.
3. Nickel forms and products to which this order applies.
4. Application of order.
5. Use of nickel.
6. Prohibited uses of nickel.
7. Maintenance, repair, and operating supplies.
8. Exemptions.
9. Inventories.
10. Application for adjustments.
11. Records and reports.
12. Communications.
13. Violations.
14. List A.

AUTHORITY: Sections 1 to 14 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to describe how the primary nickel remaining after allowing for the requirements of national defense may be distributed to the civilian economy. It is the policy of the National Production Authority that primary nickel, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply will be substituted for nickel wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six months period ending June 30, 1950.

(c) "Consume" means to melt, alloy, mix, electrodeposit, process or otherwise alter nickel as defined by this order by physical or chemical means.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality or design.

(e) "Operating supplies" means any forms of nickel listed in section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Manufacture" means to put into process, machine, fabricate, electroplate, clad, or otherwise alter materials by physical or chemical means.

SEC. 3. *Nickel forms and products to which this order applies.* (a) The word "nickel" as used in this order means only the following forms of primary nickel: electrolytic nickel, ingots, pig, rolled and cast anodes, shot, oxides, salts, chemicals and residues derived directly from new nickel including residues containing nickel derived as a by-product from copper refinery operations.

(b) "Stainless Steel", as used in this order, means chromium-nickel iron base alloys, wrought or cast, containing 6 percent to 22 percent inclusive of nickel, commonly referred to as "austenitic chromium-nickel stainless steel".

(c) "High Nickel Alloy", as used in this order, means ferrous and non-ferrous alloys, wrought or cast, containing more than 22 percent nickel.

(d) "Nickel Silver", as used in this order, means non-ferrous alloys, wrought or cast, containing 8 percent or more nickel.

(e) "Nickel Plating", as used in this order, means all plating regardless of plating procedure.

SEC. 4. *Application of order.* Subject to the exemptions stated in section 8, this order applies to all persons who consume nickel in manufacture, processing or construction, or who use nickel for maintenance, repair or operating supplies. This order does not apply to suppliers of nickel in the forms listed in section 3.

SEC. 5. *Use of nickel.* Subject to the exemptions stated in section 8, or unless specifically directed by the National Production Authority, no person shall consume in manufacture, processing or construction during the first calendar quarter of 1951 a quantity of nickel by weight in excess of 65 percent of his average quarterly consumption of nickel for such purposes during the base period: *Provided, however,* That his consumption of nickel in any one month shall not exceed 40 percent of the permitted use during said quarter.

SEC. 6. *Prohibited uses of nickel.* (a) Commencing on March 1, 1951, no person shall: (1) Consume nickel as defined in section 3, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel in the production of any Nickel Silver or Nickel Plating items included in section 14 *List A* except as indicated therein; or (2) use any such forms of nickel or any alloys containing nickel in the manufacture of any of said items included in section 14 *List A* except as indicated therein. Notwithstanding the foregoing, any such items may be completed if they were in the process of production or manufacture on or before February 28, 1951 and such completion is effected not later than April 30, 1951. Commencing on April 1, 1951, no person shall: (i) Consume nickel as defined in section 3, secondary nickel, or nickel-bearing scrap containing 6 percent or more nickel in the production of any Stainless Steel or High Nickel Alloy items included in section 14 *List A* except as indicated therein; or (ii) use any such forms of nickel or any alloys containing nickel in the manufacture of any of said items included in section 14 *List A* except as indicated therein. Notwithstanding the foregoing, any such items may be completed if they were in the process of manufacture or production on or before March 31, 1951 and such completion is effected not later than May 31, 1951. Any items included in section 14 *List A* which are completed, in the case of Nickel Silver and Nickel Plating items not later than April 30, 1951, and in the case of Stainless Steel and High Nickel Alloy items not later than May 31, 1951, may be sold after said dates, respectively.

(b) No person may use in construction any stainless steel, high nickel alloy, nickel silver or nickel plating for any item included in section 14 *List A* after May 31, 1951: *Provided, however,* That this prohibition will not apply to the use of said forms of nickel in any such item if its manufacture or processing was completed within the time limits specified by this section.

(c) Commencing on March 1, 1951, no person may consume or use: (1) in the manufacture of any item, including components and parts therefor, a greater quantity of nickel or an alloy containing a greater percentage of nickel than is necessary for the functional operation of such item; or (2) any nickel or nickel-bearing materials in the manufacture of any item for decorative or ornamental purposes.

(d) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders, and are not affected by any of the exemptions stated in section 8.

SEC. 7. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, no person shall consume for maintenance, repair or operating supplies during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, a quantity by weight in excess of his average quarterly consumption of nickel for such purposes during the base period.

SEC. 8. *Exemptions.* (a) The consumption of nickel to fill an order that is rated under the priorities system established by NPA Reg. 2, or to meet any mandatory order of the National Production Authority, is permitted in addition to the consumption of nickel authorized by the provisions of sections 5 and 7.

(b) Nickel acquired by a rated order, or to meet a scheduled program of the National Production Authority, may be used in addition to the quantities permitted by the provisions of sections 5 and 7.

(c) The provisions of sections 5 and 7 do not apply to persons who use less than 250 lbs. of nickel during any calendar quarter: *Provided, however,* That persons who by reason of the provisions of section 5 would be permitted to use less than 250 lbs. during any calendar quarter may use during such period a quantity up to 250 lbs.

SEC. 9. *Inventories.* (a) In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to consumers of nickel is necessary. No person obtaining nickel for use in manufacture, processing or construction, or for maintenance, repair, or operating supplies, may receive or accept delivery of a quantity of nickel if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 30-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, the forms of nickel listed in section 3 in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to nickel except as modified by this section.

(b) *Inventories; exception to Regulation 2.* No person may extend a rating pursuant to paragraph (b) of § 11.5 of NPA Regulation 2 to replace nickel in his inventory, which nickel has been used by him in the manufacture of stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy or material prior to January 1, 1951, except with respect to shipments made by warehouses subsequent to December 31, 1950. This order does not supersede Regulation 2 in any respect except as set forth in the preceding sentence. However, any person may extend a rating to replace stainless steel, high nickel alloy, nickel silver, or any other nickel-bearing alloy in his inventory pursuant to paragraph (b) of § 11.5 of Regulation 2.

SEC. 10. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–14.

SEC. 13. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 14. *List A.* The use of the forms and products of nickel defined in section 3 in the items listed below is prohibited except to the extent permitted by this order, or as specified on this list.

STAINLESS STEEL—NICKEL-BEARING

Agriculture farm equipment, etc.:
- Barn cleaners.
- Ensilage cutters.
- Feeding troughs.
- Fertilizer spreading equipment.
- Grain bins and cribs.
- Implements, hand tools, etc.
- Silos.
- Spreaders.

Automotive:
- Bumpers, clad.
- Clad panels for buses.
- Grills.
- Hardware.
- Horn rings.
- Hubcaps.
- Mufflers (except on heavy duty equipment).
- Steering wheel spoke wire.
- Trim.
- Wheel rings and wheel covers.

Construction:
- Curtain walls.
- Decorative trim.
- Doors.
- Down spouts.
- Elevator and escalator kick plates and panels.
- Flashings.
- Gutters.
- Mouldings.
- Roofing.
- Screens (except in extractive or manufacturing industries where no other substitute is available).
- Sheathing.
- Spandrels.
- Storefronts.
- Window frames.

Domestic appliances and utensils (except cooking ware):
- Ash trays.
- Cabinets.
- Cake and pie dishes.
- Cake servers.
- Canisters.
- Cooling racks.
- Counter tops.
- Deep freeze units, sheathing.
- Drainboards.
- Egg beaters.
- Flat ware.
- Furniture.
- Garbage cans.
- Hardware.
- Ironing boards.
- Irons.
- Ladles.
- Mixing bowls.
- Mixing spoons.
- Picnic coolers.
- Potato mashers.
- Range tops.
- Refrigerator shelves, trim and dishes.
- Sinks.
- Spatulas.
- Table tops.
- Toasters.
- Utility cans.
- Washing machine tubs.

Electrical machinery and equipment:
- Pole line hardware.
- Pole line guy wires.
- Radio towers.
- Transmission tower baskets.

General:
- Automatic vending machines.
- Bar equipment.
- Beer barrels.
- Coal bins and coal hoppers (except in coal preparation plants).
- Diesel grills.
- Jewelry (except watch cases).
- Pens and pencils (except fountain pen nibs and separate fountain pen inner caps).
- Radio antennas (except military).
- Railings.
- Soda fountains.
- Sporting goods, all applications.
- Toys.
- Water coolers.
- Water softener tanks.

Railroad:
- Trim and decorative parts in passenger cars.

Shipbuilding:
- Pleasure craft galleys.
- Pleasure craft decorative trim.
- Pleasure craft rigging.
- Pleasure craft stack and ventilating shafts.

Miscellaneous:
- Band instrument valves.
- Binder (index books).
- Button parts.
- Cheese slicers.
- Cocktail shakers and accessories.
- Cup holders.
- Dairy equipment (except functional uses).
- Deodorizers.
- Diaper pins.
- Dog leashes.
- Fly screen.
- Garden accessories.
- Hardware parts, including builders' finishing hardware.
- Humidifiers.
- Lightning rods.
- Mirror clips.
- Musical instrument strings.
- Organ springs.
- Paint brush ferrules and rivets.
- Permanent wave equipment.
- Phonograph needles.
- Pot cleaners.
- Refuse cans.
- Rulers.
- Teabag staples.
- Tooth brushes.
- Water reservoirs (gum tape machines).
- Weather stripping.
- Shovels (except food and chemical).

HIGH NICKEL ALLOY

Building materials:
- All sheet metal building applications including but not limited to:
  - Air ducts.
  - Downspouts.
  - Elevator cabs.
  - Flashings.
  - Garbage grinder parts.
  - Gutters.
  - Leaders.
  - Louvers.
  - Roofing.
  - Siding.

Building materials—Continued
- All sheet metal building applications including but not limited to—Continued
  - Sinks.
  - Sink bowls.
  - Skylight framing.
  - Brick anchors.
  - Hanger wire for suspended ceiling construction.
- Ornamental and decorative applications.
- Tie-wire for suspended ceiling construction.

Domestic appliances:
- Element name plates.
- Element pans on electric ranges.
- Oven linings.
- Radiant broilers on gas ranges.
- Range crumb trays.
- Range tops.
- Range vents.
- Refrigerator light shields.
- Refrigerator shelf parts.
- Steam iron casings.
- Washing machine tubs.

Dry cleaning (except for functional uses):
- Condenser tubing.
- Irons.
- Lint traps.
- Pads for dry cleaning presses and tailors' presses.
- Piping, valves and fittings.
- Solvent pressure filters, including filter cloth.
- Spotting boards.
- Sump tanks.
- Truck tubs.
- Utensils.
- Water separators.

Food servicing and kitchen equipment:
- All food service applications including but not limited to:
  - Bar equipment.
  - Beverage tubing.
  - Bottle beverage cabinets.
  - Cafeteria counters.
  - Deep freeze cabinets.
  - Dishwashing machines.
  - Electric food warming cups.
  - Ice cream cabinets.
  - Mobile food trucks.
  - Refrigerated food display cases.
  - Scullery and dishwashing sinks.
  - Soap dispensers.
  - Soda fountains.
  - Steam tables.
  - Water coolers.
  - Work tables.

Hospital equipment:
- Counter tops.
- Furniture.
- Instrument cabinets.
- Instrument tables.
- Kick and push plates.
- Linen cabinets.
- Medicine cabinets.
- Operating tables.
- Paneling and wainscoting, decorative.
- Surgical lights.
- Work tables.

Jewelry:
- Ash trays.
- Badges.
- Cigarette lighters.
- Collar buttons.
- Comb trim.
- Costume jewelry.
- Cuff buttons.
- Emblems.
- Finger nail files.
- Jewelry.
- Key chains.
- Knives (except blades).
- Necklaces.
- Novelties.
- Pill containers.
- Pen and pencil parts.
- Perfume flacons.
- Watch bracelets.
- Watch cases.
- Watch chains.
- Watch crowns.
- Watch inserts (movement holders).
- Watch strap pinions.

Laundry equipment:
- Laundry chutes.
- Net racks.
- Plant truck tubs.
- Rug pole pins.
- Soap storage tanks.
- Sorting tables.
- Starch cookers.
- Ironers, rug cleaning machines, trim on flatwork.
- Utensils.
- Ventilating hoods and fans.
- Washers, for blankets, silks, etc.
- Water storage tanks.

Motor vehicles:
- Antennas.
- Battery cables.
- Hub caps.
- Exhaust gaskets.
- Exhaust manifolds.
- Windshield wiper blades.

Miscellaneous:
- Barbecue grills.
- Bits and spurs.
- Ferrules.
- Outdoor stoves.
- Portable refrigerators.
- Sporting goods, all applications.

NICKEL PLATING

Communications:
- Escutcheon plates.
- Knobs.
- Name plates.
- Radio and television, decorative trim.
- Speaker grills.

Hardware:
- Bells.
- Boat trim and accessories.
- Builders' finishing hardware (except half trim for bathroom and toilet side of door).
- Casket hardware.
- Chimes.
- Curtain hooks.
- Door catches.
- Door knobs.
- Door knockers.
- Drawer pulls.
- Harnesses.
- Hinges.
- Kick plates.
- Leashes.
- Letter boxes.
- Locks.
- Luggage hardware.
- Nails.
- Picture frames
- Picture hangers.
- Push plates.
- Screen door and window hardware exclusive of screen.
- Screws.
- Switch plates.
- Tacks.
- Valve handles with the exception of bathroom and kitchen fixtures.

Household appliances (except parts subject to destructive abrasion and heat and except the strike prior to silver plating or vitreous enameling) including but not limited to:
- Food mixers.
- Heaters.
- Polishers.
- Refrigerators (except shelving and door handles).
- Washing machines.
- Waxers.
- Vacuum cleaners (except runners).

Jewelry—Clocks:
- Alarm clocks.
- Clocks.
- Costume jewelry.
- Lighters.
- Pens and pencils (except functional brass parts).
- Trim and optical glasses (except frames).
- Watches.

Metal furniture and fixtures:
- Commercial furniture, all decorative parts.
- Electrical fixtures.
- Home furniture, all decorative parts.
- Napkin dispensers.
- Store display cases.
- Store fixtures.
- Straw dispensers.

Motor vehicles:
- Accessories.
- Dash panels (including instruments, controls and appearance items mounted in or on dash panels).
- Escutcheon plates.
- Gas caps.
- Gravel guards.
- Grilles.
- Horns.
- Interior trim.
- Lamp housing.
- License frames.
- Name plates.
- Ornamental trim around windows.
- Radiator trim.
- Trim rings.
- Wheel discs.
- Window levers.
- All other parts with the exception of window frames and slide channels, external and internal door handles, the bumpers, bumper guards, bumper bolts, hub caps, and exposed screws where no satisfactory substitutes are possible. The nickel employed for protection of bumper guards and bumpers should not exceed that amount equivalent to an average thickness of .001" on outside surfaces.

Novelties:
- Ash trays.
- Coasters.
- Cocktail shakers and accessories.
- Clothing ornamentation.
- Cosmetic containers.
- Hair curlers.
- Handbag trim.
- Humidors.
- Ornamental buttons.
- Smoking stands.

Plumbing:
- Basin supports.
- Cabinet trim.
- Soap dishes.
- Shower curtain rods and rings.
- Shower doors and trim.
- Tooth brush holders.
- Towel racks.
- Tumbler holders.

Sheet, strip and wire products:
- All decorative parts fabricated from plated sheets, strips or coils.
- Bird cages.
- Clothes hangers.
- Display stands.
- Lamp shades.
- Shopping carts.
- Vending machines.

Tools:
- Drills.
- Flexible metal tapes (except measuring tape).
- Hammers.
- Office machines, and business machines, decorative trim.
- Planes.
- Pliers.
- Power tools (except for functional parts).
- Punches.
- Rules.
- Saws.
- Screw drivers.
- Wrenches.

Toys:
- Bicycles (except handle bars, sprockets, spokes and hubs).
- Mechanical toys.
- Pistols.
- Toys.
- Trains.

Toys—Continued
- Tricycles.
- Wagons.

Utensils (except the strike necessary prior to silver plating or vitreous enameling):
- Flatware.
- Hollow ware.
- Serving dishes.
- Serving utensils.
- Racks.
- Trays.

Miscellaneous:
- Electric fans.
- Gambling equipment.
- Ornamentation on musical instruments.
- Pin ball machines.
- Slot machines.
- Sporting goods.
- Tonsorial equipment (except tools).
- Vending machines.

NICKEL SILVER

All uses except:
- Communications equipment, functional parts.
- Dairy equipment.
- Drafting instruments.
- Electrical equipment, functional parts.
- Engineering instruments.
- Eyelets.
- Flat and hollow ware, not over 15% nickel.
- Fountain pen separate inner caps.
- Hospital equipment.
- Keys, not over 10% nickel.
- Optical goods.
- Orthopedic appliances.
- Pins.
- Slide fasteners.
- Tonsorial tools.
- Watch cases, not over 10% nickel.
- Springs, where required for functional purposes.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment to NPA Order M–14, as amended, shall take effect on February 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–2155; Filed, Feb. 8, 1951; 5:11 p. m.]

[NPA Order M–36]

M–36—GOVERNMENT ORDERS FOR PAPER

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Directives.
5. Release of reserve production.
6. Report of Government orders.
7. Rated orders.
8. Adjustment.
9. Communications.
10. Records.
11. Audit and inspection.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951; 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to paper manufacturers and provides rules for placing, accepting, and scheduling Government orders for paper. Its purpose is to make possible maximum production of paper and reduce to a minimum any disruption of normal distribution by providing for the equitable sharing of Government orders among paper manufacturers. It supplements NPA Reg. 2, but only those provisions of Reg. 2 which are contradictory to this order are superseded, and all other provisions of that order continue to apply to the paper industry.

SEC. 2. *Definitions.* As used in this order:

(a) "Grade" means any kind of paper as listed in Form M–14–A (U. S. Department of Commerce, Bureau of the Census), or any particular type of paper of such a kind even though not specifically mentioned in such form.

(b) "Produce" and "manufacture" mean and include all making and finishing operations necessary to the production of primary paper prior to packing or packaging.

(c) "Schedule" means the completion of all steps ordinarily taken by the manufacturer preliminary to actual manufacture, including acknowledgment to buyer, establishment of detailed specifications, and determination of the time when the order will be manufactured and shipment made.

(d) "Government order" means (1) any DO rated order and (2) any order, whether rated or not, for direct or indirect delivery to any activity on List A except those orders for paper intended for resale at retail, such as supplies for post exchanges, etc.

SEC. 3 *Reserve production.* (a) Each manufacturer shall reserve for the month of February 1951, and for each calendar month thereafter, machine time, material, and supplies sufficient to produce and deliver within such month a total amount of paper to be calculated by applying the percentage specified for each grade in List B to his average monthly production of such grade during the most recent calendar quarter, as originally reported on M–14–A or revised. Each manufacturer shall furnish the NPA with a record of his paper production for the fourth quarter, 1950 and January 1951, on the basis of instructions to be issued by NPA pursuant thereto.

(b) The National Production Authority may from time to time increase or decrease manufacturers' reserve production by changing the percentages in List B or applying the same or different percentages to other types, grades, or combinations of grades. Each such increase or decrease will be effected by notice in writing to each manufacturer or by notice published in the Federal Register at least 10 days prior to the first day of the month to which it applies.

SEC. 4. *Directives.* On or before the tenth day of any month, the National Production Authority may direct any manufacturer to produce during such month any grade of paper which such manufacturer is qualified to produce, in total tonnage not exceeding the amount of his reserve production for such month less the Government orders he has already scheduled for that month. The National Production Authority may direct a manufacturer to sell and deliver such tonnage to fill any Government order or orders that it may designate.

SEC. 5. *Release of reserve production.* If on or before the tenth day of any month a manufacturer has not received from the National Production Authority directives as to the disposition of all production reserved for such month, in excess of the Government orders he has already scheduled for such month, he may apply that production for which no directives have been received as he may desire, subject to the provisions of this order and other orders and regulations of National Production Authority.

SEC. 6. *Report of Government orders.* Each manufacturer shall report at the close of each month on Form M–14–A, as provided therein, such Government orders, including directed tonnage, as are qualified under this order which he has produced in such month and those Government orders, excluding directed tonnage, which he has scheduled for production in the second and third subsequent months. For example, the February 1951 report will show the actual total of Government orders produced in February and the Government orders excluding directed tonnage for April and May production. Having once reported a qualified order as scheduled in a given forward month, the manufacturer shall produce such orders as scheduled and so reported, and shall report the same order as scheduled for a different month only if requested by the buyer to so reschedule.

If in any month a manufacturer's total scheduled Government orders for a subsequent month shall change materially (twenty-five percent of his reserve production or ten tons, whichever is greater) from his previous report, he may file Form NPAF–27 showing his revised schedule of Government orders, excluding directed tonnage.

He shall initially file Form NPAF–27 by February 20, 1951 to show his Government order schedule for the month of March, 1951.

The manufacturer's reserve tonnage position as shown in the monthly Form M–14–A, in the interim reports, NPAF–27, if any, and directives will be taken into consideration by the National Production Authority in issuing such directives as may be found necessary under this order.

SEC. 7. *Rated orders.* (a) No manufacturer shall be required to accept DO rated orders for paper for shipment in any one month in excess of his reserve production for that month less his tonnage of Government orders already scheduled for that month.

(b) Unless specifically directed by the National Production Authority, no manufacturer need accept a DO rated order which is received less than 40 days prior to the first day of the month in which shipment is requested.

SEC. 8. *Adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. Order M–36.

SEC. 10. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 11 *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 12 *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

The reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect on February 8, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

LIST A

1. United States Department of Defense, including all groups and sub-groups.
2. Atomic Energy Commission.
3. United States Coast Guard.
4. National Advisory Committee for Aeronautics.
5. Civil Aeronautics Administration.
6. Tennessee Valley Authority.
7. U. S. Department of Justice, Bureau of Prisons.
8. United States Government Printing Office.
9. United States Bureau of Engraving and Printing.
10. General Services Administration.
11. United States Post Office.
12. Reconstruction Finance Corporation, Office of Rubber Reserve.
13. Producers of products or parts thereof for any of the activities listed above to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered on a contract or purchase order issued by such activity.

LIST B

Grade	M–14–A item numbers	Percent
Newsprint and groundwood papers.	1–5	5
Printing and converting papers, (paper-machine coated, book and fine papers.	6–21	10
Coarse papers (unbleached kraft grades only).	25, 28, 30, 32.	10
Coarse papers (other than unbleached kraft grades).	23, 26, 29, 33.	5
Special industrial papers	34	5
Sanitary papers	35	5
Crepe wadding for packing	36	10
Tissue papers (other than crepe wadding for packing).	3	5
Absorbent papers	37	5

[F. R. Doc. 51–2154; Filed, Feb. 8, 1951; 5:11 p. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[Order 2605, Amdt. 1]

ORDER 2605—DEFENSE ADMINISTRATIONS FOR MINERALS, POWER, SOLID FUELS, AND FISHERIES

FEBRUARY 5, 1951.

The name of the Defense Power Administration is changed to Defense Electric Power Administration and the words "Defense Electric Power Administration" are substituted for the words "Defense Power Administration" wherever the latter words appear in Order No. 2605 (15 F. R. 8718).

(Sec. 902, E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51–2116; Filed, Feb. 8, 1951; 8:04 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951:

The Commission having under consideration the report of management survey of safety and special radio services activities in which transfer of the work of grading amateur operator examination papers and issue of certain amateur radio operator licenses to the various field offices of the Commission was recommended;

The Commission also having under consideration the several amendments of Part 12, "Amateur Radio Service," adopted pursuant to formal rule-making proceedings in Docket No. 9295, which provide six classes of amateur radio operator licenses;

It appearing, that that part of § 12.22 which now provides for grading of amateur operator examination papers and issue of amateur operator licenses by the Washington, D. C., office of the Commission should be amended to reflect the procedural change adopted by the Commission following the mentioned management survey of the safety and special radio services activities;

It further appearing, that because §§ 12.28, 12.45, 12.48, and 12.49 of Part 12 now relate to Classes A, B, and C amateur operator licenses, whereas the amendments covered by Docket No. 9295, effective March 1, 1951, eliminate these classes of licenses and create instead six other classes of amateur operator licenses, these sections should be amended in conformity with the amendments provided by formal rule-making proceedings in Docket No. 9295;

It further appearing, that, since the amendment of § 12.22 herein ordered relates to agency organization and procedure, and the amendment of §§ 12.28, 12.45, 12.48, and 12.49 are editorial changes required by new rules adopted pursuant to formal rule-making procedures in Docket No. 9295, and that the said amendments impose no new requirement nor change any existing requirement, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is not required;

It further appearing, that authority for the amendments herein ordered is contained in sections 4 (i), and 303 (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective March 1, 1951, §§ 12.22, 12.28, 12.45, 12.48, and 12.49 of Part 12, "Amateur Radio Service" be and they hereby are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

Whenever the holder of a Conditional Class amateur operator license changes his actual residence or station location to a location where he would not have been eligible to apply for a Conditional Class license in the first instance, or whenever a new examining location is established in an area within which the holder of a Conditional Class amateur operator license would not have been eligible because of such examination location, to

apply for a Conditional Class license, such holder of Conditional Class license shall appear within 4 months thereafter at an examining location and time designated by the Commission and be examined for a General Class license. If, under such circumstances, the licensee fails to appear for the General Class examination, or fails to pass such examination, the Conditional Class license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

§ 12.48 *Grading.* Code tests are graded as "passed" or "failed," separately for sending and receiving tests. Failure to pass the required code test for either sending or receiving will terminate the examination.

Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than elements 4 (A) and 4 (B), required in qualifying for a particular license will be considered a single examination, and elements 4 (A) and 4 (B), will be considered as separate examinations.

§ 12.49 *Eligibility for re-examination.* An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for a General Class license following an examination for a Conditional Class license.

[F. R. Doc. 51-2078; Filed, Feb. 9, 1951; 8:52 a. m.]

[Docket No. 7858]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

WELDING DEVICES USING RADIO FREQUENCY ENERGY

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of January 1951;

The Commission having under consideration petitions filed by the Joint Industry Committee on High Frequency Stabilized Arc Welders and the Union Carbide and Carbon Corporation, primarily requesting the suspension of the January 31, 1951 effective date of Part 18 of the Commission's rules insofar as such rules affect welding equipment using radio frequency energy, and secondarily proposing certain new rules and allocation of additional frequencies and requesting the initiation of new rule-making proceedings and certain other relief; and

It appearing, that the effective date of Part 18 of the rules relating to radio frequency operated welding equipment has heretofore been suspended by Commission order until January 31, 1951 pending study and development of apparatus capable of conforming to the requirements of the rules; and

It further appearing, that additional time is necessary for the development, testing and evaluation of equipment capable of compliance with the technical standards of the rules in question; and

It further appearing, that further investigation and study of this matter would be in the public interest; and

It further appearing, that extensive research attempting to bring the welding equipment in question into compliance with the provisions of Part 18 of the rules has been undertaken by the petitioners and those whom they represent but has not yet proved wholly successful, and that full technical engineering data relative to the problem are not yet available; and

It further appearing, that the petitioners and those whom they represent have assured the Commission of their continued purpose to pursue their program of research and development in this field; and

It further appearing, that the contemplated program of continued research and development may result in the solution of the engineering problems involved and in the disclosure of other valuable information; and

It further appearing, that welding equipment using radio frequency energy has certain relative strategic importance in welding processes utilized for material manufactured and developed for the national defense; and

It further appearing, that suspension of the January 31, 1951, effective date of Part 18 of the Commission's rules as concerns welding equipment using radio frequency energy is warranted to the extent indicated in the amendment of Part 18 hereinafter ordered; that because the previously fixed effective date of Part 18 for welding devices has already arrived, the notice and public procedure provided for by section 4 (a) of the Administrative Procedure Act are impracticable; that because the amendment grants an exemption, the notice and service requirements of section 4 (c) of the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the amendment herein ordered is contained in sections 4 (i), 301, 303 (f) and (r) of the Communications Act of 1934, as amended:

It is ordered, That, effective January 31, 1951, the footnote to § 18.1 (a) be and the same is hereby amended as follows:

[1] The effective date of Part 18, with respect to electric welding devices using radio frequency energy, is suspended from January 31, 1951 until July 31, 1951: *Provided, however,* That from and after January 31, 1951, the operation of such devices shall be subject to the condition that if such operation causes interference to any authorized radio service, steps to remedy such interference conditions shall be taken promptly by the person responsible for the operation of the electric welding devices involved: *Provided further, however,* That in any case where a proper showing is made to the Commission that the welding devices involved in fact meet the conditions set forth in Part 18 for type approval or certification of such devices by the Commission and are being operated in a manner that in fact complies with the provisions set forth in Part 18 as applicable to such devices, the person responsible for the operation of such devices may have the benefit of the provisions of footnote 5 to § 18.32 as set forth in Part 18 notwithstanding the fact that such footnote, as part of Part 18, shall not be in effect generally with respect to such welding devices prior to July 31, 1951.

It is further ordered, That insofar as the mentioned petitions request relief other than the suspension of the effective date of Part 18 of the rules, action on such petitions be and the same is hereby deferred pending further study by the Commission of the various proposals submitted in such petitions and of the further related problems involved.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303; 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2079; Filed, Feb. 9, 1951; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[SO 858, Amdt. 3]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of February A. D. 1951.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434), and good cause appearing therefor: *It is ordered,* That:

Section 95.858, Service Order No. 858, *Lumber; restrictions on reconsigning,* be, and it is hereby suspended until 7:00 a. m., February 20, 1951.

It is further ordered, That this order shall become effective at 12:01 p. m., February 5, 1951; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2069; Filed, Feb. 9, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED SWEETPOTATOES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Canned Sweetpotatoes (7 CFR 52.662) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.662 *Canned sweetpotatoes.* "Canned sweetpotatoes" means canned sweetpotatoes as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Colors of canned sweetpotatoes.* (1) Yellow.

(2) Golden.

(b) *Styles of canned sweetpotatoes.* (1) "Whole" or "whole sweetpotatoes" means canned sweetpotatoes that retain the approximate original conformation of the prepared sweetpotatoes.

(2) "Pieces" or "pieces of sweetpotatoes" means canned sweetpotatoes that consist of cut units (including, but not being limited to, sweetpotatoes that are halved longitudinally) or broken units.

(3) "Mashed" or "mashed sweetpotatoes" means canned sweetpotatoes that are wholly comminuted or crushed.

(4) Any combination of two or more of the following styles constitutes a style: Whole, Pieces, or Mashed.

(c) *Types of packs of canned sweetpotatoes.* In addition to styles, canned sweetpotatoes are usually processed as any one of the following types of packs:

(1) In a liquid packing medium.

(2) "Vacuum-pack (without packing media)."

(3) "Solid-pack" or "Dry-pack."

(d) *Grades of canned sweetpotatoes.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweetpotatoes that possess a good color; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that are of such quality with respect to shape and size or consistency as to score not less than 85 points when scored in accordance with the scoring system outlined herein.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweetpotatoes that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that are of such quality with respect to shape and size or consistency as to score not less than 70 points when scored in accordance with the scoring system outlined herein.

(3) "U. S. Grade D" or "Substandard" is the quality of canned sweetpotatoes that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned sweetpotatoes have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following for canned sweetpotatoes in a liquid packing medium:

Designation	*Brix measurement*
Heavy sirup	25° or more, but not more than 35°.
Light sirup	20° or more, but less than 25°.
Water	Packed in water.

(f) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with sweetpotatoes and that the product and packing medium, if any, occupy not less than 90 percent of the volume of the container.

(g) *Recommended minimum drained weight.* (1) The minimum drained weight recommendations in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The drained weight recommendations in Table I of this section are not applicable to canned sweetpotatoes packed as "Vacuum-pack (without packing media)" or as "Solid-pack" or "Dry-pack."

(3) The drained weight of canned sweetpotatoes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the sweetpotatoes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS OF SWEETPOTATOES IN A LIQUID PACKING MEDIUM

Container size or designation:	*Drained weight (ounces)*
No. 2	14
No. 2½	19
No. 3 vacuum or squat (404 x 307)	15
No. 10	72

(h) *Ascertaining the grade.* (1) The grade of canned sweetpotatoes may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, shape and size or consistency, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Shape and size or consistency	20
(iii) Absence of defects	40
(iv) Character	20
Total score	100

(2) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned sweetpotatoes that possess a good color may be given a score of 17 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden) and that there may be reasonable variations of such characteristic color in the units, in each unit, or in the mass.

(ii) If the canned sweetpotatoes possess a fairly good color, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be variable in the units, in each unit, or in the mass and that the color may be slightly dull but not off-color.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Shape and size or consistency.* (i) Whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "Vacuum-pack (without packing media)" that are practically uniform in size and shape may be given a score of 17 to 20 points; and canned sweetpotatoes packed as "Solid-pack" or "Dry-pack" that possess a good consistency may be given a score of 17 to 20 points. "Practically uniform in shape and size" and "good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and Pieces (whether packed singly or in combination) in a liquid packing medium or "Vacuum-pack (without packing media)."* "Practically uniform in shape and size" means that the units of a single style may vary moderately in shape and that the weight of the largest unit, irrespective of style, is not more than three times the weight of the second smallest unit, irrespective of style.

(*b*) *Whole, Pieces, and Mashed (whether packed singly or in combination) packed as "Solid-pack" or "Dry-pack."* "Good consistency" means that the sweetpotatoes possess a stiff consistency which may show a slight separation of free liquid.

(ii) If Whole and Pieces (whether packed singly or in combination) packed in a liquid packing medium or as "Vacuum-pack (without packing media)" are fairly uniform in shape and size, a score of 14 to 16 points may be given; or if the canned sweetpotatoes packed as "Solid-pack" or "Dry-pack" possess a fairly good consistency, a score of 14 to 16 points may be given. "Fairly uniform in shape and size" and "Fairly good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and Pieces (whether packed singly or in combination) in a liquid packing medium or "Vacuum-pack (without packing media)."* "Fairly uniform in shape and size" means that the units of a single style may vary considerably in shape and that the weight of the largest unit, irrespective of style, is not more than four times the weight of the second smallest unit, irrespective of style.

(*b*) *Whole, Pieces, and Mashed (Whether packed singly or in combination) packed as "Solid-pack" or "Dry-pack."* "Fairly good consistency" means that the sweetpotatoes possess a thick consistency but may not be free flowing.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or from other similar defects.

(i) Canned sweetpotatoes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains not more than a slight amount of particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other similar defects which do not affect materially the appearance or the edibility of the product.

(ii) If the canned sweetpotatoes are fairly free from defects, a score of 28 to 33 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other similar defects may be definitely noticeable but are not so prominent as to affect seriously the appearance or the edibility of the product.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the texture and condition of the flesh, the degree of freedom from tough or coarse fibers, the tenderness of the canned sweetpotatoes, and the tendency of sweetpotatoes packed in a liquid packing medium or as "Vacuum-pack (without packing media)" to retain their apparent original conformation and size without disintegration.

(i) Canned sweetpotatoes that possess a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and Pieces (whether packed singly or in combination) in a liquid packing medium or "Vacuum-pack (without packing media)."* "Good character" means that the units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm but hold their apparent original conformation and size without material disintegration.

(*b*) *Whole, Pieces, and Mashed packed as "Solid-pack" or, "Dry-pack."* "Good character" means that any units present possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm and that any mashed sweetpotatoes present possess a uniformly smooth texture, practically free from tough or coarse fibers.

(*c*) *Mashed.* "Good character" means that the mass possesses a uniformly smooth texture and is free from tough or coarse fibers.

(ii) If the canned sweetpotatoes possess a fairly good character, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(*a*) *Whole and Pieces (whether packed singly or in combination) in a liquid packing medium or "Vacuum-pack (without packing media)."* "Fairly good character" means that the units possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, may be very soft to very firm, and may possess slight or partial disintegration of the units.

(*b*) *Whole, Pieces, and Mashed packed as "Solid-pack" or "Dry-pack."* "Fairly good character" means that any units present possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, and may be very soft to very firm and that any mashed sweetpotatoes present possess a fairly uniform texture, may be coarse but are practically free from lumps, and may possess a few tough or coarse fibers.

(*c*) *Mashed.* "Fairly good character" means that the mass possesses a fairly uniform texture, may be coarse but is free from lumps, and that not more than a few tough or coarse fibers may be present.

(iii) Canned sweetpotatoes that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned sweetpotatoes, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned sweetpotatoes.*

Size and kind of container		.....
Container mark or identification		.....
Label		.....
Net weight (ounces)		.....
Vacuum (inches)		.....
If in a liquid packing medium:		
Drained weight (ounces)		.....
Brix measurement		.....
Syrup designation (heavy, light, etc.)		.....
Color		.....
Style and type of pack		.....
Count (whole)		.....
Factors	**Score points**	
I. Color	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
II. Shape and size or consistency	20	(A) 17–20 (C) 14–16 (D) [1] 0–13
III. Absence of defects	40	(A) 34–40 (C) [1] 28–33 (D) [1] 0–27
IV. Character	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
Total score	100	
Flavor and odor		.....
Grade		.....

[1] Indicates limiting rule.

Issued at Washington, D. C., this 6th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2100; Filed, Feb. 9, 1951; 8:57 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

PUBLICITY OF INFORMATION TO BE REQUIRED FROM CERTAIN TAX-EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (63 Stat. 32; 26 U. S. C. 62) and section 341 of the Revenue Act of 1950 (Public Law 814, 81st Congress).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

No. 29—Part I——4

[Regulations 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

Regulations 111 amended to conform to section 153, Internal Revenue Code, as added by section 341 of the Revenue Act of 1950, relating to information from certain tax-exempt organizations and certain trusts to be made available to the public.

In order to conform Regulations 111 (26 CFR Part 29) to the amendments made by section 341 of the Revenue Act of 1950 (Public Law 814, 81st Congress), approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted after section 151 of the Internal Revenue Code as set forth immediately after § 29.150–1 the following:

SEC. 341. INFORMATION TO BE MADE AVAILABLE TO THE PUBLIC (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Information with respect to certain charitable, etc., exemptions and deductions.* Supplement D of chapter 1 (relating to returns and payment of tax) is hereby amended by adding at the end thereof the following new section:

SEC. 153. INFORMATION REQUIRED FROM CERTAIN TAX-EXEMPT ORGANIZATIONS AND CERTAIN TRUSTS.

(a) *Certain tax-exempt organizations.* Every organization described in section 101 (6) which is subject to the requirements of section 54 (f) shall furnish annually information, at such time and in such manner as the Secretary may by regulations prescribe, setting forth—

(1) Its gross income for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements out of income within the year for the purposes for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt, and

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year.

(b) *Trusts claiming charitable, etc., deductions under section 162* (a). Every trust claiming a charitable, etc., deduction under section 162 (a) for the taxable year shall furnish information with respect to such taxable year, at such time and in such manner as the Secretary may by regulations prescribe, setting forth—

(1) the amount of the charitable, etc., deduction taken under section 162 (a) within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, etc., purposes during such year),

(2) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 162 (a) have been taken in prior years.

(3) The amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

(4) The amount paid out of principal in the current and prior years for charitable, etc., purposes,

(5) The total income of the trust within such year and the expenses attributable thereto, and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

(c) Information available to the public. The information required to be furnished by subsections (a) and (b), together with the names and addresses of such organizations and trusts, shall be made available to the public at such times and in such places as the Secretary may prescribe.

(d) *Penalties.* In the case of a willful failure to furnish the information required under this section, the penalties provided in section 145 (a) shall be applicable.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1949.

§ 29.153–1 *Information required from certain tax-exempt organizations.* (a) For accounting periods beginning after December 31, 1949, every organization described in section 101 (6), except organizations specifically exempt from filing annual returns under section 54 (f) (see § 29.101–2 (h)), shall file a return of information on Form 990–A. The return shall be on the basis of the established annual accounting period of the organization. Where the organization has no established annual accounting period, the return shall be made on the basis of the calendar year. The return shall be filed on or before the 15th day of the fifth full calendar month following the close of the period for which the return is required to be filed, and it shall be filed with the collector for the district in which is located the principal place of business or principal office of the organization.

(b) Pages 3 and 4 of the return shall set forth the name and address of the organization, and the following information concerning the organization in such detail as may be prescribed by the Commissioner in the instructions on the form or issued by him therewith:

(1) Its gross income for the year in sufficient detail to show the different categories of income,

(2) Its expenses attributable to such income and incurred within the year, in sufficient detail to show the different categories of expense,

(3) Its disbursements made within the year out of current or accumulated income for the purpose for which it is exempt, separately listing the total amount of disbursements for each classification of the exempt purposes of the organization,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulation of income at the beginning of the year,

(6) (i) Its disbursements made out of principal during the current year for the purpose for which it is exempt, separately listing the total amount of disbursements for each classification of the exempt purposes of the organization,

(ii) Its disbursements made out of principal during prior years for the purpose for which it is exempt,

(7) The total of its administrative and operating expenses disbursed out of both principal and income,

(8) A balance sheet showing its assets, liabilities, and net worth as of the beginning of the year.

§ 29.153–2 *Information required of trusts claiming charitable or other deductions under section 162 (a).* For taxable years beginning after December 31, 1949, every trust claiming a charitable or other deduction under section 162 (a) shall file, with respect to the taxable year for which such deduction is claimed, a return of information on Form 1041–A. The return shall be filed on or before the 15th day of the fourth month following the close of the taxable year of the trust with the collector for the district in which the fiduciary resides or has his principal place of business. The return shall set forth the name and address of the trust and the following information concerning the trust in such detail as may be prescribed by the Commissioner in the instructions on the form or issued by him therewith:

(1) The amount of the charitable or other deduction taken under section 162 (a) for the taxable year, showing separately the amounts which, during such year, were paid out or which were permanently set aside for charitable or other purposes under section 162 (a),

(2) The amount paid out during the taxable year which represents amounts permanently set aside in prior years for which charitable or other deductions have been taken under section 162 (a),

(3) The amount for which charitable or other deductions have been taken in prior years under section 162 (a) and which had not been paid out at the beginning of the taxable year,

(4) (i) The amount paid out of principal in the taxable year for charitable, etc., purposes,

(ii) The total amount paid out of principal in prior years for charitable, etc., purposes,

(5) The gross income of the trust for the taxable year and the expenses attributable thereto, in sufficient detail to show the different categories of income and of expense, and

(6) A balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of the taxable year.

§ 29.153–3 *Publicity of returns.* The information furnished on pages 3 and 4 of Form 990–A and the information furnished on Form 1041–A shall be a matter of public record, and shall be open to public inspection, during regular hours of business, in the office of the collector for the district in which the forms are filed. The Commissioner may use such information for the purpose of making and publishing statistical or other studies.

§ 29.153–4 *Penalties.* In the case of a willful failure to furnish the information required under section 153 and §§ 29.153–1 and 29.153–2, the penalties provided in section 145 (a) shall be applicable.

PAR. 2. Section 29.54–1, as amended by Treasury Decision 5381, approved June 26, 1944, is further amended by striking out in the last sentence thereof "and 29.101–2." and inserting in lieu thereof ", 29.101–2, and 29.153–1.".

PAR. 3. Section 29.101–2, as added by Treasury Decision 5381, is amended by striking therefrom wherever it appears the expression "(Revised May 1944)".

PAR. 4. Section 29.101–2 (e), as added by Treasury Decision 5381, is amended as follows:

(A) By inserting in the first sentence thereof after "December 31, 1942," the following: "and before January 1, 1950,".

(B) By inserting immediately after the first sentence thereof the following: "For accounting periods beginning after December 31, 1949, the same requirements are applicable with respect to all of the above-mentioned organizations, except that those organizations which are exempt from tax under section 101 (6) shall, in lieu of using Form 990, file an information return on Form 990–A to comply with the requirements of this section and of § 29.153–1."

(C) By adding in the last sentence thereof after "Form 990" the following: "or Form 990–A".

PAR. 5. Section 29.101–2 (f), as added by Treasury Decision 5381, is amended as follows:

(A) By adding in the first sentence after "Form 990" the following: "or Form 990–A as may be appropriate (see paragraph (e) of this section)".

(B) By inserting in each of the last two sentences thereof after "Form 990" the following: "or Form 990–A".

PAR. 6. Section 29.101–2 (g), as added by Treasury Decision 5381, is amended by inserting after "Form 990" the following: "(Form 990–A where applicable for periods after 1949)".

PAR. 7. Section 29.101–2 (h), as added by Treasury Decision 5381, is amended by inserting in the first sentence after "Form 990" the following: "and Form 990–A".

PAR. 8. Section 29.101–2 (i), as added by Treasury Decision 5381, is amended by inserting after "Form 990" the following: "or Form 990–A".

PAR. 9. Section 29.101–2 (j), as added by Treasury Decision 5381, is amended by inserting in the first sentence after "Form 990" the following: "or Form 990–A".

PAR. 10. Section 29.162–1 (a) is amended by adding at the end thereof the following: "See § 29.153–2 relating to the annual information return that must be filed by every trust claiming a charitable, etc., deduction under section 162 (a) for the taxable year."

[F. R. Doc. 51–2133; Filed, Feb. 9, 1951; 9:07 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 36

FEBRUARY 2, 1951.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (b) (3); 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3); 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the following described lands in the Anchorage, Alaska, land district embracing 37.5 acres and comprising approximately 47 small tracts are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, for homesites:

SEWARD MERIDIAN

T. 12 N., R. 4 W.,
Sec. 2: S½SW¼SE¼NE¼, NW¼SW¼SE¼NE¼, W½NE¼SE¼, W½E½NE¼SE¼.

The land above described is included in the second homestead entry application of Lewis J. Marek, Anchorage 013029.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the second homestead entry application Anchorage 013029 mentioned above. In the event of the failure of said entry, the land will then become available for filings under the Small Tract Act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279) and other qualified persons entitled to credit for service under the said act.

A. J. LACOVEY,
Acting Regional Administrator.

[F. R. Doc. 51–2061; Filed, Feb. 9, 1951; 8:46 a. m.]

NEVADA

CLASSIFICATION ORDER

JANUARY 26, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 200 acres,

NEVADA SMALL TRACT CLASSIFICATION NO. 65

For lease and sale for homesites only:

T. 21 S., R. 59 E., M. D. M.,
Sec. 6, Lot 3, SE¼NW¼, NE¼SW¼, W½SE¼.

Leases will not be issued for lands in Lot 3 until a plat of survey has been filed dividing the lot into tracts.

The lands are situated in Clark County, Nevada, about 10 miles west of the City of Las Vegas. They can be reached over a country road, which at present is rough but may be developed into a paved highway. The general area around Las Vegas is one that is considered ideal for health and recreational purposes and a demand exists for homesites. All community services are available in the City of Las Vegas.

2. As to applications regularly filed prior to 9:00 a. m., November 24, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 30, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 30, 1951, to close of business on June 28, 1951.

(b) Advance period for veterans' simultaneous filings from 9:00 a. m., November 24, 1948, to 10:00 a. m., March 30, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 29, 1951.

(a) Advance period for simultaneous non-preference filings from 9:00 a. m., November 24, 1948, to 10:00 a. m., June 29, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 51–2062; Filed, Feb. 9, 1951; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DESIGNATION OF CLAIMANT AGENCIES TO PRESENT REQUIREMENTS WITH RESPECT TO FOOD

In accordance with the description of claimant responsibilities set forth in section 103 of Executive Order No. 10161, and pursuant to the authority contained in section 103 (B) of the order, the following officers and agencies of the Government are hereby designated as claimant agencies before the Secretary of Agriculture with respect to food as defined in section 901 (H) of the order:

1. The Secretary of Defense with respect to the food requirements of the Armed Services, civilian relief food requirements for occupied areas administered by the Department of Defense, and other military food needs of the Department of Defense.

2. The Secretary of Commerce with respect to domestic uses of food for manufacturing non-food commodities or products.

3. The Administrator of the Economic Cooperation Administration with respect to non-military food requirements for those foreign countries in which the Economic Cooperation Administration has a program.

4. The Administrator of the Production and Marketing Administration with respect to non-military food requirements for those foreign countries in which the Economic Cooperation Administration does not have a program.

5. The Administrator of the Production and Marketing Administration with respect to domestic food requirements for United States civilians.

6. The Secretary of the Interior with respect to food requirements for civilians in the territories and possessions of the United States and in the Trust Territory of the Pacific.

(Pub. Law 774, 81st Cong., 2d Sess.; E. O. 10161, 15 F. R. 6105; E. O. 10200, 16 F. R. 61)

Done at Washington, D. C., this 6th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2076; Filed, Feb. 9, 1951; 8:51 a. m.]

POST OFFICE DEPARTMENT

[Order 45277]

TEMPORARY MAIL SERVICE RESTRICTIONS; DISCONTINUED

On February 9, 1951, under authority of R. S. 161, 396, 3974, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 492, Order No. 45277, reading as follows, was issued by the Postmaster General:

The temporary mail service restrictions made necessary by disruption of train service are discontinued.

Effective immediately all post offices will resume normal mail service.

The foregoing supersedes Order No. 45233 of the Postmaster General, dated February 1, 1951, and Order No. 45254 of the Postmaster General, dated February 3, 1951 (16 F. R. 1091), and Order No. 45275 of the Postmaster General, dated February 7, 1951 (16 F. R. 1250).

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51–2183; Filed, Feb. 9, 1951; 12:02 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1541]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1951.

On November 29, 1950, Southern Natural Gas Company (Applicant), a Delaware Corporation with its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of

the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 23, 1950 (15 F. R. 9256–57).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 26, 1951, at 9:30 o'clock a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2070; Filed, Feb. 9, 1951; 8:49 a. m.]

[Docket No. G-1561]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1951.

On December 15, 1950, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 28, 1950 (15 F. R. 9361).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 27, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2071; Filed, Feb. 9, 1951; 8:49 a. m.]

[Docket No. G-1563]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1951.

On December 18, 1950, Cities Service Gas Company (Applicant), a Delaware corporation having its principal office in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and subject to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 4, 1951 (16 F. R. 101).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 23, 1951, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2072; Filed, Feb. 9, 1951; 8:50 a. m.]

[Docket No. G-1601]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

FEBRUARY 6, 1951.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation, address, New York City, New York, filed on February 1, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the acquisition, construction and operation of certain natural-gas transmission pipeline and underground natural-gas storage facilities hereinafter described.

Applicant proposes to acquire certain production properties in Armstrong and Indiana Counties, in Pennsylvania, from The Peoples Natural Gas Company, an affiliate, and to develop and operate such properties for the storage of natural gas by drilling new wells, re-working active wells, reconditioning abandoned wells, replugging abandoned wells, and constructing approximately 6.75 miles of 20-inch, 12-inch and 10-inch trunk gathering lines of various size pipe, 10.5 miles of 8-inch and 6-inch well lines, 62 individual well measuring stations, one compressor station and appurtenant facilities and necessary structures and equipment for storage of 7,500,000 Mcf of cushion gas and 5,500,000 Mcf of circulating gas, and also 77 miles of 20-inch transmission pipeline extending from the proposed storage area to a point of connection with the facilities of an affiliate, The East Ohio Gas Company at the Ohio-Pennsylvania State Line, with certain connections along said pipe line with the facilities of The Peoples Natural Gas Company. Applicant proposes to sell all gas taken from the proposed storage pool to The Peoples Natural Gas Company and The East Ohio Gas Company.

The estimated cost of the facilities proposed to be constructed and acquired by Applicant is $8,969,100. The proposed financing will be through the issuance and sale of securities by Applicant to its parent, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2058; Filed, Feb. 9, 1951; 8:45 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER ALLOWING RATE SCHEDULES TO TAKE EFFECT AND INSTITUTING INVESTIGATION

FEBRUARY 6, 1951.

Northern Natural Gas Company (Northern) filed on January 11, 1951, in Docket No. G-1607, Second Revised Sheets Nos. 6, 7, 27, 28, 29, 30, 31, 32, 33, 34 and 35, and First Revised Sheet No. 35a to its FPC Gas Tariff First Revised Volume No. 2 to supersede like numbered First Revised Sheets 6, 7, 27 through 35 and Original Sheets Nos. 35a and 35b. These sheets were first submitted in December 1950 and rejected for failure to comply with the Commission's regulations under the Natural Gas Act applicable to rate schedules and tariffs.

The above-mentioned First Revised Sheets Nos. 6, 7, 27 to 35, inclusive, which were filed on March 27, 1950, together with additional sheets filed on that date, were suspended within the purview of and in accordance with section 4 (e) of the Natural Gas Act until September 27, 1950, by the Commission's order entered April 26, 1950, in Docket No. G-1382. Hearings are now in progress concerning the lawfulness of the said First Revised Sheets which are now effective under bond as required by the Commission's order entered on October 3, 1950, pending a final determination by the Commission.

On October 27, 1950, Northern filed other proposed changes in its FPC Gas Tariff, First Revised Volume No. 2, which were suspended in Docket No. G-1533 and said docket was consolidated for hearing with Docket No. G-1382, set to resume on February 19, 1951, by Commission order entered on November 10, 1950.

The proposed changes as set forth in the filing of January 11, 1951, relate to the rates, charges, and classification to be demanded, observed, charged and collected by Northern in connection with the delivery of natural gas to its customers in excess of Contract Demand and are to effect changes in rules, regulations and practices affecting Northern's rates, charges, classifications and services.

The rates, charges, classifications, services, rules, regulations and practices as set forth in the aforesaid filing of January 11, 1951, may be unjust, unreasonable, unduly discriminatory and preferential.

The Commission finds:

(1) The aforesaid filing of January 11, 1951, should be allowed to take effect as of the date of this order.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission on its own motion enter upon a hearing pursuant to the authority contained in sections 4 and 5 of the Natural Gas Act concerning the lawfulness of Northern's proposed rates, charges, classifications and services, and the proposed rules, regulations, and practices affecting Northern's rates, charges, classifications, and services as set forth in the aforesaid filing of January 11, 1951.

(3) Docket No. G-1607 should be consolidated for hearing with the now pending Docket Nos. G-1382 and G-1533.

The Commission orders:

(A) The aforesaid tariff sheets filed on January 11, 1951, be and they hereby are allowed to take effect as of the date of this order.

(B) A public hearing be held commencing on February 19, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., to determine whether any rate, charge, classification, or service to be demanded, observed, charged, and collected, and any rule, regulation, or practice affecting rates, charges, classifications, or services under Northern's aforesaid filing of January 11, 1951, Docket No. G-1607, for and in connection with the transportation and sale of natural gas subject to the jurisdiction of the Commission, is unjust, unreasonable, unduly discriminatory, or preferential.

(C) If, after hearing, the Commission shall find that any rate, charge, classification, service, rule, regulation, or practice referred to in the above paragraph (A) is unjust, unreasonable, unduly discriminatory, or preferential, it will determine and fix by appropriate order or orders, just, reasonable, non-discriminatory and non-preferential rates, charges, classifications, services, rules, regulations, and practices to be thereafter observed and enforced.

(D) Docket No. G-1607 be and it hereby is consolidated for hearing with the proceedings in Docket Nos. G-1382 and G-1533 now set to reconvene on February 19, 1951, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and the evidence heretofore adduced in the hearings in said dockets be and the same is hereby made a part of this consolidated hearing.

(E) The interveners in Docket Nos. G-1382 and G-1533 be and the same are hereby permitted to become interveners in Docket No. G-1607 and their rights in the proceedings in Docket No. G-1607 shall be the same but not greater than their rights in the proceedings in Docket No. G-1382.

Date of issuance: February 6, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2074; Filed, Feb. 9, 1951; 8:50 a. m.]

[Docket No. G-1572]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1951.

On December 27, 1950, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1951 (16 F. R. 290).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 23, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2073; Filed, Feb. 9, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 43, Corr.]

CENTRAL OF GEORGIA RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Homer C. King, Agent, the Central of Georgia Railway Company, because of landslides, is unable to transport traffic routed over its line between Columbus, Ga., and Birmingham, Ala. *It is ordered*, That:

(a) Rerouting CGA traffic: The Central of Georgia Railway Company is hereby authorized and directed to reroute or divert traffic moving on its lines over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concur-

rence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., February 2, 1951.

(g) Expiration date: This order shall expire at 11:59 p. m., February 28, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., February 1, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-2063; Filed, Feb. 9, 1951; 8:47 a. m.]

[4th Sec. Application 25821]

PEANUTS AND PECANS FROM SOUTH TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 887.

Commodities involved: Peanuts and pecans, carloads.

From: Points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee.

To: Points in trunk-line and New England territories, over rail-water and rail-water-rail routes.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 887, Supp. 106.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2067; Filed, Feb. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25822]

IRON AND STEEL ARTICLES FROM SOUTHERN PORTS TO KNOXVILLE, TENN.

APPLICATION FOR RELIEF

FEBRUARY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaningerer's tariff I. C. C. No. 1166.

Commodities involved: Iron and steel plates or sheets, carloads.

From: Gulf, south Atlantic, Virginia and south Florida ports.

To: Knoxville, Tenn.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2068; Filed, Feb. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25823]

LIME FROM SOUTHERN POINTS TO WAKULLA, FLA.

APPLICATON FOR RELIEF

FEBRUARY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 861.

Commodities involved: Lime, in bulk or in packages, carloads.

From: Points in Alabama, Georgia, Kentucky, Tennessee and Virginia, and Ohio River crossings.

To: Wakulla, Fla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 861, Supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2066; Filed, Feb. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25824]

CEMENT FROM PENNSYLVANIA TO THE SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3856.

Commodities involved: Cement, viz; hydraulic, masonry, mortar, natural or portland, straight or mixed carloads.

From: Northampton (Navarro) and York, Pa.

To: Points in Arkansas, Missouri, Oklahoma and Texas.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3856, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2065; Filed, Feb. 9, 1951; 8:48 a. m.]

[4th Sec. Application 25825]

MOTOR-RAIL RATES; NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO., AND PLYMOUTH ROCK TRANSPORTATION CORP.

APPLICATION FOR RELIEF

FEBRUARY 7, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Plymouth Rock Transportation Corporation.

Commodities involved: All commodities.

Between: Boston, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2064; Filed, Feb. 9, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

CHARLES J. WERNER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of February 1951.

In the matter of Charles J. Werner, 44 Whitehall Street, New York, New York.

I. The Commission's public official files disclose that Charles J. Werner, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 7th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before February 28, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 7, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2060; Filed, Feb. 9, 1951; 8:46 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17199]

HEINRICH GEORG EMERICH

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Georg Emerich, deceased. F-28-31167.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Georg Emerich, deceased, who there is reasonable cause to believe are residents of Germany, are

nationals of a designated enemy country (Germany);

2. That the property described as follows: Fifty (50) shares of 6 percent preferred stock of The North American Company, 60 Broadway, New York 4, New York, registered in the name of Heinrich Georg Emerich, together with all declared and unpaid dividends thereon, and all redemption rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Georg Emerich, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2051; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 16658]

CHEMISCH-PHARMAZEUTISCHE A. G. BAD HOMBURG ET AL.

In re: Interests of Chemisch-Pharmazeutische A. G. Bad Homburg, Frankfurt a/Main and of Chemosan Union A. G., Vienna under agreements with Alba Pharmaceutical Company, Inc., New York, New York.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chemisch-Pharmazeutische A. G. Bad Homburg is a corporation organized under the laws of and having its principal place of business at Frankfurt a/Main, Germany and is a national of a designated enemy country (Germany);

2. That I. G. Farbenindustrie A. G. is a corporation organized under the laws of and having its principal place of business at Frankfurt a/Main, Germany and is a national of a designated enemy country (Germany);

3. That Chemosan Union A. G., a corporation organized under the laws of and having its principal place of business in Austria, is, or, on or since the effective date of Executive Order No. 8389, as amended, has been, owned or controlled by I. G. Farbenindustrie A. G., the aforesaid national of a designated enemy country (Germany), and is a national of a designated enemy country (Germany);

4. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemisch-Pharmazeutische A. G. Bad Homburg by virtue of an agreement dated December 24, 1936 (including all modifications thereof and supplements thereto, if any) by and between Chemisch-Pharmazeutische A. G. Bad Homburg and Alba Pharmaceutical Company, Inc., which agreement relates, among other things, to trade marks, and

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Chemisch-Pharmazeutische A. G. Bad Homburg by virtue of an agreement dated May 3, 1937 (including all modifications thereof and supplements thereto, if any) by and between Chemische-Pharmazeutische A. G. Bad Homburg and Alba Pharmaceutical Company, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,648,487 and 1,777,173,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Chemisch-Pharmazeutische A. G. Bad Homburg, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreements hereinafter described, together with the right to sue therefor) created in Chemosan Union A. G. by virtue of two agreements, each dated January 29, 1938 (including all modifications thereof and supplements thereto, if any) by and between Chemosan Union A. G. and Alba Pharmaceutical Company, Inc., which agreements relate, among other things, to patents and trademarks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Chemosan Union A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. To the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2045; Filed, Feb. 8, 1951; 8:53 a. m.]

[Vesting Order 17108]

NATIONAL LIFE ASSURANCE CO. LTD.

In re: Debts owing to National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft. F-28-31150.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft, the last known address of which is 47 Fleischhauerstrasse, Luebeck, Germany, is a corporation organized under the laws of Germany which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Luebeck, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by six 4½% State of New Jersey Bridge Bonds, Series E, due January 1, 1941, each of $1,000 face value and bearing the numbers 1776, 1792/6, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is

evidence of ownership or control by National Life Assurance Company, Ltd., also known as "National" Lebensversicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2081; Filed, Feb: 9, 1951; 8:53 a. m.]

[Vesting Order 17130]

DEUTSCHE REICHSBANK

In re: Bank account and draft owned by Deutsche Reichsbank. F-28-27015-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Reichsbank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a commercial account maintained at the Manufacturers Trust Company in the name of Banco Espirito Santo e Comercial de Lisboa, Lisbon, Portugal, which account is blocked as Portuguese and German, and any and all rights to demand, enforce and collect the same, and

b. One (1) draft bearing number 58167 dated June 9, 1941, drawn by Banco Espirito Santo e Comercial de Lisboa to the order of Banco Lisboa & Acores on Manufacturers Trust Company, in the amount of $250,000, which draft is presently in the possession of the Manufacturers Trust Company, 55 Broad Street, New York, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsche Reichsbank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2083; Filed, Feb. 9, 1951; 8:53 a. m.]

[Vesting Order 17129]

REBHOLZ BANKIERSKANTOOR.

In re: Securities and bank accounts owned by and debts owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Lesser. F-28-2558; F-49-1286; A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Rebholz is a citizen of Germany who is acting or, since the effective date of Executive Order 8389, as amended, has acted or purported to act directly or indirectly for the benefit or under the direction of Germany and is a national of a designated enemy country (Germany);

2. That Walter Beniscek, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser:

a. Is a partnership organized under the laws of The Netherlands, whose principal place of business is located at Amsterdam, The Netherlands,

b. Is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Otto Rebholz and Walter Beniscek,

c. Is acting or, since the effective date of Executive Order 8389, as amended, has acted or purported to act directly or indirectly for the benefit or under the direction of Germany, and

d. Is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Carl Marks & Co. Inc., 50 Broad Street, New York, New York, together with any and all rights thereunder and thereto,

b. Fifty (50) shares of 6½ percent second preferred stock of Foreign Light & Power Company evidenced by certificates numbered 1895/1904 for five (5) shares each, presently in the custody of Carl Marks & Co. Inc., 50 Broad Street, New York, New York, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by Carl Marks & Co. Inc., 50 Broad Street, New York, New York, arising out of a blocked credit balance in the name of Rebholz Effectenkantoor (Bankierskantoor) and any and all rights to demand, enforce and collect the same,

d. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

e. Those certain detached bond coupons and those certain bonds described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, together with any and all rights thereunder and thereto,

f. Twelve (12) envelopes with Bulgarian stamps presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, in an account entitled Rebholz Effectenkantoor No. 00-73-75926,

g. Those certain debts or other obligations owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, New York, arising out of credit balances entitled Rebholz Effectenkantoor No. 00-73-75926, Rebholz Effectenkantoor No. 00-73-75927 and Rebholz Effectenkantoor No. 00-73-75928, and any and all rights to demand, enforce, and collect the same,

h. Twenty (20) shares of no par value capital stock of International Mercantile Marine Company evidenced by certificates numbered 9637 and 9653 for ten (10) shares each, registered in the name of F. Leeser, together with all declared

and unpaid dividends thereon and together with all rights to exchange said shares of stock for shares of stock of United States Lines Co.,

i. That certain debt or other obligation owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by White Weld & Co., 40 Wall Street, New York, New York, arising out of a blocked current credit balance in the name of F. Leeser, and any and all rights to demand, enforce, and collect the same,

j. That certain debt or other obligation owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by M. Schloss, 61 Broadway, New York, New York, arising out of a blocked current credit balance in the name of F. Leeser, and any and all rights to demand, enforce and collect the same,

k. That certain debt or other obligation owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by Bear Stearns & Co., One Wall Street, New York, New York, arising out of a blocked current credit balance in the name of F. Leeser, and any and all rights to demand, enforce and collect the same,

l. Five (5) shares of Class B common stock of North American Rayon Corporation evidenced by certificate No. B6864, registered in the name of Hurley & Co., presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account in the name of F. Leeser, together with all declared and unpaid dividends thereon,

m. Two (2) shares of Class A common stock of North American Rayon Corporation evidenced by certificate No. 02200, registered in the name of Hurley & Co., presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, in an account in the name of F. Leeser, together with all declared and unpaid dividends thereon, and

n. That certain debt or other obligation owing to Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a blocked current account in the name of F. Leeser, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Otto Rebholz and Rebholz Bankierskantoor, also known as Rebholz Effectenkantoor and as F. Leeser, are controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraphs 1, 2 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Bond No.	Face value
Hungarian Central Mutual Credit Institute, 7 percent bonds, due 1937	66/7	[1] $1,000
German United Steel Works, 3¼ percent bonds, series A, due 1951	12975/6	[1] 1,000
German United Steel Works, 3¼ percent bonds, due 1947	2449/54	[1] 1,000
German Electric Power Corp, 6½ percent bonds, due 1953	4598	1,000
German Electric Power Corp. 6½ percent bonds, due 1950	5144	1,000
Prussia 6 percent bond, due 1952	28873	1,000
German Rhine-Elbe, 3¼ percent bonds, due 1946	9000/2	[1] 1,000
	11367	1,000
German Consolidated Municipal 7 percent bonds, due 1947	18888	1,000
German Consolidated Municipal 6 percent bonds, due 1947	3536	1,000
	11185	1,000
	4076/7	[1] 1,000
	9425/6	[1] 1,000
Baden 7 percent bonds, due 1951	1277	1,000
	2530	1,000

[1] Each.

EXHIBIT B

Name of corporation	Type of stock	Certificate No.	Number of shares
American Smelting & Refining Co	Preferred	A52392	10
American Telephone & Telegraph Co	Capital	M112189	10
Arcady Wilshire Co	Participating certificate in capital stock.	1337	½
British Celanese, Ltd	American depositary receipts.	5524/5	[1] 100
Canadian Pacific Ry. Co	Old shares	A929248	10
Falcon Lead Mining Co	Capital	04167	1,000
Kedzie Judson Building Corp	do	149	3⅓
1234-44 Omega Corp	do	1672	1
Pyramid Bond Mortgage Securities Corp	Class A common	A446	150
Do	Class B common	A598	30
Material Service Corp	Capital	947	2
No. 916 Deversey Parkway Building Corp	do		1
	do	82	⅔
United States Steel Corp	Common	794087	6
Waimanalo Sugar Co. of Honolulu	Capital	47	65

[1] Each.

EXHIBIT C

Description of Issue	Bond No.	Face value
Coupon dated September 1940 detached from Credit Foncier bond		
Coupon dated January 1934 detached from Westphalia United Electric Power Co. bond No. 801		
Auburn Park Safe Securities Co., first mortgage, 6 percent real estate of 1934	379	$500
Bond and mortgage, trustee's guarantee certificate No. 181500	2755	1500
Credit Foncier Franco Canadian, 5 percent debentures	321/4	[1] 100
Hungarian Central Mutual Credit Institute 7/37	1330/1	[1] 1,000
Newark Mortgage Co. certificate of participation	7159	197.29
Reorganized Church of Jesus Christ of Latter Day Saints (Iowa) 5/42	224	50
	161	25
St. Louis-San Francisco Ry. Co., Series A	D6832	£500
German Government International Loan 1930 stamped 5½/65	C86578	$1,000
Hungarian Central Mutual Credit Institute 7/37	M1386	1,000
	M68	1,000
	M1304	1,000
	M69	1,000
Hungarian Consolidated Municipal Loan 7¼/45	M7615	1,000
Kingdom of the Serbs, Croats and Slovens 11/1929 coupon—8/62	M9044	1,000
Kingdom of the Serbs, Croats & Slovens 11/1929 coupon—7/62	M22307	1,000
	D1120	500
	D240	500

[2] Each.

[F. R. Doc. 51-2047; Filed, Feb. 8, 1951; 8:53 a. m.]

[Vesting Order 17112]

OSRAM G. M. B. H. KOMMANDITGESELLSCHAFT

In re: Stock owned by Osram G. m. b. H. Kommanditgesellschaft. F-63-415, F-63-415-A-1, F-28-25396-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Osram G. m. b. H. Kommanditgesellschaft, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. 3,330 shares of 100 pesos par value capital stock of Cia Mexicana de Lampares Electricas S. A., Monterrey, Mexico, a corporation organized under the laws of Mexico, evidenced by certificates presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, for the account of Osa Industrielle Beteiligungen A. G., the numbers and amounts of which certificates are as follows:

Certificate No.:	Number of shares
2	2,500
5	500
7/9	[1] 100
11	25
14	3
25/6	[1] 1

[1] Each.

together with all declared and unpaid dividends thereon, and

b. 2,333 shares of 100 pesos par value preferred stock of Cia Mexicana de Lampares Electricas S. A., Monterrey, Mexico, a corporation organized under the laws of Mexico, evidenced by certificates presently in the custody of Bankers Trust Company, 16 Wall Street, New York, New York, for the account of Osa Industrielle Beteiligungen A. G., the numbers and amounts of which certificates are as follows:

Certificate No.:	Number of shares
2	2,000
5/7	[1] 100
10/12	[1] 10
16/18	[1] 1

[1] Each.

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2082; Filed, Feb. 9, 1951; 8:53 a. m.]

[Vesting Order 17136]

HAMBURGISCHE LANDESBANK-GIROZENTRALE

In re: Securities owned by Hamburgische Landesbank-Girozentrale also known as Niedersaechiche Landesbank Girozentrale. F-28-30196.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hamburgische Landesbank-Girozentrale, also known as Niedersaechiche Landesbank Girozentrale, the last known address of which is Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain securities presently in the custody of the Chase National Bank of the City of New York, in an account entitled "Hamburgische Landesbank-Girozentrale, also known as Niedersaechiche Landesbank Girozentrale a/c Pauline Wedemeyer", together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hamburgische Landesbank-Girozentrale, also known as Niedersaechiche Landesbank Girozentrale, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2085; Filed, Feb. 9, 1951; 8:54 a. m.]

[Vesting Order 17141]

F. M. PETERS

In re: Stock owned by F. M. Peters. F-28-31151.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. M. Peters, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Sixty (60) shares of $1.00 par value common capital stock of the Curtiss Wright Corporation, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, 40 shares of which evidenced by a part of a certificate numbered D172042 for 100 shares and 20 shares of which evidenced by a part of a certificate numbered D172242 for 100 shares, registered in the name of N. V. Amsterdamsch Administratiekantoor van Amerikaansche Waarden, Amsterdam, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2086; Filed, Feb. 9, 1951; 8:54 a. m.]

[Vesting Order 17152]

JOHN DOLLE ET AL.

In re: John Dolle et al. vs. Clara Kortmann et al. File No. D-28-10614-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Kortmann, Joseph Kortmann, Bernhard Kortmann, August Kortmann, Felix Kortmann, Alfons Kortmann, Ludger Kortmann, Hedwig Kortmann and Maria Kortmann, whose last known address was, on December 19, 1950, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, names unknown, of Clara Kortmann, who, on December 19, 1950, there was reasonable cause to believe were residents of Germany, were on such date nationals of a designated enemy country (Germany);

3. That the sum of $1,082.40 was paid to the Attorney General of the United States by Garland Barton, Clerk of the District Court, Falls County, Texas, as depositary of the proceeds of real property sold pursuant to court order in a partition suit entitled "John Dolle et al. vs. Clara Kortmann et al.";

4. That the said sum of $1,082.40 was accepted by the Attorney General of the United States on December 19, 1950, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $1,082.40 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown, of Clara Kortmann were not within a designated enemy country on December 19, 1950, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2088; Filed, Feb. 9, 1951; 8:54 a. m.]

[Vesting Order 17143]

HERMAN WEYERSBERG

In re: Bonds owned by Herman Weyersberg. F-28-31153.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Weyersberg, whose last known address is Solingen, Gruenewalderstrasse No. 29, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by Seven (7) Union Pacific Railroad Company, First Mortgage Railroad and Landgrant 4% Gold Bonds, of the aggregate face value of $6,000.00, bearing the numbers D04286, D04261, M21574, M23832, M33979, M63065, M05265, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2087; Filed, Feb. 9, 1951; 8:54 a. m.]

[Vesting Order 17132]

FERDINANDE MARIE-THERESE EPINCHARD

In re: Securities owned by and debts owing to Ferdinande Marie-Therese Eprinchard, also known as Therese Eprinchard. F-27-10332.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinande Marie-Therese Eprinchard, also known as Therese Eprinchard, whose last known address is 122 Takinouye, Negishi-Machi, Nakaku, Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain securities presently on deposit with Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in an account entitled "Swiss Bank Corporation, Geneva, Omnibus Account", said securities deposited with said Swiss Bank Corporation, New York Agency, by Swiss Bank Corporation, Geneva, Switzerland, on behalf of Swiss Bank Corporation, Basle, Switzerland, acting as agent for Ferdinande Marie-Therese Eprinchard, also known as Therese Eprinchard, together with all declared and unpaid dividends thereon and any and all rights thereunder and thereto,

b. Those certain securities presently on deposit with Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in an account entitled "Swiss Bank Corporation, Geneva Omnibus Account Special Depot 600/37611", said securities deposited with said Swiss Bank Corporation, New York Agency, by Swiss Bank Corporation, Geneva, Switzerland, on behalf of Swiss Bank Corporation, Basle, Switzerland acting as agent for Ferdinande Marie-Therese Eprinchard also known as Therese Eprinchard, together with all declared and unpaid dividends thereon and any and all rights thereunder and thereto,

c. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in the amount of $765.00 as of November 15, 1950, being a portion of an account entitled "Swiss Bank Corporation, Geneva, Omnibus Account" together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in the amount of $1,462.00, as of November 15, 1950, being a portion of an account entitled "Swiss Bank Corporation, Geneva, Omnibus Account General Ruling 6/17", together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in the amount of $166.00, as of November 15, 1950, being a portion of an account entitled "Swiss Bank Corporation, Geneva, Special Account 600/37611," together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York in the amount of $1,105.00, as of November 15, 1950, being a portion of an account entitled "Swiss Bank Corporation, Geneva Special Account 600/37611 General Ruling 6/17", together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ferdinande Marie-Therese Eprinchard, also known as Therese Eprinchard, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2084; Filed, Feb. 9, 1951; 8:53 a. m.]

[Vesting Order 17196]

HANS BROCHHAUS

In re: Stocks, bonds and cash owned by Hans Brochhaus. D-28-12455.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Brochhaus, whose last known address is Luerstrasse 32, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., Amsterdam, Holland, together with any and all declared and unpaid dividends thereon,

b. Twenty (20) Hugo Stinnes Industries Inc. 4 percent debentures of 1946 whose serial numbers and face values are set forth below:

Serial Nos.:	*Face values*
D506	$500
D545	500
D843/4	[1] 500
M387	1,000
M903/4	[1] 1,000
M1652/3	[1] 1,000
M1819	1,000
M2189	1,000
M2702/3	[1] 1,000
M3101	1,000
M3502	1,000
M3892/3	[1] 1,000
M10548/50	[1] 1,000

[1] Each.

presently in the custody of the New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt by said New York Trust Company of dividends and/or interest paid with respect to the property described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Brochhaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of corporation	Type of stock	Certificate No.	Number of shares	Name in which registered
Union Pacific Railroad Co.	Common	026181	24	Cobb & Co.
American Telephone & Telegraph Co.	Capital	JN63346	12	Do.
International Nickel Co. of Canada Ltd.	Common no par	NB423502	50	Do.
Pennsylvania Railroad Co.	Capital	N369681	6	Do.

[F. R. Doc. 51-2089; Filed, Feb. 9, 1951; 8:54 a. m.]

[Vesting Order 17201]

LUDWIG AND HERTA GERBER

In re: Stock owned by and debts owing to Ludwig Gerber and Herta Gerber. F-28-31133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Gerber and Herta Gerber, whose last known address is Gut Waterhovel b/Hagen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, and constituting a portion of the securities held by said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Blocked Account, Special Account EMA", together with all declared and unpaid dividends thereon,

b. Two hundred (200) shares of common capital stock of the Union Carbide & Carbon Corporation, 30 East 42nd Street, New York 17, New York, a corporation organized under the laws of the State of New York, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, and constituting a portion of the securities held by said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Special Account EMA-General Ruling No. 6 Account", together with all declared and unpaid dividends thereon,

c. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, and constituting a portion of the securities held by said Swiss American Corporation, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Special Account EMA-Blocked Account", together with all declared and unpaid dividends thereon,

d. Those certain shares of stock described in Exhibit C, attached hereto and by reference made a part hereof, presently in the custody of Swiss American Corporation, 30 Pine Street, New York, New York, and constituting a portion of the securities held by said Swiss American Corporation, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Special Account EMA-General Ruling No. 6 Account", together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, together with any and all accruals thereto, representing in whole or in part any accretions from or allocable to the securities set forth in subparagraphs 2 (a) and (b) hereof, and any and all rights to demand, enforce and collect the same, and

f. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, New York, together with any and all accruals thereto, representing in whole or in part any accretions from or allocable to the securities set forth in subparagraph 2 (c) and (d) hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ludwig Gerber and Herta Gerber, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuing corporation	State of incorporation	Number of shares	Par value	Class of stock
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.		200	$15	Common.
The National City Bank of New York, 55 Wall St., New York, N. Y.		100	20	Do.
United Corp., 70 E. 45th St., New York, N. Y.	Delaware	100	1	Do.
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana	200	50	Do.
Continental Oil Co., 608 Fannin St., Houston, Tex.	Delaware	50	5	Do.
South Jersey Gas Co., Atlantic City, N. J.	New Jersey	15	5	Do.
Union Carbide & Carbon Corp., 30 E. 42d St., New York, N. Y.	New York	100		Do.
Niagara Hudson Power Corp., 300 Erie Blvd. W., Syracuse, N. Y.	do	10	1	Do.
Public Service Electric & Gas Co., 80 Park Pl., Newark, N. J.	New Jersey	150		Do.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Class of stock
Air Reduction Co., Inc., 60 E. 42d St., New York, N. Y.	New York	C 81590/63	100 each	Common.
American Radiator & Standard Sanitary Corp., 40 W. 40th St., New York, N. Y.	Delaware	C 846006	100	Do.
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	C 360626	30	Do.
		C 175670/72	100 each	Do.
		K 226460/63	100 each	Do.
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware	256360	9	Do.
		256364	10	Do.
Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, N. Y.	do	Unknown	6	Do.
		297421	100	Do.
Continental Oil Co., 608 Fannin St., Houston, Texas.	do	NC O 100997	75	Do.
Eastman Kodak, 343 State St., Rochester, N. Y.	New Jersey	NO 87730/31	100 each	Do.
		NY 108868	20	Do.
Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio.	Ohio	OO NY C 56106/8	100 each	Do.
General Electric Co., 1 River Rd., Schenectady, N. Y.	New York	NYF 21174/78	100 each	Do.
The Glidden Co., 1396 Union Commerce Bldg., Cleveland, Ohio.	Ohio	ND 94021	100	Do.
Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, Ohio.	do	NC 82871/73	100 each	Do.
International Harvester Co., 180 N. Michigan Ave., Chicago, Ill.	New Jersey	FN 379012	50	Do.
Lone Star Cement Corp., 342 Madison Ave., New York, N. Y.	Maine	NO 81704	50	Do.
		N 31776	100	Do.
The National Cash Register Co., Main and K Sts., Dayton, Ohio.	Maryland	0120095	50	Do.
		61389/92	100 each	Do.
Sears, Roebuck & Co., 925 S. Homan Ave., Chicago, Ill.	New York	NO679897/98	5 each	Do.
		NO679927	40	Do.
Standard Oil Co. of California, 225 Bush St., San Francisco, Calif.	Delaware	NY D 408383/84	100 each	Do.
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N. Y.	New Jersey	B 790296/97	100 each	Do.
		CC 719243	40	Do.
		CC 719182/83	15 each	Do.
		CC 719172	3	Do.
		CC 738486	1	Do.
Do	do	Unknown	6	Do.
The Timken Roller Bearing Co., 1835 Duber Ave. SW., Canton, Ohio.	Ohio	NYO 276774	90	Do.
		NY 147850	100	Do.
United States Steel Corp., 71 Broadway, New York, N. Y.	New Jersey	N 238024	100	Do.
F. W. Woolworth Co., Woolworth Bldg., New York, N. Y.	New York	WT F 717741/42	50 each	Do.

EXHIBIT C

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Class of stock
American Smelting & Refining Co., 120 Broadway, New York, N. Y.	New Jersey	C 0342172/75	10 each	Common.
		C 342177	10	Do.
		C 342193	10	Do.
		C 342179	6	Do.
Bethlehem Steel Corp., 25 Broadway, New York, N. Y.	Delaware	K 226471/78	100 each	Do.
Eastman Kodak, 343 State St., Rochester, N. Y.	New Jersey	NC O 102366	13	Do.
		NC O 106717	13	Do.
The Glidden Co., 1396 Union Commerce Bldg., Cleveland, Ohio.	Ohio	ND 94022	100	Do.
		NE 203390/91	2 each	Do.
International Harvester Co., 180 N. Michigan Ave., Chicago, Ill.	New Jersey	HN 167233	100	Do.

EXHIBIT C—Continued

Name and address of issuing corporation	State of incorporation	Certificate No.	Number of shares	Class of stock
The National Cash Register Co., Main and K Sts., Dayton, Ohio.	Maryland	0120099	45	Do.
Sears, Roebuck & Co., 925 S. Homan Ave., Chicago, Ill.	New York	NO 679883/88	1 each	Do.
		NO 679899	3	Do.
		NO 679912	18	Do.
		NO 679921	25	Do.
		NO 679928	41	Do.
		NO 672304	57	Do.
Standard Oil Co. of California, 225 Bush St., San Francisco, Calif.	Delaware	NY C 558087	10	Do.
		NY C 516482	10	Do.
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N. Y.	New Jersey	CC 859662	6	Do.
United States Steel Corp., 71 Broadway, New York, N. Y.	do	Y 113023/24	100 each	Do.

[F. R. Doc. 51-2092; Filed, Feb. 9, 1951; 8:55 a. m.]

[Vesting Order 17198]

CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Bank Accounts and Scrip owned by Conversion Office for German foreign debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-3678-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conversion Office for German foreign debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Berlin C 111, Germany, is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a coupon deposit account entitled "City of Dresden, Germany, 7 percent External Loan of 1925", maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of J. Henry Schroder Banking Corporation arising out of a sinking fund account entitled "City of Dresden, Germany, 7 percent External Loan of 1925", maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same, and

c. Those certain Reichsmark certificates of indebtedness of Conversion Office for German foreign debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amount of approximately RM 6135, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office, together with the cash deposit in the accounts described in subparagraph 2 (a) hereof in payment of interest coupons appertaining to the bonds described in said subparagraph, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Conversion Office for German foreign debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2090; Filed, Feb. 9, 1951; 8:55 a. m.]

[Vesting Order 17200]

EXPORTKREDITBANK, A. G.

In re: Securities owned by Exportkreditbank, A. G. F-28-180.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank, A. G., the last known address of which is Waldmannslust, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: All those certain securities presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, in an account entitled Exportkreditbank, A. G., together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, subject however to any and all lawful liens of said Swiss Bank Corporation, New York Agency, against the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Exportkreditbank, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2091; Filed, Feb. 9, 1951; 8:55 a. m.]

[Vesting Order 17204]

RUDOLF HILLMANN

In re: Stock, bonds and interest coupons owned by Rudolf Hillmann. F-28-7133-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

these powers—none of which may be delegated—he may take any action on the charges which the immediate commander (32) or the officer exercising summary court-martial jurisdiction (33) is authorized to take. He may take this latter action himself or he may return the charges and allied papers to a proper subordinate commander with the instruction that appropriate action be taken by him.

b. Reference to staff judge advocate or legal officer. Before directing the trial of any charge by general court-martial, the convening authority shall refer it to his staff judge advocate or legal officer for consideration and advice. The convening authority shall not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under the code and is warranted by evidence indicated in the report of investigation (Art. 34d).

Subject to the provisions of this paragraph (35), reference to a staff judge advocate or legal officer will be made and his advice submitted in such manner and form as the convening authority may direct, but the convening authority shall at all times communicate directly and personally with his staff judge advocate or legal officer in matters relating to the administration of military justice. See Article 6b. No person who has acted as investigating officer, law officer, or member of the court, prosecution, or defense in any case shall subsequently act as staff judge advocate or legal officer in the same case. See Article 6c.

c. Action of the staff judge advocate or legal officer. The advice of the staff judge advocate or legal officer shall include a written and signed statement as to his findings with respect to whether there has been substantial compliance with the provisions of Article 32, whether each specification alleges an offense under the code, and whether the allegation of each offense is warranted by the evidence indicated in the report of investigation; it shall also include a signed recommendation of the action to be taken by the convening authority. Such recommendation will accompany the charges if they are referred for trial. See 44*g* (1) and *h*.

Chapter VIII—Appointment of Courts-Martial

APPOINTING ORDERS—CHANGES IN PERSONNEL—INSTRUCTING PERSONNEL OF COURT

36. APPOINTING ORDERS—*a. General.* See 4 to 6, inclusive, for various matters relating to the appointment of courts-martial, including the appointment of a law officer, and the appointment of trial counsel, defense counsel, and their assistants. Appointment of personnel to court-martial duty is prima facie evidence that they are on active duty with an armed force. See Article 25.

b. Form and content. A court-martial is created by an appointing order issued by the convening authority. The qualifications of the law officer under Article 26 and of the members of the prosecution and defense under Article 27 are shown in the appointing order. If enlisted personnel are appointed as members of the court, the unit (company, squadron, ship's crew, or corresponding body (4*a*; Art. 25c)) of which each is a member is shown. The appointing order may contain a provision for the withdrawal of unarraigned cases from other courts-martial and referral of those cases to the new court; it should contain no reference as to whether a reporter or interpreter is authorized. See appendix 4 for forms of appointing orders.

c. Selection of personnel—(1) *General.* Courts-martial are ordinarily composed of personnel of the convening authority's command. With respect to utilizing personnel of other commands or other armed forces, see 4*g*. If his subordinate commands are separated geographically, the convening authority may appoint a court for each locality, using personnel from the area where the court is to sit. When a general court-martial is to be, or has been, appointed to sit at a post, camp, station, or subordinate command at a distance from the officer exercising general court-martial jurisdiction, and the personnel of the court are selected from such post, camp, station, or subordinate command, the commander of the installation or subordinate command should transmit timely recommendations to the convening authority as to the availability of members of his command (as affected by leave, reassignment, relief from active duty, or other matters) to act as personnel of any court to which they have been or may be appointed.

(2) *Enlisted members.* When charges against an enlisted person have been referred to a general or special court-martial to which enlisted members have not been appointed, and, prior to the convening of the court for trial, the accused personally has requested in writing that enlisted persons serve on the court (61*g*, *i*; Art. 25c), the convening authority shall:

(*a*) Appoint a sufficient number of eligible enlisted persons to the court and, if appropriate, relieve a sufficient number of officers or warrant officers from the court to the end that at least one-third of the members who will actually participate in the trial of the case will be enlisted persons; or

(*b*) Withdraw the charges from the court to which they were originally referred and refer them to a court which is composed of the required percentage of eligible enlisted persons; or

(*c*) Advise the court before which the charges are pending to proceed with the trial in the absence of enlisted members if eligible enlisted persons cannot be obtained because of physical conditions or military exigencies. When this action is taken, the convening authority should transmit to the trial counsel, for inclusion in the record of trial, a detailed

37. CHANGES IN PERSONNEL—*a. General.* Subject to the exceptions stated below (37*b*), it is within the discretion of the convening authority to make changes in the composition of courts-martial appointed by him. For instance, he may appoint new members to a court in lieu of, or in addition to, the members of the original court; or he may appoint a new law officer, trial counsel, or defense counsel in lieu of the personnel designated to perform those respective duties by the original appointing order. When practicable, the convening authority should change the composition of courts-martial from time to time to provide the maximum opportunity to eligible personnel to gain experience in the administration of military justice.

b. Exceptions. No member of a general or special court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause (Art. 29*a*). Military exigencies or emergency leave, among others, may constitute good cause for such a relief. The determination of facts which constitute good cause for the excuse from attendance or the relief of a member after arraignment rests within the discretion of the convening authority. Ordinarily, he should not appoint additional members to a general or special court-martial after the arraignment of an accused unless the court is reduced below a quorum; if practicable, he should excuse from future sessions of the court in a particular case any member who was absent when testimony on the merits was heard, or other important proceedings were had.

See 41*c* for procedure when a member is absent because of physical disability.

c. Manner in which effected—(1) *Formal changes.* Permanent changes in the composition of a court-martial, such as changes which involve the appointment of new personnel to a court or the relief of a member, are usually accomplished by promulgation of formal written orders amending the original appointing order. If it is necessary to make a formal change by oral order, despatch, or signal, the oral order, despatch, or signal should be confirmed by written orders. For forms of amending orders, see appendix 4. Amendments of the original appointing order should be kept to a minimum. To avoid making a number of separate changes by the way of amendment, it is better practice to appoint a new court. Any unarraigned case which is pending before the old court may be withdrawn from it and referred to the new court. In appointing a new court, the old court should not be dissolved, nor the order appointing the old court rescinded or revoked, as it may be necessary to reassemble the old court for revision proceedings.

(2) *Informal changes.* If the convening authority excuses a member or counsel from attendance at future sessions

tion by a written order. See 41*e*, 44*b*, and 46*b*.

38. INSTRUCTING PERSONNEL OF COURT. A convening authority may, through his staff judge advocate or legal officer or otherwise, give general instruction to the personnel of a court-martial which he has appointed, preferably before any cases have been referred to the court for trial. When a staff judge advocate or legal officer is present with the command such instruction should be given through that officer. Such instruction may relate to the rules of evidence, burden of proof, and presumption of innocence, and may include information as to the state of discipline in the command, as to the prevalence of offenses which have impaired efficiency and discipline, and of command measures which have been taken to prevent offenses. Except as provided in this manual, the convening authority may not, however, directly or indirectly give instruction to, or otherwise unlawfully influence, a court as to its future action in a particular case. In this connection, see 67*f*.

Convening authorities are expressly forbidden to censure, reprimand, or admonish a court appointed by them, or any member, law officer, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceedings. No person subject to the code shall attempt to coerce or by any unauthorized means influence the action of a court-martial or any other military tribunal, or any member thereof, in reaching the findings or sentence in any case. See Articles 37 and 98.

Chapter IX—Personnel of Courts-Martial

LAW OFFICER — PRESIDENT — MEMBERS — COUNSEL; GENERAL PROVISIONS—SUSPENSION OF COUNSEL—TRIAL COUNSEL—ASSISTANT TRIAL COUNSEL — DEFENSE COUNSEL—ASSISTANT DEFENSE COUNSEL—COUNSEL FOR THE ACCUSED — REPORTER—INTERPRETER—GUARDS, CLERKS, AND ORDERLIES

39. LAW OFFICER—*a. Selection.* See 4*e* for qualifications of the law officer.

b. Duties—(1) *General.* The law officer is responsible for the fair and orderly conduct of the proceedings in accordance with law in all cases which are referred to the court to which he is appointed. He may, after conferring with counsel (39*c*), make recommendations to the senior member of the court as to the time of assembly of the court for the trial of a case. During the trial, he rules upon all interlocutory questions except challenges (57) and advises the court on questions of law and procedure which may arise. His ruling upon any interlocutory question other than a motion for findings of not guilty or the question of the accused's sanity is final (57*d*). He is not a member of the court and does not vote with the members of the presumption of innocence, reasonable doubt, and burden of proof (73), and may give it such additional instructions as will aid it in arriving at just findings, such as what lesser offenses, if any, are included in the offense charged and the possible findings the court may make by way of exceptions and substitutions. After the court has finally voted on the findings, he may, at the request of the court, assist it in putting the findings in proper form (74*f*; Art. 39). Before the court closes to vote upon a sentence, he should advise it as to the maximum authorized punishment for each offense of which the accused has been found guilty.

(2) *Interference in conduct of trial.* The law officer may properly intervene in a trial of a case to prevent unnecessary waste of time or to clear up some obscurity. However, he should bear in mind that his undue interference or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, may tend to prevent the proper presentation of the case, or hinder the ascertainment of the truth.

Consultation between the law officer and counsel in court is often necessary, but the law officer should avoid controversies which are apt to obscure the issues before the court. In addressing counsel, the accused, witnesses, or the court, he should avoid a controversial manner or tone. He should avoid interruptions of counsel in their arguments except to clarify his mind as to their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.

c. Record. All proceedings involving rulings or instructions made or given by the law officer during the course of a trial shall be made a part of the record and, except when the law officer assists the court in putting its findings in proper order, shall be made or given in open court in the presence of the accused and the counsel for the prosecution and defense. See Article 39. A conference between the law officer and the counsel for either side, or the senior member of the court, held outside of court for the purpose of discussing the time of the commencement or continuation of the trial, need not be made a part of the record. See 58*b* as to postponement of assembly of the court for a trial. See also 57*g* (2) for rules governing proceedings had outside the presence of members of a general court-martial with respect to preliminary evidence, offers of proof, and arguments as to the admissibility of proffered evidence, and 73*c* (2) for rules governing the preparation of additional instructions by the law officer.

d. Absence of law officer. The law officer must be present at all times during the trial of a case except when the court is closed to deliberate or vote (Art. 39). When the law officer is absent from any open session of the court during the trial of a case, the court will adjourn until either the law officer is on the court, either at all or in a particular case, for reasons enumerated in 62*f* or for other reasons, he will bring the matter to the attention of the convening authority.

e. New law officer. The law officer should not be changed during the progress of a trial except for a good reason. If a new law officer is appointed to the court in the course of a trial and is sworn (opportunity to challenge him for cause having been given), the trial may proceed after the substance of all proceedings have been made known to him and the recorded testimony of each witness previously examined has been read to him in the presence of the court, the accused, and counsel. However, see 80*b* for the procedure to be followed when a new law officer is present at revision proceedings.

f. Authentication of record. The law officer who was present at the conclusion of the proceedings in a case will authenticate the record of trial. See 82*f* in this connection.

40. PRESIDENT—*a. General.* The senior in rank among the members appointed to a general or special court-martial is the president; however, the senior member present at a trial, whether or not he is the senior member appointed to the court, is president of the court for the trial of that case. See 40*c*.

b. Duties—(1) *General court-martial.* The president of a general court-martial has the duties, powers, and privileges of members in general. He has the following additional powers and duties:

(*a*) After consultation with the trial counsel and, when appropriate, the law officer (58*b*), he sets the time and place of trial and prescribes the uniform to be worn.

(*b*) As the presiding officer of the court, he takes appropriate action to preserve order in the open sessions of the court in order that the proceedings may be conducted in a dignified, military manner, but, except for his right as a member to object to certain rulings of the law officer (57*d*, 118), he shall not interfere with those rulings of the law officer which affect the legality of the proceedings.

(*c*) He administers oaths to counsel.

(*d*) For good reason, he may recess or adjourn the court (e. g., 39*d*), subject to the right of the law officer to rule finally upon a motion or request of counsel that certain proceedings be completed prior to such recess or adjournment, or that a continuance be granted (58). Whether a matter of recess or adjournment has become an interlocutory question will be finally determined by the law officer (57*d*).

(*e*) He presides over closed sessions of the court and speaks for the court in announcing the findings and sentence and the result of any vote upon a challenge or other interlocutory question properly presented to the court for decision.

(*f*) He speaks for the members of the court in conferring with, or in requesting the advice of, the law officer upon any question of law or procedure.

(2) *Special court-martial.* The president of a special court-martial is responsible for the fair and orderly conduct of the proceedings in accordance with law in all cases referred to the court. In addition to performing the duties prescribed for the president of a general court-martial, he will rule upon all interlocutory questions except challenges, and, before the court closes to vote on the findings, will instruct the court as to the elements of each offense charged, the presumption of innocence, reasonable doubt, and burden of proof (73*a*, *b*). His rulings upon interlocutory questions may be objected to by any other member of the court (57*c*). With respect to the conduct of trials, he will be guided by the principles outlined in 39*b* (2).

c. Authentication of record. The senior member of the court who was present at the conclusion of the proceedings in a case will authenticate the record of trial as president. See 82*f* in this connection.

41. MEMBERS—*a. Selection.* See 4*a* to *d*, inclusive, for qualifications of members of courts-martial.

b. Duties. Members of courts-martial hear the evidence, determine the guilt or innocence of the accused and, if the accused is found guilty, adjudge a proper sentence. Each member has an equal voice and vote with other members in deliberating upon and deciding all questions submitted to a vote or ballot, the senior member having no greater rights in such matters than any other member. In this connection, see 57*f*, 62*h* (3), 74*d*, and 76*b* (2). Members will be dignified and attentive. Although a court has no power to punish its members, improper conduct by a member, such as a refusal or failure to vote or properly to discharge any other duty under his oath or otherwise, is a military offense.

c. Absence of members. No member of a general or special court-martial may be absent from the court during the trial of a case except for physical disability, as a result of a challenge, or by order of the convening authority. If, before the assembly of the court for the trial of a case, it appears to a member that he should not sit on the court, either at all or in a particular case, for reasons enumerated in 62*f* or for any other reason except physical disability, he will take appropriate steps to bring the matter to the attention of the convening authority.

If he is able to do so, a member of a general or special court-martial who is, or has reason to believe that he will be, absent from a session of the court because of physical disability will so inform the trial counsel. The latter will make an informal inquiry to verify the cause of the absence and, if it occurs after the arraignment of the accused, will report his findings to the court (41*d* (4)).

d. Effect of absence—(1) *General.* When less than a quorum (minimum number of members required by Article 16) is present, the court cannot be organized as such or proceed with a trial. Less than a quorum may adjourn until a prescribed time. When a quorum is present and one member is challenged, the remaining members may pass on the challenge.

(2) *Enlisted members.* When, pursuant to Article 25c, an enlisted person requests participation of enlisted members in his trial by general or special court-martial, the court shall not proceed with his trial unless one-third of the members actually sitting on the court throughout his trial are enlisted members or the convening authority has directed that the trial be held without enlisted persons. See 4*c* and 36*c* (2).

(3) *Before arraignment.* The unauthorized absence of a member of a general or special court-martial from a session of the court may be a military offense, but his absence prior to the arraignment of the accused will not prevent the court from proceeding with the trial if a quorum is present. However, the trial counsel will report any unauthorized absence of a member to the convening authority.

(4) *After arraignment.* If a member who was present at the arraignment of the accused is absent from a future session of the court in the same case, the court may proceed only if a quorum remains and the absence is the result of a challenge, physical disability, or the order of the convening authority for good cause. As to the latter, see 37*b*. In determining whether a member is absent because of physical disability, the court may accept the statement of the trial counsel as to the results of his informal inquiry into the cause of absence (41*c*) or it may require the trial counsel to procure and present other evidence, such as a certificate from a physician or a proper official as to the illness of the absent member. To determine whether a member is absent by order of the convening authority, the court may accept the statement of the trial counsel that he has been advised by oral order, signal, or despatch that the member has been excused by the convening authority from further attendance in the case (37*c*).

e. New member of general court-martial. When a member who was previously absent from, or who has been newly appointed to, a general court-martial has been sworn (opportunity to challenge him having been given), the trial may proceed after the substance of all proceedings had shall have been made known to him and the recorded testimony of each witness previously examined has been read to him in the presence of the law officer, the accused, counsel, and the other members of the court. See Article 29*b*.

f. New member of special court-martial. When a member who was previously absent from, or who has been newly appointed to, a special court-martial has been sworn (opportunity to challenge him having been given), the trial shall proceed as if no evidence had previously been introduced, unless the substance of all proceedings had shall have been made known to him and a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel. See Article 29*c*.

42. COUNSEL; GENERAL PROVISIONS—*a. Definition of terms.* The term "counsel" as used in this manual will be interpreted to include, unless otherwise indicated by the context, the appointed trial counsel and defense counsel of a general or special court-martial and their assistants, if any, and any individual counsel (civilian or military). Whenever the term "trial counsel" is mentioned, it will be understood to refer to the appointed trial counsel of a general or special court-martial and to include, unless otherwise indicated by the context, assistant trial counsel, if any. Whenever the terms "defense counsel" or "counsel for the accused" are used, they are to be understood to include, unless otherwise indicated by the context, the appointed defense counsel, appointed assistant defense counsel, if any, and any individual counsel. The term "individual counsel" shall be understood to refer to military counsel selected by the accused or to civilian counsel provided by him.

b. General rules of conduct. In performing their duties before courts-martial, counsel should maintain a courteous and respectful attitude toward the law officer, the members of the court, and opposing counsel, and should treat adverse witnesses and the accused with fairness and due consideration. Personal colloquies between counsel which cause delay or promote unseemly wrangling should be carefully avoided. The conduct of counsel before the court and with each other should be characterized by candor and fairness. Counsel should not knowingly misquote the contents of a paper, the testimony of a witness, the language or argument of opposing counsel, or the language of a decision or a textbook; nor, with knowledge of its invalidity, should counsel cite as authority a decision that has been reversed or an official directive of the Department of Defense or any of the Departments, or one of their agencies, bureaus, branches, forces, commands, or units, that has been changed or rescinded. As publication in the public press, or on the radio or television, of the circumstances of a pending case may interfere with a fair trial and otherwise prejudice the due administration of justice, counsel should refrain from discussing such circumstances with representatives of the press, radio, or television unless authorized by the convening authority or other competent superior authority.

c. Interviewing witnesses. Counsel may properly interview any witness or prospective witness for the opposing side in any case without the consent of opposing counsel or the accused. See 44*h* as to relations between the prosecution and the accused. In interviewing a witness, counsel should scrupulously avoid any suggestion calculated to induce the witness to suppress or deviate from the truth when appearing as a witness at the trial. See Article 31.

43. SUSPENSION OF COUNSEL. Rules defining professional or personal misconduct which disqualify a person from acting as counsel before courts-martial may be announced by the Judge Advocates General of the armed forces in appropriate departmental regulations which shall provide for notice and opportunity to be heard and will also establish procedures to provide for the suspension of persons from acting as counsel before courts-martial. When any person acting as counsel before a court-martial is guilty of professional or personal misconduct, action may be taken by a convening authority, in accordance with such regulations, to recommend suspension of the person affected from practice as counsel before courts-martial of the armed force concerned. Suspension will not be effected except by the Judge Advocate General of the armed force concerned. The Judge Advocate General concerned may, upon good cause shown, modify or revoke a prior order of suspension.

44. TRIAL COUNSEL—*a. Selection.* See 6 for qualifications of trial counsel.

b. Disqualification. Whenever it appears to the court or to the trial counsel himself that any member of the prosecution named in the appointing order is for any reason, including misconduct, bias, prejudice, hostility, previous connection with a particular case, or lack of legal qualifications (for general courts-martial), disqualified or unable properly and promptly to perform his duties, a report of the facts will be made at once to the convening authority and appropriate action taken to insure that the disqualified member shall not act for the prosecution.

c. Absence. For a proper reason (e. g., preparation of another case) the convening authority or the president may excuse from attendance during a trial or trials such of the personnel of the prosecution as will not be required.

d. General duties. The trial counsel shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of the proceedings (Art. 38*a*). When charges are referred to him for trial, it is his duty to bring them promptly to trial before the court indicated in the reference for trial. In general, he may bring cases to trial in such order as he deems expedient. He will be given ample opportunity to prepare properly the prosecution of each case.

e. Reports—(1) *Status of cases on hand.* Unless otherwise directed by the convening authority, he will submit a weekly report to the latter through the president of a special court-martial or the law officer of a general court-martial, in which, in addition to such matter as may be required by the convening authority, will be included a statement of the reasons for delay in disposing finally of cases that have been on hand for over two weeks.

(2) *Result of trial.* Upon final adjournment of the court in a case, the trial counsel will, in writing, notify the immediate commanding officer of the accused of the result, including any findings reached and any sentence imposed by the court. Unless otherwise directed by the convening authority, the trial counsel will furnish a copy of this report to the convening authority and, if the accused is in confinement, to the commanding officer to whose command the place of confinement is subject. Immediate action will be taken to release the accused in the event the trial results in an acquittal or in a sentence not involving confinement. See 21*d* and 22 in this respect.

f. Duties prior to trial—(1) *Examination of file.* He will report to the convening authority any substantial irregularity in the order appointing the court or in the charges or accompanying papers. If the membership of the court to which the case is referred is reduced below a quorum for any reason or if the trial counsel has good reason to anticipate such a reduction, he will report the facts through appropriate channels to the convening authority. See 36*c* (1). Ordinarily he will correct and initial slight errors or obvious mistakes in the charges, but will not without authority make any substantial change therein. See 33*d* and *e* (2). He will take proper action to assure that the data on the charge sheet and any evidence of previous convictions are complete and free from errors of substance or form.

(2) *Notification of personnel; witnesses.* Unless otherwise directed by the president or unless obviously unnecessary, he will give timely oral or written notice to the members of the court and to all others concerned (including the officer, if any, whose duty it is to see that the accused attends) of the date, hour, and exact place of any meeting of the court. He may include in this notice such other matter as the president may direct, such as a statement of the uniform to be worn. Prior to trial he will notify and arrange to have present at the trial witnesses who are to testify in person (including witnesses desired by the defense) and the reporter and interpreter if required. Before deciding that the presence of any particular witness is necessary, he should first consider whether the evidence which the witness is expected to give is material and necessary and whether a deposition will properly answer the purpose. See Article 49. If in disagreement with the defense counsel as to whether the attendance of a witness requested by the defense is necessary, he will report the matter to the convening authority in the manner prescribed in 115*a*.

(3) *Preparing for trial.* Before the court assembles he will obtain a suitable room for the court, see that it is in order, procure requisite stationery, prepare a copy of the charges and specifications for each member of the court and the law officer, and take such other action as will enable him to make a prompt, full, and systematic presentation of the case at the trial. As to each offense charged, the burden is on the prosecution to prove beyond a reasonable doubt by competent evidence that the offense was committed, that the accused committed it, that he had the requisite criminal intent at the time, and that the accused is within the jurisdiction of the court, except to the extent that such burden is relieved by a plea of guilty. Whatever the defense may be, this burden never changes. Proper preparation to meet this burden includes a consideration of the essential elements of the offense and of the pertinent rules of evidence, to the end that only competent evidence will be introduced at the trial, and requires a determination of the order in which the evidence will be introduced. In general, evidence should be presented in sequence of events as nearly as practicable, and, when several offenses are charged, especially if unrelated, the evidence should be directed to the development of their proof in the order charged so that neither the court nor the accused may be in doubt at any time as to the offense to which the evidence being introduced refers. If evidence is to be presented out of proper sequence to suit the convenience of witnesses or for other reasons, the trial counsel may invite the attention of the court to the anticipated deviation.

(4) *Legal research.* If he finds that the provisions of this manual do not clearly settle a question likely to arise at the trial, he should endeavor to secure for use at the trial, authorities to sustain his contentions, such as pertinent decisions of the courts or authoritative military precedents. To secure these authorities he may communicate with the convening authority.

(5) *Reporting inadvisability of trial.* If, while preparing a case, he discovers a matter which in his opinion makes it inadvisable to bring the case to trial he will inform the convening authority at once, provided it is reasonably apparent that the matter was not known to the convening authority when the charges were referred for trial. For example, such action would be appropriate when the trial counsel discovers that there has not been a substantial compliance with Article 32, and it appears that the accused may be prejudiced thereby, or that the accused was or is insane, or that the only witness to an essential fact has disappeared or repudiates the substance of the testimony expected from him.

g. Duties during trial—(1) *General.* He executes all orders of the court. Under the direction of the court he keeps or superintends the keeping of the required record of proceedings.

Although his primary duty is to prosecute, any act (such as the conscious suppression of evidence favorable to the defense) inconsistent with a genuine desire to have the whole truth revealed is prohibited. With a view to saving time and expense, he should join in appropriate stipulations as to unimportant or uncontested matters. See 154*b* (Stipulations).

While the court is in open session, he should respectfully call its attention to any apparent illegalities or irregularities in its action or in the proceedings.

He will take care that any papers in his possession which relate to a case referred to him for trial and which are not in evidence are not exposed to any risk of inadvertent examination by members of the court; nor will he bring to the attention of the court any intimation of the views of the convening authority, or those of the staff judge advocate or legal officer, with respect to the guilt or innocence of the accused, appropriate sentence, or concerning any other matter exclusively within the discretion of the court. See Article 37.

Aside from opinions expressed in the proper discharge of his duty to prosecute (e. g., in his closing argument or in an argument on a motion or on the admissibility of evidence), he should not give the court his opinion upon any point of law arising during the trial except in open court when it is requested by the law officer (president of a special court-martial). It is improper for him to assert before the court his personal belief as to the guilt or innocence of the accused. When he addresses the court he will rise.

(2) *Presentation of the case.* After the pleas, the trial counsel will, to the extent required by the law officer (president of a special court-martial), read the parts of this manual or of authoritative precedents that are pertinent to the definition and proof of any offense charged and to the defense thereto.

He may make an opening statement—that is, a brief statement of the issues to be tried and what he expects to prove—but will avoid including or suggesting matters as to which no admissible evidence is available or intended to be offered. Ordinarily such a statement is made immediately before the introduction of evidence for the prosecution, but in exceptional cases the court may, in its discretion, permit like statements to be made at later stages of the proceedings.

On behalf of the prosecution he conducts the direct and redirect examination of the witnesses for the prosecution and the cross and recross-examination of the witnesses for the defense. He will, unless the law officer (president of a special court-martial) otherwise directs, conduct the direct and redirect examination of witnesses called by the court, and if such witnesses are adverse to the prosecution, may conduct the cross-examination on behalf of the prosecution.

See 72 as to closing arguments.

h. Relations with the accused and his counsel. Except to the extent that this manual may otherwise require, it is not his duty to assist or advise the defense.

Immediately upon receipt of charges referred to him for trial he will serve a copy of the charge sheet, as received and corrected by him, on the accused and will inform the defense counsel of the court that such copy has been so served. Except as otherwise directed by the convening authority, he will permit the defense to examine from time to time any paper accompanying the charges, including the report of investigation and papers sent with the charges on a rehearing. He will also permit the defense to examine from time to time the order appointing the court and all amending orders. Prior to trial, he should advise the defense of the probable witnesses to be called by the prosecution, and the fact that the defense has not been so advised with respect to a witness who appears at the trial may be a ground for a continuance.

His dealings with the defense should be through any counsel the accused may have. Thus, if he desires to know how the accused intends to plead or whether an enlisted accused desires enlisted members on the court, he will ask the regularly appointed defense counsel or other counsel, if any, of the accused. He will not attempt to induce a plea of guilty.

The trial counsel will furnish every person tried by the court a copy of the record of the proceedings as soon as it is authenticated. In this connection, see 82*g* (1) and 83*d* (Disposition—Delivery to accused).

i. Duties after trial. See 82 and 83 for rules governing the preparation, authentication, and disposition of the record of trial.

45. ASSISTANT TRIAL COUNSEL—*a. General court-martial.* Unless he is disqualified by reason of prior participation in the case (6*a*), any person named in the appointing order as an assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by Article 27*b*, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. See Article 38*d*. He will perform those duties in connection with trials which the trial counsel may designate. Except when the contrary affirmatively appears of record, all duties performed outside of court by the assistant trial counsel of a general court-martial shall be deemed to have been performed under the direction of the trial counsel; however, an assistant trial counsel who is not qualified to be a trial counsel as required by Article 27*b* may not perform duties in connection with the conduct of the prosecution of a case during the open sessions of a general court-martial except in the presence of a trial counsel or assistant trial counsel who is so qualified. See 6*a* and *d* for rules as to when the conduct of the prosecution devolves upon an assistant trial counsel.

b. Special court-martial. Unless he is disqualified by reason of prior participation in the case, any person named in the order as an assistant trial counsel of a special court-martial may perform any duty of the trial counsel. See Article 38*d*. He will perform those duties in connection with trials which the trial counsel may designate.

46. DEFENSE COUNSEL—*a. Selection.* See 6 for qualifications of defense counsel.

b. Disqualification. A report of facts will be made at once to the convening authority for his appropriate action, whenever it appears to the court or to the defense counsel himself that any member of the defense named in the appointing order is for any reason, including unfitness, bias, prejudice, hostility toward the accused, lack of legal qualifications, or previous connection with the same case, unable promptly to perform his duties in any case.

c. Absence. For a proper reason (e. g., preparation of another case) the president may, with the express consent of the accused, excuse from attendance during a trial such of the personnel of the defense as will not be required. See Article 38*b*.

d. General duties. When the defense is not in charge of individual counsel (42*a*) the duties of defense counsel are those outlined in 48. When the defense is in charge of individual counsel, civil or military, the duties of defense counsel as associate counsel are those which the individual counsel may designate.

When charges are referred to a court for trial the defense counsel will inform the accused immediately that he has been appointed to defend him at the trial, explain his general duties, and advise him of his right to select individual counsel, civil or military, of his own choice pursuant to Article 38*b*. If the accused expresses a desire to be represented by individual counsel, the defense counsel will immediately report the fact to the convening authority, through the trial counsel, and take appropriate steps to secure and consult the requested counsel and, if the accused desires, act as associate counsel. Unless the accused otherwise desires, the defense counsel will undertake the immediate preparation of the defense without waiting for the appointment or retaining of any individual counsel.

47. ASSISTANT DEFENSE COUNSEL. Unless he is disqualified by reason of prior participation in the case (6*a*; Art. 27*a*), any person named in the order as an assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by Article 27, perform any duty imposed by law, regulations, or custom of the service upon counsel for the accused. See Article 38*e*. Unless in charge of the defense, he will perform those duties in connection with the trial that the counsel in charge of the defense may designate. Except when the contrary affirmatively appears of record, all duties performed outside of court by the assistant defense counsel shall be deemed to have been performed under the direction of the counsel in charge of the defense; however, unless he has been selected by the accused as individual counsel, an assistant defense counsel who is not qualified to be defense counsel as required by Article 27 may not perform duties in connection with the conduct of the defense of a case during the open sessions of a general or special court-martial except in the presence of a defense counsel or assistant defense counsel who is so qualified, or in the presence of individual counsel. See 6*a* and *d* for rules as to when the conduct of the defense devolves upon an assistant defense counsel.

48. COUNSEL FOR THE ACCUSED—*a. Statutory right to counsel of his own choice.* The accused shall have the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel duly appointed pursuant to Article 27. Should the accused have counsel of his own selection, the duly appointed defense counsel and assistant defense counsel, if any, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court (Art. 38*b*). Civilian counsel will not be provided at the expense of the Government. Military personnel on active duty or persons employed by the armed forces shall not solicit or accept fees of any kind from an accused as reimbursement for acting as his counsel before a court-martial or before any of the appellate agencies concerned with the administration of justice under the code.

b. Detail of individual military counsel. The application for the detail of a person requested by the accused as military counsel may be made by the accused or by anyone on his behalf, but it is usually forwarded by the defense counsel, through the trial counsel, to the convening authority. The convening authority will take the following action:

(1) If the requested counsel is reasonably available within his command, he will make the detail and order any necessary travel.

(2) If the requested counsel is not under his command, he will take prompt action to ascertain whether the requested counsel is reasonably available and, if so, to obtain his services.

(3) If he determines that the requested counsel is not reasonably available, he will so advise the accused.

A person who has acted as a member of the prosecution in the same case, or who has been named in the appointing order as the trial counsel or assistant trial counsel in the case, shall be deemed not to be available for detail as individual counsel. See 6*a* and Article 27. The decision of the convening authority as to the availability of the requested counsel is subject to revision by his next superior authority on appeal by or on behalf of the accused. A military person who has been made available to act as individual counsel will, so far as is practicable, be relieved of all other duties which may interfere with the proper preparation and presentation of the accused's case.

c. Duties in general. An officer or other military person acting as counsel for the accused before a general or special court-martial will perform such duties as usually devolve upon the counsel for a defendant before a civil court in a criminal case. He will guard the interests of the accused by all honorable and legitimate means known to the law. It is his duty to undertake the defense regardless of his personal opinion as to the guilt of the accused; to disclose to the accused any interest he may have in connection with the case, any ground of possible disqualification, and any other matter which might influence the accused in the selection of counsel; to represent the accused with undivided fidelity, and not to divulge his secrets or confidence. It is improper for him to assert in argument his personal belief in the innocence of the accused or to tolerate any manner of fraud or chicane.

When a defense counsel is designated to defend two or more co-accused in a joint or common trial, he should advise them of any conflicting interests in the conduct of their defense which would, in his opinion, warrant a request on the part of any of the accused for other counsel.

d. Securing witnesses. He should make timely request to the trial counsel to secure the attendance of defense witnesses, and with a view to saving time, labor, and expense, he should cooperate with the trial counsel in the preparation of depositions and in appropriate stipulations as to unimportant or uncontested matters. See 154*b* (Stipulations).

e. Request for enlisted members for the court. Before the trial he will advise an accused enlisted person of his right to have enlisted persons as members of the court. See Article 25*c*. If the accused elects to exercise this right, the defense counsel will prepare the written request required by Article 25*c*, have it signed by the accused, and forward it without delay, through the trial counsel, to the convening authority or to the court if trial is imminent.

f. Consultation with the accused. He will explain to the accused the meaning and effect of a plea of guilty and his right to introduce evidence after such plea (70; app. 8*a*); his right to testify or to remain silent (148*e*, 149*b*; app. 8*a*); his right, after findings are announced, to make an unsworn statement and to introduce evidence as to matters in extenuation and mitigation (75*c*, 139*b*; app. 8*a*); and his right to assert any proper defense or objection, such as the statute of limitations in an appropriate case (68*c*, 74*h*). These explanations will be made regardless of the intentions of the accused as to testifying or as to how he will plead. Counsel should endeavor to obtain full knowledge of all the facts of the case before advising the accused, and he is bound to give the accused his candid opinion of the merits of the case.

g. Preparation for trial. Ample opportunity will be given the accused and his counsel to prepare the defense, including opportunities to interview each other and any other person. See 42*c* and 44*h*. Counsel's preparation for trial should include a consideration of the essential elements of each offense charged and of the pertinent rules of evidence, to the end that the evidence he proposes to introduce in defense may be confined to competent evidence, and that he may be ready to make appropriate objection to any incompetent evidence that might be offered by the prosecution. If practicable, he should plan to introduce the defense evidence in sequence of events and to defend against the alleged offenses in the order charged. When he addresses the court, he will rise.

The provisions of 44*f* (4) apply equally to counsel for the defense.

h. Presentation of the defense. Counsel may make an opening statement for the defense similar to that indicated in 44*g* (2). This statement is ordinarily made just after the prosecution has rested or immediately following the opening statement of the trial counsel, but in exceptional cases the court may, in its discretion, permit it or other like statements to be made at other stages of the proceedings.

On behalf of the defense, he conducts the direct and redirect examination of witnesses for the defense. He conducts cross and recross-examination of prosecution witnesses and of witnesses called by the court if they are adverse to the defense.

See 72 as to closing arguments.

i. Absence of accused. When the trial proceeds after the accused has voluntarily absented himself without authority (11), the counsel should continue to represent the accused.

j. Duties after trial—(1) *Clemency petition.* At the close of the trial or as soon thereafter as practicable, if the accused is found guilty, the defense counsel shall, in a proper case, prepare a recommendation for clemency setting forth any matters as to clemency which he desires to have considered by the members of the court or the reviewing authority. He shall secure the signatures of those members of the court who have indicated their willingness to sign the recommendation, and shall submit it to the trial counsel for attachment to the record of trial. See 77*a*.

(2) *Appellate brief.* In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he may deem appropriate (82*e*; Art. 38*c*).

(3) *Advising accused of appellate rights.* In the event the accused is convicted, the defense counsel will, immediately after trial, advise him generally of his appellate rights. For example, he should advise him of his right to be represented before the board of review and, in an appropriate case, he will assist the accused to secure such appellate representation by preparing a letter for the signature of the accused, addressed to the appellate defense counsel, or by other appropriate means. Although direct communication with the appellate defense counsel is authorized, a request for appellate representation ordinarily will be forwarded to the convening authority in order that it may be attached to the record of trial. The accused shall have 10 days from the date the sentence is adjudged in his case to forward a request that he be represented by appellate counsel before a board of review. Such a request should be made conditional upon the record being referred to a board of review under the provisions of Article 66 or Article 69. The failure of the accused to forward within 10 days a request for such representation may be regarded as a waiver of his right to appellate counsel before the board of review, if such board has taken its final action in the case prior to receipt of such request. The defense counsel should also advise the accused of any right he may have to appeal to the Court of Military Appeals and to be represented before that court by appellate defense counsel. See 102 in this connection.

(4) *Examination of record.* See 82*e* for duties in connection with examination of the record of trial.

49. REPORTER—*a. Authority for appointment.* See 7 for the authority for, and the manner of, appointment and 33*k* as to the manner of directing that a reporter not be used in a special court-martial.

b. Duties—(1) *General.* He shall record the proceedings of and testimony taken before courts-martial, courts of inquiry, or military commissions for which he is appointed (Art. 28) and may set down the same in the first instance in longhand, shorthand, or by mechan-

ical or sound recording device. If a question is raised at trial as to whether any particular matter is included in the term, "proceedings of and testimony taken," the court will determine the question in accordance with applicable law and regulation. There will be no "off the record" discussions in open court or when the law officer is conferring with the court with respect to the form of the findings in closed session. See Article 39. The reporter will follow the forms prescribed for the preparation of records contained in appendix 9 and will be familiar with the provisions of 82. He will discharge his duties as promptly as practicable under the circumstances.

(2) *Copies of record.* In general and special court-martial cases in which the sentence adjudged affects a general or flag officer, or includes death, dismissal, dishonorable or bad conduct discharge, or confinement for one year or more, the reporter will prepare an original and two copies of each record and of all documentary exhibits received in evidence, and additional copies of each record and of all documentary exhibits equal to the number of accused tried. In all other general and special court-martial cases, the reporter will prepare an original of each record and of all documentary exhibits received in evidence and copies of each record and of all documentary exhibits equal to the number of accused tried.

In any general or special court-martial case, the convening authority may direct that additional copies of the record and of documentary exhibits be prepared.

(3) *Oath; compensation.* See 114 as to oath and appropriate departmental regulations as to compensation.

50. INTERPRETER — *a. Authority for appointment.* See Article 28. See 7 for the authority for, and the manner of, appointment and 53*i* for the rule as to appointment of an interpreter for an accused who does not understand the English language.

b. Duties; oath; compensation. He shall interpret for the court, commission, or the accused. In questioning a witness through an interpreter the question should be put in the same interrogatory form as when questioning a witness not through an interpreter. The interrogator, for example, will ask, "What is your name?" rather than state to the interpreter, "Ask the witness what his name is." The interpreter should translate questions and answers as given to him. Thus, if the question is, "What is your name?" that question should be asked in the language of the witness, and the interpreter should not use such a form as, "They want to know what your name is."

See 114 as to oath and appropriate departmental regulations as to compensation.

51. GUARDS, CLERKS, AND ORDERLIES. When appropriate, the convening authority or (if the trial is to be held at a distance) the commanding officer of the post, camp, or station where the trial is to be held will provide guards and detail suitable enlisted persons as clerks and orderlies to assist the members and officers of the court.

Chapter X—General Procedural Rules

REFERENCE TO CONVENING AUTHORITY—MISCELLANEOUS MATTERS — INTRODUCTION OF EVIDENCE—ACTION WHEN EVIDENCE INDICATES AN OFFENSE NOT CHARGED—WITHDRAWAL OF SPECIFICATIONS — INTERLOCUTORY QUESTIONS OTHER THAN CHALLENGES — CONTINUANCES

52. REFERENCE TO CONVENING AUTHORITY. Whenever a matter as to future proceedings in a trial by court-martial is referred to a convening authority exercising general court-martial jurisdiction, he will refer the matter to his staff judge advocate or legal officer for consideration and advice.

53. MISCELLANEOUS MATTERS—*a. Order of proceedings.* The chronological order of the usual proceedings in trials by general and special courts-martial is indicated in the guide to procedure in appendix 8 and in the forms of records in appendices 9 and 10.

b. Proceedings in each case to be complete. In each case the proceedings and the record thereof must be completed without reference to any other case. For example, if several accused, who are to be tried at separate trials by the same court, are present while the personnel of the court, counsel, and the reporter are sworn (112c; app. 8; Art. 42), the fact that the required oaths were administered in the presence of an accused must be shown in his record of trial and not by reference to the record of trial of one of the other accused.

c. Joint and common trials. In joint trials (26*d*) and in common trials (33*l*) each of the accused must in general be accorded every right and privilege which he would have if tried separately. For example, each accused may, if he desires, be defended by individual counsel, make individual challenges for cause (62*h*), make individual peremptory challenges (62*e*), cross-examine witnesses, testify in his own behalf, introduce evidence in his own behalf, and, if an enlisted person, make an individual request that the membership of the court include enlisted persons (4*a*, 61*g*). In a joint or common trial, both court and counsel must be careful to notice evidence which is admissible against only one or some of the joint or several accused and consider it only against such accused. For example, see 140*b* (Confessions). When the evidence is equally applicable to several or all accused, however, needless repetition may be avoided by the use of appropriate language and consolidation of evidence pertinent to all accused.

d. Sessions. A general or special court-martial will sit in closed sessions during the deliberation and voting upon the findings and sentence, and upon interlocutory questions, including challenges. Only the members of the court who are to vote shall be present at such closed sessions. See 62*h* (3) with regard to voting on challenges. After a general court-martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court in closed session to put the findings in proper form, and such proceedings shall be on the record. See 74*f* (1) for procedure. All other proceedings, including any other consultation of the court with counsel or the law officer, shall take place in open session, shall be made a part of the record, and shall be conducted in the presence of the accused, the defense counsel, the trial counsel, and, in general court-martial cases, the law officer. See Article 39. See 57*g* (2) and 73*c* (2) for rules governing certain proceedings had outside the presence of members of a general court-martial.

e. Spectators; publicity. As a general rule, the public shall be permitted to attend open sessions of courts-martial. Unless otherwise limited by departmental regulations, however, the convening authority or the court may, for security or other good reasons, direct that the public be excluded from a trial. When practicable, notices of the time and place of sessions of courts-martial will be published so that persons subject to the code may be afforded opportunity to attend as spectators provided attendance does not interfere with the performance of their duties. See also 118 (Contempts).

The taking of photographs in the courtroom during an open or closed session of the court, or broadcasting the proceedings from the courtroom by radio or television will not be permitted without the prior written approval of the Secretary of the Department concerned.

f. Witnesses. Ordinarily, witnesses other than the accused should be excluded from the courtroom except when they are testifying. To prevent the false shaping of testimony through collusion, coercion, or other means, the court, upon its own motion or upon motion of counsel, may instruct a witness to refrain from discussing his testimony or prospective testimony with anyone except counsel or the accused in the case. See appendix 8 for form of instruction.

g. Opportunity to present and support contentions. Both sides are entitled to an opportunity properly to present and support their respective contentions upon any question or matter presented to the court for decision. Restricting argument, particularly in long and complicated cases, or an arbitrary refusal to entertain argument on an interlocutory question, may constitute error; however, the right to present argument should not be abused, and the court may in its discretion limit or refuse to hear argument when it is trivial, mere repetition, or made for the purpose of delay. Arguments throughout the trial may be oral, in writing, or both. See 82*b* (4) in this connection.

h. Explanation of rights of accused. Ordinarily, the court need not volunteer advice to the accused during the course of the trial as it may be assumed that his counsel has performed his duties properly, has advised the accused of his rights and the law affecting the case, and that, for reasons best known to them, they desire to pursue a certain course. When deemed necessary, the court will cause to be explained to the accused any right which he appears not to understand. The right of the accused with respect to Article 43 (Statute of limitations (68c)), the meaning and effect of a plea of guilty (70), the right to remain silent or to testify as a witness (148*e*, 149*b*; Art. 31), and, after any finding of guilty is announced, to make a statement (75*c*) will, when applicable, be explained in open court unless it otherwise affirmatively appears of record that the accused is aware of his rights in the premises. See appendix 8*a* for forms of instructions. Whenever it appears warranted, the court should advise the accused of his right to testify for a limited purpose. For example, if it appears that the accused does not understand his right to testify for the limited purpose of showing the circumstances under which a confession was obtained without subjecting himself to cross-examination on the issue of guilt or innocence, an explanation should be made by the court. See 140*a* and 149*b*.

i. Right of accused to interpreter. Upon a showing by the defense that the accused does not understand the English language and desires the services of an interpreter, the court will direct the trial counsel to take appropriate action to provide the accused with a competent interpreter. The latter will interpret for the accused all proceedings had in open court and all testimony given in any language other than that understood by the accused. The interpreter will be sworn before entering upon his duties. See 114 for form of oath.

54. INTRODUCTION OF EVIDENCE—*a. Presentation of the case.* Witnesses are usually examined in the following order: Witnesses for the prosecution, witnesses for the defense, witnesses for the prosecution in rebuttal, witnesses for the defense in rebuttal, witnesses for the court. The order of examining each witness is usually direct examination, cross-examination, redirect examination, recross-examination, and examination by the court. In a general court-martial, the examination by the court is ordinarily conducted by the law officer; thereafter, if necessary, members of the court may ask questions of the witness. The court should protect every witness from improper questions, harsh or insulting treatment, and unnecessary inquiry into his private affairs. See 150 and Article 31 for questions which a witness cannot be required to answer over his objection. See also 148, 149, 151, and 153 for other rules respecting the examination of witnesses.

b. Responsibility of the court. The court is not obliged to content itself with the evidence adduced by the parties. When such evidence appears to be insufficient for a proper determination of the matter before it, or when not satisfied that it has received all available admissible evidence on an issue before it, the court may take appropriate action with a view to obtaining available additional evidence. The court may, for instance, require the trial counsel to recall a witness, to summon new witnesses, or to make an investigation or inquiry along certain lines with a view to discovering and producing additional evidence.

c. Exclusion of improper evidence. When proffered evidence would be excluded on objection, the court may in its discretion bring the matter to the attention of any party entitled, but failing, to object to its admission. Such action is particularly important when improper questions are asked by a member of the court, or when improper testimony is elicited by questions asked by a member of the court—the reason for this being the natural hesitancy of the parties to object to a question asked by a member of the court and the weight likely to be given to testimony elicited through questions by the court. In the interest of justice, a court may always of its own motion exclude inadmissible evidence.

Rules of evidence are stated in chapter XXVII and in various connections throughout this manual; for example, in 122c (Insanity), 162 (Fraudulent enlistment), and 164 (Desertion).

d. Documentary evidence. In its discretion the court may direct that a document, although excluded as not admissible in evidence, be marked for identification and appended to the record for the consideration of the convening authority, and the court will so direct on request of the party offering the document. See 154*c* (Offer of proof).

When a document, such as an original record, which must or should be returned to the source from which it was obtained, is received in evidence or marked for identification, a suitable copy or extract copy thereof, certified as such by the trial counsel, will be substituted for such document and it will then be returned. Similar action may be taken to substitute an accurate description for an item of real evidence which must be returned to its source or is too bulky for inclusion in the record of trial. In this connection, see 138*c* (Real evidence).

e. Views and inspections. In exceptional circumstances, the court, in the exercise of its sound discretion, may proceed to view or inspect the premises or place or an article or object if such view or inspection is necessary to enable the members better to understand and apply the evidence in the case. The proceeding is authorized only if conducted in the presence of counsel, the accused, and, in general court-martial cases, the law officer. The view should not be undertaken if the court is already familiar with the premises involved, or if photographs, diagrams, or maps adequately present the situation. The court may be escorted to the view by any person familiar with the premises and objects. The escort, without making any statement in the nature of evidence or argument, may point out particular features to be noted by the court. Before entering on his duties as escort, he will take the oath or affirmation prescribed in 114.

The members may consider and apply the evidence in the light of the knowledge obtained by their inspection. The court should not hear witnesses or take evidence at the view, but anything said thereat by counsel, the authorized escort, or the court will be recorded vebatim and constitute a part of the record of trial in any general court-martial case or in any special court-martial case in which a verbatim record is taken. Reenactments of the events involved or acts alleged to have been committed are not authorized upon a view.

The fact that a view or inspection has been made does not preclude the introduction in evidence of photographs or diagrams of articles or objects viewed, nor of maps or sketches of the premises or place viewed, if such evidence is otherwise admissible.

f. Inquiry into mental status. See 122 for action by the court when it appears that further inquiry into the mental responsibility of the accused is warranted in the interest of justice.

55. ACTION WHEN EVIDENCE INDICATES AN OFFENSE NOT CHARGED—*a. General.* If at any time during the trial it becomes manifest to the court that the available evidence as to any specification is not legally sufficient to sustain a finding of guilty thereof or of any lesser included offense thereunder, but that there is substantial evidence, either before the court or offered, tending to prove that the accused is guilty of some other offense not alleged in any specification before the court, the court may, in its discretion, either suspend trial pending action on an application by the trial counsel to the convening authority for direction in the matter or it may proceed with the trial. In the latter event a report of the matter may properly be made to the convening authority after the conclusion of the trial.

b. Examples. Application of this rule would be appropriate when in a trial for the larceny of a watch the proof shows that the article taken was a compass, or when in a trial for the wrongful sale of property (Art. 108) the proof shows that the accused negligently lost the property.

c. Trial of new charges. In any such case, if charges for the offense indicated by the evidence are preferred and are referred for trial, they should be referred to a court none of whose members has participated in the former trial.

56. WITHDRAWAL OF SPECIFICATIONS—*a. General.* The convening authority may direct the prosecution to make a declaration of record that a certain specification and, when appropriate, the charge under which it is laid is withdrawn and will not be pursued further at that trial. A specification will be withdrawn only when directed by the convening authority who may give such direction either on his own initiative or on application duly made to him. The convening authority may not withdraw a specification if the court has finally terminated the proceedings thereon by a finding or a ruling which amounts to a finding of not guilty. In a joint case or in a case referred for a common trial, he may limit the direction to one or more of the accused.

b. Grounds for withdrawal. Proper grounds for the withdrawal of a specification include substantial defect in the specification, insufficiency of available evidence to prove the specification, and the fact that it is proposed to use one of the accused as a witness.

If evidence on the issue of guilt or innocence has been received after a plea has been entered, a withdrawal of a specification because of a failure of available evidence or witnessses, without any fault of the accused, amounts to jeopardy

and constitutes a trial in the sense of Article 44. However, withdrawal of a specification because of manifest necessity in the interest of justice is not a bar to further prosecution. Thus, if urgent and unforeseen military necessity requires that a trial be terminated, and it does not appear that the military situation will permit resumption of the trial within a reasonable time, the withdrawal of a specification will not prevent a later trial for the same offense. Similarly, if inadmissible information, highly prejudicial to either the Government or the accused, has been brought to the attention of the court, and it appears to the convening authority that the members of the court cannot be reasonably expected to remain uninfluenced thereby, he may withdraw the case from that court and refer it to another court. The power to withdraw a case after evidence has been taken on the issue of guilt or innocence will be exercised only with the greatest caution, under urgent circumstances, and for very plain and obvious causes. A specification will not be withdrawn arbitrarily or unfairly to the accused in any case. When a specification is withdrawn after evidence has been taken on the issue of guilt or innocence, the reasons therefor should be stated in the record of trial.

c. Effect of withdrawal. A withdrawal of a specification during trial is not in itself equivalent to an acquittal or to a grant of pardon and is not as such a ground of objection or a defense in a subsequent trial. If the proceedings amounted to a trial in the sense of Article 44, the defense of former jeopardy should be asserted (68*d*). If a specification is withdrawn pursuant to a grant of immunity (148*e*, 150*b*), such grant of immunity may be asserted as a defense.

d. Withdrawal before arraignment. If a specification is withdrawn before the court convenes for the trial of a case, the trial counsel should line out and initial the withdrawn specification on the charge sheet and renumber the remaining specifications or charges when appropriate. When a specification is withdrawn after the court has convened, but before the arraignment of the accused, the withdrawal should be announced before the arraignment and the withdrawn specification should not be brought to the attention of the court. See 65*a*.

57. INTERLOCUTORY QUESTIONS OTHER THAN CHALLENGES—*a. Statutory provisions.* The law officer of a general court-martial and the president of a special court-martial shall rule upon interlocutory questions other than challenges arising during the proceedings. Any such ruling made by the law officer of a general court-martial upon any interlocutory question other than a motion for a finding of not guilty or the question of accused's sanity shall be final and shall constitute the ruling of the court; but the law officer may change any ruling at any time during the trial (Art. 51*b*).

b. Applicability of this paragraph. This paragraph (57) applies to all interlocutory questions arising during the proceedings in open court (i. e., to all questions other than the findings and sentence) except the question of whether a challenge shall be sustained. Any statement or indication in this manual to the effect that a certain question should be decided by the court is not to be understood as making an exception to the foregoing rule. See, for example, 53, 54, 55, 58, and 137.

c. Rulings by the president of a special court-martial. The president of a special court-martial will rule in open court upon all interlocutory questions other than challenges arising during the trial, such as questions as to the admissibility of evidence offered during the trial, incompetency of witnesses, continuances, adjournments, recesses, motions, order of the introduction of witnesses, and the propriety of any argument or statement of the trial or defense counsel. If a member objects to a ruling of the president upon a question, the court shall be closed and the question voted on as stated in 57*f*.

d. Rulings by the law officer—(1) *General.* A ruling by the law officer on an interlocutory question other than on a motion for a finding of not guilty or the question of the accused's sanity, being final so far as concerns the court, no repetition of the ruling is necessary. However, any question as to whether a ruling of the law officer is conclusive shall be determined by the law officer. Rulings by the law officer on a motion for a finding of not guilty (71*a*) and on the question of the sanity of an accused (122*b*) are final unless objected to by a member of the court. When proper objection is made to a ruling of the law officer on these two matters, he may give the court such instructions as will better enable the members to understand the question they are to determine and the manner in which it is to be determined. Thereafter the court will be closed and the question decided by a vote of the members of the court. The law officer shall not be present while the court is closed to deliberate or vote.

(2) *Treatment of proffered evidence.* The law officer may examine a proffered item of real or documentary evidence before ruling upon its admissibility. He will take care that a proffered document (or, when practicable, an item of real evidence) is not exposed to risk of inadvertent examination by members of the court until he has ruled that the document (or item of real evidence) is admissible. In this connection, see 57*g* (2) for rules governing certain proceedings had outside the presence of the members of a general court-martial. The law officer should give the court appropriate instructions to disregard evidence which, once having been admitted, is excluded by a subsequent ruling.

e. Form of ruling. Each ruling by the president of a special court-martial and each ruling by the law officer which is subject to objection should be prefaced by a statement such as, "Subject to objection by any member."

f. Voting on interlocutory questions. When voting on any interlocutory question other than a challenge, the members of the court shall vote orally, beginning with the junior in rank, and the question shall be decided by a majority vote. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity shall be a determination against the accused. A tie vote on any other question (e. g., an objection by either side to the admissibility of certain evidence in a trial by special court-martial) shall be a determination in favor of the accused. See Articles 51*b* and 52*c*. The voting is in closed session, but the president announces the decision in open court. See 62*h* (3) for the manner of voting on challenges.

g. Necessary inquiry to be made; preponderance of evidence controls—(1) *General.* The ruling or decision on an interlocutory question should be preceded by any necessary inquiry into the pertinent facts and law. For example, the party making the objection, motion, or request may be required to furnish evidence or legal authority in support of his contention. Upon such inquiry, questions of fact are determined by a preponderance of the evidence.

(2) *Law officer.* The law officer is responsible for rulings made by him, but he may consult with the court in open session upon appropriate matters such as a continuance, adjournment, or recess before making his ruling. When necessary, he may recess the court for a time sufficient to enable him to consult pertinent legal authorities before making his ruling.

Except with respect to hearing arguments of counsel on proposed additional instructions (73*c* (2)), there is no requirement in courts-martial that the law officer conduct any hearings out of the presence of the members of the court. However, if it appears to the law officer that an offer of proof (154*c*) or preliminary evidence or argument with respect to the admissibility of proffered evidence, may contain matter prejudicial to the rights of the accused or the Government, he may, upon his own motion or upon motion of counsel, direct that the members of the court be excluded during the presentation of such offer of proof, preliminary evidence, or argument. Counsel for both sides, the accused, and the reporter will be present during such proceedings which, if they include the presentation of preliminary evidence, will be fully recorded, transcribed, and appended to the record of trial for the information of the convening authority. If such proceedings involve only arguments or offers of proof, they ordinarily will not be recorded but, in his discretion, the law officer may direct that such arguments or offers of proof, or pertinent parts thereof, be recorded, transcribed, and appended to the record of trial for the information of the convening authority. In this connection, however, see 154*c* for a limitation on the discretion of the law officer with respect to recording an offer of proof made by the defense.

When, as a result of a hearing held out of the presence of the members of the court, the law officer rules that proffered evidence is admissible, such evidence will be offered in open court subject to the rules of evidence; in addition, if preliminary evidence adduced at such a hearing goes to the weight of the evidence admitted by the ruling of the law officer, both sides will be given an opportunity

to present for the consideration of the members of the court any competent evidence affecting the weight to be given to the evidence so admitted. In this connection, see 140*a* (Confessions and admissions).

In lieu of, or in addition to, any oral arguments of counsel with respect to the admissibility of evidence, the law officer may also direct counsel to submit written arguments or briefs on questions of law. Such written arguments or briefs need not be brought to the attention of the members of the court or made a part of the record of trial in the case. In his discretion, however, the law officer may direct that such written arguments or briefs, or pertinent parts thereof, be appended to the record of trial for the consideration of the convening authority.

(3) *President of a special court-martial.* While the responsibility for a ruling devolves upon the president of a special court-martial, he may properly close the court and consult with the other members of the court before making his ruling.

58. CONTINUANCES—*a. General.* A court-martial may, for reasonable cause, grant a continuance to any party for such time and as often as may appear to be just (Art. 40). There is no limit to the number of continuances which may be granted.

b. Postponement of trial. The necessity for a formal continuance may often be avoided by requesting the president to postpone the assembling of the court or by requesting the court to adjourn or to take a recess. As the law officer rules finally on any application for a continuance presented while the court is in session, the president of a general court-martial properly should obtain the advice of the law officer with respect to the request of a party for the postponement of the time for the assembling of the court.

c. Grounds for continuance. Among the grounds that may be considered as reasonable are the absence of a material witness; sickness of the trial counsel, accused, defense counsel, or a witness; insufficient time to prepare for trial; and a pending prosecution in a civil court based on the same act or omission.

A failure by the trial counsel to cause a copy of the charges to be served as required by Article 35 may be a ground for a continuance. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of the charges upon him, or before a special court-martial within a period of three days subsequent to the service of charges upon him (Art. 35).

d. Effect of denying application for continuance. The refusal by a court to grant a continuance when reasonable cause is shown will not ordinarily nullify the proceedings, but may be a good ground for directing a rehearing. The right to prepare for trial and to secure necessary witnesses is fundamental and must be extended to accused persons. Although the question of a continuance is one for the sound discretion of the court, whenever it appears that the court has abused its discretion and denied the accused a reasonable opportunity to prepare for trial or otherwise perfect his defense, the proceedings should be disapproved. A rehearing should be ordered only if the prejudice to the rights of the accused can be cured thereby.

e. Application and action thereon. Application should be made to the court if in session, otherwise to the convening authority, but an application to the court for an extended delay, if based on reasonable cause, may be referred by the court to the convening authority.

Although the proper time for making an application to the court is after the accused is arraigned and before he pleads, the court may permit it to be made at any other time.

f. Evidence in support of application. Reasonable cause for the application must be alleged. For instance, when a continuance is desired because of the absence of a witness, the application should show that the witness is material, that due diligence has been used to procure his testimony or attendance, that the party applying for the continuance has reasonable ground to believe that he will be able to procure such testimony or attendance within the period stated in the application, the facts which he expects to be able to prove by such witness, and that he cannot safely proceed with the trial without such witness.

In general the facts as set forth in the application may be accepted as substantially true; but if long or repeated delay is involved, or the facts are disputed or improbable, or if any other good reason therefor exists, the applicant may be required to furnish further proof. On any issue of law or fact arising in the proceedings on an application for a continuance, both parties will be given an opportunity to present evidence and to make an argument.

An application based on the absence of a witness may be denied when the opposite party is willing to stipulate that the absent witness would testify as stated in the application unless it clearly appears that such denial would be prejudicial.

Chapter XI — Organization of the Court and Arraignment of the Accused

ASSEMBLING THE COURT—ATTENDANCE AND SECURITY OF ACCUSED—PRELIMINARY ORGANIZATION OF THE COURT—CHALLENGES—WITNESS FOR THE PROSECUTION—INVESTIGATING OFFICER—ARRAIGNMENT

59. ASSEMBLING THE COURT. A general or special court-martial assembles at its first session in accordance with the order appointing it—thereafter according to adjournment. When, as is usually the case, the appointing order, after stating the hour and date of the first meeting, adds the words "or as soon thereafter as practicable"; or when, as is often the case, the court adjourns to meet at the call of the president, or whenever advisable or necessary for any reason, the president of the court, after conferring with the law officer in an appropriate case, will fix the hour and date for the first or subsequent meeting, as the case may be, and advise the trial counsel in order that proper notice of the meeting may be given to all concerned. See 58*b* (Postponement of trial).

A court-martial may hold sessions at any hour of the day, but should not meet at unusual hours, nor should the duration of the sittings be unusually protracted, unless the court is informed by the convening authority that the case is one of extraordinary urgency and that such a measure is therefore warranted.

60. ATTENDANCE AND SECURITY OF ACCUSED. The convening authority, the ship or station commander, or other proper officer in whose custody or command the accused is at the time of trial is responsible for the attendance of the accused before the court. The accused will be properly attired in the class of dress or uniform prescribed by the president for the court. An accused officer, warrant officer, or enlisted person will wear the insignia of his rank or grade and may wear any decorations, emblems, or ribbons to which he is entitled.

The presence of the accused throughout the proceedings in open court is, unless otherwise stated, essential. See 11*c* (Effect of voluntary absence from trial) and 74*f* (1) (Form of the findings—General court-martial).

Neither the court nor the trial counsel as such is responsible for, or has any authority in connection with, the security of a prisoner being tried, and neither the court nor the trial counsel as such has any control over the imposition or nature of the arrest or other status of restraint of an accused. However, the court or the trial counsel may make recommendations to the proper authority as to these matters. The court does have control over the accused insofar as his personal freedom in its presence is concerned.

61. PRELIMINARY ORGANIZATION OF THE COURT—*a. Preconvening procedure.* A court-martial should not be called to order for the trial of a new case until the law officer (president of a special court-martial), after examining the order appointing the court and making an informal inquiry of the personnel present, has determined that the accused and a quorum of the court are present for the trial of the case, and that the appointed members of the prosecution and defense present are apparently qualified, as prescribed by Article 27*b* or *c*, to conduct the prosecution and defense of the case. In determining the presence of a quorum of the court, the law officer or president should consider whether an enlisted accused has made a proper request for enlisted members; if so, at least one-third of the members present must be enlisted members unless the convening authority has determined that eligible enlisted persons are not available. In this connection, see 36*c* (2) and 41*d* (2).

b. Seating of personnel and the accused. When the court is ready to proceed, it is called to order by the president. The members will be seated with the president in the center and other members alternately to the right and left according to rank. If the rank of a member is changed, he will sit according to his new rank. The law officer will

sit apart from the court. Depending upon the size and arrangement of the courtroom, other personnel and the accused will be seated as the president directs, except that the accused will be permitted to sit with his counsel. See appendix 8 for suggested seating arrangements for general and special courts-martial.

c. Announcing personnel of the court and the accused. After the court is called to order for the trial of a new case, the trial counsel will announce the name of the accused and will state by what appointing order (including any amendment thereof) the court is convened. He will then announce the names of the law officer, the members, and counsel who are present, and the names of members and counsel who are absent. Similar announcement will be made whenever there is a change in the law officer, the members, or counsel present, either through the appearance of new personnel or personnel previously absent, or through the absence of personnel previously present. When the court assembles after an adjournment or recess, or after it has been closed for any reason, the trial counsel will state in open court whether all parties to the trial who were present at the time of the adjournment or recess, or at the time the court closed, are present.

d. Swearing reporter and interpreter. After accounting for the personnel, the trial counsel will swear the reporter and interpreter, if any. See 114 for oath. A new reporter or interpreter appointed during the course of a trial will be sworn before entering upon his duties.

e. Introduction of prosecution counsel. The trial counsel will next announce whether the legal qualifications of the members of the prosecution are other than as stated in the appointing order and whether any member of the prosecution has acted as investigating officer (64), law officer, court member, or member of the defense in the same case, or has acted as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter (6*a*; Art. 27). If it appears that the trial counsel or any of his assistants may be disqualified by reason of prior participation in the case, the court will initiate an inquiry to determine whether the individual concerned is, in fact, disqualified and, if so, whether he has acted for the prosecution (6*a*, *d*). When it appears that a member of the prosecution is disqualified by reason of prior participation and that he has acted as a member of the prosecution in the case before the court, the court should adjourn and report the facts to the convening authority. If the disqualified member has not acted for the prosecution, the proceedings may continue, but the disqualified member will not be permited to act for the prosecution during any future stage of the proceedings and he will be excused forthwith. When, as a result of excusing a disqualified member of the prosecution, no qualified trial counsel or assistant trial counsel remains, the court should adjourn and report the facts to the convening authority.

Any change in prosecution counsel during the trial and the qualifications of any new counsel should be brought to the attention of the court in the manner prescribed in the preceding subparagraph.

f. Introduction of defense counsel—(1) *General rules as to legal qualifications.* A general court-martial is not legally constituted unless the appointed defense counsel has been certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member (Art. 27*b*). Similarly, a special court-martial is not legally constituted unless the following jurisdictional requirements with respect to the legal qualifications of appointed defense counsel are satisfied:

(*a*) If the appointed trial counsel is qualified to act as counsel before a general court-martial, the appointed defense counsel shall be a person similarly qualified (Art. 27*c* (1)); or

(*b*) If the appointed trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, the appointed defense counsel shall be one of the foregoing (Art. 27*c* (2)).

In addition to the foregoing requirements, which are jurisdictional, it is a purpose of Articles 27 and 38 that an accused person shall, if he desires, be represented at his trial by general or special court-martial by a counsel having legal qualifications equivalent to those of any member of the prosecution who has legal qualifications. For example, in a trial by special court-martial, if an assistant trial counsel is qualified to act as counsel of a general court-martial or has any of the legal qualifications enumerated in Article 27*c* (2), the accused should be advised that he is entitled to be represented by counsel having equivalent qualifications, even though the appointed trial counsel has no legal qualifications; similarly, in a trial by general court-martial, should the accused be represented by counsel of his own selection who is not qualified to act as counsel before a general court-martial, the accused should be advised that he is entitled to be represented by counsel who is qualified to act as counsel before a general court-martial.

(2) *Ascertaining legal qualifications of counsel for the defense.* After the court has ascertained the qualifications of the members of the prosecution, the trial counsel will ask the accused whom he desires to introduce as counsel. Counsel representing the accused will then be asked to state whether the legal qualifications of the appointed members of the defense are other than as stated in the order appointing the court.

Should the accused introduce counsel of his own selection, and the qualifications of such counsel are not shown in the order appointing the court, his selected counsel will be asked to state whether he has been certified by an appropriate Judge Advocate General as competent to act as counsel before a general court-martial, and, if not, whether he has any of the legal qualifications enumerated in Article 27*b* (1).

(3) *Action when defense counsel is not legally qualified.* If the appointed defense counsel of a general court-martial has not been certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member (Art. 27*b*), the court will adjourn and report the matter to the convening authority. Similar action will be taken by a special court-martial when it appears:

(*a*) That the appointed trial counsel is qualified to act as counsel before a general court-martial, but the appointed defense counsel is not so qualified (Art. 27*c* (1)); or

(*b*) That the appointed trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, but the appointed defense counsel is not one of the foregoing (Art. 27*c* (2)).

If the foregoing jurisdictional requirements have been met, but no member of counsel for defense present, including the individual counsel, has legal qualifications equivalent to those of any member of the prosecution who is legally qualified, the law officer (president of a special court-martial) will advise the accused of his right to such counsel and will ask him whether he is willing to proceed to trial without counsel so qualified. If the accused expressly requests that he be represented by the defense counsel then present, including individual counsel, if any, and states that he does not wish the services of a counsel who has the requisite equivalent legal qualifications, the trial will proceed. If not, the court will adjourn pending procurement of a defense counsel who has the requisite qualifications. Regardless of the legal qualifications of individual counsel, the duly appointed defense counsel and assistant defense counsel shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court (Art. 38*b*).

(4) *Prior participation of defense counsel in same case.* After the court has determined that the defense counsel has the requisite legal qualifications, the trial counsel will ask the counsel representing the accused to state whether any member of the defense present, including individual counsel, is the accuser or has acted in the same case as a member of the prosecution (6*a*, *d*), or as investigating officer (64), law officer, or court member. If it appears that any member of the defense has previously acted in the same case for the prosecution, such member will be excused forthwith. If a member of the defense is the accuser or has participated in the same case as an investigating officer, law officer, or court member, he will be excused unless the accused expressly requests his services. If, as a result of excusing a member of the defense, the accused is left without counsel having the requisite legal qualifications, the court will adjourn and report the matter to the convening authority.

(5) *Change of defense counsel during trial.* Any change in defense counsel during the trial and the qualifications of any new counsel should be brought to the attention of the court and the accused in the manner prescribed in this subparagraph (61*f*).

g. Announcement of request for enlisted members. When the court has ascertained that counsel representing the prosecution and defense are qualified to perform their respective duties, the law officer (president of a special court-martial) will so state. Thereupon, the trial counsel will, in the case of an enlisted accused, announce whether the accused has made a request in writing that the membership of the court include enlisted persons. See appendix 8. If a written request, signed by an enlisted accused, is not made prior to or at this time, the accused may not thereafter assert his right to have enlisted members on the court. If a proper request for enlisted members is made prior to or at this time, the trial may not proceed unless at least one-third of the members actually sitting on the court are enlisted persons or unless the convening authority has directed that the trial proceed in the absence of enlisted members. See 4*a* and *c*. When one or more, but not all, of the accused being tried at a joint or common trial make a proper request for enlisted members, the court will take action similar to that prescribed when a motion to sever has been granted. In this connection, see 69*d*.

h. Administration of oaths. The accused, a quorum of the court, properly qualified counsel, and, in a general court-martial, the law officer, being present, the members of the court and the law officer will be sworn by the trial counsel; thereafter, the president of the court will swear the members of the prosecution and the defense, including any individual counsel (civilian or military). All personnel, including the law officer, counsel, the accused, the reporter, and the interpreter, if any, will stand while the oaths are being administered. See 114 as to oaths.

i. Convening of court. After the oaths have been administered, the convening of the court is complete.

62. CHALLENGES—*a. Statutory provisions.* Members of a general or special court-martial and the law officer of a general court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The court shall determine the validity of challenges for cause, and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered. Each accused and the trial counsel shall be entitled to one peremptory challenge, but the law officer shall not be challenged except for cause (Art. 41).

b. Disclosing grounds for challenges. After the members of the court, the law officer, and counsel have been sworn, the trial counsel will announce to the court the general nature of the charges, the name of the accuser, the investigating officer, the officer or officers forwarding the charges to the convening authority, and the name of any court member or law officer who participated in any proceedings already had. He will then disclose in open court every ground for challenge believed by him to exist in the case and will request that the law officer and each member do likewise with respect to grounds of challenge, whether against the law officer or member himself or against any others who are subject to challenge for cause. Among the grounds for challenge which a member or the law officer should disclose are these: That he has participated in the investigation of the case, has acted as counsel for the accused, will be a witness for the prosecution, or has forwarded the charges to the convening authority with a recommendation concerning trial by court-martial.

Similar disclosures and requests will be made by the trial counsel with respect to a new member or law officer; and the trial counsel, any member, or the law officer will disclose any such ground at any time during the proceedings that he becomes aware of it.

Without challenging a member for cause, the trial or defense counsel may question the court, or individual members thereof, concerning the existence or nonexistence of facts which may disclose a proper ground of challenge for cause. Thus the trial counsel, after advising the court that an offense charged against the accused is punishable by death, might ask, "Does any member of the court have any conscientious scruples against imposing the death penalty in a proper case?" If he desires, the trial counsel might ask individual members to answer such a question. Similarly, the defense counsel might question the court, or individual members thereof, with respect to whether they know the accused and, if so, whether they are hostile or friendly toward him. It is optional with the questioning party whether the member being questioned shall be sworn to testify as to his competency before answering such preliminary questions.

c. Action upon disclosure. If it appears from any disclosure that the law officer or a member is subject to challenge on any ground stated in clauses (1) to (8) of 62*f*, and the fact is not disputed, the law officer or member will be excused forthwith. If the law officer is excused or the court is reduced below a quorum, the court will adjourn pending appointment of a new law officer or additional members. Except as just stated, no action is required under this paragraph (62*c*) with respect to any disclosure that may be made; but proceedings under this paragraph are without prejudice to any rights of challenge on either side.

d. When made; reconsideration; opportunity to challenge new member. Challenges should be made before arraignment, but the court may permit a challenge for cause to be presented at any stage of the proceedings. A challenge will be so permitted if the challenger has exercised due diligence or if the challenge is based on any of the grounds stated in clauses (1) to (8) of 62*f*.

The fact that a particular challenge for cause has been adversely determined does not preclude the court from again entertaining it if good cause, such as newly discovered evidence, is shown. Full and timely opportunity will be given to challenge every new member or law officer.

e. Peremptory challenges. A peremptory challenge does not require any reason or ground therefor to exist or to be stated. It may be used before, during, or after challenges for cause, or against a member unsuccessfully challenged for cause, or against a new member if not previously utilized in the trial. It cannot be used against the law officer. A member challenged peremptorily will be excused forthwith.

In a joint or common trial each accused is entitled to one peremptory challenge.

f. Challenges for cause—grounds for. Among the grounds of challenges for cause against members of special and general courts-martial and (unless otherwise indicated by the context) the law officer of a general court-martial are the following:

(1) That the challenged law officer or member is not eligible to serve as law officer or member, respectively, on courts-martial.

(2) That he is not a member or law officer of the court.

(3) That he is the accuser as to any offense charged. See Article 1 (11) for definition of accuser.

(4) That he will be a witness for the prosecution. See 63 for definition of witness for the prosecution.

(5) That he was the investigating officer as to any offense charged. See 64 for definition of investigating officer.

(6) That he has acted as counsel for the prosecution or the accused as to any offense charged.

(7) That (upon a rehearing or a new trial) he was a member of the court which first heard the case.

(8) That he is an enlisted member who is assigned to the same unit as the accused. See 4*a* and Article 25*c* (2) for definitions of the word "unit".

(9) That he has forwarded the charges in the case with his personal recommendation concerning trial by court-martial.

(10) That he has formed or expressed a positive and definite opinion as to the guilt or innocence of the accused as to any offense charged.

(11) That he has acted in the same case as the convening authority or as the legal officer or staff judge advocate to the convening authority.

(12) That he will act in the same case as the reviewing authority (84) or as the legal officer or staff judge advocate to the reviewing authority (85*a*).

(13) Any other facts indicating that he should not sit as a member or law officer in the interest of having the trial and subsequent proceedings free from substantial doubt as to legality, fairness, and impartiality. Examples of other facts constituting grounds for challenge are: That (upon a rehearing or new trial) he was the law officer of the court which first heard the case; that he will be a witness for the defense; that he testified or submitted a written statement in connection with the investigation of the charges (unless at the request of the accused); that he has officially expressed an opinion as to the mental condition of the accused; that, when it can be avoided, a member is junior in rank or grade to the accused; that he has a direct personal interest in the result of the trial; that he is in any way closely related to the accused; that he participated in the trial of a closely re-

lated case; that he is decidedly hostile or friendly to the accused; that (in a case involving an offense punishable by death) a member has conscientious scruples against imposing the death penalty; that, not having been present as a member when testimony on the merits was heard, or other important proceedings were had in the case, his sitting as a member will involve an appreciable risk of injury to the substantial rights of an accused, which risk will not be avoided by a reading of the record. In connection with this last example, see 41*e* and *f*, and 62*h* (1).

g. Limitations on inquiry as to eligibility of law officer. A challenge against a law officer based on the ground that he is not eligible to act as law officer (62*f* (1)) will not be sustained unless it is shown: (1) That he is not an officer; or (2) that he is not on active duty with an armed force; or (3) that he is not a member of the bar of a Federal court or of the highest court of a State of the United States; or (4) that he has not been certified to be qualified for duty as a law officer by the Judge Advocate General of the armed force of which he is a member. The hearing on such a challenge will be limited to the issue of determining whether any one of the four reasons enumerated above exists. In this connection the appointment of an officer as law officer of a general court-martial is prima facie evidence that he is an officer on active duty with an armed force; the recital of his legal qualifications in the appointing order is prima facie evidence of the facts recited therein. An inquiry into the general educational, legal, or judicial experience of the law officer is improper.

h. Procedure—(1) *Manner of making challenges.* After any challenges made by the trial counsel have been decided, he will, after complying with any request made by the accused to be permitted to examine the papers referred to in 44*h*, give the accused an opportunity to exercise his rights as to challenge. The accused thereupon may challenge, in turn, the law officer and each member to whom he objects. As to peremptory challenges, see 62*e*. Full and timely opportunity will be given to the accused, including each accused in a joint or common trial, to exercise his right of challenge. A challenge may be withdrawn by the challenger for any reason, as when the challenged member makes a statement or reply which is satisfactory to the challenger. A challenge on the ground that a member was absent when testimony on the merits or other important proceedings was had will often be withdrawn by the challenger upon his being informed that certain witnesses will be recalled and re-examined.

(2) *Inquiry.* If a member or law officer is challenged for any of the first eight grounds enumerated in 62*f*, and he admits the fact upon which the challenge is based, or if in any case it is manifest that a challenge will be unanimously sustained, the member or law officer will be excused forthwith unless objection or question is made or raised; otherwise the challenge, if not withdrawn, must be passed on by the court after both sides have been given an opportunity to introduce evidence and to make an argument. The challenger may subject the challenged member or law officer to an examination under oath as to the subject matter of the challenge. For form of the oath, see 114. Ordinarily, the person against whom a challenge for cause has been made will take no part in the hearings upon such challenge except when called upon to testify or to make a statement as to his competency; however, the law officer (president of a special court-martial) shall continue to rule upon interlocutory questions arising during the hearing although the challenge was made against him and although he may, at the time such a question arises, be testifying under oath as to his competency. In the latter event, he should preface any ruling by a statement such as, "As law officer (president) I rule that . . ."

Courts should be liberal in passing upon challenges, but need not sustain a challenge upon the mere assertion of the challenger. The burden of maintaining a challenge rests on the challenging party. A failure to sustain a challenge when good ground is shown may require a disapproval on jurisdictional grounds or cause a rehearing because of error injuriously affecting the substantial rights of an accused.

(3) *Deliberation and voting.* Deliberation and voting upon a challenge will be in closed session, and the law officer and the challenged member, if any, will be excluded. The vote upon the challenge is by secret written ballot, which ballot may be in the form "Sustained" or "Not sustained." See Article 51*a* as to counting and checking the vote and announcing the result of the ballot. Deliberation on the challenge may properly include full and free discussion. The influence of superiority in rank will not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment. A majority of the ballots cast by the members present at the time vote is taken shall decide the question of sustaining or not sustaining the challenge. A tie vote on a challenge disqualifies the member challenged (Art. 52*c*). Upon the court being opened the president shall state in open court that the challenge has been sustained or not sustained. When five members of a general court-martial (three in a special court-martial) are present and one is challenged, the remaining four (two) may vote on the challenge.

(4) *Action.* If the challenge is sustained, the challenged member or law officer will withdraw from the court; otherwise he will resume his seat. The court will then proceed to consider the next challenge, if one be presented. When a court has been reduced below a quorum, or when the number of enlisted persons on a court is reduced below one-third in a case in which the accused has requested enlisted members, or when a challenge of the law officer for cause is sustained, the court will adjourn and report the matter to the convening authority.

63. WITNESS FOR THE PROSECUTION. If at any stage of the proceedings the law officer or any member of the court is called as a witness by the prosecution, he shall, before qualifying as a witness, be excused from further duty as law officer or member, respectively, in the case. Whether the law officer or a member called as a witness for the court is to be considered as a witness for the prosecution depends on the character of his testimony. In case of doubt he will be excused as law officer or member, respectively. If a witness called by the defense testifies adversely to the defense, he does not thereby become a "witness for the prosecution."

64. INVESTIGATING OFFICER. Within the meaning of the fifth clause of 62*f* and Articles 25*d* (2), 26*a*, and 27*a*, the term "investigating officer," as applied to a particular offense, shall be understood to include a person who, under the provisions of 34 and Article 32, has investigated that offense or a closely related offense alleged to have been committed by the accused. The term also includes any other person who, as counsel for, or a member of, a court of inquiry, or as an investigating officer or otherwise, has conducted a personal investigation of a general matter involving the particular offense; however, it does not include a person who, in the performance of his duties as counsel, has conducted an investigation of a particular offense or a closely related offense with a view to prosecuting or defending it before a court-martial. But see 6*a* and 62*f* (6).

65. ARRAIGNMENT—*a. General.* The court being organized and both parties ready to proceed, the trial counsel will present the law officer and the members of the court with copies of the charges and specifications upon which the accused is about to be tried. See 56*d* in this connection. He will then read to the accused the charges and specifications, and will call upon each of the accused to plead thereto. This proceeding constitutes the arraignment. The pleas are not part of the arraignment. The fact that the service of the charges was within five days of the arraignment before a general court-martial (three days in a case before a special court-martial) does not prevent the arraignment, even though the accused objects on that ground to the proceedings, but such fact is available, in time of peace, as a ground of valid objection to any further proceedings in the case at that time (Art. 35).

The accused may waive the reading of the charges and specifications.

As a rule, after arraignment in a case involving several charges and specifications, the procedure to be followed will be to receive pleas according to numerical order on the specifications of the first charge, then on the first charge, and so on with the rest. When appropriate, a single plea may be entered as to all charges and specifications without enumerating them.

b. Additional charges. After the accused has been arraigned upon certain charges, additional charges, which the accused has had no notice to defend and regarding which the right to challenge has not been accorded him, cannot be introduced, nor may the accused be required to plead thereto. However, if all the usual proceedings prior to arraignment are first had with respect to such additional charges, including proceedings as to qualifying counsel and excusing and challenging the law officer and members of the court, such charges may be introduced, the accused may be arraigned on them, and the trial may proceed on both sets of charges as the trial of one case. It is not necessary that any official or clerical assistant of the court be resworn when additional charges are introduced. An application for a reasonable continuance should be granted.

Chapter XII—Pleas and Motions

GENERAL—MOTIONS RAISING DEFENSES AND OBJECTIONS—MOTIONS TO DISMISS—MOTIONS TO GRANT APPROPRIATE RELIEF—PLEAS—MOTIONS PREDICATED UPON THE EVIDENCE

66. GENERAL. For matters dealing with the arraignment, see 65. Pleas in court-martial procedure are pleas of guilty, not guilty, and pleas corresponding to permissible findings (70, 74*b*). Defenses and objections raised before a plea is entered shall be raised only by motion to dismiss or to grant appropriate relief as provided in this chapter.

Pleas are entered and, except as otherwise stated, motions raising defenses and objections are made after arraignment.

67. MOTIONS RAISING DEFENSES AND OBJECTIONS.—*a. Defenses and objections which may be raised.* Any defense or objection which is capable of determination without trial of the issue raised by a plea of not guilty may be raised before trial by reference to the convening authority, or by motion to the court before a plea is entered. Reference of such matters to the convening authority before trial is an administrative procedure and action thereon shall be without prejudice to the renewal of the assertion by motion to the court.

Defenses and objections such as that trial is barred by the statute of limitations, former jeopardy, pardon, constructive condonation of desertion, former punishment, promised immunity, lack of jurisdiction, and failure of the charges to allege an offense should ordinarily be asserted by motion to dismiss before a plea is entered; but failure to assert them at that time does not constitute a waiver of the defense or objection. Unless otherwise stated, failure to assert any such defense or objection—except lack of jurisdiction or failure of the charges to allege an offense—before the conclusion of the hearing of the case constitutes a waiver.

b. Defenses and objections which must be raised. Defenses and objections based on defects in the prefering of charges, reference for trial, form of the charges and specifications, investigation, or other pretrial proceedings other than objections going to the jurisdiction of the court or the failure of the charges to allege an offense may be raised only by a motion for appropriate relief before a plea is entered. Failure to present any such objection prior to plea constitutes a waiver thereof, but the court for good cause shown may grant relief from the waiver.

c. Form and content of motion. The motion raising a defense or objection should include all such defenses and objections then available and known to the accused. Defenses and objections which may appear to be available to the accused shall, if not asserted, be brought to the attention of the accused in any case in which he is not represented by counsel and may be brought to his attention in any case.

The motion should briefly and clearly set forth the nature and grounds of the defense or objection which it is intended to raise. It may be presented orally or in writing. The substance of the motion and not its form or designation will control; for instance, if an accused makes a motion which he calls a motion for appropriate relief, but which in fact raises an objection to trial on jurisdictional grounds, the motion will be treated as a motion to dismiss.

d. Time of making motions. A motion raising any of the defenses and objections discussed in *c* and *b* above should be made before the plea is entered, but the court may permit it to be made within a reasonable time thereafter.

Certain other motions predicated upon issues raised by the evidence in the case, such as motions for a finding of not guilty and motions to dismiss the proceedings on the grounds of *res judicata*, should generally be made after the prosecution has rested its case or at the conclusion of all the evidence. A motion to inquire into the mental condition of the accused (122) or to dismiss the proceedings on the ground that the accused lacks the requisite mental capacity (120*c*) may be raised at any time during the trial.

e. Hearing on the motion. A motion raising a defense or objection will be determined at the time it is made unless the court defers action on the motion until a later time. Before passing on a contested motion, the court will give each side an opportunity to introduce pertinent evidence and to make an argument. Except as otherwise indicated in the discussion of motions (68*c* Statute of limitations) and elsewhere (122*a*, Insanity), the burden rests on the accused to support by a preponderance of evidence a motion raising a defense or objection. A decision on such a motion is an interlocutory matter.

If the motion raises a contested issue of fact which should properly be considered by the court in connection with its determination of the accused's guilt or innocence, the introduction of evidence thereon may be deferred until evidence on the general issue is received. For example, if a specification alleges that an offense was committed at a time which is within the period permitted by the statute of limitations and the accused makes a motion to dismiss on the ground that trial is barred by Article 43, asserting that the offense was committed at an earlier time than that alleged, the introduction of evidence pertinent to the motion may be deferred and the matter considered by the court in its deliberation on the issue of guilt or innocence. See also 122*b* for a discussion of the question of the mental responsibility of the accused in connection with the findings on the general issue.

f. Effect of rulings on motion. The denial of a motion raising a defense or objection does not prevent the entering of another motion to the same specification or charge. The court may reconsider its action in denying or sustaining a motion as long as the case is before the court.

Except as otherwise indicated in the discussion on motions, an accused will not be required to plead to a specification or charge so long as the action of the court in sustaining a motion to dismiss or for appropriate relief relating to the specification or charge stands; but when all such motions as to a given charge or specification are denied, the accused should enter a plea or, if he stands mute, a plea of not guilty should be entered for him by the court.

Notwithstanding the action of the court on a motion raising a defense or objection, the trial may proceed in the usual course as long as one or more specifications and charges remain as to which a plea stands. For example, when a motion to dismiss is sustained as to all but one specification and charge to which the plea is not guilty, the trial on that specification and charge may continue. But when the trial cannot proceed further as the result of the action of the court on a motion raising a defense or objection, the court will adjourn and submit the record of its proceedings so far as had to the convening authority.

The convening authority may not return to the court for reconsideration a ruling of the court which amounts to a finding of not guilty, such as the granting of a motion to dismiss because of lack of mental responsibility at the time of the offense (120*b*), or the granting of a motion for a finding of not guilty (71*a*; Art. 62). As to motions granted by the court which do not amount to a finding of not guilty, the convening authority may, if he disagrees, return the record of trial to the court with a statement of his reasons for disagreeing and with instructions to reconvene and reconsider its ruling with respect to the matters as to which he is not in accord with the court (Art. 62*a*). To the extent that the court and the convening authority differ as to a question which is solely one of law, such as whether the charges allege an offense cognizable by a court-martial, the court will accede to the views of the convening authority; but if the matters as to which the convening authority disagrees are issues of fact, such as those which may be presented on an objection to trial on the ground that the accused lacks the requisite mental capacity at the time of trial (120*c*), the court will exercise its sound discretion in reconsidering the motion. The order returning the record should include an appropriate direction with respect to proceeding with the trial or any further appropriate action (Art. 62*a*). If the convening authority finds that the action of the court was proper but that the defect raised by the motion can be cured, he will take appropriate action to remedy the defect and return the record to the court for trial as above indicated. If he does not wish to return the record for

trial, he will take appropriate action to conclude the case by the publication of appropriate orders in cases wherein the action of the court operates as a bar to further prosecution. Generally such action should be taken if the proceedings are terminated by sustaining a motion to dismiss because of former jeopardy, pardon, constructive condonation of desertion, promised immunity, or when findings of not guilty are entered on motion. In other cases, he will take action appropriate under the circumstances.

g. Inadmissible defenses and objections. Such objections as that the accused, at the time of the arraignment, is undergoing a sentence of a general court-martial, or that owing to the long delay in bringing him to trial he is unable to disprove the charge or to defend himself, or that his accuser was actuated by malice or is a person of bad character, or that he was released from restraint upon the charges are not proper subjects for motion prior to plea, however much they may constitute ground for a continuance or affect the questions of the truth or falsity of the charge or of the measure of punishment. The same is true in general as to objections that are solely matters of defense under a plea of not guilty and, in effect, merely contest the truth of the allegations of a charge.

68. MOTIONS TO DISMISS—*a. General.* A motion to dismiss properly relates to any defense or objection raised in bar of trial. Among the defenses and objections which may be raised by this motion prior to entering a plea are lack of jurisdiction (68*b*), failure of the charges to allege an offense (68*b*), running of the statute of limitations (68*c*), former jeopardy (68*d*), pardon (68*e*), constructive condonation of desertion (68*f*), former punishment (68*g*), and promised immunity (68*h*).

b. Lack of jurisdiction; failure to allege an offense—(1) *General.* If the court lacks jurisdiction or if the charges fail to allege any offense under the code the proceedings are a nullity. These objections cannot be waived and may be asserted at any time.

(2) *Jurisdiction of the court over the person.* A motion to dismiss on the ground of lack of jurisdiction over the person may be based on the absence of any of the requisites stated in 8.

(3) *Failure to allege an offense.* By a motion to dismiss the accused may object to the sufficiency of a specification to allege any crime or offense. With the exceptions stated in 14*a*, courts-martial do not have jurisdiction to try any offenses not cognizable under the code. Unless the specification of a charge alleges an offense of which a court-martial may take cognizance, a motion to dismiss should be granted as to the specification. If the motion is sustained the court will direct that the specification be stricken and disregarded.

c. Statute of limitations. For all but a few crimes or offenses, exemption from liability to be tried by a court-martial or punishment under Article 15 may, with certain limitations, be claimed after two (or three) years. See Article 43 in appendix 2. In the case of any offense the trial of which in time of war is certified to the President by the Secretary of a Department to be detrimental to the prosecution of the war or inimical to the national security, the period of limitation prescribed for the trial of the offense shall be extended to six months after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress (Art. 43*e*). When the United States is at war, the running of any statute of limitations applicable to certain other offenses under the code shall be suspended until three years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress. See Article 43*f*.

If, prior to 31 May 1951, the trial or punishment of any crime or offense has been barred by the running of the statute of limitations under the law in effect prior to that date, Article 43 of the code shall not be construed as reviving liability to trial or punishment for such crime or offense. However, if the statute of limitations has not run prior to 31 May 1951, the running of the statute of limitations shall be governed by the provisions of Article 43 of the code.

The period of limitation begins to run on the date of the commission of the offense. With respect to liability to trial by court-martial, it ends when sworn charges and specifications are received by any officer exercising summary court-martial jurisdiction over the command which includes the accused. See 33*b* and Article 24. The termination of the period of limitation may be proved, prima facie, by the signed receipt for the charges and specifications prescribed in 33*b*. With respect to liability to nonjudicial punishment, the period of limitations ends with the imposition of punishment under Article 15 (Art. 43*c*). Certain offenses, as, for example, wrongful cohabitation, are continuing offenses, and the accused cannot avail himself of the statute of limitations for any part of continuing offenses not within the bar of the statute of limitations. Absence without leave (Art. 86), desertion (Art. 85), and fraudulent enlistment (Art. 83 (1)) are not continuing offenses and are committed, respectively, on the date the person so absents himself, deserts, or first receives pay or allowances under the enlistment. If it appears that the statute of limitations bars trial of an alleged desertion or absence without leave the court may not find by exceptions and substitutions that such desertion or unauthorized absence began at a later time not barred by the statute. However, in cases in which the statute of limitations is not involved, the court may find by exceptions and substitutions that a desertion or unauthorized absence began at a later time than that alleged (but within the period alleged), but such finding by exceptions and substitutions may not increase the amount of punishment that might be adjudged. As to amending charges when appropriate, see 33*d*.

In applying this statute the court will be guided by the crime or offense as described in the specification, and not by the article stated in the charge. Thus, if an offense properly chargeable under Article 121 is erroneously charged under Article 134, the limitation is nevertheless three years rather than two years.

If it appears from the charges that the statute has run against an offense or (in the case of a continuing offense) a part of the offense charged, the court will bring the matter to the attention of the accused and advise him of his right to assert the statute unless it otherwise affirmatively appears that the accused is aware of his rights in the premises. See 53*h*. This action should, as a rule, be taken at the time of arraignment. If the accused pleads guilty to a lesser included offense against which the statute of limitations has apparently run, the court will advise the accused of his right to interpose the statute in bar of trial and punishment as to that offense. See also 74*h*.

The burden is not on the defense to show that neither absence from the territory in which the United States has authority to apprehend him nor other impediment prevents the accused from claiming exemption under Article 43. For example, if it appears from the charges in a peacetime desertion case that more than three years have elapsed between the date of the commission of the offense and the date when sworn charges and specifications were received by an officer exercising summary court-martial jurisdiction over the command which includes the accused, the motion should be sustained unless the prosecution shows by a preponderance of evidence that the statute does not apply because of periods which, under the provisions of Article 43*d*, are to be excluded in computing the three years.

Since the statute of limitations is a matter of defense, it may be waived by the accused provided he is aware of his right to assert it. A plea of guilty, after explanation of its effect with respect to the statute of limitations, operates as such waiver. If an accused pleads guilty to a lesser included offense against which the statute of limitations has run and persists in the plea after the meaning and effect thereof have been explained to him including his right to interpose the statute of limitations as to the lesser included offense, the plea of guilty, as long as it stands, is a waiver of his right to interpose the statute of limitations in bar of punishment. Under these circumstances he may not, after a finding of guilty of such lesser included offense, assert the statute in bar of punishment. It is not imperative that the accused, in order to avail himself of this defense, do so by means of a motion to dismiss. The limitation may equally be taken advantage of under a plea of not guilty by establishing the defense by evidence during the trial. See 67*e* for an example of a case in which it is appropriate to raise this defense under a plea of not guilty. In such a case, however, the accused must advise the court that he is insisting upon the defense of the statute of limitations under his plea of not guilty, since failure to assert the defense during the hearing constitutes a waiver (67*a*).

d. Former jeopardy. No person shall be tried a second time for the same offense without his consent (Art. 44*a*). No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall, as to such charge or specification, be held to be a trial in the sense of Article 44 until the finding of guilty has become final after review of the case has been fully completed (Art. 44*b*). But the disapproval or setting aside of a finding of guilty as to any charge or specification for lack of sufficient evidence in the record to support the findings of guilty is a bar to rehearing upon that charge or specification (Arts. 63*a*, 66*d*, 67*e*).

If, subsequent to the introduction of any evidence on the general issue (the issue of guilt or innocence raised by a plea), a proceeding is dismissed or terminated by the convening authority or on motion of the prosecution because of failure of available evidence or witnesses without any fault of the accused, such proceeding shall be a trial in the sense of Article 44 (Art. 44*c*). The word "terminated" as herein used means a final conclusion of the hearing, and not a mere continuance for the purpose of obtaining additional evidence or for any other purpose. Except as provided in Article 44*c*, a proceeding is not a trial in the sense of Article 44 if, because of manifest necessity in the interest of justice, it was terminated before findings (56*b*).

A person has not been tried in the sense of Article 44 if the proceedings were void for any reason, such as lack of jurisdiction to try the person or the offense.

The same acts constituting a crime against the United States cannot, after acquittal or conviction of the accused in a civil or military court deriving its authority from the United States, be made the basis of a second trial of the accused for that crime in the same or in another such court without his consent. The civil courts in the Territories and possessions of the United States, as well as the district and other courts of the United States, derive their authority from the United States. The same acts when committed in a State may constitute two distinct offenses, one against the United States and the other against the State. In such a case trial by a State court does not bar trial by court-martial.

In general, once a person is tried for an offense in the sense of Article 44, he cannot without his consent be tried for an offense necessarily included therein. When once tried for a lesser offense, an accused cannot be tried for a major offense which differs from the lesser offense in degree only. Thus a trial for manslaughter may be interposed in bar of trial for the same homicide subsequently charged as murder because both offenses involve the same unlawful killing and are distinguished from each other only by the state of mind of the accused. On the other hand, a trial for a homicide is not barred by a former trial for an assault and battery. See 71*b*, however, for an example of a case when the defense of *res judicata* may be asserted after acquittal of a lesser included offense. A trial for absence without leave (Art. 86) bars trial for the same absence charged as desertion and vice versa if the same enlistment is involved in both cases, since both offenses involve the same unauthorized absence. But when a person in the military service deserts and reenlists, trial for absence without leave from the second enlistment does not bar trial for desertion from the first enlistment although the same period of time may in part be involved in both cases.

Subject to the rules as to documentary evidence, including the rules as to the use of copies, former jeopardy by court-martial may be proved in appropriate cases by the order publishing the result of trial. Former jeopardy by civil court may be proved by the indictment and record of conviction or acquittal. When necessary or desirable former jeopardy by any court may be proved by the record of trial by court-martial or civil court.

e. Pardon. A pardon is an act of the President which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. A pardon may be interposed in bar of trial by a motion to dismiss. The usual rules as to documentary evidence apply to a written pardon, whether in the nature of an individual pardon or of a general amnesty. If the document is not sufficiently explicit to determine whether the motion should be sustained, the defense may introduce other evidence tending to establish the pardon.

f. Constructive condonation of desertion. If an officer exercising general court-martial jurisdiction unconditionally restores a deserter to duty without trial with knowledge of the alleged desertion, this action amounts to a constructive condonation of the desertion and may be interposed in bar of trial subsequently ordered. If an officer exercising general court-martial jurisdiction shall have directed that a deserter be restored to duty but that he remain subject to trial for the offense, such a restoration is not a constructive condonation of the desertion and the individual so restored remains subject to trial.

g. Former punishment. Non-judicial punishment previously imposed under Article 15 for a minor offense may be interposed in bar of trial for the same offense. For a definition of "minor offense," see 128*b*. Such punishment, however, does not bar trial for another crime or offense growing out of the same act or omission. For instance, punishment under Article 15 for the careless discharge of a firearm would not bar trial for involuntary manslaughter if the careless act caused a death. See Article 15*e*.

h. Promised immunity. See 148*e* (Testimony of accomplices).

69. MOTIONS TO GRANT APPROPRIATE RELIEF—*a. General.* A motion to grant appropriate relief is one made to cure a defect of form or substance which impedes the accused in properly preparing for trial or conducting his defense. Among the objections which may be raised by such a motion are defects in charges and specifications which do not amount to a failure of the charge to allege an offense (69*b*), a substantial defect in the conduct of the pretrial investigation (see 34, 69*c*, Art. 32), prejudicial joinder in a joint trial (69*d*), and misjoinder in a common trial (33*f*, 69*d*). In general these objections are waived if not asserted prior to the entry of a plea, but the court may grant relief from the waiver for good cause (67*b*). The motion should briefly and clearly set forth the nature of and the grounds for the request, objection, or questions it is intended to make or raise. The motion admits nothing as to either the jurisdiction of the court or the merits of the case.

b. Defects in charges and specifications—(1) *General.* If a specification, although alleging an offense cognizable by courts-martial, is defective in some matters of form as, for example, that it is inartfully drawn, indefinite, redundant, or that it misnames the accused, or is laid under the wrong article, or does not contain sufficient allegations as to time and place, the objection should be raised by motion for appropriate relief.

(2) *When accused is not misled.* If it clearly appears that the accused has not in fact been misled by the form of the charges and specifications, and that a continuance is not necessary for the protection of his substantial rights, the court may proceed immediately with the trial upon directing an appropriate amendment of the defective charge or specification.

(3) *When accused may be misled.* If the specification is defective to the extent that it does not fairly apprise the accused of the particular offense charged, the court, upon the defect being brought to its attention, will, according to the circumstances, direct the specification to be stricken and disregarded, or continue the case to allow the trial counsel to apply to the convening authority for directions as to further proceedings, or permit the specification to be amended so as to cure the defect, and continue the case for such time as in the opinion of the court may suffice to enable the accused properly to prepare his defense in view of the amendment.

In determining which of the courses mentioned in the preceding subparagraph is to be followed, the court will exercise its sound discretion in the light of the circumstances of each particular case. The following discussion is intended to provide guidance only and is not to be considered as providing a solution for every case.

When a defective specification alleges a relatively minor offense, and there remain before the court one or more specifications alleging serious offenses as to which a delay of the trial might prejudice the interests of the accused or the Government, the court may strike the defective specification and proceed with the trial of the remaining offenses charged.

Proper occasions for amending a defective specification and continuing the case may arise when the prosecution is prepared to propose an appropriate amendment which, without changing the nature of the offense charged, supplies sufficient particulars to enable the accused properly to prepare his defense.

Whenever the trial counsel is not prepared to propose an appropriate amendment to a defective specification, or when a proposed amendment to such a specification would change the nature of the

offense intended to be alleged and when the interests of justice do not require that the defective specification be stricken in order that the trial may proceed with respect to other specifications, the court may continue the case in order to permit the trial counsel to refer the matter to the convening authority. This procedure is also appropriate in any case when the court is in doubt as to the proper relief which should be granted with respect to a defective specification.

c. Defects arising out of the pretrial investigation. A substantial failure to comply with the requirements of 34 and Article 32 may be brought to the attention of the court by a motion for appropriate relief. Such a motion should be sustained only if the accused shows that the defect in the conduct of the investigation has in fact prevented him from properly preparing for trial or has otherwise injuriously affected his substantial rights. If the motion is sustained the court may grant a continuance to enable the accused to prepare his defense properly, or may adjourn the proceedings to permit compliance with 34 and Article 32 and report the basis of its action to the convening authority. The latter may, after taking necessary action to cure the defect, return the record to the court with instructions to proceed with the trial.

d. Motion to sever. A motion to sever is a motion by one of two or more co-accused to be tried separately from the other or others. Occasion for the motion may arise in either a joint or a common trial.

In a common trial a motion to sever will be liberally considered. It should be granted on the motion of an accused arraigned in a common trial with other accused against whom offenses are charged which are unrelated to those charged against the mover (33*l*).

The motion should be granted in any case if good cause is shown; but when the essence of the offense is a combination between the parties—conspiracy, for instance—the court may properly be more exacting than in other cases as to whether the facts established in support of the motion constitute good cause. The more common grounds for this motion are that the mover desires to use at his trial the testimony of one or more of his co-accused, or the testimony of the wife of one, or that a defense of the other accused is antagonistic to his own, or that evidence as to the other accused will in some manner prejudice his defense.

If the motion is granted, the court will first decide which accused it will proceed to try and, in the case of joint charges, direct an appropriate amendment of the charges and specifications. For instance, if after severance the court proceeds with the trial of B in a case in which A and B have been jointly charged with an offense, the specification should be amended to allege, in effect, either that B committed the offense or that B committed the offense in conjunction with A. The amendment should be formally made as a part of the proceedings, no actual alteration being made in the charge sheet itself. For an example see the procedural guide, appendix 8*a*. When, as a result of action on a motion to sever, trial of one or more accused is deferred, the trial counsel will report the facts at once to the convening authority so that he may take appropriate action to try the deferred accused or to make other disposition of the charges as to such accused.

e. Miscellaneous motions for relief. In addition to grounds for motions discussed above in this paragraph (69), there are others which may be made for the purpose of raising a specific objection on the merits prior to trial of the general issue. For examples, see 121 and 122 (Insanity). If a motion amounts in substance to an application for a continuance, or to a challenge, motion to dismiss, or other matter for which a procedure is provided, the motion will be regarded as such application, challenge, motion to dismiss, or other matter. A motion to elect—that is, a motion that the prosecution be required to elect upon which of two or more charges or specifications it will proceed—will not be granted.

70. PLEAS—*a. General.* In court-martial procedure, pleas include guilty, not guilty, and pleas corresponding to permissible findings of lesser included offenses. See 74*b* (3). The court may refuse to accept a plea of guilty and should not accept the plea without first determining that it is made voluntarily with understanding of the nature of the charge. If an accused arraigned before a court-martial makes any irregular pleading, or after a plea of guilty sets up matters inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty (Art. 45*a*). The term "irregular pleading" includes such contradictory pleas as guilty without criminality or guilty to a charge after pleading not guilty to all specifications thereunder.

A plea of guilty by the accused shall not be received to any charge or specification alleging an offense for which the death penalty may be adjudged (Art. 45*b*; see 15*a* (3)), but a plea of guilty may be received as to a noncapital offense which is necessarily included in a capital offense alleged.

Except as to matters covered by a plea of guilty, a plea admits nothing as to the jurisdiction of the court and nothing as to the merits of the case. Any admission or waiver involved in a plea of guilty to any offense has effective existence only as long as the plea stands. A plea of not guilty or guilty will, in the absence of a motion to grant appropriate relief, be regarded as a waiver of any objection which must be raised by such motion before plea, including any objection based on a misnomer of the accused whether under an alias or otherwise. See 67*b*. By standing mute an accused does not waive any objections otherwise waived by a plea.

The accused has a legal and moral right to enter a plea of not guilty even if he knows he is guilty. This is so because his plea of not guilty amounts to nothing more than a statement that he stands upon his right to cast upon the prosecution the burden of proving his alleged guilt.

A plea of guilty does not exclude the taking of evidence, and in the event that there be aggravating or extenuating circumstances not clearly shown by the specification and plea, any available and admissible evidence as to such circumstances may be introduced. If a plea of guilty to a lesser included offense is entered the trial counsel shall proceed with the prosecution of the offense charged.

b. Procedure if plea of guilty is entered. The following procedure is prescribed for all cases in which a plea of guilty is entered:

(1) In general and special courts-martial cases, the plea of guilty will be received only after the accused has had an opportunity to consult with the counsel appointed for or selected by him. If the accused has refused counsel, the plea should not be received.

(2) Before accepting a plea of guilty the meaning and effect thereof will be explained to the accused by the law officer of a general court-martial, or the president of a special court-martial or by summary court-martial unless it otherwise affirmatively appears that the accused understands the meaning and effect thereof. See 53*h*. Such explanation will include the following—

That the plea admits every act or omission alleged and every element of the offense charged (or of the lesser included offense to which it relates) and authorizes conviction of the offense to which the plea relates without further proof;

That the maximum punishment authorized for the offense to which the accused has pleaded guilty may be adjudged upon conviction thereof;

That unless the accused indicates that he understands the meaning and effect of the plea as explained, the plea of guilty will not be accepted. See appendix 8*a* for an example of such explanation.

(3) The explanation made and the reply of the accused thereto will be set forth verbatim in the record of trial of a general court-martial or of a special court-martial in which a verbatim record is kept. In other records of trial by special court-martial the substance of the explanation and reply will be set forth in the record of trial. In records of trial by summary court-martial, the fact that a plea of guilty was explained will be recorded in the space provided.

(4) The question whether the plea will be received will be treated as an interlocutory one.

Whenever an accused, in the course of trial following a plea of guilty, makes a statement to the court, in his testimony or otherwise, inconsistent with the plea, the court will make such explanation and statement as the occasion requires. If, after such explanation and statement, it appears to the court that the accused in fact entered the plea improvidently or through lack of understanding of its meaning and effect, or if the accused does not voluntarily withdraw his inconsistent statement, the court will proceed to trial and judgment as if he had pleaded not guilty. See Article 45*a*. Occasion for making this explanation and statement frequently arises in desertion cases when the accused, after pleading guilty, testifies or states in effect that throughout his unauthorized absence he had the intention of returning. When, after a plea of guilty has been received, the accused asks to be allowed to withdraw it and substitute a plea of not guilty or a plea to a lesser included offense he should be permitted to do so. Whenever a plea of guilty previously entered is set aside the prosecution will be given an opportunity to reopen its case and produce any available evidence which it did not introduce in view of the plea of guilty.

One plea may be entered as applicable to all or to certain specified charges and specifications, such as "Not guilty to all charges and specifications."

71. MOTIONS PREDICATED UPON THE EVIDENCE—*a. Motion for finding of not guilty.* The court on motion of the defense may enter a finding of not guilty as to one or more offenses charged after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. If a motion for a finding of not guilty at the close of the evidence offered by the prosecution is not granted, the defense may offer evidence without having reserved the right to do so. But if all the evidence in the record, whether adduced by the defense or the prosecution, or both, is sufficient to sustain a conviction, such conviction need not be set aside upon review merely because the court erred in denying such motion for a finding of not guilty at the time it was made.

The court in its discretion may require that the motion specifically indicate wherein the evidence is legally insufficient. The court will determine the matter as an interlocutory question. See 57 and Article 51*b*. If there is any substantial evidence which, together with all proper inferences to be drawn therefrom and all applicable presumptions, reasonably tends to establish every essential element of an offense charged or included in any specification to which the motion is directed, the motion will not be granted. The court in its discretion may defer action on any such motion as to any specification and permit or require the trial counsel to reopen the case for the prosecution and to produce any available evidence. If the motion is sustained as to any specification, the ruling amounts to a finding of not guilty of such specification and, when appropriate, of the proper charge.

b. Res judicata. The defense of *res judicata* is based on the rule that any issue of fact or law put in issue and finally determined by a court of competent jurisdiction cannot be disputed between the same parties in a subsequent trial even if the second trial is for another offense. The accused, in a proper case, may assert an issue of fact finally determined by an acquittal as a defense. Thus, if B has been acquitted by a court-martial (or by any court wherein the United States, any of its Territories or possessions, or their political subdivisions, or the District of Columbia was a party) of having committed an assault with a knife upon A, B can assert the acquittal as a defense if, upon the subsequent death of A as a result of the wound inflicted in the assault, B is later tried for murder, although the defense of former jeopardy might not be available to him (68*d*). A motion raising the defense of *res judicata* should ordinarily be made after the prosecution has rested its case or later unless it can be shown at an earlier stage of the trial that the issue of fact or law in the case on trial and in the case relied upon to sustain the motion are the same. Proof of the former adjudication may be made by the record of the trial relied upon to sustain the motion. Generally, *res judicata* will not be asserted by the prosecution in any trial by court-martial. However, with respect to jurisdiction of an offense committed prior to a fraudulent separation, a final conviction of fraudulent separation in violation of Article 83 (2) may be shown by the prosecution as a final adjudication of such fraudulent separation and the accused may not dispute the jurisdiction of the court as to the earlier offense on the ground that his separation from the service was not fraudulent. See Article 3*b*.

Chapter XIII—Matters Related to Findings and Sentence

ARGUMENTS — INSTRUCTIONS — FINDINGS—PRESENTENCING PROCEDURE—SENTENCE—CONCLUSION OF THE TRIAL

72. ARGUMENTS—*a. General.* After both sides have rested, arguments may be made to the court by the trial counsel, the accused, and his counsel. The trial counsel has the right to make the opening argument and, if any argument is made on behalf of the defense, the closing argument. The closing argument of the trial counsel is generally limited to the discussion of propositions or matters argued by the defense. If the trial counsel is permitted by the court to introduce new matter in his closing argument, the defense should be afforded an opportunity to reply thereto, but this will not preclude the trial counsel from presenting a final argument.

If the arguments indicate that a plea of guilty was entered improvidently, the court will take appropriate action as indicated in 70.

Arguments of counsel may be oral, in writing, or both. See 82*b* (4) in this connection.

b. Content. A reasonable latitude should be allowed counsel in presenting their arguments. Restricting argument, particularly in long and complicated cases, may constitute error; however, the court may in its discretion limit argument when it is trivial or mere repetition.

Counsel may make a reasonable comment on the evidence and may draw such inferences from the testimony as will support his theory of the case. The testimony, conduct, motives, and evidence of malice on the part of witnesses may, so far as disclosed by the evidence, be commented upon. It is improper to state in an argument any matter of fact as to which there has been no evidence. A party may, however, argue as though the testimony of his own witnesses conclusively established facts related by them.

The prosecution may not comment upon the failure of the accused to take the witness stand; however, if the accused has testified on the merits with respect to an offense charged, and if he fails in such testimony to deny or explain specific facts of an incriminating nature that the evidence of the prosecution tends to establish with respect to that offense, such failure may be commented upon. When an accused is on trial for a number of offenses and has testified to one or more of them only, no comment can be made on his failure to testify as to the others.

Refusal of a witness to answer a proper question may be commented upon. As to permissible comments on the fact that one witness testified after hearing another, see 149*a* (Examination of witnesses).

c. Improper argument. Argument should not be interrupted by the other side or by the court unless it becomes improper, in which case it may be appropriate for the court to order that the argument be confined to proper matters, and that any improper part already made be disregarded.

73. INSTRUCTIONS—*a. Elements of the offense.* After closing arguments have been concluded, the law officer (president of a special court-martial) will instruct the court as to the elements of each offense charged. Information as to the elements of an offense may be obtained from the subparagraphs entitled "Discussion" and "Proof" which appear in the discussion of the punitive article under which the offense is charged. See chapter XXVIII. The instruction may be given in the language of the applicable subparagraph. If there is any doubt as to the elements of a particular offense, the law officer (president of a special court-martial) may call upon the trial counsel to produce any law available on the matter, including information or instructions on the law from the convening authority.

b. Charging the court. After instructing the court as to the elements of each offense charged, the law officer (president of a special court-martial) shall, in all cases, including those in which a plea of guilty has been entered, charge the court (Art. 51*c*):

(1) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

(3) That if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(4) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the Government. To the foregoing, explanatory matter may, but need not, be added.

c. Additional instruction by law officer—(1) *General.* The law officer is not required to give the court any instruc-

tions other than those required by Article 51c (73*a*, *b*). However, when he deems it necessary or desirable, he may give the court such additional instructions as will assist it in making its findings. For example, he may, in an appropriate case, make a simple and orderly statement of the issues of fact, summarize and comment upon the evidence that tends to support or deny such issues, and discuss the law applicable thereto. The law officer may advise the court as to what offenses, if any, are included in an offense charged and the possible findings the court may make by way of exceptions and substitutions. If the accused has pleaded guilty to an offense and the plea still stands, the law officer should invite the attention of the court to the fact that no further proof of the offense to which the plea relates need be introduced by the prosecution to warrant a finding of guilty of that offense. In this connection, see 70.

In summarizing or commenting upon the evidence, the law officer should use the greatest caution to insure that his remarks do not extend beyond an accurate, fair, and dispassionate statement of what the evidence shows, both in behalf of the prosecution and the defense. He should not depart from the role of an impartial judge, or assume the role of a partisan advocate. He should not assume as true the existence or nonexistence of a material fact in issue as to which the evidence is conflicting, as to which there is dispute, or which is not supported by the evidence, and he should make it clear that the members of the court are left free to exercise their independent judgment as to the facts.

All additional instructions given by the law officer will be given in open court in the presence of the accused and counsel for both sides. The accused and counsel may not interrupt the law officer while he is instructing the court.

(2) *Preparing additional instructions.* If the law officer deems it necessary or desirable that the court be given additional instructions, he may recess the court so that he may have time to prepare such instructions; he may request counsel for both sides to furnish him with proposed additional instructions as to a particular issue in the case or as to any or all of the offenses charged. Counsel need not submit proposed instructions even when requested to do so by the law officer. Any proposed instructions submitted by counsel will be presented in writing to the law officer and copies will be furnished to the opposing counsel. The law officer may accept, reject, or modify any proposed instruction that is submitted, and may substitute instructions of his own or refuse to give any instructions on a matter included in a proposed instruction submitted by counsel. However, he will cause all proposed instructions to be marked for identification and appended to the record of trial for the consideration of the convening authority. The law officer may permit counsel to present argument upon proposed instructions. The members of the general court-martial will be excluded during the presentation of any argument upon a proposed instruction and, as a general rule, such argument will not be recorded. However, the law officer may direct that any argument, or part thereof, made upon a proposed instruction be recorded, transcribed, marked for identification, and appended to the record of trial for the consideration of the convening authority.

74. FINDINGS—*a. General.* In addition to such instructions as may be given in open court by the law officer (president of a special court-martial), the court will observe the following rules when it is making its findings:

(1) *Basis of findings.* Only matters properly before the court as a whole may be considered. A member should not, for instance, be influenced by any knowledge of the acts, character, or service of the accused not based on the evidence or other proper matter before the court; by any opinions not properly in evidence; or by motives of partiality, favor, or affection. Matters as to which comment in argument is prohibited cannot be considered.

(2) *Weighing evidence.* In weighing the evidence a member is expected to utilize his common sense and his knowledge of human nature and of the ways of the world. In the light of all the circumstances of the case he should consider the inherent probability or improbability of the evidence, and, with this in mind, he may properly believe one witness and disbelieve several witnesses whose testimony is in conflict with that of the one. In this connection, see 153 (Credibility of witnesses) and 140*a* (Confessions and admissions).

(3) *Reasonable doubt.* In order to convict of an offense the court must be satisfied beyond a reasonable doubt that the accused is guilty thereof. By "reasonable doubt" is intended not fanciful or ingenious doubt or conjecture but substantial, honest, conscientious doubt suggested by the material evidence, or lack of it, in the case. It is an honest, substantial misgiving, generated by insufficiency of proof of guilt. It is not a captious doubt, nor a doubt suggested by the ingenuity of counsel or court and unwarranted by the testimony; nor a doubt born of a merciful inclination to permit the accused to escape conviction; nor a doubt prompted by sympathy for him or those connected with him. The meaning of the rule is that the proof must be such as to exclude not every hypothesis or possibility of innocence but any fair and rational hypothesis except that of guilt; what is required is not an absolute or mathematical certainty but a moral certainty. A court-martial which acquits because, upon the evidence, the accused may possibly be innocent, falls as far short of appreciating the proper amount of proof required in a criminal trial as does a court which convicts on a mere possibility that the accused is guilty.

The rule as to reasonable doubt extends to every element of the offense. If, in a trial for desertion with intent to remain away permanently, a reasonable doubt exists as to such intent, the accused cannot properly be convicted as charged, although he might be convicted of the lesser included offense of absence without proper authority (app. 12). It is not necessary that each particular fact advanced by the prosecution be proved beyond a reasonable doubt; it is sufficient to warrant conviction if, on the whole evidence, the court is satisfied beyond a reasonable doubt that the accused is guilty. Prima facie proof of an essential element of an offense does not preclude the existence of a reasonable doubt with respect to that element. The court may decide, for instance, that the prima facie evidence presented does not outweigh the presumption of innocence. With respect to making and weighing presumptions, see 138*a*.

If a reasonable doubt exists as to the mental responsibility of an accused for an offense charged, the accused cannot legally be convicted of that offense. See 120*b* as to the standard of mental responsibility and 122 as to the burden of proof and presumption of sanity.

A reasonable doubt may arise from the insufficiency of circumstantial evidence, and such insufficiency may be with respect either to the evidence of the circumstances themselves or to the strength of the inferences drawn from them. When the only competent evidence of the commission of an offense is circumstantial in nature, the inference to be drawn from such evidence must not only prove all the elements of the offense, but must at the same time exclude every reasonable hypothesis of innocence.

b. Findings as to the specifications—(1) *General.* Permissible findings include guilty; not guilty; guilty with exceptions, with or without substitutions, and not guilty of the exceptions and guilty of any substitutions, as stated below.

The finding as to a specification should be consistent throughout. A finding of guilty without criminality should not be made.

When two or more accused are tried jointly, the findings as to each accused should be stated separately. Any different findings as to two or more joint accused should be consistent with one another. Thus, if A and B are joint accused and the court finds B guilty of the offense charged and finds A not guilty, B should be found guilty by excepting from the specification the name of A and the words in the specification which indicate that the offense was a joint one.

(2) *Exceptions and substitutions.* One or more words or figures may be excepted and, when necessary, others substituted, provided the facts as so found constitute an offense by an accused which is punishable by the court, and provided that such action does not change the nature or identity of any offense charged in the specification or increase the amount of punishment that might be imposed for any such offense. The substitution of a new date or place may, but does not necessarily, change the nature or identity of an offense. For action to be taken when the evidence indicates an offense not charged, see 55.

(3) *Lesser included offenses.* If the evidence fails to prove the offense charged but does prove the commission of an offense necessarily included in that charged or of an attempt to commit the offense charged or of an offense necessarily included therein, the court may by its findings except appropriate words and figures of the specification, and, if necessary, substitute others, finding the accused not guilty of the excepted matter but guilty of the substituted matter. For a discussion of included offenses, see 158; for a discussion of attempts, see 159.

A table listing some commonly included offenses appears in appendix 12.

(4) *Offenses arising out of the same act or transaction.* The accused may be found guilty of two or more offenses arising out of the same act or transaction, without regard to whether the offenses are separate. In this connection, however, see 76*a* (8).

c. Findings as to the charges. Permissible findings include guilty; not guilty; not guilty, but guilty of a violation of Article ———.

An attempt should be found as a violation of Article 80 unless the attempt is included in the express terms of some other article. For examples, see Articles 85, 94, 100, 104, and 128.

The finding as to a charge should not be inconsistent with, but should support, the findings as to the specifications thereunder. Thus, if two specifications of desertion are under one charge and the accused is found guilty of the first specification, but guilty of absence without leave only as to the second specification, the finding as to the charge should be: Of the Charge: As to Specification 1: Guilty. As to Specification 2: Not guilty, but guilty of a violation of Article 86. A finding of guilty of one specification appropriate to its charge requires a finding of guilty of the charge, but a finding of not guilty of another such specification under that charge does not require any finding of the charge as to it. Thus, upon finding an accused guilty of one of the two specifications under a proper charge, and not guilty of the other, the finding as to the charge should be simply guilty.

A court may not find an offense as a violation of an article under which it was not charged solely for the purpose of increasing the authorized punishment or for the purpose of adjudging less than the prescribed mandatory punishment.

d. Procedure—(1) *General.* After the law officer (president of a special court-martial) has instructed the court as prescribed in 73, the court will close to deliberate and vote on the findings. Only the members of the court will be present. Deliberation may properly include full and free discussion as to the merits of the case. The influence of superiority in rank shall not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment.

(2) *Voting.* Voting is by secret written ballot (Art. 51*a*) and is obligatory. The order in which the several charges and specifications are to be voted upon will ordinarily be determined by the president, subject to the objection of a majority of the court, except that all the specifications under a charge shall precede that charge. The members normally vote upon a specification or charge by marking on their ballots: "Guilty;" "Not guilty;" or "Not guilty, but guilty of ———." The junior member of the court shall in each case count the votes; the count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court (Art. 51*a*).

(3) *Number of votes required.* No person shall be convicted of an offense for which the death penalty is made mandatory by law (i. e., Art. 106), except by the concurrence of all the members of the court-martial present at the time the vote is taken. No person shall be convicted of any other offense, except by the concurrence of two-thirds of the members present at the time the vote is taken (Art. 52). If, in computing the number of votes required, a fraction results, such fraction will be counted as one; thus, if five members are to vote, a requirement that two-thirds concur is not met unless four concur. A finding of not guilty results as to any specification or charge if no other valid finding is reached thereon; however, a court may reconsider any finding before the same is formally announced in open court. The court may also reconsider any finding of guilty on its own motion at any time before it has first announced the sentence in the case.

e. Requesting additional instructions. If, during its deliberation on the findings, a general court-martial is in doubt as to the applicability of the law or the effect of certain evidence in a case, such as whether it may make a finding of guilty of a specification by substitutions and exceptions, or whether there is any lesser included offense of which it may find the accused guilty, it may open and request additional instructions from the law officer. Such instructions will be given in open court in the presence of the accused and counsel for both sides and will be made a part of the record.

If a special court-martial desires additional information on the subjects mentioned in the above subparagraph, it may open and request counsel for both sides to present legal authorities on the question, or it may direct the trial counsel to obtain such information from the convening authority. The proceedings, including any information that is given the court by the trial counsel pursuant to such direction, will be in open court in the presence of the accused and his counsel and will be made a part of the record.

f. Form of the findings—(1) *General court-martial.* After a general court-martial has finally voted on the findings, it may request the law officer and the reporter to appear before it to put the findings in proper form, and such proceedings shall be made a part of the record. See Article 39. The president shall speak for the court in discussing the findings with the law officer and he shall be careful not to disclose the vote of any particular member of the court; he may, however, indicate whether a finding was concurred in by two-thirds or all of the members, as the case may be. See Article 52*a* in this connection.

(2) *Special court-martial.* A special court-martial puts its findings in proper form in closed session, following the forms indicated in appendix 8*a* and the instructions contained in 74*b* and *c*.

(3) *Reasons for findings.* No finding should include any indication of the reasons for making it. For the information of the convening authority—but not as part of a finding—in its discretion the court may formulate for inclusion in the record a statement of the reasons which led to a finding and a statement of the weight given to certain evidence. Proper occasions for such action may arise, for example, when the court finds an accused not guilty because of a reasonable doubt as to his sanity, or because of the operation of the statute of limitations. See 122*c* and 68*c*, respectively.

g. Announcing the findings. As soon as a court-martial has determined the findings in a case, it will announce them in open court in the presence of the law officer, counsel, and the accused. Only the required percentage of members who concurred in findings of guilty should be announced.

h. Statute of limitations. If by exceptions and substitutions an accused is found guilty of a lesser included offense to which he has not entered a plea, and against which it appears that the statute of limitations (Art. 43) has run, the law officer (president of a special court-martial) will, as soon as such a finding is announced, advise him in open court of his right to avail himself of the statute in bar of punishment. If an accused interposes the statute in bar of punishment, the issue will be determined in substantially the same manner as a motion to dismiss on the grounds of the statute of limitations (68*c*).

However, if an accused pleaded guilty to a lesser included offense and persisted in his plea after the meaning and effect thereof had been explained to him, including his right to interpose the statute of limitations as to the lesser included offense, he is deemed to have waived the right to interpose the statute of limitations in bar of punishment for such offense as long as his plea of guilty stands. Under these circumstances an accused may not, after a finding of guilty of such lesser included offense, assert the statute in bar of punishment.

75. PRESENTENCING PROCEDURE—*a. General.* After the court has announced findings of guilty, the prosecution and defense may present appropriate matter to aid the court in determining the kind and amount of punishment to be imposed.

Matter which is presented to the court after findings of guilty have been announced may not be considered as evidence against the accused in determining the legal sufficiency of such findings of guilty upon review. If any matter inconsistent with a plea of guilty is received, or if it appears from any matter received that a plea of guilty was entered improvidently, the court should take the action outlined in 70.

b. Matter presented by the prosecution—(1) *Data as to service.* The trial counsel will read to the court from the first page of the charge sheet the data as to the age, pay, and service of the accused, and the duration and nature of any restraint imposed prior to trial. If the defense objects to such data as being inaccurate or incomplete in a specified material particular, or as containing certain specified objectionable matter, the court shall determine the issue. Ob-

jections not asserted may be regarded as waived.

(2) *Evidence of previous convictions.* The trial counsel will next introduce evidence of any previous convictions of the accused by courts-martial. Such evidence is not limited to offenses similar to the one of which the accused stands convicted. The evidence must, however, relate to offenses committed during a current enlistment, voluntary extension of enlistment, appointment, or other engagement or obligation for service of the accused, and during the three years next preceding the commission of any offense of which the accused stands convicted. When the last enlistment, appointment, or other engagement or obligation for service was terminated under other than honorable conditions, or when the accused deserted and subsequently fraudulently enlisted, all convictions by courts-martial of offenses committed in the prior term of service, if within the three-year period, are admissible, even though such prior term of service was in an armed force other than the one in which he is serving at the time of trial. In computing the three-year period, periods of unauthorized absence as shown by the findings in the case or by the evidence of previous convictions should be excluded.

For the purpose of determining the admissibility of previous convictions, retention of an accused beyond the normal expiration date of his term of service by operation of law shall not be deemed to create a new enlistment, a voluntary extension of enlistment, a new appointment, or other new engagement or obligation for service.

Unless the accused has been tried for an offense within the meaning of Article 44*b*, evidence as to the offense is not admissible as evidence of a previous conviction. See 68*d* (Former jeopardy).

Subject to the rules as to documentary evidence, including the rules as to the use of copies, previous convictions may be proved by the order publishing the result of trial. Ordinarily, however, they are proved by the service record of the accused or an admissible copy or extract copy thereof. In the absence of objection, an offense may be regarded as having been committed during the prescribed three-year period unless the contrary appears. If the defense objects, the court shall determine the issue.

(3) *Matter showing aggravation of an offense to which a plea of guilty has been entered.* If a finding of guilty of an offense is based upon a plea of guilty and available and admissible evidence as to any aggravating circumstances was not introduced before the findings, the prosecution may introduce such evidence after the findings are announced. See 70 in this connection.

c. Matter presented by the defense—(1) *General.* Whether or not it introduced evidence on the issue of guilt or innocence, the defense may, after findings of guilty are announced and before the court closes to vote on the sentence, introduce matter in extenuation or mitigation. With respect to matter in extenuation and mitigation offered by the defense, the court may relax the rules of evidence to the extent of receiving affidavits, certificates of military and civil officers, and other writings of similar apparent authenticity and reliability. See 137 and 146*b* in this connection.

(2) *Statement of accused.* Whether or not he testified on the issue of guilt or innocence or as to matters in extenuation or mitigation, the accused may make an unsworn statement to the court in mitigation or extenuation of the offenses of which he stands convicted, but the right to make such an unsworn statement does not permit the filing of the affidavit of the accused. This unsworn statement is not evidence, and the accused cannot be cross-examined upon it, but the prosecution may rebut statements of fact therein by evidence. The statement may be oral or in writing, or both. It may be made by the accused, by counsel, or by both. The statement should not include what is properly argument, but ordinarily the court will not stop a statement on that ground if it is being made orally and personally by the accused.

(3) *Matter in extenuation.* Matter in extenuation of an offense serves to explain the circumstances surrounding the commission of the offense, including the reasons that actuated the accused but not extending to a legal justification. In this connection, see the illustration in the second subparagraph of 139*b*.

(4) *Matter in mitigation.* Matter in mitigation has for its purpose the lessening of the punishment to be assigned by the court or the furnishing of grounds for a recommendation for clemency. The fact that non-judicial punishment under Article 15 has been imposed and enforced against the accused may be shown by the accused as a factor in mitigation upon trial for an offense growing out of the same act or omission for which such punishment was imposed and enforced. See 68*g*. Such matter may include particular acts of good conduct or bravery. It may exhibit the reputation or record of the accused in the service for efficiency, fidelity, subordination, temperance, courage, or any other traits that go to make a good officer or enlisted person. For example, the accused may introduce evidence of the character given him on any former discharge from the military service, subject to the right of the prosecution to introduce in rebuttal evidence of the character given the accused on other discharges from the service.

d. Rebuttal evidence. After matter in aggravation, extenuation, or mitigation has been introduced the prosecution or defense has the right to cross-examine any witnesses and to offer evidence in rebuttal.

76. SENTENCE—*a. Basis for determining.* In determining the kind and amount of punishment to be imposed, the court should consider the following matters:

(1) Except for an offense for which a mandatory punishment is prescribed, the determination of a proper punishment for an offense rests within the discretion of the court subject to the limitations prescribed in chapter XXV and by the article violated. See particularly the Table of Maximum Punishments (127*c*). To the extent that punishment is discretionary, the sentence should provide a legal, appropriate, and adequate punishment. In this connection see 33*h*.

(2) When applicable, the Table of Maximum Punishments prescribes the maximum limits authorized for each offense listed therein. Normally the maximum punishment will be reserved for an offense which is aggravated by the circumstances, or after conviction of which there is received by the court evidence of previous convictions of similar or greater gravity. In the exercise of its discretion in adjudging a sentence, the court should consider evidence contained in the record respecting the character of the accused as given in former discharges, the number and character of previous convictions, the nature and duration of any pretrial restraint, and the circumstances extenuating or aggravating the offense. It must also consider collateral features which limit the punishment—such as value in larceny, the length of absence in absence without leave, or the fact that the convening authority has directed that a capital case be treated as not capital (Art. 49). For matters to be considered upon a rehearing, see 81*d*. See 145*b* and Article 50 for limitations resulting from the use by the prosecution of testimony contained in a record of a court of inquiry.

(3) Although evidence of previous convictions may always be considered in determining the proper measure of punishment, evidence of previous convictions of offenses materially less grave than the offense or offenses of which the accused stands convicted is not to be regarded as in itself justifying a sentence of maximum severity.

(4) Among other factors which may properly be considered are the penalties adjudged in other cases for similar offenses. With due regard for the nature and seriousness of the circumstances attending each particular case, sentences should be relatively uniform throughout the armed forces. In special circumstances, to meet the needs of local conditions, sentences more severe than those normally adjudged for similar offenses may be necessary. Courts will, however, exercise their own discretion, and will not adjudge sentences known to be excessive in reliance upon the mitigating action of the convening or higher authority. Comments with respect to matters proper for consideration in fixing the punishment are made in other connections. For example, see 123 (Mental impairment or deficiency), 127*c* (Permissible additional punishments). See also 16*b*, 126*e*, 154*a*, and 174*b*.

(5) The imposition by courts-martial of inadequate sentences upon military persons convicted of crimes which are punishable by the civil courts tends to bring the armed forces into disrepute as lacking in respect for the criminal laws of the land.

(6) Dishonorable discharge should be reserved for those who should be separated under conditions of dishonor, after having been convicted of offenses usually recognized by the civil law as felonies, or of offenses of a military nature requiring severe punishment.

(7) A bad conduct discharge may be imposed in any case in which a dishonorable discharge may be imposed as well as in certain other cases. It is a less severe punishment than dishonorable discharge and is designed as a punishment for bad conduct rather than as a punishment for serious offenses of either a civil or military nature. It is appropriate as punishment for an accused who has been convicted repeatedly of minor offenses and whose punitive separation from the service appears to be necessary.

(8) The maximum authorized punishment may be imposed for each of two or more separate offenses arising out of the same act or transaction. The test to be applied in determining whether the offenses of which the accused has been convicted are separate is this: The offenses are separate if each offense requires proof of an element not required to prove the other. Thus, if the accused is convicted of escape from confinement (Art. 95) and desertion (Art. 85)—both offenses arising out of the same act or transaction—the court may legally adjudge the maximum punishment authorized for each offense because an intent to remain permanently absent is not a necessary element of the offense of escape, and a freeing from restraint is not a necessary element of the offense of desertion. An accused may not be punished for both a principal offense and for an offense included therein because it would not be necessary in proving the included offense to prove any element not required to prove the principal offense.

b. Procedure—(1) *Advice as to maximum punishment.* Before a general court-martial closes to deliberate and vote on the sentence, the law officer may advise it of the maximum punishment which may be adjudged for each of the offenses of which the accused has been found guilty. If a special court-martial has any question as to the maximum punishment it may adjudge in a particular case, it may request the trial counsel to procure and present this information to the court. Such advice and information will be given in open court in the presence of the accused and counsel for both sides and shall be made a matter of record.

(2) *Deliberation and voting.* The court sits in closed session during deliberation and voting upon the sentence. Only the members of the court will be present. Deliberation may properly include full and free discussion. The influence of superiority in rank shall not be employed in any manner in an attempt to control the independence of members in the exercise of their judgment.

When the discussion is completed, any member who desires to propose a sentence writes his proposal on a slip of paper. The junior member collects these proposed sentences and submits them to the president. The court then votes on the proposed sentences, beginning with the lightest, until a sentence is adopted by the concurrence of the required number of members. Voting is by secret written ballot. The junior member shall in each case collect and count the votes; the count shall be checked by the president who shall forthwith announce the result of the ballot to the members of the court.

It is the duty of each member to vote for a proper sentence for the offense or offenses of which the accused has been found guilty, without regard to his opinion or vote as to the guilt or innocence of the accused. Any sentence, even in a case where the punishment is mandatory, must have the concurrence of the required number of members.

(3) *Number of votes required.* No person shall be sentenced to suffer death, except by the concurrence of all the members of the court-martial present at the time the vote is taken. No person shall be sentenced to life imprisonment or to confinement in excess of ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken. All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken. See Article 52*b*. If, in computing the number of votes required, a fraction results, such fraction will be counted as one; thus, if six members are to vote, a requirement that three-fourths concur is not met unless five concur.

(4) *Form of sentence.* Forms of sentences appear in appendix 13. The sentence adjudged should follow one of these forms or a combination or modification of such forms. For the information of the convening authority—but not as a part of the sentence itself—the court may formulate for inclusion in the record a brief statement of the reasons for the sentence.

c. Announcing sentence. As soon as it has determined the sentence, the president will announce the sentence in open court in the presence of the law officer, the accused, and counsel for both sides. Only the required percentage of members who concurred in the sentence should be announced. If the law officer of a general court-martial notes any ambiguity or apparent illegality in the sentence as announced by the court, he should bring the irregularity to the attention of the court so that it may close to reconsider and correct the sentence. The court may not, however, reconsider the sentence with a view to increasing its severity after the sentence has been announced unless the sentence prescribed for the offense of which the accused has been convicted is mandatory (Art. 62*b*). In a trial by special court-martial, an ambiguous or apparently illegal sentence may be called to the attention of the court by the trial counsel.

Within the limitations prescribed in this paragraph, the court may reconsider a sentence on its own motion at any time before the record of trial has been authenticated and transmitted to the convening authority. In such a case, however, all personnel of the court, the accused, counsel for both sides and, in a general court-martial, the law officer must be present.

77. CONCLUSION OF THE TRIAL—*a. Recommendation for clemency.* After the sentence has been announced, the defense may submit in writing for attachment to the record any matters as to clemency which it desires to have considered by the members of the court or the convening authority. The rules of evidence are not applicable to such matters, but they should not be cumulative of matters presented to the court before the sentence was announced.

Mitigating circumstances which could not be taken into consideration in determining the sentence may be the basis of a recommendation for clemency by individual members of the court. The recommendation should represent the free and voluntary expression of the individuals who join therein. It should be specific as to the amount and character of the clemency recommended and as to the reasons for the recommendation.

A recommendation for clemency will never be based upon a doubt as to the guilt of the accused. If, contrary to law, such a recommendation is made, it will not impeach the finding of the court on the matter of guilt. The guilt or innocence of the accused is determined by the findings of the court, and, if the necessary number of members do not concur in a finding of guilty, the accused must be acquitted. A recommendation for clemency which clearly expresses a doubt as to guilt divulges the vote or opinion of any member making such a recommendation and thereby violates his oath.

b. Adjournment. At the conclusion of the case, the court may proceed to other business, adjourn until a definite time, or adjourn to meet at the call of the president.

c. Post trial matters. See 48*j* (2) as to the right of the defense to submit a brief of the matters which he desires to have considered in behalf of the accused on review.

As to the duty of trial counsel to notify the accused's commanding officer of the result of trial, see 44*c* (2). For preparation and authentication of the record, see chapter XVI.

Chapter XIV—Procedure of Inferior Courts-Martial

SPECIAL COURTS-MARTIAL—SUMMARY COURTS-MARTIAL

78. SPECIAL COURTS - MARTIAL. Unless otherwise stated, the procedure of special courts-martial will, so far as practicable, be that prescribed for general courts-martial. The principal distinction in procedure between special and general courts is that in the former all rulings on interlocutory questions other than challenges are made by the president (there being no law officer), subject to objection by other members (57). Similarly, before the court closes to vote on the findings, the president of a special court-martial instructs the court as to the elements of each offense charged, the presumption of innocence, reasonable doubt, and burden of proof (73*a*, *b*). See also appendix 8*a*. With respect to the preparation of records of trial by special courts-martial, see 83 and appendices 9 and 10; as to the disposition of such records by the convening authority, see 91*b*.

79. SUMMARY COURTS - MARTIAL—*a. Function.* The function of a summary court-martial is to exercise justice promptly for relatively minor offenses under a simple form of proce-

dure. In the trial of the case the summary court represents both the Government and the accused. In the absence of a plea of guilty, he will thoroughly and impartially investigate both sides of the matter and will assure that the interests of both the Government and the accused are safeguarded. Unless otherwise stated, the procedure prescribed for a general court-martial will, when applicable, serve as a guide for a summary court-martial. See appendix 8*a* in this connection.

b. Power to obtain evidence. A summary court has the same power as the trial counsel of a general or special court-martial to compel the attendance of civilian witnesses by subpoena (115; Art. 46) and to take depositions in proper cases (117; Art. 49). To obtain the attendance of witnesses, the summary court will take action similar to that taken by the trial counsel of a general or special court-martial. In this connection, see 44*f* (2).

c. Examination of file. When charges are referred to a summary court-martial, the court will carefully examine the charges and allied papers to see that the charges are in proper form and that the data on the charge sheet and any evidence of previous convictions are complete and free from error of substance or form. The summary court will report to the convening authority any substantial irregularity in the charges or accompanying papers. Ordinarily, the court will correct and initial slight errors or obvious mistakes in the charges, but if substantial changes are required, will refer the matter to the convening authority. See 33*d*.

d. Trial procedure—(1) *Determining jurisdiction.* After determining that the charges and other data are in proper form, the summary court should arrange for the presence of the accused. When the accused appears, the court should advise him of the following matters: The general nature of the charges; the fact that they have been referred to a summary court-martial for trial; who appointed the court; the name of the accuser; the names of the witnesses who will probably be called; the right of the accused to cross-examine them or have the court ask any questions which the accused desires answered; the right of the accused to call any witnesses or produce any evidence in his own behalf with the assurance that the court will assist him in every possible way to do so; his right to testify on the merits or to remain silent (148*e*; app. 8*a*; Art. 31) and, after any findings of guilty are announced, to make an unsworn statement in mitigation or extenuation of any offense of which he may be convicted (75*c*; app. 8*a*); the maximum sentence which the court can adjudge if the accused is found guilty of the offense or offenses charged.

If it does not appear that the accused has been permitted and has elected to refuse punishment under Article 15 for all the offenses charged, the summary court will advise him of his right to object to trial by summary court-martial (Art. 20) and will ask him whether he consents or objects to such trial. After giving the accused a reasonable time to consider the question, the summary court will record his response in the space provided on page 4 of the charge sheet.

If the accused objects to trial and it does not appear that he has been permitted and has elected to refuse punishment under Article 15 for all the offenses charged, the summary court will note such facts on page 4 of the charge sheet and will return the charges and allied papers to the convening authority.

If the accused consents to trial, or if he objects to trial and it appears that he has been permitted and has elected to refuse punishment under Article 15 for all the offenses alleged, the summary court will proceed with the trial.

(2) *Arraignment and pleas.* After complying with the provisions of the preceding paragraph (79*d* (1)) and determining that it has jurisdiction over the accused, the summary court will read or show the charges and specifications to the accused. Any necessary explanation of the charges may be made. The accused should then be asked how he pleads to each specification and charge. If he pleads guilty to any specification or charge, the summary court will explain the elements of the offense to which he has pleaded guilty, will advise him that the court may find him guilty of such offense without considering further proof, and will inform him of the maximum sentence which the court can impose for any offense to which he has pleaded guilty.

If the accused desires to change his plea, or if the summary court is in doubt as to his understanding and desire to plead guilty, or if at any time during the trial the accused makes a statement, sworn or unsworn, inconsistent with his plea of guilty, a plea of not guilty will be entered. If a plea of guilty to all specifications and charges is allowed to stand, the court may proceed at once to find the accused guilty and to adjudge an appropriate sentence; however, the court may, in the interest of justice, proceed with the trial and consider evidence on the merits or in mitigation or extenuation. If, after hearing such evidence, the court believes the plea of guilty to have been improvidently entered, it shall enter a plea of not guilty and proceed as though the accused had pleaded not guilty. See 70 and Article 45.

(3) *Presentation of evidence.* If the accused has pleaded not guilty or if, in the interest of justice following a plea of guilty, the court has determined to consider evidence on the merits or in extenuation or mitigation, arrangements will be made for the attendance of necessary witnesses. Witnesses (other than the accused) should be excluded from the courtroom until called to testify. Witnesses for the prosecution will be called first and examined under oath as to all matters relevant to the offense charged, whether on the merits or in extenuation or mitigation. The accused will be extended the right to cross-examine such witnesses. The summary court will aid the accused in the cross-examination, and, if the accused desires, will ask questions suggested by the accused. On behalf of the accused, the court will obtain the attendance of witnesses, administer the oath and examine them, and will obtain such other evidence as may tend to disprove or negative guilt of the charges, explain the acts or omissions charged, show extenuating circumstances, or establish grounds for mitigation. Before determining the findings, he will explain to the accused his right to testify on the merits or to remain silent, and will give the accused full opportunity to exercise his election. See appendix 8 for form of explanation.

(4) *Findings and sentence.* The applicable principles stated in 74 and 76 should be considered by a summary court-martial in determining the findings and sentence, respectively. The court will announce the findings to the accused as soon as they are determined. If the accused has been found guilty of any offense, the summary court will advise him of his right to submit matter in extenuation or mitigation, including the making of an unsworn statement (75*c*; app. 8). Before determining the sentence, the summary court will show or read to the accused any admissible evidence of previous convictions (75*b* (2)) and the personal data appearing on the first page of the charge sheet and will ask him whether they are correct. If the accused claims they are not correct in any particular, the court will determine the issue (75*b* (1), (2)). The court will advise the accused of the sentence as soon as it is determined. If the sentence includes confinement, the summary court will take such action as may be prescribed by the convening authority to have the accused delivered to an appropriate place of confinement.

e. Record. See appendix 11 for form of record of trial by summary court-martial. The charge sheet ordinarily will be received in triplicate by the summary court-martial. So much of the proceedings as relate to pleas, findings, and sentence must be recorded in the appropriate place on page 4 of all three copies of the charge sheet. The number of previous convictions considered and the fact that the accused was advised of the matters outlined in 79*d* will also be noted in the spaces provided on page 4 of all three copies of the charge sheet. Unless otherwise prescribed by the convening or higher authority, the evidence considered by the summary court-martial need not be summarized or attached to the record of trial. The summary court should, however, line out and initial the name or names of any witnesses who are listed on page 1 of the charge sheet but who were not called to testify. If the testimony of witnesses other than those listed was considered, the court should insert their names and addresses on all three copies of the charge sheet and note whether they testified for or against the accused. The summary court will authenticate the record by signing it in triplicate. He will forward all three copies and the accompanying papers without formal letter of transmittal to the convening authority. If the summary court is the only officer present with the command, the record will so state, and that officer thereafter holds the record as convening authority for purposes of review. For disposition of summary court-martial records, see 91*c*.

Chapter XV—Procedural Aspects of Revision Proceedings, Rehearings, and New Trials

REVISION—REHEARINGS AND NEW TRIALS

80. REVISION—*a. General.* The procedure of a general or special court-martial when reconvened for the purpose of revising its action or correcting its record will in general be as indicated by the form of record of proceedings in revision (app. 8*c*). See Article 62 for matters that cannot be reconsidered and 67*f* as to procedure in reconsideration of action on motions and similar matters. A certificate of correction may be used to make the record show the true proceedings. In this connection, see 86*c* (Correction of record).

b. Personnel. Proceedings in revision may be taken only by the members of the court who participated in the findings and sentence. Such proceedings may not be taken if the court has been dissolved. In this connection, see 37*c* (1). The law officer, the accused, and counsel for both sides must be present during the open sessions of the court in revision. The absence of a member of the court who participated in the findings and sentence does not invalidate the proceedings if a quorum is present (five for a general court-martial—three for a special court-martial). The same law officer and counsel who participated in the trial of the case should be present, but the legality of the proceedings will not be affected if a new law officer is properly appointed to the court, is sworn (opportunity to challenge him for cause having been given), and has familiarized himself with those portions of the record which are to be considered by the court in taking its action in revision. Similarly, the legality of the proceedings is not affected if a member of the prosecution or defense is present who was previously absent from, or who has been newly appointed to, the court, provided he has the requisite legal qualifications and is sworn.

c. Procedure. In cases in which the court has not reconvened on its own motion, the trial counsel will read in open court the communication from the convening authority returning the record and directing the reconvening. If a general court-martial has any doubt as to the action which it may take, the law officer should be requested to give it additional instructions. If a special court-martial has any doubt as to its action in such a case, it may direct the trial counsel to produce such legal authority and other information as may be necessary. Such instructions will be given in open court and will be made a matter of record. The court will then close, consider, and determine the appropriate action to be taken on the matter before it. As soon as it has determined its action, the court will open and announce such action in the presence of the law officer, the accused, and counsel for both sides. In this connection, see 74*f* (Form of findings). It will then adjourn.

As the action which may be taken is entirely corrective, a case will not be reopened by the calling or recalling of witnesses or otherwise. The law officer (trial counsel of a special court-martial) may invite the attention of the court to any ambiguous or apparently illegal action taken by it.

d. Record. All proceedings in open court will be in the presence of the law officer, the accused, and counsel for both sides, and will be made a matter of record which will be authenticated in the manner prescribed for the original record. No physical change will be made in the original record. Amendments to the original appointing order detailing a new law officer or counsel will be incorporated in the record of revision. See 82*b* (Contents of record) and appendices 8*c* (Revision procedure) and 9*b* (Authentication of record).

e. Revision action by summary court-martial. What has been said with respect to the procedure in revision by general or special courts-martial will, so far as applicable, govern such procedure by summary court-martial.

81. REHEARINGS AND NEW TRIALS—*a. Related provisions.* See 92 (Ordering rehearing), 94*a* (2) (Review of records of trial pursuant to Article 65*c*), 109 and 110 (New trial), 145*b* (Former testimony), Articles 63, 66*d*, and 67*e* (Rehearings), and Article 73 (New trial).

b. Procedure. The procedure in rehearings and new trials in general is the same as in other trials.

c. Examination of record of former proceedings. No member of a general or special court-martial upon a rehearing or upon a new trial should be permitted to examine the record of the former proceedings or any document (other than the charges) referred with the charges to the trial counsel, except when received in evidence at the rehearing or new trial. However, the law officer (president of a special court-martial) may examine that part of the record of any prior proceedings which relates to errors committed at the former proceedings when necessary to enable him to decide upon the admissibility of offered evidence or other questions of law involved. In this connection, see the seventh paragraph of 92. Such part of the record may be read to the court when necessary for it to pass upon a ruling made subject to objection by any member under Article 51*b*. See 57 and 67*f*.

d. Sentence. Before a court-martial retires to determine a sentence upon a rehearing or new trial, the trial counsel should advise the court of the sentence adjudged upon the original trial and invite the attention of the court to any pertinent limitations upon its discretion in adjudging a new sentence. See Article 63*b* with respect to such limitations in rehearings and 109*g* (2) with respect to new trials. If the accused is found guilty upon any charge and specification upon a new trial under Article 73 or a rehearing the court will, subject to such pertinent limitations, adjudge an appropriate sentence (76*a*) without regard to any credit to which the accused may be entitled by virtue of the prior execution of any part of the sentence. However, upon a new trial ordered pursuant to section 12, act of 5 May 1950 (64 Stat. 147; 50 U. S. C. 740), the court may consider the executed portion of the prior sentence as a matter in mitigation. See 89*c* (7) (Action on rehearings) for the action of the convening authority with respect to the sentence adjudged on a rehearing. See 109*h* and 110*i* for such action on the sentence adjudged upon a new trial.

Chapter XVI—Records of Trial

GENERAL COURTS-MARTIAL—INFERIOR COURTS-MARTIAL

82. GENERAL COURTS-MARTIAL—*a. Responsibility for preparation.* Each general court-martial shall keep a separate record of the proceedings of the trial of each case brought before it. The record is prepared by the trial counsel under the direction of the court, but the persons authenticating the record are responsible for its accuracy. See Articles 38*a* and 54*a*. It is immaterial to the sufficiency of a record whether it was kept or written by the trial counsel or by a reporter acting under his direction.

If practicable, the trial counsel will retain or cause to be retained any notes (stenographic or otherwise) or any mechanical or voice recording devices from which the record of trial was prepared for at least 30 days after delivery of a copy of the record to the accused or 60 days after the record of trial is forwarded to the convening authority, whichever period expires first.

b. Contents—(1) *General.* The record of the proceedings in each case will be separate and complete in itself and independent of any other document. The record will show all the essential jurisdictional facts. It will set forth a verbatim transcript of all proceedings had in the open sessions of the court and any consultation between the court and the law officer in closed sessions with respect to the form of the findings. See 74*f* (1) and Article 39. If testimony is given through an interpreter, the record will so state. The record will set forth material conclusions arrived at by the members of the court in closed session. When a trial is terminated prior to findings or sentence, the record of trial will show the proceedings up to the time of such termination. For details of contents and certain exceptions to the foregoing rules, see appendix 9.

(2) *Striking matter from the record.* Although not considered by the court as evidence, any remarks or testimony ordered stricken will nevertheless be fully recorded.

(3) *Record of revision proceedings.* When a record is amended in revision proceedings, the record of the proceedings in revision will show specifically, ordinarily by page and line, the part of the original record that is changed and the changes made; in such a case, no physical change will be made in the original record. See 80*d* and appendix 8*c*.

(4) *Arguments.* The court will take necessary action to insure that all oral arguments and statements of counsel made in open court are set forth verbatim in the record. Thus, if the speed of an oral argument is such that the reporter is unable to record it verbatim, the court should direct counsel either to reduce the speed of his argument or to

submit the argument in writing. A written argument or statement of counsel is ordinarily read to the court by the party submitting it; it is thereafter attached to the record as an exhibit for that party.

(5) *Appendages.* Accompanying the original record—securely bound together—will be the original charge sheet and, if not used as exhibits or properly disposed of otherwise, the other papers which accompanied the charges when referred for trial, including the report of investigation under Article 32 and, if the trial was a rehearing or a new trial, the record of the former hearing or hearings.

The following matters will, in an appropriate case, be bound into the record immediately following the exhibits: Recommendations and other papers relative to clemency (77*a*); proffered exhibits which were excluded as not admissible in evidence (54*d*); proceedings held outside the presence of members of a general court-martial (57*g* (2)); proposed instructions and any arguments made thereon (73*c* (2)); the certificate of a medical officer as to the physical condition of an accused who has been sentenced to confinement on diminished rations or on bread and water (125).

Copies of vouchers for the payment of reporters or witnesses need not be attached to the record.

c. Copies. For instructions as to the preparation of copies of the record, see 49*b* (2) and appendix 9*f*. All copies of the record except those delivered to the accused will be attached to the original record of trial when it is forwarded to the convening authority.

d. Security classification. When the record contains information which is required to be classified by the security regulations of the armed force concerned, the trial counsel will take appropriate action in accordance with the pertinent regulations of the Department concerned to assign a proper security classification to the record. However, convening authorities, staff judge advocates, and legal officers will be on the alert to downgrade or declassify a record of trial which does not contain data requiring *security* protection. If the papers accompanying the record of trial include classified matter which is not material to the inquiry, such matter should be withdrawn from the papers to be bound with the record if the withdrawal will permit downgrading or declassification of the record. If the accompanying papers include classified matter which is material to the inquiry, action should be taken to have such matter declassified or downgraded, if possible, if the action will permit downgrading or declassification of the record.

e. Correction of record. After the record has been transcribed, but before it is authenticated, the trial counsel should examine it carefully for errors or omissions. If any are discovered, he should make and initial such changes as are necessary to make the record show the true proceedings. If major corrections are necessary, he should direct the reporter to rewrite the record or the part of it that is defective. Changes may not be made by the trial counsel after the record is authenticated.

When undue delay will not result, the trial counsel should permit the defense counsel to examine the record before it is forwarded to the convening authority. A suitable notation that this examination has been accomplished by the defense counsel should be included in the record, preferably on the page bearing the authentication. See appendix 9*c* for form. If the defense counsel discovers errors or omissions in the record, he should suggest to the trial counsel appropriate changes to make the record show the true proceedings. If the trial counsel does not concur with the defense counsel as to a suggested change, or if the record has already been authenticated, the trial counsel should invite such suggestions to the attention of those who authenticate the record.

At any time before the record is forwarded to the convening authority, the persons who authenticate the record may change it to make it show the true proceedings. Such changes, as well as any changes made by the trial counsel, should be initialed by the persons who authenticate the record.

f. Authentication. The record in each case shall be authenticated by the president (senior member) and law officer who were actually present at the conclusion of the proceedings. If, after trial, either of the persons who served in those capacities is unable to authenticate because of death, disability, or absence, the record will be signed by a member of the court who was present at the conclusion of the proceedings. If both the persons who served in those capacities are unable to authenticate because of death, disability, or absence, the record will be signed by two members of the court who were present at the conclusion of the proceedings. When some one other than the president or law officer authenticates, the reason will be stated. See appendix 9*b* for forms of authentication.

g. Disposition—(1) *Delivery to accused.* Subject to the exceptions noted below with respect to security matters, the trial counsel will give the accused a copy of the record and all documentary exhibits received in evidence as soon as the record is authenticated. See 54*d*, 143*a* (2), appendix 9*f*, and Article 54*c*. The receipt of the accused for the copy of the record furnished him will be attached to the original record of trial. If it is impracticable to secure a receipt from the accused before the original record is forwarded to the convening authority, the trial counsel will attach to the original record a certificate to the effect that a copy of the record has been transmitted to the accused—giving the means of transmission and the addressee. In such a case, the receipt of the accused will be forwarded to the convening authority as soon as it is obtained.

The accused is also entitled to an authenticated copy of a record in revision to the same extent that he is to a copy of the original proceedings.

If the copy of the record prepared for the accused contains matter requiring security protection, the trial counsel, unless otherwise directed by the convening authority, will forward the accused's copy to the convening authority. The latter will excise or withdraw from the accused's copy any matter requiring security protection (82*d*) and will, thereafter, cause the expurgated copy to be delivered to the accused together with a certificate to the effect that certain matter has been deleted or withdrawn from the accused's copy of the record for reasons of national security, and that the original record of trial may be inspected in the files of the Judge Advocate General of the appropriate Department under such regulations as may be prescribed by the Secretary of the Department. The certificate will list:

(*a*) The pages from which matter has been deleted;

(*b*) The pages which have been removed in their entirety; and

(*c*) The exhibits which have been withdrawn.

A copy of this certificate, together with a statement signed by the accused acknowledging receipt of an expurgated copy of the record of trial, or a certificate of delivery of same, shall be attached to the original record of trial.

(2) *Forwarding to convening authority.* The original record and accompanying papers, including a properly executed Court-Martial Data Sheet and all copies of the record not delivered to the accused, will be forwarded by the trial counsel to the headquarters of the convening authority or to his successor in command, or, in the case of a court appointed by the President of the United States or the Secretary of a Department, to the Judge Advocate General of the Department concerned. See Articles 17*b* and 60.

h. Loss of record. When a record of trial is lost or destroyed, a new record will be prepared if practicable and will become the record of trial in the case. The new record will, however, be prepared only when the available original notes or other sources are such as to enable the preparation of a complete and substantially accurate record of the case. In any case of loss of a record prior to action by the convening authority, the trial counsel or other proper person will fully inform the convening authority as to the facts and as to the action, if any, taken.

i. Loss of notes or devices containing original record of proceedings. If the notes or devices by means of which the proceedings in court were recorded are lost before the record of trial has been prepared, the convening authority will be fully informed of the facts. Thereafter, unless the convening authority directs otherwise, a record of trial will be prepared following, as nearly as practicable, the form of record prescribed in appendices 8 and 9. The record will be authenticated and disposed of as provided in 82*f* and *g*. The fact that such a record does not contain a verbatim transcript of all the proceedings may deprive the accused of his right under the code to a full appellate review of his case and, thus, be a proper reason for disapproving any sentence adjudged, but it shall not preclude the convening authority from ordering a rehearing as to any offense of which the accused was found guilty if the finding is supported by the summary of the evidence contained in the record. In this connection, see 92.

83. INFERIOR COURTS-MARTIAL—*a. Special court-martial records involving bad conduct discharge.* Subject to the exceptions set forth in appendices 8 and 9, a record of trial by special court-martial in which a bad conduct discharge is adjudged will contain a verbatim transcript of all proceedings in open court. It will follow the form in appendix 9 and will be prepared and disposed of in accordance with the rules prescribed in 82 for a record of trial by general court-martial. As to authentication, see 83*c* and appendix 9*b* (2).

b. Special court-martial records not involving bad conduct discharge—(1) *General rules.* Except as otherwise indicated in 83*b* and *c* and appendix 10, the provisions of 82 will serve as a useful guide in the preparation of a record of trial by special court-martial in which a summarized report of the proceedings is made.

(2) *Contents.* When a bad conduct discharge is not adjudged, a record of trial by special court-martial need contain only a summarized report of the testimony, objections, and other proceedings as indicated in appendix 10. However, in such a case, if a reporter was appointed and actually served in that capacity throughout the trial, the convening or higher authority may direct that the proceedings be reported verbatim as prescribed by 83*a* and appendices 8 and 9. The notes or devices by means of which the original proceedings were recorded need not be retained after the record of trial has been authenticated.

(3) *Preparation.* It is immaterial to the sufficiency of a record whether it was kept or written by the trial counsel or by one of his assistants, a clerk, or a reporter acting under his direction.

(4) *Copies.* Unless otherwise directed by the convening authority, the trial counsel will prepare or cause to be prepared an original of each record and of all documentary exhibits received in evidence and copies of each record and of all documentary exhibits equal to the number of accused tried. However, if the case involves a general or flag officer, two additional copies of the record must be prepared. See 49*b* (2) and appendices 9*f* and 10*c*.

c. Authentication. The record of trial in each case tried by special court-martial shall be authenticated by the signature of the president (senior member) and the trial counsel (senior member of the prosecution) present at the conclusion of the proceedings. If, after trial, either of the persons who served in those capacities is unable to authenticate because of death, disability, or absence, the record will be signed by another member (who was present at the conclusion of the proceedings) in lieu of the president, and by an assistant trial counsel (who was present at the conclusion of the proceedings) in lieu of the trial counsel. If, because of death, disability, or absence, no member of the prosecution is able to authenticate the record, it shall be authenticated for the trial counsel by a member of the court who was present at the conclusion of the proceedings. When someone other than the president or the senior trial counsel authenticates, the reason will be stated. See appendix 9*b* (2) for forms of authentication.

d. Disposition. The provisions of 82*g* for the disposition of records of trial by general courts-martial are applicable also to records of trial by special courts-martial.

e. Summary courts-martial. For the preparation, authentication, and disposition of records of trial by summary courts-martial, see 79*e*.

Chapter XVII—Initial Review of and Action on Records of Trial

WHO MAY TAKE INITIAL ACTION—REFERENCE TO STAFF JUDGE ADVOCATE OR LEGAL OFFICER — MISCELLANEOUS POWERS AND DUTIES OF THE CONVENING AUTHORITY—EXAMINATION OF FINDINGS OF GUILTY—POWERS OF THE CONVENING AUTHORITY WITH RESPECT TO THE SENTENCE—FORMS OF ACTION AND RELATED MATTERS—ORDERS AND RELATED MATTERS—DISPOSITION OF THE RECORD AND RELATED MATTERS

84. WHO MAY TAKE INITIAL ACTION—*a. General.* After every trial by court-martial, including rehearings and new trials, the record shall be forwarded to the convening authority for initial review and action. As used in this chapter, the term "convening authority" shall be understood to include the officer who convened the court, an officer commanding for the time being, a successor in command, or any officer exercising general court-martial jurisdiction. See Article 60. The convening authority cannot delegate his functions as such to anyone. The fact that the accused is not a member of, or is not present in, the command of the convening authority does not divest the latter of his right to take initial action on the record of trial.

b. Normal convening authority. The officer who convened the court-martial which adjudged the sentence in a particular case is normally the convening authority who takes initial action on the record of trial of that case. The power of an officer to take initial action as convening authority on a record of trial vests in the office, not in the person, of the authority so acting. Thus, when an assigned commander is not present for duty with his command because of illness, leave, or for any other cause, the officer temporarily succeeding to command during such absence is, within the meaning of Article 60, the officer commanding for the time being and, as such, is authorized to take initial action as convening authority on a record of trial of a court appointed by the assigned commander. Similarly, if an officer has assumed permanently the command functions of a predecessor by reason of assignment, absorption of one command by another, or otherwise, he is, within the meaning of Article 60, a successor in command and, as such, is authorized to take initial action as convening authority on a record of trial of a court appointed by his predecessor.

c. Officer exercising general court-martial jurisdiction. When it is impracticable for the officer who convened the court, the officer commanding for the time being, or a successor in command to take initial action upon a record of trial, such action may be taken by any officer exercising general court-martial jurisdiction. For example, in a case in which a command has been inactivated or has been alerted for immediate overseas movement, action upon a sentence adjudged by a court-martial appointed by the commander prior to such inactivation or movement may be taken by any officer exercising general court-martial jurisdiction. Similar action would be appropriate if an officer who sat as a member of the court which adjudged the sentence became the commander for the time being or a successor in command. In such a case, the normal convening authority will forward the record of trial—ordinarily through the chain of command—to an officer authorized to exercise general court-martial jurisdiction. For purposes of regularity, the record should be forwarded by a letter of transmittal containing a statement of the reasons for the failure of the normal convening authority to act on the record.

d. Action when a bad conduct discharge is adjudged by a special court-martial. Ordinarily, action upon a record of trial is taken by only one convening authority. When, however, the convening authority who has approved a sentence of bad conduct discharge adjudged by a special court-martial does not exercise general court-martial jurisdiction, and has not been authorized to forward such a record directly to the appropriate Judge Advocate General for action (94*a* (3)), the officer exercising general court-martial jurisdiction over the command within which the accused was tried by special court-martial also reviews and takes action upon the record in the same manner as on a record of trial by general court-martial. See Article 65*b*. In such a case, the officer exercising general court-martial jurisdiction shall act only with respect to the findings and sentence as approved by the convening authority. As to the vacation of a suspended sentence, see 97*b*.

85. REFERENCE TO STAFF JUDGE ADVOCATE OR LEGAL OFFICER—*a. General.* Before acting upon a record of trial by general court-martial, or a record of trial by special court-martial which involves a sentence of bad conduct discharge, a convening authority who exercises general court-martial jurisdiction will refer it to his staff judge advocate or legal officer for review and advice. See Articles 61 and 65*b*.

No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer in any case shall subsequently act as a staff judge advocate or legal officer to any reviewing (convening) authority upon the same case (Art. 6*c*).

If a convening authority has no staff judge advocate or legal officer, or if the person serving in that capacity is ineligible to act as staff judge advocate or legal officer for any reason (e. g., Art. 6*c*), he may request the assignment of a staff judge advocate or legal officer to review the record, he may forward the record to the appropriate Judge Advocate General for review and advice before acting

thereon, or he may forward the record for action to an officer exercising general court-martial jurisdiction as provided in 84c.

b. Form and content of review. The staff judge advocate or legal officer to whom a record of trial is referred for review and advice will submit a written review thereof to the convening authority. The review will include a summary of the evidence in the case, his opinion as to the adequacy and weight of the evidence and the effect of any error or irregularity respecting the proceedings, and a specific recommendation as to the action to be taken. Reasons for both the opinion and the recommendation will be stated. The convening authority may direct his staff judge advocate or legal officer to make a more comprehensive written review or supplementary oral or written reviews or reports.

If the final action of the court has resulted in an acquittal of all charges and specifications, the review shall be limited to questions of jurisdiction (Art. 61).

c. Disagreement between convening authority and staff judge advocate or legal officer. Ordinarily, the convening authority should accept the opinion of his staff judge advocate or legal officer as to the effect of any error or irregularity respecting the proceedings, as to the adequacy of the evidence, and as to what sentence can legally be approved. However, it is within the particular province of the convening authority to weigh evidence, judge the credibility of witnesses, determine controverted questions of fact that may have been raised in the record, and to determine what legal sentence should be approved. In those unusual cases in which a convening authority is in disagreement with his staff judge advocate or legal officer as to the effect of any error or irregularity respecting the proceedings, as to the adequacy of the evidence, or as to what sentence can legally be approved, the convening authority may transmit the record of trial, with an expression of his own views and the opinion of his staff judge advocate or legal officer, to the Judge Advocate General of the armed force concerned for advice. In any case which is forwarded to the Judge Advocate General, if the convening authority takes an action different from that recommended by his staff judge advocate or legal officer, he should state the reasons for his action in a letter transmitting the record to the Judge Advocate General (91*a*).

d. Disposition of review. Two signed copies of the review of the staff judge advocate or legal officer will be attached to the original record of trial if the record is forwarded to the appropriate Judge Advocate General. In the interest of instruction in the administration of justice, copies of the review customarily are made available to the trial counsel and law officer who participated in the trial of the case. Similarly, in a case involving a bad conduct discharge adjudged by a special court-martial, a copy is ordinarily transmitted to the convening authority.

86. MISCELLANEOUS POWERS AND DUTIES OF THE CONVENING AUTHORITY—*a. General.* Express approval of a sentence by a convening authority is an action which must precede the execution of the sentence (Arts. 60, 61, 64, 65, 71*d*). Express approval of the findings is unnecessary and, in the absence of express approval of the sentence, is not sufficient to give the sentence legal effect. In acting on the findings and sentence of a court-martial, the convening authority shall approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines should be approved. Unless he indicates otherwise, approval of any part of the sentence shall constitute approval of the findings of guilty. See Article 64.

Unless the convening authority indicates otherwise, disapproval of the entire sentence constitutes disapproval of all findings of guilty. If he disapproves the findings and sentence of a court-martial, he may, except when there is lack of sufficient evidence in the record to support the findings, order a rehearing. In this connection, see 92 and Article 63.

b. Matters to be considered on review—(1) *When proceedings resulted in a sentence.* Before he may approve a finding of guilty of an offense or the sentence adjudged therefor, the convening authority must determine:

(*a*) That the court was legally constituted throughout the trial (chs. II, III) and had jurisdiction over the offense (87*a* (2)) and the person tried (ch. IV);

(*b*) That the accused had the requisite mental capacity at the time of trial and the requisite mental responsibility at the time of the commission of the offense (ch. XXIV, especially 124);

(*c*) That the competent evidence of record (87*a* (3); ch. XXVII) established each element of the offense of which the accused was found guilty (ch. XXVIII);

(*d*) That the sentence was within the power of the court to adjudge (ch. IV) and within the prescribed limitations on punishments (109*g* (2); Art. 63*b*; ch. XXV);

(*e*) That there were no errors which materially prejudiced the substantial rights of the accused (87*c*).

(2) *Finding of not guilty or ruling amounting to finding of not guilty.* Neither a finding of not guilty nor a ruling of the court which amounts to a finding of not guilty requires any action by the convening authority thereon. The latter should neither approve nor disapprove the action of the court in such a case. Disapproval cannot in any event affect the finality of a legal acquittal or a ruling of the court that amounts to a legal acquittal. The record of trial in a case involving an acquittal of all charges and specifications should be examined, however, to determine whether the court was properly constituted and had jurisdiction over the accused and the offense tried. A similiar examination should be made with respect to findings of not guilty of some, but not all, of the specifications upon which the accused was tried. In this connection, see 87*a* (2), 89*c* (1), and 92. Such a record may also show that administrative action is appropriate. For example, if the court acquitted the accused of all charges and specifications because of his lack of mental responsibility at the time of the offense (120*b*), the disposition of the accused will be in accordance with pertinent departmental regulations.

No action can be taken by the convening authority that would amount to censure of the court or the members thereof. See Article 37.

For action when the convening authorfty differs with the court with respect to a ruling which does not amount to an acquittal, see 67*f*.

c. Correction of record. A record of trial may upon review be found to be incomplete or defective in some material respect, as, for example, when it fails to show that the members of the court were sworn, or that the required number of members concurred in the vote on the findings or sentence. The court may have performed its duty properly but through clerical error or inadvertence the events may have been improperly recorded. In such a case, the record must be corrected to make it show the true proceedings. It may be returned to the president of a general or special court-martial or to the summary court-martial for a certificate of correction to relate the true facts. The certificate will be authenticated in the same manner as the record of trial. See 82*f*, 83*c*, and 79*e*. In general and special court-martial cases, the authenticated certificate will be attached to the record of trial after the original signatures authenticating the record. Except in the case of a summary court-martial, the accused will be furnished a copy of the certificate of correction, and his receipt will be obtained and attached to the record of trial. See 82*g* (1) and appendix 9. A copy of the certificate will be attached to all other copies of the record which were prepared. See 79*e* and appendices 9*f* and 10*c*. A certificate of correction may be used only to make the record correspond to that which actually occurred at the trial. If the court was not sworn, for example, the error cannot be cured by a certificate of correction.

d. Revision proceedings. For procedure in revision, see 80. When there is an apparent error or omission in the record, or when the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action (Art. 62*b*). For example, if a previous conviction was erroneously considered by the court, and it is believed that the consideration of such conviction influenced the court in adjudging the sentence, or if the sentence adjudged is less than the mandatory sentence for the offense, the convening authority may return the record to the court to reconsider the matter and revise its proceedings accordingly. In such a case, the record is ordinarily transmitted to the trial counsel of a general or special court-martial or to the summary court-martial by a written communication pointing out the apparent defect in the record and directing the reconvening of the court for the purpose of reconsideration and revision of its proceedings. See Article 62*b* as to matters that cannot be reconsidered. Except for the purpose of making

the record show the true proceedings and the exceptions stated in Article 62*b* (2) and (3), proceedings in revision may not be had in any case in which any part of the sentence has been ordered executed.

c. Action when insanity indicated. For action to be taken by the convening authority when it appears from the record or from any other source that the accused may have been insane at the time of the commission of the offense or at the time of trial, regardless of whether such question was raised at the trial or how it was determined if raised, see 124.

87. EXAMINATION OF FINDINGS OF GUILTY—*a. Findings as to a specification*—(1) *General.* In considering the legality of a finding of guilty of a specification, the convening authority will be guided by the principles stated in 74*a* and *b*.

(2) *Legal sufficiency of the specification.* If a specification of which the accused has been found guilty fails to allege any offense, the proceedings as to that specification are a nullity and will be declared invalid (86*b* (2), 89*c* (1), 92; app. 14, form 25). The proceedings as to a specification should not be held invalid solely because the specification is defective unless it appears from the record that the accused was in fact misled by such defect or that his substantial rights were in fact otherwise materially prejudiced thereby. The test of the sufficiency of a specification is not whether it could have been made more definite and certain, but whether the facts alleged therein and reasonably implied therefrom set forth the offense sought to be charged with sufficient particularity to apprise the accused of what he must defend against, and whether the record is sufficient to enable him to avoid a second prosecution for the same offense. In this connection, see 28, 69*b*, and appendix 6.

(3) *Sufficiency of the evidence.* In the course of taking action upon a record of trial, the convening authority is empowered to weigh evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses. In considering the evidence, he will be guided by the principles stated in 74*a* and chapter XXVII. Unless he determines that a finding of guilty was established beyond a reasonable doubt by the competent evidence of record, he should disapprove the finding.

(4) *Lesser included offense.* When the evidence, although legally insufficient to establish guilt of the accused as to the offense of which he was found guilty, is sufficient to support a finding of guilty of a lessor included offense, the convening authority may approve so much of the finding of guilty as involves a finding of guilty of the lesser included offense. In this connection, see 158, appendices 12 and 14*b* (forms 14–17), and Article 59*b*. In approving only so much of a finding of guilty as involves a lesser included offense, all elements of the offense intended to be approved should be clearly indicated in the statement of approval.

b. Consideration of the findings as to the charge. Although the criminal liability of the accused is, in general, determined by the finding as to the specification, there should be a consistent finding as to the charge under which the specification is laid. If the finding as to a specification is not consistent with the finding as to the charge, and the inconsistency raises a reasonable doubt as to the intent of the court (e. g., when the court finds the accused guilty of a proper specification, but finds him not guilty of, or makes no findings as to, the charge under which it is laid), the convening authority should return the record to the court for reconsideration and revision. However, if the inconsistency leaves no doubt as to the intent of the court, it may be corrected by the convening authority in his action. For example, when, in a trial for desertion in violation of Article 85, the court finds the accused guilty only of absence without leave, but finds such offense to be a violation of Article 85 instead of Article 86, the convening authority may correct the inconsistency by approving only so much of the finding of guilty of the specification and charge as involves a finding of guilty of the specification in violation of Article 86.

c. Effect of errors on the findings. Although the competent evidence of record may be sufficient to establish the guilt of the accused as to a particular offense, the convening authority may not approve a finding of guilty if, as a result of an error concerning the admission of incompetent evidence prejudicial to the accused or the rejection of competent evidence favorable to the accused, or any matter of procedure affecting a finding of guilty of an offense, the substantial rights of the accused are materially prejudiced. See Article 59. For example, when a court-martial finds the accused guilty of a lesser included offense to which he entered no plea, and it appears from the record that trial of such offense is barred by Article 43 and that the court failed to advise the accused of his right to avail himself of the provisions of Article 43 in bar of punishment, the convening authority will disapprove the finding or any separable part of it that involves a finding of guilty of an offense the trial of which is barred by the provisions of Article 43. In this connection, see 68*c*.

Article 59, taken together with Article 64, vests a sound legal discretion in the convening authority to the end that substantial justice may be done. The effect of a particular error within the purview of Article 59 should be weighed by him in the light of all the facts as shown by the record and, unless it appears to him that the substantial rights of the accused were materially prejudiced, he should disregard the error as a basis for concluding that the findings of guilty of a particular offense should be disapproved.

In general, the convening authority may disregard an error if he is convinced that the error did not influence, or had but slight effect upon, the decision of the court. The inquiry cannot be merely whether there was enough competent evidence to support the result apart from the phase affected by the error. The test to be applied in determining whether an error materially prejudiced the substantial rights of the accused is this: An error prejudicial to the rights of the accused must be held to require the disapproval of a finding of guilty of an offense, or the part thereof, to which it relates unless the competent evidence of record is of such quantity and quality that a court of reasonable and conscientious men would have made the same finding had the error not been committed.

Regardless, however, of the test in the subparagraph above, if the error is such a flagrant violation of a fundamental right of the accused as to amount to a denial of due process (e. g., when the disloyalty of defense counsel directly aids the prosecution) the finding must be disapproved regardless of the compelling nature of the competent evidence of record.

If the court lacked jurisdiction as to some of the offenses for which the accused was tried, the proceedings as to the other offenses tried are not invalid for that reason.

88. POWERS OF THE CONVENING AUTHORITY WITH RESPECT TO THE SENTENCE—*a. General.* Neither the convening authority nor any other officer is authorized to add to the punishment imposed by a court-martial. A sentence adjudged by the court may be approved if it was within the jurisdiction of the court to adjudge and it does not exceed the maximum limits prescribed by the President under Article 56 (ch. XXV) for the offenses of which the accused legally has been found guilty. When a sentence in excess of the legal limits is divisible, such part as is legal may be approved. See 125 for limitations upon approval of a sentence which includes confinement on bread and water. See 109*g* (2) for limitations upon punishments adjudged at a new trial and Article 63*b* for limitations upon punishments adjudged at a rehearing. With respect to action on a rehearing, see also 89*c* (7).

The disapproval of a sentence nullifies it as a basis for punishment; affirmation of a disapproval is not required. For limitations upon ordering a rehearing after disapproval of a sentence, see 92. An approval or a disapproval of a sentence should be express and explicit and should not be left to implication. For example, in approving "only so much" of a sentence as involves a mitigated sentence, the entire sentence intended to be approved should be set forth clearly in the statement of approval.

b. Determining what sentence should be approved. In determining what sentence, or part thereof, should be approved, the convening authority will be guided by the principles stated in 76. The sentence approved should be that which is warranted by the circumstances of the offense and the previous record of the accused. Appropriate action should be taken to approve a less severe sentence when the sentence, though legal, appears unnecessarily severe. In approving severe sentences, consideration should be given to all factors, including the possibility of rehabilitation as well as the possible deterrent effect.

The convening authority may properly consider as a basis for approving only a part of a legal sentence not only matters relating solely to clemency, such as long

confinement pending trial or the fact that, as an accomplice, the accused testified for the prosecution, but any other pertinent factors.

c. *Approval of a part of a sentence.* See 105*a* and Article 71 as to commutation. The convening authority may, subject to the limitations in 88*a*, approve a part of a sentence adjudged by a court-martial, but unless he is empowered to commute a sentence, that is, to change the nature of the punishment, the sentence approved by him must be included in the sentence adjudged by the court and must be one that the court might have imposed in the case. However, when a court has adjudged a mandatory sentence to imprisonment for life (Art. 118 (1) and (4)), the convening authority may approve any sentence included in that adjudged by the court.

In determining whether the part of the sentence to be approved is one that legally could have been adjudged by the court, the convening authority will be guided by the applicable rules in chapter XXV. For example, a sentence as approved may not provide for confinement of an enlisted person for more than six months without dishonorable or bad conduct discharge; nor may it provide for restriction in excess of two months, or hard labor without confinement for more than three months.

A sentence is included in the sentence adjudged by the court if it amounts to a mitigation of the sentence adjudged, that is, a reduction in quantity or quality, the general nature of the punishment remaining the same. Thus a sentence of dishonorable discharge may be mitigated to bad conduct discharge, but a bad conduct discharge may not be mitigated to any other punishment. Forfeiture of pay may be mitigated to detention of pay for a like period or less, within applicable legal limits; however, a fine may not be changed to a forfeiture, nor a forfeiture to a fine, as this action would constitute commutation. Confinement on bread and water may be mitigated to confinement at hard labor for a like period or less. Confinement at hard labor may be mitigated to hard labor without confinement for a like period or less, but within applicable legal limits. A sentence of dishonorable or bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor for a definite period may be mitigated to a lesser punishment; for example, to confinement at hard labor for a period, within applicable legal limits not exceeding that adjudged, and a forfeiture of not more than two-thirds of the enlisted person's pay per month for a definite period, within applicable legal limits.

In mitigating a sentence, the convening authority may, when appropriate, apportion an adjudged punishment among several less severe kinds of punishment of the same general nature. Although he may mitigate a punishment to a less severe kind of punishment (reduce it in quality), he may not increase it in quantity. Thus a sentence of confinement at hard labor for one month may not be mitigated to restriction for two months, or for any period in excess of one month; nor could it be mitigated to hard labor without confinement for one month and restriction for one month; however, it could be mitigated to hard labor without confinement for 15 days and restriction for 15 days.

d. Execution of sentence. Except in the case of a new trial (109 and 110), the convening authority may, at the time of approval of any sentence, order its execution if, as approved by him, it does not involve a general or flag officer, a sentence of death or dismissal, or an unsuspended sentence of dishonorable discharge, bad conduct discharge, or confinement for one year or more. See Article 71. Except in the case of a new trial, if the convening authority in his action approves but suspends the execution of that part of a sentence providing for dishonorable or bad conduct discharge, or confinement for one year or more, he may order all other parts of the sentence into execution unless any part thereof requires the approval of the President under Article 71*a* or the Secretary of a Department under Article 71*b*.

The authority ordering the execution of a sentence of death issues instructions concerning the time and place of execution, any designations or instructions in this particular matter by the court or the convening authority being disregarded.

e. Suspension of execution of sentence—(1) *General.* See 97*b* for the procedure involved in the vacation of a suspension, and 97*a* for the general rules affecting suspensions.

At the time he approves a sentence, the convening authority may suspend the execution of all or any part of it except a sentence of death. Ordinarily, the purpose of suspending the execution of a sentence is to grant the accused a probationary period within which he may show by his conduct that he is entitled to have the suspended portion of the sentence remitted. The convening authority should suspend the whole of a sentence (except death) when it appears to him that such action will promote discipline and aid in the rehabilitation of the accused.

The convening authority should not suspend the execution of a punitive discharge or dismissal in a case involving conviction of an offense which shows that degree of moral turpitude which obviously disqualifies the accused for further military service.

A part of a sentence should not be suspended if it would be contrary to the customs of the service to execute the portion of the sentence that remains unsuspended. For example, with respect to a sentence of dishonorable or bad conduct discharge, forfeiture of all pay and allowances, and confinement at hard labor, it would be contrary to the customs of the service to suspend the execution of the punitive discharge and the confinement and order the total forfeitures into execution.

(2) *Types of suspensions*—(*a*) *General.* Except as otherwise provided in this paragraph (88*e*) or as may be provided by departmental regulations, the convening authority may, at the time he approves a sentence, suspend its execution for an indefinite period of time. Similarly, he may suspend its execution for a stated definite period of time if he provides in his action that unless the suspension is sooner vacated the expiration of the period of suspension shall operate as a complete remission of the suspended sentence. Such a provision shall not, however, prevent an earlier remission of the suspended sentence. In this connection, see 97*a*, 105*b*, and Article 74.

(*b*) *Suspending dishonorable or bad conduct discharge when sentence also includes confinement.* If the approved sentence involves a dishonorable or bad conduct discharge and confinement, the convening authority may determine that the execution of the punitive discharge should be suspended to the end that the accused may have the opportunity of redeeming himself in the military service, but that the execution of the confinement should not be suspended. In such a case, he may suspend the execution of the punitive discharge until the release of the accused from confinement, or for a definite period thereafter, and provide in his action for the automatic remission of the suspended sentence as indicated in the preceding subparagraph. However, the convening authority may suspend the execution of the dishonorable or bad conduct discharge until the release of the accused from confinement without providing for an automatic remission of the suspended portion. In such a case, when the accused is released from confinement, the necessary administrative action may be taken to effect the punitive discharge without the publication of further court-martial orders and without a hearing under the provisions of Article 72. To avoid the possibility in such a case of the inadvertent execution of the punitive discharge prior to completion of appellate review, the action should provide for the suspension of the punitive discharge until the accused's release from confinement or the completion of appellate review, whichever occurs later. In this connection, see appendix 14 (forms 28 and 39). Suspension of the execution of a dishonorable or bad conduct discharge until the release of the accused from confinement will not prevent earlier action to vacate the suspension, to remit the punitive discharge, or to suspend it for an additional period (97*a*, *b*).

(*c*) *Suspending the execution of forfeitures.* If a sentence includes a forfeiture of pay or allowances in addition to confinement not suspended, such forfeiture will apply to pay or allowances accruing to the accused on and after the date the convening authority approves such a sentence unless the convening authority, at the time he approves the sentence, suspends the execution of that portion of the sentence pertaining to forfeitures. See Article 57*a*. However, in a case involving an approved sentence of confinement and forfeiture of pay, if the convening authority does not desire to suspend the execution of the confinement or the forfeiture, but determines that the circumstances of the case warrant continuation of the accused in a pay status pending completion of appellate review, he may provide in his action that the application of the forfeiture shall be deferred until such time as the sentence as a whole is carried into execution. See appendix 14 (form 34).

When the approved sentence includes a forfeiture of pay or allowances in addition to confinement not suspended, the convening authority, unless he orders the execution, suspends the execution, or defers the applicability, of the forfeitures, should include in his action on the case a statement that the approved forfeiture will apply to pay or allowances accruing to the accused on and after the date of his action. See appendix 14 (form 34). This statement will aid disbursing and personnel officers in determining the effect of the approval by the convening authority of a sentence which includes a forfeiture of pay or allowances.

89. FORMS OF ACTION AND RELATED MATTERS—*a. General.* The convening authority will state at the end of the record of trial in each case his decisions and orders. This requirement equally applies in summary court-martial cases, including those in which the convening authority is the officer that tried the case as summary court. See 5*c* and 79*e*. The action will be signed by the convening authority in his own hand. Below his signature will appear his rank and the fact that he is the commanding officer or other fact authorizing him to take the action. Appendix 14 contains forms of action of the convening authority. These forms, or a combination or modification of them, should be used whenever they are appropriate.

b. Modification of initial action. The convening authority may recall and modify any action taken by him at any time before it has been published or the accused has been officially notified thereof. When, as an incident of the review of a record of trial pursuant to Articles 65*b*, 66, or 67, or examination of a record of trial pursuant to Article 69, any incomplete, ambiguous, void, or inaccurate action of the convening authority is noted, such action will be modified by him in accordance with the advice or instructions of a higher reviewing authority or the Judge Advocate General. See 95. Any supplementary or corrective action taken by the convening authority shall be signed by the convening authority in his own hand.

c. Action on findings and sentence—(1) *General.* If the court acquitted the accused of all charges and specifications, no action is required unless the proceedings are declared invalid because of a lack of jurisdiction or failure of the specifications, or any of them, to allege any offense cognizable by courts-martial. In this connection, see 86*b* (2), 87*a* (2), and 92.

(2) *Disapproval of sentence.* As disapproval of the entire sentence, without mention of the findings, constitutes disapproval of all findings of guilty, the action in a case in which all the findings of guilty are to be disapproved ordinarily will not mention the findings. If the convening authority disapproves the sentence and does not order a rehearing, he will dismiss the charges. If a rehearing is ordered or if any finding is declared invalid because of the failure of a specification to allege any offense, the disapproval or the declaration of invalidity, together with the reasons therefor, will be set forth in the action. See 92. Similarly, if the reasons for the disapproval of a particular finding of guilty might aid in determining the effect of the proceedings upon future administrative disposition of the accused, the reasons for the disapproval should be set forth in the action. Such action would be appropriate, for example, when a finding of guilty is disapproved because of the insanity of the accused (124), or because trial of the offense was barred by the statute of limitations (68*c*; Art. 43), or if a finding of guilty of desertion is disapproved. The reasons for the disapproval of a finding of guilty may be set forth in any case.

(3) *Approval of sentence.* When any part of the sentence is to be approved, mention will be made in the action only of those findings or parts of findings which are to be disapproved. See 89*c* (2) for rule as to stating reasons for disapproving a finding of guilty. Approval of the sentence, standing alone, constitutes approval of all findings of guilty.

(4) *Execution; suspension.* A statement of the approval of all or a part of the sentence should be followed in the action by a statement, when appropriate, of whether, as approved, the sentence is to be executed or whether the execution of all or any part thereof is to be suspended. See appendix 14 for forms. The reasons for the approval, execution, or suspension of all or any part of a sentence need not be stated in the action. See 88*e* (2) (*c*) for action to be taken when an approved sentence involves confinement unsuspended and forfeitures which are not ordered executed, suspended, or deferred.

When the convening authority is not empowered to commute a sentence, but feels that any approved sentence involving a general or flag officer, or extending to death or dismissal, should be commuted, he may make a recommendation to that effect in his action.

(5) *Place of confinement.* If the convening authority orders a sentence of confinement at hard labor into execution, the place of confinement, as prescribed in pertinent departmental regulations, will be designated in his action. When a sentence of confinement is ordered into execution subsequent to the initial action of the convening authority, the authority ordering such execution will designate the place of confinement in the promulgating order. In this connection, see 93.

(6) *Temporary custody.* When a record of trial involving an approved sentence is required to be forwarded to the appropriate Judge Advocate General (Art. 65*a*, *b*), the convening authority will, unless he orders any approved sentence of confinement into execution and designates a place of confinement, provide in his action for the temporary custody of the accused pending final disposition of the case upon appellate review. If practicable, the accused in such a case should be retained within the command of the officer exercising general court-martial jurisdiction over the accused until the sentence has become final after completion of any appellate review. See appendix 14 (form 34) for form of action and 96 for action to be taken in event the place of temporary custody (confinement) is changed prior to final disposition of the case upon appellate review.

(7) *Action on rehearing.* The convening authority may approve a sentence adjudged upon a rehearing without regard to whether any portion or amount of the punishment adjudged at the former trial has been served or executed. However, in computing the term or amount of punishment actually to be served or executed under the new sentence, the accused will be credited with any portion or amount of the former sentence that was served or executed prior to the time it was disapproved or set aside. For example, if the original sentence consisted of confinement at hard labor for six months and forfeiture of $50 per month for six months, of which one month's confinement has been served (Art. 57*b*) but no forfeitures have been executed, and the sentence adjudged upon the rehearing is identical to that originally adjudged, the person charged with administrative execution of the new sentence would credit the accused with one month's confinement; the accused would have a balance of confinement for five months and forfeitures for six months yet to be executed. To insure that credit shall be given in proper cases, the convening authority shall, if he approves any part of a sentence adjudged upon a rehearing, direct in his action that any portion or amount of the former sentence served or executed between the date it was adjudged and the date it was disapproved or set aside shall be credited to the accused. See appendix 14 (forms 18 and 38).

If, in his action on the record of a rehearing, the convening authority disapproves the findings of guilty of all charges and specifications which were tried at the former hearing and that part of the sentence which was based on such findings, he will, unless a further rehearing is ordered, provide in his action that all rights, privileges, and property affected by any executed portion of the sentence adjudged at the former hearing shall be restored. If the court, at a rehearing, acquits the accused of all charges and specifications which were tried at the former hearing, the promulgating order will provide for the restoration of all rights, privileges, and property affected by any executed portion of the sentence adjudged at the former hearing. See Article 75 and appendix 14 (forms 9 and 23).

(8) *Reprimand; admonition.* Any reprimand or admonition provided for by the sentence of a general or special court-martial as ordered executed by the convening authority, will be included in his action. In those cases in which the execution of the sentence, including the reprimand or admonition, requires the approval of the President under Article 71*a* or the Secretary of a Department under Article 71*b*, a reprimand or admonition will not be set forth in the action of the convening authority and need not be set forth in the action of the President or Secretary, but it is

included in the promulgating order directing the execution of the sentence.

90. ORDERS AND RELATED MATTERS—*a. General.* An order promulgating the result of a trial by general or special court, and any action by the convening or higher authorities on the record of trial, although not necessary to the validity of the trial, will be issued whether such result was an acquittal or otherwise, and regardless of the action of the convening or higher authorities thereon. For forms of orders and data to be shown therein, see appendix 15 and pertinent regulations.

An order promulgating the proceedings and the initial action of the convening authority will bear the date of the action of the convening authority on the record of trial except when the order promulgating the result of a trial by special court-martial involving a bad conduct discharge is issued by the officer exercising general court-martial jurisdiction over the command (90*b* (1)). In the latter case, the order will bear the date such officer took action on the record of trial, but will recite in the body of the order the action of the convening authority and the date thereof.

An order promulgating an acquittal or action on the findings or sentence taken subsequent to the initial action of the convening authority will bear the date of its publication.

The promulgating order will state the date upon which the sentence was adjudged by the court or the date upon which the acquittal was announced.

b. By whom issued—(1) *Initial orders.* The order promulgating the result of trial and the initial action of the convening authority will be issued by the convening authority in all cases except those in which a record of trial by special court-martial involving an approved bad conduct discharge is forwarded to the officer exercising general court-martial jurisdiction over the command under the provisions of Article 65*b*. In the latter case, the promulgating order will be issued by the officer exercising general court-martial jurisdiction who takes action on the record.

(2) *Orders issued subsequent to initial action of the convening authority.* Action taken on the findings or sentence subsequent to the initial action thereon by the convening authority shall be promulgated, as may be appropriate under the circumstances, by the convening authority who took the initial action in the case, the commanding officer of the accused who is authorized to take the action being promulgated, an officer exercising general court-martial jurisdiction over the accused at the time of the action, or by the Secretary of the Department. In connection with action taken subsequent to the initial action of the convening authority, see 94 (Review of sentences of special and summary courts-martial), 95 (Correction of records of trial subject to appellate review), 97*a* (Remission and suspension), 97*b* (Vacation of suspension), 100*b* (Action when sentence set aside), 100*c* (Action when sentence is affirmed in whole or in part), 107 (Court-martial orders), 109*k* (New trial; court-martial orders).

c. Orders containing classified information or matter unfit for publication. When an order contains information which must be classified, only the order retained in the unit files and those copies which accompany the record of trial are to be complete. When the order contains obscene matter that is unfit for open publication, only the order retained in the unit files, those copies which accompany the record of trial, those which are furnished the chief custodian of the personnel records of the armed force concerned, the authorities of the command where the accused is held in custody or to which he is to be transferred, and the commander of the place where the accused is to be confined (if confinement is involved) are to be complete.

All other copies are prepared to eliminate, by use of asterisks, sufficient data to avoid the necessity of classification, and such obscene matter as may be unfit for open publication.

d. Distribution. Distribution of promulgating orders will be in accordance with pertinent departmental regulations. In this connection, however, see 91*a*, 91*b*, and appendices 9*e* and 10*b*.

e. Summary court-martial. An order promulgating the result of a trial by summary court-martial is not issued. In lieu thereof, the action of the convening authority will be shown on all three copies of the record of trial. See 79*e* and appendix 11. The action on the original copy will bear the signature of the convening authority; the action on the duplicate and triplicate copies will either bear the signature of the convening authority or will be prepared and certified as true copies of the original.

Each record of trial by summary court-martial (including those involving an acquittal) will be numbered serially by the convening authority in the order in which he receives them for action.

Any action taken on a summary court-martial case subsequent to the initial action of the convening authority will be promulgated in such orders as may be prescribed by pertinent departmental regulations.

91. DISPOSITION OF THE RECORD AND RELATED MATTERS—*a. General court-martial.* A record of trial by general court-martial, with the action of the convening authority thereon, ordinarily will be transmitted without letter of transmittal direct to the Judge Advocate General of the armed force concerned. However, if the convening authority has taken an action contrary to that recommended by his staff judge advocate or legal officer, he should forward the record by a letter of transmittal containing an explanation of his action. See 85*c*.

With the original record of trial will be forwarded the accompanying papers (82*b*) and, unless otherwise prescribed by departmental regulations, 10 authenticated copies of the order promulgating the result of trial as to each accused and two signed copies of the review of the staff judge advocate or legal officer. If the approved sentence in the case affects a general or flag officer or extends to death, dismissal of an officer, cadet, or midshipman, dishonorable or bad conduct discharge, or confinement for one year or more, two additional copies of the record of trial will be attached to the original record. If a copy of the record cannot be delivered to the accused for any reason, the copy prepared for him will also be attached to the record with an explanation of the reason for nondelivery.

See appendix 9*e* for the arrangement of the record and accompanying papers for forwarding.

b. Special court-martial — (1) *Action by convening authority.* Except when he is authorized to forward a record of trial involving an approved sentence to bad conduct discharge direct to the appropriate Judge Advocate General (94*a* (3)), a convening authority of a special court-martial who does not exercise general court-martial jurisdiction will forward the record of trial, with his action thereon, direct to the officer exercising general court-martial jurisdiction over the command. With the record will be forwarded the accompanying papers and four authenticated copies of the order, if any, promulgating the result of trial (90*b*). If the case involves an approved bad conduct discharge, two additional copies of the record of trial will be attached to the original record. If a copy of the record cannot be delivered to the accused for any reason, the copy prepared for him will also be attached with a statement of the reasons for nondelivery. See appendix 9*e* for the arrangement of a verbatim record and appendix 10*b* for arrangement of the record in other cases.

When he is authorized to forward a record of trial involving an approved bad conduct discharge direct to the appropriate Judge Advocate General (94*a* (3)), a convening authority who does not exercise general court-martial jurisdiction will dispose of the record in the manner prescribed in 91*a* for records of trial by general courts-martial.

(2) *Action by officer exercising general court-martial jurisdiction.* A record of trial by special court-martial which involves a sentence to bad conduct discharge approved by an officer exercising general court-martial jurisdiction (either as the convening authority or as prescribed in 94*a* (3)) will be disposed of in the manner prescribed in 91*a* for records of trial by general courts-martial.

c. Summary court-martial.—The original and two copies thereof will, after action by the convening authority, be delivered to the custodian of the personnel records of the unit, who will, in the case of an approved sentence, enter the essential data on the service record of the accused and on such other records as may be prescribed by departmental regulations. A notation that such entry has been made will be recorded on all copies of the record of trial.

Thereafter, unless otherwise prescribed by departmental regulations, distribution of the copies of the record of trial will be made as follows: The original and one copy will be forwarded, ordinarily without letter of transmittal, to the officer exercising general court-martial jurisdiction over the command. The remaining copy will be retained in the unit files. Disposition of the retained copy will be in accordance with pertinent departmental regulations.

If the sentence, as ordered executed, involves confinement on bread and water or diminished rations, the medical certificate required by 125 will be attached to the original record of trial; a copy of such certificate will be attached to each copy of the record.

Chapter XVIII—Action

ORDERING REHEARING—PLACE OF CONFINEMENT

92. ORDERING REHEARING. If the convening authority disapproves the findings of guilty and the sentence of a court-martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing, in which case he shall state the reasons for disapproval (Art. 63*a*). A rehearing may not be ordered in a case in which there is a lack of evidence in the record to support a finding of guilty of the offense charged or of an offense necessarily included in that charged; but if proof of guilt consisted of inadmissible evidence, for which there is available an admissible substitute, a rehearing may properly be ordered. For example, if proof of guilt of absence without leave was made on the basis of improperly authenticated documentary evidence, over the objection of the defense, the convening authority may disapprove the findings of guilty and the sentence and order a rehearing if he has reason to believe that properly authenticated documentary evidence will be available for use at the rehearing. On the other hand, if no proof of unauthorized absence was introduced at the trial, a rehearing may not be ordered. If a sentence is disapproved because of any procedural error prejudicial to the substantial rights of the accused, a rehearing may properly be ordered, subject to the foregoing restrictions. A rehearing may be ordered as to any offense if the conviction thereof is based on a plea of guilty.

Under like limitations a rehearing may be ordered by a board of review (Art. 66*d*) or the Court of Military Appeals (Art. 67*e*). If a board of review or the Court of Military Appeals has ordered a rehearing, but the convening authority finds a rehearing impracticable, he may dismiss the charges.

A rehearing may not be ordered by an authority competent to take that action if, upon taking his final action, he approves a part of the sentence. The order directing a rehearing will be made at the time of disapproving or setting aside the sentence and will ordinarily be included in the action on such sentence. If, as a result of review by higher authority, a rehearing is ordered in a case in which the sentence or any part thereof has already been ordered into execution, the order of execution shall be vacated at the time the rehearing is ordered.

Additional charges (24*b*) may be referred for trial together with charges as to which a rehearing has been directed.

Every rehearing shall take place before a court-martial composed of members who were not members of the court-martial which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be imposed unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory (Art. 63*b*).

If, at the first trial, the accused is found guilty of a lesser included offense a rehearing may properly be ordered only as to such lesser included offense or as to an offense necessarily included in that found. If, however, a rehearing should be ordered improperly on the original offense charged and the accused should be found guilty thereof, such finding may be valid as to the lesser offense of which he was found guilty at the first trial. If the accused was found guilty of the offense charged on the first trial, a rehearing may be ordered as to any offense necessarily included therein, provided there is evidence in the record which tends to prove such lesser included offense.

When a rehearing is ordered by the convening authority there will be referred to the trial counsel, in order to inform him of the errors made at the former hearing which have necessitated the rehearing, not only the charges, but also the record of the former proceedings and all pertinent accompanying papers, together with a copy of any decision of the board of review or the Court of Military Appeals, the review of the staff judge advocate, and the statement by the convening authority of his reasons for disapproving the original sentence.

See 81 for the procedure to be followed at a rehearing, 89*c* (7) for the action by the convening authority upon the record of a rehearing, and 94*a* (2) for rehearings directed as a result of the action of the officer having supervisory authority with respect to summary court-martial cases and special court-martial cases in which a bad conduct discharge is not adjudged. For related provisions as to a new trial upon the application of the accused see 109–110.

If the convening or higher authority finds the original proceedings to be invalid because of lack of jurisdiction (8) or failure of the charges to allege any offense cognizable by courts-martial (68*b*), such authority will, in his action, state the basis for declaring the proceedings invalid. For form, see appendix 14. In such a case another trial may be directed and such trial is not subject to the restrictions prescribed by Article 63*b*. However, such a case should be referred to a court none of whose members has participated in the former trial.

93. PLACE OF CONFINEMENT. For action of the convening authority in providing for the temporary custody of the accused pending final disposition of the case upon appellate review, see 89*c* (6) and appendix 14.

The authority who orders a sentence to confinement into execution shall designate the place of confinement in accordance with pertinent departmental regulations. Under such instructions as the Department concerned may prescribe, any sentence to confinement adjudged by a court-martial or other military tribunal, whether or not such sentence includes discharge or dismissal, and whether or not such discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the armed forces, or in any penal or correctional institution under the control of the United States, or which the United States may be allowed to use; and persons so confined in a penal or correctional institution not under the control of one of the armed forces shall be subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District, or place in which the institution is situated (Art. 58*a*).

Chapter XIX—Action After Promulgation

REVIEW OF SENTENCES AND FILING OF RECORDS OF SPECIAL AND SUMMARY COURTS-MARTIAL—CORRECTION OF RECORDS OF TRIAL SUBJECT TO APPELLATE REVIEW—REPORTS IN CERTAIN CASES—MISCELLANEOUS MATTERS

94. REVIEW OF SENTENCES AND FILING OF RECORDS OF SPECIAL AND SUMMARY COURTS-MARTIAL—*a. Review*—(1) *General.* The officer immediately exercising general court-martial jurisdiction over a command and such other authority as may be designated by the Secretary of a Department have supervisory powers over special and summary courts-martial in such command.

(2) *Review of records of trial pursuant to Article 65c.* When forwarded to him for review (91), the officer having supervisory authority will cause a judge advocate, a law specialist, or a lawyer of the Coast Guard or Treasury Department to review records of trial by summary court-martial and records of trial by special court-martial which do not include approved sentences to bad conduct discharge (Art. 65*c*). If the action of the court has resulted in an acquittal of all charges and specifications, or if the convening authority has disapproved the findings of guilty and the sentence and has dismissed the charges, the review shall be limited to the question of jurisdiction. The officer having supervisory authority may, in the interest of justice, set aside in whole or in part findings of guilty and the sentence, and thereupon restore any rights, privileges, and property affected by that part of the sentence set aside; he may mitigate or suspend any part or amount of the unexecuted portion of the sentence.

The officer having supervisory authority may bring any fatal error to the attention of the convening authority or his successor. If warranted by the circumstances, he may advise the convening authority that he has the power to withdraw his previous action, disapprove the findings of guilty and the sentence, and either direct a rehearing or dismiss the charges pursuant to Article 63. See 92. After a finding of guilty upon a rehearing, the court will adjudge an appropriate sentence without regard to any credit to which the accused may be

entitled by virtue of the prior execution of any part of the original sentence. See 81. Persons charged with the administrative duty of executing a sentence adjudged upon a rehearing after the sentence has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence in computing the term or amount of punishment actually to be executed pursuant to the sentence adjudged upon such rehearing. See Article 75*a*.

If a review, made pursuant to this subparagraph, indicates that proceedings in revision (Art. 62*b*) are necessary, the record will be returned to the convening authority or to an officer competent to take the action of the convening authority (Art. 60) with advice to take the necessary action.

When, upon review pursuant to this paragraph, the proceedings, findings, and sentence as approved by the convening authority have been found correct in law and fact, the proceedings shall be final in the sense of Articles 44 and 76.

(3) *Review of special court-martial records pursuant to Article 65b.* If the sentence of a special court-martial as approved by a convening authority who does not exercise general court-martial jurisdiction includes a bad conduct discharge, whether or not suspended, the record shall, ordinarily, be forwarded to the officer exercising general court-martial jurisdiction over the command to be reviewed and acted upon in the same manner as a record of trial by a general court-martial (Art. 65*b*). Such authority shall act only with respect to the findings of guilty and the sentence as approved or suspended by the convening authority. In the event the officer exercising general court-martial jurisdiction has no judge advocate or law specialist assigned to his staff, or if he deems direct transmittal to the Judge Advocate General more expeditious, the officer exercising general court-martial jurisdiction may authorize the convening authority to forward such records of trial directly to the appropriate Judge Advocate General to be reviewed by a board of review (Art. 65*b*). Such direct transmittal may be restricted or limited by the Secretary of a Department. If the sentence as approved by an officer exercising general court-martial jurisdiction (either as the convening authority (Art. 60) or as prescribed in this subparagraph) includes a bad conduct discharge, whether or not suspended, the record shall be forwarded to the appropriate Judge Advocate General to be reviewed by a board of review (Art. 65*b*). If the sentence as approved by the officer exercising general court-martial jurisdiction does not include a bad conduct discharge, the record of trial shall thereafter be treated as a special court-martial record not involving a bad conduct discharge.

b. Filing of records. After review as prescribed by 94*a* (2), records of trial by summary court-martial and records of trial by special court-martial which do not involve approved sentences to bad conduct discharge shall be transmitted and disposed of as the Secretary of a Department may prescribe by regulation. Special court-martial records which involve approved sentences to bad conduct discharge shall be filed in the office of the appropriate Judge Advocate General.

95. CORRECTION OF RECORDS OF TRIAL SUBJECT TO APPELLATE REVIEW. When a record of trial by general court-martial, or a record of trial by special court-martial in which a sentence to bad conduct discharge has been approved, has been forwarded by a convening authority to higher authority and error of the kind mentioned in 86*c* and *d* is noted by the higher authority, the record will be returned to the convening authority (Art. 60) with directions for the correction of the record or revision of the proceedings.

When, as an incident of the review of a record of trial pursuant to Articles 65*b*, 66, 67, or 69, it is noted that the action of the convening authority or of a higher authority is incomplete, ambiguous, or contains clerical errors, the authority who took the incomplete, ambiguous, or erroneous action may be instructed to withdraw the original action and to substitute a corrected action therefor. See appendix 14 for a form of corrected action by the convening authority.

96. REPORTS IN CERTAIN CASES. In the case of an officer, immediately upon promulgation of any sentence of a court-martial which does not require appellate review under Article 66 but which involves suspension from rank and command, restriction, or any other material change in the status of the officer, the commander issuing the order will, by prompt means, advise the appropriate officer of the Department concerned of the sentence imposed as approved or mitigated and the date of promulgation thereof.

Whenever an accused person under a court-martial sentence subject to review under Article 66 is transferred from the general court-martial jurisdiction which has been designated as the command having temporary custody of such accused (89*c* (6)) before such accused has been notified of the decision of the board of review, the officer ordering such transfer will, by prompt means, notify the appropriate Judge Advocate General.

97. MISCELLANEOUS MATTERS—*a. Remission and suspension.* As to the power of the convening authority to mitigate or suspend a sentence at the time he takes his action or orders the sentence into execution, see 88 and Articles 64 and 71*d*.

The Secretary of a Department and, when designated by him, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the President (Art. 74*a*). The officials authorized by the Secretary of a Department to exercise these powers after the sentence has been ordered into execution shall be designated in departmental regulations. The officer having supervisory authority (94*a* (1)) and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence are empowered to remit or suspend any part or amount of the unexecuted portion of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad conduct discharge. Such action may be taken without regard to whether the person acting has previously approved the sentence.

Any sentence (except a sentence to death) or any part thereof may be suspended under Article 71*d* or 74*a* for a period beyond any term of confinement but within the current enlistment or period of service. The period within which a sentence may be suspended may be further limited by departmental regulations. If the authority who suspends a sentence specifically provides in his action that the expiration of the period of suspension shall operate as a remission unless the suspension is sooner vacated (see app. 14), the expiration of the period of suspension without vacation thereof shall operate as a complete remission of the suspended sentence without further action. See 88*e*. The death or honorable discharge of a person under suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence. If an order of suspension is not vacated prior to the actual discharge of a military person not in confinement under the sentence, the confinement and other unexecuted portions of the sentence are remitted by execution of such discharge.

The Secretary of a Department may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial (Art. 74*b*).

b. Vacation of suspension. Prior to the vacation of the suspension of a special court-martial sentence which as approved includes a bad conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at such hearing by counsel if he so desires (Art. 72*a*). Insofar as applicable the procedure at the hearing shall be similar to that prescribed for investigations conducted under the provisions of 34. See appendix 16 for a form of record of this proceeding and a procedural guide.

The record of the hearing and the recommendations of the officer having special court-martial jurisdiction shall be forwarded for action to the officer exercising general court-martial jurisdiction over the probationer. If this officer vacates the suspension, the vacation shall be effective to execute any unexecuted portion of the sentence except a dismissal or a sentence to dishonorable discharge, bad conduct discharge, or confinement for one year or more which has not been affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals (Art. 72*b*). If the original sentence includes dishonorable or bad conduct discharge or confinement for one year or more, such vacation will not be effective to execute the unexecuted portion of the sentence until completion of the appellate review provided by Articles 66 and 67. See Articles 71*c* and 72*b*. If the suspended sentence includes a dismissal, the unexecuted portion of the sentence may not be ordered into execution until such vacation is approved by the Secretary of the Department (Art. 72*b*).

The suspension of any sentence by summary court-martial, or of a sentence by special court-martial which does not include a bad conduct discharge, may be vacated (without a hearing) by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence. See Article 72*c*.

For forms of orders vacating suspension, see appendix 15.

c. Interruptions of execution of a sentence. A sentence to confinement, hard labor without confinement, restriction to limits, deprivation of privileges, or suspension from rank, command, or duty is continuous until the term expires, with certain exceptions. These exceptions include the following:

When delivery under Article 14 is made to any civil authority of a person undergoing sentence of a court-martial, such delivery, if followed by conviction in a civil tribunal, shall be held to interrupt the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of the said court-martial sentence (Art. 14*b*).

Periods during which the person undergoing such a sentence is absent without authority, or is absent under a parole which proper authority has suspended and later revoked, or is erroneously released from confinement through misrepresentation or fraud on the part of the prisoner, or is erroneously released from confinement upon his petition for a writ of habeas corpus under a court order which is later reversed by a competent tribunal, shall be excluded in computing the service of the term of the punishment.

Periods during which a sentence to confinement is suspended shall be excluded in computing the service of the term of confinement (Art. 57*b*).

d. Changes in place of confinement. Subject to departmental regulations, the authority who designated the place of confinement, or higher authority, or any other authority authorized by departmental regulations, may change the place of confinement of any prisoner under his jurisdiction.

e. Distribution of court-martial orders. The distribution of orders promulgating the results of courts-martial and any action after promulgation of the sentence will be as prescribed in departmental regulations.

Chapter XX—Appellate Review—Execution of Sentences

GENERAL—PRELIMINARY ACTION—REVIEW BY THE BOARD OF REVIEW—REVIEW BY THE COURT OF MILITARY APPEALS—APPELLATE COUNSEL—REVIEW IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL—BRANCH OFFICES—COMMUTATION, REMISSION, AND SUSPENSION—RESTORATION—COURT-MARTIAL ORDERS—FINALITY OF COURT-MARTIAL JUDGMENTS

98. GENERAL. A sentence of a court-martial may not be executed until approved by the convening authority (Arts. 60, 61, 64, 65, 71*d*). A special court-martial sentence which, as approved by the convening authority, includes a bad conduct discharge must, generally, also be approved by the officer exercising general court-martial jurisdiction over the command (94*a* (3); Art. 65*b*). In addition to such approval, certain sentences may not be executed until approved or affirmed by higher authority. The scope of this chapter deals generally with departmental review, review by the Court of Military Appeals, and approval by the Secretary of a Department and by the President.

No court-martial sentence extending to death or involving a general or flag officer shall be executed until affirmed by a board of review and the Court of Military Appeals and approved by the President (Arts. 65*b*, 67*b* (1) and 71*a*). No sentence extending to the dismissal of an officer (other than a general or flag officer), cadet, or midshipman shall be executed until affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals, and approved by the Secretary of the Department concerned (or such Under Secretary or Assistant Secretary as may be designated by him) (Arts. 66*b*, 71*b*). No sentence to dishonorable or bad conduct discharge (whether or not suspended) shall be executed until affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals. No sentence which includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for one year or more shall be executed until affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals (Arts. 67*b*, 71*c*, 72*b*). All other court-martial sentences, unless suspended, may be ordered executed by the convening authority when approved by him (Art. 71*d*).

99. PRELIMINARY ACTION. All records of trial by general courts-martial and records of trial by special courts-martial which, as approved by the convening authority and by the officer exercising general court-martial jurisdiction over the command, include a bad conduct discharge are forwarded after approval by the proper authority (Arts. 65*a*, *b*) to the Judge Advocate General of the armed force of which the accused is a member (Arts. 17*b*, 65). In all cases so forwarded, a general or special court-martial order announcing the result of the trial and the action of the convening or higher authority will be promulgated prior to forwarding.

See 88 as to sentences and portions of sentences which may be ordered into execution prior to forwarding.

100. REVIEW BY THE BOARD OF REVIEW—*a. General.* The Judge Advocate General shall refer to a board of review the record in every case of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of an officer, cadet, or midshipman, dishonorable or bad conduct discharge, or confinement for one year or more (Art. 66*b*). In a case referred to it, the board of review shall act only with respect to the findings and sentence as approved by proper authority. It shall affirm only such findings of guilty or such part of a finding of guilty as includes a lesser included offense, and the sentence or such part of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record it shall have authority to weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses (Art. 66*c*).

A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused (Art. 59*a*).

b. Action when sentence is set aside. (1) If the board of review sets aside the findings of guilty and the sentence it may, except when the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing it shall order the charges to be dismissed (Art. 66*d*).

(2) In his discretion, the Judge Advocate General may forward the decision of the board of review and the record of trial to the Court of Military Appeals for review with respect to any matter of law (Art. 67*b* (2), 67*d*). In such cases he will cause a copy of the decision of the board of review and his order of reference to be served upon the accused and upon the appellate defense counsel.

(3) If the Judge Advocate General does not order the case forwarded to the Court of Military Appeals he shall advise the convening authority (84; Art. 60) to take action in accordance with the decision of the board of review. If the board of review has ordered a rehearing the record shall be returned to the convening authority. If the convening authority finds a rehearing impracticable, he may dismiss the charges (Art. 66*c*). Ordinarily, the final action will be promulgated by the convening authority. If the charges are dismissed, all rights, privileges, and property affected by an executed portion of the sentence which has been set aside, except an executed dismissal or discharge, shall be restored (Art. 75*a*). See 109*j* and 110 as to the action which may be taken if an executed dismissal or dishonorable or bad conduct discharge is not sustained on a new trial.

c. Action when sentence is affirmed in whole or in part—(1) *Sentences which do not require the approval of the Presi-*

dent. (*a*) If the sentence, as affirmed by the board of review extends to dismissal, dishonorable or bad conduct discharge, or confinement for one year or more, the Judge Advocate General, in his discretion, may take the action prescribed in 100*b* (2) above. Otherwise, he will transmit a copy of the preliminary court-martial order (90*b* (1)) and two copies of the decision of the board of review, with such instructions as to future action as may be appropriate (Art. 66*e*) and with instructions to cause a copy of the decision to be served upon the accused, to the officer immediately exercising general court-martial jurisdiction over the command which includes the accused. This copy will bear an indorsement notifying the accused of his right to petition the Court of Military Appeals for a grant of a review with respect to any matter of law within 30 days from the time he is notified of the decision of the board of review, and that any petition for a grant of review will be forwarded through the officer immediately exercising general court-martial jurisdiction over the accused and through the appropriate Judge Advocate General. The receipt of the accused for the copy of the decision of the board of review, in duplicate (or a certificate of service upon him), showing the date of such service will be transmitted by expeditious means to the appropriate Judge Advocate General. The latter will forward one copy of the receipt or certificate of service to the Clerk of the Court of Military Appeals. If the officer who exercises immediate general court-martial jurisdiction over the accused is not the officer who convened the court (or his successor in command) the Judge Advocate General shall also transmit a copy of the decision of the board of review to such convening authority for his information.

The accused shall have 30 days from the time he is notified of the decision of a board of review to petition the Court of Military Appeals for a grant of review. If the accused does not so petition, the convening authority, or the officer immediately exercising general court-martial jurisdiction over the accused, or the Secretary of the Department concerned (Art. 60) may order any sentence which, as affirmed by the board of review, extends to dishonorable or bad conduct discharge or confinement for one year or more into execution or take such other authorized appropriate action (Art. 74*a*) as the circumstances may warrant.

(*b*) If an accused, whose sentence as affirmed by the board of review extends to dismissal, does not forward a timely petition for a grant of review, the Judge Advocate General will transmit the record, the decision of the board of review, and his recommendations to the Secretary of the Department or to the appropriate Under Secretary or Assistant Secretary for action under Article 71*b*. Such Secretary shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of any part of the sentence approved by him. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person who is so reduced may be required to serve for the duration of the war or emergency and six months thereafter (Art. 71*b*). The action of the Secretary of the Department will be promulgated by departmental court-martial orders.

(*c*) If the accused forwards a timely petition for a grant of review no supplemental order of execution will be promulgated until final action by the Court of Military Appeals is taken.

(2) *Sentences which require the approval of the President.* If the board of review affirms any sentence which affects a general or flag officer or which, as affirmed by it, extends to death, the Judge Advocate General shall transmit the record of trial and the decision of the board of review with his recommendations directly to the Court of Military Appeals. He shall cause a copy of the decision of the board of review to be served upon the accused and upon the appellate defense counsel.

d. Rules of procedure. Uniform rules of procedure in and before boards of review are prescribed from time to time by the Judge Advocates General of the armed forces.

101. REVIEW BY THE COURT OF MILITARY APPEALS. Under such rules as it may prescribe, the Court of Military Appeals shall review the record in the following cases (Art. 67*b*):

(1) All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer or extends to death;

(2) All cases reviewed by a board of review which the Judge Advocate General orders forwarded to the Court of Military Appeals for review; and

(3) All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review. (But see 103 and Art. 69.)

The accused shall have 30 days from the time he is notified of the decision of a board of review to petition the Court of Military Appeals for a grant of review. The court shall act upon such a petition within 30 days of the receipt thereof (Art. 67*c*).

In any case reviewed by it, the Court of Military Appeals shall act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the board of review. In a case which the Judge Advocate General orders forwarded to the Court of Military Appeals, such action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, such action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law (Art. 67*d*).

If the Court of Military Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing it shall order that the charges be dismissed (Art. 67*e*).

After it has acted on a case, the Court of Military Appeals may direct the Judge Advocate General to return the record to the board of review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President, or the Secretary of the Department, the Judge Advocate General shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, he may dismiss the charges (Art. 67*f*).

If the sentence, as affirmed by the Court of Military Appeals, requires the action of the Secretary of a Department, action thereon will be taken in accordance with the procedures prescribed in 100*c* (1) (*b*). If the sentence as affirmed by the Court of Military Appeals extends to death or affects a general or flag officer, the record of trial, the decision of the board of review, the recommendations of the Judge Advocate General, and the decision of the Court of Military Appeals shall be transmitted to the Secretary of the Department concerned for the action of the President pursuant to Article 71*a*.

102. APPELLATE COUNSEL—*a. Appointment.* The Judge Advocate General shall appoint in his office one or more officers as appellate Government counsel, and one or more officers as appellate defense counsel who shall be qualified under the provisions of Article 27*b* (1) (Art. 70*a*).

b. Duties. It shall be the duty of appellate Government counsel to represent the United States before the board of review or the Court of Military Appeals when directed to do so by the Judge Advocate General (Art. 70*b*).

It shall be the duty of appellate defense counsel to represent the accused before the board of review or the Court of Military Appeals (Art. 70*c*)—

(1) when he is requested to do so by the accused; or

(2) when the United States is represented by counsel; or

(3) when the Judge Advocate General has transmitted a case to the Court of Military Appeals.

For duties of the defense counsel who conducted the defense at the trial with respect to advising the accused of his right to be represented by the appellate defense counsel in connection with the appellate review of his case, see 48*j* (3).

If his opinion is requested, the appellate defense counsel will, to the best of his professional knowledge, advise the accused as to whether there are meritorious grounds for petitioning the Court of Military Appeals for a grant of review. If the appellate defense counsel is convinced that there are no substantial questions of law presented by the record of trial with respect to the findings of guilty and the sentence as affirmed by the board of review, he should so advise the accused. Regardless of his personal opinion as to the merit of the issues which can be raised, the appellate defense counsel will, if requested, assist the accused in the preparation of his petition and render such other assistance as may be proper if the accused decides to petition for a grant of review. He is authorized to communicate directly with the accused and with his counsel in the field. Such communications are privileged.

In any case in which the sentence as affirmed by the board of review is subject to review by the Court of Military Appeals, the officer exercising general court-martial jurisdiction over the accused shall, if requested by the accused, detail a qualified counsel to advise and assist the accused in connection with any proper matter concerning further appellate review. If he is reasonably available, the defense counsel who conducted the defense during the trial may perform these duties.

c. Civilian counsel. The accused shall have the right to be represented before the Court of Military Appeals or the board of review by civilian counsel if provided by him (Art. 70*d*).

103. REVIEW IN THE OFFICE OF THE JUDGE ADVOCATE GENERAL. Every record of trial by general court-martial, in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by Article 66, shall be examined in the office of the Judge Advocate General. If any part of the findings or sentence is found unsupported in law, or if the Judge Advocate General so directs, the record shall be reviewed by a board of review in accordance with Article 66, but in such event there will be no further review by the Court of Military Appeals unless the Judge Advocate General orders the record forwarded to the Court of Military Appeals pursuant to Article 67*b* (2) (Art. 69).

If a record of trial by general court-martial is referred to a board of review pursuant to Article 69, the Judge Advocate General shall advise the appellate defense counsel of such reference if the accused has requested representation before the board of review (48*j* (3)); otherwise the accused shall be advised of such reference and of his right to representation before the board of review pursuant to Article 70 provided he forwards a prompt request for such representation.

If the Judge Advocate General forwards a case to the Court of Military Appeals for review he will take the action prescribed in 100*b* (2).

104. BRANCH OFFICES. Boards of review established in branch offices of the Judge Advocate General with distant commands and the Assistant Judge Advocates General in charge of such offices perform their duties in the manner prescribed for the Judge Advocate General and boards of review in his office. They operate under the general supervision of the Judge Advocate General. Records of trial involving sentences requiring action by the President shall be forwarded directly to the Judge Advocate General without action in the branch offices. See Article 68.

105. COMMUTATION, REMISSION, AND SUSPENSION—*a. Commutation.* The power to commute, that is to change a punishment to one of a different nature, may be exercised by the President and by the Secretary of a Department (or such Under Secretary or Assistant Secretary as may be designated by him). See Articles 71*a* and *b*.

b. Remission and suspension. If the Judge Advocate General is of the opinion that a sentence as affirmed by the board of review which does not require the approval of the President should be remitted or suspended in whole or in part, he may, before taking the action prescribed in 100*c* (1), transmit the record of trial and the decision of the board of review with his recommendations in the premises to the Secretary of the Department for action pursuant to Article 74, or take such action as may be authorized by the Secretary of the Department under the provisions of Article 74. See also 97*a*.

106. RESTORATION. See 109*j* and 110 as to action which may be taken when the sentence adjudged upon a new trial is set aside or disapproved.

In other cases all rights, privileges, and property affected by an executed portion of a sentence which has been set aside or disapproved by any competent authority shall be restored unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing (Art. 75*a*). Ordinarily, any restoration should be announced in the court-martial order promulgating the final results of the proceedings (90*b* (2), 107; app. 15*b*).

107. COURT-MARTIAL ORDERS. General court-martial orders publishing the final results of proceedings in cases in which the President or the Secretary of a Department has taken final action are promulgated by departmental orders. In other cases the final action may be promulgated, as may be appropriate under the circumstances, by the convening authority, or an officer exercising general court-martial jurisdiction over the accused at the time of final action, or by the Secretary of the Department.

108. FINALITY OF COURT-MARTIAL JUDGMENTS. The appellate review of records of trial provided by the code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by the code, and all dismissals and discharges carried into execution pursuant to sentences by courts-martial following approval, review, or affirmation as required by the code, shall be final and conclusive, and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in Article 73 and to action by the Secretary of a Department as provided in Article 74, and the authority of the President (Art. 76).

Chapter XXI—New Trial and Related Matters

OFFENSES COMMITTED AFTER 30 MAY 1951—WORLD WAR II OFFENSES—RIGHT OF DISMISSED OFFICER TO TRIAL BY COURT-MARTIAL

109. OFFENSES COMMITTED AFTER 30 MAY 1951—*a. General.* At any time within one year after approval by the convening authority of a court-martial sentence which extends to death, dismissal, dishonorable discharge, or bad conduct discharge, or confinement for one year or more, and which is based upon a conviction of an offense committed after 30 May 1951, the accused may petition the Judge Advocate General for a new trial on grounds of newly discovered evidence or fraud on the court (Art. 73).

A petition may not be submitted after the death of an accused.

Article 73 does not require that the execution of a sentence be delayed to permit a petition for a new trial. Presentation of a petition does not, of itself, operate to stay the execution of a sentence.

b. Who may petition. A petition for a new trial may be submitted either by the accused or by his counsel or representative regardless of whether the accused is in the service or has been separated therefrom. See 109*e*.

c. Who may act on petition. If the case of an accused is pending before a board of review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the board or court, respectively, for action. Otherwise, the Judge Advocate General of the armed force which reviewed the previous trial shall act upon the petition except that petitions submitted by persons who, at the time of trial and sentence from which such petitioner seeks relief, were members of the Coast Guard, and who are members of the Coast Guard at the time the petition is submitted, will be acted upon in the Department in which the Coast Guard is serving at the time the petition is so submitted, i. e., either by the Judge Advocate General of the Navy or the General Counsel of the Treasury Department, as the case may be. See Article 73.

d. Grounds for new trial—(1) *General.* A new trial under the provisions of Article 73 will be granted only upon the grounds of newly discovered evidence or fraud on the court. Sufficient grounds for granting a new trial will be deemed to exist only if within the discretion of the authority considering the petition all the facts and information before such authority, including, but not limited to, the record of trial, the petition, and other matters presented by the accused affirmatively establish that an injustice has resulted from the findings or the sentence and that a new trial would probably produce a substantially more favorable result for the accused.

(2) *Newly discovered evidence.* A new trial will not be granted on the grounds of newly discovered evidence unless the petition shows:

(*a*) That the evidence is in fact newly discovered, that is, discovered since the trial.

(*b*) That the petitioner exercised due diligence to discover the evidence at the time of trial.

(*c*) That the newly discovered evidence, if considered by a court-martial in the light of all other pertinent evidence, would probably produce a substantially more favorable result for the accused.

(3) *Fraud on the court.* No alleged fraud on the court will be deemed to constitute good cause unless it had a substantial contributing effect upon the findings of guilty or upon the sentence adjudged.

Examples of fraud on the court which may warrant the granting of a new trial are:

(*a*) Confessed or proved perjury in testimony or forgery of documentary evidence which clearly had a substantial contributing effect upon a finding of guilty and without which there probably would have been a finding of not guilty or a failure of proof of the offense alleged.

(*b*) Willful concealment by the prosecution from the defense of exculpatory evidence which, if produced and considered by the court in the light of all the other evidence, would probably have resulted in a finding of not guilty.

(*c*) Willful concealment of a material ground for challenge of the law officer or any member of the court or of the disqualification of any official of the court or the convening authority where such ground or disqualification is not known to the defense at the time of trial.

e. Form of petition. The petition will be in writing. It will be signed under oath or affirmation by the accused, or by a person possessing the power of attorney of the accused for the purpose, or by a person with the authorization of an appropriate court of law to sign the petition as the representative of the accused. It will be forwarded in triplicate directly to the Judge Advocate General of the armed force concerned. When practicable, the petition will be typewritten with lines double spaced and will contain the following:

(1) The name and service number of the accused, the date of the trial, and the present address of the accused.

(2) The request for a new trial.

(3) The sentence or a description thereof as approved or affirmed, together with any subsequent reduction thereof by clemency or otherwise.

(4) A brief description of any finding or sentence believed to be unjust.

(5) A full statement of the newly discovered evidence or fraud on the court relied upon for the remedy sought.

(6) Affidavits pertinent to the facts asserted in (5) above.

(7) The affidavit of each person whom the accused expects to present as a witness in the event of a new trial. Each affidavit should set forth briefly the relevant facts within the personal knowledge of the affiant.

f. Action upon petition. In cases referred to a board of review, it shall take action in accordance with the procedure prescribed by the Judge Advocate General of the armed force concerned. In cases referred to it, the Court of Military Appeals shall take action in accordance with its rules. The authority considering the petition may cause such additional investigation to be made and such additional information to be secured as he may deem appropriate.

Upon written request and within his discretion, the authority considering the petition may allow oral argument upon a petition. Any hearing held by the Judge Advocate General or by a board of review will be conducted under rules prescribed by the Judge Advocate General. If the petition is considered by the Judge Advocate General, the hearing may be before him or before an officer or officers designated by him.

If the Judge Advocate General is of the opinion that meritorious grounds for relief under Article 74 have been established but that a new trial is not indicated, he may transmit the petition and related papers to the Secretary of the Department concerned with his recommendations in the premises for action under Article 74.

A new trial should not be granted by a board of review or the Court of Military Appeals if a consideration of the record of trial indicates that appropriate action should be taken under Articles 66*d* or 67*e*.

g. Conduct of new trial. (1) If a new trial is granted, the Judge Advocate General shall designate a convening authority who has power to convene a court-martial appropriate for the trial of the case. The new trial shall be held at such time and place as the convening authority directs.

(2) Every new trial shall take place before a court-martial composed of persons who were not members of the court-martial which first heard the case. Upon a new trial, the accused shall not be tried for any offense of which he was found not guilty, or upon which he was not tried by the first court-martial, and no sentence in excess of or more severe than the original sentence as approved or affirmed shall be adjudged.

(3) If the accused is found guilty upon any charge or specification on a new trial the court will, subject to the foregoing limitations, adjudge an appropriate sentence without regard to any credit to which the accused may be entitled by virtue of the prior execution of any part of the sentence. See 81*d*.

h. Action by the convening authority upon the record. The convening authority's action is the same as in other cases except that he may not order any part of the sentence executed. See 88*d*, 89, and appendix 14.

i. Disposition of record of new trial. Irrespective of the result of the new trial, the record thereof shall be forwarded to the appropriate Judge Advocate General after action by the convening authority and, in special court-martial cases reviewed by him, by the officer exercising general court-martial jurisdiction over the command, or by another officer having supervisory authority (94).

j. Restoration; disposition of original sentence. Except as hereafter provided, the Secretary of the Department concerned will order the restoration of rights, privileges, and property affected by an executed portion of a court-martial sentence which has not again been adjudged upon a new trial or which, after the new trial, has not been sustained upon the action of any reviewing authority (Arts. 60, 65, 66, 67). Such Secretary shall set aside so much of the findings and so much of the sentence adjudged upon the original trial as may be appropriate.

If a previously executed sentence to dishonorable or bad conduct discharge is not sustained on a new trial, the Secretary of the Department shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment (Art. 75*b*).

If a previously executed sentence to dismissal is not sustained on a new trial, the Secretary of the Department shall substitute therefor a form of discharge authorized for administrative issuance, and the officer dismissed by such sentence may be reappointed by the President alone to such commissioned rank and precedence as in the opinion of the President such former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to position vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and such reappointment shall be considered as actual service for all purposes, including the right to receive pay and allowances (Art. 75*c*).

k. Court-martial orders. Court-martial orders promulgating the final action taken as a result of a new trial including any restoration of rights, privileges, and property, shall be promulgated by departmental orders. See appendix 15*b*.

l. Action by persons charged with the execution of the sentence. Persons charged with the administrative duty of executing a sentence adjudged upon a new trial after it has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence in computing the term or amount of punishment actually to be executed pursuant to the new sentence. For example, if one year of an original sentence to confinement for five years has been executed, and a sentence to confinement for three years is adjudged and approved upon a new trial, the accused will be credited with the confinement for one year already served, leaving only confinement for two years of the new three-year sentence yet to be executed.

110. WORLD WAR II OFFENSES—*a. General.* With respect to all trials by general courts-martial which resulted in a conviction and with respect to any trial resulting in an approved sentence including a bad conduct discharge adjudged by any lesser court-martial for a violation of the Articles of War, the Articles for the Government of the Navy, or the disciplinary laws of the Coast Guard, committed at any time between 7 December 1941 and 30 May 1951, inclusive, an accused may, within one year after final disposition of the case upon initial appellate review or at any time before 31 May 1952, whichever is the later date, petition the Judge Advocate General of the armed force concerned to grant relief. Upon good cause shown, such Judge Advocate General may grant a new trial, or vacate the findings and sentence adjudged, and may order the restoration of rights, privileges, and property affected by the sentence, and in a proper case order the substitution for a dismissal, dishonorable discharge, or bad conduct discharge, previously executed, of a form of discharge authorized for administrative issuance (sec. 12, act 5 May 1950, 64 Stat. 147; 50 U. S. C. 740).

Completion of review and of any confirming, approving, or affirming action required under the Articles of War, the Articles for the Government of the Navy, the disciplinary laws of the Coast Guard, the Uniform Code of Military Justice, and any regulations prescribed under any of the foregoing statutes constitutes final disposition of a case upon initial appellate review.

A petition may not be submitted after the death of an accused.

Section 12 does not require that the execution of a sentence be delayed to permit a petition for a new trial. Presentation of a petition does not, of itself, operate to stay the execution of a sentense.

b. Who may petition. See 109*b*.

c. Who may act on a petition. Action on a petition for relief under Section 12 will ordinarily be taken by the Judge Advocate General of the armed force which reviewed the previous trial except that:

(1) Petitions submitted by persons who, at the time of trial and sentence from which such petitioners seek relief, were members of the U. S. Army Air Corps, the Army Air Forces, or the United States Air Force will be acted upon by the Judge Advocate General, United States Air Force; and

(2) Petitions submitted by persons who, at the time of trial and sentence from which such petitioners seek relief, were members of the Coast Guard, and who are members of the Coast Guard at the time the petition is submitted, will be acted upon in the Department in which the Coast Guard is serving at the time the petition is so submitted.

d. Finality. Only one petition may be entertained with regard to any one case. Final action upon a petition submitted pursuant to Article of War 53 shall be a bar to the consideration of any further petition under Section 12.

e. Grounds. Relief under Section 12 will be granted only upon good cause shown. Good cause for granting a new trial, for vacation of findings or a sentence, or for another remedy shall be deemed to exist only if, within the discretion of the Judge Advocate General of the armed force concerned, all the facts and information before him, including, but not limited to, the record of trial, the petition, and other matter presented by the accused, affirmatively establish that an injustice has resulted from the findings or sentence. No fact, ruling, or error other than matters relating to jurisdiction will be deemed to constitute good cause unless it had a substantial contributing effect upon the findings of guilty or upon the sentence imposed.

The principles of 109*d* (2) and (3) are equally applicable to petitions for relief under Section 12 with respect to petitions wherein the ground for relief relied upon is newly discovered evidence or fraud on the court.

f. Form of petition. The form for a petition for relief under Section 12 in general shall be that prescribed in 109*e* above except that the petition will indicate under (2) thereof the specific relief requested and will provide a full statement of the fact, ruling, or error which is relied upon as good cause for the remedy sought under (5).

g. Procedure. Upon written request and within his discretion, the Judge Advocate General may allow oral argument upon a petition. Any hearing held will be conducted under rules prescribed by the Judge Advocate General. The hearing may be before the Judge Advocate General or before an officer or officers designated by him. The Judge Advocate General may cause such additional investigation to be made and such additional evidence to be secured as he may deem appropriate.

Action in granting or denying a remedy under Section 12 shall be taken by the Judge Advocate General in writing signed in his own hand or by his direction. When appropriate, the action granting relief will be published in departmental orders.

h. Conduct of new trial. The principles of 109*g* (1) and (2) apply equally to the conduct of new trials under Section 12. See 81*d*.

i. Action by the convening authority upon the record. See 88*d*, 89, and appendix 14. In approving any sentence adjudged upon a new trial under Section 12, the convening authority may consider the executed portion of the prior sentence as a matter in mitigation.

j. Disposition of record of new trial. The principles of 109*i* apply equally to records of new trial under Section 12.

k. Court-martial orders. The principles of 109*k* apply equally to court-martial orders promulgating the final results of new trials under Section 12.

111. RIGHT OF DISMISSED OFFICER TO TRIAL BY COURT-MARTIAL. When any officer, dismissed in time of war by order of the President (see sec. 10, act 5 May 1950, 64 Stat. 107, 146; 50 U. S. C. 739), makes a written application for trial by court-martial, setting forth, under oath, that he has been wrongfully dismissed, the President, as soon as practicable, shall cause a general court-martial to be convened to try such officer on the charges on which he was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on such charges, and he shall be held to have waived the right to assert any statute of limitations applicable to any offense with which he is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal or death, the Secretary of the Department shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issuance (Art. 4*a*).

If the President fails to convene a general court-martial within six months from the presentation of an application for trial under Article 4, the Secretary of the Department shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issuance (Art. 4*b*).

Where a discharge is substituted for a dismissal under the authority of Article 4, the President alone may reappoint the officer to such commissioned rank and precedence as in the opinion of the President such former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to position vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and such reappointment shall be considered as actual service for all purposes, including the right to receive pay and allowances (Art. 4*c*).

When an officer is discharged from any armed force by administrative action or is dropped from the rolls by order of the President, there shall not be a right to trial under Article 4 (Art. 4*d*).

Chapter XXII—Oaths

OATHS IN TRIALS BY COURTS-MARTIAL—AUTHORITY TO ADMINISTER OATHS—FORMS OF OATHS

112. OATHS IN TRIALS BY COURTS-MARTIAL—*a. General.* In this chapter, unless the context indicates the contrary, the word "oath" includes the word "affirmation." In the administration of an affirmation, the words "So help you God" are omitted. Matters concerning oaths in proceedings of courts of inquiry are found in Article 135.

b. Persons required to be sworn. Prior to functioning in a trial, the law officer, all interpreters, and, in general and special courts-martial, the members, the trial counsel, assistant trial counsel, the defense counsel, assistant defense counsel, individual counsel, if any, and the reporter shall take an oath or affirmation in the presence of the accused to perform their duties faithfully (see Art. 42*a*). All witnesses before courts-martial shall be examined on oath or affirmation (Art. 42*b*). All persons whose testimony is taken by deposition shall be examined on oath or affirmation (117*a*; Art. 49*c*). See 114 for the oath of the escort on views or inspections by the court. Concerning the entry to be made in the record of each trial that the required oaths have been duly administered, see appendices 9 and 10.

c. Oaths to be taken in the presence of accused. The officials and clerical assistants of the court who are required to act under oath during the trial of a case by a general or special court-martial must be sworn in the presence of the accused either (1) at the beginning of the trial of each accused or (2) at the first session of the court when the court sits for more than one trial and the accused in each trial is present in the court at the time the officials and clerical assistants thereof are initially sworn, such oaths to be effective for the trials of all accused then before the court.

See also 61*h* and appendix 8 concerning the point in the proceedings at which each of the various oaths is usually administered.

d. Procedure for administering oaths. There is no particular procedure which must be used in administering an oath. As long as the prescribed oath is duly administered, any procedure which appeals to the conscience of the person to

whom the oath is administered and which binds him to speak the truth is sufficient. The customary procedure in administering the prescribed oath to military personnel consists (1) of requiring the person taking it to place a hand upon a Bible while the oath is administered or (2) of the raising of the right hand by both the individual administering the oath and the individual taking the oath at the time of the reading thereof and the response thereto. Persons who recognize peculiar forms or rites as obligatory, and believers in other than the Christian religion, may be sworn in their own manner or according to the peculiar ceremonies of the religion they profess and which they declare to be binding.

While the law officer, members, trial counsel and assistants, defense counsel and assistants, and individual counsel, if any, are being sworn, all persons present will stand. While any other person is being sworn, he and the officer administering the oath will stand. If the trial counsel is to testify, his oath as a witness will be administered by the president; if the assistant trial counsel is to testify, the trial counsel will administer the oath.

113. AUTHORITY TO ADMINISTER OATHS. The following persons on active duty in the armed forces shall have authority to administer oaths necessary in the performance of their duties: The president, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial; the president and the counsel for the court of any court of inquiry; all officers designated to take a deposition; all persons detailed to conduct an investigation; all recruiting officers; and all other persons designated by regulations of the armed forces or by statute (Art. 136*b*).

For other persons who are authorized to administer oaths, see Articles 49*c* and 136*a*, and the footnotes under Article 136 and section 8, act of 5 May 1950 (app. 2*a*, *b*).

114. FORMS OF OATHS. Subject to the provisions of 112*c*, before a general court-martial shall proceed upon any trial the trial counsel shall administer to the *law officer* the following oath or affirmation:

You, AB, do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws and regulations provided for trials by courts-martial, all the duties incumbent upon you as law officer of this court; that if any doubt should arise not explained by the laws and regulations, then according to the best of your understanding and the custom of war in like cases; and that you will not divulge the findings or sentence in any case until they shall have been duly announced by the court. So help you God.

Subject to the provisions of 112*c*, before a general or special court-martial shall proceed upon any trial the trial counsel shall administer to the *members* of the court-martial the following oath or affirmation:

You, AB, CD • • • and YZ, do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as a member of this court; that you will faithfully and impartially try, according to the evidence, your conscience, and the laws and regulations provided for trials by courts-martial, the case of (the) (each) accused now before this court; and that if any doubt should arise not explained by the laws and regulations, then according to the best of your understanding and the custom of war in like cases; that you will not divulge the findings and sentence in any case until they shall have been duly announced by the court; and that you will not disclose or discover the vote or opinion of any particular member of the court upon a challenge or upon the findings or sentence unless required to do so before a court of justice in due course of law. So help you God.

When the oath or affirmation has been administered to the law officer and members of a general court-martial or to the members of a special court-martial, the president of the court shall administer to the *trial counsel* and to each *assistant trial counsel*, if any, and thereafter to the *defense counsel* and to each *assistant defense counsel*, if any, and to the *individual counsel*, if any, the following oath or affirmation:

You, AB, CD • • • JK, do swear (or affirm) that you will faithfully perform the duties of (trial counsel) (defense counsel) (individual counsel) and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God.

Every *reporter* of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation, administered by the trial counsel, in the following form:

You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.

Every *interpreter* in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation, administered by the trial counsel, in the following form:

You swear (or affirm) that you will faithfully perform the duties of interpreter in the case now in hearing. So help you God.

All *persons who testify* before a court-martial shall be examined on oath or affirmation, administered by the trial counsel before they first testify, in the following form:

You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

When a member is challenged concerning his competency to serve, the trial counsel shall administer the following oath or affirmation to the *challenged member* who is to be examined under oath as to his competency:

You swear (or affirm) that you will answer truthfully to the questions touching your competency as a member of the court in this case. So help you God.

The *escort* on views or inspections by the court shall, before entering upon his duties as escort, take the following oath or affirmation which shall be administered by the trial counsel:

You swear (or affirm) that you will escort the court and will well and truly point out to them (the place in which the offense charged in this case is alleged to have been committed) ( ); and that you will not speak to the court concerning (the alleged offense) ( ), except to describe (the place aforesaid) ( ). So help you God.

The form of *oath to charges*, which shall be administered by an *officer* of the armed forces authorized to administer oaths, is as follows:

You swear (or affirm) that you are a person subject to the Uniform Code of Military Justice; that you have personal knowledge of or have investigated the matters set forth in the foregoing charge(s) and specification(s); and that the same are true in fact to the best of your knowledge and belief. So help you God.

The oath administered by the investigating officer to *witnesses in an investigation under Article 32* is as follows:

You swear (or affirm) that the statement given by you is) (evidence you are about to give shall be) the truth, the whole truth, and nothing but the truth. So help you God.

All *persons whose testimony is taken by deposition*, whether on oral examination or by written interrogatories, shall, before they testify, be examined on oath or affirmation, administered by the officer (civil or military) taking the deposition, in the following form:

You swear (or affirm) that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth. So help you God.

Chapter XXIII—Incidental Matters

ATTENDANCE OF WITNESSES—EMPLOYMENT OF EXPERTS—DEPOSITIONS—CONTEMPTS—EXPENSES OF COURTS-MARTIAL

115. ATTENDANCE OF WITNESSES—*a. General.* The trial counsel, defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence. Process issued in courts-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and shall run to any part of the United States, its Territories, and possessions (Art. 46).

The formal written instrument (process) that serves to summon a witness to appear and testify is termed a *subpoena*. Such process cannot be used for the purpose of compelling a witness to appear at an examination before trial. See, however, Article 135 as to courts of inquiry.

In this paragraph (115) the term "trial counsel" includes a summary court-martial unless the context indicates otherwise. See 79*b* concerning the authority of summary courts-martial to compel the attendance of witnesses.

The trial counsel will take timely and appropriate action to provide for the attendance of those witnesses who have personal knowledge of the facts at issue in the case for both the prosecution and the defense. He will not of his own motion take such action with respect to a witness for the prosecution unless satisfied that the testimony of the witness is material and necessary. See Article 49*d* concerning the conditions under which a deposition, to be admissible, may be taken. The trial counsel will take similar action with respect to all witnesses requested by the defen e, except

that where there is disagreement between the trial counsel and the defense counsel as to whether the testimony of a witness so requested would be necessary, the matter will be referred for decision to the convening authority or to the court, according to whether the question arises before or after the court convenes. A request for the personal appearance of a witness referred to the convening authority or to the court for decision will be submitted in writing, together with a statement, signed by the counsel requesting the witness, containing (1) a synopsis of the testimony that it is expected the witness will give, (2) full reasons which necessitate the personal appearance of the witness, and (3) any other matter showing that such expected testimony is necessary to the ends of justice.

The trial counsel may consent to admit the facts expected from the testimony of a witness requested by the defense if the prosecution does not contest such facts or if they are unimportant. An application for the attendance of a witness may be withdrawn if the trial counsel and defense counsel enter into a stipulation as to the testimony of such a witness. See 48*d*, 154*b* (Stipulations). In connection with the subject of this paragraph, see 115*d* (3) (Warrant of attachment).

b. Military witnesses. The attendance of a person in the military service stationed at the place of the meeting of the court, or so near that travel at government expense will not be involved, will ordinarily be obtained by notification, oral or otherwise, by the trial counsel, to the person concerned of the time and place he is to appear as a witness. In order to assure the attendance of the person, the proper commanding officer should be informally advised so that he can arrange for the timely presence of the witness. If for any reason formal notice is required, the trial counsel will, through regular channels, request the proper commanding officer to order the witness to attend.

If a military person, desired as a witness, is not present at the place where the court-martial is convened and his attendance would involve travel at government expense, the appropriate superior will be requested to issue the necessary order.

The attendance of military persons not assigned to active duty should be obtained in the same manner as the attendance of civilian witnesses not in government employ. No travel order will be issued in such cases.

If practicable, a request for the attendance of a military witness will be made so that the witness will have notice at least 24 hours before starting to attend the meeting of the court.

c. Production of documents in control of military authorities. If documents which are to be introduced in evidence are in the custody and control of military authorities, the trial counsel, the court, or the convening authority will, upon proper request, take necessary action to effect the production of such documents without the necessity of further legal process.

d. Civilian witnesses—(1) Issue, service, and return of subpoena. The trial counsel is authorized to subpoena as a witness, at government expense, any civilian who is to be a material witness and who is within any part of the United States, its Territories, and possessions, and can compel the attendance of such a civilian (Art. 46). As to employment of expert witnesses, see 116.

A subpoena is prepared, signed, and issued in duplicate on the forms provided by the respective departments. See appendix 17 for the form of a completed subpoena with certificate of service. If a subpoena requires the witness to bring with him a document or an exhibit to be used in evidence, each document or exhibit will be described in sufficient detail to enable the witness to identify it readily.

If practicable, a subpoena will be issued in time to permit service to be made or accepted at least 24 hours before the time the witness will have to start from home in order to comply with the subpoena.

Unless he believes that formal service is advisable, the trial counsel will mail the subpoena to the witness in duplicate, inclosing a penalty envelope bearing a return address, with the request that the witness sign the acceptance of service on the copy and return it in the penalty envelope. The return envelope should be addressed to the trial counsel of the court and not to that officer by name. The trial counsel may, and ordinarily should, include with the request a statement to the effect that the rights of the witness to fees and mileage will not be prejudiced by voluntary compliance with the request and that a voucher for fees and mileage going to and returning from the place of the sitting of the court will be delivered to him promptly on being discharged from attendance on the court.

If formal service is believed to be necessary, the trial counsel will take appropriate action with a view to timely and economical service. For example, if the witness is near the place where the court is convened, the trial counsel, or some one detailed or designated by the commanding officer of the installation, may serve the subpoena; if the witness is near some other military installation, the duplicate subpoenas may be inclosed with a suitable letter to the commanding officer of that installation; or the duplicate subpoenas may be inclosed with a suitable letter to the commander of an army area, naval district, air command, or other comparable command within which the witness resides or may be found. Any such commander will take appropriate action to complete prompt service of the subpoena by the most economical available means. Travel orders for the purpose will be issued when necessary. Service will ordinarily be made by persons subject to military law, but may legally be made by others. Service is made by personal delivery of one of the copies to the witness. The other copy, with proof of service made as indicated on the form, will be promptly returned to the trial counsel. If service cannot be made, the trial counsel will be promptly so informed. When use for it is probable, a return penalty envelope, addressed to the trial counsel of the court and not to that officer by name, may be sent to the person who is to serve the subpoena.

In occupied enemy territory, the appropriate commander is empowered to compel the attendance of a civilian witness in response to a subpoena issued by the trial counsel.

(2) *Neglect or refusal to appear.* See Article 47 and *Warrant of attachment* below. In order to maintain a prosecution under Article 47, a person must not only be duly subpoenaed, but be paid or tendered fees, including the fee for one day of actual attendance and mileage both ways, "at the rates allowed to witnesses attending the courts of the United States" (Art 47).

Whenever such action appears to be advisable, a finance or disbursing officer under the command of the convening authority, or the finance or disbursing officer of the same armed force as the convening authority and nearest the place where the witness is found, will, upon written request by the trial counsel or written order of the senior officer present, at once provide the trial counsel, or any other officer or person designated for the purpose, the required amount of money to be tendered or paid to the witness for one day of attendance and mileage for the journeys to and from the court. In this respect, see appropriate departmental regulations. If an officer charged with serving a subpoena pays from his personal funds the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement.

(3) *Warrant of attachment.* In order to compel the appearance of a civilian witness in an appropriate case, the trial counsel will consult the convening authority or the court, according to whether the question arises before or after the court has convened for trial of the case, as to the desirability of issuing a warrant of attachment (app. 19) under Article 46.

Whenever it becomes necessary to issue a warrant of attachment, the trial counsel will issue and deliver or send it for execution to an officer designated for the purpose by the commander of the proper army area, naval district, air command, or other appropriate command.

As the arrest of a person under a warrant of attachment involves depriving him of his liberty, the authority for such action may be inquired into by a writ of habeas corpus. To enable the officer to make a full return in case a writ of habeas corpus is served upon him, the warrant of attachment will be accompanied by the orders appointing the court-martial, or copies thereof; a copy of the charges in the case, including the order referring the charges for trial, each copy certified by the trial counsel to be a full and true copy of the original; the original subpoena, showing proof of service of a copy thereof; a certificate stating that the necessary witness fees and mileage have been duly tendered; and an affidavit of the trial counsel that the person being attached is a material witness in the case, that such person

has willfully neglected or refused to appear although sufficient time has elapsed for that purpose, and that no valid excuse has been offered for such failure to appear.

In executing such process it is lawful to use only such force as may be necessary to bring the witness before the court. Whenever it appears that the use of force may be required or whenever travel or other orders are necessary, appropriate application to the proper commander for assistance or for orders will be made by the officer who is to execute the process.

For matters relating to habeas corpus proceedings in connection with attachments, see chapter XXIX.

116. EMPLOYMENT OF EXPERTS. When the employment of an expert is necessary during a trial by court-martial, the trial counsel, in advance of the employment, will, on the order or permission of the court, request the convening authority to authorize such employment and to fix the limit of compensation to be paid the expert. The request should, if practicable, state the compensation that is recommended by the prosecution and the defense. Where in advance of trial the prosecution or the defense knows that the employment of an expert will be necessary, application should be made to the convening authority for permission to employ the expert, stating the necessity therefor and the probable cost. In the absence of such previous authorization, no fees, other than ordinary witness fees, may be paid for the employment of an individual as an expert witness.

117. DEPOSITIONS—*a. General.* A *deposition* is the testimony of a witness, reduced to writing, under oath or affirmation, before a person empowered to administer oaths, in answer to interrogatories (questions) and cross-interrogatories submitted by the party desiring the deposition and the opposite party. *Written interrogatories* are questions, propounded by the prosecution or defense, or both, which are reduced to writing prior to submission to a witness whose testimony is to be taken by deposition on written interrogatories. The answers, reduced to writing and properly sworn to, constitute the deposition of the witness. Within the purview of Article 49*a*, a deposition taken on oral examination constitutes an *oral deposition;* a deposition taken on written interrogatories constitutes a *written deposition.*

With reference to the use of depositions in evidence, see 145*a*. Concerning the use of depositions in trials by summary courts-martial, see 79*b*. For the form of a deposition, see appendix 18.

At any time after charges have been signed as provided in Article 30, any party may take oral or written depositions unless an authority competent to convene a court-martial for the trial of such charges forbids it for good cause (Art. 49*a*). If a deposition is to be taken before charges are referred for trial, such an authority may designate officers, preferably the trial counsel and defense counsel of an existing court or their assistants, to represent the prosecution and the defense in taking the deposition of any witness. Although it is not required that officers designated to represent the parties in taking oral or written depositions be legally qualified lawyers, if the officer appointed to represent the prosecution is qualified in the sense of Article 27, the officer detailed to represent the defense must have at least equivalent qualifications under the provisions of that article. See also 30*e* and 34*d* concerning the taking of pretrial depositions.

The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition (Art. 49*b*). Notice of the taking of a deposition for the prosecution may be given to the accused, his counsel (civil or military), or the officer designated to represent the accused in the taking of the deposition. Notice of the taking of a deposition for the defense may be given to the trial counsel, an assistant trial counsel, or the convening authority.

Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths (Art. 49*c*). See 147 as to taking judicial notice of the seals of foreign notaries public with respect to the authentication of depositions taken before foreign notaries, and of the signatures of persons authorized to administer oaths under Article 136 and chapter XXII.

If the name of the person whose deposition is desired is unknown, he may be identified in the interrogatories and any accompanying papers by his office or position, for example, "Commanding Officer, Company C, 27th Infantry, Fort Adams, Vermont"; "Commanding Officer, 3101st Maintenance Squadron, Reese Air Force Base, Lubbock, Texas"; "Cashier, Commercial National Bank, Fort Leavenworth, Kansas."

In this paragraph (117), unless the context otherwise indicates, the term "trial counsel" includes a summary court-martial.

b. Depositions on written interrogatories. Ordinarily, the side (prosecution or defense) desiring a deposition on written interrogatories will submit to opposing counsel a list of written interrogatories to be propounded to the absent witness. After opposing counsel has examined the interrogatories and has been allowed a reasonable time for the preparation of cross-interrogatories and objections, if any, the papers (with objections noted thereon) will be submitted to the convening authority or to the law officer (president of a special court-martial), depending on whether the court is in session. When the exigencies of the service render it impracticable to submit the papers to the convening authority, the matter should be referred to competent authority (Art. 49*a*) by expeditious means of communication. If submitted to the law officer (president of a special court-martial), he will examine the papers and approve the taking of the deposition or refer the papers to the convening authority if he deems the deposition should be forbidden for good cause. Additional interrogatories may be propounded on behalf of the convening authority or the court as may be necessary to elucidate the whole subject of the testimony to be given by the witness.

If the court desires the deposition of a witness it may direct counsel to submit appropriate interrogatories to the court. In any case, all parties in interest will be given full opportunity to submit cross-interrogatories and additional interrogatories, direct and cross, as desired. When the defense in a capital case submits interrogatories, cross-interrogatories may be submitted to the same extent as in a case not capital.

If the interrogatories and cross-interrogatories are submitted to the law officer (president of a special court-martial), objections on any ground known at the time may be made and passed upon at that time. But see 145*a* as to objections at the trial. A wider latitude than usual should be allowed as to leading questions.

c. Sending out interrogatories. All interrogatories are entered upon the prescribed form (app. 18) as indicated by the notes and instructions thereon. According to the circumstances, and having regard to economy, promptness, and the proper taking of the deposition, the trial counsel may send the interrogatories to the commanding officer of the military station nearest the witness; to the commander of an army area, naval district, air command, or other comparable command; to a responsible person, preferably one competent to administer oaths; to the witness himself; or, in the case of the Army or Air Force, to The Adjutant General. According to circumstances, the interrogatories will be accompanied by such of the following as are advisable or necessary: A proper explantory letter, an addressed return penalty envelope, subpoena in duplicate, voucher for fees and mileage.

The return penalty envelope should be addressed to the trial counsel of the court and not to that officer by name. The subpoena will, but the voucher will not, be signed; but both subpoena and voucher will be completed to the extent permitted by the known facts, and the latter will be accompanied by the required number of copies of the orders appointing the court.

d. Action by person receiving interrogatories. When interrogatories are received by a military officer, he will take appropriate action with a view to the prompt and economical taking of the deposition by a competent person, the return of the deposition to the trial counsel (addressed to him as trial counsel, not by name), and the payment of the necessary fees. Subject to limitations on his authority, he may, for example, send a suitable person to the residence of the witness, or arrange by mail or otherwise for the taking of the deposition; or, in the case of a civilian witness, subpoena him or arrange for his attendance without subpoena. It may be left to the person designated to take the deposition to indicate the time and place of the taking. A civilian who performs travel to give his deposition is entitled to the same fees and expenses as if he had attended personally before

the court sitting at the place the deposition is taken.

In the event that the deposition cannot be taken promptly upon receipt of the interrogatories, the person receiving the interrogatories will take immediate steps to advise the officer who requested the deposition of the delay and of the approximate date that the deposition will be taken. In all cases the taking of a deposition will be expedited.

e. Suggestions for person taking deposition. If it is necessary to subpoena a civilian witness, the person designated to take the deposition will cause the duplicate subpoena to be served personally upon the witness and will return the original to the trial counsel by an indorsement stating that the duplicate has been delivered.

If the deposition of a person in the military service is required, the officer designated to take the deposition, or the officer who causes it to be taken, shall direct the witness to appear at the proper time and place.

Before a witness gives his answers to the interrogatories they should be read and, if necessary, explained to him, or he should be permitted to read them over in order that his answers may be clear, full, and to the point. The person taking the deposition should not advise the witness how he should answer, but he should endeavor to see that the witness understands the questions, what is desired to be brought out by them, and that the answers are clear, full, and to the point.

The person taking the deposition shall administer the oath to the witness, and the reporter and interpreter, if any (see 49, 50, 114; Art. 42), and in the presence of the witness shall record or cause to be recorded the testimony of the witness. Objections made at the time of the examination shall be noted upon the deposition. Evidence objected to shall be taken and recorded subject to the objections.

When the testimony is fully transcribed the deposition will ordinarily be submitted to the witness for examination or read to him. Any changes in form or substance which the witness desires to make shall be entered by the person taking the deposition. The deposition will then by signed by the witness unless the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the person taking the deposition will, over his own signature, state the reason for the omission of the signature of the witness. The certificate of the person taking the deposition will then be executed. See appendix 18.

If a military officer takes a deposition, he will ordinarily complete and certify the voucher. When a deposition is taken by a civil officer, he should, if so requested, obtain and furnish with the return of the deposition the data necessary for the completion of the witness voucher.

f. Action on receipt of deposition. Upon receipt of the deposition the trial counsel will notify the accused or his counsel and will give the defense an opportunity to examine the deposition before the trial. The trial counsel, as the legal custodian of the deposition, is responsible that no alteration whatever is made therein.

g. Depositions on oral examination. If depositions on oral examination are to be taken before charges are referred for trial, the authority competent to convene a court for the trial of the charges may direct officers, preferably the trial counsel and defense counsel of an existing court, or an assistant trial counsel and assistant defense counsel, if any, to proceed to the residence of the witness, or other designated place, to take the deposition.

If, after charges are referred for trial, depositions are to be taken on oral examination rather than on written interrogatories, each party concerned will indicate in a separate letter or memorandum the reasons for the deposition and the points desired to be covered in the oral examination of the witness. Subsequent to submission to and inspection by opposing counsel, the papers will be submitted to the convening authority or to the law officer (president of a special court-martial) depending upon whether the court is in session. If submitted to the law officer (president of a special court-martial), he will examine the papers and approve the taking of the deposition or refer the papers to the convening authority if it is deemed the deposition should be forbidden for good cause.

Upon receipt of the approved letters or memoranda, the commanding officer or other person to whom the papers are sent, as contemplated in subparagraph *c* above, will, whenever practicable, in addition to designating a person authorized by law to administer oaths to take the deposition, detail officers, preferably officers experienced in the duties of trial counsel and defense counsel, respectively, to represent both sides in propounding the oral questions which upon being propounded will be reduced to writing as will the answers thereto. The rules as to representation by individual counsel (48*a*, *b*) are applicable. See 145*a* as to objections.

118. CONTEMPTS—*a. General.* The power to punish for contempt is vested in general, special, and summary courts-martial.

A court-martial, provost court, or military commission may punish for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder. Such punishment shall not exceed confinement for 30 days or a fine of $100, or both (Art. 48).

The words "any person," as used in Article 48, include all persons, whether or not subject to military law, except the law officer and the members of the court. These excepted persons may be punishable as indicated in 41*b*.

The conduct described in Article 48 constitutes a direct contempt. Indirect or constructive contempts (those not committed in the presence or immediate proximity of the court while it is in session) and the conduct and the action described or referred to in Article 47 (neglect or refusal to appear, or to qualify or testify as a witness, having been duly subpoenaed) are not punishable under Article 48. Having been duly subpoenaed, persons not subject to military law may be punished as provided in Article 47 for neglect or refusal to appear or refusal to qualify as a witness or to testify or to produce evidence. Persons subject to military law may be punished under Article 134 for the offenses discussed in this subparagraph.

When requested by a member or any party to the trial and when the court deems it advisable, the law officer of a general court, the president of a special court, or a summary court may warn a person that his conduct is such that his persistence therein may cause the court to hold him in contempt.

b. Procedure when a person is charged with contempt. When the conduct of a person before a court-martial constitutes a contempt within the meaning of Article 48, the regular proceedings of the court should be suspended and the person directed to show cause why he should not be held in contempt. He will be given an opportunity to explain his conduct; however, the mere insistence by the person that his language or behavior was proper does not necessarily purge him of contempt.

The preliminary question as to whether a person should be held in contempt will be disposed of in the same manner as a motion for a finding of not guilty (Art. 51*b*). Thus the ruling of the law officer (president of a special court-martial) thereon shall be made subject to the objection of any member of the court (57*d* (1)).

If there is no objection to a preliminary ruling that the person not be held in contempt, no further action thereon is required, and the court will resume its regular proceedings.

If any member objects to the ruling, the court will close and vote, as provided in Article 52, whether to sustain the ruling. The question shall be decided by a majority vote (57*f*).

If, as a result of the vote of the court, or a ruling of the law officer (president of a special court-martial) that is not objected to, there has been a preliminary determination that the person be held in contempt, the court will close to determine, by secret written ballot, whether he shall be held in contempt and, in the event of conviction, an appropriate punishment within the limits authorized by Article 48 and chapter XXV. Concurrence of two-thirds of the members present at the time the vote is taken is required both to convict and to punish a person for contempt.

Thereupon the court will open and the president will announce the holding and the punishment, if any, adjudged.

The action thus taken is properly summary, a formal trial not being required and no appeal or review (other than the automatic review by the convening authority) being authorized.

Prior to resuming the original proceedings, a record will be made in and as a part of the regular record of the case before the court, showing the facts concerning the contempt and the proceedings with reference to it; or the court may, upon the accomplishment of the record of the contempt proceedings, forthwith transmit such record to the

convening authority, appropriate entries concerning such action being entered in and as a part of the regular record. For an example of proceedings in contempt, see appendix 8*b*.

In order to be effective, a punishment for contempt requires approval of the convening authority. Upon notification of the action of the court and pending formal review of the record of the contempt proceedings, the convening authority may require the person to undergo any confinement adjudged (21*d*; Art. 57*b*). The person held in contempt shall be advised, in writing, of the holding and punishment of the court and also of the action of the convening authority upon the proceedings for contempt. Copies of such communication shall be furnished to such other persons as may be concerned with the execution of the punishment; a copy shall also be included with the record of trial proper.

The court, instead of proceeding as stated above, may cause the removal of the offender, and, in a proper case, initiate his prosecution before a civil or military court.

A person held in contempt may be allowed to continue to testify or to perform his functions before the court. A witness may not be held in contempt for declining to answer a question the answer to which may tend to incriminate him; neither may an accused be held in contempt for standing mute in lieu of pleading.

c. Place of confinement of person held in contempt. The place of confinement for a civilian or military person who is held in contempt and is to be punished by confinement shall, upon approval of the punishment by the convening authority, be designated by that officer.

119. EXPENSES OF COURTS-MARTIAL. See appropriate departmental regulations.

Chapter XXIV—Insanity

GENERAL CONSIDERATION—INQUIRY BEFORE TRIAL—INQUIRY BY COURT—EFFECT OF MENTAL IMPAIRMENT OR DEFICIENCY UPON SENTENCE—ACTION BY REVIEWING AUTHORITY

120. GENERAL CONSIDERATION—*a. Insanity.* A person is insane within the meaning of this chapter either if he lacked mental responsibility at the time of the offense as defined in 120*b*, or if he lacks the requisite mental capacity at the time of trial as stated in 120*c*.

b. Lack of mental responsibility. If a reasonable doubt exists as to the mental responsibility of the accused for an offense charged, the accused cannot be legally convicted of that offense (74*a* (3)). A person is not mentally responsible in a criminal sense for an offense unless he was, at the time, so far free from mental defect, disease, or derangement as to be able concerning the particular act charged both to distinguish right from wrong and to adhere to the right. The phrase "mental defect, disease, or derangement" comprehends those irrational states of mind which are the result of deterioration, destruction, or malfunction of the mental, as distinguished from the moral, faculties. To constitute lack of mental responsibility the impairment must not only be the result of mental defect, disease, or derangement but must also completely deprive the accused of his ability to distinguish right from wrong or to adhere to the right as to the act charged. Thus a mere defect of character, will power, or behavior, as manifested by one or more offenses, ungovernable passion, or otherwise, does not necessarily indicate insanity, even though it may demonstrate a diminution or impairment in ability to adhere to the right in respect to the act charged. Similarly, mental disease as such does not always amount to mental irresponsibility. For example, if a person commits an assault under psychotic delusion with a view to redressing or revenging some supposed injury to his reputation, he is nevertheless mentally responsible if he knew at the time that the act was contrary to law, and if he was not acting under an irresistible impulse. On the other hand, an accused is not responsible for a particular homicide if, as a result of mental disease, he had an insane delusion that another person was in the act of attempting to kill him and he thereupon killed the supposed attacker under the delusion that it was necessary to kill the deceased to preserve his own life.

c. Mental capacity at time of trial. No person should be brought to trial unless he possesses sufficient mental capacity to understand the nature of the proceedings against him and intelligently to conduct or cooperate in his defense.

121. INQUIRY BEFORE TRIAL. If it appears to any commanding officer who considers the disposition of charges as indicated in 32, 33, and 35 or to any investigating officer (34), trial counsel, or defense counsel that there is reason to believe that the accused is insane (120*c*) or was insane at the time of the alleged offense (120*b*), that fact and the basis of the observation should be reported through appropriate channels in order that an inquiry into the mental condition of the accused may be conducted before trial. When the report indicates substantial basis for the belief, the matter will be referred to a board of one or more medical officers for their observation and report with respect to the sanity of the accused. At least one member of the board should be a psychiatrist. The board should be fully informed of the reasons for doubting the sanity of the accused and, in addition to other requirements, should be required to make separate and distinct findings as to each of the three following questions:

a. Was the accused at the time of the alleged offense so far free from mental defect, disease, or derangement as to be able concerning the particular acts charged to distinguish right from wrong (120*b*)?

b. Was the accused at the time of the alleged offense so far free from mental defect, disease, or derangement as to be able concerning the particular acts charged to adhere to the right (120*b*)?

c. Does the accused possess sufficient mental capacity to understand the nature of the proceedings against him and intelligently to conduct or cooperate in his defense (120*c*)?

To determine these questions the board should place the accused under observation, examine him, and conduct such further investigation as it deems necessary. On the basis of this report, further action in the case may be suspended, or the charges may be dismissed by an officer competent to appoint a court-martial appropriate to try the offense charged, or proceedings may be taken to discharge the accused from the service on the grounds of his mental disability, or the charges may be referred for trial. Such additional mental examinations may be directed at any stage of the proceedings as circumstances may require. The officer directing or requesting the mental examination of the accused will attach the report of examination to the charges if referred for trial or forwarded.

122. INQUIRY BY COURT—*a. Presumption of sanity; reasonable doubt; burden of proof.* The accused is presumed initially to be sane and to have been sane at the time of the alleged offense. This presumption merely supplies the required proof of mental capacity and responsibility and authorizes the court to assume that the accused is sane until evidence is presented to the contrary. When, however, substantial evidence tending to prove that the accused is insane (120*c*) or was insane at the time of his alleged offense (120*b*) is introduced either by the prosecution or by the defense or on behalf of the court, then the sanity of the accused is an essential issue. If, in the light of all the evidence, including that supplied by the presumption of sanity, a reasonable doubt as to the mental responsibility of the accused at the time of the offense (120*b*) remains, the court must find the accused not guilty of that offense. If a reasonable doubt as to the mental capacity of the accused at the time of trial (120*c*) remains, the court will adjourn and transmit to the convening authority the record of its proceedings as far as had with a statement of its determination of the issue of mental capacity. Although the defense usually raises the issue of insanity by producing evidence of mental irresponsibility or lack of capacity, it is the duty of the court to call for evidence on this matter whenever there is reasonable indication that such an inquiry is warranted in the interest of justice. The burden of proving the sanity of the accused, like every other fact necessary to establish the offense alleged, is always on the prosecution, but it is not incumbent upon the prosecution to introduce any evidence tending to prove the sanity of the accused until the question of sanity becomes an issue in the case.

b. Procedure. The issue of insanity may be raised at any time while a case is before the court. The actions and demeanor of the accused as observed by the court or the bare assertion from a reliable source that the accused is believed to lack mental capacity or is mentally irresponsible may be sufficient to warrant inquiry. It should be remembered, however, that although a person who lacks mental capacity or responsibility to the extent indicated in 120 should not be tried, sanity is presumed (122*a*), and a mere assertion that a person is insane is not necessarily sufficient to impose any burden of inquiry on the court, or to raise the issue of insanity.

A request, suggestion, or motion that inquiry be had may be made by any member of the court, prosecution, or defense. The law officer of a general court-martial or the president of a special court-martial may rule, subject to objection by any member of the court and final determination by the court, as to whether an inquiry should be made (Art. 51*b*). Upon such objection a tie vote of the members upon a motion relating to the sanity of the accused is a determination against the accused (Art. 52*c*). If it is determined to make such an inquiry, priority will be given to it, and the inquiry should exhaust all reasonably available sources of information with respect to the mental condition of the accused. If it appears that the inquiry will be protracted, or if the court desires to hear expert testimony, the court may adjourn and report the matter to the appointing authority with its recommendation in the premises. Such recommendation may include in a proper case a recommendation that the accused be examined as provided in 121 and that the officer or officers conducting the examination be made available as witnesses. In his discretion the convening authority may withdraw the charges from the court as a result of a report of examination conducted under 121; or he may refer the matter to the court for its consideration subject to the provisions of 122*c*.

If the court finds the accused not mentally responsible for his acts (120*b*) it will forthwith enter findings of not guilty as to the proper charges and specifications. If it finds the accused mentally responsible for his acts, but at the time of trial lacking requisite mental capacity (120*c*), it will record such findings. In either case the proceedings so far as had will be forwarded to the convening authority. If the accused is found to be sane the trial proceeds.

If the issue of insanity is raised as an interlocutory question and the court finds the accused sane, the defense is not precluded by this finding from offering further evidence on the issue of insanity and, when all the evidence in the case has been received, the court may proceed to its findings on the guilt or innocence of the accused. In consideration of its findings upon the general issue, if the court entertains a reasonable doubt that the accused was mentally responsible for his acts, it will enter findings of not guilty as to the proper charges and specifications (120*b*).

If the convening authority disagrees with the court in its finding that the accused lacks requisite mental capacity at the time of trial (120*c*), or if the convening authority determines that the disability was temporary and that the accused has recovered his mental capacity, he may return the case to the court with instructions to reconsider its findings and, if appropriate, to proceed with the trial.

c. Evidence. The issue of the sanity of the accused is one of fact, and the modes of proof and rules of evidence with respect to this issue are, generally, those prescribed in chapter XXVII. Although the testimony of an expert on mental disorders as to his observations and opinion with respect to the mental condition of the accused may be given greater weight than that of a lay witness, a lay witness who is acquainted with the accused and who has observed his behavior may testify as to his observations and may also give such opinion as to the general mental condition of the accused as may be within the bounds of the common experience and means of observation of men.

As in the proof of other matters, evidence should be presented by the testimony of witnesses in open court, depositions (145*a*), stipulated testimony, or documentary evidence.

So much of the report of a board of medical officers or any other medical record as pertains to entries of facts or events which are properly admissible under the official records or business entry exceptions to the hearsay rule (144*b*, *c*) may be received in evidence. The opinions as to the mental condition of the accused contained in such a report are not within these exceptions to the hearsay rule. They may be received in evidence by stipulation, and in a proper case, as memoranda of past recollections recorded (146*a*). Such a report or any other pertinent matter, although not necessarily admissible in evidence, may neverthless be examined by the law officer of a general court-martial or the president of a special court-martial for the limited purpose of determining whether further inquiry into the mental condition of the accused should be made by the court; and, in the event a ruling is objected to by any member, the court may also examine the document for the same limited purpose.

For the rules of evidence as to expert witnesses, hypothetical questions, and similar matters, see 138*e*.

123. EFFECT OF MENTAL IMPAIRMENT OR DEFICIENCY UPON SENTENCE. In a case in which the issue of insanity is raised and the court thereafter determines the accused to be sane, it may, in arriving at its sentence, consider any evidence with respect to the mental condition of the accused which falls short of creating a reasonable doubt as to his sanity. The fact that the accused is a person of low intelligence, or that by virtue of a mental or neurological condition his ability to adhere to the right is diminished, may be a mitigating factor. On the other hand, in determining the severity of a sentence, the court may consider evidence, properly introduced, tending to show that an accused has little regard for the rights of others, such as evidence showing that he possesses homicidal tendencies.

124. ACTION BY CONVENING OR HIGHER AUTHORITY. After consideration of the record as a whole, if it appears to the convening authority or higher authority that a reasonable doubt exists as to the sanity of the accused, he should disapprove any findings of guilty of the charges and specifications affected by such doubt and take appropriate action with respect to the sentence. Such authority will take the action prescribed in 121 before taking action on the record whenever it appears from the record of trial or otherwise that further inquiry as to the mental condition of the accused is warranted in the interest of justice, regardless of whether any such question was raised at the trial or how it was determined if raised.

Chapter XXV—Punishments

GENERAL LIMITATIONS—MISCELLANEOUS LIMITATIONS—MAXIMUM LIMITS OF PUNISHMENTS

125. GENERAL LIMITATIONS. In all cases of conviction, a court-martial will adjudge a legal, appropriate, and adequate punishment, due regard being had for the requirements of the code. See 76*a* and 127 for the basis of determining adequate punishment. The punishment which a court-martial may direct for an offense shall not exceed such limits as the President may prescribe for that offense (Art. 56). See also 118 (Contempts), 126 (Miscellaneous limitations), and 127 (Maximum limits of punishments).

No member of the armed forces of the United States shall be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces of the United States (Art. 12), nor, subject to the provisions as to the effective date of forfeitures set forth in 126*h* (5), shall any person while being held awaiting trial or the results of trial be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him (see Art. 13). See 18*b* (3) concerning the facilities, accommodations, treatment, and training to be afforded to accused persons being held awaiting trial or in confinement pending action by the officer authorized to order the execution of the sentence adjudged by the court. During such periods prior to the order directing execution of the sentence, an accused of those classes will not be required to observe either duty hours or training schedules devised as punitive measures, nor required to perform punitive labor, nor required to wear other than the uniform prescribed for unsentenced prisoners, except that during such periods he may be subjected to minor punishment for infractions of discipline (see Art. 13).

Punishment by flogging, branding, marking, tattooing on the body, or any other cruel or unusual punishment shall not be adjudged by any court-martial or inflicted upon any person subject to the code. The use of irons, single or double, except for the purpose of safe custody, is prohibited (Art. 55).

Courts-martial shall not impose any punishment not sanctioned by the custom of the service, such as carrying a loaded knapsack, shaving the head, placarding, pilloryings, placing in stocks, or tying up by the thumbs. Loss of good conduct time will not be adjudged as punishment by a court-martial. Formal military duties, such as assignment to a guard of honor, and duties requiring the exercise of a high sense of responsibility, such as guard or watch duties, will not be imposed as punishments.

Neither confinement on bread and water or diminished rations nor solitary confinement shall be adjudged by courts-martial as punishments against Army or Air Force personnel. But see chapter XXVI.

Confinement on bread and water involves confinement in a place where the prisoner can communicate with no unauthorized person, the daily rations to consist solely of bread and water except that, while serving such a sentence, no accused shall be deprived of a full ration for a period longer than three consecutive days. Courts-martial shall exercise care and discretion in adjudging sentences of confinement on bread and water or diminished rations. Such sentences shall not be adjudged in excess of 30 days. Whenever any person is sentenced to be confined on bread and water or diminished rations, the signed certificate of a medical officer, containing his opinion as to whether serving the sentence would produce serious injury to the health of the accused, must be obtained before the sentence is ordered into execution. The certificate, which shall be attached to the record of proceedings, shall be in the following form:

I certify that from an examination of _____, and of the place where he is to be confined, I am of the opinion that the execution of the foregoing sentence will (not) produce serious injury to his health.

Solitary confinement is restraint that includes the placing of a prisoner by himself where he can communicate with no unauthorized person. Solitary confinement should be imposed upon insubordinate or recalcitrant offenders only. It shall not be imposed upon any offender in excess of 30 days.

126. MISCELLANEOUS LIMITATIONS—*a. General comments.* The death penalty is mandatory in the case of spies (Art. 106); it is mandatory that either death or life imprisonment be adjudged for murder upon a finding of guilty under subsections (1) or (4) of Article 118. Punishment as adjudged by the court must be in conformity with the article prescribing the offense; for example, except in time of war when death or such other punishment as a court-martial may direct is authorized, the sentence of a court upon conviction of a violation of Article 85 (Desertion) must be such punishment other than death as a court-martial may direct. (The maximum penalty is governed also by the Table of Maximum Punishments except when the applicable limitations in the table are suspended.) A dishonorable discharge is by implication included in a death sentence. When life imprisonment is adjudged, the court shall also adjudge dishonorable discharge and total forfeitures.

A court-martial cannot adjudge the death penalty except for an offense made expressly so punishable by an article of the code (Art. 52*b* (1)); see 15*a* (2) for an enumeration of the particular articles. Although an offense expressly may be made punishable by death, the death penalty cannot be adjudged for that offense if the applicable limit of punishment prescribed by the President under Article 56 (127) is less than death, nor can the death penalty be adjudged if the convening authority has directed that a case be treated as not capital (see Arts. 19, 49). With reference to the limitation on the imposition of the death penalty in the case of a rehearing or new trial, see 92 and 109*g* (2).

In any case in which the sworn testimony contained in the proceedings of a court of inquiry is read in evidence pursuant to the provisions of Article 50, the maximum punishment which may be imposed for an offense committed either in time of peace or in time of war shall not extend to death or to the dismissal of an officer (see Art. 50*a*). The foregoing limitation does not apply where such testimony is read in evidence by the defense (see Art. 50*b*). Where such testimony does not enter into proof of all the specifications, the limitation applies only to those specifications into which it enters.

In adjudging the sentence of death a court-martial will not prescribe the method of execution. A sentence to death which has been finally ordered executed will be carried into effect in the manner authorized or prescribed in the service concerned.

Concerning the appropriateness of a sentence to dishonorable or bad conduct discharge, see 76*a* (Sentence—Basis for determining).

b. General courts-martial. General courts-martial may adjudge any punishment not forbidden by the code, including the penalty of death when specifically authorized by the code, and, in appropriate cases, any punishment permitted by the law of war (Art 18).

c. Special and summary courts-martial—(1) *Special courts-martial.* Special courts-martial may adjudge any punishment not forbidden by the code except death, dishonorable discharge, dismissal, confinement in excess of six months, hard labor without confinement in excess of three months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for a period exceeding six months (Art. 19). Thus in adjudging a bad conduct discharge a special court-martial cannot also adjudge forfeiture of all pay and allowances, but it may in such a case properly adjudge a forfeiture of two-thirds pay per month for a period not exceeding six months. See 15*b*.

(2) *Summary courts-martial.* Summary courts-martial may adjudge any punishment not forbidden by the code except death, dismissal, dishonorable or bad conduct discharge, confinement in excess of one month, hard labor without confinement in excess of 45 days, restriction to certain specified limits in excess of two months, or forfeiture of pay in excess of two-thirds of one month's pay (Art. 20). In the case of noncommissioned or petty officers above the fourth enlisted pay grade, summary courts-martial may not adjudge confinement, hard labor without confinement, or reduction except to the next inferior grade. See 16*b*.

(3) *General comments.* Special and summary courts-martial are not limited to the kinds of punishments set forth in Articles 19 and 20. See 16*b* as to the apportionment that may be required if a summary court-martial wishes to adjudge both confinement and restriction. The Table of Equivalent Punishments (127*c*) will also guide apportionment.

d. Officers and warrant officers. In general, any limitation as to the punishment that may be imposed on an officer (see Art. 1 (5)) by a court-martial is applicable in the case of a warrant officer. Except as noted hereafter, an officer cannot, by sentence of a court-martial, be reduced in rank, such as from captain to first lieutenant or from commander to lieutenant commander, nor to the grade or status of a warrant, noncommissioned, or petty officer, nor sentenced to bad conduct discharge. An officer may not be sentenced to confinement unless the sentence includes dismissal, nor may he be sentenced to hard labor without confinement in any case. Similar limitations apply in the case of a warrant officer. The separation from the service of a warrant officer by sentence of court-martial is effected by dishonorable discharge.

An officer may be punished by dismissal and a warrant officer may be punished by dishonorable discharge for an offense in violation of an article of the code, but no officer or warrant officer shall be sentenced to confinement or forfeiture of all pay and allowances unless the sentence also includes dismissal or dishonorable discharge. In no case shall a sentence to confinement in the case of an officer or warrant officer exceed the maximum prescribed for enlisted persons by the Table of Maximum Punishments.

A court-martial is not authorized to sentence an accused officer to be reduced to the ranks. However, in time of war or national emergency, the Secretary of the Department concerned, or such Under Secretary or Assistant Secretary as may properly be designated, may commute a sentence of dismissal to reduction to any enlisted grade (Art. 71*b*).

e. Enlisted persons; prisoners sentenced to punitive discharge. For the maximum limits of punishment for certain offenses committed by enlisted personnel, see 127. In the case of an enlisted person of other than the lowest pay grade, a sentence which, as ordered executed or as finally approved and suspended, includes either (1) dishonorable or bad conduct discharge, whether or not suspended, (2) confinement, or (3) hard labor without confinement, immediately, upon being ordered executed or upon being finally approved and suspended, reduces such enlisted person to the lowest enlisted pay grade; however, the rate of pay of the person so reduced shall be commensurate with his cumulative service.

A court-martial is authorized to sentence an enlisted person to be reduced to an inferior or intermediate grade. But see 16*b* and 126*c* (2) concerning the limitations on the power of summary courts-martial to sentence noncommissioned or petty officers to be reduced.

If a prisoner already under a suspended sentence to dishonorable or bad conduct discharge is tried by a court-martial, dishonorable or bad conduct discharge may be adjudged as well as other appropriate penalties. However, if a prisoner has been separated from the service by dishonorable or bad conduct discharge, the adjudging of another punitive discharge would, in general, be futile. See 127*b*.

f. Reprimand; admonition. There is no restriction either as to the court which may adjudge a reprimand or admonition as punishment or as to the persons subject to the code upon whom such punishment may be imposed, but the court will not specify the terms or wording of a reprimand or admonition.

g. Restriction to limits. This form of punishment is a deprivation of privileges. There is no limitation either as to the court which may adjudge this punishment or as to the persons subject to the code upon whom it may be imposed, but it will not be adjudged in excess of two months and will not in any event operate to exempt the person on whom it is imposed from any military duty.

h. Forfeiture; fine; detention of pay—(1) *General.* To be effective any forfeiture, fine, or detention of pay must be adjudged in express terms. Loss of pay shall be stated in dollars or dollars and cents, not in days' pay (see app. 13). In determining the amount of a forfeiture or fine, particularly a large fine, the court should consider the ability of the accused to pay.

Fines and forfeitures accrue to the United States and cannot be adjudged by a court-martial for the benefit of any individual. A court-martial has no authority to provide by stoppage, assignment, or otherwise, for the settlement of any pecuniary liability whatever, including any liability to a government agency, such as a unit fund. A sentence directing an accused to make a deposit or a contribution of pay or of other funds is illegal.

(2) *Forfeiture.* A forfeiture is an appropriate punishment for all military personnel whatever their rank or status. Unless a total forfeiture is adjudged, a sentence to forfeiture deprives the accused of the amount expressly stated in the sentence and applies for the number of months or days expressly stated. Allowances are forfeited only when the sentence includes the forfeiture of all pay and allowances; such a penalty will be adjudged only when the accused is also sentenced to dishonorable or bad conduct discharge or to dismissal. Subject to the provisions of Article 57*a*, a forfeiture applies to pay and allowances which accrue during the enlistment, extension of enlistment, or other engagement or obligation of service in which the accused is serving at the time such a sentence is adjudged. Forfeiture of an enlisted person's deposits or of the interest thereon cannot be adjudged by sentence of a court-martial. A forfeiture may not be applied to money to be paid by an employer other than the Government. A general court-martial is not limited as to the amount of forfeiture it may adjudge, but in the case of an enlisted person it may not adjudge a forfeiture of more than two-thirds pay per month for six months unless it also sentences the accused to dishonorable or bad conduct discharge. For the limit of jurisdiction of a special or a summary court-martial to adjudge a forfeiture, see 126*c*.

In computing the maximum amount of forfeiture in dollars and cents (see Forms of sentences, app. 13) the basic pay (which is graduated according to cumulative years of service) of the enlisted person (of the reduced grade, if the sentence as ordered executed or suspended carries a reduction) plus sea or foreign duty pay (if no confinement is adjudged) will be taken as the basis. The term "basic pay" comprehends no element of pay other than the basic pay of the grade or class within grade as fixed by statute and does not include special pay for a special qualification such as that of a combat infantryman or diver, or incentive pay for the performance of hazardous duties such as flying, parachute jumping, or duty on board a submarine. (See appropriate departmental regulations as to periods which may not be counted in computing increase of pay for length of service.) Unless dishonorable or bad conduct discharge is adjudged, the monthly contribution of an enlisted person to family allowance or to basic allowance for quarters will be deducted prior to computing the net amount of pay subject to forfeiture.

The terms "forfeiture of all pay and allowances" and "to forfeit all pay and allowances," as used in 88, this chapter (XXV), and appendix 13, are construed to mean the forfeiture of all pay and allowances becoming due on and after the date a lawfully adjudged sentence is approved by the convening authority. But see 88*c*(2)(c) with respect to the suspension or deferment of forfeitures in certain cases. See, generally, as to forfeitures, applicable departmental regulations.

(3) *Fine.* Whereas a forfeiture deprives the accused of all or part of his pay, a fine, which is in the nature of a judgment, makes him pecuniarily liable in general to the United States for the amount of money specified in the sentence. All courts-martial have the power to adjudge fines instead of forfeitures in all cases in which the applicable article authorizes punishment as a court-martial may direct. However, as to enlisted persons, a fine will not be adjudged unless the case falls within the provisions of Section B, 127*c* (Permissible additional punishments). In general, a court-martial has the same power to fine a prisoner of war that it has to fine a member of the armed forces. Ordinarily, a fine, rather than a forfeiture, is the proper monetary penalty to be adjudged against a civilian subject to military law. In order to enforce collection, a fine is usually accompanied by a provision in the sentence that, in the event the fine is not paid, the person fined shall, in addition to any period of confinement adjudged, be further confined until a fixed period considered an equivalent punishment to the fine has expired (see app. 13, forms 21 and 22). The total period of confinement adjudged in such a sentence shall not exceed the jurisdictional limitations of the court (15*b*, 16*b*, 126*c*).

(4) *Detention of pay.* Detention of pay is a less severe form of punishment than a forfeiture in that the amount detained is ultimately returned to the accused when he is separated from the service. Detention of pay will not be adjudged by a court-martial except against enlisted persons.

(5) *Effective date of certain sentences.* See Article 57. Whenever a sentence of a court-martial as approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture will apply to pay or allowances becoming due on and after the date such sentence is approved by the convening authority. However, a convening authority may defer the effective date of forfeitures in such cases by providing specifically therefor in his action. See 88*e* (2) (c). No forfeiture shall extend to any pay or allowances accrued before the date a sentence is approved by the convening authority.

Except as provided in the preceding subparagraph, all other sentences to forfeiture and sentences to fine or detention of pay become effective on the date the sentence is ordered executed.

i. Suspension from rank, command, or duty; loss of rank, promotion, numbers, or seniority. Suspension from rank includes suspension from command. It does not affect the right of an officer to promotion or his right to rise in files, but renders him ineligible to sit as a member of a court-martial, court of inquiry, or military board, and deprives him of privileges depending on rank, such as any priority dependent on rank in the selection of quarters.

Suspension from command merely deprives the officer of authority to exercise military command and, consequently, his authority to give orders to his juniors and to perform any duty involving the exercise of command. It does not affect his right to promotion.

Suspension from duty is analogous to suspension from command and is particularly appropriate in the case of an officer assigned to a purely administrative duty not involving the exercise of military command.

Sentences to suspension from rank, command, or duty are authorized only in the case of Army or Air Force personnel.

Sentences to loss of rank or promotion are not authorized. But see 126*d*.

Sentences to loss of numbers, lineal position, or seniority are not authorized in the case of Army or Air Force personnel. All losses of numbers will be numbers in the appropriate lineal list. For line officers it will be numbers of officers not restricted in the performance of duty. For officers of staff corps it will be numbers corresponding to line officers not restricted in the performance of duty.

j. Confinement at hard labor. Any person subject to trial by court-martial may be sentenced to confinement at hard labor. A sentence to confinement will not be adjudged in the case of an officer unless the officer is also sentenced to dismissal, nor in the case of a warrant officer unless the warrant officer is also sentenced to dishonorable discharge. Only under unusual circumstances should confinement be adjudged against an enlisted person without a sentence to forfeiture or fine. A sentence to confinement does not of itself automatically result in any fine or forfeiture of pay or allowances. The place of confinement

will not be designated by the court. See, in this respect, 93.

Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended shall be excluded in computing the service of the term of confinement (Art. 57*b*). See also 97*c* and Article 14 concerning the interruption of the execution of a sentence to confinement.

Confinement without hard labor will not be adjudged. The omission of the words "hard labor" in any sentence of a court-martial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as a part of the punishment (Art. 58*b*).

k. Hard labor without confinement. Hard labor without confinement will not be adjudged in excess of three months. But see 126*c* (2) concerning the jurisdiction of a summary court-martial to adjudge hard labor without confinement. It may be adjudged only in the cases of enlisted persons. Hard labor without confinement, adjudged as punishment by courts-martial, shall be performed in addition to other duties which fall to the enlisted person; and no enlisted person shall be excused or relieved from any military duty for the purpose of performing such hard labor. A sentence imposing hard labor without confinement shall be considered satisfied when the enlisted person shall have performed hard labor during available time in addition to performing his military duties. Normally, the immediate commanding officer of the accused will designate the amount and character of the labor to be performed. The daily performance of the designated hard labor before or after routine duties are completed satisfies the sentence whether the particular daily assignment requires one, two, or more hours. Upon completion of the daily assignment, the accused should be permitted to take leave or liberty to which he properly is entitled.

127. MAXIMUM LIMITS OF PUNISHMENTS—*a. Persons and offenses.* The limits prescribed herein (127) will be applied by courts-martial in cases of enlisted persons and prisoners sentenced to punitive discharge. The mentioned limitations, though not binding upon courts sentencing officers, warrant officers, aviation cadets, cadets, midshipmen, and civilians subject to military law, except as stated in 126*d* and in Section B, 127*c*, may be used as a guide, subject to such exceptions as may be deemed warranted for determining the appropriate punishment for such persons. The maximum authorized penalties will also be applied insofar as applicable in the cases of enlisted prisoners of war.

b. General limitations. The limitations herein (127) do not exclude any other applicable limitations, for example, those set forth in 125 and 126; in particular, it should be remembered that special courts-martial cannot adjudge confinement in excess of six months nor forfeiture of pay in excess of two-thirds pay per month for six months; nor may summary courts-martial, in the case of noncommissioned or petty officers above the fourth enlisted pay grade, adjudge confinement, hard labor without confinement, or reduction except to the next inferior grade.

A court shall not, by a single sentence which does not include dishonorable or bad conduct discharge, adjudge against an accused:

Forfeiture of pay at a rate greater than two-thirds of his pay per month.

Forfeiture of pay in an amount greater than two-thirds of his pay for six months.

Confinement at hard labor for a period greater than six months—however, this limitation shall not apply in the case of a prisoner whose punitive discharge has been executed, a civilian, or a prisoner of war.

A court shall not, by a single sentence, adjudge against an accused:

Detention of pay at a rate greater than two-thirds of his pay per month.

Detention of pay in an amount greater than two-thirds of his pay for three months. See 126*h*(4).

In the execution of a single sentence not including dishonorable or bad conduct discharge, and in the execution of two or more sentences against the same accused, none of which includes dishonorable or bad conduct discharge, any forfeiture or forfeitures of pay included in the sentence or sentences shall be applied, together with other authorized stoppages or deductions, if any, excepting such as are made at the request of the accused, so as not to deprive the accused of more than two-thirds of his pay for any month. As to pay which is subject to forefeiture, see 126*h*(2).

c. Maximum punishments. The punishment stated opposite each offense listed in the Table of Maximum Punishments is hereby prescribed as the maximum punishment for that offense, and for any lesser included offense if the latter is not listed, and for any offense closely related to either if not listed. If an offense not listed in the table is included in an offense which is listed and is also closely related to some other listed offense, the lesser punishment prescribed for either the included or closely related offense will prevail as the maximum limit of punishment.

Offenses not listed in the table, and not included within an offense listed, or not closely related to either, remain punishable as authorized by the United States Code (see, generally, Title 18[1] or the Code of the District of Columbia, whichever prescribed punishment is the lesser, or as authorized by the custom of the service. With respect to other matters which properly may be considered in fixing punishment, see 76*a*, 123, and 154*a*.

The maximum punishment prescribed for the offense should be restricted to those cases in which, due to aggravating circumstances, the greatest permissible punishment should, in the discretion of the court, be imposed. In this connection, see 76*a* (Sentence—Basis for determining) and 88*b* (Determining what sentence should be approved).

The limitations are for each separate offense, not for each separate charge. In this connection, see 76*a* (8)[1]. For several separate and distinct offenses, even though they be alleged under the same charge, the court may, in its discretion, where the circumstances warrant such severity, adjudge in its sentence the aggregate of the limit of punishment for each separate and distinct offense. In determining the maximum punishment for two or more separate and distinct, but like, offenses against property, values as found in different specifications cannot be aggregated, as if alleged in a single specification, for the purpose of increasing the maximum punishment.

The table, which lists the maximum punishment in terms of confinement or forfeiture, or both, contains no reference to lesser forms of punishment, such as hard labor without confinement, restriction to limits, or detention of pay, which are appropriate for many minor offenses. Unless dishonorable or bad conduct discharge is adjudged, the court in its discretion may substitute at the following rates other punishments for those listed in the table:

TABLE OF EQUIVALENT PUNISHMENTS

Confinement on bread and water or diminished rations[1]	Confinement at hard labor	Hard labor without confinement	Restriction to limits	Forfeiture	Detention
½ day.	1 day.	1½ days.	2 days.	1 day's pay.	1½ day's pay.

[1] Navy or Coast Guard personnel only.

From the foregoing table it will be seen that the following punishments are equivalents: Confinement on bread and water or diminished rations for one-half day, confinement at hard labor for one day, hard labor without confinement for 1½ days, restriction to limits for two days, forfeiture of pay for one day, and detention of pay for 1½ days. For example, if an enlisted person were convicted of an offense for which the maximum punishment is forfeiture of pay for 15 days, the court could substitute other punishments, at the above indicated rates, for all or part of the 15 days' forfeiture, bearing in mind the limitations set forth in this manual. For example, it could impose forfeiture of 10 days' pay and for the remaining five days' forfeiture it could substitute five days' confinement, or 7½ days' hard labor without confinement, or 10 days' restriction, or 2½ days' confinement on bread and water or diminished rations. Similarly, if the authorized punishment for an offense were confinement at hard labor for one month and forfeiture of two-thirds of one month's pay, the court (except a summary court in the case of a noncommissioned or petty officer above the fourth enlisted pay grade) could, for example, by substitution adjudge hard labor without confinement for 15 days (1½ for 1), restriction to the limits for

40 days (2 for 1), and forfeiture of two-thirds pay for one month. In making substitutions the court must observe the limitations on its jurisdiction and on particular types of punishment. Thus, if the authorized punishment for an offense were confinement at hard labor for one month and forfeiture of two-thirds pay for one month, a summary court-martial could not adjudge additional forfeitures in lieu of any part of the confinement since it has no jurisdiction to adjudge a forfeiture of more than two-thirds of one month's pay. Similarly, if the authorized punishment for an offense were confinement at hard labor for two months and forfeiture of two-thirds pay per month for two months, no court could substitute restriction to the limits for all of the confinement (that is, 2 x 60, or 120 days) since in no event may restriction be imposed in excess of two months (60 days). Since confinement and restriction are both forms of deprivation of liberty, only one of these two punishments may be imposed in the maximum amount in any one sentence—an apportionment must be made if it is desired to adjudge both forms of punishment in one and the same sentence (16*b*). If an enlisted accused were convicted of loaning money at a usurious rate of interest to another in the military service (Art. 134), for which forfeiture of two-thirds pay per month for three months is authorized, the court could legally sentence him to hard labor without confinement for 30 days, restriction to limits for 40 days, and forfeiture of two-thirds pay for one month. The substitutions in such a case would be calculated as follows: Forfeiture of two-thirds pay per month for three months is equal to a forfeiture of 60 days' pay; for 20 of the days substitute (1½ for 1) hard labor without confinement for 30 days; for 20 of the days substitute (2 for 1) 40 days' restriction; this leaves 20 days' pay (two-thirds of one month's pay) which could be forfeited as punishment for the offense (except that a summary court, in the case of a noncommissioned or petty officer above the fourth enlisted pay grade, cannot adjudge confinement or hard labor). Substituted punishments are of importance chiefly in cases of minor offenses. By substituting additional forfeitures, or hard labor without confinement, the accused will be adequately punished but will not be prevented from performing his regular duties. The Table of Equivalent Punishments may be used by the court—but not by the convening or higher authority—in cases involving enlisted personnel only, including prisoners whose punitive discharges have not been executed.

In computing time of absence without leave any one continuous period of absence found that totals not more than 24 hours is counted as a day; any such period found that totals more than 24 hours and not more than 48 hours is counted as two days, and so on. The hours of departure and return on different dates are assumed to be the same if both are not found.

Bad conduct discharge may be adjudged upon conviction of any offense for which dishonorable discharge is authorized in the table. In determining whether bad conduct discharge is more appropriate than dishonorable discharge, see 76*a* (6) and (7).

Immediately upon a declaration of war subsequent to the effective date of this manual, the prescribed limitations on punishment for violations of Articles 82, 85, 86, 87, 90, 113, and 115 automatically will be suspended and will not apply until the formal termination of such war or until restored by Executive order prior to such formal termination.[1]

The headings of the table and the descriptions of offenses therein are condensed for convenience of arrangement and are intended solely to identify the portions of this manual and the offenses to which they pertain (without defining any such offense). In the case of discrepancy between a heading or description of an offense in the table and any other part of this manual, such other part shall be controlling. The descriptions of offenses do not purport to define either the elements of proof of (ch. XXVIII) or the form of pleading for (app. 6) the various offenses.

TABLE OF MAXIMUM PUNISHMENTS

SECTION A

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Punishments: Bad conduct discharge, forfeiture of all pay and allowances	Punishments: Confinement at hard labor not to exceed—: Years	Months	Days	Punishments: Forfeiture of two-thirds pay per month not to exceed—Months	Punishments: Forfeiture of pay not to exceed—Days
77	Principals.[1]							
78	Accessory after the fact.[2]							
79	Conviction of lesser included offense. (See 158 and Art. 79.)							
80	Attempts.[3]							
81	Conspiracy.[4]							
82	Soliciting or advising another: If the offense is not committed or attempted—							
	To desert	Yes		3				
	To mutiny	Yes		10				

[1] Any person punishable under the code who aids, abets, counsels, commands, procures, or causes the commission of an offense punishable by the code shall, unless otherwise specifically prescribed, be subject to the maximum punishment authorized for the commission of the offense.

[2] Any person subject to the code who is found guilty as an accessory after the fact to an offense punishable by the code shall be subject to the maximum punishment authorized for such offense, except that in no case shall the death penalty be imposed nor the confinement authorized exceed more than one-half of the maximum confinement authorized for such offense, nor shall the period of confinement in any case, including offenses for which life imprisonment may be adjudged, exceed 10 years.

[3] Unless otherwise provided in this table, any person subject to the code who is found guilty of an attempt to commit any offense punishable by the code shall be subject to the same maximum punishment authorized for the commission of the offense attempted, except that in no case shall the death penalty be imposed nor the authorized period of confinement exceed 20 years.

[4] Any person subject to the code who is found guilty of conspiracy shall be subject to the maximum punishment authorized for the offense which is the object of the conspiracy, except that in no case shall the death penalty be imposed.

[1] By Executive Order No. 9048, 3 February 1942, the limitations upon punishments for violations of Articles of War 58, 59, and 86 were suspended, until further order, as to offenses committed after 3 February 1942. By Executive Order No. 9267, 9 November 1942, the limitations upon punishments for absence without leave from command, guard, quarters, station, or camp in violation of Article of War 61 were suspended, until further order, as to offenses committed after 1 December 1942. Executive Order No. 9683, 19 January 1946, terminated the suspensions of limitations upon punishments for violations of Articles of War 58, 59, 61, and 86 as to offenses committed after 19 January 1946, except offenses committed in occupied enemy territory. Executive Order No. 9772, 24 August 1946, terminated the suspensions of limitations upon punishments for offenses committed after 24 August 1946 in occupied enemy territory. By Executive Order No. 10149, 8 August 1950, the limitations upon punishments for violations of Articles of War 58, 59, 61, 64, 65, and 86 were suspended, until further order, as to offenses committed after 8 August 1950 by persons under the command of or within any area controlled by the Commander in Chief, Far East, or any of his successors in command.

Limitations of punishment set forth in Section 457, Naval Courts and Boards, were suspended by a state or war with Japan held to have existed from and after 7:55 a. m., Honolulu time, 7 December 1941. See Court-Martial Order No. 1–1942, 273. Alnav 2–46, 2 January 1946, provided, "Limitations of punishment set forth in Section 457, Naval Courts and Boards, shall, after 1 January 1946, be used as a guide in determining sentences." The quoted sentence applies to offenses committed on or after 1 January 1946. It has no application to offenses committed during the time of war prior to 1 January 1946.

Nothing contained in this manual or the order of its promulgation is to be construed as altering the effect of the foregoing Executive orders, court-martial order, or Alnav.

TABLE OF MAXIMUM PUNISHMENTS—Continued

SECTION A—continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed—: Years	Months	Days	Forfeiture of two-thirds pay per month not to exceed—Months	Forfeiture of pay not to exceed—Days
82	Soliciting or advising another—Con.							
	If the offense is not committed—:							
	To commit an act of misbehavior before the enemy	Yes		10				
	To commit an act of sedition	Yes		10				
83	Fraudulent enlistment:							
	Procured by means of false representation concerning, or failure fully to disclose, any detail of membership in, association with, or activities in connection with, any of the organizations, associations, movements, groups, or combinations listed in the enlistment documents processed and noted at the time of enlistment	Yes		5				
	Other cases of	Yes		1				
	Fraudulent separation	Yes		5				
84	Effecting an unlawful enlistment or appointment:							
	Of a person having membership in, association with, or activities in connection with, any prohibited organization, association, movement, group, or combination listed in enlistment or appointment documents	Yes		5				
	Other cases of	Yes		1				
	Effecting an unlawful separation	Yes		5				
85	Desertion:							
	With intent to avoid hazardous duty or to shirk important service	Yes		5				
	Other cases of—							
	Terminated by apprehension	Yes		3				
	Terminated otherwise	Yes		2				
	Attempted desertion:							
	With intent to avoid hazardous duty or to shirk important service	Yes		5				
	Other cases of	Yes		1				
86	Absence without leave:							
	Failing to go to, or going from, the appointed place of duty				1		1	
	From unit, organization, or other place of duty—							
	For not more than 60 days, for each day or fraction of a day of absence					3		2
	For more than 60 days	Yes			3		3	
	From guard or watch		Yes		6			
	With intent to abandon				6		6	
	With intent to avoid maneuvers or field exercises				6		6	
87	Missing movement of a ship, aircraft, or unit:							
	Through design	Yes			6			
	Through neglect		Yes		3			
89	Behaving with disrespect toward his superior officer		Yes		6			
90	Striking, drawing, or lifting up any weapon or offering any violence to his superior officer in the execution of his office	Yes		10				
	Willfully disobeying a lawful order of his superior officer	Yes		5				
91	Striking or otherwise assaulting, while in the execution of his office, a:							
	Warrant officer	Yes		5				
	Noncommissioned or petty officer	Yes		1				
	Willfully disobeying the lawful order of a:							
	Warrant officer	Yes		2				
	Noncommissioned or petty officer		Yes		6			
	Treating with contempt or being disrespectful in language or deportment, while in the execution of his office, a:							
	Warrant officer		Yes		6			
	Noncommissioned or petty officer				3		3	
92	Violating or failing to obey any lawful general order or regulation[1]	Yes		2				
	Knowingly failing to obey any other lawful order[1]		Yes		6			
	Being derelict in the performance of duties				3		3	
93	Cruelty toward or oppression or maltreatment of any person subject to his orders	Yes		1				
94	Mutiny, sedition, failing to report, etc. (See Art. 94.)							
95	Resisting apprehension							
	Breaking arrest		Yes	1				
	Escaping from custody or confinement		Yes	6				
96	Releasing, without proper authority, a prisoner duly committed to his charge	Yes		1				
	Suffering a prisoner duly committed to his charge to escape:			2				
	Through design	Yes		2				
	Through neglect		Yes	1				
97	Unlawful detention of another	Yes		3				
98	Unnecessary delay in disposing of a case, or failing to enforce or comply with procedural rules		Yes		6			
99	Misbehavior before the enemy. (See Art. 99.)							
100	Subordinate compelling surrender. (See Art. 100.)							
101	Improper use of countersign. (See Art. 101.)							
102	Knowingly forcing a safeguard. (See Art. 102.)							
103	Captured or abandoned property, failing to secure, give notice and turn over, selling, or otherwise wrongfully dealing in or disposing of:							
	Of a value of $20 or less		Yes				6	
	Of a value of $50 or less and more than $20	Yes				1		
	Of a value of more than $50	Yes				3		
104	Looting or pillaging. (Any punishment other than death.)							
105	Aiding the enemy. (See Art. 104.)							
106	Misconduct as a prisoner. (Any punishment other than death.)							
107	Spies. (See Art. 106.)							
	Signing any false record, return, regulation, order, or other official document	Yes				1		
	Making any other false official statement:							
	By a noncommissioned or petty officer	Yes				1		
	By any other enlisted person						3	3
108	Selling or otherwise disposing of military property of the United States:							
	Of a value of $20 or less	Yes					6	
	Of a value of $50 or less and more than $20	Yes				1		
	Of a value of more than $50	Yes				5		
	Through neglect damaging, destroying, or losing, or through neglect suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage:							
	Of $20 or less						3	3
	Of $50 or less and more than $20							
	Of more than $50	Yes				1		
	Willfully damaging, destroying, or losing, or willfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage:							
	Of $20 or less	Yes					6	
	Of $50 or less and more than $20	Yes				1		
	Of more than $50	Yes				5		
109	Wasting, spoiling, destroying, or damaging any property other than military property of the United States of a value or damage:							
	Of $20 or less	Yes					6	
	Of $50 or less and more than $20	Yes				1		
	Of more than $50	Yes				5		
110	Hazarding or suffering to be hazarded, negligently, any vessel of the armed forces	Yes				2		
111	Operating any vehicle while drunk or in a reckless or wanton manner:							
	Resulting in personal injury	Yes				1		
	Otherwise		Yes				6	
112	Found drunk on duty		Yes				9	
113	Misbehavior of sentinel or lookout	Yes			1			
114	Dueling	Yes			1			
115	Feigning illness, physical disablement, mental lapse, or derangement	Yes			1			
	Intentional self-inflicted injury	Yes			7			
116	Riot	Yes			10			
	Breach of the peace					6		6
117	Provoking or reproachful words or gestures					3		3
118	Murder. (See Art. 118.)							
119	Manslaughter:							
	Voluntary	Yes			10			
	Involuntary	Yes			3			
120	Rape. (See Art. 120.)							
	Wrongful carnal knowledge of a female below the age of 16 years	Yes			15			
121	Larceny of property:							
	Of a value of $20 or less	Yes				6		
	Of a value of $50 or less and more than $20	Yes			1			
	Of a value of more than $50	Yes			5			
	Wrongful appropriation of property:							
	Of a value of $20 or less					3		3
	Of a value of $50 or less and more than $20					6		6
	Of a value of more than $50		Yes		2	6		
	Of any motor vehicle	Yes			10			
122	Robbery	Yes			5			
123	Forgery	Yes			7			
124	Maiming	Yes			5			
125	Sodomy							
126	Arson:							
	Aggravated	Yes			20			
	Simple, where the property is—							
	Of a value of $50 or less	Yes			1			
	Of a value of more than $50	Yes			10			
127	Extortion	Yes			3			
128	Assault					3		3
	Assault (consummated by a battery)					6		6
	Assault, aggravated:							
	With a dangerous weapon or other means or force likely to produce death or grievous bodily harm	Yes			3			
	Intentionally inflicting grievous bodily harm, with or without a weapon	Yes			5			
129	Burglary	Yes			10			
130	Housebreaking	Yes			5			
131	Perjury	Yes			5			
132	Forging or counterfeiting a signature, or making a false oath in connection with a claim, and offenses related to either of these	Yes			5			
	Other cases:							
	When the amount involved is $20 or less	Yes				6		
	When the amount involved is $20 or less and more than $20	Yes			1			
	When the amount involved is more than $50	Yes			5			
134	Abusing a public animal				1		3	3
	Adultery	Yes			1			
	Assault:							
	Indecent	Yes			5			
	Upon a commissioned officer of the Air Force, Army, Coast Guard, Navy, or a friendly foreign power, not in the execution of his office	Yes			3			
	Upon a warrant officer, not in the execution of his office	Yes			1½			
	Upon a noncommissioned or petty officer, not in the execution of his office		Yes			6		
	Upon any person who, in the execution of his office, is performing air police, military police, shore patrol, or civil law enforcement duties	Yes			1			
	With intent to commit voluntary manslaughter, robbery, sodomy, arson, burglary, or housebreaking	Yes			10			
	With intent to commit murder or rape	Yes			20			
	Assault (consummated by a battery) upon a child under the age of 16 years	Yes			2			
	Bigamy	Yes			2			
134	Bribe or graft, accepting, asking, receiving, offering, or promising	Yes			3			
	Check, worthless, making and uttering:							
	With intent to deceive (given in payment of a preexisting debt)	Yes				6		
	By failing to maintain sufficient funds					4		4
	Debt, just, failing to pay, under such circumstances as to bring discredit upon the military service	Yes				6		
	Disloyal statements undermining discipline and loyalty, uttering	Yes			3			
	Disorderly:							
	In command, quarters, station, camp, or on board ship					1		1
	Under such circumstances as to bring discredit upon the military service					4		4
	Drinking liquor with a prisoner					3		3
	Drugs, habit forming, or marihuana, wrongful possession or use	Yes			5			
	Drunk:							
	In command, quarters, station, or camp					1		1
	Prisoner found					3		3
	Under such circumstances as to bring discredit upon the military service					3		3
	Incapacitating self to perform duties through prior indulgence in intoxicating liquor					3		3
	Drunk and disorderly:							
	Aboard ship		Yes			6		
	In command, quarters, station, or camp					3		3
	Under such circumstances as to bring discredit upon the military service					6		6
	False or unauthorized military or official pass, permit, or discharge certificate, making, using, altering, possessing, selling, or otherwise disposing of	Yes			3			
	False swearing	Yes			3			
	Firearm, discharging:							
	Through carelessness					3		3
	Wrongfully and willfully, under such circumstances as to endanger life	Yes			1			
	Fleeing from the scene of an accident		Yes		6			
	Gambling by a noncommissioned or petty officer with a person of lower military grade							3
	Homicide, negligent		Yes		1			
	Impersonating an officer, warrant officer, noncommissioned or petty officer, or agent of superior authority:							
	With intent to defraud	Yes			3			
	All other cases		Yes		6			
	Indecent act or liberties with a child under the age of 16 years	Yes			7			
	Indecent exposure of person					6		6
	Indecent, insulting, or obscene language, communicating to a female	Yes			1			
	Indecent or lewd acts with another	Yes			5			
	Loaning money, either as principal or agent, at a usurious or unconscionable rate of interest to another in the military service							3
	Mail matter in the custody of the Post Office Department or in the custody of any other agency, or not yet delivered or received: taking, opening, abstracting, secreting, destroying, stealing, or obstructing	Yes			5			
	Mails, depositing or causing to be deposited obscene or indecent matter in	Yes			5			
	Misprision of a felony	Yes			3			
	Nuisance, committing					3		3
	Pandering	Yes				5		
	Parole, violation of		Yes			6		
	Perjury, statutory	Yes			5			
	Perjury, subornation of	Yes			5			
	Prisoner, allowing to do an unauthorized act					3		3

[1] The punishment for this offense does not apply in those cases wherein the accused is found guilty of an offense which, although involving a failure to obey a lawful order, is specifically listed elsewhere in this table.

TABLE OF MAXIMUM PUNISHMENTS—Continued

SECTION A—continued

TABLE OF MAXIMUM PUNISHMENTS—Continued

SECTION A—continued

Article	Offenses	Punishments: Dishonorable discharge, forfeiture of all pay and allowances	Bad conduct discharge, forfeiture of all pay and allowances	Confinement at hard labor not to exceed—: Years	Months	Days	Forfeiture of two-thirds pay per month not to exceed—Months	Forfeiture of pay not to exceed—Days
134	Public record, willfully and unlawfully altering, concealing, destroying, mutilating, obliterating, removing, or taking and carrying away with intent to alter, conceal, destroy, mutilate, obliterate, remove, or steal	Yes		3			6	
	Quarantine, medical, breaking				6			
	Refusing, wrongfully, to testify before a court-martial, military commission, court of inquiry, or board of officers	Yes		5				
	Restriction, administrative or punitive, breaking				1		1	
	Sentinel or lookout—							
	Offenses against, while in the execution of his duty:							
	Behaving in an insubordinate or disrespectful manner toward				3		3	
	Striking or otherwise assaulting	Yes		1				
	Offenses by—							
	Loitering or sitting down on duty				3		3	
134	Stolen property, knowingly receiving:							
	Of a value of $20 or less	Yes			6			
	Of a value of $50 or less and more than $20	Yes		1				
	Of a value of more than $50	Yes		3			3	
	Straggling				3			
	Threat, communicating	Yes		3				
	Unclean accouterment, arms, clothing, equipment, or other military property, found with				1		1	
	Uniform, unclean, appearing in, or not in prescribed uniform, or in uniform worn otherwise than in manner prescribed				1		1	
	Unlawful entry		Yes		6			
	Weapon, concealed, carrying				3		3	
	Wearing unauthorized insignia, medal, decoration, or badge				6		6	

SECTION B

Permissible additional punishments. If an accused is found guilty of an offense or offenses for none of which dishonorable or bad conduct discharge is authorized, proof of two or more previous convictions will authorize bad conduct discharge and forfeiture of all pay and allowances and, if the confinement otherwise authorized is less than three months, confinement at hard labor for three months. In such a case no forfeiture shall be imposed for any period in excess of the period of confinement so adjudged. See 75*b* (2) as to limitations concerning evidence of previous convictions which may be considered; see also 126*c* (1) concerning the limitations on the power of special courts-martial to adjudge confinement and forfeitures.

If an accused is found guilty of two or more offenses for none of which dishonorable or bad conduct discharge is authorized, the fact that the authorized confinement without substitution for such offenses is six months or more will, in addition, authorize bad conduct discharge and forfeiture of all pay and allowances. But see 126*c* (1).

A fine may be adjudged against any enlisted person, in lieu of forfeitures, provided a punitive discharge is also adjudged. A fine should not ordinarily be adjudged against a member of the armed forces unless the accused was unjustly enriched by means of an offense of which he is convicted. However, a fine may always be imposed upon any member of the armed forces as punishment for contempt (Art. 48).

If an enlisted person of other than the lowest enlisted grade is convicted by a court-martial the court may, in its discretion, adjudge reduction to an inferior grade (but see 126*c* (2) concerning the limitations on summary courts-martial) in addition to the punishments otherwise authorized. Reprimand or admonition may be adjudged in any case.

Chapter XXVI—Non-Judicial Punishment

AUTHORITY—POLICIES GENERALLY APPLICABLE—EFFECT OF ERRORS—PUNISHMENTS—RIGHT TO DEMAND TRIAL—PROCEDURE—APPEALS—MISCELLANEOUS

128. AUTHORITY—*a. Who may impose non-judicial punishment.* Under the authority of Article 15, any commanding officer may, for minor offenses, without the intervention of a court-martial, impose disciplinary punishments upon officers, warrant officers, and other military personnel of his command (Art. 15*a*). This authority of a commanding officer cannot be delegated, but communications with respect thereto may be signed or transmitted by him personally or as provided for official communications in general.

The Secretary of a Department may, by regulation, place limitations on the categories of commanding officers authorized to exercise such powers (Art. 15*b*). Unless otherwise prescribed by such departmental regulation, the commanding officer of any command of an armed force may exercise power under Article 15.

In the Army and the Air Force, power under Article 15 may be exercised by commanding officers only, not by officers in charge.

An officer in charge of any unit of the Navy or the Coast Guard who is within a category authorized by the Secretary of the Department concerned to exercise such powers may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge, such of the punishments authorized to be imposed by a commanding officer as the Secretary of the Department concerned may by regulations specifically prescribe, as provided in Articles 15*a* and *b* (Art. 15*c*). The Army and the Air Force have no "officers in charge" as that term is used in this chapter.

Officers in charge of Navy units are empowered to impose any of the disciplinary punishments authorized in 131*b* (2) and (3).

b. Minor offenses. Whether an offense may be considered "minor" depends upon its nature, the time and place of its commission, and the person committing it. Generally speaking the term includes misconduct not involving moral turpitude or any greater degree of criminality than is involved in the average offense tried by summary court-martial. An offense for which the punitive article authorizes the death penalty or for which confinement for one year or more is authorized is not a minor offense. Offenses such as larceny, forgery, maiming, and the like involve moral turpitude and are not to be treated as minor. Escape from confinement, willful disobedience of a noncommissioned officer or petty officer, and protracted absence without leave are offenses which are more serious than the average offense tried by summary courts-martial and should not ordinarily be treated as minor.

c. Nonpunitive measures. Article 15 and the provisions of this chapter do not apply to, include, or limit the use of those nonpunitive measures that a commanding officer or officer in charge is authorized and expected to use to further the efficiency of his command or unit, such as administrative admonitions, reprimands, exhortations, disapprovals, criticisms, censures, reproofs, and rebukes, written or oral, not intended or imposed as punishment for a military offense. Article 15 does not deprive a commanding officer or an officer in charge of the power he had prior to the enactment of that article to make use of admonition and reprimand, not as a penalty but as a purely corrective measure, more analogous to instruction than to punishment, in the strict line of his duty to create and maintain efficiency.

129. POLICIES GENERALLY APPLICABLE. A commanding officer or officer in charge should resort to his power under Article 15 in every case in which punishment is deemed necessary and that article applies, unless it is clear that punishment under that article would not meet the ends of justice and discipline. Superior commanders should restrain any tendency of subordinate commanders to resort unnecessarily to court-martial jurisdiction for the punishment of offenders.

Although a superior commander has authority to impose disciplinary punishment upon any military subordinate of his command, it is customary for such superior commander to refer any breach of discipline on the part of an enlisted person who is a member of a subordinate unit to the attention of the immediate commanding officer of the offender. Conversely, while any immediate commanding officer has authority to impose certain disciplinary punishments upon officers and warrant officers of his command, it is generally considered better practice to refer breaches of discipline on the part of such officers and warrant officers to the attention of the superior commanding officer who is authorized to exercise summary court-martial jurisdiction. If the officer to whom information concerning a breach of discipline is forwarded as contemplated in this subparagraph lacks jurisdiction to impose the most appropriate punishment (see Arts. 15*a* (1) (*c*), 15*a* (2) (*d*)), he should forward the matter to a superior competent authority.

130. EFFECT OF ERRORS. Any failure to comply with the regulations of this chapter will not invalidate a punishment imposed under Article 15, except to the extent that may be required by a clear and affirmative showing of injury to a substantial right of the person on whom the punishment was imposed, which right was neither expressly nor impliedly waived.

131. PUNISHMENTS—*a. Authority to limit punishments.* The Secretary of a Department may, by regulations, place limitations on the powers granted by Article 15 with respect to the kind and amount of punishment authorized. See Article 15*b*. Unless otherwise prescribed by such departmental regulations the kinds and amounts of punishment authorized by Article 15*a* may be imposed upon the personnel of any armed force as authorized in this paragraph (131).

b. Authorized punishments. In addition to or in lieu of admonition or reprimand, one of the following disciplinary punishments may be imposed upon military personnel under Article 15:

(1) *Upon officers and warrant officers*—

(*a*) Withholding of privileges for a period not to exceed two consecutive weeks; or

(*b*) Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks; or

(*c*) If imposed by an officer exercising general court-martial jurisdiction, forfeiture of not to exceed one-half pay per month for a period not exceeding one month (Art. 15*a* (1)).

(2) *Upon noncommissioned officers and petty officers*—

(*a*) Either of the punishments prescribed in 131*b* (1) (*a*) and (*b*); or

(*b*) Extra duties for a period not to exceed two consecutive weeks, and not to exceed two hours per day, holidays included; provided, that no punishment which tends to degrade the grade of the person on whom the punishment is imposed may be imposed upon noncommissioned officers or petty officers; or

(*c*) Reduction to the next inferior grade, if the grade from which demoted is, under pertinent departmental regulations, within the promotion authority of the commanding officer imposing the punishment or within the promotion authority of any commanding officer subordinate to the one who imposes the punishment. See Article 15*a* (2).

In the Army, commanding officers below the rank of major are not authorized to impose a one grade reduction upon noncommissioned officers as punishment under Article 15. See 129.

(3) *Upon enlisted persons other than noncommissioned officers and petty officers*—

(*a*) Either of the punishments prescribed in 131*b* (1) (*a*) and (*b*); or

(*b*) Extra duties for a period not to exceed two consecutive weeks, and not to exceed two hours per day, holidays included; or

(*c*) Reduction to the next inferior grade, if the grade from which demoted is, under pertinent departmental regulations, within the promotion authority of the commanding officer imposing the punishment or within the promotion authority of any commanding officer subordinate to the one who imposes the punishment; or

(*d*) If imposed upon a person attached to or embarked in a vessel, confinement for a period not to exceed seven consecutive days; or

(*e*) If imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for a period not to exceed three consecutive days (Art. 15*a* (2)).

c. Execution of punishment. Except as otherwise prescribed, the commanding officer of the accused is charged with the execution of punishment imposed pursuant to Article 15. Punishment will be strictly enforced.

132. RIGHT TO DEMAND TRIAL. The Secretary of a Department may, by regulations, place limitations on the powers granted by Article 15 upon the applicability of that article to an accused who demands trial by court-martial (Art. 15*b*).

Pursuant to the authority of Article 15*b*, the following departmental regulations with respect to the applicability of Article 15 to persons who demand trial by court-martial are announced by the several Secretaries:

Army and Air Force. No disciplinary punishment under the provisions of Article 15 may be imposed upon any member of the Army or of the Air Force for an offense punishable thereunder if the accused has, prior to the imposition of such punishment, demanded trial by court-martial in lieu of such disciplinary punishment. An election to accept disciplinary punishment constitutes a waiver of the right to demand trial. A demand for trial does not require preferring, transmitting, or forwarding of charges, but punishment may not be imposed under Article 15 while the demand is in effect.

Navy and Coast Guard. No member of the Navy or the Coast Guard may demand trial by court-martial in lieu of punishment under the provisions of Article 15.

133. PROCEDURE—*a. Army and Air Force.* The commanding officer, after ascertaining to his satisfaction by such investigation as he deems necessary that an offense cognizable by him under Article 15 has been committed by a member of his command, will notify such member of the nature of the offense as clearly and concisely as may be possible, and will inform him that he proposes to impose punishment under Article 15 as to the offense unless trial by court-martial is demanded. He will also inform the accused that he may submit such matters as he desires either in mitigation, extenuation, or defense. In appropriate cases he will inform the accused that he is not required to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial. The notification and information will be by written communication through proper channels in the case of an officer or warrant officer and may be by written communication in any case. If the notification is in writing, the accused will be directed to acknowledge receipt of the communication by indorsement through proper channels and to include in the indorsement any demand for trial he wishes to make and any matter in mitigation, extenuation, or defense. See appendix 3 for the suggested form of such correspondence. If the notification and information is not in writing the accused will be given a reasonable time to make up his mind.

With respect to each offense as to which no demand for trial is made, the commanding officer may proceed to impose punishment.

The accused will be notified of the punishment imposed as soon as practicable and at the same time will be informed of his right to appeal. See 124. If the original communication was in writing, the notification of the punishment imposed and any reprimand or admonition which may be included in such punishment will be by indorsement on the communication carrying the original notification, and the accused will be directed to acknowledge receipt by similar indorsement and include in his indorsement the date of such receipt and any appeal he may desire to make. If the notification of the punishment is not in writing, the immediate commanding officer of the accused will be informed of the matter and given the necessary data for the record of punishment. See 135.

b. Navy and Coast Guard. Ordinarily, the commanding officer will inquire at the mast into the facts as to any minor offense allegedly committed by a member of his command. See 32 and 33*a*. There the accused will be informed of the nature of the offense alleged and will be given the warning set forth in Article 31. The same warning will be given to any witnesses called during the investigation. After giving to both the accused and the accuser (if available) an impartial hearing including any matter in mitigation, extenuation, or defense which the accused may have desired to submit, the commanding officer may im-

pose punishment under Article 15 when necessary. At that time he shall inform the accused of his right to appeal from the punishment so imposed. See 134.

The finding of facts made by a court of inquiry or a board of investigation wherein the accused was named a party may also constitute the grounds for imposing punishment under Article 15 on a member of his command. Under such a circumstance the accused will be brought before the mast and informed of the punishment the commanding officer is imposing and of the accused's right to appeal therefrom. Forfeiture of pay imposed as disciplinary punishment shall be confirmed in writing. Notice of such forfeiture shall be given to the disbursing officer as directed by departmental regulations.

A report of the facts established at the mast or by a court of inquiry or board of investigation shall accompany any reference of a breach of discipline to a superior competent authority when such reference is made in accordance with the policy set forth in 129. If such superior competent authority is satisfied from the facts submitted to him that an offense cognizable by him under Article 15 has been committed, he may impose punishment upon the accused under that article. The accused shall be notified as soon as practicable of this punishment together with the fact of his right to appeal therefrom. Such notification shall be through proper channels and may be by written communication. If the notification is in writing, the accused will be directed to acknowledge receipt of the communication by indorsement through proper channels.

Admonitions and reprimands imposed as punishments under Article 15 shall be by written communications through proper channels in the case of an officer or warrant officer and may be by written communication in any case. All such letters of censure addressed to an officer or a warrant officer shall be in the form prescribed by pertinent regulations.

134. APPEALS. A person punished under the authority of Article 15 who deems his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged (Art. 15*d*). An appeal not made within a reasonable time may be rejected by the next superior authority.

An appeal will be in writing through proper channels (see 133 as to appeals by indorsement) and will include a brief signed statement of the reasons for regarding the punishment as unjust or disproportionate. The immediate commanding officer of the accused will when necessary include with the appeal a copy of the record (135) in the case. In passing upon the appeal the superior will ordinarily hear no witnesses. When justice requires such action, he will modify the punishment or set it aside, but will not increase it, and will in no case award a different kind of punishment. After having considered an appeal, he will return the papers through channels to the appellant, with a statement of the disposition of the case and with a direction to return the papers to the immediate commanding officer of the appellant for file with the record of the case.

135. MISCELLANEOUS—*a. Suspension, remission, and restoration.* The officer who imposed the punishment, his successor in command and superior authority shall have power to suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges, and property affected (Art. 15*d*). Application for suspension, setting aside, remission, or restoration and any action taken under this authority will be in writing and subject to the regulations as to appeals (134) as far as applicable.

Although the power to remit the unexecuted portion of a punishment may be exercised liberally, the power to set aside punishments and to restore rights, privileges, and property affected by the executed portion of a punishment should be exercised only when the authority considering the case believes that the punishment has resulted in a clear injustice—as for example when there is a reasonable doubt of the accused's guilt of the offense for which he was punished.

b. Records of punishment. As to each offense for which punishment is imposed under Article 15, the immediate commanding officer of the person on whom such punishment was imposed will cause a record to be made and filed in his office or other place, showing the offense, with date and place of commission; the punishment, with the authority that imposed it and the date the accused received the notice of the imposition of the punishment; the decision of higher authority on any appeal; any suspension, mitigation, remission, or setting aside of the punishment; and any remarks or additional data desired. See appendix 3 for the form of record. Where punishment is accomplished by written communication and indorsements, the written correspondence will constitute the record.

In addition to the record of punishment herein prescribed, such additional records will be kept, and disposition thereof made, as may be prescribed by departmental regulations.

c. Incidental matters. With reference to interposing punishment imposed under Article 15 in bar of trial, see 68*g*, and Article 15*e*. With reference to showing punishment under Article 15 in extenuation, see 75*c* (4) and Article 15*e*.

Chapter XXVII—Rules of Evidence

136. SYNOPSIS OF CHAPTER. In this synopsis the references on the left are to paragraphs; those on the right are to pages.

Par.
137. General.
138. Presumptions; direct and circumstantial evidence; real evidence; testimonial knowledge; opinion evidence; character evidence; evidence of other offenses or acts of misconduct of the accused:
a. Presumptions.
b. Direct and circumstantial evidence.
c. Real evidence.
d. Testimonial knowledge.
e. Opinion evidence.
f. Character evidence—character of the accused; of others:
(1) Proof of character.
(2) Character of the accused.
(3) Character of persons other than the accused.
g. Evidence of other offenses or acts of misconduct of the accused.
139. Hearsay rule:
a. General rule.
b. Illustrations.
c. Exceptions.
140. Confessions and admissions; acts and statements of conspirators and accomplices:
a. Confessions and admissions.
b. Acts and statements of conspirators and accomplices.
141. Statements made through interpreters.
142. Dying declarations; spontaneous exclamations; fresh complaint; statements of motive, intent, or state of mind or body:
a. Dying declarations.
b. Spontaneous exclamations.
c. Fresh complaint.
d. Statements of motive, intent, or state of mind or body.
143. Documentary evidence—proving contents of a writing; authentication of writings:
a. Proving contents of a writing.
(1) General rule.
(2) Exceptions.
b. Authentication of writings.
(1) General.
(2) Official records.
(*a*) General.
(*b*) Military records.
(*c*) United States records.
(*d*) State records.
(*e*) Foreign records.
(*f*) Miscellaneous.
144. Official writings; official records; business entries; limitations as to the admissibility of official records and business entries; maps and photographs:
a. Official writings.
b. Official records.
c. Business entries.
d. Limitations as to the admissibility of official records and business entries.
e. Maps and photographs.
145. Depositions; former testimony:
a. Depositions.
b. Former testimony.
146. Memoranda; affidavits:
a. Memoranda.
b. Affidavits.
147. Judicial notice; foreign law:
a. Judicial notice.
b. Foreign law.
148. Competency of witnesses:
a. General.
b. Children.
c. Mental infirmity.
d. Conviction of crime.
e. Interest or bias.
149. Examination of witnesses:
a. General.
b. Cross-examination; redirect and recross-examination; examination by the court or a member.
(1) Cross-examination.
(2) Redirect and recross-examination.
(3) Examination by the court or a member.
c. Leading questions; ambiguous and misleading questions; other objectionable questions.
(1) Leading questions.
(*a*) General rule.
(*b*) Exceptions.
(2) Ambiguous and misleading questions.
(3) Other objectionable questions.
150. Degrading and incriminating questions:
a. Compulsory self-degradation.
b. Compulsory self-incrimination.
151. Privileged and nonprivileged communications:
a. General.
b. Certain privileged communications.
(1) State secrets and police secrets.
(2) Communications between husband and wife, client and attorney, and penitent and clergyman.
(3) Confidential and secret evidence.
c. Certain nonprivileged communications.
(1) Communications by wire or radio.
(2) Communications to medical officers and civilian physicians.
152. Certain illegally obtained evidence.
153. Credibility of witnesses; impeachment of witnesses:
a. Credibility of witnesses.
b. Impeachment of witnesses.
(1) General.
(2) Various grounds.
(*a*) General lack of veracity.
(*b*) Conviction of crime.
(*c*) Inconsistent statements.
(*d*) Prejudice and bias.
(3) Effect of impeaching evidence.
154. Miscellaneous matters—intent; stipulations; offer of proof; waiver of objections:
a. Intent.
(1) General.
(2) Drunkenness.
(3) Ignorance of fact.
(4) Ignorance of law.
b. Stipulations.
(1) As to facts.
(2) As to testimony and documentary evidence.
c. Offer of proof.
d. Waiver of objections.

137. GENERAL. The rules stated in this chapter are applicable in cases before courts-martial, including summary courts-martial. So far as not otherwise prescribed in this manual, the rules of evidence generally recognized in the trial of criminal cases in the United States district courts or, when not inconsistent with such rules, at common law will be applied by courts-martial.

On interlocutory matters relating to the propriety of proceeding with the trial, as when a continuance is requested, or to the availability of witnesses (see 145*b*; Art. 49*d*), the court may in its discretion relax the rules of evidence to the extent of receiving affidavits, certificates of military and civil officers, and other writings of similar apparent authenticity and reliability, such as a certificate of a physician as to the illness of a witness, unless on objection to a particular writing it is made to appear that the relaxation might injuriously affect the substantial rights of the accused or the interests of the Government.

Evidence to be admissible (competent) must primarily be material and relevant. Evidence is not material when the fact which it tends to prove is not part of any issue in the case. Evidence is not relevant when, though the fact which it is intended to prove thereby is material, the evidence itself is too remote or farfetched to have any probative value for that purpose. If evidence is held immaterial or irrelevant to the issue of guilt or innocence but is received in extenuation, it must be received solely in connection with the measure of punishment in the event of conviction.

Evidence, apparently irrelevant, may be admitted provisionally upon a statement of the party offering it that other facts later to be proved will show its relevancy, but such evidence should afterward be excluded if its relevancy is not ultimately shown. However, it is generally more desirable to require the party offering the evidence first to prove the facts showing its relevancy. For that purpose, he may be permitted temporarily to withdraw a witness or witnesses and to recall one or more witnesses who have been examined.

In the exercise of a sound discretion the court may limit the number of witnesses called by either side to testify to the same matter if, upon an offer of proof (154*c*) or otherwise, it appears that the testimony of any excluded witness would be merely cumulative. This rule especially applies to character witnesses.

138. PRESUMPTIONS; DIRECT AND CIRCUMSTANTIAL EVIDENCE; REAL EVIDENCE; TESTIMONIAL KNOWLEDGE; OPINION EVIDENCE; CHARACTER EVIDENCE; EVIDENCE OF OTHER OFFENSES OR ACTS OF MISCONDUCT OF THE ACCUSED—*a. Presumptions.* With certain exceptions, the word "presumption" as used in this manual means no more than "justifiable inference" and the word "presume" means no more than "justifiably infer." In this sense, a presumption is nothing more than a well recognized example of the use of circumstantial evidence (see 138*b*), and the weight or effect of such a presumption should be measured only in terms of its logical value. The weight to be given to a presumption of this kind will depend upon all the circumstances attending the proved facts which give rise to the inference to be drawn from such facts. The fact that evidence is introduced to show the nonexistence of a fact which might be inferred from proof of other facts, or to show the nonexistence of such other facts, does not, if the evidence can reasonably be disbelieved, necessarily destroy the logical value of the inference, but such evidence must be weighed against the inference. In making and weighing presumptions, and in considering evidence introduced in rebuttal thereof, members of courts must apply their common sense and their general knowledge of human nature and the ordinary affairs of life.

Some examples of those presumptions which are nothing more than justifiable inferences are:

A sane person may be presumed to have intended the natural and probable consequences of acts shown to have been intentionally committed by him.

When it is shown that a person was acting as a public officer, it may be presumed that he was legally in office and that he performed his duties properly.

A condition shown to have existed at one time may be presumed to have continued. Thus it may be presumed that the residence of a person remains unchanged; for instance, it may be presumed that at the time of trial a deponent continued to reside at the place where he resided at the time his deposition was taken. Also, the circumstances of a particular case may give rise to a presumption that a condition shown to have existed at one time existed for some prior period of time. For example, proof that immediately after a collision the lights on a vehicle were not burning, although in working order at that time, would support a presumption that the lights had not been turned on at the time of the collision.

Proof that a letter correctly addressed and properly stamped or franked was deposited in the mail raises a presumption of delivery to the addressee, and a similar presumption arises in regard to telegrams regularly filed with a telegraph company for transmission.

Identity of name raises a presumption of identity of person. The strength of this presumption will depend upon how common the name is and upon other circumstances.

Proof that a person was in possession of recently stolen property or a part of it raises a presumption that he stole it, and, if it is shown that the property was stolen from a certain place at a certain time and under certain circumstances, that he stole it from such place at such time and under such circumstances.

It may be presumed that one who has assumed the custody of the property of another has stolen such property if he does not or cannot account for or deliver it at the time an accounting or delivery is required.

When it is shown that as a result of his own act a person did not have sufficient funds in the bank available to meet payment upon presentment in due course of a check drawn against the bank by him, it may be presumed that at the time he uttered the check, and thereafter, he did not intend to have sufficient funds in the bank available to meet payment of the check upon its presentment in due course.

As indicated above, there are some presumptions which are exceptions to the general proposition that presumptions are merely justifiable inferences. Among these exceptions are those presumptions which relate to facts which courts are *bound* to presume in the absence of proof to the contrary. Examples of such presumptions are: an accused person is presumed to be innocent until his guilt is proved beyond a reasonable doubt; and an accused is presumed to have been sane at the time of the offense charged, and at the time of trial, until a reasonable doubt of his sanity at the time in question appears from the evidence. See 148 as to the presumption of competency of witnesses.

b. Direct and circumstantial evidence. Evidence which tends directly to prove or disprove a fact in issue is called direct evidence. Evidence which tends directly to prove or disprove not a fact in issue, but a fact or circumstance from which, either alone or in connection with other facts, a court may, according to the common experience of mankind, reasonably infer the existence or nonexistence of another fact which is in issue, is called indirect or circumstantial evidence. For example, on a charge of larceny of a purse, testimony of a witness that he saw the accused take the purse from the overcoat of the owner is direct evidence that the accused took the purse, and testimony of a witness that he found the purse hidden in the locker of the accused is circumstantial evidence that the accused took it.

Circumstantial evidence is not resorted to as a secondary or inferior kind of evidence or only when there is an absence of direct evidence. It is admissible even when there is direct evidence. There is no general rule for contrasting the weight of circumstantial and direct evidence. The assertion of a trustworthy eye-witness may be more convincing than the contrary inferences that appear probable from circumstances. Conversely, one or more circumstances may be more convincing than a plausible witness. See also 74*a* (3) (Reasonable doubt) as to weighing circumstantial evidence.

c. Real evidence. Physical objects, such as clothing, jewelry, weapons, and marks or wounds on a person's body, may be received (or exhibited) in evidence if they are relevant to an issue in the case. Since it is ordinarily either impossible or impracticable to attach them to the record of trial, such exhibits should be clearly and accurately described by testimony or other means (photographs, for example) so that they may be considered properly upon appellate review.

d. Testimonial knowledge. Ordinarily, a primary qualification in a witness is that he should speak only of what he has learned through his senses. For instance, a sentry might testify that while on a sentry post at night he heard two shots and saw two persons running in the distance; but he should not proceed further and state that the shots killed a man and that one of the persons running was the accused if his information as to the effect of the shots and the identity of the persons running away is based on rumor and gossip heard the following day.

A witness may testify as to his own age, including the date of his birth.

e. Opinion testimony. It is a general rule that a witness must state facts and not his opinions or conclusions. However, if an impression upon the mind of a witness caused by his personal observation of certain facts is of a kind commonly experienced and is such that it cannot adequately be conveyed to the court by a mere recitation of the facts, he may state the impression, when relevant, even though it amounts to an opinion. Examples of such impressions are the speed of an automobile, whether a voice heard was that of a man, woman, or child, and whether or not a person was drunk. As to the expression of opinion with respect to general mental condition, see 122*c*. See also 138*f* (1) as to opinion evidence concerning character and 143*b* (1) as to opinion evidence concerning handwriting. That a witness is not able to testify with positive or absolute certainty about a fact which he has personally observed, or concerning which he is otherwise qualified to testify, goes only to the weight and not to the admissibility of whatever testimony he may be able to give with respect to that fact.

An expert witness—that is, one who is skilled in some art, trade, profession or science or who has knowledge and experience in relation to matters which are not generally within the knowledge of men of common education and experience—may express an opinion on a state of facts which is within his specialty and which is involved in the inquiry. Prior to being permitted to express his opinion, it should be shown that he is an expert in the specialty. However, proof of such qualification may be waived, either expressly or by failure to object to the reception in evidence of testimony of an expert nature.

Expert testimony may be adduced in several ways. An expert witness may be asked to state his relevant opinion, when based on his personal observation or on an examination or study conducted by him, without first specifying hypothetically in the question the data upon which the opinion is to be based. On direct or cross-examination he may be required to specify the data upon which his opinion is based, but if in the course of relating the data he refers to matters which, if themselves regarded as evidence in the case, would be inadmissible and might improperly influence the court, as when a psychiatrist testifies that his opinion as to the accused's mental responsibility was based in part on the past criminal record of the accused, the law officer (or the president of a special court-martial) should instruct the court in open session that such matters are to be considered only with respect to the weight to be given to the expert opinion. An expert witness may also be asked to express an opinion upon a hypothetical question (a question supposing a certain state of facts to exist) if the question is based on facts in evidence at the time the question is asked, or, if the court so permits in the exercise of a sound discretion, on facts which are later to be received in evidence. If evidence of such facts is not later introduced, the opinion based on them should be excluded.

An admissible opinion may be regarded as evidence of the matter to which the opinion relates.

f. Character evidence—Character of the accused; Of others—(1) *Proof of character.* Whenever the character of a person is admissible in a case, the opinion of a witness as to that person's character may be received in evidence if it is first shown that the witness has such acquaintance or relationship with the person in question as to qualify him to form a reliable opinion in this respect. Another mode of proving character is by adducing evidence of reputation for the kind of character involved. See also 146*b*. By "reputation" is meant the repute in which a person is generally held in the community in which he lives or pursues his business or profession. Testimony concerning the reputation of an individual in the community in which he lives or pursues his business or profession must come from a person whose knowledge of such reputation was gained from having himself been a member of the community in question. Thus, such testimony by one who has merely visited the community of an individual for the purpose of investigating his character is inadmissible. In the military service "community" includes an organization, post, camp, ship, or station.

(2) *Character of the accused.* The general rule is that evidence that the accused has a bad moral character may not be introduced for the purpose of raising an inference of guilt.

In order to show the probability of his innocence, the accused may introduce evidence of his own good character, including evidence of his military record and standing and evidence of his general character as a moral well-conducted person and law-abiding citizen. However, he may not introduce evidence as to some specific trait of character unless proof of that trait would have a reasonable tendency to show that it was unlikely that he committed the particular offense charged. For example, evidence of good character as to peaceableness would be admissible in a prosecution for any offense involving violence, but it would be inadmissible in a prosecution for a non-violent theft. After the accused introduces evidence as to his good character, the prosecution may, in rebuttal, introduce evidence as to his bad character. However, the character evidence in rebuttal which may properly be received will be limited by the scope of the character evidence introduced by the accused. Thus, when in a prosecution for larceny, the accused has confined his proof of good character to evidence of his good reputation for honesty, the prosecution may not show that the accused has a bad character as to general morality and conduct but will be limited, with respect to the introduction of character evidence in rebuttal, to proof of his bad character as to honesty; but if the accused has introduced evidence of his general good reputation as a moral and law-abiding person, the prosecution may show not only that the accused has a bad moral character generally but also that he has a bad character as to honesty.

If the accused takes the stand as a witness, his credibility may be attacked as in the case of other witnesses. For this purpose, the prosecution may show that the accused has a bad character as to truth and veracity. If the prosecution does introduce such evidence, the accused may show in rebuttal that his character as to truth and veracity is good. See 153*b* (2) (*a*).

(3) *Character of persons other than the accused.* When an issue is raised as to whether the accused was acting with adequate provocation in taking the life of a person who purportedly attacked him (see 198*a*, Voluntary manslaughter) or was acting in self-defense or in defense of another (see 197, Murder, and 207*a*, Assault), it may be shown that the alleged victim of the homicide or assault had a violent character, or that he had a peaceable character. This evidence is admissible because of its relevancy to the inquiry as to whether the alleged victim was the aggressor. It may also be shown in such a case that the accused was aware of the violent or peaceable character of the alleged victim, or that the accused entertained a reasonable belief with respect to such character, for such evidence would have some bearing upon the question as to the reasonableness and extent of the apprehension of danger on the part of the accused.

See 153*b* (2) (*a*) (General lack of veracity) and 153*b* (2) (*b*) (Conviction of crime) as to the admissibility of evidence of the character of witnesses and alleged victims of sexual offenses.

g. Evidence of other offenses or acts of misconduct of the accused. The general rule is that evidence that the accused has committed other offenses or acts of misconduct is not admissible as tending to prove his guilt, for ordinarily such evidence would be useful only for the purpose of raising an inference that the accused has a disposition to do acts of the kind committed or criminal acts in general and, if the disposition thus inferred was to be made the basis for an inference that he did the act charged, the rule forbidding the drawing of an inference of guilt from evidence of the bad moral character of the accused would apply. However, if evidence of other offenses or acts of misconduct of the accused has substantial value as tending to prove something other than a fact to be inferred from the disposition of the accused, the reason for excluding the evidence is not applicable. Consequently, evidence of other offenses or acts of misconduct of the accused is admissible in the following circumstances:

(1) When it tends to identfy the accused as the perpetrator of the offense charged.

Example: Two adjoining buildings are burglarized at about the same time on the same night and in a similar manner. It is permissible to show upon the trial of an accused for burglarizing one of the buildings that he was involved in the burglary of the other, for such evidence has a reasonable tendency to establish that he was involved in the burglary charged.

Example: The accused is charged with burglary. Evidence is admissible that the burglar left a pistol at the scene of the burglary and that the pistol had recently been stolen from X by the accused.

Example: X was induced to turn over a large sum of money by a peculiarly ingenious fraudulent scheme to a person whom he identifies as the accused. Evidence that the accused obtained money from Y by the same scheme is admissible.

(2) When it tends to prove a plan or design of the accused.

Example: The accused is charged with having obtained money from Z by going through a marriage ceremony with her, securing her funds on a representation that he would invest them for her, and then absconding. Evidence that he pursued the same course with W, X, and Y is admissible.

(3) When it tends to prove guilty knowledge or intent, if guilty knowledge or intent is an element of the offense charged.

Example: The accused is charged with receiving stolen goods knowing them to have been stolen. Evidence that he had received stolen goods under similar circumstances on several previous occasions is admissible.

Example: The accused is charged with knowingly passing a counterfeit coin. Evidence that the accused had on another recent occasion passed a counterfeit coin is admissible as tending to establish that on the instant occasion he knew the coin to be counterfeit.

Example: The accused is charged with larceny of property belonging to X. Evidence that he unlawfully sold the property is admissible as tending to prove that he intended permanently to deprive X of the use and benefit of the property.

But: On a charge of assaulting a person and intentionally inflicting grievous bodily harm, a former assault on a third person six months earlier and under entirely different circumstances would not be admissible, for it would have no bearing on the intent in the case charged.

(4) When it tends to prove motive.

Example: The accused is charged with attempting to desert the service. The fact that the accused had assaulted and beaten another person and was under arrest awaiting trial for that offense at the time of the alleged attempt would be admissible as evidence of a motive to attempt to desert.

Example: The accused is charged with falsification of his accounts. Evidence that he had stolen some of the goods to be accounted for is admissible if offered to show that he had a motive to falsify the accounts for the purpose of concealing the theft.

But: On a charge of falsification of accounts, evidence of falsification in a totally distinct transaction would be inadmissible, for that evidence does not bear upon the involvement of the accused in the offense charged but bears solely upon his general moral character.

(5) When it tends to refute a claim, express or implicit, made by the accused that his participation in the offense charged was the result of accident or mistake:

Example: The accused is charged with an offense involving an accusation that he administered poison to X. The accused, expressly or by implication, defends on the ground that he administered the poison to X as a result of accident or mistake. Evidence that the accused had poisoned other persons is admissible if the circumstances of the other acts tend to show that the act charged was not the result of accident or mistake.

If the accused takes the stand as a witness, his credibility may be attacked as in the case of other witnesses. For this purpose, it may be shown that he has been convicted of a crime involving moral turpitude or otherwise affecting his credibility. See 153*b* (2) (*b*).

139. HEARSAY RULE—*a. General rule.* A statement which is offered in evidence to prove the truth of the matters therein stated, but which is not made by the author when a witness before the court at the particular trial in which it is so offered, is hearsay. This is so whether the statement consists of words, oral or written, of symbols used as a substitute for words, or of signs or other conduct offered as the equivalent of a statement. Hearsay may not be recited or otherwise introduced in evidence, and it does not become competent evidence because received by the court without objection. By this rule is meant simply that a fact cannot be proved by showing that somebody stated it was a fact. The basis of the rule is the fundamental principle, which is subject to certain well-established exceptions, that in a criminal prosecution the testimony of the witnesses shall be taken before the court, so that at the time they give the testimony offered in evidence they will be sworn and subject to cross-examination, the scrutiny of the court, and confrontation by the accused.

The fact that a given statement was made may itself be relevant. In such a case the making of the statement may be shown by any competent evidence, not for the purpose of proving the truth of what was stated but for the purpose of proving the fact that it was stated.

b. Illustrations. Lieutenant A conducted the investigation of charges against the accused. The testimony of Lieutenant A at the trial that persons other than the accused testified to certain facts at the investigation is inadmissible to prove such facts since the testimony of Lieutenant A is hearsay if it is offered for such a purpose. However, the testimony of any person present at the investigation that he heard the investigating officer warn the accused that he was not required to make any statement and that any statement he did make might be used against him is admissible for the purpose of showing that the warning was in fact given.

A is being tried for assaulting B. In extenuation of a possible sentence, the defense presents the testimony of C that just before the assault C heard B call A a liar. The testimony of C is admissible, for it is offered to show the provocation caused by B calling A a liar and not, of course, to prove the truth of B's statement.

A is being tried for the rape of B. C is able to testify that at an identification parade B indicated (verbally or otherwise) that A was her attacker. The testimony of C is not admissible to prove that it was A who raped B, for if it were admitted for that purpose it would be hearsay. See, however, the last subparagraph of 153*a*.

A member of an armed force is being tried for disobedience of a certain order given him orally by Lieutenant C. A witness is able to testify that he heard Lieutenant C give the order to the accused. Such testimony, including testimony of the witness as to the terms of the order, is not hearsay.

An accused is being tried for the larceny of clothes from a locker. A is able to testify that B told A that he, B, saw the accused leave the quarters in which the locker was located with a bundle resembling clothes about the same time the clothes were stolen. Such testimony from A would not be admissible to prove the facts stated by B. B himself should be called as a witness.

The fact that the statement was made to an officer in the course of an official investigation does not make it admissible as an exception to the hearsay rule. For instance, if in the above example B had made his statement to Lieutenant C in the course of an official investigation by Lieutenant C, the testimony of Lieutenant C as to what B told him officially is nevertheless hearsay if it is offered to prove the truth of the matters stated by B.

B is being tried for wrongfully selling clothing. Policeman A is able to testify that while on duty as a policeman he saw the accused go into a shop with a bundle under his arm, that A entered the shop and the accused ran away and A was unable to catch him, and that the next day A asked the proprietor of the shop what the accused was doing there, and the proprietor replied that the accused sold him some clothes issued by the Government, and that he paid the accused $2.50 for them. The testimony of the policeman as to the reply of the proprietor is hearsay if it is offered to prove the facts stated by the proprietor. The fact that

the policeman was acting in the line of his duty at the time the proprietor made the statement would not render the evidence admissible to prove the truth of the statement.

Unless covered by an exception, official statements made by an officer—as, for instance, by the commanding officer of a company, regiment, squadron, or ship, or by a staff officer, in an indorsement or other communication—are not excepted from the general rule of exclusion by reason of the official character of the communication or the rank or position of the officer making it. Nor is such a statement so excepted from the hearsay rule because it is among papers referred to the trial counsel with the charges.

c. Exceptions. Some of the exceptions to the hearsay rule applicable in court-martial trials are stated in 140 through 146.

140. CONFESSIONS AND ADMISSIONS; ACTS AND STATEMENTS OF CONSPIRATORS AND ACCOMPLICES—*a. Confessions and admissions.* See Article 31. A confession is an acknowledgment of guilt, whereas an admission is a self-incriminatory statement falling short of an acknowledgment of guilt. To be admissible, a confession or admission of the accused must be voluntary. A confession or admission which was obtained through the use of coercion, unlawful influence, or unlawful inducement is not voluntary.

No hard and fast rules for determining whether a confession or admission was voluntary are here prescribed. Some instances of coercion, unlawful influence, and unlawful inducement in obtaining a confession or admission are:

Infliction of bodily harm, including prolonged questioning accompanied by deprivation of the necessities of life, such as food, sleep, or adequate clothing.

Threats of bodily harm.

Imposition of confinement, or deprivation of privileges or necessities, because a statement was not made by the accused, or threats of the same if a statement is not made by him.

Promises of immunity or clemency with respect to an offense allegedly committed by the accused.

Promises of substantial reward or benefit, or threats of substantial disadvantage, likely to induce a confession or admission from the particular accused.

During an official investigation (formal or informal) in which the accused is a person accused or suspected of the offense, obtaining the statement by interrogation, or request without giving a preliminary warning of the right against self-incrimination—except when the accused was aware of that right and the statement was not obtained in violation of Article 31*b*.

Obtaining the statement in violation of Article 31.

A confession or admission of the accused is not rendered inadmissible by a promise or threat which was not an effective cause of obtaining the statement. Therefore, a promise or threat which, because of intervening circumstances, had ceased to operate upon the mind of the accused at the time he made the statement in question will not affect the admissibility of the statement, and, ordinarily, a statement of the accused need not be excluded because it happened to have been made after a promise of advantage or threat of disadvantage which was of a trivial or insubstantial nature in the light of the known consequences of making the statement.

The fact that a confession or admission, otherwise admissible, was made to an investigator during an investigation of the offense does not make the confession or admission inadmissible.

The admissibility of a confession of the accused must be established by an affirmative showing that it was voluntary, unless the defense expressly consents to the omission of such a showing, but an admission of the accused may be introduced without such preliminary proof if there is no indication that it was involuntary. If it appears that the confession or admission was not *obtained* from the accused but was made by him spontaneously (without urging, interrogation, or request, for example), the statement may be regarded as voluntary. It if does not so appear and affirmative evidence that the confession or admission was voluntary is required, the statement may not be received in evidence unless it is shown that the making of the statement was not induced by a threat, promise, or use of duress amounting to coercion, unlawful influence, or unlawful inducement. Also, in case the confession or admission was obtained by interrogation or request during an official investigation (formal or informal) in which the accused was a person accused or suspected of the offense, the statement may not be received in evidence, if affirmative evidence that it was voluntary is required, unless it is shown that through preliminary warning of the right against self-incrimination, or—if the statement was not obtained in violation of Article 31*b*—for some other reason, the accused was aware of his right not to make the statement and understood that it might be used as evidence against him. A showing of the voluntary nature of a confession or admission of the accused may consist of evidence of an oral or written declaration of the accused (itself shown to be voluntary if there is a contrary indication) in which he stated, in substance, that although he had been advised that he did not have to make the confession or admission, and that it might be used as evidence against him, he nevertheless made it freely, without being threatened with punishment or promised a reward.

The accused has the right to testify concerning the involuntary nature of his confession or admission without subjecting himself to cross-examination upon other issues in the case or upon the truth or falsity of the confession or admission. See 149*b* (1) (Cross-examination). If he desires to exercise it, he should be accorded this right before the court rules upon the admissibility of his incriminatory statement. If he so requests, he should also be given an opportunity before such a ruling is made to present other evidence with a view to showing that the statement was involuntary and to cross-examine any witness who has testified as to its voluntary nature.

The ruling of the law officer (or of the special court-martial) that a particular confession or admission may be received in evidence is not conclusive of the voluntary nature of the confession or admission. Such a ruling merely places the confession or admission before the court, that is, the ruling is final only on the question of admissibility. Each member of the court, in his deliberation upon the findings of guilt or innocence, may come to his own conclusion as to the voluntary nature of the confession or admission and accept or reject it accordingly. He may also consider any evidence adduced as to the voluntary or involuntary nature of the confession or admission as affecting the weight to be given thereto.

Although a confession or admission may be inadmissible because it was not voluntarily made, nevertheless, the circumstance that it furnished information which led to the discovery of pertinent facts will not be a reason for excluding evidence of such pertinent facts. For example, the fact that an accused charged with larceny made an involuntary and therefore inadmissible statement to the effect that he stole the missing articles and hid them in his footlocker would not require the exclusion of evidence that the articles were discovered in his footlocker, even though the discovery was made solely because of the information contained in the statement of the accused.

Mere silence on the part of an accused when questioned as to his supposed offense is not to be treated as a confession. However, if the accused is not in arrest or custody or under investigation, there are circumstances under which his failure to utter a denial of an accusation or observation that he had participated in an offense may be regarded as incriminating evidence which is admissible, as when a friend of the accused, in discussing the disappearance of a watch, says to the accused, "I saw you steal that watch last night," and the accused remains silent. In such a case it would be only reasonable to expect the accused, if he were innocent, to exclaim to his friend that he had not stolen the watch. Before such incriminating evidence can be considered against the accused, it must be corroborated by other evidence that the offense had probably been committed by someone.

If only part of a confession or admission (or supposed confession or admission) is shown, the defense by cross-examination or otherwise may show the remainder of the statement.

A voluntary oral confession or admission of the accused may be proved by the testimony of anyone who heard him make it, even though it was reduced to writing and the writing is not accounted for.

An accused cannot legally be convicted upon his uncorroborated confession or admission. A court may not consider the confession or admission of an accused as evidence against him unless there is in the record other evidence, either direct or circumstantial, that the offense charged had probably been committed by someone. Other confessions or admissions of the accused are not such corroborative

evidence. Usually the corroborative evidence is introduced before evidence of the confession or admission; but the court may in its discretion admit the confession or admission in evidence upon the condition that it will be stricken and disregarded in the event that the above requirement as to corroboration is not eventually met. The corroborating evidence need not be sufficient of itself to convince beyond a reasonable doubt that the offense charged has been committed, and it need not tend to connect the accused with the offense. For example, if unlawful homicide is charged, evidence of the death of the person alleged to have been killed, coupled with evidence of circumstances indicating the probability that he was unlawfully killed, will satisfy the rule and authorize consideration of the confession or admission if it is otherwise admissible. In a case of alleged larceny or in a case of alleged unlawful sale, evidence that the property in question was missing under circumstances indicating in the first case that it was probably stolen, and in the second case that it was probably unlawfully sold, would be a compliance with the rule. The rule requiring corroboration does not apply to a confession or admission made by the accused before the court by which he is being tried, nor does it apply to statements made prior to or in pursuance of the act.

A confession or admission not made as testimony in the trial is admissible for the purpose of proving the matters stated in the confession or admission only when it was made by an accused, and it is then admissible for that purpose only with respect to the particular accused who made it. This limitation does not apply, however, if the statement is admissible to prove the matters stated therein without regard to the fact that it is a confession or admission, as when in the course of his testimony at a former trial of the accused an accomplice makes a confession damaging to the accused and the former testimony is admissible under the provisions of 145*b*.

In a prosecution for an offense in which the making of a false statement is an element (for example, perjury or making a false official statement), the fact that the accused had not been warned of his right against self-incrimination before he made the statement is not a ground for excluding evidence that the statement was made by him, even though, under the circumstances, such a preliminary warning may have been required by Article 31*b* or by some other provision of law.

b. Acts and statements of conspirators and accomplices.—A statement made by one conspirator during the conspiracy and in pursuance of it is admissible in evidence against his co-conspirators as tending to prove the truth of the matter stated. It is not admissible merely because it was made while the conspiracy was existing; it must, to be admissible under this rule, have been made in pursuance of the conspiracy. When evidence of such a statement is offered, it is a preliminary question for the court whether the conspiracy existed and whether the proffered statement was made in pursuance of it. However, the court may, in the exercise of its discretion, admit the statement without preliminary proof of these matters, keeping in mind that the statement must ultimately be excluded from consideration if it is not afterwards shown to be admissible as coming within the rule under discussion or to be otherwise admissible. When the existence of a conspiracy is in issue, either on the merits or as a foundation for the admissibility of evidence, evidence of any act or other conduct of each of the alleged conspirators tending to prove the conspiracy, including evidence of statements and other verbal conduct offered for a purpose other than as tending to prove the truth of the matters stated, is admissible.

It is immaterial that the offense charged is the doing of an act rather than a conspiracy to do the act. For example, if X is charged with having murdered A, evidence that X, Y, and Z conspired to murder A and that Z did the killing is admissible. If the conspiracy is shown to have existed, any statement of Y or of Z made in pursuance of the purpose to kill A is admissible in evidence against X.

The agreement constituting the conspiracy may be, and usually is, proved by circumstantial evidence. It is scarcely ever possible to prove a formal or express agreement. The agreement constituting the conspiracy may be a tacit one. Evidence of the conduct, including the statements, of an accomplice of the accused or of any person acting in concert with him is, for the purpose of determining its admissibility, treated as if it were evidence of the conduct of a co-conspirator.

When two or more accused are tried at the same time, evidence of a statement made by one of them which would be admissible against him if he were tried alone but would not be admissible against another of the accused if he were being tried alone may be received in evidence, but in such event the law officer (or the president of a special court-martial) should instruct the court in open session that the statement can be considered as evidence only against the accused who made it. See also 153*b* (2) (c) as to the instruction which should be given in the case of inconsistent statements of an accomplice.

In this connection it is to be remembered that evidence of the conviction of an accomplice of the accused of the offense charged against the accused cannot be received against the accused as tending to prove that the offense charged was committed or that the accused participated in it.

141. STATEMENTS MADE THROUGH INTERPRETERS. As a general rule, a statement made through an interpreter may be proved only by the testimony of the interpreter or by other evidence of the statement itself, and may not be proved by evidence of the interpreter's translation. However, as an exception to this general rule, such a statement may be proved by evidence of the interpreter's translation if the interpreter was acting as the agent of the person who made the statement and such person is the accused, or is a co-conspirator or accomplice of the accused and made the statement in pursuance of the common venture, or is a witness and proof of the statement would tend to impeach his credibility. Evidence of the translation may be furnished by the testimony of any person who heard the statement being interpreted, or by a writing which contains the translation and which is admissible because acknowledged by the person who made the statement or for some other reason. If the person who made the statement could have rejected the services of the individual who acted as interpreter, or in any manner agreed to his employment or to the accuracy of the translation, it may be considered that the interpreter was the agent of such person.

When otherwise admissible, testimony given through a duly sworn interpreter at the trial at which it is offered may properly be received in evidence. If given at another trial, testimony through an interpreter may be proved by the record of the trial or by other evidence of the interpretation only when such evidence is admissible under the above-mentioned agency exception to the general rule or when, in accordance with the provisions of 145*b*, the testimony is competent as former testimony and the interpreter, as well as the witness at the former trial, is not reasonably available as a witness. Subject to the limitations prescribed in Article 49, a deposition taken through a duly sworn interpreter may be read in evidence to the same effect that it could be if the deponent had testified without the aid of an interpreter. See 145*a*.

142. DYING DECLARATIONS; SPONTANEOUS EXCLAMATIONS; FRESH COMPLAINT; STATEMENTS OF MOTIVE, INTENT, OR STATE OF MIND OR BODY—*a. Dying declarations.* In trials for homicide (murder, manslaughter, negligent homicide) the dying declaration of the alleged victim concerning the circumstances of the act which induced his dying condition, including the identity of the person or persons who caused the injury, is admissible in evidence to prove such circumstances. The reason for the rule is that the dying statement of the victim would be unavailable otherwise and was based presumably on a moral obligation to tell the truth. The declaration must have been made while the victim was in extremity and under a sense of impending death, although it is not necessary to show that the victim asserted that he was under this impression if that fact is otherwise established. There is no requirement that death immediately follow the declaration, but if it was made while the victim had a hope of recovery it is not admissible under this exception to the hearsay rule even though he died shortly thereafter. If not obtained by duress or under circumstances indicating that the declarant may have been misled, a dying declaration is admissible even though it was made in answer to leading questions or upon urgent solicitation. The declaration may be by spoken words or intelligible signs or it may be in writing. A declaration which was made by a person who would not have been competent as a witness may not be received in evidence under this exception to the hearsay rule, nor may

a dying declaration or a part thereof be received in evidence, even though the declarant would have been competent as a witness, if for any reason it would have been inadmissible as testimony given on the witness stand by the declarant.

Dying declarations are admissible both in favor of and against the accused. Such declarations should be received in evidence with caution since they are often made under circumstances of mental and physical debility and are not subject to the usual tests of veracity.

b. Spontaneous exclamations. An utterance concerning the circumstances of a startling event made by a person while he was in such a condition of excitement, shock or surprise, caused by his participation in or observation of the event, as to warrant a reasonable inference that he made the utterance as a spontaneous and instinctive outcome of the event, and not as a result of deliberation or design, is admissible as an exception to the hearsay rule to prove the truth of the matters stated. Such a spontaneous exclamation may be proved by any competent evidence, and the testimony of a person who heard the utterance being made, but who was not present at the occurrence which gave rise to it, is competent for this purpose. In a prosecution for assault by stabbing, for example, the testimony of a person who did not see the attack, but who came upon the alleged victim thereafter, that such victim, while visibly in agony as a result of the wounds received, cried out "John Smith stabbed me!" is admissible to prove the exclamation of the victim, and the exclamation, thus shown to be spontaneous, is admissible as tending to prove that the stabbing was done by a man named John Smith.

A spontaneous exclamation is admissible even though the person who made it is not dead or otherwise unavailable as a witness in the case, and even though, because of infancy or mental infirmity, for example, he is or would have been incompetent as a witness. However, a spontaneous exclamation may not be received in evidence if, under rules other than those concerning the competency of witnesses, the utterance would have been inadmissible as testimony given on the witness stand by the person who made it, as when it appears that the utterance could not have been or was not in fact based upon the personal observation of its author, or when the person who made the utterance was the spouse of the person against whom it is to be used and the privilege prohibiting the use of one spouse as a witness against the other is applicable and has not been waived (see 148c). It is not essential to the admissibility of a spontaneous exclamation that the event which called it forth be the act charged.

Spontaneous exclamations are sometimes called res gestae, but that term is often used with respect to other kinds of admissible utterances whether or not their admissibility depends upon an exception to the hearsay rule. For instance, the term has been applied to statements which are received in evidence merely to prove the fact that they were made (see examples in 139b). The term res gestae cannot properly be used to describe any particular rule of evidence.

c. Fresh complaint. In prosecutions for sexual offenses, such as rape, carnal knowledge, sodomy, attempts to commit such offenses, assault with intent to commit rape or sodomy, and indecent assaults, evidence that the alleged victim of such an offense made complaint thereof within a short time thereafter is admissible. This evidence is to be restricted to proof that the complaint (including the identification of the offender) was made, a description of the details of the offense given during the course of making the complaint being inadmissible under this rule. Evidence of fresh complaint, as such, is received solely for the purpose of corroborating the testimony of the victim and not for the purpose of showing directly the truth of the matters stated in the complaint. However, the complaint, as well as a description of the details of the offense related during the course of making the complaint, may be received in evidence to prove directly the truth of the matters stated if admissible under the spontaneous exclamation exception to the hearsay rule (142b).

d. Statements of motive, intent, or state of mind or body. If a statement made under circumstances not indicative of insincerity discloses a relevant and then existing motive, intent, or state of mind or body of the person who made the statement, evidence of the statement is admissible for the purpose of proving the motive, intent, or state of mind or body so disclosed. However, evidence of a statement of a person other than the accused may not be received under this rule when the statement would amount to an accusation that the accused committed the act charged or that the act charged had been committed, even though the statement would incidently disclose a relevant motive intent or state of mind or body of the person who made the statement. For example, in a case in which A is charged with having murdered B by poisoning him, and A claims that the poison was intentionally administered by B himself, the absence of a suicidal frame of mind on the part of B may not be shown by evidence that shortly before his illness B stated, "I'm afraid A is putting poison in my food," or, "I'm afraid someone is putting poison in my food." Had B's statement been, "I intend to buy a farm when I retire next year," that statement would have been admissible to show that B had not intended to take his own life.

The admissibility of evidence of a statement disclosing motive, intent, or state of mind or body constitutes an exception to the hearsay rule only when the disclosure depends upon the statement being accepted as true. If the disclosure results from the mere fact that the statement was made, as when the mental condition of a person is indicated by his statement that he is the Emperor Napoleon, the admissibility of evidence of the statement does not constitute an exception to the hearsay rule. Whatever the theory of admissibility, a statement of motive, intent, or state of mind or body may be proved by the testimony of anyone who heard it being made or by other competent evidence.

It should be noted that the above rule (that relating to the admissibility of evidence of statements of motive, intent, or state of mind or body) does not authorize proof of a person's motive, intent, or state of mind or body by evidence of a disclosure thereof made in another person's statement. Thus, in a homicide case, evidence of a statement of the victim to the effect that he was going to remain at home on the night of the homicide because the accused intended to visit him is not admissible to show the intention of the accused to visit the victim and thus raise an inference that the accused kept the appointment. However, if a statement made by one person would tend to supply or produce, rather than disclose, a relevant motive, intent, or state of mind or body on the part of another, evidence that the statement was made may be received to show its probable effect on the other (see the illustration in the second paragraph of 139b).

Evidence of a person's statement as to his memory or belief of a fact, offered as tending to prove the fact remembered or believed, is not admissible under the rule pertaining to evidence of statements of motive, intent, or state of mind or body.

143. DOCUMENTARY EVIDENCE—PROVING CONTENTS OF A WRITING; AUTHENTICATION OF WRITINGS—*a. Proving contents of a writing*—(1) *General rule.* A writing is the best evidence of its own contents, and the original thereof must be introduced to prove its contents. When this rule, known as the best evidence rule, applies, the proper method of proving the contents of a writing is to present evidence authenticating (143b) the original of the document and then to introduce the original in evidence. However, a carbon copy of a document, as complete as the ribbon copy in all essential respects, including relevant signatures, if any, or an identical copy made by photographic (see 144c) or other duplicating process, is considered to be a duplicate original and to be admissible equally with the original. An objection to the introduction of secondary evidence (testimony, or a copy not considered a duplicate original) as proof of the contents of a writing is waived by a failure to object, on the ground of its secondary nature, to the reception of the secondary evidence. Such a waiver, however, adds nothing to the weight to be given to, or the evidentiary nature of, the particular writing so received. Thus, if the original of a particular document would have been inadmissible even if no objection had been made to its reception in evidence (for instance, a document which is offered to prove the truth of the matters stated therein but which is not within any of the exceptions to the hearsay rule), it would be error to admit testimony relating to its contents or a copy thereof simply because no objection was made on the ground of the best evidence rule.

(2) *Exceptions.* If it is shown that an admissible writing has been lost or destroyed, or that for some other reason it cannot be produced, or (if a party other than the accused desires to introduce its contents) that it is in the possession of the accused, the contents may be proved by an authenticated copy or by the testimony of a witness who has seen the writing.

When the originals consist of admissible writings which are so numerous or bulky that they cannot conveniently be examined by the court, and the fact to be proved is the general result of the whole collection, and that result is capable of being ascertained by calculation, as, for instance, if the fact to be proved is the balance shown by account books, the calculation may be made by some competent person and the result of the calculation testified to by him. In such cases it must first be shown to the court that the writings would be admissible but are so numerous or bulky that they cannot conveniently be examined by the court; that the fact to be proved is the general result of the whole collection; that the result is capable of being ascertained by calculation; that the witness is a person skilled in such matters and capable of making the calculation; that he has examined the whole collection and has made the calculation; and that the opposite party has had access to the books and papers from which the calculation was made. Opportunity will be afforded the opposite party to cross-examine the witness upon the books and papers in question, and to have such of them (or properly authenticated copies thereof) as are necessary for this purpose produced in court.

In the case of an official record required by law, regulation, or custom to be kept on file in a public office, a duly authenticated copy is admissible to the extent that the original would be, without first proving that the original has been lost or destroyed and without otherwise accounting for the original. The term "public office" includes a military office, even though only military personnel, or certain military personnel, have access thereto. Only an exact copy of the official record is admissible under this exception to the best evidence rule although it may consist merely of an extract of those portions material to the case. The copy may be made by photographic process. A certified résumé of the text of an official record is generally inadmissible. However, if the head of an executive or military department or independent governmental agency, or his deputy for the purpose, certifies that it would be detrimental to the public interest to divulge the source of official knowledge of a certain fact or event or to divulge the text of a record thereof, a certificate by him, or by his deputy, setting forth a résumé of an official record of such fact or event kept under the authority of the department or agency concerned is prima facie evidence of the fact or event as set forth in the résumé.

A certificate by the chief custodian of the personnel records of the armed force concerned, or by one of his deputies or assistants, that a duly qualified fingerprint expert on duty as such in his office has compared certain attached fingerprints with the fingerprints on file of a person described by name, military status, and service number, and that the attached fingerprints and the fingerprints with which they were compared have been found to be those of one and the same person, is admissible to establish, prima facie, the identity and military status of the person whose fingerprints are attached. A similar certificate executed by the custodian, or by one of his deputies or assistants, of the fingerprint records of any department, bureau, or agency of the United States shall be equally admissible. The attached fingerprints (those which had been forwarded for the purpose of comparison) may be identified as those of a particular individual by the testimony of the person who took them or by someone who was present at the time they were taken.

A duly authenticated certificate or statement signed by a custodian of official records, or by his deputy or assistant, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office is admissible as evidence that the records of his office contain no such record or entry. It is also proper to prove that certain official records contain no record or entry of a purported fact or event by the testimony of the custodian of the official records in question, or by the testimony of his deputy or assistant. If a purported fact or event is of a kind required by law, regulation, or custom to be recorded, proof that there is no official record thereof may be received as evidence that the fact did not exist or that the event did not occur.

b. Authentication of writings—(1) *General.* A writing that is not authenticated may not properly be received in evidence, but proof of authenticity can be waived by a failure to object, on the ground of lack of such proof, to the admissibility of the writing. A writing may be authenticated by any competent proof that it is genuine—is in fact what it purports to be. It may be authenticated by a certificate or other written statement only when such certificate or statement is admissible as an exception to the hearsay rule. See (2) in this subparagraph (Official records), 145*a* (Depositions), and 147*b* (Foreign law).

In proving the genuineness of letters the rule is that the arrival by mail of a reply purporting to be from the addressee of a prior letter duly addressed and mailed is sufficient evidence of the genuineness of the reply to justify its introduction into evidence. A similar rule prevails as to telegrams purporting to be from the addressee of a prior telegraph or telephone message. Such a reply, however, is not to be considered as evidence of the genuineness of the letter or other message to which the reply was purportedly made.

Whenever the genuineness of the handwriting of any person may be involved, as when it is desired to introduce into evidence against the accused a pay voucher or check purportedly signed by him or an admissible photostatic copy thereof, any admitted or proved (by evidence raising a reasonable inference of genuineness) handwriting of such person shall be competent evidence as a basis for comparison by witnesses or by the court to prove or disprove the genuineness of the handwriting in question. When there is a question as to who wrote or signed a particular document, the opinion of any person acquainted with the handwriting of the supposed writer to the effect that the document was or was not written or signed by him is admissible in evidence. A person is deemed to be acquainted with the handwriting of another person when he had, at any time, seen that person write, or when he has received documents purporting to have been written by that person in answer to documents written by himself, or under his authority, and addressed to that person, or when in the ordinary course of business documents purporting to have been written by such person have been actually submitted to him. If a party does not contest the general authenticity of a proffered document, a failure by such party to object on the ground that the genuineness of a particular signature appearing thereon has not been shown may be regarded as a waiver by him of that objection.

If a part of a writing appears to have been altered after the execution of the writing, neither that part nor any part dependent for its admissibility upon the altered part may be received in evidence over objection, for a purpose other than to prove the act of altering the writing, unless the alteration is satisfactorily explained.

Before the court rules upon an objection to the reception in evidence of a document, the opposing party, upon request, should be given an opportunity to support the objection by presenting evidence and by cross-examining any witness who has testified concerning the document.

(2) *Official records*—(a) *General.* As in the case of other writings, an official record, or copy thereof, must be properly authenticated, although proof of authenticity can be waived. Official records are generally proved by duly authenticated copies thereof. Originals may be authenticated in the same manner as copies, except that if an attesting certificate is used it should indicate that the document is an original. In the case of a copy of an official record, an "attesting certificate" is a certificate or statement signed by the custodian of the record, or by his deputy or assistant, indicating that the paper in question is a true copy of the original and that the signer is acting in an official capacity as the keeper of the original, or as his deputy or assistant. An "authenticating certificate" is a signed certificate or statement indicating that the signer of the attesting certificate is the official he purports to be, or that the attesting certificate is in proper form, or containing words of like import.

A custodian of an official record is a person who has custody thereof by authority of law, regulation, or custom, that is, a person in whose office the record is officially on file. An attestation in the form of an attesting certificate, when duly authenticated, is prima facie sufficient to show such official custody in the keeper. Some attesting certificates may be authenticated by taking judicial notice of the signature thereto (see 147*a*). Others require authentication by

seal, accompanying certificate, or other proof of genuineness, according to whatever procedure is adequate to authenticate the official record attested.

(b) *Military records.* A copy of an official record of the Department of Defense, of any department, agency, bureau, branch, force, command, or unit thereunder, and of the Coast Guard and its subordinate commands or units, may be authenticated by the seal, inked stamp, or other identification mark of such department, agency, bureau, branch, force, command, or unit, or by an attesting certificate. Thus, "A true (extract) copy of the original on file [in the office of the Adjutant General (First Infantry Division) (First Air Division)] [in the office of the Commanding Officer, (USS) (USCG—)----------]: /s/ John Smith, [Maj. Ass't Adjutant General, (First Infantry Division) (First Air Division)] [LCDR, (U. S. Navy) (U. S. Coast Guard), Executive Officer, (USS) (USCG—)----------]," would be prima facie, a sufficient authentication of a copy of an official record on file in the office mentioned in the attesting certificate.

(c) *United States records.* A copy of an official record of the United States, of its Territories and possessions and their political subdivisions, and of the District of Columbia, may be authenticated by:

Any indication under the great seal of the United States, or the seal of the Territory or possession in which the record is kept, or the seal of the District of Columbia in the case of records kept under its authority, that the document is a true copy;

Any authentication provided for by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto, or by any law of the Territory or possession or political subdivision thereof in which the record is kept, or of the District of Columbia in the case of records kept under its authority;

An attesting certificate, under the seal of a court of record existing by authority of a law of the United States and located in the district, Territory, or possession in which the record is kept, or existing by authority of the Territory or possession or political subdivision thereof in which the record is kept, or of the District of Columbia in the case of records kept under its authority;

An attesting certificate, under the seal of the department, bureau, agency, office, or court in which the record is kept, or under the seal of a public officer or office having a seal of office and having supervision over the department, bureau, agency, or office in which the record is kept, or by an attesting certificate without further authentication in the case of records kept under the authority of any governmental agency of the United States;

An attesting certificate, accompanied by an authenticating certificate signed by and under the seal of any public officer having a seal of office and having duties by authority of the United States in the district, Territory, or possession in which the record is kept, or having duties in, and by authority of, the Territory or possession or political subdivision thereof in which the record is kept, or having duties in, and by authority of, the District of Columbia in the case of records kept under its authority.

(d) *State records.* A copy of an official record of any State of the United States, including its political subdivisions, may be authenticated by:

Any indication, under the state seal of such State, that the document is a true copy;

Any authentication provided for by the law of such State or of the political subdivision thereof in which the record is kept, or by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto;

An attesting certificate, under the seal of a court of record existing by authority of such State or of the political subdivision thereof in which the record is kept;

An attesting certificate, accompanied by an authenticating certificate signed by and under the seal of any public officer having a seal of office and having duties in, and by authority of, such State or the political subdivision thereof in which the record is kept.

(e) *Foreign records.* A copy of an official record of any foreign country or political subdivision thereof may be authenticated by:

Any indication, under the great seal of such foreign country, that the document is a true copy;

Any authentication provided for by the law of such foreign country or of the political subdivision thereof in which the record is kept, or by any law of the United States, including rules of criminal procedure for the United States district courts made pursuant thereto;

An attesting certificate, accompanied by an authenticating certificate signed by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States, stationed in the foreign country in which the record is kept, under the seal of his office;

An attesting certificate, under the seal of a public officer or office of the foreign country or political subdivision thereof in which the record is kept, or accompanied by an authenticating certificate signed by such an officer, which attesting certificate under seal or authenticating certificate is accompanied by a certificate or statement signed by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent, or by any officer in the foreign service of the United States, stationed in the foreign country in which the record is kept, under the seal of his office, indicating that the foreign seal or authenticating certificate is genuine, or containing words of like import.

A copy of an official record of any foreign country or political subdivision thereof in which armed forces of the United States are stationed or through which they are passing or which is occupied by armed forces of the United States or any ally thereof may be authenticated by an attesting certificate accompanied by an authenticating certificate signed by the commander of the armed force concerned, or his deputy for the purpose. If such authenticating commander, or his deputy, is not an officer of the armed forces of the United States, his authenticating certificate shall be accompanied by a certificate or statement signed by a commissioned officer of the armed forces of the United States indicating that the signer of the authenticating certificate is who and what he purports to be.

(f) *Miscellaneous.* Copies of foreign, and other, official records and their attesting and authenticating certificates or statements, if written in a language other than English, should be translated through the testimony of one having knowledge of the language concerned. However, any translation accompanying and made a part of any attesting or authenticating certificate or statement may be received in evidence subject to objection by counsel.

In addition to the methods of authentication set forth in the above provisions of 143b(2), an official record or a copy thereof may be authenticated by the testimony of any person, based on his personal knowledge, to the effect that the proffered document is a particular official record, or that the document is a true and exact copy of such official record, as the case may be. Also, if an attesting or authenticating certificate is authenticated by competent testimony it need not be authenticated by seal or an accompanying certificate as might otherwise be required by the above provisions of 143b(2). An attesting or authenticating certificate which is authenticated by competent testimony and signed by a proper person may be considered a sufficient prima facie authentication of the official record, or copy thereof, to which the certificate relates.

A certificate or statement signed by a custodian of official records, or by his deputy or assistant, that after diligent search no record or entry of a specified tenor is found to exist in the records of his office can be authenticated in the same manner as a certificate attesting a copy of an official record kept in the office concerned. A certificate by the head of an executive or military department or independent governmental agency, or by his deputy, setting forth a résumé of an official record the source or text of which should not be disclosed can be similarly authenticated.

144. OFFICIAL WRITINGS; OFFICIAL RECORDS; BUSINESS ENTRIES; LIMITATIONS AS TO THE ADMISSIBILITY OF OFFICIAL RECORDS AND AND BUSINESS ENTRIES; MAPS AND PHOTOGRAPHS — *a. Official writings.* It is to be borne in mind that the mere fact that a document is an official writing or report does not in itself make it admissible in evidence for the purpose of proving the truth of the matters therein stated. An official writing may be admitted in evidence for this purpose only when it comes within one of the recognized exceptions to the hearsay rule.

b. Official records. An official statement in writing, whether in a regular series of records or a report, made as a record of a certain fact or event is admissible as evidence of the fact or event if made by an officer or other person in the performance of an official duty, imposed upon him by law, regulation, or custom, to record such fact or event and to know, or to ascertain through appropriate and trustworthy channels of information, the truth of the matter recorded. It may be presumed, prima facie:

That a person who had such a duty performed it properly.

That a foreign or domestic record which reflects a fact or event required to be recorded by law, regulation, or custom, was made by a person so required to make it; provided that the record is authenticated as an original or copy, in accordance with the rules set forth in 143b (2), by an attesting certificate, itself duly authenticated, or by a seal or identification mark alone, when permissible, or is otherwise shown by competent evidence to be officially on file in a public office.

That foreign or domestic records which are thus authenticated or shown to be officially on file in a public office and which reflect facts or events of a kind generally recorded by public officials of civilized states and nations, such as births, deaths, and marriages, were made by persons who had an official duty by law, regulation, or custom to record such facts or events and to know, or to ascertain through appropriate and trustworthy channels of information, the truth thereof.

See 213*a* as to the meaning of "custom."

Examples of military records containing entries which may be admissible under this exception to the hearsay rule are enlistment papers, physical examination papers, outline-figure and fingerprint cards, morning reports, guard reports, service records, logs, unit personnel diaries, and individual equipment records.

If admissible under this exception, an official record is not subject to objection on the ground that it was compiled from notes or memoranda or from other official records.

c. Business entries. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event shall be admissible as evidence of the act, transaction, occurrence, or event if made in the regular course of any business and if it was the regular course of such business to make such memorandum or record at the time of the act, transaction, occurrence, or event, or within a reasonable time thereafter. All other circumstances of the making of the writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but such circumstances shall not affect its admissibility. The term "business," as used in this paragraph, includes business, profession, occupation, and calling of every kind.

A business entry is properly authenticated by proof that it came from the custody of and had been made by or deposited in an office whose business it was to record the act, transaction, occurrence, or event set forth in the entry. It is not necessary that a business entry be authenticated by the person who made it or that an authenticating witness have personal knowledge that the entry was correct. If not themselves made as business entries, copies and written compilations of business entries are generally subject to objection on the ground that they are secondary evidence (143*a*). See 145*a* as to the use of copies of business entries in depositions.

An entry made in the usual course of business which satisfies the requirements of this exception to the hearsay rule is admissible even though such entry was not made or kept pursuant to any law or regulation. Thus talley sheets used by a depot warehouse as a convenient business method of keeping account of military stores passing through it are admissible although no regulation, directive, or order required that such talley sheets be made or kept.

d. Limitations as to the admissibility of official records and business entries. Official records are admissible in evidence only insofar as they relate to a "fact or event," and the admissibility of business entries is limited to a memorandum or record of "any act, transaction, occurrence, or event" appearing therein. Records or entries of "opinion" are not admissible under either exception to the hearsay rule. The word "event" may be considered to include the words "act," "transaction," and "occurrence," and to be included within the meaning of the word "fact." Properly speaking, a statement of opinion cannot be considered a statement of fact, for an opinion is an impression upon the mind brought about by an accumulation of facts, whereas a fact is a phenomenon or event by which the human senses are directly activated without the intervention of conscious mental deliberation. Nevertheless, it is often difficult as a practical matter to draw the line between what is opinion and what is fact, and some assertions based on trained observation which, strictly speaking, might be considered statements of opinion so closely approximate statements of fact as to permit the law to place them in the latter category rather than in the former and to admit a record of them in evidence without appreciable risk of doing an injustice because of lack of opportunity to cross-examine. Thus, if otherwise competent as official records or business entries, entries in a physician's report setting forth a diagnosis of an illness of a kind which can readily be diagnosed by the medical profession, and in an autopsy report setting forth the opinion of the pathologist as to the physical cause of death (as when he concludes that death was caused by a certain disease, by a certain poison, or by a gunshot wound), are admissible in evidence to prove the illness and the physical cause of death, respectively. On the other hand, entries in a report of a board of medical officers (psychiatrists) as to the mental condition of a certain individual are not admissible to prove such mental condition, for a diagnosis of a mental condition involves opinion to such a degree as to require that those making such a diagnosis be subject to cross-examination. See 122*c*.

In the case of an official record, the recording official must not only have had a duty to make an entry as to a certain fact or event but must, in addition, have had a duty to know or ascertain the truth of the matter set forth in the record. There exists a somewhat correlative rule in the case of business entries. It is not sufficient that a particular entry was made in the regular course of conduct which had some relationship to business if it was not made in the regular course of a business. "Regular course" of business must find meaning in the inherent nature of the business in question and in the methods systematically employed for the conduct of the business as a business. Because of these limitations, and the opinion limitation, a pathologist's entry in an autopsy report as to whether the death was caused by homicide, accident, or suicide (as distinguished from his entry as to the physical cause of death—for instance, that the death resulted from a gunshot wound) is not admissible to prove such cause of death under either the official record or the business entry exception to the hearsay rule. The above mentioned limitations apply in such a case because a law or regulation requiring the pathologist to make an entry as to his finding in this respect would not fix upon him the duty of ascertaining the truth of circumstances surrounding the occurrence of death reported to him by others but not observed by him during the course of his examination, and it is obvious that it is not the regular course of the business of a pathologist to make such an entry based on that kind of data; and if the entry was based not on reported matters but on an examination of the body by the pathologist the opinion thus expressed by him would be of a kind which should be open to the test of cross-examination.

Neither the official record nor the business entry exception to the hearsay rule renders admissible in evidence writings or records made principally with a view to prosecution, or other disciplinary or legal action, as a record of, or during the course of an investigation into, alleged unlawful or improper conduct. Thus neither the report of an investigating officer nor an accompanying summary of the testimony of a witness on a preliminary investigation of a charge is competent evidence of the truth of the facts therein stated. See, however, 140*a* (Confessions and admissions) and 153*b* (2) (c) (Inconsistent statements). On the other hand, since it is not the function of a pathologist performing an autopsy to determine that the death was caused by any particular person or even that the death was the result of unlawful conduct, his entry in the autopsy report as to the identification of the individual upon whose body the autopsy was performed, as to the physical facts found to exist with respect to the corpse and as to the physical cause of death do not come within this limitation, and such entries may be admissible under either the official record or business entry exception to the hearsay rule. Official record entries in morning reports, logs, unit personnel diaries, and service records as to absence without leave, and in the above records and in guard reports as to escape from confinement, are not inadmissible

because of this limitation, for such entries are made in a routine manner principally for the purpose of reflecting day-to-day events which affect the strength in personnel of the reporting organization or which indicate the military proficiency of the individual reported upon. The admissibility of depositions and of records of trial (see 145 concerning their use as evidence) is not affected by this limitation.

A news account of an incident is not admissible to prove the incident under either of these exceptions to the hearsay rule, for with respect to these exceptions a news account is not a record or memorandum.

c. Maps and photographs. Maps, photographs, X-rays, sketches, and similar projections of localities, objects, persons, and other matters are admissible when verified by any person, whether or not he made or took them, who is personally acquainted with the locality, object, person, or other thing thereby represented or pictured and is able from his own personal knowledge or observation to state that they actually represent the appearance of the subject matter in question. Such documents are also admissible when they come within either the official record or business entry exception to the hearsay rule.

Fingerprints are admissible when they come within either the official record or the business entry exception to the hearsay rule or are in any manner properly verified, but evidence concerning the comparison of fingerprints must emanate from persons skilled in comparing fingerprints.

145. DEPOSITIONS; FORMER TESTIMONY—*a. Depositions.* See Article 49. For procedure in taking depositions see 117. Any case referred to a special court-martial for trial under 15*a* (1) is a case "not capital" within the meaning of Article 49. Under the provisions of Article 49*f*, a case in which the death penalty is authorized by law but is not mandatory for an offense of the kind charged is not capital whenever the convening authority shall have directed that the case be treated as not capital. Upon a rehearing or new trial thereof a case in which the death penalty is authorized by law but is not mandatory for an offense of the kind charged is not capital within the meaning of Article 49 if the sentence adjudged upon the original hearing or trial was other than death. Although an offense is punishable by death under the article denouncing it, such offense is not legally so punishable, and therefore is not capital, if the applicable limit of punishment prescribed by the President under Article 56 is less than death. In a trial upon several specifications, the proceedings as to each constitute a separate "case."

Testimony taken by deposition may be introduced by the defense in capital cases if otherwise admissible. If the defense calls for testimony to be taken by deposition in a capital case, the deponent may be cross-examined by written interrogatories, or otherwise, as fully as a deponent in a case not capital. With the express consent of the defense made or presented in open court, but not otherwise, the court may admit competent deposition testimony not for the defense in a capital case. When otherwise admissible, deposition testimony not for the defense may be admitted without the consent of the defense in a case not capital tried with a capital case if such testimony is not material to the capital case, or (when it is material to the capital case) if the cases do not involve the same criminal transaction and the law officer instructs the court in open session that such testimony is not to be considered as material to the capital case.

If only a part of a deposition is offered in evidence by a party, the other party (including the prosecution in a capital case) may require him to offer all of it which is relevant to the part offered. If the party at whose instance a deposition has been taken decides not to offer it or offers only a part of it, the other party may offer the deposition or the parts not offered, except that, in a capital case, the prosecution may not thus offer a deposition or parts thereof without the express consent of the defense made or presented in open court.

A deposition will ordinarily be read to the court by the side on whose behalf it is being offered. At the reading, objections may be made to the introduction of the evidence which it contains in the same way that they would be made if the evidence was offered in the usual manner. Unless the ground of an objection is one which might have been obviated or removed if presented at the time interrogatories were submitted to the opposite party or to the court or at the time the deposition was taken, a failure to object at that time to the competency of the deponent, or to questions contained in written interrogatories or otherwise propounded, or to the admissibility of evidence contained in the deposition, shall not be considered a waiver of the objection. It may be shown that an objection actually was made even though the objection is not noted in the body of the deposition, but in the absence of such a showing it may be assumed that no objections were made other than those noted. In case the court shall have ruled on an objection at the time interrogatories were submitted to it for acceptance, it shall again pass upon the objection at the time the deposition is read, if then requested to do so, without regard to its previous ruling.

The same rules as to the competency of witnesses and the admissibility of evidence apply to the introduction of evidence taken by deposition that apply to the introduction of other evidence before the court, except that a wider latitude than usual should be allowed as to leading questions put to a deponent upon written interrogatories. Also, whenever a business entry is properly authenticated by the testimony of a witness taken on deposition, a copy of the business entry, identified as such by the witness, may be substituted for the original. Such copy (marked by the person taking the deposition in such a manner as to indicate that it is the copy identified by the witness) will accompany and be part of the deposition and shall be admissible in evidence equally with the original. A failure to object to the introduction of a deposition on the ground that it was not taken on reasonable notice or before a proper officer, or on the ground that it does not appear that the deponent is unavailable as a witness, may be regarded as a waiver of that objection. After being read to the court, a deposition will be properly marked as an exhibit with a view to incorporation in the record.

The limitations upon the use of deposition testimony mentioned above and in Article 49 do not apply with respect to statements of deponents which are admissible under some rule of evidence other than that authorizing the introduction of depositions. Any such statement, for example, a voluntary confession or admission of the accused made while a deponent, or an inconsistent statement of a witness similarly made, may be proved by the deposition in which it appears (if that document is properly receivable as an official record of the statement or otherwise as a writing) or by other competent evidence.

b. Former testimony. When at any trial by court-martial, including a rehearing or new trial, it appears that a witness who has testified in either a civil or military court at a former trial of the accused in which the issues were substantially the same (except a former trial shown by the objecting party to be void because of lack of jurisdiction) is dead, insane, too ill or infirm to attend the trial, beyond the reach of process, more than one hundred miles from the place where the trial is held, or cannot be found, his testimony in the former trial, if properly proved, may be received by the court if otherwise admissible, except that the prosecution may not introduce such former testimony of a witness unless the accused was confronted with the witness and afforded the right of cross-examination at the former trial and unless, in a capital case, the witness is dead, insane, or beyond the reach of process. Cases considered "not capital" in 145*a* are also considered "not capital" with respect to the admissibility of former testimony. A failure to object to the introduction of testimony given at a former trial of the accused on the ground that the issues in the former trial were not substantially the same, or on the ground that the accused was not confronted with the witness and afforded the right of cross-examination at the former trial, or on the ground that it does not appear that the witness is now unavailable, may be considered a waiver of that objection.

The testimony of a witness who has testified at a former trial may be proved by the official or other admissible record of the former trial, by an admissible copy of so much of such record as contains the testimony, by an official or otherwise admissible stenographic or mechanical report of the testimony, or by a person who heard the witness give the testimony and who remembers all of it, or the substance of all of it, that is relevant to the topic in question. See 141 as to proving former testimony given through an interpreter.

If otherwise admissible, a deposition taken for use or used at a former trial by court-martial is admissible in a subsequent trial of the same person on the same issues.

The limitations upon the use of former testimony noted above do not apply with respect to statements made at a former trial, or at any trial, which are admissible under some rule of evidence other than that authorizing the introduction of former testimony. Any such statement, for instance, a voluntary confession or admission of the accused or an inconsistent statement of a witness, may be proved by an admissible record or report of the trial at which it was made or by other competent evidence.

As to the use of a record of the proceedings of a court of inquiry, see Article 50. The effect of the words "not capital and not extending to the dismissal of an officer" as used in Article 50 is that if the prosecution uses the record of a court of inquiry to prove part of the allegations in a specification, neither death nor dismissal may be adjudged as a result of a conviction under that specification, but other lawful punishment may be. The introduction of the record of a court of inquiry by the defense shall not affect the punishment which may be adjudged. A person's "oral testimony cannot be obtained" in the sense of Article 50 if the person is dead, insane, too ill or infirm to attend the trial, beyond the reach of process, or cannot be found.

146. MEMORANDA; AFFIDAVITS—*a. Memoranda.* Memoranda may be used to supply facts once known but now forgotten, or to refresh the memory. Memoranda are therefore of two sorts. *First*, if the witness does not actually remember the facts or events but relies on the memorandum exclusively, as in the case of a witness using an old diary, then the witness must be able to state that the memorandum accurately represented his knowledge at the time of its making. It is not necessary that he should himself have made the memorandum if he can state from his present memory that at a time when his recollection was fresh as to the facts or events recorded he read the memorandum and found it to be correct, or must have done so. If the certainty of the witness that a particular memorandum represents his past recollection rests upon his normal habit or course of business in making or perusing memoranda similar to the memorandum in question, this may be considered a sufficient foundation for the use of the memorandum. *Second*, if the witness can actually remember the facts or events and merely needs the memorandum to refresh his memory or a part of it, then the above limitations as to the connection of the witness with the memorandum do not apply. Thus a witness may have his memory refreshed by showing him, while he is on the stand, a newspaper account of an incident in which he was involved. However, the court should see to it that no attempt is made to use a memorandum to impose a false memory on the witness under the guise of refreshing it.

A memorandum of the first sort is admissible. If the memorandum is of the second sort the witness will testify without the memorandum itself being admitted in evidence.

The memorandum used must, on demand, be shown to the opponent for purposes of inspection and cross-examination.

b. Affidavits. The general rule is that affidavits are not admissible as evidence of the truth of the matters therein stated, for they are hearsay assertions. However, the defense, if it so desires, may introduce affidavits or other written statements as to the character of the accused and as to matters in extenuation of a possible sentence. See also the exception in the second paragraph of 137.

147. JUDICIAL NOTICE; FOREIGN LAW—*a. Judicial notice.* Certain kinds of facts need not be proved by the formal presentation of evidence, for the court is authorized to recognize their existence without such proof. This recognization is termed judicial notice.

The principal matters of which a court may take judicial notice are as follows:

The ordinary divisions of time into years, months, weeks, and other periods; general facts and laws of nature, including their ordinary operations and effects; and general facts of history.

The political organization and the chief officials of the Government of the United States, of its Territories and possessions, of the District of Columbia, and of the several States of the United States; and the signatures and duties of persons attesting official documents, or copies thereof, kept under the authority of any governmental agency of the United States.

The treaties of the United States, and executive agreements between the United States and any State of the United States or between the United States and any foreign country; and current political or de facto conditions of war and peace.

The organic and public laws, including regulations having the force of law, the seals of courts of record, and the seals of public offices and officers of the United States, of its Territories and possessions and their political subdivisions, of the District of Columbia, and of the several States of the United States and their political subdivisions; and military custom in an armed force of the United States.

The public laws, or regulations having the force of law, in effect in any country or territory or political subdivision thereof occupied by armed forces of the United States; the law of nations, including the law of war; the common law.

The great seals or seals of state of the United States, its Territories and possessions, the District of Columbia, the several States of the United States and foreign countries; the seals of notaries public, foreign and domestic.

The organization of the Department of Defense, of the departments, agencies, bureaus, branches, forces, commands, and units thereunder, and of the Coast Guard and its subordinate commands and units; and, with respect to any of the foregoing, their location, their seals, inked stamps, or other identification marks, and the regulations and official publications pertaining thereto or issued thereby, including general orders, bulletins, circulars, price lists, and court-martial orders.

The signatures of the Judge Advocates General and their deputies and assistants, and of the chief custodians of the personnel records of the various armed forces and their deputies and assistants; the signatures of the custodians of fingerprint records of any department, bureau, or agency of the United States, and the signatures of their deputies and assistants; the signature of any person authorized to administer oaths by Article 136 or by any of the provisions of law referred to in chapter XXII, when affixed to a deposition or any sworn document to indicate the execution of such authority; the signatures of persons authenticating records of the proceedings of military courts and commissions of the armed forces of the United States; the signatures and duties of persons attesting official documents, or copies thereof, of the Department of Defense, of any department, agency, bureau, branch, force, command, or unit thereunder, or of the Coast Guard or any of its subordinate commands or units; the signatures and duties of officers of the armed forces of the United States authenticating foreign official records, or copies thereof, pursuant to the authority contained in 143*b* (2) (*e*).

The principle of judicial notice does not prohibit the court from receiving additional evidence of a fact of which it is authorized to take judicial notice, and, if not satisfied of the fact of which it is asked to take judicial notice, it may resort to any authentic source of information. For example, if the terms of a circular of the Department of the Army, Navy, or Air Force are material, the court may send for a copy of the circular.

It is customary for the side desiring the court to take judicial notice of a given fact to ask the court to do so, at the same time presenting any available authentic source of information on the subject. For instance, when counsel asks the court to take judicial notice of the law of a State of the United States pertaining to a certain matter, he should furnish the court with an official publication of that State, such as a statute book or book of reports, or, if an official publication is not available, with a reliable textbook or other writing setting forth such law. If the court, in taking judicial notice, makes use of a document, the court should state for the record what matters it has thus judicially noticed, and (unless the document is a statute of the United States, an executive order of the President of the United States, or an official publication of the Department of Defense, the Department of the Army, Navy, or Air Force, or the Headquarters of the Marine Corps or Coast Guard) the document, or pertinent extracts therefrom, should be included in the record of trial as an exhibit.

b. Foreign law. With the exception of the law in effect in a country or territory occupied by armed forces of the United States, a court-martial cannot take judicial notice of foreign law or foreign regulations having the force of law. Such law must be proved like any other fact. There are several ways of doing this. *First*, the laws of a foreign country, or political subdivision thereof, may be proved by the testimony of a person who is familiar with them through education

or experience. Such a person may testify as to the content and construction of the foreign law in question or as to the correctness or genuineness of a text or official publication setting forth such law. Insofar as his testimony may relate merely to the content of a foreign law as set forth in the published statutes or regulations of the foreign country concerned (as distinguished from his testimony concerning the construction of any such law already properly in evidence or concerning customary law), it is subject to objection based on the best evidence rule. See 143*a*. If such an objection is made, the statute or regulation in question should be proved by an official publication thereof. *Second*, foreign laws may be proved by official publications in which they are set forth, such as statute books, books of reports, journals or gazettes published by the foreign country concerned, or pamphlets or circulars published by a military department or any governmental agency of the United States. Official publications of a military department or any governmental agency of the United States setting forth foreign law are not subject to objection on the ground of the best evidence rule. *Third*, treatises, textbooks, or commentaries, written by professionally qualified persons, may be received as evidence of foreign law to the same extent as parol testimony.

Official legal publications are considered to be official records and may be authenticated (and proved by duly authenticated copies) in the same manner as may other official records (143*b* (2)). However, it may be presumed, prima facie, that publications containing evidence of foreign law which purport to be official publications or texts written by professionally qualified persons, and which are obtained from a public library or other public office, are what they purport to be. This presumption applies whether or not the public library or other public office from which such a publication is obtained is located in the country the law of which is sought to be proved. A certificate or statement signed by a public officer, or by his deputy or assistant, to the effect that the publication was obtained from his office will be prima facie sufficient to establish that fact. Such a certificate or statement can be authenticated in the same manner as an attesting certificate and as though the publication of foreign law was an official record kept in the public office from which the publication was obtained. See 143*b* (2). A failure to object, on the ground that it has not been properly authenticated, to a proffered publication containing evidence of foreign law may be considered a waiver of that objection.

A document containing evidence of foreign law which is in a language other than English may be translated in the same manner as a copy of a foreign official record may be. See 143*b* (2) (*f*). In any case in which a foreign law is proved by a document which is to be returned to the custodian thereof at the conclusion of the trial, pertinent extracts therefrom, or a proved or admitted translation of such document or extracts, may be included in the record of trial as an exhibit in lieu of the original.

148. COMPETENCY OF WITNESSES—*a. General.* The general competency, mental and moral, of a witness of fourteen or more years of age is always presumed. If the party alleging the contrary does not prove to the court a specific ground of incapacity, the witness should be allowed to testify.

Any known objection to the competency of a witness should be made before he is sworn. If his incompetency should later appear, however, a valid objection should be sustained or the court of its own motion should refuse to hear him further and order that any testimony that he may have given be disregarded.

b. Children. The competency of children as witnesses is not dependent upon their age, but upon their apparent sense and their understanding of the difference between truth and falsehood and of the moral importance of telling the truth. Such sense and understanding may appear upon such preliminary questioning of the child as the court deems necessary, or from the appearance of the child and the testimony that he gives in the case. In this connection, the court should bear in mind that the competency as a witness of a person below the age of fourteen cannot be presumed.

c. Mental infirmity. Although a witness may be suffering from mental infirmity, he is nevertheless competent to testify if he understands the moral importance of telling the truth and has the mental capacity to observe, recollect, and describe correctly the facts under investigation.

d. Conviction of crime. Conviction of an offense does not disqualify a witness but certain convictions may be shown to diminish his credibility. See 153*b* (2) (*b*).

e. Interest or bias. Interest or bias does not disqualify a witness. For instance, the fact that a person owes a party money or has property interests with or against the party does not disqualify him from testifying for or against such party. A person who is an avowed friend or enemy of the accused, or who is an enemy national, is not thereby disqualified from testifying for or against the accused.

Husband and wife are competent witnesses in favor of each other. Although husband and wife are also competent witnesses against each other, the general rule is that both are entitled to a privilege prohibiting the use of one of them as a witness (sworn or unsworn) against the other. This privilege does not exist, however, when the husband or wife is the individual or one of the individuals injured by the offense with which the other spouse is charged, as in a prosecution for an assault upon one spouse by the other, for bigamy, polygamy, unlawful cohabitation, abandonment of wife or children or failure to support them, for using or transporting the wife for "white slave" or other immoral purposes, or for forgery by one spouse of the signature of the other to a writing when the writing would, if genuine, apparently operate to the prejudice of such other. When the privilege does exist, it may be waived by the consent, express or implied, of both spouses to the use of one of them as a witness against the other. If one spouse testifies in favor of the other, the privilege may not be asserted upon cross-examination of the spouse who has so testified, provided such cross-examination is limited to the issues concerning which such spouse has testified on direct examination and to the question of his or her credibility. See 151*b* (2) as to the privilege relating to communications between husband and wife.

The accused is at his own request, but not otherwise, a competent witness. His failure to make such a request shall not create any presumption or inference against him. If he takes the stand as a witness, he is, in general, subject to the same rules of evidence that apply with respect to other witnesses. As to cross-examination of the accused, see 149*b* (1).

One of two or more accomplices or conspirators is competent to testify whether he is charged jointly or separately or not at all, and whether he is tried jointly or in common or separately, and whether he is called for the prosecution or for the defense, except that he may assert his privilege not to incriminate himself when that privilege is applicable and has not been waived, and, if he is an accused at the same trial, he cannot be called as a witness except upon his own request. See in this connection 150*b* (Compulsory self-incrimination). See also 149*b* (1) as to the extent to which the privilege of self-incrimination is waived by an accused when he testifies.

The fact that an accomplice testifies for the prosecution does not make him afterwards immune to trial except to the extent that immunity may have been promised him by an authority competent to order his trial by general court-martial. The fact that a witness has obtained a promise of immunity without which he may not have been willing to testify does not disqualify him as a witness.

149. EXAMINATION OF WITNESSES—*a. General.* As to oaths of witnesses, see 114. When a witness is recalled to the witness stand, he will not be sworn again, but should be reminded that he has been sworn in the case and is still under oath. A failure so to remind him, however, does not affect the validity of the trial and will not be a ground for rejecting his testimony.

Subject to the discretion of the court, a witness before completing his testimony is not ordinarily permitted to be present in court during the introduction of other evidence or during the opening statements. The fact that a witness was so present may be commented upon in argument by either party, in relation to the weight to be given to the testimony of the witness.

Witnesses are usually examined in the following order: Witnesses for the prosecution, witnesses for the defense, witnesses for the prosecution in rebuttal, witnesses for the defense in rebuttal, witnesses for the court. The order of examining each witness is usually direct examination, cross-examination, redirect examination, recross-examination, and examination by the court. However, the court may permit the recall of witnesses, including an accused, at any stage of the proceedings; it may permit material testimony to be introduced by either party out of its regular order and place; and may permit a case once closed by either or both sides to be reopened for the introduction of testimony previously omitted.

The court should not excuse a witness until satisfied that neither party has any further questions to ask him.

Refusal by a witness to answer a proper question is a military offense or an offense under Article 47, according to whether the witness is subject to the code.

It is never necessary for a party to ask questions through the court or to ask that the court adopt a question.

A witness should be required to limit his answers to the question asked. He cannot, however, be required to answer categorically by a simple "yes" or "no" unless it is clear that such an answer will be a complete response to the question. A witness may always be permitted at some time before completing his testimony to explain any of his testimony.

The reason for any objection will ordinarily be stated.

With reference to questioning witnesses through an interpreter see 50*b*.

b. Cross-examination; redirect and recross-examination; examination by the court or a member—(1) *Cross-examination.* Cross-examination of a witness is a matter of right. It should, in general, be limited to the issues concerning which the witness has testified on direct examination and to the question of his credibility. Counsel often cannot know in advance what pertinent facts may be brought out on cross-examination and for that reason it is to some extent exploratory. Reasonable latitude should be given the cross-examiner, even though he is unable to state to the court what facts his cross-examination is intended to develop. Leading questions may be used freely on cross-examination.

The extent of cross-examination with respect to a legitimate subject of inquiry is within the sound discretion of the court. No obligation is imposed upon the court to protect a witness, whatever his rank, office, or station in life, from being discredited upon cross-examination, so long as the interrogation falls short of an attempted invasion of his right not to incriminate himself, properly invoked. The witness should, however, be protected from questions which go beyond the bounds of proper cross-examination merely to harass, annoy, or humiliate him. On the question of his credibility and within the limits imposed by the privilege against self-incrimination a witness may be cross-examined as to any matter touching upon his worthiness of belief, including (unless the court in its discretion decides that the relationship of the particular matter to the credibility of the witness is too remote) his relation to the parties and to the subject matter of the case, his interest, motives, and inclinations, his way of life, affiliations, associations, acts of misconduct, habits, and prejudices, his means of obtaining a correct and certain knowledge of the facts about which he testifies and the manner in which he has used those means, his powers of discernment, memory and description, and his physical defects, infirmities, and mental idiosyncrasies. He may be asked in a proper case whether he has expressed animosity toward the accused, or whether, on a specified occasion, he made a statement materially different from that embraced in his testimony. See generally, 153*b* (Impeachment of witnesses).

An accused person who voluntarily testifies as a witness becomes subject to cross-examination upon the issues concerning which he has testified and upon the question of his credibility. So far as the latitude of the cross-examination is discretionary with the court, a greater latitude may be allowed in his cross-examination than in that of other witnesses. When the accused voluntarily testifies about an offense for which he is being tried, as when he voluntarily testifies in denial or explanation of such an offense, he thereby, with respect to cross-examination concerning that offense, waives the privilege against self-incrimination, and any matter relevant to the issue of his guilt or innocence of such offense is properly the subject of cross-examination. When an accused is on trial for a number of offenses and on direct examination has testified about only one or some of them, he may not be cross-examined with respect to the offense or offenses about which he has not testified. If the accused testifies on direct examination only as to matters not bearing upon the issue of his guilt or innocence of any offense for which he is being tried, he may not be cross-examined on the issue of his guilt or innocence. Thus, if an accused testifies on direct examination only as to the involuntary nature of his confession or admission, he may not be asked on cross-examination to state whether his confession or admission was true or false, for such a question would go to the issue of his guilt or innocence, concerning which he has not testified.

(2) *Redirect and recross-examination.* Ordinarily, the redirect examination deals with matters brought out in the cross-examination, but new matters may be developed. The recross-examination should be confined to the issues brought out on the redirect examination.

(3) *Examination by the court or a member.* The court (including the law officer) and its members may ask a witness any questions that either side might properly ask the witness. If new matter, not properly the subject of cross-examination of the witness on his previous testimony, is elicited by questions of the court or its members, both parties will be permitted to cross-examine the witness upon the new matter.

In questioning an accused the court and its members must confine themselves to questions which would be permissible on cross-examination of the accused by the prosecution.

Questions by the court or its members and evidence elicited thereby are subject to objection on proper grounds by either side and by the law officer and members of the court.

c. Leading questions; ambiguous and misleading questions; other objectionable questions—(1) *Leading questions*—(*a*) *General rule.* Leading questions are questions which either suggest the answer it is desired the witness shall make or which, embodying a material fact, are susceptible of being answered by a simple yes or no. A leading question, except on cross-examination, should be excluded upon proper objection. For example, if a knife is introduced into evidence a witness should not be asked on direct examination whether it is the knife with which he saw the accused stab A. He should be asked first whether he recognizes the knife, and if he answers that he does, then he may be asked where he saw it and what was done with it. A question may be leading even though it includes the prefatory phrase, "Did you or did you not—?"

(*b*) *Exceptions.* To abridge the proceedings, the witness may be led at once to points upon which he is to testify. The general rule is therefore not applicable to that part of the examination of a witness which is purely introductory. For example, in a desertion case the policeman who supposedly apprehended the accused may be asked whether he saw the accused at a time and place mentioned in the question.

When a witness appears to be hostile to the party calling him, or is manifestly unwilling to give evidence, the court may, in its discretion, permit the party calling him to use leading questions. In this connection, see 153*b* (Impeachment of witnesses).

When it appears that a witness has made an erroneous statement through a mere slip of the tongue, his attention may be directed to the matter by a leading question in order to afford him an opportunity to correct the statement if he so desires.

When, from the nature of the case, the mind of the witness cannot be directed to the subject of the inquiry without a particular specification of it, a leading question may be asked for that purpose. Thus, if a witness testifies that he heard the accused make a certain statement on a certain occasion in the hearing of certain other persons and such persons are called to contradict the witness, each of them may be asked whether he heard the accused make the statement on that occasion.

In other cases the court, in its discretion, may allow liberal departures from the rule, as when a witness is obviously embarrassed and timid through fear of strange surroundings or for other reasons, or when the witness, because of his age or mental infirmity, is laboring under obvious difficulties in directing his mind toward the subject matter of the inquiry. However, the court must always be careful, in departing from the rule, not to allow a witness an opportunity to shape his testimony as he thinks the questioner desires. The court must also be careful, in departing from the rule, not to allow a witness an opportunity to shape his testimony to conform to the testimony of other witnesses from suggestions he may gather during the examination.

A witness who does not recollect, or is not certain about, a particular matter concerning which he is called upon to testify may be permitted, on his direct or

other examination, to refresh his present recollection (and then to testify therefrom) or to state that certain data represent his past recollection as to such matter. In order that he may properly refresh his present recollection or testify concerning his past recollection, data or events having a tendency to aid him in this respect may be brought to his attention and he may be questioned as to the effect of such data or events on his memory. See 146*a* (Memoranda).

(2) *Ambiguous and misleading questions.* A question which is ambiguous or misleading should never be permitted either on direct or cross-examination. Such a question is unfair to the witness, who may thereby be led into making an unintentional misstatement. Moreover his answer may give a wrong impression to the court. Included in ambiguous or misleading questions are those embodying two or more separate elements or questions. Thus the question "Did you see the accused leave the quarters with a bundle under his arm?" really contains four questions. Under certain circumstances the affirmative or negative answer of the witness might be intended to apply to only one of the four questions involved and might be understood by the court to apply to all of them. Also included are questions which assume a fact to which the witness has not previously testified. Thus the question "When you saw the accused was anyone with him?" would be improper unless the witness has previously testified that he had seen the accused.

(3) *Other objectionable questions.* Questions should not be asked for the purpose of suggesting matters known not to exist or that the rules of evidence clearly make inadmissible. See also 150 (Degrading and incriminating questions).

150. DEGRADING AND INCRIMINATING QUESTIONS—*a. Compulsory self-degradation.* Under Article 31*c* no person may be compelled to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him. The privilege against compulsory self-degradation applies only to matters not material to the issue, whereas the privilege against compulsory self-incrimination covers all matters whatsoever. Whenever a witness refuses to answer a question on the ground that the answer thereto would not be material to the issue and might tend to degrade him, the court shall determine whether the question does or does not call for an answer material to the issue, and, if the court rules that it does or that the answer could not tend to degrade the witness, the witness may be required to answer the question. A question calls for an answer material to the issue when the answer might be expected to have some bearing upon any subject of inquiry legitimately before the court, including the credibility of witnesses.

b. Compulsory self-incrimination. The fifth amendment to the Constitution of the United States provides that in a criminal case no person shall be compelled "to be a witness against himself." The principle embodied in this provision applies to trials by courts-martial. It is not limited to the person on trial but extends to any person who may be called as a witness. Also, Article 31*a* provides that no person subject to the code shall compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

If a witness states that the answer to a question might tend to incriminate him, he will not be required to answer the question unless it clearly appears to the court that no answer he might make to the question could have that effect or unless the witness has waived the privilege against self-incrimination.

Although an answer to a question apparently would incriminate or tend to incriminate a witness, he may be required to answer if, because of grant of immunity, former trial, the running of the statute of limitations, or some other reason, he can successfully object to being tried for the offense as to which the privilege is asserted.

The privilege of a witness to refuse to respond to a question the answer to which may tend to incriminate him is a personal one which the witness may exercise or waive as he may see fit. Such a question is not subject to objection by counsel or by the court, although the court should advise an apparently uninformed witness of his right to decline to make any answer which might tend to incriminate him. A witness who answers a question without having asserted the privilege and thereby admits a self-incriminating fact may be required to make a full disclosure, however self-incriminating, of the matter to which that fact relates, for to this extent he has waived the privilege by making the answer. See also with respect to waiving this privilege, 149*b* (1) (Cross-examination of an accused).

The prohibition against compelling a person to give evidence against himself relates only to the use of compulsion in obtaining from him a verbal or other communication in which he expresses his knowledge of a matter and does not forbid compelling him to exhibit his body or other physical characteristics as evidence when such evidence is material. Consequently, it is not a violation of the prohibition to order a person (including an accused) to expose his body for examination by the court or by a physician who will later testify as to the result of his examination. Upon refusal to obey the order, the person's clothing may be removed by force. Also, the prohibition is not violated by requiring a person (including an accused) to try on clothing or shoes, to place his feet in tracks, to make a sample of his handwriting, to utter words for the purpose of voice identification, or to submit to having fingerprints or a sample of his blood taken.

151. PRIVILEGED AND NONPRIVILEGED COMMUNICATIONS—*a. General.* A privileged communication is a communication made as an incident of a confidential relation which it is the public policy to protect. Since public policy is involved, the court, of its own motion, should refuse to receive evidence of such a communication unless it appears that the privilege has been waived by the person or government entitled to the benefit of it, or unless the evidence emanates from a person or source not bound by the privilege.

b. Certain privileged communications—(1) *State secrets and police secrets.* Communications made by informants to public officers engaged in the discovery of crime are privileged. The deliberations of courts and of grand or petit juries are privileged, but the results of their deliberations are not privileged. Diplomatic correspondence is privileged and, in general, so are all oral and written official communications the disclosure of which would, in the opinion of the head of the executive or military department or independent governmental agency concerned, be detrimental to the public interest.

The privilege that extends to communications made by informants to public officers engaged in the discovery of crime may be waived by appropriate governmental authorities. This privilege does not warrant the exclusion from evidence of statements of informants which are inconsistent with, or might otherwise be used to impeach, their testimony as witnesses. See 153*b* (Impeachment of witnesses).

(2) *Communications between husband and wife, client and attorney, and penitent and clergyman.* Among the communications to which a privilege attaches are certain communications between husband and wife, client and attorney, and penitent and clergyman. Confidential communications between husband and wife, made while they were husband and wife and not living in separation under a judicial decree, are privileged. See also 148*e* (Interest or bias). Communications between a client and his attorney (or the agent of the attorney) are privileged when made while the relation of client and attorney existed and in connection with the matter for which the attorney was engaged, unless such communications clearly contemplate the commission of a crime—for instance, perjury or subornation of perjury. Military or civilian counsel detailed, assigned, or otherwise engaged to defend or represent an accused before a court-martial or upon review of its proceedings, or during the course of an investigation of a charge, are attorneys, and the accused is a client, with respect to the client and attorney privilege. Also privileged are communications between a person subject to military law and a chaplain, priest, or clergyman of any denomination made in the relationship of penitent and chaplain, priest, or clergyman, either as a formal act of religion or concerning a matter of conscience. The person entitled to the benefit of the privilege pertaining to confidential communications between husband and wife is the spouse who made the communication; the person entitled to the benefit of the client and attorney privilege is the client; and the person entitled to the benefit of the penitent and clergyman privilege is the penitent.

The general rule is that the court should neither require nor permit any such privileged communication to be disclosed unless the person who is entitled to the benefit of the privilege consents to the disclosure of the communication or

otherwise waives the privilege. To this general rule there are several exceptions, among them being the following:

The privilege pertaining to confidential communications between husband and wife will not prevent the court from allowing or requiring such a communication to be disclosed at the request of a spouse who is an accused, even though he or she is the person to whom the communication was made and the spouse who made it objects to its disclosure.

The purpose of the privilege extended to communications between husband and wife, client and attorney, and penitent and clergyman, which grows out of a recognition of the public advantage that accrues from encouraging free communication in such circumstances, is not disregarded by allowing or requiring an outside party who overhears or sees such a privileged communication, whether by accident or design, to testify concerning it, nor is the purpose of the privilege disregarded by the reception in evidence of a writing containing such a communication which was obtained by an outside party either by accident or design. But see 152. However, this exception to the general rule does not apply if the outside party who overheard or saw the privileged communication, or who obtained the writing containing it, did so, in the case of a communication between husband and wife, with the connivance of the spouse to whom the communication was made, or, in the case of a communication between client and attorney, with the connivance of the attorney, or, in the case of a communication between penitent and clergyman, with the connivance of the clergyman. With respect to disclosing or conniving to disclose communications which are subject to the client and attorney privilege, the attorney's agent, such as his interpreter, clerk, stenographer, or other associate, is not an outside party and occupies the same position as does his principal. Also, with respect to disclosing or conniving to disclose communications which are subject to the penitent and clergyman privilege, the clergyman's agent, such as his interpreter or assistant, is not an outside party and occupies the same position as does his principal.

(3) *Confidential and secret evidence.* The Inspectors General of the various armed forces, and their assistants, are confidential agents of the Secretaries of the military or executive departments concerned, or of the military commander on whose staff they may be serving. Their investigations are privileged unless a different procedure is prescribed by the authority ordering the investigation. Reports of such investigations and their accompanying testimony and exhibits are likewise privileged, and there is no authority of law or practice requiring that copies thereof be furnished to any person other than the authority ordering the investigation or superior authority. However, when application is made to the authority ordering the investigation for permission to use in a trial by court-martial certain testimony, or an exhibit, accompanying a report of investigation, which testimony or exhibit has become material in the trial (to show an inconsistent statement of a witness, for example), he should ordinarily approve such application unless the testimony or exhibit requested contains a state secret or unless in the exercise of a sound discretion he is of the opinion that it would be contrary to public policy to divulge the information desired.

In certain cases, it may become necessary to introduce evidence of a highly confidential or secret nature, as when an accused is on trial for having unlawfully communicated information of such a nature to persons not entitled thereto. In a case of this type, the court should take adequate precautions to insure that no greater dissemination of such evidence occurs than the necessities of the trial require. The courtroom should be cleared of spectators while such evidence is being received or commented upon, and all persons whose duties require them to remain should be warned that they are not to communicate such confidential or secret information. But see 33*f* as to cases which, because of the security risks involved, should not be brought to trial.

c. Certain nonprivileged communications—(1) *Communications by wire or radio.* Communications are not privileged because transmitted by wire or radio, and the information concerning them that comes to the knowledge of operators, either military or civilian, of any such means of transmission is likewise not privileged by reason of the means of transmission used. Wire or radio operators, military and civilian, may be ordered or subpoenaed to testify before a court-martial as to wire or radio communications, and telegrams and radiograms may be brought before a court-martial by the usual process. But see 151*b* and 152.

(2) *Communications to medical officers and civilian physicians.* It is the duty of medical officers to attend sick members of the armed forces, to make periodical physical examinations as required by regulations and to examine persons for enlistment, and medical officers may be specially directed to observe, examine, or attend a member of the armed forces. Such observation, examination, or attendance would be official and the information thereby acquired would be official. Although the ethics of the medical profession forbid medical officers and civilian physicians to disclose without authority information acquired when acting in a professional capacity, no privilege attaches to such information or to statements made to them by patients.

152. CERTAIN ILLEGALLY OBTAINED EVIDENCE. Evidence is inadmissible against the accused if it was obtained as a result of an unlawful search of his property conducted or instigated by persons acting under authority of the United States, or if it was obtained under such circumstances that the provisions of Section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U. S. C. 605), pertaining to the unauthorized divulgence of communications by wire or radio, would prohibit its use against the accused were he being tried in a United States district court. All evidence obtained through information supplied by such illegally obtained evidence is likewise inadmissible. For example, evidence obtained by a lawful search is inadmissible if that search was conducted because of information derived from a preceding unlawful search of the kind mentioned above. Military courts have no authority to order a return to the accused of illegally seized property, or to impound such property for the purpose of suppressing its possible use as evidence, or to entertain a motion for the return or impounding of property alleged to have been illegally seized. Consequently, an objection to the use of evidence on the ground that it was illegally obtained, or on the ground that it was obtained through information supplied by illegally obtained evidence, is properly made at the time the prosecution attempts to introduce the evidence. Before the court rules upon such an objection, the accused should be given an opportunity to show the circumstances under which the evidence was obtained. The following searches are among those which are lawful:

A search conducted in accordance with the authority granted by a lawful search warrant.

A search of an individual's person, of the clothing he is wearing, and of the property in his immediate possession or control, conducted as an incident of lawfully apprehending him.

A search under circumstances demanding immediate action to prevent the removal or disposal of property believed on reasonable grounds to be criminal goods.

A search made with the freely given consent of the owner in possession of the property searched.

A search of property which is owned or controlled by the United States and is under the control of an armed force, or of property which is located within a military installation or in a foreign country or in occupied territory and is owned, used, or occupied by persons subject to military law or to the law of war, which search has been authorized by a commanding officer (including an officer in charge) having jurisdiction over the place where the property is situated or, if the property is in a foreign country or in occupied territory, over personnel subject to military law or to the law of war in the place where the property is situated. The commanding officer may delegate the general authority to order searches to persons of his command. This example of authorized searches is not intended to preclude the legality of searches made by military personnel in the areas outlined above when made in accordance with military custom.

153. CREDIBILITY OF WITNESSES; IMPEACHMENT OF WITNESSES—*a. Credibility of witnesses.* The credibility of a witness is his worthiness of belief and may be determined by the acuteness of his powers of observation, the accuracy and retentiveness of his memory, his general manner in giving evidence, his relation to the matter in issue, his appearance and deportment, his friendships and prejudices, and his character as to truth and veracity, by comparison of his testimony with other statements made by him and with the testi-

mony of others, and by other evidence bearing upon his veracity. See in this connection 149*b* (1) (Cross-examination).

The court may ordinarily draw its own conclusions as to the credibility of a witness and attach such weight to his evidence as his credibility may warrant. However, there are cases in which the court would be justified in attaching no weight at all to the testimony of a witness, or in which the court would not be warranted in accepting certain testimony as sufficient to establish the guilt of an accused. For example, a conviction cannot be sustained solely on the self-contradictory testimony of a particular witness, even though motive to commit the offense is shown, if the contradiction is not adequately explained by the witness in his testimony. Also a conviction cannot be based upon the uncorroborated testimony of an alleged victim in a trial for a sexual offense, or upon the uncorroborated testimony of a purported accomplice in any case, if such testimony is self-contradictory, uncertain, or improbable. The uncorroborated testimony of an accomplice, even though apparently credible, is of doubtful integrity and is to be considered with great caution.

In general, a person gains no corroboration merely because he repeats a statement a number of times. Hence, a witness ordinarily may not be corroborated by showing that he made statements consistent with his testimony. But this is only a general rule, and there are some situations in which such statements, having a real evidential value, are admissible. If the testimony of a witness has been attacked on the ground that it was due to an influence created by a matter which came into existence after the happening of the event to which such testimony relates, evidence of his statements or conduct, consistent with his testimony, made or occurring before the creation of that influence should ordinarily be received. For example, if a witness is impeached on the ground of bias due to a quarrel with the accused, the fact that before the date of the quarrel he made an assertion similar to his present testimony tends to show that his present testimony is not due to bias. If his impeachment is sought on the ground of collusion or corruption, consistent statements made prior to the imputed or admitted collusion or corruption may have such evidential value as to make them admissible, and if his testimony is attacked on the ground that he made an inconsistent statement or on the ground that such testimony was a fabrication of recent date, evidence that he had made a consistent statement before there was a motive to misrepresent, and before any imputed or admitted inconsistent statement, may be received.

If a witness testifies as to the identity of the accused as the person who committed, or did not commit, the offense in question, such testimony may be corroborated, even though the credibility of the witness has not been directly attacked, by showing that the witness made a similar identification with respect to the accused on a previous occasion. In such a case the identifying witness himself and any person who has observed the previous identification may testify concerning it. See as to corroboration of the victim in sexual offenses, 142*c* (Fresh complaint). See also 139*b* (Illustrations of hearsay rule).

b. Impeachment of witnesses—(1) *General.* See 149*b* (1) (Cross-examination). Impeachment signifies the process of attempting to diminish credibility. The credibility of any witness, including an accused who has become a witness, may be attacked.

The general rule is that a party is not permitted to impeach his own witness; that is, deliberately to attempt to discredit him. Inconsistencies which incidentally develop between witnesses for the same side are not such prohibited impeachments. The general rule is subject to a few exceptions. If a party is compelled to call a witness whom the law or the circumstances of the case make indispensable, or if a witness proves unexpectedly hostile to the party calling him, the party is permitted to impeach the witness. In the latter case it must first appear that the party calling the witness has been surprised by hostile evidence given by the witness. If surprise is the only reason for permitting a party to impeach his own witness, the party may directly attack the credibility of the witness only by proof of inconsistent statements and may not, for instance, show that the witness has a bad character as to truth and veracity or that the witness has been convicted of crime. The surprise which will allow a party to impeach his own witness must be actual, not feigned, surprise. The party must have had an honest belief that the witness would testify as expected. The fact that he was advised by a person other than the witness that the witness would testify in a certain manner is no basis for a claim of surprise when the witness fails to do so. However, in this respect, the party may rely upon statements purportedly made by the witness in the course of an official investigation as set forth in a summary of the expected testimony of the witness or in other documents.

Witnesses for the court are not witnesses for the prosecution or defense and may be impeached by either side.

(2) *Various grounds — (a) General lack of veracity.* For the purpose of impeachment it may be shown that a witness has a bad character as to truth and veracity. After impeaching evidence of this kind is received, or after it is shown that the witness has been convicted of a crime affecting his credibility or, in a proper case, that the witness has an unchaste character (see below, Conviction of crime), proof that the witness has a good character as to truth and veracity may be introduced in rebuttal. A witness who gives competent testimony concerning the character (or reputation) of the person in question as to truth and veracity may be asked whether he would believe the person on oath. See 138*f* (1) as to ways of proving character.

(*b*) *Conviction of crime.* A witness may be impeached by showing that he has been convicted by a civil or military court of a crime which involves moral turpitude or is such as otherwise to affect his credibility. Proof of such conviction may be made by the original or an admissible copy of the record thereof, or by an admissible copy of the order promulgating the result of trial. Before introducing such proof, the witness may first be questioned with reference to the conviction sought to be shown. If the witness admits the conviction, other proof is unnecessary. The limitations upon the introduction of evidence of previous convictions set forth in 75*b* (2) do not apply to impeachment proceedings.

It is generally not permissible to impeach a witness upon the ground that he has committed a crime affecting his credibility by adducing—by means other than cross-examination of the witness—evidence not amounting to proof of conviction of the crime. However, in a prosecution for rape, or for any other sexual offense in which lack of consent is an element, any evidence, otherwise competent, tending to show the unchaste character of the alleged victim is admissible on the issue of the probability of her having consented to the act charged (whether or not she has testified as a witness) and on the question of her credibility, without proof of conviction of any crime involved. For this purpose, evidence of her lewd repute, habits, ways of life, or associations, and of her specific acts of illicit sexual intercourse or other lascivious acts with the accused or others, is material. Evidence of this kind is generally admissible whether the circumstances to which it refers existed before or after the commission of the alleged offense, but the court may refuse to receive such evidence if in the exercise of a sound discretion it determines that the evidence would be so remote with respect to the matter intended to be shown thereby as to be irrelevant. Thus upon cross-examination of the victim in a rape case, it would be proper for the court to exclude a question calling for her testimony as to whether, within an unspecified period of time before the alleged rape, she had participated in illicit sexual intercourse. On the other hand, it would be improper to prohibit an attempt, upon her cross-examination or otherwise, to show that she was engaged in the business of prostitution at or about the time of the alleged rape. For the purpose of impeaching the credibility of the alleged victim, evidence that the victim has an unchaste character is admissible, under the above conditions, in a prosecution for any sexual offense, such as carnal knowledge, even though consent is not an element of the offense. Evidence that the alleged victim of a sexual offense has a good character as to chastity is admissible for the purpose of showing the probability of lack of consent, when lack of consent is material, or to rebut the implications arising from contrary evidence.

For the purpose of impeachment it may be shown by cross-examination or otherwise that the witness is in custody and that his testimony was affected by fear or favor growing out of his detention.

(*c*) *Inconsistent statements.* A witness may be impeached by showing by any competent evidence that he made a statement (or engaged in other conduct) inconsistent with his testimony, but a foundation must first be laid before introducing evidence of an inconsistent statement. The foundation for the introduction of evidence of the making of an inconsistent oral statement is laid by asking the witness if he made the inconsistent statement, at the same time directing his attention to the time and place of the statement and the person or persons to whom it was made. This procedure may also be used in the case of an inconsistent written statement, and, if it is used, the writing need not be shown to the witness. If the witness admits making the inconsistent statement, no other proof that he made it is admissible. If he denies making the statement, or testifies that he does not remember whether he made it or not, or refuses to testify as to whether he made it, evidence that he did make the statement may be introduced. When the inconsistent statement is contained in a writing apparently signed or written by the witness, a sufficient foundation may be laid by showing the writing to the witness and asking him whether the signature is his or whether he was the author of the written statement. If he admits that the signature is his or that he was the author, the writing then becomes admissible in evidence. If he does not make any such admission but either of these facts is otherwise proved, the writing will then become admissible in evidence.

An oral inconsistent statement of a witness may be proved by the testimony of anyone who heard him make it, even though the statement was reduced to writing and the writing is unaccounted for. See 141 as to proving an inconsistent statement made through an interpreter.

It is to be borne in mind that proof that a witness made an inconsistent statement is generally admissible only for the purpose of impeaching him. Proof of an inconsistent statement of a witness is not admissible to establish the truth of the matters asserted in the statement unless such proof may properly be received as evidence of a voluntary confession or admission of the witness (in case he is the accused) or of some statement of the witness which is otherwise admissible as an exception to the hearsay rule, or unless the witness testifies that his inconsistent statement is true, not merely that he made it, and thus adopts the statement as part of his testimony. When proof of an inconsistent statement of a witness is admitted in evidence merely for the purpose of impeachment, the law officer (or the president of a special court-martial) should instruct the court in open session that such proof is to be considered for that purpose only and not for the purpose of establishing the truth of the matters asserted in the statement.

The fact that the inconsistent statement was made in the course of an investigation or at another trial does not cause proof of the making of the statement to be inadmissible for the purpose of impeachment. However, an accused who has testified as a witness may not be cross-examined upon, or impeached by proof of, any statement which was obtained from him in violation of Article 31 or through the use of coercion, unlawful influence, or unlawful inducement. But see the last paragraph of 140*a*.

A witness has a right to explain any apparently inconsistent statement made by him and may, if excused from the stand, be recalled for that purpose.

When a witness refuses to testify as to a certain fact (as when he relies on his right not to incriminate himself), or when a witness who gives no material testimony properly subject to impeachment testifies that he has no recollection as to such fact, it cannot be shown that at some other time he made a statement as to the fact in question. The reason for this rule is that proof of such a statement either would not impeach the testimony of the witness at all or would improperly impeach his testimony. However, when he does not refuse to testify but simply claims a failure of memory, the statement may be used in an attempt to refresh his present recollection or to establish his past recollection. See 146*a* (Memoranda) and 149*c* (1) (*b*) (Exceptions).

(*d*) *Prejudice and bias.* Prejudice, bias, friendship, former quarrels, relationship, and other matters showing a motive to misrepresent may be shown to diminish the credibility of the witness, either by the testimony of other witnesses or by cross-examination of the witness himself.

(3) *Effect of impeaching evidence.* Whether the credibility of the witness has been successfully impeached is ordinarily a question to be decided by each member of the court during his deliberation as to his vote upon the matter (if properly determined by vote) with respect to which the testimony of the witness was offered. Consequently, the law officer of a general court-martial, or the president of a special court-martial (or the majority of the members thereof), should not sustain a motion to strike from the record, or to disregard otherwise, the admissible testimony of a particular witness simply because impeaching evidence with respect to such witness or his testimony has been introduced.

154. MISCELLANEOUS MATTERS—INTENT; STIPULATIONS; OFFER OF PROOF; WAIVER OF OBJECTIONS—*a. Intent*—(1) *General.* In certain offenses, such as burglary, larceny, and certain kinds of desertion, a specific intent is necessary. In the kind of murder denounced by Article 118 (1) a premeditated design to kill must be proved. A specific intent, or a premeditated design to kill, may be established either by direct evidence, as, for example, words proved to have been used by the offender, or by circumstantial evidence, as by inference from the act itself.

Other illustrations and details as to evidence of specific intent, or of general criminal intent, in the more usual cases are included in chapter XXVIII (Punitive Articles).

(2) *Drunkenness.* A temporary loss of reason which accompanies and is part of a drunken spree and which is not the result of delirium tremens or some other mental defect, disease, or derangement is not insanity in the legal sense. It is a general rule of law that voluntary drunkenness not amounting to legal insanity, whether caused by liquor or drugs, is not an excuse for crime committed while in that condition; but such drunkenness may be considered as affecting mental capacity to entertain a specific intent, or to premeditate a design to kill, when either matter is a necessary element of the offense.

Evidence of drunkenness should be carefully scrutinized, as drunkenness is easily simulated or may have been resorted to for the purpose of stimulating the nerves to the point of committing the act.

In court-martial practice, evidence of drunkenness of the accused may be admitted on the question of the measure of punishment to be awarded in the event of conviction, even though, in the particular case, the intent of the accused is not an issue.

As to proof of drunkenness, see 138*e* (Opinion evidence) and 191 (Drunk on duty).

(3) *Ignorance of fact.* Unless otherwise provided (expressly or by implication) by the law denouncing the offense in question, ignorance or mistake of fact will exempt a person from criminal responsibility if it is an honest ignorance or mistake and not the result of carelessness or fault on his part. Examples appear in chapter XXVIII (Punitive Articles).

(4) *Ignorance of law.* As a general rule, ignorance of law, or of regulations or directives of a general nature having the force of law, is not an excuse for a criminal act. However, if a special state of mind on the part of the accused, such as a specific intent, constitutes an essential element of the offense charged, an honest and reasonable mistake of law, including an honest and reasonable mistake as to the legal effect of known facts, may be shown for the purpose of indicating the absence of such a state of mind. Also, before a person can properly be held responsible for a violation of any regulation or directive of any command inferior to the Department of the Army, Navy, or Air Force, or the Headquarters of the Marine Corps or Coast Guard, or inferior to the headquarters of a Territorial, theater, or similar area command (with respect to personnel stationed or having duties within such area), it must appear that he knew of the regulation or directive, either actually or constructively. Constructive knowledge may be found to have existed when the regulation or directive was of so notorious a nature, or was so conspicuously posted or distributed, that the particular accused ought to have known of its existence.

The general rule that ignorance of law is not an excuse may be partially relaxed by courts-martial in trials for purely military offenses of persons recently enlisted. For example, a recently enlisted member of an armed force might be permitted to show that certain articles of the code had never been read to him as required by Article 137 of the code. Although such evidence would not amount to a defense, it could be regarded by the court as an extenuating circumstance.

b. Stipulation—(1) *As to facts.* The parties may make a written or oral stipulation as to the existence or nonexistence of any fact. A stipulation need not be accepted by the court and should not be accepted if any doubt exists as to the accused's understanding of what is involved. If an accused has pleaded not guilty and the plea still stands, the court should not accept a stipulation which practically amounts to a confession. A stipulation of a fact which if true would operate as a complete defense to an offense charged should not be accepted by the court. In a capital or other important case a stipulation should be closely scrutinized before acceptance. The court is not bound by a stipulation even if received. For instance, other evidence before the court may convince the court that the stipulated fact is not true. The court may permit a stipulation to be withdrawn. If so withdrawn, it is not effective for any purpose.

(2) *As to testimony and documentary evidence.* The parties may stipulate that if a certain person were present in court as a witness he would give certain testimony under oath. See in this connection 58*f* (Stipulations which warrant denial of a continuance). Such a stipulation does not admit the truth of the indicated testimony, nor does it add anything to the weight or the evidentiary nature of the testimony. Stipulated testimony may be attacked or contradicted or explained in the same way as though the witness had actually so testified in person. The principles as to acceptance and withdrawal of stipulations as to facts apply here, but the court may be more liberal in accepting stipulations as to testimony.

Subject to the above observations as to stipulations of testimony, stipulations may be made as to the contents of a document.

c. Offer of proof. Whenever the court refuses to hear certain testimony offered in behalf of the accused, or to receive certain evidence of any kind offered in his behalf, the defense counsel may make a concise statement setting forth the substance of the expected testimony or other excluded evidence. The statement and any documentary evidence referred to therein will be included in the record of trial for the purpose of aiding reviewing and appellate authorities in arriving at their determination as to whether the action of the court in excluding the evidence in question was proper. No such statement shall be considered by the court as proof of the matters therein contained. See also 57*g*.

d. Waiver of objections. The prosecution or the defense may in open court either orally or in writing waive an objection to the admissibility of offered evidence. Such a waiver adds nothing to the weight of the evidence nor to the credibility of its source. The court in its discretion may refuse to accept, and may permit the withdrawal of, any such waiver. There is no prescribed form for making a waiver. Thus, if it clearly appears that the defense or prosecution understood its right to object, any clear indication on its part that it did not desire to assert that right may be regarded as a waiver of the objection. However, a waiver of an objection does not operate as a consent if consent is required, and a mere failure to object does not amount to a waiver except as otherwise stated or indicated in this manual.

Chapter XXVIII—Punitive Articles

155. SYNOPSIS OF CHAPTER. In this synopsis the references on the left are to paragraphs; those on the right are to pages.

Par.
156. Article 77: Principals.
157. Article 78: Accessory after the fact.
158. Article 79: Lesser included offenses.
159. Article 80: Attempts.
160. Article 81: Conspiracy.
161. Article 82: Solicitation.
162. Article 83: Fraudulent enlistment, appointment, or separation.
163. Article 84: Effecting unlawful enlistment, appointment, or separation.
164. Article 85:
a. Desertion.
b. Attempting to desert.
165. Article 86: Absence without leave.
166. Article 87: Missing movement.
167. Article 88: Contempt towards officials.
168. Article 89: Disrespect towards a superior officer.
169. Article 90:
a. Striking or assaulting superior officer.
b. Disobeying superior officer.
170. Article 91:
a. General discussion; insubordinate conduct toward noncommissioned officer.
b. Assaulting a warrant officer, noncommissioned officer, or petty officer.
c. Disobeying a warrant officer, noncommissioned officer, or petty officer.
d. Treating with contempt or being disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer.
171. Article 92:
a. Violation or failure to obey a lawful general order or regulation.
b. Failure to obey other lawful order.
c. Dereliction in the performance of duties.
172. Article 93: Cruelty and maltreatment.
173. Article 94:
a. Mutiny.
b. Sedition.
c. Failure to prevent or suppress a mutiny or sedition.
d. Failure to report a mutiny or sedition.
e. Attempted mutiny.
174. Article 95:
a. Resisting apprehension.
b. Breach of arrest.
c. Escape from confinement.
d. Escape from custody.
175. Article 96:
a. Releasing a prisoner without proper authority.
b. Suffering a prisoner to escape through neglect.
c. Suffering a prisoner to escape through design.
176. Article 97: Unlawful detention of another.
177. Article 98:
a. Unnecessary delay in disposing of case.
b. Knowingly and intentionally failing to enforce or comply with the provisions of the code.
178. Article 99:
a. Running away before the enemy.
b. Shamefully abandoning, surrendering, or delivering up.
c. Endangering the safety of a command, unit, place, or military property through disobedience, neglect, or intentional misconduct.
d. Casting away arms or ammunition.
e. Cowardly conduct.
f. Quitting place of duty to plunder or pillage.
g. Causing false alarms.
h. Willfully failing to do utmost to encounter, engage, capture, or destroy enemy troops, combatants, vessels, aircraft, or any other thing.
i. Not affording all practicable relief and assistance.
179. Article 100:
a. Subordinate compelling or attempting to compel commander to surrender or abandon place, property, or command.
b. Striking the colors or flag.
180. Article 101:
a. Disclosing the parole or countersign to one not entitled to receive it.
b. Giving a parole or countersign different from that authorized.
181. Article 102: Forcing a safeguard.
182. Article 103:
a. Failing to secure captured enemy property.
b. Failing to report and turn over captured or abandoned property.
c. Dealing in captured or abandoned property.
d. Engaging in looting or pillaging.
183. Article 104:
a. Aiding or attempting to aid the enemy.
b. Harboring or protecting the enemy.
c. Giving intelligence to the enemy.
d. Communicating, corresponding, or holding intercourse with the enemy.
184. Article 105:
a. Acting without authority to the detriment of another for the purpose of securing favorable treatment.
b. Maltreating prisoners while in a position of authority.
185. Article 106: Spies.
186. Article 107: False official statements.
187. Article 108:
a. Selling or otherwise disposing of military property.
b. Willfully or through neglect damaging, destroying, or losing military property.
c. Suffering the loss, damage, destruction, sale, or wrongful disposition of military property.
188. Article 109:
a. Wasting or spoiling property other than military property of the United States.
b. Willfully and wrongfully destroying or damaging other than military property of the United States.
189. Article 110: Improper hazarding of vessel.
190. Article 111: Drunken or reckless driving.
191. Article 112: Drunk on duty.
192. Article 113: Misbehavior of sentinel or lookout.
193. Article 114:
a. Fighting a duel.
b. Promoting, being concerned in or conniving at fighting a duel, or failing to report knowledge of a challenge.
194. Article 115: Malingering.
195. Article 116:
a. Riot.
b. Breach of the peace.
196. Article 117: Provoking speeches or gestures.
197. Article 118: Murder.
198. Article 119:
a. Voluntary manslaughter.
b. Involuntary manslaughter.
199. Article 120:
a. Rape.
b. Carnal knowledge.
200. Article 121:
a. Larceny.
b. Wrongful appropriation.
201. Article 122: Robbery.
202. Article 123: Forgery.
203. Article 124: Maiming.
204. Article 125: Sodomy.
205. Article 126:
a. Aggravated arson.
b. Simple arson.
206. Article 127: Extortion.

Par.
207. Article 128:
a. Assault.
b. Aggravated assault.
208. Article 129: Burglary.
209. Article 130: Housebreaking.
210. Article 131: Perjury.
211. Article 132:
a. Making a false or fraudulent claim.
b. Presenting for approval or payment a false or fraudulent claim.
c. Making or using a false writing or other paper in connection with claims.
d. False oath in connection with claims.
e. Forgery of signature in connection with claims.
f. Delivering less than amount called for by receipt.
g. Making or delivering receipt without having full knowledge that it is true.
212. Article 133: Conduct unbecoming an officer and a gentleman.
213. Article 134:
a. Disorders and neglects to the prejudice of good order and discipline in the armed forces.
b. Conduct of a nature to bring discredit upon the armed forces.
c. Crimes and offenses not capital.
d Various types of offenses under Article 134.

156. ARTICLE 77—PRINCIPALS.

Discussion. To constitute one an aider and abettor under this article, and hence liable as a principal, mere presence at the scene is not enough; there must be an intent to aid or encourage the persons who commit the crime. The aider and abettor must share the criminal intent or purpose of the perpetrator. If there is a concert of purpose to do a given criminal act, and such act is done by one of the parties, all probable results that could be expected from the act are chargeable to all parties concerned; but in order to make one liable as a principal in such a case, the offense committed must be one embraced by the common venture or an offense likely to result as a natural or probable consequence of the offense directly intended.

An accused, without intent to kill and without active participation in a homicide, is a principal guilty of a murder committed by those with whom he voluntarily associated himself in the execution of an unlawful design so desperate that it ordinarily involves a hazard to life. Moreover, an accused who plans a burglary which is actually carried out by his associates is a principal in the burglary, and, if his associates shoot and kill the home owner in the course of the burglary, the planner is a principal in the murder as well.

While merely witnessing a crime without intervention does not make a person a party to its commission, if he had a duty to interfere and his noninterference was designed by him to operate and did operate as an encouragement to or protection of the perpetrator, he is a principal. Thus a sentinel or a guard charged with the duty of preventing the removal of government property who stands passively by while such property is taken in or from his presence by persons known to him to be thieves, is guilty of larceny of such property, for he is duty bound to prevent offenses against the property he is protecting, and his inaction in the presence of the perpetrators constitutes assent to, and concurrence in, the larceny.

One who counsels, commands, or procures another to commit an offense subsequently perpetrated in consequence of such counsel, command, or procuring is a principal whether he is present or absent at the commission of the offense. If such offense is effected, although by different means from those counseled, commanded, or procured, as for instance if A hires B to poison C and instead of poisoning him, B shoots C, A is nevertheless guilty of the homicide. Likewise, one who causes an act to be done which if directly performed by him would be punishable by the code is a principal. When the act is done, such principals are also chargeable with all results that could have been expected to flow as a probable consequence from the act counseled, commanded, procured, or caused to be done.

The person who executes the command of a principal may himself be innocent of any offense, as when a soldier at the command of a superior shoots a man who appears to the soldier to be one of the enemy, but who is known to the superior to be a friend.

For the proper manner of charging a person liable as a principal under this article, see appendix 6.

Proof. See essential elements under the particular offense alleged.

157. ARTICLE 78—ACCESSORY AFTER THE FACT.

Discussion. Any person subject to the code who knows that an offense punishable by the code has been committed and who thereafter receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment is an accessory after the fact. Thus a person becomes an accessory after the fact to the escape of a prisoner if, knowing that a prisoner has escaped from confinement, he thereafter voluntarily provides such prisoner with transportation, clothing, money, or other necessaries to enable the prisoner to avoid his pursuers.

The assistance given a principal by an accessory after the fact is not limited to assistance designed to effect the personal escape or concealment of the principal, but includes those acts which are performed to conceal the commission of the offense by the principal. Thus a person is an accessory after the fact if, knowing that a crime has been committed, he assists and aids in concealing or suppressing evidence thereof. However, mere failure to report a known offense will not constitute one an accessory after the fact.

Proof. (*a*) That an offense punishable by the code was committed; (*b*) that the accused received, comforted, or assisted the offender for the purpose of hindering or preventing his apprehension, trial, or punishment; and (*c*) that the accused knew, actually or constructively, that the person so received, comforted, or assisted was the offender.

It is not necessary to prove the conviction or arrest of a principal in order to prove that the offense, as to which the accused is allegedly an accessory after the fact, has been committed. Furthermore, evidence of conviction of the principal (such as a record thereof) cannot be used to establish against an alleged accessory the essential fact that the offense has been committed by the principal.

158. ARTICLE 79—LESSER INCLUDED OFFENSES.

Discussion. If the evidence adduced during a trial fails to prove an offense charged but does prove the commission of an offense necessarily included in that charged, the accused may be found guilty of such included offense. An accused may also be found guilty of an attempt to commit the offense charged or of an attempt to commit an offense necessarily included in that which was charged.

An offense found is necessarily included in an offense charged if all of the elements of the offense found are necessary elements of the offense charged. An offense is not included within an offense charged if it requires proof of any element not required in proving the offense charged or if it involves acts of which the accused was not apprised upon his arraignment. A familiar instance of an included offense is a finding of guilty of absence without leave under a charge of desertion. But one charged with desertion may not be found guilty of breaking arrest as an included offense thereunder because proof of arrest, a necessary element in proving breach of arrest, is not an element of the proof of desertion.

If the evidence fails to prove an offense charged but does prove the commission of an offense included in that charged, the court may by its findings except appropriate words and figures of the specification, and, if necessary, substitute others, finding the accused not guilty of the excepted matter but guilty of the substituted matter. For example, when a specification alleging burglary in violation of Article 129 is in the usual form and the proof at the trial shows that the act was not done in the night time, the accused may be found not guilty of burglary, but guilty of housebreaking. Such a finding may be worded as follows:

Of the Specification: Guilty, except the words "in the nighttime, burglariously break and enter," substituting therefor the words "unlawfully enter," of the excepted words, not guilty, of the substituted words, guilty.

Of the Charge: Not guilty, but guilty of a violation of Article 130.

When an included offense is found, the finding as to the charge should state a violation of the specific article violated and not a violation of Article 79. For a discussion of "Attempts," see 159.

159. ARTICLE 80—ATTEMPTS.

Discussion. An attempt to commit an offense is an act or acts done with the specific intent to commit the particular offense which, except for the interference of some cause preventing the carrying out of the intent, apparently would result in the actual commission of the offense.

To constitute an attempt there must be a specific intent to commit the particular offense accompanied by an overt act which directly tends to accomplish the unlawful purpose. The overt act must be more than mere preparation to commit the offense. Preparation consists in devising or arranging the means or measures necessary for the commis-

sion of the offense. The overt act required goes beyond preparatory steps and is a direct movement towards the commission of the offense. However, the overt act need not be the last proximate act to the consummation of the offense attempted to be perpetrated. For example, a purchase of matches with the intent to burn a haystack is not an attempt to commit arson, but it is an attempt to commit arson to apply a burning match to a haystack, even though the match may be immediately put out by the rain, blown out by the wind, or otherwise extinguished.

It is not an attempt when every act intended by the accused could be completed without committing an offense, even though the accused may at the time believe he is committing an offense. But an accused may be guilty of an attempt, even though the crime turns out to be impossible of commission because of an outside intervening circumstance or because the accused miscalculated his opportunity to commit the offense intended. For example, if A without justification or excuse, levels a gun at B with intent to kill B, and pulls the trigger, A is guilty of attempt to murder, even though, unknown to A, the gun is defective and will not fire. A pickpocket who puts his hand in the pocket of another with intent to steal his purse is guilty of an attempt to steal, even though the pocket is empty.

Soliciting another to commit an offense does not constitute an attempt.

An accused may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated. See 153 (Lesser included offenses).

An attempt to commit an offense should be charged under this article unless such attempt is specifically denounced by some other article, when it shall then be charged under that article. See Articles 85, 94, 100, 104, 128.

Proof. (*a*) That the accused did a certain act; (*b*) that the act was done with specific intent to commit a certain offense; and (*c*) that the act amounted to more than mere preparation and apparently tended to effect the commission of the intended offense.

160. ARTICLE 81—CONSPIRACY.

Discussion. To constitute the offense of conspiracy under the code, there must be a combination of two or more persons who have agreed to accomplish, by concerted action, an unlawful purpose or some purpose not in itself unlawful by unlawful means and, the doing of some act by one or more of the conspirators to effect the object of that agreement.

The agreement in a conspiracy need not be in any particular form nor manifested in any formal words. It is sufficient if the minds of the parties arrive at a common understanding to accomplish the object of the conspiracy, and this may be shown by the conduct of the parties. The agreement need not state the means by which the conspiracy is to be accomplished or what part each conspirator is to play.

The overt act of a conspiracy must be an independent act by one or more of the conspirators following the agreement and done to carry into effect the object of that agreement. This overt act need not be in itself criminal, but it must be a manifestation that the conspiracy is being executed. Thus a telephone call by a conspirator to the intended victim of a conspiracy to rob, inviting the intended victim to the scene of the intended crime, would constitute the overt act necessary to complete the offense of conspiracy. An overt act by one conspirator becomes the act of all without any new agreement specifically directed to that act and each conspirator is equally guilty although he does not participate in, nor have knowledge of, all of the details of the execution of the conspiracy.

A person may be guilty of conspiracy although incapable himself of committing the intended offense. For example, a bedridden conspirator may knowingly furnish the automobile to be used in a robbery, or a guard may conspire with prisoners to effect their escape from confinement.

A conspiracy to commit an offense is a different and distinct offense from the offense which is the object of the conspiracy, and both the conspiracy and the consummated offense which was its object may be charged and tried. Nevertheless, the commission of the intended offense may also constitute the overt act which is an element of the conspiracy to commit that offense.

One or all of the parties to a conspiracy may, before the performance of an overt act to effect the object of the conspiracy, abandon the design and withdraw from the conspiracy, but there must be some affirmative act of withdrawal. However, after the formation of the conspiracy, the withdrawal of one or more conspirators neither creates a new conspiracy nor changes the status of the remaining members.

It is not a defense that the means adopted by the conspirators to achieve their object, if apparently adapted to that end, were actually not capable of success, nor that the conspirators were not physically able to accomplish their intended object.

Title 18 U. S. C. denounces conspiracies to commit certain specific offenses which do not require an overt act. Such conspiracies should be charged under Article 134.

Proof. (*a*) That the accused and one or more persons named or described entered into an agreement; (*b*) that the object of the agreement was to commit an offense under the code; and (*c*) that one or more of the persons named or described performed an act to effect the object of the conspiracy, as alleged.

161. ARTICLE 82—SOLICITATION.

Discussion. A solicitation in violation of this article is complete when a solicitation is made or advice is given with the wrongful intent to influence another or others to commit any of the four offenses named in the article. It is not necessary that the person or persons solicited or advised act upon such solicitation or advice. If after the solicitation or advice the offense of desertion or mutiny is attempted or committed or the offense of misbehavior before the enemy or sedition is committed, the accused shall be punished with the punishment provided for the commission of the offense solicited or advised. If the offense of desertion or mutiny is not attempted or committed, or if the offense of misbehavior before the enemy or sedition is not committed, the accused shall be punished as a court-martial may direct.

Solicitation may be accomplished by other means than by word of mouth or by writing. Any act or conduct which reasonably may be construed as a serious request or advice to commit one of the offenses named in the article may constitute solicitation. It is not necessary that the accused act alone in the solicitation or in the advising; he may act through other persons in committing this offense.

Solicitation to commit offenses other than violations of the articles enumerated in this article may be charged as violations of Article 134.

Proof. (*a*) That the accused solicited or advised a certain person or persons to commit the offense, as alleged.

If the offense solicited or advised was attempted or committed, there shall be added an additional element of proof: (*b*) That the offense solicited or advised was (committed) (attempted) as the proximate result of the solicitation or advice.

As to proof of the commission or attempted commission of the offense solicited or advised, see 157 (Proof).

162. ARTICLE 83 — FRAUDULENT ENLISTMENT, APPOINTMENT, OR SEPARATION.

Discussion. A fraudulent enlistment, appointment, or separation is one procured by means of either a knowingly false representation in regard to any of the qualifications or disqualifications prescribed by law, regulation, or orders for the specific enlistment, appointment, or separation, or a deliberate concealment in regard to any such disqualification. The term enlistment includes induction or any other means of entry into service in an armed force.

The misrepresentation or concealment may be with regard to matters which, if truthfully stated or revealed, would induce an inquiry by the recruiting, appointing, or separating officer concerning the qualifications or disqualifications for enlistment, appointment, or separation, such as answers to questions as to previous service, previous applications for enlistment or appointment, or dependents.

An essential element of the offense of fraudulent enlistment or appointment is that the accused shall have received pay or allowances thereunder. Accordingly, a member of the armed forces who enlists or accepts an appointment without being regularly separated from a prior enlistment or appointment should be charged under this article only if he has received pay or allowances under the fraudulent enlistment or appointment. Acceptance of food, clothing, shelter, or transportation from the government, constitutes receipt of allowances. However, whatever is furnished the accused while in custody, confinement, arrest, or other restraint pending trial for fraudulent enlistment or appointment is not considered an allowance.

A person who procures himself to be enlisted, appointed, or separated by means of several misrepresentations and concealments as to his qualifications for the one enlistment, appointment, or separation so procured, commits but one offense under Article 83.

After apprehension, an accused who is charged with having fraudulently obtained his separation from an armed force shall be subject to this code while in the custody of the armed forces for trial upon the fraudulent separation. See Article 3*b*. As to offenses committed prior to a fraudulent separation, see 11.

Proof. (*a*) The enlistment, appointment, or separation of the accused in or from an armed force; (*b*) that the accused knowingly misrepresented or deliberately concealed a certain material fact or facts regarding his qualifications for enlistment, appointment, or separation; (*c*) that his enlistment, appointment, or separation was procured by such knowingly false representation or deliberate concealment; and, in a case of fraudulent enlistment or appointment, (*d*) that under that enlistment or appointment the accused received either pay or allowances, or both, as alleged.

The receipt of pay or allowances should be proved by direct evidence if such evidence is reasonably available, but may be proved by circumstantial evidence, such as by showing that the accused was on duty under the enlistment or appointment a sufficient time to warrant the inference that he had been fed or sheltered, or both.

If concealment of a discharge of any type is alleged, the final indorsement on the service record is competent evidence of the fact, type, and date of discharge.

To prove that the accused enlisted or accepted appointments at various times under different names, his identity as the person so enlisted may be proved, prima facie, by photostatic copies of the various enlistment or appointment and identification records with the certificate of the chief custodian of the personnel records of the appropriate armed force, or one of his assistants, that the fingerprint records accompanying the various enlistment or appointment records have been compared by a duly qualified fingerprint expert on duty as such in his office and that the fingerprints are those of one and the same person. A similar certificate executed by the custodian, or by one of his assistants, of the fingerprint records of any department, bureau, or agency of the United States shall be equally admissible. See 143*a* (Proving contents of a writing—Exceptions).

If an accused is being held under suspected fraudulent enlistment or appointment at a place where he is unknown, his fingerprints should be taken and forwarded to the chief custodian of the personnel records of the armed force concerned for identification and comparison. If it appears from records of the appropriate armed force that the individual previously had been enlisted or appointed and was not regularly separated, the appropriate chief custodian of personnel records or one of his assistants will so certify, and the certificate, with the testimony of the person who took the fingerprints (or of someone present when they were taken), may be used to establish a prima facie case of fraudulent enlistment or appointment. Obviously, fingerprints are not the only method of identification. A witness may be available who has known the accused in his several enlistments or appointments and can identify him. So also signatures on the enlistment or appointment records, tattoo marks and scars on the body, peculiarities, and deformities may be used to establish identity.

If the period of the prior enlistment has elapsed, the fact that there was no discharge from his former enlistment may be proved, prima facie, by the certificate of the chief custodian of the personnel records of the armed force concerned, or one of his assistants, that the files and records of his office contain no record of the discharge of the accused from that enlistment.

163. ARTICLE 84—EFFECTING UNLAWFUL ENLISTMENT, APPOINTMENT, OR SEPARATION.

Discussion. The accused must know or have reasonable cause to believe that the enlistment, appointment, or separation effected by him was of an individual whose enlistment, appointment, or separation was prohibited by law, regulation, or order. The term enlistment includes induction or any other means of entry into the service of an armed force.

It must be proved that the enlistment, appointment, or separation when effected was prohibited by law, regulation, or order and that the accused knew that the individual whose enlistment, appointment, or separation he effected was ineligible for such enlistment, appointment, or separation.

Proof. (*a*) That the accused effected the enlistment, appointment, or separation of the person named, as alleged; (*b*) that the person was ineligible for such enlistment, appointment, or separation because it was prohibited by law, regulation, or order; and (*c*) that the accused knew or was charged with knowledge of such facts at the time of the enlistment, appointment, or separation.

164. ARTICLE 85—DESERTION.

a. DESERTION.

Discussion. Under Article 85*a* a member of the armed forces of the United States commits desertion when he:

Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently; or

Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

Without being regularly separated from one of the armed forces, enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact that he has not been so regularly separated, or enters any foreign armed service except when authorized by the United States.

Under Article 85*b*, any officer of the armed forces who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave, and with intent to remain away therefrom permanently, is guilty of desertion.

A prisoner whose dismissal or dishonorable or bad conduct discharge has been executed, although he may be subject to military law under Article 2 (7), is not a "member of the armed forces of the United States" within the meaning of Article 85.

(1) *Absence without proper authority with intent to remain away permanently.* Both the absence without authority and the intent to remain away permanently are essential elements of the offense. The offense is complete when the person absents himself without authority from his place of service, his organization, or his place of duty with the intent to remain away therefrom permanently. It is not necessary that the person absent himself entirely from military jurisdiction and control, and the fact that such an intent is coupled with a purpose to report for duty elsewhere, or to enlist or accept an appointment in the same or another armed force, does not constitute a defense. A prompt repentance and return, while material in extenuation, is no defense; and a purpose to return, provided a particular but uncertain event happens in the future, may be considered an intent to remain away permanently. Unless, however, an intent to remain away permanently from his place of duty or service, or from his organization, exists at the inception of, or at some time during, the absence, the person cannot be a deserter guilty of desertion in violation of Article 85*a* (1), whether his purpose is to stay away a definite or an indefinite length of time. If a person while in desertion enlists or accepts an appointment in the same or another armed force and deserts while serving under that enlistment or appointment, he is amenable to trial for both desertions.

(2) *Quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service.* The "hazardous duty" or "important service" may include such service as duty in a combat or other dangerous area; embarkation for foreign duty or duty beyond the continental limits of the United States or for sea duty; movement to a port of embarkation for that purpose; entrainment for duty on the border or coast in time of war or threatened invasion or other disturbances; strike or riot duty; or employment in aid of the civil power in, for example, protecting property, or quelling or preventing disorder in times of great public disaster. Such services as drill, target practice, maneuvers, and practice marches will not ordinarily be regarded as included.

(3) *Enlisting or accepting an appointment in the same or another armed force, or entering a foreign armed service.* The term enlistment includes induction or other means of entry into the service of an armed force. If, without being regularly separated from one of the armed forces, a person enlists or accepts an appointment in the same or another armed force, his presence in the military service under such an enlistment or appointment is not in itself a

return to military control with respect to his former enlistment or appointment, although a return may be effected through his voluntary disclosure of the facts or through the discovery of the facts without his aid. When such a deserter is confined by his commanding officer as a result of information received from the headquarters of the armed force concerned, his desertion should be regarded as terminated by apprehension.

A member of an armed force who, while in a status of being absent without proper authority, enlists or accepts an appointment in the same or another armed force, or enters a foreign armed service, may be guilty of committing desertion by being absent without authority with intent to remain away permanently, the intent being evidenced by his act of enlisting, accepting the appointment, or entering the foreign armed service. In such a case, the desertion may be alleged as having occurred on the date the accused absented himself without authority.

Proof—Desertion by absence with intent to remain away permanently. (*a*) That without proper authority the accused absented himself from his place of service, organization, or place of duty; (*b*) that he intended, at the time of absenting himself or at some time during his absence, to remain away permanently from his place of service, organization, or place of duty; and (*c*) that his desertion was of a duration and was terminated, as alleged.

Desertion by quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service. (*a*) That the accused quit his unit, organization, or place of duty; (*b*) that he did so with intent to avoid hazardous duty or to shirk important service; and (*c*) that his desertion was of a duration, as alleged.

Desertion by enlisting or accepting appointment in the same or another armed force, or by entering a foreign armed service. (*a*) That the accused was a member of an armed force and had not been regularly separated therefrom; (*b*) that while in such a status he enlisted or accepted an appointment in the same or another one of the armed forces without fully disclosing the fact that he had not been so regularly separated, or entered a foreign armed service not being authorized to do so by the United States; and (*c*) that his desertion was of a duration and was terminated, as alleged.

Desertion by quitting post or duties prior to notification of acceptance of resignation. (*a*) That the accused was an officer of an armed force and had tendered his resignation; (*b*) that prior to due notice of the acceptance of his resignation, he quit his post or proper duties without leave; (*c*) that he did so with intent to remain away permanently from his post or proper duties; and (*d*) that his desertion was of a duration and was terminated, as alleged.

Absence without proper authority (Absence without leave). Absence without leave is usually proved, prima facie, by entries in the morning report in the case of the Army and Air Force and by entries in the service record or unit personnel diary in the case of the Navy, Marine Corps, and Coast Guard. But these entries, even though they refer to an accused as a "deserter," are not complete evidence of desertion; they are evidence only of the absence without proper authority and attendant facts and circumstances required to be recorded (see 144*b*), and it is still necessary to prove the other elements of the offense of desertion. Having once been shown to exist, the condition of absence without proper authority with respect to an enlistment or appointment may be presumed to have continued, in the absence of proof to the contrary, until the return of the accused to military control under that enlistment or appointment. When, without being regularly separated, a member of an armed force enlists or accepts an appointment in the same or another armed force without fully disclosing the fact that he has not been so regularly separated, or attempts either such act while in a duty status or while on pass, liberty, or leave, he by that act abandons his status of duty, pass, liberty, or leave, and from that moment becomes absent without leave with respect to the former enlistment or appointment. Similarly, a member of the armed forces absent on a short pass or liberty from his organization who is found on board a ship at sea, without authority, bound for a distant port, may be regarded as having abandoned any authority he might have for his absence and to be absent without proper authority, although he may not have gone beyond the area fixed in the pass and the pass may not have expired.

Intent in desertion by absence with intent to remain away permanently. If the condition of absence without proper authority is much prolonged and there is no satisfactory explanation of it, the court will be justified in inferring from that alone an intent to remain absent permanently. However, a plea of guilty of absence without leave to a charge of desertion is not in itself a sufficient basis for a conviction of desertion. No inference of an intent to remain absent permanently arises from any admission involved in the plea, and to warrant a conviction of desertion by absence with intent to remain away permanently evidence of a prolonged absence or of other circumstances must be introduced from which the intent to desert can be inferred. The inference may be drawn from evidence proving that the accused attempted to dispose of his uniform or other military property; that he purchased a ticket for a distant point or was arrested or surrendered at a considerable distance from his station; that while absent he was in the neighborhood of military posts or stations and did not surrender to the military authorities; that he was dissatisfied in his company or on his ship or with the military service; that he had made remarks indicating an intention to desert the service; that he was under charges or had escaped from confinement at the time he absented himself; or that just previous to absenting himself he stole money, civilian clothes, or other property that would assist him in getting away. On the other hand, evidence of previous excellent and long service, that none of the property of the accused was missing from his locker, that he was under the influence of intoxicating liquor or drugs when he absented himself and that he continued for some time under their influence, and similar evidence may be regarded as a basis for a contrary inference. Although the accused may testify that he intended to return, such testimony is not compelling, as the court may believe or reject the testimony of any witness in whole or in part. The fact that a person intends to report or actually reports at another station does not prevent a conviction for desertion, as that fact in connection with other circumstances may tend to establish his intention not to return to his proper place of duty. However, a person absent without leave from his place of service and without funds may report to another station for transportation back to his original place of duty, which circumstance would tend to negative the existence of an intent to desert. No general rule can be laid down as to the effect to be given to an intention to report or an actual reporting at another station.

Intent in desertion by quitting unit, organization, or place of duty with intent to avoid hazardous duty or to shirk important service. In proving a specification alleging that the accused quit his unit or organization or place of duty with the intent to avoid hazardous duty or with the intent to shirk important service, there should be evidence of facts raising a reasonable inference that the accused knew with reasonable certainty that he would be required for such hazardous duty or important service. For example, it might be shown: (*a*) That the accused was personally warned of the imminence of the duty or the service; or (*b*) that his organization, as a whole, was so warned at a formation at which the roll was called and the accused was present; or (*c*) that the period of his absence was of such duration and under such circumstances that the accused must have had reasonable cause to know that he would miss a certain hazardous duty or important service.

b. ATTEMPTING TO DESERT.

Discussion. An attempt to desert is an overt act beyond mere preparation toward accomplishing a purpose to desert. Once the attempt is made the fact that the person desists, either of his own accord or otherwise, does not cancel the offense. The offense of attempting to desert is complete, for example, if the person, intending to desert, hides himself in an empty freight car on a military reservation, intending to effect his escape by being taken away in the car. Entering the car with the intent to desert is the overt act. See the discussion of desertion. For a more detailed discussion of attempts, see 159.

Proof. (*a*) That the accused made the attempt by doing an overt act or acts; and (*b*) that the attempt was made with the intent to desert. See the comments under proof of desertion.

165. ARTICLE 86—ABSENCE WITHOUT LEAVE.

Discussion. See 164*a*. This article is designed to cover every case not elsewhere provided for in which any member of the armed forces is through his own

fault not at the place where he is required to be at a prescribed time. Specific intent is not an element of this offense and proof of the unauthorized absence alone is sufficient to establish a prima facie case. Specific intent is, however, a necessary element of the proof of certain matters in aggravation when alleged in connection with absence without leave. Thus, if it is alleged that an unauthorized absence was with intent to avoid maneuvers or field exercises, it must be proved that the accused absented himself without authority for the purpose of avoiding maneuvers or field exercises. See 154*a* (1) and 154*a* (4). The first part of this article—relating to the properly appointed place of duty—applies whether the place is appointed as a rendezvous for several or for one only. A place of duty is not appointed within the meaning of this article unless the accused has actual or constructive knowledge of the order purporting to appoint such place of duty. Thus it applies in the case of a member of the armed forces failing to report for kitchen police or as a messman, and the second part of the article applies to leaving such duty after reporting.

A member of the armed forces turned over to the civil authorities upon request under Article 14 is not absent without leave while held by them under such delivery. So, also, when a member of the armed forces, being absent with leave, or absent without leave, is held, tried, and acquitted by civil authorities, his status as absent with leave, or absent without leave, is not thereby changed, however long he may be held. If a member of the armed forces is convicted by the civil authorities, the fact that he was arrested, held, and tried does not excuse any unauthorized absence. The status of absence without leave is not changed by an inability to return through sickness, lack of transportation facilities, or other disabilities. But the fact that all or part of a period of unauthorized absence was in a sense enforced or involuntary should be given due weight when considering the type of court to which the case should be referred, or, in the event of conviction, the punishment to be imposed. Where, however, a man on authorized leave is unable to return at the expiration thereof through no fault of his own, he has not committed the offense of absence without leave, there being an excuse for the absence in such a case.

A prisoner whose dismissal, dishonorable, or bad conduct discharge has been executed is no longer a member of the armed forces within the meaning of Article 86. Accordingly, such a prisoner may not be charged with absence without leave under Article 86 but should, if the facts warrant, be charged with escape from confinement under Article 95, or an offense under Article 134. Until actual execution of the dishonorable or bad conduct discharge the prisoner is subject to Article 86, even though the dishonorable or bad conduct discharge may have been ordered executed.

Proof—If the accused fails to go to or goes from his appointed place of duty. (*a*) That a certain authority appointed a certain time and place for a certain duty by the accused, as alleged; and (*b*) that, without proper authority, the accused failed to go to the appointed place of duty at the time prescribed, or, having so reported, went from that place.

If the accused is charged with absenting himself without proper leave. (*a*) That the accused absented himself for a certain period from his unit, organization, or other place of duty at which he was required to be, as alleged; and (*b*) that such absence was without proper authority from anyone competent to give him leave.

If the accused is charged with absenting himself without proper leave from his guard, watch, or duty section with intent to abandon the same. (*a*) That the accused absented himself from his guard, watch, or duty section, as alleged; (*b*) that the absence of the accused was without proper authority; and (*c*) facts and circumstances indicating that the accused intended to abandon his guard, watch, or duty section.

If the accused is charged with absenting himself without proper authority with intent to avoid maneuvers or field exercises. (*a*) That the accused absented himself for a certain period from his unit, organization, or place of duty at which he was required to be; (*b*) that the absence of the accused was without proper authority; (*c*) that the accused knew or had good cause to know that such absence would occur during a part of a period of maneuvers or field exercises; and (*d*) facts and circumstances indicating that the accused intended to avoid all or part of a period of maneuvers or field exercises.

In connection with proof of absence without leave, see 143 (Documentary Evidence) and 164*a* (Discussion of absence without leave as an element of desertion).

166. ARTICLE 87—MISSING MOVEMENT.

Discussion. Article 87 denounces "Missing Movement" as the offense committed by any person subject to the code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required to move in the course of duty.

The word "movement" as used in Article 87 does not include practice marches which are to be of short duration with a return to the point of departure contemplated, nor does it include minor changes in location of ships, aircraft, or units, as when a ship is shifted from one berth to another in the same shipyard or harbor or when a unit is moved from one barracks to another on the same post.

"Through neglect" means the omission by a person to take such measures as are appropriate under the circumstances to assure that he will be present with his ship, aircraft, or unit at the time of a scheduled movement, or his doing of some act without giving attention to its probable consequences in connection with the prospective movement, such as a departure from the vicinity of the prospective movement to such a distance as would make it likely that he could not return in time for the movement.

In order to be guilty of the offense, the accused must know, or have cause to know, of the prospective movement which he is alleged to have missed. Knowledge of the exact hour or even of the exact date of the scheduled movement is not required. It is sufficient if the approximate date is known to the accused. However, there must always be a causal connection between the conduct of the accused and the missing of the scheduled movement. Knowledge of the scheduled movement may be proved by remarks made by the accused to others or by testimony that the accused was informed, directly or indirectly, of the prospective movement. For example, proof that the accused was notified of the prospective movement may consist of evidence that he was present at a roll call, muster, or other formation at which the information was given orally. Proof of general knowledge in the accused's organization of the prospective movement of the ship, aircraft, or unit would justify the assumption by a court of the necessary knowledge on the part of the accused.

That the accused actually missed the movement may be proved by documentary evidence, as by a proper entry in a log or a morning report. This fact may also be proved by the testimony of personnel of the ship, aircraft, or unit (or by other evidence) that the movement occurred at a certain time, together with evidence that the accused was physically elsewhere at that time.

Proof. (*a*) That the accused actually missed the movement of a ship, aircraft, or unit with which he was required in the course of duty to move; and (*b*) that he missed the movement of the ship, aircraft, or unit through neglect or design.

167. ARTICLE 88—CONTEMPT TOWARDS OFFICIALS.

Discussion.—Article 88 denounces the use by any officer of the armed forces of contemptuous words against the President, Vice-President, Congress, Secretary of Defense, or a Secretary of a Department, a Governor, or a legislature of any State, Territory, or other possession of the United States in which such officer is on duty or present.

This article covers both (1) words which are contemptuous in themselves, such as abusive epithets, denunciatory or contemptuous expressions, or intemperate or malevolent comments upon official or personal acts, and (2) words which are contemptuous because of the connection in which they are used and the surrounding circumstances.

The official or groups against whom the words are used must be occupying one of the offices or be one of the groups named in Article 88 at the time of the offense. "Congress" does not include a member as an individual; "legislature" does not include its members individually; nor does "governor" include a "lieutenant governor." However, it is immaterial whether the words are used against the official in his official or private capacity.

The language must be contemptuous and must, by an act of the accused, come to the knowledge of a person other than the accused. Adverse criticism of one

of the officials or groups named in the article, in the course of a political discussion, even though emphatically expressed, if not personally contemptuous, may not be charged as a violation of the article. Similarly, expressions of opinion made in a purely private conversation should not ordinarily be made the basis for a court-martial charge. However, giving broad circulation to a written publication containing contemptuous words of the kind made punishable by this article, or the utterance of such contemptuous words in the presence of military inferiors, would constitute an aggravation of the offense.

Truth or falsity of the statements may be immaterial, since the gist of the offense is the contemptuous character of the language and the malice with which it is used.

Proof. (*a*) That the accused used certain contemptuous words against the President, or one of the other authorities mentioned in the article, as alleged; and (*b*) if the words are not in themselves contemptuous, that they were used under certain circumstances or in a certain connection giving them the character of contemptuous words, as alleged.

168. ARTICLE 89—DISRESPECT TOWARDS A SUPERIOR OFFICER.

Discussion. The disrespectful behavior contemplated by this article is such as detracts from the respect due to the authority and person of a superior officer. It may consist of acts or language, however expressed, and it is immaterial whether they refer to the superior as an officer or as a private individual.

It is not essential that the disrespectful behavior be in the presence of the superior, but in general it is considered objectionable to hold one accountable under this article for what was said or done by him in a purely private conversation.

It is not necessary that the "superior officer" be in the execution of his office at the time of the disrespectful behavior. As defined by Article 1 (6), a "superior officer" is an officer who is superior in rank or command. With respect to a person who is a member of one armed force, an officer of another armed force who is duly placed in the chain of command over such person is, within the meaning of Article 89, "*his* superior officer"; but an officer of another armed force would not be "*his* superior officer" merely because of higher rank. The officer toward whom the disrespectful behavior is directed need not, however, be in the chain of command over the accused if both are members of the same armed force and such officer is superior in rank (but not inferior in command) to the accused. Under certain circumstances a superior officer may not be senior in rank; for instance, a line officer, though inferior in rank, may be the commanding officer, and thus the superior, of a staff officer in the organization such as a medical officer.

Disrespect by words may be conveyed by opprobrious epithets or other contemptuous or denunciatory language. Disrespect by acts may be exhibited in a variety of modes—as neglecting the customary salute, by a marked disdain, indifference, insolence, impertinence, undue familiarity, or other rudeness in the presence of the superior officer.

If the accused did not know that the person against whom the acts or words were directed was his superior officer, such lack of knowledge is a defense.

Proof. (*a*) That the accused did or omitted to do certain acts or used certain language to or concerning a certain officer, as alleged; (*b*) that the behavior involved in such acts, omissions, or words was under certain circumstances, or in a certain connection, or with a certain meaning, as alleged; and (c) that the officer toward whom the acts, omissions, or words were directed was the superior officer of the accused.

169. ARTICLE 90—ASSAULTING OR WILLFULLY DISOBEYING OFFICER.

a. STRIKING OR ASSAULTING SUPERIOR OFFICER.

Discussion. By "superior officer" is meant not only the commanding officer of the accused, whatever may be the relative rank of the two, but any other commissioned officer of rank or command superior to that of the accused. The phrase "his superior officer" in Article 90 has the same meaning as it does in Article 89. See 168. That the accused did not know the officer to be his superior is available as a defense.

The word "strikes" means an intentional blow with anything by which a blow can be given.

The phrase "draws or lifts up any weapon against" covers any simple assault committed in the manner stated. The drawing of any weapon in an aggressive manner or the raising or brandishing of the same in a threatening manner in the presence of the superior, and at him, is the sort of act contemplated. The raising in a threatening manner of a firearm, whether or not loaded, or of a club, or of any implement or thing by which a serious blow could be given, is within the description "lifts up."

The phrase "offers any violence against him" comprises any form of battery or of mere assault not embraced in the preceding more specific terms "strikes" and "draws or lifts up." If not executed, the violence must be physically attempted or menaced. A mere threatening in words is not an offering of violence in the sense of this article.

An officer is in the execution of his office when engaged in any act or service required or authorized to be done by him by statute, regulation, the order of a superior, or military usage. In general, any striking or use of violence against any superior officer by a person subject to military law, over whom it is the duty of that superior officer to maintain discipline at the time, would be striking or using violence against him in the execution of his office. The commanding officer on board a ship or the commanding officer of a unit in the field is generally considered to be on duty at all times. See 191.

A discharged prisoner or other civilian subject to military law (see Art. 2) and under the command of an officer is subject to the provisions of this article.

In a prosecution for striking or assaulting a superior officer in violation of this article, an accused may establish a defense by proof that the striking or other act of violence was done in legitimate self-defense or in the discharge of some duty such as is enjoined by Article 94.

Proof. (*a*) That the accused struck a certain officer, or drew or lifted up a weapon against him, or offered violence against him, as alleged; (*b*) that the officer was the superior officer of the accused at the time; and (c) that the superior officer was in the execution of his office at the time.

b. DISOBEYING SUPERIOR OFFICER.

Discussion. The willful disobedience contemplated is such as shows an intentional defiance of authority, as when an enlisted person is given a lawful command by an officer to do or cease doing a particular thing at once and refuses or deliberately omits to do what is ordered. A neglect to comply with an order through heedlessness, remissions, or forgetfulness is an offense chargeable under Article 92. If the order to a person is to be executed in the future, a statement by him to the effect that he intends to disobey it is not an offense under Article 90, although carrying out that intention may be. See 168 as to the meaning of the phrase "his superior officer."

The order must relate to military duty and be one which the superior officer is authorized under the circumstances to give the accused. Disobedience of an order which has for its sole object the attainment of some private end, or which is given for the sole purpose of increasing the penalty for an offense which it is expected the accused may commit, is not punishable under this article.

A person cannot be convicted under this article if the order was illegal; but an order requiring the performance of a military duty or act is presumed to be lawful and is disobeyed at the peril of the subordinate. Acts involved in the disobedience of an illegal order might under some circumstances be charged as insubordination under Article 134.

That obedience to a command involved a violation of the religious scruples of the accused is not a defense.

The order must be directed to the subordinate personally. Failure to comply with the general or standing orders of a command, or with the regulations of an armed force, is not an offense under this article, but under Article 92; a nonperformance by a subordinate of any mere routine duty is a violation of Article 92 or Article 134 as the case may be, and not of this article.

As long as it is understandable, the form of an order is immaterial, as is the method by which it is transmitted to the accused, but the communication must amount to an order, and the accused must know that it is from his superior officer, that is, a commissioned officer who is authorized to give the order whether he is superior in rank to the accused or not.

Proof. (*a*) That the accused received a certain command from a certain officer, as alleged; (*b*) that such officer was the superior officer of the accused; and (*c*) that the accused willfully disobeyed the command.

A command of a superior officer is presumed to be a lawful command.

170. ARTICLE 91—INSUBORDINATE CONDUCT TOWARDS NONCOMMISSIONED OFFICER.

a. GENERALLY.

Discussion. Article 91 has the same general objects with respect to warrant officers, noncommissioned officers, and petty officers as Articles 89 and 90 have with respect to commissioned officers, namely, to insure obedience to their lawful orders, and to protect them from violence, insult, or disrespect. The offenses denounced by this article are those committed by a subordinate in his relations to one senior to him. For example, a warrant officer would not be guilty under Article 91 for disobeying the order of a noncommissioned officer or a petty officer, but, if a warrant officer were to fail to obey the lawful order of an armed force policeman of lower grade in the execution of his duty, such warrant officer would be guilty of an offense under Article 92. An assault by a prisoner whose separation from the service has been accomplished, or by any other civilian subject to military law, upon a warrant officer, a noncommissioned officer, or petty officer should be charged under Article 134.

That the accused did not know that the person assaulted was his superior is a defense to a violation of this article. Such lack of knowledge is not a defense, however, as to an included offense which does not depend upon seniority.

The terms "willfully disobeys," "lawful," and "in the execution of his office" are used in the same sense as in Article 90; and the term "order" is used in the same sense as "command" in Article 90.

b. ASSAULTING A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER.

Discussion. See 170*a*. For the definition of assault, see 207*a*.

Proof. (*a*) That the accused enlisted person or warrant officer struck or assaulted a certain warrant officer, noncommissioned officer, or petty officer as alleged; and (*b*) that such violence was done while the warrant officer, noncommissioned officer, or petty officer was in the execution of his office.

c. DISOBEYING A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER.

Discussion. See discussion under 170*a*. The article does not include an acting noncommissioned officer or acting petty officer, nor does it include a military policeman or member of the shore patrol who is not in fact a warrant officer, noncommissioned officer, or petty officer.

Proof. (*a*) That the accused enlisted person or warrant officer received a certain order from a certain warrant officer, noncommissioned officer, or petty officer, as alleged; and (*b*) that the accused willfully disobeyed the order.

An order from a warrant officer, noncommissioned officer, or petty officer in the execution of his office is presumed to be a lawful order.

d. TREATING WITH CONTEMPT OR BEING DISRESPECTFUL IN LANGUAGE OR DEPORTMENT TOWARD A WARRANT OFFICER, NONCOMMISSIONED OFFICER, OR PETTY OFFICER.

Discussion. The word "toward" read in connection with the phrase "while such officer is in the execution of his office" limits the application of this part of the article to behavior and language within the sight or hearing of the warrant officer, noncommissioned officer, or petty officer concerned.

Proof. (*a*) That the accused did or omitted to do acts, or used language, under certain circumstances, or in a manner, or with an intended meaning, as alleged; (*b*) that such behavior or language was used toward and within the sight or hearing of a certain warrant officer, noncommissioned officer, or petty officer; and (c) that the warrant officer, noncommissioned officer, or petty officer was in the execution of his office at the time.

171. ARTICLE 92—FAILURE TO OBEY ORDER OR REGULATION.

a. VIOLATION OR FAILURE TO OBEY A LAWFUL GENERAL ORDER OR REGULATION.

Discussion. A general order or regulation is lawful if it is not contrary to or forbidden by the Constitution, the provisions of an act of Congress or the lawful order of a superior. A general order or regulation is one which is promulgated by the authority of a Secretary of a Department and which applies generally to an armed force, or one promulgated by a commander which applies generally to his command. See 154*a*(4) (Ignorance of law) as to the necessity of proving actual or constructive knowledge of general orders or regulations in certain cases.

Proof. (*a*) That there was a certain general order or regulation; and (*b*) that the accused violated or failed to obey the order or regulation.

A general order or regulation is presumed to be lawful.

b. FAILURE TO OBEY OTHER LAWFUL ORDER.

Discussion. This section contemplates all other lawful orders which may be issued by a member of the armed forces, violations of which are not chargeable under Article 90 or Article 91. In order to be guilty of this offense, a person must have had a duty to obey the order and must have had knowledge of the order. Such knowledge may be actual or constructive. Knowledge is "actual" when it is conveyed directly to the accused. It is "constructive" when it is shown that the order was so published that the accused would in the ordinary course of events, or by the exercise of ordinary care, have secured knowledge of the order. Disobedience of the lawful order of one not a superior is chargeable under this article, provided the accused had a duty to obey such order. Examples of orders which a person might have a duty to obey, even though issued by one not a superior, are lawful orders of a sentinel or of members of the armed forces police.

Proof. (*a*) That a certain lawful order was issued by a member of the armed forces; (*b*) that the accused had knowledge of the order; (c) that it was the duty of the accused to obey the order; and (*d*) that the accused failed to obey the order.

The particular order, or specific portion thereof, the accused is charged with having violated should be set forth in the specification in order that the accused may be fully apprised of the offense he is alleged to have committed.

c. DERELICTION IN THE PERFORMANCE OF DUTIES.

Discussion. A duty may be imposed by regulation, lawful order, or custom of the service. A person is derelict in the performance of his duties when he willfully or negligently fails to perform them, or when he performs them in a culpably inefficient manner. When the failure is with full knowledge of the duty and an intention not to perform it, the omission is willful. When the nonperformance is the result of a lack of ordinary care, the omission is negligent. Culpable inefficiency is inefficiency for which there is no reasonable or just excuse. Thus, if it appears that the accused had the ability and opportunity to perform his duties efficiently, but performed them inefficiently nevertheless, he may be found guilty of this offense. However, an accused may not be charged under this article, or punished otherwise, if his failure in the performance of his duties is caused by ineptitude rather than by willfulness, negligence, or culpable inefficiency. For example, a recruit who has earnestly applied himself during rifle training and throughout record firing may not be punished because he fails to qualify with the weapon; nor may a sergeant who, however inefficient, has made an honest effort to maintain direction, be punished for becoming lost with his squad on a maneuver; nor may an artillery battery commander who has zealously applied himself to the instruction of his battery in firing be punished because his battery fails to achieve a satisfactory score in a firing test.

Proof. (*a*) That the accused had certain prescribed duties; and (*b*) that he was derelict in the performance of those duties.

172. ARTICLE 93—CRUELTY AND MALTREATMENT.

Discussion. Article 93 provides for the punishment of any person subject to the code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders.

"Any person subject to his orders" means not only those persons under the direct or immediate command of the accused, but extends to all persons who by reason of some duty are required to obey the lawful orders of the accused, whether he is in the direct chain of command over such person or not.

The cruelty, oppression, or maltreatment must be real, although not necessarily physical. To assault and to subject to improper punishment are examples of this offense.

The imposition of necessary or proper duties and the exaction of their performance will not constitute this offense even though such duties are arduous or hazardous or both.

Proof. (*a*) That a certain person was subject to the orders of the accused; and (*b*) that the accused was cruel toward, or oppressed, or maltreated such person, as alleged.

173. ARTICLE 94—MUTINY AND SEDITION.

a. MUTINY.

Discussion. Except when the mutiny is committed by creating violence or disturbance, mutiny imports collective insubordination which necessarily includes

some combination of two or more persons in resisting lawful military authority. Such concert of insubordination need not be preconceived nor is it necessary that the act of insubordination be active or violent. It may consist simply in a persistent and concerted refusal or omission to obey orders, or to do duty, with an insubordinate intent, that is, with an intent to usurp or override lawful military authority. The intent may be declared in words, inferred from acts done, or inferred from surrounding circumstances.

Proof. (*a*) That the accused created violence or a disturbance, or that he refused, in concert with another person or persons, to obey orders or otherwise do his duty; and (*b*) that he did so with intent to usurp or override lawful military authority.

b. SEDITION.

Discussion. Sedition is the creating, in concert with another or others, of revolt, violence, or other disturbance against lawful civil authority, with intent to cause the overthrow or destruction of such authority. It differs from mutiny in that it implies a resistance to civil power, as distinguished from military power.

Proof. (*a*) That in concert with another person or persons the accused created revolt, violence or disturbance against lawful civil authority; and (*b*) that he did so with intent to cause the overthrow or destruction of such authority.

c. FAILURE TO PREVENT OR SUPPRESS A MUTINY OR SEDITION.

Discussion. This section of the article requires that persons subject to the code do their "utmost" to prevent and suppress acts of mutiny or sedition being committed in their presence. The word "utmost" imports taking those measures to prevent or suppress a mutiny or sedition which may properly be called for by the circumstances of the situation, having in mind the rank and responsibilities or the employment of the individual concerned. When extreme measures are necessary under the circumstances, the use of a dangerous weapon and the taking of life are required; but the use of more force than is reasonably necessary is an offense. See 198 (Manslaughter).

Proof. (*a*) The commission of an offense of mutiny or sedition in the presence of the accused; and (*b*) acts or omissions of the accused which constitute a failure to do his utmost to prevent and suppress the mutiny or sedition.

d. FAILURE TO REPORT A MUTINY OR SEDITION.

Discussion. A failure to take "all reasonable means" to inform includes a failure to take the most expeditious means available. When the circumstances known to the accused are such as would have caused a reasonable man in the same or similar circumstances to believe that a mutiny or sedition was taking place, these circumstances will be sufficient to charge the accused with such "reason to believe" as will render him culpable under this article. A failure to report an impending mutiny or sedition is not an offense in violation of Article 94, but it may be an offense in violation of Article 134.

Proof. (*a*) That an offense of mutiny or sedition occurred; (*b*) that the accused knew or had reason to believe that the offense was taking place; and (*c*) that he failed to take all reasonable means to inform his superior or commanding officer of the offense.

e. ATTEMPTED MUTINY.

Discussion. See 159 (Attempts). An individual may harbor an intent to mutiny and may commit some overt act tending to accomplish that purpose and so be guilty of an attempted mutiny, whether or not a mutiny actually followed.

Proof. (*a*) A specific intent on the part of the accused to mutiny; and (*b*) an act or acts of the accused which proximately tended to accomplish the mutiny.

174. ARTICLE 95—ARREST AND CONFINEMENT.

a. RESISTING APPREHENSION.

Discussion. Resisting apprehension consists of an active resistance to the restraint attempted to be imposed by the person apprehending. Such resistance may be accomplished by flight or by assaulting or striking the person attempting to apprehend. Mere words of remonstrance, argument or abuse, and attempts to escape from custody after the apprehension is complete, will not constitute the offense of resisting apprehension although they may constitute other offenses.

A person cannot be convicted of a violation of this article if the attempted apprehension was in fact illegal. If the accused had no reason to believe that the person attempting to apprehend him was empowered to do so, such fact may be interposed as a defense. See Articles 7 and 8 as to the authority of certain persons to apprehend.

Proof. (*a*) That one lawfully authorized to do so attempted to apprehend the accused; and (*b*) that the accused resisted the apprehension, as alleged.

b. BREACH OF ARREST.

Discussion. Arrest officially imposed is presumed to be legal. The distinction between arrest and custody or confinement lies in the difference between the kinds of restraint imposed. In arrest the restraint is moral restraint imposed by orders fixing the limits of arrest (18*a*; 20*a*). Custody and confinement import some physical restraint (18*a*; 20*c*).

The offense of breach of arrest is committed when the person in arrest infringes the limits set by orders, and the intention or motive that actuated him is immaterial to the issue of guilt, although proof of inadvertence or bona fide mistake is admissible in extenuation. Innocence of the offense with respect to which an arrest or confinement may have been imposed is not a defense. A person cannot be convicted of a violation of this article if the arrest, custody, or confinement was in fact illegal. However, the circumstances of a breach of an illegal restraint may subject the person breaking such restraint to a prosecution under some other article. For example, if a prisoner in making an escape assaults a sentinel, the fact that the confinement was illegal would not be a defense to a prosecution for the assault. It is immaterial whether the breach of arrest or escape from confinement took place before or after trial, acquittal, or sentence. A violation of a restraint on liberty other than arrest, custody or confinement, as an administrative restriction imposed in the interests of training, discipline, or medical quarantine, or the restraint imposed in lieu of arrest (20*b*) on a prisoner paroled to work within certain limits, should be charged under Article 134. For authority to release from arrest, see 22.

Proof. (*a*) That the accused was duly placed in arrest; and (*b*) that before he was set at liberty by proper authority he transgressed the limits of his arrest.

c. ESCAPE FROM CONFINEMENT.

Discussion. See 174*b*. Confinement officially imposed is presumed to be legal. An escape may be either with or without force or artifice, and either with or without the consent of the custodian. Any completed casting off of the restraint of confinement, before being set at liberty by proper authority, is an escape from confinement, and lack of effectiveness of the physical restraint imposed is immaterial to the issue of guilt. An escape is not complete until the prisoner has, momentarily, at least, freed himself from the restraint of his confinement; so, if the movement toward escape is opposed, or before it is completed an immediate pursuit follows, there will be no escape until opposition is overcome or pursuit is shaken off. In cases in which the escape is not completed the offense should be charged as an attempt under Article 80.

Proof. (*a*) That the accused was duly placed in confinement; and (*b*) that he freed himself from the restraint of his confinement before he had been set at liberty by proper authority.

d. ESCAPE FROM CUSTODY.

Discussion. See 174*b*. Custody officially imposed is presumed to be legal. Custody is that restraint of free locomotion which is imposed by lawful apprehension. The restraint may be corporeal and forcible or, once there has been a submission to apprehension or a forcible taking into custody, it may consist of control exercised in the presence of the prisoner by official acts or orders.

Proof. (*a*) That the accused was duly apprehended by one lawfully authorized to do so; and (*b*) that he freed himself from custody before he had been set at liberty by proper authority.

175. ARTICLE 96 — RELEASING PRISONER WITHOUT PROPER AUTHORITY.

a. RELEASING A PRISONER WITHOUT PROPER AUTHORITY.

Discussion. The words "any prisoner" include a civilian or military prisoner.

While a provost marshal, commander of a guard, or master-at-arms must receive a prisoner properly committed by any officer, the power of the committing officer ceases as soon as he has committed the prisoner, and he is not, as such committing officer, a "proper authority" to order a release. Normally, the lowest authority competent to order release is the commanding officer of the

command of which the prison, stockade, brig, retraining command, or guard holding the prisoner, is a part. See 22.

An officer may receive in his charge a prisoner not committed in strict compliance with the terms of Article 11 (*a*) or other law, and a prisoner having been so received has been "duly committed."

The release of a prisoner is a removal of restraint by the custodian rather than by the prisoner. Circumstances which justify charges against the custodian for release of a prisoner without proper authority will not justify charges against the prisoner for escape from confinement. However, the offense of escape from confinement and that of suffering a prisoner to escape through neglect, or through design, may arise out of the same occurrence.

Proof. (*a*) That a certain prisoner was duly committed to the charge of the accused; and (*b*) that the accused released him without proper authority.

b. SUFFERING A PRISONER TO ESCAPE THROUGH NEGLECT.

Discussion. See 175*a*. The word "neglect" is here used in the same sense as the word "negligence."

Negligence is a relative term. It is defined in law as the absence of due care. The legal standard of care is that which would have been taken by a reasonably prudent man in the same or similar circumstances. This test applies the standard required of persons acting in the capacity in which the accused was acting. Thus, if the accused is an officer, the test will be, "how would a reasonably prudent officer have acted?" If the circumstances would have indicated to a reasonably prudent officer that a very high order of care was required to prevent escape, then the accused must be held to a very high order of care.

A prisoner cannot be said to have escaped until he has overcome the opposition that restrained him and shaken off immediate pursuit. If he escapes, the fact that he returns, is taken in a fresh pursuit, is killed, or dies is not a defense to a charge of having suffered him to escape through neglect.

Proof. (*a*) That a certain prisoner was duly committed to the charge of the accused; (*b*) that the prisoner escaped; (*c*) that the accused did not take such care to prevent escape as a reasonably prudent person, acting in the capacity in which the accused was acting, would have taken in the same or similar circumstances; and (*d*) that the escape was the proximate result of the neglect of the accused.

c. SUFFERING A PRISONER TO ESCAPE THROUGH DESIGN.

Discussion. See 175*a* and *b*. In law, a wrongful act is designed when it is intended or when it results from conduct so shockingly and grossly devoid of care as to leave room for no reasonable inference but that the escape was contemplated as a probable result of the course of conduct followed.

It sometimes happens that a prisoner has been permitted larger limits than should have been allowed, and an escape is consummated without hindrance. It does not follow that such an escape is necessarily to be considered as designed. The conduct of the responsible custodian is to be examined in the light of all the circumstances of the case, the gravity of the crime with which the prisoner is charged, the probability of his return, and the intention and motives of the custodian.

Proof. (*a*) That a certain prisoner was duly committed to the charge of the accused; (*b*) a design of the accused to suffer the escape of that prisoner; and (*c*) that the prisoner escaped as a result of the carrying out of the design of the accused.

176. ARTICLE 97—UNLAWFUL DETENTION OF ANOTHER.

Discussion. Any person subject to the code who, except as provided by law, apprehends, arrests, or confines any person is guilty of unlawful detention under Article 97.

Any unlawful restraint of another's freedom of locomotion will result in a violation of this article. The offense may be committed by one who, being duly authorized to apprehend, arrest, or confine others, exercises such authority unlawfully, or by one not so authorized who effects the restraint of another unlawfully. The restraint may be in a guardhouse or a brig, in a house, or in a public street. There need be no actual force exercised in imposing the apprehension, arrest, or confinement. The apprehension, arrest, or confinement must be against the will of the person restrained.

A reasonable belief by the person imposing it, that the restraint was lawful, is a defense.

For persons authorized to apprehend, arrest, or confine, see 19 and 21.

Proof. (*a*) That the accused apprehended, arrested, or confined a certain person, as alleged; and (*b*) that the accused was not authorized by law to do so.

177. ARTICLE 98 — NONCOMPLIANCE WITH PROCEDURAL RULES.

a. UNNECESSARY DELAY IN DISPOSING OF CASE.

Discussion. The purpose of this section of Article 98 is to insure expedition in the disposition of cases of persons accused of offenses under the code by providing for the punishment of those responsible for unnecessary delay in the disposition of such cases. A person can be responsible for a delay in the disposition of a case only when his duties require him to act with respect thereto.

Proof. (*a*) That the accused was charged with certain duties in connection with the disposition of a case of a person accused of an offense under the code; (*b*) that delay occurred in the performance of the duties of the accused regarding the disposition of the case; and (*c*) facts and circumstances showing that the delay was unnecessary and that the accused was responsible therefor.

b. KNOWINGLY AND INTENTIONALLY FAILING TO ENFORCE OR COMPLY WITH PROVISIONS OF THE CODE.

Discussion. This section of the article is not to be construed as applying to cases of bona fide error of law or procedure made before, during, or after a trial. It is designed to punish deliberate and intentional failure to enforce or comply with the provisions of the code regulating the proceedings before, during, and after trial. See particularly Articles 31 and 37.

Proof. (*a*) That the accused knowingly and intentionally failed to enforce or comply with a certain provision of the code regulating some proceeding before, during, or after a trial, as alleged; and (*b*) that the accused had the duty of enforcing or complying with such provision of the code.

178. ARTICLE 99 — MISBEHAVIOR BEFORE THE ENEMY.

a. RUNNING AWAY BEFORE THE ENEMY.

Discussion. "The enemy" includes not merely the organized forces of the enemy in time of war, but also imports any hostile body that our forces may be opposing, such as a rebellious mob or a band of renegades. Whether a person is "before the enemy" is not a question of definite distance, but is one of tactical relation. For example, a member of an antiaircraft gun crew charged with opposing anticipated attack from the air, or a member of a unit about to move into combat may be before the enemy although miles from the enemy lines. On the other hand, an organization some distance from the front or immediate area of combat which is not a part of a tactical operation then going on or in immediate prospect is not "before or in the presence of the enemy" within the meaning of this article.

Proof. (*a*) That the accused was before or in the presence of an enemy; and (*b*) that he misbehaved himself by running away.

b. SHAMEFULLY ABANDONING, SURRENDERING, OR DELIVERING UP.

Discussion. This provision concerns primarily commanders chargeable with responsibility for defending a command, unit, place, ship, or military property. Abandonment by a subordinate would ordinarily be charged as running away.

The words "deliver up" are synonymous with "surrender."

Surrender or abandonment of a command, unit, place, ship, or military property by a person charged with its defense can be justified only by the utmost necessity or extremity. Surrender or abandonment without such absolute necessity is shameful within the meaning of this article.

Proof. (*a*) That the accused was charged by orders or by circumstances with the duty to defend a certain command, unit, place, or ship, or certain military property; (*b*) that without justification he abandoned it or surrendered it; and (*c*) that this act occurred while the accused was before or in the presence of the enemy.

c. ENDANGERING THE SAFETY OF A COMMAND, UNIT, PLACE, OR MILITARY PROPERTY THROUGH DISOBEDIENCE, NEGLECT, OR INTENTIONAL MISCONDUCT.

Discussion. Carelessness or negligence, or other conduct below the standard reasonably expected of the individual under the circumstances, constitutes "neglect" as used in the article. Intentional misconduct implies a wrongful intention and not a mere error in judgment. Under this clause may be charged any act of insubordination, neglect, or intentional misconduct committed by an officer or enlisted person before or in the presence of the enemy which endangers

the safety of any command, unit, place, or military property which it is his duty to defend.

Proof. (*a*) That it was the duty of the accused to defend a certain command, unit, ship, or place, or certain military property; (*b*) that he committed certain disobedience, neglect, or intentional misconduct, as alleged; (*c*) that thereby he endangered the safety of the command, unit, place, ship, or military property; and (*d*) that this act occurred while the accused was before or in the presence of the enemy.

d. CASTING AWAY ARMS OR AMMUNITION.

Proof. (*a*) That the accused was before or in the presence of the enemy; and (*b*) that he cast away certain arms or ammunition, as specified.

e. COWARDLY CONDUCT.

Discussion. Cowardice is misbehavior through fear. Fear is a natural feeling of apprehension when going into battle and the mere display of such apprehension would not constitute the offense, but the refusal or abandonment of a performance of duty before or in the presence of the enemy as a result of fear does constitute the offense.

Proof. (*a*) That the accused committed an act of cowardice, as alleged; and (*b*) that this act occurred while the accused was before or in the presence of the enemy.

f. QUITTING PLACE OF DUTY TO PLUNDER OR PILLAGE.

Discussion. The essence of this offense is quitting the place of duty with intent to plunder or pillage. The mere quitting with that purpose is sufficient, even though the plunder or pillage may not be consummated.

"Place of duty" includes any place of duty, whether permanent or temporary, fixed or mobile. The words "plunder or pillage" are construed as meaning to seize or appropriate public or private property unlawfully.

Proof. (*a*) That the accused while before or in the presence of the enemy quit his place of duty; and (*b*) that his intention in so quitting was to seize or appropriate public or private property unlawfully.

g. CAUSING FALSE ALARMS.

Discussion. This clause covers any spreading of false or disturbing rumors or reports, as well as the false giving of established alarm signals.

Proof. (*a*) That an alarm was caused in a certain command, unit, or place under control of the armed forces; (*b*) conduct of the accused which caused the alarm; (*c*) that the alarm was caused without any reasonable or sufficient justification or excuse; and (*d*) that this act occurred while the accused was before or in the presence of the enemy.

h. WILLFULLY FAILING TO DO UTMOST TO ENCOUNTER, ENGAGE, CAPTURE, OR DESTROY ENEMY TROOPS, COMBATANTS, VESSELS, AIRCRAFT, OR ANY OTHER THING.

Proof. (*a*) That the accused was serving before or in the presence of the enemy; (*b*) that he had a duty to encounter, engage, capture, or destroy certain enemy troops, combatants, vessels, aircraft, or a certain other thing, as alleged; and (*c*) that he willfully failed to do his utmost to perform that duty.

i. NOT AFFORDING ALL PRACTICABLE RELIEF AND ASSISTANCE.

Discussion. This offense is limited to a failure to afford relief and assistance to forces "engaged in battle." When this condition does not exist, this offense cannot be committed. "All practicable relief and assistance" is interpreted to mean all relief and assistance which should be afforded within the limitations imposed upon one by reason of his own specific task or mission. If that task or mission might not brook delay or deviation in order to afford relief and assistance to others, no offense is committed by failing to afford such relief and assistance.

Proof. (*a*) That certain troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies were engaged in battle and required relief and assistance; (*b*) that the accused was in a position and able to render relief and assistance to such troops, combatants, vessels, or aircraft; (*c*) that the accused failed to afford all practicable relief and assistance, as alleged; and (*d*) that, at the time, the accused was before or in the presence of the enemy.

179. ARTICLE 100—SUBORDINATE COMPELLING SURRENDER.

a. SUBORDINATE COMPELLING OR ATTEMPTING TO COMPEL COMMANDER TO SURRENDER OR ABANDON PLACE, PROPERTY, OR COMMAND.

Discussion.—In order to constitute an offense under this article, the surrender or abandonment must be compelled or attempted to be compelled by acts rather than words.

The offenses here contemplated are similar to a mutiny or attempted mutiny designed to bring about the surrender or abandonment. Unlike some cases of mutiny, however, concert of action is not an essential element of the offenses under this article. The offense of compelling the giving up or abandonment is not complete until the place, military property or command is abandoned or given up to the enemy. The offense of attempting to compel a surrender or abandonment does not require actual abandonment or surrender, but there must be some act done with this purpose in view, even though it may fall short of an actual accomplishment of the purpose. The words "to give it up to an enemy" are synonymous with "surrender."

Proof. (*a*) That a certain commander was in command of a certain place, vessel, aircraft, or other military property or of a body of members of the armed forces; and (*b*) acts of the accused compelling the commander to give it up to the enemy or to abandon it, or done with the intent or purpose of compelling such commander to give it up to the enemy or to abandon it.

b. STRIKING THE COLORS OR FLAG.

Discussion. To "strike the colors or flag" is to haul down the colors or flag in the face of the enemy or to make any other offer of surrender. It is a traditional wording for an act of surrender. The offense is committed by any one subject to the code who assumes to himself the authority to surrender a military force or position when he is not authorized to do so either by competent authority or by the necessities of battle. If continued battle has become fruitless and it is impossible to communicate with higher authority, these facts will constitute proper authority to surrender. The offense may be committed wherever there is sufficient contact with the enemy to give the opportunity of making an offer of surrender and it is not necessary that an engagement with the enemy be in progress.

Proof. (*a*) That there was an offer of surrender to an enemy, as alleged; (*b*) that the accused made or was responsible for the offer; and (*c*) that the accused did not have proper authority to make the offer.

It is unnecessary to prove that the offer was received by the enemy or that it was rejected or accepted. The sending of an emissary charged with making the offer of surrender is an act sufficient to prove the offer, even though the emissary does not reach the enemy.

180. ARTICLE 101—IMPROPER USE OF COUNTERSIGN.

a. DISCLOSING THE PAROLE OR COUNTERSIGN TO ONE NOT ENTITLED TO RECEIVE IT.

Discussion. A countersign is a word given from the principal headquarters of a command to aid guards and sentinels in their scrutiny of persons who apply to pass the lines. It consists of a secret challenge and a password. A parole is a word used as a check on the countersign; it is imparted only to those who are entitled to inspect guards and to commanders of guards.

The class of persons entitled to receive the countersign will expand and contract under the varying circumstances of war. Who these persons are will be determined largely, in any particular case, by the general or special orders under which the accused was acting. It is no defense under the terms of this article that the accused did not know that the person to whom he communicated the countersign or parole was not entitled to receive it. Before imparting such a word a person subject to military law must determine at his peril that the person to whom he presumes to make known the word is a person authorized to receive it.

The intent or motive that actuated the accused is immaterial to the issue of guilt, as would also be the circumstance that the imparting was negligent or inadvertent. It is likewise immaterial whether the accused had himself received the password in the regular course of duty or whether he obtained it in some other way.

Proof. (*a*) That the accused disclosed the parole or countersign to a certain person, known or unknown; and (*b*) that such person was not entitled to receive it.

b. GIVING PAROLE OR COUNTERSIGN DIFFERENT FROM THAT AUTHORIZED.

Proof. (*a*) That the accused knew he was authorized and required to give a certain parole or countersign; and (*b*) that he gave to a person entitled to receive and use such parole or countersign a different parole or countersign.

181. ARTICLE 102—FORCING A SAFEGUARD.

Discussion. A safeguard is a detachment, guard, or detail posted by a commander for the protection of persons, places, or property of the enemy, or of a neutral affected by the relationship of belligerent forces in their prosecution of war or during circumstances amounting to a state of belligerency. The term also includes a written order left by a commander with an enemy subject or posted upon enemy property for the protection of the individual or property concerned. The effect of a safeguard is to pledge the honor of the nation that the person or property shall be respected by the national armed forces.

Provided that the accused was or should have been aware of the existence of the safeguard, any trespass on the protection of the safeguard will constitute an offense under the article, whether the safeguard was imposed in time of war or in circumstances amounting to a state of belligerency short of a formal state of war.

A safeguard is not a device adopted by a belligerent to protect its own property or nationals or to insure order within its own forces, even though those forces be in a theatre of combat operations, and the posting of guards or of off-limits signs does not establish a safeguard unless the protection thereby afforded is in furtherance of an undertaking by a commander to protect enemy or neutral persons or property.

Proof. (*a*) That a safeguard had been issued or posted for the protection of a certain person or persons, place or property, as alleged; and (*b*) that, with knowledge of the safeguard, or under circumstances that charged him with notice thereof, the accused performed acts in violation of its protection, as alleged.

182. ARTICLE 103—CAPTURED OR ABANDONED PROPERTY.

a. FAILING TO SECURE CAPTURED ENEMY PROPERTY.

Discussion. Immediately upon its capture from the enemy public property becomes the property of the United States. Neither the individual who takes it nor any other person has any private right in such property. On the contrary, every person subject to military law has an immediate duty to take such steps as are within his powers and functions to secure such property to the service of the United States and to protect it from destruction or loss.

The failure to secure captured public property which is punishable by this article consists of a failure to take the steps a reasonably prudent man, acting in the capacity in which the accused was acting, would have taken in the same or similar circumstances to secure the property in question to the service of the United States.

Proof. (*a*) That certain public property was taken from the enemy; and (*b*) acts or omissions of the accused evidencing a failure by him to perform the responsibilities of a reasonably prudent man acting in his capacity to secure such property for the service of the United States.

The provisions of the article which are discussed in the following subparagraphs are broader than those discussed in *a* in that they pertain to private property as well as to public property.

b. FAILING TO REPORT AND TURN OVER CAPTURED OR ABANDONED PROPERTY.

Discussion. Reports of receipt of captured or abandoned property are to be made direct or through such channels as are required by current regulations or orders or the customs of the service. "Proper authority" is any authority competent to order disposition of the property in question.

Proof. (*a*) That certain captured or abandoned public or private property came into the possession, custody, or control of the accused; and (*b*) acts or omissions of the accused evidencing his failure to report to proper authority the receipt thereof, and his failure to turn it over as required.

c. DEALING IN CAPTURED OR ABANDONED PROPERTY.

Discussion. All persons subject to the code are forbidden to buy, sell, trade, or in any way deal in or dispose of captured or abandoned property whereby they receive or expect some profit, benefit, or other advantage to themselves or anyone directly or indirectly connected with them. The code prohibits receipt as well as disposition by barter, gift, pledge, lease, or loan. It forbids the destruction or abandonment of the property. The expectation of profit need not be founded on any specific understanding; it is enough if the prohibited act be done for the purpose or in the hope of benefit or advantage, pecuniary or otherwise.

Proof. (*a*) That the accused bought, sold, traded or otherwise dealt in or disposed of certain public or private captured or abandoned property; and (*b*) that by so doing the accused received or expected some profit, benefit, or advantage to himself or to a certain person or persons connected in a certain manner with himself, as alleged.

d. ENGAGING IN LOOTING OR PILLAGING.

Discussion. The words "looting or pillaging" means unlawfully seizing or appropriating property which is located in enemy or occupied (friendly or enemy) territory and is either left behind or is owned by, or in the custody of, the enemy or occupied state, its inhabitants, or persons who are under its protection or who, immediately before the place where the act occurred have been occupied, were under the protection of the enemy or occupied state. The unauthorized removal or appropriation of any part of the equipment of a seized or captured vessel or the unlawful seizure or appropriation of property owned by or in the custody of the officers, crew, or passengers on board a seized or captured vessel, constitutes the offense of looting or pillaging wherever the vessel may be located at the time of the offense.

Proof. (*a*) That the accused unlawfully seized or appropriated certain property; (*b*) that the property was located in enemy or occupied territory, or that it was on board a seized or captured vessel; and (*c*) that the property was left behind—or that it was owned by, or in the custody of, the enemy or occupied state or a person having a certain status with respect to the enemy or occupied state, or that it was part of the equipment of a seized or captured vessel, or was owned by, or in the custody of the officers, crew, or passengers on board a seized or captured vessel, as alleged.

183. ARTICLE 104—AIDING THE ENEMY.

This article denounces offenses by all persons whether or not otherwise subject to military law. The trial of offenders may be by court-martial or by military commission.

a. AIDING OR ATTEMPTING TO AID THE ENEMY.

Discussion. "Enemy" imports citizens as well as members of military organizations and does not restrict itself to the enemy government or its armed forces. All the citizens of one belligerent are enemies of the government and of all the citizens of the other.

It is not a violation of this article, however, to furnish to prisoners of war subsistence, quarters, and other comforts or aid to which they are lawfully entitled.

To aid the enemy as used in this article is equivalent to furnishing it with the arms, ammunition, supplies, money, or other things as denounced in the article. It is immaterial whether the articles furnished are needed by the enemy or whether the transaction is a donation or sale.

Proof. That the accused either directly or indirectly aided or attempted to aid the enemy with certain arms, ammunition, supplies, money, or other thing, as alleged.

b. HARBORING OR PROTECTING THE ENEMY.

Discussion. See 183*a*. An enemy is harbored or protected when, without proper authority, he is shielded, either physically or by use of any artifice, aid, or representation, from any injury or misfortune which in the chance of war may befall him. It must appear that the offense is knowingly committed, but circumstances sufficient to put a reasonable man on notice will be sufficient to charge the accused with notice.

Proof. (*a*) That the accused, without proper authority, harbored or protected a certain person; (*b*) that the person so protected was an enemy; and (*c*) that the accused had notice or was chargeable with notice of that fact.

c. GIVING INTELLIGENCE TO THE ENEMY.

Discussion. See 183*a*. This is a particular case of corresponding with the enemy, rendered more heinous by the fact that the communication contains intelligence that may be useful to the enemy for any of the many reasons that make information valuable to belligerents. As in the preceding case, knowledge must be proved, and it is immaterial to the issue of guilt whether the intelligence was conveyed by direct or indirect means. The word "intelligence" imports that the information conveyed is true or implies the truth, at least in part.

Proof. (*a*) That the accused, without proper authority, knowingly conveyed to the enemy certain information, as alleged; and (*b*) that the information was true or implied the truth, at least in part.

d. COMMUNICATING, CORRESPONDING, OR HOLDING INTERCOURSE WITH THE ENEMY.

Discussion. Communication, correspondence, or holding intercourse with the enemy does not necessarily import a mutual exchange of communication.

The law requires absolute nonintercourse, and any unauthorized communication, no matter what may be its tenor or intent, is here denounced. The prohibition lies against any method of intercourse or communication whatsoever, and the offense is complete the moment the communication issues from the accused, whether it reaches its destination or not. The words "directly or indirectly" apply to this offense. It is essential to prove that the offense was knowingly committed.

Citizens of neutral powers resident in or visiting invaded or occupied territory can claim no immunity from the customary laws of war relating to communication with the enemy.

Proof. (*a*) That the accused, without proper authority, communicated, corresponded, or held intercourse with a certain person; (*b*) that such person was an enemy; and (*c*) that the accused had notice or was chargeable with notice of this fact.

184. ARTICLE 105—MISCONDUCT AS PRISONER.

a. ACTING WITHOUT AUTHORITY TO THE DETRIMENT OF ANOTHER FOR THE PURPOSE OF SECURING FAVORABLE TREATMENT.

Discussion. This offense covers all unauthorized conduct by a prisoner of war in the hands of the enemy which tends to ameliorate his condition to the detriment of other prisoners. Such acts may be the reporting of plans of escape being prepared by others or the reporting of secret food caches, equipment, or arms. The acts must be related to the captors, and tend to have the probable effect of bestowing upon the accused some favor with, or advantage from, the captors. The act of the accused must be contrary to law, custom, or regulation. Escape from the enemy is regarded as authorized by custom. An escape, therefore, which results in closer confinement or other measures against fellow prisoners still in the hands of the enemy, is not an offense under this article. The act of the accused must be to the detriment of his fellow prisoners either by way of closer confinement, reduced rations, physical punishment, or other harm.

Proof. (*a*) That without proper authority the accused acted in a manner contrary to law, custom, or regulation, as alleged; (*b*) that the act was committed while the accused was in the hands of the enemy in time of war; (*c*) that the purpose of the act was to secure favorable treatment of the accused by his captors; and (*d*) that other prisoners held by the enemy suffered some detriment as the proximate result of the accused's act, as alleged.

b. MALTREATING PRISONERS WHILE IN A POSITION OF AUTHORITY.

Discussion. The source of the authority is not material. It may arise from the military rank of the accused, through designation by the captor authorities, or from voluntary election or selection by other prisoners for their self-government.

The maltreatment must be real, although not necessarily physical, and it must be without justifiable cause. Abuse of an inferior by inflammatory and derogatory words may, through mental anguish, constitute this offense. To assault, to strike, to subject to improper punishment, or to deprive of benefits would constitute a maltreatment if done without justifiable cause.

Proof. (*a*) That the accused maltreated a prisoner held by the enemy, as alleged; (*b*) that the act occurred while the accused was in the hands of the enemy in time of war; (*c*) that the accused held a position of authority over the person maltreated; and (*d*) that the act was without justifiable cause.

185. ARTICLE 106—SPIES.

Discussion. The words "any person who in time of war" bring within the jurisdiction of courts-martial and military commissions all persons of whatever nationality or status who commit the offense of lurking or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces of the United States, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere.

The principal characteristic of this offense is a clandestine dissimulation of the true object sought, which object is an endeavor to obtain information with the intention of communicating it to the hostile party. Thus members of a military organization not wearing disguise, dispatch drivers, whether members of a military organization or civilians, and persons in ships or aircraft who carry out their missions openly and who have penetrated hostile lines are not to be considered spies, for the reason that, while they may have resorted to concealment, they have practiced no dissimulation.

It is necessary to prove an intent to communicate information to the hostile party. This intent will very readily be inferred on proof of a deceptive insinuation of the accused among our forces, but this inference may be overcome by very clear evidence that the person had come within the lines for a comparatively innocent purpose, as to visit his family or to reach his own lines by assuming a disguise.

It is not essential that the accused obtain the information sought or that he communicate it. The offense is complete with the lurking or dissimulation with intent to accomplish these objects.

A spy who, after rejoining the armed force to which he belongs, is subsequently captured by the enemy incurs no responsibility for his previous acts of espionage.

A person living in occupied territory who, without dissimulation, merely reports what he sees or what he hears through agents to the enemy may be charged under Article 104 with giving intelligence to or communicating with the enemy, but he may not be charged under this article with being a spy.

Proof. (*a*) That the accused was found at a certain place within our zone of operations, acting clandestinely or under false pretenses; and (*b*) that he was obtaining, or endeavoring to obtain, information with intent to communicate it to the enemy.

186. ARTICLE 107—FALSE OFFICIAL STATEMENTS.

Discussion. Official documents and official statements include all documents and statements made in the line of duty.

The false representation must be made officially with the intent to deceive, and it must be one which the accused does not believe to be true. The relative rank of the person intended to be deceived is immaterial if that person was authorized in the execution of his office to require the statement or document from the accused. The expectation of material gain is not one of the essential elements of the offense.

Proof. (*a*) That the accused signed a certain official document or made a certain official statement, as alleged; (*b*) that the document or statement was false in certain particulars, as alleged; (*c*) that the accused knew it to be false at the time of signing or making it; and (*d*) that such false document or statement was made with the intent to deceive.

187. ARTICLE 108—MILITARY PROPERTY OF UNITED STATES—LOSS, DAMAGE, DESTRUCTION, OR WRONGFUL DISPOSITION.

a. SELLING OR OTHERWISE DISPOSING OF MILITARY PROPERTY.

Discussion. Article 108 applies to the act of any person subject to the code, and it is immaterial whether the property sold, disposed of, destroyed, lost, or damaged had been issued at all or whether the property was issued to someone other than the accused.

Proof. (*a*) That the accused sold or otherwise disposed of certain property, as alleged; (*b*) that the sale or disposition was without proper authority; (*c*) that the property was military property of the United States; and (*d*) the value of the property, as alleged.

For a discussion of proof of value, see 200*a* (Proof).

b. WILLFULLY OR THROUGH NEGLECT DAMAGING, DESTROYING, OR LOSING MILITARY PROPERTY.

Discussion. See 187*a*. A willful damage, destruction, or loss is one that is intentionally occasioned. Loss, destruction, or damage is occasioned through neglect when it is the result of a want of such attention to the nature or foreseeable consequences of an act or omission as was appropriate under the circumstances.

If it is shown by either direct or circumstantial evidence that the property was issued to the accused, it may be presumed that the damage, destruction, or loss shown, unless satisfactorily explained, was due to the neglect of the accused. The rule of this subparagraph applies only to items of individual issue.

Proof. (*a*) That, without proper authority, the accused damaged or destroyed certain property in a certain way, or lost it, as alleged; (*b*) that the property was military property of the United States; (*c*) that the damage, destruction, or loss was willfully caused by the accused in a certain manner, as alleged; or that the damage, destruction, or loss was the result of neglect on the part of the accused; and (*d*) the value of the property destroyed or lost, or the amount of damage, as alleged.

For a discussion of proof of value, see 200*a* (Proof).

c. SUFFERING THE LOSS, DAMAGE, DESTRUCTION, SALE, OR WRONGFUL DISPOSITION OF MILITARY PROPERTY.

Discussion. See 187*a*. The loss, damage, destruction, sale, or disposition may be said to be willfully suffered by one who, knowing the act to be imminent or actually going on, takes no steps to prevent it, as by a sentinel who, seeing a small and readily extinguishable fire in a stack of hay on his post, allows the hay to burn, or a member of the boat crew, who seeing a small boat tied alongside, allows the boat to be damaged or lost by chafing or striking. A suffering through neglect implies an omission to take such measures as were appropriate under the circumstances to prevent a loss, damage, destruction, sale, or wrongful disposition.

The willful or neglectful sufferance specified by the article may consist in a deliberate violation or positive disregard of some specific injunction of law, regulations, or orders; or it may be evidenced by such circumstances as a reckless or unwarranted personal use of the property, causing or allowing it to remain exposed to the weather, insecurely housed, or not guarded; permitting it to be consumed, wasted, or injured by other persons; or by loaning it to a person, known to be irresponsible, by whom it is damaged.

Proof. (*a*) That certain military property of the United States was lost, damaged, destroyed, sold, or wrongfully disposed of in the manner alleged; (*b*) that such loss, damage, destruction, sale, or disposition was suffered by the accused without proper authority, through a certain omission of duty on his part; (*c*) that such omission was willful or negligent as alleged; and (*d*) the value of the property lost, destroyed, sold, or wrongfully disposed of, or the amount of damage, as alleged.

Although there may be no direct evidence that the property in question was military property of the United States, still circumstantial evidence such as evidence that the property was of a type and kind issued for use in, or furnished and intended for, the military service of the United States, might, together with other proved circumstances, warrant the court in inferring that it was such military property.

In the case of loss, destruction, sale, or wrongful disposition, the value of the property controls the limit of punishment which may be adjudged therefor, but in the case of damage, the amount of damage instead of the value of the property damaged is controlling. As a general rule, the amount of damage is the estimated or actual cost of repair by the governmental agency normally employed in such work, or the cost of replacement, as shown by government price lists or otherwise, whichever is the lesser. For a further discussion of proof of value, see 200*a* (Proof).

188. ARTICLE 109—PROPERTY OTHER THAN MILITARY PROPERTY OF UNITED STATES—WASTE, SPOIL, OR DESTRUCTION.

a. WASTING OR SPOILING PROPERTY OTHER THAN MILITARY PROPERTY OF THE UNITED STATES.

Discussion. The terms "wastes" and "spoils" as used in this article refer to such wrongful acts of voluntary destruction of or permanent damage to real property as burning down buildings, burning piers, tearing down fences, or cutting down trees. This destruction is punishable whether done willfully, that is intentionally, or recklessly, that is through a disregard for the probably destructive results of some voluntary act.

Proof. (*a*) That the accused willfully or recklessly wasted or spoiled certain property in the manner alleged; and (*b*) the value of the property wasted or spoiled, as alleged.

For a discussion of proof of value, see 200*a* (Proof).

b. WILLFULLY AND WRONGFULLY DESTROYING OR DAMAGING OTHER THAN MILITARY PROPERTY OF THE UNITED STATES.

Discussion. To be destroyed, the property need not be completely demolished or annihilated, but need be only sufficiently injured to be useless for the purpose for which it was intended. Damage consists of any physical injury to the property. The article denounces destruction or damage to property through willful and wrongful misconduct, but a reckless disregard of property rights may be of such a high degree as to carry an implication of willfulness.

In the case of destruction, the value of the property destroyed controls the limit of punishment which may be adjudged therefor, but in the case of damage, the amount thereof instead of the value of the property damaged is so controlling. As a general rule, the amount of damage is the estimated or actual cost of repair by artisans employed in such work who are available to the community wherein the owner resides, or the replacement cost, whichever is the lesser.

Proof. (*a*) That the accused destroyed or damaged certain property, as alleged; (*b*) that such destruction or damage was willful and wrongful, and (*c*) the value of the property destroyed or the amount of damage done, as alleged.

For a discussion of proof of value, see 200*a* (Proof).

189. ARTICLE 110 — IMPROPER HAZARDING OF VESSEL.

Discussion. As used in this article, "willfully" means intentionally and "wrongfully" means contrary to law, regulation, lawful order, or custom. "Negligence" under this article means the failure to exercise the care, prudence, or attention to duties, which the interests of the Government require to be exercised by a prudent and reasonable person under the circumstances. Such negligence may consist of the omission to do something the prudent and reasonable person would have done, or the doing of something he would not have done under the circumstances. The words "to suffer" mean to allow or to permit, and a ship is willfully suffered to be hazarded by one who, although not in direct control of the vessel, knows a danger to be imminent but takes no steps to prevent it, as by a plotting officer of a ship under way who fails to report to the officer of the deck a radar target which he observes to be on a collision course with, and dangerously close to, his own ship. A suffering through neglect implies an omission to take such measures as were appropriate under the circumstances to prevent a foreseeable danger. "Hazard" means to put in danger of loss or injury; actual damage to, or loss of, a vessel of the armed forces by collision, stranding, running upon a shoal or a rock, or by any other cause, is conclusive evidence that such vessel was hazarded although not of the fact of culpability on the part of any particular person. "Stranded" means run aground so that the vessel is fast for a time. If a vessel "touches and goes," she is not stranded; if she "touches and sticks," she is. A shoal is a sand, mud, or gravel bank or bar that makes the water shallow.

No person is relieved of culpability who fails to perform duties such as are imposed upon him by the general responsibilities of his grade or rank, or by the customs of the service for the safety and protection of vessels of the armed forces, simply because such duties are not specifically enumerated in a regulation or an order. However, a mere error in judgment such as a reasonably able person might have committed under the same circumstances, will not constitute an offense under this article.

Proof. (*a*) That a vessel of the armed forces was hazarded in a certain manner, as alleged; and (*b*) that the accused, by certain acts or omissions, as alleged, willfully and wrongfully, or negligently, caused or suffered such vessel to be so hazarded.

190. ARTICLE 111—DRUNKEN OR RECKLESS DRIVING.

Discussion. Article 111 defines the offense of drunken or reckless driving as operating any vehicle while drunk, or in a reckless or wanton manner.

Operating a vehicle includes not only driving or guiding it while in motion, either in person or through the agency of another, but also the setting of its motive power in action or the manipulation of its controls so as to cause the particular vehicle to move. The term "vehicle" is not restricted to motor driven or passenger carrying vehicles nor does it describe only types of land transportation.

As to the meaning of "drunk," see 191.

The operation of a vehicle is "reckless" when it exhibits a culpable disregard of foreseeable consequences to others from the act or omission involved. Recklessness is not determined solely by reason of the happening of an injury, or the invasion of the rights of another, nor by proof alone of excessive speed or erratic operation, but all such factors may be admissible and relevant as bearing upon the ultimate question: Whether, under all the circumstances, the accused's manner of operation of the vehicle was of that heedless nature which made it ac-

tually or imminently dangerous to the occupants, or to the rights or safety of others. It is driving with such a high degree of negligence that if death were caused, the accused would have committed involuntary manslaughter, at least.

"Wanton" includes "reckless" but in describing the operation of a vehicle, may, in a proper case, connote willfulness, or a disregard of probable consequences, and thus describe a more aggravated offense (see 197*f*).

While the same course of conduct may constitute both drunken and reckless driving, the article proscribes these as separate offenses, and both offenses may be charged. However, as recklessness is a relative matter, evidence of all the surrounding circumstances which made the operation dangerous, whether alleged or not, may be competent. Thus, on a charge of reckless driving, evidence of drunkenness might be admissible as establishing one aspect of the recklessness, and evidence that the vehicle exceeded a safe speed, at a relevant prior point and time, as corroborating other evidence of the specific recklessness charged. Similarly, on a charge of drunken driving, relevant evidence of recklessness might have probative value as corroborating other proof of drunkenness.

The condition of the surface on which the vehicle is operated, the time of day or night, the traffic, and the condition of the vehicle are often matters of prime importance in the proof of an offense charged under this article, and where they are of importance, may properly be alleged.

Proof. (*a*) That the accused was operating a certain vehicle, as alleged; and (*b*) that he was drunk while operating the vehicle; or, that he operated it in a reckless or wanton manner, as alleged.

191. ARTICLE 112—DRUNK ON DUTY.

Discussion. Article 112 sets forth the offense of being found drunk on duty. The term "duty" as used in this article means military duty, but it is important to note that every duty which an officer or enlisted person may legally be required by superior authority to execute is necessarily a military duty.

Whether the drunkenness was caused by liquor or drugs is immaterial; and any intoxication which is sufficient sensibly to impair the rational and full exercise of the mental and physical faculties is drunkenness within the meaning of the article.

It is necessary that accused be found drunk while actually on the duty alleged, and the fact that he became drunk before going on duty, although material in extenuation, does not affect the question of his guilt. If, however, he does not undertake the responsibility or enter upon the duty at all, his conduct does not fall within the terms of this article, nor does that of a person who absents himself from his duty and is found drunk while so absent. Included within the article is drunkenness while on duty of an anticipatory nature such as that of an aircraft crew ordered to stand by for flight duty, or of an enlisted person ordered to stand by for guard duty.

Within the meaning of this article, when in the actual exercise of command, the commanding officer of a post, or of a command, or of a detachment in the field is constantly on duty. Also, within the meaning of this article, the commanding officer on board a ship is constantly on duty. In the case of other officers or enlisted persons the term "on duty" relates to duties of routine or detail, in garrison, at a station, or in the field, and does not relate to those periods when, no duty being required of them by orders or regulations, officers and men occupy the status of leisure known as "off duty" or "on liberty."

In a region of active hostilities, the circumstances are often such that all members of a command may properly be considered as being continuously on duty within the meaning of this article. So also, an officer of the day and members of the guard, or of the watch, are on duty during their entire tour within the meaning of this article.

Proof. (*a*) That the accused was on a certain duty, as alleged; and (*b*) that he was found drunk while on that duty.

192. ARTICLE 113—MISBEHAVIOR OF SENTINEL OR LOOKOUT.

Discussion. This article defines three kinds of misbehavior committed by sentinels or lookouts: Being found drunk or sleeping upon post, or leaving it before being regularly relieved. As to the meaning of "drunk," see 191.

A post is not limited by an imaginary line, but includes, according to orders or circumstances, such surrounding area as may be necessary for the proper performance of the duties for which the sentinel or lookout was posted. The sentinel or lookout who goes anywhere within that area for the discharge of his duties does not leave his post, but if found drunk or sleeping within the area may be convicted of a violation of this article. The offense of leaving post is not committed when a sentinel or lookout goes an immaterial distance from the point, station, area, or object which was prescribed as his post, unless he goes such a distance that his ability fully to perform the duty for which he was posted is impaired.

A sentinel or lookout is on post within the meaning of this article not only when he is at a post physically defined, as is ordinarily the case in garrison or aboard ship, but also, for example, when he may be stationed in observation against the approach of an enemy, or detailed to use any equipment designed to locate friend, foe, or possible danger, or at a designated place to maintain internal discipline, or to guard stores, or to guard prisoners while in confinement or at work.

This article does not include an officer or enlisted person of the guard, or of a ship's watch, not posted or performing the duties of a sentinel or lookout, nor does it include a person whose duties as a watchman or attendant do not require that he be constantly alert.

The fact that the sentinel or lookout is not posted in the regular way is not a defense. It is sufficient, for example, if he has taken his post in accordance with proper instruction, whether or not formally given.

Proof. (*a*) That the accused was posted or on post as a sentinel or lookout, as alleged; and (*b*) that he was found drunk while on his post, or was found sleeping while on his post, or that he left his post before being regularly relieved.

193. ARTICLE 114—DUELING.

a. FIGHTING A DUEL.

Discussion. A duel is a combat between two persons for private reasons fought with deadly weapons by prior agreement.

Proof. (*a*) That the accused fought another person for private reasons with deadly weapons; and (*b*) that the combat was by prior agreement.

b. PROMOTING, BEING CONCERNED IN, OR CONNIVING AT FIGHTING A DUEL, OR FAILING TO REPORT KNOWLEDGE OF A CHALLENGE.

Discussion. Urging or taunting another to challenge or to accept a challenge to duel, acting as a second or as carrier of a challenge or acceptance, or otherwise furthering or contributing toward the fighting of a duel are examples of promoting a duel. Anyone who has reason to believe steps are being or have been taken toward arranging or fighting a duel and who fails to notify appropriate authorities and to take other reasonable preventive action thereby connives at the fighting of a duel. Knowledge creates an obligation to act; the failure so to do constitutes a crime.

Proof. That the accused promoted, was concerned in, or connived at the fighting of a duel by taunting another to challenge, acting as a second, failing to bring knowledge possessed by him of an intended duel to the attention of the authorities, or otherwise, as alleged.

194. ARTICLE 115—MALINGERING.

Discussion. Malingering is defined in this article as feigning illness, physical disablement, mental lapse or derangement, or intentionally inflicting self-injury, for the purpose of avoiding work, duty, or service.

The essence of this offense is the design to avoid performance of any work, duty, or service which may properly or normally be expected of one in the military service. Whether to avoid all duty, or only a particular job, it is the purpose to shirk which characterizes the offense. Hence, the nature or permanency of a self-inflicted injury is not material on the question of guilt, nor is the seriousness of a physical or mental disability which is a sham. Evidence of the extent of the self-inflicted injury or feigned disability may, however, be relevant as a factor indicating the presence or absence of the purpose.

A qualified medical expert may testify concerning his opinion as to whether a purported illness of the accused was feigned (see 138*e*), and such an opinion may be regarded as evidence upon that question.

Proof. (*a*) That the accused was assigned to, or was aware of his prospective assignment to, or availability for, the performance of work, duty, or service, as alleged; (*b*) that the accused feigned illness, physical disablement, mental lapse or derangement, or intentionally inflicted injury upon himself, as alleged; and (*c*) facts and circumstances showing that his purpose in doing so was to avoid the work, duty, or service alleged.

195. ARTICLE 116—RIOT OR BREACH OF PEACE.

a. RIOT.

Discussion. The term "riot" denotes a breach of the peace committed by three or more persons in furtherance of a common purpose to execute some enterprise by concerted action against any who may oppose them. As to breach of the peace, see 195*b*.

Without such a common purpose to be effected by concerted action, the acts of a tumultuous assembly of three or more persons, even though all commit breaches of the peace, do not constitute a riot. For example, in the case of an assemblage of persons engaged in discharging cannon crackers in violation of law, it was held that each person was intent on discharging his own cannon crackers and that there was no intent among the persons so assembled mutually to assist each other.

It is not necessary that the common purpose be determined prior to assembly; it is sufficient if the assemblage actually begins to execute in a tumultuous manner a common purpose formed after it assembled.

Proof. (*a*) That the accused was a member of an assemblage of three or more persons; (*b*) that he caused or participated in a certain breach of the peace committed by the assemblage, as alleged (195*b*); (*c*) facts and circumstances showing that the breach of the peace was committed in furtherance of a common purpose to execute an enterprise by concerted action against all opposition.

b. BREACH OF THE PEACE.

Discussion. In military law, a "breach of the peace" is an unlawful disturbance of the peace by an outward demonstration of a violent or turbulent nature.

Not every type of disorder or misconduct is a breach of the peace. For example, a soldier appearing in an unclean uniform in a public place might commit an offense in violation of Article 134, but this act would not ordinarily tend to a disturbance of the peace. The acts or conduct contemplated by this article are those which disturb the public tranquility or impinge upon the peace and good order to which the community is entitled. The words "community" and "public" include within their meaning a military organization, post, camp, ship, or station.

Engaging in an affray, unlawful discharge of firearms in a public street, and the use of vile or abusive words to another in a public place are a few instances of the type of conduct which may constitute a breach of the peace. The fact that opprobrious words are true, or used under provocation, is not a defense, nor is tumultuous conduct excusable because incited by others. As to self-defense, see 197*c*, 207*a*.

Proof. (*a*) That the accused caused or participated in a certain act of a violent or turbulent nature, as alleged; and (*b*) facts and circumstances surrounding the incident which show that the peace was thereby unlawfully disturbed.

196. ARTICLE 117—PROVOKING SPEECHES OR GESTURES.

Discussion. This article makes punishable the use of provoking or reproachful words or gestures towards another person subject to the code.

As used in this article, "provoking" and "reproachful" describe those words or gestures which are used in the presence of the person to whom they are directed and which tend to induce breaches of the peace. As thus used they do not comprehend reprimands, censures, reproofs and the like which may properly be administered in the interests of training, efficiency, or discipline in the armed forces.

Proof. That the accused wrongfully used certain provoking or reproachful words or gestures towards another person subject to the code, as alleged.

197. ARTICLE 118—MURDER.

Discussion—a. General. The killing of a human being is unlawful when done without justification or excuse. The determination of whether an unlawful killing constitutes murder or a lesser offense (see 198) depends upon the circumstances under which it occurred. The offense is committed at the place of the act or omission although the victim may have died elsewhere. Whether death occurs at the time of the accused's act or omission, or at some time thereafter, it must have followed from an injury received by the victim which resulted from such act or omission.

b. Justification. A homicide committed in the proper performance of a legal duty is justifiable. Thus executing a person pursuant to a legal sentence of death, killing in suppression of a mutiny or riot, killing to prevent the escape of a prisoner if no other reasonably apparent means are adequate, killing an enemy in battle, and killing to prevent the commission of an offense attempted by force or surprise such as burglary, robbery, or aggravated arson, are cases of justifiable homicide.

The general rule is that the acts of a subordinate, done in good faith in compliance with his supposed duty or orders, are justifiable. This justification does not exist, however, when those acts are manifestly beyond the scope of his authority, or the order is such that a man of ordinary sense and understanding would know it to be illegal, or the subordinate willfully or through negligence does acts endangering the lives of innocent parties in the discharge of his duty to prevent escape or effect an arrest.

c. Excuse. A homicide which is the result of an accident or misadventure in doing a lawful act in a lawful manner, or which is done in self-defense, is excusable. Thus, if a lawful operation, performed with due care and skill, causes the death of a patient, the homicide is excusable. To excuse a person for a killing on the ground of self-defense, he must have believed on reasonable grounds that killing was necessary to save his life or the lives of those whom he might lawfully protect, or to prevent great bodily harm to himself or them. The danger must be believed on reasonable grounds to be imminent, and no necessity will exist until the person, if not in his own house or at a place where he has a duty to remain, has retreated as far as he safely can. To avail himself of the right of self-defense, the person doing the killing must not have been the aggressor or intentionally provoked the altercation; but if after provoking a fight he withdraws in good faith and his adversary follows and renews the fight, the latter becomes the aggressor.

d. Premeditation. A murder is not premeditated unless the thought of taking life was consciously conceived and the act or omission by which it was taken was intended. Premeditated murder is murder committed after the formation of a specific intent to kill someone and consideration of the act intended. It is not necessary that the intention to kill shall have been entertained for any particular or considerable length of time. When a fixed purpose to kill has been deliberately formed, it is immaterial how soon afterwards it is put into execution. Evidence that a participant in a quarrel, who was surprised by a policeman hailing him unexpectedly, turned and shot the policeman, has been held not to show premeditation. On the other hand, premeditation could be inferred if the accused shot a policeman as part of a plan to escape arrest.

e. Intent to kill or inflict great bodily harm. An unlawful killing without premeditation is also murder when the person had either an intent to kill or an intent to inflict great bodily harm. Great bodily harm refers to serious injuries; it does not include minor injuries such as a black eye or a bloody nose (see 207*b*). A person is presumed to have intended the natural and probable consequences of an act purposely done by him. Hence, if a person does an intentional act likely to result in death or great bodily injury, he may be presumed to have intended death or great bodily harm. The intent need not be directed toward the person killed nor must it exist for any particular time before commission of the act, or have previously existed at all. It is sufficient that it existed at the time of the act or omission (except if death be inflicted in the heat of a sudden passion caused by adequate provocation—see 198*a*). For example, a person perpetrating housebreaking who struck and killed the householder attempting to block his flight would be guilty of murder even if he did not see the householder until the moment before swinging his weapon at him.

f. Act inherently dangerous with wanton disregard of human life. Engaging in an act inherently dangerous to others, without any intent to cause the death of, or great bodily harm to, any particular person, or even with a wish that death may not be caused, may also constitute murder if the performance of the act shows a wanton disregard of human life. Such disregard is characterized by a heedlessness of the probable consequences of the act or omission, an indifference that death or great bodily harm may ensue. Examples might be throwing a live grenade toward another in jest, or flying an aircraft very low over a crowd to make it scatter.

g. Commission of certain offenses. A homicide committed during the perpe-

tration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson also constitutes murder, and it is immaterial that the slaying may be unintentional or even accidental. Experience has shown that the commission or attempted commission of these offenses is likely to result in homicide. The law recognizes this probability, and when an unlawful killing occurs as a consequence of the perpetration or attempted perpetration of one of these offenses, the killing is murder. The perpetration or attempted perpetration of the burglary, sodomy, rape, robbery, or aggravated arson, as the case may be, should be charged in a separate specification.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the act or omission of the accused, as alleged; and (*c*) facts and circumstances showing that the accused had a premeditated design to kill; or intended to kill or inflict great bodily harm; or was engaged in an act inherently dangerous to others, evincing a wanton disregard of human life; or was engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson.

Among the offenses which may be included in a particular charge of murder are manslaughter, negligent homicide in violation of Article 134, assault with intent to murder, and certain forms of assault.

198. ARTICLE 119—MANSLAUGHTER.

a. VOLUNTARY MANSLAUGHTER.

Discussion. An unlawful killing, although done with an intent to kill or inflict great bodily harm (see 197*e*), is not murder but voluntary manslaughter if committed in the heat of sudden passion caused by adequate provocation. The law recognizes the fact that a man may be provoked to such an extent that in the heat of sudden passion caused by such provocation, although not in necessary defense of life nor to prevent bodily harm (see 197*c*, 207*a*), he may strike a fatal blow before he has had time to control himself. While the law does not excuse the homicide because of the provocation, it does not hold him guilty of murder.

The provocation must be such as the law deems adequate to excite uncontrollable passion in the mind of a reasonable man, and the act of killing must be committed under and because of the passion. The provocation must not be sought or induced as an excuse for killing or doing harm. If, judged by the standard of a reasonable man, sufficient cooling time elapses between the provocation and the killing, it is murder, even if the passion of the particular accused persists.

Instances of adequate provocation are: Assault and battery inflicting great or grievous bodily harm, an unlawful imprisonment, and the sight by a husband or wife of an act of adultery committed by his or her spouse. If the person so assaulted or imprisoned, or the husband or wife so situated, at once kills the offender or offenders in the heat of sudden passion caused by their act, voluntary manslaughter only has been committed. Insulting or abusive words or gestures, a slight blow with the hand or fist, and trespass or other injury to property are not, standing alone, considered adequate provocation.

Among the offenses which may be included in a particular charge of voluntary manslaughter are involuntary manslaughter, negligent homicide in violation of Article 134, assault with intent to commit voluntary manslaughter, aggravated assault, assault and battery, and assault.

b. INVOLUNTARY MANSLAUGHTER.

Discussion. Involuntary manslaughter is an unlawful homicide (see 197*a*) committed without an intent to kill or inflict great bodily harm; it is an unlawful killing by culpable negligence, or while perpetrating or attempting to perpetrate an offense other than burglary, sodomy, rape, robbery, or aggravated arson, directly affecting the person.

Culpable negligence is a degree of carelessness greater than simple negligence. It is a negligent act or omission accompanied by a culpable disregard for the foreseeable consequences to others of such act or omission. Thus the basis of a charge of involuntary manslaughter may be a negligent act or omission which, when viewed in the light of human experience, might foreseeably result in the death of another, even though death would not, necessarily, be a natural and probable consequence of such act or omission.

Instances of culpable negligence are: Negligently conducting target practice so that the bullets go in the direction of an inhabited house within range; pointing a pistol in fun at another and pulling the trigger, believing, but without taking reasonable precautions to ascertain, that it would not be dangerous; carelessly leaving poisons or dangerous drugs where they may endanger life.

When there is no legal duty to act there can, of course, be no neglect. Thus when a stranger makes no effort to save a drowning man, or a person allows a mendicant to freeze or starve to death, no crime is committed.

By an offense directly affecting the person is meant one affecting some particular person as distinguished from an offense affecting society in general. Among offenses directly affecting the person are the various types of assault, battery, false imprisonment, voluntary engagement in an affray, the use of more force than is reasonably necessary in the suppression of a mutiny or riot, and maiming.

Among the offenses which may be included within a particular charge of involuntary manslaughter are negligent homicide in violation of Article 134, assault and battery, and assault.

Proof. (*a*) That the victim named or described is dead; (*b*) that his death resulted from the act or omission of the accused, as alleged; and (*c*) facts and circumstances showing that the homicide amounted in law to the degree of manslaughter alleged.

199. ARTICLE 120—RAPE AND CARNAL KNOWLEDGE.

a. RAPE.

Discussion. This article defines rape as the commission of an act of sexual intercourse by a person with a female not his wife, by force and without her consent. It may be committed on a female of any age. Force and want of consent are indispensable to the offense, but the force involved in the act of penetration will suffice if there is no consent. Any penetration, however slight, is sufficient to complete the offense (Art. 120*c*).

Mere verbal protestations and a pretense of resistance are not sufficient to show want of consent, and if a woman fails to take such measures to frustrate the execution of a man's design as she is able to take and are called for by the circumstances, the inference may be drawn that she did in fact consent. All the surrounding circumstances are to be considered in determining whether a woman gave her consent, or whether she failed or ceased to resist only because of a reasonable fear of death or grievous bodily harm.

It has been said of this offense, "It is true that rape is a most detestable crime . . .; but it must be remembered that it is an accusation easy to be made, hard to be proved, but harder to be defended by the party accused, though innocent."

If there be actual consent, although obtained by fraud, the act is not rape, but if to the accused's knowledge the woman is of unsound mind or unconscious to an extent rendering her incapable of giving consent, the act is rape. Likewise, the acquiescence of a female child of such tender years that she is incapable of understanding the nature of the act, is not consent. A woman's prior lack of chastity is not a defense, but see 153*b* (2) (*b*) as to the admissibility of evidence of her unchaste character.

Among the offenses which may be included in a particular charge of rape are assault with intent to commit rape, assault and battery, and assault.

Proof. (*a*) That the accused had sexual intercourse with a certain female not his wife; and (*b*) that the act was done by force and without her consent.

b. CARNAL KNOWLEDGE.

Discussion. Carnal knowledge is defined as the commission of an act of sexual intercourse under circumstances not amounting to rape, by a person with a female not his wife who has not attained the age of 16 years. As in rape, any penetration is sufficient to complete the offense (Art. 120*c*).

It is no defense that the accused is ignorant or misinformed as to the true age of the female, or that she was of prior unchaste character; it is the fact of the girl's age and not his knowledge or belief which fixes his criminal responsibility. Evidence of such matters should, however, be considered in determining an appropriate sentence.

An accused does not violate this article by committing an act of sexual intercourse with a female of 16 years or over. However, if the statute of a jurisdiction denounces sexual intercourse with a female under a certain age greater than 16 years, the violation of such a statute within the territorial limits of the jurisdiction by a person subject to the code may constitute conduct bringing discredit upon the armed forces in violation of Article 134.

Proof. (*a*) That the accused had sexual intercourse with a certain female not his wife; and (*b*) that she had not attained the age of 16 years.

200. ARTICLE 121—LARCENY AND WRONGFUL APPROPRIATION.

a. LARCENY.

Discussion—(1) *General.* Under the provisions of Article 121, a person is guilty of larceny if he wrongfully takes, obtains, or withholds, by any means whatever, from the possession of the true owner or of any other person any money, personal property, or article of value of any kind, with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate the same to his own use or the use of any person other than the true owner. A wrongful taking with intent permanently to deprive includes the common law offense of larceny; a wrongful obtaining with intent permanently to defraud includes the offense formerly known as obtaining by false pretense; and a wrongful withholding with intent permanently to appropriate includes the offense formerly known as embezzlement. Any of the various acts denounced as larceny by Article 121 may be charged and proved under a specification alleging that the accused stole the property in question.

Property which is taken, obtained, or withheld by severing it from real estate is within the class of property which may be the subject of larceny. Also within this class of property are writings which represent value, such as commercial paper.

(2) *Taking, obtaining, or withholding.* There must be a taking, obtaining, or withholding of the property by the thief. For instance, there is no taking if the property is connected to a building by a chain and the property has not been disconnected from the building; and property is not "obtained" by merely acquiring title thereto without exercising some possessory control over it. As a general rule, however, any movement of the property or any exercise of dominion over it by any means is sufficient if accompanied by the requisite intent. Thus, if a person entices another's horse into his own stable without touching the animal, or procures a railroad company to deliver to him another's trunk by changing the check on it, or obtains the delivery of another's goods to a person or place designated by him, or has the funds of another transferred to his own bank account, he is guilty of larceny if other elements of the offense are present. A person may "obtain" the property of another by acquiring possession without title, and one who already has possession of the property of another may "obtain" it by thereafter acquiring title thereto. A withholding may arise either as a result of a failure to return, account for or deliver property to its owner when a return, accounting, or delivery is due or as a result of devoting property to a use not authorized by its owner, and this is so even though the owner had made no demand for the property and even though initially the property had come lawfully into the hands of the person thus withholding it. The taking, obtaining, or withholding must be of specific property. A debtor does not withhold specific property from the possession of his creditor by failing or refusing to pay a debt, for, prior to payment, the relationship of debtor and creditor does not give the creditor a possessory right in any specific money or other property of the debtor.

(3) *Ownership of the property.* Article 121 requires that the taking, obtaining, or withholding be from the possession of the true owner or of any other person. Care, custody, management, and control are among the legal definitions of possession. The term "true owner" refers to the person who, at the time of the taking, obtaining, or withholding, had the superior right to possession of the property in the light of all conflicting interests therein which are involved in the particular case. For instance, an estate is the true owner of its property as against a trustee of the estate charged with larceny of such property, and an organization is the true owner of its funds as against the custodian of the funds charged with larceny thereof. By the phrase "any other person" is meant any person (even a person who himself had stolen the property) who is an owner of the property by virtue of his possession or right to possession thereof and who is other than the one who takes, obtains, or withholds the property. With respect to the matter of pleading a violation of this article, the ownership of the property may be alleged to have been in any person other than the accused who, at the time of the theft, was a general owner or a special owner thereof. A general owner of property is a person who has title to it, whether or not he has possession of it; whereas a special owner, such as a borrower or hirer, is one who does not have title but who does have possession, or the right to possession, of the property. The word "person," as used in referring to one from whose possession property has been taken, obtained, or withheld, and to any owner of property, includes (in addition to a natural person) a government, a corporation, an association, an organization, and an estate. Such a person need not be a legal entity.

(4) *Wrongfulness of the taking, obtaining, or withholding.* The taking, obtaining, or withholding of the property must be wrongful. As a general rule, a taking or withholding of property from the possession of another is wrongful if done without the consent of the other, and an obtaining of property from the possession of another is wrongful if the obtaining is by false pretense. However, such an act is not wrongful if it is authorized by law or apparently lawful superior orders, nor, subject to the following observations as to larceny by an owner, will it result in a violation of Article 121, if done by a person entitled to the possession of the property as against (or equally with) the one from whose possession the property has been taken, obtained, or withheld. An owner of property who takes or withholds it from the possession of another without the consent of the other, or who obtains it from the possession of another by false pretense, does so wrongfully, and may be guilty of larceny, if the other has a superior right to possession of the property, such as a lien, or if the act is done with intent to charge the other with the value of the property. A person who takes, obtains, or withholds property as the agent of another has the same rights and liabilities as does his principal, but he may not be charged with a guilty knowledge or intent of the principal to which he was not a party.

(5) *False pretense.* With respect to obtaining property by false pretense, the false pretense may be made by means of any act, word, symbol, or token. The pretense must be in fact false when made and when the property is obtained, and it must be knowingly false in the sense that it is made without an honest belief in its truth. A false pretense is a false representation of past or existing fact. In addition to other kinds of facts, the fact falsely represented by a person may be his power or authority to effect a certain result, his opinion, or his intention. Consequently, one who represents that he presently intends to perform a certain act in the future, but who at the time of his representation does not honestly intend to perform the act, makes a false representation of an existing fact—his intention—and thus a false pretense. For example, a person makes such a false pretense by uttering a check made by him if at the time of the uttering he did not honestly intend to have sufficient funds in the bank available to meet payment of the check upon its presentment for payment in due course.

Although the pretense need not be the sole cause inducing the owner to part with his property, it is necessary that it be an effective (and intentional) cause of the obtaining. A false representation made after the property was obtained, such as giving a check, without intending that it shall be honored, in purported payment of a debt incurred in a past purchase of property and not thereby obtaining any money, personal property, or article of value, will not result in the commission of an offense denounced by Article 121.

A larceny is committed when a person obtains the property of another by false pretense and with intent to steal, even though the owner neither intended nor was requested to part with title to the property. Thus a person who gets possession of the watch of another by pretending that he is going to use it for a short time and then return it, but who really intends to sell it, is guilty of larceny.

(6) *Intent.* The offense of larceny requires that the taking, obtaining, or withholding by the thief be accompanied by an intent permanently to deprive or defraud another of the use and benefit of property or permanently to appropriate the property to his own use or the use of any person other than the true owner. These intents are collectively called an intent to steal. Although a person has acquired possession of property by a taking or obtaining which was not wrongful, or which was without the concurrence of an intent to steal, he nevertheless can commit a larceny of the property if after the taking or obtain-

ing he forms an intent to steal it and wrongfully withholds it with that intent. For example, if a person obtains the vehicle of another by hiring it and thereafter decides to keep the vehicle permanently, and pursuant to that decision either fails to return it at the appointed time or uses it for a purpose not authorized by the terms of the hiring, he has committed larceny, even though at the time he obtained the vehicle he fully intended to return it after using it according to the agreement of hire. The existence of an intent to steal must, in most cases, be inferred from the circumstances. Thus, if a person secretly takes property, hides it, and denies that he knows anything about it, an intent to steal may well be inferred; but if he takes it openly, and returns it, this would tend to negative such an intent. Proof of a subsequent sale of the property shows an intent to steal, and, therefore, evidence of such a sale may be introduced to support a charge of larceny. An intent to steal is implicit in a wrongful and intentional dealing with the property of another in a manner likely to cause him to suffer a permanent loss thereof. Consequently, a person may be guilty of larceny even though he intends to return the property ultimately, if the execution of that intent depends on a future condition or contingency which is not likely to happen within a reasonably limited and definite period of time. Thus one may be found guilty of larceny who conceals the property of another with intent to retain it until a reward is offered for it, or who pawns the property of another without authority, intending to redeem it at an uncertain future date and then return it.

Although ordinarily the taking, obtaining, or withholding need not be for the benefit of the thief himself, a person who divests another of property intending only to restore it to the possession of the true owner, as when he takes stolen property from a thief with that intent, does not commit larceny or wrongful appropriation. Also, a person who takes, obtains, or withholds the property of another, believing honestly and reasonably, although mistakenly, that he or the person for whom he is acting has a legal right to acquire or retain the property, is not guilty of an offense in violation of Article 121.

An intention to pay for the property stolen or otherwise to replace it with an equivalent is not a defense, even though such an intention existed at the time of the theft, and, once a larceny is committed, a return of the property or payment for it is no defense.

(7) *Miscellaneous.* A taking or withholding of lost property by the finder is larceny if accompanied by an intent to steal and if a clue to the identity of the general or special owner, or through which such identity may be traced, is furnished by the character, location, or marking of the property, or by other circumstances.

When a larceny of several articles is committed at substantially the same time and place, it is a single larceny even though the articles belong to different persons. Thus, if a thief steals a suitcase containing the property of several individuals or goes into a room and takes property belonging to various persons, there is but one larceny, which should be alleged in but one specification.

Proof. (*a*) That the accused wrongfully took, obtained, or withheld from the possession of the true owner or of any other person the property described in the specification; (*b*) that such property belonged to a certain person named or described; (*c*) that such property was of the value alleged, or of some value; and (*d*) the facts and circumstances of the case, showing that the taking, obtaining, or withholding by the accused was with intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate the same to his own use or the use of any person other than the true owner.

Items of government issue which were serviceable government property at the time they were stolen are deemed to have values equivalent to the prices therefor as listed in official publications or, if not so listed, as otherwise officially recognized. As a general rule, the value of other stolen property is to be determined by its legitimate market value at the time and place of the theft. If such property, because of its character or the place where it was stolen, had no legitimate market value at the time and place of the theft or if that value cannot readily be ascertained, its value may be determined by its legitimate market value in the United States, as of the time of the theft, or by its replacement cost at that time, whichever is the lesser. Market value may be established by proof of the recent purchase price paid for the article upon the legitimate market involved; or by testimony or other admissible evidence emanating from any person who is familiar through training or experience with the market value in question; or by the testimony of a person who has ascertained the price of similar articles by adequate inquiry in the market involved. The owner of the property may testify as to its market value if he is familiar with its quality and condition, the circumstance that he is not otherwise qualified to express an opinion on the question of the market value of the property, if such be the case, going only to the weight to be given to his testimony and not to the admissibility thereof. When the character of the property clearly appears in evidence, as when, for instance, it is exhibited to the court, the court, from its own experience, may infer that it has some value. If as a matter of common knowledge the property is obviously of a value substantially in excess of $50, as in the case of an automobile in good condition or a large collection of precious stones, the court may find a value of more than $50. Writings representing value may be considered to have the value which they represented (even though contingently) at the time of the theft.

If an owner of property (or someone acting in his behalf) steals it from a person who has a superior, but limited, interest in the property, such as a lien, and the theft is committed without intending to charge such person with the value of the property, the value for punishment purposes shall be that of the limited interest.

b. WRONGFUL APPROPRIATION.

Discussion. See generally 200*a*. Article 121 defines the offense of wrongful appropriation in the same way that larceny is defined, except that the wrongful taking, obtaining, or withholding need be with intent to deprive, defraud, or appropriate only temporarily. A charge of wrongful appropriation is necessarily included in a charge of larceny.

Instances of the offense of wrongful appropriation are: Taking the automobile of another without permission or lawful authority, with intent to drive it a short distance and then return it or cause it to be returned to the owner; obtaining a service weapon by falsely pretending to be about to go on guard duty, the weapon being thus obtained with intent to use it on a hunting trip and thereafter effect its return; and, while driving a government vehicle on a mission to deliver supplies, withholding the vehicle from the government service by deviating from the assigned route without authority, with intent to visit a friend in a nearby town and thereafter restore the vehicle to its lawful use.

An inadvertent exercise of control over the property of another will not result in a wrongful appropriation. For example, a person is not guilty of this offense who fails to return a borrowed boat at the time agreed upon because he inadvertently lost his direction and went aground on a sand bar.

Proof. (*a*) That the accused wrongfully took, obtained, or withheld from the possession of the true owner or of any other person the property described in the specification; (*b*) that such property belonged to a certain person named or described; (*c*) that such property was of the value alleged, or of some value; and (*d*) the facts and circumstances of the case showing that the taking, obtaining, or withholding by the accused was with intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate the same to his own use or the use of any person other than the true owner.

201. ARTICLE 122—ROBBERY.

Discussion. Article 122 defines robbery as taking with intent to steal anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or the person or property of a relative or member of his family or of anyone in his company at the time of the robbery.

The particular thing must be taken from the person of another or in his presence, but to be in his presence it is not necessary that he be within any certain distance of his property. If persons enter a house and force the owner by threats to disclose the hiding place of valuables in an adjoining room, and, leaving the owner tied, go into such room and steal the valuables, they have committed robbery.

When a robbery is committed by force or violence, there must be actual force or violence to the person, preceding or accompanying the taking against his will, and it is immaterial that there is no fear engendered in the victim. The amount of force used is immaterial; it is enough to constitute robbery if the force overcomes the actual resistance of the person robbed, or puts him in such a position that he makes no resistance, or suffices to overcome the resistance offered by a chain or other fastening by which the article is attached to the person. If an article is merely snatched from the hand of another or a pocket is picked by stealth and no other force is used, and the owner is not put in fear, the offense is not robbery. But if resistance is overcome in snatching the article, there is sufficient violence, as when the earring of a woman is torn from her ear or a hair ornament entangled in her hair is snatched away. There is sufficient violence when a person's attention is diverted by his being jostled by a confederate of a pickpocket, who is thus enabled to steal the person's watch, even though the person had no knowledge of the act; or when a man is knocked insensible and his pockets rifled; or when an officer steals property from the person of a prisoner in his charge after handcuffing him on the pretext of preventing his escape.

When a robbery is committed by putting the victim in fear, there need be no actual force or violence, but there must be demonstrations of force or menaces by which the victim is placed in such fear that he is warranted in making no resistance. The fear must be a reasonably well-founded apprehension of present or future injury, and the taking must occur while the apprehension exists. The injury apprehended may be death or bodily injury to the person himself or to the person of a relative or member of his family or of anyone in his company at the time; or it may be the destruction of his habitation or other injury to his property or that of a relative or member of his family or of anyone in his company at the time, of sufficient gravity to warrant his giving up the property demanded by the assailant.

Robbery includes "taking with intent to steal"; hence, a larceny by taking is an integral part of a charge of robbery and must be proved at the trial. See 200*a* (4). When the evidence falls short of proving the force or fear or other facts necessary to robbery but does prove a larceny by taking, the accused, by proper exceptions and substitutions, may be found guilty of larceny.

Proof. (*a*) The larceny of the property (see *Proof* under 200*a*, but proof of specific value may be omitted); (*b*) that such larceny was from the person or in the presence of the person alleged to have been robbed; and (*c*) that the taking was against his will, by force and violence, or by putting in fear, as alleged.

202. ARTICLE 123—FORGERY.

Discussion. Article 123 defines forgery as the false making or altering with intent to defraud of any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or the uttering, offering, issuing, or transferring, with intent to defraud, of such a writing known by the offender to be so made or altered.

While forgery may be committed either by falsely making a writing or by knowingly uttering a falsely made writing, there are certain elements common to both aspects of forgery. These are (a) a writing falsely made or altered; (b) an apparent capability of the writing as falsely made or altered to impose a legal liability on another, or change his legal right or liability to his prejudice, and (c) an intent to defraud.

As regards the false making or altering of a writing, "false" refers not to the contents of the writing or to the facts stated therein but to the making or altering of it. Hence, forgery is not committed by the genuine making of a false instrument for the purpose of defrauding another. For example, a check bearing the signature of the maker, although drawn on a bank in which the maker has no money or credit, and even with intent to defraud the payee or the bank, is not a forgery, for the instrument, though false, is not falsely made. Likewise, if a person makes a false signature of another to an instrument, but adds the word "by" with his own signature thus indicating authority to sign, the offense is not forgery even if no such authority exists. False recitals of fact in a genuine document do not constitute the writing a forgery, as, for example, an aircraft flight report which is "padded" by the one preparing it.

Signing the name of another to an instrument without authority and with intent to defraud is forgery as the signature is falsely made. The distinction is that in this case, the falsely made signature purports to be the act of one other than the signer. Likewise, a forgery may be committed by a person signing his own name to an instrument. For example, when a check payable to the order of a certain person comes into the hands of another of the same name, he commits forgery if, knowing the check to be another's, he indorses it with his own name intending to defraud. Forgery may also be committed by signing a fictitious name, as when a person makes a check payable to himself and signs it with a fictitious name as drawer.

Some of the instruments most frequently the subject of forgery are checks, orders for delivery of money or goods, railroad tickets, military orders directing travel, and receipts. A writing falsely made includes an instrument that may be in part or entirely printed, engraved, written with a pencil, or made by photography or other device. A writing may be falsely "made" by materially altering an existing writing, by filling in a paper signed in blank, or by signing an instrument already written.

As regards the apparent legal efficacy of the writing falsely made or altered, the writing must on its face appear to impose a legal liability on another, for example, a check or note, or to change a legal right or liability to the prejudice of another, as a receipt. The false making, with intent to defraud, of an instrument affirmatively invalid on its face is not forgery because it has no legal efficacy. However, the false making of another's signature on an instrument, with intent to defraud, is forgery even if there be no resemblance to the genuine signature, and the name is misspelled. It is not forgery to make falsely or alter with intent to defraud a writing which does not operate to impose a legal liability on another or change a legal right or liability to his prejudice, as, for example, would ordinarily be the case where a mere letter of introduction was involved.

In order to constitute forgery by altering a writing, the alteration must affect a material change in the legal tenor of the writing. Thus an alteration whereby any obligation is apparently increased, diminished, or discharged is material. Examples of material alterations in the case of a note are changing the date, amount, or place of payment.

As regards the intent to defraud, it need not be directed toward anyone in particular nor be for the advantage of the offender. It is immaterial whether anyone is actually defrauded, or that no further step be made toward carrying out the intent to defraud than the false making or altering of a writing.

Proof. (*a*) That a certain signature or writing was falsely made or altered, as alleged; (*b*) that the signature or writing was of a nature which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; (*c*) that it was the accused who so falsely made or altered such signature or writing; or uttered, offered, issued, or transferred it, knowing it to have been so made or altered; and (*d*) facts and circumstances showing the intent of the accused thereby to defraud.

In proving forgery, the instrument itself should be produced, if available. That the signature to a written instrument was falsely made may be proved by the testimony of the person whose signature was forged, showing that he had not signed the document himself, and that he had not authorized the accused to do so for him. If the name of a fictitious person is used as, for example, the purported drawer of a check, evidence of falsity may include evidence that the purported drawer of the check has no account in the bank upon which the check was drawn.

203. ARTICLE 124—MAIMING.

Discussion. Maiming is defined in Article 124 as inflicting upon the person of another, with intent to injure, disfigure, or disable, an injury which seriously disfigures his person by any mutilation thereof, or destroys or disables any member or organ of his body, or seriously diminishes his physical vigor by the injury of any member or organ. For example, it is maiming to put out a man's eye, to cut off his hand, foot, or finger, or to knock out his front teeth, as these injuries destroy or disable those members or organs; likewise, it is maiming to cut off an ear or to scar a face with acid, as these injuries seriously disfigure the person; it is also maiming to injure an internal organ so as to seriously diminish the physical vigor of a person.

A disfigurement need not mutilate any entire member to come within the article, nor be of any particular type, but must be such as to impair perceptibly and materially the victim's comeliness. The disfigurement, diminishment of

vigor, or destruction or disablement of any member or organ must be a serious injury, one of a substantially permanent nature. The offense is complete if such an injury is inflicted, however, even though there is a possibility that the victim may eventually recover the use of the member or organ, or that the disfigurement may be cured by surgery.

The means of inflicting the injury are immaterial to proof of the offense although they may be important as bearing upon the question of intent. Infliction of the type of injuries specified in this article upon the person of another is presumptive evidence of an intent to injure, disfigure, or disable such other. If the injury be done under circumstances which would justify or excuse homicide the offense is not committed (197*b*, *c*).

Among the offenses which may be included in a particular charge of maiming are aggravated assault, assault and battery, and assault.

Proof. (*a*) That the accused inflicted upon a certain person the injury alleged; (*b*) that the injury seriously disfigured his person, or destroyed or disabled an organ or member, or seriously diminished his physical vigor by the injury to an organ or member; (*c*) facts and circumstances showing that the accused had an intent to injure, disfigure, or disable the person.

204. ARTICLE 125—SODOMY.

Discussion. This article defines sodomy as engaging in unnatural carnal copulation, either with another person of the same or opposite sex, or with an animal. Any penetration, however slight, is sufficient to complete the offense and emission is not necessary.

It is unnatural carnal copulation for a person to take into his or her mouth or anus the sexual organ of another person or of an animal; or to place his or her sexual organ in the mouth or anus of another person or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another person; or to have carnal copulation in any opening of the body of an animal.

Proof. That the accused engaged in unnatural carnal copulation with a certain other person or with an animal, as alleged.

205. ARTICLE 126—ARSON.

a. AGGRAVATED ARSON.

Discussion. Aggravated arson is defined by this article as the willful and malicious burning or setting on fire of an inhabited dwelling, or of any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being.

In aggravated arson, danger to human life is the essential element; in simple arson, it is injury to the property of another. In either case, it is immaterial that no one is, in fact, injured. A person may be guilty of aggravated arson even against his own dwelling, whether as owner or tenant. It must be shown that the accused set the fire willfully and maliciously, that is, not merely by negligence or accident.

An inhabited dwelling includes the outbuildings that form part of the cluster of buildings used as a residence. A shop or store is not an inhabited dwelling unless occupied as such, nor is a house that has never been occupied or which has been temporarily abandoned. The actual presence of a human being in an inhabited dwelling at the time of burning is not, however, necessary to constitute the offense of aggravated arson.

Aggravated arson may also be committed by burning or setting on fire any other structure, movable or immovable, such as a theater, church, boat, trailer, tent, auditorium, or any other sort of shelter or edifice, whether public or private, wherein to the knowledge of the offender there is at the time a human being. It may be inferred that the offender had such knowledge when the nature of the structure, as a department store or theater during hours of business, or other circumstances, are shown to have been such that a reasonable man must have known of the presence of human beings therein at the time.

It is not necessary that the dwelling or structure be consumed or materially injured; it is enough if fire is actually communicated to any part thereof. Any actual burning or charring is sufficient, but a mere scorching or discoloration by heat is not.

For the offense of aggravated arson, the value and ownership of the dwelling or other structure are immaterial, but should ordinarily be alleged and proved to permit the finding, in an appropriate case, of the lesser included offense of simple arson.

Proof. (*a*) That the accused burned or set on fire the inhabited dwelling, or other structure, as alleged; (*b*) that such dwelling or structure was of a value and belonged to a certain person, as alleged; (*c*) facts and circumstances showing that the act was willful and malicious; and if not an inhabited dwelling, (*d*) facts and circumstances showing that the accused had knowledge there was a human being in the structure at the time.

b. SIMPLE ARSON.

Discussion. Simple arson is defined as the willful and malicious burning or setting fire to the property of another, under circumstances not amounting to aggravated arson.

The offense includes burning or setting fire to real or personal property of someone other than the offender and, as in aggravated arson, it must be shown that the accused set the fire willfully and maliciously.

Proof. (*a*) That the accused burned or set fire to certain property of another, and the value of the property, as alleged; and (*b*) facts and circumstances showing that the act was willful and malicious.

206. ARTICLE 127—EXTORTION.

Discussion. Article 127 defines extortion as the communication of threats to another with the intention thereby to obtain anything of value, or any acquittance, advantage, or immunity of any description. The offense is complete upon communication of the threat with the requisite intent, and evidence of the actual or probable success or failure of the extortion is immaterial to the determination of guilt.

A threat may be communicated by word of mouth or in a writing, the essential element of the offense being the knowledge of the victim. An acquittance is, in general terms, a release or discharge from an obligation. An intent to obtain any advantage or immunity of any description may include an intent to make a person do an act against his will.

The threat sufficient to constitute extortion may be a threat to do any unlawful injury to the person or property of the individual threatened or of any member of his family or of any other person held dear to him; or a threat to accuse the individual threatened or any member of his family or any other person held dear to him, of any crime; or a threat to expose or impute any deformity or disgrace to the individual threatened or to any member of his family or to any other person held dear to him; or a threat to expose any secret affecting the individual threatened or any member of his family or any other person held dear to him; or a threat to do any other harm.

Proof. (*a*) That the accused communicated certain threats to another, as alleged; and (*b*) facts and circumstances showing his intent unlawfully to obtain anything of value, or any acquittance, advantage, or immunity of any description, as alleged.

207. ARTICLE 128—ASSAULT.

a. ASSAULT.

Discussion. Article 128*a* defines an assault as an attempt or offer with unlawful force or violence to do bodily harm to another, whether or not the attempt or offer is consummated. An offer to do bodily harm to another, as distinguished from an attempt to do such harm, is a putting of the other in reasonable fear that force will at once be applied to his person. Pointing an unloaded pistol which the assailant knows to be unloaded at another is not an attempt to do bodily harm with the pistol, for the assailant is cognizant of his inability to shoot the victim; yet such an act may be an assault if the victim is aware of the attack and is put in reasonable fear of bodily injury. On the other hand, pointing a loaded pistol with intent to shoot it at one whose back is turned and who is unaware of the impending application of violence to his person, although not a putting in fear, may nevertheless be an assault in the form of an attempt to do bodily harm. Some other examples of acts which may constitute an assault are raising a stick over another's head as if to strike him and causing him to fear that he will be struck, striking at another with a cane or fist, assuming a threatening attitude and hurrying toward another whereby such other is put in fear of bodily harm, and drawing a pistol from a holster or pocket with an actual or apparent (to the person assailed) intent to use it. Preparation not amounting to an overt act, such as picking up a stone without any attempt or offer to throw it, does not constitute an assault, nor does the mere use of threatening words.

If the circumstances known to the person menaced clearly negative an intent to do bodily harm there is no assault. Thus, if a person accompanies an apparent attempt to strike another by an unequivocal announcement in some form of his intention not to strike, there is no assault. This principle was applied in a case in which the accused raised his whip and shook it at the complainant within striking distance saying, "If you weren't an old man, I would knock you down." However, an offer to inflict bodily injury upon another instantly if the other does not comply with a demand which the assailant has no lawful right to make is an assault. Thus, if A points a pistol at B and says to B, "If you don't hand over your watch I will shoot you," A has committed an assault upon B.

An assault may consist of a culpably negligent act or omission which foreseeably might and does cause another reasonably to fear that force will at once be applied to his person. See 198*b* (Involuntary manslaughter), for a discussion of culpable negligence.

It is not a defense to a charge of assault that for some reason unknown to the assailant his attempt was bound to fail. Thus, if a person loads his rifle with what he believes to be a good cartridge and, pointing it at another, pulls the trigger, he may be guilty of assault although the cartridge was in fact so defective that it did not explode. The same principle was applied to a case in which a person in a house shot through the roof at the place where he supposed a policeman was concealed, although the policeman was at another place on the roof.

If there is a demonstration of violence coupled with an apparent ability to inflict bodily injury, so as to cause the person at whom it was directed reasonably to fear such injury unless he retreats to secure his safety, and under such circumstances he is compelled to retreat to avoid any impending danger, the assault is complete, even though the assailant may never have been within actual striking distance of the person assailed. There must, however, be an apparent present ability to inflict the injury. To aim a pistol at a man at such a distance that it clearly could not injure would not be an assault.

An assault in which the attempt or offer to do bodily harm is consummated by the infliction of such harm is called a battery. A battery may be defined as an unlawful, and intentional or culpably negligent, application of force to the person of another by a material agency used directly or indirectly. It may be a battery to spit on another, to push a third person against him, to set a dog at him which bites him, to cut his clothes while he is wearing them though without touching or intending to touch his person, to shoot him, to cause him to take poison, or to run an automobile against him. A man who fondles against her will a woman not his wife commits a battery, and so does a person who, being excused in using force, uses more force than is required. Sending a missile into a crowd may be a battery on anyone whom the missile hits. If the injury is inflicted unintentionally and without culpable negligence, the offense is not committed. It is not a battery to lay hands on another to attract his attention or to seize another to prevent a fall.

The force applied in a battery may have been directly or indirectly set in motion. Thus a battery can be committed by inflicting bodily injury on a person through striking the horse on which he is mounted or the vehicle in which he is present, as well as by striking him directly.

Proof of a battery will support a conviction of assault, for an assault is necessarily included in a battery.

In order to constitute an assault the act of violence must be unlawful. It must be done without legal justification or excuse (see 197, Murder) and without the lawful consent of the person affected. With respect to the excuse of self-defense, a person may meet force with a like degree of force, except that he may use force likely to result in grievous bodily harm only when retreat is not reasonably possible or would apparently endanger his safety, or when he is in his own home or at a place of duty where he is required to remain.

Proof. (*a*) That the accused attempted or offered with unlawful force or violence to do bodily harm to a certain person, as alleged, or (*b*), in the case of a consummated assault, that with unlawful force or violence he did bodily harm to such person.

b. AGGRAVATED ASSAULT.

Discussion. Article 128*b* defines two kinds of aggravated assault. One is an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm. The other is an assault, with or without a weapon, in which the assailant intentionally inflicts grievous bodily harm.

See 213*d* (Various types of offenses under Article 134) as to assaults with intent to commit certain offenses of a civil nature and indecent assaults.

(1) *Assault with a dangerous weapon.* A weapon is dangerous when used in such a manner that it is likely to produce death or grievous bodily harm. By "grievous bodily harm" is meant serious bodily injury. When the natural and probable consequence of a particular use of any means or force would be death or grievous bodily harm, it may be said that the means or force is "likely" to produce that result. The use to which a certain kind of instrument is ordinarily put is of no importance with respect to the question of its method of employment in a particular case. Thus it has been held that a bottle, a beer glass, a rock, a sugar bowl, a piece of pipe, a piece of wood, boiling water, drugs, or a rifle butt may be used in a manner likely to inflict death or grievous bodily harm. On the other hand, it has been held that an unloaded pistol, when presented as a firearm and not as a bludgeon, is not a dangerous weapon or a means or force likely to produce grievous bodily harm, and this would be so whether or not the assailant knew it was unloaded.

With respect to the offense of aggravated assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm, it is not necessary that death or grievous bodily harm be actually inflicted.

(2) *Assault in which grievous bodily harm is intentionally inflicted.* "Grievous bodily harm" does not include minor injuries, such as a black eye or a bloody nose, but does include fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs and other serious bodily injuries.

When grievous bodily harm has been inflicted by means of intentionally using force in a manner likely to achieve that result, it may be inferred that grievous bodily harm was intended. For example, intentionally knocking a person from a height, such as a grandstand, so that the resulting fall breaks his leg, is an aggravated assault. On the other hand, striking a person with a fist in a sidewalk fight, and thereby causing him to fall in such a fashion that his head happens to hit the curbstone and his skull is fractured, is not an aggravated assault if no serious injury was inflicted by the blow itself, for, although the fractured skull was a foreseeable consequence of the blow with the fist so that had the victim died as a result of the fracture the offense might have been involuntary manslaughter, that injury nevertheless was not a likely, that is, a natural and probable, consequence of the assailant's act.

It is possible to commit this kind of aggravated assault with the fists, as when, for instance, the victim is held by one of several assailants while the others beat him with their fists and break his nose or jaw.

Proof—Assault with a dangerous weapon. (*a*) That the accused assaulted (see proof of assault) a certain person with a certain weapon, means, or force; and (*b*) the facts and circumstances of the case showing that such weapon, means, or force was used in a manner likely to produce death or grievous bodily harm.

Assault in which grievous bodily harm is intentionally inflicted. (*a*) That the accused assaulted (see proof of assault) a certain person; (*b*) that grievous bodily harm was thereby inflicted upon such person; and (*c*) the facts and circumstances of the case showing that such bodily harm was intentionally inflicted.

208. ARTICLE 129—BURGLARY.

Discussion. Article 129 defines burglary as breaking and entering in the nighttime the dwelling house of another, with intent to commit an offense punishable under Articles 118 through 128, inclusive. These offenses are murder, manslaughter, rape and carnal knowledge, larceny and wrongful appropriation, robbery, forgery, maiming, sodomy, arson, extortion, and assault.

It is immaterial whether the offense intended is committed or even attempted. If the offense is actually intended it is no defense that its commission was impossible.

To constitute burglary the house must be the dwelling house of another—the term "dwelling house" including outhouses within the common inclosure, farmyard, or cluster of buildings used as a residence.

A store is not a subject of burglary unless part of, or also used as, a dwelling house, as when the occupant uses another part of the same building as his dwelling, or when the store is habitually

slept in by his servants or members of his family.

The house must be in the status of being occupied at the time of the breaking and entering. It is not necessary to this status that anyone actually be in it; but if the house has never been occupied at all or has been left without any intention of returning to it this status does not exist. Separate dwellings within the same building, as a flat in an apartment house or a room in a hotel, are subjects of burglary by other tenants or guests, and in general by the owner of the building himself. A tent is not a subject of burglary.

There must be a breaking, actual or constructive. Merely to enter through a hole left in the wall or roof or through an open window or door, even if left only slightly open and pushed farther open by the person entering, will not constitute a breaking; but if there is any removal of any part of the house designed to prevent entry, other than the moving of a partly open door or window, it is sufficient. Opening a closed door or window or other similar fixture, or cutting out the glass of a window or the netting of a screen is a sufficient breaking. The breaking of an inner door by one who has entered the house without breaking, or by a servant lawfully within the house, but who has no authority to enter the particular room, is a sufficient breaking, but unless such a breaking is followed by an entry into the particular room with the requisite intent burglary is not committed.

There is a constructive breaking when the entry is gained by a trick, such as concealing oneself in a box; or under false pretense, such as impersonating a gas or telephone inspector; or by intimidating the inmates through violence or threats into opening the door; or through collusion with a confederate, an inmate of the house; or by descending a chimney, even if only a partial descent is made and no room is entered.

An entry must be effected before the offense is complete, but the entry of any part of the body, even a finger, is sufficient; and an insertion into the house of an instrument, except merely to facilitate further entrance, is a sufficient entry.

Both the breaking and entry must be in the nighttime, which is the period between sunset and sunrise, when there is not sufficient daylight to discern a man's face, and both must be done with the intent to commit in the house an offense punishable under Articles 118 through 128, inclusive. If the available evidence appears to warrant such action, the actual commission of the offense alleged in the burglary specification to have been intended should be charged in a separate specification.

Proof. (*a*) That the accused broke and entered a certain dwelling house of a certain other person, as specified; (*b*) that such breaking and entering were done in the nighttime; and (*c*) facts and circumstances (for instance, the actual commission of the offense) which show that such breaking and entering were done with the intent to commit the alleged offense therein.

209. ARTICLE 130—HOUSEBREAKING.

Discussion. Article 130 defines housebreaking as unlawfully entering the building or structure of another with intent to commit a criminal offense therein. The offense is broader than burglary in that the place entered is not required to be a dwelling house; it is not necessary that the place be occupied; it is not essential that there be a breaking; the entry may be either in the night or in the daytime; and the intent need not be to commit one of the offenses made punishable under Articles 118 through 128. The intent to commit some criminal offense is an essential element of housebreaking and must be alleged and proved in order to support a conviction of this offense. Any act or omission which is punishable by courts-martial, except an act or omission constituting a purely military offense, is a "criminal offense."

The word "building" includes a room, shop, store, office, or apartment in a building. As used in this article, the word "structure" refers only to those structures which are in the nature of a building or dwelling. Examples of such structures are a stateroom, hold or other compartment of a vessel, an inhabitable trailer, an inclosed goods truck or freight car, a tent, and a houseboat. It is not necessary that the building or structure be in use at the time of the entry. As to what constitutes an entry, see 208 (Burglary).

The principles of the last sentence of the discussion in 208 (Burglary) should be observed when charging housebreaking.

Proof. (*a*) That the accused unlawfully entered a certain building or structure of a certain other person as specified; and (*b*) the facts and circumstances showing an intent to commit a criminal offense therein, as alleged.

210. ARTICLE 131—PERJURY.

Discussion.—Article 131 defines perjury as willfully and corruptly giving, in a judicial proceeding or course of justice and upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry. "Judicial proceeding" includes a trial by court-martial and "coarse of justice" includes an investigation conducted under Article 32.

The false testimony must be willfully and corruptly given; that is, it must appear that the accused did not believe it to be true. A witness may commit perjury by testifying that he knows a thing to be true when in fact he either knows nothing about it at all or is not sure about it, and this is so whether the thing is true or false in fact. A witness may also commit perjury in testifying falsely as to his belief, remembrance, or impression, or as to his judgment or opinion. Thus, if a witness swears that he does not remember certain matters when in fact he does, or testifies that in his opinion a certain person was drunk when in fact he entertains the contrary opinion, he commits perjury if the other elements of the offense are present.

The oath must be one required or authorized by law and must be duly administered by one authorized to administer it. When a form of oath has been prescribed a literal following of such form is not essential, it being sufficient if the oath administered conforms in substance to the prescribed form. An oath includes an affirmation when the latter is authorized in lieu of an oath.

It is no defense that the witness voluntarily appeared, or that he was incompetent as a witness, or that his testimony was given in response to questions that he could have declined to answer, even if he was forced to answer over his claim of privilege.

The false testimony must be with respect to a material matter, but that matter need not be the main issue in the case. Thus perjury may be committed by giving false testimony with respect to the credibility of a material witness, or in an affidavit in support of a request for a continuance, as well as by giving false testimony with respect to a fact from which a legitimate inference may be drawn as to the existence or nonexistence of a fact in issue.

Proof. (*a*) That the accused took an oath or its equivalent in a certain judicial proceeding or course of justice, as alleged; (*b*) that the oath was administered to the accused in a matter in which an oath was required or authorized by law; (*c*) that the oath was administered by a person having authority to do so; (*d*) that upon such oath the accused gave the testimony alleged; (*e*) that such testimony was material; and (*f*) the facts and circumstances showing that the accused did not believe such testimony to be true.

If the accused is charged with having committed perjury before a court-martial, it must be shown that the court-martial was duly appointed and constituted. Ordinarily this may be shown by introducing in evidence pertinent parts of the record of trial of the case in which the perjury was allegedly committed, or by the testimony of a person who was counsel, the law officer, or a member of the court in that case to the effect that the court was so appointed and constituted.

The falsity of the allegedly perjured statement cannot, without corroboration by other testimony or by circumstances tending to prove such falsity, be proved by the testimony of a single witness. However, documentary evidence directly disproving the truth of the statement charged to have been perjured need not be corroborated if the document is an official record shown to have been well known to the accused at the time he took the oath, or if it appears that the documentary evidence was in existence before the statement was made and that such evidence sprang from the accused himself or was in any manner recognized by him as containing the truth. In such a case, it may be inferred that the accused did not believe the allegedly perjured statement to be true.

211. ARTICLE 132—FRAUDS AGAINST THE GOVERNMENT.

a. MAKING A FALSE OR FRAUDULENT CLAIM.

Discussion. A claim is a demand for a transfer of ownership of money or property and does not include requisitions for the mere use of property.

Making a claim is a distinct act from presenting it. A claim may be made in one place and presented in another. The article does not relate to claims against an officer of the United States in his private capacity, but to claims against the United States or any officer thereof as such. It is not necessary that the claim be allowed or paid or that it be made by the person to be benefited by the allowance or payment. The claim must be made with knowledge of its fictitious or dishonest character. This does not include claims, however groundless they may be, that are honestly believed by the maker to be valid, nor claims that are merely made negligently or without ordinary prudence. However, if it appears that a false claim was made under circumstances which would cause the false character of the claim to be apparent to an ordinarily prudent man, it may be assumed that the claim was made with knowledge of its falsity. See also the discussion in 211*b*.

As an example, a false claim is made when an officer having a claim respecting property lost in the military service knowingly includes articles that were not in fact lost and submits that claim to his commanding officer for the action of a board, but only so much of the claim as respects the articles not lost is false within the meaning of this article.

Proof. (*a*) That the accused made a certain claim against the United States, as alleged; (*b*) that the claim was false or fraudulent in the particulars specified; (*c*) that when the accused made the claim he knew that it was false or fraudulent in such particulars; and (*d*) the amount involved, as alleged.

b. PRESENTING FOR APPROVAL OR PAYMENT A FALSE OR FRAUDULENT CLAIM.

Discussion. See *Discussion* in 211*a*.

False and fraudulent claims include not only those containing some material false statement, but also claims which the claimant knows to have been paid or for some other reason knows he is not authorized to present or upon which he knows he has no right to collect.

The claim must be presented, directly or indirectly, to some person having authority to approve or pay it. A false claim may be tactitly presented, as when a person who knows he is not entitled to certain pay accepts it nevertheless, without disclosing his disqualification, even though he may not have made any verbal representation as to his entitlement to the pay. Instances of such an act are: An enlisted person approaching the pay table when his name is called and drawing pay for a period during which he was absent without leave, without disclosing the absence; and an officer cashing a pay check which includes an amount for a dependency allowance, knowing and not informing the proper authorities that there had been a change in his dependency status which resulted in his having no right to the allowance paid.

When an officer knows that a certain duly assigned pay account of his is outstanding and that the assignee can collect on it if he chooses to do so, it is no defense to a charge against the officer of presenting for payment a second account covering the same period as the assigned account that the second account was presented relying on the assignee's statement that he would not present the first. But if the accused has good grounds to believe and actually does believe when he presents the second account that the assigned account had been canceled or surrendered by the assignee, his presentation of the second claim does not constitute this offense. A cancellation or surrender of the first account after the presentation of the second account is no defense to the charge.

Other examples of this offense are presenting to a disbursing officer a false final statement, knowing it to be false, and presenting a voucher claiming rations or rental allowances for dependents known not to exist.

Proof. (*a*) That the accused presented for approval or payment to a certain person in the civil or military service of the United States having authority to approve or pay it a certain claim against the United States, as alleged; (*b*) that such claim was false or fraudulent in the particulars alleged; (*c*) that when the accused presented the claim he knew it was false or fraudulent in such particulars; and (*d*) the amount involved, as alleged.

c. MAKING OR USING A FALSE WRITING OR OTHER PAPER IN CONNECTION WITH CLAIMS.

Discussion. See 211*a* and *b*. The false or fraudulent statement must be material, that is, it must have a tendency to mislead governmental officials in their consideration or investigation of the claim. The offense of making a writing or other paper known to contain a false or fraudulent statement for the purpose of obtaining the approval, allowance, or payment of a claim is complete when the writing or paper is made for that purpose, whether or not any use of the paper has been attempted and whether or not the claim has been presented.

Proof. (*a*) That the accused made or used a certain writing or other paper, as alleged; (*b*) that certain material statements in such writing or other paper were false or fraudulent, as alleged; (*c*) that the accused knew the statements were false or fraudulent; (*d*) facts and circumstances showing that the act of the accused was for the purpose of obtaining the approval, allowance, or payment of a certain claim or claims against the United States, as specified; and (*e*) the amount involved, as alleged.

d. FALSE OATH IN CONNECTION WITH CLAIMS.

Discussion. See 211*a* and *b*.

Proof. (*a*) That the accused made an oath to a certain fact or to a certain writing on other paper, as alleged; (*b*) that the oath was false, as alleged; (*c*) that the accused knew it was false; and (*d*) facts and circmustances showing that the act was for the purpose of obtaining the approval, allowance, or payment of a certain claim or claims against the United States, as alleged.

e. FORGERY OF SIGNATURE IN CONNECTION WITH CLAIMS.

Discussion. See 211*a* and *b*. See also 202 (Forgery). Any fraudulent making of the signature of another, whether or not an attempt is made to imitate the handwriting, is forging or counterfeiting.

Proof. (*a*) That the accused forged or counterfeited the signature of a certain person on a certain writing or other paper as specified; or that he used the forged or counterfeited signature of a certain person, knowing such signature to be forged or counterfeited, as alleged; and (*b*) facts and circumstances showing that his act was for the purpose of obtaining the approval, allowance, or payment of a certain claim against the United States, as alleged.

f. DELIVERING LESS THAN AMOUNT CALLED FOR BY RECEIPT.

Discussion. With respect to this offense it is immaterial by what means, whether deceit, collusion, or otherwise, the accused effected the transaction, or what his purpose was in so doing.

The giving by a disbursing officer of the full amount called for by a receipt but in excess of the amount properly due, then receiving back the excess over the amount due; and the insertion by a disbursing officer upon a receipt signed in blank of the amount properly due, after paying to the creditor a less amount, are examples of this offense.

Proof. (*a*) That the accused had charge, possession, custody, or control of certain money or property of the United States furnished or intended for the armed forces thereof, as alleged; (*b*) that he obtained a receipt for a certain amount or quantity of that money or property, as alleged; (*c*) that for the receipt he knowingly delivered to a certain person having authority to receive it an amount or quantity of the money or property less than the amount or quantity thereof specified in the receipt; and (*d*) the value of the undelivered money or property, as alleged.

g. MAKING OR DELIVERING RECEIPT WITHOUT HAVING FULL KNOWLEDGE THAT IT IS TRUE.

Discussion. When, for instance, an officer or other person subject to military law is authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, and a receipt or other paper is presented to him for signature stating that a certain amount of supplies has been furnished by a certain contractor, it is his duty before signing the paper to know that the full amount of supplies therein stated to have been furnished has in fact been furnished, and that the statements contained in the paper are true. If, with intent to defraud the United States, he signs the paper without that knowledge, he is guilty of a violation of this section of the article; and signing the paper without such knowledge is prima facie evidence of the intent to defraud.

Proof. (*a*) That the accused was authorized to make or deliver a certificate of the receipt from a certain person of certain property of the United States furnished or intended for the armed forces thereof, as alleged; (*b*) that he made or delivered to that person a certificate of receipt, as alleged; (*c*) that the certificate was made or delivered without the accused having full knowledge of the truth of a certain material

statement or statements therein; (*d*) facts and circumstances showing that his act was done with intent to defraud the United States; and (*e*) the amount involved, as alleged.

212. ARTICLE 133—CONDUCT UNBECOMING AN OFFICER AND GENTLEMAN.

Discussion. The conduct contemplated may be that of an officer of either sex or of a cadet or midshipman. When applied to a female officer the term "gentleman" is the equivalent of "gentlewoman."

Conduct violative of this article is action or behavior in an official capacity which, in dishonoring or disgracing the individual as an officer, seriously compromises his character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the individual personally, seriously compromises his standing as an officer.

There are certain moral attributes common to the ideal officer and the perfect gentleman, a lack of which is indicated by acts of dishonesty or unfair dealing, of indecency or indecorum, or of lawlessness, injustice, or cruelty. Not everyone is or can be expected to meet ideal moral standards, but there is a limit of tolerance below which the individual standards of an officer, cadet, or midshipman cannot fall without seriously compromising his standing as an officer, cadet, or midshipman or his character as a gentleman. This article contemplates conduct by an officer, cadet, or midshipman which, taking all the circumstances into consideration, is thus compromising.

This article includes acts made punishable by any other article, provided such acts amount to conduct unbecoming an officer and a gentleman; thus an officer who steals property violates both this and Article 121.

Instances of violation of this article are: Knowingly making a false official statement; dishonorable failure to pay debts; opening and reading the letters of another without authority; using insulting or defamatory language to another officer in his presence or about him to other military persons; being grossly drunk and conspicuously disorderly in a public place; public association with notorious prostitutes; committing or attempting to commit a crime involving moral turpitude; failing without a good cause to support his family.

Proof. (*a*) That the accused did or omitted to do the acts, as alleged; and (*b*) the circumstances as specified.

213. ARTICLE 134—GENERAL ARTICLE.

a. DISORDERS AND NEGLECTS TO THE PREJUDICE OF GOOD ORDER AND DISCIPLINE IN THE ARMED FORCES.

Discussion. The disorders and neglects punishable under Article 134 include those acts or omissions to the prejudice of good order and discipline not specifically mentioned in other articles.

"To the prejudice of good order and discipline" refers only to acts directly prejudicial to good order and discipline and not to acts which are prejudicial only in a remote or indirect sense. An irregular or improper act on the part of a member of the military service can scarcely be conceived which may not be regarded as in some indirect or remote sense prejudicing discipline, but the article does not contemplate such distant effects and is confined to cases in which the prejudice is reasonably direct and palpable.

Instances of such disorders and neglects in the case of an officer are: Rendering himself unfit for duty by excessive use of intoxicants or drugs; drunkenness; and allowing a member of his command to go on duty knowing him to be drunk.

Instances of such disorders and neglects in the case of enlisted persons are: Appearing in improper uniform; wrongfully abusive use of military vehicles; careless discharge of firearms; and impersonating an officer.

A *breach of a custom of the service* may result in a violation of this Article. In its legal sense the word "custom" imports something more than a method of procedure or a mode of conduct or behavior which is merely of frequent or usual occurrence. Custom arises out of long established practices which by common consent have attained the force of law in the military or other community affected by them. There can be no such thing as a custom that is contrary to existing law or regulation. A custom which has not been adopted by existing statute or regulation ceases to exist when its observance has been long abandoned. Many customs of the service are now set forth in regulations of the various armed forces. Violations of these customs should be charged under Article 92 as violations of the regulations in which they appear.

It is a violation of this article *wrongfully to possess marihuana or a habit forming narcotic drug.* Possession of marihuana or of a habit forming narcotic drug is presumed to be wrongful unless the contrary appears. A person's possession of a drug is innocent when the drug has been duly prescribed for him by a physician and the prescription has not been obtained by fraud, or when his possession is the result of accident or mistake, or when he possesses it in the performance of his duty.

Proof. (*a*) That the accused did or failed to do the acts, as alleged; and (*b*) the circumstances as specified.

b. CONDUCT OF A NATURE TO BRING DISCREDIT UPON THE ARMED FORCES.

Discussion. "Discredit" as here used means "to injure the reputation of." Examples of this conduct on the part of persons subject to military law may include acts in violation of local law of a nature to bring discredit upon the armed forces. So also any discreditable conduct not elsewhere made punishable by any specific article or by one of the other clauses of Article 134 is punishable under this clause.

If an officer or enlisted person by his conduct in incurring private indebtedness, or by his attitude toward it or his creditor thereafter, reflects discredit upon the service to which he belongs, he may be brought to trial for his misconduct. He should not be brought to trial unless in the opinion of the military authorities the facts and law are undisputed and there appears to be no legal or equitable counterclaim or set-off that may be urged by him. The military authorities will not attempt to discipline officers and enlisted persons for failure to pay disputed private indebtedness or claims, that is, when there appears to be a genuine dispute as to the facts or the law. An officer may be tried for this offense under either Article 133 or Article 134, as the circumstances may warrant.

Proof. (*a*) That the accused did or failed to do the acts, as alleged; and (*b*) the circumstances as specified.

c. CRIMES AND OFFENSES NOT CAPITAL.

Crimes and offenses not capital which are referred to and made punishable by Article 134 include those acts or omissions, not made punishable by another article, which are denounced as crimes or offenses by enactments of Congress or under authority of Congress and made triable in the Federal civil courts.

State and foreign laws are not included within the crimes and offenses not capital referred to in Article 134 and violations thereof may not be prosecuted as such except insofar as State law becomes Federal law of local application under Title 18 U. S. C. § 13. On the other hand, an act which is a violation of a State law or a foreign law may constitute a disorder or neglect to the prejudice of good order and discipline or conduct of a nature to bring discredit upon the armed forces and so be punishable under the first or second clause of Article 134.

For the purpose of court-martial jurisdiction the Federal laws which may be applied under the clause, "crimes and offenses not capital," are divided into two groups:

(1) *Crimes and offenses of unlimited application.* Certain crimes and offenses denounced by Title 18 U. S. C., such as counterfeiting (18 U. S. C. 471), various frauds against the Government not denounced by Article 132, and other offenses which are directly injurious to the Government and are made punishable wherever committed are made applicable under the third clause of Article 134 to all persons subject to military law regardless of where the wrongful act or omission occurred.

(2) *Crimes and offenses of local application.* Crimes and offenses which are listed in Title 13 U. S. C. but which are limited in their applicability to the special maritime and territorial jurisdiction of the United States as defined in Title 18 U. S. C. § 7, those applicable within the continental United States, and those included in the law of the District of Columbia, in the laws of the Territories or possessions of the United States, and in the laws applicable in reservations or places over which the United States has exclusive jurisdiction or concurrent jurisdiction with a State, which are not specifically included in some article, are made applicable under Article 134 to all persons subject to military law who commit such crimes or offenses within the geographical boundaries of the areas in which they are applicable. For the law of a reservation or place over which the United States has exclusive jurisdiction or concurrent

jurisdiction with a State, see Title 18 U. S. C. § 13. For example, a person subject to military law cannot be prosecuted under the third clause of Article 134 for having committed a crime or offense, not capital, when the act occurred in occupied foreign territory, merely because that act would have been an offense against the law of the District of Columbia if it had been committed there. Such an act might, however, regardless of where committed, in a proper case be prosecuted under the first or second clause of Article 134 as a disorder or neglect to the prejudice of good order and discipline or as an offense of a nature to bring discredit upon the armed forces.

d. VARIOUS TYPES OF OFFENSES UNDER ARTICLE 134.

(1) *Assaults involving intent to commit certain offenses of a civil nature.*

Discussion. See 207 (Assault). The assaults here designated as being punishable under Article 134 are those perpetrated with intent to commit murder, voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking. An assault with intent to commit an offense is not necessarily the equivalent of an attempt to commit the intended offense, for an assault can be committed in furtherance of an intended act without thereby achieving that degree of proximity to consummation of the act which is essential to an attempt to commit that act (see 159, Attempts).

Some of these assaults will be discussed below.

(*a*) *Assault with intent to murder.* This is an assault aggravated by the concurrence of an intent to murder, that is, an intent to commit an act which, should death ensue, would be murder. To constitute an assault with intent to murder with a firearm, it is not necessary that the weapon be discharged; and in no case is the actual infliction of injury necessary. Thus, if a man with intent to murder another deliberately assaults him by shooting at him, the fact that he misses does not alter the character of the offense. When the intent to murder exists, the fact that for some unknown reason the actual consummation of the murder by the means employed is impossible does not disprove guilt of an assault with intent to commit murder if the means are apparently adapted to the end in view. Thus, if a person intending to murder another loads his rifle with what he believes to be a ball cartridge and aims and discharges his rifle at the other, it is no defense that he, by accident, used a blank cartridge.

The intent to murder need not be directed against the person assaulted if the assault is committed with intent to murder some person. If the accused, intending to murder A, shoots at B, mistaking him for A, he is guilty of assaulting B with intent to murder him. Also, if a man fires into a group with intent to murder someone, he is guilty of an assault with intent to murder each member of the group.

(*b*) *Assault with intent to commit voluntary manslaughter.* This is an assault committed with intent to do an act which, if death resulted therefrom, would be voluntary manslaughter. There can be no assault with intent to commit involuntary manslaughter, for involuntary manslaughter is not a crime capable of being intentionally committed.

(*c*) *Assault with intent to commit rape.* This is an assault accompanied by an intent to have unlawful sexual intercourse with a woman by force and without her consent. The accused must have intended to overcome any resistance by force, actual or constructive, and to penetrate the woman's person. Any less intent will not suffice. Indecent advances and importunities, however earnest, not accompanied by such an intent, do not constitute this offense, nor do mere preparations to rape not amounting to an assault. Thus, if a man, intending to rape a woman, conceals himself in her room to await a favorable opportunity to execute his design, but before the opportunity arises is discovered and flees, he is not guilty of an assault with intent to commit rape.

No actual touching is necessary. If a man enters a woman's room and gets in the bed where she is for the purpose of raping her, he commits the offense under discussion although he does not touch the woman.

Once an assault with intent to commit rape is made, it is no defense that the man voluntarily desisted.

Lesser offenses that may be included in a charge of assault with intent to rape are indecent assault and assault.

(*d*) *Assault with intent to rob.* This is an assault with the concurrent intent to steal property by taking it from the person or in the presence of another, against his will, by means of force or violence or putting him in fear. The fact that the accused intended to take only money and that the person he intended to rob had none is not a defense.

(*e*) *Assault with intent to commit sodomy.* The assault must be against a human being and must be with the intent to commit sodomy. Any less intent, or different intent, will not suffice.

Proof. (*a*) That the accused assaulted a certain person, as alleged; and (*b*) the facts and circumstances of the case showing the existence at the time of the assault of the intent of the accused to murder, or to commit voluntary manslaughter, rape, robbery, sodomy, arson, burglary, or housebreaking, as alleged.

(2) *Indecent assault.*

Discussion. See 207 (Assault). An indecent assault is the taking by a man of indecent, lewd, or lascivious liberties with the person of a female, without her consent and against her will, with intent to gratify his lust or sexual desires. In a proper case indecent assault may be a lesser included offense of assault with intent to commit rape.

Proof. (*a*) That the accused assaulted a certain female by taking indecent, lewd, or lascivious liberties with her person; and (*b*) facts and circumstances showing that the acts were done with intent to gratify the lust or sexual desires of the accused.

(3) *Indecent acts with a child under the age of 16 years.*

Discussion. This offense consists of taking any immoral, improper, or indecent liberties with, or the commission of any lewd or lascivious act upon or with the body of, any child of either sex under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires, either of the person committing the act, or of the child, or of both. Consent by a child to any such act or conduct is not a defense.

Proof. (*a*) That the accused took certain immoral, improper, or indecent liberties with a certain child, as alleged; or that he performed a certain lewd or lascivious act upon or with the body of a certain child, as alleged; (*b*) that the child was under the age of 16 years, as alleged; and (*c*) facts and circumstances showing that the intent of the accused was to arouse, appeal to, or gratify the lust or passions or sexual desires of the accused or the child or both, as alleged.

(4) *False swearing.*

Discussion. False swearing is the making under lawful oath of any statement, oral or written, not believing the statement to be true. It may consist, for example, in giving false testimony in a judicial proceeding or course of justice on other than material matters or in making a false oath to an affidavit. It is not necessary that the proceeding in which the oath is taken should be a judicial proceeding or course of justice. The oath may be taken before any person authorized by law to administer oaths. See Article 136 and chapter XXII as to the authority of certain persons to administer oaths, and see 147*a* as to taking judicial notice of the signatures of persons authorized to administer oaths. An oath includes an affirmation when the latter is authorized in lieu of an oath.

Proof. (*a*) That the accused took an oath or its equivalent in a proceeding or made an oath or its equivalent to an affidavit; (*b*) that the oath was administered to the accused in a matter in which an oath was required or authorized by law; (*c*) that the oath was administered by a person having authority to do so; (*d*) that upon such oath the accused made or subscribed a certain statement, as alleged; and (*e*) facts and circumstances showing that the accused did not believe such statement to be true.

The principles set forth in the last paragraph of the discussion of proof of perjury in 210 apply also to proof of false swearing.

(5) *Disloyal statements undermining discipline and loyalty.*

Discussion. Certain disloyal statements by military personnel may lack the necessary elements to constitute an offense under Title 18 U. S. C. §§ 2385, 2387, and 2388, but nevertheless, under the circumstances, be punishable as conduct to the prejudice of good order and discipline or conduct reflecting discredit upon the armed forces. Examples are public utterances designed to promote disloyalty or disaffection among troops, as praising the enemy, attacking the war aims of the United States, or denouncing our form of government.

Proof. (*a*) That the accused made the disloyal statement, as alleged; and (*b*) facts and circumstances showing the design alleged.

(6) *Misprision of a felony.*

Discussion. A person who has knowledge of the actual commission of a felony

by another and who conceals and does not as soon as possible make known the same to the civil or military authorities is guilty of misprision of the felony. Any offense of a civil nature punishable under the authority of the code by death or by confinement for a term exceeding one year is a felony. A mere failure or refusal to disclose the felony without some positive act of concealment does not make one guilty of this offense. Making a false entry in an account book for the purpose of concealing a felonious theft committed by another, and intimidating a witness of a felony, are examples of a positive act of concealment.

Proof. (*a*) That the accused had knowledge of the actual commission of a felony by another; and (*b*) that he concealed and did not as soon as possible make known the same to the civil or military authorities.

Chapter XXIX—Habeas Corpus

214. GENERAL—*a. Nature of writ.* Habeas corpus is a discretionary writ, extraordinary in nature, issued by a civil court upon proper cause shown to inquire into the legality of any restraint upon the liberty of a person. It is a summary remedy for unlawful restraint of liberty, and cannot be used to perform the functions of a writ of error or an appeal. Mere moral restraint (such as military arrest or parole, for example), as distinguished from confinement, is generally considered insufficient to warrant its issuance. A writ of habeas corpus (if issued by the court, either immediately on the filing of the petition for the writ, which is rare, or pursuant to a hearing on an order to show cause why the writ should not issue) directs the custodian to produce before the issuing court on a certain date the body of the person restrained and to explain the reason for the restraint. The burden is on the petitioner to show that he is illegally restrained. If it appears to the court on the face of the petition that the facts stated therein do not warrant the release of the petitioner from restraint, it will refuse to grant the writ without requiring the presence of the petitioner; or on motion of the respondent in appropriate cases the court may dismiss the petition when filed, as, for example, when the petitioner has failed to exhaust his appellate remedies, when the petitioned court lacks jurisdiction of the parties or the subject matter, or when it appears that the sentencing court had jurisdiction of the parties and the offense charged and acted within its lawful power. After a hearing on a writ issued by the court (either immediately or pursuant to the hearing on the show cause order as stated above), it is either discharged or made permanent. If the court determines that it has jurisdiction to proceed and that the restraint is unlawful, the person is ordered released from such restraint. If the court determines either that it lacks jurisdiction to proceed or that the restraint is lawful the writ is discharged and the petition is dismissed.

b. Exhaustion of remedies. The appellate review of records of trial provided by part IX of the code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by the code, and all dismissals and discharges carried into execution pursuant to sentences by courts-martial following approval, review, or affirmation as required by the code, are final and conclusive, and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings are binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in Article 73 and to action by the Secretary of a Department as provided in Article 74, and the authority of the President (Art. 76).

Prior to the exhaustion of the remedies of appellate review and petition for new trial which are available to an accused person, as provided in Articles 67 and 73 and in section 12, act of 5 May 1950, (64 Stat. 147; 50 U. S. C. 740), a resort to habeas corpus to test the legality of restraint imposed pursuant to a sentence of a court-martial is inappropriate and premature.

Although the finality of court-martial proceedings and judgments contemplated by Article 76 prevents a direct review by Federal courts of decisions of courts-martial on the merits, as by writ of error or appeal, Article 76 does not preclude an attack on the jurisdiction of a court-martial collaterally in habeas corpus.

c. Scope of inquiry. The scope of inquiry in a habeas corpus proceeding is limited to the question of whether the order, sentence (the term of confinement imposed not yet having been served), or process under which the restraint is imposed was within the lawful power of the court or officer issuing it. With respect to the restraint imposed pursuant to a sentence of a court-martial the inquiry, however, may not properly be directed to the preliminary proceedings, such as the failure to follow the requirements of Article 32, nor may the inquiry extend to the sufficiency of the evidence to sustain the conviction or to the competence of the law officer or defense counsel. By habeas corpus the civil courts exercise no supervisory or correcting power over the proceedings of a court-martial. The correction of any errors it may have committed is for the military authorities and the Court of Military Appeals, which are alone authorized to review its decision. In a habeas corpus proceeding, the single inquiry, the test, is jurisdiction—whether the court-martial had jurisdiction of the person accused and the offense charged, and acted within its lawful powers in the sentence adjudged. See Hiatt v. Brown, 339 U. S. 103; Humphrey v. Smith, 336 U. S. 695; In re Yamashita, 327 U. S. 1; Ex parte Quirin, 317 U. S. 1; Collins v. McDonald, 258 U. S. 416; Carter v. McClaughry, 183 U. S. 365; Carter v. Roberts, 177 U. S. 496; Swaim v. United States, 165 U. S. 553; In re Grimley, 137 U. S. 147; Dynes v. Hoover, 61 U. S. (20 How) 65; McClellan v. Humphrey, 181 F. 2d 757 (CA 3 1950).

215. RETURN TO WRIT OR ORDER ISSUED BY A STATE COURT OR JUDGE. A State court or judge is without authority to issue a writ of habeas corpus if it appears that the person is confined under the authority, or claim and color of the authority, of the United States, the principle being that no State can authorize one of its judges or courts to exercise judicial power by habeas corpus or any other process within the jurisdiction of another distinct and independent government. No State judge or court, after being judicially informed that a petitioner is in custody under the authority of the United States, has any right to interfere, or to require him to be brought before the State judge or court. If a person thus held be illegally imprisoned, it is for the courts or judicial officers of the United States, and those courts or officers alone, to grant him release. A deserter apprehended by any civil officer having authority to apprehend offenders under the laws of the United States or of any State, District, Territory, or possession of the United States, is in custody by authority of the United States (see Art. 8).

If a State court or judge issues a writ, order, or other process to inquire into the legality of restraint imposed upon a person held by any of the armed forces, the officer to whom the process is directed will, in accordance with appropriate departmental regulations, report that fact by telegraph, telephone, or other expeditious means direct to the Judge Advocate General of the Department concerned or to the General Counsel of the Treasury Department if the petitioner is a member of the Coast Guard and that armed force is not then operating as a part of the Navy; and by similar means will report that fact to the appropriate commander of the army area, naval district, air command, coast guard district, or other comparable command in which the person held by the military authorities is located. He will also report the facts to the United States attorney for the district and request the latter to represent him.

In the case of a person who has been apprehended under a warrant of attachment (115*d* (3), Warrant of attachment), if not inconsistent with instructions received from the authorities specified in the preceding subparagraph, the officer on whom the writ is served will not produce the body but will make return as indicated in 218 (Forms A and B). In other cases, such as in the case of a person subject to military law, the officer on whom the writ is served will not produce the body but will make a return as indicated in 218 (Forms C and B) if such procedure is not inconsistent with the instructions received from the authorities specified in the preceding subparagraph.

216. WRIT OR ORDER ISSUED BY A FOREIGN COURT OR JUDGE. A court or judge of a foreign country has no authority to inquire into the legality of restraint upon any person held by United States military authority. Any process in the nature of a writ of habeas corpus issued by any foreign court or judge to any officer acting in his official capacity as an officer of the United States will not be obeyed, but its issuance will be reported to the commander of the United States armed force within whose command the person restrained is located,

and to the Judge Advocate General of the appropriate Department.

217. RETURN TO WRIT OR ORDER ISSUED BY A FEDERAL COURT OR JUDGE. Subject to certain exceptions, United States courts and judges of such courts have the power to issue writs of habeas corpus to inquire into the legality of restraint upon liberty imposed by the authority or by the color of the authority of the United States (28 U. S. C. 2241). The single inquiry in military habeas corpus cases is jurisdiction—whether the court-martial had jurisdiction of the person accused and the offense charged, and acted within its lawful powers in the sentence adjudged (214*c*).

Upon the issuance of such a writ, order to show cause, or related process, the officer to whom it is directed will, in accordance with appropriate departmental regulations, report that fact by telegraph, telephone, or other expeditious means of communication, direct to the Judge Advocate General of the Department concerned, or to the General Counsel of the Treasury Department if the petitioner is a member of the Coast Guard and that armed force is not then operating as a part of the Navy; and he will report that fact to the appropriate commander of the army area, naval district, air command, coast guard district, or other comparable command, stating briefly the grounds on which the release of the person is sought. He will also report the facts to the United States attorney for the district and request the latter to represent him.

If consistent with instructions received from the authorities specified in the preceding subparagraph, the officer on whom service has been made will obey the writ or order and make a return setting forth the reasons for the restraint. See 218 (Forms A and C).

With reference to the papers to accompany the return in a case in which Form A applies, see 115*d* (3) (Warrant of attachment). In a case to which Form C applies, the copies of the charges and of the order under which the accused is held in arrest or confinement will be certified by the custodian of the originals and sworn to, before an officer authorized to administer oaths under Article 136, in the following form:

I hereby certify that the foregoing is a full and true copy of the original charges preferred against ----------, and of the original order for his arrest (confinement); that the same are in the usual form of military charges; and that such charges and order conform to the rules regulating military procedure.

(Show appropriate official designation)

Sworn to and subscribed before me this ------ day of ----------, 19----.

(Show appropriate official designation of officer administering oath)

The copy of the order convening the court or publishing the sentence will be certified and verified in a similar manner.

In the event the court orders the discharge of the person, the officer making the return, through counsel or otherwise, will note an appeal pending instructions from the Department concerned; he will report expeditiously to the Judge Advocate General (or comparable legal officer) of the appropriate Department the action taken by the court or judge, and forward a copy of the order and opinion of the court or judge as soon as it can be obtained.

218. FORMS. The following forms are set forth as a guide in the appropriate suggested types of action involved. The return in a particular case should, of course, vary from the form according to the facts. Normally, the preparation and filing of the return or other pleadings are accomplished by the United States attorney for the district, with such participation and assistance from the military authorities as he may desire (see 215 and 217).

FORM A

(Return to writ or order)

(Name of appropriate Federal court)

(Caption)

Return of Respondent to Writ of Habeas Corpus (Order to Show Cause)

To the Honorable ---------- (court or judge):

Comes now the respondent in the above-captioned action, upon whom has been served a writ of habeas corpus (an order to show cause why a writ of habeas corpus should not issue) for the production of ----------, and (by his attorney) making return to the said writ (order) respectfully shows to the court (judge) that he holds the said ---------- by authority of the United States pursuant to a warrant of attachment issued under Article 46, Uniform Code of Military Justice, by a trial counsel of a lawfully convened general (special) court-martial (by a summary court-martial) and duly directed to him, the said respondent, for execution; that he is diligently and in good faith engaged in executing said warrant of attachment; and that he respectfully submits the same for the inspection of the court, together with the original subpoena and proof of service of the same, a copy of the order appointing the court-martial sworn to as such, before which the said ---------- has been subpoenaed to testify, a copy of the charges and specifications in the case, sworn to as such, in which the said ---------- is a witness, a copy of the order referring the case to the court for trial, sworn to as such, and an affidavit of ---------- showing that said ---------- is a material witness in the case, that he has been duly paid (tendered) the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the United States, and that he has failed to appear and has offered no valid excuse for such failure.

(*If writ has been issued add the following final paragraph:*)

In obedience, however, to the said writ of habeas corpus the respondent herewith produces before the court the body of the said ----------, and for the reasons hereinbefore set forth respectfully prays the court to discharge the said writ.

(*If the foregoing return is made to an order to show cause, substitute the following for the final paragraph above:*)

Wherefore, for the reasons hereinbefore set forth the respondent respectfully prays the court to discharge the order to show cause, and dismiss the petition for the said writ of habeas corpus.

United States Attorney
Counsel for Respondent

(or, if filed without representation of counsel)

(Official designation)
Respondent

Dated ----------, 19----.

FORM B

(Return to writ or order)

(Name of appropriate State court)

(Caption)

(*Make return as in Form A or Form C, as appropriate (see 215), substituting for the final paragraph the following:*)

Respondent herein further states that he has not produced the body of the said ----------because he holds him by authority of the United States as hereinbefore set forth, and that this court (your honor) is without jurisdiction to proceed in this action; and he respectfully prays this court (your honor) to discharge the said writ of habeas corpus (order to show cause, and dismiss the petition for the said writ of habeas corpus, in accordance with the decisions of the Supreme Court of the United States in Ableman v. Booth, 62 U. S. (21 How) 506, 523–524, and Tarble's Case, 80 U. S. (13 Wall) 397, 409 et seq.

United States Attorney
Counsel for Respondent

(or, if filed without representation of counsel)

(Official designation)
Respondent

Dated ----------, 19----.

FORM C

(Return to writ or order)

(Name of appropriate Federal court)

(Caption)

Return of Respondent to Writ of Habeas Corpus (Order to Show Cause)

To the Honorable ---------- (court or judge):

Comes now the respondent in the above-captioned action, upon whom has been served a writ of habeas corpus (an order to show cause why a writ of habeas corpus should not issue) for the production of ----------, and (by his attorney) making return to the said writ (order) respectfully shows to the court (judge) that he holds the said ---------- by authority of the United States [as a member of the (here state the appropriate armed force)] [as a person subject to military jurisdiction under Article 3 of the Uniform Code of Military Justice] [as a prisoner in the custody of (an armed force) pursuant to the sentence of a general court-martial] under the following circumstances:

That the said ---------- was duly enlisted as a member of the ---------- (appropriate armed force) at ----------, ----------, on ----------, 19----, for a term of ------ years. (If the offense is fraudulent enlistment, this recital should be omitted. This recital should also be omitted if the person is held as a person subject to military jurisdiction under Article 3 of the code, in which case a statement of the jurisdictional facts under that article should be inserted.)

(*Here state the offense. If it is fraudulent enlistment by representing himself to be of the required age, it may be stated as follows:*)

That on the ------ day of ----------, 19----, at ----------, ----------, the said ----------, being then under 18 years of age, did fraudulently enlist in the military service of the United States for the term of ------ years, by falsely representing himself to be over 18 years of age, to wit: ----------

years and ------ months; and has, since the said enlistment, received pay and allowances (or either) thereunder.

(If the offense is desertion, it may be stated substantially as follows:)

That the said ---------- deserted the said service at ----------, ----------, on ---------- 19----, and remained absent in desertion until he was apprehended on ----------, 19----, by ---------- and was thereupon committed to the respondent as commanding officer of the post of ----------.

That the said ---------- has been placed in confinement (arrest) and formal charges have been preferred against him for the said offense, and an authenticated copy of the charges, and of the order under which the said ---------- is held in confinement (arrest) are hereto appended; and that he will be brought to trial thereon as soon as practicable before a court-martial [to be convened by ---------- (appropriate convening authority)] [convened by Special Orders No. --------, Headquarters ----------, dated ----------, 19----, an authenticated copy of which is hereto appended].

(If the person held is a prisoner under sentence of a court-martial, the following paragraph should be substituted for the preceding paragraph:)

That the said ---------- was duly arraigned for the offense, before a general court-martial, convened by Special Orders No. ------, Headquarters ----------, dated ----------, 19----, was convicted thereof by that court, and was sentenced to ----------, which sentence was duly approved on ----------, 19----, by the convening authority [(by the officer commanding for the time being) (by a successor in command to the convening authority) (by ----------, an officer exercising general court-martial jurisdiction)], as required by Part IX, Uniform Code of Military Justice; that upon appellate review the record of trial was held to be legally sufficient to support the findings of guilty and the sentence, and the sentence was approved and affirmed as required by Part IX, Uniform Code of Military Justice. An authenticated copy of the order promulgating the sentence as approved and affirmed is appended hereto.

(If writ has been issued add the following final paragraph:)

In obedience, however, to the said writ of habeas corpus the respondent herewith produces before the court the body of the said ----------, and for the reasons hereinbefore set forth respectfully prays the court to discharge the said writ.

(If the foregoing return is made to an order to show cause, substitute the following final paragraph for the paragraph above:)

Wherefore, for the reasons hereinbefore set forth the respondent respectfully prays the court to discharge the order to show cause, and dismiss the petition for the said writ of habeas corpus.

United States Attorney
Counsel for Respondent

(or, if filed without representation of counsel)

(Official designation)
Respondent

Dated ----------, 19----.

Appendix 1—Constitution of the United States, 1787

We the People of the United States, In Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[1] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolin five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

[2] *Section 3.* The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[1] This clause has been affected by the 14th and 16th amendments.

[2] This section has been affected by the 17th amendment.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If

[2] This clause has been affected by the 20th amendment.

after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[4] The Electors shall meet in their respective States, and vote by Ballot for two Persons,

[4] This clause has been affected by the 12th amendment.

of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President; declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur: and he shall nominate, and by and with the Advice and Consent of the

Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States; between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Articles in Addition to, and Amendment of, the Constitution of the United States of America, Proposed by Congress, and Ratified by the Legislatures of the Several States Pursuant to the Fifth Article of the Original Constitution

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII[1]

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession

[1] This article was repealed by the 21st amendment.

of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Appendix 2—The Act of 5 May 1950

The act of 5 May 1950* contains the Uniform Code of Military Justice (Section 1) and 16 other sections. Part *a* of this appendix sets forth the Uniform Code of Military Justice. Part *b* sets forth the other sections of the act to which military personnel should have ready access.

a.

UNIFORM CODE OF MILITARY JUSTICE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a Uniform Code of Military Justice for the government of the armed forces of the United States, unifying, consolidating, revising, and codifying the Articles of War, the Articles for the Government of the Navy, and the disciplinary laws of the Coast Guard, is hereby enacted as follows, and the articles in this section may be cited as "Uniform Code of Military Justice, Article ".

UNIFORM CODE OF MILITARY JUSTICE

Part		Article
I.	General Provisions	1
II.	Apprehension and Restraint	7
III.	Non-Judicial Punishment	15
IV.	Courts-Martial Jurisdiction	16
V.	Appointment and Composition of Courts-Martial	22
VI.	Pre-Trial Procedure	30
VII.	Trial Procedure	36
VIII.	Sentences	55
IX.	Review of Courts-Martial	59
X.	Punitive Articles	77
XI.	Miscellaneous Provisions	135

PART I—GENERAL PROVISIONS

Article
1. Definitions.
2. Persons subject to the code.
3. Jurisdiction to try certain personnel.
4. Dismissed officer's right to trial by court-martial.
5. Territorial applicability of the code.
6. Judge advocates and legal officers.

ARTICLE 1. *Definitions.* The following terms when used in this code shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

(1) "Department" shall be construed to refer, severally, to the Department of the Army, the Department of the Navy, the Department of the Air Force, and, except when the Coast Guard is operating as a part of the Navy, the Treasury Department;

(2) "Armed force" shall be construed to refer, severally, to the Army, the Navy, the Air Force, and, except when operating as a part of the Navy, the Coast Guard;

(3) "Navy" shall be construed to include the Marine Corps and, when operating as a part of the Navy, the Coast Guard;

(4) "The Judge Advocate General" shall be construed to refer, severally, to The Judge Advocates General of the Army, Navy, and Air Force, and, except when the Coast Guard is operating as a part of the Navy, the General Counsel of the Treasury Department;

(5) "Officer" shall be construed to refer to a commissioned officer including a commissioned warrant officer;

(6) "Superior officer" shall be construed to refer to an officer superior in rank or command;

(7) "Cadet" shall be construed to refer to a cadet of the United States Military Academy or of the United States Coast Guard Academy;

(8) "Midshipman" shall be construed to refer to a midshipman at the United States Naval Academy and any other midshipman on active duty in the naval service;

(9) "Enlisted person" shall be construed to refer to any person who is serving in an enlisted grade in any armed force;

(10) "Military" shall be construed to refer to any or all of the armed forces;

(11) "Accuser" shall be construed to refer to a person who signs and swears to charges, to any person who directs that charges nominally be signed and sworn by another, and to any other person who has an interest other than an official interest in the prosecution of the accused;

(12) "Law officer" shall be construed to refer to an official of a general court-martial detailed in accordance with article 26;

(13) "Law specialist" shall be construed to refer to an officer of the Navy or Coast Guard designated for special duty (law);

(14) "Legal officer" shall be construed to refer to any officer in the Navy or Coast Guard designated to perform legal duties for a command.

ART. 2. *Persons subject to the code.* The following persons are subject to this code:

(1) All persons belonging to a regular component of the armed forces, including those awaiting discharge after expiration of their terms of enlistment; all volunteers from the time of their muster or acceptance into the armed forces of the United States; all inductees from the time of their actual induction into the armed forces of the United States, and all other persons lawfully called or ordered into, or to duty in or for training in, the armed forces, from the dates they are required by the terms of the call or order to obey the same;

NOTE: National Guard personnel attending service schools under Section 99, National Defense Act, are not in the armed forces of the United States and hence are not subject under the provisions of Article 2 (1) to trial by courts-martial convened by the commanding officer of the service school (Dig. Op. JAG 1912–40, sec. 359 (5)). See also Johnson v. Sayre, 158 U. S. 109.

(2) Cadets, aviation cadets, and midshipmen;

NOTE: See Article 1 (7) and (8).

(3) Reserve personnel while they are on inactive duty training authorized by written orders which are voluntarily accepted by them, which orders specify that they are subject to this code;

(4) Retired personnel of a regular component of the armed forces who are entitled to receive pay;

(5) Retired personnel of a reserve component who are receiving hospitalization from an armed force;

(6) Members of the Fleet Reserve and Fleet Marine Corps Reserve;

(7) All persons in custody of the armed forces serving a sentence imposed by a court-martial;

(8) Personnel of the Coast and Geodetic Survey, Public Health Service, and other organizations, when assigned to and serving with the armed forces of the United States;

(9) Prisoners of war in custody of the armed forces;

NOTE: See Articles 45 to 67, inclusive, Geneva Convention of 27 July 1929 (Prisoners of War).

(10) In time of war, all persons serving with or accompanying an armed force in the field;

NOTE: The words "in the field" imply military operations with a view to an enemy (14 Ops. of Atty. Gen'l. p. 22 (1872)), and it has been said that in view of the technical and common acceptation of the term, the question of whether an armed force is "in the field" is not to be determined by the locality in which it may be found, but rather by the activity in which it may be engaged at any particular time (Hines v. Mikell, 259 F. 28, at 34). Thus forces assembled in temporary cantonments in the United States for the purpose of training preparatory for service in the actual theater of war were held to be "in the field" (Hines v. Mikell, supra) and a merchant ship and crew engaged in transporting troops and supplies to a battle zone were held to constitute a military expedition "in the field" (McCune v. Kilpatrick, 53 F. Supp. 80; In re Berue, 54 F. Supp. 252). See also Ex parte Gerlach, 247 F. 616; Hearings before a Subcommittee of the Committee on Armed Services, House of Representatives, Eighty-first Congress, First Session, H. R. 2498, 7–31 March, 1, 2, and 4 April 1949, pp. 872, 873.

One may be considered to be "accompanying" an armed force although he is not directly employed by such force or by the Government but works for a contractor engaged on a military project or serves on a merchant ship carrying war supplies or troops (Peristein v. U. S., 151 F. 2d 167, Cert. Dism., 328 U. S. 822; In re DiBartolo, 50 F. Supp. 929; In re Berue, supra; McCune v. Kilpatrick, supra). In those cases, however, in which a civilian has been held to have been "accompanying" an armed force, it has appeared that he has either moved with a military operation or that his presence within a military installation or theater was not merely incidental but was connected with or dependent upon the activities of the armed force or its personnel. He must, in order to come within this class of persons subject to military law, "accompany" the armed force in fact. Although a person "accompanying" an armed force may be "serving with" it as well, the distinction is an important one, for even though a civilian's contract with the Government may have come to an end before he has committed an offense, so that it may be said he is no longer "serving with" an armed force, jurisdiction may remain on the ground that he is accompanying an armed force because of his continued connection with a military community (Peristein v. U. S., supra; Grewe v. France, 75 F. Supp. 433). CM 329933, *Miquiabas,* 7 Bull. JAG (Army) 125 at 126.

(11) Subject to the provisions of any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, all persons serving with, employed by, or accompanying the armed forces without the continental limits of the United States and without the following territories: That part of Alaska east of longitude one hundred and seventy-two degrees west, the Canal Zone, the main group of the Hawaiian Islands, Puerto Rico, and the Virgin Islands;

(12) Subject to the provisions of any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, all persons within an area leased by or otherwise reserved or acquired for the use of the United States which is under the control of the Secretary of a Department and which is without the continental limits of the United States and without the following Territories: That part of Alaska east of longitude one hundred and seventy-two degrees west, the Canal Zone, the main group of the Hawaiian Islands, Puerto Rico, and the Virgin Islands.

NOTE: Pertinent treaties or executive agreements should be consulted before jurisdiction is asserted under this clause.

NOTES, MISCELLANEOUS: Other persons subject to military law: Patients in the Army and Navy General Hospital, Hot Springs, Arkansas (act 3 Mar. 1909, 35 Stat. 748, as amended; 53 U. S. C. 20).

ART. 3. *Jurisdiction to try certain personnel.* (a) Subject to the provisions of article 43, any person charged with having committed, while in a status in which he was subject to this code, an offense against this code, punishable by confinement of five years or more and for which the person cannot be tried in the courts of the United States or any State or Territory thereof or of the District of Columbia, shall not be relieved from amenability to trial by courts-martial by reason of the termination of said status.

NOTE: As to the jurisdiction of United States courts to try cases involving offenses committed without the territorial limits of the United States and without the special maritime and territorial jurisdiction of the United States as defined in Title 18, U. S. C. § 7, see U. S. v. Bowman, 260 U. S. 94; and 213c.

(b) All persons discharged from the armed forces subsequently charged with having fraudulently obtained said discharge shall, subject to the provisions of article 43, be subject to trial by court-martial on said charge and shall after apprehension be subject to this code while in the custody of the armed forces for such trial. Upon conviction of said charge they shall be subject to trial by court-martial for all offenses under this code committed prior to the fraudulent discharge.

(c) Any person who has deserted from the armed forces shall not be relieved from amenability to the jurisdiction of this code by virtue of a separation from any subsequent period of service.

ART. 4. *Dismissed officer's right to trial by court-martial.* (a) When any officer, dismissed by order of the President, makes a written application for trial by court-martial, setting forth, under oath, that he has been wrongfully dismissed, the President, as soon as practicable, shall convene a general court-martial to try such officer on the charges on which he was dismissed. A court-martial so convened shall have jurisdiction to try the dismissed officer on such charges, and he shall be held to have waived the right to plead any statute of limitations applicable to any offense with which he is charged. The court-martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court-martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal or death, the Secretary of the Department shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issuance.

(b) If the President fails to convene a general court-martial within six months from the presentation of an application for trial under this article, the Secretary of the Department shall substitute for the dismissal ordered by the President a form of discharge authorized for administrative issuance.

(c) Where a discharge is substituted for a dismissal under the authority of this article, the President alone may reappoint the officer to such commissioned rank and precedence as in the opinion of the President such former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to position vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and such reappointment shall be considered as actual service for all purposes, including the right to receive pay and allowances.

(d) When an officer is discharged from any armed force by administrative action or is dropped from the rolls by order of the President, there shall not be a right to trial under this article.

ART. 5. *Territorial applicability of the code.* This code shall be applicable in all places.

ART. 6. *Judge advocates and legal officers.* (a) The assignment for duty of all judge advocates of the Army and Air Force and law specialists of the Navy and Coast Guard shall be made upon the recommendation of The Judge Advocate General of the armed force of which they are members. The Judge Advocate General or senior members of his staff shall make frequent inspections in the field in supervision of the administration of military justice.

(b) Convening authorities shall at all times communicate directly with their staff judge advocates or legal officers in matters relating to the administration of military justice; and the staff judge advocate or legal officer of any command is authorized to communicate directly with the staff judge advocate or legal officer of a superior or subordinate command, or with The Judge Advocate General.

(c) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer in any case shall subsequently act as a staff judge advocate or legal officer to any reviewing authority upon the same case.

PART II—APPREHENSION AND RESTRAINT

Article
7. Apprehension.
8. Apprehension of deserters.
9. Imposition of restraint.
10. Restraint of persons charged with offenses.
11. Reports and receiving of prisoners.
12. Confinement with enemy prisoners prohibited.
13. Punishment prohibited before trial.
14. Delivery of offenders to civil authorities.

ART. 7. *Apprehension.* (a) Apprehension is the taking into custody of a person.

(b) Any person authorized under regulations governing the armed forces to apprehend persons subject to this code or to trial thereunder may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(c) All officers, warrant officers, petty officers, and noncommissioned officers shall have authority to quell all quarrels, frays, and disorders among persons subject to this code and to apprehend persons subject to this code who take part in the same.

NOTE: As to arrest and custody of members of friendly foreign forces within the United States, see sections 2 and 6, act of 30 June 1944 (58 Stat. 643; 22 U. S. C. 702, 706).

ART. 8. *Apprehension of deserters.* It shall be lawful for any civil officer having authority to apprehend offenders under the laws of the United States or of any State, District, Territory, or possession of the United States summarily to apprehend a deserter from the armed forces of the United States and deliver him into the custody of the armed forces of the United States.

ART. 9. *Imposition of restraint.* (a) Arrest is the restraint of a person by an order not imposed as a punishment for an offense directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted person may be ordered into arrest or confinement by any officer by an order, oral or written, delivered in person or through other persons subject to this code. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted persons of his command or subject to his authority into arrest or confinement.

(c) An officer, a warrant officer, or a civilian subject to this code or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another officer. The authority to order such persons into arrest or confinement may not be delegated.

(d) No person shall be ordered into arrest or confinement except for probable cause.

(e) Nothing in this article shall be construed to limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

ART. 10. *Restraint of persons charged with offenses.* Any person subject to this code charged with an offense under this code shall be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court-martial, such person shall not ordinarily be placed in confinement. When any person subject to this code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him.

ART. 11. *Reports and receiving of prisoners.* (a) No provost marshal, commander of a guard, or master at arms shall refuse to receive or keep any prisoner committed to his charge by an officer of the armed forces, when the committing officer furnishes a statement, signed by him, of the offense charged against the prisoner.

(b) Every commander of a guard or master at arms to whose charge a prisoner is committed shall, within twenty-four hours after such commitment or as soon as he is relieved from guard, report to the commanding officer the name of such prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

ART. 12. *Confinement with enemy prisoners prohibited.* No member of the armed forces of the United States shall be placed in confinement in immediate association with enemy prisoners or other foreign nationals not members of the armed forces of the United States.

ART. 13. *Punishment prohibited before trial.* Subject to the provisions of article 57, no person, while being held for trial or the results of trial, shall be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during such period for infractions of discipline.

ART. 14. *Delivery of offenders to civil authorities.* (a) Under such regulations as the Secretary of the Department may prescribe, a member of the armed forces accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(b) When delivery under this article is made to any civil authority of a person undergoing sentence of a court-martial, such delivery, if followed by conviction in a civil tribunal, shall be held to interrupt the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of the said court-martial sentence.

PART III—NON-JUDICIAL PUNISHMENT

Article
15. Commanding officer's non-judicial punishment.

ART. 15. *Commanding officer's non-judicial punishment.* (a) Under such regulations as the President may prescribe, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the

*Public Law 506, 81st Congress, c. 169, § 1, 64 Stat. 103; Title 50 U. S. C. (Chap. 22) §§ 551–736.

following disciplinary punishments for minor offenses without the intervention of a court-martial—

(1) Upon officers and warrant officers of his command:

(A) Withholding of privileges for a period not to exceed two consecutive weeks; or

(B) Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks; or

(C) If imposed by an officer exercising general court-martial jurisdiction, forfeiture of not to exceed one-half of his pay per month for a period not exceeding one month;

(2) Upon other military personnel of his command:

(A) Withholding of privileges for a period not to exceed two consecutive weeks; or

(B) Restriction to certain specified limits, with or without suspension from duty, for a period not to exceed two consecutive weeks; or

(C) Extra duties for a period not to exceed two consecutive weeks, and not to exceed two hours per day, holidays included; or

(D) Reduction to next inferior grade if the grade from which demoted was established by the command or an equivalent or lower command; or

(E) If imposed upon a person attached to or embarked in a vessel, confinement for a period not to exceed seven consecutive days; or

(F) If imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for a period not to exceed three consecutive days.

(b) The Secretary of a Department may, by regulation, place limitations on the powers granted by this article with respect to the kind and amount of punishment authorized, the categories of commanding officers authorized to exercise such powers, and the applicability of this article to an accused who demands trial by court-martial.

(c) An officer in charge may, for minor offenses, impose on enlisted persons assigned to the unit of which he is in charge, such of the punishments authorized to be imposed by commanding officers as the Secretary of the Department may by regulation specifically prescribe, as provided in subdivisions (a) and (b).

(d) A person punished under authority of this article who deems his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command, and superior authority shall have power to suspend, set aside, or remit any part or amount of the punishment and to restore all rights, privileges, and property affected.

(e) The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

PART IV—COURTS-MARTIAL JURISDICTION

Article
16. Courts-martial classified.
17. Jurisdiction of courts-martial in general.
18. Jurisdiction of general courts-martial.
19. Jurisdiction of special courts-martial.
20. Jurisdiction of summary courts-martial.
21. Jurisdiction of courts-martial not exclusive.

ART. 16. *Courts-martial classified.* There shall be three kinds of courts-martial in each of the armed forces, namely:

(1) General courts-martial, which shall consist of a law officer and any number of members not less than five;

(2) Special courts-martial, which shall consist of any number of members not less than three; and

(3) Summary courts-martial, which shall consist of one officer.

ART. 17. *Jurisdiction of courts-martial in general.* (a) Each armed force shall have court-martial jurisdiction over all persons subject to this code. The exercise of jurisdiction by one armed force over personnel of another armed force shall be in accordance with regulations prescribed by the President.

(b) In all cases, departmental review subsequent to that by the officer with authority to convene a general court-martial for the command which held the trial, where such review is required under the provisions of this code, shall be carried out by the armed force of which the accused is a member.

ART. 18. *Jurisdiction of general courts-martial.* Subject to article 17, general courts-martial shall have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this code, including the penalty of death when specifically authorized by this code. General courts-martial shall also have jurisdiction to try any person who by the law of war is subject to trial by a military tribunal and may adjudge any punishment permitted by the law of war.

NOTE: See 14 as to the jurisdiction of a general court-martial under the law of war; CM 302791 Kaukoreit, 5 Bull. JAG (Army) 262; CM 318380 Yabusaki, 6 Bull. JAG (Army) 117; and CM 337089 Aikins, 9 Bull. JAG (Army) 71.

The limitations on the discretion of military tribunals to adjudge punishments against prisoners of war are proscribed in the Geneva Convention on Prisoners of War, 27 July 1929, some of which are:

Article 46. Punishments other than those provided for the same acts for soldiers of the national armies may not be imposed upon prisoners of war by the military authorities and courts of the detaining power.

Rank being identical, officers, non-commissioned officers, or soldiers who are prisoners of war undergoing a disciplinary punishment, shall not be subject to less favorable treatment than that provided in the armies of the detaining power with regard to the same punishment. • • • .

Article 48. Prisoners of war may not be treated differently from other prisoners after having suffered the judicial or disciplinary punishment which has been imposed on them.

However, prisoners punished as a result of attempted escape may be subjected to special surveillance, which, however, may not entail the suppression of the guarantees granted prisoners by the present Convention.

Article 49. No prisoner of war may be deprived of his rank by the detaining power.

Prisoners given disciplinary punishment may not be deprived of the prerogatives attached to their rank. • • •

Article 63. Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining power.

ART. 19. *Jurisdiction of special courts-martial.* Subject to article 17, special courts-martial shall have jurisdiction to try persons subject to this code for any non-capital offense made punishable by this code and, under such regulations as the President may prescribe, for capital offenses. Special courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this code except death, dishonorable discharge, dismissal, confinement in excess of six months, hard labor without confinement in excess of three months, forfeiture of pay exceeding two-thirds pay per month, or forfeiture of pay for a period exceeding six months. A bad-conduct discharge shall not be adjudged unless a complete record of the proceedings and testimony before the court has been made.

ART. 20. *Jurisdiction of summary courts-martial.* Subject to article 17, summary courts-martial shall have jurisdiction to try persons subject to this code except officers, warrant officers, cadets, aviation cadets, and midshipmen for any noncapital offense made punishable by this code. No person with respect to whom summary courts-martial have jurisdiction shall be brought to trial before a summary court-martial if he objects thereto, unless under the provisions of article 15 he has been permitted and has elected to refuse punishment under such article. Where objection to trial by summary court-martial is made by an accused who has not been permitted to refuse punishment under article 15, trial shall be ordered by special or general court-martial, as may be appropriate. Summary courts-martial may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this code except death, dismissal, dishonorable or bad-conduct discharge, confinement in excess of one month, hard labor without confinement in excess of forty-five days, restriction to certain specified limits in excess of two months, or forfeiture of pay in excess of two-thirds of one month's pay.

ART. 21. *Jurisdiction of courts-martial not exclusive.* The provisions of this code conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be tried by such military commissions, provost courts, or other military tribunals.

NOTE: A military commission to try offenses against the law of war may be appointed by any field commander or by any commander competent to appoint a general court-martial (In re Yamashita, 327 U. S. 1).

Congress has incorporated by reference as within the jurisdiction of military commissions all offenses which are defined as such by the law of war and which may constitutionally be included within that jurisdiction (Ex parte Quirin, 317 U. S. 1).

Congress has adopted the system of military common law applied by military tribunals so far as it should be recognized and deemed applicable by the courts and as further defined and supplemented by the Hague Convention (In re Yamashita, supra).

PART V—APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

Article
22. Who may convene general courts-martial.
23. Who may convene special courts-martial.
24. Who may convene summary courts-martial.
25. Who may serve on courts-martial.
26. Law officer of a general court-martial.
27. Appointment of trial counsel and defense counsel.
28. Appointment of reporters and interpreters.
29. Absent and additional members.

ART. 22. *Who may convene general courts-martial.* (a) General courts-martial may be convened by—

(1) The President of the United States;

(2) The Secretary of a Department;

(3) The commanding officer of a Territorial Department, and Army Group, an Army, an Army Corps, a division, a separate brigade, or a corresponding unit of the Army or Marine Corps;

(4) The commander in chief of a fleet; the commanding officer of a naval station or larger shore activity of the Navy beyond the continental limits of the United States;

(5) The commanding officer of an air command, an air force, an air division, or a separate wing of the Air Force or Marine Corps;

(6) Such other commanding officers as may be designated by the Secretary of a Department; or

(7) Any other commanding officer in any of the armed forces when empowered by the President.

(b) When any such commanding officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority when deemed desirable by him.

ART. 23. *Who may convene special courts-martial.* (a) Special courts-martial may be convened by—

(1) Any person who may convene a general court-martial;

(2) The commanding officer of a district, garrison, fort, camp, station, Air Force base, auxiliary air field, or other place where members of the Army or Air Force are on duty;

(3) The commanding officer of a brigade, regiment, detached battalion, or corresponding unit of the Army;

(4) The commanding officer of a wing, group, or separate squadron of the Air Force;

(5) The commanding officer of any naval or Coast Guard vessel, shipyard, base, or station; the commanding officer of any Marine brigade, regiment, detached battalion, or corresponding unit; the commanding officer of any Marine barracks, wing, group, separate squadron, station, base, auxiliary airfield, or other place where members of the Marine Corps are on duty;

(6) The commanding officer of any separate or detached command or group of detached units of any of the armed forces placed under a single commander for this purpose; or

(7) The commanding officer or officer in charge of any other command when empowered by the Secretary of a Department.

(b) When any such officer is an accuser, the court shall be convened by superior competent authority, and may in any case be convened by such authority when deemed advisable by him.

ART. 24. *Who may convene summary courts-martial.* (a) Summary courts-martial may be convened by—

(1) Any person who may convene a general or special court-martial;

(2) The commanding officer of a detached company, or other detachment of the Army;

(3) The commanding officer of a detached squadron or other detachment of the Air Force; or

(4) The commanding officer or officer in charge of any other command when empowered by the Secretary of a Department.

(b) When but one officer is present with a command or detachment he shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him. Summary courts-martial may, however, be convened in any case by superior competent authority when deemed desirable by him.

ART. 25. *Who may serve on courts-martial.* (a) Any officer on active duty with the armed forces shall be eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before such courts for trial.

(b) Any warrant officer on active duty with the armed forces shall be eligible to serve on general and special courts-martial for the trial of any person, other than an officer, who may lawfully be brought before such courts for trial.

(c) (1) Any enlisted person on active duty with the armed forces who is not a member of the same unit as the accused shall be eligible to serve on general and special courts-martial for the trial of any enlisted person who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, prior to the convening of such court, the accused personally has requested in writing that enlisted persons serve on it. After such a request, no enlisted person shall be tried by a general or special court-martial the membership of which does not include enlisted persons in a number comprising at least one-third of the total membership of the court, unless eligible enlisted persons cannot be obtained on account of physical conditions or military exigencies. Where such persons cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

(2) For the purposes of this article, the word "unit" shall mean any regularly organized body as defined by the Secretary of the Department, but in no case shall it be a body larger than a company, a squadron, or a ship's crew, or than a body corresponding to one of them.

(d) (1) When it can be avoided, no person in the armed forces shall be tried by a court-martial any member of which is junior to him in rank or grade.

(2) When convening a court-martial, the convening authority shall appoint as members thereof such persons as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No person shall be eligible to sit as a member of a general or special court-martial when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

ART. 26. *Law officer of a general court-martial.* (a) The authority convening a general court-martial shall appoint as law officer thereof an officer who is a member of the bar of a Federal court or of the highest court of a State of the United States and who is certified to be qualified for such duty by The Judge Advocate General of the armed force of which he is a member. No person shall be eligible to act as law officer in a case when he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

(b) The law officer shall not consult with the members of the court, other than on the form of the findings as provided in article 29, except in the presence of the accused, trial counsel, and defense counsel, nor shall he vote with the members of the court.

ART. 27. *Appointment of trial counsel and defense counsel.* (a) For each general and special court-martial the authority convening the court shall appoint a trial counsel and a defense counsel, together with such assistants as he deems necessary or appropriate. No person who has acted as investigating officer, law officer, or court member in any case shall act subsequently as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution shall act subsequently in the same case for the defense, nor shall any person who has acted for the defense act subsequently in the same case for the prosecution.

(b) Any person who is appointed as trial counsel or defense counsel in the case of a general court-martial—

(1) Shall be a judge advocate of the Army or the Air Force, or a law specialist of the Navy or Coast Guard, who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; or shall be a person who is a member of the bar of a Federal court or of the highest court of a State; and

(2) Shall be certified as competent to perform such duties by The Judge Advocate General of the armed force of which he is a member.

(c) In the case of a special court-martial—

(1) If the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel appointed by the convening authority shall be a person similarly qualified; and

(2) If the trial counsel is a judge advocate, or a law specialist, or a member of the bar of a Federal court or the highest court of a State, the defense counsel appointed by the convening authority shall be one of the foregoing.

ART. 28. *Appointment of reporters and interpreters.* Under such regulations as the Secretary of the Department may prescribe, the convening authority of a court-martial or military commission or a court of inquiry shall appoint qualified court reporters, who shall record the proceedings of and testimony taken before such court or commission. Under like regulations the convening authority of a court-martial, military commission, or court of inquiry may appoint an interpreter who shall interpret for the court or commission.

ART. 29. *Absent and additional members.* (a) No member of a general or special court-martial shall be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good cause.

(b) Whenever a general court-martial is reduced below five members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than five members. When such new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the court in the presence of the law officer, the accused, and counsel.

(c) Whenever a special court-martial is reduced below three members, the trial shall not proceed unless the convening authority appoints new members sufficient in number to provide not less than three members. When such new members have been sworn, the trial shall proceed as if no evidence had previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel.

PART VI—PRETRIAL PROCEDURE

Article
30. Charges and specifications.
31. Compulsory self-incrimination prohibited.
32. Investigation.
33. Forwarding of charges.
34. Advice of staff judge advocate and reference for trial.
35. Service of charges.

ART. 30. *Charges and specifications.* (a) Charges and specifications shall be signed by a person subject to this code under oath before an officer of the armed forces authorized to administer oaths and shall state—

(1) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(2) That the same are true in fact to the best of his knowledge and belief.

(b) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

ART. 31. *Compulsory self-incrimination prohibited.* (a) No person subject to this code shall compel any person to incriminate

himself or to answer any question the answer to which may tend to incriminate him.

(b) No person subject to this code shall interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court-martial.

(c) No person subject to this code shall compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(d) No statement obtained from any person in violation of this article, or through the use of coercion, unlawful influence, or unlawful inducement shall be received in evidence against him in a trial by court-martial.

ART. 32. *Investigation.* (a) No charge or specification shall be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiries as to the truth of the matter set forth in the charges, form of charges, and the disposition which should be made of the case in the interest of justice and discipline.

(b) The accused shall be advised of the charges against him and of his right to be represented at such investigation by counsel. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel be reasonably available, or by counsel appointed by the officer exercising general court-martial jurisdiction over the command. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(c) If an investigation of the subject matter of an offense has been conducted prior to the time the accused is charged with the offense, and if the accused was present at such investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subdivision (b) of this article, no further investigation of that charge is necessary under this article unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(d) The requirements of this article shall be binding on all persons administering this code, but failure to follow them in any case shall not constitute jurisdictional error.

ART. 33. *Forwarding of charges.* When a person is held for trial by general court-martial, the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the officer exercising general court-martial jurisdiction. If the same is not practicable, he shall report in writing to such officer the reasons for delay.

ART. 34. *Advice of staff judge advocate and reference for trial.* (a) Before directing the trial of any charge by general court-martial, the convening authority shall refer it to his staff judge advocate or legal officer for consideration and advice. The convening authority shall not refer a charge to a general court-martial for trial unless he has found that the charge alleges an offense under this code and is warranted by evidence indicated in the report of investigation.

(b) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

ART. 35. *Service of charges.* The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of the charges upon him, or before a special court-martial within a period of three days subsequent to the service of the charges upon him.

PART VII—TRIAL PROCEDURE

Article
36. President may prescribe rules.
37. Unlawfully influencing action of court.
38. Duties of trial counsel and defense counsel.
39. Sessions.
40. Continuances.
41. Challenges.
42. Oaths.
43. Statute of limitations.
44. Former jeopardy.
45. Pleas of the accused.
46. Opportunity to obtain witnesses and other evidence.
47. Refusal to appear or testify.
48. Contempts.
49. Depositions.
50. Admissibility of records of courts of inquiry.
51. Voting and rulings.
52. Number of votes required.
53. Court to announce action.
54. Record of trial.

ART. 36. *President may prescribe rules.* (a) The procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals may be prescribed by the President by regulations which shall, so far as he deems practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the United States district courts, but which shall not be contrary to or inconsistent with this code.

(b) All rules and regulations made in pursuance of this article shall be uniform insofar as practicable and shall be reported to the Congress.

ART. 37. *Unlawfully influencing action of court.* No authority convening a general, special, or summary court-martial, nor any other commanding officer, shall censure, reprimand, or admonish such court or any member, law officer, or counsel thereof, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this code shall attempt to coerce or, by any unauthorized means, influence the action of a court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

ART. 38. *Duties of trial counsel and defense counsel.* (a) The trial counsel of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of the proceedings.

(b) The accused shall have the right to be represented in his defense before a general or special court-martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel duly appointed pursuant to article 27. Should the accused have counsel of his own selection, the duly appointed defense counsel, and assistant defense counsel, if any, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court.

(c) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters as he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he may deem appropriate.

(d) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by article 27, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

(e) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by article 27, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

ART. 39. *Sessions.* Whenever a general or special court-martial is to deliberate or vote, only the members of the court shall be present. After a general court-martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court to put the findings in proper form, and such proceedings shall be on the record. All other proceedings, including any other consultation of the court with counsel or the law officer shall be made a part of the record and be in the presence of the accused, the defense counsel, the trial counsel, and in general court-martial cases, the law officer.

ART. 40. *Continuances.* A court-martial may, for reasonable cause, grant a continuance to any party for such time and as often as may appear to be just.

ART. 41. *Challenges.* (a) Members of a general or special court-martial and the law officer of a general court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The court shall determine the relevancy and validity of challenges for cause, and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(b) Each accused and trial counsel shall be entitled to one peremptory challenge, but the law officer shall not be challenged except for cause.

ART. 42. *Oaths.* (a) The law officer, all interpreters, and, in general and special courts-martial, the members, the trial counsel, assistant trial counsel, the defense counsel, assistant defense counsel, and the reporter shall take an oath or affirmation in the presence of the accused to perform their duties faithfully.

(b) All witnesses before courts-martial shall be examined on oath or affirmation.

ART. 43. *Statute of limitations.* (a) A person charged with desertion or absence without leave in time of war, or with aiding the enemy, mutiny, or murder, may be tried and punished at any time without limitation.

NOTE: An absence without leave from 7 March 1947 to 5 February 1949, having begun at a day prior to the adoption by Congress of the Joint Resolution of 25 July 1947 (P. L. 239, 80th Cong., 61 Stat. 449) terminating the war with respect to punishment of certain military offences when committed "in time of war", was held subject to the operation of Article of War 39 as amended by the act of 24 June 1948 (62 Stat. 604, 627) which made

absence without leave committed in time of war an offense prosecution for which is never barred by lapse of time. ACM 1659, Schauf, 2 CMR 325, 328.

(b) Except as otherwise provided in this article, a person charged with desertion in time of peace or any of the offenses punishable under articles 119 through 132 inclusive shall not be liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(c) Except as otherwise provided in this article, a person charged with any offense shall not be liable to be tried by court-martial or punished under article 15 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under article 15.

(d) Periods in which the accused was absent from territory in which the United States has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this article.

(e) In the case of any offense the trial of which in time of war is certified to the President by the Secretary of the Department to be detrimental to the prosecution of the war or inimical to the national security, the period of limitation prescribed in this article shall be extended to six months after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

(f) When the United States is at war, the running of any statute of limitations applicable to any offense under this code—

(1) Involving fraud or attempted fraud against the United States or any agency thereof in any manner, whether by conspiracy or not; or

(2) Committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States; or

(3) Committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancellation, or other termination or settlement, of any contract, subcontract or purchase order which is connected with or related to the prosecution of the war, or with any disposition of termination inventory by any war contractor or Government agency;

shall be suspended until three years after the termination of hostilities as proclaimed by the President or by a joint resolution of Congress.

ART. 44. *Former jeopardy.* (a) No person shall, without his consent, be tried a second time for the same offense.

(b) No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the finding of guilty has become final after review of the case has been fully completed.

(c) A proceeding which, subsequent to the introduction of evidence but prior to a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused shall be a trial in the sense of this article.

ART. 45. *Pleas of the accused.* (a) If an accused arraigned before a court-martial makes any irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

(b) A plea of guilty by the accused shall not be received to any charge or specification alleging an offense for which the death penalty may be adjudged.

ART. 46. *Opportunity to obtain witnesses and other evidence.* The trial counsel, defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the President may prescribe. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue and shall run to any part of the United States, its Territories, and possessions.

ART. 47. *Refusal to appear or testify.* (a) Every person not subject to this code who—

(1) Has been duly subpenaed to appear as a witness before any court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such court, commission, or board; and

(2) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the United States; and

(3) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which such person may have been legally subpenaed to produce;

shall be deemed guilty of an offense against the United States.

(b) Any person who commits an offense denounced by this article shall be tried on information in a United States district court or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, and jurisdiction is hereby conferred upon such courts for such purpose. Upon conviction, such persons shall be punished by a fine of not more than $500, or imprisonment for a period not exceeding six months, or both.

(c) It shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, upon the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute any person violating this article.

(d) The fees and mileage of witnesses shall be advanced or paid out of the appropriations for the compensation of witnesses.

NOTE: As to other offenses by persons not subject to the code which may be committed in connection with courts-martial, see Title 18 U. S. C. §§ 206, 210, 1505, 1621, 1622.

ART. 48. *Contempts.* A court-martial, provost court, or military commission may punish for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder. Such punishment shall not exceed confinement for thirty days or a fine of $100, or both.

ART. 49. *Depositions.* (a) At any time after charges have been signed as provided in article 30, any party may take oral or written depositions unless an authority competent to convene a court-martial for the trial of such charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, such an authority may designate officers to represent the prosecution and the defense and may authorize such officers to take the deposition of any witness.

(b) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(c) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

(d) A duly authenticated deposition taken upon reasonable notice to the other party, so far as otherwise admissible under the rules of evidence, may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or military board, if it appears—

(1) That the witness resides or is beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing; or

(2) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, non-amenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(3) That the present whereabouts of the witness is unknown.

(e) Subject to the requirements of subdivision (d) of this article, testimony by deposition may be adduced by the defense in capital cases.

(f) Subject to the requirements of subdivision (d) of this article, a deposition may be read in evidence in any case in which the death penalty is authorized by law but is not mandatory, whenever the convening authority shall have directed that the case be treated as not capital, and in such a case a sentence of death may not be adjudged by the court-martial.

ART. 50. *Admissibility of records of courts of inquiry.* (a) In any case not capital and not extending to the dismissal of an officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial or military commission if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(b) Such testimony may be read in evidence only by the defense in capital cases or cases extending to the dismissal of an officer.

(c) Such testimony may also be read in evidence before a court of inquiry or a military board.

ART. 51. *Voting and rulings.* (a) Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

(b) The law officer of a general court-martial and the president of a special court-martial shall rule upon interlocutory questions, other than challenge, arising during the proceedings. Any such ruling made by the law officer of a general court-martial upon any interlocutory question other than a motion for a finding of not guilty, or the question of accused's sanity, shall be final and shall constitute the ruling of the court; but the law officer may change any such ruling at any time during the trial. Unless such ruling be final, if any member objects thereto, the court shall be cleared and closed and the question decided by a vote as provided in article 52, viva voce, beginning with the junior in rank.

(c) Before a vote is taken on the findings, the law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel,

instruct the court as to the elements of the offense and charge the court—

(1) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(2) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

(3) That if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower decree as to which there is no reasonable doubt; and

(4) That the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the Government.

ART. 52. *Number of votes required.* (a) (1) No person shall be convicted of an offense for which the death penalty is made mandatory by law, except by the concurrence of all the members of the court-martial present at the time the vote is taken.

(2) No person shall be convicted of any other offense, except by the concurrence of two-thirds of the members present at the time the vote is taken.

(b) (1) No person shall be sentenced to suffer death, except by the concurrence of all the members of the court-martial present at the time the vote is taken and for an offense in this code made expressly punishable by death.

(2) No person shall be sentenced to life imprisonment or to confinement in excess of ten years, except by the concurrence of three-fourths of the members present at the time the vote is taken.

(3) All other sentences shall be determined by the concurrence of two-thirds of the members present at the time the vote is taken.

(c) All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote. A tie vote on a challenge shall disqualify the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity shall be a determination against the accused. A tie vote on any other question shall be a determination in favor of the accused.

ART. 53. *Court to announce action.* Every court-martial shall announce its findings and sentence to the parties as soon as determined.

ART. 54. *Record of trial.* (a) Each general court-martial shall keep a separate record of the proceedings of the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the law officer. In case the record cannot be authenticated by either the president or the law officer, by reason of the death, disability, or absence of such officer, it shall be signed by a member in lieu of him. If both the president and the law officer are unavailable for such reasons, the record shall be authenticated by two members.

(b) Each special and summary court-martial shall keep a separate record of the proceedings in each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may prescribe.

(c) A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as authenticated.

PART VIII—SENTENCES

Article
55. Cruel and unusual punishments prohibited.
56. Maximum limits.
57. Effective date of sentences.
58. Execution of confinement.

ART. 55. *Cruel and unusual punishments prohibited.* Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, shall not be adjudged by any court-martial or inflicted upon any person subject to this code. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

ART. 56. *Maximum limits.* The punishment which a court-martial may direct for an offense shall not exceed such limits as the President may prescribe for that offense.

ART. 57. *Effective date of sentences.* (a) Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date such sentence is approved by the convening authority. No forfeiture shall extend to any pay or allowances accrued before such date.

(b) Any period of confinement included in a sentence of a court-martial shall begin to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended shall be excluded in computing the service of the term of confinement.

(c) All other sentences of courts-martial shall become effective on the date ordered executed.

ART. 58. *Execution of confinement.* (a) Under such instructions as the Department concerned may prescribe, any sentence of confinement adjudged by a court-martial or other military tribunal, whether or not such sentence includes discharge or dismissal, and whether or not such discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the armed forces, or in any penal or correctional institution under the control of the United States, or which the United States may be allowed to use; and persons so confined in a penal or correctional institution not under the control of one of the armed forces shall be subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, Territory, District, or place in which the institution is situated.

(b) The omission of the words "hard labor" in any sentence of a court-martial adjudging confinement shall not be construed as depriving the authority executing such sentence of the power to require hard labor as a part of the punishment.

PART IX—REVIEW OF COURTS-MARTIAL

Article
59. Error of law; lesser included offense.
60. Initial action on the record.
61. Same—General court-martial records.
62. Reconsideration and revision.
63. Rehearings.
64. Approval by the convening authority.
65. Disposition of records after review by the convening authority.
66. Review by the board of review.
67. Review by the Court of Military Appeals.
68. Branch offices.
69. Review in the office of The Judge Advocate General.
70. Appellate counsel.
71. Execution of sentence; suspension of sentence.
72. Vacation of suspension.
73. Petition for a new trial.
74. Remission and suspension.
75. Restoration.
76. Finality of court-martial judgments.

ART. 59. *Error of law; lesser included offense.* (a) A finding or sentence of a court-martial shall not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(b) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm, instead, so much of the finding as includes a lesser included offense.

ART. 60. *Initial action on the record.* After every trial by court-martial the record shall be forwarded to the convening authority, and action thereon may be taken by the officer who convened the court, an officer commanding for the time being, a successor in command, or by any officer exercising general court-martial jurisdiction.

ART. 61. *Same—General court-martial records.* The convening authority shall refer the record of every general court-martial to his staff judge advocate or legal officer, who shall submit his written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction and shall be forwarded with the record to The Judge Advocate General of the armed force of which the accused is a member.

ART. 62. *Reconsideration and revision.* (a) If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action.

(b) Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned—

(1) For reconsideration of a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

(2) For reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of this code; or

(3) For increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

ART. 63. *Rehearings.* (a) If the convening authority disapproves the findings and sentence of a court-martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing, in which case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.

(b) Every rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence shall be imposed unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings or unless the sentence prescribed for the offense is mandatory.

ART. 64. *Approval by the convening authority.* In acting on the findings and sentence of a court-martial, the convening authority shall approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines should be approved. Unless he indicates otherwise, approval of the sentence shall constitute approval of the findings and sentence.

ART. 65. *Disposition of records after review by the convening authority.* (a) When the convening authority has taken final action in a general court-martial case, he shall forward the entire record, including his action thereon and the opinion or opinions of the staff judge advocate or legal officer, to the appropriate Judge Advocate General.

(b) Where the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the record shall be forwarded to the officer exercising general court-martial jurisdiction over the command to be reviewed in the same manner as a record of trial by general court-martial or directly to the appropriate Judge Advocate General to be reviewed by a board of review. If the sentence as approved by an officer exercising general court-martial jurisdiction includes a bad-conduct discharge, whether or not suspended, the record shall be forwarded to the appropriate Judge Advocate General to be reviewed by a board of review.

(c) All other special and summary court-martial records shall be reviewed by a judge advocate of the Army or Air Force, a law specialist of the Navy, or a law specialist or lawyer of the Coast Guard or Treasury Department and shall be transmitted and disposed of as the Secretary of the Department may prescribe by regulations.

ART. 66. *Review by the board of review.* (a) The Judge Advocate General of each of the armed forces shall constitute in his office one or more boards of review, each composed of not less than three officers or civilians, each of whom shall be a member of the bar of a Federal court or of the highest court of a State of the United States.

(b) The Judge Advocate General shall refer to a board of review the record in every case of trial by court-martial in which the sentence, as approved, affects a general or flag officer or extends to death, dismissal of an officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for one year or more.

(c) In a case referred to it, the board of review shall act only with respect to the findings and sentence as approved by the convening authority. It shall affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record it shall have authority to weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

(d) If the board of review sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to suport the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

(e) The Judge Advocate General shall, unless there is to be further action by the President or the Secretary of the Department or the Court of Military Appeals, instruct the convening authority to take action in accordance with the decision of the board of review. If the board of review has ordered a rehearing but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(f) The Judge Advocates General of the armed forces shall prescribe uniform rules of procedure for proceedings in and before boards of review and shall meet periodically to formulate policies and procedure in regard to review of court-martial cases in the offices of the Judge Advocates General and by the boards of review.

ART. 67. *Review by the Court of Military Appeals.* (a) (1) There is hereby established a Court of Military Appeals, which shall be located for administrative purposes in the Department of Defense. The Court of Military Appeals shall consist of three judges appointed from civilian life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. Not more than two of the judges of such court shall be appointed from the same political party, nor shall any person be eligible for appointment to the court who is not a member of the bar of a Federal court or of the highest court of a State. Each judge shall receive a salary of $17,500 a year and shall be eligible for reappointment. The President shall designate from time to time one of the judges to act as Chief Judge. The Court of Military Appeals shall have power to prescribe its own rules of procedure and to determine the number of judges required to constitute a quorum. A vacancy in the court shall not impair the right of the remaining judges to exercise all the powers of the court.

(2) The terms of office of the three judges first taking office after the effective date of this subdivision shall expire, as designated by the President at the time of nomination, one on May 1, 1956, one on May 1, 1961, and one on May 1, 1966. The terms of office of all successors shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor.

(3) Judges of the Court of Military Appeals may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, or upon the ground of mental or physical disability, but for no other cause.

(4) If any judge of the Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United State Court of Appeals to fill the office for the period of disability.

(b) The Court of Military Appeals shall review the record in the following cases:

(1) All cases in which the sentence, as affirmed by a board of review, affects a general or flag officer or extends to death;

(2) All cases reviewed by a board of review which The Judge Advocate General orders forwarded to the Court of Military Appeals for review; and

(3) All cases reviewed by a board of review in which, upon petition of the accused and on good cause shown, the Court of Military Appeals has granted a review.

(c) The accused shall have thirty days from the time he is notified of the decision of a board of review to petition the Court of Military Appeals for a grant of review. The court shall act upon such a petition within thirty days of the receipt thereof.

(d) In any case reviewed by it, the Court of Military Appeals shall act only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the board of review. In a case which The Judge Advocate General orders forwarded to the Court of Military Appeals, such action need be taken only with respect to the issues raised by him. In a case reviewed upon petition of the accused, such action need be taken only with respect to issues specified in the grant of review. The Court of Military Appeals shall take action only with respect to matters of law.

(e) If the Court of Military Appeals sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing it shall order that the charges be dismissed.

(f) After it has acted on a case, the Court of Military Appeals may direct The Judge Advocate General to return the record to the board of review for further review in accordance with the decision of the court. Otherwise, unless there is to be further action by the President, or the Secretary of the Department, The Judge Advocate General shall instruct the convening authority to take action in accordance with that decision. If the court has ordered a rehearing, but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(g) The Court of Military Appeals and The Judge Advocates General of the armed forces shall meet annually to make a comprehensive survey of the operation of this code and report to the Committees on Armed Services of the Senate and of the House of Representatives and to the Secretary of Defense and the Secretaries of the Departments the number and status of pending cases and any recommendations relating to uniformity of sentence policies, amendments to this code, and any other matters deemed appropriate.

ART. 68. *Branch offices.* Whenever the President deems such action necessary, he may direct The Judge Advocate General to establish a branch office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office one or more boards of review. Such Assistant Judge Advocate General and any such board of review shall be empowered to perform for that command, under the general supervision of The Judge Advocate General, the duties which The Judge Advocate General and a board of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval by the President.

ART. 69. *Review in the office of The Judge Advocate General.* Every record of trial by general court-martial, in which there has been a finding of guilty and a sentence, the appellate review of which is not otherwise provided for by article 66, shall be examined in the office of The Judge Adocate General. If any part of the findings or sentence is found unsupported in law, or if The Judge Advocate General so directs, the record shall be reviewed by a board of review in accordance with article 66, but in such event there will be no further review by the Court of Military Appeals except pursuant to the provisions of article 67 (b) (2).

ART. 70. *Appellate counsel.* (a) The Judge Advocate General shall appoint in his office one or more officers as appellate Government counsel, and one or more officers as appellate defense counsel who shall be qualified under the provisions of article 27 (b) (1).

(b) It shall be the duty of appellate Government counsel to represent the United States before the board of review or the Court of Military Appeals when directed to do so by The Judge Advocate General.

(c) It shall be the duty of appellate defense counsel to represent the accused before the board of review or the Court of Military Appeals—

(1) When he is requested to do so by the accused; or

(2) When the United States is represented by counsel; or

(3) When The Judge Advocate General has transmitted a case to the Court of Military Appeals.

(d) The accused shall have the right to be represented before the Court of Military Appeals or the board of review by civilian counsel if provided by him.

(e) Military appellate counsel shall also perform such other functions in connection with the review of court-martial cases as The Judge Advocate General shall direct.

ART. 71. *Execution of sentence; suspension of sentence.* (a) No court-martial sentence extending to death or involving a general or flag officer shall be executed until approved by the President. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence or any part of the sentence, as approved by him, except the death sentence.

(b) No sentence extending to the dismissal of an officer (other than a general or flag officer), cadet, or midshipman shall be executed until approved by the Secretary of the Department, or such Under Sec-

retary or Assistant Secretary as may be designated by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of any part of the sentence as approved by him. In time of war or national emergency he may commute a sentence of dismissal to reduction to any enlisted grade. A person who is so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

(c) No sentence which includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for one year or more shall be executed until affirmed by a board of review and, in cases reviewed by it, the Court of Military Appeals.

(d) All other court-martial sentences, unless suspended, may be ordered executed by the convening authority when approved by him. The convening authority may suspend the execution of any sentence, except a death sentence.

ART. 72. *Vacation of suspension.* (a) Prior to the vacation of the suspension of a special court-martial sentence which as approved includes a bad-conduct discharge, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at such hearing by counsel if he so desires.

(b) The record of the hearing and the recommendations of the officer having special court-martial jurisdiction shall be forwarded for action to the officer exercising general court-martial jurisdiction over the probationer. If he vacates the suspension, the vacation shall be effective, subject to applicable restrictions in article 71 (c), to execute any unexecuted portion of the sentence except a dismissal. The vacation of the suspension of a dismissal shall not be effective until approved by the Secretary of the Department.

(c) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

ART. 73. *Petition for a new trial.* At any time within one year after approval by the convening authority of a court-martial sentence which extends to death, dismissal, dishonorable or bad-conduct discharge, or confinement for one year or more, the accused may petition The Judge Advocate General for a new trial on grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before the board of review or before the Court of Military Appeals, The Judge Advocate General shall refer the petition to the board or court, respectively, for action. Otherwise The Judge Advocate General shall act upon the petition.

ART. 74. *Remission and suspension.* (a) The Secretary of the Department and, when designated by him, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may remit or suspend any part or amount of the unexecuted portion of any sentence, including all uncollected forfeitures, other than a sentence approved by the President.

(b) The Secretary of the Department may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

ART. 75. *Restoration.* (a) Under such regulations as the President may prescribe, all rights, privileges, and property affected by an executed portion of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed portion is included in a sentence imposed upon the new trial or rehearing.

(b) Where a previously executed sentence of dishonorable or bad-conduct discharge is not sustained on a new trial, the Secretary of the Department shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(c) Where a previously executed sentence of dismissal is not sustained on a new trial, the Secretary of the Department shall substitute therefor a form of discharge authorized for administrative issuance and the officer dismissed by such sentence may be reappointed by the President alone to such commissioned rank and precedence as in the opinion of the President such former officer would have attained had he not been dismissed. The reappointment of such a former officer shall be without regard to position vacancy and shall affect the promotion status of other officers only insofar as the President may direct. All time between the dismissal and such reappointment shall be considered as actual service for all purposes, including the right to receive pay and allowances.

ART. 76. *Finality of court-martial judgments.* The appellate review of records of trial provided by this code, the proceedings, findings, and sentences of courts-martial as approved, reviewed, or affirmed as required by this code, and all dismissals and discharges carried into execution pursuant to sentences by courts-martial following approval, review, or affirmation as required by this code, shall be final and conclusive, and orders publishing the proceedings of courts-martial and all action taken pursuant to such proceedings shall be binding upon all departments, courts, agencies, and officers of the United States, subject only to action upon a petition for a new trial as provided in article 73 and to action by the Secretary of a Department as provided in article 74, and the authority of the President.

PART X—PUNITIVE ARTICLES

Article
77. Principals.
78. Accessory after the fact.
79. Conviction of lesser included offense.
80. Attempts.
81. Conspiracy.
82. Solicitation.
83. Fraudulent enlistment, appointment, or separation.
84. Unlawful enlistment, appointment, or separation.
85. Desertion.
86. Absence without leave.
87. Missing movement.
88. Contempt towards officials.
89. Disrespect towards superior officer.
90. Assaulting or willfully disobeying officer.
91. Insubordinate conduct towards noncommissioned officer.
92. Failure to obey order or regulation.
93. Cruelty and maltreatment.
94. Mutiny or sedition.
95. Arrest and confinement.
96. Releasing prisoner without proper authority.
97. Unlawful detention of another.
98. Noncompliance with procedural rules.
99. Misbehavior before the enemy.
100. Subordinate compelling surrender.
101. Improper use of countersign.
102. Forcing a safeguard.
103. Captured or abandoned property.
104. Aiding the enemy.
105. Misconduct as prisoner.
106. Spies.
107. False official statements.
108. Military property of United States—Loss, damage, destruction, or wrongful disposition.
109. Property other than military property of the United States—Waste, spoil, or destruction.
110. Improper hazarding of vessel.
111. Drunken or reckless driving.
112. Drunk on duty.
113. Misbehavior of sentinel.
114. Dueling.
115. Malingering.
116. Riot or breach of peace.
117. Provoking speeches or gestures.
118. Murder.
119. Manslaughter.
120. Rape and carnal knowledge.
121. Larceny and wrongful appropriation.
122. Robbery.
123. Forgery.
124. Maiming.
125. Sodomy.
126. Arson.
127. Extortion.
128. Assault.
129. Burglary.
130. Housebreaking.
131. Perjury.
132. Frauds against the Government.
133. Conduct unbecoming an officer and gentleman.
134. General article.

ART. 77. *Principals.* Any person punishable under this code who—

(1) Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or

(2) Causes an act to be done which if directly performed by him would be punishable by this code;

is a principal.

ART. 78. *Accessory after the fact.* Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court-martial may direct.

ART. 79. *Conviction of lesser included offense.* An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or of an offense necessarily included therein.

ART. 80. *Attempts.* (a) An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending but failing to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this code who attempts to commit any offense punishable by this code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

(c) Any person subject to this code may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

ART. 81. *Conspiracy.* Any person subject to this code who conspires with any other person or persons to commit an offense under this code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

ART. 82. *Solicitation.* (a) Any person subject to this code who solicits or advises another or others to desert in violation of article 85 or mutiny in violation of article 94 shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

(b) Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of article 99 or sedition in violation of article 94 shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but if the offense solicited or advised is not committed, he shall be punished as a court-martial may direct.

ART. 83. *Fraudulent enlistment, appointment, or separation.* Any person who—

(1) Procures his own enlistment or appointment in the armed forces by means of knowingly false representations or deliberate concealment as to his qualifications for such enlistment or appointment and receives pay or allowances thereunder; or

(2) Procures his own separation from the armed forces by means of knowingly false representations or deliberate concealment as to his eligibility for such separation;

shall be punished as a court-martial may direct.

ART. 84. *Unlawful enlistment, appointment, or separation.* Any person subject to this code who effects an enlistment or appointment in or a separation from the armed forces of any person who is known to him to be ineligible for such enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

ART. 85. *Desertion.* (a) Any member of the armed forces of the United States who—

(1) Without proper authority goes or remains absent from his place of service, organization, or place of duty with intent to remain away therefrom permanently; or

(2) Quits his unit or organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) Without being regularly separated from one of the armed forces enlists or accepts an appointment in the same or another one of the armed forces without fully disclosing the fact he has not been so regularly separated, or enters any foreign armed service except when authorized by the United States;

is guilty of desertion.

(b) Any officer of the armed forces who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempted desertion shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the desertion or attempted desertion occurs at any other time, by such punishment, other than death, as a court-martial may direct.

ART. 86. *Absence without leave.* Any member of the armed forces who, without proper authority—

(1) fails to go to his appointed place of duty at the time prescribed; or

(2) goes from that place; or

(3) absents himself or remains absent from his unit, organization, or other place of duty at which he is required to be at the time prescribed;

shall be punished as a court-martial may direct.

ART. 87. *Missing movement.* Any person subject to this code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court-martial may direct.

ART. 88. *Contempt towards officials.* Any officer who uses contemptuous words against the President, Vice President, Congress, Secretary of Defense, or a Secretary of a Department, a Governor or a legislature of any State, Territory, or other possession of the United States in which he is on duty or present shall be punished as a court-martial may direct.

ART. 89. *Disrespect towards superior officer.* Any person subject to this code who behaves with disrespect towards his superior officer shall be punished as a court-martial may direct.

ART. 90. *Assaulting or willfully disobeying officer.* Any person subject to this code who—

(1) Strikes his superior officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or

(2) Willfully disobeys a lawful command of his superior officer;

shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.

ART. 91. *Insubordinate conduct towards noncommissioned officer.* Any warrant officer or enlisted person who—

(1) Strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while such officer is in the execution of his office; or

(2) Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or

(3) Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer while such officer is in the execution of his office;

shall be punished as a court-martial may direct.

ART. 92. *Failure to obey order or regulation.* Any person subject to this code who—

(1) Violates or fails to obey any lawful general order or regulation; or

(2) Having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the same; or

(3) Is derelict in the performance of his duties; shall be punished as a court-martial may direct.

ART. 93. *Cruelty and maltreatment.* Any person subject to this code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

ART. 94. *Mutiny or sedition.* (a) Any person subject to this code—

(1) Who with intent to usurp or override lawful military authority refuses, in concert with any other person or persons, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(2) Who with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person or persons, revolt, violence, or other disturbance against such authority is guilty of sedition;

(3) Who fails to do his utmost to prevent and suppress an offense of mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior or commanding officer of an offense of mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished by death or such other punishment as a court-martial may direct.

ART. 95. *Arrest and confinement.* Any person subject to this code who resists apprehension or breaks arrest or who escapes from custody or confinement shall be punished as a court-martial may direct.

ART. 96. *Releasing prisoner without proper authority.* Any person subject to this code who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct.

ART. 97. *Unlawful detention of another.* Any person subject to this code who, except as provided by law, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

ART. 98. *Noncompliance with procedural rules.* Any person subject to this code who—

(1) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code; or

(2) Knowingly and intentionally fails to enforce or comply with any provision of this code regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court-martial may direct.

ART. 99. *Misbehavior before the enemy.* Any member of the armed forces who before or in the presence of the enemy—

(1) Runs away; or

(2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend; or

(3) Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property; or

(4) Casts away his arms or ammunition; or

(5) Is guilty of cowardly conduct; or

(6) Quits his place of duty to plunder or pillage; or

(7) Causes false alarms in any command, unit, or place under control of the armed forces; or

(8) Willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies when engaged in battle;

shall be punished by death or such other punishment as a court-martial may direct.

ART. 100. *Subordinate compelling surrender.* Any person subject to this code who compels or attempts to compel a commander of any place, vessel, aircraft, or other military property, or of any body of members of the armed forces, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished by death or such other punishment as a court-martial may direct.

ART. 101. *Improper use of countersign.* Any person subject to this code who in time of war discloses the parole or countersign to any person not entitled to receive it or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished by death or such other punishment as a court-martial may direct.

ART. 102. *Forcing a safeguard.* Any person subject to this code who forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

ART. 103. *Captured or abandoned property.* (a) All persons subject to this code shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this code who—

(1) Fails to carry out the duties prescribed in subdivision (a) of this article; or

(2) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(3) Engages in looting or pillaging;

shall be punished as a court-martial may direct.

ART. 104. *Aiding the enemy.* Any person who—

(1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other thing; or

(2) Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly;

shall suffer death or such other punishment as a court-martial or military commission may direct.

ART. 105. *Misconduct as a prisoner.* Any person subject to this code who, while in the hands of the enemy in time of war—

(1) For the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

(2) While in a position of authority over such persons maltreats them without justifiable cause;

shall be punished as a court-martial may direct.

ART. 106. *Spies.* Any person who in time of war is found lurking as a spy or acting as a spy in or about any place, vessel, or aircraft, within the control or jurisdiction of any of the armed forces of the United States, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by a general court-martial or by a military commission and on conviction shall be punished by death.

ART. 107. *False official statements.* Any person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing the same to be false, or makes any other false official statement knowing the same to be false, shall be punished as a court-martial may direct.

ART. 108. *Military property of United States—Loss, damage, destruction, or wrongful disposition.* Any person subject to this code who, without proper authority—

(1) Sells or otherwise disposes of; or

(2) Willfully or through neglect damages, destroys, or loses; or

(3) Willfully or through neglect suffers to be lost, damaged, destroyed, sold or wrongfully disposed of;

any military property of the United States, shall be punished as a court-martial may direct.

ART. 109 *Property other than military property of United States—Waste, spoil, or destruction.* Any person subject to this code who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States shall be punished as a court-martial may direct.

ART. 110. *Improper hazarding of vessel.* (a) Any person subject to this code who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces shall suffer death or such other punishment as a court-martial may direct.

(b) Any person subject to this code who negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court-martial may direct.

ART. 111. *Drunken or reckless driving.* Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court-martial may direct.

ART. 112. *Drunk on duty.* Any person subject to this code, other than a sentinel or look-out, who is found drunk on duty, shall be punished as a court-martial may direct.

ART. 113. *Misbehavior of sentinel.* Any sentinel or look-out who is found drunk or sleeping upon his post, or leaves it before he is regularly relieved, shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, but if the offense is committed at any other time, by such punishment other than death as a court-martial may direct.

ART. 114. *Dueling.* Any person subject to this code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

ART. 115. *Malingering.* Any person subject to this code who for the purpose of avoiding work, duty, or service—

(1) Feigns illness, physical disablement, mental lapse or derangement; or

(2) Intentionally inflicts self-injury;

shall be punished as a court-martial may direct.

ART. 116. *Riot or breach of peace.* Any person subject to this code who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

ART. 117. *Provoking speeches or gestures.* Any person subject to this code who uses provoking or reproachful words or gestures towards any other person subject to this code shall be punished as a court-martial may direct.

ART. 118. *Murder.* Any person subject to this code who, without justification or excuse, unlawfully kills a human being, when he—

(1) Has a premeditated design to kill; or

(2) Intends to kill or inflict great bodily harm; or

(3) Is engaged in an act which is inherently dangerous to others and evinces a wanton disregard of human life; or

(4) Is engaged in the perpetration or attempted perpetration of burglary, sodomy, rape, robbery, or aggravated arson;

is guilty of murder, and shall suffer such punishment as a court-martial may direct, except that if found guilty under paragraph (1) or (4) of this article, he shall suffer death or imprisonment for life as a court-martial may direct.

ART. 119. *Manslaughter.* (a) Any person subject to this code who, with an intent to kill or inflict great bodily harm, unlawfully kills a human being in the heat of sudden passion caused by adequate provocation is guilty of voluntary manslaughter and shall be punished as a court-martial may direct.

(b) Any person subject to this code who, without an intent to kill or inflict great bodily harm, unlawfully kills a human being—

(1) By culpable negligence; or

(2) While perpetrating or attempting to perpetrate an offense, other than those specified in paragraph (4) of article 118, directly affecting the person;

is guilty of involuntary manslaughter and shall be punished as a court-martial may direct.

ART. 120. *Rape and carnal knowledge.* (a) Any person subject to this code who commits an act of sexual intercouse with a female not his wife, by force and without her consent, is guilty of rape and shall be punished by death or such other punishment as a court-martial may direct.

(b) Any person subject to this code who, under circumstances not amounting to rape, commits an act of sexual intercourse with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct.

(c) Penetration, however slight, is sufficient to complete these offenses.

ART. 121. *Larceny and wrongful appropriation.* (a) Any person subject to this code who wrongfully takes, obtains, or withholds, by any means whatever, from the possession of the true owner or of any other person any money, personal property, or article of value of any kind—

(1) With intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate the same to his own use or the use of any person other than the true owner, steals such property and is guilty of larceny; or

(2) With intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate the same to his own use or the use of any person other than the true owner is guilty of wrongful appropriation.

(b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

ART. 122. *Robbery.* Any person subject to this code who with intent to steal takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or the person or property of a relative or member of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.

ART. 123. *Forgery.* Any person subject to this code who, with intent to defraud—

(1) Falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

(2) Utters, offers, issues, or transfers such a writing, known by him to be so made or altered;

is guilty of forgery and shall be punished as a court-martial may direct.

ART. 124. *Maiming.* Any person subject to this code who, with intent to injure, disfigure, or disable, inflicts upon the person of another an injury which—

(1) Seriously disfigures his person by any mutilation thereof; or

(2) Destroys or disables any member or organ of his body; or

(3) Seriously diminishes his physical vigor by the injury of any member or organ;

is guilty of maiming and shall be punished as a court-martial may direct.

ART. 125. *Sodomy.* (a) Any person subject to this code who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.

(b) Any person found guilty of sodomy shall be punished as a court-martial may direct.

ART. 126. *Arson.* (a) Any person subject to this code who willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

(b) Any person subject to this code who willfully and maliciously burns or sets fire to the property of another, except as provided in subdivision (a) of this article, is guilty of simple arson and shall be punished as a court-martial may direct.

ART. 127. *Extortion.* Any person subject to this code who communicates threats to another person with the intention thereby to obtain anything of value or any acquittance, advantage, or immunity of any description is guilty of extortion and shall be punished as a court-martial may direct.

ART. 128. *Assault.* (a) Any person subject to this code who attempts or offers with unlawful force or violence to do bodily harm to another person, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

(b) Any person subject to this code who—

(1) Commits an assault with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or

(2) Commits an assault and intentionally inflicts grievous bodily harm with or without a weapon;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

ART. 129. *Burglary.* Any person subject to this code who, with intent to commit an offense punishable under articles 118 through 128, inclusive, breaks and enters, in the nighttime, the dwelling house of another, is guilty of burglary and shall be punished as a court-martial may direct.

ART. 130. *Housebreaking.* Any person subject to this code who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of housebreaking and shall be punished as a court-martial may direct.

ART. 131. *Perjury.* Any person subject to this code who in a judicial proceeding or course of justice willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court-martial may direct.

ART. 132. *Frauds against the Government.* Any person subject to this code—

(1) Who, knowing it to be false or fraudulent—

(A) Makes any claim against the United States or any officer thereof; or

(B) Presents to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof; or

(2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States or any officer thereof—

(A) Makes or uses any writing or other paper knowing the same to contain any false or fraudulent statements; or

(B) Makes any oath to any fact or to any writing or other paper knowing such oath to be false; or

(C) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing the same to be forged or counterfeited; or

(3) Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the armed forces thereof, knowingly delivers to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

(4) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the armed forces thereof, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States;

shall, upon conviction, be punished as a court-martial may direct.

ART. 133. *Conduct unbecoming an officer and gentleman.* Any officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

ART. 134. *General article.* Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this code may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

PART XI—MISCELLANEOUS PROVISIONS

Article
135. Courts of inquiry.
136. Authority to administer oaths and to act as notary.
137. Articles to be explained.
138. Complaints of wrongs.
139. Redress of injuries to property.
140. Delegation by the President.

ART. 135. *Courts of inquiry.* (a) Courts of inquiry to investigate any matter may be convened by any person authorized to convene a general court-martial or by any other person designated by the Secretary of a Department for that purpose whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry shall consist of three or more officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(c) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed by the Department of Defense who has a direct interest in the subject of inquiry shall have the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and shall have the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry as provided for courts-martial.

(g) Courts of inquiry shall make findings of fact but shall not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. In case the record cannot be authenticated by the president it shall be signed by a member in lieu of the president and in case the record cannot be authenticated by the counsel for the court it shall be signed by a member in lieu of the counsel.

ART. 136. *Authority to administer oaths and to act as notary.* (a) The following persons on active duty in the armed forces shall have authority to administer oaths for the purposes of military administration, including military justice, and shall have the general powers of a notary public and of a consul of the United States, in the performance of all notarial acts to be executed by members of any of the armed forces, wherever they may be, and by other persons subject to this code outside the continental limits of the United States:

(1) All judge advocates of the Army and Air Force;

(2) All law specialists;

(3) All summary courts-martial;

(4) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;

(5) All commanding officers of the Navy and Coast Guard;

(6) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers; and

(7) All other persons designated by regulations of the armed forces or by statute.

(b) The following persons on active duty in the armed forces shall have authority to administer oaths necessary in the performance of their duties:

(1) The president, law officer, trial counsel, and assistant trial counsel for all general and special courts-martial;

(2) The president and the counsel for the court of any court of inquiry;

(3) All officers designated to take a deposition;

(4) All persons detailed to conduct an investigation;

(5) All recruiting officers; and

(6) All other persons designated by regulations of the armed forces or by statute.

(c) No fee of any character shall be paid to or received by any person for the performance of any notarial act herein authorized.

(d) The signature without seal of any such person acting as notary, together with the title of his office, shall be prima facie evidence of his authority.

NOTE: In addition to the authority conferred by Article 136, the following statutes confer authority to administer oaths:

Any officer or clerk of any of the departments lawfully detailed to investigate frauds on or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps, or Coast Guard, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Coast Guard board, appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation (R. S. 183, as amended by act 13 Feb. 1911, 36 Stat. 898; 5 U. S. C. 93).

See, however, Article 30a as to authority to administer the oath to charges. Only officers, including commissioned warrant officers, may administer such oaths.

In all cases in which, under the laws of the United States, oaths are authorized or required to be administered, they may be administered by notaries public duly appointed in any State, District, or Territory of the United States, by clerks and prothonotaries of courts of record of any such State, District, or Territory, by the deputies of such clerks and prothonotaries, and by all magistrates authorized by the laws of or pertaining to any such State, District, or Territory to administer oaths (act 3 Jul 1926, 44 Stat. 830; 5 U. S. C. 92a).

Every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States * * * (act 5 Apr 1906, 34 Stat. 101; 22 U. S. C. 1195).

ART. 137. *Articles to be explained.* Articles 2, 3, 7 through 15, 25, 27, 31, 37, 38, 55, 77 through 134, and 137 through 139 of this code shall be carefully explained to every enlisted person at the time of his entrance on active duty in any of the armed forces of the United States, or within six days thereafter. They shall be explained again after he has completed six months of active duty, and again at the time he reenlists. A complete text of the Uniform Code of Military Justice and of the regulations prescribed by the President thereunder shall be made available to any person on active duty in the armed forces of the United States, upon his request, for his personal examination.

ART. 138. *Complaints of wrongs.* Any member of the armed forces who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to any superior officer who shall forward the complaint to the officer exercising general court-martial jurisdiction over the officer against whom it is made. That officer shall examine

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into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department concerned a true statement of such complaint, with the proceedings had thereon.

ART. 139. *Redress of injuries to property.* (a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the armed forces he may, subject to such regulations as the Secretary of the Department may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three officers and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of such commanding officer directing charges herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

(b) Where the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be made in such proportion as may be deemed just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted, as determined by the approved findings of the board.

NOTE: A municipal corporation is, for civil purposes, deemed a "person" (United States v. Amedy, 24 U. S. (11 Wheat.) 392, 412) and is so considered within the meaning of Article 139.

This article provides the administrative remedy for damage to or loss of property resulting from offenses denounced in Article 109.

This article is not intended to affect the provisions of 40 Stat. 705 (1918), as amended (34 U. S. C. 600) (claims for damages not occasioned by vessels); 60 Stat. 842 (1946), as amended (28 U. S. C. 2671 et seq.) (tort claims); or similar enactments.

ART. 140. *Delegation by the President.* The President is authorized to delegate any authority vested in him under this code, and to provide for the subdelegation of any such authority.

b.

SEC. 2. If any article or part thereof, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby.

SEC. 3. No inference of a legislative construction is to be drawn by reason of the part in which any article is placed nor by reason of the catch lines of the part or the article as set out in section 1 of this Act.

SEC. 4. All offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the effective date of this Act under any law embraced in or modified, changed, or repealed by this Act may be prosecuted, punished, and enforced, and action thereon may be completed, in the same manner and with the same effect as if this Act had not been passed.

SEC. 5. This Act shall become effective on the last day of the twelfth month after approval of this Act, or on July 1, 1950, whichever date is later: *Provided*, That the provisions of article 67 (a) of this Act shall become effective on the last day of the ninth month after approval of this Act: *Provided further*, That the provisions of section 12 of this Act shall become effective on the date of the approval of this Act.

SEC. 6. Articles of War 107, 108, 112, 113, 119, and 120 (41 Stat. 809, 810, 811), as amended, are further amended as follows:

(a) Delete from article 107, the words "Article 107."

(b) Delete from article 108, the words "Article 108."

(c) Delete from article 112, the words "Article 112."

(d) Delete from article 113, the words "Article 113."

(e) Delete from article 119, the words "Article 119."

(f) Delete from article 120, the words "Article 120."

These provisions as amended herein shall be construed to have the same force, effect, and applicability as they now have, but shall not be known as "Articles of War."

(a) *Soldiers to make good time lost.* Every soldier who in an existing or subsequent enlistment deserts the service of the United States, or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve. (Act 4 June 1920, 41 Stat. 809, as amended by act 5 May 1950; 10 U. S. C. 1579.)

NOTE: Does not apply to the naval service and the Coast Guard.

(b) *Soldiers—Separation from the service.* No enlisted person, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, and no enlisted person shall be discharged from said service before his term of service has expired, except in the manner prescribed by the Secretary of the Army, or by sentence of a general or special court-martial. (Act 4 June 1920, 41 Stat. 809, as amended by act 5 May 1950; 10 U. S. C. 1580.)

NOTE: Does not apply to the naval service and the Coast Guard.

(c) *Effects of deceased persons—Disposition of.* In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects, and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor file with said court's final report upon its transactions to the Department of the Army; and as soon as practicable after the collection of such effects said summary court shall transmit such effects and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the Department of the Army a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than thirty days after the death of the deceased, all effects of deceased except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions, to the Department of the Army for transmission to the Auditor for the Department of the Army for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment. (Act 4 June 1920, 41 Stat. 809, as amended by act 5 May 1950; 10 U. S. C. 1584.)

NOTE: Does not apply to the naval service and the Coast Guard.

(d) *Inquests.* When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death. (Act 4 June 1920, 41 Stat. 810, as amended by act 5 May 1950; 10 U. S. C. 1585.)

NOTE: Does not apply to the naval service and the Coast Guard.

(e) *Rank and precedence among regulars, militia, and volunteers.* That when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. (Act 4 June 1920, 41 Stat. 811, as amended by act 7 Aug 1947, 61 Stat. 913, and act 5 May 1950; 10 U. S. C. 1591.)

NOTE: Does not apply to the naval service or the Coast Guard.

(f) *Command when different corps or commands happen to join.* When different corps or commands of the military forces of the United States happen to join or do duty together, the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the

last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President. (Act 4 June 1920, 41 Stat. 811, as amended by act 5 May 1950; 10 U. S. C. 1592.)

SEC. 7. (a) *Authority of naval officers after loss of vessel or aircraft.* When the crew of any naval vessel or naval aircraft are separated from their vessel or aircraft by means of its wreck, loss, or destruction, all the command and authority given to the officer of such vessel or aircraft shall remain in full force until such crew shall be regularly discharged or reassigned by competent authority.

(b) *Authority of officers of separate organization of marines.* When a force of marines is embarked on a naval vessel or vessels, as a separate organization, not a part of the authorized complement thereof, the authority and powers of the officers of such separate organizations of marines shall be the same as though such organization were serving at a naval station on shore, but nothing herein shall be construed as impairing the paramount authority of the commanding officer of any vessel over the vessel under his command and all persons embarked thereon.

(c) *Commanders' duties of example and correction.* All commanding officers and others in authority in the naval service are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and to take all necessary and proper measures, under the laws, regulations, and customs of the naval service, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

(d) *Divine service.* The commanders of vessels and naval activities to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

(e) *Reverent behavior.* All persons in the Navy are enjoined to behave themselves in a reverent and becoming manner during divine service.

OATH OF ENLISTMENT

SEC. 8. Every person who is enlisted in any armed force shall take the following oath or affirmation at the time of his enlistment: "I, ----------, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice." This oath or affirmation may be taken before any officer.

NOTE: Any commissioned officer of any component (including the reserve components), of any of the armed forces of the United States, whether or not on active duty, is authorized to administer the oath required for the enlistment of any person, the oath required for the appointment of any person to commissioned or warrant officer grade, and any other oath required by law in connection with the enlistment or appointment of any person in any of the aforesaid services. (Sec. 1, act 22 May 1950, 64 Stat. 187; 10 U. S. C. 19; 34 U. S. C. 217a–2.)

REMOVAL OF CIVIL SUITS

SEC. 9. When any civil or criminal prosecution is commenced in any court of a State of the United States against any member of the armed forces of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the armed forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed by law, and the cause shall thereupon be entered on the docket of such district court, which shall proceed as if the cause had been originally commenced therein and shall have full power to hear and determine said cause.

DISMISSAL OF OFFICERS

SEC. 10. No officer shall be dismissed from any of the armed forces except by sentence of a general court-martial, or in commutation thereof, or, in time of war, by order of the President; but the President may at any time drop from the rolls of any armed force any officer who has been absent without authority from his place of duty for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a Federal or State penitentiary or correctional institution.

SEC. 11. The proviso of section 3 of the Act of April 9, 1906 (34 Stat. 104, ch. 1370), is amended to read as follows:

"*Provided*, That such midshipman shall not be confined in a military or naval prison or elsewhere with men who have been convicted of crimes or misdemeanors; and such finding and sentence shall be subject to review in the manner prescribed for general court-martial cases."

SEC. 12. Under such regulations as the President may prescribe, The Judge Advocate General of any of the armed forces is authorized upon application of an accused person, and upon good cause shown, in his discretion to grant a new trial, or to vacate a sentence, restore rights, privileges, and property affected by such sentence, and substitute for a dismissal, dishonorable discharge, or bad-conduct discharge, previously executed, a form of discharge authorized for administrative issuance, in any court-martial case involving offenses committed during World War II in which application is made within one year after termination of the war, or after its final disposition upon initial appellate review whichever is the later: *Provided*, That only one such application for a new trial may be entertained with regard to any one case: *And provided further*, Within the meaning of this section and of article of war 53, World War II shall be deemed to have ended as of the effective date of this Act.

QUALIFICATIONS OF THE JUDGE ADVOCATES GENERAL

SEC. 13. Hereafter The Judge Advocate General of an armed force, exclusive of the present incumbents and exclusive of the Coast Guard, shall be appointed from among those officers who at the time of such appointment are members of the bar of a Federal court or the highest court of a State or Territory and who have had not less than a total of eight years' experience in legal duties as commissioned officers.

SEC. 14. The following sections or parts thereof of the Revised Statutes or Statutes at Large are hereby repealed. Any substantive rights or liabilities existing under such sections or parts thereof prior to the effective date of this Act shall not be affected by this repeal, and this Act shall not be effective to authorize trial or punishment for any offense if such trial or punishment is barred by the provisions of existing law:

(a) Chapter II of the Act of June 4, 1920 (41 Stat. 759, 787–811, ch. 227), as amended, except Articles of War 107, 108, 112, 113, 119, and 120;

(b) Revised Statutes, 1228 through 1230;

(c) Act of January 19, 1911 (36 Stat. 894, ch. 22);

(d) Paragraph 2 of section 2 of the Act of March 4, 1915 (38 Stat. 1062, 1084, ch. 143);

(e) Revised Statutes 1441, 1621, and 1624, articles 1 through 14 and 16 through 63, as amended;

(f) The provision of section 1457, Revised Statutes, which subjects officers retired from active service to the rules and articles for the government of the Navy and to trial by general court-martial;

(g) Section 2 of the Act of June 22, 1874 (18 Stat. 191, 192, ch. 392);

(h) The provision of the Act of March 3, 1893 (27 Stat. 715, 716, ch. 212), under the heading "Pay, Miscellaneous", relating to the punishment for fraudulent enlistment and receipt of any pay or allowances thereunder;

(i) Act of January 25, 1895 (28 Stat. 639, ch. 45), as amended;

(j) Provisions contained in the Act of March 2, 1895 (28 Stat. 825, 838, ch. 186), as amended, under the heading "Naval Academy", relating to the power of the Secretary of the Navy to convene general courts-martial for the trial of naval cadets (title changed to "midshipmen" by Act of July 1, 1902, 32 Stat. 662, 686, ch. 1368), his power to approve proceedings and execute sentences of such courts-martial, and the exceptional provision relating to approval, confirmation, and carrying into effect of sentences of suspension and dismissal;

(k) Sections 1 through 12 and 15 through 17 of the Act of February 16, 1909 (35 Stat. 621, 623, ch. 131);

(l) The provision of the Act of August 29, 1916 (39 Stat. 556, 573, ch. 417), under the heading "Hospital Corps", making officers and enlisted men of the Medical Department of the Navy who are serving with a body of marines detached for service with the Army subject to the rules and Articles of War while so serving;

(m) The provisions in the Act of August 29, 1916 (39 Stat. 556, 586, ch. 417), under the heading "Administration of Justice";

(n) Act of October 6, 1917 (40 Stat. 393, ch. 93);

(o) Act of April 2, 1918 (40 Stat. 501, ch. 39);

(p) Act of April 25, 1935 (49 Stat. 161, ch. 81);

(q) The provision of section 6, title I, of the Naval Reserve Act of 1938 (52 Stat. 1175, 1176, ch. 690), making members of the Fleet Reserve and officers and enlisted men who have been or may be transferred to the retired list of the Naval Reserve Force or the Naval Reserve or the honorary retired list with pay subject to the laws, regulations, and orders for the government of the Navy;

(r) Section 301, title III, of the Naval Reserve Act of 1938 (52 Stat. 1175, 1180, ch. 690);

(s) Act of March 22, 1943 (57 Stat. 41, ch. 18);

(t) Act of April 9, 1943 (57 Stat. 53, ch. 36);

(u) Title 14, United States Code, sections 4 (f) and 758;

(v) All of chapter 15 of title 14, United States Code, including the chapter number, the analysis, and the reference thereto in the table of contents to part I.

SEC. 15. Section 227 of title 14, United States Code, is amended by striking out the word "dismissal" and inserting in lieu thereof the word "discharge" in the catchline; and by striking out the word "dismiss" and inserting in lieu thereof the word "discharge" in the text.

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SEC. 16. (a) Chapter 13 of title 14, United States Code, is amended by adding at the end thereof the following new sections:

"§ 508. *Deserters; arrest of by civil authorities; penalties.* (a) Any civil officer having authority to arrest offenders under the laws of the United States or of any State, Territory, or District, may arrest summarily a deserter from the Coast Guard and deliver him into the custody of Coast Guard authorities. The Commandant may, pursuant to applicable regulations, provide for reimbursement for the transportation and other necessary expenses to effectuate such delivery.

"(b) No person who is convicted by court-martial for desertion from the Coast Guard in time of war, and as the result of such conviction is dismissed or dishonorably discharged from the Coast Guard shall afterwards be enlisted, appointed, or commissioned in any military or naval service under the United States, unless the disability resulting from desertion, as established by this section, is removed by a board of commissioned officers of the Coast Guard convened for consideration of the case, and the action of the board is approved by the Secretary; or unless he is restored to duty in time of war.

"§ 509. *Prisoners; allowances to; transportation.* (a) Persons confined in prisons in pursuance of the sentence of a Coast Guard court shall, during such confinement, be allowed a reasonable sum, not to exceed $3 per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed $25. Such allowance shall be made in amounts to be fixed by, and in the discretion of, the Secretary and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs.

"(b) The Commandant may transport to their homes or places of enlistment, as he may designate, all discharged prisoners; the expense of such transportation shall be paid out of any money to the credit of prisoners when discharged."

(b) The analysis of chapter 13 of said title 14, United States Code, is amended by adding at the end thereof the following new items:

"508. Deserters; arrest of by civil authorities; penalties.

"509. Prisoners; allowances to; transportation."

SEC. 17. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

Approved May 5, 1950.

Appendix 3—Punishment Under Article 15—Non-Judicial Punishment Forms

a. RECORD OF PUNISHMENT UNDER ARTICLE 15 UPON ENLISTED PERSONS—UNIT PUNISHMENT BOOK.

Glassborn, Peter E. (Name, last name first) — Pvt (Grade) — RA 16824364 (Service number) — Co A, 169 Inf (Organization)

Offense	Date and place of commission	Punishment	By whom imposed	Date of notice to accused	Decision on appeal if any	Mitigation, remission, suspension, or setting aside	Remarks	Initials of immediate CO	Rights understood; Initials of accused
Disorderly in barracks.	2 Oct. 1951, Ft. Knox, Ky.	Reprimand; 10 days extra duties.	CO, Co A	3 Oct. 1951	No App	None	None	JBS	PEG

(NOTE: One page is given to each person. An alphabetical index will be found of assistance in consulting the record.)

b. IMPOSITION OF PUNISHMENT UNDER ARTICLE 15 UPON OFFICERS

(1) *Army and Air Force.*

HEADQUARTERS THIRTIETH AIR FORCE
ANDREWS AIR FORCE BASE, MARYLAND
24 OCTOBER 1951

Subject: Disciplinary Punishment
Thru: Commanding General
11th Fighter Wing
Andrews Air Force Base, Maryland
To: Major John J. Hawk, USAF
415th Fighter Squadron
Andrews Air Force Base, Maryland

1. It has been reported that on or about 2200 hours, 20 October 1951, at South Post, Fort Myer, Virginia, you drove an automobile at 40 miles per hour on B Street which was plainly marked by signs showing the speed limit to be 20 miles per hour. It is also reported that you behaved in a rude and overbearing manner toward a military policeman who cautioned you about your violation of local traffic regulations.

2. The Commanding General, Thirtieth Air Force, proposes to impose punishment upon you pursuant to Article 15 as to such offenses unless trial by court-martial is demanded. You will acknowledge receipt of this communication by indorsement through proper channels, and you will state therein whether you demand trial in lieu of action under Article 15. You may submit any matter in mitigation, extenuation, or defense.

BY COMMAND OF MAJOR GENERAL FALCON:

/s/ John Crow,
/t/ JOHN CROW,
Colonel, USAF
Adjutant General

(NOTE: Under the provisions of 133*a*, the letter notifying the accused of the intention to impose punishment and all subsequent indorsements will be through proper military channels. Indorsements by intermediate commanders through whom the communication may pass are not shown on this form. Accordingly, the indorsements are not numbered.)

------ Ind

415th Fighter Squadron, Andrews Air Force Base, Maryland, 27 October 1951
To: CG, Thirtieth Air Force, Andrews Air Force Base, Maryland
Thru: CO, 415th Fighter Group, Andrews Air Force Base, Maryland

Receipt is acknowledged. Trial by court-martial is not demanded. No matters in mitigation, extenuation, or defense are submitted.

/s/ John J. Hawk
/t/ JOHN J. HAWK
Major, USAF

------ Ind

Hq Thirtieth Air Force, Andrews Air Force Base, Maryland, 29 October 1951
To: Major John J. Hawk, USAF, 415th Fighter Squadron, Andrews Air Force Base, Maryland
Thru: CG, 11th Fighter Wing, Andrews Air Force Base, Maryland

1. You are hereby ordered to forfeit $25.00 of your pay and you will take necessary action to insure that this forfeiture is promptly effected.

2. You are hereby reprimanded. In violating the post traffic regulations of an Army installation and in behaving yourself in a reprehensible manner towards a military policeman who was performing his duty in bringing your infractions to your attention, you have conducted yourself in a manner prejudicial to good order and military discipline. It is expected that your future conduct will set an example of decorum to be followed by your associates in the service.

3. You are advised of your right to appeal in accordance with paragraph 134, MCM, 1951. You are directed to reply further by indorsement and to state therein the date of receipt of this indorsement and any appeal you may desire to make.

/s/ Richard Falcon
/t/ RICHARD FALCON
Major General, USAF
Commanding

------ Ind

415th Fighter Squadron, Andrews Air Force Base, Maryland, 31 October 1951
To: CG, Thirtieth Air Force, Andrews Air Force Base, Maryland
Thru: CO, 415th Fighter Group, Andrews Air Force Base, Maryland

1. Received 29 October 1951. Contents noted.
2. I do not appeal from this punishment.

/s/ John J. Hawk
/t/ JOHN J. HAWK
Major, USAF

(2) *Navy and Coast Guard.*

1 AUGUST 1951

From: Commander Service Force, Atlantic Fleet
To: Lieutenant A. B. C. ------, U. S. Navy
Via: Commanding Officer, -------- U. S. S. --------
Subj: Dereliction in performance of duty—Imposition of disciplinary punishment and letter of reprimand for
Ref: Board of Investigation convened 11 July 1951 by order Comserviant

1. The finding of facts in the referenced investigation, in which you were a party, reveals that you were derelict in the performance of your duties in that on 5 July 1951 as officer of the deck of the first watch on board the U. S. S. ------ at anchor in Hampton Roads, Norfolk, Virginia, you failed and neglected to require frequent and regular inspection of the ship's small boat which was then in the water and tied up at the fan tail. As a result of your negligence, the fact that the small boat was adrift was not discovered until it had beached itself with consequent damage to the boat. Therefore, a forfeiture of $100.00 of your pay for one month is hereby imposed.

2. In addition, you are hereby reprimanded for your negligence in this matter which was contrary to the standards of alertness and good seamanship required of all watch officers.

3. By copy of this letter your commanding officer is hereby directed to make notation of this letter in your next fitness report.

4. You are advised of your right to appeal in accordance with paragraph 134, MCM, 1951. You are directed to reply without delay, through official channels, and to state therein the date of receipt of this communication and any appeal you may desire to make.

(Signed) ----------
D. E. F. ----------

Copy to:
Commanding Officer
U. S. S. ----------

(NOTE: When disciplinary punishment is based on a report of facts established by a court of inquiry or board of investigation before which the accused was not a party, the accused shall be informed that disciplinary punishment is contemplated in his case and of the specific offense forming the basis therefor. The accused will also be informed that he is privileged to make a written statement setting forth any cause why such disciplinary punishment should not be imposed or any other pertinent matter in connection therewith.)

Appendix 4—Forms for Orders Appointing Courts-Martial

a. GENERAL COURT-MARTIAL APPOINTING ORDERS.

(1) *Appointing orders.*

(Designation of command of officer convening court-martial)
---------- ----------
(Place) (Date)

NOTE 1: The heading of orders appointing general courts-martial (including letterhead, place, date, etc.) may be as indicated, or as prescribed in appropriate departmental regulations. This appendix shows only the content required to be set forth in all appointing orders. Abbreviations authorized in the department may be used.

A general court-martial is hereby ordered to convene (at) (on board) ------ at ------ hours on ------ 19--, or as soon thereafter as practicable, for the trial of such persons as may properly be brought before it. The court will be constituted as follows:

LAW OFFICER

(Lieutenant Commander) (Major) ------, (*), certified in accordance with Article 26*a*.

MEMBERS

(Captain) (Colonel) ----------, (*)
(Commander) (Lieutenant Colonel) --, (*)
(Commander) (Lieutenant Colonel) --, (*)
(Lieutenant Commander) (Major) --, (*)
(Lieutenant Commander) (Major) --, (*)
(Lieutenant) (Captain) ----------, (*)

COUNSEL

(Lieutenant Commander) (Major) ------, (*), Trial Counsel, certified in accordance with Article 27*b*.
(Lieutenant, jg) (First Lieutenant) ------, (*), Assistant Trial Counsel, not certified in accordance with Article 27*b*.
(Lieutenant Commander) (Major) ------, (*), Defense Counsel, certified in accordance with Article 27*b*.
(Lieutenant) (Captain) ------, (*), Assistant Defense Counsel, not certified in accordance with Article 27*b*.

NOTE 2: Appointing orders may be signed personally by the officer having authority to convene the general court-martial, or may be authenticated in any manner prescribed in appropriate departmental regulations.

NOTE 3: Legal qualifications of all counsel of a general court-martial are shown in the appointing orders. See 6*b* and *d*.

NOTE 4: (*). The further identification of the officer members of the court, the law officer, and counsel, by service number, organization, etc., will be as prescribed in appropriate departmental regulations, or as is customary in the particular service.

NOTE 5: When a commanding officer is designated by the Secretary of a Department pursuant to Article 22*a* (6) or empowered by the President pursuant to Article 22*a* (7) to convene general courts-martial (5*a* (2)), the appointing order will cite such authorization in the first paragraph:

"Pursuant to authority contained in (par. ------, General Orders ------, Dept. ------, ------ 19--) (Navy Department's file A 17-1151 (1) (310126), ------ 19--) (------), a general court-martial is hereby ordered to convene," etc.

NOTE 6: A succession of orders modifying an appointing order may result in serious errors. When practicable, it should be avoided by appointing a new court. See 37*c* (1). It is not deemed advisable to issue an order dissolving a court-martial, and when a new court is appointed to replace one in existence, the following sentence should merely be added, below the names of the personnel of the court (36*b*), to the order appointing the new court:

"All unarraigned cases in the hands of the trial counsel of the general court-martial convened by ------, will be brought to trial before the court hereby appointed."

(2) *Order amending appointing orders.*
(*a*) *Adding members.*

NOTE 7: For heading and closure, see Notes 1 and 2 above.

NOTE 8: When an enlisted person has requested enlisted members on the court which tries him, the following may be used when his case has already been referred to a court without enlisted membership to the number of one-third. See 36*c* (2) (*a*). This general type of order may also be modified and used to appoint additional officer members to the court (37*a*).

The text of such an appointing order in the Army might read as follows:

The following members are aptd to GCM convened by par. ------ SO ------ Hq 61st Inf, (for the trial of Private ------, RA 12 345 678, Co M 61st Inf, only) (for the trial of enlisted persons who make a timely request, pursuant to Article 25*c*, that enlisted persons serve on it).

MSGT ---------- Co B 61st Inf
MSGT ---------- Hq Btry 3d FA
SFC ---------- Co C 1st Inf
SGT ---------- Co G 1st Inf

NOTE 9: Additional members may be appointed for one specified case only, or for all cases which may come before the court.

NOTE 10: An order appointing enlisted persons as members of a general court-martial must show *the unit* to which each is assigned. See 4*a*, 36*b*, and Article 25*c*.

(*b*) *Replacing law officer.*

NOTE 11: For heading and closure, see Notes 1 and 2 above. This form may be modified to replace a member of the court or counsel.

(Lieutenant Commander) (Major) ------, (*Note 4 above), certified in accordance with Article 26*a*, is appointed Law Officer of the general court-martial convened by ------, vice (Lieutenant) (Captain) ------, (*Note 4 above), relieved.

b. SPECIAL COURT-MARTIAL APPOINTING ORDERS.

NOTE 12: Same as for general courts-martial, except that no law officer is appointed and the manner of stating legal qualifications of counsel is different. Qualifications of counsel or their lack of qualifications in the sense of Article 27 must be shown in the appointing order (6*c* and *d*). If counsel is qualified to act as counsel before a general court-martial (Art. 27*c* (1)), the phrase, "certified in accordance with Article 27*b*," will be used. If counsel is a judge advocate, a law specialist, or a member of the bar of a Federal court or the highest court of a State (Art. 27*c* (2)), but has not been certified in accordance with Article 27*b*, the phrases, "judge advocate," "law specialist," or "member of the bar of ------," respectively, will be used. If counsel has none of the foregoing legal qualifications, the phrase, "not a lawyer in the sense of Article 27," will be used. In a particular case, an appointing order might list counsel and their legal qualifications or lack of legal qualifications, as follows:

(Lieutenant) (Captain) ------, (*Note 4 above), Trial Counsel, (Judge Advocate) (Law Specialist).
(Ensign) (Second Lieutenant) ------, (*Note 4 above), Assistant Trial Counsel, not a lawyer in the sense of Article 27.
(Lieutenant Commander) (Major) ------, (*Note 4 above), Defense counsel, certified in accordance with Article 27*b*.
(Lieutenant) (Captain) ------, (*Note 4 above), assistant defense counsel, member of Bar of (Supreme Court of Ohio) (U. S. District Court, District of New Jersey).

NOTE 13: When desirable, a convening authority may specify in the order the names of the person or persons to be tried. See Notes 8 and 9, above, for the use of "only" in appointing orders.

c. SUMMARY COURT-MARTIAL APPOINTING ORDERS.

NOTE 14: As to heading, signature, or authentication, etc., see Notes 1 and 2, above.

Effective this date (Major) (Lieutenant Commander) ------, (*Note 4 above), is appointed a summary court-martial.

*See Note 4.

Appendix 5—Charge Sheet

CHARGE SHEET

Place			Date
Accused (Last name, first name, middle initial) (List aliases when material.)		Service Number	Rank or grade
Organization and Armed Force (If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law.)	Contribution to family or quarters allowance (MCM, 126*h* (2)).	Date of birth	Pay per month Basic $ Sea or foreign duty $ Total $

RECORD OF SERVICE

Initial date of current service	Term of current service

Prior service (As to each prior period of service, give inclusive dates of service and organization in which serving at termination.)

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1st Indorsement

(Designation of command or convening authority) (Place) (Date)

Referred for trial to the ..... court-martial appointed by ..... dated ..... 19....., subject to the following instructions:[2]

By [1] .....

(Command or order)

.....

(Signature, rank, and official capacity of officer signing)

I have served a copy hereof on each of the above-named accused, this ..... day of ....., 19....

.....

(Signature)

.....

(Rank and organization of trial counsel)

[1] When an appropriate commander signs personally, inapplicable words are stricken out.

[2] Recital of special instructions which may be included in the indorsement of reference for trial, see paragraph 33j (1), MCM, 1951. If none, so state.

The accused has been permitted and has elected to refuse punishment under Article 15 as to .....

.....

(Signature)

.....

(Rank and organization of officer exercising jurisdiction under Article 15)

(Fill in blank with numbers of pertinent charges and specifications or "all specifications and charges," as may be appropriate. For use under departmental regulations prevent such election.)

Record of trial by summary court-martial:

Case Number (Inserted by convening authority)

To be filled in by the accused:

I consent / object to trial by summary court-martial.

(Strike out word not applicable)

.....

(Signature of accused)

To be filled in by summary court-martial:

1. The accused having refused to consent in writing to trial by summary court-martial, and not having been permitted to refuse punishment under Article 15, the charges are herewith returned to the convening authority. Court

.....

(Signature) (Rank and organization)

(When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.)

2. Was the accused advised in accordance with paragraph 76d, MCM, 1951? .....

Specifications and charges	Pleas	Findings	Sentence or remarks

Number of prior convictions considered: .....

Date .....

.....

(Signature) (Rank and organization), Summary Court

(Enter after signature, "Only officer present with command," if such is the case.)

To be filled in by convening authority:

.....

(Organization, place, and date)

.....

(Action of convening authority)

.....

(Signature) (Rank and organization), Commanding

Entered on appropriate personnel records in case of conviction.

.....

(Signature) (Rank and designation of officer responsible for the entry)

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate sheet.

DATA AS TO WITNESSES

Name of witness	Address	Witnesses for: Prosecution	Witnesses for: Accused

DOCUMENTS AND OBJECTS

(List and describe. If not attached to charges, note where it may be found.)

DATA AS TO RESTRAINT

Nature of any restraint of accused	Date	Location

Charge: Violation of the Uniform Code of Military Justice, Article ....., Specification:

(If this space is insufficient for all charges and specifications, they will be set forth numerically, front to back, on separate sheets attached to this page.)

AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this ..... day of ....., 19....., and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

.....

(Signature)

.....

(Rank and organization of officer administering oath)

.....

(Official character, as, adjutant, summary court, etc. See paragraph 29c, MCM, 1951, and Articles 30a and 136.)

(Officer administering oath must be a commissioned officer.)

.....

(Date)

I have this date informed the accused of the charges against him.

.....

(Signature) (Rank and organization)

.....

(Designation of command of officer directing summary court-martial (if such officer))

.....

(Place) (Date)

The sworn charges above were received at ..... hours, this date.

For the Commanding

.....

(Signature, rank, and official capacity of officer signing)

Appendix 6—Forms for Charges and Specifications

a. INSTRUCTIONS.

1. *Use of forms.* These forms are to be used in drafting charges and specifications, not only for the offenses specifically provided for, but as they may be adapted to like offenses. The suggested forms do not as a matter of law exclude other methods of alleging the same offenses, but the appropriate form listed with a punitive article setting forth a specific offense is prescribed for use, when properly completed, as a sufficient allegation of that offense. Except to fill in the blanks with the information required, such a form should not ordinarily be added to or deviated from. As to general principles of drafting specifications when an offense is not provided for herein, see 28.

2. *Abbreviations.* Dates and times should be written in Arabic numerals, and the designation of organization or command may include Roman or Arabic numerals and the abbreviations "U. S." and "U. S. S." Otherwise, abbreviations should not be used in specifications.

3. *Numbering of charges and specifications.* When there is more than one charge, the charges should be numbered, using the Roman numerals I, II, etc. When there is more than one specification under a charge, the specifications under that charge should be numbered, using the Arabic numerals 1, 2, etc. Additional charges (24b) are numbered in the same manner as the original charge; a single added charge is designated simply "Additional Charge," but if more than one, they are numbered Additional Charge I, Additional Charge II, etc. Specifications under additional charges are designated as prescribed above. The term "Additional" is not used in connection with the specifications.

4. *Name and description of the accused.* The name of the accused as stated in the specification should include his first name, middle name or initial, and, except in a case in which the jurisdiction of the court over the person is not dependent upon his being a person subject to the Uniform Code of Military Justice (e. g., see Arts. 104, 106), should be accompanied by such descriptive language of rank, grade, armed force, organization, or position as will show that he is a person subject to the code, and therefore subject to the jurisdiction of the court as to persons. The service number of the accused is not alleged in the specification. In the ordinary case of an enlisted person, for example, the specification would read, "In that Private John J. Smith, U. S. Army, Company A, 7th Infantry, did," etc.; or, "In that James P. Jones, yeoman, third class, U. S. Navy, U. S. S. ------, did," etc.; or "In that Corporal Harold L. Brown, U. S. Air Force, Headquarters and Headquarters Squadron, 402d Bombardment Group, did," etc. A person on active duty belonging to a reserve component of the Navy, Marine Corps, or Coast Guard should be described as such; for example, "In that Charles L. White, Lieutenant, U. S. Naval Reserve, U. S. S. ------, on active duty, did," etc.

In the case of persons subject to the code under Article 2, subsections (3) through (12), or subject to trial by court-martial under Article 3 or 4, a description of the accused's position or status which will indicate the basis of jurisdiction of a court-martial should be averred; e. g., John Jones, (Captain, U. S. Air Force Reserve, on inactive duty training authorized by written orders which were voluntarily accepted by him, which orders specified he was subject to the Uniform Code of Military Justice) (a person in custody of ------ serving a sentence imposed by a court-martial) (a member of the Public Health Service assigned to and serving with ------) (a person within ------, an area under the control of the Secretary of ------) (a person convicted of having obtained a fraudulent discharge) (a former major, U. S. Army, who was dismissed by order of the President and has made a written application for trial by court-martial), etc.

5. *Use of aliases.* If the accused is known by more than one name, as when without discharge a person enlists two or more times, each time under a different name, he should be charged under the name he admits to be his true name. If there be no such admission, he should be charged under the name, etc., pertaining to his first unterminated enlistment with the other names, under aliases; thus, "Private John P. Smith, U. S. Army, Company B, 7th Infantry, alias John Brown, seaman, U. S. Coast Guard."

6. *In case of change of rank or grade.* When the rank or grade of the accused has changed since the date of an alleged offense, the accused should be designated by his present grade followed by a statement of his grade at the date of the alleged offense; thus, "In that A B, seaman, ------, then gunner's mate, third class, ------, did," etc.

7. *Time and place of offense.* The time and place of the commission of the offense charged should be stated in the specification with sufficient precision to identify the offense and enable the accused to understand what particular act or omission he is called upon to defend. It is proper pleading to allege in a specification that a certain offense occurred "on or about" a certain day, "at or near" a certain place, or, if it is necessary to be more explicit as to the time, "at or about" a certain hour, using a 24-hour clock, e. g., "at or about 2300 hours." These phrases are to be construed reasonably in the light of the circumstances of each particular case. When the act (or acts) specified extends over a considerable period of time it is proper to allege it (or them) as having occurred, for example, "from about 15 June 1951 to about 4 November 1951." So, also, it is proper to allege that an offense was committed while "enroute" between certain points.

8. *Form of specification in joint offense.* In the case of a joint offense (26d) each accused may be charged separately as if he alone was concerned or all may be charged jointly, that is, in a single specification, in accordance with the principles of the following examples, depending on the decision of the person preferring the charges as to how the persons concerned should be tried. If A and B are joint perpetrators of an offense and it is intended to charge and try both at the same trial, they should be charged in a single specification as follows:

"In that (A) and (B), acting jointly and in pursuance of a common intent, did (here allege place, time, and offense)."

If it is intended that B shall be tried alone, he may be charged in the same manner as if he had committed the offense by himself. However, if it is desirable to show in the specification that A was the joint actor with him, even though A is not to be tried with B, B might be charged as follows:

"In that (B) did, in conjunction with (A), (here allege place, time, and offense)."

Note that when several persons are to be tried in a common trial, as distinguished from a joint trial, each is charged separately on individual charge sheets (26d; 33l).

9. *Principals.* When a person has not himself directly committed an offense, but is liable for its commission as a principal under Article 77, he may be charged as though he himself had committed the acts which constitute the offense.

10. *Person against whom offense committed.* In the case of an offense against the person or property of an individual, the first name and surname of such individual should be stated, if known. Military rank or grade should be alleged if important to the offense, as in an allegation of disobedience of the command of a superior officer; or if the individual has no military position, it may otherwise be necessary to allege his status, as in an allegation of using provoking words towards a person subject to the code (see Art. 117). Address, station, or military organization of the person against whom the offense was committed need not ordinarily be alleged.

If the name of the individual against whom the offense was committed is not known, he may be described as "a person whose name is unknown."

11. *Value.* When the value of property is material with respect to the amount of punishment which may be adjudged upon conviction of an offense, such value should be alleged, for in such a case a punishment greater than the minimum may not be adjudged unless there is an allegation, as well as proof, of a value which will support the punishment. See, for a discussion of value, 200a (Larceny). If several articles of different kinds are the subject of the offense, the value of each article should be stated, followed by a statement of the aggregate value. An example of proper pleading in this respect would be that the accused stole "one shirt, value $------; one pair of shoes, value $------; and one blanket, value $------; of a total value of $------." The value of an article should be stated as "value $2.08" if known exactly, e. g., per government price list; or "value of about $5.00" if not so exactly known, as in the case of used items of civilian property.

12. *Law of war.* In the case of a person subject to trial by general court-martial by the law of war (see Art. 18), the Charge should be: "Violation of the Law of War"; or "Violation of ------, ------," referring to the local penal law of the occupied territory. See 14. However, the erroneous designation of an article of the Uniform Code of Military Justice in such a case does not affect the jurisdiction of the court.

b. SPECIMEN CHARGES.

Charge I: Violation of the Uniform Code of Military Justice, Article 83.

Specification: In that Private Richard Roe, U. S. Army, Company A, 2d Infantry, alias Private John Doe, U. S. Army, Company F, 29th Infantry, did, under the name of John Doe, at Fort Jay, New York, on or about 24 October 1951, by means of deliberate concealment of the fact that he was then a private in said Company A, 2d Infantry, procure himself to be enlisted as a private in the Army and did thereafter, at Fort Jay, New York, receive allowances under the enlistment so procured.

Charge II: Violation of the Uniform Code of Military Justice, Article 85.

Specification: In that Private Richard Roe, U. S. Army, Company A, 2d Infantry, alias Private John Doe, U. S. Army, Company F, 29th Infantry, did, on or about 6 June 1951, without proper authority and with intent to remain away therefrom permanently, absent himself from his organization, to wit: Company A, 2d Infantry, and did remain so absent in desertion until he was apprehended on or about 4 November 1951.

Charge III: Violation of the Uniform Code of Military Justice, Article 134.

Specification 1: In that Private Richard Roe, U. S. Army, Company A, 2d Infantry, alias Private John Doe, U. S. Army, Company F, 29th Infantry, was, at Chicago, Illinois, on or about 5 June 1951, drunk and disorderly in uniform in a public place, to wit: Joe's Tavern, located at 935 Blank Street, in said city.

Specification 2: In that Private Richard Roe, U. S. Army, Company A, 2d Infantry, alias Private John Doe, U. S. Army, Company F, 29th Infantry, did, at Fort Sheridan, Illinois, on or about 5 June 1951, wrongfully and willfully discharge a firearm, to wit: a carbine, in the day room of Company A, 2d Infantry, under circumstances such as to endanger human life.

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c. FORMS FOR SPECIFICATIONS.

ARTICLE 78

Accessory after the fact

1. In that ------, knowing that (at) (on board) ------, on or about ------ 19--, ------ had committed an offense punishable by the Uniform Code of Military Justice, to wit: ------, did, (at) (on board) ------, on or about ------ 19--, in order to (hinder) (prevent) the (apprehension) (trial) (punishment) of the said ------, (receive) (comfort) (assist) the said ------ by ------.

ARTICLE 80

Attempts

2. In that ------ did, (at) (on board) ------, on or about ------ 19--, attempt to (escape from lawful confinement in ------) (steal ------, of a value of about $------, the property of ----) (------).

ARTICLE 81

Conspiracy

3. In that ------ did, (at) (on board) ------, on or about ------ 19--, conspire with ------ (and ------) to commit an offense under the Uniform Code of Military Justice, to wit: (larceny of ------, of a value of about $------, the property of ------) (------), and in order to effect the object of the conspiracy the said ------ (and ------) did ------.

ARTICLE 82

Solicitation, etc.

4. In that ------ did, (at) (on board) ------, on or about ------ 19--, by (here state the manner and form of solicitation or advice), (solicit) (advise) ------ (and ------) to (desert in violation of Article 85) (mutiny in violation of Article 94), [and, as a result of such (solicitation) (advice), the offense (solicited) (advised) was, on or about ------ 19--, (at) (on board) ------, (attempted) (committed) by ------ (and ------)].*

5. In that ------ did, (at) (on board) ------, on or about ------ 19--, by (here state the manner and form of solicitation or advice), (solicit) (advise) ------ (and ------) to commit (an act of misbehavior before the enemy in violation of Article 99) (sedition in violation of Article 94), [and, as a result of such (solicitation) (advice), the offense (solicited) (advised) was, on or about ------ 19--, (at) (on board) ------, committed by ------ (and ------)]†

ARTICLE 83

Fraudulent enlistment or appointment

6. In that ------ did, (at) (on board) ------, on or about ------ 19--, by means of [knowingly false representations that (here state the fact or facts material to qualification for enlistment or appointment which were represented), when in fact (here state the true fact or facts)] [deliberate concealment of the fact that (here state the fact or facts disqualifying the accused for enlistment or appointment which were concealed)], procure himself to be (enlisted as a ------) (appointed as a ------) in the (here state the armed force in which the accused procured the enlistment or appointment), and did thereafter, (at) (on board) ------, receive (pay) (allowances) (pay and allowances) under the (enlistment) (appointment) so procured.

*If the offense solicited or advised is not attempted or committed, omit the words contained in brackets.

†If the offense solicited or advised is not committed, omit the words contained in brackets.

Fraudulent separation

7. In that ------ did, (at) (on board) ------, on or about ------ 19--, by means of [knowingly false representations that (here state the fact or facts material to eligibility for separation which were represented), when in fact (here state the true fact or facts)] [deliberate concealment of the fact that (here state the fact or facts concealed which made the accused ineligible for separation)], procure himself to be separated from the (here state the armed force from which the accused procured his separation).

ARTICLE 84

Effecting unlawful enlistment, etc.

8. In that ------ did, (at) (on board) ------, on or about ------ 19--, effect [the (enlistment) (appointment) of ------ as a ------ in (here state the armed force in which the person was enlisted or appointed)] [the separation of ------ from (here state the armed force from which the person was separated)], then well knowing that the said ------ was ineligible for such (enlistment) (appointment) (separation) because (here state facts whereby the enlistment, appointment, or separation was prohibited by law, regulation, or order).

ARTICLE 85

Desertion with intent to remain away permanently

9. In that ------ did, on or about ------ 19--, without proper authority and with intent to remain away therefrom permanently, absent himself from his [organization, to wit: ------| [(place of service) (place of duty), to wit: ------, located at (------) (APO ------)], and did remain so absent in desertion until (he was apprehended) on or about ------ 19--.

Desertion with intent to avoid hazardous duty, etc.

10. In that ------ did, on or about ------ 19--, with intent to (avoid hazardous duty) (shirk important service), namely: ------, quit his (unit) (organization) (place of duty), to wit: ------, located at (------) (AFO ------), and did remain so absent in desertion until on or about ------ 19--.

Desertion by reenlistment, etc.

11. In that ------, without being regularly separated from the (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard), did, (at) (on board) ------, on or about ------ 19--, [(enlist) (accept an appointment) as a ------ in the (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard) without fully disclosing the fact that he had not been so regularly separated] [enter a foreign armed service, to wit: ------, not being authorized to do so by the United States], and did remain so absent in desertion with respect to his former (enlistment) (appointment) until (he was apprehended) on or about ------ 19--.

Desertion prior to acceptance of resignation

12. In that ------, having tendered his resignation and prior to due notice of the acceptance of the same, did, on or about ------ 19--, without leave and with intent to remain away therefrom permanently, quit his (post) (proper duties), to wit: ------, and did remain so absent in desertion until (he was apprehended) on or about ------ 19--.

Attempted desertion

13. In that ------ did, (at) (on board) ------, on or about ------ 19--, attempt to (absent himself from his place of service, to wit: ------, without proper authority and with intent to remain away therefrom permanently) (------).

ARTICLE 86

Failing to go to or leaving place of duty

14. In that ------ did, (at) (on board) ------, on or about ------ 19--, without proper authority, (fail to go at the time prescribed to) (go from) his appointed place of duty, to wit: (here set forth the appointed place of duty).

Absence from unit, etc.

15. In that ------ did, on or about ------ 19--, without proper authority, absent himself from his (unit) (organization) (place of duty at which he was required to be), to wit: ------, located at (------) (APO ------), and did remain so absent until on or about ------ 19--.

Absence from unit, etc., with intent to avoid maneuvers

16. In that ------ did, on or about ------ 19--, without proper authority and with intent to avoid (maneuvers) (field exercises), absent himself from his (unit) (organization) (place of duty at which he was required to be), to wit: ------, located at (------) (APO ------), and did remain so absent until on or about ------ 19--.

Abandoning watch or guard

17. In that ------, being a member of the ------ (guard) (watch) (duty section), did, (at) (on board) ------, on or about ------ 19--, without proper authority, go from his (guard) (watch) (duty section) with intent to abandon the same.

ARTICLE 87

Missing movement

18. In that ------ did, (at) (on board) ------, on or about ------ 19--, through (neglect) (design) miss the movement of (Aircraft No. ------) (Flight 11) (the U. S. S. ------) (Company A, 1st Infantry) (------), with which he was required in the course of duty to move.

ARTICLE 88

Contempt toward officials

19. In that ------ did, (at) (on board) ------, on or about ------ 19--, [use (orally and publicly) (------) the following contemptuous words] [in a contemptuous manner, use (orally and publicly) (------) the following words] against the [(President) (Vice President) (Congress) (Secretary of ------)] [(Governor) (legislature) of the (State of ------) (Territory of ------) (------), a (State) (Territory) (------) in which he, the said ------, was then (on duty) (present)], to wit: "------," or words to that effect.

ARTICLE 89

Disrespect to superior officer

20. In that ------ did, (at) (on board) ------, on or about ------ 19--, behave himself with disrespect towards ------, his superior officer, by (saying to him, "------," or words to that effect) (contemptuously turning from and leaving him while he, the said ------, was talking to him, the said ------,) (------).

ARTICLE 90

Striking superior officer

21. In that ------ did, (at) (on board) ------, on or about ------ 19--, strike ------, his superior officer, who was then in the execution of his office, (in) (on) the ------ with (a) (his) ------.

Drawing, etc., weapon against superior officer

22. In that ------ did, (at) (on board) ------, on or about ------ 19--, (draw) (lift up) a weapon, to wit: a ------, against ------, his superior officer, who was then in the execution of his office.

Offering violence to superior officer

23. In that ------ did, (at) (on board) ------, on or about ------ 19--, offer violence against ------, his superior officer who was then in the execution of his office, in that he, the said ------, did ------.

Willful disobedience of superior officer

24. In that ------, having received a lawful command from ------, his superior officer, to ------, did, (at) (on board) ------, on or about ------ 19--, willfully disobey the same.

ARTICLE 91

Assault on warrant, noncommissioned, or petty officer

25. In that ------ did, (at) (on board) ------, on or about ------ 19--, (strike) (assault) ------, his superior ------ officer, who was then in the execution of his office, by ------ him (in) (on) (the ------) with (a) (his) ------.

Willful disobedience of warrant, noncommissioned, or petty officer

26. In that ------, having received a lawful order from ------, his superior ------ officer, to ------, did, (at) (on board) ------, on or about ------ 19--, willfully disobey the same.

Contempt, etc., toward warrant, noncommissioned, or petty officer

27. In that ------, (at) (on board) ------, on or about ------ 19--, [did treat with contempt] [was disrespectful in (language) (deportment) toward] ------, his superior ------ officer, who was then in the execution of his office, by (saying to him, "------ ------," or words to that effect) (spitting at his feet) (------).

ARTICLE 92

Violating general order or regulation

28. In that ------ did, (at) (on board) ------, on or about ------ 19--, (violate) (fail to obey) a lawful general (order) (regulation), to wit: [paragraph ------, (Army) (Air Force) Regulation ------, dated ------ 19--] [General Order No. ------, U. S. Navy, dated ------ 19--] [------], by ------.

Failure to obey lawful order

29. In that ------, having knowledge of a lawful order issued by ------ (to submit to certain medical treatment) (to ------) (not to ------) (------), an order which it was his duty to obey, did, (at) (on board) ------, on or about ------ 19--, fail to obey the same.

Derelict in duty

30. In that ------, (at) (on board) ------, (on or about ------ 19--) (from about ------ 19-- to about ------ 19--), was derelict in the performance of his duties in that he [negligently failed to (inspect the report of fuel on board said ship for the twenty-four hour period ending on ------) (inspect the guard) (wind and compare all chronometers on board the said ------) (perform complete motor maintenance on ------ thereby permitting the water in the radiator to become seriously low) (inspect properly the engine on Aircraft No. ------ thereby clearing it for flight with a loose sparkplug) (keep properly the accounts of ------ by neglecting to verify the monthly bank balances for comparison with cash deposited) (------), as it was his duty to do] [------].

ARTICLE 93

Cruelty toward, etc., a person subject to his orders

31. In that ------, (at) (on board) ------, on or about ------ 19--, [was cruel toward] [did (oppress) (maltreat)] ------, a person subject to his orders, by (kicking him in the stomach) (confining him for twenty-four hours without water) (------).

ARTICLE 94

Mutiny

32. In that ------, with intent to (usurp) (override) (usurp and override) lawful military authority, did, (at) (on board) ------, on or about ------ 19--, [refuse, in concert with (------) (and) (others whose names are unknown), to (obey the orders of ------ to ------) (perform his duty as ------)] [create (violence) (a disturbance) by (attacking the officers of the said ship) (barricading himself in Barracks T-7, firing his rifle at ------, and exhorting other persons to join him in defiance of ------) (------)].

Sedition

33. In that ------, with intent to cause the (overthrow) (destruction) (overthrow and destruction) of lawful civil authority, to wit: ------, did, (at) (on board) ------, on or about ------, 19--, in concert with (------) (and) (others whose names are unknown), create (revolt) (violence) (a disturbance) against such authority by (entering the Town Hall of ------ and destroying property and records therein) (marching upon and compelling the surrender of the police of ------) (------).

Failure to suppress or report mutiny or sedition

34. In that ------ did, (at) (on board) ------, on or about ------ 19--, fail to [do his utmost to prevent and suppress a (mutiny) (sedition) among the (soldiers) (sailors) (airmen) (------) of ------, which (mutiny) (sedition) was being committed in his presence, in that (he took no means to compel the dispersal of the assembly) (he made no effort to assist ------ who was attempting to quell the mutiny) (------)] [take all reasonable means to inform ------, (his superior) (his commanding officer), of a (mutiny) (sedition) among the (soldiers) (sailors) (airmen) (------) of ------, which (mutiny) (sedition) he the said ------ (knew) (had reason to believe) was taking place].

Attempted mutiny

35. In that ------, with intent to (usurp) (override) (usurp and override) lawful military authority, did, (at) (on board) ------, on or about ------ 19--, attempt to [create (violence) (a disturbance) by ------] [------].

ARTICLE 95

Resisting apprehension

36. In that ------ did, (at) (on board) ------, on or about ------ 19--, resist being lawfully apprehended by ------, (an armed force policeman) (------).

Breaking arrest

37. In that ------, having been duly placed in arrest (in quarters) (in his company area) (------), did, (at) (on board), ------, on or about ------ 19--, break said arrest.

Escape from custody or confinement

38. In that ------ did, (at) (on board) ------, on or about ------ 19--, escape from (the lawful custody of ------) (lawful confinement in ------).

ARTICLE 96

Releasing prisoner without authority; suffering prisoner to escape

39. In that ------ did, (at) (on board) ------, on or about ------ 19--, [without proper authority release] [through (neglect) (design) suffer] ------, a prisoner duly committed to his charge (to escape).

ARTICLE 97

Unlawful detention

40. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully (apprehend ------) (place ------ in arrest) (confine ------ in ------).

ARTICLE 98

Unnecessary delay in disposing of case

41. In that ------, being charged with the duty of [(investigating) (taking immediate steps to determine the proper disposition of) charges preferred against ------, a person accused of an offense under the Uniform Code of Military Justice] [------], was, (at) (on board) ------, on or about ------ 19--, responsible for unnecessary delay in (investigating said charges) (determining the proper disposition of said charges) (------), in that he (did ------) (failed to ------) (------).

Failing to enforce or comply with code

42. In that ------, being charged with the duty of ------, did, (at) (on board) ------, on or about ------ 19--, knowingly and intentionally fail to (enforce) (comply with) Article ------, Uniform Code of Military Justice, in that he ------.

ARTICLE 99

Misbehavior before the enemy: Running away

43. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, run away (from his company) (and hide) (------), (and did not return until after the engagement had been concluded) (------).

Shamefully abandoning, etc., command, etc.

44. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, shamefully (abandon) (surrender) (deliver up) ------, which it was his duty to defend.

Endangering safety of command, etc.

45. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, endanger the safety of ------, which it was his duty to defend, by (disobeying an order from ------ to engage the enemy) (neglecting his duty as a sentinel by engaging in a card game while on his post) (intentional misconduct in that he became drunk and fired flares, thus revealing the location of his unit) (------).

Casting away arms, etc.

46. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, cast away his (rifle) (ammunition) (------).

Cowardly conduct.

47. In that ------, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, was guilty of cowardly conduct, in that ------.

Quitting place of duty to plunder or pillage.

48. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, quit his place of duty for the purpose of (plundering) (pillaging) (plundering and pillaging).

Causing false alarm.

49. In that ------ did, (at) (on board) ------, on or about ------ 19--, (before) (in the presence of) the enemy, (a false alarm in (Fort ------) (the said ship) (the camp) (------) by [needlessly and without authority (causing the call to arms to be sounded) (sounding the general alarm)] [------].

Failing to do utmost to encounter, etc., enemy troops, etc.

50. In that ------, being (before) (in the presence of) the enemy, did, (at) (on board) ------, on or about ------ 19--, by (ordering

his own troops to halt their advance) (_____), willfully fail to do his utmost to (encounter) (engage) (capture) (destroy), as it was his duty to do, (certain enemy troops which were in retreat) (_____).

Failing to afford relief

51. In that _____ did, (at) (on board) _____, on or about _____ 19__, (before) (in the presence of) the enemy, fail to afford all practicable relief and assistance to (the U. S. S. _____, which was engaged in battle and had run aground, in that he failed to take her in tow) (certain troops of the ground forces of _____, which were engaged in battle and were pinned down by enemy fire, in that he failed to furnish air cover) (_____) as he properly should have done.

ARTICLE 100

Compelling surrender, striking colors, etc.

52. In that _____ did, (at) (on board) _____, on or about _____ 19__, [(compel) (attempt to compel) _____, the commander of _____, (to give it up to the enemy) (to abandon said _____), by _____] [without proper authority, strike the (colors) (flag) to the enemy].

ARTICLE 101

Improper use of countersign

53. In that _____ did, (at) (on board) _____, on or about _____ 19__, disclose the (parole) (countersign), to wit: _____, to _____, a person who was not entitled to receive it.

54. In that _____ did, (at) (on board) _____, on or about _____ 19__, give to _____, a person entitled to receive and use the (parole) (countersign), a (parole) (countersign), namely: _____, which was different from that which, to his knowledge, he was authorized and required to give, to wit: _____.

ARTICLE 102

Forcing a safeguard

55. In that _____ did, (at) (on board) _____, on or about _____ 19__, force a safeguard [, known by him to have been placed over the premises occupied by _____ at _____, by (overwhelming the guard posted for the protection of the same) (_____)] [_____].

ARTICLE 103

Failing to secure public property taken from enemy

56. In that _____ did, (at) (on board) _____, on or about _____ 19__, fail to secure for the service of the United States certain public property taken from the enemy, to wit: _____, of a value of about $_____.

Captured or abandoned property

57. In that _____ did, (at) (on board) _____, on or about _____ 19__, fail to give notice and turn over to proper authority without delay certain (captured) (abandoned) property which had come into his (possession) (custody) (control), to wit: _____, of a value of about $_____.

Dealing in

58. In that _____ did, (at) (on board) _____, on or about _____ 19__, (buy) (sell) (trade in) (deal in) (dispose of) (_____) certain (captured) (abandoned) property, to wit: _____ of a value of about $_____, thereby (receiving) (expecting) a (profit) (benefit) (advantage) to (himself) (_____, his accomplice) (_____, his brother) (_____).

Looting, etc.

59. In that _____ did, (at) (on board) _____, on or about _____ 19__, engage in (looting) (pillaging) (looting and pillaging) by unlawfully (seizing) (appropriating) _____, [property which had been left behind] [the property of _____, (an inhabitant of _____) (_____)].

ARTICLE 104

Aiding the enemy

60. In that _____ did, (at) (on board) _____, on or about _____ 19__, (aid) (attempt to aid) the enemy with (arms) (ammunition) (supplies) (money) (_____), (by furnishing and delivering to _____, members of the enemy's armed forces, _____) (_____).

61. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, knowingly [(harbor) (protect) _____, an enemy, by (concealing the said _____ in his house) (_____)] [(give intelligence to) (communicate with) (correspond with) (hold intercourse with) the enemy (by informing a patrol of the enemy's forces of the whereabouts of a military patrol of the United States forces) (by writing and transmitting secretly through the lines to the _____, whom he the said _____ knew to be an officer of the enemy's armed forces, a communication in words and figures substantially as follows, to wit: _____) (indirectly by publishing in _____, a newspaper published at _____, a communication in words and figures as follows, to wit: _____, which communication was intended to reach the enemy) (_____)].

ARTICLE 105

Misconduct as prisoner

62. In that _____, while in the hands of the enemy, did, (at) (on board) _____, on or about _____ 19__, without proper authority and for the purpose of securing favorable treatment by his captors, (report to the commander of Camp _____ the preparations by _____, a prisoner at said camp, to escape, as a result of which report the said _____ was placed in solitary confinement) (_____).

Maltreatment of prisoner

63. In that _____ did, (at) (on board) _____, on or about _____ 19__, while in the hands of the enemy and in a position of authority over _____, a prisoner at _____, as (officer in charge of prisoners at _____) (_____), (deprive the said _____ of _____) (_____) without justifiable cause.

ARTICLE 106

Spying

64. In that _____ was, (at) (on board) _____, on or about _____ 19__, found (lurking) (acting) as a spy in and about _____, [a (fortification) (post) (base) (vessel) (aircraft) (_____) within the control and jurisdiction of an armed force of the United States, to wit: _____] [a (shipyard) (manufacturing plant) (_____) engaged in work in aid of the prosecution of the war by the United States] [_____], for the purpose of (collecting) (attempting to collect) information in regard to the [(numbers) (resources) (operations) (_____) of the armed forces of the United States] [(military production) (_____) of the United States] [_____], with intent to impart the same to the enemy.

ARTICLE 107

Signing false official document; making false official statement

65. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to deceive, [sign an official (record) (return) (_____), to wit: _____] [make to _____ an official statement, to wit: _____], which (record) (return) (statement) (_____) was (wholly false) (false in that _____), and was then known by the said _____ to be so false.

ARTICLE 108

Selling, etc., military property

66. In that _____, did, (at) (on board) _____, on or about _____ 19__, without proper authority, (sell to _____) (dispose of by _____) _____, of a value of about $_____, military property of the United States.

Damaging, etc., military property

67. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, (willfully) (through neglect) (damage by _____) (destroy by _____) (lose) _____, of a value of about $_____, military property of the United States, *(the amount of said damage being in the sum of about $_____).

Suffering to be lost, etc., military property

68. In that _____ did, (at) (on board) _____, on or about _____ 19__, without proper authority, (willfully) (through neglect) suffer _____, of a value of about $_____, military property of the United States, to be (lost) (damaged by _____) (destroyed by _____) (sold to _____) (wrongfully disposed of by _____), *(the amount of said damage being in the sum of about $_____).

ARTICLE 109

Waste, etc., of non-military property

69. In that _____ did, (at) (on board) _____, on or about _____ 19__, [(willfully) (recklessly) waste] [(willfully) (recklessly) spoil] [willfully and wrongfully (destroy) (damage) by _____] _____, of a value of about $_____, the property of _____, *(the amount of said damage being in the sum of about $_____).

ARTICLE 110

Hazarding of vessel

70. In that _____, on _____ 19__, while serving in command of the _____, making entrance to Boston Harbor, did negligently hazard the said vessel by failing and neglecting to maintain or cause to be maintained an accurate running plot of the true position of said vessel while making said approach, as a result of which neglect the said _____, at or about _____ hours on the day aforesaid, became stranded in the vicinity of Channel Buoy Number Three.

71. In that _____, on _____ 19__, while serving as navigator of the U. S. S. _____, cruising on special service in the _____ Ocean off the coast of _____, notwithstanding the fact that at about midnight, _____ 19__, the northeast point of _____ Island bore abeam and was about six miles distant, the said ship being then under way and making a speed of about ten knots, and well knowing the position of the said ship at the time stated, and that the charts of the locality were unreliable and the currents thereabouts uncertain, did then and there negligently hazard the said vessel by failing and neglecting to exercise proper care and attention in navigating said ship while approaching _____ Island, in that he neglected and failed to lay a course that would carry said ship clear of the last aforesaid island, and to change the course in due time to avoid disaster; and the said ship, as a result of said negligence on the part of the said _____, ran upon a rock off the southwest coast of _____ Island, at about _____ hours, _____ 19__, in consequence of which the said U. S. S. _____ was lost.

72. In that _____, on _____19__, while serving as navigator of the U. S. S. _____ and well knowing that at about sunset of said day the said ship had nearly run her estimated distance from the _____ position, obtained and plotted by him, to the position of _____, and well knowing the difficulty of sighting _____ from a safe distance after sunset, did then and there negligently hazard the said vessel by failing and neglecting to advise his commanding officer to lay

*This allegation should be used when damage is alleged.

a safe course for said ship to the northward before continuing on a westerly course, as it was the duty of the said _____ to do; in consequence of which the said ship was, at about _____ hours on the day above mentioned, run upon _____ Bank in the _____ Sea, about latitude _____ degrees, _____ minutes, north, and longitude _____ degrees, _____ minutes, west, and seriously injured.

Suffering a vessel to be hazarded

73. In that _____, while serving as combat intelligence center officer on board the _____, making passage from Boston to Philadelphia, and having, between _____ and _____ hours on _____ 19__, been duly informed of decreasing radar ranges and constant radar bearings indicating that the said _____ was upon a collision course approaching a radar target, did then and there negligently suffer the said vessel to be hazarded by failing and neglecting to report said collison course with said radar target to the officer of the deck, as it was his duty to do, and he the said _____, through said negligence, did cause the said _____ to collide with the _____ at or about _____ hours on said date, with resultant damage to both vessels.

ARTICLE 111

Drunken or reckless operation of vehicle

74. In that _____ did, (at) (on board) _____, on or about _____ 19__, (in the motor pool area) (near the Officers' Club) (on _____ Street between _____ and _____ Avenues) (_____) operate a vehicle, to wit: (a truck) (a passenger car) (_____), [while drunk] [in a (reckless) (wanton) manner by (attempting to pass another vehicle on a sharp curve) (driving at a speed in excess of 50 miles per hour on the sidewalk and wrong side of said street) (_____)] (and did thereby cause said vehicle to strike and injure _____).

ARTICLE 112

Drunk on duty

75. In that _____ was, (at) (on board) _____, on or about _____ 19__, found drunk while on duty as _____.

ARTICLE 113

Misbehavior of sentinel or lookout

76. In that _____, on or about _____ 19__, (at) (on board) _____, being (posted) (on post) as a (sentinel) (lookout) (at Warehouse No. 7) (on Post No. 11) (for radar observation) (_____) [was found (drunk) (sleeping) upon his post] [did leave his post before he was regularly relieved].

ARTICLE 114

Dueling, etc.

77. In that _____ (and _____) did, (at) (on board) _____, on or about _____ 19__, fight a duel (with _____), using as weapons therefor (pistols) (swords) (_____).

78. In that _____ did, (at) (on board) _____, on or about _____ 19__, promote a duel between _____ and _____ by (telling said _____ he would be a coward if he failed to challenge said _____ to a duel) (knowingly carrying from said _____ to said _____ a challenge to fight a duel).

79. In that _____, being officer of the (day) (deck) (at) (on board) _____ and having knowledge that _____ and _____ intended and were about to engage in a duel near _____, did, (at) (on board) _____, on or about _____ 19__, connive at the fighting of said duel by knowingly permitting _____, one of the parties to said proposed duel, to leave _____ and go toward the place appointed for said duel at the time which he, _____, then knew had been appointed therefor.

80. In that _____, having knowledge that a challenge to fight a duel (had been sent) (was about to be sent) by _____ to _____, did, (at) (on board) _____, on or about _____ 19__, fail to report that fact promptly to the proper authority.

ARTICLE 115

Malingering; self-inflicted injury

81. In that _____ did, (at) (on board) _____, (on or about _____ 19__) (from about _____ 19__ to about _____ 19__), for the purpose of avoiding (his duty as officer of the day) (his duty as aircraft mechanic) (work in the mess hall) (service as an enlisted person) (_____) [feign (a headache) (a sore back) (illness) (mental lapse) (mental derangement) (_____)] [intentionally injure himself by _____].

ARTICLE 116

Riot

82. In that _____ did, (at) (on board) _____, on or about _____ 19__, (cause) (participate in) a riot by unlawfully assembling with (_____ and _____) (and) (others to the number of about _____ whose names are unknown) for the purpose of (resisting the police of _____) (assaulting passers-by) (_____), and in furtherance of such purpose did (fight with said police) (assault certain women, to wit: _____) (_____).

Breach of the peace

83. In that _____ did, (at) (on board) _____, on or about _____ 19__, (cause) (participate in) a breach of the peace by [wrongfully engaging in a fist fight in the dayroom with _____] [using the following (profane) (indecent) (_____) language (toward _____), to wit: "_____", or words to that effect] [wrongfully shouting and singing in a public place, to wit: _____] [_____].

ARTICLE 117

Provoking speeches or gestures

84. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully use (provoking) (reproachful) (words, to wit: "_____", or words to that effect) (and) (gestures, to wit: _____) towards (Sergeant _____, U. S. Air Force) (Harold Brown, a person serving with the Army of the United States in the field) (_____, captain, U. S. Navy).

ARTICLE 118

Murder

85. In that _____ did, (at) (on board) _____, on or about _____ 19__, [with premeditation] [while (perpetrating) (attempting to perpetrate) _____], murder _____ by means of (shooting him with a rifle) (pushing him over a cliff) (running into him with an automobile) (_____).

NOTE: In charging murder under sections (2) and (3) of Article 118, all material inclosed in brackets is omitted.

ARTICLE 119

Voluntary manslaughter

86. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and unlawfully kill _____ by _____ him (in) (on) the _____ with a _____.

Involuntary manslaughter

87. In that _____ did, (at) (on board) _____, on or about _____ 19__, [by culpable negligence] [while (perpetrating) (attempting to perpetrate) an offense directly affecting the person of _____, to wit: (maiming) (a battery) (_____)] unlawfully kill _____ by _____ him (in) (on) the _____ with a _____.

ARTICLE 120

Rape and carnal knowledge

88. In that _____ did, (at) (on board) _____, on or about _____ 19__, (rape) (commit the offense of carnal knowledge with) _____.

ARTICLE 121

Larceny

89. In that _____ did, (at) (on board) _____, on or about _____ 19__, steal _____, of a value of about $_____, the property of _____.

Wrongful appropriation

90. In that _____ did, (at) (on board) _____, on or about _____ 19__, wrongfully appropriate _____, of a value of about $_____, the property of _____.

ARTICLE 122

Robbery

91. In that _____ did, (at) (on board) _____, on or about _____ 19__, by means of (force and violence) (and) (putting him in fear) steal from the (person) (presence) of _____, against his will, (a watch) (_____), of a value of about $_____, the property of _____.

ARTICLE 123

Forgery

92. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to defraud, falsely [make (in its entirety) (the signature of _____ to) (_____) a certain (check) (writing) (_____) in the following words and figures, to wit: _____] [alter a certain (check) (writing) (_____) in the following words and figures, to wit: _____, by (adding thereto _____) (_____)] which said (check) (writing) (_____) would, if genuine, apparently operate to the legal prejudice of another.

93. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent to defraud, (utter) (offer) (issue) (transfer) a certain (check) (writing) (_____) in the following words and figures, to wit: _____, a writing which would, if genuine, apparently operate to the legal prejudice of another, [which said (check) (writing) (_____)] [the signature to which said (check) (writing) (_____)] [_____] was, as he, the said _____, then well knew, falsely (made) (altered).

ARTICLE 124

Maiming

94. In that _____ did, (at) (on board) _____, on or about _____ 19__, maim _____ by (crushing his foot with a sledge hammer) (_____).

ARTICLE 125

Sodomy

95. In that _____ did, (at) (on board) _____, on or about _____ 19__, commit sodomy with _____.

ARTICLE 126

Aggravated Arson

96. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and maliciously (burn) (set on fire) [an inhabited dwelling, to wit: (the residence of _____) (_____, the property of _____)] [, knowing that a human being was therein at the time, (the Post Theater) (_____, the property of _____)], of a value of about $_____.

Simple Arson

97. In that _____ did, (at) (on board) _____, on or about _____ 19__, willfully and maliciously (burn) (set fire to) (an automobile) (_____), the property of _____, of a value of about $_____.

ARTICLE 127

Extortion

98. In that _____ did, (at) (on board) _____, on or about _____ 19__, with intent unlawfully to obtain ($100) (_____), communicate to _____ a threat to (kidnap

his son, ------) (accuse ------ of having committed sodomy) (------).

ARTICLE 128

Assault

99. In that ------ did, (at) (on board) ------, on or about ------ 19--, assault ------ by (striking at him with a ------) (------).

Assault (consummated by a battery).

100. In that ---- did, (at) (on board) ------, on or about ------ 19--, unlawfully (strike) (------) ------ (on) (in) the ------ with ------.

Assault, aggravated: With a dangerous weapon, means or force

101. In that ------ did, (at) (on board) ------, on or about ------ 19--, commit an assault upon ------ by (shooting) (striking) (cutting) (------) (at him) (him) (in) (on) (the ------) with [a dangerous weapon] [a (means) (force) likely to produce grievous bodily harm], to wit: a (pistol) (pickax) (bayonet) (club) (------).

Inflicting grievous bodily harm

102. In that ------ did, (at) (on board) ------, on or about ------ 19--, commit an assault upon ------ by (shooting) (striking) (cutting) (------) (him) (in) (on) the ------ with a (club) (rock) (brick) (------) and did thereby intentionally inflict grievous bodily harm upon him, to wit: a (broken leg) (deep cut) (fractured skull) (------).

ARTICLE 129

Burglary

103. In that ------ did, at ------, on or about ------ 19--, in the nighttime, burglariously break and enter the (dwelling house) (------ within the curtilege) of ------, with intent to commit (murder) (larceny) (------) therein.

ARTICLE 130

Housebreaking

104. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully enter the (dwelling) (room) (bank) (store) (warehouse) (shop) (tent) (stateroom) (------) of ------, with intent to commit a criminal offense, to wit: ------, therein.

ARTICLE 131

Perjury

105. In that ------, having taken a lawful (oath) (affirmation) in a (trial by ------ court-martial of ------) (trial by a court of competent jurisdiction, to wit: ------, of ------) (deposition for use in a trial by ------ of ------) (------), that he would (testify) (depose) truly, did, (at) (on board) ------, on or about ------ 19--, willfully, corruptly, and contrary to such (oath) (affirmation), (testify) (depose) in substance that ------, which (testimony) (deposition) was upon a material matter and which he did not then believe to be true.

ARTICLE 132

Making false claim

106. In that ------ did, (at) (on board) ------, on or about ------ 19--, [by preparing (a voucher) (------) for presentment to ------, an officer of the United States duly authorized to (approve) (allow) (pay) (approve, allow, and pay) such claim] [------], make a claim against the (United States) (finance officer at ------) (------) in the amount of $------ for [private property alleged to have been (lost) (destroyed) in the military service] [------], which claim was (false) (fraudulent) (false and fraudulent) in the amount of $------ in that ------, and was then known by the said ------ to be (false) (fraudulent) (false and fraudulent).

Presenting false claim

107. In that ------ did, (at) (on board) ------, on or about ------ 19--, by presenting (a voucher) (------) to ------, an officer of the United States duly authorized to (approve) (pay) (approve and pay) such claim, present for (approval) (payment) (approval and payment) a claim against the (United States) (finance officer at ------) (------) in the amount of $------ for (services alleged to have been rendered to the United States by ------ during ------) (------), which claim was (false) (fraudulent) (false and fraudulent) in the amount of $------ in that ------, and was then known by the said ------ to be (false) (fraudulent) (false and fraudulent).

Making, etc., false writing

108. In that ------, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States in the amount of $------, did, (at) (on board) ------, on or about ------ 19--, (make) (use) (make and use) a certain (writing) (paper), to wit: ------, which said (writing) (paper), as he, the said ------, then knew, contained a statement that ------, which statement was (false) (fraudulent) (false and fraudulent) in that ------, and was then known by the said ------ to be (false) (fraudulent) (false and fraudulent).

Making false oath

109. In that ------, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) ------, on or about ------ 19--, make an oath [to the fact that ------] [to a certain (writing) (paper), to wit: ------, to the effect that ------], which said oath was false in that ------, and was then known by the said ------ to be false.

Forging, etc., signature

110. In that ------, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) ----, on or about ---- 19--, (forge) (counterfeit) (forge and counterfeit) the signature of ------- upon a ------- in words and figures as follows: -------.

Using forged signature

111. In that ------, for the purpose of obtaining the (approval) (allowance) (payment) (approval, allowance, and payment) of a claim against the United States, did, (at) (on board) ------, on or about ------ 19--, use the signature of ------ on a certain (writing) (paper), to wit: ------, such signature being (forged) (counterfeited) (forged and counterfeited), and then known by the said ------ to be (forged) (counterfeited) (forged and counterfeited).

Paying amount less than called for by receipt.

112. In that ------, having (charge) (possession) (custody) (control) of (money) (------) of the United States, (furnished) (intended) (furnished and intended) for the armed forces thereof, did, (at) (on board) ------, on or about ------ 19--, knowingly deliver to ------, the said ---- having authority to receive the same, (an amount) (------), which, as he, ------, then knew, was ($------) (------) less than the (amount) (------) for which he received a (certificate) (receipt) from the said ------.

Making receipt without knowledge of the facts

113. In that ------, being authorized to (make) (deliver) (make and deliver) a paper certifying the receipt of property of the United States (furnished) (intended) (furnished and intended) for the armed forces thereof, did, (at) (on board) ------, on or about ------ 19--, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States, (make) (deliver) (make and deliver) to ------ such a writing, in words and figures as follows: ------, the property therein certified as received being of a value of about $-------.

ARTICLE 133

Copying, etc., examination paper

114. In that ------ did, (at) (on board) ------, on or about ------ 19--, while undergoing a written examination on the subject of ------, wrongfully and dishonorably (receive) (request) unauthorized aid by [(using) (copying) the examination paper of ------] [------].

Drunk, etc.

115. In that ------ was, (at) (on board) ------, on or about ------ 19--, in a public place, to wit: ------, (drunk) (disorderly) (drunk and disorderly) while in uniform, to the disgrace of the armed forces.

Failure, etc., to pay debt

116. In that ------, being indebted to ------ in the sum of $------ for ------, which amount became due and payable (on) (about) (on or about) ------, did, (at) (on board) ------, from ------ 19-- to ------ 19--, dishonorably fail to pay said debt.

Failure to keep promise to pay debt

117. In that ------, having, on or about ------ 19--, become indebted to ------ in the sum of $------ for ------, and having failed without due cause to liquidate said indebtedness, and having, on or about ------ 19--, promised said ------ (in writing) that on or about ------ 19-- he would (settle such indebtedness in full) (pay on such indebtedness the sum of $------), did, without due cause, (at) (on board) ------, on or about ------ 19--, dishonorably fail to keep said promise.

ARTICLE 134

Abusing public animal

118. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully (kick a public horse in the belly) (------).

Adultery

119. In that ------(, a married man,) did, (at) (on board) ------, on or about ------ 19--, wrongfully have sexual intercourse with ------, (a married woman) (a woman) not his wife.

Assault: Indecent

120. In that ------ did, (at) (on board) ------, on or about ------ 19--, commit an indecent assault upon ------ by ------, with intent to gratify his (lust) (sexual desires).

Upon a commissioned officer

121. In that ------ did, (at) (on board) ------, on or about ------ 19--, assault ------, a commissioned officer of [the Army of the United States] [------, a friendly foreign power] [the United States (Navy) (Marine Corps) (Air Force) (Coast Guard)], by ------.

NOTE: That the accused did not know the commissioned officer to be such is a defense to this kind of assault—but not to an included assault in which the official position of the victim is immaterial.

Upon a warrant, noncommissioned or petty officer

122. In that ------ did, (at) (on board) ------, on or about ------ 19--, assault ------, a (warrant) (noncommissioned) (petty) officer of [the Army of the United States] [the United States (Navy) (Marine Corps) (Air Force) (Coast Guard)], by ------.

NOTE: That the accused did not know the warrant, etc., officer to be such is a defense to this kind of assault—but not to an included assault in which the official position of the victim is immaterial.

Upon a person in the execution of police duties

123. In that ------ did, (at) (on board) ------, on or about ------ 19--, assault ------, a person then having and in the execution of (air police) (military police) (shore patrol) (civil law enforcement) duties, by ------.

With intent to commit certain offenses

124. In that ------ did, (at) (on board) ------, on or about ------ 19--, with intent to commit (murder) (voluntary manslaughter) (rape) (robbery) (sodomy) (arson) (burglary) (housebreaking), commit an assault upon ------ by ------.

Assault (consummated by a battery) upon a child under the age of 16

125. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully (strike) (------) ------, a child under the age of sixteen years, (in) (on) the ------ with ------.

Bigamy

126. In that ------ did, at ------, on or about ------ 19--, wrongfully and bigamously marry ------, having at the time of his said marriage to ------ a lawful wife then living, to wit: ------.

Bribery and graft: Asking, etc.

127. In that ------, being at the time (a contracting officer for ------) (the personnel officer of ------) (------), did, (at) (on board) ------, on or about ------ 19--, wrongfully and unlawfully (ask) (accept) (receive) from ------, (a contracting company engaged in ----------) (------), (the sum of $------) (------, of a value of about $------) (------), [with intent to have his (decision) (action) influenced with respect to] [(as compensation for) (in recognition of) services (rendered) (to be rendered) (rendered and to be rendered) by him the said ------ in relation to] an official matter in which the United States was and is interested, to wit: (the purchasing of military supplies from ------) (the transfer of ------ to duty with ------) (------).

Promising, etc.

128. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and unlawfully (promise) (offer) (give) to ------, (his commanding officer) (the claims officer of ------) (------), (the sum of $------) (------, of a value of about $------) (------), [with intent to influence the (decision) (action) of the said ------ with respect to] [(as compensation for) (in recognition of) services (rendered) (to be rendered) (rendered and to be rendered) by the said ------ in relation to] an official matter in which the United States was and is interested, to wit: (the granting of leave to ------) (the processing of a claim against the United States in favor of -----) (-----).

Check, worthless, making and uttering

129. In that ------ did, (at) (on board) ------, on or about ------ 19--, [with intent to deceive, wrongfully and unlawfully] make and utter to ------ a certain check, in words and figures as follows, to wit: ------, (in payment of a debt in the amount of $------) (for ------) [he, the said ------, then not intending to have sufficient funds in the ------ bank available to meet payment of said check upon its presentment for payment in due course], and did thereafter wrongfully and dishonorably fail to (place) (maintain) sufficient funds in (the ------) (said) bank for payment of such check upon its presentment for payment.

NOTE: Both allegations inclosed in brackets should be used in a case in which the accused had given the check in purported payment of a debt not intending to have sufficient funds in the bank available to meet payment upon presentment in due course, but had not thereby obtained any money, personal property, or article of value. Obtaining money, personal property, or an article of value by means of giving a check, without intending to have sufficient funds in the bank available to meet payment upon presentment in due course, may be charged as larceny or wrongful appropriation, as the case may be, in violation of Article 121 (see 200). Without the material in brackets, this specification may be used to denounce merely a wrongful and dishonorable failure to place or maintain sufficient funds in the bank for payment of the check.

Debt, failing to pay

130. In that ------, being indebted to ------ in the sum of $------ for ------, which amount became due and payable (on) (about) (on or about) ------, did, (at) (on board) ------, from ------ 19-- to ------ 19--, wrongfully and dishonorably fail to pay said debt.

Disloyal statements

131. In that ------ did, (at) (on board) ------, on or about ------ 19--, with design to [promote (disloyalty) (disaffection) (disloyalty and disaffection) among (the troops) (the civilian populace) (the troops and the civilian populace)] [------], publicly utter the following statement, to wit: "------", or words to that effect, which statement was disloyal to the United States.

Disorderly, drunkenness, etc.: In command, quarters, etc., or under service discrediting circumstances

132. In that ------ was, (at) (on board) ------ on or about ------ 19--, (drunk) (disorderly) (drunk and disorderly) [in (command) (quarters) (station) (camp) (------)] [on board ship] [in uniform in a public place, to wit: ------] [------].

Drinking liquor with prisoner

133. In that ------, a (sentinel) (------) in charge of prisoners, did, (at) (on board) ------ on or about ------ 19--, unlawfully drink intoxicating liquor with ------, a prisoner under his charge.

Drunk, prisoner found

134. In that ------, a prisoner, was, (at) (on board) ------, on or about ------ 19--, found drunk.

Incapacitating oneself for performance of duties through prior indulgence in intoxicating liquors

135. In that ------ was, (at) (on board) ------, on or about ------ 19--, as a result of previous indulgence in intoxicating liquor, incapacitated for the proper performance of his duties.

Drugs, habit forming, or marihuana: Wrongful possession

136. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully have in his possession ------ ounces, more or less, of (a habit forming narcotic drug, to wit: ------) (marihuana).

Wrongful use

137. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully use (a habit forming narcotic drug, to wit: ------) (marihuana).

False or unauthorized pass, making, etc.

138. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully [and falsely (make) (forge) (alter by ------) (counterfeit) (tamper with by ------)] [sell to ------] [give to ------] [(use) (have in his possession) with intent to (defraud) (deceive)] (a certain instrument purporting to be) (a) (an) (another's) (naval) (military) (official) (pass) (permit) (discharge certificate) (------) in words and figures as follows: ------, [he, the said ------, then well knowing the same to be (false) (unauthorized) (------)].

False swearing

139. In that ------ did, (at) (on board) ------, on or about ------ 19--, (in an affidavit) (in his testimony before a ------ court-martial at the trial of ------) (in ------) wrongfully and unlawfully (make) (subscribe) under lawful (oath) (affirmation) a statement in substance as follows: ------, which statement he did not then believe to be true.

Firearm, discharging: Through carelessness

140. In that ------ did, (at) (on board) ------, on or about ------ 19--, through carelessness, discharge a (service rifle) (------) in the (squadroom) (tent) (barracks) (------ compartment) (------) of ------.

Willfully, under such circumstances as to endanger life

141. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and willfully discharge a firearm, to wit: ------, (in the mess hall of ------) (------), under circumstances such as to endanger human life.

Fleeing scene of accident

142. In that ------, being (the driver of) (a passenger in) (the senior officer in) a vehicle at the time of (an accident) (a collision), did, at ------, on or about ------ 19--, wrongfully and unlawfully leave the scene of the (accident) (collision) without [rendering assistance to ------ who had been struck (and injured) by the said vehicle] [making his identity known].

Gambling with subordinate

143. In that (Sergeant) (------) ------ (, boatswain's mate, first class, U. S. Navy,) (, --------,) did, (at) (on board) ------, on or about ------ 19--, gamble with (Private) (------) ------ (, seaman apprentice, U. S. Navy) (, ------).

Homicide, negligent

144. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully kill ------, [by negligently ------ the said ------ (in) (on) the ------ with a ------] [by driving a (motor vehicle) (------) against the said ------ in a negligent manner] [------].

Impersonating an officer, etc.

145. In that ------ did, (at) (on board) --------, on or about -------- 19--, wrongfully and unlawfully impersonate an [(officer) (warrant officer) (noncommissioned officer) (petty officer) (agent of superior authority) of the (Army) (Navy) (Marine Corps) (Air Force) (Coast Guard)] [an official of the Government of ------] by [publicly wearing the uniform and insignia of rank of a (lieutenant of the ------) (------)] [showing the credentials of ------] [------] (with intent to defraud ------ by ------).

Indecent acts with a child

146. In that ------ did, (at) (on board) ------, on or about ------ 19--, [take (immoral) (improper) (indecent) liberties with] [commit a (lewd) (lascivious) act (upon) (with) the body of] ------, a (female) (male) under sixteen years of age, by [fondling (her) (him) and placing his hands upon (her) (his) leg and private parts] [------], with intent to (arouse) (appeal to) (gratify) the (lust) (passions) (sexual desires) of the said ------ (and ------).

Indecent exposure

147. In that ------ did, (at) (on board) ------, on or about ------ 19--, while (at a barracks window) (------) willfully and wrongfully expose in an indecent manner to public view his -------.

Indecent, insulting, or obscene language communicated by a male to a female

148. In that ------ did, (at) (on board) ------, on or about ------ 19--, (orally) (in writing) communicate to ------, a female, certain (indecent) (insulting) (obscene) language, to wit: -------.

Indecent, lewd acts with another

149. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully commit an indecent, lewd, and lascivious act with ------ by -------.

Loaning money at usurious rate

150. In that ------ (, for and in behalf of one --------) did, (at) (on board) ------, on or about ------ 19--, loan to ------ $--------, under an agreement whereby he, the said ------, was to receive for the use of said money for ------ (months) (days) [interest at the rate of ------ per cent per (annum) (month)] [the sum of $------], thereby (demanding) (receiving) (demanding and receiving) an usurious and unconscionable rate of interest for said loan.

Mail, taking, opening, etc.

151. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and unlawfully take (a) certain [letter(s)] [postal card(s)] [package(s)], addressed to ------, [out of the (------ Post Office ------) (orderly room of --------) (unit mail box of --------) (--------)] [from --------] before (it) (they) (was) (were) (delivered) (actually received) (to) (by) the person(s) to whom (it) (they) (was) (were) directed, with design to [obstruct the correspondence] [pry into the (business) (secrets)] of --------.

152. In that ------ did, (at) (on board) ------, on or about ------ 19--, [wrongfully and unlawfully (open) (secrete) (destroy)] [steal] (a) certain [letter(s)] [postal card(s)] [package(s)], addressed to ------, which said [letter(s)] [------]] (was) (were) then [in the (------ Post Office ------) (orderly room of ------) (unit mail box of ------) (custody of ------) (------)] [on the (bunk of ------) (------)]] [had previously been committed to ------ (, a representative of --------) an official agency for the transmission of communications] before said [letter(s)] [------] (was) (were) (delivered) (actually received) (to) (by) the person(s) to whom (it) (they) (was) (were) directed.

Mails, depositing, etc., obscene matter in

153. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and knowingly (deposit) (cause to be deposited) in the (United States) (------) mails, for mailing and delivery to ------, a (letter) (picture) (------) (containing) (portraying) (suggesting) (------) certain obscene, lewd, and lascivious matter, to wit: --------.

Misprision of felony

154. In that ------, having knowledge that ------ had actually committed a felony (at) (on board) ------, on or about ------ 19--, to wit: (the murder of ------) (------), did, from about ------ 19-- to about ------ 19--, wrongfully and unlawfully conceal such felony and fail to make the same known to the civil or military authorities.

Nuisance, committing

155. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully (urinate) (defacate) (------) [on the floor of the squadroom] [on the (deck) (bulkhead) of ------] [------].

Pandering

156. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and unlawfully [(compel) (induce) (entice) (procure)] [attempt to (compel) (induce) (entice) (procure)] ------ to engage in (acts of prostitution) (sexual intercourse for hire and reward) with persons to be directed to (him) (her) by the said -------.

157. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and unlawfully [receive valuable consideration, to wit: ------, on account of arranging for] [arrange for] (------) (unnamed persons) to engage in (sexual intercourse) (sodomy) with ------, (a prostitute) (------).

Parole, violation of

158. In that ------, a prisoner on parole, did, (at) (on board) ------, on or about ------ 19--, violate the conditions of his parole by -------.

Perjury, statutory

159. In that ------, having taken a lawful oath [in a proceeding before (a board of officers) (a court of inquiry) concerning ------] [upon the making of an affidavit as to ------] [------], a case in which a law of the United States authorized an oath to be administered, that [he, the said ------, would (testify) (declare) (depose) (certify) truly] [a written (declaration) (deposition) (certificate) subscribed by him was true], did, (at) (on board) ------, on or about ------ 19--, willfully and contrary to such oath (state) (subscribe) a material matter, to wit: ------, which matter he did not then believe to be true.

NOTE: If the matter falsely stated or subscribed under lawful oath is not material, the offense should be charged as false swearing.

Perjury, subornation of

160. In that ------ did, (at) (on board) ------, on or about ------ 19--, procure ------ to commit perjury by inducing him, the said ------, to take a lawful (oath) (affirmation) in a (trial by ------ court-martial of ------) (trial by a court of competent jurisdiction, to wit: ------, of ------) (deposition for use in a trial by ------ of ------) (------) that he, the said ------, would (testify) (depose) (------) truly, and to (testify) (depose) (------) willfully, corruptly, and contrary to such (oath) (affirmation) in substance that ------, which (testimony) (deposition) (------) was upon a material matter and which the said ------ and the said ------ did not then believe to be true.

Prisoner, allowing to do unauthorized act

161. In that ------, (a sentinel) (overseer) (------) in charge of prisoners, did, (at) (on board) ------, on or about ------ 19--, wrongfully allow ------, a prisoner under his charge, to [(go to) (enter) (go to and enter) an unauthorized place, to wit: ------] [(hold unauthorized conversation with ------) (loiter) (neglect his task by ------) (obtain intoxicating liquor) (------)].

Public record, concealing, mutilating, etc.

162. In that ------ did, (at) (on board) ------, on or about ------ 19--, willfully and unlawfully [(conceal) (remove) (mutilate) (obliterate) (destroy)] [appropriate with intent to (conceal) (remove) (mutilate) (obliterate) (destroy)] a public record, to wit: [the (descriptive list) (rough deck log) (quartermaster's note book) of ------] [------].

Quarantine, medical, breaking

163. In that ------, having been duly placed in medical quarantine (in the isolation ward, ------ Hospital) (------), did, (at) (on board) ------, on or about ------ 19--, break said medical quarantine.

Refusing, wrongfully, to testify

164. In that ------, being in the presence of a [(general) (special) court-martial] [duly appointed board of officers] [------] of the United States, of which ------ was (law officer) (president) (------), (and having been directed by the said ------ to qualify as a witness) (and having qualified as a witness and having been directed by the said ------ to answer the following questions put to him as a witness, "------"), did, (at) (on board) ------, on or about ------ 19--, wrongfully refuse (to qualify as a witness) (to answer said questions).

Restriction, breaking

165. In that ------, having been duly restricted to the limits of ------, did, (at) (on board) ------, on or about ------ 19--, break said restriction.

Sentinel, lookout, offenses against and by

166. In that ------ did, (at) (on board) ------, on or about ------ 19--, [(attempt) (threaten) to] (unlawfully strike) (assault) ------, a (sentinel) (lookout) in the execution of his duty, [(in) (on) the ------] with (a) (his) -------.

167. In that ------, (a prisoner), did, (at) (on board) ------, on or about ------ 19--, wrongfully [use the following (threatening) (insulting) (threatening and insulting) language] [behave in an (insubordinate) (disrespectful) (insubordinate and disrespectful) manner] toward ------, a (sentinel) (lookout) in the execution of his duty, ["------," or words to that effect] [by -------].

168. In that ------, while posted as a (sentinel) (lookout), did, (at) (on board) ------, on or about ------ 19--, (loiter) (wrongfully sit down) on his post.

Stolen property, knowingly receiving

169. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully (receive) (buy) (conceal) ------, of a value of about $------, the property of ------, which property, as he, the said ------, then well knew, had been stolen.

Straggling

170. In that ------ did, at ------, on or about ------ 19--, while accompanying his organization on (a practice march) (maneuvers) (------), without just cause, straggle.

Threat, communicating

171. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully communicate to ------ a threat to (injure ------ by ------) (accuse ------ of having committed the offense of ------) (------).

Unclean accouterment, arms, etc.

172. In that ------ was, (at) (on board) ------, on or about ------ 19--, found with an unclean (rifle) (uniform) (------), he being at fault in failing to maintain such property in a clean condition.

Uniform, unclean, improper, appearing in

173. In that ------ did, on or about ------ 19--, wrongfully appear (at) (on board) ------ (without his ------) (in an unclean ------) (with an unclean ------) (------).

Unlawful entry

174. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully enter the (dwelling house) (garage) (warehouse) (tent) (vegetable garden) (orchard) (stateroom) (------) of -------.

Weapon, concealed, carrying

175. In that ------ did, (at) (on board) ------, on or about ------ 19--, unlawfully carry a concealed weapon, to wit: a -------.

Wearing unauthorized insignia, etc.

176. In that ------ did, (at) (on board) ------, on or about ------ 19--, wrongfully and without authority wear upon his (uniform) (civilian clothing) [the insignia of grade of a (master sergeant of ------) (chief gunner's mate of ------)] [the Combat Infantryman Badge] [the Distinguished Service Cross] [the ribbon representing the Silver Star] [the lapel button representing the Legion of Merit] [------].

Appendix 7

There is set forth below a copy of the form for the report of the investigating officer required under the provisions of Article 32. As a guide, sample entries pertaining to an accused member of the Army have been entered.

INVESTIGATING OFFICER'S REPORT			3d Indorsement
FROM: (Rank, name, and organization of investigating officer)			DATE OF REPORT
Captain Jack L. Jenks, 61st Infantry			18 June 1951
TO: (Title and organization of officer who directed report to be made)			
Commanding Officer, 61st Infantry, Fort Compton, Texas			
GRADE AND NAME OF ACCUSED	SERVICE NUMBER	ORGANIZATION	DATE OF CHARGES
Private Peter J. Poe	RA 37 411 655	Company M, 61st Inf	15 June 1951

	Check appropriate answer: YES	NO
1. In accordance with the provisions of Article 32, Uniform Code of Military Justice, and paragraph 34, Manual for Courts-Martial, 1951, I have investigated the charges (Exhibit 1) appended hereto.	X	
2. At the outset of the investigation I advised the accused:	///	///
a. Of the nature of the offense charged against him.	X	
b. Of the name of the accuser.	X	
c. Of the names of the witnesses against him so far as known by me.	X	
d. That the charges were about to be investigated by me.	X	
e. Of his right, upon his request, to have counsel represent him at the investigation, either-	X	
(1) Civilian counsel, if provided by him, or		
(2) Military counsel of his own selection, if such counsel be reasonably available, or	X	
(3) Counsel appointed by the officer exercising general court-martial jurisdiction over the command.	X	
f. Of his right to cross-examine all available witnesses against him.	X	
g. Of his right to present anything he might desire in his own behalf, either in defense or mitigation.	X	
h. Of his right to have the investigating officer examine available witnesses requested by him.	X	
i. Of his right to make a statement in any form.	X	
j. That he was not required to make any statement regarding any offense of which he was accused or being investigated.	X	
k. That any statement made by him might be used as evidence against him in a trial by court-martial.	X	
3. a. The accused requested counsel.	X	
b. Name (and rank) of requested counsel: Larry E. Logan, 1st Lt	Organization or address: 61st Inf	/// /// ///
c. Counsel requested by the accused was reasonably available.	X	

Note. If additional space is required for any item, enter the additional material on a separate sheet. Be sure to identify such material with the proper numerical and, when appropriate, lettered heading (example, "5c"). Securely attach any additional sheet to the form and add a note in the appropriate item of the form: "See additional sheet." Any matters considered pursuant to paragraph 34 which are not identifiable with numerical and lettered headings of the form should be added on an additional sheet, which will be referred to and identified in item 17, Remarks.

d. Name (and rank) of counsel made available by the officer exercising general court-martial jurisdiction over the command: None.	Organization or address: ———	///	///	
e. Counsel requested by or made available to the accused was present as counsel for the accused throughout the investigation. (If the accused waives the right to have counsel present throughout all or a part of the investigation after having requested counsel, state the circumstances and the particular proceedings conducted in the absence of such counsel.)		X		
4. a. In the presence of the accused I have examined all available witnesses and documentary evidence on both sides.		X		
b. I have reduced the material testimony given by each such witness under direct and cross-examination to a written statement embodying the substance of the testimony taken on both sides.		X		
c. The written statements of such witnesses are appended hereto as indicated:		X		
Name (and grade) of witnesses who were present	Organization or address	///	Exhibit No.	///
John C. Charlie, Capt	Co M, 61st Inf	X	2	X
Robert M. Sugar, Sgt	Co M, 61st Inf	X	3	X
5. a. The substance of the expected testimony of each of the following absent witnesses whose presence was not requested by the accused, or who having been requested were not available, or for whom the request was withdrawn (see MCM, 1951, par. 34g(2)), has been reduced to a written statement which is appended hereto as indicated:		X		
Name (and grade) of absent witnesses	Organization or address	///	Exhibit No.	///
Mr. William Sibley	10 Main Street, Albemarle, Texas		4	
b. A copy of each such written statement has been shown to the accused.				X
c. If an absent witness is requested by the accused but is not available, enter a proper explanation.		///		///
6. The following documents have been examined, shown to the accused, and are appended as indicated (describe documents):			Exhibit No.	X
Extract copy of morning report, Co M, 61st Inf, for 1 June 1951			5	
7. The following described real evidence was examined, shown to the accused, and is now preserved for safekeeping as indicated: One .45 caliber pistol, now in the custody of the Commanding Officer, 61st Infantry. (If certain real evidence which was examined was not shown to the accused, state the reasons.)				X

8.	The accused after having been informed of his right to make a statement or remain silent:		
	a. Stated that he did not desire to make a statement.	X	
	b. Made a statement appended hereto (Exhibit ___).		X
9.	a. There were reasonable grounds for inquiring into the mental responsibility of the accused at the time of the alleged offense.		X
	b. There were reasonable grounds for inquiring into the mental capacity of the accused at the time of the investigation.		X
	c. If grounds for inquiry as to accused's mental condition exist, state reasons therefor and action taken.		
	d. A report of a (board of medical officers) (psychiatrist) is appended (Exhibit ___).		X
10.	All essential witnesses will be available in the event of trial. (If any essential witness (es) will not be so available, list name, address, reason for nonavailability, and recommendation, if any, whether a deposition should be taken.)	X	
11.	Explanatory or extenuating circumstances are submitted herewith. Possible stress of bad home conditions may have influenced his acts. The accused, during four years of military service, has never before committed an offense warranting a severe punishment. Both the company commander and the first sergeant state that he has been an excellent soldier.	X	
12.	a. I have investigated and find 1 prior conviction(s) of offenses committed within the three years next preceding the commission of an offense with which the accused is now charged (MCM, 1951, par. 75b(2)) and during--	X	
	(1) A current enlistment, voluntary extension of enlistment, appointment, or other engagement or obligation for service of the accused, or	X	
	(2) The last enlistment, appointment, or other engagement or obligation for service of the accused which terminated under other than honorable conditions or from which the accused deserted and subsequently enlisted.		X
	b. A copy of the record of prior convictions is appended (Exhibit 6).	X	
13.	In arriving at my conclusions I have considered not only the nature of the offense(s) and the evidence in the case, but I have likewise considered the age of the accused, his military service, and the established policy that trial by general court-martial will be resorted to only when the charges can be disposed of in no other manner consistent with military discipline.	X	
14.	The charges and specifications are in proper form and are supported by the available evidence. (If the answer is "NO," explain and indicate recommended action on additional sheet.)	X	
15.	Any inclosures received by me with the charges and not listed above as an exhibit are securely fastened together and appended hereto as one exhibit (Exhibit ___). (If no such inclosures were received, check "NO.")		X
16.	Trial by (☒ General) (☐ Special) (☐ Summary) court-martial (Check appropriate box only if trial is recommended.) is recommended.	X	
17.	Remarks. (Check "NO" if there are none. Check "YES" and identify the additional sheet on which they appear if there are remarks.)		X
	Typed name, grade, and organization of investigating officer: JACK L. JENKS, Capt, 61st Infantry — Signature: Jack L. Jenks		

Appendix 8—Procedure for Trials Before General and Special Courts-Martial

TABLE OF CONTENTS

Preconvening procedure.
Seating of court.
Appointing orders.
Accounting for personnel.
Reporter sworn.
Qualifications of prosecution.
Qualifications of defense.
Excusing counsel not desired.
Enlisted membership.
Court convened.
Personnel sworn.
Challenges.
  By prosecution.
  By defense.
Withdrawal of charges.
Arraignment.
Motions.
  Rulings on motions.
  Voting on rulings.
Amendment of charges.
Pleas.
Explanation of plea of guilty.
Presentation of prosecution case.
Stipulation.
Testimony.
  Oath of witness.
  Formal questions.
  Direct examination.
  Use of interpreter.
  Cross-examination.
  Redirect examination.
  Recross-examination.
  Examination by court.
  Excusing witness.
  Warning witness.
  Witness recalled.
Objections to testimony.
  Argument on objections.
  Ruling on objections.
Striking testimony.
Exhibits.
  Marking.
  Identification.
  Offer.
  Description for record.
  Depositions and authenticated official records.
  Confessions; admissions.
  Accused's right to limit testimony.
Excluding members of general courts-martial.
  In-court hearing.
  Out-of-court hearing.
  Presentation of additional instructions.
Adjournment or recess.
Reconvening.
Accounting for members after recess, etc.
New member.
Prosecution rests.
Presentation of defense case.
Explanation of accused's rights.
Accused as witness.
Defense rests.
Rebuttal.
Witness called by court.
Closing arguments.
Charging court.
Concluding charge by law officer.
Findings.
  Voting.
  Announcing.
Presentence procedure.
  Personal data from charge sheet.
  Previous convictions.
  Matter in aggravation, mitigation, or extenuation.
Sentence.
  Voting.
  Announcing.
Adjournment.
Contempt procedure.
Revision procedure.

a TRIAL PROCEDURE.

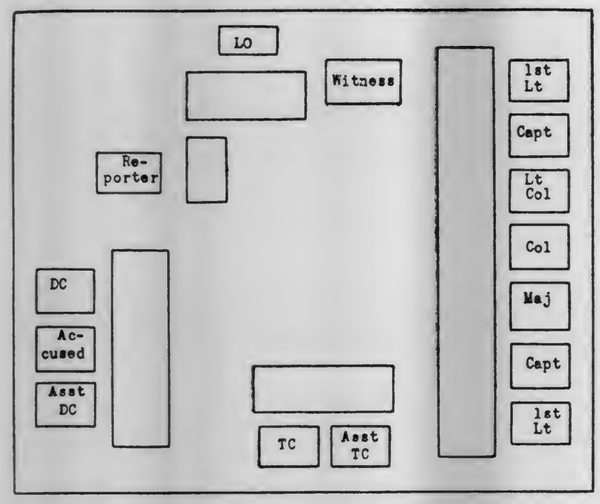
Preconvening procedure

NOTE: Prior to the president calling a court-martial to order, the law officer (president of a special court-martial) should examine the appointing order, determine that the accused and a quorum are present (including one-third enlisted persons if they have been requested) and that the appointed trial counsel and defense counsel are apparently qualified. See 61*a*. Witnesses should be excluded from the courtroom except when they testify. See 53*f*.

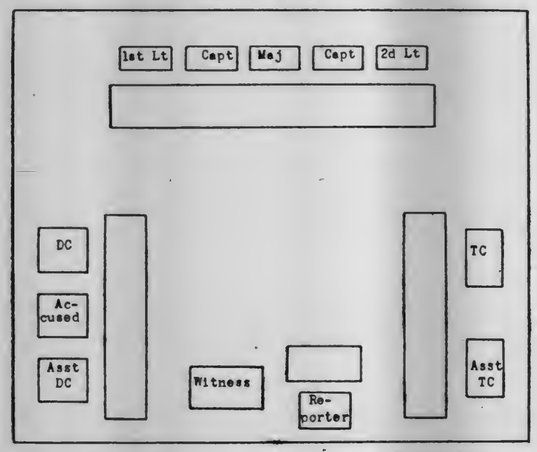
Seating

NOTE: The members are seated alternately to the right and left of the president according to rank. The law officer is seated apart from the members. Acceptable seating arrangements appear below:

GENERAL COURT-MARTIAL



SPECIAL COURT-MARTIAL



Court called to order

Pres: The court will come to order.

NOTE: The reporter (TC in a special court-martial without reporter) is responsible for keeping a record of the hour and date of each opening or closing of the court, whether for recess, adjournment, or otherwise, for insertion in the record.

Appointing orders

TC: The court is convened by ------, (as amended by ------,) a copy of which has been furnished to (the law officer,) each member of the court, counsel, the accused, and to the reporter for insertion at this point in the record.

Persons present

The following persons named in the appointing orders are present:

Persons absent

The following persons named in the appointing orders are absent:

Presence of accused

TC: The prosecution is ready to proceed with the trial in the case of the United States against ----------
(Name, rank, organization of accused read from the Charge Sheet)
who (is) (are) present in court.

NOTE: If any accused are present solely to permit swearing in their presence of those officials and clerical assistants of the court who are required to act under oath (53*b* and 112*c*; Art. 42), the TC will make the following announcement: "In addition, the following accused persons, who will be excused after the oaths have been administered to those officials and clerical assistants of the court who are required to act under oath, are present: ----------"

*Appointment of reporter**

TC: ------ has been appointed reporter for this court and will now be sworn.

NOTE: The reporter rises and stands with right hand raised; the TC, right hand raised, faces the reporter and administers the oath.

*Reporter sworn**

TC: You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.

Reporter, I do.

NOTE: The reporter records verbatim all proceedings had in the case (49*b*, 53*d*), subject to the exceptions set forth in appendix 9 and herein.

Interpreter

NOTE: Any interpreter used is similarly introduced and may be sworn at this point or just before he acts. See 114 as to the form of the oath.

Legal qualifications of prosecution

TC: The legal qualifications of all members of the prosecution are correctly stated in the appointing orders (except that ------).

NOTE: If the TC of a general court-martial is not qualified as prescribed by Article 27*b*, or if in his absence no member of the prosecution present is so qualified, the court will adjourn and report the matter to the convening authority.

Prior participation by member of prosecution

TC: No member of the prosecution named in the appointing orders has acted as investigating officer, law officer, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceedings involving the same general matter.

NOTE: If any member of the prosecution appears to be disqualified, the court will take the action indicated in 61*e*. See 6*a*.

DC introduced

TC: By whom will the accused be defended?

DC: The accused [is to be defended by (----------, the appointed defense counsel) (and) (----------, the appointed assistant defense counsel)] [introduces as individual counsel, ----------].

Qualifications of DC

TC: Will counsel representing the accused state whether the legal qualifications of the appointed members of the defense are other than as stated in the appointing orders (and will individual counsel state whether he has been certified as counsel by an appropriate Judge Advocate General, and, if not, whether he has any of the legal qualifications enumerated in Article 27*b* (1))?

DC: The legal qualifications of all appointed members of the defense are correctly stated in the appointing orders (except that ----------).

NOTE: If the appointed DC of a general court-martial is not qualified as prescribed by Article 27*b*, the court will adjourn and report the matter to the convening authority. Similar action will be taken if the appointed DC of a special court-martial is not quali-

*Not applicable to special courts-martial if reporter is not used.

fied as prescribed by Article 27c. See 61*f* (3).

NOTE: Legal qualifications of all counsel for the defense not shown in the appointing orders, including individual counsel, if any, will be stated (61*f* (2)).

NOTE: If the jurisdictional requirements with respect to appointed counsel are met (61*f* (3)), but no member of the defense present at the trial, including individual counsel, has legal qualifications equivalent to those of any member of the prosecution who is legally qualified, the law officer (president of a special court-martial) will inform the accused:

Explanation of counsel's qualifications

LO (Pres): ------, one of the members of the prosecution is (certified in accordance with Article 27*b*) (qualified in the sense of Article 27c (2)). No member of the defense present has equivalent legal qualifications. You have the right to be represented by counsel who has such qualifications. Unless you expressly request that you be represented by the defense counsel who is now present, the court will adjourn pending procurement of defense counsel who is so qualified. Do you expressly request that you be represented by the defense counsel who is now present?

Accused: I do (not).

LO (Pres): Do you also wish the services of counsel who has legal qualifications equivalent to those of the member of the prosecution mentioned?

Accused: I do (not).

NOTE: If the accused expressly requests that he be represented by the DC then present (including individual counsel) and does not wish the services of a counsel who has the requisite equivalent legal qualifications, the trial will proceed. Otherwise, the court will adjourn pending procurement of a defense counsel who has the requisite qualifications.

Prior participation by DC

TC: Has any member of the defense (including individual counsel) acted as the accuser, a member of the prosecution, investigating officer, law officer, or member of the court in this case?

DC: (No counsel for the defense has so acted.) (----------, a member of the defense, has acted as ----------.)

NOTE: If a member of the defense has participated in the same case as a member of the prosecution, he will be excused forthwith (61*f* (4)). See 6*a*. In other cases the TC will advise the accused:

Explanation to accused

TC: ------, (the regularly apointed defense counsel) (----------), previously has acted as ------ in this case. He may not now act as a member of the defense unless expressly requested by you. Do you expressly request his services in this case?

Accused: I do (not).

NOTE: If he does so request, the proceedings continue. If he does not request the services of such counsel, the LO (president of a special court-martial) will excuse him.

Action when counsel not desired

NOTE: If the excusing of counsel not desired by accused, because of prior participation (Art. 27*a*), deprives the accused of that representation to which he is entitled by Articles 27*b* and 38*b* under the circumstances existing before the particular court, the court will adjourn and report the matter to the convening authority (61*f* (4)).

Excusing counsel not desired

NOTE: If appropriate the accused may state (Art. 38*b*):

Accused: I (do not) desire the (regularly appointed defense counsel) (and) (assistant defense counsel) to act (as associate counsel) in this case.

NOTE: Council not desired by accused will be excused at this time (61*f* (3)).

LO (Pres): It appears that counsel for both sides have the requisite qualifications.

NOTE: When the accused is an enlisted person, he adds:

Request for enlisted membership

LO (Pres): Has the accused made a request in writing that the membership of this court include enlisted persons?

TC: The accused has (not) made such a request (which is herewith submitted to the court).

LO (Pres): This request will be attached to the appointing orders which are to be inserted in the record.

NOTE: If such a request has been made and requirements for enlisted membership do not appear to have been met, the court will adjourn and report the matter to the convening authority. See 61*g* and Article 25c.

NOTE: If an accused is present solely to permit swearing in his presence of the personnel of the court (53*b*, 112c; Art. 42), such personnel properly may not be sworn until after the qualifications of counsel have been established and, if he is an enlisted person, his desires with respect to enlisted court members have been made a matter of record.

Court convened

LO (Pres): Proceed to convene the court.

TC: The court will be sworn.

NOTE: All persons in the courtroom stand while the oath is administered to the members of the court, LO, and counsel. See 112*d*. Each member raises his right hand as his name is called by the TC in administering the following oath:

Members sworn

TC: You, Colonel ----------, Lieutenant Colonel ----------, (----------), do swear (or affirm) that you will faithfully perform all the duties incumbent upon you as a member of this court; that you will faithfully and impartially try, according to the evidence, your conscience, and the laws and regulations provided for trials by courts-martial, the case of (the) (each) accused now before this court; and that if any doubt should arise not explained by the laws and regulations, then according to the best of your understanding and the custom of war in like cases; that you will not divulge the findings and sentence in any case until they shall have been duly announced by the court; and that you will not disclose or discover the vote or opinion of any particular member of the court upon a challenge or upon the findings or sentence unless required to do so before a court of justice in due course of law. So help you God.

Each member of the Court: I do.

NOTE: The members lower their hands but remain standing while the TC administers the oath to the LO, who raises his right hand:

*LO sworn**

TC: You, Commander ----------, do swear (or affirm) that you will faithfully and impartially perform, according to your conscience and the laws and regulations provided for trials by courts-martial, all the duties incumbent upon you as law officer of this court; that if any doubt should arise not explained by the laws and regulations, then according to the best of your understanding and the custom of war in like cases; and that you will not divulge the findings or sentence in any case until they shall have been duly announced by the court. So help you God.

LO: I do.

NOTE: The president administers the oath to the members of the prosecution, who raise their right hands:

Prosecution sworn

Pres: You, Captain ---------- and Lieutenant ----------, do swear (or affirm) that you will faithfully perform the duties of trial counsel and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God.

TC (and Asst TC): I do.

NOTE: The oath is then administered by the president to the members of the defense, including individual counsel, who raise their right hands:

Defense sworn

Pres: You, Major ------, Lieutenant ------, (and Mr. ------,) do swear (or affirm) that you will faithfully perform the duties of defense (and individual) counsel and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God.

DC (and Asst DC): I do.

NOTE: All persons except the TC are then seated.

LO (Pres): The court is now convened.

NOTE: If an accused has been present solely to permit swearing in his presence of the personnel of the court (53*b* and 112c; Art. 42), the TC should make the following announcement: "------, an accused who was present during the administration of oaths to the personnel of the court will be excused. The reporter will note that it is now ------ hours, ------ 19--." When the court subsequently assembles for the trial of such an accused, the TC, after accounting for the personnel of the court, the accused, and his counsel, will announce: "The prosecution is now ready to proceed in the case of the United States against ------, who was present during the administration of oaths to the personnel of the court." The record of trial in the case of such an accused will show all the proceedings had in the case prior to the time that he withdrew after the administration of oaths. Thereafter, the proceedings and record in his case will continue from this point.

NOTE: If it appears that any witnesses in the case are present in the courtroom, the LO (president of a special court-martial) should make the following announcement: "Unless they are required to be present for other reasons, all persons expecting to be called as witnesses in the case of ------ will withdraw from the courtroom."

Challenges:

NOTE: The TC now states the general nature of the charges and discloses every ground for challenge believed by him to exist in the case (62*b*). If an announcement of the withdrawal of a charge or specification is to be made prior to the arraignment of the accused, the TC should not state the nature of such charge or specification in advising the court of the general nature of the charges (56*d*, 65*a*).

—nature of charges

TC: The general nature of the charges in this case is ------; the charges were preferred by ------; forwarded with recommendations as to disposition by ------, (------) (and ------); and investigated by ------. Neither the law officer nor any member of the court will be a witness for the prosecution.

—grounds disclosed by records

The records of this case disclose [no grounds for challenge] [grounds for the challenge of ------, for the following reasons: he (is not eligible to serve us ------) (is the accuser) (was the investigating officer) (forwarded the charges with recommendation as to disposition) (has previously participated in the case as ------) (is an enlisted member of the same unit as accused) (------)].

NOTE: See 62*b* as to disclosing grounds for challenge. If disclosed grounds for challenge are undisputed and are within the first eight grounds enumerated in 62*f* the LO (president of a special court-martial) will excuse the LO or member forthwith (62*c* and *h*(2)). If there are enlisted members of the court:

—grounds disclosed by enlisted members

TC: Records indicate that the accused is a member of ------. If any enlisted member of the court is now a member of the same unit, it is requested that he so state.

NOTE: The eighth ground for challenge provides that an enlisted member of the court may not belong to the same company or corresponding military unit as the accused. If the excusing of an enlisted court member or action on challenges results in an enlisted membership of less than one-third of the total membership of the court present, the court will adjourn and report the matter to the convening authority (62*h* (4)).

—grounds disclosed by members

TC: If any member of the court (or the law officer) is aware of any facts which he believes may be a ground for challenge by either side against him, he should now state such facts.

—procedure

NOTE: As to the procedure on challenges, see 62*h*. A challenged member (LO) will be given the right to make a statement with respect to the challenge. Note that if LO (president of a special court-martial) takes the stand to testify as to his competency, he continues to rule on interlocutory questions. If a member (LO) is challenged for any of the first eight grounds enumerated in 62*f*, and he admits the fact upon which the challenge is based, he will be excused forthwith. If it is manifest that any other challenge will be unanimously sustained, the LO (president of a special court-martial) may excuse the challenged person "subject to the objection of any member." In case of objection by any member, or in the event of a contested challenge, evidence may be presented to the court upon the issue. Thereafter, the challenged member will withdraw, the court will close, and a vote as to whether the challenge will be sustained will be taken by secret written ballot; a tie vote disqualifies the member challenged. See 62*h* (3).

Challenges for cause should be made before arraignment but may be presented at any stage of the proceedings if the challenger has exercised due diligence or the challenge is based upon grounds enumerated in 62*f*, clauses 1 to 8. Challenges for cause may again be presented, even though once overruled, if for good cause such as newly discovered evidence (62*d*).

The TC will administer the following oath to a challenged member who is to be examined as to his competency:

"You swear (or affirm) that you will answer truthfully to the questions touching your competency as a member of the court in this case. So help you God."

As to limitations on inquiry as to eligibility of LO see 62*g*.

—by prosecution (for cause)

TC: The prosecution (has no) challenges for cause (---------- on the ground ----------).

(peremptory)

TC: The prosecution has no peremptory challenge (desires to challenge peremptorily ----------).

NOTE: As to peremptory challenges, see 62*e*. When the right to make a peremptory challenge is exercised, the challenged member will be excused forthwith.

—by defense

TC: Does (any of) the accused desire to challenge any member of the court (or the law officer) for cause?

NOTE: When there is more than one accused, the challenges of each for cause are ordinarily disposed of before their peremptory challenges are made.

(for cause)

DC: No. (The accused challenges ------ for cause on the ground ----------.)

(peremptory)

TC: Does (any of) the accused wish to exercise his right to one peremptory challenge against any member?

DC: The accused, ----------, (has no peremptory) challenges (---------- peremptorily).

Withdrawal of charges

TC: By direction of the convening authority the prosecution withdraws the following charge(s) and specification(s) and will not pursue the same further at this trial: (Specification 2 of Charge II) (------).

NOTE: A charge or specification withdrawn after the convening of the court and before arraignment should be mentioned by number only—the nature of the offense set forth in a charge or specification so withdrawn should not be made known to the court (56*d*).

The TC now should present to the members of the court (and the LO) copies of only those charges and specifications upon which the accused is to be arraigned.

When a specification is withdrawn after evidence has been taken on the issue of guilt or innocence, the reasons therefor should be fully stated in the record of trial (56*b*).

Arraignment:

TC: The charges have been properly referred to this court for trial, and with their specifications, are as follows:

—charges and specifications read

NOTE: The TC now reads the charges and specifications upon which the accused is to be tried, with the name and description of the accuser, the affidavit, and the reference for trial (pp. 2 and 3 of Charge Sheet). They are copied verbatim into the record at this point, regardless of whether the accused waives the actual reading of the charges and specifications. The accused may waive the actual reading of the charges and specifications in court (65*a*):

—waiver of reading charges

TC: With the consent of the accused I shall omit the reading of the charges, a copy of which is before each member of the court (, the law officer,) and the accused. The charges are signed by ------, a person subject to the code, as accuser; are properly sworn to before an officer of the armed forces authorized to administer oaths; and are properly referred to this court for trial by ------, the convening authority. The charges and specifications, the name and description of the accuser, his affidavit, and the reference for trial will be copied verbatim into the record.

DC: The accused consents.

LO (Pres): The reading of the charges may be omitted.

—notice of service

TC: The charges were served on the accused by (me) (----------) on ---------- 19--, ----------, how do you plead?

NOTE: This completes the arraignment, of which the pleas are no part (65*a*).

NOTE: Unless the date of service is at least five days prior to the date of trial in a general court-martial (three days for a special court-martial), except in time of war, the accused may object to this defect in service (Art. 85). If he does so, the court must grant a continuance at this point following arraignment.

Motions, etc.

TC: Before receiving your pleas, I advise you that any motions to dismiss any charge or to grant other relief should be made at this time.

NOTE: Motions to dismiss and for other relief, such as motions to sever, for continuance, or for examination of the accused because of suspected insanity, are properly presented at this point; all proceedings and action thereon will be recorded. See 52*d*, 67, and 68. Any explanation of the accused's right to move that a charge be dismissed (53*h*, 62*c*) because barred by the statute of limitations, and the accused's response thereto, will be recorded.

DC: The defense [has no motions to be made] [moves that Specification ------, Charge ------, be dismissed because of former acquittal, on ------, by a court-martial convened pursuant to ------, dated ------, 19--, of the charge of ------ (reciting charge and specifications in full)] [moves that ----------].

Ruling on motion

NOTE: The ruling on a motion to dismiss may be:

LO (Pres): (Subject to objection by any member of the court,) the motion is (denied) (granted. The accused will not be required to plead to Specification ------, Charge ------).

Rulings by LO or president on interlocutory questions

NOTE: The president of a special court-martial rules on interlocutory questions "subject to objection by any member of the court, ------." See 57c and *e*, and Article 51*b*. In ruling on a motion for a finding of not guilty, or the question of accused's sanity, the LO rules "subject to objection by any member of the court"; otherwise his rulings on interlocutory questions (other than challenges) are final (57*d*), while those of the president are made as indicated.

Voting on rulings

NOTE: If any member objects to a ruling when he may properly do so, the court will close and vote orally, beginning with the junior in rank. The court determines by majority vote whether the ruling is sustained or not. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused; otherwise a tie vote is a determination in favor of the accused (57*f*; Art. 52*c*).

Amendment of charges

NOTE: If charges are amended on motion or otherwise or after a motion to sever is granted in the case of accused jointly charged, the amendment will be formally stated for the record. See 69*b* (3). For example, after a motion to sever is granted, the formal amendment may be in the following form:

Form of amendment after severance

LO (Pres): Each specification is formally amended by striking out the words "and ------," the accused who is not now to be tried, and the words "acting jointly and in pursuance of a common intent," and by inserting after the word "did," the words "acting in conjunction with ------," the accused who is not now to be tried. Trial will proceed on the charges as amended.

Pleas:

NOTE: The accused and his counsel rise while entering the pleas. In joint and common trials, each accused will plead separately.

DC: The accused, ------, pleads:

To all Specifications and Charges: (Not guilty) (Guilty).

or

—guilty to one specification

To Specification 1 of the Charge: Guilty.

To Specification 2 of the Charge: Not guilty.

* Not applicable in special courts-martial.

To the Charge: Guilty.

or

—with exceptions and substitutions

To Specification ------, Charge ------: Guilty, except the words "------" and "------" (, substituting therefor, respectively, the words "------" and "------" to the excepted words, not guilty, to the substituted words, guilty).

To the Charge: (Guilty) (Not guilty, but guilty of a violation of Article ------).

etc.

—explanation of plea of guilty (statute of limitations)

NOTE: If the accused pleads guilty to a lesser included offense against which the statute of limitations has apparently run, the law officer (president of a special court-martial) will advise the accused of his right to interpose the statute in bar of trial and punishment as to that offense (68c).

In any case in which a plea of guilty is entered, the meaning and effect will be explained to the accused. See 53*h* and 70. The following explanation may be used:

(form of explanation)

LO (Pres): ------, you have pleaded guilty to (Specification -----, Charge -----) (the lesser included offense of -----). By so doing, you have admitted every act or omission (charged) and every element of that (included) offense. Your plea subjects you to a finding of guilty without further proof, of that offense, in which event you may be sentenced by the court to the maximum punishment authorized for it. You are legally entitled to plead not guilty and place the burden upon the prosecution of proving your guilt of that offense. Your plea will not be accepted unless you understand its meaning and effect. Do you understand?

Accused: Yes, sir.

LO (Pres): Understanding this, do you persist in your plea of guilty?

Accused: Yes, sir. [I desire to change my plea(s) to not guilty.]

Advice as to punishment

NOTE: Upon inquiry by the accused, the LO (president of a special court-martial) should advise him of the maximum punishment which may be adjudged for an offense or offenses to which he has pleaded guilty. Before advising the accused of the maximum punishment, the LO (president of a special court-martial) should refer to Chapter XXV. He may also request counsel for both sides to submit legal authority on the question.

If an enlisted person has pleaded guilty to an offense or offenses for none of which dishonorable or bad conduct discharge is authorized, the LO (president of a special court-martial) should supplement his advice as to the maximum punishment with a statement in substantially the following form: "However, if the court receives evidence of two or more previous convictions, the maximum punishment which could be adjudged for the offense(s) to which you have pleaded guilty would be: bad conduct discharge, confinement at hard labor for (------), and forfeiture of (------)." This supplemental advice may also be appropriate in the case of an accused who is a prisoner sentenced to a punitive discharge. In this connection, see Section B, Table of Maximum Punishments (127c).

If the accused persists in his plea of guilty, and it appears later that he was erroneously advised of a punishment less severe than the maximum legally authorized for the offense or offenses to which he pleaded guilty, the court should advise him of the correct maximum punishment and give him an opportunity to withdraw his plea of guilty. See 70.

Legal authorities

TC: (The prosecution has no legal authorities to present to the court.) (With the permission of the court, I wish to read the following extracts from legal authorities: ----------.)

NOTE: See 44*g* (2).

TC: Does the defense desire to present legal authorities at this time?

DC: The defense does (not).

Presentation of prosecution case

TC: The prosecution has (no) (an) opening statement.

NOTE: No opening statement is required, and none should be made unless it will clarify the procedure to be followed by the TC. When, for example, the prosecution relies principally upon a confession, and before the confession is introduced a witness is called to give evidence corroborating the commission of the offense, the TC may indicate in an opening statement what he intends to do, in order that the evidence may be properly appraised as it is presented. In this connection, see 44*f* (3).

Stipulation

TC: With the consent of the accused, the prosecution and defense stipiate ----------.

NOTE: Prior to the acceptance of any stipulation the LO (president of a special court-martial) should determine that the accused joins in the stipulation. See 154*b*.

LO (Pres): (Subject to objection by any member of the court,) the stipulation is (not) accepted.

Introduction of witness

TC: The prosecution calls as a witness ----------.

NOTE: When the witness is sworn, he raises his right hand, and the TC administers the oath.

Oath of witness

TC: You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

Witness: I do.

NOTE: A witness may be sworn by the oath indicated or by any oath recognized by his religion, or by such acts or ceremony as he declares binding on his conscience (112*d*). As to the competency of witnesses in general, see 148*a*.

NOTE: The witness now takes his seat in the witness chair. Usually the first two questions asked every witness are formal and are asked by the TC, whether the witness be called by him, by the defense, or by the court.

Formal questions

TC: State your full name, (grade, organization, station, and armed force) (occupation and residence).

Witness: ----------

TC: Do you know the accused?

Witness: ----------

NOTE: If the witness states that he knows the accused, he will normally be asked to point to the accused if he sees him in the courtroom, and to state the name and organization of the accused, if he knows. It is not necessary to ask the second question if the identity of the accused has already been established or if the TC intends to establish such identity at a later stage of the proceedings.

Direct examination

NOTE: Succeeding questions and answers are recorded in order exactly as spoken. Physical events which transpire, and witnesses' identifications and illustrations given by motions, gestures, or by reference to persons or other physical objects within the court's view, will be described as accurately as possible by the reporter, with the assistance of the TC, DC, and LO (president of a special court-martial), if necessary.

Use of interpreter

NOTE: At the beginning of testimony given through an interpreter, the record will note such to be the case but the questions and answers are recorded in the manner indicated above. See 114 as to form of oath.

NOTE: At the conclusion of direct examination TC announces:

TC: The prosecution has no further questions.

Cross-examination

NOTE: After the prosecution has concluded the direct examination of a witness, the DC cross-examines or declines to cross-examine the witness.

DC: The defense has no (further) questions.

Redirect and recross-examination

NOTE: If the defense cross-examines the witness the TC may conduct a redirect examination; after he has concluded, the DC may similarly conduct a recross-examination. When both the TC and DC have concluded their questions the TC asks the court:

Examination by court

TC: Are there any questions by the court?

NOTE: Any member wishing to question the witness, first secures the permission of the LO (president of a special court-martial).

If either the TC or DC wishes to ask further questions of the witness after his examination has been turned over to the court, permission of the court should be secured. Such requests should, in general, be granted, subject to the court's discretionary power to limit or reject superfluous interrogation. When questions by the court are concluded, the LO (president of a special court-martial) announces:

Excusing witness

LO (Pres): The witness is excused (subject to recall).

NOTE: Unless expressly excused from further attendance during the trial, all witnesses will remain subject to call or recall until the trial has been concluded. In an appropriate case (53*f*), the witness may be instructed as follows:

Warning witness

LO (Pres): You are instructed not to discuss your testimony in this case with anyone except the counsel or the accused. You will not allow any witness in this case to talk to you about the testimony he has given or which he intends to give. If anyone, other than counsel or the accused, attempts to talk to you about your testimony in this case, you should make the circumstances known to the counsel for the side originally calling you as a witness.

Recalled

NOTE: When a witness is recalled, the TC reminds such witness, after he has appeared before the court:

TC: You are reminded that you are still under oath.

Objections:

NOTE: Objections are treated as follows, e. g.:

TC: What was the accused car[illegible]

DC: Objection. Any answer to t[illegible]stion is immaterial.

—argument

NOTE: After hearing pertinent argument, if any, the ruling should be made in substantially the following manner:

—ruling

LO (Pres): (Subject to objection by any member of the court,) objection of defense counsel is (sustained) (overruled).

Striking testimony:

NOTE: Any remarks or testimony ordered stricken are nevertheless fully recorded although they are not considered by the court as evidence. For example:

TC: What was the color of the hat that the accused was wearing?

Witness: According to what the police officers told me, he was wearing a black Homburg.

—motion

DC: I move that answer be stricken as hearsay.

—ruling

LO (Pres): (Subject to objection by any member of the court,) the answer will be stricken, and the court is instructed to disregard it.

Contempt procedure

NOTE: For proceedings in contempt, see appendix 8*b*. Such proceedings will appear in and as a part of the regular record of the case before the court. In this connection, see 118.

Exhibits:

NOTE: In introducing documentary evidence or other material things, the following procedure should be followed by counsel:

—marking for identification

DC: Request that the reporter mark this exhibit for identification.

NOTE: The reporter is responsible for keeping a list of exhibits marked for identification, and also as finally accepted into evidence. Prosecution exhibits should be numbered consecutively; defense exhibits should be lettered consecutively. To clarify the proceedings in regard to exhibits, they should not be renumbered or relettered when admitted in evidence, but should be admitted by the same number or letter they bore "for identification," even though omissions thereby appear in the sequence of numbers or letters of exhibits finally admitted. Ordinarily, the words "for identification" are simply lined out when the exhibit is admitted in evidence.

The reporter will mark on the exhibit (or tag affixed thereto) the appropriate number or letter and state, e. g.:

Reporter: This will be Defense Exhibit C for identification.

NOTE: The exhibit is shown to the other side which is given an opportunity to examine it.

—identification

DC (to witness): Do you recognize Defense Exhibit C for identification?

Witness: I do. It is a watch (letter) I found in the accused's pocket when I searched him.

DC: How do you recognize it as being the same one?

Witness: ----------.

NOTE: When counsel is ready to offer the exhibit in evidence, he states to the court:

—offer

DC: Defense Exhibit C for identification is offered in evidence as Defense Exhibit C (and permission is requested to withdraw it at the conclusion of the trial and substitute a written description (true copy) therefor).

—objection

TC: I object because ----------.

NOTE: An exhibit need not be offered in evidence at the time referred to by the witness, and may be held for introduction later in the trial. However, opposing counsel must be given an opportunity to examine it in order that proper cross-examination of the witness in regard to the exhibit may be conducted.

NOTE: After making the offer, opposing counsel is again given the opportunity to examine the exhibit. Cross-examination may be conducted by opposing counsel, and other evidence may be offered and arguments made by either side prior to a ruling by the LO (president of a special court-martial) as to whether the exhibit will be admitted in evidence.

LO (Pres): (Subject to the objection of any member of the court) the objection is overruled. Defense Exhibit C for identification is admitted in evidence as Defense Exhibit C [(and a description) (true copy) may be substituted].

—description of article for the record

NOTE: Unless the testimony of a witness has developed a full and accurate description of an object to be withdrawn later (54*d*), counsel or the LO (president of a special court-martial) should give a verbal description at this time, for the record, of such an object, thus affording all par[illegible] an opportunity to advise in regard to such description. See 138*c*.

NOTE: If an exhibit is offered, but is not admitted by the court, the side offering it may request that it be attached to the record for the information of the convening authority (54*d*).

—depositions and authenticated official records

NOTE: In the case of depositions and properly authenticated official records, the item is marked by the reporter and shown to the opposing counsel. In an appropriate case, the offer might be as follows:

TC: Prosecution Exhibit 17 for identification, a duly authenticated extract copy of the morning report of ----------, is offered in evidence as Prosecution Exhibit 17.

—confessions; admissions

NOTE: Before a confession may be received in evidence the prosecution ordinarily must show that it was voluntary. See 140*a*. If, upon objection by the defense to the admission in evidence of a confession or admission on the ground that it was not voluntary, it appears to the court that the accused does not understand his right to testify for the limited purpose of showing the circumstances under which the confession or admission was obtained without subjecting himself to cross-examination upon other issues (149*b*), the LO (president of a special court-martial) should explain to the accused his rights in accordance with 53*h* and 140*a* as follows:

—cross-examination (accused's right to limit his testimony to circumstances)

LO (Pres): ----------, the prosecution has offered in evidence a confession (admission) allegedly made by you and has introduced evidence tending to show that it was voluntarily made by you. As the accused in the case you have the right at this time to introduce any evidence you may desire relevant to the circumstances under which the confession (admission) was obtained. You also have the right to take the stand at this time as a witness for the limited purpose of showing the circumstances under which the confession (admission) was obtained. If you do that, whatever you say will be considered and weighed as evidence by the court just as is the testimony of other witnesses. You may be cross-examined upon your testimony, but if you limit your testimony to the circumstances surrounding the taking of the confession (admission) you cannot be cross-examined on the question of your guilt or innocence of the offense itself, nor can you be asked on cross-examination whether the confession (admission) is true or false. In other words, you can only be cross-examined upon the issues concerning which you testify and upon your credibility, but not upon anything else.

On the other hand, you need not take the stand at all. You have a perfect right to remain silent, and the fact that you do not take the stand yourself will not be considered as an admission that your confession (admission) was voluntary, nor can it be commented upon in any way by the trial counsel in addressing the court. Do you understand your rights?

Accused: Yes, sir.

LO (Pres): Proceed.

*Excluding members of general courts-martial:**

NOTE: See 57*d* (2), 57*g* (2), and 73*c* (2) for rules governing certain proceedings had outside the presence, view, or hearing of members of a general court-martial. The procedure for an in-court conference requested by counsel may be as follows:

—in-court conference

DC (TC): I would like to confer with the law officer out of the hearing of the members of the court.

LO: Counsel for both sides and the accused will come forward.

NOTE: After an in-court conference, the procedure may be as follows:

LO: Let the record show that the accused and counsel for both sides conferred with the law officer out of the hearing of the members of the court. (The trial will proceed.) (The court will recess until ------- so that counsel may present certain additional matters to the law officer outside the presence of the members of the court.) (The court will recess. If the members of the court will remain in the vicinity of the courtroom, I shall, as soon as practicable, notify the president of the approximate time of reassembly of the court for the continuation of the trial.)

—out-of-court hearing

NOTE: During the recess, the law officer will, in the presence of the accused, counsel for both sides and when appropriate, the reporter, conduct a preliminary hearing to determine whether the members of the court should be excluded during the presentation of the matter in question. If the law officer decides to hear the matter out of the presence of the members, he should advise the president of the court informally of the approximate time when the court can reassemble to proceed with the trial. All persons, except those whose presence is necessary, may be excluded from any out-of-court hearing. When the court has reassembled after such a hearing, and the personnel have been accounted for, the following procedure may be appropriate:

—recording out-of-court hearing

LO: Let the record show that, during the recess, a hearing was held out of the presence of the members of the court. It was attended by the law officer, the accused, counsel for both sides, and the reporter. The proceedings of the hearing (will not be appended to the record) (will be appended to the record as Appellate Exhibit 1). The trial will proceed.

or

—recording presentation of additional instructions

LO: Let the record show that, during the recess, a hearing was held out of the presence of the members of the court. It was attended by the law officer, the accused, counsel for both sides, and the reporter. Counsel for (both sides) (the defense) (the prosecution) presented proposed additional instructions and argument in support thereof. The additional instructions proposed by the prosecution will be appended to the record as Appellate Exhibit 2. The additional instructions proposed by the defense will be appended to the record as Appellate Exhibit 3. The arguments of counsel (will not be

*Not applicable in special courts-martial.

appended to the record) (will be appended to the record as Appellate Exhibit 4). The court is advised that the elements of the offense(s) are as follows: ----------.

etc.

Adjournment

NOTE: In the event of adjournment (a period extending beyond the same day) or a recess, the procedure should be substantially as follows:

LO (Pres). The court will (adjourn) (recess) until ------ hours, (------ 19--).

Reconvening

Pres: The court will come to order.

NOTE: If the place of trial is changed, or the court reconvenes at a place other than that where it adjourned, the TC will so state for the record. See 54e as to views and inspections.

Accounting for personnel after adjournment or recess

TC: All parties to the trial who were present when the court (adjourned) (recessed) are again present in court (except ------).

NOTE: The term "parties to the trial," as used above, includes, when appropriate, the law officer and members of the court as well as counsel, the accused, the reporter, and the interpreter. It also includes a witness who was not excused prior to the adjourning, recessing, or closing of the court. If a member of the court is absent after arraignment, the absence must be shown to have been the result of challenge, physical disability, or the order of the convening authority (41d (4); Art. 29a).

New member:

TC: Captain ------ is now present and has been appointed to the court by ------.

NOTE: If such member was appointed by the same orders as convened the court, it will be so announced; if by an order not heretofore incorporated in the record, the trial counsel will announce:

TC: A copy of the orders appointing Captain ---------- will be attached to the orders appointing the court which are to be inserted in the record.

NOTE: Proceedings concerning excusing, swearing, and challenging of the new member are substantially as for original members. If the individual joins the court as a member, the record continues:

—reading record

LO (Pres): The record of the proceedings so far had in this case will be read to the new member (by the reporter) (----------).

NOTE: After the record is read:

LO (Pres): The proceedings having been read to date, the trial counsel (defense counsel) may proceed.

Prosecution rests

NOTE: When the prosecution has completed its case:

TC: The prosecution rests.

Presentation of defense case

DC: The defense has (no) (an) opening statement.

NOTE: The defense presents an opening statement, if desired, and introduces stipulations, witnesses, and material evidence in a manner similar to that followed by the TC, except the TC administers the oath to all witnesses and asks the first formal questions; DC then takes over direct examination, the prosecution has cross-examination, etc.

Accused as a witness:

NOTE: The accused may take the stand as a witness in his own behalf, but only at his own request; if he elects to remain silent no comment can be made upon his silence. If he testifies concerning certain specifications only, cross-examination of TC and the court must be limited accordingly. Counsel should announce:

DC: The rights of the accused as a witness have been explained to him and he (elects to remain silent) (wishes to take the stand as a witness).

—explanation of rights

NOTE: Unless there is an affirmative showing of record that the accused understands his rights as a witness, the court should assure itself through the LO (president of a special court-martial) by questions addressed directly to the accused that he understands his rights. The following explanations may be used:

LO (Pres): ------, as the accused in this case you have these rights:

First, you may be sworn and take the stand as a witness. If you do that, whatever you say will be considered and weighed as evidence by the court just as is the testimony of other witnesses, and you can be cross-examined on your testimony by the trial counsel and the court. (The following may be used if there is more than one specification: If your testimony should concern less than all of the offenses charged against you and you do not desire to or do not testify concerning the others, then you may be questioned about the whole subject of those offenses concerning which you do testify, but you will not be questioned about any offenses concerning which you do not testify.)

Second, you may remain silent, that is say nothing at all. You have a right to do this if you wish, and if you do so the fact that you do not take the witness stand yourself will not count against you in any way with the court. It will not be considered as an admission that you are guilty, nor can it be commented on in any way by the trial counsel in addressing the court.

Take time to consult with your counsel and then advise the court whether you wish to testify or to remain silent.

DC: The accused ----------.

NOTE: Should the accused elect to take the stand as a witness, the TC will administer the oath and ask the following preliminary questions, after which the procedure follows that of other defense witnesses:

—preliminary questions

TC: State your full name, rank, organization, and station.

Accused: ------.

TC: Are you the accused in this case?

Accused: Yes, sir.

Defense rests

NOTE: When the defense has completed its case:

DC: The defense rests.

Rebuttal

NOTE: The TC may call or recall witnesses in rebuttal; thereafter, the DC may call or recall witnesses in rebuttal. Upon completion of any rebuttal testimony, the TC should announce:

TC: The prosecution has no further evidence to offer. Does the defense have any further evidence to offer?

DC: It does (not).

TC: Does the court wish to have any witnesses called or recalled?

LO (Pres): It does (not).

Witness called by court

NOTE: If any member desires that any witness be called or recalled the president of a special court-martial may direct such witness to be called, subject to objection by any other member, or close the court and determine its wishes by majority vote. In a trial by general court-martial the LO will rule finally as to whether the witness will be called, except that as to a witness expected to testify in relation to the sanity of the accused the LO will rule subject to objection by any member.

The procedure in the case of a witness called by the court is the same as outlined above; the court may, if it wishes, take over the questioning of the witness at any time after the two formal questions. In the absence of directions from the court to the contrary, however, the TC conducts the examination of a witness called by the court in the same manner as if the witness had been called by the prosecution.

Arguments by counsel

TC: The prosecution waives opening argument. (----------.)

NOTE: See 72. The TC has the right to make the opening argument, and if any argument is made on behalf of the defense, the closing argument. Arguments are not required; they may be oral or written. Either the TC or DC may call to the attention of the court any matters likely to be overlooked by it, and make any reasonably pertinent argument on the law or the facts of the case. Oral arguments are recorded verbatim. A written argument will be attached as an exhibit for the side which presented it.

After arguments or waiver thereof:

Conclusion of case

LO (Pres): Has the prosecution anything further to offer?

TC: It has (not).

LO (Pres): Has the defense anything further to offer?

DC: It has (not).

NOTE: See 73c (2) as to preparation of additional instructions in general courts-martial. After both sides have rested and before the court retires into closed session, the LO (president of a special court-martial) will, in open court, instruct the court (Art. 51c):

Charge to court

LO (Pres): The court is advised that the elements of the offense(s) are as follows: ----------.

NOTE: As to each offense charged, a reading of the elements of proof from the discussion of the punitive article involved ordinarily will suffice.

LO (Pres): The court is further advised:

First, that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

Second, that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt shall be resolved in favor of the accused and he shall be acquitted;

Third, that if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

Fourth, that the burden of proof to establish the guilt of the accused beyond reasonable doubt is upon the Government.

*Concluding charge by law officer**

NOTE: See 73c (1). The LO of a general court, following his advice to the members of the court and any additional instructions he may have given, should conclude by stating:

LO: In addition to the instructions I have given you, you should observe the rules set forth in paragraph 74a, Manual for Courts-Martial. The final determination as to the weight of the evidence and the credibility of the witnesses in this case rests solely upon you members of the court. You must disregard any comment or statement made by me during the course of the trial which may seem to indicate an opinion as to the guilt or innocence of the accused, for you alone have the independent responsibility of deciding this issue. Each of you must impartially resolve the ultimate issue as to the guilt or innocence of the accused in accordance with the law, the evidence admitted in court, and your own conscience.

*Not applicable in special courts-martial.

Court closed for findings

LO (Pres): The court will be closed.

Closed session

NOTE: All persons including the LO now leave the room except the members of the court. Neither LO nor counsel may consult with the court in closed session. Advice of the LO may be sought whenever necessary, but the court will be opened and the advice will be obtained in open court in the presence of counsel for both sides and the accused. Such proceedings shall be made a part of the record. See 74c and Articles 26b and 39. For example, request for such assistance properly may be made in regard to additional information concerning the weight which may be given a certain presumption (138a); lesser included offenses; reference to the evidence or the rereading of portions of the record; and other matters of law and fact which will enable the court to reach a fair and proper conclusion.

Voting on findings

When the court has been closed the members vote on the findings. For the method of voting, see 74d and Article 52. A two-thirds vote is essential to a finding of guilty of any offense (except spying which carries a mandatory death penalty and the vote must be unanimous).

In determining the number of votes required, fractions are counted as one—thus, it requires five votes of a seven, or six votes of an eight, member court for a two-thirds vote. See 74d (3).

When there is more than one accused, separate findings will be made as to each accused.

Voting procedure

Voting is by secret written ballot and is obligatory. Normally, a vote is first taken upon the specifications under a charge, and then upon the charge. The members normally vote upon a specification or charge by marking on their ballots: "Guilty;" "Not guilty;" or "Not guilty, but guilty of ------." The junior member of the court shall in each case count the votes; the count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court. The court may reconsider any finding before it is announced. See 74d (3) as to reconsideration of findings of guilty after announcement. Members of the court may discuss the case freely in closed session before and after voting, but the particular vote of any member shall not be disclosed.

*LO called after findings made**

NOTE: When a general court-martial has finally voted on the findings, it may request the LO and reporter to appear before it and assist in putting the court's findings (Art. 39) in proper form. The reporter records these proceedings (74f (1)). Advice should be requested in open court at any time before a final vote is taken on findings in any case of doubt which may arise, as for example, from an apparent variance between the evidence adduced and the offense charged. In this connection, see 74e. If the LO did not assist the court to put the findings in proper form, the president, before announcing the findings, should present them to the LO to permit him to examine them for defects in form. If it appears to the LO that the court has made an ambiguous or inconsistent finding, he may give the court appropriate instructions and advise it to close and deliberate and vote further. If the court is in doubt as to whether it intended to find in accordance with the form of a finding prepared by the LO, the court may close and deliberate and vote further.

Findings announced:

Pres: The court will come to order.

TC: All parties to the trial who were present when the court closed are now present (except ----------).

NOTE: If the accused is found not guilty of all specifications, the president announces:

—acquittal

Pres: ----------, it is my duty as president of this court to advise you that the court in closed session and upon secret written ballot has found you not guilty of (the) (all) Specification(s) and Charge(s). The court will adjourn to meet at my call.

NOTE: If the accused is found guilty of any specifications, the president announces:

—conviction (itemized)

Pres: ----------, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, (two-thirds) (all) of the members present at the time the vote was taken concurring in each finding of guilty, finds you: [Of (all) the Specification(s) and Charge(s): Guilty] [Of Specification ------, Charge ------: (Guilty) (Not guilty). Of Charge ------: (Guilty) (Not guilty).

(with exceptions and substitutions)

Of Specification ------ of Charge ------: Guilty, except the words "------" and "------", (, substituting therefor, respectively, the words "------" and "------" of the excepted words, not guilty, of the substituted words, guilty). Of Charge ------: (Guilty) (Not guilty, but guilty of a violation of Article ------)].

etc.

NOTE: For further instructions as to the forms of findings, see 74b and c; for examples of proper findings, see the pertinent portions of 158 and appendices 10a and 15a.

NOTE: Announce only the required fraction of votes, not the actual number of members who concurred in the findings of guilty.

Presentence procedure

LO (Pres): The court will now hear the personal data concerning the accused shown on the charge sheet, and will receive evidence of previous convictions, if any.

Personal data from charge sheet:

TC: The first page of the charge sheet shows the following data concerning the accused: ----------.

—verified by accused

TC: Are these data correct?

DC: (They are correct.) (The accused objects to ------.)

NOTE: If in error, corrections should be made. Errors claimed by the accused which the TC is not able readily to verify will, if of minor importance, be noted in the record and no further action taken upon them by the court; if of material importance the court may direct verification of the error claimed before proceeding to vote upon the sentence.

Evidence of previous convictions:

TC: I have evidence of (no) (------) previous convictions of (an) offense(s) committed [during the current enlistment (current voluntary extension) and within three years preceding the commission of an offense of which the accused has been convicted at this trial] [------] to submit (as follows: ----------).

—verified by accused

TC: Has the accused any objection to the evidence of previous convictions read?

DC: (No objection.) (The accused objects to ----------.)

NOTE: See 75b (2). The accused may object, on proper grounds, and require production of proper evidence of such convictions, or the rejection of improper evidence offered. Admissible evidence of previous convictions should be offered in evidence, marked, and admitted as an exhibit in the usual manner.

Matter in aggravation, mitigation, or extenuation

NOTE: This is the proper time for counsel to introduce evidence in aggravation (75b (3)), extenuation, or mitigation, and for accused to make a statement if he desires (75c).

NOTE: Unless there is an affirmative showing of record that the accused understands his right to make an unsworn statement in mitigation or extenuation of the offenses of which he stands convicted, advice will be given substantially as follows:

Rights of accused

LO (Pres): ----------, you are advised that you may now present evidence in extenuation or mitigation of the offenses of which you stand convicted. You may, if you wish, testify under oath as to such matters, or you may remain silent, in which case the court will not draw any inferences from your silence. In addition, you may, if you wish, make an unsworn statement in mitigation or extenuation of the offenses of which you stand convicted. This unsworn statement is not evidence, and you cannot be cross-examined upon it, but the prosecution may offer evidence to rebut anything contained in the statement. The statement may be oral or in writing, or both. You may make it yourself, or it may be made by your counsel, or by both of you. Consult with your counsel and advise the court what you desire to do.

DC: The accused ----------.

NOTE: Any statement made by the accused or his counsel will be recorded verbatim, even though submitted in writing.

Court closed for sentence

LO (Pres): The court will be closed.

NOTE: Before closing, the LO may advise the court of the maximum punishment which may be imposed (76b (1)). For procedure in rehearings and new trials, see 81d. All present including LO leave the room except the members of the court.

Voting procedure

NOTE: Customarily members propose sentences after which the court votes on each sentence beginning with the lightest until one proposed sentence receives the required number of votes. A sentence of death requires a unanimous vote; a sentence of imprisonment in excess of 10 years requires the concurrence of three-fourths of the members present. Any other sentence requires concurrence of two-thirds of the members present (Art. 52b).

If all the proposed sentences are voted upon and none adopted, further discussion may be had and either new proposals sought or the sentences already proposed plus any new ones, again put to vote.

Limitation on sentence

NOTE: The sentence must be within the maximum limits prescribed in Chapter XXV and within the jurisdiction of the court to adjudge. As to rehearings and new trials, see 81d and Article 63. The court will adjudge a single sentence for all the offenses of which the accused was found guilty. A separate sentence must be adjudged for each accused.

For approved forms of sentences see appendix 13.

*Not applicable in special courts-martial.

Court opens

Pres: The court will come to order.

TC: All the parties to the trial who were present when the court closed are now present (except ----------).

Sentence

Pres: ----------, it is my duty as president of this court to inform you that the court in closed session and upon secret written ballot (two-thirds) (three-fourths) (all) of the members present at the time the vote was taken concurring, sentences you: ----------.

NOTE: It is customary for the accused to stand immediately before the president when the sentence is pronounced.

NOTE: As in the case of findings, announce only the required fraction of votes, not the actual number of members who concurred in the sentence.

LO (Pres): Has the prosecution any other cases to try at this time?

TC: I have nothing further.

Adjournment

Pres: The court will adjourn to meet at my call.

b. CONTEMPT PROCEDURE.

NOTE: When it becomes necessary for a court to take summary action on a contempt (118a), an example of its proceedings would be:

Advising offender

LO (Pres): The proceedings in the case now before the court will be suspended. ----------, you (have used menacing words and gestures in the presence of this court) (have disturbed the proceedings of this court by (riotous and) disorderly conduct) (----------). As the record will show, you (have been warned repeatedly about your conduct) (have persisted in disturbing the proceedings of this court) (----------). For example, you (have threatened the court with action you will take against it because of its rulings;) (have been contemptuous and insolent in your objections and arguments;) (----------).

Opportunity to show cause

You now have an opportunity to show cause why you should not be held in contempt.

NOTE: After hearing pertinent argument and evidence, if any, the following ruling will be made:

Preliminary ruling

LO (Pres): Subject to objection by any member of the court, it is my ruling that you should (not) be held in contempt.

NOTE: If, as a result of a ruling of the law officer (president of a special court-martial) that is not objected to, there has been a preliminary determination that the person involved not be held in contempt, the court will resume its regular proceedings.

Voting on preliminary ruling

If any member objects to a ruling of the LO (president of a special court-martial), the court will close and determine by majority vote whether the ruling shall be sustained. See 116*b*. A tie vote shall be a determination against the person involved.

Closed session

If, as a result of the vote of the court, or a ruling of the LO (president of a special court-martial) that is not objected to, there has been a preliminary determination that the person involved be held in contempt, the court will determine in closed session whether the person involved should be held in contempt, and, in the event it so determines, will assess a punishment. See 118*a*. Thereafter, the court opens and:

Holding of contempt and punishment

Pres: It is my duty as president of this court to inform you that the court in closed session and upon secret written ballot, [has held you not guilty of contempt of this court] [two-thirds of the members present at the time the vote was taken concurring, holds you guilty of contempt of this court. And also in closed session and upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, adjudges the following punishment: (To pay to the United States a fine of $50, and to be confined at hard labor for 10 days) (---------)].

LO (Pres): Proceed with the case.

c. REVISION PROCEDURE.

Proceedings in revision:

LO (Pres): The court will come to order.

TC: All parties who were present when the court adjourned are now present (except ------).

NOTE: No mention need be made of those who were not present at the close of the previous session. No member will sit in revision proceedings who was not present at the close of the last session in the case, but all members who were present at the last session should be there. See 80 and Article 29*a*.

—directed by

TC: These proceedings in revision have been (directed by the following communication: ---------- which will be inserted at this point in the record) (undertaken by the court on its own motion in order to --------).

NOTE: When appropriate, the court may request the TC or LO to give it further advice in regard to the matters before it. The case will not be reopened by calling witnesses or otherwise.

LO (Pres): The court will be closed.

NOTE: After such deliberation and action as is appropriate, the proceedings continue.

Pres: The court will come to order.

TC: All parties who were present when the court closed are now present (except ----------).

Court votes

Pres: The court in closed session and upon secret written ballot, a majority of the members concurring, revoked its former (findings) (and) (sentence). Further, in closed session and upon secret written ballot (two-thirds) (all) of the members present at the time (etc.) ----------.

New findings and sentence

NOTE: The proceedings continue and are recorded as before indicated with reference to findings and sentence.

or

Pres: The court was closed and upon secret written ballot, (the majority) (two-thirds) (three-fourths) (all) concurring, the court respectfully adheres to its former ----------.

Adjournment

Pres: The court will adjourn to meet at my call.

NOTE: The record is authenticated in the same manner as the record of trial. See appendix 9*b*.

Appendix 9—Guide for Preparation of Record of Trial by General Court-Martial and by Special Court-Martial When a Verbatim Record Is Prepared

a. RECORD OF TRIAL.

Erasures

NOTE: Erasures or interlineations will be initialed by those who authenticate the record.

Margins

Pages will be numbered at the bottom; margins of 2½ inches will be left at the top to permit binding, and 1 inch at the bottom and left side of each page, using legal size paper.

Marginal notes

Words on the left margin of this appendix are not part of the form of record.

Record to be complete

Unless otherwise provided in this manual (e. g., 57*g* (2); 73*c* (2)), all proceedings in the case will be recorded verbatim, including oral arguments, subject to the instructional notes and examples shown in appendix 8 and herein.

Use of guide

This appendix is not a complete record of trial. It is to be used by the reporter and trial counsel as a guide to the preparation of the completed record of trial in all general court-martial cases, and in all special court-martial cases in which a verbatim record is prepared. See 82 for instructions pertaining to the preparation of a record of trial by general court-martial, and 83 for instructions pertaining to the preparation of a record of trial by special court-martial. The reporter and trial counsel should also consult appendix 8, as it shows the manner in which many items of procedure should be recorded.

Title

RECORD OF TRIAL

of

(Last name, first name, middle initial)

---------- ----------

(Service number) (Rank or grade)

(Organization and armed force)

(Station or ship)

by

------ COURT-MARTIAL

appointed by ----------

(Title of convening authority)

(Command of convening authority)

Tried at

---------- on

(Place or places of trial)

---------- 19----

(Date or dates of trial)

Index

Introduction of counsel.
Challenges.
Arraignment.
Motions.
Pleas.
Findings.
Sentence.
Proceedings in revision.

Witnesses

TESTIMONY

Name of witness	Direct and redirect	Cross and recross	Court
Prosecution			
Defense			
Court			

Exhibits

EXHIBITS ADMITTED IN EVIDENCE

Number or letter	Description	Page where offered	Page where admitted

Copies of record

------ copy of record furnished the accused as per attached certificate or receipt.
------ copies of record forwarded herewith.

Receipt for record

RECEIPT FOR COPY OF RECORD

I hereby acknowledge receipt of a copy of the above-described record of trial, delivered to me at ------ this ------ day of ------, 19--.

(Signature of accused)

Certificate in lieu of receipt

CERTIFICATE

---------- ---------- 19--

(Place) (Date)

I certify that on this date delivery of a copy of the above-described record of trial, including all exhibits admitted in evidence or descriptions thereof, was made to the accused, ----------, at

(Name of accused)

(Place of delivery)

by ----------,

(Means of effecting delivery, i. e., mail, messenger, etc.)

and that the receipt of the accused had not been received on the date this record was forwarded to the convening authority. The receipt of the accused will be forwarded as soon as it is received.

(Signature of trial counsel)

Appointing orders

Proceedings of a ------ court-martial which met (at) (on board) ------, at ------ hours, ------ 19--, pursuant to the following orders:

NOTE: Here insert a literal copy of the orders appointing the court and copies of any amending orders. Any request of an enlisted accused for enlisted court members will be inserted immediately following the appointing orders, together with any declaration of the non-availability of such enlisted persons.

Accounting for personnel

PERSONS PRESENT—PERSONS ABSENT

NOTE: List LO, if any, and all members of the court, prosecution, and defense as present or absent, as announced by the trial counsel. Only rank or grade and name will be shown unless service number is necessary to distinguish between two persons.

Presence of accused

The accused, ----------, was present.

Swearing reporter

The appointed reporter, ----------, was sworn.

NOTE: The remainder of the record of trial follows the actual proceedings had in court. The reporter records all the proceedings verbatim, subject to the instructions set forth in appendix 8 and herein.

Time of sessions

NOTE: The reporter will note and record the time and date of the beginning and ending of each session of court, including the opening and closing of the court during trial. For example:

The court was called to order at ------ hours, ------ 19--.

The court (adjourned) (recessed) at ------ hours, ------ 19--.

The court (closed) (opened) at ------ hours, ------ 19--.

Administration of oaths

NOTE: It is not necessary to record verbatim the oath actually used, whether it be administered to a witness, a challenged member, the law officer, counsel, or the court. By whatever form of oath, affirmation, or ceremony the conscience of the witness is bound (112 *d*; app. 8*a*), only the fact that a witness was sworn (or affirmed) is to be recorded. However, if preliminary qualifying questions are asked a witness prior to the administration of an oath (e. g., 148*b*), the questions and answers will be recorded verbatim. Note that such preliminary questions and answers do not eliminate the requirement that an oath be administered. There follow examples of the recording of the administration of various oaths:

The appointed interpreter, ----------, was sworn.

The members of the court (, the law officer,) and the personnel of the prosecution and defense were sworn.

The challenged (member) (law officer) was sworn to testify concerning his competency to act as a (member) (law officer) of the court, and testified as follows:

Accounting for personnel during trial

NOTE: After the reporter is sworn, he will record verbatim the statements of the trial counsel with respect to the presence or absence of personnel of the court, counsel, and the accused. The reporter will note whether, when a witness is excused, he withdraws from the courtroom or, in the case of the accused, whether he resumes his seat. Similarly, if a challenged member withdraws from the court while it votes on a challenge, is excused as a result of a challenge, or resumes his seat after the court has voted on a challenge, the reporter will note this fact in the record. Examples of the manner in which such facts should be recorded are as follows:

The witness (withdrew from the courtroom) (resumed his seat at the counsel table).

----------, the challenged member, withdrew from the court.

---------- resumed his seat as a member of the court.

Recording testimony

NOTE: The testimony of a witness will be recorded verbatim in the following form (assuming the witness to have been called by the prosecution):

---------- was called as a witness for the prosecution, was sworn, and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:
Q. State your full name, (etc.) ----------.
A. ----------.
Q. ----------?
A. ----------.

CROSS-EXAMINATION

Questions by the defense:
Q. ----------?
A. ----------.

REDIRECT EXAMINATION

Questions by the prosecution:
Q. ----------?
A. ----------.

RECROSS-EXAMINATION

Questions by the defense:
Q. ----------?
A. ----------.

EXAMINATION BY THE COURT

Questions by (the law officer) (a court member):
Q. ----------?
A. ----------.

REDIRECT EXAMINATION

Questions by the prosecution:
Q. ----------?
A. ----------.

RECROSS-EXAMINATION

Questions by the defense:
Q. ----------?
A. ----------.

b. AUTHENTICATION OF RECORD OF TRIAL.

(1) *By general court-martial.*

President

(Captain) (Colonel), *------, President [or (Commander) (Lieutenant Colonel), *------, a member in lieu of the president because of his (death) (disability) (absence).]

Law officer

(Commander) (Lieutenant Colonel), *------, Law Officer [or (Lieutenant Commander) (Major), *------, a member in lieu of the law officer because of his (death) (disability) (absence).]

(2) *By special court-martial.*

President

(Commander) (Lieutenant Colonel), *------, President [or (Commander) (Lieutenant Colonel), *------, a member in lieu of the president because of his (death) (disability) (absence).]

Trial counsel

(Lieutenant) (Captain), *------, Trial Counsel [or (Lieutenant, jg) (First Lieutenant), *------, Assistant Trial Counsel, because of (death) (disability) (absence) of the trial counsel.] [or (Lieutenant Commander) (Major), *------, a member in lieu of the trial counsel and the assistant trial counsel because of (death) (disability) (absence) of the trial counsel, and of (death) (disability) (absence) of the assistant trial counsel.]

*NOTE: The further identification of members, LO, or counsel as to grade, organization, etc., will be as indicated in the orders appointing the court. If there is any change therein, the identification should show the present grade and organization followed by "formerly ------."

c. EXAMINATION OF RECORD BY DEFENSE COUNSEL.

NOTE: When the defense counsel has examined the record of trial prior to its being forwarded to the convening authority, the following form is appropriate:

Form

"I have examined the record of trial in the foregoing case.

(Captain) (Lieutenant) ------, Defense Counsel."

d. CERTIFICATE OF CORRECTION.

Form

---------- 19----

UNITED STATES
v.

The record of trial in the above case, which was tried by the ------ court-martial appointed by ------, dated ------ 19--, (at) (on board) ------, on ------ 19--, is cor-

rected by the insertion on page --, immediately following line --, of the following:

Correction

"The appointed reporter, --------, was sworn."

This correction is made because the reporter was sworn at the time of trial but a statement to that effect was omitted, by error, from the record.

Authentication

NOTE: The certificate of correction is authenticated as indicated above for the record of trial in the case.

Accused's receipt for certificate

Copy of the certificate received by me this ------ day of ------ 19--.

(Signature of accused)

Disposition in record

NOTE: The certificate of correction will be bound at the end of the original record immediately before the action of the convening authority.

c. ARRANGEMENT OF ORIGINAL RECORD WITH ALLIED PAPERS.

When forwarded to the appropriate Judge Advocate General, a record of trial by general or special court-martial will be arranged in the sequence shown below. The record should be bound within protective covers. The arrangement shown may be used by the reporter and trial counsel as a guide to the preparation of a verbatim record of trial for forwarding to the convening authority.

1. Chronology Sheet.
2. Court-Martial Data Sheet.
3. Court-Martial Orders; 10 copies promulgating the result of trial as to each accused. See appendix 15a.
4. Signed review of staff judge advocate or legal officer, in duplicate (85; Art. 61).
5. Charge Sheet.
6. Report of investigating officer, required by 34 and Article 32, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.
7. Advice of staff judge advocate or legal officer, required by 35 and Article 34.

NOTE: Items 6 and 7 need not appear with a special court-martial record.

8. Records of former trials.
9. Record of trial proper in the following order:

(a) Index sheet.

(b) Receipt of accused, or certificate of trial counsel, showing delivery of copy of record to accused.

(c) Record of proceedings in court.

(d) Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.

(e) Exhibits admitted in evidence.

(f) Clemency papers.

(g) Offered exhibits not received in evidence, but which are attached at request of counsel. Pages of record where offered and rejected will be noted in front of each exhibit.

(h) Appellate exhibits, such as proposed instructions (73c (2)), preliminary evidence, and, when directed by the LO, written or oral arguments or briefs of counsel heard outside the presence of the members of the court (57g (2)).

10. Briefs of counsel.

f. ADDITIONAL COPIES OF RECORD.

A copy of the record of proceedings in court, including copies of all exhibits received in evidence or descriptions thereof (items 9 (a), (c), and (e), app. 9e), will be prepared for each accused. In general and special court-martial cases in which the sentence adjudged affects a general or flag officer, or extends to death, dismissal, dishonorable or bad conduct discharge, or confinement for one year or more, two additional copies of the record of proceedings in court, including copies of all exhibits received in evidence or descriptions thereof (items 9 (a), (c), and (e), app. 9e), will be prepared. In this connection, see 49b (2), 82, and 83. All copies of the record, except that delivered to the accused, will be bound separately and inclosed with the original record of trial when it is forwarded to the convening authority or to the appropriate Judge Advocate General. In this connection, see 82g (2).

Appendix 10—Guide for Preparation of Record of Trial by Special Court-Martial When a Verbatim Record Is Not Prepared

a. RECORD OF TRIAL.

NOTE: See first three marginal notes at beginning of appendix 9a. If a verbatim record is not prepared (see 7 and 83b), a summarized report of testimony, objections, and other proceedings is permitted. Either party may, however, submit his arguments in writing to be attached as exhibits, appropriate reference being made at the proper place in the record.

The procedure in court will follow appendix 8. This appendix is to be used as a general guide; the actual record may depart from it in numerous particulars. The manner of summarizing several items of procedure is shown in appendix 9a.

Title

RECORD OF TRIAL

of

(Last name, first name, middle initial)

(Service number) (Rank or grade)

(Organization and armed force)

(Station or ship)

by

SPECIAL COURT-MARTIAL

appointed by ----------
(Title of convening authority)

(Command of convening authority)

Tried at

---------- on
(Place or places of trial)
---------- 19----
(Date or dates of trial)

Appointing orders

The court met (at) (on board) ------, at ------ hours ------ 19--, pursuant to the following orders:

NOTE: Here insert a literal copy of the appointing orders and copies of any amending orders. Any request of an enlisted accused for enlisted court members, together with any declaration of the nonavailability of such enlisted persons, will be inserted immediately following the orders.

Members of the court and counsel present and absent

PERSONS PRESENT—PERSONS ABSENT

Accused and defense counsel present

The accused and the following (regularly appointed defense counsel and assistant defense counsel) (counsel introduced by him) were present:

Swearing reporter; interpreter

The appointed (reporter) (interpreter), ----------, was sworn.

NOTE: Applicable only when a reporter or interpreter is used.

Qualification of prosecution counsel

The trial counsel stated that the legal qualifications of all members of the prosecution were correctly stated in the appointing orders (except that ----------).

Prior participation of prosecution counsel

The trial counsel further stated that no member of the prosecution had acted as investigating officer, law officer, court member, or as a member of the defense in this case, or as counsel for the accused at a pretrial investigation or other proceeding involving the same general matter.

NOTE: If a member of the prosecution is disqualified because of prior participation in the same case, the disqualifying fact will be shown, and the record will reflect the withdrawal of disqualified counsel from the court.

Qualification of defense counsel

The defense counsel stated that the legal qualifications of all members of the defense were correctly stated in the appointing orders (except that ----------).

NOTE: Legal qualifications of all counsel for the defense not shown in the appointing orders, including individual counsel, will be shown.

Prior participation of defense counsel

The defense counsel stated that no member of the defense had acted as the accuser, a member of the prosecution, investigating officer, law officer, or member of the court in this case.

NOTE: If a member of the defense has acted as a member of the prosecution, the record will show that he was excused and withdrew from the court. If a member of the defense acted in another capacity, the record will show that the president explained to the accused that such counsel could represent him only at his express request, and that the accused so requested, or that suitable action was taken, either by excusing the particular counsel or by adjournment pending the procurement of a counsel satisfactory to the accused. Appendix 8a shows the procedure to be taken.

Enlisted membership

The trial counsel announced that the accused had (not) made a request in writing that the membership of the court include enlisted persons.

NOTE: This announcement will not be made if the accused is not an enlisted person.

Court and counsel sworn

The members of the court and the personnel of the prosecution and defense were sworn.

Challenges

The following members of the court were excused and withdrew for the reasons stated opposite their respective names:

Captain ---------- (excused without challenge as being the accuser).

Lieutenant ---------- (excused upon challenge for cause by the accused).

Lieutenant ---------- (excused upon peremptory challenge by the accused).

There was no contest with respect to the challenging of any of the members for cause (except as follows:).

NOTE: Insert a summary of the proceedings had with respect to each contest. For example, if a member was challenged for cause, but was not excused from the court, the record will show the grounds for the challenge, a summary of evidence presented, if any, and the action of the court.

Arraignment

The accused was then arraigned upon the following charges and specifications:

NOTE: Here insert the Charge Sheet (using in the accused's copy of the record, the copy of the charges furnished to him); if sufficient copies of the Charge Sheet are not available, copy verbatim from pages 2 and 3 of the Charge Sheet the charges and specifications and the name and description of the accuser, the affidavit, and the reference to the court for trial.

Motions

NOTE: The substance of any motions made by the accused will be recorded, together with the ruling of the court thereon.

Pleas

NOTE: The pleas of the accused will be entered in the following form:

The accused pleaded as follows:

To all the Specifications and Charges: (Not guilty) (Guilty).

or

To the Specification of Charge I: (Not guilty) (Guilty).

To Charge I: (Not guilty) (Guilty).

etc.

Explanation of plea of guilty

NOTE: When the president explains the meaning and effect of a plea of guilty, the record should show:

The president of the court explained to the accused the meaning and effect of his plea of guilty, after which the accused answered that he understood (but persisted in his plea of guilty) (and stated that he desired to change his plea of guilty to not guilty) (----------).

Opening statement

The trial counsel made (an) (no) opening statement.

Presentation of prosecution case

NOTE: The record will contain a summary of the testimony presented. An example of the manner in which testimony may be summarized follows:

Testimony

The following witnesses for the prosecution were sworn and testified in substance as follows:

Sgt Richard Roe, Co C, 31st Inf, Fort Sill, Oklahoma.

DIRECT EXAMINATION

I know the accused, Sam Snooker, who is in the military service and a member of my company. We both sleep in the same barracks. When I went to bed on the night of October 17, 1951, I put my wallet under my pillow. The wallet had $7.00 in it; a $5.00 bill and two $1.00 bills. Sometime during the night something woke me up but I turned over and went to sleep again. When I woke up the next morning, my wallet was gone.

CROSS-EXAMINATION

I don't know the serial numbers on any of the bills. One of the $1.00 bills was patched together with scotch tape and one of the fellows told me that the accused had used a $1.00 bill just like that in a poker game the day after my wallet was missing.

Objection and ruling

Upon objection by the defense, so much of the answer of the witness as pertained to what he had been told, was stricken.

Introduction of exhibits

The prosecution offered in evidence a duly authenticated extract copy of the morning report of Company C, 31st Infantry, which contained entries pertaining to the accused for the dates 20 and 24 October 1951. The defense objected to the admission of this document on the ground that the reporting officer had no personal knowledge of the facts reported therein. After argument by counsel for both sides, the extract copy was admitted in evidence and marked Prosecution Exhibit 1.

Presentation of defense case

The defense counsel made (an) (no) opening statement.

Testimony

The following witnesses for the defense were sworn and testified substantially as follows:

Explanation of accused's rights

The rights of the accused as a witness were explained to him by the president of the court. The accused elected to take the stand as a witness. He was sworn and testified in substance as follows:

Stipulation

The defense offered in evidence a stipulation entered into between the trial counsel, defense counsel, and the accused. There being no objection, the stipulation was admitted in evidence and marked Defense Exhibit A.

Closing arguments

The prosecution made (an) (no) argument.

The defense made (an) (no) argument.

The prosecution made (a) (no) closing argument.

Instructions

Pursuant to Article 51c, the president instructed the court as to the elements of each offense charged, the presumption of innocence, reasonable doubt, and burden of proof.

Findings

Neither the prosecution nor the defense having anything further to offer, the court was closed. Thereafter, the court opened and the president announced that, in closed session and upon secret written ballot, (the accused was found not guilty) (two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, the accused was found:

Of all the Specifications and Charges: Guilty.

or

Of the Specification of Charge I: Guilty.

Of Charge I: Guilty.

Of the Specification of Charge II: Not guilty.

Of Charge II: Not guilty).

etc.

Data as to service, etc.

The trial counsel read the data as to age, pay, service, and restraint of the accused as shown on the charge sheet. The trial counsel (stated that he had no evidence of previous convictions to submit) (read the attached evidence of previous convictions, Prosecution Exhibit ------).

Evidence in extenuation or mitigation

After the accused was advised by the president of his right to present evidence in extenuation or mitigation, including the right to make an unsworn statement, (the defense counsel stated that he had nothing further to offer) (the accused made an unsworn statement, in substance as follows:) (----------).

Sentence

Neither the prosecution nor the defense having anything further to offer, the court was closed. Thereafter, the court opened and the president announced that in closed session and, upon secret written ballot, two-thirds of the members present at the time the vote was taken concurring, the accused was sentenced:

To ----------.

Adjournment

The court adjourned at ------ hours, ------ 19--.

Authentication

NOTE: The record will be authenticated as prescribed in 83c and as shown in appendix 9b (2).

Examination by defense

I have examined the record of trial in the foregoing case.

(Captain) (Lieutenant)---, Defense Counsel

b. ARRANGEMENT OF ORIGINAL RECORD WITH ALLIED PAPERS.

When forwarded by the convening authority, such a record of trial by special court-martial is arranged in the sequence shown below. See 83b. The record should be bound within protective covers. The arrangement shown may be used by the trial counsel as a guide for the preparation of a record for forwarding to the convening authority.

1. Chronology Sheet.
2. Court-Martial Data Sheet.
3. Court-Martial Orders; four copies promulgating the result of trial as to each accused. See appendix 15a.
4. Charge Sheet (unless inserted in record of trial proper).
5. Any papers which accompanied the charges when referred for trial unless included in the record proper.
6. Records of former trials.
7. Record of trial proper in the following order:

(a) Receipt of accused, or certificate of trial counsel, showing delivery of copy of record to accused. (For form, see appendix 9a.)

(b) Record of proceedings in court (summarized).

(c) Action of convening authority.

(d) Exhibits admitted in evidence.

(e) Clemency papers.

(f) Offered exhibits not received in evidence, but which are attached at request of counsel.

8. Briefs of counsel.

c. ADDITIONAL COPIES OF RECORD.

A copy of the record of proceedings in court, including copies of all exhibits received in evidence or descriptions thereof (items 7 (b) and (d), app. 10b), will be prepared for each accused.

Appendix 12—Table of Commonly Included Offenses

NOTE: This table contains a list of certain principal offenses and, opposite them, certain offenses which are generally held to be lesser included offenses within the meaning of Article 79 and which are therefore included therein. It is not an all inclusive list, nor can it be applied mechanically in every case. The rules with respect to lesser included offenses are stated in 158. This table is intended as a general guide and must be used in all cases with caution.

Attempts are not listed in the table as lesser included offenses, for an attempt to commit an offense is necessarily included in an offense charged unless the offense charged is itself an attempt (such as an assault by attempting to do bodily harm) or unless the offense charged is one which is incapable of being intentionally committed (such as involuntary manslaughter). In this connection, see 159.

The table does not include those offenses which properly may be found by means of exceptions or exceptions and substitutions (74b (2)), but which differ from the offenses charged only with respect to the elimination or reduction of words of aggravation. For example, depending upon the proof, desertion terminated by apprehension properly may be found as desertion terminated in a manner not specified; similarly, larceny of property of a value of more than $50 properly may be found as larceny of property of a value of $50 or less and more than $20, or of a value of $20 or less. In such a case, although the offense found would be the same offense as that charged, a lesser punishment might be authorized. In this connection, see 127c (Section A).

Article	Principal offense	Article	Lesser included offense
85	Desertion with intent to remain away permanently.	86	Absence without proper authority.
86	Desertion with intent to avoid hazardous duty or shirk important service.	86	Absence without proper authority.
87	Missing movement through design.	87	Missing movement through neglect.
90	Striking his superior officer in the execution of his office.	90	Drawing or lifting up a weapon or offering violence to his superior officer in the execution of his office.
		128	Assault; assault and battery.
		134	Assault upon a commissioned officer.
90	Drawing or lifting up any weapon, or offering any violence to his superior officer in the execution of his office.	128	Assault.
		134	Assault upon a commissioned officer.
	Willfully disobeying a lawful order of his superior officer.	92	Failure to obey lawful order issued by the member of the armed force alleged.
91	Striking a warrant, noncommissioned, or petty officer in the execution of his office.	91	Assaulting a warrant, noncommissioned, or petty officer in the execution of his office.
		128	Assault; assault and battery.
		134	Assault upon a warrant, noncommissioned, or petty officer.
	Assaulting a warrant, noncommissioned, or petty officer in the execution of his office.	128	Assault.
92	Willfully disobeying the lawful order of a warrant, noncommissioned, or petty officer.	134	Assault upon a warrant, noncommissioned, or petty officer.
		92	Failure to obey lawful order issued by the member of the armed force alleged.
94	Mutiny.	92	Failure to obey lawful order issued by the member of the armed force alleged (when mutiny by violence is alleged).
		116	Failure to obey orders alleged.
	Sedition.	116	Breach of the peace (when sedition by violence or creating disturbance alleged).
95	Breach of arrest.	134	Breach of the peace (when sedition by violence or creating disturbance alleged).
96	Suffering prisoner to escape through design.	96	Suffering prisoner to escape through neglect.
99	Running away before the enemy.	85	Absence without proper authority; goes from appointed place of duty.
		86	Goes from appointed place of duty.
	Quitting place of duty to plunder or pillage.	92	Failure to obey lawful order, as alleged.
	Endangering safety of command through disobedience of orders.	103	Through neglect, damages military property.
	Willfully damaged military property.	108	Through neglect, suffers military property to be damaged.
108	Willfully suffers military property to be damaged.		
	Willfully destroys military property.	106	Through neglect, destroys military property; willfully damages military property.
	Willfully suffers military property to be destroyed.	108	Through neglect, suffers military property to be destroyed or damaged; willfully suffers military property to be damaged.

Appendix 11—Form for Record of Trial by Summary Court-Martial

Case Number 42 (Inserted by convening authority)

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

TO BE FILLED IN BY THE ACCUSED:

I consent ~~object~~ to trial by summary court-martial.
(Strike out word not applicable)

/s/ Jack J. Johnson, Corporal
(Signature of accused)

TO BE FILLED IN BY SUMMARY COURT IF APPLICABLE:

1. The accused, having refused to consent in writing to trial by summary court-martial, and not having been permitted to refuse punishment under Article 15, the charges are herewith returned to the convening authority.

_____, Summary Court.
(Signature)

_____
(Rank and organization)

(When an accused has been permitted, and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.)

Article 79d, MCM, 1951? Yes

2. Was the accused advised in accordance with paragraph 79d, MCM, 1951? Yes

Specifications and charges	Pleas	Findings	Sentence or remarks
Sp. 1: Ch. I	G	G	
Sp. 2: Ch. I	NG	G	To be confined at hard labor for
Ch. I	G	G	one month and to forfeit $50.
Sp. : Ch. II	NG	NG	
Ch. II	NG	NG	

Number of prior convictions considered: 1. Date 31 October 1951.

Place Fort Dix, N. J.

CHARLES B. FOSTER
Maj, 181st Inf, Summary Court.

/s/ Charles B. Foster
(Signature) (Rank and organization)

(Enter after signature, "Only officer present with command," if such is the case.)

TO BE FILLED IN BY CONVENING AUTHORITY: 6 November 1951.

Hq 181st Inf, Fort Dix, N. J.
(Organization, place, and date)

Approved and ordered executed. The Post Guardhouse, Fort Dix, N. J., is designated as the place of confinement.

(Action of convening authority)

WILLIAM H. RICHARDSON
Col, 181st Inf, Commanding

/s/ William H. Richardson
(Signature) (Rank and organization)

Entered on appropriate personnel records in case of conviction.

CLARENCE F. SMITH, Capt, 181st Inf
Personal Adjutant

/s/ Clarence F. Smith
(Signature) (Rank and designation of officer responsible for the accused's records)

Note.--Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

Article	Principal offense	Article	Lesser included offense
108	Willfully loses military property.	108	Through neglect, loses military property.
	Willfully suffers military property to be lost.	108	Through neglect, suffers military property to be lost.
	Willfully suffers military property to be sold.	108	Through neglect, suffers military property to be sold.
	Willfully suffers military property to be wrongfully disposed of in a certain alleged manner.	108	Through neglect, suffers military property to be wrongfully disposed of in the manner alleged.
110	Willfully and wrongfully hazards a vessel in a certain alleged manner.	110	Negligently hazards a vessel in the manner alleged.
	Willfully and wrongfully suffers a vessel to be hazarded in a certain alleged manner.	110	Negligently suffers a vessel to be hazarded in the manner alleged.
113	Found drunk while on post as a sentinel.	112	Drunk on duty as a member of the guard.
116	Riot.	116	Breach of the peace.
		134	Disorderly (under the circumstances alleged).
	Breach of the peace.	134	Disorderly (under the circumstances alleged).
118	Murder, with premeditated design to kill; or murder, while engaged in perpetration of offenses listed in Article 118 (4).	118	Murder.
	Murder, as defined in Article 118 (1), (2), (3), or (4).	119	Voluntary or involuntary manslaughter.
		128	Assault; assault and battery; aggravated assault.
		134	Assault with intent to commit murder.
		134	Assault with intent to commit voluntary manslaughter.
119	Voluntary manslaughter.	134	Negligent homicide.
		119	Involuntary manslaughter.
		128	Assault; assault and battery; aggravated assault.
		134	Assault with intent to commit voluntary manslaughter.
119	Involuntary manslaughter.	134	Negligent homicide.
		128	Assault; assault and battery.
120	Rape.	134	Negligent homicide.
		128	Assault; assault and battery.
		134	Assault with intent to commit rape; indecent assault.
121	Larceny.	121	Wrongful appropriation.
122	Robbery	121	Larceny (when proof shows taking); wrongful appropriation (when proof shows taking).
		128	Assault (when force and violence alleged).
124	Maiming.	134	Assault with intent to rob (when force and violence alleged).
		128	Assault; assault and battery; aggravated assault.
126	Aggravated arson.	126	Simple arson.
128	Assault intentionally inflicting grievous bodily harm.	128	Assault; assault and battery; assault likely to produce grievous bodily harm by means of dangerous weapon, or any other means or force, as alleged.
	Assault with a dangerous weapon, or any other means or force likely to produce death or grievous bodily harm.	128	Assault.
	Assault and battery.	128	Assault.
129	Burglary.	130	Housebreaking.
130	Housebreaking.	134	Unlawful entry.
131	Perjury.	134	Unlawful entry.
		134	False swearing.
134	Assault with intent to murder.	128	Assault; aggravated assault.
		134	Assault with intent to commit voluntary manslaughter.
	Assault with intent to commit voluntary manslaughter.	128	Assault.
	Assault with intent to commit rape.	128	Assault.
		134	Indecent assault.
	Assault with intent to rob.	128	Assault.
	Assault with intent to commit sodomy.	128	Assault.
	Assault and battery upon a child under the age of 16 years.	128	Assault; assault and battery.
	Discharging a firearm wrongfully and willfully, under such circumstances as to endanger life.	134	Discharging a firearm through carelessness.
	Making and uttering a worthless check with intent to deceive and thereafter wrongfully and dishonorably failing to maintain a sufficient balance.	134	Making and uttering a worthless check and thereafter wrongfully and dishonorably failing to maintain a sufficient balance.

Appendix 13—Forms of Sentences

A sentence adjudged by a court-martial should follow substantially one of the following forms or any necessary modification or combination of such forms. Forfeitures, fines, and detentions will be expressed in dollars or dollars and cents. Periods of confinement should not be expressed in terms of months in excess of 11; for example, a period of 12 months is properly expressed as "one year," and a period of 1½ years is properly expressed as "one year and six months."

1. To have $_____ detained.[1]
2. To have $_____ per month for _____ months detained.[1]
3. To forfeit $_____.[2]
4. To forfeit $_____ per month for _____ months.[2]
5. To perform hard labor for _____ (days) (months).[3]
6. To be confined at hard labor for _____ (days) (months) (years).[4]
7. To be confined at hard labor for _____ months[4] and to forfeit $_____[5] per month for a like period.
8. To be confined [in solitary confinement] [in solitary confinement on bread and water with a full ration every (second) (third) day] [in solitary confinement on diminished rations, to wit: two full meals per day, with a full ration every (second) (third) day,] for _____ days.[6]
9. To be dishonorably discharged from the service, [(and) to forfeit all pay and allowances[6], [and to be confined at hard labor for _____ (months) (years)].
10. *a.* To be discharged from the service with a bad conduct discharge, [(and) to forfeit $_____ per month for _____ months[7], [and to be confined at hard labor for _____ months].

b. To be discharged from the service with a bad conduct discharge, [(and) to forfeit all pay and allowances[6], [and to be confined at hard labor for _____ (months) years)].[8]

11. To be reduced to the grade of (corporal) (radioman, second class) (_____).[9]
12. To be admonished.
13. To be reprimanded.
14. To be restricted to the limits of _____ for _____ months.[10]
15. To be suspended from duty for _____ months.[11]
16. To be suspended from command for _____ months.[11]
17. To be suspended from rank for _____ months.[11]
18. To (lose _____ unrestricted numbers) (be placed at the foot of the _____'s list of present date and to remain there until he shall have lost _____ unrestricted numbers) (lose _____ unrestricted line officer running mate numbers).[12]
19. To lose _____ month's seniority in the date of his warrant (as machinist) (_____), and to lose corresponding rank in the list of (machinists) (_____) of the (Navy) (_____).[13]
20. To be dismissed from the service,[14] [(and) to forfeit all pay and allowances], [and to be confined at hard labor for _____ (months) (years)].
21. To pay to the United States a fine of $_____, [and to be confined at hard labor until said fine is so paid, but for not more than _____ (months) (years)].[15]
22. To pay to the United States a fine of $_____, [(and) to be confined at hard labor for _____ (months) (years)], [and to be further confined at hard labor until said fine is so paid, but for not more than _____

[1] Authorized in the case of enlisted persons only. See 126*h* (4) and 127*b*.

[2] For limitations in the case of enlisted persons, see 126*h* (2) and 127*b*.

[3] Not to exceed three months if adjudged by a general or special court-martial; and not to exceed 45 days if adjudged by a summary court-martial. See 126*c* and *k*.

[4] A single sentence adjudged against an enlisted person of an armed force of the United States which does not include dishonorable or bad conduct discharge shall not include confinement at hard labor for a period greater than six months (127*b*). See also 126*j*.

[5] Not to be imposed by courts-martial as punishment against Army or Air Force personnel. See 125 as to general limitations upon the imposition of this kind of punishment.

[6] As to the meaning of the phrase "to forfeit all pay and allowances," see 126*h* (2).

[7] A special court-martial may not adjudge forfeiture of more than two-thirds pay per month for six months, even though a bad conduct discharge is adjudged (Art. 19).

[8] See 127*c*; Article 18; Article 19.

[9] See 126*c* (2) and *e*.

[10] Not to exceed two months (126*g*).

[11] See 126*i*. Authorized in the case of personnel of the Army and Air Force only.

[12] Not an authorized punishment in the case of Army and Air Force personnel (126*i*). Officers of the other armed forces may be sentenced to a loss of numbers. The sentence placing the officer at the foot of the list, with the proviso that he is to remain in that position until he has lost the required numbers, is to be used when his position on the list will not permit of his losing the adjudged numbers in grade at the time the sentence is adjudged.

[13] Not an authorized punishment in the case of Army and Air Force personnel (126*i*). In the case of warrant officers of the other armed forces, when promotion is based upon length of service in grade, loss of seniority for a specified period of time should be adjudged in lieu of a loss of numbers.

[14] Applicable in the case of commissioned officers only (126*d*).

[15] See 126*h* (3); 127*c*, Section B.

(months) (years) in addition to the ------ (months) (years) hereinbefore adjudged].[15]

23. To be dishonorably discharged from the service, to forfeit all pay and allowances, and to be confined at hard labor for the term of his natural life.

24. To be put to death.

Appendix 14—Forms for Action by Convening Authority

Show headquarters or ship, place, and date of action. Signature is followed by rank, unit, and the words "Commanding" or "Officer in Charge." The use of these forms is not mandatory and they are not intended to provide for every case; but whenever appropriate, these forms, or a combination or modification of them, should be used.

The place of confinement should be designated only after consulting pertinent departmental regulations. See 89c (5).

a. SUMMARY COURTS-MARTIAL.

Forms 1–10 may be used by the convening authority who takes action on the record of trial by summary court-martial:

APPROVAL

Execution

1. Approved and ordered executed. (------ is designated as the place of confinement.)

Partial

2. Finding of guilty of Specification 2, Charge I, is disapproved. Only so much of the sentence as provides for ------ is approved and ordered executed. (------ is designated as the place of confinement.)

Of rehearing (see 89c (7))

3. Approved and ordered executed. The accused will be credited with any portion of the punishment served or executed from ------ 19-- to ------ 19-- under the sentence adjudged at the former trial of this case.

SUSPENSION (SEE 88c (2))

Entire sentence; conditional remission

4. Approved and suspended for ------ months, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action.

Partial; conditional remission

5. Approved and ordered executed, but the (confinement) ( ) is suspended for ------ months, at which time, unless the suspension is sooner vacated, the sentence to ------ will be remitted without further action.

Indefinite

6. Approved and suspended.

DISAPPROVAL

Charges dismissed

7. Disapproved. The charges are dismissed.

Order of rehearing

8. It appears that the following error was committed: ------. This error being materially prejudicial to the substantial rights of the accused under the circumstances of this case, the findings of guilty and the sentence are disapproved, and a rehearing is directed before a summary court-martial to be hereafter designated.

NOTE: The reason for disapproval must be stated in the action if a rehearing is ordered (Art. 63a).

Of rehearing; restoration of rights (see 89c (7))

9. Disapproved. The charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the execution of the sentence adjudged at the former trial of this case on ------ 19-- will be restored.

NOTE: Under the provisions of Article 75a the authority setting aside or disapproving a sentence must order a restoration of all rights, privileges, and property affected by any executed portion of a sentence which has been set aside or disapproved unless a rehearing is ordered and such executed portion is included in the sentence adjudged upon a rehearing. It follows that if a rehearing of a summary court-martial case is ordered pursuant to 94a (2) after the original sentence has been ordered into execution, any rights, privileges, and property affected by the former sentence must be restored if the rehearing results in an acquittal or a disapproval of the sentence adjudged.

If the rehearing results in an acquittal, the convening authority should omit from the action shown above the words, "Disapproved. The charges are dismissed."

WITHDRAWAL OF PREVIOUS ACTION (SEE 89b; 94a (2))

10. In the foregoing case of ------, the action taken by (me) (my predecessor in command) on ------ 19-- is withdrawn and the following substituted therefor (----------):

b. SPECIAL COURTS-MARTIAL.

Special court-martial sentences in cases which do not involve an approved sentence to bad conduct discharge. Forms 11–26 are appropriate for use in special court-martial cases in which the sentence, as approved, does not include a bad conduct discharge. They are also appropriate for use with respect to general court-martial sentences which, as approved, do not affect a general or flag officer, or extend to death or dismissal, or include a punitive discharge or confinement for one year or more.

APPROVAL

Execution

11. In the foregoing case of ------, the sentence is approved and will be duly executed. (------ is designated as the place of confinement.)

Partial; execution

12. In the foregoing case of ------, only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

Partial; disapproval of findings

13. In the foregoing case of ------, the findings of guilty of Specifications 1 and 2, Charge II, are disapproved. (The sentence is approved and will be duly executed.) (Only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

Partial; lesser included offense and substituted findings (see 87a (4))

14. In the foregoing case of ------, only so much of the findings of guilty of Charge I and its specification is approved as finds that the accused absented himself without proper authority from the (organization) (------) alleged at the place and time alleged and remained so absent until ------, in violation of Article 86. Only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

15. In the foregoing case of ------, only so much of the finding of guilty of Specification 1 with respect to value as finds some value not in excess of ------ is approved. Only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

16. In the foregoing case of ------, only so much of the finding of guilty of Specification 1, Charge I, is approved as finds that the accused did, at the time and place alleged, wrongfully appropriate the property described, of the value and ownership alleged. Only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

17. In the foregoing case of ------, only so much of the findings of guilty of Charge I and its specification is approved as finds that the accused did, at the time and place alleged, willfully and maliciously attempt to set fire to a haystack, the property of ------, of some value not in excess of $20.00, in violation of Article 80. Only so much of the sentence as provides for ------ is approved and will be duly executed. (------ is designated as the place of confinement.)

Of rehearing (see 89c (7))

18. In the foregoing case of ------, the sentence is approved and will be duly executed. (------ is designated as the place of confinement.) The accused will be credited with (confinement from ------ 19-- to ------ 19-- and) any (other) portion of the punishment served or executed from ------ 19-- to ------ 19-- under the sentence adjudged at the former trial of this case.

SUSPENSION

Indefinite; conditional remission (see 88c (2)

19. In the foregoing case of ------, the sentence is approved, but the execution thereof is (suspended) (suspended for ------ months, at which time, unless the suspension is sooner vacated, the sentence will be remitted without further action).

20. In the foregoing case of ------, the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging (forfeitures of pay) (confinement) is (suspended) (suspended for ------ months, at which time, unless the suspension is sooner vacated, the suspended portion of the sentence will be remitted without further action).

DISAPPROVAL

Charges dismissed

21. In the foregoing case of ------, the sentence is disapproved and the charges are dismissed.

Reason stated (see 89c (2))

22. In the foregoing case of ------, it appears from the record of trial that, although trial of the specification of the charge was barred under the provisions of Article 43, the accused was not advised of his rights in the premises. The findings of guilty and the sentence are disapproved and the charges are dismissed.

NOTE: Under the provisions of 89c (2) the convening authority should state the reasons for disapproval of the findings and sentence in certain cases even when he does not order a rehearing. Such statement of reasons for disapproval is generally appropriate where the disapproval of a finding of guilty may affect future administrative action, for example, when a finding of guilty of desertion is disapproved; or where the reason for disapproval is the insanity of the accused or the bar of the statute of limitations. Additional requirements for such statement may be prescribed by departmental regulations.

Of rehearing; restoration of rights (see 89c (7))

23. In the foregoing case of ------, the findings of guilty and the sentence are disapproved and the charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the execution of the sentence adjudged at the former trial of this case on ------ 19-- will be restored.

NOTE: See also note under form 9.

Order of rehearing (see 92)

24. In the foregoing case of ------, it appears from the record of trial that (the confession of the accused was not shown to have been voluntarily made) (Exhibit 1, an improperly authenticated extract copy of a morning report, was erroneously received in evidence over the objection of the defense) (the prosecution erroneously cross-examined the accused on the merits after he had taken the stand for a limited purpose only) (the testimony of A as to the out of court identification of the accused by B was erroneously received in evidence) (------). Under the circumstances of this case, this error is materially prejudicial to the substantial rights of the accused. For this reason, the sentence is disapproved and a rehearing is ordered before another court-martial to be hereafter designated.

JURISDICTIONAL ERROR (SEE 92)

25. In the foregoing case of ------, it appears from the record of trial that (the person who signed the charges sat as a member of the court) (an enlisted person who is a member of the same unit as the accused sat as a member of the court) (the members of the court-martial who tried the case were not sworn) (the specification of the charge fails to allege any offense) (------). In view of the provisions of Article ------, the proceedings, findings, and sentence are invalid. Another trial is ordered before another court-martial to be hereafter designated.

WITHDRAWAL OF PREVIOUS ACTION (SEE 89b)

26. See form 10.

Sentences including an approved sentence to bad conduct discharge. Forms 27–33 are applicable to cases tried by special courts-martial convened by an officer who does not exercise general court-martial jurisdiction when the sentence as approved includes a bad conduct discharge.

APPROVAL

Forwarding under Article 65b

27. In the foregoing case of ------, (the sentence) (only so much of the sentence as provides for bad conduct discharge and ------) is approved. The record of trial is forwarded for action under Article 65b.

Forfeitures and confinement

NOTE: When confinement, not suspended, is approved together with forfeitures, the forfeitures apply to pay and allowances becoming due on and after the date of the action of the convening authority unless he defers such application for good cause (88e (2) (c); Art. 57a). For the purpose of clarity, if confinement, unsuspended, and forfeitures are approved one of the following should be added to the form of action:

"The forfeitures shall apply to pay becoming due on and after the date of this action," or

"The application of the forfeitures is deferred until the sentence is ordered into execution."

SUSPENSION

Of bad conduct discharge (see 88e (2) (b))

28. In the foregoing case of ------, the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging bad conduct discharge is suspended (until the accused's release from confinement or until the completion of appellate review, whichever is the later date) (for the period of confinement and ------ months thereafter, at which time, unless the suspension is sooner vacated, the bad conduct discharge shall be remitted without further action). (------ is designated as the place of confinement). The record of trial is forwarded for action under Article 65b.

Entire sentence

29. In the foregoing case of ------, the sentence is approved, but the execution thereof is suspended (for ------ months, at which time, unless the suspension is sooner vacated, it shall be remitted without further action). The record of trial is forwarded for action under Article 65b.

ACTION BY OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

Approval

NOTE: The officer exercising general court-martial jurisdiction to whom the record of trial is forwarded under Article 65b may, in general, use the forms of actions indicated in forms 34–40 below except that, if the convening authority has modified or suspended the sentence, the superior should refer to the sentence as approved in the manner indicated in form 30.

30. In the foregoing case of ------, the (sentence) (only so much of the sentence) as (approved) (suspended) (approved and suspended) by the convening authority (as provides for ----------) is (approved ----------) (--------).

Disapproval of sentence ordered into execution by convening authority

31. In the foregoing case of ------, the findings of guilty and the sentence as approved by the convening authority are disapproved and the charges are dismissed. The accused will be released from the confinement adjudged by the sentence in this case and all rights, privileges, and property of which the accused has been deprived by virtue of the findings and sentence so disapproved will be restored.

Disapproval; order of rehearing

32. See 24 above.

Disapproval of rehearing

33. See 23 above.

c. GENERAL COURTS-MARTIAL.

Cases forwarded for examination under Article 69. Forms of action 11–26 above are generally applicable to general court-martial cases in which the sentence as approved does not affect a general or flag officer, extend to death, dismissal, dishonorable or bad conduct discharge, or confinement for one year or more.

Cases forwarded for review by a board of review.

APPROVAL

34. In the foregoing case of ------, the sentence is approved.

Confinement and forfeitures (see 88e (2) (c))

NOTE: For the purpose of clarity, if confinement, unsuspended, and forfeitures are approved, one of the following should be added at this point:

(*a*) "The forfeitures shall apply to pay and allowances becoming due on and after the date of this action," or

(*b*) "The application of the forfeitures is deferred until the sentence is ordered into execution."

Remarks as to forwarding—Temporary custody

The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review the accused will be (retained in this command) (confined in ------) (transferred to the command of ------).

NOTE: The command designated should be one commanded by an officer exercising general court-martial jurisdiction.

Partial

35. In the foregoing case of ------, only so much of the sentence as provides for ------ is approved. (The forfeitures shall apply to pay and allowances becoming due on and after the date of this action). (The application of the forfeitures is deferred until the sentence is ordered into execution). The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review the accused will be ------ (see form 34 above).

NOTE: See forms 13–16 for other examples of partial approval.

Mitigation of dishonorable discharge

36. In the foregoing case of ------, only so much of the sentence is approved as provides for bad conduct discharge, confinement at hard labor for one year, and forfeiture of all pay and allowances. The forfeitures shall apply to all pay and allowances becoming due on and after the date of this action. The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review ------ (see form 34 above).

Recommendation for commutation

37. In the foregoing case of ------, only so much of the findings of guilty of Charge I and its specification is approved as finds the accused guilty of the specification in violation of Article 134. The sentence is approved, but it is recommended that the dismissal be commuted to ------. The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review the accused will be ------ (see form 34 above).

Of rehearing

38. In the foregoing case of ------, the sentence is approved. The accused will be credited with (confinement from ------ 19-- to ------ 19-- and) any (other) portion of the punishment served or executed from ------ 19-- to ------ 19-- under the sentence adjudged at the former trial of this case. The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review the accused will be ------ (see form 34 above).

SUSPENSION

Punitive discharge; confinement for less than one year

39. In the foregoing case of ------, the sentence is approved and will be duly executed, but the execution of that portion thereof adjudging (dishonorable discharge) (bad conduct discharge) is (suspended until the accused's release from confinement or until completion of appellate review, whichever is the later date) (suspended for the period of confinement and ------ months thereafter, at which time, unless the suspension is sooner vacated, the suspended portion shall be remitted without further action). ------ is designated as the place of confinement. The record of trial is forwarded to the (Judge Advocate General of the ------) (General Counsel of the Treasury Department) for review by a board of review.

Entire sentence

40. In the foregoing case of ------, the sentence is approved, but the execution thereof is (suspended) (suspended for ------ years, at which time, unless the suspension is sooner vacated, the sentence shall be remitted without further action). The record of trial is forwarded to the (Judge Advocate

[15] See 126*h* (3); 127c, Section B.

General of the ------) (General Counsel of the Treasury Department) for review by a board of review. Pending completion of appellate review the accused will be (retained in this command) (------).

Appendix 15—Forms for Court-Martial Orders

a. FORMS FOR INITIAL PROMULGATING ORDERS.

The following form is applicable in promulgating the results of trial and the action of the convening authority in all general and special court-martial cases. Omit the italicized headings in drafting orders.

Heading

(Headquarters) (U. S. S.)---------- 19--.
General (Special) Court-Martial Order No.---------.

Authority

Before a general (special) court-martial which convened at (on board) ----------, (Place)
pursuant to ----------, (Description of appointing orders)
----------, (as amended by
----------,)
(Description of amending orders, if any)

Arraignment

was arraigned and tried [on a (rehearing) (new trial), the former proceedings having been published in ---- CMO No. ------, ----------, ---------- 19--]:
(Hq) (U. S. S.)

Accused

---------- ----------
(Rank or grade) (Name)
---------- ----------
(Service No.) (Armed force)

(Unit)

Charges

Charge I: Violation of the Uniform Code of Military Justice, Article ------.

Specification 1: (Set forth specification verbatim from the charge sheet—or as amended during trial—unless it was withdrawn by the convening authority before arraignment. Such withdrawal may be shown as follows:

Withdrawn by order of the convening authority before arraignment.)

Specification 2: ----------

Charge II: Violation of the Uniform Code of Military Justice, Article ------.

Specification: ----------.

PLEAS

To Specification 1, Charge I: Not guilty.
To Specification 2, Charge I: Guilty.
To Charge I: Guilty.
To the Specification, Charge II: Not guilty.
To Charge II: Not guilty.

or

To all Specifications and Charges: Not guilty (Guilty).

Charges dismissed on motion

NOTE: If a plea is not entered to a specification or charge owing, for example, to the fact that the court sustained a motion to dismiss, the fact will be briefly stated under "Pleas," as shown in the following example. In such a case the specification or charge need not be listed under "Findings."

To Specification 2, Charge I: Dismissed on motion of defense on ground of former jeopardy.

FINDINGS

Of Specification 1, Charge I: Guilty.
Of Specification 2, Charge I: Guilty.
Of Charge I: Guilty.
Of the Specification of Charge II: Not guilty.
Of Charge II: Not guilty.

or

Of all the Specifications and Charges: Guilty.

NOTE: If a specification or charge is dismissed or withdrawn after a plea has been entered, the fact will be stated under "Findings." If dismissed on motion of the prosecution or withdrawn by the convening authority after evidence on the merits had been received, a notation to this effect should be made setting forth the reasons for such dismissal or withdrawal. Examples:

Of Specification 1, Charge I: Motion for finding of not guilty sustained.

Of Specification 2, Charge I: Dismissed on motion of defense on grounds of res judicata.

Of the Specification of the Charge: Withdrawn by order of the convening authority after evidence on the merits had been received because of military necessity occasioned by enemy action.

Acquittal

In the event of findings of not guilty of all charges and specifications:

Of all the Specifications and Charges: Not guilty.

The findings were announced on ------ 19--.

SENTENCE

To be discharged from the service with a bad conduct discharge, to forfeit $------ pay per month for six months, and to be confined at hard labor for -------. (------ previous convictions considered.)

Date

The sentence was adjudged on -------.

Action of convening authority

ACTION

(Copy action of convening authority verbatim, including heading, date, and signature. See appendix 14 for appropriate forms.)

Action of the officer exercising general court-martial jurisdiction (if appropriate)

ACTION OF THE OFFICER EXERCISING GENERAL COURT-MARTIAL JURISDICTION

Headquarters

---------- 19----

In the foregoing case of ---------- the sentence as approved (and suspended) by the convening authority is approved. The record of trial is forwarded to the Judge Advocate General of the ---------- for review by a board of review. Pending completion of appellate review the accused will be confined in ----------.

Major General, U. S. ----------,
Commanding.

NOTE: Orders promulgating the proceedings of special court-martial cases, which include an approved sentence to bad conduct discharge will be published by the officer who forwards the record of trial to the Judge Advocate General. If the record is so forwarded by an officer exercising general court-martial jurisdiction to whom the record has been forwarded pursuant to Article 65b, his action will be copied verbatim immediately after the action of the convening authority.

Authentication

NOTE: The order will be authenticated as provided in departmental regulations.

Joint or common trials

NOTE: In the case of a joint or common trial separate orders should be issued for each accused. Joint specifications will be copied verbatim but only the pleas, findings, sentence, and action pertaining to the accused as to whom the order is promulgated need be shown.

b. FORMS FOR SUPPLEMENTARY ORDERS PROMULGATING RESULTS OF AFFIRMING ACTION.

NOTE: Court-martial orders publishing the final results of a new trial and of proceedings in cases in which the President or the Secretary of a Department has taken final action are promulgated by departmental orders. In other cases the final action pursuant to affirmation by a board of review or the Court of Military Appeals may be promulgated, as may be appropriate under the circumstances, by the convening authority, or by an officer exercising general court-martial jurisdiction over the accused at the time of final action, or by the Secretary of the Department. See 107. The following forms may be used where such a promulgating order is published in the field. If a sentence as ordered into execution or suspended by the convening authority is affirmed without modification, no supplementary promulgating order is required.

Heading

See *a* above.

Sentence—Affirmed

In the (general) (special) court-martial case of ------, the sentence to bad conduct discharge, forfeiture of ------ ------, and confinement at hard labor for ------, as promulgated in (General) (Special) Court-Martial Order No. ------, (Headquarters) (U. S. S.) ------, dated ------ 19--, has been affirmed pursuant to Article (66) (67). The provisions of Article 71c having been complied with, the sentence will be duly executed. (------ is designated as the place of confinement.) (----------)

NOTE: As to the designation of places of confinement, see the applicable departmental regulations.

or

Affirmed in part

In the (general) (special) court-martial case of ------, only so much of the sentence promulgated in (General) (Special) Court-Martial Order No. ------, (Headquarters) (U. S. S.) ------ ------, dated ------ 19--, as provides for ------, has been affirmed pursuant to Article (66) (67). The provisions of Article 71c having been complied with, the sentence as thus modified will be duly executed. (------ is designated as the place of confinement.) (----------)

or

In the (general) (special) court-martial case of ------, pursuant to Article (66) (67), the findings of guilty of Charge II and its specification have been set aside and only so much of the sentence promulgated in (General) (Special) Court-Martial Order No. ------, (Headquarters) (U. S. S.) ------, dated ------ 19--, as provides for ---- has been affirmed. Article 71c having been complied with, the sentence as thus modified

will be duly executed. (------ is designated as the place of confinement.) (----------)

or

Affirmed in part; prior order of execution set aside in part

In the (general) (special) court-martial case of ------, the proceedings of which were promulgated in (General) (Special) Court-Martial Order No. ------, (Headquarters) (U. S. S.) ------, dated ------ 19--, the findings of guilty of Charge I and its specification, and so much of the sentence as is in excess of ------ have been set aside and the sentence, as thus modified, has been affirmed pursuant to Article (66) (67). Article 71c having been complied with, all rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and that portion of the sentence so set aside will be restored.

or

Findings and sentence set aside—Charges dismissed, rights restored, rehearing ordered

In the (general) (special) court-martial case of ------, pursuant to Article (66) (67), the findings of guilty and the sentence as promulgated by (General) (Special) Court-Martial Order No. ---------, (Headquarters) (U. S. S.) ------, dated ------ 19--, were set aside on ------ 19--. The charges are dismissed. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and the sentence so set aside will be restored.) (A rehearing is ordered before another court-martial to be hereafter designated.)

Authentication

See *a* above.

c. FORMS FOR ORDERS REMITTING OR SUSPENDING UNEXECUTED PORTIONS OF SENTENCE.

Heading

See *a* above.

Remission; suspension (see 97a)

The unexecuted portion of the sentence to ------, in the case of ------, promulgated in Special Court-Martial Order No. ------, (this headquarters) (this ship) (Headquarters ------) (U. S. S. ------), ------ 19--, is (remitted) (suspended) (suspended for ------ months, at which time, unless the suspension is sooner vacated, the unexecuted portion of the sentence will be remitted without further action).

Summary courts-martial

NOTE: Any order remitting or suspending the unexecuted portion of a sentence by summary court-martial or promulgating any other action taken on a summary court-martial case subsequent to the initial action of the convening authority will be promulgated in such orders as may be prescribed by departmental regulations.

Authentication

See *a* above.

d. FORMS FOR ORDERS SETTING ASIDE ILLEGAL SENTENCE.

Heading

See *a* above.

Setting aside—By officer having supervisory authority, entire sentence

Pursuant to the authority of paragraph 94, MCM, 1951, the findings of guilty and the sentence in the special court-martial case of ------, as promulgated in Special Court-Martial Order No. ------, (Headquarters) (U. S. S.) ------, ------ 19--, are set aside. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and the sentence so set aside will be restored.

or

In part

Pursuant to the authority of paragraph 94, MCM, 1951, the findings of guilty of Charge I and its specification and so much of the sentence as is in excess of ------, in the special court-martial case of ------, as promulgated in Special Court-Martial Order No. --------, (Headquarters) (U. S. S.) --------, ------ 19--, are set aside. All rights, privileges, and property of which the accused has been deprived by virtue of the findings of guilty and that portion of the sentence so set aside will be restored.

By convening authority

NOTE: If, pursuant to 94*a* (2), the convening authority withdraws his previous action, disapproves the findings of guilty and the sentence, and dismisses the charge or directs a rehearing in a case in which a promulgating order of execution has previously been published, he shall publish a new promulgating order as shown in *a* above. The action shall be followed by the following notation:

Revocation of prior order

Special Court-Martial Order No. ------, this (headquarters) (ship), ------ 19--, is rescinded.

Authentication

See *a* above.

e. FORMS FOR ORDERS VACATING SUSPENSIONS.

NOTE: Orders promulgating the vacation of the suspension of a dismissal will be published by departmental orders. Vacations of any other suspension of a general court-martial sentence, or of a special court-martial sentence which as approved and affirmed includes a bad conduct discharge, will be promulgated by the officer exercising general court-martial jurisdiction over the probationer (Art. 72b). The vacation of suspension of any other sentence may be promulgated by the officer who took action under Article 72c. See 97b.

Heading

See *a* above.

Vacation of suspension—under Article 72c

So much of the order published in Special Court-Martial Order No. ------, this (headquarters) (ship), ------ 19--, as suspends execution of the sentence to (confinement) (forfeiture of pay) (------) in the case of ------ is vacated. The unexecuted portion of the sentence to ------ will be duly executed.

General court-martial sentence forwarded for examination under Article 69

So much of the order published in General Court-Martial Order No. ------, this headquarters, dated ------ 19--, as suspends execution of the sentence in the case of ------ is vacated pursuant to Article 72. The sentence will be carried into execution.

Sentence including a punitive discharge or confinement for one year or more

So much of the order published in (General) (Special) Court-Martial Order No. ------, this headquarters, dated ------ 19--, as suspends execution of the sentence to (dishonorable discharge) (bad conduct discharge) (------) in the case of ------ is vacated pursuant to Article 72. Article 71c having been complied with, the sentence to ------ will be duly executed.

Authentication

See *a* above.

Appendix 16—Report of Proceedings to Vacate Suspension

There is set forth below a copy of the form for the report of proceedings to vacate suspension required under the provisions of Article 72. The officer exercising special court-martial jurisdiction over the probationer may either hold the entire hearing himself or designate a qualified officer to conduct a preliminary hearing subject to review by the officer exercising special court-martial jurisdiction. If such a preliminary hearing is held, the probationer will be given an opportunity to examine the report of proceedings and to present any objections to the officer exercising special court-martial jurisdiction. The probationer, if he so desires, shall be represented by counsel at both the preliminary and final hearings.

As a guide, sample entries pertaining to a member of the Army have been entered. Items 1 to 14, inclusive, may be completed by an officer designated to hold a preliminary hearing who shall affix his signature in space 15.

REPORT OF PROCEEDINGS TO VACATE SUSPENSION

(Title and organization of officer exercising special court-martial jurisdiction.)

FROM: Commanding Officer, 20th Infantry, APO 6

(Title and organization of officer exercising general court-martial jurisdiction.)

TO: Commanding General, 6th Infantry Division, APO 6

GRADE AND NAME OF PROBATIONER	SERVICE NUMBER	ORGANIZATION
Private Morris L. Dice	RA 37111222	Co D, 20th Inf

Note.—If a prepared form is used and additional space is required for any item, enter the additional material on a separate sheet. Be sure to identify such material with the proper numerical and, when appropriate, lettered heading (example, "7c"). Securely attach any additional sheet to the form and add a note in the appropriate item of the form: "See additional sheet."

1. DATA AS TO TRIAL BY COURT-MARTIAL.

a. Trial was by	b. Convened by (title and organization of convening authority).	c. Place court was convened.	d. Date of trial.
☐ general court-martial. ☒ special court-martial.	CO, 20th Inf	APO 6	1 Sep 1951

e. Charges and specifications (summarized).

Absent without leave from 1 June 1951 to 2 August 1951 in violation of Article 86, Uniform Code of Military Justice.

f. Findings.

Guilty as charged.

g. Sentence.

To be discharged the service with a bad conduct discharge, to forfeit $50.00 of his pay per month for six months, and to be confined at hard labor for six months.

h. Action of convening authority.

The sentence was approved as adjudged. The 6th Division Stockade was designated as the place of confinement.

____ CMO No. ____, Hq ____, dated _____

i. Action of higher authority.

On 10 September 1951, CO, 6th Inf Div, approved the sentence but suspended the execution of the sentence to bad conduct discharge until the soldier's release from confinement, and ordered the execution of the sentence as suspended.

On 15 October 1951 the sentence, as suspended, was affirmed by the board of review.

j. Final orders of promulgation.

S CMO No. 52, Hq 6th Inf Div, dated 10 Sep 1951 (Exhibit 1).

k. Action in mitigation or petition for new trial.

None.

2. ALLEGED VIOLATION OF PROBATION. (Brief statement of alleged misconduct and date.)

Information indicates misconduct on the part of Pvt Dice subsequent to the foregoing sentence by special court-martial, viz., escape from confinement on or about 10 Nov 1951, in violation of Article 95, as alleged in the charges attached hereto (Exhibit 2).

	Check appropriate answers: YES	NO
3. Pursuant to the provisions of Article 72, Uniform Code of Military Justice, and paragraph 97b, Manual for Courts-Martial, 1951, a hearing was held on the alleged violation of probation.	X	
4. At the outset of the hearing the probationer was advised:		
a. Of the nature of the alleged violation of probation.	X	
b. Of the name of the person alleging the violation of probation.	X	
c. Of the names of the witnesses against him so far as known.	X	
d. That a hearing as to the alleged violation of probation was about to be held.	X	
e. Of his right, upon his request, to have counsel represent him at the hearing, either		
(1) civilian counsel, if provided by him, or	X	
(2) military counsel of his own selection, if such counsel be reasonably available, or	X	
(3) counsel appointed by an officer exercising special court-martial jurisdiction over the command.	X	
f. Of his right to cross-examine all available witnesses against him.	X	
g. Of his right to present anything he might desire on his own behalf, either in defense or mitigation.	X	
h. Of his right to have the officer conducting the hearing examine available witnesses requested by him.	X	
i. Of his right to make a statement in any form.	X	
j. That he was not required to make any statement regarding the alleged violation of probation.	X	
k. That any statement made by him might be used as evidence against him.	X	
5. a. The probationer requested counsel.	X	
b. Name (and rank) of requested counsel: John Doe, 1st Lt — Organization (or address): Hq 6th Inf Div		
c. Counsel requested by the probationer was reasonably available.	X	
d. Name (and rank) of counsel made available by an officer exercising special court-martial jurisdiction over the command: None. — Organization (or address): —		
e. Counsel requested by or made available to the probationer was present as counsel throughout the hearing. (If the probationer waives the right to have counsel present throughout all or a part of the investigation after having requested counsel, state the circumstances and the particular proceedings conducted in the absence of such counsel.)	X	
6. a. The probationer was afforded the opportunity to obtain available witnesses requested by him and to cross-examine all available witnesses.	X	
b. In the presence of the probationer all available witnesses and documentary evidence on both sides were examined.	X	
c. The material testimony given by each such witness under direct and cross-examination was reduced to a written statement embodying the substance of the testimony taken on both sides.	X	
d. The written statements of such witnesses are appended hereto as indicated:	X	

Name (and grade) of witnesses who were present.	Organization (or address).	Exhibit No.
Richard L. Smith, 1st Lt	Hq 20th Inf	3
Lewis Panter, Sgt	Co D, 20th Inf	4
William Long, Pvt	Co A, 20th Inf	5

7. a. The substance of the expected testimony of each of the following absent witnesses, whose presence was not requested by the probationer, or who having been requested were not available or in regard to whom the request was withdrawn, has been reduced to a written statement which is appended hereto as indicated.	YES	NO

Name (and grade) of absent witnesses.	Organization (or address).	Exhibit No.
None.	None.	None.

b. A copy of each such written statement has been shown to the probationer.	X	
c. If an absent witness is requested by the probationer but is not available, enter a proper explanation. None.		

8. The following documents have been examined, shown to the probationer, and are appended as indicated (describe documents):	Exhibit No.		
		X	
SCMO No. 52, Hq 6th Inf Div, 10 Sep 1951.	1	X	
Extract copy of morning report, Co D, 20th Inf, for 2 Aug 1951.	6	X	
Extract copy of morning report, Co D, 20th Inf, for 10 Sep 1951.	7	X	
Extract copy of guard report, Hq Special Troops, 6th Inf Div, for 10 Nov 1951.	8	X	
9. The following real evidence was examined, shown to the probationer, and is now preserved for safe keeping as indicated:		X	
Hacksaw blade--retained in custody of the adjutant, 20th Inf.		X	
(If certain real evidence which was examined was not shown to the probationer, state the reasons.)			
10. The probationer after having been informed of his right to make a statement or remain silent:			
a. Stated that he did not desire to make a statement.		X	
b. Made a statement appended hereto (Exhibit ____).			X
11. a. There are reasonable grounds for a belief that the probationer is now, or was at the time of the commission of the alleged violation of probation, mentally defective, diseased, or deranged.			X
b. If there are grounds for such a belief, state reasons therefor and action taken. None.			
c. A report of a (board of medical officers)(psychiatrist) is appended (Exhibit ____).			X
12. Explanatory or extenuating circumstances. Prior to his escape and since his return to military control, the probationer's conduct while in confinement has been satisfactory. His escape may have been attributable to the influence of a fellow prisoner. Information indicates that the probationer is easily led, particularly in matters tending toward the breach of discipline and violation of law.			
13. Rehabilitation is believed likely.			X

14. PERSONAL DATA.

a. Present age.	b. Basic pay per month.	c. Allotments per month.
22 6/12	$90	None.

d. Initial date and term of current service.

Enlisted 15 March 1949 for three years.

e. Prior service. (As to each terminated enlistment give inclusive dates of service and organization in which serving at termination. Give similar data as to service not under an enlistment.)

No prior service.

f. Character of service prior to offense of which convicted.	g. Character of service while on probation, prior to alleged violation of probation.
Satisfactory.	Satisfactory.

h. Previous convictions whether or not considered at trial.	i. Intelligence score.
None.	83

j. Civilian background.

Married ☐ Single ☒ Number of dependents None.

Education. Completed 9 years of school.

Employment. Unskilled laborer in a rubber factory earning about $45 per week.

Criminal record. Evidence of none.

Explanatory comments: A personal interview with the probationer after sentence by court-martial disclosed that his father died when he was 16. His mother, two brothers, and one sister live in Akron, Ohio.

k. Military record. (Brief statement of training, combat, awards, decorations, delinquencies, etc.)

After enlisting on 15 March 1949, probationer received basic training at Fort Jackson, S.C. On 1 August 1949 he was assigned to the 20th Infantry. His service record contains "Satisfactory" ratings both as to efficiency and character. At his trial he testified that he absented himself without leave in order to be near his mother who was seriously ill. This statement was corroborated by affidavits of friends of the family and the family physician.

15. Typed name, rank, and organization of officer conducting hearing (if other than officer exercising special court-martial jurisdiction).*	DATE
RICHARD T. JOHNSON, Major, 20th Inf	1 Dec 1951
	SIGNATURE: Richard T. Johnson

*Applicable only if a preliminary hearing is conducted by an officer other than the officer exercising special court-martial jurisdiction. In appropriate cases, enter "Not applicable."

16. HEARING BEFORE OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION.*

The foregoing report of proceedings of the preliminary hearing has been submitted to the probationer (and his counsel**). The probationer (and his counsel**) appeared before me and was (were) given an opportunity to object to any item in the report and to submit any additional matter in extenuation, mitigation, or defense. Any objections and other matters submitted by him are ~~set forth below~~ (appended as Exhibit No. 9 **).

17. RECOMMENDATION OF OFFICER EXERCISING SPECIAL COURT-MARTIAL JURISDICTION.

It is recommended that the following disposition be made of this case (check appropriate entry or entries):

a. [x] That the suspension of the sentence to bad conduct discharge be vacated.

b. [x] That the unexecuted portion of the sentence be carried into execution.

c. [ ] That the proceedings to vacate the suspension be dropped.

d. [ ] _____ (State other recommended disposition.)

18. Typed name, grade, and organiration of officer exercising special court-martial jurisdiction.

ROBERT G. STRONG, Colonel, 20th Inf, Commanding

DATE 3 Dec 1951

SIGNATURE Robert G. Strong

*Applicable only if a preliminary hearing is conducted by an officer other than the officer exercising special court-martial jurisdiction. In appropriate cases, enter "Not applicable."

**Line out if not applicable.

Appendix 17—Subpoena for Civilian Witness

1 General, special, or summary court-martial.

2 Place where process is issued.

3 Name of witness.

4 When used, enter name and grade of person designated.

5 Line out when inappropriate, "(before _____ designated to take your deposition for use)."

6 General, special, or summary court-martial.

7 Place where court is to convene.

8 Appropriate authority.

9 Prosecution or defense, as appropriate.

10 Name, etc., of accused or other subject of investigation.

11 Line out, when inappropriate, "and bring with you _____." When appropriate, describe the documents or objects which the witness is required to produce before the court.

12 To be subscribed by trial counsel, recorder, etc.

General[1] Court-Martial of the United States, U.S.S. Colorado, San Francisco, California[2]

The President of the United States to Claude M. Rickaby:[3]

You are hereby summoned and required to appear on the 16th day of July, 19 51, at 9 o'clock A. M., (before ~~designated to take your deposition for use~~)[4][5] before a general[6] court-martial of the United States, on board the U.S.S. California at San Francisco, California[7], appointed by an order of the Commander Battleships, Battle Force, United States Fleet[8], dated 11 June 19 51, to testify as a witness for the defense[9] in the case of United States v. Tom T. Tucker, seaman apprentice, U. S. Navy[10], (and bring with you _____)[11].

Failure to appear and testify is punishable by a fine of not more than $500 or imprisonment for a period not exceeding six months, or both.

Bring this subpoena with you and do not depart from the court without proper permission.

Subscribed on board the U.S.S. Colorado, San Francisco, California, this 10th day of July, 19 51.

/s/ Daniel C. O'Brien[12]
DANIEL C. O'BRIEN
Captain, USMC
Trial Counsel

13 When service is by mail the witness will be requested to subscribe this acknowledgment of acceptance on one copy and to return same to the officer who issued the subpoena.

14 This proof of service will be filled out when service is personal, and the copy thus completed will be returned to the officer issuing the subpoena.

The witness is requested to subscribe on one copy of the subpoena the following and to return to the person serving the subpoena the copy thereof so subscribed.

_____ (Place)

_____, 19 __

[13]I hereby accept service of the above subpoena.

_____ (Signature of witness)

[14]Personally appeared before me, the undersigned authority, 2d Lt Osmer P. Fox, who, being first duly sworn according to law, deposes and says that at Marysville, Ohio, on 11 July 19 51, he personally delivered to Claude M. Rickaby in person a duplicate of the within subpoena.

/s/ Osmer P. Fox, 2d Lt, Inf
(Signature and grade)

SUBSCRIBED AND SWORN to before me at Fort Wilson, Ohio, this 11th day of July 19 51.

/s/ Valentine Quade
(Signature, grade, and official status)
VALENTINE QUADE
Lt Col, JAGC

Appendix 18

UNITED STATES
v.
In-the-Matter-of[2]
Private Olie O. Olson, 45332064, 327th Air Police Squadron

INTERROGATORIES AND[1] DEPOSITION

Deposition of Wilhelmina J. Olsen

Pursuant to (agreement)(presiding) at Wyandotte, Montana, (par.[2](as altered)) 1, (par.[2] 117g) Courts-Martial, 1951, the following interrogatories were propounded to the witness named above, and her answers thereto were reduced to writing by me, and the deposition was taken by the undersigned, at the time and place stated below, all in accordance with the agreement of counsel (and the law and regulations governing courts-martial).

Place: Wyandotte, Montana
Date: 16 July 1951

Present: Trial counsel, defense counsel, and accused.

Trial counsel: Logan H. Smith, Capt., 1827th Installations Sq
Defense counsel: Peter M. Milwood, 1st Lt., Hq & Hq Sq, 1925th ABG
Accused: Private Olie O. Olson, 45332064, 327th Air Police Squadron

Trial counsel: Are you ready to proceed with the deposition?
Defense counsel: I am.
Trial counsel: Are you ready to proceed with the deposition?
Accused: I am.

Trial counsel: Will you please state your name, grade, and organization?
Answer: Wilhelmina J. Olsen, civilian, Headquarters Scott Air Force Base, Illinois.

Trial counsel: Are you in the military service of the United States?
Answer: No.

Trial counsel: What is your occupation?
Answer: I am a waitress at the Bluebird Restaurant on Clendenny Avenue in Wyandotte.

Trial counsel: Where do you live?
Answer: I live in Wyandotte, Montana.

Trial counsel: How long have you known the accused?
Answer: I have known the accused for three years.

Second interrogatory: Do you know the accused? If so, how long have you known him?
Answer: I have known the accused for three years.

Third interrogatory:
Answer:

Fourth interrogatory:
Answer:

First cross-interrogatory:[9]
Answer:

First interrogatory by the _____[10]
Answer:

(Witness sign here) /s/ Wilhelmina J. Olsen

/s/ WILHELMINA J. OLSEN

I certify that the above deposition was duly taken by me, and that the above-named witness, having been first duly sworn by me, gave the foregoing answers to the several interrogatories and subscribed the foregoing deposition in my presence at Wyandotte, Montana, this 16th day of July, 1951.

/s/ Peter M. Milwood
(Name)

/s/ PETER M. MILWOOD
Maj, Hq & Hq Sq, 1925th ABG
(Grade and organization)

Summary Court
(Official character, as summary court, notary public, etc.)

9 In case no cross-interrogatories are propounded this fact will be recorded and authenticated by the signature of defense counsel when the deposition is taken by the prosecution, and by the trial counsel when the deposition is taken by the defense, in court-martial cases.

10 Insert "court," "commission," or "board," as the case may be.

1 This form to be used where deposition is taken on written interrogatories. It should be modified in case it is to be used for oral depositions so as to conform to the provisions of the Manual for Courts-Martial, 1951, (par. 117g) for such cases.

2 Strike out words not used.

3 General (special or summary) court-martial, military commission, court of inquiry, or military board.

4 Insert name or title of person who is requested to cause the deposition to be taken.

5 To be subscribed by the trial counsel or other proper person with his name, grade, organization, and official title, as "trial counsel," "summary court," "recorder," etc.

6 If it is desired to give special instructions, there should be added "Special instructions attached."

7 The officer taking the deposition shall administer the following oath to the deponent: "You swear (or affirm) that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth. So help you God."

8 If the spaces for answers are not sufficient, extra sheets may be inserted by the officer taking the deposition. In such case, he will rewrite the interrogatories, writing the answers immediately below the respective interrogatories.

Appendix 19—Warrant of Attachment

General Court-Martial of the United States,
Fort Wilson, Ohio

UNITED STATES
v.
Private John T. Derrick, 35406324,
Company A, 113th Infantry

The President of the United States, to Major John A. Gross, 16th Field Artillery Battalion, Fort Thomas, Kentucky:

WHEREAS, Claude M. Rickaby, of Marysville, Ohio, was on the 11th day of July, 19 51, at Marysville, Ohio, duly subpoenaed to appear and attend at Fort Wilson, Ohio, on the 16th day of July, 19 51, at 9 o'clock a.m., before a general court-martial duly appointed by paragraph 17, Special Orders No. 150, Headquarters 50th Infantry Division, dated 11 June 19 51, to testify on the part of the defense in the above-entitled case; and whereas he has willfully neglected or refused (to appear and attend)[1] ~~(to produce documentary evidence which he was legally subpoenaed to produce)~~ before said general court-martial, as by said subpoena required, although sufficient time has elapsed for that purpose; and whereas he has offered no valid excuse for his failure to appear; and whereas he is a necessary and material witness in behalf of the defense in the above-entitled case:

NOW, THEREFORE, by virtue of the power vested in me, the undersigned, as trial counsel[2] of said general court-martial, by Article 46 of the Uniform Code of Military Justice (50 U.S.C. 621), you are hereby commanded and empowered to apprehend and attach the said Claude M. Rickaby wherever he may be found within the United States, its Territories and possessions, and forthwith bring him before the said general court-martial at Fort Wilson, Ohio, to testify as required by said subpoena.

/s/ Nathaniel Edward Brown
NATHANIEL EDWARD BROWN, Capt, FA

Trial counsel[3] of said general court-martial.

Dated Fort Wilson, Ohio
17 July 19 51

1. Line out inappropriate words.
2. If a summary court-martial, line out the words "trial counsel of said" and enter "said summary."
3. If a summary court-martial, line out the words "Trial counsel of said" and enter "Summary."

[F. R. Doc. 51-2131; Filed, Feb. 8, 1951; 2:38 p. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

COVERAGE

Effective December 27, 1950, subparagraph (2) of § 22.1 (a) is amended to read as follows:

§ 22.1 *Applicability of regulations*—(a) *Coverage* • • •

(2) *Preference eligible employees.* The term "preference eligible employees" referred to in this section includes the following persons:

(i) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department;

(ii) The wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil service appointment;

(iii) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(iv) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions;

Separation under "honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation or the issuance of a discharge, if such separation was under honorable conditions;

(v) The mothers of deceased ex-servicemen or ex-servicewomen who lost their lives, under honorable conditions while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), or of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen who were separated from such armed forces under honorable conditions if:

(*a*) The father is totally and permanently disabled, or

(*b*) The mother was widowed, divorced, or separated from the father and has not remarried, or has remarried but her husband is totally and permanently disabled or she is divorced or legally separated from her husband or such husband is dead at the time preference is claimed.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 51-2134; Filed, Feb. 12, 1951; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[959.306, Amdt. 1]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU, CALIFORNIA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to marketing agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee,

(Continued on p. 1473)

CONTENTS

Agriculture Department Page

See Animal Industry Bureau; Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Berger, Wilhelmine, et al.... 1491
Deutsches Kalisyndikat G. m. b. H.... 1494
Heymann, Ernst and Johanna.... 1486
Horsinka, Theresia (2 documents).... 1488, 1494
Jebenstreit, Friedrich, et al.... 1493
Koshiba, Takezo and Taroemon.... 1492
Loeffler, Ernest.... 1487
Nunome, Kanji, et al.... 1493
Scherf, Alexander, et al.... 1492
Sylvester, Emilio (2 documents).... 1486, 1487
Takeshita, Takasuke and Takao.... 1493
Universum-Film, A. G., et al.... 1489
Weinrich, F. J.... 1494
Wien Film G. m. b. H.... 1488
Yamamoto, Junichi, et al.... 1493

Animal Industry Bureau

Rules and regulations:
Rinderpest, foot-and-mouth disease, fowl pest (fowl plague) and Newcastle disease (avian pneumoencephalitis); prohibited and restricted importations; importation of certain animals and products from Union of South Africa.... 1473

Army Department

Rules and regulations:
Appointment of commissioned officers and warrant officers; miscellaneous amendments.... 1475

Civil Service Commission

Rules and regulations:
Coverage; appeals of preference eligibles under the Veterans' Preference Act of 1944.... 1471

Commerce Department

See International Trade, Office of.

Defense Department

See Army Department.

Economic Stabilization Agency

See Price Stabilization, Office of.

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CONTENTS—Continued

Farmers Home Administration — Page
Rules and regulations:
Farm ownership loan limitations, average values of farms and investment limits; New York — 1474

Federal Power Commission
Notices:
Hearings, etc.:
Kansas - Colorado Utilities, Inc — 1481

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Minnesota Power & Light Co. — 1481
National Gas & Oil Corp. — 1482
Ohio Fuel Gas Co. — 1481
Public Service Co. of North Carolina, Inc. — 1481

Federal Security Agency
See also Food and Drug Administration.
Delegation of authority to Administrator to act as contracting officer of certain motion pictures and film strips (*see* General Services Administration).

Federal Trade Commission
Notices:
Set-up paper box industry; trade practice conference — 1482

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs; tests and methods of assay and certification of batches; correction — 1475

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notices:
Delegation of authority; Federal Security Administrator to act as contracting officer of certain motion pictures and film strips — 1482

Geological Survey
Notices:
New Mexico; definitions of known geologic structures of producing oil and gas fields — 1484

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments; Ohio — 1475

Immigration and Naturalization Service
Rules and regulations:
References to Form G–81 deleted, miscellaneous amendments; correction — 1474

Interior Department
See Geological Survey; Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters; miscellaneous amendments — 1473

Interstate Commerce Commission
Notices:
Applications for relief:
All-freight from Syracuse, N. Y., to Milwaukee, Wis. — 1484
Benzine hexachloride from Charleston, W. Va.:
Memphis, Tenn. — 1484
Southern points — 1484
Grain and grain products to Gulf ports for export — 1484

Justice Department — Page
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska; restoration order — 1482
Alaska and California; revocation of orders opening lands to entry — 1482
Idaho; filing of plat of survey — 1483
Rules and regulations:
Alaska; correction — 1476

Price Stabilization, Office of
Rules and regulations:
Coal, except Pennsylvania anthracite, delivered from mine or preparation plant (CPR 3); correction — 1476

Production and Marketing Administration
Rules and regulations:
Citrus Fruit Export Program RMX 135a; fruits and berries, dried and processed; correction — 1474
Potatoes, Irish, grown in the counties of Crook, Deschutes, Jefferson, Klamath and Lake in Oregon and Modoc and Siskiyou in California; limitation of shipments — 1471

Securities and Exchange Commission
Notices:
Hearings, etc.:
Consolidated Natural Gas Co. et al. — 1485
Corn Products Refining Co. — 1485
Southern Co. et al. — 1486

Wage and Hour Division
Proposed rule making:
Puerto Rico:
Handicraft products industry; minimum wage rates — 1480
Semi-vitreous and vitreous-china food utensils division of the clay and clay products industry, leaf tobacco industry, and cigar and cigarette industry; minimum wage recommendations of Special Industry Committee No. 9 — 1478

War Claims Commission
Rules and regulations:
Appeals; filing of, and Commission action — 1476
Investigational hearings — 1478

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 22 — 1471

Title 6
Chapter III:
Part 311 — 1474
Chapter IV:
Part 518 — 1474

CODIFICATION GUIDE—Con.

Title 7 — Page
Chapter IX:
Part 959 — 1471

Title 8
Chapter I — 1474

Title 9
Chapter I:
Part 94 — 1473

Title 15
Chapter III:
Part 399 — 1473

Title 21
Chapter I:
Part 141 — 1475
Part 146 — 1475

Title 24
Chapter VIII:
Part 825 — 1475

Title 29
Chapter V:
Proposed — 1478
Part 702 (proposed) — 1480

Title 32
Chapter V:
Part 573 — 1475

Title 32A
Chapter III (OPS):
CPR 3 — 1476

Title 43
Chapter I (Public land orders):
690 — 1476

Title 45
Chapter V:
Part 515 — 1476
Part 516 — 1478

established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by said marketing agreement and order.

(b) *Order, as amended.* The provisions in paragraph (b) (1) of § 959.306 (16 F. R. 3) shall, on and after the effective date hereof, read as follows:

(1) During the period beginning February 9, 1951, and ending June 30, 1951, both dates inclusive, each shipment of potatoes grown in the production area shall be limited to potatoes which are U. S. No. 2, or better grade, and which are not less than 2 inches minimum diameter or 4 ounces minimum weight, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 8th day of February 1951, to be effective on February 9, 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–2160; Filed, Feb. 12, 1951; 8:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 2]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

IMPORTATION OF CERTAIN ANIMALS AND PRODUCTS FROM UNION OF SOUTH AFRICA

Pursuant to the authority conferred by section 306 of the Tariff Act of 1930 (46 Stat. 689, 19 U. S. C. 1306) and section 2 of the Act of February 2, 1903, as amended (32 Stat. 792, as amended, 21 U. S. C. 111), § 94.1 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis), (15 F. R. 6907), is hereby amended by removing the words "and the Union of South Africa" in the first sentence, and inserting the word "and" between the words "Australia" and "New Zealand" as I have determined that foot-and-mouth disease now exists in the Union of South Africa and have so notified the Secretary of the Treasury.

The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants and swine, and fresh, chilled or frozen beef, veal, mutton, lamb, and pork, and meat and meat products of wild ruminants and swine from the Union of South Africa, and to prohibit or restrict the importation of certain other meats and products and dressed poultry from the Union of South Africa. The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

(Sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689; 21 U. S. C. 111, 19 U. S. C. 1306)

This amendment shall become effective immediately.

Done at Washington, D. C., this 7th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2124; Filed, Feb. 12, 1951; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. P. L. 37][1]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.):				
	Organic chemicals not of coal-tar origin, n. e. s.:				
382990	Methylene chloride	Lb.	ORGN	500	RO
	Gases, compressed, liquefied, and solidified, except liquefied petroleum gases:				
839100	Methyl chloride	Lb.	SALT	500	RO

2. The following revisions are made in commodity descriptions. The revisions clarify the descriptions without making substantive changes, except for an increase in Positive List coverage under Schedule B No. 093500:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other inedible animals and animal products:				
093500	Hog bristles, sorted, bunched, or prepared [1]	Lb.	TEXT	100	RO
	Aluminum and aluminum-base alloys:				
630500	Mill shapes (specify by name) (Include unfabricated molding. Report fabricated architectural molding in 630910; and other fabricated molding in 630908.)	Lb.	NONF	100	RO

[1] The effect of this amendment is to add to the Positive List hog bristles 2¾ inches and under, and revise the present listing on the Positive List under Schedule B No. 093500.

[1] See Amendment P. L. 36, Part 2 thereof.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Other industrial machinery:				
	Air-conditioning and refrigeration equipment and parts:				
764650	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.[2]	No.	GIEQ	None	RO
	Air compressors:				
	Stationary, capacity not over 25 cubic feet:				
770400	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading.[3]	No.	GIEQ	None	RO
	Stationary, capacity over 25 cubic feet:				
770500	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.[4]	No.	GIEQ	None	RO
	Portable air compressors, capacity under 60 cubic feet:				
770610	Reciprocating compressors, designed for delivery pressure greater than 150 pounds per square inch, gauge reading.[5]	No.	GIEQ	None	RO
	Portable air compressors, capacity 60 cubic feet, and over:				
770615	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.[6]	No.	GIEQ	None	RO
	Chemical and pharmaceutical machinery and parts:				
775050	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.[7]		GIEQ	None	RO
	Industrial machinery and parts, n. e. s.:				
775098	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.[8]		GIEQ	None	RO

[2] This amendment revises the second listing under Schedule B No. 764650.
[3] This amendment revises the second listing under Schedule B No. 770400.
[4] This amendment revises the second listing under Schedule B No. 770500.
[5] This amendment revises the second listing under Schedule B No. 770610.
[6] This amendment revises the second listing under Schedule B No. 770615.
[7] This amendment revises the twelfth listing under Schedule B No. 775050.
[8] This amendment revises the seventeenth listing under Schedule B No. 775098.

Section 399.3 *Appendix C—Commodity Processing Codes*, is amended in the following particulars:

The processing codes are changed as follows, for the commodities listed below, in order to conform them with the processing codes appearing in the entries on the Positive List for the same Schedule B Nos.:[1]

Dept. of Commerce Schedule B No.	Commodity	Processing code
211000–212550	Naval stores, gums, and resins: Naval stores and tall oil	AGCH
620998	Iron and steel manufactures: Angle plates, slotted, iron; castings, iron, machine-drilled; circles, steel; flexible tubing, except electrical; packing steel, stainless; perforated steel; perforated steel sheets; perforated terneplate; poles, steel, electric line; sheets, steel, black, printed and lithographed; steel shot; steel tubes for manufacturing of ball bearings; tubular scaffolding; and vitrified steel pipe.[1]	STEE

[1] This amendment revises the first listing on the Commodity Processing Codes under Schedule B No. 620998. The second listing, "Other iron and steel manufactures, CDGS" remains unchanged.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including March 10, 1951. Any such shipment not laden aboard the exporting carrier on or before March 10, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations, Hong Kong, and Macao.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

[1] See Amendment P. L. 36, Part 2 thereof.

This amendment shall become effective as of February 8, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-2114; Filed, Feb. 12, 1951; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS DELETING REFERENCES TO FORM G-81

Correction

In Federal Register Document 51-2028, appearing at page 1231 of the issue for Friday, February 9, 1951, references to "Form C-81" should read "Form G-81".

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW YORK

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

NEW YORK

County	Average value	Investment limit
Broome	$10,000	$10,000
Cayuga	10,000	10,000
Cortland	10,000	10,000
Franklin	10,000	10,000
Ontario	10,000	10,000
Orleans	10,000	10,000
Oswego	10,000	10,000
Saratoga	9,000	9,000
Seneca	10,000	10,000
Washington	10,000	10,000
Wayne	10,000	10,000
Wyoming	10,500	10,500
Yates	10,000	10,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 7th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2125; Filed, Feb. 12, 1951; 8:51 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—CITRUS FRUIT EXPORT PROGRAM RMX 135A

Correction

In Federal Register Document 50-10255, appearing at page 7752 of the issue for Wednesday, November 15, 1950, paragraph (b) of § 518.271 should read as follows:

(b) Payments under this offer will be limited to the following products: Packed fresh oranges and grapefruit; canned concentrated orange juice and grapefruit juice (other than frozen); canned single-strength orange juice, grapefruit juice, and blended orange and grapefruit juice; canned grapefruit sections; and mixed orange and grapefruit sections (for salad); all produced in the United States.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 51-1631, appearing at page 984 of the issue for Friday, February 2, 1951, the following corrections are made:

1. Amendment 4 should be changed to read: "4. Section 141.301 *Chloramphenicol* is amended by deleting paragraph (g) and by renumbering paragraphs (h), (i), and (j) as (g), (h), and (i), respectively."

2. In Amendment 10, § 146.303 (d) (3), the paragraph designation (1) should be changed to (i).

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 349]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 345]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

OHIO

Amendment 349 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 345 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said Regulations are amended in the following respects:

1. Schedule A, Item 225, is amended to describe the Counties in the Defense-Rental Area as follows:

In Ashtabula County, the Townships of Conneaut and Kingsville.

This decontrols in Ashtabula County, Ohio, the following portions of the Ashtabula, Ohio, Defense-Rental Area: (1) The City of Ashtabula, which is located in Ashtabula and Saybrook Townships, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (2) Geneva Township, and the remaining portions of Ashtabula and Saybrook Townships on the Housing Expediter's own initiative under section 204 (c) of said act.

2. Schedule A, Item 228, is amended to describe the Counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights, and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, Seven Hills, Strongsville, Valley View, Warrensville Heights, Westlake and West View; and in Lake County that part of Kirtland Township included within the corporate limits of the Village of Waite Hill, and Willoughby Township, except the Village of Wickliffe and the remainder of the Village of Willoughby.

Lake County, except (1) Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby and (11) the Villages of Mentor and Mentor-on-the-Lake.

This decontrols the Village of Mentor-on-the-Lake, in Lake County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended: 50 U. S. C. App. Sup., 1894)

This amendment shall be effective February 8, 1951.

Issued this 7th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2115; Filed, Feb. 12, 1951; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

MISCELLANEOUS AMENDMENTS

Part 573 is amended in the following respects:

1. In § 573.2, paragraphs (c) and (d) are amended as follows:

§ 573.2 *Age and special eligibility requirements.* • • •

(c) *Veterinary Corps.* (1) Applicant must have reached twenty-first birthday but not have passed thirty-second birthday on date of appointment. The maximum age may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to 31 December 1947 but not to exceed a total of 5 years. He must be a graduate of a veterinary school, acceptable to the Surgeon General, conferring the degree of doctor of veterinary medicine. Each applicant for appointment in the Veterinary Corps must hold a commission in the Veterinary Corps Reserve, National Guard of the United States, or Army of the United States, and must have completed the Veterinary Corps qualification tour (§ 573.3).

(2) Applicants who are selected for assignment to a Veterinary Corps qualification tour and who do not hold a commission in one of the components indicated in subparagraph (1) of this paragraph, may unless qualified for a higher grade under § 561.18 of this chapter, be appointed a second lieutenant in the Officers Reserve Corps provided they will not have reached their thirty-second birthday prior to commencement of tour. This authorization is an exception to the maximum age factor contained in § 561.18 of this chapter.

(d) *Medical Service Corps.* (1) Applicant must have reached twenty-first birthday but not have passed thirtieth birthday on date of appointment. The maximum age may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to 31 December 1947 but not to exceed a total of 5 years. Each applicant for appointment in the Medical Service Corps must hold a commission in the Medical Service Corps Reserve, National Guard of the United States, or Army of the United States, and must have completed the Medical Service Corps qualification tour (§ 573.3).

(2) Applicants who are selected for assignment to a Medical Service Corps qualification tour and who do not hold a commission in one of the components indicated in subparagraph (1) of this paragraph, may, unless qualified for a higher grade under § 573.18, be appointed a second lieutenant in the Officers Reserve Corps provided they will not have reached their thirty-second birthday prior to commencement of tour. This authorization is an exception to the maximum age factor contained in § 561.18 of this chapter.

• • • • •

2. New §§ 573.2a and 573.2b are added as follows:

§ 573.2a *Service credit.* (a) Each individual appointed in the Regular Army under the Officer Personnel Act of 1947 (61 Stat. 795), as amended, shall at time of appointment be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to 31 December 1947 and prior to appointment in the Regular Army, but not to exceed 5 years. In addition to the foregoing, individuals appointed in the following corps shall at time of appointment be credited with an amount of service indicated below:

Corps	Credit
Medical Corps	4 years.
Dental Corps	3 years.
Veterinary Corps	2 years.
Medical Service Corps	3 years, if at time of appointment the individual holds a degree of doctor of philosophy or comparable degree recognized by the Surgeon General in a science allied to medicine.

(b) Upon the basis of service credited in paragraph (a) of this section, individuals who have no service credit or less than 3 years shall be appointed in the grade of second lieutenant; 3 or more years but less than 7 shall be appointed in the grade of first lieutenant; 7 or more years shall be appointed in the grade of captain.

(c) Each individual appointed in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army, under the Army-Navy Nurse Act of 1947 (61 Stat. 41), shall be appointed in the grade of second lieutenant.

§ 573.2b *Grade determination; Medical Corps or Dental Corps.* (a) Appointments in the Medical Corps or Dental Corps will be in grades determined by the applicant's age and acting professional practice, excluding internships, but including residencies, and postgraduate training as follows:

Grade	Medical professional practice (years)	Dental professional practice (years)	Maximum age (years)
First lieutenant	None	None	32
Captain	3	4	37
Major	10	11	42
Lieutenant colonel	17	18	48

(b) Initial appointments in the Medical Corps or Dental Corps in the grade of colonel are authorized. Persons appointed in this grade will possess outstanding qualifications for special positions determined by the Surgeon General as requirements necessitate.

3. In § 573.4 paragraphs (a), (c) (2) and (d) are amended, and paragraph (b) is revoked as follows:

§ 573.4 *Application.* (a) Applications may be submitted at any time on DA AGO Form 62 (Application for Appointment as a Commissioned Officer in the Regular Army), in duplicate, both by individuals who meet all of the requirements for direct appointments and by members of the Veterinary Corps and Medical Service Corps who desire to qualify by entering upon the qualification tour. Forms may be obtained at all United States Army installations, Office of The Adjutant General, Office of the Surgeon General, and United States recruiting stations.

(b) [Revoked.]

(c) Applications will be accompanied by:

* * * * *

(2) DD Forms 98 and 98A (Loyalty Certificate for Personnel of the Armed Forces).

* * * * *

(d) Applications will be forwarded as follows:

(1) Applications for appointment in Medical, Dental, Army Nurse, or Women's Medical Specialist Corps from qualified individuals on active duty in continental United States will be submitted through command channels to installation commanders, who will forward the original and inclosures to the commander of the nearest named Army hospital or Army Area Evaluation Board (§ 573.5 (a)) for evaluation and the duplicate copy to The Adjutant General, Washington 25, D. C., Attention: AGSO–R. Applicants in an oversea command, if on active duty, will forward applications in accordance with instructions issued by the appropriate oversea commander.

(2) Applications for appointment in the Medical or Dental Corps from qualified members of the civilian components not on active duty, or from civilians will be forwarded to the commander of the named Army hospital or Army Area Evaluation Board listed in § 573.5 (a), nearest the individual's home address or place of residence, who will retain the original and inclosures for use in evaluating the applicant and will forward immediately the duplicate copy to The Adjutant General, Washington 25, D. C., Attention: AGSO–R. Individuals in this category residing in an oversea command will forward applications in accordance with instructions issued by the appropriate oversea commander.

(3) Applications for appointment in the Veterinary Corps and Medical Service Corps from qualified individuals on active duty will be submitted through command channels to The Adjutant General, Washington 25, D. C., Attention: AGSO–R. Applications from qualified individuals holding a commission in the Veterinary Corps or Medical Service Corps of the Officers' Reserve Corps, National Guard of the United States, or Army of the United States not on active duty, will be forwarded through appropriate channels to The Adjutant General, Washington 25, D. C., Attention: AGSO–R. Applicants who are not members of the Officers Reserve Corps, National Guard of the United States, or Army of the United States (§ 573.2 (c) (2) and (d) (2)) will also submit application for appointment in ORC on DA AGO Form 170 (Application for Appointment in the Officers Reserve Corps) in duplicate.

4. In § 573.5, paragraph (a) is amended as follows:

§ 573.5 *Evaluation Boards.* (a) Commanders of the following named Army hospitals and appropriate Army commanders will appoint evaluation boards at stations indicated to evaluate applicants for appointment in all Corps except Veterinary Corps.

(1) Fifth Army, 1660 East Hyde Park Boulevard, Chicago, Ill.

(2) Army and Navy General Hospital, Hot Springs, Ark.

(3) William Beaumont Army Hospital, Fort Bliss, Tex.

(4) Brooke Army Hospital, Fort Sam Houston, Tex.

(5) Fitzsimons Army Hospital, Denver, Colo.

(6) Letterman Army Hospital, San Francisco, Calif.

(7) Walter Reed Army Hospital, Washington 25, D. C.

(8) Madigan Army Hospital, Tacoma, Wash.

(9) Murphy Army Hospital, Waltham, Mass.

(10) Percy Jones Army Hospital, Battle Creek, Mich.

(11) Valley Forge Army Hospital, Phoenixville, Pa.

(12) United States Army Hospital, Fort Jay, N. Y.

(13) United States Army Hospital, Fort Knox, Ky.

(14) United States Army Hospital, Fort Benning, Ga.

(15) United States Army Hospital, Fort Bragg, N. C.

* * * * *

[C1, SR 605–25–10, 22 Jan. 1951] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 205, 61 Stat. 501, as amended, sec. 101, 61 Stat. 41, as amended, sec. 501, 61 Stat. 883; 10 U. S. C. 91a, 91b, 156a, 166, 481)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 51–2132; Filed, Feb. 12, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 3]

CPR 3—COAL, EXCEPT PENNSYLVANIA ANTHRACITE, DELIVERED FROM MINE OR PREPARATION PLANT

NOTE: In Federal Register Document 51–1887, published at page 1008 of the issue for Saturday, February 3, 1951, the original document has been corrected as follows:

1. In section 4, the reference to section 7 at the end of paragraph (a) has been changed to "section 9".

2. In paragraph (c) of section 4, the reference at the end to section 8 (a) has been changed to "section 9 (a)".

3. In paragraph (f) of section 4, the reference in the 4th line to paragraph (b) has been changed to "paragraph (c)".

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 690]

ALASKA

Correction

In Federal Register Document 50–10762, published on page 8165 of the issue for Wednesday, November 29, 1950, the 4th line of the land description should read: "Sec. 4, lots 3, 4, S½NW¼ and SW¼;"

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

SUBPART A—FILING OF, AND COMMISSION ACTION ON APPEALS

Sec.
515.1 Basis for appeal.
515.2 Form of request.
515.3 Appeal proceedings.
515.4 Appeals calendar.
515.5 Action by Commission on appeals.
515.6 Appeals Boards.

SUBPART B—HEARING PROCEDURES

515.20 Pre-hearing conference.
515.21 Conduct of hearings.
515.22 Motions.
515.23 Oral argument at close of hearing.
515.24 Proposed findings and conclusions.
515.25 Waiver by Commission.

SUBPART C—FINDINGS AND CONCLUSIONS

Sec.
515.30 Decisions of Appeals Board.
515.31 Notice of findings.
515.32 Re-hearing and reargument.

AUTHORITY: §§ 515.1 to 515.32 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

SUBPART A—FILING OF, AND COMMISSION ACTION OF APPEALS

§ 515.1 *Basis for appeal.* Any claimant whose claim is denied or is approved for less than the full allowable amount may appeal to the Commission from such determination.

§ 515.2 *Form of request.* (a) An appeal shall be made in writing on WCC Form 1105. Such form, to be acceptable, must be filed with the Commission within six months from the date of the award or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file such an appeal within six months, the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(c) Upon proper cause shown, the Commission may, in its discretion, extend the time within which an appeal may be filed.

§ 515.3 *Appeal proceedings.* Appeal proceedings may consist of:

(a) A review of the original determination and the material in support thereof, plus any additional supporting evidence or briefs which the claimant or his authorized representative may submit.

(b) A hearing before an Appeals Board for the purpose of considering the original determination and the material in support thereof, plus any additional supporting evidence or briefs which the claimant or his authorized representative may submit. The claimant will be permitted to appear personally, or through an authorized representative before the Commission, and to present the testimony of other witnesses.

(c) The Commission may, in its discretion, require a hearing in any proceeding and shall give to the parties to the proceeding at least thirty (30) days notice of the time and place of such hearing.

§ 515.4 *Appeals calendar.* Upon receipt of WCC Form 1105 the case shall be entered on the Appeals and Hearings Docket. Each appealed claim shall be assigned an appeal number in the order of its receipt. This number shall govern the order in which appealed claims are considered.

§ 515.5 *Action by Commission on Appeals.* (a) If the claimant has specified on WCC Form 1105 that he does not wish to make a personal appearance, his claim, when reached on the appeals calendar, will be reviewed by an Appellate Attorney. The Appellate Attorney will present the claim and a summary of the evidence to an Appeal Board, with his recommendation as to whether the Commission's original determination should be affirmed, modified or reversed.

(b) If the claimant in executing WCC Form 1105 has requested a personal appearance, the claim will be assigned to an Appellate Attorney who will set the case for hearing. He will notify the claimant, his authorized representative, and all witnesses of the time and place of the hearing thirty (30) days in advance. The Appellate Attorney will then review the claim preparatory to presenting it to the Appeals Board.

(c) Personal appearance may be waived by the interested parties at any time and the case submitted to an Appeals Board on briefs.

§ 515.6 *Appeals Boards.* An Appeals Board shall consist of three members. One of the Commissioners shall act as Chairman of the Board; the other two members of the Board shall consist of such officers or employees as the Commission may designate.

SUBPART B—HEARING PROCEDURES

§ 515.20 *Pre-hearing conference.* At the request of the claimant or by an order of an Appeals Board, at any time prior to the hearing, the Chairman of the Appeals Board, or the Appellate Attorney assigned to the claim may arrange for a conference at a designated time and place to consider, among other things, simplification of the issues and any other matter which would tend to expedite the disposition of the proceedings.

§ 515.21 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, hearings on appeals shall be closed. The hearing shall be stenographically reported and the transcript shall be a part of the record.

(b) The Chairman of an Appeals Board, or any employee of the Commission designated by him, may administer oaths and examine witnesses. The Chairman of an Appeals Board may, in accordance with Part 502, Subchapter A of the Commission's regulations, require by subpoena the attendance and testimony of witnesses, as well as the production of all necessary books, papers, documents, records, correspondence, and other evidence.

(c) The claimant shall have the burden of proof on all issues involved in the claim proceeding.

(d) The claimant, his authorized representative, or the Appellate Attorney, shall have the right and power to call, examine and cross-examine witnesses and to introduce for the record documentary or other evidence.

(e) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

(f) In the discretion of the Chairman of an Appeals Board the hearing or prehearing may be adjourned from day to day, postponed to a later date, or to a different place by announcement thereof at the hearing, or by reasonable notice to the interested parties.

§ 515.22 *Motions.* (a) A motion by the Appellate Attorney to dismiss a hearing may be granted by the Appeals Board when the claim on its face is not allowable or when it appears that the appeal has been abandoned. Such a motion shall be made in writing and shall state the reasons in support thereof. The motion shall be filed with the Appeals Board, and a copy shall be served upon all interested parties by the Appellate Attorney.

(b) Hearing on the motion shall be held at a time and place as ordered by the Chairman of the Appeals Board.

(c) Briefs may be submitted before the hearing, at the hearing, or within a time fixed by the Chairman of the Appeals Board after the close of the hearing.

(d) The decision of the Appeals Board upon the motion shall be final and shall be the decision of the Commission. The rehearing and reargument provisions of § 516.32 of this subchapter shall apply to decisions of the Appeals Board upon such a motion.

§ 515.23 *Oral argument at close of hearing.* Any party shall be entitled upon request, at the close of the hearing, to such time as may be fixed by the Chairman of the Appeals Board for oral argument. Oral argument made with the consent of the Appeals Board shall be included in the stenographic report of the hearing.

§ 515.24 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter, to be fixed by the Appeals Board, any party may submit proposed findings and conclusions, together with a brief in support thereof. Such proposal shall be in writing and shall contain appropriate references to the record. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of and within a reasonable time to be fixed by the Appeals Board.

SUBPART C—FINDINGS AND CONCLUSIONS

§ 515.30 *Decisions of Appeals Board.* The Appeals Board, as soon as practicable after receipt of the complete transcript and all exhibits, shall render a decision which shall become a part of the record and shall include a statement of the reasons and grounds therefor. Each decision by the Appeals Board, when concurred in by two or more of the Commissioners, shall constitute a full and final disposition of the case.

§ 515.31 *Notice of findings.* Notice of the final decision of the Appeals Board shall be delivered in person to all interested parties, or shall be sent by registered mail to such parties.

§ 515.32 *Rehearing and reargument.* Any party desiring a rehearing, reargument or any relief not specifically covered by this Part may file a petition with the Commission within ten (10) days after notice of the decision of the Appeals Board, stating the relief sought and the reasons in support thereof. The Commission may allow the petition, in whole or in part, as it deems proper.

PART 516—INVESTIGATIONAL HEARINGS

Sec.
516.1 Type of hearings.
516.2 Purpose of hearings.
516.3 Conduct of hearings.

AUTHORITY: §§ 516.1 to 516.3 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 516.1 *Type of hearings.* Investigational hearings, as distinguished from appeals, shall be held only as ordered by the Commission, and shall be held before the Commission, one or more of its members, or a duly authorized and designated representative.

§ 516.2 *Purpose of hearings.* Such hearings shall be conducted for the purpose of receiving the testimony of witnesses, documents and other data relating to subjects within the jurisdiction of the Commission.

§ 516.3 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, such hearings shall be public. Hearings shall be stenographically reported and a transcript thereof shall be a part of the record of the study, investigation, or claim.

(b) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

GEORGIA L. LUSK,
Acting Chairman,
War Claims Commission.

[F. R. Doc. 51-2130; Filed, Feb. 12, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Ch. V]

SEMI-VITREOUS AND VITREOUS-CHINA FOOD UTENSILS DIVISION OF THE CLAY AND CLAY PRODUCTS INDUSTRY; LEAF TOBACCO INDUSTRY; AND CIGAR AND CIGARETTE INDUSTRY

NOTICE OF HEARING ON THE MINIMUM WAGE RECOMMENDATIONS OF SPECIAL INDUSTRY COMMITTEE NO. 9 FOR PUERTO RICO

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act, as amended (52 Stat. 1060; 63 Stat. 910; 29 U. S. C. 201) by Administrative Order No. 403, as amended by Administrative Orders 404 and 406, appointed Special Industry Committee No. 9 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions in and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the orders, including the Semi-Vitreous and Vitreous-China Food Utensils Division of the Clay and Clay Products Industry; Leaf Tobacco Industry; and Cigar and Cigarette Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 9 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required under section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 9 for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearings and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 9 for employees engaged in commerce or in the production of goods for commerce in the above-named industries in Puerto Rico are as follows:

Industry	Recommended minimum (cents an hour)
Semi-Vitreous and Vitreous-China Food Utensils Division of the Clay and Clay Products Industry	40
Leaf Tobacco Industry	35
Cigar and Cigarette Industry	36

B. The definitions of the above-named industries in Puerto Rico for which Special Industry Committee No. 9 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

Semi-Vitreous and Vitreous-China Food Utensils Division of the Clay and Clay Products Industry in Puerto Rico. The manufacture of semi-vitreous and vitreous-china table and kitchen articles for use in households and in hotels, restaurants and other commercial institutions for preparing, serving, or storing food or drink.

Leaf Tobacco Industry in Puerto Rico. The processing of leaf tobacco including, but not by way of limitation, the grading, fermenting, stemming, packing, storing, drying and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products.

Cigar and Cigarette Industry in Puerto Rico. The manufacture of cigarettes, cigars, cheroots and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer.

C. The full texts of the reports and recommendations of Special Industry Committee No. 9 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour, and Public Contracts Divisions:

Old South Building, 294 Washington Street, Boston 8, Mass.
1216 Widener Building, Chestnut and Juniper Streets, Philadelphia 7, Pa.
4237 Main Post Office, West Third and Prospect Avenue, Cleveland 13, Ohio.
Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.
144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.
Old Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
1007 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.
1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.
Room 222, 1114 Commerce Street, Dallas 2, Tex.
Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, P. R.
Fourteenth Street and Constitution Avenue, Washington 25, D. C.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico.

D. Public hearings will be held in Room 5406, Department of Labor Building, Washington 25, D. C. at 10:00 a. m., on the dates set forth below before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 9 for Puerto Rico set forth above shall be approved or disapproved.

Semi-Vitreous and Vitreous-China Food Utensils Division of the Clay and Clay Products Industry, March 13, 1951;
Leaf Tobacco Industry, March 19, 1951;
Cigar and Cigarette Industry, March 19, 1951.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 9 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person;

provided, that, not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, notice of his intention to appear, which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 9 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 9 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor, in Washington, D. C.

G. The records made at the public hearings on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 9 in Santurce, Puerto Rico on November 21, 22, 24, 27 and 28 and December 11, 12, 13, 14 and 15, 1950, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at 14th and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the Industry Committee with respect to each of the above-named industries in Puerto Rico will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be offered in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be offered in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear and the Administrator, before issuing a subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written request shall be received from persons appearing in the proceeding for permission to make oral argument before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which oral argument shall be heard. If such requests are allowed, all persons appearing at the hearing shall be given opportunity to present oral argument.

12. Briefs (4 copies) on particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing thereat. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit, for the consideration of the Administrator, an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the Federal Register, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 6th day of February 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2107; Filed, Feb. 12, 1951; 8:47 a. m.]

[29 CFR, Part 702]

MINIMUM WAGE RATES IN THE HANDICRAFT PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On June 15, 1950, pursuant to section 5 (a) of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 399, appointed Special Industry Committee No. 8 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the handicraft products industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the handicraft products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the handicraft products industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the handicraft products industry in Puerto Rico, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 26 cents an hour to be paid to employees in the handicraft products industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on October 20, 1950, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on November 16, 1950, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I, as Administrator, have concluded that the recommendation of the Committee for a minimum wage rate in the handicraft products industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 8 for Puerto Rico for a Minimum Wage Rate in the Handicraft Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (15 F. R. 7029), that I propose to approve the recommendation of the Committee for the handicraft products industry and to issue a wage order to read as set forth below to carry such recommendation into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
702.1 Approval of recommendation of industry committee.
702.2 Wage rate.
702.3 Notices of order.
702.4 Definition of the handicraft products industry in Puerto Rico.

AUTHORITY: §§ 702.1 to 702.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 702.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

§ 702.2 *Wage rate.* Wages at a rate of not less than 26 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handicraft products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 702.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the handicraft products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 702.4 *Definition of the handicraft products industry in Puerto Rico.* The handicraft products industry, to which this part shall apply, is hereby defined as follows:

(a) The manufacture of hand-made or hand-woven products (including, but without limitation, handbags, belts, hats, rugs, baskets, mats, coasters, lamp and window shades, blinds, and fans) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair bristles, feathers, excelsior, cork, bamboo, rattan, willow, seeds, native shells, pebbles, esponga, or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the button, buckle, and jewelry industry or the textile and textile products industry, as those industries in Puerto Rico are defined in the wage orders for such industries (Parts 697 and 699 of this chapter).

(b) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

Signed at Washington, D. C., this 5th day of February 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2106; Filed, Feb. 12, 1951; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6341]

MINNESOTA POWER & LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 6, 1951.

Take notice that on February 2, 1951, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Minnesota Power & Light Company, a corporation organized under the laws of the State of Minnesota, and doing business in said State with its principal business office at Duluth, Minnesota, seeking an order authorizing the acquisition from Superior Water, Light and Power Company, a Wisconsin corporation, of 14,000 shares of Common Stock ($100 par value). Applicant proposes to purchase 7,500 shares of such stock for an aggregate cash amount of $750,000 computed on the basis of the $100 par value of each such share of stock, and also to acquire the 6,500 shares of Common Stock of Superior declared as a dividend, which includes the fractional shares payable in respect of the nine directors' qualifying shares, on the 11,000 shares of Superior's Common Stock presently outstanding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 26th day of February 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2110; Filed, Feb. 12, 1951; 8:48 a. m.]

[Docket No. G-1268]

OHIO FUEL GAS CO.

ORDER GRANTING PETITION TO REOPEN HEARING

FEBRUARY 6, 1951.

On January 12, 1951, the Commission's staff filed a petition to reopen the hearing in this proceeding for the purpose of the introduction of new evidence which was not available during the hearing. The petition avers that such evidence will consist of exhibits and testimony showing that the estimates of applicant, the Ohio Fuel Gas Company, introduced in evidence at the hearing, for the year ending September 30, 1950, are materially at variance with actual experience; and evidence as to volumes of sales, cost of operations and temperature conditions to the latest date available.

On January 22, 1951, applicant filed an answer to such petition whereby it objected to the granting thereof.

The Commission finds: Good cause exists for granting the petition of the Commission's staff and for reopening the hearing as requested in said petition.

The Commission orders:

(A) The petition of the Commission's staff to reopen the hearing in this proceeding be and the same is hereby granted, and said hearing be and the same is hereby reopened for the purpose of receiving the evidence as set out in said motion.

(B) Said reopened public hearing be held commencing on March 12, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: February 7, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2109; Filed, Feb. 12, 1951; 8:47 a. m.]

[Docket No. G-1407]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC.

NOTICE OF AMENDED APPLICATION

FEBRUARY 7, 1951.

Take notice that Public Service Company of North Carolina, Incorporated, (Applicant) a North Carolina corporation having its principal place of business at Gastonia, North Carolina, filed on February 6, 1951, its second amended application for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described, and for (2) an order under section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation (Transcontinental), a natural-gas company subject to the jurisdiction of the Commission, to establish physical connection of its transportation facilities with the facilities of and sell natural gas to Applicant.

Applicant proposes to construct and operate a number of lateral pipe lines aggregating approximately 168 miles in length, together with appurtenant facilities extending from various points of connection with Transcontinental's transmission pipeline system in North Carolina to the various towns and cities proposed to be served, as hereinafter set forth. The communities in North Carolina proposed to be served, are the following:

Communities now served artificial gas by Applicant—N. C. Asheville, Gastonia, Dallas, Concord, Kannapolis, Statesville, Chapel Hill, Durham, Raleigh.

Communities having no gas distribution system. Shelby, Kings Mountain, Bessemer City, Mount Holly, Belmont, Davidson, Mooresville, Carrboro, Cary, Fletcher, Ranlo, McAdenville, Lowell, Cramerton, Troutmans, Cornelius, Landis, China Grove, Enka, Cliffside, Henrietta, Caroleen, Forest City, Spindale, Rutherfordton.

The estimated over-all cost of the proposed pipeline facilities is approximately $4,500,000. It is planned to finance the cost of such facilities by the issuance of first mortgage bonds and junior securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of February, 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2129; Filed, Feb. 12, 1951; 8:52 a. m.]

[Docket No. G-1595]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF APPLICATION

FEBRUARY 7, 1950.

Take notice that on January 24, 1951, Kansas-Colorado Utilities, Inc. (Applicant), a Kansas corporation having its principal office at Lamar, Colorado, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described and as more fully described in the application.

Applicant proposes to sell to Panhandle Eastern Pipe Line Company all of the gas produced from Applicant's "McClure" and "Schowalter" wells in Stevens County, Kansas. Applicant also proposes to sell 1,300,000 Mcf of gas to Colorado Interstate Gas Company between August 1950 and August 1951 with an option on the part of Colorado Interstate Gas Company to purchase 700,000 Mcf during the 12-month period subsequent to August 9, 1951. Applicant states that all additional facilities necessary for the sale and delivery of this gas are to be constructed by the purchasers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2128; Filed, Feb. 12, 1951; 8:51 a. m.]

[Docket No. G-1599]

NATIONAL GAS & OIL CORP.

NOTICE OF APPLICATION

FEBRUARY 7, 1951.

Take notice that on January 29, 1951, National Gas & Oil Corporation (Applicant) of 36 North Second Street, Newark, Ohio, filed an application for an order pursuant to section 7 (a) of the Natural Gas Act requiring Tennessee Gas Transmission Company (Tennessee) to establish an interconnection of facilities and to sell 7,500 Mcf of natural gas per day to Applicant at a point on Tennessee's main transmission pipe line near Zanesville, Ohio. Applicant is now engaged in the production, distribution, and sale of natural gas in Ohio.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. P. Doc. 51-2127; Filed, Feb. 12, 1951; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-153]

SET-UP PAPER BOX INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference, under the auspices of the Federal Trade Commission, will be held for the Set-Up Paper Box Industry in the Bowman Room of the Hotel Biltmore, Madison Avenue and 43d Street, New York City, on March 1, 1951, commencing at 10 a. m., e. s. t.

All persons, firms, corporations, and organizations engaged in the business of manufacturing, selling, and distributing set-up paper boxes are cordially invited to attend or send representatives to the conference and to take part in the proceedings. Products of the industry include boxes fabricated from paperboard and distributed or sold in rigid or set-up form. Such boxes are used in the shipping and marketing of shirts, proprietary drugs, hosiery, etc., and are to be distinguished from the folding or collapsible type paperboard containers.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: February 7, 1951.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2108; Filed, Feb. 12, 1951; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

DELEGATION OF AUTHORITY

FEDERAL SECURITY ADMINISTRATOR TO ACT AS CONTRACTING OFFICER FOR DISTRIBUTION OF CERTAIN MOTION PICTURES AND FILM STRIPS

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), authority is hereby delegated to the Federal Security Administrator to act as contracting officer on Contract No. GS-OOS-3085, dated January 1, 1951, and in such capacity to make all decisions authorized by the terms of said contract.

2. Appeals from decisions of said contracting officer shall be taken to the Administrator of General Services.

3. Amendments to said contract shall be made only with the approval of the Administrator of General Services or his authorized representative.

4. This authority may be redelegated to any official or employee of the Federal Security Agency, and shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

5. This delegation of authority shall be effective as of the date hereof.

Dated: February 7, 1951.

RUSSELL FORBES,
Acting Administrator.

[F. R. Doc. 51-2135; Filed, Feb. 12, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 59607]

ALASKA AND CALIFORNIA

REVOCATION OF ORDERS OPENING LANDS TO ENTRY UNDER THE FOREST HOMESTEAD ACT

FEBRUARY 7, 1951.

Pursuant to requests of the Department of Agriculture and in accordance with Departmental Order No. 2583 § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to any valid intervening adverse claims, the orders listed below opening lands in certain national forests to entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506-509), are hereby revoked so far as they affect the following-described lands:

Date of order of opening	List No. and national forest	Land
June 23, 1917, as amended Oct. 10, 1932.	6-1912, Tongass National Forest, Alaska.	T. 39 S., R. 64 E., C. R. M., sec. 2, lots 2, 3, 6, aggregating 75.46 acres.
June 23, 1917	6-2068, Tongass National Forest, Alaska.	H. E. Survey No. 104, U. S. Survey No. 1197, on Eagle River, latitude 58°32' N., longitude 134°48' W., containing 46.84 acres.
Feb. 3, 1944	10-6, Tongass National Forest, Alaska.	A tract of land on the west bank of Knig Slough, Dry Island, lying in sec. 23, T. 60 S., R. 82 E., C. R. M., containing approximately 154.58 acres.
Oct. 5, 1908	1628, Six Rivers National Forest, Calif.	T. 2 S., R. 7 E., H. M., sec. 2, NW¼SW¼, containing 40 acres.
Oct. 19, 1910	5-459, Six Rivers National Forest, Calif.	T. 2 S., R. 7 E., H. M., sec. 4, NE¼SE¼NW¼, N½SE¼SE¼NW¼, and SE¼SE¼SE¼NW¼, containing 17.50 acres, reserved for use as the Mad River Administrative Site by Executive Order No. 1373 of June 16, 1911.
July 16, 1915	5-2494, Los Padres National Forest, Calif.	T. 24 S., R. 6 E., M. D. M., sec. 30, NE¼SE¼NW¼, containing 10 acres.
Jan. 24, 1917	5-2820, Los Padres National Forest, Calif.	T. 7 N., R. 21 W., S. B. M., sec. 4, E½SE¼SW¼; sec. 9, E½NE¼NW¼ and SW¼NE¼NW¼, containing 50 acres.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-2103; Filed, Feb. 12, 1951; 8:45 a. m.]

[Misc. No. 51984 et al.]

ALASKA

RESTORATION ORDER NO. 1292 UNDER FEDERAL POWER ACT

FEBRUARY 7, 1951.

Pursuant to the following-listed determinations of the Federal Power Commission and in accordance with Departmental Order No. 2583 § 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Alaska, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the applicable public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

Determination No.	Dates and types of withdrawals	Types of restoration	Land
DA-45	Power project No. 119, as modified Apr. 24, 1934.	For purchase under sec. 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).	Homesite No. 107, 1.08 acres, latitude 60°30'12" N., longitude 149°47'30" W. Homesite No. 111, 1.12 acres, latitude 60°30'12" N., longitude 149°45'30" W. Trade and manufacturing site, 24.97 acres, latitude 60°29' N., longitude 149°45'W.

The above-described tracts are located on the north shore of Kenai Lake, and are within the Chugach National Forest.

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-48	Power project No. 119, as modified Apr. 24, 1934.	For purchase under sec. 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).	Homesite No. 108, 2.29 acres, latitude 60°30'12" N., longitude 149°46'59" W.

The above-described tract is located on the north shore of Kenai Lake, and is within the Chugach National Forest.

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-50	Power project No. 119, as modified Apr. 24, 1934; power site classification No. 409 of June 29, 1950.	For purchase under sec. 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).	U. S. survey No. 2526, lot 7, 4.99 acres, latitude 60°29'49" N., longitude 149°49'30" W. (homesite No. 102, Cooper Landing Group).
DA-51	do	do	U. S. survey No. 2526, lot 11, 3.98 acres, latitude 60°29'49" N., longitude 149°49'30" W. (homesite No. 53, Cooper Landing Group).
DA-54	do	do	U. S. survey No. 2526, lot 9, 4.34 acres, latitude 60°29'49" N., longitude 149°49'30" W. (homesite No. 63, Cooper Landing Group).

The above-described tracts are located on Kenai River between Kenai Lake and the mouth of Russian River, and are within the Chugach National Forest.

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-56	Power Site Reserve No. 674 of Jan. 23, 1918.	Under the applicable public-land laws.	Seward Meridian T. 15 N., R. 1 W., sec. 5, lot 1, W½NE¼, SE¼NE¼, and SE¼NW¼, containing 198.89 acres.

The above-described lands are included in withdrawals for use of the War Department for military purposes made by Public Land Orders No. 20 of August 4, 1942 and No. 95 of March 12, 1943.

Determination No.	Dates and types of withdrawals	Type of restoration	Land
DA-47	Power project No. 119, as modified Apr. 24, 1934.	For purchase under sec. 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).	U. S. survey No. 2522, lot 35, 4.47 acres, latitude 60°30'09" N., longitude 149°47'00" W. (homesite No. 35, Slaughter Creek Group).
DA-52	Power project No. 119, as modified Apr. 24, 1934; power site classification No. 409 of June 29, 1950.	do	U. S. survey No. 2524, lot 1, 1.91 acres, latitude 60°30'10" N., longitude 149°48' W. (homesite No. 110, Slaughter Creek Group).

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-2104; Filed, Feb. 12, 1951; 8:45 a. m.]

[1646293]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 7, 1951.

Notice is given that the plat of original survey of the following described lands, accepted September 15, 1949, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m., on the 35th day after the date of this notice:

BOISE MERIDIAN

T 8 N., R. 29 E.,
Sec. 31, Lots, 1, 2, 3, 4, 5, 6, NE¼, E½NW¼, E½SE¼.

The area described aggregates 493.19 acres.

Available information indicates that the described land is rolling and mountainous.

Lots 1, 2, E½NW¼, NE¼ of such sec. 31, are within the exterior boundaries of the Salmon National Forest by proclamations of November 5, 1906, May 19, 1913, and Executive orders of July 1, 1908, and October 8, 1938.

No applications for the remainder of the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Appli-

cations under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Assistant Director.

[F. R. Doc. 51-2105; Filed, Feb. 12, 1951; 8:46 a. m.]

Geological Survey

NEW MEXICO

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following structure defined effective as of the date shown:

Name of Field, Effective Date, and Acreage

(5) NEW MEXICO

Monument-Jal Field (consolidation and revision); Nov. 21, 1950------ 268,031

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 51-2102; Filed, Feb. 12, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25826]

BENZINE HEXACHLORIDE FROM CHARLESTON, W. VA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

FEBRUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 9800.

Commodities involved: Benzine hexachloride, in packages, carloads.

From: Charleston and South Charleston, W. Va.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2120; Filed, Feb. 12, 1951; 8:49 a. m.]

[4th Sec. Application 25827]

BENZINE HEXACHLORIDE FROM CHARLESTON, W. VA., TO SOUTHERN POINTS

APPLICATION FOR RELIEF

FEBRUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9300.

Commodities involved: Benzine hexachloride, in packages, carloads.

From: Charleston and South Charleston, W. Va.

To: Points in Alabama, Florida, Georgia, North Carolina and South Carolina.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2121; Filed, Feb. 12, 1951; 8:49 a. m.]

[4th Sec. Application 25828]

GRAIN AND GRAIN PRODUCTS TO GULF PORTS FOR EXPORT

APPLICATION FOR RELIEF

FEBRUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to Chicago and Northwestern Railway Company's tariff I. C. C. No. 11153 and other tariffs listed on attached sheet.

Commodities involved: Grain, grain products, seeds and related articles, carloads.

From: Points in Iowa, Minnesota and Missouri.

To: Texas and Louisiana Gulf ports.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates:

	I. C. C. No.	Supp. No.
C. & N. W. Tariff	11153	4
C. G. W. Tariff	5605	
C. M. St. P. & P. Tariff	B-7628	4
C. R. I. & P. Tariff	C-13240	8
C. B. & Q. Tariff	20167	10

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2122; Filed, Feb. 12, 1951; 8:50 a. m.]

[4th Sec. Application 25829]

ALL-FREIGHT FROM SYRACUSE, N. Y., TO MILWAUKEE, WIS

APPLICATION FOR RELIEF

FEBRUARY 8, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Delaware, Lackawanna and Western Railroad Company's tariff I. C. C. No. 24411.

Commodities involved: All freight, mixed carloads.

From: Syracuse, N. Y.

To: Milwaukee, Wis.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. L. & W. R. R. tariff I. C. C. No. 24411.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2123; Filed, Feb. 12, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-250]

CORN PRODUCTS REFINING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of February A. D. 1951.

Corn Products Refining Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw from registration and listing on the Board of Trade of the City of Chicago its 7 Percent Cumulative Preferred Stock, Par Value $100, and its Common Stock, Par Value $25. The application for withdrawal alleges the following:

(1) The applicant does not wish to incur the expense incident to the listing on the Board of Trade of the City of Chicago of the additional shares of Common Stock issued on January 25, 1951 in payment of its 5 percent stock dividend, nor the considerable expense involved in the preparation and printing of an additional listing application on the Board of Trade of the City of Chicago.

(2) There have been no trades at all on the Board of Trade of the City of Chicago in either of the above securities of the applicant during the years 1950 and 1949, and practically no trading for a number of years.

(3) An adequate market for the securities of the applicant is provided by the New York Stock Exchange, which in effect is the only market used.

Upon receipt of a request, prior to March 6, 1951, from any interested person for a hearing in regard to terms to be imposed upon the delisting of these securities, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2111; Filed, Feb. 12, 1951; 8:48 a. m.]

[File Nos. 70-2325, 70-2499]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER GRANTING AND PERMITTING AMENDMENTS TO PREVIOUS APPLICATIONS-DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of February A. D. 1951.

In the matters of Consolidated Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, Hope Natural Gas Company, File No. 70-2325; Consolidated Natural Gas Company, Hope Natural Gas Company, File No. 70-2499.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State"), and Hope Natural Gas Company ("Hope"), having filed amendments to previous joint applications-declarations, pursuant to the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Consolidated has heretofore issued to certain banks an aggregate of $20,000,000 of its 2 percent promissory notes pursuant to the Loan Agreement dated February 1, 1950, and the Supplemental Agreement dated July 14, 1950; and, in turn, 2 percent promissory notes of subsidiaries have been issued to Consolidated as follows:

Peoples	$8,000,000
New York State	10,000,000
Hope	2,000,000
	20,000,000

The said Loan Agreement and Supplemental Agreement and the said notes issued by subsidiaries provide an ultimate maturity at March 15, 1955, but, as set forth in the Commission's order of March 10, 1950, and supplemental order of September 6, 1950 in the above file, further approval must be secured in order to continue such notes in effect beyond March 15, 1951.

The General Financial Plan set forth in the joint applications-declarations contemplates that the said notes will be continued in effect and permanently refinanced along with other notes which may be issued by Consolidated in connection with its present construction program. In accordance with present estimates, it is contemplated that refinancing of said notes will not take place until after March 15, 1952 at the earliest.

The above subsidiary companies have each given notice to Consolidated of intention to continue this interim financing effect to March 15, 1952; and Consolidated likewise intends to give notice to the banks pursuant to the said Loan Agreements that it will continue its said outstanding notes in effect to March 15, 1952. All companies are reserving the right to continue the notes in effect beyond March 15, 1952 if at that time this course becomes advisable and is approved by the Commission.

In addition, Hope has heretofore issued to Consolidated its 2 percent promissory note in the face amount of $2,500,000 with an ultimate maturity of March 15, 1955, but, as set forth in the Commission's order of November 29, 1950, further approval must be secured in order to continue such note in effect beyond March 15, 1951.

The note is related to the General Financial Plan indicated above and will be continued in effect until the refinancing of the notes issued by Consolidated pursuant to File No. 70-2325.

Hope has given notice to Consolidated of intention to continue this interim financing in effect to March 14, 1952, but is reserving the right to continue the note in effect beyond March 15, 1952 if at that time this course becomes advisable and is approved by the Commission.

Consolidated and its above subsidiaries have requested the Commission to enter its order permitting all of the above outstanding promissory notes to be continued in effect to March 15, 1952.

Said amendments to the previous joint applications-declarations having been filed on January 11, and 15, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said amendments within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amendments to the previous joint applications-declarations that no basis exists for adverse findings, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said amendments to the previous joint applications-declarations be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act,

and subject to the terms and conditions prescribed in Rule U-24, that the amendments to the previous joint applications-declarations be and they hereby are granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2113; Filed, Feb. 12, 1951; 8:48 a. m.]

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of February A. D. 1951.

In the matter of the Southern Company, Alabama Power Company, File No. 70-2435; Electric Bond and Share Company, File No. 70-2436.

The Commission having by order dated August 24, 1950 granted and permitted to become effective applications and declarations filed by the Southern Company, Alabama Power Company, and Electric Bond and Share Company ("Bond and Share") relating, among other things, to the transfer by Bond and Share of its holdings of the common stock of Birmingham Electric Company to the Southern Company in exchange for common stock of the Southern Company; and

The Commission having in said order reserved jurisdiction with respect to the payment of accounting fees and expenses incurred by Bond and Share in connection with the proposed transactions; and Haskins and Sells having submitted evidence with respect to accounting services rendered in these proceedings and having requested the payment of $11,626.43 for services and $2,603.86 as reimbursement of expenses; and

The Commission having examined such evidence and finding that the proposed payment of fees and expenses to Haskins and Sells is not unreasonable and finding it appropriate in the public interest to release jurisdiction over the payment of such fees and expenses:

It is ordered, That the jurisdiction heretofore reserved over the accounting fees and expenses incurred by Bond and Share in connection with these proceedings be, and the same hereby is, released.

It is further ordered, That said order of August 24, 1950, is, except as herein expressly modified, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2112; Filed, Feb. 12, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17298]

EMILIO SYLVESTER

In re: Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased. File No. F-63-12933.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: All property in the possession, custody or control of Credit Suisse New York Agency, 30 Pine Street, New York, New York, as depositary thereof for the account of the Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, including particularly but not limited to:

(a) $6,000—Dominion of Canada 3¼ percent bonds—due January 15, 1961, together with any and all rights thereunder and thereto;

(b) 25 shares American Can Co. common, 25 shares American Tobacco Co. common, 50 shares Borden Co. common, 50 shares General Electric Co. common, together will all declared and unpaid dividends thereon; and

(c) Cash in the amount of $12,470.63 as of September 26, 1950, together with any accruals thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the aforesaid Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to all lawful fees and disbursements of Credit Suisse New York Agency, 30 Pine Street, New York, New York, as depositary of the aforesaid property, held for the account of the Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2096; Filed, Feb. 9, 1951; 8:56 a. m.]

[Vesting Order 17203]

ERNST AND JOHANNA HEYMANN

In re: Securities owned by and debts owing to Ernst Heyman, also known as Ernst Theodor Heyman, and Johanna Heymann. F-63-13050-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Heyman, also known as Ernst Theodor Heymann, and Johanna Heymann on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $15.00 par value common stock of Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York, New York, evidenced by a certificate numbered 0137672, registered in the name of and presently in the custody of Wertheim & Co., 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

b. Fifty-three (53) shares and sixty-three two-hundredths (63/200ths) of a share of $25 par value common stock of Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, New York, evidenced by certificates numbered and in the amounts listed below:

Certificate No.:	*Number of shares*
C 86775	1.
582789	1.
735704	1.
966166	50.
F 244874	8/200ths of a share.
F 230735	55/200ths of a share.

said certificates registered in the name of and presently in the custody of Wertheim & Co., 120 Broadway, New York, New York, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation owing to Ernst Heymann, also known as Ernst Theodor Heymann, and Johanna Heymann, by Wertheim & Co., 120 Broadway, New York 5, New York, arising from proceeds of sale of securities and accumulation of dividends and held for the account of Ernst Heymann and Mrs. Johanna Heymann, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

d. One hundred (100) shares of $1.00 par value capital stock of North American Aviation, Inc., Municipal Airport, Los Angeles, California, evidenced by the certificates numbered and in the amounts listed below:

Certificate No.:	*Number of shares*
A 117-671	1
A 178-264	17
A 178-266	4
A 178-252	78

said certificates presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in a blocked Depot account of the Geneva Office of the aforesaid Swiss Bank Corporation, together with all declared and unpaid dividends thereon,

e. One hundred and ten (110) shares and twenty-five one-hundredths (25/100ths) of a share of no par capital stock of Standard Oil Company of California, San Francisco, California, evidenced by the certificates numbered and in the amounts listed below:

Certificate No.:	*Number of shares*
B 90504	25/100ths of a share.
NYC 506330	13.
NYC 529008/13	5 shares each.
NYC 529003/07	1 share each.
NYC 361913	32.
NYC 499450	20.
NYC 552819	5.
NYC 402800	5.

said certificates presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in a blocked Depot account of the Geneva Office of the aforesaid Swiss Bank Corporation, together with all declared and unpaid dividends thereon, and

f. Three hundred (300) shares of stock of Curtiss-Wright Corp., 30 Rockefeller Plaza, New York, New York, evidenced by certificates numbered D247308/9, and D236298 for 100 shares each, presently in the custody of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, in a blocked Depot account of the Geneva Office of the aforesaid Swiss Bank Corporation, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Ernst Heymann, also known as Ernst Theodor Heymann, and Johanna Heymann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2093; Filed, Feb. 9, 1951; 8:55 a. m.]

[Vesting Order 17299]

EMILIO SYLVESTER

In re: Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased. File No. F-63-12933.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: All property in the possession, custody or control of Bankers Trust Company, 16 Wall Street, New York, New York, as depositary thereof for the account of the Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, including particularly but not limited to:

(a) 5 shares Central Illinois Public Service Co. common, 10 shares Central & South West Corporation common, 15 shares Cincinnati Gas & Electric Co. common, 50 shares Columbia Gas System Inc. common, 60 shares Public Service Electric & Gas Co. common, 20 shares West Texas Utilities Corp. $6 cum. pref. together with all declared and unpaid dividends thereon; and

(b) Cash in the amount of $1,857.71 as of September 26, 1950, together with any accruals thereon, Cash in the amount of $87.50 as of September 26, 1950, together with any accruals thereon (General Ruling No. 6 account),

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the aforesaid Edgar Sylvester, also known as Edgar Burchard Gustav Karl Sylvester, as Edgar Sylvester Beyerlein, and as Edgar Burchard Gustav Karl Sylvester Beyerlein, and Mrs. Gertrude Siebel, also known as Mrs. Gertrud Sylvester Beyerlein de Siebel, and as Gertrud Anna Helga Sylvester Beyerlein, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof subject to all lawful fees and disbursements of Bankers Trust Company, 16 Wall Street, New York, New York, as depositary of the aforesaid property, held for the account of the Estate of Emilio Sylvester, also known as Emilio Ernesto Borjas Sylvester Stelzer, deceased, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2097; Filed, Feb. 9, 1951; 8:57 a. m.]

[Vesting Order 15704, Amdt.]

ERNEST LOEFFLER

In re: Safe deposit lease and contents owned by Ernest Loeffler.

Vesting Order 15704, dated November 15, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 2b of Vesting Order 15704 and substituting therefor the following subparagraph:

2b. All property of any nature whatsoever owned by Ernest Loeffler, located in the safe deposit box referred to in subparagraph 2a hereof, and any and all rights of said person evidenced or represented thereby, which includes par-

ticularly but is not limited to the following:

1. 4/10ths (0.4) of a share of $10 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, evidenced by certificates numbered VL 475666 and XL 270975 for three and one shares respectively of no par value common stock of the aforesaid company, registered in the name of Ernest Loeffler, together with all declared and unpaid dividends thereon and any and all rights to receive a new certificate for shares of $10 par value stock of the aforesaid company,

2. One hundred (100) shares of no par value common stock of Seaboard Airline Railway Company, Norfolk, Virginia, evidenced by certificate numbered NY 31693, registered in the name of Ernest Loeffler, together with all declared and unpaid dividends thereon, and

3. One hundred (100) shares of no par value common stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York City, New York, evidenced by a certificate numbered AC-189925 registered in the name of Ernest Loeffler, together with all declared and unpaid dividends thereon,

All other provisions of said Vesting Order 15704 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2099; Filed, Feb. 9, 1951; 8:57 a. m.]

[Vesting Order 16960]

THERESIA HORSINKA

In re: Estate of Theresia Horsinka, deceased. D-17-186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Lokoc Horsinka, Raimund Horsinka, Robert Horsinka, Anna Hartmannova, Gustav Horsinka, Stepanka Cepkova, Hedvika Teichmannova, Anna (Emma) Kubicova, Anna Schafferova and Marie Hartmannova, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $9,482.30 deposited with the Treasurer of Mahoning County, Ohio, to the credit of Joseph Horsinka, John Horsinka, Hedwig Hartmann, Francisca Horsinka and Franz Horsinka, pursuant to an order of the Probate Court of Mahoning County, Ohio, entered June 5, 1944, in the matter of the estate of Theresia Horsinka, deceased, together with any accumulations thereon, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Mahoning County, Ohio, as depositary, acting under the judicial supervision of the Probate Court of Mahoning County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2:37; Filed, Feb. 12, 1951; 8:53 a. m.]

[Vesting Order 16979]

WIEN FILM G. M. B. H.

In re: Rights in motion pictures owned by Wien Film G. m. b. H.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Universum-Film A. G., also known as Ufa, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Wien Film G. m. b. H., the last known address of which is Vienna, Austria, and which there is reasonable cause to believe is a corporation organized under the laws of Austria, is or, on or since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Universum-Film A. G., and is a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibit A attached hereto and made a part hereof, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures,

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts,

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States,

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States, of Wien Film G. m. b. H., and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1) and 3 (b) (2) of this Vesting Order,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 2 and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That Wien Film G. m. b. H., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Part I—Feature Motion Pictures

Am Ende der Welt.
Anton der Letzte.
Ein Blick zurück (Am Vorabend).
Bruderlein fein.
Donauschiffer.
Dreimal Hochzeit.
Das Ferienkind.
Frau im Strom.
Frauen sind keine Engel.
Freunde.
Der gebieterische Ruf.
Glück bei Frauen.
Die goldene Fessel.
Heimkehr.
Die heimliche Gräfin.
Das Herz muss schweigen.
Hundstage.
Das jüngste Gericht.
Die kluge Marianne.
Krambamuli (Die Geschichte eines Hundes).
Ein Leben lang.
Leinen aus Irland.
Der liebe Augustin.
Liebe ist zollfrei.
Liebe nach Noten.
Ein Mann gehört ins Haus (Bankerl unterm Birnbaum).
Meine Tochter lebt in Wien.
Mutterliebe.
Operette.
Der Postmeister.
Reisebekanntschaft.
Romantische Brautfahrt.
Schicksal.
Schrammeln.
Schwarz auf weiss.
So gefällst Du mir.
Sommerliebe.
Späte Liebe.
Ulli und Marei.
Umwege zu Dir.
Unsterblicher Walzer.
Der weisse Traum.
Wen die Götter lieben (Mozart).
Wie ein Dieb in der Nacht (Der Herzensdieb).
Wien 1910.
Wiener Blut.
Wiener G'schichten.
Wir bitten zum Tanz.
Zwei glückliche Menschen.

Part II—Motion Picture Short Subjects

Autarkie im Bergdorf.
Deutsch-Litta ein deutsches Dorf in der Slowakei.
Fischerparadies Donaudelta.
Die Frisur im Wandel der Zeiten.
Frühlingsbräuche in der Ostmark.
Flösser.
Goldene Hochzeit im Salzburgerland.
Die grosse Welt in Kinderaugen.
Heimat am Steilhang.
Hilfe—Erpresser.
Historie der deutschen Puppe.
Hof ohne Mann.
Holzfäller.
Holzflieher.
Hüttenwacht.
Peter Roseggers Waldheimat.
Rund um Wien.
Schwarz gegen blond.
Steine reden.
Tag in Schönbrunn.
Von Ohr zu Ohr.
Wacht auf dem Strom.
Wagen Nr. 1 kämpft sich seinen Weg.
Wie ich den Urwald in Wien erlebte.
Wille zum Leben.
Wiener Mode.

[F. R. Doc. 51-2139; Filed, Feb. 12, 1951; 8:54 a. m.]

[Vesting Order 17071]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film, A. G., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 2 of Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

2. That the producers of the motion pictures listed in Exhibit B, attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibits A and B, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraphs 1. and 2. hereof and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A and B

(2) All arrangements, adaptations, revisions, dramatizations, translations, and

versions of the motion pictures listed in said Exhibits A and B

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1) and 3 (b) (2) of this Vesting Order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accured or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1	Column 2
Titles of motion pictures (short subjects)	*Producers or distributors*
Arbeiter—heute	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Auf grosser Fahrt	Döring-Film-Werke, Berlin, Germany.
Aus der Arbeit des Frauenarbeits-Dienstes.	Umlauf, Berlin, Germany.
Beschwingte Ehen	Univeraum-Film A. G., "Ufa", Berlin, Germany.
Betrachtungen an eines Kerze	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Deutschland erwacht	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Dienst am Leben	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Dorfjugend	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Dornröschen	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Durch Kampf zum Sieg	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Ehrt eure deutschen Meister	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Festliches Nürnberg	D. F. G., Deutsche Films G. m. b. H., Berlin, Germany.
Fliegende Menschen	D. F. G., Deutsche Films G. m. b. H., Berlin, Germany.
Flieger empor	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Fische unserer Heimat	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Für Ehre, Freiheit, Frieden	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Gesunde Frau—Gesundes Volk	Universum Film A. G., "Ufa", Berlin, Germany.
Gläserne Wundertiere	Universum Film A. G., "Ufa", Berlin, Germany.
Hänschen fährt ins Spielzeugland	I. G. Farbenindustrie A. G., Frankfurt am Main, Germany.
Hänsel und Gretel	I. G. Farbenindustrie A. G., Frankfurt am Main, Germany.
Die Heinzelmännchen von Köln	I. G. Farbenindustrie A. G., Frankfurt am Main, Germany.
Heimkehr ins Reich	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Hier spricht das Kind	Terra-Filmkunst G. m. b. H., Berlin, Germany.
Hitlerjugend in den Bergen	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Im gleichen Schritt und Tritt	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Die Jüngsten unserer Luftwaffe	Universum-Film A. G., "Ufa", Berlin, Germany.
Jugend und Heimat	Reichsverband deutscher Jugendherbergen, NSDAP, Berlin, Germany.
Jungen auf Fahrt	Reichsverband deutscher Jugendherbergen, NSDAP, Berlin, Germany.
Jungmädel	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Jungzug 2	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
K. D. F.—Stadt	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Klar Schiff zum Gefecht	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Kreuzer Emden	Gemeinnütziger Kulturfilm Vertrieb, Berlin, Germany.
Kriegskamerad Pferd	Lieberenz, Berlin, Germany.
Liebesleben der Pflanzen	Universum Film A. G., "Ufa", Berlin, Germany.
Panzerschiff Deutschland	Gemeinnütziger Kulturfilm Vertrieb, Berlin, Germany.
Das Parades der Kinder	Lieberenz, Berlin, Germany.
Pferde und Fohlen	Rodegg-Film, Berlin, Germany.
Riemenschneider, der Meister von Würzburg.	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Rotkäppchen	I. G. Farbenindustrie A. G., Frankfurt am Main, Germany.
Schmetterlingsleben	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Schönheit der Arbeit	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Ski-Heil	Diehl-Film, Leipzig, Germany.
Spaten und Ähren	Reichsarbeitsdienst, NSDAP, Berlin, Germany.
Spiel der Freude	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Spielzeug	Gemeinnütziger Kulturfilm Vertrieb, Berlin, Germany.
Die steinernen Wunder von Naumburg	Oertel, Berlin, Germany.
Sudetenland kehrt heim	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Tiere als Jagdgehilfen des Menschen	Universum-Film A. G., "Ufa", Berlin, Germany.
Tiere werden präpariert	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Unser Führer	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Unsere Jungen	D. F. G., Deutsche Films G. m. b. H., Berlin, Germany.
Unsichtbare Ketten	Universum Film A. G., "Ufa", Berlin, Germany.

EXHIBIT A—Continued

Column 1—Continued	Column 2—Continued
Titles of motion pictures (short subjects)	*Producers or distributors*
Unter der Fahne der Jugend	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Volk ans Gewehr	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Vom Mieter und Hauswirt auf dem Meeresgrund.	Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Vom Uhu und anderen Gesichtern der Nacht.	Universum Film A. G., "Ufa", Berlin, Germany.
Waffenträger der Nation	Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Von Katzen und Kätzchen	Rodegg-Film, Berlin, Germany.
Was ist die Welt?	Noldan, Berlin, Germany.
Der Weg zur Leistung	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Der Wettlauf zwischen dem Hasen und Igel.	Reichsstelle für den Unterrichtsfilm, Berlin, Germany.
Wie Eulenspiegel den Neunmalweisen Rede und Antwort steht.	Gemeinnütziger Kulturfilm Vertrieb, Berlin, Germany.
Wie Eulenspiegel zu Marburg den Landgrafen malte.	Gemeinnütziger Kulturfilm Vertrieb, Berlin, Germany.
Wir Jungen im Sommerlager	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Wir und das Werk	D. A. F., Deutsche Arbeitsfront, NSDAP, Berlin, Germany.
Wir unter uns	Reichspropaganda Leitung der NSDAP, Berlin, Germany.
Worte aus Stein	Universum Film A. G., "Ufa", Berlin, Germany.
Wunder des Vogelfluges	Universum-Film A. G., "Ufa", Berlin, Germany.
Zeitburgen der Jugend	Reichspropaganda Leitung der NSDAP, Berlin, Germany.

EXHIBIT B

Title (Original or Alternate) of Motion Picture Short Subjects

Abseits vom Wege.
Akrobaten, Gleichgewichtskünstler u. s. w.
Akrobaten und Luftmenschen.
Alarm.
Ameisen unter der Lupe.
Der Ameisenstaat.
Arbeitstag im grünen Mantel.
Arbeitstag zwischen Grubentürmen.
Auf der Brücke.
Aus der Jugend der Lippizaner.
Bärenjagd in Rumänien.
Die Bamberger Kathedrale.
Bau'n wir uns ein Nest.
Befruchtung der Blumen durch Insekten.
Die bezaubernden Inseln.
Bilder von der Küste Japans.
Bildhauerei aus Franken.
Bildhauerei aus Würzburg.
Boote mit Flügeln.
Bremen—Schlüssel zum Reich.
Brüssel.
Cairo.
Das Cembalo.
Das Cembalo, der Ahnherr des Klaviers.
Deutsche Waffenschmieden.
Deutscher Boden.
Deutsches U-Boot auf Kaperfahrt.
Durchsichtiges Holz.
Der Eisberg.
Eisberge.
Die Erde ruft.
Entdeckungsreise nach Grönland.
Entstehung von Wirbeln bei Wasserstiomungen.
Ewiges Werden.
Fahrt auf der Elbe.
Ein Fall von Auszehrung.
Falten in der Erde.
Farnkräuter.
Fischerparadies im Donau-Delta.
Florenz, die Stadt der Künste.
Die Frisur im Wandel der Zeiten.
Frühe Zivilisation.
Der Führer und sein Werk.
Furtwängler.
Gefahr.
Gefiederte Baumeister.
Geheimnisse der Natur.
Das Geheimnis Tibet.
Die geheimnisvolle Welt des Moores.
Der Geissbube.
Gelehrte in Himmelsnähe.
Gewinnung von Tuberculin.
Gezähmte Tiere.
Glaube und Schönheit.
Grazie des Tieres.
Grönlandsexpedition-Forschungsfahrt.
Grubenarbeiter.
Gute Miene.
Guter Wein.
Haartrachten (Frisuren durch die Jahrhunderte).
Haruni.
Die Heide von Rominten.
Japans heiliger Vulkan.
Herbstlied.
Idylle der Vögel.
Im Lager verschneit
Im Land Tirol.
Im Lande der Königin von Saba.
Im Reiche des Steinadlers.
Inder Feuerzone des Aetna.
In der Welt der Eisberge.
In der Welt des Mikroskops.
Insel in der Wüste.
Isar.
Junge Hirten und hohe berge.
Jungenpflege.
Kalt, kälter, am kältesten.
Kampf im Schilf.
Der Kanerienvogel.
Kikiriki.
Kinder auf der Reise.
Kinder reisen in die Sommerfrische.
Eine kleine Geschichte vom Leben.
Kleine Wintergäste.
König der Amazonas.
Können Pflanzen fühlen? or Haben Pflanzen Sinne?
Kopernikus.
Krystalle der Welt.
Das Land der Inkas.
Das Land der Motzen.
Das Land hinter dem Deich.
Das Land Peer Gynts.
Das Leben der Ameisen.
Das Leben eines Genies.
Das Leben eines Titanen.
Das Leben unter Wasser im Adriatischen Meer.
Leichtmetalle.
Luftströmung um Körper.
Mausender Fuchs.
Meerestiere in der Adria.
Mit eigener Kraft.
Der Mond ist aufgegangen.
Muskeln aus Stahl.
Musisches Gymnasium.
Neuer Boden.
Der Neusiedler.
Nur ein Tümpel.
Die Parks der Vergangenheit.
Peter Parler, Dombaumeister zu Prag.
Pferde beim Besteigen.
Pferdeparadies.
Physikalische Spiele.
Das Ponnie.
Pulsschlag des Meeres.
Räuber als Jagdgehilfen.
Reitpferde.
Restorierung von Kunstwerken.
Ritterlieder.
Rumänische Heiraten.
Schatzkammer Deutschland.
Schönheit der Alpen.
Schutz den Schwachen.
Die Singvögel.
Sommer in Grönland.
Sommertage auf den Lofoten Inseln.
Die Sonne geht unter.
Die Spanische Hofreitschule zu Wein.
Spree Hafen Berlin.
Südamerickanischer Tiergarten.
Tanzende Kufen.
Tiere und ihre Idylle.
Tieres Idylle.
Ein Titel den man nicht lesen soll.
Über das Mittelmeer.
Ubersicht Nr. 1.
Unnütze Gewohnheiten.
Unterirdische Gletscher.
Untersee-Fauna im Adriatischen Meer.
Verwandlungskunst der Natur.
Eine Viertelstunde mit Marika Rökk.
Vogelidylle.
Vogelparadies.
Von Balz und Ätzung.
Von Luft und Licht.
Von Narvik bis Piraeus.
Waldgeheimnisse.
Der weisse Sport.
Die Welt der Chrystalle.
Die Welt der Vögelchen.
Die Welt im Kleinsten.
Wertvolles Wasser.
Wie Ali und Medor Freunde wurden.
Wie Ali und Wolfi.
Wie spät ist es?
Wildes Geflügel.
Windige Probleme.
Winter im Spreewald.
Winterweiden.
Wissenschaftliche Kultivierung.
Wolkenspiel.
Wunder im Teich.
Der Zirkus Kommt.
Zwecklose Gewohnheiten.

[F. R. Doc. 51-2141; Filed, Feb. 12, 1951; 8:55 a. m.]

[Vesting Order 17241]

WILHELMINE BERGER ET AL.

In re: Rights of Wilhelmine Berger et al. under contracts of insurance. Files F-28-28789-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelmine Berger, except Wilhelmine B. Sommer, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany):

3. That the net proceeds due or to become due to Wilhelmine Berger and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelmine Berger, except Wilhelmine B. Sommer, a resident of the United States, under contracts of insurance evidenced by Policies No. 67549591 and No. 99177167, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Wilhelmine Berger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of Wilhelmine B. Sommer, a resident of the United States, and the aforesaid The Prudential Insurance Company of America together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Wilhelmine Berger or the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelmine Berger, except Wilhelmine B. Sommer, a resident of the United States, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Wilhelmine Berger, except Wilhelmine B. Sommer, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2144 Filed, Feb. 12, 1951; 8:56 a. m.]

[Vesting Order 17253]

TAKEZO AND TAROEMON KOSHIBA

In re: Rights of Takezo Koshiba, also known as Takeji Koshiba, and Taroemon Koshiba, under contract of insurance. File No. D-39-17241-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takezo Koshiba, also known as Takeji Koshiba, and Taroemon Koshiba, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1,510,495, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Takezo Koshiba, also known as Takeji Koshiba, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Takezo Koshiba, also known as Takeji Koshiba, or Taroemon Koshiba, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2146; Filed, Feb. 12, 1951; 8:56 a. m.]

[Vesting Order 17256]

ALEXANDER SCHERF ET AL.

In re: Rights of Alexander Scherf et al. under contract of insurance. File No. F-28-2848-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexander Scherf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Pia V. Scherf and Norman H. Scherf, and the children, names unknown of Pia V. Scherf and the children, names unknown, of Norman H. Scherf, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

3. That the children, names unknown, of Ralph A. Scherf, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 3911615 issued by The Mutual Life Insurance Company of New York, New York, New York, to Alexander Scherf, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Mutual Life Insurance Company of New York together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the children, names unknown, of Ralph A. Scherf are not within the designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the said Pia V. Scherf and Norman H. Scherf, and the children, names unknown, of Pia V. Scherf, and the children, names unknown, of Norman H. Scherf, be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2148; Filed, Feb. 12, 1951; 8:57 a. m.]

[Vesting Order 17252]

FRIEDRICH JEBENSTREIT ET AL.

In re: Rights of Friedrich Jebenstreit et al. under insurance contract. File No. F-28-26767-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Jebenstreit and Elizabeth Wilhelmine Irma Erna Franziska Hedwig Jebenstreit, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 204198, issued by the West Coast Life Insurance Company, San Francisco, California, to Friedrich Jebenstreit, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Jebenstreit or Elizabeth Wilhelmine Irma Erna Franziska Hedwig Jebenstreit, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2145; Filed, Feb. 12, 1951; 8:56 a. m.]

[Vesting Order 17254]

KANJI NUNOME ET AL.

In re: Rights of Kanji Nunome et al. under insurance contract. File No. D-39-15593-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kanji Nunome and Kakujiro Nunome, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 9 832 787, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Kanji Nunome, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kanji Nunome or Kakujiro Nunome, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2147; Filed, Feb. 12, 1951; 8:57 a. m.]

[Vesting Order 17259]

TAKASUKE AND TAKAO TAKESHITA

In re: Rights of Takasuke Takeshita and Takao Takeshita under insurance contract. File No. F-39-4793-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Takasuke Takeshita and Takao Takeshita, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7964069, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Takasuke Takeshita, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Takasuke Takeshita or Takao Takeshita, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2149; Filed, Feb. 12, 1951; 8:57 a. m.]

[Vesting Order 17263]

JUNICHI YAMAMOTO ET AL.

In re: Rights of Junichi Yamamoto et al. under insurance contract. File No. D-39-19017-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Junichi Yamamoto and Yoshino Yamamoto, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,472,628, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Junichi Yamamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Junichi Yamamoto or Yoshino Yamamoto, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2151; Filed, Feb. 12, 1951; 8:57 a. m.]

[Vesting Order 17262]

F. J. WEINRICH

In re: Estate of F. J. Weinrich, also known as Francis J. Weinrich, deceased. File D-28-12940.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Englehardt and Johanna Englehardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emma Weinrich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in, to and against the estate of F. J. Weinrich, also known as Francis J. Weinrich, deceased, arising out of and by virtue of their claim for monies loaned to or had and received by the said F. J. Weinrich, also known as Francis J. Weinrich, including but not by way of limitation all rights, claims, demands and causes of action of any kind or nature whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, against the estate of F. J. Weinrich, also known as Francis J. Weinrich, deceased, by reason of the rejection of any claim filed by or on behalf of, the said persons identified in subparagraphs 1 and 2 hereof, and each of them, for the payment of any and all amounts due them by virtue of their claim against the said estate of F. J. Weinrich, also known as Francis J. Weinrich, deceased,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Emma Weinrich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2150; Filed, Feb. 12, 1951; 8:57 a. m.]

[Vesting Order 16960, Amdt.]

THERESIA HORSINKA

In re: Estate of Theresia Horsinka, deceased. D 17-186.

Vesting Order 16960 dated January 8, 1951, is hereby amended as follows and not otherwise.

By deleting the words Mahoney County wherever they appear in said Vesting Order 16960 and substituting therefor the words Mahoning County.

All other provisions of said Vesting Order 16960 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2152; Filed, Feb. 12, 1951; 8:58 a. m.]

ORDER EXTENDING THE TIME FIXED BY BAR ORDER NO. 1 FOR FILING CLAIMS IN RESPECT OF DEUTSCHES KALISYNDIKAT G. M. B. H.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 9788, the time fixed by Bar Order No. 1 (12 F. R. 1448, March 1, 1947; 12 F. R. 3395, May 24, 1947; 14 F. R. 3798, August 25, 1947; and May 21, 1948, 13 F. R. 2763; see 8 CFR 501.2 (b) (2)) for the filing of debt claims in respect of Deutsches Kalisyndikat G. m. b. H., is hereby extended from August 8, 1948, to April 30, 1951.

Executed at Washington, D. C., this 8th day of February 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
DEPUTY DIRECTOR,
Office of Alien Property.

[F. R. Doc. 51-2153; Filed, Feb. 12, 1951; 8:58 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The Terms and Conditions of Commodity Credit Corporation Wheat and Wheat-Flour Export Program (15 F. R. 3046) are amended as follows:

1. Section 571.50 *General conditions of eligibility* is amended to read as follows:

§ 571.50 *General conditions of eligibility:* Payments under this program will be made to an exporter in connection with that quantity of wheat or wheat flour exported to an eligible country from the United States and that quantity of wheat or wheat flour in customs bond in Canada exported from Canadian ports, excluding West Coast Canadian ports, to an eligible country pursuant to a sale for which he has received a confirmation by the Vice-President, CCC, in accordance with § 571.67, subject to the additional conditions set forth in this subpart. Payment will also be made to an exporter for wheat or wheat flour exported prior to sale and for which the exporter has received a confirmation by the Vice-President subject to the conditions contained in § 571.58.

2. Section 571.53 *Exports to eligible countries* is amended to read as follows:

§ 571.53 *Exports to eligible countries.* Exports of wheat or flour under this program shall be made only to the eligible country named in the Notice of Sale and the Declaration of Sale, and to a buyer identified with the Declaration of Sale and supporting evidence of sale unless:

(a) The buyer identified with the Declaration of Sale directs that shipment be made to another Wheat Agreement country,

(b) The Government of the eligible country named in the Notice of Sale and Declaration of Sale or the Government of the eligible country to which shipment is directed consents to the recording of the sale against its guaranteed quantity, and

(c) The exporter obtains, prior to export, authority from the Vice-President to export to an eligible country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

3. Section 571.67 *Confirmation of sale* is amended to read as follows:

§ 571.67 *Confirmation of sale.* Upon receipt of the Notice of Sale required by § 571.76 the Vice-President shall confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment upon proof that the conditions set forth in this program have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the United States the maximum benefits under the Wheat Agreement.

4. Section 571.69 *Responsibility of exporter* is amended to read as follows:

§ 571.69 *Responsibility of exporter.* During certain periods it may be to the exporter's advantage to ascertain from the Vice President prior to making a sale whether there is a sufficient guaranteed quantity balance to permit recording in the Wheat Council's records or whether, as indicated in § 571.67, the sale may not otherwise be confirmed. It shall be the responsibility of the exporter to protect himself (for example by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of the Vice President to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records, will be confirmed.

(Continued on p. 1497)

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Brunnett, John E. 1572
Capito, George I., et al. 1574
De Visser, Anna 1572
Friederichs, Otto 1573
Imperial Japanese Government 1573
Korwau, Anna 1573
Lotzbeck Gebruder Import G. m. b. H. 1574
Universum-Film A. G. et al. (3 documents) 1561, 1562, 1565

Atomic Energy Commission
Delegation of authority (*see* National Production Authority).

Civil Aeronautics Board
Notices:
Lake Central Airlines, Inc., Indiana-Ohio local service case; hearing 1554

Coast Guard
Delegation of authority (*see* National Production Authority).
Rules and regulations:
Revision of regulations:
Fire-fighting equipment 1535
General provisions 1514
Inflammable or combustible liquids having lethal characteristics 1548
Inspection and certification 1516
Lifesaving appliances 1528
Liquefied petroleum gases 1545
Operations 1539
Special equipment, machinery and hull requirements 1518

Commerce Department
See National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Tobacco; 1950 loan program 1498
Wheat; terms and conditions of wheat and wheat-flour export program, International Wheat Agreement 1495

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CONTENTS—Continued

Defense Department — Page
Delegation of authority to the Secretary (*see* National Production Authority).

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Federal Communications Commission
Notices:
Hearings, etc.:
Commonwealth Broadcasting Corp. (WLOW) — 1557
Crabb, Robert C., et al — 1555
Easton Publishing Co. and Allentown Broadcasting Corp. — 1555
Greater New Castle Broadcasting Corp. and Sanford A. Schafitz — 1557
Helena Broadcasting Co. (KFFA) — 1556
Prairie Broadcasting Co — 1555
Radio California — 1556
United Broadcasting Co., Inc. (WANT) — 1558
Proposed rule making:
Licensing of relay stations in the industrial and land transportation radio services — 1551

Federal Power Commission
Notices:
Hearings, etc.:
Department of the Interior and Southwestern Power Administration — 1558
Georgia Power Co — 1558
Nelson, George M — 1558
Niagara Mohawk Power Corp — 1558
Potomac Electric Power Co — 1558
Southern Natural Gas Co. and Canadian River Gas Co — 1558
Southern Utah Power Co — 1558
Utah Power & Light Co. and Telluride Power Co — 1558

Federal Trade Commission
Notices:
Silk-O-Lite Manufacturing Corp.; hearing — 1558
Rules and regulations:
Cease and desist orders:
Heatade Appliances, Inc., et al — 1500
Pan American Food Co., Inc., et al — 1498

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Clothing from Chicago, Ill., to Maspeth and New York, N. Y — 1559
Paper from Detroit, Mich., to Memphis, Tenn., and New Orleans, La — 1559
Rules and regulations:
Car service; movement of grain to terminal elevators by permit — 1549

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division

Land Management, Bureau of
Notices:
Gila Project, Ariz., Yuma Mesa Division, water availability: Certain desert land entries and private lands — 1561
Gila Project, Ariz., Yuma Mesa Division, water availability—Continued
Public, State and private lands and opening of public lands to entry — 1560
Yuma Auxiliary Project, Ariz.: exchanges of private lands for public lands — 1561

National Advisory Committee for Aeronautics
Delegation of authority (*see* National Production Authority).

National Production Authority
Rules and regulations:
Delegations of authority:
Atomic Energy Commission (Del. 2) — 1503
Coast Guard (Del. 4) — 1509
National Advisory Committee for Aeronautics (Del. 3) — 1509
Secretary of Defense (Del. 1) — 1503
Secretary of State (Del. 8) — 1509

Price Stabilization, Office of
Rules and regulations:
Agricultural commodities (GCPR) — 1503
Fats and oil — 1501
Food, agricultural and related commodities (GCPR) — 1503

Production and Marketing Administration
Proposed rule making:
Orange marmalade, U. S. standards for grades — 1550

Securities and Exchange Commission
Notices:
West Penn Electric Co.; hearing — 1559

State Department
Delegation of authority to the Secretary (*see* National Production Authority).

Treasury Department
See Coast Guard

Wage and Hour Division
Rules and regulations:
Industries of a seasonal nature; exemption of ginning of cotton — 1500

War Claims Commission
Rules and regulations:
Claims, filing and procedures therefor — 1510

Wage Stabilization Board
Rules and regulations:
Adjustments for individual employees (GR 5) — 1507

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 — Page
Chapter IV:
Part 571 — 1495
Part 664 — 1493

CODIFICATION GUIDE—Con.

Title 7 — Page
Chapter I:
Part 52 (proposed) — 1550
Title 16
Chapter I:
Part 3 (2 documents) — 1498, 1500
Title 29
Chapter V:
Part 526 — 1500
Title 32A
Chapter III (OPS):
CPR 6 — 1501
GCPR — 1503
GCPR, SR 3 — 1505
Chapter IV (WSB):
GR 5 — 1507
Chapter VI (NPA):
Del. 1 — 1508
Del. 2 — 1508
Del. 3 — 1509
Del. 4 — 1509
Del. 8 — 1509
Title 45
Chapter V:
Part 505 — 1510
Title 46
Chapter I:
Part 30 — 1514
Part 31 — 1516
Part 32 — 1518
Part 33 — 1528
Part 34 — 1535
Part 35 — 1539
Part 38 — 1545
Part 39 — 1548
Title 47
Chapter I:
Part 11 (proposed) — 1551
Part 16 (proposed) — 1551
Title 49
Chapter I:
Part 95 — 1549

5. Section 571.75 *Eligible countries* is amended to read as follows:

§ 571.75 *Eligible countries.* An eligible country shall be any one of the following countries, including all territories for the foreign relations of which the Government of that country is responsible, unless announcement has been made by the Vice President, excepting certain territories:

Austria.
Belgium.
Bolivia.
Brazil.
Ceylon.
Costa Rica.
Cuba.
Denmark.
Dominican Republic.
Ecuador.
Egypt.
El Salvador.
Germany.
Greece.
Guatemala.
Haiti.
Honduras.
Iceland.
India.
Indonesia.
Ireland.
Israel.
Italy.
Lebanon.
Liberia.
Mexico.
Netherlands.
New Zealand.
Nicaragua.
Norway.
Panama.
Peru.
Philippines.
Portugal.
Saudi Arabia.
Spain.
Sweden.
Switzerland.
Union of South Africa.
United Kingdom.
Venezuela.

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

6. Section 571.77 *Declaration of sale and evidence of sale* is amended to read as follows:

§ 571.77 *Declaration of sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter should prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it to the Vice-President normally within 24 hours after receipt of the Vice-President's confirmation of sale.

(2) The Declaration of Sale must be submitted in triplicate, the original and two copies of which shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Vice-President. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) All sales made to any one eligible country during any 24-hour period ending at 3:30 p. m., e. s. t., may be reported on one Declaration of Sale. It shall be normal practice when such multiple sales are submitted on one telegraphic Notice of Sale to assign one PMA Sales Number to apply to all sales to a particular country shown on that telegram. One Declaration of Sale should be submitted, in such instances, by the exporter, though this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the PMA Sales Number. Sales made to any one eligible country during any 24-hour period which are reported on separate telegrams will be assigned individual PMA Sales Numbers. It is requested that such sales be reported on separate Declarations of Sale.

(b) *Information required.* All information requested on the face of Wheat Agreement Form No. 1, Declaration of Sale, shall be entered. The information required is as follows:

(1) Date and time of sale.
(2) Name of purchaser.
(3) Quantity sold.
(i) Wheat in bushels.
(ii) Wheat flour in net hundredweight and in the equivalent bushels of wheat. (If the wheat or flour sales contract provides for a loading tolerance, the amount of such tolerance given in percentage figure shall be entered directly following the quantity sold.)
(4) Country of destination. (Purchasing country.)
(5) Delivery period specified in contract.
(6) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled must be shown where possible. For example "Hard Spring."
(7) Price and basis upon which price is determined. (Price for wheat must be given basis f. o. b. ocean vessel on exports from Gulf and East Coast ports and in store or f. o. b. vessel basis on exports from West Coast ports: Price for wheat flour may be given as stated in sales contract.) If because of marketing costs, carrying charges, and premiums, as provided for in § 571.64, the sales price of wheat exceeds the maximum price, the Declaration should show the total price and the amount thereof included as charges for marketing costs, carrying charges and premiums, each shown separately.
(8) Export rate in effect as determined by § 571.61.
(9) Coastal area from which exportation will be made should be entered directly following export rate.
(10) The PMA Sales Number as assigned in the Vice-President's confirmation of sale.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or wheat flour to a foreign buyer. Persons or firms selling wheat or wheat flour to others who resell such wheat or wheat flour to foreign buyers are not exporters. If a sale is made in a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company
(Trade name)
U. S. Milling Company
s/s JOHN SMITH, *Secretary.*

(d) *Proof of sale.* Supporting evidence as proof of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts exchanged between exporter and buyer. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with Wheat Agreement prices.

7. Section 571.87 (a) *Bills of lading or shipper's export declaration* is amended to read as follows:

(a) *Bills of lading or shipper's export declaration.* Each voucher must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading); or if exported wholly by rail or truck, one authenticated copy of the "Shipper's Export Declaration" which identifies the shipment(s) and shows date of clearance into the foreign country. Where shipment is exported from a Canadian port, the voucher must also be supported by one copy each of the following documents:

(1) For wheat:
(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada and
(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.
(2) For flour:
(i) A signed or certified true copy of the bill of lading or other document

covering the movement of the flour from the United States to Canada and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph.

If the final destiation of the shipment is to an eligible country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of "Shipper's Export Declaration" showing country of final destination.

(Sec. 3, 63 Stat. 946; 7 U. S. C. Sup., 1642)

Dated this 9th day of February 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2212; Filed, Feb. 13, 1951; 8:55 a. m.]

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of type 53 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333).

§ 664.227 *1950 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	*Advance rate*
Binders:	
B1M	54
B2M	49
B3M	45
B4M	41
B5M	33
B6M	35
B7M	33
Binder pickers:	
R1	30
R2	28
R3	25
Strippers:	
C1	25
C2	23
C3	20
Crop-run:	
X1	24
X2	22
X3	19
X4	15
X5	13
Farm fillers:	
Y1	20
Y2	18
Y3	15

[1] The cooperative association through which the loans are made is authorized to deduct from the amount paid to growers 50 cents per hundred pounds to apply against receiving and overhead costs of the loan operations. No advance is authorized for tobacco graded G (green), W (doubtful keeping order), U (unsound), or N (nondescript).

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 8th day of February 1951.

[SEAL] ELMER F. KRUSE
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2175; Filed, Feb. 13, 1951; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5658]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAN AMERICAN FOOD CO., INC., ET AL.

Subpart — *Discriminating in price under Section 2, Clayton Act as amended—Payment or acceptance of commission brokerage or other compensation under 2 (c)*: § 3.820 *Direct buyers.* In the purchase or sale of food products or other merchandise in commerce, (1) receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on or in connection with purchases made for respondents' own accounts or while acting for or in behalf of a purchaser as an intermediate agent or subject to the direct or indirect control of such purchaser; or, (2) paying or granting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, to any buyer upon purchases made for his own account or to any agent, representative, or other intermediary acting in fact for or in behalf or subject to the direct or indirect control of the purchaser to whom sale is made; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U. S. C. 13). [Cease and desist order, Pan American Food Company, Inc., et al., Docket 5658, December 4, 1950]

In the Matter of Pan American Food Company, Inc., a Corporation; Jack Gomperts & Company, Inc., a Corporation; Sun Crown Food Corporation; Victor Trubowitch, Individually and as President of Pan American Food Company, Inc., and as Director of Jack Gomperts & Company, Inc.; Jacob Gomperts, Individually and as President of Jack Gomperts & Company, Inc., and Vice President and Director of Pan American Food Company, Inc.; and Jacob Trubowitch, Individually and as President of Sun Crown Food Corporation and as Director of Pan American Food Company, Inc., and Also as Director of Jack Gomperts & Company, Inc.

Pursuant to the provisions of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (15 U. S. C. 13), the Federal Trade Commission on May 20, 1949, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with violation of subsection (c) of Section 2 of said act as amended. After the issuance of said complaint and the filing of the respondents' answers thereto, a hearing was held before a trial examiner of the Commission, theretofore duly designated by it, at which hearing all of the respondents filed substitute answers in which they admitted the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to such facts. With the filing of the substitute answers a stipulation was entered into, and made a part of the record, by counsel for respondents Pan American Food Company, Inc., Sun Crown Food Corporation, Victor and Jacob Trubowitch and counsel in support of the complaint, whereby it was agreed that said respondents would not contest findings of the accuracy of the charges in the complaint as to the acts committed by them nor an order requiring them to cease and desist from continuance thereof and that counsel in support of the complaint would not present any further evidence in said cause or request any order other than one requiring respondents to cease and desist from continuance of the acts charged in the complaint. Said stipulation expressly provides that upon appeal to, or review by, the Commission, the stipulation may be set aside by the Commission and this matter remanded for further proceedings under the complaint. On July 21, 1950, the trial examiner filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an adequate disposition of this proceeding, subsequently placed this case on its own docket for review, and on September 5, 1950, it issued and thereafter served upon the parties its order affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a tentative decision of the Commission attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review, and the Commission, having duly considered the matter and being now fully advised in the premises, makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

FINDINGS AS TO THE FACTS

Paragraph 1. Respondent Pan American Food Company, Inc., is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business located at 78 Reade Street, New York, New York. The respondent is engaged and has engaged, through wholly-owned subsidiaries or otherwise, directly or indirectly, in the business of purchasing, selling, distributing, exporting, and importing dried fruits and dehydrated vegetables and other food products, all of which are hereinafter referred to as food products.

Said respondent Pan American Food Company, Inc., for a substantial period of time since June 19, 1936, owned all the capital stock of respondent Jack Gomperts & Company, Inc., and respondent Sun Crown Food Corporation, and through its officers and directors has formulated, controlled, and directed business policies and operations of such subsidiary corporations in connection with their purchase, sale, and distribution of food products. The respondent Pan American Food Company, Inc., in connection with such acts and practices in commerce, has directly or indirectly received and accepted commissions or brokerage fees from interstate sellers of food products purchased by both of said respondent subsidiary corporations for their own account for resale; and in connection therewith has directly or indirectly paid or granted commissions or brokerage fees to interstate buyers of food products purchased from both of said respondent subsidiary corporations for their own accounts for resale.

Respondent Jack Gomperts & Company, Inc., is a corporation organized and existing under the laws of the State of California, with its principal office and place of business now located at 110 Market Street, San Francisco, California. Said respondent is engaged and has been engaged for a substantial period of time since June 19, 1936, directly or indirectly, in the business of purchasing, selling, and distributing dried fruits and dehydrated vegetables and other food products, all of which are hereinafter designated as food products.

Respondent Sun Crown Food Corporation is a corporation organized and existing under the laws of the State of California, with its principal office and place of business located at 617 Marvin Building, San Francisco, California. Originally chartered as Excalon Packing Corporation, its corporate name was thereafter changed by legal process to Sun Crown Food Corporation. Such respondent corporation, as was its predecessor, is a wholly-owned subsidiary of respondent Pan American Food Company, Inc., of New York, New York.

Said respondent Sun Crown Food Corporation, as was its predecessor, for a substantial period of time since June 19, 1936, has been engaged, and is now engaged, in the purchase, sale, and distribution of dried fruits, dehydrated vegetables, and other food products, all of which are hereinafter designated as food products.

Respondent Victor Trubowitch (sometimes spelled Trubowitsch), an individual residing in the State of New York, is now and has for a considerable period of time since June 19, 1936, been President of respondent Pan American Food Company, Inc., and for a substantial period of time since June 19, 1936, was also an officer and Director of respondent Jack Gomperts & Company, Inc., Such respondent, as President of Pan American Food Company, Inc., and as a former Director of respondent Jack Gomperts & Company, Inc., exercises or has exercised a substantial degree of authority and control over the business conducted by both of said respondent corporations, including the direction of their purchase, sale, and distribution policies.

Respondent Jacob Gomperts (generally known as Jack Gomperts) is an individual residing in California and for a substantial period of time since June 19, 1936, has been and now is President of Jack Gomperts & Company, Inc., and for a substantial period of time since June 19, 1936, was also Vice President and Director of respondent Pan American Food Company, Inc. Since becoming an officer of both of said respondent corporations, and at the present time as President of Jack Gomperts & Company, Inc., and formerly as Vice President and Director of Pan American Food Company, Inc., respondent Gomperts exercises or has exercised a substantial degree of authority and control over the business conducted by both of respondent corporations, including the direction of their purchase, sale, and distribution policies.

Respondent Jacob Trubowitch (sometimes spelled Trubowitsch) is an individual residing in the State of California. He is now and has for a substantial period of time since June 19, 1936, been President of respondent Sun Crown Food Corporation and Director of Pan American Food Company, and for a substantial period of time since June 19, 1936, was also a Director of respondent Jack Gomperts & Company, Inc. Since becoming an officer and director of said respondent corporations sometime after June 19, 1936, respondent Jacob Trubowitch exercises or has exercised a substantial degree of authority and control over the business conducted by said respondent corporations, including the direction of their purchase, sale and distribution policies.

Paragraph 2. Respondent corporations and each of them, as aforesaid, are now and have been, for a substantial period of time since June 19, 1936, engaged in the purchase, sale, and distribution of food products, and each of said individual respondents, through said corporate respondents, has likewise been engaged in said business. In the course and conduct of their said business, each of the respondents, corporate and individual, has directly or indirectly purchased and sold a substantial quantity of food products in commerce from sellers and sold such food products to buyers; both sellers and buyers being located in States other than those in which said respondents are located and in territories, insular possessions, and other places under the jurisdiction of the United States; and pursuant to which purchases and sales, said commodities are shipped, or caused to be shipped, and transported by the respective sellers thereof across State lines to the respondents and to the customers of respondents; there having been for a substantial period since June 19, 1936, a constant current of trade and commerce conducted by said respondents in such products and between the various States of the United States and in territories, insular possessions, and other places under the jurisdiction of the United States.

Paragraph 3. The respondents, corporate and individual, and each of them since June 19, 1936, in connection with their purchase for their own accounts for resale of a substantial portion of their requirements of food products in such interstate commerce from numerous sellers located in States other than those where respondents are thus located, have received and accepted directly or indirectly, commissions, brokerage, or other compensation, or allowances or discounts in lieu thereof.

The respondents, corporate and individual, and each of them since June 19, 1936, in connection with their sale of food products in interstate commerce to buyers for their own accounts for resale in interstate commerce as aforesaid, have granted and paid, directly or indirectly, commissions, brokerage, or other compensation, or allowances or discounts in lieu thereof.

Conclusion. The aforesaid acts and practices of the respondents, corporate and individual, in receiving and accepting commissions, brokerage fees, or other compensation, or allowances or discounts in lieu thereof, on purchases in interstate commerce of food products by said respondents for their own accounts for resale, and in paying or granting commissions, brokerage fees, or other compensation, or allowances or discounts in lieu thereof, on sales in interstate commerce of food products to buyers for their own accounts for resale as set forth above, are in violation of subsection (c) of Section 2 of the Clayton Act as amended.

ORDER TO CEASE AND DESIST

It is ordered, That respondents Pan American Food Company, Inc., a corporation, Jack Gomperts & Company, Inc., a corporation, and Sun Crown Food Corporation, a corporation, and their respective officers, representatives, agents, and employees, and respondents Victor Trubowitch, Jacob Gomperts, and Jacob Trubowitch, individually and as officers of said corporations, and their respective representatives, agents, and employees, directly or through any corporate or other device, in the purchase or sale of food products or other merchandise in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Receiving or accepting from any seller, directly or indirectly, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on or in connection with purchases made for respondents' own accounts or while acting for or in behalf of a purchaser as an intermediate agent or subject to the direct or indirect control of such purchaser;

(2) Paying or granting anything of value as a commission, brokerage, or

other compensation, or any allowance or discount in lieu thereof, to any buyer upon purchases made for his own account or to any agent, representative, or other intermediary acting in fact for or in behalf or subject to the direct or indirect control of the purchaser to whom sale is made.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 4, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2186; Filed, Feb. 13, 1951; 8:49 a. m.]

[Docket 5798]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HEATADE APPLIANCES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution of respondents' device known as "Heatade", or any other device of substantially similar construction or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device which advertisements represent, directly or through inference, (a) that the use of the respondents' device has any therapeutic value in the treatment of inflammation of the prostate gland or of any of the symptoms thereof; (b) that the intrarectal application of heat such as that supplied by respondents' device is a well recognized therapy used by doctors in the treatment of or for the relief of prostate gland troubles; or, (c) that the use of respondents' device will increase the blood circulation in an inflamed prostate gland or alleviate inflammation or reduce congestion therein; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Heatade Appliances, Inc., et al., Docket 5798, November 30, 1950]

In the Matter of Heatade Appliances, Inc., a Corporation; and Harry J. Reed, Lucille E. McFarland, Bessie E. Anderson, and Mary W. Reed, Individually and as Officers of the Heatade Appliances, Inc., and Charles H. McFarland, an Individual

This proceeding was heard by Earl J. Kolb, trial examiner, upon the complaint of the Commission, the answer of the respondents, and a stipulation whereby it was agreed that a certain statement of facts might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and might serve as the basis for findings as to the facts and conclusions based thereon and order disposing of the proceedings without presentation of proposed findings and conclusions or oral argument; it being also expressly provided that upon appeal to or review by the Commission, said stipulation might be set aside by the Commission and the matter remanded for further proceeding under the complaint.

Thereafter the proceeding regularly came on for final consideration by said trial examiner upon the complaint, answer and stipulation, and said trial examiner, having approved said stipulation, and having duly considered the record in said cause, found that said proceeding was in the interest of the public, and made his initial decision, comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII, became the decision of the Commission November 30, 1950.

The said order to cease and desist is as follows:

It is ordered, That the respondents Heatade Appliances, Inc., a corporation, and its officers, and Harry J. Reed, Lucille E. McFarland, Bessie E. Anderson and Mary W. Reed, individually and as officers of the Heatade Appliances, Inc., and Charles H. McFarland, an individual, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of their device known as "Heatade" or any other device of substantially similar construction or possessing substantially similar properties whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined by the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That the use of the respondents' device has any therapeutic value in the treatment of inflammation of the prostate gland or of any of the symptoms thereof;

(b) That the intrarectal application of heat such as that supplied by respondents' device is a well recognized therapy used by doctors in the treatment of or for the relief of prostate gland troubles;

(c) That the use of respondents' device will increase the blood circulation in an inflamed prostate gland or alleviate inflammation or reduce congestion therein.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' device which advertisement contains any of the representations prohibited in paragraph one of this order.

By "Decision of the Commission and order to File Report of Compliance", Docket 5798, November 30, 1950, which announced fruition of said initial decision, report of compliance with the order was required as follows:

It it ordered, That the corporate respondent, Heatade Appliances, Inc., and the individual respondents, Harry J. Reed, Lucille E. McFarland, Bessie E. Anderson, Mary W. Reed, and Charles H. McFarland, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 30, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary*

[F. R. Doc. 51-2187; Filed, Feb. 13, 1951; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

EXEMPTION OF THE GINNING OF COTTON AS AN INDUSTRY OF A SEASONAL NATURE

An application was filed by the Texas Cotton Ginners Association for a determination that the industry engaged in the ginning of cotton constitutes an industry of a seasonal nature, under section 7 (b) (3) of the Fair Labor Standards Act of 1938 (sec. 7 (b) (3), 52 Stat. 1063; 29 U. S. C. 207 (b) (3)) and the regulations contained in this part.

It appeared from the foregoing application that:

1. Cotton is harvested and sent to gins during the fall months. Most gins are active for only about four months out of the year and 80 to 90 percent of their cotton is ginned in less than three months.

2. Cotton must be ginned within a relatively short period after harvesting in order to prevent deterioration and to protect the maximum value of the cotton.

3. Cotton gins engage in the ginning and baling of cotton during a regularly annually recurring period of the year and cease operations, except for maintenance, repair, clerical and sales work, during the remainder of the year because the material processed, owing to climatic or other natural conditions, is not available in the form in which it is processed.

On January 15, 1951, upon consideration of the facts stated in the application, the Administrator determined, pursuant to § 526.5 (b) (2), that a prima facie case had been shown for finding that the industry engaged in cotton ginning constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and § 526.3 (a) of this part. This preliminary determination was published in the FEDERAL REGISTER on January 18, 1951 (16 F. R. 473) and interested persons were given 15 days from such date to file objections or a request for a hearing.

No objections or requests for hearing have been received within the said 15 days.

Accordingly, pursuant to § 526.5 (b) (2) of the regulations contained in this part, the Administrator hereby finds that the industry engaged in cotton ginning constitutes an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the regulations contained in this part.

For purposes of this determination, the term "industry engaged in cotton ginning" includes the following operations, when performed during the period or periods when cotton is being received for ginning: the receiving of seed cotton at the gin, the handling, cleaning, ginning and baling of the cotton, the handling of the baled cotton and cottonseed, and any operations or services necessary or incident to the foregoing, including the placing of the cotton and cottonseed in storage or transportation facilities on or near the premises.

NOTE: This determination will be tabulated under 29 CFR 526.101.

This determination shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 9th day of February 1951.

(52 Stat. 1060; 29 U. S. C. 201 et seq.)

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2191; Filed, Feb. 13, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6]

CPR 6—FATS AND OILS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 6 is hereby issued.

A statement of the considerations involved in the issuance of this regulation is contained in the attached appendix.

See.
1. What this regulation does.
2. Applicability, effective date, prohibitions and exemptions.
3. Ceiling prices for sellers of cottonseed oil.
4. Ceiling prices for sellers of crude soybean oil.
5. Ceiling prices for sellers of corn oil.
6. Evasion.
7. Enforcement.
8. Records.
9. Petitions for amendment.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for certain fats and oils. These ceiling prices supersede those established for such fats and oils by the General Ceiling Price Regulation. The regulation also allows written contracts for the sale of such fats and oils legally entered into prior to the effective date of this regulation to be carried out at the contract price.

SEC. 2. *Applicability, effective date, prohibitions and exemptions.*—(a) *Applicability.* The provisions of this regulation are applicable to the United States, its Territories and Possessions and the District of Columbia.

(b) *Effective date.* This regulation is effective immediately.

(c) *Prohibitions.* After the date of this regulation you shall not sell, and you shall not buy in the regular course of business or trade, at a price exceeding the ceiling price established by this regulation, any fats or oils for which a ceiling price or a method for computing a ceiling price is set forth in this regulation.

(d) *Exemptions.* If, prior to the effective date of this regulation, you legally entered into a written contract for the sale of fats and oils for which ceiling prices are provided by this regulation, you may carry out the contract according to its terms.

SEC. 3. *Ceiling prices for sellers of cottonseed oil.* Your ceiling price for sale of cottonseed oil shall be as follows:

(a) *Crude cottonseed oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
Arizona (except Graham County)	23 7/8
Illinois; North Carolina; South Carolina; Tennessee; Crittenden and Mississippi Counties, Ark.; New Madrid and Scott Counties, Mo.; Morgan County, Ala	23 5/8
Alabama (except Morgan County); Arkansas (except Crittenden and Mississippi Counties); Florida; Georgia; Louisiana; Mississippi; Missouri (except New Madrid and Scott Counties); Graham County, Ariz	23 1/2
Oklahoma; El Paso County, Tex.; New Mexico	23 3/8
Texas (except El Paso County)	23 1/4
	Delivered
San Francisco and Los Angeles, Calif	24 3/8

(1) These crude cottonseed oil ceiling prices shall be adjusted on a 9 percent settlement basis as provided in Rule 142 of the 1950–51 rules of the National Cottonseed Products Association, Inc.

(2) Where (i) crude cottonseed oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customary for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling prices shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Refined cottonseed oil.* In cents per pound, delivered as follows:

	Bleachable prime summer yellow oil (in tank cars)	Refined bleached and undeodorized oil (in tank cars)	Refined deodorized and unbleached summer oil (in tank cars)	Cooking or deodorized white bleached summer oil (in tank cars)	Salad or winterized oil (in tank cars)	Hydrogenated or margarine oil (in tank cars)	High titre hydrogenated undeodorized oil (in bags)	High titre hydrogenated deodorized oil (in bags)
Atlanta, Ga	25.97	27.47	27.47	27.72	27.97	28.22	29.62	29.87
Baltimore, Md	26.32	27.82	27.82	28.07	28.32	28.57	29.97	30.22
Charlotte, N. C	26.11	27.61	27.61	27.86	28.11	28.36	29.76	30.01
Chattanooga, Tenn	26.06	27.56	27.56	27.81	28.06	28.31	29.71	29.96
Chicago, Ill	26.12	27.62	27.62	27.87	28.12	28.37	29.77	30.02
Cincinnati, Ohio	26.13	27.63	27.63	27.88	28.13	28.38	29.78	30.03
Columbus, Ohio	26.22	27.72	27.72	27.97	28.22	28.47	29.87	30.12
Dallas, Tex	25.54	27.04	27.04	27.29	27.54	27.79	29.19	29.44
Fort Worth, Tex	25.53	27.03	27.03	27.28	27.53	27.78	29.18	29.43
Kansas City, Mo	26.07	27.57	27.57	27.82	28.07	28.32	29.72	29.97
Los Angeles, Calif	26.31	27.81	27.81	28.06	28.31	28.56	29.96	30.21
Louisville, Ky	26.09	27.59	27.59	27.84	28.09	28.34	29.74	29.99
Memphis, Tenn	25.85	27.35	27.35	27.60	27.85	28.10	29.50	29.75
New Orleans, La	25.95	27.45	27.45	27.70	27.95	28.20	29.60	29.85
New York, N. Y	26.40	27.90	27.90	28.15	28.40	28.65	30.05	30.30
Philadelphia, Pa	26.36	27.86	27.86	28.11	28.36	28.61	30.01	30.26
Portsmouth, Va	26.27	27.77	27.77	28.02	28.27	28.52	29.92	30.17
San Francisco, Calif	26.19	27.69	27.69	27.94	28.19	28.44	29.84	30.09
Savannah, Ga	26.05	27.55	27.55	27.80	28.05	28.30	29.70	29.95
St. Louis, Mo	25.97	27.47	27.47	27.72	27.97	28.22	29.62	29.87

(1) *Differentials for other delivery points.* The customary differentials above or below these delivered prices shall apply to all other destinations.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers shall continue to prevail.

(3) *Differentials for other grades.* The customary differentials for grade above or below these prices for basic grades shall continue to apply.

(4) *Adjustments for premium quality.* If you have customarily charged a premium over the market price for a grade of refined cottonseed oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application

shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in section 3 (b) of this regulation.

(c) *Cottonseed oil futures contracts.* The ceiling prices for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange shall be 26.40 cents per pound and 25.95 cents per pound, respectively.

SEC. 4. *Ceiling prices for sellers of crude soybean oil.* Your ceiling price for sale of soybean oil shall be as follows:

(a) *Crude soybean oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
California, Oregon, Washington	21⅝
Arizona	21⅛
Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas	20½
Iowa, Minnesota, Nebraska, North Dakota, South Dakota	20⅜
	F. o. b. Decatur, Ill. plus freight to destination
Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin	20½

(1) These crude soybean oil ceiling prices shall be adjusted on a 7 percent refining loss basis as provided in Rule 102 of the 1950–51 Rules of the National Soybean Processors Association.

(2) Where (i) crude soybean oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customary for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling price shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Crude soybean oil futures.* The ceiling price for crude soybean oil futures contracts traded on the New York Produce Exchange and the Chicago Board of Trade shall be 20.50 cents per pound.

(c) *Refined soybean oil.* Your ceiling price for refined soybean oil shall be determined by applying your customary differentials for grade, location, and container above the crude soybean oil ceiling price established in section 4 (a) of this regulation.

(1) *Adjustments for premium quality.* If you are an individual seller of refined soybean oil and have customarily charged a premium over the market price for a grade of such oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in section 3 (b) of this regulation.

SEC. 5. *Ceiling prices for sellers of corn oil.* Your ceiling price for sale of corn oil shall be as follows:

(a) *Crude corn oil.* In tank cars, in cents per pound, as follows:

F. o. b. Midwestern Mills	24½

(b) *Refined corn oil.* In tank cars, in cents per pound, as follows:

Corn salad oil, basis f. o. b. Chicago, Illinois	27½

(1) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers shall continue to prevail.

(2) *Differentials for other grades.* The customary differentials for grade above or below these prices for basic grades shall continue to apply.

SEC. 6. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation, or other charge, or by tying-agreement, trade understanding, or otherwise.

SEC. 7. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 8. *Records.* If you sell fats or oils for which ceiling prices are established by this regulation, you must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, accurate records of each sale. These records must include:

(a) The date of the sale;
(b) The name of the purchaser;
(c) The price paid or received;
(d) The grade, quality, and amount sold.

SEC. 9. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the Provisions of Price Procedural Regulation 1, 15 F. R. 9055.

SEC. 10. *Definitions.* (a) Terms used in this regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(b) The term "fats and oils" as used in this regulation means oil of the raw, crude, and refined fats and oils, their by-products and derivatives, and greases, except "essential oils," mineral oils, butter, cocoa butter and poultry fat.

(c) The term "refined fats and oils" as used in this regulation means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

APPENDIX—STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued by the Director of Price Stabilization on January 26, 1951, arrested to a large extent the sharp price increases in fats and oils which occurred after the outbreak of hostilities in Korea. That regulation, however, resulted in price disparities throughout the industry. The purpose of the present regulation is to correct several of the most serious of these disparities. Others will be corrected by supplementary regulations which will be issued by the Director of Price Stabilization as soon as practicable.

The provision to permit existing contracts to be performed, while an exception to the general policy of the Office of Price Stabilization, was included in this regulation because of certain compelling considerations. This regulation accomplishes rollbacks in prices. Producers of this type of oil normally operate on comparatively short gross margins over material costs. Traditionally, therefore, these oil producers, the small ones in particular, attempt to avoid the gamble involved in higher raw material costs by promptly entering into contracts for the sale of the oil to be produced from the raw material. If these contracts are invalidated, many of the producers will suffer a substantial hardship from being compelled to sell oil at prices which do not reflect higher costs of material which they were compelled to pay. An individual adjustment provision is administratively impracticable at this time. In order to achieve the rollbacks put into effect by this regulation, the existing contracts are permitted to be performed.

It is therefore the judgment of the Director of Price Stabilization that, in order to avoid substantial hardships, written contracts legally entered into prior to this regulation should be permitted to be carried out according to their terms.

A principal purpose of this regulation is to establish ceiling prices for cottonseed, soybean, and corn oils which will bear fair and proper relationship to the ceiling prices established by the General Ceiling Price Regulation for such important products as shortening, salad oils, margarine, salad dressing and mayonnaise.

The pre-Korean price of crude soybean oil was about 12½ cents per pound, and of crude cottonseed oil about 13½ cents per pound. At their peak during the December 19–January 25 base period these oils touched 22 cents and 26 cents respectively. However, the prices of the finished products in which these oils are principally used did not advance by comparable amounts, thus squeezing seriously the profit margins of processors of such products. Relief for these processors achieved by increasing their ceiling prices would be a step which the Director for Price Stabilization would be most reluctant to take in view of his obligation to stabilize the cost of living. The alternative is to establish ceiling prices for soybean and cottonseed oils at levels which will diminish this squeeze. This will involve only a small price reduction. On December 19, 1950, crude soybean oil sold for 20 cents per pound, and crude cottonseed oil for 22¼ cents. On January 11, 1951, these oils reached 20½ cents and 23½ cents. Thereafter soybean oil advanced to 21½ cents, and cottonseed oil to levels generally to the range of 24½ to 25½ cents. As price control became increasingly imminent in January, the market for these oils tended to dry up, and the quotations at the higher prices, in the main, represented only scattered sales, or at the extreme, markets which were only nominal. The ceiling prices on crude soybean and cottonseed oils established by this regulation are consistent with the levels at or below which most of the trading in the December–January base period took place. They represent a material reduction only from the extreme levels established by scattered transactions.

Section 401 (d) of the Defense Production Act of 1950 requires that ceiling prices for soybean oil and soybean meal (the joint products resulting from processing the agricultural commodity, soybeans) must be such as to reflect minimum farm prices for soybeans. The soybean oil ceiling price established by this regulation and the soybean meal ceiling price provided under Supplementary Regulation No. 3 to the General Ceiling Price Regulation, meet the standards specified in the Act.

The spread between the crude soybean oil and cottonseed oil price ceilings is 3 cents per pound. This is lower than the spread which has generally prevailed in recent months but is far wider than normal. A wide spread has developed by reason of the small cottonseed oil supply which is expected to reach only 1,150 million pounds in the current crop year compared with 1,846 million pounds last year. This wide spread has performed the function of encouraging processors to substitute soybean oil for cottonseed oil to the maximum extent possible. Trade opinion indicates that the 3-cent spread established by this regulation will continue to perform this function. It is important to note in addition, however, that for the remainder of the current crop year, totally apart from price considerations, processors will have to ration their use of cottonseed oil simply because adequate supplies will not be available. In fact, for some time past processors have been following this course of action for this reason.

Corn oil nearly always sells for prices somewhat higher than those for cottonseed oil. The ceiling prices established by this regulation continue this relationship.

Under price control conditions the differentials between the prices of fats and oils at successive grades must reflect processor costs. This is essential if the oil is to move normally through these processing stages and be manufactured into finished products. The Director of Price Stabilization has obtained refining-costs data from representative refiners of cottonseed oil, large and small, and the differentials established by this regulation reflect their average current cost experience. This regulation sets the spread between Valley crude and New York bleachable prime summer yellow at 2.90 cents making the delivered price of bleachable at New York 26.40 cents. This latter ceiling also becomes the ceiling for transactions on the New York Produce Exchange. It is approximately equal to the Exchange prices on the March option on January 25 and 26, and is well above the level which prevailed on most trading days in the December–January base period. Similarly, the ceiling price for cottonseed oil contracts on the New Orleans Cotton Exchange is 25.95 cents. The soybean oil options contracts on the New York Produce Exchange and the Chicago Board of Trade are both on a crude Decatur basis. The ceilings for these contracts are therefore identical to the Decatur price for actual crude oil.

The establishment of price ceilings on fats and oils has taken place in the latter part of a year extremely abnormal in respect to domestic supply, and to demand both domestic and foreign. The aim is to establish ceiling prices workable until new crop conditions can be visualized. All fats and oils ceilings will be subject to review at that time.

In formulating this regulation the Director of Price Stabilization has consulted extensively with industry representatives and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

[F. R. Doc. 51-2327; Filed, Feb. 13, 1951; 12:08 p. m.]

[General Ceiling Price Regulation, Amdt. 1]

AGRICULTURAL COMMODITIES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 1 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

A statement of the considerations involved in the issuance of this amendment is contained in the attached appendix.

The General Ceiling Price Regulation is amended in the following respects:

1. Sec. 11 (a) is amended by deleting all of the first paragraph and inserting in lieu thereof the following:

(a) *Commodities covered by this section.* This section applies to commodities processed in substantial part from the following listed agricultural commodities. This section shall cease to apply, however, when any listed commodity is deleted by the Director of Price Stabilization, if, after consultation with the Department of Agriculture, he determines that the requirements of the Defense Production Act of 1950 are satisfied. This section shall also cease to apply to any processed commodity as soon as the Secretary of Agriculture has announced by publication that the price of the listed commodity has reached the highest of the "legal minima" required to be reflected to producers by Sec. 402 (d) (3) of the act, the two most important being (1) the parity price, and (2) the highest price received by producers of the commodity during the period from May 24, 1950, to June 24, 1950, inclusive, both as determined and adjusted by him. Any ceiling price previously determined under this section and in effect at the time this section ceases to apply shall remain as the ceiling price.

2. The words "Soybeans" and "Sugarcane" are deleted from the list of agricultural commodities in Section 11 (a), and the word "Honey" is added to that list above the word "Hops" under the heading "Miscellaneous."

3. The words "incurred or" are inserted between the word "you" and the word "paid" in the first sentence completed in Section 11 (b) (2).

4. Sec. 11 (c) (1) is amended to read as follows:

(1) You resell in substantially the same form any commodity, the cost of which has been increased by a processor or manufacturer under the provisions of Sec. 11 (b) of this regulation, and

5. The words "incurred or" are inserted between the word "you" and the word "paid" in the first sentence in Sec. 11 (c) (2).

6. Sec. 11 (e) is amended by deleting the words "commodity exchange operating under the jurisdiction of the Commodity Exchange Authority or the Sugar Exchanges" and by inserting in lieu thereof the following: "recognized commodity exchange that maintains daily records of transactions or quotations".

7. That part of Sec. 11 (f) before the colon is amended to read as follows:

(f) *Notice of "Parity" Adjustment Increases.* If you are a processor or manufacturer to whom the provisions of Sec. 11 (b) are applicable, you may not increase your ceiling price for the processed commodity you sell until you first notify the Director of Price Stabilization, Washington 25, D. C., by registered mail of the following information:

8. The heading of Section 14 (s) is amended to read as follows:

(s) The following food, agricultural and related commodities (including any that may be imported):

9. Section 14 (s) (1) is amended to read as follows:

(1) Any agricultural commodity listed in Section 11 (a) (the "parity" adjustment provision) in its raw or natural state, or if the commodity is not customarily sold by producers generally in its raw or natural state, in the first form or state beyond the raw or natural state in which it is customarily sold by producers generally.

10. Section 14 (s) (10) is amended to read as follows:

(10) Crude pine gum when sold by the producer.

11. Section 14 (s) (11) is amended to read as follows:

(11) The following oil seeds or nuts, their oils and fatty acids or combinations of these oils so long as the oils remain in a form customarily designated by the trade as "oil":

Babassu kernels.	Ouricury kernels.
Babassu oil.	Ouricury oil.
Cacao butter.	Palm oil.
Cashew nut shell liquid.	Palm kernels.
Castor beans.	Palm kernel oil.
Castor oil.	Perilla seeds.
Cod oil.	Perilla seed oil.
Cohune kernels.	Poppyseed.
Cohune oil.	Poppyseed oil.
Coquito kernels.	Rapeseed, rapeseed oil.
Coquito oil.	Rubberseed.
Copra.	Rubberseed oil.
Cocoanut oil.	Sesame seed.
Hemp seed.	Sesame oil.
Hemp seed oil.	Shark oil.
Kapok seed.	Sperm oil.
Kapok seed oil.	Sunflower seed.
Muru-muru kernels.	Sunflower seed oil.
Muru-muru oil.	Tucum kernels.
Oiticica oil.	Tucum oil.
Olive oil, edible, sulphur and other inedible.	Tung oil.
	Whale oil.

12. Section 14 (s) is also amended by adding subparagraphs (12) through (16) to read as follows:

(12) Flue cured tobacco, types 11 to 14, when sold by the producer.

(13) Cotton seed when sold by the producer.

(14) Dried figs, raisins and prunes when sold by the producer.

(15) Broom corn when sold by the producer.

(16) Sugarcane, and sugar and liquid sugar (as defined in the Sugar Act of 1948).

Effective date: This amendment is effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 11, 1951.

APPENDIX—STATEMENT OF CONSIDERATIONS

This amendment is designed to make certain changes in Section 11 relating to agricultural commodities below parity and to Section 14 (s) dealing with exemption of food, agricultural and related commodities.

Section 11 (a) is revised to provide that the "parity" adjustment provisions shall cease to apply to any listed commodity not only when the Secretary of Agriculture has announced by publication that the price of such commodity has reached the highest of the "legal minima" specified in Section 402 (d) (3) of the Defense Production Act of 1950, but also when the Director of Price Stabilization has determined, after consultation with the Department of Agriculture, that the requirements of that Act are satisfied with respect to the commodity. The necessity for this amendment arises from the fact that the legal minimum required to be reflected to producers of an agricultural commodity may be reached before the Secretary of Agriculture announces it by publication since publication is normally only at monthly intervals. If the Director of Price Stabilization were to wait until the announcement, it might well be that ceiling prices would be increased by operation of the pass-through provisions in amounts far in excess of those required to satisfy the provisions of the Defense Production Act. Furthermore, a study of the processing margins for given commodities may demonstrate that these margins are ample to permit the absorption of moderate increases in the costs of the uncontrolled agricultural commodities without requiring the increases of the pass-through provisions.

Soybeans and sugarcane have been deleted from the list in Section 11 (a) because they have reached the legal minimum set forth in the Defense Production Act, parity in the case of sugarcane, and the highest price between May 24 and June 24, 1950, in the case of soybeans. Honey is added to this list because it is below parity.

The words "incurred or" have been inserted between the words "you" and "paid" in the sentences in Section 11 (b) (2) and 11 (c) (2) which read as follows: "The cost to you of a current purchase of that commodity exceeds the highest price you paid for it during the base period." This insertion has been made for the purpose of covering an obligation incurred as well as a price actually paid.

Section 11 (e) is amended to clarify a number of misunderstandings which have occurred owing to the use of the language "commodity exchange operating under the jurisdiction of the Commodity Exchange Authority" in the regulation. This has been interpreted by many to mean only those exchanges which have made application to the Commodity Exchange Authority for authority to operate commodity futures contracts markets. This is too narrow an interpretation and this amendment will make it clear that it is the intention of this paragraph to make use of recognized commodity exchanges at as many locations as possible inasmuch as they are places where daily records of price quotations are kept for the various commodities.

The heading of Section 14 (s) is broadened to include the words "food" and "related commodities" since all the commodities listed in this section will not be, strictly speaking, agricultural commodities. The phrase "(including any that may be imported)", which refers to agricultural commodities, is added to resolve any doubt as to whether imported agricultural commodities are exempted. These are exempt on the same basis as domestic agricultural commodities. Subparagraph (1) of Section 14 (s) which exempted raw and unprocessed agricultural commodities when sold by their producers is replaced by a new subparagraph (1) which exempts the agricultural commodities listed in Section 11 (a), these commodities being those below parity. Certain other raw and unprocessed agricultural commodities which are above parity have been exempted specifically in the other subparagraphs of this Section 14 (s). Among those specifically exempted are: Flue-cured tobacco, types 11 to 14, cotton seed, dried figs, raisins and prunes, and broom corn when sold by the producer.

These commodities are exempted for the same reasons that sales of other commodities by producers are exempted under the General Ceiling Price Regulation, as explained in the original statement of consideration thereto. Crude pine gum which was previously exempted at all levels has been exempted only when sold by the producer in order to treat this commodity in the same manner as the other commodities above parity. Tung oil, which was inadvertently omitted from the list of oils set forth in Section 14 (s) (11) is added thereto. The spelling of the word "ouricury" has been corrected, and the introductory language to the list of commodities in subparagraph (11) has been clarified. Furthermore, sale of soybeans by producers which were previously exempt, are subject to the specific price ceilings established under Section 1 of Supplementary Regulation No. 3.

Previously, under subparagraph 14 (s) (1) only sugarcane and sugar beets when sold by the producer were clearly exempted. This amendment will continue the exemption of sugar beets under subparagraph (1) and the exemption of sugarcane in subparagraph (16). The latter subparagraph also exempts sugar and liquid sugar (as defined in the Sugar Act of 1948) produced from such crops. It is the judgment of the Director of Price Stabilization that stabilization of sugar prices can be effected consistent with the requirements of the Defense Production Act by action of the Secretary of Agriculture in controlling imports of sugar, inasmuch as the Sugar Act of 1948 (7 U. S. C. Supp. II, 1100) requires the balancing of the interests of the producer and the consumer of sugar. It is believed that the price of raw sugar can be held to desired levels by control over imports and that with an ample supply of raw sugar, refiners will hold to their present refining margins. These margins will be closely watched, and appropriate action will be taken should there be a tendency for these margins to increase. The decision to exempt the sugar items was taken only after full consultation with the Secretary of Agriculture.

Subparagraph (1) of Section 14 (s) will exempt agricultural commodities selling below parity which are listed in Section 11 (a). Sales of these commodities were previously frozen except when sold by the producer. However, the purchaser from the producer could pass on any increase in the price he paid to the next purchaser. The purpose of this provision was to freeze the margins of distributors of these agricultural commodities without preventing the price of the agricultural commodity, itself, from rising to legal minimum. It is not believed that these exemptions will lead to any increase in the distributors' margins. Since commodities below parity are not likely to be in short supply, competition among the distributors and the processors who buy from them should be effective in holding margins in line. Furthermore, the Director of Price Stabilization will act if distributors' margins show a tendency to increase. In addition, as previously explained in connection with Section 1 of Supplementary Regulation No. 3 regarding agricultural commodities above their "legal minima", ceiling prices determined by the freeze technique are not suitable for transactions on commodity exchanges. The exemption of these commodities from ceiling prices will also solve this problem. Of course, when the prices of these commodities approach their "legal minima", the question of their exemption will be reconsidered. Finally, the prices of commodities processed from agricultural commodities will remain frozen subject to the pass-through provision when they are processed substantially from these exempted commodities.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; parity prices and the other legal minimum requirements of the Act including prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this amendment have been presented to, and generally approved by, persons representing substantial segments of the various industries affected.

[F. R. Doc. 51-2328; Filed, Feb. 13, 1951; 12:08 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 3]

GCPR, SR 3—FOOD, AGRICULTURAL AND RELATED COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

A statement of the considerations involved in the issuance of this Supplementary Regulation is contained in the attached Appendix.

Sec.
1 Ceiling prices for all sellers (other than retailers) of certain processed and unprocessed agricultural commodities.
2 Adjustments in ceiling prices applicable to certain sales of dressed hogs.

AUTHORITY: Sections 1 and 2 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Ceiling prices for all sellers (other than retailers) of certain processed and unprocessed agricultural commodities.*—(a) *Ceiling prices for green coffee and raw cocoa beans.* Your ceiling price for any of the commodities listed below shall be the price designated for the commodity adjusted for your differentials for grade, quality and point of delivery which existed on the date shown opposite the designated price. If prices are designated for more than one commodity exchange, you must select the price at the exchange customarily used by you as a basis for determining your selling prices. The designated prices are for sales to a bulk-quantity, or large volume class of purchaser. You shall make your customary adjustments to reflect any cost differences attributable to sales of smaller volume or at different levels of distribution. With respect, however, to transactions on the exchange, you are subject to the terms and differentials established by the applicable commodity exchange for such date instead of to your own differentials.

Commodity	Exchange	Delivery point and terms	Grade and quality	Price per pound (cents)	Price date or range of dates
Coffee	New York Coffee & Sugar Exchange, Inc.	U. S. ports of arrival, ex dock, net delivered weight, net cash; price includes usual brokerage or commissions.	Actual Santos 4's; Solid Bean; Greenish Strictly Soft.	55.50	Jan. 10-23, 1951.
Do	do	do	Washed Colombian; Excelsos Actual; Usual Good Quality.	60.50	Jan. 10-23, 1951.
Cocoa	New York Cocoa Exchange.	Basis ex dock New York or other U. S. port of arrival, net delivered weight, net cash; price includes usual brokerage or commissions.	Basic Exchange; Delivery Quality; Main Crop Accra.	38.375	Dec. 21, 1950.
Do	do	do	Basic Exchange; Delivery Quality; Superior Bahia.	38.375	Jan. 23, 1951.

(b) *Ceiling prices for soybeans*—(1) *Base ceiling prices for yellow and green soybeans.* The base ceiling price for No. 1 and No. 2 yellow soybeans and for No. 1 and No. 2 green soybeans (i) delivered at Chicago is $3.31 per bushel, and (ii), for other areas is:

	Per bushel
Illinois	$3.23
Indiana	3.22
Iowa	3.22
Kansas	3.21
Kentucky	3.20
Michigan	3.21
Missouri	3.21
Nebraska	3.21
Ohio	3.22
South Dakota	3.20
Tennessee	3.20
Wisconsin	3.21
All other States	3.18

(2) *Base ceiling prices for black, brown, and mixed soybeans.* Base ceiling prices for black, brown, and mixed soybeans shall be 25 cents per bushel less than the base prices in subparagraph (1) of this paragraph.

(3) *Ceiling prices at various marketing levels.* (i) If you are a seller of soybean futures on the Chicago Board of Trade your ceiling price for such soybean futures shall be $3.33 per bushel.

(ii) If you are a seller through a Commission Merchant of cash soybeans on track at Chicago, your ceiling price for No. 1 and No. 2 yellow soybeans and for No. 1 and No. 2 green soybeans delivered at Chicago shall be $3.33 per bushel.

(iii) If you operate a country elevator, your ceiling price f. o. b. cars or barges or trucks at your elevator is the Chicago base ceiling price less transportation charges, or the applicable base ceiling price for your state, whichever is higher. If you determine your ceiling price f. o. b. truck at your elevator, as indicated above, you may add to your ceiling price three cents per bushel for delivery by truck to the processor's plant, or to the barge loading elevator. If you ship by rail from an elevator which can load to barges, your ceiling price is the Chicago base ceiling price less the applicable railroad freight rate, or the state base ceiling price, whichever is higher.

(iv) If you are the producer, your ceiling price is the ceiling price of the country elevator, to which you customarily delivered your soybeans, less the appropriate elevator and handling charges provided by the Uniform Grain Storage agreement.

(v) If you are a track merchandiser, or a commission merchant in any terminal market or grain exchange other than Chicago, your ceiling price is the appropriate country elevator ceiling price plus two cents per bushel.

(vi) If you are a terminal or subterminal merchandiser, and you unload the soybeans into your elevator, or warehouse from cars or barges, your ceiling price is your supplier's ceiling price on his sale and delivery to you, plus three cents per bushel, plus your published tariff charge for elevation, plus the transportation charges actually incurred.

(4) This paragraph shall not apply to deliveries made pursuant to written contracts for sales of soybeans entered into after January 25, 1951 and before the date of issuance of this supplement if

such contracts complied with the provisions of the General Ceiling Price Regulation.

(5) *Seed Soybeans.* This paragraph shall not apply to soybeans sold for use in planting.

(c) *Ceiling prices for soybean oil meal.* If you are a processor and you sell soybean chips, soybean oil cake, or 41 percent soybean oil meal, soybean flakes, or 44 percent soybean oil meal, your ceiling price in carload lots, bulk, is $74.00 per ton of 2,000 pounds, f. o. b. cars, Decatur, Illinois. This ceiling price may be adjusted by the differentials established during the base period, as to sacks and sackings, sized cake and pellets, soybean hulls, soybean mill feed, packaging, quality, location and for deliveries in smaller quantities. Ceiling prices for jobbers, car door sellers, wholesalers and retailers shall be your supplier's price on his sale and delivery to you plus your customary dollars-and-cents markup.

(d) This section shall not apply to sales at retail of any of these commodities:

SEC. 2. *Adjustments in ceiling prices applicable to certain sales of dressed hogs.* This section applies only to processors who sold and delivered dressed hogs during the base period at a price figured by using a percentage of the live hog price (referred to as a "denominator"). If you are a processor in this group, your ceiling price for sales of dressed hogs to buyers other than retailers is the current live hog price at the market used during the base period, multiplied by your highest denominator for that weight range, with the resulting price reduced to an f. o. b. plant basis, where appropriate. The denominator must be one that was used during the base period for a sale of at least 20,000 pounds of dressed hogs.

The increased price paid by any purchaser of dressed hogs under this provision may not, however, be added to any purchaser's ceiling prices determined by the provisions of the General Ceiling Price Regulation.

Effective date: This supplement is effective immediately.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

APPENDIX—STATEMENT OF CONSIDERATIONS

This Supplementary Regulation is being issued to resolve certain problems relating particularly to food and agricultural commodities covered by the GCPR. It has been deemed procedurally desirable to treat these problems separately in a Supplementary Regulation to the GCPR. There are, moreover, sufficient provisions in the GCPR useful to the pricing of such commodities as to make it advantageous to maintain this connection with the GCPR. It is presently contemplated that the issuance by the Director of Price Stabilization of tailored dollars-and-cents regulations will replace as rapidly as possible the pricing provisions of this Supplementary Regulation.

1. *Ceiling prices for all sellers (other than retailers) of certain processed and unprocessed agricultural commodities.* Section 1 of this Supplementary Regulation provides ceiling prices for specified agricultural commodities sold on certain commodity exchanges, and is intended to alleviate trading problems on these exchanges resulting from the issuance of the General Ceiling Price Regulation. These problems, although anticipated in part, could not be avoided in a general freeze of prices. It is also designed to enable persons selling other than on the exchanges to determine their specific prices in relation to the prices designated for the exchange. Exchange problems arose with regard to the commodities above parity because: (1) Some individuals had lower ceiling prices than others and could not compete in the market; (2) Other individuals had not traded in the base period of the general freeze and the alternative provisions provided in the General Ceiling Price Regulation did not offer a practicable means for providing these sellers with ceiling prices; and (3) Sales of these commodities by their producers were exempt, which created a tendency to sell around the exchange and disrupt normal channels of distribution.

Section 1 designates for each of the commodities listed therein an appropriate ceiling price for contracts grades. Sellers on the exchange will take this price as their ceiling adjusted for grade, quality and point of delivery according to the rules of the applicable exchange. Other sellers will determine their ceiling prices by taking the designated price to which their prices were related and adjusting it for their differentials for grade, quality and location which existed on the date of the designated price.

Except for soybeans and soybean oil meal, the specific prices designated for the various commodities listed are a translation into specific prices of the ceiling prices of individual sellers established under the General Ceiling Price Regulation. The highest prices quoted on the various exchanges for sales completed during the base period were taken in those cases where it was found that such prices reflected the general level of the ceiling prices of individual sellers.

In the case of soybeans the base ceiling price has been established at the lowest price which adequately reflects the legal minimum, which is above parity and equal to the highest price received between May 24 and June 24, 1950. This base ceiling price is higher than that which prevailed during the base period but it is a roll-back from more recent prices. In that connection, because some contracts were entered into at prices higher than those established in this Supplementary Regulation (which was proper under the then existing terms of Section 11 of the GCPR), it has been necessary to permit such contracts to be carried out (subparagraph (4) of section 1 (b)).

Soybean oil meal is set at a price higher than the base period price in order to provide the proper price relationship with soybean oil prices, which are being rolled back in another action taken simultaneously herewith by the Director of Price Stabilization. Together, these ceiling prices will reflect the legal minima for soybeans and provide generally fair and equitable margins for both expellos and solvent processors.

The ceiling price for soybean oil meal is set high enough to permit a reasonable relationship with corn for livestock feeding; and the ceiling for soybeans is established at a level which should maintain an appropriate balance in acreage devoted to soybeans as compared with corn.

These ceilings will apply to sales of the listed commodities beginning with sales by the producer up to but not including sales by the retailer whose ceilings will be those determined under the General Ceiling Price Regulation.

Experience has shown that the absence of a ceiling on producers will cause an upward pressure on prices. This paragraph, which departs from the freeze techniques that cannot be practically applied to producers, covers sales by producers.

This Supplementary Regulation should alleviate the difficulties pointed out above until regulations can be issued which designate specific dollars-and-cents ceiling prices for all grades, locations and classes of sellers of the foregoing commodities.

2. *Methods for establishing ceilings for certain sales of dressed hogs.* Section 2 permits slaughterers to continue their normal business operations of shipping dressed hogs. Under normal competitive marketing conditions, approximately 10 million pounds of dressed hogs are sold weekly by slaughterers to other packers and processors who convert the dressed hogs into wholesale pork cuts. The slaughtering plants customarily determine the dressed hog prices by multiplying the live hog price by a set percentage, usually referred to as a denominator.

Since the General Ceiling Price Regulation did not make provision for the continuation of sales of dressed hogs on a denominator basis, it is feared that slaughterers who have customarily sold on this basis will divert their slaughter to other purchasers in the form of wholesale cuts, leaving their regular customers without a normal source of supply. As stated, this amendment is drafted to meet this problem. It should be noted that this amendment does not apply to sales to retailers. It is also restricted in application to processors who performed the delineated functions during the base period. The amendment does not permit any increase in the ceiling prices of wholesale pork cuts derived from dressed hogs, but rather requires the purchaser of the dressed hogs to continue to sell his products derived from such dressed hogs at his ceiling prices as determined by the General Ceiling Price Regulation.

In the judgment of the Director of Price Stabilization the ceiling prices established by Sections 1 and 2 of this Supplementary Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this Supplementary Regulation have been presented to, and generally approved by, persons representing substantial segments of the various industries affected.

[F. R. Doc 51-2329; Filed, Feb. 13, 1951; 12:09 p. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 5, including Amdt. 1]

GR 5—ADJUSTMENTS FOR INDIVIDUAL EMPLOYEES

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 5, including Amendment 1 is hereby issued.

1. Section 1 (a) (2) is revised without substantial change for purposes of clarification.

2. In section 2 substitute a comma followed by the word "and" for each of the periods at the end of paragraphs (a), (b), and (c). In the opening words of section 2 (c) the phrase "an employee" is changed to read "any employee."

3. In the opening words of section 3 the phrase "to a higher job" is changed to read "to a higher paid job." In section 3 (a) substitute a comma followed by the word "and" for the period at the end thereof.

4. In section 5 (c) the word "employees" is changed to read "employee".

5. In the opening words of section 6 the phrase "industrial employees" is changed to read "individual employees".

6. General Regulation 5, as hereby amended, reads as follows:

STATEMENT OF CONSIDERATIONS

This General Regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

The effective administration of wage stabilization program rests largely on the degree of success achieved in ensuring that individual wage and salary adjustments be not misused for the purposes of evading or avoiding the requirements of law. Efficient industrial management, harmonious labor-management relations and high level production cannot be attained unless a large measure of flexibility and discretion is reserved to management, or to management and labor, as the case may be, in the operation of sound systems for merit and/or length of service increases, promotions or transfers, establishing rates for new or changed jobs, new hirings, etc. It is the intention of the Board in the accompanying general regulation to permit the operation and administration of such systems subject to the standards and controls set forth therein.

Sec.
0. Regulation subject to future general regulation.
1. Merit and/or length of service increases where plan exists.
2. Merit and/or length of service increases in absence of plan.
3. Promotions and transfers.
4. New or changed jobs.
5. Hiring of new employees.
6. Permissible variations in earnings.
7. Rates subject to revision.
8. Record keeping required.
9. Increases shall not justify price increases.

AUTHORITY: Sections 0 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 0. *Regulation subject to future general regulation.* Pending the issuance of further general regulations on the subjects covered herein, individual wage or salary adjustments are authorized for employees, without prior approval of the Wage Stabilization Board, subject to this General Regulation No. 5.

SEC. 1. *Merit and/or length of service increases where plan exists.* Merit and/or length of service increases may be granted in accordance with a plan in effect on January 25, 1951, provided:

(a) That such a plan existed—

(1) In a written collective bargaining agreement in effect on or before January 25, 1951, or

(2) In the form of (i) a written statement of policy or procedure in effect on January 25, 1951, or (ii) a written notice that had been furnished to or posted for the employees on or before January 29, 1951, and that

(3) Such written agreement, statement, or notice, shall be kept available at all times for inspection by the Wage Stabilization Board, and

(b) That such a plan contains job classification rate ranges with clearly designated maximum rates; and

(c) That in accordance with the normal operation of such a plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at the time the increase is granted; and

(d) That if the plan provides for increases in specific amounts or percentage increases shall not be granted in excess of such amounts or percentages; and

(e) That if the plan does not provide for increases in specific amounts or percentages, the amount of increase granted to any individual employee shall not exceed the figure reached by dividing the total amount of the merit and/or length of service increases granted to individual employees in that classification during the calendar year 1950 by the number of employees in that classification who received such increases. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(f) That no employee's rate shall be raised above the maximum rate of his job classification.

SEC. 2. *Merit and/or length of service increases in absence of plan.* In the absence of an established plan meeting the requirements of section 1 above, merit and/or length of service increases may be granted subject to the following conditions:

(a) That the employee shall not have received a merit and/or length of service increase during the 12 calendar months preceding the effective date of such increase, and

(b) That the number of employees whose rates may be increased in any one calendar month shall not exceed the proportionate number of increases granted per month during the calendar year 1950 in each bargaining unit or other appropriate groups of employees, and

(c) That the increase granted any employee shall not exceed in amount the figure reached by dividing the total amount of merit and/or length of service increases granted to employees in the same job classification during the calendar year 1950, by the number of employees in that classification who received such increases; *Provided*, That in an establishment that has no system of job classifications, the increase shall not exceed in amount a figure similarly computed which averages the increases granted to employees doing similar work during the calendar year 1950. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level, and

(d) That no employee shall be raised to a rate higher than the maximum rate of the job classification, or in the absence of a formal system of rate ranges, than the highest rate paid to any employee doing similar work on January 25, 1951, except as such highest rate may have been raised pursuant to the terms of General Regulation No. 2 or other

actions of the Board authorizing increases in wage or salary rates.

SEC. 3. *Promotions and transfers.* When a bona fide promotion or transfer of an employee to a higher paid job is made, the payment to such employee of the rate for such job is permissible provided:

(a) That the employee is required to perform the normal duties of the job to which he is promoted or transferred, and

(b) That if the job to which the employee is promoted or transferred has a rate range, the rate within the range which he may be paid shall be governed by the practice followed under the terms of the applicable collective bargaining agreement, or under a written statement of policy or procedure existing and in actual operation on January 25, 1951. If such agreement or written statement does not exist, the employer shall follow the same practice in determining such rate as he followed in the calendar year 1950. In no event shall the employee receive a rate in excess of the maximum of the rate range to which he is promoted or transferred.

SEC. 4. *New or changed jobs.* Rates for new or changed jobs may be established in accordance with plans or procedures in effect on January 25, 1951, or, if no plan or procedure was in effect on such date, the rates established must be in balance with the existing rate structure. Slight or inconsequential changes in job content shall not provide the basis for establishing new job classifications, rates or rate ranges nor justify changes in existing job classifications, rates or rate ranges.

SEC. 5. *Hiring of new employees.* A new employee may not be hired at a rate exceeding:

(a) The minimum of the rate range of the job classification into which he is hired, provided that an employee who has special ability and experience may be hired at a rate corresponding to such ability and experience within the rate range, or

(b) The rate of the job, or

(c) The minimum rate paid to any employee doing similar work during the pay period immediately preceding January 25, 1951, if the establishment has no system of job classification.

SEC. 6. *Permissible variations in earnings.* Variations in earnings of individual employees subsequent to January 25, 1951, resulting from the following are permissible: *Provided*, Such variations result from the operation of collective bargaining agreements or other plans or practices in effect on or before January 25, 1951, and further provided that the method of application of such agreements, plans or practices is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(a) The normal operation or application of incentive rates or plans; or

(b) Change from one shift to another; or

(c) The normal operation of a system for payment of commission on sales or business transactions; or

(d) The payment of overtime, premium, or penalty rates; or

(e) Other similar auxiliary pay practices.

SEC. 7. *Rates subject to revision.* The rate or rate ranges within which this regulation is to be operative may be revised pursuant to the other applicable regulations of the Board.

SEC. 8. *Record keeping required.* The employer shall keep records of each wage or salary adjustment made pursuant to the terms of sections 1 through 5 of this general regulation in readily accessible form for inspection by the Wage Stabilization Board.

SEC. 9. *Increases shall not justify price increases.* Increases in the wage rates of employees granted under the terms of this general regulation shall not furnish a basis either to increase price ceilings or resist otherwise justifiable reductions in price ceilings.

Adopted by the Wage Stabilization Board. Dissenting: Labor Members Emil Rieve, Elmer E. Walker, Harry C. Bates.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

General Regulation 5 issued February 5, 1951. General Regulation 5, including Amendment 1, issued February 12, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-2330; Filed, Feb. 13, 1951; 12:09 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Delegation 1 as Amended Feb. 12, 1951]

DEL. 1—DELEGATION OF AUTHORITY TO THE SECRETARY OF DEFENSE

Pursuant to the authority of the Defense Production Act of 1950 (P. L. 774, 81st Cong.) and Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61) there is hereby delegated to the Secretary of Defense the authority to apply ratings to direct Government contracts and purchase orders in order to meet authorized procurement and construction programs of the Department of Defense, the Mutual Defense Assistance Program, or authorized programs of such other Government agencies as the National Production Authority may designate by special direction to the Secretary of Defense.

The Secretary of Defense is also authorized to assign the right to apply ratings:

1. To persons placing orders for materials to be delivered to or for the account of the Department of Defense or other Government agencies specially designated as provided above to meet authorized programs;

2. To certain prime or subcontractors on orders for delivery of production equipment specifically required to support authorized procurement programs of the Department of Defense or such other specially designated Government agencies; and

3. To certain contractors on orders for delivery of construction equipment for use on construction outside of the United States (48 States and the District of Columbia).

This authority may be redelegated by the Secretary of Defense to appropriate agencies of the Department of Defense or to its authorized agents or to such other Government agencies specially designated as provided above.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Munitions Board and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, the right to apply the rating DO (2 digit program code) is hereby assigned to (description of scope of assignment)". This certification shall be authenticated with the signature of an authorized official of the Department of Defense or its authorized agents or of the appropriate other Government agency designated as provided above.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the Department of Defense, and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the United States (48 States and the District of Columbia); to rate civilian type items for resale in Post Exchanges and Ship Stores; or to rate purchases from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on February 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2294; Filed, Feb. 13, 1951; 9:48 a. m.]

[NPA Delegation 2 as Amended Feb. 12, 1951]

DEL. 2—DELEGATION OF AUTHORITY TO ATOMIC ENERGY COMMISSION

Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), there is hereby delegated to the Atomic Energy Commission the authority to apply ratings on direct contracts and purchase orders to meet authorized operation and construction programs of the Atomic Energy Commission.

The Atomic Energy Commission is also authorized to assign the right to apply ratings:

1. To persons placing orders for materials, except construction equipment, to be delivered to or for the account of the Atomic Energy Commission to meet authorized programs;

2. To certain prime or sub-contractors on orders for delivery of construction equipment specifically required to support authorized construction programs of the Atomic Energy Commission where such equipment will be the property of the Atomic Energy Commission;

3. To certain prime and sub-contractors of the Atomic Energy Commission (other than suppliers of electric power service) for use on orders for the delivery of materials, except construction equipment, required by the contractor (a) for use in the construction of a plant or addition thereto where the plant or addition, upon completion, will be operated exclusively or primarily for Atomic Energy Commission purposes, and (b) for use in the operation of any plant which is operated exclusively for Atomic Energy Commission purposes; and

4. To any other persons (except suppliers of electric power service) for the delivery of construction materials and capital equipment, where the Atomic Energy Commission has determined, in each case, that the delivery of such materials or equipment on schedule is necessary and provides the only reasonable and practical means to meet authorized programs of the Atomic Energy Commission, and that such persons are making maximum use of facilities otherwise available to meet Atomic Energy Commission requirements.

This authority may be redelegated by the Atomic Energy Commission to appropriate agencies of the Atomic Energy Commission or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the Atomic Energy Commission and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, the right to apply rating DO (2-digit program code) is assigned to (description of scope of assignment)." This certification shall be authenticated with the signature of an authorized official of the Atomic Energy Commission or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the Atomic Energy Commission, and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate purchases from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on February 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2297; Filed, Feb. 13, 1951; 9:48 a. m.]

[NPA Delegation 3 as Amended Feb. 12, 1951]

DEL. 3—DELEGATION OF AUTHORITY TO NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) and Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61), there is hereby delegated to the National Advisory Committee for Aeronautics the authority to apply ratings to direct contracts and purchase orders to meet authorized procurement and construction programs of the National Advisory Committee for Aeronautics.

The National Advisory Committee for Aeronautics is also authorized to assign the right to apply ratings to persons placing orders for materials to be delivered to or for the account of the National Advisory Committee for Aeronautics to meet authorized programs.

This authority may be redelegated by the National Advisory Committee for Aeronautics to appropriate agencies of the National Advisory Committee for Aeronautics or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the National Advisory Committee for Aeronautics and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, the right to apply rating DO (2-digit program code) is hereby assigned to (description of scope of assignment)". This certification shall be authenticated with the signature of an authorized official of the National Advisory Committee for Aeronautics or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the National Advisory Committee for Aeronautics, and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the United States (48 States and the District of Columbia); or to rate purchases from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on February 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2296; Filed, Feb. 13, 1951; 9:48 a. m.]

[NPA Delegation 4 as Amended Feb. 12, 1951]

DEL. 4—DELEGATION OF AUTHORITY TO THE UNITED STATES COAST GUARD

Pursuant to the authority of the Defense Production Act of 1950 (Public Law 774, 81st Cong.) and Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61) there is hereby delegated to the United States Coast Guard the authority to apply ratings to direct contracts and purchase orders to meet authorized procurement and construction programs of the United States Coast Guard.

The United States Coast Guard is also authorized to assign the right to apply ratings to persons placing orders for materials to be delivered to or for the account of the United States Coast Guard to meet authorized programs.

This authority may be redelegated by the United States Coast Guard to appropriate agencies of the United States Coast Guard or to its authorized agents.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and also to priorities and allocations policy directives issued by the United States Coast Guard and subject to approval by the National Production Authority.

In applying ratings on direct contracts and purchase orders, the certification and procedures stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority, the right to assign rating DO (2-digit program code) is hereby assigned to (description of scope of assignment)". This certification shall be authenticated with the signature of an authorized official of the United States Coast Guard or its authorized agents.

The use of this authority is limited to such quantitative allocations as may be assigned by the National Production Authority to the United States Coast Guard and to such conditions as may be imposed by the National Production Authority on use, records, and reports.

This authority shall not be used to rate direct procurement or contractors' purchase of construction equipment for use on construction in the United States (48 States and the District of Columbia); to rate civilian type items for resale in Post Exchanges and Ship Stores; or to rate purchases from exclusively retail establishments, except in emergency situations and then only for small amounts to prevent imminent stoppage.

This amended delegation shall take effect on February 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2293; Filed, Feb. 13, 1951; 9:48 a. m.]

[NPA Delegation 8]

DEL. 8—DELEGATION OF AUTHORITY TO THE SECRETARY OF STATE

Pursuant to the authority of the Defense Production Act of 1950 (Pub. Law

774, 81st Cong.) and Executive Orders 10161 (15 F. R. 6105) and 10200 (16 F. R. 61) there is hereby delegated to the Secretary of State the authority (1) to apply ratings to direct contracts and purchase orders of the Department of State and (2) to assign the right to apply ratings to persons placing orders for materials to be delivered to or for the account of the Department of State or to be used in the performance of contracts with the Department of State.

The authority herein delegated shall be used only to meet authorized procurement and construction requirements of the International Information and Educational Exchange Program and within such quantitative allocations as may be assigned by the National Production Authority.

The exercise of this authority shall conform to the terms of the regulations and orders of the National Production Authority and to such conditions as it may impose on use, records and reports. Such authority shall also be exercised in conformity with such policy directives as may be issued by the Department of State with approval of the National Production Authority.

The Secretary of State may redelegate this authority, and authorize its successive redelegation, to any other persons or agencies within the Department of State.

In applying ratings on direct contracts and purchase orders, the certification and procedure stated in NPA Reg. 2 (15 F. R. 6632) shall be used. In assigning the right to apply ratings on contracts and orders, the following certification shall be used: "By authority of the National Production Authority the right to apply the rating DO (2-digit program code) is hereby assigned to (description of scope of assignment)." This certification shall be authenticated with the signature of an authorized official of the Department of State.

This directive shall take effect on February 12, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2295; Filed, Feb. 13, 1951; 9:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

Part 505 is hereby revised to read as follows:

Sec.
505.1 Claim defined.
505.2 Time within which claims may be filed.
505.3 Official forms.
505.4 Official certificate of dependency.
505.5 Place of filing claims.
505.6 Requisites for filing claims.
505.7 Receipt of claims.

AUTHORITY: §§ 505.1 to 505.7 issued under sec. 2, 62 Stat. 1240; 50 U. S. C., App. Sup. 2001.

§ 505.1 *Claim defined.* (a) A properly completed and executed application made on an official form provided by the Commission for such purpose constitutes a claim and will be adjudicated under laws administered by the Commission.

(b) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of sections 5 (a) through (e), 6 and 7 of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within six months from the date it was transmitted for execution, the claim will be disallowed.

§ 505.2 *Time within which claims may be filed.* Claims made under sections 5 (a) through (e), 6 or 7 of the act will be received by the Commission during the period from January 3, 1950, to March 1, 1951, inclusive, in accordance with notice given pursuant to the provisions of section 2 (c) of the act, as amended. Claims to be accepted must be postmarked before midnight March 1, 1951, or delivered in person to the office of the War Claims Commission at Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 1, 1951.

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for adjudication and such forms are available as prescribed in section 7 of the description of organization (14 F. R. 7319). An official form is provided for each type of claim that may be made under the provisions of sections 5 (a) through (e), 6 or 7 of the act and each is accompanied by printed instructions which explain its proper use, preparation, and execution. The official forms provided for use with respect to each type of claim adjudicable under said sections 5 (a) through (e), 6 or 7 of the act, are designated and identified as follows:

(a) For compensation by living prisoners of war, WCC Form 601—Application for Living Ex-Prisoner of War Benefits.

(b) For compensation by living Philippine prisoners of war, or their survivors, WCC Form 602—Application for Ex-Prisoner of War Allowance.

(c) For compensation by survivors of deceased prisoners of war, WCC Form 650—Application for Prisoner of War Benefits by Survivors of Deceased Prisoners of War.

(d) For detention benefits by living civilian American citizens, WCC Form 501—Application for Living Civilian Detention Benefits.

(e) For detention benefits by survivors of deceased civilian American citizens, WCC Form 550—Application for Detention Benefits by Survivors of Deceased Civilian Prisoners, Internees, Etc.

(f) For reimbursement by a religious organization or the personnel of a religious organization, WCC Form 701—Application for Reimbursement by Religious Organizations or Religious Personnel.

§ 505.4 *Official certificate of dependency.* Claims submitted to the Commission for adjudication by a dependent husband as a survivor of a deceased prisoner of war or as a survivor of a deceased civilian American citizen (as defined in section 5 of the act) shall be accompanied by a certificate of dependency prepared on an official form designated and identified as WCC Form 551—Husband's Certificate of Dependency.

§ 505.5 *Place of filing claims.* Claims submitted to the Commission for adjudication under the provisions of section 5 (a) through (e), 6 or 7 of the act, shall be filed at the offices of the Commission at Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

§ 505.6 *Requisites for filing claims*—(a) *Documents to accompany forms.* Claims shall be filed within the time prescribed in § 505.2 on either the appropriate official form provided by the Commission (see §§ 505.3 and 505.4) or by communication, letter, note or memorandum from a claimant or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, and shall be accompanied by all the evidentiary documents, instruments, and records prescribed in the instructions which accompany each type of official form. If such evidentiary documents, instruments and records do not accompany the claim and are not furnished within six months after request, the claim may be deemed to have been abandoned and be disallowed.

(b) *Language for forms and documents.* Official forms shall be prepared in accordance with the instructions and in the English language, but evidentiary documents, instruments or records, or authenticated copies thereof, shall be submitted in the language in which originally written.

§ 505.7 *Receipt of claims*—(a) *Claims deemed received.* A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date when delivered, either at the office of the Commission in Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

(b) *Claims developed.* In the event a claim has been so prepared as to preclude adjudication thereof, the Commission shall request the claimant to furnish whatever supplemental evidence, including the completion and execution of an appropriate official form, as may be essential to the adjudication thereof. Such evidence or official form, when received, shall be deemed to be evidence to supplement the initial application. If the evidence or official form requested is not received within six months of the date of the request therefor, the claim may be deemed to have been abandoned and be disallowed.

DANIEL F. CLEARY,
Chairman,
War Claims Commission.

[F. R. Doc. 51-2185; Filed, Feb. 13, 1951; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 50-31]

Subchapter D—Tank Vessels

REVISION OF REGULATIONS

A notice regarding proposed changes in the regulations for tank vessels was published in the FEDERAL REGISTER dated August 25, 1950, 15 F. R. 5706, et seq., as Items IV, V, VI, and VII on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 20, 1950, at Washington, D. C. There were also public hearings held by the Merchant Marine Council on May 26, 1949, and March 28, 1950. All the comments submitted were considered and where possible incorporated into the regulations as revised.

This revision of the Tank Vessel Regulations is to provide requirements meeting present conditions. Where necessary the new requirements applicable to new tank vessels are appropriately dated. The major changes made in the regulations are, in addition to new requirements for hulls, machinery, and equipment of tank vessels built or constructed on or after July 1, 1951, revised requirements covering the transportation of liquefied inflammable gases, and new requirements covering the inflammable or combustible gases having lethal characteristics. The requirements regarding specifications in Part 37 of the previous edition have been transferred to Subchapter Q, Specifications, while the operating or construction requirements of general applicability have been transferred to Part 33 regarding lifesaving appliances. All the regulations have been renumbered. For convenience a comparison table has been prepared showing the old section numbers and the new section numbers assigned with asterisks indicating which sections have been revised or amended by this revision.

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

[The asterisk (*) indicates text of section was revised]

Old section No.:	New section No.:
30.1	30.01-1
*30.2	30.01-5
*30.3	30.10-1
30.3 (a)	30.10-3
30.3 (b)	30.10-5
30.3 (c)	30.10-7
30.3 (d)	30.10-9
30.3 (e)	30.10-11
*30.3 (f)	30.10-13
*30.3 (g)	30.10-15
30.3 (h)	30.10-17
30.3 (i)	30.10-19
*30.3 (j)	32.80-1
*30.3 (k)	30.10-23; 32.20-10
30.3 (l)	30.10-25
30.3 (m)	30.10-27
30.3 (n)	30.10-29
*30.3 (o)	30.10-31
30.3 (p)	30.10-33
30.3 (q)	30.10-35
*30.3 (r) (1)	30.10-37
30.3 (r) (2)	30.10-39
30.3 (s)	30.10-41
30.3 (t)	30.10-43
30.3 (u)	———
30.3 (v)	30.10-45
30.3 (w)	30.10-47
30.3 (x)	30.10-49
*30.3 (y)	30.10-53
30.3 (z)	30.10-55
30.3 (aa)	30.10-57
30.3 (bb)	30.10-59
30.3 (cc)	30.10-61
30.3 (dd)	30.10-63
*30.3 (ee)	30.10-65
*30.3 (ff)	30.10-67
*30.3 (gg)	30.10-69
*30.3 (hh)	30.10-71
*31.1-1	31.05-1
31.1-1 (b)	31.05-1
*31.1-1 (c)	31.05-5
31.1-2	———
*31.1-3	30.20-10
31.1-4	30.01-15
31.1-6	30.20-50
31.3-6 (c)	31.01-15
31.1-7	32.20-1
31.2-1	31.01-20
31.2-3	31.05-10
31.3-1	31.01-10
*31.3-2	31.10-1
31.3-3	31.10-5
31.3-5	31.10-10
31.3-6	31.10-15
*31.3-7	31.10-20
31.3-8	31.10-25
31.3-8 (b)	31.10-30
*31.3-8 (c)	31.10-35
31.3-8 (d)	31.10-40
31.3-8 (e)	31.10-45
31.4-1	31.15-1
31.4-2	31.15-5
31.4-3	31.15-10
*31.4-4	30.20-50
31.5-1	31.20-1
*31.6-1a	———
*31.6-2	———
*31.6-3	———
*31.6-4	———
*31.7-1	31.25-1
*31.8-1	31.30-1
*32.1-1	31.01-1 (b)
32.1-2	32.01-1
32.1-3 (a), (b)	32.05-10
32.1-3 (c)	32.05-15
32.1-4	32.05-1
*32.1-5	———
32.1-6	32.40-1
32.1-7	32.40-5
32.1-8	32.40-10
32.1-9	32.40-15
32.2-1	32.65-5
32.2-2	32.65-10
32.2-3	32.65-15
32.2-4	32.65-20
32.2-5	32.65-25
32.2-6 (a)	32.65-30
32.2-6 (b)	32.65-35
*32.2-7	32.65-40
32.3-1	32.70-5
32.3-2	32.70-10
32.3-3	32.70-15
32.3-4	32.70-20
32.3-5	32.70-25
32.4-1	32.75-5
32.4-2 (a)	32.75-10
32.4-2 (b)	———
32.4-3	32.75-15
32.4-4	32.75-20
*32.5-1	32.35-1
*32.5-2	———
*32.5-3	———
*32.5-4	———
*32.5-5	———
*32.5-6	32.35-10
32.5-7	32.35-15 (a), (b)
32.5-8	32.35-15 (c)
*32.5-9	32.35-5
32.5-10 (a)	32.35-20
32.5-10 (b)	32.35-21
*32.5-11	32.35-25
32.5-12	31.10-23
32.6-1	32.45-1 (a)
*32.6-1 (b)	32.45-5
*32.6-1 (c)	32.45-5
*32.6-1 (d)	32.45-5
*32.6-1 (e)	32.45-5
*32.6-2	32.65-20
32.6-3	32.45-15
*32.6-4	32.45-1 (b)
32.6-5	32.70-15 (b)
32.6-6	32.45-10
32.7-1	32.55-5
32.7-2	32.55-10
32.7-3	32.55-15
*32.7-4	32.55-30
32.7-5	32.55-40
*32.7-6	32.55-45
*32.7-7	———
*32.7-8	———
32.7-9	32.55-35
*32.8-1	32.50-1
32.8-2	32.50-5
*32.8-3	32.50-10
*32.8-4	32.50-20
32.8-4 (c)	32.50-20
32.8-5	32.50-25
32.9-1	32.05-5
32.9-2	32.15-5
32.9-3	32.15-1
32.9-4 (a)	32.30-5
*32.9-4 (b)	32.30-1 (a)
32.9-4 (c)	32.30-1 (c)
32.9-4 (d)	32.30-1 (d)
*32.9-4 (e)	———
*32.9-4 (f)	———
*32.9-4 (g)	———
*32.9-4 (h)	———
*32.9-4 (i)	———
*32.9-4 (j)	———
*32.9-4 (k)	———
*32.9-4 (l)	———
*32.9-4 (m)	———
32.9-4 (n)	32.30-10 (a)
32.9-4 (o)	32.30-15
32.9-4 (p)	32.30-10 (b)
*32.9-5	32.25-1
32.9-5 (b)	32.25-10
32.9-5 (c)	32.25-15
32.9-6	32.15-10
32.9-7	32.01-5
*32.9-7 (b)	32.01-10
*32.9-8	32.01-15
32.9-9	32.15-15
32.9-10	32.50-30
*32.9-11 (b)	32.10-1
32.9-11 (c)	32.10-10
32.9-11 (d)	32.10-15
32.9-11 (e)	32.10-20
32.9-11 (f)	32.10-25
32.9-11 (g)	32.10-30
32.9-11 (h)	32.10-35
32.9-11 (i)	32.10-40
32.9-11 (j)	32.10-45
33.1-1	33.01-1
*33.1-2	33.01-5
33.1-3	33.01-15
*33.1-4	33.01-20
33.2-1	33.05-1
33.2-2	33.05-5
33.2-3	33.05-10
33.2-4	33.05-15
*33.2-5	33.05-20

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

Old section No.:	New section No.:
33.2–6	33.05–25
33.2–7	33.05–30
33.2–8	33.05–35
*33.3–1	33.15–1
*33.3–2	33.15–5
*33.3–3	33.15–10
*33.3–4	33.15–15
*33.3–6	33.15–20
33.3–7	33.15–25
*33.3–8	33.15–30
33.4–1	33.20–1
33.4–2	33.20–5
*33.4–3	33.20–10
33.4–4	33.20–15
33.5–1	33.25–1
33.5–2	33.25–5
33.5–3	33.25–10
*33.5–4	33.25–15
33.5–5	33.25–20
33.5–6	33.30–1
33.5–7	33.30–5
33.6–1	33.35–1
33.6–2	33.35–5
33.6–3	33.35–10
33.7–1	33.40–1
33.7–2	33.40–5
33.7–3	33.40–10
33.8–1	33.45–1
33.8–2	33.50–1
*33.9–1	33.55–1
*33.9–2	33.55–10
33.9–2 (g)	33.55–5
*33.9–3	33.55–10
*33.9–4	33.55–15
*33.9–5	35.10–10
34.1–1	34.05–1
34.1–3	34.05–5
34.1–4	34.05–10
34.1–5	34.05–15
34.1–6	34.01–10
34.1–7	34.01–1
34.1–8	34.01–5
34.2–1	34.10–1
34.2–2	34.10–5
34.2–3	34.10–10
34.2–4	34.10–15
34.2–5	34.10–20
*34.2–6	34.10–25
34.2–7	34.10–30
34.3–1	34.15–1
34.3–2	34.15–5
34.3–3	34.15–10
34.3–4	34.15–15
*34.3–5	34.15–20
34.3–6	34.15–25
34.3–7	34.15–30
34.3–8	34.15–35
34.3–9	34.20–1
34.3–9 (a) (3)	34.15–35
34.3–10	34.20–10
34.3–11	34.10–40
34.3–12	34.01–15
34.3–13 (a)	34.15–45
34.3–13 (b)	34.15–50
34.3–14	34.20–15
34.4–1	34.30–1
34.4–2	34.30–5
34.5–1	34.25–1
34.5–2	34.25–5
34.5–3	34.25–10
34.5–4	34.25–15
34.5–5	34.25–20
34.5–6	34.25–25
34.5–7	34.25–30
34.6–1	34.35–1
34.7–1	34.40–1
*34.7–2	34.40–5
35.1–1 (a)	35.05–1
35.1–1 (b), (d), (e)	35.05–10
35.1–1 (c)	35.05–5
35.1–2	35.05–20
35.1–3	35.05–25
35.1–4	35.05–15
35.1–5	35.10–1
35.1–6	35.01–15
35.1–7	35.10–5

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

Old section No.:	New section No.:
35.1–8	35.01–10
35.1–9	35.01–5
35.2–1	35.20–1
35.2–2	35.20–5
35.2–3	35.20–10
*35.2–4	35.20–15
35.2–5	35.20–20
35.2–6	35.20–25
35.2–7	35.20–30
35.2–8	35.20–35
35.2–9	35.15–1
35.3–1	35.25–1
*35.3–2	35.15–5, 35.15–10, 35.25–5
35.3–3	35.25–10
*35.4–1	35.30–1
35.4–2	35.30–5
35.4–3	35.30–10
35.4–4	35.30–15
35.4–5	35.30–20
35.4–6	35.30–25
35.5–1	35.35–1
35.5–2	35.35–5
35.5–3	35.35–10
35.5–4	35.35–15
*35.5–5	35.35–20
35.5–6 (a)	35.35–25
*35.5–6 (b)	35.35–30
35.5–7	35.35–35
*35.5–8	35.35–40
35.5–9	35.35–45
35.5–10	35.35–65
35.5–11	35.35–50
*35.5–12 (a), (b)	35.35–55
35.5–12 (c), (d)	35.35–60
35.5–13	35.35–70
35.5–14	35.35–75
35.6–1	35.01–1
*37.1–1	———
*37.1–2	33.01–25
37.1–3	33.01–30
*37.1–4	33.10–1
*37.1–5	33.10–5
*37.1–6	33.10–10
*37.1–7	33.10–15, 33.10–20
*37.2–1	———
*37.2–2	———
*37.2–3	———
*37.2–4	———
*37.2–5	———
*37.2–6	———
*37.2–7	———
*37.2–8	———
*37.2–9	———
*37.2–10	———
*37.2–11	———
*37.2–12	———
*37.2–13	———
*37.2–14	———
*37.2–15	———
*37.2–16	———
*37.2–17	———
*37.2–18	———
*37.2–19	———
*37.3–1	———
*37.3–2	———
*37.3–3	———
*37.3–4	———
*37.3–5	———
*37.3–6	———
*37.3–7	———
*37.3–8	———
*37.3–9	———
*37.3–10	———
*37.3–11	———
*37.3–12	———
*37.4–1	———
*37.4–2	———
*37.4–3	———
*37.4–4	———
*37.5–1	———
*37.5–2	———
*37.5–3	———
*37.9–1	———

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

Old section No.:	New section No.:
*37.9–2	———
*37.10–1	———
*37.10–2	———
*37.10–3	———
*37.10–4	———
*38.1–1	38.05–1
*38.1–2	38.05–5
*38.2–1	38.10–1
*38.2–2	38.10–5
*38.3–1	38.10–10
*38.4–1	38.10–15
*38.5–1	38.10–20
*38.6–1	38.15–5
*38.7–1	38.15–1
*38.8–1	38.05–10, 38.05–15, 38.05–20
*38.9–1	38.20–1
*38.10–1	38.25–10
*38.11–1	38.01–5
*38.12–1	38.15–10

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS

[The asterisk (*) indicates text of section was revised]

New section No.:	Old section No.:
30.01–1	30.1
*30.01–5	30.2
30.01–10	———
*30.01–15	31.1–4
*30.10–1	30.3
30.10–3	30.3 (a)
30.10–5	30.3 (b)
30.10–7	30.3 (c)
30.10–9	30.3 (d)
30.10–11	30.3 (e)
*30.10–13	30.3 (f)
*30.10–15	30.3 (g)
30.10–17	30.3 (h)
30.10–19	30.3 (i)
*30.10–23	30.3 (k)
30.10–25	30.3 (l)
30.10–27	30.3 (m)
30.10–29	30.3 (n)
*30.10–31	30.3 (o)
30.10–33	30.3 (p)
30.10–35	30.3 (q)
*30.10–37	30.3 (r)
*30.10–39	30.3 (r)
30.10–41	30.3 (s)
30.10–43	30.3 (t)
30.10–45	30.3 (v)
30.10–47	30.3 (w)
30.10–49	30.3 (x)
*30.10–53	30.3 (y)
30.10–55	30.3 (z)
30.10–57	30.3 (aa)
30.10–59	30.3 (bb)
30.10–61	30.3 (cc)
30.10–63	30.3 (dd)
*30.10–65	30.3 (ee)
*30.10–67	30.3 (ff)
*30.10–69	30.3 (gg)
*30.10–71	30.3 (hh)
30.20–1	———
*30.20–10	31.1–3
30.20–50	31.1–6, 31.4–4
*31.01–1	32.1–1
31.01–10	31.3–1
31.01–15	31.3–6 (c)
31.01–20	31.01–20
*31.05–1	31.1–1
*31.05–5	31.1–1 (c)
31.05–10	31.2–3
*31.10–1	31.3–2
31.10–5	31.3–3
31.10–10	31.3–5
31.10–15	31.3–6
*31.10–20	31.3–7
31.10–23	32.5–12
31.10–25	31.3–8 (a)
31.10–30	31.3–8 (b)
*31.10–35	31.3–8 (c)
31.10–40	31.3–8 (d)

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

New section No.:	Old section No.:
31.10–45	31.3–8 (e)
31.15–1	31.4–1
31.15–5	31.4–2
31.15–10	31.4–3
31.20–1	31.5–1
*31.25–1	31.7–1
*31.30–1	31.8–1
32.01–1	32.01–1
32.01–5	32.9–7 (a)
*32.01–10	32.9–7 (b)
*32.01–15	32.9–8
32.05–1	32.1–4
32.05–5	32.9–1
*32.05–10	32.1–3 (a), (b)
*32.05–15	32.1–3 (c)
*32.10–1	32.9–11 (b)
32.10–10	32.9–11 (c)
32.10–15	32.9–11 (d)
32.10–20	32.9–11 (e)
32.10–25	32.9–11 (f)
32.10–30	32.9–11 (g)
32.10–35	32.9–11 (h)
32.10–40	32.9–11 (i)
32.10–45	32.9–11 (j)
32.15–1	32.9–3
32.15–5	32.9–2
32.15–10	32.9–6
32.15–15	32.9–9
32.20–1	31.1–7
32.20–5	30.3 (z)
*32.20–10	30.3 (k)
32.20–20	———
32.25–1	32.9–5 (a)
32.25–10	32.9–5 (b)
32.25–15	32.9–5 (c)
*32.30–1	32.9–4 (b), (c), (d)
*32.30–5	32.9–4 (a)
32.30–10	32.9–4 (n), (p)
*32.30–15	32.9–4 (o)
*32.35–1	32.5–1
*32.35–5	32.5–9
*32.35–10	32.5–6
32.35–15	32.5–7, 32.5–8
32.35–20	32.5–10 (a)
32.35–21	32.5–10 (b)
32.35–25	32.5–11
32.35–30	———
32.35–35	———
32.40–1	32.1–6
32.40–5	32.1–7
32.40–10	32.1–8
32.40–15	32.1–9
*32.45–1	32.6–1, 32.6–4
32.45–5	32.6–1
*32.45–10	32.6–6
32.45–15	32.6–3
*32.50–1	32.8–1
32.50–5	32.8–2
*32.50–10	32.8–3
32.50–15	———
*32.50–20	32.8–4
32.50–25	32.8–5
32.50–30	32.9–10
32.55–1	———
32.55–5	32.7–1
32.55–10	32.7–2
32.55–15	32.7–3
32.55–20	———
32.55–25	———
*32.55–30	32.7–4
*32.55–35	32.7–9
32.55–40	32.7–5
32.55–45	32.7–6
32.60–1	———
32.60–5	———
32.60–10	———
32.60–15	———
32.60–20	———
32.60–25	———
32.60–30	———
32.60–35	———
32.60–40	———
32.65–1	———
32.65–5	32.2–1
32.65–10	32.2–2
32.65–15	32.2–3

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

New section No.:	Old section No.:
32.65–20	32.2–4, 32.6–2
32.65–25	32.2–5
32.65–30	32.2–6 (a)
32.65–35	32.2–6 (b)
*32.65–40	32.2–7
32.70–1	———
32.70–5	32.3–1
32.70–10	32.3–2
32.70–15	32.3–3, 32.6–5
32.70–20	32.3–4
32.70–25	32.3–5
32.75–1	———
32.75–5	32.4–1
32.75–10	32.4–2 (a)
32.75–15	32.4–3
32.75–20	32.4–4
*32.80–1	30.3 (j)
33.01–1	33.1–1
*33.01–5	33.1–2
33.01–15	33.1–3
*33.01–20	33.1–4
*33.01–25	37.1–2
*33.01–30	37.1–3
33.01–35	———
33.05–1	33.2–1
33.05–5	33.2–2
33.05–10	33.2–3
33.05–15	33.2–4
*33.05–20	33.2–5
33.05–25	33.2–6
33.05–30	33.2–7
33.05–35	33.2–8
*33.10–1	37.1–4
*33.10–5	37.1–5
*33.10–10	37.1–6
*33.10–15	37.1–7
*33.10–20	37.1–7
*33.15–1	33.3–1
*33.15–5	33.3–2
*33.15–10	33.3–3
*33.15–15	33.3–4
*33.15–20	33.3–6
33.15–25	33.3–7
*33.15–30	33.3–8
33.20–1	33.4–1
33.20–5	33.4–2
*33.20–10	33.4–3
33.20–15	33.4–4
*33.25–1	33.5–1
33.25–5	33.5–2
33.25–10	33.5–3
*33.25–15	33.5–4
33.25–20	33.5–5
33.30–1	33.5–6
33.30–5	33.5–7
33.35–1	33.6–1
33.35–5	33.6–2
33.35–10	33.6–3
33.35–15	———
33.40–1	33.7–1
33.40–5	33.7–2
33.40–10	33.7–3
33.45–1	33.8–1
33.50–1	33.8–2
*33.55–1	33.9–1
*33.55–5	33.9–2 (g)
*33.55–10	33.9–2, 33.9–3
33.55–15	33.9–4
*34.01–1	34.1–7
*34.01–5	34.1–8
34.01–10	34.1–6
34.01–15	34.3–12
*34.05–1	34.1–1
34.05–5	34.1–3
34.05–10	34.1–4
34.05–15	34.1–5
34.10–1	34.2–1
34.10–5	34.2–2
34.10–10	34.2–3
34.10–15	34.2–4
34.10–20	34.2–5
*34.10–25	34.2–6
34.10–30	34.2–7
34.10–35	———
*34.10–40	87.3–11
34.15–1	34.3–1

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTION NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

New section No.:	Old section No.:
34.15–5	34.3–2
34.15–10	34.3–3
34.15–15	34.3–4
*34.15–20	34.3–5
34.15–25	34.3–6
34.15–30	34.3–7
34.15–35	34.3–8
34.15–40	———
34.15–45	34.3–13 (a)
34.15–50	34.3–13 (b)
34.15–55	34.3–9 (a)
34.20–1	34.3–9
34.20–5	34.3–9 (a)
34.20–10	34.3–10
34.20–15	34.3–14
34.25–1	34.5–1
34.25–5	34.5–2
34.25–10	34.5–3
34.25–15	34.5–4
34.25–20	34.5–5
34.25–25	34.5–6
34.25–30	34.5–7
34.30–1	34.4–1
34.30–5	34.4–2
34.35–1	34.6–1
34.40–1	34.7–1
*34.40–5	34.7–2
35.01–1	35.6–1
35.01–5	35.1–9
35.01–10	35.1–8
35.01–15	35.1–6
35.05–1	35.1–1 (a)
35.05–5	35.1–1 (c)
35.05–10	35.1–1 (b), (d), (e)
35.05–15	35.1–4
35.05–20	35.1–2
35.05–25	35.1–3
35.10–1	35.1–5
*35.10–5	35.1–7
*35.10–10	33.9–5
*35.15–1	35.2–9
35.15–5	35.3–2
*35.15–10	35.3–2
35.20–1	35.2–1
35.20–5	35.2–2
35.20–10	35.2–3
35.20–15	35.2–4
35.20–20	35.2–5
35.20–25	35.2–6
35.20–30	25.2–7
35.20–35	35.2–8
35.25–1	35.3–1
*35.25–5	35.3–2
35.25–10	35.3–3
*35.30–1	35.4–1
35.30–5	35.4–2
35.30–10	35.4–3
35.30–15	35.4–4
35.30–20	35.4–5
35.30–25	35.4–6
35.35–1	35.5–1
35.35–5	35.5–2
35.35–10	35.5–3
35.35–15	35.5–4
*35.35–20	35.5–5
35.35–25	35.5–6 (a)
35.35–30	35.5–6 (b)
35.35–35	35.5–7
*35.35–40	———
35.35–42	35.5–8
35.35–45	35.5–9
35.35–50	35.5–11
*35.35–55	35.5–12 (a), (b)
35.35–60	35.5–12 (c), (d)
35.35–65	35.5–10
35.35–70	35.5–13
35.35–75	35.5–14
35.40–1	———
35.40–5	———
35.40–10	———
35.40–15	———
35.40–20	———
35.40–25	———
35.40–30	———
35.40–35	———
35.40–40	———
*38.01–1	———

COMPARISON OF NEW SECTION NUMBERS WITH OLD SECTIONS NUMBERS—Continued

[The asterisk (*) indicates text of section was revised]

New section No.:	Old section No.:
38.01–5	38.11–1
*38.05–1	38.1–1
*38.05–5	38.1–2
*38.05–10	38.8–1
*38.05–15	38.8–1
*38.05–20	38.8–1 (c)
*38.05–25	———
*38.10–1	38.2–1
*38.10–5	38.2–2
*38.10–10	38.3–1
*38.10–15	38.4–1
*38.10–20	38.5–1
*38.15–1	38.7–1
*38.15–5	38.10–1
38.15–10	38.12–1
*38.20–1	38.9–1
*38.25–1	38.10–1
*38.25–5	———
*38.25–10	———
*38.25–15	———

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, all the regulations in Parts 30 to 38, inclusive, are canceled and the following regulations are prescribed, which shall become effective on and after July 1, 1951:

Subchapter D—Tank Vessels

PART 30—GENERAL PROVISIONS

SUBPART 30.01—ADMINISTRATION

Sec.

30.01–1 Basis and purpose of regulations—TB/ALL.
30.01–5 Application of regulations—TB/ALL.
30.01–10 Application of regulations governing alterations or repairs—TB/ALL.
30.01–15 Effective date of regulations—TB/ALL.

SUBPART 30.10—DEFINITIONS

30.10–1 Definition of terms—TB/ALL.
30.10–3 Approved—TB/ALL.
30.10–5 Cargo—TB/ALL.
20.10–7 Certificated—TB/ALL.
30.10–9 Classification requirements—TB/ALL.
30.10–11 Coastwise—TB/C.
30.10–13 Cofferdam—TB/ALL.
30.10–15 Combustible liquid—TB/ALL.
30.10–17 Commandant—TB/ALL.
30.10–19 Coast Guard District Commander—TB/ALL.
30.10–23 Flame arrester—TB/ALL.
30.10–25 Flame screen—TB/ALL.
30.10–27 Flash point—TB/ALL.
30.10–29 Gas free—TB/ALL.
30.10–31 General rules and regulations—TB/ALL.
30.10–33 Great Lakes—TB/L.
30.10–35 Headquarters—TB/ALL.
30.10–37 Inflammable liquid—TB/ALL.
30.10–39 Liquefied inflammable gas—TB/ALL.
30.10–41 Lakes, bays, and sounds—TB/B.
30.10–43 Marine inspector or inspector—TB/ALL.
30.10–45 Ocean—TB/O.
30.10–47 Officer in Charge, Marine Inspection—TB/ALL.
30.10–49 Permit—TB/ALL.
30.10–53 Pilot Rules—TB/ALL.
30.10–55 Pressure vacuum relief valve—TB/ALL.
30.10–57 Recognized classification society—TB/ALL.
30.10–59 Reid vapor pressure—TB/ALL.
30.10–61 Rivers—TB/R.
30.10–63 Spark arrester—TB/ALL.
30.10–65 Tank barge—B/ALL.
30.10–67 Tank ships—T/ALL.
30.10–69 Tank vessel—TB/ALL.
30.10–71 Tankerman—TB/ALL.

SUBPART 30.20—ENFORCEMENT AND RIGHTS OF APPEAL

30.20–1 Enforcement—TB/ALL.
30.20–10 Penalties for violations of tank vessel regulations—TB/ALL.
30.20–50 Right of appeal—TB/ALL.

AUTHORITY: §§ 30.01–1 to 30.20–50 issued under R. S. 4405, as amended, 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 30.01—ADMINISTRATION

§ 30.01–1 *Basis and purpose of regulations—TB/ALL.* By virtue of authority vested in the Commandant of the Coast Guard by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in accordance with R. S. 4405 and 4417a, as amended, and section 5 (c) of the act of June 6, 1941 (46 U. S. C. 375, 391a, 50 U. S. C. 1275), the rules and regulations in this subchapter are prescribed for all tank vessels in accordance with the intent of the various statutes and to obtain their correct and uniform administration.

§ 30.01–5 *Application of regulations—TB/ALL.* (a) The regulations in this subchapter contain requirements for materials, design, construction, inspection, manning and operation of tank vessels, including handling and stowage of cargo and duties of officers and crew. These requirements are divided into parts as follows:

(1) Inspection and certification.
(2) Special equipment, machinery, and hull requirements.
(3) Lifesaving appliances.
(4) Fire-fighting equipment.
(5) Operation.
(6) Liquefied petroleum gases.
(7) Combustible or inflammable liquids with lethal qualities.

(b) The vessels and services to which each regulation applies are indicated by letters in the heading of the section or paragraph. The first letter or two letters indicate the type of vessel and the letter or letters following the oblique line indicate the waters in which such vessels may operate. These letters are described as follows:

(1) "T" signifies a tank ship.

(2) "B" signifies a tank barge when it precedes an oblique line; or it signifies service on bays, sounds, and lakes other than the Great Lakes when it follows an oblique line.

(3) "ALL" signifies service on all waters.

(4) "O" signifies service on ocean waters.

(5) "C" signifies service on coastwise waters.

(6) "L" signifies service on Great Lakes' waters.

(7) "R" signifies service on river waters.

§ 30.01–10 *Application of regulations governing alterations or repairs—TB/ALL.* When major alterations or major repairs of tank vessels become necessary the work shall be done under the direction of the Officer in Charge, Marine Inspection, and shall be in accordance with the regulations in effect for new construction insofar as possible. When minor alterations or minor repairs of tank vessels become necessary such work shall be under the direction of the Officer in Charge, Marine Inspection, and shall be in accordance with the regulations in effect at the time the vessel was contracted for or built, or in accordance with the regulations in effect for new construction insofar as possible.

§ 30.01–15 *Effective date of regulations—TB/ALL.* (a) The regulations in this subchapter are effective on and after November 10, 1936; *Provided*, That amendments, revisions, or additions shall become effective ninety (90) days after the date of publication in the FEDERAL REGISTER unless the Commandant shall fix a different time.

(b) The regulations in this subchapter are not retroactive in effect unless specifically made so at the time the regulations are issued. Changes in specification requirements of articles of equipment, or materials used in construction of tank vessels, shall not apply to such items which have been passed as satisfactory until replacement shall become necessary, unless a specific finding is made that such equipment or material used is unsafe or hazardous and has to be removed from tank vessels.

SUBPART 30.10—DEFINITIONS

§ 30.10–1 *Definition of terms—TB/ALL.* Certain terms used in the regulations in this subchapter are defined in this subpart.

§ 30.10–3 *Approved—TB/ALL.* The term "approved" means approved by the Commandant unless otherwise stated.

§ 30.10–5 *Cargo—TB/ALL.* The term "cargo" means combustible liquid, inflammable liquid, or liquefied inflammable gas unless otherwise stated.

§ 30.10–7 *Certificated—TB/ALL.* The term "certificated" when applied to tank vessels refers to a vessel covered by a certificate of inspection issued by the Coast Guard; when applied to men employed on tank vessels, the term refers to a certificate of ability issued by the Coast Guard.

§ 30.10–9 *Classification requirements—TB/ALL.* The term "classification requirements" means applicable rules and supplementary requirements of the American Bureau of Shipping, or other recognized classification society.

§ 30.10–11 *Coastwise—TB/C.* Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico 20 nautical miles or less offshore.

§ 30.10–13 *Cofferdam—TB/ALL.* The term "cofferdam" means a void or empty space separating two or more compartments for the purpose of isolation or to prevent the contents of one compartment from entering another in the event of the failure of the walls of one to retain their tightness.

§ 30.10–15 *Combustible liquid—TB/ALL.* The term "combustible liquid" means any liquid having a flash point above 80° F. (as determined from an open-cup tester, as used for test of burning oils). Combustible liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–3 and 146.25–5 of Subchapter N, Explosives or Other Dangerous Articles on Board Vessels, of this chapter. In the regulations of this subchapter, combustible liquids are referred to by grades, as follows:

(a) *Grade D.* Any combustible liquid having a flash point below 150° F. and above 80° F.

(b) *Grade E.* Any combustible liquid having a flash point of 150° F. or above.

§ 30.10–17 *Commandant—TB/ALL.* The term "Commandant" means the Commandant of the Coast Guard.

§ 30.10–19 *Coast Guard District Commander—TB/ALL.* The term "Coast Guard District Commander" means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his district which include the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

§ 30.10–23 *Flame arrester—TB/ALL.* The term "flame arrester" means any device or assembly of a cellular, tubular, pressure, or other type used for preventing the passage of flames into enclosed spaces.

§ 30.10–25 *Flame screen—TB/ALL.* The term "flame screen" means a single screen of corrosion-resistant wire of at least 30 by 30 mesh, or two screens, both of corrosion-resistant wire, of at least 20 by 20 mesh, spaced not less than ½ inch or more than 1½ inches apart.

§ 30.10–27 *Flash point — TB/ALL.* The term "flash point" indicates the temperature in degrees Fahrenheit at which a liquid gives off an inflammable vapor when heated in an open-cup tester. For the purpose of the regulations in this subchapter, flash points determined by other testing methods will be equivalent to those determined with an open-cup tester, as follows:

TABLE 30.10–27—EQUIVALENT FLASH POINTS

Open-cup tester	Tag closed-cup tester (A. S. T. M.)	Pensky-Martens closed tester (A. S. T. M.)
°F.	°F.	°F.
80	75	----------
150	----------	140

§ 30.10–29 *Gas free—TB/ALL.* The term "gas free" means free from dangerous concentrations of inflammable or toxic gases.

§ 30.10–31 *General rules and regulations—TB/ALL.* The term "general rules and regulations" means the requirements contained in this chapter.

§ 30.10–33 *Great Lakes—TB/L.* Under this designation shall be included all tank vessels navigating the Great Lakes.

§ 30.10–35 *Headquarters — TB/ALL.* The term "Headquarters" means the Office of the Commandant, U. S. Coast Guard, Washington, D. C.

§ 30.10–37 *Inflammable liquid—TB/ALL.* The term "inflammable liquid" means any liquid which gives off inflammable vapors (as determined by flash point from an open-cup tester, as used for test of burning oils) at or below a temperature of 80° F. Inflammable liquids having lethal qualities are those having the characteristics of class "B" or "C" poisons as defined in §§ 146.25–3 and 146.25–5, of Subchapter N, Explosives or Other Dangerous Articles On Board Vessels of this chapter. Inflammable liquids are referred to by grades as follows:

(a) *Grade A.* Any inflammable liquid having a Reid[1] vapor pressure of 14 pounds or more.

(b) *Grade B.* Any inflammable liquid having a Reid vapor pressure under 14 pounds and over 8½ pounds.

(c) *Grade C.* Any inflammable liquid having a Reid vapor pressure of 8½ pounds or less and a flash point of 80° F. or below.

§ 30.10–39 *Liquefied inflammable gas—TB/ALL.* The term "liquefied inflammable gas" means any inflammable gas having a Reid vapor pressure exceeding 40 pounds which has been compressed and liquefied for purposes of transportation. In this subchapter, liquefied inflammable gases are referred to by classes as follows:

(a) *Class 1.* Any liquefied petroleum gas, including gases or mixtures of gases produced with or derived from petroleum or natural gas, and composed predominantly by hydrocarbons or mixtures of hydrocarbons such as propane, propylene, butane, butylene, or butadiene.

(b) *Class 2.* Any liquefied inflammable gas other than liquefied petroleum gas.

§ 30.10–41 *Lakes, bays, and sounds—TB/B.* Under this designation shall be included all tank vessels navigating the waters of any of the lakes, bays, or sounds other than the waters of the Great Lakes.

§ 30.10–43 *Marine inspector or inspector—TB/ALL.* The terms "marine inspector" or "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under the superintendence and direction of an Officer in Charge, Marine Inspection, or any other person as may be designated for the performance of duties with respect to the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

§ 30.10–45. *Ocean—TB/O.* Under this designation shall be included all tank vessels normally navigating the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

§ 30.10–47 *Officer in Charge, Marine Inspection—TB/ALL.* The term "Officer in Charge, Marine Inspection," means any person from the civilian or military branch of the Coast Guard designated as such by the Commandant and who under the superintendence and direction of the Coast Guard District Commander is in charge of an inspection zone for the performance of duties with respect to the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder and the inspections required thereby.

§ 30.10–49 *Permit—TB/ALL.* The term "permit" refers to endorsement on the certificate of inspection, authorizing the presence on board of liquid inflammable or combustible cargoes in bulk, issued by an Officer in Charge, Marine Inspection, for a tank vessel which is found to be in substantial compliance with the regulations in this subchapter.

§ 30.10–53 *Pilot Rules—TB/ALL.* The term "Pilot Rules" means the regulations contained in Parts 80 to 100, inclusive, in Chapter I, Title 33, Code of Federal Regulations. These Pilot Rules are also published by the Coast Guard in three pamphlets according to the waters on which applicable; namely,

(a) Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico;

(b) Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River; and,

(c) Pilot Rules for the Western Rivers and the Red River of the North.

§ 30.10–55 *Pressure vacuum relief valve—TB/ALL.* The term "pressure vacuum relief valve" means any device or assembly of a mechanical, liquid, weight, or other type used for the automatic regulation of pressure or vacuum in enclosed places.

§ 30.10–57 *Recognized classification society—TB/ALL.* The term "recognized classification society" means the American Bureau of Shipping or other classification society recognized by the Commandant.

§ 30.10–59 *Reid vapor pressure—TB/ALL.* The term "Reid vapor pressure" means the vapor pressure of a liquid at a temperature of 100° F., expressed in pounds per square inch absolute, as determined by the "Reid Method" as described in the American Society for Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products. This Standard is available at Headquarters for reading purposes or it may be purchased from the Society in Philadelphia, Pa.

§ 30.10–61 *Rivers—TB/R.* Under this designation shall be included all tank vessels whose navigation is restricted to rivers and/or to canals, exclusively.

§ 30.10–63 *Spark arrester—TB/ALL.* The term "spark arrester" means any device, assembly, or method of a mechanical, centrifugal, cooling, or other type and of a size suitable for the retention or quenching of sparks in exhaust pipes from internal combustion engines.

[1] American Society for Testing Materials Standard D–323 (most recent revision), Method of Test for Vapor Pressure of Petroleum Products (Reid Method).

§ 30.10–65 *Tank barge—B/ALL.* The term "tank barge" means any tank vessel not equipped with means of self-propulsion.

§ 30.10–67 *Tank ship—T/ALL.* The term "tank ship" means any tank vessel propelled by power or sail.

§ 30.10–69 *Tank vessel—TB/ALL.* The term "tank vessel" means any vessel especially constructed or converted to carry liquid bulk cargo in tanks.

§ 30.10–71 *Tankerman — TB/ALL.* The term "tankerman" means any person holding a certificate issued by the Coast Guard attesting to his competency in the handling of inflammable or combustible liquid cargo in bulk or is any person holding a valid license as master, mate, pilot, or engineer.

SUBPART 30.20—ENFORCEMENT AND RIGHTS OF APPEAL

§ 30.20–1 *Enforcement — TB/ALL.* The Officer in Charge, Marine Inspection, under the superintendence of the Coast Guard District Commander, is responsible for the performance of duties within his jurisdiction with respect to the enforcement and administration of Title 52, R. S., acts amendatory thereof or supplemental thereto, rules and regulations thereunder, and the inspections required thereby.

§ 30.20–10 *Penalties for violations of tank vessel regulations—TB/ALL.* (a) The provisions of R. S. 4417a, as amended (46 U. S. C. 391a) provide the following penalty:

(7) The owner, master, or person in charge of any vessel subject to the provisions in this section, or any or all of them, who shall violate the provisions of this section, or of the rules and regulations established hereunder, shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both such fine and penalty.

(b) Certificates of inspection for tank vessels may also be revoked or suspended by the Coast Guard where such process is authorized by law. This may occur if the vessel does not meet the requirements of law or regulations in this chapter or if there is a failure to maintain the safety requirements requisite to the issuance of a certificate of inspection.

§ 30.20–50 *Right of appeal—TB/ALL.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action, he may appeal therefrom to the Coast Guard District Commander having jurisdiction and a like appeal shall be allowed from any decision or action of the Coast Guard District Commander to the Commandant, whose decision shall be final: *Provided, however,* That application for such reexamination of the case by a Coast Guard District Commander or by the Commandant shall be made within 30 days after the decision or action appealed from shall have been rendered or taken.

PART 31—INSPECTION AND CERTIFICATION

SUBPART 31.01—GENERAL

Sec.
31.01–1 Inspections required—TB/ALL.
31.01–10 Authority of marine inspectors—TB/ALL.
31.01–15 Application for annual inspection—TB/ALL.
31.01–20 Application for inspection of new tank vessel or conversion of a vessel to a tank vessel—TB/ALL.

SUBPART 31.05—CERTIFICATES OF INSPECTION

31.05–1 Issuance of certificate of inspection—TB/ALL.
31.05–5 Posting the certificate of inspection—TB/ALL.
31.05–10 Period covered by certificate of inspection—TB/ALL.

SUBPART 31.10—INSPECTIONS

31.10–1 Recognized classification society—TB/ALL.
31.10–5 Inspection of new tank vessels—TB/ALL.
31.10–10 Vessels converted to tank vessels—TB/ALL.
31.10–15 Annual inspection—TB/ALL.
31.10–20 Drydocking or hauling out—TB/ALL.
31.10–23 Examination of tail shaft—T/OC.
31.10–25 Inspection covering repairs and alterations involving safety—TB/ALL.
31.10–30 Inclining test for stability—TB/ALL.
31.10–35 Permit to proceed to other ports for repairs—TB/ALL.
31.10–40 Inspection during trial trip—T/ALL.
31.10–45 Inspection of crew accommodations—TB/ALL.

SUBPART 31.15—MANNING OF TANK VESSELS

31.15–1 Licensed officers and crews—TB/ALL.
31.15–5 Tank barges—B/ALL
31.15–10 Towing vessels may carry persons in addition to crew—B/LBR.

SUBPART 31.20—WATERS OPERATED OVER

31.20–1 Waters—TB/ALL.

SUBPART 31.25—LOAD LINES

31.25–1 Load lines required—TB/OCL.

SUBPART 31.30—MARINE ENGINEERING

31.30–1 Marine engineering regulations and material specifications—TB/ALL.

AUTHORITY: §§ 31.01–1 to 31.30–1 issued under R. S. 4405, as amended, 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 31.01—GENERAL

§ 31.01–1 *Inspections required—TB/ALL.* (a) Every tank vessel subject to the regulations in this subchapter shall be inspected annually, or oftener if necessary, by the Coast Guard to see that the hull, boilers, machinery, equipment, apparatus for storage, and appliances of the vessel comply with the marine inspection laws and the regulations in this subchapter and Subchapter E (Load Lines), Subchapter F (Marine Engineering), and Subchapter Q (Specifications) of this chapter, where applicable.

(b) In the inspection of hulls of tank vessels, the marine inspector will carefully inspect every accessible part of the hull and will examine the wood or metal of which the hull is constructed to determine its condition, making all necessary hammer tests of hulls constructed of iron or steel. If the marine inspector shall not have satisfactory evidence of the soundness of the hull of a wooden tank vessel, the Officer in Charge, Marine Inspection, shall not issue a certificate of inspection until such hull has been bored or opened up to the inspector's satisfaction.

(c) Tank vessels while laid up and dismantled and out of commission are exempt from any or all inspections required by law or regulations in this subchapter.

§ 31.01–10 *Authority of marine inspectors—TB/ALL.* Inspectors may at any time lawfully inspect any tank vessel.

§ 31.01–15 *Application for annual inspection—TB/ALL.* Application in writing for the annual inspection of every tank vessel required to be inspected by law and the regulations in this subchapter shall be made by the master, owner, or agent to the Officer in Charge, Marine Inspection, at any local marine inspection office, United States Coast Guard, where the vessel may be operating. The application should be on Form CG 833, Application for Inspection of Vessel, which requires information on name and type of vessel, nature of employment and route in which to be operated, grade or type of cargo to be carried, place where and date when the vessel may be inspected, and that no other application has been made to any Officer in Charge, Marine Inspection, since the issuance of the last valid certificate of inspection.

§ 31.01–20 *Application for inspection of new tank vessel or conversion of a vessel to a tank vessel—TB/ALL.* Prior to the commencement of the construction of any new tank vessel, or prior to the commencement of the conversion of any vessel to a tank vessel, application for the approval of contract plans and specifications and for a certificate of inspection shall be made in writing to the Coast Guard and no such construction or conversion shall be proceeded with until such approval is granted. (See § 31.10–1.)

SUBPART 31.05—CERTIFICATES OF INSPECTION

§ 31.05–1 *Issuance of certificate of inspection—TB/ALL.* (a) When a tank vessel is found to comply with law and the regulations in this subchapter, and Subchapter E (Load Lines), Subchapter F (Marine Engineering), and Subchapter Q (Specifications) of this chapter, a certificate of inspection shall be issued to it, or to its owners, by the Officer in Charge, Marine Inspection.

(b) Certificates of inspection for tank vessels shall be similar in form to certificates issued to other cargo vessels, and in addition to the manning requirements and waters over which they may be operated, they shall be appropriately endorsed "Inspected and approved for the carriage of inflammable or combustible liquids of Grade A, B, C, D, or E" (as the case may be), and such endorsement shall serve as a permit for such vessel to operate. The endorsement for the carriage of liquefied inflammable gases is set forth in § 38.01–5 of this subchapter. The endorsement for the carriage of Class "B" or "C" poisonous liquids is set forth in § 39.01–5 of this subchapter.

(c) The certificate of inspection shall be verified by the oath of the inspector signing it before the chief officer of the customs of the district or any other person competent by law to administer oaths.

(d) The certificate of inspection shall be delivered to the master or owner of the tank vessel to which it relates.

§ 31.05–5 *Posting the certificate of inspection—TB/ALL.* The certificate of inspection shall be framed under glass and posted in a conspicuous part of the vessel, except that where it is not practicable to so expose the certificate of inspection it shall be carried in the vessel in such manner as authorized by the Officer in Charge, Marine Inspection.

§ 31.05–10 *Period covered by certificate of inspection—TB/ALL.* Certificates of inspection for any period less than 1 year shall not be issued.

SUBPART 31.10—INSPECTIONS

§ 31.10–1 *Recognized classification society—TB/ALL.* (a) In the inspection of hulls, boilers, and machinery, the rules promulgated by the American Bureau of Shipping and designated "Rules for Building and Classing Steel Vessels" respecting material and construction of hulls, boilers, and machinery, except as otherwise provided for by law and regulations in this chapter, shall be accepted as standard by the Coast Guard after being adopted by the Commandant.

(b) When such rules of the American Bureau of Shipping are adopted as standard by the Commandant, notice of such action will be published in the FEDERAL REGISTER. Such rules will apply to new construction contracted for on or after the effective date of publication, which will be 90 days after the date of the FEDERAL REGISTER in which the notice appears.

NOTE: The latest current rules of the American Bureau of Shipping as described in paragraph (a) of this section, which are hereby adopted as standard by the Commandant, are those dated 1950 and will apply to new construction contracted for on or after the effective date of this regulation as amended. As the "Rules for Building and Classing Steel Vessels" are usually published annually, information regarding the latest current rules of the American Bureau of Shipping which have been adopted by the Commandant subsequent to the effective date of § 31.10–1 may be obtained through the following sources: District Commander of any Coast Guard District; or Commandant (MMT), U. S. Coast Guard, Washington 25, D. C. These rules may be purchased from the American Bureau of Shipping, New York, N. Y.

(c) The approved plans and certificate of the American Bureau of Shipping, or other recognized classification society for classed vessels, may be accepted by the Coast Guard as evidence of the structural efficiency of the hull and reliability of machinery of vessels subject to the regulations in this subchapter, except as otherwise provided for by laws and regulations in this chapter.

§ 31.10–5 *Inspection of new tank vessels—TB/ALL—*(a) *Plans.* Triplicate copies of contract plans and specifications shall be forwarded to the Officer in Charge, Marine Inspection, in whose district the construction will take place, for submission to Headquarters for approval, but if the tank vessel is to be classed, such plans and specifications shall first be approved by a recognized classification society. If the plans and specifications are found to be in substantial agreement with the regulations in this chapter, they shall be approved, properly stamped and dated and distributed as follows: one set to owner or builder; one set to Officer in Charge, Marine Inspection, of the district in which the vessel is to be built; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall notify the owner or builder promptly wherein they fail to comply with the regulations in this chapter.

(b) *Inspection.* During construction, and upon completion of each tank vessel, it shall be inspected by the Officer in Charge, Marine Inspection, to determine whether it has been built in accordance with the approved plans and specifications, and, if so, a certificate of inspection endorsed as a permit for the carriage of inflammable or combustible liquids in bulk for the proper grade or grades of cargo shall be issued to the vessel or its owner.

(c) *Certificate of class may be accepted.* In the event such tank vessel is classed by the American Bureau of Shipping or other recognized classification society, the approved plans and certificates of such society may be accepted by the Coast Guard as evidence of the structural efficiency of the hull and reliability of machinery, except as otherwise provided for by law and the rules and regulations in this subchapter.

§ 31.10–10 *Vessels converted to tank vessels—TB/ALL.* The procedure for the inspection of vessels converted to tank vessels shall conform to the inspection for new tank vessels as called for in § 31.10–5 (b), and such vessels shall comply with the requirements of inspections for converted vessels as set forth in the regulations in this subchapter.

§ 31.10–15 *Annual inspection—TB/ALL.* (a) The Officer in Charge, Marine Inspection, shall once in every year, at least, carefully inspect each tank vessel within his jurisdiction and shall satisfy himself that every such vessel so inspected is of a structure suitable for the carriage of inflammable and/or combustible liquids in bulk and for the proper grade or grades of such cargo in the service in which she is employed; and if he deems it expedient, he may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

(b) If such inspection reveals deficiencies in the maintenance as called for by the regulations in this subchapter, such necessary repairs or improvements shall be made as may be ordered to comply herewith.

§ 31.10–20 *Drydocking or hauling out—TB/ALL.* (a) Each steel hull tank vessel shall be placed in drydock or on a slipway or hauled out for examination depending upon its service, as follows:

(1) Each tank vessel whose operations in saltwater service aggregate more than 6 months in a calendar year shall be drydocked or hauled out at least once each calendar year.

(2) Each tank vessel whose operations in saltwater service aggregate 6 months or less in a calendar year shall be drydocked or hauled out at least once in every 2 calendar years.

(3) Each tank vessel used in freshwater service exclusively shall be drydocked or hauled out at least once in every 5 calendar years.

(b) Each wood hull tank vessel shall be placed in drydock or on a slipway, or hauled out for examination at least once every 4 years.

(c) Each tank vessel, irrespective of service which has not complied with these drydocking requirements, either because it was on voyage or was tied up, shall be drydocked or hauled out upon the completion of such voyage or before being placed in service.

(d) Whenever any tank vessel is placed in drydock or on a slipway or hauled out for repairs it shall be the duty of the master, owner, or agent to report the same, together with the nature of any repairs or alterations contemplated, to the Officer in Charge, Marine Inspection, of that zone, and if the condition or age of the vessel, in the judgment of the inspectors, renders an examination necessary, a thorough inspection shall be made by them to determine what is necessary to make such vessel seaworthy and come within the provisions of the regulations in this subchapter.

(e) Sea chests, sea valves, sea strainers and bilge injection valves shall be examined at the time of the drydockings required by paragraphs (a), (b), and (c) of this section and shall be opened up for internal examination when deemed necessary by the Officer in Charge, Marine Inspection.

§ 31.10–23 *Examination of tail shaft—T/OC.* The outboard shaft or shafts on every ocean or coastwise tank ship shall be drawn for examination once at least in every 3 years: *Provided,* That if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, not to exceed 4 months, and: *Provided further,* That when it is shown that a vessel has had a long period of lay-up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed 1 year.

§ 31.10–25 *Inspection covering repairs and alterations involving safety—TB/ALL.* No extensive alterations involving the safety of a tank vessel either in regard to hull or machinery shall be made without the approval of the Commandant. Before such alterations are carried out, copies of plans and specifications in triplicate for the work involved

shall be forwarded to the Officer in Charge, Marine Inspection, in whose zone the repairs will be made, for submission to Headquarters for approval. If approved one set of the plans and specifications, properly stamped and dated, shall be returned to the owner or to the repair yard designated by the owner; one set to the Officer in Charge, Marine Inspection, who forwarded the plans and specifications to Headquarters; and one set shall be retained at Headquarters. If such plans and specifications are not approved, Headquarters shall promptly notify the owner or designated shipyard wherein they fail to comply with the regulations in this chapter. No extensive repairs to the hull or machinery which affect the safety of a vessel shall be made without the knowledge of the Officer in Charge, Marine Inspection.

§ 31.10–30 *Inclining test for stability—TB/ALL.* When the Officer in Charge, Marine Inspection, has any reason to question the stability of any tank vessel under his jurisdiction, he shall require the owners of the tank vessel to make inclining tests of such vessel.

§ 31.10–35 *Permit to proceed to other ports for repairs—TB/ALL.* The Officer in Charge, Marine Inspection, may issue a permit to proceed to another port for repairs, if in his judgment the vessel can proceed with safety. In the issuance of such a permit, the Officer in Charge, Marine Inspection, will state upon its face the conditions upon which it is granted and whether the vessel is to be allowed to carry freight or passengers. A vessel whose certificate of inspection has expired shall not be issued a permit to carry passengers while en route to another port for repairs.

§ 31.10–40 *Inspection during trial trip—T/ALL.* On the trial trip of each new or converted tank ship, an inspector shall be present to observe from the standpoint of safety in the carriage of inflammable and/or combustible liquids in bulk, the operation of boilers, engines, steering gear, and auxiliaries; and if not satisfied with the performance of such boilers and machinery, appliances, and apparatus for stowage, he shall make such requirements as in his judgment will overcome any deficiencies which may have come under his observation.

§ 31.10–45 *Inspection of crew accommodations—TB/ALL.* Crew's quarters shall be inspected to determine their sanitary condition. The Officer in Charge, Marine Inspection, upon completing such inspection, shall notify the master or officer in charge of the vessel of his findings, which shall be entered in the vessel's log book.

SUBPART 31.15—MANNING OF TANK VESSELS

§ 31.15–1 *Licensed officers and crews—TB/ALL.* (a) The Officer in Charge, Marine Inspection, who inspects the vessel, shall make in the certificate of inspection for each tank vessel an entry of such complement of officers and/or crew as required by law and regulations in this subchapter, and which in the judgment of the Officer in Charge, Marine Inspection, will be necessary for her safe operation. The complement may be changed from time to time by endorsement on such certificate by an Officer in Charge, Marine Inspection, by reason of change of conditions or employment.

(b) In all cases where a certificate of inspection does not require at least two licensed officers, the Officer in Charge, Marine Inspection, shall enter in the certificate of inspection issued to any manned tank vessel subject to the regulations in this subchapter the number of the crew required to be certificated as tankermen. If the total complement of a tank vessel is either one or two persons, only one such person need be a certificated tankerman. If the total complement exceeds two, only two such persons need be certificated tankermen.

§ 31.15–5 *Tank barges—B/ALL.* Tank barges need not be manned unless in the judgment of the Officer in Charge, Marine Inspection, such manning is necessary for the protection of life and property and for the safe operation of the vessel: *Provided, however,* That towing vessels, while towing barges which are not required to be manned, shall carry in the regular complement of the towing vessel and shall have on board at all times while towing, at least one licensed officer or certificated tankerman.

§ 31.15–10 *Towing vessels may carry persons in addition to crew—B/LBR.* (a) Towing vessels engaged in towing tank barges on the Great Lakes, inland waters, or rivers, may be authorized by the Coast Guard District Commander of the district to carry on board such number of persons in addition to its crew as shall be deemed necessary to carry on the legitimate business of such towing vessel or barge, not exceeding, however, one person to every net ton of the towing vessel.

(b) A Coast Guard District Commander granting a license to a vessel engaged in towing to carry persons in addition to its crew shall notify the Officer in Charge, Marine Inspection, in whose jurisdiction the vessel receiving the permit is engaged, and the Officer in Charge, Marine Inspection, shall keep a record of the same.

SUBPART 31.20—WATERS OPERATED OVER

§ 31.20–1 *Waters—TB/ALL.* The certificate of inspection shall show the waters over which the tank vessel is permitted to operate, such as: all waters; oceans; coastwise; Great Lakes; bays, sounds, and lakes other than the Great Lakes; rivers; or inland waters tributary to the Gulf of Mexico.

SUBPART 31.25—LOAD LINES

§ 31.25–1 *Load lines required—TB/OCL.* All tank vessels of 150 gross tons or over navigating the oceans, coastwise waters, and Great Lakes are subject to the regulations in Parts 43 to 45, inclusive, Subchapter E (Load Lines) of this chapter.

SUBPART 31.30—MARINE ENGINEERING

§ 31.30–1 *Marine engineering regulations and material specifications—TB/ALL.* All tank vessels are subject to the regulations contained in Parts 50 to 57, inclusive, Subchapter F (Marine Engineering) of this chapter, wherever applicable, except as such regulations are modified by the regulations in this subchapter for tank vessels.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.01—SAFETY REQUIREMENTS

Sec.
32.01–1 Means of escape—T/ALL.
32.01–5 Life lines—TB/OCLB.
32.01–10 Rails—TB/ALL.
32.01–15 Guards at dangerous places—TB/ALL.

SUBPART 32.05—MARKINGS

32.05–1 Draft marks—TB/ALL.
32.05–5 Vessel's name on equipment—TB/ALL.
32.05–10 Name of tank ship—T/ALL.
32.05–15 Name of tank barge—B/ALL.

SUBPART 32.10—COOKING OR HEATING EQUIPMENT

32.10–1 Liquefied inflammable gases for cooking or heating—TB ALL.
32.10–10 Odorization of liquefied inflammable gas—TB/ALL.
32.10–15 Location and securing of containers containing liquefied inflammable gas—TB/ALL.
32.10–20 Valves and regulators controlling liquefied inflammable gas—TB/ALL.
32.10–25 Vaporizers for liquefied inflammable gas—TB/ALL.
32.10–30 Piping and fittings for liquefied inflammable gas—TB/ALL.
32.10–35 Ventilation of compartments having liquefied inflammable gas appliances—TB/ALL.
32.10–40 Identification and instructions for liquefied inflammable gas—TB/ALL.
32.10–45 Operating instructions for liquefied inflammable gas—TB/ALL.

SUBPART 32.15—NAVIGATION EQUIPMENT

32.15–1 Fog bells—TB/ALL.
32.15–5 Whistles—T/ALL.
32.15–10 Sounding machines—T/OCL.
32.15–15 Anchors for seagoing barge—B/OC.

SUBPART 32.20—EQUIPMENT INSTALLATIONS

32.20–1 Equipment installations on vessels during World War II—TB ALL.
32.20–5 Pressure vacuum relief valves—TB/ALL.
32.20–10 Flame arresters—TB/ALL.
32.20–20 Liquid level gaging—T/ALL.

SUBPART 32.25—ALARM SYSTEMS

32.25–1 Alarm bells for tank ships constructed on or after September 15, 1943—T/ALL.
32.25–10 Alarm bells for tank ships constructed prior to September 15, 1943—T/ALL.
32.25–15 Alarm bells for manned barges—B/OC.

SUBPART 32.30—INTERIOR COMMUNICATION SYSTEMS

32.30–1 Voice tubes or telephone equipment—T/ALL.
32.30–5 Bell signals between pilothouse and engine room—T/ALL.
32.30–10 Telegraph systems—T/ALL.
32.30–15 Inspections—T/ALL.

SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

32.35–1 Design and construction of boilers—TB/ALL.
32.35–5 Auxiliary machinery—TB/ALL.
32.35–10 Installation of internal combustion engines—TB/ALL.

Sec.
32.35–15 Internal combustion engine exhaust—TB/ALL.
32.35–20 Bilge pumps for tank barges—B/ALL.
32.35–21 Bilge pumps on unmanned barges—B/BR.
32.35–25 Steering apparatus on tank ships constructed before July 1, 1951—T/ALL.
32.25–30 Steering apparatus on tank ships constructed on or after July 1, 1951—T/ALL.
32.35–35 Steering apparatus on tank barges—B/ALL.

SUBPART 32.40—ACCOMMODATIONS

32.40–1 Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.
32.40–5 Crew accommodations on tank ships of less than 100 gross tons and manned tank barges constructed after January 1, 1938—TB/ALL.
32.40–10 Crew accommodations on tank ships of 100 gross tons or over constructed after March 4, 1915, and prior to January 1, 1938—T/ALL.
32.40–15 Crew accommodations on tank ships and manned tank barges not otherwise provided for—TB/ALL.

SUBPART 32.45—ELECTRICAL INSTALLATIONS

32.45–1 Application—TB/ALL.
32.45–5 General installation requirements—TB/ALL.
32.45–10 Installations made during the Unlimited National Emergency—TB/ALL.
32.45–15 Location of storage batteries on tank vessels constructed after November 10, 1936—TB/ALL.

SUBPART 32.50—PUMPS, PIPING, AND HOSE FOR CARGO HANDLING

32.50–1 Cargo pumps for tank vessels constructed on or after November 10, 1936—TB/ALL.
32.50–5 Cargo pump fittings and controls or tank vessels constructed on or after November 10, 1936—TB/ALL.
32.50–10 Cargo pumps on tank vessels with independent cargo tanks which were constructed prior to November 10, 1936—TB/ALL.
32.50–15 Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.
32.50–20 Cargo piping for tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.
32.50–25 Cargo pumps and piping on tank vessels constructed prior to November 10, 1936—TB/ALL.
32.50–30 Cargo hose—TB/ALL.

SUBPART 32.55—VENTILATION AND VENTING

32.55–1 Ventilation of tank vessels constructed on or after July 1, 1951—TB/ALL.
32.55–5 Ventilation of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.
32.55–10 Ventilation for tank vessels constructed prior to November 10, 1936—TB/ALL.
32.55–15 Ventilation for hold spaces—TB/ALL.
32.55–20 Venting of cargo tanks of tank ships constructed on or after July 1, 1951—T/ALL.
32.55–25 Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL.
32.55–30 Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.
32.55–35 Venting of cargo tanks on tank vessels constructed prior to November 10, 1936—TB/ALL.
32.55–40 Venting of cargo tanks fitted with inert-gas system—TB/ALL.
32.55–45 Venting of cofferdams of tank vessels constructed on or after November 10, 1936—TB/ALL.

SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

32.60–1 Scantlings, material, and workmanship—TB/ALL.
32.60–5 Subdivision of cargo space—TB/ALL.
32.60–10 Segregation of cargo; Grade A, B, C, or D—TB/ALL.
32.60–15 Segregation of cargo; Grade E—TB/ALL.
32.60–20 Pump rooms on tank vessels carrying Grade A, B, C, or D liquid cargo—TB/ALL.
32.60–25 Living quarters—TB/ALL.
32.60–30 Tank vessels with independent tanks—TB/ALL.
32.60–35 Tank vessels carrying Grade A liquid cargo—TB/ALL.
32.60–40 Construction and testing of cargo tanks and bulkheads—TB/ALL.

SUBPART 32.65—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER NOVEMBER 10, 1936, AND PRIOR TO JULY 1, 1951

32.65–1 Application—TB/ALL.
32.65–5 Scantlings, material, and workmanship—TB/ALL.
32.65–10 Subdivision of cargo space—TB/ALL.
32.65–15 Cofferdams—TB/ALL.
32.65–20 Pump rooms—TB/ALL.
32.65–25 Living quarters—TB/ALL.
32.65–30 Tank vessels with independent tanks—TB/ALL.
32.65–35 Tank vessels carrying Grade A liquids—TB/ALL.
32.65–40 Construction and testing of cargo tanks and bulkheads—TB/ALL.

SUBPART 32.70—HULL REQUIREMENTS FOR STEEL HULL TANK VESSELS CONSTRUCTED PRIOR TO NOVEMBER 10, 1936

32.70–1 Application—TB/ALL.
32.70–5 Hull requirements; general—TB/ALL.
32.70–10 Cofferdams—TB/ALL.
32.70–15 Pump rooms—TB/ALL.
32.70–20 Pump-engine compartment—TB/ALL.
32.70–25 Cargo tanks—TB/ALL.

SUBPART 32.75—HULL REQUIREMENTS FOR WOOD HULL TANK VESSELS CONSTRUCTED PRIOR TO NOVEMBER 10, 1936

32.75–1 Application—TB/ALL.
32.75–5 Hull requirements; general—TB/ALL.
32.75–10 Cargo tanks—TB/ALL.
32.75–15 Electric bonding and grounding of tanks—TB/ALL.
32.75–20 Hold spaces and bulkheads—TB/ALL.

SUBPART 32.80—TANK BARGES CONSTRUCTED OF MATERIALS OTHER THAN STEEL OR IRON

32.80–1 General requirements—B/ALL.

AUTHORITY: §§ 32.01–1 to 32.80–1 issued under R. S. 4405, as amended, 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 32.01—SAFETY REQUIREMENTS

§ 32.01–1 *Means of escape—T/ALL.* On all tank ships where the plans and arrangements will possibly permit, all passageways leading to living quarters, or places where anyone may be regularly employed, shall be provided with not less than two avenues of escape so located that if one of such avenues is not available another may be. The locality and arrangement of such additional means of escape shall be determined by the inspectors as will in their judgment best carry out the purpose for which this provision was made.

§ 32.01–5 *Life lines—TB/OCLB.* On all tank vessels where the distance is more than 150 feet between deck houses, a wire cable shall be stretched between the deck houses at all times when the vessel is loaded and being navigated, this cable to be not less than 5 feet from the deck; and there shall be attached at all times to the cable a traveler with a line of sufficient continuous length to insure its operation in order that communication between both ends of the vessel may be facilitated at all times: *Provided,* That in addition to the traveler with the endless whip, as many loose rings with lanyards attached may be placed on the cable as may be deemed necessary by the master in charge of the vessel: *Provided further,* That a fore and aft raised bridge shall be accepted in lieu of the wire cable and traveler.

§ 32.01–10 *Rails—TB/ALL.* (a) All tank vessels, except unmanned tank barges navigating the rivers only, the construction or conversion of which is started on or after July 1, 1951, shall be fitted with rails on decks and bridges. All rails shall be in at least two courses, including the top, and shall be at least 36 inches high.

(b) For all tank vessels, except those navigating the rivers only, the construction or conversion of which was started after September 11, 1946, and prior to July 1, 1951, rails on decks or bridges shall be in at least two courses, including the top, and shall be at least 36 inches high.

§ 32.01–15 *Guards at dangerous places—TB/ALL.* All exposed and dangerous places such as gears and machinery shall be properly protected with covers, guards or rails in order that the danger of accidents may be minimized. On vessels equipped with radio communication, the lead-ins shall be efficiently incased or insulated to insure against accidental shock. Such lead-ins shall be located so as not to interfere with the launching of lifeboats and life rafts.

SUBPART 32.05—MARKINGS

§ 32.05–1 *Draft marks—TB/ALL.* All tank vessels of 50 gross tons and over shall have the drafts of the vessel plainly and legibly marked upon the stem and upon the sternpost or rudderpost, or at such other places forward and aft as may be necessary for easy observance. The draft shall be taken from the bottom of the lowest part of the keel to the surface of the water, the bottom of the mark to indicate the draft in feet.

§ 32.05–5 *Vessel's name on equipment—TB/ALL.* The equipment of all

tank vessels, such as fire hose, fire axes, lifeboats, life rafts, life preservers, and life floats, shall be painted or branded with the name of the vessel upon which they are used.

§ 32.05–10 *Name of tank ship—T/ALL.* Every tank ship not documented by the Commissioner of Customs shall have the name marked upon each bow and upon the stern, and the home port shall also be marked upon the stern. The name shall be in a light color on a dark ground, or in a dark color on a light ground, and shall be distinctly visible. The smallest letters used shall be not less than 4 inches in size. In addition, every tank ship shall have her name conspicuously displayed in distinct plain letters, of not less than 6 inches in size, on each outer side of the pilothouse.

§ 32.05–15 *Name of tank barge—B/ALL.* Every tank barge not documented by the Commissioner of Customs shall have its name or number carved, punch-marked, or welded on the main beam, inside the cargo hatch, or other suitable permanent part of the vessel's structure for the purpose of identification. The vessel's name or number shall be so displayed at the highest part of the vessel's hull or permanent structure that the name or number can be seen from either side.

SUBPART 32.10—COOKING OR HEATING EQUIPMENT

§ 32.10–1 *Liquefied inflammable gases for cooking or heating—TB/ALL.* Class 1, liquefied inflammable gas (See § 30.10–39 (a) of this subchapter) may be used on inspected vessels, except passenger vessels, provided:

(a) *Approved appliances.* Gas consuming appliances are approved for use of liquefied inflammable gas by the American Gas Association Testing Laboratories (as indicated by label or seal of approval for liquefied inflammable gas on stationary installations) and are also approved by the Commandant.

(b) *Cylinders or drums.* The cylinders or drums in which liquefied inflammable gas is stored and handled shall comply with Interstate Commerce Commission specifications and retest requirements for the specific gas filled therein.

(c) *Valves.* The relief valves, shut off valves, excess flow valves, pressure regulators, and vaporizer, when used, shall conform to the requirements of and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(d) *Location and installation.* The location and installation of gas-burning appliances, gas cylinders and regulating equipment, together with all piping shall be approved by the Commandant.

§ 32.10–10 *Odorization of liquefied inflammable gas—TB/ALL.* All liquefied inflammable gas used on vessels shall be effectively odorized by an agent of such character as to indicate positively by a distinctive odor the presence of gas down to a concentration in air of not over ⅕ the lower limit of combustibility.

§ 32.10–15 *Location and securing of containers of liquefied inflammable gas—TB/ALL.* (a) Cylinders shall be located in a substantially constructed and firmly fixed metal enclosure located on or above the weather deck level. Access to this enclosure shall be from the weather deck only. This enclosure shall be so constructed that when the access opening is closed any gas leakage can escape only through a top and bottom ventilating system which shall consist of a fresh air inlet pipe and an exhaust pipe both entering the enclosure from above.

(b) Cylinders or drums located within the metal enclosure shall be suitably secured in place.

(c) Storage of spare and empty cylinders shall be within the metal enclosure or they shall be properly chocked on the weather deck.

§ 32.10–20 *Valves and regulators controlling liquefied inflammable gas—TB/ALL.* (a) A spring loaded relief valve shall be incorporated in the system, its size and pressure setting to be according to Interstate Commerce Commission's requirements, and it shall be located and vented within the metal enclosure. This relief valve shall be located on or between the cylinder and the pressure regulator.

(b) The low pressure side of all pressure regulators shall be protected against excessive pressure by means of a suitable relief valve which shall discharge into the metal enclosure.

(c) All regulator vents shall discharge into the metal enclosure.

(d) All valves and regulators embodied in the system for the purpose of pressure relief, regulation and control of gas pressure and flow rates, shall be securely mounted in positions readily accessible for inspection, maintenance and testing.

(e) Valves in the assembly of multiple cylinder systems shall be so arranged that the change of cylinders may be made without shutting down the system.

(f) A shutoff valve shall be installed in each branch connection.

§ 32.10–25 *Vaporizers for liquefied inflammable gas—TB/ALL.* Where a vaporizer is required approval shall be obtained from the Commandant.

§ 32.10–30 *Piping and fittings for liquefied inflammable gas—TB/ALL.* (a) All piping shall be installed so as to provide minimum interior runs with adequate flexibility.

(b) The piping between the cylinders and the appliances shall be seamless annealed copper tubing or any other tubing approved by the Commandant. The tubing connections shall be flared and the number held to a minimum.

(c) All piping or tubing shall be tested (such as with a manometer employing water) after assembly and at each annual inspection and proved free from leaks at not less than normal operating pressures. Tests may be made by qualified persons acceptable to the Officer in Charge, Marine Inspection, and one copy of a report of such test shall be posted and another forwarded to the Officer in Charge, Marine Inspection, in the district in which the test was made.

§ 32.10–35 *Ventilation of compartments having liquefied inflammable gas appliances—TB/ALL.* (a) Compartments which are located above the weather deck and which contain gas-consuming devices shall be ventilated by openings to the outside near the deck level and by openings overhead or near the overhead in the compartment. Mechanical ventilators may also be provided.

(b) Where compartments in which gas-consuming devices are located are entirely below the weather deck, mechanical ventilation shall be provided with sufficient capacity to effect a change of air at least once every six minutes.

§ 32.10–40 *Identification and instructions for liquefied inflammable gas—TB/ALL.* (a) The outside of metal enclosure housing liquefied inflammable gas cylinders, valves and regulators shall be marked:

"Liquefied Inflammable Gas
Keep Open Fires Away"
"Operating Instructions
Inside and In----------"

(b) Operating instructions shall be framed under glass and shall be posted prominently, both in the interior of the metal enclosure and near the most frequently used gas-consuming device, so they may be easily read.

§ 32.10–45 *Operating instructions for liquefied inflammable gas—TB/ALL.* (a) Before opening a cylinder valve, the outlet of cylinder shall be connected tightly to system; and in the case where only a single cylinder is used in the system, all appliance valves and pilots must be shut off before the cylinder valve is opened.

(b) Before opening cylinder valve after connecting it to system, the cylinder shall be securely fastened in place.

(c) When cylinders are not in use their outlet valves shall be kept closed.

(d) Cylinders when exhausted shall have their outlet valves closed.

(e) Nothing shall be stored in the metal enclosure except liquefied inflammable gas cylinders and permanently fastened parts of the system.

(f) Valve protecting caps if provided shall be firmly in place on all cylinders not attached to the system. Caps for cylinders in use may remain in metal enclosure if rigidly fastened to the metal enclosure structure.

(g) The opening into the metal enclosure must be closed at all times except when access is required to change cylinders or maintain equipment.

(h) Gas pressure to consuming devices should be approximately 11 inches water column (6.4 ounces per square inch).

(i) No smoking should be permitted in the vicinity of the metal enclosure when access to enclosure is open.

(j) If electric connections are made within the metal enclosure they must be installed in strict accordance with the requirements of the National Electrical Code[1] for Class I, Group D, Hazardous Locations.

[1] Copies of this Code, National Board of Fire Underwriters' pamphlet No. 70, are on file with the various Coast Guard District Commanders for reference purposes. This code may be purchased from the National Board of Fire Underwriters, New York, New York.

(k) Tests for gas leaks should be made with a soap solution or low freezing point liquids but in no case shall a flame be used.

(l) Report any presence of gas odor to ----------

SUBPART 32.15—NAVIGATION EQUIPMENT

§ 32.15–1 *Fog bells—TB/ALL.* The efficient fog bell required upon vessels by law shall be held to mean a bell not less than 8 inches in diameter from outside to outside and constructed of bronze or brass or other material equal thereto in tone and volume of sound, and located where the sound shall be the least obstructed.

§ 32.15–5 *Whistles—T/ALL.* Each tank ship shall be provided with an efficient whistle sounded by steam or by some substitute for steam to give the necessary whistle signals. All whistles shall be placed at an elevation of not less than 6 feet above the top of the pilothouse, where the clearance for passing under bridges will permit it. Tank ships navigating the Red River of the North, Yukon, and similar rivers, and rivers whose waters flow into the Gulf of Mexico, and tank ships of less than 100 gross tons may have their whistles located not less than 2 feet above the tops of their pilothouses. Such whistles or substitutes shall be satisfactory in sound and source of power for the purpose intended.

§ 32.15–10 *Sounding machines—T OCL.* All tank ships of 500 gross tons and over shall be equipped with an efficient mechanical deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use: *Provided*, That tank vessels of less than 1,500 gross tons navigating the Great Lakes exclusively need not be equipped with deep-sea sounding apparatus as required by this section.

§ 32.15–15 *Anchors for seagoing barge—B/OC.* Every seagoing barge shall be equipped with at least one anchor with suitable chain or cable to be at least equivalent to the requirements of the American Bureau of Shipping rules.

SUBPART 32.20—EQUIPMENT INSTALLATIONS

§ 32.20–1 *Equipment installations on vessels during World War II—TB/ALL.* Boilers, pressure vessels, machinery, piping, electrical and other installations, including lifesaving, fire-fighting and other safety equipment, installed on vessels during the Unlimited National Emergency declared by the President on May 27, 1941, and prior to the termination of Title V of the Second War Powers Act, as extended (sec. 501, 56 Stat. 180, 50 U. S. C. 635), which do not fully meet the detailed requirements of the regulations in this chapter, may be continued in service if found to be satisfactory by the Commandant for the purpose intended. In each instance prior to final action by the Commandant, the Officer in Charge, Marine Inspection, shall notify Headquarters of the facts in the case, together with recommendations relative to suitability for retention.

§ 32.20–5 *Pressure vacuum relief valves.* The pressure vacuum relief valve shall be of a type and size approved by the Commandant for the purpose intended. For specifications and procedures re approval, see Subpart 162.017 of Subchapter Q (Specifications) of this chapter.

§ 32.20–10 *Flame arresters—TB/ALL.* Flame arrester shall be of a type and size approved by the Commandant for the purpose intended. For specifications and procedures re approval, see subpart 162.016 of Subchapter Q (Specifications) of this chapter.

§ 32.20–20 *Liquid level gaging—T/ALL.* On tank ships, the construction or conversion of which is started on or after July 1, 1951, a method for determining the level of the liquid in a cargo tank without opening ullage holes, cargo hatches, or Butterworth plates, shall be provided on all tank ships certificated for the carriage of Grade A liquids: *Provided*, That ullage holes fitted with sounding pipes tightly secured to the underside of the tank tops, open at the bottom, and extending to within 18 inches or less of the bottom of the tank shall be considered as complying with the foregoing requirement.

SUBPART 32.25—ALARM SYSTEMS

§ 32.25–1 *Alarm bells for tank ships constructed on or after September 15, 1943—T/ALL.* (a) All tank ships of over 100 gross tons, the construction of which is begun on or after September 15, 1943, shall have all sleeping accommodations and machinery spaces equipped with a sufficient number of alarm bells so located as to warn all occupants.

(b) The system shall operate from a continuous source of electric energy capable of supplying the system for a period of at least 8 hours without being dependent upon the main, auxiliary, or emergency generating plants.

(c) Each bell shall produce a signal of a tone distinct from that of other bell signals in the vicinity and shall be independently fused with each of these fuses located above the bulkhead deck. The bells shall be controlled by a manually operated contact maker located in the pilothouse, in an accessible location in officers' quarters in midships deck house, and in the engine room. Alarm contactors in the latter two locations shall be protected by glass against tampering.

(d) The characteristics of the contact maker shall be such that it possesses:

(1) Positive contact.

(2) Watertightness (when located in open spaces subject to weather).

(3) Means whereby its electrically open or closed position can be determined by sense of touch.

(4) Means to effect a make-and-break circuit for signaling.

(5) Self-maintaining contacts.

§ 32.25–10 *Alarm bells for tank ships constructed prior to September 15, 1943—T/ALL.* All tank ships, the construction of which was begun prior to September 15, 1943, shall have all sleeping accommodations equipped with a sufficient number of alarm bells so located as to warn all the occupants. The alarm bells, if electric, shall be operated from an open switch from the pilothouse or bridge. The bells shall be of such size, character, and construction, as to provide an alarm throughout the spaces for which they are provided.

§ 32.25–15 *Alarm bells for manned barges—B/OC.* Each tank barge of over 100 gross tons, where the crew is divided into watches for the purpose of steering the vessel, shall be provided with a suitable alarm bell installation.

SUBPART 32.30—INTERIOR COMMUNICATION SYSTEMS

§ 32.30–1 *Voice tubes or telephone equipment—T/ALL.* (a) Tank ships constructed on or after July 1, 1951, shall be equipped with voice tubes or telephone equipment to provide communication between the pilothouse and (1) the emergency steering station, (2) the steering engine room, and (3) the engine room. Such equipment when installed, or fitted as replacements on such vessels, shall conform to the requirements in this section and in Subchapter Q (Specifications), of this chapter.

(b) Tank ships constructed before July 1, 1951, the voice tubes or telephone equipment installed thereon, or fitted as replacements on such vessels, to provide communication between the pilothouse and (1) the emergency steering station, (2) the steering engine room, and (3) the engine room, shall conform to the requirements in paragraphs (c) and (d) of this section and insofar as possible those requirements in Subchapter Q (Specifications) of this chapter.

(c) Where the length of voice tube required exceeds 125 feet, or if for other reasons efficient communications cannot be obtained by a voice tube installation, telephone equipment shall be substituted.

(d) Where the length of the voice tube as installed is not over 75 feet, the tube used shall be at least 2 inches in diameter. Installations having a length of over 75 feet shall be at least 2½ inches in diameter.

§ 32.30–5 *Bell signals between pilothouse and engine room—T/ALL.* Tank ships using the bell signals between the pilothouse and the engine room shall have a tube of proper size so arranged as to return the sound of the bell signals to the pilothouse, and shall also be provided with a speaking tube or other device for the purpose of conversation between the pilothouse and engine room.

§ 32.30–10 *Telegraph systems—T/ALL.* (a) Nothing in this subpart shall be construed to prevent the use of the so-called telegraph now in use for conveying signals from the pilothouse to the engine room, but in all cases where the telegraph is used the signal shall be repeated back.

(b) All electrical engine order telegraph systems on vessels, not also equipped with mechanical telegraphs, shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system.

§ 32.30–15 *Inspections—T/ALL.* Signal apparatus between pilothouse, engine room, steering engine room, and

emergency steering stations—whether they be telegraph, bell, whistle, telephone or voice tube—will be examined and tested at each annual inspection.

SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

§ 32.35–1 *Design and construction of boilers—TB/ALL.* The design and construction of all boilers, mountings, appurtenances, piping, fuel systems, etc., shall conform to the requirements in Parts 50 to 58 of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this subchapter.

§ 32.35–5 *Auxiliary machinery—TB/ALL.* All tank ships shall be provided with the necessary auxiliary machinery, pumps, and piping systems for the safe and efficient operation of the vessel. All such installations shall comply with the rules and regulations as contained in Parts 52 to 57 of Subchapter F (Marine Engineering) of this chapter, except as otherwise provided for in this subchapter, and be at least equivalent to the requirements of a recognized classification society.

§ 32.35–10 *Installation of internal combustion engines—TB/ALL.* (a) Gasoline engines, whether for propulsion or for driving auxiliaries, shall have their air intakes so directed that backfire cannot blow down into the bilges.

(b) On and after July 1, 1951, all new installations or replacements of gasoline engines shall be fitted with approved backfire flame arresters. For specifications and procedures re approval see Subpart 162.015 of Subchapter Q (Specifications) of this chapter. The gasoline engines which were installed prior to July 1, 1951, shall be fitted with effective backfire flame arresters.

(c) All carburetors for internal combustion engines shall be fitted with suitable metal drip collectors.

(d) Each internal combustion engine located on the weather deck shall be provided with a ventilated metal hood or, where space permits, with a well-ventilated metal housing of sufficient size to allow for proper operation and maintenance.

§ 32.35–15 *Internal combustion engine exhaust—TB/ALL.* (a) Exhaust lines from internal combustion engines, where run through the deck, or through the sides of the superstructure, shall be extended to a height of at least 4 feet above the deck. The exhaust piping shall be either insulated or water cooled.

(b) A spark arrester shall be installed in each exhaust line.

(c) All tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall comply with the requirements in this section where necessary in the interest of safety.

§ 32.35–20 *Bilge pumps for tank barges—B/ALL.* All tank barges shall be provided with means for removing bilge water from all parts of the vessel other than the cargo tanks.

§ 32.35–21 *Bilge pumps on unmanned barges—B/BR.* On unmanned barges bilge pumps, hand or power operated, either fixed or portable, and located on the barge or towing vessel, may be accepted as suitable means for pumping out spaces other than cargo tanks. When such barges are towed in flotilla and attended by a towing vessel at all times, suitable siphons, portable or fixed, carried aboard the barge or on the towing vessel, may be accepted.

§ 32.35–25 *Steering apparatus on tank ships constructed before July 1, 1951—T/ALL.* (a) On tank ships, the construction or conversion of which was started before July 1, 1951, suitable steering apparatus shall be provided. Extra steering apparatus consisting of relieving tackle, or of auxiliary power or hand steering gear attached to the rudder stock independent of the regular steering gear shall be provided.

(b) Where reasonable and practicable, the emergency steering wheel shall be located on the after weather deck, and an efficient means of communication shall be provided between the pilothouse, the emergency steering station, and the steering engine room.

(c) Replacements of steering apparatus on these tank ships shall be in accordance with § 32.35–30 for new construction.

§ 32.35–30 *Steering apparatus on tank ships constructed on or after July 1, 1951—T/ALL.* (a) All tank ships, the construction or conversion of which is started on or after July 1, 1951, shall have suitable means of steering capable of swinging the rudder from hard right to hard left in 30 seconds with the vessel proceeding ahead at the maximum design speed. An additional effective auxiliary means shall be provided for actuating the rudder through an independent tiller, or its equivalent, designed to swing the rudder from 15 degrees right of center to 15 degrees left of center within 60 seconds with the vessel proceeding at one-half the maximum design speed or seven knots, whichever is the greater.

(b) The main steering gear on tank ships exceeding 250 feet in length shall be power driven and approved means shall be provided for operating the auxiliary steering gear.

(c) An auxiliary steering gear consisting of a block and tackle operating an independent tiller of suitable design so arranged as to be operated by a power driven winch or other suitable machinery is considered a satisfactory auxiliary power steering gear.

(d) When the main steering gear is of the double-acting dual-power hydraulic type attached to a yoke on the rudderpost, an auxiliary steering gear secured to a separate tiller is not required, provided the yoke of the main gear is designed for strength in excess of that of the rudder stock.

(e) Small tank ships where the main quadrant or tiller is of suitable design, located above the deck and provided with acceptable means for attaching a block and tackle for emergency steering gear, are not required to have a separate auxiliary tiller.

(f) Power driven main steering gears shall be fitted with positive means for stopping the gear before the rudder stops are reached. The arrangement shall be synchronized with the movement of the rudder stock or position of the gear rather than with the steering gear control system.

(g) Brakes shall be fitted to the rudder stock or brake drum attached thereto for holding the rudder in case of an emergency on all ocean-going tank ships required to have power-operated steering gear. When the gear is of the four-ram hydraulic type, a hand-operated filling and drain pump connected to the ram cylinder and capable of producing a torque equal to one-fourth of the maximum ahead torque may be substituted for the brake.

(h) Tank ships fitted with power-operated steering gear shall have suitable buffers fitted to prevent damage caused by the quadrant striking stops and shock being transmitted to the gear.

(i) An emergency steering wheel shall be located on the after weather deck of vessels in which power driven steering gear is installed except for arrangements wherein the Commandant considers such impracticable.

(j) Steering wheels at steering stations shall be installed in a vertical position and arranged for steering by the helmsman when standing abaft the wheel and facing forward. The top of the steering wheel, the rudder blades, and the head of the ship shall move in the same direction.

(k) When a "trick" wheel is installed in the steering gear room for use in warming up and testing the gear as well as for steering purposes, and the wheel is installed in a vertical position, it shall meet the requirements of paragraph (j) of this section.

(l) If the "trick" wheel is installed in a horizontal position, it shall turn in a clockwise direction for "right rudder" and in a counterclockwise direction for "left rudder." With this arrangement, the helmsman need not stand abaft the wheel.

(m) Where "trick" wheel or other device is installed in the steering gear room for the sole purpose of warming up and testing the gear, it may be installed to best suit design and operating conditions of the gear. A plate shall be fitted on this wheel or device with indicating arrows showing the direction of movement to produce "right rudder" and "left rudder."

(n) When auxiliary steering gear is installed in lieu of relieving tackles, the steering wheel or device used for operating the gear shall meet all requirements given in paragraph (j) of this section.

(o) At all steering stations, there shall be installed a suitable notice on the wheel or device, or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" and "left rudder."

(p) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, emergency steering gear is not required nor will the requirements of this section generally be applicable. Special consideration will be given by the Commandant for such installations.

(q) The arrangement of piping for hydraulic gears shall be such that a change from the main to the auxiliary gear can be readily effected. A relief valve shall be provided for the protection of the hydraulic system. Pressure piping shall meet the requirements of Part 55 of Subchapter F, Marine Engineering, of this chapter.

§ 32.35–35 *Steering apparatus on tank barges—B/ALL.* (a) For barges, the construction or conversion of which is started on or after July 1, 1951, when equipped with steering apparatus, the requirements in § 32.35–30 shall be met insofar as it is practical to do so.

(b) For tank barges, the construction or conversion of which was started prior to July 1, 1951, when equipped with steering apparatus, the requirements in § 32.35–25 shall be met insofar as practical to do so.

SUBPART 32.40—ACCOMMODATIONS

§ 32.40–1 *Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.* On all tank ships of 100 gross tons and over, the construction of which is begun after January 1, 1938, the minimum requirements relative to construction, location, and equipment of crew accommodations are as follows:

(a) *Sleeping quarters.* At least 120 cubic feet of space and not less than 16 square feet of deck areas shall be allotted to each member of the crew for sleeping purposes. In measuring sleeping quarters allotted to crews of vessels, the Officer in Charge, Marine Inspection, shall not deduct from the total volume or from the deck area any equipment contained therein which is provided for the exclusive use of the crew. Not more than one bunk shall be placed above another, and the lower bunk shall be at least 12 inches above the deck. The upper bunks shall be located as nearly as practicable midway between the lower bunk and the lower side of the deck beams overhead.

(b) *Toilet and washing facilities.* (1) Each such tank ship shall be provided with at least one washbasin, one bathtub or shower, and one toilet for each eight members, or portion thereof, in the crew to be accommodated. The crew to be accommodated shall include all members who do not occupy rooms to which private facilities are attached.

(2) When the engine room crew, exclusive of licensed officers and others separately provided for, exceeds eight, separate washing facilities shall be provided.

(3) Vessels contracted for after January 1, 1949, shall have the toilet rooms separate from the washrooms, and at least one washbasin shall be fitted in each toilet room.

(c) *Hospital accommodations.* Each such tank vessel which in the ordinary course of its trade makes voyages of more than 3 days' duration between ports and which carries a crew of 12 or more, shall be equipped with a compartment suitably separated from other spaces for hospital purposes, and such compartment shall have at least 1 bunk for every 12 seamen constituting her crew, provided that not more than 6 bunks shall be required in any case.

(d) *Location, construction and equipment.* (1) Crew accommodations shall not be located forward of the collision bulkhead, or where there will be undue risk to members of the crew in getting to stations.

(2) Where crew quarters abut galley, boiler, or engine room bulkheads, such bulkheads shall be insulated with fire-resistive material to reduce transmission of heat.

(3) Insofar as practicable, crew quarters shall be so located or constructed that they will be protected against objectionable odors of cargo, fuel tanks, paint lockers, oil rooms, bilges, toilets, etc.

(4) Crew quarters shall be adequately lighted, heated, and ventilated. The minimum standard for natural lighting is that it will be possible in daylight and in clear weather to read the print of an ordinary newspaper in any part of the space allotted. When it is not possible to provide adequate natural lighting, artificial lighting may be accepted on the same basis: *Provided, however,* That in the artificial lighting of the crew's quarters, the use of portable wiring is prohibited, except when approved by the chief engineer.

(5) Bare metal surfaces of ship's sides and metal weather decks overhead which are not decked over with wood externally, shall be covered with suitable fire-resistive material to aid in keeping the crew's quarters dry.

(6) In the ventilation of crew accommodations provisions shall be made for the ingress of fresh air and for the egress of impure air; it shall be adequate for the purpose intended, and so arranged as to be effective in any ordinary weather conditions, and to distribute fresh air without undue discomfort to the occupants. Where natural ventilation is provided, each inlet shall have an area of at least 6 square inches for each person accommodated, the outlet to be at least equal in size to the inlet. In no case shall any one such inlet or outlet have a cross sectional area of less than 24 square inches.

(7) Mechanical ventilation may be provided if such system is equal in effectiveness to the requirements for natural ventilation and is approved by the Commandant.

(8) Mess rooms shall be provided for both officers and crew, and shall be separate from each other where space and conditions will permit. Such mess rooms shall be sufficient in size to accommodate all persons allotted to such space: *Provided, however,* That this subparagraph need not apply to vessels operating on the Great Lakes, lakes, bays and sounds, or rivers.

(9) All washbasins, shower baths, or tubs required by the regulations in this subchapter shall be equipped with proper plumbing, including hot and cold running water. Washbasins for the crew may be located in the crew's sleeping quarters, if properly installed, equipped with proper plumbing for draining and supplied with hot and cold running water.

(10) All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes. Toilet seats shall be so constructed as to remain in an upright position when not in use.

(11) Floors of toilets and washrooms shall be covered with cement, tile, or other suitable covering.

(12) On each such tank ship there shall be provided at least one sink or other suitable means for washing clothes.

(13) Each hospital shall have a toilet, washbasin, and bathtub or shower conveniently situated.

(14) A clothes locker shall be provided for each person accommodated of a size not less than 12" x 21" x 5' high and so placed as to be readily accessible.

(15) Living accommodations shall be properly screened to exclude insects.

§ 32.40–5 *Crew accommodations on tank ships of less than 100 gross tons and manned tank barges constructed after January 1, 1938—TB/ALL.* All tank ships of less than 100 gross tons and all manned tank barges, the construction of which is begun after January 1, 1938, shall be provided with crew accommodations of sufficient size, adequate construction, and with suitable equipment to provide for the protection and accommodations of its crew in a manner practicable for the size, facilities and service of the vessel, and consistent with the principles underlying the requirements for crew accommodations on tank ships of 100 gross tons or more.

§ 32.40–10 *Crew accommodations on tank ships of 100 gross tons or over constructed after March 4, 1915, and prior to January 1, 1938—T/ALL.* On all tank ships of 100 gross tons or over the construction of which was begun after March 4, 1915, and prior to January 1, 1938, the crew accommodations shall be of a character and number in compliance with § 32.40–1 (a), (b), (c), except that separate washing facilities are not required where the engine-room crew, exclusive of licensed officers, and others separately provided for, does not exceed 10. In cases where an improvement is necessary in the sanitary conditions of such vessels, § 32.40–1 (d) will also apply in principle insofar as space and conditions will permit.

§ 32.40–15 *Crew accommodations on tank ships and manned tank barges not otherwise provided for—TB/ALL.* All tank ships and all manned tank barges not heretofore provided for shall have crew quarters and washing and toilet facilities in keeping with the age, size, facilities and service of the vessel, and suitable for the accommodations and protection of the crew.

SUBPART 32.45—ELECTRICAL INSTALLATIONS

§ 32.45–1 *Application—TB/ALL.* (a) The electrical installation on a tank vessel, the construction or conversion of which is started on or after November 10, 1936, shall be in compliance with this subpart, and to the extent that such installation is not covered by this subpart,

it shall be at least equivalent to the Commandant's general requirements.

(b) The electrical installation on a tank vessel, the construction or conversion of which was started prior to November 10, 1936, shall be maintained in a safe and in a good mechanical condition, and shall comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. Any major change in the electrical installation or any conversion shall comply with this subpart.

§ 32.45–5 *General installation requirements—TB/ALL.* (a) Where practicable, electrical cable is to be located well inboard from the sides, preferably along or near the centerline, to reduce the risk of injury in the event of collision, but it shall be kept clear of cargo tank openings. Feeders shall be run as far as practicable to avoid cargo pump rooms and enclosed spaces immediately adjoining cargo tanks.

(b) No ground connections may be used in any part of electrical circuits except detecting lamps on switchboards. The armor on all cables shall be electrically and mechanically continuous.

(c) Switchboards, distributing panels, switches, fuses, and other circuit-interrupting devices are not to be fitted in cargo pump rooms or enclosed spaces immediately adjoining cargo tanks.

(d) Portable extension cables and fittings are to be of an approved type.

(e) Main distribution circuits shall be protected against overload by circuit breaking devices, the capacity of which shall be marked at each such device.

§ 32.45–10 *Installations made during the Unlimited National Emergency—TB/ALL.* (a) For tank vessels, the contract for the construction of which was signed prior to September 2, 1945, and specification covering electrical installations titled "United States Coast Guard, Merchant Marine Inspection, Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945,[1] is, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this subpart.

(b) For vessels the contract for the construction of which is signed on and after September 2, 1945, those parts of the specification covering electrical installations, titled "United States Coast Guard Specification for Electrical Installations on Merchant Vessels," dated August 31, 1944, revised March 6, 1945,[1] specified in paragraphs 1, 4, and 5, thereof relating to electric cable are, during the Unlimited National Emergency, applicable as alternative provisions to those contained in this subpart.

§ 32.45–15 *Location of storage batteries on tank vessels constructed after November 10, 1936—TB/ALL.* Storage batteries shall not be located in cargo pump rooms. The space in which they are located shall be well ventilated and they shall be protected against mechanical and electrical injury including short circuiting and overloading. Batteries shall be secured against movement, and acid batteries shall be set in lead-lined trays at least 3 inches deep of at least 4-pound sheet lead.

[1] A copy of the specifications may be obtained upon request from the Commandant (MMT), United States Coast Guard Headquarters, Washington 25, D. C., or any Coast Guard District Commander.

SUBPART 32.50—PUMPS, PIPING, AND HOSE FOR CARGO HANDLING

§ 32.50–1 *Cargo pumps for tank vessels constructed on or after November 10, 1936—TB/ALL.* On all tank vessels, the construction or conversion of which is started on or after November 10, 1936, the cargo pumps shall be designed and installed to minimize the danger of sparking. Special care shall be exercised in the design of packing spaces in order to secure ample depth and accessibility of glands. Where cargo pump shafts pierce gastight bulkheads, stuffing boxes with readily accessible gastight glands shall be provided.

§ 32.50–5 *Cargo pump fittings and controls on tank vessels constructed on or after November 10, 1936—TB/ALL.* (a) On all tank vessels, the construction or conversion of which is started on or after November 10, 1936, where a cargo pump is capable of developing a pressure exceeding 125 pounds at the pump under shutoff head conditions (based on water), a suitable relief valve shall be installed between the pump and shutoff valve in the cargo pump discharge and piped back into the suction. The relief valve setting shall not exceed the pressure for which the piping system is designed.

(b) A pressure gage shall be installed for each pump discharge, and it shall be located at a point visible with respect to the pump controls.

(c) Means shall be provided for controlling the cargo or pump room bilge pumps and their suctions and discharges in order that a flooded pump room may be pumped out. Suitable portable or fixed air-driven or hand-operated pumps may be accepted as complying with this provision.

§ 32.50–10 *Cargo pumps on tank vessels with independent cargo tanks which were constructed prior to November 10, 1936—TB/ALL.* (a) Cargo pumps on tank vessels, the construction or conversion of which was started prior to November 10, 1936, may be located in a hold space containing independent cargo tanks or on deck. If the pump driving unit is of the type permitted in cargo pump rooms, it also may be located in the hold space. If other types of driving units are used, they shall be located on deck or in an engine compartment. If the pump drive shaft passes through decks or bulkheads into a hold space or pump room, it shall be provided with suitable stuffing boxes at such points.

(b) Cargo pumps on tank vessels, the construction or conversion of which was started prior to November 10, 1936, may be connected to bilges in hold spaces containing independent cargo tanks: *Provided*, That such suction branch is fitted with two valves, one of which shall be a non-return screw-down type.

§ 32.50–15 *Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.* (a) On all tank vessels, the construction or conversion of which is started on or after July 1, 1951, the cargo piping shall be:

(1) A fixed cargo piping system shall be installed on a tank vessel carrying Grade A, B, or C cargo. The piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(2) Cargo piping, where installed in tank vessels carrying Grade D or E cargo only, shall conform with the requirements contained in subparagraph (1) of this paragraph.

(3) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That, in conversions effected during the National Emergency, cargo piping for Grade E liquids passing through shaft alleys and machinery spaces may be permitted.

(b) Where the pump room bilge suction is connected to the cargo pump, two valves shall be fitted in this suction branch, one of which shall be of a non-return screw-down type.

(c) Valve operating rods in the cargo tanks shall be solid and of ample size, well guided and supported, and attached to the valve stems in a manner to guard against their working loose. Where such valve rods pass through the deck, gastight stuffing boxes shall be fitted. The leads of valve rods shall be as direct as possible. All valves and fittings shall be of material, design and manufacture for the intended service on the cargo system; either rising or nonrising stem valves may be used.

(d) All cargo loading and discharge hose connections shall be fitted with valves or blind flanges.

§ 32.50–20 *Cargo piping for tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.* (a) On tank vessels, the construction or conversion of which is started on or after November 10, 1936, and prior to July 1, 1951, the piping shall be arranged so as to avoid excessive stresses at the joints. For sizes exceeding 2 inches in diameter, flanged, welded, or other approved types of joints shall be employed. Packing material shall be suitable for the cargo carried. Connections at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks provided it is run through a pipe tunnel. The tunnel may be omitted where the pipe is extra heavy, all joints are welded, and bends are installed to provide for expansion and contraction.

(b) Cargo piping shall not pass through spaces containing machinery where sources of vapor ignition are normally present: *Provided*, That, in conversions effected during the National Emergency proclaimed by the President May 27, 1941, cargo piping for Grade E liquids passing through shaft alleys and machinery spaces may be permitted.

(c) Where the pump room bilge suction is connected to the cargo pump, two valves shall be fitted in this suction branch, one of which shall be of a non-return screw-down type.

(d) Valve operating rods in the cargo tanks shall be solid and of ample size, well guided and supported, and attached to the valve stems in a manner to guard against their working loose. Where such valve rods pass through the deck, gastight stuffing boxes shall be fitted. The leads of valve rods shall be as direct as possible. All valves and fittings shall be of material, design and manufacture for the intended service on the cargo system; either rising or nonrising stem valves may be used.

§ 32.50–25 *Cargo pumps and piping on tank vessels constructed prior to November 10, 1936—TB/ALL.* On tank vessels, the construction or conversion of which was started prior to November 10, 1936, cargo pumps and piping which do not fully comply with the regulations in this subchapter shall be made as nearly equal to the requirements for tank vessels constructed between November 10, 1936, and July 1, 1951, as is necessary in the interest of safety. Cargo pipe lines may pass through cargo pump engine compartments provided no cargo valves are located therein.

§ 32.50–30 *Cargo hose—TB/ALL.* Cargo hose, when carried on tank vessels, shall be of a grade suitable for oil service, and shall be designed to withstand the pressure of the shutoff head of the cargo pump or pump relief valve setting, less static head, but in no case less than 100 pounds per square inch.

SUBPART 32.55—VENTILATION AND VENTING

§ 32.55–1 *Ventilation of tank vessels constructed on or after July 1, 1951—TB ALL.* (a) On all tank vessels, the construction or conversion of which is started on or after July 1, 1951, all enclosed parts of the vessel, other than cargo, fuel, and water tanks and cofferdams, shall be provided with efficient means of ventilation.

(b) Compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor level or the bilges. Effective steam or air actuated gas ejectors, blowers or ventilators fitted with heads for natural ventilation, with at least one duct extending to immediately below the floor plates will be approved for this purpose. Machinery spaces below the freeboard deck, in which fuels with flash point of 110° F. or lower are used, shall be equipped with power ventilation. (See § 32.60–20 for other requirements concerning pump rooms.)

§ 32.55–5 *Ventilation of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL.* (a) On tank vessels, the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951, all enclosed parts of the vessel, other than cargo, fuel, and water tanks and cofferdams, shall be provided with efficient means of ventilation.

(b) Pump rooms and compartments containing machinery where sources of vapor ignition are normally present shall be ventilated in such a way as to remove vapors from points near the floor level or the bilges. Effective steam or air actuated gas ejectors or blowers or ventilators fitted with heads for natural ventilation, will be approved for this purpose. (See § 32.65–20 for other requirements concerning pump rooms.)

§ 32.55–10 *Ventilation for tank vessels constructed prior to November 10, 1936—TB/ALL.* Ventilation of tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall be equal to the requirements of tank vessels constructed before July 1, 1951, where the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interest of safety.

§ 32.55–15 *Ventilation for hold spaces—TB/ALL.* Hold spaces containing independent cargo tanks shall be considered to be equivalent to cargo pump rooms and shall be ventilated and safeguarded as such.

§ 32.55–20 *Venting of cargo tanks of tank ships constructed on or after July 1, 1951—T/ALL*—(a) *Venting required.* On all tank ships, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall not be less than 2½ inches.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of a branch vent line from each cargo tank connected to a vent header which shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of ignition. When special conditions will prevent the vent line or header outlets being permanently installed at a height above the deck of one-third the beam of the vessel, an adjustable system shall be provided which, when extended vertically, shall be capable of reaching a height of one-third the beam of the vessel.

(2) A weather hood may be installed at the vent outlet providing it is of such design as not to direct the flow of vapor below the horizontal.

(3) The branch vent lines shall consist of either:

(i) Pipe with no valves or other hindrances to a free flow of gas; or,

(ii) Piping fitted with a pressure vacuum relief valve, provided means are supplied for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the branch vent line or by the installation of a by-pass fitted with a manually operated stop valve.

(4) The vent header shall be fitted with a flame arrester or pressure vacuum relief valve. If a pressure vacuum relief valve is used in the header, means shall be provided for relieving all internal pressure on cargo tanks by fitting the valve with a positive means for opening its pressure valve to allow free passage of gases through the header or by the installation of a by-pass fitted with a manually operated stop valve. A suitable means of relieving pressure shall be fitted in the header in order to prevent excess pressure being built up in the tanks, in the event of overfilling of the latter. The vent header system shall be provided with suitable connections for flushing and draining. The vent header system shall be of sufficient capacity as to be able to carry off all displaced air and vapors during loading of the cargo tanks without opening of ullage plates, cargo hatches, etc. See § 32.20–20 for liquid level gaging requirements.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with either individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve at the outlet to the atmosphere.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or by a venting system of branch vent lines and a vent header.

§ 32.55–25 *Venting of cargo tanks of tank barges constructed on or after July 1, 1951—B/ALL*—(a) *Vents required.* On all tank barges, the construction or conversion of which is started on or after July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is bypassed with a pressure-vacuum relief valve or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve. The vent header system shall be provided with suitable connections for flushing and draining.

(2) In barges with independent tanks carrying Grade A liquids, separate discharge pipes may be fitted to each pressure-vacuum relief valve, or the pressure-vacuum relief valve may be elevated, so that in either case the discharge from such valve will not be less than 7 feet above the deck where practicable.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected

to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a pressure-vacuum relief valve at the outlet to the atmosphere.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

§ 32.55–30 *Venting of cargo tanks of tank vessels constructed between November 10, 1936, and July 1, 1951—TB/ALL*—(a) *Venting required.* On all tank ships, the construction or alteration of which is started on or after November 10, 1936, and prior to July 1, 1951, each cargo tank shall be equipped with a vent. The diameter of a vent shall be not less than 2½ inches.

(b) *Grade A liquids.* (1) Cargo tanks in which Grade A liquids are to be transported shall be fitted with a venting system consisting of branch vent line from each cargo tank connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or pressure-vacuum relief valve. Each branch vent line may be provided with a manually operated control valve, provided it is bypassed with a pressure-vacuum relief valve or each cargo tank to which such a branch vent line is connected is fitted with an independent pressure-vacuum relief valve. The vent header system shall be provided with suitable connections for flushing and draining.

(2) In barges with independent tanks carrying Grade A liquids, separate discharge pipes may be fitted to each pressure-vacuum relief valve, or the pressure-vacuum relief valve may be elevated, so that in either case the discharge from such valve will not be less than 7 feet above the deck where practicable.

(c) *Grade B or C liquids.* Cargo tanks in which Grade B or C liquids are to be transported shall be fitted with individual pressure-vacuum relief valves or shall be fitted with a venting system consisting of branch vent lines connected to a vent header which shall extend to a reasonable height above the weather deck and be fitted with a flame arrester or a pressure-vacuum relief valve at the outlet to the atmosphere.

(d) *Grade D or E liquids.* Cargo tanks in which Grade D or E liquids only are to be transported shall be fitted with gooseneck vents and flame screens unless such tanks are vented by pressure-vacuum relief valves or a venting system of branch vent lines and a vent header.

§ 32.55–35 *Venting of cargo tanks on tank vessels constructed prior to November 10, 1936—TB/ALL.* The venting of cargo tanks of tank vessels, the construction or alteration of which was started prior to November 10, 1936, shall be made to equal the requirements of tank vessels constructed before July 1, 1951, where the changes are, in the opinion of the Officer in Charge, Marine Inspection, necessary in the interests of safety: *Provided,* That on such vessels carrying Grade A cargo the requirements in § 32.55–30 (b) shall be met.

§ 32.55–40 *Venting of cargo tanks fitted with inert-gas system—TB/ALL.* A tank vessel equipped with an approved system for maintaining all cargo tank vapor spaces noninflammable shall be accepted in lieu of the requirements of §§ 32.55–20, 32.55–25, 32.55–30 or 32.55–35.

§ 32.55–45 *Venting of cofferdams of tank vessels constructed on or after November 10, 1936—TB/ALL.* On all tank vessels, the construction or conversion of which was started on or after November 10, 1936, cofferdams shall be provided with gooseneck vents fitted with screen or pressure vacuum relief valves. The diameter of a vent shall be not less than 2½ inches.

SUBPART 32.60—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER JULY 1, 1951

§ 32.60–1 *Scantlings, material, and workmanship—TB/ALL.* All tank vessels, the construction or conversion of which is started on or after July 1, 1951, shall conform to the requirements in this subpart in construction of hulls. The hull and deck houses shall be of steel or iron construction except that the pilothouse and decks over quarters may be constructed of wood. Scantlings, material, and workmanship, subdivision of cargo spaces, fitting of cofferdams, and testing of tanks shall be at least equivalent to the requirements of the American Bureau of Shipping or other recognized classification society.

§ 32.60–5 *Subdivision of cargo space—TB/ALL.* The cargo space shall be divided into tight compartments as necessary to avoid excessive stresses and to provide stability.

§ 32.60–10 *Segregation of cargo; Grade A, B, C, or D—TB/ALL*—(a) *General.* The galleys, living quarters, navigation spaces, general cargo spaces, boiler rooms, and enclosed spaces containing machinery, where sources of vapor ignition are normally present, shall be segregated from cargo tanks by cofferdams or pump rooms or tanks, either empty or used to carry liquid having a flash point of 150° F. or above, or deck spaces enclosed or open.

(b) *Cargo tank spaces.* Cargo tank spaces shall extend to the main deck, with hatches and vents located on the weather deck. Liquids having a flash point of not less than 150° F. may be carried in the bulk tanks located beyond the segregating cofferdams and/or pump rooms.

(c) *Enclosed spaces.* (1) Enclosed spaces immediately above the bulk cargo tanks shall contain no electrical circuit interrupting or power devices. Through runs of electrical cable are permitted. Lighting shall be effected by means of approved explosion-proof or magazine type lighting fixtures.

(2) When the vessel is not gas free no portable lighting equipment shall be used except explosion-proof, self-contained, battery-fed lamps.

(3) Cargo and vent piping passing through enclosed spaces immediately above the bulk cargo tanks shall be continuous except that flanged joints connecting pipe sections will be permitted.

(4) No openings to cargo tank shall be permitted other than stuffing boxes through which valve control rods or permanently installed gage tapes extend and openings for use of tank cleaning machines. Openings for tank cleaning machines, when not in use, shall be kept closed by means of gastight bolted plates and when in use shall be made essentially gas and watertight by covers through which hose or pipe to the tank cleaning machines extend.

(5) The overhead in way of quarters shall be gastight.

(d) *Stowage spaces.* The spaces described in paragraph (c) of this section may be used for stowage purposes and for general cargo: *Provided,* That adequate ventilation is furnished.

§ 32.60–15 *Segregation of cargo; Grade E—TB/ALL*—(a) *General.* The galleys, living quarters, navigation spaces, general cargo spaces, boiler rooms, and enclosed spaces containing machinery, where sources of vapor ignition are normally present, shall be segregated from the cargo tanks by tight bulkheads and intervening spaces are not required.

(b) *Cargo tank spaces.* Cargo tank spaces can be terminated at any deck with hatches on the same deck, but the vent lines shall be extended to the weather deck. Butterworth openings and extension rods may be located on the tank top.

(c) *General cargo spaces.* General cargo spaces, regardless of location, shall have no special restrictions in regard to electrical installations.

§ 32.60–20 *Pump rooms on tank vessels carrying Grade A, B, C, or D, liquid cargo—TB/ALL*—(a) *Cargo pumps.* Cargo pumps shall be isolated from sources of vapor ignition by gastight bulkheads. A gastight bulkhead between the pump room and the pump engine room may be pierced for drive shaft and pump engine control rods provided such openings are fitted with stuffing boxes or other approved gland arrangement. A steam driven pump shall not be considered a source of vapor ignition provided the steam temperature does not exceed 500° F.

(b) *Electrical installations*—(1) *Equipment.* No electric lighting or power circuit interrupting or power devices shall be installed in pump rooms. Through runs of electrical cable are permitted in pump rooms.

(2) *Lighting.* Lighting of pump rooms shall be effected by means of approved explosion-proof or magazine-type lighting fixtures. When the vessel is not gas free no portable lighting equipment shall be used except approved explosion proof, self-contained, battery-fed lamps.

(c) *Ventilation.* Pump rooms of all tank vessels shall be ventilated in such a way as to remove vapors from points near the floor level or bilges. Pump rooms on tank ships handling Grade A, B, or C liquid cargo, with machinery located below the freeboard deck, shall be equipped with power ventilation. Pump rooms equipped with power ventilation shall have the ventilation outlets terminate more than six feet from any opening to the interior part of the vessel which normally contains sources of vapor ignition.

(d) *Access.* The access to a cargo pump room shall be from the open deck.

§ 32.60–25 *Living quarters—TB/ALL.* For living quarters the partitions and sheathing shall be of an approved fire resistive construction. The specification for incombustible materials is in Subchapter Q (Specifications) of this chapter.

§ 32.60–30 *Tank vessels with independent tanks—TB/ALL.* (a) The independent cargo tanks may be located in hold spaces or in other cargo tanks, but in all cases a working space of at least 15 inches shall be provided around each independent tank or else provision shall be made for moving such tanks to provide such a working space.

(b) When an independent cargo tank is located in an enclosed space other than a cargo tank, such enclosed space shall be considered as equivalent to a pump room and shall be safeguarded as such as required by this subpart.

§ 32.60–35 *Tank vessels carrying Grade A liquid cargo—TB/ALL.* Grade A liquids having a Reid vapor pressure in excess of 25 pounds per square inch shall be transported in cargo tanks which are independent of the hull.

§ 32.60–40 *Construction and testing of cargo tanks and bulkheads—TB/ALL.* (a) All cargo tanks to be vented at gage pressures of 4 pounds per square inch or less shall be constructed and tested in accordance with the requirements of the American Bureau of Shipping or other recognized classification society.

(b) All cargo tanks to be vented at gage pressures above 4 pounds per square inch shall be considered the same as unfired pressure vessels and shall meet the requirements for unfired pressure vessels regarding construction and testing as set forth in Parts 52 to 57 of Subchapter F (Marine Engineering) of this chapter.

(c) Gastight bulkheads shall be subjected to a thorough hose test.

SUBPART 32.65—HULL REQUIREMENTS FOR TANK VESSELS CONSTRUCTED ON OR AFTER NOVEMBER 10, 1936, AND PRIOR TO JULY 1, 1951

§ 32.65–1 *Application—TB/ALL.* The requirements in this subpart apply to all tank vessels, the construction or conversion of which was started on or after November 10, 1936, and prior to July 1, 1951.

§ 32.65–5 *Scantlings, material, and workmanship—TB/ALL.* The hull and deck houses shall be of steel or iron construction except that the pilothouse and decks over quarters may be constructed of wood. Scantlings, material, and workmanship, subdivision of cargo spaces, fitting of cofferdams, and testing of tanks shall be at least equivalent to the requirements of the American Bureau of Shiping or other recognized classification society.

§ 32.65–10 *Subdivision of cargo space—TB/ALL.* The cargo space shall be divided into tight compartments as necessary to avoid excessive stresses and to provide stability.

§ 32.65–15 *Cofferdams—TB/ALL.* Tank vessels equipped to carry Grade A, B, C, or D liquids shall have their galleys, living quarters, general cargo spaces, boiler rooms, and enclosed spaces containing propelling machinery or other machinery where sources of vapor ignition are normally present, segregated from their cargo tanks by cofferdams or equivalent pump rooms, tanks, or air spaces.

§ 32.65–20 *Pump rooms — TB/ALL.* (a) Tank vessels handling Grade A, B, C, or D liquids shall have their cargo pumps isolated from all sources of vapor ignition by gastight bulkheads. Totally enclosed motors of the "explosion proof" type, motors ventilated on both the intake and exhaust by ducts to atmosphere, and engines driven by steam shall not be considered to be sources of vapor ignition. The gastight bulkhead between the pump room and the pump-engine compartment may be pierced by fixed lights, drive shaft and pump-engine control rods, provided that the shafts and rods are fitted with stuffing boxes where they pass through the gastight bulkheads. The access to a cargo pump room handling such liquids shall be from the open deck. (See § 32.60–20.)

(b) The electrical installation in a cargo pump room or in any enclosed space immediately adjoining cargo tanks on a tank vessel shall meet requirements in this section.

(c) Wiring is to be leaded and armored and shall be run through approved gastight fittings having stuffing glands at inlets and outlets.

(d) Joints in wiring shall be made only in wiring appliances, such as junction boxes, outlet boxes, etc., and such boxes shall be completely metallic and shall be gastight.

(e) Lighting fixtures shall be of approved type.

(f) Electric motors shall be of approved type either totally enclosed or ventilated to the atmosphere by suction and discharge air ducts. Separately ventilated motors are to have pressure type ventilation and shall be arranged with an automatic shut-off to open the circuit when the ventilating fan motor stops. The system is to be so interlocked that the pump motor cannot be started prior to a circulation of air. The air ducts are to lead to and from the atmosphere outside the pump room and are to terminate not less than 3 feet above the deck and not less than 6 feet from any cargo tank vent. (See § 32.60–20.)

§ 32.65–25 *Living quarters—TB/ALL.* Partitions and sheathing shall be of approved fire-resistive construction.

§ 32.65–30 *Tank vessels with independent tanks—TB/ALL.* Independent cargo tanks may be located in hold spaces or in other cargo tanks but in all cases a working space of at least 15 inches shall be provided around such independent tanks, or else provisions shall be made for moving them to secure such space. When independent cargo tanks are located in an enclosed space other than a cargo tank, such enclosed space shall be considered as equivalent to a pump room, and shall be safeguarded as such, as required in the regulations in this subchapter.

§ 32.65–35 *Tank vessels carrying Grade A liquids—TB/ALL.* Cargo tanks for Grade A liquids having a Reid vapor pressure in excess of 25 pounds shall be independent of the hull.

§ 32.65–40 *Construction and testing of cargo tanks and bulkheads—TB/ALL.* (a) All cargo tanks to be vented at gage pressures of 4 pounds per square inch or less shall be constructed and tested as required by the requirements of the American Bureau of Shipping or other recognized classification society.

(b) All cargo tanks to be vented at gage pressures above 4 pounds per square inch shall be considered as unfired pressure vessels and shall meet the requirements for such vessels as to construction and testing, as set forth in Parts 52 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter.

(c) Gastight bulkheads shall be subjected to a thorough hose test.

SUBPART 32.70—HULL REQUIREMENTS FOR STEEL HULL TANK VESSELS CONSTRUCTED PRIOR TO NOVEMBER 10, 1936

§ 32.70–1 *Application—TB/ALL.* All steel hull tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall conform to the requirements in this subpart.

§ 32.70–5 *Hull requirements; general—TB/ALL.* The scantlings, material, and workmanship, the subdivision of cargo spaces, the arrangement of cofferdams, the testing of tanks and cofferdams, shall be at least equivalent to the requirements of a recognized classification society for the particular service specified in the application for the certificate of inspection and permit for the transportation of liquid inflammable cargoes in bulk as of the date when the tank vessel was built or as of the date when the vessel was converted into a tank vessel. In the absence of such classification requirements, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel's structure as specified in this section is safe for the service to be specified in its certificate of inspection.

§ 32.70–10 *Cofferdams — TB/ALL.* Tank vessels carrying Grade A, B, or C liquids shall be required to conform to the construction requirements in regard to vertical cofferdams in § 32.65–15, except that a dry cargo compartment shall be considered to be equivalent to a cofferdam, and except as provided for in § 32.70–20.

§ 32.70–15 *Pump rooms—TB/ALL.* (a) Tank vessels handling Grade A, B, C, or D products shall meet the requirements for tank vessels in § 32.65–20.

(b) The electrical installations in the pump rooms and enclosed spaces immediately adjoining cargo tanks (except

in pump engine rooms as provided in § 32.70–20) shall be made to comply with Subpart 32.45 and § 32.65–20 to the extent that the changes required are, in the opinion of the Officer in Charge, Maritime Inspection, necessary in the interest of safety.

§ 32.70–20 *Pump-engine compartment—TB/ALL.* No cofferdam will be required between a cargo tank and a compartment containing pumping engines and their auxiliaries which are used exclusively during pumping operations, provided the pumping engine compartment contains no cargo valves and is well ventilated and provided further that internal combustion exhausts within the compartment are completely water jacketed or insulated and that gasoline engine intakes are fitted with effective flame arresters.

§ 32.70–25 *Cargo tanks—TB/ALL.* Cargo tanks shall comply with the conditions specified in §§ 32.65–30, and 32.65–35, and shall pass the tests required in § 32.65–40 (a), (b), (c): *Provided, however,* That less than 15 inches around such tanks may be accepted if in the judgment of the Officer in Charge, Marine Inspection, making the inspection, a satisfactory inspection of the cargo tanks and hull structure can be made.

SUBPART 32.75—HULL REQUIREMENTS FOR WOOD HULL TANK VESSELS CONSTRUCTED PRIOR TO NOVEMBER 10, 1936

§ 32.75–1 *Application—TB/ALL.* All wood hull tank vessels, the construction or conversion of which was started prior to November 10, 1936, shall conform to the requirements in this subpart.

§ 32.75–5 *Hull requirements; general—TB/ALL.* The scantlings, material, and workmanship, and the fitting and fastening of parts shall be at least equivalent to the requirements of a recognized classification society for the particular service specified in the application for certificate of inspection and permit for the transportation of liquid inflammable cargoes in bulk as of the date when the tank vessel was built, or as of the date when the vessel was converted into a tank vessel. In the absence of such classification requirements, the Officer in Charge, Marine Inspection, shall satisfy himself that the vessel's structure as specified in this section is safe for the service to be specified in its certificate of inspection.

§ 32.75–10 *Cargo tanks—TB/ALL.* Cargo tanks shall be independent of the wood hull, shall be made of steel or iron, and shall pass the tests required in § 32.65–40 (a), (b). Where cargo tanks in wood hulls are not arranged to provide working space around them they shall be so constructed as to allow inspection of the hull, tanks, and bilges, and they shall be so installed that they can be moved to allow repairs to the hull structure and to themselves.

§ 32.75–15 *Electric bonding and grounding of tanks—TB/ALL.* All independent cargo tanks in wood hull tank vessels shall be electrically bonded together with stranded copper cable of not less than No. 4 B and S gage and one end of this cable shall be grounded to a copper or brass plate of not less than 2 square feet in area and one-sixteenth inch in thickness and this plate shall be securely fastened to the hull, on the outside, at a point where it shall be covered by water when the tank vessel is unloaded.

§ 32.75–20 *Hold spaces and bulkheads—TB/ALL.* In wood hull tank vessels containing independent cargo tanks for the transportation of Grade A, B, C, or D liquids, the hold spaces shall be considered as equivalent to a pump room and shall be safeguarded and ventilated as such as required by § 32.65–20. Where the hold spaces contain equipment or operations which are sources of vapor ignition, such equipment or operations shall be isolated from other spaces by gastight bulkhead or, if it is impracticable to construct a gastight bulkhead, two structurally tight bulkheads without openings, separated by a well-ventilated air space 24 inches wide, where possible may be used.

SUBPART 32.80—TANK BARGES CONSTRUCTED OF MATERIALS OTHER THAN STEEL OR IRON

§ 32.80–1 *General requirements—B/ALL.* All tank barges with hulls constructed of materials other than iron or steel, the construction or conversion of which was started prior to September 2, 1945, and to which certificates of inspection were issued prior to March 2, 1946, shall be considered the same as tank barges constructed prior to November 10, 1936.

PART 33—LIFESAVING APPLIANCES

SUBPART 33.01—GENERAL LIFESAVING REQUIREMENTS

Sec.
33.01–1 Inspection of lifesaving appliances—TB/ALL.
33.01–5 Construction of lifesaving equipment—TB/ALL.
33.01–15 Responsibility of master regarding lifesaving equipment—TB/ALL.
33.01–20 Approval for repairs and alterations—TB/ALL.
33.01–25 Factory inspection of lifesaving equipment—TB/ALL.
33.01–30 Approval of lifesaving appliances—TB/ALL.
33.01–35 Magazine chests for pyrotechnic equipment—T/ALL.

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

33.05–1 Lifeboats for tank ships; ocean—T/O.
33.05–5 Lifeboats for barges; ocean—B/O.
33.05–10 Lifeboats for tank ships; coastwise—T/C.
33.05–15 Lifeboats for barges; coastwise—B/C.
33.05–20 Lifeboats and life rafts for tank vessels; Great Lakes—TB/L.
33.05–25 Lifeboats, life rafts, or buoyant apparatus for tank vessels; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.
33.05–30 Equipment for tank vessels on short voyages beyond certificated waters—TB/LB.
33.05–35 Wooden lifeboats prohibited on tank vessels—TB/ALL.

SUBPART 33.10—LIFEBOAT HANDLING EQUIPMENT REQUIREMENTS

33.10–1 Lifeboat davits—TB/ALL.
33.10–5 Mechanical means for lowering—TB/ALL.
33.10–10 Blocks and falls—TB/ALL.
33.10–15 Disengaging apparatus—T/OC.
33.10–20 Disengaging apparatus — T/LBR and B/ALL.

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

33.15–1 Tank ship lifeboat equipment; ocean and coastwise—T/OC.
33.15–5 Tank ship lifeboat equipment; Great Lakes—T/L.
33.15–10 Tank ship lifeboat equipment; bays, sounds, lakes other than Great Lakes, and rivers—T/BR.
33.15–15 Tank barge lifeboat equipment; all waters—B/ALL.
33.15–20 Tank ship life raft equipment; Great Lakes—T/L.
33.15–25 Tank vessel life raft equipment; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.
33.15–30 Tank vessel buoyant apparatus equipment; all waters—TB/ALL.

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

33.20–1 Davits and launching devices—TB/ALL.
33.20–5 Lifeboat davit falls—T/ALL.
33.20–10 Lifeboats and life rafts kept clear for launching—TB/ALL.
33.20–15 Stowage of lifeboats and life rafts—TB/ALL.

SUBPART 33.25—MARKINGS, CARE, AND INSPECTION

33.25–1 Preparation for voyage—TB/ALL.
33.25–5 Numbering and marking of lifeboats—TB/ALL.
33.25–10 Marking of life rafts—TB/ALL.
33.25–15 Overhaul—TB/ALL.
33.25–20 Maintenance—TB/ALL.

SUBPART 33.30—MANNING OF LIFEBOATS

33.30–1 Person in charge of each lifeboat—TB/OCLB.
33.30–5 Certificated lifeboatmen in each lifeboat—TB/OCLB.

SUBPART 33.35—LIFE PRESERVERS

33.35–1 Number required—TB/ALL.
33.35–5 Distribution and stowage—TB/ALL.
33.35–10 Shipboard inspections—TB/ALL.
33.35–15 Specifications for manufacturing life preservers—TB/ALL.

SUBPART 33.40—LIFE BUOYS

33.40–1 Number required on tank ships—T/ALL.
33.40–5 Number required on tank barges—B/ALL.
33.40–10 Location, distribution, and securing of life buoys—TB/ALL.

SUBPART 33.45—DISTRESS LIGHTS

33.45–1 Distress signals—T/ALL and B OC.

SUBPART 33.50—SIGNALING LAMP

33.50–1 Signaling lamp—T/OC.

SUBPART 33.55—LINE-THROWING APPLIANCES

33.55–1 Line-throwing appliances required—T/OC.
33.55–5 Accessibility—T/OC.
33.55–10 Equipment for line-throwing appliances—T/OC.
33.55–15 Service recommendations—T/OC.

AUTHORITY: §§ 33.01–1 to 33.55–15 issued under R. S. 4405, as amended, 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 33.01—GENERAL LIFESAVING REQUIREMENTS

§ 33.01–1 *Inspection of livesaving appliances—TB/ALL.* At each annual inspection and at any other time as required in the judgment of the Officer in Charge, Marine Inspection, all lifesaving appliances on the tank vessels shall be inspected.

§ 33.01–5 *Construction of lifesaving equipment—TB/ALL.* All tank vessels subject to the regulations in this subchapter shall have lifeboats, disengaging apparatus, life rafts, life preservers, and all other lifesaving apparatus constructed in accordance with the regulations contained in the applicable subparts of Subchapter Q (Specifications) of this chapter: *Provided, however,* That all lifesaving apparatus which is of the character that complied with the rules and regulations of the Commandant, on vessels in existence at the time that the regulations in this subchapter are promulgated and have been in use on such vessels, may be continued in use so long as such existing lifesaving equipment and apparatus are found to be in good and workable condition. Where lifesaving equipment and apparatus are not found to be in good and workable condition, they shall be repaired or else replaced by lifesaving equipment and apparatus of the latest approved type, as required by the regulations in this subchapter and Subchapter Q (Specifications) of this chapter. Where lifesaving equipment and apparatus are found to be in good and workable condition but deficient as to quantity or numbers, the additional quantity or numbers required by the regulations in this subchapter shall be of the latest approved type.

§ 33.01–15 *Responsibility of master regarding lifesaving equipment—TB/ALL.* It shall be the duty of the master or officer in charge to see that the lifeboats, life rafts, davits, falls, life preservers, and other livesaving appliances are at all times ready for use.

§ 33.01–20 *Approval for repairs and alterations—TB/ALL.* No extensive repairs or alterations, except in emergency, shall be made to any lifeboat, lifeboat disengaging apparatus, life preserver, life raft, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs and alterations shall so far as is practicable be made with materials and tested in the manner specified in this subchapter and applicable requirements in Subchapter Q (Specifications) of this chapter for new construction. Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made; nor shall any lifeboat or life raft be reconditioned or used on a tank vessel other than that for which it was built, without notice to and supervision by the Officer in Charge, Marine Inspection, where such reconditioning or repairs are to be made.

§ 33.01–25 *Factory inspection of lifesaving equipment—TB/ALL.* The Coast Guard District Commander where lifesaving apparatus is built shall detail an inspector to any place where lifeboats, life rafts, or buoyant apparatus are being built, who will inspect and examine carefully their construction and he shall satisfy himself that such lifeboats, life rafts, or buoyant apparatus are constructed in accordance with the drawings, or blueprints, and specifications furnished by the builders to the Coast Guard. When the inspector approves the construction of the lifeboat, life raft, or buoyant apparatus, he will stamp his initials, together with the letters "U. S. C. G." on a blank space on the plate required to be affixed to the unit by the builder. The initials of the inspector shall be satisfactory evidence to all parties interested that the unit has been constructed in accordance with the drawings, or blueprints, and specifications on file with the Coast Guard.

§ 33.01–30 *Approval of lifesaving appliances—TB/ALL.* (a) Any type of lifeboat or life raft approved by the Commandant shall be considered as equivalent to the standard lifeboat or life raft.

(b) Lifeboats shall be of an approved type and constructed in accordance with Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(c) Life rafts shall be of an approved type and constructed in accordance with Subpart 160.018 of Subchapter Q (Specifications) of this chapter.

(d) Buoyant apparatus shall be of an approved type and constructed in accordance with Subpart 160.010 of Subchapter Q (Specifications) of this chapter.

§ 33.01–35 *Magazine chests for pyrotechnic equipment—T/ALL.* Tank ships required to carry pyrotechnic distress signals or line-throwing appliances shall be provided with a portable magazine chest. (See Subpart 160.038, portable magazine chests, of Subchapter Q (Specifications) of this chapter.) Magazine chests shall be secured above the freeboard deck away from heat. Stowage in enclosed spaces or adjacent to cargo tanks is prohibited.

SUBPART 33.05—LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS REQUIRED

§ 33.05–1 *Lifeboats for tank ships; ocean—T/O.* (a) All tank ships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That such tank ships of 350 feet in length or over, having superstructure amidships and propelling machinery aft, shall be provided with at least four lifeboats, one on each side in way of the after accommodations, and one on each side in way of amidships accommodations.

(b) No lifeboat shall be of less than 180 cubic feet measurement.

§ 33.05–5 *Lifeboats for barges; ocean—B/O.* (a) All tank barges which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat shall be of less than 125 cubic feet measurement.

§ 33.05–10 *Lifeboats for tank ships; coastwise—T/C.* (a) All tank ships which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board.

(b) No lifeboat shall be of less than 180 cubic feet measurement, except by approval of the Commandant.

§ 33.05–15 *Lifeboats for barges; coastwise—B/C.* (a) All tank barges which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat on a tank barge of 100 gross tons or over shall be of less than 125 cubic feet measurement, except by approval of the Commandant. No lifeboat on a tank barge of less than 100 gross tons shall be of less than 90 cubic feet measurement, except by approval of the Commandant.

§ 33.05–20 *Lifeboats and life rafts for tank vessels; Great Lakes—TB/L.* (a) All tank vessels operating on the waters of the Great Lakes shall carry a sufficient number of lifeboats to accommodate all persons on board.

(b) No lifeboat on a tank vessel of 100 gross tons or over shall be of less than 90 cubic feet measurement, except by approval of the Commandant. No lifeboat on a tank vessel of less than 100 gross tons shall be of less than 60 cubic feet measurement.

(c) All tank ships of 300 gross tons and over, operating on the waters of the Great Lakes, shall carry in addition to their lifeboat equipment, one approved and fuly equipped life raft of suitable size, with one electric water light; the raft to be stowed in a manner to allow same to float clear in the event of sinking of the vessel: *Provided, however,* That all tank ships of 300 gross tons or over operating on the waters of the Great Lakes which are equipped with lifeboats in accordance with § 33.05–1 or § 35.05–10 shall be exempt from this requirement. The electric water light need not be attached to the raft, but when the electric water light is not attached to the raft, a snap hook shall be provided for this purpose.

§ 33.05–25 *Lifeboats, life rafts, or buoyant apparatus for tank vessels; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.* (a) All tank vessels operating exclusively on bays, sounds, lakes (other than the Great Lakes), rivers, harbors, or inland waters tributary to the Gulf of Mexico, shall carry lifeboats, life rafts, or buoyant apparatus of sufficient number to accommodate all persons on board.

(b) No lifeboat shall be of less than 60 cubic feet measurement.

(c) The minimum size of any piece of buoyant apparatus shall be such as to accommodate at least five persons.

§ 33.05–30 *Equipment for tank vessels on short voyages beyond certificated waters—TB/LB.* (a) The Officer in Charge, Marine Inspection, may issue permits to tank vessels of less than 100 gross tons which are certificated for lake, bay, and sound routes, to engage on short voyages to points beyond such waters, but not more than 15 miles from the port of refuge: *Provided,* That such vessels are equipped with a sufficient number of lifeboats, life rafts, or buoyant apparatus to accommodate all persons on board.

(b) No lifeboat shall be of less than 60 cubic feet measurement. The minimum size of any life raft or piece of buoyant apparatus shall be such as to accommodate at least five persons.

§ 33.05–35 *Wooden lifeboats prohibited on tank vessels—TB/ALL.* Lifeboats installed on tank vessels after September 1, 1943, shall be constructed of metal.

SUBPART 33.10—LIFEBOAT HANDLING EQUIPMENT REQUIREMENTS

§ 33.10–1 *Lifeboat davits—TB/ALL.* (a) No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Commandant. For construction of davits see Subpart 160.032 of Subchapter Q (Specifications) of this chapter.

(b) No mechanical davits of a character which require manual or other power to turn the lifeboats out to the position for lowering into the water shall be fitted to any vessel the keel of which is laid after September 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight; i. e., 2,500 pounds for a single davit arm.

(c) Davits, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the lifeboat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which, including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

(d) No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all the requirements of this section and Subpart 160.032 of Subchapter Q (Specifications) of this chapter have been met.

(e) Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels, to take the place of davits, davit arms, or frames which have been damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto.

§ 33.10–5 *Mechanical means for lowering—TB/ALL.* (a) When mechanical means for lowering lifeboats are installed on tank vessels where the height of a boat deck exceeds 20 feet from the lightest seagoing draft, wire falls and mechanical means for lowering shall be provided for each set of davits.

(b) Winches proposed for use in new installations shall be of an approved type and constructed in accordance with Subpart 160.015 of Subchapter Q (Specifications) of this chapter.

(c) Suitable fabric covers shall be provided, so fitted over exposed mechanisms, that ice formations may be readily broken adrift when necessary to operate the winch.

(d) Installation and tests: Mechanical means for lowering shall be so located that the operator can observe the movement of the lifeboat during the lowering operation. The lead of the falls to the winch shall be such that the distance from the centerline of the winch drum to the center of the nearest block is not less than 8 feet. Upon the completion of the installation of all mechanical means for lowering lifeboats, and before the vessel is certificated for service, the following tests and examinations shall be made in the presence of an inspector:

(1) Swing lifeboat out from chocks and lower to level for loading, at which point lifeboat shall be loaded with dead weight equivalent to the number of persons allowed (165 pounds per person) together with weight of equipment, plus 10 percent of the total load. The boat should then be lowered to water, stopping at approximately 6-foot intervals by action of the counterweight alone. During this test the following observations should be made:

(i) Brake action shall be smooth, but positive. Brakes exposed to the weather shall also be tested under the load lowering condition with the braking surface wetted.

(ii) Counterweight shall be capable of stopping and holding boat when released.

(iii) Winch shall be capable of controlling the speed of lowering. This should not in general exceed 100 feet per minute.

(iv) No part of lowering gear shall show any distress under load.

(v) Deck under winch and davits must be of sufficient strength to prevent any undue stress of the deck under lead.

(vi) Mechanical davits shall swing to extreme outboard position without slacking winch brake.

(vii) Action of governor brake and lowering speed permitted by same should be noted.

(viii) Determine that falls are of sufficient length to lower lifeboats to light load line with vessel listed to 15° either way.

(2) If nested boats are used, the hand operated quick recovery mechanism shall be tested and the action must be easy enough to permit one man to recover falls.

(3) A report of the results of the installation tests covering all the above points shall be recorded.

§ 33.10–10 *Blocks and falls—TB/ALL.* Blocks and falls installed after May 1, 1942, shall conform to the following requirements:

(a) All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

(b) Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

(c) Wire rope falls of 6 x 19 regular lay filler wire construction prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

(d) Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

(e) All ocean and coastwise vessels and all other vessels of over 1,000 gross tons, not fitted with mechanical means for lowering, shall be provided with covered tubs, boxes, or reels for stowage of falls and with suitable lowering bitts in easily accessible positions; except that all ocean and coastwise, self-propelled vessels of over 1,000 gross tons, not fitted with mechanical means for lowering for which contracts for construction are let on or after September 2, 1945, shall be fitted with cruciform bitts in such position as will render lowering practicable.

(f) Where more than one lifeboat is served by the same set of davits, if the falls are of manila rope, separate falls shall be provided to serve each lifeboat.

(g) Such blocks as are necessary to allow the falls to lead fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

(h) There shall be ample clearance between the cheeks of blocks in which manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

(i) Means for lubrication shall be provided for all moving parts of blocks.

§ 33.10–15 *Disengaging apparatus—T/OC* (a) Lifeboats on ocean and coastwise tank ships shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus, if fitted, shall be of an approved type and constructed in accordance with subpart 160.033 of Subchapter Q (Specifications) of this chapter.

(b) Where lifeboats on ocean or coastwise tank ships of over 3,000 gross tons, the construction or conversion of which is started on or after July 1, 1951, are fitted with mechanical disengaging apparatus, such apparatus shall be so arranged as to make it possible for the lifeboats to be launched while such vessels are under way or stopped, and for both ends of the lifeboat to be released simultaneously, under tension, by one person. The gears shall be capable of being released from one position in the lifeboat while the boat is fully loaded with allowed persons and equipment. Simultaneous release shall be effected by partially rotating a shaft which shall be continuous and extend from point of contact with the hooks.

(c) Replacements to equipment on ocean or coastwise tank ships of over 3,000 gross tons, the construction or conversion of which was started prior to July 1, 1951, shall comply with the requirements of paragraph (b) of this section if the lifeboat being replaced is fitted with mechanical disengaging apparatus.

§ 33.10–20 *Disengaging apparatus—T/LBR and B/ALL.* Lifeboats shall be fitted with suitable disengaging apparatus. Mechanical disengaging apparatus shall be of a type approved by the Commandant. Not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel unless otherwise approved by the Commandant.

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

§ 33.15–1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* All lifeboats on tank ships operating on ocean or coastwise routes shall be equipped as follows:

(a) *Bailer.* One bailer of sufficient size and suitable for bailing, with lanyard attached.

(b) *Boathooks.* Two boathooks of clear-grained white ash of suitable length, but not less than 8 feet by 1½ inches in diameter.

(c) *Bucket.* One galvanized iron bucket of about 2 gallons capacity, with lanyard attached.

(d) *Compass and mounting.* One efficient liquid compass with not less than a 2-inch card. On and after January 1, 1946, all compasses and mountings for new installations or replacements shall be of an approved type. The Coast Guard specification for such approved type, which requires a card of not less than 3¾ inches in diameter, will be made available upon request.

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q (Specifications) of this chapter.

(f) *Ditty bag.* One canvas bag containing sailmaker's palm, needles, sail twine, marline, and marlinspike.

(g) *Drinking cups.* Two enameled drinking cups.

(h) *Flashlight.* One approved type I, size No. 3, flashlight. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant. For specifications for flashlights, see subpart 161.008 of Subchapter Q (Specifications) of this chapter. No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. Approved flashlights not conforming to the requirements in subpart 161.008 of Subchapter Q (Specifications) of this chapter may be continued in service so long as they are in good and serviceable condition.

(i) *Hatchets.* Two hatchets attached to the lifeboat by individual lanyards and readily available for use, one at each end of the lifeboat. All hatchets provided for use on tank ships shall be of an approved type. For specifications for hatchets, see subpart 160.013 in Subchapter Q (Specifications) of this chapter. Hatchets provided prior to December 1, 1944, may be continued in service so long as they are in good and serviceable condition.

(j) *Illuminating oil.* One gallon illuminating oil in metal container.

(k) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(l) *Life line.* A life line, or grab line, properly secured the entire length of each side festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the lifeboat is light.

(m) *Life preservers.* Two life preservers of an approved type. These life preservers are in addition to the vessel's equipment of life preservers.

(n) *Locker.* A suitable locker or box for the storage and preservation of the small items of equipment.

(o) *Mast and sails.* A mast or masts with at least 1 good sail, and proper gear for each, the sail and gear to be protected by a suitable canvas cover.

(p) *Matches.* One box of safety matches in a watertight container, and carried in a box secured to the underside of the stern thwart, or stowed in locker.

(q) *Oars.* (1) A single banked complement of oars, two spare oars, and a steering oar with a rowlock or becket, conforming to the requirements in Table 33.15–1 (q).

(2) Motor lifeboats and lifeboats fitted with propellers operated by hand shall be equipped with 4 oars and 1 steering oar.

TABLE 33.15–1 (q)—MINIMUM NUMBER AND LENGTH OF OARS

Length of boat (feet)	Number of oars	Spare oars	Total, including steering oar	Rowing oars (feet)	Steering oars (feet)
16 and under 18	4	2	7	10	12
18 and under 20	4	2	7	11	13
20 and under 24	4	2	7	13	14
24 and under 28	6	2	9	14	15
28 and over	6	2	9	15	16

(r) *Painter.* One painter of manila rope not less than 2¾ inches in circumference and a length not less than 3 times the distance between the boat deck and the light draft.

(s) *Parachute flare distress signals.* (1) Twelve approved parachute red flare distress signals and an approved means of projecting them, all contained in a portable watertight case. Service use of the signals shall be limited to a period of three years from date of manufacture. For specifications for the above equipment, see Subparts 160.024 and 160.036 in Subchapter Q (Specifications) of this chapter.

(2) The stowage of this equipment is discretionary with the master.

(3) On ocean tank ships parachute red flare distress signal outfits need not be provided for more than two lifeboats.

(4) On coastwise tank ships parachute red flare distress signal outfits need not be provided for more than one lifeboat.

(t) *Plugs and pumps.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains to the lifeboat or with one cap attached by chain to the lifeboat if the cap is fitted with a setscrew to prevent its being taken off without removing the setscrew. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains. Decked lifeboats shall have no plug hole but shall be provided with at least two bilge pumps.

(u) *Propellers (hand-operated).* Lifeboats may be fitted with a hand-operated propeller of an approved type, but all lifeboats, except motor lifeboats, having a capacity of 60 or more persons shall be fitted with a hand-operated propeller of an approved type. For construction of hand-propelling gear see subpart 160.034 of Subchapter Q (Specifications) of this chapter. The hand-propelling gear shall be required in all such lifeboats fitted on new tank ships or as replacements of such lifeboats.

(v) *Provisions.* Two pounds of provisions for each person consisting of hard bread or its equivalent in any approved emergency ration of cereal or vegetable compound packaged in hermetically sealed containers of an approved type and stowed in provision lockers or other compartments providing suitable protection. No meat or other ration requiring saline preservative shall be allowed.

(w) *Rowlocks.* One set and a half of rowlocks or thole pins attached to the lifeboat by separate chains.

(x) *Rudder.* One rudder and tiller. For construction of rudder and tiller see § 160.035–3 (t) of subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(y) *Sea anchor.* One sea anchor of an approved type. Sea anchors installed prior to January 1, 1944, meeting the requirements of regulations effective at the time of installation may be continued in use so long as they are in good and serviceable condition.

(z) *Signaling mirrors.* Two signaling mirrors of an approved type.

(aa) *Storm oil.* One container holding 1 gallon of vegetable or animal oil, so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(bb) *Drinking water.* For each person at least 1 quart of drinking water contained in hermetically sealed cans of an approved type and stowed in the drinking water tanks, lockers, or other compartments providing suitable protection.

§ 33.15–5 *Tank ship lifeboat equipment; Great Lakes—T/L.* All lifeboats on tank ships operating on the Great Lakes shall carry the following equipment:

(a) *Bailer.* One bailer with lanyard attached.

(b) *Boathook.* One boathook attached to a staff of suitable length.

(c) *Bucket.* One galvanized iron bucket with lanyard attached.

(d) *Compass.* One efficient liquid compass with not less than a 2-inch card.

(e) *Distress signals.* (1) Twelve approved hand red flare distress signals in a watertight container, or twelve approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of three years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021 and 160.023 of Subchapter Q (Specifications) of this chapter.

(2) Either an approved flashlight or twelve approved parachute red flare distress signals, and an approved means of projecting them, all contained in a portable watertight case, may be substituted for six of the above distress signals, but at least six of the above hand red flare distress signals or hand combination flare and smoke distress signals shall be carried. Service use of the signals shall be limited to a period of three years from date of manufacture. For specifications for the parachute red flare distress signal equipment, see Subparts 160.024 and 160.026 of Subchapter Q (Specifications) of this chapter.

(f) *Flashlight.* One approved type I, size No. 3, flashlight. A flashlight which obtains its source of energy from other than dry cells may be used provided such flashlight has been approved by the Commandant. For specifications for flashlights see Subpart 161.008 of Subchapter Q (Specifications) of this chapter. No battery cell shall remain in the flashlight beyond the serviceability date appearing on the cell or its jacket. Approved flashlights not conforming to the requirements in Subpart 161.008 of Subchapter Q (Specifications) of this chapter may be continued in service so long as they are in good and serviceable condition.

(g) *Hatchets.* Two hatchets attached to the lifeboat by individual lanyards and readily available for use, one at each end of the lifeboat. All hatchets provided for use on tank ships shall be of an approved type. For specification for hatchets see Subpart 160.013 of Subchapter Q (Specifications) of this chapter. Hatchets provided prior to December 1, 1944, may be continued in service so long as they are in good and serviceable condition.

(h) *Illuminating oil.* One can containing 1 gallon of illuminating oil.

(i) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours, and ready for immediate use.

(j) *Life line.* A properly secured life line the entire length of each side, festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the lifeboat is light.

(k) *Life preservers.* Two life preservers of an approved type.

(l) *Matches.* One box of safety matches wrapped in a waterproof package and carried in a box secured to the underside of the stern thwart.

(m) *Oars.* A full complement of oars and two spare oars, and a steering oar with rowlocks or becket.

(n) *Painter.* One painter or manila rope of not less than 2¾ inches in circumference and of suitable length.

(o) *Parachute flare distress signals.* Optional, see distress signals (paragraph (e) of this section).

(p) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains to the lifeboat or with one cap attached by chain to the lifeboat if the cap is fitted with a setscrew to prevent its being taken off without removing the setscrew. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(q) *Propellers (hand-operated).* Lifeboats may be fitted with a hand-operated propeller of an approved type, but all lifeboats, except motor lifeboats, having a capacity of 60 or more persons, shall be fitted with a hand-operated propeller of an approved type. For construction of hand-propelling gear see Subpart 160.034 of Subchapter Q (Specifications) of this chapter.

(r) *Rowlocks.* One set and a half of rowlocks or thole pins, attached to the lifeboat by separate chains.

(s) *Rudder.* One rudder and tiller. For construction of rudder and tiller, see § 160.035–3 (t) of Subpart 160.035 of Subchapter Q (Specifications) of this chapter.

(t) *Sea anchor.* One sea anchor of an approved type. Sea anchors installed prior to January 1, 1944, meeting the requirements of the regulations effective at the time of installation may be continued in use so long as they are in good and serviceable condition.

(u) *Storm oil.* A vessel containing 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water and so arranged that it can be attached to the sea anchor.

(v) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs. The stowage of parachute flare distress signals is discretionary with the master.

§ 33.15–10 *Tank ship lifeboat equipment; bays, sounds, lakes other than Great Lakes, and rivers—T/BR.* All lifeboats on tank vessels operating lakes, bays, sounds, and rivers, shall carry the following equipment:

(a) *Boathook.* One boathook attached to staff of suitable length.

(b) *Bucket.* One bucket with lanyard attached.

(c) *Hatchets.* Two hatchets attached to the lifeboat by individual lanyards and readily available for use, one at each end of the lifeboat. All hatchets provided for use on tank ships shall be of an approved type. For specifications for hatchets see Subpart 160.013 of Subchapter Q (Specifications) of this chapter. Hatchets provided prior to December 1, 1944, may be continued in service so long as they are in good and serviceable condition.

(d) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(e) *Life line.* A properly secured life line the entire length on each side, such line to be festooned in bights not longer than 3 feet, with a seine float in each bight. The life line shall be of a size and strength not less than 12-thread manila rope, and the seine float in each bight shall hang to within 12 inches of the surface of the water when the boat is light.

(f) *Life preservers.* At least two life preservers of an approved type except on tank vessels operating exclusively on rivers flowing into the Gulf of Mexico, where one only is required. Wooden floats may be substituted where the same are allowed by law.

(g) *Matches.* One box of safety matches wrapped in a waterproof package and carried in a box secured to the underside of the stern thwart.

(h) *Oars.* (1) A full complement of single bank oars and two spare oars of suitable length except on tank ships operating exclusively on rivers flowing into the Gulf of Mexico, where a total of five oars only is required.

(2) One steering oar with rowlock or becket except on tank ships operating exclusively on rivers.

(i) *Painter.* One painter of manila rope of not less than 2¾ inches in circumference, properly attached, and of suitable length.

(j) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains to the lifeboat or with one cap attached by chain to the lifeboat if the cap is fitted with a setscrew to prevent its being taken off without removing the setscrew. Where an automatic plug is not provided there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(k) *Rudder.* One rudder and tiller except for tank ships operating exclusively on rivers. For construction of rudder and tiller, see § 160.035–3 (t), in Subpart 160.035 in Subchapter Q (Specifications) of this chapter.

(l) *Rowlocks.* A full complement of rowlocks and two spare rowlocks, each rowlock to be attached to the boat with a separate chain.

(m) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

§ 33.15–15 *Tank barge lifeboat equipment; all waters—B/ALL.* Lifeboats on barges shall be equipped as follows:

(a) *Boathooks.* Two boathooks of suitable length.

(b) *Bucket.* One galvanized iron bucket of about 2-gallon capacity with lanyard attached.

(c) *Lantern.* One lantern containing sufficient oil to burn at least 9 hours and ready for immediate use.

(d) *Life line.* One life line properly secured the entire length on each side, festooned in bights not longer than 3 feet with a seine float in each bight.

(e) *Life preservers.* Two life preservers of an approved type in addition to the vessel's complement of life preservers.

(f) *Matches.* One box of safety matches wrapped in a waterproofed package, in a watertight container secured to the underside of the stern thwart.

(g) *Oars.* Four oars and one steering oar with rowlock or becket.

(h) *Painter.* One painter of manila rope not less than 2¾ inches in circumference, and of a suitable length.

(i) *Plugs.* Each drain hole, fitted with an automatic plug, shall be provided with two caps attached by chains to the lifeboat or with one cap attached by chain to the lifeboat if the cap is fitted with a setscrew to prevent its being taken off without removing the setscrew. Where an automatic plug is not provided, there shall be two plugs to each drain hole attached to the lifeboat by separate chains.

(j) *Rowlocks.* Not less than four rowlocks attached to the lifeboat by separate chains.

(k) *Stowage of equipment.* All loose equipment shall be securely attached to the lifeboat to which it belongs.

§ 33.15–20 *Tank ship life raft equipment; Great Lakes—T/L.* Life rafts shall be equipped as follows:

(a) *Boathook.* One boathook on a suitable staff.

(b) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, or twelve approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of three years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021 and 160.023 in Subchapter Q (Specifications) of this chapter.

(c) *Life line.* One life line properly secured entirely around the sides and ends of the raft, festooned in bights not longer than 3 feet with seine floats in each bight.

(d) *Matches.* One box of safety matches in a watertight container.

(e) *Oars.* Four oars.

(f) *Painter.* One painter of manila rope not less than 2¾ inches in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(g) *Rowlocks.* Five rowlocks attached by separate chains.

(h) *Sea anchor.* One sea anchor constructed of good quality canvas or other satisfactory material; and, if of circular pattern, to be not less than 2 feet in diameter.

(i) *Water light.* One automatic electric water light of an approved type. For specification for water lights see Subpart 161.001 of Subchapter Q (Specifications) of this chapter.

(j) *Storm oil.* One container holding 1 gallon of vegetable or animal oil so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea anchor.

§ 33.15–25 *Tank vessel life raft equipment; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR.* Life rafts shall be equipped as follows:

(a) *Boathook.* One boathook on a suitable staff.

(b) *Life line.* One life line properly secured entirely around the sides and ends of the life raft, festooned in bights not longer than 3 feet with seine floats in each bight.

(c) *Oars.* Four oars.

(d) *Painter.* One painter of manila rope not less than 2¾ inches in circumference, and of a length not less than three times the distance between the boat deck and the light draft.

(e) *Rowlocks.* Five rowlocks attached by separate chains.

§ 33.15–30 *Tank vessel buoyant apparatus equipment; all waters—TB/ALL.* Buoyant apparatus shall be fitted and equipped as follows:

(a) *Life line.* One life line properly secured entirely around the sides and ends of the buoyant apparatus, festooned in bights not longer than 3 feet with seine float in each bight.

(b) *Painter.* (1) One painter of sufficient strength properly secured to the buoyant apparatus so that the buoyant apparatus may be lowered from the deck where stored to the water. It shall be of good quality manila rope not less than 2 inches in circumference and at least equal in length to the height of the boat deck where stored to the vessel's light seagoing draft plus 6 feet.

(2) Buoyant apparatus weighing less than 75 pounds shall not be required to have a painter for lowering.

(c) *Water light.* One automatic electric water light of an approved type. Buoyant apparatus designed to accommodate less than 25 persons shall not be required to be equipped with an automatic electric water light.

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

§ 33.20–1 *Davits and launching devices—TB/ALL.* (a) Tank ships of 100 gross tons or more shall be equipped with davits for each lifeboat carried on the tank ship.

(b) Tank ships of less than 100 gross tons and tank barges where lifeboats are carried shall provide means for the launching of such lifeboats by davits or crane or, where the freeboard is less than 6 feet when the vessel has no cargo aboard, by slide.

§ 33.20–5 *Lifeboat davit falls—T/ALL.* All tank ships over 1,000 gross tons shall be provided with covered tubs, boxes, or reels, in which to stow the running part of the lifeboat davit falls. Lifeboat falls shall not be painted.

§ 33.20–10 *Lifeboats and life rafts kept clear for launching—TB/ALL.* The decks on which lifeboats or life rafts are carried shall be kept clear of freight or any other obstruction that would interfere with the immediate launching of the lifeboats or life rafts.

§ 33.20–15 *Stowage of lifeboats and life rafts—TB/ALL.* (a) All the lifeboats and life rafts shall be stowed in such a way that they can be launched in the shortest possible time, and that, even under unfavorable conditions of list and trim from the point of view of the handling of the lifeboats and life rafts, it may be possible to embark in them as large a number of persons as possible.

(b) For tank ships, arrangements shall be such that it may be possible to launch on either side of the vessel as large a number of lifeboats and life rafts as possible.

(c) Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching.

SUBPART 33.25—MARKINGS, CARE AND INSPECTION

§ 33.25–1 *Preparation for voyage—TB/ALL.* (a) Lifeboats, life rafts, and buoyant apparatus shall be fully equipped before the vessel leaves port, and the equipment shall remain in the lifeboat, life raft, or buoyant apparatus throughout the voyage. Tank vessels having a sufficient number of lifeboats on each side to accommodate all persons on board may have the lifeboats cared for, as required by § 33.25–15, at sea: *Provided,* That a number of lifeboats sufficient to accommodate all persons on board are fully equipped and ready for use at all times. It shall be unlawful to stow in any lifeboat, life raft, or buoyant apparatus any articles not required by this chapter unless such articles can be properly stowed so as not to reduce the seating capacity or space available to occupants and so as not to adversely affect the seaworthiness of such lifeboats, life rafts, or buoyant apparatus.

(b) Loose equipment shall be securely attached to the lifeboat, life raft or buoyant apparatus to which it belongs.

(c) Articles of equipment shall be of good quality, efficient for the purpose they are intended to serve, and shall be kept in good condition.

§ 33.25–5 *Numbering and marking of lifeboats—TB/ALL.* (a) The number of each lifeboat shall be plainly marked or painted on each side of the bow in figures 3 inches high; and, where lifeboats are carried on both sides of a vessel, the odd-numbered boats shall be stowed on the starboard side, and the even-numbered boats on the port side; i. e., lifeboat No. 1 shall be forward on the starboard side, and lifeboat No. 3 next abaft lifeboat No. 1; lifeboat No. 2 shall be forward on the port side and lifeboat No. 4 next abaft lifeboat No. 2, etc.

(b) The cubical contents and number of persons allowed to be carried on each lifeboat shall be plainly marked or painted on each side of the bow in letters and numbers 1½ inches high. In addition, the number of persons allowed shall be plainly marked or painted on the top of at least two of the thwarts in letters and numbers 3 inches high.

(c) Such letters and numbers shall be dark on a light ground or light on a dark ground.

§ 33.25–10 *Marking of life rafts—TB/ALL.* There shall be stenciled in a conspicuous place on each life raft the number of persons the life raft can carry.

§ 33.25–15 *Overhaul—TB/ALL.* (a) Lifeboats and life rafts shall be stripped, cleaned, painted, and thoroughly over-

hauled at least once in every year. If any deterioration has begun, it shall be corrected even to the extent of renewing that part of the lifeboat or life raft.

(b) The lifeboat davit and falls shall be overhauled at least once in every year.

§ 33.25–20 *Maintenance—TB/ALL.* (a) Every lifeboat, life raft, or piece of buoyant apparatus together with its equipment shall be kept in every respect in good condition and ready for immediate use.

(b) The material that may support the platform of a life raft or buoyant apparatus shall be examined to determine that its strength is maintained.

(c) Air tanks shall be examined to see that they are in good condition but pressure need not be applied unless the inspector so desires to assure himself as to their condition.

(d) Disengaging apparatus, blocks and falls, if used, shall be determined to be in good condition.

(e) Disengaging apparatus, if used shall be shown on the annual inspection report and if the inspector is unable to identify it by name he shall take the matter up with the Coast Guard District Commander in order that such apparatus may be traced for identification and approval record.

SUBPART 33.30—MANNING OF LIFEBOATS

§ 33.30–1 *Person in charge of each lifeboat—TB/OCLB.* A licensed deck officer, an able seaman, or a certificated lifeboatman shall be placed in charge of each lifeboat or life raft. He shall have a list of its lifeboatmen and other members of its crew which shall be sufficient for her safe management, and shall see that the men placed under his orders are acquainted with their several duties and stations.

§ 33.30–5 *Certificated lifeboatmen in each lifeboat—TB/OCLB.* (a) There shall be for each lifeboat or life raft a number of lifeboatmen at least equal to that specified as follows: If the lifeboat or life raft carries 25 persons or less, the minimum number of certificated lifeboatmen shall be 1; if the lifeboat or life raft carries 26 persons and less than 41 persons the minimum number of certificated lifeboatmen shall be 2; if the lifeboat or life raft carries 41 persons and less than 61 persons the minimum number of certificated lifeboatmen shall be 3.

(b) The allocation of the certificated lifeboatmen to each lifeboat and life raft remains within the discretion of the master, according to the circumstances.

SUBPART 33.35—LIFE PRESERVERS

§ 33.35–1 *Number required—TB/ALL.* All tank vessels shall be provided with one approved life preserver for each person carried.

§ 33.35–5 *Distribution and stowage—TB/ALL.* Life preservers shall be distributed throughout the cabins, staterooms, berths, and other places convenient for each person on such tank vessels.

§ 33.35–10 *Shipboard inspections—TB/ALL.* At each annual inspection of any vessel, or oftener if deemed necessary, the life preservers shall be examined by an inspector to determine serviceability. When life preservers are found to be in accordance with the requirements, the inspector shall stamp them with the word "Passed," his initials, port, and date. Life preservers found not to be in a serviceable condition shall be removed from the vessel's equipment and, if beyond repair, shall be destroyed in the presence of the inspector.

§ 33.35–15 *Specifications for manufacturing life preservers—TB/ALL.* The specifications regarding life preservers and buoyant materials are in Subparts 160.001, 160.002, 160.003, 160.004, 160.006, 164.001, 164.002, and 164.003 of Subchapter Q (Specifications) of this chapter.

SUBPART 33.40—LIFE BUOYS

§ 33.40–1 *Number required on tank ships—T/ALL.* The minimum number of approved 30-inch life buoys and the minimum number to which approved automatic water lights shall be attached is fixed by the Table 33.40–1.

TABLE 33.40–1—LIFE BUOYS REQUIRED

Length of tank vessel	Minimum number of approved 30-inch life buoys	Minimum number of approved 30-inch life buoys with approved automatic water lights attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	16	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

§ 33.40–5 *Number required on tank barges—B/ALL.* All tank barges regardless of size shall have at least two life buoys on board: *Provided, however,* That unmanned barges are exempt from this section.

§ 33.40–10 *Location, distribution, and securing of life buoys—TB/ALL.* All life buoys shall be distributed and secured as follows:

(a) All life buoys shall be so placed as to be readily accessible to the persons on board, and their positions plainly indicated so as to be known to the persons concerned. The buoys shall always be capable of being cast loose, and shall not be permanently secured in any way.

(b) One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

SUBPART 33.45—DISTRESS LIGHTS

§ 33.45–1 *Distress signals—T/ALL and B/OC.* On every tank vessel of 150 gross tons and over there shall be carried within the pilothouse or upon the navigator's bridge twelve approved hand red flare distress signals in a watertight container, or twelve approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of three years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried. For specifications for the above signals, see Subparts 160.021 and 160.023 in Subchapter Q (Specifications) of this chapter.

SUBPART 33.50—SIGNALING LAMP

§ 33.50–1 *Signaling lamp—T/OC.* Ocean and coastwise tank ships over 150 gross tons shall be equipped with an efficient signaling lamp. This lamp shall be permanently fixed above the bridge and equipped with a Fresnel lens and high speed bulb, operated by a weatherproof key, fitted with a suitable condenser. The lamp shall be so connected that it can be operated from the normal source of ship's current, the emergency source, and other emergency batteries, if provided.

SUBPART 33.55—LINE-THROWING APPLIANCES

§ 33.55–1 *Line-throwing appliances required—T/OC.* (a) All ocean and coastwise tank ships of 150 gross tons and over shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, as specified in this subpart.

(b) Tank ships of 500 gross tons or more shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, of the impulse-projected rocket type, the requirements for which are set forth in Subpart 160.040 of Subchapter Q (Specifications) of this chapter. Lyle gun type line-throwing appliances in service on or before July 1, 1951, may be continued in use so long as in good and serviceable condition: *Provided,* That any replacements shall be made with a line-throwing appliance of the impulse-projected rocket type.

(c) Tank ships of 150 gross tons and over and less than 500 gross tons shall be equipped with an approved line-throwing appliance and equipment auxiliary thereto, of the shoulder gun type or the impulse-projected rocket type, the requirements for which are set forth in Subparts 160.031 and 160.040, respectively, of Subchapter Q (Specifications) of this chapter. Lyle gun type line-throwing appliances in service on or before July 1, 1951, may be continued in use so long as in good and serviceable condition: *Provided,* That any replacements shall be made with a line-throwing appliance of the shoulder gun type or the impulse-projected rocket type.

(d) Service use of rockets shall be within four years from date of manufacture.

§ 33.55–5 *Accessibility—T/OC.* The line-throwing appliance and its equipment shall be kept always easily and immediately accessible and ready for use. No part of this equipment shall be used for any other purpose.

§ 33.55–10 *Equipment for line-throwing applicances—T/OC.* The equipment enumerated below is required to be carried with the various types of line-throwing appliances:

(a) *Impulse-projected rocket type.* Four (4) rockets (2 of which shall be of the buoyant type), 4 primer-ejector cartridges, 4 service lines (each 1,000 feet of 7/32-inch to 9/32-inch diameter flax or manila, having not less than 500 pounds breaking strength, in faking boxes or reels), 1 can of oil, 1 cleaning brush, 12 wiping patches, and 1 set of instructions furnished by the manufacturer of the gun, all in a suitable case or box with the appliance, with the auxiliary line (1,500 feet of 3-inch circumference manila) accessible for use either in the case or nearby.

(b) *Shoulder gun type.* Ten (10) service projectiles, 4 service lines (each 400 feet of 3/8-inch circumference flax or cotton line, having not less than 250 pounds breaking strength, in faking boxes or reels), 25 cartridges, 1 cleaning rod with brush, 1 can of oil, 12 wiping patches, and 1 set of instructions, all in a suitable case or box with the gun, with an auxiliary line (500 feet of 3-inch circumference manila) accessible for use.

(c) *Lyle gun type on existing tank vessels.* Six (6) service projectiles, 4 service lines (each 1,700 feet of 7/32-inch to 9/32-inch diameter flax or manila, having not less than 500 pounds breaking strength, in faking boxes or reels), 1 auxiliary line (1,500 feet of 3-inch circumference manila), 1 approved firing attachment (with accessories consisting of lanyard, wrench, washer to fit between barrel and shoulder of firing attachment, blank plug for screwing into gun when firing attachment is not in place, cartridge extractor, and 25 primers in watertight metal box), 18 bags (2½ ounces each) of black powder marked "One-half normal charge for Lyle gun, 2½ ounces black powder" in nonferrous metal screw top container, 25 paper wads, 1 ram rod, 1 wire brush, 1 can light petrolatum, 12 wiping patches, 1 tapered wooden plug for muzzle of gun when not in use, and 1 set of instructions furnished by the manufacturer of the gun, all in a suitable box or chest with the gun.

§ 33.55–15 *Service recommendations—T/OC.* The following precautions and procedure are recommended for the use of line-throwing appliances and equipment:

(a) *Impulse-projected rocket type.* Follow the operating instructions and safety precautions furnished by the manufacturer.

(b) *Shoulder gun type.* Follow the operating instructions and safety precautions furnished by the manufacturer.

(c) *Lyle gun type on existing tank vessels.* (1) Service powder charge should be about 5 ounces of black powder, and the powder bags should be furnished to the vessel containing 2½ ounces of black powder and marked "one-half normal charge." Under extraordinary circumstances, 7½ ounces (three 2½-ounce bags) of black powder may be used.

(2) In making the line fast to the shank, pass it through the eye and take three or more half-hitches around its own part, leaving a loop of about 10 to 12 inches and taking the hitches about 6 inches apart. This will allow the line to slip slightly through the eye of the shank before the hitches fetch up, thus easing the strain on the line at the loop during the initial acceleration.

(3) A considerable bight led over the side is recommended wherever possible, as it will tend to lessen the jerk on the line at initial acceleration.

(4) At least a fathom of the line from the shank should be thoroughly wet before using to prevent burning.

(5) The faking box or reel should always be faced in the direction of the line of fire and placed abreast of the gun and as close to ship's side as possible. It is not advisable to place the line too close to the muzzle of the gun, as the concussion may lift several layers or coils from the top, causing a snarl which in turn may cause the line to part.

(6) Care should be taken in placing the equipment to prevent fouling of the line in rigging, ridge ropes, etc., which have a tendency to rise or jump up when the gun is fired.

(7) Having made the gun and equipment ready for use, the following procedure in firing is recommended: select a place where the gun may recoil without striking anything, or where it may be securely lashed down. Note the position of the vessel to be relieved, and the direction and approximate force of the wind, and then place the gun in position, making allowance for the drift of the line. Place the line on the windward side of the gun and about 3 feet from it. Make the line fast in the eye of the shank and insert the powder charge, projectile, and primer. In loading, make sure that the projectile is seated against the wad.

(8) After using, the line should be thoroughly dried before rewinding or faking.

PART 34—FIRE-FIGHTING EQUIPMENT

SUBPART 34.01—GENERAL FIRE-FIGHTING REQUIREMENTS

Sec.
34.01–1 Fire equipment for tank vessels—TB/ALL.
34.01–5 Repairs and alterations to fire-fighting equipment—TB/ALL.
34.01–10 Special types of fire apparatus may be used—TB/ALL.
34.01–15 Shutting down of boilers and machinery—T/ALL.

SUBPART 34.05—INSPECTIONS

34.05–1 Inspection of fire-fighting equipment; general—TB/ALL.
34.05–5 All fire-fighting equipment may be tested—TB/ALL.
34.05–10 Testing of fire hose and pumps—TB/ALL.
34.05–15 Inspection of bilges—TB/ALL.

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

34.10–1 Fire pumps required—T/ALL.
34.10–5 Capacity of fire pumps; tank ships of more than 500 gross tons—T/ALL.
34.10–10 Type of fire pumps—T/ALL.
34.10–15 Location of fire pumps—T/ALL.
34.10–20 Fire pump relief valves and piping—T/ALL.
34.10–25 Fire hydrants—T/ALL.
34.10–30 Fire hose—T/ALL.
34.10–35 All purpose nozzles—T/ALL.
34.10–40 Spray nozzles—T/ALL.

SUBPART 34.15—CARGO SPACES ON TANK SHIPS

34.15–1 General requirements for cargo spaces—T/ALL.
34.15–5 Systems which may be substituted for steam in cargo spaces—T/ALL.
34.15–10 Minimum capacity of fire-extinguishing systems for cargo spaces—T/ALL.
34.15–15 Basic requirements of fire-extinguishing systems for cargo spaces—T/ALL.
34.15–20 Steam fire-extinguishing system for cargo spaces—T/ALL.
34.15–25 Inert-gas or vapor fire-extinguishing system for cargo spaces—T/ALL.
34.15–30 Foam fire-extinguishing system for cargo spaces—T/ALL.
34.15–35 Flue gas fire-extinguishing systems for cargo spaces—T/ALL.
34.15–40 Fire-extinguishing systems for dry cargo spaces, lamp and paint rooms, pump rooms, etc., on tank ships constructed on or after July 1, 1951—T/ALL.
34.15–45 Fire-extinguishing systems for dry cargo spaces, lamp and paint rooms, etc., on tank ships constructed before July 1, 1951—T/ALL.
34.15–50 Fireproofing of lamp, oil, and paint rooms—T/ALL.
34.15–55 Interconnection between fixed carbon dioxide systems—T/ALL.

SUBPART 34.20—PUMP ROOM, BOILER ROOM, AND MACHINERY SPACES ON TANK SHIPS

34.20–1 Fixed fire-extinguishing systems for boiler room and machinery spaces—T/ALL.
34.20–5 Interconnection between fixed carbon dioxide systems—T/ALL.
34.20–10 Fire-extinguishing equipment, other than fixed, for boiler room and machinery spaces—T/ALL.
34.20–15 Fire-extinguishing system for pump rooms—T/ALL.

SUBPART 34.25—HAND FIRE EXTINGUISHERS

34.25–1 Hand fire extinguishers; test and approval—TB/ALL.
34.25–5 Hand fire extinguishers; marking—TB/ALL.
34.25–10 Hand fire extinguishers; location—TB/ALL.
34.25–15 Hand fire extinguishers; inspection—TB/ALL.
34.25–20 Hand fire extinguishers; spare charges and parts—TB/ALL.
34.25–25 Hand fire extinguishers; number required on tank ships—T/ALL.
34.25–30 Hand fire extinguishers required on tank vessels of over 15 gross tons using oil as fuel—TB/ALL.

SUBPART 34.30—FIRE AXES

34.30–1 Fire axes required—T/ALL.
34.30–5 Location and use of fire axes—T/ALL.

SUBPART 34.35—SAND BOXES

34.35–1 Sand boxes required on tank vessels using oil as fuel under boilers—TB/ALL.

SUBPART 34.40—FIRE-FIGHTING EQUIPMENT FOR TANK BARGES

34.40–1 Portable extinguishing equipment for cargo spaces—B/ALL.
34.40–5 Hand fire extinguishers for quarters, pump room, and machinery spaces—B/ALL.

AUTHORITY: §§ 34.01–1 to 34.40–5 issued under R. S. 4405, as amended, 4417a, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 463a, 50 U. S. C., App., 1275.

SUBPART 34.01—GENERAL FIRE-FIGHTING REQUIREMENTS

§ 34.01–1 *Fire equipment for tank vessels—TB/ALL.* All tank vessels subject to the regulations in this subchapter shall have fire extinguishers and fire-fighting apparatus in accordance with the regulations in this subchapter, and where required, the equipment shall be constructed in accordance with the regulations contained in the applicable subparts of subchapter Q (Specifications) of this chapter: *Provided, however,* That all

fire extinguishers and fire-fighting apparatus which is of the character that complied with the rules and regulations of the Commandant on vessels in existence at the time the regulations in this subchapter are promulgated, and have been in use on such vessels, may be continued in use so long as such fire extinguishers and such fire-fighting apparatus are found to be in good and workable condition. Where fire extinguishers and fire-fighting apparatus are not found to be in good and workable condition, they shall be repaired or else replaced by fire extinguishers or fire-fighting apparatus of the latest approved type, as required by the regulations in this subchapter and Subchapter Q (Specifications) of this chapter. Where fire extinguishers or fire-fighting apparatus are found to be in good and workable condition, but deficient as to quantity or numbers, the additional quantity or numbers required by the regulations in this subchapter shall be of the latest approved type. Fixed systems which are included in the fire-fighting equipment for tank vessels and which have been in the past approved by the Commandant shall be deemed to comply with the regulations in this subchapter both as to character and quantity, provided such systems are in good and workable condition.

§ 34.01–5 *Repairs and alterations to fire-fighting equipment—TB/ALL.* (a) No extensive repairs or alterations, except in emergency, shall be made to any fire-extinguishing apparatus, or other appliance subject to inspection, without advance notice to the Officer in Charge, Marine Inspection. Such repairs or alterations shall so far as is practicable be made with materials and tested in the manner specified within the regulations in this subchapter and Subchapter Q (Specifications) of this chapter for new construction.

(b) Emergency repairs or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, where the vessel may call after such repairs are made.

§ 34.01–10 *Special types of fire apparatus may be used—TB/ALL.* Any special type of appliance, fire-extinguishing medium, or arrangement approved by the Commandant, may be used.

§ 34.01–15 *Shutting down of boilers and machinery—T/ALL.* The fire-extinguishing systems provided for in this part which depend for their operation on the ship's boilers or machinery, shall not be required to be immediately available at docks or at anchorages.

SUBPART 34.05—INSPECTIONS

§ 34.05–1 *Inspection of fire-fighting equipment; general—TB/ALL.* (a) At each annual inspection, and at any other time as required in the judgment of the Officer in Charge, Marine Inspection, all fire-fighting equipment on tank vessels shall be inspected.

(b) The examination of the fire-fighting equipment shall be made by inspectors. This applies to fire pumps, hose, chemical fire extinguishers, axes, and steam or gas smothering lines to cargo holds and compartments.

(c) The inspectors shall examine the fire-fighting equipment provided for the fireroom and engine room to ascertain if it conforms to the regulations in this subchapter and that it is in good condition for immediate use.

(d) At the annual inspection or at any other time as required, the inspectors shall examine the water-sprinkling system, when fitted, to ascertain if it is in good condition and ready for immediate use.

§ 34.05–5 *All fire-fighting equipment may be tested—TB/ALL.* During the inspection of fire-fighting equipment, the Officer in Charge, Marine Inspection, may require fire apparatus to be tested; and used, except as provided under §§ 34.15–25 and 34.25–15.

§ 34.05–10 *Testing of fire hose and pumps—TB/ALL.* The inspectors shall examine all pumps, hose, and other fire apparatus and shall see that the hose is subjected to a pressure of 100 pounds to the square inch, and that the hose couplings are securely fastened in accordance with the regulations in this subchapter.

§ 34.05–15 *Inspection of bilges—TB/ALL.* When inspecting oil-burning vessels, either internal-combustion type or steam-driven type, the inspector shall examine the tank tops and bilges in the fireroom and engine room to see that there is no accumulation of oil which might create a fire hazard.

SUBPART 34.10—FIRE PUMPS, MAINS, HYDRANTS, AND FIRE HOSE FOR TANK SHIPS

§ 34.10–1 *Fire pumps required—T/ALL.* All tank ships shall be provided with pumps available for use as fire pumps, as follows:

(a) Tank ships of 500 gross tons and under shall be equipped with an efficient hand pump capable of delivering 50 gallons per minute or a power-driven pump of equivalent capacity: *Provided*, That on tank ships of 20 gross tons or under where it is impracticable to install a hand or power-operated fire pump, or on tank ships with only one man in the crew, at least one additional 15-pound CO_2 or the equivalent fire extinguisher may be accepted in lieu of a fire pump.

(b) Tank ships of more than 500 gross tons shall be provided with independently driven power pumps as follows:

Over 500 and not over 1,000 gross tons	1 pump.
Over 1,000 gross tons	2 pumps.

§ 34.10–5 *Capacity of fire pumps; tank ships of more than 500 gross tons—T/ALL.* (a) The capacity of the combined fire pump installation shall be one-fifth gallon per minute per gross ton of the tank ship. The maximum total fire pump capacity required for any tank ship shall be 800 gallons per minute.

(b) Fire pumps on tank ships of more than 500 gross tons shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzle, each having an orifice of not less than ⅞ inch diameter, where the internal diameter of the hose exceeds 1½ inches, and not less than ⅝ inch diameter, where the internal diameter of the hose does not exceed 1½ inches.

(c) While arranged with permanent connections to the fire main the pumps may be utilized also for other purposes, provided that one of the required pumps is kept available for immediate use on the fire system. In no case, however, shall a pump having connection to oil lines be used as a fire pump.

§ 34.10–10 *Type of fire pumps—T/ALL.* Tank ships are not restricted to any particular type or proportions for fire pumps.

§ 34.10–15 *Location of fire pumps—T/ALL.* On oil-burning tank ships, provided with two fire pumps, where the engine and firerooms are not entirely separated by iron or steel bulkheads, or if fuel can drain from fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space separate from the machinery compartment.

§ 34.10–20 *Fire pump relief valves and piping—T/ALL.* (a) Fire pumps shall be fitted on the discharge side with a relief valve and a pressure gage to indicate the pressure on the fire main. Except when the fire pumps are being used in tank cleaning operations, the relief valves shall be set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of § 34.10–5 (b) of this part. If the fire pumps operating under shut-off conditions are not capable of producing a pressure exceeding 125 pounds per square inch, the relief valves may be omitted.

(b) Suction pipes for all fire pumps shall be so arranged as to have an area of opening sufficiently large to supply water when the pumps are working at full capacity.

(c) The size of the discharge pipe leading from fire pumps shall in no case be less than that of the discharge opening of the pump, and in no case shall it be less than 1½ inches in internal diameter.

(d) The pipe, valves, fittings, and construction of fire lines shall conform to the rules and regulations contained in Part 55 of Subchapter F (Marine Engineering) of this chapter.

§ 34.10–25 *Fire hydrants—T/ALL.* (a) Fire hydrants shall be of sufficient number and so arranged that any part of the living quarters, weather decks, machinery spaces and any parts of cargo decks accessible to the crew while at sea may be reached with a single 50 foot length of hose.

(b) Hose connections shall be brass or composition material.

(c) Outlet openings shall have a diameter of not less than 1½ inches.

(d) All fire hydrants shall be equipped with hose spanners.

(e) The arrangement of the fire hydrant shall be limited to any position from the horizontal to the vertical pointing downward, so that the hose will lead downward or horizontally, in order to minimize the possibility of kinking. In no case will a hydrant arranged in a vertical position with the outlet pointing upward be accepted.

§ 34.10–30 *Fire hose—T/ALL.* (a) Fire hose shall be connected to the outlet at all times except on open decks, where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather.

(b) The fire hose may be temporarily removed when it will interfere with the landing of cargo.

(c) Each fire hose shall be provided with a suitable nozzle.

(d) Fire hose, when part of the fire equipment, shall not be used for any other purpose than fire extinguishing, fire drills, and testing.

(e) Fire hose shall be drained and stowed in its proper place immediately after being used.

§ 34.10–35 *All purpose nozzles.—T/ALL.* At least twenty-five percent of the hydrants shall be fitted with approved combination nozzles which can project a solid stream or a fog spray or can be shut off. Each such nozzle shall be equipped with a high velocity fog spray tip, a fitting for projecting a low velocity fog spray, and a self-cleaning strainer attached to the fire hydrant either directly or by means of a short length of hose or a self-cleaning strainer contained within the nozzle. The all-purpose nozzles shall be located about the vessel to best cover areas where oil fires would most likely occur.

§ 34.10–40 *Spray nozzles—T/ALL.* (a) Fire hose lines in boiler and machinery spaces of vessels of 3,000 gross tons or over, except vessels driven by electric motors, shall be provided with at least two suitable nozzles of an approved type which are capable of effectively extinguishing oil fires. This equipment shall be kept in efficient condition and ready for use at all times.

(b) The use of approved all purpose nozzles, as described in § 34.10–35 is acceptable in boiler and machinery spaces provided the nozzle is equipped with an applicator having an approved low velocity water fog spray head attached. For any installation where the use of the fog nozzle and auxiliary applicator is contemplated, the standard portable self-cleaning hose strainer shall be included in the equipment.

SUBPART 34.15—CARGO SPACES ON TANK SHIPS

§ 34.15–1 *General requirements for cargo spaces—T/ALL.* (a) Every tank ship shall be provided with suitable pipes and valves attached to the boiler to convey steam into the hold and into the different compartments thereof, and into the fuel tanks, to extinguish fire, or equipped with other suitable apparatus as provided by the regulations in this subchapter.

(b) The valves on steam and carbon dioxide fire-extinguishing systems shall be plainly marked to indicate the compartment into which they discharge. Such smothering pipes shall enter the tank at a point above the highest liquid level at which cargo is carried.

§ 34.15–5 *Systems which may be substituted for steam in cargo spaces—T/ALL.* On tank ships, foam, gases, or vapors, or any other effective fire-extinguishing system may be substituted for steam, provided such system, if fixed, is completely installed in accordance with approved drawings and specifications. Such systems may be portable, semiportable, or fixed, and may be of more than one type, provided its total capacity equals the requirements of the regulations in this subchapter: *Provided, however*, That carbon tetrachloride may be used for fighting fire in cargo spaces allowing 1 quart of carbon tetrachloride for each 225 cubic feet of space, upon approval of the Commandant only. In no case will carbon tetrachloride be allowed for fighting fire in cargo spaces on tank ships where the volume of the largest cargo compartment exceeds 6,300 cubic feet.

§ 34.15–10 *Minimum capacity of fire-extinguishing systems for cargo spaces—T/ALL*—(a) *Steam, inert-gas or vapor system.* The minimum capacity of a fire system for cargo spaces shall be based upon the volume of the largest cargo compartments, in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks, shells, tank bottoms, and bulkheads.

(b) *Foam system.* The minimum capacity of a fire system for cargo spaces shall be based upon the largest superficial liquid area obtainable in any tank within the range of usual trim.

§ 34.15–15 *Basic requirements of fire-extinguishing systems for cargo spaces—T/ALL*—(a) *Steam system.* Steam for fire-extinguishing systems shall be available from the main boilers or from a donkey or auxiliary boiler or from a shore source having a minimum capacity equivalent to 1 square foot of heating surface for each 300 cubic feet of the largest compartment in which cargo is carried. This requirement shall be based upon a rate of evaporation of 6 pounds of steam per hour per square foot of heating surface from and at 212° F. medium steaming. Equivalent values of heating surface will be permitted for boilers having rates of evaporation differing from that herein specified.

(b) *Inert-gas or vapor system.* At least one pound of carbon dioxide or its equivalent of other inert gas or vapor for each 30 cubic feet of gross volume of the largest cargo compartment as defined in § 34.15–10 (a), discharged at the rate of 1 pound of carbon dioxide or its equivalent of other inert gas per minute for each 150 cubic feet of cargo space.

(c) *Foam system.* At least a 6-inch layer of foam delivered uniformly over the largest superficial liquid area as defined in § 34.15–10 (b); discharged at the rate of not less than 10 cubic feet of foam per minute per 100 square feet of surface to be covered.

(d) *Provision against freezing.* Provision shall be made for draining the manifold and individual lines of fire-extinguishing systems for cargo spaces to protect them against freezing.

§ 34.15–20 *Steam fire-extinguishing system for cargo spaces—T/ALL.* (a) A steam pressure of at least 100 pounds per square inch shall be maintained for fire-extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, or where steam from a shore plant is being used, the maximum steam pressure permitted by the operating boiler pressure limitations shall be provided for this purpose.

(b) Where steam fire-extinguishing systems are fitted on tank ships, the master valve control mechanism shall be located in an easily accessible place above the freeboard deck as defined in § 43.1 (g) of Subchapter E (Load Lines) of this chapter. The main lines shall have sufficient area to supply all the individual lines to the largest tank and the tanks adjacent thereto, and the valves on the branch lines to the tanks shall be left open at all times so that, in case of fire, it will be necessary only to open the master valve to insure a flow of steam into each hold or tank, after which the valves leading to tanks which are not on fire may be closed: *Provided*, That where the opening of such branch line valve may cause contamination of cargo or cause the passage of gases or vapors between tanks or compartments, they may be kept closed.

(c) Steam smothering lines shall be tested with at least 50 pounds of air pressure or by blowing steam through the lines and a survey made for detecting corrosion and defects using hammer test or such other means as may be necessary.

(d) The minimum diameter of any steam fire-extinguishing pipe to any fuel oil tank shall be 1 inch.

§ 34.15–25 *Inert-gas or vapor fire-extinguishing system for cargo spaces—T/ALL.* (a) The piping for inert-gas or vapor fire-extinguishing system shall comply with the requirements of Part 55 of Subchapter F (Marine Engineering) of this chapter.

(b) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if any corrosion is found; and they shall also be checked by weighing to determine their contents, and if found to be more than 10 percent under the required contents of carbon dioxide, they shall be recharged.

§ 34.15–30 *Foam fire-extinguishing system for cargo spaces—T/ALL.* (a) The piping for a foam fire-extinguishing system shall comply with the requirements in Part 55 of Subchapter F (Marine Engineering) of this chapter.

(b) If the foam system is of the fixed type, the apparatus and chemicals shall be contained in a fire-resistant compartment protected from the weather and where the operator will be shielded from fire and smoke.

(c) If the foam system is of the portable type the apparatus and chemicals shall be stowed in a readily accessible place protected from the weather.

§ 34.15–35 *Flue gas fire-extinguishing systems for cargo spaces—T/ALL.* Inert-gas system for extinguishing fires in cargo spaces, where the source of the

inert gas is the stack or a furnace for producing such inert gas shall be considered as complying with the regulations in this subchapter, provided such system shall have the approval of the Commandant as reqired in § 34.15–5.

§ 34.15–40 *Fire-extinguishing systems for dry cargo spaces, lamp and paint rooms, pump rooms, etc., on tank ships constructed on or after July 1, 1951—T/ALL.* On tank ships, the construction or conversion of which is started on or after July 1, 1951, steam, inert-gas, foam, or vapor systems shall be provided for extinguishing fires in dry cargo spaces, lamp and paint rooms, pump rooms, or similar compartments, and should, where practicable, be run independent of the extinguishing systems for the main bulk cargo tanks. In cases where vessel arrangements make this requirement impracticable, valves shall be installed between the main bulk tank extinguishing system and the other compartments served. These valves are to be marked: "This valve to be kept closed except in case of fire."

§ 34.15–45 *Fire-extinguishing systems for dry cargo spaces, lamp and paint rooms, etc., on tank ships constructed before July 1, 1951—T/ALL.* On tank ships, the construction or conversion of which is started before July 1, 1951, steam, inert-gas, foam, or vapor systems shall be provided for extinguishing fires in dry cargo spaces, lamp and paint rooms, or similar compartments, and should, where practicable, be run independent of the extinguishing systems for the main bulk cargo tanks. In cases where vessel arrangements make this requirement impracticable, valves shall be installed between the main bulk tank extinguishing system and the other compartments served. These valves are to be marked: "This valve to be kept closed except in case of fire."

§ 34.15–50 *Fireproofing of lamp, oil, and paint rooms—T/ALL.* Lamp, oil, and paint rooms in all classes of vessels shall be wholly and tightly lined with metal.

§ 34.15–55 *Interconnection between fixed carbon dioxide systems—T/ALL.* When carbon dioxide equipment is provided for cargo spaces and also for boiler and machinery spaces, it shall be so interconnected that the entire equipment may be used for fighting fire in any one of such spaces.

SUBPART 34.20—PUMP ROOM, BOILER ROOM, AND MACHINERY SPACES ON TANK SHIPS

§ 34.20–1 *Fixed fire-extinguishing systems for boiler room and machinery spaces—T/ALL.* Fixed fire-extinguishing systems, when installed in boiler rooms or machinery spaces of tank ships, shall be fitted with equipment of the type and character specified as follows:

(a) *Carbon dioxide system requirements.* (1) When a carbon dioxide smothering system is installed in the boiler room of steam-propelled tank ships, the quantity of carbon dioxide carried shall not be less than that determined by the following formula:

$$W = \frac{L \times B \times D}{36} \quad (1)$$

where:
W = weight of CO_2 required, in pounds.
L = length of the boiler room, in feet.
B = breadth of the boiler room, in feet.
D = distance in feet from tank top to highest point of shell of fire tube boilers, or top of drum or casing, whichever is highest on water tube boilers.

(2) When a carbon dioxide smothering system is installed in the machinery space of vessels which are propelled by internal-combustion engines, the quantity of carbon dioxide carried shall not be less than that determined by the following formula:

$$W = \frac{L \times B \times D}{22} \quad (2)$$

where:
W = weight of CO_2 required, in pounds.
L = length of the machinery space, in feet.
B = breadth of the machinery space, in feet.
D = distance in feet from tank top to top of engine.

(3) All tank ships propelled by internal-combustion engines using gasoline as fuel shall be fitted with a fixed carbon dioxide smothering system in the engine room space.

(4) The whole charge of gas shall be capable of being released simultaneously by operating one valve and control; such valve or control shall be adequately protected to avoid the accidental discharge of gas. All cylinders shall be completely discharged in not more than 2 minutes. The arrangement of the piping shall be such as to give a general and fairly uniform distribution over the entire area protected. A suitable alarm shall be provided to operate automatically when the control valve is operated, and shall be located in the area protected. Provision shall be made to prevent the admission of air into the lower parts of the area protected when the system is in operation.

(b) *Foam smothering system requirements.* (1) When a foam type system is fitted, its capacity shall be such as to discharge rapidly over the entire area of the bilge (tank top) of the largest boiler room a volume of foam 6 inches deep. The arrangement of piping shall be such as to give a uniform distribution over the entire area protected.

(2) The foregoing system may be of a type employing either two-solution tanks or one or more generators using an approved dry chemical mixture. All containers and valves by which they are operated shall be easily accessible and so placed that they will not readily be cut off from use by an outbreak of fires.

(3) When a semiportable foam generator using a dry chemical mixture in conjunction with the fire line is provided, stop valves, which may be closed in case of a rupture of the fire line, shall be installed in such line, and a connection for at least two fire hoses shall be provided aft of the after stop valve: *Provided, however,* That foam generators will not be allowed on any tank vessels unless at least one fire pump of suitable capacity is located or can be controlled outside of the space to be protected.

(c) *Combined boiler room and machinery space.* Where the boiler room is not entirely separated from the machinery space by a fire-resistive bulkhead, both compartments shall be considered to be one space for the purpose of determining the amount of foam or inert gas necessary.

§ 34.20–5 *Interconnection between fixed carbon dioxide systems—T/ALL.* Where fixed carbon dioxide equipment is provided for boiler and machinery spaces and also for cargo spaces, it shall be so interconnected that the entire equipment may be used for fighting fire in any one of such spaces.

§ 34.20–10 *Fire-extinguishing equipment, other than fixed, for boiler room and machinery spaces—T/ALL.* The minimum requirements for fire-fighting equipment on all tank ships which are not fitted with fixed fire-extinguishing systems in boiler room and machinery spaces shall be of the type and character specified as follows:

(a) Steam tank ships of more than 750 gross tons: One foam type fire extinguisher of not less than 40-gallon capacity, or not less than 100 pounds of carbon dioxide, for each boiler room.

(b) Steam tank ships of 750 gross tons and under: One foam type fire extinguisher of not less than 20-gallon capacity, or not less than 50 pounds of carbon dioxide, for each boiler room.

(c) Internal-combustion engine-driven tank ships of 50 gross tons and upward: One foam type fire extinguisher of not less than 12-gallon capacity, or not less than 30 pounds of carbon dioxide, for each 1,000 B. H. P. or fraction thereof.

(d) When donkey boilers using oil as fuel are located in the machinery space on tank ships propelled by internal-combustion engines, there shall be substituted for one of the 12-gallon foam type, or 30-pound carbon dioxide fire extinguishers, one foam type fire extinguisher of not less than 40-gallon capacity, or at least 100 pounds of carbon dioxide.

(e) All of the above extinguishers shall be fitted with suitable hose attachments or other approved methods of distributing the foam or carbon dioxide in any part of the spaces to be protected.

§ 34.20–15 *Fire-extinguishing system for pump rooms—T/ALL.* Where a steam smothering system is installed in pump rooms, the outlet shall terminate in the lower pump room, just above the floor plates. Control valves for smothering system shall be located adjacent to the pump room exit and marked as follows: "Steam smothering valve to pump room."

SUBPART 34.25—HAND FIRE EXTINGUISHERS

§ 34.25–1 *Hand fire extinguishers; test and approval—TB/ALL.* Every type of fire extinguisher provided for and required by this part shall be tested by the Bureau of Standards, Department of Commerce, and a report made by that bureau to the Commandant, who shall then determine whether the said extinguisher shall be approved for use on vessels subject to inspection.

§ 34.25–5 *Hand fire extinguishers; marking—TB/ALL.* Every fire extinguisher approved after May 31, 1921, for use on vessels under the jurisdiction of the Coast Guard shall have affixed thereto a metallic name plate having plainly stamped thereon the name of the fire extinguisher, the rated capacity in gallons, quarts, or pounds, and the name and address of the person or firm for whom approved.

§ 34.25–10 *Hand fire extinguishers; location—TB/ALL.* Hand fire extinguishers shall be located in such parts of the tank vessel as in the judgment of the Officer in Charge, Marine Inspection, will be most convenient and serviceable in case of emergency and so arranged that they may be easily removed from their fastenings.

§ 34.25–15 *Hand fire extinguishers; inspection—TB/ALL.* Every fire extinguisher shall be discharged and examined at each annual inspection: *Provided,* That carbon tetrachloride fire extinguishers shall be tested for their pumping efficiency and the liquid discharged with proper care so that it may be replaced in the extinguishers. Carbon dioxide fire extinguishers shall be checked by weighing to determine contents, and, if found to be more than 10 percent under required contents of carbon dioxide, they shall be recharged.

§ 34.25–20 *Hand fire extinguishers; spare charges and parts—TB/ALL.* (a) Extra charges shall be carried on board for 50 percent of each class of fire extinguishers required. If 50 percent of each class of fire extinguishers carried gives a fractional result, extra charges and extra safety valve units shall be provided for the next largest whole number: *Provided,* That extra charges for carbon dioxide type fire extinguishers shall be considered either an additional carbon dioxide extinguisher or a 2½-gallon foam extinguisher, and for this 2½-gallon foam extinguisher no extra charge will be required.

(b) Recharges, particularly the acid used in charging soda-and-acid type of fire extinguisher, shall be packed in such manner that the filling operation (i. e., in recharging the extinguisher) can be performed without subjecting the person doing the recharging to undue risk of acid burns and shall be contained in Crown stopper type of bottle.

(c) Extra safety valve units shall be carried on board for 50 percent of all hand fire extinguishers of the foam type.

§ 34.25–25 *Hand fire extinguishers; number required on tank ships—T/ALL.* (a) Tank ships shall be provided with chemical fire extinguishers as follows:

Size of tank ship, gross tons:	*Minimum number of fire extinguishers*
Not over 100	2
Over 100 and not over 500	3
Over 500 and not over 1,000	6
Over 1,000	8

(b) The number of fire extinguishers required by paragraph (a) is based on the ordinary 2½-gallon foam type fire extinguisher and other types of fire extinguishers may be substituted according to the following schedule: One 2½-gallon foam type fire extinguisher is equivalent to one 15-pound carbon dioxide (CO_2) type, or two 1-quart carbon tetrachloride type, or one 12-pound dry chemical type.

(c) No fire extinguisher of a capacity greater than 2½ gallons (or equivalent sizes of other types) shall be allowed a greater rating than the ordinary 2½-gallon size, but fire extinguishers of less capacity are allowable under the above tables when their total contents equal the required quantity on tank ships.

§ 34.25–30 *Hand fire extinguishers required on tank vessels of over 15 gross tons using oil as fuel—TB/ALL.* (a) In boiler rooms, and machinery spaces which contain internal-combustion engines, there shall be provided at least two 2½-gallon foam type fire extinguishers or their equivalents as provided in § 34.25–25. On tank ships these fire extinguishers shall be in addition to those provided in § 34.25–25.

(b) Where gasoline is carried in a separate storage tank for use in an auxiliary lighting or wireless unit or work boats, at least two 2½-gallon foam type extinguishers or their equivalent, as required in § 34.25–25, shall be provided, and such fire extinguishers shall be located within a reasonable distance of the gasoline storage tank.

SUBPART 34.30—FIRE AXES

§ 34.30–1 *Fire axes required—T/ALL.* All tank ships shall be provided with fire axes as follows:

Size of tank ship, gross tons:	*Minimum number of fire axes*
Not over 50	1
Over 50 and not over 200	2
Over 200 and not over 500	3
Over 500 and not over 1,000	4
Over 1,000	5

§ 34.30–5 *Location and use of fire axes—T/ALL.* All fire axes shall be located so as to be readily found in time of need, shall not be used for general purposes, and shall be kept in good condition.

SUBPART 34.35—SAND BOXES

§ 34.35–1 *Sand boxes required on tank vessels using oil as fuel under boilers—TB/ALL.* (a) Tank vessels of 500 gross tons and under, using oil as fuel under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 5 cubic feet of sand and a scoop or shaker for distributing the same, and such tank, sand, and scoop, when so provided may be considered as replacing one of the fire extinguishers required under § 34.25–30 (a).

(b) Tank vessels of over 500 gross tons, using oil as fuel, under boilers, shall be fitted with metal tanks in the space where such oil is used, containing 10 cubic feet of sand and a scoop or shaker.

SUBPART 34.40—FIRE-FIGHTING EQUIPMENT FOR TANK BARGES

§ 34.40–1 *Portable extinguishing equipment for cargo spaces—B/ALL.* (a) All tank barges of 100 gross tons and over, whose certificate requires that they be manned, and which are not equipped with a steam fire-extinguishing system as required on a tank ship, shall be equipped with approved chemical, inert gas, or foam in the following quantities:

33 gallons of foam; or,
200 pounds of carbon dioxide; or,
7 gallons of carbon tetrachloride.

This is in addition to the hand extinguishers required in § 34.40–5.

(b) The above equipment may be either portable or equipped with sufficient lengths of hose or piping to deliver the extinguishing agent to any point on deck or in the crew's accommodation. If portable extinguishers are used, each unit must weigh less than 55 pounds. Extinguishers shall be located in protected and accessible places but not immediately adjacent to cargo tank hatches and openings.

§ 34.40–5 *Hand fire extinguishers for quarters, pump room, and machinery spaces—B/ALL.* (a) Each tank barge whose certificate requires that it be manned and each unmanned tank barge with pump room shall be provided with approved hand extinguishers located in or adjacent to the entrance of spaces, as follows:

(1) Living accommodations.
(2) Galley.
(3) Pump room.
(4) Pump engine room.
(5) Fireroom.

(b) The fire extinguishers at each location shall be not less than one of the equivalent amounts as follows:

(1) 2½ gallons of foam; or,
(2) 15 pounds of carbon dioxide; or,
(3) 2 quarts of carbon tetrachloride; or,
(4) 12 pounds dry chemical.

(c) In no event shall a manned tank barge or an unmanned tank barge with a pump room be provided with less than one of the equivalent quantities, as follows:

(1) 5 gallons of foam; or,
(2) 30 pounds of carbon dioxide; or,
(3) 4 quarts of carbon tetrachloride.

(d) Each unmanned tank barge not provided with a cargo pump room shall be equipped with at least one 2½-gallon foam-type fire extinguisher or the equivalent, which may be carried aboard the barge or the towing vessel while under way. When the barge is moored to the dock, such equipment shall be accessible, or equivalent equipment may be supplied by the terminal.

PART 35—OPERATIONS

SUBPART 35.01—SPECIAL OPERATING REQUIREMENTS

Sec.
35.01–1 Inspection prior to making repairs involving riveting, welding, burning, etc.—TB/ALL.
35.01–5 Sanitary condition and crew quarters—T/ALL.
35.01–10 Shipping papers—TB/ALL.
35.01–15 Carriage of persons other than crew—TB/ALL.

SUBPART 35.05—OFFICERS AND CREW

35.05–1 Licensed officers and crews of tank ships—T/ALL.
35.05–5 Master required on tank ships—T/ALL.
35.05–10 Pilot required on tank ships—T/LBR.
35.05–15 Watchman for a tank barge—B/ALL.

Sec.
35.05-20 Physical condition of crew—TB/ALL.
35.05-25 Illness, alcohol, drugs—TB/ALL.

SUBPART 35.10—FIRE AND EMERGENCY REQUIREMENTS

35.10-1 Station bills, muster lists, and line-throwing appliance drills—T/ALL.
35.10-5 Emergency signals; fire and lifeboat drills—T/ALL.
35.10-10 Posting placard containing instructions regarding use of breeches buoy—T/OCL.

SUBPART 35.15—CASUALTY OR ACCIDENT REPORTS

35.15-1 Notice of casualty and voyage records—TB/ALL.
35.15-5 Reports by engineers of accidents involving boilers or machinery—T/ALL.
35.15-10 Reports when a state of war exists—T/ALL.

SUBPART 35.20—NAVIGATION

35.20-1 Notice to mariners; aids to navigation—T/ALL.
35.20-5 Draft of tank ships—T/OC.
35.20-10 Steering gear test—T/ALL.
35.20-15 Steering orders—TB/ALL.
35.20-20 Lookouts—T/OC.
35.20-25 Unauthorized lights—T/ALL.
35.20-30 Flashing the rays of a searchlight or other blinding light—T/ALL.
35.20-35 Whistling—T/ALL.

SUBPART 35.25—ENGINE DEPARTMENT

35.25-1 Examination of boilers and machinery by engineer—T/ALL.
35.25-5 Reports of repairs, and unsafe boilers and machinery by engineers—T/ALL.
35.25-10 Requirements for fuel oil—T/ALL.

SUBPART 35.30—GENERAL SAFETY RULES

35.30-1 Warning signals and signs—TB/ALL.
35.30-5 Fires, matches, and smoking—TB/ALL.
35.30-10 Cargo tank hatches, ullage holes, and Butterworth plates—TB/ALL.
35.30-15 Nonsparking tools—TB/ALL.
35.30-20 Fresh air breathing apparatus—TB/ALL.
35.30-25 Explosives—TB/ALL.

SUBPART 35.35—CARGO HANDLING

35.35-1 Men on duty—TB/ALL.
35.35-5 Electric bonding—T/ALL.
35.35-10 Closing of scuppers and sea valves—TB/ALL.
35.35-15 Connecting cargo hose—TB/ALL.
35.35-20 Inspection prior to transfer of cargo—TB/ALL.
35.35-25 Approval to start transfer of cargo—TB/ALL.
35.35-30 "Declaration of Inspection" for tank ships—T/ALL.
35.35-35 Duties of senior deck officer during transfer operations—TB/ALL.
35.35-40 Conditions under which transfer operations shall not be commenced or if started shall be discontinued.—TB/ALL.
35.35-42 Restrictions on vessels coming alongside a tank vessel while loading Grade A, B, or C cargo—TB/ALL.
35.35-45 Auxiliary steam, air, or electric current—B/ALL.
35.35-50 Termination of transfer operations—TB/ALL.
35.35-55 Transfer of other cargo or stores on tank vessels—TB/ALL.
35.35-60 Transfer of other cargo or stores on tank barges—B/ALL.
35.35-65 Cargo handling on unmanned tank barges—B/R.
35.35-70 Maintenance of cargo handling equipment—TB/ALL.
35.35-75 Emergencies—TB/ALL.

SUBPART 35.40—MARKING OF FIRE AND EMERGENCY EQUIPMENT

35.40-1 General alarm bell switch—TB/ALL.
35.40-5 General alarm bells—TB/ALL.
35.40-10 Steam, foam or CO_2 fire smothering apparatus—TB/ALL.
35.40-15 Fire hose stations—TB/ALL.
35.40-20 Emergency breathing equipment—TB/ALL.
35.40-25 Fire extinguishers—TB/ALL.
35.40-30 Instructions for changing steering gear—TB/ALL.
35.40-35 Rudder orders—TB/ALL.
35.40-40 Vessel's name on equipment—TB/ALL.

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SUBPART 35.01—SPECIAL OPERATING REQUIREMENTS

§ 35.01-1 *Inspection prior to making repairs involving riveting, welding, burning, etc.—TB/ALL.* (a) Riveting, welding, burning or like fire-producing operations shall not be undertaken within or on the boundaries of bulk cargo spaces or in spaces adjacent thereto, until an inspection has been made to determine that such operations can be undertaken with safety.

(b) Such inspection shall be made and evidenced as follows:

(1) When in a port in the continental United States, this inspection shall be made by a gas chemist certificated by the American Bureau of Shipping; however, if the services of such certified gas chemist are not reasonably available, the marine inspector, upon recommendation of the vessel owner and his contractor, or their representatives, shall select a person who, in the case of an individual vessel, shall be authorized to make the inspection. If the inspection indicates that such operations can be undertaken with safety, a certificate setting forth that fact in writing and qualified as may be required shall be issued by the certified gas chemist or the authorized person before the work is started.

(2) When not in such a port, this inspection shall be made by the senior officer present, who shall make an appropriate entry in the tank vessel's log book.

§ 35.01-5 *Sanitary condition and crew quarters—T/ALL.* (a) It shall be the duty of the master and chief engineer of every tank ship to see that such vessel and crew's quarters are kept in a sanitary condition.

(b) Crew quarters shall be kept in sanitary condition by daily cleaning and removal of rubbish, and by painting at regular intervals as needed. Floors shall be maintained in good condition to facilitate cleaning. Lighting, heating, and ventilation in quarters shall be maintained in satisfactory condition: *Provided, however,* That forced ventilation when installed may be closed down during transfer of cargo.

(c) Repairs or changes in electric wiring shall only be made with the approval of the chief engineer.

§ 35.01-10 *Shipping papers—TB/ALL.* Each loaded tank vessel shall have on board a bill of lading, manifest, or shipping document giving the name of the consignee and the location of the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled. The tank vessel shall not be delayed in order to secure exact quantities of cargo. Such manifests or bills of lading may be made out by the master, master of the towing vessel, owner, or agent of the owner: *Provided, however,* That in the case of unmanned barges where shipping papers are not available, an entry in the logbook of the towing vessel giving the name of the shipper and location of shipping point, the name of the consignee and location of delivery point, the approximate kind, grade, and quantity of cargo in each barge of the tow, and for whose account the cargo is being handled, shall be considered as complying with the requirements of this section.

§ 35.01-15 *Carriage of persons other than crew—TB/ALL.* No person not connected with the operation of a tank ship or tank barge or not having legitimate business with said vessel, shall be permitted aboard while vessel is under way unless specifically allowed by its certificate.

SUBPART 35.05—OFFICERS AND CREWS

§ 35.05-1 *Licensed officers and crews of tank ships—T/ALL.* No tank ship of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboatmen and certificated tankermen where required by the regulations in this subchapter, separately stated, as called for in her certificate of inspection.

§ 35.05-5 *Master required on tank ships—T/ALL.* There shall be a duly licensed master on board every tank ship of more than 150 gross tons, whenever such tank ship is under way.

§ 35.05-10 *Pilot required on tank ships—T/LBR.* (a) No tank ship shall be navigated unless she shall have in her service and on board either a licensed master or pilot as called for in her certificate of inspection.

(b) The navigation of every tank ship above 150 gross tons shall be under the control of a first-class pilot, and every such pilot shall be limited in his license to the particular service for which he is adapted.

(c) A first-class pilot or a second-class pilot who has reached the age of 21 years may act as master or pilot in charge of the navigation of a tank ship not exceeding 150 gross tons. A second-class pilot is authorized to act as pilot in charge of a watch on any tank ship within the tonnage specified in his license.

§ 35.05-15 *Watchman for a tank barge—B/ALL*—(a) *Manned barge.* At least one member of the crew of a manned tank barge shall be on board at all times except when the vessel is gas free or is moored at a dock or terminal at which watchman service is provided.

(b) *Unmanned barge.* On each normally unmanned barge in tow a strict watch shall be kept at all times from the towing vessel while the vessel is under way, and the same shall apply at all times while the barge is moored at a dock unless the barge is gas free or watchman service is provided or unless reasonable precaution is taken to prevent unauthorized persons from boarding the barge. These watchmen may be members of the regular complement of the towing vessel.

§ 35.05-20 *Physical condition of crew—TB/ALL.* No person shall be engaged as a member of the crew on a tank vessel if he is known by the employer to be physically or mentally incapable of performing the duties assigned him.

§ 35.05-25 *Illness, alcohol, drugs—TB/ALL.* (a) No person, known by the individual in charge of a tank vessel to be under the influence of liquor or other stimulant, or to be ill to such an extent as to unfit him for any particular service on the tank vessel, shall be allowed to perform such service while in such condition.

(b) When a member of the crew of a tank vessel which is loading bulk cargo of Grade A, B, or C arrives at the gangway and is observed to be in an intoxicated condition, he shall not be permitted to board the vessel without escort.

SUBPART 35.10—FIRE AND EMERGENCY REQUIREMENTS

§ 35.10-1 *Station bills, muster lists, and line-throwing appliance drills—T/ALL.* (a) It shall be the duty of the master of every tank ship over 500 gross tons to cause station bills and muster lists to be prepared before the vessel sails, which shall be signed by the master, who shall be responsible for their preparation. The station bills and muster lists shall be posted in conspicuous places in several parts of the tank ship, particularly in the crew's quarters, and must contain full particulars of the signals which will be used for calling the crew to their stations for emergency duties. Special duties shall be allotted to each member of the crew and the muster list shall show all these special duties and indicate the station to which each man must go and the duties he has to perform. The special duties should, as far as possible, be comparable to the regular work of the individual.

(b) The duties provided for by the muster lists should include:

(1) The closing of airports, watertight doors, fire doors, and fire screens, the covers and all valves of all scuppers, sanitary and other discharges which lead through the ship's hull below the margin line, and stopping the fans and ventilating systems.

(2) The extinction of fire.

(3) The equipment of lifeboats, life rafts, and buoyant apparatus and their preparation for launching.

(c) The master of a tank ship equipped with a line-carrying gun shall drill his crew in its use every 3 months, but the actual firing of the gun on the tank ship shall be discretionary with the master. Each drill shall be recorded in the ship's log book.

§ 35.10-5 *Emergency signals; fire and lifeboat drills—T/ALL.* (a) The general fire-alarm signal shall be continuous rapid ringing of the ship's bell for a period not less than 10 seconds supplemented by the continuous ringing of the general alarm bells for not less than 10 seconds. For dismissal from fire-alarm stations, the general alarm bells should be sounded three times, supplemented by three short blasts of the whistle. The signal for lifeboat drill or lifeboat stations shall be more than six short blasts and one long blast of the whistle, supplemented by the same signal on the general alarm bells. Where whistle signals are used to direct the handling of lifeboats they shall be as follows:

(1) To lower lifeboats, one short blast of the whistle.

(2) To stop lowering the lifeboats, two short blasts of the whistle.

(3) For dismissal from lifeboat stations, three short blasts of the whistle: *Provided,* That on river tank ships the whistle signals specified herein may be made on the ship's bell.

(b) The master of any tank ship may establish such other emergency signal, in addition to the above, as will provide that all the officers and all the crew of the tank ship will have positive and certain notice of the existing emergency.

(c) The master may organize a squad to be used for emergency duties (other than a general emergency), or crew practices, and the nature of the signals or other means for assembling the squad remains within the discretion of the master. Such signals should not conflict with the navigational signals or the signals used for a general alarm.

(d) It shall be the duty of the master, or the mate, or officer next in command, once at least in each week, to call all hands to quarters and exercise them in discipline, and (weather permitting), in the unlashing and swinging out of the lifeboats, the closing of all hand- or power-operated watertight doors which are in use at sea, closing all fire doors and fire screens, the use of fire pumps, and all other apparatus for the safety of life on board of such vessels with special regard for the drill of the crew in the method of adjusting life preservers, and to see that all the equipments required by law are in complete working order for immediate use. The fact of exercise of the crew as herein contemplated, shall be entered upon the ship's log book.

(e) This section relating to fire and lifeboat drills contemplates that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of this section, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. The person in charge of each lifeboat or life raft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be made a part of the report of such drill. The hand pumps and fire pump shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. When oxygen-breathing apparatus, gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment.

(f) The entries in the ship's log book relating to the exercise of the crew in fire and lifeboat drills shall state the day of the month and the hour when so exercised, length of time of the drill, number of the lifeboats swung out, number of lengths of fire hose used, and a statement of the condition of all fire and lifesaving apparatus.

(g) Any neglect or omission on the part of the officer in command of such vessels to strictly enforce the provisions of this section shall be deemed cause for proceedings under the provisions of R. S. 4450, as amended (46 U. S. C. 239), looking to a suspension or revocation of the license of such officer.

(h) It shall be the duty of the master to require the officers and crew of all tank ships to perform the aforesaid drills and discipline in the presence of marine inspectors at intervals sufficiently frequent to assure the said inspectors, by actual observance, that the foregoing requirements of this section are complied with by the officers and the crew.

(i) A copy of this section shall be furnished to each tank ship to which it applies. This placard form shall be framed under glass and posted in a conspicuous place.

§ 35.10-10 *Posting placard containing instructions regarding use of breeches buoy—T/OCL.* A placard, Form CG 811, containing instructions for the use of breeches buoy gear shall be posted in the pilothouse, engine room, and seamen's, firemen's and steward's departments of every tank ship of 150 gross tons or over navigating ocean or coastwise routes or the Great Lakes.

SUBPART 35.15—CASUALTY OR ACCIDENT REPORTS

§ 35.15-1 *Notice of casualty and voyage records—TB/ALL.* (a) The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the United States Coast Guard whenever the casualty results in any of the following:

(1) Damage to property in excess of $1,500.00.

(2) Material damage affecting the seaworthiness or efficiency of a vessel.

(3) Stranding or grounding.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for a period in excess of 72 hours.

(b) The notice required by paragraph (a) of this section shall show the name

and official number of the vessel involved, the owner or agent thereof, the nature and probable cause of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

(c) In addition to the notice required by paragraph (a) of this section, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required herein for personal accident not involving death shall be made on Form CG 924E and for all other marine casualties or accidents the written report shall be made on Form CG 2692.

NOTE: If filed without delay these forms may also provide the notice required by paragraph (a) of this section.

(d) The owner, agent, master, or other person in charge of any vessel involved in a marine casualty shall retain such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyrocompass records, stowage plans, record of draft, aids to mariners, radiograms sent and received, the radio log and crew and passenger lists. The owner, agent, master, or other officer in charge, shall make those records available to a duly authorized Coast Guard officer or employee for examination upon request.

(e) Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer In Charge, Marine Inspection. No report on Form CG 2692 is required unless one or more of the results listed in paragraph (a) of this section occurs.

§ 35.15–5 *Reports by engineers of accidents involving boilers or machinery—T/ALL.* It shall be the duty of the engineer in charge when an accident occurs to the boilers or machinery tending to render the further use of such boilers and machinery unsafe until repairs are made to report the same to the Officer in Charge, Marine Inspection, at the port in which the accident occurred or nearest the port of first arrival, immediately upon the arrival of the tank ship at the first port reached subsequent to the accident.

§ 35.15–10 *Reports when a state of war exists—T/ALL.* During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

SUBPART 35.20—NAVIGATION

§ 35.20–1 *Notice to mariners; aids to navigation—T/ALL.* (a) Licensed officers are required to acquaint themselves with the latest information published by the United States Coast Guard and the United States Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate for convenient reference at all times.

(b) Notice to Mariners, published weekly by the United States Coast Guard, which contains announcements and information regarding aids to navigation and charts of waters of the United States, is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Custom House. Notice to Mariners, published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists, and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any other agencies of seaboard ports, and is also on file in the United States consulates, where it may be inspected.

§ 35.20–5 *Draft of tank ships—T/OC.* The master of every tank ship shall, whenever leaving port, enter the maximum draft of his vessel in the log book.

§ 35.20–10 *Steering gear test—T/ALL.* On all tank ships making voyages of more than 48 hours' duration, the entire steering gear, the whistle, the means of communication, and the signaling appliances between the bridge or pilothouse and engine room shall be examined and tested by a licensed officer of the vessel within a period of not more than 12 hours before leaving port. All such vessels making voyages of less than 48 hours' duration or operating on lakes, bays, sounds, and rivers shall be so examined and tested at least once in every week. The fact and time of such examination and test shall be recorded in the ship's log book.

§ 35.20–15 *Steering orders—TB/ALL.* (a) For all tank vessels fitted with rudders, the following steering orders shall be given in the direct sense as follows:

(1) "Right rudder" shall be given only when it is intended that the wheel, the rudder blade, and the head of the ship should go to the right.

(2) "Left rudder" shall be given only when it is intended that the wheel, the rudder blade, and the head of the ship should go to the left.

(b) Where rudder indicators are provided, they shall be installed consistent with the requirements in paragraph (a) of this section.

§ 35.20–20 *Lookouts—T/OC.* All tank ships navigating the ocean during the nighttime shall have a lookout at all times at or near the bow. Nothing in this section shall exonerate any master or officer in command from the consequences of any neglect to keep a proper lookout or the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

§ 35.20–25 *Unauthorized lights—T/ALL.* Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law that in any way will interfere with distinguishing the signal lights may be proceeded against in accordance with the provisions of R. S. 4450 (46 U. S. C. 239), as amended, looking to a revocation or suspension of his license.

§ 35.20–30 *Flashing the rays of a searchlight or other blinding light—T/ALL.* Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provision of R. S. 4450, as amended (46 U. S. C. 239), looking to the revocation or suspension of his license or certificate.

§ 35.20–35 *Whistling—T/ALL.* Unnecessary sounding of vessel's whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any tank ship shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of R. S. 4450, as amended (46 U. S. C. 239), looking to a revocation or suspension of his license.

SUBPART 35.25—ENGINE DEPARTMENT

§ 35.25–1 *Examination of boilers and machinery by engineer—T/ALL.* It shall be the duty of an engineer when he assumes charge of the boilers and machinery of a vessel to examine the same forthwith and thoroughly. If he finds any part thereof in bad condition, he shall immediately report the facts to the master, owner, or agent, and to the nearest Officer in Charge, Marine Inspection, who shall thereupon investigate the matter, and if the former engineer has been wilfully negligent in the performance of his duties, he may be proceeded against under the provisions of R. S. 4450, as amended (46 U. S. C. 239), looking to a suspension or revocation of his license.

§ 35.25–5 *Reports of repairs, and unsafe boilers and machinery by engineers—T/ALL.* (a) Before making repairs to a boiler of a tank ship, the engineer in charge of such tank ship shall report, in writing, the nature of such repairs to the Officer in Charge, Marine Inspection, of the district wherein such repairs are to be made.

(b) It shall be the duty of the engineer in charge when the boilers or machinery, by reason of ordinary wear, have become unsafe, to report the same to the Officer in Charge, Marine Inspection, immediately upon the arrival of the vessel at the first port reached subsequent to the discovery of such unsafe condition by said engineer.

§ 35.25–10 *Requirements for fuel oil—T/ALL.* (a) Oil to be used as fuel to be burned under boilers on tank ships shall have a flash point of not less than 150° F. (closed cup test).

(b) It shall be the duty of the chief engineer to make an entry in the log of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, and the flash point (closed cup test) for which it is certified by the vendor.

(c) It shall be the further duty of the chief engineer to draw and seal at the time the supply is received on board, a half-pint sample of each lot of fuel oil, such sample to be preserved until that particular supply of oil is exhausted.

SUBPART 35.30—GENERAL SAFETY RULES

§ 35.30–1 *Warning signals and signs—TB/ALL.*—(a) *Red warning signals.* During transfer of bulk cargo while fast to a dock, a red signal (flag by day and electric lantern at night) shall be so placed that it will be visible on all sides. While transferring bulk cargo at anchor, a red flag only shall be displayed.

(b) *Warning sign at gangway.* (1) Warning placards should be kept at hand for display while a vessel is fast to a dock during transfer of cargo, to warn persons approaching the gangway. The placard shall state in letters not less than 2 inches high substantially as follows:

WARNING

No open lights.
No smoking.
No visitors.

(2) Where poisonous cargoes are being transferred the warning sign shall also include the word "Poison" to indicate the nature of the liquid being handled. (See Part 39 of this subchapter.)

(c) *Warning sign in radio room.* A sign shall be placed in radio room warning against the use of radio equipment during transfer of Grade A, B, or C liquids, except by permission of senior deck officer.

§ 35.30–5 *Fires, matches, and smoking—TB/ALL.*—(a) *General.* In making the determinations required under paragraphs (b), (c) and (d) of this section the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall exercise his skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shore side facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grades A, B, and C cargoes, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment boiler fires may be maintained with reasonable safety during the loading operation.

(c) *Galley fires.* Galley fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grades A, B, and C cargoes the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the loading operation.

(d) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free or are alongside docks. At other times and places the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall designate when and where the crew may smoke: *Provided*, That prior to loading Grade A, B, or C cargo the master or senior deck officer on duty shall make an inspection to determine if and where, in his judgment, smoking may be permitted with reasonable safety during the loading operation.

(e) *Matches.* The use of other than safety matches is forbidden aboard tank vessels at all times.

§ 35.30–10 *Cargo tank hatches, ullage holes, and Butterworth plates—TB/ALL.* No cargo tank hatches, ullage holes, or Butterworth plates shall be opened or shall remain open without flame screens, except under the supervision of the senior members of the crew on duty, unless the tank opened is gas free.

§ 35.30–15 *Nonsparking tools—TB/ALL.* Nonsparking tools shall be provided for opening and closing cargo hatch covers.

§ 35.30–20 *Fresh air breathing apparatus—TB/ALL.* All manned tank vessels having cargo tanks which exceed 15 feet in depth, measured from the deck to the lowest point at which cargo is carried, shall be provided with fresh air breathing apparatus, including belt and life lines.

§ 35.30–25 *Explosives—TB/ALL.* Fulminates or other detonating compounds in bulk in dry condition; explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of 167° F. or more; compositions containing an ammonium salt and a chlorate; and other like explosives shall not be accepted, stored, stowed or transported on board tank vessels.

SUBPART 35.35—CARGO HANDLING

§ 35.35–1 *Men on duty—TB/ALL.* A sufficient number of the crew shall be on duty to perform transfer operations. In the case of unmanned barges, a licensed deck officer or certificated tankerman may be supplied by a terminal.

§ 35.35–5 *Electric bonding—T/ALL.* A tank vessel may be electrically connected to the shore piping, through which the cargo is to be transferred, prior to the connecting of a cargo hose. This electrical connection, if made, shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

§ 35.35–10 *Closing of scuppers and sea valves—TB/ALL.* Deck officer in charge shall see that all scuppers are properly plugged during transfer operations except on tank vessels using water for deck cooling. Sea valves shall be closed and lashed, or sealed to indicate that they should not be open during all cargo loading operations. Under no circumstances shall such valves be secured by locks.

§ 35.35–15 *Connecting cargo hose—TB/ALL.* (a) Sufficient hose shall be used to provide for movement of the tank vessel. Gaskets shall be used in every hose joint and in couplings to pipelines; and where bolted flanged joints are used a sufficient number of bolts shall be used to secure a tight connection. Under no circumstances, shall less than three bolts be used in a bolted flanged coupling. When cargo hose is supported by ship's tackle, the senior deck officer on duty shall see that sufficient tackles are used.

(b) Pans or buckets shall be placed under cargo hose connections on the tank vessel.

§ 35.35–20 *Inspection prior to transfer of cargo—TB/ALL.* Prior to the transfer of cargo, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall inspect the vessel to assure himself that the following conditions exist:

(a) Warnings are displayed as required.

(b) No repair work in way of cargo spaces is being carried on without his permission.

(c) Cargo hose is connected and cargo valves are set.

(d) All cargo connections for the loading of Grades A, B, and C cargoes have been made to the vessel's pipelines and not through open end hose in a hatch.

(e) In loading Grades A, B, and C cargoes, there are no fires or open flames present on the deck, or in any compartment which is located on, facing, open, and adjacent to that part of the deck on which cargo hose is connected.

(f) The shore terminal or the other tank vessel concerned has reported itself in readiness for transfer of cargo.

(g) All sea valves connected to the cargo piping system are closed.

(h) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(i) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(j) In loading Grades A, B, and C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety.

(k) On tank ships the construction or conversion of which is started on or after July 1, 1951, which are to load or discharge Grade A cargo, all openings in the top of the tanks, except the branch vent lines and covers to ullage hole sounding pipes, are tightly closed. (See §§ 32.20–20 and 32.55–20 of this subchapter.)

(l) On tank ships the construction or conversion of which is started on or after July 1, 1951, which are to load or discharge Grade A cargo, the method for determining the liquid level in the tank without opening ullage holes, cargo hatches or Butterworth plates is in proper order. (See § 32.20–20 of this subchapter.)

§ 35.35–25 *Approval to start transfer of cargo—TB/ALL.* When the senior deck officer on duty has assured himself that the requirements of §§ 35.35–20 and 35.35–30 have been met, he may give his approval to start operations.

§ 35.35–30 *"Declaration of Inspection" for tank ships—T/ALL.* After completing the inspection required by § 35.35–20 and prior to giving his approval to start the cargo transfer operation, the master or senior deck officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate, where required, shall be handed to the terminal superintendent or his representative, who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

Date _____

S _____ Port of _____

I, _____, being the master or senior deck officer in charge of the transfer of bulk inflammable and combustible cargo about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.35–20 and that opposite each of them I have indicated that the regulations have been complied with.

(1) Are warnings displayed as required?

(2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?

(3) Is cargo hose of sufficient length properly connected and supported and are cargo valves properly set?

(4) Have all cargo hose connections for loading Grades A, B, and C cargoes been made to the vessel's pipelines?

(5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to that part of the deck on which the cargo hose is connected?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?

(7) Are sea valves connected to the cargo system closed?

(8) If Grades A, B, and C cargoes are to be loaded and boiler fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(9) If Grades A, B, and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(10) If Grades A, B, and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted?

(11) If smoking is to be permitted, have spaces been designated for this purpose?

§ 35.35–35 *Duties of senior deck officer during transfer operations—TB/ALL.* The senior deck officer on duty shall control the operations as follows:

(a) Supervise the operations of cargo system valves.

(b) Start transfer of cargo slowly.

(c) Observe hose and connections for leakage.

(d) Observe operating pressure on cargo system.

(e) Observe rate of loading for the purpose of avoiding overflow of tanks.

§ 35.35–40 *Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.* Cargo transfer operations shall not be started or, if started, shall be discontinued under the following conditions:

(a) During severe electrical storms.

(b) If a fire occurs on the wharf or on the tanker or in the vicinity.

§ 35.35–42 *Restrictions on vessel coming alongside a tank vessel while loading Grade A, B or C cargo—TB/ALL.* (a) No vessel shall come alongside or remain alongside a tank vessel in way of its cargo tanks while it is loading Grade A, B or C cargo without having the permission of the officer-in-charge of the vessel which is loading.

(b) No vessel shall come alongside or remain alongside a tank vessel in way of its cargo tanks while it is loading Grade A, B or C cargo unless the conditions then prevailing are mutually acceptable to the officers-in-charge of cargo handling on both vessels.

§ 35.35–45 *Auxiliary steam, air, or electric current—B/ALL.* When discharging cargo from one or more barges, the towing vessel may furnish steam, air, or electric current for pumps on barges or dock, but in no case shall the cargo pass through or over the towing vessel.

§ 35.35–50 *Termination of transfer operations—TB/ALL.* When transfer operations are completed the valves on hose connections on vessels shall be closed. The cargo hose shall be drained of cargo.

§ 35.35–55 *Transfer of other cargo or stores on tank vessels—TB/ALL.* (a) Package goods, freight, and ships' stores shall not be loaded or discharged during the loading of Grade A, B, or C products except by permission of the senior deck officer on duty. Explosives as cargo shall not be loaded or carried on any tank vessel containing Grade A, B, or C cargo.

(b) Where package and general cargo is carried directly over bulk cargo tanks, it shall be properly dunnaged to prevent chafing of metal parts and securely lashed or stowed.

§ 35.35–60 *Transfer of other cargo or stores on tank barges—B/ALL.* (a) Tank barges may be permitted to transport deck cargoes directly over bulk cargo spaces when the nature of such deck cargoes, and the method of loading and unloading same does not create an undue hazard. Such vessels shall have their decks properly dunnaged to prevent chafing between the steel parts of the vessel and the deck cargo.

(b) Vents on cargo tanks of tank barges which transport general cargo directly over bulk cargo spaces shall be extended to an elevation above that at which the general cargo over such spaces is stowed.

§ 35.35–65 *Cargo handling on unmanned tank barges—B/R.* The duties prescribed for officers and crew in this subpart shall, in the case of unmanned barges operating on inland waters tributary to the Gulf of Mexico, devolve upon the person or persons who in fact accomplish the operations described and who may not be members of the crew of the towing vessel.

§ 35.35–70 *Maintenance of cargo handling equipment—TB/ALL.* The cargo handling equipment shall be maintained by the tank vessel's personnel in accordance with the regulations in this subchapter, including the following:

(a) Cargo hose shall not be used in transfer operations in which the pressures are such that leakage of cargo occurs through the body of the hose.

(b) Cargo pump relief valves shall be tested at least once each year to determine that they function satisfactorily at the pressure at which they are set to open.

(c) Cargo pump pressure gage shall be tested at least once a year for accuracy.

(d) The cargo discharge piping of all tank vessels shall be tested at least once each year for tightness, at the maximum working pressure.

§ 35.35–75 *Emergencies—TB/ALL.* In case of emergencies nothing in the regulations in this subchapter shall be construed as preventing the senior officer present from pursuing the most effective action in his judgment for rectifying the conditions causing the emergency.

SUBPART 35.40—MARKING OF FIRE AND EMERGENCY EQUIPMENT

§ 35.40–1 *General alarm bell switch—TB/ALL.* The general alarm bell switch in the pilothouse or fire-control station shall be clearly marked with lettering on a brass plate or with a sign in red letters on suitable background: "General Alarm."

§ 35.40–5 *General alarm bells—TB/ALL.* General alarm bells shall be marked in not less than ½-inch red letters: "General Alarm—When Bell Rings Go to Your Station."

§ 35.40–10 *Steam, foam, or CO_2 fire smothering apparatus — TB/ALL.* Steam, foam or CO_2 fire smothering apparatus shall be marked "Steam Fire Apparatus" or "Foam Fire Apparatus" or "CO_2 Fire Apparatus," as appropriate, in not less than 2-inch red letters. The valves of all branch pipes leading to the several compartments shall be distinctly marked to indicate the compartments or parts of the vessel to which they lead.

§ 35.40–15 *Fire hose stations—TB/ALL.* At each fire hose valve there shall be marked in not less than 2-inch red letters and figures "FIRE STATION 1," 2, 3, etc.

§ 35.40–20 *Emergency breathing equipment—TB/ALL.* Lockers or spaces where oxygen or fresh-air breathing apparatus is stowed shall be marked "Oxygen Breathing Apparatus" or "Fresh Air Breathing Apparatus" as appropriate.

§ 35.40–25 *Fire extinguishers—TB/ALL.* Each fire extinguisher shall be marked with a number and the location where stowed shall be marked in corresponding numbers in 1-inch figures.

§ 35.40–30 *Instructions for changing steering gear—TB/ALL.* Instructions in at least 1-inch letters and figures shall be posted at each emergency steering station and in the steering engine room, relating in order, the different steps to be taken in changing to the emergency steering gear. Each clutch, gear, wheel, lever, valve or switch which is used during the changeover shall be numbered or lettered on a brass plate or painted so that the markings can be recognized at a reasonable distance. The instructions shall indicate each clutch or pin to be "in" or "out" and each valve or switch which is to be "opened" or "closed" in shifting to any means of steering for which the vessel is equipped. Instructions shall be included to line up all steering wheels and rudder amidship before changing gears.

§ 35.40–35 *Rudder orders—TB/ALL.* At all steering stations, there shall be installed a suitable notice on the wheel or device or in such other position as to be directly in the helmsman's line of vision, to indicate the direction in which the wheel or device must be turned for "right rudder" or "left rudder."

§ 35.40–40 *Vessel's name on equipment—TB/ALL.* The equipment of all tank vessels, such as fire hose, fire axes, lifeboats, life rafts, life preservers and buoyant apparatus, shall be painted or branded with the name of the vessel upon which they are used.

PART 38—LIQUEFIED PETROLEUM GASES

SUBPART 38.01—GENERAL

Sec.

38.01–1 Scope of regulations—TB/ALL.
38.01–5 Certificate of inspection—TB/ALL.

SUBPART 38.05—DESIGN AND INSTALLATION OF CARGO TANKS

38.05–1 Design and construction—TB/ALL.
38.05–5 Markings—TB/ALL.
38.05–10 Installation—TB/ALL.
38.05–15 Cargo tanks on barges—B/ALL.
38.05–20 Lagging—TB/ALL.
38.05–25 Refrigerated systems—TB/ALL.

SUBPART 38.10—PIPING, VALVES, FITTINGS AND ACCESSORY EQUIPMENT

38.10–1 Valves and accessories—TB/ALL.
38.10–5 Installation of excess flow valves and back-pressure check valves—TB/ALL.
38.10–10 Piping and fittings—TB/ALL.
38.10–15 Safety relief valves—TB/ALL.
38.10–20 Liquid level gaging devices—TB/ALL.

SUBPART 38.15—SPECIAL CARGO HANDLING REQUIREMENTS

38.15–1 Filling densities—TB/ALL.
38.15–5 Cargo hose—TB/ALL.
38.15–10 Electrical bonding—TB/ALL.

SUBPART 38.20—VENTING AND VENTILATION

38.20–1 Venting—TB/ALL.

SUBPART 38.25—PERIODIC INSPECTIONS AND TESTS

38.25–1 Periodic inspections—TB/ALL.
38.25–5 Hydrostatic tests—TB/ALL.
38.25–10 Removal of defective tanks—TB/ALL.
38.25–15 Safety valves—TB/ALL.

AUTHORITY: §§ 38.01–1 to 38.25–15 issued under R. S. 4405, as amended, and 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 38.01—GENERAL

§ 38.01–1 *Scope of regulations—TB/ALL.* The regulations in this part contain requirements for the transportation in fixed independent cargo tanks of liquefied petroleum gases in bulk. The regulations covering the transportation in portable tanks of liquefied petroleum gases are contained in Parts 146 and 147 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter.

§ 38.01–5 *Certificate of inspection—TB/ALL.* The certificate of inspection shall be endorsed for the carriage of liquefied petroleum gases as follows:

Inspected and approved for the carriage of liquefied petroleum gases having vapor pressures not exceeding _____ lbs. per square inch gage at 115° F.

SUBPART 38.05—DESIGN AND INSTALLATION OF CARGO TANKS

§ 38.05–1 *Design and construction—TB/ALL.* (a) Cargo tanks shall meet the requirements for Class II arc welded unfired pressure vessels, fabricated, inspected, and tested in accordance with the applicable requirements of Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, except as provided otherwise in this part.

(b) Each cargo tank shall be designed for a pressure of not less than the vapor pressure, in pounds per square inch gage, of the gas at 115° F., but for not less than 100 pounds per square inch gage, except as provided in § 38.05–25.

(c) The shell and head thickness of any tank shall not be less than ¼ inch.

(d) Each tank shall be provided with a 15-inch by 18-inch or an 18-inch diameter, minimum, manhole fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible. Where access trunks or necks are fitted to tanks, the diameter of the trunks or necks shall be 30 inches minimum.

§ 38.05–5 *Markings — TB/ALL.* (a) Upon satisfactory completion of tests and inspection, the inspector shall require the following marking, at least ⅜-inch high, to be stamped into the metal of the tank or stamped into a nonferrous plate permanently attached to the tank by means of welding or brazing, using high melting point brazing metal.

Name and address of manufacturer
_____ p. s. i. _____ p. s. i.
Design pressure Shop test pressure
_____ _____
Inspector's No. Initials and C. G. Symbol
_____ _____
Mfgr's Serial No. Date of manufacture
_____
Water capacity, U. S. gallons

(b) In addition to the markings described in paragraph (a) of this section, the following inscription shall be placed on the tank or a corrosion-resistant plate containing these data shall be securely attached thereon:

This tank shall not contain a product having a vapor pressure in excess of _____ p. s. i. gage at 115° F.

(c) All tank inlet and outlet connections, except safety relief valves, liquid level gaging devices and pressure gages shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be attached to valves.

(d) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting.

§ 38.05–10 *Installation — TB/ALL.* (a) Cargo tanks shall be independent of the hull and installed with a clearance of not less than 24 inches from the vessel's sides. A working space of not less than 15 inches shall be provided around and beneath each tank or else provision shall be made for moving such tanks to secure adequate space for the inspection and maintenance of the vessel's structure and tanks. See § 38.05–15 for additional requirements applicable only to tank barges.

(b) Tanks may be located in dry cargo holds or in other cargo tanks meeting the requirements for cofferdams as prescribed in § 32.60–10 (c) or § 32.65–15 and may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck except that vessels operating on protected inland waters may have tanks located in the holds of hopper type barges without the watertightness of the deck being maintained.

(c) All tanks shall be installed with manhole openings and fittings located above the weather deck.

(d) Tanks shall be mounted on substantial steel saddles and securely fixed in place. Each tank shall be so supported as to prevent the concentration of excessive loads on the supporting portion of the shell.

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress-relieved, except where specifically allowed by a marine inspector. The method to be employed in stress relieving strength field welds shall be approved by the Commandant.

§ 38.05–15 *Cargo tanks on barges—B/ALL.* Cargo tanks having a capacity of not more than 60,000 gallons may form part of the structure of a tank barge where adequate provision is made to prevent damage to tanks in the event of collision or grounding. Sides of all tank barges shall be fitted with suitable guards as an added precaution against the cargo tanks becoming damaged as a result of collision.

§ 38.05–20 *Lagging — TB/ALL.* (a) Lagged tanks shall be covered with an insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature, per hour. The entire insulation above deck shall be covered with a sheet metal jacket sufficiently flashed around all openings so as to be weathertight.

(b) Where unlagged tanks are installed in insulated holds or 'tween deck spaces, such tanks shall be considered lagged provided the thermal conductance of the insulation is not more than that required by paragraph (a) of this section. On installations where part of the tank is installed in insulated holds or 'tween deck spaces, the tank shall be considered lagged provided the exposed part above the weather deck is insulated

in accordance with paragraph (a) of this section.

(c) Where tanks are lagged only nonflammable lagging shall be employed.

§ 38.05–25 *Refrigerated systems—TB/ALL.* (a) Where a refrigerated system is installed to maintain the temperature of the liquid below atmospheric, the tanks shall be designed for a pressure which shall, at all times, be at least 25 pounds per square inch in excess of the vapor pressure (gage) corresponding to the temperature of the liquid at which the system is maintained.

(b) Auxiliary refrigeration equipment shall be provided, which shall be capable of maintaining the required temperature in the event of failure of the main refrigeration unit.

(c) The tank insulation shall be of sufficient thickness so that the thermal conductance is not more than 0.075 B. t. u. per sq. ft. per degree Fahrenheit differential in temperature, per hour. A steel insulation jacket of not less than 0.083" thickness shall be provided to cover the tank insulation above the weather deck.

SUBPART 38.10—PIPING, VALVES, FITTINGS AND ACCESSORY EQUIPMENT

§ 38.10–1 *Valves and accessories—TB/ALL.* (a) All shutoff valves and accessory equipment shall be of a type suitable for use with liquefied petroleum gases, and unless otherwise indicated herein, their pressure rating shall be not less than the maximum pressure for which the tank is designed.

(b) All connections to tanks, except safety relief valves and gaging devices, shall have shutoff valves located as close to the tank as practicable.

(c) Excess flow valves where required by these regulations shall close automatically at those rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances, protected by an excess flow valve, shall have a greater capacity than the rated flow of the excess-flow valve.

(d) Liquid level gaging devices which are so constructed that outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(e) Pressure gage connections need not be equipped with excess flow valves if the openings are not larger than No. 54 drill size.

(f) Excess flow and back pressure check valves where required by the regulations in this part shall be located on the inside of the tank or outside where the piping enters the tank. In the latter case, installation shall be made in such manner that any undue strain will not cause breakage between the tank and the excess flow or back pressure check valve.

(g) Excess flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressure.

(h) Prior to disconnecting shore lines, the pressure in the liquid and vapor lines shall be relieved to atmosphere through suitable valves installed at the loading header.

(i) Relief valves shall be fitted in liquid lines which may be subject to excessive pressure caused by liquid full condition, and the escape piped to the venting system.

§ 38.10–5 *Installation of excess flow valves and back pressure check valves—TB/ALL.* (a) Filling connections shall be provided with a combination back pressure check valve and excess flow valve, two back pressure check valves, or a positive shutoff valve in conjunction with either a remote operating back pressure valve or an internal excess flow valve.

(b) All liquid and vapor connections to tanks except safety relief valves, liquid level gaging devices and pressure gages, described in § 38.10–1, shall be equipped with automatic excess flow valves, or in lieu thereof, may be fitted with quick closing stop valves, which, except during filling and discharge operations, shall remain closed. The control mechanism for such valves shall be provided with a secondary control which can be used to close the stop valves in case the liquid or vapor pipe is broken. In addition, such control mechanism shall be provided with a fusible plug, designed to melt between 208° F. and 220° F. which will cause the stop valve to close automatically in case of fire.

(c) Where the filling and discharge are made through a common nozzle at the tank, and the connection is fitted with a quick-closing stop valve as required in paragraph (b) of this section, the back-pressure check valve or excess-flow valve is not required, provided, however, a positive shut-off valve is installed in conjunction with the stop valve.

§ 38.10–10 *Piping and fittings—TB/ALL.* (a) All pipe connections shall be grouped in the smallest practicable space and shall be located near the highest point on the tank.

(b) All valves, fittings, accessories, safety devices, gaging devices, etc., which are directly attached to the tank shall be protected against mechanical damage.

(c) Valves, regulating, gaging, and other tank appurtenances on unmanned barges shall be protected against tampering.

(d) All piping, valves, and fittings shall be designed for a working pressure of not less than the vapor pressure (gage) of the gas at 115° F., or the maximum pressure to which the system may be subjected. In the case of piping on the discharge side of the liquid pumps or vapor compressors, the design pressure shall be not less than the pump or compressor discharge relief valve setting; or, provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(e) Piping subject to tank pressure shall be either seamless drawn steel or electric resistance welded steel. All fittings shall be of not less than 300 pounds standard: *Provided*, That, in refrigerated tank systems designed for pressures lower than 150 p. s. i., 150-pound standard may be permitted.

(f) Cast iron shall not be employed in the construction of valves, flanges, or fittings.

(g) Valve seat material, packing, gaskets, etc., shall be resistant to the action of liquefied petroleum gas in the liquid phase.

(h) Where possible, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Packless type bellows or corrugated expansion joints may be used, provided satisfactory evidence is shown that space limitations do not permit the use of expansion bends. Slip type expansion joints are prohibited. Suitable means shall be provided for controlling the expansion in the piping system.

(i) Piping shall be provided with means of support sufficient to take all the weight of the piping off the valves and fittings and to prevent excessive vibration.

§ 38.10–15 *Safety relief valves—TB/ALL.* (a) Each tank shall be fitted with one or more approved safety relief valves of either the internal or external spring loaded type.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the tank.

(c) The safety relief valves shall have a relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum design pressure when all the safety relief valves are blowing. The minimum required rates of discharge of safety relief valves shall not be less than that shown in table 38.10–15 (c).

TABLE 38.10–15 (c)—MINIMUM REQUIRED RELIEVING CAPACITIES FOR SAFETY RELIEF VALVES

[Discharge measured in cubic feet per minute of liquefied petroleum gas at 60° F. and atmospheric pressure (14.7 p. s. i. absolute)]

Tank size $D \times U$[1]	Minimum tank design pressure, p. s. i.[2]			
	100	150	200	250[3]
40	2,725	2,840	3,050	3,250
41	2,795	2,910	3,120	3,330
42	2,860	2,980	3,200	3,410
43	2,930	3,050	3,270	3,490
44	3,000	3,120	3,350	3,570
45	3,070	3,190	3,420	3,650
46	3,140	3,260	3,500	3,730
47	3,205	3,340	3,570	3,810
48	3,275	3,400	3,650	3,890
49	3,340	3,470	3,720	3,970
50	3,410	3,550	3,800	4,050
51	3,475	3,620	3,880	4,120
52	3,545	3,680	3,960	4,200
53	3,615	3,760	4,030	4,270
54	3,680	3,830	4,100	4,360
55	3,750	3,900	4,170	4,430
56	3,820	3,970	4,250	4,510
57	3,890	4,040	4,320	4,590
58	3,955	4,110	4,400	4,670
59	4,020	4,180	4,470	4,750
60	4,090	4,250	4,540	4,790
65	4,430	4,610	4,920	5,220
70	4,770	4,960	5,290	5,610
75	5,110	5,300	5,650	6,000
80	5,450	5,650	6,020	6,390
85	5,790	6,000	6,400	6,780
90	6,130	6,350	6,700	7,180
95	6,470	6,700	7,120	7,570
100	6,800	7,050	7,490	7,960
105	7,150	7,400	7,760	8,360
110	7,500	7,750	8,240	8,740
115	7,850	8,120	8,610	9,120
120	8,200	8,470	8,980	9,500
140	9,550	9,860	10,450	11,020
160	10,900	11,260	11,920	12,500
180	12,270	12,660	13,400	14,060
200	12,810	13,200	13,980	14,680
220	13,440	13,740	14,520	15,080
240	13,880	14,290	15,100	15,680
260	14,420	14,860	15,660	16,230

See footnotes at end of table.

TABLE 38.10–15 (c)—MINIMUM REQUIRED RELIEVING CAPACITIES FOR SAFETY RELIEF VALVES—Con.

[Discharge measured in cubic feet per minute of liquefied petroleum gas at 60° F. and atmospheric pressure (14.7 p. s. i. absolute)]

Tank size $D \times U$[1]	Minimum tank design pressure, p. s. i.[2]			
	100	150	200	250[3]
280	14,960	15,400	16,220	16,820
300	15,490	15,930	16,800	17,400
320	16,020	16,470	17,400	17,990
340	16,540	17,000	17,920	18,560
360	17,080	17,550	18,490	19,150
380	17,610	18,100	19,040	19,730
400	18,140	18,640	19,600	20,300
420	18,660	19,200	20,180	20,900
440	19,210	19,760	20,740	21,470
460	19,740	20,300	21,300	22,040
480	20,290	20,840	21,860	22,620
500	20,820	21,390	22,400	23,210
520	21,350	21,930	22,960	23,790
540	21,880	22,480	23,560	24,380
560	22,400	23,020	24,130	24,960
580	22,940	23,580	24,690	25,540
600	23,470	24,120	25,250	26,120
620	24,000	24,650	25,800	26,740
	Air conversion factors[4]			
	1.180	1.142	1.078	1.010

[1] D=Outside diameter of tank in feet and fractions thereof, U=Over-all length of tank in feet and fractions thereof.

[2] For tank design pressures exceeding the minimum values shown in respective columns, use next higher figure.

[3] On tanks with design pressures exceeding 250 p. s. i. the safety relief valve minimum requirements for 250 p. s. i. design pressure may be used.

[4] For $D \times U$ over 620, discharge capacity shall be calculated in direct proportion to preceding values.

[5] To obtain equivalent rates of discharge for air, multiply the discharge rates for liquefied gas petroleum by the factors indicated under each column.

(d) Prior to approval of safety relief valves by the Commandant, manufacturers shall have tests conducted or submit satisfactory evidence that such tests have been conducted by a testing laboratory acceptable to the Commandant relative to determining the relieving capacity, lift, popping pressure, and blowdown at three or more different popping pressures for each of three representative sizes of each design or type of safety relief valve. For each design the manufacturer shall submit for test at least 3 valves for each of three different sizes. The capacity rating for that design, size and test pressure shall be 90 percent of the average of the three test runs. The actual relieving capacity shall be determined by flow tests at a maximum flow pressure of 10 percent in excess of the pressure for which the safety relief valve is set to operate.

(e) The manufacturer shall submit a table of relieving capacities for each size of valve for which approval is desired, indicating the capacity in cubic feet per minute of liquefied petroleum gas as determined by the flow tests specified in paragraph (d) of this section. The relieving capacities shall be measured at or corrected to 60° F. and atmospheric pressure (14.7 p. s. i. absolute).

(f) Detailed drawings showing the valve construction and material specifications of the component parts shall be submitted in quadruplicate for approval.

(g) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shutoff valves shall not be installed between the tanks and safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking shutoff valves so arranged at all times as to permit the required capacity discharge through the open safety relief valves.

(h) Each safety relief valve shall be marked with data as follows:

(1) Name of manufacturer.

(2) Manufacturer's design or type number.

(3) Size of valve.

(4) Pressure at which the valve is set to open.

(5) Actual rate of discharge in cubic feet per minute of the gas at 60° F. and atmospheric pressure (14.7 p. s. i. absolute).

(i) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valves will start to discharge at a pressure not in excess of the design pressure of the tank.

§ 38.10–20 *Liquid level gaging devices—TB/ALL.* (a) Each tank shall be fitted with a liquid level gaging device of approved design to indicate the maximum level to which the tank may be filled with liquid at temperatures between 20° F. and 130° F.

(b) Liquid level gaging devices may be of the following types: rotary tube, slip tube, fixed tube, magnetic, automatic float, or similar types approved by the Commandant.

(c) All gaging devices shall be arranged so that the maximum liquid level for butane, mixtures of butane and propane, or propane, to which the tank may be filled is readily determinable. The maximum gallonage capacity as required by § 38.15–1 shall be marked on the tank, system name plate, or gaging device.

(d) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(e) Automatic float continuous reading tape gages, and similar types, shall be fitted with a shutoff valve located as close to the tank as practicable, which shall be designed to close automatically in the event of fracture of the external gage piping. An automatic float gage shall always be used in conjunction with a fixed tube device.

(f) Gaging devices shall have a design pressure of at least 250 pounds per square inch.

(g) Length of fixed tube device shall be designed to indicate the maximum level to which the tank may be filled, based on the volume of the product at 40° F. at its maximum permitted filling density for unlagged tanks and at 50° F. for lagged tanks. The maximum volume of the liquid at 60° F. may be obtained by determining the volume of the liquid at 40° F. or 50° F. for unlagged or lagged tanks, using the filling densities given in § 38.15–1 and correcting the liquid volumes at these temperatures to 60° F. by applying the volume correction factors in table 38.10–20 (g).

TABLE 38.10–20 (g)—VOLUME CORRECTION FACTORS

Specific Gravity	Unlagged tanks	Lagged tanks
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(h) The method for calculating length of fixed tubes shall be:

$$\frac{\text{Water capacity of container} \times \text{filling density}}{\text{Specific gravity} \times \text{volume correction factor}} = \text{Maximum volume for which fixed length tube shall be set}$$

(i) Gage glasses of the columnar type are prohibited.

(j) Flat sight glasses may be used in the design of automatic float continuous reading tape gages: *Provided*, That such glasses shall be made of heat-treated, high strength material of not less than ½ inch in thickness and adequately protected by a metal cover.

(k) Each tank shall be provided with a reliable pressure gage and thermometer well. The gage shall be located at the highest practicable point. The thermometer well shall be fitted in the liquid space, connected to the shell by means of screwed or flanged joint, and fitted with a gastight cap.

SUBPART 38.15—SPECIAL CARGO HANDLING REQUIREMENTS

§ 38.15–1 *Filling densities—TB/ALL.* The "filling density" is defined as the percent ratio of the weight of the gas in a tank to the weight of water the tank will hold at 60° F. The filling densities shall not exceed the ratios indicated in the table 38.15–1.

TABLE 38.15–1—MAXIMUM PERMISSIBLE FILLING DENSITIES

Specific gravity at 60° F.	Maximum permitted filling density		
	Unlagged tanks—water capacity		Lagged tanks—all capacities
	1,200 gal. and under	Over 1,200 gal.	
0.473–0.480	38	41	42
0.481–0.488	39	42	43
0.489–0.495	40	43	44
0.496–0.503	41	44	45
0.504–0.510	42	45	46
0.511–0.519	43	46	47
0.520–0.527	44	47	48
0.528–0.536	45	48	49
0.537–0.544	46	49	50
0.545–0.552	47	50	51
0.553–0.560	48	51	52
0.561–0.568	49	52	53
0.569–0.576	50	53	54
0.577–0.584	51	54	55
0.585–0.592	52	55	56
0.593–0.600	53	56	57
0.601–0.608	54	57	58
0.609–0.617	55	58	59
0.618–0.626	56	59	60
0.627–0.634	57	60	61

NOTE: Increase in filling densities to provide for seasonal changes and refrigeration

of cargo may be considered by the Commandant upon presentation of factual evidence that safe operation can be effected.

§ 38.15–5 *Cargo hose—TB/ALL.* (a) Flexible metal hose fabricated of seamless steel pipe and flexible joints of steel or bronze, or hose fabricated of other suitable material resistant to the action of liquefied petroleum gases shall be fitted to the liquid and vapor lines during filling and discharging of the tanks.

(b) Hose subject to tank pressure shall be designed for a bursting pressure of not less than five times the maximum safety relief valve setting of the tank.

(c) Hose subject to discharge pressure of pumps or vapor compressors shall be designed for a bursting pressure of not less than five times the pressure setting of the pump or compressor relief valve.

(d) Before being placed in service each new cargo hose, with all necessary fittings attached, shall be tested hydrostatically by the manufacturer to a pressure of not less than twice the maximum pressure to which it may be subjected. The hose shall be marked with the maximum pressure guaranteed by the manufacturer.

§ 38.15–10 *Electrical bonding—TB/ALL.* The tank vessel shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

SUBPART 38.20—VENTING AND VENTILATION

§ 38.20–1 *Venting — TB/ALL.* (a) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or the top of any tank or house located above the weather deck. Arrangements specially provided for venting cargo tanks forming a part of the hull on unmanned tank barges will be considered by the Commandant upon presentation of plans.

(b) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header capacity as provided for in the table 38.20–1 (b), and upon the total safety relief valve discharge capacity.

TABLE 38.20–1 (b)—CAPACITY OF BRANCH VENTS OR VENT HEADERS

Number of cargo tanks:	*Percent of total valve discharge*
1 or 2	100
3	90
4	80
5	70
6 or more	60

(c) In addition to the requirements specified in paragraphs (a) and (b) of this section, the size of the branch vents or vent headers shall be such that the back pressure in the relief valve discharge lines shall not be more than 10 percent of the safety relief valve setting.

(d) Return bends and restrictive pipe fittings are not permitted.

(e) Vents and headers shall be so installed as to prevent excessive stresses on safety relief valve mountings.

(f) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps or other suitable means to prevent entrance of rain or snow.

(g) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets.

(h) Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

SUBPART 38.25—PERIODIC INSPECTIONS AND TESTS

§ 38.25–1 *Periodic inspections—TB/ALL.* Each tank shall be subjected to an internal examination biennially at the annual inspection period. Each lagged tank shall be subjected to an external inspection at least once every 8 years by having jacket and lagging removed.

§ 38.25–5 *Hydrostatic tests—TB/ALL.* Each tank shall be subjected to a hydrostatic test at the annual inspection period on the eighth year of the installation, and a like test shall be applied every fourth year thereafter. The hydrostatic test shall be equal to one and one-half times the allowable pressure as determined by the safety relief valve setting. If the jacket and lagging are not removed during the internal hydrostatic tests prescribed in this subpart, the tank shall hold the hydrostatic pressure for at least 20 minutes without pressure drop.

§ 38.25–10 *Removal of defective tanks—TB/ALL.* If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

§ 38.25–15 *Safety valves—TB/ALL.* The safety relief valve discs shall be lifted from their seats in the presence of an inspector by either liquid, gas or vapor pressure at least once every four years to determine the accuracy of adjustment and, if necessary, shall be reset.

PART 39—INFLAMMABLE OR COMBUSTIBLE LIQUIDS HAVING LETHAL CHARACTERISTICS

SUBPART 39.01—GENERAL

Sec.
39.01–1 Scope of regulations—TB/ALL.
39.01–5 Certificate of inspection—TB/ALL.

SUBPART 39.05—DESIGN AND INSTALLATION OF CARGO TANKS

39.05–1 Design and construction—TB/ALL.
39.05–5 Markings—TB/ALL.
39.05–10 Installation—TB/ALL.

SUBPART 39.10—PIPING, VALVES, FITTINGS AND ACCESSORY EQUIPMENT

39.10–1 Valves and accessories—TB/ALL.
39.10–5 Piping and fittings—TB/ALL.
39.10–10 Safety relief valves—TB/ALL.
39.10–15 Gaging devices—TB/ALL.

SUBPART 39.15—SPECIAL CARGO HANDLING REQUIREMENTS

39.15–1 Warning sign at gangway—TB/ALL.

SUBPART 39.20—VENTING AND VENTILATION

39.20–1 Venting—TB/ALL.

SUBPART 39.25—PERIODIC INSPECTIONS AND TESTS

39.25–1 Periodic inspections—TB/ALL.
39.25–5 Hydrostatic tests—TB/ALL.
39.25–10 Removal of defective tanks—TB/ALL.
39.25–15 Safety valves—TB/ALL.

AUTHORITY: §§ 39.01–1 to 39.25–15 issued under R. S. 4405, as amended, 4417a, as amended, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C., App., 1275.

SUBPART 39.01—GENERAL

§ 39.01–1 *Scope of regulations—TB/ALL.* The regulations in this part contain requirements for the transportation in fixed independent tanks of inflammable or combustible liquids having lethal characteristics and defined as class "B" or "C" poisons in §§ 146.25–3 and 146.25–5 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter. The regulations covering the transportation in portable tanks of inflammable or combustible liquids having lethal characteristics and defined as class "B" or "C" poisons are contained in Part 146 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter.

§ 39.01–5 *Certificate of inspection—TB/ALL.* (a) Certificate of inspection shall be endorsed for the carriage of class "B" or "C" poisonous liquids as follows:

Inspected and approved for the carriage of inflammable or combustible Class "B" or "C" poisonous liquids having vapor pressure not exceeding — lbs. per square inch at 115° F.

SUBPART 39.05—DESIGN AND INSTALLATION OF CARGO TANKS

§ 39.05–1 *Design and construction—TB/ALL.* (a) Cargo tanks shall meet the requirements for class II or class III arc welded unfired pressure vessels, fabricated, inspected, and tested in accordance with the applicable requirements of Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, except as provided otherwise in this part.

(b) Each cargo tank shall be designed for a pressure of not less than the vapor pressure, in pounds per square inch gage, of the lading at 115° F., but for not less than 30 pounds per square inch. Where the vapor pressure of the lading at 115° F. exceeds 30 pounds per square inch gage the requirements for class II pressure vessels will apply.

(c) The shell and head thickness of any tank shall not be less than $\frac{5}{16}$ inch. Dished heads shall be used in construction.

(d) Each tank shall be provided with a 15-inch by 18-inch or an 18-inch diameter minimum manhole, fitted with a cover located as close to the top of the tank as possible. Where access trunks or necks are fitted to tanks, the diameter of the trunks or necks shall be 30 inches minimum.

§ 39.05–5 *Markings — TB/ALL.* (a) Upon satisfactory completion of tests and inspection, the inspector shall require the following marking at least $\frac{3}{8}$ inch high, to be stamped on the tank or on a nonferrous plate which shall be permanently attached to the tank by means of welding or brazing, using high melting point brazing metal:

Name and address of manufacturer

Design pressure ---- p. s. i.

Shop test pressure ---- p. s. i.

Inspector's No., initials, and C. G. symbol

Mfrs.' Serial No.

Date of manufacture

Total capacity ---- U. S. gallons

(b) In addition to the aforementioned markings, the following inscription shall be stamped on the tank, or a corrosion-resistant plate containing this data shall be securely attached thereto:

This tank shall not contain a product having a vapor pressure in excess of ---- p. s. i. gage at 115° F.

(c) All tank markings shall be permanently and legibly stamped in a readily visible position, and shall not be obscured by painting.

§ 39.05–10 *Installation — TB/ALL.* (a) Cargo tanks shall be independent of the hull and installed with a clearance of not less than 24 inches from the vessel's sides. A working space of not less than 15 inches shall be provided around and beneath each tank, or else provision shall be made for moving such tank to secure adequate space for the inspection and maintenance of the vessel's structure and the tank.

(b) Tanks shall be mounted on substantial steel saddles and securely fixed in place. Each tank shall be so supported as to minimize the concentration of excessive loads on the supporting portion of the shell.

(c) Tanks may be located in dry cargo holds or in other cargo tanks meeting the requirements for cofferdams as prescribed in § 32.60–10 (c) or 32.65–15, and may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weathertightness of the deck except that vessels operating on protected inland waters may have tanks located in the holds of hopper type barges without the watertightness of the deck being maintained.

(d) All tanks shall be installed with manhole openings and fittings located above the weather deck.

(e) No strength welding employed in the attachment of supports, lugs, fittings, etc., shall be done on tanks that require and have been stress-relieved, except where specifically allowed by a marine inspector. The method to be employed in stress relieving strength field welds shall be approved by the Commandant.

SUBPART 39.10—PIPING, VALVES, FITTINGS, AND ACCESSORY EQUIPMENT

§ 39.10–1 *Valves and accessories—TB/ALL.* (a) All shutoff valves and accessory equipment shall be of types suitable for use with the liquid cargo to be carried, and their pressure rating shall be not less than 150 p. s. i. Cast iron shall not be employed in the construction of valves, flanges or fittings.

(b) All connections to cargo tanks, except safety relief valves, shall have shutoff valves located as close to the tank as practicable.

§ 39.10–5 *Piping and fittings—TB/ALL.* (a) Piping shall be suitable for use with the liquid cargo to be carried and shall conform to the requirements of Part 55, Subchapter F (Marine Engineering) of this chapter. Piping shall be of seamless drawn material, except that electric resistance-welded steel piping will be acceptable.

(b) All pipe connections to the tank shall be grouped in the smallest practicable space and shall be located near the highest point on the tank. Alternate arrangements for piping installation may be submitted for consideration by the Commandant.

(c) Where possible provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Packless bellows or corrugated expansion joints may be used, provided satisfactory evidence is shown that space limitations do not permit the use of expansion bends. Slip type expansion joints are prohibited.

§ 39.10–10 *Safety relief valves—TB/ALL.* (a) Each tank shall be fitted with one or more safety relief valves.

(b) Each safety relief valve shall be set to start to discharge at a pressure not in excess of the design pressure of the tank. The total relieving capacity of the safety relief valves shall be sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum design pressure.

(c) Relief valves shall be attached to the tank near the highest point of the vapor space.

§ 39.10–15 *Gaging devices—TB/ALL.* A closed gaging system for determining the level of the liquid in the cargo tank shall be provided.

SUBPART 39.15—SPECIAL CARGO HANDLING REQUIREMENTS

§ 39.15–1 *Warning sign at gangway—TB/ALL.* When transferring bulk cargo a warning sign as provided in § 35.30–1 (b) shall be displayed to warn persons on board or in the vicinity of the tanks.

SUBPART 39.20—VENTING AND VENTILATION

§ 39.20–1 *Venting—TB/ALL.* Vent pipes shall be connected to each safety relief valve. The vent pipes may be connected to a vent header system or each tank may be vented independently. The vent riser shall extend to a height above the weather deck equal to at least one-third the beam of the vessel and shall terminate at a comparable distance from any other living or working space, ventilator inlet, or source of vapor ignition. When special conditions prevent the vent outlets from being permanently installed at a height above the deck of one-third the beam of the vessel, an adjustable system shall be provided which, when extended vertically, shall reach a height of one-third the beam of the vessel. The safety relief valve shall be fitted with a bypass having the full capacity of the relief valve and equipped with a manually operated stop valve to permit equalizing pressures during filling and discharging operations.

SUBPART 39.25—PERIODIC INSPECTIONS AND TESTS

§ 39.25–1 *Periodic inspections—TB/ALL.* Each tank shall be subjected to an internal examination biennially at the annual inspection period. Each lagged tank shall be subjected to an external inspection at least once every eight years by having jacket and lagging removed.

§ 39.25–5 *Hydrostatic tests—TB/ALL.* Each tank shall be subjected to a hydrostatic test at the annual inspection period on the eighth year after installation, and a like test shall be applied every fourth year thereafter. The hydrostatic test shall be equal to one and one-half times the design pressure. At hydrostatic tests at intermediate periods where jacket and lagging are not removed, the tank shall hold the hydrostatic pressure for at least 20 minutes without pressure drop.

§ 39.25–10 *Removal of defective tanks—TB/ALL.* If a tank fails to pass the tests prescribed in this subpart, it shall be removed from service unless otherwise authorized by the Commandant.

§ 39.25–15 *Safety valves—TB/ALL.* The safety relief valve discs shall be lifted from their seats in the presence of an inspector by either liquid, gas, or vapor pressure at least once every four years to determine accuracy of adjustment and, if necessary, shall be reset.

Dated: February 7, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–2022; Filed, Feb. 13, 1951; 8:56 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 872, Amdt. 1]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1951.

Upon further consideration of the provisions of Service Order No. 872 (15 F. R. 9242), and good cause appearing therefor; it is ordered, that:

Section 95.872, Service Order No. 872, *Movement of grain to terminal elevators by permit* be, and it is hereby, amended by substituting the following paragraph

(b) (1) hereof for paragraph (b) (1) thereof:

(b) *Appointment of Agent and designation of duties.* (1) Mr. C. W. Taylor, Room 5117 ICC Building, Phone: National 7460, Ext. 548, is hereby designated and appointed as Agent of this Commission to prescribe the terms and conditions under which permits may be issued and is authorized at any time to change, revoke or cancel the terms or conditions under which permits may be issued.

It is further ordered, that this amendment shall become effective at 5:00 p. m., February 9, 1951; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2201; Filed, Feb. 13, 1951; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF ORANGE MARMALADE [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Orange Marmalade, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.488 *Orange marmalade.* Orange marmalade is the semisolid or gel-like product prepared from the edible portion of the orange including the properly prepared peel and pulp or juice together with one or more sweetening ingredients and may contain food acids, food pectins, or lemon juice in a quantity which reasonably compensates for a deficiency, if any, of the natural acidity or natural pectin content in the orange material. In the preparation of orange marmalade, part of the peel may be eliminated, the pulp or juice of the oranges may be strained or filtered as well as unstrained or unfiltered, and the orange material removed during the straining or filtering process may be eliminated. The prepared orange material including the prepared peel and prepared juice or pulp is cooked with sweetening ingredients in a proportion of not less than one part by weight of prepared orange material (exclusive of added water or water used in preparation) to three parts of sweetening ingredient or ingredients (on a dry solids basis). The sweetening ingredients used may be sugar, sugar sirup, invert sugar sirup, dextrose, corn sirup, corn sirup solids, glucose sirup, or any mixture thereof. The ingredients of orange marmalade are prepared by cooking so that the soluble solids content of the finished orange marmalade is not less than 65 percent.

(a) *Kinds of orange marmalade.* (1) "Sweet orange marmalade" means that the fruit ingredient consists principally of such varieties as Navel and Valencias or other commercial dessert varieties other than tangerines.

(2) "Bitter orange marmalade" means that the fruit ingredient consists principally of the Seville or sour type of oranges other than tangerines.

(3) "Sweet and bitter orange marmalade" means that the fruit ingredient consists of a blend of sweet oranges and bitter oranges other than tangerines. It is recommended that the orange material from which sweet and bitter orange marmalade is prepared be approximately 50 percent by weight each of sweet oranges and bitter oranges.

(b) *Styles of orange marmalade.* (1) "Sliced" means that the peel in the orange marmalade is in thin strips approximating 1/32 of an inch in width.

(2) "Chopped" means that the peel in the orange marmalade is in small pieces (such as, irregular shapes and dice-like shapes).

(c) *Types of orange marmalade.* (1) "Type I, Clear" means that the peel is suspended in a translucent semi-solid or gel-like mass.

(2) "Type II, Natural" means that the peel is suspended is a cloudy or opaque semi-solid or gel-like mass.

(d) *Grades of orange marmalade.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of orange marmalade that is practically free from defects and is of such quality with respect to color, consistency and character, and flavor as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of orange marmalade that possesses a reasonably good color, is reasonably free from defects, possesses a reasonably good flavor, and is of such quality with respect to consistency and character as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of orange marmalade that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(e) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with orange marmalade and that the product occupy not less than 90 percent of the volume of the container.

(f) *Ascertaining the grade.* The grade of orange marmalade is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and character, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency and character	20
(3) Absence of defects	20
(4) Flavor	40
Total score	100

(g) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Orange marmalade that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the product possesses a practically uniform bright color characteristic of the fruit or fruit ingredients, is practically free from green-colored peel, and that the product is free from dullness of color due to oxidation or improper processing or improper cooling or other causes.

(ii) If the orange marmalade possesses a reasonably good color, a score of 14 to 16 points may be given. "Reasonably good color" means that the product possesses a reasonably uniform color characteristic of the fruit or fruit ingredients, is reasonably free from green-colored peel, which color may be slightly dull but is not off-color nor excessively dark due to oxidation or improper processing or improper cooling or other causes.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency and character.* The factor of consistency and character refers to the tenderness of the peel, distribution of the fruit ingredients in the product, and the gel strength of the product.

(i) Orange marmalade that possesses a good consistency and character may be given a score of 17 to 20 points. "Good consistency and character" means the product contains a substantial, but not excessive, amount of peel; that the peel is tender, that the fruit ingredients are evenly distributed, and that the product is a tender gel or may possess no more than a very slight tendency to flow.

(ii) If the orange marmalade possesses a reasonably good consistency and character, a score of 14 to 16 points may be given. "Reasonably good consistency and character" means that the peel is reasonably tender, the fruit ingredients are fairly evenly distributed, the product may be firm but not gummy or rubbery or may be viscous but not excessively thin.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from objectionable material, harmless extraneous material, seeds or portions of seeds, and from blemished peel.

(i) "Harmless extraneous material" includes, but is not limited to, small particles of leaves, undeveloped seeds or particles of seeds that measure not more than 3/16 inch in any dimension, or other similar materials that are harmless.

(ii) "Seeds or portions of seeds" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension.

(iii) "Blemished peel" means pieces of the peel blemished by surface discoloration to the extent that the appearance or eating quality is materially affected.

(iv) Orange marmalade that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the appearance and eating quality of the product is not materially affected by the presence of objectionable material or harmless extraneous material; that for each 16 ounces of net weight there may be present not more than one seed or portion of seed; and that for each 8 ounces of net weight there may be present not more than 3 pieces of blemished peel.

(v) If the orange marmalade is reasonably free from defects, a score of 14 to 16 points may be given. Orange marmalade that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule.) "Reasonably free from defects" means that the appearance and eating quality of the product is not seriously affected by the presence of objectionable material and harmless extraneous material; and that for each 8 ounces of net weight there may be present not more than one seed or portion of seed and not more than 5 pieces of blemished peel.

(vi) Orange marmalade that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor.* (i) Orange marmalade that possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the product possesses a good and distinct flavor characteristic of the fruit ingredient or fruit ingredients and is free from any caramelized flavor or odor and from any objectionable flavor and objectionable odor of any kind.

(ii) If the orange marmalade possesses a reasonably good flavor, a score of 28 to 33 points may be given. "Reasonably good flavor" means that the product possesses a reasonably good flavor characteristic of the fruit ingredient or fruit ingredients and may possess a slightly caramelized flavor but is free from any objectionable flavor and objectionable odor of any kind.

(iii) Orange marmalade that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Explanation of terms or analyses.* (1) "Soluble solids content" is determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" as outlined under the applicable method for determining the soluble solids in marmalades, except that no correction is made for water-insoluble solids.

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of orange marmalade, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for orange marmalade.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Kind		
Style		
Type		
Soluble solids (%, by Refractometer)		
Factors	**Score points**	
I. Color	20	(A) 17–20 (B) 14–16 (D) [1] 0–13
II. Consistency and character	20	(A) 17–20 (B) 14–16 (D) [1] 0–13
III. Absence of defects	20	(A) 17–20 (B) [1] 14–16 (D) [1] 0–13
IV. Flavor and odor	40	(A) 34–40 (B) 28–33 (D) [1] 0–27
Total score	100	
Grade		

[1] Indicates limiting rule.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 759, 81st Cong., approved Sept. 6, 1950)

Issued at Washington, D. C., this 9th day of February 1951.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 51-2213; Filed, Feb. 13, 1951; 8:56 a. m.]

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 11, 16]

[Docket No. 9898]

LICENSING OF RELAY STATIONS IN THE INDUSTRIAL AND LAND TRANSPORTATION RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice hereby is given of proposed rule making in the above-entitled matter.

2. Part 11, Industrial Radio Services, and Part 16, Land Transportation Radio Services, provide for licensing of Operational Fixed (Relay) and Operational Fixed (Repeater) Stations. They do not provide for the licensing of Mobile Relay Stations. It is proposed to revise these rules to permit licensing of this latter type of station in certain situations where it appears that no other satisfactory solution to an

applicant's communication problem is possible. Coincidental with establishment of the new "Mobile Relay Station" classification, it also is proposed to combine the present classifications "Operational Fixed (Repeater) Station" and "Operational Fixed (Relay) Station" into a single new classification to be known as "Fixed Relay Station". As a corollary of these changes, and for the purpose of minimizing interference, it is proposed to specify the circumstances under which use of selective calling devices will be mandatory in radio systems employing Mobile Relay Stations.

3. It will be noted from a study of the attached proposed rules that licensing of Mobile Relay Stations is to be restricted to those situations where an applicant can show a substantial requirement for extended range mobile-to-mobile communication greater than that obtainable by direct car-to-car communication on the same frequency. The Commission recognizes that there are many other situations where Mobile Relay Stations would be an operating convenience or would be less expensive to install than alternative radio system designs, the latter particularly in cases where a Base Station must be located at some distance from its control point. However, the Commission has been unable to determine that operating convenience or reduced first cost constitute sufficiently adequate justifications for use of Mobile Relay Stations when balanced against the frequency conservation, frequency assignment, and interference control problems which use of such stations presents.

4. Since each word of a message in a radio system employing one or more Mobile Relay Stations appears simultaneously at two points in the spectrum, i. e., on the frequency of the originating station and the frequency of the relay station, the spectrum occupancy for transmission of a given piece of itelligence is approximately double that of a conventional type system. Therefore, it appears to be desirable to restrict all operations involving the "triggering" of Mobile Relay Stations to frequencies sufficiently high in the spectrum to avoid doubling of long-distance sky-wave or "skip" interference, thereby keeping the added frequency assignment and interference problems on an essentially local basis. Strict adherence to such a policy would require that "triggering" stations operate on available frequencies in the 72–76 Mc, 152–174 Mc, and 450–460 Mc bands, or on still higher frequencies. However, there are a substantial number of existing systems in the 25–50 Mc band which will wish to convert to Mobile Relay operation without retiring their present equipment. Also, there are a number of situations where the normal operations of a company require that its mobile service radio system be in the 25–50 Mc band rather than the 152–174 Mc band in order to obtain satisfactory area coverage. It also is true that "skip" interference is much less frequent at the extreme upper end of the 25–50 Mc band than it is throughout most of this band. For these reasons, it is proposed to adopt a compromise frequency of 47.0 Mc as the minimum "triggering" frequency for Mobile Relay Stations in these Services. The Commission recognizes that this compromise figure does not make complete provision for all otherwise eligible persons who may wish to establish a Mobile Relay Station, but, on the basis of the facts before it, is of the opinion that designation of a lower frequency would, on a long-term basis, cause a substantial deterioration of the land mobile radio services involved.

5. The Commission desires to encourage joint use of Relay Station facilities (on a non-profit cooperative basis) in order to off-set, to the extent possible, some of the frequency utilization and assignment problems which may result from use of such stations. In this connection, attention is invited to §§ 11.6 and 16.3, which deal with cooperative use of station facilities in general. Comments and recommendations concerning ways in which these sections may be improved as they relate to joint use of Relay Stations may be submitted as part of this proceeding.

6. The proposed licensing of Mobile Relay Stations in the Industrial and Land Transportation Radio Services has been made inapplicable to the Low Power Industrial, Taxicab, and Automobile Emergency Radio Services. The first of these Services has been excluded because it does not now provide for licensing of Base Stations (all units mobile only) and a Mobile Relay Station is considered to be a kind of Base Station. The primary function of this Service is to provide short range "on-the-job" communications, generally with handportable types of radio equipment. The remaining two Services have been excluded because they are almost exclusively dispatch type services and have comparatively little need for mobile-to-mobile communications of any kind and almost no need for long range mobile-to-mobile communication.

7. Radio systems incorporating one or more Mobile Relay Stations heretofore have been referred to as "Central Relay Systems" in Commission correspondence. It is proposed to abandon the latter term entirely on the grounds that it is not sufficiently descriptive and that it will have a tendency to cause confusion when used interchangeably with the term "Mobile Relay Station".

8. The proposed new rules contain a mandatory requirement (with certain provisions for waiver) for use of coded or other signalling devices to operate or "unlock" Mobile Relay Stations. This requirement has not been made applicable to Fixed Relay Stations. The principal reason for excluding the latter type of station is that the area over which it would radiate an interfering signal is very much less than for Mobile Relay Stations. This is due to the fact that a Mobile Relay Station generally employs relatively high power, a high antenna, and an omnidirectional radiation pattern in contrast to a Fixed Relay Station, which generally employs relatively low power, a low antenna, and, normally, a narrow directional beam directed to a single fixed receiving location. Additional factors of at least present importance are that the available fixed service frequencies are not now as crowded as most of the mobile service frequencies, and that there are a large number of radio systems already in operation which would require substantial modification if the requirement were made applicable to Fixed Relay Stations.

It will be noted that no provision for waiver of the coded signalling device requirement is proposed for frequencies below 50.0 Mc, although originating stations are proposed to be authorized on frequencies as low as 47.0 Mc. The 50.0 Mc figure is based on the belief that all licensees should be protected from both the local and long-distance interference which would result from "triggering" of Mobile Relay Stations by undesired signals, and that this protection cannot be accorded without requiring that the devices designed to supply this protection are installed in all radio systems employing "triggering" frequencies below 50 Mc.

Recommendations by interested persons are invited concerning the administrative problem of determining what standards should be used by the Commission in determining when the coded signal protective device requirement should be waived in particular cases when the frequencies involved are higher than 50.0 Mc. Recommendations also are invited concerning the types of coded signalling or other devices which will be adequate to provide the desired protection from unwanted activation of Mobile Relay Stations.

9. In cases where a station is to be used part of the time as a Base Station and part of the time as a Mobile Relay Station the latter will be the classification used for licensing purposes. Comment by interested persons is desired as to whether or not it is advisable to permit such radio systems to operate on two frequencies at all times or whether the two-frequency operation should be permitted only during the period when the relay is functioning as such. Comment also is desired by interested persons as to whether or not the rules as finally adopted should distinguish in any way between attended and unattended installations which function dually from time to time as both Base and Mobile Relay Stations.

10. The present Industrial rules (§ 11.57 (c)) require a special justification before a second mobile service frequency will be assigned for the use of any one applicant. Normally, persons who make the special showing necessary to obtain authority for a Mobile Relay Station (as proposed herein) will be considered to have satisfied thereby the more general requirement of § 11.57 (c).

11. Applications for authority to construct or operate Mobile Relay Stations will not be accepted during the pendency of this proceeding. Applications so filed will be returned without action.

12. The proposed rules which follow below are issued under the authority contained in sections 4 (i), 301, and 303 (a), (b), (c), (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

13. Any interested person may file with the Commission on or before March 21, 1951, a written statement or brief in support, opposition, or urging modification of, or additions to the proposed amendments. Comments or briefs in reply to the original comments or briefs of other parties may be filed on or before April 2, 1951. The Commission will consider all such comments before taking action in this matter. If any comments are received which appear to warrant the holding of a hearing or oral argument, a notice of the time and place of hearing therefor will be given.

Released: February 8, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Changes in Part 11, Industrial Radio Services:

a. In § 11.3, *Definition of terms*, delete present paragraphs (i) and (j) which now define *"Relay station"* and *"Repeater station,"* respectively, and substitute the following:

(i) *Fixed relay station.* An Operational Fixed Station in the fixed service, established to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

(j) *Mobile relay station.* A Base Station in the mobile service, established to receive signals directed to it by a Mobile Station and to retransmit them automatically on a mobile service frequency for reception by another Mobile Station.

b. Section 11.7 reads as follows:

§ 11.7 *Relay Stations*—(a) *General.* Relay Stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of these rules, there are two types of Relay Stations: Mobile Relay Stations and Fixed Relay Stations. For definitions see § 11.3.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of Relay Station are as follows:

(1) Each application for a new Mobile Relay Station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication on the frequency assigned or requested to be assigned to the Mobile Station associated with the Mobile Relay Station.

(2) A Mobile Relay Station may be authorized to operate on any mobile service frequency available for assignment to Base Stations.

(3) Each Mobile Relay Station shall be so designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: *Provided, however,* That when the Relay Station is activated by signals received only on frequencies above 50 Mc, and when the applicant makes a satisfactory showing that his proposed station location is in an area normally free of undesired signals on frequencies which would activate the Mobile Relay Station, this requirement may be waived, subject to the condition that the waiver may be cancelled after ninety days notice if it later develops that the Mobile Relay Station is in fact frequently activated by undesired signals and thereby causes harmful interference to other licensees.

(4) Each Mobile Relay Station shall be so designed and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it. In addition, each Mobile Relay Station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals; or, alternatively, shall be so designed and installed that it will be deactivated by means of an automatic time-delay or clock device not more than three minutes after activation of the station. Nothing in this subparagraph shall be construed as preventing use of both of these latter methods in combination.

(5) A Mobile Station associated with one or more Mobile Relay Stations may be authorized to operate on any mobile service frequency above 47.0 Mc. which is available for assignment to Mobile Stations.

(6) An Operational Fixed (Control) Station associated with one or more Mobile Relay Stations may be assigned any available fixed service frequency or the mobile service frequency assigned to the associated Mobile Station.

(7) A Base Station which is used intermittently as an Operational Fixed (Control) Station for one or more Mobile Relay Stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated Mobile Relay Station and/or Mobile Station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(8) In any radio system which employs more than one Mobile Relay Station, where there is a requirement that stations in the vicinity of one Relay Station be able to communicate automatically with stations in the vicinity of other Relay Stations, the necessary circuits for interconnection of the Relay Stations shall be provided by means of wire lines or fixed service frequencies.

(9) Mobile Relay Stations will not be authorized in the Low Power Industrial Radio Service.

(c) *Fixed relay stations.* Fixed Relay Stations may be authorized to operate only on frequencies available for use by Operational Fixed Stations.

c. In § 11.58, *Supplemental information required with applications for control, repeater, or relay stations,* delete the word "repeater" from the title and text of this section.

d. In §§ 11.254, 11.304, 11.354, 11.404, 11.454, and 11.504 Frequencies available for base, mobile and operational fixed stations, delete present subparagraph (3) of paragraph (b) from each of these sections, as shown in amendment 11–2 published in the FEDERAL REGISTER June 30, 1950 (15 F. R. 4195), and substitute the following:

(3) Fixed Relay Stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmission on these frequencies by means of such stations is prohibited.

2. Changes in Part 16, *Land Transportation Radio Services:*

a. In § 16.6 *Definition of terms,* delete present paragraphs (p) and (q), which now define "Relay Station" and "Repeater Station", respectively, and substitute the following:

(p) *Fixed relay station.* An Operational Fixed Station in the fixed service, establishd to receive radio signals directed to it from any source and to retransmit them automatically on a fixed service frequency for reception at one or more fixed points.

(q) *Mobile relay station.* A Base Station in the mobile service, established to receive signals directed to it by a Mobile Station and to retransmit them automatically on a mobile service frequency for reception by another Mobile Station.

b. Section 16.7 reads as follows:

§ 16.7 *Relay stations*—(a) *General.* Relay Stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of these rules, there are two types of Relay Stations: Mobile Relay Stations and Fixed Relay Stations. For definitions see § 16.6 of this part.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of Relay Station are as follows:

(1) Each application for a new Mobile Relay Station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication on the frequency assigned or requested to be assigned to the Mobile Station associated with the Mobile Relay Station.

(2) A Mobile Relay Station may be authorized to operate on any mobile service frequency available for assignment to Base Stations.

(3) Each Mobile Relay Station shall be so designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: *Provided, however,* That when the Relay Station is activated by signals received only on frequencies above 50 Mc. and when the applicant makes a satisfactory showing that his proposed station location is in an area normally free of undesired signals on frequencies which would activate the Mobile Relay Station, this requirement may be waived, subject to the condition that the waiver may be canceled after ninety days' notice if it later develops that the Mobile Relay Station is in fact frequently activated by

undesired signals and thereby causes harmful interference to other licensees.

(4) Each Mobile Relay Station shall be so designed and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it. In addition, each Mobile Relay Station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals; or, alternatively, shall be so designed and installed that it will be deactivated by means of an automatic time-delay or clock device not more than three minutes after activation of the station. Nothing in this subparagraph shall be construed as preventing use of both of these latter methods in combination.

(5) A Mobile Station associated with one or more Mobile Relay Stations may be authorized to operate on any mobile service frequency above 47 Mc which is available for assignment to Mobile Stations.

(6) An Operational Fixed (Control) Station associated with one or more Mobile Relay Stations may be assigned any available fixed service frequency or the mobile service frequency assigned to the associated Mobile Station.

(7) A Base Station which is used intermittently as an Operational Fixed (Control) Station for one or more Mobile Relay Stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated Mobile Relay Station and/or Mobile Station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(8) In any radio system which employs more than one Mobile Relay Station, where there is a requirement that stations in the vicinity of one Relay Station communicate automatically with stations in the vicinity of other Relay Stations, the necessary circuits for interconnection of the Relay Stations shall be provided by means of wire lines or fixed service frequencies.

(9) Mobile Relay Stations will not be authorized in the Taxicab Radio Service or the Automobile Emergency Radio Service.

(c) *Fixed relay stations.* Fixed Relay Stations may be authorized to operate only on frequencies available for use by Operational Fixed Stations.

c. In § 16.58, *Supplemental information required with applications for control, repeater, or relay stations,* delete the word "repeater" from the title and text of this section.

[F. R. Doc. 51-2200; Filed, Feb. 13, 1951; 8:52 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 4034 et al.]

LAKE CENTRAL AIRLINES, INC., ET AL., INDIANA-OHIO LOCAL SERVICE CASE

NOTICE OF HEARING

In the matter of applications for issuance, extension or amendment of certificates of public convenience and necessity of Lake Central Airlines, Inc., Trans World Airlines, Inc., Chicago and Southern Air Lines, Inc., and Youngstown Airways, Inc., known as the Indiana-Ohio Local Service Case.

Pursuant to the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on February 19, 1951 at 10:00 a. m. e. s. t., in Conference Room B, Departmental Auditorium, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner R. Vernon Radcliffe.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Does the public convenience and necessity require:

(a) Renewal of the temporary certificate of public convenience and necessity for route No. 88 issued to Lake Central Airlines, Inc. (including the terms and conditions of such renewal as well as the possible suspension and elimination of stations) so as to extend the effectiveness of said certificate for an additional period from and after December 31, 1949?

(b) Amendment of the certificate of public convenience and necessity for route No. 88 to include service to Gary, Ind., as an intermediate point between Chicago, Ill., and Indianapolis, Ind., and to include the intermediate points Marion and Anderson-Muncie-Newcastle, Ind., between Richmond and Kokomo, Ind., and to authorize air transportation between the terminal point Cincinnati, Ohio, the intermediate points Richmond and Kokomo, Ind., and the terminal point Chicago, Ill.; and between the terminal point Indianapolis, Ind., the intermediate points Richmond, Ind., Dayton, Springfield, Columbus, Marion, and Mansfield, Ohio, and the terminal point Cleveland, Ohio; and between the terminal point Columbus, Ohio, the intermediate points Marion, Sandusky, and Toledo, Ohio, and the terminal point Detroit, Mich., and between the terminal point Columbus, Ohio, and the intermediate points Zanesville, Dover-New Philadelphia, East Liverpool, Ohio, and the terminal point Pittsburgh, Pa., and between the terminal point Columbus, Ohio, and the intermediate points Dover-New Philadelphia and Akron-Canton and the terminal point Youngstown, Ohio?

(c) Alteration, amendment or modification of the certificate of public convenience and necessity for route No. 2 held by Trans World Airlines, Inc., so as to extend for an additional period beyond September 3, 1950, the temporary authorization granted to TWA to serve Zanesville, Ohio, as an intermediate point between Columbus, Ohio, and Pittsburgh, Pa., and to serve Mansfield and Marion, Ohio, and Fort Wayne, Ind., as intermediate points between Pittsburgh, Pa., and Chicago, Ill., on route No. 2?

(d) Alteration, amendment or modification of the certificate of public convenience and necessity for route No. 2 held by Trans World Airlines, Inc., to renew the temporary authorization to serve Lima, Findlay, Springfield, Marion, Mansfield, Zanesville, Ohio, and Fort Wayne and Richmond, Ind., to conform to the temporary services authorized pursuant to the Board's decision in the Great Lakes Area Case, 8 C. A. B. 360 (1947)?

(e) Authorization of Youngstown Airways, Inc., to provide transportation of persons, property and mail between Youngstown and Columbus, Ohio?

2. Is Lake Central Airlines fit, willing and able to provide the service for which extended or initial authority is sought?

3. Is Trans World Airlines fit, willing and able to serve those points on its route No. 2 for which continued authorization is requested?

4. Should the Board order Trans World Airlines to serve, and is that carrier fit, willing and able to serve, those points previously on route No. 2 to which service may be found to be required by the public convenience and necessity and for which Trans World Airlines has not requested renewed authorization?

5. Does the public convenience and necessity require the amendment, modification or alteration of the certificate of public convenience and necessity of Chicago and Southern Air Lines for route No. 8 so as to eliminate the intermediate points Marion and Anderson-Muncie-Newcastle, Ind.?

6. Is Youngstown Airways, Inc., fit, willing and able to provide the service for which initial authority is sought?

Notice is further given that any person other than the parties and interveners of record as of February 6, 1951, desiring to be heard in this proceeding may file with the Board, on or before February 19, 1951, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.6 (a) of the Procedural Regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., February 6, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51-2174; Filed, Feb. 13, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7179, 7180]

EASTON PUBLISHING CO. AND ALLENTOWN BROADCASTING CORP.

MEMORANDUM OPINION AND ORDER SCHEDULING HEARING

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 7180, File No. BP-4374; for construction permits.

The Commission has under consideration (1) the joint motion of the above-entitled applicants to move the hearing in this proceeding to the field, filed January 17, 1951; (2) the statement of General Counsel in connection therewith, filed January 23, 1951; and (3) the oral argument held thereon on February 5, 1951.

This proceeding was originally heard in May 1946, and further hearing has been designated by order of the Commission, adopted February 16, 1950, in compliance with the judgment of the United States Court of Appeals for the District of Columbia Circuit, which remanded the case for further proceeding in response to an appeal of the Commission's decision taken by the Easton Publishing Company. The issues which have been specified in the light of the Court's remand will require unusually elaborate testimony, and the applicants now anticipate that the testimony of at least 35 witnesses may be required, and, therefore, to hold the hearing in Washington would place a financial hardship upon the applicants and a personal hardship upon the witnesses.

The General Counsel offers no objection to moving the hearing to the field for the purpose of taking non-technical testimony, but does object to any procedure which contemplates the receipt of non-technical testimony before the hearing on the engineering aspects of the proceeding is concluded.

On January 16, 1951, and after a pretrial conference, the hearing in this proceeding was scheduled for March 5, 1951. It now appears that arrangements were subsequently made for the taking of the non-technical testimony during the week of March 5, 1951, and to change such date would constitute a hardship on witnesses who have already arranged their personal affairs in order to be available as witnesses during such week.

One of the applicants is now engaged in the taking of measurements, the completion of which will prevent the preparation of its entire engineering case in time to present such evidence the week of March 5. However, counsel for the applicants state they will have the engineering information necessary to enable them to make the required showing in connection with the programing services available to the respective communities from locally situated and other stations and such engineering data will later be corroborated by competent engineering evidence.

Section 6 (a) of the Administrative Procedure Act provides that "due regard shall be had for the convenience and necessity of the parties" in any proceeding, and we believe that the circumstances in this case, especially in view of its long litigious history, support the position of the applicants insofar as the taking of non-technical testimony in the field on the now scheduled hearing date is concerned. For these reasons, it appears that the taking of the non-technical evidence in the field at the time requested by the applicants "will best conduce to the proper dispatch of business and to the ends of justice," as provided in section 4 (j) of the Communications Act of 1934, as amended.

It is ordered, This 5th day of February 1951, that the hearing on the above-entitled applications shall be commenced at 10:00 o'clock a. m., March 5, 1951, at Allentown, Pennsylvania, and thereupon, after adducing necessary testimony at Allentown, Pennsylvania, further hearing will be conducted at Easton, Pennsylvania, and the hearing adjourned to Washington, D. C., for the taking of the engineering testimony and completion of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary,*

[F. R. Doc. 51-2129; Filed, Feb. 13, 1951; 8:52 a. m.]

[Docket No. 9705]

PRAIRIE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Prairie Broadcasting Company, Beaver Dam, Wisconsin, for construction permit; Docket No. 9705, File No. BP-7554.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to be operated on the frequency 1350 kilocycles, with a power of 500 watts, daytime only at Beaver Dam, Wisconsin;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 2, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Stations WEMP, Milwaukee, Wisconsin, and WBAY, Green Bay, Wisconsin, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Milwaukee Broadcasting Company, licensee of Station WEMP, Milwaukee, Wisconsin, and WHBY, Inc., licensee of Station WBAY, Green Bay, Wisconsin, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-2192; Filed, Feb. 13, 1951; 8:50 a. m.]

[Docket Nos. 9723-9731, 9899]

ROBERT C. CRABB ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications for construction permits or licenses, respectively, in the Domestic Public Land Mobile Radio Service of Robert C. Crabb, Los Angeles, California, Docket No. 9723, Files Nos. 4118/4119-C2-ML-E; Lyman G. Berg, d/b as American Telephone Answering Service, Physicians' Exchange, Radio Message Service and Television Answering Service, Signal Hill (Long Beach), California, Docket No. 9724, Files Nos. 3977/3978-C2-ML-E; W. T. German, d/b as United Radio Communications, San Diego, California, Docket No. 9725, Files Nos. 3538/3539-C2-ML-E; Art Parlas, d/b as Tri-City Radio Dispatch Company, San Bernardino, California, Docket No. 9726, Files Nos. 5003/5004-C2-ML-E; Business and Professional Telephone Exchange, Los Angeles and Pasadena, California, Docket No. 9727, Files Nos. 2026/2037-C2-L-E and 364-C2-P-E; Benjamin H. War-

ner & Vernon C. Starr, d/b as Orange County Radiotelephone Service, Santa Ana, California, Docket No. 9728, Files Nos. 3744/3745–C2–P–E; H. W. Ziegler & H. Paul Roman, d/b as Automotive Communications Company, Pomona, California, Docket No. 9729, Files Nos. 18646/18647–C2–P–D; Clyde Downen, Downey, California, Docket No. 9730, Files Nos. 23/24–C2–P–E; G. Earle Colee & Christine N. Colee, d/b as Telephone Answering Bureau, Santa Monica, California, Docket No. 9731, File No. 8099–C2–P–E; Robert C. Crabb, Los Angeles, California, Docket No. 9899, File No. 586–C2–P–51.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission, having under consideration the above applications (File No. 586–C2–P–51) filed by Robert C. Crabb on January 4, 1951, for a construction permit in the Domestic Public Land Mobile Radio Service for three base station transmitters, an auxiliary test transmitter, and 300 associated mobile units, using the frequency pair 152.09 Mc. and 158.55 Mc. for the base and mobile stations, respectively; and also having under consideration associated petition filed by said Robert C. Crabb to amend his pending applications for modification of license (Files Nos. 4118/4119–C2–ML–E) as specified in the above-mentioned applications for construction permit; and

It appearing, that, on July 6, 1950, the Commission designated for hearing in a consolidated proceeding the other above-entitled application for authorizations in the Domestic Public Land Mobile Radio Service in Los Angeles and certain nearby communities; and

It further appearing, that the construction permit applications (File No. 586–C2–P–51) of said Robert C. Crabb request authority to construct and install new facilities and are not, in fact, applications for amendment of his above-entitled applications for modification of license; and

It further appearing, that the aforementioned construction permit applications (File No. 586–C2–P–51) of said Robert C. Crabb raise certain additional questions, which are not covered in the issues set forth in the Commission's order of July 6, 1950, amended by the order dated December 13, 1950, as to the needs of Robert C. Crabb for additional transmitters and associated mobile units for a second frequency channel for his proposed multi-station operations in the Los Angeles area, and as to whether the public interest, convenience or necessity would be served by a grant of either or both frequency channels to said Robert C. Crabb; and

It further appearing, that the above-entitled applications for construction permit (File No. 586–C2–P–51) of said Robert C. Crabb were filed more than 20 days prior to the date of the hearing in the above-entitled proceeding as required by the Commission's rules;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications (File No. 586–C2–P–51) of said Robert C. Crabb for construction permit are designated for hearing in the above-entitled consolidated proceeding; and

It is further ordered, That the Commission's orders of July 6, 1950, and December 13, 1950, respectively, are amended to include the above applications for construction permit (File No. 586–C2–P–51) filed by Robert C. Crabb and to set forth all the issues to be determined in such consolidated proceeding as follows:

1. To determine the legal, technical, and financial qualifications of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from any proposed stations and the need for such service in the area proposed to be served.

3. To determine whether co-channel operations are feasible between any of the communities involved in this proceeding.

4. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine the facts with respect to the existing and proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

6. To determine the need of said Robert C. Crabb for two sets of base station transmitters and associated mobile units and for two frequency channels for his proposed multi-station operations.

7. To determine whether the public interest, convenience or necessity would be served by a grant of two frequency channels for the proposed operations of said Robert C. Crabb.

8. To determine, in the light of the evidence on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

9. To determine, on a comparative basis, which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, in view of the foregoing, the aforementioned petition of Robert C. Crabb is dismissed as moot.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2198; Filed, Feb. 13, 1951; 8:51 a. m.]

[Docket No. 9900]

RADIO CALIFORNIA

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Knox La Rue and Arnold C. Werner d/b as Radio California, Sacramento, California, for construction permit; Docket No. 9900, File No. BP–7736.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled application for a new standard broadcast station to be operated on the frequency of 1380 kilocycles with a power of 500 watts, daytime only in Sacramento, California;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, except as to matter covered by Issue 4, below, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309(a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on April 4, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KTUR, Turlock, California, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

4. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station KSTN, Stockton, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That Turlock Broadcasting Corporation, licensee of Station KTUR, Turlock, California, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2193; Filed, Feb. 13, 1951; 8:50 a. m.]

[Docket No. 9901]

HELENA BROADCASTING CO. (KFFA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. Q. Floyd, John Thomas Franklin and Sam Anderson, d/b as the Helena Broadcasting Company (KFFA), Helena, Arkansas, for construction permit; Docket No. 9901, File No. BP–7760.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled application for a construction permit to increase daytime power from 1 kilowatt to 1 kilowatt with 5 kilowatts until local sunset, using a directional antenna at night, install a new transmitter and change description of transmitter location at Station KFFA, Helena, Arkansas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KFFA as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice; particularly with reference to excessive population within the 500 mv/m and 250 mv/m blanket contours;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 6, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KFFA as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station KFFA as proposed would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to excessive population within the 500 mv/m and 250 mv/m blanket contours.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2194; Filed, Feb. 13, 1951; 8:51 a. m.]

[Docket Nos. 9902, 9903]

GREATER NEW CASTLE BROADCASTING CORP. AND SANFORD A. SCHAFITZ

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Greater New Castle Broadcasting Corp., New Castle, Pennsylvania, Docket No. 9902, File No. BP–7742; Sanford A. Schafitz, Farrell, Pennsylvania, Docket No. 9903, File No. BP–7942; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled applications of Greater New Castle Broadcasting Corporation for a permit to construct a new standard broadcast station to be operated on the frequency 1460 kilocycles, with 1 kilowatt of power, daytime only at New Castle, Pennsylvania; and of Sanford A. Schafitz for a new standard broadcast station to be operated on the frequency 1470 kilocycles, with 500 watts of power daytime only at Farrell, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on April 11, 1951, at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders and of the individual applicant to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations at New Castle, Pennsylvania, would involve objectionable interference with Station WHHH, Warren, Ohio; and to determine whether the operation of the proposed station at Farrell, Pennsylvania, would involve objectionable interference with Station WMOD, Moundsville, West Virginia, and Station WHBC, Canton, Ohio, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to whether the 25 mv/m contour of the proposed station at New Castle, Pennsylvania would overlap the 2 mv/m contour of Station WHHH, Warren, Ohio.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Warren Tribune Radio Station, Inc., licensee of Station WHHH, Warren, Ohio, is made a party to this proceeding with respect to the New Castle, Pennsylvania application only; and that James D. Sinyard, licensee of Station WMOD, Moundsville, West Virginia and the Ohio Broadcasting Company, licensee of Station WHBC, Canton, Ohio, are made parties to this proceeding with respect to the Farrell, Pennsylvania application only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2195; Filed, Feb. 13, 1951; 8:51 a. m.]

[Docket No. 9904]

COMMONWEALTH BROADCASTING CORP. (WLOW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Commonwealth Broadcasting Corporation (WLOW), Norfolk, Virginia, for modification of license; Docket No. 9904, File No. BML–1438.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled application for a modification of license to move main studios of Station WLOW from Portsmouth, Virginia to Norfolk, Virginia;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WLOW as proposed, and that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 12, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLOW as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WLOW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to whether the proposed operation will provide satisfactory day and night service to the city of Norfolk, Virginia, and to the Norfolk-Portsmouth-Newport News metropolitan district.

3. To determine the comparative needs of the cities of Norfolk and Portsmouth, Virginia, for broadcast service originating in local studios, and, in view thereof, whether a grant of this application would be in accordance with section 307 (b) of the Communications Act of 1934, as amended.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2196; Filed, Feb. 13, 1951; 8:51 a. m.]

[Docket No. 9905]

UNITED BROADCASTING CO. INC. (WANT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of United Broadcasting Company, Inc. (WANT), Richmond, Virginia, for modification of construction permit, Docket No. 9905, File No. BMP-5379.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of February 1951;

The Commission having under consideration the above-entitled application for modification of construction permit (File No. BP-7671, which authorized a new standard broadcast station) for approval of the antenna and transmitter location at Station WANT, Richmond, Virginia;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WANT as proposed, that no interference would be caused to any existing or proposed station but that the proposed station may not comply with the Standards of Good Engineering Practice; particularly with reference to the use of a transmitter site in a residential area;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 13, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WANT as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the installation and operation of Station WANT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the use of a transmitter site in a residential area.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2197; Filed, Feb. 13, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-180]

NIAGARA MOHAWK POWER CORP.

NOTICE OF FINDINGS

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its findings entered February 6, 1951, in the above-designated matter, that the interests of interstate or foreign commerce will not be affected by the proposed construction.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2162; Filed, Feb. 13, 1951; 8:45 a. m.]

[Docket No. E-6337]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its order entered February 6, 1951, confirming and approving rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2163; Filed, Feb. 13, 1951; 8:45 a. m.]

[Docket No. E-6338]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

FEBRUARY 8, 1951.

Notice is hereby given that, on February 6, 1951, the Federal Power Commission issued its order entered February 6, 1951, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2164; Filed, Feb. 13, 1951; 8:45 a. m.]

[Docket No. E-6339]

POTOMAC ELECTRIC POWER CO.

NOTICE OF ORDER GRANTING PERMISSION TO AMORTIZE CERTAIN CHARGES

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its order entered February 6, 1951, in the above-designated matter, granting permission under Balance Sheet Accounts Instruction 6-E to amortize charges associated with refunded bonds.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2165; Filed, Feb. 13, 1951; 8:45 a. m.]

[Docket No. G-1525, G-1553]

SOUTHERN NATURAL GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its findings and orders entered February 6, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2166; Filed, Feb. 13, 1951; 8:46 a. m.]

[Docket No. ID-1076]

GEORGE M. NELSON

NOTICE OF AUTHORIZATION TO HOLD CERTAIN POSITIONS

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its order entered February 6, 1951, in the above-designated matter, authorizing Applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2167; Filed, Feb. 13, 1951; 8:46 a. m.]

[Project No. 485]

GEORGIA POWER CO.

NOTICE OF ORDER DETERMINING LEGITIMATE COST, NET CHARGES AND PRESCRIBING ACCOUNTING

FEBRUARY 8, 1951.

Notice is hereby given that, on February 8, 1951, the Federal Power Commission issued its order entered February 7, 1951, determining actual legitimate original cost of initial project, net charges therein and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2168; Filed, Feb. 13, 1951; 8:46 a. m.]

[Project No. 765]

UTAH POWER & LIGHT CO. AND TELLURIDE POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR APPROVAL OF TRANSFER OF LICENSE

FEBRUARY 8, 1951.

Notice is hereby given that, on February 7, 1951, the Federal Power Commission issued its order entered February 6, 1951, dismissing application for approval of transfer of license for part of project (transmission line) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2169; Filed, Feb. 13, 1951; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5709]

SILK-O-LITE MANUFACTURING CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Webster Ballinger, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, February 14, 1951, at 10 o'clock in the forenoon of that day, e. s. t., in Room 332, Federal Trade Commission Building, Washington, D. C.

Issued: February 6, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2161; Filed, Feb. 13, 1951; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25831]

PAPER FROM DETROIT, MICH., TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4367, pursuant to fourth-section order No. 9800.

Commodities involved: Paper, viz; pulpboard or fibreboard, carloads.

From: Detroit, Mich.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2177; Filed, Feb. 13, 1951; 8:48 a. m.]

[4th Sec. Application 25830]

CLOTHING FROM CHICAGO, ILL., TO MASPETH AND NEW YORK, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 9, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Clothing, old, worn out or cast off, in machine compressed bales, carloads.

From: Chicago, Ill.

To: Maspeth and New York, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2178; Filed, Feb. 13, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2563]

WEST PENN ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of February A. D. 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the West Penn Electric Company ("West Penn Electric"), a registered holding company. The filing has designated sections 6, 7, 9, 10, and 12 (c) of the act and Rules U-42 and U-50 promulgated thereunder as being applicable to the transactions therein proposed.

Notice is further given that any interested person may, not later than February 19, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, this application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

West Penn Electric proposes to issue 320,000 additional shares of its common stock, without par value. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of 1 share of additional common stock for each 10 shares of common stock now held. This right to subscribe is to be evidenced by warrants to be issued on the basis of one warrant for each share of common stock owned. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional warrants required to complete a full share subscription or to sell warrants in excess of full share subscriptions. In each case, the purchase or sale may not exceed 9 warrants for any single stockholder. West Penn Electric also proposes to offer to the regular full time employees of the company and its majority owned subsidiary companies a non-transferable privilege to subscribe, at the subscription price, for the shares of the new common stock not issued upon the exercise of rights to subscribe. This employee right of purchase is to be limited to a maximum of 150 shares for each employee. Any shares remaining after subscriptions by the stockholders and by employees are to be available to stockholders under an over-subscription privilege of the warrants.

The above described offering is to be underwritten and the company proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, West Penn Electric will advise the prospective bidders of the subscription price per share for the shares of new common stock, which will also be the price per share at which unsubscribed shares will be sold. Prospective biders are to be required to specify an aggregate amount of compensation to be paid by the company for their commitments.

The company proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the new common stock. In connection therewith, the company may, prior to the acceptance of a bid, purchase shares of its common stock, but not in excess of 32,000 shares, on the New York Stock Exchange or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares within the above

limitation acquired by the company through such stabilizing transactions.

According to the filing, it is the present intention of West Penn Electric to use $4,000,000 of the net proceeds from the sale of the new common stock to purchase shares of common stock of a subsidiary, the Potomac Edison Company, and an additional $4,000,000 of the net proceeds to purchase common stock of a subsidiary Monongahela Power Company. Further filings are contemplated in respect of the purchases and the issuance of the subsidiaries' common stock.

The filing requests that the order of the Commission herein granting the application and permitting effectiveness to the declaration become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2182; Filed, Feb. 13, 1951; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Pub. Notice 4, Amdt.]

YUMA MESA DIVISION, GILA PROJECT, ARIZONA

AVAILABILITY OF WATER FOR PUBLIC, STATE, AND PRIVATE LANDS, AND OPENING OF PUBLIC LANDS TO ENTRY

JANUARY 8, 1951.

In accordance with the authority delegated to the Regional Director pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendments are made to Public Notice No. 4, entitled "Public Notice Announcing Availability of Water for Public, State, and Private Lands and Opening of Public Lands to Entry", issued December 10, 1947:

The descriptions of the hereinafter mentioned public land farm units set out in Paragraph 1, Lands for which water will be available, are hereby amended to read as follows:

1. *Public land.*

GILA AND SALT RIVER MERIDIAN, ARIZONA

Farm Section	Farm Unit	Description	Total irrigable acres
		Township 9 South, Range 22 West	
7	K	Lot 1, NE¼NW¼ and NW¼NE¼ (formerly Farm Unit "B", NW¼NE¼, Sec. 7, T. 9 S., R. 22 W.; 37.63 irrigable acres)	113.92
8	L	S½NW¼, Sec. 8 and SE¼NE¼, Sec. 7 (formerly Farm Unit "D", SE¼NE¼, Sec. 7, T. 9 S., R. 22 W.; 38.00 irrigable acres)	114.64
8	M	W½SW¼, Sec. 8 and SE¼SE¼, Sec. 7 (formerly Farm Unit "E", SE¼SE¼, Sec. 7, T. 9 S., R. 22 W.; 37.53 irrigable acres)	113.99
	N	E½SW¼, Sec. 8 and SW¼SE¼, Sec. 7 (formerly Farm Unit "F", SW¼SE¼, Sec. 7, T. 9 S., R. 22 W.; 37.94 irrigable acres)	115.23

GILA AND SALT RIVER MERIDIAN, ARIZONA—Con.

Farm Section	Farm Unit	Description	Total irrigable acres
		Township 9 South, Range 23 West	
1	H	Lots 7, 10, 21, and SW¼NE¼, Sec. 1, T. 9 S., R. 23 W., and NW¼NE¼, Sec. 18, T. 9 S., R. 22 W. (formerly Farm Unit "B", NW¼NE¼, Sec. 18, T. 9 S., R. 22 W.; 36.59 irrigable acres)	118.31
12	J	N½NE¼, Sec. 12, T. 9 S., R. 23 W., and NE¼NE¼, Sec. 7, T. 9 S., R. 22 W. (formerly Farm Unit "A", NE¼NE¼, Sec. 7, T. 9 S., R. 22 W., 36.65 irrigable acres)	104.53
27	R	S½SE¼, Sec. 27 and NE¼SE¼, Sec. 21 (formerly Farm Unit "F", NE¼SE¼, Sec. 21, T. 9 S., R. 23 W., 36.60 irrigable acres)	110.98
	V	S½SW¼, Sec. 27 and SE¼SE¼, Sec. 21 (formerly Farm Unit "L", SE¼SE¼, Sec. 21, T. 9 S., R. 23 W., 36.92 irrigable acres)	111.16
	M	N½SW¼, Sec. 27 and NE¼NE¼, Sec. 21 (formerly Farm Unit "A", NE¼NE¼, Sec. 21, T. 9 S., R. 23 W.; 36.86 irrigable acres)	114.17
	O	N½SE¼, Sec. 27 and NW¼SW¼, Sec. 22 (formerly Farm Unit "H," NW¼SW¼, Sec. 22, T. 9 S., R. 23 W.; 38.28 irrigable acres)	114.45
28	E	W½NW¼ and SW¼SE¼ (formerly Farm Unit "B", W½NW¼, Sec. 28, T. 9 S., R. 23 W.; 75.39 irrigable acres)	113.74
	F	N½SE¼ and SE¼SE¼ (formerly Farm Unit "D", NW¼SE¼, N½NE¼SE¼, and SW¼NE¼SE¼, Sec. 28, T. 9 S., R. 23 W., 66.10 irrigable acres)	112.01
	P	E½NW¼, Sec. 33 and SW¼NE¼, Sec. 21 (formerly Farm Unit "D", SW¼NE¼, Sec. 21, T. 9 S., R. 23 W.; 38.89 irrigable acres)	118.62
	Q	E½NE¼, Sec. 33 and SE¼NE¼, Sec. 21 (formerly Farm Unit "D", SE¼NE¼, Sec. 21, T. 9 S., R. 23 W.; 38.81 irrigable acres)	116.08
	T	W½NE¼, Sec. 33 and SE¼SW¼, Sec. 21 (formerly Farm Unit "J", SE¼SW¼, Sec. 21, T. 9 S., R. 23 W.; 37.97 irrigable acres)	117.20
34	C	N½NE¼, Sec. 34 and SE¼NE¼, Sec. 9 (formerly Farm Unit "A", SE¼NE¼, Sec. 9, T. 9 S., R. 23 W.; 35.92 irrigable acres)	113.80
	N	S½NE¼, Sec. 34 and NW¼NE¼, Sec. 21 (formerly Farm Unit "B", NW¼NE¼, Sec. 21, T. 9 S., R. 23 W.; 37.27 irrigable acres)	114.70
	S	S½NW¼, Sec. 34 and NW¼SE¼, Sec. 21 (formerly Farm Unit "G", NW¼SE¼, Sec. 21, T. 9 S., R. 23 W.; 37.95 irrigable acres)	115.43
	U	N½NW¼, Sec. 34 and SW¼SE¼, Sec. 21 (formerly Farm Unit "K", SW¼SE¼, Sec. 21, T. 9 S., R. 23 W.; 36.99 irrigable acres)	115.36

Applications for amended farm units will be approved if and when all predevelopment charges due have been paid; otherwise, the amendments set forth above will be ineffective.

2. Paragraph 10.a., *Irrigation charges*, is amended to read as follows:

a. *Irrigation charges.* The following irrigation charges shall be applicable during calendar year 1951, and thereafter until further notice:

(1) For those lands described in paragraph 1, irrigated before July 1 of any year, the minimum charge shall be $6.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 8 acre-feet of water per acre, provided he is not in default in compliance with any requirement imposed by or pursuant to this public notice. Additional water will be furnished at the rate of $0.85 per acre-foot.

(2) If applicant so requests, one-half of said minimum charge may be paid on January 1, or at such time prior to July 1 as the application for water service during development period may be filed, which, upon approval, shall entitle the applicant to 4 acre-feet of water per acre. The balance of said minimum charge shall be paid on July 1 or at such time as applicant requires more than 4 acre-feet of water per acre, whichever is sooner, which shall entitle the applicant to an additional 4 acre-feet per acre. Water in excess of 8 acre-feet per acre will be furnished at the rate of $0.85 per acre-foot.

(3) For those lands described in paragraph 1, not irrigated before July 1 of any year, but receiving water after that date, there will be a charge of $0.75 per acre-foot for the first 4 acre-feet of water per acre ordered during that year, and a charge of $0.85 per acre-foot for all additional water ordered during that year.

(4) The foregoing charges are subject to all the provisions of the Federal Reclamation Law, relating to collections and penalties for delinquencies. The charges will be paid at the office of the Superintendent, Gila Project, Bureau of Reclamation, Yuma, Arizona.

3. Paragraph 10.c., *Predevelopment charges*, is amended by the addition of (5) to paragraph 10.c. to read as follows:

(5) Revised contracts and mortgages will be required for those public land farm units amended pursuant hereto so as to include a charge of $44.79 per acre for the additional irrigable acres that are partly predeveloped, as follows:

Township 9 South, Range 23 West, Gila and Salt River Base and Meridian

Section	Farm unit	Added partly predeveloped acres	Amount to be added to contract and mortgage for predevelopment exclusive of turnouts
27	R	74.38	$3,331.48
	V	74.24	3,325.21
	M	77.31	3,462.71
	D	76.17	3,411.63
28	E	38.15	1,708.74
	F	45.54	2,039.65
33	P	77.27	3,460.92
	Q	79.73	3,571.11
	T	79.23	3,548.71
34	C	77.88	3,488.25
	N	77.43	3,468.09
	S	77.48	3,470.33
	U	78.37	3,510.19

and a further charge of $8.35 each for turnouts selected for said added irrigable acres, such additional charges to be payable in fifty equal semiannual installments commencing December 1, 1953, and ending June 1, 1978. Such turnouts shall be removed by the entrymen from the Gila Project storage yard and ...

stalled by them on the respective farm units amended pursuant hereto.

E. A. MORITZ, *Regional Director.*

[F. R. Doc. 51-2171; Filed, Feb. 13, 1951; 8:47 a. m.]

[Pub. Notice 7, Amdt.]

YUMA MESA DIVISION, GILA PROJECT, ARIZONA

AVAILABILITY OF WATER FOR CERTAIN DESERT LAND ENTRIES AND PRIVATE LANDS

JANUARY 8, 1951.

In accordance with the authority delegated to the Regional Director pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendments are made to Public Notice No. 7, entitled "Public Notice Announcing Availability of Water for Certain Desert Land Entries and Private Lands", issued January 12, 1950:

Paragraph 2.a., *Irrigation charges*, is hereby amended to read as follows:

a. *Irrigation charges.* The following irrigation charges shall be applicable from and after ten days from the date of this notice, and thereafter until further notice:

(1) For those lands described in section 1, irrigated before July 1 of any year, the minimum charge shall be $6.00 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to 8 acre-feet of water per acre, provided he is not in default in compliance with any requirement imposed by or pursuant to this public notice. Additional water will be furnished at the rate of $0.85 per acre-foot.

(2) If applicant so requests, one-half of said minimum charge may be paid on January 1, or at such time prior to July 1 as the application for water service during development period may be filed which, upon approval, shall entitle the applicant to 4 acre-feet of water per acre. The balance of said minimum charge shall be paid on July 1 or at such time as the applicant requires more than 4 acre-feet of water per acre, whichever is sooner, which shall entitle the applicant to an additional 4 acre-feet of water per acre. Water in excess of 8 acre-feet per acre will be furnished at the rate of $0.85 per acre-foot.

(3) For those lands described in section 1, not irrigated before July 1 of any year, but receiving water after that date, there will be a charge of $0.75 per acre-foot for the first 4 acre-feet of water per acre ordered during that year, and a charge of $0.85 per acre-foot for all additional water ordered during that year.

(4) The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Superintendent, Gila Project, Bureau of Reclamation, Yuma, Arizona.

E. A. MORITZ, *Regional Director.*

[F. R. Doc. 51-2172; Filed, Feb. 13, 1951; 8:47 a. m.]

YUMA AUXILIARY PROJECT

PUBLIC NOTICE REGARDING EXCHANGES OF PRIVATE LANDS FOR PUBLIC LANDS

JANUARY 29, 1951.

1. It is hereby announced that application may be made in accordance with this notice beginning at 2:00 p. m., February 12, 1951, for a certificate of eligibility for exchange pursuant to section 2 of the act of June 13, 1949 (Pub. Law 102, 81st Cong., 1st sess.) which section provides as follows:

For a period of five years from the date of enactment of this act the owners of land with appurtenant water rights severed from the Yuma auxiliary project pursuant to the first section, the titles to which are deemed satisfactory by the Secretary of the Interior (hereinafter referred to as the Secretary) may exchange the same, acre for acre, for public lands and water rights within the Yuma auxiliary project as herein limited: *Provided*, That if any tract contains any fractional acreage, the area shall be computed to the nearest acre: *Provided further*, That such privilege of exchange shall be subject to the sale or other disposition or use by the United States of any of such public lands prior to the time an application for the exchange thereof shall have been made.

2. Any person who deems himself entitled under said section to participate in an exchange of lands pursuant thereto should file application therefor, either personally or by mail, in the office of the District Manager, United States Bureau of Reclamation, Yuma, Arizona. Such application should be signed by the applicant and acknowledged by a notary public or other person qualified to take acknowledgments and should contain a legal description of the lands owned by the applicant which he considers eligible for such exchange, together with a reference to the respective dates and serial numbers of the land and water-right, and/or water-right applications which constitute the basis of the water right claimed for said lands. The application should also be accompanied by a preliminary title report, issued by a title company approved by the United States Attorney General, providing for the issuance of a policy of title insurance in a stated amount which should be not less than the amount obtained by multiplying Two Hundred and Thirty-two Dollars ($232.00) by the number of irrigable acres contained in said lands according to the land and water-right, and/or water-right, applications which constitute the basis of the water right claimed for said lands. Such title report and policy of title insurance as well as any curative data and other documents which may be required will need to be provided by the applicant at his or her own expense and without cost to the United States.

3. Upon request directed to the District Manager, Lower Colorado River District, Bin 151, Yuma, Arizona, or to this office, persons who deem themselves entitled to participate in the exchange herein will be furnished with the legal descriptions and other details with respect to the particular public land farm units which the United States is at this time offering to exchange for the severed private lands considered to be eligible for exchange herein. The applicant is not restricted to the particular public land farm units presently offered for exchange, but those offered afford the best assurance of receiving a farm unit of like-size, and like or better soil quality.

E. A. MORITZ, *Regional Director.*

[F. R. Doc. 51-2173; Filed, Feb. 13, 1951; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16940]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States,

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A.

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A.

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order.

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Copyright numbers: Unknown]

Titles of Works and Producers or Distributors

Altes Herz wird wieder jung; Tobis, Tobis G. m. b. H.
Einmal der liebe Herrgott sein; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Es fing so harmlos an; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Familie Buchholz; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Die Feuerzangenbowle; Terra, Terra-Film A. G., Berlin, Germany.
Gabriele Dambrone; Terra, Terra-Film A. G., Berlin, Germany.
Geld ins Haus; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Die grosse Nummer; Tobis, Tobis G. m. b. H., Berlin, Germany.
Hab mich lieb; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Ein Herz schlägt für Dich (Reis am Wege); Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Illusion; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Die Kellnerin Anna; Terra, Terra-Film A. G., Berlin, Germany.
Der Kleinstadtpoet; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Kornblumenblau; Terra, Terra-Film A. G., Berlin, Germany.
Leichte Muse; Terra, Terra-Film A. G., Berlin, Germany.
Das Lied der Nachtigall; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Das Mädchen vom Moorhof; Universum-Film, A. G. also known as Ufa, Berlin, Germany.
Peterle; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Romanze in Moll; Tobis, Tobis G. m. b. H., Berlin, Germany.
Rosen in Tirol; Terra, Terra-Film A. G., Berlin, Germany.
Der scheinheilige Florian; Bavaria, Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Die schwedische Nachtigall; Terra, Terra-Film A. G., Berlin, Germany.
Sophienlund; Terra, Terra-Filmkunst A. G., Berlin, Germany.
Unter heissem Himmel; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Violanta; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Der Weg ins Freie; Tonfilmstudio Carl Froelich & Co. for Ufa.
Wenn der junge Wein blüht; Terra, Terra-Filmkunst A. G., Berlin, Germany.
Die Wirtin zum weissen Rössl; Tobis, Tobis G. m. b. H., Berlin, Germany.
Fraulein; Universum-Film A. G., also known as Ufa, Berlin, Germany.
Geliebte Welt, Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Ich bitte um Vollmacht; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Johann; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Kleiner Mann, ganz gross Universum Film A. G., also known as Ufa, Berlin, Germany.
Komödianten; Bavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Solistin Anna Alt; Tobis, Tobis G. m. b. H., Berlin, Germany.
Tonelli; Gavaria, Bavaria Filmkunst G. m. b. H., Munich, Germany.
Ein Zug fährt ab; Bavaria, Bavaria Filmkunst, G. m. b. H., Munich, Germany.

[F. R. Doc. 51-2138; Filed, Feb. 12, 1951; 8:54 a. m.]

[Vesting Order 17191]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Universum-Film A. G., Tobis-Melofilm G. m. b. H., and Terra-Filmkunst G. m. b. H., the last known addresses of which are Berlin, Germany, are business organizations organized under the laws of Germany and which have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Berlin, Germany and are nationals of a designated enemy country (Germany);

2. That Bavaria-Filmkunst G. m. b. H., the last known address of which is Munich, Germany, is a business organization organized under the laws of Germany and which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in Exhibits A, B, C and D attached hereto and made a part hereof, including, but not limited to the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Universum-Film A. G., Tobis-Melofilm G. m. b. H., Terra-Filmkunst, G. m. b. H., Bavaria-Filmkunst G. m. b. H, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A, B, C and D

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A, B, C and D

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1), and 3 (b) (2) of this Vesting Order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Titles (Original or Alternate) of Motion Picture Short Subjects

Aberglaube.
Alle machen mit.
Alltag zwischen Zechentürmen.
Altgermanische Bauernkultur.
Der Ameisenstaat.
Auf gehts.
Aus eigener Kraft.
Der Adler.
Alkohol und Steuerrad.
Allerhand Feinkost aus dem Meere.
Also handle darnach.
Amsterdamer Starreklame.
Der andere Mann.
Anmut und Kraft.
Die Anprobe.
Anton IV (Kohlenklau).
Aus der Werkstatt moderner Arzneimittel.
Aus erster Quelle.
Aus gutem Hause.
Aus Lodz wird Litzmannstadt.
Baumeisterin Chemie.
Bayreuth.
Besonntes Handwerk.
Boote mit Flügeln.
Bremen, Bahnhof am Meer.
Bunte Kriechtierwelt.
Buntes Leben in der Tiefe.
Bunter Reigen.
Ballmutter.
Bauen in Beton und Eisenbeton.
Bauernsiedlung in Niederschlesien.
Bauwerke aus Erde und Stein.
Berge in Monsun.
Ein Berg wird abgebaut.
Bestäubung der Blüten durch Insekten.
Der Besserwisser.
Besuch bei Barbara.
Bewährung.
Bitte Fräulein schreiben Sie (Werbefilm).
Bobby.
Bojarenhochzeit.
Die Bombenidee.
Bootsbau in Norwegen.
Bremen—Schlüssel zum Reich.
Die Brillanten der Moranows.
Das Bummelgenie.
Das Cembalo.
Dämmerung über dem Teufelsmoor.
Danzig.
Deutsches Weinland.
Deutsche Panzerwagen.
Deutscher Kraftfahrsport.
Deutsche Panzer.
Deutsches Land im Osten.
Deutsche Waffenschmiede.
Du bist so schön, Berlinerin.
Dürener Metall.
Durchsichtiges Holz.
Eger, eine alte deutsche Stadt.
Eingeschneit in Lager IV.
Eisriesenwelt.
Eisschiessen.
Die englische Krankheit.
Entdeckungsfahrt im Rohr.
Einmachen kinderleicht (Werbefilm).
Farbenpracht auf dem Meeresgrund.
FHD-Mädels.
Fischfang im nördl. Eismeer.
Flamme als Werkzeug.
Fleischfressende Pflanzen.
Der Flusskrebs.
Friedl, Jagd mit der Farbkamera.
Frühling in den Vogesen.
Fühling in Trakehnen.
Frühling in Japan.
Fachleute unter sich.
Fahnenjunker.
Fahrerflucht.
Der Fall Lorenz.
Ein Fall von Abmagerung.
Fertigung der JU 87 (stumm).
Film gegen Volkskrankheit Krebs.
Flüssiger als Wasser.
Flüssiges Gold.
Frauen sind gar nicht so.
Freie Wege nach Südosten.
Für alle Fälle.
Der 50 Mark-Schein.
Der Fussball.
Die Feuerprobe.
Geheimnisvolle Moorwelt.
Der Geissbub.
Geschichte vom Zündholz.
Gespeicherte Sonnenerergie.
Gesundheit ist kein Zufall.
Gesundheit und Kraft aus dem Meer.
Gänseknöchlein.
Geborgener Erntesegen.
Gefahr.
Geisterschenke.
Geissel der Menschheit.
Generalvertretung Fritz Ziege.
Gesundheit.
Der Gildemann.
Eine glatte Geschichte.
Glück im Unglück.
Glückliche Jugend.
Der grosse Bluff.
Die Gründung.
Gut gebaut ist halb geflogen.
Gut gepflegt zählt doppelt.
Helfende Hände.
Herbstlied.
Herrin des Hofes.
Heuzug im Allgäu.
Hochzeiter im Tierreich.
Heimliche Gäste in Wald und Flur.
Hallo (Hurra) endlich Alarm.
Der Haltefest.
Hanomag R 40.
Heinz hustet.
Heiratsbüro Fortuna.
Der heikle Punkt.
Helmitol II.
Herr Kobin geht auf Abenteuer.
Hier gehts ums Leder.
Die Holzauktion.
Hygro.
Im Tal der Wiese.
Im Zeichen der Manrune.
In Sachen Herder contra Brandt.
Inseln im Sandmeer.
Insel Reichenau.
Ich lasse mich scheiden.
Im Feuerbereich des Aetna.
Intermezzo am Abend.
Int er einer oder ist er keiner.
Jagdreiten.
Der Jäger als Heger.
Japans heiliger Vulkan.
Jugend fliegt.
Jugend musiziert.
Jagd in Trakehnen.
Jahr der Elche.
Jurnado Medica na Alemania.
Jumo 211.
Jungfaschietinnen (Ein Tag in Orvieto).
Kampf ums Brot.
Kampf um den Berg.
Kampf um den Boden.
Kärtnerland.

Ketten, Ringe und Geschmeide.
Kinder reisen ins Ferienland.
Die Kleinsten aus dem Golf von Neapel.
Kristalle.
Küchenzauber.
Kunst der Maske.
Kamerad Sanitätshund.
Karokönig.
Kikeriki.
Kleine Dinge.
Das kleine Fraulein träumt.
Eine kleine Lebensgeschichte.
Kleine Nachtkomödie.
Ein kleines Missverständnis.
Kleine Ursachen-grosse Wirkungen.
Klimbusch macht Wochenende.
Ein Klotziger Junge.
Der Koch privat.
Die Königin von Saba.
Kostbare Scherben.
Die Kostprobe.
Küchengeheimnisse.
Land hinterm Deich.
Lustgärten aus galanter Zeit.
Lustiges Hundevolk.
Lustig sein-frohlich sein.
Lärm um Fräulein Huber.
Lebenswunder im Pflanzenreich.
Ein Licht geht auf.
Der Liebesbrief.
Eine Liebeserklärung.
Lore.
Der lose Falter.
Die lustigen Weiber von Windsor.
Mädels verlassen die Stadt.
Männer im Hindergrund.
Märkische Fahrt.
Mit Dr. Lutz Heck durch Kamerun.
Mooswunder.
Münster, Westfalens schöne Haupstadt.
Das Mädchen von St. Coeno.
Männer soll man nicht allein lassen.
Ein Mann in der Küche.
Man weiss es oder weiss es nicht.
Mein Schatz, der Knirps.
Das Missverständnis.
Modeschlager.
Morden wollen wir heiraten.
Musikalische Dichtungen.
Musisches Gymnasium.
Muss das sein?
Mutti, was ist denn das?
Der Meistersinger.
Notgemeinschaft Hinterhaus.
Na, hör mal.
Neusiedler See.
Neuzeitliche Fertigungsmethoden im Flugzeugbau.
Nette Kleinigkeiten.
Nicht vergessen.
Nicht verhüllt, doch fest verschlossen.
Nur fur Herren.
Nur nich drängeln.
Nürnberg, die Stadt der Reichsparteitage.
Olympiavorbereitungen in Deutschland.
Ostpreussens Wüste am Meer.
Ostraum—deutscher Raum.
Oh, diese Ehemänner.
Orient und Occident.
Petri Heil!
Parade.
Petroleum.
Pferde am Berg.
Pirsch unter Wasser.
Ponies.
Post nach den Halligen.
Der Panther aus Stahl.
Pension Elise Nottebom.
Palermo und seine Limonenhaine.
Die perfekte Sekretärin.
Peter Parler, Dombaumeister zu Prag.
Pickback (Nachtigall).
Pitty.
Ein Phonx-Werk entsteht.
Physikalische Spielereien.
Pommerland—Ostseestrand.
Potpourri.
Das Protektionskind.
Der Prüfstein.
Punkt für Punkt.
Quellen der Lebenskraft.
Regatta.
Reis und Holz im Land des Mikado.
Rominter Heide.
Rüstungsarbeiter.
Ruf in die Welt.
Rügen.
Räuber im Vogelreich.
Die Reinlichkeit ist nicht zum Scherz.
Reiterlieder.
Rosen und Liebe.
Der rote Faden.
Rundfunk im Kriege.
Eine rührende Geschichte.
Die Sache mit dem Hermelin.
Selbstverständlichkeiten.
Sommertage auf den Lofoten.
Die Sommerwiese.
Segen der Kälte.
Sonne über dem Spessart.
Spanische Hofreitschule in Wien.
Seltsames Meeresvolk.
Sicherung im Luftschutzraum.
Sieg nach Punkten.
Siemens Maschinenbau.
Silberne Löffel.
So ists richtig.
So klebt man Tapeten.
So oder so (Kaliklora).
SOS Sahara.
So und nicht so.
Sparkasse mit Likör.
Eine sparsame Sache.
Spielzeug ernst genommen.
Spreehafen Berlin.
Süsse Geheimnisse.
Susi und der schwarze Mann.
Ein Schäfertag.
Schwarz auf Weiss.
Schwarze Kunst des Johannes Gutenberg.
Schwere Burschen.
Schaffende Jugend.
Der schaffende Neckar.
Schiessen und Treffen.
Schnelles, sicheres, sauberes Berlin.
Schwarze Diamanten.
Schwester Helga.
Störche.
Strassen ohne Hindernisse.
Stählerne Brücken der Reichsautobahn.
Stahl.
Das Stahlpuddeln zu Streitba in Kärten.
Starreklame Viktor Staal.
Steckbrief 606.
Stein auf Stein.
Steinschlangen und Vogelmenschen.
Stoffliche Probleme.
Stradivaris Schülergeige.
Sturz ins Ziel.
Thüringen, das Herz Deutschlands.
Tiergarten Südamerika.
Tragödien im Insektenreich.
Treibjagd in der Südsee.
Technische Rothilfe.
Treibjagd in der Südsee.
Tropische Rhapsodie.
Tafelglas, seine Herstellung und Verwendung.
Das Tapfere Schneiderlein.
Das technische Auge.
Tempo (Schallplatten).
Tiere als häusliche Freunde.
Thomas Stromsparen.
Thomas Kohlenklau III (Gas)
Thomas Kohlenklau I.
Thomas Spinnstoffsammlung.
Thomas Feldpostbriefe.
Thomas Kohlenklau IV.
Trau, schau, wem.
Traum und Wirklichkeit.
Die Tugend.
Ufa-Magazin (series).
Und dräut der Winter noch so sehr.
Ungeahntes Leben.
Der unsichtbare Schlagbaum.
Üb Aug und Hand.
Überraschend.
Um Kopf und Kragen.
Der Umzug.
Der unsichtbare Feind.
Unser Brot.
Der unsterbliche Wunsch.
Unterschlagung.
Ukraft des Weltalls.
Verlorene Melodie.
Verträumte Winkel an Neckar und Main.
Ein Volk—ein Reich—ein Führer.
Volkskrankheit Krebs.
Volksleben am Rande der Sahara.
Vom Herzschlag deutscher Arbeit.
Vom Schiessen und Treffen.
Ein vorbildlicher Vater.
Vereint ist mehr.
Vertrauensfrage.
Viel Licht für wenig Strom.
Vielseitig und hilfsbereit.
Vom deutschen Heldentum.
Vom Glück.
Vom Räuber zum Jagdgehilfen.
Vom Regen in die Traufe.
Vom richtigen Anstrich.
Von Böcken und Geissen.
Von Fischern und Fängern im Watt.
Vom guten und schlechten Kraftstoff.
Warnfarben—Tarnfarben.
Die Weichsel.
Die Welt im Kleinsten.
Wer fuhr 2992 IIA?
Wie spät?
Wille zum Licht.
Windige Probleme.
Wisente.
Wolkenspiel.
Das Wort aus Stein.
Warschau.
Wunder Vogelzug.
Warum nur träumen.
Was leisten wir? (Allianz).
Was macht man damit?
Was suchen Sie?
Wege zum Fortschritt.
Weihnachtsvorfreude.
Der weisse Sport.
Weisst Du's schon?
Wehrhaftes Volk.
Weltumspannende Funkwellen.
Wenn die Sonne sinkt.
Wenn Gäste kommen.
Wenn ich mal gross bin, Vati.
Wenn es dunkel wird.
Wer ist diese Nette Person?
Wie Alt und Wolfi Freunde wurden.
Wie im Märchen.
Wiedersehen macht Freude.
Wie ein Wunder kam die Liebe.
Das Wiener Modell.
Wie peinlich.
Wie werde ich bloss die Perle los?
Wildstörche.
Winter im Spreewald.
Winter verzehrt, was der Sommer beschert.
Wir backen für unseren Vati.
Wir bauen.
Wir bieten Schach.
Wir sind und bleiben Soldaten.
Wissenschaft ums Kind.
Ein Wort von Mann zu Mann.
Zeitgemässe Pflanzenzucht.
Zehn Finger leisten mehr als zwei.
Der Zirkus kommt.
Zoologie am falschen Ort.
Zuckerrübenbau im Elsass.
Zuerst.
35 Kopien Weltspiegel.
Die Jüngsten der Luftwaffe.
Kamerad Sanitätshund.

EXHIBIT B

Titles (original or alternate) of motion picture short subjects

Antilopen der Berge.
Auf dem Wege zur Meisterschaft.
Aus der Geschichte des Fähnlein Florian Geyer.
Bergfreud—Bergleid.
Bergsommer.
Der Bussard.
Der Brummkreisel.
Die Chieninger Seeschlacht.
Deutsche Bergwacht.
15 Minuten nach Mitternacht.
Gefiederte Baumeister.
Germanen gegen Pharaonen.
Grosse Deutsche Kunstausstellung 1943.
Das grosse Los.
Die gute alte Zeit.
Hochland HJ.
Im Jagdrevier der Seeadler.
Im Reich der Wichtelmännchen.
In Sicherer Hut.
Kameraden von uns.
Kleine Wintergäste.
Kor-Lu, der Kranich.
Kraniche Ziehen gen Süden.
Künstler bei der Arbeit.
Der Mond ist aufgegangen.
Munchhausens neuestes Abenteuer.
Nesthocker-Nestflüchter.
Nur ein Tümpel.
Netz aus Seide.
Pfälzer Land.
Salmo, die Forelle.
Der Seeadler.
Sonne, Wind und Weisse Segel.
Schreck in der Abendstunde.
Schwarzwaldsauber.
Von Patagonien bis Feuerland.
Vorsicht Kreuzottern!
Untermieder.
Weltraumschiff I startet.
Wer gehört zu wem?
Wir wollen zur See.
Weiberschreck.
Zollgrenzschutz im Hochgebirge.
Der Zündende Strahl.
Funker mit dem Edelweiss.
Hunde mit der Meldekapsel.
Brieftrager.
Bulgarischer Werbefilm.
Drei Generationen im Wandel der Mode.
Eifersucht ist eine Leidenschaft.
Die ersten Tage einer Liebe.
Jugend in Sonne und Schnee.
Die junge Mandschurei.
Das Lauffeuer.
Der Mann mit dem Pat!
Melder durch Beton und Stahl.
München.
Nachwuchs 430-506.
Oktoberfest.
Orchestrion.
Der Schein trügt.
Schnurf die Igelin.
Seefahrer von morgen.
Urlaub im Schnee.
Werkpausenkonzert.
Hundstaffel.
Jagden in Ungarn.
Wildwasser.

EXHIBIT C

Titles (Original or Alternate) of Motion Picture Short Subjects

An den Wassern Kaschmirs.
Athen und die Akropolis.
Admiral Horthy.
Der Erde Lebensraum.
Fahrt nach Kamerun.
Feind am Werk.
Flanderns Germanisches Gesicht.
Freiheit für Finnland.
Gebt mir vier Jahre Zeit.
Gleichklang der Bewegung.
Hart am Wind.
Herbst.
Ikarus-Kinder.
Jungens Wollen zur See.
Jungjager.
Kristall oder Porzellan.
Lange Grete.
Land der Jugend.
Leinen aus Kortryk.
Lasst Blumen sprechen.
Der Mann mit dem Plan.
Mutter des Dorfes.
Nordische Urwelt.
Die Pfennigschlacht.
Pflüg mit Kamerad.
Der Prisenhof tagt.
Raubstaat England.
Riemenschneider, der Meister von Würzburg.
Riemenschneiders Werke in Franken.
Rolf hat ein Geheimnis.
Spiegel aus Papier.
Der Sprung.
Der schaffende Neckar.
Schlachtschiff auf Fahrt.
Tobistrichter (series).
Urwald wird Kulturland.
Volkskunst an der Ostsee.
Vom Alter der Erde.
Vom Hauswirt und Mieter auf dem Meeresgrund.
Vorsicht am Platze.
Wo die Hora klingt . . .
Wir bauen ein Schiff.
Womit schnurrt die Katze.
Wenn zwei auf Reisen gehen.

EXHIBIT D

Titles (original or alternate) of motion picture short subjects

Angenehme Ruhe.
Der Dorfbarbier.
Der eingebildete Kranke.
Der falsche Admiral.
Familie auf Bestellung.
Hier spricht das Kind.
Heiteres und Ernstes um den grossen König.
Kleinod.
Klingendes Holz.
Kurenfischer.
Kaiserbauten im Fernost.
Ida.
Der liebe Besuch.
Modell Lu.
Der Neue Schiffsjunge.
Rosemarie will nicht mehr lügen.
Das Stilett.
der überraschende Säugling.
Wandernde Dünen.
Was sagen Sie dazu?
Wunder im Berg.
Wunder des Fliegens.
Wer bist Du?

[F. R. Doc. 51-2143; Filed, Feb. 12, 1951; 8:55 a. m.]

[Vesting Order 17145]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures,

(2) The screen plays, scenarios, and shooting scrips upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts,

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States,

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A,

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A,

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order,

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Ger-

many) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Copyright numbers: Unknown]

Titles of Works and Producers or *Distributors*

Abel mit der Mundharmonika; Universum-Film A. G., "Ufa", Berlin, Germany.
Brennendes Geheimnis; Tonal-Film G. m. b. H., Berlin, Germany.
Das hässliche Mädchen; Avanti-Tonfilm G. m. b. H., Berlin, Germany.
Das Lied vom Glück (Es gibt nur eine Melodie); Gnome-Tonfilm G. m. b. H., Berlin, Germany.
Das lustige Kleeblatt (Gasthaus zur treuen Liebe); Afu-Film A. G., Berlin, Germany.
Das Meer ruft; Deutsche Eidophon-Film G. m. b. H., Berlin, Germany.
Das Schloss im Süden; Boston-Film G. m. b. H., Berlin, Germany.
Das Tankmädel; Aafa-Film A. G., Berlin, Germany.
Das Testament des Dr. Mabuse; Nero-Film A. G., Berlin, Germany.
Das verliebte Hotel; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Der Choral von Leuthen; Froehlich-Film G. m. b. H., Berlin, Germany.
Der Jäger aus Kurpfalz; Froehlich-Film G. m. b. H., Berlin, Germany.
Der Judas von Tirol (Der ewige Verrat); Lothar Stark-Film G. m. b. H., Berlin, Germany.
Der Läufer von Marathon; Matador-Film G. m. b. H., Berlin, Germany.
Der Meisterdetektiv; Franz Seitz-Produktion der Bavaria A. G., Munich, Germany.
Der Page vom Dalmasse Hotel; Schulz and Wuellner-Film G. m. b. H., Berlin, Germany.
Der Schuss am Nebelhorn (Das Gewissen des Sebastian Geyer); George Ziegler-Filmproduktion, Nürnberg, Germany.
Der sündige Hof (Lona und ihr Knecht); Leo-Film A. G., Munich, Germany.
Der Traum vom Rhein; R. N. Filmproduktion G. m. b. H., Berlin, Germany.
Der Tunnel; Vandor-Film der Bavaria A. G., Munich, Germany.
Der Zarewitsch; Prima-Tonfilm G. m. b. H., Berlin, Germany.
Des jungen dessauers grosse Liebe; Universum-Film A. G., "Ufa", Berlin, Germany.
Die blonde Christel; Tonfilmproduktion Franz Seitz, Munich, Germany.
Die kalte Mamsell; Gustav Althoff-Film der Aco-Film G. m. b. H., Berlin, Germany.
Die Nacht der grossen Liebe; Super-Film G. m. b. H., Berlin, Germany.
Die Nacht im Forsthaus (Der Fall Roberts); Märkische Film G. m. b. H., Leipzig-Berlin, Germany.
Die schönen Tage von Aranjuez; Universum-Film A. G., "Ufa", Berlin, Germany.
Die Stimme der Liebe; Schulz and Wuellner Film G. m. b. H., Berlin, Germany.
Die Unschuld vom Lande; Aco-Film G. m. b. H., Berlin, Germany.
Die vom Niederrhein; Aafa-Film A. G., Berlin, Germany.
Drei Kaiser jäger; Sirius-Produktion der ABC-Film G. m. b. H., Berlin, Germany.
Du bist entzückend, Rosmarie (Rosl vom Tonfilm-produktion, Berlin, Germany.
Du sollst nicht begehren; Universum-Film A. G., "Ufa", Berlin, Germany.
Eine Frau wie Du; Atalanta-Film G. m. b. H., Berlin, Germany.
Eine Türe geht auf; Universum-Film A. G., "Ufa", Berlin, Germany.
Ein Kuss in der Sommernacht; Bavaria-Film A. G., Munich, Germany.
Ein Lied für Dich; Cine Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Ein Unsichtbarer geht durch die Stadt (Mein ist die Welt); Ariel-Film G. m. b. H., Berlin, Germany.
Elisabeth und ihr Narr (Elisabeth, die weisse Schwester von St. Veith); Edda-Film G. m. b. H., Berlin, Germany.
Es war einmal ein Musikus; Zelnik-Film G. m. b. H., Berlin, Germany.
Flüchtlinge; Universum-Film A. G., "Ufa", Berlin, Germany.
Fräulein Hoffmanns Erzählungen; Ondra-Lamac Film G. m. b. H., Berlin, Germany.
Gipfelstürmer; Nostra-Film G. m. b. H., Berlin, Germany.
Glückliche Reise; Victor Klein Film G. m. b. H., Berlin, Germany.
Gretel zieht das grosse Los; Aco-Film G. m. b. H., Berlin, Germany.
Gruss und Kuss Veronika; Victor Klein-Film G. m. b. H., Berlin, Germany.
Hände aus dem Dunkel; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Heimat am Rhein; Aco-Film G. m. b. H., Berlin, Germany.
Heimkehr ins Glück; ABC-Film G. m. b. H., Berlin, Germany.
Heut' kommts drauf an; Boston-Film G. m. b. H., Berlin, Germany.
Hitlerjunge Quex; Universum-Film A. G., "Ufa", Berlin, Germany.
Hochzeit am Wolfgangsee; Patria-Filmproduktion G. m. b. H., Berlin, Germany.
Höllentempo; Express-Tonfilm G. m. b. H., Berlin, Germany.
Ich und die Kaiserin; Universum-Film A. G., "Ufa", Berlin, Germany.
Ich will Dich Liebe lehren; Pax-Film G. m. b. H., Berlin, Germany.
Ihre Durchlaucht, die Verkäuferin; Cine Allianz Tonfilm G. m. b. H., Berlin, Germany.
Inge und die Millionen; Universum-Film A. G., "Ufa", Berlin, Germany.
Ist mein Mann nicht fabelhaft?; Schulz & Wuellner Film G. m. b. H., Berlin, Germany.
Johannisnacht; Aafa-Film A. G., Berlin, Germany.
Keine Angst vor Liebe; Ideal-Film G. m. b. H., Berlin, Germany.
Keinen Tag ohne Dich (Wovon soll der Schornstein rauchen); Phoebus-Tonfilm Produktion G. m. b. H., Berlin, Germany.
K 1 greift em; Aco-Film G. m. b. H., Berlin, Germany.
Kind, ich freu mich auf Dein Kommen; Universum-Film A. G., "Ufa", Berlin, Germany.
Kleiner Mann—was nun? Robert Neppach (R. N.) Film-produktion G. m. b. H., Berlin, Germany.
Kleines Mädel-grosses Glück; Tofa, Tonfilmfabrikations G. m. b. H., Berlin, Germany.
Lachende Erben; Universum-Film A. G., "Ufa", Berlin, Germany.
Liebelei; Elite-Tonfilm Produktion G. m. b. H., Berlin, Germany.
Liebe muss verstanden sein; Universum-Film A. G., "Ufa", Berlin, Germany.
Liebesfruehling; Karl Otto Krause-Filmproduktion, Berlin, Germany.
Madame wuenscht keine Kinder; Lothar Stark-Film G. m. b. H., Berlin, Germany.
Maedels von heute; Matador-Film G. m. b. H., Berlin, Germany.
Moral und Liebe; Kristall-Film G. m. b. H., Berlin, Germany.
Morgen beginnt das Leben; Ethos-Film G. m. b. H., Berlin, Germany.
Morgenrot; Universum-Film A. G. "Ufa", Berlin, Germany.
Mutter und Kind; Tofa, Tonfilmsfabrikations-G. m. b. H., Berlin, Germany.
Nordpol—ahoi! Deutsche Universal-Film A. G., Berlin, Germany.
Reifende Jugend; Carl Froelich Film G. m. b. H., Berlin, Germany.
Roman einer Nacht; Atalanta-Film G. m. b. H., Berlin, Germany.
Sag mir, wer Du bist; T. K. Tonfilmproduktion G. m. b. H., Berlin, Germany.
Saison in Kairo; Universum-Film A. G., "Ufa", Berlin, Germany.
Salon Dora Green (Die Falle); T. K. Tonfilmproduktion G. m. b. H., Berlin, Germany.
SA-Mann Brand; Bavaria-Film A. G., Munich, Germany.
Schleppzug M 17; P. M.-Film der Orbis-Film G. m. b. H., Berlin, Germany.
Schoen ist jeder Tag, den Du mir schenkst, Marie Luise (Die Sonne geht auf); Aafa-Film A. G., Berlin, Germany.
Schuesse an der Grenze; K. M. R. Tonfilm G. m. b. H., Berlin, Germany.
Schwarzwaldmaedel; Ariel-Film G. m. b. H., Berlin, Germany.
Siegfrieds Tod; Universum-Film A. G., "Ufa", Berlin, Germany.
S. O. S. Elsberg; Deutsche Universal-Film A. G., Berlin, Germany.
Spione am Werk; Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Sprung in den Abgrund (Spuren im Schnee) Ariel-film G. m. b. H., Berlin, Germany.
Unter der Schwarzen Sturmfahne; Der Vortrupp, Berlin, Germany.
Viktor und Viktoria, Universum-Film A. G., "Ufa", Berlin, Germany.
Volldampf voraus; Froehlich-Film G. m. b. H., Berlin, Germany.
Wenn Frauen träumen; Super-Film G. m. b. H., Berlin, Germany.
Was wissen denn Maenner?; Universum-Film A. G., "Ufa", Berlin, Germany.
Wege zur guten Ehe; Gnom-Tonfilm G. m. b. H., Berlin, Germany.
Wenn am Sonntagabend die Dorfmusik spielt; Terra-Film, A. G., Berlin, Germany.
Zimmermaedchen . . . dreimal klingeln; Westdeutsche Tonfilm G. m. b. H., Berlin, Germany.
Zwei im Sonnenschein; T. K. Tonfilmproduktion G. m. b. H., Berlin, Germany.
Abenteuer im Suedexpress; Robert Neppach-Filmproduktion G. m. b. H., Berlin, Germany.
Abschiedswalzer; Boston-Film Co. m. b. H., Berlin, Germany.
Achtung! Wer kennt diese Frau?; Bavaria-Film A. G., Munich, Germany.
Alles hoert auf mein Kommando; ABC-Film G. m. b. H., Berlin, Germany.
Alte Kameraden (Das Faehnlein der Versprengten); Aco-Film G. m. b. H., Berlin, Germany.
Annette im Paradies (Ein Kuss nach Ladenschluss); Aafa-Film A. G., Berlin, Germany.

Bei der blonden Kathrein; Bavaria-Film A. G., Munich, Germany.
Besuch am Abend; Patria-Filmproduktion G. m. b. H., Berlin, Germany.
Charleys Tante; Minerva-Tonfilm, G. m. b. H., Berlin, Germany.
Das Verlorene Tal; Terra-Film A. G., Berlin, Germany.
Da stimmt was nicht; Victor Klein-Film G. m. b. H., Berlin, Germany.
Der Doppelgaenger; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Der ewige Traum (Der Koenig des Mont-Blanc); Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Der Fall Brenken (Ueberfall im Hotel); Westefi-Tonfilm G. m. b. H., Berlin, Germany.
Der Fluechtling aus Chizago; Atalanta-Film der Bavaria-Film A. G., Munich, Germany.
Der Herr der Welt; Ariel-Film G. m. b. H., Berlin, Germany.
Der Herr Senator (Die Fliegende Ahnfrau); Euphono-Film G. m. b. H., Berlin, Germany.
Der junge Baron Neuhaus; Universum-Film A. G., "Ufa", Berlin, Germany.
Der kuehne Schwimmer; Majestic-Film G. m. b. H., Berlin, Germany.
Der letzte Walzer; Gnom-Tonfilm G. m. b. H., Berlin, Germany.
Der Meisterboxer (Pantoffelheiden); Euphono-Film G. m. b. H., Berlin, Germany.
Der Polizeibreicht meldet; Majestic-Film G. m. b. H., Berlin, Germany.
Der Schimmelreiter; R. Fritsch-Tonfilm G. m. b. H., Berlin, Germany.
Der Schrecken vom Heidekrug; Aco-Film G. m. b. H., Berlin, Germany.
Der Springer von Pontresina; Terra-Film A. G., Berlin, Germany.
Der Verlorene Sohn; Deutsche Universal-Film A. G., Berlin, Germany.
Der Vetter aus Dingsda; Viktor Klein-Film G. m. b. H., Berlin, Germany.
Die Bande vom Hoheneck; Czerny-Produktion G. m. b. H., Berlin, Germany.
Die beiden Seehunde (Seine Hoheit der Dienstmann); Euphono-Film G. m. b. H., Berlin, Germany.
Die czardasfuerstin; Universum-Film A. G. "Ufa", Berlin, Germany.
Die englische Heirat; Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Die Finanzen des Grossherzogs; Tofa-Tonfilm Fabrikations G. m. b. H., Berlin, Germany.
Die Frauen vom Tannhof; Arnold & Richter-Filmproduktion G. m. b. H., Munich, Germany.
Die Freundin eines grossen Mannes; Universum-Film A. G., "Ufa", Berlin, Germany.
Die grosse Chance; Terra-Film A. G., Berlin, Germany.
Die Insel; Universum-Film A. G., "Ufa", Berlin, Germany.
Die Liebe Siegt; Westropa-Film, Berlin, Germany.
Die Liebe und die erste Eisenbahn; Robert Neppach-Filmproduktion G. m. b. H., Berlin, Germany.
Die Muehle im Schwarzwald (In einem kuehlen Grunde); Georg Ziegler-Filmproduktion, Nuernberg, Germany.
Die Reiter von Deutsch-Ostafrika; Terra-Film A. G., Berlin, Germany.
Die Sporck'chen Jaeger; Rolf-Randolf-Film G. m. b. H., Berlin, Germany.
Die Toechter Ihrer Exzellenz; Universum-Film A. G., "Ufa", Berlin Germany.
Die vertauschte Braut; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Die vier Musketiere; Terra-Film A. G., Berlin, Germany.
Die Welt ohne Maske; Ariel-Film G. m. b. H., Berlin, Germany.
Eine Siebzehnjaehrige; Lloyd-Film G. m. b. H., Berlin, Germany.
Ein Kind, ein hund, ein Vagabund; Lloyd-Film G. m. b. H., Berlin, Germany.
Ein Maedchen mit Prokura; Normanton-Filmproduktion, Berlin, Germany.
Ein Mädel wirbelt durch die Welt; Schulz & Wuellner-Film G. m. b. H., Berlin, Germany.
Einmal eine grosse Dame sein; Universum-Film A. G., "Ufa", Berlin, Germany.
Ein Mann will nach Deutchland; Universum-Film A. G., "Ufa", Berlin, Germany.
Es tut sich was um Mitternacht (Ein Maedel mit Tempo); T. K. Tonfilmproduktion G. m. b. H., Berlin, Germany.
Fraeulein Frau; T. K. Tonfilmproduktion G. m. b. H., Berlin, Germany.
Ferien vom Ich; Olaf Fjord Film Produktion G. m. b. H., Berlin, Germany.
Freut Euch des Lebens; Universum-Film A. G., "Ufa", Berlin, Germany.
Fruchlingsmaerchen (Verlieb' Dich nicht in Sizilien); Carl Froehlich Filmproduktion G. m. b. H., Berlin, Germany.
Fuerst Woronzeff; Universum-Film A. G., "Ufa", Berlin, Germany.
Gern hab'ich die Frau'n geküst (Paganini); Majestic-Film G. m. b. H., Berlin, Germany.
Gluecksspitze; Georg Witt-Film G. m. b. H., Berlin, Germany.
Grenzfeuer, Arnold & Richter G. m. b. H., Munich, Germany.
Gruess' mir die Lore noch einmal; Terra-Film A. G., Berlin, Germany.
Hanneles Himmelfahrt; Aafa-Film A. G., Berlin, Germany.
Heinz im Mond; Cicero-Filmproduktion G. m. b. H., Berlin, Germany.
Heidentum und Todeskampf unserer Emden; Tobis-Melofilm G. m. b. H., Berlin, Germany.
Herr Kobin geht auf Abenteuer; Tofa, Tonfilmfabrikations G. m. b. H., Berlin, Germany.
. . . heute Abend bei mir; Klagemann-Film G. m. b. H., Berlin, Germany.
Herz ist Trumpf; Klagemann-Film G. m. b. H., Berlin, Germany.
Ich fuer Dich—Du fuer mich; Carl Froehlich Filmproduktion G. m. b. H., Berlin, Germany.
Ich heirate meine Frau; Georg Witt-Film G. m. b. H., Berlin, Germany.
Ich kenn' Dich nicht und liebe Dich; Boston-Film Co. G. m. b. H., Berlin, Germany.
Ich sing mich in Dein Herz hinein; Tofa, Tonfilmfabrikation G. m. b. H., Berlin, Germany.
Ihr groesster Erfolg (Therese Krones); T. K. Tonfilmproduktion G. m. b. H. and Cine Allianz Tonfilm G. m. b. H., both of Berlin, Germany.
In Sachen Timpe; Aco-Film G. m. b. H., Berlin, Germany.
Jede-Frau hat ein Geheimnis; Georg Witt-Film G. m. b. H., Berlin, Germany.
Klein Dorrit; Ondra-Lamac-Film G. m. b. H. for Bavaria-Film A. G., Munich, Germany.
Konjunkturritter; Cicero-Film G. m. b. H., Berlin, Germany.
Krach im Forsthaus; Aco-Film G. m. b. H., Berlin, Germany.
Krach um Jolanthe; Carl Froehlich-Filmproduktion G. m. b. H., Berlin, Germany.
La Paloma; R. N.-Filmproduktion G. m. b. H., Berlin, Germany.
Liebe dumme Mama; Atlanta-Film der Bavaria-Film A. G., Munich, Germany.
Meine Frau, die Schuetzenkoenigin; Aco-Film G. m. b. H., Berlin, Germany.
Mein Herz ruft nach Dir; Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Mit Dir durch dick und duenn; Bavaria-Film A. G., Munich, Germany.
Musik im Blut; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Nur nicht weich werden, Susanne; Cserepy-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Pappi; Lloyd-Film G. m. b. H., Berlin, Germany.
Pechmarie; Klagemann-Film G. m. b. H., Berlin, Germany.
Petersburger Naechte (Walzer an der Newa); Majestic-Film G. m. b. H., Berlin, Germany.
Pipin der Kurze; Alpha-Filmproduktion G. m. b. H., Berlin, Germany.
Polarstuerme; Patria-Filmproduktion G. m. b. H., Berlin, Germany.
Polenblut; Ondra-Lamac-Film der Bavaria Film A. G., Munich, Germany.
Polizeiakte 909 (Der Fall Tokeramo); Terra-Film A. G., Berlin, Germany.
Regine; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Rosen aus dem Sueden; Schulz & Wuellner-Film G. m. b. H., Berlin, Germany.
Schach der Eva; Arya-Film G. m. b. H., Munich, Germany.
Schloss Hubertus; Universum-Film A. G., "Ufa", Berlin, Germany.
Schoen ist es verliebt zu sein; Gnom-Tonfilm G. m. b. H., Berlin, Germany.
Schuetzenkoenig wird der Felix; Terra-Film A. G., Berlin, Germany.
Schwarzer Jaeger Johanna; Terra-Film A. G., Berlin, Germany.
So ein Flegel; Cicero-Film G. m. b. H., Berlin, Germany.
So endete eine Liebe; Cine-Allianz Tonfilm G. m. b. H., Berlin, Germany.
Stosstrupp 1917; Arya-Film G. m. b. H., Munich, Germany.
Um das Menschenrecht; Arya-Film G. m. b. H., Munich, Germany.
Was bin ich ohne Dich; Lloyd-Film G. m. b. H., Berlin, Germany.
Wenn ein Maedel Hochzeit macht; Aco-Film G. m. b. H., Berlin, Germany.
Wenn ich Koenig waer; K. M. R. Tonfilm G. m. b. H., Berlin, Germany.
Wilhelm Tell; Terra-Film A. G., Berlin, Germany.
Wir parken, wo es uns gefaellt; Dr. Edgar Beyfuss & Co. G. m. b. H., Berlin, Germany.
Zigeunerblut; ABC-Film G. m. b. H., Berlin, Germany.
Zu Strassburg auf der Schanz; Ideal-Film G. m. b. H., Berlin, Germany.
Zwischen Himmel und Erde (Liebe lausst sich nicht erzwingen); Bavaria-Film A. G., Munich, Germany.
Zwischen zwei Herzen; Terra-Film A. G., Berlin, Germany.
Alles um eine Frau (Kameraden); K. U. (Kurt Ulrich) Filmproduktion Gesellschaft and Delta-Filmproduktion G. m. b. H., both of Berlin, Germany.
Alles weg'n dem Hund (Das verrueckte Testament); Schulz & Wuellner-Filmfabrikations G. m. b. H., Berlin, Germany.
Alle Tage ist kein Sonntag; K. U. (Kurt Ulrich) Filmproduktion Gesellschaft and Delta-Filmproduktion G. m. b. H., both of Berlin, Germany.
April, April; Universum-Film A. G., "Ufa", Berlin, Germany.
Artisten; Ariel-Film G. m. b. H., Berlin, Germany.
Das Einmaleins der Liebe; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Der alte und der junge Koenig; Deka-Film G. m. b. H., Berlin, Germany.
Der Ammenkoenig (Das Tal des Lebens); Centropa-Film G. m. b. H., Berlin, Germany.
Der blaue Diamant; Comedia-Tonfilm G. m. b. H., Berlin, Germany.
Der Gefangene des Koenigs; Bavaria-Film A. G., Munich, Germany.
Der gruene Domino; Universum-Film A. G., Berlin, Germany.
Der junge Graf; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Der Mann mit der Pranke; Deka-Film G. m. b. H., Berlin, Germany.
Der mutige Seefahrer; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Der rote Reiter; Rolf Randolf-Film G. m. b. H., Berlin, Germany.
Der Schlafwagenkontrolleur; Bavaria-Film A. G., Munich, Germany.
Der staehlerne Strahl; Pallas-Film G. m. b. H., Berlin, Germany.

Der Student von Prag; Cine-Allianz-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Der Vogelhaendler; Majestic-Film G. m. b. H., Berlin, Germany.
Die blonde Carmen; Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Die Heilige und ihr Narr; Tonlicht-Film G. m. b. H., Peter Ostermayr, Berlin, Germany.
Die letzte Fahrt der Santa Margareta; Schulz & Wuellner Filmfabrikation G. m. b. H., Berlin, Germany.
Die lustigen Weiber; Cine-Allianz-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Die selige Excellenz; Euphono-Film G. m. b. H., Berlin, Germany.
Die toerichte Jungfrau; Universum-Film A. G., "Ufa", Berlin, Germany.
Die Werft zum grauen Hecht; Pallas-Film G. m. b. H., Berlin, Germany.
Eine Nacht an der Donau; Cicero-Film G. m. b. H., Berlin, Germany.
Ein falscher Fuffziger; Schulz & Wuellner Filmfabrikations G. m. b. H., Berlin, Germany.
Ein ganzer Kerl (1934 Production); Bavaria-Film A. G., Munich, Germany.
Ein idealer Gatte; Terra-Film A. G., Berlin, Germany.
Ein Maedel aus guter Familie; Burg-Film G. m. b. H., Berlin, Germany.
Endstation; Algefa-Film, Allgemeine Film-Aufnahme und Vertriebs G. m. b. H., Berlin, Germany.
Er weiss, was er will; Arya-Film G. m. b. H., Munich, Germany.
Es waren zwei Junggesellen; Arnold & Richter-Filmproduktion G. m. b. H., Munich, Germany.
Familie Schimek; Majestic-Film G. m. b. H., Berlin, Germany.
Grossreinemachen; Ondra-Lamac-Film G. m. b. H. for Bavaria-Film A. G., Munich, Germany.
Henker, Frauen und Soldaten; Bavaria-Film A. G., Munich, Germany.
Herbstmanoever; FDF, Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Hermine und die sieben Aufrechten; Terra-Film A. G., Berlin, Germany.
Ich liebe alle Frauen; Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Ich war Jack Mortimer; Carl Froehlich-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Kirschen im Nachbars Garten; N. F. K.-Filmproduktion, Neue Film K. G., Erich Engels, Berlin, Germany.
Knock out (Ein junges Maedchenein junger Mann); Ondra-Lamac-Filmproduktion G. m. b. H., made for Bavaria-Film A. G., Munich, Germany.
Koenigstiger Rolf Randolf-Film G. m. b. H., Berlin, Germany.
Krach in Hinterhaus; A. B. C.-Film G. m. b. H., Berlin, Germany.
Kuenstlerliebe; Lloyd-Film G. m. b. H., Berlin, Germany.
Lady Windermeres Faecher; Georg Witt-Film G. m. b. H., Berlin, Germany.
Laerm um Weidemann; Carl Froehlich Filmproduktion G. m. b. H., Berlin, Germany.
Leichte Kavallerie; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Liebe geht—wohin sie will; Skalden-Filmproduktion, Berlin, Germany.
Liebeslied; Universum-Film A. G., "Ufa", Berlin, Germany.
Mach' mich gluecklich; Universum-Film A. G., "Ufa", Berlin, Germany.
Mazurka, Cine-Allianz-Tonfilmproduktions G. m. b. H., Berlin, Germany.
Mein Leben fuer Maria Isabell; Lloyd-Film G. m. b. H., Berlin, Germany.
Oberwachtmeister Schwenke; Carl Froehlich-Filmproduktions G. m. b. H., Berlin, Germany.
Punks kommt aus Amerika; R. N. (Robert Neppach)-Filmproduktion G. m. b. H., Berlin, Germany.
Pygmalion; Klagemann-Film G. m. b. H., Berlin, Germany.
Schwarze Rosen; Universum-Film A. G., "Ufa", Berlin, Germany.
Sie und die Drei; Schulz & Wuellner-Filmfabrikations G. m. b. H., Berlin, Germany.
Altes Herz geht auf die Reise; Universum-Film A. G., "Ufa", Berlin, Germany.
Stradivari; Boston-Films Co. G. m. b. H., Berlin, Germany.
Stuetzen der Gesellschaft; R. N. (Robert Neppach)-Filmproduktion G. m. b. H., Berlin, Germany.
Verlieb Dich nicht am Bodensee; Alpha-Filmproduktion G. m. b. H., Berlin, Germany.
Viktoria; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Warum luegt Fraeulein Kaethe; Majestic Film G. m. b. H., Berlin, Germany.
Wenn die Musik nicht waer (Der Kraft-Mayr); F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Winternachtstraum; Boston-Films Co. G. m. b. H., Berlin, Germany.
Wunder des Fliegens; Terra-Film A. G., Berlin, Germany.
Annemarie; Georg Witt-Film G. m. b. H., Berlin, Germany.
Befehl ist Befehl; Deka-Film G. m. b. H., Berlin, Germany.
Blinde Passagiere; Majestic-Film G. m. b. H., Berlin, Germany.
Dahinten in der Heide; Aco-Film G. m. b. H., Berlin, Germany.
Das Hermaennchen ("Nee, was es nich' alles gebt"); Maxim-Film G. m. b. H., Berlin, Germany.
Das Hofkonzert; Universum-Film A. G., "Ufa", Berlin, Germany.
Das Veilchen vom Potsdam Platz; Lothar Stark-Film G. m. b. H., Berlin, Germany.
Das Abenteuer von Paris, Rolf Randolf-Film G. m. b. H., Berlin, Germany.
Der ahnungslose Engel; Bavaria-Film A. G., Munich, Germany.
Der geheimnisvolle Mister X; Lothar Stark-Film G. m. b. H., Berlin, Germany.
Der Hund von Baskerville; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Der Kaiser von Kalifornien; Luis Trenker-Film G. m. b. H., Berlin, Germany.
Der lachene Dritte, ABC-Film G. m. b. H., Berlin, Germany.
Der mude Theodor; Majestic-Film G. m. b. H., Berlin, Germany.
Der schuechterne Casanova; Tobis-Magna-Filmproduktion G. m. b. H., Berlin, Germany.
Die Entfuehrung; Boston-Films Co. G. m. b. H., Berlin, Germany.
Die grosse und die Kleine Welt; Bavaria-Film A. G., Munich, Germany.
Die Jugendsuende; Majestic-Film Produktion G. m. b. H., Berlin, Germany.
Die letzten vier von Santa Cruz; Universum-Film A. G., "Ufa", Berlin, Germany.
Die Leute mit dem Sonnen stich; Meteor-Film G. m. b. H., Berlin, Germany.
Diener lassen bitten; Euphono-Film G. m. b. H., Berlin, Germany.
Die Stunde der Versuchung, Euphono-Film G. m. b. H., Berlin, Germany.
Die unmoegliche Frau; Cine-Allianz-Tonfilm Produktion G. m. b. H., Berlin, Germany.
Donner, Blitz und Sonnenschein; N. F. K., Neue Film Kommandit Gesellschaft, Erich Engels, Berlin, Germany.
Drei tolle Tage; Hermann Schmidt-Delta Filmproduktions-Vertriebs G. m. b. H., Berlin, Germany.
Du kannst nicht treu sein; Atalanta-Film G. m. b. H., Berlin, Germany.
Durch die Wueste; Lothar Stark-Film G. m. b. H., Berlin, Germany.
Ein Hochzeitstraum; Tobis-Magna-Filmproduktion G. m. b. H., Berlin, Germany.
Ein kleiner goldener Ring (Hummel-Hummel); Aco-Film G. m. b. H., Berlin, Germany.
Ein Lied klagt an; Euphono-Film G. m. b. H., Berlin, Germany.
Ein Maedel vom Ballett; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Ein seltsamer Gast; Euphono-Film G. m. b. H., Berlin, Germany.
Engel mit kleinen Fehlern; Aco-Film G. m. b. H. for Bavaria-Film A. G., Munich, Germany.
Eskapade; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Faehrmann Maria; Pallas-Film G. m. b. H., Berlin, Germany.
Familienparade; Lloyd-Film G. m. b. H., Berlin, Germany.
Flakerlied; Algefa-Film G. m. b. H., Berlin, Germany.
Flitterwochen; Ondra-Lamac-Film G. m. b. B., Berlin, Germany.
Fridericus; Diana-Tonfilm G. m. b. H., Berlin, Germany.
Geheimnis eines alten Hauses; Majestic-Film G. m. b. H., Berlin, Germany.
Hans im Glück; Hermann Schmidt-Delta Filmproduktions und Vertrielbsgesellschaft m. b. H., Berlin, Germany.
Heisses Blut; Universum-Film A. G. "Ufa", Berlin, Germany.
Im Trommelfeuer der Westfront; Herzog-Film, Berlin, Germany.
Inkognito; Universum-Film A. G., "Ufa", Berlin, Germany.
Junges Blut; Skalden Filmgesellschaft, Berlin, Germany.
Kater Lampe; R. N. (Robert Neppach)-Filmproduktion G. m. b. H., Berlin, Germany.
Kinderarzt Dr. Engel; R. N. (Robert Nappach)-Filmproduktion G. m. b. H., Berlin, Germany.
Liebeserwachen; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Maedchen in weiss; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Naedchenjahre einer Koenigin; Klagemann-Film G. m. b. H., Berlin, Germany.
Maenner vor der Ehe; R. N. (Robert Neppach)-Filmproduktion G. m. b. H., Berlin, Germany.
Maria, die Magd; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Martha (Letzte Rose); Lloyd-Film G. m. b. H., Berlin, Germany.
Moral; Euphono-Film G. m. b. H., Berlin, Germany.
Nachtwache im Paradies (Das Maedchen aus der Hafenschaenke); Hermann Schmidt-Delta Film Produktions-Bertriebs G. m. b. H., Berlin, Germany.
Nanga Parbat; Doering-Film Werke G. m. b. H., Berlin, Germany.
90 Minuten Aufenthalt; Ariel-Film G. m. b. H., Berlin, Germany.
Onkel Braesig; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.
Savoy Hotel 217; Universum-Film A. G., "Ufa", Berlin, Germany.
Skandal um die Fledermaus; Tofa, Tonfilm Fabrikations G. m. b. H., Berlin, Germany.
Soldaten—Kameraden; Cinephon-Film G. m. b. H., Berlin, Germany.
Spiel an Bord; Neucophon-Tonfilm G. m. b. H., Berlin, Germany.
Stadt Anatol; Universum-Film A. G., "Ufa", Berlin, Germany.
Staerker als Paragraphen; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Standschuetze Bruggler; Tonlicht Film G. m. b. H., Peter Ostermayr, Berlin, Germany.
Strassenmusik; Bavaria-Film A. G., Munich, Germany.
Susanne im Bade; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Truxa; Tobis-Magna-Film Produktion G. m. b. H., Berlin, Germany.
Und Du, mein Schatz, faehrst mit; Universum-Film A. G., "Ufa", Berlin, Germany.
Weisse Sklaven (Panzerkreuzer Sewastopol); Lloyd-Film G. m. b. H., Berlin, Germany.

Wenn wir alle Engel waeren; Carl Froehlich-Tonfilm Produktion G. m. b. H., Berlin, Germany.
Alarm in Peking; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Autobus S (Ein Mann kam nicht nach Hause); Aco-Film G. m. b. H., Berlin, Germany.
Ball im Metropol; Neucophon-Tonfilm Produktions- und Vertriebs G. m. b. H., Berlin, Germany.
Brillanten; Universum-Film A. G., "Ufa", Berlin, Germany.
Daphne und der Diplomat; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Das Geheimnis um Betty Bonn; Georg Witt-Film G. m. b. H., Berlin, Germany.
Das grosse Abenteuer; Cine-Allianz-Tonfilm Produktions G. m. b. H., Berlin, Germany.
Der Berg ruft; Luis Trenker-Film G. m. b. H., Berlin, Germany.
Der Lachdoktor; H. T.-Filmproduktion G. m. b. H., Berlin, Germany.
Die Austernliili; Algefa-Film G. m. b. H., Berlin, Germany.
Die Fledermaus (1937 Production); Imagoton-Film G. m. b. H., Berlin, Germany.
Die ganz grossen Torheiten; Tonfilmstudio Carl Froehlich & Co., Berlin, Germany.
Die gelbe Flagge; Euphono-Film G. m. b. H., Berlin, Germany.
Die glaeserne Kugel; Atlanta-Film G. m. b. H., for Bavaria-Film A. G., Munich, Germany.
Die Kronzeugin; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Die Landstreicher; Aco-Film G. m. b. H., Berlin, Germany.
Die Stimme ihres Herzens (Der Saenger ihrer Hoheit); Bavaria-Film A. G., Munich, Germany.
Die Warschauer Zitadelle; ABC-Film G. m. b. H., Berlin, Germany.
Eine Nacht mit Hindernissen (Der Klappenstorchverband); Maxim-Film G. m. b. H., Berlin, Germany.
Einmal werd' ich Dir gefallen; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Ein Volksfeind; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Frauenliebe-Frauenleid; Cine-Allianz-Tonfilm Produktions G. m. b. H., Berlin, Germany.
Fremdenheim Filoda; Cine-Allianz-Tonfilm Produktion G. m. b. H., Berlin, Germany.
Gewitterflug zu Claudia; Universum-Film A. G., "Ufa", Berlin, Germany.
Gordian, der Tyrann; Westeuropaeische Film A. G., Berlin, Germany.
Hahn im Korb; N. F. K., Neue Film K. G. Erich Engels, Berlin, Germany.
Heimweh; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Heiratsinstitut Ida & Co.; Westeuropaeische Film A. G., Berlin, Germany.
Heiratsschwindler (Die rote Muetze); ABC-Film G. m. b. H., Berlin, Germany.
Husaren, Heraus; Pallas-Film G. m. b. H., Berlin, Germany.
Krach und Glueck um Kuennemann; Deka-Film G. m. b. H., Berlin, Germany.
Land der Liebe; Georg Witt-Film G. m. b. H., Berlin, Germany.
Liebe geht seltsame Wege; Euphono-Film G. m. b. H., Berlin, Germany.
Madame Bovary; Euphono-Film G. m. b. H., Berlin, Germany.
Maedchen fuer alles; Majestic-Film G. m. b. H., Berlin, Germany.
Man spricht ueber Jacqueline; Deka-Film G. m. b. H., Berlin, Germany.
Meine Frau, die Perle; Act-Film G. m. b. H., Berlin, Germany.
Mein Sohn, der Herr Minister; Universum-Film A. G., "Ufa", Berlin, Germany.
Meiseken (Gelegenheit macht Diebe); F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Menschen ohne Vaterland; Universum-Film A. G., "Ufa", Berlin, Germany.
Monika (Eine Mutter kaempft um ihr Kind); Aco-Film G. m. b. H., Berlin, Germany.
Pan; Olaf Fjord-Film Produktion G. m. b. H., Berlin, Germany.
Patrioten; Universum-Film A. G., "Ufa", Berlin, Germany.
Petermann ist dagegen; Neucophon-Tonfilm Produktion und Vertriebs G. m. b. H., Berlin, Germany.
Revolutionschochzeit; Euphono-Film G. m. b. H., Berlin, Germany.
Serenade; Deutsche Forst-Filmproduktions G. m. b. H., Berlin, Germany.
Sherlock Holmes (Die graue Dame); N. F. K., Neue Film K. G. Erich Engels, Berlin, Germany.
Signal in der Nacht; Meteor-Film G. m. b. H., Berlin, Germany.
So weit geht die Liebe nicht; Bavaria-Film G. m. b. H., Munich, Germany.
Starke Herzen; Universum-Film A. G., "Ufa", Berlin, Germany.
Tango Notturno; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Togger; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Unter Ausschluss der Oeffentlichkeit; Euphono-Film G. m. b. H., Berlin, Germany.
Vor Liebe wird gewarnt; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Wenn Du eine Schwiegermutter hast; Amalfi-Tonfilm G. m. b. H., Berlin, Germany.
Wie der Hase laeuft; Euphono-Film G. m. b. H., Berlin, Germany.
Wie einst im Mai; Ariel-Filmproduktions G. m. b. H., Berlin, Germany.
Ballade; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Das blaue Licht; Leni Riefenstahl-Studio der H. R. Sokal-Film G. m. b. H., Berlin, Germany.
Das Ehesanatorium; Cinephon-Film G. m. b. H., Berlin, Germany.
Das Leben kann so schoen sein (Ultimo); Tonfilm-Studio Carl Froehlich & Co., Berlin, Germany.
Das Maedchen mit dem guten Ruf; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Das Verlegenheitskind; Universum-Film A. G., "Ufa", Berlin, Germany.
Der Fall Deruga; Georg Witt-Film G. m. b. H. for Universum-Film A. G., "Ufa", Berlin, Germany.
Der nackte Spatz; Aco-Film G. m. b. H., Berlin, Germany.
Der Spieler; Euphono-Film G. m. b. H., Berlin, Germany.
Der Tag nach der Scheidung; Meteor-Film G. m. b. H., Berlin, Germany.
Der unmoegliche Herr Pitt; Ariel-Film G. m. b. H., Berlin, Germany.
Die fromme Luege; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Die Nacht der Entscheidung; F. D. F. Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Die Pfingstorgel; Diana-Tonfilm G. m. b. H., Berlin, Germany.
Die Umwege des schoenen Karl; Tonfilmstudio Carl Froehlich & Co., Berlin, Germany.
Die 4 Gesellen; Tonfilmstudio Carl Froehlich & Co., Berlin, Germany.
Dreizehn Mann und eine Kanone; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Du und ich; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Fracht von Baltimore; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Eine Frau kommt in die Tropen; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Eine Frau für 3 Tage; Universum-Film A. G., "Ufa", Berlin, Germany.
Frauen für Golden Hill; Fanal-Filmproduktions G. m. b. H., Berlin, Germany.
Ein Maedchen geht an Land; Universum-Film A. G., "Ufa", Berlin, Germany.
Fahrendes Volk; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Fortsetzung folgt; Universum-Film A. G., "Ufa", Berlin, Germany.
Frau Sixta; Tonlicht Film G. m. b. H., Peter Ostermayr for Universum-Film A. G., "Ufa", Berlin, Germany.
Fruehlingsluft; Aco-Film G. m. b. H., Berlin, Germany.
Gastspiel im Paradies; Universum-Film A. G., "Ufa", Berlin, Germany.
Gold faellt vom Himmel; Nordland-Film G. m. b. H., Berlin, Germany.
Grossalarm; F. D. F., Fabrikation deutscher Filme G. m. b. H., for Universum-Film A. G., "Ufa", Berlin, Germany.
Heimat; Tonfilmstudio Carl Froehlich & Co., Berlin, Germany.
Ich liebe Dich; Meteor-Film G. m. b. H., Berlin, Germany.
In geheimer Mission; Cine-Allianz-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Kameraden auf See; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Kleiner Mann, ganz gross; Universum-Film A. G., "Ufa", Berlin, Germany.
Lauter Luegen; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Liebelei und Liebe; Deka-Film G. m. b. H., Berlin, Germany.
Maja zwischen zwei Ehen; Euphono-Film G. m. b. H., Berlin, Germany.
Menschen, Tiere, Sensationen; Ariel-Film G. m. b. H., Berlin, Germany.
Mordsache Holm; N. F. K., Neue Filmkommanditgesellschaft Erich Engels, Berlin, Germany.
Narren im Schnee; Cinephon-Film G. m. b. H., Berlin, Germany.
Nordlicht; Universum-Film A. G., "Ufa", Berlin, Germany.
Olympia Film, I. Teil: Fest der Voelker and Olympia Film, II. Teil: Fest der Schoenheit; Olympia-Film G. m. b. H., Berlin, Germany.
Peter spielt mit dem Feuer (Der vertauschte Ehemann); Aco-Film G. m. b. H., Berlin, Germany.
Pour le Merite; Universum-Film A. G., "Ufa", Berlin, Germany.
Preussische Liebesgeschichte; Universum-Film A. G., "Ufa", Berlin, Germany.
Raetsel der Urwaldhoelle; Universum-Film A. G., "Ufa", Berlin, Germany.
Raetsel um Beate; Cine-Allianz-Tonfilmproduktion G. m. b. H., Berlin, Germany.
Rote Orchideen; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Schatten ueber St. Pauli; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Scheidungsreise; Minerva-Tonfilm G. m. b. H., Berlin, Germany.
Schuesse in Kabine 7; Majestic-Film G. m. b. H., Berlin, Germany.
Sergeant Berry; Euphono-Film G. m. b. H., Berlin, Germany.
Skandal um den Hahn; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Spassvoegel; A. B. C.-Film G. m. b. H., Berlin, Germany.
Tanz auf dem Vulkan; Majestic-Film G. m. b. H., Berlin, Germany.
Verliebtes Abenteuer; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
War es der im 3. Stock? Fanal-Film Produktion G. m. b. H., for Universum-Film A. G., "Ufa", Berlin, Germany.
Yvette (Die Tochter einer Kurtisane); Meteor-Film G. m. b. H., Berlin, Germany.
Der pruene Kaiser; Universum-Film A. G., "Ufa", Berlin, Germany.
Der Stammbaum des Dr. Pistorius; Universum-Film A. G., "Ufa", Berlin, Germany.
Die barmherzige Luege; Euphono-Film G. m. b. H., Berlin, Germany.
Die Frau ohne Vergangenheit; Euphono-Film G. m. b. H., Berlin, Germany.
Die Stimme aus dem Aether; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Die unheimlichen Wuensche; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Drei Unteroffiziere; Universum-Film A. G., "Ufa", Berlin, Germany.
Drei wunderschoene Tage; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Drunter und drueber; Algefa-Film G. m. b. H., Berlin, Germany.
Dschungel-Geheimnisse; Rex-Film Bloemer & Co., Berlin, Germany.
Ein ganzer Kerl (1939 Prod.); ABC–Filmproduktion G. m. b. H., Berlin, Germany.
Fasching; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Flucht ins Dunkel; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Hochzeit mit Hindernissen; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Hochzeitsreise zu dritt; Algefa-Film G. m. b. H., Berlin, Germany.
Ich bin gleich wieder da; Universum-Film A. G., "Ufa", Berlin, Germany.
In letzter Minute; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Kitty und die Weltkonferenz; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Robert und Bertram; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Salonwagen E 417; Deka-Film G. m. b. H., Berlin, Germany.
Schneider Wibbel; Majestic-Film G. m. b. H., Berlin, Germany.
Schnsucht nach Afrika; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Silvesternacht am Alexanderplatz; Majestic-Film G. m. b. H., Berlin, Germany.
Verwandte sind auch Menschen; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Wenn Maenner verreisen; Tobis-Filmkunst, G. m. b. H., Berlin, Germany.
12 Minuten nach 12; Universum-Film A. G. "Ufa", Berlin, Germany.
Alles Schwindel; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Beates Flitterwoche; Tonlicht-Film G. m. b. H., Peter Ostermayr, for Universum-Film A. G., "Ufa", Berlin, Germany.
Bismarck; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Blutsbruederschaft; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Casanova heiratet; Majestic-Film G. m. b. H., Berlin, Germany.
Der dunkle Punkt; Deka-Film G. m. b. H., Berlin, Germany.
Der rettende Engel; Arnold & Richter K. G., Munich, Germany.
Die lustigen Vagabunden; Cine-Allianz Tonfilmproduktions, G. m. b. H., Berlin, Germany.
Die rote Muehle; Aco-Film G. m. b. H., Berlin, Germany.
Fahrt ins Leber; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Feinde; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Herz geht vor Anker; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Herz ohne Heimat; F. D. F., Fabrikation deutscher Filme, G. m. b. H., Berlin, Germany.
Im Schatten des Berges; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Indianer; Rex-Film, Bloemer & Co., Berlin, Germany.
Jud Suess; Terra-Filmkunst, G. m. b. H., Berlin, Germany.
Kinder, die die Zeit vergeht; Herzog-Film G. m. b. H., Berlin, Germany.
Kleider machen Leute; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Kriminalkommissar Eyck; Universum-Film A. G., "Ufa", Berlin, Germany.
Lauter Liebe; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Links der Isar—rechts der Spree; Tonlicht-Film G. m. b. H., Peter Ostermayr, for Universum-Film A. G., "Ufa", Berlin, Germany.
Mein Mann darf es nicht wissen (Sabine und der Zufall) Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Seitenspruenge; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Tip auf Amalia; Tobis-Filmkunst, G. m. b. H., Berlin, Germany.
Trenck, der Pandur; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Was wird hier gespielt?; Majestic-Film G. m. b. H., Berlin, Germany.
Weltrekord im Seitensprung; Deka-Film G. m. b. H., Berlin, Germany.
Zwei Welten; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Zwielicht; Universum-Film A. G., "Ufa", Berlin, Germany.
Alarm; Aco-Film G. m. b. H., Berlin, Germany.
Alarmstule V; Bavaria-Film G. m. b. H., Munich, Germany.
Am Abend auf der Heide; Cine-Allianz Tonfilmproduktions, G. m. b. H., Berlin, Germany.
Annelie ("Die Geschichte eines Lebens"); Universum-Film A. G., "Ufa", Berlin, Germany.
Aufruhr im Damenstift; Algefa-Film G. m. b. H., Berlin, Germany.
Auf Wiedersehen, Franziska; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Bali-Kleinod der Suedsee; Rex-Film, Bloemer & Co., Berlin, Germany.
Das andere Ich; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der Gasmann; Tonfilm-Studio Carl Froehlich & Co., for Universum-Film A. G., "Ufa", Berlin, Germany.
Der laufende Berg; Universum-Film A. G. "Ufa", Berlin, Germany.
Der Weg ins Freie; Tonfilm-Studio Carl Froehlich & Co. for Universum-Film A. G. "Ufa", Berlin, Germany.
Frau Luna; Majestic-Film, Muelleneisen & Tapper, Berlin, Germany.
Friedemann Bach; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Hauptsache gluecklich; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Heimaterde; Rolf Randolf-Filmproduktion, Berlin, Germany.
Himmelstuermer; Tobis-Filmkunst, G. m. b. H., Berlin, Germany.
Hochzeitsnacht; Universum-Film A. G. "Ufa", Berlin, Germany.
Immer nur Du; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Jakko; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Jenny und der Herr im Frack; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Jungens; Universum Film A. G., "Ufa", Berlin, Germany.
Kadetten; Universum-Film A. G., "Ufa", Berlin, Germany.
Kameraden; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Kopf hoch, Johannes; Majestic-Film, Muelleneisen & Tapper, Berlin, Germany.
Krach im Vorderhaus; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Maennerwirtschaft; Universum-Film A. G. "Ufa", Berlin, Germany.
Mein Leben für Irland; Tobis, Filmkunst G. m. b. H., Berlin, Germany.
Menschen im Sturm; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Oh! Diese Männer; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.
Ohm Krueger; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Pedro soll haengen; Majestic-Film, Muelleneisen & Tapper, Berlin, Germany.
. . . reitet für Deutschland; Universum-Film A. G., "Ufa", Berlin, Germany.
Sechs Tage Heimaturlaub; Cine-Allianz-Tonfilmproduktions G. m. b. H., Berlin, Germany.
Sein Sohn; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Sonntagskinder; Algefa-Film G. m. b. H., Berlin, Germany.
Spaehtrupp Hallgarten; Germania-Film G. m. b. H., Berlin, Germany.
Stukas; Universum-Film A. G. "Ufa", Berlin, Germany.
Tanz mit dem Kaiser; Universum Film A. G., "Ufa", Berlin, Germany.
U-Boote westwärts; Universum Film A. G. "Ufa", Berlin, Germany.
Ueber alles in der Welt; Universum Film A. G. "Ufa", Berlin, Germany.
Unser kleiner Junge; Terra Filmkunst G. m. b. H., Berlin, Germany.
Venus vor Gericht; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Was geschah in dieser Nacht; Majestic-Film, Muelleneiser & Tapper, Berlin, Germany.
Wetterleuchten um Barbara; Rolf Randolf-Film G. m. b. H., Berlin, Germany.
Familienanschluss; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Alles für Gloria; Deka-Film G. m. b. H., Berlin, Germany.
Andreas Schlueter; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Anschlag auf Baku; Universum-Film A. G. "Ufa", Berlin, Germany.
Anschlag auf Schweda; Rudolf Fritsch-Tonfilm G. m. b. H., Berlin, Germany.
Carl Peters; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Der Fall Rainer (Inche warte auf Dich) Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Das grosse Spiel; Bavaria-Filmkunst, G. m. b. H., Munich, Germany.
Der 5 Juni; Universum-Film A. G. "Ufa", Berlin, Germany.
Der grosse Kömig; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der grosse Schatten; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der Ochsenkrieg; Universum-Film A. G. "Ufa", Berlin, Germany.
Der Seniorchef; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der verkaufte Grossvater; Bavaria Filmkunst G. m. b. H., Munich Germany.
Die Entlassung; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die Erbin vom Rosenhof; Germania-Film G. m. b. H., Munich, Germany.
Die See ruft; Propagandaamt der Deutschen Arbeitsfront for Auslandorganisation der NSDAP, Berlin, Germany.
Die Sache mit Styx; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Diesel; Universum-Film A. G. "Ufa", Berlin, Germany.
Dr. Crippen an Bord; Terra-Filmkunst G. m. b. H, Berlin, Germany
Frontheater; Terra-Filmkunst G. m. b. H., Berlin, Germany.
5000 Mark Belohnung; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Ein Windstoss; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Geheimakte WB–1; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Geheimnis Tibet; Universum-Film A. G., "Ufa", Berlin, Germany.
Geliebte Welt; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
G. P. U.; Universum-Film A. G., "Ufa", Berlin, Germany.
Haende hoch; Deutsche Filmherstellungs- und Verwertungs-G. m. b. H., Berlin, Germany.
Himmelhunde; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der Hochtourist; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Hochzeit auf Bärenhof; Universum-Film A. G., "Ufa", Berlin, Germany.
Kleine Residenz; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Liebeskomoedie; Berlin-Film G. m. b. H., Berlin, Germany.
Maske in blau; N. F. K., Neue Filmkommanditgesellschaft, Berlin, Germany.
Meine Freundin Josefine; Tobis-Filmkunst, G. m. b. H., Berlin, Germany.
Mit den Augen einer Frau; Aco-Film G. m. b. H., Berlin, Germany.

Sieben Jahre Glück; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
So ein Früchtchen; Lubitz-Film G. m. b. H., Berlin, Germany.
Stimme des Herzens (1942 Production); Berlin-Film G. m. b. H., Herstellungsgruppe: O. E. Lubitz, Berlin, Germany.
Symphonie eines Lebens; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Viel Lärm um Nixi; Klagemann-Film G. m. b. H., Berlin, Germany.
Vom Schicksal Verweht; F. D. F., Fabrikation deutscher Films G. m. b. H., Berlin, Germany.
Weisse Waesche, Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Zwei in einer grossen Stadt; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Akrobat Schö-ö-Ön; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Alles aus Liebe; Aco-Film G. m. b. H., Berlin, Germany.
Besatzung Dora; Universum-Film A. G., "Ufa", Berlin, Germany.
Der dunkle Tag; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Damals; Universum-Film A. G. "Ufa", Berlin, Germany.
Der kleine Grenzverkehr; Universum-Film A. G. "Ufa", Berlin, Germany.
Der ewige Klang; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der unendliche Weg; Bavaria-Filmkunst G m. b. H., Munich, Germany.
Die goldene Spinne; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Die beiden Schwestern; Berlin-Film G. m. b. H., Berlin, Germany.
Die Gattin; Universum-Film A. G. "Ufa", Berlin, Germany.
Die Hochstaplerin; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die keusche Suenderin; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Die unheimliche Wandlung des Alex Roscher; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Die Schwache Stunde; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Ein Mann fuer meine Frau; Berlin-Film G. m. b. H. (Herstellungsgruppe: F. W. Gaik), Berlin, Germany.
Ein Mann fuer meine Frau; Berlin-Film G. m. b. H. (Herstellungsgruppe: F. W. Gaik), Berlin, Germany.
Ein glücklicher Mensch; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Ein Mann mit Grundsaetzen; Tera-Filmkunst G. m. b. H., Berlin, Germany.
Ein Schöner Tag; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Floh im Ohr; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Fritze Bollmann Wollte angeln (Wer zuletzt lacht); Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Gefahrlicher Fruehling; Universum-Film A. G., "Ufa", Berlin, Germany.
Gefährtin meines Sommers; Berlin-Film G. m. b. H., (Herstellungsgruppe: F. Pfitzner), Berlin, Germany.
Germanin; Universum-Film A. G., "Ufa", Berlin, Germany.
Geliebter Schatz; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Grosstadtmelodie; Berlin-Film G. m. b. H., Berlin, Germany.
Ich werde Dich auf Haenden tragen; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Ich vertraue Dir meine Frau an; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Johann; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Karneval der Liebe; Berlin-Film G. m. b. H. (Herstellungsgruppe: F. Vogel), Berlin, Germany.
Kohlhiesels Töchter (1943 Production); Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Kollege kommt gleich; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Leichtes Blut; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Liebesgeschichten; Universum-Film A. G., "Ufa", Berlin, Germany.
Liebespremiere; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Man rede mir nicht von Liebe; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Nacht ohne Abschied; Universum-Film A. G., "Ufa", Berlin, Germany.
Panik; F. D. F., Fabrikation deutschen, Filme G. m. b. H., Berlin, Germany.
Zwischen Himmel und Erde; Universum-Film A. G., "Ufa", Berlin, Germany.
Paracelsus; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Reise in die Vergangenheit; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Titanic; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Tolle Nacht; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Um 9 kommt Harald; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
. . . und die Musik spielt dazu (Saison in Salzburg); Deka-Film G. m. b. H., Berlin, Germany.
Wenn die Sonne wieder scheint; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Wildvogel; Berlin-Film G. m. b. H. (Herstellungsgruppe; O. E. Lubitz), Berlin, Germany.
Zirkus Renz; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Aufruhr der Herzen; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Bravo, kleiner Thomas; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Das Hochzeitshotel; Universum-Film A. G., "Ufa", Berlin, Germany.
Das Konzert; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Das Leben ruft; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Das war mein Leben; Berlin-Film G. m. b. H, (Herstellungsgruppe: Ernst Garden); Berlin, Germany.
Der Erbfoerster; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der grosse Preis; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der gruene Salon; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der Majoratsherr; Universum-Film A. G., "Ufa", Berlin, Germany.
Der Meisterdetektiv (Eine reizende Familie); Berlin-Film G. m. b. H., (Herstellungsgruppe: F. W. Gaik, Berlin, Germany.
Der Taeter ist unter uns; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Die Affaire Roedern; Berlin-Film G. m. b. H., (Herstellungsgruppe: Muelleneisen & Tapper), Berlin, Germany.
Die Degenhardts; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die Zaubergeige; Berlin-Film G. m. b. H. (Herstellungsgruppe Adolf Elling), Berlin, Germany.
Ein froehliches Haus; Universum-Film A. G., "Ufa", Berlin, Germany.
Ein Mann wie Maximilian; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Warum lügst Du, Elisabeth?; Universum-Film A. G., "Ufa", Berlin, Germany.
Eine kleine Sommermelodie; Tobis-Filmkunst, G. m. b. H., Berlin, Germany.
Freiteg, der 13; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Ich bitte um Vollmacht; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Ich brauche Dich; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Ich hab' von Dir getraeumt; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
In flagranti; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Intimitaeten (Dreimalklingeln); Berlin-Film G. m. b. H. (Herstellungsgruppe: Hans v. Wolzogen), Berlin, Germany.
Jan und die Schwindlerin; Universum-Film A. G., "Ufa", Berlin, Germany.
Jugenliebe; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Junge Adler; Universum-Film A. G., "Ufa", Berlin, Germany.
Junge Herzen; Universum-Film A. G., "Ufa", Berlin, Germany.
Meine vier Jungens; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Melusine; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Moselfahrt mit Monika; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Musik in Salzburg, Terra-Filmkunst G. m. b. H., Berlin, Germany.
Nora; Universum-Film A. G., "Ufa", Berlin, Germany.
Schuss um Mitternacht; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Seinerzeit zu meiner Zeit; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Sommernaechte; Universum-Film A. G., "Ufa", Berlin, Germany.
Zwischen Nacht und Morgen; Universum-Film A. G., "Ufa", Berlin, Germany.
Das alte Lied; Berlin-Film G. m. b. H., (Herstellungsgruppe: Franz Tapper), Berlin, Germany.
Das fremde Leben; Berlin-Film G. m. b. H. (Herstellungsgruppe: F. Pfitzner), Berlin, Germany.
Der Posaunist; Universum-Film A. G., "Ufa", Berlin, Germany.
Eines Tages; Berlin-Film G. m. b. H. (Herstellungsgruppe: F. W. Gaik), Berlin, Germany.
Erzieherin gesucht; Universum-Film A. G., "Ufa", Berlin, Germany.
Frech und verliebt; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Meine Herren Soehne; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Quax in Fahrt; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Regimentsmusik; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Spuk im Schloss; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Unter den Bruecken . . .; Universum-Film A. G., "Ufa", Berlin, Germany.
Via mala; Universum-Film A. G., "Ufa", Berlin, Germany.
Vier Treppen rechts; Universum-Film A. G., "Ufa", Berlin, Germany.
Wie sagen wir es unseren Kindern?; Universum-Film A. G., "Ufa", Berlin, Germany.
Wir seh'n uns Wieder; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der Fall Molander; Terra-Filmkunst G. m. b. H., Berlin, Germany.
Der grosse Fall; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der Mann, dem man den Namen stahl; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Der Mann im Sattel; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die Kreuzlschreiber; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Die Nacht der 12; Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Dreimal Komodie (Die drei Schwestern); Bavaria-Filmkunst G. m. b. H., Munich, Germany.
Eine alltaegliche Geschichte; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Eine reizende Familie (Danke, es geht mir gut); Berlin-Film G. m. b. H. (Herstellungsgruppe; Hans V. Wolzogen), Berlin, Germany.
Fahrt ins Glueck; Universum-Film A. G., "Ufa", Berlin, Germany.
Frau ueber Bord (Kabine 27); Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Fruehlingsmelodie; Berlin-Film G. m. b. H. (Herstellungsgruppe: Georg Mohr), Berlin, Germany.
Glueck muss man haben; Tobis-Filmkunst G. m. b. H., Berlin, Germany.
Heidesommer; Berlin-Film G. m. b. H. (Herstellungsgruppe: Robert Garden), Berlin, Germany.
Ich glaube an Dich (Mathilde Moehring); Berlin-Film G. m. b. H. (Herstellungsgruppe: Franz Tapper), Berlin, Germany.

Leb'wohl Christina (Umarmt das Leben); Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Liebesheirat; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Mit meinen Augen; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Muenchnerinnen; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Philine; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Raetsel der Nacht; Berlin-Film G. m. b. H. (Herstellungsgruppe: Franz Vogel), Berlin, Germany.

Ruf an das Gewissen; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Sag' endlich ja; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Tiefland; Riefenstahl-Film der Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Tierarzt Dr. Vlimmen; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Verlobte Leute (Das Dementi); Tobis Filmkunst G. m. b. H., Berlin, Germany.

Freies Land; Deutsche Film A. G. (Defa), Berlin, Germany.

Irgendwo in Berlin; Deutsche Film A. G. (Defa), Berlin, Germany.

Sag' die Wahrheit; Studio 45-Film G. m. b. H., Berlin, Germany.

Die falsche Braut (Da stimmt was nicht); Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Die Heimlichen Braeute; Berlin-Film G. m. b. H., (Herstellungsgruppe: Muelleneisen & Tapper), Berlin, Germany.

Die Jahre vergehen (Der Senator); Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Die Schwarze Rebe; Berlin-Film G. m. b. H., (Herstellungsgruppe: Franz Vogel), Berlin, Germany.

Zwei Frauen; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Aufruhr in Damascus; Terra-Filmkunst G. m. b. H., Berlin, Germany.

D III 88; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Das Glueck wonnt nebenan; Algefa G. m. b. H., Munich, Germany.

Das Glueck wonnt nebenan; Algefa G. m. b. H., for Tobis-Film-kunst G. m. b. H., Berlin, Germany.

Dein Leben gehoert mir; Cine-Allianz-Tonfilmproduktions G. m. b. H., Berlin, Germany.

Der ewige Quell; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Quax, der Bruchpilot; Terra-Filmkunst G. m. b. H., Berlin, Germany.

[F. R. Doc. 51-2142; Filed, Feb. 12, 1951; 8:55 a. m.]

[Vesting Order 17126]

ANNA DE VISSER

In re: Stock owned by Anna de Visser. F-28-31081.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna de Visser, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon, and

b. One hundred-eighty (180) shares of stock of American Enka Corporation, Enka, North Carolina, a corporation organized under the laws of the State of Delaware, evidenced by a part of a certificate numbered 39 for 500 shares, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Place of incorporation	Type of stock	Certificate No.	Number of shares
North American Rayon Corp., 261 5th Ave., New York, N. Y.	Delaware	Class A Class B Preferred	AX 1829/31 BX 3986 8386/90	30 10 50
American Car & Foundry Co., 30 Church St., New York, N. Y.	New Jersey	Cumulative preferred convertible.	B 40694/95	20
American Hide & Leather Co., 17 East St., Boston, Mass.	do		52448	100
American Metal Co., Ltd., 61 Broadway, New York, N. Y.	New York		L 923/4	20
Anaconda Copper Mining Co., 25 Broadway, New York, N. Y.	Montana		263067	10
Chrysler Corp., 341 Massachusetts Ave., Highland Park, Detroit, Mich.	Delaware		NCO 10393/7	50
Palmolive Peet Co., now known as Colgate-Palmolive-Peet Co., 105 Hudson St., Jersey City, N. J.	do		151424	10
Continental Oil Co., 10 Rockefeller Plaza, New York, N. Y.	do		CO 41027/9	30
General Clear Co., Inc., 119 West 40th St., New York, N. Y.	New York		NO 2668/93	50
Greyhound Corp., 141 Jackson Blvd., Chicago, Ill.	Delaware		T 196827	10
Illinois Central R. R. Co., 135 East 11th Pl., Chicago, Ill.	Illinois	6 percent noncumulative preferred A.	B-9763/65	3
Louisville & Nashville R. R. Co., 9th St. and Broadway, Louisville, Ky.	Kentucky		NYX 24843	10
National Distillers Products Corp., 120 Broadway, N. Y.	Virginia		F 11599/603	50
New York Central R. R. Co., 230 Park Ave., New York, N. Y.	New York		L 20703/5	20
Norfolk & Western R. R. Co., Roanoke, Va.	Virginia		C-108740	40
Republic Steel Corp., Republic Bldg., Cleveland, Ohio.	New Jersey	6 percent cumulative prior preferred "A".	NYPPO-4117/4122	30
Shell Union Oil Corp., now known as Shell Oil Co., 50 West 50th St., New York, N. Y.	Delaware		NY 6280/84	70
Spiegel, Inc., 1061 West 35th St., Chicago, Ill.	do		NC026092/6	50
Standard Oil Co. of New Jersey, 30 Rockefeller Plaza, New York, N. Y.	New Jersey		C-421842 C-609767/10	40 10
Union Pacific R. R. Co., 120 Broadway, New York, N. Y.	Utah		B-316369	20
United Aircraft Corp., East Hartford, Conn.	Delaware		65030	50
Worthington Pump & Machinery Corp., Harrison, N. J.	do	4½ percent cumulative prior preferred.	PO-770/5 PCO-768/9	30

[F. R. Doc. 51-2203; Filed, Feb. 13, 1951; 8:53 a. m.]

[Vesting Order 17244]

JOHN E. BRUNNETT

In re: Trust under Will of John E. Brunnett, deceased. (Katherine Hughes, beneficiary.) File D-28-12169; E. T. sec. 16331.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine (Kathie) Altvater, also known as Kathie Brunnett Altfatter; Deiner Brunnett, also known as Dina Brunnett; Anna Brunnett; Elizabeth Werner Brunnett; Wilhelm Brunnett and Maria Brunnett, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the next of kin, names unknown, of the widow of George (Georg) Brunnett, except George Brunnett, Jr., a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except George Brunnett, Jr., a resident of the United States, and each of them, in and to the trust established under the will of John E. Brunnett, deceased, for the benefit of Katherine Hughes, presently being administered by Louis F. Meyer, Baltimore, Maryland, as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the next of kin, names unknown, of the widow of George (Georg) Brunnett, except George Brunnett, Jr., a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2205; Filed, Feb. 13, 1951; 8:53 a. m.]

[Vesting Order 17249]

OTTO FRIEDERICHS

In re: Estate of Otto Friederichs, deceased. File No. D-28-12943; E. T. sec. 17087.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emmy Noak, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Otto Friederichs, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Mortimer Schwager as executor, acting under the judicial supervision of the Surrogate's Court, County of Kings, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2204; Filed, Feb. 13, 1951; 8:53 a. m.]

[Vesting Order 17276]

IMPERIAL JAPANESE GOVERNMENT

In re: Debt owing to the Imperial Japanese Government. F-39-3040.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: That certain debt or other obligation of the Radiomarine Corporation of America, 75 Varick Street, New York 13, New York, arising out of money due the Japanese Government for tolls on radiograms sent through their coastal radio stations by ships whose radio equipment is under contract with Radiomarine Corporation of America, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Japan);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2207; Filed, Feb. 13, 1951; 8:54 a. m.]

[Vesting Order 17279]

ANNA KORWAU

In re: Bank account owned by Anna Korwau, also known as Anna Schmidt. F-28-31186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Korwau, also known as Anna Schmidt, whose last known address is Mannheim, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Korwau, also known as Anna Schmidt, by The Howard Savings Institution, Newark 1, New Jersey, arising out of a savings account, account number B6048, entitled Anna Schmidt, maintained at the branch office of the aforesaid bank located at Springfield Avenue, Newark, New Jersey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2208; Filed, Feb. 13, 1951; 8:54 a. m.]

[Vesting Order 17282]

LOTZBECK GEBRUDER IMPORT G. M. B. H.

In re: Rights of Lotzbeck Gebruder Import G. m. b. H. under insurance contracts. F-28-13918.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lotzbeck Gebruder Import G. m. b. H., the last known address of which is 70 Alterwoll Street, Hamburg, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights, interests and claims of Lotzbeck Gebruder Import G. m. b. H., in, to and under Marine Insurance Policy numbered 50852, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipment aboard S. S. "Glenearn", arising on account of seizure of shipment by British authorities, together with the right to demand, enforce, receive and collect the same,

b. All rights interests and claims of Lotzbeck Gebruder Import G. m. b. H., in, to and under Marine Insurance Policy numbered 51203, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipment aboard S. S. "Glenroy", arising on account of seizure of shipment by British authorities, together with the right to demand, enforce, receive and collect the same,

c. All rights, interests and claims of Lotzbeck Gebruder Import G. m. b. H., in, to and under Marine Insurance Policy numbered 49756, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipment aboard S. S. "Afrika", arising on account of seizure of shipment by British authorities, together with the right to demand, enforce, receive and collect the same,

d. All rights, interests and claims of Lotzbeck Gebruder Import G. m. b. H., in, to and under Marine Insurance Policy numbered 51255, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipment aboard S. S. "Tarn", arising on account of seizure of shipment by British authorities, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lotzbeck Gebruder Import G. m. b. H., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2210; Filed, Feb. 13, 1951; 8:54 a. m.]

[Vesting Order 17265]

GEORGE I. CAPITO ET AL.

In re: A portion of a bank account owned by George I. Capito and others. F-28-15117-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

George I. Capito; Neustrasse 5, Guntersblum, Rhein, Germany.

Lilli Elizabeth Schneider Behrens; Wollmarkstrasse 11, Stolp, Pomerania, Germany.

Eduard Capito; Martin Lutherstrasse 37, Stuttgart, Bad Cannstadt, Germany.

Wilhelm Capito; Comstrasse, Pfarrhaus, Offenbach, Germany.

Sophie Mag. Weyh; Lieberstrasse 33, Offenbach, Germany.

Johanna Roser Meth; Lieberstrasse 33, Offenbach, Germany.

Georg Lukas; Eisbachstrasse 20, Worms, Germany.

Katherina Lukas Liebegott; Bergstr. Cartenstrasse 13, Lensheim, Germany.

Johann Lukas; Rhoostrasse 49, Worms, Germany.

Margaretha Lauber, also known as Gretel Lauber; Friedelsheimstrasse 11, Bad Durkheim, Pfalz, Germany.

Helma Lukas; Marbachweg 351 II, Frankfort on Main, Germany.

Katharine Foebel; Schendedorfstrasse 3, Koblenz, Germany.

Joseph Phillips Schmitt; Bergstrasse Lemmertgasse, Lensheim, Germany.

Joseph Wilhelm Schmitt; Weylerstrasse 9, Mannheim, Germany.

Anna Dorothea Katharina Becker; Thomastrasse 14, Worms, Germany.

Anna Maria Kussnik; Wartburgplatz 10, Koeln, Germany.

Joseph Wilhelm Lange; Schmiedgasse 5, Worms, Germany.

Katharina Lang; Grebaner Lessingstrasse 13, Mainz, Germany.

Katharina Emig; Sulzbergstrasse 237, Cologne, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First National Bank in Houston, Houston, Texas, in the amount of $2,388.27, being a portion of an account entitled "G. H. Nagel and P. Harvey, attorneys for Schatzel Heirs", maintained with the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, George I. Capito, Lilli Elizabeth Schneider Behrens, Eduard Capito, Wilhelm Capito, Sophie Mag. Weyh, Johanna Roser Meth, Georg Lukas, Katherina Lukas Liebegott, Johann Lukas, Margaretha Lauber, also known as Gretel Lauber, Helma Lukas, Katharine Foebel, Joseph Phillips Schmitt, Joseph Wilhelm Schmitt, Anna Dorothea Katharina Becker, Anna Maria Kussnik, Joseph Wilhelm Lange, Katharina Lange, Katharina Emig, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON.
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2206; Filed, Feb. 13, 1951; 8:54 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

UNITED STATES STANDARDS FOR GRADES OF CANNED CRANBERRY SAUCE

On August 2, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4949) regarding proposed United States Standards for Grades of Canned Cranberry Sauce. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Cranberry Sauce are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.282 *Canned cranberry sauce.* Canned cranberry sauce is the jellied or semi-jellied product prepared from clean, sound, matured or fairly well-matured cranberries; a sweetening ingredient or sweetening ingredients, and water. Pectin may be added but only in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the cranberries. The mixture is concentrated and sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. The soluble solids of the finished product is not less than 35 percent and not more than 45 percent.

(a) *Styles of canned cranberry sauce*—(1) *Style I.* Jellied or strained (typical of a jellied product prepared from strained cranberries).

(2) *Style II.* Whole (typical of a semi-jellied product prepared from whole or partially whole cranberries).

(b) *Grades of canned cranberry sauce.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cranberry sauce that possesses a good color; that possesses a good consistency and good texture; that is practically free from defects; that possesses a good flavor and odor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned cranberry sauce that possesses a fairly good color; that possesses a fairly good consistency and a fairly good texture; that is fairly free from defects; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned cranberry sauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with cranberry sauce and that the product occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned cranberry sauce may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and texture, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(1) Color	20
(2) Consistency and texture	40
(3) Absence of defects	20
(4) Flavor and odor	20
Total score	100

(Continued on p. 1577)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Production and Marketing Administration; Rural Electrification Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Behr Schultz & Co	1624
Bohm, Hermann and Ida	1621
Brandt, Anna A. A	1623
Carlowitz & Co	1622
Hemmerle, Vendelin, et al	1625
H. M. H. Albert de Bary & Co., N. V	1619
Lemoigne, Pierre Marcel	1625
Loeffler, Ernest	1621
Mikami, Nobuo	1621
Patzer, Paul	1623
Schauren, Katharine	1622
Schreyer, Hugo	1624
Steilmann, Frank	1624
Surmann, Julius	1623
Universum-Film A. G. et al	1616
Yamagata, Kouko and Sansho	1625
Animal Industry Bureau	
Notices:	
Statement of organizations and functions	1604
Civil Aeronautics Administration	
Rules and regulations:	
Air traffic, security control; miscellaneous amendments	1579
Civil Aeronautics Board	
Notices:	
Lineas Aereas Nacionales, S. A.; hearing	1611
Commerce Department	
See Civil Aeronautics Administration; Federal Maritime Board; International Trade, Office of; National Production Authority.	
Customs Bureau	
Rules and regulations:	
Importation of articles in connection with International Food Exposition, Inc	1579
Defense Minerals Administration	
Rules and regulations:	
Tungsten concentrates (MO 4)	1585

FEDERAL REGISTER

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CONTENTS—Continued

Defense Mobilization, Office of — Page
Rules and regulations:
Creating interagency regional agencies (DMO 6) — 1583

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission
Notices:
Hearings, etc.:
Ark-Valley Broadcasting Co. et al — 1612

CONTENTS—Continued

Federal Communications Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Radio Reading — 1612
Taylor County Broadcasting Co., Inc. (WLCK), and Clark-Montgomery Broadcasting Co., Inc. — 1612
Towery, R. W., and Pulaski Broadcasting Co. (WKSR) — 1612

Federal Maritime Board
Notices:
Pacific Lumber Carriers' Assn.; agreement filed for approval; hearing — 1610

Federal Power Commission
Notices:
Hearings, etc.:
Athol Gas and Electric Co. et al — 1611
Electric Power Co. of New Jersey, Inc — 1611
Virginia Electric and Power Co — 1611

Federal Reserve System
Rules and regulations:
Consumer credit (Reg. W) — 1586
Automobile appraisal guides (Reg. W, Int. 30) — 1586
Loan guarantees for defense production (Reg. V) — 1586
Real estate credit (Reg. X) — 1586
Maximum maturity; real estate brokers (Reg. X, Ints. 22, 23) — 1593

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs:
Certification of batches — 1581
Tests and methods of assay — 1581

Interior Department
See Defense Minerals Administration; Land Management, Bureau of.

International Trade, Office of
Notices:
Rediker Bros. Shipping Co. Inc.; suspension of license privileges — 1610

Interstate Commerce Commission
Notices:
Benzene hexachloride and D-D-T from eastern points to the Southwest; application for relief — 1613
Rules and regulations:
Annual, special or periodical reports; steam railway Annual Report Form A — 1594

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Nevada; establishing grazing district — 1604

National Production Authority
Rules and regulations:
Construction (M-4) — 1583

CONTENTS—Continued

Price Stabilization, Office of — Page
Rules and regulations:
Delegation of authority to Chief Counsel to issue official price interpretations (AO 11) — 1583

Production and Marketing Administration
Proposed rule making:
Milk handling:
Oklahoma City, Okla — 1596
Tulsa, Okla — 1599
Potatoes, Irish, grown in Michigan, Wisconsin, Minnesota, North Dakota and in certain counties of Iowa and Indiana — 1603
U. S. standards:
Broccoli for processing — 1595
Lima beans, canned — 1596
Rules and regulations:
Cotton; acreage allotments and marketing quotas for 1950 crop — 1578
Cranberry sauce, canned; U. S. standards — 1575

Rural Electrification Administration
Notices:
Allocation of funds — 1607
Loan announcements:
Colorado — 1608
Iowa (2 documents) — 1607, 1609
Louisiana (2 documents) — 1608, 1609
Minnesota — 1610
Mississippi (2 documents) — 1607
Missouri (3 documents) — 1608, 1609
New Mexico (3 documents) — 1608
New York — 1609
North Carolina — 1610
Oklahoma — 1608
Pennsylvania — 1609
South Carolina (2 documents) — 1608, 1609
Tennessee — 1609
Texas — 1607
Virginia (2 documents) — 1609
Washington — 1609
Wisconsin (2 documents) — 1608, 1609
Wyoming — 1608

Securities and Exchange Commission
Hearings, etc.:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (2 documents) — 1615, 1616
Pacific Western Oil Corp — 1615
S. H. Junger & Co — 1614
Staysa, Harold C — 1614
Van Patten, L. A — 1613
Williams, John D — 1613

Treasury Department
See also Customs Bureau.
Notices:
2¾ percent Treasury bonds of 1951–54; call for redemption — 1604
Rules and regulations:
Special deposits of public moneys under act of Congress approved Sept. 24, 1917; miscellaneous amendments — 1582

Veterans' Administration
Rules and regulations:
Claims:
Dependents and beneficiaries — 1593
Veterans' — 1593
Servicemen's Readjustment Act of 1944; partial or total loss of guaranty or insurance — 1594

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter I:	
Part 51 (proposed)	1595
Part 52	1575
Proposed	1596
Chapter VII:	
Part 722	1578
Chapter IX:	
Part 905 (proposed)	1596
Part 906 (proposed)	1599
Part 960 (proposed)	1603
Title 12	
Chapter II:	
Part 222 (see Title 32A, Chapter XV, Reg. W).	
Part 223 (see Title 32A, Chapter XV, Reg. V).	
Part 225 (see Title 32A, Chapter XV, Reg. X).	
Title 14	
Chapter II:	
Part 620	1579
Title 19	
Chapter I:	
Part 65	1579
Title 21	
Chapter I:	
Part 141	1581
Part 146	1581
Title 31	
Chapter II:	
Part 203	1582
Title 32A	
Chapter I (ODM):	
DMO 6	1583
Chapter III (OPS):	
AO 11	1583
Chapter VI (NPA):	
M-4	1583
Chapter XII (DMA):	
MO 4	1585
Chapter XV (FRS):	
Reg. V	1586
Reg. W (2 documents)	1586
Reg. X (2 documents)	1586, 1593
Title 38	
Chapter I:	
Part 3	1593
Part 4	1593
Part 36	1594
Title 49	
Chapter I:	
Part 120	1594

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned cranberry sauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means the bright dark red color typical of canned cranberries which color is free from any dullness.

(ii) If the canned cranberry sauce possesses a fairly good color, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means the red color typical of canned cranberries, which color may be slightly dull or may indicate slight evidence of oxidation but is not off color.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency and texture.* (i) Canned cranberry sauce that possesses a good consistency and good texture may be given a score of 34 to 40 points. "Good consistency and good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Jellied or strained. The gel is tender to slightly firm and there may be evidence of a reasonable separation of free liquid.

Whole. The skin particles and the semi-jellied portions are reasonably tender and the fruit, seed, and skin particles are dispersed reasonably uniform throughout the product.

(ii) If the canned cranberry sauce possesses a fairly good consistency and a fairly good texture, a score of 28 to 33 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency and fairly good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

Jellied or strained. The gel may lack firmness or may be stiff but is not tough or rubbery and there may be evidence of separation of free liquid which is not excessive.

Whole. The skin particles and the semi-jellied portions are fairly tender and the fruit, seed, and skin particles are dispersed fairly uniform throughout the product and there may be evidence of separation of free liquid which is not excessive.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from foreign material and objectionable material and from harmless extraneous particles in Style I, Jellied or strained; and from defective cranberries and foreign berries and particles thereof, fine stems, foreign material and objectionable material, and other defects in Style II, Whole.

(i) Canned cranberry sauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Jellied or strained. The product is free from foreign material and objectionable material, is free from any harmless extraneous particles that exceed the area of a circle 3/16 inch in diameter; and is practically free from harmless extraneous particles that are the equivalent in area of a circle 3/16 inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 3 defective cranberries or foreign berries and not more than 4 fine stems ¾ inch or more in length; the product is free from foreign material and objectionable material and is practically free from other defects which affect materially the appearance or edibility of the product.

(ii) If the canned cranberry sauce is fairly free from defects, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of cranberry sauce:

Jellied or strained. The product is free from foreign material and objectionable material; is practically free from harmless extraneous particles that exceed the area of a circle 3/16 inch in diameter; and is fairly free from harmless extraneous particles that are the equivalent in area of a circle 3/16 inch or less in diameter.

Whole. There may be present for each 12 ounces of net weight not more than 6 fine stems ¾ inch or more in length; the product is free from foreign material and objectionable material and is fairly free from other defects which affect materially the appearance or edibility of the product.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Flavor and odor.* (i) Canned cranberry sauce that possesses a good flavor and odor may be given a score of 17 to 20 points. "Good flavor and odor" means that the product possesses a good, characteristic, slightly tart flavor typical of cooked cranberries and that the product is free from any trace of a caramelized flavor, abnormal flavor, or abnormal odor.

(ii) If the canned cranberry sauce possesses a fairly good flavor and odor, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means that the

product possesses a normal flavor typical of cooked cranberries and that the product is free from objectionable flavors and objectionable odors of any kind.

(iii) Canned cranberry sauce that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Soluble solids" content is determined refractometrically without correction for water-insoluble solids.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned cranberry sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned cranberry sauce.*

Size and kind of container		-----
Container mark or identification		-----
Label		-----
Net weight (ounces)		-----
Vacuum (inches)		-----
Style		-----
Soluble solids (per cent by refractometer)		-----
Factors	Score points	
I. Color	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
II. Consistency and texture	40	(A) 34–40 (C) [1] 28–33 (D) [1] 0–27
III. Absence of defects	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
IV. Flavor and odor	20	(A) 17–20 (C) [1] 14–16 (D) [1] 0–13
Total score	100	
Grade		-----

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Canned Cranberry Sauce (which are the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Pub. Law 759, 81st Cong.)

Issued at Washington, D. C., this 12th day of February, 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2261; Filed, Feb. 14, 1951; 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

ACREAGE ALLOTMENTS AND MARKETING QUOTAS FOR 1950 CROP

Basis and purpose. Section 345 of the Agricultural Adjustment Act of 1938, as amended, provides, among other things, that the farm marketing excess shall not be larger than the amount by which the actual production of cotton on the farm exceeds the normal production of the farm acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Under the authority of this provision, § 722.142 (a) of the regulations pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton, issued June 26, 1950 (15 F. R. 4162), provides that any producer having an interest in the cotton produced in 1950 on any farm for which there is a farm marketing excess may, within 30 days after the harvesting of cotton is completed on the farm, apply (to the county committee) in writing for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1950 on the farm and, unless application is made within such 30 day period, the farm marketing excess as determined on the basis of the normal production of the excess cotton acreage for the farm shall be final as to the producers on the farm. Under the authority of the same provisions of the act, § 722.169 (d) of such regulations provides, in part, that in each case where the producer is making an application for a downward adjustment pursuant to § 722.142, such application shall be made on a farm operator's report (Form MQ–98–Cotton) not later than 30 days after harvesting of cotton on the farm has been completed.

Due to heavy insect infestation and weather damage to the 1950 crop of cotton, many producers, who paid the penalty due on the initially determined farm marketing excess, or who abandoned their cotton crops because the extremely low yield made the crop not worth harvesting, did not produce a total cotton crop in excess of the normal production of the acreage allotment for the farm and would not be liable for the penalty as initially determined, if they filed an application for a downward adjustment in the farm marketing excess within the specified time limit. However, a large number of such producers, because of acute financial situations, left the area in which their farms are located soon after harvesting what cotton there was produced on the farm, or soon after abandoning the cotton crop on the farm, in order to obtain gainful employment at points remotely removed from their farms, and failed to file applications for a downward adjustment in the farm marketing excess for their farms, within the prescribed time limit. Many such producers are now filing or will file such applications but under the present regulations the county committee is not authorized to adjust the farm marketing excess down to zero and thereby cause a refund of penalty paid on the initially determined farm marketing excess or a cancellation of the penalty initially determined on such excess. In view of these circumstances, it has been found that the present requirements of the regulations impose an unreasonable burden on the producers involved.

The amendments to the regulations set out herein extend the time limit for filing an application for downward adjustment in the amount of the farm marketing excess to not later than March 15, 1951, regardless of the time when harvesting of cotton on the farm was completed, and authorize the county committee to waive the requirement that such application be filed on a farm operator's report (Form MQ–98–Cotton) in cases where it is determined that the evidence submitted by the producer satisfactorily establishes the actual production of cotton on the farm in 1950.

It is in the interest of such producers that the amendments become effective at the earliest possible date in order that affected producers may be relieved of the financial responsibilities and losses which attach because of failure to make application for a downward adjustment in the amount of the farm marketing excess within the present prescribed time limit. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

1. Section 722.142 (a) of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) is hereby changed to read as follows:

§ 722.142 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the cotton produced in 1950 on any farm for which there is a farm marketing excess may, not later than March 15, 1951, apply in writing for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1950 on the farm and, unless application for an adjustment in the farm marketing excess is made within such time limit, the farm marketing excess as determined on the basis of the normal production of the excess cotton acreage for the farm shall be final as to the producers on the farm. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

2. Section 722.169 (d) of the Regulations pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (15 F. R. 4162) is hereby changed to read as follows:

§ 722.169 *Records to be kept and reports to be made by producers.* • • •

(d) *Farm operator's report.* The operator of the farm in connection with which a farm marketing excess is determined shall, upon written request of the county committee, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on Form MQ–98–Cotton showing for the farm the following information or any part thereof as specified in such request: (1) The date harvesting of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm, and the acreage planted to cotton on the farm; (2) the total number of pounds of lint cotton ginned from the 1950 crop of cotton; (3) the name and address of each ginner who ginned such cotton and the number of and net weight of the bales ginned by him; (4) the total amount of cotton marketed in the seed; (5) the total amount of lint cotton marketed; (6) the amount of unmarketed cotton on hand; (7) the total number of pounds of lint cotton produced in the 1950 crop year; (8) the name and address of each buyer or transferee of lint or seed cotton and the amount thereof marketed to him; and (9) the amount of penalty paid by the producer or collected by the buyer or transferee. In each case where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.142, such application shall be made on a farm operator's report (Form MQ–98–Cotton) not later than March 15, 1951. However, the county committee may waive the requirement that such application be filed on a Form MQ–98–Cotton, in cases where it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm in 1950. Upon written request of the county committee, the operator of any farm for which a farm marketing excess is not determined shall make a report on Form MQ–98–Cotton in the manner specified in this paragraph not later than the date designated by the county committee in its request.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interpret or apply secs. 345 and 373, 52 Stat. 58, 65, as amended; 7 U. S. C. and Sup. 1345, 1373)

Done at Washington, D. C., this 9th day of February 1951. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2233; Filed, Feb. 14, 1951; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 620—SECURITY CONTROL OF AIR TRAFFIC

MISCELLANEOUS AMENDMENTS

Acting pursuant to the authority appearing in Title XII of the Civil Aeronautics Act of 1938 as amended (64 Stat. 825; 49 U. S. C. 701); Executive Order 10197 (15 F. R. 9180); and Department of Commerce Order 86, Amendment 5 (16 F. R. 99) Part 620 was adopted (15 F. R. 9319). Part 620 is hereby amended. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 620.12 (a) (2) is amended to read:

§ 620.12 *Reporting points*—(a) *Flights within or penetrating a domestic ADIZ or entering the United States across an International Boundary ADIZ.* • • •

(2) *DVFR flights.* The pilot in command of an aircraft shall not enter or operate within an ADIZ unless the aircraft is equipped with a functioning two-way radio and shall not enter an ADIZ until he has reported to an appropriate aeronautical facility either (a) the estimated time, position, and altitude at which he will penetrate the ADIZ or (b) the time, position, and altitude at which the aircraft passed the last reporting point along the flight path of the aircraft prior to penetration of an ADIZ and his estimated time over the next reporting point along the intended flight path of the aircraft.

NOTE: Whenever it shall appear that the previously filed estimate is in error, as to time by more than five minutes, or as to position by more than 20 miles, a corrected estimate shall be filed with an appropriate aeronautical facility.

2. Section 620.13 (a) is amended to read:

§ 620.13 *Authorized exceptions*—(a) *Intra-zone VFR flights.* A CAA airways operation facility exercising security control may, under certain conditions, authorize VFR flights which are (1) local, (2) between points located within the boundaries of an ADIZ, or (3) from points within an ADIZ to points outside thereof, without compliance with the flight plan and reporting requirements of §§ 620.11 and 620.12. Such flights shall be operated in accordance with the instructions, if any, issued at the time the authorization is granted.

3. Section 620.15 (b) is amended to read:

§ 620.15 *Adherence to DVFR flight plans and air traffic clearances.* • • •

(b) *DVFR flights.* No deviation shall be made from a DVFR flight plan unless prior notification is given to an appropriate aeronautical facility, except, that a pilot may, when within 20 miles of his destination, commence his descent from cruising altitude without making a report of change in altitude.

(Secs. 205, 308, 52 Stat. 984, 986, as amended; 49 U. S. C. 425, 458. Interpret or apply secs. 1201–1203, Pub. Law 778, 81st Cong.; E. O. 10197, Dec. 20, 1950, 15 F. R. 9180)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2215; Filed, Feb. 14, 1951; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52665]

PART 65—IMPORTATION OF ARTICLES IN CONNECTION WITH INTERNATIONAL FOOD EXPOSITION, INCORPORATED, AT CHICAGO, ILL., UNDER PUBLIC LAW 705, 81ST CONGRESS [1]

The following regulations under Public Law No. 705, 81st Congress, approved August 17, 1950, relate to the entry of articles in connection with the International Food Exposition to be held at Chicago, Illinois, June 9 to June 15, 1951.

Sec.
65.1 Invoices; marking; bond.
65.2 Entry; appraisement; procedure.
65.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
65.4 Detail of customs officers to protect revenue; expenses.
65.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 65.1 to 65.5 issued under Pub. Law 705, 81st Cong.

§ 65.1 *Invoices; marking; bond.* (a) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of Public Law No. 705, 81st Congress, and valued

[1] "All articles which shall be imported from foreign countries for the purpose of exhibition at the International Food Exposition, to be held at Chicago, Illinois, from June 9 to June 15, 1951, inclusive, by the International Food Exposition, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said exposition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the Exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the

at more than $100, must be covered by consular invoices certified as provided for in § 8.14 of the Customs Regulations of 1943 (19 CFR, 8.14). Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. sec. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Food Exposition, Incorporated, shall give to the collector of customs at Chicago, Illinois, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 705, 81st Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 65.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Chicago, Illinois, in the name of the International Food Exposition, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the International Food Exposition, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Chicago shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Chicago of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ------

Entry at the port of Chicago of articles consigned or transferred to the International Food Exposition, Incorporated, under ---------- I. T. No. ------ ex S. S. ---------- from ---------- on the day of ----------, 1951, for exhibition purposes under Public Law No. 705 of the 81st Congress, approved August 17, 1950.

Mark	Number	Package and contents	Quantity	Invoice value
------	------	------	------	------
------	------	------	------	------
------	------	------	------	------
------	------	------	------	------
------	------	------	------	------

INTERNATIONAL FOOD EXPOSITION, INCORPORATED,
By ----------

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 65.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the exposition in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under § 65.2 (c) shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 65.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the exposition in the manner prescribed in § 8.33 of the Customs Regulations 1943 (19 CFR, 8.33).

§ 65.3 *Compliance, provisions of Plant Quarantine Act of 1912 and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (U. S. C., title 7, secs. 151 to 164a, inclusive, and sec. 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 65.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Chicago, Illinois, shall detail an officer to act as his representative at the exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the exposition or transferred thereto for exhibition, shall be reimbursed by the International Food Exposition, Incorporated, to the Government, payment to be made monthly to the collector of customs, Chicago, Illinois, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 65.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law, involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the exposition or at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 705 of the 81st Congress.

(b) At any time prior to the opening of the exposition, or at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: February 8, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2244; Filed, Feb. 14, 1951; 8:54 a. m.]

collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Food Exposition, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International Food Exposition, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited, as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1940 edition, title 19, sec. 1524)." (Public Law No. 705, 81st Cong.)

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BACITRACIN OPHTHALMIC

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Sup., 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141.1 et seq., and 1949 Supp.; 15 F. R. 9446) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq., and 1949 Supp.; 15 F. R. 9464) are amended in the following manner:

1. Add the following section to Part 141:

§ 141.408 *Bacitracin ophthalmic*—(a) *Potency.* Proceed as directed in § 141.401 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *pH.* Proceed as directed in § 141.5 (b), using a solution prepared as directed in the labeling for the drug.

2. Add the following section to Part 146:

§ 146.408 *Bacitracin ophthalmic*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ophthalmic is bacitracin with or without one or more suitable local anesthetics and preservatives, and with or without one or more suitable and harmless buffer substances and diluents. Its moisture content is not more than 5 percent. The bacitracin is of such quantity that when dissolved as directed in its labeling the potency of such solution is not less than 500 units per milliliter and maintains its labeled potency after it has been kept for 7 days at a temperature of 15° C. (59° F.). Such solution has a pH of 6.75,±.25. The bacitracin used conforms to the requirements of § 146.401 (a), except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* The immediate container of bacitracin ophthalmic shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the immediate container and closure shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 5,000 units, and each may be packaged in combination with a container of the solvent, distilled water U. S. P.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in the immediate container;

(iii) If it contains a local anesthetic or a preservative, the quantity of each in the immediate container;

(iv) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(v) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "dentist" or "veterinarian," or with any combination of two or all of these words as the case may be; and

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such bacitracin ophthalmic; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) On the label or labeling, if a local anesthetic is present, after the name "bacitracin ophthalmic," wherever it appears, the words "with ---------" (the blank being filled in with the common or usual name of the local anesthetic), in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such bacitracin ophthalmic, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications, and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such immediate containers.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the number of units in each immediate container, the date on which the latest assay of the drug comprising such batch was completed, the quantity of each other ingredient used in making the batch, and a statement that each such ingredient used conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, moisture, and pH of the solution prepared as directed in its labeling.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request in the quantities hereinafter indicated accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 20 immediate containers or more than 100 immediate containers, collected by taking single immediate containers, before or after labeling, at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146.401 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each, containing approximately 5.0 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each immediate container in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of a new antibiotic preparation, bacitracin ophthalmic, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the interested members of the affected industries and since it would be against public interest to delay providing for tests and methods of assay and certification of the new antibiotic preparation, bacitracin ophthalmic.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: February 8, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2223; Filed, Feb. 14, 1951; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MISCELLANEOUS AMENDMENTS

Part 203, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 92 (Revised) dated November 10, 1949, as amended), is hereby amended in the following respects:

1. By revising § 203.0 to read as follows:

§ 203.0 *Introductory.* Banks and trust companies designated and qualified pursuant to the terms of this part are given the title "Special Depositaries of Public Moneys" and are hereinafter referred to as "Special Depositaries". Special Depositaries are permitted to make payment in the form of a deposit credit for the purchase price of United States Government obligations purchased by such banks or trust companies for their own account or for the account of their customers, who enter their subscriptions through these banks or trust companies, when this method of payment is permitted under the terms of the circulars inviting subscriptions to such issues. Special Depositaries also are permitted to establish, subject to the conditions hereinafter prescribed, deposit credit on their books for funds representing income taxes withheld under section 1622 of the Internal Revenue Code (subchapter D of chapter 9 of the Internal Revenue Code) and employment taxes under the Federal Insurance Contributions Act, as amended (subchapter A of chapter 9 of the Internal Revenue Code). Special Depositaries also are permitted to establish, subject to conditions to be prescribed by the Secretary of the Treasury, deposit credit on their books for funds representing such other classes of internal revenue taxes as the Secretary of the Treasury may from time to time specifically designate. The deposit credit set up under this designation are called "Treasury Tax and Loan Accounts". Under this arrangement the large sums of money raised by the Treasury through financing operations and from deposits of certain taxes are left on deposit in local banking institutions until the Treasury needs to withdraw them to meet Government expenditures, thus avoiding the dislocations in the banking system which might result from immediate withdrawal of such funds.

2. By adding the following additional paragraphs to § 203.13:

(c) Deposit in the Treasury Tax and Loan Account, subject to conditions to be prescribed by the Secretary of the Treasury, funds representing deposits by taxpayers with the bank of such other classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate and which the bank has been duly authorized to receive.

(d) Deposit in the Treasury Tax and Loan Account, in addition to funds described in paragraphs (b) and (c) of this paragraph, and subject to conditions to be prescribed by the Secretary of the Treasury, funds representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, in an amount not exceeding the amount of checks drawn on the depositary bank by taxpayers.

3. By redesignating §§ 203.17 and 203.18 as §§ 203.23 and 203.24, respectively, and by adding immediately after § 203.16 the following sections:

§ 203.17 *Deposit of funds representing certain Federal taxes.* Special Depositaries may elect, at their option subject to the conditions hereinafter prescribed, to deposit in their Treasury Tax and Loan Accounts funds representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, as referred to in § 203.13 (d). Such deposits shall be made on the basis of (a) certificates of advice to the Federal Reserve Bank of the district in which the depositary is located, stating that a sum specified has been deposited for the account of such Federal Reserve Bank, as Fiscal Agent of the United States, in the Treasury Tax and Loan Account of the depositary; or (b) documents entitled "Special Draft for Credit in Treasury Tax and Loan Account" (Form 453). Certificates of advice or special drafts, as the case may be, will be prepared and transmitted to the depositaries by Federal Reserve Banks. The terms and conditions governing the use of special drafts are set forth in the following section.

SPECIAL DRAFT FOR CREDIT IN TREASURY TAX AND LOAN ACCOUNT

§ 203.18 *Preparation by Federal Reserve Banks of Special Draft for Credit in Treasury Tax and Loan Account.* A Special Draft for Credit in Treasury Tax and Loan Account, in the form prescribed, representing such classes of internal revenue taxes as the Secretary of the Treasury may from time to time designate, as referred to in § 203.13 (d), will be prepared daily by each Federal Reserve Bank for each Special Depositary in its district, pursuant to instructions issued by the Secretary of the Treasury to the Federal Reserve Banks, as Fiscal Agents of the United States.

§ 203.19 *Optional deposit into Treasury and Tax Loan Account of amounts of special drafts.* Pursuant to authority contained in this part, the Special Depositary may exercise its option of depositing in its Treasury Tax and Loan Account moneys in an amount equal to the amount of the special draft by executing such draft and presenting it to the Federal Reserve Bank upon which it is drawn, in accordance with the terms and provisions appearing on the face of the special draft and hereinafter described. Upon proper execution and timely presentation according to the terms thereof, the special draft will be paid by the Federal Reserve Bank on which drawn, as Fiscal Agent of the United States, by charge to the General Account of the Treasurer of the United States.

§ 203.20 *Execution of special drafts.* The Special Depositary shall execute the special draft by signing and dating it in the spaces provided on the face thereof. Execution of the draft will constitute certification that the amount shown has been credited by the Special Depositary to the Federal Reserve Bank on which drawn, as Fiscal Agent of the United States, Treasury Tax and Loan Account.

§ 203.21 *Transmission of special drafts to Federal Reserve Banks.* The Special Depositary, if a member of the Federal Reserve System, or non-member clearing bank, should transmit the executed special draft to a correspondent member bank or directly to the Federal Reserve Bank or Branch in which the depositary's reserve or clearing account is maintained. Non-member depositaries should transmit the special draft through their correspondent banks which are members of the Federal Reserve System or non-member clearing banks. All special drafts transmitted through a correspondent bank should be restrictively endorsed by the depositary on the reverse thereof in favor of the correspondent bank. Such correspondent banks will endorse, date, and present for payment, the special draft to the Federal Reserve Bank or Branch on which drawn. All risks of collection of special drafts shall be borne by the Special Depositaries in whose favor they are drawn.

§ 203.22 *Time for presentation of special drafts.* The special draft should be presented to the Federal Reserve Bank or Branch before the expiration of the number of business days specified on the face of the special draft, in order to receive credit therefor. The Federal Reserve Bank will specify on the face of the special draft, at the time of preparation, the number of business days within which it should be presented, which period of time will be based upon normal check collection schedules for the point at which the Special Depositary is located. The Federal Reserve Bank may, in its discretion, reject any special draft not presented within the time specified on the face thereof.

(Sec. 8, 40 Stat. 291, as amended; 31 U. S. C. 771)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

FEBRUARY 12, 1951.

[F. R. Doc. 51-2245; Filed, Feb. 14, 1951; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 6]

DMO 6—CREATING INTERAGENCY REGIONAL COMMITTEES ON DEFENSE MOBILIZATION

1. There is hereby created for each region of the National Production Authority and the Office of Defense Manpower a joint interagency committee to be known as the Regional Defense Mobilization Committee, which shall consist of the regional directors designated by the Defense Production Administration and the Office of Defense Manpower, as chairman and vice chairman, respectively, and one or more representatives of the Department of Defense, a representative of the Department of Agriculture, and a representative each from the Housing and Home Finance Agency and the Federal Security Agency. The members of the committee shall bring the local representatives of the procurement services to meetings on the request of the Chairman.

2. The Regional Defense Mobilization Committee of each region shall review the defense production programs within the region in relation to the available production capacity, labor supply, housing, and community facilities and advise the respective agencies on actions needed to obtain effective utilization of these resources for the defense effort and a proper balance between the production programs and these resources, including actions with respect to such matters as the placing, limiting or transferring of procurement contracts, the location of new production facilities, the recruitment, training and utilization of labor, and the provision of additional housing and community facilities or services.

3. This order shall take effect on February 9, 1951.

OFFICE OF DEFENSE MOBILIZATION,
C. E. WILSON,
Director.

[F. R. Doc. 51-2214; Filed, Feb. 12, 1951; 4:34 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Administrative Order 11]

AO 11—DELEGATION OF AUTHORITY TO CHIEF COUNSEL TO ISSUE OFFICIAL PRICE INTERPRETATIONS

By virtue of the authority vested in me as the Director of Price Stabilization by Economic Stabilization Agency General Order No. 2 (16 F. R. 738), it is hereby determined and ordered:

Interpretations of regulations or orders relating to price controls may be issued by the Chief Counsel or Acting Chief Counsel of the Office of Price Stabilization with the same force and effect as if issued by the Director of Price Stabilization.

The authority herein delegated may be redelegated to any attorney of the Office of the Chief Counsel or Acting Chief Counsel.

This delegation of authority shall take effect immediately.

Issued February 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2337; Filed, Feb. 13, 1951; 4:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-4, as Amended February 9, 1951]

M-4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity of immediate action.

This amendment redesignates §§ 71.1 to 71.16 to be sections 1 to 16 respectively; it adds a new paragraph (i) to section 3 and new paragraphs (e) and (f) to section 5; and also changes the word "Regional" to "Field" in sections 11 (b) and 12.

As amended, this order reads as follows:

Sec. ORDER
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.

AUTHORITY: Section 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, January 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production

Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) (1) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(2) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for building materials, building equipment, labor and services used in the construction of the particular building, structure or project, by whomever spent; but does not include the installed cost of personal property.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure, or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

(i) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multi-storied structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5, or pursuant to an adjustment or exception granted under section 11, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in section 6.)

(2) Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order at any time, pursuant to section 11, with respect to types of construction specified in section 16.

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15 and 16 is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvements, and modernizations where the construction cost of all such work shall not exceed the sum of $5,000 for any consecutive twelve months' period.

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

(e) Buildings, structures or projects for radio broadcasting and television broadcasting.

(f) Printing establishments where the primary use of the building is the publication of a newspaper; or printing establishments which are operated by a publishing company primarily for the publication of books and periodicals.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, may apply for a National Production Authority authorization to commence such construction. The application shall be in such form as may be prescribed by the National Production Authority.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15 or 16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b).

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request would result in unreasonable hardship, or would not be in the interest of the national defense. All such requests should be addressed to the Field Office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited contruction.* All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theatre, any kind (including drive-in theatre).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect February 9, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2184; Filed, Feb. 9, 1951; 12:47 p. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 4]

MO 4—TUNGSTEN CONCENTRATES

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the provisions of section 101 of the Defense Production Act of 1950. In the formulation of this order there has not been consultation with industry and trade association representatives, as special circumstances have rendered such consultation impracticable.

Sec.
1. What this order does.
2. Directed deliveries of tungsten concentrates.
3. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, as amended by E. O. 10200, January 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order requires suppliers of tungsten concentrates to make deliveries to specific purchasers at the direction of the Defense Minerals Administration.

SEC. 2. *Directed deliveries of tungsten concentrates.* On and after the effective date of this order, a supplier shall, when so directed by the Defense Minerals Administration, make delivery of tungsten concentrates to such purchaser and in such quantities as the Defense Minerals Administration may direct. The purchase order of such purchaser shall take preference over all other purchase orders.

SEC. 3. *Definitions.* For the purposes of this order:

(a) "Supplier" means and includes any person or firm producing, processing, importing, handling, or dealing in, tungsten concentrates.

(b) "Tungsten concentrates" means all natural tungsten concentrates and all synthetic scheelite containing 40% or more of tungsten trioxide.

This order shall become effective upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

Approved: February 13, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-2335; Filed, Feb. 13, 1951; 12:29 p. m.]

Chapter XV—Federal Reserve System

[Regulation V]

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

EDITORIAL NOTE: Regulation V, formerly codified as Part 223 of Title 12, is transferred to Title 32A, Chapter XV, and §§ 223.1 to 223.6 are redesignated sections 1 to 6.

[Regulation W]

REG. W—CONSUMER CREDIT

EDITORIAL NOTE: Regulation W, formerly codified as Part 222 of Title 12, is transferred to Title 32A, Chapter XV, and §§ 222.1 to 222.9 are redesignated sections 1 to 9. Sections 222.101 to 222.129 are designated Interpretations 1 to 29 of Regulation W.

[Regulation W, Interpretation 30]

REG. W—CONSUMER CREDIT

INT. 30—AUTOMOBILE APPRAISAL GUIDES

Automobile appraisal guides. The Board, effective February 15, 1951, has amended its designation under section 222.101 of the Red Book National Used Car Market Report and Blue Book-Executives Edition published by National Used Car Market Report, Inc. This amendment has been made at the request of the publisher, and transfers from its Region "A" to its Region "B" the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5, E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2221; Filed, Feb. 14, 1951; 9:39 a. m.]

[Regulation X]

REG. X—REAL ESTATE CREDIT

Regulation X, formerly codified as Part 225 of Title 12, is transferred to Title 32A, Chapter XV and revised to read as set forth below. Former §§ 225.101 to 225.121 are designated Interpretations 1 to 21 of Regulation X.

1. Effective February 15, 1951, Regulation X is amended to read as follows:

Sec.
1. Scope and application of regulation.
2. Definitions.
3. General requirements and registration.
4. Extension of credit.
5. Exemptions and exceptions.
6. Miscellaneous provisions.
7. Supplement.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interpret or apply sec. 602, Pub. Law 774, 81st Cong.

SECTION 1. *Scope and application of regulation.* (a) This regulation is issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"), with the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property and multi-unit residential property, under authority of the "Defense Production Act of 1950," approved September 8, 1950 (hereinafter called the "Act"), and Executive Order No. 10161 (15 F. R. 6105), dated September 9, 1950.

(b) This regulation applies to any person who is engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property, or nonresidential property, including any person who acts as agent in arranging for such credit. For the purposes of this regulation, a person shall be deemed to be engaged in the business of extending such real estate credit if, in his own right or as agent or fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For the purposes of this section, such real estate credit shall be deemed to include credit with respect to any residence, residential property, multi-unit residential property, or nonresidential property, whether or not there is any new construction thereon, and whether or not such credit is extended, insured, or guaranteed by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency of the United States, and whether or not such credit is exempt from this regulation.

SEC. 2. *Definitions.* For the purposes of this regulation, unless the context otherwise requires:

(a) "Person" has the meaning given it in section 702 (a) of the act.[1]

(b) "Registrant" means a person who is registered pursuant to section 3.

(c) "Credit" has the meaning given it in section 602 (d) (2) of the act.[2]

(d) "Extending credit", "extension of credit" and "extends credit" shall include extending or maintaining any credit, or renewing, revising, consolidating, refinancing, purchasing, selling, discounting, or lending or borrowing on, any obligation arising out of any credit, or arranging as agent for any of the foregoing, and also shall include a sale of, or other transfer of title to, real property if the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property.

[1] Section 702 (a) of the act provides: "The word 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this act shall apply to the United States, or to any such government, political subdivision, or government agency."

[2] Section 602 (d) (2) of the act provides: "'Credit' means any loan, mortgage, deed of trust, advance, or discount; any conditional sale contract; any contract to sell or sale or contract of sale, of property or services, either for present or future delivery, under which part or all of the price is payable subsequent to the making of such sale or contract; any rental-purchase contract, or any contract for the bailment, leasing, or other use of property under which the bailee, lessee, or user has the option of becoming the owner thereof, obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof, or has the right to have all or part of the payments required by such contract applied to the purchase price of such property or similar property; any option, demand, lien, pledge, or similar claim against, or for the delivery of property or money; any purchase, discount, or other acquisition of, or any credit under the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect."

(e) "Real estate construction credit" means any credit[3] which—

(1) Is wholly or partly secured by, or
(2) Is for the purpose of purchasing or carrying, or
(3) Is for the purpose of financing, or
(4) Involves a right to acquire or use,

new construction on real property or real property on which there is new construction, if such new construction is a residence, multi-unit residence, or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, whether such credit is extended before or after such new construction is begun; but the term "real estate construction credit" shall not include any loan or loans made, insured, or guaranteed, in whole or in part, by the Federal Housing Administration, the Veterans' Administration, or any other department, independent establishment or agency in the executive branch of the United States, or by any wholly owned Government corporation, or by any mixed-ownership Government corporation as defined in the Government Corporation Control Act, as amended (including any loan evidenced by obligations of any local public agency or public housing agency which national banks may purchase pursuant to the provisions of section 602 (a) of the Housing Act of 1949).

(f) "New construction" means any structure, or any major addition or major improvement to a structure, which is or has been begun after 12 o'clock meridian, August 3, 1950. Construction will be deemed to have been "begun" when any essential materials which are to be an integral part of the structure have been affixed to or incorporated on the site in a permanent form.

(g) "Major addition" or "major improvement" means any enlargement, reconstruction, alteration, or repair of an existing structure,[4] or any other addition or improvement which becomes or is to become physically attached to and a part of the structure,[4] if the cost or estimated cost of such addition or improvement exceeds $2,500, and also exceeds (1) if the structure is a residence or multi-unit residence, an amount determined by multiplying $1,500 by the number of family units in such residence or multi-unit residence prior to such addition or improvement, or (2) if the structure is a nonresidential structure, an amount equal to 15 percent of the appraised value of the nonresidential structure[5] as determined in good faith by the Registrant who extends the credit.[6]

(h) "Real property" includes leaseholds and other interest in such property.

(i) The "maximum loan value" of any property[7] shall be the amount which is computed in the manner prescribed in section 7. In making such computations:

(1) For a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, "value" shall be the cost or estimated cost[8] of such major addition or major improvement;

(2) For residential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of residential property, "value" shall be the bona fide sale price;

(ii) In the case of any other extension of credit with respect to residential property:

(*a*) If the entire cost of the property to the borrower has been incurred by him not more than 12 months prior to the extension of credit or is to be incurred by him after such extension of credit, "value" shall be the bona fide cost of the property to the borrower, including a bona fide estimate of the cost of completing new construction on such property when the extension of credit is for the purpose of financing such new construction;

(*b*) If any part of the cost of the property to the borrower has been incurred by him more than 12 months prior to the extension of credit, or if any part of such property has been acquired by gift, exchange, or inheritance, "value" shall be the appraised value as determined in good faith by the Registrant who extends the credit;

(3) For an extension of credit which is for the purpose of financing the construction of a residence on farm property, "value" shall be the total of (i) the cost or estimated cost of such new construction, and (ii) 5 percent of such cost or estimated cost.[9]

(4) For multi-unit residential property and nonresidential property, other than major additions or major improvements:

(i) In the case of an extension of credit in connection with a bona fide sale of multi-unit residential property or nonresidential property, "value" shall be the bona fide sale price;

(ii) In the case of any other extension of credit with respect to multi-unit residential property or nonresidential property, "value" shall be the appraised value as determined in good faith by the Registrant who extends the credit. Appraisals pursuant to this provision and other provisions of this regulation will be subject to inspection by the Board and the Federal Reserve Banks in accordance with section 6 (d), and appraisals found to be in excess of those dictated by sound and established practice in the community shall be deemed sufficient ground for the suspension of the Registrant pursuant to section 3 (c).

(j) "Bona fide sale price" means the amount paid or to be paid by the vendee in money or its equivalent. It includes, in addition to cash, (1) the value of any property accepted in part payment, (2) the unpaid principal amount of any indebtedness incurred or assumed by the vendee or to which the property remains subject, (3) the amount of any liens for taxes or special assessments which are in default or currently due and payable, (4) the amount of any mechanics' liens or other liens which the vendee is required to discharge, (5) the amount which the vendee agrees to pay for any alteration or other modification made or to be made to the property as an incident to the sale thereof, and (6) any amounts paid by the vendee for closing costs. It does not include any prepaid charges, or any accrued rents which will be paid to the vendee.

(k) "Residence"[10] means any structure which is used or designed for per-

[3] Extended on or after October 12, 1950, with respect to farm residences, residential property, and major additions and major improvements to residences; or on or after January 12, 1951, with respect to multi-unit residential property and major additions and major improvements to multi-unit residences; or on or after February 15, 1951, with respect to nonresidential property and major additions and major improvements to nonresidential structures.

[4] Notwithstanding this definition or any other provision of this regulation, an addition or improvement to any existing structure which will become a "residence", "multi-unit residence", or "nonresidential structure" by reason of such addition or improvement shall be treated as an addition or improvement to an existing "residence", "multi-unit residence", or "nonresidential structure", respectively; and, in determining whether the cost or estimated cost of an addition or improvement to an existing structure which will become a "residence" or "multi-unit residence" is such that it would be a major addition or major improvement within the meaning of section 2 (g), and in determining what the maximum loan value is, the determination shall be according to the number of family units which will be in the structure after the addition or improvement has been completed.

[5] For this purpose, the value of the land upon which the nonresidential structure is located is not taken into consideration; and the appraised value is the appraised value of the structure before the major addition or major improvement is made.

[6] It should be noted that section 2 (f) defines "new construction" as including "any major addition or major improvement" and that section 2 (e) defines "real estate construction credit" as including certain credit with respect to "real property on which there is new construction". Accordingly, if a major addition or major improvement is made to an existing structure, even though such structure was erected or begun prior to August 3, 1950, any subsequent extension of credit with respect to such structure or the property on which it is located is "real estate construction credit". However, in determining whether property has become "real property on which there is new construction" by reason of a major addition or major improvement having been made to an existing structure, there shall be considered only such costs as are or have been incurred during any period of 12 consecutive months (or during a period not exceeding twelve months beginning January 12, 1951, if the structure is a residence or multi-unit residence, or beginning February 15, 1951, if the structure is a nonresidential structure).

[7] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, a multi-unit residence, or nonresidential structure, as the case may be.

[8] Based on such evidence and supporting data as normally would be required by a prudent lender.

[9] The 5 percent is added when the extension of credit is for the purpose of financing the construction of a residence on farm property in order to take account of the value of the land upon which the residence is to be constructed.

[10] Structures such as hotels, motels, rooming houses, club houses, fraternity or sorority

manent or transient dwelling purposes, and which includes at least one but not more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure. Houses connected by common walls and commonly known as "row houses" or "semidetached houses" shall be considered separate structures.

(l) "Multi-unit residence" [9] means any structure such as an apartment house or apartment hotel (whether owned cooperatively or otherwise) which is used or designed for permanent or transient dwelling purposes, and which includes more than four family units, if the floor space contained in such family units comprises at least one-half of the floor space of such structure.

(m) "Family unit" means space which is used or designed for dwelling purposes and which contains one or more rooms with kitchen facilities (or space designed for kitchen facilities) in or appurtenant to such rooms.

(n) "Residential property" means any real property, other than farm property, on which there is or is to be a residence or residences.

(o) "Farm property" means any real property, other than multi-unit residential property or nonresidential property, located outside of urban areas, which is principally used for the production of crops, livestock or other agricultural commodities.

(p) "Multi-unit residential property" means any real property on which there is or is to be a multi-unit residence or multi-unit residences.

(q) "Nonresidential property" means any real property on which there is or is to be a nonresidential structure or structures.

(r) "Nonresidential structure" [10] means any structure other than—

(1) A residence,

(2) A multi-unit residence,

(3) A school, hospital, or church,

(4) A structure exclusively used or designed for use—

(i) By a public utility,

(ii) By any Government or political subdivision, or

(5) A structure more than 80 percent of the floor space of which is used or designed for use—

(i) In processing materials, goods, or articles into finished or partly finished manufactured products,

(ii) In mining or otherwise extracting raw materials, or

(iii) On farm property in the production, shelter, or storage incidental thereto, of crops, livestock or other agricultural commodities.

houses, rest homes, and the like, in which more than one-half of the floor space consists of units which do not contain kitchen facilities or space designed for kitchen facilities shall not be deemed to be residences or multi-unit residences. See section 2 (r).

[10] Nonresidential structures ordinarily subject to this regulation include, among others, the following: Office buildings, warehouses, stores (including sales display and service facilities, whether wholesale or retail), banks, hotels, motels, motor courts, garages, automobile service stations, restaurants, and clubs.

(s) "Public utility" means any transportation company, electric light or power company, gas company, water company, pipeline company, telephone company, telegraph company, or other similar business which is operated for the convenience, service or accommodation of the public if (1) the operations of such company are supervised by a Federal or State agency, or (2) the members of the public as such are entitled as of right to demand and use its facilities or services.

SEC. 3. *General requirements and registration*—(a) *General requirements.* No person engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall extend real estate construction credit unless (1) he is registered pursuant to this section, and (2) he has no knowledge of, and has no reason to know, any fact by reason of which such credit fails to comply with any applicable provision of this regulation.

(b) *Registration.* Every person engaged in the business of extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall be deemed to be registered pursuant to this regulation until such time as the Board, by public announcement, may require registration statements to be filed by all, or any specified classes of, such persons. Should the Board require such registration statements, a person shall continue to be registered after the time such statements are required only if he shall have complied with the requirements of the Board's announcement. Every person who is registered in accordance with the provisions of this paragraph is referred to in this regulation as a "Registrant".

(c) *Suspension of registration.* Any Registrant may, after reasonable notice and opportunity for a hearing, be suspended by the Board, as to all or as to particular activities or particular offices and for specified or indefinite periods, because of any willful or negligent failure to comply with any provision of this regulation.

A suspension for a specified period will terminate upon the expiration of such period. A suspension for an indefinite period may be terminated by the Board, in its discretion, if the Board is satisfied that its action would not lead to further violations of this regulation by the suspended Registrant and would not be otherwise incompatible with the public interest.

SEC. 4. *Extension of credit*—(a) *Amount; maturity; amortization.* Except as otherwise permitted by this regulation, no Registrant shall, either in connection with a sale or otherwise:

(1) Extend real estate construction credit with respect to residential property, multi-unit residential property, or nonresidential property (other than major additions or major improvements) if the amount of credit outstanding with respect to the property (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such property;

(2) Extend real estate construction credit for the purpose of financing a major addition or major improvement to a residence, multi-unit residence or nonresidential structure if the amount of credit outstanding for the purpose of financing the major addition or major improvement (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such major addition or major improvement;

(3) Extend real estate construction credit for the purpose of financing the construction of a residence on farm property if the amount of credit outstanding for the purpose of financing the construction of the residence (including any credit exempt from, or not subject to the prohibitions of, this regulation) exceeds, or as a result of such extension of credit would exceed, the applicable maximum loan value of such residence;

(4) Extend real estate construction credit if such credit would have a maturity which exceeds the applicable maximum maturity provisions, or would be repaid in any manner which does not conform with the applicable amortization provisions, set forth in section 7;

(5) Purchase, discount or lend on any credit instrument evidencing real estate construction credit which is subject to and not exempt from this regulation, unless the terms of such credit conformed with the provisions of section 7 when such credit was originally extended or conform with the provisions of section 7 at the time of such purchase, discount or loan; but for the purposes of this paragraph credit shall be considered to be subject to this regulation even though extended by a person other than a Registrant;

(6) If the Registrant is acting as principal—sell, or transfer title to, residential property, multi-unit residential property or nonresidential property on which there is new construction (which is a residence, multi-unit residence or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence or nonresidential structure) and with respect to which the vendee or transferee assumes, or takes such property subject to, indebtedness secured by a mortgage or other lien upon such property, if the amount of outstanding credit (including any credit exempt from, or not subject to the prohibitions of, this regulation) which was extended after October 12, 1950 (or after January 12, 1951, if it is a sale or transfer of multi-unit residential property or after February 15, 1951, if it is a sale or transfer of nonresidential property), with respect to the property exceeds, or as a result of such sale or transfer would exceed, the applicable maximum loan value of such property, or if any outstanding real estate construction credit (subject to and not exempt from this regulation) with respect to such property does not conform with the provisions of this regulation.[12]

(b) *Secondary borrowing.* Except as otherwise permitted by this regulation, no Registrant shall extend real estate construction credit if he knows or has reason to know that there is, or that there is to be, any other credit extended with respect to the property [13] (1) which, when added to the credit proposed to be extended by the Registrant, would cause the total amount of credit outstanding with respect to the property [13] (including any credit exempt from, or not subject to the prohibitions of, this regulation) to exceed the applicable maximum loan value of such property, or (2) which, if it is real estate construction credit subject to and not exempt from this regulation, does not or would not comply with the applicable maximum maturity and amortization provisions set forth in section 7.

(c) *Ascertaining nature of credit.* No Registrant shall extend any credit unless he is satisfied, and maintains records which reasonably demonstrate on their face, whether such credit is or is not real estate construction credit; provided, however, unless the Registrant has actual knowledge that the credit is real estate construction credit, the requirements of this sentence shall not apply (1) to any extension of credit which is made by a bank, savings and loan association, or similar institution and which is to be repaid within six months and is fully secured by withdrawable shares issued by or savings accounts held with the lender, or (2) to any extension of credit in the ordinary course of business for a commercial, agricultural, or business purpose where the Registrant, because of a previous course of dealings or correspondence between himself and the borrower, has no reason to believe that the credit is or will be real estate construction credit. The preceding sentence does not require that a Registrant obtain a signed statement from each borrower, and if the Registrant is satisfied that credit is not real estate construction credit, other kinds of records may be used to demonstrate this fact. Such records may include, among others, (1) any correspondence, memoranda, loan applications or other documents of any kind, whether or not originating in connection with the credit in question, which on the basis of a reasonable interpretation show that the credit is not real estate construction credit; or (2) a written endorsement or rubber stamp legend, placed upon the credit instrument or upon other papers in connection with the credit and signed by the Registrant or a responsible officer of the Registrant, stating that he is satisfied that the credit in question is not real estate construction credit. If, however, a Registrant desires to obtain, and accepts in good faith, a signed Statement of the Borrower stating that the credit is not wholly or partly secured by, or for the purpose of purchasing or carrying, or for the purpose of financing, or one which involves the right to acquire or use, new construction on real property or real property on which there is new construction (or that such new construction, if any, is not a residence, multi-unit residence or nonresidential structure, or a major addition or major improvement to a residence, multi-unit residence or nonresidential structure), such Statement shall be deemed to be compliance with the requirements of this paragraph.

(d) *Statement of the borrower.* No Registrant shall extend real estate construction credit unless he has accepted in good faith a signed Statement of the Borrower (1) stating whether the credit is with respect to property [14] subject to this regulation, and (2) stating, if the Registrant claims that such credit is exempt from this regulation, the reason for such exemption; and, if the credit is not exempt, (3) stating the amount of credit previously extended and outstanding, and the amount of any other credit to be extended, with respect to the property,[15] (4) stating, if the Registrant in computing "value" relies upon cost or estimated cost to the borrower (where such cost or estimated cost may be used for this purpose), the bona fide amount of such cost or estimated cost to the borrower, and (5) stating, if the extension of credit is in connection with a sale, the sale price, that the sale price was bona fide, and the value and a brief description of any property accepted in part payment. If the extension of credit is in connection with a sale, such Statement shall state that the vendor of the property has or will have no financial interest in such property or in the proceeds of any subsequent disposition thereof, except such interest as may be fully disclosed to the Registrant. The amount of any such financial interest of the vendor of the property retained in the property or any proceeds of the disposition thereof shall be deemed to be real estate construction credit extended with respect to such property. The Statement of the Borrower may be made, if desired, on a form a sample of which is obtainable at any Federal Reserve Bank or branch.

SEC. 5. *Exemptions and exceptions*—(a) *Minimum amount.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of credit if the total amount thereof, including all outstanding credit which was granted after October 12, 1950, with respect to the same property,[16] is not in excess of $2,500.

[12] For application to three- and four-unit residences, see section 6 (j).

[13] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, a multi-unit residence or nonresidential structure as the case may be.

[14] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure, as the case may be.

[15] As used here, "property" means residential property, multi-unit residential property, nonresidential property, a residence on farm property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure as the case may be.

(b) *Short-term residential construction credits.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any credit which is for the purpose of financing the construction of a residence or residences or a major addition or major improvement to a residence, if the maturity of such credit is not more than 18 months; provided, that this exemption shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this regulation. If (1) the initial purpose of an extension of credit having a maturity exceeding 18 months is the financing of the construction of a residence or residences or a major addition or major improvement to a residence and (2) the credit instrument provides, or an agreement with respect to the credit requires, that within 32 days after completion of such construction or upon a specified date when the Registrant estimates in good faith the construction will be completed, which in either case shall be not more than 18 months after the extension of the credit, the terms of the credit shall conform thereafter with the applicable maximum loan value and the applicable maturity and amortization provisions set forth in paragraph (a) (Schedule I) of section 7, then in such event the prohibitions of paragraphs (a) and (b) of section 4 shall not apply to such credit until after the lapse of the time so described or specified, but if at any time after the date of the extension of such credit, a Registrant sells or transfers title to the property with respect to which the credit is extended, such sale or transfer of title must conform to the provisions of this regulation and paragraph (a) (Schedule I) of section 7.[16]

(c) *Other short-term construction credits.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure and which is extended to any person other than the owner of the property and has a maturity of not more than 24 months: *Provided*, That this exemption shall not be construed to permit any renewal, revision, consolidation, or refinancing of such credit except on terms which conform with the provisions of this regulation. Extensions of credit for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure may not be made to the owner of the property in a total amount exceeding the maximum loan value of the property; but any such credit extended to the owner of the property shall be exempt from the amor-

[16] It should be noted that this exemption does not apply to any credit which is for the purpose of financing the construction of a multi-unit residence or nonresidential structure or a major addition or major improvement to a multi-unit residence or nonresidential structure. However, see section 5 (c).

tization provision in paragraph (c) (Schedule III) of section 7 if (1) such credit has a maturity of not more than 24 months, or (2) the initial purpose of credit having a maturity exceeding 24 months is the financing of the construction of a nonresidential structure or nonresidential structures or a major addition or major improvement to a nonresidential structure, and the credit instrument provides, or an agreement with respect to the credit requires, that within 32 days after completion of such construction or upon a specified date when the Registrant estimates in good faith the construction will be completed, which in either case shall be not more than 24 months after the extension of the credit, the terms of the credit shall conform thereafter with the applicable maturity and amortization provisions set forth in paragraph (c) (Schedule III) of section 7; but if at any time after the date of the extension of such credit, a Registrant sells or transfers title to the property with respect to which the credit is extended, such sale or transfer of title must conform to the provisions of this regulation and paragraph (c) (Schedule III) of section 7.

(d) *Medical expenses, etc.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used for bona fide medical, hospital, dental, or funeral expenses, or to pay debts incurred for such expenses, and that the proceeds of the extension are to be paid over in amounts specified in such Statement to persons whose names, addresses and occupations are stated therein.

(e) *Casualties.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit as to which the Registrant accepts in good faith a signed Statement of the Borrower certifying that the proceeds thereof are to be used solely for the replacement, reconstruction or repair of a residence, multi-unit residence or nonresidential structure destroyed or substantially damaged by flood, fire, or other similar casualty.

(f) *Contracts to sell.* None of the provisions of this regulation shall apply to a contract to sell real property (1) which does not provide for the payment of any part of the purchase price, or of any amount to be subsequently applied to such price, except a deposit of earnest money, before the transfer of title to such property, (2) which is to be performed by a transfer of title to such property within six months after the date on which the contract was entered into, and (3) which provides for the subsequent transfer of title to such property on terms which conform to the provisions of this regulation in effect on the date the contract was entered into.

(g) *Contemplated construction.* Any builder or other person who had made substantial commitments or undertakings before August 3, 1950, with a view to the building of new construction which is a residence or a major addition or major improvement to a residence and who asserts that his inability to obtain credit to finance such new construction on the basis contemplated by him and by the Registrant prior to August 3, 1950, would cause him substantial hardship, may apply to the Federal Reserve Bank of the district in which the new construction is contemplated for an exemption from this regulation for such new construction, showing all the facts and submitting all necessary supporting documents with respect to his commitments or undertakings and why compliance with this regulation would cause him substantial hardship. If such Federal Reserve Bank after consideration of the application and supporting documents determines that substantial commitments were made prior to August 3, 1950, and that substantial hardship would result from the application of this regulation in such case, it may issue to such builder or other person a certificate approving such application and thereupon any extension of credit to such builder or other person by the Registrant named in such certificate with respect to the new construction that may be specified in such certificate shall be exempt from the prohibitions of paragraphs (a) and (b) of section 4. Applications under this paragraph must be sent to the Federal Reserve Bank prior to March 15, 1951.

(h) *Labor and material.* No person shall be required to register pursuant to section 3 because of the fact that he performs labor or furnishes material for new construction on an open account, unless he shall be otherwise engaged in the business of extending real estate credit.

(i) *Credits secured by life insurance policies.* None of the provisions of this regulation shall apply to an extension of real estate construction credit which is fully secured by the loan value or cash surrender value of a life insurance policy; and, notwithstanding any other provisions of this regulation, a Registrant in determining the amount of credit which he may extend under the provisions of section 4 need not take into account any credit which is secured in the manner specified in this paragraph.

(j) *Farm property.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any extension of real estate construction credit with respect to farm property unless the extension of credit is for the purpose of financing the construction of a residence on farm property or a major addition or major improvement to a residence on farm property.[17]

(k) *Exemption for certain new construction.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to any real estate construction credit extended prior to May 1, 1951, with respect to new construction (1) begun prior to October 12, 1950, if such new construction is a residence or a major addition or major improvement to a residence, (2) begun prior to January 12, 1951, if such new construction is a multi-unit residence or a major addition or major improvement to a multi-unit residence,[18] or (3) begun prior to February 15, 1951, if such new construction is a nonresidential structure or a major addition or major improvement to a nonresidential structure.

(l) *Materials, articles and services used in new construction.* None of the provisions of this regulation shall apply to an extension of credit which is for the purpose of purchasing, or is in connection with a sale of, materials, articles and services for new construction if the credit is extended on terms which provide for a minimum down payment of 10 per cent, or a maximum loan value of 90 per cent, and for repayment within 30 months by (1) substantially equal monthly or weekly payments covering principal and interest, or (2) substantially equal monthly or weekly payments of principal.[19]

SEC. 6. *Miscellaneous provisions*—(a) *Evasions.* No extension of real estate construction credit complies with the requirements of this regulation if at the time it is made there is any agreement, arrangement, or understanding, of which the Registrant knows or has reason to know, by which credit is or is to be extended in violation of this regulation, even though such extension of credit is or is to be made indirectly, or which would otherwise evade or circumvent, or conceal any evasion or circumvention of, any provision of this regulation. No Registrant extending credit subject to this regulation shall divide such credit into two or more parts, or enter into any agreement or understanding with any other person as a result of which two or more credits are extended, when the purpose or effect of such action is to circumvent or avoid the amortization or maturity provisions of this regulation.

(b) *Outstanding contracts and obligations.* The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to or affect (1) any credit with respect to residential property or a major addition or major improvement to a residence if extended prior to October 12, 1950, or pursuant to any firm commitment to extend credit made prior to such date, (2) any credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence if extended prior to January 12, 1951, or pursuant to any firm commitment to extend credit made prior to such date, or (3) any credit with respect to nonresidential property or a major addition or major improvement to a nonresidential structure if extended prior to February 15, 1951, or pursuant to any firm commitment to extend credit made prior to such date, if such firm commitment complies with (1) of the next succeeding sentence. For

[17] It is to be noted that the term "farm property" as defined in section 2 (c) does not include multi-unit residential property or nonresidential property; accordingly, the location of multi-unit residential property or nonresidential property does not affect the question whether extensions of credit with respect to such property are subject to this regulation.

[18] For application to three- and four-unit residences, see section 6 (j).

[19] It should be noted that in certain circumstances more restrictive terms would be required by Regulation W.

this purpose, a firm commitment means either (1) a written agreement under which the Registrant is required without option or discretion on his part to extend credit upon demand by the borrower or upon compliance by the borrower with one or more conditions referred to in such agreement; or (2) any other agreement to extend credit with respect to residential property, a residence, or a major addition or major improvement to a residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to October 12, 1950, if the Registrant prior to January 1, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to October 12, 1950; or (3) any other agreement to extend credit with respect to multi-unit residential property or a major addition or major improvement to a multi-unit residence which has been entered into in good faith by the parties and in reliance upon which the prospective borrower or builder has taken specific action prior to January 12, 1951, if the Registrant prior to March 15, 1951, shall have sent to the Federal Reserve Bank of the district in which he does business a letter or other statement reciting the facts with respect to such agreement and the specific action taken by the prospective borrower or builder prior to January 12, 1951.[20]

(c) *Real property outside the United States.* None of the prohibitions of this regulation shall apply to any extension of real estate construction credit with respect to real property in Alaska, the Panama Canal Zone, or any territory or possession outside the continental United States.

(d) *Preservation of records; inspections; administrative reports.* For the purpose of determining whether or not there has been compliance with the provisions of this regulation, every person extending real estate credit with respect to residences, residential property, multi-unit residential property or nonresidential property shall preserve for the period hereinafter specified such accounts, correspondence, memoranda, papers, books, and other records, or photostats or other copies thereof, as are relevant to establishing whether such person is engaged in the business of extending such real estate credit; whether each credit extended is or is not real estate construction credit with respect to a farm residence, residential property, multi-unit residential property, nonresidential property, or a major addition or major improvement to a residence, multi-unit residence, or nonresidential structure; and whether each extension of real estate construction credit conformed with the provisions of this regulation. Every such person shall preserve such records for three years after the extension of such credit, or until the repayment of the credit, whichever period is shorter: *Provided, however,* That if such person sells or transfers an obligation evidencing a credit (or releases collateral held as security for such credit) and delivers his records relevant to such credit to the purchaser or transferee, such person need not thereafter maintain such records with respect to the credit but shall keep a record of the identity of the purchaser or transferee and the date of such sale or transfer (or such release). Every such person shall permit the Board or a Federal Reserve Bank, by its duly authorized representatives, to inspect such records and business operations as the Board or a Federal Reserve Bank may deem necessary or appropriate; and when ordered to do so, shall furnish, under oath or otherwise, such reports, information, or records relevant to extensions of credit as the Board or a Federal Reserve Bank may deem necessary or appropriate for the enforcement and administration of this regulation.[21]

(e) *Default and foreclosure; serviceman's preinduction debt.* Nothing in this regulation shall be construed to prevent any Registrant from taking such action as he shall deem necessary in good faith (1) with respect to any extension of credit to any member or former member of the armed forces of the United States which was made to him prior to his induction into such service and assignment to active duty, or (2) for the Registrant's own protection in connection with any credit which is in default and is the subject of a bona fide collection effort by the Registrant. The prohibitions of paragraphs (a) and (b) of section 4 shall not apply to an extension of credit by a Registrant in connection with a sale of property acquired by him through foreclosure proceedings if such credit does not exceed the unpaid principal amount of the foreclosed credit, the costs of acquisitioned through foreclosure, and the costs incurred in the rehabilitation and repair of the property prior to the sale.

(f) *Veterans' programs under State law.* Nothing in this regulation shall be construed as prohibiting a State (as distinguished from any other person affected by this regulation) from according rights and preferences to eligible veterans by extending, guaranteeing or insuring, in whole or in part, real estate construction credit pursuant to State legislation similar in purpose or effect to Title III of the Servicemen's Readjustment Act of 1944, as amended, provided that the terms of the credit are no more liberal than are currently permitted in the case of comparable loans insured or guaranteed under that act.

(g) *State housing programs.* Nothing in this regulation shall prohibit extensions of credit to public corporations created pursuant to a public housing program of a State or municipality where such credit is extended, insured, or guaranteed by the State or municipality or the State or municipality has made commitments to furnish funds to assure repayment.

(h) *Extension of credit for mixed purposes.* In the case of an extension of credit which is partly subject to one provision of this regulation and partly subject to another provision, whether by reason of the types of property involved, or otherwise, the amount and terms of such credit shall be such as would result if the credit were divided into two or more parts and each part were treated as if it stood alone. In the case of an extension of credit which is partly subject to this regulation and partly not subject to (or exempt from) this regulation, the amount and terms of the extension of credit will comply with this regulation if they satisfy the requirements of this regulation applicable to the subject portion.

(i) *Calculation of maximum maturity.* In calculating the maximum maturity of credits which are subject to maximum maturity provisions in section 7, a Registrant may use, at his option, as "the date such credit is extended," any date not more than 32 days subsequent to the actual date such credit is extended.

(j) *Three- and four-unit residences.* Notwithstanding any other provisions of this regulation, the provisions of section 4 (a) (6), section 5 (k), and section 6 (b) which are applicable to multi-unit residences shall be applicable to residences containing three or four family units.

(k) *Right of Registrant to impose stricter requirements.* Any Registrant, if he desires, may refuse to extend credit, extend less credit than the amount permitted by this regulation, or require that repayment be made within a shorter period or in larger installments than prescribed in section 7.

(l) *Reliance upon statement of the borrower.* The facts set forth in any signed Statement of the Borrower which a Registrant accepts and relies upon in good faith shall be deemed to be correct for the purposes of the Registrant.

(m) *False statements.* The making or submission by any person of any false, fictitious or fraudulent statement or representation pursuant to, or which is intended to conform to, or show compliance with, any requirement or provision of this regulation, shall be a violation of this regulation.

(n) *Statutory penalties.* The act provides that "Any person who willfully violates any provision of section * * * 602 (relating to real estate construction credit) or any regulation or order issued thereunder, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

(o) *Enforceability of contracts.* Nothing in this regulation shall affect the enforceability of any contract.

SEC. 7. *Supplement*—(a) *Schedule I; One-to-four-unit residential property and farm residences*—(1) *Maximum loan value.* For the purposes of this regulation, maximum loan values for all residential property, farm residences, and major additions and major improvements to residences shall be determined as follows: (i) Determine the "value" of the residential property, farm residence, or major addition or major improvement to a residence, as the case may be, in accordance with section 2 (i);

[20] For application to three- and four-unit residences, see section 6 (j).

[21] The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

family unit" by the number of family units in order to determine the "value per family unit"; (iii) determine the "maximum loan value per family unit" from the table below; (iv) multiply the "maximum loan value per family unit" by the number of family units in order to determine the maximum loan value of the residential property, farm residence, or major addition or major improvement, as the case may be. Where a major addition or major improvement will change the number of family units, the "value per family unit" shall be computed on the basis of the number of family units which the multi-unit residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to multi-unit residences involving more than one structure, the maximum loan value may be applied separately with respect to each such structure or with respect to the entire property or all such residences, at the election of the Registrant.

If the "value per family unit" is—	*The "maximum loan value per family unit" is—*
Not more than $7,000	83 percent of "value per family unit."
More than $7,000 but not more than $15,000	$5,810 plus 53 percent of excess of "value per family unit" over $7,000.
More than $15,000 but not more than $23,500	$10,050 plus 20 percent of excess of "value per family unit" over $15,000.
Over $23,500	50 percent of "value per family unit."

(c) *Schedule III: Nonresidential property*—(1) *Maximum loan value.* For the purposes of this regulation, the maximum loan value of any nonresidential property or major additon or major improvement to a nonresidential structure shall be 50 percent of the "value" of the property, or the major addition or major improvement, determined in accordance with section 2 (i). In the case of credit extended with respect to nonresidential property involving more than one nonresidential structure, the maximum loan value may be applied separately or with respect to each such structure, or with respect to the entire property, at the election of the Registrant.

(b) *Maturity.* For the purposes of this regulation, the following maturity requirement is prescribed for credit with respect to nonresidential property and major additions and major improvements to nonresidential structures: No such credit subject to this regulation shall have a maturity of more than 25 years from the date such credit is extended.

(c) *Amortization.* For the purposes of this regulation the following amortization requirement is prescribed for credit with respect to nonresidential property and major additions and major improvements to nonresidential structures: With respect to every such credit subject to this regulation, amortization payments shall be required which either (i) will annually reduce the original principal amount of such credit by not less than 5 percent until the outstanding balance of such credit has been reduced to an amount equal to or less than 50 percent of the value of the property with respect to which such credit was extended or (ii) will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit through substantially equal monthly, quarterly, semiannual, or annual payments covering principal and interest or through substantially equal monthly, quarterly, semiannual, or annual payments of principal. The value referred to in the preceding sentence shall be determined as of the date the credit was extended in the manner provided in section 2 (i). If the amount of the credit when extended is not more than 50 percent of such value, such credit shall not be subject to the amortization provisions of this subparagraph.

(b) *Schedule II: Multi-unit residential property*—(1) *Maximum loan value.* For the purposes of this regulation, the following maximum loan values for all multi-unit residential property and major additions and major improvements to multi-unit residences shall be determined as follows: (i) Determine the "value" of the multi-unit residential property, or major addition or major improvement as the case may be, as provided in section 2 (i); (ii) divide this "value" by the number of family units in order to determine the "value per family unit"; (iii) determine the "maximum loan value per family unit" from the table below; (iv) multiply the "maximum loan value per family unit" by the number of family units in order to determine the maximum loan value of the residential property, farm residence, or major addition or major improvement, as the case may be. Where a major addition or major improvement will change the number of family units, the "value per family unit" shall be computed on the basis of the number of family units which the multi-unit residence will contain after the addition or improvement has been completed. In the case of credit extended with respect to multi-unit residences involving more than one structure, the maximum loan value may be applied separately with respect to each such structure or with respect to the entire property, at the election of the Registrant.

If the "value per family unit" is—	*The "maximum loan value per family unit" is—*
Not more than $5,000	90 percent of "value per family unit."
More than $5,000 but not more than $9,000	$4,500 plus 65 percent of excess of "value per family unit" over $5,000.
More than $9,000 but not more than $15,000	$7,100 plus 60 percent of excess of "value per family unit" over $9,000.
More than $15,000 but not more than $20,000	$10,700 plus 20 percent of excess of "value per family unit" over $15,000.
More than $20,000 but not more than $24,250	$11,700 plus 10 percent of excess of "value per family unit" over $20,000.
Over $24,250	50 percent of "value per family unit."

(2) *Maturity.* For the purposes of this regulation, the following maturity requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: No such credit subject to this regulation shall have a maturity of more than 20 years from the date such credit is extended with respect to the entire property, at the election of the Registrant.

(3) *Amortization.* For the purposes of this regulation the following amortization requirements are prescribed for credit with respect to residential property, farm residences, and major additions and major improvements to residences: With respect to every such credit subject to this regulation, amortization payments shall be required which either (i) will annually reduce the original principal amount of such credit by not less than 5 percent until the outstanding balance of such credit has been reduced to an amount equal to or less than 50 percent of the value of the property with respect to which such credit was extended or (ii) will fully liquidate the original principal amount of such credit not later than the date of the maturity of the credit through substantially equal monthly, quarterly, semiannual, or annual payments of principal.

2. a. Regulation X is issued by the Board of Governors of the Federal Reserve System, with the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property and multi-unit residential property, under authority of the Defense Production Act of 1950, approved September 8, 1950, and Executive Order No. 10161, dated September 9, 1950.

The purpose of this regulation is to prescribe appropriate terms in connection with real estate construction credit, including appropriate supporting rules, in order to carry out the purposes and policy of the aforementioned authorities. The principal purpose of this amendment is to broaden the scope of this regulation by making it applicable to non-residential real estate credit with certain exceptions. The amendment also makes other changes with the view of providing more workable and effective regulation.

b. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

In amending this regulation and in accordance with the requirements of the aforesaid section 709, there has been consultation with industry representatives, including trade association repre-

sentatives, and consideration has been given to their recommendations.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2373; Filed, Feb. 14, 1951; 12:00 m.]

[Regulation X, Interpretations 22, 23]

REG. X—REAL ESTATE CREDIT

INT. 22—MAXIMUM MATURITY

Maximum maturity. The maturity provision in § 225.7 of Regulation X provides for a maximum maturity of 20 years (or 25 years, in some cases) "from the date such credit is extended". In trade practice, provision often is made for the payment of the first installment of an amortized loan on the first day of the second calendar month after the month in which the credit is extended. In order to permit this practice, the Board, in Interpretation 11 to Regulation X, stated: "• • • in calculating the maximum maturity of credit subject to this part [regulation], a Registrant may, at his option, use any date not more than 32 days subsequent to the date such credit is extended."

Regulation X, as amended effective January 12, 1951, provides in § 225.6 (n) that "In calculating the maximum maturity of credit subject to this part [regulation], a Registrant may use, at his option, as 'the date such credit is extended', any date not more than 32 days subsequent to the actual date such credit is extended."

Neither § 225.6 (n) nor Interpretation 11 of Regulation X means that the first instalment of an amortized loan must be paid within 32 days after the date the credit is extended. They do mean, in effect, that the maximum maturity of credit subject to this part [regulation] may be 20 years and 32 days (or, in some cases, 25 years and 32 days) from the actual date such credit is extended.

For example, if a 20-year loan payable monthly were closed on January 1, 1951, and the first payment is made on March 1, 1951, the last payment would be made on February 1, 1971. Here the Registrant would be using February 1, 1951, which is 31 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date. The loan, in effect, would have a maturity of 20 years and 31 days from January 1, 1951, the actual date such credit was extended.

The principles of § 225.6 (n) and Interpretation 11 of Regulation X are not limited to monthly payment loans. The amortization provision in § 225.7 permits repayment through substantially equal monthly, quarterly, semiannual, or annual payments. As a further illustration, in the case of a 20-year loan payable annually in 20 instalments, where the loan is closed on February 1, 1951, the first payment could be made on March 1, 1952, because the last payment would be made and the loan would mature on March 1, 1971. Here the Registrant would be using March 1, 1951, which is 28 days subsequent to the actual date such credit is extended, as "the date such credit is extended", and the loan would mature 20 years from such date.

INT. 23—REAL ESTATE BROKERS

Real estate brokers. An inquiry has been received by the Board regarding the status under this part of real estate brokers: When are they Registrants and, in cases where they are, does this affect sales of real property by non-Registrants, when the broker acts as the vendor's sales agent?

The second paragraph of § 225.1 provides that Regulation X applies to any person who is engaged in the business of extending certain real estate credit, "including any person who acts as agent in arranging for such credit." The quoted phrase means that the regulation applies to persons who are engaged in the business of arranging for such credit as agents for lenders, not as agents for borrowers.

In a typical sale of real estate, where the real estate broker acts as sales agent for the vendor, the broker may also arrange the financing for the sale. In such cases, if the broker receives a fee from a lender for his services in arranging the financing, whether the lender is the vendor or a third party, the broker ordinarily would be considered an agent for the lender. However, if the broker does not receive such a fee, but merely contacts or otherwise negotiates with the lender on behalf of the vendor or vendee, he ordinarily would not be considered an agent for the lender.

It is the opinion of the Board that a real estate broker would be a Registrant under Regulation X if, in his own right or as agent for a lender or as a fiduciary, he either (1) extends or has extended such real estate credit more than three different times during the current calendar year or during the preceding calendar year, or (2) extends or has extended such real estate credit in an amount or amounts aggregating more than $50,000 during the current calendar year or during the preceding calendar year. For this purpose, a transaction in which a real estate broker acts as agent of the lender in arranging the financing as described above is to be considered an extension of credit by him.

The mere fact, however, that a real estate broker acting as sales agent in a sale of real property may be a Registrant does not affect a sale by a non-Registrant, unless the real estate broker extends or arranges as agent for an extension of real estate construction credit in connection with the sale.

Under § 225.4 (a) (6), a sale in which the vendee assumes, or takes the property subject to, a mortgage is not permissible if the amount of outstanding credit (extended after October 12, 1950, or January 12, 1951, as the case may be) exceeds the maximum loan value. However, this restriction is applicable only to a Registrant who is acting as principal and, therefore, does not apply to a real estate broker who is acting as agent in connection either with the sale or the financing which may be involved. Of course, if additional real estate construction credit over and above the maximum loan value of the property were extended in connection with the sale, the other provisions of § 225.4 would apply to a real estate broker who acted as agent in arranging for the extension of such additional credit in the manner described above.

(Sec. 704, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Interprets or applies sec. 602, Pub. Law 774, 81st Cong.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2222; Filed, Feb. 14, 1951; 9:39 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS' CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, a new centerhead is added immediately following § 3.57 to read as follows: "Determinations as to Helplessness of Children."

2. Immediately following the centerhead, "Determinations as to Helplessness of Children," a new § 3.58 is added to read as follows:

§ 3.58 *Conditions which determine helplessness.* (a) For the purpose of the laws authorizing the payment of compensation or pension, the term "helpless child" shall mean a child who was permanently incapable of self-support by reason of physical or mental defect at the date of attaining the age of 16 or 18 years, whichever is applicable, and at the date of filing claim. The requirement that a child be "insane, idiotic, or otherwise mentally or physically helpless" as a prerequisite to the continuance of benefits after a child attains the age of 16 years will be considered as having been met when the evidence shows that the child is permanently incapable of self-support by reason of physical or mental defect.

(b) The question of helplessness is one of fact for determination by the rating agency on competent evidence of record in the individual case. Rating criteria applicable to disabled veterans are not controlling. Principal factors for consideration are:

(1) The fact that a child is earning his or her own support is prima facie evidence that he or she is not incapable of self-support. Incapacity for self-support will not be considered to exist when the child by his or her own efforts is provided with sufficient income for his or her reasonable support and maintenance, depending on the circumstances in each individual case.

(2) Capacity for self-support is not determinable upon employment afforded solely upon sympathetic or charitable considerations and which involves no actual or substantial rendition of services.

(3) A child shown by proper evidence to have been permanently incapable of self-support prior to the delimiting age may be so held at a later date even though there may have been a short intervening period or periods when his or her condition was such that he or she was employed, provided the cause of incapability is the same as that upon which the original determination was made and there were no intervening diseases or injuries that could be considered as major factors. Employment which was only casual, intermittent, try-out, unsuccessful, or terminated after a short period by reason of disability, should not be considered as rebutting permanent incapability of self-support otherwise established.

(4) It should be borne in mind that employment of a child prior or subsequent to the delimiting age may or may not be a normal situation depending on the educational progress of the child, the economic situation of the family, indulgent attitude of parents, and the like. In those cases where the extent and nature of disability raises some doubt as to whether they would render the average person incapable of self-support, factors other than employment are for consideration. In such cases there should be considered whether the daily activities of the child in the home and community are equivalent to the activities of employment of any nature within the physical and mental capacity of the child which would provide sufficient income for reasonable support and maintenance. Lack of employment of the child either prior to the delimiting age or thereafter should not be considered as a major factor in the determination to be made unless it is shown that it was due to physical or mental defect and not to mere disinclination to work or indulgence of relatives or friends.

(Sec. 4, 41 Stat. 586, secs. 2, 44 Stat. 382, as amended, 1362, as amended, 58 Stat. 166, Par. VI, Vet. Reg. 10, as amended, 38 U. S. C. 288, 364a, 381a, 37, ch. 12 note)

3. Section 3.1509 is canceled.

§ 3.1509 *Issuance of preference certificates under section 302, Public Law 171, 81st Congress.* [Canceled.]

4. In Part 4, § 4.65 (c) is amended to read as follows:

§ 4.65 *Certification of eligibility to loan guaranty benefits.* • • •

(c) The veteran's death was the result of injury or disease incurred in or aggravated by service in line of duty which was rendered on or after September 16, 1940 (this includes an enlistment entered into subsequent to July 25, 1947) (cases where compensation is payable under section 31, Public No. 141, 73d Congress; section 12, Public No. 866, 76th Congress; or section 2 (Veterans Regulation 1 (a), Part VII, par. 4), Public Law 16, 78th Congress, are not included); and

• • • • • •

(Interpret or apply sec. 500, 58 Stat. 291, as amended; 38 U. S. C. 694)

5. The subcenterhead, "Payment of Pension or Compensation Based Upon Helplessness," immediately preceding § 4.94 is deleted.

6. Section 4.94 is canceled.

§ 4.94 *Helpless child.* [Canceled.]

7. The title of § 4.95 is amended to read as follows: *"Helplessness after age 18."*

8. The title of § 4.96 is amended to read as follows: *"Helplessness after age 16."*

9. A new cross reference is added immediately following § 4.96 to read as follows:

CROSS REFERENCE: Conditions which determine helplessness. (See § 3.58 of this chapter.)

10. The centerhead "Payment of Pension or Compensation Based on School Attendance," immediately preceding § 4.98 is deleted.

11. The title of § 4.98 is amended to read as follows: *"Payment of pension or compensation based on school attendance."*

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. and Sup. 11a, 426, 707)

This regulation is effective February 15, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-2189; Filed, Feb. 14, 1951; 8:54 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

PARTIAL OR TOTAL LOSS OF GUARANTY OR INSURANCE

Section 36.4325 (b) is corrected to read as follows (the purpose of this amendment is to modify the paragraphing arrangement in paragraph (b) (11); the content of the paragraph remains unchanged):

§ 36.4325 *Partial or total loss of guaranty or insurance.* • • •

(b) In taking security required by the act and the regulations in this subpart, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community in which the property is situated: *Provided*, That a title will not be unacceptable by reason of any of the limitations on the quantum or quality of the property or title stated in § 36.4350 (b), and if such holder fails in this respect or fails to comply with the act and the regulations of this subpart with respect to:

(1) Obtaining and retaining a lien of the dignity prescribed on all property upon which a lien is required by the act or the regulations in this subpart.

(2) Inclusion of power to substitute trustees (§ 36.4327),

(3) The procurement and maintenance of insurance coverage (§ 36.4326),

(4) Advice to Administrator as to default (§ 36.4315),

(5) Notice of intention to begin action (§ 36.4317),

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security (§ 36.4324),

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

(10) The taking into consideration of limitations upon the quantum or quality of the estate or property (§ 36.4350 (b)),

(11) Any other requirement of the act or the regulations in this subpart which does not by the terms of the act or the regulations in this subpart result in relieving the Administrator of all liability with respect to the loan,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred, or in respect to which an unwilful misrepresentation occurred, until the amount by which the ultimate liability of the Administrator would thereby be increased has been ascertained. The burden of proof shall be upon the holder to establish that no increase of ultimate liability is attributable to such failure or misrepresentation. The amount of increased liability of the Administrator shall be offset by deduction from the amount of the guaranty or insurance otherwise payable, or if consequent upon loss of security shall be offset by crediting to the indebtedness the amount of the impairment as proceeds of the sale of security in the final accounting to the Administrator. To the extent the loss resultant from the failure or misrepresentation prejudices the Administrator's right of subrogation acceptance by the holder of the guaranty or insurance payment shall subordinate the holder's right to those of the Administrator.

• • • • • •

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-2190; Filed, Sept. 14, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAY ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of February A. D. 1951.

The matter of annual reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II being under consideration:

It is ordered, That the order dated December 28, 1949, in the matter of annual reports from steam railway companies and switching and terminal companies of Class I and Class II (49 CFR 120.11) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 120.11 *Form prescribed for large and medium steam railways.* All steam railway companies and switching and terminal companies of Class I and Class II subject to the provisions of section 20, part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1950, and for each succeeding year until further order in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60-R093.7.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2232; Filed, Feb. 14, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 51]

U. S. STANDARDS FOR BROCCOLI FOR PROCESSING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Broccoli for Processing under the authority contained in the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the 30th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.147 *Standards for broccoli for processing*—(a) *General* (1) The accompanying grades for broccoli are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of broccoli delivered. These grades are an outgrowth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality deserves a premium price, because such broccoli enables the processor to pack a better quality finished product.

(2) In the application of these standards, it is assumed that sellers will not sort their broccoli into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each grade in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and compact heads; which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects, and mechanical or other means. (See Trimming Requirements).

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three eighths inch. (See Cull Material).

(2) *U. S. No. 2.* U. S. No. 2 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and fairly compact heads; which are free from decay and cull material, and are free from damage caused by scars, dirt or other foreign material, disease, insects; and are free from serious damage caused by discoloration, freezing, hollow stem or pithiness, and mechanical or other means. (See Trimming Requirements.)

(i) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch. (See Cull Material.)

(c) *Culls.* Culls are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

(d) *Cull material.* (See definition No. 6.)

(e) *Trimming requirements.* Unless otherwise specified, all coarse, damaged, and discolored leaves and leaves extending more than one and one-half inches above the top of the head shall be removed. In making grade determination, all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head shall be removed and scored as cull material.

(f) *Definitions.* (1) "Stalk" means a portion of the broccoli plant including the stem, bud cluster and leaves.

(2) "Fresh" means that the broccoli is not badly wilted or excessively flabby.

(3) "Tender" means that the broccoli is succulent, and reasonably free from fibrous material and is not tough, or stringy.

(4) "Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

(5) "Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

(6) "Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U. S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head.

(7) "Damage" means any defect which more than slightly affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Discoloration, when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching.

(ii) Freezing, when causing more than slight discoloration of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(iv) Scars, when discolored, or when more than slight or superficial.

(v) Dirt or other foreign material, when more than slight, or which cannot be removed in the ordinary washing process.

(vi) Disease, when showing discoloration, or when more than slightly affecting the appearance, or the processing or edible quality.

(vii) Insects, when worms or worm frass are present, or when there is more than slight infestation by other insects.

(8) "Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

[1] Filed as part of the original document.

(9) "Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

(10) "Serious damage" means any defect which materially affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Discoloration, when the appearance of the individual unit is materially affected.

(ii) Freezing, when causing discloration which materially affects the appearance of the individual unit.

(iii) Hollow stem or pithiness, when discolored, or when materially affecting the appearance of the individual unit. Units which show a ragged appearance or deep holes shall be considered as serious damage.

Done at Washington, D. C., the 12th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2259; Filed, Feb. 14, 1951; 8:59 a. m.]

[7 CFR, Part 52]

U. S. STANDARDS FOR GRADES OF CANNED LIMA BEANS

NOTICE OF RULE MAKING WITH RESPECT TO EXTENSION OF TIME

Notice is hereby given of an extension, until April 2, 1951, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the proposed revision of United States Standards for Grades of Canned Lima Beans. The proposed revision of the standards is set forth in the notice which was published in the FEDERAL REGISTER on August 5, 1950 (15 F. R. 5056).

Done at Washington, D. C., this 12th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2260; Filed, Feb. 14, 1951; 8:59 a. m.]

[7 CFR, Part 905]

[Docket No. AO-209-A1]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, was formulated, was conducted at Oklahoma City, Oklahoma, on December 11-12, 1950, pursuant to notice thereof which was issued November 27, 1950 (15 F. R. 8200).

The material issues of record related to proposals to:

(1) Increase the differentials to be added to basic formula prices in determining prices for Class I milk;

(2) Use the prices of additional local manufacturing plants as "floor prices" for Class II milk;

(3) Include a base-rating plan in the order; and

(4) To require payments from handlers who use other source milk for Class I sales when producer milk is available.

No affirmative evidence was offered at the hearing concerning a proposal included in the notice of hearing which would have enlarged the marketing area and no action on this proposal is recommended.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto:

1. The differentials which are added to basic formula prices to determine the price for Class I milk should be increased by 20 cents.

The prices for Class I milk (fluid milk, cream, buttermilk, flavored milk drinks, etc.) are determined under the Oklahoma City order by adding specific differentials to a basic formula price representing manufacturing milk values of the preceding month. Differentials are added to these values to reflect the local supply and demand conditions affecting the market for fluid milk. These differentials are presently $1.65 for eight months of the year and $1.25 for the other four months. Producers proposed that the differential be $2.05 for all months of the year.

For each month, except July, since the order became effective on May 1, 1950, handlers have paid producers premiums above order prices. The amount of these premiums has varied by months from 11.4 cents to 21.2 cents per hundredweight for all milk received, which represents a somewhat higher amount per hundredweight of Class I milk. In spite of these premiums, the supply of producer milk was not adequate to meet the needs for Class I sales in October and November, when substantial quantities of milk were imported from northern milksheds.

A more stringent system of inspection has recently been established in the Oklahoma City market. This has to some extent increased the costs which producers incur in qualifying for the market.

Producers in the Oklahoma City milkshed may readily change to other farming enterprises. Recently the profits from beef cattle, the raising of which this area is generally well adapted, have been much more attractive than those from milk production. Beef cattle prices have kept pace with rising production costs while prices of dairy products generally have tended to lag.

Attractive profits from beef can rapidly affect the volume of milk production even though producers do not stop milk production entirely. The diversion of milk for production of veal calves, close culling of cows because of their relatively high carcass value, and increased cost of dairy cow replacements, due chiefly to higher carcass values, all tend to reduce the volume of market milk. All these were shown to have occurred in the Oklahoma City milkshed. Over a period of time it can be expected that a proper relationship between beef and dairy prices will be established. The basic price formula has been designed to reflect that relationship and recent changes in the formula prices have shown a tendency in that direction.

The basic formula prices are beginning to reflect also some of the increased costs of milk production that have occurred. Condensery prices for 4-percent milk advanced approximately 29 cents per hundredweight from August through November with the sharpest increase (approximately 12 cents) from October to November. Some seasonal increase in basic prices is expected in this period, but the increase which has taken place in 1950 is significantly greater than that of 1949, when condensery prices rose 6 cents per hundredweight from August through November. In 1948 a severe contraseasonal decline took place in this period. It appears that to some extent at least manufactured milk product values may soon result in basic formula prices that will more nearly reflect increased production costs.

An increase of 20 cents in the differentials of the order will approximate the premiums that handlers have paid. In view of the current short supply situation in spite of these premiums it is clearly evident that a change of this amount should be made even though basic formula prices advance sufficiently to compensate for the recent increases in costs of production.

It is concluded that the present differentials should be increased by 20 cents for all months of the year. Producers proposed that the differentials should be the same for all months of the year. They contended that the base-rating system which they also proposed in this hearing would offset the seasonality of milk production sufficiently to make unnecessary any seasonal change in differentials. In addition they indicated that producer acceptance of seasonal changes in differentials was affected because changes in resale prices by handlers had not been coordinated with such changes in producer prices. It is concluded, however, that experience under the base-rating plan should be had before abandoning the seasonal change in the Class I price differentials.

2. Provision should be included in the order that the price for Class II milk should not be less than that paid for manufacturing milk by a handler operating a large manufacturing plant in the marketing area.

Under the present provisions of the order the price of Class II milk is determined from the average paying prices of four milk manufacturing plants in Oklahoma. Producers proposed that whenever either of two additional plants paid a price higher than this average price, such higher price should be the Class II price.

One of these plants handles a considerable volume of manufacturing milk, is located in the marketing area, and is operated by a handler under the order. The other is located outside the marketing area, is not operated by a handler, and the record gives little indication of the volume of milk which could be handled. Since the order has been in effect, the paying prices of these plants have not varied widely from the Class II price of the order.

There appears little reason for using the paying price of the plant outside the marketing area as a "floor" for the Class II price. The prices paid by this nearby plant might well be included in determining the average price, but this would apparently make little if any change in Class II prices. With respect to the plant operated in the marketing area by a handler subject to the order, it is concluded that provision should be made that the Class II price should not be less than the price paid by this plant for manufacturing milk. Producers of inspected milk should not be paid less for their milk for manufacturing purposes than a handler with considerable manufacturing facilities pays for uninspected milk for such purposes.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variation in the production of milk for the Oklahoma City market, with production in the fall and winter months considerably less than that in the spring and summer months. The demand for fluid milk and cream has much less seasonal variation and data for the past year indicate that consumption was highest when milk production was at a relatively low level. Fall shortages and burdensome spring surpluses result from this situation. A production pattern more nearly fitted to the sales pattern of fluid milk and cream should be encouraged.

Producers propose and handlers agree that a "base and excess" plan which provides returns to each producer related directly to his ability to deliver milk during the fall and winter will encourage a more level production pattern for the market as a whole. The record indicates that such a plan was widely discussed with producers before the amendment was proposed and that a large majority of those responding to a questionnaire survey favored such a plan. Before the order became effective in the Oklahoma City market handlers paid producers on a base plan. It appears that producers found such plans acceptable as a means of relating the returns of one producer to another but were dissatisfied with the total returns, since total payments were not directly related to sales.

The plan proposed by producers would establish for each producer a daily base quantity of milk equal to his average daily deliveries of milk during September, October, November, and December of each year (total deliveries in these months divided by the number of days for which deliveries are made, or 90, whichever is more). During these months all producers would be paid the "pool" or uniform price for all deliveries. For all other months separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. Handlers suggested that some modification of this plan be made to provide temporary bases for producers who entered the market after the close of the period for establishing bases.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketings of milk during a representative period of time. By the application of the base plan it is intended to provide this market with a supply of milk which is more nearly in accord with fluid uses in all seasons of the year than under the present method of distributing returns to producers. For these purposes the plan to be adopted may logically be designed not only to influence the production patterns of old producers but also to influence the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the effective period of the bases to the months when production is normally in excess of fluid sales, the establishment of new bases by each producer each year during the months of lowest production and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable. The months proposed for establishing bases (September through December) appear to be those which are normally the period of lowest production, and should be used for this purpose. It does not appear, however, that payments on the base plan need be made in all other months in order for the plan to be effective. Restricting payments on the base plan to the months of April through June will increase the flexibility of the plan and allow individual producers better opportunity to make adjustments in their production plans.

The plan proposed by producers and with the modifications adopted herein will permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will immediately share in some Class I sales if his milk is needed when he enters the market in these months. Payments on a uniform price in all months of July through March will provide ample opportunity for new producers to enter the market to meet prospective needs.

Producers also proposed that some provision be made so that whenever Class I sales are less than established bases a producer who delivers less than his base should be protected in his price for base milk. Such a provision does not appear administratively feasible. In addition it would to some extent destroy the prime essential of a base plan, which is a fixed amount of milk up to which a producer knows that he will receive a pro rata share of the Class I sales of the market.

The sentiment in the market in favor of the immediate use of a base plan is such that payments to producers should be made on this plan in 1951 even though the full effectiveness of the plan cannot be realized because producers will not have had long notice in advance which would enable them to arrange their production patterns for the base-setting period. In lieu of the months of September through November to be used for establishing bases under a long-time program, average deliveries in December 1950 and January 1951 should be used for this first year. Producers were given official notice of the consideration of this period before December 1, 1950. The use of the base plan in 1951 will discourage producers from the production of excess supplies in the flush production season, and further encourage production for the fall season of 1951.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. To accomplish this purpose and to preserve the effectiveness of the base plan, transfers of bases should be limited to entire bases of producers who may retire from farming, die or enter military service and of joint production arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only three of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

4. The order should not be amended at this time to require a handler who receives less producer milk than his Class I sales to make payments into the pool unless he can prove that no producer milk was available for such sales.

The allocation provisions of the order allocate a handler's receipts of other source milk to Class II milk up to the

handler's Class II milk usage in excess of allowable shrinkage of milk received from producers, with any excess allocated to Class I milk. Thus other source milk is allocated to Class I milk only when a handler's receipts of producer milk, whether directly from producers or from other handlers, are less than Class I sales. Producers proposed that a handler should pay into the pool the difference between the Class I and Class II values on any other source milk so allocated to Class I milk unless the handler could prove to the market administrator that other source milk was so used only to the extent that producer milk was not available.

The objective of such a proposal is to accomplish on a market-wide basis the priority on Class I sales for producer milk that the allocation provisions provide with respect to a single handler's operations for the producer milk the handler receives. The administrative difficulties of achieving this objective through the order provisions proposed are, however, considerable. It was proposed that the market administrator be required to determine, on the basis of such evidence as a handler could produce, whether producer milk was available to the handler, and in what quantities. The record fails to indicate the standards on which such a determination might be made in individual instances, or the evidence that would be required of the handler.

Provisions such as proposed may be needed when there are indications that some handlers are not using producer milk for Class I sales when the market as a whole is fully supplied. The record indicates, however, that in Oklahoma City handlers and producers have worked together during recent shortage periods to move milk to plants where it was needed for Class I uses. It is concluded that the proposal should not be adopted without further indication of need for it and a record indicating more definite standards for its administration.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central Oklahoma Milk Producers Association and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Add the following as § 905.14:

§ 905.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 905.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

2. Add the following as § 905.15:

§ 905.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average base can be computed pursuant to § 905.65.

3. Delete § 905.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 905.71 or § 905.72, as applicable, and the butterfat differential computed pursuant to § 905.81, both for the previous month; and

4. Delete § 905.30 (a) and substitute therefor the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

5. Delete § 905.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer, including for the months of April through June such producer's deliveries of base milk and excess milk;

6. Delete § 905.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided,* That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Locaton

Fairmont Foods Co., Guthrie, Okla.
Wilson & Co., Blackwell, Okla.
Kraft Cheese Co., Sulphur, Okla.
Hawk Dairy, Tulsa, Okla.

Provided, That such price shall be not less than the average of the basic or field prices paid or to be paid for such milk by the Gilt Edge Dairy, Norman, Okla.

7. Add the following as a center heading and §§ 905.65 and 905.66:

DETERMINATION OF BASE

§ 905.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 905.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided,* That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 905.66 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or another person.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

8. Amend § 905.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

9. Add the following as § 905.72:

§ 905.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 905.70 for all handlers who made the reports prescribed in § 905.30 and who made the payments pursuant to §§ 905.80 and 905.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 905.85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 905.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price for excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Substract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

10. Delete § 905.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 905.71 for all milk received from such producer, if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 905.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 905.72 with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 905.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

11. In §§ 905.83 and 905.84 delete "§ 905.80 (a)" wherever it appears and substitute therefor "§ 905.80."

This decision filed at Washington, D. C., this 9th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2235; Filed Feb. 14, 1951; 8:51 a. m.]

[7 CFR, Part 906]

[Docket No. AO-210 A-1]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order was formulated, was conducted at Tulsa, Oklahoma, on December 13–14, 1950, pursuant to notice thereof which was issued on December 1, 1950 (15 F. R. 8221).

The material issues of record related to proposals to:

(1) Increase the differentials to be added to basic formula prices in determining prices for Class I milk;

(2) Change the price and butterfat differentials for Class II milk;

(3) Include a base-rating plan in the order;

(4) To require payments from handlers who use other source milk for Class I sales when producer milk is available;

(5) To restrict the plants whose receipts of milk are included in the computation of the uniform price to those with 20 percent or more of their Class I sales in the marketing area; and

(6) Minor changes for clarification of the order.

Findings and conclusions. The following findings and conclusions on these issues are based on the evidence introduced at the hearing and the record pertaining thereto.

1. The differentials which are added to basic formula prices to determine the price for Class I milk should be increased by 20 cents.

The prices for Class I milk (fluid milk, cream, buttermilk, flavored milk drinks, etc.) are determined under the Tulsa order by adding specific differentials to a basic formula price representing manufacturing milk values of the preceding month. These differentials are added to these values to reflect the local supply and demand conditions affecting the market for fluid milk. These differentials are presently $1.65 for 8 months of the year and $1.25 for the other 4 months. Producers proposed that the differential be $2.05 for all months of the year.

The supply of producer milk in recent months has not been sufficient to meet the needs for Class I sales in the Tulsa market. More than one million pounds of inspected milk was imported, mostly from northern milksheds, in October and November 1950. In contrast to this situation, the record indicates that in the same months of 1949 the supply of locally inspected milk was sufficient for the needs of the market with ample reserves to compensate for day-to-day variations in sales and receipts. It appears that total production in the fall months of 1950 exceeds that of 1949 but that Class I sales have increased at a much more rapid rate than has production. While no records of production and sales for 1949 were available under the order, which became effective May 1, 1950, a comparison between data for October 1949 collected on a survey basis by the health officer and that available under the order for 1950 indicates that Class I sales increased more than 14

percent while producer receipts increased slightly less than 6 percent.

A continued expansion of the demand for milk is indicated. Reopening of large defense plants in the area have recently been announced. These plants will attract additional workers to the Tulsa area and further add to the demand for milk.

Producers in the Tulsa milkshed may readily change to other farming enterprises. Recently the profits from beef cattle, to the raising of which this area is generally well adapted, have been relatively more favorable than those from milk production. Beef cattle prices have kept pace with rising production costs while prices of dairy products generally have tended to lag.

Attractive profits from beef can rapidly affect the volume of milk production even though producers do not stop milk production entirely. The diversion of milk for production of veal or beef calves, close culling of cows because of their relatively high carcass value, increased cost of dairy cow replacements due chiefly to higher carcass values, all tend to reduce the volume of market milk. All these were shown to have occurred in the Tulsa milkshed. Over a period of time it can be expected that a proper relationship between beef and dairy prices will be established. The basic price formula method of pricing has been designed to reflect that relationship and recent changes in the formula price have shown a tendency in that direction.

Basic formula prices also are beginning to reflect some of the increased costs of milk production that have occurred. Condensery prices for 4 percent milk advanced approximately 29 cents per hundredweight from August through November with the sharpest increase (approximately 12 cents) from October to November. Some seasonal increase in basic prices is usually expected in this period, but the increase which has taken place in 1950 is significantly greater than that of 1949, when condensery prices rose 6 cents per hundredweight from August through November. In 1948 a severe contraseasonal decline took place in this period. It appears that to some extent at least manufactured milk product values may soon result in basic formula prices that will more nearly reflect increased production costs. Thus, a portion of the increase in price necessary to meet the current serious threat to the Tulsa milk supply may be expected through the operation of the basic formula of the order.

Some increase in the differentials added to basic formula prices should be made even though basic formula prices advance sufficiently to compensate for recent increases in costs of milk production. It does not appear that prospective increases in basic prices are likely to offset the attraction to beef cattle production sufficiently to provide the incentive to milk production necessary to meet the continued expansion in the demand for fluid milk. Neither will such increases result in Class I prices any nearer to the costs of emergency milk imported from northern milksheds. The cost of such milk has been substantially in excess of the Class I prices of the order. The record indicates that much of this milk has come from plants under the Chicago milk order. The class prices of the Chicago order are regulated by basic formula prices similar to those of the Tulsa order. These class prices plus transportation expense of more than $1.50 per hundredweight exceed the class prices of the Tulsa order for milk of comparable butterfat test without any handling allowance for the Chicago handlers who receive the milk. An increase of 20 cents in the differentials of the Tulsa order will provide Class I prices that will be less than the cost of imported milk. It is concluded that an increase of 20 cents in the Class I price differentials is needed to encourage producers to supply sufficient milk to meet fluid uses in this market.

Present Class I price differentials should be increased by 20 cents for all months of the year except that the higher differential should apply to the month of July for which the present order provides a seasonally lower differential. An increase in the Class I differential for July should assist in attracting milk to the market in time to meet the needs of the market for the following fall months of short production. Producers proposed that the differentials should be the same for all months of the year. They contended that the base-rating system which they also proposed in this hearing would offset the seasonality of milk production sufficiently as to make unnecessary any seasonal change in differentials. In addition they indicated that producer acceptance of seasonal changes in differentials was affected because changes in resale prices by handlers had not been coordinated with such changes in producer prices. It is concluded, however, that experience under the base-rating plan should be had before abandoning the seasonal change in the Class I price differentials.

2. No change should be made at this time in the provisions for pricing Class II milk.

The price for Class II milk of 4 percent butterfat content under the Tulsa order is determined from the paying prices of four milk manufacturing plants in that general area. To this price a butterfat differential of 0.115 times the price of 92-score butter at Chicago is applied to determine the cost of a handler's Class II milk at the average test of his Class II usage.

One handler proposed that other plants be used to determine the 4 percent price for Class II milk, and that the Class II butterfat differential be the price of 92-score butter at Chicago less 5.75 cents, times 0.115. In support of this proposal this handler contended that some of the plants whose paying prices are used to manufacture evaporated milk and cheddar cheese which Tulsa handlers are not equipped to make, and that other plants whose products are more representative of those for which Class II milk is used in the Tulsa market should be named. The proposals sought to bring about a reduction in the cost of Class II milk to handlers.

The record indicates that except for the summer season of flush production, the volume of Class II milk in the Tulsa market is small and represents largely the reserve supplies of milk necessary to compensate for short time variations in production and sales. Further, during the flush production months of 1950 Class II milk was diverted for manufacturing purposes to plants now named which the proposal would delete from the order. In at least one instance the record indicates that the price paid a Tulsa handler for milk so diverted was in excess of the quoted paying price to farmers of the manufacturing plant using the milk.

The record fails to show that the prices established by the present method of determining Class II prices do not represent a reasonable value for milk for manufacturing uses.

The Class II prices of the order have been slightly higher than the quoted prices paid to farmers for manufacturing milk by the handler proposing the change. The record indicates, however, that this handler has in addition paid some hauling costs on his supply of manufacturing milk, so that the quoted prices do not fully represent its cost.

It is concluded that no change should be made at this time in the method of determining Class II prices.

3. A "base and excess" plan of distributing among producers the market returns for milk should be employed in connection with the market-wide pool now provided in the order.

There is considerable seasonal variation in the production of milk for the Tulsa market, with production in the fall and winter months considerably less than that in the spring and summer months. The demand for fluid milk and cream has much less seasonal variation and there is some indication that consumption of fluid milk in this market is highest at the season of the year when production is at a low level. Fall shortages and burdensome spring surpluses result from this situation. A production pattern more nearly fitted to the sales pattern of fluid milk and cream should be encouraged.

Producers propose and handlers agree that a "base and excess" plan which provides returns to each producer related directly to his ability to deliver milk during the fall and winter will encourage a more level production pattern for the market as a whole. The record indicates that such a plan was widely discussed with producers before the amendment was proposed and that a large majority of producers favored such a plan. Before the order became effective in the Tulsa market handlers paid producers on a base plan. It appears that producers found such plans acceptable as a means of relating the returns of one producer to another but were dissatisfied with the total returns, since total payments were not directly related to sales.

The plan proposed by producers would establish for each producer a daily base quantity of milk equal to his average daily deliveries of milk during September, October, November, and December of each year (total deliveries in these months divided by 122). During all months, other than April, May, and June, all producers would be paid the "pool" or uniform price for all deliveries. For the three months of April, May and June, separate uniform prices for base milk (that delivered by each producer up to but not in excess of his daily "base" times the number of days he delivers in the month) and excess milk would be computed so that Class I sales would be first allocated to base milk. Handlers suggested that some modification of this plan be made with respect to the base quantities to be established for producers who deliver milk during only a portion of the period for establishing bases.

A base plan is designed to apportion the total value of the milk purchased by all handlers among producers on the basis of their marketing of milk during a representative period of time. The base plan incorporated herein is intended to encourage total receipts of milk more nearly in accord with use of milk for fluid consumption in this market throughout the year than has been accomplished under the present method of payment to producers. For these purposes the plan to be adopted may logically be effective not only in influencing the production patterns of old producers but also in influencing the time of the year at which new producers will enter the market.

A large degree of flexibility should be incorporated in the base plan without destroying the desired effectiveness. This may be accomplished in part by limiting the period when the bases are to be effective to the months when production is normally in excess of fluid sales, the establishment of new bases by each producer each year during the months of lowest production and by providing for the payment of the uniform market-wide pool price to all producers during all months except the period when bases are applicable. The months proposed for establishing bases (September through December) appear to be those which are normally the period of lowest production, and should be used for this purpose. Limiting payments on the base plan to the months of April through June will promote a desired degree of flexibility in the plan and give individual producers ample opportunity to make adjustments in their production plans during the periods when they receive the uniform market price. The computation of a producer's daily average base on the number of days not less than 90, during which he delivers milk during the base-setting months will also promote flexibility of the plan.

The plan proposed by producers and with the modifications adopted herein with minor modification will also permit new producers entering the market when payments are made on the base plan to share with all other producers any Class I sales in excess of deliveries of base milk. Thus a new producer will immediately share in some Class I sales if his milk is needed when he enters the market in these months. Payments on a uniform price in all months of July through March will provide ample opportunity for new producers to enter the market to meet prospective needs.

Producers also proposed that some provision be made so that whenever Class I sales are less than established bases a producer who delivers less than his base should be protected in his price for base milk. Such a provision does not appear administratively feasible. In addition it would to some extent destroy the prime essential of a base plan, which is a fixed amount of milk up to which a producer knows that he will receive a pro rata share of the Class I sales of the market.

The sentiment in the market in favor of the immediate use of a base plan is such that payments to producers should be made on this plan in 1951 even though the full effectiveness of the plan may not be realized during this first year. In lieu of the months of September through November to be used for establishing bases under a long-time program, average deliveries in December 1950 and January 1951 should be used for this first year. Producers were given notice of the consideration of this period before December 1, 1950. As a result of country meetings among producers at which their proposals were thoroughly discussed, the testimony indicates that some producers have already made some changes in their production plans in anticipation of having the base and surplus plan effective during 1951. The use of the base plan in 1951 will tend to discourage the production of excess supplies in the flush production season, and further encourage production for the fall season of 1951.

It is necessary to provide certain rules in connection with the establishment and transfer of bases to provide reasonable administrative workability of the plan. In order to accomplish this purpose and preserve the effectiveness of the plan no provisions should be made for the transfer of partial bases. Provision is made for the transfer of entire bases of an individual producer to members of his family in case of death, retirement or entry into military service and in the case of the termination of joint arrangements such as landlord-tenant relationships. Since the base plan is effective in determining producer payments in only three of the twelve months of each year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of bases or to meet unusual situations are not needed.

4. The order should not be amended at this time to require a handler who receives less producer milk than his Class I sales to make payments into the pool unless he can prove that no producer milk was available for such sales.

The allocation of provisions of the order allocate a handler's receipts of other source milk to Class II milk up to the handler's Class II milk usage in excess of allowable shrinkage of milk received from producers, with any excess allocated to Class I milk. This other source milk is allocated to Class I milk only when receipts of producer milk, whether directly from producers or from other handlers, are less than Class I sales. Producers proposed that a handler should pay into the pool the difference between the Class I and Class II values on any other source milk so allocated to Class I milk unless the handler could prove to the market administrator that other source milk was so used only to the extent that producer milk was not available.

The objective of such a proposal is to accomplish on a market-wide basis the priority on Class I sales for producer milk that the allocation provisions of the order now provide with respect to a single handler's operations. The administrative difficulties of achieving this objective through the order provisions proposed are, however, considerable. It was proposed that the market administrator be required on the basis of such evidence as a handler could produce, to determine whether producer milk was available to the handler, and in what quantities. The record fails to indicate the standards on which such a determination might be made in individual instances, or the evidence that would be required of the handler.

Provisions such as proposed may be needed when there are indications that some handlers are not using producer milk for Class I sales when the market as a whole is fully supplied. The record indicates, however, that in Tulsa handlers and producers have worked together during recent shortage periods to move milk to plants where it was needed for Class I uses. It is concluded that the proposal should not be adopted without further indication of need for it and a record indicating more definite standards for its administration.

5. The order should not be amended at this time to require that a specific percentage of either the receipts or Class I sales of an approved plant be Class I sales in the marketing area in order for the receipts of such plant to be included in the computation of the uniform price of the order.

The order presently provides that the milk "pooled" (that included in the computation of the uniform price to producers) be that received from producers holding permits issued by the health authorities of the marketing area received at approved plants which operate routes in the marketing area or serve as receiving stations for such plants. Producers proposed that an approved plant should be required to dispose of at least 20 percent of its Class I sales in the marketing area before its receipts could be pooled. At the hearing the proposed requirement was changed to 20 percent of the approved receipts.

In support of this proposal producers indicated fears that outside plants with considerable surplus milk might make token sales in the marketing area which would reduce the uniform prices paid to producers regularly supplying the market. The only indication that the record gives of such a possibility is from a distributor in the college town of Stillwater who was reported to have some interest in entering outlying portions of the marketing area for temporary periods of college vacations. The base-excess plan of distributing returns to producers which is decided upon elsewhere in this decision would protect the returns of regular pro-

ducers from being reduced by additional plants entering the market during the surplus production months. It is concluded that there is not sufficient evidence of need for an additional provision to protect such returns during other months to justify including such a provision in the order at this time.

6. The definition of "producer" should be clarified and the order should specify that a handler furnish a cooperative association certain information with respect to the producers from whom the handler makes marketing service deductions payable to such association.

The present order identifies a "producer" in part on the basis of a permit issued by the appropriate health authorities of the marketing area. The record indicates that the required health authority approval is also at times evidenced by what is known as a "permit authorization." This evidently occurs when two separate producers market milk from the same premises, in which case the health authorities will issue only one permit, but do issue a permit authorization to the second producer. The institution of a base plan makes it necessary that the individuals who are producers be defined precisely. Hence it is concluded that the definition of "producer" should be amended to provide for identification of a producer on the basis of a "permit authorization."

The order now provides that when a cooperative association performs certain marketing services for producers, a handler shall make such deductions from the payments due such producers as may be authorized by the agreement or contract between the cooperative association and such producers, and pay such deductions to the cooperative association. The record indicates that in order to perform these services satisfactorily, the cooperative association needs certain information concerning the deliveries of each individual producer. Such information is usually furnished by handlers as a matter of course. The record indicates that in the Tulsa market such information is not now being furnished by all handlers. It is concluded that the orderly operation of the marketing service provisions of the order require that all handlers furnish such information to the cooperative association. Since all the required data are furnished the market administrator by each handler, a handler may fulfill this requirement by authorizing the market administrator to release such data to the cooperative association.

It was also proposed that the definition of "producer" and "approved plant" should be modified so that any milk sold government institutions or bases in the marketing area would be priced and pooled, even though such milk might not be approved by local health authorities. The record does not show that any institutions or bases for which government purchase of milk supplies would be made are now located in the marketing area, or that there are immediate prospects of such. It is therefore concluded that the proposal need not be adopted at this time.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement and upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Pure Milk Producers Association of Tulsa and handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as hereby proposed to be amended.

1. Delete § 906.10 and substitute therefor the following:

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm permit, permit authorization or rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. This definition shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this part pursuant to § 906.61.

2. Add the following as § 906.14:

§ 906.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

3. Add the following as § 906.15:

§ 906.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

4. Delete § 906.22 (j) (2) and substitute therefor the following:

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

5. Delete § 906.30 (a) and substitute therefore the following:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

6. Delete § 906.31 (a) and substitute therefor the following:

(a) The total pounds of milk received from each producer and cooperative association the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producer including for the months of April through June such producer's deliveries of base milk and excess milk;

7. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, and June and plus $1.85 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall be not less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month.

8. Add the following as a center heading and §§ 906.65 and 906.66:

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceeding by the number of days, not to be less than ninety, of such producer's delivery in such period: *Provided*, That for the months of April through June 1951, the total pounds of milk received by handlers from a producer in December 1950 and January 1951 shall be divided by 62 in order to determine such producer's daily average base.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only during the period of April through June by notifying the market administrator in writing before the last-day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders or another person.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

9. Amend § 906.71 by deleting from the first sentence thereof the words: "For each month" and substituting therefor the words "For each of the months of July through March."

10. Add the following as § 906.72:

§ 906.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81;

(c) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85;

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or, add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations;

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

11. Delete § 906.80 (a) and substitute therefor the following:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer (1) at not less than the uniform price computed pursuant to § 906.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 906.72, with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 906.72, with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association, on or before the 13th day after the end of the month, an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this paragraph.

12. In §§ 906.84 and 906.85 delete "§ 906.80 (a)" wherever it appears and substitute therefor "§ 906.80."

13. Amend § 906.87 (b) by deleting the period at the end thereof, substituting therefor a comma, and adding thereto the following: "identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31."

This decision filed at Washington, D. C., this 9th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2236; Filed, Feb. 14, 1951; 8:51 a. m.]

[7 CFR, Part 960]

HANDLING OF IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, NORTH DAKOTA, AND IN CERTAIN COUNTIES OF IOWA AND OF INDIANA

REPORTS FROM HANDLERS

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the North Central Potato Committee, established pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and Order No. 60, as amended (7 CFR Part 960), regulating the handling of Irish potatoes grown in Michigan, Wisconsin, Minnesota, North Dakota, and in certain counties of Iowa and of Indiana, hereinafter referred to as the "order", has recommended the adoption of the following rule relevant to reports necessary to enable the committee to exercise its powers and perform its duties under said order.

§ 960.105 *Inspection reports*—(a) *Policy.* The North Central Potato Committee should have, for effective and efficient administration of the order, a record of the Federal-State Inspection Certificate applicable to each shipment of potatoes during any period in which inspection is required pursuant to § 960.65. A copy of the Federal-State Inspection Certificate shall be accepted as sufficient and adequate record for the committee when such certificate covers only the potatoes included within such shipment. If an inspection certificate covers more than one shipment of potatoes, the handler who obtained inspection on the whole lot from which each such shipment is a part should report each such shipment to the committee in such manner as to identify such shipment as part of the whole lot which was covered by an inspection certificate and to enable the committee to determine if each shipment has been inspected. Such reports should set forth appropriate and adequate information to serve the committee's requirements, including the name and address of the person to whom each such shipment is made, the hundredweight of potatoes in

each such shipment, the type of pack, the number of units, the inspection certificate number applicable to the lot from which such shipment is made, and such other necessary information as the committee may require.

(b) *Rule.* Each handler shall report inspections on potatoes which he ships by requesting the Federal-State Inspection Service to forward to the committee a copy of each certificate issued to such handler. If an inspection certificate covers more than one shipment of potatoes the handler who obtained such inspection shall report to the committee, on forms obtainable from the committee, the name and address of the person to whom each such shipment is made, the hundredweight of potatoes involved in each such shipment, the mode of transportation (if any) utilized in effecting each such shipment, the type of pack and the number of units in each such shipment, and the inspection certificate number applicable to such shipment: *Provided*, That a report other than a copy of the inspection certificate shall not be required hereunder for a potato shipment if (1) the applicable inspection certificate required by § 960.65 covers only the specific potatoes involved in such shipment, or (2) each potato container in such shipment is appropriately identified by tag or label supplied for such purposes by the inspection agency.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposal may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day following publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 608c)

Done at Washington, D. C., this 12th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2234; Filed, Feb. 14, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

2¾ PERCENT TREASURY BONDS OF 1951–54

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2¾ percent Treasury Bonds of 1951–54, dated June 15, 1936, due June 15, 1954, are hereby called for redemption on June 15, 1951, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 666, dated July 21, 1941.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

FEBRUARY 14, 1951.

[F. R. Doc. 51-2239; Filed, Feb. 14, 1951; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 57324]

NEVADA

ESTABLISHING GRAZING DISTRICT NO. 6

FEBRUARY 9, 1951.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, § 2.22 (15 F. R. 5645) Nevada Grazing District 6 is hereby established, the exterior boundaries of which shall include the following described lands exclusive of National Forests, Indian Reservations, the Railroad Valley Wildlife Refuge, and existing grazing districts:

NEVADA

MOUNT DIABLO MERIDIAN

T. 10 N., R. 35 E., that part in Nye County.
Tps. 9 and 10 N., R. 36 E., unsurveyed, those parts in Nye County.
Tps. 8 to 12 N., R. 37 E., partly unsurveyed, those parts in Nye County.
Tps. 14 and 15 N., R. 37 E., partly unsurveyed, those parts in Lander County.
Tps. 7 to 19 N., R. 38 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 6 to 19 and 23 to 26 N., R. 39 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 4 to 8, 12 to 14 and 16 to 28 N., R. 40 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 3 to 8 and 12 to 30 N., R. 41 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 2 to 10 and 12 to 32 N., R. 42 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 15 and 17 to 32 N., R. 43 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 8, 10 to 17, and 19 to 32 N., R. 44 E., partly unsurveyed, those parts in Nye and Lander Counties.
Tps. 1 to 9 and 13 to 32 N., R. 45 E., partly unsurveyed.
Tps. 1 to 3, 7 to 14 and 17 to 32 N., R. 46 E., partly unsurveyed.
Tps. 1 to 32 N., R. 47 E., partly unsurveyed.
T. 8 N., R. 47½ E.
Tps. 1 to 8 and 13 to 32 N., R. 48 E., partly unsurveyed.
Tps. 24 and 25 N., R. 48½ E.
Tps. 1 to 13 and 18 to 26 N., R. 49 E., partly unsurveyed.
Tps. 4 and 5 N., R. 49½ E.
Tps. 1 to 26 N., Rs. 50 and 51 E., partly unsurveyed.
Tps. 1 to 3 N., R. 51½ E.
Tps. 1 to 11 and 15 to 26 N., R. 52 E., partly unsurveyed.
Tps. 1 to 11 and 15 to 26 N., R. 53 E., partly unsurveyed.
Tps. 1 to 9 and 15 to 26 N., R. 54 E., partly unsurveyed, those parts in Nye and Eureka Counties.
Tps. 3 to 9 and 19 to 24 N., R. 55 E., partly unsurveyed, those parts in Nye and Eureka Counties.
Tps. 4, 5, 6, and 9 N., R. 56 E.
Tps. 5, 6, 7, and 9 N., R. 57 E., partly unsurveyed.
Tps. 6 to 9 N., R. 58 E., unsurveyed.

The area described, includes approximately 7,367,000 acres of public lands.

The Federal Range Code for Grazing Districts (43 CFR, Part 161) as amended, shall be effective as to the lands embraced herein from and after the date of publication of this order in the FEDERAL REGISTER, except that the lands embraced herein shall not be subject to § 161.8, paragraphs (b), (c), (d), and (e), until one year from the date of such publication.

MARION CLAWSON,
Director.

[F. R. Doc. 51-2216; Filed, Feb. 14, 1951; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

STATEMENT OF ORGANIZATION AND FUNCTIONS

This notice supersedes the organization and functional statement for the Bureau of Animal Industry appearing in 11 F. R. 177A—236 as amended in 11 F. R. 11768 and 13 F. R. 7310.

I. ORGANIZATION

Sec.
1.1 Central organization.
1.2 Field organization.
1.3 Public information.
1.4 Delegations of final authority.

II. FUNCTIONS

RESEARCH FUNCTIONS

2.1 Animal Husbandry Division.
2.2 Pathological Division.
2.3 Zoological Division.

SERVICE AND REGULATORY FUNCTIONS

2.4 Brucellosis and Tuberculosis Eradication Division.
2.5 Inspection and Quarantine Division.
2.6 Interstate Inspection Division.
2.7 Virus-serum Control Division.

FOODS INSPECTION FUNCTIONS

2.8 Animal Foods Inspection Division.
2.9 Meat Inspection Division.

ADMINISTRATIVE FUNCTIONS

Sec.
2.10 Administrative Services Division.
2.11 Budget and Fiscal Division.
2.12 Information Division.
2.13 Personnel Division.

I. ORGANIZATION

SECTION 1.1 *Central organization.* (a) The Chief of the Bureau has general administrative supervision and control over all the work of the Bureau. He is aided by Assistant Chiefs of Bureau in charge of research functions, service and regulatory functions, foods inspection functions and administrative functions. The work of the Bureau generally is concerned with the protection and development of the livestock industry and animal food resources in accordance with the following statutes and treaty: 5 U. S. C. 511; 7 U. S. C. 391–393; 7 U. S. C. 395; 7 U. S. C. 429–430; 7 U. S. C. 433–434; 7 U. S. C. 851–855; 19 U. S. C. 1201, par. 1606; 19 U. S. C. 1306; 21 U. S. C. 71–96; 21 U. S. C. 101–132; 21 U. S. C. 151–158; 45 U. S. C. 71–74; 46 U. S. C. 466a-b; and 46 Stat. 2451.

(b) The Bureau's work consists of scientific investigations of the prevalence, cause, prevention and treatment of livestock, poultry, and fur-bearing animal diseases, of investigations in breeding, feeding, and management of livestock, poultry, and fur-bearing animals, including the quality of their products, preventing the spread of animal diseases through import, interstate, and export controls, cooperating with states and foreign countries in the control and eradication of animal diseases, requiring the humane handling and safe transport of livestock in interstate and export trade, investigating the purity of breeding of animals imported for breeding purposes, and inspecting meat and meat food products to assure their wholesomeness and fitness for human consumption, and inspections of canned wet animal foods. The work is carried on through the Animal Husbandry, Pathological and Zoological research divisions, the Inspection and Quarantine, Interstate Inspection, Brucellosis and Tuberculosis Eradication and Virus-Serum Control service and regulatory divisions, the Animal Foods Inspection and Meat Inspection foods inspection divisions, and the Administrative Services, Budget and Fiscal, Information, and Personnel administrative divisions.

SEC. 1.2 *Field organization.* The Bureau has numerous field and research stations and laboratories located throughout the United States, its possessions and territories which are engaged in carrying on one or more functions. Because field station locations are frequently changed, it is impracticable to give detailed information about them here. Up-to-date information regarding their addresses, functions, and the names of officials in charge may be obtained at any time by submitting requests in accordance with section 1.3.

SEC. 1.3 *Public information.* Persons desiring information or to make submittals or requests regarding the work of the Bureau may address the official in charge of any field station or laboratory or the Chief, Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C.

SEC. 1.4 *Delegations of final authority.* All delegations of final authority are contained in 9 CFR chapter 1, except that officials in charge of field stations and laboratories are also authorized to exercise limited authority to contract for supplies, equipment, and services, to sell or exchange surplus breeding animals, and to sell animal and other perishable products.

II. FUNCTIONS

RESEARCH FUNCTIONS

SEC. 2.1 *Animal husbandry division*—(a) *General.* Develops, through research, methods designed to improve productivity and quality of domestic farm animals, including poultry and fur-bearing animals raised in captivity and develops through research such methods as will improve the quality and quantity of their products.

(b) *Alaska fur farming.* In accordance with 7 U. S. C. 433 and 434, administers regulations for the Alaska fur farming industry which appear in 9 CFR Part 160 (BAI Order 382).

(c) *Poultry and turkey improvement.* Administers regulations for the improvement of poultry and turkeys in cooperation with State authorities and in compliance with the National Poultry and Turkey Improvement Plans (7 U. S. C. 429).

(d) *Work locations.* Work of the division is carried on at 18 Federal experiment and field stations. Cooperative work is carried on at 56 locations.

SEC. 2.2 *Pathological Division*—(a) *General.* Conducts research on infectious and non-infectious diseases and conditions of livestock, including poultry and fur-bearing animals raised in captivity; and provides laboratory facilities incident to control activities of the Bureau.

(b) *Rabics diagnoses.* Makes diagnoses of rabies specimens for the public on a fee basis (7 U. S. C. 395). Persons interested in obtaining this service may communicate with the Chief of the Bureau in accordance with section 1.3 above.

(c) *Work locations.* Work of the division is carried on at 8 Federal experiment and field stations and three laboratories. Cooperative work is carried on at 35 locations.

SEC. 2.3 *Zoological Division*—(a) *General.* Conducts investigations of parasites and parasitic diseases of domestic animals, fur animals, and poultry, and carries out research in parasitology for other divisions of the Bureau.

(b) *Work locations.* Work of the division is carried on at 9 Federal experiment and field stations. Cooperative work is carried on at 7 locations.

SERVICE AND REGULATORY FUNCTIONS

SEC. 2.4 *Brucellosis and Tuberculosis Eradication Division*—(a) *General.* In cooperation with the States (21 U. S. C. 111, 114–114a), carries out programs designed to eradicate brucellosis (Bang's Disease) in cattle, bovine and avian tuberculosis, tuberculosis in swine, and paratuberculosis in cattle, including, when necessary, direction of the testing and elimination by slaughter of animals affected with these diseases. Laws of some states have the effect of requiring livestock owners to participate in the Brucellosis Eradication program. Most states have similar laws regarding the Tuberculosis Eradication program.

(b) *Brucellosis eradication.* Information concerning Brucellosis testing and vaccination services may be obtained by cattle owners by making an informal request to the proper state officials, any Bureau employee, or to the Chief of Bureau in accordance with section 1.3 above. Regulations pertaining to the disposition of, and payment of indemnities for, cattle found to be affected with this disease will be found in 9 CFR Part 51 (BAI Order 375).

(c) *Tuberculosis eradication.* Livestock owners desiring to participate in the tuberculosis eradication program may make informal application to the proper state official, any Bureau employee, or to the Chief of the Bureau in accordance with section 1.3 above. Regulations pertaining to the disposition of, and payment of indemnities for, cattle found to be tuberculosis reactors will be found in 9 CFR Part 51 (BAI Order 375).

(d) *Work locations.* Work of the division is carried on at 48 field control and eradication stations.

SEC. 2.5. *Inspection and Quarantine Division*—(a) *General.* Administers acts governing the importation of livestock and animal by-products from foreign countries, advises and consults with representatives of foreign governments on animal disease problems and cooperates with the Mexican government in controlling and eradicating foot-and-mouth disease, cooperates with state, and local governments in the control and eradication of communicable livestock diseases such as foot-and-mouth disease and Asiatic Newcastle disease which are introduced from foreign sources and administers regulations relative to the inspection, safe transport and humane handling of export livestock.

(b) *Prohibited animals and products.* Section 306 (a) of the Tariff Act of 1930 (19 U. S. C. 1306a) prohibits the importation of domestic ruminants and swine and of fresh, chilled or frozen beef, veal, mutton, lamb, and pork from countries in which foot-and-mouth disease or rinderpest is known to exist. The countries to which such prohibition applies are designated in 9 CFR Part 94 (BAI Order 373). The importation of ruminants and swine which are diseased or which have been exposed to such infection within 60 days is also prohibited (21 U. S. C. 104). The regulations provide that prohibited animals or products which reach this country must be returned or destroyed.

(c) *Animals not prohibited.* All other livestock offered for importation into this country must be inspected to determine their freedom from disease (21 U. S. C. 101–105, 111). Inspectors are assigned at designated ports of en-

try along the international borders and at coastal ports to inspect the animals, examine accompanying certificates, and release, quarantine, or reject such animals. The conditions of inspection, methods of procedure, and other necessary information relating to the inspection of livestock offered for import appear in 9 CFR Parts 92–93 (BAI Orders 368 and 379).

(d) *Importation of ruminants and swine.* A prior permit must be obtained before ruminants or poultry are eligible for entry into this country, except from Canada. Application therefor must be submitted to the Chief of the Bureau, addressed in accordance with section 1.3, at which time the importer will be advised of special requirements to be met. General requirements are stated in 9 CFR Part 92 (BAI Order 379).

(e) *Mexican imports and exports.* Special regulations are prescribed in 9 CFR Part 93 (BAI Order 368) governing the inspection and quarantine of livestock imported from, or exported to Mexico, pursuant to a treaty with Mexico (46 Stat. 2451).

(f) *Importation of animal byproducts, hay and straw.* The importation of animal byproducts, hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, horn meal, blood meal, meat meal, tankage, glands, organs and other parts or byproducts of ruminants and swine unsuitable for human consumption, and hay and straw, is governed by regulations appearing in 9 CFR Part 95 (BAI Order 371), issued pursuant to 21 U. S. C. 111.

(g) *Importation of foreign animal casings.* The importation of animal casings from all foreign countries is governed by regulations appearing in 9 CFR Part 96 (BAI Order 305), issued in accordance with 21 U. S. C. 111.

(h) *Importation of purebred animals.* Paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. 1201, par. 1606) provides for the entry free of duty of purebred animals imported by citizens of the United States for breeding purposes. Action under this provision of the law is cooperative between the Department of Agriculture which is charged with determining purity of breeding and identity of imported animals for certification to the Treasury Department, which is responsible for refunding duty for animals so certified as being purebred. The regulations governing these importations are stated in 9 CFR Part 151 (BAI Order 379).

(i) *Inspection and testing of animals for export.* Freedom from disease of domestic ruminants and swine must be established when such animals are offered for export, and transporting vessels must be equipped to insure their safe and humane handling (21 U. S. C. 80–82, 105, 112–113, 120–122, 46 U. S. C. 466a–b). The provisions of 9 CFR Parts 91, 93 (BAI Orders 368 and 378) contain the procedures and methods to be followed.

(j) *Emergency disease outbreaks.* Whenever, in the opinion of the Secretary of Agriculture, contagious or infectious animal diseases which are introduced from foreign sources constitute an emergency and threaten the livestock industry of the country (21 U. S. C. 114 and 114a), programs to control and eradicate them are undertaken cooperatively with the states. Diseased or exposed animals are purchased and destroyed and indemnities are paid for their destruction. Regulations governing this authority will be found in 9 CFR Parts 71–77, and 53 (BAI Orders 309 and 376).

(k) *Work locations.* Work of the division is conducted at all ocean ports, airports of entry and embarkation, Mexican and Canadian border ports and at any Bureau station where cases of animal diseases of foreign origin are suspected and require investigation. An animal quarantine station is maintained near New York, N. Y., for the quarantine of animals when required.

SEC. 2.6 *Interstate Inspection Division*—(a) *General.* Administers regulations governing the interstate movement of livestock and live poultry to prevent the spread of communicable diseases and parasitic infestations, as well as the law governing the humane handling of livestock in interstate shipment, and directs field campaigns for the eradication of cattle-fever, ticks, scabies, and dourine and for the control of hog cholera.

(b) *Quarantine areas.* Administers the provisions of 9 CFR 72.2, 72.4–5 and 74.2–4 (BAI Orders 303 and 380) which quarantine certain areas of the United States on account of communicable diseases of livestock and 9 CFR Parts 71–77 (BAI Order 309), issued pursuant to statute (21 U. S. C. 111–119, 123–128), which regulates the interstate movement of livestock from such areas.

(c) *Interstate shipments of livestock and live poultry.* Restrictions upon the interstate movement of livestock and live poultry are prescribed in 9 CFR Parts 71–77, 81 (BAI Orders 291 and 309). Any person desiring information regarding these restrictions may obtain such information from officials in charge of any field station or from the Chief of Bureau in accordance with section 1.3 above.

(d) *Twenty-eight Hour Law enforcement.* Investigates reported violations of the so-called Twenty-eight Hour Law (45 U. S. C. 71–74), which provides that livestock shipped interstate by railroad or water shall not be confined in cars or boats for more than 28 hours (36 hours upon written request of owner) without unloading into properly equipped pens for rest, feed, and water, and that they shall be properly fed and watered. Complaints of violations of this law should be reported to the Chief of Bureau.

(e) *Disease control and eradication.* In cooperation with those states where laws permit, carries out programs designed to control and eradicate cattle-fever ticks, scabies of sheep and cattle, dourine in horses and asses, and hog cholera and related swine diseases. Regulations concerning these programs appear in 9 CFR Part 52, 72–76 (BAI Orders 303, 309 and 380).

(f) *Public stockyards inspection.* When animals are found upon inspection at public stockyards to be infected with communicable diseases, their further movement is restricted to prevent dissemination of the disease and the infection is immediately reported to livestock sanitary officials in the state where the shipment originated in order that immediate steps may be taken to control and eradicate such diseases. Regulations governing public stockyards inspection will be found in 9 CFR Part 71 (BAI Order 309).

(g) *Work locations.* Inspection and supervision of interstate shipments is carried on at 48 major livestock marketing centers. Cooperative control and eradication activities are carried on in 35 states.

SEC. 2.7 *Virus-serum Control Division*—(a) *General.* Administers the provisions of the Virus-Serum Toxin Act (21 U. S. C. 151–158) and regulations stated in 9 CFR Parts 101–123 (BAI Order 381) relating to the preparation, marketing, and distribution of veterinary biological products intended for use in treating diseases of domestic animals and poultry, thereby preventing the production and interstate distribution of worthless, contaminated, dangerous or harmful biological products and also administers regulations governing the importation and interstate transportation of organisms and vectors, issued pursuant to 21 U. S. C. 111.

(b) *Issuance of licenses and permits.* In accordance with the above Acts, administers regulations appearing in 9 CFR Parts 101–123 (BAI Order 381) providing for the issuance of U. S. Veterinary licenses for production and permits for the importation of biological products and U. S. Veterinary permits for the importation and interstate transportation of organisms and vectors.

(c) *Marketing agreement and order.* In accordance with 7 U. S. C. 851–855 and pursuant to an agreement between the handlers of anti-hog-cholera serum and hog-cholera virus and the Secretary of Agriculture, compiles statistics and information relative to the handling of all anti-hog-cholera serum and hog-cholera virus which burdens, obstructs, or affects interstate or foreign commerce, and conducts investigations of complaints of violations of the agreement in connection with the administration of regulations set forth in 9 CFR Parts 131–132 (BAI Order 361).

(d) *Work locations.* Work of this division is carried on at 15 stations and 37 substations which supervise the production activities of 65 licensed establishments.

FOOD INSPECTION FUNCTIONS

SEC. 2.8 *Animal Foods Inspection Division*—(a) *General.* Inspects, certifies, and identifies the class, quality, quantity, and condition of canned food and canned or fresh-frozen food supplements for dogs, cats, etc., commercially produced through voluntary participation in the inspection program.

(b) *Inspection program.* The inspection program consists of (1) supervising operations to assure cleanliness in the preparation of the certified food and food supplements; (2) determining that only sound, healthful, wholesome and otherwise fit ingredients are used which provide a nutritional level equal to the standard of certification; (3) determining that animal foods and food supplements contain the kind and amount of proteins, vitamins, minerals and other elements known to be essential to produce the nutritional level for which certified; (4) inspection to determine that containers for the canned products are properly closed, hermetically sealed and heat processed at sufficient temperature to assure stability; (5) assuring that labeling material is informative and not false or misleading; and (6) determining that the proper insignia of certification is used. Regulations governing the inspection of animal foods and food supplements issued in accordance with 7 U. S. C. 1624 will be found in 9 CFR, Part 155.

(c) *Work locations.* The work of this division is carried on at 16 stations and 7 substations by employees of the Meat Inspection Division on a reimbursable basis.

SEC. 2.9 *Meat inspection division*—(a) *General.* Inspects meats and meat food products in interstate and foreign commerce to assure their wholesomeness and fitness for human consumption as required by the Meat Inspection Act (21 U. S. C. 71–92, 96; 19 U. S. C. 1306 (b) and (c)).

(b) *Inspection program.* The inspection program involves (1) the examination of food animals, including cattle, calves, sheep, swine, goats, and horses, before their slaughter to eliminate those found to be affected with disease or with other unwholesome conditions; (2) a thorough post-mortem examination of each carcass at time of slaughter to detect and eliminate diseased and otherwise unfit meat; (3) destruction for food purposes of all diseased, unsound or otherwise unwholesome meat and meat byproducts; (4) supervision of the preparation of meat and meat food products to assure their cleanliness and wholesomeness during their preparation into articles of food; (5) guarding against the use of harmful preservatives and other deleterious ingredients; (6) supervision of the application of marks to meat and meat food products to show that they are "U. S. Inspected and Passed"; (7) informative labeling and prevention of the use of false and deceptive labeling on meat and meat food products; (8) certification as to federal inspection of meat and meat food products offered for export; (9) inspection and certification as to wholesomeness of meat and meat food products offered for importation into this country; (10) examination of meat and meat food products for compliance with specification requirements of governmental purchasing agents; and (11) such investigations as are necessary to insure the accuracy and effectiveness of the inspection procedures. The Federal meat inspection regulations governing this program are set forth in 9 CFR 1–29.

(c) *Work locations.* Work of this division is carried on in 935 meat packing plants at 176 stations, 200 substations and 7 laboratories.

ADMINISTRATIVE FUNCTIONS

SEC. 2.10 *Administrative Services Division.* Carries out the Bureau's procurement, equipment, records, space-allotment, and management procedures programs.

SEC. 2.11 *Budget and Fiscal Division.* Carries out the Bureau's budget and fiscal program, involving the development of budgets, control of funds, and auditing of expenditures.

SEC. 2.12 *Information Division.* Prepares and issues informative material of public interest relating to Bureau activities.

SEC. 2.13 *Personnel Division.* Carries out the Bureau's personnel management program, including position classification, organization, employment, training, employee relations, and safety activities.

Issued at Washington, D. C., this 7th day of February 1951.

[SEAL] B. T. SIMMS,
Chief, Bureau of Animal Industry, Agricultural Research Administration.

Approved:

F. H. SPENCER,
Acting Research Administrator.

[F. R. Doc. 51–2262; Filed, Feb. 14, 1951; 8:59 a. m.]

Rural Electrification Administration

[Administrative Order 3127]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 2, 1951.

Inasmuch as Stonewall Electric Company has transferred certain of its properties and assets to Central N. M. Electric Cooperative, Inc., and Central N. M. Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Stonewall Electric Company, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 553, dated January 16, 1941, by changing the project designation appearing therein as "New Mexico 1013A1 S. E." in the amount of $216,000 to read "New Mexico 1013A1 S. E." in the amount of $126,000 and "New Mexico 21 Lincoln (New Mexico 1013A1 S. E.)" in the amount of $90,000.

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2263; Filed, Feb. 14, 1951; 8:59 a. m.]

[Administrative Order 3128]

IOWA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 81D Union	$855,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2264; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3129]

MISSISSIPPI

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 34P LeFlore	$1,200,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2265; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3130]

MISSISSIPPI

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 20P, R Yazoo	$475,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2266; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3131]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 125K Jasper	$212,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 51–2267; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3132]

OKLAHOMA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 30P, S Choctaw	$915,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2268; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3133]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 35P Abbeville	$105,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2269; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3134]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 23C Lea	$1,425,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2270; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3135]

COLORADO

LOAN ANNOUNCEMENT

JANUARY 5, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 29P Phillips	$135,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2271; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3136]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 9, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 21E Lincoln	$120,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2272; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3137]

WYOMING

LOAN ANNOUNCEMENT

JANUARY 15, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 6N Goshen	$120,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2273; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3138]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 16, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Louisiana 11N Bossier	$385,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2274; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3139]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 26C Union	$75,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2275; Filed, Feb. 14, 1951; 9:00 a. m.]

[Administrative Order 3140]

WISCONSIN

LOAN ANNOUNCEMENT

JANUARY 19, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 16P Douglas	$150,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2276; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3141]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 25, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 38T Reynolds	$970,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2277; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3142]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 57V Polk	$375,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2278; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3143]

MISSOURI

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 55R Cedar	$215,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2279; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3144]

IOWA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 9AA Scott	$420,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2280; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3145]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 25K Adams	$285,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2281; Filed, Feb. 14, 1951; 9:01 a. m.]

[Administrative Order 3146]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 22R Fairfield	$260,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2282; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3147]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 27AA Nottoway	$150,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2283; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3148]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Virginia 27Z Nottoway	$1,050,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2284; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3149]

WASHINGTON

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 9M San Juan	$540,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2285; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3150]

WISCONSIN

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 64AG La Crosse	$5,440,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2286; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order 3151]

NEW YORK

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New York 23C Chautauqua	$54,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2287; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order T-10]

TENNESSEE

LOAN ANNOUNCEMENT

JANUARY 25, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Yorkville Mutual Telephone Co., Inc., Tennessee 513-A	$124,000

[SEAL] GEORGE W. HAGGARD, *Acting Administrator.*

[F. R. Doc. 51-2288; Filed, Feb. 14, 1951; 9:02 a. m.]

[Administrative Order T-11]

LOUISIANA

LOAN ANNOUNCEMENT

JANUARY 29, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Lafourche Telephone Co., Inc., Louisiana 506-A	$450,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 51-2289; Filed, Feb. 14, 1951; 9:03 a. m.]

[Administrative Order T–12]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Yadkin Valley Telephone Membership Corp., North Carolina 509–A	$518,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51–2290; Filed, Feb. 14, 1951; 9:03 a. m.]

[Administrative Order T–13]

MINNESOTA

LOAN ANNOUNCEMENT

JANUARY 30, 1951.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pine Island Telephone Co., Minnesota 515–A	$103,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 51–2291; Filed, Feb. 14, 1951; 9:03 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC LUMBER CARRIERS' ASSN.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 6310–4, between the member lines of the Pacific Lumber Carriers' Association, modifies the basic agreement of said Association (No. 6310) to remove therefrom the prohibition against the payment of brokerage. Agreement 6310 covers the trades between California ports; between California ports and ports in Oregon and Washington; and between California ports and ports in British Columbia south of Powell River.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: February 12, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51–2237; Filed, Feb. 14, 1951; 8:51 a. m.]

Office of International Trade

[Case No. 91]

REDIKER BROS. SHIPPING CO., INC.

ORDER SUSPENDING LICENSE PRIVILEGES

In the matter of Rediker Bros. Shipping Co., Inc., 377 Broadway, New York, N. Y., Respondent.

Under date of August 31, 1950, a suspension order was issued against the above-named respondent corporation based on the finding that it had knowingly participated as forwarding agent in an irregular exportation of steel to Colombia. The suspension, limited to Positive List items, was for twenty days. (Certain exporting firms and officials; the Colombian consignee; and George Rediker, a former official of this respondent corporation, were found to have been more directly involved and culpable, and for these and other reasons mentioned below, were suspended for longer periods of time.) The suspension order was published in the FEDERAL REGISTER, September 9, 1950, 15 F. R. 6094.

Respondent appealed from the order. The Appeals Board, after oral hearing, by order remanded the case against respondent to the Compliance Commissioner for further consideration. This order was published in the FEDERAL REGISTER, October 7, 1950, 15 F. R. 6792. It was agreed by the counsel for respondent and the Office of International Trade that written answers to interrogatories propounded by each other would suffice to present to the Commissioner the additional material on the issues with which the Appeals Board was concerned. Such interrogatories were, in fact, exchanged and answered and on the basis thereof, as well as upon a review and reexamination of the entire record, including the transcript of the hearing before the Appeals Board and the Board's decision dated September 25, 1950, the Compliance Commissioner has now duly filed his report.

It appears from the record and the report of the Compliance Commissioner that on the initial and basic question, whether the evidence does in fact establish a violation of the export control law and regulations on the part of this respondent, no new evidence has been offered in the rehearing. It was concluded by the Compliance Commissioner, after careful re-examination of all of the evidence on these points, that the record amply justifies the finding that this respondent did knowingly participate in the unlawful exportation and was properly held in violation.

It further appears from the record and the report of the Compliance Commissioner that the arguments brought forward at the rehearing do not challenge the propriety of the finding of violation so much as they do the propriety of the suspension. In other words, respondent's position is that, even though a violation did take place, the circumstances do not justify the imposition of the suspension. The assertion has been made that the violation was at most technical in nature and more or less inconsequential insofar as concerns any possible conflict with national policy or security.

On this issue, the Compliance Commissioner has taken the view that even though the splitting of steel shipments into fictitious GLV lots may not be as serious as the diversion of strategic materials to forbidden destinations, this respondent's actions were nevertheless in clear violation of export regulations and took place under circumstances justifying the conclusion that they were intentional. Whether or not a license would have been granted had application been made is conjectural and, in any event, the exportation in issue was effected without any proper application having been made. A violation through resort to a subterfuge to avoid securing a license surely is not to be condoned because of the possibility, or even probability, that a license might have been obtained. It is relevant also that any violation in some measure undermines effective administration of export controls, and a violation of the GLV general license is particularly reprehensible since it tends to undermine the licensing requirements applicable to Positive List commodities. The Compliance Commissioner has therefore rightly concluded on the whole record that respondent, through its former vice president, George Rediker, did have such knowledge of and participation in the transactions involved as to warrant a finding that respondent's violation properly calls for the imposition of some period of suspension.

It further appears from the record and the report of the Compliance Commissioner that as a proper basis for determining an appropriate suspension herein he has attempted to ascertain the intentions of respondent by examination of its previous course of conduct in connection with exportations. In view of the warning letter sent to respondent under date of April 20, 1949, which dealt specifically with a case in which respondent had served as forwarder, and having in mind the fact that the Office of International Trade regulations dealing with responsibilities of forwarders had been issued and widely publicized long before the shipments of steel were made, little significance can be attached to respondent's argument that the forwarding trade in general, and it in particular, were not clearly informed of the legal obligations of forwarding agents and that it is unfair to make respondent the subject of the first actual suspension to be imposed on a forwarder.

It is nevertheless not the intention of the Office of International Trade to impose a suspension which will unduly injure the respondent. George Rediker, although vice-president and in active charge of respondent corporation when the transactions herein involved took place, is no longer associated with it or any of the other Rediker corporations. He apparently never had any financial interest in any of the concerns, and while his position was ministerial in nature he nevertheless appears to have been given a relatively free hand in operations. He was accordingly made a party to the proceeding and is presently under suspension. Moe and Harry Rediker, the actual owners of respondent and of Rediker Bros., Inc. (also originally a respondent), were made parties to the original proceeding but they were not found to have had any knowledge of, or to have participated in, the unlawful transactions, and consequently they were not subjected to the original suspension order. However, since the two brothers owned and operate respondent corporation, any suspension against the latter necessarily amounts to a suspension of them in their corporate capacity, may collaterally affect other Rediker enterprises, and accordingly any financial loss must be borne by them.

It is recognized, furthermore, that a suspension measured in terms of months, if imposed on a concern of this type, which handles hundreds of shipments weekly for many exporters, would be unduly severe from a financial viewpoint and would also unduly penalize individuals not personally responsible for the wrongs that were committed. It is also recognized that respondent has already, as a result of this and the earlier proceeding and its attendant publicity, been adversely affected to such a degree as to warrant some reduction in the original term of suspension.

It further appears from the record and the report of the Compliance Commissioner that despite the overlapping type of business activities in which respondent and all other Rediker enterprises (except the Rediker Air Cargo, Inc., which is limited to forwarding by air) appear to be engaged, the other Rediker corporations can and should be permitted to continue their normal activities, although they should of course be prevented from taking over any business from respondent during the term of its suspension. It is believed that this result can be accomplished by prohibiting the Redikers and all of their enterprises other than respondent from handling any shipments on behalf of any person, firm or corporation for whom respondent has handled any shipment since January 1, 1950, with the provision, however, that the Office of International Trade may, on application, make exception in any case where it is shown that a particular customer of respondent has also been a regular customer of one of the other Rediker enterprises since January 1, 1950. This formula should be fair inasmuch as respondent's customers have been represented as belonging exclusively to respondent (with perhaps a few exceptions) and not shared by other Rediker corporations.

The Compliance Commissioner has accordingly recommended that respondent's export license and forwarding privileges be suspended with respect to shipment under validated or general license to any destination of any commodity included in the export control Positive List; that such suspension be for the period of one calendar week beginning not less than 30 days after publication in the FEDERAL REGISTER of such suspension order; and that any organization or person having an interest in respondent or in which respondent has an interest be likewise suspended from export license and forwarding privileges involving shipments, otherwise than by air, on behalf of any customer for whom respondent has handled forwarding transactions since January 1, 1950, unless it can be shown to the satisfaction of the Office of International Trade that such customer was also an established customer of the proposed forwarder since January 1, 1950.

The findings and recommendations of the Compliance Commissioner, together with the record in this matter, have been carefully considered and it appears that such findings are supported by the evidence and that such recommendations are fair and reasonable and should be adopted. Now, therefore, *It is ordered* as follows:

1. That respondent be denied, for the period of one calendar week beginning at the opening of business on March 19, 1951, and terminating at the opening of business on March 26, 1951, the privilege of filing, procuring the issuance, validation or authentication of, or using, any export license, shipper's export declaration, bill of lading, or other export control document, or participating directly or indirectly as exporter, forwarder, or in any other capacity, in respect to the exportation to any destination of any commodity included at the time of any proposed shipment in the Positive List issued by the Office of International Trade whether exportable under validated or general license.

2. That any person, trade name, firm, corporation or other business organization owning or controlling respondent, owned or controlled by respondent, or under common ownership or control with respondent, be prohibited from exercising any of the privileges specified in the preceding paragraph insofar as they involve the forwarding of shipments otherwise than by air on behalf of any customer for whom respondent has handled a forwarding transaction since January 1, 1950: *Provided, however,* That the Office of International Trade may, on advance application, permit such forwarding on behalf of any such customer where it is shown that such customer was also an established customer of the proposed forwarder since January 1, 1950.

Issued this 9th day of February 1951.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 51–2238; Filed, Feb. 14, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6325]

ATHOL GAS AND ELECTRIC CO. ET AL.

NOTICE OF ORDER DISMISSING APPLICATION

FEBRUARY 9, 1951.

In the matter of Athol Gas and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, The Spencer Gas Company, Wachusett Electric Company, Winchendon Electric Light and Power Company, Worcester Suburban Electric Company, and Worcester County Electric Company; Docket No. E–6325.

Notice is hereby given that, on February 8, 1951, the Federal Power Commission issued its order entered February 8, 1951, dismissing application for want of jurisdiction in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2219; Filed, Feb. 14, 1951; 8:46 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF OPINION AND ORDER

FEBRUARY 9, 1951.

Notice is hereby given that, on January 26, 1951, the Federal Power Commission issued its Opinion No. 204 and order entered January 24, 1951, issuing license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2217; Filed, Feb. 14, 1951; 8:46 a. m.]

[Project No. 2034]

ELECTRIC POWER CO. OF NEW JERSEY, INC.

NOTICE OF ORDER DENYING REQUEST FOR EXTENSION OF TIME AND DISMISSING APPLICATION

FEBRUARY 9, 1951.

Notice is hereby given that, on February 9, 1951, the Federal Power Commission issued its order entered February 8, 1951, denying request for extension of time and dismissing incomplete application for license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2218; Filed, Feb. 14, 1951; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4328]

LINEAS AEREAS NACIONALES, S. A.

NOTICE OF HEARING

In the matter of the application of Lineas Aereas Nacionales, S. A. of Colombia, under section 402 of the Civil Aeronautics Act of 1938, as amended,

for a foreign air carrier permit authorizing the foreign air transportation of persons, property, and mail between the terminal point Bogota and/or Barranquilla and/or Cartagena, and the terminal point Miami, Fla., with or without an intermediate traffic stop at Havana, Cuba.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 19, 1951, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., February 9, 1951.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES, *Acting Secretary.*

[F. R. Doc. 51-2220; Filed, Feb. 14, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9446]

RADIO READING

ORDER CONTINUING HEARING

In re application of Radio Reading, Reading, Pennsylvania, for construction permit; Docket No. 9446, File No. BP-7589.

It appearing that the schedule of the Examiner who is designated to preside in the above proceeding is such as to require his departure from Washington, D. C., prior to February 12, 1951, the date scheduled for the commencement of the hearing in the above-entitled proceeding; and

It appearing that a continuance of the case is satisfactory to the applicant, respondent, and Commission counsel;

It is ordered, This the 9th day of February 1951, on the motion of the Examiner that the hearing in the above-entitled proceeding is continued from February 12, 1951, to March 14, 1951, beginning at 10:00 a. m. in the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-2241; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9811, 9812, 9813]

ARK-VALLEY BROADCASTING CO., INC. (KGAR), ET AL.

ORDER CONTINUING HEARING

In re applications of Ark-Valley Broadcasting Company, Inc. (KGAR), Garden City, Kansas, Docket No. 9811, File No. BP-7704; The Southeast Colorado Broadcasting Company (KLMR), Lamar, Colorado, Docket No. 9812, File No. BP-7783; Capital Broadcasting Company (KFNF), Lincoln, Nebraska, Docket No. 9813, File No. BP-7805; for construction permits.

The Commission having under consideration a motion filed on February 2, 1951, by the Southeast Colorado Broadcasting Company (KLMR) Lamar, Colorado, requesting that the further hearing in the above-entitled proceeding, which is now scheduled to be held in Washington, D. C., on February 12, 1951, be continued for a period of thirty days; an opposition to the said motion filed on February 6, 1951, by the Ark-Valley Broadcasting Company, Inc. (KGAR), Garden City, Kansas; and oral argument which was held on the said motion and opposition on February 8, 1951; and

It appearing, from the allegations in the said motion and statements of counsel for the petitioner that John B. Heffelfinger, the Consulting Radio Engineer for Southeast Colorado Broadcasting Company, will be unable to appear at the further hearing on February 12, 1951, due to other professional commitments involving a proof of performance at Montrose, Colorado, the completion of which has been delayed because of adverse weather conditions and failure to obtain delivery of radio equipment at that point; that unsettled weather conditions and unauthorized railroad strikes make travel arrangements extremely precarious at this time; that Mr. Heffelfinger is an essential witness on engineering matters involved in this proceeding; and that Representative Chenoweth, a lay witness, who is scheduled to appear and testify on behalf of the Southeast Colorado Broadcasting Company, will also be unavailable to testify in Washington on February 12 as the result of unavoidable commitments which he had not previously anticipated; and

It further appearing, that the opposition to the above motion is based upon allegations contained therein and statements of counsel for the Ark-Valley Broadcasting Company, Inc., to the effect that the Consulting Radio Engineer for Station KGAR has been conducting a proof of performance in northern Wisconsin but is already en route to Washington, D. C., in anticipation of the further hearing now scheduled to be held on February 12, 1951; that it does not appear from the petition that Representative Chenoweth is a necessary witness in the presentation of evidence on behalf of the Southeast Colorado Broadcasting Company; that air transportation is available to Mr. John B. Heffelfinger, supra; that due to other future professional commitments by counsel for Ark-Valley Broadcasting Company, Inc., a continuance of the above-entitled proceeding for an extended period of time would cause undue hardship to that applicant; and that no good cause has been shown for the continuance requested herein; and

It further appearing, that the petitioner herein has set forth sufficient reasons to warrant a postponement of the hearing in the above-entitled proceeding for a limited period of time in order to afford the said petitioner a reasonable opportunity to arrange for the presentation of its two witnesses who will not be available on February 12, 1951, but that a postponement for a period of thirty days as requested would unduly delay the completion of the said hearing and would impose hardship upon a competing applicant, namely, the Ark-Valley Broadcasting Company, Inc.;

It is ordered, This 8th day of February 1951, that the above motion for continuance be, and it is hereby, granted in part, and that the hearing in the above-entitled proceeding is hereby continued to 10:00 a. m., Tuesday, February 20, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-2240; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9869, 9870]

TAYLOR COUNTY BROADCASTING CO., INC., (WLCK) AND CLARK-MONTGOMERY BROADCASTING CO. INC.

ORDER CONTINUING HEARING

In re applications of Taylor County Broadcasting Company, Inc. (WLCK), Campbellsville, Kentucky, for modification of construction permit, Docket No. 9869, File No. BMP-5276; Clark-Montgomery Broadcasting Company, Inc., Winchester, Kentucky, for construction permit, Docket No. 9870, File No. BP-7780.

The Commission having under consideration a petition filed February 7, 1951, by Taylor County Broadcasting Company, Inc. (ULCK), Campbellsville, Kentucky, requesting a 21 days continuance of the hearing presently scheduled for February 19, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications; and

It appearing, that the other parties to the proceeding have consented to a grant of the petition and to a waiver of § 1.745 of the Commission's rules and regulations to permit the early consideration of this request;

It is ordered, This 9th day of February 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Monday, March 12, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-2243; Filed, Feb. 14, 1951; 8:54 a. m.]

[Docket Nos. 9877, 9878]

R. W. TOWERY AND PULASKI BROADCASTING CO. (WKSR)

ORDER CONTINUING HEARING

In re applications of R. W. Towery, Iuka, Mississippi, Docket No. 9877, File No. BP-7893; John R. Crowder and James Porter Clark d/b as Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee, Docket No. 9878, File No. BP-7922; for construction permits.

The Commission having under consideration a motion filed January 31, 1951, by Pulaski Broadcasting Company (WKSR), Pulaski, Tennessee, requesting a 60-day continuance of the hearing presently scheduled for February 26, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 9th day of February 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, April 26, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 51-2242; Filed, Feb. 14, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25832]

BENZENE HEXACHLORIDE AND DDT FROM EASTERN POINTS TO SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 12, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3912, 3899, 3927 and 3883.

Commodities involved: benzene hexachloride and dichloro diphenyl trichloroethane, straight or mixed carloads.

From: Points in Delaware, Indiana, New York and Pennsylvania.

To: Points in Arkansas, Louisiana and Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; D. Q. Marsh's tariffs I. C. C. Nos. 3912—Supp. 33, 3899—Supp. 34, 3927—Supp. 7, and 3883—Supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2231; Filed, Feb. 14, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

JOHN D. WILLIAMS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of John D. Williams, 545 West 112th Street, New York City.

I. The Commission's public official files disclose that John D. Williams, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto, and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2224; Filed, Feb. 14, 1951; 8:47 a. m.]

L. A. VAN PATTEN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of L. A. Van Patten, 465 West 57th Street, New York City.

I. The Commission's public official files disclose that L. A. Van Patten, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition

[1] Filed as part of the original document.

during the calendar years 1943, 1944, 1945, 1946, 1947, 1948, or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2225; Filed, Feb. 14, 1951; 8:47 a. m.]

HAROLD C. STAYSA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of February 1951.

In the matter of Harold C. Staysa, 1728 Rand Building, Buffalo, New York.

I. The Commission's public official files disclose that Harold C. Staysa, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2226; Filed, Feb. 14, 1951; 8:48 a. m.]

[1] Filed as part of the original document.

S. H. JUNGER & CO.

MEMORANDUM OPINION AND ORDER PERMITTING REGISTRATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of February A. D. 1951.

In the matter of S. H. Junger & Company, 40 Exchange Place, New York 5, New York.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("Exchange Act") to determine whether it is in the public interest to deny the application for registration as a broker and dealer of S. H. Junger & Company, a partnership consisting of Samuel H. Junger and his wife, Frances Morrow Junger.[1]

Applicant by stipulation has agreed that the record herein should include certain affidavits and has waived a hearing, trial examiner's report and oral argument.[2] On the basis of the record we make the following findings.

On July 27, 1950, we revoked the broker-dealer registration of Junger, Anderson & Co., a partnership composed of Junger, George Theodore Anderson, and Junger's son, Robert Selig Junger.[3] We found that, on May 3, 1949, the Jungers and Anderson, individually and as partners of Junger, Anderson & Co., had been permanently enjoined by the District Court of the United States for the Southern District of New York from engaging in certain practices in connection with the purchase and sale of securities;[4] that Junger, Anderson & Co., through the use of "dummy accounts," had participated in a fraudulent scheme with one Hancock, an employee of an investment company, in connection with purchases of securities from and sales of securities to the investment company; and that the firm had willfully violated the anti-fraud provisions of the Securities Act of 1933, the Exchange Act, and rules promulgated thereunder, as well as the record-keeping requirements of section 17(a) of the Exchange Act and Rule X-17A-3 promulgated thereunder.[5]

We found, however, that Anderson was primarily responsible for the firm's participation in the fraudulent scheme and that Junger had played a much less blameworthy role therein. In our opinion we stated:

[1] Section 15 (b) of the Exchange Act provides in pertinent part: "The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to * * * any broker or dealer if it finds that such denial * * * is in the public interest and that (1) such broker or dealer whether prior or subsequent to becoming such, or (2) any partner * * * of such broker or dealer * * * whether prior or subsequent to becoming such * * * (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder."

[2] On January 4, 1951, we ordered, with applicant's consent, that the effective date of its registration be postponed pending a final determination on the question whether registration should be denied.

[3] Junger, Anderson & Co., — S. E. C. — (1950), Securities Exchange Act Release No. 4473.

[4] This injunction, still outstanding, was entered after the parties executed a stipulation which contained a consent by the partnership firm and Junger to the entry of a final judgment and order of injunction, but which also contained a denial by Junger that he had engaged in the alleged acts with any willful intent.

[5] The revocation automatically barred Junger, Anderson & Co., from membership in National Association of Securities Dealers, Inc. ("NASD"). On May 22, 1950, before we revoked its registration, the firm was suspended by the NASD for ninety days and fined $2,000 and costs.

The record shows that practically all of registrant's contacts with Hancock and the setting up and servicing of the "Harriet Squire" and "Margaret Lewis" accounts were by Anderson, to whom the responsibility for most of registrant's fraudulent conduct must be attributed. There is evidence, however, that, during the absence of Anderson, Hancock placed orders of the type described herein with Samuel Junger; that Samuel Junger made daily inspections of the firm's books and that, consequently, he knew or should have known what actually transpired. In this connection, however, it may be noted that Samuel Junger from time to time requested Anderson to obtain the resignation of "Margaret Lewis" unless a meeting with her could be arranged, and that it was probably as a result of his insistence that such resignation was effected in October 1948.

On June 1, 1950, about two months prior to our order of revocation, Junger terminated the Junger, Anderson & Co., partnership. He states that since that time he has not acted directly or indirectly as a broker or dealer, nor engaged in any other business, except for the sale for his own account of 500 shares of stock he had purchased a number of years ago.[6] Aside from the proceedings in connection with the transactions by Junger, Anderson & Co., the record reveals no other complaints involving him during the twenty years he was engaged in the securities business.

Taking into account all of the above circumstances, we are of the opinion that the public interest does not require denial of the application for registration and that the registration should be permitted to become effective.

It is ordered, Therefore, pursuant to section 15 (b) of the act, that the registration as a broker and dealer of S. H. Junger & Company, a partnership consisting of Samuel H. Junger and Frances Morrow Junger, be, and it hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2227; Filed, Feb. 14, 1951; 8:48 a. m.]

[File No. 7-1277]

PACIFIC WESTERN OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $10.00 Par Value, Cumulative Preferred Stock, of Pacific Western Oil Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 2, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2228; Filed, Feb. 14, 1951; 8:49 a. m.]

[6] By stipulation of counsel, there was included in the record a statement by a Commission representative, that he had reviewed the bank statements and cancelled checks of Junger and Junger, Anderson & Co. and that they are consistent with the affidavits submitted in support of the present application.

[File No. 7-1281]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 5 percent Non-Cumulative Series A Preferred Stock, $100 Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that upon request of any interested person received prior to March 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and

other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2229; Filed, Feb. 14, 1951; 8:49 a. m.]

[File No. 7-1282]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of February A. D. 1951.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Chicago, Milwaukee, St. Paul & Pacific Railroad Company, a security listed and registered on the New York Stock Exchange and on the Midwest Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 5, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2230; Filed, Feb. 14, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17070]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film A. G. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A;

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A;

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order;

(c) All monies and amounts and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this Vesting Order, and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b), and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

[Copyright numbers: Unknown]

Titles of Works and Producers or Distributors

Das Abenteuer geht weiter; Bavaria Filmkunst G. m. b. H., Munich, Germany.

Achtung! Feind hört mit; Terra-Filmkunst G. m. b. H., Terra, Berlin, Germany.

Affenstreiche; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Allotria; Cine-Allianz-Tonfilmproduktions G. m. b. H., Tobis-Europa, both of Berlin, Germany.

Alm im Karwendel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Alt-Regensburg; Tobis, Tobis Melofilm G. m. b. H., Berlin, Germany.

Am Lagerfeuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Am seidenen Faden; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Ameisenstaat (The Ant City); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Amphitryon; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Andalusische Nächte; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Andere; Terra-Film A. G., Berlin, Germany.

Anna Favetti; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Arbeitsmaiden helfen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Arme Millionär; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Arzt aus Leidenschaft; Euphono-Film G. m. b. H., Berlin, Germany.

Aufforderung zum Tanz; Cicero-Film G. m. b. H., Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Aus der Heimat des Freischütz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bluff; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Boccaccio; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Brand im Ozean; Tera-Filmkunst G. m. b. H., Berlin, Germany.

Bremen (Free Hansa City of); Hamburg-Amerikanische Packetfehrt A. G., Hamburg, Germany; Norddeutscher Lloyd, Bremen, Germany.

Briefe fliegen über den Ozean; Reichspostministerium und Lufthansa Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Bunte Fischwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bunte Tierwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Capriolen; Deutsche Forst-Filmproduktions G. m. b. H., Berlin, Germany.

Der Clown; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

A Day in Hamburg; Hamburg Amerikanische Packetfehrt A. G., Hamburg, Germany, Norddeutscher Lloyd, Bremen, Germany.

Das deutsche Heer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Deutsche Pflanzer am Kamerunberg; Lieberenz, Berlin, Germany.

Der Dickschädel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Diskretion Ehrensache; Cine-Allianz-Tonfilmproduktions G. m. b. H., Berlin, Germany.

Donogoo Tonka; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die drei Codonas; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Drei Mäderl um Schubert; Algefa-Film G. m. b. H., Berlin, Germany.

Drei Räuber im Pelz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Aus Flur und Forst, Bilder über Deutschlands Niederwild; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ave Maria; Itala Film G. m. b. H., Berlin, Germany.

Bal pare; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Barbara wo bist Du; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Bauernhochzeit; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Barmherzige Lüge; Euphono-Film G. m. b. H., Tobis-Filmverleih G. m. b. H., both of Berlin, Germany.

Die Bauten Adolf Hitlers; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Befreite Hände; Bavaria Filmkunst G. m. b. H., Munich, Germany.

Bei den Bansa auf Borneo; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Besserer Herr sucht Anschluss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Besuch in Frankfurt am Main; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Biberpolz; F. D. F., Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.

Der Bienenstaat; Universum-Film A. G., also known as "Ufa", Berlin Germany.

Der Blaufuchs; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Blinde Passagiere; Majestic Film G. m. b. H., Berlin, Germany.

Blitzkrieg im Westen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Drei um Christine; Bavaria-Film A. G., Munich, Germany.

Drei Väter um Anna; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Dreikland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Dschungel ruft; Ariel-Film G. m. b. H., Berlin, Germany.

Du bist mein Glück; Bavaria-Film A. G., Munich, Germany.

Echo der Heimat; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Edelweisskönig; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ehestreik; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eichhorn-Bayer Expedition; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Einer zeviel am Bord; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

I-A [Eins-A] in Oberbayern; Bavaria Film A. G., Munich, Germany.

Das Ekel; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Elbefahrt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Es geht um mein Leben; Eichberg-Film G. m. b. H., Berlin, Germany.

Es ist nichts so fein gesponnen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Es leuchten die Sterne; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Es war eine rauschende Ballnacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Fallschirmjäger; Terra-Filmhunst G. m. b. H., Berlin, Germany.

Feindliche Ufer; Deutsche Film Herstellungsund Verwertungs Gesellschaft, Berlin, Germany.

Feldzug in Polen; D. F. G., Deutsche Film Gesellschaft, Berlin, Germany.

Das Fenster im 2. Stock; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ferngespräch mit Hamburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Feuerteufel; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Fez und Schleier; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Florshtjmer Hut; Terra-Film A. G., Berlin, Germany.

Frau am Steuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Frau nach Mass; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Frau ohne Bedeutung; Majestic Film G. m. b. H., Berlin, Germany.

Frau Sylvelin; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine Frau wie Du; Atalanta-Film G. m. b. H. Berlin, Germany.

Frischer Wind aus Kanada; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Früh übt sich; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Fünf Millionen suchen einen Erben; Majestic-Film G. m. b. H., Berlin Germany.

Fünf Personnen suchen Anschluss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gabriele eins, zwei, drei; Tonfilmstudio Carl Froelich & Co., Tobis-Filmverleih G. m. b. H., both of Berlin, Germany.

Garmisch-Partenkirchen; Hamburg Amerikanische Packetfehrt A. G., Hamburg, Germany, Norddeutscher Lloyd, Bremen, Germany.

Gartenfest in Wien; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gasparone; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gefährliches Spiel; Klagemann-Film G. m. b. H., Berlin, Germany.

Gefiederte Strandgäste an der Ostsee; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Das Geheimnis der Elschale; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Geheimzeichen LB-17; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die Geierwally; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Geigenzauber; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Germany, Historical and beautiful; Reichsbahnzentrale für den deutschen Reisevokehr.

Gewitter im Mai; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Gleisdreieck; F. D. F. Fabrikation deutscher Filme G. m. b. H., Universum Film A. G., also known as "Ufa", both of Berlin, Germany.

Das Glück auf dem Lande; Terra-Film A. G., Berlin, Germany.

Glückskinder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die göttliche Jette; Fanal-Film Productions G. m. b. H., Tobis-Europa, both of Berlin, Germany.

Gold; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gold des Nordens; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Gorch Park; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Gouverneur; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die Grossglockner Hochalpenstrasse; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Grüne Vagabunden; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Guatemala; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Guten Abend, gute Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Halt! Meine Uhr; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heeres Reit-und Fahrschule Hanover; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heideschulmeister Uwe Karsten, Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heilbehandlung von Kunstwerken; Kulturfilm-Institut G. m. b. H., Universum-Film A. G., also known as "Ufa", both of Berlin, Germany.

Heimat; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heimat im Lied; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Heimat ruft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Heimatland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Herz der Königin; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hilde Petersen postlagernd; R. N. (Robert Neppach) Filmproduktions G. m. b. H., Berlin, Germany.

Das himmelblaue Abendkleid; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Hinein hinunter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hitlerjunge Quex; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hochzeitsreise; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Hochzeitsreise (1939 Production); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der höhere Befehl; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ein hoffnungsloser Fall; Klagemann-Film G. m. b. H., Berlin, Germany.

Horch, Horch die Lerch im Aether blau; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Hurrah, Ich bin Papa; Cine-Allianz Tonfilmproduktions G. m. b. H., Berlin, Germany.

Husaren der See; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ihr erstes Erlebnis; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Im Lande der Inka Maya und Azteken; Universum-Film A. G. also known as "Ufa", Berlin, Germany.

Im Lande der 1000 Seen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Im Lande Widukinds; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

In der Rott; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

In vierzig Minuten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das indische Grabmal (2. Teil des "Der Tiger von Eschnapur"); Eichberg-Film G. m. b. H., Berlin, Germany.

Intermezzo; Majestic Film G. m. b. H., Tobis-Rota A. G., both of Berlin, Germany.

Irrtum des Herzens; Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Jäger von Fall; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Johannisfeuer; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Jugend; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Jugend der Lippizaner; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Jugend im Tanz; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Jugend von heute; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Jungens, Männer und Motore; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Jungfrau gegen Mönch; Majestic Film G. m. b. H., Berlin, Germany.

Kameradjagd auf Seehunde; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kampf mit dem Drachen; Bavaria-Film A. G., Munich, Germany.

Kampf um Anastasia; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kampfgeschwader Lutzow; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Kanarien; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kannst Due Pfeifen Johanna? Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Karneval; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Katzensteg; Euphono-Film G. m. b. H., Berlin, Germany.

Kautschuk, Die grüne Hölle; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die keusche Geliebte; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine kleine Nachtmusik; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Der kleine Schreibgehilfe; Tobis-Cinema Film A. G., Berlin, Germany.

Die kleine Sünderin; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Die kleine und die grosse Liebe; Klagemann-Film G. m. b. H., Berlin, Germany.

Der Klosterjäger; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Die kluge Schwiegermutter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Königswalzer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kongo Express; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Korallenprinzessin; F. D. F. Fabrikation deutscher Filme G. m. b. H., Berlin, Germany.

Kraftleistungen der Pflanzen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Kreutzersonate; Georg Witt-Film G. m. b. H., Berlin, Germany.

Leidenschaft; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

The Leipzig Fair; Boehner-Film, Dresden, Germany.

Das letzte Boot im Herbst; Kulturfilm-Institut G. m. b. H., Berlin, Germany.

Letzte Grüsse von Marie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Libellen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liebe, Tod und Teufel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liebe kann lügen; Deka-Film G. m. b. H., Berlin, Germany.

Liebe streng verboten; Aco-Film G. m. b. H., Berlin, Germany.

Liesbesbriefe aus den Engadin; Luis Trenker-Film G. m. b. H., Berlin, Germany.

Liebeskommando; Super-film A. G., Berlin, Germany.

Liebesleute; Fanal-Filmproduktion G. m. b. H., Berlin, Germany.

Liebeschule; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Lied der Wüste; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Liquid Air; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lockvogel; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lokomotivenbraut; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lorenzi Tag; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Lotsen der Luft; Universum-Film A. G., also known as "Ufa", in collaboration with Deutsche Luft-Hansa, both of Berlin, Germany.

Luftexpress Berlin-Rom; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Nacht der Berge; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen Irene; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen Johanna; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Mädchen von gestern Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mädchenräuber; Majestic Film G. m. b. H., Berlin, Germany.

Männer müssen so sein; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Der Mann der Sherlock Holmes war; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Mann mit dem Affen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ein Mann will in die Heimat (Ein Mann will nach Deutschland?; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mannesmann; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Marguerite: 3; Minerva-Tonfilm G. m. b. H., Berlin, Germany.

Maria Illona; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Meerestiere in der Adria; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Meine Freundin Barbara; Fanal-Film Produktions G. m. b. H., Berlin, Germany.

Meistersinger von Nurnberg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Metall des Himmels; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mit Kreuzer Königsberg in See; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Mit Versiegelter Order; Majestic Film G. m. b. H., Berlin, Germany.

Der Mörder Dimitri Karamasoff; Terra-Film A. G., Berlin, Germany.

Morgen werde ich verhaftet; Euphono-Film G. m. b. H., Berlin, Germany.

Der Mustergatte; Imagoton-Film G. m. b. H., Berlin, Germany.

Mysterium des Lebens; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Eine Nacht in Mai; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Nacht mit dem Kaiser; Klagemann-Film G. m. b. H., Berlin, Germany.

Nanette; Klagemann-Film G. m. b. H., Berlin, Germany.

Nanon; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Nanu, Sie kennen Korff noch nicht?; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Napoleon ist an allem Schuld; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Natur und Technik; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Nimrod mit der Kamera; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Nordische Vogelberge; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Olympia unserer Kleinsten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Opernball; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Papas Fehltritt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Paradies der Junggesellen; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Das Paradies der Pferde; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Patentkunstschloss; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Patrioten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Peer Gynt; Bavaria Film A. G., Munich, Germany.

Pirateninseln; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Prinzessin Turandot; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Psst, Ich bin Tante Emma; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Pulsschlag des Meeres; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das Quartett; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Quick—The King of Clowns; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Räuber unter Wasser; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Raub der Sabinerinnen; Carl Froehlich-Tonfilm Produktions G. m. b. H., both of Berlin, Germany.

Das Recht auf Liebe; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

Die Reise nach Tilsit; Majestic-Film G. m. b. H.,, Berlin, Germany.

Rheinische Brautfahrt; Euphono-Film G. m. b. H., Berlin, Germany.

Rheinland; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Riesen deutscher Käferwelt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ritt in die Freiheit; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Rivalen der Luft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Robert Koch, der Bekämpfer des Todes; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Röntgenstrahlen (Moving X-Rays); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sag es mit Liedern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Salzburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schären und Fjorde Adria; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schauspieldirektor; Universum-Film A G., also known as "Ufa", Berlin, Germany.

Schiff in Not; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schimmelkrieg in der Holledau; Euphono-Film G. m. b. H., Berlin, Germany.

Schloss Vogelöd; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Schlussakkord; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schnelle Truppen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das schöne Fräulein Schragg; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Schönes gastliches Land zwischen Rhein und Main; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schorfheide; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Schritt von Wege; Terra-Filkunst G m. b. H., Berlin, Germany.

Schubertlieder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Schütz den Singvögeln; Universum-Film A G , also known as "Ufa", Berlin, Germany.

Das Schweigen im Walde; Tonlicht Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Der See der wilden Schwäne; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sein bester Freund; Ariel-Filmproduktions G. m. b. H., Tobis Rota-Film A. G., both of Berlin, Germany.

Die Seitensprünge des Herrn Biohn; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sieben Ohrfeigen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sieg auf der ganzen Linie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sinfonie der Wolken; Universum-Film A G., also known as "Ufa", Berlin, Germany.

Sinnesleben der Pflanzen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Sinnvolle Zwecklosigkeiten; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ski Marathon, German Railroads Information Office.

Sommer, Sonne, Erika; Universum-Film A G., also known as "Ufa", Berlin, Germany.

Sonne, Erde und Mond; Universum-Film A G., also known as "Ufa", Berlin, Germany.

Spätere Heirat nicht ausgeschlossen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Spiel auf der Tenne; Universum-Film, A. G., also known as Ufa", Berlin, Germany.

Spiel im Sommerwind; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Spiel mit dem Feuer; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stärker als die Liebe; Rolf Randolf-Film G. m. b. H., Berlin, Germany.

Standesamt 10:15; F. D. F. Fabrikation-deutscher Filme, G. m. b. H., Berlin, Germany.

Der Stern von Valencia; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stimmen im Schilf; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Störenfried; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Streit um den Knaben Jo; Fanal-Film Produktions G. m. b. H., Berlin, Germany.

Stuttgart, Grosstadt zwischen Wald und Reben; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Stutgarter Turnfest; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das süundige Dorf: Bavaria-Filmkunst G. m. b. H., Munich, Germany.

Tee zu zweien; Universum-Film A. G., also known as "Ufa"; Berlin, Germany.

Tiergarten des Meeres; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Tiger von Eschnapur; Eichberg-Film G. m. b. H., Berlin, Germany.

Tintenfische; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Traumulus; Carl Froehlich Film Produktions G. m. b. H., Berlin, Germany.

Ufa Märchen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ufa News (Series) (Some numbered, others unnumbered; some badly cut); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ufa Tonwoche; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die unheimliche Nacht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Unser Fräulein Doktor; Klagemann-Film G. m. b. H., Berlin, Germany.

Unsere Artillerie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Das unsterbliche Herz; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Unternehmen Michael; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Urlaub auf Ehrenwort; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der verkannte Lebensmann; Aco-Film G. m. b. H., Berlin, Germany.

Verklungene Melodie; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Verräter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Versprich mir nichts; Meteor-Film G. m. b. H., Berlin, Germany.

Vier Mädeln und ein Mann; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Vierte kommt nicht; Tobis-Filmkunst G. m. b. H., Berlin, Germany.

Ein Volk im Krieg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Von Gemsen und Steinböcken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wald im Winter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wald ohne Weg; Tobis-Melofilm G. m. b. H., Berlin, Germany.

Waldrausch; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Waldwinter; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Walzerkrieg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Was die Isar rauscht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Was ein Häckchen werden will; Universum Film A. G., also known as "Ufa", Berlin, Germany.

Wasser hat Balken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wasserfreuden im Tierpark; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wasserkraft Segen schafft; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Watzmann und seine Kinder; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

We meet in Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Weiberregiment; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Weisser Flieder; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Weltstadt am Wasser; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Weltstrasse-Sechafen Hamburg; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wenn der Hahn kräht; Carl Froelich-Tonfilm Produktions G. m. b. H., Berlin, Germany.

Wenn die Sonne sinkt; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wenn Frauen schweigen; Universum-Film A. G., also known as "Ufa," Berlin, Germany.

Wer hat Angst vor Marmaduke?; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wer küsst Madeleine?; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Westwall; Wochenschauzentrale Universum-Film A. G., also known as "Ufa", Berlin, Germany (both).

Die Wette; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wie ein El dem anderen; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der Wille zum Licht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wir erobern Land (in both the 35- and 16-mm. sizes); Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Wir fahren nach Amerika; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Wonders of the World; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

The World of Machinery; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Die Wunder der hellen Nächte; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Wunder des Vogelzuges; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Wunderschiessbude; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Die Wunderwelt des Teiches; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Ziel in den Wolken; Terra-Filmkunst G. m. b. H., Berlin, Germany.

Zu neuen Ufern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zweimal zwei im Himmelbett; Tonlicht-Film G. m. b. H., Peter Ostermayr, both of Berlin, Germany.

Zwielicht; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zwischen den Eltern; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zwischen Hamburg and Haiti; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Können Tiere denken; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Der ungetreue Eckehart (1940 Production); Algefa-Film G. m. b. H., Berlin, Germany.

Wissenschaft weist neue Wege; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

Zigeunerbaron; Universum-Film A. G., also known as "Ufa", Berlin, Germany.

[F. R. Doc. 51-2140; Filed, Feb. 12, 1951; 8:54 a. m.]

[Vesting Order 17128]

H. M. H. ALBERT DE BARY & CO.

In re: Securities and bank accounts of H. M. H. Albert de Bary & Co., N. V., Amsterdam, Netherlands. F-49-1180; F-49-1180-A-1 through A-8; F-49-1180-E-1 through E-18.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That the Deutsche Bank, the last known address of which is Berlin, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That H. M. H. Albert de Bary & Co., N. V., the last known address of which is Amsterdam, The Netherlands, is a corporation organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, The Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Deutsche Bank, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain shares of stock, bonds, scrip certificates and detached bond coupons on deposit with and in the custody of the banks and other financial institutions, whose names and addresses are set forth in Exhibit A, attached hereto and made a part hereof, in accounts entitled as set forth in the aforesaid Exhibit A, together with any and all rights thereunder and thereto and any and all declared and unpaid dividends on said shares of stock, and

b. Those certain debts or other obligations of the banks and other financial institutions, whose names and addresses are set forth in Exhibit B, attached hereto and made a part hereof, arising out of accounts entitled as set forth in the aforesaid Exhibit B, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, H. M. H. Albert de Bary & Co., N. V., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That H. M. H. Albert de Bary & Co., N. V., is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of custodian	Title of account	Number of account	Contents
Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked clients account, nonresident account.	F-86569	Stock.
Do	H. M. H. Albert de Bary & Co., N. V., blocked special clients account, nonresident account.	F-86570	Do.
Do	H. M. H. Albert de Bary & Co., N. V., blocked clients account, Dutch residents account.	R-86237	Stock, bonds, scrip, coupons.
Do	H. M. H. Albert de Bary & Co., N. V., Netherlands blocked clients coupon account, Dutch residents account.	R-86238	Coupons.
Do	H. M. H. Albert de Bary & Co., N. V., Netherlands blocked special clients account, Dutch residents account.	R-86239	Bonds.
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked securities account.	----------	Stock.
National City Bank of New York, 55 Wall St., New York, N. Y.	do	----------	Do.
The New York Trust Co., 100 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., regular account.	5-6034	Do.
Do	H. M. H. Albert de Bary & Co., N. V., special deposit account.	5-6035	Stock, bonds.
Do	H. M. H. Albert de Bary & Co., N. V., noncoupon collection account.	5-6037	Bonds.
Do	H. M. H. Albert de Bary & Co., N. V., special deposit noncoupon collection account.	5-6040	Do.
Do	H. M. H. Albert de Bary & Co., N. V., coupon deposit account.	5-6170	Coupons, bonds.
Do	H. M. H. Albert de Bary & Co., N. V., N account.	5-6258	Stock, bonds, scrip.
Do	H. M. H. Albert de Bary & Co., N. V., deposit N account.	5-6259	Stocks, bonds.
J. Henry Schroder Banking Corp., 57 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V.	----------	Stock.
Swiss Bank Corp., 15 Nassau St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked securities deposit account.	----------	Bonds.

EXHIBIT B

Name and address of financial institution	Designation of account
The American Express Co., Inc., 65 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., demand account.
Baker, Weeks & Harden, 1 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., credit balance.
Bank of The Manhattan Co., Inc., 40 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., bank deposit.
Bankers Trust Co., 16 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.
Brown Bros., Harriman & Co., 59 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., ordinary account, blocked account.
Central Hanover Bank & Trust Co., 70 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, old account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, client's account, old account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, client's account (set-up account).
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, special client's account, old account.
Chemical Bank & Trust Co., 165 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, blocked demand deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, The Netherlands, blocked custody cash account.
The Commercial National Bank & Trust Co., 46 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., checking account.
Continental Illinois Bank & Trust Co. of Chicago, 231 South LaSalle St., Chicago, Ill.	Do.
The First National Bank of Boston, 67 Milk St., Boston, Mass.	Do.
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., deposit account.

[F. R. Doc. 51-2246; Filed, Feb. 14, 1951; 8:54 a. m.]

EXHIBIT B—Continued

Name and address of financial institution	Designation of account
H. Hentz & Co., 60 Beaver St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., credit balance.
Irving Trust Co., 1 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., demand deposit account.
Liberty National Bank of Chicago, Chicago, Ill.	H. M. H. Albert de Bary & Co., N. V., current credit balance.
Carl M. Loeb, Rhoades & Co., 61 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current blocked account.
Manufacturers Trust Co., 55 Broad St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., bank deposit.
Carl Marks & Co., 50 Broad St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current credit balance.
The National City Bank of New York, 55 Wall St., New York, N. Y.	Do.
The New York Trust Co., 100 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., Amsterdam, plain account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, coupon deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, special deposit account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, special deposit noncoupon collection account.
Do	H. M. H. Albert de Bary & Co., N. V., Amsterdam, subaccount ELS.
The Philadelphia National Bank, 421 Chestnut St., Philadelphia, Pa.	H. M. H. Albert de Bary & Co., N. V., demand deposit.
Pyne, Kendall & Hollister, 60 Wall St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked credit cash balance.
J. Henry Schroder Banking Corp., 57 Broadway, New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., current account.
Swiss Bank Corp., 15 Nassau St., New York, N. Y.	H. M. H. Albert de Bary & Co., N. V., blocked cash account.

[Vesting Order 17281]

ERNEST LOEFFLER

In re: Bank account owned by Ernest Loeffler. D-28-418-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest Loeffler, whose last known address is Hauptstrasse 78, Endingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernest Loeffler by The Rahway National Bank, Rahway, New Jersey, arising out of a savings account, account numbered 13222, entitled Ernest ownership or control by the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2209; Filed, Feb. 13, 1951; 8:54 a. m.]

[Vesting Order 17283]

NOBUO MIKAMI

In re: Bank account owned by Nobuo Mikami, also known as N. B. Mikami. D-39-7148.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuo Mikami, also known as N. B. Mikami, whose last known address is 111 Shimizu, Miharumachi, Fukushima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a commercial account, entitled N. B. Mikami or T. Mikami, maintained at the branch office of the aforesaid bank located at Brentwood, Centra Costa County, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nobuo Mikami, also known as N. B. Mikami, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2211; Filed, Feb. 13, 1951; 8:55 a. m.]

[Vesting Order 17195]

HERMANN AND IDA BOHM

In re: Stock and a debt owned by Hermann Bohm and Ida Bohm. F-28-14451, D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Bohm and Ida Bohm, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Eighty-three (83) shares of $100.00 par value common capital stock of American Telephone and Telegraph Company, 195 Broadway, New York, New

York, a corporation organized under the laws of the State of New York, evidenced by stock certificates numbered NM50944 for 50 shares, NL57788 for 25 shares, TN81863 for 5 shares and SN58418 for 3 shares, registered in the name of Hermann Bohm and Ida Bohm, joint tenants with right of survivorship, and presently in the custody of Department of State, Division of Protective Services, Washington, D. C., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by American Telephone and Telegraph Company, 195 Broadway, New York, New York, arising out of the sale of certain subscription rights issued by said American Telephone and Telegraph Company, in the amount of $390.00, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hermann Bohm and Ida Bohm, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2247; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17197]

CARLOWITZ & CO.

In re: Bank accounts owned by Carlowitz & Co.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Lindner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Ottomar Lord, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Carlowitz & Co. is a partnership organized under the laws of China, whose principal place of business is located at Shanghai, China, and is or, since the effective date of Executive Order 8389, as amended, has been controlled by or acting or purporting to act directly or indirectly for the benefit or on behalf of the aforesaid Johannes Lindner, and the personal representatives, heirs, next of kin, legatees and distributees of Ottomar Lord, deceased, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain debts or other obligations owing to Carlowitz & Co. by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of Commercial Deposit Accounts entitled Carlowitz & Co., Shanghai and Carlowitz & Co., Shanghai (London Transfer Acct.), maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Carlowitz & Co. by Bank of America National Trust & Savings Association, 300 Montgomery Street, San Francisco, California, arising out of an Unpresented Draft Account entitled Correspondents Drawings Debited—Not Paid, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carlowitz & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Carlowitz & Co. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany);

6. That to the extent that Johannes Lindner, Carlowitz & Co. and the personal representatives, heirs, next of kin, legatees and distributees of Ottomar Lord, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2248; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17255]

KATHARINE SCHAUREN

In re: Estate of Katharine Schauren, deceased. File No. F-28-17800.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarete Stingel, Dora Stelter, Heinrich Stingel, Katharine Von Vulte and Georg Stingel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof and each of them, in and to the Estate of Katharine Schauren, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Dutchess County, as depositary, acting under the judicial supervision of the Surrogate's Court, Dutchess County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2250; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17243]

ANNA A. A. BRANDT

In re: Estate of Anna A. A. Brandt, deceased. File 017-26733.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Lubert, Auguste Hartwig, Adele Kurze, Emil Lubert, Ida Blumenauer, Gustav Hoppner, Luise Brassler, Frederike Hensler, Wilhelmine Hoppner, Johanna Luise Heidemann, Herman Eruning, Anna Schnier, Johanna Fredericke Usling, Auguste Haubrock, August Bruning, Karl Friederick Belderwieden and Emma Heidemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Karl Belderwieden, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna A. A. Brandt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frederick Behr, as surviving administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

5. That the property described as follows:

An undivided sixteen-seventeenths ($^{16}/_{17}$) interest in that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, being the premises numbered 2735 University Avenue in the Borough of Bronx, City of New York, located on the westerly side of University Avenue distant one hundred and five and three-tenths (105.3) feet from the southerly side of West 195th Street in size fifty-two and two-tenths (52.2) feet by Ninety-four and twenty-six Hundredths (94.26) feet, more particularly described on tax map as Lot 96, Block 3248, Section 12, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

An undivided sixteen-seventeenths ($^{16}/_{17}$) interest in that certain lot, piece or parcel of land with the buildings and improvements thereon erected, being the premises numbered 887 East 178th Street in the Borough of Bronx, City of New York, located at the northwest corner of East 178th Street and Honeywell Avenue in size thirty-six and fifty-two one hundredths (36.52) feet by seventy and twenty-four hundredths (70.24) feet, more particularly described on tax map as Lot 30, Block 3123, Section 11, together with all hereditaments, fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Karl Belderwieden are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, and,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 5 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2249; Filed, Feb. 14, 1951; 8:55 a. m.]

[Vesting Order 17258]

JULIUS SURMANN

In re: Estate of Julius Surmann, deceased. File No. D-28-12824; E. T. sec. 16994.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Mihatsch, Heinrich Buschler, Anna Gertrud Buschler, Elizabeth Kraft, Josephine Menke, Alois Buschler, Elizabeth Soeller, Maria Niefer, Theresia Hermes, Paula Schuhknech, Hubert Dieckmann, Maria Josephine Kaizers, Wilhelmine Helfterkamp, Johann Hans Soeller, Paula Bromkamp, Anna Maria Schuster, Josephine Schulte, Gertrude Dickmann, Johanna Diedrich, Joseph Koerner, Toni Koener, Hermann Josept Koerner, Anna Maria Bette, and Heinrich Koerner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Bernard Soeller, also known as Johann Bernhard Soeller, of Anna Buschler, deceased, of Anna Maria Koerner, deceased, and of Hermann Koerner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of Julius Surmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Frank W. Lees, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington, County of Grant;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Bernard Soeller, deceased also known as Johann Bernhard Soeller, of Anna Buschler, deceased, of Anna Maria Koerner, deceased, and of Hermann Koerner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2251; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17285]

PAUL PATZER

In re: Debt owing to Paul Patzer. D-28-12861.

Under the authority of the Trading With the Enemy Act, as amended, Execu-

tive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Patzer, whose last known address is 14B Rottweil AN Dammstrasse 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Paul Patzer by Richard A. Abbott, 463 Hamilton Street, Allentown, Pennsylvania, arising out of the receipt by said Richard A. Abbott of the net proceeds of the sale of eleven (11) acres and ninety-eight (98) perches of land situated in Upper Saucon Township, Lehigh County, State of Pennsylvania, to William H. Price and Gladys G. Price, Upper Saucon, Pennsylvania, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Paul Patzer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2252; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17289]

HUGO SCHREYER

In re: Bank account owned by Hugo Schreyer. F-28-12147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Schreyer, whose last known address is Care, August Brand, Surfeldstrasse No. 13, Bremenhaven-Lebe, Bremen, Enclave, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Franklin Savings Bank, 656 Eighth Avenue, New York, New York, arising out of a savings account, account number 396850, entitled Hugo Schreyer, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Schreyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2253; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17290]

BEHR SCHULTZ & CO.

In re: Rights of Behr Schultz & Company, under insurance contracts. F-28-14145.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Behr Schultz & Company, the last known address of which is 31 Moenckelbergstrasse, Hamburg, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since, the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: All rights, interests and claims of Behr Schultz & Company, in, to and under Marine Insurance Policies Numbers 56177, 56178, and 56179, issued by Insurance Company of North America, Philadelphia, Pennsylvania, covering shipments on board S. S. "Triton", arising on account of seizure of such shipments by British authorities, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Behr Schultz & Company, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2254; Filed, Feb. 14. 1951; 8:56 a. m.]

[Vesting Order 17293]

FRANK STEILMANN

In re: Bank account owned by Frank Steilmann. D-28-12952.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Steilmann, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Frank Steilmann by Port Chester Savings Bank, Port Chester, New York, arising out of an account number 38138, entitled Frank Steilmann, maintained at the aforesaid Port Chester Savings Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2255; Filed, Feb. 14, 1951; 8:56 a. m.]

[Vesting Order 17296]

KOUKO AND SANSHO YAMAGATA

In re: Bank account owned by Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata. F-39-4788.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata, each of whose last known address is 319 Shinohara-Cho, Kouhoku-Ku, Yokohama, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kouko Yamagata and Sansho Yamagata, also known as S. Yamagata, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a Savings Account, account number 672, entitled Sansho Yamagata and/or Kouko Yamagata, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2256; Filed, Feb. 14, 1951; 8:57 a. m.]

[Return Order 883]

PIERRE MARCEL LEMOIGNE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Pierre Marcel Lemoigne, Montrouge (Seine), France; Claim No. 13241; December 27, 1950 (15 F. R. 9350); property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 280,863 (now Patent No. 2,313,491). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 8, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2257; Filed, Feb. 14, 1951; 8:57 a. m.]

[Return Order 885]

VENDELIN HEMMERLE ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Vendelin Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 41245; Charles Hemmerle, Strasbourg (Bas-Rhin), France; Claim No. 43818; Jacques Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43819; Mathilde Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43820; Emilie Hemmerle, Wissembourg (Bas-Rhin), France; Claim No. 43821; January 3, 1951 (16 F. R. 50); 5/7 of $7,352.44 in the Treasury of the United States, said 5/7 to be divided equally among the claimants. All right, title and interest of the claimants in and to the Estate of Wendell Hamlin, deceased; estate administered under judicial supervision of Surrogate's Court of Oneida County, New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 8, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2258; Filed, Feb. 14, 1951; 8:58 a. m.]

FEB 19 '51

FEB 19 '51

FEDERAL REGISTER

VOLUME 16 NUMBER 33

Washington, Friday, February 16, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2917

RED CROSS MONTH, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross, chartered by the Congress as a voluntary agency of the American people, has accepted important new responsibilities in the present national emergency, at the request of the Government; and

WHEREAS this organization must continue to provide vitally needed services to the members of our expanding armed forces in military installations and hospitals around the world, as well as to their families, and to war veterans and their dependents; and

WHEREAS the Red Cross is expanding its facilities across the Nation to meet any eventuality, while continuing to aid the unfortunate victims of fire, flood, tornado, and other catastrophes; and

WHEREAS, in addition to its duties of providing for the normal blood needs of the ill and injured in our civilian population, the Red Cross has been designated the national coordinating agency in a program for the procurement of vast quantities of blood and for the stockpiling of blood plasma for defense purposes; and

WHEREAS the Red Cross, in this time of national emergency, has been asked to train millions in health and safety skills, and to recruit additional thousands of workers in its vast network of 3,738 chapters located in every county of our land; and

WHEREAS the Red Cross is appealing for voluntary contributions amounting to $85,000,000 as the minimum goal needed to carry out these additional assignments during the coming fiscal year, as well as to continue its regular health and welfare services for the protection of our people:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate the month of March 1951 as Red Cross Month; and I urge every American to respond during that month as generously as possible to the urgent need of this humanitarian organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of February in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-2431; Filed, Feb. 15, 1951; 9:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 75]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.336 *Grapefruit regulation 75*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act,

(Continued on p. 1629)

CONTENTS

THE PRESIDENT

Proclamation	Page
Red Cross Month, 1951	1627

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:

Badum, Ernst	1650
Banco Aleman Transatlantico et al	1659
Baum, Wilhelm	1650
Baumfield, Herman and Kaneko	1660
Berkel, Adele	1656
Berlin, City of, et al	1657
Copyrights of certain German nationals	1660
Decombe, Georges	1661
Dewas, Raymond	1661
Diederichs, Emile Charles Robert	1661
Ebeler, Emma Zimlick	1662
Felten & Guilleaume Carlswerk Actien-Gesellschaft	1650
Gandolfi, L., and Co., Inc	1656
Gantvoort, Hilde	1651
Geffcken, Heinrich and Hans Richter	1649
Hagemeister, Heinz Juergen	1655
Huecking, Victor L. F. H., et al	1657
Jacobs, Hans	1651
Kirschstein, Friedrich	1650
Kodak-Pathe Societe Anonyme Francaise	1662
Kondo, Hama, et al	1652
Kunert, Emil	1660
Land und Seekabelwerke A. G	1651
Meyron, Davide	1661
Minamoto, Kita	1658
Nishida, Jinsuke, et al	1658
Reh, Willy	1651
Rouat, Roger	1662
Scarpellini, Edoardo, et al	1661
Schacker, Henry	1658
Souche, Fernand Charles	1661
Stangen, Carl	1656
Universum-Film A. G., et al	1652
Yamakami, Nino, et al	1659
Yurt, Margaret	1659

FEDERAL REGISTER

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CONTENTS—Continued

Animal Industry Bureau — Page
Proposed rule making:
Viruses, serums, toxins, and analogous products; organisms and vectors — 1640

Atomic Energy Commission
Colorado; withdrawal of public lands and reserved minerals in patented lands for use of Commission (*see* Land Management, Bureau of).

Civil Aeronautics Administration — Page
Rules and regulations:
Airplane airworthiness; transport categories: water loads alternate standards — 1630
Ceiling and visibility minimums:
Air carrier operating certification — 1630
Certification and operation rules for scheduled air carrier operations outside continental limits of U. S. — 1632
Flight engineer certificates; study guides for flight engineers — 1630

Civil Aeronautics Board
See Civil Aeronautics Administration.

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Defense Minerals Administration
Rules and regulations:
Manganese ore (MO 2) — 1637

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Federal Power Commission
Notices:
Hearings, etc.:
Northern Natural Gas Co — 1642
Ohio Fuel Gas Co — 1643
Tennessee Gas Transmission Co — 1643
Texas Gas Transmission Corp — 1641
United Natural Gas Co. and Sylvania Corp — 1643

Federal Reserve System
Rules and regulations:
Trust powers of national banks; miscellaneous amendments — 1629

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Proposed rule making:
Oleomargarine; definitions and standards of identity — 1640
Rules and regulations:
Cream cheese with other foods and pasteurized Neufchatel cheese spread with other foods; definitions and standards of identity — 1632

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments; Indiana, Michigan, and Ohio — 1634

Interior Department
See also Defense Minerals Administration; Land Management, Bureau of; Reclamation Bureau.
Rules and regulations:
Records and testimony; charges — 1638

Interstate Commerce Commission — Page
Notices:
Applications for relief:
Commodities, various, from and to points in the South — 1645
Cottonseed products from Memphis to Kingsport, Tenn — 1645
Iron or steel castings from Buffalo, N. Y., to Detroit, Mich — 1645
Lumber from the South to points in Missouri — 1644
Paper tape to and within the Southwest — 1644
Sand from Illinois to Lexington, Ky — 1644
Soda and soda products from and to stations on the Minneapolis, St. Paul & Sault Ste. Marie Railway — 1644
Sulphur from Alabama and Florida to Arkansas and Louisiana — 1644

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Wyoming; reservation of certain public lands in connection with Sybille Deer Winter Pasture; notice for filing objections to PLO — 1641
Rules and regulations:
Colorado; withdrawal of public lands and reserved minerals in patented lands for use of Atomic Energy Commission — 1638
Payments — 1638
Wyoming; reservation of certain public lands in connection with Sybille Deer Winter Pasture — 1639

National Production Authority
Rules and regulations:
Zinc scrap; toll agreements (M–37) — 1636

Price Stabilization, Office of
Rules and regulations:
Tidewater coal dock dealers (GCPR, SR 4) — 1635

Production and Marketing Administration
Rules and regulations:
Grapefruit grown in Arizona and California; limitation of shipments — 1627

Reclamation Bureau
Notices:
Redelegations of authority to officers in charge of projects of Region I — 1641

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Power & Light Co — 1645
Hope Natural Gas Co — 1647
Niagara Mohawk Power Corp — 1647
Ohio Edison Co. and Pennsylvania Power Co — 1646
Philadelphia Co — 1648
Standard Power and Light Corp. and Standard Gas and Electric Co — 1646

CONTENTS—Continued

Tariff Commission — Page
Notices:
Elgin National Watch Co. and Hamilton Watch Co.; application for investigation — 1649

Wage Stabilization Board
Rules and regulations:
Adjustments for individual employees (GR 5), correction — 1636

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
3 Chapter I (Proclamations): 2917	1627
7 Chapter IX: Part 955	1627
9 Chapter I: Part 114 (proposed)	1640
Part 118 (proposed)	1640
Part 119 (proposed)	1640
12 Chapter II: Part 206	1629
14 Chapter I: Part 4b	1630
Part 35	1630
Part 40	1630
Part 41	1632
21 Chapter I: Part 19	1632
Part 45 (proposed)	1640
24 Chapter VIII: Part 825	1634
32A Chapter III (OPS): GCPR, SR 4	1635
Chapter IV (WSB): GR 5	1636
Chapter VI (NPA): M–37	1636
Chapter XII (DMA): MO–2	1637
43 Subtitle A: Part 2	1638
Chapter I: 216	1638
Appendix (Public land orders): 698	1638
699	1639

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 18, 1951. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 15, 1950, and will so continue until February 18, 1951; the recommendation and supporting information for continued regulation subsequent to February 17, 1951, was promptly submitted to the Department after an open meeting of the Administrative Committee on February 8; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 18, 1951, and ending at 12:01 a. m., P. s. t., March 18, 1951, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{9}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241.

(Sec. 5, 49 Stat. 753, as amended: 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of February 1951.

[SEAL] S. R. SMITH
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–2385; Filed, Feb. 15, 1951; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

MISCELLANEOUS AMENDMENTS

1. Effective February 5, 1951, Part 206 is amended in the following respects:

a. Footnote 11 to § 206.10 (c) and footnote 14 to § 206.12 are amended to read as follows:

This does not prevent the bank from investing the funds of several trusts in a single real estate loan if the bank owns no participation in the loan and has no interest therein except in its capacity as fiduciary.

b. Section 206.17 (c) (5) (i) is amended to read as follows:

(5) *Miscellaneous limitations.* (i) No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the Common Trust Fund an amount in excess of 10 percent of the value of the assets of the Common Trust Fund at the time of investment, as determined by the trust investment committee, or the sum of $100,000, whichever is less. If the bank administers more than one Common Trust Fund under this subsection, no investment shall be made which would cause any one trust to have invested in the aggregate in all such Common Trust Funds an amount in excess of the sum of $100,000; and, if the bank administers Funds under paragraphs (c) and (d) of this section, no investment shall be made which would cause any one trust to have invested in the aggregate in all such Funds an amount in excess of the sum of $100,000. In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors

and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

2. a. The purposes of these amendments are to eliminate the applicability of section 24 of the Federal Reserve Act to real estate loans in which the funds of two or more trusts may be invested, and to increase the amount which an individual trust may invest in a common trust fund from $50,000 to $100,000.

b. The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with these amendments for the reasons and good cause found as stated in 12 CFR 262.2 (e), and especially because in connection with these permissive amendments such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11, 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34, 248, 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51–2317; Filed, Feb. 15, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 16]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

WATER LOADS; ALTERNATE STANDARDS

The following policies are hereby adopted:

§ 4b.250–1 *Water loads; alternate standards (CAA policies which apply to §§ 4b.10 and 4b.250).* ANC–3 provides a level of safety equivalent to, and may be applied in lieu of, §§ 4b.252, 4b.253, and 4b.257.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–2298; Filed, Feb. 15, 1951; 8:45 a. m.]

[Supp. 3]

PART 35—FLIGHT ENGINEER CERTIFICATES

STUDY GUIDES FOR FLIGHT ENGINEERS

The following policies are hereby adopted:

§ 35.7–1 *Content and scope of the written examination required for a flight engineer certificate in proof of aeronautical knowledge (CAA policies which apply to § 35.7).* (a) The written examination is designed for the specific purpose of determining whether an applicant possesses the basic theoretical knowledge required for the safe performance of his duties as a flight engineer.

(b) Since a flight engineer's aeronautical knowledge is extensive in scope, complete coverage in the examination is not feasible. The written examination offered is a sampling device wherein a limited number of questions are proposed for the purpose of determining knowledge.

§ 35.8–1 *Content and scope of the practical examination required for a flight engineer certificate in proof of aeronautical skill (CAA policies which apply to § 35.8).* The practical examination is designed for the specific purpose of determining whether an applicant possesses the necessary skill required for the safe performance of his duties as a flight engineer.

§ 35.9–1 *Limited flight engineer certificates under which flight engineers may serve aboard aircraft having less than four engines and incorporating a flight engineer station (CAA policies which apply to § 35.9).*—(a) *General.* The holder of a limited flight engineer certificate is restricted to the operation of aircraft types on which he has been examined. These types are listed on his certificate.

(b) *Eligibility for the examinations.*—(1) *Written.* An applicant for a limited flight engineer certificate must meet the requirements of the Civil Air Regulations regarding age, citizenship, education, and experience before he will be permitted to take the written examination.

(2) *Practical.* An applicant for a limited flight engineer certificate must meet the requirements of the Civil Air Regulations regarding age, citizenship, education, physical standards, and experience before he will be permitted to take the practical examination.

(c) *Written examination.* The applicant for a limited flight engineer certificate is required to satisfactorily complete sections 1, 2, and 3 of the flight engineer written examination (as described in Civil Aeronautics Manual 35, Appendix A),[1] and section 4 on the type aircraft which he intends to operate. Section 4, as required in the limited certificate examination, is presently available for PBY–5A type aircraft only, and is similar in scope to the examinations provided for four-engine aircraft.

(d) *Practical examination.* The applicant is required to satisfactorily complete the practical examination on the same type aircraft on which he completed the written examination. The practical examination is similar in scope to that described in Civil Aeronautics Manual 35, Appendix B,[1] with the following exceptions:

(1) The applicant must supply an aircraft (for the practical examination) having less than four engines and incorporating a flight engineer station satisfactory to the Administrator, and

(2) Any item not applicable to the operation of the specific aircraft may be eliminated from the examination.

Information concerning the items not applicable to a certain type aircraft may be obtained from the local Aviation Safety Agent.

(e) *Removal of limitations.* The holder of a limited certificate may have the limitations removed by satisfactorily completing section 4 of the written examination and the practical examination on one of the aircraft types described in §§ 35.7 and 35.8. It will not be necessary to retake sections 1, 2, and 3 of the written examination.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 602, 52 Stat. 1008, as amended; 49 U. S. C. 552)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–2299; Filed, Feb. 15, 1951; 8:45 a. m.]

[Supp. 6]

PART 40—AIR CARRIER OPERATING CERTIFICATION

CEILING AND VISIBILITY MINIMUMS

The following policies are hereby adopted:

§ 40.101–1 *Ceiling and visibility minimums (CAA policies which apply to § 40.101).*—(a) *General.* The ceiling and visibility minimums authorized by the Administrator for scheduled air carriers will be included in the operations specifications issued to the air carriers. The policies hereinafter set forth will be used by the Civil Aeronautics Administration in authorizing the ceiling and visibility minimums contained in the operations specifications.

(1) *Military airports.* When an air carrier is authorized to use a military airport, the ceiling and visibility minimums approved for take-off and landing at that airport will not be less than those agreed upon by the military authorities having jurisdiction over the facility.

(b) *Take-off minimums.*—(1) *Regular, provisional or refueling airports.*—(i) *Twin-engine aircraft.* Twin-engine aircraft may have take-off minimums approved as low as 300 feet and one mile, if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made. When an air carrier is authorized landing minimums lower than 300–1 at a particular airport through the utilization of ILS or GCA, the air carrier may also be authorized take-off minimums lower than 300–1 but not less than the landing minimums at that particular airport: *Provided,* That all conditions are such that an ILS or GCA approach can be executed at such minimums in accordance with the limitations set forth in the air carrier's operating certificate.

(ii) *Four-engine aircraft.* Four-engine aircraft may have take-off minimums approved as low as 200 feet and one-half mile, if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made and provided further that each pilot in command demonstrates during each six-month instrument check his ability to take off solely by reference to instruments in the make and model aircraft involved.

(2) *Alternate airports.* Take-off minimums for both two- and four-engine aircraft may be approved as low as 300 feet and one mile, if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made. When an air carrier has been approved for take-off minimums of 200½ at an airport for regular, provisional or refueling use, this air carrier may have minimums of 200½ authorized at the same airport when it is used as an alternate.

(c) *Landing minimums.* In the approval of ceiling and visibility minimums for landing, two methods of approach will be considered. These are: A regular approach, involving a maneuver of the aircraft or circling of the airport in order to effect a landing, and a straight-in approach from a navigational aid to a landing. A landing is considered as straight-in when the difference between the runway direction and the track from the navigation aid to the approach end of that runway is 30° or less.

(1) *Regular approach.* Where it is necessary to circle or maneuver to effect a landing, aircraft with higher maneuvering, approach and landing speeds shall be operated with higher landing minimums than slower type aircraft. To effect this principle, the stall speed as established in the Airplane Flight Manual at maximum certificated landing weight with full flaps, landing gear extended and power off will be used to differentiate between the two types of aircraft. Regular approach minimums are generally the same for all instrument approach procedures without regard to the type of radio navigational facility serving the particular airport, and will be established in accordance with the following policy:

(i) For aircraft having stall speeds in excess of 75 mph, the ceiling minimums will be at least 500 feet above the established elevation of the airport and not less than 300 feet above obstructions over which all turns about the airport will normally be made. In addition, the ceiling minimums shall be 300 feet above all obstructions within two miles on either side of the center line of the track from the facility to the end of the nearest usable runway. To determine the obstruction clearance, the normal area for all turns about the airport will be considered as extending for two miles in all directions from the boundary of the airport, exclusive of any areas over which flight is prohibited. However, in certain cases where the location and characteristics of prominent obstructions within the normal turning area about the airport is such that they can easily be seen and avoided, ceiling minimums may be established, taking into account the aircraft's ability to maneuver around these obstructions. Normally, visibility minimums for such aircraft will not be less than one and one-half miles except that visibility minimums of not less than one mile may be authorized for twin-engine aircraft having a stall speed in excess of 75 mph but which can be safely maneuvered with a radius of turn of not more than one-half mile.

(ii) Aircraft having stall speeds of 75 mph or less will normally be authorized to operate into airports with ceiling minimums 100 feet lower and visibility minimums of one-half mile less than established for the faster type of aircraft, but in no case will the ceiling be less than 400 feet and the visibility less than one mile. The criteria with respect to obstruction clearance shall be the same as in subdivision (i) of this subparagraph except that the normal area about the airport for all turns shall be considered as extending one and one-half miles in all directions from the boundary of the airport.

(2) *Straight-in approaches using a radio range or comparable radio facility (i. e. ADF, VOR, localizer*[1]*).* Where a radio facility is so located that the difference between the direction of the runway to be used for landing, and the track between the radio facility and the approach end of that runway is less than 30 degrees, straight-in approach minimums lower than the regular approach minimums may be authorized when a rate of descent of not more than 500 feet per minute will bring the aircraft from its final approach altitude over the radio facility to the end of the runway at zero altitude. In this configuration, the speed of the aircraft, having a stall speed in excess of 75 mph, shall be considered to be not less than 120 mph in still air, and the speed of the aircraft, having a stall speed of less than 75 mph, shall be considered to be not less than 90 mph in still air. For both classes of aircraft, the ceiling minimums will not be less than 400 feet, and the visibility minimums not less than one mile. The yardstick set forth above will be applied to each airport as a guide, and, where its rigid application would result in unrealistic or unreasonable minimums, such practical adjustment shall be allowed as will still provide adequate safety. In such cases, the air carrier's application shall include a full explanation of the reason for a deviation from the yardstick and must be concurred in by the flight operations personnel approving the minimums.

When an ADF or comparable facility is located on an airport, the ceiling minimums will not be less than 500 feet.

The use of facilities such as low frequency radio ranges, automatic direction finding facilities (ADF), high frequency radio range facilities (VAR), and omnirange facilities (VOR), is predicated on dependability of operation, location of the facility with respect to the airport, and monitoring of the facility in the case of a high frequency radio range or VOR. In exceptional cases, however, an approach may be authorized utilizing a radio facility which is deficient in some respect, such as its location in reference to the airport it is intended to serve, when the ceiling and visibility minimums are adjusted commensurate with the deficiency. In such case complete justification for the authorization of an approach using a low or high frequency radio range or automatic direction finding facility which is located more than seven (7) miles from the airport must be furnished by the air carrier. The ceiling and visibility minimums in such case will not be less than (i) 500 feet and two miles when the facility is located from seven (7) to ten (10) miles from the airport, (ii) 700 feet and two miles when the facility is located from ten (10) to twelve (12) miles from the airport, and (iii) visual flight rules shall be observed from the radio facility when such facility is more than twelve miles from the airport. At the present time, and until more operational experience has been gained utilizing VOR facilities for let-downs, the above-mentioned limitations will also apply with respect to the use of VOR facilities. When a high frequency radio range (VAR) or omnirange facility (VOR) is not adequately monitored, the ceiling and visiblity minimums will be at least 1000 feet and one mile unless lower minimums can be fully justified.

(3) *Straight-in approaches using ILS or GCA facilities.* Ceiling and visibility minimums established pursuant to this policy are for straight-in approaches only, utilizing ILS or GCA facilities.

(i) *Components of an ILS.* (a) The components which make up the instrument landing systems are (*1*) localizer, (2) glide path, (3) outer marker, (*4*) middle marker and (5) approach lights.[2]

[1] Not filed with the Federal Register Division.

[1] An ILS localizer course which has a suitable fix, is considered as a facility comparable to a radio range. A fix formed by the intersection of a localizer course and a range leg or radio bearing shall be considered as being suitable if:

(1) The fix is located, either on the front or back course of the localizer, within seven (7) miles of the airport, and

(2) The radio range station or source of the radio bearing is within twenty-five (25) miles of the fix, and

(3) The range leg or bearing intersects the localizer course at an angle greater than 45°.

[2] The above specified approach lights may be the high-intensity slope line system, the regular neon bar approach light system, or other approved approach light system.

In the event that the length of runway available exceeds by 3000 feet, the landing distance required by § 61.216 (a) and (b) of this chapter, and high intensity runway lights are installed and operative on the entire length of the runway, this extra length of runway may be substituted in lieu of the approach lights as a component of the ILS or GCA.

(b) Compass locator stations may be installed at the sites of the outer and middle markers of an instrument landing system, but are not considered a component of the ILS. However, when so installed, they may be used in lieu of the outer or middle marker for establishing a definite position over the fix, provided the aircraft is equipped with dual automatic direction finding receivers. If an aircraft is equipped with a single ADF receiver, only one compass locator may be used in lieu of the marker at the corresponding position.

(ii) *Components of a GCA system.* The components which make up the ground controlled approach system include (a) surveillance radar (PPI), (b) altitude and azimuth control radar (PAR), and (c) approach lights.[2]

(iii) *Demonstration of ability.* Approval of minimums for utilization of ILS or GCA, whichever is proposed for use, will be predicated on satisfactory demonstration of ability by the air carrier to use the proposed facilities. An air carrier will have demonstrated such ability when (a) the aircraft has installed and properly functioning, approved airborne receiving equipment and associated controls, indicators and antenna, (b) the air carrier's training program includes a satisfactory familiarization program in the use of the proposed facilities and procedures, for all flight personnel to be engaged in the operation, and (c) the flight personnel concerned have demonstrated under simulated instrument conditions, the ability to safely accomplish the ILS or GCA approach and landing procedures down to the proposed minimums.

(iv) *Transition to lower minimums.* The transition to lower minimums will be made in increments of 100 feet ceiling and one-fourth mile visibility from the straight-in minimums which could be authorized at a particular airport for a radio range or comparable facility procedure, as set forth in this section. The first reduction of minimums by these increments will be based on satisfactory demonstration of ability by the air carrier as outlined under subdivision (iii) of this subparagraph. Subsequent reduction in minimums will be based on satisfactory operation by the air carrier at the authorized minimums for an approximate period of six months using the particular facilities, unless it is deemed necessary for an air carrier to demonstrate ability either as specified in subdivision (iii) (c) of this subparagraph or under actual instrument conditions. The pattern of reduction in minimums is illustrated as follows: When present straight-in approach minimums are 400–1, the initial minimums for ILS or GCA will be 300¾ and at the end of an approximate six-month period of satisfactory operation using the particular facilities, the next reduction would be to 200½.

(v) *Lowest landing minimums.* Where no adjustment to the ceiling minimums is necessary for obstruction clearance as explained in (a) of this subdivision, landing minimums of 200½ are the lowest minimums which may be approved at the present time with all components of the ILS or GCA facilities in operation. Exception to these minimums may be made at specific locations where the installation of improved navigational aids so warrants.

(a) *Adjustment of ceiling minimums for obstruction clearance.* When the minimum obstruction clearance as described in § 60.46–8 cannot be met in the approach area, consideration will be given to establishing ceiling minimums which will afford comparable safety. In this event, the ceiling minimums will be determined by the application of the following formula to all obstructions projecting above the established slope line and located, in the case of an ILS procedure, in the approach area between the outer marker and the end of the runway, or in the case of a GCA procedure, in the approach area within a distance of five miles, outward from the end of the runway:

(1) Extend a line horizontally outward from the top of each obstruction and parallel with the runway center line to a point of intersection with the established slope line, and from that point extend a line vertically to a point of intersection with the glide path. The point of intersection at the highest level of the glide path as established by the foregoing formula will determine the minimum ceiling that may be considered.

(2) Where minimum obstruction clearances cannot be met in the transitional and horizontal surfaces immediately adjacent to the approach area and when deemed necessary, consideration will be given to an adjustment in the ceiling minimums commensurate with the degree of interference presented by the particular obstruction or obstructions.

(3) When application of the formula set forth in the preceding subparagraphs to an obstruction projecting above the established slope surface indicates a ceiling of less than 300 feet, the ceiling will not be reduced below 300 feet until it has been determined by flight checks that the lower ceiling may be authorized.

(4) *PPI approach.* Minimums for a PPI approach will be established in the same manner as outlined in subparagraphs (1) (i) and (ii) of this paragraph for a regular or circling approach.

(5) *Airports not served by a radio navigational or let-down facility*—(i) *Take-off minimums.* Take-off minimums for both two- and four-engine aircraft may be approved as low as 300–1 if, after a consideration of all obstructions in the immediate vicinity of the end of the runway used, and of the facilities and procedures used to avoid all obstacles in the take-off area, it is determined that a safe climb to the minimum en route altitude can be made.

(ii) *Landing minimums.* Landing minimums as low as 1,000–1 may be approved for airports located outside of control zones; and as low as 1,000–3 for airports located in control zones if, after consideration of the terrain in the vicinity of the airport and the traffic density in that area, the Administrator deems that operations at these minimums assures an adequate level of safety.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–2301; Filed, Feb. 15, 1951; 8:46 a. m.]

[Supp. 11]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

CEILING AND VISIBILITY MINIMUMS

The following policies are hereby adopted:

§ 41.1–2 *Ceiling and visibility minimums (CAA policies which apply to § 41.1)*—(a) *General.* Ceiling and visibility minimums for operations into and from airports by United States Flag Air Carriers will be established as set forth in § 40.101–1 with the following exception.

(1) *Foreign airports.* Ceiling and visibility minimums approved for take-offs and landings at a foreign airport will not be less than those prescribed by the country in which the airport is located. If no minimums have been prescribed by a foreign government, the authorized minimums will be consistent with the policies set forth in § 40.101–1.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51–2302; Filed, Feb. 15, 1951; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC–46]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

CREAM CHEESE WITH OTHER FOODS AND PASTEURIZED NEUFCHATEL CHEESE SPREAD WITH OTHER FOODS

In the matter of amending the definitions and standards of identity for cheddar cheese, washed curd cheese, and colby cheese, and establishing definitions and standards of identity for cream cheese with (and) other foods and pasteurized neufchatel cheese spread with (and) other foods:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing held pursuant to the notice published in the FEDERAL REGISTER on February 21, 1947 (12 F. R. 1192), and after consideration of the exceptions filed to the tentative order issued on August 24, 1950 (15 F. R. 5694), which exceptions are allowed in part and rejected in part as appears from notations on the exceptions on file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., and as is apparent from the detailed findings made below, the following order is promulgated:

Finding of fact.[1] 1. There are on the market a number of foods prepared by adding foods, such as fruits, vegetables, relishes, or meats, to cream cheese or neufchatel cheese. At present there are no definitions and standards of identity for such foods. In the case of those foods made in part from cream cheese, they may be designated on their labels as "cream cheese with" or "cream cheese and" the name of the added food; for example, "cream cheese with pineapple" or "cream cheese and pineapple"; or they may be designated as some type of cream cheese spread. Many such foods containing neufchatel cheese are now designated as some type of spread. Since cream cheese and neufchatel cheese are not permitted to be used in foods designated as pasteurized process cheese spread with other foods (§ 19.780), the status of foods prepared by blending cream cheese or neufchatel cheese and other foods is uncertain. To leave them without standards might result in abuses. One abuse indicated by the evidence is the sale of spreads labeled to indicate that cream cheese is used but in which the dilution of the cream cheese by the added foods brings its moisture and fat content into the range of neufchatel cheese. It is reasonable and desirable, therefore, to provide two definitions and standards of identity for soft uncured cheeses blended with other suitable foods, one in which the cheese ingredient is cream cheese and the other in which it is neufchatel cheese. (R. 1822, 1827–1828, 2249, 2252, 2273–2274, 2309, 2327–2328, 2330–2333, 2338, 2475, 2615–2617, 2644, 2650, 2782–2783 2963, 3012, 3116–3121)

2. Cream cheese with (and) other foods is the class of foods prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The food is basically a cream cheese product, but should contain enough of the food blended with it to impart its distinctive characteristics. If a cheaper food than cream cheese is blended with it and the mixture simulates cream cheese, abuses will likely occur. Under present conditions of manufacture the amount of foods blended with the cream cheese varies from a few percent to 20 percent or a little more. The composition of the cream cheese may vary from one having the minimum fat and maximum moisture to one with considerably more fat and less moisture than required by the standard. It is unnecessary to add water in the preparation of these mixtures. However, water contained in the added food may increase the moisture content of the mixture above that of cream cheese. The addition of a food containing no milk fat will decrease the milk fat content of the mixture in proportion to the amount of the food other than cream cheese used. The percent of milk fat in the mixture should not be less than 33 percent of the percentage of cream cheese used. In order to prevent undue dilution, the percent of fat in the finished food should not be less than 27 percent by weight of the finished food. The moisture content of the finished food should in no case exceed 60 percent. With these limits of fat and moisture, the maximum amount of foods that would normally be expected to be blended could be used with a cream cheese at or close to the minimum fat content and maximum moisture content permitted in the standard for cream cheese. It may be necessary to add water-retaining agents in addition to those contained in the cream cheese, but it is not necessary to add such agents, including the quantity already present in cream cheese, in excess of 0.8 percent of the finished food. The following substances, or mixtures of two or more of these substances, are suitable for such use: carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). Artificial coloring may be added if it does not conceal damage or inferiority or make the finished food appear better or of greater value than it is. An accurately descriptive and understandable name for the food is "cream cheese with ----------" or "cream cheese and ----------," the blank being filled in with the name or names of the added food or foods, in order of predominance by weight. (R. 1822, 1827–1828, 2225, 2230, 2273–2274, 2327–2328, 2333–2334, 2337–2338, 2475, 2782, 2962–2963)

3. Mixtures of neufchatel cheese with other foods are prepared in the same general manner as described in finding 1 for mixtures of other foods with cream cheese. In preparing these mixtures, if the neufchatel cheese has the maximum water and minimum fat permitted by the definition and standard of identity for that food, the blend may contain excessive amounts of water and less milk fat than are necessary to make a satisfactorily blended food having the characteristics of neufchatel cheese. The amounts of the foods other than neufchatel cheese vary, but the amount used should be sufficient to impart its characteristic to the mixture. In no case, however, should the moisture content of the mixture exceed 65 percent or the milk fat content be less than 20 percent. That part of finding 2 dealing with the use of water-retaining agents and artificial coloring is applicable to this class of food. The finished food, however, should be spreadable at ordinary room temperature (70° F.). Sweetening agents may be added for flavor. The following are suitable for such use: sugar, dextrose (corn sugar), corn sirup, corn sirup solids, maltose, malt sirup, and hydrolized lactose. The dairy ingredients permitted in pasteurized process cheese spread (§ 19.775 (d)) may be used. Vinegar may be added, either as an ingredient of one of the foods used for blending or separately. Sometimes acidifying agents are added, usually for the purpose of reducing the pH of the food to a point where spoilage will be retarded. The pH of neufchatel cheese is about 4.5 or 4.6. The addition of vinegar or other acidifying agents, or both, may reduce the pH to as low as 4.0, at which point there is a definite preservative effect. This effect, however, begins at a pH between 4.5 and 4.0, but the exact point is not clearly established in the record. It appears to be somewhere near the midway point, and it is reasonable to find that there is a preservative effect when the pH is less than 4.2. When vinegar alone is added, sufficient flavor is obtained without reducing the pH below 4.2, and if vinegar alone is used to such an extent that the pH is less than 4.2 it is used, in part at least, for the preservative effect of the acetic acid of the vinegar, and it should be considered that acetic acid has been added. In any event, the foods of this class are highly perishable unless sufficiently heated for not less than 30 seconds at a temperature of not less than 150° F. If so heated the quantity of phosphatase in an 0.25-gram portion of the food, as determined by the method prescribed in § 19.500 (e) has a phenol equivalent of not more than 3 micrograms. An accurately descriptive and understandable name for the food is "pasteurized neufchatel cheese spread with ----------" or "pasteurized neufchatel cheese spread and ----------," the blank being filled in with the names of the foods added, in order of predominance by weight. (R. 1818, 1822, 1919–1920, 1930–1931, 1937, 1940–1941, 1966, 2223–2227, 2232–2237, 2248, 2273–2274, 2327–2333, 2337, 2373, 2616–2617, 2620, 2643–2644, 2783, 3117–3121, 4040–4042)

Conclusion. Upon consideration of the entire record and the foregoing findings of fact, it is concluded that the promulgation of the following definitions and standards of identity for cream cheese with (and) other foods and pasteurized neufchatel cheese spread with (and) other foods will promote honesty and fair dealing in the interest of consumers:

Part 19 is therefore amended by adding the following new sections:

§ 19.782 *Cream cheese with other foods; identity; label statement of optional ingredients.* (a) Cream cheese with other foods in the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked,

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(b) No water other than that contained in the added food ingredients is used, but the moisture content of the mixture in no case is more than 60 percent. The milk fat is not less than 33 percent of the percent by weight of the cream cheese used, but in no case is it less than 27 percent of the finished food. Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with ————" or "Cream cheese and ————," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or mixture of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "———— artificially colored," the blank being filled in with the name or names of the food so colored.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.783 *Pasteurized neufchatel cheese spread with (and) other foods; identity; label statement of optional ingredients.* (a) (1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in paragraph (b) of this section. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate neufchatel cheese. It is spreadable at 70° F.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (e), the phenol equivalent of 0.25 gram of such food is not more than 3 micrograms.

(3) (i) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 65 percent.

(ii) The milk fat is not less than 20 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, carboxymethylcellulose, carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(3) An acidifying agent consisting of one or a mixture of two or more of the following: A vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, maltose, malt sirup, hydrolized lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(c) The name of the food is "Pasteurized neufchatel cheese spread with ———————" or "Pasteurized neufchatel cheese spread and ————," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b) (1), (3), (4), and (5), of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum or mixtures of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) (1) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "———— artificially colored," the blank being filled in with the name or names of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Effective date. These regulations shall become effective 6 months after publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341)

Dated: February 9, 1951.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 51-2334; Filed, Feb. 15, 1951; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 350]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 346]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

INDIANA, MICHIGAN, AND OHIO

Amendment 350 to the Controlled Housing Rent Regulation (§§ 825.1–12) and Amendment 346 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81–92). Said regulations are amended in the following respects:

1. Schedule A, Item 103, is amended to describe the countries in the Defense-Rental Area as follows:

Marion County, except the Towns of Speedway and Woodruff Place.

This decontrols the Town of Speedway in Marion County, Indiana, a portion of the Indianapolis, Indiana, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac, and South Lyon; Wayne County, except (a) the Cities of Grosse Point and Plymouth, and (b) that portion of the Village of Northville located in Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the City of South Lyon, in Oakland County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York.

This decontrols the City of Massillon in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

4. Schedule A, Item 228, is amended to describe the Counties in the Defense-Rental Area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights, and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Orange, Pepper Pike, Seven Hills, Strongsville, Valley View, Warrensville Heights, Westlake and West View; and in Lake County that part of Kirtland Township included within the corporate limits of the Village of Waite Hill, and Willoughby Township, except the Village of Wickliffe and the remainder of the Village of Willoughby.

Lake County, except (i) Willoughby Township and those parts of Kirtland Township included within the corporate limits of the Villages of Waite Hill and Willoughby, (ii) the Villages of Mentor and Mentor-on-the-Lake and (iii) the City of Painesville.

This decontrols the City of Painesville, in Lake County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area.

All decontrols affected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall be effective February 13, 1951.

Issued this 12th day of February 1951.

TIGHE E. WOODS, *Housing Expediter.*

[F. R. Doc. 51-2292; Filed, Feb. 15, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 4]

GCPR, SR 4—TIDEWATER COAL DOCK DEALERS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation No. 4 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Tidewater coal dock dealers operate docks located on the Atlantic seacoast and adjacent navigable waters throughout New England and as far south as New York City. The business of such dealers is highly competitive not only among the dealers but also with other forms of fuel, such as oil and natural gas. As a result the prices of tidewater coal dock dealers have not been influenced by conditions developing since the Korean outbreak.

The tidewater coal dock dealers' prices are made up of the cost of the product to the mine or preparation plant plus transportation charges to the dock, handling costs over the dock and in some cases delivery cost to the customer. Ceiling prices at the mine, one of the principal components of the tidewater coal dock dealers' prices, have advanced pursuant to the authority of Ceiling Price Regulations Nos. 3 and 4 made effective on February 1, 1951. The effect of these prices is to shrink the gross margin of the tidewater coal dock dealers because such dealers' fuel prices are subject to general price ceiling regulations of January 26, 1951.

It is imperative that solid fuel supplies continue to be made to New England without interruption because a substantial part of the heating season still remains and because of the necessity of maintaining power in the numerous industrial plants located in that part of the country that are, or shortly will be, concerned with defense work. It is imperative that immediate relief be granted to tidewater coal dock dealers to prevent serious financial hardships to any of them because coal is currently being delivered to such docks at prices reflecting the recent wage increase at the mines. Such relief should be based upon actual advance in mine prices and would not change the dealers' gross margin.

This supplementary regulation is an interim measure until a permanent industry regulation can be prepared and put into effect.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation No. 4 to General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Authority to increase ceiling prices.
4. Records and reports.
5. Miscellaneous.

AUTHORITY: Sections 1 to 5 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation grants authority to tidewater coal dock dealers to increase the ceiling price on coal sold by them, in any quantity, at or for delivery from their docks or other terminal facilities.

SEC. 2. *Definitions.* When used in this regulation, the terms:

(a) "Tidewater coal dock dealer" means any person (including a dealer who is the same person as the producer) who sells, delivers or disposes of coal at or for delivery from a tidewater dock.

(b) "Producer" means a person engaged in the business of mining or preparing coal at a preparation plant, and any person acting as an agent of a producer in the sale of coal.

(c) "Coal" means (1) bituminous coal, including all bituminous, semi-bituminous and sub-bituminous coal; (2) lignite coal; (3) Virginia anthracite; and (4) Pennsylvania anthracite.

(d) "Ton" means a short or net ton of 2,000 pounds.

(e) "F. o. b. mine" means free on board transportation facilities at a mine, a preparation plant or other loading facilities (not including ground storage facilities).

(f) "G. C. P. R." means the General Ceiling Price Regulation issued by the Director of the Office of Price Stabilization on January 26, 1951.

All definitions used in the General Ceiling Price Regulation, issued by the Director on January 26, 1951, which are pertinent to this supplementary regulation, are incorporated in this supplementary regulation by this reference, except those which are more particularly defined and used herein.

SEC. 3. *Authority to increase ceiling prices.* (a) On and after the 15th day of February, 1951, each tidewater coal dock dealer may increase the ceiling price, determined under the provisions of the G. C. P. R., of each size and grade of any coal he sells and delivers by the actual dollar-and-cents per ton amount of increase in the f. o. b. mine price on each such size or grade charged by the supplier who furnished the principal supply of each size and grade of coal to the dealer during the dealer's base period (Dec. 19, 1950, to Jan. 25, 1951, inclusive), under the authority of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, Delivered from Mine or Preparation Plant) and Ceiling Price Regulation No. 4 (Anthracite Delivered from Mine or Preparation Plant), both issued by the Director on February 1, 1951.

(b) On and after the 15th day of February 1951, each tidewater coal dock dealer who is the same person as the supplier may increase the ceiling price, determined under the provisions of the G. C. P. R., of each size and grade of

coal he sells and delivers by the actual dollar-and-cents per ton amount of increase in the f. o. b. mine price on each such size or grade charged by the supplier to an independent dealer under the authority of Ceiling Price Regulation No. 3 (Coal, except Pennsylvania Anthracite, Delivered from Mine to Preparation Plant) and Ceiling Price Regulation No. 4 (Anthracite Delivered from Mine or Preparation Plant), both issued by the Director on February 1, 1951.

(c) The authority to increase base period ceiling prices set forth in section 3 (a) and (b) on any size or grade of coal shall be effective only upon receipt by the tidewater coal dock dealer of a written notice of shipment of coal, mined on or after February 1, 1951, from the dealer's principal supplier during the dealer's base period (Dec. 19, 1950, to Jan. 25, 1951, inclusive), and a written statement of the price increase required of the producer under Ceiling Price Regulation Nos. 3 and 4, respectively, showing the exact dollars-and-cents amount of increase the producer has added to the price of each size or grade of his coal under the authority of the aforesaid regulations.

SEC. 4. *Records and reports.* Each tidewater coal dock dealer shall file the following by letter for each dock with the Office of Price Stabilization, attention Solid Fuels Price Branch, Washington 25, D. C., and with the regional office in the region in which the dock is located, as soon as each new ceiling price is established under the authority of this supplemental regulation: (a) Ceiling price of each size or grade of coal in effect prior to the effective date of this regulation; (b) the amount of increase in price which this supplemental regulation authorizes the dealer to add to his price or prices; (c) the name of the supplier, the mine or mines, and size or grade of coal to which the increase in price reported in (b) above applies; and (d) the new ceiling price established for each size and grade of coal under the authority of this supplemental regulation.

SEC. 5. *Miscellaneous.* The tidewater coal dock dealer subject to this supplementary regulation shall be subject to all other provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof, including, but not limited to, the enforcement and penalty provisions thereof, and the requirement of keeping on file for inspection a statement of his ceiling prices.

Effective date: This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 15th day of February 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 14, 1951.

[F. R. Doc. 51-2435; Filed, Feb. 15, 1951; 11:17 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 5, including Amdt. 1]

GR 5—ADJUSTMENTS FOR INDIVIDUAL EMPLOYEES

NOTE: In Federal Register Document 51-2330, published at page 1507 of the issue for Wednesday, February 14, 1951, the following correction has been made in the original document: In section 1 (a) (2) the date "January 29, 1951" has been changed to read "January 25, 1951".

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-37]

M-37—ZINC SCRAP—TOLL AGREEMENTS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on toll agreements.
4. Production of zinc dust.
5. Restrictions on inventory accumulations.
6. Applications for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery and distribution (whether on purchase, toll agreement or otherwise) of zinc scrap. The order also prohibits undue accumulations of such scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Zinc scrap" means all materials or products the principal content of which, by weight, is zinc, and which are the waste or by-product of industrial fabrication or processes, or have been discarded on account of obsolescence, failure, or other reason, including but not limited to clippings, engravers' plates, skimmings, ashes, galvanizers' dross, castings, die-cast scrap, and die castings.

(c) "Dealer" means any person regularly engaged in the business of buying and selling zinc scrap.

SEC. 3. *Restrictions on toll agreements.* (a) Except with the written approval of the National Production Authority, no person shall deliver or accept delivery of zinc scrap for converting, remelting or other processing under any existing or future toll agreement or other arrangement by which title to the scrap remains vested in any person other than the processor, or pursuant to which unalloyed or alloyed zinc in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. Application for such approval may be made by the person delivering or owning the zinc scrap, or the person for whose benefit the conversion, remelting or other processing will be effected. The provisions of this paragraph apply with equal effect to any agency or other relationship which results in a toll arrangement similar to that above described.

(b) No person shall sell or deliver any slab zinc to any person subject to either an express or implied condition of sale that the zinc scrap remaining after the use of the delivered zinc will be resold or returned to the person originally supplying such zinc.

(c) Persons requesting approval of toll agreements shall file with the National Production Authority a letter setting forth: The names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the scrap involved; the tonnage of the scrap and the estimated tonnage of the zinc products resulting; the estimated rate and dates of delivery of such zinc products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such zinc products are to be used; and such other information as may seem pertinent and necessary.

SEC. 4. *Production of zinc dust.* Commencing on February 20, 1951, unless specifically authorized in writing by the National Production Authority, no person shall use any galvanizers' dross for any purpose other than the production of zinc dust.

SEC. 5. *Restrictions on inventory accumulations.* No scrap dealer shall accept delivery of any form of zinc scrap if his total inventory of such scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of his total deliveries of such scrap by weight during the first six months of 1950, divided by three.

SEC. 6. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F.)

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-37.

SEC. 9. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect, except as otherwise specifically stated, on February 14, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2392; Filed, Feb. 14, 1951; 1:29 p. m.]

Chapter XII—Defense Minerals Administration, Department of the Interior

[Mineral Order 2]

MO-2—MANGANESE ORE

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations; but consultation has not been had with representatives of all segments of the industry as special circumstances have rendered such consultation impracticable.

EXPLANATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

RESTRICTIONS ON DELIVERIES AND USE

3. Allocation authorizations required.
4. Exemptions from allocation requirements.

RECORDS AND REPORTS

5. Records and audit.
6. Reports.

GENERAL PROVISIONS

7. Adjustments and exceptions.
8. Directives.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.: sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

EXPLANATORY PROVISIONS

SECTION 1. *What this order does.* The purpose of this order is to conserve and provide for the distribution of the limited supply of manganese ore so as best to serve the interest of national defense and essential civilian production. It prohibits, subject to limited exceptions, any deliveries of manganese ore not covered by allocation authorizations to be issued by the Defense Minerals Administration, and requires the filing of reports monthly on inventory and anticipated supplies.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership association or any other organized group of persons, whether acting as principal, broker, or agent, and includes any agency of the United States or any other government.

(b) "Manganese ore" means all natural manganese ores, concentrates and agglomerated ores (metallurgical and chemical grades) containing 35 percent or more manganese on a dry basis.

RESTRICTION ON DELIVERIES AND USE

SEC. 3. *Allocation authorizations required.* (a) After March 31, 1951, no person shall deliver manganese ore or accept delivery of manganese ore in any month except in accordance with the terms of an allocation authorization issued for that month by the Defense Minerals Administration on DMA-Form 1.

(b) An application for an allocation authorization must be filed with the Defense Minerals Administration by the purchaser on DMA-Form 1 not later than the 15th day of the month preceding the month in which delivery is sought.

(c) The allocation authorization (DMA-Form 1) issued will be sent by the Defense Minerals Administration to the appropriate supplier or suppliers and a copy furnished to the purchaser. The supplier is required to make delivery to the extent of the purchaser's orders within the limit of the authorization. In placing his orders, the purchaser shall specify the date and serial number of the applicable allocation authorization. The purchaser may use manganese ore received under an authorization by the Defense Minerals Administration only for the uses specified in DMA-Form 1.

(d) Any person producing manganese ore shall use or consume no part thereof except in accordance with the terms of an allocation authorization issued by the Defense Minerals Administration on DMA-Form 1. An application for such authorization must be filed with the Defense Minerals Administration on DMA-Form 1 not later than the 15th day of the month preceding the month in which the authorization is proposed to be exercised.

SEC. 4. *Exemptions from allocation requirements.* The provisions of section 3 shall not apply to:

(a) Deliveries of manganese ore to the General Services Administration for the sole purpose of stockpiling.

(b) Deliveries of manganese ore for the purposes of resale only.

(c) Deliveries of manganese ore containing less than 35 percent of manganese on a dry basis.

RECORDS AND REPORTS

SEC. 5. *Records and audit.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit inspection and audit by representatives of the Defense Minerals Administration to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 6. *Reports.* (a) Every person who at any time during the month of February, 1951, or in any subsequent calendar month, consumed, or had in his possession for consumption, manganese ore, shall report to the Defense Minerals Administration on DMA-Form 2, on or before the 15th day of the following month.

(b) Every person importing manganese ore (whether for his own consumption or for resale) and every person purchasing domestically produced manganese ore for the sole purpose of resale during the week of March 4, 1951, to March 10, 1951, or in any subsequent week, shall report to the Defense Minerals Administration on DMA-Form 3, on or before Friday of the following week.

GENERAL PROVISIONS

SEC. 7. *Adjustments and exceptions.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this part, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 8. *Directives.* The Defense Minerals Administration may from time to time issue special directives as to deliveries of manganese ore, and unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 9. *Communications.* All communications concerning this order shall be addressed to the Defense Minerals Administration, Department of the Interior, Washington 25, D. C.

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order, or furnishes false information or conceals any material fact in the course of operation under it, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control, and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order shall take effect upon publication in the FEDERAL REGISTER.

JAMES BOYD,
Administrator,
Defense Minerals Administration.

Approved: February 12, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-2444; Filed, Feb. 15, 1951; 11:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

MISCELLANEOUS AMENDMENTS

The charges prescribed by 43 CFR 216.19 for transcripts or copies of records furnished by the managers of the land offices and the land and survey offices have been found in many cases to be insufficient to meet the cost of production and handling. In order to permit charges sufficient to meet such costs, authorized by the act of August 3, 1950 (Pub. Law 644, 81st Cong.), § 2.4 as amended August 30, 1950 (15 F. R. 5956), is further amended as follows:

1. The words "except as provided in paragraph (g)" are added to paragraph (f). The amended paragraph reads:

§ 2.4 *Charges.* • • •

(f) This section does not apply to the establishment of fees or charges for copies of records pertaining to the enrollment of members of the Five Civilized Tribes, as authorized by section 8 of the act of April 26, 1906 (34 Stat. 136); for certified copies, issued by the Secretary, of the official character of an officer of the Department; or for copies of aerial or other photographs and mosaics sold by the Geological Survey. This section does not apply to other charges specifically established by statute, except as provided in paragraph (g) of this section.

2. The following new paragraph is added:

(g) This section shall govern charges for transcripts or copies of official records, furnished by the managers of the land offices or the land and survey offices.

(Sec. 2, 37 Stat. 498; 5 U. S. C. 498. Interprets or applies sec. 1, 37 Stat. 497, as amended; 5 U. S. C. 488)

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter O—Payments and Repayments

PART 216—PAYMENTS

Section 216.19 of Subtitle B, Chapter I, is revoked.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 9, 1951.

[F. R. Doc. 51-2305; Filed, Feb. 15, 1951; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 698]

COLORADO

WITHDRAWING PUBLIC LANDS AND RESERVED MINERALS IN PATENTED LANDS FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION; REVOKING IN PART PUBLIC LAND ORDERS 459 AND 494

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, 3 CFR 1943 Cum. Supp., it is ordered as follows:

The public lands and the minerals reserved to the United States in patented lands in the following-described areas in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 15.
T. 47 N., R. 17 W.,
Sec. 3;
Sec. 4, lots 1, 2, S½NE¼ and SE¼;
Secs. 9, 10, 11;
Sec. 13, SW¼;
Secs. 14, 15, 16;
Secs. 22 to 26, inclusive;
Sec. 35, E½;
Sec. 36.
T. 48 N., R. 17 W.,
Secs. 1 to 28, inclusive;
Sec. 29, N½;
Sec. 30, lots 1, 2, E½NW¼, and NE¼;
Secs. 34, 35, 36.
T. 49 N., R. 17 W.,
Sec. 3;
Secs. 7 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 50 N., R. 17 W.,
Sec. 28, W½;
Sec. 33;
Sec. 34, S½.
T. 48 N., R. 18 W.,
Secs. 1, 12, 13, and 24.

The areas described, including both public and non-public lands aggregate 55,222.94 acres.

Any tract or tracts of land within the above-described areas to which valid claims have attached under the public land laws prior to the date of this order, are excluded from the reservation hereby made: *Provided, however,* That upon the abandonment or extinguishment of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein.

The reservation made by this order shall be subject to existing withdrawals affecting any of the lands.

Public Land Orders No. 494 of July 7, 1948, and No. 459 of March 25, 1948, withdrawing public lands and the minerals reserved to the United States in patented lands for the use of the United States Atomic Energy Commission, are hereby revoked so far as they affect such lands and minerals in the following-described areas:

NEW MEXICO PRINCIPAL MERIDIAN

Withdrawn by Public Land Order No. 494

T. 50 N., R. 17 W.,
Sec. 8.
T. 49 N., R. 18 W., partly unsurveyed,
Secs. 1, 2, 3, and 4.
T. 50 N., R. 18 W., partly unsurveyed,
Sec. 14, E½ and SW¼;
Secs. 15 and 16;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 51 N., R. 18 W., partly unsurveyed,
Secs. 34, 35.
T. 43 N., R. 19 W.,
Sec. 1, lots 1 and 2, S½NE¼.
T. 44 N., R. 19 W.,
Sec. 36, SE¼.

Withdrawn by Public Land Order No. 459

T. 43 N., R. 19 W.,
Secs. 4 and 5;
Sec. 8, N½;
Sec. 9, W½;
Sec. 11, N½;
Sec. 21, N½;
Secs. 22 and 23.
T. 44 N., R. 19 W.,
Sec. 19, S½;
Sec. 22, W½;
Sec. 23, N½;
Sec. 26, N½;
Secs. 27, 28, and 29;
Sec. 30, N½;
Sec. 31, S½;
Secs. 32 and 33;
Sec. 34, N½.
T. 44 N., R. 20 W.,
Secs. 23, 24, 25, 26, 35, and 36.

The areas described, including both public and non-public lands, aggregate 27,176.33 acres.

No application for these lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such released lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in Land Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Denver, Colorado.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 12, 1951.

[F. R. Doc. 51-2303; Filed, Feb. 15, 1951; 8:47 a. m.]

[Public Land Order 699]

WYOMING

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE SYBILLE DEER WINTER PASTURE

Whereas the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669–669j), provides for Federal aid to States in wildlife-restoration projects; and

Whereas the State of Wyoming has set up a Federal aid wildlife-restoration project and has acquired wildlife control over certain lands in Albany County, which lands are administered by the State of Wyoming through its Game and Fish Commission as the Sybille Deer Winter Pasture; and

Whereas certain contiguous public lands possess wildlife value and could be administered advantageously in connection with the Sybille Deer Winter Pasture; and

Whereas the act of Mar 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401, 60 Stat. 1080; 16 U. S. C. 661–666c), provides for cooperation with Federal, State, and other agencies in developing a nationwide program of wildlife conservation and rehabilitation:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Albany County, Wyoming, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, but not the mineral leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game and Fish Commission of the State of Wyoming in connection with the Sybille Deer Winter Pasture, under such conditions as may be prescribed by the Secretary of the Interior:

Sixth Principal Meridian

T. 21 N., R. 71 W.,
Sec. 21, S½SW¼;
Sec. 29, N½NE¼, NW¼, and NW¼SW¼;
Sec. 30, Lot 3, NE¼, NE¼SW¼, and N½SE¼.

The areas described aggregate 681.44 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 12, 1951.

[F. R. Doc. 51-2316; Filed, Feb. 15, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Parts 114, 118, 119]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture is considering amending the regulations relating to viruses, serums, toxins, and analogous products and certain organisms and vectors (9 CFR and Supp. Parts 101-122) issued under the Virus, Serum, and Toxin Act of March 4, 1913 (21 U. S. C. 151–158) and section 2 of the act of February 2, 1903 (21 U. S. C. 111), as follows:

1. The first paragraph of § 114.7 would be amended to read as follows:

§ 114.7 *Rabies vaccine.* Licensees producing killed rabies vaccine shall adhere to the following requirements pertaining to the preparation and testing of this product for safety and potency:

2. Section 118.31 would be amended to read as follows:

§ 118.31 *Sickness and records thereof.* Simultaneous virus shall not be collected at licensed establishments from pigs which become visibly sick on or before the third day, or subsequent to the seventh day, after the time of inoculation. The physical condition of all pigs from which simultaneous virus is to be collected shall be recorded daily on and after the third day subsequent to inoculation. Third day observations may be made on the fourth day if the third day falls on Sunday or a holiday.

3. Section 118.35 would be amended to read as follows:

§ 118.35 *Holding of simultaneous virus.* Simultaneous virus which has been mixed and phenolized at licensed establishments as provided in Parts 101 to 122 of this chapter, together with the virus-stock sample, shall be held under Bureau lock as provided under § 102.77 (c) of this chapter until the tests required by Parts 101 to 122 of this chapter have been completed and have shown the virus to be free from contamination: *Provided, however,* That simultaneous virus which will not reach its destination before the tests are concluded or which is exported to a foreign country may be released prior to the conclusion of said tests. If the test respecting simultaneous virus so released is declared unsatisfactory, the manufacturer shall immediately recall all of such product in order that it may be placed under Bureau lock.

4. Section 118.41 would be amended to read as follows:

§ 118.41 *Swine erysipelas.* Representative samples of each batch or serial of simultaneous virus shall be tested at licensed establishments in the following manner to determine its freedom from swine erysipelas (Erysipelothrix rhusiopathiae):

(a) Within 1 day after the first virus in a batch is collected, at least 1 cc. of test sample A shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 10 or more days after being injected with the virus under test.

(b) Three or more days after phenolization of the batch of virus, at least 1 cc. of test sample B shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of three or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 7 or more days after being injected with the virus under test.

(c) If all test animals or birds injected with test sample A survive for 10 days or more, and all test animals or birds injected with test sample B survive for 7 days or more, after injection, the batch or serial represented by the samples may be marketed if it otherwise conforms to the requirements of Parts 101 to 122 of this chapter.

(d) Should any of the inoculated animals or birds die during the test, the product shall not be released for marketing and the reserve 30-cc. sample shall be forwarded to the Bureau.

(e) All animals or birds, after being once used in the tests provided in this section, shall be killed and their carcasses destroyed by incineration or tanking as provided in § 108.16 of this chapter. Also all virus blood and simultaneous virus which are contaminated with Erysipelothrix rhusiopathiae shall be destroyed in like manner.

5. Section 119.51 would be amended to read as follows:

§ 119.51 *Test pigs.* Licensees shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 115 pounds each, shall be used for testing each batch of serum consisting of 300,000 cc. or less. Batches consisting of more than 300,000 cc. shall be tested on 11 such pigs instead of 8. The inspector supervising the test shall indicate the pigs which shall receive anti-hog-cholera serum with hog cholera virus and those which shall receive the virus only.

6. Section 119.63 would be amended to read as follows:

§ 119.63 *Minimum dosage.* When anti-hog-cholera serum produced at licensed establishments, upon testing as provided in Parts 101 to 122 of this chapter, is found "satisfactory for potency" and "satisfactory for purity," the product may be marketed if it is recommended for use in doses not less than those appearing in the following table:

Weight:	*Minimum dose (cc.)*
Sucking pigs	20
Pigs 20 to 40 pounds	30
Pigs 40 to 90 pounds	35
Pigs 90 to 120 pounds	45
Hogs 120 to 150 pounds	55
Hogs 150 to 180 pounds	65
Hogs 180 pounds and over	75

The purposes of the foregoing proposed amendments are to clarify the regulations, to extend their application in some particulars, and to reflect practices that have developed through experience in dealing with problems of production and distribution of viruses, serums, toxins, and analogous products, particularly anti-hog-cholera serum and hog-cholera virus.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of February 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51-2318; Filed, Feb. 15, 1951; 8:49 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 45]

[Docket No. FDC-25 (a)]

OLEOMARGARINE; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF HEARING TO AMEND DEFINITION AND STANDARD OF IDENTITY

In the matter of amending the definition and standard of identity for oleomargarine:

Notice is hereby given that the Federal Security Administrator, upon application of a substantial portion of the interested industry stating reasonable grounds, and in accordance with sections 401 and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046, 1055; 21 U. S. C. 341, 371), will hold a public hearing commencing at 10:00 o'clock in the morning of March 27, 1951, in room 5140, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of receiving evidence upon proposals to amend the regulations fixing and establishing a definition and standard of identity for oleomargarine (21 CFR 45.0). At the hearing, evidence will be restricted to testimony and exhibits relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor. Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing in place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is hereby required to certify the entire record of the proceeding to the Administrator for initial decision.

The proposed amendments set forth below for consideration at the hearing are subject to adoption, rejection, or modification by the Federal Security Administrator, in whole or in part, as the evidence adduced at the hearing may require.

It is proposed that § 45.0, *Oleomargarine; identity; label statement of optional ingredients,* be amended in the following respects:

First, by adding the words "or margarine" immediately after the word "oleomargarine" wherever it appears in this section, including the title thereof.

Second, by deleting subparagraph (7) of paragraph (a) and substituting therefor a new subparagraph, as follows:

(7) Vitamin A (with any accompanying vitamin D, and with or without vitamin D concentrate), in such quantity that the finished oleomargarine or margarine contains not less than 15,000 units of vitamin A per pound, as determined by the method prescribed in the United States Pharmacopeia for total biological activity. Vitamin A may be added as such and/or as provitamin A, and may be added in a food oil carrier, or as fish liver oil, or as a concentrate from fish liver oil.

Third, by adding a new subparagraph (12) to paragraph (a), immediately following subparagraph (11) thereof and immediately preceding the concluding sentence of paragraph (a), as follows:

(12) (i) Citric acid, in an amount not exceeding 0.01 percent of the finished oleomargarine or margarine; or (ii) isopropyl citrate esters (predominantly monoisopropyl citrate), in an amount not exceeding 0.02 percent of the weight of the finished oleomargarine or margarine; or (iii) stearyl citrate esters (predominantly distearyl citrate) in an amount not exceeding 0.15 percent of the weight of the finished oleomargarine or margarine.

Fourth, by changing that part of paragraph (b) which now reads: "Subparagraph (7): 'Vitamin A Added,' or 'With Added Vitamin A'" to read as follows:

Subparagraph (7): "Vitamin A Added," or "With Added Vitamin A"; and if any provitamin A is added and it imparts color to the finished product, the statement "Artificially Colored," or "Artificial Coloring Added," or "With Added Artificial Coloring."

At this hearing evidence will also be received, if offered, on a proposal to amend the definition and standard of identity for oleomargarine to recognize as a permitted optional ingredient of such food a suspension in water of finely comminuted dehulled soybeans and when such ingredient is used to provide for omitting all ingredients derived from milk.

Dated: February 9, 1951.

JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 51-2333; Filed, Feb. 15, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE SYBILLE DEER WINTER PASTURE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN, *—Secretary of the Interior.*

FEBRUARY 12, 1951.

[F. R. Doc. 51-2315; Filed, Feb. 15, 1951; 8:49 a. m.]

[1] See F. R. Doc. 51-2316, Title 43, Chapter I, Appendix, *supra.*

Bureau of Reclamation

[Regional Director's Order 4]

REDELEGATIONS OF AUTHORITY TO OFFICERS IN CHARGE OF PROJECTS IN REGION 1

AUGUST 22, 1950.

Pursuant to the authority vested in me by the Commissioner of Reclamation (12 F. R. 8896; 43 CFR, 1947 Supp., Part 406) officers in charge of projects of Region 1 are hereby authorized to:

(a) *Land Appraisals.* Make or approve appraisals or reappraisals of lands, interests therein (including improvements on rights of way reserved under the act of August 30, 1890, 26 Stat. 391, 43 U. S. C. 945, and on similar rights of way), and water rights in connection with acquisitions for the construction or operation and maintenance of project works in all cases where the amounts do not exceed $500 for property in one ownership.

(b) *Land contracts.* Contract for and effect the purchase or exchange of lands, interests therein (including improvements on rights of way reserved under the act of August 30, 1890, 26 Stat. 391, 43 U. S. C. 945, and on similar rights of way), and water rights in connection with acquisitions for the construction or operation and maintenance of project works at their appraised value as approved in all cases where such appraised values do not exceed $50,000 for a property in one ownership.

(c) *Leases.* Lease for grazing or agricultural uses or other uses within the scope of the Federal Reclamation Laws, excluding the development and transmission of electric power and energy, public lands under reclamation withdrawal and lands acquired for reclamation purposes, consent to subleases thereunder, and modify, consent to assignment of, terminate or cancel such leases.

(d) *Licenses.* Grant licenses for specified rights, excluding the development or transmission of electric power and energy, to the use of Government right of way, and other public lands under reclamation withdrawal and lands acquired for reclamation purposes, consent to sublicenses thereunder, and modify, consent to assignment of, terminate or cancel such licenses.

(e) *Permits.* Grant permits for the removal of sand, gravel or building materials from public lands under reclamation withdrawal or lands acquired for reclamation purposes, and modify, consent to assignment of, terminate or cancel such permits.

HAROLD T. NELSON, *Regional Director, Region 1.*

[F. R. Doc. 51-2304; Filed, Feb. 15, 1951; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-859, G-1408, G-1608]

TEXAS GAS TRANSMISSION CORP.

ORDER REJECTING TARIFF, INSTITUTING INVESTIGATION AND FIXING DATE FOR HEARING

FEBRUARY 9, 1951.

On March 30, 1949, the Commission issued a certificate of public convenience and necessity to Texas Gas Transmission Corporation (Texas Gas) pursuant to section 7 of the Natural Gas Act in Docket No. G-859 upon the following terms and conditions, among others:

(G) • • • [Texas Gas] shall file, at least 60 days prior to commencement of the gas services herein authorized and directed, schedules of rates and charges therefor acceptable to the Commission.

On October 14, 1949, Texas Gas tendered for filing with the Commission certain FPC Gas Tariff Rate Schedules relating to the natural gas service authorized and directed in said certificate order of March 30, 1949, all of which were rejected by the Commission in its letter of October 21, 1949, to Texas Gas.

On December 13, 1949, Texas Gas tendered for filing with the Commission the following designated FPC Tariff Rate Schedules and Revised Sheets, with data and information relating thereto: Rate Schedules CD–4, G–2, and I–2; Second Revised Sheets Nos. 43 and 55, and First Revised Sheet No. 55–A to the General Terms and Conditions;

with a request that the same be made effective on an interim basis only, to be effective as of December 15, 1949, and to remain in effect thereafter until and including February 28, 1951.

On December 15, 1949, the Commission issued its order allowing the Rate Schedules filed by Texas Gas on December 13, 1949, to take effect on December 15, 1949, and to continue in effect until and including February 28, 1951. This order also provided that Texas Gas file one month prior to the expiration date of the said interim rate schedules, new schedules of rates and charges acceptable to the Commission, applicable to the sales and deliveries of natural gas by it as authorized and directed in the said order of March 30, 1949, and file cost studies relating to such deliveries and other data in support thereof, including operational experience prior to the time of such filing.

In addition to the foregoing rate schedules, Texas Gas also tendered for filing on December 13, 1949, its proposed firm and interruptible Zone 4 Rate Schedules G–4, I–4, and E–4, which rate schedules were not acceptable to the Commission for filing and subsequently were withdrawn by Texas Gas. On January 16, 1950, Texas Gas tendered for filing its interim Rate Schedules GX–4 and I–4 for the sale of firm and interruptible gas to distributing companies in its Zone 4, with a request that such schedules become effective as of January 20, 1950.

On February 2, 1950, the Commission issued an order amending its above mentioned order of December 15, 1949, to allow the interim Rate Schedules GX–4 and I–4 tendered for filing by Texas Gas on January 16, 1950, to take effect as of January 20, 1950, and to continue in effect until and including February 28, 1951.

On September 13, 1950, the Commission issued a certificate of public convenience and necessity to Texas Gas pursuant to section 7 of the Natural Gas Act in Docket No. G–1408, upon the following terms and conditions, among others:

(B) Applicant [Texas Gas] shall file, at least 30 days prior to commencement of the gas service herein authorized its proposed Rate Schedule T–2 as an interim schedule of rates and charges, in form acceptable to the Commission, such rate schedule to be effective until and including February 28, 1951. One month prior to that date, Applicant shall file with the Commission a schedule of rates and charges, acceptable to the Commission, for the service authorized herein, and shall file, under oath, cost studies relating to such service and other data in support thereof, including operational experience prior to the time of such filing.

On October 2, 1950, Texas Gas pursuant to the foregoing provision in the Commission's order issued September 13, 1950, tendered for filing its Rate Schedule T–2 and on October 19, 1950, its service agreement with Texas Eastern Transmission Corporation, dated September 22, 1950. The Commission on November 6, 1950, issued an order permitting the Rate Schedule T–2 and Service Agreement dated September 22, 1950, tendered for filing by Texas Gas on October 2 and October 19, 1950, respectively, to take effect as of November 1, 1950, and to continue in effect until and including February 28, 1951.

On January 26, 1951, Texas Gas tendered for filing with the Commission Rate Schedules CD–4, G–2, GX–4, I–2, I–4 and T–2 to become effective on and after March 1, 1951, in substitution of the prior rate filings mentioned herein, together with supporting information pursuant to the Commission's orders issued in Docket No. G–859 and in Docket No. G–1408. The information submitted included a system-wide cost of service study.

On the basis of the information submitted, it appears that the rates, charges, classifications, rules, regulations and practices set forth in the filing of January 26, 1951, and also the existing rates, charges, classifications, rules, regulations and practices of Texas Gas for and in connection with the transportation and sale of natural gas subject to the jurisdiction of the Commission may be unjust, unreasonable, unduly discriminatory and preferential.

The Commission further finds:

(1) Based on the information submitted, the rate schedules tendered for filing by Texas Gas on January 26, 1951, are not acceptable and should be rejected, and Texas Gas should be given an opportunity to be heard in justification of said filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission on its own motion under Docket No. G–1608 enter upon a hearing pursuant to the authority contained in section 5 of the Natural Gas Act concerning all rates, charges and classifications demanded, observed, charged and collected by Texas Gas for and in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and all rules, regulations, practices and contracts affecting such rates, charges and classifications.

(3) The filing of January 26, 1951, was made pursuant to the Commission's orders entered in Docket Nos. G–859 and G–1408, and such dockets with Docket No. G–1608 should be consolidated for the purpose of hearing.

(4) The rate schedules covering the sales of natural gas for which certificates of public convenience and necessity were issued in Docket Nos. G–859 and G–1408, will not be effective after February 28, 1951, and good cause exists to set these proceedings for hearing upon less than the usual 15 days' notice.

The Commission orders:

(A) The FPC Gas Tariff Rate Schedules and Revised Sheets tendered for filing on January 26, 1951, be and the same hereby are rejected, pending hearing and decision thereon.

(B) Docket Nos. G–859, G–1408 and G–1608 be and same hereby are consolidated for the purpose of hearing.

(C) A public hearing be held in the above mentioned Docket Nos. G–859, G–1408 and G–1608 commencing on February 20, 1951, at 10 a. m., in the Hearing Room of Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., to determine if the proposed Rate Schedules and Revised Sheets filed on January 26, 1951, by Texas Gas Transmission Corporation designated Rate Schedule CD–4, G–2, GX–4, I–2, I–4, and T–2 comply with the above mentioned conditions of the Commission's orders issued on December 15, 1949, and November 6, 1950, in Docket Nos. G–859 and G–1408 respectively; and to determine whether any rate, charge or classification demanded, observed, charged or collected by Texas Gas Transmission Corporation for and in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge or classification is unjust, unreasonable, unduly discriminatory or preferential.

(D) If, after hearing, the Commission shall find that any rate, charge, classification, rule, regulation, practice or contract referred to in paragraph (C) is unjust, unreasonable, unduly discriminatory or preferential, it will determine and fix by appropriate order or orders just, reasonable, non-discriminatory and non-preferential rates, charges, classifications, rules, regulations, practices and contracts to be filed and thereafter observed and enforced.

(E) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

Date of Issuance: February 12, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2308; Filed, Feb. 15, 1951; 8:48 a. m.]

[Docket Nos. G–1382, G–1533, G–1607]

NORTHERN NATURAL GAS CO.

ORDER POSTPONING HEARING

FEBRUARY 9, 1951.

On October 27, 1950, the Presiding Examiner recessed the hearing in Docket No. G–1382 to reconvene on February 19, 1951. On this same date of October 27, 1950, Northern Natural Gas Company filed in Docket No. G–1533, certain revised sheets to its FPC Gas Tariff and on January 11, 1951, filed further revised sheets thereto, which concern matters now the subject of hearing in Docket No. G–1382. The above mentioned dockets have heretofore been consolidated for hearing which is to commence on February 19, 1951.

The Commission finds: Good cause exists for postponement of the date of hearing in the above dockets as hereinafter ordered.

The Commission orders: The public hearing in the above entitled dockets now set for February 19, 1951, be and the same hereby is postponed to March 26, 1951, at 10 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

Date of issuance: February 12, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2306; Filed, Feb. 15, 1951; 8:48 a. m.]

[Docket Nos. G–1573, G–1577, G–1582]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1951.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office at Commerce Building, Houston, Texas, filed on February 5, 1951, a first amendment to the applications filed in each of the above matters, whereby it desires to amend and consolidate all of such applications, and requests the issuance of a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities as hereinafter described, and as Applicant proposes more fully to set forth in supplemental data to be filed by February 15, 1951.

Applicant proposes to construct approximately 528 miles of parallel loop line along its presently authorized system, consisting of 24-inch, 26-inch, and 30-inch pipe, approximately 304 miles of 24-inch new pipeline extending from Applicant's authorized compressor station near Mercer, Pennsylvania, in a northeasterly direction to Applicant's authorized compressor station near Utica, New York, and approximately 200 miles of miscellaneous lateral lines. Applicant also proposes to install new compressor units aggregating approximately 57,000 horsepower in its existing or authorized compressor stations, and approximately 14,000 horsepower in a new compressor station.

Applicant considers the proposed facilities adequate to increase the daily design delivery capacity of its system from 1,310,000 Mcf, as presently authorized, to approximately 1,395,000 Mcf, and to increase the peak day delivery capacity to 1,595,000 Mcf by means of a gas storage project. The facilities are also proposed to be used for the transfer of a daily delivery of 25,000 Mcf from Applicant's Eastern Rate Zone to its Northern Rate Zone; to deliver an additional 15,000 Mcf each to Iroquois Gas Corporation, United Natural Gas Company and Equitable Gas Company; to make available generally during periods of maximum customer demand up to an additional 200,000 Mcf per day, of which 194,000 Mcf is to enable Northeastern Gas Transmission Company to serve additional customers in the New England market in accordance with its proposal in Docket No. G–1568 and 6,000 Mcf of which is to provide operational flexibility along Applicant's entire system; and, to provide 40,000 Mcf per day to be used initially for building up Applicant's storage position and thereafter to be made available for sale in accordance with Applicant's commitments.

The estimated overall capital cost of all the new facilities proposed in the first amendment is approximately $91,625,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2332; Filed, Feb. 15, 1951; 8:50 a. m.]

[Docket No. G–1594]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 12, 1951.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal place of business at Columbus, Ohio, filed on January 23, 1951, an application pursuant to section 7 (c) of the Natural Gas Act authorizing the conversion, construction and operation of certain natural gas transmission pipeline facilities.

Applicant proposes to:

1. Convert six natural gas producing pools with an estimated ultimate storage capacity of 35,700,000 in Hocking, Knox and Ashland counties, all in Ohio, to storage service. In connection therewith Applicant proposes to construct and operate 74.2 miles of varying sized pipelines and to remove 53.2 miles of existing well and field lines.

2. Enlarge compression facilities in the Weaver storage compressor station and Pavonia compressor station by an increase of 10,780 horsepower.

3. Construct and operate approximately 47.5 miles of 20-inch natural gas transmission pipeline extending from the Benton compressor station in Hocking County to Columbus.

By means of the proposed facilities, Applicant states it will be able to meet the increased demands for natural gas in existing market areas.

The estimated over-all capital cost of the proposed project is $6,425,200.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2307; Filed, Feb. 15, 1951; 8:48 a. m.]

[Docket No. G–1606]

UNITED NATURAL GAS CO. AND SYLVANIA CORP.

NOTICE OF APPLICATION

FEBRUARY 13, 1951.

Take notice that United Natural Gas Company (United), a Pennsylvania corporation of Oil City, Pennsylvania, and The Sylvania Corporation (Sylvania), a Pennsylvania corporation of Oil City, Pennsylvania, filed on February 5, 1951, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Sylvania to store gas underground for United in Sylvania's Tuscarora storage field, Steuben County, New York, and also authorizing the construction of certain necessary facilities as hereinafter described.

United proposes to construct a short tie line and miscellaneous gauges and fittings in Hebron Township, Potter County, Pennsylvania. The estimated cost of these facilities to be constructed by United is $2,500. United will pay the cost of the proposed facilities out of cash on hand.

Sylvania proposes to construct in the Tuscarora storage field 3,000 feet of 4-inch line, 4,400 feet of 8-inch line, a compressor unit, a measuring station and incidental equipment in Potter County, Pennsylvania, and Steuben County, New York. The estimated cost of the proposed facilities is $213,400, which will be paid for by Sylvania from current funds. United states that the peakday requirements on its pipeline system are such that these underground storage facilities are highly desirable in order to meet future normal growth requirements of domestic, commercial, and industrial consumers. The operation of this project would permit Sylvania to receive income from property formerly utilized in the production of gas from which the gas has been greatly depleted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2331; Filed, Feb. 15, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25833]

SODA AND SODA PRODUCTS FROM AND TO MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RAILWAY

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-848.

Commodities involved: Soda and soda products, carloads.

Between: Stations on the Minneapolis, St. Paul & Sault Ste. Marie Railway, on the one hand, and points in official territory, on the other.

Grounds for relief: Circuitous routes and competition with water and motor carriers.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C. W. Boin, Agent	A-848	193
B. T. Jones, Agent	3779	107
	2415	287
	2446	297
	2447	299
	3053	118
	3055	173
	2171	292
	3025	153
	3038	179
	3042	108

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2319; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25834]

PAPER TAPE TO AND WITHIN THE SOUTHWEST

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3928 and 3905.

Commodities involved: Tape, wallboard joining or reinforcing, carloads.

From: Points in Michigan, Minnesota and Wisconsin to the Southwest, within the Southwest, from the Southwest to Kansas, and from eastern and western stations and Cairo, Ill., to the Southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3928, Supp. 4; D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2320; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25835]

SAND FROM ILLINOIS TO LEXINGTON, KY.

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. C. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 620.

Commodities involved: Sand, carloads.

From: Millington, Oregon, Sheridan, Wedron, Ottawa and Utica, Ill.

To: Lexington, Ky.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 620, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2322; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25836]

SULPHUR FROM ALABAMA AND FLORIDA TO ARKANSAS AND LOUISIANA

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3927 and 3883.

Commodities involved: Sulphur, carloads.

From: Dothan and Montgomery, Ala., to Little Rock, Ark., and Shreveport, La., and from Apopka and Orlando, Fla., to Monroe and West Monroe, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3927, Supp. 9; D. Q. Marsh's tariff I. C. C. No. 3883, Supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2321; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25837]

LUMBER FROM THE SOUTH TO POINTS IN MISSOURI

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 934.

Commodities involved: Lumber and related articles, carloads.

From: Points in southern territory.

To: Stations in Missouri on the St. Louis-San Francisco Railway.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 934, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2323; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25838]

COTTONSEED PRODUCTS FROM MEMPHIS TO KINGSPORT, TENN.

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlanta and West Point Rail Road Company and other carriers named in the application.

Commodities involved: Cottonseed hull shavings pulp and cotton linters pulp, carloads.

From: Memphis, Tenn.

To: Kingsport, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 933, Supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2324; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25839]

IRON OR STEEL CASTINGS FROM BUFFALO, N. Y., TO DETROIT, MICH.

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3388.

Commodities involved: Castings, iron or steel, in the rough, carloads.

From: Buffalo, N. Y.

To: Detroit, Mich.

Grounds for relief: Circuitous routes and competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2325; Filed, Feb. 15, 1951; 8:49 a. m.]

[4th Sec. Application 25840]

VARIOUS COMMODITIES FROM AND TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 13, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs listed in exhibit A to the application, pursuant to fourth section order No. 9800.

Commodities involved: Various commodities, carloads.

From, to, and between points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2326; Filed, Feb. 15, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-189]

AMERICAN POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of February A. D. 1951.

This Commission having, on June 28, 1950, entered an order approving a plan filed by American Power & Light Company ("American"), a registered holding company, under section 11 (e) of the Public Utility Holding Company Act of 1935 providing for a reduction of American's capital by $16,125,000 and a pro rata cash distribution of $16,139,211.79, in partial liquidation, to the holders of its single class of capital stock; and

Said order of June 28, 1950, having reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees and expenses incurred or to be incurred in connection with the said plan and the transactions incident thereto; and said plan having been consummated on August 23, 1950; and

Root, Ballantine, Harlan, Bushby & Palmer, counsel for American, having filed an application requesting a release of the jurisdiction reserved in said order so as to permit American to pay to that firm a fee of $3,600 and $351.26 as reimbursement for expenses; and

Counsel for American having filed an affidavit describing the services performed and stating that American proposes to pay no other fees or expenses in connection with the plan other than routine expenses, such as printing, advertising, mailing and traveling expenses

of officers and employees of American; and

Counsel for all other parties and participants having stated on the record that they would not request any fee from American in connection with this proceeding; and

The Commission having considered the application, the affidavit in support thereof, and the entire record of this proceeding, and finding that the fee proposed to be paid to Root, Ballantine, Harlan, Bushby & Palmer is not unreasonable, and finding it appropriate to release the jurisdiction heretofore reserved over all fees and expenses incurred by American in carrying out the provisions of said plan:

It is ordered, That the jurisdiction reserved in this Commission's order of June 28, 1950 over the payment by American of all fees and expenses incurred in connection with its plan filed with this Commission on May 24, 1950, be, and the same hereby is, released.

It is further ordered, That except as herein expressly modified, said order of June 28, 1950 be continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2309; Filed, Feb. 15, 1951; 8:48 a. m.]

[File No. 70-2564]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of February A. D. 1951.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, and its subsidiary, Pennsylvania Power Company ("Pennsylvania"), a public utility company. The filing has designated sections 6, 7, 9, 10 and 12 of the act and Rules U-43 and U-50 thereunder as being applicable to the transactions described therein.

Notice is further given that any interested person may, not later than February 23, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Ohio, the holder of all the issued and outstanding common stock of Pennsylvania, par value $30 a share, proposes to purchase from Pennsylvania, and Pennsylvania proposes to issue and sell to Ohio, 40,000 additional share of common stock of Pennsylvania for a total cash consideration of $1,200,000.

In addition to the issuance and sale of the above described common stock, Pennsylvania also proposes to issue and sell, at competitive bidding pursuant to the requirements of Rule U-50, 40,000 shares of $100 par value preferred stock of a new series or class ranking equally with the shares of Pennsylvania's 4.25 per cent preferred stock now outstanding. The new preferred stock is to be sold for the lowest actual cost of money obtainable which, however, is to be not more than 4.50 percent per annum.

According to the filing, Pennsylvania contemplates expenditures for the construction or acquisition of property additions to its utility plant of approximately $14,900,000 during the years 1951 and 1952. The filing states that in order to finance this construction program, Pennsylvania will use the proceeds from the sale of the new preferred stock and common stock and cash on hand and estimated to be received from operations. The management of Pennsylvania estimates that, based upon the present level of earnings and current expectations of the progress of its construction program, approximately $7,000,000 of its cash requirements will have to be provided from the sale of additional securities of a kind or kinds not yet determined before the end of 1952.

The joint application-declaration requests that any order of this Commission authorizing the proposed transactions become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2310; Filed, Feb. 15, 1951; 8:48 a. m.]

[File Nos. 54-104, 54-105]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER GRANTING APPLICATION TO WITHDRAW PENDING PLAN AND TO WITHDRAW AS A PARTY TO PENDING JOINT PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of February 1951.

In the matter of Standard Power and Light Corporation, File No. 54-104; Standard Power and Light Corporation, and Standard Gas and Electric Company, File No. 54-105.

On June 19, 1942, the Commission entered an order, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"), directing the liquidation and dissolution of Standard Power and Light Corporation ("Standard Power"), a registered holding company. In 1944 Standard Power filed a plan, pursuant to section 11 (e) of the act, proposing the company's liquidation and dissolution (File No. 54-104). That plan was conditioned upon consummation of a joint section 11 (e) plan, which was filed at the same time, by Standard Power and its subsidiary Standard Gas and Electric Company ("Standard Gas"), also a registered holding company (File No. 54-105). The joint plan proposed, inter alia, the settlement of certain inter-company claims between Standard Power and Standard Gas and the transfer by Standard Power of substantially all its assets to Standard Gas in exchange for shares of new common stock of Standard Gas to be issued by Standard Gas pursuant to a plan of recapitalization previously filed by that company under section 11 (e) of the act. The joint plan was by its terms conditioned upon consummation of the plan of recapitalization of Standard Gas. Although the Commission approved all these plans, the Standard Gas recapitalization plan was never consummated due to changed conditions. On July 7, 1950, the Commission granted the request of Standard Gas to withdraw its plan of recapitalization and to withdraw as a party to the joint plan. See Holding Company Act Release No. 9960.

Standard Power has filed with the Commission an application in which it requests (a) that it also be permitted to withdraw as a party to the aforesaid joint plan; (b) that it be permitted to withdraw its plan for liquidation and dissolution; and (c) that the Commission terminate and dismiss all proceedings involving the aforesaid joint plan and the plan for liquidation and dissolution of Standard Power and vacate its order entered February 22, 1945, approving this latter plan.

Standard Power states that it seeks the foregoing relief because the aforesaid joint plan and its plan for liquidation and dissolution were contingent upon consummation of the recapitalization plan of Standard Gas which has now been withdrawn, and because the records created in the proceedings in connection with said plans are stale and inappropriate as bases for further action by the Commission.

Standard Power expressly agrees that the withdrawal of its plan of liquidation and dissolution and its withdrawal as a party to the joint plan shall not terminate or in any way limit any jurisdiction conferred upon the Commission by law over fees and expenses to be paid in connection with the liquidation and termination of the existence of Standard Power, including the aforesaid plans and any and all transactions relating thereto, and that Standard Power will pay only such of the fees and expenses which are subject to the jurisdiction of the Commission, as aforesaid, as shall be approved, awarded, allowed or allocated by the Commission.

Notice of the filing of said application of Standard Power having been duly given, all interested persons having been afforded an opportunity for hearing, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the record and finding that it is not possible to consummate the aforesaid joint plan of Standard Power and Standard Gas or the plan of Standard Power for its liquidation and dissolution for the reason, among others, that by their terms said plans are contingent upon consummation of the recapitalization plan of Standard Gas which has been withdrawn; and further finding that the records created in the proceedings on said joint plan and on said plan of Standard Power for its liquidation and dissolution are stale and inappropriate as the basis for further action by the Commission:

It is ordered, That the application of Standard Power to withdraw as a party to the joint plan of Standard Power and Standard Gas, filed on September 27, 1944, at File No. 54-105, be and the same hereby is granted, effective forthwith, and that the proceedings in connection with said plan be, and the same hereby are, terminated and dismissed.

It is further ordered, That the plan for the liquidation and dissolution of Standard Power, filed on September 27, 1944, at File No. 54-104 be, and the same hereby is, permitted to be withdrawn, and that the proceedings in connection therewith be, and the same hereby are, terminated and dismissed.

It is further ordered, That the findings and opinion of the Commission, entered February 22, 1945, at File Numbers 54-104 and 54-105 be, and the same hereby are, vacated and set aside, and that the orders of the Commission dated February 22, 1945, entered in connection therewith be, and the same hereby are, rescinded.

It is further ordered, That jurisdiction be, and the same hereby is, reserved with respect to all fees and expenses paid or to be paid by Standard Power for services in connection with the liquidation and termination of the existence of Standard Power, including the aforesaid joint plan of Standard Gas and Standard Power, the aforesaid plan of Standard Power, and any and all transactions related thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2311; Filed, Feb. 15, 1951; 8:48 a. m.]

[File No. 70-2565]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of February A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of The United Corporation, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 21, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 21, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to the terms of a loan agreement, Niagara Mohawk proposed to borrow an aggregate of $35,000,000 from time to time during the year 1951 on notes maturing December 31, 1951, but with an option of renewal for a period of an additional year to December 31, 1952. The notes will bear interest at the minimum rate generally being charged by banks in New York City for prime 90-day commercial loans on the day of the notice of the original borrowing under the loan agreement but in no event less than 2¼ percent per annum nor more than 2½ percent per annum. It is further proposed that Niagara Mohawk pay to each of the participating banks a commitment fee at the rate of one quarter of one percent per annum for the period from January 2, 1951, on the average daily difference between the amount of the bank's commitment and the amount borrowed from the bank under the loan agreement. The proceeds from the sale of such notes will be used for the construction of additional utility plant.

The applicant states that the proposed transactions are subject to the jurisdiction of the Public Service Commission of the State of New York and the order of that Commission will be supplied by amendment to the instant application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2312; Filed, Feb. 15, 1951; 8:48 a. m.]

[File No. 70-2562]

HOPE NATURAL GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of February A. D. 1951.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Hope Natural Gas Company ("Hope"), a subsidiary of Consolidated Natural Gas Company, a registered holding company. Applicant has designated sections 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 21, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 21, 1951, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pineville Land Company, Inc., a West Virginia corporation ("Land Company"), proposes to build for its own account, sixteen residences in Wyoming County, West Virginia, and to rent or sell the same to employees of Hope who are badly in need of housing. In order to make this building program possible and to see that its employees are adequately housed it is necessary for Hope to partially finance such residential construction.

Land Company proposes to start the construction of the sixteen residences on or before February 1, 1951, and to complete the same on or before September 1, 1951. Hope proposes to lend Land Company the sum of fifty-four hundred seventy-five ($5475.00) dollars for the construction of each of the sixteen residences or an aggregate of $87,600. Each such loan is to be made in three installments as the work on each residence progresses. The first two installments of each loan are to be evidenced by temporary demand notes to be replaced when the third installment of the loan is made by a note for the full amount of the loan payable in monthly installments and maturing in slightly less than twenty years. Each loan is to be further secured by a deed of trust on the property. All notes will bear interest at the rate of four (4) per centum per annum and will be made by the Land Company. R. D. Bailey, W. C. Bailey, Jr., and E. M. Wil-

kinson, as joint and several makers thereof. These three individuals are the sole stockholders of Land Company.

As each residence is completed Land Company will lease the same to an employee of Hope with an option to purchase the same.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2313; Filed, Feb. 15, 1951; 8:48 a. m.]

[File No. 70-2559]

PHILADELPHIA CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of February 1951.

Notice is hereby given that Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard Gas") and Standard Power and Light Corporation, both registered holding companies, has filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Holding Company Act"), for an order approving certain proposed accounting adjustments and has designated section 20 of the Holding Company Act and Rule U-24 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 28, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date said amended application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the Holding Company Act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application, as amended, which is on file in the office of the Commission for a statement of the transactions therein proposed which are summarized below:

By order of this Commission dated June 1, 1948 (Holding Company Act Release No. 8242) Philadelphia is required to dispose of its interest in its non-utility subsidiary, Pittsburgh Railways Company ("Railways Company"), and, among other things, to take appropriate steps to liquidate and dissolve. This order was affirmed by the United States Court of Appeals for the District of Columbia Circuit, Philadelphia Company et al. v. S. E. C., 177 F. 2d 720.

Prior to January 1, 1951, Philadelphia was the parent of the predecessor of Railways Company, which was also named Pittsburgh Railways Company and which will be referred to hereinafter as "old company", and of certain other companies in old company's system ("Railways System"). Philadelphia was also the owner of bonds, notes and other obligations of old company and of other companies in the Railways System. The Railways System was comprised of old company and a number of other companies which were operated by old company under leases and operating agreements. Philadelphia had guaranteed the performance by old company of certain obligations under lease arrangements, including, inter alia, the making of payments to cover interest and dividends on certain securities of companies in the Railways System and the joinder in refunding of various bonds at maturity.

On May 10, 1938, old company and its subsidiary, Pittsburgh Motor Coach Company, filed petitions for reorganization under the Bankruptcy Act in the United States District Court for the Western District of Pennsylvania ("District Court"). In the bankruptcy reorganization proceedings a plan dated July 1, 1949 ("Combined Plan"), together with certain amendments thereto, for the reorganization of the Railways System under the Bankruptcy Act and for the discharge under the Holding Company Act of Philadelphia's guarantees affecting Railways System securities, was filed with this Commission jointly by Elmer E. Bauer, Reorganization Trustee of old company, and by Philadelphia, under Chapter X of the Bankruptcy Act and sections 11 (e) and 11 (f) of the Holding Company Act.

Pursuant to orders of this Commission, the Pennsylvania Public Utility Commission, and the District Court, the Combined Plan was approved and finally consummated as of December 31, 1950. Under the terms of the Combined Plan, Philadelphia was relieved of its various guarantees and exchanged its holdings of securities of, and claims against, Railways System for 50.9 percent of the new common stock issued by Railways Company.

In recapitalization proceedings in 1939 before this Commission (File No. 43-271), Philadelphia proposed an accounting reorganization designed to make provision for loss in its investments in street railway companies. In those proceedings, Philadelphia proposed, inter alia, that it would:

(a) Create a Reserve For Revaluation Of Assets;

(b) Retain in its earned surplus beginning in 1940 certain earnings which otherwise would be available for common stock dividends;

(c) Notify the Commission of any charge made by Duquesne Light Company ("Duquesne"), its public utility subsidiary, to Duquesne's earned surplus or special reserve balances at December 31, 1939, and observe any ruling made by this Commission, after notice and hearing, as to credits made to Philadelphia's income or earned surplus accounts after December 31, 1939, where such credits arose from dividends paid on Duquesne's common stock, if and to the extent such dividends were made possible by reason of charges improperly made, under generally accepted accounting principles, by Duquesne to its earned surplus or special reserve balances at December 31, 1939; and

(d) Credit to capital surplus an amount equal to $22.75 for each share sold, minus expenses incurred and taxes paid by reason of such sale, in the event it sold any Duquesne common stock it then owned.

Pursuant to the above proposals, Philadelphia created a Reserve For Revaluation Of Assets as of December 31, 1939, and, in the years 1940 and 1941, retained in Earned Surplus certain earnings which otherwise would have been available for dividends on its common stock.

In proceedings before this Commission in 1941 (File No. 70-324) relative to the issuance of Collateral Trust Sinking Fund Bonds and Collateral Trust Serial Notes, Philadelphia proposed that certain sums, to be determined according to a specified formula, be set aside from earnings each year and credited to the Reserve For Revaluation Of Assets, and that the sums so set aside and credited be in lieu of the required retention of earnings as specified in paragraph (b) above. The 1941 proposal subsequently was amended at File Nos. 70-1633, 70-2342 and 70-2343. In each of the years from 1941 to date, Philadelphia has set aside sums from earnings and accrued them to the Reserve For Revaluation Of Assets in accordance with the applicable requirements of the 1941 proposal, either as originally made or as subsequently modified.

In 1948, in proceedings before this Commission relative to the reorganization of the gas properties then owned by Philadelphia (File No. 70-1633), the Commission reserved jurisdiction over certain proposed accounting entries by which claimed excess depreciation was credited to Philadelphia's surplus accounts. In connection with this reservation of jurisdiction, the Commission imposed limitations as to the use of the surplus arising from such entries.

In 1950, in proceedings before this Commission relative to a further reorganization of the gas properties and the recapitalization of the then gas subsidiaries of Philadelphia and the sale by it of all the outstanding common stock of the reorganized Equitable Gas Company ("Equitable"), then a gas utility subsidiary of Philadelphia (File Nos. 70-2342 and 70-2343), the Commission reserved jurisdiction over proposed accounting entries relating to, and imposed limitations on the availability of, (a) Philadelphia's surplus representing profit realized from the sale of Equitable's common stock and (b) Philadelphia's surplus arising from the exchange of gas companies' securities.

During the years in which Philadelphia has been required to make payments because of its guarantees of street railway obligations, it has, by annual appropriations from income, built up a reserve for payments made under the guarantees and not returned to it. In addition, Philadelphia for some years has been crediting to deferred credit accounts certain amounts representing offsets to deferred interest and rents received and receivable from old company which are carried in Philadelphia's investment and fund accounts.

Philadelphia states that appropriate adjustments should now be made in its accounts, as of December 31, 1950, to reflect the effect of the above mentioned Railways System reorganization and it proposes:

(1) That its investments in street railway companies be written down from $79,885,278.12, the present gross carrying value, to $5,476,780, the stated value of the common stock of Railways Company which Philadelphia owns, and that the resulting loss of $74,408,498.12 be written off by charging $30,414,298.81 to the Reserve For Revaluation of Assets, $10,886,652.50 to the reserve for payments made by Philadelphia under guarantees and not returned, $14,454,895.68 to deferred interest and rents received and receivable, $699,993.11 to paid-in surplus, $2,737,935.15 to capital surplus (as indicated in paragraph (4) below), and $15,214,722.87 to earned surplus;

(2) That credit items aggregating $2,737,935.15, heretofore credited to Philadelphia's Surplus Prior to January 1, 1940, (consisting of (a) credits in 1948, arising in connection with the reorganization of the gas properties, in the amount of $2,341,299.21 for excess depreciation accruals, $93,471.14 for a dividend in kind from Pittsburgh and West Virginia Gas Company, a former gas utility subsidiary of Philadelphia, and $22,934.81 for salvage received from Philadelphia's manufactured gas properties, and (b) a credit in 1950 of $280,229.99 arising from a dividend in kind from Pittsburgh and West Virginia Gas Company paid with 2,825 shares of 7 percent Cumulative Second Preferred Stock of Kentucky West Virginia Gas Company, a former non-utility subsidiary of Philadelphia), be reclassified and credited to capital surplus;

(3) That charges aggregating $2,737,935.15 which were charged since December 31, 1947, to Philadelphia's Surplus Prior to January 1, 1940, be reclassified and charged to Earned Surplus Since December 31, 1939;

(4) That $2,737,935.15 of the loss which would be reflected by the proposed write-down of Philadelphia's investments in street railway companies be charged to the capital surplus account created by the reclassification proposed in (2) above;

(5) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to retain in its earned surplus the amounts set aside in 1940 and 1941;

(6) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to notify the Commission of any charge made by Duquesne to that company's earned surplus or special reserve balances at December 31, 1939, and to observe any ruling made by the Commission, after notice and hearing, as to credits made to Philadelphia's income or earned surplus accounts after December 31, 1939, where such credits arose from dividends paid on Duquesne's common stock, if and to the extent such dividends were made possible by reason of charges improperly made, under generally accepted accounting principles, by Duquesne to its earned surplus or special reserve balances at December 31, 1939;

(7) That the Commission terminate Philadelphia's obligation, under its proposal in 1939, to credit to capital surplus, if Philadelphia sells any Duquesne common stock owned by it at the time of such proposal, an amount equal to $22.75 for each share sold, minus expenses incurred and taxes paid by reason of such sale;

(8) That with respect to (a) Philadelphia's surplus credits aggregating $2,737,935.15 set forth in proposal (2) above, and (b) its surplus credit in 1948 in the amount of $993,305.12 credited to Earned Surplus Since December 31, 1939 (which amount, together with the amount of $2,341,299.21 set forth in proposal (2) above, arose in 1948 from excess depreciation), the Commission release jurisdiction (to the extent that jurisdiction was reserved by it) over the accounting entries crediting such amounts to Philadelphia's surplus accounts, and remove all limitations heretofore imposed by the Commission on the availability of surplus arising from such entries;

(9) That, with respect to (a) Philadelphia's surplus representing profit realized from the sale of Equitable's common stock and (b) its surplus arising from the exchange of gas companies' securities, the Commission release jurisdiction (reserved by it in proceedings at File Nos. 70-2342 and 70-2343) over accounting entries relating to such surplus, and remove the limitations (imposed by it in the same proceedings) on the availability of such surplus;

(10) That, effective as of April 1, 1950, the Commission terminate Philadelphia's obligation, under its proposal in 1941 (File No. 70-324 as amended at File Nos. 70-1633, 70-2342 and 70-2343), to set aside certain sums from earnings and accrue them to the Reserve For Revaluation of Assets.

Applicant requests that the Commission issue an order approving the proposed transactions at the earliest practicable date.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2314; Filed, Feb. 15, 1951; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 21 (E)]

ELGIN NATIONAL WATCH CO. AND HAMILTON WATCH CO.

APPLICATION FOR INVESTIGATION

FEBRUARY 13, 1951.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive article. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Purpose of request	Date received	Name and address of applicants
Jewelled watches and watch movements containing seven jewels or more but not more than seventeen jewels and parts therefor (par. 367, Tariff Act of 1930).	Increase n duty....	Feb. 13, 1951	Elgin National Watch Co., Elgin, Ill. Hamilton Watch Co., Lancaster, Pa.

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets N. W., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437, of the Customhouse, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-2336; Filed, Feb. 15, 1951; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16941]

HEINRICH GEFFCKEN ET AL.

Interests and rights created in Heinrich Geffcken and Hans Richter by virtue of an agreement with Radio Patents Corporation dated May 28, 1930, relating, among others, to United States Letters Patent No. 2,155,224.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Geffcken and Hans Richter, whose last known addresses are Germany, are residents of Germany and nationals of a foreign country (Germany);

2. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Heinrich Geffcken and Hans Richter by virtue of an agreement dated May 28, 1930 (including all modifications thereof and supplements thereto, if any) by and between Radio Patents Corporation, Heinrich Geffcken and Hans Richter, relating, among other things, to

United States Letters Patent No. 2,155,224,

is property of the aforesaid nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2338; Filed, Feb. 15, 1951; 8:51 a. m.]

[Vesting Order 16942]

FRIEDRICH KIRSCHSTEIN

In re: Interests of Friedrich Kirschstein in Patent No. 2,110,444 and in an agreement relative thereto.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Kirschstein, whose last known address is Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows:

(a) An undivided thirty-seven and one-half per cent (37½ percent) interest in and to the below listed United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,110,444; 3-8-38; Jacobo J. Laub and Friedrich Kirschstein; Transmission of messages or pictures over long distance lines;

(b) All interests and rights (including all accrued royalties or monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Friedrich Kirschstein by virtue of an agreement entered into on June 24, 1935 (including all modifications thereof and supplements thereto) by and between Jacob J. Laub and Friedrich Kirschstein and Radio Patents Corporation, which agreement relates, among other things, to United States Letters Patent No. 2,110,444,

is property of, and is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 5, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2339; Filed, Feb. 15, 1951; 8:51 a. m.]

[Vesting Order 16973]

WILHELM BAUM

In re: Patent Application No. 280,533 owned by Wilhelm Baum.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Baum, whose last known address is Germany, is a resident of Germany and is a national of a foreign country (Germany).

2. That the property described as follows:

Patent Application identified as follows:

Serial No., Date of Filing, Inventor, and Title

280,533; 6-22-39; Wilhelm Baum; screened electrical conductor with insulating covering;

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such application,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2340; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16974]

FELTEN & GUILLEAUME CARLSWERK ACTIEN-GESELLSCHAFT

In re: United States Letters Patent Nos. 1,941,364, 1,945,764, and 1,974,712 owned by Felten & Guilleaume Carlswerk Actien-Gesellschaft.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Felten & Guilleaume Carlswerk Actien-Gesellschaft, whose last known address is Köln-Mülheim, Germany, is a corporation organized under the laws of Germany, which has its principal place of business in Germany, and is a national of a foreign country (Germany);

2. That the property described as follows: All right, title and interest, including all accrued royalties and damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

1,941,364; 12-26-33; Ludwig Nunninghoff; Apparatus for removing the lead covering of electrical cable;

1,945,764; 2-6-34; Georg Zapf; High-tension submarine cable;

1,974,712; 9-25-34; Konrad Goes, Ernst Badum; Submarine cable for communication purposes;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2341; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16972]

ERNST BADUM

In re: Patent Application No. 269,317 owned by Ernst Badum.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Badum, whose last known address is Germany, is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

Patent Application identified as follows:

Serial No., Date of Filing, Inventor, and Title

269,317; 4-22-39; Ernst Badum; High-tension cable;

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such application,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2342; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16975]

HANS JACOBS

In re: United States Letters Patent No. 2,264,803 owned by Hans Jacobs.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Jacobs, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows: All right, title and interest, including all accrued royalties and damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,264,803; 12-2-41; Hans Jacobs; Cable terminal;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2343; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16976]

WILLY REH

In re: Patent Application No. 250,907 owned by Willy Reh.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Reh, whose known address is Germany, is a resident of Germany and is a national of a foreign country (Germany);

2. That the property described as follows:

Patent Application identified as follows:

Serial No., Date of Filing, Inventor, and Title

250,907; 1-14-39; Willy Reh; Furnace;

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the inventions shown or described in such application,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2344; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16977]

LAND UND SEEKABELWERKE, A. G.

In re: United States Letters Patent No. 2,005,614 owned by Land und Seekabelwerke, A. G.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Land und Seekabelwerke, A. G., whose last known address is Germany, is a corporation organized under the laws of Germany, which has its principal place of business in Germany, and is a national of a foreign country (Germany);

2. That the property described as follows: All right, title, and interest, including all accrued royalties and damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following United States Letters Patent:

Patent No., Date of Issue, Inventor, and Title

2,005,614; 6-18-35; Josef Fassbender; Rubber insulated cable;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2345; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 16978]

HILDE GANTVOORT

In re: Interest of Hilde Gantvoort in certain United States Letters Patent.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilde Gantvoort, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows: All right, title, and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor, and Title

2,122,397; 7-5-38; John M. Gantvoort; Bakers' oven;
2,139,448; 12-6-38; John M. Gantvoort; Bakers' oven;

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on January 8, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2346; Filed, Feb. 15, 1951; 8:52 a. m.]

[Vesting Order 17102]

HAMA KONDO ET AL.

In re: Bonds and bank account owned by and debts owing to Hama Kondo, and others. F-39-2761-A-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are as follows:

Hama Kondo, Japan.
Hanako Kondo, Japan.
Yukiko Kondo, Japan.
Yoshiko Kondo, Japan.
Marico Kondo, Japan.
Isacc Kondo, Japan.

are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided eight-ninths (8/9ths) of that certain debt or other obligation of the Valley National Bank, Phoenix, Arizona, arising out of a checking account, entitled "I. Kondo or J. H. Kondo", maintained at the Nogales, Arizona, branch of the aforesaid bank, and any and all rights to demand, enforce or collect the same,

b. An undivided eight-ninths interest in and to eighty (80) $1,000 Tokyo Electric Light Company 6 Percent First Mortgage Gold (bearer) Bonds due June 15, 1953, U. S. Dollar series, presently in the custody of the California Bank, City Market Office, 863 S. San Pedro Street, Los Angeles 14, California, in an account entitled "Isuke or Hama Kondo", together with any and all rights thereunder and thereto, and

c. An undivided eight-ninths (8/9ths) interest in and to twenty (20) $1,000 Tokyo Electric Light Company 6 Percent First Mortgage Gold (bearer) Bonds due June 15, 1953, U. S. Dollar series, presently in the custody of the California Bank, City Market Office, 863 S. San Pedro Street, Los Angeles 14, California, in an account entitled "Isuke Kondo" together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or account of, or owing to, or which is evidence of ownership by or control by Hama Kondo, Hanako Kondo, Yukiko Kondo, Yoshiko Kondo, Marico Kondo and Isacc Kondo, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2347; Filed, Feb. 15, 1951; 8:53 a. m.]

[Vesting Order 17237]

UNIVERSUM-FILM A. G. ET AL.

In re: Rights in motion pictures owned by Universum-Film, A. G., and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 2 of Exhibits A and C attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

2. That the producers of the motion pictures listed in Exhibits B and D attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe are residents of Germany and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe are organized under the laws of, or have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law, of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibits A, B, C, and D, including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures;

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraphs 1 and 2 hereof, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibits A, B, C, and D, who are citizens and residents of, or which are organized under the laws of or have their principal places of business in, Germany, and are nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A, B, C, and D

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A, B, C, and D

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 3 (a), 3 (b) (1) and 3 (b) (2) of this Vesting Order

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accured or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 3 (a) and 3 (b) of this Vesting Order; and

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 3 (a), 3 (b), and 3 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraphs 1, 2, and 3 (b) hereof, the aforesaid nationals of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interest therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Titles (Original or Alternate) of Motion Picture Features and Producers or Distributors

Ein Ausgekochter Junge; Engels & Schmidt Tonfilmgesellschaft, Berlin, Germany.
Ball im Metropol; Neucophon-Tonfilm Produktion-und Vertriebs G. m. b. H., Berlin, Germany.
Danton, der Revolutionär; Cine-Allianz-Tonfilm G. m. b. H., Berlin, Germany.
Die vom Rummelplatz; Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Drei Tage Mittelarrest; Cine-Allianz-Tonfilm, G. m. b. H., Berlin, Germany.
Drei von der Kavallerie; Kristall-Film G. m. b. H., Berlin, Germany.
Emil und die Detektive; Universum-Film A. G. "Ufa", Berlin, Germany.
Er oder ich; Deutsches Lichtspiel, Syndikat A. G. Berlin, Germany.
Erika, Atalanta-Film G. m. b. H., Berlin, Germany.
Es war einmal ein Walzer; Aafa Filmproduktion G. m. b. H., Berlin, Germany.
Der Fall des General-stabsoberst Redl; Südfilm A. G., Berlin, Germany.
Die Försterchristl; Transozeam-Film G. m. b. H., Berlin, Germany.
Frau Lehmanns Töchter; Terra-Film A. G., Berlin, Germany.
Gitta entdeckt ihr Herz; Carl Froehlich-Film G. m. b. H., Berlin, Germany.
Gloria; Matador-Film, Berlin, Germany.
Gretel and Liesel; Henry Porten-Produktion and Tonbild-Syndikat A. G., Berlin, Germany.
Die grosse Attraktion; Richard Tauber-Film Produktion, Berlin and Bavaria-Film A. G., Munich, Germany.
Die grosse Liebe (1932 production); Südfilm A. G., Berlin, Germany.
Helga und der Fremde; Atalanta-Film A. G., Berlin, Germany.
Ich glaub mir mehr an eine Frau; Emelka-Film and Tobis-Magna-Filmproduktion G. m. b. H., Berlin, Germany.
Ich will nicht wissen wer Du bist; Boston-Film Co. G. m. b. H., Berlin, Germany.
Im Walzerparadies; Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Kadetten (1932 production); Heros-Film G. m. b. H., Berlin, Germany.
Kameradschaft (1931 production); Nero-Film A. G., Berlin, Germany.
Konigin der Unterwelt; Südfilm A. G., Berlin, Germany.
Lebensabend; Atalanta-Film G. m. b. H., Berlin, Germany.
Leutnant, warst Du einst bei den Soldaten; Aafa-Filmproduktion G. m. b. H., Berlin, Germany.
Liebe in Uniform; Heros-Film G. m. b. H., Berlin, Germany.
Liebesnacht; Apex-Film, Berlin, Germany.
Das Millionentestament; Engles & Schmidt Tonfilm Gesellschaft, Berlin, Germany.
Eine Nacht im Paradies; Lothar Stark and Ondra-Lamac-Film G. m. b. H., Berlin, Germany.
Das Rheinlandmädel; Aco-Film G. m. b. H., Berlin, Germany.
Die schwebende Jungfrau; Kristall-Film G. m. b. H., Berlin, Germany.
Eine Stadt Steht Kopf; Elite-Tonfilm Produktion, Berlin, Germany.
Der Stolz der dritten Kompanie; Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Suzanna macht Ordnung, Tofa-Tonfilm Produktions A. G., Berlin, Germany.
Tingel-Tangel; Engels & Schmidt Tonfilmgesellschaft, Berlin, Germany.
Der Traum von Schönbrunn; Schulz & Wuellner Filmfabrikations-und Vertriebs G. m. b. H., Berlin, Germany.
Der wahre Jakob; Orplid and Messtro.
Weekend in Paradies; Deutsches Lichtspiel Syndikat A. G., Berlin, Germany.
Wer Zuletzt lacht, oder Der ungetreue Eckehart; Lothar Stark G. m. b. H., Berlin, Germany.
Der Schrecken der Garnison; Aco-Film G. m. b. H., Berlin, Germany.
Zu Befehl Herr Unteroffizier; Engels und Schmidt Tonfilmgesellschaft, Berlin Germany.

EXHIBIT B

Titles (Original or Alternate) of Motion Picture Features

Abenteuer in Paris.
Alles für meine Mutter.
Alpenklange.
Aschermittwoch.
Berlin-Alexanderplatz, die Gesichte Franz Bieberkopfs.
Berlin, die Sinfonie der Grosstadt.
Brand in der Oper, oder Barcarole.
Die oder keine.
Dienst ist Dienst.
Douaumont.
Es gibt nur eine Liebe.
Fasching in Wien.
Faschingsball.
Fraulein Falsch verbunden.
Gigli (Gilgi) eine von uns.
Die Glücks-Zylinder.
Goethes Jugendgeliebte.
Grenzjäger.
Die grobe Adele.
Der grosse Bluff.
Die Herren von Maxim.
Hirsekorn greift ein.
Holzapfel weiss alles.
Ja treu sind die Soldaten.
Keine Feier ohne Meier.
Kyritz Pyritz, die fidele Sangerfahrt.
Ein Lied, ein Kuss, ein Mädel.
Das Lied der Heimat.
Madam Blaubart.
Madonna, wo bist Du.
Marion, das gehört sich nicht.
Musik in der Nacht (Music in the Night).
Mutter der Kompagnie.
Namensheirat (Diskretion Ehrensache).
Nocturno.
Paprika.
Pension Schoeller.
Ein Prinz verliebt sich.
Purpur und Waschblau.
Scampolo, ein Kind der Strasse.
Schön ist die Manöverzeit.
Der Schützenkönig.
Die singende Stadt.
Der Stolz des Regimentes (Pride of the Regiment).
Der Tanzhusar.
Teilnehmer antwortet nicht.
Tiroler, der Gipfelstürmer.
Der tolle Bomberg.
Ein Walzer von Strauss.
Walzerparadies.
Walzerprinzessin.
Wer Nimmt die Liebe ernst.
Zigeunerweisen.
Zwei Krawatten.

EXHIBIT C

Titles (Original or Alternate) of Motion Picture Short Subjects and Producers or Distributors

Albanienfahrt (Fahrtenbuch Albanien); Reichspropaganda Leitung der N. S. D. A. P., Berlin, Germany.
Alm im Karwendel; Universum-Film, A. G., "Ufa", Berlin, Germany.
Alpenkorps im Angriff; Universum-Film, A. G., "Ufa", Berlin, Germany.

Ancient Castles of Saxony; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Auf Deutschlands neuen Autostrassen (faster and faster on Germany's new motor highways; Germany's new motor roads); Reichsbahnfilmstelle, Berlin, Germany.

Aus der Schatzkammer der Kirchenmusik; Universum-Film A. G., "Ufa", Berlin, Germany.

Baden-Baden; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Bayreuth, die Stadt Richard Wagners (Bayreuth, The City of Richard Wagner); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Bayreuth, Home of the Wagner Festival Plays; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Bayreuth and Franconia; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Beautiful Dresden; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Beautiful old Barcelona; Willy Goldberger, Germany and Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Berlin; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Besuch in Frankfurt am Main (A Visit to Frankfort on the Main); Universum-Film A. G., "Ufa", Berlin, Germany.

Blaue Jungens am Rhein; Universum-Film A. G., "Ufa", Berlin, Germany.

Blutendes Deutschland; Terra-Film A. G., Berlin, Germany.

Breslau; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Bridgetown, Barbados; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Building the Bremen; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

-Castles in the Meissen Country; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

The Country of the Pied Piper of Hamelin; Tobis-Melofilm G. m. b. H., Berlin, Germany.

Cruising the Caribbean (West Indies Cruise; series) Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Danzig; Lufthansa and Deruluft, both of Berlin, Germany.

Deutsche Reichsbahn Berlin; Reichsbahnfilmstelle, Berlin, Germany.

Deutschland kreuz und quer (a trip through Germany); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Deutschlands Heer; Muschner, Berlin, Germany.

Dresdens Umgebung; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Düsseldorf (Düsseldorf on the Rhine); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Elbefahrt; Universum-Film A. G., "Ufa", Berlin, Germany.

Emerald Isle (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Emsland-Neuland; Universum-Film A. G., "Ufa", Berlin, Germany.

A Festival in Rothenburg; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Fliegende züge, Schnelltriebwagen; Reichsbahnfilmstelle, Berlin, Germany.

Flieger, Funker, Kanoniere; Universum-Film A. G., "Ufa", Berlin, Germany.

Flieger zur See; Universum-Film A. G., "Ufa", Berlin, Germany.

Frankfurt am Main; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Free City of Danzig; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

From Athens Through the Adriatic to Venice; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

From the Chronicles of Dinkelsbühl; Atlantic-Film Hans Arnau & Co., Berlin, Germany.

Für uns, zum Appell; Reichspropaganda Leitung der NSDAP, Berlin, Germany.

German Folk Festivals, and Dances (Glimpses of German Folk Festivals, Costumes and Dances); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

German Newsreels (series); Universum-Film A. G., "Ufa", Berlin, Germany.

The German North Sea Coast; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Germany, Heart of Europe; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Germany, Historical and beautiful; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Germany in the Goethe Year 1932; Universum-Film A. G., "Ufa", Berlin, Germany.

Glass Industry in Thuringia; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Glimpses of Holland en route to Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Glimpses of the Mediterranean (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Glimpses of the Baltic Coast; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

The Greenheart of Germany, Rambles in Thuringia; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Hamburg, The Gateway to a Continent (glimpses of Hamburg, the gateway to a continent); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Hamburg, The Gateway to Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Hamburg-American Line; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Hamburg-American Line, Shiplife; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Hanover; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

The Harz Mountains; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Havana, Cuba; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Hessian (Hessen) Wedding; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Hier irrt Schiller; Universum-Film A. G., "Ufa", Berlin, Germany.

Holland; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Idyllic Swabia; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Im deutschen Museum zu München (in the German Museum at Munich); Universum-Film A. G., "UFa", Berlin, Germany.

In Bethlehem; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Jagd auf Raubfische; Universum-Film A. G., "Ufa", Berlin, Germany.

Jahrhundertfeier der deutschen Eisenbahnen (100 years of German Railroading); Reichsbahnfilmstelle, Berlin, Germany.

Jugend erlebt Heimat; Reichspropaganda Leitung der NSDAP, Berlin, Germany.

Die Kamera fahrt mit; Bavaria-Film A. G., Munich, Germany.

Kampf um Anastasia; Universum-Film A. G., "Ufa", Berlin, Germany.

Kassel, City of Arts and Flowers; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Kingston-British West Indies; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Kingston, Jamaica; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Krieg und Frieden; Terra-Film A. G., Berlin, Germany.

Kurhessen; Universum-Film A. G., "Ufa", Berlin, Germany.

Land und Leute im Erzgebirge; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Liebe zur Harmonika (love of a harmonica); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

London, Mother City of the British Empire; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Der Lüneburger Silberschatz (the Town Silver of Lüneburg); Kulturfilm Institut, Berlin, Germany.

Majunga Bay, Madagascar; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Mannesmann; Universum-Film A. G., "Ufa", Berlin, Germany.

Mediterranean Cruise (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Mediterranean Holiday, Italian Line; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Meistersinger von Nürnberg; Universum-Film A. G., "Ufa", Berlin, Germany.

Minen in Sperrlücke "X"; Marine-Hauptfilm, Berlin, Germany.

Memories of Schubert; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Mit Kreuzer Königsberg in See; Universum-Film A. G., "Ufa", Berlin, Germany.

Mollendo; Hamburg-Amerikanische Packetfahrt A. G. Hamburg, Germany.

Mountain Climbing in the Tyrol; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Das neue Schlachtschiff Scharnhorst (News Scharnhorst); Marine-Hauptfilm, Berlin, Germany.

Nordlingen Anno 1634; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

North German Lloyd, Shiplife; Norddeutscher Lloyd, Bremen, Germany.

Northern Wonderlands (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Northward Ho (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Oberammergau (Oberammergau and the Passion Players); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Olympische Winterspiele in Garmisch Partenkirchen (Olympic Winter Games); I. G. Farbenindustrie A. G., Frankfurt am Main, Germany.

On the Trail of Magellan; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Parade; Universum-Film A. G., "Ufa", Berlin, Germany.

Pleasant Wedding in Hesse; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Der Rhein from Köln zu Mainz (The Rhine from Köln to Mainz); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Romantic Castles between Heidelberg and Rothenburg; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Rothenburg; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Salzburg, Mozart's City; Universum-Film A. G., "Ufa", Berlin, Germany.

Scenes from Thuringia; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Schlüssel zum Reich-Schlüssel zur Welt, Bremen; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Schwälmer Bauern (Peasants in the Schwalm District); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Schwälmer Hochzeit; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Shiplife on the Bremen; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Sonne und Schnee über Deutschland (Germany's Lure of Sun and Snow); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Southward to the Sun; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Sport und Soldaten; Filmpeter for Reichskriegsministerium, both of Berlin, Germany.

Springtime on the Rhine; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Stammgäste an der Nordsee; Universum-Film A. G., "Ufa", Berlin, Germany.

Stander Z vor; Döring-Film Werke, Berlin, Germany.

Stockholm; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Die Strassen Adolf Hitlers-Der Kampf mit dem Moor; Reichsbahnfilmstelle, Berlin, Germany.

Die Strassen Adolf Hitlers-Vom Walde zur Strassendecke; Reichsbahnfilmstelle, Berlin, Germany.

Der Student von Heute; Atlantic-Film Hans Arnau & Co., Berlin, Germany.

Stuttgarter 1933 Events (Treu unserem Volke, 15. Deutsches Turnfest Stuttgart 1933); Wüstemann, Berlin, Germany.

Stuttgarter Turnfest; Wüstemann, Berlin, Germany.

Sumatra; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Summer in Friesland; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

The Sunny Saar; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Sunshine Glimpses of the Baltic Coast; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Sweden; Hamburg-Amerikanische Packetfahrt A. G. Hamburg, Germany.

Ten Thousand Feet high on Skils; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Thuringia, Home of Toys; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Timeless Treasures; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Tischlein deck dich; Reichstelle für den Unterrichtsfilm, Berlin, Germany.

Travel in Germany; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Trinidad; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

A Trip from Coblence to Cologne; Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Bermany.

Trondheim; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Ufa-Ausland Tonwoche (series); Universum-Film A. G., "Ufa", Berlin, Germany.

Um das blaue Band der Schiene; Reichsbahnfilmstelle, Berlin, Germany.

Venezuela; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

The Virgin Islands; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Von einem der auszog das Gruseln zu lernen; Reichsstelle für den Unterrichtsfilm, Berlin, Germany.

Voyage of your Dreams; Hamburg-Amerikanische Packetfahrt A. G., Berlin, Germany.

Die Waffenkammer Deutschland; Universum-Film A. G., "Ufa", Berlin, Germany.

Weinlese und Winzerfest in der Pfalz (A Vintager's Festival in the Palatinate); Reichsbahnzentrale für den deutschen Reiseverkehr, Berlin, Germany.

Eine Welt im Schrank; Kulturfilm Institut, Berlin, Germany.

Weltstrasse See, Welthafen Hamburg; Universum-Film A. G., "Ufa", Berlin, Germany.

Wir fahren nach Amerika; Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

Wonders of the World (series); Hamburg-Amerikanische Packetfahrt A. G., Hamburg, Germany.

EXHIBIT D

Titles (Original or Alternate) of Motion Picture Short Subjects

Aachen and the Lower Rhine Valley.
The Ahr Valley.
Allgäu im Sommer.
Auto Tour through Europe.
Baltic Ports.
Barockstadt Dresden.
Battle against Time.
The Bavarian Alps from Allgäu to Oberammergau.
The Bavarian Alps from Garmisch—Partenkirchen to Berchtesgaden.
Beim Rechtsanwalt.
Bombay, India, 1935.
Breakneck Weekends.
Call of the Olympic Bell.
The Castle of Prague.
Clancy's Auto Tour.
Copenhagen.
Eine Division greift an.
Egypt and Germany 1935.
Feuertaufe (Baptism of Fire).
From Copenhagen zu Berlin.
Frühlingserwachen (Spring Fever)
Der Führer empfängt die Diplomaten in der Neuen Reichskanzlei (Hitler meets Diplomats).
Garmisch—Partenkirchen.
German Horse Training (subject title).
German Naval Training Film (subject title).
German Machine Tools, Leipzig Fair.
Germany 1935.
Glimpses of Germany.
Glimpses of Hamburg.
Glimpses of Württemberg.
Goehring's Speech on Hitler's Return from the Russian Front.
Graf Zeppelin.
Hamburg Harbor.
Hamburg und seine Nachbarschaft.
Heavenly Bodies.
High Roads to Pleasure.
Hitler visits the Leipzig Trade Fair.
A Holiday in snowbound Styria.
Hunting with the Camera.
In the Footsteps of Mozart.
Iron Works at Ansham, South Manchuria.
Italian Symphony.
Young Germany goes skiing.
Kernstock, Hungary.
Korea, Manchuria, Peking 1935.
Krueger National Park and Victoria Falls.
Lake Constance.
Leningrad, Moscow and Kharkof.
Lion Hunt with Camera.
Little Known Industries of Eastern Bavaria.
Machine Tools at the Great Leipzig Fair.
Masterdrink of Rothenburg.
Meet me in Germany.
Modern Germany.
Mosaik.
Die Mosel (Moselle).
Mummies reveal their Secrets.
New Machines for the Graphical Industry.
Ocean Travel and Air Travel.
Das Ochsenmenuett.
Olympic Games.
Olympic Games, Figure Skating and Skiing.
Olympics, 1936.
On to Washington.
The Palatinate.
Playground in the Sky.
Playground in the Sun, Bavarian Alps.
Prague, Bohemia, Moravia.
Precious Land.
A Rhine Trip from Coblence to Cologne.
Rhineland.
Rhoenradsport.
Richard Tauber.
Richard Tauber—Schubert Son.
Richard Wagner, where he lived and worked.
Romantic Castles.
Romantic Country of Castles.
The romantic Tauber Valley.
The romantic Rhine from Mainz to Koblenz.
Russia, 1935.
Russian Symphony.
San Francisco, Honolulu, and Japan 1935.
Schlesien (Silesia)
Secrets of a Cathedral.
Skiing in the Pongan.
Skiing with Hans Schneider in the Austrian Alps.
Slovakia.
Soviet Union—Leningrad.
Spezialist für alles.
Steinach.
Stuttgarter, 1933 Events.
Stuttgarter Turnfest.
Suez, Cairo and Jerusalem, 1935.
Sumatr.
Sunshine and Shade in the Black Forest.
Tallinn, Helsingfors.
Das verlorene Paradies.
Vienna, the Home of Waltzes.
Volk an der Front.
We are going down the Rhine ("Along the Rhine").
We meet in Germany.
Wette um einen Kuss.
Where Spring is earliest in Germany.
White Magic.
Wilhelm Tell.
Winter in the Black Forest.
Winter's Magic Spell in Austria.
Wittenberg.
The World of Machinery.
Youth Abroad.
Zigeuner, Du hast mein Herz gestohlen.

[F. R. Doc. 51-2349; Filed, Feb. 15, 1951; 8:53 a. m.]

[Vesting Order 17135]

HEINZ JUERGEN HAGEMEISTER

In re: Mortgage participation certificates owned by and debt owing to Heinz Juergen Hagemeister. F-28-25417 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Juergen Hagemeister, whose last known address is c/o Mrs. Isadore D. Hagemeister, Rudolstaedterstrasse 24, Berlin Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) Bank of New York, 138-44 East 18th Street, Manhattan Mortgage Participation Certificate in the original face amount of $500, presently in the custody of the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 15, New York, in a custodian account, entitled Heinz J. Hagemeister, together with any and all rights thereunder and thereto,

b. A four and two-tenths percent interest in one (1) Tremont Crotona Company, Incorporated, 391 East 149th Street, Mortgage Participation Certificate in the original face amount of $8000.00, presently in the custody of the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 15, New York, in a custodian account, account

number 14930 entitled Heinz J. Hagemeister, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Heinz J. Hagemeister, by the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York 15, New York, arising out of a custodian account, account number 14930, entitled Heinz J. Hagemeister, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2348; Filed, Feb. 15, 1951; 8:53 a. m.]

[Vesting Order 17242]

ADELE BERKEL

In re: Estate of Adele Berkel, deceased. File No. D-28-3988.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Proske, Leo Proske, Hans Rappolt, Elsie Schön (nee Rappolt), Heinz Rappolt, Elsie Bach and Anita Ermel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Hans Rappolt, of Elsie Schön (nee Rappolt), of Heinz Rappolt, of Elsie Bach, and of Anita Ermel, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Adele Berkel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herman B. Forman, as executor, acting under the judicial supervision of the Surrogate's Court of the County of Queens, Jamaica, Long Island, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Hans Rappolt, of Elsie Schön (nee Rappolt), of Heinz Rappolt, of Elsie Bach, and of Anita Ermel, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2350; Filed, Feb. 15, 1951; 8:53 a. m.]

[Vesting Order 17250]

L. GANDOLFI AND CO., INC., AND JACOB HUTWOHL

In re: L. Gandolfi and Co., Inc., in bankruptcy. File No. D-28-11590; E. T. sec. 15805. Claim of Jacob Hutwohl.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Hutwohl, whose last known address was, on March 24, 1950, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $144.35 was paid to the Attorney General of the United States by Panger and Feder, attorneys for Jacob Hutwohl, a national of a designated enemy country (Germany);

3. That the said sum of $144.35 was accepted by the Attorney General of the United States on March 24, 1950, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $144.35 is presently in the possession of the Attorney General of the United States and was property within the United States, owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on March 24, 1950, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2351; Filed, Feb. 15, 1951; 8:53 a. m.]

[Vesting Order 17257]

CARL STANGEN

In re: Cash owned by Carl Stangen. File No. D-28-1141.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Stangen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That certain debt or other obligation of Townley, Chambers & Clare, 60 Broadway, New York, N. Y., representing all or a portion of the distributive share of Carl Stangen in the Estate of George Ehret, deceased, received by the aforesaid Townley, Chambers & Clare, together with right to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2352; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17266]

CITY OF BERLIN, GERMANY, AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts owned by city of Berlin, Germany, and accounts and Scrip owned by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden. F-28-2098-A-1/E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the city of Berlin, Germany, is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of coupon accounts resulting from a deposit for the payment of coupons due prior to July 1, 1933, entitled "City of Berlin, Germany, 6½ percent External Loan of 1925," maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a sinking fund account entitled "City of Berlin, Germany, 6½ percent External Loan of 1925" maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of J. Henry Schroder Banking Corporation arising out of a service expense account entitled "City of Berlin, Germany, 6½ Percent External Loan of 1925," maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the City of Berlin, the aforesaid political subdivision of a designated enemy country (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of coupon accounts resulting from deposits for the payment of coupons due in the last half of 1933 and the first half of 1934 entitled "City of Berlin, Germany, 6½ percent External Loan of 1925", maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of RM 19,690, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial payment of coupons 17 and 18 appertaining to the bonds named in subparagraph 4a hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2353; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17304]

VICTOR L. F. H. HUECKING ET AL.

In re: Rights of Victor L. F. H. Huecking et al. under contract of insurance. File No. F-28-23128-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victor L. F. H. Huecking, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Victor L. F. H. Huecking, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 044676 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Victor L. F. H. Huecking, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Victor L. F. H. Huecking or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Victor L. F. H. Huecking, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives,

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2353; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17304]

VICTOR L. F. H. HUECKING ET AL.

In re: Rights of Victor L. F. H. Huecking et al. under contract of insurance. File No. F-28-23128-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Victor L. F. H. Huecking, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Victor L. F. H. Huecking, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 044676 issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Victor L. F. H. Huecking, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Victor L. F. H. Huecking or the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Victor L. F. H. Huecking, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives,

heirs at law, next of kin, legatees and distributees, names unknown, of Victor L. F. H. Huecking, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2354; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17307]

KITA MINAMOTO

In re: Rights of Kita Minamoto under contract of insurance. File No. F-39-5814-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kita Minamoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Kita Minamoto under a contract of insurance evidenced by Policy No. 16103655 issued by the New York Life Insurance Company, New York, New York, to Kita Minamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Shoichi Minamoto, a resident of the United States, and of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kita Minamoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2355; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17308]

JINSUKE NISHIDA ET AL.

Re: Rights of Jinsuke Nishida et al. under contract of insurance. File No. F-39-4871-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jinsuke Nishida, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jinsuke Nishida, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1 550 667, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Jinsuke Nishida, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Jinsuke Nishida or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jinsuke Nishida, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jinsuke Nishida, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2356; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 17309]

HENRY SCHACKER

In re: Estate of Henry Schacker, deceased. File: D-28-12696; E. T. sec. 16874.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Plagge; Heinrich Plagge; Rosalie Reichel, nee Schacker; Georg Schacker; Dietrich Schacker; Margarete Zimmermann, nee Schacker; Therese Doch, nee Schacker; Elisabeth Keller, nee Schacker; Friedrich Schacker (grandnephew of Henry Schacker, deceased); Katharina Schacker; Friedrich Schacker (nephew of Henry Schacker, deceased); Georg Schacker; Elise Wedel, nee Schacker; Margarete Reinicke, nee Schacker; Margarete Steinbrecher, nee Knoll; Heinrich Knoll; Philipp Schumann; Wilhelm Bernius; Margarete Zirkelbach, nee Morhardt; and Dietrich Morhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Heinrich Schacker, Wilhelm Schacker, the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Plagge, nee Schacker, of Anna Koob, nee Schacker (except Anna Fast, a resident of the United States), of Johann Michael Schacker, of Heinrich Schacker, of Wilhelm Schacker, and of Dorothea Knoll, nee Schacker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof except Anna Fast, a resident of the United States, in and to the estate of Henry Schacker, deceased, is property payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by George Wyrsch, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington for Kings County;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Plagge, nee Schacker, of Anna Koob, nee Schacker (except Anna Fast, a resident of the United States), of Johann Michael Schacker, of Heinrich Schacker, of Wilhelm Schacker, and of Dorothea Knoll, nee Schacker, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2357; Filed, Feb. 15, 1951; 8:54 a. m.]

[Vesting Order 15450, Amdt.]

MARGARET YURT

In re: Estate of Margaret Yurt, deceased, File D-28-7755; E. T. sec. 8354. Vesting Order 15450 dated October 30, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ana (Anna) Harrer, Adelgund Harrer, Leese Harrer, Gunther Harrer, Hans Harrer, George Vasold, Joseph Vasold, Marie (Maria) Wagner, Johann George Vasold, Margareta Vasold, Hermine Vasold and Manfred Vasold, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, next of kin, legatees and distributees, names unknown, of Margaret Yurt, deceased, except Kunigunda Vasold, now Sister Mary Walberta, a resident of the United States, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Barbara Harrer, deceased, of Jacob Harrer, deceased, of Jacob Vasold, deceased, of Hans Vasold, deceased, and the issue, names unknown, of George Vasold, deceased, except Kunigunda Vasold, now Sister Mary Walberta, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Kunigunda Vasold, now Sister Mary Walberta, a resident of the United States, in and to the estate of Margaret Yurt, deceased, and in and to the property held by the Receiver of the Circuit Court of Jefferson County, Kentucky, for and on behalf of the heirs of Margaret Yurt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Receiver of the Circuit Court of Jefferson County, Kentucky, depositary, acting under the judicial supervision of the Circuit Court of Jefferson County, Kentucky, or Larry J. Mackey, Administrator with the will annexed, acting under the judicial supervision of the County Court of Jefferson County, Kentucky;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the heirs, next of kin, legatees and distributees, names unknown, of Margaret Yurt, deceased, except Kunigunda Vasold, now Sister Mary Walberta, a resident of the United States, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Barbara Harrer, deceased, of Jacob Harrer, deceased, of Jacob Vasold, deceased, of Hans Vasold, deceased, and the issue, names unknown, of George Vasold, deceased, except Kunigunda Vasold, now Sister Mary Walberta, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2359; Filed, Feb. 15, 1951; 8:55 a. m.]

[Vesting Order 16036, Amdt.]

BANCO ALEMAN TRANSATLANTICO ET AL.

In re: Stocks, scrip certificates and coupons owned by and debts owing to Banco Aleman Transatlantico, Buenos Aires, Argentina, and others.

Vesting Order 16036, dated November 28, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 5a of said Vesting Order 16036 the phrase "non-cumulative preference" set forth with respect to forty-four (44) shares of Canadian Pacific Railway Company stock and substituting therefor the phrase "Ordinary Capital".

All other provisions of said Vesting Order 16036 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2360; Filed, Feb. 15, 1951; 8:55 a. m.]

[Vesting Order 17311]

NINO YAMAKAMI ET AL.

In re: Rights of Nino Yamakami et al. under contract of insurance File No. F-39-6351-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nino Yamakami and Hayamatsu Yamakami, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 15266861, issued by the New York Life Insurance Company, New York, New York, to Nino Yamakami, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United

States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Nino Yamakami or Hayamatsu Yamakami, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2358; Filed, Feb. 15, 1951; 8:55 a. m.]

[Vesting Order 16078, Amdt.]

HERMAN AND KANEKO BAUMFIELD

In re: Stock owned by Herman and Kaneko Baumfield.

Vesting Order 16078, dated December 1, 1950, is hereby amended as follows and not otherwise: By deleting from subparagraph 2 of said Vesting Order 16078 the certificate number "C 96648" and substituting therefor the certificate number "WC 96648."

All other provisions of said Vesting Order 16078 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2361; Filed, Feb. 15, 1951; 8:55 a. m.]

[Vesting Order 16086, Amdt.]

EMIL KUNERT

In re: Stock owned by Emil Kunert. F-28-27085-D-1.

Vesting Order 16086 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Kunert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of no par value common capital stock of National Power & Light Company, 2 Rector Street, New York 6, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 112780, registered in the name of Emil Kunert, together with all declared and unpaid dividends thereon, and all distributions under a plan of dissolution dated August 23, 1941, including but not limited to the following:

a. Two (2) shares of common capital stock of Birmingham Electric Company, 2100 First Avenue, North Birmingham 3, Alabama, a corporation organized under the laws of the State of Alabama, evidenced by certificate numbered TNCO 7317, registered in the name of Emil Kunert and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

b. Cash in the sum of $5.75 presently held by Bankers Trust Company, 16 Wall Street, New York 15, New York, representing the redemption value of a fractional receipt for 5/10th of a share of common capital stock of Birmingham Electric Company in the name of Emil Kunert,

c. Four (4) shares of common capital stock of Carolina Power & Light Company, 336 Fayetteville Street, Raleigh, North Carolina, a corporation organized under the laws of the State of North Carolina, evidenced by certificate numbered TNCO 7552, registered in the name of Emil Kunert and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

d. Cash in the sum of $5.50 presently held by Bankers Trust Company, 16 Wall Street, New York 15, New York, representing the redemption value of a fractional receipt for 1/4th of a share of common capital stock of Carolina Power & Light Company in the name of Emil Kunert,

e. Cash in the sum of $0.08 presently held by Bankers Trust Company, 16 Wall Street, New York 15, New York, representing proceeds from the sale of subscription rights in common capital stock of Carolina Power & Light Company, additional issue of 1947, in the name of Emil Kunert,

f. Three (3) shares of common capital stock of Pennsylvania Power & Light Company, 9th & Hamilton Streets, Allentown, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania evidenced by certificate numbered TNCO 27507, registered in the name of Emil Kunert and presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon,

g. Cash in the sum of $2.60 presently held by Bankers Trust Company, 16 Wall Street, New York 15, New York, representing the redemption value of a fractional receipt for 1/8th of a share of common capital stock of Pennsylvania Power & Light Company, in the name of Emil Kunert, and

h. Cash in the sum of $12.50 presently held by Bankers Trust Company, 16 Wall Street, New York 15, New York, representing partial liquidation payments made by National Power & Light Company on July 15, 1949 and December 22, 1950, in the name of Emil Kunert,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2362; Filed, Feb. 15, 1951; 8:55 a. m.]

[Vesting Order 500A-286, Amdt.]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Vesting Order 500A-286, dated January 2, 1951, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 500A-286, the second work listed in Column 2 of said Exhibit A and all information appearing in Columns 1, 3, 4 and 5 applicable to said work and substituting the following therefor under the various columns: Column 1, Unknown; Column 2, Der Siebente Ring, Sixth Edition, 1922; Column 3, Stefan George (Nationality not established); Column 4, Georg Bondi, Berlin, Germany (Nationality, German); and Column 5, Owner.

All other provisions of said Vesting Order 500A-286 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2363; Filed, Feb. 15, 1951; 8:56 a. m.]

[Return Order 886]

DAVIDE MEYRON

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Davide Meyron, Torre Pellice, Italy; Claim No. 39549; December 23, 1950 (15 F. R. 9270); $9,295.57 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2364; Filed, Feb. 15, 1951; 8:56 a. m.]

EDOARDO SCARPELLINI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edoardo Scarpellini a/k/a Odoardo Scarpellini, Francesco Scarpellini, both of Norcia, Italy; Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli, Luca Graziosi, all four of San Pellegrino, Perugia, Italy; Claim No. 29616; $456.96 in the Treasury of the United States, one-third to Edoardo Scarpellini, one-third to Francesco Scarpellini and one-twelfth each to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi. To Edoardo Scarpellini all right, title and interest of Edoardo Scarpellini; to Francesco Scarpellini all right, title and interest of Francesco Scarpellini; and to Maddalena Graziosi Cocchi, Augusta Graziosi Salvatori, Elena Graziosi Regoli and Luca Graziosi, in equal shares, all right, title and interest of Giulia Graziosi, in and to the Estate of Cesare Scalpellini, also known as Cesare Scarpellini, deceased, Ottavio Diotallevi, Box 176, Brewster, Ohio, Administrator.

This Notice of Intention revokes and supersedes the Notice of Intention published in the same claim, January 26, 1950 (15 F. R. 460).

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2365; Filed, Feb. 15, 1951; 8:56 a. m.]

RAYMOND DEWAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Raymond Dewas, Amiens (Somme), France; Claim No. 41459; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,053,657; 2,059,726; 2,072,158; 2,072,159; 2,072,160; 2,072,161; 2,116,620; 2,119,573; 2,125,894; 2,151,085; 2,187,344 and 2,192,728.

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2367; Filed, Feb. 15, 1951; 8:56 a. m.]

GEORGES DECOMBE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Decombe, Lyons (Rhone), France; Claim No. 15307; property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 2,243,624.

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2369; Filed, Feb. 15, 1951; 8:57 a. m.]

FERNAND CHARLES SOUCHE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fernand Charles Souche, Oullins (Rhone) France; Claim No. 15306; property described in Vesting Order No. 1028 (8 F. R. 4205—April 2, 1943) relating to United States Patent Application Serial No. 462,098 (now United States Letters Patent 2,392,558).

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2368; Filed, Feb. 15, 1951; 8:57 a. m.]

EMILE CHARLES ROBERT DIEDERICHS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Emile Charles Robert Diederichs, Isere, France; Claim No. 29555; property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent No. 2,281,561.

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2366; Filed, Feb. 15, 1951; 8:56 a. m.]

KODAK-PATHE SOCIETE ANONYME FRANCAISE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Kodak-Pathe Societe Anonyme Francaise, Vincennes, France, Claim No. 13899; property described in Vesting Order No. 293 (7 F. R. 9636—November 26, 1942) relating to United States Patent Application Serial No. 336,786 (now United States Letters Patent 2,313,007).

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2370; Filed, Feb. 15, 1951; 8:57 a. m.]

ROGER ROUAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Roger Rouat, Paris, France; Claim No. 12342; property described in Vesting Order 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 259,357 (now United States Letters Patent No. 2,311,415).

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2371; Filed, Feb. 15, 1951; 8:57 a. m.]

EMMA ZIMLICK EBELER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emma Zimlick Ebeler, Philadelphia 19, Pa.; Claim No. 7749; $596.82 in the Treasury of the United States. A gold bracelet set with precious stones. All right, title, and interest of Emma Zimlick Ebeler in and to the trust created under the will of Arthur J. Zimlick, a/k/a Arthur John Zimlick, deceased. All right, title, and interest of Emma Zimlick Ebeler in and to the Estate of Arthur J. Zimlick, a/k/a Arthur John Zimlick, deceased.

Executed at Washington, D. C., on February 9, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2372; Filed, Feb. 15, 1951; 8:58 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

U. S. STANDARDS FOR GRADES OF CANNED BLUEBERRIES

On July 7, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4312) regarding a proposed revision of the United States Standards for Grades of Canned Blueberries or Canned Huckleberries. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Blueberries are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.187 *Canned blueberries.* Canned blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries", but not of the Genus Gaylussacia; are stemmed and washed; are packed with or without the addition of water or sweetening ingredients; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Types of canned blueberries.* (1) Native (or wild) type.

(2) Cultivated type.

(b) *Grades of canned blueberries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned blueberries that possess similar varietal characteristics; that possess a very good color; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned blueberries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades.

(1) It is recommended that canned blueberries have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designations	*Brix measurement*
Extra heavy sirup	25° or more, but not more than 35°.
Heavy sirup	20° or more, but less than 25°.
Light sirup	15° or more, but less than 20°.
Slightly sweetened water.	Less than 15° Brix.
Water pack (packed in water).	

(2) "Brix" means the degrees Brix of the liquid from canned blueberries when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as

(Continued on p. 1665)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

CONTENTS

Agriculture Department — Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Andermahr, Joseph Hubert 1698
City of Leipzig and Conversion Office for German Foreign Debts 1697
Deutsche Bau und Bodenbank A. G 1699
Di Falco, Pietro, et al 1702
Ecker, Emma 1701
Elektricitatswerke Unterelbe A. G 1701
Garcin, Louis Marie Antoine 1702
Gross, Edmund 1686
Haberpointner, Johann 1702
Kock, Marie 1695
Larson, Wallace M., and J. R. Johansson 1702
Mank, William and Marie 1701
Milberg, Paul 1699
Reygagne, Leonce 1701
Rhine Main Danube Corp. and Konversionskasse für Deutsche Auslandsschulden 1697
Rings, Elsie 1702
Santomenna, Lelio 1702
Standard Braid & Produce Co. of Japan 1700
Von Simson, Walther 1699
Vonwiller, Alfred 1686
Weymann, Henry 1698
Yamamoto, Miwako 1700
Yamazaki, Tsuneshiro 1695
Zu Schweinsberg, Alix Louise Schenk 1695

Civil Aeronautics Administration
Proposed rule making:
Air carriers, new classification; air taxi operators 1683
Irregular air carrier and off-route rules 1681

Civil Aeronautics Board
See Civil Aeronautics Administration.

Coast Guard
Notices:
Equipment approval; miscellaneous amendments 1685

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

FEDERAL REGISTER

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CONTENTS—Continued

Defense Transport Administration — Page
Rules and regulations:
Establishment and functions.. 1677

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission — Page
Notices:
Hearings, etc.:
Booth Radio & Television Stations, Inc., et al. 1687
Heart of the Black Hills (KDSJ) and Minnesota Valley Broadcasting Co. (KTOE) 1687

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co. and Texas Eastern Transmission Corp 1689
Indian Gas and Water Co. Inc. and Texas Gas Transmission Corp 1690
Kansas-Nebraska Natural Gas Co., Inc 1688
Michigan Consolidated Gas Co. and Austin Field Pipe Line Co 1689
Michigan Gas Storage Co 1690
Montana-Dakota Utilities Co 1689
New York State Natural Gas Corp 1690
Northern Indiana Public Service Co 1688
Pacific Power & Light Co 1691
Southern California Gas Co 1690
Texas Eastern Transmission Corp 1690

Interior Department
See Land Management, Bureau of.

Internal Revenue Bureau
Rules and regulations:
Wines; miscellaneous amendments 1675

Interstate Commerce Commission
Notices:
Central of Georgia Railway Co.; rerouting or diversion of traffic 1691
Rules and regulations:
Car service; lumber, restrictions on reconsigning 1678

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; shore space restoration (3 documents) 1686, 1687

National Production Authority
Rules and regulations:
Rayon; limitation for DO rated orders (M–13) 1676

Price Stabilization, Office of
Rules and regulations:
Delegation of authority to act as Director (AO 4) 1676
Food, agricultural and related commodities (GCPR 3) 1676

Production and Marketing Administration
Proposed rule making:
Milk handling in Puget Sound, Wash., marketing area 1680

Production and Marketing Administration—Continued — Page
Proposed rule making—Continued
Potatoes, Irish, grown in counties of Crook, Deschutes, Jefferson, Klamath and Lake in Oregon and Modoc and Siskiyou in California; exemption certificates and safeguards 1680
Tobacco:
Burley and flue-cured 1679
Cigar-filler and binder 1679
Rules and regulations:
Blueberries; U. S. Standards:
Canned 1663
Frozen 1666
Lemons grown in California and Arizona (2 documents) 1673
Oranges grown in California or in Arizona 1674
Sugar quota allotments, Puerto Rico, 1951 1668
Direct consumption portion 1671

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Power & Light Co 1693
First York Corp. and Commercial Controls Corp 1693
M. E. Tobin Co 1692
New England Power Co 1692
Robert S. Way Co 1691

Treasury Department
See Coast Guard; Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; registration and research 1677

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 — Page
Chapter I:
Part 52 (2 documents) 1663, 1666
Chapter VII:
Part 723 (proposed) 1679
Part 725 (proposed) 1679
Chapter VIII:
Part 814 (2 documents) 1668, 1671
Chapter IX:
Part 925 (proposed) 1680
Part 953 (2 documents) 1673
Part 959 (proposed) 1680
Part 966 1674

Title 14
Chapter I:
Part 42 (proposed) 1681
Part 242 (proposed) 1683
Part 291 (proposed) 1683
Part 298 (proposed) 1683

Title 26
Chapter I:
Part 178 1675

CODIFICATION GUIDE—Con.

Title 32A — Page
Chapter III (OPS):
AO 4 1676
GCPR, SR 3 1676
Chapter VI (NPA):
M–13 1676
Chapter VIII (DTA):
Org. Order 1 1677

Title 38
Chapter I:
Part 21 1677

Title 49
Chapter I:
Part 95 1678

prescribed in the "Official Methods of Analysis of the Association of Official Chemists." The degrees Brix of the liquid from canned blueberries may be determined by any other method which gives equivalent results.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned blueberries be filled with blueberries as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned blueberries is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight (or drained blueberries) is the weight of the sieve and the blueberries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED BLUEBERRIES

Container designation	Container size (over-all dimensions)		Recommended minimum drained weight (in water)
	Width	Height	
	Inches	*Inches*	*Ounces*
[illegible] x 407	3	4 7/16	8
No. 2	3 5/16	4 1/16	10½
No. 10	6 9/16	7	58

(f) *Ascertaining the grade.* (1) The grade of canned blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(2) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

(g) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Canned blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means a practically uniform, bright, dark blue-purple color typical of blueberries which had been properly processed from well-matured blueberries.

(ii) If the canned blueberries possess a good color, a score of 16 or 17 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means a reasonably uniform, dark blue-purple color typical of blueberries which had been properly processed from reasonably well-matured blueberries.

(iii) If the canned blueberries possess a fairly good color, a score of 14 or 15 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a blue-purple color typical of blueberries which had been properly processed and which are not off color for any reason.

(iv) Canned blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems; from undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or any other injury.

(i) "Cap stems" are small stems which attach berries to the branch and means single cap stems or joined double cap stems with or without berries attached.

(ii) A "cluster" means three or more joined cap stems with or without berries attached.

(iii) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(iv) Canned blueberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the canned blueberries are reasonably free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 2 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ½ square inch;

(*b*) Not more than 5 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(*c*) In native (or wild) type, not more than an average of 12 clusters in all containers comprising the sample, provided there are no more than 16 clusters in any single container; or

(*d*) In cultivated type, not more than 4 clusters.

(v) If the canned blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned blueberries are reasonably free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 4 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ¾ square inch;

(*b*) Not more than 8 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(*c*) In Native (or wild) type, not more than an average of 20 clusters in all containers comprising the sample, provided there are no more than 28 clusters in any single container; or

(*d*) In Cultivated type, not more than 8 clusters.

(vi) If the canned blueberries are fairly free from defects, a score of 23 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned blueberries are fairly free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 6 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed 1 square inch;

(*b*) Not more than 10 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(c) In Native (or wild) type, not more than an average of 28 clusters in all containers comprising the sample, provided there are no more than 40 clusters in any single container; or

(*d*) In Cultivated type, not more than 12 clusters.

(vii) Canned blueberries that fail to meet the requirements of subdivision (vi) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) Canned blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberries are reasonably firm, reasonably fleshy, practically whole, and practically intact with not more than 10 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(ii) If the canned blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and reasonably intact with not more than 15 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(iii) If the canned blueberries possess a fairly good character, a score of 28 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and fairly intact with not more than 30 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(iv) Canned blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(h) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(*i*) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(*ii*) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(*iii*) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for canned blueberries.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Vacuum (inches)		
Drained weight (ounces)		
Brix measurement		
Sirup designation (extra heavy, heavy, etc.)		
Type		
Factors	**Score points**	
I. Color	20	(A) 18–20 (B) [1] 16–17 (C) [1] 14–15 (D) [1] 0–13
II. Absence of defects	40	(A) 36–40 (B) [1] 32–35 (C) [1] 28–31 (D) [1] 0–27
III. Character	40	(A) 36–40 (B) [1] 32–35 (C) [1] 28–31 (D) [1] 0–27
Total score	100	
Flavor and odor		
Grade		

[1] Indicates limiting rule.

(j) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Blueberries (which is the second issue) contained in this section will become effective 30 days after publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Blueberries or Canned Huckleberries which have been in effect since August 1, 1946.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Pub. Law 759, 81st Cong.)

Issued at Washington, D. C., this 13th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2386; Filed, Feb. 16, 1951; 8:46 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

U. S. STANDARDS FOR GRADES OF FROZEN BLUEBERRIES

On July 7, 1950 a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 4314) regarding a proposed revision of the United States Standards for Grades of Frozen Blueberries or Frozen Huckleberries. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Frozen Blueberries are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759, 81st Cong., approved September 6, 1950):

§ 52.189 *Frozen blueberries.* Frozen blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries," but not of the Genus Gaylussacia; are cleaned and stemmed; may or may not be washed; are packed with or without packing media; and are frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Types of frozen blueberries.* (1) Native (or wild) type.

(2) Cultivated type.

(b) *Grades of frozen blueberries.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen blueberries that possess similar varietal characteristics; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and are of such quality with respect to color as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of frozen blueberries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(2) The scores for the factors of color, absence of defects, and character of frozen blueberries are determined when the product is sufficiently free from ice crystals to permit handling of the blueberries.

(3) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Frozen blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means that the blueberries possess a practically uniform, bright, dark blue-purple color typical of properly matured berries for the variety and that there may be present not more than 5 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(ii) If the frozen blueberries possess a good color, a score of 16 or 17 points may be given. "Good color" means that the blueberries possess a reasonably uniform, dark blue-purple color typical of reasonably well-matured berries for the variety and that there may be present not more than 10 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(iii) If the frozen blueberries possess a fairly good color, a score of 14 or 15 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the blueberries may be moderately variable in color, but are not definitely dull or off color, and there may be present not more than 20 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See subparagraph (2) (i) of this paragraph.)

(iv) Frozen blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems; from green berries, undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or any other injury.

(i) "Green berries" are blueberries that are undercolored and do not possess at least a red-purple color or that have a definite green cast, even though the over-all color of the berries may not be a true green color.

(ii) "Cap stems" are small stems which attach berries to the branch and means single cap stems or joined double cap stems with or without berries attached.

(iii) A "cluster" means three or more joined cap stems with or without berries attached.

(iv) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(v) Frozen blueberries that are practically free of defects may be given a score of 36 to 40 points. "Practically free from defects" means that the frozen blueberries are reasonably free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 2 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ½ square inch;

(*b*) Not more than a total of 10 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 5 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(*c*) In Native (or wild) type, not more than an average of 12 clusters in all samples or containers comprising the sample, provided there are no more than 16 clusters in any single sample or in any single container; or

(*d*) In Cultivated type, not more than 4 clusters.

(vi) If the frozen blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the frozen blueberries are reasonably free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 4 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ¾ square inch;

(*b*) Not more than a total of 16 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 8 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(*c*) In Native (or wild) type, not more than an average of 20 clusters in all samples or containers comprising the sample, provided there are no more than 28 clusters in any single sample or in any single container; or

(*d*) In Cultivated type, not more than 8 clusters.

(vii) If the frozen blueberries are fairly free from defects, a score of 28 to 31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the frozen blueberries are fairly free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(*a*) Not more than a total of 6 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed 1 square inch;

(*b*) Not more than a total of 20 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 10 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(*c*) In Native (or wild) type, not more than an average of 28 clusters in all samples or containers comprising the sample, provided there are no more than 40 clusters in any single sample or in any single container; or

(*d*) In Cultivated type, not more than 12 clusters.

(viii) Frozen blueberries that fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) Frozen blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberriers are reasonably firm, reasonably fleshy, practically whole, and practically intact with not more than 6 percent by weight of berries that may be crushed, mushy, or broken.

(ii) If the frozen blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and reasonably intact with not more than 10 percent by weight of berries that may be crushed, mushy, or broken.

(iii) If the frozen blueberries possess a fairly good character, a score of 28 to 31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and fairly intact with not more than 20 percent by weight of berries that may be crushed, mushy, or broken.

(iv) Frozen blueberries that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Sub-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

standard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen blueberries.*

Size and kind of container	
Container mark or identification	
Label (style of pack—Ratio of fruit to sugar, etc., if shown)	
Net weight (ounces)	
Type	

Factors	Score points	
I. Color	20	((A) 18-20 ((B) 16-17 ((C) 14-15 ((D) 10-13
II. Absence of defects	40	((A) 36-40 ((B) 32-35 ((C) 28-31 ((D) 10-27
III. Character	40	((A) 36-40 ((B) 32-35 ((C) 28-31 ((D) 10-27
Total score	100	

Flavor and odor	
Grade	

¹Indicates limiting rule.

(g) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Blueberries (which is the second issue) contained in this section will become effective 30 days after publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Blueberries or Frozen Huckleberries which have been in effect since August 1, 1946.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies Pub. Law 759, 81st Cong.)

Issued at Washington, D. C., this 13th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2388; Filed, Sept. 16, 1951; 8:46 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.5]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1951

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of allotting the 1951 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1951 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico. The basis of the order is more fully explained below.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Omission of recommended decision and effective date. The record of the public hearing regarding allotment of the 1951 sugar quotas for Puerto Rico shows that although production of sugar may not reach the record level of the 1949–50 crop it will exceed permitted marketings in 1951 by 200,000 tons or more (R. 5). Estimates of production submitted by all allottees for the purpose of this allotment show that the total quantity of Puerto Rican sugar that could be available for marketing in 1951 is approximately 1,307,000 short tons, raw value. This quantity exceeds by 287,000 tons the sum of the local and mainland quotas in the amount of 1,020,000 short tons established by the Secretary of Agriculture (15 F. R. 9375, 9425). Some of the allotments made by this order are small and could be exceeded by the marketing of a comparatively small amount of sugar. Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is imperative that this order become effective at the earliest possible date in order to accomplish that end. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On November 13, 1950, the Secretary of Agriculture, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), issued a notice of a public hearing to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building, on December 4, 1950, at 10:00 a. m., for the purpose of receiving evidence to enable him to make a fair, efficient and equitable distribution of the 1951 mainland quota (including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota) and the 1951 local quota among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico. A statement of a proposed method of allotment was included in the notice.

Section 205 (a) of the act requires a preliminary finding by the Secretary as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued by the Secretary provides in part as follows:

Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100), in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1951 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1951 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that public hearings will be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, PMA, Segarra Building on December 4 and December 5, 1950, at 10:00 a. m.

The hearing was held at the time and place specified in the notice.

Summary of testimony. With respect to the necessity for making allotments, the Government witness testified at the hearing that the estimated quantity of Puerto Rican sugar available for marketing in 1951 exceeds the combined mainland and local quotas by such an amount as clearly to indicate that allotment of these quotas is necessary (R. 4, 5). This testimony on the necessity for allotment was not controverted by any witness.

With respect to the manner in which the allotment should be made, the Government witness proposed, as indicated in the hearing notice, that total mainland and local marketings for each allottee first be established by giving equal weight to processings from proportionate shares measured by total production of sugar from the 1950–51 crop sugar to be processed by the allottee, past marketings measured by average mainland and local marketings during the years 1948, 1949 and 1950, and ability to market measured by production of sugar from 1950–51 crop sugarcane to be processed by the allottee (R. 5–8). The witness then proposed that such total marketings for each allottee be divided into a mainland allotment and a local allotment on the basis of the division of each processor's total marketings during the years 1948, 1949 and 1950 between the mainland and local markets (R. 8). The witness recommended further that allottees be permitted to exchange with each other quantities of either allotment for like quantities of the other (R. 14).

In order to provide for early issuance of 1951 allotment, the government witness proposed that an initial allotment order be issued in which "production of sugar from 1950–51 crop sugarcane" would be based on estimates of each allottee's production from such crop. In such order marketings prior to June 1, 1951, would be limited to 75 percent of the calculated allotments. A revised order would be issued when so-called "Easter estimates" of production become available as a basis for such revision. In such a revised order, marketings prior to September 1 would be limited to 85 percent of the allotments or a higher percentage at the discretion of the Secretary. A revised allotment order permitting the marketing of the entire allotments would be based upon final production data (R. 13).

The government proposal was made available to all allottees prior to the hearing (R. 4) and witnesses for only a few of the allottees expressed any disagreement with that proposal. Varying views were expressed at the hearing on the proposed measure and weighting of past marketings. Three witnesses recommended that past marketings be given only a ten percental weighting (R. 24, 30, 33) while four witnesses stated a preference for the weighting of this factor in the manner proposed by the government witness (R. 38, 39; Briefs filed by Antonio Roig Suers. S. en C., and South Porto Rico Sugar Company). A proposal that past marketings be measured by either the two best of the three years or the three best of the last four years was favored by representatives of two allottees (R. 26, 27) and opposed by two other witnesses (R. 37, 40).

Representatives of all allottees stipulated for the record (R. 42–45) or subsequently in writing as follows:

1. The initial order may be based on estimates of 1950–51 production furnished by each allottee and when so-called "Easter estimates" of production from the 1950–51 sugarcane crop become available, and when the actual production from the 1950–51 sugarcane crop for each allottee is determined, the initial allotment order for 1951 shall be revised on the basis of such data, all without change in the initial formula and without further hearing.

2. When the actual marketings in 1950 for each allottee are determined, the allotment order for 1951 shall be revised on the basis of such marketing without change in the initial formula and without further hearing.

3. Sugar shipped to the Virgin Islands in the past shall be regarded as marketings for local consumption in Puerto Rico.

4. Sugar shipped to the Virgin Islands in 1951 shall be regarded as local allotment sugar.

5. Any increase in the 1951 sugar quotas after issuance of the initial allotment order shall be allotted, without further hearing, on the same basis as the initial allotments were made.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

All three factors specified in the foregoing provision of law have been considered and each is given an equal percental weight by the formula on which this allotment of the 1951 quotas for Puerto Rico is based. Under this formula processings from sugarcane to which proportionate shares pertained are measured by production from the 1950-51 crop, past marketings are measured by the average marketings during the years 1948, 1949 and 1950, inclusive, and ability to market is measured by the production of sugar from the 1950-51 crop. Since virtually no stocks were carried over into 1951, the measure of ability becomes current production, the same as for proportionate shares. Thus, equal weight to all three factors, in effect, provides two-thirds weight to current production, affording in substantial measure the protection to growers' interests ascribed to the heavier weight to current production given in previous allotments. The three years 1948, 1949, and 1950 used to measure past marketings do not have the same defects for that purpose as did the periods necessarily used in preceding allotments. Therefore, there appears little reason for giving other than equal weight to all three factors. The allotments resulting from the application of this formula are deemed to result in a fair, efficient and equitable distribution of the quotas involved.

The allotments are established by first calculating for each allottee the total quantity of sugar which such allottee may market in both the mainland and local markets. This is done by first converting the data for each of the factors for each processor to a percentage of the total of that factor for all processors, then applying the indicated weightings to such percentages, and finally applying the sum of the weighted percentages for each processor to the sum of the quotas (1,020,000 tons). For each processor a local allotment is determined by applying to each processor's combined allotments the percentage that its local marketings were of its total marketings in the calendar years 1948, 1949, and 1950, and adjusting pro rata so that the total of such allotments will equal the local quota. The mainland allotment for each processor is determined by subtracting such local allotment from the total quantity that it may market. Each processor's marketings in the mainland and local markets in 1948, 1949 and 1950 are used to divide the combined allotments into mainland and local allotments.

Under allotment orders issued in prior years, exchanges of local and mainland allotments between Puerto Rican processors were permitted when approval by a local representative of the Department in Puerto Rico. Such adjustments in the distribution of a processor's marketings under local and mainland allotments result in greater efficiency in marketing. Therefore, the order permits such exchanges.

Since the allotments established by this order are based largely upon estimates of production from the 1950–51 crop for which later estimates and ultimately final production data are to be substituted when available, it is considered desirable to limit the amount of each allotment which may be marketed prior to June 1, 1951, to 75 percent of such allotment. This limitation is considered necessary to prevent any processor from marketing more than the share of the quota to which it will ultimately be entitled on the basis of its actual production. All allottees accepted this provision.

As in past allotment orders, processors are required to share their allotments with producers who receive sugar in payment for sugarcane. The producer's share is equal to the percentage of the allotment that the producer's 1950–51 crop sugar is of the processer's total production of 1950–51 crop sugar. Since there were no carryover inventories of sugar on January 1, this affords an equitable basis for sharing the allotments.

Findings. On the basis of the record of the hearing, I hereby find that:

(1) For the calendar year 1951 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 237,000 short tons.

(2) Each of the three statutory standards of "processings from proportionate shares", "past marketings", and "ability to market", should be given an equal percental weight in making the allotment of the mainland and local quotas for

Puerto Rico for 1951 to assure a fair, efficient and equitable distribution of these quotas.

(3) Production of sugar from 1950–51 crop sugarcane constitutes a fair and equitable measure of "processings from proportionate shares". Pending the availability of final data, estimated production is used and is set forth for each processor in column 1 of the table below.

(4) A fair and equitable measure of past marketings for each processor is its average marketings during the years 1948, 1949 and 1950, inclusive. The past marketings of each processor so measured is set forth in column 2 of the table below.

(5) The quantity of sugar which each processor will have available for marketing during 1951, representing production from the 1950–51 sugarcane crop, constitutes a fair and equitable measure of the ability of each processor to market sugar during 1951, and an estimate of such quantity for each processor is set forth in column 1 of the table below.

(6) The percentages that the marketings for local consumption in Puerto Rico were of total marketings for each processor during the years 1948, 1949 and 1950 are deemed to be representative for the purpose of dividing the total 1951 marketings for each processor into a mainland allotment and a local allotment. Such percentages are set forth in column 3 of the table below.

[Short tons, raw value]

Processor	Estimated 1950–51 crop production (1)	Past marketings [1] (2)	Marketed locally 1948–49–50 [2] (3)
			Percent
Antonio Roig, Sucesores, S. en C.	51,670	52,111	40.6193
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	7,000	6,370	23.5008
Asociacion Azucarera Cooperativa (Lafayette)	41,283	34,340	2.2132
Central Aguirre Sugar Co., a trust	135,000	112,293	1.5388
Central Coloso, Inc.	60,000	48,299	1.4017
Central Eureka, Inc.	41,500	50,416	3.7023
Central Guanani, Inc.	12,000	9,695	10.0464
Central Igualdad, Inc.	50,927	40,806	37.1833
Central Juanita, Inc.	35,000	33,689	7.0109
Central Mercedita, Inc.	88,750	70,296	22.2317
Central Monserrate, Inc.	26,182	24,025	4.8533
Central San Jose, Inc.	21,460	19,542	.0970
Central San Vicente, Inc.	54,000	48,855	3.2545
Central Victoria, Inc.	22,104	21,075	1.0154
Compania Azucarera del Camuy, Inc. (Rio Llano)	18,000	14,990	.7205
Compania Azucarera del Toa	27,778	29,248	-------
Cooperativa Azucarera Los Canos	36,300	32,343	.3370
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	15,000	11,086	11.1943
Eastern Sugar Associates, a trust	149,160	131,976	11.2733
Fajardo Sugar Co.	107,000	105,806	.0028
Land Authority of Puerto Rico	83,200	77,296	.0189
Mario Mercado e Hijos (Rufina)	36,000	28,395	4.3282
Mayaguez Sugar Co., Inc. (Rochelaise)	12,682	10,410	1.3833
Plata Sugar Co.	51,600	40,387	1.0523
Soller Sugar Co.	16,000	12,611	.1031
South Porto Rico Sugar Co. of Puerto Rico	107,867	104,246	15.5718
Total	1,307,463	1,150,576	8.5730

[1] Total marketings, continental and local, direct and by transfer, average 1948–50.

[2] Marketings for local consumption in Puerto Rico in 1948–49–50 as a percent of marketing both for local consumption and for shipment to the continental United States in those years.

Conclusions. On the basis of the foregoing and after consideration of the record and the briefs and the stipulations submitted by all interested persons following the hearing, it is hereby determined and concluded: (1) That the allotment of the 1951 mainland quota for Puerto Rico, including raw sugar transferred for further processing and shipment within the direct-consumption portion of the quota, and the 1951 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and in Puerto Rico; (2) that in order to make a fair, efficient and equitable distribution of such quotas as required by section 205 (a) of the act, (a) distribution of the total of the two quotas should be made by giving an equal percental weight to processings of sugar from sugarcane to which proportionate shares pertained, measured by production from the 1950–51 sugarcane crop, past marketings, measured by the average of such marketings by each processor during the years 1948, 1949, and 1950, ability to market measured by the total production of sugar from the 1950–51 sugarcane crop; and (b) the quantity so determined should be divided into local and mainland allotments on the basis of the division between local and mainland marketings for each processor during the years 1948, 1949, and 1950. It is hereby further determined and concluded (1) that an efficient distribution of the quotas requires exchanges between allotees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of the Director or Assistant Director, Caribbean Area Office, Production and Marketing Administration, Segarra Building, Santurce, Puerto Rico, (2) that, pending the availability of "Easter" estimates of production from the 1950–51 sugarcane crop, each processor should be limited in its marketings prior to June 1, 1951, to 75 percent of each allotment established herein, and (3) that any producer who receives sugar in payment for sugarcane should be permitted to market, within the allotments of the processor who processed his sugarcane, a quantity of sugar equal to the percentage that the producer's 1950–51 crop sugar is of the total production of 1950–51 crop sugar by the processor.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, *It is hereby ordered:*

§ 814.5 *Allotments of 1951 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1951 sugar quota for Puerto Rico for consumption in the continental United States, including raw sugar to be further processed and shipped within the direct-consumption portion of such quota, amounting to 910,000 short tons of sugar, raw value, and the 1951 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (3) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment		Local allotment	
	Total	75 percent	Total	75 percent
	(1)	(2)	(3)	(4)
Antonio Roig, Sucesores, S. en C.	20,568	15,441	21,684	16,263
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	3,884	2,913	1,439	1,079
Asociacion Azucarera Cooperativa (Lafayette)	30,705	23,051	884	664
Central Aguirre Sugar Co., a trust	101,386	76,040	2,660	1,995
Central Coloso, Inc.	44,633	33,505	895	671
Central Eureka, Inc.	29,105	21,830	1,466	1,100
Central Guanani, Inc.	7,950	5,962	1,156	867
Central Igualdad, Inc.	20,446	15,334	18,099	13,574
Central Juanita, Inc.	25,654	19,240	2,504	1,878
Central Mercedita, Inc.	48,140	36,105	18,791	14,093
Central Monserrate, Inc.	19,447	14,585	1,269	952
Central San Jose, Inc.	16,016	12,087	20	15
Central San Vicente, Inc.	40,774	30,580	1,748	1,311
Central Victoria, Inc.	17,496	13,122	228	171
Compania Azucarera del Camuy, Inc. (Rio Llano)	13,666	10,250	125	94
Compania Azucarera del Toa	23,090	17,318	0	0
Cooperativa Azucarera Los Canos	28,316	21,237	121	91
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	9,511	7,133	1,565	1,174
Eastern Sugar Associates, a trust	99,980	74,985	16,586	12,440
Fajardo Sugar Co.	86,913	65,185	3	2
Land Authority of Puerto Rico	66,089	49,567	15	11
Mario Mercado e Hijos (Rufina)	25,631	19,223	1,483	1,112
Mayaguez Sugar Company, Inc. (Rochelaise)	9,504	7,128	209	157
Plata Sugar Co.	38,256	28,692	515	386
Soller Sugar Co.	12,033	9,025	15	11
South Porto Rico Sugar Co. of Puerto Rico	69,816	52,362	17,090	12,818
Total	910,000	682,500	110,000	82,500

(b) *Producers' marketings under allotments.* If settlement with producers of sugarcane is made in sugar, marketings of such sugar of such producers shall be charged to the allotments of the processor. Each processor shall reserve a share of each of its allotments for the marketings of each such producer. Such share shall be equal to the same percentage of the allotment that the producer's 1950–51 crop sugar is of the processor's total production of 1950–51 crop sugar.

(c) *Restrictions on marketing.* (1) Prior to June 1, 1951, each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing for that purpose, or from marketing for local consumption in Puerto Rico, any sugar in excess of 75 percent of the allotments established in paragraph (a) of this section.

(2) During the calendar year 1951, all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for this purpose under the limitations specified in § 814.3 (15 F. R. 2400, 3982, 5153, 5791) and held in inventory on December 31, 1950, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(d) *Transfer or exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (b) of this section shall not be transferred or exchanged without the approval of the Director or Assistant Director of the Caribbean Area Office, Production and Marketing Administration, United States Department of Agriculture, Segarra Building, Santurce, Puerto Rico.

(e) *Specific charges against allotments.* Sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico after December 31, 1950, but prior to the effective date of this order shall be charged to the applicable allotment of the processor who processed such sugar.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 14th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2428; Filed, Feb. 16, 1951; 8:51 a.m.]

[Sugar Reg. 814.6]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION OF 1951 FOR PUERTO RICO

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948 (herein called "act"), for the purpose of allotting the portion of the 1951 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States. The basis and purpose of the order are more fully explained below.

Omission of recommended decision and effective date. The record of the public hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct-consumption sugar far exceeds the sum of 126,033 short tons of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico (R. 4). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the quota to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States (R. 5). Some of the allotments made by this order are small and could be exceeded if issuance of this order is delayed. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On November 13, 1950, the Secretary, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), issued notice of a public hearing to be held in Santurce, Puerto Rico, on December 5, 1950, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the direct-consumption portion of the 1951 sugar quota for Puerto Rico.

As stated above, the act requires a preliminary finding of necessity for allotment as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued November 13, 1950, provided in part as follows:

Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. 1100) and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of (1) the 1951 sugar quota for Puerto Rico for consumption in the continental United States, (2) the direct-consumption portion thereof, and (3) the 1951 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that public hearings will be held at Santurce, Puerto Rico, in the conference room, Caribbean Area Office, PMA, Segarra Building, on December 4 and 5, 1950, at 10:00 a. m.

The hearings were held at Santurce, Puerto Rico, on the dates specified in the notice.

The notice of hearing included a proposed method of allotment as follows:

The Department proposes to allot the direct-consumption portion of the mainland quota for 1951 on the same basis as that used in allotting the direct-consumption portion of the 1950 mainland quota (15 F. R. 2212) except for the substitution of data to reflect the most recent operations.

The allotment of the quota for 1950, after setting aside 900 short tons, raw value, as an unallotted reserve for marketing of raw sugar for direct consumption, was made by giving equal weight to (1) past marketings as measured by average marketings for direct consumption in the continental United States during 1940, 1941, 1948 and 1949 and (2) ability to market as measured by the highest marketings in any of the years 1935 through 1949 for each allottee.

For allotment of the 1951 direct-consumption portion it is proposed to vary this procedure only by measuring past marketings by the average of applicable marketings during the years 1948, 1949 and 1950 and by adding 1950 to the years for which marketings are considered in determining ability to market.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that if refiners and turbinado producers maintained the rate of operation reported in their highest week in 1950 for 27 weeks, the maximum period of operation for any of them in 1950, about 350,000 short tons, raw value, of refined and turbinado sugars would have been produced. Even this level, he stated, does not represent the physical limitation of capacity because the period of operation could be extended and since marketings were under allotment, some producers may not have pushed production to the limit of capacity in their best weeks. He pointed out that in contrast with this capacity the quantity of refined sugar which may be distributed by Puerto Rican refiners for local consumption and on the mainland does not exceed about 225,000 short tons, raw value (R. 4). In view of this situation the Secretary of Agriculture found that allotments are necessary to prevent disorderly marketing and to assure each refiner its fair share of the continental market for Puerto Rican direct-consumption sugar. This testimony on the necessity for allotments in 1951 was not controverted by any witness.

The government witness explained the proposed method of allotments stated in the Notice of Hearing and presented estimated allotments based on the proposal, in which the data for 1950 marketings were preliminary (R. 4–8, Ex. 4). The witness stated that since the Puerto Rican refiners who market over 95 percent of Puerto Rican direct-consumption sugar in the continental United States do not process sugar from sugarcane the standard "processings of sugar from sugarcane to which proportionate shares pertained," after full

and careful consideration, was excluded from the proposal (R. 5). The proposed allotment, therefore, was based on past marketings, measured by each refiner's average marketings in the continental United States during the years 1948, 1949, and 1950, and ability to market, measured by the largest quantity marketed by each refiner in any one year during the period 1935–50, inclusive (R. 6). There appearing no reason to consider one of these factors more important than the other in determining a fair, efficient and equitable distribution of the quota the two factors were weighted equally in the proposal (R. 7).

The witness testified that the years 1948, 1949, and 1950 were used as a measure of past marketings because these are recent years which are most relevant as they take account of long run changes and also represent experience under marketing conditions similar to those likely to exist in 1951. The witness also pointed out that the years 1940 and 1941, used in conjunction with 1948 and 1949 in the 1950 allotment, would not appreciably affect the total marketings among the allottees if included with 1948, 1949, and 1950, nor make such period more representative or equitable for the purpose of this allotment (R. 6).

As to the measure of ability, the government witness testified that performance during any year in an extended period is a fair measure since it affords all allottees an adequate opportunity to demonstrate its ability and gives recognition to such demonstrated ability (R. 7).

No objection was made to the basis of allotment proposed by the government witness and no other proposals were made by any witness regarding the measures or weightings for the factors on which the allotments would be based. A witness for one allottee proposed the elimination of the unallotted reserve on the basis that the limitation of 126,033 short tons, raw value, represents the marketings of refined and turbinado sugars only in the base year to which this figure originally related. The witness further represented that the limitation on direct-consumption sugar was intended to distinguish between marketings of Puerto Rican refiners and mainland refiners and that an unallotted reserve is inconsistent with that intended objective to the extent that raw sugar charged against it is marketed via mainland refiners rather than through Puerto Rican refiners (R. 11, 13). Representatives of all other allottees present at the hearing supported this view.

Representatives of all allottees agreed that in making the allotment, final marketing data for 1950 should be substituted for preliminary figures included in the record (R. 25–26).

Basis for allotment. Section 205 (a) of the act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • •

Allottees accounting for over 95 percent of the marketings of Puerto Rican direct-consumption sugar in the continental United States do not themselves process sugar from sugarcane (R. 5). On the other hand, all of the raw sugar mills in Puerto Rico do process sugar directly from sugarcane, but a majority of these mills do not make refined sugar for shipment to the United States for consumption as direct-consumption sugar (Puerto Rico Sugar Order No. 18). In view of these circumstances, and in order to provide a fair, efficient and equitable distribution of the direct-consumption portion of the quota, the standard "processings of sugar • • • from • • • sugarcane to which proportionate shares • • • pertained" has been considered but given no percental weight in determining this allotment. The other standards specified in the act, namely "past marketings" and "ability to market" have been applied and each given fifty percent weight in order to provide a "fair, efficient and equitable distribution" of that portion of the quota herein allotted.

The factor "past marketings" is measured by marketings of direct-consumption sugar in the continental United States in the years 1948, 1949, and 1950. These years are believed to be representative of past marketings for the purpose of this allotment. Recent years are most relevant because they take account of long run changes. These years, also, represent experience under marketing conditions, including allotments, similar to those which may be expected in 1951.

The factor "ability to market" is measured by the percentage that the largest marketings for each allottee in any year since 1935 is of the sum of such largest marketings for all allottees. In determining ability to market, the actual performance as reflected in shipments of direct-consumption sugar to the continental United States is considered the best and most practical measure. Marketings during a single year properly selected is an adequate measure, but if the same year is selected for all refiners such year may not, for circumstances peculiar to individual companies, properly reflect ability of all refiners. On the other hand it is believed that if a refiner is permitted to select its best single year's performance during an extended period, it would have had adequate opportunity to demonstrate its ability. This method would recognize demonstrated ability, and if a comparison with present plant capacity shows no impairment in ability, such performance is a reasonable measure. The rate of production during the most active weeks of 1950 indicate that there has been no significant impairment of plant capacity. Therefore, the best single year's performance during the past 16 years is deemed to afford a fair and equitable measure of the ability of each refiner to market direct-consumption sugar in the continental United States.

Every year a certain amount of Puerto Rican raw sugar is marketed for direct-consumption in the continental United States. The act requires that such marketings be charged to the direct-consumption portion of the quota. In past allotment orders a sufficient amount of the direct-consumption portion of the quota has been reserved and set aside and all interested persons have been permitted to market Puerto Rican raw sugar for such purposes until the reserved amount had been depleted. At the public hearing, refiners urged that the quantity of sugar heretofore set aside as an unallotted reserve be allotted to the refiners and thus enable them to market the entire direct-consumption portion of the quota as refined sugar. As indicated above, it is an established practice in the trade to market a certain amount of Puerto Rican raw sugar for direct consumption purposes. Persons other than the refiners are interested in such marketings. Presumably some 26 raw sugar processors in Puerto Rico would be interested in such marketings and would be entitled to consideration in any allotment thereof. The average quantity of Puerto Rican raw sugar marketed in the continental United States for direct consumption during the past three years was approximately 890 short tons. About 900 short tons will be needed in 1951. It is not considered practicable to allot this quantity of sugar to the individual mills producing raw sugar nor would it be possible to make an efficient allotment, as required by the act, of such a small quantity to a group of 26 raw sugar processors which are eligible allottees. Moreover, an allotment of this kind of sugar would not assure an orderly and efficient marketing thereof since it would require continental purchasers of raw sugar for direct consumption to deal with a large number of sellers instead of a few, as is now the custom, to obtain their requirements.

Findings. On the basis of the record of the hearing, I hereby find that:

1. The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1951 exceeds 350,000 short tons.

2. The amount of direct-consumption sugar which Puerto Rican refiners are equipped to produce in 1951 far exceeds the sum of the quantity of direct-consumption sugar which may be brought into the continental United States during 1951 and the quantity needed for local consumption in Puerto Rico during 1951.

3. A quantitative reflection of the proportionate shares standard in the final allotment formula would not result in fair, efficient and equitable allotments.

4. The best measure of the past marketings standard for each refiner is the average marketings of direct-consumption sugar in the continental United States during the years 1948, 1949 and 1950. Such marketings are shown in column 1 of the table below.

5. The best available measure of the ability standard for each refiner is the largest quantity of direct-consumption sugar marketed in the continental United States during any calendar year during the period 1935–50, inclusive, and the ability thus measured is within the present plant capacity of each refiner. Such marketings are shown in column 2 of the table below.

6. A small part of the direct-consumption portion of the Puerto Rican sugar quota is normally marketed in the continental United States as raw sugar for direct consumption. The quantity brought in during 1948 was 964 short tons, in 1949, 817 short tons, and in 1950, 900 short tons. Nine hundred short tons is sufficient for 1951.

MARKETINGS OF REFINED AND TURBINADO SUGAR IN THE CONTINENTAL UNITED STATES

[Short tons, raw value]

Refiner	Average 1948–49–50 (1)	Highest year 1935–50 (2)
Arturo Lluberas, Estate of, y Sobrinos (San Francisco)	647	2,390
Central Aguirre Sugar Co., a trust	4,038	10,640
Central Roig Refining Co	20,835	28,665
Porto Rican American Refinery, Inc	79,196	116,611
Western Sugar Refining Co	18,746	29,988
Total	123,462	188,494

Conclusions. On the basis of the foregoing and after consideration of the record and the briefs submitted by interested persons following the hearing, I hereby determine and conclude that (1) the allotment of the direct-consumption portion of the 1951 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; (2) in order to make a fair, efficient, and equitable distribution of the direct-consumption portion of such quota, as required by section 205 (a) of the act, allotments should be made giving no percental weight to the proportionate shares standard and giving fifty percent weight to past marketings, measured by the annual average of such marketings for consumption in the continental United States by each refiner during the years 1948, 1949 and 1950, and fifty percent weight to ability to market, measured by the largest marketings of direct-consumption sugar for consumption in the continental United States by each refiner during any calendar year, 1935–1950, inclusive, and (3) an unallotted reserve of 900 short tons of sugar, raw value, should be set aside for marketings of Puerto Rican raw sugar in the continental United States for direct consumption.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.6 *Allotment of the direct-consumption portion of 1951 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1951 sugar quota for Puerto Rico amounting to 126,033 short tons, raw value, is hereby allotted as follows:

Refiner	Direct-consumption allotment (short tons, raw value)
Arturo Lluberas, Estate of y Sobrinos (San Francisco)	1,187
Central Aguirre Sugar Co., a trust	5,578
Central Roig Refining Co	20,073
Porto Rican American Sugar Refinery, Inc	78,841
Western Sugar Refining Co	19,454
Total	125,133
Unallotted reserve for marketing of raw sugar for direct consumption	900
	126,033

(b) *Restrictions on shipment.* Each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, or marketing for that purpose, during the calendar year 1951 any direct-consumption sugar from Puerto Rico (except such amount of raw sugar as may be marketed within the unallotted reserve) in excess of the allotment therefor established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 14th day of February 1951. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2429; Filed, Feb. 16, 1951; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 369, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.476 (Lemon Regulation 369, 16 F. R. 1266) are hereby amended to read as follows:

(ii) District 2: 243 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 15th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51–2475; Filed, Feb. 16, 1951; 9:01 a. m.]

[Lemon Reg. 370]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.477 *Lemon Regulation 370*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an

open meeting of the Lemon Administrative Committee on February 14, 1951; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 18, 1951, and ending at 12:01 a. m., P. s. t., February 25, 1951, is hereby fixed as follows:

(i) District 1: 7 carloads;

(ii) District 2: 268 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 369 (16 F. R. 1266), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 15th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2474; Filed, Feb. 16, 1951; 9:00 a. m.]

[Orange Reg. 359]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.505 *Orange Regulation 359*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 15, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., February 18, 1951, and ending at 12:01 a. m., P. s. t., February 25, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 25 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

Done at Washington, D. C., this 16th day of February 1951.

S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 18, 1951, to 12:01 a. m., P. s. t., Feb. 25, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	Prorate base (percent)
Total	100.0000
Allen & Allen Citrus Packing Co	.8231
Consolidated Citrus Growers	12.6176
McKellips Citrus Co., Inc	9.6504
Phoenix Citrus Packing Co	1.5694
Arizona Citrus Growers	13.8676
Chandler Heights Citrus Growers	2.5464
Desert Citrus Growers Co	4.6942
Mesa Citrus Growers	13.5062
Tempe Citrus Co	2.0703
Imperial Valley Grapefruit Growers Association	.8900
Southern Citrus Association	1.8160
United Citrus Growers	.7717
Yuma Mesa Fruit Growers Association	6.2001
Leppla-Henry Produce Co	9.9511
Maricopa Citrus Co	1.0304
Pioneer Fruit Co	5.6648
Clark & Sons Produce Co., J. H	.4266
Commercial Citrus Packing Co	1.1034
Hi Jolly Citrus Packing House	.5086
Macchiaroli Fruit Co., James	.8657
Mattingly, Charles A	.4180
Orange Belt Fruit Distributors	2.0055
Potato House, The	.2352
Russo Bros	1.7723
Sunny Valley Citrus Packing Co	3.0018
Valley Citrus Packing Co	1.9622

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.2482
A. F. G. Corona	.2493
A. F. G. Fullerton	.0314
A. F. G. Orange	.0993
A. F. G. Riverside	.6960
A. F. G. Santa Paula	.0498
Eadington Fruit Co., Inc	.7233
Hazeltine Packing Co	.1305
Krinard Packing Co	1.7636
Placentia Cooperative Orange Association	.5894
Placentia Pioneer Valencia Growers Association	.0757
Signal Fruit Association	.7493

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Azusa Citrus Association	1.5763
Covina Citrus Association	1.8570
Covina Orange Growers Association	.6647
Damerel-Allison Co	1.2415
Glendora Citrus Association	1.4984
Glendora Mutual Orange Association	.6261
Puente Mutual Citrus Association	.0738
Valencia Heights Orchard Association	.2806
Gold Buckle Association	2.6803
La Verne Orange Association	3.9167
Anaheim Valencia Orange Association	.0188
Fullerton Mutual Orange Association	.4050
La Habra Citrus Association	.1459
Yorba Linda Citrus Association, The	.0551
Escondido Orange Association	.5927
Alta Loma Heights Citrus Association	.3803
Citrus Fruit Growers	.9067
Etiwanda Citrus Fruit Association	.1688
Mountain View Fruit Association	.1436
Old Baldy Citrus Association	.4873
Rialto Heights Orange Growers	.3407
Upland Citrus Association	2.9563
Upland Heights Orange Association	1.4555
Consolidated Orange Growers	.0245
Garden Grove Citrus Association	.0277
Goldenwest Citrus Association, The	.1792
Olive Heights Citrus Association	.0563
Santiago Orange Growers Association	.1575
Villa Park Orchard Association, The	.0364
Bradford Bros., Inc	.2890
Placentia Mutual Orange Association	.2505
Placentia Orange Growers Association	.3850
Yorba Orange Growers Association	.0589
Call Ranch	.7590
Corona Citrus Association	1.0604
Jameson Co	.5717
Orange Heights Orange Association	2.2491
Crafton Orange Growers Association	.9667
East Highlands Citrus Association	.3136
Redlands Heights Groves	.5723
Redlands Orangedale Association	.6961
Rialto-Fontana Citrus Association	.2869
Break & Son, Allen	.1961
Bryn Mawr Fruit Growers Association	.7032
Mission Citrus Association	.7883
Redlands Cooperative Fruit Association	1.0231
Redlands Orange Growers Association	.7386
Redlands Select Groves	.4497
Rialto Orange Co	.5124
Southern Citrus Association	.6700
United Citrus Growers	.6104
Zilen Citrus Co	.3090
Arlington Heights Citrus Co	.7781
Brown Estate, L. V. W	1.7866
Gavilan Citrus Association	2.0295
Highgrove Fruit Association	.6078
McDermont Fruit Co	1.5544
Monte Vista Citrus Association	1.4115
National Orange Co	1.1697
Riverside Heights Orange Growers Association	.9221
Sierra Vista Packing Association	.8335
Victoria Avenue Citrus Association	3.2879
Claremont Citrus Association	1.0295
College Heights Orange & Lemon Association	2.1967
Indian Hill Citrus Association	1.2838
Pomona Fruit Growers Exchange	2.0961
Walnut Fruit Growers Association	0.6837
West Ontario Citrus Association	1.2760
El Cajon Valley Citrus Association	.2931
Escondido Cooperative Citrus Association	.0492
San Dimas Orange Growers Association	1.1569
Canoga Citrus Association	.4380
North Whittier Heights Citrus Association	.1579
San Fernando Heights Orange Association	.3305
Sierra Madre-Lamanda Citrus Association	.1520
Camarillo Citrus Association	.0118
Fillmore Citrus Association	1.3829
Ojai Orange Association	.9392
Piru Citrus Association	1.4770
Rancho Sespe	.0014
Tapo Citrus Association	.0085
Ventura County Citrus Association	.1853
East Whittier Citrus Association	.0081
Murphy Ranch Co	.0793
Anaheim Cooperative Orange Association	.0539
Bryn Mawr Mutual Orange Association	.4582
Chula Vista Mutual Lemon Association	.1372
Euclid Avenue Orange Association	2.7929
Foothill Citrus Union, Inc	.6242
Garden Grove Orange Cooperative, Inc	.0338
Golden Orange Groves, Inc	.2773
Highland Mutual Groves, Inc	.2055
Index Mutual Association	.0140
La Verne Cooperative Citrus Association	3.7178
Mentone Heights Association	.5191
Olive Hillside Groves, Inc	.0040
Orange Cooperative Citrus Association	.0541
Redlands Foothill Groves	1.9466
Redlands Mutual Orange Association	.7711
Ventura County Orange & Lemon Association	.4031
Whittier Mutual Orange & Lemon Association	.0286
Allec Bros	.0047
Babi-Juice Corp. of California	.3928
Banks, L. M	.0257
Dennett Fruit Co., Inc	.3901
Book, Maynard C	.0007
Borden Fruit Co	.0177
Cherokee Citrus Association	.7798
Chess Co., Meyer W	.4837
Dunning Ranch	.1731
Evans Bros. Packing Co	1.1321
Gold Banner Association	1.4371
Granada Hills Packing Co	.0080
Granada Packing House	.3261
Hill Packing House, Fred A	.5990
Knapp Packing Co., John C	.3879
MacDonald Fruit Co	.1039
Orange Belt Fruit Distributors	2.3438
Panno Fruit Co., Carlo	.0930
Paramount Citrus Association, Inc	.1213
Placentia Orchard Co	.0904
Prescott, John A	.0082
Pulos, James J	.0277
Redlands Fruit Association, Inc	.0173
Riverside Citrus Association	.1629
Ronald, P. W	.0374
San Antonio Orchard Co	1.4513
Stephens, T. F	.1656
Summit Citrus Packers	.0502
Wall, E. T., Grower-Shipper	2.0675
Western Fruit Growers, Inc	2.6598

[F. R. Doc. 51-2488; Filed, Feb. 16, 1951; 11:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5830]

PART 178—PRODUCTION, FORTIFICATION, TAX-PAYMENT, ETC., OF WINES

MISCELLANEOUS AMENDMENTS

1. Sections 178.143, 178.144, 178.145, and 178.149 of Regulations 7 (26 CFR, Part 178), "Production, Fortification, Tax-payment, Etc., of Wines," approved September 21, 1945, as amended, are hereby amended as follows:

Section 178.143 (b) is amended by adding at the end thereof the sentence "The total solids content of the finished wine shall not exceed 22 grams per 100 cubic centimeters."

(Interprets or applies 53 Stat. 352, as amended; 26 U. S. C. 3036)

Section 178.144 (a) is amended by deleting from the last sentence thereof the phrase "provided the unfermented sugar content of the wine is not increased beyond 15 percent of the weight of the wine." and inserting in lieu thereof the phrase "provided the total solids content of the wine does not exceed 22 grams per 100 cubic centimeters."

Section 178.144 (b) is amended by deleting the phrase "nor may the wine have an unfermented sugar content in excess of 15 percent of the weight of the wine." and inserting in lieu thereof the phrase "nor may the wine have a total solids content of more than 22 grams per 100 cubic centimeters."

(Interprets or applies 53 Stat. 355, 373; 26 U. S. C. 3044, 3171)

Section 178.145 (b) is amended by deleting from the last sentence thereof the phrase "provided the unfermented sugar content of the wine is not increased beyond 15 percent by weight, or 20 percent by weight where the wine is made from fruit (other than grapes) having a natural acid content not less than 7.5 parts per thousand." and inserting in lieu thereof the phrase "provided the total solids content of the wine does not exceed 22 grams per 100 cubic centimeters."

Section 178.145 (c) is amended by deleting the phrase "nor may the wine have an unfermented sugar content in excess of 15 percent by weight, or 20 percent by weight where the wine is made from fruit (other than grapes) having a natural acid content not less than 7.5 parts per thousand." and inserting in lieu thereof the phrase "nor may the wine have a total solids content of more than 22 grams per 100 cubic centimeters."

(Interprets or applies 53 Stat. 355, as amended, 373; 26 U. S. C. 3044, 3045, 3171)

Section 178.149 (b) is amended to read: "Wines sweetened with dry sugar in excess of the 11 percent limitation must be marked or labeled ——— Wine, Sweetened with Excess Sugar,' the blank to be filled in with the name of the fruit, berry, or other agricultural product used."

2. The purpose of these amendments is to prescribe standards for the solids content of wines, ameliorated or sweetened with sugar or a sugar and water solution, consistent with those contained in Treasury Decision 5797 amending Federal Alcohol Administration Regulations 4 (27 CFR Part 4), "Labeling and Advertising of Wine," effective January 25, 1951 (15 F. R. 4746).

3. It is found that compliance with the notice and public rule-making procedure of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the issuance of these amendments for the reason that the changes made are of a liberalizing character.

4. This Treasury decision shall be effective January 25, 1951, or on the date of its publication in the FEDERAL REGISTER, whichever date is later.

(53 Stat. 375, 467; 26 U. S. C. 2176, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: February 14, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2472; Filed, Feb. 16, 1951; 9:38 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Revised Administrative Order 4]

REV. AO 4—DELEGATION OF AUTHORITY TO ACT AS DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Administrative Order No. 4 (16 F. R. 1071) is hereby revised to read as follows:

1. Whenever the Director of Price Stabilization is absent from the city of Washington, D. C., the functions delegated to him by General Order No. 2 of the Economic Stabilization Agency are hereby further delegated to the Assistant Director in charge of Commodity Divisions, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

2. Whenever the Director of Price Stabilization and the Assistant Director in charge of Commodity Divisions, Office of Price Stabilization are absent from the city of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Order No. 2 of the Economic Stabilization Agency are hereby further delegated to the Chief Counsel or Acting Chief Counsel, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 15, 1951.

[F. R. Doc. 51-2465; Filed, Feb. 15, 1951; 3:49 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 3]

GCPR, SR 3—FOOD, AGRICULTURE AND RELATED COMMODITIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation No. 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

A statement of the considerations involved in the issuance of this amendment to Supplementary Regulation No. 3 is contained in the Appendix below.

Section 1 (b) (1) is amended by adding the following to the list of states and prices set out therein: "Minnesota $3.20 per bushel".

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This amendment is effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 15, 1951.

APPENDIX—STATEMENT OF CONSIDERATIONS

This amendment adds Minnesota, together with the appropriate price, to the list of states appearing in Section 1 (b) (1) of the regulation in order to correct an inadvertent omission.

[F. R. Doc. 51-2454; Filed, Feb. 15, 1951; 3:14 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-13, as Amended Feb. 15, 1951]

M-13—RAYON—LIMITATION FOR DO RATED ORDERS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations, except that such consultation has been rendered impracticable in the formulation of the amendments mentioned below, due to the necessity for immediate action.

NPA order M-13 (effective Dec. 1, 1950) is hereby amended as follows: In § 31.5 thereof the percentage figure "10" is changed to "15." The section numbers 31.1 to 31.10 thereof are redesignated 1 to 10. The word "part" wherever it appears therein is changed to "order."

NPA order M-13, as amended, reads as follows:

Sec.
1. What this order does.
2. High tenacity rayon yarn covered by this order.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation on acceptance of rated orders.
6. NPA assistance in placing rated orders.
7. Adjustments and exceptions.
8. Communications.
9. Records and reports.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of high tenacity rayon yarn and provides rules for placing, accepting, and scheduling rated orders for these yarns. Its purpose is to provide equitable distribution of rated orders among all producers of yarns covered by this order and thus to reduce to a minimum disruption of normal distribution and to promote maximum production. It supplements NPA Reg. 2, but only those provisions of NPA Reg. 2 which are contradictory to this order are superseded, and all other provisions of that regulation continue to apply to the yarns covered by this order.

SEC. 2. *High tenacity rayon yarn covered by this order.* High tenacity yarn to which this order applies is defined to mean viscose rayon yarn qualifying as yarn of 250 denier or coarser and having an average tenacity of 3 grams per denier or higher, irrespective of elongation, in tests made under the following conditions, whether produced for shipment by the rayon producer in the form of singles yarn, plies, cord, or cord fabric:

(a) Yarns with three turns per inch twist shall be used.

(b) Yarn shall be conditioned until it reaches a regain equilibrium, approached from the dry side, in an atmosphere of 70 degrees Fahrenheit and 57 percent relative humidity.

(c) The loading rate on a constant-rate-of-loading machine shall be from 30 to 35, inclusive, grams per denier per minute. The loading rate on a pendulum type machine shall not exceed 35 grams per denier per minute.

(d) A denier tolerance of 3 percent, plus or minus, on deniers of 250 to 300 shall be allowed, based on the average denier of the lot tested. A denier tolerance of 2 percent, plus or minus, on deniers coarser than 300 shall be allowed, based on the average denier of the lot tested.

SEC. 3. *Required delivery dates.* A rated order for high tenacity rayon yarn must specify delivery in a particular month, which in no case may be earlier than required by the person placing the order. The producer of such rayon yarn must schedule the order for delivery within the requested month as early as practicable in accordance with the provisions of NPA Reg. 2.

SEC. 4. *Rejection of rated orders.* A producer of high tenacity rayon yarn need not accept a rated order therefor which is received less than 30 days prior to the first day of the month in which shipment is requested, unless specifically directed to accept the order by the NPA.

SEC. 5. *Limitation on acceptance of rated orders.* Unless otherwise specifically directed by the NPA, no producer shall be required to accept rated orders for shipment in any one month of high tenacity rayon yarn (whether in the form of singles yarn, plies, cord, or cord fabric) in excess of 15 percent of his scheduled production of such rayon yarns in that month.

SEC. 6. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for high tenacity rayon yarn due to the limitations imposed by section 5, should report such fact to the NPA, specifying the producers who refused to accept the order. The NPA will arrange to assist such person in locating sources of supply.

SEC. 7. *Adjustment and exceptions.* Any producer subject to this order may file an application for an adjustment or exception upon the ground that it works an exceptional hardship upon him not suffered generally by other producers, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each application shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Reference: M-13.

SEC. 9. *Records and reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139–139F).

SEC. 10. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order, as amended, shall take effect on February 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2451; Filed, Feb. 15, 1951; 1:27 p. m.]

Chapter VIII—Defense Transport Administration

[Organization Order DTA 1, Amdt. 1]

DTA 1—ESTABLISHMENT AND FUNCTIONS

Pursuant to Executive Order 10161 (15 F. R. 6105), *It is hereby ordered*, That paragraph 3 of Organization Order DTA 1 (15 F. R. 6728) be and the same is hereby amended to read as follows:

3. The internal organization of the Defense Transport Administration shall consist of the following: (1) Office of the Administrator; (2) Office of the Deputy Administrator; (3) Office of the Executive Assistant; (4) Office of the General Counsel; (5) Railroad Transport Division; (6) Street and Highway Transport Division; (7) Inland Water Transport Division; (8) Warehousing and Storage Division; (9) Port Utilization Division; (10) Equipment and Materials Division; (11) Manpower Division; (12) Tax Amortization and Defense Loan Branch; (13) Information Officer; and (14) Administrative Officer.

This order shall become effective February 15, 1951.

Issued at Washington, D. C., this 15th day of February 1951.

(Pub. Law 774, 81st Cong.)

JAMES K. KNUDSON,
Commissioner of Interstate Commerce Commission who is responsible for supervision of Bureau of Service.

[F. R. Doc. 51-2473; Filed, Feb. 15, 1951; 4:57 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

PROVISIONAL REGULATIONS

A new § 21.191 is added to read as follows:

§ 21.191 *Application of the provisions of the Servicemen's Readjustment Act, Title II, as amended by section 5, Public Law 610, 81st Congress, approved July 13, 1950—(a) Criteria for approval of profit schools.* (1) Effective October 1, 1950, any school operated for profit which has fewer than 25 students or one-fourth of the students enrolled (whichever is larger) paying their own tuition, and which desires to secure or retain approval to train veterans, is required to submit to the State Approving Agency a written application setting forth the course or courses of training and to include for each such course all the information required by paragraph 11 (e) 1, Part VIII, Veterans Regulation 1 (a) (38 U. S. C. ch. 12 note), as added by section 5, Public Law 610, 81st Congress. It is required, in order to secure or retain approval during any period the school has fewer than 25 students or one-fourth of the students enrolled (whichever is larger) paying their own tuition, that minimum standards as established by paragraph 11 (e) 2, Part VIII, Veterans Regulation 1 (a), as added by section 5, Public Law 610, 81st Congress, together with all other requirements of existing law and such additional criteria as may be established by the State Approving Agency of the State in which the school is located, must be met.

(2) As to any such profit schools which prior to October 1, 1950, have been found qualified and equipped to provide education and training to veterans under the Servicemen's Readjustment Act, the State Approving Agency must recertify to the Veterans' Administration as promptly as possible but not later than March 31, 1951, those schools which, upon investigation, that agency has found to meet the standards of paragraph 11 (e), Part VIII.

(3) The Veterans' Administration is not authorized to award benefits under Part VIII when it is found by the appropriate approving agency that a course offered by a school operated for profit fails to meet the applicable requirements of paragraph 11 (e), Part VIII.

(4) The findings of the State Approving Agency as to whether such a school meets the requirements of the law shall be final as of the date made.

(b) *Periodic report showing attendance, progress and conduct to be provided to the Veterans' Administration.* (1) Schools comprehended by paragraph 11 (e), Part VIII, are required to provide to the Veterans' Administration periodic reports of attendance, progress and conduct for each enrolled veteran without regard to whether the veteran is receiving subsistence allowance or compensation for productive labor, and in accordance with the schedule below:

(i) For veterans who are pursuing courses on a term or semester basis, the reports will be submitted for periods ending the 31st day of March and the 30th day of November of each year showing attendance, progress and conduct for the period and will be forwarded by the institution so as to reach the regional office of the Veterans' Administration not later than the 10th day of April and December.

(ii) For all veterans who are pursuing courses on other than a term or semester basis, reports will be submitted at 4-month intervals showing the attendance, progress and conduct for the period and will be forwarded by the institution so as to reach the Veterans' Administration regional office not later than the 10th day of the month following the close of the reporting period. The present schedule of reporting will be continued. This schedule is designed to facilitate the required reporting and to distribute the work load as equally as possible throughout the entire year. Therefore, approximately one-fourth of the required reports will be submitted each month by each school in accordance with the following schedule: Cases of veterans with C-numbers ending in 0 or 1 will be due in January, May, and September; ending in 2 or 3 in February, June, and October; ending in 4, 5, or 6 in March, July, and November; ending in 7, 8 or 9 in April, August, and December, and will cover the four calendar

months preceding the month in which the report is due.

(2) The reports of attendance, progress and conduct will be submitted on VA Form 7–1963 (Report of Compensation for Productive Labor and Conduct and Progress), which the Veterans' Administration has in the past and will continue to dispatch directly to veterans in ample time to allow for completion and submission of the reports in accordance with the schedule contained in subparagraph (1) (i) and (ii) of this paragraph. The veteran will be responsible for the completion of section A, and section B where necessary, and for submitting the form to the school. The school will be responsible for completion of section C concerning attendance, progress and conduct.

(3) The requirement of existing regulations that a school promptly notify the Veterans' Administration in every case where a veteran:

(i) Withdraws from, interrupts or discontinues his course, or

(ii) Is discontinued by the school because of unastisfactory conduct or progress, or

(iii) For any reason, other than subdivisions (i) or (ii) of this subparagraph, no longer remains in training, or

(iv) Makes any change in his course which affects the amount of subsistence allowance payable is continued in effect.

(c) *Copy of the approved curriculum to be submitted with veteran's enrollment document.* Effective 30 days following the effective date of this section, when a veteran enters or re-enters training in a profit school comprehended by paragraph 11 (e), Part VIII, a copy of the approved curriculum certified to by the school for the course in which the veteran is enrolling must be submitted to the Veterans' Administration by the school. In recognition of the fact that the Veterans' Administration, under the law, has a right to know that appropriate credit for previous training has or has not been granted in the case of the individual veteran, in each case wherein the training period is shortened because of credit allowed for previous training or experience the curriculum will specifically identify the adjustments which have been so made.

(d) *Appropriate credit to be given for previous training or experience with proportionate shortening of the training period.* (1) The law specifically requires that a profit school, as comprehended by paragraph 11 (e), Part VIII, shall give appropriate credit for previous training or experience in the case of each veteran and that the training period be shortened proportionately; and the law provides further that no course of training will be considered bona fide as to a veteran who is already qualified by training and experience for the course objective.

(2) The requirement that suitable credit be granted for previous training or experience will be considered to be satisfied when:

(i) Full credit in point of time is allowed for a course previously pursued by the veteran, or

(ii) A reasonable amount of credit is allowed for a previously pursued school course having a similar, but not the same, objective to the course desired and the institution furnishes a satisfactory explanation for the reduction to an amount less than full credit in point of time, or

(iii) Less than full credit in point of time is allowed for a previously pursued school course having the same objective if the change of institution is made necessary because the veteran has moved to a new location or for other equally compelling reason beyond the veteran's control it is impossible for him to complete the course in the original institution, provided the institution furnishes a satisfactory explanation for the reduction in the amount of credit allowed, or

(iv) Full credit in point of time or a reduced credit in a reasonable amount, provided the institution furnishes a satisfactory explanation for such reduced credit, is allowed for previous experience gained in on-the-job training or in an employment situation, in an objective which is the same or similar to the course objective.

(3) Present requirements that Supplemental Certificates of Eligibility and Entitlement identify the previously pursued courses and the name of the institution where pursued are continued and are expanded to include the length of time in which the course was pursued in order that institutions may be fully informed concerning such courses before a veteran is enrolled.

(e) *Maximum number to be trained in each course.* (1) In the case of any school operated for profit as comprehended by paragraph 11 (e), Part VIII, the State Approving Agency is required to certify to the Veterans' Administration the maximum number of students authorized to be trained in each course in such school.

(2) Each such school when certifying the enrollment or reenrollment of a veteran is required to certify at that time, on or with the enrollment document, that the enrollment of that particular veteran does not constitute enrollment in excess of the maximum quota of students for which the particular course has been approved.

(3) When it has been established that the enrollment in any course provided by such school has reached or surpassed the maximum number of students authorized by the State Approving Agency to be trained at any one time, no further enrollments in such course will be approved by the school or authorized by the Veterans' Administration which would exceed the maximum quota fixed by the State Approving Agency. If the State Approving Agency has taken action to increase the maximum, further enrollments within the increased quota may be made.

(f) *Authorization of benefits.* (1) As to any school which was on the list of approved institutions as of September 30, 1950, benefits may be authorized or continued as to veterans who enroll in or continue courses in the school until the State Approving Agency, after investigation, notifies the Veterans' Administration that approval of the school is to be withdrawn for failure to meet the requirements of the law, but in no event will such benefits be continued beyond March 31, 1951, in the absence of a recertification by the State Approving Agency that the school does meet the requirements of the law.

(2) When a State Approving Agency notifies the Veterans' Administration that a school has been found not to meet the requirements of the law, the Veterans' Administration may not authorize benefits under Part VIII. All benefits will be discontinued in the cases of veterans enrolled in such school as of the effective date of the disapproval as certified by the State Approving Agency, and further enrollments or re-enrollments of veterans in such school will not be authorized unless and until the school is reapproved. (Instruction 6, Public Law 610, 81st Cong.)

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, Par. 11, Part VIII, Vet. Reg. 1 (a), as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective February 17, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51–2188; Filed, Feb. 16, 1951; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 858, Amdt. 4]

PART 95—CAR SERVICE

LUMBER; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of February A. D. 1951.

Upon further consideration of Service Order No. 858 (15 F. R. 5050, 5434; 16 F. R. 819, 1284), and good cause appearing therefor: It is ordered, that:

Amendment No. 3 of Service Order No. 858 (§ 95.858 *Lumber; restrictions on reconsigning*) be, and it is hereby vacated.

It is further ordered, that this amendment shall become effective at 12:01 p. m., February 15, 1951; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R., Doc. 51–2425; Filed, Feb. 16, 1951; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 723]

CIGAR-FILLER AND BINDER TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF CIGAR-FILLER AND BINDER TOBACCO, COLLECTION OF PENALTIES, AND RECORDS AND REPORTS FOR 1951–52 MARKETING YEAR

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder tobacco, types 42–44 and 51–55, inclusive, for the 1951–52 marketing year.

It is proposed that a within quota marketing card be issued to the operator of each farm on which the acreage of tobacco harvested in 1951 does not exceed the farm acreage allotment, and that an excess marketing card be issued to the operator of each farm on which the harvested acreage of tobacco exceeds the tobacco acreage allotment. Memoranda of sale included in such marketing cards would be executed by the buyer of any farm tobacco who would also record the sales on the marketing card to be returned by the buyer to the producer. The producer would return the marketing card to the county PMA committee after completion of marketing tobacco from the farm. Under section 314 (b) of the act the Secretary must require collection of the marketing penalty upon the proportion of each lot of tobacco marketed from the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm unless satisfactory proof of disposition of the excess tobacco is made prior to any marketing of tobacco from the farm. In issuing excess marketing cards it is proposed to enter the applicable converted rate of penalty on the marketing card and on each memorandum of sale contained in the card. The converted rate of penalty would be commensurate with the extent to which the harvested acreage exceeded the allotment. The amount of penalty to be collected by the buyer would be the amount obtained by multiplying the converted rate of penalty by the total pounds represented in the sale.

The regulations in accordance with the act will provide that the buyer shall collect the penalty and may deduct an amount equal to the penalty from the amount paid the producer.

Provision would be made for the storage under bond of excess tobacco representative of the entire 1951 crop of tobacco produced on the farm prior to any marketing of tobacco from the farm. The tobacco so stored could be removed from storage, but penalty thereon to be paid by the producer to the county PMA committee would become due at the time of such removal. However, an amount of such stored tobacco could be removed from storage and marketed free of penalty the following year if the harvested acreage on the farm in the following year should be less than the allotment commensurate with the amount of tobacco removed from storage for sale based on the normal yield per acre for the farm.

It is proposed that buyers keep such records as would enable them to furnish the Director, Tobacco Branch, or the State PMA committee with respect to each sale of tobacco made by producers to them (1) date of sale, (2) name of the producer from whom the tobacco was purchased, (3) the serial number of the memorandum of sale used to identify the sale, (4) number of pounds sold, (5) gross sale price, and (6) the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer. Buyers would be required to maintain records which would show the disposition made of all tobacco purchased by them from producers. In addition, each buyer would keep such other records as the Director, Tobacco Branch, found necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon. Each buyer would furnish the State PMA committee a report of each purchase of tobacco made from producers including date of sale, name of producer selling the tobacco, the serial number of the memorandum of sale issued by the buyer from the marketing card for the farm to identify the sale, the total pounds of tobacco in the sale, the gross amount therefor, the converted rate of penalty, and the amount of penalty due. He would furnish such reports not later than the end of the calendar week following the week during which such purchases were made and forward with such reports a remittance covering all penalties due and all memoranda of sale covering such tobacco.

Each person engaged to any extent in the business of trucking tobacco for producers would be required to keep such records as would enable him to furnish the Director, Tobacco Branch, or State PMA committee a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the place to which it was delivered.

Each person engaged to any extent in the business of sorting, stemming, packing, or otherwise processing tobacco for producers would be required to keep such records as would enable him to furnish the Director, Tobacco Branch, a report showing (1) the information required above for truckers, and in addition (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco. Each such person would make such reports to the Director, Tobacco Branch, as the Director found necessary.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any buyer, common carrier, or person engaged in the business of sorting, stemming, packing, or otherwise processing tobacco for producers would be required to make available for examination upon written request by the State PMA committee or Director, Tobacco Branch, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State committee or Director may have reason to believe would be relevant and within the control of such person.

Records required to be kept and copies of the reports required to be made by any person under the regulations would be required to be kept by him until September 30, 1954, and for such longer period of time as might be requested in writing by the Director, Tobacco Branch, or State PMA committee.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than March 2, 1951, in order to be considered.

Issued at Washington, D. C., this 15th day of February 1951.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 51–2469; Filed, Feb. 16, 1951; 8:52 a. m.]

[7 CFR, Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS BY SECRETARY OF AGRICULTURE WITH RESPECT TO NATIONAL MARKETING QUOTAS PROCLAIMED FOR BURLEY AND FLUE-CURED TOBACCO AND STATE AND FARM ACREAGE ALLOTMENTS FOR 1951–52 MARKETING YEAR

The Secretary of Agriculture is preparing to review the national marketing quota of 542,000,000 pounds for Burley tobacco and the national marketing quota of 1,235,000,000 pounds for flue-cured tobacco proclaimed for the 1951–52 marketing year in sections 725.202 (d) and 725.205 (d) (15 F. R. 8216) to

determine whether such quotas should be increased, and, if so, the amounts of any such increases.

Section 312 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1312 (a)), authorizes the Secretary to increase the amount of the national marketing quota for any kind of tobacco not later than March 1, 1951, by not more than 20 percent, if he determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

In the event that the national marketing quota for Burley or flue-cured tobacco is increased, it is proposed that (1) the State acreage allotment heretofore established for the 1951–52 marketing year (§ 725.207 or 725.208) be increased by the same percentage as the national marketing quota is increased; and (2) that farm acreage allotments for the 1951–52 marketing year be redetermined under the regulations contained in §§ 725.211 to 725.228 (15 F. R. 5871) on the basis of the increased State acreage allotment.

The Secretary has under consideration also a proposed amendment to § 725.218 (15 F. R. 5872) to permit the State Production and Marketing Administration committee in each State producing Burley or flue-cured tobacco to use not less than one-half of one percent nor more than two percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year for making adjustments in allotments for "old" tobacco farms. This would be accomplished by changing the last sentence of said § 725.218 to read as follows: "The acreage available for increasing allotments under this section shall not be less than one-half of one percent nor more than two percent, as determined by the State committee, for the 1950–51 marketing year."

Any interested person may submit his views in writing with respect to (1) whether such quotas should be increased, and, if he believes the quotas should be increased, the amounts of any such increases and the procedure for redetermining State and farm acreage allotments, and (2) the proposal to permit the State committee to use up to two percent of the total acreage allotted to all farms in the State for the 1950–51 marketing year for making relationship adjustments for old farms, to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than seven days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 15th day of February 1951.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator.

[F. R. Doc. 51-2468; Filed, Feb. 16, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

[7 CFR, Part 925]

[Docket No. AO-226]

HANDLING OF MILK IN PUGET SOUND, WASH. MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Puget Sound, Washington, marketing area, which was issued on January 29, 1951 (16 F. R. 935, 1089), is hereby extended to March 3, 1951.

Dated: February 13, 1951 at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2387; Filed, Feb. 16, 1951; 8:46 a. m.]

[7 CFR, Part 959]

HANDLING OF IRISH POTATOES GROWN IN COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

EXEMPTION CERTIFICATES AND SAFEGUARDS

Notice is hereby given that the Secretary of Agriculture is considering the approval of rules and regulations, hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). Such rules and regulations would supersede the exemption rules and regulations heretofore issued under Order No. 59 and currently in effect.

Consideration will be given to any data, views, or arguments pertaining thereto mailed in triplicate to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days after publication of this notice in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

Sec.
959.100 General.
959.101 Definitions.
959.102 Area determinations.
959.103 Exemption certificates.
959.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 959.100 to 959.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 959.100 *General.* Unless otherwise provided in the marketing agreement and order, or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed to the committee at its principal office.

§ 959.101 *Definitions.* For the purpose of §§ 959.100 to 959.104, "agreement" means Marketing Agreement No. 114 and "order" means Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California, and the terms used in such sections shall have the meanings set forth in said agreement and order.

§ 959.102 *Area determinations.* "Immediate production area" and "immediate shipping area", respectively, are synonymous with "district."

§ 959.103 *Exemption certificates*—(a) *Application.* Any producer or handler applying for exemption from regulations issued pursuant to § 959.4 shall file such application with the committee, or its duly designated agent for such purpose, on forms to be furnished by the committee. Each application shall state (1) the name and address of the applicant, (2) the grade, size, and quality regulations from which exemption is requested, and (3) facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond the applicant's reasonable expectation and control. In addition, producer applications shall set forth the information required by subparagraphs (1), (2), (3) and (4) of this paragraph, and handler applications by subparagraphs (5), (6), (7), and (8) of this paragraph, and such additional information as the committee may find necessary in making determinations with respect to such applications.

(1) The location of the applicant's farm or ranch, and the field or storage facility where the applicant's potato crop may be inspected;

(2) The applicant's acreage and production of potatoes for the current season, varieties produced, and the quantity of each variety stated in terms of hundredweights, grades, and sizes;

(3) An estimate of the percentage of such applicant's potato crop which cannot be shipped because of regulations issued and in effect pursuant to § 959.4, stated in terms of varieties, grades, and sizes;

(4) A statement of the amount of the applicant's potato crop (i) which has been sold during the current marketing season, and (ii) remaining to be sold, each stated in terms of varieties, hundredweights, grades and sizes;

(5) The quantity of potatoes acquired by the applicant during and immediately following the digging season and stored, stated in terms of varieties, hundredweights, grades, and sizes;

(6) The location of the cellar, warehouse, or other storage facility where such potatoes are stored;

(7) An estimate of the percentage of the applicant's holdings of ungraded potatoes which cannot be shipped because of a regulation issued and in effect pursuant to § 959.4, stated in terms of varieties, grades, and sizes; and

(8) A statement of the total amount of potatoes referred to in subparagraph (5) of this paragraph which have been sold by the applicant during the current marketing season and the total amount of such potatoes remaining to be sold, each in terms of varieties, hundredweights, grades, and sizes.

(b) *Investigation of applications.* (1) Each exemption application filed with the committee shall be accompanied by the applicant's certified statement setting forth the total quantity of such applicant's potatoes which have been graded; the quantity of such potatoes which are culls; the quantity of such potatoes which meet regulatory requirements in effect on the date of the application; and the quantity of such potatoes (exclusive of culls) which fail to meet such requirements on such date. Such certified statement shall be based upon the actual packout or grading of such potatoes. The committee, or any specifically authorized representative thereof, including a Federal-State inspector, may make such further investigations deemed necessary by the committee to verify the foregoing statements, and the cost of any such Federal-State inspection shall be borne by the applicant for exemption. If more than one exemption certificate is issued to an applicant during a marketing season, the total quantity of potatoes authorized to be shipped by such certificates shall not exceed the proportion specified in paragraph (c) of this section.

(2) The committee shall keep account of the exemptions issued to applicants in those cases where the exemption certificate covers only a portion of the applicant's production or storage holdings. The quantity of potatoes exempted, if computed on a part of an applicant's production or storage holdings, shall be taken into consideration prior to issuing any future exemptions on the remainder of such applicant's production or storage holdings and shall be computed as part of the exemptions granted to such applicant during the then current season.

(3) In any case where the committee feels that the total quantity of graded potatoes referred to in subparagraph (1) of this paragraph is not representative of the applicant's entire production or ungraded storage holdings, the committee may require the exemption application to be accompanied by a report of a Federal-State inspector, which report shall contain the following:

(i) A statement by the inspector that he personally visited the farm, ranch, cellar, warehouse, or storage facility described in the application, and that a representative sample of the potatoes remaining therein or contained thereon was taken by him;

(ii) A statement of the percentage of the potatoes sampled by him which meet the grade, size, and quality requirements of regulation then in effect;

(iii) A statement of the defects or damage causing such potatoes to fail to meet such grade, size, and quality requirements. In the event that different regulations are in effect for different varieties of potatoes, the inspector's report shall show such percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* (1) Whenever the committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate, which shall authorize the applicant to ship, or cause to be shipped, such quantity of potatoes which fail to meet the minimum grade, size, and quality requirements in effect at the time thereof as is authorized by § 959.4 (g).

(2) The manager of the committee, or any employee authorized by him may issue exemption certificates for and on behalf of the committee: *Provided*, That the committee shall have first determined the "average proportions" or percentages referred to in § 959.4 (g).

(3) If it is determined that an applicant is not entitled to an exemption certificate, the applicant shall be so advised in writing and given the reasons therefor.

(4) Each certificate of exemption issued as provided herein shall contain the producer's or handler's name and address; the location of his farm or ranch, or, in the case of a handler, the location of his cellar, warehouse or storage facility with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exemption is granted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer or handler to ship potatoes which do not meet the requirements of particular grade, size, and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the committee to perform its functions, pursuant to the provisions of the order, each handler shall report shipments under exemption certificates to the committee in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to this subpart, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the Secretary of Agriculture.

§ 959.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) All handlers desiring to make shipments of potatoes for the following purposes shall, when such shipments are regulated pursuant to § 959.5, obtain from the committee prior to initiating such shipments, a Certificate or Certificates of Privilege permitting such shipments:

(i) Grading or storing in the production area;

(ii) Export;

(iii) Distribution by relief agencies or consumption by charitable institutions;

(iv) Manufacture or conversion into specified products or byproducts;

(v) Livestock feed.

(2) Handlers desiring to make shipments of seed potatoes may be required to first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments.

(3) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, the quantity of potatoes to be shipped, name of the consignee, destination, certification as to correctness of statements made, a statement that the applicant will comply with disposition stated therein, and such other information or documents as the committee may require in safeguarding against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates of Privilege were granted.

(b) *Reports.* Each handler shipping potatoes for any purpose set forth in paragraph (a) of this section shall supply the committee with a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, and consignee.

(c) *Denial and appeals.* The committee may rescind a Certificate, or Certificates of Privilege, issued to a handler pursuant to this section, or deny Certificates of Privilege to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 14th day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2427; Filed, Feb. 16, 1951; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.80–7 *Performance Data on Boeing S–307 Aircraft (CAA rules which apply to § 42.80).* The following performance limitations data, applicable to Boeing S–307 aircraft, shall be used in determining compliance with § 42.80. These data are presented in Tables 1 through 3 and Figures 1 and 2.

TABLE 1—TAKE-OFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) (Distance to accelerate to 1.15 V_{s_1}=1.15 (98.4) $\sqrt{\text{Wgt./50,000}}$ m. p. h. TIAS and stop, with zero wind and zero gradient.)

Standard altitude in feet	Airplane weight in pounds and critical engine failure speeds in m. p. h. TIAS		
	46,000 V_1=108.5	48,000 V_1=111.0	50,000 V_1=113.0
	Distance in feet		
S. L.	3,730	4,010	4,290
1,000	3,900	4,190	4,460
2,000	4,120	4,430	4,720
3,000	4,350	4,680	4,990
4,000	4,600	4,950	5,280
5,000	4,860	5,250	5,600
6,000	5,140	5,550	5,910
7,000	5,460	5,910	6,320
8,000	5,820	6,330	6,770

(b) Actual length of runway required when "effective length" considering obstacles, is not determined. (Distance to accelerate to 1.15 (98.4) $\sqrt{\text{Wgt./50,000}}$ m. p. h. TIAS, and stop, divided by the factor 0.85.)

Standard altitude in feet	Airplane weight in pounds and critical engine failure speed (V_1) in m. p. h. TIAS		
	46,000 V_1=108.5	48,000 V_1=111.0	50,000 V_1=113.0
	Distance in feet		
S. L.	4,390	4,720	5,010
1,000	4,590	4,930	5,245
2,000	4,845	5,210	5,555
3,000	5,120	5,505	5,870
4,000	5,410	5,825	6,210
5,000	5,720	6,175	6,590
6,000	6,045	6,530	6,990
7,000	6,425	6,955	7,435
8,000	6,845	7,445	7,965

TABLE 2—EN ROUTE LIMITATIONS

Weight in pounds	Terrain clearance [1] in feet and climb speed in m. p. h. TIAS	
	Feet	Miles per hour
40,000	17,000	103.0
41,000	16,400	105.0
42,000	15,900	107.0
43,000	15,350	108.5
44,000	14,800	110.5
45,000	14,300	112.0
46,000	13,770	114.0
47,000	13,240	115.5
48,000	12,700	117.0
49,000	12,150	118.5
50,000	11,650	120.0

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in m. p. h. TIAS					
	35,000	V_{30}	40,000	V_{30}	45,000	V_{30}
	Distance in feet					
S. L.	3,065	93	3,445	99.5	3,815	105
1,000	3,145	93	3,540	99.5	3,915	105
2,000	3,225	93	3,630	99.5	4,015	105
3,000	3,310	93	3,725	99.5	4,120	105
4,000	3,390	93	3,820	99.5	4,225	105
5,000	3,480	93	3,925	99.5	4,340	105
6,000	3,575	93	4,035	99.5	4,460	105
7,000	3,670	93	4,140	99.5	4,580	105
8,000	3,770	93	4,260	99.5	4,715	105

[1] Steady approach speed through 50-foot height m. p. h. TIAS denoted by symbol V_{30}.

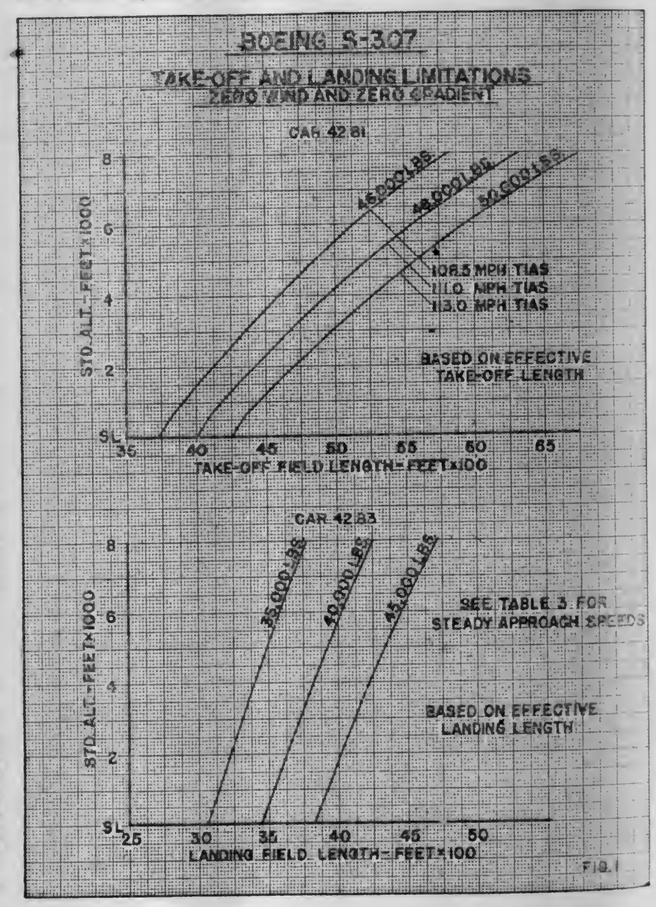
(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

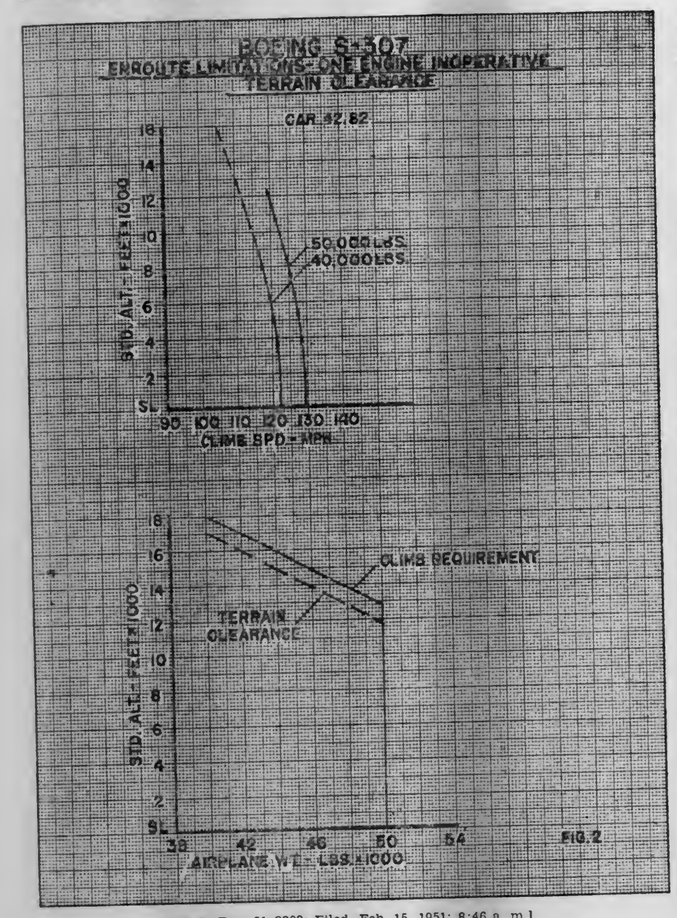
Standard altitude in feet	Airplane weight in pounds and approach speeds [1] in m. p. h. TIAS					
	35,000	V_{30}	40,000	V_{30}	50,000	V_{30}
	Distance in feet					
S. L.	3,890	93	4,375	99.5	4,815	105
1,000	3,995	93	4,495	99.5	4,970	105
2,000	4,095	93	4,610	99.5	5,100	105
3,000	4,205	93	4,730	99.5	5,240	105
4,000	4,305	93	4,850	99.5	5,365	105
5,000	4,420	93	4,985	99.5	5,510	105
6,000	4,540	93	5,125	99.5	5,665	105
7,000	4,660	93	5,260	99.5	5,815	105
8,000	4,790	93	5,410	99.5	5,980	105

[1] Steady approach speed through 50-foot height m. p. h. TIAS denoted by symbol V_{30}.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.





[F. R. Doc. 51–2300; Filed, Feb. 15, 1951; 8:46 a. m.]

[14 CFR, Parts 242, 291, 298]

[Draft Release No. 47]

NEW CLASSIFICATION OF AIR CARRIERS; AIR TAXI OPERATORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Board has under consideration the promulgation of a new Part 298, and amendment of current Parts 242 and 291 of the Economic Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should be submitted, in triplicate, to the Civil Aeronautics Board, Washington 25, D. C. All communications received by March 21, 1951 will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available after March 22, 1951 for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The basis and purpose of the proposed rules are set forth in the attached explanatory statement.

The proposed amendments are set forth in the attached proposed rule.

These amendments are proposed under the authority of Title IV of the Civil Aeronautics Act of 1938, as amended. The proposed rules when finally adopted by the Board may be considerably changed in view of the comments received in response to this notice of proposed rule making.

(See 205 (a), 52 Stat. 984; 249 U. S. C. 425 (a). Interpret or apply secs. 401, 407, 416, 52 Stat. 987, 1000, 1004; 49 U. S. C. 481, 487, 496)

Issued February 14, 1951 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. Since June, 1947, Part 291 of the Board's Economic Regulations has authorized operation in air transportation without a certificate of public convenience and necessity by a class of air carriers now known as "Small Irregular Carriers." Since June, 1948, Part 242 of the Regulations has required such carriers to file statistical reports setting forth pertinent financial and traffic data. The latter requirement was promulgated to enable the Board to determine the nature and extent of the operations being conducted and the relative importance of such operations to air transportation needs.

From the reports received and other information available to the Board, it appears that the great majority of these carriers own aircraft of 6,000 pounds or less maximum certificated take-off weight, which are operated in air transportation only for convenience, in emergency, or incident to some regular means of livelihood. Only a very few of the more than 2,000 Small Irregular Carriers who hold Letters of Registration own aircraft having a maximum certificated weight between 6,000 and 12,500 pounds; the total being approximately 177 aircraft (of which 154 are twin-engine Beechcraft Model 18 airplanes) operated by about 113 carriers. It also appears that the bulk of all activities of such carriers in air transportation is conducted by a small percentage of the carriers, with the total of all reported operations equalling only about 2 percent of the domestic trunk and feeder revenue plane mileage.

It thus appears that the reporting requirement previously referred to has served its purpose and is no longer necessary. It may also be concluded that the degree of affirmative control over such carriers' operations involved in requiring the obtaining and maintaining of a letter of registration to operate as a Small Irregular Carrier is no longer in the public interest.

There have been practically no complaints about the operations of Small Irregular Carriers (except for a few involving operations between points within a Territory or possession), and the Board has not found it necessary to initiate proceedings for the suspension or revocation of a single letter of registration for a Small Irregular Carrier. In addition, since the issuance of a letter of registration does not depend upon any showing by the applicant of its ability to perform services in air transportation, the letters' only function, other than as control device, is to count noses. This function can be equally well performed by examination of the files of the Civil Aeronautics Administration since, under the provisions of the act and the Board's Civil Air Regulations, each such carrier

is obligated to obtain an air carrier operating certificate from CAA before beginning operations.

We have, therefore, tentatively concluded that it is no longer in the public interest to require a Small Irregular Carrier to have an effective letter of registration to conduct operations now authorized by Part 291 or to file the reports currently required by Part 242.

In addition, consideration has been given to permitting an even broader operating authority to carriers operating only aircraft of less than 12,500 pounds maximum certificated take-off weight. Recently there has been formed a National Air Taxi Conference, composed largely of Small Irregular Carriers, which has proposed to provide a connecting air service between certificated points and off-line points. This proposal appears to have the support not only of the organizing group but also of the Air Transport Association and the certificated carriers.[1] It is our opinion that the service contemplated should be encouraged, partly because it is the kind of service which can well be conducted by small carriers, and also because it affords a means of serving many small communities which would otherwise be without air connection to major terminals. However, the successful conduct of such operations must necessarily involve regular, if not scheduled, operation on the part of many of the small carriers involved.

Mindful of our obligation under section 2 (c) of the act to prevent the development of unfair or destructive competitive practices, we have examined this proposal from the standpoint of its possible competitive effect on operations of the certificated carriers. It is our conclusion that small aircraft have a higher seat-mile cost, are slower, less comfortable, and, where all weather operations are concerned, less reliable than large aircraft. For these reasons, it is probable that a person would utilize small aircraft only where large aircraft were not available, or where some particular convenience or service were to be had. It is, therefore, our tentative conclusion that small aircraft can in no sense be competitive with large aircraft.

We, therefore, propose to permit the frequent or regular operation of aircraft by air taxi operators. However, as a safeguard against possible adverse effect on certificated operations, we do not propose to allow such operation between points within Territories or possessions of the United States (but see Part 292 of Economic Regulations for scope of noncertificated operations authorized for Alaska pilot-owner air carriers). Since experience may indicate that other limitations or exceptions may be necessary or desirable in the public interest, the proposed regulation reserves the Board's right to reconsider the application of the authorized exemption to specific cases where it is shown that circumstances not now envisioned are making the operations contrary to the public interest. Moreover, it is provided that the exemption shall expire in 3 years, which means that the Board will at that time reconsider this subject in the light of experience gained pragmatically.

1. It is proposed to promulgate a new Part 298 to read as follows:

PART 298—AIR TAXI OPERATORS

§ 298.0 *Applicability of part.* This part establishes a classification of air carriers known as "air taxi operators," provides certain exemptions from Title IV of the Civil Aeronautics Act of 1938, as amended, for such carriers, and establishes rules and regulations applicable to their operations.

§ 298.1 *Definitions.* (a) As used in this part, terms shall be defined as follows:

(1) *Act.* "Act" means the Civil Aeronautics Act of 1938, as amended.

(2) *Air taxi operator.* An "air taxi operator" is an air carrier which directly engages in the air transportation of persons or property only in aircraft of less than 12,500 pounds maximum certificated take-off weight without having obtained a certificate of public convenience and necessity.

(3) *Point.* The term "point" as used in this part shall mean any airport or place where aircraft may be landed or taken off including the area within a 25-mile radius of such airport or place.

(4) *Maximum certificated take-off weight.* "Maximum certificated take-off weight" means the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate. (This figure is found in the airplane operating record or the airplane flight manual which is incorporated by regulation into the airworthiness certificate.)

§ 298.2 *Classification.* There is hereby established a classification of air carriers to be designated as "air taxi operators" which consists of all air taxi operators as defined in § 298.1 (a) (2).

§ 298.3 *Extent of exemption.* Except as otherwise provided in this part,[1] each air taxi operator shall, to the extent necessary to permit operations authorized by § 298.7, be temporarily exempt from the following provisions of Title IV of the Civil Aeronautics Act of 1938, as amended:

(a) Subsection 401 (a);
(b) Section 403;
(c) Subsection 404 (a): *Provided,* That air taxi operators shall abide by those provisions of this subsection which require air carriers to provide safe service, equipment and facilities in connection with air transportation;
(d) Subsection 404 (b);
(e) Subsection 405 (c);
(f) Subsection 407 (b), (c), (d);
(g) Section 408;
(h) Subsection 409 (a); and
(i) Section 412.

§ 298.4 *Duration of exemption.* The temporary exemption from any provision of Title IV of the Act provided by § 298.3 shall continue in effect only until such time as the Board shall find that enforcement thereof would be in the public interest, or would no longer be a burden on air taxi operations: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators: *And provided further,* That unless otherwise ordered by the Board the temporary exemption granted by § 298.3 shall terminate three years after the effective date of this part.

§ 298.5 *Approval of certain interlocking relationships.* To the extent that any officer or director of an air taxi operator would, without prior approval of the Board, be in violation of any provision of subsection 409 (a) of the act, by reason of any interlocking relationship directly involving such air taxi operator, such relationship is hereby approved: *Provided,* That nothing in this part shall be construed as approving any interlocking relationship with any other carrier which would otherwise be subject to subsection 409 (a) of the act.

§ 298.6 *Effect of exemption on anti-trust laws.* The temporary exemption granted in § 298.3 from sections 408, 409 (a), and 412 shall not constitute an order made under such sections, within the meaning of section 414, and shall not confer any immunity or relief from operation of the "anti-trust laws," or any other statute (except the Civil Aeronautics Act of 1938, as amended) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such section.

§ 298.7 *Scope of service authorized.* (a) Except as prohibited by paragraphs (b) and (c) of this section an air taxi operator is hereby authorized to engage in any direct air transportation of persons or property in aircraft of less than 12,500 pounds maximum certificated take-off weight.

(b) Within the Territories, or within the possessions of the United States other than the Territory of Alaska, no air taxi operator shall offer or perform any service in excess of that described in subparagraphs (1) through (5) of this paragraph. For the purpose of applying these limitations all flights for compensation or hire, whether regarded by the carrier as common carriage or noncommon carriage, shall be counted.

(1) Operations in excess of a total of eight flights in the same direction during any period of four successive calendar weeks between any two points;

(2) Operation of flights between any two points in the same direction on the same day of two or more successive calendar weeks; or

(3) Operation of a total of three or more flights between any two points in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated between such points; or

(4) Operations so arranged as to result in the observance of breaks required by subparagraph (3) of this paragraph at regularly recurring intervals; or

(5) Operations so arranged as to result in any uniform pattern of normal consistency of operations between any two points.

(c) No service shall be offered or performed by an air taxi operator within the Territory of Alaska (see Part 292 of this chapter, for authorization of service in Alaska).

§ 298.8 *Requests for statement of authority.* In any instance where an air taxi operator is required by a foreign government to produce evidence of its authority to engage in foreign air transportation under the laws of the United States, the Secretary of the Board will, upon request, furnish the carrier with a written statement outlining its general operating privileges under this part for presentation to the proper authorities of the foreign government.

§ 298.9 *Enforcement.* Any violation of the provisions of the act, or any rule, regulation, or order issued thereunder may subject the violator to a proceeding pursuant to section 1002 or 1007 before the Board or a United States District Court, respectively, to compel compliance therewith, or, in the case of a wilful violation, to criminal penalties pursuant to the provisions of section 902 (a) of the act.[2]

2. It is also proposed to amend Part 291 to eliminate the coverage of small irregular carriers now contained therein, and to terminate the letters of registration now held by such carriers.

3. It is proposed further to amend Part 242 as follows:

a. By amending § 242.2 to read as follows:

§ 242.2 *Statistical and flight reports required.* (a) Statistical reports shall be filed with the Board by each large irregular carrier and noncertificated cargo carrier in accordance with § 242.4. Flight reports shall be filed with the Board by each large irregular carrier in accordance with § 242.5 and by each noncertificated cargo carrier in accordance with § 242.6.

(b) Each carrier referred to in paragraph (a) of this section, shall keep all accounts, records, and memorandums (including the accounts, records and memorandums of traffic, as well as of the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records and memorandums as related to statistical reports shall be preserved for three years, and such as relate to flight reports shall be preserved for one year.

(c) The reports referred to in paragraph (a) of this section, shall be filed in accordance with the requirements of this part, and shall be certified to be correct by a responsible officer of the reporting carrier.

b. By deleting § 242.3.

[F. R. Doc. 51-2426; Filed, Feb. 16, 1951; 8:51 a. m.]

[1] The Aviation Development Advisory Committee, composed of representatives of various industry segments, in a report to the Administrator of Civil Aeronautics under the date of August 1950, has also strongly recommended the authorization of a "jitney" type service.

[1] See § 298.7 for scope of noncertificated operations authorized for performance by air taxi operators.

[2] In addition it should be noted that the fact that an air taxi operator or class of air taxi operators are, or have been engaging in practices which constitute a violation of the act, or rules, regulations or orders issued pursuant thereto, is an important consideration in determining whether the enforcement of a provision or provisions of the act, from which § 298.3 exempts such operator, is in the public interest.

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 51-7]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

CLEANING PROCESS FOR LIFE PRESERVERS

[Where buoyancy fillers are not removed from envelope covers during cleaning process]

Approval No. 160.006/20/0, U. S. Cleaners and Dyers cleaning process for kapok life preservers, as outlined in description of cleaning process, dated December 23, 1950, from U. S. Cleaners and Dyers, Inc., 716 Washington Street, Hoboken, N. J.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006)

WINCHES, LIFEBOAT

Approval No. 160.015/45/0, Type CL-17.5 lifeboat winch, approved for maximum working load of 17,500 pounds pull at the drums (8,750 pounds per fall), for use on the S. S. "Constitution" and S. S. "Independence" only, identified by assembly dwg. No. CL-17.5-1, Alt. C, dated April 4, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.015/56/0, Type CL-17.5A lifeboat winch, approved for maximum working load of 11,500 pounds pull at the drums (5,750 pounds per fall), for use on the S. S. "Constitution" and S. S. "Independence" only, identified by assembly dwg. No. CL-17.5-1, Alt. C, dated April 4, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended: 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 37.1-5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LIFEBOATS

Approval No. 160.035/178/2, 16.0' x 5.5' x 2.37' steel, oar-propelled lifeboat, 12-person capacity, identified by Construction and Arrangement dwg. No. 16-1, dated January 31, 1947, and revised November 29, 1950, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/178/1, published in the FEDERAL REGISTER February 8, 1949.)

Approval No. 160.035/208/1, 12.0' x 4.42' x 1.92' steel, oar-propelled lifeboat, 6-person capacity, identified by Construction and Arrangement dwg. No. 12-1, dated November 5, 1947, and revised November 30, 1950, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/208/0, published in the FEDERAL REGISTER May 15, 1948.)

Approval No. 160.035/222/1, 24.0' x 8.0' x 3.73' steel, motor-propelled lifeboat without radio cabin, 37-person capacity, identified by Construction and Arrangement dwg. No. 24-1B, dated May 5, 1948 and revised September 28, 1950, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/222/0, published in the FEDERAL REGISTER May 17, 1949.)

Approval No. 160.035/270/0, 16.0' x 5.0' x 2.08' steel, oar-propelled lifeboat, 10-person capacity, identified by Construction and Arrangement dwg. No. 16-2, dated August 1, 1950, revised December 12, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10, 160.035)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC

Approval No. 161.001/3/1, automatic floating electric water light (with bracket for mounting) dwg. No. 606, Alt. 2, dated October 30, 1950, manufactured by Pomill Manufacturing Corp., 17 Battery Place, New York 4, N. Y. (Supersedes Approval No. 161.001/3/0, published in the FEDERAL REGISTER March 25, 1950.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 161.001)

VALVES, RELIEF (FOR HOT WATER HEATING BOILERS)

Approval No. 162.013/4/0, Type No. 175 relief valve for hot-water heating boilers, maximum set pressure 30 pounds per square inch, relieving capacity 175,000 B. t. u. per hour, dwg. No. RA-11 dated

January 12, 1950, inlet size ¾", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/5/0, Type No. 250 relief valve for hot-water heating boilers, maximum set pressure 30 pounds per square inch, relieving capacity 250,000 B. t. u. per hour, dwg. No. RA1–12 dated January 6, 1950, inlet size ¾", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/6/0, Type No. 499 relief valve for hot-water heating boilers, maximum set pressure 30 pounds per square inch, relieving capacity 500,000 B. t. u. per hour, dwg. No. RA–13 dated July 13, 1950, inlet size ¾", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

Approval No. 162.013/7/0, Type No. 1000 relief valve for hot-water heating boilers, maximum set pressure 30 pounds per square inch, relieving capacity 1,000,000 B. t. u. per hour, dwg. No. RSA–1000 dated March 30, 1950, inlet size 1½", manufactured by Bell & Gossett Co., 8200 North Austin Avenue, Morton Grove, Ill.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 1275; 46 CFR 53.03–60)

GAS CONSUMING APPLIANCES, LIQUEFIED PETROLEUM

Approval No. 162.020/43/0, Magic Chef gas range, Model No. HD–14, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901, Supplement Serial No. 5, dated January 18, 1950, for liquefied petroleum gas service, manufactured by the American Stove Co., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 1275; 46 CFR 32.9–11, 61.25, 95.24, 114.25)

INCOMBUSTIBLE MATERIALS

Approvol No. 164.009/27/0, Soft-Flex glass fabrics, fibrous glass type decorative fabrics identical to those described in National Bureau of Standards Report No. TG 10210–1735; FP 2980 (Test Folder G–4251), dated December 1, 1950, manufactured by Soft-Flex Glass Fabrics Corp., 1012 North Highland Avenue, Los Angeles 38, Calif.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 1028, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 164.009)

Dated: February 13, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 51–2397; Filed, Feb. 16, 1951; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 452

FEBRUARY 6, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 25: S½S½,
Sec. 30: Lots 5 and 6,
Sec. 31: Lots 1, 2, 4, NE¼NW¼, SW¼NE¼, NE¼SE¼.
Sec. 32: Lots 2, 3, 4, 5, S½S½,
Sec. 33: Lots 5, 6, 7, 8, N½SE¼, S½SW¼,
Sec. 34: Lots 4, 5, 6, 7, S½SW¼,
Sec. 35: Lots 3, 4, 5, 6,
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 1 S., R. 2 W.,
Sec. 25: Lot 5,
Sec. 33: Lots 3, 4, 5, NE¼SE¼, SW¼SE¼,
Sec. 34: Lots 4, 6, 7, 8, SE¼SW¼, SE¼SE¼,
Sec. 35: Lots 3, 4, 5, 6, NE¼SW¼, S½SE¼,
Sec. 36: Lots 1, 2, 3, 4, SE¼NE¼, S½SW¼, NW¼SE¼.
T. 1 S., R. 1 E.,
Sec. 30: Lot 4, SE¼SW¼,
Sec. 31: Lots 1, 2, 3, 4, 5, 6, NE¼NE¼,
Sec. 32: Lots 1, 2, 3, 4, 5, SW¼NW¼, NE¼SW¼, N½SE¼.
T. 2 S., R. 2 E.,
Sec. 22: Lots 1, 2, 3, SW¼NW¼, NW¼SE¼, SE¼SE¼.
Sec. 23: Lots 1, 2, 3, 4, 5, 6, NW¼SE¼, SE¼SE¼,
Sec. 24: Lots 1, 2, 3, 4, 5, 6, 7, 8, NW¼SE¼, NE¼SW¼, NE¼NE¼, NW¼NW¼,
Sec. 26: Lots 1, 2, NE¼SW¼, SW¼SE¼, SW¼NW¼.
Sec. 27: Lots 1, 2, 3, NE¼NE¼.
T. 3 S., R. 3 E.,
Sec. 6: SW¼SE¼,
Sec. 7: Lots 1, 4, 5, 6, NE¼NE¼,
Sec. 8: W½SW¼,
Sec. 17: Lots 1, 2, 3, 4, E½NW¼, SW¼SE¼,
Sec. 18: Lot 1,
Sec. 20: Lots 1, 2, 3, 4, W½E½,
Sec. 28: SW¼SW¼,
Sec. 29: Lots 1, 2, 3, 4, NW¼NE¼, SE¼NE¼,
Sec. 32: Lot 1,
Sec. 33: Lots 1, 2, 3, 4, 5, NE¼NW¼, NW¼NE¼, SE¼NE¼,
Sec. 34: Lots 1, 2, 3, 4, S½NW¼.
T. 7 S., R. 5 E.,
Sec. 11: E½SE¼,
Sec. 12: Lots 3, 4, 5, 6, NE¼NW¼, W½NW¼,
Sec. 13: Lots 3, 4, NE¼SE¼, S½SE¼, SE¼SW¼,
Sec. 23: Lot 1,
Sec. 24: Lot 1, NE¼NW¼.

A tract of land located on the Tanana River, Alaska, identified as U. S. Survey 1457 (Salcha Military Reserve), embracing approximately 190.90 acres.

A. J. LACOVEY,
Acting Regional Administrator.

[F. R. Doc. 51–2332; Filed, Feb. 16, 1951; 8:46 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 453

FEBRUARY 6, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 27: Lot 4 SW¼NE¼,
Sec. 28: Lots 2, 4,
Sec. 29: Lots 1, 3, NW¼NE¼,
Sec. 30: Lots 1, 4, NE¼NE¼.
Containing approximately 436.62 acres.
T. 1 S., R. 2 W.,
Sec. 25: Lots 1, 3, 4,
Sec. 26: Lots 1, 3, 7,
Sec. 35: Lot 1.
Containing approximately 233.90 acres.
T. 1 S., R. 2 E.,
Sec. 4: Lots 3, 5,
Sec. 5: Lots 2, 4,
Sec. 6: Lot 3,
Sec. 7: Lots 5, 7, NW¼SE¼,
Sec. 8: Lot 4, NE¼NW¼,
Sec. 9: Lot 8, NE¼SW¼.
Containing approximately 434.55 acres.
T. 2 S., R. 2 E.,
Sec. 7: Lot 3, SW¼NE¼,
Sec. 10: Lots 2, 3, 5,
Sec. 14: Lots 2, 6, 7, W½SW¼,
Sec. 17: Lot 2, NW¼NE¼.
Containing approximately 386.02 acres.
T. 4 S., R. 3 E.,
Sec. 2: SW¼NW¼,
Sec. 3: Lot 3,
Sec. 24: Lot 1, Lot 3, Lot 4, NW¼NE¼.
Containing approximately 160.58 acres.
T. 5 S., R. 4 E.,
Sec. 5: Lot 1,
Sec. 8: Lots 1, 2, 3, 4,
Sec. 13: Lot 3,
Sec. 14: Lots 1, 4, 5, SE¼NE¼, SW¼SW¼,
Sec. 15: SW¼SE¼,
Sec. 17: Lot 1,
Sec. 21: Lots 2, 5, 8,
Sec. 22: Lots 7, 9, SE¼SW¼,
Sec. 23: Lot 1, NW¼NE¼,
Sec. 24: NW¼NW¼.
Sec. 28: Lots 1, 4, NW¼NE¼,
Sec. 29: Lot 1,
Sec. 32: Lot 1.
Containing approximately 727.88 acres.
T. 6 S., R. 4 E.,
Sec. 11: SE¼SW¼. Containing approximately 40 acres.
T. 7 S., R. 4 E.,
Sec. 1: Lots 1, 4, NE¼NE¼,
Sec. 2: Lot 1.
Containing approximately 97.41 acres.
T. 7 S., R. 5 E.,
Sec. 23: Lots 2, 3. Containing approximately 68.13 acres.

The above described lands aggregate approximately 2,585.09 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on February 27, 1951, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from February 27, 1951, to May 28, 1951, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from February 6, 1951, to February 26, 1951, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on February 27, 1951, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on May 29, 1951, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from May 9, 1951, to May 28, 1951, inclusive, and all such applications, together with those presented at 10:00 a. m. on May 29, 1951, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 66, of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

A. J. LACOVEY,
Acting Regional Administrator.

[F. R. Doc. 51–2390; Filed, Feb. 16, 1951; 8:51 a. m.]

ALASKA

SHORE SPACE RESTORATION NO. 454

FEBRUARY 6, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 30: Lot 3, NW¼NE¼.
T. 1 S., R. 2 W.,
Sec. 26: Lots 5 and 6,
Sec. 27: Lots 4, 5, 6, 7,
Sec. 34: Lots 1, 2, 3, 5,
Sec. 35: Lot 2.
T. 1 S., R. 2 E.,
Sec. 4: Lots 1, 2, 4, 6, 7, NW¼SE¼, NW¼SW¼, SE¼NW¼,
Sec. 6: NW¼SE¼,
Sec. 9: Lots 1, 3, 4, 9, 10, 11, S½NE¼, W½SE¼.
T. 2 S., R. 2 E.,
Sec. 7: Lot 4, NE¼SE¼,
Sec. 8: Lot 1, NW¼SW¼, SE¼SW¼,
Sec. 9: Lot 1,
Sec. 10: Lots 1, 4, 7, 8, 9, 12, SE¼NE¼, NE¼SE¼,
Sec. 13: SE¼SW¼, SW¼SE¼,
Sec. 14: Lots 1, 3, 4, 5, 8, NE¼NW¼, SW¼NE¼, E½SE¼,
Sec. 15: Lot 1,
Sec. 17: Lots 1, 3,
Sec. 21: Lots 1, 2, 3, NE¼NE¼.
T. 4 S., R. 3 E.,
Sec. 2: Lots 1, 2, 3, NE¼SW¼, SW¼SE¼,
Sec. 24: Lot 2, SW¼NE¼.
T. 5 S., R. 4 E.,
Sec. 13: Lots 1, 2, 4, 5, 6, 7, SE¼NE¼, NW¼SE¼, NE¼SW¼, SW¼NW¼,
Sec. 15: SE¼SE¼,
Sec. 21: Lots 1, 6,
Sec. 22: Lot 1,
Sec. 23: Lots 2, 3, NW¼NW¼,
Sec. 24: Lots 1, 2, 3, SW¼NE¼, SE¼NW¼,
Sec. 28: NE¼NE¼,
Sec. 32: Lots 2, 3, 4, NE¼SE¼.
T. 6 S., R. 4 E.,
Sec. 2: Lot 4,
Sec. 14: Lots 1, 2, 3, 4, SW¼NW¼, SW¼SE¼, NE¼SW¼,
Sec. 15: Lot 1,
T. 7 S., R. 5 E.,
Sec. 23: Lots 4, 5, 6, SW¼NE¼, NW¼SE¼,
Sec. 24: SW¼NW¼.

A. J. LACOVEY,
Acting Regional Administrator.

[F. R. Doc. 51–2383; Filed, Feb. 16, 1951; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9831, 9876]

HEART OF THE BLACK HILLS (KDSJ) AND MINNESOTA VALLEY BROADCASTING CO. (KTOE)

ORDER CONTINUING HEARING

In re applications of John Daniels, Eli Daniels and Harry Daniels, d/b as Heart of the Black Hills (KDSJ), Deadwood, South Dakota, Docket No. 9831, File No. BP–7597; Minnesota Valley Broadcasting Co. (KTOE), Mankato, Minnesota, Docket No. 9876, File No. BP–7941.

The Commission having under consideration a Motion for Continuance filed February 2, 1951, on behalf of John Daniels, Eli Daniels and Harry Daniels, d/b as Heart of the Black Hills, Station (KDSJ); and

It appearing, from the motion that since the previously ordered continuance, movant has made extensive engineering studies seeking a workable frequency or antenna array for Station KDSJ, and that such studies may not be completed for presentation at the now scheduled hearing on February 19, 1951; and

It further appearing, that no opposition to the motion for continuance has been filed and the granting thereof will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 9th day of February 1951, that the motion for continuance is granted, and the hearing presently scheduled to commence on February 19, 1951, is continued to Monday, March 19, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51–2389; Filed, Feb. 16, 1951; 8:49 a. m.]

[Docket Nos. 9894—9896]

BOOTH RADIO & TELEVISION STATIONS, INC., ET AL.

CORRECTED ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio & Televisions Stations, Inc., Lansing, Michigan, Docket No. 9894, File No. BP–7905; John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP–7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP–7840; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration (1) the above-entitled applications of Booth Radio and Television Stations, Inc., for a new standard broadcast station to operate on the frequency 1470 kc. with 1 kilowatt power, daytime only, at Lansing, Michigan; of John C. Pomeroy for a new standard broadcast station to operate on the frequency of 1460 kc, with 500 watts, daytime only, at Pontiac, Michigan; and of Adelaide Lillian Carrell for a new standard broadcast station to operate on the frequency of 1470 kc. with 1 kilowatt of power, directional antenna day and night (DA-1), at Flint, Michigan; and (2) a petition, filed January 4, 1951, by North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina, requesting that the above-entitled application of Adelaide Lillian Carrell be designated for hearing, and that the petitioner be made a party to the proceeding; and an opposition to the said petition, filed January 15, 1951 by Adelaide Lillian Carrell;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m., on March 22, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of John C. Pomeroy and Adelaide Lillian Carrell and the technical, financial and other qualifications of Booth Radio and Television Stations, Inc., and its stockholders, officers and directors to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Flint, Michigan, would involve objectionable interference with Station WBIG, Greensboro, North Carolina; and to determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations; and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Lansing, Michigan, and of Station WSGW, Saginaw, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina, is made a party to this proceeding with respect to the above-entitled application of Adelaide Lillian Carrell only.

It is further ordered, That the petition of North Carolina Broadcasting Company, Inc. (WBIG) is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2398; Filed, Feb. 16, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1522]

NORTHERN INDIANA PUBLIC SERVICE CO.

ORDER FIXING DATE OF HEARING

On November 1, 1950, Northern Indiana Public Service Company (Applicant), an Indiana corporation having its principal place of business at Hammond, Indiana, filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon certain of its facilities and discontinue certain service, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 18, 1950 (15 F. R. 7991).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 7, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2377; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1532]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

FEBRUARY 12, 1951.

On November 8, 1950, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation having its principal place of business at Phillipsburg, Kansas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to finance approximately $3,000,000 of the $7,209,768 cost of its proposed facilities by the issuance and sale of securities for which authorization from the Securities and Exchange Commission is required. Applicant has advised this Commission that it has filed a registration statement with the Securities and Exchange Commission for such authorization, and that said proceeding has now progressed to a point where the remaining condition to be met is the obtaining from this Commission of the authorization herein requested. Applicant further advises that it is presently obligated to pay, by March 1, 1951, approximately $1,000,000 for pipe now on hand which will be required for the construction herein proposed, and that the funds relied on to meet said obligation will be realized from the sale of the securities in the amount of $3,000,000 hereinbefore referred to.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 28, 1950 (15 F. R. 8134).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended; and the Commission's rules of practice and procedure, a public hearing be held on February 20, 1951, at 9:30 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2374; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1537]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

On November 20, 1950, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, having its principal place of business in Minneapolis, Minnesota, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of facilities for the transportation of natural gas by Applicant to Applicant's proposed local distribution system at the Rapid City Air Base, Rapid City, South Dakota, as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 28, 1950 (15 F. R. 9359-9360).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 1, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2379; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1546]

MICHIGAN CONSOLIDATED GAS CO. AND AUSTIN FIELD PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On December 4, 1950, Michigan Consolidated Gas Company (Michigan Consolidated) and Austin Field Pipe Line Company (Austin Company), both Michigan corporations and each having its principal place of business at Detroit, Michigan, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Michigan Consolidated to require all of the natural-gas transmission facilities of Austin Company, subject to the jurisdiction of the Commission, and to continue to operate certain of such facilities, all as more fully described in the application on file with the Commission and open to public inspection.

Applicants have requested that said joint application be heard under the shortened procedure provided by § 1.32 (b) [18 CFR 1.32 (b)] of the Commission's rules of practice and procedure. It appears to be a proper one for disposition under the aforesaid rule, since no protest or petition raising an issue of substance has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on December 20, 1950 (15 F. R. 9110).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 5, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2381; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket Nos. G-1549, G-1550]

ARKANSAS LOUISIANA GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

In the matters of Arkansas Louisiana Gas Company, Docket No. G-1549; Texas Eastern Transmission Corporation, Docket No. G-1550.

On December 8, 1950, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation with its principal office at Texas Eastern Building, Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 2.3 miles of 6-inch pipeline connecting its 24-inch main transmission pipeline with the proposed metering station of Arkansas Louisiana Gas Company (Arkansas Louisiana) in the North Lansing Field in Harrison County, Texas, and the exchange of natural gas between the two companies. On December 8, 1950, Arkansas Louisiana also filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a metering and regulating station in the North Lansing Field, Harrison County, Texas, for the delivery of gas into the proposed line of Texas Eastern. By the two applications it is proposed that Arkansas Louisiana deliver to Texas Eastern excess gas it may have available from its North Lansing supply and Texas Eastern proposes to return such gas to Arkansas Louisiana from its supplies now available to it in the Lisbon Field in Louisiana.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, applicants having requested that their applications be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the applications, including publication in the FEDERAL REGISTER on December 20, 1950, and on December 28, 1950 (15 F. R. 9110, 9360) respectively.

(2) Because of the common issues involved in Docket Nos. G-1549 and G-1550, they should be consolidated for purpose of hearing and disposition.

The Commission orders:

(A) The applications in Docket Nos. G-1549 and G-1550 be and they are

hereby consolidated for purpose of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held on March 7, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2378; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket Nos. G-1551, G-1552]

INDIANA GAS AND WATER CO., INC., AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 13, 1951.

In the matters of Indiana Gas and Water Company, Inc., Docket No. G-1551; Texas Gas Transmission Corporation, Docket No. G-1552.

Upon consideration of request of Counsel for Panhandle Eastern Pipe Line Company for continuance of the hearing now scheduled for February 19, 1951, in the above-designated matters, and the concurrence of the Public Service Commission of Indiana and Indiana Gas and Water Company, Inc., in said request;

Notice is hereby given that the hearing in the above-designated matters be and it is hereby continued to March 21, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2375; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1556]

SOUTHERN CALIFORNIA GAS CO.

NOTICE OF ORDER APPROVING TRANSFERS OF AMOUNTS IN DEPRECIATION RESERVE

FEBRUARY 14, 1951.

Notice is hereby given that, on February 13, 1951, the Federal Power Commission issued its order entered February 12, 1951, approving transfers of amounts in depreciation reserve to earned surplus and to other reserve accounts in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2369; Filed, Feb. 16, 1951; 8:46 a. m.]

[Docket No. G-1583]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

On January 8, 1951, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities and the sale of natural gas, subject to the jurisdiction of the Commission as fully described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 19, 1951 (16 F. R. 513).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 5, 1951, at 9:30 a. m., in the Hearing Room, of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2380; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1591]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On January 17, 1951, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal office at Texas Eastern Building, Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the sale and delivery of natural gas on an emergency basis to Illinois Electric and Gas Company, National Gas & Oil Corporation, and Waynesburg Home Gas Company, all as more fully described in the application.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 2, 1951 (16 F. R. 994).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 15, 1951, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 13, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2376; Filed, Feb. 16, 1951; 8:45 a. m.]

[Docket No. G-1600]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

FEBRUARY 13, 1951.

Take notice that on January 30, 1951, Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing:

(1) The acquisition and operation of the Riverside Gas Field located in Missaukee County, Michigan, for storage and subsequent withdrawal of natural gas, including all gathering lines, well lines, desulphurization plant and a portable compressor unit of 225 horsepower. The reconditioning and preparation for storage operations in this field will require also the drilling of 70 additional gas wells and enlargement of the present gathering system to be used in connection therewith;

(2) The construction and operation of a pipeline approximately 78 miles in length consisting of 24-inch, 22-inch, and 16-inch pipe extending from Laingsburg to Pontiac and Mount Clemens, all in Michigan, with lateral lines having an aggregate length of approximately 17 miles extending therefrom to the Southeast Division of Consumers Power Company in southeastern Michigan;

(3) The construction and operation of necessary regulating and measuring stations to be used in connection with the facilities referred to in paragraph (2) above.

(4) The construction and operation of 7,400 horsepower of additional compressor capacity at the Applicant's Muskegon River Compressor Station;

(5) The construction and operation of 30 miles of 26-inch loop pipeline between Laingsburg and Mount Pleasant junction;

(6) The construction and operation of 10 miles of 12¾-inch pipeline from the Riverside Gas Field to the Applicant's Muskegon River Compressor Station.

The total estimated over-all capital cost of the proposed facilities, including the acquisition of Riverside Gas Field and the facilities therein, is $10,866,000, which Applicant proposes to finance by the issuance and sale of First Mortgage Bonds. Applicant states that a contract has been negotiated with various purchasers for the sale of such bonds and it is anticipated that the bonds will be issued and sold early in February 1951.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of March 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2376; Filed, Feb. 16, 1951; 8:45 a. m.]

[Project No. 2071]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

FEBRUARY 13, 1951.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791 (a)-825 (r)) that Pacific Power & Light Company, of Portland, Oregon, has made application for a license for proposed major project No. 2071 (Yale Project) to be located on the Lewis River in Clark and Cowlitz Counties, State of Washington. The proposed project would affect lands of the United States and would consist of a dam composed of a nonoverflow concrete arch section about 305 high with a concrete gravity thrust block, a spillway section equipped with gates, a concrete bulk head section about 2,800 feet long, a separate earth dike about 1,600 feet long and about 30 feet high, a reservoir about 9 miles long at normal operating elevation 490 feet mean sea level; a powerhouse located at the toe of the dam with initial installation of two 70,000 horsepower turbines each connected to a 50,000 kilowatt generator and foundations for two additional units of the same capacity; a substation adjacent to the powerhouse and a 115 kv transmission line 11 miles long extending from the substation to a point on the Applicant's transmission system near the Mervin plant of Project No. 935.

Any protest against approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the parties so protesting or requesting should be submitted on or before March 30, 1951, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2391; Filed, Feb. 16, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 43-A]

CENTRAL OF GEORGIA RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 43, and good cause appearing therefor: *It is ordered,* That:

(a) King's I. C. C. Order No. 43 be, and it is hereby vacated and set aside.

(b) *Effective date.* This order shall become effective at 2:00 p. m., February 12, 1951.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 12, 1951.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 51-2384; Filed, Feb. 16, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ROBERT S. WAY CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of February 1951.

In the matter of Robert S. Way, dba, Robert S. Way Company, 115 Broadway, New York, N. Y.

I. The Commission's public official files disclosed that Robert S. Way doing business as Robert S. Way Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered

[1] Filed as part of the original document.

mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2393; Filed, Feb. 16, 1951; 8:47 a. m.]

M. E. TOBIN CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of February 1951.

In the matter of Maxwell E. Tobin dba, M. E. Tobin Company, 842 Bushwick Avenue, Brooklyn, N. Y.

I. The Commission's public official files discloses that Maxwell E. Tobin doing business as M. E. Tobin Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943, 1944, 1945, 1946, 1947, 1948 or 1949 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statements set forth in paragraph II hereof are true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 19th day of March 1951 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 101, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before March 12, 1951. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to March 19, 1951.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2394; Filed, Feb. 16, 1951; 8:47 a. m.]

[File No. 70-2555]

NEW ENGLAND POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of February A. D. 1951.

New England Power Company ("NEPCO"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 an application under the third sentence of section 6 (b) of said act and Rule U-50 thereunder with respect to the following transactions:

NEPCO proposes to issue and sell $12,000,000 principal amount of First Mortgage Bonds, Series D, to be dated February 1, 1951, and to mature February 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to NEPCO (which, excluding accrued interest, shall not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding. NEPCO proposes to issue the bonds under an Indenture of Trust and First Mortgage dated November 15, 1936, as amended and supplemented by supplemental indentures dated July 1, 1948, and July 1, 1949, and a third supplemental indenture to be dated February 1, 1951.

The application states that the proceeds from the sale of the bonds will be used by NEPCO to pay indebtedness to banks which it is expected will aggregate $10,500,000 at the time of receipt of such proceeds and that the balance of the proceeds will be used to pay for construction expenditures made or to be made (see Holding Company Act Release No. 10363).

In connection with the system program for financing the construction requirements of the subsidiaries of NEES, including, among other things, the maintenance by NEES of a reasonable equity base for the required senior financing, the application contains the same statement quoted in the order of this Commission dated October 27, 1950, in Beverly Gas and Electric Company et al., Holding Company Act Release No. 10182.

Notice of such filing having duly been given in the form and manner prescribed by Rule U-23 under the act and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The issue and sale of said bonds having been expressly authorized by the Department of Public Utilities of the Commonwealth of Massachusetts, the State commission of the State in which NEPCO is organized and doing business, and by the Vermont Public Service Commission and, subject to the entry of a supplemental order with respect to the results of competitive bidding, by the New Hampshire Public Service Commission, in which States NEPCO also does business;

Applicant having requested that the period for the invitation of bids as prescribed by Rule U-50 under the Act be shortened to six days and that the Commission's order herein become effective upon issuance; and

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith, subject to the terms and conditions specified below:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and hereby is, granted, effective forthwith, and that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be, and it hereby is, shortened to a period of not less than six days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issue and sale of said bonds shall not be consummated until the results of competitive bidding and the supplemental order of the New Hampshire Public Service Commission with respect thereto shall have been made a matter of record in this proceeding and a further order entered by this Commission on the basis of the record so supplemented, which order shall contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be reserved with respect to the payment of all legal, accounting and auditing fees and expenses in connection with proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2396; Filed, Feb. 16, 1951; 8:48 a. m.]

[File No. 812-705]

FIRST YORK CORP. AND COMMERCIAL CONTROLS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 13th day of February A. D. 1951.

Notice is hereby given that First York Corporation (First York), 103 Park Avenue, New York, New York, on behalf of itself and Commercial Controls Corporation (Commercial), Rochester, New York, has filed an application under section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from section 17 (a) of the act, certain transactions involved in a proposed recapitalization of Commercial.

First York is a closed-end, nondiversified, management investment company registered under the act. Commercial is engaged in the manufacture and distribution of mailroom equipment and through its subsidiary, Electromode Corporation, in the manufacture and sale of electric space heating equipment. First York owns 38.72 percent and International Business Machines Corporation (IBM) owns 61.28 percent of the 25,825 shares of preferred stock of Commercial outstanding. First York owns 58.81 percent and IBM owns 41.19 percent of the 20,228 shares of Class A stock of Commercial outstanding. First York owns 54 percent, IBM owns 36 percent and Charles R. Ogsbury, president of Commercial, owns 10 percent of the 100,000 shares of common stock of Commercial outstanding. Commercial, therefore, is an affiliated and controlled person of First York within the meaning of the act so that various phases of the proposed plan of recapitalization are prohibited by section 17 (a) of the act.

Pursuant to the proposed plan of reorganization, IBM and First York will exchange their holdings of preferred and Class A stocks of Commercial for promissory notes of Commercial. IBM will receive promissory notes amounting to $1,353,000 which represents the book cost to IBM of its investment in preferred and Class A stocks of Commercial, after the book cost to IBM of 36,000 shares of common stock of Commercial at $1.00 a share has been deducted. The book value of the preferred and Class A stocks of Commercial held by IBM on September 20, 1950, was approximately $80,000 in excess of the face amount of notes to be issued to IBM.

First York will receive promissory notes amounting to $1,325,500, which is equal to the book value, as of September 30, 1950, of the preferred and Class A stocks of Commercial held by First York. The book cost of First York's investment in preferred and Class A stocks of Commercial amounts to $1,860,645 after deducting $1.00 per share for its investment in 54,000 shares of common stock of Commercial.

The notes to be issued by Commercial will be dated as of December 31, 1950, will bear 3 percent interest and will mature 20 years from date. Commencing on December 31, 1961, Commercial is to pay annually $135,300 in reduction of principal of notes held by IBM and $132,550 in reduction of principal of notes issued to First York.

Upon consummation of the foregoing exchange of stocks for notes, IBM will sell its holdings of 36,000 shares of common stock of Commercial at a price of $1.00 per share to a Management Group. (The Management Group will consist of Charles R. Ogsbury, C. E. Love, J. A. Trainor, W. J. Kaiser, W. M. Kearns, L. Scott Cass and W. E. Betts, all of whom are officers or employees of Commercial.) The Management Group will then enter into an agreement with First York and Commercial whereby First York and Commercial will have first right to purchase common stock held by members of the Management Group in the event such members intend to sell their stock. IBM will grant to The Equity Corporation, First York and Commercial, first offer rights with respect to the notes of Commercial to be received by IBM and First York will grant to IBM reciprocal first offer rights to the notes to be received by First York. Commercial will reduce the par value of its common stock from $1.00 per share to $0.10 per share and will eliminate its preferred and Class A stocks.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given, that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after March 1, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 27, 1951 at 5:30 p. m. submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2395; Filed, Feb. 16, 1951; 8:47 a. m.]

[File No. 54-168]

AMERICAN POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February A. D. 1951.

Notice is hereby given that American Power & Light Company ("American"), a registered holding company under the Public Utility Holding Company Act of 1935, which has been required by the Commission, pursuant to section 11 (b) (2) of the act, to be dissolved, has filed with the Commission a notice, pursuant to Rule U-44 (c) of the general rules and regulations of the Commission promulgated under the act, notifying the Commission of its intention to dispose of its entire interest in The Washington Water Power Company (the "Washington Company") by a sale of stock or of physical properties to two or more Public Utility Districts of the State of Washington, or part thereof to such Public Utility Districts and part to municipalities presently served by the Washington Company. American states that it will endeavor to negotiate and consummate such sale or sales as soon as practicable after February 26, 1951. American represents that the purchasers (referred to in the notice as "public bodies") are municipal corporations, and are State political subdivisions, agencies, authorities, and instrumentalities, and American contends that the Commission has no jurisdiction to deal with the merits of the proposed transactions.

[1] Filed as part of the original document.

All interested persons are referred to said notice, which is on file in the office of the Commission in Washington, D. C., and copies of which are being airmailed forthwith to the regional office of the Commission in Seattle, Washington, for a description of the proposed transactions, which are summarized as follows:

1. American would dispose of its entire direct and indirect interest in the Washington Company of every kind and nature to public bodies as above described.

2. The public bodies would acquire either all of the common stock of the Washington Company or the physical properties of said Company, as may later be determined; in either case the Washington Company would be immediately dissolved and, in the process thereof, the holders of the First Mortgage Bonds 3½ percent Series Due 1964 would be redeemed at the maximum redemption price of 106 percent of principal amount specified in the indenture securing said Bonds, together with accrued interest to the date of their redemption, and the $6 Preferred Stock of the Washington Company would be redeemed at the redemption price of $110 per share, plus accrued dividends to the date of the redemption thereof.

3. It is the understanding of American that the purchasers would require that American, out of the proceeds of the sale, make certain provisions for payments to employees of the Washington Company which, together with the amounts already made available to the Trustee under the Washington Company's Retirement Plan, would total some $2,700,000; that this amount, in the absence of eventualities which American does not expect to occur, would be made available for distribution to such employees over a period of time through trust funds; that the employees so benefited would include all these who are members of the established Retirement Plan of the Washington Company and all those who are included in a so-called Provident Reserve Group; and that the purchasers would offer employment to all the present employees of the Washington Company with few exceptions.

4. The purchase price to be received by American would be subject to an adjustment predicated on the assumption that the Federal income tax liability of the Washington Company for the period up to consummation of the transactions will not exceed the amount accrued therefor by the Washington Company, and American would be required to meet certain obligations of its own arising from the transactions. American would receive in the transactions, whether embracing the sale of physical assets or of stock, a net amount of cash and securities dependent in part upon certain tax contingencies. American states that, based on existing tax laws, the net proceeds which would be received by American, after reflecting every reasonably conceivable liability and adjustment of price and all costs incident to the transaction, would not be less than $56,000,000, and that the net proceeds to American might reasonably be as much as $61,000,000.

5. American has included in its notice certain information relating to the cost to American of its interest in the Washington Company properties, the estimated cost of reproducing such properties less accrued depreciation, financial statements for the year 1950 and for the twelve months ended January 31, 1951, the net earnings applicable to the common stock of the Washington Company for the past three years, the budgeted earnings for the years 1951 and 1952, and the possible impact on earnings to result from the proposed construction of a plant at Cabinet Gorge. American states that the most advantageous method, in the interest of American's stockholders, of complying with the dissolution order of the Commission would, in the opinion of American's management, be to dispose of its interest in the Washington Company to public bodies as outlined above.

6. The net proceeds which may be received by American will be partly in cash, partly in the form of U. S. Treasury Bonds, and partly in the form of bonds of the acquiring public bodies. The U. S. Treasury Bonds which would be so received would not exceed $5,000,000 principal amount, valued at the then market price thereof, and any bonds of public bodies to be so received would not exceed $15,000,000 principal amount, valued at such price as may be agreed upon at the time of such transactions but not in excess of the price to underwriting groups.

7. Upon the disposition of American's interest in the Washington Company, American would promptly file with the Commission a plan for distribution of the cash proceeds to its stockholders. As soon thereafter as practicable, American would distribute to its stockholders either the United States Treasury Bonds and any bonds of public bodies received in the transactions, or the proceeds received by American from the sale of all or part thereof. Such distributions would be consummated following application to the Commission with respect thereto and such proceedings as might be required thereon.

8. American would request, in connection with such a transaction, that the Commission enter an order containing the recitals required by Supplement R of the Internal Revenue Code, to the effect that the disposal of American's interest in the Washington Company is necessary or appropriate to the effectuation of the provisions of section 11 (b) of the Holding Company Act and constitutes a step in compliance with the Commission's order for the dissolution of American.

9. American states that no commitment has been made under which anyone is committed to purchase any property or securities from American as outlined above, but that American believes that there are reasonable prospects of completion of the transactions after the regulatory status thereof has been determined by the Commission.

10. In support of its contention that, by reason of the provisions of section 2 (c) of the act, the Commission has no jurisdiction to deal with the merits of the proposed transactions, American cites certain testimony submitted by the Commission in 1945 and 1946 to the Securities Subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives, and the fact that the Congress did not thereafter amend the Holding Company Act to confer additional jurisdiction upon the Commission.

The Commission having before it in its files a comprehensive record concerning the Washington Company and the interest of American therein, and having heard argument on the issue whether American should be required to distribute the common stock of the Washington Company to the common stockholders of American; and

Rules U-44 (c) and U-44 (b) (3) of the Rules and Regulations under the Act permitting consummation of the proposed transactions without further proceedings unless, within the 10-day notice period therein specified, the Commission shall have required American to file a declaration; the Commission having received certain requests that it require American to file a declaration with respect to the proposed transactions; it appearing to the Commission that substantial questions exist concerning the propriety of such action by the Commission; it appearing further to the Commission that it is appropriate in the public interest that opportunity be given to show cause why the filing by American of such a declaration should or should not be required by the Commission within the 10-day period specified in Rule U-44 (c), and that within said 10-day period further proceedings should be had herein by the Commission, limited to the following issues:

(1) Whether the Commission has jurisdiction under the Act to require that a declaration be filed by American with respect to the proposed transactions; and

(2) Whether, if the Commission has such jurisdiction, it would be appropriate, in the light of the provisions of section 2 (c) and other applicable provisions of the act for the Commission to require that a declaration be filed by American with respect to the proposed transactions;

It is ordered, That all interested persons shall show cause, if there be any, why the Commission should or should not require that a declaration be filed by American with respect to the proposed transactions, either before Commissioner Richard B. McEntire, or any other officer or officers of the Commission designated by it for that purpose, in the United States District Courtroom, Third Floor, United States Court House and Post Office Building, Riverside Avenue and Lincoln Street, Spokane, Washington, on February 20, 1951, at 10:00 a. m., P. s. t., or as soon thereafter as such persons can be heard; or before Commissioner Paul R. Rowen, or any other officer or officers of the Commission designated by it for that purpose, in Room 102, 425 Second Street NW., Washington 25, D. C., on February 20, 1951, at 10:00 a. m., e. s. t., or as soon thereafter as such persons can be heard. Such cause shall be shown either orally or in writing, by way of argument, statements of position, and or offers of proof. Said Commissioners and said officer or officers so designated are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

Notice is further given that all persons who shall have appeared at the above proceedings, either in person or by counsel, or by the filing of written argument, statements of position, or offers of proof, may then and there request leave to be heard in oral argument before the Commission on February 23, 1951, and that the Commission will hear such oral argument in the offices of the Commission, 425 Second Street NW., Washington 25, D. C., at 10:00 a. m. on that date. On that date the hearing room clerk will advise as to the room in which such oral argument will be heard.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid proceedings by mailing copies of this notice and order not later than February 15, 1951, by registered mail to American Power & Light Company, The Washington Water Power Company, the Department of Public Service of the State of Washington, the Public Utilities Commission of the State of Idaho, and the Public Utilities Commissioner of the State of Oregon; and that notice of said proceedings and of the matters set forth in this Notice and Order is hereby given to all interested persons, such notice to be given by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2476; Filed, Feb. 16, 1951; 9:44 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17216]

TSUNESHIRO YAMAZAKI

In re: Bonds owned by Tsuneshiro Yamazaki. F-39-1586 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsuneshiro Yamazaki, whose last known address is Wrawa, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Five (5) Imperial Japanese Government External Loan of 1924 30-Yr. Sinking Fund 6½ percent Gold Bonds, due February 1, 1954, of $1000 face value each, bearing the numbers M50514, M51092, M15945, M15946 and M105812, presently in the custody of National Mortgage & Finance Co., Ltd., 1030 Smith Street, Honolulu, Hawaii, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2402; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17208]

MARIE KOCK

In re: Bank accounts and stock owned by Marie Kock, also known as Marie Nicolai Kock. F-28-11679; C-1; D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Kock, also known as Marie Nicolai Kock, whose last known address is #1 Moltke Strasse, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Marie Kock, also known as Marie Nicolai Kock, by the Bank of America National Trust & Savings Association, 485 California Street, San Francisco, California, arising out of a savings account, account number 705, entitled Marie Kock, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the Bank of America National Trust & Savings Association, 485 California Street, San Francisco, California, arising out of a savings account, account number 6223, entitled "John L. W. Cattermole or Wilma Travis, as Trustees for Marie Kock," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. Three (3) shares of $25.00 par value common capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate numbered F177337, registered in the name of Marie Kock, and presently in the custody of Ivores R. Dains, 58 Sutter Street, San Francisco, California, together with all declared and unpaid dividends thereon, and

d. Fifteen (15) shares of $25.00 par value 6 percent first preferred capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco, California, a corporation organized under the laws of California, evidenced by certificate number F147518, registered in the name of Marie Kock, and presently in the custody of Ivores R. Dains, 58 Sutter Street, San Francisco, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Marie Kock, also known as Marie Nicolai Kock, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2400; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17213]

ALIX LOUISE SCHENK ZU SCHWEINSBERG

In re: Securities and cash owned by Alix Louise Schenk zu Schweinsberg,

also known as Alix Schenk. F-28-23760-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alix Louise Schenk zu Schweinsberg, also known as Alix Schenk, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Sixteen (16) City of Tokyo (Japan), Sinking Fund 5½ percent External Loan Bonds of 1927, due October 1, 1961, of $1,000 face value each, bearing the numbers 13057, 4671, 3966, 4791, 16083, 5167, 11826, 16084, 16759, 13550, 13551, 13552, 12213, 13346, 13347 and 13348, in bearer form, presently in the custody of J. Henry Schroder Banking Corporation, 57 Broadway, New York 5, New York, in an account for J. Henry Schroder & Co., London, entitled Blocked Account Baron Gunthram Schenk zu Schweinsberg, deceased, and Baroness Alix Schenk zu Schweinsberg, together with any and all rights thereunder and thereto,

b. Six (6) Kreuger & Toll Company 5 percent Sinking Fund Gold Debenture Bonds, due March 1, 1959, of $1,000 face value each, bearing the numbers 8-576/80 inclusive and 17-145 in bearer form, presently in the custody of J. Henry Schroder Banking Corporation, 57 Broadway, New York 5, New York, in an account for J. Henry Schroder & Co., London, entitled Blocked Account Baron Gunthram Schenk zu Schweinsberg, deceased, and Baroness Alix Schenk zu Schweinsberg, together with any and all rights thereunder and thereto,

c. Seven (7) Mortgage Bank of the Kingdom of Denmark 45 Year Sinking Fund 5 percent External Gold Bonds of 1927 Series IX, due December 1, 1972, of $1,000 face value each, bearing the numbers 2453, 864, 892, 893, 894, 3938 and 3939, in bearer form, presently in the custody of J. Henry Schroder Banking Corporation, 57 Broadway, New York 5, New York, in an account for J. Henry Schroder & Co., London, entitled Blocked Account Baron Gunthram Schenk zu Schweinsberg, deceased, and Baroness Alix Schenk zu Schweinsberg, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 57 Broadway, New York 5, New York, arising out of a balance in current account for J. Henry Schroder & Co., London, entitled Blocked Account Baron Gunthram Schenk zu Schweinsberg, deceased, and Baroness Alix Schenk zu Schweinsberg, maintained at the aforesaid banking corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alix Louise Schenk zu Schweinsberg, also known as Alix Schenk, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2401; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17261]

ALFRED VONWILLER

In re: Estate of Alfred Vonwiller, deceased. File No. D-28-12913; E. T. sec. 17070.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Bianca Kotze-Motze, Konni Luttwitz and Margaretha Luttwitz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Alfred Vonwiller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Edgar F. Faltzer and Maurice B. Lafourcade, as ancillary administrators c. t. a., acting under the judicial supervision of the Surrogate's Court of the County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2403; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17272]

EDMUND GROSS

In re: Stock owned by Edmund Gross. F-28-31168.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edmund Gross, whose last known address is Muller-Bersestrasse 34, Dresden A, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One Hundred Forty-four (144) shares of One Dollar par value common stock of The Flour City Ornamental Iron Company, Minneapolis, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by certificates numbered 101 and 1569, registered in the name of Edmund Gross, together with all declared and unpaid dividends thereon, and

b. One Hundred Forty-four (144) shares of One Dollar par value common stock of Champion Motors Company, New Brighton, Minnesota, a corporation organized under the laws of the State of Minnesota, evidenced by certificate numbered 111, registered in the name of Edmund Gross, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2406; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17268]

RHINE MAIN DANUBE CORP. AND KONVERSIONSKASSE FÜR DEUTSCHE AUSLANDSSCHULDEN

In re: Accounts and scrip owned by Rhine Main Danube Corporation, also known as Rhein Main Donau, A. G. and Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, F-28-3390-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rhine Main Danube Corporation, also known as Rhein Main Donau, A. G., the last known address of which is 28 Leopoldstrasse, Munich 23, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a sinking fund account entitled "Rhine Main Danube Corporation 7 percent External Loan of 1925 Series A", together with any and all accruals thereto, maintained at the office of the aforesaid J. Henry Schroder Banking Corporation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rhine Main Danube Corporation, also known as Rhein Main Donau, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of coupon deposit accounts entitled "Rhine Main Danube Corporation 7 percent External Loan of 1925 Series A", together with any and all accruals thereto, maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM4305, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial settlement of coupons numbered 16 and 17 on the bonds described in subparagraph 4 (a) hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Konversionskasse für Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2405; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17267]

CITY OF LEIPZIG AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts and script owned by City of Leipzig and Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden. F-28-3680-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the City of Leipzig is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of coupon accounts for the payment of coupons numbered 2 to 14 inclusive on bonds entitled "City of Leipzig 7 Percent External Loan of 1926," maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, together with all accruals thereto and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of a sinking fund account entitled "City of Leipzig 7 Percent External Loan of 1926," maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, City of Leipzig, the aforesaid political subdivision of a designated enemy country (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden, the last known address of which is Berlin, C111, Germany, is a public corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, arising out of coupon accounts for the payment of coupons numbered 15 and 16 on bonds entitled "City of Leipzig 7 Percent External Loan of 1926,"

maintained at the office of the aforesaid J. Henry Schroder Banking Corporation, together with all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmarks certificates of indebtedness of Conversion Office for German Foreign Debts in the aggregate amount of approximately RM 5625, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, said certificates of indebtedness having been offered by the said Conversion Office in partial payment of coupons numbered 15 and 16, appertaining to the bonds named in subparagraph 1 hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse für Deutsche Auslandsschulden the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2404; Filed, Feb. 16, 1951; 8:49 a. m.]

[Vesting Order 17310]

HENRY WEYMANN

In re: Trust under the will of Henry Weymann, deceased. File No. D-28-4169; E. T. sec. No. 7716.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and pursuant to law, after investigation, it is hereby found:

1. That Paula Weymann and Alex Runge, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown, of Alex Runge, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, not heretofore vested by Vesting Order No. 7654, in and to the trust created under the will of Henry Weymann, deceased, and

b. All property in the possession, custody or control of The Conqueror Trust Company and of Allen McReynolds, as trustees of the trust created under the will of Henry Weymann, deceased, including particularly but not limited to:

(1) Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, together with any and all rights thereunder and thereto,

(2) That certain debt or other obligation of the Joplin Federal Savings and Loan Association, Joplin, Missouri, arising out of an investment share account, evidenced by Investment Share Certificate No. 95 of the said Joplin Federal Savings and Loan Association, in the amount and face value of Five Thousand Dollars ($5,000.00), and the said certificate, presently in the custody of The Conqueror Trust Company, trustee as aforesaid; together with any and all accruals to the aforesaid debt or other obligations and any and all rights to demand, enforce, and collect the same, and all rights in, to and under the aforesaid share certificate, and

(3) The sum of $610.57, as of January 3, 1951, together with any and all accruals thereto,

is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Conqueror Trust Company and by Allen McReynolds, as trustees, acting under the judicial supervision of the Circuit Court of Jasper County, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs-at-law, names unknown, of Alex Runge are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof, subject to all lawful fees and disbursements of The Conqueror Trust Company and of Allen McReynolds, as trustees of the trust created under the will of Henry Weymann, deceased.

All such property so vested shall be held, used, administered, liquidated, sold, or othewise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Description of issue	Face value	Certificate Nos.
United States savings bonds, series "G"	$10,000	[illegible]
	1,000	[illegible]
	1,000	[illegible]
United States Treasury 2½ percent bonds of 1959-62.	1,000	[illegible]
	1,000	[illegible]
	500	[illegible]

[F. R. Doc. 51-2408; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17301]

JOSEPH HUBERT ANDERMAHR

In re: Estate of Joseph Hubert Andermahr, also known as Hubert Andermahr, deceased. File No. D-28-3873-G-1; E. T. sec. 2175.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Andermahr; Joseph Andermahr, also known as Josef Andermahr; Sophia Breummer, also known as Sovia Prummer; Heinreich Kloeter, also known as Henrich Kloeters; Gertrude Veth, also known as Gertrud Veth; Anton Andermahr; Katherine Beuth, also known as Katharina Beuth; and Heinrich Andermahr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Borough of Brooklyn, City of New York, State of New York, and more particularly bounded and described as follows:

All that lot or parcel of land, with the buildings and improvements thereon, in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows, to wit:

Beginning at a point on the Northerly side of Parkville Avenue, formerly Washington Avenue, distant nineteen feet Easterly from the corner formed by the intersection of the Northerly side of Parkville Avenue with the Easterly of Third Street, running thence Northerly parallel with Third Street, and part of the distance to a party wall one hundred feet, thence Easterly parallel with Parkville Avenue nineteen feet, thence Southerly parallel with Third Street one hundred feet to the Northerly side of Parkville Avenue and thence Westerly along the Northerly side of Parkville Avenue, nineteen feet to the point or place of beginning. Also known as part of Section #79 on Map of the Village of Greenfield Land of United Freeman's Land Association, File #477.

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2407; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17316]

DEUTSCHE BAU UND BODENBANK, A. G.

In re: Accounts owned by Deutsche Bau und Bodenbank, A. G., also known as German Building and Land Bank. F-28-22138; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Bau und Bodenbank, A. G., also known as German Building and Land Bank, the last known address of which is Taubenstrasse 48/49, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of A. G. Becker & Co., Incorporated, 120 South La Salle Street, Chicago, Illinois, arising out of a coupon deposit account entitled "German Building and Land Bank," maintained at the office of the aforesaid A. G. Becker & Co., Incorporated, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of A. G. Becker & Co., Incorporated, 120 South La Salle Street, Chicago, Illinois, arising out of a sinking fund account entitled "German Building and Land Bank," maintained at the office of the aforesaid A. G. Becker & Co., Incorporated., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of A. G. Becker & Co., Incorporated, 120 South La Salle Street, Chicago, Illinois, arising out of a free credit balance, entitled "German Building and Land Bank", maintained at the office of the aforesaid A. G. Becker & Co., Incorporated, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Bau und Bodenbank, A. G., also known as German Building and Land Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2409; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17323]

PAUL MILBERG

In re: Bank account owned by Paul Milberg. F-28-31189.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Milberg, whose last known address is Muhlenstrasse 6, Dortmund, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 20039, maintained at the branch office of the aforesaid bank located at 8th and J Streets, Sacramento, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account, of, or owing to, or which is evidence of ownership or control by, Paul Milberg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2410; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17327]

WALTHER VON SIMSON

In re: Debt owing to Walther Von Simson. F-28-4666; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walther Von Simson, whose last known address is 26 Keithstrasse,

Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Walther Von Simson, by Ralph Beaver Strassburger Normandy Farm, Gwynedd Valley, Pennsylvania, arising out of professional legal services, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2411; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17328]

STANDARD BRAID & PRODUCE CO. OF JAPAN

In re: Bank account owned by Standard Braid & Produce Co. of Japan. F-39-1624-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Standard Braid & Produce Co. of Japan, the last known address of which is Kobe, Japan, is a partnership organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Standard Braid & Produce Co. of Japan, Kobe, Japan, by Bank of American National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a blocked account in the name of Standard Braid & Produce Co., Kobe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2412; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17332]

MIWAKO YAMAMOTO

In re: Interest in real property, insurance policies and stock owned by Miwako Yamamoto. F-39-4052, F-39-4052-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miwako Yamamoto, whose last known address is 939 Toride-Cho, Shingu-Shi, Wakayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in the City of Montebello, County of Los Angeles and State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the person named in subparagraph 1 hereof in and to any and all insurance policies which insure the improvements on the real property described in subparagraph 2-a hereof, and

c. An undivided one-half (½) interest in and to five (5) shares of water stock of Montebello Land and Water Company, a California corporation, which shares of stock are registered in the name of Emiko Yamamoto and Miwako Yamamoto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain real property situated in the County of Los Angeles, State of California, bounded and particularly described as follows, to-wit:

Lot One Hundred and Five (105) Montebello as per map recorded in Book 78, Page 19 of Miscellaneous Records of said County; reserving one-half (½) interest in oil and mineral rights that may be developed including gas.

[F. R. Doc. 51-2415; Filed, Feb. 16, 1951; 8:51 a. m.]

[Vesting Order 17331]

WILLIAM AND MARIE MANK

In re: Real property and property insurance policies owned by William Mank and Marie Mank, his wife. F-28-31088.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Mank and Marie Mank, his wife, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Rochester, County of Monroe, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All right, title, interest and claim of the persons named in subparagraph 1 hereof, in and to all property insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that tract, or parcel of land, situate in the City of Rochester (formerly Town of Irondequoit), County of Monroe and State of New York, known and described as follows: Being lot number twenty-six (26) of the Berndt subdivision (Northview Section 2), of part of Town Lot number thirty-six (36) Township fourteen (14), Range seven (7) of the Phelps and Gorham Purchase, as laid down on a map of said subdivision filed in Monroe County Clerk's office in Liber 56 of Maps at page 1. Said premises being situate on the east side of Roser Street and being forty-two and thirty-eight hundredths (42.38) feet front and rear and one hundred twenty (120) feet deep, as shown on said map.

[F. R. Doc. 51-2414; Filed, Feb. 16, 1951; 8:50 a. m.]

[Vesting Order 17329]

ELEKTRICITATSWERKE UNTERELBE A. G.

In re: Account owned by Elektricitatswerke Unterelbe A. G., also known as Unterelbe Power & Light Co. F-28-14526 & C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elektricitatswerke Unterelbe A. G., also known as Unterelbe Power & Light Co., the last known address of which is Altona, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Altona, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of A. G. Becker & Co., Incorporated, 120 South La Salle Street, Chicago 3, Illinois, arising out of a coupon deposit account, entitled "Elektricitatswerke Unterelbe A. G.," maintained at the office of the aforesaid A. G. Becker & Co., Incorporated, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elektricitatswerke Unterelbe A. G., also known as Unterelbe Power & Light Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2413; Filed, Feb. 16, 1951; 8:50 a. m.]

[Return Order 887]

EMMA ECKER

Having considered the claim set forth below and having issued a determination allowing a reparable part of the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Emma Ecker, Perchtolsdorf near Vienna, Austria, Claim No. 37851; January 6, 1951 (16 F. R. 219); $11,327.40 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2417; Filed, Feb. 16, 1951; 8:51 a. m.]

LEONCE REYGAGNE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Leonce Reygagne, Decazeville (Aveyron) France; Claim No. 41466; property described

FEB 26 '8

in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943), relating to Patent Application Serial No. 416,756 (now United States Letters Patent No. 2,348,849).

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2421; Filed, Feb. 16, 1951; 8:51 a. m.]

JOHANN HABERPOINTNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johann Haberpointner, Oberalm bei Salzburg, Austria; Claim No. 39397; $1,243.65 in the Treasury of the United States.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2418; Filed, Feb. 16, 1951; 8:51 a. m.]

[Return Order 882]

PIETRO DI FALCO ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Notice of Intention To Return Published, and Property

Pietro Di Falco, Claim No. 2443; Donato Melchiorre, Claim No. 3257; Adelina Fiacche, Claim No. 3337; Vincenzo Di Falco, Claim No. 3339; Nicolas Sambucco, Claim No. 4345; Nicola Di Falco, Claim No. 4866; Elvira Di Falco, Claim No. 36600; Elena Di Falco, Claim No. 36601; Domenica Rosa d'Onofrio Di Falco, Filomena Di Falco, Giovannina Di Falco & Alfonsa Di Falco, Claim No. 36602; Giuseppa Manzi, Claim No. 36603; Antoinetta Melchiorre, Claim No. 36604; Clorinda Melchiorre, Claim No. 36605; Nicolino Melchiorre, Claim No. 36606; Maria Nicola Santirocco, Claim No. 36607; Rosa Santirocco, Claim No. 36608; Maria Nicola Melchiorre, Claim No. 36609; Filomena Melchiorre, Claim No. 36610; November 23, 1950 (15 F. R. 8067); $9,456.02 in the Treasury of the United States payable as follows: 1/7 to Pietro Di Falco; 1/21, each, to Donato Melchiorre, Filomena Melchiorre and Maria Nicola Melchiorre; 1/14 to Nicholas Sambucco; 1/42, each, to Clorinda Melchiorre, Nicolino Melchiorre, and Arcangelo Melchiorre, guardian for Antoinetta Melchiorre, a minor; a life interest (usufruct) in 1/21 to Domenica Rosa d'Onofrio Di Falco; 2/63, each, to Giovannina Di Falco, Alfonsa Di Falco, and Filomena Di Falco, and an additional 1/63 to each of them, subject to the aforementioned life interest of Domenica Rosa d'Onofrio Di Falco; 1/35, each, to Nicola Di Falco, Vincenzo Di Falco, Adelina Fiacche, Elvira Di Falco and Elena Di Falco; 1/7 to Giuseppa Manzi; and 1/14, each to Maria Nicola Santirocco and Rosa Santirocco.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2416; Filed, Feb. 16, 1951; 8:51 a. m.]

LOUIS MARIE ANTOINE GARCIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Louis Marie Antoine Garcin, Paris, France; Claim No. 41908; property described in Vesting Order No. 668 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,244,615.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2419; Filed, Feb. 16, 1951; 8:51 a. m.]

WALLACE M. LARSON AND J. R. JOHANSSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wallace M. Larson and J. R. Johansson, Tokyo, Japan; Claim No. 2188; $2,419.52 in the Treasury of the United States.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2420; Filed, Feb. 16, 1951; 8:51 a. m.]

ELSIE RINGS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Elsie Rings, Jersey City, New Jersey, Claim No. 34642; $7,265.04 in the Treasury of the United States.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2422; Filed, Feb. 16, 1951; 8:51 a. m.]

LELIO SANTOMENNA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Lelio Santomenna, San Fele, Potenza, Italy; Claim No. 46777; $12,082.16 in the Treasury of the United States. A promissory note from Alphonsus A. Brufoli to Dominick Santomenna, in the sum of $700, dated August 9, 1926, with interest at 6 percent, payable on demand; this note is in custody of Deposit and Clearance Section, New York, N. Y. All right, title and interest of Lelio Santomenna in and to the Estate of Domenick Santomenna, also known as Domenick A. Santomenna, Domenico Santomenna, Dominick A. Santomenna and Dominick Santomenna, deceased.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2423; Filed, Feb. 16, 1951; 8:51 a. m.]

FEB 26

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 16 NUMBER 35

Washington, Tuesday, February 20, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10215

EXEMPTION OF ARTHUR A. QUINN FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Arthur A. Quinn, Comptroller of Customs with headquarters at New York, New York, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the Act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered that the said Arthur A. Quinn be, and he hereby is, exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time, not extending beyond June 30, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 16, 1951.

[F. R. Doc. 51-2537; Filed, Feb. 19, 1951; 10:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-10]

PART 20—PILOT CERTIFICATES

COLOR VISION REQUIREMENTS FOR PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Under current regulations applicants for commercial pilot certificates are required to meet the second-class physical standards. Such standards include a requirement for "normal fields of vision" which has been interpreted to require those applicants to have normal color vision. Under current requirements student and private pilots who are required to meet third-class physical standards have not had to demonstrate normal color vision. An amendment of Part 29, being adopted concurrently with this amendment, changes the color vision requirement for the second-class physical standard to make it more directly related to aviation safety, and for the first time adds a color vision requirement to the third-class physical standards. The amendments provide that applicants for all pilot certificates shall have the ability to distinguish aviation signal red, aviation signal green, and white. (See the amendment of Part 29 for details with respect to the changed requirements and the manner of administration thereof.) This amendment of Part 20 provides that an applicant who is unable to distinguish these aviation signal colors may still be issued a pilot certificate, restricted, however, to the exercise of the certificate privileges under such conditions, or with the use of such equipment, as will not require the ability to distinguish aviation signal colors.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20 as amended) effective March 20, 1951.

1. By amending § 20.5 (a) to read as follows:

§ 20.5 *Physical standards*—(a) *Powered aircraft.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided,* That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

2. By amending § 20.23 (a) to read as follows:

§ 20.23 *Physical standards*—(a) *Powered aircraft.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided,* That an applicant who is unable to distinguish aviation signal red,

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Order — Page
Quinn, Arthur A., exemption from compulsory retirement for age — 1703

EXECUTIVE AGENCIES

Alien Property, Office of
Notices:
Vesting orders, etc.:
Berges, Andre — 1718
Dinklage, August J — 1717
Dreyfus, Georges — 1718
Hoechst, Dr. Theo — 1716
Iguchi, Masako and Sadao — 1716
Klung, Anna — 1718
Koda, Heii — 1717
Koyano, Kitsuc and Taoko — 1715
Kronauge, Hilda — 1716
Mandel, Charlotte, et al — 1717
Societe Solex — 1715

Civil Aeronautics Board
Proposed rule making:
Aircraft, large, radio equipment — 1710
Rules and regulations:
Color vision requirements, certificates:
Flight engineer — 1707
Flight navigator — 1706
Flight radio operator — 1706
Lighter-than-air pilot — 1704
Pilot — 1703
Physical standards for airmen; color vision, near vision and blood pressure requirements — 1705

Customs Bureau
Notices:
Marking of country of origin; products of Trieste — 1711

Economic Stabilization Agency
See National Production Authority; Price Stabilization, Office of.

Federal Communications Commission
Notices:
Station WTNJ; hearing — 1712

Federal Power Commission
Notices:
Hearings, etc.:
Colorado Interstate Gas Co and Canadian River Gas Co — 1712

FEDERAL REGISTER

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CONTENTS—Continued

	Page
Federal Power Commission—Continued	
Notices—Continued	
Hearings, etc.—Continued	
Department of the Interior and Southwestern Power Administration	1713
Halbig, John P., et al	1713
Northern Natural Gas Co	1713
Texas Gas Transmission Corp. et al	1713
Federal Security Agency	
Notices:	
Delegation relating to surplus real property disposal and utilization for health and educational purposes:	
Regional directors	1713
Regional property coordinators	1713
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Alumina from Louisiana to St. Louis, Mo	1714
Butter from Winona, Minn., to Chicago, Ill	1714
Cement from Birmingham, Ala., to La Grange, Ga	1714
Certain railroads in the U. S.; rerouting or diversion of traffic	1713
Justice Department	
See Alien Property, Office of.	
Labor Department	
See also Wage and Hour Division.	
Notices:	
Learner employment certificates; issuance to various industries	1711
National Production Authority	
Rules and regulations:	
Antimony (M–39)	1709
Lead (M–38)	1708
Vessels, seagoing, repair and conversion (M–1)	1707
Price Stabilization, Office of	
Rules and regulations:	
Defense agency pricing; temporary exemptions, commodities and services for military needs (GCPR, SR–1)	1707
Industry Advisory Committees appointed under Defense Production Act of 1950 (PPR–2); correction	1707
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
American Power & Light Co	1714
New England Electric System	1714
Treasury Department	
See Customs Bureau.	
Wage and Hour Division	
Notices:	
Learner employment certificates; issuance to various industries	1711

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

	Page
Title 3	
Chapter II (Executive orders):	
10215	1703
Title 14	
Chapter I:	
Part 20	1703
Part 22	1704
Part 29	1705

CODIFICATION GUIDE—Con.

	Page
Title 14—Continued	
Chapter I—Continued	
Part 33	1706
Part 34	1706
Part 35	1707
Part 42 (proposed)	1710
Title 32A	
Chapter III (OPS):	
PPR 2	1707
GCPR, SR 1	1707
Chapter VI (NPA):	
M–1, Supp. 4	1707
M–38	1708
M–39	1709

aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

3. By amending § 20.33 (a) to read as follows:

§ 20.33 *Physical standards*—(a) *Powered aircraft.* Applicant for a powered aircraft rating shall meet the physical standards of the second class prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–2445; Filed, Feb. 19, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 22–3]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

COLOR VISION REQUIREMENTS FOR LIGHTER-THAN-AIR PILOTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Under current regulations applicants for commercial lighter-than-air pilot certificates are required to meet the second-class physical standards. Such standards include a requirement for "normal fields of vision" which has been interpreted to require those applicants to have normal color vision. Under current requirements applicants for student and private lighter-than-air pilot certificates who are required to meet

third-class physical standards have not had to demonstrate normal color vision. An amendment of Part 29, being adopted concurrently with this amendment, changes the color vision requirement for the second-class physical standard to make it more directly related to aviation safety, and for the first time adds a color vision requirement to the third-class physical standards. The amendments provide that applicants for certificates who are required to meet physical standards of the third class shall have the ability to distinguish aviation signal red, aviation signal green, and white. (See the amendment of Part 29 for details with respect to the changed requirements and the manner of administration thereof.) This amendment of Part 22 provides that an applicant who is unable to distinguish these aviation colors may still be issued an airman certificate, restricted, however, to the exercise of the certificate privileges under such conditions, or with the use of such equipment, as will not require the ability to distinguish aviation signal colors.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR Part 22 as amended), effective March 20, 1951.

1. By amending § 22.10 (e) to read as follows:

§ 22.10 *Student lighter-than-air pilot certificate.* * * *

(e) *Physical condition.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

2. By amending § 22.11 (e) to read as follows:

§ 22.11 *Private lighter-than-air pilot certificate.* * * *

(e) *Physical condition.* Applicant shall meet the physical standards of the third class prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

3. By amending § 22.12 (e) to read as follows:

§ 22.12 *Commercial lighter-than-air pilot certificate.* * * *

(e) *Physical condition.* Applicant shall meet the physical standards of the second class prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

* * * * *

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 51–2446; Filed, Feb. 19, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 29–2]

PART 29—PHYSICAL STANDARDS FOR AIRMEN

COLOR VISION, NEAR VISION, AND BLOOD PRESSURE REQUIREMENTS FOR AIRMEN

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Part 29 currently establishes physical standards of the first, second, and third class. One of the first-class standards, which are currently required to be met only by applicants for airline transport pilot ratings, is that the individual shall have normal color vision. Applicants required to meet the second-class standards are required to have "normal fields of vision," which has been interpreted as requiring those applicants to have normal color vision. Commercial pilots, flight navigators, and flight engineers are currently required by Parts 20, 22, 34, and 35 to meet the second-class physical standards. The third-class physical standards, currently required by Parts 20, 22, and 33, respectively, to be met by student and private pilots, free balloon pilots, and flight radio operators, include no color vision requirements.

The amendments now being promulgated require individuals being examined in accordance with the second- and third-class medical standards to recognize aviation signal red, aviation signal green, and white. They become applicable to current holders of airman certificates at the time they apply for renewal of their medical authorizations. In the event that such an individual is unable to distinguish those aviation colors, he is required to demonstrate to an authorized representative of the Administrator his ability to interpret such signals under conditions usually encountered by an airman. If the individual can pass such a practical examination, he will be issued a waiver and will then become eligible for the issuance of an airman certificate. It is anticipated that this color vision examination will be administered by the physician conducting the physical examination. However, if the physician does not have the equipment to conduct this test, it is also anticipated that the Administrator will provide a means whereby such individual can take the aviation signal color test. In these latter instances it is believed that the test can be administered without requiring the individual to incur the expense of accomplishing a flight test to determine his ability to distinguish aviation colors. Only where the individual cannot distinguish such colors should he be required to undergo a flight test. Then, if he can accomplish the flight test, he will be issued a waiver. In each case of the issuance of a waiver based upon the practical examination, the individual will not thereafter be required to retake that examination.

When the individual cannot meet the proposed color vision requirements, including the practical examination, he can be issued an airman certificate, but such certificate will be appropriately endorsed to prohibit the exercise of the privileges authorized by the airman certificate except under conditions, or with the use of equipment, such as two-way radio, which would not require the ability to distinguish aviation signal colors. For example, a pilot who is unable to meet the color vision requirements in any way may be authorized to fly only with two-way radio communications available or under conditions where aviation lights would not be used for communication.

It will be noted that Annex 1 to the Convention on International Civil Aviation contains medical recommended practices which provide that the abovementioned airmen be able to distinguish aviation signal red, aviation signal green, and white.

In addition, the near vision requirements of Part 29 are being amended to establish the use of correcting lenses as an alternate to meeting requirements by natural vision. This will permit an individual to meet the first-class physical standards without issuance of a formal waiver as is currently the case.

Part 29, § 29.2 (c) (2), prescribes that reclining blood pressure shall not exceed 135 mm. systolic, nor 90 mm. diastolic, for the first-class physical standard which at present applicants for airline transport pilot ratings are required to meet. The amendment hereby adopted eliminates this general restriction and establishes instead specific limitations based upon age, with limited adjustments where the results of a complete cardiovascular examination are shown to be normal.

The new limitations give recognition to the normal tendency of blood pressure to increase with age, and, in their operation, would allow the pressure readings of an applicant to be slightly above the limits set for his age if, in effect, examination shows no evidence of heart disease. It is believed that this change in the regulation would, consistent with safety, permit trained personnel to fly at advanced ages with more effective utilization of their experience, and would afford more meaningful data for research and statistical purposes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 29 of the Civil Air Regulations (14 CFR, Part 29, as amended), effective March 20, 1951:

1. By amending § 29.2 (a) (9) to read as follows:

§ 29.2 *First class*—(a) *Eye.* • • •

(9) A near vision of at least v=1.00 at 18 inches with each eye separately without the use of correcting lenses: *Provided*, That if near vision in either or both eyes is poorer than v=1.00 at 18 inches the applicant shall possess the necessary correcting lenses.

• • • • •

2. By amending § 29.2 (c) (2) to read as follows:

§ 29.2 *First class.* • • •

(c) *General physical condition.* • • •

(2) Unless the adjusted maximum readings apply, applicant's reclining blood pressure shall not exceed the maximum readings for his age group, as indicated in the table below. The adjusted maximum readings shall apply to any applicant, age 30 years or more, whose reclining blood pressure exceeds the maximum readings for his age group and whose cardiac and kidney conditions, after complete cardiovascular examination, are shown to be normal.

Age group	Maximum readings (reclining blood pressure in mm.)		Adjusted maximum readings (reclining blood pressure in mm.)	
	Systolic	Diastolic	Systolic	Diastolic
20–29	140	88	.....	.....
30–39	145	92	155	98
40–49	155	96	165	100
50 and over	160	98	170	100

3. By adding a new § 29.3 (a) (9) to read as follows:

§ 29.3 *Second class*—(a) *Eye.* • • •

(9) The ability to distinguish aviation signal red, aviation signal green, and white.

• • • • •

4. By adding a new § 29.4 (a) (3) to read as follows:

§ 29.4 *Third class*—(a) *Eye.* • • •

(3) The ability to distinguish aviation signal red, aviation signal green, and white.

• • • • •

5. By amending § 29.5 to read as follows:

§ 29.5 *Waiver of physical standards.* (a) An airman certificate shall be issued to an applicant who does not meet the appropriate physical standards if the Administrator finds that the applicant's operational record, ability, and judgment as an airman compensate for his physical deficiency and he meets all other requirements for the issuance of said certificate. Such certificate may be limited as to type of operation, type of aircraft, or period of reexamination.

(b) Where the Administrator's finding regarding an individual's ability and judgment as an airman is based upon a practical test, that individual will not be required to retake such practical test during subsequent physical examinations unless, in the opinion of the Administrator, the individual's physical deficiency has become more pronounced.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2447; Filed, Feb. 19, 1951; 8:46 a. m]

[Civil Air Regs., Amdt. 33-3]

PART 33—FLIGHT RADIO OPERATOR CERTIFICATES

COLOR VISION REQUIREMENTS FOR FLIGHT RADIO OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Flight radio operators are currently required to meet the third-class physical standards. Under current provisions of Part 29 the third-class physical standards do not include a color vision requirement. However, an amendment of Part 29, being adopted concurrently herewith, provides a color vision requirement in the third-class physical standards. (See the amendment of Part 29 for details with respect to the changed requirements and the manner of administration thereof.) This amendment of Part 33 provides that an applicant who is unable to meet the color vision requirement may still be issued an airman certificate appropriately limiting the holder thereof from exercising the privileges of the certificate except under such conditions, or with the use of such equipment, as will not require the ability to distinguish aviation signal colors.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 33 of the Civil Air Regulations (14 CFR Part 33, as amended), effective March 20, 1951:

By amending § 33.27 to read as follows:

§ 33.27 *Physical standards.* An applicant shall present evidence that he has, within the 12 months immediately preceding the date of application, met the physical standards of the third class prescribed in Part 29 of the Civil Air Regulations: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2448; Filed, Feb. 19, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 34-2]

PART 34—FLIGHT NAVIGATOR CERTIFICATES

COLOR VISION REQUIREMENTS FOR FLIGHT NAVIGATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Under current regulations applicants for flight navigator certificates are required to meet the second-class physical standards. Such standards include a requirement for "normal fields of vision" which has been interpreted to require those applicants to have normal color vision. An amendment of Part 29, being adopted concurrently with this amendment, changes the color vision requirement for the second-class physical standard to make it more directly related to aviation safety and provides that the applicant shall have the ability to distinguish aviation signal red, aviation signal green, and white. (See the amendment of Part 29 for details with respect to the changed requirements and the manner of administration thereof.) This amendment of Part 34 provides that an applicant who is unable to distinguish these aviation signal colors may still be issued an airman certificate, restricted, however, to the exercise of the certificate privileges under such conditions, or with the use of such equipment, as will not require the ability to distinguish aviation signal colors.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 34 of the Civil Air Regulations (14 CFR Part 34, as amended), effective March 20, 1951:

By amending § 34.5 to read as follows:

§ 34.5 *Physical standards.* Applicant shall meet the physical standards of the second class as prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2449; Filed, Feb. 19, 1951; 8:46 a. m.]

[Civil Air Regs., Amdt. 35-2]

PART 35—FLIGHT ENGINEER CERTIFICATES

COLOR VISION REQUIREMENTS FOR FLIGHT ENGINEERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of February 1951.

Under current regulations applicants for flight engineer certificates are required to meet the second-class physical standards. Such standards include a requirement for "normal fields of vision" which has been interpreted to require those applicants to have normal color vision. An amendment of Part 29, being adopted concurrently with this amendment, changes the color vision requirement for the second-class physical standard to make it more directly related to aviation safety and provides that the applicant shall have the ability to distinguish aviation signal red, aviation signal green, and white. (See the amendment of Part 29 for details with respect to the changed requirements and the manner of administration thereof.) This amendment of Part 35 provides that an applicant who is unable to distinguish these aviation colors may still be issued an airman certificate, restricted, however, to the exercise of the certificate privileges under such conditions, or with the use of such equipment, as will not require the ability to distinguish aviation signal colors.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended), effective March 20, 1951:

By amending § 35.5 to read as follows:

§ 35.5 *Physical standards.* Applicant shall meet the physical standards of the second class as prescribed in Part 29 of this subchapter: *Provided*, That an applicant who is unable to distinguish aviation signal red, aviation signal green, and white shall be issued an airman certificate appropriately endorsed to prohibit the holder thereof from exercising the privileges of such certificate except under such conditions, or with the use of such equipment, which would not require the ability to distinguish such aviation signal colors.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2450; Filed, Feb. 19, 1951; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

TEMPORARY EXEMPTIONS, COMMODITIES AND SERVICES FOR MILITARY NEEDS

1. The language of section 2 (a), Supplementary Regulation 1, Amendment 1 (16 F. R. 1234), is revised to make it clear that this paragraph also applies to deliveries after April 1, 1951, when made pursuant to defense contracts entered into prior to that date.

2. Section 2 (b), of Supplementary Regulation 1, Amendment 1, is revised to exempt deliveries of certain wool products pursuant to defense contracts entered into prior to April 1, 1951.

3. Section 2 of Supplementary Regulation 1, as amended, reads as follows:

SEC. 2. *Temporary exemptions, commodities and services for military needs.* (a) The provisions of the General Ceiling Price Regulation shall not apply to sales or deliveries, under a defense contract entered into prior to April 1, 1951, or pursuant to a subcontract entered into thereunder prior to May 1, 1951, of commodities and services normally produced and supplied only for military use.

(b) The provisions of the General Ceiling Price Regulation shall not apply to sales or deliveries of the following commodities under a defense contract entered into prior to April 1, 1951, or pursuant to a subcontract entered into thereunder prior to July 1, 1951: (1) Woolen and worsted yarns and textiles; (2) raw, scoured, and pulled wool, wool top, noils, mohair, and wool waste; (3) articles which are made principally from woolen or worsted yarns and textiles (except those in which the woolen material is supplied by a Defense Agency).

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title II, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This Amendment 2 is effective immediately.

HAROLD LEVENTHAL,
Acting Director of Price Stabilization.

FEBRUARY 16, 1951.

[F. R. Doc. 51-2526; Filed, Feb. 19, 1951; 9:32 a. m.]

[Price Procedural Regulation 2]

PPR 2—INDUSTRY ADVISORY COMMITTEES APPOINTED UNDER THE DEFENSE PRODUCTION ACT OF 1950

Correction

In Federal Register Doc. 51-2119, published at page 1234 of the issue for Friday, February 9, 1951, the reference in section 10 to "Sec. 4" should read "section 5".

Chapter VI—National Production Authority, Department of Commerce

[Supp. 4 to NPA Order M-1]

M-1—IRON AND STEEL

SUPP. 4—REPAIR AND CONVERSION OF SEAGOING VESSELS

This supplement is found necessary and appropriate to promote the National Defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this supplement there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. Directives to be issued.
2. Certified orders and authorizations therefor.
3. Form of certifications.
4. Use of steel so obtained.
5. Rejection of certified orders.
6. Effect of directives.
7. NPA assistance in placing orders.

AUTHORITY: Sections 1 to 7 issued under section 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101 Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Directives to be issued.* Directives will be issued by NPA to direct certain steel producers to accept certified orders for the production and shipment of steel for the repair and conversion of seagoing vessels by United States shipyards, as part of the "Repair and Conversion of Seagoing Vessels Program." The directives will specify the tonnage of each steel product to be shipped, but will be issued for shipments to be made only for the months of April, May, and June, 1951. "The Repair and Conversion of Seagoing Vessels Program" means the repair and conversion of seagoing vessels by shipyards located in the United States.

SEC. 2. *Certified orders and authorizations therefor.* Persons engaged in the repair or conversion of seagoing vessels under this program may apply to NPA for an authorization to issue certified orders for specific tonnages of specific steel products, for shipment in the months of April, May, and June, 1951, and if authorized by NPA, may place certified orders pursuant hereto for such specific products by the issuance of letters to such persons to evidence such authority, in amounts not to exceed the amounts of steel specified and approved by NPA.

SEC. 3. *Form of certifications.* In order to place a certified order under the "Repair and Conversion of Seagoing Vessels Program," a person engaged in such repair and conversion work shall place the following certification on his purchase orders for such steel, or on a separate piece of paper attached thereto: "Certified that the material called for in this order conforms with a letter of authorization issued by NPA and is to be used only under the 'Repair and Conversion of Seagoing Vessels Program,' pursuant to NPA Supp. 4 to Order M-1,

as amended." Such certifications shall be signed by an authorized representative of the person issuing the same.

SEC. 4. *Use of steel so obtained.* Steel obtained under this program, pursuant to the certifications provided for herein, shall be used only for the repair and conversion of seagoing vessels, in repair yards in the United States. All steel obtained pursuant to this supplement shall be subject to the inventory control restrictions of NPA Reg. 1.

SEC. 5. *Rejection of certified orders.* (a) A producer of steel need not accept a certified order under the "Repair and Conversion of Seagoing Vessels Program" calling for shipment in the month of April, which is received by him later than February 26, 1951, unless specifically directed to accept such order by NPA.

(b) A producer of steel need not accept a certified order under the "Repair and Conversion of Seagoing Vessels Program" calling for shipment in the months of May and June, which is received by him later than the lead time specified in NPA Order M-1, unless specifically directed to accept such order by NPA.

SEC. 6. *Effect of directives.* When steel production has been scheduled pursuant to directives issued under this supplement, such schedules shall be maintained by the steel producers unless otherwise directed by NPA. Steel delivered under directives issued pursuant to this supplement shall not be considered produced under rated orders for the purpose of determining producers' obligations under § 20.5 and Table I of NPA Order M-1 as amended January 22, 1951.

SEC. 7. *NPA assistance in placing orders.* Any person who is unable to place a certified order for steel pursuant to this supplement should apply to the NPA, Iron and Steel Division, Ref: Supp. 4 to Order M-1, specifying the producers who refused to accept such order. NPA will arrange to assist him in locating sources of supply.

The supplement shall apply only to steel production to be scheduled for shipment the months of April, May, and June, 1951.

Dated: February 16, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2523; Filed, Feb. 16, 1951; 4:37 p. m.]

[NPA Order M-38]

M-38—LEAD

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives has been rendered impracticable due to the necessity for immediate action, and because the order affects a large number of different trades and businesses.

Sec.
1. What this order does.
2. Definitions.
3. Lead forms and materials to which this order applies.
4. Inventories.
5. Records and reports.
6. Applications for adjustments.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Public Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of lead and materials containing lead, other than ores and concentrates, and explains the conditions under which reports are required in connection with production, receipt, shipment, use, and inventories of lead and materials containing lead.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government;

(b) "Primary refiner" means any person who produces lead in refinery shapes mainly from lead ores and concentrates, or who has such lead produced for him on toll agreement;

(c) "Secondary refiner" means any person who produces lead in refinery shapes mainly from lead scrap;

(d) "Dealer" means any person who receives physical deliveries of pig lead, lead-base alloy, lead scrap, or lead products, and sells or holds same for resale without change in form.

(e) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

SEC. 3. *Lead forms and materials to which this order applies.* This order applies to the following lead forms and materials: pig lead, lead-base alloys, lead scrap, and lead products. For the purpose of this order these items are defined as follows:

(a) "Pig lead" means and includes soft lead and antimonial lead in refinery shapes current in the trade.

(b) "Lead-base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(c) "Lead scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain lead commercially recoverable.

(d) "Lead products" means semi-processed materials, finished parts or sub-assemblies which have been produced from pig lead or lead-base alloys.

SEC. 4. *Inventories.* (a) No person shall receive or accept delivery of a quantity of pig lead, lead-base alloy, or lead products, if his inventory of such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 60-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1., whichever is less.

(b) No dealer shall receive or accept delivery of any quantity of lead scrap, unless during the 60 days immediately preceding the date of such acceptance he shall have made delivery or otherwise disposed of such scrap to an amount at least equal in weight to his inventory of scrap on the date of such acceptance, exclusive of the delivery to be accepted.

(c) A person may import any materials to which paragraphs (a) and (b) of this section apply acquired prior to landing without regard to the inventory restrictions of this section. However, if his inventory of such material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported materials he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 5. *Records and reports.* (a) Any primary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on the last day of any month, shall complete and file Bureau of Mines report form 6-1075-M on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(b) Any secondary refiner who produces or ships 10 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on the last day of any month shall complete and file Bureau of Mines report form 6-1116-M on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transaction or possession during the preceding month.

(c) Any dealer who receives or ships 5 short tons or more of pig lead during any month, or who has 10 short tons or more of pig lead in his possession or under his control on the last day of any month shall complete and file Bureau of Mines report form 6-1078-M on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(d) Any person using pig lead to produce lead products who puts into process 5 short tons or more of pig lead in any month, or who on the last day of any month has in his possession or under his control 10 short tons or more of pig lead, shall complete and file Bureau of Mines report form 6-1078-M on or before the 25th day of February, 1951, with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month.

(e) All reports required by this order shall be addressed to the Bureau of Mines, Washington 25, D. C., ref: M-38, together with such number of copies as may be specified on the report form.

(f) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(g) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 6. *Applications for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 7. *Communications.* All communications concerning this order other than reports, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-38.

SEC. 8. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139-139F).

This order shall take effect on February 16, 1951.

Dated: February 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2524; Filed, Feb. 16, 1951; 4:37 p. m.]

[NPA Order M-39]

M-39—ANTIMONY

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order consultation with industry representatives has been rendered impracticable due to the necessity for immediate action, and because of the fact that the order affects a large number of different trades and businesses.

Sec.
1. What this order does.
2. Definitions.
3. Antimony forms and materials to which this order applies.
4. Inventories.
5. Records and reports.
6. Application for adjustments.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this order does.* This order sets forth limitations on inventories of antimony and materials containing antimony, other than ores and concentrates, and explains the conditions under which reports are required in connection with production, shipment, receipt, use, and inventories of antimony and materials containing antimony.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

SEC. 3. *Antimony forms and materials to which this order applies.* This order applies to the following antimony forms and materials: Antimony ores and concentrates, antimony metal, antimony oxide, antimony sulfide, and antimony scrap. For the purpose of this order, these items are defined as follows:

(a) "Antimony ores and concentrates" means ores and concentrates containing antimony commercially recognized.

(b) "Antimony metal" means the element antimony in commercially pure form, otherwise known as regulus.

(c) "Antimony oxide" means any oxide of antimony in commercially pure form.

(d) "Antimony sulfide" means liquated antimony, otherwise known as needle antimony, crude antimony or crudum, and ground antimony sulfide.

(e) "Antimony scrap" means all materials or objects which are the waste or by-product of industrial fabrications or processes, or which have been discarded for obsolescence, failure, or other reason, and which contain antimony commercially recoverable, including but not limited to, items such as battery plates, type metal, and drosses and residues.

SEC. 4. *Inventories.* (a) No person shall receive or accept delivery of a quantity of antimony in the forms or materials to which this order applies if his inventory of such material is, or by such receipt would become, more than the smallest quantity of such material which he reasonably requires to meet his deliveries or maintain his currently scheduled rate of operations during the next succeeding 60-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less: *Provided*, That this provision shall not apply to antimony ores and concentrates, or scrap.

(b) No dealer shall receive or accept delivery of any quantity of antimony scrap unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of antimony scrap to an amount at least equal in weight to his inventory of antimony scrap on the date of such acceptance, exclusive of the delivery to be accepted.

(c) A person may import any materials to which paragraphs (a) and (b) of this section apply acquired prior to landing without regard to the inventory restrictions of this section. However, if his inventory of such material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this section do apply to any deliveries of the imported materials he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 5. *Records and reports.* (a) Any person who produces, consumes, imports, ships, or accepts delivery of 2,000 pounds or more of antimony contained in antimony ores and concentrates, antimony metal, antimony oxide, or anti-

mony sulfide in any calendar month, or who on the last day of any calendar month has in his possession or under his control 2,000 pounds or more of antimony contained in these forms and materials, shall complete and file Bureau of Mines report form 6–1016–M on or before the 20th day of February, 1951 with respect to January, 1951, and on or before the 20th day of each month thereafter with respect to such transactions or possession during the preceding month. This report shall be addressed to the Bureau of Mines, Washington 25, D. C., in such number of copies as may be specified on the form.

(b) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years, records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction whether the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(c) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

SEC. 6. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of national defense or in the public interest. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

SEC. 7. *Communications.* All communications concerning this order other than reports shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–39.

SEC. 8. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act (P. L. 831, 77th Cong., 5 U. S. C. 139–139F).

This order shall take effect on February 16, 1951.

Dated: February 15, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–2525; Filed, Feb. 16, 1951; 4:37 p. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 42]

RADIO EQUIPMENT FOR LARGE AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 42 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by March 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after April 4, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Part 42 currently makes specific provision for the character of radio equipment which shall be carried by large aircraft under various operating conditions, but does not now specify its quality. Experience in the past several months has indicated that a higher level of safety is necessary and could be obtained if quality requirements were established comparable to those established for scheduled carriers. It is, therefore, proposed to amend Part 42 to prescribe approved type equipment in order to authorize the Civil Aeronautics Administration to require type-certificated radio equipment for both communications and navigational purposes on all large aircraft.

It is expected that, if adopted, an effective date of December 31, 1953, will be allowed for conversion to type-certificated equipment. This date coincides with that for compliance with the T-Category requirements for operation of large passenger-carrying airplanes under Part 42.

Experience indicates that some non-certificated radio equipment currently used in large irregular aircraft may be shown to comply with Part 16 of the Civil Air Regulations governing the type certification of radio equipment. Air carriers using such non-certificated radio equipment should make application to CAA for approval.

It is therefore proposed to amend Part 42 of the Civil Air Regulations as follows:

1. By inserting the words "approved type" before the words "radio equipment" in § 42.23 (a).

2. By inserting the words "aproved type" before the words "marker beacon receiver" and "radio equipment" in the first sentence of § 42.23 (b) and before the words "independent means" in the second sentence of § 42.23 (b).

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposed amendment may be changed in view of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: February 14, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 51–2470; Filed, Feb. 19, 1951; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52667]

PRODUCTS OF TRIESTE

MARKINGS OF COUNTRY OF ORIGIN

FEBRUARY 15, 1951.

T. D. 52602, which relates to the marking to indicate the name of the country of origin, under the marking provisions of the Tariff Act of 1930, as amended, of articles manufactured or produced in Trieste, is hereby amended to provide that the marking to indicate Italy as the country of origin of products of Trieste shall be acceptable on articles arriving in the United States before the expiration of 180 days after the publication of T. D. 52602 in the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 51–2471; Filed, Feb. 19, 1951; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended, September 25, 1950; 15 F. R. 5701; 6326).

Arkay Pants Co., 110 Chase Street, Fall River, Mass., effective 2–5–51 to 2–4–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (boys' clothing and outerwear; girls' pea coats).

C. A. Baltz & Sons, Salem, N. Y., effective 2–5–51 to 2–4–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's pajamas).

Civanne Undergarment, Inc., 394 New Haven Avenue, Milford, Conn., effective 2–5–51 to 2–4–52; 5 learners for normal labor turnover (ladies' and children's undergarments; men's "T" shirts).

Dollee Dresses, 285 South Main Street, Wilkes-Barre, Pa., effective 2–6–51 to 2–5–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses).

Dunmar Robes Manufacturing Co., 62 County Street, Fall River, Mass., effective 2–5–51 to 2–4–52; 10 percent for normal labor turnover (robes and sportswear).

Ely & Walker Coat Plant, 223 North Third Street, St. Joseph, Mo., effective 2–7–51 to 2–6–52; 10 percent normal labor turnover (men's and boys' sport jackets and heavy outerwear; children's snowsuits).

Esskay Manufacturing Co., 410 South Main Street, San Antonio, Tex., effective 2–6–51 to 2–5–52; 10 percent normal labor turnover (little boys' outer clothing).

Fishback Manufacturing Co., 1731 Arapahoe Street, Denver, Colo., effective 2–5–51 to 2–4–52; five learners normal labor turnover (denim jeans and jackets).

General Shirt Corp., Louisville, Ga., effective 2–1–51 to 1–31–52; 10 percent normal labor turnover (shirts).

Greendale Shirt Co., 10th and Berks Streets, Philadelphia, Pa., effective 2–5–51 to 2–4–52; 10 percent normal labor turnover (men's sport shirts).

The Hebron Manufacturing Co., Inc., Hebron, Md., effective 2–5–51 to 2–4–52; 10 percent normal labor turnover (children's sportswear).

Hickerson & Co., 1014-1018 Laurel Street, Brainerd, Minn., effective 2–1–51 to 1–31–52; 10 percent normal labor turnover (men's and boys' woolen work and sport clothing).

Hub Hosiery Mills, 12 Perkins Street, Lowell, Mass., effective 2–6–51 to 2–5–52; five learners normal labor turnover (children's playclothes).

Huggins Undergarment Co., Inc., Due West, S. C., effective 1–26–51 to 1–25–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's sport and utility shirts).

Joan Dress Co., 35 Chamberlain Street, Plainsville, Pa., effective 2–5–51 to 2–4–52; three learners normal labor turnover (women's apparel).

Lehigh Dress Co., 1401 Broadway, Bethlehem, Pa., effective 2–1–51 to 1–31–52; 10 percent normal labor turnover (ladies' dresses).

Emanuel I. Levy, Blouse Manufacturer, Railroad Avenue, Ravena, N. Y., effective 2–15–51 to 1–16–52; 10 percent normal labor turnover (women's blouses) (replacement certificate).

M. Liman Manufacturing Co., 400 First Avenue, Minneapolis, Minn., effective 2–6–51 to 2–5–52; five learners normal labor turnover (children's outerwear).

Michelson Manufacturing Co., 307 South Second Avenue, Canton, Ill., effective 2–5–51 to 2–4–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (blanket-lined work coats and jackets; dungarees).

Mohawk Dress, Inc., 29 Chuctanunda Street, Amsterdam, N. Y., effective 2–3–51 to 2–2–52; 10 learners normal labor turnover (ladies' dresses).

C. A. Neuburger Co., 908–920 South Main Street, Oshkosh, Wis., effective 2–1–51 to 1–31–52; 10 percent normal labor turnover (wash dresses and service garments).

Olyphant Dress Co., Inc., 129 River Street, Olyphant, Pa., effective 2–2–51 to 2–1–52; 10 learners normal labor turnover (women's and children's dresses).

Pearce Manufacturing Co., Howard, Pa., effective 1–31–51 to 1–30–52; 10 learners normal labor turnover (men's woolen dress shirts and jackets).

Peekskill Manufacturing Co., 1740 Park Street, Peekskill, N. Y., effective 2–1–51 to 1–31–52; 10 learners normal labor turnover (ladies' silk and cotton dresses, housecoats, pajamas and blouses).

Piedmont Blouse Co., Inc., 321 South Davie Street, Greensboro, N. C., effective 2–7–51 to 8–6–51; seven learners for expansion purposes (ladies' slips).

Piedmont Blouse Co., Inc., 321 South Davie Street, Greensboro, N. C., effective 2–7–51 to 10–18–51; 10 percent normal labor turnover (ladies' slips) (replacement certificate).

Princeton Dress Manufacturing Co., Inc., Wertsville Road, Hopewell, N. J., effective 2–1–51 to 1–31–52; five learners normal labor turnover (dresses).

Reidbord Bros. Co., 1331–35 Fifth Avenue, Pittsburgh 19, Pa., effective 1–30–51 to 12–7–51; 10 percent normal labor turnover (men's and boys' trousers) (replacement certificate).

Reidbord Bros. Co., 1331–35 Fifth Avenue, Pittsburgh 19, Pa., effective 1–30–51 to 6–7–51, additional learners for expansion purposes only (men's and boys' trousers) (replacement certificate).

Reidbord Bros. Co., Blairton (Westmoreland County), Pa., effective 1–12–51 to 7–11–51, 30 learners for expansion purposes (men's and boys' trousers and work jackets) (replacement certificate).

Rosette Manufacturing Co., 625 La Salle St., Berwick, Pa., effective 2–6–51 to 2–5–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' sportswear; men's pajamas).

Shappy Dress Co., 57 Cove Street, New Bedford, Mass., effective 2–2–51 to 2–1–52, 10 learners, normal labor turnover (ladies' dresses).

Skyland Textile Co., 617 East Meeting Street, Morganton, N. C., effective 2–1–51 to 7–31–51, 25 learners for expansion purposes (children's outerwear).

Southeastern Garment Co., Ltd., Monroe, Ga., effective 1–30–51 to 1–29–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (pants).

Trudy Manufacturing Co., Inc., Bareville, Pa., effective 2–5–51 to 2–4–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (ladies' slips).

The Unity Shirt Co., 300 Seymour Avenue, Derby, Conn., effective 2–5–51 to 2–4–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (dress shirts).

P. J. Waxman & Son, Inc., Fifth and Juniper Streets, Quakertown, Pa., effective 2–2–51 to 2–1–52, 10 percent normal labor turnover (men's shirts).

Wayne Garment Co., Forest City, Pa., effective 2–7–51 to 2–6–52, for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's snowsuits and jackets).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Crystal Hosiery Mill, Inc., Stanfield, N. C., effective 1–29–51 to 7–28–51, 10 learners for expansion purposes.

Juvenile Hosiery Mills, Inc., Greensboro, N. C., effective 2–5–51 to 8–4–51, six additional learners for expansion purposes (supplemental certificate).

Lavonia Hosiery Mill, Lavonia, Ga., effective 2–2–51 to 8–1–51, 15 learners for expansion purposes.

Lykens Hosiery Mill, Inc., Lykens, Pa., effective 2–5–51 to 8–4–51; 10 additional learn-

ers for expansion purposes (supplemental certificate).

Paul Knitting Mills, Inc., Pulaski, Va., effective 1–31–51 to 7–30–51; 5 percent normal labor turnover.

Philadelphia Hosiery Mills, Inc., Philadelphia, Tenn., effective 1–31–51 to 7–30–51; 5 percent normal labor turnover.

Ripon Knitting Works, Ripon, Wis., effective 1–29–51 to 7–28–51; 15 additional learners for expansion purposes.

Sterling Hosiery Mills, Inc., Spindale, N. C., effective 1–29–51 to 7–28–51; five additional learners for expansion purposes (supplemental certificate).

Tri-Kay Hosiery Co., Trumbauersville, Pa., effective 2–5–51 to 8–4–51; five additional learners for expansion purposes (supplemental certificate).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Public Utilities Co. of Crossett, Crossett, Ark., effective 2–1–51 to 1–31–52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Argo Knitting Mills, Inc., Schuylkill Haven, Pa., effective 2–1–51 to 1–31–52; 5 percent normal labor turnover.

Dixie Textile Co., Inc., Belton, S. C., effective 1–29–51 to 1–28–52; five learners normal labor turnover.

Washco Corp., Millry (Washington County), Alabama, effective 1–31–51 to 7–29–51; 15 learners for expansion purposes.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Foot Caress Shoes, Inc., Ripley, Miss., effective 2–5–51 to 12–31–51; 10 percent normal labor turnover.

Foot Caress Shoes, Inc., Ripley, Miss., effective 2–5–51 to 8–6–51; 45 learners for expansion purposes.

Nancy Shoe Co., Inc., Hoosick Falls, N. Y., effective 2–1–51 to 8–1–51; 50 learners for expansion purposes (supplemental certificate).

Olsen-Stelzer Boot & Saddlery Co., Inc., 201 South Bridge, Henrietta, Tex., effective 2–1–51 to 12–15–51; 10 percent normal labor turnover.

Williamstown Shoe Corp., West Broad Street, Williamstown, Pa., effective 2–5–51 to 12–31–51; 10 percent normal labor turnover.

Regulations applicable to the employment of learners (29 CFR 522.1 to 522.14).

Ames Safety Envelope Co., Somerville, Mass., effective 2–1–51 to 8–1–51; five learners normal labor turnover; hand and machine operations in making envelopes, 320 hours; at least 60 cents per hour for first 160 hours and not less than 65 cents per hour for remaining 160 hours (specialty and expanding envelopes).

Brady Manufacturing Co., Inc., Ramseur, N. C., effective 2–5–51 to 2–4–52; five learners normal labor turnover; machine operating (except cutting and pressers each 320 hours; 60 cents per hour (handkerchiefs).

Columbia Belt & Novelties Co., Boston, Mass., effective 2–5–51 to 2–4–52; three learners normal labor turnover; machine operators (except cutting), 320 hours; 60 cents per hour (belts, buttons and buckles).

Danville Manufacturing Co., Inc., Danville, Pa., effective 2–1–51 to 1–31–52; for normal labor turnover, 10 percent or 10 learners, whichever is greater; machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing each 240 hours, 60 cents per hour; final inspection of assembled garments, 160 hours, 65 cents per hour (ladies' sleeping attire).

Dust Proof Mattress Cover Co., Ellwood City, Pa., effective 1–31–51 to 7–30–51; five learners normal labor turnover; sewing machine operator, 240 hours; 60 cents per hour (mattress covers).

The Herrmann Handkerchief Co., Inc., Lebanon, Pa., effective 2–5–51 to 2–4–52; five learners normal labor turnover; machine operators (except cutting), pressers and handsewers each 320 hours; 60 cents per hour (handkerchiefs).

Philadelphia Uniform Co., Inc., Conshohacken, Pa., effective 1–29–51 to 1–28–52; for normal labor turnover, 10 percent of productive factory workers on caps only; machine operating (except cutting), pressing and handsewing each, 240 hours; 65 cents per hour (uniforms and caps).

Rownd & Son, Inc., Dillon, S. C., effective 1–29–51 to 7–3–51; 10 additional learners for normal labor turnover; braider, mat stapling machine operator and stapling machine operator each 240 hours; 60 cents per hour (supplemental certificate) (baskets).

Joseph Ryack Coat Front Co., Inc., Boston, Mass., effective 1–30–51 to 1–29–52; for normal labor turnover, four learners in manufacture of men's and boys' clothing only; machine operating (except cutting), pressing and handsewing each 240 hours; 60 cents per hour for first 120 hours and 70 cents per hour for the next 120 hours (coat fronts).

S & M Cap Manufacturing Co., Philadelphia, Pa., effective 2–5–51 to 2–4–52; five learners normal labor turnover; machine operators (except cutting), pressers, handsewers each 240 hours; 65 cents per hour (baseball caps, crew hats, etc.).

Sewell Manufacturing Co., Bremen, Ga., effective 1–30–51 to 1–29–52; for normal labor turnover, 7 percent of productive factory workers on men's and boys' clothing only; machine operating (except cutting), pressers and handsewers each 480 hours; not less than 60 cents per hour for first 240 hours and not less than 65 cents per hour for remaining 240 hours (men's and boys' clothing).

Townsend Citrus Supply Co., Inc., Lake Wales, Fla., effective 2–5–51 to 8–4–51; two learners normal labor turnover; bag maker, 120 hours; 65 cents per hour (fruit-packing bags, etc.).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 12th day of February 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51–2432; Filed, Feb. 19, 1951; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9865]

STATION WTNJ, TRENTON, N. J.

ORDER CONTINUING HEARING ON REVOCATION OF LICENSE

The Commission having under consideration a petition filed on February 7, 1951, by WOAX, Inc., licensee of WTNJ, requesting that the hearing in the above-entitled matter presently scheduled to begin Monday, February 19, 1951, at Trenton, New Jersey, be continued one week until February 26, 1951, and that the portion of the hearing now scheduled to be heard commencing February 28, 1951, in New York City be continued for one week to March 7, 1951; and no objection being made by Commission counsel;

It is ordered, This 13th day of February, 1951, that the above petition for continuance be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued to 10:00 a. m., Monday, February 26, 1951, at Trenton, New Jersey, and that portion of the hearing to be held in New York City is hereby continued to Monday, March 7, 1951.

[SEAL] ROBERT F. JONES,
Presiding Commissioner.

[F. R. Doc. 51–2466; Filed, Feb. 19, 1951; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

FEBRUARY 14, 1951.

On February 12, 1951, the further hearing pursuant to the order of the Commission of July 20, 1950, was concluded. By order of May 4, 1950, the Commission omitted the intermediate decision procedure herein. Counsel for these joint Applicants have requested that this matter be set down for oral argument.

The Commission finds: It is in the public interest to grant oral argument in this matter, as hereinafter provided.

The Commission orders:

(A) Oral argument in these proceedings be had before the Commission, commencing on February 26, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) All parties to these proceedings who desire to participate in the oral argument are required to so notify the Presiding Examiner, together with the estimated time for their argument, on or before February 21, 1951.

(C) All parties to these proceedings who desire to do so, should file briefs, memoranda, or proposed findings or conclusions on or before February 23, 1951, the date heretofore fixed by the Presiding Examiner.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

Date of issuance: February 14, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2433; Filed, Feb. 19, 1951; 8:45 a. m.]

[Docket No. E–6340]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER

FEBRUARY 15, 1951.

Notice is hereby given that, on February 14, 1951, the Federal Power Commission issued its order entered February 13, 1951, confirming and approving rate schedule in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2436; Filed, Feb. 19, 1951; 8:45 a. m.]

[Docket Nos. G–1489, G–1498, G–1499]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 15, 1951.

In the Matters of Texas Gas Transmission Corporation, Docket No. G–1489; Texas Eastern Transmission Corporation, and Mississippi River Fuel Corporation, Docket No. G–1498; El Paso Natural Gas Company, Docket No. G–1499.

Notice is hereby given that, on February 14, 1951, the Federal Power Commission issued its findings and orders entered February 13, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2437; Filed, Feb. 19, 1951; 8:45 a. m.]

[Docket No. G–1544]

NORTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 15, 1951.

Notice is hereby given that, on February 14, 1951, the Federal Power Commission issued its findings and order entered February 13, 1951, permitting abandonment and sale of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2438; Filed, Feb. 19, 1951; 8:45 a. m.]

[Docket Nos. ID–394, ID–1092, ID–1111, ID–1146]

JOHN P. HALBIG ET AL.

NOTICE OF AUTHORIZATIONS

FEBRUARY 15, 1951.

In the matters of John P. Halbig, Docket No. ID–394; C. E. Moore, Docket No. ID–1092; M. P. McGlone, Docket No. ID–1111; Harold Turner, Docket No. ID–1146.

Notice is hereby given that, on February 14, 1951, the Federal Power Commission issued its orders entered February 13, 1951, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51–2439; Filed, Feb. 19, 1951; 8:45 a. m.]

FEDERAL SECURITY AGENCY

[Delegation 8–1]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO SURPLUS REAL PROPERTY DISPOSAL AND UTILIZATION FOR HEALTH AND EDUCATIONAL PURPOSES

Each Regional Director is authorized to sign all deeds and contracts of sale involving land and the facilities thereon assigned to his region:

(a) Where the acquisition cost of the property was $25,000 or less.

(b) Where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office.

Each Regional Director is authorized to execute all instruments relating to the transfer of improvements for removal and use away from the site and to execute all formal modifying or retransfer instruments covering the retransfer of improvements originally disposed of for removal and use away from the site.

Dated: February 8, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–2452; Filed, Feb. 19, 1951; 8:47 a. m.]

[Delegation 8–2]

REGIONAL PROPERTY COORDINATORS

DELEGATION OF AUTHORITY WITH RESPECT TO SURPLUS REAL PROPERTY DISPOSAL AND UTILIZATION FOR HEALTH AND EDUCATIONAL PURPOSES

Each Regional Property Coordinator is authorized, as to real property applied for by health and educational institutions located within his region:

1. To sign all interim permits covering property assigned for disposal.

2. To sign all instruments relating to:

(a) The sale of all real properties sold for the removal and use away from the site, without limitation as to acquisition cost;

(b) Termination and assignment of leases, dedication of streets, creation and disposal and reservation of easements and any other incidental action which may be necessary to consummate disposals and carry out the conditions and requirements relating to assignments within the limitation of authority hereby delegated;

(c) Abrogation of restrictions, consent to leasing, mortgaging or encumbering of properties originally transferred for use in place where the property to be so transferred, resold, released from restrictions, leased, mortgaged or otherwise encumbered involves an acquisition cost of $25,000 or less, or such other amount of limitation as the Director of Field Services, in his discretion, may determine, and where properties were transferred for use away from the site, without limitation as to acquisition cost;

(d) And transactions as the Division of Surplus Property Utilization specifically authorizes.

3. To sign receipts for remittances payable to the United States for performance deposits and bonds and to sign releases of the same and request the issuance of vouchers for refunds of deposits when required.

Dated: February 8, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51–2453; Filed, Feb. 19, 1951; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 41, Amdt. 2]

CERTAIN RAILROADS IN UNITED STATES

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 41 and good cause appearing therefor: *It is ordered*, That: King's I. C. C. Order No. 41 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., March 15, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 15, 1951, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 14, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51–2440; Filed, Feb. 19, 1951; 8:45 a. m.]

[4th Sec. Application 25841]

CEMENT FROM BIRMINGHAM, ALA., TO LA GRANGE, GA.

APPLICATION FOR RELIEF

FEBRUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers named in the application.

Commodities involved: Cement and related articles, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: La Grange, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1066, Supp. No. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2441; Filed, Feb. 19, 1951; 8:45 a. m.]

[4th Sec. Application 25842]

ALUMINA FROM LOUISIANA TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

FEBRUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Gulf, Mobile and Ohio Railroad Company and other carriers named in the application.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s, tariff I. C. C. No. 378, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2442; Filed, Feb. 19, 1951; 8:46 a. m.]

[4th Sec. Application 25843]

BUTTER FROM WINONA, MINN., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

FEBRUARY 15, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3544.

Commodities involved: Butter, carloads.

From: Winona, Minn.

To: Chicago, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2443; Filed, Feb. 19, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

AMERICAN POWER & LIGHT CO.

ORDER POSTPONING ORAL ARGUMENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

American Power & Light Company having on February 15, 1951, filed a notice pursuant to Rule U-44 (c) of the general rules and regulations under the Public Utility Holding Company Act of 1935, with respect to its proposal to dispose of its entire interest in The Washington Water Power Company by a sale of stock or of physical properties to two or more Public Utility Districts of the State of Washington, or part thereof to such Public Utility Districts and part to municipalities presently served by The Washington Water Power Company;

The Commission having by order dated February 15, 1951, scheduled such notice for hearing both in Spokane, Washington, and Washington, D. C., on February 20, 1951, and for oral argument before the Commission in Washington, D. C., on February 23, 1951, with respect to the issues specified in such order;

It appearing appropriate that the oral argument be postponed;

It is hereby ordered, That the oral argument heretofore scheduled for February 23, 1951, be and it hereby is postponed to Monday, February 26, 1951, at 9:30 a. m., in the offices of the Commission, 425 Second Street NW., Washington, D. C. On that date, the hearing room clerk will advise as to the room in which such oral argument will be heard.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2532; Filed, Feb. 19, 1951; 10:44 a. m.]

[File No. 70-2560]

NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of February A. D. 1951.

New England Electric System ("NEES"), a registered holding company, having filed a declaration pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

NEES proposes to acquire a $3,540,000 collateral promissory note of What Cheer Associates, Inc., as part of the consideration for the sale of its security holdings of United Electric Railways Company ("UER"), a transportation company incorporated and doing business in Rhode Island. Such securities to be sold consist of 81,800 shares (99 percent) of the UER capital stock ($100 par value per share) and all of its outstanding funded debt, namely, $939,800 principal amount of General and Refunding Mortgage Bonds, 5 percent Series A, due January 1, 1951, and $1,475,300 principal amount of General and Refunding Mortgage Bonds, 4 percent Series B, due January 1, 1951.

The total consideration for the securities to be sold by NEES is $4,700,000, of which $1,160,000 is to be paid in cash upon transfer of title and the balance of $3,540,000 is to be represented by the note to be acquired. Said promissory note is payable $500,000 on December 1, 1951, and $500,000 annually thereafter (the last such payment being $540,000), with interest on the unpaid balance at the rate of 4 percent per annum and with privilege of prior payment in whole or in part. Said promissory note is to be secured by the deposit with NEES of $661,300 principal amount of said 5 percent Series A Bonds, $1,038,700 principal amount of said 4 percent Series B Bonds and 74,300 shares of capital stock of UER.

The declaration states that NEES made available to the representatives of six interested groups the minimum acceptable conditions for the sale of the securities it owns and that three bids were received. The declaration further states that the successful bidder, What Cheer Associates, Inc., is not a registered holding company or a subsidiary thereof and is not now, and by virtue of the proposed transactions will not become, an affiliate of a holding company or a public utility.

Services to NEES in connection with the proposed transactions performed at the actual cost thereof by New England Power Service Company, an affiliated service company, are estimated not to exceed $5,000. In addition thereto, NEES will pay the necessary transfer taxes estimated at $6,115.

NEES requests that the Commission issue an order permitting the declaration to become effective forthwith upon the issuance thereof.

Said declaration having been filed on January 18, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding, with respect to said declaration, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2434; Filed, Feb. 19, 1951; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

SOCIETE SOLEX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe Solex, 190 Avenue de Neuilly, Neuilly-sur-Seine, France; Claim Nos. 13337 and 40444; property described in the following Vesting Orders: No. 666 (8 F. R. 5047, April 17, 1943); No. 293 (7 F. R. 9836, November 26, 1942); relating to United States Letters Patents and United States Patent Applications identified in Schedule A attached hereto and made a part hereof.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

SCHEDULE A—PATENTS ASSIGNED TO SOCIETE SOLEX (FORMERLY SOCIETE ANONYME SOLEX)

VESTED BY VESTING ORDER NO. 666

Patent No.	Date issued	Inventor	Title	Assigned
1,743,966	1-14-30	Maurice Goudard	Regulation in the Output of Liquids	11- 2-27
1,781,576	11-11-30	....do	Carburetor	6-17-29
1,787,310	12-30-30	....do	Temperature Control Device	10- 8-28
1,803,012	4-28-31	....do	Carburetor	11- 5-29
1,842,867	1-26-32	....do	....do	11- 5-29
1,874,784	8-30-32	Marcel Mennesson	....do	8-25-31
1,883,809	10-18-32	....do	....do	5-10-31
1,889,687	11-29-32	....do	....do	7- 1-30
1,958,818	5-15-34	Maurice Goudard	....do	10- 1-35
2,035,177	3-24-36	Marcel Louis Mennesson	....do	11- 9-33
2,043,514	6- 9-36	Marcel Mennesson	....do	12-15-36
2,102,476	12-14-37	....do	Floatless Carburetor	5-12-36
2,121,506	6-21-38	....do	Carburetor	4-22-37
2,135,207	10-11-38	Andre Louis Mennesson	Diaphragm Pump	10- 1-35
2,139,841	12-13-38	Marcel Mennesson	Regulating Device for Internal Combustion Engines.	
2,150,075	3- 7-39	....do	Regulating Device for Internal Combustion Engines Supplied by Fuel Injection.	6-17-37
2,159,173	5-23-39	....do	Carburetor for Internal Combustion Engines	11-18-36
2,222,035	2-18-41	Andre Louis Mennesson	Carburetor	10-25-38
2,242,832	5-20-41	Marcel Mennesson	Governor Device for Internal Combustion Engines	6-17-37
2,290,610	7-21-42	Maurice Goudard	Auxiliary Carburetion Device for Supercharged Internal Combustion Engines.	4-28-39

VESTED BY VESTING ORDER NO. 293

Serial No.	Date filed	Inventor	Title	Assigned
272, 880 (now Patent No. 2,290,610)[1]	5-20-39 [2] (7-21-42)	Maurice Goudard	Auxiliary Carburetion Device for Supercharged Internal Combustion Engines.	4-28-39
206,303 (now Patent No. 2,313,002).	5-16-38 [2](3- 2-43)	Marcel Mennesson	Operative Fluid Delivery Control Device.	5- 4-38
313,124 (now Patent No. 2,389,922).	1- 9-40 [2] (11-27-45)	Marcel Louis Mennesson	Carburetion Device for Internal Combustion Engines.	12-14-39
391,968 (now Patent No. 2,362,055).	5- 5-41 [2] (1- 1-46)	....do	Carburetor of the Fuel Injection Type.	4- 7-41
297,931 (now Patent No. 2,407,317).	10- 4-39 [2] (9-10-46)	....do	Control Devices for Variable Pitch Propellers.	9-13-39
620,156	10- 3-45	....do	Carburetion Devices for Internal Combustion Engines.	[3]12-14-39

[1] This application was also vested as Patent No. 2,290,610 by Vesting Order No. 666.
[2] The date in parenthesis refers to the date of issuance of the patent.
[3] Serial No. 620,156 is a division of Patent No. 2,389,922. The assignment of the patent carries with it divisions thereof.

[F. R. Doc. 51-2424; Filed, Feb. 16, 1951; 8:51 a. m.]

[Vesting Order 17162]

KITSUE AND TAOKO KOYANO

In re: Rights of Kitsue Koyano and Taoko Koyano under Insurance Contract. File No. F-39-4423-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kitsue Koyano and Taoko Koyano, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 6 681 203 issued by the New York Life Insurance Company, New York, New York, to Kitsue Koyano, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kitsue

Koyano or Taoko Koyano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2456; Filed, Feb. 19, 1951; 8:47 a. m.]

[Vesting Order 17030]

MASAKO AND SADAO IGUCHI

In re: Rights of Masako Iguchi and Sadao Iguchi under insurance contracts. Files No. D-39-14983-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masako Iguchi and Sadao Iguchi, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 1,479,880 and 1,479,879, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Sadao Iguchi, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masako Iguchi or Sadao Iguchi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2455; Filed, Feb. 19, 1951; 8:47 a. m.]

[Vesting Order 17274]

DR. THEO. HOECHST

In re: Stock owned by and debt owing to Dr. Theo. Hoechst. F-28-31195.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Theo. Hoechst, whose last known address is Dusseldorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred (200) shares of no par value common capital stock of American Radiator & Standard Sanitary Corporation, 40 West 40th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, presently in the custody of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in an account entitled "N. V. Engelsch-Hollandsche & Handelmaatschappij," together with all declared and unpaid dividends thereon, and any and all rights thereunder and thereto, and

b. That certain debt or other obligation of Carl M. Loeb, Rhoades & Co., 61 Broadway, New York 6, New York, in the amount of $684.96 as of October 27, 1950, representing a portion of an account maintained by Carl M. Loeb, Rhoades & Co. for N. V. Engelsch-Hollandsche & Handelmaatschappij, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned and controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Theo. Hoechst, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2458; Filed, 19, 1951; 8:47 a. m.]

[Vesting Order 17163]

HILDA KRONAUGE

In re: Rights of Hilda Kronauge under insurance contract. File No. F-28-24804-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hilda Kronauge, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the death benefit due under a contract of insurance evidenced by Policy No. M 1147863 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Adele Walsh together with the right to demand, receive and collect said death benefit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2457; Filed, Feb. 19, 1951; 8:47 a. m.]

[Vesting Order 17278]

HEII KODA

In re: Bonds owned by Heii Koda. F-39-1866, F-39-1866 A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heii Koda, whose last known address is Hanami-mura Nishimurogun, Wakayama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Five (5) Tokyo Electric Light Company, Ltd., 6 Percent First Mortgage Gold Dollar Bearer Bonds, due 1953, of $1,000.00 face value each, bearing the numbers 54623, 56390, 8973, 8974 and 8975, and presently in the custody of Office of Alien Property, case of The Yokohama Specie Bank, Ltd., V. O. 1501, P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heii Koda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2459; Filed, Feb. 19, 1951; 8:48 a. m.]

[Vesting Order 17302]

AUGUST J. DINKLAGE

In re: Trusts under Paragraph Eleventh of the Will of August J. Dinklage, deceased. File No. D-28-4132; E. T. sec. 8456.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ulrich Dinklage, Joerg Dinklage, Rudiger Dinklage and Elisabeth (Lisel) Steenken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Annemarie (Anna-Marie) Mieritz, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the trusts created under Paragraph Eleventh of the Will of August J. Dinklage, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Raymond R. Dinklage, as sole trustee, acting under the judicial supervision of the Superior Court of New Jersey, Probate Division, Essex County, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the said Annemarie (Anna-Marie) Mieritz be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2460; Filed, Feb. 19, 1951; 8:48 a. m.]

[Vesting Order 17306]

CHARLOTTE MANDEL ET AL.

In re: Charlotte Mandel et al. vs. Jane Skinker Matthews et al. File No. D-7-470; E. T. sec. No. 2930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur Victor Waldemar Hessling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest, and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the sum of $2,737.76 deposited with the Clerk of the Circuit Court of the City of St. Louis, Missouri, to the credit of Arthur Victor Waldemar Hessling pursuant to an order of the Circuit Court of the City of St. Louis, Missouri, entered in the matter of Charlotte Mandel et al. vs. Jane Skinker Matthews et al., No. 88471-C, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk, Circuit Court of the City of St. Louis, Missouri, as depositary, acting under the judicial supervision of the Circuit Court of the City of St. Louis, Missouri;

4. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the sum of $778.18 in the possession, custody or control of Mercantile-Commerce Bank and Trust Company, 721 Locust Street, St. Louis, Missouri, by reason of the collection of rents from the real property which was the subject matter in a partition proceeding entitled Charlotte Mandel et al. vs. Jane Skinker Matthews et al. in the Circuit Court of the City of St. Louis, State of Missouri, No. 88471-C,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2462; Filed, Feb. 19, 1951; 8:48 a. m.]

[Vesting Order 17305]

ANNA KLUNG

In re: Estate of Anna Klung, deceased. File No. D-28-12890; E. T. sec. 17051.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Klung, Hilda Klung and Minna Fecht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the spouse and issue, names unknown, of Fritz Klung, and the spouse and issue, names unknown, of Minna Fecht, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Klung, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Walter X. Connor, as executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the spouse and issue, names unknown, of Fritz Klung, and the spouse and issue, names unknown, of Minna Fecht, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2461; Filed, Feb. 19, 1951; 8:48 a. m.]

[Return Order 865]

ANDRE BERGES

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Andre Berges, Saint Lizier (Ariege), France; Claim Nos. 13333 and 13334; December 1, 1950 (15 F. R. 8231); property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,098,608 and property described in Vesting Order No. 1028 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial No. 217,628 (now United States Letters Patent No. 2,379,411). This return shall not be deemed to include the rights of any licensees under the above patent or patent application.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2463; Filed, Feb. 19, 1951; 8:48 a. m.]

[Return Order 864]

GEORGES DREYFUS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Georges Dreyfus, Paris, France; Claim No. 13335; December 27, 1950 (15 F. R. 9250); property described in Vesting Order No. 1023 (8 F. R. 4205, April 2, 1943) relating to United States Patent Application Serial Nos. 381,153; 381,154 (now United States Letters Patent No. 2,394,295); and 381,155 (now United States Letters Patent No. 2,351,938). This return shall not be deemed to include the rights of any licensees under the above patent application and patents.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2464; Filed, Feb. 19, 1951; 8:48 a. m.]

FEB 26

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5764]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERSTATE TRAINING SERVICE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Connections or arrangements with others—Organization and operation;* § 3.75 *Free goods or services;* § 3.115 *Jobs and employment service;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1390 *Concealed subsidiary or "alter ego";* § 3.1515 *Organization and operation;* § 3.1520 *Personnel or staff—Goods:* § 3.1610 *Demand for or business opportunities;* § 3.1670 *Jobs and employment;* § 3.1735 *Sample, offer, or order conformance.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1960 *Free service;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service;* § 3.2060 *Sample, offer or order conformance.* In connection with the sale, offering for sale or distribution of courses of study and instruction in Diesel training and training in heavy equipment and gasoline engines, in commerce, and on the part of respondents Green and Crouch, individually and as partners trading under the name of Interstate Training Service, or under any other trade or partnership name, and on the part of their agents, etc., and among other things, as in order set forth, representing directly or by implication, (1) that students are selected and accepted on the basis of their mechanical appitude or upon the recommendation of respondents' representatives; (2) that the training in Diesel engine equipment may be completed in one year with one or two hours a day devoted to the study of the course; (3) that respondents work closely with manufacturers, contractors or others in the Diesel engine field; (4) that students, after completion of respondents' course, are qualified to operate, service and repair any Diesel equipment, regardless of size or kind, and are able to compile cost estimates; (5) that students are assured or guaranteed employment after completion of respondents' course; (6) that the placement, consultation and revision services and students' supplies furnished by respondents are free; (7) that the opportunities for employment, improvement and advancement in the field of Diesel equipment operation are unusual and unlimited, for those who take respondents' course without many years of previous practical experience in that field; (8) that students receive resident shop or on-the-job training; (9) that respondents' salesmen are vocational advisors or field engineers, or that they are otherwise qualified to give prospective students aptitude tests; or, (10) that the Western Adjustment Bureau, or any other name used by respondents, or any of them, for the purpose of collecting money due them, is a separate or independent organization; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Interstate Training Service Corporation et al., Docket 5764, Dec. 5, 1950]

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Organization and operations;* § 3.55 *Demand or business opportunities;* § 3.75 *Free goods or services;* § 3.115 *Jobs and employment service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1515 *Organization and operation—Goods:* § 3.1610 *Demand for or business opportunities;* § 3.1625 *Free goods or services;* § 3.1670 *Jobs and employment;* § 3.1740 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods;* § 3.1960 *Free service;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service.* In connection with the sale, offering for sale, or distribution of courses of study and instruction in fingerprinting or fingerprinting science, in commerce, and on the part of respondents Green, Crouch, and Spatz, individually or as partners doing business under the name of the

(Continued on next page)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Ackmann, Hildegard 1749
Ahrens, Henry 1750
Feldmuhle Papier and Zellstoffwerke, A. G 1754
Fittkau, Karl 1756
Hagena, Jane Beatrice 1751
Huffmann, Elisabeth 1751
Just, Francis 1749
Karstadt, Rudolph, Aktiengesellschaft 1749
Kawato, Harry T 1753
Kota, Hirai 1750
Mizuta, Yone 1750
Oldenberg and Conversion Office for German Foreign Debts 1756
Prussia 1754
Rabe, Frank and Marie 1754
Reinhardt, Walther L 1748
Roedder, Otto C 1757
Siemens & Halske, A. G. and Siemens - Schuckertwerke, G. m. b. H 1753
Sperling, Wilhelm 1756
Tiebert-Daeniker, Emmy 1753
Vietor, Fritz M 1755
Von Dannenberg, Hildegard 1751
Von Warburg-von Lindeiner, E. Ch., and E. Ch. von Warburg-Jkvr. von Lindeiner 1755

Civil Aeronautics Board
Rules and regulations:
Air traffic rules; minimum en route instrument altitudes 1725

Commerce Department
See National Production Authority.

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Proposed rule making:
Wool and wool products; hearing 1741
Rules and regulations:
Cease and desist orders:
Interstate Training Service Corp. et al 1719
Steadle, Leo F 1724

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CONTENTS—Continued

Food and Drug Administration — Page
Rules and regulations:
Statements of general policy or interpretation; salt substitutes — 1725

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; maximum rents for housing and for housing in Atlantic County — 1726

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Alabama intrastate express rates and charges — 1744
Applications for relief:
Asphalt and road oil between Illinois territory and South — 1743
Bottle caps from Dallas, Tex., to Southwest and West — 1744
Coal from Alabama mines to Houston, Tex — 1744
Pig iron from Texas to Alabama — 1744

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Florida; filing of plat of survey — 1742
Rules and regulations:
Town sites; sale to Alaska Housing Authority — 1736

National Production Authority
Rules and regulations:
Construction — 1728
Copper and copper-base alloys, use — 1730
Horsehide fronts and deerskins — 1727
Rubber; limitations on production of rubber products — 1727

Production and Marketing Administration
Proposed rule making:
Lamb and mutton carcasses and slaughter lambs, yearlings, and sheep; U. S. standards — 1735
Milk handling in Quad Cities and Clinton, Iowa — 1740

Securities and Exchange Commission
Notices:
Hearings, etc.:
Baldwin Securities Corp — 1748
Electric Bond and Share Co. et al — 1745
New England Electric System and Salem Gas Light Co. — 1746
RKO Pictures Corp — 1745
RKO Theatres Corp — 1745
United Gas Corp — 1746

Tariff Commission
Notices:
Emergency Lead Committee; application for investigation — 1748

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; apportionment to minor child legally adopted outside of veteran's family — 1735

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 1742

CONTENTS—Continued

Wage and Hour Division—Con. — Page
Proposed rule making:
Fair Labor Standards Act; hearing concerning definition of term "area of production" — 1741

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page

Title 7
Chapter I:
Part 53 (proposed) — 1736
Chapter IX:
Part 944 (proposed) — 1740
Part 970 (proposed) — 1740

Title 14
Chapter I:
Part 60 — 1725

Title 16
Chapter I:
Proposed rules — 1741
Part 3 (2 documents) — 1719, 1724

Title 21
Chapter I:
Part 3 — 1725

Title 24
Chapter VIII:
Part 825 — 1726

Title 29
Chapter V:
Part 536 (proposed) — 1741

Title 32A
Chapter VI (NPA):
M–2, Supp. 1 — 1727
M–4 — 1728
M–12 — 1730
M–29 — 1727

Title 38
Chapter I:
Part 21 — 1735

Title 43
Chapter I:
Part 80 — 1736

cants who can qualify by nature or disposition for the work; (8) that the placement service or the equipment furnished by respondents is free to those taking the course; (9) that the United States Government is in need of those who take respondents' course; or, (10) that respondents employ "field representatives" or "division chiefs" other than salesmen; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C., 45) [Cease and desist order, Interstate Training Service Corporation et al., Docket 5764, Dec. 5, 1950]

In the Matter of Interstate Training Service Corporation, a Corporation, and Conard E. Green and Leon A. Crouch, Individually, as Officers of Said Corporation, and Also Trading as Copartners Under the Firm Name of Interstate Training Service; and Conard E. Green, Leon A. Crouch and Jacob W. Spatz, Trading Under the Firm Name of American Academy of Applied Science

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on April 17, 1950, issued and subsequently served its complaint in this proceeding upon the respondents, Interstate Training Service Corporation, a corporation, Conard E. Green and Leon A. Crouch, as officers of said corporation, and Conard E. Green, Leon A. Crouch and Jacob W. Spatz, individually and trading as copartners, charging said respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the filing of the respondents' answers to the complaint a trial examiner of the Commission was designated by it to take testimony and receive evidence in support of and in opposition to the allegations of said complaint, and at the initial and second hearings held for such purpose stipulations of all of the facts in the case were entered on the record. Proposed findings as to the facts having been submitted on behalf of the respondents, Conard E. Green and Leon A. Crouch, the trial examiner on August 22, 1950, filed his initial decision.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, on October 9, 1950, issued and thereafter served upon the parties its order placing this case on the Commission's own docket for review and affording the respondents an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown by the tentative decision attached to said order. The respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that said proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner:

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Interstate Training Service, improperly named in the complaint as Interstate Training Service Corporation, is a corporation organized, existing and doing business under the laws of the State of Oregon. Respondents Conard E. Green and Leon A. Crouch are president and secretary-treasurer, respectively, of said corporation, and, as such officers, determine and control all of its policies and business practices. However, said Interstate Training Service, and Oregon corporation, has no ownership, control or other connection with the business and things referred to in the complaint herein, and since the organization of said corporation it has at no time owned any property or conducted any business of any name or nature whatsoever. Respondents Conard E. Green and Leon A. Crouch operate as a co-partnership under the trade name and style of Interstate Training Service. The principal office and place of business of said individual respondents is at 4035 N. E. Sandy Boulevard, in the City of Portland, State of Oregon. Respondents Conard E. Green and Leon A. Crouch, doing business under the assumed name of Interstate Training Service, are now and for more than two years last past they have been engaged in the sale and distribution in commerce of courses of study and instruction in Diesel training and training in heavy equipment and heavy gasoline engines.

On or about July 1, 1946, respondents Conard E. Green and Leon A. Crouch formed a co-partnership with respondent Jacob W. Spatz and thereafter traded under the firm name of American Academy of Applied Science, selling and distributing in commerce a course of instruction in fingerprinting science from the Weatherly Building in the City of Portland, State of Oregon. On or about January 1, 1948, said partnership was dissolved, and respondents Crouch and Green continued to operate said American Academy of Applied Science as part of Interstate Training Service, with respondent Spatz serving as director of said academy until approximately July 1, 1948. On or about that date, respondent Spatz purchased all interests in the business from respondents Green and Crouch, but the latter continued to carry out the contracts of all students who had enrolled for their course in fingerprinting science prior to July 1, 1948, under a qualified instructor employed by respondents Green and Crouch. The latter respondents have not, since July 1, 1948, solicited students or advertised the course of study given by the American Academy of Applied Science, which since that date has been operated and is now being operated by respondent Spatz from his principal office and place of business at 1707 North Alexandria Street, Los Angeles, California.

PAR. 2. Respondents, engaged and affiliated as hereinabove set out and during the periods described, caused and do cause their courses of instruction and study, when sold, to be shipped from their respective places of business in Portland, Oregon, and Los Angeles, California, to purchasers thereof, located in states other than the States of Oregon and California. Respondents maintain, and have maintained, while affiliated as above set out, at all times mentioned herein, a course of trade in said courses of study and in instruction in commerce among and between the various States of the United States and such course of trade has been and is substantial.

PAR. 3. With respect to the courses of study in the operation of Diesel engines, respondents Conrad E. Green and Leon A. Crouch, in soliciting the purchase of and selling said courses of study, made numerous statements and representations by means of advertisements in newspapers and magazines having a national circulation, through pamphlets, circulars and direct mail advertising and through their representatives and sales agents. Illustrative of the representations so made is the following advertisement used prior to and not subsequent to July 1, 1946:

Diesel Tractor and Heavy Equipment Training Thousands of Job Opportunities! Experts say thousands of new men will be needed to service, repair and operate this equipment. I. T. S. home training prepares you for these important jobs.

Further illustrative is the following quotation from a form letter sent by said respondents to the students of said respondents after their enrollment in the course of study:

I was happy to have had a part in making an affirmative decision with regard to your recent application for enrollment submitted to our school. A personal recommendation forwarded to the school by our representative, together with the information given with the application were the chief factors which led to your acceptance.

You are evidently mechanically inclined and have a sincere desire to get ahead in this interesting and essential field of work. This training can be completed in one year by the average man who devotes one or two hours a day to it. Your application has been carefully checked by our investigating committee and duly accepted.

Further illustrative are the following quotations:

Interstate Training Service works closely with manufacturers, contractors and others in the Diesel and heavy equipment field. On completion of the course you should be qualified to operate, service or repair any machine in use whether it be a small two-cylinder job or the largest marine Diesel.

It will qualify you to handle any piece of equipment from a two bottom plow to a combine logging arch or earth mover. You will learn how to figure costs and time service. Your training is prepared and supervised by practical instructors who have years of experience in the Diesel tractor and heavy equipment field. They are men of demonstrated ability and are in constant contact with the major technical industries.

I. T. S. Free Placement Service • • • This service is free. There is no charge. Even before you have finished the course we consider you eligible for many of the openings that are brought to our attention by leading employers.

Free consultation service • • • Free Revision Service • • • Plastic Binder Free.

PAR. 4. By means of the foregoing representations and others similar thereto but not specifically set out herein, respondents represent and imply to the

American Academy of Applied Science, or any other trade or partnership name, and on the part of their agents, etc., and among other things, as in order set forth, representing, directly or by implication, (1) that the opportunities for employment and advancement in the field of fingerprinting and crime detection are unusual and unlimited for those who take respondents' course; (2) that the demand for men trained merely in courses such as respondents' is great and the supply inadequate; (3) that many fingerprint bureaus are being enlarged and many more planned; (4) that there is a position to suit every preference in the fingerprinting field or something which will appeal to every aptitude; (5) that salaries in the fingerprinting field are considerably above the average; (6) that fingerprinting work is filled with excitement and intrigue or packed with thrills, color, or romance; (7) that students are selected by respondents on the basis of aptitude and personality, or that the training is limited to those appli-

purchasing public that students are selected and accepted on the basis of their mechanical aptitude and upon the recommendation of the school's representatives; that the training in Diesel engine equipment may be completed in one year with one or two hours a day devoted to the study of said course; that the school works closely with manufacturers, contractors, and others in the Diesel engine field; that students upon having completed said course are qualified to operate, service and repair any Diesel equipment, regardless of size or kind, and are able to compile cost estimates; that many students are placed in jobs even before they have completed said course; that there is a competent faculty with years of experience in the Diesel field which is constantly keeping in touch with developments in that industry; that the placement service operated by respondents, as well as consultation and revision services and students' supplies are free.

PAR. 5. Through statements made by sales representatives of the respondents Conard E. Green and Leon A. Crouch, said respondents have further represented and implied that the opportunities for employment, improvement and advancement in the field of Diesel equipment operating are unusual and unlimited; that thousands of jobs are available and that students are assured or guaranteed employment upon completion of said course in well-paying positions; that students receive resident shop or on-the-job training; that students are especially selected after taking written or oral tests given by said salesmen, designated "vocational advisors" and "field engineers."

PAR. 6. Some of the representations made as hereinabove described were and are false, others are exaggerated, and all but one are actually or potentially deceptive or misleading. Students are not especially selected by the school because of mechanical aptitude but are enrolled by the salesmen and accepted by the school regardless of any specific aptitude; said salesmen are not vocational advisors or field engineers qualified to give aptitude tests, but are simply salesmen whose purpose it is to enroll as many students as possible. Theoretical training in Diesel engines given to students without previous practical training or experience, or practical training and experience obtained while taking respondents' course of study, cannot be completed within one year during one or two hours per day of the student's spare time to the extent of qualifying the student to operate, service and repair Diesel equipment and to make cost estimates. The operation, repair and maintenance of Diesel equipment requires substantial practical training under the supervision of competent teachers or mechanics in addition to theoretical study. Students are not assured or guaranteed employment. Generally speaking, the demand for respondents' graduates and students is largely limited to men with practical experience, and while there is a need for competent experienced men in the Diesel field, respondents' graduates without practical experience are not qualified for such positions and will not be employed therein, but may find employment as mechanics' helpers or apprentices. Respondents do not work closely with manufacturers, contractors and others, but endeavor to obtain information of new developments and changes in Diesel engines, and members of the industry do not, generally speaking, participate or take an active interest in the operation of said respondents' school. Such new developments are of comparatively small importance in connection with the teaching of the fundamental principles of Diesel engines. The school has during the past four years employed a staff of two to four qualified instructors. Said placement, revision and consultation services, as well as the supplies furnished to students, are not free, but the price thereof is included in the cost of the course. Students do not receive resident shop or on-the-job training, but the course is confined to lessons by correspondence. The respondents' average gross business during the past three years has been approximately $300,000.00 per year, and the average number of students enrolled per month during said period was approximately 275.

PAR. 7. Prior to July 1, 1948, respondents Conard E. Green, Leon A. Crouch and Jacob W. Spatz in partnership, under the trade name of American Academy of Applied Science, as described in paragraph 1 hereof, in connection with the solicitation and sale of contracts for courses of study in fingerprinting, by means of advertisements, circular letters, pamphlets, postal cards and other advertising material, and through sales agents, have made numerous statements and representations of which the following are typical:

Identification and Scientific Crime Detection Fields offer unlimited opportunities for Trained Men and Women • • • Investigate our Free "1001" Job Placement Plan.

A Scientific Vocational and Aptitude test is yours Free.

At the present time a large number of established fingerprint bureaus are being enlarged • • • and hundreds of new agencies are in process of formation, but even more are needed.

Authorities complain that the supply of trained personnel is woefully inadequate to keep up with the demand.

There is a position to suit almost every preference, something that will appeal to each individual aptitude • • • People who enter this new profession now can face the future with a feeling of confidence, knowing that they have prepared themselves for almost unlimited opportunities.

Salaries are considerably above average • • • and it is among the very few uncrowded vocations.

The training program of the American Academy of Applied Science is selective. Not everyone is eligible • • • Training will be limited to those men and women who by nature, intelligence and disposition show a marked aptitude for this particular profession.

Training will be under direct supervision of Mr. Jacob William Spatz • • • assisted by a corps of experienced and able field representatives and division chiefs.

The director with an able corps of assistants. • • • Our staff of former United States Government Intelligence and Identification men • • •

Thousands will find unusual opportunities in this field that is fascinating, pleasant and filled with possibilities of advancement.

Work is filled with excitement and intrigue. A profession packed with thrills, color, romance.

In addition, the first quotation above was used in one mailing subsequent to January 1, 1948, but has since been discontinued.

PAR. 8. By means of the foregoing representations and others of similar tenor and effect, including statements made by salesmen, respondents represent and imply that the opportunities for employment and advancement in the field of fingerprinting and crime detection are unusual and unlimited; that the demand for trained men is very great and the supply greatly inadequate; that many fingerprint bureaus are being enlarged, many more planned and still more needed; that there is a great variety of positions in said field, suitable for any personality; that salaries are considerably above the average; that the work is pleasant and filled with thrills, excitement and intrigue; that students are selected by respondents on the basis of their aptitude and personality and the training limited to those applicants who can qualify by nature or disposition for said work; that the training is given by a staff of experts and former government employees and identification experts; that the job placement service and aptitude tests are free; that the United States Government is in need of trained fingerprint experts and that respondents' field representatives and division chiefs assist the staff of experts in charge of the training; that fingerprint and photographic dark room equipment is furnished free to the students, and that they will receive resident and laboratory training at the school in addition to the lessons by correspondence.

PAR. 9. The statements and representations hereinabove set out in paragraph 7 and the reasonable implications therein contained are, with two exceptions, either false or exaggerated, and are deceptive or misleading or both. There are few opportunities for employment of respondents' graduates in the field of fingerprinting and crime detection. As a rule, positions for fingerprint experts in law enforcement agencies are filled through promotion of men already in the service of said agencies and who have had some practical training; and while some law enforcement agencies may establish new departments for fingerprinting, such additional or new bureaus are not established to the extent represented by respondents; in fact, many police and sheriff departments prefer to use the facilities of the Federal Bureau of Investigation for the identification of fingerprints. Neither respondents nor their sales agents select students on the basis of their aptitude or personality, nor are any scientific or vocational aptitude tests given to prospective purchasers of said course; in fact, respondents furnish leads to their salesmen and accept all persons who enroll. Remuneration in the field of fingerprinting and crime detection is not considerably above the average for comparable work in other vocations and trades. Not all persons are qualified to engage in the work of fingerprinting which requires patience, concentration and a capacity for detail; and in order to become a qualified fingerprint expert, a substantial amount of practical training and experience is necessary. The large majority of persons engaged in the work of fingerprint identification do not come in contact with the dramatic phases of crime detection as described in respondents' advertising literature, but perform their work in a routine and uneventful manner and surroundings. The United States Government does not hire respondents' graduates because of the training received in said course; after having met Civil Service requirements they are trained in the government's own training school. Neither the placement service nor the fingerprinting and photographic equipment are free, but the price thereof is included in the cost of said course. Respondents' salesmen are not division chiefs and field representatives and the use of said terms in connection with the sale of a course in fingerprinting and crime detection tends to create the misleading impression that said salesmen hold some official position or have some professional standing or that respondents' school is a more substantial organization than it is in fact. Respondents do not maintain a large staff or corps of former government experts to teach said subjects; the teaching staff has never exceeded three persons, including the director. All three have held positions as qualified identification experts with the United States Government. The work of the school is done mainly, but not entirely, by correspondence. Students have been privileged at all times to receive personal instruction at school headquarters and frequently have taken advantage of that privilege. Said personal instruction, when given, has been at no extra cost to the student.

PAR. 10. Prior to July 1, 1948, and from July 1, 1948, until September 1948, respondents Conard E. Green and Leon A. Crouch, for the purpose of collecting their delinquent accounts, have sent out collection letters in the name of Western Adjustment Bureau, thereby representing and implying that said Western Adjustment Bureau was an independent organization engaged in the business of collecting delinquent accounts generally, whereas in fact such Bureau was operated by respondents during the times specified solely for the purpose of collecting their own delinquent accounts, which fact was not disclosed by respondents. Since July 1, 1948, respondent Spatz has not used the name of the Western Adjustment Bureau in connection with his operation as American Academy of Applied Science, and since September 1948 respondents Conard E. Green and Leon A. Crouch have fully disclosed the fact that Western Adjustment Bureau is operated as a division of Interstate Training Service.

Conclusion. The acts and practices of the respondents, as hereinabove found, are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

The complaint in this proceeding also charged (in paragraph 8) that the use by the respondents of the trade name, American Academy of Applied Science, tends to mislead members of the public into the belief that respondents' business is a national, non-profit organization devoted to the investigation and consideration of scientific problems and the advancement of science generally. The stipulations of fact on the basis of which the case is being disposed of do not substantiate this charge. It does appear, however, that respondent Jacob W. Spatz, in support of a motion for dismissal of this allegation and in order to avoid any possible misunderstanding that may otherwise result from the use of the trade name, American Academy of Applied Science, has expressly agreed that henceforth he will not use said name on advertising material, correspondence or courses of instruction, unless there is printed or typed in bold type and in juxtaposition therewith the words "A Correspondence Course", or a substantial equivalent thereof, clearly and fully indicating that the instruction given by respondent Spatz under said name is correspondence instruction. In view of this agreement, paragraph 8 of the complaint is being dismissed.

ORDER TO CEASE AND DESIST

It is ordered, That Conard E. Green and Leon A. Crouch, individually and as co-partners trading under the name of Interstate Training Service, or trading under any other trade or partnership name, and their agents, representatives and employees, directly or indirectly, through any corporate or other device, in connection with the sale, offering for sale or distribution of courses of study and instruction in Diesel training and training in heavy equipment and gasoline engines, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That students are selected and accepted on the basis of their mechanical aptitude or upon the recommendation of respondents' representatives;

2. That the training in Diesel engine equipment may be completed in one year with one or two hours a day devoted to the study of the course;

3. That respondents work closely with manufacturers, contractors or others in the Diesel engine field;

4. That students, after completion of respondents' course, are qualified to operate, service and repair any Diesel equipment, regardless of size or kind, and are able to compile cost estimates;

5. That students are assured or guaranteed employment after completion of respondents' course;

6. That the placement, consultation and revision services and students' supplies furnished by respondents are free;

7. That the opportunities for employment, improvement and advancement in the field of Diesel equipment operation are unusual and unlimited, for those who take respondents' course without many years of previous practical experience in that field;

8. That students receive resident shop or on-the-job training;

9. That respondents' salesmen are vocational advisors or field engineers, or that they are otherwise qualified to give prospective students aptitude tests;

10. That the Western Adjustment Bureau, or any other name used by respondents, or any of them, for the purpose of collecting money due them, is a separate or independent organization.

It is further ordered, That Conard E. Green, Leon A. Crouch and Jacob W. Spatz, individually or as partners, doing business under the name of the American Academy of Applied Science, or any other trade or partnership name, and their agents, representatives and employees, directly or indirectly, through any corporate or other device, in connection with the sale, offering for sale, or distribution of courses of study and instruction in fingerprinting or fingerprinting science, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the opportunities for employment and advancement in the field of fingerprinting and crime detection are unusual and unlimited for those who take respondents' course;

2. That the demand for men trained merely in courses such as respondents is great and the supply inadequate;

3. That many fingerprint bureaus are being enlarged and many more planned;

4. That there is a position to suit every preference in the fingerprinting field or something which will appeal to every aptitude;

5. That salaries in the fingerprinting field are considerably above the average;

6. That fingerprinting work is filled with excitement and intrigue or packed with thrills, color, or romance;

7. That students are selected by respondents on the basis of aptitude and personality, or that the training is limited to those applicants who can qualify by nature or disposition for the work;

8. That the placement service or the equipment furnished by respondents is free to those taking the course;

9. That the United States Government is in need of those who take respondents' course;

10. That respondents employ "field representatives" or "division chiefs" other than salesmen.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Interstate Training Service, an Oregon corporation, and as to respondents Conard E. Green and Leon A. Crouch solely in their capacities as officers of said corporation.

It is further ordered, That paragraph 8 of said complaint be, and it hereby is, dismissed as to all of the respondents.

It is further ordered, That Conard E. Green, Leon A. Crouch and Jacob Spatz shall, within sixty (60) days after serv-

ice upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: December 5, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2497; Filed, Feb. 20, 1951; 8:50 a. m.]

[Docket 5789]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LEO F. STEADLE

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution in commerce, of respondent's automotive device designated as "Kingpin Air Valve", or any other substantially similar device, whether sold under the same name or any other name, representing, directly or by implication, that the use of said device, (a) will cause gasoline engines to start quicker or easier; (b) will save gasoline, increase gasoline mileage, or decrease oil consumption; (c) will increase engine power or result in smoother engine performance; (d) will reduce the formation of carbon in engines, or produce higher motor efficiency; (e) will improve the fuel-air ratio, vacuum pressure, or vaporization of gasoline; or, (f) will eliminate or lessen the rocking or rolling of an engine; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Leo F. Steadle, Docket 5789, Dec. 5, 1950]

Pursuant to the provisions of the Federal Trade Commission Act the Federal Trade Commission, on June 27, 1950, issued and subsequently served its complaint in this proceeding upon the respondent, Leo F. Steadle, an individual, charging him with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondent's answer thereto, the trial examiner granted a motion of the respondent for permission to withdraw his answer and to substitute therefor an answer admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said facts, which substitute answer was duly received and filed in the office of the Commission. On September 20, 1950, the trial examiner filed his initial decision, which was served on the respondent on September 30, 1950.

The Commission, having reason to believe that the initial decision was deficient in certain material respects, subsequently placed this case on its own docket for review, and on October 24, 1950, it issued, and thereafter served upon the parties, its order affording the respondent an opportunity to show cause why said initial decision should not be altered in the manner and to the extent shown in a tentative decision of the Commission attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts, conclusion drawn therefrom, and order, the same to be in lieu of the initial decision of the trial examiner.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent Leo F. Steadle is an individual, with his principal place of business at 247 Butler Street, Kingston, Pennsylvania.

PAR. 2. Respondent is now and for more than one year last past has been engaged in the sale and distribution of a device designated as "Kingpin Air Valve" to be used as a replacement for the standard or conventional type of idling pin in the carburetors of gasoline motors.

In the course and conduct of his business the respondent caused said device, when sold, to be transported from his place of business in the State of Pennsylvania to the purchasers thereof located in various other States of the United States. Respondent maintains, and at all times mentioned herein has maintained, a course of trade in said device in commerce among and between the various States of the United States. His volume of business in said device has been substantial.

PAR. 3. In the course and conduct of his business and for the purpose of inducing the purchase of his said device in commerce, respondent has made and has authorized the making of certain statements and representations regarding said device by means of circulars and advertisements inserted in newspapers and periodicals circulated generally among the purchasing public. Typical representations are as follows:

Quicker starts in coldest weather.
Gas Saving Invention.
Oil goes a longer way.
Easier Starting.
More Power.
Smoother Running.
Greater Gasoline Mileage.
Less Carbon Formation • • •

Dynamometer Tests prove that, at all motor speeds, the Kingpin increases horse power and motor efficiency. Reason—a finer ratio of gasoline and air means sharper explosion, therefore, more power.

Gas Analyzer Tests prove that the increased Fuel-Air ratio steps up motor efficiency. Reason, the improved ratio afforded by Kingpin reduces waste occasioned by imperfectly mixed gasoline.

Vacuum Gauge Tests prove that Kingpin increases vacuum pressure.

Rocking and Rolling is eliminated by the Kingpin, thus providing a more smoothly idling motor.

PAR. 4. Through the use of the foregoing statements and representations, and others of the same import but not specifically set out herein, respondent represented that the use of his said device causes gasoline engines to start easier and quicker; that it increases gasoline mileage, saves gasoline, decreases oil consumption, increases engine power, results in smoother engine performance, reduces formation of carbon in an engine, results in higher motor efficiency, improves the air-gas ratio, results in increased vacuum pressure, better vaporization of gasoline, and eliminates rocking and rolling of engines.

PAR. 5. The foregoing representations are false, misleading, and deceptive. In truth and in fact, the use of respondent's said device will not cause gasoline engines to start quicker or easier. Its use will not increase gasoline mileage, save gasoline or decrease oil consumption. Engine power will not be increased by the use of the device, nor will smoother engine performance result therefrom. It will not reduce the formation of carbon in the engine or produce higher motor efficiency. No improvement in the air-gas ratio, vacuum pressure, or vaporization of gasoline will result from its use. It will not eliminate or lessen the rocking and rolling of an engine.

PAR. 6. The use by the respondent of the foregoing false, deception, and misleading statements and representations disseminated as aforesaid in connection with the offering for sale and sale of his device in commerce has had and now has the capacity and tendency to and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such statements and representations are true and into the purchase of substantial quantities of such device in commerce, because of such erroneous and mistaken belief.

Conclusion. The acts and practices of the respondent as hereinabove set out are all to the prejudice of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

It is ordered, That the respondent, Leo F. Steadle, an individual, and his agents, representatives, and employees directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of his automotive device designated as "Kingpin Air Valve", or any other substantially similar device, whether sold under the same name or any other name, do forthwith cease and desist from representing, directly or by implication, that the use of said device:

(a) Will cause gasoline engines to start quicker or easier.

(b) Will save gasoline, increase gasoline mileage, or decrease oil consumption.

(c) Will increase engine power or result in smoother engine performance.

(d) Will reduce the formation of carbon in engines, or produce higher motor efficiency.

(e) Will improve the fuel-air ratio, vacuum pressure, or vaporization of gasoline.

(f) Will eliminate or lessen the rocking or rolling of an engine.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 5, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 51-2496; Filed, Feb. 20, 1951; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SALT SUBSTITUTES

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy is issued:

§ 3.20 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act.* Under date of March 8, 1949, the Federal Security Agency announced (14 F. R. 1033) that it would regard each salt substitute as a new drug within the meaning of section 201 (p) of the Federal Food, Drug, and Cosmetic Act, and that interstate distribution of each salt substitute should be discontinued until a new-drug application had been filed and become effective. Substantial information concerning the safety of many of the ingredients used in salt substitutes has been developed and published since the announcement was made. It is now possible to evaluate the safety of many individual salt substitutes and to determine whether they are new drugs requiring effective applications prior to distribution in interstate commerce.

The Federal Security Agency therefore no longer regards all salt substitutes as new drugs. Upon request, the Agency will express its opinion as to whether a new-drug application is necessary for any particular product if complete information concerning its composition and proposed labeling is submitted.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 14, 1951.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 51-2494; Filed, Feb. 20, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 11]

PART 60—AIR TRAFFIC RULES

MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum en route instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17–14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Anton Chico, N. Mex. (VOR) via LFR or VOR radial 74.	Cuervo (INT), N. Mex.	7,500
Cuervo (INT), N. Mex.	Tucumcari, N. Mex. (LFR) (VOR) via LFR or VOR radial 254.	7,000
Anton Chico, N. Mex. (VOR) via radial 59.	Tucumcari, N. Mex. (VOR) via radial 269.	7,500

2. Section 60.17–15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Midland (INT), Tex., or Midland, Tex. (VOR) via LFR or VOR radial 55.	Big Spring, Tex. (LFR) (VOR) via LFR or VOR radial 236.	4,000
Midland, Tex. (VOR) via radial 40.	Big Spring, Tex. (VOR) via radial 251.	4,300
Big Spring, Tex. (LFR) (VOR) via LFR or VOR radial 70.	Abilene, Tex. (LFR) (VOR) via LFR or VOR radial 251.	4,000
Big Spring, Tex. (VOR) via radial 85.	Abilene, Tex. (VOR) via radial 236.	4,000

3. Section 60.17–104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Newalla (INT), Okla.	Tulsa, Okla. (LFR)	2,000
Carlsbad, N. Mex. (LFR) (VOR) via LFR or VOR radials 50 or 65.	Hobbs, N. Mex. (LFR) (VOR) via LFR or VOR radials 230 or 215.	4,000

4. Section 60.17–105 *Amber Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Memphis, Tenn. (LFR) (VOR) via LFR or VOR radials 166 or 181.	Greenwood, Miss. (LFR) (VOR) via LFR or VOR radials 001 or 16.	[1] 1,300
Greenwood, Miss. (LFR) (VOR) via LFR or VOR radials 180 or 195.	Jackson, Miss. (LFR) (VOR) via LFR or VOR radials 359 or 344.	1,700
Jackson, Miss. (LFR) (VOR) via LFR or VOR radials 175 or 190.	McComb, Miss. (LFR) (VOR) via LFR or VOR radials 339 or 354.	1,600
McComb, Miss. (LFR) (VOR) via LFR or VOR radials 175 or 190.	New Orleans, La. (LFR) (VOR) via LFR or VOR radials 340 or 355.	1,600

[1] 1,600'—Minimum continuous VOR reception altitude.

5. Section 60.17–210 *Red Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Clarendon, Tex. (LFR)	Wichita Falls, Tex. (LFR)	3,900

6. Section 60.17–211 *Red Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Evansville, Ind (LFR)	Lancesville (INT), Ind.	2,000
Lancesville (INT), Ind.	Louisville, Ky. (LFR)	2,100

7. Section 60.17–223 *Red Civil Airway No. 23* is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y. (VOR), via radial 137.	Elmira, N. Y. (VOR), via radial 308.	[1] 3,500
Elmira, N. Y. (VOR), via radial 138.	Caldwell, N. J. (VOR), via radial 305.	[2] 3,500

[1] 4,500'—Minimum continuous VOR reception altitude.
[2] 6000'—Minimum continuous VOR reception altitude.

8. Section 60.17–262 *Red Civil Airway No. 62* is amended to read in part:

From—	To—	Minimum altitude
Detroit, Mich. (LFR)	South Bass (INT), Ohio	2,300
South Bass (INT), Ohio	Sandusky (INT), Ohio	1,900
Sandusky (INT), Ohio	Wellington, Ohio (VAR)	2,300

9. Section 60.17–296 *Red Civil Airway No. 96* is amended to read in part:

From—	To—	Minimum altitude
Big Spring, Tex. (VOR), via radial 43	Int. N crs. Abilene, Tex. (LFR), and Wichita Falls, Tex. (VOR), radial 226.	[1] 3,000
Int. N crs. Abilene, Tex. (LFR), and Wichita Falls, Tex. (VOR), radial 226.	Wichita Falls, Tex. (VOR), via radial 226	[1] 3,000

[1] 7,000'—Minimum continuous VOR reception altitude.

10. Section 60.17–297 *Red Civil Airway No. 97* is amended to read in part:

From—	To—	Minimum altitude
Buffalo, N. Y. (VOR), via radial 120	Binghamton, N. Y. (VOR), via radial 303	[1] 3,500
Binghamton, N. Y. (VOR), via radial 130	East Scranton (INT), Pa	[1] 4,000

[1] 4,500'—Minimum continuous VOR reception altitude.

11. Section 60.17–605 *Blue Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Oklahoma City, Okla. (LFR) via LFR	Oxford (INT), Kans	3,000
Oxford (INT), Kans	Wichita, Kans. (LFR) Via LFR	2,500
Oklahoma City, Okla. (LFR) (VOR) via LFR or VOR radial 008.	Ponca City, Okla. (RBN) (VOR) via RBN or VOR radial 188.	3,100
Ponca City, Okla. (RBN) (VOR) via RBN or VOR radial 346.	Wichita, Kans. (LFR)	2,500
Wichita, Kans. (LFR)	Wichita, Kans. (VOR)	2,800

12. Section 60.17–611 *Blue Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Int. S crs. Selfridge, Mich. (LFR) and E crs. Toledo, Ohio (LFR).	South Bass (INT), Ohio	1,900

13. Section 60.17–622 *Blue Civil Airway No. 22* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR) via radial 271 or 286	Ponca City, Okla. (VOR) (RBN) via radial 105 or 120 or RBN.	2,400

14. Section 60.17–1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Albany, Ga. (LFR)	Valdosta, Ga. (RBN)	1,600
Jackson, Miss. (LFR)	Baton Rouge, La. (LFR)	1,600

15. Section 60.17–1002 *Direct route; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Shreveport, La. (LFR)	El Dorado, Ark. (VOR)	1,600

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 23, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2479; Filed, Feb. 20, 1951; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 351]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area, Amdt. 31]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MAXIMUM RENTS; MAXIMUM RENTS IN ATLANTIC COUNTY

Amendment 351 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 31 to the Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area (§§ 825.61 to 825.72). Said rent regulations are hereby amended in the following respects:

1. Paragraph (e) of § 825.4 is hereby changed to read as follows:

§ 825.4 *Maximum rents.* • • •

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.7. The Expediter may order a decrease in the maximum rent as provided in §825.5 (c) (1) and (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

2. Paragraph (e) of § 825.64 is changed in the same manner except that wherever reference is made to §§ 825.1 to 825.12 or any designated portion thereof the reference shall be to §§ 825.61 to 825.72 or the similarly designated portions thereof.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall become effective February 16, 1951.

Issued this 16th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2500; Filed, Feb. 20, 1951; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2, Supplement 1]

M-2—RUBBER

SUPP. 1—LIMITATIONS ON PRODUCTION OF RUBBER PRODUCTS

This supplement to NPA Order M-2 is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 and the Rubber Act of 1948. In the formulation of this supplement, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. Prohibited manufacture.
2. Tires and tubes.
3. Industrial rubber goods.

AUTHORITY: Sections 1 to 3 issued under sec. 10, 62 Stat. 105, 50 U. S. C. App. Sup. 1929; Pub. Law 575, 81st Cong., Pub. Law 774, 81st Cong. Interpret or apply sec. 3, 62 Stat. 102, 50 U. S. C. App. Sup. 1922. Sec. 101 Pub. Law 774, 81st Cong., E. O. 9942, Apr. 1, 1948, 13 F R. 1823, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *Prohibited manufacture.* No person shall consume any rubber whatever in the manufacture of any items described in subsequent sections of this supplement unless, and except to the extent that, his manufacture of such items conforms to the limitations hereinafter provided.

SEC. 2. *Tires and tubes.* The manufacture of tires and tubes is limited as follows:

(a) *Truck tires.* Standard tread depth highway tires—one line only.

Extra tread depth highway tires—one line only.

Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on the effective date of this supplement.

(b) *Farm tractor and implement tires.* One line only.

(c) *Passenger car tires.* All types—black side-walls only.

Standard tread depth highway tires—one line and one quality only.

Extra tread depth highway tires—one line only; and no greater quantity may be produced by any manufacturer in any calendar quarter, in proportion to his total production of passenger car tires in that quarter, than the proportion of his extra depth highway passenger car tire production to his total passenger car tire production in the last 6 months of 1950.

Special purpose tires—no more or different lines may be produced by any manufacturer than he was producing on the effective date of this supplement.

All other pneumatic tires (motorcycle, bicycle, derby racers, scooters, etc.)—black side-walls only.

(d) *Inner tubes.* Any color, but one color only (except for markings required by order M-2 to indicate butyl content).

SEC. 3. *Industrial rubber goods.* The manufacture of industrial rubber goods is limited as follows:

(a) *Conveyor, elevator, transmission and "V" belts.* Black only, except those designed for handling unpackaged foods or light colored products which might be marked or discolored by a black belt.

(b) *Hose.* Black only, except garden hose, hose for conveying foods, creamery hose covers, and air hose 3/8" and under.

(c) *Wire and cable.* All compounds for insulation, natural color or black only; all jacket and sheath compounds, black only. Colors are permitted, however, for circuit identification.

This supplement shall take effect on February 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2549; Filed, Feb. 19, 1951; 2:48 p. m.]

[NPA Order M-29, as Amended Feb. 19, 1951]

M-29—HORSEHIDE FRONTS AND DEERSKINS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the formulation of this amendment, however, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment redesignates §§ 76.1 to 76.10 to be sections 1 to 10 respectively, amends section 6, and changes the word "part" to "order" wherever it appears.

M-29 as amended reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on tanning of horsehide fronts.
4. Restrictions on tanning or dressing of deerskins.
5. Restrictions on sale and use of horsehide front leather and deerskin leather.
6. Exception.
7. Adjustments and exceptions.
8. Records, audit, inspection and reports.
9. Communications.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies to tanners of horsehide fronts, to tanners and dressers of deerskins, and to persons who sell and commercially use leather made from these hides and skins. In view of the fact that horsehide fronts and deerskins are in extremely short supply, it is essential that the leather produced therefrom be limited in so far as possible to DO rated orders. This order prohibits the tanning of horsehide fronts and the dressing or tanning of deerskins except for the purpose of producing military leather if such skins are suitable for the production of military leather. It also forbids any person to sell, deliver, accept delivery of, or use commercially leather made from horsehide fronts or deerskins for other than DO rated orders if such leather is capable of being used to fill such orders.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Tanner" or "dresser" means a person engaged in the business of tanning, dressing, or similarly processing hides or skins.

(c) "Converter" means a person engaged in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(d) "Horsehide front" means the forepart of the hide or skin of a horse, colt, mule, ass, donkey, or pony, commercially known in the trade as a "front", whether or not still attached to other parts of the hide or skin.

(e) "Deerskin" means the skin of any domestic or foreign deer, and includes the skin of the elk, moose, and caribou.

(f) "Military leather" means leather meeting any military specifications in force at the time.

(g) "DO rated order" means an order for leather bearing a DO rating issued pursuant to NPA Reg. 2.

(h) "NPA" means National Production Authority in the Department of Commerce.

SEC. 3. *Restrictions on tanning of horsehide fronts.* Unless specifically directed by NPA, no tanner shall put into process or continue to process, and no converter shall cause to be put into process, any horsehide front except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any horsehide front which is not capable of being processed into military leather.

SEC. 4. *Restrictions on tanning or dressing of deerskins.* Unless specifically directed by NPA, no tanner or dresser shall put into process, or continue to process, and no converter shall cause to be put into process, any deerskin except for the purpose of processing it into military leather: *Provided, however,* That this restriction shall not apply to any deerskin which is not capable of being processed into military leather.

SEC. 5. *Restrictions on sale and use of horsehide front leather and deerskin leather.* Unless specifically directed by NPA, no person shall sell, deliver, accept delivery of or incorporate into any product for commercial purpose, except for DO rated orders, any horsehide front leather or deerskin leather suitable for military leather.

SEC. 6. *Exceptions.* This order shall not prohibit the completion of the production and delivery of materials or products containing horsehide front leather or deerskin leather in any form previously ordered and accepted, which by reason of the condition or nature of the materials or products cannot without excessive loss of yield be used in connection with DO rated orders. The restrictions of sections 4 and 5 shall not apply to any deerskin the owner of which causes it to be processed or incorporated into any product for use by him personally or as a gift.

SEC. 7. *Adjustments and exceptions.* Any person affected by any provision of this order may file with NPA a request for adjustment or exception upon the ground that such provision works an exceptional hardship upon him not suffered generally by others in the same trade or industry or that its enforcement against him would not be in the interest of national defense or in the public interest. In considering requests for adjustment which claim that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Records, audit, inspection and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 9. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref. M–29.

SEC. 10. *Violations.* Any person who willfully violates any provision of this order or any other order or regulation of NPA or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend his privileges of making or receiving further deliveries of materials or using facilities under priority or allocation control and deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on February 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51–2551; Filed, Feb. 19, 1951; 2:48 p. m.]

[NPA Order M–4, as Amended Feb. 19, 1951]

M–4—CONSTRUCTION

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity of immediate action.

This amendment amends section 5 (b) of this order.

As amended, this order reads as follows:

ORDER

Sec.
1. What this order does.
2. Policy of the National Production Authority.
3. Definitions.
4. Prohibited construction.
5. Exemptions.
6. Authorization for certain construction.
7. Multiple use of buildings, structures or projects.
8. Scope of this order.
9. Prohibited deliveries.
10. Defense against claims for damages.
11. Applications for adjustment or exception.
12. Communications.
13. Reports.
14. Violations.
15. List A—Prohibited construction.
16. List B—Construction where NPA authorization is required.

AUTHORITY: Section 1 to 16 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* In order to further the purposes of the Defense Production Act of 1950 by conserving critical materials and services needed for the defense program, this order prohibits the commencement of construction of certain types of buildings, structures and projects unless specific exception is made, or authorization issued, by the National Production Authority. The construction prohibited generally does not further the defense effort, either directly or indirectly, and does not increase the Nation's production capacity for defense. The order allows, within specified limits, small construction jobs, and necessary maintenance and repair of buildings, structures or projects, and also permits, under specified circumstances, the restoration of buildings, structures, or projects in the event of a disaster, act of God, or an act of war.

SEC. 2. *Policy of the National Production Authority.* In the event that increasing shortages clearly indicate the necessity for such action, in the national interest, the National Production Authority may further limit the commencement of construction of additional types of buildings, structures or projects which do not support the defense effort, or increase the Nation's production capacity for defense.

SEC. 3. *Definitions.* For the purpose of this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure or project.

(c) (1) "Commence construction" means to incorporate into a building, structure or project, a substantial quantity of materials which are to be an integral and permanent part of such building, structure, or project (for example, the pouring or placing of footings or other foundations).

(2) The following activities do not constitute commencing construction: Demolition of buildings; tearing out partitions; site preparation; erecting temporary fences or construction barricades, work sheds, and shanties; bringing utilities to the site; fabrication or processing of building materials, building equipment, or personal property to be installed.

(d) "Construction cost" means the total expense for building materials, building equipment, labor and services used in the construction of the particular building, structure or project, by whomever spent; but does not include the installed cost of personal property.

(e) "Consumer goods" means articles or commodities that directly satisfy human wants or desires, and which are capable of use without further processing (for example, clothing, food, furniture, floor covering, household appliances, motor vehicles, etc.). They are distinguished from capital goods (for example, dynamos, industrial ovens, generators, etc.). They are distinguished also from

production goods that satisfy wants only indirectly as factors in the production of other articles or commodities (for example, machine tools, heavy duty presses, etc.).

(f) "Damage restoration" means restoring to substantially the same size and condition on the same site, any building, structure or project which has been damaged by storm, fire, flood, or other disaster, or by act of God, or act of war.

(g) "Maintenance and repair" means such work as is necessary to keep a building, structure, or project in sound working condition or to rehabilitate a building, structure, or project or any portion thereof, when the same has been rendered unsafe or unfit for service by wear and tear, or other similar causes. The term does not include any building operation or job where substantial structural alterations or changes in design are made.

(h) "Personal property" means property used in connection with, but which does not become a part of, the building, structure, or project in the sense of its becoming a permanent part of the real property upon which it is located or in which it is installed.

(i) "Office building" means any building the principal use of which is to provide office space or office facilities, regardless of whether it is designed for the exclusive or partial use of its owner or is to be used commercially and rented to prospective tenants, including buildings for use by government agencies. The size of the building is not a determinative factor in deciding whether a building is an office building as the term includes both one-story and multi-storied structures; but the term does not include a private residence with incidental office space located therein for the use of the occupant.

SEC. 4. *Prohibited construction.* (a) (1) Except as permitted in section 5, or pursuant to an adjustment or exception granted under section 11, after midnight October 26, 1950, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 15.

(2) Since October 26, 1950, the National Production Authority has issued exceptions to permit the commencement of construction of specific buildings, structures, or projects of the type prohibited by section 15. All such exceptions granted prior to January 13, 1951, will cease to be effective 120 days after the date of issuance, unless construction has been commenced within that time; and construction of any such building, structure, or project may not be commenced thereafter without a further authorization from the National Production Authority.

(b) (1) After midnight, January 13, 1951, no person shall commence construction of any building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, until a specific authorization therefor has been issued by the National Production Authority. As a general rule, no authorization will be issued prior to February 15, 1951. However, in emergency situations, an authorization may be issued by the National Production Authority prior to that date. (The conditions which must exist before an authorization will be issued are set forth in section 6.)

(2) Further, in matters involving unreasonable hardship, or when required in the interest of the national defense, the National Production Authority may grant an exception from this order at any time, pursuant to section 11, with respect to types of construction specified in section 16.

SEC. 5. *Exemptions.* The following construction in connection with the buildings, structures, or projects to be used in connection with any of the purposes specified in sections 15 and 16 is exempted from this order:

(a) Maintenance and repair on any building, structure, or project.

(b) Small jobs of new construction or in connection with any such building, structure, or project including, but not limited to, alterations, additions, improvement, and modernization, provided the work does not require the use of partitions made in whole or part of metal, where the cost of all such work shall not exceed:

(1) In the case of alterations, additions, improvement, or modernization of hotels, office buildings, and loft buildings, 25 cents per square foot of occupied space for any consecutive twelve-month period. (In computing this cost, both construction cost and all other expenses or charges incident to the work shall be taken into consideration.)

(2) In the case of any type of construction of all other buildings, structures, or projects specified in section 15 (List A) and section 16 (List B), $5,000 for any consecutive twelve-month period. (In computing this cost, only construction cost shall be considered.)

(c) Reconstruction of any such building, structure, or project following a fire, flood, storm, disaster, act of God, or act of war, which occurred on or after July 29, 1950.

(d) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.

(e) Buildings, structures or projects for radio broadcasting and television broadcasting.

(f) Printing establishments where the primary use of the building is the publication of a newspaper; or printing establishments which are operated by a publishing company primarily for the publication of books and periodicals.

SEC. 6. *Authorization for certain construction.* (a) Any person desiring to erect a building, structure, or project to be used for, or in connection with, any of the purposes specified, as set forth in section 16, may apply for a National Production Authority authorization to commence such construction. The application shall be in such form as may be prescribed by the National Production Authority.

(b) Authorization under this section will be granted if the National Production Authority is satisfied that the desired construction conforms to the following requirements:

(1) It furthers the defense effort by providing facilities of the type specified in section 16 in areas adjacent to military establishments or defense plants and projects, which construction the National Production Authority considers necessary to furnish or to supplement facilities in connection with the activities of the Defense Production Administration, the Department of Defense or the Atomic Energy Commission, including their programs for increasing production capacity; or

(2) It is essential to maintenance of public health, safety or welfare.

(c) Further, with respect to an application for authorization to construct a facility not directly related to the defense effort, the NPA will consider the type and quantity of materials on hand, and needed, for the facility; and the effect on the community at large if the authorization were denied.

SEC. 7. *Multiple use buildings, structures, or projects.* Where a building, structure, or project to be constructed is designed for a number of different uses and occupants, no portion thereof shall be constructed for use or occupancy in connection with any of the purposes specified in sections 15 or 16 where the construction cost apportionable to such use or occupancy will exceed the small job exemption provided for in section 5 (b).

SEC. 8. *Scope of this order.* This order shall apply to construction in the 48 States, the District of Columbia, and in the territories and insular possessions of the United States.

SEC. 9. *Prohibited deliveries.* No person shall accept an order for, sell, deliver, or cause to be delivered, material, equipment, or supplies which he knows, or has reason to believe, will be used in violation of the provisions of this order.

SEC. 10. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with any regulation or order of the National Production Authority (including any direction, directive or other instruction), notwithstanding that any such regulation or order shall thereafter be declared by a judicial or other competent authority to be invalid.

SEC. 11. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that:

(a) Such provision works an unreasonable hardship upon him not suffered generally by others in the same trade, industry, or other relative position; or that enforcement of such provision against him would not be in the interest of the national defense. In determining whether unreasonable hardship exists, the National Production Authority will consider, among other things:

(1) The extent of the work done by the applicant incident to the proposed construction.

(2) Whether the building, structure, or project requires reconstruction as a

result of a fire, flood, storm, disaster, act of God, or act of war.

(3) Whether a building, structure, or project of the applicant has been seized by legal action under eminent domain, or condemned by responsible governmental authorities; and the applicant requests permission to replace such facility.

(b) Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the reasons why denial of the request would result in unreasonable hardship, or would not be in the interest of the national defense. All such requests should be addressed to the Field Office of the Department of Commerce in the region of the site of the proposed construction.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the Field Offices of the Department of Commerce, Ref: NPA, M-4.

SEC. 13. *Reports.* Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139-139F).

SEC. 14. *Violations.* Any person who wilfully violates any provisions of this order, or any other order or regulation of the National Production Authority, or wilfully conceals a material fact, or furnishes false information in the course of operation under this order, is guilty of a crime, and upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against such person to suspend any authority to commence or complete construction or such other assistance as may be rendered pursuant to this order.

SEC. 15. *List A—Prohibited contruction.* All buildings, structures, or projects to be used for, or in connection with, any recreational, amusement, or entertainment purpose, whether public or private (unless authorized pursuant to section 6), including, but not limited to:

Amphitheater.
Amusement arcade.
Amusement device built into place on the site such as a roller coaster, merry-go-round, or similar device or kind. This shall not include demountable or portable equipment.
Amusement park.
Arena.
Assembly hall used primarily for recreation or amusement.
Athletic field house.
Band stand.
Bars and buildings or structures where the predominant business carried out therein or in connection therewith shall be the sale for consumption on the premises of alcoholic liquors.
Baseball park.
Bath house.
Billiard or pool parlor.
Bleachers and similar seating arrangements when they are built in place as a permanent part of the building, structure or project.
Boardwalk used primarily for recreation or amusement.
Boat or canoe club.
Bowling alley establishment.
Cabana.
Camp (except for public or social welfare).
Carnival.
Club building except for social welfare purposes.
Country club.
Dance hall.
Dance studio.
Dude ranch used primarily for recreation or amusement.
Exposition or exhibition building or structure for recreational, amusement or entertainment displays or purposes.
Flood lighting (including piers, poles, towers, framework or foundation with fixed equipment) in connection with any recreational, amusement, or entertainment purpose.
Gambling establishment.
Golf course.
Golf club.
Golf driving range.
Grandstand.
Gymnasium (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Lodge hall.
Music shell.
Night club.
Pier used primarily for recreation or amusement.
Race track, any kind.
Riding academy.
Rodeo.
Shooting gallery.
Skating rink.
Ski lodge.
Slot machine establishment.
Stadium.
Swimming pool (except where it is a part of an educational institution and is to be used primarily for instructional purposes in physical education and training).
Theatre, any kind (including drive-in theatre).
Yacht basin or marine railway primarily for the use of pleasure craft.

SEC. 16. *List B—Construction where NPA authorization is required.* Any building, structure or project to be used for, or in connection with, any of the following specified purposes:

Bank, credit institution, or brokerage establishment.
Community or neighborhood building.
Furnishing of personal services (e. g., barber shop, beauty shop, undertaking and mortuary establishment, cemetery building, mausoleum, crematory, garage, service station, shoe repair shop, laundry, dry cleaning establishment, tailor shop).
Hotel, motel, motor court, tourist camp, trailer camp.
Loft building.
Office building.
Outdoor advertising sign.
Printing or duplicating establishment.
Restaurant.
Storage, distribution, display or sale of consumer goods (for example, retail store, shopping center, wholesale establishment, gasoline filling station, drugstore, soda fountain, florist shop, greenhouse), except wholesale food establishment, wholesale supply facility for fuel oil, gasoline or coal, gas distribution system, pipeline.
Storage warehouse for personal effects.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect February 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2550; Filed, Feb. 19, 1951; 2:48 p. m.]

[NPA Order M-12 as Amended Feb. 19, 1951]

M-12—USE OF COPPER AND COPPER-BASE ALLOYS

This amendment to NPA Order M-12 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-12, as previously amended as follows: It redesignates §§ 29.21 through 29.30 as sections 1 through 10, respectively; it adds new sections 11 and 17; and redesignates §§ 29.31 through 29.35 as sections 12 through 16, respectively. It revises sections 4, 5, 6, and 7 to read as shown herewith. As so amended, NPA Order M-12 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Copper forms and products to which this order applies.
4. Application of order.
5. Production of brass mill products, copper wire mill products and foundry products.
6. Use of copper forms and products.
7. Prohibited uses of copper.
8. Maintenance, repair and operating supplies.
9. Exemptions.
10. Inventories.
11. Restrictions on delivery.
12. Applications for adjustment.
13. Records and reports.
14. Communications.
15. Violations.
16. List A.
17. List B.

AUTHORITY: Sections 1 to 17 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *What this order does.* The purpose of this order is to describe how the copper remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It is the policy of the National Production Authority that copper and articles made of copper, not required to fill rated orders, shall be distributed equitably through normal channels of distribution, and that due regard shall be given by suppliers to the needs of new and small business. It is the intent of this order that other materials which are not in short supply shall be substituted for copper and copper-base alloy wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Base period" means the six-months period ending June 30, 1950.

(c) "Manufacture" means to put into process, machine, incorporate into products, fabricate or otherwise alter the forms and products of copper defined in section 3 by physical or chemical means, and includes the use of copper in plating.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment or facility in sound working condition, and "repair" means the restoration of a building, machine, piece of equipment or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with materials of a better kind, quality or design.

(e) "Operating supplies" means any copper or copper-base alloy forms or products listed in section 3 which are normally carried by a person as operating supplies according to established accounting practice and are not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

SEC. 3. *Copper forms and products to which this order applies.* This order applies to the following forms and products of copper: Copper, copper-base alloy, brass mill products, copper wire mill products, and foundry copper products and copper-base alloy products. For the purpose of this order, these items are defined as follows:

(a) "Copper" means unalloyed copper. (It includes electrolytic copper, fire refined copper and all unalloyed copper in any form including scrap.)

(b) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy. (It shall include fired and demilitarized cartridge and artillery cases, and all copper-base alloy, as specified above, in any form including scrap.) It does not include alloyed gold produced in accordance with U. S. Commercial standard CS67-38.

(c) "Brass mill product" means sheet, including strip and plate; rod, including bars, forgings (rough as forged), and extruded shapes; wire; or tube, including pipe; made from copper or copper-base alloy. This does not include copper wire mill products.

(d) "Copper wire mill product" means bare wire, insulated wire and cable whatever the outer protective coverings may be, and uninsulated wire and cables, where the conductors are made from copper, copper-base alloy, or copper clad steel containing over 20 percent copper by weight. All copper wire mill products should be measured in terms of pounds of copper content.

(e) "Foundry products" means cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding or forging. (Includes the removal of gates, risers and sprues, and sandblasting, tumbling, or dipping, but excludes any further machining or processing.)

SEC. 4. *Application of order.* Subject to the exemptions stated in section 9, this order applies to all persons who produce brass mill products, copper wire mill products or foundry products as listed in section 3, or who use any of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 for the purpose of manufacture, use in installation or construction, or for maintenance, repair or operating supplies. This order also contains limitations on the use of such copper forms and products in the manufacture or assembly of certain items. This order does not apply to persons who use copper or copper-base alloy in the production of other metals or metal alloys.

SEC. 5. *Production of brass mill products, copper wire mill products and foundry products.* Subject to the exemptions stated in section 9 or unless specifically directed by the National Production Authority:

(a) No person shall produce during the following months a total quantity by weight of brass mill products and copper wire mill products in excess of the percentages specified with respect to each month of his average monthly production of such products during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

The production of brass mill products and copper wire mill products, pursuant to a valid toll or conversion agreement or other arrangement whereby title to the material to be processed remains vested in the person who delivers it, is permitted in addition to the production permitted by this paragraph. In determining average monthly production during the base period, the brass mill products and copper wire mill products so produced shall not be included in the base period production of the brass mill or wire mill. Nothing contained in this paragraph shall affect the restrictions on toll and other similar agreements contained in NPA Order M-16.

(b) During the calendar quarter commencing on January 1, 1951, no person shall produce a total quantity by weight of foundry products in excess of 100 percent of this average quarterly production of foundry products during the base period.

SEC. 6. *Use of copper forms and products.* Subject to the exemptions stated in section 9, or unless specifically directed by the National Production Authority, no person shall use in manufacture, installation or construction:

(a) During December 1950, a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 in excess of 100 percent of his average monthly use of such material in October and November 1950.

(b) During the following months a total quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), and (d) of section 3 (including copper forms and products produced under toll and conversion agreements or other similar arrangements) in excess of the percentages specified with respect to each month of his average monthly use of such material during the base period:

	Percent
January, 1951	85
February, 1951	85
March, 1951	80

(c) During the calendar quarter commencing on January 1, 1951, a total quantity by weight of foundry products in excess of 100 percent of his average quarterly use of such products during the base period: *Provided, however,* That in cases where a foundry product in the form of a casting is owned by one person and machined pursuant to a contractual agreement by another person, it shall be considered that the owner used the casting in manufacture.

SEC. 7. *Prohibited uses of copper.* (a) Commencing on March 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List A, except as permitted therein; and no person shall use in the manufacture or assembly of any item, whether or not included in List A, a greater quantity or better grade of such materials than is necessary for functional or operational purposes, or use such materials solely for decorative or ornamental purposes. However, these prohibitions shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after March 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A; or (2) any such materials covered by an order placed with a producer and included in the producer's schedule for February 1951, which are delivered to such person at his plant prior to April 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of December 1950, and of January, February and March 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List A; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after March 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(b) Commencing on April 1, 1951, no person shall use copper in the forms and products defined in section 3, or any component part made therefrom, in the manufacture or assembly of any item included in attached List B, except as permitted therein. However, this prohibition shall not apply to such use of: (1) Any such copper forms and products, or component parts made therefrom, on or after April 1, 1951, if such materials were contained in such person's inventory on said date and are wholly unsuitable for use in the manufacture or assembly by such person of any item not included in List A or List B; or (2) any such materials that have been covered by any order placed with a producer which were included in the producer's schedule for March 1951, and are delivered to such person at his plant prior to May 1, 1951, to the extent that such materials are wholly unsuitable for use in manufacture or assembly by such person of any item not included in List A or List B. Every person who relies on the provisions of the next preceding sentence shall prepare a detailed record showing: (A) The quantities of such copper forms and products, and component parts made therefrom, which were contained in his inventory on the first days of January, February, March and April 1951, and which were wholly unsuitable for use in his manufacture or assembly of any item not included in List B; and (B) the quantities of such materials wholly unsuitable for such use which were delivered to him on or after April 1, 1951, the names and addresses of the suppliers thereof, and the dates of the orders and acceptances covering such materials, together with the applicable mill schedule. Such record shall be retained for at least two years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, copper or copper-base alloy may be used: (1) For plating any item included in List A or List B, or any component part thereof, where such plating is an undercoat for chromium, nickel, gold or silver; or (2) for brazing any item, or component part thereof, included in List A or List B.

(d) During February 1951, no person shall use in the manufacture or assembly of the items included in attached List A a total quantity by weight of the copper forms or products defined in paragraphs (a), (b), (c) and (d) of section 3, or any component part made therefrom, in excess of 85 percent, or of the foundry products defined in paragraph (e) of said section, or any component part made therefrom, in excess of 100 percent, of his average monthly use of such materials for such purposes during the base period. During March 1951, the same limitations shall apply to the manufacture or assembly of the items included in attached List B, except that the percentage limitation as to the copper forms and products defined in paragraphs (a), (b), (c) and (d) of section 3 shall be 80 percent instead of 85 percent. To the extent that manufacture or assembly of the items on attached List A or List B is permitted under paragraphs (a) or (b) of this section, the limitations of section 6 shall also apply during March 1951 and each succeeding month.

(e) Commencing on April 1, 1951, no person shall use in construction any brass mill product as such for any item included in List A or List B except as permitted therein.

(f) The following items included in List A or List B shall be exempt from the application of this section if they are used on vessels other than pleasure craft: (1) Furnishings, fittings, and fixtures when located within the sphere of the magnetic compasses; and (2) builders' hardware, building materials and snap hooks where the properties supplied by copper are essential and satisfactory substitutes not available.

(g) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders and are not affected by any of the exemptions stated in section 9: *Provided, however*, That such provisions of NPA Reg. 2 and paragraphs (a) and (b) of section 9 apply to such items included in attached List A or List B as are specifically designated as being permitted for the use of the Armed Forces of the United States, including the United States Coast Guard.

SEC. 8. *Maintenance, repair and operating supplies.* Unless specifically directed by the National Production Authority, during the calendar quarter commencing on January 1, 1951, and each calendar quarter thereafter, no person shall use for maintenance, repair and operating supplies a quantity by weight of the forms and products of copper defined in paragraphs (a), (b), (c), (d) and (e) of section 3 in excess of 100 percent of his average quarterly use for such purposes during the base period.

SEC. 9. *Exemptions.* (a) The production of brass mill, wire mill and foundry products is permitted to fill rated orders, or to meet any mandatory order of the National Production Authority, in addition to the production permitted by the provisions of section 5.

(b) Copper forms and products defined in section 3 acquired with ratings or to meet a National Production Authority scheduled program may be used in addition to the quantities permitted by the provisions of sections 6 and 8.

(c) The provisions of sections 5, 6, and 8 do not apply to persons who use less than 1,000 lbs. of the copper forms and products defined in section 3 during any calendar quarter: *Provided, however*, That persons who by reason of the provisions of section 6 would be permitted to use less than 1,000 lbs. during any calendar quarter, may use during such period a quantity of up 1,000 lbs.

SEC. 10. *Inventories.* In addition to the provisions of NPA Reg. 1 relating to Inventory Controls, it is considered that a more exact requirement applying to producers of brass mill products, copper wire mill products and foundry products, and to users of the copper forms and products defined in section 3 is necessary.

(a) No person producing brass mill products, copper wire mill products or foundry products may receive or accept delivery of copper or copper-base alloy if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg 1, whichever is less.

(b) No person obtaining copper forms or products defined in section 3 for use in manufacture, installation or construction, or for maintenance, repair or operating supplies, may receive or accept delivery of a quantity of such forms and products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

(c) For the purpose of this section, any copper forms and products defined in section 3, in which minor changes or alterations have been effected, shall be included in inventory. NPA Reg. 1 will apply to all such forms and products except as modified by this section.

SEC. 11. *Restrictions on delivery.* (a) No person shall deliver any of the forms and products of copper defined in section 3 if he knows or has reason to believe that his customer may not accept delivery of such materials under this order or will use such materials in violation of this order.

(b) No person shall deliver any copper forms or products defined in section 3 unless the purchaser shall have furnished to the seller a signed certification as follows:

> The undersigned, subject to statutory penalties, certifies that acceptance of delivery and use by the undersigned of the copper forms or products herein ordered will not be in violation of NPA Order M–12.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that delivery of such copper forms or products may be accepted by the purchaser under this order, and that such materials will not be used by the purchaser in violation of this order.

SEC. 12. *Applications for adjustment.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Producers shall make such application on Form NPAF–11, "Copper and Copper-Base Alloys: Producer's application for Adjustment or Exception." Users shall make application on Form NPAF–12, "Copper Forms and Products: User's Application for Adjustment or Exception." Copies of these forms may be obtained from the nearest Department of Commerce Field Office.

SEC. 13. *Records and reports.* (a) Persons subject to this order shall preserve the records which they have maintained of production, inventories, receipts, deliveries and uses of copper forms and products defined in section 3 commencing with January 1, 1950.

(b) Persons subject to this order shall make records and submit such reports to the National Production Authority as it shall require subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–12.

SEC. 15. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

SEC. 16. *List A.* (See section 7.) The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided, however*, That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the Armed Forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Butts, hinges and related items.
Checking floor closers, overhead concealed, semi-concealed and surface door closers (except gland nuts, regulating screw assemblies, and fusible links).
Closers, hanging brackets for.
Closers, screen door.
Cabinet hardware, including cabinet hinges.
Hangers, track and related items including:
Sliding door hardware.
Folding door hardware.
Sliding-folding door hardware.
Folding partition hardware.
Upward acting door hardware.
Fire door hardware (except bearings and fusible links).
Hardware for sash, screen, transom and casement and other shelf hardware items.
Locks, lock trim (except for cylinder assemblies and keys, for essential working parts of locks and latches, for faces of locks and latches and for trim of cylinder lock sets).
Spring hinges.
Sash balances.
Door holding devices.
Kick plates.
Push plates.
Door pulls.
Push bars.
House numbers.
Door knockers.
Letter boxes.
Nameplates.

BUILDING MATERIALS

Anchors and dowels (except window cleaner's safety anchors).
Bands on pipe insulation.
Bathtub enclosures and shower enclosures.
Blinds, including fixtures and fittings (except where essential for operating parts).
Caulking anchors.
Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring in hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
Chimneys and flues.
Conduits (except instrument assemblies).
Cornices.
Door sills.
Door frames.
Doors.
Downspouts and accessories thereto.
Drains (except strainer grids for showers and urinals).
Drip pans.
Elevators and escalators (except for worm gears and parts for conducting electricity).
Escutcheons and plates for floor, ceiling and wall use.
Fences and gates.
Food waste disposal units (except current-carrying parts, bearings, controls, impellers and sink strainers).
Gratings.
Grids (except for flooring in hospital operating rooms and anesthesia rooms, and for places where explosives are handled or stored and for places where explosive vapors may be present).
Grilles and shields, including fresh air inlet boxes and radiator and convector enclosures.
Gutters and accessories thereto.
Holdback hooks for curtains.
I. P. S. waste nipples.
Lavatory legs (except for hospital use).
Leaders and accessories thereto.
Linoleum stripping.
Louvres.
Marquees.
Metal siding.
Mouldings for joining cabinet sinks.
Ornamental metal work; including grille work, railings, and fittings.
Pipe, I. P. S., and fittings (except for industrial process piping and chemical gas equipment and except for solder nipples, solder bushing and ferrules).
Radiator covers and shields.
Railings and fittings.
Reglets, moulding and trim.
Rim protectors for fixtures.
Robe hooks.
Roofing.
Roofing nails (except staples, clips and similar devices designed for the purpose of protecting shingles, flashings and siding against wind damage).
Shower curtain rods and bars.
Shower door frames.
Shower goosenecks.
Skylights.
Stair and threshold treads, nosing and edgings.
Store fronts.
Straps and hangers for pipe supports.
Supply pipes for plumbing fixtures such as lavatories, sinks and water closets.
Switch plates.
Tanks for automatic storage water heaters.
Traps (except tube traps in 20 gauge without cleanouts and except traps cast from secondary metal).
Thresholds and saddles.
Towel bars and brackets.
Tube, tubing and fittings for piping systems in construction (except for Type K for underground water connections, Types L and M for domestic hot and cold water supply pipes and oxygen lines, and Types K, L, and M for industrial process, chemical and gas equipment piping).
Unit heaters, unit ventilators, unit ventilator inlet wall boxes and convectors, and blast heating coils, or any apparatus using such coils as part of its construction (except for valves, controls, bearings or parts necessary for conducting electricity, and for water or steam courses and headers).
Ventilators.
Vents.
Weatherstripping.
Window frames.
Window sills.
Windows.

BURIAL EQUIPMENT

Burial urns.
Burial vaults.
Caskets and casket hardware (except copper or brass flash plate treatment necessary to prevent corrosion during period of manufacture and warehousing).
Memorial tablets.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

Artificial flowers.
*Buckles and shoe buckles (except for foundation garments where strength, launderability and non-corrosiveness are essential).
*Buttons (except front shells of uniform buttons for police, firemen, guards, railroad and other transportation employees and similar uniforms, the backs to be made of steel with rust resistant plating; and work clothing and other utility (closure) purposes where launderability and non-corrosiveness are essential, provided that all strictly decorative and out-size buttons are eliminated).
Dress ornaments and trimmings.
*Fittings: belt, corset, garter, glove, hand bag, purse, suspender, luggage and supporter (except for foundation garments and sanitary belts where launderability and non-corrosiveness are essential).
*Hooks and eyes (except for foundation garments where launderability and non-corrosiveness are essential).
*Insignia and decorations (awards).
*Metal clothes, laces, tassels, braids, embroidery, ribbons.
Millinery accessories and frames.
*Snaps and snap buttons (except (1) irrespective of weight, in industrial safety clothing, work clothing and foundation garments; (2) for complete fasteners weighing 5 pounds or less per thousand units, on other wearing apparel exclusive of belts, suspenders, gloves, footwear, and other dress accessories, and billfolds, luggage, wallets and key cases; and (3) except for wire springs contained in snaps and snap buttons weighing in excess of 5 pounds per thousand complete units).

FURNISHINGS AND EQUIPMENT

Andirons, fireplace screens and fittings.
Candlesticks.
Curtain fasteners, rods and rings.
Cuspidors.

Gas heater and stove installation connections (except for high pressure LPG connections from tank to fixture).
Lamp shades.
Mops.
Mud scrapers.
Scrubbing boards.
Space heaters, flue connected and non-flue connected (except valves, controls and parts necessary for proper operation or for conducting electricity).
Stoves and ranges of all fuels for household cooking use (except valves, compression fittings, controls including timers, thermostats and parts for conducting electricity or necessary for safe operation).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls, and artcraft (except scientific laboratory).
Washing tubs and washing boilers.
Waste baskets, humidors and similar items.

FURNITURE AND FIXTURES

Barber shop and beauty parlor furniture.
Household furniture.
Mattresses and bedsprings (except hospital).
Partitions and shelving (except hospital and laboratory).
Public building and office furniture.
Reed and rattan furniture.
Restaurant furniture.
Venetian blinds (except where essential for operating parts).

HARDWARE, MISCELLANEOUS

Collars and other harness for pets.
Cutlery, table, kitchen, butcher and meat packing (except rivets and knife assemblies in matching silver-plated flatwear sets).
Fireplace fixtures and equipment.
Furniture (except in cylinder assemblies and keys and for essential working parts of locks).
Hand saw screws, nuts and washers for attaching saw blades to the handles.
Hand service tools, including hammers, pliers, wrenches, screw drivers, etc. (except essential parts of spiral ratchet and ratchet screw drivers and drills; hand and breast drills and bit braces; soldering irons; and blow-torches; except nonsparking tools necessary to prevent explosion hazards; and except portable spot welders).
Passenger transportation equipment, decorative hardware and ornamental metal work and trim and general hardware (except for locks).
Pleasure boat decorative hardware.
Pocket knives (except rivets and lining assemblies).
Puttying and scraping knives (except rivets).
*Saddlery and harness hardware (except for brass protective plating).
Scissors, shears, hedge and other trimmers, tinners and other snips.
Stairs and threshold treads and edgings.
Trunk and luggage hardware (except for brass protective plating and except in cylinder assemblies and keys and for essential working parts of locks).

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)
Household electrical appliances including but not limited to:
Laundry equipment.
Vacuum cleaners.
Refrigerators.
Floor and furniture polishers.
Food mixers.
Electric irons.
Hair driers.
Toasters.

JEWELRY, GIFTS, AND NOVELTIES

All jewelry (except operational attachments such as screw and snap posts; cam assemblies; wire pegs; screws and/or rivets; spring pins for wrist watches; catches and pin stems; and copper seal interlinings to prevent "bleeding" of silver through gold); gifts and novelties, including but not limited to:

Book ends.
Jewelry and instrument cases, including cosmetic.
Lighters (except necessary operational parts).
*Medals and emblems, including decorations (except religious goods).
Mirrors and picture frames.
Napkin rings.
Smokers' accessories, including ash trays and humidors.
Souvenirs.

CIVILIAN TYPE MOTOR VEHICLE: PASSENGER AUTOMOBILES INCLUDING TAXICABS, STATION WAGONS, AMBULANCES, HEARSES, TRUCKS, TRUCK TRACTORS, TRUCK TRAILERS, MOTORCYCLES AND BUSSES

Decorative mouldings, both internal and external (except for glass run channels, window-glass frames, external windshield and rear window external mouldings where such mouldings are produced from strip 6 inches or narrower).
Defrosters and heaters (except (1) for conducting electricity and (2) radiators (heat exchangers) and supply and return hot water lines and (3) parts used in the operating controls of the heating and defrosting systems).
Gas tank caps (except valves and springs).
Horns (except parts for diaphragms, vibrators and conducting electricity).
Lighters (except parts for conducting electricity).
Lights, lamps, headlamps, and lighting accessories (except for doors, bezels, adjusting and attaching screws, retaining rings, copper flash plating on reflectors and parts for conducting electricity including light bulbs).
Motor vehicle hardware (except door handles, ventilator and regulator handles for windows and doors, working parts for locks, ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies and screw).
Rear-view mirrors and brackets (except copper flash plating on mirrors).
Smokers' accessories, including ash trays.
Wheel discs and wheel trim rings.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and Equipment".
Bands on pipe coverings.
Door knockers, checks, pulls and stops.
Doors and windows, door and window frames and window sills.
Drinking water reservoirs.
Shower rods and pans.
Sinks and drainboards.
Towel and luggage racks.
Water containers for humidification.
Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems (except parts for conducting electricity or where essential to the proper service or functioning of the parts).
Antique reproductions.
Arch supports.
Atomizers (except for medicinal purposes and for use in the preparation of dried milk and dried eggs).
Barrels, boxes, cans, jars, and other containers.
Badges (*except pins and clips for use by personnel where badges are required for protection and security by Government agencies or by industrial plants).
Bar and counter equipment and fittings.
Barber shop equipment and supplies (except for current-carrying parts).
Barrel hooks.
Bathroom accessories (including grab bars, tumbler holders, tooth brush holders, paper holders, and shelf brackets).
Beauty parlor equipment and supplies (except for replacement parts of commercial permanent wave equipment and commercial hair driers and for current-carrying parts).
Bicycles, and similar vehicles and equipment therefor (except valves for bicycle tires and tubes and except plating of operational parts).
Binoculars (except precision types) and opera glasses.
Bird and pet cages and stands.
Branding, marking, and labeling devices and stock for same (except engraved burning branding dies, and except where the devices and the stock are for affixing governmental, notarial and corporate seals).
Bronze ink (except use in the graphic arts industry where bronze ink and powder are an integral part of product identification and whose normal replating is less frequent than one year).
Brushes (except for the types used in electric motors and generators; and except for industrial brushes).
Carpet rods.
Chimes and bells (except parts for conducting electricity or where non-magnetic gong material is required for electrically operated signaling devices used as adjuncts to communication systems and except bells for use on board ship where essential to the proper functioning of the parts).
Clips, paper.
Cleaning and polishing accessories, such as brooms, carpet sweepers, crumbing sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.
Clock cases (except for marine use).
Clothes line pulleys and reels.
Cocktail shakers.
Coin-operated game and gambling machines (except tumblers for locks and current-carrying parts).
Coin-operated vending machines (except necessary operational parts and current-carrying parts).
Cooking utensils (except gauges and protective devices and plating of bottoms).
Daubers for shoe polish.
Dispensers, hand, for hand lotions, paper products, soap and straws.
Flower pots, boxes and holders for same.
Fountain pens (except necessary operational parts).
Furniture grommets.
Garden tools and equipment (except for functional parts).
Hair curlers, hair brushes and combs (except for heat-carrying parts and for electrical conductivity).
Ice cream freezers for use in the home (except electric).
Juke boxes (except for current-carrying parts).
Kitchen utensils, devices and machines (except electrical appliances).
Lace tips.
Lamps, portable electric (except for current-carrying parts).
Lamps and lanterns, other than electric (except for generators, valves, controls, burners, wicks and founts).
Letter boxes and mail chutes.
Lighting fixtures (except (1) current-carrying parts, plating, rivets, eyelets, screws, small fasteners; (2) the threaded parts, clamping, sealing or attachment devices of exterior, explosion-proof, dust-tight and vapor-tight fixtures; (3) Marine and airport).
Loose-leaf binders.
Manicure implements.
Match and pattern plates, matrices, and flasks.
Mattress buttons and furniture glides.

Name plates (except instruction and data plates and identification plates for use on machinery or equipment without display or ornamentation).
Nonoperating or decorative uses of copper or copper-base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.
Package handles and holders.
Pari-mutuel gambling and gaming machines, devices and accessories.
Pencils, mechanical (except functional parts and plating).
Pins (except safety pins, laundry net and laundry identification pins, or safety catches on products otherwise permitted under this order).
Pleasure boat fastenings and fittings.
Razors operated by electricity (except functional parts and parts for conducting electricity).
Razors not operated by electricity (except (1) in making safety razors: heads, functional parts for heads, and plating; and (2) in making straight razors: rivets, pins and washers).
Razor blade magazines.
Reflectors (except photographic and except as an undercoating or an overcoating in electroplating with silver or chromium).
Signs and advertising displays (except current-carrying parts).
Sporting goods and equipment (except fishing equipment and supplies for commercial fishing use, firearms, ammunition, and except reel gears, bearings and spools, swivels and snaps, rod mountings and copper for plating of baits and lures for sport fishing use).
Staplers and stapler machines (not including foot-operated or power-driven stitching machines).
Stationery supplies including but not limited to:
Desk accessories.
Office supplies.
Pencils (except for ferrules).
Pens and penholders.
Statues and statuettes (except religious and artists' originals).
Sundials.
*Tent poles and parts.
Tobacco pipes.
Toys (except in motors and essential operating parts).
Unions and union fittings (except seats, and except for other parts of unions and union fittings (1) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (2) where the valve is of a type designed for use in an air conditioning or refrigeration "system", or (3) where use of copper and tubing and/or brass pipe is permitted).
Umbrellas and parasols.
Vacuum bottles and jugs.
Valve handles (except plumbing fixture trim).
Walking sticks and canes.
Weather vanes.
Weight reducing and exercising machines (except for current-carrying parts).
Wool (except metal sponges intended for use in dairy products processing plants and by the canning industry and for filtering purposes).

SEC. 17. *List B.* (See section 7). The use of the forms and products of copper defined in section 3 and of any component parts made therefrom in the items listed below (excluding repair parts) is prohibited except to the extent permitted in the order or the list: *Provided however*, That such material may be used in such items included in the list as are marked with an asterisk in cases where such items are to be used by the armed forces of the United States, including the United States Coast Guard.

BUILDERS' HARDWARE

Protective brass plating of all listed items of builders' hardware is permitted where other types of finishes are not practicable.
Door knobs.
Letter slots.

BUILDING MATERIALS

Facias.
Flashings (except (1) cap and base flashing for built-up roofing, (2) through-wall flashing in parapet walls, (3) flashing for chimneys, vent stacks and all other vertical surfaces rising through roof levels, (4) roof-to-side wall flashing, (5) valley flashing for slate, tile and cement shingle roofs, (6) door and window head flashing, (7) expansion joint flashing).
Gravel stops.
Shower pans.
Terrazzo strips.

CLOTHING AND DRESS ACCESSORIES, NOT INCLUDING SAFETY EQUIPMENT

*Slide fasteners (zippers) (except (1) for functional components such as slider bodies, separating end-components and top and bottom stops; and (2) except for applications in safety garments, work clothing, rubber footwear, foundation and surgical garments where necessary for reasons of strength, launderability and anticorrosion).

FURNISHINGS AND EQUIPMENT

Refrigerator and water heater installation connections (except for high pressure LPG connections from tank to fixture).

FURNITURE AND FIXTURES

Fittings (except hospital and laboratory).

HARDWARE, MISCELLANEOUS

Tags for pets.

HOUSEHOLD ELECTRICAL APPLIANCES

(Except for operational parts where the properties supplied by the copper are essential or where necessary for electrical conductivity)
Coffee makers.
Home and farm freezers, including the "low side" refrigerant circuit.
Ice cream freezers.
Waffle irons.

REFRIGERATION AND AIR CONDITIONING MACHINERY AND EQUIPMENT

(Commercial and Industrial)

(Except where copper products or copper-base alloy products are essential for the following: carbonators, complete condensing units less condensers, dehydrators, draft arms for soda fountain equipment, electrical controls and wiring, fittings, protective coatings, refrigerant circuits (except in condensers for open-type air cooled condensing units and evaporative condensers for freon refrigeration or air conditioning systems and the "low side" refrigerant circuits for ice cream cabinets, frozen food cabinets, and "wet type" bottled beverage coolers), refrigerant connections between compressor and cooling coils, refrigerant flow control valves, sight glasses, soldering and brazing materials, strainers, suction line heat exchangers, tube sheets, valves, water cooler low sides and pre-coolers, water flow control valves and water spray nozzles for evaporative condensers, evaporative coolers, and air washers)

Commercial and industrial refrigeration and air conditioning machinery and equipment including but not limited to:

Air conditioning systems, self-contained or remote.
Air washers.
Blast coolers.
Blast freezers.
Bottled beverage coolers.
Carbonated beverage dispensing systems (except coin operated).
Compressor stop valves (except valve seats, gaskets, bonnets, discs, disc screens, and protective coverings for valve stems).
Evaporative condensers.
Evaporative coolers (desert type).
Finned air-cooled condensers except those used for hermetic systems where the condenser is exposed to the outside air or for transportation systems.
Finned coils or evaporators.
Florist refrigerators.
Fountainettes.
Frozen food cabinets.
Ice cream cabinets.
Ice cube makers.
Malt beverage dispensing systems.
Mortuary refrigerators.
Non-carbonated beverage dispensing systems (except coin operated).
Packaged air conditioners (room, window, and store coolers).
Reach-in refrigerators.
Refrigerated display cases.
Refrigeration systems, self-contained or remote.
Reverse cycle heating and air conditioning systems (heat pumps).
Sandwich units.
Shell and tube or shell and coil condensers.
Shell and tube or shell and coil water chillers.
Soda fountains.
Space coolers.
Unit coolers.
Walk-in refrigerators.
Water coolers, except bubblers and bubbler connections.

MISCELLANEOUS

Dehumidifiers for home and office use.
Flashlight cases (except contact points for carrying current).
Ball point pens (except necessary operational parts).
Hollow ware (except for hotels, restaurants, institutions and ecclesiastical use).
Identification and directional signs (except current-carrying parts).
Outboard motors (except for operational parts).
Portable electric lanterns, such as railroad, miners' and industrial (except parts for conducting electricity and for plating).
Shells and caps for sockets.
Ties (except for explosives and other products where the properties supplied by copper are essential).

This order, as amended, shall take effect, except as otherwise specifically stated, on February 19, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2570; Filed, Feb. 19, 1951; 4:53 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

APPORTIONMENT TO MINOR CHILD LEGALLY ADOPTED OUTSIDE OF VETERAN'S FAMILY

Section 21.92 is amended to read as follows:

§ 21.92 *Apportionment to minor child legaly adopted outside of veteran's*

family. Where evidence establishes that a veteran in training under Part VII or VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note) is the natural father of a minor child or children legally adopted outside of his family, only such additional amount of subsistence allowance on account of the existence of such child or children will be apportioned in favor of the child or children. The veteran is not entitled in his own right to whatever additional amount of subsistence allowance is payable because of the existence of such child.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. and Sup. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. and Sup. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective February 21, 1951.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 51-2487; Filed, Feb. 20, 1951; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular No. 1786]

PART 80—TOWN SITES

SALE TO ALASKA HOUSING AUTHORITY

The following new section is added to Part 80:

§ 80.14a *Sale to Alaska Housing Authority.* (a) Any lot or tract in the town which is subject to sale to the highest bidder by the trustee pursuant to § 80.14 may, upon request of the Alaska Housing Authority in connection with a specific housing project authorized by the act of April 23, 1949 (63 Stat. 57, 48 U. S. C. secs. 484, 484a–e), at any time prior to its disposition at public sale be sold by the trustee to the Alaska Housing Authority at fair value to be fixed by the trustee, provided such action in the opinion of the trustee will be of benefit to the occupants of the town site.

(Sec. 11, 26 Stat. 1099; 48 U. S. C. 355)

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 14, 1951.

[F. R. Doc. 51-2477; Filed, Feb. 20, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 53]

REVISION OF OFFICIAL U. S. STANDARDS FOR GRADES OF LAMB AND MUTTON CARCASSES AND ESTABLISHMENT OF OFFICIAL U. S. STANDARDS FOR GRADES OF SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture is considering a proposed revision of the official United States standards for grades of lamb and mutton carcasses (7 CFR 53.114 et seq.), and the proposed establishment of official United States standards for grades of slaughter lambs, yearlings, and sheep, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.) and the item for Market Inspection of Farm Products recurring in the annual appropriation acts for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1951 (Chap. VI, Pub. Law 759—81st Cong.; 7 U. S. C. Sup. 414).

The principal changes proposed in the standards for grades of lamb and mutton carcasses would be as follows:

(1) The existing Prime and Choice grades would be combined and designated as Prime; the existing Good grade would be renamed Choice, which would become the highest grade for which mutton carcasses beyond the yearling stage are eligible; the top two-thirds of the existing Commercial grade would be designated as Good; the bottom one-third of the existing Commercial grade, plus the top two-thirds of the existing Utility grade would be designated as Utility; and the bottom one-third of the existing Utility grade, combined with the present Cull grade, would be designated as Cull. The existing Commercial grade would be discontinued.

(2) Relevant changes in the specifications would be made to reflect the minimum requirements for the respective grade designations, to clarify the differentiation between lamb, yearling, and mutton carcasses, and to reflect the different grade requirements for varying degrees of maturity.

Other changes of a minor nature would be made for the purpose of facilitating interpretation of the standards.

The proposed standards for slaughter lambs, yearlings, and sheep reflect the same nomenclature and grade ranges as proposed for the respective carcass standards.

To accomplish these changes, the standards for lamb and mutton carcasses and slaughter lambs, yearlings, and sheep would be established to read as follows:

LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

§ 53.114 *Differentiation between lamb, yearling mutton, and mutton carcasses.* (a) Ovine carcasses are classified as lamb, yearling mutton, or mutton on the basis of characteristics of the bones, general conformation, and characteristics of the flesh.

(b) Lamb carcasses always have break joints on their front shanks and generally have narrow rib bones, a rather regular contour, and a light red color and fine texture of lean. They also have a considerable amount of red in the ribs and a somewhat smaller amount in the shanks.

(c) Yearling mutton carcasses may have either break joints or "spool" joints on their front shanks and generally have moderately wide rib bones, a slightly irregular contour, and a slightly dark red color and slightly coarse texture of lean. They have only traces of red in the ribs and shanks.

(d) Mutton carcasses always have "spool" joints on their front shanks and generally have wide rib bones, a rather irregular contour, and a dark red color and coarse texture of lean. Ribs and shanks are devoid of red color.

§ 53.115 *Application of standards.* (a) Lamb, yearling mutton, and mutton carcasses are graded on a composite evaluation of three general grade factors—conformation, finish, and quality. These factors are concerned with the proportions of the various wholesale cuts in the carcass, the proportions of fat, lean and bone, and the quality of the flesh. Carcasses qualifying for any particular grade may vary with respect to their relative development of the three grade factors, and there will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses that have a relatively similar development of conformation, finish, and quality and that are also representative of the lower limits of each grade. Examples of the extent to which superiority in quality and finish may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(b) The standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than a half-grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(c) The standards provide for grading lamb, yearling mutton, and mutton carcasses on separate standards. Although

these appear to be rather narrow age groups, each of them actually represents a rather wide range in degree of maturity because of the rapidity with which ovines mature. Recognition of this variation is made in the standards for grades of lamb carcasses by specifying two different requirements for quality and finish, depending upon the degree of maturity. Although only one requirement for quality and finish is specified in the standards for yearling mutton and mutton carcasses, it should be understood that in these groups, as well as lambs, carcasses which have indications of approaching the minimum or maximum maturity limits for their group will have somewhat less or greater evidences of quality and finish, respectively, than that specified.

§ 53.116 *Specifications for official United States standards for grades of lamb carcasses*—(a) *Prime.* (1) Carcasses possessing the minimum qualifications for the Prime grade tend to be compact and blocky and tend to have plump, full legs; wide, thick backs; thick, full, smooth shoulders; and short, thick necks.

(2) Evidences of quality and finish vary markedly with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, moist, porous break joints have only moderately abundant kidney and crotch fat but kidneys are completely covered. They have a moderate amount of feathering between the ribs, a small amount of overflow fat over the inside of the ribs adjacent to the backbone, a few fat streakings in the inside flank muscles and a light pink color of lean. The exterior finish is firm and completely obscures the muscles of the back, however, muscles over the tops of the shoulders and outside of the legs may be visible through a thin covering of fat. Flanks are full and firm.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones, moderately red, rather dry and hard break joints, have abundant kidney and crotch fat, extensive and abundant feathering, moderately abundant overflow fat over inside of ribs adjacent to the backbone, numerous streakings of fat in the inside flank muscles, and a dark pink color of lean. The exterior finish is very firm, extends over the entire exterior surface except the lower parts of the legs, obscuring the muscles of the back, tops of the shoulders, and outside of legs. The flanks are very full and firm.

(4) To qualify for the Prime grade a carcass must possess the minimum requirements for quality and finish regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, if a carcass has quality and finish equivalent to at least the average of the Prime grade, its conformation may be equivalent to average Choice and remain elegible for Prime.

(b) *Choice.* (1) Carcasses possessing the minimum qualifications for the Choice grade are slightly compact with slightly plump, full legs; slightly wide, thick backs; slightly wide, full shoulders; and slightly short, thick necks.

(2) Evidences of quality and finish vary considerably with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, moist, porous break joints have slightly abundant kidney and crotch fat but kidneys are slightly exposed, there is a small amount of feathering between the ribs, a few streakings of fat in the inside flank muscles, and only very small quantities of overflow fat over the inside of the ribs adjacent to the backbone. The color of lean is slightly dark pink. The exterior finish is moderately firm. However, the muscles of the back are very slightly visible through a slightly thin fat covering and those over the tops of the shoulders and outside of the legs have only a very thin covering of fat. Flanks are slightly full and firm.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones with moderately red, rather dry and hard break joints, have moderately abundant kidney and crotch fat, slightly abundant feathering, a small amount of overflow fat over the inside of the ribs adjacent to the backbone, a small quantity of fat streakings in the inside flank muscles, and light red color of lean. The external finish is firm and completely obscures the muscles of the back. However, muscles over the top of the shoulders and the outside of the legs are visible through the fat. The flanks are moderately full and firm.

(4) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are moderately rangy and slightly angular with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and moderately long, thin necks.

(2) Evidences of quality and finish vary moderately with changes in maturity. Carcasses from young lambs that have red, narrow rib bones and red, porous break joints have a small amount of kidney and crotch fat and kidneys are only partially covered. There is no feathering between the ribs, no overflow fat over the inside of the ribs and no fat streakings in the inside flank muscles; however, the lean is dark pink in color. The exterior finish is slightly soft and the muscles of the back are plainly visible through a very thin fat covering, and those over the tops of the shoulders and outside of the legs are practically devoid of fat. Flanks are moderately thin and soft.

(3) Carcasses from more mature lambs that have slightly wide, moderately red rib bones and moderately red, rather dry and hard break joints, have slightly abundant kidney and crotch fat with kidneys slightly exposed. There is a slight amount of feathering between the ribs, but no overflow fat over the inside of the ribs adjacent to the backbone, practically no streakings of fat in the inside flank muscles, and a slightly dark red color of lean. The exterior finish is moderately firm. However, the muscles of the back are visible through a thin fat covering, and those over the tops of the shoulders and outside of the legs have only a very thin fat covering. Flanks are slightly thin and soft.

(4) A carcass that has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass that has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(d) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible.

(2) Although evidences of quality and finish vary slightly with changes in maturity, the differences are so small as to make their separate descriptions impractical. Carcasses have only a small amount of kidney and crotch fat, and the kidneys are nearly entirely exposed. There is practically no other interior fat, and the lean in the inside flank muscles and between the ribs is dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(3) A carcass that has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass that has quality and finish equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(e) *Cull.* (1) Typical Cull grade carcasses are extremly rangy and angular and extremely thin fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats, and the flesh is soft and watery and very dark red in color.

§ 53.117 *Specifications for official United States standards for grades of yearling mutton*—(a) *Prime.* (1) Carcasses possessing the minimum qualifications for the Prime grade are compact and blocky, have plump, full legs; wide, thick backs; wide, full, smooth shoulders; and short, thick necks. They have abundant but not excessive kidney and crotch fat; extensive and abundant feathering; and moderately abundant overflow fat over inside of ribs adjacent to the backbone, numerous streakings of fat in the inside flank muscles, and a light red color of lean. The exterior finish is very firm and uniform and extends over the entire exterior surface except

the lower parts of the legs obscuring the muscles of the back, tops of the shoulders, and outside of the legs. The flanks are very full and firm.

(2) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Prime. However, if a carcass has quality and finish equivalent to at least the average of the Prime grade, its conformation may be equivalent to average Choice and remain eligible for the Prime grade.

(b) *Choice.* (1) Carcasses possessing the minimum requirements for the Choice grade are moderately compact with rather short, plump, full legs; moderately wide, thick backs; moderately wide, full shoulders; and rather short, thick necks. They have moderately abundant kidney and crotch fat, slightly abundant feathering, slightly abundant overflow fat over the inside of the ribs adjacent to the backbone, a small quantity of fat streakings in the inside flank muscles, and a slightly dark red color of lean. The exterior finish is firm and completely obscures the muscles of the back; however, muscles on the top of the shoulders and the outside of the legs are visible through the fat. The flanks are moderately full and firm.

(2) Carcasses which are not eligible for the Prime grade because they have bunchy or irregular distribution of exterior finish or excessive quantities of interior fat are also included in the Choice grade.

(3) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and slightly long, thin necks. They have slightly abundant kidney and crotch fat, with kidneys slightly exposed. There is a slight amount of feathering between the ribs, only very small quantities of overflow fat over the inside of the ribs adjacent to the backbone, a few streakings of fat in the inside muscles of the flank, and a rather dark red color of lean. The exterior finish is moderately firm; however, the muscles of the back are visible through a thin covering of fat and the tops of the shoulders and outside of the legs have only a very thin fat covering. Flanks are slightly thin and soft.

(2) A carcass which has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass which has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(d) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible. They have only a small amount of kidney and crotch fat, and the kidneys are nearly entirely exposed. There is practically no other interior fat and the lean in the flanks and between the ribs is dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass which has quality and finish equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(e) *Cull.* (1) Typical Cull grade carcasses are extremely rangy and angular and extremely thin fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats and the flesh is soft and watery and very dark red in color.

§ 53.118 *Specifications for official United States standards for grades of mutton* — (a) *Choice.* (1) Carcasses possessing the minimum qualifications for the Choice grade are moderately compact, with slightly plump, full legs; wide, thick backs; wide, full shoulders; and slightly short, thick necks. They have abundant kidney and crotch fat, moderately abundant feathering between the ribs, moderately abundant overflow fat over the inside of the ribs adjacent to the backbone, numerous fat streakings in the inside flank muscles, and a dark red color of lean. The external finish is firm and moderately uniform and completely obscures the muscles of back and tops of the shoulders; however, the outsides of the legs are visible through a thin covering of fat. Flanks are moderately full and firm.

(2) To qualify for the Choice grade a carcass must have the minimum requirements for quality and finish regardless of the extent that conformation may exceed the minimum requirements for Choice. However, if a carcass has quality and finish equivalent to at least the average of the Choice grade, its conformation may be equivalent to average Good and remain eligible for Choice.

(b) *Good.* (1) Carcasses possessing the minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; have slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hip and shoulder joints are visible. They have a moderate amount of kidney and crotch fat but kidneys are completely covered. There is a small amount of feathering between the ribs and a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, a few streakings of fat in the inside flank muscles, and a dark red color of lean. The external finish is moderately firm, however, the muscles of the back are slightly visible through a thin fat covering and the tops of the shoulders and outside of the legs have a very thin fat covering. Flanks are slightly thin and soft.

(2) Carcasses which are not eligible for the Choice grade because they have bunchy or irregular distribution of exterior fat or excessive quantities of interior fat are also included in the Good grade.

(3) A carcass which has conformation equivalent to at least the average of the Good grade may have quality and finish equivalent to high Utility and remain eligible for the Good grade. Also, a carcass which has quality and finish equivalent to at least the average of the Good grade may have conformation equivalent to high Utility and remain eligible for the Good grade.

(c) *Utility.* (1) Carcasses possessing the minimum qualifications for the Utility grade are very rangy and angular, with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and very long, thin necks. Hips and shoulder joints are prominent. They have only a small amount of kidney and crotch fat and kidneys are nearly entirely exposed. There are practically no other interior fats, and the lean in the inside flank muscles and between the ribs is very dark red in color. External finish is soft and is limited to small deposits over the rump and outside of the shoulders and to thin patches over the back. Flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the average of the Utility grade may have quality and finish equivalent to high Cull and remain eligible for the Utility grade. Also, a carcass which has quality equivalent to the average of the Utility grade may have conformation equivalent to high Cull and remain eligible for the Utility grade.

(d) *Cull.* (1) Typical Cull grade carcasses are extremely rangy and angular and extremely thin fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hip and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined. There are practically no interior or exterior fats, and the flesh is soft and watery and very dark red in color.

SLAUGHTER LAMBS, YEARLINGS, AND SHEEP

§ 53.130 *Market sheep.* The official standards for market sheep, developed by the United States Department of Agriculture, provide for segregation according to (a) use as slaughter animals or feeders, (b) class or sex condition, (c) age group, and (d) grade, which is determined by the apparent relative excellence and desirability of the individual for a particular use.

§ 53.131 *Slaughter classes and market groups.* The classes of slaughter sheep are ram, ewe, and wether; the age groups are lambs, yearling, and sheep. Definitions of the respective classes and age groups are as follows:

(a) *Ram.* A ram is an uncastrated male ovine.

(b) *Ewe.* A ewe is a female ovine.

(c) *Wether.* A male ovine castrated when young and prior to developing the secondary physical characteristics of a ram.

(d) *Lamb.* A lamb is an immature ovine, usually under 14 months of age, and has not cut its first pair of permanent teeth.

(e) *Yearling.* A yearling is an ovine between 1 and 2 years of age that has cut its first pair of permanent teeth but has not cut the second pair.

(f) *Sheep.* The term sheep refers to ovines over 24 months of age that have cut their second pair of permanent teeth.

§ 53.132 *Slaughter lamb and sheep grades*—(a) *Grade factors.* The specific grade of slaughter lambs and sheep is determined by an evaluation in terms of factors which influence carcass excellence—conformation, finish, and quality.

(1) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. While primarily determined by the inherent muscular and skeletal system, it is also influenced by degree of fatness. Excellent conformation in slaughter lambs and sheep is denoted by a compact, wide topped, straight lined, thickly fleshed individual that is deep and full in the twist. Fullness and thickness should be especially evident in the portions of the body producing the more desirable cuts of meat—loin, rack, and legs.

(2) Finish refers to the fatness of the animal. The type, quantity, and distribution of finish of the slaughter animal are very closely associated with the palatability and quality of the meat which it will produce. Thus finish becomes the most important single factor affecting the grade of slaughter lambs and sheep. External finish is evidenced by fullness and the apparent thickness of the fat covering over the back, loin, rump, ribs, and legs. A high degree of desirable finish is evidenced by a thick, firm, smooth layer of fat which is uniformly distributed over the body.

(3) Quality in slaughter lambs and sheep refers largely to the refinement of bone and to the smoothness and symmetry of the body. Quality is also closely associated with carcass yield and the proportion of meat to bone. A high degree of quality in slaughter lambs and sheep is denoted by relatively small bones, meat joints, neatly laid in shoulders and hips, smoothness of fleshing, refined, clean cut features about the head, and fine hair on face and legs.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercising of well regulated judgment. Each animal presents a different combination of the grade determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all the inherent physical characteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter lamb or sheep requires handling in addition to the visual observations. While the length and density of the fleece varies greatly with individuals, the thickness and firmness of the flesh covering of wooled lamb and sheep can only be roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing one open hand over the back and ribs in a simultaneous motion. The thumb extends just over the backbone while the fingers, which are held close together, cover the rib section and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling sheep where time permits and especially when noting slight differences between individuals, is to handle forward from the dock to the neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may then be used on each side in a similar manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling lambs or sheep to accurately determine the grade.

(3) The market designation of slaughter lambs and sheep is usually made by classes. However, the standards are intended to apply to all classes. The grade descriptions are considered typical of ewes and wethers while it is recognized that rams, which numerically constitute a minor market class, will have somewhat thicker necks, shoulders, and legs than specified for a given grade.

(4) The descriptions of the physical characteristics of the grades of slaughter lambs and sheep represent the lower limit of each grade. No attempt is made to describe the numerous combinations of grade factors which may meet the minimum requirements for a particular grade. Descriptions are limited largely to animals considered as typical of the lower limits of the grade.

§ 53.133 *Specifications for official United States standards for grades of slaughter lambs*—(a) *Prime.* Lambs possessing the minimum requirements for Prime grade tend to be lowset, compact, thickly fleshed, and short of neck. They tend to be wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a slight fullness or plumpness evident over the crops, loin, and rump which contributes to a well rounded appearance. Relatively young lambs, under 7 months of age tend to have a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Older, more mature lambs have a moderately thick fat covering over the back, loin, and rump. In handling, the backbone and ribs are not readily discernible. Prime lambs exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(b) *Choice.* Lambs possessing the minimum requirements for Choice grade are slightly compact, thick fleshed, and slightly short of neck. They are slightly wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may exhibit a slight tendency toward prominence. The twist is slightly deep and full, and the legs slightly thick and plump. Relatively young lambs, under 7 months of age, have a moderately thin fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly prominent. Older, more mature lambs tend to have a slightly thick fat covering over the back, ribs, loin, and rump. In handling, the backbone and ribs are slightly discernible. Choice lambs usually present a moderately refined appearance.

(c) *Good.* Lambs possessing the minimum requirements for Good grade are moderately rangy, upstanding, long and thin of neck, and moderately thin fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs slightly small and thin. Relatively young lambs, under 7 months of age, have a very thin, uneven fat covering over the back, loin, and upper ribs. In handling, the shoulders, backbone, hips, and ribs are prominent. Older, more mature lambs have a thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are rather prominent. Lambs of this grade may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body somewhat lacking in symmetry and smoothness.

(d) *Utility.* Lambs meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small, thin, and present a slightly concave appearance. Regardless of age, Utility lambs show no visible evidence of fat covering. In handling, bones of the shoulders, backbone, hips, and ribs are very prominent. Utility grade lambs are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(e) *Cull.* Typical Cull grade lambs are extremely rangy, angular, long and thin of neck, thin fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small, thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that

of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

§ 53.134 *Specifications for official United States standards for grades of slaughter yearlings and sheep*—(a) *Prime.* (1) Slaughter sheep beyond the yearling stage are not eligible for the Prime grade.

(2) Yearling sheep possessing the minimum requirements for Prime grade are lowset, compact, thickly fleshed, and short of neck. They are wide over the back, loin, and rump. Shoulders and hips are moderately neat and smoothly laid in. The twist is deep and full, and the legs are large and plump. There is a distinct fullness or plumpness evident over the crops, loins, and rump which contributes to a well rounded appearance. There is a thick but very smooth fat covering over the back, ribs, loin, and rump, and in handling the backbone and ribs are not discernible. Prime slaughter sheep exhibit evidences of high quality. The bones tend to be proportionately small, joints smooth, the finish evenly distributed, and the body trim, smooth, and symmetrical.

(b) *Choice.* Slaughter sheep possessing the minimum requirements for Choice grade are moderately compact, thickly fleshed, and short of neck. They are moderately wide over the back, loin, and rump. The shoulders and hips are usually moderately neat and smoothly laid in but may show a slight tendency toward prominence. The twist is moderately deep and full, and the legs rather thick and plump. Yearling sheep have a slightly thick fat covering over the back, ribs, loin, and rump and in handling, the backbone and ribs are only slightly discernible. Mature sheep have a moderately thick but very smooth fat covering over the back, ribs, bones, and rump and in handling, the backbone and ribs are hardly discernible. Choice slaughter sheep usually present a moderately refined appearance.

(c) *Good.* Slaughter sheep possessing the minimum requirements for Good grade are slightly rangy, upstanding, long and thin of neck, and slightly thin fleshed. They are slightly narrow over the back, loin, and rump. Hips and shoulders are moderately prominent. The twist is slightly shallow and the legs slightly small and thin. Yearling sheep tend to have a thin fat covering over the back, loin, and upper ribs. In handling, the shoulder, backbone, hips, and ribs are rather prominent. Mature sheep have a moderately thin fat covering over the back, ribs, and loin. In handling, the bones of the shoulders, backbone, hips, and ribs are slightly prominent. Sheep of this grade may present evidences of slightly low quality. The bones and joints are usually moderately large, and the body somewhat lacking in symmetry and smoothness.

(d) *Utility.* Slaughter sheep meeting the minimum requirements for Utility grade are very rangy, angular, and long and thin of neck. They are very thinly fleshed, narrow over the back, loin, and rump and shallow in the twist. The hips are very prominent and the shoulders are usually open, rough, and prominent. The legs are very small, thin, and present a slightly concave appearance. Regardless of age, Utility grade slaughter sheep show no visible evidences of fat covering. In handling, the bones of the shoulders, backbone, hips, and ribs are so thinly covered that they are very prominent. Utility grade slaughter sheep are of rather low quality. The bones and joints are proportionately large and the body is very rough and unsymmetrical.

(e) *Cull.* Typical Cull grade sheep are extremely rangy, angular, long and thin of neck, thin fleshed, and extremely narrow and shallow bodied. Shoulders and hips are very prominent. The legs are extremely small, thin, and present a very concave appearance. In handling, the bones of the shoulders, backbone, hips, and ribs are extremely prominent and the entire bony framework is very evident. The general appearance is that of low quality. The relative proportion of meat to bone is quite low, joints appear large, and the body is very unsymmetrical.

Any interested person who desires to submit written data, views, or arguments concerning the proposed standards, as set forth herein, may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 16th day of February, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2546; Filed, Feb. 20, 1951; 8:56 a. m.]

[7 CFR, Parts 944, 970]

[Docket No. AO 105-A7 Quad Cities]

[Docket No. AO 174-A4 Clinton, Iowa]

HANDLING OF MILK IN QUAD CITIES AND CLINTON, IOWA, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Quad Cities and Clinton, Iowa, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A hearing to consider proposed amendments to the Quad Cities and Clinton, Iowa, marketing orders was conducted at Rock Island, Illinois, on January 3 and 4, 1951, pursuant to notice thereof which was issued on December 26, 1950 (15 F. R. 9529).

The only issue of record was whether the Class I and Class II differentials provided in the Quad Cities order and the Class I differential provided in the Clinton, Iowa, order should be increased 25 cents per hundredweight as an emergency basis for all delivery periods to and including June 1951.

Findings and conclusions. On the basis of the evidence adduced at the hearing it is hereby found and concluded that no change should be made in the differentials in either order.

When the emergency hearing was requested by the cooperative associations in the two markets in the forepart of December milk prices had shown little response to the upward trend in the market prices of competing agricultural commodities and in the prices of items used in the production of milk. The associations feared a serious disruption in the relationship between milk prices and the prices of other agricultural commodities and a resulting falling off in the production of milk. During the latter part of December, however, dairy product prices increased substantially with a resulting increase in the formula used to establish milk prices in the Quad Cities and Clinton, Iowa, markets. Accordingly, a much more satisfactory relationship between milk prices and the prices of other commodities now exists. It appears that dairy product prices will continue at relatively high levels in the immediate future and that fluid milk prices will be maintained at levels as high or higher than those sought by the associations when they requested the hearing. Accordingly, it appears that the emergency, if one existed, has now largely abated.

The record indicates that the request for an increase in differentials through June 1951 is part of a plan to revise differentials on a permanent basis. It was testified that consideration was being given by producers to a request for a hearing on a complete revision of the orders including the classification and pricing provisions. Consideration is also being given to the possibility of merging the two orders. Any change in the differentials should be considered on a long time basis in relation to the seasonal pattern of prices in the markets as well as in relation to the annual level of prices. If, as producers testified, the present differentials have been insufficient to induce an adequate supply of Grade A milk on the market, a thorough review of the market and an investigation of the effect that changing the level or seasonal pattern of differentials would have on supply and demand for milk should be made before making any adjustment in differentials. The evidence in the record is confined to a short term basis and is founded on marketing conditions which were changing rapidly at the time of the hearing. It is concluded, therefore, that the proposed changes in price differentials should not be made and that no action to amend the orders should be taken as a result of the hearing.

Every point covered in the briefs filed by interested parties was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Filed at Washington, D. C., this 16th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2547; Filed, Feb. 20, 1951; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 536]

DEFINITION OF TERM "AREA OF PRODUCTION"

NOTICE OF HEARING

Section 13 (a) (10) of the Fair Labor Standards Act provides a year-round exemption from both the minimum wage and overtime pay provisions for employees engaged in certain enumerated operations on agricultural or horticultural commodities and in making dairy products. One part of section 7 (c) of the act provides a 14 workweek exemption, from the overtime pay provisions alone, for employees in a place of employment where their employer is engaged in the first processing of agricultural or horticultural commodities during seasonal operations. Exemption under these provisions is dependent upon whether the employer is employed (sec. 13 (a) (10)) or whether the employer is engaged in such activities (sec. 7 (c)) within the "area of production" as that phrase is defined in regulations adopted by the Administrator.

"Area of production" as used in section 7 (c) of the act is defined in 29 CFR 536.1. "Area of production" as used in section 13 (a) (10) of the act is defined in 29 CFR 536.2. These definitions have been in effect since December 1946 (except for an amendment to make the definitions uniform with respect to leaf tobacco in Puerto Rico and elsewhere in the United States, published in the FEDERAL REGISTER on December 2, 1948 (13 F. R. 7347)). These definitions followed the guides laid down by the Supreme Court in the case of Addison v. Holly Hill (322 U. S. 607).

In recent months a number of persons petitioned the Administrator to modify the present definitions. Such petitions represented that changes have taken place in regard to the economic conditions and other related factors which provided the basis for the existing regulations, and that substantial economic discrimination exists between establishments which meet the requirements of the present definitions and those which do not.

On September 7, 1950, there was published in the FEDERAL REGISTER (15 F. R. 6025) a notice that the Administrator would receive and give consideration to proposals for changes in the definitions. Upon consideration of the many responses received, most of which asked for a public hearing, I have determined that a public hearing is necessary in order to permit a full exploration as to whether under conditions now existing the present definitions are adequate and if not, what changes may be required.

Accordingly, notice is hereby given of a public hearing to be held before an authorized representative of the Administrator beginning on Monday, April 2, 1951, at 10 a. m., in Conference Room B of the Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D. C., at which interested persons will be heard with respect to 29 CFR Part 536 defining "area of production" as used in section 7 (c) and 13 (a) (10) of the act on the questions:

1. Whether any changes or modifications are now required.

2. What changes or modifications should be made if any are required.

All persons desiring to be heard at this public hearing should notify the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., in writing not later than March 23, 1951. The notification should contain the following information:

1. Name and address of the person who will appear.

2. If such person will appear in a representative capacity, the name and address of the persons or organizations he will represent.

3. The particular industry or industries concerning which he intends to make a presentation at the hearing.

4. The approximate length of time requested for his presentation.

In the event that a large number of persons indicate a desire to be heard and it appears that the hearing will extend over a considerable period of time, persons scheduled to testify will be notified of the approximate date and time set aside for their appearance. To the extent possible, appearances of persons interested in the same industry or group of industries will be scheduled for the same day.

Written statements may be filed with the Wage and Hour and Public Contracts Divisions in lieu of personal appearances at any time before the date of the hearing.

The proposals submitted in response to the notice of September 7, 1950, may be examined by interested parties in Room 5422, United States Department of Labor, 14th and Constitution Avenue NW., Washington 25, D. C. A brief summary of these proposals will also be made available to interested parties upon request to the Administrator. The proposals are being made so available solely for the information of interested parties, and without implication as to the legality or practicability of such proposals.

Signed at Washington, D. C., this 16th day of February, 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2499; Filed, Feb. 20, 1951; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-414]

WOOL AND WOOL PRODUCTS

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

In the matter of proposed trade practice rules respecting use of the terms "shrinkproof," "shrink resistant," "washable," and related terms, as descriptive of wool products or processes or treatments therefor.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer organizations or groups, affected by or having an interest in the proposed trade practice rules respecting use of the terms "shrinkproof," "shrink resistant," "washable," and related terms, as descriptive of wool products or processes or treatments therefor, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 28, 1951. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., March 28, 1951, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Affected and interested industry members are those engaged in the processing of wool or wool tops, processors and manufacturers of yarn, thread, fabric, or finished products containing wool, wholesalers, jobbers, and retailers marketing such products in commerce, and manufacturers and marketers of shrink-control compounds and substances for application to wool or wool products. Other interested industry groups include the dyers, launderers and dry cleaners, chemical and research societies, research laboratories, and manufacturers of soaps and detergents.

Issued: February 15, 1951.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 51-2467; Filed, Feb. 20, 1951; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1271757]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 15, 1951.

Notice is given that the plat of original survey of the following described lands, accepted April 27, 1944, will be officially filed in this office, effective at 10:00 a. m. on the 35th day after the date of this notice:

TALLAHASSEE MERIDIAN

T. 9 S., R. 30 E.,
Sec. 24, Lots 2, 3, 4 (Rattlesnake Island).

The area described aggregates 89.42 acres.

Available data indicates that the land is generally level.

By Proclamation 2773 of March 24, 1948, the lands involved were subject to valid existing rights, added to the Fort Matanzas National Monument.

In view thereof, the lands described will not, with the exception mentioned, be subject to disposition under the general public land laws by reason of the official filing of this plat.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-2478; Filed, Feb. 20, 1951; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

B & F Manufacturing Co., Mocksville, N. C., effective 2-16-51 to 2-15-52; for normal labor turnover, five learners (sport shirts).

Bay State Manufacturing Co., Inc., 120 Harrison Avenue, Boston, Mass., effective 2-16-51 to 2-15-52; for normal labor turnover, five learners (dresses).

Michael Berkowitz Co., Inc., Frostburg, Md., effective 2-9-51 to 2-8-52; for normal labor turnover, 10 percent of productive factory workers (men's pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 2-8-51 to 8-7-51; for expansion purposes, 50 learners (pajamas).

Berry Dry Goods Co., 107-111 East Markham, Little Rock, Ark., effective 2-9-51 to 8-8-51; for expansion purposes, 20 learners (supplemental certificate) (men's and boys' work clothing; Government trousers of cotton khaki).

Botany Mills of Florida, Inc., Lake Wales, Fla., effective 2-9-51 to 8-8-51; for expansion purposes, 15 learners (men's and women's robes; men's sport shirts).

Brookdale Corporation, 410 North Street, West Pittston, Pa., effective 2-9-51 to 2-8-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (infants' and children's wear).

Covington Manufacturing Co., Covington, Ga., effective 2-16-51 to 2-15-52; 10 percent normal labor turnover (men's and boys' sport shirts).

Covington Manufacturing Co., Jackson, Ga., effective 2-16-51 to 2-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's trousers and work pants).

I. M. Dach Underwear Co., 301 North Jackson Street, Jackson, Mich., effective 2-16-51 to 2-15-52; 10 percent normal labor turnover (night gowns and pajamas).

Danzy Manufacturing Co., 4210 East Grant Road, Tucson, Ariz., effective 2-13-51 to 2-12-52; five learners normal labor turnover (suede and leather jackets; women's and children's denim skirts and boleros).

Dixie Textile Co., Inc., Anderson Road, Belton, S. C., effective 2-13-51 to 1-28-52; 10 learners normal labor turnover (replacement certificate) (men's and children's cotton robes; shorts and sun suits).

Eaton-Carlson Co., 480 East North Avenue, Decatur, Ill., effective 2-7-51 to 2-6-52; 10 percent normal labor turnover (dresses).

Eaton-Carlson Co., 480 East North Avenue, Decatur, Ill., effective 2-7-51 to 8-6-51; 24 learners for expansion purposes (dresses).

Excelsior Manufacturing Co., Salisbury, Md., effective 2-13-51 to 8-12-51; 10 learners for expansion purposes (infants' wear).

Fuhrman-Levitt, Inc., 1514 South Broadway, Camden, N. J., effective 2-16-51 to 2-15-52; five learners normal labor turnover (children's cotton dresses).

The N. M. Gerber Co., 37 South Liberty Street, Baltimore, Md., effective 2-16-51 to 2-15-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's clothing).

Goldstein & Levin, 232 Levergood Street, 389 Maple Avenue, 219 Bedford Street, Johnstown, Pa., effective 1-5-51 to 1-4-52; 10 percent normal labor turnover (women's dresses).

Greenwood Underwear Co., Inc., Greenwood, S. C., effective 2-7-51 to 12-3-51; for normal labor turnover, 10 percent of total number of workers employed on men's sportshirts only (men's rayon sportshirts).

Harles & Co., 552 East Market Street., Alliance, Ohio, effective 2-7-51 to 2-6-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses).

Home Manufacturing Co., 741 East Eldorado Street., Decatur, Ill., effective 2-7-51 to 8-6-51; 40 learners for expansion purposes (ladies' cotton dresses; steward packets).

The Joanie Jan Co., Walnut Ridge, Ark., effective 2-6-51 to 8-6-51; 24 learners for expansion purposes (wash frocks).

S. Kantor Co., Inc., 31 East Eighth Street, Lebanon, Pa., effective 2-13-51 to 2-12-52; 10 percent normal labor turnover (Cotton blouses).

Kay T Dress Co., Main Street, Bridgeport, N. J., effective 2-9-51 to 2-8-52; five learners normal labor turnover (ladies' shirts, blouses and dresses).

Keystone Coat & Apron Manufacturing Corp., 315-23 North Twelfth Street, Philadelphia, Pa., effective 2-14-51 to 2-13-52; 10 percent normal labor turnover (men's washable service apparel).

Knothe Bros. Co., Inc., 3605 Hickory Avenue, Baltimore, Md., effective 2-16-51 to 2-15-52; 10 percent normal labor turnover (men's pajamas).

Marlboro Shirt Co., Inc., Lombard and Paca Streets, Baltimore, Md., effective 2-12-51 to 2-11-52; 10 percent normal labor turnover (dress and sport shirts).

Marshall Clothing Manufacturing Co., Inc., Garrett, Ind., effecting 2-13-51 to 2-12-52; 10 learners normal labor turnover (athletic uniforms; sportswear).

The Meadow Avenue Shirt Co., Meadow Avenue, Cambridge, Md., effective 2-16-51 to 2-15-52; 10 learners normal labor turnover (cotton and rayon sport shirts and pajamas).

Oakdale Coat Co., 240 North Indiana Avenue, Crown Point, Ind., effective 2-13-51 to 2-12-52; five learners normal labor turnover (children's coats and suits).

Ottenheimer Bros. Manufacturing Co., Inc., Second and Victory Streets, Little Rock, Ark., effective 2-12-51 to 2-11-52; 10 percent normal labor turnover (house robes, cotton dresses, blouses and service garments).

Palm Beach Co., Talladega, Ala., effective 2-9-51 to 2-8-52; 10 percent normal labor turnover (men's wash suits; boys' wash coats).

Pearl Manufacturing Co., 52 Twelfth Street, Fall River, Mass., effective 2-14-51 to 2-13-52; five learners normal labor turnover (cotton house dresses).

Pottstown Shirt Co., Charlotte and Cherry Streets, Pottstown, Pa. effective 2-16-51 to 2-15-52; 10 percent normal labor turnover (men's dress and sport shirts).

Reade Shirts, Inc., Malden, Mo., effective 3-1-51 to 1-29-52; 10 percent normal labor turnover (shirts).

Reidbord Bros. Co., Blairton (Westmoreland County, Route 66), Pa., effective 2-8-51 to 8-7-51; 50 learners for expansion purposes (supplemental certificate) (men's and boys' trousers and work jackets).

Rensello Co., Inc., Lewis Street and Delaware Avenue, Minersville, Pa., effective 2-16-51 to 2-15-52; 10 percent normal labor turnover (men's pajamas).

The Rice Corp., Winamac, Ind., effective 2-16-51 to 2-15-52; 10 learners normal labor turnover (men's and boys' dungarees).

Rocket Manufacturing Co., Inc., 10th and Spring Streets, Little Rock Ark., effective 2-12-51 to 2-11-52; 10 percent normal labor turnover (cotton dresses, uniforms, blouses).

J. Rogat Shirt Co., 55-61 Broadway, Bangor, Pa., effective 2-12-51 to 2-11-52; 10 percent normal labor turnover (men's shirts and women's blouses).

Royal Manufacturing Co., Inc., Washington, Ga., effective 2-7-51 to 10-1-51; for normal labor turnover, 10 per cent of total workers employed on men's and boys' woven sport shirts (sport shirts).

Roydon Wear, Inc., McRae, Ga., effective 2-8-51 to 8-7-51; 50 learners for expansion purposes (children's clothing; boys' long pants).

Samsons Inc., 122 North Goldsboro Street, Wilson, N. C., effective 2-9-51 to 2-8-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress and sport shirts).

The Seaford Garment Co., Seaford, Del., effective 2-13-51 to 2-12-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' sport shirts).

The Seiro Manufacturing Co., Rear 115 Race Street, Cambridge, Md., effective 2-7-51 to 2-6-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (women's blouses).

Short Manufacturing Co., Columbus, Nebr., effective 2-9-51 to 8-7-51; four learners for expansion purposes (men's shirts).

Simplicity Frocks, Inc., Kincaid, Ill., effective 2-7-51 to 8-6-51; 35 learners for expansion purposes (Army and Marine shorts; ladies' cotton dresses).

Society Lingerie Co., 115 York Street, Michigan City, Ind., effective 2-9-51 to 2-8-52; 10 learners normal labor turnover (ladies' woven lingerie).

Stock Shirt Manufacturing Co., 252 West College Avenue, York, Pa., effective 2-9-51 to 2-8-52; 10 percent normal labor turnover (men's shirts).

Stone Ridge Manufacturing Co., Inc., Pine Plains, N. Y., effective 2-14-51 to 2-13-52; five learners normal labor turnover (children's outerwear).

Stone Ridge Manufacturing Co., Inc., Stone Ridge, N. Y., effective 2-13-51 to 2-12-52; five learners normal labor turnover (children's outerwear).

Tempest Shirt Manufacturing Co., Inc., Cherry Street, Jesup, Ga., effective 2-8-51 to 2-7-52; 10 percent normal labor turnover (men's and boys' shirts).

Todd Manufacturing Co., Elkton, Ky., effective 2-9-51 to 8-8-51; four learners for expansion purposes (work shirts; Army and Navy shirts).

Toll-Gate Garment Co., Hamilton, Ala., effective 2-12-51 to 8-11-51; 40 learners for expansion purposes (single pants, shirts and allied garments; sleeping garments).

Tropical Garment Manufacturing Co., 3108 Jefferson Street, Tampa, Fla., effective 2-15-51 to 2-14-52; 10 percent normal labor turnover (wash pants; work and sport shirts).

Williamston Shirt Co., Columbia, S. C., effective 2-7-51 to 8-6-51; 25 learners for expansion purposes (dress and sport shirts).

Wyoming Dress Co., Inc., First and Sharpe Streets, Wyoming, Pa., effective 2-12-51 to 8-11-51; 20 learners for expansion purposes (dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Fabry Glove & Mitten Co., Green Bay, Wis., effective 2-8-51 to 8-7-51; two learners for expansion purposes.

Hosiery Industry Learner Regulations (28 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Hobart Hosiery Corp., Denton, N. C., effective 2-7-51 to 8-6-51; eight learners for expansion purposes.

Piedmont Hosiery Mill, Valley Street, Hickory, N. C., effective 2-12-51 to 8-11-51; five learners for normal labor turnover.

Waldensian Hosiery Mills, Inc., Lenoir, N. C., effective 2-12-51 to 8-11-51; five learners for normal labor turnover.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Quincy Telephone Co., Quincy, Fla., effective 2-9-51 to 2-8-52.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Greenwood Underwear Co., Inc., Greenwood, S. C., effective 2-7-51 to 12-3-51; five learners to be employed on men's woven undershorts only (replacement certificate).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill., effective 2-7-51 to 8-6-51; 10 learners for expansion purposes.

Royal Manufacturing Co., Inc., Washington, Ga., effective 2-7-51 to 10-1-51; for normal labor turnover, 5 percent of total workers on men's and boys' cotton shorts (replacement certificate).

Puerto Rico. The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 2-1-51 to 7-31-51. Total number of learners authorized, 65; inserting 10 learners, 200 hours at 25 cents and 200 hours at 29 cents per hour; kiling (fourchettes) 10 learners, 140 hours at 25 cents and 140 hours at 29 cents per hour; closing 20 learners, 200 hours at 25 cents and 200 hours at 29 cents per hour; kip seaming (sew cuff and shirr) 20 learners, 100 hours at 25 cents and 100 hours at 29 cents per hour; thumb sewing, 5 learners, 100 hours at 25 cents and 100 hours at 29 cents per hour (machine sewn fabric gloves).

Borinquen Textiles, Inc., San Juan, P. R., effective 2-1-51 to 10-23-51. Total number of learners authorized, 23; warping 8 learners, 480 hours at 30 cents per hour; knitting 10 learners, 320 hours at 30 cents per hour; and covering elastics 5 learners, 240 hours at 30 cents per hour (hairnets).

The Collette Manufacturing Co., Inc., Santurce, P. R., effective 2-1-51 to 10-23-51. Total number of learners authorized, 20; knotting 10 learners, 320 hours and examining 10 learners, 240 hours; 30 cents per hour (hairnets).

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R., effective 2-5-51 to 8-4-51. Total number of learners authorized, 77; knitters 35 learners, loopers 10 learners and seamers 20 learners, for each occupation first 320 hours at 25 cents, second 320 hours at 30 cents and third 320 hours at 35 cents per hour; toppers 2 learners and menders 5 learners, for each occupation first 160 hours at 25 cents, second 160 hours at 30 cents and third 160 hours at 35 cents per hour; examiners 5 learners, first 80 hours at 25 cents, second 80 hours at 30 cents and third 80 hours 35 cents per hour (hosiery).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Bates Shoe Co., Park Street, Webster, Mass., effective 2-7-51 to 12-15-51; 10 percent normal labor turnover.

Bentley Shoe Corp., Mill Street, Webster, Mass., effective 2-7-51 to 12-15-51; 10 percent normal labor turnover.

Diamond Shoe Corp., 72 Howe Street, Marlboro, Mass., effective 2-7-51 to 12-15-51; 10 percent normal labor turnover.

Fisher Shoe Co., 188 Central Street, Hudson, Mass., effective 2-7-51 to 12-15-51; 10 percent normal labor turnover.

Foot Caress Shoes, Inc., Ripley, Miss., effective 2-5-51 to 8-6-51; 45 learners for expansion purposes.

International Shoe Co., Merva Factory, Merva Road, Poplar Bluff, Mo., effective 2-9-51 to 12-15-51; 10 percent normal labor turnover.

International Shoe Co., Cedar Factory, Cedar Street, Poplar Bluff, Mo., effective 2-9-51 to 12-15-51; 10 percent normal labor turnover.

Truitt Bros., Inc., Belfast, Maine, effective 2-13-51 to 12-31-51; 10 percent normal labor turnover.

Webster Shoe Co., Inc., Negus Street, Webster, Mass., effective 2-8-51 to 12-15-51; 10 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

American Decorative Flower Co., Inc., Baltimore, Md., effective 2-6-51 to 8-5-51; eight learners for normal labor turnover (wreaths, basket novelties, etc.).

The Atlanta Blue Print & Supply Co., Atlanta, Ga., effective 2-6-51 to 8-7-51; two learners normal labor turnover (drawing material; blue printing and allied reproductions).

Canvas Products Corp., Fond du Lac, Wis., effective 2-12-51 to 8-11-51; 10 percent normal labor turnover (awnings, canvas products).

De Haan & Company, Chester, Pa., effective 2-8-51 to 2-7-52; four learners normal labor turnover (lamp shades).

Holden-Lewis Company, Arabi, Ga., effective 2-12-51 to 8-11-51; two learners normal labor turnover (plastic table covers, raincoats, etc.).

Keystone Adjustable Cap Co., Philadelphia, Pa., effective 2-8-51 to 8-7-51; four learners normal labor turnover (sanitary headwear).

United States Time Corp., Little Rock, Ark., effective 2-12-51 to 8-11-51; 100 learners for expansion purposes (watches).

United States Time Corp., Abilene, Tex., effective 2-12-51 to 8-11-51; 75 learners for expansion purposes (watches).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of February 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-2498; Filed, Feb. 20, 1951; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25844]

ASPHALT AND ROAD OIL BETWEEN ILLINOIS TERRITORY AND THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 614.

Commodities involved: Asphalt (asphaltum) and petroleum road oil, carloads.

Between: Points in Illinois Freight Association territory and points in Southern Freight Association territory.

Grounds for relief: Operation through higher-rated territory.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 614, Supp. 113.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2492; Filed, Feb. 20, 1951; 8:48 a. m.]

[4th Sec. Application 25845]

PIG IRON FROM TEXAS TO ALABAMA

APPLICATION FOR RELIEF

FEBRUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3752.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Houston, Lone Star and McCrossin, Tex.

To: Alabama City, Attalla, Bessemer, Birmingham, Gadsden, Munford and Talladega, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 548.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2491; Filed, Feb. 20, 1951; 8:48 a. m.]

[4th Sec. Application 25846]

BOTTLE CAPS FROM DALLAS, TEX., TO THE SOUTHWEST AND WEST

APPLICATION FOR RELIEF

FEBRUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3894, 3752, 3881 and 3886, and AT&SF Ry. tariff I. C. C. No. 14346.

Commodities involved: Bottle caps, steel or tin, in barrels or boxes, carloads.

From: Dallas, Tex.

To: Points in Arkansas and Oklahoma, Mississippi River crossings, Denver and Golden, Colo., Kansas City, Mo., Omaha, Nebr., and Albuquerque, N. Mex.

Grounds for relief: Competition with motor carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs Nos. 3894—Supp. 52, 3752—Supp. 549, 3881—Supp. 24, 3886—Supp. 31, and AT&SF Ry. tariff I. C. C. No. 14346, Supp. 123.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2490; Filed, Feb. 20, 1951; 8:48 a. m.]

[4th Sec. Application 25847]

COAL FROM ALABAMA MINES TO HOUSTON, TEX.

APPLICATION FOR RELIEF

FEBRUARY 16, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3682.

Commodities involved: Coal, carloads.

From: Mines in Alabama.

To: Houston, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3682, Supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2489; Filed, Feb. 20, 1951; 8:48 a. m.]

[No. 30748]

ALABAMA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of February A. D. 1951.

It appearing, that a petition, dated December 29, 1950, has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from, and between points in the State of Alabama, averring that in Ex Parte No. 169, Increases in Express Rates and Charges, 1949, 277 I. C. C. 249, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established April 18, 1950; and that the Alabama Public Service Commission, by order dated October 20, 1950, has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Alabama, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited; such refusal being in the manner and to the extent as alleged in the said petition dated December 29, 1950, which petition so filed is referred to for greater certainty;

It further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Alabama;

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Alabama as a result of such refusal by the Alabama Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce;

And it further appearing, that dismissal of the petition is sought by the Alabama Public Service Commission on the ground that institution of an investigation is premature until certain further evidence is introduced by petitioner before that commission; and it appearing, under the facts here present, that such step on the part of petitioner is unnecessary before this Commission may act pursuant to the requirements of section 13 of the Interstate Commerce Act:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Alabama made or imposed by authority of the State of Alabama cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, that may be found to exist;

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Alabama Public Service Commission at Montgomery, Ala.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at a time and place hereafter to be fixed.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2493; Filed, Feb. 20, 1951; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1286]

RKO PICTURES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February A. D. 1951.

The Detroit Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Pictures Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 9, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2481; Filed, Feb. 20, 1951; 8:46 a. m.]

[File No. 7-1287]

RKO THEATRES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February A. D. 1951.

The Detroit Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1.00 Par Value, of RKO Theatres Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 12, 1951, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2480; Filed, Feb. 20, 1951; 8:46 a. m.]

[File Nos. 54-168, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of February A. D. 1951.

In the matter of Electric Bond and Share Company and American Power & Light Company, File No. 54-168; Electric Bond and Share Company and American Power & Light Company, et al.; file No. 59-12.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 an application to extend the time within which it must dispose of its holdings of securities received pursuant to the Plan of Reorganization of American Power & Light Company ("American").

Under the reorganization plan of American, which became effective on February 15, 1950, Bond and Share received 7.8 percent of the new common stock of American, 7.8 percent each of the common stocks of Florida Power & Light Company ("Florida"), The Montana Power Company ("Montana"), and Texas Utilities Company ("Texas"), and 6.6 percent of the common stock of Minnesota Power & Light Company ("Minnesota"). The acquisition of such stocks was subject to a commitment by Bond and Share to dispose of such securities by February 15, 1951. Since the effective date of the American plan Bond and Share has disposed of all of its holdings of the common stocks of Texas and Minnesota and a part of its holdings of the common stocks of Florida and Montana. As a result Bond and Share now owns 5.61 percent of the common stock of Florida, 5.59 percent of the common stock of Montana, and 7.81 percent of the new common stock of American. Bond and Share now re-

quests an extension of time with respect to its commitment to dispose of these securities and in this connection requests permission to retain its present holdings of Florida until June 30, 1951, and of Montana until December 31, 1951, so that it may distribute such common stocks as dividends. No specific program is set forth with respect to the American new common stock, but it is requested that the Commission extend until December 31, 1951, the time within which Bond and Share is required to dispose of such stock.

Any interested person may not later than February 28, 1951, at 5:30 p. m., e. s. t., request the Commission that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m. on February 28, 1951, the Commission may take such action as it deems appropriate with respect to such application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2483; Filed, Feb. 20, 1951; 8:46 a. m.]

[File No. 70-2543]

NEW ENGLAND ELECTRIC SYSTEM AND SALEM GAS LIGHT CO.

ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of February A. D. 1951.

New England Electric System ("NEES"), a registered holding company, and its subsidiary company, Salem Gas Light Company ("Salem"), having filed a joint application-declaration pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-23, U-24, and U-42 (b) (2) promulgated thereunder with respect to the following transactions:

Salem proposes to reduce the par value of its 45,353 shares of capital stock, aggregate par value $1,133,825, from $25 to $10 per share, and to transfer $680,295 representing such reduction from capital stock account to premium on capital stock account. Salem also proposes to issue and sell, for cash, 30,236 shares of additional capital stock, par value $10 per share, and to issue to its stockholders warrants to subscribe to such shares on the basis of two-thirds of a new share for each share held. Salem also proposes to issue and sell $1,000,000 principal amount of 20-year First Mortgage Bonds, 3½ percent series, due 1970.

The proposed additional shares of capital stock will be offered to Salem's stockholders at a subscription price of $15 per share as determined by Salem's board of directors. Each warrant will expire on the 21st day following the date of mailing of the notices and warrants to stockholders and each warrant will indicate the number of new shares or the fraction of a new share to which the holder thereof is entitled to subscribe. No fractional shares will be issued, but fractional warrants may be combined.

NEES owns 42,138 shares (92.9 percent) of the present capital stock of Salem and will receive warrants to subscribe for 28,092 additional shares, the total subscription price therefor being $421,380. The minority public shareholders own 3,215 shares (7.1 percent) of such capital stock and will receive warrants to subscribe for an aggregate of 2,143⅓ shares, the total subscription price therefor being $32,145. Salem proposes to sell any shares unsubscribed for by its shareholders to NEES at the price of $15 per share, provided the same is authorized by the Department of Public Utilities of Massachusetts.

NEES proposes to exercise its right to subscribe to said 28,092 shares of capital stock of Salem and will offer to purchase from the minority stockholders at $15 per share their present holdings and any shares which they may acquire through the exercise of rights, such offer to remain open for a period of 60 days following the date of offering of Salem's additional capital stock. The total cost of minority shares to NEES, if all such shares are acquired, is expected to be not more than $80,370.

Salem proposes to sell the bonds to John Hancock Mutual Life Insurance Company under a First Mortgage Indenture and Deed of Trust which provides, among other things, that such bonds are secured by a direct first mortgage lien on substantially all of Salem's gas properties.

The proceeds of $450,540 from the sale of the proposed additional capital stock and the proceeds of $1,000,000 from the sale of the proposed First Mortgage Bonds are to be applied by Salem to the payment of (a) $350,000 face amount of 3 percent notes payable to NEES, (b) $100,000 noninterest bearing advances from NEES, (c) $800,000 face amount of 3½ percent notes payable to banks and (d) the balance estimated at $203,540 is to be applied to the cost of properly capitalizable extensions, enlargements and additions to plant and property.

Total expenses to be borne by Salem in connection with the reduction in par value of its capital stock the issue of 30,236 additional shares of capital stock and warrants representing rights to subscribe therefor and the issuance of said $1,000,000 principal amount of First Mortgage Bonds are estimated at $14,500. Such estimate includes $5,000 for services rendered at the actual cost thereof by New England Power Service Company, an affiliated service company, and $1,200 for counsel for the purchasers of the Bonds. The cost to NEES for services to be rendered by said Service Company is estimated not to exceed $500.

The application-declaration indicates that the Department of Public Utilities of Massachusetts has approved the transactions proposed by Salem, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the transactions proposed by NEES.

The applicants-declarants request that the order of this Commission be made effective forthwith upon issuance.

Said application-declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commisison not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order of this Commission become effective forthwith upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2485; Filed, Feb. 20, 1951; 8:47 a. m.]

[File No. 70-2571]

UNITED GAS CORP.

NOTICE OF FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February A. D. 1951.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a), 7, and 12 (c) of the act and Rules U-62 and U-65 as applicable to the transactions proposed in said application-declaration which may be summarized as follows:

United proposes to solicit the affirmative vote of the holders of its outstanding bonds and if such solicitation is successful, proposes to modify in the respects hereinafter described its Mortgage and Deed of Trust dated as of October 1, 1944, made by United in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert Twyeffort, Successor) as Trustees, as supplemented by a First Supplemental Indenture dated as of July 1, 1947, and a Second Supplemental Indenture dated as of January 1, 1950 (hereinafter collectively referred to as "the Mortgage").

United owns all of the outstanding securities of United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"). The securities of these subsidiaries are pledged with the Trustees under the Mortgage securing United's outstanding $106,345,000 principal amount of 2¾ percent bonds series due 1967, and $24,649,000 principal amount of 2¾ percent bonds series due 1970. The securities of Pipe Line presently pledged with the Trustee of United's Mortgage consist of the following: $51,003,000 principal amount First Mortgage 4 percent bonds series due 1962, 100,000 shares of no par value Common Stock and 3 percent notes of an aggregate principal amount of $5,000,000 payable to United; and the securities of Union so pledged consist of $34,000,000 principal amount of 6 percent debentures due March 1, 1952, and 50,000 shares of no par value Common Stock.

The proposed modification is concerned with sub-section (I) of section 56 of the Mortgage. This sub-section now requires the pledge of all stock at any time owned by United of all Subsidiary Companies as defined in the Mortgage, and all debt at any time owned by it of any "Class 'A' Subsidiary", as defined in the Mortgage (presently Pipe Line) or Union (or any successor) except certain indebtedness not in excess of $3,000,000 at any one time outstanding with respect to any one "Class 'A' Subsidiary" or Union and not in excess of $5,000,000 at any one time outstanding with respect to all "Class 'A' Subsidiaries" and Union acquired after the date of the initial issue of bonds under the Mortgage and not made the basis of a credit under the Mortgage. Bonds were initially issued under the Mortgage in 1944.

It is stated that because of the more rapid growth and development of the properties of Pipe Line as compared with those of United, the practical application of the provisions of sub-section (I) of section 56 of the Mortgage impedes the free flow of cash between United and Pipe Line. As an illustration, the application-declaration recites, United through the media of downstream loans to Pipe Line, evidenced by promissory notes, has made available to Pipe Line temporary funds with which to meet its construction needs. In this connection, with the approval of this Commission, United recently loaned to Pipe Line an aggregate of $8,000,000 evidenced by the latter's 3 percent promissory notes made to United or order. Of these notes, $3,000,000 principal amount was retained in the portfolio of United and $5,000,000 principal amount was pledged with the Corporate Trustee in accordance with the provisions of sub-section (I) of section 56 of the Mortgage. The notes so pledged with the Corporate Trustee remain unfunded indebtedness and any cash substituted therefor or in payment of such notes remains unfunded cash. Thereafter, Pipe Line paid the promissory notes ($3,000,000) held by United in its portfolio as referred to above and despite the fact that there was no unpledged indebtedness between United and Pipe Line, United was unable to draw down up to $3,000,000 of the $5,000,000 of notes held by the Corporate Trustee because the Mortgage in its present form provides no express provisions whereby pledged debt will be automatically released to the extent of the retirement of free debt. Nor could United draw down any cash substituted for or in payment of such notes without certifying property additions on a dollar for dollar basis, although such property additions of United would remain fundable additions.

Because of the much more substantial construction program of Pipe Line and its corresponding need for larger sums of money and since United can use only its own property additions to draw down cash proceeds of debt pledged with the Trustee under sub-section (I) of section 56 of the Mortgage, such cash, although remaining unfunded cash, is sterilized in the hands of the Trustee until United is able to certify its own property additions (which remain fundable) as the basis for the release of funds. Since under the Mortgage, Pipe Line can only finance its construction needs through the sale of securities to United or temporary downstream loans from United to Pipe Line, later to be converted into long-term indebtedness through the issue and sale of securities by Pipe Line to United (which long-term securities must be pledged with the Corporate Trustee), the operation of sub-section (I) of section 56 impairs the flow of cash and in the opinion of the management will continue to sterilize substantial amounts of cash in the hands of the Corporate Trustee.

It is proposed to modify sub-section (I) of section 56 so that it will be unnecessary for United (except in the case of bonds of Pipe Line or any other Class "A" Subsidiary secured by a Subsidiary Mortgage) to pledge with the Corporate Trustee, debentures, notes or other unsecured indebtedness of Pipe Line or any other Class "A" Subsidiary owned by United and United will be permitted to retain such debentures, notes or other unsecured indebtedness in its securities' portfolio, but any such retained debentures, notes or other unsecured indebtedness will not be transferable except to the Corporate Trustee and by their terms will not be enforceable against or payable out of Mortgaged and Pledged Property of Pipe Line or any other Class "A" Subsidiary or out of proceeds of Mortgaged and Pledged Property. In addition restrictions are imposed with respect to the aggregate principal amount of such retained indebtedness to the effect that (a) the aggregate principal amount of such retained indebtedness shall not be in excess of two-thirds of the aggregate principal amount of all bonds of Pipe Line or any other Class "A" Subsidiary previously issued under the Pipe Line Mortgage or corresponding provisions of another Subsidiary Mortgage, and (b) the aggregate principal amount of all indebtedness of a Class "A" Subsidiary (except certain Permitted Indebtedness) shall not exceed seventy percent of the capitalization of the Class "A" Subsidiary as shown on its books. The proposed modification, it is represented, will not affect the limitations provided in sub-section (I) of section 56 with respect to Union Producing Company. Union's debt securities pledged with the Corporate Trustee are not secured by a mortgage on its properties. Furthermore, Union's construction and development program has not been comparable in size or scope with that of Pipe Line, and its indebtedness to United in excess of the permitted maximum pledged with the Corporate Trustee could be unblocked by use of United's property additions.

The Mortgage provides for its modification by the affirmative vote of the holders of 70 percent in principal amount of bonds outstanding, by a resolution of bondholders adopted at a meeting called for such purpose and upon approval of such resolution of the bondholders by a resolution of the Board of Directors of United.

In the event that it shall appear to United desirable at a later date to employ an agent or agents to assist it in obtaining the affirmative vote of the holders of 70 percent in principal amount of bonds outstanding for adoption of the proposed modification, United will file an amendment to this application setting forth the necessary information to meet the applicable standards of the act and rules thereunder. A copy of the proposed solicitation material to be used in connection with obtaining proxies of bondholders in support of the proposed program is annexed to the application-declaration.

United has requested that any order of the Commission granting the application and permitting the declaration to become effective issue as promptly as may be practicable and become effective upon issuance.

Notice is further given that any interested person may not later than February 28, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 28, 1951, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2484; Filed, Feb. 20, 1951; 8:47 a. m.]

[File No. 812-714]

BALDWIN SECURITIES CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of February A. D. 1951.

Notice is hereby given that Baldwin Securities Corporation (Applicant), Paschall Post Office, Philadelphia 42, Pennsylvania, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 and Rule N-30D-1 (a) of the general rules and regulations under the act, to extend to May 1, 1951, the time within which Applicant may mail to stockholders its annual report for the fiscal year ended December 31, 1950, pursuant to section 30 (d) of the act.

Applicant was organized under the laws of the Commonwealth of Pennsylvania on November 8, 1950, as a preliminary step in the consummation of an Agreement and Plan of Reorganization dated August 21, 1950, between The Baldwin Locomotive Works (Baldwin) and Lima-Hamilton Corporation. On November 28, 1950, pursuant to such plan, certain securities and cash were transferred by Baldwin to Applicant, including the majority of the outstanding shares of The Midvale Company which thereupon became a majority owned subsidiary of Applicant.

All of the capital stock of Applicant, which was received by Baldwin for such assets, was distributed by Baldwin as a dividend to its common stockholders on December 20, 1950. In connection with such dividend, Baldwin transmitted to its stockholders of record on November 29, 1950, a balance sheet of the Applicant showing the amounts and values of securities owned by it on November 30, 1950. During the fiscal year ended December 31, 1950, Applicant had no income and made no purchases and sales of investment securities other than Government securities.

Also on December 20, 1950, Applicant filed a Notification of Registration on Form N-8A of the act whereupon it became registered as a non-diversified, closed-end, management investment company. Within three months after December 31, 1950, Applicant is required to file a registration statement on Form N-8B-1 which will include information with respect to Applicant's policy, including its capital structure policy, investment policy and other fundamental policies. The proxy statement to be submitted to stockholders for the annual meeting to be held on May 3, 1951, will be accompanied or preceded by an annual report meeting the requirements of Rule X-14A-3 (b) of the general rules and regulations under the Securities Exchange Act of 1934, and setting forth Applicant's policy.

Applicant is required by Rule N-30D-1 (a) to mail to stockholders its report for the fiscal year ended December 31, 1950, pursuant to section 30 (d) of the act, within 60 days after the date as of which it is made, or within such longer period of time as the Commission may permit by order upon application. Section 6 (c) of the act provides in pertinent part that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the act or any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after February 28, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 26, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2482; Filed, Feb. 20, 1951; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 209]

EMERGENCY LEAD COMMITTEE

APPLICATION FOR INVESTIGATION

FEBRUARY 16, 1951.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of the Tariff Act of 1930.

Name of article	Purpose of request	Date received	Name and address of applicant
Lead-bearing ores, flue dust, and mattes of all kinds, and lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, and scrap lead (pars. 391 and 392, Tariff Act of 1930).	Increase in duty....	Feb. 16, 1951	Emergency Lead Committee, New York, N. Y.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-2495; Filed, Feb. 20, 1951; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17142]

WALTHER L. REINHARDT

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Walther L. Reinhardt, deceased. D-28-465-D-1, D-28-465-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Walther L. Reinhardt, deceased, and on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares capital stock of Gibralter Colorado Life Company, Security Life Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by a certificate numbered 4064, registered in the name of Walther L. Reinhardt, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of $10.00 par value common capital stock of Security Life & Accident Company, Security Life Building, Denver 2, Colorado, a corporation organized under the laws of the State of Colorado, evidenced by a certificate numbered 3438, registered in the name of Walther L. Reinhardt together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Walther L. Reinhardt, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Walther L. Reinhardt, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2501; Filed, Feb. 20, 1951; 8:52 a. m.]

[Vesting Order 17193]

HILDEGARD ACKMANN

In re: Stock owned by Hildegard Ackmann. F-28-31174.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hildegard Ackmann, whose last known address is Lenbachstrasse 77, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifteen (15) shares of no par value common capital stock of the New York Central Railroad Company, 466 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of New York, 5 shares of which evidenced by a certificate numbered L230013, registered in the name of Medwin & Lowy, and 10 shares of which evidenced by a certificate numbered L225980, registered in the name of R. Raphael & Sons, together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of $100 par value common capital stock of the Atchison Topeka & Santa Fe Railway Company, 120 Broadway, New York, New York, a corporation organized under the laws of the State of Kansas, 5 shares of which evidenced by a certificate numbered A489449, registered in the name of Heseltine Powell & Company, and 20 shares of which evidenced by two certificates for 10 shares each, numbered 363241/2, registered in the name of the Swiss Bank Corporation, together with all declared and unpaid dividends thereon, and

c. Twenty-five (25) shares of no par value common capital stock of the United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, 5 shares of which evidenced by a certificate numbered M75524, registered in the name of C. S. Williamson & Company, and 20 shares of which evidenced by two certificates for 10 shares each, numbered 482723/4, and registered in the name of R. Raphael & Sons, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2502; Filed, Feb. 20, 1951; 8:52 a. m.]

[Vesting Order 17205]

FRANCIS JUST

In re: Certificate owned by Francis Just. F-28-30870-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francis Just, whose last known address is Webergasse N. R. 3, Grossostheim, Kreis Aschaffenburg, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests in, to and under one (1) Mortgage Participation Certificate, guaranteed by Bond and Mortgage Guarantee Company, Guarantee No. 181449, covering premises No. 37-51 to 37-53 89th Street, Queens County, New York, said certificate numbered B147866, registered in the name of Francis Just, together with any and all liquidation payments due to become due thereon, including particularly but not limited to, the proceeds of liquidation held by Manufacturers Trust Company, 55 Broad Street, New York, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Francis Just, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2503; Filed, Feb. 20, 1951; 8:52 a. m.]

[Vesting Order 17206]

RUDOLPH KARSTADT AKTIENGESELLSCHAFT

In re: Accounts owned by Rudolph Karstadt Aktiengesellschaft. F-28-1752-E-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolph Karstadt Aktiengesellschaft, the last known address of which is Fehrbelliner Platz 1, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin-Wilmersdorf, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Dillon, Read & Co., 48 Wall Street, New York 5, New York, arising out of a Coupon Deposit Account, entitled "Rudolph Karstadt A. G. 6 percent bonds due 1943", together with any and all accruals thereto, maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Dillon, Read & Co., 48 Wall Street, New York 5, New York, arising out of a Bond Redemption Account, entitled "Rudolph Karstadt A. G. 6 percent bonds due 1943", together with any and all accruals thereto, maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rudolph Karstadt Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2504; Filed, Feb. 20, 1951; 8:52 a. m.]

[Vesting Order 17209]

HIRAI KOTA

In re: Bonds and bank account owned by Hirai Kota. F-39-6543-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hirai Kota, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Tokyo Electric Light Company, Ltd., 1st Mortgage Gold Bonds, 6 Percent Dollar Series, due June 15, 1953, of $5,000.00 face value, bearing the numbers 8973/5, 54623, and 56390, presently in the custody of Clarence K. Karimoto, Supervisor, the Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Hirai Kota by the Yokohama Specie Bank, Ltd., P. O. Box 1200, Honolulu, T. H., arising out of a savings account numbered 14119, entitled "Hirai Kota", evidenced by Receiver's Liability Number 1350, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2505; Filed, Feb. 20, 1951; 8:52 a. m.]

[Vesting Order 17212]

YONE MIZUTA

In re: Bonds owned by Yone Mizuta. F-39-4781-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yone Mizuta, whose last known address is 1913 Sanne Nichome, Omori-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Two (2) Tokyo Electric Light Co. Ltd., 1st Dollar Series 6 percent 1953 bonds, of $1,000.00 face value each, bearing the numbers 28970 and 60972, presently in the custody of City Bank Farmers Trust Company, 640 Fifth Avenue, New York 19, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yone Mizuta, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2506; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17264]

HENRY AHRENS

In re: Safe deposit lease and contents owned by Henry Ahrens. F-28-7500.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Ahrens, whose last known address is 19 Altenhofstrasse, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights and interest created in Henry Ahrens under and by virtue of a safe deposit box lease agreement by and between Henry Ahrens and Marshall & Ilsley Bank, 721 North Water Street, Milwaukee, Wisconsin, relating to safe deposit box numbered 186, Section 10, located in the vaults of the aforesaid bank, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Henry Ahrens in the safe deposit box referred to in subparagraph 2a hereof, and any and all rights of said person evidenced or represented thereby,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2507; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17269]

HILDEGARD VON DANNENBERG

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Hildegard von Dannenberg, deceased. F-28-31071.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hildegard von Dannenberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company, arising out of four (4) Chicago, Milwaukee, St. Paul & Pacific Railroad Company 5 percent Adjustment bonds, Series A, due 2000, of $1,000 face value each, and bearing the numbers 72018, 81572, 102938, and 118219, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the aforesaid bonds, including particularly but not limited to all rights arising under a plan of reorganization of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hildegard von Dannenberg, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hildegard von Dannenberg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2508; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17275]

ELISABETH HUFFMANN

In re: Bonds owned by the personal representatives, heirs, next of kin, legatees and distributees of Elisabeth Huffmann, deceased. F-28-31118.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Elisabeth Huffmann, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations matured or unmatured, evidenced by two (2) Erie Railroad, Refunding and Improvement 5 percent Gold Bonds, Series of 1930 $1,000.00 face value each, in bearer form, bearing the numbers 43480 and 43481, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations matured or unmatured, evidenced by three (3) International-Great Northern Railroad Company 6 percent First Mortgage Gold Bonds, Series A, $1,000.00 face value each, in bearer form, numbers 8802, 9875 and 16791, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Elisabeth Huffmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Elisabeth Huffmann, deceased, referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2510; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17273]

JANE BEATRICE HAGENA

In re: Bonds and stock owned by and a debt owing to Jane Beatrice Hagena, also known as Jane Beatrice Hagena-Siber. F-28-31131.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jane Beatrice Hagena, also known as Jane Beatrice Hagena-Siber, on or since the effective date of Execu-

tive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described as follows:

Description of issue	Number of bonds	Total face value
New York Central R. R. Co., Series A, 4½ percent, 2013		$2,000.00
Southern Pacific Co., 4½ percent, 1969	1	1,000.00

presently in the custody of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, and constituting a portion of the securities held by said Credit Suisse, New York Agency, for the account of Credit Suisse, Zurich, Switzerland, together with any and all rights thereunder and thereto,

b. Twenty (20) shares of no par value common capital stock of Southern Pacific Company, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, and constituting a portion of the securities held by said Brown Brothers Harriman & Co., for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

c. Sixty (60) shares of no par value common capital stock of Sinclair Oil Corporation, 630 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New York, presently in the custody of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, and constituting a portion of the securities held by said Brown Brothers Harriman & Co., for the account of Credit Suisse, Zurich, Switzerland, in an account entitled "Special Account EMA", together with all declared and unpaid dividends thereon,

d. Those certain shares of stock described as follows:

Name and address of issuing corporation	State of incorporation	Number of shares	Par value	Type of stock
Middle West Corp., Delaware Trust Bldg., Wilmington, Del.	Delaware	2	$5.00	Common.
Central & South West Corp., 902 Market St., Wilmington, Del.	do	2	5.00	Do.
Central Illinois Public Service Co., 607 East Adams St., Springfield, Ill.	Illinois	1	10.00	Do.
Kentucky Utilities Co., 159 West Main St., Lexington, Ky.	Kentucky	1	10.00	Do.

presently in the custody of Bankers Trust Company, 16 Wall Street, New York 15, New York, and constituting a portion of the securities held by said Bankers Trust Company for the account of Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends or other distributions thereon,

e. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $447.10, as of October 15, 1949, on deposit with the said Credit Suisse, New York Agency, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Blocked Dollar Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, in the amount of $225.20, as of October 15, 1949, on deposit with the said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "Blocked Dollar Account, Special A/C EMA", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York 5, New York, in the amount of $533.65, as of October 15, 1949, on deposit with the said Credit Suisse, New York Agency, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of Bankers Trust Company, 16 Wall Street, New York 15, New York, in the amount of $21.72, as of October 15, 1949, on deposit with the said Bankers Trust Company, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

i. That certain debt or other obligation of Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,642.58, as of October 15, 1949, on deposit with the said Chase National Bank of the City of New York, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

j. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, in the amount of $2,500.60, as of October 15, 1949, on deposit with the said Bank of the Manhattan Company, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

k. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York, in the amount of $2,238.00, as of October 15, 1949, on deposit with the said Swiss American Corporation, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account, Special A/C EMA", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

l. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, in the amount of $294.00, as of October 15, 1949, on deposit with the said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account, Special A/C EMA", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

m. That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York, New York, in the amount of $306.10, as of October 15, 1949, on deposit with the said Brown Brothers Harriman & Co., in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling No. 6 Account", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

n. That certain debt or other obligation of Dominick & Dominick, 115 Broadway, New York, New York, in the amount of $2,056.70, as of October 15, 1949, on deposit with the said Dominick & Dominick, in the name of Credit Suisse, Zurich, Switzerland, in an account entitled "General Ruling Cash Account No. 6", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Jane Beatrice Hagena, also known as Jane Beatrice Hagena-Siber, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2509; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17291]

SIEMENS & HALSKE, A. G., AND SIEMENS-SCHUCKERTWERKE, G. M. B. H.

In re: Bank accounts owned by Siemens & Halske, A. G. and Siemens-Schuckertwerke, G. m. b. H. F-28-21700-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Siemens & Halske, A. G., and Siemens-Schuckertwerke, Gesellschaft mit beschränkter Haftung, the last known address of each of which is Berlin-Siemensstadt, Germany are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and each of which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin-Siemensstadt, Germany, and are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G., Siemens-Schuckertwerke, G. m. b. H. 6½ percent debentures due 1951", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a contingent additional interest warrant account entitled "Siemens & Halske, A. G., Siemens-Schuckertwerke, G. m. b. H. 6½ percent debentures due 1951", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G., Siemens-Schuckertwerke, G. m. b. H. assented 3¼ percent debentures due 1951", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G., Siemens-Schuckertwerke, G. m. b. H. 7 percent bonds due 1928", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G., Siemens-Schuckertwerke, G. m. b. H. 7 percent bonds due 1935", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Siemens & Halske, A. G. and Siemens-Schuckertwerke, G. m. b. H., the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G. participating debentures 2930", maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Dillon, Read & Co., 28 Nassau Street, New York, N. Y., arising out of a coupon deposit account entitled "Siemens & Halske, A. G., 4½ percent assented participating debentures 2930," maintained at the office of the aforesaid Dillon, Read & Co., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Siemens & Halske, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2516; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17294]

EMMY TIEBERT-DAENIKER

In re: Stock owned by Emmy Tiebert-Daeniker, also known as Emma Tiebert-Daeniker. F-28-31196.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emmy Tiebert-Daeniker, also known as Emma Tiebert-Daeniker, whose last known address is am Rain 597, Isny, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Six (6) shares of $100.00 par value common capital stock of The Wander Company, 360 North Michigan Avenue, Chicago 1, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificate No. 228 for 3 shares and certificate No. 323 for 3 shares, registered in the name of Emmy Tiebert-Daeniker, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Emmy Tiebert-Daeniker, also known as Emma Tiebert-Daeniker, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2518; Filed, Feb. 20, 1951; 8:55 a. m.]

[Vesting Order 17277]

HARRY T. KAWATO

In re: Stock owned by the personal representatives, heirs, next of kin, legatees, and distributees of Harry T. Kawato, deceased. D-39-19307.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Harry T. Kawato, deceased, who there is reasonable cause to believe are

residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: One and six one-hundredths (1 6/100ths) shares of $100.00 par value capital stock of Los Angeles Investment Company, 3450 West Vernon Avenue, Los Angeles 8, California, a corporation organized under the laws of the State of California, evidenced by certificates numbered 70215 for 59 shares and A 4695 for 47 shares of $1.00 par value capital stock of the aforesaid company, registered in the name of Harry T. Kawato, together with all declared and unpaid dividends thereon, and any and all rights to receive a new certificate for 1 6/100ths shares of $100.00 par value capital stock of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Harry T. Kawato, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Harry T. Kawato, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2511; Filed, Feb. 20, 1951; 8:53 a. m.]

[Vesting Order 17284]

FELDMUHLE PAPIER AND ZELLSTOFFWERKE, A. G.

In re: Bank accounts owned by Feldmuhle Papier and Zellstoffwerke, A. G. F-28-10323-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Feldmuhle Papier and Zellstoffwerke A. G., the last known address of which is Stettin, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Stettin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of A. G. Becker & Co., Inc., 120 South La Salle Street, Chicago 3, Illinois, arising out of a coupon deposit account entitled "Konigsberger Zellstoff-fabriken und Chemische Werke Koholyt Aktiengesellschaft (Koholyt Corporation) 6 percent Sinking Fund Gold Bonds", together with any and all accruals thereto, maintained at the office of the aforesaid A. G. Becker & Co., Inc., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Feldmuhle Papier and Zellstoffwerke, A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2513; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17286]

FREE STATE OF PRUSSIA

In re: Bonds owned by the free State of Prussia. F-28-31169.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the free State of Prussia is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) Missouri-Kansas-Texas Railroad Company Prior Lien Mortgage five (5) percent Gold bonds, Series "A," of five hundred dollars ($500) face value each, bearing the numbers D850, D1561, D1737 and D1750, with coupons numbered 36 to 80, both inclusive, attached, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by eight (8) Missouri-Kansas-Texas Railroad Company Prior Lien Mortgage five (5) percent Gold bonds, Series "A," of one thousand dollar ($1,000) face value each, bearing the numbers M14585, M21078, M21689, M21752, M26549, M26550, M28344 and M28345, with coupons numbered 36 to 80, both inclusive, attached, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the free State of Prussia, a political subdivision of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2514; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17287]

FRANK AND MARIE RABE

In re: Rights and interests of Frank Rabe and Marie Rabe in First Mortgage Gold Bond. F-28-25632-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank Rabe and Marie Rabe whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests of Frank Rabe and Marie Rabe in, to and under a 6 percent First Mortgage Gold Bond of Charles J. Simonson, Berna Simonson, August G. Lakeberg and Olga Lakeberg, due November 23, 1932, said interests evidenced by a $1,000.00 Note numbered 1576 (Citizens State Bank of Chicago, underwriters), presently in the custody of The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, acting as Depositary for Bondholders Protective Committee pursuant to a deposit agreement,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2515; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17280]

E. CH. VON WARBURG-VON LINDEINER AND E. CH. VON WARBURG-JKVR. VON LINDEINER

In re: Stock owned by E. Ch. von Warburg-von Lindeiner and E. Ch. von Warburg-Jkvr. von Lindeiner. F-28-31184.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That E. Ch. von Warburg-von Lindeiner and E. Ch. von Warburg-Jkvr. von Lindeiner, each of whose last known address is Seehofstrasse 18I, Frankfurt a/M, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of stock of North American Company, 60 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered B. 101033, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by E. Ch. von Warburg-von Lindeiner, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Ten (10) shares of stock of Tide Water Associated Oil Company, 17 Battery Place, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered BNCX3567, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by E. Ch. von Warburg-Jkvr. von Lindeiner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2512; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17295]

FRITZ M. VIETOR

In re: Securities owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Fritz M. Vietor, deceased, also known as Friedrich Martin Vietor. F-28-28001-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Fritz M. Vietor, deceased, also known as Friedrich Martin Vietor, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Eleven and sixty/hundredths (11-60/100) of a share of no par value (new) common stock of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Union Station Building, Chicago, Illinois, eleven shares evidenced by a certificate numbered NCO 4361, registered in the name of Wood, Walker & Co., 63 Wall Street, New York 5, New York, and sixty-hundredths of a share evidenced by certificate numbered NSC 1556, issued in bearer form, said certificates presently in the custody of Wood, Walker & Co., 63 Wall Street, New York 5, New York, held for the account of the Estate of Fritz M. Vietor, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value $6.00 cumulative preferred stock of the American Power Light Co. evidenced by certificate numbered 097726, registered in the name of and presently in the custody of Wood, Walker & Co., 63 Wall Street, New York 5, New York, in an account for the Estate of Fritz M. Vietor, together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of Wood, Walker & Co., 63 Wall Street, New York 5, New York, representing cash balance and dividends accrued for the account of the Estate of Fritz M. Vietor, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Fritz M. Vietor, deceased, also known as Friedrich Martin Vietor, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Fritz M. Vietor, deceased, also known as Friedrich Martin Vietor, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2519; Filed, Feb. 20, 1951; 8:55 a. m.]

[Vesting Order 17292]

WILHELM SPERLING

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Sperling, deceased. F-28-23627.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Sperling, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured evidenced by five (5) Northern Pacific Railway Company General Lien 3 percent Gold Bonds, in bearer form, bearing the numbers 4844 and 4843, of $1,000 face value each, and 6798, 4253, and 4252 of $500 face value each, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said bonds, including particularly but not limited to the right to receive the new coupon sheets made available in 1947 pursuant to the terms of the indenture under which the said bonds were issued, said coupon sheets presently in the possession of the American Bank Note Company, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Sperling, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2517; Filed, Feb. 20, 1951; 8:54 a. m.]

[Vesting Order 17318]

KARL FITTKAU

In re: Cash owned by Karl Fittkau. D-28-7151-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Fittkau, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $408.53, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158881, "Funds of Individuals Whose Whereabouts Are Unknown", in the name of Karl Fittkau, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Fittkau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2521; Filed, Feb. 20, 1951; 8:55 a. m.]

[Vesting Order 17297]

FREE STATE OF OLDENBERG AND CONVERSION OFFICE FOR GERMAN FOREIGN DEBTS

In re: Accounts and script owned by Free State of Oldenberg and Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden. F-28-2667-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Free State of Oldenberg is a political subdivision of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of a general account for fees and expenses, entitled "Free State of Oldenberg 7 Percent External Serial Gold Bonds, dated November 1, 1925", together with any and all accruals thereto, maintained at the office of the aforesaid Irving Trust Company, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of a coupon deposit account transferred from Ames, Emerich & Co., entitled "Free State of Oldenberg 7 Percent External Serial Gold Bonds dated November 1, 1925", together with any and all accruals thereto, maintained at the office of the aforesaid Irving Trust Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Free State of Oldenberg, a political subdivision of a designated enemy country (Germany);

3. That Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the last known address of which is Germany, is a public corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York 15, New York, arising out of a coupon account resulting from a deposit of cash by Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, entitled "Free State of Oldenberg 7 Percent External Serial Gold Bonds dated November 1, 1925", together with any and all accruals thereto, maintained at the office of the aforesaid Irving Trust Company, and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, in the aggregate amount of approximately RM 6560, presently in the custody of Irving Trust Company, One Wall Street, New York 15, New York, said certificates of indebtedness having been offered by the said Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, together with the cash deposited in the account described in subparagraph 4a hereof, in payment of interest coupons appertaining to the bonds described in subparagraph 4a and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Conversion Office for German Foreign Debts, also known as Konversionskasse fuer Deutsche Auslandsschulden, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 3 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2520; Filed, Feb. 20, 1951; 8:55 a. m.]

[Vesting Order 17326]

OTTO C. ROEDDER

In re: Bank account owned by Otto C. Roedder. F-28-31205.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto C. Roedder, whose last known address is Frieden Strasse 19, Karlsruhe, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Otto C. Roedder, by Central Savings Bank of Baltimore, Charles and Lexington Streets, Baltimore, Maryland, arising out of a savings account, account number 121418, entitled Otto C. Roedder, maintained at the branch office of the aforesaid bank located at 7 Hopkins Place, Baltimore, Maryland, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2522; Filed, Feb. 20, 1951; 8:55 a. m.]

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TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 5—PROCUREMENT POLICY

SUBPART A—GENERAL PROVISIONS

INTRODUCTION

Sec.
5.1 Purpose and scope of part.
5.2 Matters not covered.
5.3 Saving provisions relating to effective date.
5.4 Saving provisions relating to subject matter.
5.5 Effect on authority of representatives of the Commission, and on subcontracts and purchase orders.
5.6 Deviations.

DEFINITIONS OF TERMS

5.11 Definitions.

BASIC POLICIES

5.21 General policy.
5.22 Procurement from Government sources.
5.23 Procurement by the Commission by contract from outside sources.
5.24 Small business concerns.
5.25 Ineligible contractors and disqualified bidders.

SUBPART B—PROCUREMENT BY FORMAL ADVERTISING

USE OF FORMAL ADVERTISING

5.31 General requirements.
5.32 Meaning of formal advertising.
5.33 Applicability of subpart to amendments.

SOLICITATION OF BIDS

5.41 General requirements.
5.42 Information and forms to be supplied to bidders.
5.43 Methods of soliciting bids.

SUBMISSION OF BIDS

5.51 Method of submission.
5.52 Modification or withdrawal of bids.

OPENING OF BIDS AND AWARD OF CONTRACT

5.61 Opening of bids.
5.62 Rejection of bids.
5.63 Unreasonable or collusive prices.
5.64 Minor informalities or irregularities in bids.
5.65 Mistakes in bids.
5.66 Acceptance of bids.
5.67 Responsible bidder.
5.68 Factors in award other than price.
5.69 Equal low bids.

SUBPART C—PROCUREMENT WITHOUT FORMAL ADVERTISING

Sec.

USE OF PROCUREMENT WITHOUT FORMAL ADVERTISING

5.71 General requirements.
5.72 Meaning of procurement without formal advertising.
5.73 Methods.

CIRCUMSTANCES PERMITTING PROCUREMENT WITHOUT FORMAL ADVERTISING

5.81 Atomic Energy Act.
5.82 Section 3709 of the Revised Statutes.
5.83 Examples of circumstances where formal advertising is not required.
5.84 Determinations.

STANDARDS APPLICABLE WHERE PROCUREMENT WITHOUT FORMAL ADVERTISING IS PERMITTED

5.91 General requirements.
5.92 Assurance of competition.
5.93 Factors to be considered in contracting.

TYPES OF CONTRACTS

5.101 Authorized types of contracts.
5.102 Examples.
5.103 Prohibition.
5.104 Limitations on types other than fixed-price, lump-sum, or unit-price.
5.105 Limitations on fixed fees.
5.106 Letter agreements.

SUBPART D—ADMINISTRATIVE PROVISIONS

5.200 Scope.

PROCUREMENT RESPONSIBILITY AND AUTHORITY WITHIN THE COMMISSION

5.201 General Manager.
5.202 Division Directors.
5.203 Managers of Operations.

JUSTIFICATIONS IN SUPPORT OF THE AWARD OF CONTRACTS

5.301 General requirements.
5.302 Requirements relating to contracts entered into pursuant to formal advertising under Subpart B.
5.303 Records concerning mistakes in bids.
5.304 Requirements relating to contracts entered into without formal advertising under Subpart C.

SUBPART E—PROCUREMENT BY COST-TYPE CONTRACTORS

SCOPE AND APPLICATION

5.401 Scope.
5.402 Meaning of cost-type contractor.

(Continued on next page)

CONTENTS

	Page
Agriculture Department	
See also Commodity Credit Corporation; Production and Marketing Administration.	
Notices:	
Certain areas in which mineral interests are to be sold at their fair market value; corrected designation	1774
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Adyama, Itsuo	1778
Acyoma, Itsuo	1777
Benzenberg, Gustave	1778
Conrades, Stiftung and Werner	1779
Ferigo, Elisa, et al	1782
Fujii, Mineyoshi	1780
Gauernack, Frieda	1781
Held, Anna	1781
Hoffmann-Walbeck, Hans and Alice Louise	1778
Kuepper, Clemens	1781
Maas, Joachim	1781
Mills, Charles	1777
Puck, Arthur N	1780
Roedling, Guido	1779
Von Frauendorfer, Sigmund	1780
Yoshimura, Kotaro	1782
Ziegler, Gustav	1782
Atomic Energy Commission	
Rules and regulations:	
Procurement policy	1759
Civil Aeronautics Administration	
Rules and regulations:	
Civil airway alteration	1765
Control area and control zone alterations	1766
Commerce Department	
See Civil Aeronautics Administration; Federal Maritime Board; International Trade, Office of.	
Commodity Credit Corporation	
Rules and regulations:	
Tobacco loan program, 1950	1765
Economic Stabilization Agency	
See Price Stabilization, Office of.	

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CONTENTS—Continued

Federal Maritime Board — Page
Notices:
Lykes Brothers Steamship Company, Inc.; hearing on application to bareboat charter dry-cargo vessels — 1774

Federal Power Commission
Notices:
Hearings, etc.:
Claytor, Graham, et al — 1776

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Cole, Eugene H., et al — 1776
United Gas Pipe Line Co. et al — 1776

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
Export regulations:
Commodities and related matters, positive list — 1767
Enforcement provisions — 1767
Project licenses — 1767
Provisions for individual and other validated licenses — 1767

Interstate Commerce Commission
Notices:
Applications for relief:
Ammonia and other commodities from official territory to South — 1775
Iron and steel articles from Missouri and Ohio to Tennessee — 1775
Petroleum and petroleum products between Texas points — 1775
Pulpwood from Florida points to Panama City, Fla — 1775
Sand, moulding, from Lexington, Tenn., to Topeka, Kans — 1774
Sulphuric acid from Louisiana to South — 1774

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
Alaska; excluding certain tracts of land from Chugach and Tongass National Forests and restoring them for purchase as home sites — 1771

Price Stabilization, Office of
Rules and regulations:
Automobiles, new and used; retail prices — 1769

Production and Marketing Administration
Proposed rule making:
Milk handling:
New Orleans, La., area — 1771
Philadelphia, Pa., area — 1771
Referendum — 1774

Securities and Exchange Commission
Notices:
Hearings, etc.:
Equity Corp. and First York Corp — 1776
Gentilly Development Co., Inc., and Middle South Utilities, Inc — 1776

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
Title 6	
Chapter IV:	
Part 664	1765
Title 7	
Chapter IX:	
Part 942 (proposed)	1771
Part 961 (proposed) (2 documents)	1771, 1774
Title 10	
Chapter I:	
Part 5	1759
Title 14	
Chapter II:	
Part 600	1765
Part 601	1766
Title 15	
Chapter III:	
Part 372	1767
Part 374	1767
Part 381	1767
Part 399	1767
Title 32A	
Chapter III (OPS):	
GCPR, SR 5	1769
Title 43	
Chapter I:	
Appendix (Public land orders): 700	1771

Sec.
5.403 Limitations on applicability of this subpart.
5.404 Required approvals not affected.

BASIC POLICIES

5.501 Objective.
5.502 Government sources.
5.503 Sources other than Government sources.
5.504 Contractor-controlled sources.
5.505 Lists of prospective bidders.
5.506 Small business concerns.
5.507 Ineligible contractors and disqualified bidders.
5.508 Types of subcontracts and purchase orders.
5.509 Justifications.

IMPLEMENTATION OF BASIC POLICIES

5.601 Review by the Commission of specific procurement practices and procedures of cost-type contractors.

AUTHORITY: §§ 5.1 to 5.601 issued under 60 Stat. 755 to 775; 42 U. S. C. 1801 to 1819.

SUBPART A—GENERAL PROVISIONS

INTRODUCTION

§ 5.1 *Purpose and scope of part.* This part is issued under the Atomic Energy Act of 1946, as amended (McMahon Act), in the interest of the common defense and security, to establish minimum standards for the procurement of supplies and services for the Commission. This subpart sets forth introductory information, definitions, and a statement of basic policies. Subpart B relates to procurement by the Commission by formal advertising. Subpart C relates to procurement by the Commission where formal advertising is not required. Subpart D consists of administrative provisions referring to procurement responsibilities and authority within the Commission and prescribing standards for justifications in support of awards by the Commission. Subpart E sets forth basic policies for the procurement of supplies and services by cost-type contractors.

§ 5.2 *Matters not covered.* This part is intended to set forth broad policies with respect to procurement and does not prescribe detailed procedures or instructions, except to the extent deemed necessary to establish basic policies. Among the matters not included are detailed contract clauses, cost principles, methods of payment, insurance, labor, patents, termination, and administration of contracts as distinguished from methods of procurement. The General Manager, and Division Directors and Managers of Operations within the limits of authority delegated to them, may prescribe procedures and instructions not inconsistent with this part which implement the provisions of this part or relate to matters not included in this part.

§ 5.3 *Saving provisions relating to effective date.* Subparts B and C and §§ 5.301 to 5.304 shall not apply to a contract which:

(a) Is awarded pursuant to competitive bidding on an invitation to bid issued prior to the effective date of this part; or

(b) Is executed as of a date prior to the effective date of this part; or

(c) Formalizes a preliminary contractual agreement, such as a letter contract or a letter of intent, which itself was made prior to the effective date of this part; or

(d) Amends, modifies, or supplements a contract executed as of a date prior to the effective date of this part, unless such amendment, modification, or supplement, provides for substantially additional quantities of supplies or services beyond the scope of the original contract.

§ 5.4 *Saving provisions relating to subject matter.* This part does not apply to the purchase, rental, or other acquisition of real property or rights or interests in real property, nor to the procurement of the services of employees or consultants. Sections 5.21 to 5.25 and Subparts B, C, and D do not apply to the procurement of supplies or services by contractors or subcontractors but may be used by them as a guide.

§ 5.5 *Effect on authority of representatives of the Commission, and on subcontracts and purchase orders.* Nothing contained in this part shall be construed to limit authority otherwise delegated to representatives of the Commission, nor to affect the validity of any subcontract or purchase order entered into by a cost-type contractor.

§ 5.6 *Deviations.* Deviations from the requirements of this part shall be made only by authority of the General Manager or in accordance with procedures which may be prescribed by him, and then only in cases where special circumstances justify the deviation.

DEFINITIONS OF TERMS

§ 5.11 *Definitions.* As used in this part, the following terms shall have the meaning set forth below:

(a) *Government, etc.* The term "Government" means the United States of America. The term "General Manager" refers to the General Manager of the Commission. "Division Director" refers to any Director of a Division of the Commission who is authorized to enter into contracts. The term "Manager of Operations" refers to any representative of the Commission designated by that title, and "Office of Operations" means any office under the supervision of a Manager of Operations. The term "GM bulletin" means any instructions issued in the GM series and any other instructions of general application issued by the General Manager.

(b) *Contract.* The term "contract" means any prime contract to which the Government, acting through the Commission, is a party, including, by way of description and without limitation, letter contracts and purchase orders, and any amendment or modification thereof or supplement thereto; and, except to the extent otherwise defined in § 5.402 for the purposes of Subpart E, a "contractor" is any person, firm, or corporation entering into such a contract with the Government.

(c) *Contracting officer.* The term "contracting officer" means the representative of the Commission who executes, or who will execute, a contract, and includes his authorized representative.

BASIC POLICIES

§ 5.21 *General policy.* It is the policy of the Commission that supplies and services be procured by the methods most advantageous to the Government—price, quality, and other factors considered, and that in procurement from outside sources methods be employed which are calculated to assure such full and free competition as is consistent with the Commission's requirements. However, in view of the declaration of a National Emergency by the President (Proclamation 2914, Dec. 16, 1950; 15 F. R. 9029), it is essential that further efforts be made to accelerate defense procurement actions. In doing so, it is recognized that there may be a need for considerable use of methods of procurement without formal advertising. In promoting the primary objective of strengthening the common defense and security, rapidly and effectively, there is a great responsibility to protect and preserve competitive enterprise. All practicable steps must be taken to provide for the equitable distribution of contracts among the maximum number of competent suppliers and to avoid the concentration of contracts among a relatively few suppliers. Such broadening of the industrial base of the program is essential to the acceleration of procurement.

§ 5.22 *Procurement from Government sources.* Procurement of certain supplies and services may be effected by orders against Federal schedule supply or service contracts or stocks of the General Services Administration. Also, certain supplies may be obtained by resort to excess Government stocks, and stocks of Federal prison-made and blind-made products. It is the policy of the Commission that such methods of procurement be utilized to the fullest extent practicable, in accordance with applicable laws and regulations. Procurement by the Commission under the Economy Act of June 30, 1932, as amended (31 U. S. C. 686), from Federal agencies shall conform to the requirements of the act and applicable regulations of the General Accounting Office.

§ 5.23 *Procurement by the Commission by contract from outside sources.* Procurement by the Commission by contract shall generally be effected by formal advertising for bids and award to the lowest responsible bidder, in accordance with Subpart B, but may be effected without formal advertising if the circumstances, and the method adopted, meet the requirements of Subpart C. Where procurement without formal advertising is authorized, steps shall nevertheless be taken to assure such full and free competition as is consistent with the procurement of the supplies and services needed to meet the Commission's requirements, as provided in Subpart C.

§ 5.24 *Small business concerns.* It is the policy of the Commission to place with small business concerns a fair proportion of the total of supplies and services procured by contract for the Commission. For this purpose a small business concern is any concern which, including its affiliates, employs in the aggregate fewer than 500 persons.

§ 5.25 *Ineligible contractors and disqualified bidders.* Each office of the Commission, in accordance with procedures described by the General Manager, shall maintain current lists of ineligible contractors and disqualified bidders, indicating the reasons for such listing and the extent to which procurement from such persons or firms is restricted, as follows:

(a) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Walsh-Healey Public Contracts Act (act of June 30, 1936; 41 U. S. C. 35) which have been found by the Secretary of Labor to have violated any of the agreements or representations required by that act;

(b) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act;

(c) Persons and firms listed by the Comptroller General in accordance with the provisions of section 3 of the Davis-Bacon Act (act of March 3, 1931; 40 U. S. C. 276a), found by the Comptroller General to have violated said act;

(d) Persons and firms otherwise disqualified or declared ineligible in accordance with procedures prescribed by the General Manager.

SUBPART B—PROCUREMENT BY FORMAL ADVERTISING

USE OF FORMAL ADVERTISING

§ 5.31 *General requirements.* In accordance with the basic policies set forth in §§ 5.21 to 5.25, procurement of supplies and services by contract shall generally be effected by formal advertising. No contract shall be entered into as a result of formal advertising unless the requirements of this subpart have been satisfied. Minimum requirements relating to justifications in support of action under this subpart are set forth in §§ 5.301 to 5.303.

§ 5.32 *Meaning of formal advertising.* As used in this part, formal advertising means the method prescribed by this subpart of procuring supplies or services by contract as a result of advertising and competitive bidding.

§ 5.33 *Applicability of subpart to amendments.* This subpart does not apply to an amendment or modification of or supplement to a contract originally entered into pursuant to formal advertising if the amendment, modification, or supplement does not substantially increase, beyond the scope of the original contract, the quantity of supplies or services to be furnished.

SOLICITATION OF BIDS

§ 5.41 *General requirements.* Bids shall be solicited by the methods prescribed in §§ 5.41 to 5.43 from all qualified sources of supplies or services deemed necessary by the contracting officer to assure such full and free competition as is consistent with the procurement of the required supplies or services. Current lists of prospective bidders shall be maintained by each office of the Commission concerned with the procurement of supplies or services. These lists shall afford as broad a coverage of sources of supplies and services as is reasonably possible, and every effort shall be made to include small business concerns.

§ 5.42 *Information and forms to be supplied to bidders.* Information as to the Government's requirements and necessary blank forms, including the form of contract to be used, shall be made available to prospective bidders in such form and detail, and with such instructions, that a binding acceptance of the successful bid may be made in advance of the execution of further contractual documents by the successful bidder.

§ 5.43 *Methods of soliciting bids.* Bids shall be solicited sufficiently in advance of the opening of bids to allow bidders adequate opportunity to prepare and submit bids. Bids shall be obtained by mailing or delivery to prospective bidders and posting at some appropriate public place the invitation to bid and accompanying forms. To the extent deemed necessary by the contracting officer in order to assure full and free competition, announcements of the essential details of a proposed procurement may also be made available for free publication to newspapers, and to trade journals and magazines circulating in the appropriate trades or industries. Announcements may be inserted as paid advertisements in newspapers only when deemed necessary in order to secure effective competition, and in conformity with the requirements of applicable statutes, regulations of the General Accounting Office and GM bulletins. Invitations to bid and announcements shall clearly indicate the source of and means of obtaining additional information and papers essential to the preparation of a bid.

SUBMISSION OF BIDS

§ 5.51 *Method of submission.* In order to receive consideration bids must be submitted by a method authorized in the invitation to bid or instructions furnished to bidders in sufficient time to reach the designated office prior to the time fixed for the opening of bids. Bids received after the time fixed for opening shall be considered if received before award is made and if the failure to arrive on time was due solely to a delay in the mails or other mode of transmission authorized in the invitation for bids for which the bidder was not responsible.

§ 5.52 *Modification or withdrawal of bids.* Bids may be modified or withdrawn by written or telegraphic notice received prior to the time fixed for the opening of bids. After the bids have been opened none may be modified (except as provided in §§ 5.64 and 5.65) or withdrawn unless such modification or withdrawal is received before award is made, and either (a) failure of the modification or withdrawal to arrive prior to the time fixed for opening was due solely to a delay in the mails or other authorized mode of transmission for which the bidder was not responsible, or (b) modification is in the interest of the Government and not prejudicial to the other bidders.

OPENING OF BIDS AND AWARD OF CONTRACT

§ 5.61 *Opening of bids.* At the time fixed for opening, all bids which have been received shall be publicly opened and read aloud by the official designated to open the bids. Although the correct preparation of a bid is primarily the responsibility of the bidder, it is nevertheless the duty of the contracting officer, after the opening of the bids and prior to award, to examine all bids for minor informalities or irregularities and for obvious and apparent mistakes.

§ 5.62 *Rejection of bids.* Any bid which does not conform to the essential requirements of the invitation for bids shall be rejected, except that any such bid may be considered if consideration is in the interest of the Government and is not prejudicial to the other bidders. All bids may be rejected when rejection is in the interest of the Government.

§ 5.63 *Unreasonable or collusive prices.* Among the grounds for the rejection of all bids is a determination by the contracting officer that bid prices after formal advertising therefor are not reasonable (either as to all or some part of the requirements) or have not been independently arrived at in open competition. If negotiation is to be used after rejection of all bids on either of such grounds the requirements of § 5.83 (h) must be satisfied. Evidence that bids have not been independently arrived at shall be transmitted to the General Counsel, Washington, D. C.

§ 5.64 *Minor informalities or irregularities in bids.* A bidder shall be given an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid or, in the alternative, when it is not to the disadvantage of the Government, such deficiency may be waived if time does not permit the curing thereof.

§ 5.65 *Mistakes in bids*—(a) *Obvious clerical errors.* Any clerical mistake obvious or apparent on the face of a bid may be corrected prior to award if the bidder, in response to a request for verification of the bid, furnishes a statement as to such mistake.

(b) *Other mistakes.* In the case of a suspected or alleged mistake in a bid other than a clerical mistake obvious or apparent on the face of the bid, the bidder shall be requested, prior to award, to furnish either a verification of the bid or evidence in support of a mistake. If the bidder fails or refuses to furnish evidence in support of a mistake, the bid shall be considered in the form submitted. If evidence in support of a mistake is furnished, the case shall be referred to the Division of Finance, Washington, D. C., for processing. If limitations of time require that an award be made prior to a decision as to the relief, if any, to be given to the bidder alleging the mistake, and if there is no room for doubt as to the price or other terms intended in the bid in which a mistake occurs, then, pending processing of the case by the Division of Finance:

(1) In the case of a mistake in the lowest bid which as clearly intended would not be the lowest bid, such bid may be disregarded;

(2) In the case of a mistake in the lowest bid which as clearly intended would still be the lowest bid, award shall be made on the basis of such low bid as originally submitted but subject to correction if subsequently authorized by the General Accounting Office;

(3) In the case of a mistake in any bid other than the lowest bid, such bid shall be considered on the basis of its price or other terms as clearly intended.

§ 5.66 *Acceptance of bids.* Award shall be made with reasonable promptness by written notice of acceptance to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered.

§ 5.67 *Responsible bidder.* A responsible bidder is a bidder who possesses the financial, technical, and management abilities necessary to perform the contract and is otherwise eligible by law and under this part.

§ 5.68 *Factors in award other than price.* Among other factors besides price that may be considered in making an award are:

(a) Judgment, skill, and integrity of a bidder;

(b) Reputation and experience of a bidder, and prior work of a similar nature done by him;

(c) Foreseeable costs or delays to the Government resulting from differences in inspection, shipping, location of supplies, etc.;

(d) Time of performance, if the solicitation makes time a material factor;

(e) Changes made or requested in any of the provisions of the solicitation, to the extent that any such change does not constitute ground for rejection of the bid under § 5.62;

(f) Restrictions or conditions imposed in the bid;

(g) Advantages or disadvantages to the Government that might result from making multiple awards.

§ 5.69 *Equal low bids.* (a) When two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and all other factors properly to be considered), award shall be made by a drawing by lot which shall be witnessed by at least three persons and which may be attended by the bidders or their representatives: *Provided:*

(1) Subject to subparagraphs (2), (3), and (4) of this paragraph,

(i) In the base of equal low bids, one of which is submitted by a small business concern, as defined in § 5.24, award shall be made to the small business concern, and

(ii) In the case of equal low bids, two or more of which are submitted by small business concerns, award shall be made by a drawing by lot limited to the small business concerns.

(2) Where two or more equal bids are received from small business concerns, one of which is submitted by a bidder who will perform the contract in a distressed employment area, designated as such by or on behalf of the President, award shall be made to the small business concern who will perform the contract in the distressed employment area.

(3) In the case of equal low bids, two or more of which are submitted by small business concerns who will perform the contract in a distressed employment area, award shall be made by a drawing by lot limited to the small business concerns in the distressed employment area.

(4) Where two or more equal low bids are received, one bid being from a business concern (whether small or not) not in a distressed employment area and the other being from a bidder who, although not a small business concern, will perform the contract in a distressed employment area, award shall be made to the latter.

(b) When award is to be made by lot and the information available shows that the product of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot shall be made to ascertain which of the bidders offering the product of a particular manufacturer will be included in the final drawing to determine the award.

SUBPART C—PROCUREMENT WITHOUT FORMAL ADVERTISING

USE OF PROCUREMENT WITHOUT FORMAL ADVERTISING

§ 5.71 *General requirements.* Procurement without formal advertising shall be in conformity with this subpart. Minimum requirements relating to justifications in support of action under this subpart are set forth in §§ 5.301 and 5.304.

§ 5.72 *Meaning of procurement without formal advertising.* As used in this part, procurement without formal advertising means any method of procuring supplies or services by contract for which formal advertising is not required.

§ 5.73 *Methods.* Among the methods of procurement without formal advertising are the inviting of bids from qualified and responsible bidders without formal advertising, and negotiation. Under some circumstances the inviting of bids without formal advertising may nevertheless meet the advertising requirements of section 3709 of the Revised Statutes, as amended.

CIRCUMSTANCES PERMITTING PROCUREMENT WITHOUT FORMAL ADVERTISING

§ 5.81 *Atomic Energy Act.* The Atomic Energy Act of 1946 contains various exemptions from section 3709 of the Revised Statutes, as amended, where action without regard to the provisions of section 3709 of the Revised Statutes, as amended, is certified by the Commission to be necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable. The act also provides, in section 12 (b), that the President may, in advance, exempt any specific action of the Commission in a particular matter from the provisions of law relating to contracts whenever he determines that such action is essential in the interest of the common defense and security.

§ 5.82 *Section 3709 of the Revised Statutes.* Section 3709 of the Revised Statutes, as amended by section 9 (a) of the act of August 2, 1946, 60 Stat. 809, and as further amended by section 502 (c) of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, Public Law 152, 81st Congress, requires advertising for proposals to furnish supplies or services, but incorporates exceptions to the general rule. Section 3709, as amended, with the material exceptions, reads as follows:

> Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed $500, (2) when the public exigencies require the immediate delivery of the articles or performance of the services, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when the services are required to be performed by the contractor in person and are (a) of a technical and professional nature or (b) under Government supervision and paid for on a time basis. • • •

§ 5.83 *Examples of circumstances where formal advertising is not required.* Without limitation on the generality of the statutes cited or of this part, the following circumstances shall be deemed to be examples of cases where formal advertising is not required:

(a) The information necessary to be furnished bidders includes information classified "Confidential" or higher;

(b) Performance of the work called for under the contract will involve access to information classified "Confidential" or higher, and the contracting officer determines that it would not be practicable to obtain necessary security clearances of personnel of the successful bidder within a reasonable time after submission of the bid;

(c) It is determined by the contracting officer that work must be commenced prior to the development of adequate definitive data upon which bids might be solicited by formal advertising, in order to complete technical or production facilities within the time established by program requirements;

(d) It is determined by the contracting officer that it is impossible to draft, for a solicitation of bids, adequate specifications or plans or any other adequately detailed description of the required supplies or services;

(e) The services to be procured are architect-engineer services;

(f) The services to be procured are research or development services;

(g) The conditions prevail which are described in exceptions 1 to 4 in section 3709 of the Revised Statutes, as amended;

(h) It is determined by the contracting officer that bid prices after formal advertising are not reasonable or have not been independently arrived at in open competition and

(1) Notice of intention to negotiate and a reasonable opportunity to negotiate are given by the contracting officer to each responsible bidder whose bid has been rejected;

(2) The negotiated price is lower than the lowest rejected bid price of a responsible bidder, as determined by the contracting officer;

(3) The negotiated price is the lowest negotiated price offered by any responsible supplier.

§ 5.84 *Determinations.* Contracting officers shall seek the advice of counsel where there is any doubt as to the application of the foregoing examples or as to whether or not other circumstances in a particular case permit procurement without formal advertising. Records of determinations shall be prepared in conformity with §§ 5.301 and 5.304.

STANDARDS APPLICABLE WHERE PROCUREMENT WITHOUT FORMAL ADVERTISING IS PERMITTED

§ 5.91 *General requirements.* Where procurement without formal advertising is permitted the method of procurement selected and any negotiations thereunder shall nevertheless conform to the minimum standards set forth in §§ 5.91 to 5.93 and §§ 5.101 to 5.106.

§ 5.92 *Assurance of competition.* The method of procurement selected shall include the solicitation of proposals or bids, supported by cost or other information found necessary by the contracting officer, from all such qualified sources of supplies or services as he deems necessary in order to assure such full and free competition as is consistent with the

procurement of the required supplies or services, in accordance with the basic policies set forth in §§ 5.21 to 5.25.

§ 5.93 *Factors to be considered in contracting.* In negotiating or entering into a contract under this subpart, due attention shall be given to the following, and to any other appropriate factors:

(a) Comparison of prices quoted, and consideration of other prices for the same or similar supplies or services, with due regard to cost of transportation, cash discounts, and any other factors relating to price;

(b) Comparison of the business reputations and responsibilities of the respective persons or firms who submit quotations;

(c) Consideration of the quality of the supplies or services offered, or of the same or similar supplies or services previously furnished, with due regard to the satisfaction of technical requirements;

(d) Consideration of delivery requirements;

(e) Discriminating use of price and cost analyses;

(f) Investigation of price aspects of any important subcontract;

(g) Individual bargaining;

(h) Consideration of cost sharing;

(i) Effective utilization of the most desirable type of contract.

TYPES OF CONTRACTS

§ 5.101 *Authorized types of contracts.* Subject to the limitations prescribed by this subpart, and to any additional limitations prescribed under GM bulletins, contracts under this subpart may be of any type which will promote the best interest of the Government.

§ 5.102 *Examples.* Examples of types of contracts authorized under this subpart are:

(a) Fixed-price, lump-sum, or unit-price type;

(b) Incentive type;

(c) Cost-type, such as cost, cost-plus-a-fixed-fee, and time and material contracts.

§ 5.103 *Prohibition.* The cost-plus-a-percentage-of-cost system of contracting shall not be used.

§ 5.104 *Limitations on types other than fixed-price, lump-sum, or unit-price.* Prior to negotiating or entering into any contract of a type other than a fixed-price, lump-sum, or unit-price type, which otherwise conforms to this subpart, the contracting officer shall determine that procurement of the required supplies or services is impracticable without the use of the type of contract selected. A time and material type of contract shall not be used if any other type of contract is equally advantageous to the Government.

§ 5.105 *Limitations on fixed fees.* Fees negotiated on cost-plus-a-fixed-fee contracts shall be based upon the scope and extent of the services to be performed by the contractor, shall be fair and reasonable, and shall not exceed amounts prescribed by law or directions of the General Manager.

§ 5.106 *Letter agreements.* A letter agreement, where intended to be incorporated eventually in a formal contract, shall be superseded as promptly as possible by the formal contract.

SUBPART D—ADMINISTRATIVE PROVISIONS

§ 5.200 *Scope.* This subpart sets forth references to the procurement responsibility and authority of the General Manager, Directors of Divisions, and Managers of Operations, and prescribes minimum standards for justifications in support of awards by the Commission.

PROCUREMENT RESPONSIBILITY AND AUTHORITY WITHIN THE COMMISSION

§ 5.201 *General Manager.* The General Manager has been authorized and directed by the Commission to discharge the executive and administrative functions of the Commission, and to exercise the statutory authorities of the Commission in the discharge of those functions. The Deputy General Manager acts as alternate to the General Manager, and as General Manager in the absence of the General Manager.

§ 5.202 *Division Directors.* The procurement responsibility and authority of Division Directors is set forth in GM bulletins issued by the General Manager.

§ 5.203 *Managers of Operations.* The procurement responsibility and authority of each Manager of Operations is set forth in a GM bulletin issued by the Division Director having responsibility for the coordination and supervision of the Operations Office involved.

JUSTIFICATIONS IN SUPPORT OF THE AWARD OF CONTRACTS

§ 5.301 *General requirements.* Contracts to which either Subpart B or Subpart C applies shall be supported by justifications meeting the minimum basic requirements specified in this subpart. For every such contract U. S. Standard Form 1036 (Statement and Certificate of Award) shall be duly executed by the contracting officer, for the files of the General Accounting Office and for the files of the A. E. C. (except where special instructions on the reverse of Standard Form 1034 apply). The advice of counsel should be sought in connection with the preparation of Form 1036 for a contract exceeding $500 in amount entered into without formal advertising, and in any other case where doubt exists as to the proper certification.

§ 5.302 *Requirements relating to contracts entered into pursuant to formal advertising under Subpart B.* A record of the date and distribution of all invitations to bid shall be maintained by the office of the Commission concerned. Upon the opening of bids the names of the bidders and the amounts bid shall be entered in an abstract or record, certified by the contracting officer, which shall be available for public inspection; and the hour and date of transmission of bids received after the time fixed for opening, if evident from the papers, shall also be recorded. An award to other than the lowest bidder as to price shall be supported by a complete statement of the reasons therefor. In each case where an award is made pursuant to subparagraphs (1), (2), (3), or (4) of § 5.69 (a), U. S. Standard Form 1036 (or the reverse of U. S. Standard Form 1034, as the case may be) shall briefly recite the circumstances under which award was made and shall contain a statement that it has been administratively determined that the award will further the Congressional policy with respect to small business or will further the President's policy with respect to distressed employment areas, or both, as the case may be.

§ 5.303 *Records concerning mistakes in bids.* Whenever a case of a mistake in a bid is referred to the Division of Finance in Washington, the following papers should accompany a copy of the bid which contains the suspected or alleged mistake:

(a) A copy of the invitation for bids;

(b) An abstract or record of bids received;

(c) A statement from the bidder, and any additional supporting evidence such as work sheets or other data used in preparing the bid, setting forth the complete facts on which the allegation of mistake is based and requesting such definite relief as withdrawal of the bid, change in bid, etc.; and

(d) A statement from the contracting officer showing the date when notice of the alleged mistake was received, and any additional information he may have as to the alleged mistake, together with his recommendations.

§ 5.304 *Requirements relating to contracts entered into without formal advertising under Subpart C.* Every contract exceeding $500 in amount entered into without formal advertising shall be supported by justifications in narrative form for the files of the A. E. C., covering matters such as the following where applicable:

(a) A reference to the program basis for the contract;

(b) The circumstances upon the basis of which it is concluded that procurement without formal advertising is justified;

(c) The methods of solicitation employed and the information requested from sources of supplies or services, the distribution of and response to such solicitations or requests, and the basis upon which it is concluded that such solicitations or requests were sufficient to assure such full and free competition as is consistent with the procurement of the required supplies or services;

(d) The history of any negotiations, including the consideration given to appropriate factors, and the basis upon which it is concluded that the results of the negotiations are advantageous to the Government;

(e) If the contract is of a type other than fixed-price, lump-sum, or unit-price, the basis upon which it is concluded that procurement of the required supplies or services is impracticable without the use of the type selected.

SUBPART E—PROCUREMENT BY COST-TYPE CONTRACTORS

SCOPE AND APPLICATION

§ 5.401 *Scope.* This subpart sets forth basic policies to which cost-type contractors should adhere in procuring supplies and services the cost of which is borne by the Commission, and provides for implementation of those policies.

§ 5.402 *Meaning of cost-type contractor.* The term "cost-type contractor" as used in this subpart means a contractor who has a prime contract with the Commission on a cost basis, or a subcontractor who has a subcontract on a cost-basis under such a prime contract provided all the preceding subcontracts, if any, in the contractual chain are also on a cost basis.

§ 5.403 *Limitations on applicability of this subpart.* A cost-type research or development contract which is not to be performed at an installation owned by or leased to the Government shall be exempt from mandatory application of the requirements of §§ 5.501 to 5.509 and § 5.601 if the quantity of procurement contemplated under the contract is not deemed substantial by the contracting officer.

§ 5.404 *Required approvals not affected.* Cost-type contracts include provisions requiring approvals by the Commission or its authorized representative of subcontracts and purchase orders. Nothing contained in this part shall be construed to abrogate or dispense with the requirements of any such contract provision.

BASIC POLICIES

§ 5.501 *Objective.* In securing supplies and services cost-type contractors shall effect the procurement in the manner most advantageous to the Government—price, quality, and other factors considered.

§ 5.502 *Government sources.* Requirements shall be met from Government sources if made available and if procurement from such sources is economically advantageous to the Government. Direct procurement by the Commission, rather than by a cost-type contractor, may be required where deemed necessary by the Commission or its authorized representative in order to carry out special requirements of appropriation acts or other applicable laws relating to particular items.

§ 5.503 *Sources other than Government sources.* Procurement from sources other than Government sources shall be effected by methods calculated to assure such full and free competition as is consistent with securing the required supplies or services.

§ 5.504 *Contractor-controlled sources.* A cost-type contractor shall notify the contracting officer sufficiently in advance of the proposed procurement of supplies or services from sources owned by or otherwise under its control to permit the Commission, at its option or by agreement with the cost-type contractor, to effect the procurement directly by competitive or other authorized methods.

§ 5.505 *Lists of prospective bidders.* Cost-type contractors shall be given access to or supplied with copies of lists of prospective bidders maintained by offices of the Commission.

§ 5.506 *Small business concerns.* A fair proportion of required supplies and services shall be procured from small business concerns (as defined in § 5.24).

§ 5.507 *Ineligible contractors and disqualified bidders.* Cost-type contractors may treat persons and firms as ineligible or disqualified to the extent that such persons or firms are so treated by the Commission and listed by offices of the Commission in accordance with § 5.25.

§ 5.508 *Types of subcontracts and purchase orders.* Types of subcontracts or purchase orders other than fixed-price, lump-sum or unit-price types shall not be used unless procurement of the required supplies or services is impracticable without the use of the type selected, but the cost-plus-a-percentage-of-cost type shall not be used in any event.

§ 5.509 *Justifications.* Each cost-type contractor shall maintain, and make available for review by the Commission, justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

IMPLEMENTATION OF BASIC POLICIES

§ 5.601 *Review by the Commission of specific procurement practices and procedures of cost-type contractors.* Written statements of the detailed procurement practices and procedures used or proposed to be used by cost-type contractors, and of the objectives intended to be accomplished by such practices and procedures, shall be submitted to contracting officers for review. Contracting officers are required to satisfy themselves that cost-type contractors follow procurement practices and procedures consistent with the basic policies set forth in §§ 5.501 to 5.509, with due regard to applicable contract provisions, and with reasonable tolerances and exemptions based on the amount or character of a transaction.

The provisions of this part are effective February 1, 1951.

Dated at Washington, D. C., this 18th day of December 1950.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 51-2527; Filed, Feb. 21, 1951; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1950 TOBACCO LOAN PROGRAM

Set forth below is the schedule of advance rates, by grades, for the 1950 crop of type 46 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 8, 1950 (15 F. R. 4333).

§ 664.229 *1950 Crop; Puerto Rican Tobacco, Type 46, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade		Advance rate
C1FB, C1F, C1P, C1M	Price block I	39
C2F, C2P, C2M, C2T, C2S	Price block II	32
X1F, X1P	Price block III	24
X2F, X2P	Price block IV	18
X3F, X3P, X3PT, X3S	Price block V	15
X4, Y1	Price block VI	12

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 101, 63 Stat. 1051; 7 U. S. C. Sup., 1441)

Issued this 19th day of February 1951.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-2572; Filed, Feb. 21, 1951; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 42]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.669 is amended to read:

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* From the St. Louis, Mo., omnirange station via the Quincy, Ill., omnirange station; Ot-

[1] The organizations acting for growers in handling the loans are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

tumwa, Iowa, omnirange station to the Des Moines, Iowa, omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 20, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2536; Filed, Feb. 21, 1951; 8:47 a. m.]

[Amdt. 45]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA AND CONTROL ZONE ALTERATIONS

The control area and control zone alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.)*, is amended by changing the last sentence to read: "From the Wichita, Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route radials and the Wichita 15° north altitude change radial to its intersection with the Hutchinson, Kans.-Emporia, Kans. omnirange direct en route radials including all that area bounded on the north by the Hutchinson-Emporia direct en route radials, on the south by the Wichita-Emporia direct en route radials and on the west by the Wichita 15° north altitude change radial; Emporia, Kans., omnirange station to the Kansas City, Mo., omnirange station via the direct en route radials; Kansas City, Mo., omnirange station to the Columbia, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Columbia, Mo., omnirange station to the St. Louis, Mo., omnirange station via the direct en route and 15° north altitude change radials."

2. Section 601.212 is amended to read:

§ 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.)*. All of Red civil airway No. 12 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kansas City, Mo., omnirange station to the Kirksville, Mo., omnirange station via the direct en route and 15° north and south altitude change radials; Kirksville, Mo., omnirange station to the Burlington, Iowa, omnirange station via the direct en route and 15° south altitude change radials.

3. Section 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to Wichita, Kans.)*, is amended by adding a last sentence to read: "From the Hutchinson, Kans., omnirange station to the Emporia, Kans., omnirange station via the direct en route and 15° north altitude change radials."

4. Section 601.289 is amended to read:

§ 601.289 *Red civil airway No. 89 control areas (St. Louis, Mo., to Peoria, Ill.)*. All of Red civil airway No. 89 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Kirksville, Mo., omnirange station to the Quincy, Ill., omnirange station via the direct en route and 15° south altitude change radials.

5. Section 601.613 is amended to read:

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.)*. All of Blue civil airway No. 13.

6. Section 601.669 is amended to read:

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa)*. All of Blue civil airway No. 69 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the St. Louis, Mo., omnirange station to the Quincy, Ill., omnirange station via the direct en route and 15° east altitude change radials; Quincy, Ill., omnirange station to Ottumwa, Iowa, omnirange station via the direct en route and 15° east altitude change radials; Ottumwa, Iowa, omnirange station to Des Moines, Iowa, omnirange station via the direct en route and 15° south altitude change radials and via the intersection of the Ottumwa 306° True and the Des Moines 85° True radials.

7. Section 601.1001 is added to read:

§ 601.1001 *Control area extension (Moses Lake, Wash.)*. All that area south of Green civil airways No. 2 within a 30-mile radius of the Larson AFB, Moses Lake, Wash., excluding the portions which overlap the Moses Lake Danger Area and the Hanford, Wash., Airspace Reservation.

8. Section 601.1043 is amended to read:

§ 601.1043 *Control area extension (Bowling Green, Ky.)*. From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

9. Section 601.1061 is added to read:

§ 601.1061 *Control area extension (Mt. Clemens, Mich.)*. From the Selfridge AFB radio range station extending 5 miles either side of the north course of the radio range to a point 50 miles north of the radio range station, including all that area bounded on the south by Red civil airway No. 1, on the west by Red civil airway No. 20, on the north by Red civil airway No. 63, and on the east by the International Boundary (St. Clair River) southward to Lat. 42°27'30", Long. 82°44'40".

10. Section 601.1187 is amended to read:

§ 601.1187 *Control area extension (Jackson, Mich.)*. From the Jackson, Mich., non-directional radio beacon extending 5 miles either side of a 313° True bearing from the non-directional radio beacon to a point 25 miles northwest, and all that area south of the non-directional radio beacon bounded on the north by Red civil airway No. 63, on the east by Red civil airway No. 62, on the south by Red civil airway No. 12, and on the west by Red civil airway No. 57.

11. Section 601.1984 is amended by deleting the following airport:

Tacoma, Wash.: McChord Field

and by adding the following airport:

Moses Lake, Wash.: Larson AFB

12. Section 601.2121 is amended to read:

§ 601.2121 *Rockford, Ill., control zone.* Within a 5 mile radius of the Machesney Airport and within a 5 mile radius of the Greater Rockford Airport, extending 2 miles either side of a 182° True bearing from the Rockford radio range station to the Greater Rockford Airport, and extending 2 miles either side of the west and northwest courses of the Rockford radio range from the radio range station to points 10 miles west and northwest of the radio range station.

13. Section 601.2226 is amended to read:

§ 601.2226 *Springfield, Ill., control zone.* Within a 5 mile radius of Capital Airport, Springfield, Ill., extending 2 miles either side of the southwest course of the Springfield radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 36° magnetic radial of the Springfield, Ill., omnirange station to a point 10 miles northeast of the omnirange station.

14. Section 601.2281 is added to read:

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5 mile radius of McChord AFB, excluding the portion which overlaps the Fort Lewis, Wash., danger area.

15. Section 601.2282 is added to read:

§ 601.2282 *Mt. Clemens, Mich., control zone.* Within a 7 mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

16. Section 601.2283 is added to read:

§ 601.2283 *Atlanta, Ga., control zone.* Within a 5 mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., February 20, 1951.

[SEAL] L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2535; Filed, Feb. 21, 1951; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 44 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 374—PROJECT LICENSES

PART 381—ENFORCEMENT PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particulars:

Paragraph (d) *Data supplementing the license application* is amended by adding thereto a new subparagraph (5) to read as follows:

(5) *Statement; commodities added to Positive List.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statement during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee and end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and the consignee, or other documents from such consignee.

2. Section 374.51 *Supplement 1; list of restricted commodities* is amended by adding thereto the following commodities:

Positive List commodities	*Effective date*
Carbon black (contact and furnace): Schedule B Nos. 842310, 842350	Mar. 10, 1951
Sulfur (crude, crushed, ground, refined, sublimed, and flowers): Schedule B Nos. 571400, 571500	Mar. 10, 1951

3. The following interpretations are inserted at the end of § 381.4, *Destination control:*

INTERPRETATIONS

1. Q. Who other than the shipper is authorized to insert the ultimate destination control statement on the export declaration, the bill of lading and the commercial invoice, as provided by Current Export Bulletin 600 (§ 381.4)?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 381.4 (c) (1) on the bill of lading, shipper's export declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If carrier prepares the bill of lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., an authenticated shipper's export declaration or a validated license, or a properly executed shipper's export declaration given to the carrier for submission to collectors for authentication containing the statement.

2. Q. If shippers or their agents located in inland cities forward to carriers at ports of exit export declarations, bills of lading, and commercial invoices without having inserted the ultimate destination control statement, is it necessary for the carrier to return the documents to the shipper or his agent?

A. If shipper's export declaration presented to the carrier does not contain the ultimate destination control statement, the carrier cannot add such statement to the declaration unless specifically authorized by exporter, nor can the carrier issue a bill of lading containing the statement until exporter or his authorized forwarding agent has placed the statement on the declaration and the declaration has been authenticated by the collector. The carrier may not insert the statement on any shipper's export declaration or commercial invoice accompanying the shipment, unless authorized by designation as provided in case of forwarding agents.

3. Q. Is the collector responsible for checking as to the ultimate destination control statement on the bill of lading and on invoices, as well as on the export declaration?

A. Collectors of customs have the responsibility for checking as to the ultimate destination control statement on all shipper's export declarations submitted for authentication, and should ascertain that the inscription has been placed on any bills of lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, collectors may, wherever they deem it appropriate, to assure compliance with the regulations, check the bill of lading or commercial invoices as to the ultimate destination control statement or other matters.

4. Q. Do the destination control provisions apply to Positive List commodities exported under such general licenses as *GLV, BAGGAGE* and *TOOLS OF TRADE*?

A. The provisions of § 381.4 apply to GLV shipments and to shipment of Positive List commodities under any other general license where an export declaration is required. However, no ultimate destination control statement is required on declarations of commodities exported under general license *BAGGAGE*.

5. Q. Does this section apply to intransit shipments?

A. The ultimate destination control statement is not required for shipments made under general license *GIT*, but is required for intransit shipments of commodities excepted from *GIT* (CES 371.9(c)), and for commodities moving in transit to Subgroup A, Hong Kong, and Macao.

6. Q. Does § 381.4(g) apply only to ship's manifest?

A. The paragraph applies only to customs outward foreign manifest.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 15, 1951, except that Part 2 thereof shall become effective as of March 10, 1951.

LORING K. MACY,
Deputy Director, Office of International Trade.

[F. R. Doc. 51-2486; Filed, Feb. 21, 1951; 8:45 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 38 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Rubber (natural, allied gums, and synthetics) and manufactures:				
	Rubber and balata belts and belting:				
	Transmission belts and belting:				
208610	V-belts	Lb.	RUBR 11	25	R
	Compounds of rubber or latex for use in further manufacture:				
209800	Pliofilm	Lb.	RUBR 13	25	R
	Naval stores, gums, and resins:				
218600	Shellac (bleached and unbleached)	Lb.	AGCH	25	R
	Cotton manufactures:				
	Cotton cloth, duck and tire fabric:				
	Unbleached (gray) cloth:				
302000	Cord tire fabric	Sq. yd.	TEXT	None	R
303900	Airplane cloth and balloon fabric	Sq. yd.	TEXT	None	R
	Wool semimanufactures:				
362200	Wool rags, woven and knit	Lb.	TEXT	250	RO
362500	Wool noils and waste, mill waste (garnetted, picked, and carded included)	Lb.	TEXT	250	RO
362800	Wool tops (tops of hair included)	Lb.	TEXT	250	RO
363300	Wool yarns	Lb.	TEXT	250	RO
	Wood, unmanufactured:				
401700	Port Orford cedar logs (including Lawson's cypress)	M bd. ft.	LUMB	None	R
	Sawmill products:				
	Softwood lumber (including rough-sawed, dressed, and worked or patterned and also including softwood flooring) (shippers report thickness and grade where indicated):				
405720	Port Orford cedar (including Lawson's cypress) (state grade)	M bd. ft.	LUMB	None	R

[1] This amendment was published in Current Export Bulletin No. 607 dated February 15, 1951.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
729100	Construction, excavating, and conveying machinery: Construction equipment, and parts, n. e. s.: Jacks for construction use	———	GIEQ	None	R
775098	Other industrial machinery: Insulating machines, and parts, except textile (report textile insulating machines and parts in 754000).	———	GIEQ	100	R
760600	Agricultural machinery and implements: Flower sprayers and dusters	No.	AGMT	100	R
729180	Automobiles, parts, accessories, and service equipment: Automobile service appliances, and parts: Jacks for garage use	———	GIEQ	None	R
795089	Other vehicles and parts: Flags and accessories, for naval craft (for naval purposes only)	———	TRAN	25	R
795120	Railway cars, except self-propelled: Railway cars, passenger service, except self-propelled	No.	TRAN	None	R
795200	Railway cars, for track inspection and maintenance	No.	TRAN	None	R
893400	Coal-tar products: Coal-tar acids, crude and intermediate: Cresylic acid	Lb.	COTA 60	25	R
893600	Medicinal and pharmaceutical preparations: Alkyl	———	DRUG	25	R
813000	For animal and veterinary use	———	DRUG	25	R
813200	Serums, toxins, antitoxins, and toxoids, for human use	———	DRUG	25	R
813240	Vaccines for human use	———	DRUG	25	R
812350	Agar-agar (culture medium)	———	DRUG	25	R
812500	Glandular products, n. e. s. (specify by name)	———	DRUG	25	R
825300	Chemical specialties: Synthetic resins and resin products, except laminated: Resins in all unfinished forms, except laminated (report laminated sheets, plates, strips, rods, and tubes in 829600): Polystyrene resins and copolymers, all types, including Tenite II, Tenite II-6, Alkyl methacrylate resins	Lb.	PLAT	25	R
825320	Phthalic anhydride type	Lb.	PLAT	25	R
825350	Other alkyd resins	Lb.	PLAT	25	R
825505	Cellulose acetate, cellulose acetate-butyrate, and cellulose acetate-propionate plastic materials, and pellets	Lb.	RESN 60	25	R
829990	Chemical specialty compounds, n. e. s.: Silica gel	———	SALT	25	R
829990	Mixtures of diphenyl and diphenyl oxide (Dowtherm)	———	SALT	25	R
832800	Industrial organic chemicals, n. e. s., exclusive of medicinal chemicals, U. S. P. and N. F.: Cellulose acetate, flake, waste, and scraps, not plasticized	Lb.	ORGN 67	25	R
838500	Ammonium compounds, n. e. s.: Ammonium nitrate	———	SALT	100	R
911720	Photographic and projection goods: Motion-picture films, unexposed: Sensitized, 35 mm.: Negative film	Lin. ft.	FILM	25	R
911740	Sensitized, 16 mm.: Negative film	Lin. ft.	FILM	25	R
911760	Sensitized, 8 mm.: Negative film	Lin. ft.	FILM	25	R
912500	Other sensitized films, unexposed: Cut sheet film, all types	Sq. ft.	FILM	25	R
912010	X-ray film, all types (medical, dental, or industrial), sheet, pack, or roll	Sq. ft.	FILM	25	R
914950	Scientific and professional instruments, apparatus, and supplies, n. e. s.: Other instruments, parts and accessories, including stereoscopic microscopes, binocular microscopes and monocular microscopes.[2]	———	SATE	None	R

[1] Turrets for naval vessels; armor plate for naval vessels; mine layer parts and accessories; mine sweeper parts and accessories; and mine trawler parts and accessories require export authorization from the Department of State. See § 370.5.

[2] Metallurgical microscopes and parts; electron microscopes and parts, Schedule B No. 914950, are already on the Positive List.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
429400	Wood manufactures: Fort Orford cedar battery separators and blanks (report separator stock on basis of four separators to one square foot of veneer) (include all Fort Orford cedar veneers)	M.	CDGS	None	R
460200	Paper base stocks: Sulfate wood pulp, bleached, other than rayon and special chemical grades	S. ton	PULP	250	RO
460400	Sulfite wood pulp, unbleached	S. ton	PULP	250	RO
460600	Soda wood pulp	S. ton	PULP	250	RO
460800	Sulfate wood pulp, unbleached	S. ton	PULP	250	RO
461000	Sulfite wood pulp, semi-bleached	S. ton	PULP	250	RO
461200	Sulfate wood pulp, semi-bleached	S. ton	PULP	250	RO
461400	Groundwood pulp	S. ton	PULP	250	RO
461600	Other wood pulp and screenings	S. ton	PULP	250	RO
521700	Glass and products: Flat glass	———	BLDG	None	R
521800	Ophthalmic glass and glass blanks	No.	SATE	250	R
529100	Clay and products: Refractories (firebrick and other) (brick and shapes reported in thousands, 9-inch equivalent): Chrome and chrome-magnesite brick and shapes	M.	BLDG 31	25	R
529200	Magnesite (and magnesite-chrome) brick and shapes	M.	BLDG 31	25	R
691000	Steel mill products: Tubular products and fittings, iron and steel, new and used (except scrap): Malleable iron screwed pipe fittings	Lb.	STEE 4	100	R
692705	Cast-iron pressure pipe	Lb.	STEE 20	1,000	R
692796	Cast-iron pressure pipe fittings	Lb.	STEE 20	100	R
617898	Iron and steel manufactures: Tools (iron and steel chief value): Jacks, hand-operated hydraulic jacks (including hand-operated hydraulic jacks (report jacks for construction use in 723100; jacks for garage use in 760180; and other industrial jacks in 775098).	———	CDOS	None	R
630000	Aluminum and manufactures: Aluminum and aluminum base alloys: Wrought: Wire, screen cloth	Lb.	NONF	25	R
630098	Matrices and matrix material, chief value aluminum	———	CDOS	250	R
640100	Copper and manufactures: Copper and copper alloys, unmanufactures (copper content)	Lb.	NONF	1,000	R
654501	Nickel ore, concentrates, and matte	Lb.	NONF	600	R
662505	Precious metals and plated ware, except jewelry, precious metals for dentistry, gold and silver ore, bullion and coin: Platinum and allied metals: Ingots, sheets, wire, alloys, and scrap: Platinum bars, ingots, sheets, wire sponge, and other forms (scrap included)	T. oz.	NONF	25	R
791900	Electrical machinery and apparatus: Motors, starters and controllers, except selsyns, autosyns, and other synchronous transmission systems: Motors, 5 up to, but not including, 50 horsepower[1]	No.	ELME 1	100	R[3]
791800	Other starting and controlling equipment, and parts, for industrial motors, 5 up to, but not including, 50 horsepower[2]	———	ELME 1	100	R[3]
705500	Accessories and parts, for other electric motors, 5 up to, but not including 50 horsepower[2]	———	ELME 1	100	R
709200	Other electrical apparatus: Starting, lighting, and ignition equipment, except spark plugs	———	TRAN	100	R
713900	Engines, turbines, and parts, n. e. s.: Steam engines, boilers, and accessories: Steam turbines	———	GIEQ	25	R[4]
713980	Gas turbines	———	GIEQ	None	R[4]

[1] By this amendment the entry on the Positive List for Schedule B No. 704200 will read as follows: "Motors 5 up to and including 49 horsepower, 1 phase, 60 cycle, 110/220 volt, validated license required R."

[2] By this amendment the second entry on the Positive List for Schedule B No. 704800 will read as follows: "Other starting and controlling equipment, and parts, for industrial motors, 5 horsepower and over, GLV $100, validated license required R."

[3] By this amendment the second entry on the Positive List for Schedule B No. 705500 will read as follows: "Accessories and parts for other electric motors, 5 horsepower and over, GLV $100, validated license required R."

2. The following commodities are changed from R to RO commodities. Accordingly, the entry therefor on the Positive List is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
460100	Paper base stocks: Rayon and special chemical grades of bleached sulfite wood pulp.	S. ton	PULP	100	RO

Section 399.3 *Appendix C—Commodity Processing Codes* is amended by changing the processing codes for certain commodities, as follows:

Dept. of Commerce Schedule B No.	Commodity	Processing code
	Other inedible animals and animal products:	
069400	Bristles, sorted, bunched, or prepared [1]	TEXT
069520	Shells, unmanufactured	MEAT
	Naval stores, gums, and resins:	
218400	Chicle and chewing gum bases	FOOD
218600-218698	Shellac and natural gums and resins	AGCH
	Drugs, herbs, leaves, and roots, crude:	
229619-229639	Pyrethrum and rotenone-bearing roots	DRUG
	Miscellaneous vegetable products, inedible:	
269100-269500	Broomcorn and brooms	TEXT
269663	Vegetable ivory or tagua nuts	AGCH
	Wood manufactures:	
421061-422800	Veneers, plywood, shingles, doors, window sash, window and door frames, blinds, shades, screens, curtains, trim and moldings.[2]	CDGS
423090	Millwork and house fixtures, n. e. s	BLDG
424050-424070	Built-up laminated or prefabricated shapes, and structures of wood, except prefabricated and ready-cut houses	BLDG
428500-429480	Handles, pencil slats, battery separators and blanks	CDGS
429600-430090	Cork and manufactures	CDGS
	Other nonmetallic minerals (precious included):	
545210	Asbestos: textile and yarn [3]	BLDG
	Construction, excavating, and conveying machinery:	
729100	Jacks for construction use [4]	GIEQ
	Agricultural machinery and implements:	
761200	Lawn mowers, hand and power	AGMT
	Automobiles, parts, accessories, and service equipment:	
729180	Jacks for garage use [5]	GIEQ
	Medicinal and pharmaceutical preparations:	
811100	Castor oil, medicinal grade	DRUG
	Chemical specialties:	
829400	Shoe polishes and shoe cleaners	CDGS
829970	Synthetic flavoring extracts	SUBT
829600	Pectin and preparations	FOOD
829810	Antiknock compounds not of petroleum origin [6]	PETR
	Soap and toilet preparations:	
873400-877000	Dentifrices, toilet powders and cosmetics	DRUG

[1] Glue and animal origin, Schedule B Nos. 094205-094298, retains the processing code of CDGS.

[2] Cooperage and cooperage stock, n. e. s., Schedule B No. 429990, retains the processing code of LUMB.

[3] By this amendment the processing code for the present listing in the Positive List under Schedule B No. 545510 is also changed from TEXT to BLDG.

[4] Construction equipment and parts, n. e. s., Schedule B No. 723100, other than jacks retains the processing code of CONS.

[5] The commodity processing codes are amended by the addition of this listing to the two listings now included under Schedule B No. 795180.

[6] By this amendment the processing code for the present listing in the Positive List under Schedule B No. 829910 is also changed from PLAT to PETR.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment, may be exported under the previous general license provisions up to and including March 17, 1951. Any such shipment not laden aboard the exporting carrier on or before March 17, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of February 20, 1951, 12:01 a. m.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-2573; Filed, Feb. 21, 1951; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 5]

GCPR, SR 5—Retail Prices for New and Used Automobiles

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 5 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

During the base period established by the General Ceiling Price Regulation, many retail dealers in new automobiles were not following any uniform practice in fixing the delivered prices of new automobiles. Some dealers added arbitrary amounts to the manufacturer's suggested retail price. Others increased the charge for services supplied in preparing the automobile for delivery. Still others increased their charges for miscellaneous services, such as undercoating, glazing, etc. As a result, the ceiling prices for new automobiles do not reflect the substantial uniformity of pricing in the same geographical area that customarily existed.

This regulation is designed to correct the lack of substantial uniformity in the established ceilings and to correct evasive practices. The formula prices established by this regulation effect no substantial change in the general level of prices for new automobiles established by the General Ceiling Price Regulation.

A somewhat similar but more serious situation was presented with respect to ceiling prices for used automobiles. During the base period established in the General Ceiling Price Regulation and for some months prior thereto, sellers of used cars departed from their established practices of fixing the resale price for their used cars in line with the national pattern publicized by the several used car guides. The vast majority of the dealers in used cars have for many years used one or more of these guides as a basis for purchases and sales. This regulation requires a continuance of this practice and thus re-establishes the long-practiced custom of the industry. The five official guides listed in the regulation, so far as can be ascertained, are the only ones commonly referred to by used car dealers. Several of the listed official guides are issued on a regional basis and two of them are currently limited in their use to specific areas as indicated in the regulation. The regulation, therefore, requires that any dealer choosing an official guide must choose one which is applicable to the region in which he is located. Again, as in the case of new cars, it appears that the level of prices established for the sale of used cars by this regulation will not vary substantially from the general level of prices established by the General Ceiling Price Regulation since the sellers are required to use the January 1951 issue of the guide which reflects that level of prices.

This supplementary regulation is issued as a temporary means of correcting the pricing problems in this industry which have arisen by reason of the General Ceiling Price Regulation. Many urgent requests from members of the industry for immediate action in this area have been received and all the requests urge the action in order that individual sellers and buyers may have a clearer basis upon which to establish the ceiling prices for their transactions. No formal consultations with representatives of the industry have been possible because of the urgency of the situation. The regulation, however, will serve as an interim measure until a permanent industry regulation can be prepared with the advice of representatives of the industry and put into effect.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 5 to General Ceil-

ing Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

Sec.
1. Applicability.
2. Definitions.
3. Ceiling prices for new automobiles.
4. Ceiling prices for used automobiles.
5. Prohibitions.
6. Miscellaneous.

AUTHORITY: Sections 1 to 6 issued under sec 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability.* (a) This supplementary regulation establishes the ceiling prices for retail sales of certain new automobiles and for all sales of certain used automobiles. It applies not only to sales by dealers but also to sales by individual private owners. These ceiling prices supersede the ceiling prices for these commodities established under the General Ceiling Price Regulation.

(b) The provisions of this regulation are applicable in the United States, its territories and possessions, and the District of Columbia.

SEC. 2. *Definitions.* (a) "New automobile" means any automobile (designed primarily for the carriage of passengers, whether intended for passenger or commercial or other use), including its standard equipment, having a seating capacity of less than eleven persons, and for which the manufacturer published a suggested price for sale at retail. It does not include any used automobiles or custom-built automobiles or any automobile for which the manufacturer has not published a suggested price for sale at retail as, for example, certain foreign makes of automobiles.

(b) "Sale at retail" means any sale of a new automobile, the ceiling price for which sale is not established by CPR 1 (New Passenger Automobiles).

(c) "Manufacturer" means any person who produced a new automobile the ceiling price for whose sales of automobiles are established by CPR 1.

SEC. 3. *Ceiling prices for new automobiles.* The ceiling delivered price for a new automobile for sale at retail shall be the sum of the following items:

(a) The manufacturer's suggested list price in effect prior to January 26, 1951. If the car is a new model for which the manufacturer had not published a list price prior to January 26, 1951, the suggested list price which the manufacturer first publishes after January 26, 1951 may be used.

(b) A charge for any extra, special or optional equipment requested by the customer in writing and attached to the automobile (this charge shall not exceed the manufacturer's suggested list price for the equipment or the suggested list price of the producer of the equipment, as the case may be, in effect on January 26, 1951, but may include the ceiling price established under the General Ceiling Price Regulation for installation of the equipment, if a charge for installation was customarily made during the period December 19, 1950 to January 25, 1951, inclusive).

(c) A charge for covering transportation costs, if any, which shall not exceed actual rail freight at carload rate by the most direct route.

(d) A charge equal to the charges made by the seller's suppliers to cover federal excise taxes on the new automobiles and on any extra, special or optional equipment supplied.

(e) A charge equal to the seller's expense for any state and local taxes imposed on the sale of the new automobile and of any extra, special or optional equipment supplied.

(f) The ceiling price established under the General Ceiling Price Regulation for preparing and conditioning the new automobile for delivery.

(g) The ceiling price established under the General Ceiling Price Regulation for any other service (such as undercoating, glazing, polishing, etc.) requested in writing by the customer and customarily performed on new cars by the seller.

The ceiling delivered price established by this section is the price for sales for cash. The dealer may sell on other terms when requested in writing by the purchaser. Any device by which the seller increases his total realization on the sale of a new automobile over his total realization on the sale of the same model during the period December 19, 1950 to January 25, 1951, inclusive, is an evasion of this regulation (such a device, for instance, would be a decrease in the allowance for a used car, if any, taken in trade, below its reasonable value to the dealer, which value should be related to the ceiling price for the used car established by Section 4).

SEC. 4. *Ceiling prices for used automobiles.* (a) The ceiling price for any used car shall be the highest price listed for that make and model in the January 1951 issue of the used car guide listed in this section 4, which the seller customarily used in the period December 19, 1950 to January 25, 1951, except (1) the ceiling price of any model used car currently being manufactured by the manufacturer shall be the ceiling delivered price of the car when new determined under section 3 of this regulation; and (2) in no event shall the price exceed the ceiling delivered price of the car when new, computed under the formula stated in section 3 of this regulation.

(b) If the used car is older than the oldest model of that make shown in the guide which the seller uses, the ceiling price shall be the ceiling price of the oldest model of that make in that guide.

(c) The ceiling price may be increased by the amount of the used equipment price for any radio, heater, or optional transmission or drive which is furnished with the car and for which a used equipment price is separately listed in the guide which the seller uses.

(d) If the guide does not list any model of the used car, the ceiling price shall be determined under the provisions of the General Ceiling Price Regulation.

(e) If the seller did not customarily use any guide listed in this section 4 during the period December 19, 1950 to January 25, 1951, inclusive, he must select one of the listed guides upon which to base his ceiling price, and thereafter base his ceiling price only on the January 1951 issue of the official guide which he has selected.

(f) In each case the seller's ceiling price shall be the price shown in the guide for the region in which the seller's place of business is located. In the case of a sale by a person not in the business of selling used cars, the seller must select the issue of the guide applicable to the region in which he makes delivery of the car to the buyer.

(g) Every seller of used cars except persons not in the business of selling used cars must file with the nearest District Office of the Office of Price Stabilization a statement in writing showing the guide he used during the period December 19, 1950 to January 25, 1951, inclusive, or the guide which he has selected, as the case may be.

The following is a list of the guides:

N. A. D. A. Official Used Car Guide
Red Book National Used Car Market Report
Blue Book National Used Car Market Report
Wisconsin Automotive Valuation Guide (this guide may be used only by sellers in the State of Wisconsin)
Kelly Blue Book (this guide may be used only by sellers in the States of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington).

SEC. 5. *Prohibitions.* After the date of this regulation, regardless of any contract or other obligation, no person shall sell, dispose of, or deliver a new or used automobile, and no person shall buy or receive a new or used automobile at a price in excess of the ceiling price determined in accordance with the provisions of this regulation. No person shall agree, offer, solicit, or attempt to do anything prohibited by this regulation.

SEC. 6. *Miscellaneous.* All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions hereof shall continue to apply to the sale of the commodities covered by this regulation. These provisions include but are not limited to enforcement and penalty provisions and provisions for the keeping of records.

Effective date. This supplementary regulation to the General Ceiling Price Regulation shall become effective on the 2d day of March 1951.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2630; Filed, Feb. 21, 1951; 9:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 700]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOME SITES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the Chugach and Tongass National Forests in Alaska, and restored, subject to valid existing rights, for purchase as home sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (U. S. C. title 48, sec. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2757, lot 9, 4.48 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Home site No. 83, Porcupine Creek Group).

On south shore of Boswell Bay, tract E, 4.47 acres; latitude 60°24' N., longitude 146°08' W. (Home site No. 94, Boswell Bay Group).

U. S. Survey No. 2533, lot H, 4.90 acres; latitude 60°21'28" N., longitude 149°21'20" W. (Home site No. 71, Lakeview Group).

The following tracts which are on the north shore of Kenai Lake:

Home site No. 107; 1.08 acres, latitude 60°30'12" N., longitude 149°45'30" W.
Home site No. 108; 2.29 acres, latitude 60°30'12" N., longitude 149°46'59" W.
Home site No 111; 1.12 acres, latitude 60°30'12" N., longitude 149°45'30" W.

TONGASS NATIONAL FOREST

U. S. Survey No. 2806, lot 10, 3.84 acres; latitude 55°29' N., longitude 131°48' W. (Home site No. 853, Clover Pass Group.)

On west shore of Wrangell Narrows, Kupreanof Island, in sec. 33, T. 48 S., R. 79 E., C. R. M., 4.27 acres; (Home site No. 893).

On northeast shore of Funter Bay, 4.50 acres; latitude 58°15'20" N., longitude 134°51'20" W. (Home site No. 335).

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 16, 1951.

[F. R. Doc. 51-2528; Filed, Feb. 21, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 942]

NEW ORLEANS, LA., MILK MARKETING AREA

NOTICE OF RULE MAKING WITH RESPECT TO PROPOSED SUSPENSION OF CERTAIN PROVISIONS OF THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

Notice is hereby given that, pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension of all of the provisions contained in paragraph 7 of § 942.5 (a) of the order, as amended (7 CFR Part 942), regulating the handling of milk in the New Orleans, Louisiana, milk marketing area, with respect to all milk received from producers or cooperative associations of producers on and after the first day of March 1951.

In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), all persons who desire to submit oral or written data, views or arguments with respect to the necessity for the action under consideration, will be given an opportunity to do so at a public meeting to be held in Lenfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, at 10 a. m., c. s. t., on February 23, 1951. All written evidence and exhibits presented at the hearing should be submitted in quadruplicate.

The Solicitor is hereby authorized to designate the officer or officers to preside at the meeting.

Issued this 20th day of February 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-2629; Filed, Feb. 21, 1951; 9:49 a. m.]

[7 CFR, Part 961]

[Docket No. AO-160 A-11 Rol]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on January 25, 26, and 27, 1950, pursuant to a notice thereof which was issued on January 18, 1950 (15 F. R. 366), on April 19, 20, and 21, 1950, pursuant to notice thereof which was issued on April 12, 1950 (15 F. R. 2146), on May 10, 11, and 12, 1950, pursuant to notice thereof issued on May 3, 1950 (15 F. R. 2687), and on November 21, 1950, pursuant to notice thereof issued on October 20, 1950 (15 F. R. 7139).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on January 15, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 19, 1951 (16 F. R. 502; F. R. Doc. 51-956).

The material issues and the findings and conclusions of the recommended decision (16 F. R. 502; F. R. Doc. 51-956) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the following additional findings and conclusions which modify the findings and conclusions of the recommended decision.

Handlers took exception to the conclusion that the proposed Class I price formula should be adopted. While they found little fault in the construction of this formula, they objected to the adoption of the formula method for the determination of the Class I price on the grounds that (1) statistical devices for this purpose are inherently unreliable because they cannot correctly reflect all the factors and considerations involved, and (2) the formula method would introduce instability in the Philadelphia market where present methods of price determination have resulted in notable stability. In the light of the record such exceptions must be denied. In the record there is reference to the successful employment of formulas for this purpose under all other Federal milk marketing orders. More pertinent is the persuasive evidence of the merits of the particular formula recommended for the Philadelphia market constructed from the complete record of the practices and relationships peculiar to that market. Reliance upon it would seem from the evidence to enhance the assurance of properly adjusted prices under the order. Stability would be promoted by relating price movements to factors which, while not encompassing the entire range of price making influences, must inevitably be reflected in price.

Inter-state Milk Producers' Cooperative, Inc., took exception to the exclusion from the formula index of handlers' Class I sales outside the marketing area. It was argued, in the exception, that out-of-area sales may be expected to increase relative to in-area sales because of the greater rate of growth of suburban population, and that the most variable part of out-of-area sales is relatively small compared to total sales.

Class I sales of Philadelphia handlers outside the marketing area were not recommended in the Administrator's de-

cision for use in the formula because of the relatively large variability apparently due in a large part to fortuitous and unusual sales not normally part of handlers' regular operations in supplying this market. It appears that an index including all outside sales made in nearby areas would account for most out-of-area sales, and would at the same time largely exclude the occasional sale made to distant areas. Philadelphia handlers do ordinarily sell milk for Class I use in districts adjacent to the marketing area in Pennsylvania, New Jersey, and Delaware. Sales of Class I milk to handlers operating in Pennsylvania secondary markets would not logically be a normal part of Philadelphia handlers' operations since Pennsylvania secondary markets are within the area where reserve supplies are generally available from sources not regulated under the order.

Although the index of total Class I sales has not, during the effective period of the order, shown any tendency to increase more than in-area sales, there is a possibility that outside sales may be in the future relatively larger in relation to in-area sales than in the past. Accordingly, the producer exception is granted to the extent of including in the index those out-of-area sales which normally could be expected to be made by Philadelphia handlers in areas adjacent to the marketing area. This could be accomplished by including in the index all Class I sales except of milk moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area. Such an index should be adjusted for seasonal variation by using the seasonal index for total Class I sales developed by the Philadelphia Class I Milk Price Committee for current use. The monthly values of such an index should be computed by dividing daily average total Class I sales by 16,640, which is the estimated average daily Class I sales during the base period of 1936–1940.

Handlers and Inter-State Milk Producers' Cooperative, Inc., excepted to the part of the proposed formula which would raise or reduce the Class I price depending on the 12-month percentage of receipts in relation to Class I sales. Handlers, in their exceptions, assumed that this device might cause price changes within a calendar quarter. The proposed order provides, however, that the formula price changes, including price changes based on utilization, would occur at the beginning of calendar quarters.

Producers' exceptions to price adjustments based on utilization argued that a 12-month percentage of utilization cannot accurately measure whether supplies are short, adequate, or excessive. In the recommended decision, it was recognized that the 12-month utilization percentage is not a mathematically precise measure of available supply, and accordingly allowance was made for such lack of precision in deciding upon the percentages which would determine when price adjustments should be made. The figure of 135 percent of sales was estimated to be definitely high enough to indicate that supplies were more than necessary to supply the market. Even with considerably lower percentages for a 12-month period, for example, with receipts about 130 percent of Class I sales, an adequate supply of producer milk is available in the short season, based on the seasonal pattern of production during 1949 and 1950.

Producers argued for a higher percentage than 135 percent of sales to be taken as an indication of a surplus supply situation if this device were to be used to adjust prices. In view of producers' exceptions and the uncertainties involved in current national economic conditions, particularly because of the defense mobilization effort, it is deemed desirable at this time to use a slightly higher percentage of Class I sales as a basis for downward price adjustment. Receipts 137 percent of Class I sales during 12 months would be 4 percentage points higher than the highest level of record, and 7 points higher than for the 12 months ending with December 1950. It is recommended that a downward price adjustment be made when the relationship of receipts to sales reaches this level.

Producers' exception that 115 percent of sales is not high enough to serve as a measure of when supplies are inadequate appears to be based on the slow moving nature of a 12-month average, rather than the actual level of the percentage. No statistical device which would react more quickly in measuring the relationship of available supplies to demand was suggested in the testimony or in exceptions. This exception is denied.

In a further exception producers argued that the supply-utilization ratio might be subject to manipulation which would result in an unjustified price reduction. Handlers might, it was argued, deliberately bring in additional plants in order to reduce the utilization percentages. It was pointed out in the recommended decision that the ability of handlers to reduce the average utilization by adding new plants is largely dependent upon the supply situation. The possibility of manipulation could be largely avoided as suggested in the producer exception, by requiring that a producer plant be in such status for a period of time before its receipts are counted in the 12-months average utilization percentage. Requiring producer plant status for 3 consecutive months out of the 12 months would seem to provide adequate safeguard against manipulation.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pa., Marketing Area*

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 961.4 (a) (1) and substitute the following:

(1) *Class I milk.* The market administrator shall compute and announce on the 15th day of each month (or on the next business day if the 15th is a holiday) from the latest available data the index values computed pursuant to subdivisions (i) through (vi) of this subparagraph, the Class I price, and the utilization percentages computed pursuant to subdivisions (vii) and (viii) of this subparagraph.

(i) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.8028.

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy on a 1936–1940 base period by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January, February, March	0.96
April, May, June	1.00
July, August, September	1.04
October, November, December	1.00

(iv) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936–1940 base period, by dividing by 0.013945 the monthly average price paid at 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	.99	October	1.00
May	.98	November	1.02
June	.96	December	1.03

(v) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936–1940 base period, by dividing the monthly figure by 16,640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	0.98	July	0.99
February	.99	August	.99
March	1.00	September	1.04
April	.99	October	1.05
May	.98	November	1.02
June	.98	December	.99

(vi) Divide the sum of the indexes calculated in subdivisions (i) through (v) of this subparagraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table, subject to the provisions of subdivisions (vii) and (viii) of this subparagraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE

[Class I price per hundredweight]

Formula index	Jan.-Feb.-Mar. July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
116.3–120.3	$3.44	$3.04	$3.84
124.1–128.1	3.64	3.24	4.04
131.9–135.9	3.84	3.44	4.24
139.6–143.6	4.04	3.64	4.44
147.4–151.4	4.24	3.84	4.64
155.2–159.2	4.44	4.04	4.84
163.0–167.0	4.64	4.24	5.04
170.8–174.8	4.84	4.44	5.24
178.5–182.5	5.04	4.64	5.44
186.3–190.3	5.24	4.84	5.64
194.1–198.1	5.44	5.04	5.84
201.9–205.9	5.64	5.24	6.04
209.7–213.7	5.84	5.44	6.24
217.5–221.5	6.04	5.64	6.44
225.2–229.2	6.24	5.84	6.64
233.0–237.0	6.44	6.04	6.84
240.8–244.8	6.64	6.24	7.04
248.6–252.6	6.84	6.44	7.24
256.4–260.4	7.04	6.64	7.44

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(vii) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents: *And provided*, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

(viii) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subdivision (vi) of this subparagraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents: *And provided*, That the price adjustment described in this subparagraph shall not be effective until the calendar quarter following 12 calendar months after the effective date of this order amending the order as amended.

[F. R. Doc. 51–2538; Filed, Feb. 21, 1951; 8:47 a. m.]

[7 CFR, Part 961]

[Docket No. AO–160 A–11 Rol]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

ORDER OF SECRETARY DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS: DETERMINATION THAT MONTH OF DECEMBER 1950 IS REPRESENTATIVE PERIOD, AND DESIGNATION OF AGENT TO CONDUCT SUCH REFERENDUM

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area) who, during the month of December 1950 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of December 1950 is hereby determined to be the representative period for the conduct of such referendum.

William P. Sadler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 16th day of February 1951.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 51–2539, Filed, Feb. 21, 1951; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CORRECTED DESIGNATION OF CERTAIN AREAS IN WHICH MINERAL INTERESTS ARE TO BE SOLD AT THEIR FAIR MARKET VALUE

The list of counties for the States of Georgia and Maine set forth in Exhibit A to the Acting Secretary's order dated January 30, 1951 (16 F. R. 1150, 1151), is corrected to read as follows:

Georgia. Calhoun, Dooly, Early, Elbert, Grady, Hancock, Hart, Jasper, Jeff Davis, Madison, Oglethorpe, Washington, Wheeler, White.

Maine. Knox, Oxford, Sagadahoc, Somerset.

Done at Washington, D. C., this 19th day of February 1951.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 51–2548 Filed, Feb. 21, 1951; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M–21]

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held at Washington, D. C., on February 27, 1951, at 10 o'clock a. m., in Room 4823 Department of Commerce Building, before Examiner Robert Furness upon the application of Lykes Bros. Steamship Co., Inc., to bareboat charter five Victory or Liberty type cargo vessels for employment in its subsidized Gulf-East Coast of United Kingdom, Continent, and Mediterranean services (Trade Route Nos. 21 and 13, respectively). The vessels are requested to accommodate bulk and general cargo in excess of the present berth capacity of applicant's owned vessels.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in such application will be given an opportunity to be heard if present.

The parties may have oral argument before the examiner immediately following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days within which to file exceptions to or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted or whether briefs in connection therewith will be received.

Dated: February 16, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 51–2571; Filed, Feb. 21, 1951; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25848]

MOULDING SAND FROM LEXINGTON, TENN., TO TOPEKA, KANS.

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, moulding, bonded, carloads.

From: Lexington, Tenn.

To: Topeka, Kans.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 998, Supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2540; Filed, Feb. 21, 1951; 8:48 a. m.]

[4th Sec. Application 25849]

SULPHURIC ACID FROM LOUISIANA TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Florence, Ala., Americus and Tifton, Ga., and Wales, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2541; Filed, Feb. 21, 1951; 8:49 a. m.]

[4th Sec. Application 25850]

PETROLEUM AND PETROLEUM PRODUCTS BETWEEN TEXAS POINTS

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Petroleum and petroleum products, carloads.

Between: Points in Texas.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3585, Supp. 448.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2542; Filed, Feb. 21, 1951; 8:49 a. m.]

[4th Sec. Application 25851]

IRON AND STEEL ARTICLES FROM MISSOURI AND OHIO TO TENNESSEE

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Iron and steel articles, and tin and terne plate, carloads.

From: St. Louis, Mo., and group points, and Cincinnati, Ohio, and group points.

To: Points in Tennessee.

Grounds for relief: Circuitous routes and market competition.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 920, Supp. 209.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2543; Filed, Feb. 21, 1951; 8:49 a. m.]

[4th Sec. Application 25852]

AMMONIA AND OTHER COMMODITIES FROM OFFICIAL TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to tariffs named in the application, pursuant to fourth-section order No. 9800.

Commodities involved: Ammonia, automobile parts, can ends, and various other commodities, carloads.

From: Points in official territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2544; Filed, Feb. 21, 1951; 8:49 a. m.]

[4th Sec. Application 25853]

PULPWOOD FROM FLORIDA POINTS TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

FEBRUARY 19, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company, for itself and on behalf of Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Stations in Florida on the Atlantic Coast Line Railroad.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B–3281, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51–2545; Filed, Feb. 21, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1142, G–1158, G–1508]

UNITED GAS PIPE LINE CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 15, 1951.

In the matters of United Gas Pipe Line Company, and Willmut Gas & Oil Company, et al., Docket Nos. G–1142 and G–1508; v. United Gas Pipe Line Company, Docket No. G–1158.

Upon consideration of the motion of Counsel for the staff of the Federal Power Commission for continuance of the hearing now scheduled for February 28, 1951, in the above-designated matters;

Notice is hereby given that the hearing in the above-designated matters be and it is hereby continued to May 1, 1951, at 10:00 a. m., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–2529; Filed, Feb. 21, 1951; 8:45 a. m.]

[Docket Nos. G–1210, G–1236, G–1264]

EUGENE H. COLE ET AL.

NOTICE OF OPINION AND ORDER

FEBRUARY 16, 1951.

In the matter of Eugene H. Cole (Erie Gas Service Company, Inc.), Docket No. G–1210; Lake Shore Pipe Line Company, Docket No. G–1236; Grand River Gas Transmission Company, Docket No. G–1264.

Notice is hereby given that, on February 15, 1951, the Federal Power Commission issued its Opinion No. 205 and order entered February 13, 1951, in the above-designated matters, issuing certificate of public convenience and necessity to Lake Shore Pipe Line Company, and denying the applications of Eugene H. Cole (Erie Gas Service Company, Inc.) and Grand River Gas Transmission Company.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–2530; Filed, Feb. 21, 1951; 8:46 a. m.]

[Docket No. ID–316, ID–1039, ID–1040, ID–1058]

GRAHAM CLAYTOR ET AL.

NOTICE OF AUTHORIZATIONS

FEBRUARY 16, 1951.

In the matters of Graham Claytor, Docket Nos. ID–316; K. B. Crumb, Docket No. ID–1039; Philip Sporn, Docket No. ID–1040; W. J. Rose, Docket No. ID–1058.

Notice is hereby given that, on February 15, 1951, the Federal Power Commission issued its orders entered February 13, 1951, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51–2531; Filed, Feb. 21, 1951; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2566]

GENTILLY DEVELOPMENT CO., INC., AND MIDDLE SOUTH UTILITIES, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its wholly owned non-utility subsidiary Gentilly Development Company, Inc. ("Gentilly"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 11 (b) (1), 11 (b) (2), 12 (c), and 12 (f) thereof and Rule U-46 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Gentilly's principal assets consist of two first mortgage notes in the aggregate principal amount of $810,000, maturing January 12, 1953, which notes were received in connection with Gentilly's sale of land which it owned in the City of New Orleans (Holding Company Act Release No. 10328). Pursuant to such mortgages the mortgagors may obtain release of specific parcels of property from time to time upon payment of specified amounts per unit of property to be released. As such property is released Gentilly proposes to pay liquidating dividends to Middle South of such amounts as are received in excess of Gentilly's corporate needs. Such payments will be made as a return of capital out of unearned surplus and will be charged to capital surplus created as a result of the reduction of capital stock authorized by the Commission in 1948 (Holding Company Act Release No. 8452). It is proposed that payments received by Middle South will be credited to the carrying value of its investment in the common stock of Gentilly. It is further proposed that Middle South maintain the corporate existence of Gentilly until such time as the mortgage notes shall have been paid, at which time it is contemplated that appropriate action will be taken for complete liquidation of Gentilly.

The application-declaration states that the sale of the real property of Gentilly and the transactions described herein are in pursuance of the program of Middle South and its subsidiaries to dispose of properties not properly constituting a part of the Middle South system.

Applicants-declarants request that the order of the Commission herein recite that the proposed transactions are necessary or appropriate to the integration or simplification of the holding company system of which Gentilly and Middle South are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the act in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

Notice is further given that any interested person may, not later than March 5, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 5, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–2534; Filed, Feb. 21, 1951; 8:46 a. m.]

[File No. 812–717]

EQUITY CORP. AND FIRST YORK CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that The Equity Corporation (Equity) and First York Corporation (First York), both of 103 Park Avenue, New York, New York, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 requesting an order granting a partial exemption from the provisions of Rule N-30D–1, so as to permit the applicants to mail at a date not later than March 31, 1951, reports and financial statements as of December 31, 1950, of such applicants.

Section 6 (c) of the act provides in part that the Commission may by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. Rule N-30D–1 provides that

at least semiannually every registered management investment company shall transmit by mail to each stockholder of record, a report containing certain information and financial statements, as specified in section 30 (d) of the act. Each report is required to be mailed within 30 days after the date as of which the report is made; except that if the reporting company is a nondiversified company having one or more majority-owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made, or within such longer period as the Commission may permit by order upon application.

Equity and First York are registered, non-diversified management investment companies. The application states that due to delays in closing the accounts of certain industrial subsidiaries and the delay in receiving financial statements from certain subsidiary insurance companies it is impossible to determine the value of First York's and Equity's investment in such subsidiaries. It is further pointed out that an application is presently pending before the Commission with respect to a proposed recapitalization of Commercial Controls Corporation. The plan of recapitalization is to be consummated as of December 31, 1950, but cannot be consummated prior to the issuance of an order by the Commission granting an exemption from the act with respect thereto. Such an order, pursuant to the Commission's notice of application, cannot be issued until after March 1, 1951. It is asserted therefore that financial statements should not be submitted to stockholders until such time as it is possible to reflect consummation of this recapitalization, if and when effected. The applicants request therefore that they be permitted to mail the reports required by section 30 (d) and Rule N-30D–1 within not more than 90 days after December 31, 1950, the date as of which the report is to be made.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after February 28, 1951, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than February 26, 1951, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–2533; Filed, Feb. 21, 1951; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17211]

CHARLES MILLS

In re: Debts owing to and bonds and stocks owned by Charles Mills. F–28–30364–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Mills, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. The sum of $7,616.90, being a portion of the funds on deposit with Credit Suisse New York Agency, 30 Pine Street, New York 5, New York, in a blocked account entitled Credit Suisse Zurich, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

b. United States Treasury 2⅞ percent bonds, due March 15, 1960, of the aggregate value of $10,900.00, presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with any and all rights thereunder and thereto,

c. Eighty (80) shares of $5.00 par value common capital stock of E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with all declared and unpaid dividends thereon,

d. One Hundred and Sixty-five (165) shares of $10.00 par value common capital stock of National Steel Corporation, Grant Building, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Delaware, evidenced by certificates presently in the custody of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, in an account entitled Mrs. Hilde Mills, Blocked Account, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Brown Brothers, Harriman & Co., 59 Wall Street, New York 5, New York, arising out of an account entitled Mrs. Hilde Mills, Blocked Account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51–2552; Filed, Feb. 21, 1951; 8:50 a. m.]

[Vesting Order 17238]

ITSUO AOYOMA

In re: Rights of Itsuo Aoyoma under contracts of insurance. Files F–39–5981 H–1 and H–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuo Aoyoma, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyoma, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policies numbered 69503265 and 69503266, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Itsuo Aoyoma, together with the right to demand, receive and collect said net pro-

ceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by Itsuo Aoyoma or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyoma, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Aoyoma, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2553; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17239]

ITSUO ADYAMA

In re: Rights of Itsuo Adyama (Aoyama) under contracts of insurance. File Nos. F-39-5981-H-3, H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Itsuo Adyama (Aoyama), whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 76438614 and 84232764, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Itsuo Adyama (Aoyama), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Itsuo Adyama (Aoyama) or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Itsuo Adyama (Aoyama), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2554; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17240]

GUSTAVE BENZENBERG

In re: Rights of Gustave Benzenberg under insurance contracts. File Nos. F-28-29195-H-1, H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustave Benzenberg, who on or since the effective date of Executive Order No. 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 102 958 579 and 111 128 201, issued by the Metropolitan Life Insurance Company, New York, New York, to Elizabeth Benzenberg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Gustave Benzenberg be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2555; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17320]

HANS HOFFMANN-WALBECK AND ALICE LOUISE HOFFMANN-WALBECK

In re: Bonds owned by Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck. F-28-31115.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, whose last known address is 2 Bergstrasse, Aumuehle near Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) Cities Service Company 5 Percent Gold Debenture Bonds, each of $1,000.00 face value, bearing the numbers M 5454, M 7885, M 7786, M 9941, M 17317 and M 46869, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Central Pacific Railway Company 4 Percent First Refunding Mortgage Gold Bonds, due 1949, of $2,000.00 aggregate face value, bearing the numbers 1967, 7637 and 8064, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2558; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17315]

CONRADES STIFTUNG AND WERNER CONRADES

In re: Bonds, voting trust certificates and scrip certificates owned by and debt owing to Conrades Stiftung and Werner Conrades. F-28-31147.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrades Stiftung, the last known address of which is Hannover, Germany, is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That Werner Conrades, whose last known address is 128 Mannheimerstrasse, Reutlingen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, of St. Louis-San Francisco Railway Company, St. Louis, Missouri, evidenced by three (3) St. Louis-San Francisco Railway Company 4 percent prior lien mortgage gold bonds, Series A, due July 1, 1950, of $1,000 face value each, bearing the numbers M58505, M71012 and M77840, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and together with any and all rights in, to and under the aforesaid bonds, including particularly but not limited to all rights arising under a plan of reorganization of the aforesaid Company.

b. Those certain St. Louis-San Francisco Railway Company voting trust certificates described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., together with any and all rights thereunder and thereto,

c. Those certain St. Louis-San Francisco Railway Company bonds and scrip certificates described in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, in a blocked account in the name of Continentale Handelsbank N. V., together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation of The New York Trust Company, 100 Broadway, New York, New York, arising out of the receipt by said New York Trust Company of income from the securities described in subparagraphs 3-b and 3-c hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Conrades Stiftung and Werner Conrades, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Description of certificate	Certificate No.
Voting trust certificate for 8 shares of St. Louis-San Francisco Ry. Co. no par value common stock	TVO 14671
Fractional voting trust certificate for for 3375/10000ths share of St. Louis-San Francisco Ry. Co. no par value common stock	12480
Voting trust certificate for 4 shares of St. Louis-San Francisco Ry. Co. $100 par value preferred stock, Series A	TVO 15250
Fractional voting trust certificate for 1500/10000ths share of St. Louis-San Francisco Ry. Co. $100 par value preferred stock, Series A	12888

EXHIBIT B

Description of bond or scrip certificate	Face value	Bond or certificate No.
St. Louis-San Francisco Ry. Co 4 percent first mortgage bond, Series A, due Jan. 1, 1997	$200.00	CC 4042
Scrip certificate for St. Louis-San Francisco Ry. Co. 4 percent first mortgage bond, Series A, due Jan. 1, 1997	73.75	15198
St. Louis-San Francisco Ry. Co. 4½ percent second mortgage income bond, Series A, due Jan. 1, 2022	200.00	RCC 2653
Scrip certificate for St. Louis-San Francisco Ry. Co. 4½ percent second mortgage income bond, Series A, due Jan. 1, 2022	66.49	15845

[F. R. Doc. 51-2557; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17325]

GUIDO ROEDLING

In re: Stock and bank account owned by Guido Roedling, also known as Guido Rodling. F-17-1330-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Guido Roedling, also known as Guido Rodling, whose last known address is East 57 Gasthaus Schwan, Kelheim, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred sixty-one (161) shares of no par value common capital stock of Southern Pacific Company, 165 Broadway, New York 6, New York, a corporation organized under the laws of the State of Kentucky, evidenced by certificates numbered NA 93023 for one hundred (100) shares and NC 71799 for sixty-one (61) shares, registered in the name of Sigler & Co.; and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Guido Roedling, also known as Guido Rodling, by Central Hanover Bank and Trust Company, 70 Broadway, New York 15, New York, arising out of a Custody Account, account number A 11355 F, entitled Guido Rodling, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Guido Roedling, also known as Guido Rodling, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2559; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17334]

SIGMUND VON FRAUENDORFER

In re: Claim owned by Sigmund von Frauendorfer. F-28-27742-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sigmund von Frauendorfer, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following:

That sum of money previously on deposit in a savings account maintained with The Seamen's Bank For Savings, 74 Wall Street, New York 5, New York, entitled "Sigmund von Frauendorfer in trust for Maria B. von Frauendorfer", and numbered 765,222,

and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2560; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17352]

ARTHUR N. PUCK

In re: Estate of Arthur N. Puck, deceased. D-28-12962.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Meta Stoltenberg, Bernhard Puck, Helene (Helen) Draese, Adele Tegtmeier, and Friedrich Lemke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Lemke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Arthur N. Puck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charley Helm, as administrator, acting under the judicial supervision of the District Court of Iowa in and for Linn County, Cedar Rapids, Iowa;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Martha Lemke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2561; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17370]

MINEYOSHI FUJII

In re: Bank account owned by Mineyoshi Fujii. D-39-17859.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mineyoshi Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of a Term Savings Account, account number 15328, entitled Mineyoshi Fujii, maintained at the Compton Branch office of the aforesaid bank, located at Compton, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mineyoshi Fujii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2562; Filed, Feb. 21, 1951; 8:52 a. m.]

[Vesting Order 17371]

FRIEDA GAUERNACK

In re: Savings account owned by Frieda Gauernack. F-28-31219-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Gauernack, whose last known address is Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The San Francisco Bank, 526 California Street, San Francisco, California, arising out of a savings account numbered 14706, entitled Frieda Gauernack, maintained at the Fillmore Branch of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Gauernack, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2563; Filed, Feb. 21, 1951; 8:53 a. m.]

[Vesting Order 17379]

JOACHIM MAAS

In re: Bank account owned by Joachim Maas. F-28-31161.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Maas, whose last known address is Schleswig-Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Peoples National Bank of Washington, 1414 Fourth Avenue, Seattle 11, Washington, arising out of a checking account, entitled Joachim Maas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joachim Maas, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2564; Filed, Feb. 21, 1951; 8:53 a. m.]

[Vesting Order 17401]

CLEMENS KUEPPER

In re: Real property owned by Clemens Kuepper. F-28-31272.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

[Vesting Order 17373]

ANNA HELD

In re: Bank acccunt owned by Anna Held. F-28-31207.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Held, whose last known address is c/o Mattias Specht, Hoffeld Strasse 19, Duesseldorf Am Rhem, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Held, by Carteret Savings & Loan Association, 856 Broad Street, Newark 2, New Jersey, arising out of a savings account number 9478, entitled Anna Held, maintained at the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2565; Filed, Feb. 21, 1951; 8:53 a. m.]

1. That Clemens Kuepper, whose last known address is Essen-Kupferdreh, Hinsbecker Löh 40, Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the Town of Granville, County of Milwaukee and State of Wisconsin, to-wit:

Lots numbered Three (3) and Four (4) in Block numbered Eleven (11) in Silver Spring Highlands Park in the South West One-quarter (SW¼) of Section Twenty-seven (27), Township Eight (8) North, Range Twenty-one (21) East, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2566; Filed, Feb. 21, 1951; 8:53 a. m.]

[Vesting Order 15468, Amdt.]

GUSTAV ZIEGLER

In re: Debt owing to Gustav Ziegler.

Vesting Order 15468, dated October 30, 1950, is hereby amended as follows and not otherwise:

1. By deleting subparagraph 2 (a) and inserting therefor a new subparagraph 2 (a) as follows:

(a) That certain debt or other obligation of Johnson & Higgins, 63 Wall Street, New York 5, New York, in the amount of $27.96, as of April 25, 1946, arising out of a refund of a General Average Deposit, paid as security for payment of charges due on a shipment designated as Interest No. 642, being transported on the Santa Rita, which met with an accident during February 1938, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

2. By deleting subparagraph 2 (b) and inserting therefor a new subparagraph 2 (b) as follows:

(b) That certain debt or other obligation of Johnson & Higgins, in the amount of $280.43, as of April 25, 1946, representing a balance from allowance to cargo for loss on a shipment, said shipment designated as Interest No. 722, and a balance of a General Average Deposit, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 15468 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2567; Filed, Feb. 21, 1951; 8:53 a. m.]

[Vesting Order 16292, Amdt.]

KOTARO YOSHIMURA

In re: Rights of Kotaro Yoshimura under contract of insurance. File No. D-39-18678 H-1.

Vesting Order No. 16292 dated December 7, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masao Yoshimura, Natsuyo Yoshimura, Ayako Yoshimura, Masako Yoshimura, and Tamako Yoshimura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS-70254, issued by the California-Western States Life Insurance Company, Sacramento, California, to Hanshiro Yoshimura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2568; Filed, Feb. 21, 1951; 8:53 a. m.]

ELISA FERIGO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisa Ferigo, Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero, Udine, Italy, and Lucia Milani, Venezia, Italy; Claim No. 39387; $63,932.19 in the Treasury of the United States. All right, title, interest, and claim of any kind or character whatsoever of Joseph Ferigo, deceased, in and to the following property: property located at 190 Hutchinson Boulevard, Mt. Vernon, New York; property located at 433 W. 40th Street, New York, N. Y. (This property replacing mortgage in the face amount of $24,000 dated October 9, 1928, executed by the Two One Three Corporation in favor of Joseph Ferigo); balance on mortgage on premises located at 530 W. 50th Street, New York, N. Y.; balance on mortgage on premises located at 22 Van Corlear Place, New York, N. Y.; Life Annuity Contract No. 1280 issued by the Metropolitan Life Insurance Company to Joseph Ferigo, dated May 2, 1921; and a claim for $35,037.90 balance owed as of September 19, 1941, by Ashforth and Company, Ltd. formerly doing business at 501 Fifth Avenue, New York, N. Y. Elisa Ferigo to receive a ⅜ interest and Ines Ferigo, Teresita Businelli, Antonio Businelli, Erminio Clonfero and Lucia Milani to receive a ⅛ interest each.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2569; Filed, Feb. 21, 1951; 8:54 a. m.]

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEFENSE PRODUCTION ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, a new section, § 6.159, is added as set out below.

§ 6.159 *Defense Production Administration.* (a) Not to exceed ten positions of Special Assistant to the Administrator in grades GS-14 or GS-15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-2578; Filed, Feb. 23, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 360]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.506 *Orange Regulation 360*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 21, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California

(Continued on p. 1785)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Dojahn, Frank	1811
Dunkak, Margaret	1808
Feubel, Carl Albert	1808
Fox, Mrs. Charlotte, et al. (3 documents)	1808, 1809
Greiner, Wally	1810
Halbach, Walter C	1814
Hasuike, Susumu, et al	1811
Herweg, Dorette	1810
Ishikawa, William Sekifumi, et al	1809
Kluftinger, Leonhard M	1811
Konversionskasse Fuer Deutsche Auslandsschulden	1807
Leverkuehn, Paul, et al	1811
Manz, Clara Madler	1812
Maulbetsch, George, et al	1807
Roth, John	1812
Schmidt, George, et al	1812
Shibata, Kazuso, and Samonji Takeda	1813
Teshirogi, Harry Teiji	1813
Togasaki, Kiyoshi, et al. (2 documents)	1813, 1814
Uno, Toichi, et al	1814
Uyemura, Mrs. Chiyo, et al	1810
Civil Aeronautics Board	
Notices:	
Hearings, etc.:	
Richardson, J. R., and J. W. Kiewel	1801
Samoan Airlines	1801
Civil Service Commission	
Rules and regulations:	
Competitive service exceptions; Defense Production Administration	1783
Commerce Department	
See Federal Maritime Board; National Production Authority.	
Customs Bureau	
Rules and regulations:	
Appraisement; antidumping; revocation of dumping finding on wool knitted berets from France	1789

FEDERAL REGISTER

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CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stablization, Office of; Wage Stabilization Board.

Federal Communications Commission
Notices:
Hearings, etc.:
American Telephone and Telegraph Co. and associated companies of Bell System 1801

Federal Communications Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Madison Broadcasting Co., Inc. 1801
Patterson, S. H., (KJAY) 1802
Rules and regulations:
Practice and procedure; applications requiring special aeronautical consideration 1793

Federal Maritime Board
Notices:
Department of the Navy, Military Sea Transportation Service; hearing on application for bareboat charter of dry-cargo vessels 1800

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Proposed rule making:
Vegetables, canned, other than those specifically regulated; definitions and standards of identity 1797

General Services Administration
Notices:
Delegation of authority to Housing and Home Finance Administrator with respect to procurement in connection with school facilities 1802

Housing and Home Finance Agency
Delegation of authority to Administrator with respect to procurement in connection with school facilities (*see* General Services Administration).

Housing Expediter, Office of
Rules and regulations:
Rent, controlled; housing and rooms in rooming houses and other establishments in Illinois, Michigan, North Carolina, Ohio, and Pennsylvania 1789

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Acetone and related articles from Brownsville, Tex., to official territory 1803
Alcohol from Southwest to Twin Cities 1803
Gravel from Louisiana, Mo., to Illinois 1803
Pig iron from South Atlantic ports to Alabama 1802
Pipe, cast iron, from Texas points 1802
Plasterboard from Sweetwater, Tex., to Louisiana and Arkansas 1803
Potatoes from Maine to Perth Amboy and Freehold, N. J. 1802
Sulphur from Louisiana and Texas to Hamilton, Ohio 1804

Justice Department
See Alien Property, Office of.

Land Management, Bureau of Page
Notices:
Oregon; range improvement fee in grazing district 1800
Utah; filing of plat of survey 1800
Rules and regulations:
Alaska; transfer of jurisdiction over public lands to Office of Territories for use under Alaska Public Works Act 1792

National Production Authority
Rules and regulations:
Aluminum, use of (M–7) 1792

Price Stabilization, Office of
Rules and regulations:
Base period records (GCPR, Amdt. 3) 1791
Manufacturers and wholesalers, general increases by (GCPR, Amdt. 2) 1789
Panama Canal Zone, exemption of (GCPR, SR 6) 1791

Production and Marketing Administration
Proposed rule making:
Prunes, dried, in California 1793
Rules and regulations:
Limitations of shipments:
Grapefruit, Florida 1786
Lemons, California and Arizona 1788
Oranges:
California and Arizona 1783
Florida 1787
Tangerines, Florida 1786

Securities and Exchange Commission
Notices:
Hearings, etc.:
General Public Utilities Corp. 1806
Interstate Power Co 1804
Louisiana Power & Light Co 1805
Republic Service Corp 1804
United Gas Corp. et al 1805
Utah Power & Light Co 1806

Treasury Department
See Customs Bureau.

Wage Stabilization Board
Rules and regulations:
Adjustments for employees of religious, charitable, and educational organizations (GR 7) 1791

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 5
Chapter I:
Part 6 1783

Title 7
Chapter IX:
Part 933 (3 documents) 1786, 1787
Part 953 1783
Part 966 1783
Part 993 (proposed) 1793

Title 19
Chapter I:
Part 14 1789

CODIFICATION GUIDE—Con.

Page
Title 21
Chapter I:
Part 52 (proposed) 1797

Title 24
Chapter VIII:
Part 825 1789

Title 32A
Chapter III (OPS):
GCPR (2 documents) 1789, 1791
GCPR, SR 6 1791
Chapter IV (WSB):
GR 7 1791
Chapter VI (NPA):
M 7 1792

Title 43
Chapter I:
Part 72 1792

Title 47
Chapter I:
Part 1 1793

or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., February 25, 1951, and ending at 12:01 a. m., p. s. t., March 4, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 30 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 25, 1951, to 12:01 a. m., P. s. t., Mar. 4, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	*Prorate base (percent)*
Total	100.0000
Allen & Allen Citrus Packing Co	.8180
Consolidated Citrus Growers	12.5384
McKellips Citrus Co., Inc	9.5899
Phoenix Citrus Packing Co	1.6596
Arizona Citrus Growers	13.7209
Chandler Heights Citrus Growers	2.5304
Desert Citrus Growers Co	4.6648
Mesa Citrus Growers	13.4215
Tempe Citrus Co	2.0574
Imperial Valley Grapefruit Growers Association	.8843
Southern Citrus Association	1.8046
United Citrus Growers	1.3082
Yuma Mesa Fruit Growers Association	6.1612
Leppla Henry Produce Co	9.8886
Maricopa Citrus Co	1.0240
Pioneer Fruit Co	5.6293
Clark & Sons Produce Co., J. H	.4239
Commercial Citrus Packing Co	1.0965
Hi Jolly Citrus Packing House	.5054
Ishikawa, Paul	.0675
Macchiaroli Fruit Co., James	.8604
Mattingly, Charles A	.4162
Orange Belt Fruit Distributors	1.9929
Panno Fruit Co., Carlo	.0183
Potato House, The	.2338
Russo Bros	1.7617
Sunny Valley Citrus Packing Co	3.0723
Valley Citrus Packing Co	1.9500

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.2593
A. F. G. Corona	.2478
A. F. G. Fullerton	.0312
A. F. G. Orange	.0475
A. F. G. Riverside	.6921
A. F. G. Santa Paula	.0495
Eadington Fruit Co., Inc	.6214
Hazeltine Packing Co	.1326
Krinard Packing Co	1.7034
Placentia Cooperative Orange Association	.8103
Placentia Pioneer Valencia Growers Association	.0753
Signal Fruit Association	.7449
Azusa Citrus Association	1.5672
Covina Citrus Association	1.8559
Covina Orange Growers Association	.6691
Damerel-Allison Co	1.2765
Glendora Citrus Association	1.4956
Glendora Mutual Orange Association	.6225
Puente Mutual Citrus Association	.0353
Valencia Heights Orchard Association	.2948
Gold Buckle Association	2.6648
La Verne Orange Association	8.8941
Anaheim Valencia Orange Association	.0187
Fullerton Mutual Orange Association	.4657
La Habra Citrus Association	.1589
Yorba Linda Citrus Association, The	.0618
Escondido Orange Association	.5893
Alta Loma Heights Citrus Association	.3781
Citrus Fruit Growers	.9015
Etiwanda Citrus Fruit Association	.1678
Mountain View Fruit Association	.1383
Old Baldy Citrus Association	.4845
Rialto Heights Orange Growers	.3388
Upland Citrus Association	2.8996

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Upland Heights Orange Association	1.4780
Consolidated Orange Growers	.0293
Garden Grove Citrus Association	.0276
Goldenwest Citrus Association, The	.2360
Olive Heights Citrus Association	.0560
Santiago Orange Growers Association	.1566
Villa Park Orchard Association, The	.0362
Bradford Bros., Inc	.2873
Placentia Mutual Orange Association	.2649
Placentia Orange Growers Association	.3828
Yorba Orange Growers Association	.0586
Call Ranch	.7546
Corona Citrus Association	1.0543
Jameson Co	.4914
Orange Heights Orange Association	2.2361
Crafton Orange Growers Association	.9611
East Highlands Citrus Association	.3118
Redlands Heights Groves	.5690
Redlands Orangedale Association	.6921
Rialto-Fontana Citrus Association	.2949
Break & Son, Allen	.1950
Bryn Mawr Fruit Growers Association	.6991
Mission Citrus Association	.7026
Redlands Cooperative Fruit Association	1.0172
Redlands Orange Growers Association	.7343
Redlands Select Groves	.4332
Rialto Orange Co	.5436
Southern Citrus Association	.6662
United Citrus Growers	.6068
Zilen Citrus Co	.3073
Arlington Heights Citrus Co	.7736
Brown Estate, L. V. W	1.7763
Gavilan Citrus Association	2.0178
Highgrove Fruit Association	.6042
McDermont Fruit Co	1.5455
Monte Vista Citrus Association	1.4033
National Orange Co	1.1630
Riverside Heights Orange Growers Association	.9168
Sierra Vista Packing Association	.8287
Victoria Avenue Citrus Association	3.2689
Claremont Citrus Association	1.0237
College Heights Orange & Lemon Association	2.1840
Indian Hill Citrus Association	1.5697
Pomona Fruit Growers Exchange	1.9854
Walnut Fruit Growers Association	.6798
West Ontario Citrus Association	1.2686
El Cajon Valley Citrus Association	.2915
Escondido Cooperative Citrus Association	.0489
San Dimas Orange Growers Association	1.1522
Canoga Citrus Association	.4189
North Whittier Heights Citrus Association	.1570
San Fernando Heights Orange Association	.3285
Sierra Madre-Lamanda Citrus Association	.1512
Camarillo Citrus Association	.0117
Fillmore Citrus Association	1.3750
Ojai Orange Association	.9635
Piru Citrus Association	1.4686
Rancho Sespe	.0013
Tapo Citrus Association	.0085
Ventura County Citrus Association	.1842
East Whittier Citrus Association	.0081
Murphy Ranch Co	.0788

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Anaheim Cooperative Orange Association	0.0617
Eryn Mawr Mutual Orange Association	.5511
Chula Vista Mutual Lemon Association	.1364
Euclid Avenue Orange Association	2.7943
Foothill Citrus Union, Inc	.6493
Garden Grove Orange Coop., Inc	.0336
Golden Orange Groves, Inc	.2757
Highland Mutual Groves, Inc	.2043
Index Mutual Association	.0140
La Verne Cooperative Citrus Association	3.6964
Mentone Heights Association	.4970
Olive Hillside Groves, Inc	.0041
Orange Cooperative Citrus Association	.0538
Redlands Foothill Groves	1.9353
Redlands Mut. Orange Association	.7667
Ventura County Orange & Lemon Association	.4007
Whittier Mut. Orange & Lemon Association	.0285
Allec Brothers	.0047
Babijuice Corp. of California	.3420
Banks, L. M.	.0255
Bennett Fruit Co., Inc	.4161
Book, Maynard C	.0002
Borden Fruit Co	.0142
Cherokee Citrus Association	.7753
Chess Company, Meyer W	.4231
Dozier, Paul M	.0023
Dunning Ranch	.1721
Evans Brothers Packing Co	1.2579
Gold Banner Association	1.4233
Granada Hills Packing Co	.0079
Granada Packing House	.3242
Hill Packing Co., Fred A	.5056
Holland, M. J	.0241
Knapp Packing Co., John C	.3857
Orange Belt Fruit Distributors	2.1228
Orange Hill Groves	.1033
Panno Fruit Co., Carlo	.0325
Paramount Citrus Association, Inc	.1270
Placentia Orchard Co	.1032
Prescott, John A	.0083
Pulos, James J	.0275
Redlands Fruit Association, Inc	.0172
Riverside Citrus Association	.1294
Ronald, P. W	.0371
San Antonio Orchard Co	1.4431
Stephens, T. F	.1646
Summit Citrus Packers	.0692
Wall, E. T., Grower-Shipper	2.2073
Western Fruit Growers, Inc	2.7212

[F. R. Doc. 51-2694; Filed, Feb. 23, 1951; 11:57 a. m.]

[Tangerine Reg. 109]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.517 *Tangerine Regulation 109*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅓ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be 2$^{5}/_{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2$^{5}/_{16}$ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than 2$^{5}/_{16}$ inches in diameter.

(2) As used herein, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2668; Filed, Feb. 23, 1951; 10:55 a. m.]

[Grapefruit Reg. 138]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.516 *Grapefruit Regulation 138*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any pink seeded grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ix) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used herein, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," and "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2667; Filed, Feb. 23, 1951; 10:55 a. m.]

[Orange Reg. 194]

PART 933—ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.515 *Orange Regulation 194*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 20 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{7}/_{16}$ inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used herein, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "container" shall each have the same meaning as when used in the revised United

States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2669; Filed, Feb. 23, 1951; 10:54 a. m.]

[Lemon Reg. 371]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.478 *Lemon Regulation 371*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 20, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 25, 1951, and ending at 12:01 a. m., P. s. t., March 4, 1951, is hereby fixed as follows:

(i) District 1: 8 carloads;

(ii) District 2: 277 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage Date: February 18, 1951. Regulation Period No. 371]

[12:01 a. m. Feb. 25, 1951, to 12:01 a. m. Mar. 11, 1951]

Handler	*Prorate base (percent)*
Total	100.000
Klink Citrus Association	30.952
Lemon Cove Association	19.467
Porterville Citrus Association, The	.000
Tulare County Lemon & Grapefruit Association	46.142
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	3.392
Kroells Packing Co	.000
LoBue Bros	.000
Sky Acres Ranch	.047
Zaninovich Bros., Inc	.000

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.699
American Fruit Growers, Inc., Fullerton	.719
American Fruit Growers, Inc., Upland	.396
Eadington Fruit Co	.607
Hazeltine Packing Co	2.414

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	*Prorate base (percent)*
Ventura Coastal Lemon Co	2.311
Ventura Pacific Co	1.437
Glendora Lemon Growers Association	1.895
La Verne Lemon Association	.784
La Habra Citrus Association	1.169
Yorba Linda Citrus Association	.469
Escondido Lemon Association	3.871
Alta Loma Heights Citrus Association	1.232
Etiwanda Citrus Fruit Association	.674
Mountain View Fruit Association	.670
Old Baldy Citrus Association	1.513
San Dimas Lemon Association	1.652
Upland Lemon Growers Association	6.912
Central Lemon Association	.827
Irvine Citrus Association	.636
Placentia Mutual Orange Association	.830
Corona Citrus Association	1.465
Corona Foothill Lemon Co	4.343
Jameson Co	1.911
Arlington Heights Citrus Co	2.151
College Heights Orange & Lemon Association	2.981
Chula Vista Citrus Association	.875
El Cajon Valley Citrus Association	.214
Escondido Co-operative Citrus Association	.233
Fallbrook Citrus Association	2.798
Lemon Grove Citrus Association	.410
Carpinteria Lemon Association	1.538
Carpinteria Mutual Citrus Association	1.839
Goleta Lemon Association	3.614
Johnston Fruit Co	4.846
North Whittier Heights Citrus Association	.681
San Fernando Heights Lemon Association	5.696
Sierra Madre-Lamanda Citrus Association	2.303
Briggs Lemon Association	.824
Culbertson Lemon Association	.858
Fillmore Lemon Association	1.454
Oxnard Citrus Association	4.094
Rancho Sespe	.913
Santa Clara Lemon Association	2.180
Santa Paula Citrus Fruit Association	2.021
Saticoy Lemon Association	1.605
Seaboard Lemon Association	2.694
Somis Lemon Association	2.359
Ventura Citrus Association	.450
Ventura County Citrus Association	.012
Limoneira Co	.975
Teague-McKevett Association	.625
East Whittier Citrus Association	.634
Lemingwell Rancho Lemon Association	.478
Murphy Ranch Co	.780
Chula Vista Mutual Lemon Association	.600
Index Mutual Association	.329
La Verne Cooperative Citrus Association	3.225
Orange Belt Fruit Distributors	.817
Ventura Co. Orange & Lemon Association	1.456
Whittier Mutual Orange & Lemon Association	.102
Ayoob, Fred	.011
Evans Bros. Packing Co	.018
Latimer, Harold	.180
Lorbeer, Carroll W. C	.005
Orange Hills Groves	.057
Paramount Citrus Association, Inc	.581
San Antonio Orchard Co	.011
Uyeji, Kikuo	.037
John C. Knapp Co	.052

[F. R. Doc. 51-2665; Filed, Feb. 23, 1951; 10:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52671]

PART 14—APPRAISEMENT

ANTIDUMPING; REVOCATION OF DUMPING FINDING ON WOOL KNITTED BERETS FROM FRANCE

It having been established that wool knitted berets from France are not being sold, and are not likely to be sold in the United States or elsewhere at less than their fair value within the meaning of section 201 (a), Antidumping Act, 1921 (19 U. S. C. 160 (a)), the finding of dumping published in Treasury Decision 50034 of December 12, 1939, with respect to such berets should be revoked. Accordingly, T. D. 50034 is hereby revoked.

Section 14.7, Customs Regulations of 1943, as amended (19 CFR 14.7), is hereby amended by deleting the "(a)" at the beginning of the first paragraph; by transferring the parenthetical matter at the end of paragraph (b) to the end of the present first paragraph; and by deleting the remainder of paragraph (b).

(R. S. 161, 251, sec. 624, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 201, 42 Stat. 11, as amended; 19 U. S. C. 160)

[SEAL] FRANK DOW,
Commissioner of Customs.

Aproved: February 16, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2594; Filed, Feb. 23, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 352]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 347]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MICHIGAN, NORTH CAROLINA, OHIO, AND PENNSYLVANIA

Amendment 352 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 347 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 91, is amended to describe the counties in the Defense-Rental Area as follows:

Champaign County, except the City of Urbana; and Vermilion County.

This decontrols the City of Urbana in Champaign County, Illinois, a portion of the Champaign-Vermilion, Illinois, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac and South Lyon; Wayne County, except (*a*) the Cities of Grosse Point and Plymouth, (*b*) the Village of Wayne, and (*c*) that portion of the Village of Northville located in Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Village of Wayne, in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County.

Kent County, except the City of East Grand Rapids.

This decontrols the City of East Grand Rapids in Kent County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

4. Schedule A, Item 212a, is amended to describe the counties in the Defense-Rental Area as follows:

Alamance County, except the City of Burlington, the Town of Graham and all unincorporated localities.

This decontrols the unincorporated localities in Alamance County, North Carolina, a portion of the Burlington, North Carolina, Defense-Rental Area.

5. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon and the Village of Louisville.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York

This decontrols the Village of Louisville in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

6. Schedule A, Item 227, is amended to describe the counties in the Defense-Rental Area as follows:

Butler and Clermont Counties; and Hamilton County, except the Villages of Golf Manor, Harrison, Indian Hill, Mt. Healthy and Wyoming.

Kenton County; and in Campbell County, the Cities of Newport, Ft. Thomas, Dayton and Bellevue.

This decontrols the Village of Golf Manor in Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area.

7. Schedule A, Item 262a, is amended to describe the counties in the Defense-Rental area as follows:

Indiana County, except the Borough of Indiana.

This decontrols the Borough of Indiana in Indiana County, Pennsylvania, a portion of the Indiana County, Pennsylvania, Defense-Rental Area.

8. Schedule A, Item 266, is amended to describe the counties in the Defense-Rental Area as follows:

Bucks County; Chester County; Delaware County, except the Borough of Swarthmore; Montgomery County, except the Borough of North Wales; and Philadelphia County.

This decontrols the Borough of North Wales in Montgomery County, Pennsylvania, a portion of the Philadelphia, Defense-Rental Area.

9. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Borough of Bethel and the Township of Mount Lebanon; Armstrong County; Beaver County; Lawrence County; Westmoreland County; in Butler County, the City of Butler and the Townships of Adams, Butler, Jackson and Slippery Rock; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Borough of Bethel in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective February 21, 1951.

Issued this 20th day of February 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-2587; Filed, Feb. 23, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 2]

GCPR, AMDT. 2—GENERAL INCREASES BY MANUFACTURERS AND WHOLESALERS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of the General Ceiling Price Regulation, it has become plain that certain features of the regulation need to be modified in order to clarify its intent and to close certain gaps. In particular, some sellers are asserting that they have established ceiling prices under the regulation by virtue of isolated sales at prices which were substantially

higher than their own level of prices during the base period. In some cases there is reason to believe that sellers in anticipation of the issuance of a regulation freezing prices, deliberately embarked on a policy of periodically making sales in small quantities at abnormally high prices in order to record transactions which would serve them well following the issuance of a regulation fixing ceiling prices as of some earlier period. In order to remove the inequities among sellers resulting from the forehanded conduct of certain sellers and to reduce unwarrantedly high ceiling prices, the regulation has been amended as it affects manufacturers and wholesalers, to provide that while the ceiling price of a particular commodity is the highest price charged during the base period, account may not be taken of any sales to a particular class of purchaser if those sales amounted to less than 10 percent of all sales to that class of purchasers during the base period.

However, this new rule should not operate to prejudice sellers who in the base period genuinely announced or put into effect a general increase in prices. Accordingly the rule that sales of less than 10 percent to a particular class of purchaser cannot be taken into account is not applicable if all deliveries to a particular class of purchaser following the announcement or putting into effect of the price rise were made at the increased price, except to such purchasers as the seller was found to charge a lower price because of a firm commitment.

A distortion in the price structure of certain sellers has resulted because deliveries were made during the base period at higher prices to one or more classes of purchasers but not to all, thereby creating ceiling prices which do not reflect the seller's normal differentials between classes of purchasers. The present amendment corrects this distortion by allowing a seller to charge as his ceiling price any increase in his prices announced in writing to all classes of purchasers, if the increase was made effective by deliveries to purchasers in one or more classes which in the year 1950 accounted for at least 30 percent of the sales of the commodity to all of the classes for whom the increase was so announced. Of course deliveries which do not establish ceiling prices for a class (under the rules announced above) may not be included in the necessary 30 percent.

Another change which will restore normal pricing relationships involves manufacturers and wholesalers who, during the base period, announced in writing a price increase on a list of commodities, but did not make deliveries of all of the commodities at the higher price. The amendment provides that if the seller made deliveries of items on the price list which during the year 1950 accounted for at least 30 percent of the seller's total sales, of the commodities included in the list, the price becomes the ceiling price for all the items contained on the list.

It has come to the attention of the Director of Price Stabilization that some sellers are selecting the highest price at one business establishment and are using that price as the ceiling price for all their establishments. While the Regulation, as properly interpreted does not permit of this result, the matter is deemed to be of sufficient importance to announce it in the form of a clarifying amendment in addition to an interpretation under the General Ceiling Price Regulation.

The term "commodity" was defined in the General Ceiling Price Regulation as in the General Maximum Price Regulation of 1942 to include "contracts to buy, sell or deliver" the physical commodity. This clause is not necessary to accomplish the purpose of the Regulation since the definition of "sell" makes it clear that no one may contract, or even offer, to sell or deliver any commodity at a price in excess of its ceiling price. The particular legal mechanisms by which a person makes a sale, or delivery, or transfers title, or the right to possession of the physical commodity, or makes an offer to do any of these, whether by a formal contract, transfer of a warehouse receipt etc., is of no significance in this regard.

The ceiling for the commodity effectively governs all transactions involving sale, title, delivery, or right of possession of the commodity.

Recently, however, there has emerged on the scene an avowed claim by some sellers that the "contracts" clause of the definition of a commodity may be interpreted to mean that the regulation prescribes one ceiling for "contracts" which are "delivered" during the base period (presumably by exchange of blue-bound documents for their equivalents) and another ceiling for the physical commodity which is delivered after the effective date of the Regulation.

That "interpretation" is not tenable and is a complete distortion of the General Ceiling Price Regulation. The regulation makes it crystal clear that the ceiling price for the commodity governs all deliveries and sales as defined, regardless of the terms of any preexisting contract.

However, since the words in question are not necessary in the definition of a "commodity," they are reworded in the accompanying clarifying amendment to avoid even the shred of a claim by sellers or their counsel that they were in real doubt as to the meaning of the regulation.

The same considerations apply to services, and the definition of "service" has been amended accordingly.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *General ceiling prices*—(a) *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing, but in the case of a retailer may have been made by display. If you are a manufacturer or a wholesaler, you cannot, unless permitted by paragraph (b) (1) of this section, use a price as your ceiling price to a class of purchaser unless you made at least 10 percent of your total deliveries during the base period to that class of purchaser at that price.

(b) *General increases by manufacturers and wholesalers.* If you are a manufacturer or wholesaler of a commodity, you may apply the following provisions in determining your ceiling prices.

(1) *General increases to all of a class of purchasers.* If, during the base period, you announced in writing and put into effect a price increase for a class of purchaser by making all deliveries to that class for the remainder of the base period at the higher price (except deliveries pursuant to firm commitments made before the price increase), the increased price becomes your ceiling price for that class of purchaser, even though less than 10 percent of your base period deliveries to that class were made at the higher price.

(2) *General increases to several classes of purchasers.* If, during the base period, you announced in writing a general increase for sales to more than one class of purchasers and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all purchasers of one or more classes and if those classes accounted during the year 1950 for at least 30 percent of your dollar sales of the commodity, then the announced increased prices are your ceiling prices for all classes of purchasers for whom increases were announced.

(3) *General increases on several items.* If during the base period you announced in writing a price increase on a list of commodities, and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all classes of purchasers of one or more of the commodities covered by the price list, and if those commodities accounted during the year 1950 for at least 30 percent of your dollar sales of the commodities covered by the price list, then the price list prices are your ceiling prices for all the items on the list.

2. Section 22 is amended by striking out of the definition of the word "Seller" the words "at retail"; by striking out of the definition of the word "Commodity" the words "and contracts to buy, sell or deliver any of the foregoing"; and by striking out of the definition of the word "Service" the words "and contracts to sell or supply such service."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

This amendment shall become effective the 28th day of February 1951.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2690; Filed, Feb. 23, 1951; 11:38 a. m.]

[General Ceiling Price Regulation, Amdt. 3]

GCPR, AMDT. 3—BASE PERIOD RECORDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to the General Ceiling Price Regulation postpones, for sellers of commodities at retail, from March 1, 1951 to March 22, 1951, the date on or before which certain statements must be prepared under section 16 (a) (2) and (3) of the Regulation. This in no way removes the requirement contained in subparagraph (a) (1) of section 16 that all sellers at the retail, wholesale, and manufacturing level preserve all records showing prices charged in the base period and records of net cost. The subparagraphs affected by the amendment are subparagraph (2) which, in so far as it affects sellers of commodities at retail, requires preparation of a statement showing the categories in which deliveries or offers for delivery were made during the base period and subparagraph (3) which entails an additional requirement by which sellers must prepare and preserve a ceiling price list showing the commodities in each category delivered or offered for delivery during the base period. Postponement of the preparation of the category and price statements at the retail level is deemed advisable since the issuance of a regulation is contemplated which, it is hoped, may render unnecessary the preparation, by sellers of commodities at retail of certain of the statements which otherwise would be prepared under the General Ceiling Price Regulation and will stubstitute therefor, as to a large number of commodities, statements more expertly tailored to the need of the retailer.

AMENDATORY PROVISIONS

General Ceiling Price Regulation is amended as follows:

Subparagraphs (2) and (3) of section 16 are amended by inserting, in both subparagraphs, after the phrase "March 1, 1951," the phrase "as to all your deliveries and offers for delivery of commodities other than at retail, and on or before March 22, 1951, as to all your deliveries and offers for delivery of commodities at retail,".

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This amendment is effective immediately.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

FEBRUARY 23, 1951.

[F. R. Doc. 51-2695; Filed, Feb. 23, 1951; 12:05 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 6]

GCPR, SR 6—EXEMPTION OF THE PANAMA CANAL ZONE

Under the authority vested in the Director of Price Stabilization by the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 6 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation is issued for the purpose of removing the Panama Canal Zone from the operation of all price regulations issued or to be issued by the Office of Price Stabilization. Heretofore, any price regulation applicable to the Territories and Possessions has been applicable to the Canal Zone.

In the Canal Zone there are no privately owned business establishments and the United States Government, principally through its own stores, maintains a practical monopoly on the supply of all goods to residents of the Canal Zone and the armed forces in that area. Practically all consumers in the Canal Zone are government personnel or employed on government projects. The prices established for commodities purchased by such employees are purposely low. Sufficient price control may be indirectly achieved by control of prices at the source of supply in the United States.

In addition, the application of the present price ceilings on the Canal Zone would result in extremely heavy continued losses to the Government agencies engaged in supplying the residents and the armed forces in the Canal Zone. These losses would arise because of the several factors peculiar to the situation in the Canal Zone including the nature of the Government monopoly and resulting obligation to continue to supply the needs of the residents and armed forces regardless of economic considerations. Another contributing factor is the lag of from 30 to 90 days in the reflection locally of price changes in the United States because of necessary buying methods involving price averaging and the maintenance of large reserves to meet obligations in this area remote from the source of supply in the United States.

Sales made by a person in the continental United States to a purchaser in the Panama Canal Zone continue to be governed by the General Ceiling Price Regulation and any subsequent price regulation issued by the Office of Price Stabilization.

This Supplementary Regulation 6 removes the Canal Zone from coverage by Price regulations.

REGULATORY PROVISIONS

Sec.
1. Removal of the Panama Canal Zone from the operation of all price regulations.
2. Definitions.
3. Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone.

AUTHORITY: Sections 1 to 3 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Removal of the Panama Canal Zone from the operation of all price regulations.* Sales and deliveries of commodities in the Panama Canal Zone shall not be subject to any price regulations issued, or which may be issued, by the Office of Price Stabilization, unless specific provision making a price regulation applicable to the Canal Zone shall hereafter be included in such regulation.

SEC. 2. *Definitions.* (a) "Panama Canal Zone" includes the Panama Canal and the Canal Zone.

(b) "Price regulation", as used in this Supplementary Regulation 6, means a ceiling price regulation issued by the Office of Price Stabilization, or any amendment or supplement thereto or order issued thereunder.

(c) "Sale and deliveries of commodities in the Panama Canal Zone" do not include sales from a seller outside the Panama Canal Zone to a purchaser in the Panama Canal Zone.

SEC. 3. *Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone.* Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone shall be governed by the maximum prices established for commodities and services under the General Ceiling Price Regulation and all subsequent price regulations.

Effective date. This Supplementary Regulation 6 to the General Ceiling Price Regulation shall become effective February 23, 1951.

Issued this 22d day of February 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2691; Filed, Feb. 23, 1951; 11:38 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 7]

GR 7—ADJUSTMENTS FOR EMPLOYEES OF RELIGIOUS, CHARITABLE AND EDUCATIONAL ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Sta-

bilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation. Due consideration has been given to the standards established by section 402 of the act.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Wage adjustments by religious, charitable and educational organizations permissible without prior approval.
2. Authorization does not apply to employees of unrelated business enterprises of tax exempt organizations.
3. Compliance with national wage stabilization policies.
4. This regulation subject to modification or revocation without prior notice.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Wage adjustments by religious, charitable and educational organizations permissible without prior approval.* Religious, charitable, scientific, literary, educational organizations, and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code may adjust the wages, salaries or other compensation of their employees without prior approval of the Wage Stabilization Board, except as provided in sections 2 and 3.

SEC. 2. *Authorization does not apply to employees of unrelated business enterprises of tax exempt organizations.* The general authorization contained in section 1 shall not apply to the wages, salaries or other compensation of employees of a business enterprise owned or operated by an organization defined in section 1, if the income of the business enterprise is not exempt from Federal income taxes.

SEC. 3. *Compliance with national wage stabilization policies.* In adjusting wages, salaries and other compensation authorized by section 1, the specified employers are expected to conform to the national wage stabilization policies, as expressed in the Defense Production Act of 1950, Executive Order 10161, General Wage Stabilization Regulation 1, issued by the Economic Stabilization Administrator on January 26, 1951, the general regulations and statements of policy issued by the Wage Stabilization Board pursuant thereto, and such orders or regulations as may from time to time be issued in connection therewith.

SEC. 4. *This regulation subject to modification or revocation without prior notice.* The Wage Stabilization Board reserves the right (a) to review all wage or salary adjustments made in pursuance of section 1, (b) to revoke this authorization with respect to any organization defined in section 1, and (c) to modify or revoke this regulation at any time without prior notice.

Adopted unanimously by the Wage Stabilization Board.

Issued: February 15, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-2664; Filed, Feb. 21, 1951; 5:06 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-7, Amdt. 1]

M-7—USE OF ALUMINUM

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives and consideration has been given to their recommendations.

This amendment affects NPA Order M-7, as amended February 1, 1951, as follows:

1. Section 6 is amended to add new paragraphs (c) and (d) and to redesignate present (c), (d), and (e) as (e), (f), and (g), respectively.

(c) Commencing on July 1, 1951, no person shall use aluminum in the manufacture or assembly of any item in attached List B: *Provided, however,* That any such item may be completed if it was in process of manufacture or assembly on or before April 30, 1951, and such completion is effected not later than June 30, 1951: *And provided further,* That windows of the non-residential type may be completed on or before June 30, 1951, regardless of when manufacture or assembly is commenced if orders therefor were received by the manufacturer prior to February 20, 1951.

(d) During each of the months of March, April, May, and June, 1951, no person may use in the manufacture or assembly of ducts and windows of residential type included in the attached List B a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum in the manufacture or assembly of such items during the base period.

2. Amend present (c) and redesignate as paragraph (e):

(e) No person may use in construction any aluminum for any item included in attached List A after May 31, 1951, or for any item contained in attached List B after June 30, 1951: *Provided, however,* That this prohibition will not apply to such use of aluminum for any such item if it was manufactured within the time limits specified in this section.

List B

3. The use of the forms and products of aluminum defined in section 3 in the items listed below (excluding repair parts) is subject to the prohibitions in this order, except as otherwise stated in this order:

Ducts.
Windows, residential type.
Windows, non-residential type.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on February 21, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2658; Filed, Feb. 21, 1951; 4:25 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular No. 1787]

PART 72—PUBLIC USES

TRANSFER OF JURISDICTION OVER PUBLIC LANDS TO OFFICE OF TERRITORIES FOR USE UNDER THE ALASKA PUBLIC WORKS ACT

The title of Part 72 is amended to read as set forth above and the following new text is added to that part:

§ 72.15 *Effect of application for transfer.* An application for the transfer of jurisdiction over public land in Alaska made by the Office of Territories under section 7 of the Alaska Public Works Act (63 Stat. 629; 48 U. S. C. 486e) based on a project which has been approved under section 4 of the act (63 Stat. 627; 48 U. S. C. 486b) and filed with the manager of the land office in Alaska having jurisdiction over the land will have the effect of segregating the land from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws, subject to valid existing rights, pending the issuance by the Regional Administrator of an order of transfer or the rejection of the application.

(Sec. 1, 54 Stat. 1192; 48 U. S. C. 363. Interprets or applies R. S. 2478, sec. 7, 63 Stat. 629; 43 U. S. C. 1201, 48 U. S. C. Sup., 486e)

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 16, 1951.

[F. R. Doc. 51-2577; Filed, Feb. 23, 1951; 8:45 a.m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART I—PRACTICE AND PROCEDURE

APPLICATIONS REQUIRING SPECIAL AERONAUTICAL CONSIDERATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission having under consideration § 1.377 of its rules and regulations which provides for the referral of applications for radio facilities which involve the erection of proposed antennas or changes in the height or location of existing antennas to the Civil Aeronautics Administration for that agency's recommendation, as to whether the antenna in question constitutes a menace to air navigation;

It appearing, that this section of the rules is no longer appropriate in view of the provisions included in Part 17 of the Commission's rules and regulations; and

It further appearing, that new internal procedures must be established to accomplish the purposes of Part 17 of the Commission's rules; and

It further appearing, that the amendments to the Commission's rules contemplated by this order are limited to internal procedural matters; and that the requirements of section 4 of the Administrative Procedure Act, with respect to prior notice and publication, need not be complied with; and

It further appearing, that authority for the proposed amendments is contained in sections 303 (q) and 303 (r) of the Communications Act of 1934;

It is ordered, That § 1.377 of the Commission's rules and regulations be amended effective immediately as set forth in detail below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

The existing § 1.377 of the Commission's rules and regulations is deleted and the following new § 1.377 substituted therefor:

§ 1.377 *Procedures for handling applications requiring special aeronautical consideration.* (a) All antenna surveys are conducted by the Antenna Survey Branch of the Office of the Chief Engineer.

(b) Each operating bureau or office which is responsible for processing applications for radio facilities examine those applications for which it is responsible to ascertain whether or not special antenna consideration is required. If such consideration is required the operating bureau or office routes the appropriate antenna data to the antenna survey branch of the Office of the Chief Engineer.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required the application is returned to the appropriate operating division with the required antenna lighting and painting specifications for such further action as might be necessary.

(e) If a special aeronautical study is required the antenna specifications are forwarded to the appropriate regional airspace subcommittee for consideration and the operating bureau concerned advised of this action.

(f) Upon receipt of a report of the airspace subcommittee the Antenna Survey Branch forwards this information to the appropriate operating bureau where appropriate action may be taken.

[F. R. Doc. 51-2595; Filed, Feb. 23, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 993]

[Docket No. AO 201-A 1]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held in Room 300, Public Health Building, 101 Grove Street, Corner Grove and Polk Streets, San Francisco, California, beginning at 9:30 a. m., P. s. t., March 8, 1951, and in Room 449, U. S. Post Office Building, Corner Mission and Seventh Streets, San Francisco, California, beginning at 9:30 a. m., P. s. t., March 9, 1951, with respect to proposed amendments to the marketing agreement and order (7 CFR, Part 993) regulating the handling of dried prunes produced in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which are hereinafter set forth, or appropriate modifications hereof.

The following amendments have been proposed by the Prune Administrative Committee, the administrative agency for the conducting of operations under the aforementioned marketing agreement and order (hereinafter referred to as "the order"):

1. Amend the provisions of § 993.1 (d) of the order to read as follows:

(d) "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (1) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (2) plums which have not been dried or dehydrated to a point where they are capable of being stored unrefrigerated or without other artificial means of preservation, prior to packaging, without deterioration or spoilage, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California for the specialty pack known as "high moisture content prunes", but this exception shall not apply if and when such plums are dried to the point that they are capable of being stored unrefrigerated or without other artificial means of preservation, without deterioration or spoilage; and (3) prunes as used in § 993.5 (d).

2. Delete the provisions of § 993.2 (b) of the order.

3. Renumber § 993.2 (c) of the order as § 993.2 (b), and amend the first sentence of subparagraph (1) of § 993.2 (b), as now proposed to be renumbered, to read as follows:

(1) *General.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

4. Amend subdivision (ii) of subparagraph (2) of § 993.2 (b) of the order, as now proposed to be renumbered, to read as follows:

(ii) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year,

the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

5. Renumber §§ 993.2 (d), (e), (f), (g), (h), (i), (j), (k), and (l) of the order, to read, respectively, §§ 993.2 (c), (d), (e), (f), (g), (h), (i), (j), and (k).

6. Amend § 993.2 (k) (6) of the order, as now proposed to be renumbered, so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(6) To submit to the Secretary not later than June 20 of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor.

7. Amend the provisions of the first sentence of § 993.3 (a) of the order to read as follows:

(a) *Basis.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.4 and 993.5.

8. Amend the provisions of § 993.3 (b) of the order so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(b) *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than June 15 preceding the beginning of such crop year.

9. Amend the provisions of § 993.3 (c) of the order so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(c) *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary not later than June 20 preceding the beginning of such crop year.

10. Amend the provisions of § 993.4 (a) (1) of the order so as to read as follows:

(1) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this paragraph: *Provided,* That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture prunes, as described in the exception numbered (2) in paragraph (d) of § 993.1, in the possession of a handler, which are dried or dehydrated to a point where they are capable of being stored unrefrigerated or without other artificial means of preservation, prior to packaging, without deterioration or spoilage, shall be deemed, at that time, to have been received by such handler as prunes and to be subject to all of the conditions and restrictions hereof.

11. Amend the provisions of § 993.4 (a) (5) of the order to read as follows:

(5) *Substandard natural condition prunes*—(i) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may, (*a*) at the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting, or, (*b*) by agreement between such producer and handler or dehydrator and handler, may be received pursuant to the provisions of subdivision (ii) of this subparagraph, or, (*c*) be turned over to the Handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as and be subject to the same provisions respecting surplus prunes, as contained in § 993.5, and, except those referred to in subdivision (ii) of this subparagraph, shall be held by a handler separate and apart from any standard prunes held by him.

(ii) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions hereof, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes in the manner provided for in subdivision (i) of this subparagraph: *Provided,* That any prunes so treated as substandard prunes shall be of such comparable size as may be established by the committee through issuance of rules and regulations. No certificate of inspection on such substandard natural condition prunes so tendered shall be required after a certificate of appraisal has been issued applicable to such prunes.

12. Amend the provisions of § 993.4 (b) (5) (ii) of the order to read as follows:

(ii) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided,* That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in Exhibit A (which is attached to and made a part hereof) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subdivision, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained herein, and submit it, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subdivision without regard to the restrictions contained in subparagraphs (2), (3), and (4) of this paragraph.

13. Amend the provisions of § 993.4 of the order to add, at the end thereof, a new paragraph, lettered (c), and which will read as follows:

(c) *Regulation of the handling of prunes during any crop year when the estimated season average price is in excess of parity*—(1) *Determination.* If the Secretary should conclude that the season average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he shall provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth hereinafter in this paragraph.

(2) *Receiving of prunes by handlers.* In lieu of the provisions set forth in paragraph (a) of this section, a handler may receive any tender of prunes from a producer or dehydrator: *Provided,* That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. However, for the assistance of the committee in its supervision of operations under this paragraph, each handler shall, at his own expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in paragraph C of subdivision I of Exhibit A (which is attached to and made a part hereof). In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(3) *Disposition of prunes by handlers.* In lieu of the requirements set forth in paragraph (b) of this section, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for standard prunes or standard processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for standard prunes or standard processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without restriction shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth hereinabove in this subparagraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this subparagraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this subparagraph.

(4) *Inspection agency.* The inspection agency referred to in this paragraph shall be the same as the inspection agency which is provided for in paragraphs (a) and (b) of this section.

(5) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.7 (b) (1), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.7 (a) by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions hereunder. In all other respects, the provisions of § 993.7 shall remain in full force and effect. Further, the provisions of §§ 993.1, 993.2, 993.3, 993.6 and 993.8, and all subsequent sections shall remain in full force and effect in such a situation, except to any extent that any such provisions may clearly be inappropriate or inapplicable.

14. Amend the provisions of § 993.5 (e) of the order to read as follows:

(e) *Disposition of surplus tonnage*—(1) *Purposes for which disposition may be made*—(i) *Sales to United States Government and foreign governments.* The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

(ii) *Sales for export.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage, to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes to handlers for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand. The quantity of prunes included in any offer to sell to individual handlers shall be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell, and sell, to any handler, a quantity of surplus prunes for export to any foreign country, which country was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes pursuant to this subdivision, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(iii) *Sales for aminal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in connection with the estimating of the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(iv) *Sales to handlers.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may,

in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the following conditions:

(a) No such sale shall be made prior to December 15;

(b) No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage;

(c) If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage;

(d) In any offer by the committee to sell surplus tonnage to handlers pursuant to this subdivision, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply; and

(e) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this subdivision, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(v) *Sales of standard prunes for manufacturing purposes.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell, and sell to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimate upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes to handlers pursuant to this subdivision, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(vi) *Sales of substandard prunes for animal feed and for manufacturing purposes.* The committee may sell direct, or sell to handlers for resale, substandard prunes for animal food, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in Exhibit A (which is attached to and made a part hereof) as relate to the defects of mold, imbedded dirt, insect infestation, and decay; and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee: *And provided, further*, That no such sales shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they were sold. Such sales may be made at negotiated prices.

(vii) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(viii) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in subdivision (iv) (d) of this subparagraph. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(2) *Proceeds of sales of surplus tonnage*—(i) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(ii) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market the prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(3) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

15. Amend the provisions of § 993.7 (a) of the order to read as follows:

(a) *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than June 20 preceding the crop year in connection with which such recommendations are made.

16. Amend the provisions of the first sentence of § 993.7 (b) (1) of the order to read as follows:

(1) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments.

The following amendment has been proposed by four handlers of dried prunes, namely, Richmond-Chase Company and Mayfair Packing Company of San Jose, California, and California Packing Corporation and Rosenberg Brothers & Company, Inc., of San Francisco, California:

17. Amend the provisions of § 993.2 (b) (3) of the order, as now proposed to be renumbered, by changing the period at the end thereof to a colon and adding the following: *"Provided*, That the Secretary shall determine and announce the number of nominees for member and alternate member which shall be nominated for large, medium, and small handlers who are not cooperative marketing associations (hereinafter called "independent handlers") on the basis of the following: Large handlers are those who, during the preceding crop year, individually handled 17 or more percent of the total tonnage handled by independent handlers; approximately 40 percent of such nominees shall be large handlers. Medium handlers are those who, during the preceding crop year, individually handled 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers; approximately 20 percent of the nominees for member and alternate member respectively, to which independent handlers are entitled, shall be medium handlers. Small handlers are those who, during the preceding crop year, individually handled less than 8 percent of the total tonnage handled by independent handlers; approximately 40 percent of such nominees shall be small handlers."

The following amendment has been submitted by certain independent producers of dried prunes:

18. Amend the provisions of § 993.2 (b) (2) (i) of the order, as now proposed to be renumbered, by changing the period at the end thereof to a colon and adding the following: *"Provided*, That the respective areas covered by the aforementioned seven districts may be changed by the Secretary at any time he concludes that such areas, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages with a view to reestablishing such equalization on the basis of the existing situations."

The following amendments are proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture:

19. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the marketing order in accordance with the revised Federal Register regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

20. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

21. Amend the provisions of § 993.1 of the order by adding the following paragraph, lettered (t), at the end thereof:

(t) *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected, or from the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 335 Fell Street, San Francisco 2, California.

Issued at Washington, D. C., this 20th day of February 1951.

[SEAL] ROY W. LENNARTSON,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2628; Filed, Feb. 23, 1951; 8:56 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 52]

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amending the definition and standard of identity for canned mushrooms and adopting a standard of fill of container for canned mushrooms:

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearings held pursuant to the notices published in the FEDERAL REGISTER on July 5, 1949 (14 F. R. 3922) and March 10, 1950 (15 F. R. 1310), and upon consideration of proposed findings of fact filed by interested parties, which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order be made:

Findings of fact.[1] 1. In 1937 there was established a standard of fill of container for canned mushrooms under authority conferred on the Secretary of Agriculture by the McNary-Mapes Amendment to the Federal Food and Drugs Act of 1906 (46 Stat. 1019; 21 U. S. C. 9, 10).[2] This standard was in force until the act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938. In 1939, a definition and standard of identity for canned mushrooms (21 CFR Part 52) was established. This standard provides that canned mushrooms are the caps and stems of mushrooms in the optional forms of buttons, whole, slices, or pieces and stems of mushrooms with water, sealed in a container and so processed by heat as to prevent spoilage. Optional ingredients permitted were salt, citric acid, a vinegar, spice, sugar, and corn sugar. The only optional ingredients known to have been used in canned mushrooms are salt for seasoning, and citric acid for obtaining a lighter color of the canned mushrooms. During World War II, when tin containers were in short supply, some mushroom canners packed mushrooms in glass containers. This experience revealed that mushrooms packed in glass appeared to become darker during storage. Ready sales, however, obviated prolonged storage during this period. Mushrooms packed in tin containers do not darken during storage but on the contrary, for a limited period, become lighter in color than when first packed. As the supply of tin increased, packers of mushrooms in glass returned to the use of tin containers. A canner of mushrooms interested in packing mushrooms in glass containers in 1948 and 1949 made experimental packs containing ascorbic acid and citric acid for retarding the color changes during storage. This canner applied for a hearing on a proposal to amend the standard of identity for canned mushrooms to include ascorbic acid as an optional ingredient. A hearing was held on this proposal (14 F. R. 3922) but before a tentative order was published application was made by the Cultivated Mushroom Institute of America to hold a second hearing to take additional evidence on the proposal to include ascorbic acid as an optional ingredient and to take evidence on a proposal to restrict the optional ingredients to water and salt. In granting this application (15 F. R. 1310), the Administrator on his own initiative also proposed to take evidence on a proposal to establish a standard of fill of container for canned mushrooms. A second hearing was held pursuant to this application. These findings are based on the evidence presented at both hearings. (R. 10, 18, 19, 21, 23, 28, 46–47, 54–56, 152–153, 158–159, 200–201, 237–239, 247, 248, 400, 507, 509, 513, 522, 566, 725, 733, 838–840, 841; Ex. 2, 6, 18)

2. Experimental packs of canned mushrooms prepared on a semicommercial scale show that such mushrooms packed in glass or tin containers with small quantities of citric acid and ascorbic acid are lighter in color than the same quality of mushrooms with only salt and water. This is true at any time after packing. When used together, citric acid and ascorbic acid have a

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[2] This standard will hereafter be referred to as the McNary-Mapes standard.

greater lightening effect on color of canned mushrooms than either acid used alone. The effect on the color is increased as the quantity of acids added is increased, and this effect is more pronounced in tin containers than in glass. (R. 43–57, 290, 325–326, 330, 349, 734–735, 758; Ex. 8, 10, 11, 16)

3. To obtain high-quality canned mushrooms, the raw mushrooms used should be picked at optimum maturity for canning and canned promptly after picking. Sometimes, because of the receipt of a large supply of raw mushrooms by the cannery, or for other reasons, it may be necessary to hold the raw stock for a day or several days before canning. Such a holding period results in this raw stock becoming stale. All mushrooms undergo changes in color during the canning process. Stale mushrooms after canning are darker in color than they would be if canned when freshly picked. The addition of small amounts of citric acid in the canning process lessens the darkening that results from canning. Such addition of small amounts of citric acid to stale mushrooms makes it possible to obtain a canned product of about the same color as when fresh mushrooms are canned without an added acid. The mechanism of the chemical action of dilute citric acid which results in a lighter color of the canned mushrooms is not definitely shown by the record, but it appears that its effect in lightening the color of mushrooms is caused by an intensified reaction between the contents of the container and tin. Citric acid is the only acid known to be commercially used for this purpose. There was evidence that other acid-reacting substances have been used but their identity was unknown to the canners who testified at the hearings. There also was evidence that the addition of any substance which lowers the pH will lighten the color of canned mushrooms. (R. 141–142, 193–194, 195, 224–225, 227, 230, 252–253, 330, 350, 522, 527–528, 530, 556–558, 568, 646, 648–649, 651, 653, 670–671, 692–693, 784; Ex. 8)

4. In determining the grade for canned mushrooms according to the standards promulgated by the Production and Marketing Administration of the United States Department of Agriculture, more importance is attached to the factor of color than to any of the other factors considered, such as uniformity of size and symmetry, absence of defects, and tenderness. The use of citric acid enables a canner to pack stale mushrooms which are graded higher on the factor of color than such stale mushrooms canned without the addition of citric acid. The use of citric acid in canned mushrooms has not promoted honesty and fair dealing in the interest of consumers. (R. 159–160, 224, 248, 356, 367–368, 559–560, 646–647, 651; Ex. 15)

5. The lightening of color of mushrooms, canned in tin containers with only water and salt, during storage appears to be due to a reaction of the packing medium with the tin of the container, although the mechanism causing the lightening is not known. When the acidity of the packing medium is increased by the use of any acid-reacting substance, this reaction is intensified. The reaction which affects the color of the mushrooms does not reach an equilibrium for some time, and the mushrooms in tin containers continue to become lighter in color during the first few months in which they are held in storage. (R. 355, 357–358, 693, 738)

6. The mechanism of the action of ascorbic acid on the color of canned mushrooms, when it is added in small amounts in the canning process, is not established. During processing there is an apparent reduction in the amount of ascorbic acid, which indicates a reaction of the ascorbic acid with oxygen inside the container. There is some increase in acidity when ascorbic acid is used, but its effect on the pH of canned mushrooms is less pronounced than that of like quantities of citric acid. (R. 74, 76, 82, 86, 350–354, 784, 805, 876; Ex. 8, 14, 16, 22)

7. The characteristic light tan color of canned mushrooms in tin containers prepared from mushrooms picked at optimum maturity and promptly canned furnishes purchasers a basis for judging the quality of canned mushrooms both in tin and glass containers. Since the color of mushrooms canned in glass containers is not as light as that of those in tin containers, the mushrooms in glass containers are at a disadvantage. By limiting the quantity of the ascorbic acid used so that its effect on the color of the mushrooms is to restrict darkening from oxidation, it is possible to obtain this desirable effect without likelihood of abuse. In the few experiments reported where the pH of the liquid drained from the canned mushrooms was determined, ascorbic acid alone in amounts not exceeding 150 milligrams per 4 ounces drained weight of mushrooms lowered the pH an average of approximately 0.25 when compared with the pH of similar mushrooms canned with water and salt only. It is unlikely that there will be abuse from the use of ascorbic acid alone, in amounts not greater than 150 milligrams per 4 ounces of drained mushrooms. (R. 21, 57, 78, 156–157, 190–191, 553–557, 581, 648, 727, 737, 799–800, 876; Ex. 8, 9, 14, 16, 22)

8. The pH of mushrooms canned with water and salt as reported in this record varies from 5.9 to 6.7. The addition of an acid lowers the pH of canned mushrooms, depending on the acid used and the amount added. If the liquid drained from canned mushrooms has a pH of less than 5.9 it indicates that some ingredient other than water and salt has been added. Citric and ascorbic acid can be detected in canned mushrooms by well-known methods of analysis, but other acid-reacting substances might be added in small amounts and escape detection by objective examination of the canned mushrooms. A requirement that the pH of canned mushrooms be not less than 6.0 was proposed. Such a requirement would be very helpful in enforcing the prohibition of unauthorized ingredients, but the data on the pH of canned mushrooms are insufficient for prescribing such a limit. (R. 57, 181–183, 291–292, 293, 294, 295, 296, 300, 333–334, 376, 530, 670–671, 755, 876, 877; Ex. 8, 9, 14, 16, 22)

9. The McNary-Mapes amendment to the Food and Drugs Act of 1906 authorized the adoption of standards of quality, condition, and fill of container for most canned foods. The standard of fill of container for canned mushrooms promulgated by the Secretary of Agriculture in 1937 provided for minimum drained weights for mushrooms packed in ten specified containers, and for minimum drained weights based on a ratio of 1 ounce of drained mushrooms for each 3 cubic inches inside capacity for containers other than those specified. That standard became inoperative when the Food and Drugs Act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938 and since that time there has been no standard of fill of container for canned mushrooms. (R. 839–842; Ex. 18)

10. It is the general practice of canners to blanch the fresh mushrooms in hot water or steam before packing into containers. This blanching results in some shrinkage of the fresh mushrooms that would otherwise occur during processing and might result in a slack fill. Even though the McNary-Mapes standard has not been in force for several years, canners of mushrooms have continued the practice of blanching and filling to meet the levels prescribed under that standard. Compliance with the standard for fill of container for canned mushrooms has generally resulted in the containers being well filled with mushrooms. (R. 150–152, 220, 506–507, 552–553, 561, 587–588, 645, 650–651, 678, 829–831, 840–846, 851; Ex. 18, 19)

11. Canned mushrooms are now packed in substantial quantities in containers of sizes for which specific drained weights were not specified in the McNary-Mapes standard. Some of the containers formerly extensively used are now of minor importance. In standards of fill of container, canners generally prefer specific requirements as to the drained weights for containers extensively used rather than general requirements fixing drained weights calculated from the capacity of the can. The containers now extensively used and the drained weights of mushrooms found necessary to fill them properly are as follows:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2⅛	2⅛	2
211 x 212	2 1/16	2⅛	4
300 x 400	3	4	8
307 x 510	3 7/16	5⅛	16
603 x 700	6 1/16	7	68

(R. 552–553, 587–588, 650–651, 678, 839, 841–847, 851–852; Ex. 18–21)

12. Since containers of sizes other than those named in finding 11 may sometimes be used, it is necessary to provide also for drained weights based on capacity of containers for which no specific requirements are made. A suitable and practicable method for determining the capacity of containers is the general method for determining water capacity of containers in 21 CFR 10.1. The following requirements for drained weights based on the water capacity of the container will insure that such containers are properly filled. For containers with a water capacity (at 68° F.) of less than 11 ounces avoirdupois, the drained weight of mushrooms is not less than 56 percent of the water capacity of the container. For containers with a water capacity of 11 ounces or more but less than 25 ounces, the weight of the drained mushrooms is not less than 59 percent of the water capacity of the container. For containers with a water capacity of 25 ounces or more, the weight of the drained mushrooms is not less than 62 percent of the water capacity of the container. (R. 841–842, 846–848, 851, 853–863; Ex. 6, 21)

13. A suitable and practicable method for determining the drained weight of canned mushrooms which is essentially the same as that prescribed in the McNary-Mapes standard is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms. (R. 848–849, 863–864; Ex. 6, 13, 20, 21)

14. A label statement which adequately informs consumers when canned mushrooms fail to meet the prescribed standard of fill of container is the general statement of substandard fill specified in 21 CFR 10.2 (b). (R. 850–851; Ex. 6, 21)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers:

1. To amend the definition and standard of identity for canned mushrooms presently contained in § 52.990 to delete citric acid, vinegar, spice, sugar, and corn sugar as optional ingredients and make ascorbic acid in amounts not exceeding 37.5 milligrams per one ounce of drained weight of mushrooms an optional ingredient;

2. To adopt the standard of fill of container for canned mushrooms hereinafter set forth in proposed § 52.10.

It is therefore proposed that Part 52 be amended by renumbering § 52.990 as § 52.1, and by amending renumbered § 52.1 (c) to read as follows:

§ 52.1 *Canned vegetables; identity; label statement of optional ingredients.*
* * *

(c) To the vegetable ingredient water is added; except that piminentos may be canned with or without added water, and sweet potatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture or both. For the purposes of this section, asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the case of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes, in which such ingredient is prescribed, and except canned mushrooms, in which no such ingredient is permitted), in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) (i) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(ii) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

(5) Salt may be added to any of the canned vegetables in this section in a quantity sufficient to season the food.

(6) In the cases of all vegetables (except canned mushrooms) one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(i) A vinegar.

(ii) Spice.

(iii) Refined sugar (sucrose).

(iv) Refined corn sugar (dextrose).

(7) In the case of canned mushrooms, ascorbic acid (vitamin C) may be added in a quantity not to exceed 37.5 milligrams for each ounce of drained weight of mushrooms.

The food is sealed in a container, and so processed by heat as to prevent spoilage.

b. It is further proposed that Part 52 be amended by adding the following new section:

§ 52.10 *Canned mushrooms; fill of container; label statement of substandard fill.* The standard of fill of container for canned mushrooms is a fill such that:

(a) The weight of drained mushrooms in a container the dimensions of which are specified in the following table is not less than the weight of drained mushrooms prescribed in such table for such container:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2⅛	2⅛	2
211 x 212	2 1/16	2⅛	4
300 x 400	3	4	8
307 x 510	3 7/16	5⅛	16
603 x 700	6 1/16	7	68

(b) The drained weight of mushrooms in containers of a size not specified in paragraph (a) of this section is not less than 56 percent of the water capacity of the container, if such water capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container, if such water capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container, if such water capacity is 25 ounces avoirdupois or more.

(c) Water capacity of containers is determined by the general method provided in § 10.1 of this chapter.

(d) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms.

(e) If canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

Any interested person whose appearance was filed at the hearing may, within

30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: February, 16, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2576; Filed, Feb. 23, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

NOTICE OF RANGE IMPROVEMENT FEE IN OREGON GRAZING DISTRICT NO. 1 (LAKE)

FEBRUARY 19, 1951.

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR Part 161), and upon the recommendation of the District Advisory Board, notice is hereby given that for a period of three years effective May 1, 1951, the range improvement fee per animal unit month to be charged in Oregon Grazing District No. 1 (Lake) with the exception of the Ft. Rock L. U. Project Area, will be three cents per head for cattle and horses, three-fifths cent per head for sheep and goats. This rate shall apply to all licenses and fee notices issued between May 1, 1951, and April 30, 1954, inclusive.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-2574; Filed, Feb. 23, 1951; 8:45 a. m.]

[1646295]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 19, 1951.

Notice is given that the plat of original survey of the following described lands, accepted March 8, 1944, will be officially filed in the Land & Survey Office, Salt Lake City, Utah, effective at 10:00 a. m., on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 15 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 14 W.,
Secs. 1 to 36, inclusive.

The areas described aggregate 46,117.71 acres.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring in the NW¼SW¼ sec. 33, T. 15 S., R., 13 W., S. L. M.

The legal subdivision containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-2575; Filed, Feb. 23, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-22]

DEPARTMENT OF THE NAVY; MILITARY SEA TRANSPORTATION SERVICE

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building, Washington, D. C., on March 2, 1951, at 11:00 a. m., before the Federal Maritime Board, upon application of the Department of the Navy to make available necessary Government-owned, war-built, dry-cargo vessels to private operators under bareboat charter for time charter use of the Military Sea Transportation Service to meet its immediate and projected world-wide requirements without restriction or the necessity of approval for use in a particular trade.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in this application will be given an opportunity to be heard if present.

Dated: February 16, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2600; Filed, Feb. 23, 1951; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SR-2090, SR-2091]

J. R. RICHARDSON AND J. W. KIEWEL

NOTICE OF REASSIGNMENT OF ORAL ARGUMENT

In the matters of Donald W. Nyrop, Administrator of Civil Reronautics, complainant, vs. J. R. Richardson, respondent, Docket No. SR-2090; Donald W. Nyrop, Administrator of Civil Aeronautics, complainant, vs. J. W. Kiewel, respondent, Docket No. SR-2091.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral argument in each of the above-entitled proceedings is hereby reassigned to be heard March 15, 1951, at 10:00 a. m. in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 19, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2626; Filed, Feb. 23, 1951; 8:55 a. m.]

[Docket No. 4579]

SAMOAN AIRLINES

NOTICE OF HEARING

In the matter of the application of Lawrence M. Coleman, dba Samoan Airlines, under section 401 of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity authorizing the scheduled air transportation of persons, property and mail between Pago Pago, American Samoa and Apia, British Samoa.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 27, 1951, at 10:00 a. m., e. s. t., in Room 5040 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application particular attention will be directed to the following matters and questions:

1. Does the public convenience and necessity require the route applied for?

2. Is the applicant a citizen of the United States and is he fit, willing and able to perform the services for which he is applying?

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before February 27, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2627; Filed, Feb. 23, 1951; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY AND THE ASSOCIATED COMPANIES OF THE BELL SYSTEM

ORDER POSTPONING HEARING ON RATES AND CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission, having under consideration its order of January 19, 1951 instituting the proceedings herein;

It appearing, that the hearings herein scheduled to begin on April 16, 1951 should be postponed for a limited time within which the Commission may consider jointly with the National Association of Railroad and Utilities Commissioners questions regarding the procedures pursuant to which telephone property, expenses and revenues of the respondents herein are separated between interstate and foreign communication services, on the one hand, and intrastate communication services, on the other hand; and within which the Commission may observe trends in revenues and expenses;

It is ordered, That the dates for answer and hearings specified in the above order of January 19, 1951, are hereby postponed until July 16, 1951 and August 20, 1951, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2596; Filed, Feb. 23, 1951; 8:50 a. m.]

[Docket No. 9906]

MADISON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Madison Broadcasting Company, Inc., Richmond, Kentucky, Docket No. 9906, File No. BP-7779; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to be operated on the frequency 1400 kilocycles, with a power of 250 watts, unlimited time at Richmond, Kentucky;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on April 16, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WIEL, Elizabethtown, Kentucky, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Elizabethtown Broadcasting Company, licensee of Station WIEL, Elizabethtown, Kentucky, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2597; Filed, Feb. 23, 1951; 8:50 a. m.]

[Docket No. 9907]

S. H. PATTERSON (KJAY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of S. H. Patterson, (KJAY), Topeka, Kansas, Docket No. 9907, File No. BP-7770, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951:

The Commission having under consideration the above-entitled application for a construction permit to increase nighttime power from 1 kilowatt to 5 kilowatts and make changes in the maximum expected operating values of Station KJAY, Topeka, Kansas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KJAY as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 17, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KJAY as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KJAY as proposed, would involve objectionable interference with Stations KPRO, Riverside, California and KEIO, Pocatello, Idaho, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KJAY as proposed, would involve objectionable interference with Station XEFI, Chihuahua, Chihuahua, Mexico, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

4. To determine whether the installation and operation of Station KJAY as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

It is further ordered, That Eastern Idaho Broadcasting and Television Company, licensee of Station KEIO, Pocatello, Idaho; and Broadcasting Corporation of America, licensee of Station KPRO, Riverside, California are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2528; Filed, Feb. 23, 1951; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT IN CONNECTION WITH SCHOOL FACILITIES

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Housing and Home Finance Administrator, for use by the Community Facilities Service, the authority to make purchases and contracts for supplies and services pursuant to Title III of the aforesaid act in connection with school facilities to be provided under section 204 of Public Law 815, 81st Congress, *Provided however*, That such purchases and contracts may be negotiated only if it is determined by the said Administrator that the facts are such as to bring the purchase or contract within the provisions of subsection 302 (c) (1), (2) or (4) of the said Public Law 152.

2. This delegation shall be effective as of the date hereof.

Dated: February 17, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-2599; Filed, Feb. 23, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25854]

PIG IRON FROM SOUTH ATLANTIC PORTS TO ALABAMA

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Import pig iron, carloads.

From: South Atlantic ports.

To: Attalla and Gadsden, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2579; Filed, Feb. 23, 1951; 8:46 a. m.]

[4th Sec. Application 25855]

POTATOES FROM MAINE TO PERTH AMBOY AND FREEHOLD, N. J.

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 570.

Commodities involved: Potatoes, carloads.

From: Points in Maine.

To: Perth Amboy and Freehold, N. J.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 570, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2580; Filed, Feb. 23, 1951; 8:46 a. m.]

[4th Sec. Application 25856]

CAST IRON PIPE FROM TEXAS POINTS TO ILLINOIS POINTS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3873.

Commodities involved: Cast iron pipe, fittings and related articles, carloads.

From: Tyler, Swan, and Ft. Worth, Tex.

To: Points in western trunk-line, Illinois, and official territories.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3873, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2581; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25857]

ALCOHOL FROM SOUTHWEST TO TWIN CITIES

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Denatured alcohol and articles taking the same rates, carloads.

From: Points in Arkansas, Louisiana, Oklahoma and Texas.

To: Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2582; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25858]

PLASTERBOARD FROM SWEETWATER, TEX., TO LOUISIANA AND ARKANSAS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Gulf, Colorado and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Plasterboard, carloads.

From: Sweetwater, Tex.

To: Stations in Arkansas and Louisiana on the Louisiana and North West Railroad.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3706, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2583; Filed, Feb. 23, 1951; 8:47 a. m].

[4th Sec. Application 25859]

GRAVEL FROM LOUISIANA, MO., TO ILLINOIS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Gravel, road-surfacing, carloads.

From: Louisiana, Mo.

To: Jacksonville, Whitehall and Woodson, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: GM&O RR. tariff I. C. C. No. 251, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2584; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25860]

ACETONE AND RELATED ARTICLES FROM BROWNSVILLE, TEX., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Acetone, noibn, methanol, proprietary anti-freeze, and related articles, carloads.

From: Brownsville, Tex.

To: Points in Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. No. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2585; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25861]

SULPHUR FROM LOUISIANA AND TEXAS TO HAMILTON, OHIO

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), crude, carloads.

From: Points in Texas, and Port Sulphur, La.

To: Hamilton, Ohio.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2586; Filed, Feb. 23, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2529]

REPUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Republic Service Corporation ("Republic"), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, an amendment to a declaration heretofore permitted to become effective by the Commission (Holding Company Act Release No. 10292). Declarant has designated section 12 as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 23, 1951, request the Commission in writing that a hearing be held on this matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law, raised by the amended declaration which he proposes to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1951, said amended declaration as filed or as further amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said amended declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed which is summarized as follows:

On December 18, 1950, the Commission approved the sale by Republic of the common stock of Abington Electric Company to Scranton Electric Company ("Scranton"), for a consideration of 60,000 shares of $5 par value common stock of Scranton plus cash, and the distribution by Republic to its stockholders, as a partial liquidating dividend, of 56,259 out of the 60,000 shares of Scranton stock to be received (Holding Company Act Release No. 10292). The Commission's approval of the distribution of the Scranton stock was subject to the condition, among others, that if the proposed distribution were not effected in the year 1950, distribution could not thereafter be effected until Republic should have submitted for the record a statement setting forth the method of distribution and the accounting entries in connection therewith, and until a further order should have been entered by the Commission. The filing states that Republic was unable to effect the proposed distribution in the year 1950.

Republic now proposes to distribute to its stockholders, as a partial liquidating dividend, 56,259 shares of the Scranton stock on the basis of 8/10 share of Scranton for each share of Republic. The amount of Republic's investment in said shares will be charged to capital surplus, to the extent thereof, and to earned surplus; the par amount of Republic's common stock will not be reduced. The remaining 3,741 shares of the Scranton stock not required for such distribution have been disposed of or will be disposed of in the near future. Republic proposes to make the distribution, in partial liquidation, on March 12, 1951 to stockholders of record as of February 28, 1951. The shares of Scranton will be transmitted to Republic's stockholders of record by Provident Trust Company of Philadelphia ("Provident"), Distribution Agent. Only full shares of Scranton stock will be distributed, and holders entitled to fractional shares will receive in lieu of fractional shares registered Certificates of Interest in shares of Scranton stock; these Certificates of Interest when accumulated in amounts aggregating one or more full shares may be exchanged for shares of Scranton stock, and, unless so accumulated and presented for whole shares, shall expire at the end of six months after issuance, at which time Provident shall sell the shares of Scranton stock representing unexchanged Certificates of Interest and hold the proceeds for the account of stockholders entitled thereto, subject to subsequent disposition acceptable to Republic and the Commission. Republic agrees to report to the Commission within three months from the date of distribution as to the number of shares of Scranton stock still unclaimed, including such stock to which holders of unexchanged shares of Republic's formerly outstanding preferred stock may be entitled. Republic further agrees, if the Commission deems such action necessary and appropriate, to employ some method of personal solicitation and search, satisfactory to the Commission, for the purpose of locating and notifying holders of Republic's common stock who have not theretofore claimed their distribution of shares of Scranton, and holders of Republic's formerly outstanding preferred stock who have not theretofore exchanged such stock for Republic's common stock.

Republic proposes to publish once a week for three successive weeks in a newspaper of general circulation in New York City, beginning within one week of filing this amendment, a notice of the proposed distribution, and to send a similar notice to its stockholders within one week of the filing of this amendment.

Because of the inability to effect the distribution in the year 1950, the previous estimate of fees and expenses have been revised from $1,300, including legal fees of $500, to $1,800, including legal fees of $800.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2590; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2554]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Interstate Power Company ("Interstate"), a registered holding company and an operating public utility company has filed a declaration and amendments

thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act").

Interstate proposes to issue and sell at par on or before April 15, 1951, and on or before September 15, 1951, promissory notes in the aggregate principal amounts of $2,500,000 and $2,000,000, respectively. Said notes will bear interest at the rate of 2¾ percent per annum, will mature 360 days from the date of the first borrowing and will be issued to The Chase National Bank of the City of New York and to Manufacturers Trust Company in equal amounts not to exceed $2,250,000 to each of said banks in accordance with the terms of a loan agreement dated January 9, 1951. The loan agreement provides that Interstate will pay an aggregate commitment fee of $9,000 to the two banks. The notes may be prepaid in whole or in part at any time without premium provided, however, that if such prepayment is made from proceeds of any bank borrowing, a premium at the rate of 1 percent per annum on the principal amount so prepaid, calculated from the date of such prepayment to the stated maturity of the notes, will be payable.

Interstate has requested the Commission to authorize, at this time, the issuance and sale of only $2,500,000 aggregate principal amount of the above described notes in equal amounts to the two above named banks on or before April 15, 1951, and to reserve jurisdiction with respect to the proposed issuance and sale of the additional $2,000,000 principal amount of said promissory notes. Declarant states that the proceeds of the notes will be applied toward the financing of its construction program and to reimburse the company for funds already used for new construction.

Said declaration having been filed on January 12, 1951, and the last amendment thereto having been filed on January 29, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Interstate having requested that the Commission's order herein issue at the earliest date possible and before February 19, 1951, and become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration, as amended, with respect to the issuance and sale by Interstate of $2,500,000 aggregate principal amount of 2¾ percent promissory notes, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24;

It is further ordered, That jurisdiction be, and it hereby is, reserved over the issuance and sale by Interstate of an additional $2,000,000 principal amount of 2¾ percent promissory notes until a further order shall have been issued with respect thereto by this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2589; Filed, Feb. 23, 1951; 8:48 a. m.]

[File No. 70-2561]

UNITED GAS CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of February, A. D. 1951.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company; File No. 70-2561.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line"), and Union Producing Company ("Union"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (1), 10 and 12 thereof and Rule U-43 (a) of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

United, Union, and Pipe Line, are engaged in the production, purchase, transportation, distribution and sale of natural gas in the states of Texas, Louisiana and Mississippi. In addition, Pipe Line and Union are engaged in the production, transportation and sale of crude oil and extraction and sale of gasoline and other liquid hydrocarbons.

United proposes to purchase from Pipe Line a recently constructed research laboratory building and the equipment and fixtures used in connection therewith, all located in the city of Shreveport, Louisiana, for a cash consideration of $530,075.35, which is stated to be the actual depreciated cost of such property to Pipe Line. United also proposes to purchase from Union a tract of land consisting of 7.67 acres, upon which the research laboratory is located, for a cash consideration of $8,679.37, which is stated to be the actual cost of such land to Union.

Pipe Line maintains its own research department which deals with the day to day operating problems in connection with the production and transmission of natural gas, oil and other liquid hydrocarbons and in the development of new methods and processes in connection with said operations. The application-declaration states that Pipe Line is now enlarging its research personnel to take care of research problems with respect to current system operations. The application-declaration also states that the management of United has for some time considered the advisability of creating a research division whose activities will be devoted to the solution of problems as they arise with respect to day to day operations of United, Pipe Line and Union, and that in its opinion the best interests of the system, as an integrated operation, will be served by transferring the research duties to a separate division of United so that its service may be available equally to Pipe Line, Union, and the operating divisions of United. The application-declaration also states that upon consummation of the proposed transactions, research service will be available to system companies at cost.

The proceeds from the sale of property described above will be deposited by Pipe Line with the Corporate Trustee under its Mortgage and Deed of Trust dated September 25, 1944, in accordance with the provisions of such mortgage and deed of trust.

Said application-declaration having been filed on January 19, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith, and the Commission deeming it appropriate that said application-declaration be granted and permitted to become effective without the imposition of terms and conditions, and the Commission also deeming it appropriate to grant applicants'-declarants' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application-declaration, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2593; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2567]

LOUISIANA POWER & LIGHT CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Louisiana Power & Light Company ("Louisiana"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an appli-

cation-declaration pursuant to the Public Utility Holding Company Act of 1935, requesting approval of certain transactions, more particularly described below, pursuant to section 12 (d) of the act and Rule U-44 of the rules and regulations thereunder, or, in the alternative, requesting an order exempting the transactions from the application of section 12 (d) and Rule U-44 pursuant to the provisions of Rule U-100.

Louisiana proposes to transfer certain of its electric facilities installed in 1949 and 1950 at a stated cost of $234,735.50 to Gulf Public Service Company, Inc. ("Gulf"), a non-affiliate. In consideration of the transfer by Louisiana, Gulf will transfer to Louisiana certain electric facilities recorded by Gulf as of October 31, 1950 at a purported original cost of $170,198.82 and having an applicable reserve for depreciation stated at $27,863.09. The application states that the purpose of the transfer is to promote more efficient service in each of the companies and to achieve economies of operations. It is further stated that the transfer of facilities will result in bringing into Louisiana properties which are in its service area and to transfer to Gulf properties which are in the latter's service area. In addition, the application-declaration states that the acquisition by Louisiana will result in lower rates and that the transfer by Louisiana will afford Gulf greater capacity.

The proposed transactions have been specifically authorized by the Public Service Commission of Louisiana, which commission has jurisdiction over both companies and by the Federal Power Commission, which has asserted jurisdiction over both companies.

It appearing to the Commission that the proposed exchanges of properties will tend towards the development of integrated public utility systems of both Louisiana and Gulf in accordance with section 2 (a) (29) (A) and section 10 of the act, and it also appearing to the Commission that the proposed disposition of properties by Louisiana is subject to the provisions of Rule U-44; it further appearing that the proposed acquisitions of assets have been approved by the Public Service Commission of the State of Louisiana and are thereby exempt pursuant to the provisions of section 9 (b) (1) of the act, and the Commission finding in view of the nature of the transactions and the authorization heretofore granted by the Federal Power Commission to Louisiana and Gulf that it is not necessary or appropriate in the public interest or for the protection of investors or consumers that the disposition of facilities proposed by Louisiana be subject to the requirements of Rule U-44:

It is ordered, Pursuant to the provisions of Rule U-100 (a) that the transactions summarized above be, and the same hereby are, exempted, effective forthwith, from the provisions of Rule U-44.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2592; Filed, Feb. 23, 1951; 8:49 a. m.]

NOTICES

[File No. 70-2568]

UTAH POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions which are summarized as follows:

Utah proposes, during the year 1951, to borrow from certain banks amounts not to exceed in the aggregate $12,000,000. Such loans will be evidenced by promissory notes payable December 15, 1951, and bearing interest at the rate of 2½ percent per annum.

The declaration states that the proceeds from the proposed borrowings are to be used in connection with Utah's construction program. It is further stated that during the year 1951 Utah proposes to issue and sell 200,000 shares of common stock and to issue and sell first mortgage bonds in an amount presently estimated at not to exceed $10,000,000. Proceeds from such later financing will be used to repay the loans herein proposed and to provide additional funds for Utah's construction program, which, it is estimated, will entail the expenditure of approximately $44,000,000 in the years 1951–53, inclusive, of which the estimated expenditures for the year 1951 are approximately $18,000,000.

Declarant requests that the Commission issue its order herein as promptly as may be practicable, and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 6, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 6, 1951 at 5:30 p. m., e. s. t., said declaration as filed, or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2591; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2572]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the proposed establishment by GPU of an Employees Savings and Retirement Income Plan.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

GPU contemplates requesting its stockholders, at the annual meeting to be held on April 2, 1951, to consider and vote upon a proposal to approve the establishment of an Employees Savings and Retirement Income Plan. The plan provides, among other things, for contributions by GPU (1) for past service benefits to its employees, which are estimated to require a lump sum payment of $151,000 and (2) for future service benefits which, based upon salaries in effect on January 1, 1951, would require annual contributions by the corporation of about $31,000. Under the plan employees of GPU may voluntarily contribute up to 4 percent of their base pay toward future service benefits.

The foregoing contributions are to be deposited with the Chemical Bank & Trust Company as trustee. The trustee will invest the contributions received by it, and inoome thereon, in shares of GPU common stock purchased by it in the market from time to time.

GPU will guarantee that the aggregate value of the common stock purchased by the trustee with the employees' own contributions and the income thereon, will not as of the date of such employees' death, termination of employment, retirement or attainment of Normal Retirement Date, whichever is earlier, be less than the employees' own contributions.

The establishment of the Plan is subject to (1) the approval of the Plan by a vote of the holders of a majority of the GPU common stock represented and entitled to vote at the annual meeting to be held on April 2, 1951, (2) the obtaining of a ruling from the Bureau of Internal Revenue that the Plan and the trust established in connection therewith, conform to the requirements of sections 23 (p) and 161 (a) of the Internal Revenue Code, (3) such approval, if any, by the Securities and Exchange Commission as may be required under the act and (4) such approval, if any, as may be requisite under wage and salary control regulations.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said application-declaration should not be permitted to become effective except pursuant to the further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that a hearing with respect to said application-declaration be held on February 27, 1951, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission, on or before February 23, 1951, a written request therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters or questions are presented for consideration:

1. Whether the proposed guarantee by GPU of the contributions made by employees toward future service benefits constitutes the issuance of a security and, if so, whether such security satisfies the applicable provisions of section 7 of the act.

2. Whether the acquisition of the common stock of GPU by the trustee and the proposal involving transactions between GPU and its affiliates (officers and directors) are consistent with the provisions of sections 10, 12 (c) and 12 (f) of the act and, if so, what, if any, terms and conditions should be imposed in respect thereof.

3. Whether, and to what extent, the proposals should be modified or terms and conditions imposed to insure adequate protection of the public interest and interests of investors and consumers and compliance with all applicable provisions of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice of filing and order for hearing to GPU and the Chemical Bank & Trust Company, New York City, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2588; Filed, Feb. 23, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17314]

KONVERSIONSKASSE FUER DEUTSCHE AUSLANDSSCHULDEN

In re: Account and certificates owned by Konversionskasse fuer Deutsche Auslandsschulden, also know as Conversion Office for German Foreign Debts. F-28-1347-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Halsey, Stuart & Co., Inc., 123 South La Salle Street, Chicago 90, Illinois, arising out of a coupon deposit account, entitled "Nassau Land Bank 6½ percent 1st Mortgage Sinking Fund Collateral Gold Notes due March 1, 1938", together with any and all accruals thereto, maintained at the office of the said Halsey, Stuart & Co., Inc., and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 5135, presently in the custody of Halsey, Stuart & Co., Inc., 123 South La Salle Street, Chicago 90, Illinois, said certificates of indebtedness having been offered by the said Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, together with the funds deposited in the account described in subparagraph 2-a hereof, in settlement of interest coupons appertaining to the bonds named in said subparagraph 2-a hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or account of, or owing to, or which is evidence of ownership or control by Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2556; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17107]

GEORGE MAULBETSCH ET AL.

In re: Cash and Securities owned by George Maulbetsch and others. D-28-10346-A-1: C-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 3788, and pursuant to law, after investigation, it is hereby found:

1. That George Maulbetsch, Michael Friedrich Finkbeiner, Maria Magdalena Klumpp, Karl Bernhardt Finkbeiner, Friedericke Jetter, Emma Rohrer, Jacobine Raisch, Christine Schelling, Marie Haist, Pauline Grossman, and Fritz Maulbetsch, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three-fifths (3/5ths) interest in one (1) Abington Estd. first 2½ percent to 3 percent (formerly 6¼ percent) bond of $1,000 face value, bearing the number M339, presently in the custody of Otto E. Haab, 308-9 Ann Arbor Trust Building, Ann Arbor, Michigan, together with any and all rights thereunder and thereto,

b. Three-fifths (3/5ths) interest in those certain debts or other obligations matured or unmatured of the Equitable

Trust Company of Detroit, Michigan, evidenced by certificate number 197 representing sixty forty-eight thousand two hundred and seventieths (60/48270) interest in $48,720 of defaulted interest coupons on bond M339 of The Abington, presently in the custody of Otto E. Haab, Agent and Attorney for the heirs of Andrew Maulbetsch, deceased, 308–9 Ann Arbor Trust Building, Ann Arbor, Michigan, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under the aforesaid 3/5 interest in said certificate, and

c. Three-fifths (3/5ths) interest in that certain debt or other obligation of the Ann Arbor Bank, Ann Arbor, Michigan, arising out of a commercial account, entitled Andrew Maulbetsch Trust, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2601; Filed, Feb. 23, 1951; 8:51 a. m.]

[Vesting Order 17131]

MARGARET DUNKAK

In re: Mortgage participation certificate and cash owned by Margaret Dunkak. F-28-2220.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Dunkak, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights and interests in, to and under one (1) mortgage participation certificate numbered 120-719, issued by Bond Mortgage Guaranty Company of New York, including any and all rights to receive any liquidating payments due or to become due thereon, together with those certain funds presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York, New York, representing liquidating payments under the aforesaid participation, certificate, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2602; Filed, Feb. 23, 1951; 8:51 a. m.]

[Vesting Order 17245]

CARL ALBERT FEUBEL

In re: Rights of Carl Albert Feubel, also known as Albert C. Feubel, under insurance contracts. File No. F-28-24691-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Albert Feubel, also known as Albert C. Feubel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by (A) Deferred Life Annuity Policies Nos. 8,874,471½, 8,895,763½, 9,063,768½, 9,129,070½, 9,168,869½, 9,238,893½, 9,307,679½, 9,311,156½, 9,311,157½, 9,371,250½, 9,371,251½, 9,371,252½, 10,184,200½, 10,184,201½, 10,184,202½, 10,184,203½, 10,184,204½, 10,184,205½, 10,184,206½ and 10,184,207½; and (B) Refund Annuity Policies Nos. 9,063,768, 9,129,070, 9,168,869, 9,238,893, 9,307,679, 9,371,250, 10,184,200, 10,184,202, 10,184,203, 10,184,204, 10,184,205, and 10,184,207, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Carl Albert Feubel, also known as Albert C. Feubel, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2603; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17246]

MRS. CHARLOTTE FOX ET AL.

In re: Rights of Mrs. Charlotte Fox et al., under insurance contract. File No. F-28-3130-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox under a contract of insurance evidenced by Policy No. 389485, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Albert F. Fox, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2605; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17248]

MRS. CHARLOTTE FOX ET AL.

In re: Rights of Mrs. Charlotte Fox et al. under insurance contract. File No. F-28-3130-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under an annuity contract evidenced by policy No. 2711, issued by The Mutual Life Insurance Company of New York, New York, New York, to Albert F. Fox, together with the rights to demand, receive and collect said net proceeds.

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2606; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17251]

WILLIAM SEKIFUMI ISHIKAWA ET AL.

In re: Rights of William Sekifumi Ishikawa et al., under contract of insurance. F-39-5973-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Sekifumi Ishikawa and Tamaye Ishikawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1147550 issued by the Occidental Life Insurance Company of California, Los Angeles, California, to William Sekifumi Ishikawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Sekifumi Ishikawa or Tamaye Ishikawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2606; Filed, Feb. 23, 1951; 8:52 a. m.]

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2607; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17260]

MRS. CHIYO UYEMURA ET AL.

In re: Rights of Mrs. Chiyo Uyemura et al., under insurance contract. File No. F-39-6084-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Chiyo Uyemura, Miss Yayeko Uyemura, Miss Miyoko Uyemura and Miss Toshiko Uyemura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Mrs. Chiyo Uyemura, Miss Yayeko Uyemura, Miss Miyoko Uyemura and Miss Toshiko Uyemura under a contract of insurance evidenced by policy No. 392581, issued by the West Coast Life Insurance Company, San Francisco, California, to Tadashige Uyemura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2608; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17271]

WALLY GREINER

In re: Claim owned by Wally Greiner. F-28-26650-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wally Greiner, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit with the Superintendent of Banks of the State of New York in Trust for Depositors and Creditors of the Bank of United States, in Liquidation, 80 Spring Street, New York 12, New York, for the account of Wally Greiner, representing unclaimed liquidating dividends on claim S-8596, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2610; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17303]

DORETTE HERWEG

In re: Rights of Dorette Herweg under contract of insurance. File No. F-28-30634-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorette Herweg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 107 646 545, issued by the Metropolitan Life Insurance Company, New York, New York, to Frederick Herweg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2609; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17342]

FRANK DOJAHN

In re: Estate of Frank Dojahn, also known as Frank Doyahn, deceased. File No. D-28-12947; E. T. sec. 17092.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Kerner, also known as Johann Kerner, Rosie Griehsmer, Lena Dries, Frida Fischer, Karl Haas, Lorenz Haas, Killian Haas, Joseph Haas, Ludwig Kerner, Alfred Griehsmer, Rudolph Griehsmer, Victor Griehsmer, Katharina Schreiner, Rosa Hof, Mathilda Dries and Martha Miller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Frank Dojahn, also known as Frank Doyahn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolph Kramer, Jr., as executor, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2613; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17347]

SUSUMU HASUIKE ET AL.

In re: Rights of Susumu Hasuike et al. under insurance contracts. Files Nos. D-39-3962-H-6, 7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Hasuike and Mitsuye Hasuike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 356542 and 378942, issued by the American National Insurance Company, Galveston, Texas, to Susumu Hasuike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid American National Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Susumu Hasuike or Mitsuye Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2614; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17349]

LEONHARD M. KLUFTINGER

In re: Rights of Leonhard M. Kluftinger under insurance contract. File No. F-28-3216-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonhard M. Kluftinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Leonhard M. Kluftinger under a contract of insurance evidenced by Group Contract No. 266, Certificate No. 508, issued by the Metropolitan Life Insurance Company, New York, New York, to Leonhard M. Kluftinger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Herold Matthew, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest;

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2615; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17350]

PAUL LEVERKUEHN ET AL.

In re: Rights of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, et al., under insurance contract. File No. F-28-31200-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn and Renate Kuhne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance

evidenced by policy No. 4,665,300, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn or Renate Kuhne or children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2616; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17351]

CLARA MADLER MANZ

In re: Estate of Clara Madler Manz, deceased. D-28-12417; E. T. sec. 16640.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Manz, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josephine Manz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Clara Madler Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josephine Manz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2617; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17353]

JOHN ROTH

In re: Estate of John Roth, deceased. File No. D-28-1293; E. T. sec. 8205.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Wagner, also known as Louise Wagner, Max Roth, Hermann Roth, Elizabeth Roth, Martha Hauck and Maria Schackerer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of John Roth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Stephen G. Doig, Jr., as executor, acting under the judicial supervision of the Surrogate's Court of Rockland County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2618; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17355]

GEORGE SCHMIDT ET AL.

In re: Rights of George Schmidt et al. under certain contracts of insurance. Files Nos. F-28-26596-H-1; H-2; H-3; H-4; H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Schmidt and Anna M. Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 25937603, 16844006, 16844005, 15597243 and 15597242, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to George Schmidt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by George Schmidt or Anna M. Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2619; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17358]

HARRY TEIJI TESHIROGI

In re: Rights of Harry Teiji Teshirogi under contract of insurance. File No. F-39-6773-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Teiji Teshirogi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Harry Teiji Teshirogi under a contract of insurance evidenced by Policy No. 124184 issued by the Beneficial Life Insurance Company, Salt Lake City, Utah, to Harry Teiji Teshirogi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Makio Teshirogi, a resident of the United States, and those of the aforesaid Beneficial Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2620; Filed Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17382]

KAZUSO SHIBATA AND SAMONJI TAKEDA

In re: Cash owned by Kazuso Shibata and Samonji Takeda, also known as Hoshu Takeda. F-39-4814-E-1, F-39-5768.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuso Shibata and Samonji Takeda, also known as Hoshu Takeda, each of whose last known address is Japan are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the sum of $548.03 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915 "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Kazuso Shibata, and any and all rights to demand, enforce and collect the same, and

b. Cash in the sum of $231.37 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Samonji Takeda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2624; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17360]

KIYOSHI TOGASAKI ET AL.

In re: Rights of Kiyoshi Togasaki et al. under insurance contract. File No. F-39-3798-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Togasaki, Misu Togosaki, Gordon Shigeru and Elizabeth Emiko, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 10804693 issued by the New York Life Insurance Company, New York, New York, to Kiyoshi Togasaki, and any and all other benefits of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Togasaki or Misu Togasaki or Gordon Shigeru and Elizabeth Emiko, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

MAR 1 '51

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2621; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17372]

WALTER C. HALBACH

In re: Cash owned by personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deacesd. F-28-3132.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $3,492.20 presently in the possession of the Department of the Treasury of the United States in Miscellaneous Receipt Account 10-1591, "Forfeitures; Wages of Seamen Remaining in Registry of Courts More Than Six (6) Years" in the name of Walter C. Halbach, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2623; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 16284, Amdt.]

TOICHI UNO ET AL.

In re: Rights of Toichi Uno et al., under contract of insurance. File No. D-39-30 H-1.

Vesting Order No. 16284 dated December 7, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanayo Uno, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Toichi Uno, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 052 250, issued by the New York Life Insurance Company, New York, New York, to Toichi Uno, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Toichi Uno, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2625; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17361]

KIYOSHI TOGASAKI ET AL.

In re: Rights of Kiyoshi Togasaki et al. under insurance contract. File No. F-39-3798-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Togasaki and Misu Togasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,594,036 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Kiyoshi Togasaki and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Togasaki or Misu Togasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2622; Filed, Feb. 23, 1951; 8:55 a. m.]

MAR 1 '51

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10216

EXTENSION OF THE PROVISIONS OF PART I OF EXECUTIVE ORDER NO. 10210[1] OF FEBRUARY 2, 1951, TO THE DEPARTMENT OF AGRICULTURE, THE ATOMIC ENERGY COMMISSION, THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS, AND THE GOVERNMENT PRINTING OFFICE

By virtue of the authority vested in me by the First War Powers Act, 1941, as amended by the act of January 12, 1951, entitled "An Act to amend and extend title II of the First War Powers Act, 1941" (Public Law 921, 81st Congress), and as President of the United States and Commander in Chief of the armed forces of the United States, and deeming such action will facilitate the national defense, it is hereby ordered as follows:

The provisions of Part I of Executive Order No. 10210 of February 2, 1951, entitled "Authorizing the Department of Defense and the Department of Commerce to Exercise the Functions and Powers Set Forth in Title II of the First War Powers Act, 1941, as Amended by the Act of January 12, 1951, and Prescribing Regulations for the Exercise of Such Functions and Powers" are hereby extended to the Department of Agriculture, the Atomic Energy Commission, the National Advisory Committee for Aeronautics, and the Government Printing Office, respectively; and, subject to the limitations and regulations contained in such part, and under such regulations as they may severally prescribe, the Secretary of Agriculture, the Atomic Energy Commission, the Chairman of the National Advisory Committee for Aeronautics, and the Public Printer are authorized to perform and exercise, as to their respective agencies, all the functions and authority vested in and granted by the said Part I to the Secretaries named therein; *Provided*, that regulations so prescribed need not be approved by the Secretary of Defense: *And provided further*, that nothing contained herein shall prejudice any other authority which any of the said agencies or the heads thereof may have with respect to procurement.

HARRY S. TRUMAN

THE WHITE HOUSE,
February 23, 1951.

[F. R. Doc. 51-2726; Filed, Feb. 26, 1951; 10:04 a. m.]

[1] 15 F. R. 1049.

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (51)-1, Supp. 4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 National Agricultural Conservation Program, issued September 6, 1950 (15 F. R. 6109), as amended October 6, 1950 (15 F. R. 6813), October 24, 1950 (15 F. R. 7201), and February 6, 1951 (16 F. R. 1225), is further amended as follows:

Section 701.232 is amended to read as follows:

§ 701.232 *Practice B-4; increasing the total farm acreage of specified biennial and perennial legumes and perennial grasses, or mixtures of these legumes and grasses.* Assistance will be given only for the acreage of all biennial and perennial legumes and perennial grasses for which assistance is offered under this practice in the county, established in excess of the usual acreage of these grasses and legumes for the farm as determined by the county committee. The method of determining the usual acreage shall be included in the State handbook. In determining the acreage established and the usual acreage for a farm in the case of mixtures, only those mixtures which are predominantly of the specified grasses and legumes for the county shall be considered. Where rates of assistance are on an acre basis, the recom-

(Continued on p. 1817)

CONTENTS

THE PRESIDENT

Executive Order Page

Department of Agriculture, Atomic Energy Commission, National Advisory Committee for Aeronautics and Government Printing Office; extension of provisions of Part I of Executive Order 10210 of authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers ---------- 1815

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Extension of provisions of Part I of Executive Order 10210 of authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers (*see* Executive Order 10216).

Alien Property, Office of

Notices:

Vesting orders, etc.:

Bruhn, Bruno, et al ---------- 1840
Daniel, Helen and Suye ---------- 1838
Dietsche, O ---------- 1839
Endo, Sutematsu ---------- 1840
Hamano, Kiku ---------- 1841
Hobelsberger, Ludwig ---------- 1840
Japanese nationals ---------- 1839
Leipzig Overland Power Companies ---------- 1841
Loerky, Karl ---------- 1842
Stockmann, Alois ---------- 1841
Windels, Erich ---------- 1842

Atomic Energy Commission

Extension of provisions of Part I of Executive Order 10210 of authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers (*see* Executive Order 10216).

FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

The following book is now available:

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Civil Aeronautics Board — Page
Proposed rule making:
Flight time limitations for pilots not regularly assigned to one type of crew — 1833

Coast Guard
Proposed rule making:
Inspection and navigation regulations; Merchant Marine Council public hearing — 1831
Rules and regulations:
Waivers of navigation and vessel inspection laws and regulations; regulations applicable to certain vessels during emergency (2 documents) — 1829

Commerce Department
See National Production Authority.

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission — Page
Rules and regulations:
Frequency allocations and radio treaty matters; extension of temporary allocation of frequencies to the radiolocation service — 1830

Federal Power Commission
Notices:
Hearings, etc.:
Independent Natural Gas Co. — 1836
Southern Natural Gas Co. — 1836

Federal Reserve System
Rules and regulations:
Consumer credit; certain temporary rentals — 1829

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
Cheeses, processed cheeses, cheese foods, cheese spreads and related foods, definitions and standards of identity; correction — 1818

Government Printing Office
Extension of provisions of Part I of Executive Order 10210 of authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers (*see* Executive Order 10216).

Home Loan Bank Board
Rules and regulations:
Operations; maintenance of Federal insurance reserve, payment of dividends when losses charged to reserve — 1818

Housing and Home Finance Agency
See Home Loan Bank Board.

Interior Department
See also Land Management, Bureau of.
Notices:
Associate Director, Assistant Director and General Counsel; delegation of authority to serve as Acting Director of National Park Service — 1835
Southeastern Power Administration; designation of Chief Counsel as Acting Administrator at certain times — 1835

Internal Revenue Bureau
Rules and regulations:
Wines, production, fortification, tax-payment, etc.; correction — 1818

Interstate Commerce Commission
Notices:
Applications for relief:
Coal, bituminous, from Kentucky, Tennessee, and Virginia to Indianapolis, Ind. — 1836
Houses, prefabricated or portable, from Lafayette, Ind., to Missouri or Nebraska — 1836

Interstate Commerce Commission—Continued — Page
Notices—Continued
Applications for relief—Con.
Ore, manganese, from eastern ports to Holston, Tenn. — 1836

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; shore space restoration — 1834
California; classification order — 1835

National Advisory Committee for Aeronautics
Extension of provisions of Part I of Executive Order 10210 of authorization to exercise certain functions and powers and prescribing regulations for exercise of such functions and powers (*see* Executive Order 10216).

National Park Service
Delegation of authority to Associate Director, Assistant Director and General Counsel to serve as Acting Director (*see* Interior Department).

National Production Authority
Rules and regulations:
Cans; miscellaneous amendments (M–25) — 1824
Iron and steel; miscellaneous amendments (M–1) — 1821

Post Office Department
Rules and regulations:
Ocean mail service; compensation for transportation of foreign mails — 1829

Price Stabilization, Office of
Rules and regulations:
Livestock and meat, fair distribution; suppliers must sell to certain institutional users (DO 1) — 1819
Processors of manufactured foods (GCPR, SR 7) — 1819

Production and Marketing Administration
Proposed rule making:
Milk handling in Cincinnati, Ohio, marketing area — 1832
Rules and regulations:
National Agricultural Conservation Program; 1951 — 1815
Prunes, dried, produced in California; suspension of certain provisions — 1817

Securities and Exchange Commission
Notices:
Hearings, etc.:
Aeronautical Securities, Inc., and Bullock Fund, Ltd. — 1833
American Cities Power and Light Corp. — 1837
Interstate Power Co. and Ogden Corp. — 1837
National Assn. of Securities Dealers, Inc., and Carter Harrison Corbrey — 1836

CONTENTS—Continued

Treasury Department — Page
See also Coast Guard; Internal Revenue Bureau.
Rules and regulations:
Delivery of checks and warrants to addresses outside the U. S., its territories and possessions; withholding the delivery of checks or warrants — 1818

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
10210 (see EO 10216).
10216 — 1815

Title 7
Chapter VII:
Part 701 — 1815
Chapter IX:
Part 965 (proposed) — 1832
Part 993 — 1817

Title 14
Chapter I:
Part 41 (proposed) — 1833

Title 21
Chapter I:
Part 19 — 1818

Title 24
Chapter I:
Part 163 — 1818

Title 26
Chapter I:
Part 178 — 1818

Title 31
Chapter II:
Part 211 — 1818

Title 32A
Chapter III (OPS):
DO 1 — 1819
GCPR, SR 7 — 1819
Chapter VI (NPA):
M–1 — 1821
M–25 — 1824
Chapter XV (FRS):
Reg. W — 1829

Title 33
Chapter I:
Part 19 — 1829
Part 80 (proposed) — 1831
Part 90 (proposed) — 1831
Part 95 (proposed) — 1831

Title 39
Chapter I:
Part 120 — 1829

Title 46
Chapter I:
Part 59 (proposed) — 1831
Part 60 (proposed) — 1831
Part 76 (proposed) — 1831
Part 94 (proposed) — 1831
Part 146 (proposed) — 1831
Part 154 — 1829
Part 160 (proposed) — 1831

Title 47
Chapter I:
Part 2 — 1830

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 993—HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the marketing agreement and order (7 CFR Part 993) regulating the handling of dried prunes produced in California, hereinafter referred to as the "order," it is hereby found and determined, that the following provisions of the order no longer tend to effectuate the declared policy of the act, in that it has now been determined that the 1950–51 season average price to producers for prunes will be in excess of the price level specified in section 2 (1) of the act: § 993.4 (including the provisions of Exhibit A, which is attached to and made a part of the order) and § 993.5, except to the extent that the provisions of said § 993.5 are necessary for application with respect to the liquidation by the Prune Administrative Committee, the administrative agency for operations under the order, of the 1950–51 substandard prune pool, including the disposition by the committee of substandard prunes which are held by it, or for its account, at the time this suspension action becomes effective, and the final distribution by the committee of the net proceeds of the substandard prune pool. It is hereby further found and determined, that the provisions of the following sections implementing the order no longer tend to effectuate the declared policy of the act for the same reason as that stated in the preceding sentence: §§ 993.104, 993.105, and 993.201 (14 F. R. 6625, 15 F. R. 1888, and 15 F. R. 5534), except to the extent that the provisions of said §§ 993.104, 993.105, and 993.201 of said implementing sections are necessary for application with respect to liquidation by the aforementioned Prune Administrative Committee, of the 1950–51 substandard prune pool, including the disposition by the committee of substandard prunes which are held by it, or for its account, at the time this suspension action becomes effective, and final distribution by the committee of the net proceeds of the substandard prune pool.

It is therefore ordered, That the following provisions of the order be, and they hereby are, suspended on and after publication of this suspension order in the FEDERAL REGISTER: § 993.4 (including the provisions of Exhibit A, which is attached to and made a part of the order) and § 993.5, except to the extent that the provisions of said § 993.5 are necessary for application with respect to the liquidation by the Prune Administrative Committee, the administrative agency for operations under the order, of the 1950–51 substandard prune pool, including the disposition by the committee of substandard prunes which are held by it, or for its account, at the time this suspension action becomes effective, and the final distribution by the committee of the net proceeds of the substandard prune pool. *It is also ordered*, That the provisions of the following sections implementing the order be, and they hereby are, suspended on and after publication of this suspension order in the FEDERAL REGISTER: §§ 993.104, 993.105, and 993.201 (14 F. R. 6625, 15 F. R. 1888, and 15 F. R. 5534), except to the extent that the provisions of said §§ 993.105, 993.104, and 993.201 of said implementing sections are necessary for application with respect to the liquidation by the aforementioned Prune Administrative Committee, of the 1950–51 substandard prune pool, including the disposition by the committee of substandard prunes which are held by it, or for its account, at the time this suspension action becomes effective, and final distribution by the committee of the net proceeds of the substandard prune pool.

This suspension action shall not be deemed to have any of the following effects with respect to any acts or transactions under the order which took place prior to the time such suspension action became effective: (a) Affect or waive any right, duty, obligation, or liability which arose in connection with any provision of the order or any regulation issued thereunder; (b) release or extinguish any violation of the order or of any regulation issued thereunder; or (c) affect or impair any rights or remedies of the United States of America, the Secretary of Agriculture of the United States, the Prune Administrative Committee, or of any other person with respect to any such right, duty, obligation, or liability under the order or any regulation issued thereunder.

Notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest, since it has now been determined that the situation with respect to mended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be set forth in the State handbook. Acreages of these grasses and legumes for which assistance for new seedings is given under another 1951 practice may not be considered in determining the increased acreage eligible for assistance under this practice.

Maximum assistance. 80 percent of the average cost of seed.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-2665; Filed, Feb. 26, 1951; 8:53 a. m.]

prunes is such that suspension action is required by law, and public participation in connection with the taking of such action could accomplish no useful purpose. This suspension action will serve to relieve the persons who are now covered under the order from the restrictions contained therein with respect to their future dealings in prunes, and they will require no advance notice in connection with said suspension action.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 21st day of February 1951, to be effective on and after the date of the publication of this suspension order in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 51-2670; Filed, Feb. 26, 1951; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-46]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOOD; DEFINITIONS AND STANDARDS OF IDENTITY

CREAM CHEESE WITH OTHER FOODS AND PASTEURIZED NEUFCHATEL CHEESE SPREAD WITH OTHER FOODS

Correction

In Federal Register Document 51-2334, appearing at page 1632 of the issue for Friday, February 16, 1951, the following corrections are made:

1. In the second line of paragraph (a) of § 19.782, the word "in" should read "is".

2. The headnote of § 19.783 should read: "*Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.*"

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 3995]

PART 163—OPERATIONS

MAINTENANCE OF FEDERAL INSURANCE RESERVE; PAYMENT OF DIVIDENDS WHEN LOSSES CHARGED TO RESERVE

FEBRUARY 21, 1951.

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts, notice and public procedure having been duly afforded (16 F. R. 395) §§ 163.13 and 163.14 of the rules and regulations for Insurance of Accounts (24 CFR 163.13, 163.14) are hereby amended to read as hereinafter set forth, effective March 29, 1951.

§ 163.13 *Regular credits.* Each insured institution shall thereafter credit to its Federal insurance reserve, during each of its fiscal years, an amount equal to at least three-tenths of 1 percent of all insured accounts outstanding at the beginning of such fiscal year; and shall build up the Federal insurance reserve to an amount equal to at least 2½ percent of all insured accounts within thirteen years from the effective date of insurance and to an amount equal to at least 5 percent of all insured accounts within twenty years from such date: *Provided*, That credits to the Federal insurance reserve need not be made whenever such insurance reserve account equals or exceeds the minimum amounts required by this section. If for any reason, the Federal insurance reserve account of any institution which has been insured for at least twenty years is thereafter reduced to less than 5 percent of all insured accounts, such institution shall transfer to its Federal insurance reserve account, for each dividend period, at least 25 percent of its net operating income before the declaration of dividends or the payment of interest on savings, until its Federal insurance reserve account is again equal to at least 5 percent of all insured accounts.

§ 163.14 *Charging of losses and payment of dividends.* No insured institution which has charged losses to its Federal insurance reserve account shall declare any dividends or pay any interest on savings unless the amount standing to the credit of such account, after deduction of all charges, is equal to at least the amounts required under § 163.13: *Provided*, That, for any year dividends may be declared or interest on savings paid when losses are charged to such reserve, if the declaration of such dividends or the payment of such interest on savings is first approved by the Corporation: *And provided further*, That the Corporation hereby approves, for any such insured institution which has been insured for a period of twenty years or more and whose Federal insurance reserve account, prior to the charging of such losses, equalled at least 5 percent of all insured accounts, the declaration of dividends and the payment of interest on savings if such insured institution shall have first transferred not less than 25 percent of its net operating income for the same dividend period to its Federal insurance reserve account.

(Sec. 402, 48 Stat. 1256, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR 1947 Supp., 61 Stat. 954; 12 U. S. C. 1725, 5 U. S. C. 133y-16. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 51-2644; Filed, Feb. 26, 1951; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5830]

PART 178—PRODUCTION, FORTIFICATION, TAX-PAYMENT, ETC., OF WINES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 51-2472, appearing at page 1675 of the issue for Saturday, February 17, 1951, the second paragraph of amendatory paragraph 1 should read:

Section 178.143 (a) (2) is amended by adding at the end thereof the sentence "The total solids content of the finished wine shall not exceed 22 grams per 100 cubic centimeters."

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

[1951 Dept. Circ. 655, Supp. 7]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY OF CHECKS OR WARRANTS

FEBRUARY 19, 1951.

Section 211.3 (a) of Department Circular No. 655, dated March 19, 1941 (31 CFR 211.3 (a)), as amended, is hereby further amended to read as follows:

§ 211.3 *Withholding of delivery of checks or warrants.* (a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, the Union of Soviet Socialist Republics, the Russian Zone of Occupation of Germany, and the Russian Sector of Occupation of Berlin, Germany are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

Except to the extent they have been authorized by appropriate unrevoked licenses, or are authorized by specific license issued by the Department of Justice, Office of Alien Property, remittances by United States Government agencies from any accounts in which a German or Japanese interest existed on or before December 31, 1946, will continue to be restricted by Executive Order No. 8389, as amended, and rules and regulations issued pursuant thereto including in particular General Ruling 11A, as amended. Attention is directed to the provisions of Public Law No. 622, 79th Congress, 2d Session, which prohibits among other things, payments of veterans' benefits to German or Japanese citizens or subjects residing in Germany or Japan. Attention also is directed to the Foreign Assets Control Regulations issued by the Secretary of the Treasury on December 17, 1950, pursuant to Executive Order No. 9193, which prohibit transactions involving payments to nationals of China and North Korea except to the extent that they have been authorized by appropriate license.

(Sec. 5, 54, Stat. 1087; 31 U. S. C. 127)

[SEAL] WM. McC. MARTIN, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2643; Filed, Feb. 26, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Distribution Order 1, Amdt. 1]

DO 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SUPPLIERS MUST SELL MEATS TO CERTAIN INSTITUTIONAL USERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5 (16 F. R. 1273), this Amendment 1 to Distribution Order 1 (16 F. R. 1273) is hereby issued.

Preamble. Institutions of involuntary confinement and institutions principally engaged in the care and treatment of the sick perform an important public function. It is essential that they be assured of a meat supply sufficient to meet their minimum needs. It has come to the attention of the Director of Price Stabilization that the needs of these institutional users are not being met on a voluntary basis in accordance with the policy of Distribution Order 1.

This amendment, under certain conditions will require a person selling meat, to sell or transfer a certain quantity of meat to institutional users if the institutional user acquired meat during 1950 from that person or any predecessor who then operated the establishment. The meat sold or transferred must be the same, comparable or reasonably substitutable type as the user acquired from the supplier during 1950, and need not be sold or transferred unless the user is willing to acquire such meat at Office of Price Stabilization ceiling prices. Examples of comparable substitutable meat types are given in the amendment.

A person required by this amendment to sell or transfer meat to an institutional user, who refuses to sell or transfer to the institutional user the maximum quantity specified within the time allowed, will be prohibited from selling or transferring any meat until the institutional user acquires that quantity from him within that time. This prohibition is an addition to any action, penalties or proceedings which may be authorized by law for his failure to comply.

Distribution Order 1 is amended by adding the following section:

SEC. 15. *Suppliers must sell meats to certain institutional users.* (a) Any operator of a prison, jail, insane asylum, home for delinquents, or other institutions of involuntary confinement, or a public or private orphanage, or a hospital or other establishment principally engaged in the care and treatment of the sick is an institutional user. Beginning February 27, 1951, an institutional user may, for each month starting with March 1951, give written notice, personally or by registered mail, to each person from whom meat was acquired during the calendar year 1950 (or if that person transferred his establishment, to any successor currently operating the establishment) containing all of the following information:

(1) The amount, quality and types of meat acquired from the supplier during each month of the calendar year 1950;

(2) The percentage that each such monthly amount bears to the total amount of meat acquired each month by the institutional user during 1950;

(3) The estimated number of persons to be fed during the month for which this notice is given;

(4) The number of persons fed during the corresponding month in 1950;

(5) The total amount of meat required by the institutional user for the month in which the statement is made.

(The information in (1) and (2) may be omitted from any subsequent notice pursuant to (a), to the same supplier or successor to whom a previous notice, containing that information, has been given pursuant to (a)).

(b) Each supplier or successor to whom a notice is given pursuant to (a) must, irrespective of any claimed inaccuracy in the notice, sell or transfer to that institutional user, upon such user's request, during the month specified in the notice, the quantity of meat determined under (c) for the current month, to the extent that such supplier or successor has meat available for sale or transfer regardless of any other contract, agreement or commitment (except any meat which he is required to set aside under this section for any other institutional user). Such sale or transfer of meat must be of the same, comparable or reasonably substitutable types as the institutional user acquired from that supplier during 1950. The supplier or successor, however, need not sell or transfer any such meat to the institutional user unless the user is willing to acquire such meat at ceiling prices established by the Office of Price Stabilization.

NOTE: Examples of comparable and reasonably substitutable types of meat are: (1) Steaks, roasts, or chops or any wholesale cuts from which they are obtained; (2) Ground meat or stew meat and the wholesale cuts from which they are obtained; (3) Smoked meats, such as bacon, ham, or picnics; (4) Dry salt meats, such as bellies, jowls, plates, or fatback; (5) Processed meat products, such as canned meats or sausage; (6) Offal, such as livers, hearts, or kidneys; and (7) Miscellaneous items, such as tails, heads, snouts or ears. Substitutions may be made of one item for another within any of these numbered categories but you cannot substitute an item in one numbered category to replace an item in another numbered category.

(c) The quantity of meat which the supplier or successor is required under (b) to sell or transfer to institutional users giving such notice shall be determined in the following way:

(1) Divide the amount of meat sold or transferred to the institutional user by the supplier during the corresponding month in 1950 by the number of persons fed during that month.

(2) Multiply the result in (1) by the estimated number of persons to be fed in the month for which the notice in (a) is given.

(3) The result in (2), or the amount requested by the institutional user, whichever is less, is the quantity of meat which must be sold or transferred to the institutional user during the month specified in the notice.

(d) If the institutional user, during the month covered by the notice has not acquired from the supplier or successor the quantity specified in (c) for that period, the supplier or successor, upon the institutional user's request, must sell or transfer to the institutional user during the first 15 days of the next month, all or any part of the quantity not so acquired by the institutional user.

(e) Any supplier or successor who refuses to sell or transfer meat to an institutional user in the amounts required by this section may not sell or transfer any meat until he has sold or transferred to the institutional user meat in the amount required by this section. This prohibition is in addition to any action, penalties or proceedings which may be authorized by law for his failure to comply.

(f) Each notice given by the institutional user pursuant to (a) shall be deemed a certification to the Office of Price Stabilization as to the information contained in the notice.

(g) Each person to whom a notice is given pursuant to (a) must keep such notice at his establishment.

Effective date. This amendment is effective February 27, 1951.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

FEBRUARY 24, 1951.

[F. R. Doc. 51-2745; Filed, Feb. 27, 1951; 1:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 7]

GCPR, SR 7—PROCESSORS OF MANUFACTURED FEEDS

Pursuant to the Defense Production Act of 1950 (Pub. Law. 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 7 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

APPENDIX

STATEMENT OF CONSIDERATIONS

This supplementary regulation is applicable only to the feed manufacturing

industry and to wholesalers and retailers of manufactured feeds.

1. *Adjustment of ceiling prices.* Section 1 of this supplementary regulation provides for adjustments in ceiling prices for manufactured feeds and these provisions are necessary to resolve certain problems created by Supplement 3 of the General Ceiling Price Regulation, covering soybean meal, and which will arise when regulations are issued establishing specific price ceilings for other ingredients used in manufactured feeds. A major problem is illustrated by the effect on the industry of the establishment, in Supplement 3, of a celing price for soybean meal. When soybeans were on the list of "listed commodities" under Section 11 of General Ceiling Price Regulation, the "parity" adjustment allowed for increases in the price of soybean meal to be reflected in the prices of manufactured feeds. When soybeans were removed from the parity list and placed under Supplementary Regulation No. 3, the prices provided for soybean meal were from eight to ten dollars per ton above the prices paid by feed manufacturers and used by them in determining their ceiling prices under section 11. Section 11 requires that the ceiling prices determined under it for commodities processed in substantial part from a listed commodity, and in effect at the time a commodity is removed from the list, shall remain as the ceiling price. Feed manufacturers, therefore, were forced to absorb the difference between the ceiling price at the time soybeans were removed from the parity list and the higher ceiling price established by Supplementary Regulation No. 3. The feed manufacturing industry uses approximately 80 percent of all the soybean meal produced, some 500,000 tons per month. The industry operates on a large volume basis and the absorption of the possible losses involved would wipe out a large part of the net operating margin of the industry.

Section 1 (a) specifies that a feed manufacturer may use the ceiling price for any ingredient which has a definite ceiling price established unless the reasonable market value is lower, in which case he shall use such value. This conforms with the customary practice of the industry of using market or replacement values for ingredients in determining selling prices for its manufactured products.

It is the long established and customary practice of the industry to determine its selling prices on the basis of market or replacement values rather than "cost." For this there are many reasons. It is an industry of very rapid turnover. Ingredients are constantly being purchased, processed and rapidly disposed of. Selling prices of manufactured feeds are quickly adjusted to market changes of the ingredients, whether up or down. It would be most difficult, if not impossible, to determine the "cost" on which to base selling prices. On the other hand, market values, at any given time, although not exact, can readily be determined within narrow ranges. Market values may vary slightly for different markets and sellers, and each manufacturer, through the exercise of administrative judgment, arrives at his own determination of market or replacement values to him and sets his prices on the basis of such determinations. This supplementary regulation preserves the customary practice of the industry.

2. *Ceiling prices of wholesalers and retailers.* Since the manufacturer is permitted to increase his prices as specified in section 1, the distributor will be allowed to increase his ceiling prices accordingly, as provided for in this section.

3. *Filing of ceiling and ingredient prices and keeping of records.* Compliance with the "notice" requirements of section 11 (f) of General Ceiling Price Regulation is most difficult for the feed manufacturing industry. Each of the 60 or more distinct rations produced by a typical feed manufacturer includes many different ingredients. It is apparent that the number of mathematical computations involved in meeting this "notice" requirement is working great hardship on the industry. Section 3 of this supplementary regulation provides for one filing of ceiling prices of the manufactured feeds and of the ingredient prices used in arriving at such ceiling prices during the base period. The feed manufacturer is of course required to comply with the record keeping provisions of section 16 of General Ceiling Price Regulation.

4. *Definitions.* It is necessary to define "manufacture" and "manufactured feed". In doing so, and in listing the exceptions, the general terms used in the last regulation for the industry under O. P. A. have been followed.

The definition of "reasonable market value" of necessity refers to quotations of commodity exchanges and of suppliers. Both these sources of information are regularly used by feed manufacturers in determining reasonable market values. In the definition, consistency in the use of quotations is required. The manufacturer must keep his records showing that the market value used by him can be substantiated by quotations.

In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to parity prices and the other minimum requirements of the law including prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

Although special circumstances have rendered impracticable consultation with formal industry advisory committees, including trade association representatives, the provisions of this supplementary regulation have been presented to, and generally approved by, persons representing substantial segments of the various industries affected.

REGULATORY PROVISIONS

1. Adjustment of ceiling prices.
2. Ceiling prices of wholesalers and retailers.
3. Filing of ceiling and ingredient prices and keeping of records.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Adjustment of ceiling prices.* You may use this supplementary regulation to adjust your ceiling prices only if you are a manufacturer of manufactured feeds as these terms are defined in section 4 below. You may increase your ceiling price per ton, as otherwise determined in the General Price Regulation, for a manufactured feed being priced by you for current sale, by the dollars and cents amount that the total value per ton of the ingredients in that manufactured feed, determined as specified in paragraph (a) below, exceeds the total value per ton of the ingredients in that manufactured feed in your calculation which determined your ceiling price for that manufactured feed in the base period under the General Ceiling Price Regulation. You may round out your ceiling price on the manufactured feed to the nearest 20 cents per ton.

(a) You determine the total value per ton of the ingredients for current sale as follows:

(1) For an ingredient which has a ceiling price established by the General Ceiling Price Regulation, you use such ceiling price, unless the current reasonable market value (as this term is defined in section 4, below) is lower, in which case you shall use such reasonable market value, and

(2) For an ingredient which has a ceiling price established by any supplementary regulation to the General Ceiling Price Regulation, or by a separate ceiling price regulation, you use such ceiling price unless the current reasonable market value (as this term is defined in section 4, below) is lower, in which case you shall use such reasonable market value, and

(3) For an ingredient being priced which has no ceiling price you use the current reasonable market value (as this term is defined in section 4, below).

SEC. 2. *Ceiling prices of wholesalers and retailers.* If you are a seller of manufactured feeds, other than a manufacturer, and your supplier increases his ceiling price in accordance with the provisions of this regulation you may increase your ceiling price by the same amount in dollars and cents as the increase in the ceiling price of your supplier.

SEC. 3. *Filing of ceiling and ingredient prices and keeping of records—(a) Filing base period prices.* If you are a manufacturer as defined in section 4 (1) below, you are not required to comply with the filing provisions of section 11 (f) of the General Ceiling Price Regulation, but you must notify the Director of Price Stabilization, Washington 25, D. C., by registered mail, within 30 days of the effective date of this supplementary regulation, by giving the following information:

(1) A list of the manufactured feeds manufactured by you giving the base period ceiling price for each as established by the General Ceiling Price Regulation, and

(2) A list of the ingredients used by you showing the price you used in arriving at your base period ceiling price for each manufactured feed as determined under the General Ceiling Price Regulation.

(b) *Keeping of records.* You must comply with the record provisions of section 16 of the General Ceiling Price Regulation.

SEC. 4. *Definitions.* When used in this regulation the following terms have the following meanings:

(1) *Manufacturer.* "Manufacturer" means, with respect to any lot of manufactured feed, a person who manufactures such feed except when he manufactures it as a service rather than as a sale of a commodity.

(2) *Manufactured feed.* "Manufactured feed" is a mixture or blend of more than one ingredient for the purpose of feeding to animals or poultry, either in the same form or in combinations with other ingredients (including scratch-chick or growing grains consisting entirely of recleaned grains, seeds, grit and shell containing no more than 10 percent of grain flour or screenings that will pass through a No. 20 standard tinned mill wire), except that the following commodities shall not be considered manufactured feeds under this supplementary regulation.

(i) A mixture resulting from the blending or mixing of offals or by-products from a single vegetable, plant or other agricultural product.

(ii) Screenings consisting of a mixture of mill or elevator run materials or a combination of varying amounts of ground or unground materials obtained in the process of cleaning grain or seed, either or both, such as inferior, light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust and floor sweepings.

(iii) Foods prepared especially for household pets.

(iv) Mineral mixtures.

(v) Manufactured feeds containing 50 percent or more of milk solids.

(vi) Animal and poultry tonics, condiments and medicants, in which the nitritive value is not substantial.

(vii) Vitamin products which are sold and used for further mixing primarily for their vitamin content and which are required to be labeled with a guaranteed vitamin content in accordance with any Federal or State law or regulation.

(3) *Reasonable market value.* "Reasonable market value" means the price to you, as customarily determined by you, of the ingredient in the appropriate quantity, grade and quality, on the basis of quotations of commodity exchanges or ingredient suppliers, in arriving at the selling prices of your manufactured feeds. The computation by which reasonable market value is determined must be consistent in all respects, including quantity, grade and quality, with the computation used in the calculation which determined the ceiling price for the manufactured feed during the base period. For example, if you determine reasonable market value for one computation on the basis of the closing quotation on a certain commodity exchange you should use the closing quotation on the same exchange as the basis of the other computation. As another example, if you used a carload quantity quotation during the base period you should use a carload quantity quotation for the computation for the current sale. You must keep a record of these prices as determined by you and they must be substantiated by quotations of commodity exchanges or ingredient suppliers. Reasonable market value must not exceed the ceiling price of the ingredient if one is applicable.

Effective date. This supplementary regulation is effective February 27, 1951.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 23, 1951.

[F. R. Doc. 51-2746; Filed, Feb. 26, 1951; 1:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, as Amended Feb. 23, 1951]

M-1—IRON AND STEEL

This amendment to order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the issuance of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-1 as amended January 22, 1951, as follows: It redesignates §§ 20.1 through 20.19 as sections 1 through 19, respectively; the word "part" is changed to "order" throughout; and Table I has been revised. As so amended, NPA Order M-1 reads as follows:

Sec.
1. What this order does.
2. Forms of iron and steel products to which this order applies.
3. Required shipment dates.
4. Rejection of rated orders (lead time).
5. Product limitation for acceptance of rated orders.
6. Conditions for acceptance of rated orders.
7. Changes in lead time.
8. Allotments for further conversion.
9. Extension of ratings for further conversion of steel products.
10. NPA assistance in placing rated orders.
11. Scheduled programs.
12. Minimum orders.
13. Inventories.
14. Application for adjustment or exception.
15. Communications.
16. Reports.
17. Records.
18. Audits and inspection.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, 16 F. R. 61.

SECTION 1. *What this order does.* This order applies particularly to producers of iron and steel and provides rules for placing, accepting, and scheduling rated orders for iron and steel. Its purpose is to provide equitable distribution of rated orders among all iron and steel producers of the particular products in order to make possible maximum production and to reduce to a minimum disruption of normal distribution. It makes provision for required acceptance of rated orders based on a percentage of previous shipments, and provides for allotment, and maximum inventories. It supplements NPA Regs. 1 and 2, but only those provisions of Regs. 1 and 2 which are inconsistent with this order are superseded, and all other provisions of those regulations continue to apply to the iron and steel industry.

SEC. 2. *Forms of iron and steel products to which this order applies.* The iron and steel products to which this order applies are set out in Table I at the end of this order. Table I also sets out the lead time (days) and product limitation for acceptance of rated orders. This order also applies to all second quality materials and shearings and material sorted or salvaged from steel scrap and sold for other than remelting purposes.

SEC. 3. *Required shipment dates.* A rated order for iron or steel in any of the forms listed in Column A of Table I must specify shipment on a particular date or in a particular month, which, in no case, may be earlier than required by the person placing the order. The producer of iron or steel must schedule the order for shipment within the requested month as close to the requested shipment date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders (lead time).* A producer of iron or steel in a form listed in Column A of Table I need not accept a rated order which is received by him less than the number of days (lead time) set forth in Column B of Table I prior to the first day of the month in which shipment is requested, unless specifically directed to accept such order by the National Production Authority.

SEC. 5. *Product limitation for acceptance of rated orders.* Unless specifically directed by NPA, no iron or steel producer shall be required to accept rated orders for shipment from any one producing unit regardless of location in any one month in excess of the percentages set forth in Column C of Table I, of his average monthly shipments of the products listed in said column, as made by him during the period from January 1, 1950, through August 31, 1950. Where no percentage limitation is set forth as to any product, it is expected that the amount of such product to be called for by rated orders will be relatively small.

SEC. 6. *Conditions for acceptance of rated orders.* Unless otherwise specifically directed by the National Production Authority, and subject to the provisions of NPA Reg. 2, each iron or steel producer shall be required to accept rated

orders calling for shipment in any one month from any one of his producing units regardless of location, of products listed in Column A of Table I up to the amount of the percentages listed in Column C of Table I of his average monthly shipments of such products from that producing unit during the period from January 1, 1950, to August 31, 1950. Where no percentage is listed in Column C, in regard to any iron or steel product, each iron or steel producer shall be required to accept all rated orders served upon him, subject to the provisions of NPA Reg. 2, unless otherwise specifically directed by the National Production Authority.

SEC. 7. *Changes in lead time.* (a) If an iron or steel producer would have an open space on his production schedule created by the difference between the lead time of forty-five days as established by this order as originally issued or as subsequently amended, and a longer lead time as established by section 4, he shall continue to accept rated orders to fill such open space on his production schedule, on the basis of a lead time of forty-five days, before he applies the newly established longer lead time. In filling such open space on his production schedule, as above referred to, an iron or steel producer shall be governed by the product limitation percentage appearing in Column C of Table I.

Example: Under the previously established lead time of 45 days, a steel producer would, up to December 17, 1950, accept DO rated orders for shipment in February 1951. Where a lead time has been increased to 120 days, he would, up to January 31, 1951, accept DO rated orders for shipment in June 1951. In the application of this example, the steel producer would continue to accept DO rated orders for shipment in March and April 1951, on a 45-day lead time until he had arrived in any one month at the product limitation percentage of that product as set forth in Column C, of Table I. Thereafter, he would conform to the new lead time of 120 days for shipment in the succeeding months.

(b) In the example in paragraph (a) of this section, if the product limitation percentage under Column C of Table I as to that particular iron or steel product has been increased from 5 percent to 10 percent, the iron or steel producer should accept DO rated orders up to the amount of the new product limitation percentage figure, commencing with shipments for the month of March, 1951, and should continue at that new figure thereafter.

SEC. 8. *Allotments for further conversion.* A steel producer who buys from another steel producer a steel product listed under the heading "Steel Mill Products" in Column A of Table I (herein called "steel mill products"), and by further processing converts, for resale, the purchased steel into another steel mill product is engaged in further conversion. For the purpose of this section, the steel producer who sells a steel mill product for further conversion shall be called a producer supplier and the steel producer engaged in further conversion shall be called a converter. Each producer supplier shall make a monthly allotment of his production of each steel mill product that remains after shipments on DO ratings and NPA directives to each of his converter customers. Such monthly allotment shall be at least equal to that percentage of his available production so remaining, as the producer supplier's shipments to each converter customer bore to his total shipments, during the base period, from January 1, 1950, through September 30, 1950. A producer supplier must accept orders placed by his converter customer up to the limit of his allotment: *Provided, however,* That such orders are placed in accordance with the lead times in Column B of Table I. Shipments under such allotments shall be made in addition to shipments to the same converter customer pursuant to authorized extension of DO ratings. Orders placed under the provisions hereof must be for substantially the same product as was supplied to each such converter during such period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made by a producer supplier, with the consent of the converter involved, to provide for any abnormal situations which affect any steel products.

SEC. 9. *Extension of ratings for further conversion of steel products.* All DO ratings extended for the purpose of further conversion of steel products shall have the symbol FC added to the two-digit designation following the prefix DO on the order.

SEC. 10. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for iron or steel due to the limitations imposed by sections 5 and 6 should apply to the NPA, Iron and Steel Division, Ref.: M–1, specifying the producers who refused to accept the order. The NPA will arrange to assist him in locating other sources of supply.

SEC. 11. *Scheduled programs.* NPA will from time to time approve scheduled programs calling for the production and delivery of iron and steel products for stated purposes, over specified periods of time. Upon approval of major programs of this type, supplements to this order will be issued describing such programs and specifying the manner in which they are to be carried out by the iron and steel industry. Thereafter, directives will be issued to individual concerns establishing schedules for their participation in such programs. Such directives shall be complied with by the recipients in accordance with the terms thereof, unless otherwise directed by NPA.

SEC. 12. *Minimum orders.* The minimum orders that may be placed with DO ratings or under NPA directives are set out in Table II at the end of this order. The minimum quantity for each size and grade of any item for shipment at any time to any one destination is listed opposite the appropriate item. If all other requirements of this order have been met, orders for such minimum quantities shall be accepted.

SEC. 13. *Inventories.* In addition to the provisions of NPA Reg. 1, relating to Inventory Control, it is considered that a more exact requirement applying to users of iron or steel products is necessary. No person obtaining iron or steel products for use in manufacture, processing or construction, may receive or accept delivery of a quantity of iron or steel products if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation pursuant to this order during the succeeding 45-day period, for steel products, gray and malleable iron castings, and 30-day period for pig iron, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less. For the purpose of this section, iron and steel products listed in Table I in which only minor changes or alterations have been effected shall be included in inventory. NPA Reg. 1 will apply to iron and steel products except as modified by this section. Said 45-day limitation does not apply to persons who order structural steel for use in construction (including buildings, bridges and other structures of a like type) and who order it delivered cut to the specifications required for a specific project and who normally keep such steel segregated for the specific project. Instead, no such person may accept delivery of such steel more than 45 days before it is scheduled to be fabricated or, if it is not to be further fabricated, before it is scheduled to be assembled.

SEC. 14. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 15. *Communications.* All communications concerning this order shall be addressed to National Production Authority, Washington 25, D. C., Ref: M–1.

SEC. 16. *Reports.* Persons subject to this order shall make such records and submit such reports to the NPA as it shall require, subject to the terms of the Federal Reports Act (P. L. 831, 77 Cong., 5 U. S. C. 139–139F). All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. In accordance with this section all steel producers are required to report on "NPAF–13—Steel Producers' Report of Orders Accepted For DO Ratings and Programs" the orders accepted bearing DO ratings and orders resulting from programs made effective by NPA directives; and on "NPAF–17—Steel Producers' Monthly Report on Shipments and Past Due Orders" the record of the shipments and past due orders by DO ratings and programs made effective by NPA directives.

SEC. 17. *Records.* Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 18. *Audit and inspection.* All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the NPA.

SEC. 19. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of NPA or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect on February 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

TABLE I—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Column A	Column B: Lead times (days)			Column C: Product limitation; required acceptance (percentage)		
Name of product	Carbon (including low alloy high strength)	Stainless	Full alloy	Carbon (including low alloy high strength)	Stainless	Full alloy
Steel mill products:						
Ingots	45	45	45	5	25	25
Billets, projectile and shell quality	45		45	(1)		(1)
Blooms, slabs, billets (except projectile and shell quality)	45	45	45	[2] 10	[2] 25	[2] 45
Tube rounds	45	45	45	15	[2] 25	60
Sheet bars	45	45	45	5	[2] 25	5
Skelp	45			5		
Wire rods	45	60	45	15		25
Structural shapes (heavy)	45	[3] 120	60	20		
Steel piling	45			15		
Plates—Rolled armor			(1)			(1)
Plates—Other	45	60	45	[4] 15	25	[3] 15
Rails—Standard (over 60 pounds)	45		60	10		
Rails—All other	45		60	10		
Joint bars	45		60	10		
Tie plates	45		60	10		
Track spikes	45		60			
Wheels (rolled and forged)	45		60			
Axles	45		60			
Bars—Hot rolled, projectile and shell quality (includes all projectile components such as fuzes, adapters and base plugs)	45		45	(12)		(12)
Bars—Hot rolled, other (including light shapes)	(5)	60	(5)	15	25	45
Bars—Reinforcing	45			20		
Bars—Cold finished	(7)	75	(7)	25	25	40
Bars—Tool steel	(5)		(5)			
Bars—Rounds for piercing				5	25	60
Standard pipe	45	90				
Oil-country goods	45			5		
Line pipe	45			5		
Mechanical tubing	(5)	90	90	15	25	60
Pressure tubing	(5)	90	90	10	25	25
Wire—Drawn	45	75	60	(13)	25	25
Wire—Nails and staples	45			5		
Wire—Barbed and twisted	45			5		
Wire—Woven wire fence	45			5		
Wire—Bale ties	45			5		
Tin mill black plate	45			5		
Tin- and terne-plate, hot dipped	45			5		
Tin plate, electrolytic	45			5		
Sheets—Hot rolled	45	60	45	17	25	5
Sheets—Cold rolled	45	75	60	15	25	5
Sheets—Galvanized	45			10		
Sheets—All other coated	45			10		
Sheets—Enameling	45			5		
Electrical sheets and strip	45		60	7		7
Strip—Hot rolled	45	60	45	12	25	5
Strip—Cold rolled	45	75	60	12	25	5
Steel castings:						
High alloy, rough as cast (heat and corrosion resisting)	[11] 60	[11] 60	[11] 60	[6]	20	20
Carbon and low alloy				20		
Steel products, fabricated:						
Forgings (rough, as forged)	90	90	90	30	20	20
Wire rope and strand						
Welded wire mesh						
Netting						
Iron products:						
Pig iron (not including iron with more than 6 percent silicon)	45					
Malleable casting (rough as cast)	[11] 60			20		
Gray iron, excluding pipes and fittings (rough as cast)	[11] 60			20		

[1] No "product limitation" or "lead time," whichever is applicable. Subject to direct negotiation by NPA if necessary.
[2] Of each item.
[3] Applies to special rolled shapes including angles and channels.
[4] Including alloys.
[5] Including carbon.
[6] If annealed or heat-treated, 60 days; otherwise, 45 days.
[7] If annealed or heat-treated, 90 days; otherwise, 75 days.
[8] If cold finished, 75 days; otherwise, 60 days.
[9] If cold drawn or cold finished, 60 days; otherwise, 45 days.
[10] Wire drawn: Low carbon, 10 percent; high carbon, 15 percent.
[11] Lead times apply to unmachined castings after approval of patterns for production.
[12] Such percentage being the total for any combination of these products.
[13] An amount equal to 35 percent of the tonnage represented by hot rolled carbon bar set aside. This is in addition to tonnage set aside for hot rolled bars.
[14] An amount equal to 35 percent of the tonnage represented by hot rolled alloy bar set aside. This is in addition to tonnage set aside for hot-rolled bars.

TABLE II—MINIMUM ORDERS THAT MAY BE PLACED ON STEEL MILLS, STEEL AND IRON FOUNDRIES, STEEL FORGE SHOPS AND MERCHANT PIG IRON PRODUCERS FOR THE PRODUCTS SPECIFIED

(Special grades, shapes, specifications, processes, and similar factors must be handled by negotiation)

Name of product	Minimum quantity for each size and grade of any item for shipment at any one time to any one destination
STEEL MILL PRODUCTS	
Carbon and low-alloy steel:	
Ingots, blooms, billets, slabs, and tube rounds, sheet bars, skelp, etc., rerolling quality	25 net tons.
Blooms, billets, and slabs, forging quality	Product of 1 ingot.
Wire rods, hot-rolled	5 net tons.
Structural shapes	5 net tons.
Plates:	
Rolled armor	By negotiation.[1]
Continuous strip mill production	10 net tons.
Sheared, universal, or bar mill production	3 net tons.
Rails	5 net tons.
Track accessories (joint bars, tie plates, track spikes)	5 net tons.
Bars, hot-rolled:	
Projectile and shell quality	Product of 1 heat.[2]
Round bars up to and including 3" and squares, hexagons, half rounds, ovals, etc., of approximately equivalent sectional area.	5 net tons.
Round and square bars over 3" to but not including 8"	15 net tons.
Bar size shapes (angles, tees, channels and zees under 3")	5 net tons.
Bars, cold finished	3 net tons.
Bars, tool steel	500 pounds.
Pipe, published carload minimum (mixed sizes and grades)	
Tubing:	
Seamless cold-drawn (O. D. in inches):	
Up to ¾" inclusive	1,000 feet.
Over ¾" to 1½" inclusive	800 feet.
Over 1½" to 3" inclusive	600 feet.
Over 3" to 6" inclusive	400 feet.
Over 6"	250 feet.
Seamless hot-rolled	By negotiation.[1]
Welded	By negotiation.[1]
Wire rods. (See above.)	
Wire, drawn, for further fabrication and manufacturing:	
Low-carbon	1 net ton.
High-carbon (0.40 carbon and higher):	
0.0475" and heavier	1 net ton.
Under 0.0475" to 0.021" inclusive	1,000 pounds.
Under 0.021"	500 pounds.
Wire merchant trade products, assorted	5 net tons.
Tin mill products—any 1 gauge	5,000 pounds.
Sheet, hot- and cold-rolled	5 net tons.
Strip, hot- and cold-rolled	3 net tons.
Stainless steel: No minimum on standard grades and sizes. For unusual grades or sizes the minimum order is to be worked out by negotiation.[1]	
Full alloy steel:	
Ingots	Product of 1 heat.[2]
Billet, projectile and shell quality	By negotiation.[1]
STEEL MILL PRODUCTS—continued	
Full alloy steel—Continued	
Blooms, slabs, billets (except projectile and shell quality) tube rounds, sheet bars, etc.:	
7" square (or equivalent cross sectional area) and under	5 net tons.
Larger than 7" square (or equivalent cross sectional area)	10 net tons.
Both of the above may be modified because of a mill's ingot size and/or rolling schedules.	
Wire rods	5 net tons.
Structural shapes	By negotiation.[1]
Plates:	
Rolled armor	By negotiation.[1]
Other, whether rolled on continuous strip, sheared, universal or bar mill.	10 net tons.
(A steel producer need not accept an order unless the total quantity ordered is sufficient to make a heat of steel or unless ingots or slabs are available in stock or unless similar material is regularly being produced.)	
Rails	By negotiation.[1]
Wheels	By negotiation.[1]
Axles	By negotiation.[1]
Bars, hot-rolled, projectile and shell quality	By negotiation.[1]
Bars, hot-rolled, other:	
Rounds and squares 3½" and smaller	5 net tons.
Rounds and squares larger than 3½"	By negotiation.[1]
Hexagons and flats	5 net tons.
Bars, cold-finished	3 net tons.
Bars, tool steel	500 pounds.
Oil-country goods	By negotiation.[1]
Mechanical tubing	5 net tons.
Pressure tubing	By negotiation.[1]
Sheet and strip	By negotiation.[1]
STEEL CASTINGS (UNMACHINED)	
High alloy and stainless (heat and corrosion resisting)	(3).
Carbon and low-alloy	(3).
STEEL PRODUCTS, FABRICATED	
Forgings (rough as forged)	By negotiation.[1]
Wire rope and strand	1,000-foot lengths.
Welded wire mesh	Full rolls of manufacturers' standard stock sizes.
Netting	Full rolls of manufacturers' standard stock sizes.
IRON PRODUCTS	
Pig iron	Car load.
Gray iron castings, excluding soil and pressure pipe and fittings (unmachined)	(3).
Malleable castings (unmachined)	(3).

[1] "By negotiation" means negotiation between the mill and its customer. If no acceptable arrangements are worked out, the NPA should be notified.
[2] "1 heat" means one batch of metal made in 1 furnace.
[3] 2,000 pounds or less from any 1 pattern or mold, or a minimum production run by the producing foundry even though the delivery from such minimum run may cause the consumers' inventory to exceed the 45-day minimum stated in section13.

[F. R. Doc. 51-2704; Filed, Feb. 23, 1951; 4:23 p. m.]

[NPA Order M-25 as Amended Feb. 23, 1951]

M-25—CANS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to authority granted by section 101 of the Defense Production Act of 1950. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of users in different trades and industries.

This amendment affects NPA Order M-25 as follows: It redesignates §§ 102.1 through 102.11 as sections 1 through 11; it amends the can specifications and the plate specifications for certain products in Schedule I; and adds Schedule II to the order. Order M-25 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use of cans.
4. Other restrictions.
5. Restrictions on amount that may be packed.
6. Exceptions.
7. Certification of delivery of cans.
8. Application for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 701, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; sec. 2, E. O. 10200, 16 F. R. 61.

SECTION 1. *What this order does.* This order places restrictions upon cans made of tin plate and terneplate. Schedules I and II set out plate specifications for cans which vary according to the products packed. This order also limits the use of cans made of tin plate and terneplate. Cans made wholly of black plate are not restricted by this order. NPA Order M-24 permits the use of tin plate and terneplate for cans in accordance with the terms of this order. NPA Order M-8 sets forth the specifications for solder that may be used in the manufacture of cans.

SEC. 2. *Definitions.* As used in this order:

(a) "Can" means any unused container made in whole or in part of tin plate, terneplate or black plate, which is suitable for packing any product. The term includes any container which has a closure or fitting, made in whole or in part of tin plate, terneplate or black plate, but does not include a glass container having such a closure or fitting. The term does not include fluid milk shipping containers.

(b) "Tin plate" means steel sheet coated with tin, and includes "primes", "seconds", and all other forms of tin plate, except waste and waste-waste.

(c) "Terneplate" means steel sheets coated with terne metal and includes "primes" and "seconds". The term does not include terneplate waste-waste, or terneplate waste. "Terne metal" means the lead-tin alloy used as the coating for terneplate, but does not include lead recovered from secondary sources which contains less than 1½ percent residual tin.

(d) "SCMT" means special coated manufacturers' terneplate.

(e) "Waste" means scrap tin plate and terneplate (including strips and circles) produced in the ordinary course of manufacturing cans, and tin plate and terneplate strips produced in the ordinary course of manufacturing tin plate and terneplate. The term also includes tin plate and terneplate parts recovered from used cans.

(f) "Waste-waste" means hot dipped or electrolytic tin-coated steel sheets or steel sheets coated with terne metal which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as primes or seconds.

(g) "Black plate" means steel sheets (other than tin plate or terneplate 29 gauge (128 pounds) or lighter. The term includes can manufacturing quality black plate (CMQ), "black plate rejects", chemically treated black plate (CTB), waste-waste, and waste.

(h) "Packer" means any person who uses cans for commercially packing any product.

(i) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

SEC. 3. *Restrictions on use of cans.* No packer shall purchase, accept delivery of, or use a can made in whole or in part of tin plate or terneplate for any purpose other than for packing products listed in Schedules I and II, and in accordance with the specifications set out in said Schedules I and II. The restrictions contained in this section and said Schedules I and II are subject to the exceptions of section 6. Schedules I and II are set out at the end of this order.

SEC. 4. *Other restrictions.* No person shall manufacture, sell or deliver any cans which he knows or has reason to believe will be accepted or used in violation of the terms of this order or any other order or regulation of the NPA.

SEC. 5. *Restrictions on amount that may be packed.* (a) The restrictions of this section do not apply to the packing of those products which are listed in Schedules I and II and preceded by a single asterisk. However, the restrictions of paragraph (b) of this section do apply to products preceded by a single asterisk if such products are repacked from other containers.

(b) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any particular product which is listed in Schedules I and II and preceded by a double asterisk any cans, made in whole or in part of tin plate or terneplate, requiring more than 100 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing that particular product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

(c) During the first quarter of the calendar year 1951 and each quarter thereafter, until otherwise ordered by NPA, no packer may accept delivery of or use for packing any other product which is listed in Schedules I and II any cans, made in whole or in part of tin plate or terneplate, by area of measurement requiring more than 90 percent of the quantity by area of measurement of tin plate, terneplate and black plate which he used for packing such product during the corresponding quarter of 1949 or 1950. The amounts packed during each quarter shall be spread as equally as possible over each of the three months of such quarter, but no packer shall be required to take delivery of cans in less than carload lots to meet this provision.

SEC. 6. *Exceptions.* (a) The plate specifications set out in Schedules I and II do not apply to the use of any cans which are in the inventory of a packer or in the inventory of a can manufacturer or in process of manufacture, or to tin plate or terneplate which was either in process at a tin mill, in the inventory of a tin mill for the account of a can manufacturer or in the inventory of a can manufacturer on the effective date of this order. It is the intent of this section that any tin plate or terneplate intended for use in the manufacture of cans in inventory or process as aforesaid shall be used notwithstanding the plate specifications of this order. However, the restrictions of section 5 are not excepted by this paragraph (a).

(b) Until March 31, 1951, .25 pound electrolytic tin plate or SCMT plate may be used in place of black plate for soldered parts on cans where facilities for soldering black plate are not available. This exception is provided to enable manufacturers to equip themselves to solder black plate.

(c) Any person whose total use of cans for packing any product in any calendar year requires less than 250 base boxes of tin plate and terneplate shall be exempt from the use limitations of section 5 but not from the plate specifications of Schedules I and II.

(d) Cans may be used to pack any product provided such product is not to be sold in the same or different form, but this does not permit the use of cans contrary to the provisions of this order for the purpose of aiding or promoting the sale of a product.

(e) (1) Orders having a properly applied DO rating are exempt from the use limitations of this order but not from the plate specifications.

(2) The restrictions in this order shall not apply to military requirements for cans of a special design or style not normally produced or used commercially, nor to cans for emergency rations and supplies for lifeboats.

SEC. 7. *Certification of delivery of cans.* No manufacturer shall sell or deliver cans unless he has received from the purchaser a certificate signed manually. This certificate shall be by letter in substantially the following form and, once filed by a purchaser with a manufacturer, covers all future deliveries of cans from the manufacturer to that purchaser:

To _____, manufacturer:

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order M-25 of the National Production Authority, and that all purchases from you of items regulated by that order, and the acceptance of the same by the undersigned, will be in compliance with said order, and any amendments thereto.

SEC. 8. *Application for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, or because any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry or its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall retain in his possession for at least two years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized

representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act (Pub. Law 831, 77th Cong., 5 U. S. C. 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref.: M–25.

SEC. 11. *Violations.* Any person who wilfully violates any provisions of this order or any other order or regulation of the National Production Authority or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with said Federal Reports Act.

This order as amended shall take effect on February 23, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

SCHEDULE I—CAN SPECIFICATIONS

Columns 2 and 3 specify the weights of tin coating per base box of tin plate and terneplate which may be used for the parts of cans for the products listed in column 1. Any packer may also use for packing a listed product black plate cans or cans with a tin coating lighter than that specified for that product. Wherever .25 lb. electrolytic tin plate is specified SCMT may be used. Tin plate menders arising in the production of electrolytic tin plate may be used without regard to the weight of coating for any purpose where .50 lb. electrolytic tin plate is permitted under this schedule. Where menders arising cannot be used to replace .50 lb. electrolytic tin plate, they may be used to replace any electrolytic tin plate. When only a figure is given in columns 2 or 3 this means that tin plate may be used for the part and the figures given indicate the maximum weight of tin coating on each base box of plate. Wherever CMQ is specified .25 lb. electrolytic tin plate may be used in that part of a can which is closed by soldering. Reference is made to section 5 for restrictions on amount that may be packed and meaning of the asterisks preceding certain products.

CAN MATERIALS

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Fruit and Fruit Products		
1. **Apples, baked, processed	1.50	1.50
2. *Apples, quartered and sliced, processed	1.25	.50
3. **Apple butter	1.50	1.50
4. *Apple juice, single strength, processed:		
Enameled cans	1.50	1.50
Plain bodies	1.25	.50
5. *Apple sauce, processed	1.25	.50

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Fruit and Fruit Products—Continued		
6. *Apricots, whole or halves, processed	1.25	.50
7. **Apricots, concentrate, processed	1.50	.50
8. **Apricots, spiced, processed	1.50	.50
9. **Apricot nectar, processed	1.25	.50
10. **Bananas and pulp, processed	1.25	.50
11. *Berries, processed:	1.50	1.50
Includes the following: Blackberries. Blueberries. Boysenberries. Cranberries, whole or sauce. Dewberries. Elderberries. Huckleberries. Loganberries. Raspberries. Strawberries. Youngberries.		
12. *Cherries, dark sweet, processed	1.50	1.50
13. **Cherries, Maraschino	1.50	1.50
14. *Cherries, red sour, processed	1.50	1.50
15. *Cherries, light sweet, processed	1.25	.50
16. **Cider	Same as apple juice	
17. **Crabapples and juice	Same as apples and apple products.	
18. **Crabapples, spiced, processed:		
Enamel cans	1.50	1.50
Plain bodies	1.50	.50
19. **Currants, processed:		
Enamel cans	1.50	1.50
Plain bodies	1.25	.50
20. *Figs, processed	1.25	.50
21. **Fruits, dehydrated or dried (except prunes):		
5 gallon square can	.50	.50
Other sizes	.25	.25
22. *Fruits, frozen—all varieties	.25	.25
23. *Fruit cocktail, incl. fruits for salad and mixed fruits, processed	1.25	.50
24. *Fruit juice concentrate, frozen	.25	.25
Includes the following: Apple. Cherry. Cranberry. Grape.		
25. *Fruit juice, single strength, processed	1.50	1.50
Includes the following: Boysenberry. Cherry. Cherry-apple blend. Cranberry. Raspberry. Raspberry-apple blend. Loganberry.		
26. *Fruit pulp and puree (except baby food)	Same as non-pureed fruits	
27. *Gooseberries, processed	1.25	.50
28. **Grapenade, ready to drink, processed	1.25	1.25
29. **Grape ade base, processed	1.50	1.50
30. **Grapes, processed (Thompson seedless)	1.25	.50
31. **Grapes, processed, colored	1.50	1.50
32. **Grapes, spiced (Thompson seedless)	1.50	1.50
33. *Grape juice, concentrate, processed	1.50	1.50
34. *Grape juice, single strength, processed	1.25	1.25
35. *Grapefruit (segments) processed	1.25	1.25
36. *Grapefruit juice concentrate, frozen	.25	.25
37. *Grapefruit juice concentrate, processed	1.25	1.25
38. *Grapefruit juice, single strength, processed	1.25	1.25
39. *Grapefruit and orange segments, processed	1.25	1.25
40. *Grapefruit-orange and other citrus juice blends concentrate, frozen	.25	.25
41. *Grapefruit-orange and other citrus juice blends concentrate, processed	1.25	1.25
42. *Grapefruit-orange and other citrus juice blends single strength, processed	1.25	1.25
43. **Fruit jams, jellies, preserves and butters:		
From red fruits	1.50	1.50
From all other fruits	1.25	.50
44. *Lemon juice, single strength, frozen	.25	.25
45. *Lemon juice, single strength, processed	1.25	1.25
46. *Lemon juice concentrate, frozen	.25	.25
47. *Lemon juice concentrate, processed	1.50	1.50
48. **Lemonade, ready to drink, processed	1.25	1.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Fruit and Fruit Products—Continued		
49. **Lemonade base concentrate, frozen	.25	.25
50. **Lemonade base concentrate, processed	1.50	1.50
51. *Lime juice, frozen	.25	.25
52. *Lime juice, processed	1.25	1.25
53. **Marmalades	Same as jams	
54. *Nectarines	Same as peaches	
55. *Olives, whole and chopped, green and green ripe	1.25	1.25
56. *Olives, whole and chopped, ripe	1.50	1.50
57. **Orangeade, ready to drink, processed	1.25	1.25
58. *Orange segments, processed	1.25	1.25
59. *Orange juice, single strength, frozen	.25	.25
60. *Orange juice, single strength, processed	1.25	1.25
61. *Orange juice concentrate, frozen	.25	.25
62. *Orange juice, concentrate, processed	1.50	1.50
63. **Papayas and papaya products, processed	1.25	1.25
64. *Peaches, whole, halves, quarters, diced and sliced, processed	1.25	.50
65. **Peaches, spiced, processed	1.50	.50
66. *Peach concentrate, processed	1.25	.50
67. **Peach nectar, processed	1.25	.50
68. **Pears, baked	1.50	1.50
69. *Pears, whole, halves, quarters, diced and sliced, processed	1.25	.50
70. **Pears, spiced, processed	1.50	.50
71. *Pear concentrate, processed	1.25	.50
72. **Pear nectar, processed	1.25	.50
73. *Pectin, liquid	1.50	1.50
74. *Pineapple and pineapple juice, processed	1.25	1.25
75. *Pineapple-grapefruit juice, processed	1.25	1.25
76. *Plums, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
77. **Plum Butter	1.50	1.50
78. **Plum nectar, processed:		
Light colored	1.25	.50
Dark colored	1.50	1.50
79. **Prunes, dehydrated or dried	1.25	.50
80. **Prunes, dried, in syrup	1.50	1.50
81. *Prunes, fresh, in syrup, processed	1.50	1.50
82. **Prune nectar, processed	1.50	1.50
83. **Prune juice, from dried prunes	1.50	1.50
84. *Quinces, processed	1.25	.50
85. *Tangerine juice, single strength and concentrate	Same as orange	
Vegetable and Vegetable Products		
86. **Artichokes, acidified, processed	1.25	.50
87. *Asparagus, processed	1.25	1.25
88. **Bamboo sprouts, processed	1.25	.25
89. **Beans, dry, soaked, processed		
All varieties:		
With sweetened sauce (Boston style)	.25	.25
With chili sauce	.50	.50
With plain sauce or brine	.25	.25
With tomato sauce	1.25	.25
90. *Beans, fresh, shelled, processed all varieties	.25	.25
91. *Beans, green and wax, processed	1.25	.25
92. **Bean sprouts, processed	1.25	.25
93. *Beets, processed	1.25	1.25
94. **Beets, pickled	1.50	1.50
95. **Broccoli, processed	1.25	.25
96. **Brussel sprouts, processed	1.25	.25
97. **Cabbage, processed	1.25	.25
98. **Cabbage, red, acidified, processed	1.50	1.50
99. *Carrots, processed	1.25	.25
100. *Carrot juice, processed	1.25	.25
101. *Carrots and peas, processed	1.25	.25
102. **Cauliflower, processed	1.25	.25
103. **Celery, processed	1.25	.25
104. **Celery juice, processed	1.25	1.25
105. **Chick peas, dry, soaked, processed	.25	.25
106. *Corn, cream style and whole grain, processed	.25	.25
107. **Corn-on-cob, processed	.25	.25
108. *Green Leafy Vegetables, Processed:		
Plain	1.25	.25
Chopped and pureed	1.25	1.25
Includes the following: Beet greens. Chard. Collard greens. Dandelion greens. Kale. Spinach. Turnip greens.		
109. **Lentils, dry, soaked, processed	.25	.25
110. *Mushrooms, processed. Whole, sliced, stems and pieces	1.25	.50
Broiled in butter	.25	.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Vegetable and Vegetable Products—Con.		
111. *Okra, with and without tomatoes, processed	1.25	.25
112. **Onions, acidified, processed	1.25	1.25
113. **Parsnips, processed	1.25	.25
114. *Peas, all varieties, fresh, processed	.25	.25
115. *Peas, green, fresh, processed	.25	.25
116. **Peas, dry, soaked, processed	.25	.25
117. *Peppers and pimientos, processed	1.25	.25
118. **Pickles and pickled relishes	1.50	1.50
119. *Potatoes, sweet, processed	1.25	.25
120. **Potatoes, white, processed	1.25	.25
121. *Pumpkin and squash, processed	1.25	1.25
122. **Rhubarb, processed	1.50	1.50
123. **Rutabagas, processed	1.25	.25
124. *Sauerkraut, (including juice)	1.50	1.50
125. *Sauerkraut & tomato juice blend	1.50	1.50
126. *Succotash, processed	.25	.25
127. *Tomatoes, processed	1.25	.25
128. *Tomato juice, processed	1.25	.25
129. *Tomato juice cocktail (spices only added), processed	1.25	.25
130. *Tomato juice concentrate, frozen	.25	.25
131. *Tomato paste, processed	1.25	.25
132. *Tomato sauce, processed	1.25	.25
133. *Tomato pulp & puree, processed	1.25	.25
134. *Tomato catsup, chili sauce and cocktail sauce:		
Enameled cans	1.25	1.25
Plain bodies	1.25	.25
135. *Tomato juice with other vegetable juices	1.25	1.25
136. **Turnips, processed	1.25	.25
137. *Vegetables, dehydrated		
Round double seamed cans	.25	CMQ
5 gallon square cans	.50	CMQ
138. *Vegetables, frozen	.25	.25
139. *Vegetables, mixed, processed	1.25	.25
Fish and Shell Fish		
140. *Abalone	.25	.25
141. *Alewives	.25	.25
142. *Anchovies	.25	.25
143. **Caviar	.25	.25
144. **Chowder, all varieties:		
Inside enameled cans	.25	.25
Plain body cans	1.25	.25
145. *Clams, processed	.25	.25
146. *Clam juice	.25	.25
147. **Codfish, salted, dry	.25	.25
148. *Crab, deviled	.25	.25
149. *Crabmeat, processed	.25	.25
150. *Crawfish	.25	.25
151. *Eels	.25	.25
152. *Finan haddie:		
In round cans	.25	.25
In oval cans	1.25	1.25
153. **Fish balls and cakes	.25	.25
154. **Fish frankfurters	.25	.25
155. *Fish and seafood, frozen or refrigerated	.25	.25
156. *Fish, flakes and ground fish for human consumption only	.25	.25
157. *Fish livers:		
In reusable 5 gallon square cans	1.25	1.25
In non-reusable 5 gallon square cans	.50	.50
158. *Fish oil in 5 gallon square cans	.50	.50
159. *Fish paste	.25	.25
160. **Fish, pickled	1.50	1.50
161. *Fish roe:		
In round double seamed cans	.25	.25
In oval drawn cans	.50	.50
162. *Halibut	.25	.25
163. *Herring, in oil or brine (including sardines, pilchards and mackerel):		
Round cans	.25	.25
In drawn cans	.25	.25
5–3 piece cans	.50	.50
Oval, drawn or oblong (other than ¼ drawn)	.50	.50
1.25 may be used for scored covers		
164. *Herring, in tom-to or mustard sauce (including sardines, pilchards and mackerel):		
In oval drawn or other cans	.50	.50
1.25 may be used for scored covers		
165. *Lobster:		
Processed	.25	.25
Newburg	.25	.25
166. *Mackerel	.25	.25
167. *Mullet	.25	.25
168. *Mussels:		
Fresh shucked	.25	.25
Spinach	.25	.25
169. *Oysters, processed	.25	.25
170. *Salmon:		
In round double seam cans	1.25	.25
In oval or drawn cans	.50	.50

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Fish and Shell Fish—Continued		
171. *Scallops: processed	.25	.25
172. *Shad		
In round double seam cans	.25	.25
In oval or drawn cans	.50	.50
173. *Shrimp: Processed	.25	.25
174. *Squid:		
In inside enameled cans	.25	.25
Plain body cans	1.25	.25
175. *Tuna	.25	.25
176. *Turtle	.25	.25
Dairy Products		
177. **Butter and Butter Substitutes	.25	.25
178. **Butter oil:		
5 gal. square cans	.50	.50
Other cans	.25	.25
179. **Buttermilk, dry	CMQ	CMQ
180. **Cheese:		
Reusable containers	1.25	1.25
Cottage, grated or processed	.25	.25
181. **Malted and other milk formulations, dry	CMQ	CMQ
182. **Chocolate and other flavored: milk, liquid	.25	.25
183. *Cream:		
Fresh or frozen	.50	.50
Sterilized	.25	.25
184. *Goat milk	.25	.25
185. **Ice cream	.25	.25
186. **Ice cream mix:		
Dry	CMQ	CMQ
Wet	.25	.25
187. **Milk, dry, whole or skimmed:		
5gal and 5 gallon square cans	.50	.50
All other cans	CMQ	CMQ
188. *Milk, fresh, frozen or refrigerated:		
5 gallon square cans	.50	.50
Other sizes	.25	.25
189. *Milk, liquid, condensed, sweetened	.75	.75
190. *Milk, liquid, evaporated and modifications of evaporated milk:		
14½ ounces or larger:		
Body	1.25	
Ends	.75	.75
Under 14½ ounces	.75	.75
Meat		
191. **Bacon:		
All seams soldered	1.25	1.25
Side seams only soldered	.25	.25
192. **Barbecued meat:		
Plain body	1.25	1.25
Inside enameled	.50	.50
193. **Beef, veal, mutton or pork (boiled, broiled, braised, corned, roasted):		
All seams soldered	1.25	1.25
Side seams only soldered	.25	.25
194. **Beef, dried	.25	.25
195. **Beef-teak	.25	.25
196. **Brains	.25	.25
197. **Chili con carne	.50	.50
198. **Frankfurters in brine	.25	.25
199. **Frankfurters with beans and tomato sauce	1.25	.25
200. **Frankfurters with barbecue sauce	1.25	1.25
201. **Frankfurters with sauerkraut	1.50	1.50
202. **Ham a la king	.25	.25
203. **Ham and eggs	.25	.25
204. **Ham, deviled	1.25	1.25
205. **Ham, spiced or chopped (including luncheon meat)	1.25	.25
206. **Hamburger with or without onions	.25	.25
207. **Hash, meat (including corned beef hash)	.25	.25
208. **Meat and beans with tomato sauce	1.25	.25
209. **Meat and gravy (including goulash)	.25	.25
210. **Meat loaf	.25	.25
211. **Meat loaf	.25	.25
212. **Meat in gravy	1.50	1.50
213. **Meats, reformed (including luncheon meat, spam)	.25	.25
214. **Meat spreads with or without liver	.25	.25
215. **Pork and soya links	.25	.25
216. **Potted meat	.25	.25
217. **Sausage (including link, in casings, in oil, pork or vienna)	.25	.25
218. **Scrapple	.25	.25
219. **Spareribs and sauerkraut	1.50	1.50
220. **Stew, meat type (including beef, brunswick and kidney)	.50	.50
221. **Tamales	.50	.50
222. **Tongue	.25	.25
223. **Tripe	1.25	1.25
224. **Veal and noodles	.25	.25
225. **Chicken, or turkey, boned	.25	.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Meat—Continued		
226. **Chicken and noodles	.25	.25
227. **Chicken and veal with noodles	.25	.25
228. **Chicken or turkey a la king	.25	.25
229. **Chicken, fat	.25	.25
230. **Chicken, friessey	.25	.25
231. **Chicken or poultry spreads	.25	.25
232. **Chicken livers and liver spread	.25	.25
233. **Chicken, whole, half or disjointed	.25	.25
234. **Pheasant	.25	.25
235. **Squab	.25	.25
236. **Turkey, disjointed	.25	.25
Miscellaneous foods		
237. **Almond paste	.25	.25
238. Animal and pet food	.25	.25
239. **Aspic	1.25	.25
240. *Baby food:		
Fruit base type	1.50	1.50
Vegetable base type	1.25	1.25
Meat base type	.50	.50
Fish base type	.50	.50
Custards and puddings (non-fruit type)	.50	.50
Dry or powdered milk formulas	CMQ	CMQ
241. **Bakery products:		
A. Less than 15 percent moisture	.25	CMQ
B. More than 15 percent moisture	.25	.25
Including the following: Biscuits. Bread. Bread crumbs. Cakes. Crackers. Crackermeal. Cookies. Doughnuts. Ice-cream cones. Pretzels. Wafers.		
242. **Baking mixes, dry	CMQ	CMQ
243. **Baking powder	CMQ	CMQ
244. **Barbecue sauce	1.25	.25
245. Beer and ale	.25	.25
246. **Bouillion cubes	CMQ	CMQ
247. **Candied fruit	.50	.50
248. **Candy and confectionery	CMQ	CMQ
249. **Cereals and flours	CMQ	CMQ
Including the following: Rolled oats. Wheat germ. Grain flours. Breakfast foods. Corn meal.		
250. **Chocolate and cocoa, dry	CMQ	CMQ
251. **Chocolate pudding, dry	CMQ	CMQ
252. **Chocolate syrup	.25	.25
253. Chop suey	1.25	.25
254. **Chow mein	1.25	.25
255. **Citrus peel, moist	1.25	1.25
256. **Coconut, moist	.25	.25
257. **Coffee, dry:		
5# and smaller cans	CMQ	CMQ
10# and larger cans	.50	CMQ
258. **Coffee, liquid concentrate, frozen	.25	.25
259. **Coffee, soluble	CMQ	CMQ
260. **Coffee substitutes, dry	CMQ	CMQ
261. **Cornmeal mush, processed	.25	.25
262. **Crepe Suzettes	.25	.25
263. **Dessert powder	CMQ	CMQ
264. **Dextrimaltose	CMQ	CMQ
265. **Dietary foods, special formula:		
Dry	CMQ	CMQ
Wet	.50	.50
266. **Dry food specialties	CMQ	CMQ
Including the following: Popcorn. Popped corn. Nut meats. Peanuts. Potato chips. Fried noodles. Macaroni. Spaghetti. Noodles. Onion dry products.		
267. Eggs:		
*Dry powdered	.25	CMQ
*Frozen	.25	.25
268. **Fish flakes	.25	.25
269. **Food stabilizers	CMQ	CMQ
270. **Fountain fruits and syrup:		
Fruit and other syrups	1.25	1.25
Topping sauce, fruit or butter	.50	.50
Carbonated beverage base syrups	1.50	1.50
271. **Fruit cakes:		
Hermetic cans	.25	CMQ
Nonhermetic cans	CMQ	CMQ
272. **Gelatin dessert, other than powder	1.25	.25

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Miscellaneous Foods—Continued		
273. **Hominy, processed	.25	.25
274. *Honey:		
All seams soldered	1.25	1.25
Only side seams soldered	.25	.25
275. **Lard:		
5 gallon square cans	.50	.50
All other cans	CMQ	CMQ
276. **Lima bean loaf	.25	.25
277. **Macaroni, noodles and spaghetti, wet pack	1.25	.25
278. **Mayonnaise (including salad dressing)	1.50	1.50
279. **Milk sugar, dry	CMQ	CMQ
280. **Mincemeat	1.50	1.50
281. **Mushroom sauce	1.25	.25
282. **Peanut and other edible nut butters	.25	CMQ
283. **Oils, edible:		
5-gallon squares	.50	.50
Other sizes	.25	.25
284. **Onions, French fried	.25	CMQ
285. **Plum pudding, including spiced pudding	1.25	1.25
286. **Potatoes, french fried, shoe-string and sticks	.25	CMQ
287. **Potato salad	1.25	1.25
288. **Ravioli	1.25	.25
289. **Rice, plain, processed	.25	.25
290. **Rice, Spanish (including rice dinner), processed	1.25	.25
291. **Shortening	CMQ	CMQ
292. **Soups, dehydrated:		
Round double seamed cans	.25	CMQ
5 gallon square cans	.50	CMQ
293. Soups, liquid:		
*Seasonal from fresh vegetables only:		
Tomato, vegetarian vegetable	1.25	.25
All other seasonal	.50	.50
**Nonseasonal:		
Black bean, bean with bacon beef	1.25	.25
Chicken with noodles or rice	.50	.50
All other nonseasonal	.75	.50
294. **Soybean milk	.25	.25
295. **Spices and condiments:		
Prepared	1.50	1.50
Dry	CMQ	CMQ
Dredger and sifter tops	1.25	.25
296. **Steak sauce, with mushrooms	1.25	.25
297. **Syrups:		
All seams soldered	1.25	1.25
Double seamed oblong	1.25	.25
Double seamed round	.25	.25
Irregular shaped	.25	.25
Includes the following syrups and blends:		
Cane.		
Corn.		
Corn blends.		
Molasses.		
Malt.		
Maple.		
Sorghum.		
298. **Tea, dry	CMQ	CMQ
299. **Yeast, dry	CMQ	CMQ
Non Food Products		
300. Aniline	1.25	1.25
301. Artists and school supplies (including water color boxes, trays, pans, cups, chalk and crayon boxes and all others)	CMQ	CMQ
302. Anti-freeze (all types)	CMQ	CMQ
303. Asphalt, pitch, tar	CMQ	CMQ
304. Auto supplies:		
Liquid radiator antirust compounds	.50	.50
Radiator stop leaks	.50	.50
Hydraulic brake fluid	.25	.25
Shock absorber fluid	.25	.25
Tire preserver	.25	.25
Top dressing paste and liquid	.25	.25
Carbon removers	.25	.25
Gasoline additives	.25	.25
All others	CMQ	CMQ
305. Bee feeder cans	.25	.25
306. Belt dressing	CMQ	CMQ
307. Cements:		
Water base linoleum	1.25	1.25
Rubber, latex type	1.25	1.25
Rubber, neoprene	1.25	1.25
Solvent base linoleum	.25	.25
Rubber base liquid and paste	.25	.25
All others	CMQ	CMQ

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-Soldered parts (3)
Non Food Products—Continued		
308. Chemicals, dry:		
Phenols	1.50	1.50
Phosphorus	1.25	1.25
Ammonium salts	1.25	1.25
Hypochlorite powders	.25	.25
Permanganates	.25	.25
Sodium and potassium metals	.25	CMQ
All others	CMQ	CMQ
309. Chemicals, liquid:		
*Alcohols, CP and USP	1.25	1.25
*Chloroform and ether USP	1.25	1.25
Aldehydes and halogenated hydrocarbons	.25	.25
Carbon disulfide	.25	.25
Carbon tetrachloride	.25	.25
Ketones, ethers, glycols	.25	.25
Sodium silicate	.25	CMQ
Alcohol, industrial	CMQ	CMQ
310. Cleaners:		
Window spray	1.25	1.25
Wall paper	1.25 or 8# terne	1.25
Radiator, liquid	.50	.50
Cleaners, liquid or paste	.25	.25
Cleaning Fluids, Solvent Type	.25	.25
All others dry or powder	CMQ	CMQ
311. Compounds:		
Boiler, liquid	.50	.50
Caulking or sealing	.25	CMQ
Grinding and buffing	.25	CMQ
Soldering or welding	.25	CMQ
All others	CMQ	CMQ
312. Cosmetic and toiletry supplies:		
Brushless shaving cream	.75	.75
Drawn parts		1.25
Hair dressings and pomades	.50	.50
Cold creams, lotions and hair wave preparations	.25	.25
All others, including personal and other powders	CMQ	CMQ
313. Dental supplies:		
Tooth powder, ammoniated	.25	.25
All others, including nonammoniated tooth powder	CMQ	CMQ
314. Disinfectants and deodorizers:		
Creosote	.50	.50
Fumigants	.50	.50
Liquid formulations	.50	.50
Pine oil	.25	.25
315. Drugs:		
Ointments and salves	.50	.50
*Blood plasma (outer container)	.25	.25
Distilled water (outer container)	.25	.25
Ampoules	.25	.25
Dry products	CMQ	CMQ
316. Dyes:		
Pastes and liquids	.50	.50
Dry	.25	CMQ
317. Essential oils	1.25	1.25
318. Exterminators: paste and powders	.25	.25
319. Film boxes	.50	.50
320. First aid cabinets and kits	CMQ	CMQ
321. Glues, pastes and adhesives:		
Moist pastes and glues	1.25	1.25
Dry powders	CMQ	CMQ
322. Glycerine:		
CP and USP	1.25	1.25
Industrial	.50	.50
323. Grain fumigant	.50	.50
324. Graphite:		
In oil	.25	.25
Dry	CMQ	CMQ
325. Lubricating grease	CMQ	CMQ
326. Lye and drain and toilet bowl cleaners	CMQ	CMQ
327. Inks:		
Spirit aniline	.50	.50
Rotogravure	.50	.50
Printing, duplicating	.25	.25
328. Insecticides:		
Nicotine sulphate	1.50	1.50
Water base	1.25	1.25
Emulsifiable concentrate	1.25	1.25
Oil base	.25	.25
Dry	CMQ	CMQ
329. Leather dressings, saddle soap	.50	.50
330. Oils (Industrial, vegetable):		
Animal or fish	.50	.50
Transformer	.50	.50
Soluble and cutting	.25	CMQ
Lubricating and motor:		
5 gallon square cans	SCMT	SCMT
1 quart and 5 quart round	CMQ	CMQ
All other	.25	.25
or	SCMT	SCMT

CAN MATERIALS—Continued

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
Non Food Products—Continued		
331. Paint products:		
Anti-fouling paints	1.50 or 12# terne	1.50
Oil base paints	CMQ	CMQ
Water base paints	.25	.25
or		SCMT
Lacquers and thinners	.25	.25
Asphalt paints	CMQ	CMQ
Shellac	8# terne	
Dry pigments, bronze powders	CMQ	CMQ
Paint and varnish removers	.25	.25
Varnishes and oil or shingle stains	.25	CMQ
332. Plaster of paris	CMQ	CMQ
333. Plastic wood	1.25	1.25
334. Polishes and waxes:		
Water base	.50	.50
Solvent base	.25	CMQ
Shoe, paste	CMQ	CMQ
Shoe, liquid	8# terne	
335. Putty	.25	CMQ
336. Recreational supplies:		
Vacuum or pressure packages	.25	CMQ
All other	CMQ	CMQ
337. Seeds	CMQ	CMQ
338. Seed inoculants	.50	.50
339. Snuff	.50	.50
340. Soap and detergents:		
Liquid	1.25	1.25
Paste	.25	.25
Powders	CMQ	CMQ
341. Stock and poultry food:		
Dry products	CMQ	CMQ
Containing 15 percent or more moisture	.25	.25
342. Stock, pet and poultry remedies:		
Roost paint	1.25	1.25
Liquids, worm killer, sheep and cattle dip, sheep and horse drench:		
For internal use	1.25	1.25
For external use	.25	.25
Dry products	CMQ	CMQ
343. Surgical dressings and hospital supplies, bandages, adhesive tape, mustard plasters, etc	CMQ	CMQ
344. Tobacco:		
Cigars and cigarettes	.25	CMQ
Pipe tobacco	CMQ	CMQ
345. Turpentine	.50	.50
346. Wood filler	.25	CMQ
347. Miscellaneous items:		
Bottle-seal cap solution	1.25	1.25
Brush keepers	.25	CMQ
Cremation boxes	1.25	1.25
Explosives	.25	.25
Weed killers	.50	.50

SCHEDULE II—CAN SPECIFICATIONS

Columns 2 and 3 specify the weights of tin coating per base box of tin plate and terneplate which may be used for the parts of cans for the products listed in column 1. Any packer may also use for packing a listed product black-plate cans or cans with a tin coating lighter than that specified for that product. Wherever .25 lb. electrolytic tin plate is specified SCMT may be used. Tin plate menders arising in the production of electrolytic tin plate may be used without regard to the weight of coating for any purpose where .50 lb. electrolytic tin plate is permitted under this schedule. Where menders arising cannot be used to replace .50 lb. electrolytic tin plate, they may be used to replace any electrolytic tin plate. When only a figure is given in columns 2 and 3 this means that tin plate may be used for the part and the figures given indicate the maximum weight of tin coating on each base box of plate. Wherever can manufacturing quality black plate (CMQ) is specified .25 lb. electrolytic tin plate may be used in that part of a can which is closed by solder. Reference is made to section 5 for restrictions

on amount that may be packed and meaning of the asterisks preceding certain products.

CAN MATERIALS

Product (1)	Soldered or welded parts (2)	Non-soldered parts (3)
FRUIT AND FRUIT PRODUCTS		
1. **Orangeade base concentrate:		
Frozen	.25	.25
Processed	1.50	1.50
2. **Pie and pastry filler (fruit filling only)	1.25	.50
3. *Pineapple juice concentrate, frozen	.25	.25
MEAT		
4. **Hams, whole, halves, quarters or sections and pork loin, boneless and smoked:		
Round cans, side seam only soldered	1.25	.25
Oblong cans, 3 lb. and larger	1.25	.25
All seams soldered	1.25	1.25
5. **Beef and other gravies	.25	.25
MISCELLANEOUS FOODS		
6. **Spaghetti with meat balls	1.25	.25
7. **Spaghetti sauce	1.25	.25
8. **Any other food product:		
Heat processed in hermetically sealed cans	.25	.25
Nonprocessed	.25	CMQ
NONFOOD PRODUCTS		
9. Aerosol and other pressure-propelled products	.50	CMQ
10. Anti-phlogistine	1.25	1.25
11. Benzol, toluene, naphtha xylene, gasoline, kerosene	.25	.25
12. Lichter fluid	.25	.25
13. Any other nonfood product	.25	CMQ

[F. R. Doc. 51-2705; Filed, Feb. 23, 1951; 4:23 p. m.]

Chapter XV—Federal Reserve System

[Regulation W]

REG. W—CONSUMER CREDIT

1. Effective February 26, 1951, section 7 of Regulation W is hereby amended by adding, at the end thereof after the present paragraph (k), a new paragraph (l) reading as follows:

(l) *Certain temporary rentals.* Any contract or similar arrangement for the rental, leasing or bailment of a listed article for a specified period of not more than 3 months if (1) the transaction is to be terminated, and the article returned to the Registrant, on or before the expiration of the specified period, and (2) the transaction is not renewable and does not directly or indirectly relate to or involve any subsequent lease, use of, or other interest in, the article or any similar article.

(Sec. 5, 40 Stat. 415, as amended, sec. 601, Pub. Law 774, 81st Cong.; 50 U. S. C. App. 5. E. O. 8843, Aug. 9, 1941, 6 F. R. 4035; 3 CFR, 1941 Supp.)

2. a. The above amendment to Regulation W is issued under the authority of section 5 (b) of the act of October 6 1917, as amended, U. S. C., Title 50, App., sec. 5 (b); Executive Order No. 8843, dated August 9, 1941; and the "Defense Production Act of 1950", particularly section 601, thereof.

The purpose of the amendment is to exempt from the down payment and monthly payment requirements of this regulation certain short-term, non-renewable leases.

b. In 15 F. R. 8856, December 14, 1950, § 222.126, relating to "'Rental' transations", the Board stated that it was examining further into the characteristics of leasing arrangements and that it would consider whether or not any such arrangements were of such a special character as to make it desirable or feasible to relax any of the provisions of Regulation W to any extent for their benefit; and to aid in such examination and consideration, the Board invited the submission to it of any relevant explanations, data or other information.

This amendment was adopted by the Board after consideration of all relevant matter, including that presented to it pursuant to the abovementioned notice in the FEDERAL REGISTER. Special circumstances rendered impracticable further consultation with industry representatives, including trade association representatives, in the formulation of the above amendment, especially in view of the relaxing nature thereof; and, therefore, as authorized by section 709 of the Defense Production Act of 1950, the amendment has been issued without such further consultation. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 51-2700; Filed, Feb. 23, 1951; 3:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

CROSS REFERENCE: For changes made in waiver of navigation and vessel inspection laws and regulations, see Title 46, Chapter I, Part 154, *infra*.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 120—OCEAN MAIL SERVICE

COMPENSATION FOR TRANSPORTATION OF FOREIGN MAILS

Whereas section 4009 of the Revised Statutes, as amended (39 U. S. C. 654) vests authority in the Postmaster General to fix the compensation, within certain prescribed limits, for mail transported by a vessel of the United States, and

Whereas the Post Office Department has been petitioned to increase the present rate paid for the transportation of United States mails consisting of articles (including parcel post) other than letters and post cards dispatched from ports in the continental United States on steamships of the United States registry for distances up to and including 300 nautical miles, and

Whereas it has been determined, from the investigation conducted by the Post Office Department, that the carriers transporting such mails have suffered and are continuing to suffer a loss under the rate presently paid, and that an increase in such rate is, therefore, warranted, and

Whereas it has been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary and contrary to the public interest:

Now, therefore, it is ordered, that, effective March 1, 1951, Part 120 be amended as follows:

In §120.7 *Compensation for transportation of foreign mails* (39 CFR 120.7) amend paragraph (c) by the addition of a subparagraph (3) to read as follows:

(3) Payment shall be made for the transportation of United States mails, consisting of articles (including parcel post) other than letters and post cards, when dispatched from ports in the continental United States, on steamships of United States registry, at the rate of 2.8 cents a pound for distances up to and including 300 nautical miles.

(R. S. 161, 396, 4009, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 654)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51-2706; Filed, Feb. 26, 1951; 9:05 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 51-9]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

MISCELLANEOUS AMENDMENTS

The purpose for the following changes in waiver orders is to restate certain waiver orders, including regulations and instructions relating thereto, pertaining to laws and regulations relating to navigation and vessel inspection administered by the Coast Guard and considered necessary in the interest of national defense. These waiver orders are also published in 33 CFR Part 19 and the changes made in 46 CFR Part 154 by this document shall likewise be made in 33 CFR Part 19. Because of the technical character of general waiver orders and because of the urgency of providing general waiver authority in the interest of national defense, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

All the waivers published in 46 CFR Part 154, which are also codified in 33

[1] This is also codified in 33 CFR Part 19.

CFR Part 19, were canceled by section 3 of Public Law 891, 81st Congress, 2d Session, approved December 27, 1950, which repealed the authority for these waivers and, therefore, all waivers in 46 CFR Part 154, as well as 33 CFR Part 19, are hereby revoked.

The purpose for the following general waivers of navigation and vessel inspection laws is to modify statutory requirements to such an extent and in such a manner and upon such terms as may be necessary in the interest of national defense. These general waivers are applicable to vessels or persons meeting the terms and conditions set forth therein without making formal application to the Coast Guard.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, and identified as CGFR 51-1 and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), certain general waiver orders are revoked and others are restated and prescribed and shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

1. Section 154.03 *Bond allotments on shipping articles* is revoked.

2. Section 154.07 is restated and amended to read as follows:

§ 154.07 *Chronological record of seaman's previous employment.* (a) Compliance is hereby waived with regard to the provisions of subsection (h) of R. S. 4551, as amended (46 U. S. C. 643), to the extent necessary to permit the Commandant of the United States Coast Guard to issue a chronological record of a seaman's previous employment on a single document, in lieu of making individual entry in a duplicate continuous discharge book or furnishing individual certificates of discharge.

(b) It is hereby found that the waiving of the provisions of R. S. 4551 (h), as amended (46 U. S. C. 643), is necessary in the interest of national defense.

(Order CGFR 51-1, dated Jan. 23, 1951, of Acting Secretary of the Treasury; 16 F. R. 731; interpret or apply Pub. Law 891, 81st Cong., 2d Sess., approved Dec. 27, 1950)

3. Section 154.09 *Permitting cargo vessels equipped with certificates issued by British Ministry of War Transport to load passengers at U. S. ports for outward transportation* is revoked.

4. Section 154.13 *Utilization of petroleum for motive power of steam vessels* is revoked.

5. Section 154.17 *Reporting of employment, discharge, or termination of seamen on tugs, towboats, and seagoing barges* is revoked.

6. Section 154.19 is restated and amended to read as follows:

§ 154.19 *Eight-hour day on tugs navigating the Great Lakes and tributary waters.* (a) Compliance is hereby waived with regard to the provisions of section 2 of the act of March 4, 1915, as amended (46 U. S. C. 673), restricting the working hours of licensed officers or seamen in the deck or engine department of any tug navigating the Great Lakes or tributary waters thereof to eight hours in one day on any vessel engaged in business connected with the national defense.

(b) It is found necessary in the interest of national defense that there be waived compliance with so much of section 2 of the act of March 4, 1915, as amended (46 U. S. C. 673), regarding the working hours of licensed officers or seamen because the application of the statutory requirement unless waived would impede the operation of vessels engaged in business connected with the national defense.

(Order CGFR 51-1, dated Jan. 23, 1951, of Acting Secretary of the Treasury; 16 F. R. 731; interpret or apply Pub. Law 891, 81st Cong., 2d Sess., approved Dec. 27, 1950)

7. Section 154.23 is restated and amended to read as follows:

§ 154.23 *Reporting of employment, discharge, or termination of seamen on vessels engaged exclusively in trade on the lakes other than the Great Lakes, bays, sounds, bayous, canals, and harbors.* (a) Compliance is hereby waived with regard to the provisions of subsection (1) of R. S. 4551, as amended (46 U. S. C. 643 (1)), and with § 14.05-20 of this chapter for issuance of certificates and continuous discharge books relating to the reporting of the employment, discharge, or termination of the services of seamen on Coast Guard Form CG 735-T in the case of vessels employed in trade on lakes other than the Great Lakes, bays, sounds, bayous, canals, and harbors, and engaged in business connected with the national defense.

(b) It is found that the waiving of the provisions of R. S. 4551 (1), as amended (46 U. S. C. 643 (1)), is necessary in the interest of national defense.

(Order CGFR 51-1, dated Jan. 23, 1951, of Acting Secretary of the Treasury; 16 F. R. 731; interpret or apply Pub. Law 891, 81st Cong., 2d Sess., approved Dec. 27, 1950)

8. Section 154.27 *Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations* is revoked.

9. Section 154.29 *Continuation in effect of certain waivers, regulations, and instructions effective July 1, 1950* is revoked.

(61 Stat. 33, 685, as amended; 46 U. S. C. and Sup., note prec. sec. 1)

Dated: February 20, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-2660; Filed, Feb. 26, 1951; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

EXTENSION OF TEMPORY ALLOCATION OF FREQUENCIES TO THE RADIOLOCATION SERVICE

In the matter of a petition filed with the Commission by the Seismograph Service Corporation of Tulsa, Oklahoma, requesting extension of temporary allocation of frequencies to the radiolocation service in the band 1750–1800 kc.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission having under consideration footnote 2 to § 2.104 (a) of its rules which, subject to certain conditions, temporarily allocated the band 1750–1800 kc. until not later than February 17, 1951, to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico, and having under consideration a petition filed by the Seismograph Service Corporation requesting an extension of this temporary allocation for an additional period after February 17, 1951, on the general grounds that such extension is needed in connection with the proceedings to be held in the Commission's general radiolocation hearing in Docket 9233 and on the further grounds that the petitioner has filed applications for renewal of its existing Class 2 Experimental licenses authorizing the use of this band for certain radiolocation purposes; and

It appearing, that the Commission's general radiolocation hearing in Docket 9233 has been postponed to an indefinite future date to be announced by the Commission and that an extension of the temporary allocation may serve to permit the accumulation of further data concerning radiolocation operations which may be utilized in connection with Docket 9233; and

It further appearing, that the Commission has heretofore found that establishment on a temporary basis of a radiolocation system as described above would be in the public interest and a further temporary extension as herein ordered would continue to be in the public interest; and

It further appearing, that steps are now being taken by the Commission which when completed are expected to result in the activation of the Disaster Communications Service in the band 1750–1800 kc., and that such service when activated should be free from harmful interference such as might be caused by the operation of the radiolocation service in this band; and

It further appearing, that the legal authority for a temporary extension of the existing temporary allocation of the band 1750–1800 kc. is vested in the Commission under sections 4 (i), and 303 (a), (b), (c), (d), (f), (g), (h), and (r) of the Communications Act of 1934, as amended; Article 7 of the Cairo (1938) General Radio Regulations, and Article 3 of the Atlantic City (1947) Radio Regulations;

It is ordered, That the petition of the Seismograph Service Corporation is granted to the extent that the temporary allocation is extended in accordance with the terms hereinafter set forth.

It is further ordered, That footnote (2) to § 2.104 (a) of the Commission's rules governing Frequency Allocations and

other matters is amended to read as follows:

[2] On the condition that harmful interference shall not be caused to the Disaster Communications Service in this band, this band is temporarily allocated to the radiolocation service until not later than August 17, 1951, subject to possible temporary continuance beyond that time for such additional period or periods as the Commission may find necessary; *Provided, however,* That this temporary allocation, or any temporary continuation thereof, shall be subject to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations and Chapter III of the Atlantic City Radio Regulations: *And provided further,* That this temporary allocation, or any temporary continuation thereof, shall automatically terminate, without the necessity of any further actions by the Commission, not later than the date on which that part of the Table of Frequency Allocations of the Inter-American Radio Agreement (Washington, 1949) covering the band 1750–1800 kc. becomes effective, or the date on which that part of the Atlantic City Table of Frequency Allocations covering all of the bands below 27,500 kc. becomes effective (as provided by Article 47 of the Atlantic City Radio Regulations), whichever date is earlier: *And provided still further,* That this temporary allocation, or any temporary continuation thereof, shall be subject to earlier cancellation or modification by the Commission, without the necessity of a hearing, if during any period when such allocation is in effect the Commission shall, in the course of any action by the United States Government directed toward bringing into force any part of the Inter-American Radio Agreement (Washington, 1949) or toward making effective all or any portion of that part of the Atlantic City Table of Frequency Allocations covering the bands below 27,500 kc. or in the course of proceedings undertaken by the Commission to determine whether a radiolocation service should be provided on a permanent basis, or in the course of activating the Disaster Communications Service or any other fixed or mobile service in this band, reach conclusions which, in the opinion of the Commission, require such cancellation or modification. This temporary allocation, or any temporary continuation thereof, is strictly limited to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico. Stations in this service shall be located within 150 miles of the shoreline of the Gulf of Mexico.

It is further ordered, That this order, and the amendment of Part 2 of the rules herein ordered, shall be effective February 17, 1951.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2645; Filed, Feb. 26, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR, Parts 80, 90, 95]

[46 CFR, Parts 59, 60, 76, 94, 146, 160]

[CGFR 51-5]

INSPECTION AND NAVIGATION REGULATIONS

MERCHANT MARINE COUNCIL PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on March 27, 1951, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., to consider proposed changes in the navigation and vessel inspection regulations.

2. The proposed changes in the regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 4 to 13, inclusive. Copies of the proposed changes in the regulations have been mailed to persons and organizations who have expressed an active interest in the subjects under discussion. Copies of any of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available. After all extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views, prior to the hearing for consideration in connection with the proposed changes may submit them in writing for receipt prior to March 26 by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration and to facilitate the checking and recording of comments, it is necessary that each suggested rewording of a proposed regulation be submitted on a separate sheet of letter size paper, showing the section number (if possible) and the specific item number; the proposed change; the reason or basis (if any); and the name, business firm or organization (if any), and the address of the submitter. It is urged that the written comments, data, and views be submitted as soon as possible so they will be received prior to March 26 in order to insure consideration at the hearing and before recommendations are made concerning the proposed regulations.

ITEM I—WARNING SIGNALS FOR USE BY COAST GUARD BUOY TENDERS WHILE WORKING BUOYS

4. It is proposed to add a new regulation in the Pilot Rules for Certain Inland Waters, Pilot Rules for the Great Lakes and Their Tributaries and the St. Marys River, and the Pilot Rules for the Western Rivers and the Red River of the North, as 33 CFR 80.33a, 90.15a, and 95.26. This proposed regulation will contain requirements for special signals to be used by a Coast Guard vessel while working on a buoy and will require the pilot or operator of a vessel observing this signal to give the Coast Guard vessel as wide a berth as possible and to reduce the speed of his vessel during passing as much as possible. This regulation is being added in order to reduce the hazards on a Coast Guard vessel which is in a very vulnerable position when working on a buoy and attempting to raise it.

5. The authority to add 33 CFR 80.33a is in section 2, 30 Stat. 102, as amended, 33 U. S. C. 157. The authority to add 33 CFR 90.15a is in section 3, 28 Stat. 649, as amended, 33 U. S. C. 243. The authority to add 33 CFR 95.26 is in R. S. 4233A, as amended, 33 U. S. C. 353.

ITEM II—LIFEBOAT WINCHES, LIMIT SWITCHES IN CONTROL CIRCUITS OF

6. It is proposed to amend 46 CFR 59.3a (b), 60.21a (b), 76.15a (b), and 94.14a (b), of the general rules and regulations, Ocean and Coastwise, Great Lakes, and Bays, Sounds, and Lakes Other Than the Great Lakes, to require the limit switches functioning in the control circuits of lifeboat winches which were in existence on November 17, 1949, to meet the same requirements as limit switches presently required in lifeboat winches for use in new installations. During the last five years the records of the Coast Guard show there have been thirty accidents caused by defective limit switches. These thirty casualties have resulted in three deaths, eighteen persons injured, and considerable property damage. During this same period two men were killed and seven were injured as a result of being struck by spinning crank handles while in the act of hand cranking the davits to their final position. It is felt that most of these accidents could be eliminated by requiring limit switches in circuits of lifeboat winches on existing installations to meet the requirements for new installations. This proposal will extend the application of the regulations so that all installations of limit switches in circuits of lifeboat winches will be the same. In view of the fact that the equipment installed on existing vessels is aging, the accident rate from defective limit switches if not corrected may be expected to increase rather than decrease.

7. The authority for requiring limit switches in electric circuits of lifeboat winches is in R. S. 4405, 4488, 4491, 49 Stat. 1544, 54 Stat. 346; and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 1, 367, 375, 481, 489, 1333, 50 U. S. C. 1275.

ITEM III—INFLAMMABLE LIQUIDS, TRANSPORTATION OF

8. It is proposed to revise the requirements for the transportation of inflam-

mable liquids in the regulations governing explosives or other dangerous articles or substances and combustible liquids on board vessels by adding 46 CFR 146.03-9, regarding definition of "flammable" or "inflammable" and by amending 46 CFR 146.04-5, 146.21-1, 146.21-2, 146.21-14, and 146.21-100 so that the Coast Guard requirements will be in agreement with the Interstate Commerce Commission's regulations. Since new inflammable liqids have become commercially important and are now covered by ICC regulations, it is proposed to add similar requirements in 46 CFR 146.21-100. The Interstate Commerce Commission has also changed the requirements for some of the containers used in transporting inflammable liquids, as well as authorized the use of a number of new contalners, and the regulations have been revised to reflect these changes.

9. The authority for regulations covering the transportation of inflammable liquids is in R. S. 4405, 4472, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 1, 170, 375, and 50 U. S. C. 1275.

ITEM IV—SPECIFICATIONS FOR FIBROUS GLASS LIFE PRESERVERS, PISTOL PROJECTED PARACHUTE RED FLARE DISTRESS SIGNALS AND SIGNAL PISTOLS

10. It is proposed to add a new specification covering life preservers using fibrous glass as buoyant material as a new Subpart 160.005 in 46 CFR Part 160. This specification will provide an alternate type of life preserver for use on inspected vessels. At the public hearing held on September 20, 1950, this proposed specification was considered. Because numerous comments and suggestions were submitted it was determined to reconsider this specification after all the comments previously received have been incorporated into it where possible. The proposed specification sets forth the requirements to be followed in manufacturing life preservers using fibrous glass as buoyant material, as well as the inspections and tests required and the procedures for obtaining approval.

11. It is proposed to cancel the present specification designated as 46 CFR Subpart 160.024, which contains requirements for pistol projected parachute red flare distress signals and signal pistols and in lieu thereof add two new specifications designated as Subpart 160.024 for the pistol projected parachute red flare distress signals and Subpart 160.028 for the signal pistols in 46 CFR Part 160. These specifications as rewritten contain no new requirements except that the cost of qualification tests for type or brand approval must now be borne by the manufacturer. The proposed specifications cover the requirements to be followed in manufacturing pistol projected parachute red flare distress signals and signal pistols as well as the inspections and tests required and the procedures for obtaining approval.

12. The authority for specifications covering fibrous glass life preservers is in R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 1, 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, and 50 U. S. C. 1275.

13. The authority for the specifications regarding pistol projected parachute red flare distress signals and signal pistols is in R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 1, 367, 375, 391a, 481, 489, 1333, and 50 U. S. C. 1275.

Dated: February 21, 1951.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 51-2659; Filed, Feb. 26, 1951; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 965]

[Docket No. AO 166-A13]

HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Cincinati, Ohio, on January 8, 1951, pursuant to notice thereof which was issued on January 2, 1951 (16 F. R. 98).

The material issues of record related to (1) the level of Class I and Class II prices in relation to the basic formula price, and (2) the pricing of Class III milk in such a manner as to discourage handlers from using producer milk in Class III when outlets are available for such milk in Class I or Class II.

Findings and conclusions. The following findings and conclusions are based upon evidence contained in the record:

(1) The level of Class I and Class II prices in relation to the basic formula price.

The amounts to be added to the basic formula price in computing Class I and Class II prices should not be changed; however, Class I and Class II prices should not be allowed to decline prior to May 1, 1951.

In November 1950, the last month for which the record contains data, the amount of emergency milk classified in Classes I and II was only one percent of total Class I and Class II milk and was only 7 percent of the amount of producer milk classified in Class III. No emergency milk was received by handlers from January 1949 to October 1950. Even though the weather in the latter part of November was more severe and more unfavorable to milk production than in most winters, only a very small amount of emergency milk was needed. On some days deliveries of milk from farms to plants and from plants to wholesale or retail outlets were curtailed because of weather and road conditions. The unfavorable weather continued into December and early January, but the supply of producer milk is usually lowest in November, so that the extent of usage of emergency milk in Classes I and II was probably not significantly greater in December or January than in November.

Conclusions set forth hereinafter concerning the pricing of Class III milk should make more producer milk available for use in Class I and Class II in the short supply season.

The basic formula price, and accordingly Class I and Class II prices, increased 24 cents from November to December and further increases appear likely.

In view of the above, it is concluded that no permanent increase in Class I and Class II price differentials is necessary.

Any condition unfavorable to the milk production of an individual cow will be reflected to some extent throughout the lactation period in which that condition exists. A relatively large number of cows in producers' herds freshen in December and January. Thus, the severe weather this winter will have some unfavorable effect on the volume of producer milk throughout most of 1951. Establishment of some incentive to encourage producers to maintain their herds at a high level of production to assure an adequate supply for the short season of 1951 appears desirable. It is therefore concluded that Class I and Class II prices should not be allowed to decline prior to May 1, 1951. By May 1 production is nearing the seasonal high point and pastures are supplying a large amount of nutrients.

(2) The pricing of Class III milk in such a manner as to discourage handlers from using producer milk in Class III when outlets are available for such milk in Class I or Class II.

The Class III price should be increased 30 cents per hundredweight above the price presently applicable in each of the months of October through February.

Considerable quantities of producer milk have been used in Class III in the recent short milk production season by some handlers while other handlers have had considerable difficulty obtaining milk to satisfy their needs for Class I and Class II. Attempts have been made by a cooperative association to channel producer milk into the Class I and Class II outlets available, but some handlers using substantial amounts of producer milk in Class III have not been willing to release such milk.

Ice cream constitutes the major portion of Class III usage in the short supply season. Regulations of marketing area health authorities require that butterfat used in ice cream must be from milk produced under their supervision, but nonfat milk solids used in ice cream can be obtained from other sources if certain temperature requirements are met in processing. Ice cream sold ouside the marketing area need not be made from producer milk.

Butterfat can be stored during the season of flush milk production for use in the short season. Apparently the seasonal variation in the Class III price is not presently great enough to encourage such storage. On the basis of estimated costs of storage of such butterfat, a seasonal differential of 30 cents plus the seasonal variation in the Class III formula factors should encourage storage of butterfat for use in ice cream. This should result in making more producer milk available for Class I and Class II requirements in the season of short milk production.

A proposal considered at the hearing would add 30 cents to the Class III price in any of the months of October through February if a prescribed relationship between volume of Class I and Class II milk and volume of producer milk was exceeded. Such a provision would provide less incentive for handlers to store butterfat than the change herein concluded to be necessary and desirable.

It is therefore concluded that the Class III price should be increased 30 cents above the present formula level in each of the months of October through February.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. A brief was filed on behalf of Cincinnati Sales Association, Inc. The brief contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 965.51 (a) by adding thereto the following: "*Provided*, That from the effective date of this proviso through April 1951 the Class I price for any month shall not be lower than in the immediately preceding month."

2. Amend § 965.51 (b) by adding thereto the following: "*Provided*, That from the effective date of this proviso through April 1951 the Class II price for any month shall not be lower than in the immediately preceding month."

3. Amend that portion of § 965.51 (c) which precedes subparagraph (1) thereof to read as follows:

(c) The price for Class III milk during each of the months of March through September shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of October through February shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, plus 30 cents.

Filed at Washington, D. C., this 21st day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 51-2671; Filed, Feb. 26, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 41]

FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted, in duplicate, to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by March 28, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of such communications will be available after March 30, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Under the present interpretation of § 41.57 of the Civil Air Regulations it is impossible to use a pilot in more than one type of crew combination even for a single flight without restricting his total monthly flight time to 100 hours. In view of the fact that pilots in flight crews consisting of two pilots and an additional flight crew member may fly as much as 120 hours a month, and that no specific monthly limitations are established for 3-pilot plus additional flight crew member crews, the effect of this limitation is to prevent mixed assignments even where no increase in flight fatigue would be involved and where the arrangement would be desirable for both pilot and carrier.

It is our opinion that regulations should be so drafted as to permit assignment to more than one type of flight crew without creating any penalty in terms of maximum permissive flight duty without, of course, opening the door to evasion of the stricter limitations applicable to the smaller crew combinations.

It is our intention, for an experimental period of 6 months, to permit a pilot to take advantage of changing during the month to another type of crew combination which is less restrictive as to monthly flight time limitations, or vice versa, if he does not fly more than 20 hours in the more restrictive category. This would permit logical classification in accordance with the flight time limitations authorized in §§ 41.54, 41.55, and 41.56 for various types of crew combinations.

During this period it is expected that the Civil Aeronautics Administration will closely supervise the operation to be sure that no abuse is developed and to obtain necessary information to assist the Board in determining a satisfactory permanent program for adoption along with the proposed flight time limitations recently submitted for public consideration in proposed revised Part 40.

The proposed Special Civil Air Regulation would, in general, establish the following maximum monthly and quarterly limitations for pilots used in various crew combinations:

1. A pilot assigned to multiple crews may fly in either two-pilot or two-pilot plus additional airman crews and comply with the flight time limitations ap-

plicable to multiple crews under the following circumstances:

(a) If his assigned time to two-pilot crews is a continuous period [1] of 20 hours or less;

(b) If his assigned time in two-pilot plus additional airman crews is a continuous period of 20 hours or less;

(c) If his combined time in two-pilot and two-pilot plus additional airman crews is 20 hours or less.

2. Any pilot whose time in two-pilot crews exceeds 20 hours or who has two or more noncontinuous assignments to such crews shall have a monthly maximum of 100 hours.

3. Any pilot whose time in two-pilot plus additional airman crews exceeds 20 hours or who has two or more noncontinuous assignments to such crews shall have a monthly maximum of 120 hours and a quarterly limit of 300 hours.

4. Any pilot whose combined time in a two-pilot crew with and without an additional airman exceeds 20 hours shall have a monthly limit of 120 hours and a quarterly limit of 300 hours.

It is proposed to issue a Special Civil Air Regulation to read as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots used in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crew is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot plus additional flight crew member crews in a given month, or whose assignment in such crew is interrupted more than once in the month by assignment to a crew consisting of three pilots plus an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot plus additional flight crew member, and three-pilot plus additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation is proposed under the authority of title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205, 52 Stat. 98[1]; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: February 20, 1951, at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 51-2657; Filed, Feb. 26, 1951; 8:51 a. m.]

[1] The fact that more than one flight trip is involved does not prevent the period from being regarded as continuous for this purpose.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 455

FEBRUARY 16, 1951.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR, § 4.275 (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), and Order No. 319 of July 19, 1948 (43 CFR 50.451, 13 F. R. 4278), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
Sec. 27: Lots 1, 2, N½NW¼ (embracing the homestead entry of James R. Brumfield, Fairbanks 06699). Containing approximately 168.93 acres.
Sec. 28: Lot 3, N½NE¼ (embraced in homestead entry of Robert E. Thomas, Fairbanks 06741). Containing approximately 127.95 acres.
Sec. 28: Lot 1; Sec. 29: Lot 4 (embracing the homestead entry of Daniel H. Peger, Fairbanks 08030). Containing approximately 111.29 acres.
Sec. 29: Lot 2 (embraced in the homestead entry of Harold Caldwell, Fairbanks 07391). Containing approximately 43.24 acres.

T. 1 S., R. 2 W.,
Sec. 12: Lot 2, NE¼SW¼ (embraced in original and additional homestead entries of John Gustafson, Fairbanks 06044/07641). Containing approximately 79.12 acres.
Sec. 13: Lot 3 (embraced in the homestead entry of Harry L. O'Bryan, Fairbanks 06505). Containing approximately 34.42 acres.
Sec. 14: Lot 7, SE¼SE¼ (additional homestead entry of Thomas S. Smith, Fairbanks 08310). Containing approximately 64.29 acres.
Sec. 23: Lot 4 (homestead entry Dorothy S. Dale, Fairbanks 06874). Containing approximately 56.16 acres.
Sec. 25: Lot 2, NE¼NW¼, SW¼NW¼ (embraced in original and additional homestead entries Donald F. Johnston, Fairbanks 06513/07339). Containing approximately 129.57 acres.
Sec. 25: NW¼SW¼; Sec. 26: NW¼SE¼, SE¼SE¼ (embraced in homestead entry of Claude J. Chilton, Fairbanks 07228). Containing 120 acres.
Sec. 26: Lots 2, 4, SE¼NW¼ (embracing the second homestead entry of Herbert C. Torgerson, Fairbanks 08462). Containing approximately 114.87 acres.

T. 1 S., R. 2 E.,
Sec. 5: Lot 3, NW¼SW¼; Sec. 7: Lot 1; Sec. 8: Lot 5 (embraced in homestead entry of Lawrence E. Marsh, Fairbanks 06838). Containing approximately 83.87 acres.
Sec. 6: Lot 7; Sec. 7: Lots 2, 8, NE¼SE¼ (embracing homestead entry of Clarence A. Nelson, Fairbanks 07552). Containing approximately 114.18 acres.
Sec. 7: Lot 6, NE¼SW¼ (embraced in homestead entry of Jesse I. Palmer, Fairbanks 06237). Containing approximately 73.34 acres.
Sec. 8: S½NW¼ (embraced in homestead entry of Robert E. Freeman, Fairbanks 06721). Containing 80 acres.

T. 2 S., R. 2 E.,
Sec. 6: Lot 7; Sec. 7: Lots 1, 2, NE¼NW¼ (embraced in homestead entry of Robert E. Locker, Fairbanks 08450). Containing approximately 134.52 acres.
Sec. 10: Lot 11; Sec. 15: Lot 2, NW¼NE¼ (embracing homestead entry of John J. Sears, Fairbanks 08491). Containing approximately 105.63 acres.
Sec. 17: NE¼NE¼ (embraced in homestead entry of James M. Ford, Fairbanks 07569). Containing 40 acres.

T. 4 S., R. 3 E.,
Sec. 24: Lot 5, NE¼SE¼ (embraced in homestead entry of Thomas A. Bear, Fairbanks 08500). Containing approximately 64.40 acres.

T. 5 S., R. 4 E.,
Sec. 14: Lots 2, 3, SW¼NE¼, SE¼NW¼ (embracing homestead entry of Vernon H. Elarth, Fairbanks 06287). Containing approximately 134.60 acres.
Sec. 14: Lots 6, 7; Sec. 23: NE¼NE¼ (embraced in homestead entry of Charles F. Kennaw, Fairbanks 06342). Containing approximately 120.06 acres.
Sec. 23: Lots 4, 5, N½SW¼ (embracing homestead entry of Howard P. Glass, Fairbanks 06280). Containing approximately 113.50 acres.
Sec. 23: SW¼NE¼ (embraced in homestead entry of Jack T. Copestick, Fairbanks 06695). Containing 40 acres.

T. 6 S., R. 4 E.,
Sec. 11: NW¼SW¼ (embraced in homestead entry of Harry N. Wagers, Fairbanks 06299). Containing 40 acres.

T. 7 S., R. 5 E.,
Sec. 12: Lots 1, 2 (embracing homestead entry of Paul Hiller, Fairbanks 03017). Containing approximately 41.10 acres.
Sec. 14: NW¼NW¼ (embraced in homestead entry of Fred R. Waters, Fairbanks 06422). Containing 40 acres.

SEWARD MERIDIAN

T. 13 N., R. 4 W.,
Sec. 4: Lots 1, 2, 3, 4, NE¼SE¼, S½NW¼. Containing approximately 281.51 acres.
Sec. 5: Lot 1. Containing approximately 52.13 acres.
Sec. 9: Lot 1. Containing approximately 1.07 acres.

A tract of land located on Bear Cove, Kachemak Bay, Alaska, to be identified as U. S. Survey #3023, containing approximately 80 acres (Homestead Settlement Claim of Dana M. Newman, Anchorage 013962).

The above described lands aggregate approximately 2,689.75 acres.

A. J. LACOVEY, *Acting Regional Administrator.*

[F. R. Doc. 51-2632; Filed, Feb. 26, 1951; 8:45 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JANUARY 26, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing approximately 640 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 255

For lease and sale for homesites only:

T. 2 N., R. 6 E., S. B. M., Sec. 8, All.

The lands are located 15 to 25 miles northwest of Twenty-nine Palms, California, in the Mojave Desert, San Bernardine County, California. The elevation ranges from about 2,700 to 3,500 feet. The topography is rolling. The sandy soil supports a desert shrub type of vegetation. Summer temperatures are high and rainfall is slight. Graded and unimproved roads permit access to portions of the area. Subsurface water is generally very deep and many applicants will find it necessary to haul water for domestic use.

2. As to applications regularly filed prior to 3:24 p. m., April 16, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., March 30, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., March 30, 1951, to close of business on June 28, 1951.

(b) Advance period for veterans' simultaneous filings from 3:24 p. m., April 16, 1948, to 10:00 a. m., March 30, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., June 29, 1951.

(a) Advance period for simultaneous nonpreference filings from 3:24 p. m., April 16, 1948, to 10:00 a. m., June 29, 1951.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the state, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE, *Acting Regional Administrator.*

[F. R. Doc. 51-2633; Filed, Feb. 26, 1951; 8:45 a. m.]

Office of the Secretary

[Order No. 2616]

ASSOCIATE DIRECTOR, ASSISTANT DIRECTOR AND GENERAL COUNSEL

DELEGATION OF AUTHORITY TO SERVE AS ACTING DIRECTOR OF NATIONAL PARK SERVICE

FEBRUARY 16, 1951.

SECTION 1. *Acting Director.* (a) The Associate Director of the National Park Service shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director.

(b) The ranking Assistant Director of the National Park Service present shall perform the duties of the Director in case of the death, resignation, absence, or sickness of both the Director and the Associate Director.

(c) The Chief Counsel of the National Park Service shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director, the Associate Director, and the Assistant Directors.

(d) The Assistant Director of the National Park Service whose existing appointment bears the earliest date shall be considered the ranking Assistant Director of the National Park Service for the purposes of paragraph 1 (b) of this order.

(e) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Revocation.* This order supersedes paragraphs (a) and (d) of § 4.650 and § 4.651, Subpart I—National Park Service, Part 4, Title 43, Code of Federal Regulations, 1947 Supplement.

(5 U. S. C., 1946 ed., sec. 22)

OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 51-2631; Filed, Feb. 26, 1951; 8:45 a. m.]

[Order No. 2558, Amdt. 1]

SOUTHEASTERN POWER ADMINISTRATION

DESIGNATION OF CHIEF COUNSEL AS ACTING ADMINISTRATOR AT CERTAIN TIMES

FEBRUARY 20, 1951.

A new subsection, designated as subsection (e) and reading as follows, is added to section 2 of Order No. 2558:

(e) The Chief Counsel of the Administration shall serve as Acting Administrator of the Administration and shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(5 U. S. C. sec. 22; 16 U. S. C. sec. 825s)

OSCAR L. CHAPMAN, *Secretary of the Interior.*

[F. R. Doc. 51-2661; Filed, Feb. 26, 1951; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1151]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING PERIOD OF OPERATIONS

FEBRUARY 20, 1951.

Notice is hereby given that, on February 19, 1951, the Federal Power Commission issued its order entered February 16, 1951, extending period of operations until February 10, 1952, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2635; Filed, Feb. 26, 1951; 8:46 a. m.]

[Docket No. G-1172]

INDEPENDENT NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

FEBRUARY 20, 1951.

Notice is hereby given that, on February 19, 1951, the Federal Power Commission issued its findings and order entered February 16, 1951, permitting abandonment of facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2634; Filed, Feb. 26, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25862]

PREFABRICATED OR PORTABLE HOUSES FROM LAFAYETTE, IND., TO MISSOURI AND NEBRASKA

APPLICATION FOR RELIEF

FEBRUARY 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238, and the Union Pacific Railroad Company.

Commodities involved: Prefabricated or portable houses, carloads.

From: Lafayette, Ind.

To: Kansas City, Mo., Omaha and Lincoln, Nebr.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: L. C. Schuldt's tariff I. C. C. No. 4238, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2640; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25863]

BITUMINOUS COAL FROM MINES IN KENTUCKY, TENNESSEE, AND VIRGINIA TO INDIANAPOLIS, IND.

APPLICATION FOR RELIEF

FEBRUARY 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Indianapolis and Louisville Railway Company, for itself and on behalf of the Louisville and Nashville Railroad Company and Illinois Central Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Louisville and Nashville Railroad mines in eastern Kentucky, Tennessee and Virginia.

To: Indianapolis, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2642; Filed, Feb. 26, 1951; 8:48 a. m.]

[4th Sec. Application 25864]

MANGANESE ORE FROM EASTERN PORTS TO HOLSTON, TENN.

APPLICATION FOR RELIEF

FEBRUARY 21, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 580, and Agent C. W. Boin's tariff I. C. C. No. A-911.

Commodities involved: Manganese ore, carloads.

From: Eastern and New England ports.

To: Holston, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2641; Filed, Feb. 26, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

NATIONAL ASSN. OF SECURITIES DEALERS, INC., ET AL.

NOTICE OF TIME FOR FILING WRITTEN REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of February 1951.

In the matter of the application of National Association of Securities Dealers, Inc., for approval of the continuance of Oscar F. Kraft & Co. in membership in the association with Carter Harrison Corbrey, as a controlled person.

The National Association of Securities Dealers, Inc. (hereinafter referred to as the Association), has filed with this Commission an application for approval of the continuance of Oscar F. Kraft & Co. in membership in the Association, with Carter Harrison Corbrey as a registered representative thereof, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934.

The application states in substance:

1. That Oscar F. Kraft, doing business as Oscar F. Kraft & Co., a registered broker and dealer and a member of the Association, proposes to employ Carter Harrison Corbrey as a salesman and has applied to the Association for the registration of Corbrey as its registered representative;

2. That the Commission, by order of April 12, 1949, revoked the broker-dealer registration of Carter H. Corbrey & Co. (not Inc.), the name under which Corbrey had been engaged in business, and expelled him from membership in the Association, pursuant to section 15 (b) and section 15A (*1*), (2), respectively, of the Securities Exchange Act of 1934;

3. That the District Committee for District No. 2 and the Board of Governors of the Association have considered the application made to it by Oscar F. Kraft & Co. for the registration of Corbrey as a registered representative, and upon consideration of all of the facts, including the representations as to the type of activity to be engaged in by Corbrey as an employee of that firm and the extent of the supervision which the firm will exercise over his activities, are of the opinion that the approval by the Commission of the continuance in membership of Oscar F. Kraft & Co. with Corbrey in its employ would be consonant with the stated purposes and policies of section 15A of the Securities Exchange Act of 1934.

By reason of the Commission's order revoking the registration of Corbrey and expelling him from membership in the National Association of Securities Dealers, Inc., as more particularly set forth in paragraph 2 above, Oscar F. Kraft & Co. may not, pursuant to the provisions of section 15A (b) (4) of the Securities Exchange Act of 1934, be continued in the membership of the Association with Corbrey in its employ except with the approval or at the direction of the Commission.

Notice is hereby given that any interested person may informally present his views or any information relating to this matter by communicating with the Secretary of the Commission, or with Mr. Thomas B. Hart, Administrator of the Commission's Chicago Regional Office located at Room 630 Bankers Building, 105 West Adams Street, Chicago 3, Illinois, or with Mr. Howard A. Judy, Administrator of the Commission's San Francisco Regional Office located at Room 308 Appraisers Building, 630 Sansome Street, San Francisco 11, California, or with Mr. Charles R. Burr, Manager of the Commission's Los Angeles Branch Office located at Room 1737 U. S. Post Office and Courthouse, 312 North Spring Street, Los Angeles 12, California, on or before March 19, 1951, and that within the same period of time any person desiring that a formal hearing be held may file with the Secretary of the Commission a written request to that effect together with a brief statement of the nature of his interest in the proceedings and the position which he proposes to take. In the absence of such a request by any person having a bona fide interest in the proceedings, the Commission will either set the matter down for hearing on its own motion after appropriate notice or, if it should appear appropriate to do so, will grant the application on the basis of the record without formal hearing.

This notice will be served on Oscar F. Kraft & Co. and the Association forthwith and published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act not later than fifteen (15) days prior to March 19, 1951.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2636; Filed, Feb. 26, 1951; 8:46 a. m.]

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER APPROVING ADJUSTED COMPROMISE PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of February A. D. 1951.

The Commission on June 30, 1949, having approved a plan ("Compromise Plan"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act"), providing for the distribution of escrowed cash and shares of new common stock of Interstate Power Company ("Interstate") among the holders of Interstate's formerly outstanding debentures, public holders of Interstate's formerly outstanding preferred stock, and Ogden Corporation ("Ogden"), Interstate's former parent, which Compromise Plan was thereafter approved by the United States District Court for the District of Delaware; and

The Commission, with the approval of the United States District Court, having held reconvened hearings on the question whether there has been a change in circumstances so as to make the allocations proposed in the Compromise Plan no longer fair and equitable; and

A petition ("Adjusted Compromise Plan") having been filed in which all participants joined, proposing adjustments of the allocations contained in the Compromise Plan; and

The Commission having considered the record and having issued its findings and opinion this day finding the Compromise Plan no longer fair and equitable to public preferred stockholders and finding that the Adjusted Compromise Plan is fair and equitable to the persons affected thereby;

It is ordered, Pursuant to section 11 (e) of the act, that the Adjusted Compromise Plan be, and it hereby is, approved, subject to the conditions specified in Rule U-24 and to the following additional terms and conditions:

(1) This order shall not be operative to authorize the consummation of the proposed transactions until the United States District Court for the District of Delaware, upon application thereto, shall have entered an order enforcing the Adjusted Compromise Plan; and

(2) Jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further actions as it may deem appropriate in connection with the Adjusted Compromise Plan, the transactions incident thereto and the consummation thereof, and jurisdiction is specifically reserved to consider and determine the reasonableness and allocation of all fees and expenses incurred and to be incurred in connection with the Adjusted Compromise Plan and the transactions incident thereto.

It is further ordered, That the request to be heard filed by Interstate Power Company on the limited issue presented in its request be, and it hereby is, denied, without prejudice to its right to be heard on such issue in an appropriate subsequent proceeding.

It is further ordered and recited, That the distribution of common stock of Interstate held in escrow by the Chemical Bank & Trust Company and the distribution of cash held in escrow by the Manufacturers Trust Company as provided in the Adjusted Compromise Plan, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2638; Filed, Feb. 26, 1951; 8:47 a. m.]

[File No. 811-67]

AMERICAN CITIES POWER AND LIGHT CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of February A. D. 1951.

Notice is hereby given that American Cities Power and Light Corporation ("Applicant") located at No. 60 Broadway, New York, New York, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

The following facts appear from the application:

Applicant, incorporated under the laws of the State of Virginia, is a closed-end, non-diversified management investment company registered under the act. It has outstanding 2,504,110 shares of Class B stock, of which 2,044,547 shares, or approximately 81.6 percent, are held by Carl J. Austrian and Robert G. Butcher as Trustees of Central States Electric Corporation now in process of reorganization under Chapter X of the Bankruptcy Act in the United States District Court for the Eastern District of Virginia.

Pursuant to the laws of Virginia, the stockholders at a special meeting on September 20, 1950, consented to the dissolution of applicant and approved and adopted the plan of dissolution of the board of directors dated August 29, 1950. The State Corporation Commission of Virginia issued a certificate of dissolution on September 20, 1950.

Three distributions in liquidation, aggregating $15,974,870.99 based on average book amounts, in shares of portfolio securities and cash were made to stockholders of applicant on October 18 and November 22, 1950, and February 2, 1951. The remaining assets, after making adequate provision for the obligations of

applicant, consisting of cash and Government securities in the amount of $1,437,476.03, will be distributed to stockholders upon deposit of their certificates representing shares of Class B stock with an agent to be appointed in New York City. Unclaimed funds and securities from all distributions will be deposited irrevocably in trust with a bank or trust company doing business in New York City for the respective accounts of the stockholders entitled thereto or their respective successors, legal representatives or assignees.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after March 12, 1951, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 9, 1951, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2637; Filed, Feb. 26, 1951; 8:46 a. m.]

[File No. 812-718]

AERONAUTICAL SECURITIES, INC., AND BULLOCK FUND LTD.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of February A. D. 1951.

Notice is hereby given that Aeronautical Securities, Incorporated (hereinafter sometimes referred to as "Aeronautical") and Bullock Fund Ltd. (hereinafter sometimes referred to as "Bullock"), registered investment companies, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed transfer of the assets of Aeronautical to Bullock in exchange for shares of capital stock of Bullock equal to the net value of the assets of Aeronautical, after deducting liabilities assumed by Bullock.

Aeronautical and Bullock are open-end management investment companies with principal offices in the City of New York. Aeronautical is a non-diversified company and Bullock is diversified. Calvin Bullock, a joint stock association, is the investment adviser and principal underwriter for both. The principal officers of Aeronautical are also officers of Bullock and, in addition, each officer of Aeronautical and Bullock is also an officer or employee of Calvin Bullock, the joint stock association.[1] Because of these affiliations the proposed transaction might be deemed to come within the prohibition of section 17 (a) (1) and (2) of the act.[2] Accordingly, Aeronautical and Bullock have filed the instant application for an order of the Commission exempting the proposed transaction from the provisions of section 17 (a).[3]

Aeronautical and Bullock have entered into a contract, dated February 9, 1951, pursuant to which Aeronautical has agreed, subject to the requisite approval of its stockholders, to transfer to Bullock and Bullock has agreed to acquire from Aeronautical all the assets of Aeronautical in exchange for shares of capital stock of Bullock having a net asset value equal to the net value of the assets of Aeronautical, after deducting liabilities of Aeronautical assumed by Bullock. Assets and liabilities in each case will be determined as of the close of business on the day on which stockholders of Aeronautical approve the transaction. The shares of Bullock received by Aeronautical will be distributed pro rata to stockholders of Aeronautical, and Aeronautical will be dissolved.

As of December 31, 1950, Aeronautical had net assets amounting to $1,369,026 which was equivalent to $7.78 per share. The assets consisted of shares of airline companies, aircraft accessory companies and aircraft manufacturers. It has been the policy of Aeronautical to invest its funds ordinarily in securities of companies engaged in air transportation or wholly or partly in the manufacture of aircraft, parts or accessories. As of November 30, 1950, Bullock had net assets of $8,672,659 which was equivalent to $21.05 per share. The assets consisted for the most part of common stocks of different industries. It is the policy of Bullock not to concentrate investments in securities of any particular industry. Bullock has net assets and gross investment income over six times as large as Aeronautical. Its expenses are only three times as large.

The reason for the proposed transfer is that the redemption of Aeronautical shares has far exceeded the sale of new shares. During 1949 the number of shares of Aeronautical outstanding decreased by 17.6 percent and during 1950 by 20.5 percent. During 1950 the ratio of redemptions to sales was 5.22 to 1. The redemptions of Aeronautical shares have in recent months exceeded sales of new shares at a rate which in the opinion of management, if continued, would produce an annual operating expense per share of capital stock outstanding more than is justified for investment company stocks of this type.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application in whole or in part and upon such condition as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after March 12, 1951, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than March 9, 1951, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2639; Filed, Feb. 26, 1951; 8:47 a. m.]

[1] However, no director of either company is also a director of the other.

[2] Section 17 (a) (1) and (2) provide as follows:

It shall be unlawful for any affiliated person or promoter of or principal underwriter for a registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B), or any affiliated person of such a person, promoter, or principal underwriter, acting as principal—

(1) Knowingly to sell any security or other property to such registered company or to any company controlled by such registered company, unless such sale involves solely (A) securities of which the buyer is the issuer, (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities, or (C) securities deposited with the trustee of a unit investment trust or periodic payment plan by the depositor thereof;

(2) Knowingly to purchase from such registered company, or from any company controlled by such registered company, any security or other property (except securities of which the seller is the issuer);

[3] However, Aeronautical and Bullock disclaim the applicability of section 17 (a) of the act to the proposed transaction.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17333]

HELEN AND SUYE DANIEL

In re: Stock and bank account owned by Helen Daniel and Suye Daniel. F-39-5571-A-1: E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Daniel and Suye Daniel, whose last known address is 103 Naka-Machi, 1 Chome, Shinohara, Nada-Ku, Kobe, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Twenty (20) shares of $25.00 par value common capital stock of The American Tobacco Company, 111 Fifth Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered BB174663 for twenty (20) shares of class B common, $25.00 par value stock of the aforesaid company, registered in the name of Hurley & Company, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and all rights to receive a new certificate for $25.00 par value common stock of the aforesaid company,

b. Three (3) shares of no par value common capital stock of Radio Corporation of America, 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered $\frac{FR}{C}$-19037, registered in the name of Hurley & Company, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Thirty (30) shares of no par value common capital stock of United States Steel Corporation, 71 Broadway, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced in part by a certificate numbered P6186, for ten shares of stock of said Corporation issued prior to the three for one stock split of June 1949, registered in the name of Hurley & Company, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

d. Seventy (70) shares of $20.00 par value common capital stock of The National City Bank of New York, 55 Wall Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered T. C. O. 3670 for thirty (30) shares of $12.50 par value common stock, a certificate numbered C. O. 24323 for twenty (20) shares of $12.50 par value common stock, and a certificate numbered C. O. 10988 for twenty (20) shares of $12.50 par value common stock, registered in the name of Hurley & Company, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and all rights to receive a new certificate for $20.00 par value common stock of the aforesaid bank, and

e. That certain debt or other obligation owing to Helen Daniel and Suye Daniel, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a compound interest account, account number A43175, entitled "Mrs. Suye Daniel and/or Miss Helen Daniel," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helen Daniel and Suye Daniel, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2612; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17317]

O. DIETSCHE

In re: Securities and cash owned by O. Dietsche. F-63-3695.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That O. Dietsche, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One thousand one hundred seventy (1,170) shares of $5.00 capital common stock of General Public Utilities Corporation, 67 Broad Street, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered C 78420, C 78421, C 79393, C 79394, C 79468, C 79469, C 79470, C 79471, C 79472, C 79473, C 79474, for one hundred (100) shares each, and certificate numbered F 92645 for seventy (70) shares, registered in the name of Bosworth and Co., together with all declared and unpaid dividends thereon,

b. One hundred seventeen (117) shares of $4.50 capital common stock of South Carolina Electric and Gas Company, 328 Main Street, Columbia, South Carolina, a corporation organized under the laws of the State of South Carolina, evidenced by certificates numbered TNO 1377, TNO 1378, TNO 1379, TNO 1381, for twenty (20) shares each, and certificate numbered TNO 11284 for thirty-seven (37) shares, registered in the name of Bosworth and Co., together with all declared and unpaid dividends thereon, and

c. That certain debt or other obligation of American Electric Securities Corporation, 20 Pine Street, New York 5, New York, representing deposits held by the aforesaid corporation on behalf of Max A. Schmuckl, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by O. Dietsche, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2611; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17321]

JAPANESE NATIONALS

In re: Debt owing to Japanese nationals, whose names are unknown. F-39-1339.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described in subparagraph 3 hereof is being held by The

Chase National Bank of the City of New York, 18 Pine Street, New York, New York, for the account of Nationale Handelsbank N. V., Kobe Agency, Japan;

2. That although the names of the owners of the property described in subparagraph 3 hereof are not available, such persons, who, if individuals, there is reasonable cause to believe are residents of Japan and, if partnerships, corporations, associations, or other organizations, there is reasonable cause to believe are organized under the laws of, or have or, on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan, are nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $883.85 as of December 1, 1950, presently on deposit in an account entitled "Nationale Handelsbank N. V., Kobe Agency, Japan", and representing cover for demand drafts numbered, issued by and in the amounts as follows:

Draft No.	Amount	Issuing office
1036	$20.00	Tokyo.
D155239	28.43	Do.
D155242	23.13	Do.
D155243	23.43	Do.
36189	117.18	Do.
36199	23.43	Do.
36282	23.00	Do.
36283	23.00	Do.
36284	23.00	Do.
36285	23.00	Do.
36927	$10.95	Kobe.
36967	20.00	Tokyo.

and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2646; Filed, Feb. 26, 1951; 8:49 a. m.]

[Vesting Order 17348]

LUDWIG HOBELSBERGER

In re: Rights of the domiciliary personal representatives et al. of Ludwig Hobelsberger, deceased, under insurance contract. File No. F-28-24487-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ludwig Hobelsberger, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4 271 444C, issued by the Metropolitan Life Insurance Company, New York, New York, to Ludwig Hobelsberger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ludwig Hobelsberger, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2651; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17340]

BRUNO BRUHN ET AL.

In re: Rights of Bruno Bruhn et al. under insurance contract. File No. F-28-22273-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bruno Bruhn and Eva O. Bruhn, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, have been residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under an annuity contract evidenced by policy No. 1975859, issued by The Travelers Insurance Company, Hartford, Connecticut, to Bruno Bruhn, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bruno Bruhn or Eva O. Bruhn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Bruno Bruhn and Eva O. Bruhn be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2648; Filed, Feb. 26, 1951; 8:49 a. m.]

[Vesting Order 17344]

SUTEMATSU ENDO

In re: Rights of Sutematsu Endo under contract of insurance. File No. D-39-15222-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sutematsu Endo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Supplementary Contract No. 91095, issued in lieu of Policy No. 8335652 by the New York Life Insurance Company, New York, New York, to Sutematsu Endo, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2649; Filed, Feb. 26, 1951; 8:49 a. m.]

[Vesting Order 17322]

LEIPZIG OVERLAND POWER COMPANIES

In re: Account owned by Leipzig Overland Power Companies. F-28-2501.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leipzig Overland Power Companies, the last known address of which is Leipzig, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal place of business in Leipzig, Germany, and are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New York, arising out of coupon deposit account entitled "Leipzig Overland Power Companies 1st Closed Mortgage 6½ percent 20 Yr. S. F. G. B. due May 1, 1946", maintained at the office of the aforesaid Brown Brothers Harriman & Co., together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Leipzig Overland Electric Power Companies, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2647; Filed, Feb. 26, 1951; 8:49 a. m.]

[Vesting Order 17346]

KIKU HAMANO

In re: Rights of the domiciliary personal representatives et al. of Kiku Hamano, deceased under contracts of insurance. Files F-39-4826-H-1 and H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julius Hamano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiku Hamano, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 68521302 and 93296833 issued by the Metropolitan Life Insurance Company, New York, New York, to Kiku Hamano, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Julius Hamano or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiku Hamano, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Kiku Hamano are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2650; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17356]

ALOYS STOCKMANN

In re: Rights of Aloys Stockmann under insurance contract. File No. F-28-24359-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Aloys Stockmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Aloys Stockmann under a contract of insurance evidenced by policy No. 3 951 973 A, issued by the Metropolitan Life Insurance Company, New York, New York, to Aloys Stockmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on

account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2652; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17378]

KARL LOERKY

In re: Stock owned by Karl Loerky. F-28-31224.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Loerky, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four thousand four-hundred (4,400) shares of $1.00 par value common capital stock of North European Oil Corporation, a corporation organized under the laws of the State of Delaware, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Certificate Nos.	Number of shares	Form of registration
24485/86	[1] 100	Blair S. Williams & Co.
27510/39	[1] 100	Karl Loerky.
25844/45	[1] 100	Holle & Stiegletz.
21915	100	Ward Gruver & Co.
11081/82	[1] 100	Arthur C. Veneh.
17806/07	[1] 100	Herbert L. Nichols, Jr.
16248/52	[1] 100	Do.

[1] Each.

said certificates presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2654; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17385]

ERICH WINDELS

In re: Stock owned by Erich Windels. D-28-512.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigating, it is hereby found:

1. That Erich Windels, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

b. One (1) Warrant numbered H42676 for twenty-five (25) shares of no par value, common capital stock of International Petroleum Company, Limited, presently in the custody of the Department of State, Division of Protective Services, 515 Twenty-second Street NW., Washington, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name of issuer	Certificate Nos.	Number of shares	Par value	Type of stock	Registered owner
Hallinger Consolidated Gold Mines.	A 75361	100	$5.00	Non-assessable capital	Herr Erich Windels.
Wright-Hargreaves Mines, Ltd.	TO-37129	150	No par	do	Do.
	TO 35162	150	No par	do	Do.
Buffalo Ankerite, Gold Mines, Ltd.	15048	50	1.00	do	Do.
Noranda Mines, Ltd.	MB 49263	45	No par	do	Erich Windels.

[F. R. Doc. 51-2656; Filed, Feb. 26, 1951; 8:51 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10217

AMENDING PARAGRAPH 1 (c) OF EXECUTIVE ORDER NO. 10157 [1] OF AUGUST 28, 1950, ENABLING CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT TO ACQUIRE A COMPETITIVE STATUS

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 1753 of the Revised Statutes of the United States, it is ordered that paragraph 1 (c) of Executive Order No. 10157 of August 28, 1950, entitled "Enabling Certain Employees of the Federal Government To Acquire a Competitive Status," be, and it is hereby, amended to read as follows:

"The acquisition of competitive status by the employee must be recommended to the Civil Service Commission by the head of the agency in which he is employed within six months of the date of this order: *Provided*, that in the case of an employee who has left or, before the expiration of such six months' period, leaves his civilian position for the purpose of entering the armed forces of the United States, such recommendation must be made within six months of the date of honorable termination of the military service of the employee."

HARRY S. TRUMAN

THE WHITE HOUSE,
February 26, 1951.

[F. R. Doc. 51-2793; Filed, Feb. 27, 1951; 12:06 p. m.]

[1] 15 F. R. 5834.

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

INDEFINITE APPOINTMENT

Effective December 1, 1950, paragraph (a) of § 2.115 is amended to read as set out below.

§ 2.115 *Indefinite appointment*—(a) *In general.* On and after December 1, 1950, all new appointments shall be indefinite appointments except those of postmasters in all classes of post offices and, in unusual circumstances, appointments to positions for which the Commission determines that probational appointments are in the interest of the service: *Provided*, That agencies may give probational appointments after that date to eligibles who were regularly selected from certificates issued prior to December 1, 1950, for probational appointment. Such indefinite appointments shall be made from the Commission's registers of eligibles unless there are insufficient available eligibles. The Commission may restrict certification for indefinite appointment to eligibles that are immediately available because of residence or other conditions. The first year of service under an indefinite appointment shall be a trial period similar to the probationary period established by § 2.113.

Persons given such appointments do not thereby acquire a permanent civil service status. The appointment of any person serving under a temporary appointment pending establishment of a register, a war service appointment, a temporary indefinite appointment as a substitute in the post office service, or an emergency-indefinite appointment on December 1, 1950, is hereby converted to an indefinite appointment under this section: *Provided*, That the appointment of any person serving under a war service indefinite appointment in the postal field service shall not be so converted. Service in the same agency immediately preceding such conversion shall be counted toward completion of the required 1-year trial period.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-2699; Filed, Feb. 27, 1951; 8:52 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page
Amending EO 10157, enabling certain employees of Federal Government to acquire competitive status 1843

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Bartholdt, Antonie, et al 1926
Dieter, Phillip A 1924
Meywald, Hermann August 1924
Oberwalder, Rosetta, et al 1926
Petersen, Meta 1925
Tokunaga, Kakuji 1925
Van der Stucken, Mary 1925
Washeim, Anna 1926

Civil Aeronautics Board
Notices:
Delegations of authority:
Letters of registration 1908
Waiver of civil air regulations for operations conducted under contract with armed forces 1908

Civil Service Commission
Rules and regulations:
Appointment through competitive system; indefinite appointment 1843
Promotion, demotion, and reassignment and movement of employees between agencies with reemployment rights 1845

Commerce Department
See National Production Authority.

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Civil Defense Administration
Notices:
Organizational statement 1909

FEDERAL REGISTER

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CODE OF FEDERAL REGULATIONS

1949 Edition

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission — Page
Notices:
Hearings, etc.:
Hirsch Communication Engineering Corp. and Hawthorne Broadcasting Co. — 1910
Unity Corp., Inc. (WTOD) et al. — 1910
Rules and regulations:
Frequency allocations and radio treaty matters; recapitulation of regulations — 1845

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co. — 1911
Arkansas Power & Light Co. — 1910
California Oregon Power Co. — 1912
Carolina Natural Gas Corp. — 1910
Hanley and Bird — 1910
Hooper, M. C. — 1912
Philadelphia Electric Co. — 1911
Pittsburgh and West Virginia Gas Co. and Equitable Gas Co. — 1911

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Texas Gas Transmission Corp. et al. — 1911

Federal Reserve System
Rules and regulations:
Reserves of member banks; classification of reserve cities — 1871

Federal Security Agency
See Public Health Service.

Housing and Home Finance Agency
See Public Housing Administration.

Immigration and Naturalization Service
Rules and regulations:
Students; endorsement of passports — 1900

Indian Affairs Bureau
Proposed rule making:
Crow Indian Irrigation Project, Mont.; operation and maintenance charges — 1903
Flathead Indian Irrigation Project, Mont.; operation and maintenance; delivery point — 1903

Interior Department
Delegation of authority to Secretary with respect to certain industrial chemicals used principally in petroleum industry (Del. 9) (*see* National Production Authority).
See Indian Affairs Bureau; Land Management, Bureau of; Petroleum Administration for Defense; Reclamation Bureau.

Interstate Commerce Commission
Notices:
Livestock from the West to the South; application for relief — 1923
Rules and regulations:
Freight Forwarder Annual Report Form F-a — 1902

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
Louisiana; transferring jurisdiction over oil and gas deposits in certain lands owned by U. S. — 1901

National Production Authority
Notices:
Delegation of authority to Secretary of the Interior with respect to certain industrial chemicals used principally in petroleum industry (Del. 9) — 1908

Petroleum Administration for Defense
Rules and regulations:
Automotive tetraethyl lead fluid (No. 1) — 1898

Post Office Department — Page
Rules and regulations:
Postal service, international:
Canada — 1901
Israel — 1901
Netherlands New Guinea — 1900
Netherlands West Indies — 1900
Turkey — 1901

Price Stabilization, Office of
Rules and regulations:
Retail ceiling prices for certain consumer goods (CPR 7) — 1872
Alternative methods for preparing list date pricing chart and pricing (CPR 7, SR 2) — 1897
Special pricing methods for certain chain stores and mail order establishments (CPR 7, SR 1) — 1895

Production and Marketing Administration
Rules and regulations:
Milk handling in New Orleans, La., area — 1899

Public Health Service
Notices:
Organization and functions — 1912

Public Housing Administration
Notices:
Description of agency and programs and final delegations of authority — 1922

Reclamation Bureau
Notices:
Columbia Basin Project, Washington; public announcement of sale of full-time farm units — 1904
Klamath Irrigation Project, Oregon-California; public notice of annual water charges — 1904
Yakima Project; amendment of announcement that water is ready for delivery to part of lands — 1904

Securities and Exchange Commission
Notices:
Hearings, etc.:
New England Power Co. — 1924
West Penn Electric Co. — 1923

Wage and Hour Division
Proposed rule making:
Retail or service establishments — 1902

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
10157 (amended by EO 10217), 10217 — 1843

Title 5
Chapter I:
Part 2 — 1843
Part 8 — 1845

Title 7
Chapter IX:
Part 942 — 1899

CODIFICATION GUIDE—Con.

Title 8 — Page
Chapter I:
Part 125 — 1900

Title 12
Chapter II:
Part 204 — 1871

Title 25
Chapter I:
Part 97 (proposed) — 1903
Part 130 (proposed) — 1903

Title 29
Chapter V:
Part 779 (proposed) — 1902

Title 32A
Chapter III (OPS):
CPR 7 — 1872
CPR 7, SR 1 — 1895
CPR 7, SR 2 — 1897
Chapter IX (PAD):
PAD 1 — 1898

Title 39
Chapter I:
Part 127 (5 documents) — 1900, 1901

Title 43
Chapter I:
Appendix (Public land orders):
701 — 1901

Title 47
Chapter I:
Part 2 — 1845

Title 49
Chapter I:
Part 445 — 1902

PART 8—PROMOTION, DEMOTION, AND REASSIGNMENT AND MOVEMENT OF EMPLOYEES BETWEEN AGENCIES WITH REEMPLOYMENT RIGHTS

REEMPLOYMENT RIGHTS

Effective March 1, 1951, §§ 8.114 and 8.115 are amended to read as follows:

§ 8.114 *Granting of reemployment rights in the interest of the defense program.* (a) Any permanent employee of a nondefense agency in the executive branch shall be granted reemployment rights upon indefinite appointment by a defense agency under § 8.115 (a): *Provided*, That the Commission may refuse to authorize reemployment rights whenever it determines, upon appeal by the nondefense agency, that such employee is engaged in an activity essential to the public welfare and that the loss of his services would jeopardize such activity. Whenever the defense agency in which he is employed determines that the employment in another defense agency of one of its permanent employees will be in the interest of the defense program it shall agree to his indefinite appointment in the other agency with reemployment rights: *Provided*, That if the agency in which he is employed fails to agree to such indefinite appointment with reemployment rights, the agency desiring his services may appeal to the Commission and final decision as to whether the employee shall be granted reemployment rights shall then be made by the Commission.

(b) A permanent employee who has been granted reemployment rights for indefinite appointment in his present agency shall be eligible for further indefinite appointment with retention of reemployment rights in the original agency. A permanent employee who has received a notice of involuntary separation because of reduction in force or otherwise, or who has already submitted a resignation, shall not be granted reemployment rights upon indefinite appointment by a defense agency. The granting of reemployment rights shall be subject to standards issued by the Commission.

(c) Any employee granted reemployment rights who is subsequently involuntarily separated, without cause such as would reflect on his suitability for reemployment, shall be reemployed, with the status of a permanent employee, within thirty days of his application, by the original agency in which he was granted reemployment rights in the occupational field and at the same grade or level and in the same geographical area as the position which he last held on a permanent basis: *Provided*, That if his reemployment would cause the separation or demotion of another employee he shall then be considered an employee for the purpose of applying Retention Preference Regulations to determine what if any position he is entitled to: *Provided further*, That upon reemployment in the Postal Service he shall be given the seniority he would have attained had he remained in the Postal Service. In order to be entitled to reemployment rights the employee must make application for reemployment within 40 days after his separation.

§ 8.115 *Appointment of employees with reemployment rights.* (a) The Commission hereby delegates authority to agencies to give indefinite appointments to employees with reemployment rights provided the standards of the Commission are met and the promotion restrictions of § 8.109 are observed.

(b) The Commission may disapprove any such indefinite appointment or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this section have not been followed.

(c) Persons appointed under this section shall not be required to serve a trial period. However, the appointments of such persons who have not completed the probationary period shall be subject to completion of such period.

(d) Persons serving under such appointments are eligible for within-grade salary steps in the same manner as provided in § 2.115 (c) of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51-2723; Filed, Feb. 27, 1951; 8:55 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 2 since it was last recapitulated in the FEDERAL REGISTER (May 6, 1949, at page 2280) there follows a recapitulation of Part 2 as revised to and including the Commission's action of December 20, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Basis and purpose. These rules are issued pursuant to Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, 1947, ratified by the United States on June 18, 1948, and Title III of the Communications Act of 1934, as amended. In order to effectuate the purposes of that Act and in particular to make available a rapid, efficient, nationwide, and worldwide wire and radio communication service the rules provide for allocations and terms of assignment and use of frequencies and call letters, and distress, disaster, and emergency radio communication common to all radio stations.

SUBPART A—DEFINITIONS

Sec.
2.1 Definitions.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

2.101 Station symbols.
2.102 Nomenclature of frequencies.
2.103 Assignment of frequencies.
2.104 Frequency allocations.

SUBPART C—EMISSIONS

2.201 Emission, modulation and transmission characteristics.
2.202 Bandwidths.

SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION AND ALLOCATION AND USE OF CALL SIGNS

2.301 Identification of transmissions.
2.302 Table of allocation of call signs.
2.303 Table of geographic assignment of call signs.

SUBPART E—DISTRESS, DISASTER AND EMERGENCY COMMUNICATIONS

2.401 Distress messages.
2.402 Control of distress traffic.
2.403 Retransmission of distress message.
2.404 Resumption of operation after distress.
2.405 Operation during emergency.
2.406 National defense; free service.
2.407 National defense; emergency authorization.

APPENDIX A

Appendix A—Laws, treaties, agreements and arrangements relating to radio.

AUTHORITY: §§ 2.1 to 2.407 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—DEFINITIONS

§ 2.1 *Definitions.* The following definitions are issued:

Aeronautical Advisory Station (FAA). An aeronautical station used for advisory communications with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for, and safety of flight.

Aeronautical fixed station (FXA). A station in the aeronautical fixed service.

Aeronautical marker beacon station (RLA). A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

Aeronautical mobile service. A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical station (FA). A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical utility land station (FLU). A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station (MOU). A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station (MAA). An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station (MA). A mobile station installed on board any type of aircraft and continuously subject to human control.

Airdrome control station (FAC). An aeronautical station providing communication between an airdrome control tower and aircraft.

Altimeter station (ROA). A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.

Amateur service. A service of self training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur station (AR). A station in the amateur service.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Base station (FB). A land station in the land mobile service carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service of transmissions to be received directly by the general public.

This service may include transmissions of sounds or transmissions by television, facsimile or other means.

Broadcasting station (BC). A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or

The output of a transmitter when the modulating wave is made zero; or

A wave generated at a point in the transmitting system and subsequently modulated by the signal; or

A wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Citizens radio service. A radiocommunication service of fixed, land, or mobile stations, or combinations thereof, intended for use by citizens of the United States for private or personal radiocommunication (including radio signaling, control of objects by radio, and other purposes).

Civil Air Patrol Land Station (FLV). A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station (MOV). A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station (FC). A land station in the maritime mobile service carrying on a service with ship stations.

Common carrier fixed station (FXC). A fixed station open to public correspondence.

Contract developmental station (EXG). An Experimental Station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States.

Developmental fixed station (FXJ). A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency of the developmental fixed station.

Developmental land station (FLA). A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental land station.

Developmental mobile station (MOA). A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental mobile station.

Distance measuring equipment. A radionavigation aid in the aeronautical radionavigation service that determines the distance of an interrogator from a transponder by measuring the time of transmission to and from the transponder.

Domestic fixed service. A fixed service intended for the transmission of information between points, all of which lie within the 48 states and the District of Columbia, except for the domestic haul of international traffic.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Experimental station (EX). A station utilizing Hertzian waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Export developmental station (EXE). An experimental station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government.

Facsimile. A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

Facsimile broadcasting station (BCM). A broadcasting station utilizing facsimile primarily.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the Public Radiocommunication Services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed station (FX). A station in the fixed service.

Flight test station (FAT). An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

Flying school station (FAS). An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcast STL station (FXF). A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

FM broadcasting station (BCF). A broadcasting station utilizing telephony by means of frequency modulation.

Glide path station (RLG). (This term will be defined at a later date.)

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part.

Hertzian waves. Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Industrial, scientific, and medical equipment. Devices which use Hertzian waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instrument landing system. A system of radionavigation, intended to facilitate aircraft in landing, which provides lateral and vertical guidance, including indications of distance from the optimum point of landing.

Interim FM relay station (FXM). A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

International broadcasting station (BCI). A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station (FXI). A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which is intended to provide radiocommunication between the United States and its territories and foreign or overseas points.

Kc (kilocycle). A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station (ML). A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land station (FL). A station in the mobile service not intended for operation while in motion.

Land transportation radio services. Any service of radio communication operated by, and for the sole use of certain land transportation carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Localizer station (RLL). A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

Loran station (RLN). A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radio beacon station (RLM). A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

Maritime mobile service. A mobile service between ship stations and coast stations, or between ship stations.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Mc (megacycle). A megacycle (Mc) means one thousand kilocycles.

Meteorological aids service. A service of emissions of special radio signals intended solely for meteorological, including hydrological, observations and exploration.

Meterological radar station (WXD). A station in the meteorological aids service, employing radar, not intended for operation while in motion.

Mobile, except television pickup, station (MOZ). Any mobile station other than a television pickup station.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station (MO). A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni directional range station (RLO). A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

Operational fixed station (FXO). A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D. C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station (MAP). An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

Public radiocommunication services. The land mobile and fixed services the stations of which are open to public correspondence.

Public safety radio service. Any service of radiocommunication essential to either the discharge of non-federal governmental functions relating to public safety responsibilities or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station (RLC). A radionavigation land station which employs a racon.

Radar. Radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

Radio. A general term applied to the use of Hertzian waves.

Radiobeacon station. A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

Radiocommunication. Any telecommunication by means of Hertzian waves.

Radio direction finding. Radiolocation in which only the direction of a station is determined by means of its emissions.

Radio direction finding station (RG). A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

Radiolocation. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

Radiolocation service. A service involving the use of radiolocation.

Radiolocation station. A station in the radiolocation service.

Radionavigation. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

Radionavigation land station (RL). A station in the radionavigation service not intended for operation while in motion.

Radionavigation mobile station (RO). A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation service. A radiolocation service involving the use of radionavigation.

Radionavigation station. A station in the radionavigation service.

Radio range station (RLR). A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, which transmits meteorological data.

Radiosonde station (WXR). A station in the meteorological aids service employing a radiosonde.

Remote pickup broadcast base station (FBR). A base station, licensed for the transmission of program material from

remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Remote pickup broadcast mobile station (MLR). A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Ship station (MS). A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

Standard frequency service. A radiocommunication service for the transmission of standard and specified frequencies of known high accuracy, intended for general reception.

Standard frequency station (SS). A station in the standard frequency service.

Surveillance radar station (RLS). A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

Telegraphy. A system of telecommunication for the transmission of written matter by the use of a signal code.

Telemetering. Automatic radiocommunication, in a fixed or mobile service intended to indicate or record a measurable variable quantity at a distance.

Telemetering fixed station (FXE). A fixed station, the emissions of which are used for telemetering.

Telemetering land station (FLE). A land station, the emissions of which are used for telemetering.

Telemetering mobile station (MOE). A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station (BCT). A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station (FXN). A fixed station used for intercity transmission of television program material and related communications for use by television broadcast stations.

Television pickup station (MLT). A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link) (FXT). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

§ 2.101 *Station symbols.* The following symbols shall be used to designate the several classes of stations:

Symbol	Class of station
AR	Amateur station.
BC	Broadcasting station.
BCF	FM broadcasting station.
BCI	International broadcasting station.
BCM	Facsimile broadcasting station.
BCT	Television broadcasting station.
EX	Experimental station.
EXE	Export developmental station.
EXG	Contract developmental station.
FA	Aeronautical station.
FAA	Aeronautical advisory station.
FAC	Airdrome control station.
FAS	Flying school station.
FAT	Flight test station.
FB	Base station.
FBR	Remote pickup broadcast base station.
FC	Coast station.
FL	Land station.
FLA	Developmental land station.
FLE	Telemetering land station.
FLU	Aeronautical utility land station.
FLV	Civil air patrol land station.
FX	Fixed station.
FXA	Aeronautical fixed station.
FXC	Common carrier fixed station.
FXE	Telemetering fixed station.
FXF	FM broadcast STL station.
FXI	International control station.
FXJ	Developmental fixed station.
FXM	Interim FM relay station.
FXN	Television Inter-City relay station.
FXO	Operational fixed station.
FXT	Television STL station.
MA	Aircraft station.
MAA	Air carrier aircraft station.
MAP	Private aircraft station.
ML	Land mobile station.
MLR	Remote pickup broadcast mobile station.
MLT	Television pickup station.
MO	Mobile station.
MOA	Developmental mobile station.
MOE	Telemetering mobile station.
MOU	Aeronautical utility mobile station.
MOV	Civil air patrol mobile station.
MOZ	Mobile (except television pickup) station.
MS	Ship station.
RG	Radio direction-finding station.
RL	Radionavigation land station.
RLA	Aeronautical marker beacon station.
RLC	Racon station.
RLG	Glide Path (slope) station.
RLL	Localizer station.
RLM	Marine radio beacon station.
RLN	Loran station.
RLO	Omnidirectional range station.
RLR	Radio range station.
RLS	Surveillance radar station.
RO	Radionavigation mobile station.
ROA	Altimeter station.
SS	Standard frequency station.
WXD	Meteorological radar station.
WXR	Radiosonde station.

§ 2.102 *Nomenclature of frequencies.* Frequencies shall be expressed in kilocycles per second (kc) at and below 30,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

Frequency subdivision	Frequency range
VLF (very low frequency)	Below 30 kc.
LF (low frequency)	30 to 300 kc.
MF (medium frequency)	300 to 3,000 kc.
HF (high frequency)	3,000 to 30,000 kc.
VHF (very high frequency)	30,000 kc. to 300 Mc.
UHF (ultra high frequency)	300 Mc. to 3,000 Mc.
SHF (super high frequency)	3,000 Mc. to 30,000 Mc.
EHF (extremely high frequency)	30,000 Mc. to 300,000 Mc.

§ 2.103 *Assignment of frequencies.* (a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc. and 30,000 Mc., and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the table of frequency allocations herein, except that in individual cases the Commission may, without rule-making proceedings, authorize, on a temporary basis only, the use of a frequency or frequencies not in accordance with the table below for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided*, That no such authorization will be granted where harmful interference would be caused thereby to any service operating in accordance with the table of frequency allocations: *And provided further*, That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service in the table of frequency allocations.[1]

[1] From time to time when the Commission moves a service from one band to another it provides that existing stations may continue on the old band for a certain length of time, usually in order to provide for the amortization of equipment. Nothing in this section shall be construed as inconsistent with such authorizations.

(b) Experimental stations, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the table of frequency allocations below, may be authorized to use frequencies allocated to those services or classes of stations: *Provided*, That no harmful interference will be caused to the services or stations to which these frequencies are regularly assigned.

(c) The use of frequencies allocated exclusively to Government stations in columns 5 and 6 of § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

§ 2.104 *Frequency allocations.* — (a) *Table of frequency allocations.* The following is the table of frequency allocations:

World wide		Region 2		United States		Federal Communications Commission				
Band Kc	Service	Band Kc	Service	Band Kc	Allocation	Band Kc	Service	Class of station	Frequency Kc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
				1750–1800		1750–1800	a. Fixed.[1] b. Mobile.[1] c. Radiolocation.[2]			
				1800–2000		1800–2000	a. Amateur.[3] b. Radionavigation.[4]	Loran.		LORAN.
				2000–2006		2000–2006	Maritime Mobile.[5]	a. Coast. b. Ship.	2003	MARITIME MOBILE.[6]

[1] This allocation shall terminate not later than the date when the Atlantic City Table of Frequency Allocations becomes effective as provided by Article 47 of the Atlantic City Radio Regulations. Pending further action by the Commission, this band is not available for the fixed or mobile services. As soon as necessary rules and regulations are provided by rule making proceedings, frequencies in this band will be made available for a disaster communications service comprised of amateurs and other nongovernment and government groups operating fixed, land and mobile stations, and consisting of a single integrated service for the handling of emergency communications in times of disaster.

[2] On the condition that harmful interference shall not be caused to the Disaster Communications Service in this band, this band is temporarily allocated to the radiolocation service until not later than August 17, 1951, subject to possible temporary continuance beyond that time for such additional period or periods as the Commission may find necessary: *Provided, however*, That this temporary allocation, or any temporary continuation thereof, shall be subject to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations and Chapter III of the Atlantic City Radio Regulations: *And provided further*, That this temporary allocation, or any temporary continuation thereof, shall automatically terminate, without the necessity of any further action by the Commission, not later than the date on which that part of the Table of Frequency Allocations of the Inter-American Radio Agreement (Washington, 1949) covering the band 1750–1800 kc. becomes effective, or the date on which that part of the Atlantic City Table of Frequency Allocations covering all of the bands below 27,500 kc. becomes effective (as provided by Article 47 of the Atlantic City Radio Regulations), whichever date is earlier: *And provided still further*, That this temporary allocation, or any temporary continuation thereof, shall be subject to earlier cancellation or modification by the Commission, without the necessity of a hearing, if during any period when such allocation is in effect the Commission shall, in the course of any action by the United States Government directed toward bringing into force any part of the Inter-American Radio Agreement (Washington, 1949) or toward making effective all or any portion of that part of the Atlantic City Table of Frequency Allocations covering the bands below 27,500 kc. or in the course of proceedings undertaken by the Commission to determine whether a radiolocation service should be provided on a permanent basis, or in the course of activating the Disaster Communications Service or any other fixed or mobile service in this band, reach conclusions which, in the opinion of the Commission, require such cancellation or modification. This temporary allocation, or any temporary continuation thereof, is strictly limited to a radiolocation service for the location of petroleum deposits in the Gulf of Mexico. Stations in this service shall be located within 150 miles of the shoreline of the Gulf of Mexico.

[3] The amateur service may use in any area whichever bands, 1800–1825 and 1875–1900 kc., or 1900–1925 and 1975–2000 kc., are not required for Loran in that area, in accordance with the following conditions: (a) The use of these frequencies by the amateur service shall not be a bar to expansion of the radionavigation (Loran) service. (b) The amateur service shall not cause harmful interference to the radionavigation (Loran) service. (c) Only classes A1 and A3 emission shall be employed. (d) Amateur operation shall be limited to:

Area	Band (kc.)	Day power	Night power
Mississippi River to East Coast U. S. (except Florida and States bordering Gulf of Mexico).	1800–1825 1875–1900	500 watts	200 watts.
Mississippi River to West Coast U. S. (except States bordering Gulf of Mexico).	1900–1925 1975–2000	500 watts*	200 watts.*
Florida and States bordering Gulf of Mexico.	1800–1825 1875–1900	200 watts	No operation.
Hawaiian Islands	1900–1925 1975–2000	500 watts	200 watts.
Puerto Rico and Virgin Islands	1900–1925 1975–2000	500 watts	50 watts.

*Except in State of Washington where daytime power limited to 200 watts and night time power to 50 watts.

The provisions of this footnote shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

[4] In any particular area the Loran system of radionavigation operates either on 1850 or 1950 kc., the band occupied being 1800–1900 or 1900–2000 kc.

[5] This allocation is temporary in the sense that it shall be subject to cancellation or modification by the Commission without the necessity of a hearing, if in the discretion of the Commission such action is necessary or desirable in connection with the implementation of the Atlantic City Table of Frequency Allocations.

[6] The frequency 2003 kc. is designated for use in the Maritime Mobile Service in the Great Lakes area only.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01 (170)	Standard frequency.			24.99–25.01 (US17)	G.					
25.01–25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01–25.33	NG.	25.01–25.33 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	25.02 25.04 25.06 25.08 25.10 25.12 25.14 25.16 25.18 25.20 25.22 25.24 25.26 25.28 25.30 25.32	INDUSTRIAL. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
25.6–26.1	Broadcasting.			25.33–25.85 (US17)	G.					
				25.85–26.48	NG.	25.85–26.10 (NG1)	Broadcasting.	International broadcasting.		
26.1–27.5 (172)	a. Fixed. b. Mobile except aeronautical mobile.					26.10–26.48 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	26.11 26.13 26.15 26.17 26.19 26.21 26.23 26.25	Remote pickup broadcast base; remote pickup broadcast mobile. Do. Do. Do. Do. Do. Do. Do.

(170) The standard frequency is 25 Mc.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96–27.23 Mc.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
26.1–27.5 (172) (Con.)	a. Fixed. b. Mobile except aeronautical mobile. (Con.)			25.85–26.48 (Con.)	NG. (Con.)	26.10–26.48 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	26.27	Remote pickup broadcast base; remote pickup broadcast mobile.
									26.29	Do.
									26.31	Do.
									26.33	Do.
									26.35	Do.
									26.37	Do.
									26.39	Do.
									26.41	Do.
									26.43	Do.
									26.45	Do.
									26.47	Do.
				26.48–26.95 (US17)	G.					
(171)				26.95–27.54	NG.	26.95–26.96 (NG1)	Fixed.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
		27.5–28.0	a. Fixed. b. Mobile.			26.96–27.23 (NG2)	Amateur. (US1)		27.12	Industrial, scientific, and medical equipment.
						27.23–27.28 (NG1, 2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		
27.5–28.0						27.28–27.54 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	27.29	INDUSTRIAL.
									27.31	Do.
									27.33	Do.
									27.35	Do.
									27.37	Do.
									27.39	Do.
									27.41	Do.
									27.43	Do.
									27.45	Do.
									27.47	Do.
									27.49	Do.
									27.51	Do.
									27.53	Do.
				27.54–28.00 (US17)	G.					
28.0–29.7	Amateur.			28.0–29.7	Amateur (US1)	28.0–29.7	Amateur.			
29.7–88.0		29.7–44.0	a. Fixed. b. Mobile.	29.70–29.89	NG.	29.70–29.80 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	29.71	INDUSTRIAL.
									29.73	Do.
									29.75	Do.
									29.77	Do.
									29.79	Do.
						29.80–29.89 (NG1)	Fixed.	Fixed.	29.81	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
									29.82	Do.
									29.83	Do.
									29.84	Do.
									29.85	Do.
									29.86	Do.
									29.87	Do.
									29.88	Do.
				29.89–29.91 (US17)	G.					
				29.91–30.00	NG.	29.91–30.00 (NG1)	Fixed.	Fixed.	29.92	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
									29.93	Do.
									29.94	Do.
									29.95	Do.
									29.96	Do.
									29.97	Do.
									29.98	Do.
									29.99	Do.
				30.00–30.56 (US17)	G.					
				30.56–32.00	NG.	30.56–32.00 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	30.58	INDUSTRIAL.
									30.62	Do.
									30.66	INDUSTRIAL; LAND TRANSPORTATION.
									30.70	Do.
									30.74	Do.
									30.78	Do.
									30.82	Do.

(171) The frequency 27.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96–27.23 Mc.

US1 Pulsed emissions prohibited.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG2 Emissions from industrial, scientific, and medical equipment using the frequency 27.12 Mc must be confined to the band 26.96–27.28 Mc.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		29.7–44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	30.56–32.00 (Con.)	NG. (Con.)	30.56–32.00 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	30.86	LAND TRANSPORTATION; PUBLIC SAFETY.
									30.90	Do.
									30.94	Do.
									30.98	Do.
									31.02	Do.
									31.06	Do.
									31.10	Do.
									31.14	Do.
									31.18	PUBLIC SAFETY.
									31.22	Do.
									31.26	Do.
									31.30	Do.
									31.34	Do.
									31.38	Do.
									31.42	Do.
									31.46	Do.
									31.50	Do.
									31.54	Do.
									31.58	Do.
									31.62	Do.
									31.66	Do.
									31.70	Do.
									31.74	Do.
									31.78	Do.
									31.82	Do.
									31.86	Do.
									31.90	Do.
									31.94	Do.
									31.98	Do.
				32–33 (US17)	G.					
				33–34	NG.	33–34 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	33.02	PUBLIC SAFETY.
									33.06	Do.
									33.10	Do.
									33.14	INDUSTRIAL.
									33.18	Do.
									33.22	Do.
									33.26	Do.
									33.30	Do.
									33.34	Do.
									33.38	Do.
									33.42	PUBLIC SAFETY.
									33.46	Do.
									33.50	Do.
									33.54	Do.
									33.58	Do.
									33.62	Do.
									33.66	Do.
									33.70	Do.
									33.74	Do.
									33.78	Do.
									33.82	Do.
									33.86	Do.
									33.90	Do.
									33.94	Do.
									33.98	Do.
				34–35 (US17)	G.					
				35–36	NG.	35.00–35.04 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.02	INDUSTRIAL.
						35.04–35.20 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	35.06	INDUSTRIAL; MARITIME MOBILE.
									35.10	Do.
									35.14	Do.
									35.18	Do.
						35.2–36.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.22	DOMESTIC PUBLIC.
									35.26	Do.
									35.30	Do.
									35.34	Do.
									35.38	Do.
									35.42	Do.
									35.46	Do.
									35.50	Do.
									35.54	Do.
									35.58	Do.
									35.62	Do.
									35.66	Do.
									35.70	LAND TRANSPORTATION.
									35.74	Do.
									35.78	Do.
									35.82	Do.
									35.86	Do.
									35.90	Do.
									35.94	Do.
									35.98	Do.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		29.7–44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	36–37 (US17)	G.					
				37–38	NG.	37–38 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	37.02 37.06 37.10 37.14 37.18 37.22 37.26 37.30 37.34 37.38 37.42	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									37.46 37.50 37.54 37.58 37.62 37.66 37.70 37.74 37.78 37.82 37.86	INDUSTRIAL. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									37.90 37.94 37.98	PUBLIC SAFETY. Do. Do.
				38–39 (US17)	G.					
				39–40	NG.	39–40 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	39.02 39.06 39.10 39.14 39.18 39.22 39.26 39.30 39.34 39.38 39.42 39.46 39.50 39.54 39.58 39.62 39.66 39.70 39.74 39.78 39.82 39.86 39.90 39.94 39.98	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
(176)				40–42 (US2) (US17)	G.				40.68	Industrial, scientific and medical equipment.
				42–44	NG.	42–43 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	42.02 42.06 42.10 42.14 42.18 42.22 42.26 42.30 42.34 42.38 42.42 42.46 42.50 42.54 42.58 42.62 42.66 42.70 42.74 42.78 42.82 42.86 42.90 42.94	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									42.98	INDUSTRIAL.

(176) The frequency 40.68 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US2 Emissions from industrial, scientific and medical equipment using the frequency 40.68 Mc must be confined to the band 40.66–40.70 Mc.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		29.7–44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	42–44 (Con.)	NG. (Con.)	43.0–43.2 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	43.02 43.06 43.10 43.14 43.18	INDUSTRIAL; MARITIME MOBILE. Do. Do. Do. Do.
						43.2–44.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	43.22 43.26 43.30 43.34 43.38 43.42 43.46 43.50 43.54 43.58 43.62 43.66	DOMESTIC PUBLIC. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									43.70 43.74 43.78 43.82 43.86 43.90 43.94 43.98	LAND TRANSPORTATION. Do. Do. Do. Do. Do. Do. Do.
		44–50	a. Broadcasting. b. Fixed. c. Mobile.	44–50	NG.	44.0–50.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	44.02 44.06 44.10 44.14 44.18 44.22 44.26 44.30 44.34 44.38 44.42 44.46 44.50 44.54 44.58	LAND TRANSPORTATION. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									44.62 44.66 44.70 44.74 44.78 44.82 44.86 44.90 44.94 44.98 45.02 45.06 45.10 45.14 45.18 45.22 45.26 45.30 45.34 45.38 45.42 45.46 45.50 45.54 45.58 45.62 45.66 45.70 45.74 45.78 45.82 45.86 45.90 45.94 45.98 46.02 46.06 46.10 46.14 46.18 46.22 46.26 46.30 46.34 46.38 46.42 46.46 46.50 46.54 46.58 46.62	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		44–50 (Con.)	a. Broadcasting. b. Fixed. c. Mobile. (Con.)	44–50 (Con.)	NG. (Con.)	44.0–50.0 (NG11, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	46.66	PUBLIC SAFETY.
									46.70	Do.
									46.74	Do.
									46.78	Do.
									46.82	Do.
									46.86	Do.
									46.90	Do.
									46.94	Do.
									46.98	Do.
									47.02	Do.
									47.06	Do.
									47.10	Do.
									47.14	Do.
									47.18	Do.
									47.22	Do.
									47.26	Do.
									47.30	Do.
									47.34	Do.
									47.38	Do.
									47.42	Do.
									47.46	Do.
									47.50	Do.
									47.54	Do.
									47.58	Do.
									47.62	Do.
									47.66	Do.
									47.70	INDUSTRIAL.
									47.74	Do.
									47.78	Do.
									47.82	Do.
									47.86	Do.
									47.90	Do.
									47.94	Do.
									47.98	Do.
									48.02	Do.
									48.06	Do.
									48.10	Do.
									48.14	Do.
									48.18	Do.
									48.22	Do.
									48.26	Do.
									48.30	Do.
									48.34	Do.
									48.38	Do.
									48.42	Do.
									48.46	Do.
									48.50	Do.
									48.54	Do.
									48.58	Do.
									48.62	Do.
									48.66	Do.
									48.70	Do.
									48.74	Do.
									48.78	Do.
									48.82	Do.
									48.86	Do.
									48.90	Do.
									48.94	Do.
									48.98	Do.
									49.02	Do.
									49.06	Do.
									49.10	Do.
									49.14	Do.
									49.18	Do.
									49.22	Do.
									49.26	Do.
									49.30	Do.
									49.34	Do.
									49.38	Do.
									49.42	Do.
									49.46	Do.
									49.50	Do.
									49.54	Do.
									49.58	Do.
									49.62	Do.
									49.66	Do.
									49.70	Do.
									49.74	Do.
									49.78	Do.
									49.82	Do.
									49.86	Do.
									49.90	Do.
									49.94	Do.
									49.98	Do.
		50–54	Amateur.	50–54	Amateur. (US1)	50–54	Amateur.			
		54–72	a. Broadcasting. b. Fixed. c. Mobile.	54–72	NG.	54–72 (NG1)	Broadcasting.	Television broadcasting.	55.25	Video } Channel 2.
									59.75	Sound }
									61.25	Video } Channel 3.
									65.75	Sound }
									67.25	Video } Channel 4.
									71.75	Sound }

US1 Pulsed emissions prohibited.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		72–76	a. Fixed. b. Mobile.	72–76	NG.	72.0–76.0 (NG1)	Fixed. (NG3) (NG5)	Operational fixed.	72.02	Operational fixed.
									72.06	Do.
									72.10	Do.
									72.14	Do.
									72.18	Do.
									72.22	Do.
									72.26	Do.
									72.30	Do.
									72.34	Do.
									72.38	Do.
									72.42	Do.
									72.46	Do.
									72.50	Do.
									72.54	Do.
									72.58	Do.
									72.62	Do.
									72.66	Do.
									72.70	Do.
									72.74	Do.
									72.78	Do.
									72.82	Do.
									72.86	Do.
									72.90	Do.
									72.94	Do.
									72.98	Do.
									73.02	Do.
									73.06	Do.
									73.10	Do.
									73.14	Do.
									73.18	Do.
									73.22	Do.
									73.26	Do.
									73.30	Do.
									73.34	Do.
									73.38	Do.
									73.42	Do.
									73.46	Do.
									73.50	Do.
									73.54	Do.
									73.58	Do.
									73.62	Do.
									73.66	Do.
									73.70	Do.
									73.74	Do.
									73.78	Do.
									73.82	Do.
									73.86	Do.
									73.90	Do.
									73.94	Do.
									73.98	Do.
									74.02	Do.
									74.06	Do.
									74.10	Do.
									74.14	Do.
									74.18	Do.
									74.22*	Do.
									74.26	Do.
									74.30	Do.
									74.34	Do.
									74.38	Do.
									74.42	Do.
									74.46	Do.
									74.50	Do.
									74.54	Do.
									74.58	Do.
(184)				(US4)					75.42	Operational fixed.
									75.46	Do.
									75.50	Do.
									75.54	Do.
									75.58	Do.
									75.62	Do.
									75.66	Do.
									75.70	Do.
									75.74	Do.
									75.78	Do.
									75.82	Do.
									75.86	Do.
									75.90	Do.
									75.94	Do.
									75.98	Do.
		76–88	a. Broadcasting. b. Fixed. c. Mobile.	76–88	NG.	76–88 (NG1)	Broadcasting.	Television broadcasting.	77.25	Video } Channel 5.
									81.75	Sound }
									83.25	Video } Channel 6.
									87.75	Sound }

(184) The frequency 75 Mc is designated for aeronautical marker beacons. In Region 1, the guardband is ±0.2 Mc; in Regions 2 and 3, ±0.4 Mc.

US4 The use of the frequency 75 Mc by aeronautical marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aeronautical radionavigation service, or until they are no longer required. (See notes 216 and US12).

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations; and (3) export developmental stations.

NG3 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the table of frequency allocations, on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5. In any area in the continental United States, the Aviation service and Marine service may each be authorized to use four of the frequencies in the band 72–76 Mc listed in column 10 for operational fixed stations in these services.

NG5 Fixed stations in the Domestic Fixed Public service may be authorized to use any of the frequencies in the band 72–76 Mc indicated in column 10, on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5, and (b) that harmful interference will not be caused to operational fixed stations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
88–100	Broadcasting.			88–108	NG.	88–108 (NG1)	Broadcasting.	FM broadcasting. (NG4)	88.1	FM channel 201.
									88.3	FM channel 202.
									88.5	FM channel 203.
									88.7	FM channel 204.
									88.9	FM channel 205.
									89.1	FM channel 206.
									89.3	FM channel 207.
									89.5	FM channel 208.
									89.7	FM channel 209.
									89.9	FM channel 210.
									90.1	FM channel 211.
									90.3	FM channel 212.
									90.5	FM channel 213.
									90.7	FM channel 214.
									90.9	FM channel 215.
									91.1	FM channel 216.
									91.3	FM channel 217.
									91.5	FM channel 218.
									91.7	FM channel 219.
									91.9	FM channel 220.
									92.1	FM channel 221.
									92.3	FM channel 222.
									92.5	FM channel 223.
									92.7	FM channel 224.
									92.9	FM channel 225.
									93.1	FM channel 226.
									93.3	FM channel 227.
									93.5	FM channel 228.
									93.7	FM channel 229.
									93.9	FM channel 230.
									94.1	FM channel 231.
									94.3	FM channel 232.
									94.5	FM channel 233.
									94.7	FM channel 234.
									94.9	FM channel 235.
									95.1	FM channel 236.
									95.3	FM channel 237.
									95.5	FM channel 238.
									95.7	FM channel 239.
									95.9	FM channel 240.
									96.1	FM channel 241.
									96.3	FM channel 242.
									96.5	FM channel 243.
									96.7	FM channel 244.
									96.9	FM channel 245.
									97.1	FM channel 246.
									97.3	FM channel 247.
									97.5	FM channel 248.
									97.7	FM channel 249.
									97.9	FM channel 250.
									98.1	FM channel 251.
									98.3	FM channel 252.
									98.5	FM channel 253.
									98.7	FM channel 254.
									98.9	FM channel 255.
									99.1	FM channel 256.
									99.3	FM channel 257.
									99.5	FM channel 258.
									99.7	FM channel 259.
									99.9	FM channel 260.
									100.1	FM channel 261.
									100.3	FM channel 262.
									100.5	FM channel 263.
									100.7	FM channel 264.
									100.9	FM channel 265.
									101.1	FM channel 266.
									101.3	FM channel 267.
									101.5	FM channel 268.
									101.7	FM channel 269.
									101.9	FM channel 270.
									102.1	FM channel 271.
									102.3	FM channel 272.
									102.5	FM channel 273.
									102.7	FM channel 274.
									102.9	FM channel 275.
									103.1	FM channel 276.
									103.3	FM channel 277.
									103.5	FM channel 278.
									103.7	FM channel 279.
									103.9	FM channel 280.
									104.1	FM channel 281.
									104.3	FM channel 282.
									104.5	FM channel 283.
									104.7	FM channel 284.
									104.9	FM channel 285.
									105.1	FM channel 286.
									105.3	FM channel 287.
									105.5	FM channel 288.
									105.7	FM channel 289.
									105.9	FM channel 290.
									106.1	FM channel 291.
									106.3	FM channel 292.
									106.5	FM channel 293.
									106.7	FM channel 294.
									106.9	FM channel 295.
									107.1	FM channel 296.
100–108		100–108	Broadcasting.							

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG4 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services of stations
1	2	3	4	5	6	7	8	9	10	11
100–108 (Con.)		100–108 (Con.)	Broadcasting. (Con.)	88–108 (Con.)	NG. (Con.)	88–108 (NG1) (Con.)	Broadcasting. (Con.)	FM Broadcasting. (NG4) (Con.)	107.3	FM channel 297.
									107.5	FM channel 298.
									107.7	FM channel 299.
									107.9	FM channel 300.
108–118	Aeronautical radionavigation.			108–132 (US5)	G, NG.	108–118	Aeronautical radionavigation.	Radionavigation land.	108.1	Localizer.
									108.2	Do.
									108.3	Do.
									108.4	Do.
									108.5	Do.
									108.6	Do.
									108.7	Do.
									108.8	Do.
									108.9	Do.
									109.0	Do.
									109.1	Do.
									109.2	Do.
									109.3	Do.
									109.4	Do.
									109.5	Do.
									109.6	Do.
									109.7	Do.
									109.8	Do.
									109.9	Do.
									110.0	Do.
									110.1	Do.
									110.2	Do.
									110.3	Do.
									110.4	Do.
									110.5	Do.
									110.6	Do.
									110.7	Do.
									110.8	Do.
									110.9	Do.
									111.0	Do.
									111.1	Do.
									111.2	Do.
									111.3	Do.
									111.4	Do.
									111.5	Do.
									111.6	Do.
									111.7	Do.
									111.8	Do.
									111.9	Do.
									112.1	Omni directional range; radio range.
									112.2	Do.
									112.3	Do.
									112.4	Do.
									112.5	Do.
									112.6	Do.
									112.7	Do.
									112.8	Do.
									112.9	Do.
									113.0	Do.
									113.1	Do.
									113.2	Do.
									113.3	Do.
									113.4	Do.
									113.5	Do.
									113.6	Do.
									113.7	Do.
									113.8	Do.
									113.9	Do.
									114.0	Do.
									114.1	Do.
									114.2	Do.
									114.3	Do.
									114.4	Do.
									114.5	Do.
									114.6	Do.
									114.7	Do.
									114.8	Do.
									114.9	Do.
									115.0	Do.
									115.1	Do.
									115.2	Do.
									115.3	Do.
									115.4	Do.
									115.5	Do.
									115.6	Do.
									115.7	Do.
									115.8	Do.
									115.9	Do.
									116.0	Do.
									116.1	Do.
									116.2	Do.
									116.3	Do.
									116.4	Do.
									116.5	Do.
									116.6	Do.
									116.7	Do.
									116.8	Do.
									116.9	Do.

US5 The frequency assignment plan in effect for both government and nongovernment stations in the band 108–132 Mc is indicated in columns 10 and 11.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG4 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
108–118 (Con.)	Aeronautical radionavigation. (Con.)			108–132 (US5) (Con.)	G, NG. (Con.)	108–118 (Con.)	Aeronautical radionavigation. (Con.)	Radionavigation land. (Con.)	117.0	Omni directional range; radio range.
									117.1	Do.
									117.2	Do.
									117.3	Do.
									117.4	Do.
									117.5	Do.
									117.6	Do.
									117.7	Do.
									117.8	Do.
									117.9	Do.
118–132	Aeronautical mobile (R). (149) (256)			108–132 (US5)	G, NG	118–132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1	Airdrome control.
									118.2	Do.
									118.3	Do.
									118.4	Do.
									118.5	Do.
									118.6	Do.
									118.7	Do.
									118.8	Do.
									118.9	Do.
									119.0	Do.
									119.1	Do.
									119.2	Do.
									119.3	Do.
									119.4	Do.
									119.5	Do.
									119.6	Do.
									119.7	Do.
									119.8	Do.
									119.9	Do.
									120.0	Do.
									120.1	Do.
									120.2	Do.
									120.3	Do.
									120.4	Do.
									120.5	Do.
									120.6	Do.
									120.7	Do.
									120.8	Do.
									120.9	Do.
									121.0	Do.
									121.1	Do.
									121.2	Do.
									121.3	Do.
(195)									121.5	AERONAUTICAL MOBILE.
									121.7	Aeronautical utility land; Aeronautical utility mobile.
									121.9	Do.
									122.1	Private aircraft.
									122.3	Do.
									122.5	Do.
									122.7	Do.
									122.8	Aeronautical Advisory Station.
									122.9	Private aircraft.
									123.1	Flight test; Flying school.
									123.3	Do.
									123.5	Do.
									123.7	AERONAUTICAL MOBILE.
									123.9	Do.
									124.1	Do.
									124.3	Do.
									124.5	Do.
									124.7	Do.
									124.9	Do.
									125.1	Do.
									125.3	Do.
									125.5	Do.
									125.7	Do.
									125.9	Do.
									126.1	Do.
									126.3	Do.
									126.5	Do.
									126.7	Do.
									126.9	Do.
									127.1	Do.
									127.3	Do.
									127.5	Do.
									127.7	Do.
									127.9	Do.
									128.1	Do.
									128.3	Do.
									128.5	Do.
									128.7	Do.
									128.9	Do.
									129.1	Do.
									129.3	Do.
									129.5	Do.
									129.7	Do.
									129.9	Do.
									130.1	Do.

(149) For the explanation of the term "Aeronautical mobile (R)" see 256.

(195) The frequency 121.5 Mc is the aeronautical emergency frequency in this band.

(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108–132 Mc is indicated in columns 10 and 11.

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
118–132 (Con.)	Aeronautical mobile.(R). (149) (256) (Con.)			108–132 (US5) (Con.)	G, NG (Con.)	118–132 (US6) (Con.)	Aeronautical mobile. (Con.)	a. Aeronautical. b. Aircraft. (Con.)	130.3	AERONAUTICAL MOBILE.
									130.5	Do.
									130.7	Do.
									130.9	Do.
									131.1	Do.
									131.3	Do.
									131.5	Do.
									131.7	Do.
									131.9	Do.
132–144		132–144	a. Fixed. b. Mobile.	132–144 (US17)	G.					
144–146	Amateur.			144–148	Amateur. (US1)	144–148	Amateur.			
146–235		146–148	Amateur.							
		148–174	a. Fixed. b. Mobile.	148–152 (US17,21)	G.				148.14	Civil Air Patrol land. Civil Air Patrol mobile.
				152–162	NG.	152.09–156.25 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	152.03	DOMESTIC PUBLIC.
									152.09	Do.
									152.15	Do.
									152.21	Do.
									152.27	LAND TRANSPORTATION.
									152.33	Do.
									152.39	Do.
									152.45	Do.
									152.51	DOMESTIC PUBLIC.
									152.57	Do.
									152.63	Do.
									152.69	Do.
									152.75	Do.
									152.81	Do.
									152.87	INDUSTRIAL. (NG6)
									152.93	Do. (NG6)
									152.99	Do. (NG6)
									153.05	Do. (NG6)
									153.11	Do. (NG6)
									153.17	Do. (NG6)
									153.23	Do. (NG6)
									153.29	Do. (NG6)
									153.35	Do. (NG6)
									153.41	Do.
									153.47	Do.
									153.53	Do.
									153.59	Do.
									153.65	Do.
									153.71	Do.
									153.77	PUBLIC SAFETY.
									153.83	Do.
									153.89	Do.
									153.95	Do.
									154.01	Do.
									154.07	Do.
									154.13	Do.
									154.19	Do.
									154.25	Do.
									154.31	Do.
									154.37	Do.
									154.43	Do.
									154.49	INDUSTRIAL.
									154.57	Do.
									154.65	PUBLIC SAFETY.
									154.71	Do.
									154.77	Do.
									154.83	Do.
									154.89	Do.
									154.95	Do.
									155.01	Do.
									155.07	Do.
									155.13	Do.
									155.19	Do.
									155.25	Do.
									155.31	Do.
									155.37	Do.
									155.43	Do.
									155.49	Do.
									155.55	Do.
									155.61	Do.

(149) For the explanation of the term "Aeronautical mobile (R)" see (256).

(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

US1 Pulsed emissions prohibited.

US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108–132 Mc is indicated in columns 10 and 11.

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US21 The use of the frequency 148.14 Mc may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to government stations in the band 148–152 Mc.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio; (2) contract developmental stations, and (3) export developmental stations.

NG6 The use of the frequencies in the block 152.87–153.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radio services.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		148–174 (Con.)	a. Fixed. b. Mobile. (Con.)	152–162 (Con.)	NG. (Con.)	152.00–156.25 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	155.67 155.73 155.79 155.85 155.91 155.97 156.03 156.09 156.15 156.21	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do.
						156.25–157.45 (NG1)	Maritime mobile.	a. Coast. b. Ship.	156.3 156.4 156.5 156.6 156.7 156.8 156.9 157.0 157.1	MARITIME MOBILE. (NG7,8) Do. (NG7) Do. (NG7) Do. (NG7, 9) Do. (NG7) Do. (NG10) Do. (NG7) Do. (NG7) Do. (NG7)
				(US20)					157.2 157.3	GOVERNMENT. Do.
									157.4	MARITIME MOBILE. (NG7)
						157.45–161.85 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	157.53 157.59 157.65 157.71	LAND TRANSPORTATION. Do. Do. Do.
									157.77 157.83 157.89 157.95 158.01 158.07	DOMESTIC PUBLIC. Do. Do. Do. Do. Do.
									158.13 158.19 158.25 158.31 158.37 158.43	INDUSTRIAL. Do. Do. Do. Do. Do.
									158.49 158.55 158.61 158.67	DOMESTIC PUBLIC. Do. Do. Do.
									158.73 158.79 158.85 158.91 158.97 159.03 159.09 159.15 159.21 159.27 159.33 159.39 159.45	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									159.51 159.57 159.63 159.69 159.75 159.81 159.87 159.93 159.99 160.05 160.11 160.17 160.23 160.29 160.35	LAND TRANSPORTATION. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11)

(198) The frequency 156.80 Mc is designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service (simplex telephony). Any other use of this frequency should be avoided in areas where such other use is liable to cause harmful interference to the maritime mobile service. The interested administrations will ensure, by special arrangements where necessary, that an adequate guard-band is provided. In Region 2, its use for this purpose will be restricted to the frequency modulated type of transmission (F3) and it is strongly recommended that the same type of transmission be adopted for this purpose in Regions 1 and 3.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.2 and 157.3 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively, in all areas, to non-government stations in the fixed and land mobile services.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.41, 157.47, 161.85, 161.91 and 161.97 may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the maritime mobile service. Public Safety Service operations at points within 150 miles of coastal areas and navigable gulf, bays, rivers and lakes, may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the maritime mobile service.

NG8 The international intership service has priority on this frequency.

NG9 The international port operational service, on a simplex basis, has priority on this frequency.

NG10 The frequency 156.80 Mc has been designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service.

NG11 The use of the frequencies in the block 159.51–161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		148–174 (Con.)	a. Fixed. b. Mobile. (Con.)	152–162 (Con.)	NG. (Con.)	157.45–161.85 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	160.41 160.47 160.53 160.59 160.65 160.71 160.77 160.83 160.89 160.95 161.01 161.07 161.13 161.19 161.25 161.31 161.37 161.43 161.49 161.55 161.61 161.67 161.73 161.79	LAND TRANSPORTATION. (NG11) Do. (NG11)
				(US24)		161.85–162.00 (NG1)	Maritime mobile.	Coast.	161.90 162.00	Coast. (NG7, 19) Do. (NG7)
				162–174 (US17) (US19) (US22) (US25)	G.				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
				(US20		173.2–173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.	173.225 173.275 173.325 173.375	INDUSTRIAL. Do. Do. Do.
174–216	a. Broadcasting. b. Fixed. c. Mobile.	174–216	NG.	174–216 (NG1)	Broadcasting.	Television broadcasting.			175.25 Video 179.75 Sound	Channel 7.
									181.25 Video 185.75 Sound	Channel 8.
									187.25 Video 191.75 Sound	Channel 9.
									193.25 Video 197.75 Sound	Channel 10.
									199.25 Video 203.75 Sound	Channel 11.
									205.25 Video 209.75 Sound	Channel 12.
									211.25 Video 215.75 Sound	Channel 13.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US19 The government frequencies, 170.425, 170.475, 170.575, 171.425, 171.475, 171.575, 172.225, 172.275, and 172.375 Mc may be authorized to fixed, land and mobile stations owned and operated by non-Federal forest fire fighting agencies, in certain areas, on the condition that no harmful interference will be caused to any government stations.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.2 and 157.3 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively, in all areas, to non-government stations in the fixed and land mobile services.

US22 The use of the frequencies 166.250 and 170.150 Mc may be authorized to non-government Remote Pickup broadcast base and land mobile stations and to non-government base, fixed, and land mobile stations in the Public Safety Radio services (the sum of the band width of emission and tolerance not to exceed 60 kc) in Continental U. S. only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to government stations present or future in the government band 162–174 Mc. The use of these frequencies by Remote Pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the Public Safety radio services will not be authorized except for locations within 150 miles of New York City.

US24 The use of the frequency 161.9 Mc may be authorized to coast stations in any area except at Chicago, Ill. At Chicago, Ill., and in those areas where additional assignments to coast stations of the primary VHF coast station frequency 161.9 Mc would cause harmful interference to the reception of that frequency, the use of the frequency 162.0 Mc may be authorized to non-government coast stations (F3 emission only). The use of the frequency 162.0 Mc will be on the condition that harmful interference will not be caused to government stations in the government band 162–174 Mc and in any area, except at Chicago, Ill., the coast station frequency 161.9 Mc will be assigned before assignments are made on the frequency 162.0 Mc.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	Mc.	Mc.	Mc.
169.225	170.325	171.825	406.250
169.475	170.375	171.875	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.41, 157.47, 161.85, 161.91 and 161.97 may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the maritime mobile service. Public Safety operations at points within 150 miles of coastal areas and navigable gulf, bays, rivers and lakes, may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the maritime mobile service.

NG11 The use of the frequencies in the block 159.51–161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG19 In the Chicago area only, the frequencies 161.85 Mc and 161.91 Mc may be authorized to base and land mobile stations only for train communications in the Railroad Radio Service.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		216–220	a. Fixed. b. Mobile.	216–220 (US 8, 17)	G.				217.425 217.475 217.525 217.575 217.625 217.675	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do.
									219.325 219.375 219.425 219.475 219.525 219.575	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do.
		220–225	Amateur. (207)	220–225 (US9)	Amateur. (US1)	220–225	Amateur.			
		225–235	a. Fixed. b. Mobile. (207)	225.0–328.6 (US9, 10) (US17)	G.					
235.0–328.6	a. Fixed. b. Mobile.									
328.6–335.4 (259)	Aeronautical radionavigation.			328.6–335.4	G, NG.	328.6–335.4	Aeronautical radionavigation.	Radionavigation land.		Glide path.
335.4–420.0	a. Fixed. b. Mobile. (208)			335.4–400.0 (US10, 17)	G.					
				400–406	G, NG.	400–406	Meteorological aids.	Radiosonde.		
				406–420 (US17, 25)	G.					
420–450	a. Aeronautical radionavigation. b. Amateur. (210) (211)			420–450 (US11)	Amateur. (US1) (US18)	420–450	Amateur.			
450–460		450–460	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211)	450–960 (US11)	NG.	450–460 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	450.05 450.15 450.25 450.35 450.45 450.55 450.65 450.75 450.85 450.95 451.05 451.15 451.25 451.35 451.45 451.55 451.65 451.75 451.85 451.95	Remote pickup broadcast base; Remote pickup broadcast mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									452.05 452.15 452.25 452.35	LAND TRANSPORTATION. Do. Do. Do.

(207) In Region 2, distance measuring equipment in the aeronautical radionaviation service may be operated in the band 220–231 Mc until the 1st January 1952 in accordance with appropriate bilateral or multilateral arrangements.

(208) The meteorological aids service (radiosonde) may be operated in the band 400–420 Mc.

(210) In the band 420–460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420–460 Mc is temporary and is exclusively for altimeters.

(259) The band 328.6–335.4 Mc, is for the use of the Instrument Landing System (glide path).

US1 Pulsed emissions prohibited.

US8 In the government band 216–220 Mc, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

US9 The United States will permit interim use of the band 220–231 Mc for the British radar distance indicator system at specific U. S. gateways of international air routes. The interim use at these locations will terminate not later than Jan. 1, 1952. Until Jan. 1, 1952, the frequency band 235–240 Mc will be available for allocation to the amateur service in those areas where interference is caused to the operation of the British or Canadian radar distance indicator system by amateur operation in the band 220–225 Mc.

US10 This band is designated for government stations, with adequate channels to be reserved for civil aviation.

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after Feb. 15, 1953.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US18 Amateur peak power to be limited to 50 watts until Feb. 15, 1953.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	170.325	171.225	406.250
169.475	170.375	171.275	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
450–460 (Con.)		450–460 (Con.)	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211) (Con.)	450–960 (US11) (Con.)	NG. (Con.)	450–460 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	452.45 452.55 452.65 452.75 452.85 452.95 453.05 453.15 453.25 453.35 453.45 453.55 453.65 453.75 453.85 453.95	Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									454.05 454.15 454.25 454.35 454.45 454.55 454.65 454.75 454.85 454.95 455.05 455.15 455.25 455.35 455.45 455.55 455.65 455.75 455.85 455.95	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									456.05 456.15 456.25 456.35 456.45 456.55 456.65 456.75 456.85 456.95 457.05 457.15 457.25 457.35 457.45 457.55 457.65 457.75 457.85 457.95	INDUSTRIAL. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									458.05 458.15 458.25 458.35 458.45 458.55 458.65 458.75 458.85 458.95 459.05 459.15 459.25 459.35 459.45 459.55 459.65 459.75 459.85 459.95	DOMESTIC PUBLIC. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
460–470	a. Fixed. b. Mobile.					460–470 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS RADIO.
470–585	Broadcasting.					470–475 (NG1)	Broadcasting.	Facsimile broadcastifg.		
						475–500 (NG1)	Broadcasting.	Broadcasting.		

(210) In the band 420–460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420–460 Mc is temporary and is exclusively for altimeters.

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after Feb. 15, 1953.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
585–610		585–610	Broadcasting	450–960 (Con.)	NG. (Con.)	500–890 (NG1)	Broadcasting.	Television broadcasting.		
610–940 (212)	Broadcasting. (214)					890–940 (NG1)	a. Broadcasting. b. Fixed.		915	Industrial, scientific and medical equipment.
940–960		940–960	Fixed.			940–952 (NG1, 13)	Fixed.	FM broadcast STL. (NG14)		
						952–960 (NG1, 15)	Fixed.	a. International control. b. Operational fixed.		
960–1215	Aeronautical radionavigation.			960–1215 (US12)	G, NG.	960–1215	Aeronautical radionavigation.			
1215–1300	Amateur			1215–1300	Amateur. (US1)	1215–1300	Amateur.			
1300–1700	(216)	1300–1660	Aeronautical radionavigation. (218)	1300–1700 (US13) (US14)	G, NG.	1300–1365	Aeronautical radionavigation.	Surveillance radar. (Pulsed emission only.)		
						1365–1660	Aeronautical radionavigation.	Radionavigation (including altimeter).		
		1660–1700	Meteorological aids (radiosonde).			1660–1700	Meteorological aids (radiosonde).		1680	Radiosonde.
1700–2300	a. Fixed. b. Mobile.			1700–1850 (US17)	G.					
				1850–2200	NG.	1850–1990 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						1990–2110 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG 16)		
						2110–2300 (NG1, 13)	Fixed.	a. International control. b. Operationa fixed.		
				2200–2300 (US17)	G.					
2360–2450 (220)	Amateur.			2300–2450	Amateur.	2300–2450	Amateur.		2450	Industrial, scientific and medical equipment.
2450–2700 (220)	a. Fixed. b. Mobile.			2450–2700	NG.	2450–2500 (NG1)	a. Fixed. b. Mobile. (NG17)			
						2500–2700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
2700–2900	Aeronautical radionavigation. (222)			2700–3300	G, NG.	2700–2900	a. Aeronautical radionavigation. b. Meteorological aids.			

(212) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(214) In Region 2, the fixed service may operate in the band 890–940 Mc.

(216) In Region 2, the band 1300–1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a world-wide basis.

(218) In Region 2 and the United Kingdom, the use of the band 1300–1365 Mc is restricted to surveillance radar.

(220) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2450 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±50 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(222) The meteorological aids service may be operated in the band 2700–2900 Mc.

US1 Pulsed emissions prohibited.

US12 The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.

US13 The fixed and mobile services which were operating in the band 1300–1600 Mc on April 2, 1948, may be authorized to continue to use such frequencies until December 31, 1952, on the condition that harmful interference will not be caused to the aeronautical radionavigation service.

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the band 1365–1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG14 Interim FM relay stations may be authorized to use the band 940–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG15 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequencies in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG17 The radiolocation service may be authorized the use of the band 2170–2500 Mc solely for purposes other than radionavigation or safety on the condition that harmful interference will not be caused to the fixed and mobile services.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
2900–3300	Radionavigation. (223, 224)			2700–3300 (Con.)	G, NG. (Con.)	2900–3246 (NG18)	Radionavigation.			
						3246–3266	Radionavigation.	Racon.	3256	Racon.
						3266–3300 (NG18)	Radionavigation.			
3300–3900		3300–3500	Amateur.	3300–3500	Amateur.	3300–3500	Amateur.			
		3500–3900	a. Fixed. b. Mobile.	3500–4200	NG.	3500–3700 (NG1)	Mobile.	a. Land. (NG12) b. Mobile (except television pickup).		
3900–4200	a. Fixed. b. Mobile.					3700–4200 (NG1)	Fixed	Common carrier fixed.		
4200–4400 (260)	Aeronautical radionavigation.			4200–4400	G, NG.	4200–4400	Aeronautical radionavigation.	Altimeter.		
4400–5000	a. Fixed. b. Mobile.			4400–5000 (US17)	G.					
5000–5250 (261)	Aeronautical radionavigation.			5000–5650	G, NG.	5000–5250	Aeronautical radionavigation.			
5250–5650	Radionavigation. (226, 227)					5250–5440 (NG18)	Radionavigation.			
						5440–5460	Radionavigation.	Racon.	5450	Racon.
						5460–5650 (NG18)	Radionavigation.			
5650–5850 (228)	Amateur.			5650–5925	Amateur.	5650–5925	Amateur.		5850	Industrial, scientific, and medical equipment.
5850–5925 (228)		5850–5925	Amateur.							
5925–8500	a. Fixed. b. Mobile.			5925–7125	NG.	5925–6425 (NG1)	Fixed.	Common carrier fixed.		
						6425–6575 (NG1)	Mobile.	a. Land. (NG12) b. Mobile (except television pickup).		
						6575–6875 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						6875–7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				7125–8500 (US17)	G.					
8500–9800	Radionavigation. (230, 231)			8500–9800	G, NG.	8500–9000	Radionavigation.			
						9000–9300 (NG18)	Radionavigation.			
						9300–9320	Radionavigation.	Racon.	9310	Racon.
						9320–9500 (NG18)	Radionavigation.			
						9500–9800	Radionavigation.			

(223) The band 3246–3266 Mc is designated for racons.

(224) In the band 2900–3300 Mc shipborne radar in merchant ships is confined within the band 3000–3246 Mc.

(226) The band 5440–5460 Mc. is designated for racons.

(227) In the band 5250–5650 Mc shipborne radar in merchant ships is confined within the band 5460–5650 Mc.

(228) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom the frequency 5850 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(230) The band 9300–9320 Mc is designated for racons.

(231) In the band 8500–9800 Mc shipborne radar in merchant ships is confined within the band 9320–9500 Mc.

(260) The band 4200–4400 Mc is for the use of radio altimeters.

(261) The band 5000–5250 Mc is for the use of instrument landing systems.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG18 The radiolocation service may be authorized to employ this band for radiolocation purposes on the condition that harmful interference will not be caused to the radionavigation service.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
9800–10000	a. Fixed. b. Radionavigation.			9800–9900	NG.	9800–9900 (NG1)	Fixed.	Fixed.		
				9900–10000 (US17)	G.					
10000–10500	Amateur.			10000–10500	Amateur.	10000–10500	Amateur.			
Above 10500 not allocated.				10500–10700 (US15)	G, NG.				10600	Industrial, scientific and medical equipment.
				10700–13200	NG.	10700–11700 (NG1)	Fixed.	Common carrier fixed.		
						11700–12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (except television pickup).		
						12200–12700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						12700–13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				13200–16000 (US17)	G.					
				16000–18000 (US16)	NG.	16000–18000 (NG1)	a. Fixed. b. Mobile.		18000	Industrial, scientific and medical equipment.
				18000–21000 (US16) (US17)	G.					
				21000–22000	Amateur.	21000–22000	Amateur.			
				22000–26000 (US17)	G.					
				26000–30000	NG.	26000–30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG.			a. Amateur. b. Experimental.		

US15 Emissions from industrial, scientific and medical equipment using the frequency 10600 Mc must be confined to the band 10500–10700 Mc. Sharing by radiocommunication services is to be determined at a later date.

US16 Emissions from industrial, scientific and medical equipment using the frequency 18000 Mc must be confined to the band 17850–18150 Mc. Radiocommunication services operating within the band 17850–18150 Mc must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

(b) *Stipulation regarding frequencies below 27.5 Mc.* The international table of frequency allocations below 27.5 Mc in force is stipulated by the provisions of paragraphs 1076 and 1077 of the Atlantic City, 1947 Radio Regulations.

(c) *Explanation and instructions regarding use of table.* (1) Columns 1, 2, 3 and 4 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations (1947).

(2) In column 6 the letter G means Federal Government radio stations, i. e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i. e., those whose frequencies are assigned by the Commission.

(3) Column 10 lists frequencies available for assignment to stations which conform to the nature of service or station listed in column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in column 10 is limited to those stations which, by definition, are included in the services and classes of stations (columns 8 or 9) to which the frequency band (column 7) is allocated.

(4) In column 11 "Services" are in large block print and "Stations" in small print.

(5) The following symbols are used to designate footnotes in the table of frequency allocations:

(i) Any footnote consisting only of digits, e. g., (170), denotes a paragraph in the Atlantic City (1947) Radio Regulations.

(ii) Any footnote consisting of the letters US followed by one or more digits, e. g., US1, denotes a stipulation the application of which is not limited to non-government stations.

(iii) Any footnote consisting of the letters NG followed by one or more digits, e. g., NG1, is a stipulation applicable to the use of a band allocated exclusively for non-government stations.

SUBPART C—EMISSIONS

§ 2.201 *Emission, modulation and transmission characteristics.* The following system of designating emission, modulations and transmission characteristics shall be employed.

(a) The emission characters used in connection with frequency assignments express:

(1) Necessary bandwidth.
(2) Type of modulation or emission.
(3) Type of transmission.
(4) Supplementary characteristics authorized.

(b) Types of modulation and emission are symbolized according to the following letters:

(1) Amplitude modulation	A
(2) Frequency (or phase) modulation	F
(3) Pulsed emission	P

(c) Types of transmission are symbolized according to the following numbers:

(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of modulating audio frequency	1
(3) Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony	3
(5) Facsimile	4
(6) Television	5
(7) Composite transmissions and cases not covered by the above	9

(d) Supplementary characteristics are symbolized in accordance with the following letters:

(1) Double sideband, full carrier	(None)
(2) Single sideband, reduced carrier	a
(3) Two independent sidebands, reduced carrier	b
(4) Other emissions, reduced carrier	c
(5) Pulse, amplitude modulated	d
(6) Pulse, width modulated	e
(7) Pulse, phase (or position) modulated	f

(e) The classification of emissions is tabulated below:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
1. Amplitude	Absence of any modulation		A0
	Telegraphy without the use of modulating audio frequency (on-off keying).		A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).		A2
	Telephony	Double sideband, full carrier	A3
		Single sideband, reduced carrier.	A3a
		Two independent sidebands, reduced carrier.	A3b
	Facsimile		A4
	Television		A5
	Composite transmissions and cases not covered by the above.		A9
	Composite transmissions	Reduced carrier	A9c
2. Frequency (or phase) modulated.	Absence of any modulation		F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).		F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).		F2
	Telephony		F3
	Facsimile		F4
	Television		F5
	Composite transmissions and cases not covered by the above.		F9
3. Pulsed emissions	Absence of any modulation intended to carry information.		P0
	Telegraphy without the use of modulating audio frequency.		P1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating their pulse in amplitude.	P2d
		Audio frequency or audio frequencies modulating the width of the pulse.	P2e
		Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
	Telephony	Amplitude modulated pulse	P3d
		Width modulated pulse	P3e
		Phase (or position) modulated pulse.	P3f
	Composite transmissions and cases not covered by the above.		P9

(f) Type B emission. As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

§ 2.202 *Bandwidths* — (a) *Necessary bandwidths.* The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission. For the determination of this necessary bandwidth, the following table may be considered as a guide. In the formulation of the table, the following working terms have been employed:

B = Telegraph speed in bauds.

$\frac{N}{T}$ = Maximum possible number of black plus white elements to be transmitted per second, in facsimile television.

M = Maximum modulation frequency expressed in cycles per second.

D = Half the difference between the maximum and minimum values of the instantaneous frequencies; D being greater than $2M$, greater than $\frac{N}{T}$ or greater than B, as the case may be. Instantaneous frequency is the rate of change of phase.

t = Pulse length expressed in seconds.

K = An over-all numerical factor which differs according to the emission and depends upon the allowable signal distortion and, in television, the time lost from the inclusion of a synchronizing signal.

(b) *Table of necessary bandwidths.*

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Continuous wave telegraphy: A1.	BK $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute, $B=20$, bandwidth: 100 c/s. Four channel multiplex, 7 unit code, 60 words per minute per channel, $B=170$, $K=5$, bandwith: 850 c/s.	0.1A1 0.85A1
Telegraphy modulated at audio frequency: A2.	$BK+2M$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute with 1,000-cycle tone, $B=20$, bandwidth: 2,100 c/s.	2.1A2
Commercial telephony: A3.	M, for single sideband $2M$, for double sideband	For ordinary single sideband telephony, $M=3,000$. For high-quality single sideband telephony, $M=4,000$.	3A3a 4A3a
Broadcasting: A3	$2M$	M may vary between 4,000 and 10,000 depending upon the quality desired.	8A3 to 20A3
Facsimile Carrier modulated by tone and by keying: A4.	$\frac{KN}{T}+2M$ $K=1.5$	The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (height of picture) × number of lines per unit length × speed of rotation of cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 3.77 Speed of rotation 1 turn per second. Frequency of modulation = 1,800 c/s. Bandwidth: 3,600+1,242 = 4,842 c/s.	4.84A4
Television: A5	$\frac{KN}{T}$ $K=1.5$ (this allows for synchronization and filter shaping). NOTE: This band can be appropriately reduced when asymmetrical transmission is employed.	The total number of picture elements (black and white) transmitted per second = the number of lines forming each image × number of elements per line × number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 500. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s.	9.000A5

II. FREQUENCY MODULATION

Frequency-shift telegraphy: F1.	$BK+2D$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Four-channel multiplex with 7-unit code, 60 words per minute per channel: $B=170$. $K=5$. $D=425$. Bandwidth: 1,700 c/s.	1.7F1
Commercial telephony and broadcasting: F3.	$2M+2DK$ For commercial telephony, $K=1$. For high-fidelity transmission higher values of K may be necessary.	For an average case of commercial telephony with: $D=15,000$. $M=3,000$. Bandwidth: 36,000 c/s.	36F3
Facsimile: F4.	$\frac{KN}{T}+2M+2D$ $K=1.5$	(See facsimile, amplitude modulation). Cylinder diameter = 70 mm. Lines per mm = 3.77. Cylinder speed = 1 r. p. s. Modulation tone = 1,800 c/s. $D=10,000$ c/s. Bandwidth: 25,000 c/s (approximately).	25F4

III. PULSED EMISSIONS

Unmodulated pulse: P0	$2\frac{K}{t}$ K varies from 1 to 10 according to the permissible deviation in each particular case from a rectangular pulse shape. In many cases the value of K does not need to exceed 6.	$t=3\times10^{-4}$ $K=6$ Bandwidth: 4×10^{4} c/s.	4.000P0
Modulated pulse: P2 or P3	The bandwidth depends upon the particular types of modulation used, many of these being still in the development stage.		

SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION AND ALLOCATION AND USE OF CALL SIGNS

§ 2.301 *Identification of transmissions.* For the purpose of identifications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules, each station using radio frequencies shall identify its transmissions as prescribed by the rules governing the class of station to which it belongs.

§ 2.302 *Table of allocation of call signs.* The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. Assignments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same licensee, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast [1]	3 letters	KAA thru KZZ WAA thru WZZ.
Aeronautical [2]	3 letters, 1 digit	KAA2 thru KZZ9. WAA2 thru WZZ9.
Fixed,[3] coastal telephone in Alaska [3]	3 letters, 2 digits	KAA20 thru KZZ99. WAA20 thru WZZ99.
Land (other than aeronautical and coast) [3]	3 letters, 3 digits	KAA200 thru KZZ999. WAA200 thru WZZ999.
Mobile telegraph (other than ship and aircraft).	4 letters, 1 digit	KAAA2 thru KZZZ9. WAAA2 thru WZZZ9.
Mobile telephone (other than ship and aircraft).	2 letters, 4 digits	KA2000 thru KZ9999.
Ship telegraph	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Ship telephone [3]	2 letters, 4 digits	WA2000 thru WZ9999.
Ship telegraph and telephone	Same as for ship telegraph	
Ship radar [3]	Same as ship telephone	
Ship radar and telegraph	Same as for ship telegraph	
Ship radar and telephone	Same as for ship telephone	
Aircraft telegraph	5 letters	KAAAA thru KYZZZ. WAAAA thru WZZZZ.
Aircraft telephone	Registration Number	
Aircraft telegraph and telephone	Same as for Aircraft telegraph	
Lifeboats, liferafts and other survival craft	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of the rules.	
Broadcasting [4] (standard)		KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM).	5 letters [5]	KAA–FM thru KZZ–FM. WAA–FM thru WZZ–FM.
Do	6 letters	KAAA–FM thru KZZZ–FM. WAAA–FM thru WZZZ–FM.
Broadcasting (television)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV).	5 letters [5]	KAA–TV thru KZZ–TV. WAA–TV thru WZZ–TV.
Do	6 letters	KAAA–TV thru KZZZ–TV. WAAA–TV thru WZZZ–TV.
Experimental (where the letter "X" follows the digit).	(2 letters, 1 digit, 3 letters)	KA2XAA thru KZ9XZZ. WA2XAA thru WZ9XZZ.
Amateur (letter X may not follow digit)	(1 letter, 1 digit, 2 letters)	K1AA thru K0ZZ. W1AA thru W0ZZ.
Do	(1 letter, 1 digit, 3 letters)	K1AAA thru K0ZZZ. W1AAA thru W0ZZZ.
Do	(2 letters, 1 digit, 2 letters)	KA1AA thru KZ0ZZ. WA1AA thru WZ0ZZ.
Do	(2 letters, 1 digit, 3 letters)	KA1AAA thru KZ0ZZZ. WA1AAA thru WZ0ZZZ.
Standard frequency		WWV and WWVH

[1] Except for coastal telephone stations in the Territory of Alaska.
[2] Assignment shall be made according to the call sign district in which the station is located.
[3] See Part 8 of Commission's rules for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.
[4] Any three letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.
[5] Available only to licensees of Standard broadcast stations already assigned a three-letter call sign.

§ 2.303 *Table of geographic assignment of call signs.* The following geographic allocation of call signs will be used for all fixed, land, and radionavigation land stations except coast stations (other than coastal telephone stations in Alaska.)

Call sign area	*Call sequence* [1,2]
Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	KAA–KBZ WAA–WBZ
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	KCA–KDZ WCA–WDZ
New Jersey, New York	KEA–KFZ WEA–WFZ
Delaware, District of Columbia, Maryland, Pennsylvania	KGA–KHZ WGA–WHZ
Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia.	KIA–KJZ WIA–WJZ
Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas	KKA–KLZ WKA–WLZ
California	KMA–KNZ WMA–WNZ
Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming	KOA–KPZ WOA–WPZ
Michigan, Ohio, West Virginia	KQA–KRZ WQA–WRZ
Illinois, Indiana, Wisconsin	KSA–KTZ WSA–WTZ
Pacific areas	KUA–KVZ
Alaska	KWA–KZZ
Atlantic-Caribbean areas	WWA–WWZ

[1] Broadcasting station calls do not follow the sequence of this table.
[2] The first two letters of Experimental Station calls will follow the sequence of this table.

SUBPART E—DISTRESS, DISASTER AND EMERGENCY COMMUNICATIONS

§ 2.401 *Distress messages.* Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 *Control of distress traffic.* The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 *Retransmission of distress message.* Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 *Resumption of operation after distress.* No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 *Operation during emergency.* The licensee of any station, except amateur, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization; *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO—Continued

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

Date	Series[1]	Subject
1937	E. A. S. 199	Exchange of information concerning issuance of radio licenses. Agreement between the United States of America and Cuba effected by exchange of notes signed Mar. 2 and Aug. 17, Sept. 8, and 20, Oct. 9, 1937. This agreement was largely superseded by the notification procedure established in the NARBA (T. S. 777-A, T. S. 962, E. A. S. 227 and TIAS 1553) and under the Inter-American Radio Communications Convention.
1937	T. S. 962	North American Regional Broadcasting Agreement between the United States of America, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. NOTE: See E. A. S. 227 and TIAS 1553 which supplement this agreement.
1937	T. S. 938	Inter-American Telecommunications Convention between the United States of America and Other Powers. Signed at Habana, Dec. 13, 1937. (First Inter-American Conference.) Amended by TIAS 1902.
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to International Telecommunication Convention (Atlantic City, 1947) between United States of America and Other Powers. Signed at Cairo, Apr. 8, 1938. Superseded by Atlantic City Radio Regulations except with respect to provisions whose counterparts are to be found listed in Art. 47 of the Atlantic City Radio Regulations. See explanatory note to T. S. 938.
1938	E. A. S. 142	Radio Communications between Alaska and British Columbia. Agreement between the United States of America and Canada effected by exchange of notes June, July, August, September, October, November, December 1938.
1938	T. S. 940	Reciprocal Recognition of Operators Licenses between the United States of America (in behalf of Republic of the Philippines) and Other Powers. Signed at Guatemala City, Dec. 9, 1938.
1938	E. A. S. 130	Radio Broadcasting Arrangement between the United States of America and Canada. Effected by exchange of notes signed Oct. 28 and Dec. 10, 1938.
1939	E. A. S. 143	Use of Radio for Civil Aeronautical Services. Arrangement between the United States of America and Canada. Effected by exchange of notes signed Jan. 28, 1939.
1940	E. A. S. 231	Inter-American Radiocommunications Agreement between the United States of America and other American Republics (Second Inter-American Conference) signed at Santiago, Chile, Jan. 26, 1940.
1940	E. A. S. 196	Agreement between United States of America and Mexico with regard to Broadcasting in the Band 1570 to 1600 kc. Effected by exchange of notes signed Aug. 24 and 28, 1940. Effective Mar. 29, 1941.
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, Jan. 30, 1941. (See T. S. 962 and TIAS 1553.)
1941	E. A. S. 400	Agreement with respect to Canadian Broadcasting in the Band 1550 to 1600 kc. Effected by exchange of notes signed at Ottawa, Nov. 5 and 25, 1941 and Mar. 17, 1944. This Agreement is to cease with termination of the war between the United States of America and Germany.
1945		Inter-American Telecommunications Conference (Third Inter-American Conference.) Signed at Rio de Janeiro Sept. 27, 1945. Not yet ratified by the United States of America. (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting Interim Agreement between the United States of America and Other Governments (Mexico Vicendi). Signed at Washington, February 25, 1946. NOTE: See T. S. 962 and E. A. S. 227. Amended by TIAS 1892.
1946	TIAS 1577	Agreement between the United States of America and Union of Soviet Socialist Republics Concerning Certain Questions of Commercial Radio Telegraph Communication Channels. Signed at Moscow, May 24, 1946.
1947	TIAS 1730	Agreement between United States of America and Canada providing for frequency modulation broadcasting in channels in the r. f. band 88-106 Mc. Effected by exchange of notes signed at Washington, Jan. 15, 1947.
1947	TIAS 1670	Interim Arrangement between the United States of America and Canada with respect to Mobile Radio Transmitting Stations. Effected by Exchange of Notes, signed at Washington June 25 and Aug. 30, 1947.
1947	TIAS 1901	International Telecommunication Convention (Atlantic City, 1947). Convention effective January 1, 1949, replacing the Madrid Convention of 1932, T. S. 767. The Radio Regulations (replacing the Radio Regulations of Cairo, T. S. 948) came into effect on January 1, 1949, except for the following specified articles—see Article 47—which shall come into force upon the effective date of the new International Frequency List (to be determined). However, all or any portion of the Band 156-2800 kc. may come into force in Region 2 on any date mutually agreed upon by the interested countries of that region. (This printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Final Acts of Atlantic City, which include the Additional Radio Regulations are available from the International Telecommunication Union, Geneva, Switzerland.)

are again available, and (c) That the Commission at Washington, D. C. and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further*, (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law. *And provided further*, (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 2.406 *National defense; free service.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 *National defense; emergency authorization.* The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

1. For informational purposes the applicable Federal Laws, international treaties, agreements, and arrangements in force relating to radio and to which the United States is a party as of Mar. 31, 1950, are listed below.

Date	Series[1]	Subject
1910		Ship Act of 1910 as amended July 23, 1912. (These provisions relating to required radiocommunication equipment and facilities.)
1925	T. S. 724-A	Arrangement between United States of America, Great Britain, Canada, and Newfoundland effected by exchange of notes September and October 1925, providing for the prevention of interference by ships off the coast of those countries with radio broadcasting.
1928 and 1929	T. S. 767-A	Arrangement effected by exchange of notes between United States of America and Dominion of Canada governing radio communications between Private Experimental Stations. Signed Oct. 2, 1928, Dec. 29, 1928, and Jan. 12, 1929.
1929	T. S. 777-A	Arrangement between the United States of America, Canada, Cuba, and Newfoundland effected by exchange of notes signed at Ottawa Feb. 25 and 28, 1929. (Cuba ceased to be party by virtue of notice to Canadian Government of Oct. 5, 1932, effective Oct. 5, 1933. Arrangement still in force with respect to United States of America, Canada and Newfoundland.)
1929	T. S. 910	Safety of Life at Sea Convention with Regulations between the United States of America and Other Powers, signed at London May 31, 1929.
1930	T. S. 921	Amendment to Regulation XIV of Annex I to the Safety of Life at Sea Convention, Dec. 31, 1931.
1934	E. A. S. 62	Communications Act of 1934, as amended.
1934		Radio communications between private experimental stations and between amateur stations. Arrangement between the United States of America and the Dominion of Canada (continuing arrangement in force Jan. 1, 1949) effected by exchange of notes signed Apr. 12, 1934 and Jan. 12, 1938.
1934	E. A. S. 66	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Peru. Effected by exchange of notes signed Apr. 20 and May 2 and 4, 1938. Effective May 4, 1934.
1934	E. A. S. 72	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Chile. Effected by exchange of notes signed Aug. 2 and 17, 1934.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO—Continued

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

Date	Series[1]	Subject
1947	TIAS 1652	Telecommunication Standardization of Distance Measuring Equipment Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland. Signed at Washington Oct. 13, 1947.
1947	TIAS 1676	Agreement between the United States of America and the United Nations relative to headquarters of the UN. Signed at Lake Success June 26, 1947; brought into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the UN. (The provisions of this agreement were also made Public Law 357 of the 80th Cong. approved Aug. 4, 1947.)
1948	TIAS 1802	Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540–1600 kc.). Arrangement between the United States of America and Canada. Effective Apr. 1, 1948.
1949		Telecommunications Agreement between the United States of America and certain British Commonwealth Governments. Signed at London, August 12, 1949. Effective February 24, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)
1950		Radio communications between amateur stations on behalf of third parties. Arrangement between U. S. A. and Ecuador. Effective March 17, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

2. In addition, the United States is bound by certain other treaties and agreements which are generally considered as superseded because certain of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with those particular countries. These include the following:

Date	Series[1]	Subject
1912	T. S. 581	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 5, 1912.
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927.
1932	T. S. 867	International Telecommunications Convention; General Radio Regulations annexed to the International Telecommunications Convention, signed at Madrid Dec. 9, 1932.
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana Dec. 13, 1937. This arrangement was replaced by Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940, E. A. S. 231. Countries which approved the 1937 arrangement but which have not yet approved the 1940 arrangement are Dominican Republic, Haiti, Mexico, Panama, and Peru.

3. The following treaties, agreements and arrangements have been signed by the United States and are included for informational purposes because of their importance or the imminence of their effective dates:

Date	Subject
1948	International Convention on Safety of Life at Sea. Signed at London, June 10, 1948. Effective Jan. 1, 1951. Subject to the provisions of Article 11 of the Convention.
1949	Inter-American Radio Agreement between the United States of America, Canada, and other American Republics.[2] (Fourth Inter-American Conference.) Signed at Washington, July 9, 1949. Effective Apr. 1, 1950, subject to the provisions in Article 13 of the Agreement. (Not yet available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)
1949	Telegraph Regulations (Paris Revision, 1949) annexed to the International Telecommunication Convention (Atlantic City, 1947), and Final Protocol to the Telegraph Regulations. Signed at Paris, Aug. 5, 1949. Effective July 1, 1950. Subject to ratification procedure in the United States. (Not yet available from Government Printing Office as of Sept. 20, 1950. Available through the International Telecommunication Union, Geneva, Switzerland).

[2] In addition, certain Resolutions and Recommendations were adopted by a number of countries members of the International Telecommunication Union in Region 2 at Washington, July 9, 1949. (Not yet available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)

4. There are, in addition to the foregoing, certain treaties, agreements or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following:

Date	Series	Subject
1941	TIAS 1591	International Civil Aviation Convention. Signed at Chicago, Dec. 7, 1944. Effective April 4, 1947.
1946		Special Radio Technical Meeting (COT), Montreal.[3]
1946 1947 1948 1949 1950		ICAO Regional Air Navigation Meetings, Communications Committee, Final Reports.[3]
1946		ICAO Communication Division, Second Session, Montreal.[3]
1949		ICAO Communication Division, Third Session, Montreal.[3]
1949		Frequency Allotment Plan for the Aeronautical Mobile Service and Final Agreement. Agreement between the United States of America and Other Powers. Signed at Geneva Oct. 14, 1949. (Not available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)

[3] Not available from Government Printing Office. Available from Secretary General of ICAO, Dominion Square Bldg., Montreal, Canada.

[F. R. Doc. 51-2722; Filed, Feb. 27, 1951; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

CLASSIFICATION OF RESERVE CITIES

1. Effective March 1, 1951, § 204.52 is amended to read as follows:

§ 204.52 *Classification of reserve cities.* Acting in accordance with § 204.51, and pursuant to authority conferred upon it by section 11 (e) of the Federal Reserve Act and other provisions of that act, the Board of Governors has taken the following actions for the continuance of the classification of certain cities as reserve cities and the termination of the reserve city designations of certain other cities, all such actions to become effective March 1, 1951:

(a) The City of Washington, D. C., and every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank are hereby continued as reserve cities.

(b) On the basis of official call reports of condition in the two-year period ending on June 30, 1950, the following cities met the standard prescribed in § 204.51 (b) (2), and, therefore, such cities, in addition to the reserve cities classified as such under paragraph (a) of this section, are hereby continued as reserve cities:

Columbus, Ohio; Des Moines, Iowa; Indianapolis, Indiana; Milwaukee, Wisconsin; National City (National Stock Yards), Illinois; St. Paul, Minnesota; Tulsa, Oklahoma; Wichita, Kansas; and Fort Worth, Texas.

(c) On the basis of official call reports of condition in the two-year period ending June 30, 1950, the following cities did not meet the standard prescribed in § 204.51 (b) (2), but a written request for the continuance of each such city as a reserve city was received by the Federal Reserve Bank of the district in which the city is located on or before February 15, 1951, from every member bank having its head office or a branch in such city (exclusive of any member bank in an outlying district in such city permitted by the Board to maintain reduced reserves), together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request; and, accordingly, in accordance with § 204.51 (b) (3), the following cities, in addition to the reserve cities classified as such under paragraphs (a) and (b) of this section, are hereby continued as reserve cities:

Toledo, Ohio; Cedar Rapids, Iowa; Dubuque, Iowa; Sioux City, Iowa; Kansas City, Kansas; Lincoln, Nebraska; Pueblo, Colorado; St. Joseph, Missouri; and Topeka, Kansas.

(d) On the basis of official call reports of condition in the two-year period ending June 30, 1950, the following cities did not meet the standard prescribed in § 204.51 (b) (2), and, consequently, the designation of such cities as reserve cities is hereby terminated:

Peoria, Illinois; Galveston, Texas; and Waco, Texas.

2. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act and the prior publication described in section 4 (c) of such act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248, 461, 462, 462a–1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[P. R. Doc. 51-2604; Filed, Feb. 27, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation was issued on January 26, 1951, essentially as a "stop-gap" measure, in order to bring under immediate control the prices of most goods and services at all levels of production and distribution. At the time of its issuance, it was recognized that its provisions were not well-suited to all classes of trade or business, and that it would have to be replaced by other regulations, tailored to meet the needs of individual commodities or levels of production or distribution. This regulation constitutes the first such replacement, on a major scale, of the General Ceiling Price Regulation. It provides a different type of price control for a large segment of retail trade, covering a substantial share of the sales of department, apparel, furniture, mail order, and general merchandise stores. The commodities included were covered, under World War II price control, by Maximum Price Regulations 208, 330, 339, 580 and a few were governed by the General Maximum Price Regulation.

It hardly needs to be emphasized that adequate price control at the retail level is of the utmost importance. It is here that the ultimate consumer actually feels the effects of inflation or, alternatively, of price stabilization. Not only are the prices charged at retail the prices paid by the ultimate consumer, but the mark-up obtained by the retailer constitutes a very significant part of the price which the consumer pays. Retail mark-ups in the aggregate amount to perhaps 40 billions of dollars per annum.

It is, therefore, of the utmost importance that price regulations covering retail sales be clear, enforceable, and effective. This is important, not only to consumers, but to retailers. It is estimated that as many as 200,000 firms are engaged in the sale at retail of commodities covered by this Regulation. Although many of these are large firms, able to devote specialized personnel to the task of understanding, interpreting, and applying ceiling price regulations, most firms are small, and need a type of price control that is clear, simple, unambiguous, and suited to the maximum possible extent to their particular ways of doing business. Even for the large firm, it is, of course, desirable that the regulations be as understandable and simple as possible. It is more important that retail price control be understandable, unambiguous, and enforceable than that it be, on paper, "tight." A regulation that is, in theory, rigorously effective in preventing price increases, but which cannot be understood, interpreted, and enforced is not good price control, and will, in fact, prove inflationary.

It was the clear experience of the Office of Price Administration during World War II, and it is the unanimous judgment of experts in the field of retailing, that a freeze type of regulation, such as that employed in the General Ceiling Price Regulation, is not well adapted to the conditions prevailing in certain branches of retail trade. Theoretically, such a regulation maintains, not the retailers' markup, but, even in the face of rising costs, the absolute level of retail prices. However, freeze regulations provide effective control only where the goods which the seller handles are standardized, and continue to be the same specific items as those which he handled in the base period of the freeze regulation. Retailers, on the other hand, deal in a vast assortment of constantly changing items. Although some items which were sold in the base period will continue to be sold, numerous new brands, varieties, models, or types of goods, or goods from new sources of supply, continually appear on the retailer's shelves. Under any freeze-type regulation, these new commodities must be priced by what is in essence a markup method. Inasmuch as a large part of retail sales will be of this character, the interests of effective price control will be served, for important classes of goods and segments of the retail industry by removing them from the scope of the general freeze order and placing them, instead under markup regulations carefully tailored to meet the needs of the retail trade.

If a margin type of regulation is to be used in pricing retail sales, the simplest form of such control would be a regulation which specifically named, by categories of goods, the percentage mark-ups which sellers might employ. This method has the advantage of extreme simplicity, clarity, and enforceability. In some fields of retail trade, it can be effectively and equitably employed.

It is abundantly clear, however, that this method would either be inequitable or at least presently impracticable as applied to the commodities covered by this regulation. All data on retail mark-ups for department stores, apparel stores, variety stores, and home furnishing stores testify to the wide diversity of mark-up practices, on the same kinds of goods, among different stores. This diversity of mark-ups reflects differences in services supplied, differences in credit terms, differences in the character of the retail outlet with respect to spaciousness, elegance of display, other amenities, store location, character of the clientele, and so forth. In addition, purely geographic differences in mark-up practices seem to prevail between different parts of the country. It is the Director's conclusion that for the kinds of stores operating under this regulation, it is presently impossible to devise classifications of stores, with different specified margins for each, which would adequately reflect these traditional, and often necessary, differences in mark-up practices. Furthermore, the provision of specified mark-ups would require the assembly of vast quantities of data and would place a heavy burden of proof upon the Director to justify the particular mark-ups so selected.

The mark-up method of pricing used in this regulation is the "pricing chart" method. In essence this regulation is comparable to the Office of Price Administration's Maximum Price Regulation 580. MPR 580 was a regulation which was developed by the Office of Price Administration out of a long experience with various types of retail price control, and after long and frequent consultation with numerous trade groups. Issued in March 1945, it continued in use until the end of World War II price control. Certain deficiencies in the regulation as originally issued, which developed out of experience under its operation, were corrected by subsequent amendments. On the whole, however, it was generally agreed both by price control officials and by those affected by the regulation, that MPR 580 was one of the most successful regulations issued by the World War II price control agency. The reinstatement of this technique of control has been strongly urged upon the Director by numerous trade groups, and by outstanding individual leaders of the retailing industry.

In essence, the pricing chart method allows each retailer to use mark-ups based upon his own previous experience, as reflected by the prices of the goods in his store on one single day in relation to the costs of those goods. Although on any one day, not all of the goods that he customarily handles will be on his shelves, one day's assortment of goods constitutes an excellent sample of his customary business. Since the technique of this Regulation is to employ mark-ups based on the practices of retailers, the day selected ideally, should have been no later than, say, June 24, 1950. However, most retailers will have no records on the basis of which to reconstruct their mark-up experience at any date at all remote from the present. To be sure, retailers on the so-called "retail system" of accounting, and a few who are not, could establish their past mark-up practice from a sample of invoices received during an earlier period. Although such retailers handle the greater part of the total dollar volume of business, they constitute a very small fraction of the total number of firms. For the greatest number of firms, only an inventory of goods now on their shelves can be used. Hence, the base date, called in the regulation "list date," must be a day shortly before its issuance.

Only a brief summary of the provisions of the regulation is required here. The retailer is required to prepare a "Pricing Chart," which shows, for each of a large number of specified categories of goods, each of the different invoice costs to him of goods in that category offered for sale by him on February 24, 1951, the "list date." Opposite each net cost, he enters the price at which goods having that cost were offered for sale. Where goods having the same cost were offered at more than one price, he circles that offering price which yields a percentage mark-up closest to the average percentage mark-up for the entire category of goods, and thereafter uses only the circled price. (This average percentage mark-up is a simple unweighted average computed from the total of all of the cost entries and the total of all of the offering prices shown in his pricing chart.) One copy of this pricing chart is filed with the seller's District OPS office, and another is retained by him to use in establishing ceiling prices for goods sold, after the effective date of this Regulation.

There are four special instructions for the preparation of pricing charts that help make it reflect "normal" mark-ups instead of the ocassionally fortuitous mark-ups reflected by the actual experience of the list date. It is known that some retailers, contrary to the request of Stabilization Officials on December 19, 1950, had priced goods, not on the basis of actual cost, but on the basis of replacement cost. If a seller had raised his price on goods already on the shelf, in anticipation of higher replacement costs, he is required to use his *first* offering price for such goods rather than his list date price. If he *initially* marked his goods on the basis of anticipated replacement cost, he is required to list offering prices that reflect his normal mark-up over cost.

These rules operate to reduce an abnormally high mark-up that might have prevailed on the list date. On the other hand, in a few instances, offering prices on the list date would have been reduced below typical mark-ups for special "sales" or for "clearance." Rather than to perpetuate such abnormal mark-ups, the Regulation permits the seller to use his initial offering prices for such goods instead of the offering prices on the list date. A final provision designed to restore a typical mark-up is that which permits a seller who received goods after January 1, 1951, at a higher cost than that of his last invoice previous to this, and who, therefore, was caught in a "squeeze" by the provisions of the General Ceiling Price Regulation, to use his next to last invoice in preparing his pricing chart.

Under the terms of this Regulation, the seller finds ceiling prices for goods in the following manner. When he receives a commodity which has the same net cost as one which appears on his pricing chart for that category of goods, his ceiling price is the offering price shown on his pricing chart opposite that cost. When he receives an item the cost of which does not appear on his pricing chart, but falls between two costs which do appear on his pricing chart, he obtains his ceiling price by using the percentage mark-up on the next-lower cost shown on his pricing chart, or his average percentage mark-up for the category, whichever is lower. If a commodity has a cost higher than any shown on his pricing chart, his ceiling price is obtained by using the average percentage mark-up for the two highest-cost entries on his chart, or the average percentage mark-up for the entire category, whichever is lower. Where the cost is lower than any shown on the pricing chart, he uses the average percentage mark-up for the two lowest-cost entries on his chart for that category. These simple pricing rules will provide, for the average retailer, ceiling prices for the great bulk of all of his sales under this regulation.

The remaining pricing rules can be summarized quickly. If a seller begins to handle new categories of merchandise not covered by his pricing chart, he is provided with methods for securing mark-ups on such new categories in line with his own mark-up experience in related categories. Two methods are employed to achieve this end. For each category a list of comparable categories is provided. These comparable categories are categories which trade data indicate typically carry mark-ups very similar to mark-ups in the new category. If the seller did not handle any of these comparable categories, a table is provided which allows him to find a category mark-up "in line" with the mark-ups he has received in other categories. Supplementary Regulation 2 issued concurrently herewith, includes a special rule for the treatment of freight in certain specified categories of furniture.

Some 167 categories are specified in the Regulation. These categories group together individual items which, in the great majority of stores, are merchandized together and carry similar mark-up patterns.

The special case of a new seller, or of a seller who cannot price under any of the regular pricing rules summarized above, is handled by an appendix table which sets forth for each category a specific percentage mark-up to be used. Although the method of uniform specific percentage mark-ups cannot equitably be applied to stores already in business, which had developed, in a free market, divergent mark-up practices based upon their own particular circumstances, no such limitation exists for new sellers. To be sure, sellers going into business after the effective date of the regulation may plan to engage in essentially different modes of retailing. Obviously, it cannot be left to the individual seller to decide that his business will be of the type that carries the highest mark-ups. Otherwise, there would be a strong incentive for sellers with low mark-ups to go out of business, and reopen, nominally, as luxury establishments with much higher mark-ups. The table which provides the mark-ups for new sellers specifies mark-ups which are at or slightly below the average of mark-ups for stores in general. The mark-ups specified, for the categories which were covered by MPR 580, are, with minor revisions, the mark-ups used in that regulation. These mark-ups were based upon a representative sample of pricing charts filed under MPR 580, and, as indicated, were at or slightly below the average of the sample. Data available to the Director indicate that mark-ups in the period immediately prior to the Korean outbreak were, for the average store, practically unchanged from the mark-ups which prevailed in 1945 and 1946, when MPR 580 was in force. Consequently, the further use of these mark-ups is justified. For categories covered by the present regulation which were not included in MPR 580, the Director has used available trade data to provide mark-ups for these categories which are in line with the mark-ups provided in the MPR 580 table.

Under certain circumstances, however, new sellers, with previous experience at high mark-ups, may apply for permission to use higher mark-ups than those in the table. Such permission is, however, limited in its application.

Special provisions are made to adapt the regulation to the practices of chain stores, mail order establishments and certain other sellers. For the most part these provisions appear in Supplementary Regulation 1, which is issued concurrently herewith. They permit chains that historically priced certain categories centrally and uniformly to continue this practice through the use of a master chart. They also cover the operations of chains that did not price uniformly for all units, but added to invoice cost a handling or loading charge in forwarding statements to their stores. Provision is made for the establishment, on application to the National Office of Price Stabilization, of special pricing rules for chains or mail-order establishments which find the provisions of the regulation inapplicable to their methods of doing business. Supplementary Regulation 2 affords sellers alternative methods of preparing list date pricing charts and pricing in certain cases.

Special provisions are also made which allow the perpetuation of the practice of some manufacturers of specifying uniform resale prices for their branded products. Machinery is provided whereby the Director can review these resale prices for such products to make sure that the margins are in line with ceiling prices established under this regulation. It will be required that such resale prices be pre-ticketed by the manufacturer at the retail ceiling price.

The record-keeping and reporting requirements of this regulation are important to its success. In addition to the preservation of the records on which the pricing chart was based, and records of current operations under the regulation, there are several provisions designed to aid in enforcement, and to provide the Director with data by which the effects of the regulation can be studied. One provision particularly worthy of comment is that which requires sellers to preserve data on initial percentage mark-ups, by departments of their business, for the four quarters immediately prior to the Korean attack, and to keep current quarterly records on the same basis. In any quarter in which a seller's initial mark-up for any department exceeds that for the corresponding quarter of the pre-Korean period, he is required to report this excess. These provisions apply only to sellers who have customarily kept such records who constitute a very small percentage of the stores, but the great bulk of the business). For stores not having such records, gross margin data must be preserved, and increased gross margins reported in the same way as described above.

The purposes of this requirement are twofold. In the first place, such reports will indicate to the Director the extent to which this regulation has failed in its basic objective of establishing typical pre-Korean mark-up practices at retail,

and whether revisions of pricing charts, either for individual sellers, or groups of sellers, will be required to fulfill this objective. In the second place, it calls to the attention of each individual seller his own responsibility for price stabilization, which, as a minimum, requires him to refrain from obtaining mark-ups higher on the average than those experienced prior to the present emergency; and it gives him a standard by which he can test the extent to which he has met this responsibility.

If prices charged to retailers should be reduced through the effect of other regulations issued by the Office of Price Stabilization, retail prices will reflect this reduction. If price increases are granted to manufacturers, this regulation would, if no other action were taken, allow these price increases to be passed along to the consumers. However, there exists, with this form of price control, a method whereby retailers may be required to absorb all or any part of an authorized increase in manufacturers' prices. Cost absorption of this character was achieved under OPA's MPR 580.

It should be noted, parenthetically, that any increase in the unit overhead costs of retailers will be absorbed by retail sellers under this regulation. Actually, there is little reason to suppose that in the period immediately ahead, the unit overhead costs of retailers will rise. On the contrary, a continued high level of sales, a market in which mark-downs will be less important, and in which some services may have to be reduced, are more likely to assure a reduction in the ratio of operating expenses to sales.

The level of ceiling margins under this Regulation is, of course, based upon the margins in existence on the list date. The Regulation contains certain provisions for reducing margins inflated by the retailer over his customary margins, and for increasing margins squeezed below the retailer's customary margins. After charts are established under the Regulation, and in the course of actual administration and experience under the Regulation, appropriate adjustments of retailers' margins can be made, both up and down. Reports under the Regulation will enable the Office of Price Stabilization to compare the effect of margins established by the Regulation with margins in the pre-Korea period.

In the preparation of this regulation, frequent and extensive conferences were held with representative groups of retail sellers, including representatives of trade associations. However, due to the shortness of time, and the necessity for prompt action, it was not practicable for the Director to establish and consult with a formal retail advisory committee.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

INTRODUCTION.

ARTICLE I—SCOPE OF REGULATION

Sec.
1. What commodities are covered.
2. What sales are covered.
3. What sellers are covered.
4. Where this regulation applies.
5. When to begin using pricing rules.

ARTICLE II—PRICING CHARTS

Sec.
11. Filing of charts.
12. Failure to file charts.
13. Contents of charts: general.
14. Contents of charts: related general information.
15. Column 1: List of categories offered for sale.
16. Column 2: List of net costs.
17. Column 3: Offering prices.
18. Category average percentage markup.
19. Circled price.
20. Column 4: Percentage markups.
21. Column 5: List of invoices.
22. Amendment of charts.

ARTICLE III—COMPUTING CEILING PRICES

30. How to compute ceiling prices.
31. Net cost; OPS adjustment charge.
32. Rule 1: Articles belonging to a category on your chart and with a net cost listed on your chart.
33. Rule 2: Articles belonging to a category listed on your chart but having a net cost lower than the lowest cost listed for that category.
34. Rule 3: Articles belonging to a category listed on your chart, but having a net cost higher than the highest cost listed for that category.
35. Rule 4: Articles belonging to a category listed on your chart, but having a net cost between two net costs listed for that category.
36. Rule 5: Articles belonging to a category comparable to a category listed on your chart.
37. Rule 6: Articles belonging to a category where your chart has at least three categories in the same group of categories.
38. Rule 7: Pricing method for repaired or reconditioned items.
39. Ceiling prices for sellers who cannot price under other sections of the regulation.

ARTICLE IV—CEILING PRICES IN SPECIAL CASES

40. "Upstream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers.
41. Pricing methods for certain chain stores, and mail order establishments.
42. Transfers of business.
43. Uniform dollar-and-cents prices for certain articles.

ARTICLE V—GENERAL PROVISIONS

50. How to treat taxes.
51. Marking, tagging, or posting.
52. Records.
53. Records and reports of initial markups or gross margins.
54. Sales slips.
55. What acts are prohibited by this regulation.
56. Enforcement.
57. Petitions to amend this regulation.
58. Supplementary regulation modifying this regulation.
59. Definitions.

AUTHORITY: Sections 1 to 59 issued under Sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. [illegible], 1950, 15 F. R. 6105.

INTRODUCTION

This regulation fixes ceiling prices for sales by retailers of a wide range of commodities. The pricing chart method of determining applicable mark-ups or margins is used. Retailers are required to file with the Office of Price Stabilization (hereafter referred to as OPS) a "list date pricing chart" and to fix their ceiling prices by using this chart. (Sample charts are shown in Appendix "A.") The list date under this regulation is February 24, 1951.

Article I tells you the scope of this regulation.

Article II tells you how to prepare your charts.

Article III sets forth the rules for computing ceiling prices by reference to your charts. It also tells you how to fix your ceiling prices if you cannot use the pricing rules.

Article IV prescribes rules for pricing in specia' cases (for example, up-stream and cross stream sales, transfers of business, sales of branded articles, etc.).

Article V contains general provisions such as record-keeping requirements, marking or posting ceiling prices, how to treat taxes, sales slips, prohibitions, etc.

Article I—Scope of Regulation

SECTION 1. *What commodities are covered.* This regulation applies only to sales at retail of the articles listed in Appendix B. This includes a wide variety of consumer goods. They are grouped into categories and each category is given a category number. For example, men's and boys' underwear and nightwear constitute category 116. From time to time articles not listed may be added by amendments to this regulation.

This regulation supersedes the General Ceiling Price Regulation for all articles listed in Appendix B. It does not apply, however: (1) to such articles listed in Appendix B for which ceiling prices for sales at retail are hereafter established by other regulations; nor (2) to any article for which sales at retail are hereafter exempted or suspended from price control by this or any other regulation; nor (3) to any imported article if it is sold by the one who imports it; nor (4) to antiques (any article made prior to 1850).

SEC. 2. *What sales are covered.* This regulation applies to sales at retail. It applies to all sales to ultimate consumers of all kinds (including individual, commercial, and industrial users [1]) of articles which are "bought and sold in substantially the same form." (See definition in section 59.) It applies to sales to persons other than ultimate consumers (such as other retailers and wholesalers) if those sales customarily amount to less than 10 per cent of the retailer's total sales of articles covered by this regulation and the retailer's ceiling prices for those sales are fixed by Section 40.

SEC. 3. *What sellers are covered.* (a) This regulation applies to any seller whose sales of articles covered by this regulation to individual ultimate consumers constitute more than 10 percent of the merchandise covered by this regulation which he buys and sells in substantially the same form. If, however, your annual net dollar volume of total sales in all your departments taken together, to individual ultimate consumers of all the articles covered by this regulation amounts to less than $20,000.00 or if all of your sales to individual ultimate consumers are "accommodation sales" (see definition in section 59) you may elect to continue to fix your ceiling prices under the General Ceiling Price Regulation. You may not subsequently alter your election.

[1] Examples of ultimate consumers who are *not individual* ultimate consumers are hospitals, schools, and clubs.

(b) When used in this regulation, the word "seller" refers to each single separate seller covered by this regulation. If a seller makes sales at retail through more than one selling unit or department each selling unit or department is considered to be a separate seller, subject to all the provisions of this regulation. A person who sells through salesmen making sales at uniform prices is a single seller. All of the selling outlets of a chain which are included in one group, zone, class, or area which, under the provisions of Supplementary Regulation 1 to this regulation, are permitted to and do determine uniform prices centrally for certain articles, are as to those articles considered a single seller. The outlets of a chain which are included in one group, zone, class, or area to which the chain regularly sent invoices or statements showing the same selling prices for articles (and not showing costs) also constitute a single separate seller for the purpose of this regulation.

(c) Notwithstanding any other provisions of this regulation any seller at retail of an article for which a ceiling price has been established under section 43 (Uniform dollar and cents prices for certain articles) of this regulation or for which a ceiling price is established under a Supplementary Regulation to this regulation shall be permitted to sell the article at the price so established.

SEC. 4. *Where this regulation applies.* This regulation shall be applicable in the forty-eight states and the District of Columbia.

SEC. 5. *When to begin using pricing rules.* (a) You may begin to use these applicable pricing rules after you receive the acknowledgment of the filing of your chart but you must begin to use the rules not later than March 29, 1951 (unless you are a mail order establishment subject to paragraph (b) below).

(b) If you operate a mail order establishment as defined in section 59 of this regulation you are not required to observe the pricing rules of this regulation as to any mail order sales of articles covered by any of your catalogs, booklets, circulars, flyers, or other forms of printed lists which were printed before the list date. Your ceiling prices for such sales continue to be established by the General Ceiling Price Regulation for so long as the printed price lists remain in effect or until you establish a price for an article pursuant to the pricing rules of this regulation. However, you are required to observe the other requirements of this regulation and to price new articles, new catalogs, booklets, circulars, flyers or other forms of printed price lists on the basis of the pricing rules in this regulation.

Article II—Pricing Charts

SEC. 11. *Filing of charts.* If you are a seller subject to this regulation you must prepare two copies of a list date pricing chart. The chart must be dated and must be signed by one of your officers or owners. A chart for an outlet which is itself a separate seller under this regulation or a department in a departmentalized establishment may be signed by the store manager or department head. One copy of the chart must be kept for your use and for inspection by the Office of Price Stabilization and the other must be filed with your OPS office [2] on or before March 29, 1951.

SEC. 12. *Failure to file charts.* On and after March 29, 1951, you may not offer, sell, or deliver any article covered by this regulation unless you have filed the chart described above. On and after April 28, 1951, you may not offer, sell or deliver any article covered by this regulation until you have received from the OPS an acknowledgment of the filing of your chart.

SEC. 13. *Contents of charts; general.* Put at the top of your chart the following general information:

(a) Your business name and address;

(b) Your list date. (This is February 24, 1951, unless you were not open for business on that day. In that event your list date is the most recent day in 1951 before that day on which you were open for business and offered for sale any article covered by this regulation.)

(c) Your type of store.[3] First, state whether it is a mail order establishment, a chain outlet, or an independent retail store; and second, state whether it is a men's and boys' clothing and furnishing store, a women's clothing store, an infants' and children's wear shop, a women's specialty shop, a millinery store, a shoe store, a department in a department store, a general merchandise store, a limited price variety store, a dry goods store, a furniture store, a home furnishings store, or other type of store. (A department in a departmentalized establishment must also state its department number or name.)

(d) State which of the following brackets includes the approximate net dollar volume of your total retail sales of all commodities covered by this regulation in the calendar year 1950 or your most recent fiscal year:

Over—	Up to and including—
	$10,000
$10,000	30,000
30,000	50,000
50,000	100,000
100,000	300,000
500,000	1,000,000
1,000,000	2,000,000
2,000,000	5,000,000
5,000,000	10,000,000
10,000,000	20,000,000
20,000,000	

(A department in a departmentalized establishment may omit the volume of its retail sales if the establishment files a statement of its approximate total net dollar volume of retail sales of all commodities in all departments, although each department is required to file a separate chart.)

(e) Number each page of your chart.

SEC. 14. *Contents of charts: related general information.* This section tells what the chart must contain about the costs and offering prices of each category which you offered for sale on the list date. List the information in five (5) columns below the general information called for in the preceding section. List an article as "offered for sale on the list date" if it was in your store, unpacked, and available for sale on that date. (If you are a mail order establishment list an article as "offered for sale on the list date" if it was listed in one of your catalogs, booklets, circulars, flyers, or other printed price lists in effect on that date.)

If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, in preparing your chart you shall omit every item which you repaired or reconditioned before sale. Note on the chart each category from which such items have been omitted.

If you offered for sale on the list date any article which you acquired by a transfer from another department or part of the same legal entity you must omit such article in preparing your chart.

When the phrase "you offered" is used in this regulation it means "you offered for sale on the list date." Before you begin to prepare your list date chart study the sample charts in Appendix A for the appropriate form. (The OPS will not supply chart forms.)

SEC. 15. *Column 1: List of categories offered for sale.* In the first column from the left, list by the number given for that category in Appendix B, each category which you offered. If you are including in a "general" category (as defined in Appendix B) any article not specifically listed for that category in Appendix B, list such article in parenthesis in column 1 immediately below the category number in which you are including it.

SEC. 16. *Column 2: List of net costs.* In the second column from the left, list opposite each category shown in column 1, the last "net cost" at which you bought each different article, style, model, or lot number in that category which you offered. Follow these directions for listing net costs:

(a) Find your "net cost" by deducting all discounts (including cash discounts) from the invoice cost on the last invoice you received [4] before the list date for a particular article, style, model or lot number which you have listed. In order that markups on your chart may as nearly as possible reflect your normal markups, if your last invoice was received after January 1, 1951 and your selling price on February 24, 1951 was unchanged from your initial offering price based on the next to the last invoice which you had received for that article, you may list the net cost on the next to the last invoice. Deduct discounts you could have taken whether you took them or not. No freight, handling charge, OPS adjustment charge, or other similar charge may be added.[5]

[2] Your OPS office is the district office having jurisdiction over the area in which your store is located. If, however, you are a mail order establishment or a chain governed by section 2 or 3 of Supplementary Regulation 1 your OPS office is the Distribution Price Branch, Office of Price Stabilization, Washington, 25, D. C.

[3] "Store" means a separate seller as defined in section 3(b), or the separate establishment or a department in the establishment at or from which you make sales to ultimate consumers. A mail order establishment is also called a store.

[4] If you are an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 3 (b) of this regulation, you may use the invoice furnished by your central office.

[5] An alternative method for preparing charts for and pricing categories 701 to 752, which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

(b) List your net costs in order from the lowest to the highest.

(c) List each different net cost separately even though you bought other articles, styles, models, or lot numbers in the category for the same gross invoice cost. Thus, if you bought three different articles, styles, models, or lot numbers in a category at $3.50, 8/10 EOM,[6] $3.50, 3/10 EOM, or $3.50 net, list each of these net costs separately as $3.22, $3.40, and $3.50, respectively.

(d) List each different net cost only once in the category even though you offered more than one article, style, model, or lot number of that net cost in that category.

(e) If you offered a particular style, model, or lot number which you bought at more than one net cost, list only the net cost shown on the last invoice you received before the list date for that style, model, or lot number, unless you are permitted by paragraph (a) of this section to use an earlier invoice.

(f) List each net cost per unit. Thus, if you buy at "per dozen" prices divide the net cost per dozen by 12 and list the result as your net cost per unit. Similarly, if you buy at a price per gross or per hundred, divide your net cost per gross by 144, or per hundred by 100 to find your net unit cost.

(g) You may round your cost to the nearest cent. Thus, you may list $1.735 as $1.74 and $1.734 as $1.73.[7]

SEC. 17. *Column 3: Offering prices.* In the third column from the left, list opposite each net cost shown in column 2, each different price at which you offered to your most numerous class of purchaser[8] an article of that category having that net cost. Follow these directions for listing offering prices:

(a) Do not list offering prices which are higher than your ceiling price for the article on the list date. If your offering price was higher than your ceiling price on the list date you must list your ceiling price.

(b) To avoid the distortion caused by markdowns you may list as your offering price for an article either the price at which you actually offered it on the list date or the price at which you offered the article when you first offered it for sale. If you list your first offering price rather than your list date offering price, place the letter "M" after the price in this column.

(c) To avoid the distortion caused by your having re-marked an article prior to January 26, 1951, to a price greater than that at which you first offered it, you must list in column 3 the price at which you first offered it. If you list such a price you must place a letter "U" after the price in column 3.

(d) To avoid the distortion caused by your having initially marked an article since December 1, 1950, at a price greater than that at which you normally would have marked that article you must list in column 3 the price at which you normally would have marked that article (as, for example, if you had marked the article in anticipation of an increase in replacement cost). You must put the actual price at which you offered the article on the list date in parenthesis beside the net cost in column 2 and place a letter "R" after each such price listed in column 3.

(e) If your offering price includes a tax on a particular sale or delivery (such as a sales tax or a compensating use tax) which the law permits you to state separately from the price, you must deduct the full amount of such tax included in your offering price before you list it. You need not deduct from your offering price any tax which you stated separately from and in addition to your offering price.

(f) You will find that in some cases you have listed more than one offering price opposite a single net cost in a particular category. You must draw a circle around one of these prices; section 19 tells you which offering price to circle. To select your circled price you first have to find your average percentage markup for the category. Section 18 explains how to find a category average percentage markup.

SEC. 18. *Category average percentage markup.* Compute your average percentage markup for a category as follows:

Step 1. Add together all the net costs listed for that category in column 2. To find the correct average, you must, of course, add together an equal number of costs and offering prices. Therefore, just for purposes of this step (you should use a separate work sheet), you must add in each net cost as many times as you have listed different offering prices opposite it;

Step 2. Add together all the offering prices listed in column 3 for that category;

Step 3. Substract the total of the net costs found in Step 1 from the total of the offering prices found in Step 2;

Step 4. Divide the remainder found in Step 3 by the total of the net costs found in Step 1. The result is your average percentage markup on cost.[9] When you have found your average percentage markup for a category, enter it in column 1 for that category.

Example: The way to compute average percentage markup for men's and boys' shirts, category 117, may be illustrated as follows:

Total the net costs	*Total the offering prices*
$1.21	$1.98
1.25	1.98
1.38	2.25
(1.38)	2.50
1.82	2.98
1.94	3.50
3.64	5.95
(3.64)	6.95
5.34	7.95
(5.34)	8.95
26.94	44.99

(Note that the costs in parentheses appear only on your work sheet. They do not appear on your chart.)

Subtract the total of the net costs from the total of the offering prices ($44.99—$26.94=$18.05). Divide the remainder, $18.05 by the total of the costs, $26.94 ($18.05÷$26.94=67%). The result, 67 percent, is the average percentage markup on cost for category 117. Enter 67% in column 1.

SEC. 19. *Circled price.* Where you have listed more than one offering price opposite a single net cost in a particular category, you must draw a circle around the offering price which comes closest to reflecting the average percentage markup for the category. If the price you get is midway between two offering prices, draw a circle around the lower of the two.

Example. You have listed offering prices of $2.88, $3.00 and $3.25 for a net cost of $2.00 in category 202, and your average percentage markup for category 202 is 52%. To apply this rule multiply $2.00 by 52% ($2.00×0.52=$1.04) and add $2.00 to the result ($2.00+$1.04=$3.04) resulting in a price of $3.04. When you look at the three offering prices which you have listed for a $2.00 net cost, you find that the offering price closest to $3.04 is $3.00. Therefore, $3.00 is the "circled" price.

If your average percentage markup had been 47% you would have found a price of $2.94 ($2.00×0.47=$0.94; $2.00+$0.94=$2.94). Since $2.94 is midway between your listed offering prices of $2.88 and $3.00, you would have selected the lower of the two, and $2.88 would have been your circled price.

SEC. 20. *Column 4: Percentage markups.* In the fourth column from the left, list the percentage markup for each different net cost listed in column 2. If more than one offering price is listed opposite the same net cost in a category, you list the percentage markup for the circled price only. To figure a percentage markup, subtract the net cost listed in column 2 from the offering price listed opposite it in column 3, and divide the difference by the net cost. Round the result to one decimal place. For example, you should list 53.72 percent as 53.7 percent and 53.75 percent as 53.8 percent.

Example. If you have listed a net cost of $3.22 and an offering price of $4.95, you subtract $3.22 from $4.95 ($4.95—$3.22=$1.73) and divide the difference, $1.73, by the net cost, $3.22 ($1.73÷$3.22=0.53773). Your percentage markup over cost for your $3.22 net cost is, therefore, 53.8%. Enter 53.8% in Column 4 opposite the $3.22 net cost.

SEC. 21. *Column 5: List of invoices—*(a) *What invoices must be listed.* In the fifth column from the left, list one invoice for every offering price shown in column 3. The invoice you list must cover your purchase at the corresponding net cost listed in column 2 for an article of that category which you offered at that price. If pursuant to section 16 (a) you have listed in column 1 a net cost from an invoice other than the last invoice you got before the list date, you must place a letter "E" beside the invoice listed in column 5.

[6] "8 10 EOM" means 8 percent discount if paid within 10 days after the end of the month.

[7] You may, if you wish, list your gross invoice cost per dozen, per gross, or per hundred, and your purchase discounts, in parenthesis, following the net unit cost. Thus, you might list $1.29 ($16.00, 3/10 EOM per doz.).

[8] This will be the class containing the greatest number of purchasers. If you have more than one class of purchaser, use a footnote to show the class of purchaser used in preparing your chart. Section 30 provides that other classes of purchasers must get their customary differentials.

[9] You may, if you wish, figure your percentage markups as "margins on selling price" instead of on your net cost, but you must use the same method of figuring all percentage margins and average percentage margins. If you have chosen to list margins on selling price, you must state this on your chart, and must use margins on offerings (or selling) price wherever this regulation refers to a markup over net cost.

(b) *How to list an invoice.* State your supplier's name and the date and number of the invoice. In parenthesis following the listing of the invoice you must identify the article the purchase of which at the cost shown in column 2 is covered by the invoice. (An alternative method of listing invoices is provided in Supplementary Regulation 2 to this regulation.)

(c) *Inspection of invoices.* On request you must supply for examination to the OPS or its agent any invoice which you have listed in column 5.

SEC. 22. *Amendment of charts—*(a) *Amendment by seller.* If you find that you have filed an incorrect chart you must file an amendment to your chart with the OPS office where you filed your original chart and you must attach to the amendment a statement explaining why the changes conform your chart to the requirements of the regulation.

Example. If you wish to amend an inaccurate offering price listed on your original chart, you must also recompute your average percentage markup for that category, and reexamine your circled prices for that category to see if the new category average percentage markup requires a change in any of them. If changes are required, the amendment to your chart must show all the corrections which were necessary.

You may not use the amendment to your chart in fixing ceiling prices until you have received acknowledgment from your OPS office of receipt of the amendment.

(b) *Amendment by Office of Price Stabilization.* The OPS may at any time issue an order amending your chart to bring your mark-ups into line with mark-ups established by this regulation for sellers of the same class. Also, upon examination of your chart and any amendment thereto if the records necessary to substantiate information appearing on your chart or the amendment are inadequate the OPS may issue an order amending your chart to bring the mark-ups in line with the level of mark-ups established under this regulation.

Article III—Computing Ceiling Prices

SEC. 30. *How to compute ceiling prices.* To compute your ceiling price for the sale to an ultimate consumer, of an article covered by this regulation, refer to your chart and use the first applicable pricing rule found below in this Article III. (Note that sales covered by this regulation to persons other than ultimate consumers must be priced under section 40, "'Upstream' and 'Cross Stream' Sales and sales of 'Cross Stream' articles to ultimate consumers.")

In applying these rules, you must compute your ceiling price for each article to the class of purchaser you used in preparing your chart and apply your customary differentials to that price to find your ceiling price to all other classes of purchasers. You may not change the terms, allowances, discounts, or differentials which you customarily gave to various classes of purchasers, if the change would result in a higher net price.

Wherever this regulation refers to a list date chart it means only a chart correctly prepared in accordance with sections 13 to 21 of this regulation. If your chart is improper or inaccurate, your ceiling prices shall be prices computed on the basis of a correct chart.

SEC. 31. *Net cost: OPS adjustment charge.* "Net cost," in this regulation means net unit cost of an article after deducting all discounts you could have taken, or your supplier's ceiling price[10] for the article, whichever is lower. (You may round your cost to the nearest cent.) You may not include in "net cost" any item on an invoice received by you labelled "OPS adjustment charge." Freight, handling charge, or other similar charges may not be added."

SEC. 32. *Rule 1: Articles belonging to a category on your chart and with a net cost listed on your chart.* If the article you are pricing is in a category listed in Column 1 of your chart, and if it has a net cost listed in column 2, its ceiling price is the offering price you listed in column 3 for that net cost and category. If you have a circled price for that net cost and category, the circled price is the ceiling price for the article.

Example. You wish to price a pair of men's pajamas which cost you $1.29 net. On your chart you have listed offering prices of $2.00 and $2.24 for a $1.29 net cost in category 116. You have circled $2.00. Therefore, your ceiling price for these pajamas is $2.00 per pair.

If you had listed only one price $2.24 for a $1.29 net cost, your ceiling price would be, of course, $2.24.

SEC. 33. *Rule 2: Articles belonging to a category listed on your chart but having a net cost lower than the lowest cost listed for that category.* If the article you are pricing has a net cost lower than the lowest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the average of the percentage markups in column 4 of the two lowest costs shown on the chart for that category, and adding the result to the net cost.

Example. You wish to price a girl's sweater having a $1.94 net cost. The two lowest net costs on your chart for category 208 are $2.07 and $2.26. The percentage markups listed for the last two are 55.6% and 54% respectively. You average the last two (55.6+54=109.6÷2=54.8) and find that 54.8% is the average. The ceiling price for the sweater is found by multiplying $1.94 by 54.8 (1.94×54.8=1.06) and adding the result, $1.06 to $1.94 (1.94+1.06=3.00). The total, $3.00 is your ceiling price.

SEC. 34. *Rule 3. Articles belonging to a category listed on your chart, but having a net cost higher than the highest cost listed for that category.* If the article you are pricing has a net cost higher than the highest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the *lower* of (a) the average of the percentage markups listed in column 4 for the two highest costs shown on the chart for that category, or (b) the average percentage markup for the category, and adding the result to the net cost.

Example. You wish to price a woman's slip having a $7.95 net cost. The two highest net costs on your chart for category 211 are $6.95 and $5.95. The percentage markups listed for the last two are 67.6% and 63.5%, respectively. You average the last two (67.6+63.5=131.1÷2=65.6) and find 65.6%. The category average percentage markup for category 211 is 67%. Since the average of the percentages for the two highest cost lines (65.6%) is lower than the category average (67%), you use 65.6% to find the ceiling price of the slip. The ceiling price for the slip is found by multiplying $7.95 by 65.6 (7.95×65.6=5.22) and add the result $5.22 to the net cost, $7.95 (7.95+5.22=13.17). The total, $13.17 is the ceiling price.

SEC. 35. *Rule 4. Articles belonging to a category listed on your chart but having a net cost between two net costs listed for that category.* (a) If the article you are pricing has a net cost between two net costs listed for that category (except between the two lowest net costs for the category) in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the *lower* of (1) the percentage markup listed in column 4 for the net cost next lower than the one you are pricing, or (2) the average percentage markup listed for that category in column 1, and adding the result to the net cost.

Example. You wish to price a man's shirt with a net cost of $1.47. You have not listed any net cost of $1.47 for category 117, but you have listed net costs of $1.50 and $1.46. Your percentage markup for your $1.46 net cost is 54%. Your average category markup for category 117 is 53.1%. Since 53.1% is the *lower*, your ceiling price is found by multiplying the net cost $1.46 by 53.1 (1.46×53.1=.775) and adding the result $0.78 to $1.46. The total (1.46+.78=2.24) $2.24 is the ceiling price.

(b) If the article you are pricing has a net cost between the two lowest net costs listed for that category in column 2 of your chart, you compute your ceiling price for that article by using Rule 2 (section 33).

SEC. 36. *Rule 5: Articles belonging to a category comparable to a category listed on your chart.* If the article you are pricing does not belong to a category which is listed in column 1 of your chart, look in Appendix C where you will find for each category a list of other categories which are "comparable" to that category. See whether column 1 of your chart contains the first comparable category listed in Appendix C for the category to which the article you are pricing belongs. If it does not contain the first comparable category, see whether you have listed in column 1 the second, then the third, and so on until you find a comparable category which is listed on your chart. Then compute your ceiling price by applying Rules 1, 2, 3, or 4, as if the article you are pricing belonged in that comparable category.

Example. You have not listed category 701 on your chart, but now purchase a bedroom suite at a net cost of $95.00. You look in Appendix C and find that categories 706, 708, 714, 703, and 710 are listed as comparable to category 701. When you look in column 1 of your chart to see whether you have listed any of these categories. You have not listed category 706 on your chart, but you have listed category 708. Rule 5

[10] If you operate an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 3(b), and if your chart was not prepared on the basis of net cost of articles to your central office, "your supplier's ceiling price" for articles shipped to you by your central office is the amount shown on your central office's invoice to you correctly prepared under Supplementary Regulation 1 to this Regulation.

[11] An alternative method for pricing categories 701–752 which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

requires you to figure your ceiling price for this bedroom suite as if it belonged to category 708. You find that you have listed a net cost of $85.00 in column 2 for category 708, and an offering price of $150.00 in column 3 for that net cost. You therefore apply Rule 1 and your ceiling price for the bedroom suite is $150.00.

SEC. 37. *Rule 6. Articles belonging to a category where your chart has at least three categories in the same group of categories.* If the article you are pricing is not in a category on your chart and you have no comparable category but you do have on your chart at least three categories in the same group [12] of categories, you compute your ceiling price under this rule. (If you cannot price under this rule you determine your price under section 39 which provides for the use of a markup table or in special instances for application for a pricing method.)

(a) *Groups of categories.* All categories are divided into the following groups:

Group I—Categories 101–607.
Group II—Categories 701–752.
Group III—Categories 801–854.
Group IV—Categories 1001–1030.

(b) *Pricing method.* (1) *List the appropriate categories and category average percentages.* If you have at least three categories of the appropriate group [12] on your chart, you list as many of these categories as you have on your chart, setting forth opposite each, your average percentage markup [13] for each category. Note: You may not use this rule for a category in Group II (701–752) if your chart for these categories was prepared pursuant to the alternative method provided in Section 5 of Supplementary Regulation 2 to this regulation.

(2) *Compute the "group average" for these categories.* You do this by adding together all the average markups for the categories you have listed and dividing this sum by the number of categories which you have listed.

(3) *Apply table in Appendix D.* Turn to the table in Appendix D. The top row of the table is divided into a series of percentage brackets. In the first column to the left find the category number which includes the article you are pricing. Follow this category number across and find the markup which appears in the column under the percentage bracket which includes the "group average which you computed under subparagraph (2). This is your percentage markup over cost for the new category.

(4) *Multiply the net cost of the article you are pricing by this percentage markup.* Add the result to the net cost of the article. This final result is your ceiling price for the article you are pricing.

Example. You wish to price a set of boy's ear muffs on which your net cost is 50 cents. Ear muffs belong to category 123 on the CPR 7 chart. You find, on examining your chart, that neither this category, nor any one of the "comparable" categories is listed on your chart.

Since category 123 belongs to the group of categories numbered from 101–607 inclusive, you look on your chart to find whether you have listed at least three categories in this group. If you do not have at least three such categories listed on your chart (excluding categories 105A, 105B, 105C, 105D, 204, 214 and 353), you cannot use this pricing rule and the ear muffs must be priced under section 39.

Let us assume that actually you have listed on your chart articles belonging to eight categories of this group of numbers. These categories have percentage markups over cost as follows:

Category:	Average percentage markup	Category:	Average percentage markup
102	63	215	62
105	63	217	68
110	63	302	65
116	65	304	60

You must compute your "group average" for all these categories by adding the average markups for these categories and dividing the result by the number of categories which you have listed above (509÷8). Your "group average" is 63.625%.

You next turn to the table in Appendix D. In the first column to the left you will find a series of category numbers. Follow this column downward until you reach category 123.

Follow this row across the table until you come to the percentage bracket appearing in the top row of the table which includes your "group average"—in this case the bracket designated "over 62 including 65." At this point you will find that the allowable percentage markup for category 123 is 65.7%. This is your percentage markup for this category and for the article you are pricing.

You next multiply the net cost of the article you are pricing by this percentage markup ($.50×.657=$.328). Add this figure to your net cost of the article you are pricing ($.50+.33=$.83). The result, $.83, is your ceiling price for the article you are pricing.

(5) *Group averages above table in Appendix D.* If, in pricing a category included in Group I (101–607), your group average is over 101 percent; in Group II (701–752) over 127 percent; Group III (801–854) over 101 percent; and, Group IV (1001–1030) over 109 percent, you find your percentage markup over cost by multiplying your group average by the multiplier listed for that category in Appendix F.

Example: If you are a house to house seller and have a "group average" of 150% for your categories in the group 101 to 607, inclusive, and you now wish to sell handbags (category 218) which you find you must price under this rule, you determine your markup over net cost as follows: refer to the multiplier opposite category 218 in Appendix F. There you will find the figure 1.045. This means that your markup on cost for handbags is 156.8% (150×1.045=156.75).

(c) *Articles which cannot be priced under Rule 6.* If the article you are pricing is included in categories 105A, 105B, 105C, 105D, 204, 214, 353 and 803D; or if your chart for categories 701–752 was prepared pursuant to the alternative method provided in section 5 of Supplementary Regulation 2 to this regulation; or if you do not have three categories in the appropriate group on your chart, you price such article under section 39.

SEC. 38. *Rule 7: Pricing method for repaired or reconditioned items.* If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, and your chart as filed indicates that such articles have been omitted, you may compute a price for such a used or imperfect article which you have repaired or reconditioned in the following manner: (a) add to the net cost of the article the net cost of reconditioning or repairing the article) but not to exceed a cost greater than that required to restore the article to a factory standard article of the same type); (b) multiply the total thus obtained by the category average percentage markup for the category including the article you are pricing, and (c) add the result to the total found in (a). If your chart has no markup for that category you use the markup for the category in Appendix E.

SEC. 39. *Ceiling prices for sellers who cannot price under other sections of the regulation.* If sections 30 to 38 do not provide a method for establishing your ceiling price for an article, you figure your ceiling under this section.

(a) *Use of Appendix E markups*—(1) *Pricing method.* If you have never priced an article under this section you find your ceiling price for all articles which must be priced under this section as follows by using the Table in Appendix E: On the left side is listed a column of category numbers; opposite each category number is a percentage markup. Find the percentage markup for the category to which the article you are pricing belongs. Multiply the net cost of the article you are pricing by this percentage markup. Add the result so obtained to the net cost of the article. The amount so arrived at is your ceiling price for the article you are pricing.

(2) *Reports.* You may not sell or deliver any article which you are required to price under this section until you have filed whichever of the following reports is applicable:

(i) You must file a statement that you have filed a list date pricing chart (if that is a fact) and a list of the categories you intend to price under subsection (1) of this section; or

(ii) If you have not filed a list date pricing chart you must file a statement containing the following information:

(a) Your name and address or your proposed name and address and the names and addresses of all owners, stockholders, or officers of the business establishment. (Owners holding less than 10 percent of the total number of shares of corporations preparing this statement need not be listed.)

(b) The date or the proposed date of the organization of the business establishment.

(c) A list of the articles which you intend to price under this section.

(d) The type of store you operate or intend to operate (dry goods, furniture, men's furnishings, specialty shop, etc.).

(e) Special services which you offer or intend to offer (installment selling, charge accounts, other credit terms, free delivery terms, etc.)

(f) If you are a leased department, the name and address of the prior lessee.

(b) *Applications for markups in excess of those specified in Appendix E.* You may not sell at markups in excess of those specified in Appendix E until you have received authorization to do so.

(1) *Eligibility.* If you are a seller who fixes ceiling prices under paragraph (a) of this section, you may apply to the Office of Price Stabilization office having jurisdiction over the area in which your business is located for authorization to use markups in excess of those set forth in Appendix E, if:

(i) You already own one or more established stores selling merchandise covered by this regulation at markups higher than those set forth in Appendix E; or

(ii) You already own one or more establishments selling articles not covered by this regulation at markups which for such goods represent markups higher than the average markups secured by other sellers of those goods; and

(iii) You (if you are an individually owned establishment) or any of the principal stockholders or managing officers had previous experience in selling merchandise covered by this regulation or related commodities as owner, officer, principal, or employee in an executive or managerial capacity in a business handling merchandise covered by this regulation at markups higher than those listed in Appendix E and have not operated at or below markups set forth in Appendix E since the list date.

(2) *Filing and contents of applications.* The application filed with the OPS must set forth the markups applied for and information which would permit determination pursuant to the rules of eligibility set forth above.

(3) *Authorization.* (i) Upon application made pursuant to subparagraph (2) the OPS may, by order, authorize you to use markups higher than those listed in Appendix E. Such markups will be in line with those of sellers most nearly like you in your trading area but not higher than your own past experience and in no case (except in an OPS district or resort center where the average of markups is unusually high) will markups be authorized which exceed the highest markups at or below which those sellers comprising three-fourths of the sellers covered by the regulation operate.

(c) *Applications by certain sellers who sell exclusively in sets (groups of articles) to which services have been added*—(1) *Eligibility.* If prior to February 24, 1951, you have been engaged in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10 percent of the total of the net costs of the constituent articles of the assembled sets, you may apply to your OPS office for a pricing method for the sale of your assembled sets. You must file two (2) copies of an application containing the following information:

(i) Your name and address;

(ii) Date when you entered business;

(iii) Description of manner in which you conduct your business (indicating whether you are a department store, a leased department, a specialty store, or other; cash, installment or other terms; and class of merchandise you handle);

(iv) A list of all sets offered by you for sale on the list date, enumerating for each the articles included in each set, the cost of each set, the cost of each article, the cost of services added by you on each set, and the selling price of each set on the list date; and

(v) Substantiating evidence such as advertisements, catalogs, or prospectuses to show that you sold or offered for sale the sets (listed under (iv)) on the list date.

(2) *Authorization.* Upon application made pursuant to subparagraph (2), the OPS may, by order, permit you to add to the total of the net costs of the constituent articles the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation.

(d) *Applications by sellers who repair or recondition.* If you do not have a list date pricing chart and you are in or propose to enter the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned or repaired, you may apply to your OPS office for a pricing method which will reflect your costs of repairing or reconditioning the articles which you sell. In such a case the OPS may, by order, permit you to add to the ceiling price established under this regulation the actual net cost of reconditioning or repairing the articles which you sell. In no case shall the cost of reconditioning or repairing include a cost greater than that required to restore the article to a factory standard article of the same type.

Article IV—Ceiling Prices in Special Cases

SEC. 40. *"Up stream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers.* If your sales to persons other than ultimate consumers constitute less than 10% of your total sales of articles covered by this regulation you are governed by this regulation as to those sales and your ceiling prices for those sales are computed under this section.

(a) *Ceiling prices for "up stream" sales.* Your ceiling price for a sale of any article covered by this regulation to any person other than an individual ultimate consumer, another retailer, or an industrial, commercial, or institutional user, is the net cost of that article to you.

(b) *Ceiling prices for "cross stream" sales.* (1) Your ceiling price for a sale to another retailer of any article covered by this regulation shall be the sum of the following items:

(i) the net cost of the article to you (which, as defined in Section 31 excludes any freight, OPS adjustment charge or handling charge);

(ii) the incoming freight allocable to that article which you have paid in addition to the net cost;

(iii) the OPS adjustment charge, if any, shown on the invoice received by you;

(iv) the handling charge, if any, which you customarily made when selling articles covered by this regulation to another retailer immediately prior to January 26, 1951. In no event, however, may your handling charge exceed 10 percent of the net cost of the article to you.

You must give to the buyer an invoice which must state separately each item making up your costs as itemized in this subparagraph (1) and, in addition, must contain the following notice:

NOTICE

You must compute the price for resale of the above articles pursuant to section 40 (c) of Ceiling Price Regulation 7.

(2) If you customarily made sales of commodities covered by this regulation to other retailers immediately prior to January 26, 1951, on which you figured your price by granting a specific discount from your retail price, you may continue to make such sales (excepting sales of articles purchased by you from other retailers). On such sales you must furnish the buyer with an invoice, which, in addition to showing your retail price as established by this regulation and the discount you granted, must contain the following notice:

NOTICE OF CEILING PRICE

Under Section 40 of Ceiling Price Regulation 7 you may not sell the above articles to consumers at prices higher than our retail ceiling shown on this invoice.

(c) *Ceiling prices for sales to ultimate consumers of articles purchased from other retailers.* (1) If you purchase articles covered by this regulation from another retailer and pay the seller his costs permitted to him under paragraph (b) (1), you must determine your ceiling price for sales of these articles to ultimate consumers in accordance with the pricing rules of this regulation taking your net cost from your supplier's invoice and excluding all freight, OPS adjustment charge and handling charges.

(2) If you purchase articles covered by this regulation and pay the seller his retail price less a specified discount, you must use as your ceiling price for sales of those articles to ultimate consumers the seller's retail price as stated on his invoice to you.

(d) *Articles acquired by transfer from another seller in the same selling establishment.* If one department or part of the same legal entity acquired an article by a transfer from another part of the same legal entity, the transferee pricing such an article must use as his net cost the net cost determined from the invoice received by the transferor.

The document covering the transfer must show the original invoice cost and must be preserved for inspection by the OPS.

SEC. 41. *Pricing methods for certain chain stores and mail order establishments.* Special pricing methods for certain chain stores and mail order establishments are provided in Supplementary Regulation 1 to this Ceiling Price Regulation 7.

SEC. 42. *Transfers of business*—(a) *How a transferee fixes his ceiling prices.* This section applies to you if:

(1) After the list date, you purchase or otherwise acquire a substantial part of the business, assets, or stock in trade of any business which sells or sold any articles covered by this regulation at retail; and

(2) You carry on the business or continue to sell at retail articles in any category covered by this regulation and

[12] "Group" as defined for this purpose includes any category which appears in the appropriate series of category numbers excluding categories 105A, 105B, 105C, 105D, 204, 214, 353, and 803D.

[13] Computations under this section are based on markups over cost. If you are on the "retail system," that is, if your chart markups are expressed as percentages of selling prices, you must convert your category markups to markups over cost. You do this by subtracting your average percentage margin on selling price for the category from 100%. You divide the result thus obtained into your percentage margin on selling price. After the percentage margin on selling price for all your categories have been converted to markups on cost you proceed as set forth above.

sold by your transferor before the transfer; and

(3) You carry on the business or continue to sell in a store separate from any other store previously owned or operated by you for the sale of such articles at retail. If this section applies to you, your ceiling prices are the same as those which your transferor would have had if the transfer had not taken place (except as provided in paragraph (c) of this section). Your obligation to keep records sufficient to verify such prices shall be the same as if the transfer had not taken place. The transferor must either preserve and make available to you or turn over to you all records of transactions before the transfer which you need to comply with this regulation.

(b) *Filing charts.* If your transferor has not already filed a chart, you must prepare a chart based on his experience on the list date, using the list date which he would have used if no transfer had occurred. If your transferor has filed a chart, you must file a statement showing your business name and address and the date of the transfer. (You must attach a copy of this statement to the chart in your possession.) If the transferor's records are not available to you, you must fix your ceiling prices under section 39.

(c) *Mergers and combinations.* If, after the list date, two or more sellers merge, consolidate, or combine and continue operations as one seller, the seller who continues to operate shall fix his ceiling prices under this regulation on the same basis as that which the seller who had the largest dollar volume of sales of articles covered by this regulation during the 12 months immediately preceding the merger or combination would have had to follow.

SEC. 43. *Uniform dollar-and-cents prices for certain articles.* (a) *How prices are established.* The OPS may by order, upon application, establish dollar-and-cent retail ceiling prices for branded articles whenever it appears that:

(1) The article (or an article of the same type) was sold at retail at substantially uniform prices for a period immediately prior to January 26, 1951. The OPS may establish uniform retail ceiling prices for any article if the applicant has received or is eligible to receive an order under this section for any of his articles.

If the applicant had a policy of uniform retail prices for his branded merchandise and can show that the article was sold at substantially uniform prices except for a limited area, the OPS may establish uniform retail ceiling prices for the article. Uniform retail ceiling prices may be established for separate zones (not to exceed five zones) where the applicant can show that such differential was maintained as part of his uniform pricing policy immediately prior to January 26, 1951.

(2) The price requested for the article is no higher than the existing level of ceiling prices under this regulation.

Orders issued under this section will remain effective unless revoked or suspended by the Director. Orders may be revoked or suspended only if the Director is satisfied that such revocation or suspension is not inconsistent with the effective control of prices.

(b) *What the order may contain.* (1) An order may be issued under this section establishing uniform ceiling prices for all retail sales of an article covered by this regulation although such retail sales may not otherwise be subject to this regulation.

(2) An order issued under this section will include a provision requiring the applicant to tag or ticket the article with the retail ceiling price and other specified information.

(3) An order issued under this section will require the applicant to send copies of the order and any subsequent amendments thereto to those purchasers for resale of the articles covered by the order.

(4) An order issued under this section will ordinarily be in the form of applicant's selling price and retail ceiling price relationships. Such an order will ordinarily require the applicant to submit, from time to time as specified in the order, a description of the articles which he is pricing pursuant to the terms of the order, changes in his prices to his customers, and any other information that may be required by the terms of the order.

(c) *Who may apply.* (1) A manufacturer or a wholesaler of a branded article may apply under this section if he can submit the information required by paragraph (d).

(2) A group of manufacturers selling the same article under the same brand name may apply as a group under this section if they can submit the information required by paragraph (d).

(d) *What the application must contain.* Two copies of each application must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C. The application must contain the following:

(1) Business name and address of the applicant.

(2) A complete identification of the article for which the price is sought including:

(i) The brand name identifying the article and its style or lot number.

(ii) Applicant's ceiling price.

(iii) An identification of the regulation and the section in that regulation or the identification of the order issued by the OPS under which his ceiling price was established.

(iv) His invoice price and terms to various classes of retailers.

(v) His suggested retail price, if any, immediately prior to January 26, 1951. (If he had a suggested retail price prior to January 26, 1951 he should submit evidence to show his method of retail price maintenance, such as national advertising, catalogues sent to retailers, advertising mats furnished retailers, etc. If he had no suggested retail price prior to January 26, 1951, or did not attempt to enforce his suggested retail price, but can show that the article was sold at substantially uniform prices, he should submit a list of the names and addresses, giving their retail selling price of the article immediately prior to January 26, 1951 of all of his retail customers in fifteen cities representing a cross section of his customers.)

(3) The uniform retail ceiling prices requested for the article.

(4) In the case of wholesalers applying under this section, the name and address of the manufacturer of the article and the manufacturer's style or lot numbers.

(5) In the case of a group of manufacturers applying for a single order covering the articles manufactured in common by the group, the application must contain, in addition to the requirements of sub-paragraph (2) above, evidence to show that each manufacturer of the group, who sold the article, maintained the same retail prices on the same article with the same brand.

Article V—General Provisions

SEC. 50. *How to treat taxes.* The ceiling prices determined under the pricing rules in this regulation are your ceiling prices exclusive of tax. If a tax on a particular sale or delivery such as a sales tax or a compensating use tax is imposed and the tax law permits the tax to be separately stated, you may charge or collect the tax on the sale or delivery of the article in addition to the ceiling price fixed under the pricing rules. You must state the tax separately.

SEC. 51. *Marking, tagging or posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless it is marked or tagged with the selling price in a manner plainly visible to, and understandable by, the purchasing public.

(a) *Marking.* You may mark the selling price on the shelf, bin, rack, or other holder or container upon or in which the article is kept provided all the articles kept on, or in the shelf, bin, rack, holder or container have the same selling price.

(b) *Tagging.* If you do not wish to mark the prices as described in (a) you must mark the selling price on each article itself by writing the price directly on the article or by attaching to the article a tag or ticket stating the selling price.

(c) *Posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless you post in a prominent and clearly visible position in your store, a sign stating the following:

NOTICE

The prices of merchandise in this store are no higher than the OPS ceiling prices of the articles.

(d) *Rule for mail order establishments.* Mail order establishments must mark their ceiling prices for articles listed in printed price lists which have been printed after the list date in either of the following ways:

(1) State the ceiling price for each article covered by this regulation and listed in the price list, at the place in the publication where the article is listed.

(2) Print on the front cover of each printed price list (or on the front page of any list that has no cover) the following statement:

NOTICE

No price for any article listed or described herein exceeds the ceiling price for that article, as determined under the applicable OPS ceiling price regulation.

SEC. 52. *Records.* The records required by this section must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept at your store, except in the case of certain chain stores for which special record keeping requirements are provided in Supplementary Regulation 1 to this regulation.

(a) *List date records.* You must preserve for inspection by the OPS:

(1) All records which you were required to prepare and preserve pursuant to section 16 (a) (1) and (4) of the General Ceiling Price Regulation [14] relating to articles covered by this regulation;

(2) All records relating to articles covered by this regulation which you were required to prepare and keep pursuant to section 16 (b) of the General Ceiling Price Regulation [15] from January 26, 1951, to the date you begin pricing under this regulation, not later than March 29, 1951;

(3) The last invoice which you received before the list date for each kind, style, model, or lot number of the articles offered for sale by you on the list date, and all other invoices which you used in preparing your list date chart; and

(4) All other records and data, such as sales slips, inventory records or work sheets, used by you in preparing your chart or showing your costs and offering prices on the list date.

(b) *Current records*—(1) *Obtaining and preserving invoices.* On and after February 27, 1951, you must obtain a purchase invoice (or some other record of cost) and preserve the purchase invoices (or other cost record) which you received for all articles covered by this regulation. You must keep these invoices according to some recognized filing system, such as alphabetical, numerical, or chronological order. Upon request of any authorized agent of the OPS, you must let him examine your purchase invoices for any articles covered by this regulation.

(2) *"Retailing" invoices.* Before selling or offering for sale any article covered by this regulation which is delivered to you on or after February 27, 1951, you must "retail" the invoice, that is, you must mark your first selling price for each article on the invoice covering your purchase of the article, and the number of the section or the pricing rules under this regulation, or the special order or other order under which you figured your ceiling price for the article. The pricing rule and method may be stated merely as "Rule 1" or "Rule 3" or "Rule 6."

If the invoice does not state the quantity of each article, style, model or lot number which it covers, you must also enter the quantity on each invoice.

(3) *Preserving sales slips.* If you customarily prepared your sales slips in more than one copy, you must preserve for at least six months after delivery a duplicate copy of each sales slip delivered by you pursuant to section 54.

(4) *Listing items in General Category not enumerated in category or on chart.* If you fix ceiling prices for articles in a "general" category (as described in Appendix B) not specifically listed in that category and not offered for sale by you on the list date, you must prepare and preserve with your chart a list of such articles designating as to each the general category in which you placed the item.

SEC. 53. *Records and reports of initial markups or gross margins*—(a) *Records and reports of initial percentage markups*—(1) *Records.*

(i) *Base period records of initial percentage markups.* If you use the so-called "retail method" of accounting, or if you have other records from which the following information can be readily computed, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as department, subdepartment, or store) for which you have such records:

(a) Your initial percentage markup on total purchases (not including opening inventory) for the calendar quarter beginning July 1, 1949 (or if your fiscal quarters begin on some other date, the fiscal quarter beginning nearest to July 1, 1949); and

(b) The corresponding initial percentage markup for each of the subsequent three calendar or fiscal quarters.

(ii) *Current records of initial percentage makup.* You must continue to prepare and preserve such records for the same periods and on the same accounting basis as you used in maintaining the records upon which the reports required in paragraph (2) (i) below are based.

(2) *Reports.*

(i) *Base period reports of initial percentage markups.* If you have the records required by paragraph (a) (1) (i) above you must prepare two copies of a report labelled "Initial Percentage Markups Report," listing your name and address and the initial percentage markup for each subdivision of your business for which you have such records for the periods described in paragraph (a) (1) (i). You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS,[16]

(ii) *Current reports of initial percentage markups.* If you have filed a report of your initial percentage markup under paragraph (a) (2) (i) above for any subdivision of your business you must file a similar report for any succeeding period in which your initial percentage markup for that subdivision exceeds your base period markup for the comparable period. The report must also indicate the period which it covers, the current initial percentage markup, and the number of percentage points by which the current initial percentage markup exceeds the base period. All such reports must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., within 45 days from the close of the period.

(b) *Records and reports of gross margin*—(1) *Records*—(i) *Base period records of gross margin.* If you do not keep the records described in paragraph (a) (1) (i) above and your annual dollar volume of articles covered by this regulation exceeds $50,000.00 for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as department, subdepartment or store) for which you have such records, as follows:

(a) Your quarterly percentage of gross margin for the calendar quarter beginning July 1, 1949 (or if your fiscal quarter begins on some other date, the fiscal quarter beginning nearest to July 1, 1949).

(b) The corresponding percent of gross margin for each of the subsequent three calendar or fiscal quarters.

(c) If you do not have monthly or quarterly records of gross margin your percentage of gross margin for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949.

"Gross margin" as used in this regulation is found as follows:

Step 1. Add the invoice cost of your beginning inventory for the reporting period and the invoice cost of your total purchases for the reporting period.

Step 2. Subtract the cost of your ending inventory from the total found in Step 1. The result is cost of goods sold.

Step 3. Subtract the cost of goods sold found in Step 2 from your total sales. The result is your dollar gross margin.

Step 4. Divide the dollar gross margin by your total sales. This is your percentage gross margin on sales.

Example: Period—January 1, 1949–December 31, 1949.

Step 1:	
Beginning inventory	$100,000
Total purchases	250,000
Total	350,000
Step 2:	
Ending inventory	−90,000
Cost of goods sold	260,000
Step 3:	
Total sales	395,000
Cost of goods sold	−260,000
Gross dollar margin	135,000
Step 4: 135,000÷395,000=34.2% = Percentage gross margin on sales.	

(ii) *Current records of gross margin.* You must continue to prepare and preserve such records for the same periods, that is quarter-year or annual and on the same accounting basis as you used in maintaining the records upon which the reports required in paragraph (2) (i) below are based.

(2) *Reports*—(i) *Base period reports of gross margin.* If you are covered by

[14] The pertinent section of the General Ceiling Price Regulation is as follows:

"Sec. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

"(a) *Base period records.*

"(1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer). • • •

"(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period."

[15] The pertinent section follows: "(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price."

[16] This report may be filed on OPS Public Form No. 3, available at OPS local or regional Offices.

paragraph (a) (1) (i) above you must prepare two copies of a report labelled "Gross Margin Report," listing your name and address and the gross margin percentages for each of the subdivisions of your business for which you have such records for the periods described in that paragraph. You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS."

(ii) *Current reports of gross margin.* If you have filed a report of your gross margin under (i) above for any subdivision of your business you must file a similar report for any succeeding period in which your gross margin percentage for that subdivision exceeds your base period gross margin percentage. This report must indicate the period which it covers, the current gross margin, and must also state the number of percentage points by which the current report exceeds the base period report. All such reports must be filed with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., within 75 days of the close of the period.

SEC. 54. *Sales slips.* If you customarily gave your customers a sales slip, receipt, or similar evidence of purchase you must continue to do so. Upon request from a customer, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, a description of each article sold and the price received for it.

SEC. 55. *What acts are prohibited by this regulation.* On and after February 27, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling or delivering any article at a price higher than the ceiling price permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* You are prohibited from buying or receiving, in the course of trade or business, any article sold in violation of any of the provisions of this regulation.

(c) *Changing customary terms of sale.* You are prohibited from changing your customary terms, discounts, allowances, or price differentials on sales of articles, if the change results in a higher net price. This includes differentials allowed to cash purchasers by sellers who customarily extend credit.

(d) *Combination sales.* You are prohibited from requiring any purchaser to buy or agree to buy any other article, service, package, or wrapper in connection with the sale or delivery of any article covered by this regulation. Every person is likewise prohibited from making a sale of articles which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, if designed by the manufacturer for sale at a unit price, and so purchased by you, may be sold at a unit price; matched groupings of furniture articles (covered by categories 701–752) may also be sold at a unit price as suites or sets, if all the articles in the grouping were produced by the same manufacturer; and sets priced pursuant to Section 39 (c) may be sold at a unit price.)

(e) *Indirect price increases.* You are prohibited from doing any other act which directly or indirectly increases, above the ceiling price, the consideration paid for any article or delivery of any article, or, for the purposes of evading the price limitations set forth in this regulation, to purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling, or otherwise affiliated with you. You shall not do any other act which directly or indirectly increases the consideration paid for any article. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright sale above the ceiling price.

(f) *Attempts to violate.* Every person is prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

SEC. 56. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for damages, provided by the Defense Production Act of 1950.

SEC. 57. *Petitions to amend this regulation.* Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 58. *Supplementary regulations modifying this regulation.* The provisions of this regulation, as applied to certain commodities or persons subject to this regulation, may be modified by Supplementary Regulations issued under this section.

SEC. 59. *Definitions:*

"Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser. For example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade is an accommodation sale. It does not include sales by cooperative, nonprofit, or other organizations which make sales initially above cost, but later give refunds, bonuses, dividends, or other allowances to purchasers.

"Buy and sell in substantially the same form." An article is bought and sold in substantially the same form if the article which you sell belongs to the same category as the article you bought and, except as provided in section 38 and section 39 (d) (pricing of repaired or reconditioned articles) if, before offering it for sale you have not added to the article you sell, materials which cost you more than 10 percent of the net cost (as defined in section 31) of the original article.

"Director of Price Stabilization." This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

"Mail order establishment" means a person who regularly makes deliveries by mail to individual ultimate consumers in response to orders received by mail on the basis of catalogs, booklets, circulars, flyers or other forms of printed price lists.

"Office of Price Stabilization." Wherever the Office of Price Stabilization (OPS) is referred to in connection with some action to be taken it means action by the Director of Price Stabilization.

"Person." A person includes an individual, corporation, partnership, association or other organized groups of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different conditions of sale.

"Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

"Sale at retail" or "retailer." "Selling at retail" means a sale or selling to an ultimate consumer (including an industrial or commercial user) of an article which you buy and sell in substantially the same form. A seller who in the regular course of business makes sales at retail is a retailer.

"Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this regulation shall be construed to prohibit the making of a contract to sell an article at a price not to exceed the ceiling price at the time of delivery.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: This regulation shall become effective on the 27th day of February 1951.

MICHAEL V. DISALLE
Director of Price Stabilization

FEBRUARY 26, 1951.

[1] This report may be filed on OPS Public Form No. 3, available at OPS local or regional offices.

APPENDIX A

EXAMPLES OF A LIST DATE PRICING CHART

(a) Men's Furnishings Department List Date Pricing Chart

Men's Furnishings Department (Dept. No. 21) in Chain Store (Statement of Total Store Volume Filed Separately)

ABC Department Store, 123 Maine Street, New City, Kansas

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 116, Underwear and Nightwear (Sleeping Shorts).	$0.32 (4.00, 3/10 EOM, per dozen)	$0.49	53.1	#12345 ABC Underwear Co., 2/1/51 (boy's undershirt).
	$0.34 (4.25, 3/10 EOM, per dozen)	.59	73.5	#23456 XYZ Underwear Co., 2/5/51 (Man's undershirt).
	$0.36 (4.50, 3/10 EOM, per dozen)	.59	63.9	#34567 CBA Underwear Co., 12/15/50 (man's undershirt).
	$0.44 (5.50, 3/10 EOM, per dozen)	.79M	79.5	#45678 ZYX Underwear Co., 10/8/50 man's undershirt).
	$0.46 (5.75, 3/10 EOM, per dozen)	.79	71.7	#56789 ABC Underwear Co., 11/10/50 (man's undershirt).
	$0.49 (6.00 3/10 EOM, per dozen)	.79	61.2	#67890 XYZ Underwear Co., 1/18/51 (boy's undershirt).
	$0.57 (7.00, 3/10 EOM, per dozen)	1.00	75.4	#54321 ABC Underwear Co., 1/15/51 (T Shirt).
	$0.58 (7.00, net, per dozen)	1.00	72.4	#65432 ZYX Underwear Co., 2/6/51 (man's undershort).
	$0.77 (9.50 3/10 EOM, per dozen)	1.39	80.5	#76543 ABC Underwear Co., 1/26/51 (man's union suit).
	$0.85 (10.50, 3/10 EOM, per dozen)	1.49	75.3	#87654 ABC Underwear Co., 12/19/50 (boy's union suit).
	$1.01 (12.50, 3/10 EOM, per dozen)	1.69U	67.3	#98765 XY Underwear Co., 2/14/51 (boy's union suit).
	$1.82 (22.50, 3/10 EOM, per dozen)	2.98	63.7	#13579 MNO Pajama Co., 1/17/51 (man's sleeping short).
	$2.43 (30.00, 3/10 EOM, per dozen)	3.98R	63.8	#35791 MNO Pajama Co., 12/19/50 (man's pajama).
	$2.79 (34.50, 3/10 EOM per dozen)	4.98	78.5	#57913 MNO Pajama Co. 12/28/50 (man's pajama).
	$2.88 (34.50 net, per dozen)	4.98	72.9	#70135 S. & L. Pajama Co., 2/7/51 (man's pajama).
Category 117, Shirts	$1.21 (15.00, 3/10 EOM, per dozen)	1.98	63.6	#91357 Ace Shirt Co., 1/17/51 (man's business shirt).
Average percentage markup, 67%.	$1.25 (15.50, 3/10 EOM, per dozen)	1.98	58.4	#02531 Excellent Shirt Co., 1/6/51 (boy's business shirt).
	$1.38 (16.50 net, per dozen)	(2.25)	63.0	#75319 Top Shirt Co., 12/20/50 (man's business shirt).
	$1.82 (22.50, 3/10 EOM, per dozen)	2.50	----------	#53197 Ace Shirt Co., 1/4/51 (man's business shirt).
	$1.94 (24.00, 3/10 EOM, per dozen)	2.98M	63.7	#31975 Ace Shirt Co., 12/6/50 (man's business shirt).
	$3.04 (3.75, 3/10 EOM)	3.50	80.4	#15753 Top Shirt Co., 12/19/50 (man's business shirt).
		(5.95)	63.5	#24680 Sportswear, Inc., 1/24/51 (Boy's sport shirt).
		6.95	----------	#46802 X Sport Shirts, Inc., 2/8/51 (man's sport shirt).
	$5.34 (5.50, 3/10 EOM)	7.95	----------	#08024 Sportswear, Inc., 2/5/51 (man's sport shirt).
		(8.95)	67.6	#80246 X Sport Shirts, Inc., 1/11/50 (man's sport shirt).
Category 118, hosiery	$0.22 (2.75, 3/10 EOM, per dozen)	.35	59.1	#23451 E. & F. Hosiery Co., 1/3/51 (anklets).
Average percentage markup, 63.7%.	$0.24 (3.00, 3/10 EOM, per dozen)	.39	62.5	#34512 Stockings, Inc., 2/2/51 (boy's socks).
	$0.25 (3.00, 2/10 EOM, per dozen)	.39	56.0	#45123 G. & H. Hosiery Mills 2/5/51 (men's socks).
	$0.30 (3.75, 3/10 EOM, per dozen)	.49	63.3	#51234 E. & F. Hosiery Co., 12/11/50 (men's socks).
	$0.34 (4.25, 3/10 EOM, per dozen)	.59	73.5	#43215 Stockings, Inc. 12/20/50 (sweat socks).
Category 119, handkerchiefs, scarves, mufflers, (neckerchiefs).	$0.10 (1.25, 3/10 EOM, per dozen)	.15	50.0	#93426 Handerchiefs, Inc., 2/2/51 (handkerchiefs).
	$0.12 (1.50, 3/10 EOM, per dozen)	.19M	58.3	#45170 P. & Q. Handkerchief Co., 1/10/51 (handkerchiefs).
	$0.14 (1.75 3/10 EOM, per dozen)	.25	78.6	#16201 Smith Handkerchief Co., 10/18/50 (handkerchiefs).
Average percentage markup 85.5%.	$0.15 (1.85, 3/10 EOM, per dozen)	.25	66.7	#24920 Handkerchief Inc., 11/14/50 (handkerchief).
	$0.53 (6.50, 3/10 EOM, per dozen)	1.00	88.7	#15880 M & S Knitting Co., 2/2/51 (scarf).
	$0.55 (6.75, 3/10 EOM, per dozen)	1.00	81.8	#16041 T & U Mills, Inc., 2/3/51 (scarf).
	$0.57 (7.00, 3/10 EOM, per dozen)	1.00	75.4	#15642 Jones Company, 12/19/50 (neckerchief).
	$1.09 (13.50, 3/10 EOM, per dozen)	2.00	83.5	#17790 T & U Mills, Inc., 12/19/50 (scarf).
	$1.21 (15.00, 3/10 EOM, per dozen)	(2.00)	65.3	#19143 R. & S. Knitting Co., 2/6/51 (scarf).
		2.50	----------	#19388 Jones Co., 2/6/51 (scarf).
	$1.25 (15.00 net, per dozen)	2.50	100.0	#18709 T & U Mills, Inc., 8/16/50 (scarf).
Category 120, Ties (Tie and handkerchief set).	$0.52 (6.75, 7/10 EOM, per dozen)	1.00	92.3	#32154 JKL Neckwear Co., 12/12/50 (bow tie).
	$0.54 (7.00, 7/10 EOM, per dozen)	1.00	85.2	#21543 Ties, Inc., 1/16/51 (fore-in-hand ties).
Average percentage, markup 92.3%.	$0.75 (9.50, 7/10 EOM, per dozen)	1.50U	102.7	#15432 JKL Neckwear Co., 2/6/51 (bow tie).
	$0.81 (10.50, 7/10 EOM, per dozen)	1.50	85.2	#34152 Fashion Neckwear, 2/7/51 (four-in-hand tie).
	$1.05 (13.50, 7/10 EOM, per dozen)	2.00	90.5	#78251 Ties, Inc., 12/18/50 (four-in-hand tie).
	$1.16 (15.00, 7/10 EOM, per dozen)	(2.00)	72.4	#64790 JKL Neckwear Co., 1/6/51 (ascot tie).
		2.50	----------	#72195 Ties Inc., 1/17/51 (tie and handkerchief set).

APPENDIX A—Continued

EXAMPLES OF A LIST DATE PRICING CHART

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 122, Gloves and mittens.	$1.70 (21.00, 3/10 EOM, per dozen)	$2.98	75.3	#12660 Superior Gloves, 11/6/50 (leather glove).
Average percentage markup, 71.2%.	$1.82 (22.50, 3/10 EOM, per dozen)	2.98R	63.7	#10990 Brown Knitting Co., 2/2/51 (crocheted glove).
	$2.18 (27.00, 3/10 EOM, per dozen)	3.98	82.6	#18605 Green Mills Inc., 11/21/50 (wool lined gloves).
	$2.43 (30.00, 3/10 EOM, per dozen)	3.98	63.8	#18031 Superior Gloves, 2/9/51 (leather glove).

*Based on sales to cash customers.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: ABC DEPARTMENT STORE, DEPARTMENT 21,
By: JOHN DOE, *Dept. Head.*

(b) Furniture Store—List Date Pricing Chart for Store including Freight in determining Markups

LM Furniture Co., 1115 Massachusetts Ave., Barre, Vermont

[Type of store—independent furniture store. Total retail sales 100,000-299,000]

Category (1)	Net cost (per unit) (2) (Freight)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoices (5)
Category 701, Wood bedroom suites.	$32.34 (33.60, 2/10) 3.10	$56.85	75.8	F. C Mfg. Co., #1134, 1/2/51 (3 pc. maple).
	$39.20 (40.00, 2/10) 3.50	66.45	69.5	K. F. Furniture Co., #6910, 11/12/50 (3 pc. walnut veneer).
F	$41.16 (42.00, 2/10) 3.50	70.00	71.5	C. B. Furniture Co., #7315, 12/18/50 (3 pc. maple).
Average percentage markup 70.1%.	$47.04 (48.00, 2/10) 5.50	(62.00)	78.6	K. F. Furniture Co., #6910, 1/14/51 (3 pc. walnut veneer).
	6.00	52.00		T. H. Jones Co., #142, 11/17/50 (5 pc. maple).
	$55.00 (net)	95.00	72.7	S. W. Mfg. Co., #23691, 1/25/51 (3 pc. mahogany).
	$61.74 (63.00, 2/10) no freight	109.00	76.6	T. Smith Industries Inc., #29, 1/5/51 (5 pc. walnut veneer).
	$63.70 (65.00, 2/10) 7.40 (119.40)	111.00	75.2	A. B. Bedroom Co., #4210, 1/18/51 (3 pc. mahogany)
	$98.00 (100.00, 2/10) 6.00	173.00	76.5	XY Mfg. Co., #25498, 2/5/51.
	$103.88 (106.00, 2/10) 7.50	181.70	74.7	S. A. Mfg. Co., #54691, 10/12/50 (5 pc. mahogany).
	$151.99 (159.10, 5/10) 11.15	267.85	76.2	H. M. Co., #4569, 10/3/50 (7 pc. bleached mahogany).

Signed: L. M. FURNITURE COMPANY,
By: CHARLES COE, *President.*

(c) Furniture Store—List Date Pricing Chart for Store not including Freight in determining Markups

XY Furniture Co., 1010 Pennsylvania Ave., Rutland, Vermont

[Type of store—independent furniture store. Total retail sales 300,000-499,000]

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 709, Upholstered chairs and rockers.	$4.70 (net)	$7.95	70.7	Brown Furniture Company #6789, 2/2/51 (occasional).
	$6.37 (6.50, 2/10)	10.95	71.9	Smith Furniture Company #1234, 12/18/50 (occasional).
Average percentage markup 82.9%.	$8.33 (8.50, 2/10)	14.95	79.5	Jones Mfg. Co., #2345, 9/13/50 (maple).
	$11.27 (11.50, 2/10)	19.95M	77.0	Brown Furniture Co., #6789, 10/24/50 (lounge).
	$13.72 (14.00, 2/30)	24.95	81.9	Brown Furniture Co., #6789, 1/17/51 (lounge).
	$16.17 (16.50, 2/15)	29.50	82.4	Northern Furniture Co., #10123, 12/6/50 (cogswell).
	$17.15 (17.50, 2/10)	29.50		Smith Furniture Co., #9213, 10/14/50 (barrell).
		(32.50)	89.5	L. & W. Chair Co., #3435, 1/12/51 (wing chair).
	$21.56 (22.00, 2/10)	39.50	83.2	Brown Furniture Co., #5910, 1/30/51 (channel back).
	$24.01 (24.50 2/10)	44.50	85.3	Northern Mfg. Co., #8721, 9/21/50 (platform rocker)
	$32.34 (33.00, 2/10)	59.50U	84.0	L. & W Chair Company, #2478, 10/10/50 (club).
	$37.24 (38.00, 2/10)	69.50	86.6	Smith Furniture Company, #9338, 2/7/51 (barrel).
	$38.00 net	69.50	82.9	Upholstered Furniture Co., 2/2/51, #4025 (channel back).
	$43.12 (44.00, 2/10)	79.50	84.4	W. K. Sales Company, #251, 10/11/50 (wing).

*These prices are for sales to customers who pay cash. Credit sales made on basis of additional charge of 6% per annum of unpaid balance.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: X Y FURNITURE COMPANY,
By: RICHARD ROE, *President.*

APPENDIX B

What Commodities Are Covered by This Regulation

This appendix describes the articles covered by this regulation. These articles are grouped into "categories," each of which is given a number in this appendix. Paragraph (A) lists some categories of apparel and apparel accessories. Paragraph (B) lists the categories of piece goods and certain household textile commodities covered. Paragraph (C) lists the categories of certain consumer durable goods covered. Paragraph (D) lists women's, misses', teens', girls' and toddlers' apparel.

Each category is intended to be a "general" category unless designated as "specific" category. A "specific" category is one which includes only the articles that are specifically listed for that category. A "general" category is one which includes not only the articles that are specifically listed for that category but also all other related articles that fall within the general category description and are not listed in any other category in this appendix. In making your chart you must include in a "general" category all the articles listed in that category; you must include in addition all other related articles that fall within the general description and are not listed in any other category.

If you buy together at a unit price two or more articles (unless the combination is listed in a particular category) place the combination in the category of the article which bears the greatest percentage of the cost price of the combination.

(A) *Categories of Apparel and Apparel Accessories*

(1) Masculine Apparel and Apparel Accessories.

Certain categories are for men only and certain ones for boys only. There are some categories that apply to both men and boys apparel, and some categories which apply to men, women and children. No categories include sizes commonly known as toddlers' or infants'.

Category 101—Men's Tailored Topcoats and Overcoats

This category does not include any military or civilian uniform overcoats, topcoats, raincoats or other coats covered by categories 105, 105A, 106, 107. Among the articles included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats, and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 102—Men's Suits and Sport Coats

This category does not include any garments covered by categories 104, 105, 105A, 106 and sport and utility heavy outerwear covered by Category 107. Among the garments included are:

Tailored suits made of cotton, rayon, wool, or other fibres or of mixtures.
Separate tailored sport coats.

Category 103—Men's Trousers and Related Items

This category does not include any staple work clothing or any garments covered by categories 105, 105A, 106, 107. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants and jodhpurs.
Knickers and walking shorts.
Vests made of woven cloth.

Category 104—Men's Slack Suits

Category 105—Men's Civilian Uniforms

Among the garments included are:

Uniform suits (such as conductors', chauffeurs', policemen's, firemen's, bands, military schools, etc.).
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 105A—Men's Overalls, including Bib and Dungarees, and Overall Jackets

Category 105B—Men's Work Shirts, Work Pants and Match Sets, including Work Uniforms

Category 105C—Men's Work Accessories, including gloves, bandannas, hosiery, caps and hats (including straw) which are used primarily as work or farm hats

Category 105D—Men's One-piece Work Suits and Men's Smocks

Category 106—Men's U. S. Regulation Military Uniforms

Suits, topcoats and overcoats.
Fingertip length coats and rain and reversible coats of all lengths.
Separate jackets, middies, and blouses made in the manner commonly used for jackets.
Separate trousers, breeches, and tropical shorts.

Category 107—Men's Sports and Utility Heavy Outerwear

Sport and loafer jackets and non-tailored coats except water repellent jackets and sleeveless styles.
Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Ski and skating jackets and pants.

Category 107A—Hunting and Fishing Apparel (Men, Women and Children)

Cotton shell coats, jackets and vests (lined and unlined).
Hunting and fishing coats, jackets, breeches, vests and caps.

Category 107B—Men's Raincoats and Water Repellent Garments

Jackets, such as water repellent poplin.
Non-tailored raincoats, rain caps and hats.
Suits.
Pants.
Overalls.
Aprons.
Vests.
Leggings.

Category 108—Juvenile and Boy's Topcoats and Overcoats, sizes 3 to 10 and 6 to 16.

This category does not include uniform overcoats and topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 108A—Topcoats and Overcoats, Cadets' sizes 10 to 20 and Students'

This category does not include uniform overcoats or topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 109—Juvenile and Boys' Suits and Sport Coats Sizes 3 to 10 and 6 to 16

This category does not include any garments covered by Categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool, or other fibres or of mixtures.
Separate tailored sport coats.

Category 109A—Suits and Sport Coats, Cadets' sizes 10 to 20 and students'

This category does not include any garment covered by categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool or other fibres or of mixtures.
Separate tailored sport coats.

Category 110—Juvenile and Boys' Trousers and Related Items, Sizes 3 to 10 and 6 to 16

This category does not include any staple work clothing covered by category 111 or any garments covered by Categories 111, 112 and 112A. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 110A—Trousers and Related Items, Cadets' sizes 10 to 20 and Students

This category does not include any staple work clothing covered by 11A or any garment covered by Categories 111, 112, 112A.

Separate trousers, pants and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 111—Boys' Civilian Uniforms

Uniform suits (such as messenger boys', ushers', bellhops', busboys', boy scouts', etc.
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 111A—Boys' Play and Work Clothes

This includes dungarees, coveralls, overalls and similar garments:

Work suits.
Work shirts.

Category 112—Boys' Sport and Utility Heavy Outerwear

Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Sport and loafer jackets and non-tailored sport coats except water repellent types.
Ski and skating jackets and pants.
Snow suits, legging sets and separate leggings.

Category 112A—Boys' Raincoats and Water Repellent Garments

This category includes:

Jackets such as water repellent poplin.
Non-tailored raincoats.
Caps, hats.
Suits, jackets, pants, overalls, aprons, vests, and leggings.

Category 113—Boy's Play and Work Clothes

Slack suits.
Play suits and play clothes.
Wash suits.
Cowboys', soldiers', sailors', firemen's, and related suits.

Category 114—Men's and Boys' Bathing Wear

Bathing suits and trunks.

Category 115—Men's and Boys' Sweaters

This category includes all knitted outerwear and garments combined of knitted and other fabrics. Among the garments included are:

Sweaters.
Sweater vests.
Sweater coats.
Knitted pull-overs.
Knitted cardigans.

Category 116—Men's and Boys' Underwear and Nightwear

This category includes all underwear and nightwear garments made of either knitted or woven fabrics. Among the garments included are:

Union suits.
Shorts, drawers, and briefs.
Undershirts and T shirts.
Pajamas.
Nightshirts and sleeping coats.

Category 117—Men's and Boys' Shirts

This category includes all types of shirts made from all fabrics, except that it does not include any staple work shirts which are covered by Categories 105B and 111A. It includes military shirts. Among the garments included are:

Dress shirts.
Neck-band shirts.
Collar-attached shirts.
Business shirts.
Sport shirts.
Polo and basque shirts.
Boys' blouses.
Sweat shirts.

Category 118—Men's and Boys' Hosiery

This category includes:

Regular length socks.
Golf socks.
Slack socks.
Crew or sweat socks.
Work socks.
Anklets.
Full length stockings.

Category 119—Men's and Boys' Handkerchiefs, Scarves, and Mufflers

Among the articles included are:

Pocket handkerchiefs.
Sport handkerchiefs.
Fancy handkerchiefs.
Woolen mufflers and scarves.
Knitted mufflers and scarves.

Category 120—Men's and Boys' Neckties

Among the articles included are:

Bow ties. Cravats.
Four-in-hand ties. Ascot ties.

Category 121—Men's and Boys' Sundries

The articles included are:

Suspenders, garters, and arm bands.
Belts.
Separate collars.
Spats.

Category 122—Men's and Boys' Gloves and Mittens

This category does not include any staple work gloves or athletic gloves covered by categories 105C and 351.

Among the articles included are:

Gloves. Mittens.

Category 123—Men's and Boys' Hats (other than Straws)

This category does not include any military or civilian uniform hats and caps covered by Categories 105, 105C, 106 and 11, or hats and caps covered by Categories 107B and 112A. It includes:

Hats and caps. Hoods.
Helmets. Ear muffs.

Category 123A—Men's and Boys' Straw Hats

This is a "specific" category. It covers all types of summer straw hats, except those covered by Category 105C. It includes soft

styles and stiff styles that are made of woven straw, grass fibres or any imitation thereof and any combination of these materials with any other material.

Category 124—Men's and Boys' Lounging Wear

Among the garments included are:

Bathrobes, beach robes, beach coats, and dressing gowns.
Smoking jackets and coats.
Cocktail and lounging jackets and coats.

(2) Feminine Apparel and Apparel Accessories.

NOTE: Categories 201 to 206 include apparel only in women's, misses', and juniors' size ranges. These are called "women's" categories.

Categories 207 to 209 include apparel only in teen age, girls', children's, and toddlers' size ranges. These are called "children's" categories

Categories 210 to 218 include feminine apparel and accessories in all size ranges except infants' size ranges. These are called "women's and children's" categories:

Coats. Skirts,
Suits. Blouses.
Dresses. Slacks.
Jackets. Ski Suits.

To price these articles refer to Group 4, Women's, Teen's, Children's and Toddlers' Ready to Wear Categories 1001 through 1030.

Category 201—Women's Sportswear and Beachwear

Among the articles included are:

Shorts, culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Bathing suits.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing and shower caps.
Sweat shirts.

Category 202—Women's Knitted Outerwear

This category does not include garments which are covered by Categories 1006, 1007, 1010, 1011, 1011A, 1014 and 1017.

Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.

Category 203—Women's Rainwear

This category does not include uniform rainwear covered by Category 205 or any garment which does not have as its chief use protection against rain. (Excluded are garments covered by Categories 1001, 1002, 1003 and 1014.)

Among the garments included are:

Raincoats. Rain hats.
Raincapes Rain hoods.
Rain jackets.

Category 204—Women's Foundation Garments

Among the articles included are:

Corsets, girdles, and corselettes.
Brassieres.
Garters and garter belts.
Sanitary belts and aprons.
Combinations or all-in-ones.
Supports.
Leg shields.
Bust forms.
Bust developing and slenderizing appliances.

Category 205—Women's Military Uniforms

This is a "specific" category. It includes uniforms for all the armed services and the Red Cross. The articles covered are:

Coats, capes, and suits.
Separate uniform jackets and skirts.
Uniform blouses.
Uniform dresses.
Uniform hats and caps.
Uniform slacks.
Raincoats and capes and rain hats and hoods.

Category 206—Women's and Girls' Civilian Uniforms and Washable Service Apparel

Among the garments included are:

Uniforms (such as elevator operators', usherettes', nurses', waitresses', maids', messengers', beauticians', laundry workers', etc.) and separate parts of uniforms.
Uniform coats and capes.
Uniform dresses.
Uniform blouses.
Uniform hats and caps.
Uniform slacks and overalls.
Uniform aprons.
Separate uniform jackets and skirts.
Work and shop aprons, frocks, dresses, brunch coats, smocks, gowns, jackets, coats, slacks, coveralls, hats, caps, work gloves, etc.
All other aprons and hooverettes.

Category 207—Children's Sportswear and Beachwear

Among the articles included are:

Shorts and culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing caps.
Sweat shirts.
Bathing suits.

Category 208—Children's Knitted Outerwear

This category does not include garments which are covered in categories 1005, 1009, 1013, 1016, 1019. Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.
Knitted coats and legging sets.

Category 209—Children's Rainwear

This category excludes any garment which does not have as its chief use protection against rain. (Such garments are covered by categories 1005 and 1006.) Among the garments included are:

Raincoats. Rain hats.
Raincapes. Rain hoods.
Rain jackets.

Category 210—Women's and Children's Riding Wear and Jackets

Among the garments included are:

All riding breeches and jodhpurs.
All plastic and all leather and imitation leather coats, windbreakers, jackets and vests.

Category 211—Women's and Children's Woven Underwear and Nightwear

Among the garments included are:

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 211A—Women's and Children's Knitted Underwear and Nightwear

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 212—Women's and Children's Lounging Wear

It includes garments made from both woven and knitted fabrics. Among the garments included are:

Housecoats.
Negligees and bathrobes.
Dressing gowns and lounging robes.
Hostess gowns.
Lounging or hostess tunics and slacks.
Cocktail coats.
Lounging pajamas.

Category 213—Women's and Children's Hosiery

Among the articles included are:

Full length stockings.
Knee length stockings and socks.
Other socks.
Anklets.
Peds and sockettes.
Bed socks and foot warmers.

Category 214—Women's and Children's Millinery

Among the articles included are:

Hats. Bonnets.
Berets. Bridal veils.

Category 215—Women's and Children's Gloves and Mittens

This category does not include any work gloves which are covered by category 206 or any athletic gloves covered by category 351. Among the articles included are:

Gloves.
Mittens.
Mitts.
Appliances to hold gloves to hand bags.

Category 216—Women's and Children's Handkerchiefs and Related Items

This category includes:

Pocket handkerchiefs.
Fancy handkerchiefs.
Evening handkerchiefs.
Sport handkerchiefs.

Category 217—Women's and Children's Neckwear and Related Items

This category includes:

Artificial flowers or ornaments for hair, dresses or coats, scarves and kerchiefs.
Dickies, vestees, gilets, and bigs.
Collars, cuffs, and collar and cuff sets.
Fascinators, parkas, and babushkas.
Ties.
Ruchings and edgings.
Blousettes.

Category 218—Women's and Children's Handbags

This category includes:

Handbags, purses, and pocketbooks.
Muff bags.
Belts.
Wallets, keyholders, etc.
Appliance to attach handbag to a table.

(3) Infants' Apparel and Accessories

NOTE: Categories 301–307 include apparel in infants' size ranges for both sexes and accessories designed for use by infants.

Category 301—Infants' Coats, Snowsuits, and Leggings

This category includes garments made of either knitted or woven fabric, or made of leather, plastic, or other materials. Among the articles included are:

Coats and coat sets.
Snowsuits and snowsuit sets.
Separate leggings.

Category 302—Infants' Knitted and Crocheted Outerwear

This category does not include any knitted coats, snowsuits, or leggings. Among the articles included are:

Sweaters, sweater sets; and knitted suits.
Jackets. Shawls and scarves.
Mittens and gloves. Booties.

Category 303—Toddlers' Woven Outerwear

This category does not include any coats, snowsuits, or leggings.

Among the articles included are:

Rompers, creepers, and crawlers.
Sunsuits and playsuits.
Dresses and wash suits.
Overalls (long and short).
Woven jackets.

Category 304—Infants' Headwear

This category includes all crocheted, knitted, and woven hats. Among the articles included are:

Hats. Caps.
Bonnets. Hoods.

Category 305—Infants' Dresses, Underwear and Nightwear

Among the articles included in this category are:

Panties except rubber panties.
Gowns and sleepers.
Kimonos, wrappers, and bath robes.
Sacques.
Dresses, slips and gertrudes.
Training pants and training suits.
Socks, stockings, and anklets.
Bands.
Soakers.
Plastic or rubber lined diapers and diaper protectors.

Category 306—Infants' Bedding and Related Items

This category includes:

Tick or sateen covered pillows.
Crib sheets, pillow cases, and blankets.
Other infants' blankets.
Rubber sheets.
Pads (including pads for cribs, high chairs, play pens, baskets, bassinets, and nursery floor pads).
Diaper bags.
Buntings and carriage suits.
Infants' towels and wash cloths.
Mattress pads and similar quilted pads.

Category 306A—Diapers

This category includes diapers of birds eye, cheese cloth, and all other materials, including disposable types.

Category 307—Miscellaneous Infants' Items

This category does not include any article that can be priced under categories 308, 309 and 310. Among the articles included are:

Carriage covers.
Blanket covers.
Infants' quilts.
Bibs.
Crib and carriage spreads.
Fancy pillows.
Trimmed baskets and bassinets.

Category 308—Infants' Metal and Woolen Wheel Goods and Other Metal Goods

Some of the items included in this category are:

Strollers.
Walkers.
Collapsible carriages.
Swings.
Automobile and carrying baskets.

Category 309—Infants' Staple Accessories

Among the items included in this category are:

Staple notions.
Infant toiletries.
Bottles and nipples.
Reed and metal hampers.
Diaper pails.
Untrimmed baskets (except metal covered by category 308).

Category 310—Infants' Novelties

Included in this category are such items usually designated as gifts. Some of the items included are:

Comb and brush sets.
Record books.
Baby scales.
Bottle warmers.
Bottle sterilizers.
Food dishes.
Rattles.
Teethers.
Ear conformers.
Thumb guards.
Safety straps.

(4) Masculine and Feminine Apparel

NOTE: Categories 351–353 include apparel and accessories for men and women and girls and boys in all size ranges except infants' size ranges.

Category 351—Athletic Clothing and Accessories

Among the articles included in this category are:

All athletic uniforms (such as baseball, softball, football, basketball, and related suits and separate parts of suits).
Gym, track, and related suits.
Colored warm-up suits.
Tennis, boxing, track, and related shorts.
Bloomers (for girls and women).
Abdominal, athletic, ankle, and similar supporters.
Special athletic hose (such as baseball and football hose).
Knee, shoulder, chest, hip, and similar pads, guards, and protectors.
Athletic gloves.

Category 352—Umbrellas and Canes

This is a "specific" category. The articles covered are:

Umbrellas.
Parasols and sunshades.
Umbrella cases and separate umbrella covers.
Canes.

Category 353—Miscellaneous Clothing

Among the garments included in this category are:

Costumes.
Regalia.
Baptismal suits.
Ecclesiastical vestments and habits.
Academic gowns.
All other related garments.

(5) Footwear

NOTE: Categories 401–410 include footwear of all descriptions and in all sizes for both sexes, including corrective footwear.

Category 401—Men's Dress Shoes

Street shoes.
Sport shoes.
Evening pumps and shoes.
High top street shoes.
Low-cut shoes or oxfords, other than work oxfords.
Sandals, casuals, and moccasins for outdoor wear.

Category 402—Men's Work Shoes

This does not include shoes priced under category 402A, 402B and 410. Among the shoes included are:

High top work shoes.
Low-cut oxford type work shoes.
Logger boots, utility cowboy boots, and men's high-cut laced boots.
Shearling or felt shoes (other than slippers).

Category 402A—Overshoes for Men, Women and Children

This category does not include any shoes in category 402B; it does include:

Rubbers.
Rubber boots.
Rubber overshoes.
Similar articles made of plastic or other materials.

Category 402B—Men's, Women's and Children's Rubber-Soled Canvas Shoes

This category includes all shoes commonly known as tennis shoes or sneakers.

Category 403—Little Gents', Youths' and Boys' Shoes

Among the shoes included are:

Street shoes.
Sport shoes.
High top shoes.
Low-cut shoes or oxfords.
Sandals, casuals, and moccasins for outdoor wear.
Work shoes.

Category 405—Women's and Growing Girls' Shoes

This category does not include any shoes covered by 402A, 402B or 409 or any safety shoes covered by category 410. Among the shoes included are:

Street shoes.
Sport shoes.
Evening slippers.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Beach shoes, clogs, and sandals.
Play shoes.
Stadium boots.

Category 406—Misses' and Children's Shoes

This category does not include any shoes covered by Category 402A, 402B, 409 and 410. It includes shoes in sizes only up to and including size 3. Among the shoes included are:

Street shoes.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Play shoes.

Category 407—Infants' Shoes

Among the shoes included are:

Soft-soled shoes.
Hard-soled shoes.
Sandals.
High top shoes.
Strap shoes.
Ties or oxfords.

Category 408—Men's, Women's and Children's and Infants' House Slippers

This category includes house shoes and slippers made of all materials in all size ranges and for both sexes. Not included are

footwarmers covered in Category 213. Among the shoes and slippers included are:

Bedroom slippers.
House slippers.
Mules.
Scuffs.
Hard-soled house shoes and slippers.
Soft-soled house shoes and slippers.
Romeos.
Pullman slippers.
Juliets.
Lounging shoes and slippers for indoor wear.
Moccasins for indoor wear.
Leather and other fabric soles with knitted socks attached.

Category 409—Men's, Women's and Children's Athletic Shoes

This category includes shoes in all size ranges and for both sexes. Among the shoes included are:

Baseball, basketball, football, soccer, track, tennis, and related athletic shoes.
Gym shoes.
Spiked golf shoes.
Golfing shoes.
Skating shoes.
Boxing shoes.
Ski boots.
Riding boots and jodhpur boots.

Category 410—Men's, Women's and Children's Safety Shoes

This category includes safety shoes for both men and women. Among the shoes included are:

Shoes having steel box toes.
Industrial protective footwear.

(B) *Categories of Household Textile Commodities, Drapery Hardware and Certain Yard Goods*

(1) Certain Household Textile Commodities and Certain Yard Goods

Category 501—Bed Linens

This is a "specific" category. It does not include any crib sheets, pillow cases, or rubber sheets, pillow cases covered by category 306, or rubber sheets covered by category 505. It includes articles made of all types of fabrics. The articles covered are:

Bed sheets.
Pillow slips and cases.

Category 502—Blankets and Electric Blankets

This category does not include any infants' or crib blankets covered by categories 306 and 307. Among the articles included are:

Electric blankets.
Blankets.
Blanketing and blanket robe cloth.
Auto robes.
Steamer rugs.
Afghans and throws.

Category 502A—Quilts

This category does not include any infants' or crib quilts covered by categories 306 and 307. Among the articles included are:

Comforts.
Quilts.

Category 502B—Spreads

This category does not include any infants' or crib spreads covered by categories 306 and 307. Among the articles included are:

Chenille spreads.
Woven spreads.
Ready-made spreads of all fabrics.
Matching ensembles of a spread and window drape.

Category 502C—Bed Pillows

This category includes all bed pillows regardless of cover and contents, except that it does not include any infants' or crib pillows covered by categories 306 and 307. Among the articles included are:

Feather pillows.
Kapok pillows.
Cotton pillows.
Rubber pillows.

Category 503—Bath and Kitchen Linens and Accessories

This category does not include any infants' towels or wash cloths covered by category 306. It includes articles as listed below whose value has not been enhanced by printing, hemstitching, embroidery or other embellishment.

Turkish or terry cloth towels, towel sets; and toweling.
Huck towels, towel sets, and toweling.
Kitchen towels and toweling.
All other towels and toweling.
Wash cloths.
Dish cloths.
Bath mats, not covered by category 803A.

Category 504—Fancy Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Dresser sets.
Scarves and runners.
All towels not covered by category 503.

Category 504A—Staple Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has not been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Fancy linens other than bed linens.
Dresser sets.
Scarves and runners.

Category 505—Domestics

Among the articles covered are:

Sheeting materials, bleached and unbleached, narrow and wide width.
Pillow covers.
Mattress covers.
Ticks and ticking.
Batts and batting.
Blanket covers and quilt covers.
Waterproofed sheets and sheeting.
Bed pads.
Duck and khaki.

Category 506—Curtains and Drapes

Among the articles in this category are:

Window and door curtains.
Ready-made draperies.
Kitchen curtains and cottage sets.

Category 506A—Ready-Made Slip Covers (for Chairs, Sofas, Studio Couches, etc.)

Among the articles in this category are:

Slip covers of all fabrics.
Knitted slip covers.
Woven slip covers.
Plastic slip covers.

Category 506B—Shower Curtains and Drapes

Included in this category are items made of all materials including plastics:

Shower curtains.
Matching window drapes, not covered by Category 506.
Sets or combinations of the above.

Category 507—Curtain, Drapery, and Upholstery Fabrics

Included in this category are the following:

Curtain fabrics
Drapery fabrics.
Upholstery fabrics.
Slip-cover fabrics.
Drapery lining and interlining.

Category 508—Drapery Hardware

This category includes all articles made of metal, plastic, or other hard materials designed to make possible the hanging of curtains or drapes, or to improve the appearance of the curtains or drapes or the opening to which the drapery or curtain is attached. Among the items included are:

Solid and extending rods.
Traverse rods and track.
Hooks.
Tie-backs.
Cornices.
Poles.
Pulls.
Traverse cords.
Chains.
Traverse pulleys.
Pleaters.

Category 509—Window Shades and Venetian Blinds

In this category are included:

Window shades of paper.
Window shades of cloth.
Window shades of other materials.
Window shades of shade cloth.
Shade rollers.
All types of Venetian blinds (wood, metal, paperboard or any other material).

Category 510—Outdoor Shades and Awnings

In this category are included all types of rigid, roll-up and other styles used outside of windows and doors or on porches. Included are:

Canvas awnings and shades.
Metal awnings.
Bamboo shades.

(2) Certain Yard Goods

Category 601—White and Solid Colored Cottons, Linens and Plastics

This category covers all cotton yard goods, linens and plastic yard goods of all weaves and constructions that are either all white or a solid color unless otherwise covered by Categories 502, 503, 503A, 505, 507 and 607. This category also covers all yard goods that contain 50% or more by weight of cotton, linen or plastic and less than 25% by weight of wool. Some of the items included are:

Cheesecloth.
Nainsooks.
Batistes.
Dimities.
Lawns.
Combed muslins.
Organdies.
Percales.
Broadcloths.
Flannelettes.
Corduroy and velveteen.
Terrycloth for apparel.
Denims.
Linings.
Sateens.
Handkerchief linens.
Dress linens.
Jerseys.
Solid colored cotton suitings.

Category 602—Fancy Yard Goods (Cottons, Linens, Plastics)

This category includes all types of yard goods described in Category 601 but which have printed, embroidered or woven patterns in different colors or other embellishments. Some of the items included are:

Nainsooks.
Embroidered batiste.
Dimities.
Lawns.
Combed muslins.
Organdies.
Printed percales.
Striped flannelettes.
Corduroy and velveteen.
Terrycloth for apparel.
Denims.
Linings, sateens.
Handkerchief linens.
Dress linens.
Woven ginghams.
Dotted Swisses.
Jacquards.
Matelasses.

Category 603—All Wool Yard Goods Costing Over $2.45 Net Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 603A—All Wool Yard Goods Costing $2.45 Net or Less Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 605—Solid Color Rayon, Silk, and Synthetic Fiber Yard Goods, Pile Fabrics and Mixtures

This category includes all types and weaves of woven and knitted fabrics made of these yarns or mixtures of more than 50 percent of weight of these yarns combined with cottons, linens and plastics. Excluded are fabrics covered by categories 601, 603A, 605A and 606. Among the fabrics included are:

Flat crepes.
Surface interest crepes.
Taffeta.
Bengaline.
Satin.
Faille.
Jersey.
Romain.
Alpaca.
Spun types and flannel.
Butcher Rayon.
Shantung.
Gabardine.
Suitings.
Synthetic and silk corduroys.
Transparent velvet.

Category 605A—Fancy Rayon, Silk, and Synthetic Fiber Goods, Pile Fabrics and Mixtures

This category includes all types of yard goods described in category 605 *but which have* printed or embroidered patterns or patterns woven in *different* color or any other embellishment. Jacquards and matelasse are included.

Category 606—Sheers, Lace, Net, and Miscellaneous Fancy Fabrics

This category includes woven, knitted, and crocheted fabrics. Included are:

Marquisette, chiffon, georgette, nets, made of cotton, rayon, nylon, or other synthetic fiber.
Burnt sheers made of rayon or nylon.
Organdies made of rayon or nylon.
Velvaray made of rayon or nylon.
Embroidered sheers of all above types.
Laces (35" and wider).
Tulle, maline, tarlatan.

Category 606—Sheers, Lace, Net and Miscellaneous Fancy Fabrics

This category includes woven, knitted, and crocheted fabrics. Included are:

Marquisette, chiffon, georgette, nets, made of cotton, rayon, nylon, or other synthetic fiber.
Burnt sheers made of rayon or nylon.
Organdies made of rayon or nylon.
Velvaray made of rayon or nylon.
Embroidered sheers of all above types.
Laces (35" and wider).
Tulle, maline, tarlatan.

Category 607—Coated Fabrics

Oil cloth.
Rubberized fabrics.
Pyroxylin coated fabrics.

(C) *Categories of Consumer Durable Goods*

(1) Household furniture.

Category 701—Bedroom Suites and Open Stock Pieces

Wood and metal bedroom suites and open stock bedroom pieces including:

Beds.
Chest of drawers.
Dressers.
Night tables.
Vanities.
Vanity benches.
Wardrobes.
Chiffoniers.

Category 703—All Other Metal and Wood Beds and Bedroom Pieces That You Did Not Buy Matched with a Bed and At Least One Other Piece to Make a Three-Piece Ensemble Possible

Among the pieces included are:

Individual beds.
Vanities.
Chest of drawers.
Dressers.
Vanity benches.
Night tables.
Chiffoniers.

Category 704—Boudoir Chairs

Furniture distinguished by its construction and coverings as intended for use in bedrooms including:

Boudoir chairs and rockers.
Chaise longues.
Ottomans.

Category 705—Cedar Chests

This category includes any wood finished cedar or cedar-lined chests.

Category 706—Dining Room Suites and Open-Stock Pieces

This category includes wood dining-room suites, dinette suites, and all open stock of dining room and dinette pieces:

Dining and dinette tables.
Buffets.
Credenzas.
Chairs.
Cabinets.
Servers.
China closets.
Cupboards.
Hutches.

Category 706A—Metal Dinette Suites and Separate Pieces

All metal tables or metal combined with any other material, for example, metal legs with wood tops and suites containing tables:

Chairs, all metal or metal combined with other materials. All metal dinette pieces including tables, buffets, credenzas, chairs, cabinets, servers, china closets, cupboards, hutches, and benches.

Category 708—Individual Pieces of Dining-room Furniture

Pieces not bought as matched sets (a table, chairs, and at least one other article) which are commonly offered as individual pieces:

Chairs.
China cabinets.
Buffets.
Tables.
Benches.
Cupboards.
Cabinets.
Servers.
Hutches.

Category 709—Chairs and Rockers

All wood chairs, all over-stuffed chairs, all upholstered or combination type including those known as pull-up, occasional, and desk chairs. This category includes chaise longues and ottomans. It does not include dining room and dinette chairs, boudoir chairs, kitchen or bathroom chairs or chairs in Categories 717 and 717A.

Category 710—Upholstered Suites, Sofas and Love Seats

This category includes suites containing a sofa or love seat and one or more matching chairs. Does not include any sofa or suite in Categories 717 and 717A.

Category 712—Upholstered Dual Purpose Sleeping Equipment

This category includes upholstered sofa-beds, single and double studio couches, love seats, chairs, davenports, etc., which open into beds and a suite of these articles with one or more chairs.

Category 713—Living-Room Tables of All Types

This category includes cocktail, end, coffee, gate-leg, lamp, drop-leaf, etc., tables made of wood, glass, plastic, etc., non-folding rigid bridge tables and complete rigid bridge sets.

Category 714—Desks, Secretaries and Break-Fronts

Category 715—Living-Room Novelty Pieces

This category includes smokers, cellarets, magazine racks, bookcases, record cabinets, sewing cabinets, telephone sets, costumers and stools, portable and stationary bars, bar stools and bar benches.

Category 716—Kitchen and Utility Cabinets, Kitchen Tables, Chairs and Stools

This category includes kitchen cabinets of all kinds, kitchen tables, kitchen chairs, kitchen stools, utility cabinets, kitchen step stools, electric roaster base cabinets, sink cabinet bases without plumbing, storage hampers, bath room stools and chairs.

Category 717—Furniture for Outdoor Use and Bridge Tables

Included in this category are all items that may be used outdoors.

This category includes porch and lawn furniture, whether made of wood, metal, reed fiber, rattan or any combination of these. Included here are chairs, rockers, tables, settees, garden and beach umbrellas, gliders, swings, garden umbrella sets, collapsible folding chairs, Adirondack chairs, rustic chairs, etc., all folding bridge tables, folding bridge chairs, and combinations of bridge tables and chairs.

Category 717A—Sun Parlor Furniture

Suites and individual pieces made of wood, metal, reed, fiber, rattan or any combination of these whether upholstered or not but which can not remain outdoors without damage; also suites and pieces made of wood including oak, maple or other wood usually displayed with wood fronts. Included are:

Chairs.
Tables.
Sofas.
Settees.
Chaise longues.

Category 718—Juvenile Furniture

This category includes all articles of infants', nursery, and youths' furniture. Among these are:

Bassinets.	High chairs.
Cribs.	Bathinettes.
Play yards.	Nursery seats.
Porch gates.	Juvenile tables.
Chests.	Chairs.
Dressers.	Rockers, etc.
Chifforobes.	

Category 719—Unfinished Furniture

This category includes all unfinished furniture such as unfinished kitchen sets, tables and chairs, bookcases, chests, dressers, beds, magazine racks, record cabinets, etc. A coat of shellac, varnish or other surface covering material merely to prevent soiling of this furniture does not remove it from this category.

Category 720—Pictures and Mirrors

Included in this category are all framed and unframed pictures and mirrors.

(2) Bedding

These categories do not cover household textile commodities such as sheets, pillow cases, mattress protectors, blankets, comforters, etc., which are included in Paragraph (b) of this appendix, nor pillows.

Category 751—Mattresses, Springs, Mattress Pads, and Headboards

This category includes mattresses, springs, box springs, mattress pads, rubber mattresses, upholstered and non-upholstered headboards of all types and materials. It also includes box springs on legs, set combinations of a matching mattress and box spring on legs, headboard sets (consisting of a headboard and box spring with or without a mattress), etc.

Category 752—Wood and Metal Cots

This category includes folding and non-folding cots of all kinds and any combination set consisting of a cot and mattress or mattress pad.

(3) Floor coverings and certain wall covering

All floor coverings are included in these categories, except knotted oriental rugs (which are exempt from price control).

Category 801—Soft Surface Carpeting by the Yard and Rugs Made of This Carpeting

This category includes all kinds of carpeting made of cotton (except those covered in category 803A and 803C), wool, jute, rayon, or other fibers or any combination of these materials, which is sold on the basis of the price per yard or square yard and is to be cut from the bolt. Also all rugs made of this carpeting cut from the bolt in all sizes.

Category 802—Soft Surface Larger Rugs

This category includes all kinds of rugs, 4' x 6' or larger, made of cotton (except those covered by category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which you buy on the basis of the price per rug.

Category 803—Soft Surface Smaller Rugs

This category includes all kinds of rugs smaller than 4' x 6' or larger, made of cotton (except those covered by Category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which are sold on the basis of the price per rug. This does not include any rug in Category 803A or 803C.

Category 803A—String and Chenille Cotton Rugs

All string rugs.
Looped pile.
Cut pile.
Chenille rugs. Also bolt materials of the above descriptions.
Rugs and toilet lid cover sets.
Separate toilet lid covers.

Category 803B—American, Chinese or Japanese Hooked Rugs of all Sizes (If not imported by seller)

This category also includes numdah type rugs.
Animal skin rugs.

Category 803C—Miscellaneous Floor Covering and Linings

This category includes all yard goods and rugs not covered by Categories 803, 803A, 803B. Included are: rugs made of rags, braid, waste, felted materials, cocoa and other door mats, stair pads, carpet pads, padding and carpet paper. Also included are rugs and tiles made of grass, fiber, etc., most frequently designated as summer rugs.

Category 803D—Genuine Oriental Rugs

Included are rugs of all sizes commonly known as Genuine or Real Orientals that are not imported by you.

Category 804—Hard Surface Floor Covering

This category includes all kinds of hard surface floor covering and wall covering, inlaid linoleum, felt base linoleum, rubber and plastic sold by square yard from bolts; also tiles of linoleum, rubber, asphalt, plastic, etc., sold by square foot, square yard or by tile.

Category 805—Hard Surface Rugs

This category includes all kinds of hard surface floor covering (linoleum, felt base, etc.), which is bought by you on the basis of the price per rug.

(4) Lamps and Lamp Shades

Category 851—Floor Lamps

This category includes floor lamps, reflector lamps, bridge lamps, etc., of all types and materials.

Category 852—Table and Desk Lamps costing over $2.94.

The price of $2.94 is net cost to you f. o. b. factory and includes packing charges. This category includes all lamps not priced under categories 851 and 852A.

Category 852A—Table and Desk Lamps costing $2.94 and under

The price of $2.94 is net cost f. o. b. factory and includes package charges. This category includes all lamps not priced under categories 851 and 852.

Category 854—Lamp Shades and Covers

This category covers lamp shades of all types, sizes and materials and all styles of lamp shade covers.

(D) *Women's, Teen's, Children's and Toddlers' Ready to Wear Group*

NOTE: For other items of apparel and accessories refer to categories 201 through 218.

Category 1001—Women's Fur Trimmed and Fur Lined Coats

Included are all coats not covered by categories 201, 203, 205, 206, 351, 353 and 1014. It includes coats for women, misses and jr. misses commonly bought in sizes 7 to 17 size range:
Fur trimmed coats.
Fur lined coats.
Coats with removable fur linings.
Removable fur linings.

Category 1002—Women's Untrimmed Coats

This includes all coats for women, misses and jr. misses usually bought in sizes 7 to 17, but does not include any coats covered by categories 201, 203, 206, 351, 353 and 1014.

Category 1004—Teen Age and Girls' Coats

This includes all coats in sizes 10 to 16 and 7 to 14 not covered by categories 206, 207, 209, 351, 353 and 1015.

Category 1005—Girls' and Toddlers' Coats

This includes all coats size 6x and smaller except those covered by Categories 303 and 1016. Also included are coat and leggings sets, coat, hat and leggins sets other than those covered by Category 302.

(1) Women's and Girls' Suits

For this regulation a suit consists of a coat and skirt priced together, or a coat with two or more skirts, or a coat, vest and skirt or skirts, provided they are bought as a unit and priced as a unit. The intent is to separate clearly in your chart suits from two-piece dresses which are to be priced under categories 1010 to 1013. One definition of a suit is a two-piece garment, the skirt of which may be worn without the coat in combination with a blouse.

Category 1006—Women's Suits

Included are all women's suits usually brought in the size range of 32's, 34's, etc., women's half sizes, women's extra large or extra long suits. Not included are suits covered by categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1007—Misses' and Jr. Misses' Suits

Included in this category are all suits bought in sizes 10 to 20 and 7 to 17, but does not include any suit in categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1008—Teen Age and Girls' Suits

This includes all suits for girls in size 7 to 14 and 10 to 16 except those covered in categories 205, 206, 207, 351 and 353.

Category 1009—Girls' and Toddlers' Suits

This includes all suits for both boys and girls both in size ranges 3 to 6x but does not include boys' suits that are usually bought in size ranges from 3 to 8 or 3 to 12 which are priced under categories 109, 113 and 303.

(2) Dresses

These categories cover dresses for all ages and sizes for girls and women. All style dresses are covered including one- and two-piece models, the latter consisting of a skirt and a separate blouse or a separate unlined jacket sold at one unit price. The intent of this regulation is to price two-piece dresses under these categories and not under suit Categories 1006, 1007 and 1008. Excluded are all women's dresses covered by Categories 202, 205 and 206, and girls' dresses covered by Categories 202, 206 and 208, and toddlers' dresses covered by Category 303 and all infants' dresses. All other dresses of all materials are included, such as: Street dresses, afternoon dresses, party dresses, formals, house dresses, jumpers and pinafores.

Category 1009A—Wedding Dresses

Included are: All wedding dresses in women's, misses', and juniors' sizes. One characteristic of dresses in this category is long sleeves or a long-sleeved jacket that is sold with the dress. This category does not include formals which are covered by Categories 1010 and 1011.

Category 1010—Women's Dresses Costing Over $2.53

All dresses in women's sizes, such as 36's, 38's, etc., all half-sizes, all extra sizes. The price of $2.53 is net after all discounts and f. o. b. source.

Category 1010A—Jr. Size Dresses

This category covers all dresses bought in jr. sizes (7 to 17), costing at source $2.53 after all discounts have been deducted.

Category 1011—Misses' Dresses Costing Over $2.53

Included are all dresses bought in misses' sizes (10 to 20) and costing at source, $2.53 net after all discounts have been deducted.

Category 1011A—Dresses Costing $2.53 and Less

Included in this category are dresses of all descriptions bought in women's sizes, misses' sizes and jr. sizes (7 to 17) costing at the source $2.53 and less after all discounts have been deducted.

Category 1012—Teen Age and Girls' Dresses

This category covers dresses of all descriptions for teen age girls usually bought in size scale 10 to 16 and girls' sizes 7 to 14.

Category 1013—Small Girls' and Toddlers' Dresses

This category includes all dresses for toddlers and girls in size 6x and smaller.

(3) Jackets, Vests and Ski Clothes

Separate jackets are garments which can be opened from neck to bottom, with or without sleeves, which ordinarily are not worn tucked into skirts, slacks or shorts. Included in these categories are ski jackets, ski pants, ski suits, snow suits, skating jackets and jackets of all types. These categories cover jackets made of all materials including leather, artificial leather, plastics and knitted yard goods. Not included are garments covered by Categories 202, 203, 1023, 1024 and 1025.

Category 1014—Women's Jackets

Included are jackets bought in sizes 36's, 38's, etc., misses' jackets bought in sizes 10 to 20 and jackets bought in jr. sizes 7 to 17.

Category 1015—Teen Age and Larger Girls' Jackets

This category covers jackets for girls usually bought in sizes 7 to 14 and in teen age sizes 10 to 16.

Category 1016—Girls' and Toddlers' Jackets

This includes jackets bought in size 6x and smaller. Excluded are all apparel for boys bought in 3 to 8 and 3 to 12 ranges which are covered by categories 1012 and 1012A.

(4) Separate Skirts.

Categories 1017 to 1019 cover separate skirts for women and girls, made of all materials except those covered by categories 202, 205, 206 and 208.

Category 1017—Women's and Misses' Skirts

This category includes skirts bought in women's sizes, misses' sizes and in jr. sizes, 7 to 17, also in waist sizes corresponding to these sizes.

Category 1018—Girls' and Teen Age Skirts

This category covers all skirts bought to fit teen age girls, sizes 10 to 16 and girls' sizes 7 to 14 and in waist band sizes to correspond to these sizes.

Category 1019—Girls' and Toddlers' Skirts

This covers all skirts bought for girls in size 6x and smaller.

(5) Blouses and Shirts.

Categories 1020 through 1022 cover all types of blouses and shirt waists made of all materials except those garments covered by categories 201, 202, 205, 206, 207 and 208.

Category 1020—Women's and Misses' Blouses

This category covers blouses usually bought in sizes 34's, 36's, etc., sizes 10 to 20 and 7 to 17 and in any sizes that correspond to these.

Category 1021—Teen Age and Girls' Blouses

This category covers all blouses bought in sizes 10 to 16 and 7 to 14 and in any size range that corresponds to these sizes.

Category 1022—Girls' and Toddlers' Blouses

This category covers blouses bought in size 6x or smaller. Excluded are all boys' blouses and shirts bought in 3 to 12 year size range which are covered by category 117 and toddler garments that are covered by category 303.

(6) Slacks and Slack Suits

Categories 1023, 1024 and 1025 cover separate slacks, slack suits and slack sets made of all materials in sizes for women, girls and children. A slack suit is a combination of a slack (covered by this category) and a separate jacket, separate blouse or attached blouse sold as a unit. Excluded are items covered by Category 206. Some of the garments included are overalls (other than work clothes), slacks, jodhpurs, slack suits, slack sets. Garments covered by this category are full-length garments and excludes all garments that are covered by categories 201, 205, 206 and 207.

Category 1023—Women's Slacks and Slack Suits

Included are garments in all sizes for women, misses and jrs., sizes 7 to 17 and in waist sizes equivalent to these sizes.

Category 1024—Girls' and Teen Age Girls' Slacks

This category covers garments in girls' sizes 7 to 14 and teen age sizes 10 to 16 and garments bought in waist sizes equivalent to these.

Category 1025—Girls' and Toddlers' Slack Suits

This includes all garments bought in sizes 6x and smaller except toddler garments covered by category 303 and except boys' garments covered by categories 110, 111, 112 and 113.

APPENDIX C

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
101	102	107	108A	108	109A	109	112	117	1097
102	101	109A	109	108A	108	107	112	117	1007
103	110A	110	107	112	115	117	102		
104	103	113	117	114	116	110	1023		
105	107	112	103	110	206				
105A									
105B	105C								
105C	105B								
105D	106A	201							
106	102	101	108	109	109A	108A	205		
107	112	102	101	108	109				
107A	107B	107	112	109	1014				
107B	112A	107A	112	102	101	108	109		
108	109	108A	109A	101	102	109	107	1005	
108A	109A	108A	109	108	101	102			
109	108	102	101	112	107B				
109A	108A	109	108	1008					
110	110A	103	112	107A	115	1014	1018		
110A	110	103	112	107A	115	1011	1018		
111	101	109	105	107A	112				
111A	1053								
112	107	108	109	102	101				
112A	1074	107A	112	109	107	107			
113	110	107A	117	202	111				
114	115	113	201	203	117				
115	107	202	208	117					
116	118	115	211	211A	117				
117	115	201	116						
118	116	119	213						
119	118	216	120	122	217				
120	119	122	217	216					
121	119	120	216	218					
122	215	119	120	121					
123	103	107	112						
123A	2123	107A	112						
124	212	107A	112						
201	202	207	208	115	117	1020	1017	1023	
202	201	208	207	115	1020	1017			
203	209	112A	107B	1014					
204									
205	106	203							
206	1011	1014							
207	208	201	202	114	209	213	1020	1017	
208	207	202	201	115	114				
209	207	208	112A	201	202				
211	211A	201	212	207					
211A	211	201	212	207	116				
212	211	202	124	117	116				
213	116	117	217	216					
214									
215	217	211	122	117					
216	119	217	120	121	218				
217	215	216	119	213	120	121			
218	405	214		107					
301	208	302	303	202	1005	1028	108		
302	208	202	115	301	1005	1028	112		
303	207	201	113	302	1005	1028	202		
304	123	218	214	204					
305	211	116	1013	1022	201	202			
306	205	303	207						
306A									
307	306	305							
308									
309									
310									
351									

[1] No comparable categories.

[2] You establish a price for a straw hat (Category 123A) by pricing it as if it belonged to Category 123. After you have found the price under the appropriate pricing rule as if the straw hat belonged to Category 123, you may add 8% of that selling price to the selling price and the result is your ceiling price for the straw hat.

Example: If you are pricing a straw hat, Category 123A, having a net cost of $3.00, you look at your chart for Category 123. Assume there is a net cost of $3.00 and an offering price of $5.00 on yor chart for Category 123. Your ceiling price for the straw hat will be $5.00 plus 8% of $5.00 (5.00+.40). Thus the ceiling price will be $5.40.

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
352	215	122	218	1020	202				
353 [1]									
401	403	404	402	406	123				
402	410	403	401	404	123				
402A [1]									
402B [1]									
403	406	404	401	113					
404	401	406	218	409	410				
405	404	403	401	218					
407	408	408	302	305	218				
408	406	407	403	202	404	1020			
409	401	403	408	401	107	112	351		
410	111A	105	107						
501									
502 [1]									
502A	502B	502C	504A						
502B	502C	502A	504A						
502C	502A	502B							
503	407								
504	506								
504A	502C	502B	502A						
505	503	502A	502B						
506	504	505A							
506A	505A	506	504						
506B	505	507	506A						
507	506	506A	506B						
508	507								
509	508								
601	602	605	605A	606					
602	601	605	605A						
603	605	605A	602						
603A [1]									
605	605A	602	601	606					
605A	605	602	606	601					
606	605A	605	602	601					
607	602	605	605A						
701	706	708	714	703	710				
702	708	709	713	712	706A				
704	703	705	709	712	720				
705	704	708	714						
706	701	708	714	713					
706A	716	703	712						
708	704	703	705	714	713				
709	712	710	714	703					
710	712	709	711	704					
712	710	709	704	711					
713	703	707	715	709					
714	701	708	706						
715	713	708	703						
716	718	719							
717	715	713	717A						
717A	717	715	713						
718	716								
719	716	718	706A						
720	708	707	704						
751	709	712	710						
752	751	709							
801									
802	801								
803	803C	803A	803B						
803A	803C	803	803B						
803B	803	803A	803B						
803C	803	803A	803B						
804	801	805							
805	806	802							
851	852	853	854						
852	851	853	851						
852A	853	851	852A						
853	854	851	852A						
854	853								
1001	1002	1003	1007	1010	1020	1011			
1002	1001	1003	1007	1001	1010	1011			
1003	1006	1007	1007	1011	1010	1020			
1004	1008	1012	1014	1002	1011	1020	1009		
1005	1009	1016	1019	1013	1022	1012	1011	1003	
1006	1007	1002	1001	1014	1017	1010	1011		
1007	1005	1002	1014	1001	1011	1010	1020	1008	
1008	1004	1015	1012	1021	1011	1010	1020		
1009	1005	1016	1019	1013	1022	1008	1012	1028	1011
1010	1011	1001	1002	1006	1014	1007	1017	202	
1011	1010	1007	1017	1014	1006	1020	1021	1002	202
1012	1018	1015	1008	1001	1021	1011	1017	1014	1007
1013	1019	1016	1009	1005	1028	1022	1030		
1014	1007	1002	1017	1006	1010	1011	1020		
1015	1008	1004	1018	1012	1021	1014	1011	1029	
1016	1009	1005	1019	1013	1022	1015	1028		
1017	1014	1007	1011	1020	202	1010	1012	1003	
1018	1015	1008	1004	1012	1021	1017	1011	202	
1019	1016	1009	1013	1005	1022	1018	1012	1015	1028
1020	202	1017	1014	1023	1006	1011	1021	1010	
1021	202	1018	1015	1024	1012	1011	1020	1004	
1022	1013	1019	1016	1028	1030	1025	1009	1005	
1023	1017	1020	202	1014	1006	1010	1011	1026	1002
1024	1018	1015	1007	1027	1021	1012	1011	1004	202
1025	1030	1028	1019	1015	1009	1005	1022	1013	
1026	1023	1017	1014	1006	202	1020	1021	1010	1011
1027	1024	1028	1015	1018	1008	1004	1012	202	
1028	1019	1009	1016	1005	1013	1022	1030	1025	
1029	1026	1023	1017	1014	1006	202	1020	1010	1011
1030	1027	1024	1028	1029	1018	101	1019	1005	

[1] No comparable categories.

APPENDIX D

TABLE FOR FIXING IN-LINE CATEGORY MARKUPS UNDER RULE 6 (SECTION 37)

Category Group I	Under and including 35	Over 35 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
101	36.3	39.5	42.7	46.0	49.2	52.4	55.6	58.8	62.0	65.3	68.5	71.7	74.9	78.1	81.4	84.5	87.8	91.0	94.2	97.4	100.7	103.9	107.1
102	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
103	32.9	35.8	38.7	41.6	44.5	47.4	50.3	53.2	56.2	59.1	62.0	64.9	67.8	70.7	73.6	76.5	79.4	82.4	85.3	88.2	91.1	94.0	96.9
104	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
105	30.2	32.8	35.5	38.2	40.9	43.5	46.2	48.9	51.6	54.2	56.9	59.6	62.3	65.0	67.6	70.3	73.0	75.7	78.3	81.0	83.7	86.4	89.0
106	16.0	17.4	18.8	20.3	21.7	23.1	24.5	25.9	27.3	28.8	30.2	31.6	33.0	34.4	35.9	37.3	38.7	40.1	41.5	42.9	44.3	45.8	47.2
107	23.8	26.0	28.1	30.2	32.3	34.4	36.5	38.6	40.8	42.9	45.0	47.1	49.2	51.3	53.4	55.6	57.7	59.8	61.9	64.0	66.1	68.2	70.4
108	23.8	26.0	28.1	30.2	32.3	34.4	36.5	38.6	40.8	42.9	45.0	47.1	49.2	51.3	53.4	55.6	57.7	59.8	61.9	64.0	66.1	68.2	70.4
109	20.7	22.5	24.3	26.1	28.0	29.8	31.6	33.5	35.3	37.1	39.0	40.8	42.6	44.5	46.3	48.1	50.0	51.8	53.6	55.5	57.3	59.1	60.9
110	33.4	36.4	39.3	42.3	45.3	48.2	51.2	54.1	57.1	60.1	63.0	66.0	69.0	71.9	74.9	77.9	80.8	83.8	86.8	89.7	92.7	95.6	98.6
111	31.7	34.6	37.4	40.3	43.0	45.8	48.6	51.4	54.3	57.1	59.9	62.7	65.5	68.3	71.2	74.0	76.8	79.7	82.5	85.3	88.2	91.0	93.8
112	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
112A	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
113	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
114	33.9	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	93.9	96.9	99.9
115	33.3	36.2	39.0	42.0	45.0	47.9	50.9	53.9	56.9	59.8	62.8	65.8	68.8	71.8	74.8	77.7	80.7	83.7	86.7	89.7	92.6	95.6	98.6
116	31.2	34.0	36.8	39.7	42.5	45.3	48.1	51.0	53.8	56.6	59.4	62.3	65.1	67.9	70.8	73.6	76.4	79.3	82.1	85.0	87.8	90.6	93.5
116A	31.9	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
117	31 2	34 0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
117A	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
118	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
118A	31.7	34.6	37.4	40.2	43.0	45.8	48.6	51.4	54.3	57.1	59.9	62.7	65.5	68.4	71.2	74.0	76.9	79.7	82.5	85.4	88.2	91.0	93.9
119	31.7	34.6	37.4	40.2	43.0	45.8	48.7	51.5	54.3	57.2	60.0	62.8	65.6	68.4	71.3	74.1	76.9	79.8	82.6	85.4	88.3	91.1	93.9
120	35.9	39.1	42.3	45.4	48.6	51.8	55.0	58.2	61.4	64.5	67.7	70.9	74.1	77.3	80.4	83.6	86.8	90.0	93.2	96.3	99.5	102.7	105.9
121	32.8	35.7	38.6	41.5	44.4	47.3	50.2	53.1	56.0	58.9	61.9	64.8	67.7	70.6	73.5	76.4	79.3	82.3	85.2	88.1	91.0	93.9	96.8
122	33.1	36.0	39.0	41.9	44.8	47.8	50.7	53.6	56.6	59.5	62.5	65.4	68.3	71.3	74.2	77.1	80.1	83.0	86.0	88.9	91.8	94.8	97.7
123	32.3	35.2	38.1	41.0	43.8	46.7	49.6	52.4	55.3	58.2	61.0	63.9	66.8	69.6	72.5	75.4	78.2	81.1	84.0	86.9	89.7	92.6	95.5
123A	33.2	36.2	39.1	42.0	45.0	47.9	50.9	53.8	56.8	59.7	62.7	65.6	68.5	71.5	74.4	77.4	80.3	83.2	86.2	89.2	92.1	95.0	98.0
124	35.3	38.4	41.6	44.7	47.9	51.0	54.1	57.2	60.4	63.5	66.7	69.8	72.9	76.1	79.2	82.3	85.5	88.6	91.7	94.8	98.0	101.1	104.3
125	30.1	32.6	35.2	37.8	40.3	42.9	45.5	48.1	50.6	53.2	55.8	58.4	60.9	63.5	66.1	68.7	71.2	73.8	76.4	79.0	81.5	84.1	86.7
126	37.4	40.7	44.0	47.3	50.7	54.0	57.3	60.6	63.9	67.3	70.6	73.9	77.2	80.5	83.8	87.2	90.5	93.8	97.1	100.4	103.7	107.1	110.4
127	35.8	39.0	42.2	45.4	48.5	51.7	54.9	58.0	61.2	64.4	67.6	70.8	74.0	77.2	80.3	83.5	86.7	90.0	93.0	96.2	99.4	102.6	105.7
128	34.8	37.9	41.0	44.1	47.2	50.3	53.4	56.4	59.5	62.6	65.7	68.8	71.9	75.0	78.1	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8
129	36.0	39.2	42.4	45.6	48.8	52.0	55.2	58.4	61.6	64.8	68.0	71.2	74.4	77.6	80.8	84.0	87.2	90.3	93.6	96.8	100.3	103.2	106.4
130	37.8	41.1	44.4	47.8	51.1	54.5	57.8	61.2	64.5	67.9	71.2	74.6	78.0	81.3	84.6	88.0	91.3	94.7	98.0	101.4	104.7	108.1	111.4
131	35.7	38.7	42.1	45.2	48.4	51.6	54.8	57.9	61.1	64.2	67.4	70.6	73.8	76.9	80.1	83.3	86.4	89.6	92.8	96.0	99.1	102.3	105.4
132	38.4	41.7	45.2	48.6	52.0	55.4	58.9	62.2	65.7	69.1	72.5	75.9	79.3	80.7	86.1	89.5	92.9	96.3	99.8	103.2	106.6	110.0	113.4
133	34.5	37.6	40.6	43.7	46.8	49.8	52.9	56.0	59.0	62.1	65.1	68.2	71.3	74.3	77.4	80.4	83.5	86.6	89.6	92.7	95.8	98.8	101.9
134	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
135	33.0	35.9	38.9	41.8	44.7	47.6	50.6	53.5	56.5	59.4	62.3	65.2	68.1	71.1	74.0	76.9	79.8	82.8	85.7	88.6	91.5	94.5	97.4
136	32.8	35.7	38.6	41.5	44.4	47.3	50.2	53.1	56.0	58.9	61.8	64.7	67.6	70.5	73.4	76.3	79.2	82.1	85.0	87.9	90.8	93.7	96.6
137	32.8	35.7	38.6	41.5	44.4	47.3	50.2	53.1	56.0	58.9	61.8	64.7	67.6	70.5	73.4	76.3	79.2	82.1	85.0	87.9	90.8	93.7	96.6
138	25.3	27.6	29.8	32.0	34.3	36.7	38.8	41.0	43.3	45.5	47.8	50.0	52.2	54.5	56.7	59.0	61.2	63.5	65.7	68.0	70.2	72.4	74.7
139	32.5	35.4	38.3	41.2	44.1	47.0	49.9	52.8	55.6	58.5	61.4	64.3	67.2	70.1	73.0	75.8	78.7	81.6	84.5	87.4	90.3	93.2	96.1
140	33.1	36.0	38.9	41.8	44.8	47.7	50.6	53.6	56.5	59.4	62.4	65.3	68.2	71.2	74.1	77.0	80.0	82.9	85.8	88.8	91.7	94.6	97.5
141	30.4	33.1	35.8	38.5	41.1	43.8	46.5	49.2	51.9	54.6	57.3	60.0	62.7	65.4	68.1	70.8	73.5	76.2	78.9	81.5	84.2	86.9	89.6
142	31.8	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
143	33.5	36.5	39.4	42.4	45.3	48.3	51.2	54.2	57.1	60.1	63.0	66.0	68.9	71.9	74.8	77.8	80.7	83.7	86.6	89.6	92.5	95.5	98.4
144	33.0	35.9	38.8	41.7	44.6	47.5	50.5	53.4	56.3	59.3	62.2	65.1	68.0	70.9	73.9	76.8	79.7	82.6	85.6	88.5	91.4	94.3	97.2
145	33.4	36.3	39.3	42.2	45.2	48.2	51.1	54.1	57.0	60.0	62.9	65.9	68.9	71.8	74.8	77.7	80.7	83.7	86.6	89.6	92.5	95.5	98.4
146	31.4	34.2	37.0	39.7	42.5	45.3	48.1	50.9	53.7	56.4	59.2	60.9	63.8	66.7	69.5	72.4	75.3	78.1	81.0	83.8	86.7	89.6	92.4
147	32.3	35.2	38.0	40.9	43.8	46.6	49.5	52.3	55.2	58.1	60.9	63.8	66.7	69.5	72.4	75.3	78.2	81.0	83.9	86.8	89.6	92.5	95.4
148	35.1	38.2	41.3	44.4	47.5	50.6	53.7	56.9	60.0	63.1	66.2	69.3	72.4	75.5	78.6	81.8	85.0	88.3	91.5	94.6	97.7	100.8	103.9
149	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
150	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
151	36.5	39.8	43.0	46.3	49.5	52.8	56.0	59.2	62.5	65.7	68.9	72.2	75.4	78.7	81.9	85.2	88.4	91.6	94.9	98.1	101.4	104.6	107.9
152	34.9	38.0	41.1	44.2	47.3	50.4	53.5	56.6	59.7	62.8	65.9	69.0	72.1	75.2	78.3	81.4	84.5	87.6	90.7	93.8	96.9	100.0	103.1
153	31.9	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
154	35.6	38.7	41.9	45.1	48.2	51.4	54.5	57.7	60.8	64.0	67.1	70.3	73.5	76.6	79.8	82.9	86.1	89.3	92.4	95.6	98.7	101.9	105.0
155	32.5	35.4	38.3	41.2	44.1	47.0	49.9	52.8	55.6	58.5	61.4	64.3	67.2	70.1	73.0	75.8	78.7	81.6	84.5	87.4	90.3	93.2	96.1
156	33.1	36.0	38.9	41.8	44.8	47.7	50.6	53.6	56.5	59.4	62.4	65.3	68.2	71.2	74.1	77.0	80.0	82.9	85.8	88.8	91.7	94.6	97.5
157	30.4	33.1	35.8	38.5	41.1	43.8	46.5	49.2	51.9	54.6	57.3	60.0	62.7	65.4	68.1	70.8	73.5	76.2	78.9	81.5	84.2	86.9	89.6
158	31.8	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
159	35.0	38.1	41.2	44.3	47.4	50.5	53.6	56.7	59.8	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.0	97.2	100.3	103.4
160	34.4	37.5	40.5	43.6	46.6	49.7	52.8	55.8	58.9	61.9	64.9	68.0	71.1	74.1	77.2	80.2	83.3	86.3	89.4	92.4	95.5	98.5	101.6
161	36.9	40.2	43.4	46.7	50.0	53.3	56.5	59.8	63.1	66.4	69.6	72.9	76.2	79.4	82.7	86.0	89.3	92.6	95.8	99.1	102.4	105.6	108.9
162	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2

[1] For Category 123A Straw Hats, 8 percent must be added to retail price determined under Category 123.

APPENDIX D—Continued

TABLE FOR FIXING IN-LINE CATEGORY MARK-UPS UNDER RULE 6 (SECTION 37)

Category Group II*	Under and including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101	Over 101 including 104	Over 104 including 107	Over 107 including 110	Over 110 including 113	Over 113 including 116	Over 116 including 119	Over 119 including 122	Over 122 including 125	Over 125 including 127
701	64.9	68.1	71.3	74.5	77.7	80.9	84.2	87.4	90.6	93.8	97.0	100.2	103.5	106.7	109.8	113.1	116.3	119.5	122.8	126.0	129.2	132.4	135.7
702	66.8	69.8	73.0	76.2	79.4	82.6	85.8	89.0	92.2	95.4	98.6	101.8	105.0	108.2	111.4	114.6	117.8	121.0	124.2	127.4	130.6	133.8	137.0
703	68.4	71.6	74.8	78.0	81.3	84.5	87.7	91.0	94.2	97.4	100.7	103.9	107.1	110.3	113.6	116.8	120.0	123.3	126.5	129.7	132.9	136.2	139.4
704	70.1	73.3	76.5	79.8	83.0	86.3	89.5	92.8	96.0	99.3	102.5	105.8	109.0	112.3	115.5	118.8	122.0	125.3	128.5	131.8	135.0	138.3	141.5
705	71.4	74.6	77.8	81.1	84.3	87.6	90.9	94.1	97.4	100.7	103.9	107.2	110.5	113.8	117.0	120.3	123.6	126.8	130.1	133.4	136.6	139.9	143.2
706	72.8	76.0	79.3	82.6	85.8	89.1	92.4	95.7	99.0	102.2	105.5	108.8	112.1	115.4	118.7	121.9	125.2	128.5	131.8	135.1	138.3	141.6	144.9
706A	73.4	76.6	79.9	83.2	86.5	89.8	93.0	96.3	99.6	102.9	106.2	109.5	112.8	116.0	119.3	122.6	125.9	129.2	132.5	135.7	139.0	142.3	145.6
707	74.0	77.2	80.5	83.8	87.1	90.4	93.7	97.0	100.2	103.5	106.8	110.1	113.4	116.7	120.0	123.2	126.5	129.8	133.1	136.4	139.7	142.9	146.2
708	74.6	77.8	81.1	84.4	87.7	91.0	94.3	97.5	100.8	104.1	107.4	110.7	114.0	117.3	120.5	123.8	127.1	130.4	133.7	137.0	140.2	143.5	146.8
709	75.2	78.4	81.7	85.0	88.3	91.5	94.8	98.1	101.4	104.7	108.0	111.2	114.5	117.8	121.1	124.4	127.6	130.9	134.2	137.5	140.8	144.0	147.3
710	75.7	79.0	82.2	85.5	88.8	92.1	95.3	98.6	101.9	105.2	108.4	111.7	115.0	118.3	121.6	124.8	128.1	131.4	134.7	138.0	141.2	144.5	147.8
711	76.2	79.5	82.7	86.0	89.3	92.6	95.8	99.1	102.4	105.7	108.9	112.2	115.5	118.8	122.0	125.3	128.6	131.9	135.1	138.4	141.7	145.0	148.2
712	76.7	79.9	83.2	86.5	89.7	93.0	96.3	99.6	102.8	106.1	109.4	112.7	115.9	119.2	122.5	125.8	129.0	132.3	135.6	138.9	142.1	145.4	148.7
713	77.1	80.4	83.7	86.9	90.2	93.5	96.8	100.0	103.3	106.6	109.9	113.1	116.4	119.7	122.9	126.2	129.5	132.8	136.0	139.3	142.6	145.9	149.1
714	77.6	80.8	84.1	87.4	90.6	93.9	97.2	100.5	103.7	107.0	110.3	113.6	116.8	120.1	123.4	126.6	129.9	133.2	136.5	139.7	143.0	146.3	149.6
715	78.0	81.3	84.5	87.8	91.1	94.3	97.6	100.9	104.2	107.4	110.7	114.0	117.3	120.5	123.8	127.1	130.4	133.6	136.9	140.2	143.4	146.7	150.0
716	78.4	81.7	84.9	88.2	91.5	94.7	98.0	101.3	104.5	107.8	111.1	114.3	117.6	120.9	124.1	127.4	130.7	134.0	137.2	140.5	143.8	147.0	150.3
717	78.8	82.0	85.3	88.5	91.8	95.1	98.3	101.6	104.9	108.1	111.4	114.7	117.9	121.2	124.5	127.7	131.0	134.3	137.5	140.8	144.1	147.3	150.6
717A	79.1	82.3	85.6	88.8	92.1	95.4	98.6	101.9	105.2	108.4	111.7	115.0	118.2	121.5	124.8	128.0	131.3	134.6	137.8	141.1	144.4	147.6	150.9
718	79.4	82.6	85.9	89.1	92.4	95.7	98.9	102.2	105.5	108.7	112.0	115.3	118.5	121.8	125.1	128.3	131.6	134.9	138.1	141.4	144.7	147.9	151.2
719	79.7	82.9	86.2	89.4	92.7	96.0	99.2	102.5	105.8	109.0	112.3	115.6	118.8	122.1	125.4	128.6	131.9	135.2	138.4	141.7	145.0	148.2	151.5
720	80.0	83.2	86.5	89.7	93.0	96.3	99.5	102.8	106.1	109.3	112.6	115.9	119.1	122.4	125.7	128.9	132.2	135.5	138.7	142.0	145.3	148.5	151.8
721	80.3	83.5	86.8	90.0	93.3	96.6	99.8	103.1	106.4	109.6	112.9	116.2	119.4	122.7	126.0	129.2	132.5	135.8	139.0	142.3	145.6	148.8	152.1
781	74.9	78.1	81.3	84.6	87.8	91.1	94.3	97.6	100.8	104.1	107.3	110.6	113.8	117.1	120.3	123.6	126.8	130.1	133.3	136.6	139.8	143.1	146.3
782	76.4	79.6	82.8	86.1	89.3	92.6	95.8	99.1	102.3	105.6	108.8	112.1	115.3	118.6	121.8	125.1	128.3	131.6	134.8	138.1	141.3	144.6	147.8

*These mark-ups are to be applied to net cost of item excluding freight charges.

Category Group III	Under and including 35	Over 35 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
801	35.4	38.6	41.8	44.9	48.1	51.3	54.5	57.6	60.8	64.0	67.2	70.3	73.5	76.7	79.8	83.0	86.2	89.4	92.5	95.7	98.9	102.0	105.2
802	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803A	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
803B	34.5	37.6	40.7	43.8	46.9	50.0	53.0	56.1	59.2	62.3	65.4	68.5	71.6	74.7	77.8	80.9	83.9	87.0	90.1	93.2	96.3	99.4	102.5
803C	28.4	31.0	33.5	36.1	38.6	41.2	43.7	46.3	48.8	51.4	53.9	56.5	59.0	61.5	64.1	66.6	69.2	71.7	74.3	76.8	79.4	81.9	84.5
804	36.3	39.6	42.8	46.1	49.3	52.6	55.8	59.1	62.3	65.6	68.8	72.1	75.3	78.6	81.8	85.1	88.3	91.6	94.8	98.1	101.3	104.6	107.8
805	31.0	33.8	36.6	39.4	42.1	44.9	47.7	50.5	53.3	56.0	58.8	61.6	64.4	67.2	69.9	72.7	75.5	78.3	81.1	83.8	86.6	89.4	92.2
851	35.4	38.6	41.7	44.9	48.1	51.2	54.4	57.6	60.7	63.9	67.1	70.2	73.4	76.6	79.7	82.9	86.1	89.2	92.4	95.6	98.8	101.9	105.1
852	35.4	38.6	41.7	44.9	48.1	51.2	54.4	57.6	60.7	63.9	67.1	70.2	73.4	76.6	79.7	82.9	86.1	89.2	92.4	95.6	98.8	101.9	105.1
852A	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
853	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
854	31.1	33.9	36.7	39.5	42.3	45.0	47.8	50.6	53.4	56.2	59.0	61.8	64.6	67.3	70.1	72.9	75.7	78.5	81.3	84.1	86.8	89.6	92.4

Category Group IV	Under and including 37	Over 37 including 40	Over 40 including 43	Over 43 including 46	Over 46 including 49	Over 49 including 52	Over 52 including 55	Over 55 including 58	Over 58 including 61	Over 61 including 64	Over 64 including 67	Over 67 including 70	Over 70 including 73	Over 73 including 76	Over 76 including 79	Over 79 including 82	Over 82 including 85	Over 85 including 88	Over 88 including 91	Over 91 including 94	Over 94 including 97	Over 97 including 100	Over 100 including 103	Over 103 including 106
1001	32.4	35.9	39.3	42.8	46.3	49.8	53.3	56.7	60.2	63.7	67.2	70.6	74.1	77.6	81.1	84.6	88.0	91.5	95.0	98.5	101.9	105.4	108.9	112.4
1002	32.2	35.6	39.0	42.4	45.9	49.3	52.7	56.2	59.6	63.1	66.5	70.0	73.4	76.9	80.3	83.8	87.2	90.7	94.1	97.6	101.0	104.5	107.9	111.4
1003	30.1	33.4	36.8	40.1	43.5	46.8	50.2	53.5	56.9	60.2	63.6	66.9	70.3	73.6	76.9	80.3	83.6	87.0	90.3	93.6	97.0	100.3	103.7	107.0
1004	30.4	33.8	37.1	40.4	43.7	47.0	50.3	53.6	56.9	60.2	63.5	66.8	70.1	73.4	76.7	80.0	83.3	86.6	89.9	93.2	96.5	99.8	103.1	106.4
1005	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.3	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1006	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.3	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1007	32.5	36.0	39.6	43.1	46.6	50.1	53.6	57.2	60.7	64.2	67.7	71.3	74.8	78.3	81.8	85.3	88.9	92.4	95.9	99.4	103.0	106.5	110.0	113.5
1008	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1009	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.3	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1010	33.2	36.7	40.3	43.9	47.4	51.0	54.5	58.1	61.7	65.2	68.8	72.4	75.9	79.5	83.1	86.6	90.2	93.7	97.3	100.9	104.4	108.0	111.6	115.1
1011	32.8	36.3	39.9	43.4	46.9	50.4	53.9	57.5	61.0	64.5	68.0	71.6	75.1	78.6	82.1	85.6	89.2	92.7	96.2	99.7	103.3	106.8	110.3	113.8
1012	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1013	27.4	30.3	33.3	36.2	39.1	42.0	44.9	47.8	50.7	53.6	56.6	59.5	62.4	65.3	68.2	71.1	74.0	77.0	79.9	82.8	85.7	88.6	91.5	94.4
1014	31.3	34.7	38.1	41.5	44.9	48.3	51.7	55.1	58.4	61.8	65.2	68.6	72.0	75.4	78.8	82.2	85.6	89.0	92.4	95.8	99.2	102.6	106.0	109.4
1015	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1016	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4
1017	31.7	35.2	38.7	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1018	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1019	29.1	32.5	35.8	39.1	41.9	45.2	48.4	51.6	54.8	58.0	61.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.9	103.1
1020	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1021	26.9	30.0	33.0	36.2	39.4	42.6	45.8	49.0	52.2	55.4	58.5	61.7	64.9	68.1	71.3	74.5	77.7	80.8	84.0	87.2	90.4	93.6	96.8	100.0
1022	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1023	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1024	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1025	32.3	34.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1026	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3
1027	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.2	93.6	97.0	100.4	103.9	107.3	110.8
1028	29.1	32.3	35.5	38.7	41.9	45.2	48.4	51.6	54.8	58.0	61.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.9	103.1
1029	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.7
1030	29.1	32.3	35.5	38.7	41.8	45.0	48.2	51.4	54.5	57.7	60.9	64.1	67.2	70.4	73.6	76.7	79.9	83.1	86.3	89.4	92.6	95.8	99.0	102.1

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39

Category you are pricing	Percentage markup on cost	Category you are pricing	Percentage markup on cost
101	67.7	504	63.0
102	64.1	504A	59.2
103	61.6	505	58.0
104	65.3	506	66.3
105	57.9	506A	65.9
105A	30.2	506B	65.9
105B	45.0	507	69.4
105C	45.0	508	65.9
105D	39.0	509	60.2
106	63.0	601	66.7
107	60.1	602	61.9
107A	66.1	603	62.6
107B	66.1	603A	55.3
108	64.9	605	66.4
108A	63.8	605A	64.9
109	63.8	606	69.6
109A	64.9	607	58.9
110	59.5	701	98.1
110A	60.2	703	91.9
111	46.1	704	95.9
111A	51.4	705	98.5
112	60.2	706	108.0
112A	59.9	706A	90.5
113	60.2	708	95.9
114	66.0	709	89.6
115	62.1	710	99.4
116	62.4	712	93.9
117	61.3	713	89.3
118	62.6	714	98.2
119	65.9	715	87.3
120	72.1	716	79.7
121	69.2	717	79.7
122	66.5	717A	88.0
123	66.6	718	77.8
123A*	----	719	82.3
124	66.9	720	94.5
201	72.3	751	84.1
202	67.0	752	89.9
203	72.2	801	84.7
204	72.5	802	83.9
205	65.1	803	83.9
206	64.9	803A	75.1
207	63.3	803B	82.5
208	62.9	803C	68.0
209	66.8	803D	78.0
210	63.9	804	86.8
211	65.6	805	74.2
212	70.0	851	84.6
213	62.9	852	84.6
214	82.6	852A	75.1
215	67.5	853	75.1
216	67.1	854	74.4
217	67.8	1001	72.1
218	66.2	1002	72.8
301	67.8	1003	68.3
302	62.9	1004	68.1
303	61.1	1005	68.6
304	65.7	1006	73.3
305	61.9	1007	72.8
306	62.0	1008	68.0
306A	47.8	1009	68.5
307	62.8	1010	73.9
308	69.1	1011	73.1
309	62.3	1011A	60.4
310	67.9	1012	68.0
351	63.7	1013	60.4
352	63.5	1014	70.0
353	74.2	1015	68.0
401	63.7	1016	68.6
402	58.2	1017	71.0
402A	61.2	1018	68.0
402B	58.2	1019	65.7
405	63.4	1020	69.7
406	62.2	1021	68.0
407	62.2	1022	62.9
408	60.2	1023	71.0
409	60.7	1024	71.0
410	54.0	1025	68.0
501	47.8	1026	68.0
502	57.3	1027	71.0
502A	58.4	1028	65.7
502B	61.1	1029	71.0
502C	60.2	1030	65.2
503	62.2		

*Use mark-up for category 123 and add 8 percent to retail price thus obtained.

APPENDIX F

GROUP I

[Multipliers for Group Averages over 101 for categories in Groups I and III; for Group Average over 127 for categories in Group II; for Group Average over 109 for Categories in Group IV of Appendix D]

Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier
101	1.078	111A	.869	207	.981	309	.981	502C	.948		
102	1.021	112	.928	208	.975	310	1.059	503	.979		
103	.976	112A	.943	209	1.045	351	1.003	504	.991		
104	1.041	113	.945	210	1.084	352	1.000	504A	.932		
105	.896	114	1.066	211	1.030	401	1.005	505	.960		
105A	.875	115	.975	212	1.110	402	.916	506	1.042		
105B	.708	116	.984	213	1.006	402A	.964	506A	1.038		
105C	.708	117	.961	215	1.032	402B	.916	506B	1.038		
105D	.614	118	.987	216	1.054	403	.919	507	1.086		
106	.963	119	1.050	217	1.069	404	1.035	508	1.038		
107	.943	120	1.164	218	1.045	405	.969	509	.948		
107A	1.041	121	1.111	301	1.075	406	.994	601	1.058		
107B	1.041	122	1.065	302	.962	407	.970	602	.967		
108	1.021	123	1.035	303	.954	408	.948	603	.982		
108A	1.006	124	1.071	304	1.020	409	.955	603A	.902		
109	1.006	201	1.122	305	.947	410	.850	605	1.038		
109A	1.021	202	1.062	306	.969	501	.752	605A	1.023		
110	.928	203	1.142	306A	.752	502	.902	606	1.066		
110A	.948	205	1.026	307	.981	502A	.917	607	.928		
111	.708	206	1.021	308	1.060	502B	.960				

GROUP II

701	1.072	706A	.990	713	.976	717A	.963	752	.982
703	1.005	708	1.048	714	1.074	718	.859		
704	1.048	709	.979	715	.954	719	.899		
705	1.077	710	1.086	716	.871	720	1.033		
706	1.181	712	1.026	717	.871	751	.919		

GROUP III

801	1.057	803A	.937	804	1.084	852	1.036	854	.929
802	1.048	803B	1.030	805	.926	852A	.937		
803	1.048	803C	.820	851	1.056	853	.937		

GROUP IV

1001	1.011	1007	1.018	1013	.851	1019	.770	1025	.954
1002	1.018	1008	.954	1014	.881	1020	.976	1026	.954
1003	.977	1009	.901	1015	.954	1021	.954	1027	.994
1004	.926	1010	1.035	1016	.961	1022	.880	1028	.920
1005	.964	1011	1.023	1017	.994	1023	.954	1029	.954
1006	1.056	1012	.954	1018	.964	1024	.994	1030	.916

[F. R. Doc. 51-2819; Filed, Feb. 27, 1951; 5:14 p. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying issuance of this Supplementary Regulation 1 to Ceiling Price Regulation 7 are included in the Statement of Considerations to Ceiling Price Regulation 7 issued concurrently herewith.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. Pricing methods for certain chain stores.
3. Chains which send members only uniform selling prices and not costs.
4. Notice to retail outlets; records and filing.
5. Chains and mail order establishments requiring modification of provisions relating to chart preparation and pricing.
6. Purchase offices of chain stores.

AUTHORITY: Sections 1 to 6 issued under Sec. 704, Public Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Coverage.* This Supplementary Regulation 1 to Ceiling Price Regulation 7 provides modified methods of chart preparation and pricing under Ceiling Price Regulation 7, for certain chain stores and mail order establishments. The modified methods here provided are required as a means of adjusting the Regulation to the peculiar business structure of these sellers.

SEC. 2. *Pricing methods for certain chain stores—*(a) *Who may price under this section.* (1) A group of retail sellers under common ownership or control, all of whose members, immediately prior to January 26, 1951, had uniform prices centrally determined for a category of articles presently covered by Ceiling Price Regulation 7, may determine prices centrally for that category as provided in this section. No seller which is a member of the group for which uniform prices are centrally determined under this section may fix prices other than centrally determined uniform prices for articles in a category unless the group discontinues the practice of having prices fixed uniformly and centrally for that category.

(2) A retail seller which, in the case of a given category, did not centrally determine uniform prices with other members of that group on the date Ceiling Price Regulation 7 was issued, may centrally fix its ceiling prices for any such category uniformly with other members of the group through use of the master chart described in paragraph (b) of this section; provided that that retail seller's category average markup for the category is not less than the group average percentage markup therefor.

(b) *How to price under this section.* A group of sellers which is eligible to price under this section and elects so to do shall centrally determine its uniform ceiling prices in accordance with the pricing rules of Ceiling Price Regulation 7 by the use of a master chart for that purpose. (Members of the group must use their individual pricing charts to determine ceiling prices of all other articles.) The master chart shall be prepared as follows:

(1) *General information.* In addition to the preliminary information required by Section 13 of Ceiling Price Regulation 7 list the names and addresses of all member stores covered by the chart.

(2) Take all the charts of members of the group constructed in accordance with Ceiling Price Regulation 7 and:

(i) List in Column 1 all categories for which uniform prices are centrally determined;

(ii) List in Column 2 all different costs shown in Column 2 of members' charts; or list in Column 2 all the different costs of articles which the group charged to its members between December 1, 1950, and February 27, 1951;

(iii) List in Column 2 all offering prices shown in Column 3 of the members' charts, including those not circled;

(iv) List in Column 4 the markups opposite each offering price in Column 4 of members' charts, and

(v) Prepare the remainder of the master chart listing category average markups, circled prices, and invoices in accordance with the directions of Ceiling Price Regulation 7 applicable to single separate sellers.

SEC. 3. *Chains which send members only uniform selling prices and not costs.*—(a) *Who may price under this section.* A group of retail sellers under common ownership or control which, between December 1, 1950, and February 27, 1951, sent to its members statements showing only the retail selling prices of articles covered by Ceiling Price Regulation 7 (and not their costs) may use the method provided in this section for fixing ceiling prices.

(b) *Charts.* (1) Under this section the group may prepare list date pricing charts as if its members were offering for sale on the list date all the articles covered by Ceiling Price Regulation 7 which it charged to them between December 1, 1950 and February 27, 1951. In addition, the charts prepared by the group must list the costs and offering prices of all other articles for which the members themselves determined the selling prices and which they offered for sale on the list date. A separate chart must be prepared for each group of retail outlets for all the articles covered by Ceiling Price Regulation 7.

(2) A chart for a group is prepared as follows:

(i) Each chart must show the names and addresses of all retail outlets to which it applies, in addition to preliminary information requested by Section 13 of Ceiling Price Regulation 7.

(ii) Column 1 of the chart lists all the categories which the group charged to its members during the period December 1, 1950, to February 27, 1951.

(iii) Column 2 lists the net costs to the principal office of the chain "net cost" as described in Sectior 31 of Ceiling Price Regulation 7) for each article charged to the retail outlets during that period.

(iv) Column 3 lists the uniform prices at which the group directed its outlets to offer each article the cost of which is listed in Column 2.

(v) The net costs, offering prices and invoice identification of all articles the selling prices of which were determined by the members themselves must be included on the chart.

(vi) To complete the chart, Columns 4 and 5 must be filled in as provided in Sections 20 and 21 of Ceiling Price Regulation 7.

(c) *Notification of prices to chain outlets.* A chain which operates outlets constituting a single separate seller by reason of the fact that it sends to its retail outlets statements showing only the retail selling prices of articles covered by Ceiling Price Regulation 7 (and not their cost) shall, when determining the price of any article offered for sale in these outlets, send a written notification of that price to each such outlet and shall keep the notification in that outlet available for inspection by the Office of Price Stabilization. In the case of articles which are pre-ticketed by the central or main office of the chain, compliance with this requirement may be made by the central office's transmitting to the outlet a separate notice, memorandum or invoice sufficient to identify the merchandise as pre-ticketed. Unless the notification has been kept by the outlet as herein directed, the chain shall not sell, offer for sale or deliver the article in that outlet; and in no case shall the chain sell, offer for sale or deliver any article at a price higher than the selling price stated on the notification to that outlet unless the ceiling price is also stated on the invoice or notification, in which case, the chain shall not sell, offer for sale or deliver that article in that outlet at a price higher than the stated ceiling price.

SEC. 4. *Notice to retail outlets; records and filing.*—(a) *Notices.* On and after February 27, 1951, no member of a group which prices under Section 2 or 3 of this Supplementary Regulation 1 may offer or sell any articles covered by Ceiling Price Regulation 7, unless it has received the following notice, signed by an officer or authorized agent of the group and has filed a copy of that notice with the Distribution Price Branch, Office of Price Stabilization, Economic Stabilization Agency, Washington 25, D. C.

NOTICE

The Ceiling Price Regulation 7 list date pricing chart for our stores has been prepared centrally by our company. One copy thereof will be available for inspection at our main office at _____
(Address of central office)

Signed _____
(Company name)

(b) *Records.* Each group of retail outlets which determines ceiling prices under Section 2 or 3 of this Supplementary Regulation may comply with the requirements of Sections 52 and 53 of Ceiling Price Regulation 7, by keeping records specified in that section at the central office of the group.

(c) *Filing.* Each group of retail outlets which determines ceiling prices under Section 2 or 3, in all cases where Ceiling Price Regulation 7 requires the filing of any chart or other document, shall file, as to all articles priced under these sections, with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C.

SEC. 5. *Chains and mail order establishments requiring modification of provisions relating to chart preparation and pricing.*—(a) *Extensions of time.* Whenever the Director of Price Stabilization is satisfied that any group of stores under common ownership or control or any mail order establishment (as defined in Section 59 of Ceiling Price Regulation 7) cannot, with diligent effort, conform to any requirement of the Ceiling Price Regulation 7 or any Supplementary Regulation issued pursuant thereto by the time therein specified, he may permit such extensions of time for any such group of stores or mail order establishment as he deems necessary.

(b) *Modification of provisions.* The Director may, by order, modify any provision contained in Ceiling Price Regulation 7 or in any Supplementary Regulation issued thereunder for any group of retail outlets under common ownership or control or for any mail order establishment which demonstrates conclusively that its methods of operation are not adaptable to the requirements of the Regulation or any Supplementary Regulation which has been issued under the Regulation. Applications under this paragraph must be filed with the Distribution Price Branch, Office of Price Stabilization, Economic Stabilization Agency, Washington 25, D. C., and must specify in full detail a plan of operation under the regulation which will not raise the level of prices, the modification of the provisions of the Regulation or Supplementary Regulation necessary to permit applicant to operate under its plan, and must set forth the reasons for the requested modification.

SEC. 6. *Purchase offices of chain stores.*—(a) *Purpose of this section.* Under Ceiling Price Regulation 7 ceiling prices for the articles covered by the regulation must be figured on the basis of "net cost." It is therefore necessary that each seller under Ceiling Price Regulation 7 have a purchase invoice for each article, and that the costs shown on such invoices should not be arbitrarily inflated. To ensure that sellers whose merchandise is purchased for them by their central offices or by buying organizations, will in the future receive invoices which contain service or handling charges no greater than those on which their base date markups were figured, this section requires purchasing offices of chains not pricing under section 2 or 3 of this Supplementary Regulation, to supply invoices reflecting service charges no higher than their customary charges on and before the list date of Ceiling Price Regulation 7.

(b) *Who is covered by this section.* This section applies to the purchasing offices of chains, except those which notify their retail outlets of the retail prices only and not the costs. In this section sellers subject to Ceiling Price Regulation 7 are referred to merely as "retail outlets" and articles covered by Ceiling Price Regulation 7 are referred to merely as "articles."

For purposes of this section the "purchasing office of a chain" is the office, warehouse or department of a retail chain which purchases merchandise for distribution and furnishes invoices or some other statement of costs to retail outlets which are under common ownership or control with it and are subject to Ceiling Price Regulation 7.

(c) *Statement of service charges*—(1) *Filing of Statements.* On or before March 29, 1951, you must file with the Distribution Price Branch, Office of Price Stabilization, Economic Stabilization Agency, Washington 25, D. C., two copies (signed by an officer, owner, or office manager) of a statement (described in (2) below) of your customary service charges. The term "service charge" as used in this Supplementary Regulation means any amount which you add to the "net cost" (calculated from your supplier's invoice for an article according to the instructions in Section 31 of Ceiling Price Regulation 7) in fixing the price of such article to one of your retail outlets, whether or not you actually perform any service in connection with the distribution of the article.

(2) *Contents of Statement.* Your statement must contain the following information:

(i) Your business name and address.

(ii) The service charges you made to your retail outlets between December 27, 1950 and February 27, 1951, in the following detail:

(a) If you made different charges for different kinds of articles or for different price lines, state the charge for each. State your charge either as a percentage of the invoice cost of the article (indicate whether net or gross cost) or as a dollar-and-cents amount, whichever has been your customary practice. If you customarily make your charge on some other basis, state the charge or the basis. For example, if your practice was to retain discounts and to charge your retail outlets with gross invoice costs, state that fact.

(b) If you made different charges to different classes of retail outlets, state the charge to each class of outlet.

(c) If you made no service charge at all, or no service charge to certain classes of retail outlet, state that fact, and describe such classes of retail outlet.

(d) If you made a service charge but also provided your retail outlets with a statement showing net invoice costs to you from your supplier and if the net costs stated on the charts of your retail outlets are the net costs of your supplier determined from your supplier's invoice, state these facts.

(3) *Failure to file a statement.* On and after April 28, 1951, you must not state on your invoice to any retail outlet a net price for any article which exceeds your "net cost" (calculated from your supplier's invoice for an article according to the instructions in Section 31 of Ceiling Price Regulation 7), until you have received from the Office of Price Stabilization an acknowledgment of the filing of the statement described above.

(4) *Amendment of statements.* If you find that you have filed an incorrect statement, you must immediately file a correct statement with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., and you must attach to your corrected statement an explanation of the reasons why the correction is necessary. Until you have received an acknowledgment from the Office of Price Stabilization of the filing of your corrected statement, your statements of cost to retail outlets for articles may not reflect any service charge higher than the appropriate charge shown on your previously filed statement.

The Office of Price Stabilization may, at any time, require you to submit to it your evidence that the information in your corrected statement is accurate.

(5) *Changes which may be required by order.* If your service charges exceed those which you charged during the two-month period prior to the issuance of Ceiling Price Regulation 7, or if the Office of Price Stabilization at any time cannot readily ascertain that your service charges are the same as those contained on your statement, it may, by order, modify your statement and require that you state costs to your retail outlets in a specified manner.

(d) *Service charges.* This paragraph describes the amount of service charge which may be included in the price of articles as shown on the statements of cost for such articles which you send to your retail outlets. (These statements of cost are described in paragraph (e) below.) Your net cost for an article purchased by you on behalf of a retail outlet plus the service charge described in this section is the "supplier's ceiling price" for that article referred to in footnote to section 31 of Ceiling Price Regulation 7, and is the greatest amount which the retail outlet may use as its net cost in figuring its ceiling price under Sections 30 to 39 of that regulation.

You may not include in the retail outlet's cost of an article, as shown on the statements of cost you supply, any service charge higher than the appropriate charge correctly computed and shown on the statement of service charges you filed, or were ordered to make under paragraph (c) of this section. If your statement of service charges shows no service charge for the article, or if the net costs stated on your outlet's charts do not include a service charge, or if you were ordered to make no service charge therefor, or unless you have received an acknowledgment before April 28, 1951, from the Office of Price Stabilization of the filing of your statements of service charge you may not include any service charge, and the net price shown on the statements of cost you supply may not be higher than net costs to you.

(e) *Furnishing of statements of cost.* On and after February 27, 1951, for each shipment to a retail outlet (whether such shipment is made by you or by another person) of articles purchased by you on its behalf, you must furnish it with a statement of cost covering those articles, unless your supplier sends it an invoice covering the articles. You must prepare this statement of cost in duplicate. For the purpose of this section, a statement of cost shall include any document by which goods are transferred and which lists the following:

(1) Your name and address.

(2) The retail outlet's name or designation and its address.

(3) The date.

(4) An identification (by description or by style, model or lot number) of each article.

(5) The quantity of each article covered by the statement.

(6) The cost price of each article. This may not exceed "net cost" (calculated from your supplier's invoice for an article according to the instructions in Section 31 of Ceiling Price Regulation 7) plus the service charge described in paragraph (d) of this section.

(f) *Records.* You must preserve the records required by this paragraph for so long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept in your main office.

(1) *Preserving invoices and statements.* You must preserve all invoices which you receive from your suppliers for articles and you must also preserve a duplicate copy of all statements of cost which you furnish to your retail outlets pursuant to paragraph (e). If you have or wish to keep in your central office, warehouse or department, records or documents which will identify your statements of cost and contain the information required on such statements, you may apply to the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., for an order authorizing you to preserve these other specified records or documents in lieu of duplicate copies of statements of cost.

(2) *Invoice reference record.* For each statement of cost you furnish to a retail outlet for articles on or after February 27, 1951, you must keep a record which identifies the invoice you received from your supplier for those articles. This record may be kept in any form you choose, provided that, from such record, any article can be readily traced from your statement of cost to your supplier's invoice and can also be traced from your supplier's invoice to the statement of cost you sent to your retail outlet for the article.

(3) *List date record.* You must preserve for inspection by the Office of Price Stabilization, all records, invoices, contracts, and other documents which show your customary service charges between December 27, 1950 and February 27, 1951.

NOTE: The record keeping and reporting requirements of this Supplementary Regulation 1 to Ceiling Price Regulation 7 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The Supplementary Regulation shall become effective February 27, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 26, 1951.

[F. R. Doc. 51-2820; Filed, Feb. 27, 1951; 5:14 p. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 2]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 2—ALTERNATIVE METHODS FOR PREPARING LIST DATE PRICING CHART AND PRICING

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105),

and Economic Stabilization Agency General Order 2 (16 F. R. 738), this Supplementary Regulation 2 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

The reasons underlying issuance of this Supplementary Regulation 2 to Ceiling Price Regulation 7 are included in the Statement of Considerations to Ceiling Price Regulation 7 issued concurrently herewith.

REGULATORY PROVISIONS

Sec.
1. Coverage.
2. Listing of invoices.
3. What is an invoice.
4. Articles for which invoices are not obtainable.
5. Alternative method for preparing charts and pricing in categories 701 to 752.

AUTHORITY: Sections 1 to 5 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Coverage.* This Supplementary Regulation 2 provides alternative methods for preparing the list date pricing charts required by Sections 11 to 21 of Ceiling Price Regulation 7 and keeping certain of the records required in Section 52 of Ceiling Price Regulation 7 in the cases described below.

SEC. 2. *Listing of invoices.* Any seller subject to Ceiling Price Regulation 7 may, if he wishes, list his invoices on his list date pricing chart by either of the methods provided in this section, rather than as provided in Section 21 of Ceiling Price Regulation 7. Under this section an invoice may be listed in either of two ways:

(a) *Identifying number for invoice.* The seller may enter in Column 5 of the chart his own identifying number for that invoice and, in parenthesis, an identification of the article covered by such invoice. However, any seller who lists his invoices in this manner must assign a different number to each invoice he lists on his chart and must enter that number on the invoice. He must also either keep a record showing his identifying number for each invoice listed on his chart and his supplier's name, invoice number (if any), and date for that invoice, or segregate the invoices listed on the chart, number them with his identifying number, and keep them filed in numerical order.

(b) *Identifying number for supplier.* The seller may list his invoices as described in Section 21 of Ceiling Price Regulation 7 except that he may substitute for the name of his supplier an identifying number for that supplier. However, any seller who lists his invoices in this manner must assign a different number to each supplier from whom he purchased articles offered for sale on the list date and must keep a record showing the name of each supplier and number assigned to each supplier.

SEC. 3. *What is an invoice—(a) Substitute documents.* For purposes of preparing the list date pricing chart and for keeping the records required by section 52 of Ceiling Price Regulation 7 any seller who purchases articles covered by Ceiling Price Regulation 7 through a central purchasing office, or who for any other reason has not in the past customarily kept the original invoices from his supplier in the place where his sales are made, may, if he wishes, substitute for such original invoice a document containing the following information:

(1) The supplier's name and address. (If the seller purchases through a central purchasing office, he may use, as his supplier's name the name of the purchasing office.)

(2) The date of receipt of the merchandise.

(3) An identification of each article whose purchase is covered by the document, by description or by style, model or lot number.

(4) The quantity of each article.

(5) The net cost (or gross cost and all discounts, terms and allowances) of each article.

(6) A notation from which the original invoice received from the supplier covering each article described in (3) can be identified.

(b) *Original invoices.* Of course, any seller who uses as an invoice the substitute document described in (a), must either keep the original supplier's invoices himself, or such original invoices must be kept by his central purchasing office for inspection by the Office of Price Stabilization.

SEC. 4. *Articles for which invoices are not obtainable.* This section provides the methods to be used in preparing charts by sellers who have no invoices for particular articles they offered for sale on the list date, and who cannot obtain such invoices.

(a) *Sellers who have cost records for none of the articles offered for sale on the list date.* A seller who has invoices or other cost records for *none* of the articles covered by Ceiling Price Regulation 7 which he offered for sale on the list date cannot prepare a list date pricing chart and must therefore figure his prices under Section 39 of Ceiling Price Regulation 7 and file the report required by that section.

(b) *Sellers who have cost records but no invoices for some articles offered for sale on the list date.* A seller who for some of the articles he offered for sale on the list date has no invoices, and who has no invoice for any other article in the same category which had the same net cost and was offered for sale on the list date, but who has some other record showing the cost of such article, must prepare his chart as required by Ceiling Price Regulation 7 except that he lists, in Column 2, the net cost determined from such record rather than the net cost determined from his last invoice, and he states in Column 5 that he has no invoice. He then either enters in Column 5 or states on a separate sheet attached to his chart the reason why he has no invoice and an identification of the cost record from which he established the cost listed in Column 2. He must preserve such cost records for inspection by the Office of Price Stabilization.

(c) *Sellers who have invoices or cost records for only part of the articles offered for sale on the list date.* A seller who has invoices or other cost records for some of the articles offered for sale on the list date, but who offered some articles for which he has neither invoices nor other cost records, must prepare his chart as described in Sections 13 to 21 of Ceiling Price Regulation 7, but shall not list any cost, offering price or invoices for the articles for which he has no invoices or other cost records.

SEC. 5. *Alternative method for preparing charts and pricing in Categories 701 to 752.* If you handle categories 701 to 752 you may elect to prepare your pricing chart and to price by the method set forth in this section. The method permits you in determining your ceiling prices to reflect incoming freight. Freight means actual transportation charges for the article you are pricing, exclusive of local haulage charges. If you use this method for any of your categories 701 to 752, you must use it for all.

(a) *Preparing charts.* (1) List in brackets beside or beneath each net cost in Column 2 on your chart the incoming freight charge.

(2) Before listing offering prices subtract from every offering price the actual amount of freight paid by you. (You may not prepare your charts in this manner unless you have the records specified below and unless you include every freight charge paid by you on the articles listed on the chart.) List in Column 3 of the chart as the offering price, the price less the actual freight charge.

(3) Note beside the category number in Column 1 of your chart the letter "F" for each category as to which you prepare your chart under this section.

(4) Note on your chart the basis which you used for allocating freight as between articles of different kinds and articles of the same kinds on a given invoice. You must use the same method for all articles in a given category.

(5) With the exception of offering prices, you shall otherwise prepare the remainder of your chart in accordance with the requirements of Sections 13 to 21 of Ceiling Price Regulation 7.

(b) *Pricing.* When pricing pursuant to the pricing rules in Ceiling Price Regulation 7, you may add to the price found by applying the appropriate pricing rule, the actual amount of the freight paid by you on the article being priced.

(c) *Freight records.* In addition to the base period records required by Ceiling Price Regulation 7, you must preserve all receipts, freight bills, or other documents showing freight or transportation charges which you have allocated and subtracted in accordance with the provisions of this section.

NOTE: The record keeping and reporting requirements of this Supplementary Regulation 2 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Supplementary Regulation 2 shall become effective on the 27th day of February 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 26, 1951.

[F. R. Doc. 51-2821; Filed, Feb. 27, 1951; 5:14 p. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 1]

PAD 1—AUTOMOTIVE TETRAETHYL LEAD FLUID

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Sec.
1. What this order does.
2. Definitions.
3. Limitations on use of automotive tetraethyl lead fluid.
4. Application for adjustments.
5. Records and reports.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. *What this order does.* The purpose of this order is to conserve the supply of automotive tetraethyl lead fluid for the needs of national defense and to enable the output of military grades of aviation gasoline to be expanded. It is the intent of this order that the usage of automotive tetraethyl lead fluid shall be limited in order that manufacturers and users may accumulate and maintain adequate inventories thereof in the interest of national defense, and that supplies thereof may be made available where needed in the military aviation gasoline program.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Petroleum refiner" means any person who is a producer, manufacturer, blender or shipper of automotive motor fuel, however and from whatever source derived.

(c) "Automotive motor fuel" means all grades and types of motor gasoline except gasoline produced or blended for use in aircraft.

(d) "Automotive tetraethyl lead fluid" means that type of commercial motor fuel additive commonly known as "Motor Fuel Antiknock Compound (Motor Mix)," containing tetraethyl lead as the primary active ingredient, specifically sold for use in automotive motor fuel.

(e) "Base period" means the calendar year 1950.

(f) "Base allotment" means, as to any refiner, either (1) 1,000,000 pounds of automotive tetraethyl lead fluid, or (2) the number of pounds thereof used by such refiner in the base period, whichever is less.

SEC. 3. *Limitation on use of automotive tetraethyl lead fluid.* In the twelve months' period beginning March 1, 1951, no petroleum refiner shall use more automotive tetraethyl lead fluid than his base allotment plus 80 percent of the quantity obtained by subtracting such refiner's base allotment from the amount of automotive tetraethyl lead fluid used by him in the base period: *Provided, however,* That not more than 30 percent of such quantity shall be used in any of the three months' periods beginning on the first days of March, June, September, and December 1951.

SEC. 4. *Application for adjustments.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his operations were commenced, increased, or altered during or after the base period or that any provision works an undue or exceptional hardship upon him not suffered generally by his competitors or others in the same trade or industry. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 5. *Records and reports.* (a) Each person covered by this order shall retain in his possession for at least 2 years records in sufficient detail to permit an audit to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available, at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the Petroleum Administration for Defense.

(c) Persons subject to this order shall make such records and submit such reports to the Petroleum Administration for Defense as it shall require, subject to the terms of the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C. 139–139f).

SEC. 6. *Communications.* All communications concerning this order shall be addressed to the Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C. Ref: PAD–1.

SEC. 7. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order shall take effect on March 1, 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator for Defense.

FEBRUARY 27, 1951.

[F. R. Doc. 51-2792; Filed, Feb. 27, 1951; 10:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 942—MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," a public meeting was held in New Orleans, Louisiana on February 23, 1951 pursuant to due notice thereof issued on February 20, 1951, to receive oral and written data, views and arguments with respect to a proposed suspension of certain provisions of the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the record of this meeting and other available information and in accordance with the applicable provisions of the aforementioned act, it is hereby found and determined that:

a. The provisions of § 942.5 (a) (7) of the order, as amended, do not tend to effectuate the declared policy of the act with respect to milk received on and after the first day of March 1951 from producers or cooperative associations of producers.

b. The notice of rule making issued on February 20, 1951, was reasonable notice in that the information indicating the possible necessity of suspending § 942.5 (a) (7) of said order, as amended, was not known to the Department of Agriculture prior to that date and the issuance of a notice at an earlier date was therefore impracticable.

c. Good cause exists for making this order effective March 1, 1951 in that (1) the provisions of § 942.5 (a) (7) of said order, as amended, will not reflect current economic conditions affecting the supply of and demand for milk in the marketing area after that date, and this order is necessary to the orderly marketing of milk produced for said marketing area and to insure an adequate supply thereof; and (2) the changes affected by this suspension order do not require of persons affected any preparation therefor which cannot be completed prior to this effective date.

It is therefore ordered, That all of the provisions of § 942.5 (a) (7) of said order, as amended, be and hereby are suspended with respect to milk received on and after the first day of March 1951 from producers or cooperative associations of producers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of February 1951 to be effective on and after the 1st day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2780; Filed, Feb. 27, 1951; 9:12 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 125—STUDENTS

ENDORSEMENT OF PASSPORTS

JANUARY 17, 1951.

1. Paragraph (b) of § 125.12, *Records of admission, readmission, and departure*, Chapter I, Title 8 of the Code of Federal Regulations, is amended to read as follows:

(b) When a student is admitted to the United States on surrender of an immigration visa, the admitting immigrant inspector shall stamp any passport presented by the student (as the term "passport" is defined in § 176.101 (e) of this chapter) to show the word "admitted" and the date and place of admission, and shall add the serial number of the Form I–94 issued and the date to which the student may remain in the United States.

2. The third sentence of paragraph (b) of § 125.13, *Extension of stay; procedure*, is amended to read as follows: "If the decision is favorable, such notice shall be made by placing a signed endorsement on the duplicate Form I–94 and in the student's passport, showing the date to which the stay is extended any by returning the duplicate Form I–94 and the passport to the student."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: February 20, 1951.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51–2696; Filed, Feb. 27, 1951; 8:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS WEST INDIES

Whereas arrangements have been made with the Postal Administration of Netherlands West Indies for the exchange of insured parcel post mail, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that such arrangement becomes effective at once.

Now, therefore, it is ordered, that, effective at once, Part 127 be amended as follows:

a. In § 127.71 *Sealing* (16 F. R. 688) amend paragraph (a) by inserting "Netherlands West Indies (insured)" between "Netherlands (insured)" and "New Zealand (insured)" in the list of countries shown therein.

b. In § 127.102 *Special provisions applicable to international insurance service* (16 F. R. 688) amend paragraph (a) by inserting "Netherlands West Indies" between "Netherlands" and "New Zealand" in the list of countries shown therein.

c. In § 127.310a *Netherlands West Indies* make the following changes:

1. Amend the tabulated information below the table of rates in paragraph (b) (1) to read as follows:

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes (see § 127.76).
Registration: No.
Insurance: Yes.
C. o. d.: No.

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subparagraph (4a) *Insurance*, of this paragraph.

3. Insert a new paragraph (b) (4a) to read as follows:

(4a) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(ii) Insurance return receipt: Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

(iii) Parcels containing coin, bullion, jewelry, or any other precious article must be insured. If a parcel containing such articles is mailed uninsured it shall be placed under insurance by the office which first observes the fact of its having been mailed uninsured and treated accordingly.

(iv) Each insured parcel must have shown thereon (both in arabic figures and in roman letters spelled out in full), in United States currency and in gold francs, the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(v) For further information concerning insurance service, see §§ 127.102 and 127.108.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–2711; Filed, Feb. 27, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

NETHERLANDS NEW GUINEA

Whereas arrangements have been made with the Postal Administration of Netherlands New Guinea for the exchange of mail, including parcel post mail, and it having been found that compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that such arrangement becomes effective at once.

Now, therefore, it is ordered, that, effective at once, Part 127 be amended as follows:

a. In § 127.10 *Small packets* (15 F. R. 7645) amend paragraph (c) by inserting "Netherlands New Guinea" between "Netherlands" and "Netherlands West Indies".

b. In § 127.76 *Group shipments* (15 F. R. 7645) amend paragraph (b) by inserting "Netherlands New Guinea" between "Netherlands" and "Netherlands West Indies".

c. In § 127.93 *Storage (demurrage) charge* (15 F. R. 7645) amend paragraph (c) by inserting "Netherlands New Guinea" between "Netherlands" and "Poland".

d. In § 127.278a *Indonesia* (15 F. R. 7645) amend the section headnote to read as follows:

§ 127.278a *Indonesia (Bali, Banka, Billiton, Netherlands Borneo, Celebes, Java, Little Soenda (Sunda), Madoera, Moluccas (Moloques), Rhio (Riouw), Sumatra, and Netherlands Timor).*

e. Amend Part 127 by inserting a new section to be designated § 127.310 *Netherlands New Guinea* between § 127.309 *Netherlands* and § 127.310a *Netherlands West Indies*, and to read as follows:

§ 127.310 *Netherlands New Guinea*—(a) *Regular mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, § 127.1, *Small packets accepted.*

(2) *Registration.* Fee, 25 cents. (See §§ 127.15 and 127.101.)

(3) *Indemnity.* See § 127.105.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents one-half ounce. Air-letter sheet, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.30.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are also prohibited or restricted in the regular mails.

(b) *Parcel post.* (Netherlands New Guinea).

(1) *Table of rates.* (i) Surface parcels.

[Rates include transit charges and surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.56	7	$1.82
2	.70	8	1.76
3	.86	9	1.90
4	1.10	10	2.04
5	1.24	11	2.18
6	1.38		

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.76.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.93 relative to storage charges on returned parcels.

(5) *Observations.* (i) Service is restricted to gift parcels.

(ii) Inaccurate information on the customs declarations may result in the confiscation of the parcels by the customs.

(6) *Prohibitions.* (i) For reasons of public safety: Arms and parts thereof are admitted only if needed by the Government or if importation is specifically authorized.

(ii) For the protection of plants: In general, the importation of seeds, live plants, and parts of live plants is admitted if the shipment is accompanied by an official certificate (to be enclosed in the package) issued and signed by competent authorities, indicating the kind and quantity, and attesting that the contents, at the time of mailing, do not contain, in the opinion of the issuing official, any animal or vegetable matter harmful to plants. The certificate must bear a clear and authentic official stamp, whose validity is beyond question.

(iii) Arms, munitions, etc.: Nonexplosive components of artillery fuses.

(iv) For other reasons: (a) Publications advocating unlawful or treasonable activities.

(*b*) Motion-picture films are admitted only after inspection and approval by the proper authorities in Netherlands New Guinea.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–2710; Filed, Feb. 27, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CANADA

Whereas information has been received from the Canadian Postal Administration as to changes in the restrictions placed by that Postal Administration on the importation of eggs (see 15 F. R. 5934), and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that the changes have been made by a foreign postal administration and become effective at once.

Now, therefore, it is ordered, that, effective at once, Part 127 be amended as follows:

In § 127.227 *Canada* (16 F. R. 689) amend paragraph (b) (6) by the addition of subdivision (vi) to read as follows:

(vi) Eggs for hatching must be packed in new, clean containers and must be accompanied by a certificate issued by a veterinarian of the United States Bureau of Animal Industry, or one issued by a State veterinarian and endorsed by a veterinarian of that Bureau, stating that to the best of his knowledge the eggs come from a flock that is free from Newcastle disease, fowl pest, or fowl typhoid.

(R. S. 161, 396, 398, secs. 304, 309; 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–2709; Filed, Feb. 27, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ISRAEL

Whereas this Department has been informed by the Postal Service of the State of Israel that all restrictions have been lifted concerning weight, contents, and number of parcels which may be received by a family or an individual in Israel, and it having been found that compliance with the notice, public rule making procedure and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that such change becomes effective at once.

Now, therefore, it is ordered, that, effective at once, paragraph (b) (4) of § 127.262 *Israel (State of)* (15 F. R. 200, 3151, 4221, 7645) be amended to read as follows:

(4) *Observations* (i) Addressees in Israel are required to possess import licenses in order to take delivery of all parcels except the following:

(*a*) Bona fide gift parcels containing food for the personal consumption of the addressee.

(*b*) Parcels containing bona fide gifts other than food or postage stamps, provided the contents do not exceed I£40 (about $112) in value and are for the addressee's personal use, and not more than one parcel or group of parcels is received by one family within 3 months.

(*c*) Parcels containing the property of persons who have settled in Israel or the property of tourists, if declared to the customs authorities by the owners and granted exemption from customs duty.

(ii) Parcels which do not fall within one of those categories require import licenses to be obtained by the addressees in Israel. It is the responsibility of the mailer in each case to ascertain that the addressee has obtained or can obtain the import license if required.

(iii) Customs duty can be prepaid on gift parcels by senders in certain cases. Interested patrons may be referred to the Consulate General of Israel, 11 East 70th Street, New York 21, N. Y., or to the Consulate of Israel, 208 West 8th Street, Los Angeles, California.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–2708; Filed, Feb. 27, 1951; 8:53 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

TURKEY

Whereas the Post Office Department has received advice through the Office of International Trade of the Department of Commerce that the present regulations of Turkey require each parcel for Turkey to have enclosed a combined certificate of origin and consular invoice, which must be certified by a Chamber of Commerce or other trade organization or by a Notary Public, and be legalized by a Turkish Consul, and it having been found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest for the reason that such regulations are now in effect in Turkey.

Now, therefore, it is ordered, that, effective at once, Part 127 be amended as follows:

In § 127.370 *Turkey* amend paragraph (b) (5) by striking out subdivisions (vi) to (ix), inclusive, and substituting in lieu thereof the following:

(vi) Each parcel for Turkey must have enclosed a combined certificate of origin and consular invoice, which must be certified by a Chamber of Commerce or other trade organization or by a Notary Public, and be legalized by a Turkish Consul.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 51–2707; Filed, Feb. 27, 1951; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 701]

LOUISIANA

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the Barksdale Bombing and Gunnery Range

portion of the Barksdale Air Force Base Reservation, Louisiana, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

LOUISIANA MERIDIAN

T. 17 N., R. 11 W.,
Sec. 6, W½ and W½E½;
Sec. 7, W½ and W½E½.
T. 18 N., R. 11 W.,
Sec. 31.
T. 17 N., R. 12 W.,
Sec. 10, SE¼;
Secs. 11 and 12.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for Air Force purposes.

4. No oil and gas lessee shall use or invade, for any purpose, the surface of the W½W½ sec. 6, W½NW¼ sec. 7, T. 17 N., R. 11 W., W½ sec. 31, T. 18 N., R. 11 W., NE¼SE¼, NE¼SE¼SE¼, W½SE¼SE¼, W½SE¼ sec. 10, N½, NW¼SW¼ sec. 11, or N½ sec. 12, T. 17 N., R. 12 W.

5. Prior to any advertisement for bids the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

6. Prior to execution of any lease or development authorized by the Department of the Interior the approval of the Department of the Air Force is to be obtained to assure that there is no interference with the primary use of Barksdale Air Force Base.

7. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 21, 1951.

[F. R. Doc. 51-2678; Filed, Feb. 27, 1951; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 445—ANNUAL REPORTS

FREIGHT FORWARDER ANNUAL REPORT FORM F-a

As a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of February A. D. 1951.

The matter of annual reports from freight forwarders being under consideration:

It is ordered, That the order of January 18, 1949, in the matter of annual reports from freight forwarders (49 CFR 445.1) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1950, and subsequent years, as follows:

§ 445.1 *Form prescribed for freight forwarders.* All freight forwarders of Class A (§ 445.3) within the scope of section 412, Part IV of the Interstate Commerce Act are hereby required to file annual reports for the year ended December 31, 1950, and for each succeeding year until further order, in accordance with Annual Report Form F-a (Freight Forwarder), which is hereby approved and made a part of this order.[1] The annual report shall be filed in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(56 Stat. 285; 49 U. S. C. 1003. Interprets or applies 56 Stat. 294; 49 U. S. C. 1012)

NOTE: Budget Bureau No. 60-R200.8.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2693; Filed, Feb. 27, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 779]

RETAIL OR SERVICE ESTABLISHMENTS

NOTICE OF HEARING RELATING TO APPLICATION OF EXEMPTIONS TO ESTABLISHMENTS SELLING STATIONERY, SCHOOL AND OFFICE SUPPLIES AND EQUIPMENT AND TO COMBINED STATIONERY AND PRINTING ESTABLISHMENTS

The Fair Labor Standards Act; of 1938 (52 Stat. 1060), as amended by the Fair Labor Standards Amendments of 1949 (63 Stat. 910), provides in section 13 (a) (2) that the minimum wage and overtime provisions of the act shall not apply with respect to any employee employed by any retail or service establishment more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A "retail or service establishment" shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or both) is not for resale and is recognized as retail sales or services in the particular industry.

Section 13 (a) (4) of the act, as amended, provides that the minimum wage and overtime provisions of the act shall not apply with respect to any employee employed by an establishment which qualifies as an exempt retail establishment under clause (2) of this subsection and is recognized as a retail establishment in the particular industry notwithstanding that such establishment makes or processes at the retail establishment the goods that it sells: *Provided*, That more than 85 per centum of such establishment's annual dollar volume of sales of goods so made or processed is made within the State in which the establishment is located.

Interpretative bulletin, Part 779, which sets forth the Administrator's interpretations of the scope and the terms of the exemptions provided by sections 13 (a) (2) and 13 (a) (4) of the act lists the general principles under which a determination can be made as to what sales or services are recognized as retail in a particular industry and what establishments are recognized as retail establishments in a particular industry. The bulletin lists stationery stores as one of the types of establishments whose sales or services may be recognized as retail but does not deal specifically with the character of particular sales of such establishments; the bulletin lists printing establishments as one of the types whose sales or services are not recognized as retail. It does not deal specifically with combined stationery and printing establishments.

The Administrator has been requested by various establishments and by associations of such establishments to state his views as to which sales of goods or services are recognized as retail sales or services in the industry and whether combined stationery and printing establishments are recognized as retail establishments in the industry.

In accordance with such requests, the Administrator undertook a study of the facts relating to establishments of the types above mentioned. Questionnaires were sent to various associations and labor organizations and a survey was made of readily available data. The information thus obtained was, however, deemed insufficient to permit a proper determination as to all the questions involved. Consequently in order to obtain additional information on these questions and in order to provide interested parties an opportunity to present their views notice is hereby given of a public hearing to be held before an authorized representative of the Administrator, beginning on Tuesday, March 27, 1951, at 10:00 a. m. in the Interdepartmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., at which interested persons may present facts and information bearing on the following questions:

1. What types of sales or services of establishments selling stationery, school and office supplies and equipment, or of combined stationery and printing establishments are recognized as retail sales or services in the particular industry.

2. Which, if any, combined stationery and printing establishments are recognized as retail establishments in the particular industry.

Among the types of information pertaining to these questions which would be particularly desirable are data on the relation of various pricing practices to quantity of sales, and to sales for resale as compared with sales for consumption or use by the purchaser; credit practices, methods of selling, and services rendered; the types of customers to whom goods are sold or for whom services are rendered, and the percentages of the total volume of business of an establishment represented by the various types of sales or services in which it engages; and on the differences among types of printing done by commercial printing shops, by combined stationery and printing establishments which engage in general printing, and by combined stationery and printing establishments which engage only in specialized printing such as the printing of social stationery.

Copies of the Division's report entitled "Data Pertaining to the Application of sections 13 (a) (2) and 13 (a) (4) of the Fair Labor Standards Act to the Stationery, School Supplies and Office Outfitting Trade" may be obtained on request from the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., as long as the supply lasts.

All persons desiring to be heard at the aforesaid public hearing should notify the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., not later than March 12, 1951, which notification should contain the following information:

1. Name and address of the person who will appear.

2. If such person will appear in a representative capacity, the name and address of the persons or organizations and type of establishment or establishments he will represent.

3. The particular aspect of the subject matter concerning which he intends to make a presentation at the hearing.

4. The approximate length of time requested for his presentation.

Written statements may be filed in lieu of personal appearances at any time before the date of the hearing.

Signed at Washington, D. C., this 23d day of February 1951.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 51-2724; Filed, Feb. 27, 1951; 8:55 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 97]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE; DELIVERY POINT

FEBRUARY 9, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404—79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 385; 45 Stat. 210; 25 U. S. C. 387); 41 Stat. 751; 44 Stat. 658; 45 Stat. 210; 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, notice is hereby given of intention to modify § 97.5 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana as follows:

§ 97.5 *Delivery point.* The general rules of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the project engineer is authorized to establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches. Delivery points at and through established structures controlled, operated and maintained by the Project, shall be used by the farm unit operators as the points at which they shall take the water they have ordered irrespective of the irrigation method used. Pumping direct from Project canals or laterals will not be permitted.

This amended section shall be effective for the irrigation season of 1951 and until further order and supersedes all previous Operation and Maintenance Orders for the Flathead Indian Irrigation Project.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Area Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-2701; Filed, Feb. 27, 1951; 8:52 a. m.]

[25 CFR, Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

FEBRUARY 13, 1951.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat 751; 44 Stat. 658; 45 Stat. 210, 25 Stat. U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Regional Director September 14, 1946, notice is hereby given of intention to modify § 130.12 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project to read as follows:

§ 130.12 *Charges.* In compliance with the provisions of the act of August 1, 1914 (38 Stat. 583; 25 U. S. C. 385) the operation and maintenance charges for irrigable lands under the Crow Irrigation Project for the calendar year 1951 and subsequent years until further notice are hereby fixed as follows:

For the assessable area under constructed works on all Government operated units excepting Coburn Ditch, per acre	$2.00
For the assessable area under constructed works on the Two Leggins Unit, per acre	2.21
For the assessable area under the Bozeman Trail Unit, per acre	.90
For Indian lands only, under the Lodge Grass Units 1 and 2, Reno and Agency Units, for Willow Creek Storage Works Operation and Maintenance, per acre	.10
For certain tracts of irrigable Trust Patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932), per acre	.75

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Area Director, U. S. Indian Service, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 51-2672; Filed, Feb. 27, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 12, Amdt. 1]

ROZA DIVISION, YAKIMA PROJECT

AMENDMENT OF ANNOUNCEMENT THAT WATER IS READY FOR DELIVERY TO PART OF THE LANDS

NOVEMBER 13, 1950.

In Announcement No. 12, (14 F. R. 7746) the following changes should be made in the land description:

Description	Irrigable area, from—	Private land to—
T. 10 N., R. 23, E. W. M.:		
Sec. 22, SE¼SE¼	41.1	22.2
Sec. 26, SE¼SE¼	40.2	38.4
T. 9 N., R. 24, E. W. M.:		
Sec. 21, S½NW¼	1.2	0

In all other respects Announcement No. 12, dated December 15, 1949, remains in full force and effect.

ALFRED R. GOLZE,
Acting Commissioner.

[F. R. Doc. 51-2679; Filed, Feb. 27, 1951; 8:47 a. m.]

[No. 50]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES

FEBRUARY 12, 1951.

1. *Operation and maintenance.* The minimum operation and maintenance charge for the irrigation season of 1951 against all lands of the Main Division lying outside of the Klamath Irrigation District shall be $4.50 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $1.50 per acre-foot.

2. The operation and maintenance charge for the irrigation season of 1951 against all lands under individual Warren Act contracts shall be $2.25 per irrigable acre, whether water is used or not.

3. *Water rental.* The minimum water rental charge for the irrigation season of 1951 against all lands of the Tule Lake Division lying outside of the Klamath Irrigation District and subject to Public Orders of January 22, 1927, March 30, 1928, February 6, 1929, September 10, 1930, October 16, 1931, September 9, 1937, August 1, 1946, October 8, 1947, and August 27, 1948, shall be $4.50 per irrigable acre whether water is used or not. Payment of the minimum water rental charge shall entitle the water user to 2½ acre-feet of water per irrigable acre. Additional water will be furnished, if available, at a rate of $1.50 per acre-foot.

4. For irrigation or waste water furnished Tule Lake leased lands, the charge, unless otherwise specified in the leases, shall be $1.80 per acre-foot for the season of 1951.

5. For irrigation or waste water furnished lands within the dry bed of or bordering Lower Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1951.

6. For irrigation water furnished private lands from Klamath or Lost Rivers, the charge shall be $0.50 per acre-foot for the season of 1951.

7. For water furnished lands not subject to the operation and maintenance or water rental charges named above, the charge shall be $1.80 per acre-foot for the season of 1951.

8. *Time of payment.* For lands of the Tule Lake Division under public notice or public order lying outside of the Klamath Irrigation District, the minimum charge stated in paragraph 3 above shall be due and payable one-half before the delivery of water if water is delivered before July 1, and one-half on or before July 1. If no water is delivered before July 1, then the entire charge shall become due and payable on that date. For all other lands referred to herein, the minimum charges announced shall be due and payable before the delivery of water and in any event not later than May 1 of the current irrigation season. Payment for all water used in addition to the allowance under the minimum charge shall be made on or before December 1, of the year in which used.

9. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one per cent of the amount unpaid and a like penalty of one-half of one per cent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

RICHARD L. BOKE,
Regional Director.

[F. R. Doc. 51-2680; Filed, Feb. 27, 1951; 8:47 a. m.]

[Public Announcement No. 5]

COLUMBIA BASIN PROJECT, WASHINGTON, QUINCY-COLUMBIA BASIN IRRIGATION DISTRICT

PUBLIC ANNOUNCEMENT OF THE SALE OF FULL-TIME FARM UNITS; LANDS COVERED

FEBRUARY 1, 1951.

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2:00 p. m., February 27, 1951.

The farm units hereby offered for sale by the United States are all in Grant County, Washington, and are described as follows:

Irrigation block No.	Farm unit No.	Total acreage	Irrigable acreage	Acreage by land class			Nonirrigable	Price
				1	2	3		
70	8	421.74	105.66	.....	75.36	30.30	316.08	$1,847.56
	13	96.67	70.91	.....	38.12	32.79	25.76	1,011.24
	16	84.13	82.84	.....	.....	82.84	1.29	992.54
	24	108.45	81.89	.....	.....	81.89	26.56	975.81
	44	81.007	73.88	11.92	48.37	13.19	7.61	1,417.62
	82	160.38	99.11	0.43	51.63	47.05	61.27	6,485.00
	101	80.00	67.02	.....	52.88	14.74	12.38	702.10
	101	119.96	75.44	.....	34.20	41.18	44.52	777.52
701	102	62.40	46.68	.....	31.44	15.24	15.72	287.76
	113	98.48	60.73	.....	30.43	30.30	37.75	787.17
	116	40.87	29.33	.....	29.33	.....	11.54	430.11
	117	53.65	40.02	.....	26.29	13.73	13.63	712.14
71	24	121.61	98.72	.....	11.53	87.19	24.91	629.57
	25	108.66	66.65	.....	25.20	41.45	42.01	484.28
	34	120.89	82.25	.....	25.20	66.55	37.64	1,100.25
	38	170.34	134.72	.....	51.68	83.04	35.62	1,644.58
	39	71.28	65.19	.....	50.44	14.75	6.09	555.37
	79	143.48	124.63	.....	51.28	73.35	18.85	887.77
	98	209.57	143.38	.....	75.08	67.10	66.19	1,871.10
	110	79.80	71.91	.....	61.89	13.62	4.99	2,067.75

The official plats of these irrigation blocks are on file in the office of the County Auditor, Grant County, Ephrata, Washington, and copies are on file in the offices of the Bureau of Reclamation at Coulee Dam and Ephrata, Washington, and the regional office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The Lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average-size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE RIGHT OF VETERANS OF WORLD WAR II

SEC. 3. *Nature of preference.* A preference right to purchase the farm units described above will be given to veterans of World War II (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2:00 p. m. February 27, 1951, and ending at 2:00 p. m., April 13, 1951, and who at the time of making application are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least ninety (90) days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 9c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 5. *Submission of proof of veterans status.* All applicants for farm units who claim veterans preference must attach to their applications a complete photostatic or other copy (both sides) of their certificates of honorable discharge, or of an official document of the respective branch of the service which shows clearly an honorable discharge, as defined in Section 4 of this announcement, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 6. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a farm unit.

SEC. 7. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,000 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation, in section 11 of the application blank.

An applicant shall furnish in section 9 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 8. *References.* An applicant shall list in section 12 of the farm application blank the names, occupations, positions, or titles, and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agricultural Teacher; Manager or Agricultural Representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references must be agricultural leaders or successful farmers who own or operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

SEC. 9. *Principal qualifications required.* Each applicant (except guardians) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of cropland or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 10. *Application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached farm application blank. Additional application blanks may be obtained from the offices of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho, or Washington, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 11. *The filing of application and proof of veterans status.* An application for the purchase of a farm unit offered by this announcement must be filed with the Land Settlement Section, Bureau of Reclamation, Ephrata, Washington, in person or by mail. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by proof of veterans status if veterans preference is claimed (See section 5 of this announcement).

SEC. 12. *Applications become Bureau records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Bureau of Reclamation and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted.

SEC. 13. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this announcement. Failure of applicant to provide complete answers to all questions in the farm application blank, or failure to provide all other information required by this announcement, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 14. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

a. *First Priority Group.* All complete applications filed prior to 2:00 p. m., April 13, 1951, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2:00 p. m., April 13, 1951, by applicants who do not claim veterans preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2:00 p. m., April 13, 1951, whether or not accompanied by proof of veterans preference. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 15. *Preliminary examination to determine First Priority Group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete, and (b) that the applicant's right to veterans preference has been fully established. Any incomplete application will be rejected. Any applicant without veterans preference, or any applicant claiming veterans preference but failing to establish proof of qualification for such preference shall be placed in the Second Priority Group, if the application was filed before 2:00 p. m., April 13, 1951.

In case of rejection or placement in the Second Priority Group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Section, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice, or in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Section will forward the appeal promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of applications or placement in the Second Priority Group. The Regional Director's decision on all appeals shall be final.

SEC. 16. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decision on all appeals the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in Subsection 14a of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 17. *Submission of corroborating evidence.* After the drawing the board shall examine applications in the order drawn. If the examination of the farm application blank submitted by an applicant indicates that the applicant is not qualified, the application shall be rejected and the applicant shall be notified by the board, by registered mail, of such rejection and the reasons therefor and of the right to appeal to the Regional Director within the time and in the manner prescribed in section 15 of this announcement. If an application indicates that the applicant may qualify, such applicant shall be notified by registered mail, with return receipt requested, to submit the information indicated in items a. through e. below:

a. A statement from an officer of a bank or other responsible and reputable credit agency, or other proof satisfactory to the board corroborating his statement of net worth. (See subsection 7d of this announcement.)

b. References, on forms to be provided, from at least three of the five persons listed in section 12 of the application blank. The applicant shall be responsible for seeing that the reference forms are completed and mailed to the board by the persons completing them. At least one of these statements must be from an agricultural leader as defined in section 8 of this announcement. Each of the others must be from an agricultural leader or a successful farmer.

c. In case the applicant is physically disabled or afflicted with any condition which makes his ability to perform normal farm labor questionable, a detailed statement of an examining physician which defines the limitation upon such ability and its causes.

d. If the applicant is not native-born, evidence of citizenship or of declared intention to become a citizen. (See subsection 9.a. of this announcement.)

e. If the applicant is a married woman or a nonveteran under 21 years of age, evidence of status as head of a family. (See subsection 9.c. of this announcement.)

SEC. 18. *Final examination.* After the information outlined in Section 17 of this announcement has been received or the time for submitting such statements has expired, the board shall continue to examine in the order drawn a sufficient number of the remaining applications to determine the applicants who will be permitted to purchase farm units. The sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants. If the examination indicates that an applicant is qualified, the applicant shall be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit, and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the board of such selection within the time specified in the notice.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director within the time and in the manner prescribed in section 15 of this announcement.

SELECTION OF FARM UNITS

SEC. 19. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outline in Section 16 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by this announcement remain unsold for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 16 of this announcement.

SEC. 20. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 21. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 19 of this announcement the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the Quincy-Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager.

If the purchase is made subsequent to April 1 of any year following the first year of the development period, a deposit will be required to cover the payment of water charges for the next full irrigation season following the purchase.

SEC. 22. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment will be required during the first three years and the District Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three percent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the District Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following areas of irrigable land:

Size of farm unit in irrigable acres	Percentage of irrigable land to be developed by end of each year (period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year)			
	2d year	3d year	4th year	5th year
10 to 40	75	----	----	----
41 to 60	50	75	----	----
61 to 80	50	65	75	----
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the District Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the District Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable land; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time, and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington; Coulee Dam, Washington; or Bureau of Reclamation, Post Office Box 937, Boise, Idaho.

IRRIGATION CHARGES

SEC. 23. *Water rental charges.* During the irrigation season of 1952, while some construction activities will be continuing and the system is being tested, it is expected that water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 24. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the Quincy-Columbia Basin Irrigation District, the Secretary of the Interior will announce development periods of ten years for Irrigation Blocks 70, 701, and 71, during which time payment of construction charge installments will not be required. These periods probably will commence with the calendar year 1953. During the development period, water rental charges will average an estimated $4.20 per irrigable acre per year. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing these charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year, and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 25. *Construction period repayment charges—a. Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water-user to one acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the Quincy-Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the Quincy-Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FEBRUARY 1, 1951.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 51-2681; Filed, Feb. 27, 1951; 8:47 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 9]

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN INDUSTRIAL CHEMICALS USED PRINCIPALLY IN THE PETROLEUM INDUSTRY

Pursuant to Executive Orders 10161 and 10200 and Defense Production Administration Delegation No. 1, issued under the Defense Production Act of 1950, there is hereby delegated to the Secretary of the Interior authority over the production and distribution of the products listed in Appendix A below.

The authority herein delegated shall be exercised in conformity with such production policies and programs as may be established by the National Production Authority.

The functions herein delegated may be re-delegated within the Department of the Interior in the discretion of the Secretary of the Interior.

This delegation shall take effect on February 26, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

APPENDIX A

Products with respect to which jurisdiction is delegated to the Secretary of the Interior (except general industrial chemicals which may be employed for the same purposes as such listed products).

1. Tetraethyl lead fluid.
2. Petroleum cracking catalysts.
3. Special inhibitors used in gasoline.
4. Lubricating oil additives.
5. Fluids and additives made especially for oil and gas drilling and demulsifiers.

[F. R. Doc. 51-2775; Filed, Feb. 26, 1951; 4:46 p. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 2, Amdt. 1]

DELEGATIONS OF AUTHORITY

WAIVER OF CIVIL AIR REGULATIONS FOR OPERATIONS CONDUCTED UNDER CONTRACT WITH THE ARMED FORCES

Public Notice PN 2 is hereby amended effective January 25, 1951, by adding a new section to be known as section 8.3 and reading as follows:

SEC. 8.3 *Waiver of Civil Air Regulations for operations conducted under contract with the Armed Services.* The Director, Bureau of Safety Regulation (or such staff member of the Bureau of Safety Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate), is authorized to approve requests for waiver of specific requirements of the Civil Air Regulations as he may deem necessary or desirable where he finds that the granting of the request will be in the interest of the national defense and that it will not create a hazard to air safety. No waiver granted under this authority shall be for a period longer than six months.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2702; Filed, Feb. 27, 1951; 8:52 a. m.]

[Public Notice PN 2, Amdt. 2]

DELEGATIONS OF AUTHORITY

WAIVER OF CIVIL AIR REGULATIONS FOR OPERATIONS CONDUCTED UNDER CONTRACT WITH THE ARMED FORCES

Public Notice PN 2 is hereby amended effective February 6, 1951, by the deletion of section 6.5 and the substitution therefor of a new section 6.5 to read as follows:

SEC. 6.5 *Letters of Registration issued pursuant to Part 296 of the Economic Regulations.* (a) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), acting with the concurrence of the General Counsel (or such staff member of the Bureau of Law as he may designate) on legal aspects, is authorized:

(1) To approve any application for a Letter of Registration filed pursuant to Part 296 of the Economic Regulations.

(2) To approve relationships prohibited by § 296.11 of the Economic Regulations.

(3) To advise applicants for such Letters of Registration and applicants for approval of such relationships, in cases where disapproval is deemed appropriate, that the information set forth in the application does not warrant a staff recommendation of approval and that the applicant may either withdraw the application, submit further information, seek Board review, or request a hearing with respect to such application prior to final action.

(b) The Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), is authorized:

(1) To dismiss, by letter, applications for such Letters of Registration, provided that each such applicant is given notice that his application will be dismissed if, in appropriate cases, he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff. The return of such notice unclaimed shall constitute sufficient grounds for dismissal of an application by an appropriate note to the file.

(2) To cancel a Letter of Registration upon the filing by an Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

By the Civil Aeronautics Boad.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2703; Filed, Feb. 27, 1951; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

ORGANIZATIONAL STATEMENT

SECTION 1. *Creation.* The Federal Civil Defense Administration, first created within the Office for Emergency Management by Executive Order 10186 dated December 1, 1950 (15 F. R. 8557), was subsequently established in the Executive Branch of the Government under an act of Congress approved January 12, 1951 (Public Law 920, 81st Congress), to provide a plan of civil defense for the protection of life and property in the United States from attack. The act declares the intent and policy of Congress that this responsibility shall be vested primarily in the several States and their political subdivisions, with the Federal Government providing necessary coordination, guidance and assistance as authorized therein.

SEC. 2. *General functions.* (a) The Administrator, who is appointed from civilian life by the President by and with the advice and consent of the Senate, performs his functions subject to the direction and control of the President. The act creates a Civil Defense Advisory Council to advise and consult with the Administrator on basic policy matters. The Council consists of the Administrator as Chairman and twelve additional members appointed by the President, of whom three are representative of the State governments, three are representative of the political subdivisions of the States, the remaining members being citizens of broad experience in matters affecting the public interest. In addition, the Administrator may appoint such other advisory committees as are deemed necessary.

(b) The Administrator is authorized to prepare, sponsor, and direct plans and programs for the civil defense of the United States; to study and develop civil defense measures, including research on methods for treating the effects of attacks, the development of shelter designs and materials for protective covering or construction and the development and standardization of equipment and facilities; and to provide for necessary civil defense communications and for warning the civilian population of enemy attacks. The Administrator is also authorized to disseminate civil defense information by all appropriate means, and to conduct training programs for the instruction of civil defense officials and workers, including the operation of not more than one civil defense college and three civil defense technical training schools.

(c) The Administrator may stockpile and distribute materails and facilities for civil defense, and may make financial contributions to the States for civil defense programs and projects. The act provides that the Federal contribution to any State for organizational equipment and shelters and other protective facilities shall be equally matched by the State; that no contribution shall be made to any State for personnel and administrative expenses or items of personal equipment or for the procurement of land; and that no contribution may be made towards the cost of any facility intended for any use other than civil defense and which may be capable of self-liquidation, except to the extent of that portion of the cost directly attributable to incorporation of any feature of construction or design necessary for the use of such facilities for civil defense purposes.

(d) In performing his duties, the Administrator is directed to utilize the existing facilities of the various departments and agencies of the Government and may, with the approval of the President, delegate specific civil defense responsibilities to other Federal departments and agencies; he is authorized to review and coordinate the civil defense activities of the Federal Government with those of the States and neighboring countries.

(e) The Administrator has the responsibility of assisting and encouraging the negotiation of interstate civil defense compacts and coordinating activities thereunder.

(f) The Administrator is authorized to sell or dispose of materials and facilities, found by him to be unnecessary or unsuitable for civil defense purposes, in the same manner as provided for excess property in the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress, as amended by Public Law 754, 81st Congress).

(g) The Administrator may prescribe the official insignia and other distinctive articles for persons engaged in civil defense activities, and may issue rules and regulations covering the manufacture, wearing or possession thereof.

SEC. 3. *Emergency powers.* (a) Upon the proclamation of a state of civil defense emergency by the President or the Congress, the President may direct the several Federal departments or agencies to make their personnel, facilities and materials available to the Administrator for civil defense purposes, to provide or construct emergency shelter, and to furnish protective and other work essential for the preservation of life and property, including the making of emergency repairs to and temporary replacement of communications, hospitals, utilities, transportation facilities and public facilities.

(b) During the period of emergency the Administrator is authorized to procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute real or personal property for civil defense purposes without regard to the limitations of existing law; to direct the relief activities of the other Federal departments and agencies; and employ additional necessary personnel and incur such obligations on behalf of the United States as the circumstances may require. He may reimburse any State for the transportation and other expenses of its employees rendering civil defense outside the State and to pay for the costs of State-owned material utilized and consumed in civil defense outside of the State. Where necessary, the Administrator may provide temporary financial assistance for the relief of civilians injured or in want as the result of any attack.

(c) The emergency provisions of the act terminate on June 30, 1954, or such earlier date as may be prescribed by concurrent resolution of the Congress.

SEC. 4. *Central and field organizations.* (a) The chief executive officers of the Administration are the Administrator and Deputy Administrator both appointed from civilian life by the President. The principal offices of the Administration are at 1625 Eye Street NW., Washington 25, D. C.

(b) The functions of the Administrator are performed through the following offices and divisions:

Technical Services Office:
Engineering Services Division.
Fire Service Division.
Warden Service Division.
Facilities Self-Protection Division.
Rescue Services Division.
Police Service Division.
Transportation Services Division.
Training and Education Office:
Leadership Training Division.
General Training & Methods Division.
Health and Welfare Office:
Health and Special Weapons Defense Division.
Emergency Welfare Division.
Operational Services Offices:
Supply Division.
Attack Warning Division.
Shelter Division.
Communications Division.
Plans and Policies Office:
Intelligence Division.
Program Coordination Division.
Requirements Coordination Division.
Manual Review Division.
Research Coordination Division.
Management Office:
Budget and Fiscal Division.
Personnel Division.
Security Division.
Organization & Procedures Division.
Administrative Services Division.

(c) Five field offices of the Administration will be opened in the immediate future in Boston, St. Louis, Richmond, Seattle and San Francisco. The functions of these field offices will be to coordinate and advise the State civil defense organizations in their areas in carrying out civil defense activities.

(d) Final authority with respect to all matters relating to rules and rule-making rests in the Administrator.

(e) The public may secure information or make submittals or requests to the Regional Director whose office serves the territory involved or to the appropriate Division of the Administration in Washington, D. C.

MILLARD CALDWELL,
Administrator.

[F. R. Doc. 51-2697; Filed, Feb. 27, 1951; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Doc. Nos. 8001, 8685, 8830, 9130, 9222]

UNITY CORP., INC. (WTOD), ET AL.

ORDER CONTINUING FURTHER HEARING

In re applications of Unity Corporation, Incorported (WTOD), Toledo, Ohio, Docket No. 8001, File No. BP-5071; The Midwestern Broadcasting Company, Toledo, Ohio, Docket No. 8685, File No. BP-6421; The Toledo Blade Company, Toledo, Ohio, Docket No. 8830, File No. BP-6534; The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, Docket No. 9130, File No. BP-6758; Radio Corporation of Toledo, Toledo, Ohio, Docket No. 9222, File No. BP-7057; for construction permits.

At a conference held on February 19, 1951, at the offices of the Commission in Washington, D. C., before the undersigned Hearing Examiner, all parties in the above-entitled matters and Commission counsel being present;

It appearing, that on February 16, 1951, the Examiner issued a Memorandum Opinion and Order granting in part, and denying in part a petition filed by The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, for leave to amend its above-entitled application; that insofar as the Examiner denied said petition in part, the Oak Harbor applicant has announced its intention of filing an appeal from said ruling of the Examiner to the Commission en banc; and

It further appearing, that further hearing on the above-entitled matters is now scheduled for Monday, February 26, 1951, in Washington, D. C., that the Oak Harbor applicant orally and in the presence of counsel for all parties, Commission counsel, and the Hearing Examiner, requested a continuance of that further hearing until after the Commission has determined and acted upon its appeal; that a determination of the Oak Harbor appeal by the Commission prior to resumption of further hearing would conduce to the dispatch of the Commission's business and the ends of justice;

It is ordered, This 19th day of February 1951, That the petition of The Rural Broadcasting Company of Ohio, Oak Harbor, Ohio, for continuance is granted, and the further hearing in the above-entitled matters is continued to a date to be announced by public notice after the decision of the Commission on said appeal, said date for further hearing to be not less than one week after the decision of the Commission on said appeal, as may be consistent with the calendar of the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2721; Filed, Feb. 27, 1951; 8:55 a. m.]

[Docket Nos. 9814, 9897]

HIRSCH COMMUNICATION ENGINEERING CORP. AND HAWTHORNE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Hirsch Communication Engineering Corporation, Sparta, Illinois, Docket No. 9814, File No. BP-7803; Hawthorne Broadcasting Company, St. Louis, Missouri, Docket No. 9897, File No. BP-7934; for construction permits.

The Commission having under consideration a petition filed February 9, 1951, by Hirsch Communication Engineering Corporation, Sparta, Illinois, requesting a continuance of the hearing presently scheduled for March 23, 1951, at Washington, D. C., in the proceeding upon the above-entitled applications for construction permits; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 16th day of February 1951, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Tuesday, April 3, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2720; Filed, Feb. 27, 1951; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-292]

ARKANSAS POWER & LIGHT CO.

NOTICE OF ORDER

FEBRUARY 21, 1951.

Notice is hereby given that, on February 21, 1951 the Federal Power Commission issued its order entered February 20, 1951, dismissing application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2685; Filed, Feb. 27, 1951; 8:49 a. m.]

[Docket No. G-951]

HANLEY AND BIRD

NOTICE OF ORDER

FEBRUARY 21, 1951.

Notice is hereby given that, on February 21, 1951, the Federal Power Commission issued its order entered February 20, 1951, dismissing application in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2686; Filed, Feb. 27, 1951; 8:49 a. m.]

[Docket No. G-1335]

CAROLINA NATURAL GAS CORP.

NOTICE OF AMENDED APPLICATION

FEBRUARY 21, 1951.

Take notice that the Carolina Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business in Charlotte, North Carolina, filed on February 15, 1951, a fourth amendment to its application filed March 3, 1950, for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas transmission pipeline facilities, and (2) an order under section 7 (a) of the act, directing Transcontinental Gas Pipe Line Corporation (Transcontinental), a natural-gas company subject to the jurisdiction of the Commission, to establish physical connections of its transportation facilities with Applicant's proposed facilities and to sell natural gas to the Applicant.

Applicant proposes to construct and operate a system of natural gas pipe lines of varying diameters approximately 185 miles in length and having an aggregate design capacity of approximately 48,500 Mcf per day. Applicant's proposed lines will extend laterally from four connections with the main transmission line of Transcontinental at various points thereon in North and South Carolina to the various markets proposed to be served.

Applicant proposes to sell natural gas for resale for distribution in the following cities:

Columbia, S. C.
Laurens, S. C.
Clinton, S. C.
Newberry, S. C.
Rock Hill, S. C.
Hickory, N. C.
Newton, N. C.
Conover, N. C.
Granite Falls, N. C.
Lenoir, N. C.
Lincolnton, N. C.
Lexington, N. C.
Thomasville, N. C.

Applicant initially proposes to supply natural gas to the following industrial consumers:

Company and located near—
Laurens Glass Works, Laurens, S. C.
Celanese Corp. of America, Rock Hill, S. C.
Statesville Brick Co., Statesville, N. C.
Cunningham Brick Co., Thomasville, N. C.

Carolina Natural Gas Corporation estimates its peak day market requirements for the first year to be 16,300 Mcf which will increase in the third year to 28,700 Mcf.

The estimated over-all capital cost of the proposed project is $3,595,295. It is proposed to finance the cost of construction and provide initial working capital by the sale of first mortgage bonds and by the issuance of junior securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) before the 9th day of March 1951. The application and amendments thereto, are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2673; Filed, Feb. 27, 1951; 8:45 a. m.]

[Docket Nos. G-1492, G-1527, G-1531]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

FEBRUARY 21, 1951.

In the matters of Texas Gas Transmission Corporation, Docket No. G-1492; MidSouth Gas Company, Docket No. G-1527; Consolidated Gas Utilities Corporation, Docket No. G-1531.

Notice is hereby given that, on February 20, 1951, the Federal Power Commission issued its findings and orders entered February 20, 1951, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2687; Filed, Feb. 27, 1951; 8:49 a. m.]

[Docket No. G-1562]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

On December 15, 1950, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to acquire and operate approximately 24,278 feet of 8⅝-inch and 24,353 feet of 4-inch O. D. pipeline in Claiborne Parish, Louisiana, all as fully described in such application, or, in the alternative, that the Commission issue its order that the proposed acquisition of said facilities is not subject to the jurisdiction of the Commission under the provisions of the Natural Gas Act. The application is on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 4, 1951 (16 F. R. 101-102).

The Commission orders:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 8, 1951, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the said rules of practice and procedure.

Date of issuance: February 20, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2675; Filed, Feb. 27, 1951; 8:46 a. m.]

[Docket No. G-1586]

PITTSBURGH AND WEST VIRGINIA GAS CO. AND EQUITABLE GAS CO.

ORDER FIXING DATE OF HEARING

On January 11, 1951, Pittsburgh and West Virginia Gas Company (Pittsburgh), a West Virginia corporation, and Equitable Gas Company (Equitable), a Pennsylvania corporation, each having its principal place of business in Pittsburgh, Pennsylvania, filed a joint application pursuant to section 7 of the Natural Gas Act. Equitable seeks a certificate of public convenience and necessity authorizing the acquisition and operation of all of the natural gas facilities of Pittsburgh, subject to the jurisdiction of the Commission. Pittsburgh seeks authorization to abandon, by conveyance and transfer to Equitable, all of its facilities subject to the jurisdiction of the Commission and to terminate the service presently rendered by Pittsburgh by means of such facilities.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. It appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 25, 1951 (16 F. R. 697).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on March 8, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 21, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2676; Filed, Feb. 27, 1951; 8:46 a. m.]

[Docket No. G-1596]

PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

FEBRUARY 20, 1951.

Take notice that on January 24, 1951, Philadelphia Electric Company (Applicant), a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania, filed an application pursuant to section 7 (b) for an order approving the abandonment of certain pipe line facilities to the extent devoted and operated for the transportation and sale by Applicant (under an agreement dated May 1, 1947, between Applicant and Delaware Power & Light Company) or gas to the Delaware Power and Light Company and to abandon such gas service rendered by means of such facilities, all as more fully described in the application.

Applicant further proposes to relinquish to Transcontinental Gas Pipe Line Corporation (Transcontinental) up to 3700 Mcf per day out of the contract demand of 37,000 Mcf per day, of natural gas, covered by the Gas Sales Contract, dated July 31, 1950, between Transcontinental and Philadelphia, solely for the purpose of constituting part of an initial contract demand of approximately 10,000 Mcf per day of natural gas proposed to be sold by Transcontinental directly to Delaware Power & Light Company to enable the latter to supply straight natural gas to its customers.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 14th day of March 1951.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2674; Filed, Feb. 27, 1951; 8:45 a. m.]

[Project No. 747]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER

FEBRUARY 21, 1951.

Notice is hereby given that, on February 21, 1951, the Federal Power Commission issued its order entered February 20, 1951, approving Exhibits K, L and M as part of license in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2688; Filed, Feb. 27, 1951; 8:50 a. m.]

[Project No. 898]

M. C. HOOPER

NOTICE OF ORDER

FEBRUARY 21, 1951.

Notice is hereby given that, on February 21, 1951, the Federal Power Commission issued its order entered February 20, 1951, accepting surrender of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-2689; Filed, Feb. 27, 1951; 8:50 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

ORGANIZATION AND FUNCTIONS

GENERAL ORGANIZATION

The Statement on Public Health Service organization, functions, delegations of authority, and sources of public information relating to the Public Health Service has been prepared pursuant to the requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.). This statement replaces comparable material in 14 F. R. 2667 of May 20, 1949.

GENERAL ORGANIZATION

Sec.
101. General statement.
102. Organization.
103. Major functions.
104. Location of offices.
105. Final opinions.
106. Disclosure of official records and information.

DELEGATIONS OF AUTHORITY

107. Delegations by the President.
108. Delegations by the Federal Security Administrator.
109. Delegations by the Surgeon General.

ADVISORY BODIES AND CONFERENCES

110. General statement.
111. Conferences.

OFFICE OF THE SURGEON GENERAL

121. Functions.
122. Divisions.

BUREAU OF MEDICAL SERVICES

131. Functions.
133. Divisions.

BUREAU OF STATE SERVICES

141. Functions.
142. Chief of Bureau, Office of.
143. Divisions.

NATIONAL INSTITUTES OF HEALTH

151. Functions.
152. Director, Office of.
153. Institutes and Divisions.

PUBLIC HEALTH SERVICE ORGANIZATION IN THE FIELD

161. Regional organization.
162. Public Health Service Supply Station, Division of Supply, Office of Surgeon General.
163. Field installations of the Bureau of Medical Services.
164. Field installations of the Bureau of State Services.
165. Field organization of the National Institutes of Health.

SECTION 101. *General statement.* The Public Health Service is one of the operating units of the Federal Security Agency. It is administered under the Public Health Service Act (58 Stat. 682, 42 U. S. C. [illegible], as amended, and has responsibility for the administration of the Water Pollution Control Act (62 Stat. 1155, Public Law 845, 80th Cong.). The Public Health Service Act provides for a corps of commissioned officers, Regular and Reserve, who have the ranks and rates of pay similar to officers of the Armed Services. The Surgeon General is appointed from the Regular Corps for a four-year term by the President, by and with the advice and consent of the Senate, to administer the Service, under the supervision and direction of the Federal Security Administrator. There is no limitation on reappointment.

SEC. 102. *Organization.* As provided in the basic law, the activities of the Service are organized in four bureaus: (a) The Office of the Surgeon General; (b) the Bureau of Medical Services; (c) the Bureau of State Services; and (d) the National Institutes of Health. The National Institutes of Health is administered as a unit of the field service. The Surgeon General assigns functions, and establishes, changes, transfers, and consolidates divisions within the bureaus, with the approval of the Federal Security Administrator. The Surgeon General assigns a commissioned officer from the Regular Corps to be the Deputy Surgeon General. The Deputy Surgeon General administers the Office of the Surgeon General, acts as Surgeon General during the absence or disability of the Surgeon General or in the event of a vacancy in that office, and performs such other duties as the Surgeon General may prescribe. The Surgeon General assigns several commissioned officers to serve as Assistant Surgeons General, in addition to their regular duties. One of the Assistant Surgeons General serves as Surgeon General in case of absence, disability, or vacancy in the offices of both the Surgeon General and the Deputy Surgeon General.

SEC. 103. *Major functions.* The Public Health Service is concerned with raising the health standards of individuals and communities. It assists the health authorities of States, local governments, and other agencies in advancing their health programs, supplies medical and hospital care to categories or groups of persons designated by Congress, and promotes better health through medical and public health research. The Service also provides training to overcome the scarcity of health workers in specialized fields, and participates on behalf of the United States in international health activities. The major functions of the Service are to:

(a) Determine needs for health personnel, facilities and methods, and the resources for meeting these needs;

(b) Operate institutions, hospitals, and stations to provide medical, surgical, and dental treatment for categories or groups of persons specified by Congress;

(c) Cooperate with States and assist them in solving health problems in the fields of narcotic drugs, communicable diseases, quarantine, and other health areas;

(d) Prepare comprehensive water pollution control programs to improve the sanitary conditions of surface and underground waters, and assist the States in such activities;

(e) Collect, prepare, and distribute data on mortality, morbidity, and other vital statistics;

(f) Conduct scientific research, investigations, experiments and demonstrations related to the cause, prevention, diagnosis, treatment, and control of the physical and mental diseases or impairments of man;

(g) Make grants-in-aid (1) to public or private institutions, or to individuals, for research in the physical and mental diseases; (2) to States, individuals, and institutions, for developing improved measures for the prevention, treatment, and control of tuberculosis, venereal disease, mental health, heart disease, cancer, dental diseases and conditions, and other special problems relating to public health; and (3) to States and their political subdivisions, universities, hospitals, and other public or private nonprofit institutions for research in hospital services, facilities and resources, and for the construction and maintenance of hospitals, clinics, laboratories, or related facilities;

(h) Promote the training of professional personnel in the sciences of public health and medicine. To this end, the Service (1) grants fellowships for research scientists from the United States and abroad, (2) pays tuitions and stipends for individuals in State and local health work, and for physicians intending to become specialists in the diagnosis and treatment of cancer, heart diseases, mental health, and oral diseases and conditions, (3) trains personnel in work related to water pollution control, and (4) awards grants to approved institutions for the training of psychiatrists and others concerned with the care of mental patients, and for specialists in cancer, heart, and dental diseases;

(i) Provide technical assistance through consultative services or loans of personnel to the States and to Federal agencies, and through issuance to the public of information related to public health;

(j) Participate in world health activities, in accordance with United States policies of international cooperation, by (1) operating health projects in foreign countries; (2) administering training programs for foreign health personnel; (3) representing the United States on the World Health Organization, and (4) collaborating in the development of health programs with the governments of other countries, with international organizations, with other government agencies, and with private national organizations and institutions concerned with health;

(k) Issue licenses to establishments, to manufacture for sale in interstate traffic certain products applicable to the prevention and treatment of diseases;

(l) Prescribe and enforce quarantine and sanitary regulations to prevent the introduction from abroad, and the spread in the United States or its possessions, of communicable diseases;

(m) Provide physical and mental examinations which may be required by immigration laws and for aliens seeking entry into the United States;

(n) Advise with respect to the disposal of Federal surplus property usable for the protection of public health and for health research;

(o) Conduct national health conferences whenever the interests of public health would be promoted by such meetings.

SEC. 104. *Location of offices.* The headquarters of the Public Health Service is located in Washington, D. C. The mailing address is Washington 25, D. C. The National Institutes of Health is located at Bethesda, Maryland. Its mailing address is Bethesda 14, Maryland. The Public Health Service maintains field stations in the continental United States and in its insular and territorial possessions. (See List of Field Installations, section 161.)

SEC. 105. *Final opinions.* All final opinions, orders, and rules not limited in their application to matters of internal management, except those which the Surgeon General may for good cause hold confidential, are available for public inspection at headquarters or field installations. For those relating to biological products make application to the National Institutes of Health, Bethesda 14, Maryland; for all others, to the Public Health Service, Washington 25, D. C.

SEC. 106. *Disclosure of official records and information.* Official records of the Service are made available for public inspection in accordance with regulations of the Surgeon General (42 CFR 1.101 to 1.103; 13 F. R. 7404). These regulations also specify the extent to which information in the possession of the Service shall be confidential and not disclosed except under the particular circumstances stated.

DELEGATIONS OF AUTHORITY

SEC. 107. *Delegations by the President.* The Federal Security Administrator is authorized, in his discretion, to exercise the powers of the President to specify ports under section 366 (a) of the Public Health Service Act. (See E. O. 9993, Aug. 31, 1948, 13 F. R. 5093.)

SEC. 108. *Delegations by the Federal Security Administrator.* By direction of the Federal Security Administrator, the Public Health Service, (a) supervises the Freedmen's Hospital in the District of Columbia. This is a general hospital for the treatment of acute medical and surgical conditions and includes specialized clinics for out-patients. The hospital further provides internship and clinical experience for medical students and graduates of Howard University; (b) is authorized to perform all functions of the Administrator of General Services under the Water Pollution Control Act, as amended, together with any other function of the Administrator of General Services or of the General Services Administration as is incidental or necessary for the carrying out of the provisions of such act, except the functions included in section 8 (b) of such act; and (c) performs the vital statistics functions (including statistics on births, deaths, marriages, divorces, and annulments.)

SEC. 109. *Delegations by the Surgeon General.*

(a) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to issue permits for importation of psittacine birds destined for zoological parks or research institutions in accordance with § 71.152 (b) (1) of the Public Health Service Regulations (12 F. R. 6205).

(b) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to convene boards of medical officers for reexamination of aliens, and to authorize medical officers in charge to convene such boards in accordance with § 34.13 of the Public Health Service Regulations (14 F. R. 2668).

(c) The Chief and the Assistant Chief of the Division of Foreign Quarantine, and the Chief of the Entomological Section in that Division, are authorized to make findings as to the effectiveness of insecticides, under § 71.513 (e) of the Public Health Service Regulations (13 F. R. 5114, 5122).

(d) The Chief, Bureau of Medical Services, the Chief, Division of Hospitals, and the Medical Officers in Charge of Marine Hospitals, Public Health Service Hospitals, outpatient clinics, and outpatient offices are authorized to determine the extent to which funds, other than those authorized by the Public Health Service Act, are not available from other public or private funds for burial expenses for any patient dying in a hospital or station and to provide for payment to that extent, pursuant to section 321 of the Public Health Service Act, as amended, 42 U. S. C. A. 248.

(e) The Chief, Bureau of Medical Services, and the Medical Officers in Charge of the Public Health Service Hospitals at Lexington, Kentucky, and at Fort Worth, Texas, are authorized to examine and admit narcotic addict applicants to Public Health Service hospitals pursuant to section 344 (b) of the Public Health Service Act, as amended.

(f) The Chief, Division of Hospitals, is authorized to fix the rate to be charged voluntary patients for subsistence, care, and treatment for narcotic addiction, at Public Health Service hospitals, pursuant to section 344 of the Public Health Service Act, as amended, 42 U. S. C. 260.

(g) The Chief, Bureau of Medical Services, and the Chief, Division of Hospitals, are authorized to exercise the powers of the Surgeon General to establish at Public Health Service hospitals, industries, plants, factories, or shops for the production or manufacture of articles, commodities and supplies for the United States Government, and to employ inmates of such hospitals, pursuant to section 342 of the Public Health Service Act, as amended, 42 U. S. C. 358.

(h) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to establish the hours during which quarantine service shall be performed at each quarantine station, pursuant to section 364 (b) of the Public Health Service Act, as amended, 42 U. S. C. 267.

(i) The Chief, Bureau of State Services, is authorized to exercise the powers of the Surgeon General (1) to approve, disapprove, or take other necessary action concerning State plans, including budgets, and applications for funds relating to grants-in-aid presented under sections 314 and 612 of the Public Health Service Act, as amended, 42 U. S. C. 246, 291b, and (2) together with the Executive Officer, Bureau of State Services, certify vouchers certifying to the Secretary of the Treasury payments under sections 314 (f) and 613 (a) of the Public Health Service Act, as amended, 42 U. S. C. 246 (e), 291c (a).

(j) The Medical Officer in Charge, Arctic Health Research Center, is authorized to exercise the powers of the Surgeon General to approve or disapprove, in connection with plans, including budgets, presented by the Territory of Alaska under section 314 of the Public Health Service Act, as amended, 42 U. S. C. 246—(1) any budget utilizing only Territorial and/or local funds which has been submitted specifically in fulfillment of matching requirements,

provided the funds were so accepted by the Public Health Service for the preceding year. (2) any plan, schedule and budget which proposes continuation of a currently-operating program, (3) any new local budget providing for the initial participation in, or establishment of, a local health organization under full-time direction.

(k) The Director of the National Institutes of Health is authorized to exercise the powers of the Surgeon General to make grants-in-aid, pursuant to section 301 (d) of the Public Health Service Act, as amended, to universities, hospitals, laboratories, and other public or private institutions, and to individuals for research projects relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, as are recommended by the National Advisory Health Council, or with respect to cancer, recommended by the National Advisory Cancer Council, or with respect to mental health, recommended by the National Advisory Mental Health Council, or with respect to heart diseases, recommended by the National Advisory Heart Council, or with respect to dental diseases and conditions, recommended by the National Advisory Dental Research Council, and include in the grants for any such project grants of penicillin and other antibiotic compounds for use in such projects.

(l) The Director, National Institutes of Health, and the Chief, Division of Research Grants are designated to award research fellowships and to fix stipends and allowances pursuant to applicable regulations and sections 207 (f) and (g) and 301 (c) of the Public Health Service Act, as amended, 42 U. S. C. 209 (D) and (e), and 241 (c).

(m) The Director, National Cancer Institute, is authorized to exercise the powers of the Surgeon General, pursuant to section 402 (c) and section 403 (a) (2) of the Public Health Service Act, as amended, to make traineeship awards to individuals having proper technical qualifications for training in the Institute and elsewhere in matters relating to the diagnosis, prevention and treatment of cancer; to fix and pay to such individuals a per diem allowance not to exceed $10.00 during such training and instruction.

(n) The Director, National Heart Institute, is authorized to exercise the powers of the Surgeon General, pursuant to section 412 (g) (2) of the Public Health Service Act, as amended, to make traineeship awards to individuals for training in the Institute and elsewhere in matters relating to the diagnosis, prevention and treatment of heart diseases, with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the National Advisory Heart Council. Awards are made in accordance with Part 63 of the Public Health Service Regulations (14 F. R. 508).

(o) The Director, National Institute of Dental Research, is authorized to exercise the powers of the Surgeon General, pursuant to section 422 (f) of the Public Health Service Act, as amended, to make traineeship awards to individuals for training in the Institute and elsewhere in matters relating to the diagnosis, prevention and treatment of dental diseases and conditions with such stipends and allowances (including travel and subsistence expenses) for trainees as he may deem necessary, the number of persons receiving such training and instruction, and the number of persons holding such traineeships, to be fixed by the National Advisory Dental Research Council.

(p) The Director, National Institute of Mental Health, is authorized to exercise the powers of the Surgeon General pursuant to section 303 (b) of the Public Health Service Act, as amended, to make grants-in-aid to public and other non-profit institutions to provide training and instruction, and demonstrations, in matters relating to psychiatric disorders, upon the recommendation of the National Advisory Mental Health Council, but only to the extent necessary for the purposes of such training and instruction; in addition, to provide training and instruction in matters relating to psychiatric disorders to persons having proper qualifications, and to fix and pay to any of such persons as he may designate a per diem allowance during such training and instruction not to exceed $10.00, the number of such persons receiving such training and instruction to be fixed by the National Advisory Mental Health Council.

(q) The Chief, Division of Research Grants, National Institutes of Health, is designated to authorize travel for all Research Fellows of the Public Health Service in connection with their fellowships, pursuant to § 61.9 (d) of Public Health Service Regulations (12 F. R. 6526 and 14 F. R. 1894).

(r) The Regional Medical Directors of the Public Health Service in the Federal Security Agency Regions are authorized to review, and except where significant variations from established policies are involved, to approve applications for funds for hospital construction and amendments of approved applications submitted pursuant to section 625 of the Public Health Service Act, as amended (42 U. S. C. 291h). The authority includes making the findings required by section 625 (a) determining the necessary cost of construction pursuant to section 631 (i), waiving technical compliance with the requirements of the regulations as permitted under Service Regulations and approving the findings of the State agency pursuant to part 53 of the Public Health Service Regulations.

(s) The Regional Medical Directors of the Public Health Service in the Regional Offices of the Federal Security Agency are authorized to exercise the powers of the Surgeon General:

(1) To approve or disapprove in connection with State plans, including budgets, presented under section 314 of the Public Health Service Act, as amended, 42 U. S. C. 246: (i) Any budget utilizing only State and/or local funds which has been submitted specifically in fulfillment of matching requirements, provided the funds were so accepted by the Public Health Service for the preceding year; (ii) any plans, schedule and budget which proposes continuation of a currently operating program; (iii) any new local budget providing for the initial participation in, or establishment of, a local health organization under full-time direction;

(2) To approve modification of State plans presented under section 623 of the Public Health Service Act, as amended, 42 U. S. C. 291f, except the annual modification of the State plan required under § 53.72 (d) of the Public Health Service Regulations (12 F. R. 6876); and

(3) To sign vouchers certifying to the Secretary of the Treasury payments under section 625 (b) of the Public Health Service Act, as amended, 42 U. S. C. 291h (b).

ADVISORY BODIES AND CONFERENCES

SEC. 110. *General statement.* Certain advisory councils and boards have been established to assist the Surgeon General and the Administrator in carrying out specific functions of the Service. The Councils and Boards are composed of outstanding experts in medicine, public health, and related professions, and of leaders in public affairs. In addition, the Surgeon General from time to time appoints advisory committees of experts to make recommendations on particular subjects.

(a) National Advisory Health Council: This council advises, consults with, and makes recommendations to the Surgeon General upon matters relating to health activities and functions of the Service. It reviews and makes recommendations on research in the medical and related sciences exclusive of research carried on in particular fields such as cancer, heart, mental, and dental research. It certifies approval of grants-in-aid for research projects to universities, hospitals, laboratories, and other public or private institutions, and to individuals. It recommends regulations to provide for the apprehension, examination, and detention of persons known to be spreading communicable diseases from State to State.

(b) National Advisory Cancer Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of cancer; (2) applications for grants-in-aid for cancer research and control projects from universities, hospitals, laboratories, and other public or private institutions, and from individuals; and (3) applications for grants-in-aid for construction of facilities for cancer research and training. It advises the Surgeon General on the provision for training and instruction in technical matters relating to the diagnosis and treatment of cancer, and other matters relating to cancer. It collects and, with the approval of the Surgeon General, makes available to interested organizations and individuals information concerning studies being carried on at home or abroad. It recommends the acceptance of conditional gifts for cancer research and research facilities.

(c) National Advisory Dental Research Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of dental diseases and conditions and (2) applications for grants-in-aid for dental research projects from public or private institutions, and for training, instruction, and traineeships from public and other nonprofit institutions. It collects information as to studies being carried on at home or abroad and, with the approval of the Surgeon General, makes available such information to interested individuals and organizations; recommends the acceptance of conditional gifts for dental research and research facilities; and advises the Surgeon General with respect to other matters pertaining to dental diseases and conditions.

(d) National Advisory Heart Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, methods of diagnosis, or treatment of heart diseases and (2) applications for grants-in-aid for research projects to public or private institutions, and for training, instruction, fellowships and traineeships to public and other nonprofit institutions. It collects information as to studies being carried on at home and abroad, and with the approval of the Surgeon General makes available such information to interested individuals and organizations; and advises the Surgeon General in respect to other matters pertaining to heart diseases.

(e) National Advisory Mental Health Council: This council advises and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. It reviews and recommends mental health research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for mental health work by the Public Health Service.

(f) Federal Hospital Council: This council approves the regulations for the administration of the Hospital Survey and Construction Act; considers appeals from States upon disapproval of State plans by the Surgeon General; appoints special advisory committees; and advises the Surgeon General in the administration of the hospital survey and construction program.

(g) Water Pollution Control Advisory Board: This board reviews policies and programs of the Public Health Service in respect to water pollution control and makes recommendations thereon in reports to the Surgeon General.

(h) National Advisory Arthritis and Metabolic Diseases Council.

(i) National Advisory Neurological Diseases and Blindness Council.

SEC. 111. *Conferences.* Conferences of State and Territorial Health Officers and State and Territorial Hospital Survey and Construction Authorities are called annually by the Surgeon General. The Surgeon General may call other such conferences when the interests of the public health warrant. Upon the requests of five or more State agencies the Surgeon General must call a conference of the authorities requesting the conference. When matters relating to mental health are discussed, State mental health authorities are invited to attend the Conference of State and Territorial Health Officers. The conferences are designed to provide an opportunity for the Surgeon General to promote the interests of public health through this means, or to promote the purposes of the Federal Hospital Council, and to provide opportunity for mutual consultation between State authorities and Public Health Service officials and for the Surgeon General to present contemplated grant-in-aid regulations and amendments regarding general or mental health. Insofar as practicable the Surgeon General obtains the agreement of the State health authorities, or State mental health authorities as the case may be, prior to the issuance of any such regulations or amendments. The Chief of the Children's Bureau joins the Surgeon General in the planning of and participation in such of these conferences as are of concern to the Bureau. Upon request by three or more members of the Federal Hospital Council, it is the duty of the Surgeon General to call a meeting of the Council.

OFFICE OF THE SURGEON GENERAL

SEC. 121. *Functions.* The major function of the Office of the Surgeon General is the administration of the internal affairs of the Public Health Service, as contrasted with administration of services to the public by other bureaus. A second important function is to advise and assist the Surgeon General and his staff in the formulation of policies and in the planning of future programs for the advancement of national health. The office is headed by the Deputy Surgeon General, assisted by an Executive Officer for Administration.

SEC. 122. *Divisions*—(a) *Commissioned Officers, Division of.* This division is responsible for personnel administration of all commissioned officers, Regular and Reserve. The specific functions of the division include: recruitment, assignment, training, utilization, promotion, separation, retirement, and discipline of the Commissioned Corps.

(b) *Finance, Division of.* This division administers all budgetary and fiscal affairs of the Public Health Service. It plans and directs the preparation of all estimates of appropriations required for the Service, including the justifications for such appropriations, and allocates appropriations to operating units of the Service. It manages the appropriation and fund accounting of the Service, and the collection of and accounting for revenue and receipts through Service operations.

(c) *International Health, Division of.* This division is responsible for Public Health Service activities in the field of international health within the framework of United States policies for international cooperation. It advises the Surgeon General and other officials of the Service on international health matters; establishes and operates international health programs; maintains liaison with various governmental and nongovernmental agencies and individuals on the development of international health programs; and encourages health programs of the World Health Organization, the Pan American Sanitary Bureau and other agencies. The division drafts position papers on sanitary conventions and regulations and prepares reports as required by international agreements. It receives and assists visitors from foreign countries interested in observing and studying public health, medical, nursing, and research developments in the United States; and coordinates and integrates international health policies and programs with international social and economic policy and related programs.

(d) *Management Services, Division of.* This division provides specialized assistance to the Surgeon General, the staff divisions in the Office of the Surgeon General, and the operating bureaus, in promoting better management throughout the Service; it analyzes and advises on organization, methods and other management problems, especially those crossing bureau lines; coordinates preparation and distribution of instructional materials and forms; manages or assures proper management of records, space, and motor vehicles; furnishes travel services; and handles communications, equipment, repairs and other office services at headquarters.

(e) *Personnel, Division of.* This division, conducts the personnel program for civil service employees, departmental and field, of the Public Health Service by (1) developing, preparing, and coordinating service-wide personnel management policies, procedures, and methods; (2) planning and administering classification; recruitment, selection, appointment, promotion, training, separation, and retirement; (3) developing a service-wide employee relations program; and (4) promoting the maximum utilization of civil service employees.

(f) *Public Health Methods, Division of.* This division assists the Surgeon General to formulate objectives of Public Health Service programs and to define operating goals. It evaluates the results of specific health programs, and recommends action to be taken on public health problems, such as the nature and extent of illness; effects of illness on individuals, families and populations; the needs for and means of supplying health personnel and other health facilities. Staff members of this division provide consultative services to public and private health agencies, and serve on interagency, national, and international committees dealing with health, medical care, and related socio-economic and statistical problems.

(g) *Supply, Division of.* This division is responsible for procurement, property management, supply and printing, and serves as the point of contact for the Service as a whole on such matters. It procures supplies, equipment and printing for all headquarters divisions, the

Supply Station at Perry Point, Md., and for field stations to which procurement authority has not been delegated. The Chief, Division of Supply, is the contracting officer for the Service. Most field stations have been delegated substantial authority to purchase and contract locally; the following stations have been granted extensive authority in these matters, subject to post review:

National Institutes of Health at Bethesda.
Communicable Disease Center at Atlanta.
Environmental Health Center at Cincinnati.
Arctic Health Research Center at Anchorage, Alaska.

BUREAU OF MEDICAL SERVICES

SEC. 131. *Functions.* The major functions of the Bureau of Medical Services are to administer hospital and outpatient care to Federal beneficiaries, to assist the States in developing facilities and methods for such care, to carry on the foreign quarantine and immigration program, and to furnish technical advice and personnel to other Federal agencies in the health care of their employees and beneficiaries. In general, it deals with clinical activities as contrasted with research programs of the National Institutes of Health, and with public health programs of the Bureau of State Services. This bureau assigns officers of the Service to other Federal agencies for the purpose of developing, supervising, and in some cases, rendering medical care. It cooperates with the Chief Medical Officer of the Coast Guard, a Public Health Service Officer, in administering medical and dental service to the U. S. Coast Guard at shore stations and aboard vessels. Medical and psychiatric units at Federal penal institutions are staffed by professional personnel of the Service under direct administration of a Public Health Service officer assigned to the Bureau of Prisons for this purpose. The hospitals, medical service, and public health programs of the Bureau of Indian Affairs, Department of the Interior, are supervised by Public Health Service officers. Other Federal agencies to which one or more Public Health Service officers are assigned for the development and administration of medical programs include: Bureau of Employees' Compensation of the Department of Labor; Bureau of Old-Age and Survivors Insurance, and the Office of Vocational Rehabilitation of the Federal Security Agency; the Foreign Service of the Department of State; and the Coast and Geodetic Survey, and the Maritime Administration, of the Department of Commerce.

SEC. 133. *Divisions*—(a) *Administrative Management, Division of.* This division plans, develops, and directs the administrative management program of the Bureau, and coordinates the departmental and field program operations by integrating management with professional functions. It reviews and evaluates effectiveness, efficiency, and economy of program and administrative operations.

(b) *Dental Resources, Division of.* This division coordinates and develops dental resources in the Public Health Service and in certain related activities of other government agencies. It provides information and advice on broad questions of national policy pertaining to oral health and related activities for technical and general public use; develops and promotes maximum utilization of all dental resources to encourage improvement of oral health services for the nation's population; provides technical aid to other divisions of the Service; and advises operating bureaus and divisions on professional qualifications and training of dental personnel, the standards of oral health services rendered to beneficiaries of the Service, and the standards for dental equipment and materials purchased by the Service. It advises the Chief Dental Officer, Public Health Service, and the Chief, Bureau of Medical Services, on plans for improvement of oral health in the general population; conducts studies and provides statistical analyses of data on oral health needs and resources, including their socio-economic aspects; and promotes training of dental manpower which includes the dentist, dental hygienist, clinical dental assistant and dental technologist. It evaluates the efficiency and quality of standards and procedures in oral health activities of the Bureau of Medical Services; promotes studies and demonstrations within and outside the Service; and extends applicable knowledge and proved techniques in oral health activities to other agencies, organizations and interested groups.

(c) *Foreign Quarantine, Division of.* This division is responsible for promulgation and enforcement of the foreign quarantine regulations (under part G, title III, P. L. 410, section 325) which apply to sea, land, and air traffic. The division is also responsible for enforcing regulations issued by the Surgeon General which apply to conducting medical examinations of aliens.

To prevent the introduction of communicable diseases, officers of the Service inspect conveyances and certain imports and examine persons arriving at sea and air ports and border stations in the United States.

The division conducts the physical and mental examination of aliens at certain U. S. consulates abroad in connection with applications for visas; and at quarantine and immigration stations in this country in connection with admission to the United States. This activity includes examination of persons immigrating under the Displaced Persons Act. The results of such examinations, when performed overseas, are reported to consular officers requesting such examinations; and when performed in the United States, to the appropriate officials of the Immigration and Naturalization Service of the Justice Department.

The division operates a number of major quarantine and immigration stations in the continental United States. Additional ports and border points are served by these major stations, through regular facilities of the Service or through part-time quarantine officers. Quarantine stations are also located in Alaska, Hawaiian Islands, Puerto Rico, and the Virgin Islands. (See List of Field Installations, SEC. 163 (a).) Consulates in areas with large numbers of visa applicants are staffed with full-time Public Health Service medical officers. At other U. S. consulates throughout the world, Public Health Service regulations and instructions serve as a basis for medical examination of visa applicants by local physicians designated by the State Department.

(d) *Hospital Facilities, Division of.* This division is responsible for the administration of the Hospital Survey and Construction Act (60 Stat. 1040, 42 U. S. C. 291). This act authorizes the appropriation of Federal funds to be allotted to the States as grants-in-aid for conducting Statewide surveys of the needs for hospitals and related facilities and to provide for the construction of such facilities by States, political subdivisions and other public or private nonprofit agencies. The division provides consultative technical aid to the States in the various phases of their hospital survey and construction programs.

(e) *Hospitals, Division of.* This division operates twenty-four hospitals and supervises the administration of Freedmen's Hospital, Washington, D. C. Nineteen of the hospitals are operated as general hospitals; two are tuberculosis hospitals; one is for the treatment of leprosy; and two are for the treatment of mentally ill beneficiaries of the Public Health Service and other Federal agencies, narcotic drug addicts who have been convicted of Federal offenses, and narcotic drug addicts who voluntarily apply for treatment. The Public Health Service hospital at Carville, Louisiana, receives persons afflicted with leprosy from any part of the United States and provides medical and institutional care for them. The division also furnishes medical and dental care to beneficiaries of the Service in clinics and outpatient offices located at coastal and island ports not served by a marine hospital. In all, there are 147 Service hospitals, outpatient clinics, and outpatient offices in the continental United States and its territories and possessions to which beneficiaries of the Service may apply for immediate attention. Several of the Marine Hospitals also operate outpatient departments in the business sections of the ports which they serve. The division also has general responsibility for carrying out the functions of the Service in connection with health programs for Government employees as authorized by the act of August 8, 1946 (60 Stat. 903, 5 U. S. C. 150). (See List of Field Installations, section 163 (b).)

(f) *Medical and Hospital Resources, Division of.* This division promotes coordination of all facilities and resources pertaining to the provisions of hospital and related care and administers a grant-in-aid program for the conduct of research in the fields of hospital and related care. It formulates programs and operational plans, develops and promotes standards, techniques, and plans for the practical provision of services. It provides consultative service in areas of professional specialization, analyzes economics of hospital and related care, and conducts socio-economic studies and statistical analyses for the bureau. It furnishes information on hospital resources for both technical and general public use.

(g) *Nursing Resources, Division of.* This division provides information on broad questions of national policy pertaining to nursing education and nursing service both for professional groups and for the general public. It assists States in measuring the amount of nursing service available and in estimating their needs and devising ways of meeting them. It promotes the coordination of nursing facilities for education and service. It conducts studies in which guides are developed for the evaluation of nursing education and nursing service. These studies are also aimed toward encouraging the development, as well as the maintenance, of effective methods to be used in education of nurses or provision of nursing services.

BUREAU OF STATE SERVICES

SEC. 141. *Functions.* The major function of this bureau is the administration of all phases of the Federal-State cooperative health program. The bureau is responsible for administrative programs at headquarters, and supervises field services to the States. It coordinates all similar services administered by other bureaus or divisions. Administrative activities common to all the Federal-State cooperative programs and common to all the divisions of the bureau, such as budget, fiscal, administrative procedures, records, and reports, are carried on in coordinating services directly supervised by the Chief and three Associate Chiefs of the bureau.

SEC. 142. *Chief of Bureau, Office of.* This office, under the direction of the Chief and three Associate Chiefs, is responsible for enforcing interstate quarantine regulations, assisting the States and their political subdivisions in the prevention, treatment and control of disease, consulting with the several States on matters relating to the preservation and improvement of public health, securing uniformity in the registration of mortality, morbidity and vital statistics, cooperating with the States in programs to eliminate or reduce pollution of the nation's waters, and providing administrative machinery necessary for the coordination of all grant-in-aid activities of the Public Health Service.

SEC. 143. *Divisions*—(a) *Administrative Management, Division of.* This division administers the business activities of the bureau in such matters as budget and finance, personnel, contracts, procurement, organization and procedures.

(b) *Chronic Disease and Tuberculosis, Division of.* This division conducts programs directed to problems in tuberculosis, heart disease control, diabetes, and certain other health problems of a chronic nature. These programs include: grants-in-aid to States for tuberculosis and heart disease control; consultation, demonstrations, and direct assistance in case finding and control methods for these diseases; studies and investigations in the epidemiology, diagnosis, prevention, and treatment of tuberculosis, the hygiene of aging, obesity control, the restoration of physical and mental functions, evaluation of multiple screening as a case finding technique, the medical-social aspects of chronic disease control; the conservation of sight and hearing and investigations in similar public health problems related to chronic diseases. This division also recommends and promotes the adoption by State and local health departments of practices for improved control of chronic diseases and tuberculosis. It coordinates its efforts with voluntary associations working in the respective disease areas. (See list of Field Installations in section 164 (a).)

(c) *Communicable Disease Center.* This Center which is directly responsible to the Chief, Bureau of State Services, assists State and local health agencies in the development and operation of programs to investigate, reduce, and control communicable diseases. The Center carries on this work directly with States or localities except for those control programs which involve several States. These programs are stimulated and coordinated by the Center through the regional offices. It provides assistance to States and localities by making available equipment, supplies, professional services, and trained personnel. It also assists States and localities in the development and evaluation of equipment and in the formulation and testing of chemicals used in control of animal or insect carriers of diseases transmissible to man. The Center conducts and evaluates studies and investigations in the development of new and improved procedural techniques in the field of communicable disease, and enforces the medical aspects of the interstate quarantine regulations. It conducts toxicological studies to prevent undue hazards to man and assists in the identification of preventable diseases through improved services in State and local diagnostic laboratories. Information about communicable diseases and control practices developed by the Center is disseminated through demonstrations and training programs (including refresher courses for Federal, State, and local public health personnel). Epidemic and disaster aid to communities is also provided by the Center, in close cooperation with the American Red Cross and other agencies. The Center directs its activities specifically toward the prevention of post-disaster epidemics and to the rehabilitation of local health facilities. It provides veterinary public health assistance in epidemics involving man or animals. (See List of Field Installations in section 164 (b).)

(d) *Dental Public Health, Division of.* This division represents the Service in providing consultation, information and training services to State and local health agencies in the development and operation of their dental public health programs. It conducts nationwide demonstrations in the topical application of sodium fluoride. It develops, conducts, and evaluates new and improved preventive dental health procedures, including studies in fluorination and defluorination of public water supplies, topical application of various solutions to teeth, dental care needs of children, effective utilization of auxiliary dental personnel and the ratio of dental personnel to population required to render complete dental care. It is also responsible for providing professional leadership in the development of dental public health programs and making available the latest professional techniques in preventive dentistry. (See List of Field Installations in section 164 (c).)

(e) *Engineering Resources, Division of.* This division develops national standards and guides for engineering activities in the environmental health field. It works with other divisions of the Service in evaluating and maintaining these standards and guides and in correlating and evaluating activities and in determining needs in this field. It plans and develops new programs, activities, and techniques in environmental health, including programs in radiological health and the hygiene of housing, and stimulates and assists professional operating groups, both inside and outside the Service, in this work. It provides consultative and advisory services to other agencies in environmental health matters.

(f) *Environmental Health Center.* This Center, which is directly responsible to the Chief, Bureau of State Services, plans, directs, coordinates and conducts research and investigations in environmental sanitation in close cooperation with the National Institutes of Health and the Communicable Disease Center (Atlanta, Georgia). The Center conducts studies pertaining to environmental sanitation, including studies in bacteriology, chemistry, biology, engineering, and other pertinent technical field. Upon request it conducts studies and field investigations related to specific environmental sanitation programs. It develops new methods and procedures in the field of environmental health, provides facilities for training of health personnel in the operating procedures of environmental sanitation. It also disseminates information on the results of its investigations, research, and other operations, and renders consultative service through regional offices to Federal, State, and local agencies in methods and procedures in the field of environmental health.

(g) *Industrial Hygiene, Division of.* This division supervises the industrial hygiene phases of the total Federal-State cooperative health program, with special reference to the control of occupational diseases and the promotion of health among industrial workers. It provides consultative services and technical aid to the States, especially to State industrial hygiene units, as well as to industrial establishments and labor organizations. It sponsors and promotes the establishment and maintenance of industrial hygiene service in State governments. Among the special services provided are: surveys of problems within particular areas of industries; laboratory investigations of hazardous materials, and analysis of substance believed to be hazardous; investigation of occupational disease outbreaks to determine their causes and to recommend methods for their elimination and control of hazards; consultation service to management and labor on voluntary medical and hospital

service plans and in-plant medical programs; and collection, analysis, and publication of occupational morbidity and mortality statistics. (See List of Field Installations in section 164 (e).)

(h) *Public Health Education, Division of.* This division provides technical supervision and coordination of health education phases of all Bureau programs, and provides professional guidance in health education for the Service. It recruits health educators as needed for Service programs and provides consultative services and personnel through regional offices to States and localities. It cooperates with voluntary and other official agencies in health education programs, promotes training of public health educators, and conducts experimental and evaluation studies leading to development of new or improved methods and materials.

(i) *Public Health Nursing, Division of.* This division provides professional leadership in developing public health nursing programs throughout the country. It maintains relationships with other Federal agencies, professional societies, and other groups interested in public health nursing; makes available consultative services to State and local health agencies through consultants assigned to other divisions and to regional offices; makes studies concerning nursing needs and standards; gives general supervision to public health nursing personnel and activities in program operations of the bureau; assists in selection and assignment of public health nurses; and serves as the focal point for public health nursing in relationships with the Chief Nurse Officer of the Service and with the nursing units of other bureaus.

(j) *Sanitation, Division of.* This division administers environmental sanitation programs and activities including those relating to milk and food, shellfish, water supplies, sewage, refuse collection and disposal, recreation facilities, home-accident prevention, and interstate carrier sanitation. Through regional offices, it provides consultative services to State and local health agencies for the development and operation of environmental sanitation programs. It furnishes specialized assistance and personnel to other divisions of the Public Health Service, to the regional offices, and to other Federal agencies, making available the latest standards and techniques in connection with sanitation problems. It sponsors uniform sanitation program policies for the Public Health Service and for other Federal agencies. The division enforces and maintains the engineering and sanitation provisions of the Interstate Quarantine Regulations; conducts studies and investigations to develop, evaluate, and demonstrate effective sanitation standards and techniques; and provides information, technical publications, and training services in its field.

(k) *State Grants, Division of.* This division coordinates all grants-in-aid activities of the Public Health Service except research, training and fellowship grants. It develops jointly with the operating program divisions the administrative policies, standards and procedures related to such grants, and is responsible for their administration. The division reviews and analyzes budgets, plans, and reports, develops and directs a system of program reviews and provides the fiscal services necessary for the payment and accounting of grant-in-aid funds. It provides through the regional offices consultative services on the promotion, extension and improvement of State and local health services, including consultation on administrative management.

(l) *Venereal Disease, Division of.* This division administers a broad program of grants-in-aid to States, research, training, and demonstrations in the control of syphilis and gonorrhea. In connection with the development and administration of activities to prevent the spread of these diseases from State to State, the division has developed a network of medical centers for the treatment of infectious patients. Two of these facilities are operated by the division (see List of Field Installations, section 164 (g)); others are operated by State and local health departments in cooperation with the division. The division carries on an extensive program of education for professional groups and for the public; sponsors both laboratory and clinical research projects for the study of new methods in the diagnosis, prevention, and treatment of venereal disease; provides consultative and technical services to State and local health departments; and carries on special cooperative programs for the improvement of case-findings and other epidemiologic techniques for the control of venereal disease.

(m) *Vital Statistics, National Office of.* This office has the primary function of collecting, analyzing, and publishing statistics on births, deaths, morbidity, marriages, divorces, annulments, and related data. It maintains the U. S. Death Registration Area and the U. S. Birth Registration Area in cooperation with State, territorial, and insular governments (Alaska only excepted). The office works closely with State and Territorial Health Officers and their local registrars of vital statistics providing them with consultative and technical assistance for the purpose of maintaining high standards of performance in registration and reporting procedures. The office also compiles and publishes the official United States life tables. In cooperation with the State Department, the office conducts international programs for the purpose of promoting the collection and interchange of comparable information among nations.

(n) *Water, Pollution Control, Division of.* This Division is primarily responsible for administration of the Water Pollution Control Act and conducting other functions of the Public Health Service in this field. It develops for adoption by the Surgeon General comprehensive programs for eliminating or reducing the pollution of interstate waters and their tributaries, and improving the sanitary conditions of surface and underground waters. In cooperation with the Division of State Grants it reviews and recommends to the Chief, Bureau of State Services, approval or disapproval of applications for financial assistance to various public bodies as follows: grants for advanced planning of remedial works for pollution abatement, grants for the conduct of investigations, surveys, studies and research on water pollution caused by industrial wastes, and loans for construction of treatment works to prevent the discharge of untreated or inadequately treated wastes into interstate waters or tributaries thereof. Through the Environmental Health Center at Cincinnati, Ohio, it conducts research in all phases of water pollution control work. It maintains a consultative and cooperative relationship with State agencies and other interested parties such as Federal agencies and industries on all technical and legal aspects of water pollution control programs. It also maintains liaison with other Federal agencies on the pollution control aspects of water resources development programs, and with other interested groups such as industries and municipalities on technical aspects of water pollution control. It is initially responsible for taking action under the Water Pollution Control Act for abatement of water pollution with an interstate effect. To assist in the development and operation of the water pollution control program, eleven drainage basin offices are planned throughout the continental United States of which ten have been established. (See list of water pollution control drainage basin areas in section 164 (h).)

(o) *Arctic Health Research Center.* This Center has general responsibility for the conduct of a program of arctic scientific research and investigations in health and related fields and for carrying out the functions necessary to assist in the investigation, prevention, treatment, and control of diseases, and in the establishment and maintenance of health and sanitation services in Alaska.

NATIONAL INSTITUTES OF HEALTH

SEC. 151. *Functions.* The National Institutes of Health is the research bureau of the Public Health Service. It is composed of several institutes each of which conducts broad programs of research in its respective field. Many projects are initiated as cooperative studies with other Federal agencies and with private institutions and organizations. The exceptional facilities of the institutes are made available to research scientists of such organizations. The studies of the component institutes are coordinated in a comprehensive program of research so that a particular problem may be approached through various related sciences. Many studies are conducted in the field or in facilities of cooperating institutions.

The National Institutes of Health administers a program of grants-in-aid for research in the medical sciences. Through this program the Service provides financial assistance to public and private institutions and to individuals whose applications for such aid are recommended and certified by the National Advisory Health Council; or as may be appropriate, by the National Advisory Cancer Council; the National Advisory Mental Health Council, the National Advisory Heart Council, or the National Advisory Dental Research Council. Fellowships for research scientists are provided by the institutes. The Director of the Institutes, in addition to administering the work of the institutes, advises the Surgeon General on research matters and coordinates research programs initiated by other bureaus of the Service with those of the institutes.

SEC. 152. *Director, Office of.* This office, with the Director of the National Institutes of Health as its chief, assisted by two associate directors and an executive officer, supervises and directs the work of the National Institutes of Health. Through this office the director advises the Surgeon General on all matters pertaining to scientific research, directs research within the National Institutes of Health, fosters outside research activities, and maintains relationships with the public. The office cooperates with other scientific organizations for the purpose of coordinating medical research. It provides research planning and research facilities planning. It also provides internal administrative management and scientific services for the bureau, including publication and dissemination of scientific findings to research workers, health authorities, and others. Professional and scientific examinations are administered for personnel of the institutes by the U. S. Board of Civil Service Examiners in the Office of the Director. This board is composed of scientists of the National Institutes of Health who perform this activity in addition to their other professional duties.

SEC. 153 *Institutes and Divisions*—(a) *National Cancer Institute.* This institute conducts and sponsors research on the causes, prevention, and treatment of cancer. It provides fellowship for research scientists in this field, as well as financial assistance for physicians desiring special training in the diagnosis and treatment of cancer. It loans radium to qualified hospitals for the treatment of cancer patients. It administers a special program of grants-in-aid to public and private institutions for cancer research.

(b) *National Heart Institute.* This institute conducts, assists, and fosters research, investigation, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of diseases of the heart and circulation. It provides training, instruction, traineeships, and research fellowships by making grants to public and other non-profit institutions. It also maintains traineeships and research fellowships at the institute. It provides grants-in-aid to public and private institutions and to individuals for research projects, including grants for constructing research facilities and for the care of patients therein, when necessary for such research. It serves as the focal point for the dissemination of information in respect to heart diseases.

(c) *National Institute of Arthritis and Metabolic Diseases.* This institute administers the functions of research within the National Institutes of Health in the field of arthritis and metabolic diseases. It also supports research and research facilities construction, training, instruction, and establishment of fellowships and traineeships in this field in institutions outside the Service. It performs other fundamental research activities formerly conducted by the Experimental Biology and Medicine Institute which has been discontinued as a separate institute. The institute serves administrative needs of the National Advisory Arthritis and Metabolic Diseases Council. The director of the institute maintains the principal Service relationships with professional societies, other groups, and the general public interested in this institute's program.

(d) *National Institute of Dental Research.* This institute conducts, assists, and fosters research, investigations, experiments, and studies relating to the cause, prevention, and method of diagnosis and treatment of dental diseases and conditions. Included in these studies is the relationship of fluorine to dental health. It provides traineeships and research fellowships in the institute. It administers grants to public and nonprofit institutions for training, instruction, and traineeships. It provides grants for research to public and private institutions. It promotes the coordination of dental research conducted by the institute, other agencies, organizations, and individuals.

(e) *National Institute of Mental Health.* This institute administers the national mental health program authorized by the National Mental Health Act (60 Stat. 421, P. L. 487, 79th Cong.) It supports research into the prevalence, causes, diagnosis, and prevention of mental illnesses by grants-in-aid to public and private institutions and individual scientists; conducts in-service studies in this field; and makes available information relating to such research. It provides training through grants-in-aid to public and other non-profit institutions, and conducts in-service training in mental health. It assists States in developing and maintaining adequate mental health programs and facilities through grants-in-aid, demonstrations and consultative services. It cooperates with State mental health authorities and other organizations in studying mental health resources and needs, and in improving facilities for the care of the mentally ill. It cooperates with Federal and other official and private agencies, including the furnishing of psychiatric services to the Juvenile Court of the District of Columbia. It collects and publishes statistics on patients in mental institutions and psychiatric clinics.

(f) *National Institute of Neurological Diseases and Blindness.* This institute administers functions of research with the Public Health Service in the field of neurological diseases (including epilepsy, cerebral palsy, and multiple sclerosis) and blindness. It also supports research and research facilities construction, training, instruction, and establishment of fellowships and traineeships in institutions outside the Service. The institute serves administrative needs of the National Advisory Neurological Diseases and Blindness Council. This institute's program is carried on in closer collaboration with those phases of the program of the National Institute of Mental Health in which both institutes have common interests. The director of this institute maintains the principal Service relationships with professional societies, other groups, and the general public interested in this institute's program.

(g) *National Microbiological Institute.* This institute conducts fundamental research on the growth requirements, metabolism, and conditions of survival of micro-organisms as related to public health. The institute pursues programs seeking to apply this fundamental knowledge to the problems of prevention and control of infectious diseases and makes epidemiological and other field studies of infectious diseases when necessary. The institute also administers the provisions of the Public Health Service Act concerning the licensure of production for sale of certain viruses, serums, toxins, and analogous products, and conducts related research.

(h) *Research Grants, Division of.* This division administers the research grant program of the Public Health Service in the medical and related sciences exclusive of research carried on in the fields of cancer, heart, mental health, and dental research. It acts as a clearing house in processing and auditing all research grants made by the Public Health Service. It administers the Public Health Service program of granting fellowships to research scientists.

PUBLIC HEALTH SERVICE ORGANIZATION IN THE FIELD

SEC. 161. *Regional organization.* (a) In order to maintain direct contact with State and local authorities, with field offices of other Federal agencies, and with other official and non-official organizations concerned with its activities, the Public Health Service maintains a staff in each of the ten Regional Offices of the Federal Security Agency. (See List of Field Installations, section 161 (b), for addresses and jurisdiction of these offices.) Each regional staff is headed by a Regional Medical Director who represents the Surgeon General in interpreting and carrying out the broad policies of the Service. The Regional Medical Director has immediate direction and supervision of the Public Health Service staff assigned to the regional offices. In this capacity he serves under the immediate direction of the Bureau of State Services and is responsible for seeing that the regional staff works with State authorities in developing and maintaining plans, programs, and budgets for Federal-State cooperative programs, such as dental health, sanitation, venereal disease control, tuberculosis control, public health nursing and hospital survey and construction. Correspondence to the Public Health Service regions should be addressed to the Regional Medical Directors.

(b) Addresses and jurisdictions:

Federal Security Agency Region 1, 120 Boylston Street, Boston 16, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Federal Security Agency Region 2, 42 Broadway, New York 4, N. Y.: Delaware, New Jersey, New York, Pennsylvania.

Federal Security Agency Region 3, Federal Security Agency Building, 330 Independence

Avenue SW., Washington 25, D. C.: District of Columbia, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, Virgin Islands.

Federal Security Agency Region 4, 1100 Chester Avenue, Cleveland 14, Ohio: Kentucky, Michigan, Ohio.

Federal Security Agency Region 5, 69 West Washington Street, Chicago 2, Ill.: Illinois, Indiana, Minnesota, Wisconsin.

Federal Security Agency Region 6, 50-Seventh Street NE., Atlanta 3, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee.

Federal Security Agency Region 7, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota.

Federal Security Agency Region 8, Norman Building, Ross Street and Lamar Avenue, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Federal Security Agency Region 9, Equitable Building, 730 17th Street, Denver 2, Colo.: Colorado, Idaho, Montana, Utah, Wyoming.

Federal Security Agency Region 10, Federal Office Building, San Francisco 2, Calif.: Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii.

SEC. 162. *Public Health Service Supply Station, Division of Supply, Office of Surgeon General.* Correspondence should be addressed to: Medical Purveyor in Charge, Public Health Service Supply Station, Perry Point, Maryland. Freight and Express address: Perryville, Maryland.

SEC. 163. *Field installations of the Bureau of Medical Services*—(a) *Foreign Quarantine and Immigration Stations.* Correspondence with foreign quarantine and immigration stations should be addressed to: Medical Officer in Charge, U. S. Quarantine Station.

Port	Address	Jurisdiction
Baltimore, Md.	Curtis Bay.	Chesapeake Bay and Potomac River.
Boston, Mass.	61 Summer St., East Boston	Eastport, Maine, to New London, Conn.
Charleston, S. C.		Wilmington, N. C., to Savannah, Ga.
El Paso, Tex.	Room 139, U. S. Customhouse	Brownsville, Tex., to Ajo, Ariz.
Fort Monroe, Va.		Hampton Roads to Morehead City, N. C.
Galveston, Tex.		Galveston to Brownsville (Port Isabel), Tex.
Honolulu, T. H.		Hawaii.
Jacksonville, Fla.	403 Federal Bldg.	Brunswick, Ga., to St. Augustine, Fla.
Los Angeles, Calif.	P. O. Box 97, Terminal Island	San Luis Obispo to San Pedro Bay.
Miami, Fla.	P. O. Box 1249, Miami Beach 39	Fort Pierce to Key West, Fla.
Mobile, Ala.		Carrabelle, Fla. to Gulfport, Miss.
New Orleans, La.	Algiers.	Mississippi River and Gulf Coast to Morgan City, La.
New York, N. Y.	Roselank	Bridgeport, Conn., to Perth Amboy, N. J.
Philadelphia, Pa.	225 Chestnut St.	Delaware Bay and Delaware River.
Portland, Maine	331 Veranda St.	Portland, Maine.
Sabine, Tex.		Sabine Pass.
San Diego, Calif.	208 New Post Office Bldg.	San Diego, Calif., to Calexico.
San Francisco, Calif.	Foot of Hyde St.	Eureka to Monterey, Calif.
San Juan, P. R.		Puerto Rico and Virgin Islands.
Seattle, Wash.	45 Federal Office Bldg.	Columbia River and Puget Sound.
Tampa, Fla.	P. O. Box 1438	Cedar Keys to Boca Grande, Fla.

The medical examination of aliens is also performed at a selected number of consular offices in foreign countries. For a list of additional seaports, border stations, and airports served by quarantine and immigration officers write the Chief, Division of Foreign Quarantine, U. S. Public Health Service, Washington 25, D. C.

(b) *Hospitals, clinics, and outpatient offices.* Correspondence with hospitals, clinics, and outpatient offices of the Service should be addressed to: Medical Officer in Charge.

U. S. Marine Hospitals

Baltimore 11, Md.: Wyman Park Drive and Thirty-first Street. Outpatient Department Annex: Customhouse, Baltimore 2, Md.

Boston 35, Mass.: 77 Warren Street.

Brooklyn 35, New York. Manhattan Beach.

Carville, La. (PHS Leprosarium) Freight and express address: St. Gabriel, La.

Chicago 13, Ill.: 4141 Clarendon Avenue. Outpatient Department Annex: New Post Office Building, Chicago 7, Ill.

Cleveland 20, Ohio: Fairhill Road and East One Hundred and Twenty-fourth Street.

Detroit 15, Michigan: Windmill Pointe.

Fort Stanton, N. Mex.: (Tuberculosis Sanatorium) Freight and express address: Carrizozo, New Mexico.

Galveston 1, Texas: Forty-fifth Street and Avenue N.

Kirkwood, Mo.: 525 Couch Avenue. Outpatient Department Annex: Room 204, 815 Olive Street, St. Louis, Mo.

Memphis 5, Tenn.: Delaware and California Streets.

Mobile 16, Ala.: 800 St. Anthony Street.

New Orleans 15, La.: 210 State Street. Outpatient Department Annex: Customhouse, New Orleans 16, La.

Norfolk 9, Va.: Hampton Boulevard, Larchmont.

Portland 5, Maine: 331 Veranda Street.

San Francisco 18, Calif.: Fourteenth Avenue and Park Boulevard. Outpatient Department Annex: Appraisers Building, Washington and Sansome Streets.

San Juan 18, Puerto Rico: P. O. Box 3788.

Savannah, Ga.: York and Abercorn Streets.

Jacksonville, Fla. Outpatient Department Annex: 403 Federal Building or P. O. Box 4788, Jacksonville, Fla.

Seattle 14, Wash.: P. O. Box 3145.

Staten Island 4, N. Y.: Express address: Stapleton, N. Y. Freight address: Tompkinsville, Long Island, N. Y.

Vineyard Haven, Mass.

Public Health Service Outpatient Clinics

Balboa Heights, Canal Zone.

Buffalo, New York: 2183 Main Street.

Charleston 3, S. C.: Customhouse.

Charlotte Amalie, V. I.: U. S. Post Office and Customhouse Building.

El Paso, Tex.: 139 United States Courthouse.

Honolulu 7, T. H.: 208 Federal Building.

Houston 11, Tex.: Room 216 Appraisers Stores Building, 7300 Wingate Avenue.

Los Angeles 12, Calif.: 408 Federal Building.

Louisville, Ky.: Wave Building, Preston and Broadway.

Miami 3, Fla.: 365 Federal Building.

New York 13, N. Y.: 67 Hudson Street.

Philadelphia 6, Pa.: 225 Chestnut Street.

Pittsburgh, Pa.: Fortieth Street and Pennsylvania Avenue.

Port Arthur, Tex.: 211 Federal Building.

Portland 5, Oreg.: 220 United States Courthouse.

San Diego 1, Calif.: 208 New Post Office Building.

San Pedro, Calif.: 308 Federal Building.[1]

Tampa 1, Fla.: P. O. Box 1438, Davis Island.

Washington 25, D. C.: Federal Security Building (South), Fourth and D Streets SW.

Public Health Service Outpatient Offices

Aberdeen, Wash.: 700 Becker Building.

Albany 6, N. Y.: 399 State Street.

Alpena, Mich.: Savings Bank Building, 122 North Second Street.

Anacortes, Wash.: Medical Dental Building.

Apalachicola, Fla.: 17½ Avenue E.

Ashland, Wis.: 522 West Second Street.

Ashtabula, Ohio: 4515 Main Avenue.

Astoria, Oreg.: 211 Post Office Building.

Bangor, Maine: 15 Ohio Street.

Bath, Maine: 118 Font Street.

Baton Rouge 11, La.: 701 North Seventh Street.

Bay City, Mich.: 307 Davidson Building.

Beaufort, N. C.: 501 Front Street, New Merrill Building.

Bellingham, Wash.: 511 Herald Building.

Biloxi, Miss.: 405 Lameuse Street.

Bridgeport 8, Conn.: 385 Noble Avenue.

Brunswick, Ga.: 1501½ Newcastle Street.

Burlington, Iowa: Room 219, Tama Building, 305 North Third Street.

Cairo, Ill.: 230 Tenth Street.

Calais, Maine:

Cambridge, Md.: 1 Church Street.

Cape May, N. J.: Columbia Avenue and Ocean Street.

Cincinnati 2, Ohio: 1019–21 Carew Tower, Fifth and Vine Streets.

Coos Bay, Oreg.: 510 Hall Building.

Cordova, Alaska: Cordova Community Hospital.

Corpus Christi, Tex.: Room 719 Jones Building, 314 Peoples Street.

Crisfield, Md.: 322 Main Street.

Duluth 2, Minn.: 706 Medical Arts Building, 324 West Superior Street.

Edenton, N. C.

Elizabeth City, N. C.: 224 Carolina Building.

Erie, Pa.: 226 West Eighth Street.

Escanaba, Mich.: 1106 First Avenue South.

Eureka, Calif.: 730 Seventh Street, Medical Dental Building.

Evansville 2, Ind.: 619 Mary Street.

Everett, Wash.: 416 Medical and Dental Building.

Fall River, Mass.: 2123 Highland Avenue.

Fort Yukon, Alaska:

Frankfort, Mich.: 104 Fourth Street.

Gallipolis, Ohio: Third Avenue and State Street.

Gary, Ind.: 673 Broadway.

Gloucester, Mass.: Customhouse, Dale Avenue.

Grand Haven, Mich.: 210½ Washington Street.

Green Bay, Wis.: Minahan Building.

Gulfport, Miss.: P. O. Box 1036.

Houghton, Mich.: Bosch Building, 124 Sheldon Street.

Indiana Harbor, Ind.: 3406 Guthrie Street.

Juneau, Alaska: P. O. Box 2930.

Ketchikan, Alaska: Koel Building.

Key West, Fla.: 622 Eaton Street.

Kilmarnock, Va.:

La Cross, Wis.: 205 Linker Building, Fourth and Main.

Lewes, Del.: Savannah Road.

Lorain, Ohio: 408 Broadway.

Ludington, Mich.: 107 West Ludington Avenue.

Machias, Maine:

Manistee, Mich.: 401 River Street.

Manitowoc, Wis.: 811 York Street.

Marquette, Mich.: Savings Bank Building, 101 South Front Street.

[1] Address correspondence for this station to the Medical Officer in Charge of the Los Angeles, Calif., Clinic.

Menominee, Mich.: Electric Square Building, Sheridan and Ogden Streets.

Morehead City, N. C.: Civic Center.

Muskegon, Mich.: 1160 Ransom Street.

Nashville 3, Tenn.: 704 Medical Arts Building.

Natchez, Miss.: 306 Franklin Street.

New Bedford, Mass.: Custom House, William and North Second Streets.

New Bern, N. C.: 81 Pollock Street.

New Haven 11, Conn.: 291 Whitney Avenue.

New London, Conn.: 295 Williams Street.

Newport, Oreg.: 625 Hurlburt Street.

Newport, R. I.: 105 Pelham Street.

Newport News, Va.: 2903 West Avenue.

Nome, Alaska: P. O. Box 497.

Ogdensburg, N. Y.: 430 Ford Street.

Olympia, Wash.: 529 West Fourth Street.

Oswego, N. Y.: 128 East Fourth Street.

Paducah, Ky.: 816 Citizens Savings Bank Building.

Panama City, Fla.: 456 Grace Avenue.

Pensacola, Fla.: 301 Federal Building.

Perth Amboy, N. J.: 226 Market Street.

Petersburg, Alaska: Box 1054.

Ponce, P. R.: U. S. Main Post Office Building.

Port Angeles, Wash.:

Port Huron, Mich.: 316 Sperry Building, 301 Huron Avenue.

Port Townsend, Wash.: Medical Building.

Providence 3, R. I.: 403 Federal Building.

Provincetown, Mass.: 322 Commercial Street.

Racine, Wis.: 729 Main Street.

Reedville, Va.:

Richmond 20, Va.: 2920 Park Avenue.

St. Petersburg, Fla.: 354 Fourth Street North.

Sandusky, Ohio: 622 Camp Street.

Sault Ste. Marie, Mich.: 309 Ashmun Street.

Seward, Alaska: Seward General Hospital.

Sheboygan, Wis.: 809 North Eighth Street.

Southport, N. C.:

Superior, Wis.: Board of Trade Building, 1507 Tower Avenue.

Tacoma 2, Wash.: 435 Medical Arts Building.

Toledo 4, Ohio: 510–514 Ohio Building.

Two Harbors, Minn.: 426 First Avenue.

Vicksburg, Miss.: 1600 Monroe Street.

Washington, N. C.: 109 South Market Street.

Wilmington, Del.: 600 West Tenth Street.

Wilmington, N. C.: 203 Murchison Building.

Wrangell, Alaska.

SEC. 164. *Field installations of the Bureau of State Services*—(a) *Field Stations of the Division of Chronic Diseases and Tuberculosis.* Correspondence with the field stations of the division should be addressed to:

Diabetes demonstration:

Medical Officer in Charge, U. S. Public Health Service:

Diabetes Demonstration Unit, 1217 Pearl Street, Jacksonville, Fla.

Diabetes Demonstration Unit, 3626 Maple Avenue, Dallas, Tex.

Diabetes Control and Demonstration Branch, 639 Huntington Avenue, Boston, Mass.

Heart Service:

Medical Officer in Charge, Heart Disease Demonstration Unit: c/o County Department of Health, The Center, Old Citadel, Charleston, S. C.

1000 Commonwealth Avenue, Newton Centre 59, Mass.

Chronic Disease Study:

Medical Officer in Charge, Multiple Screening Evaluation Study, Room 101, Isolation Building, Gallinger Hospital, Washington, D. C.

Home Care:

Medical Officer in Charge, Home Care Program, Sixth Floor, Medical Building, Gallinger Hospital, Washington, D. C.

(b) *Communicable Disease Center and Field Stations thereof.* Correspondence with the Center should be addressed to Medical Officer in Charge, Communicable Disease Center, U. S. Public Health Service, 605 Volunteer Building, Atlanta, Ga.: correspondence to the field stations of the Communicable Disease Center should address the Officer in Charge, U. S. Public Health Service, Communicable Disease Center Activities:

Amherst, Mass.: Training Center, University of Massachusetts, Marshall Hall Annex.

Berkeley, Calif.: Encephalitis Studies, Hooper Foundation, University of California.

Charleston, W. Va.: Polio Investigations, City Health Department.

Columbus, Ga.: Training Center, Columbus-Muscogee County Health Department.

Denver, Colo.: Training Center, University of Colorado Medical School, 4200 East Ninth Avenue.

Helena, Ark.: Malaria Observation Station.

Kansas City, Mo.: Midwestern CDC Services, 605 Red Cross Building.

Manning, S. C.: Malaria Observation Station.

Montgomery, Ala.: Virus and Rickettsial Laboratory.

New Orleans, La.: Neo-natal Diarrheal Studies, Charity Hospital.

Newton, Ga.: Malaria Observation Station.

Phoenix, Ariz.: Polio Investigations, City Health Department.

San Francisco, Calif.: Western CDC Laboratory, Fourteenth Avenue and Lake Street.

San Juan, P., R.: Malaria Observation Station, P. O. Box 3788.

Savannah, Ga.: Technical Development Services, P. O. Box 769.

Thomasville, Ga.: Diarrheal and Typhus Studies, P. O. Box 270.

Topeka, Kans.: Training Center, 512 Central Building, 700 Kansas Avenue; Polio Investigations, City Health Department.

(c) *Field Stations of the Division of Dental Public Health.* Correspondence with the field stations of the division should be addressed to:

Dental Officer in Charge, U. S. Public Health Service, Dental Demonstration Unit:

148 Rensom Avenue NE., Grand Rapids 5, Mich.

54 Earle Street, Woonsocket, R. I.

Fourteenth and C Streets, South, Richmond, Ind.

Officer in Charge, U. S. Public Health Service:

c/o City Water Works, Britton, S. Dak.

c/o City Water Works, Bartlett, Tex.

(d) *Environmental Health Center.* Correspondence should be addressed to: Officer in Charge, Environmental Health Center, 1010-1020 Broadway, Cincinnati, Ohio.

(e) *Field Station of the Division of Industrial Hygiene.* Correspondence should be addressed to: Officer in Charge, Industrial Hygiene Laboratory, University of Utah, Salt Lake City, Utah.

(f) *Venereal Disease Laboratories and Medical Centers.* Correspondence should be addressed to:

Medical Officer in Charge, U. S. Public Health Service Medical Center, Hot Springs National Park, Ark.

Medical Officer in Charge, Midwestern Medical Center, 3630 Marine Avenue, St. Louis, Mo.

Medical Officer in Charge, Syphilis Experimental Laboratory, School of Public Health, University of North Carolina, P. O. Box 667, Chapel Hill, N. C.

Director, Venereal Disease Research Laboratory, c/o Communicable Disease Center, Box 185, Chamblis, Ga.

(g) *Drainage Basin Offices; Water Pollution Control Drainage Basin Areas.* Correspondence should be addressed to Officer in Charge:

Basin No.	Basin area name and location of basin office	Geographical extent of basin area
1	New England Drainage Basins, U. S. Public Health Service, Federal Security Agency, 120 Boylston St., Boston 16, Mass.	Area includes all of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and parts of New York and Vermont.
2	North Atlantic Drainage Basins, U. S. Public Health Service, Federal Security Agency, 42 Broadway, New York 4, N. Y.	Area includes all of the States of New Jersey, Delaware and the District of Columbia and parts of New York, Vermont, Pennsylvania, Maryland, West Virginia, and Virginia.
3	Southeast Drainage Basins, U. S. Public Health Service, Federal Security Agency, John Silvey Building, 114 Marietta St., Atlanta 3, Ga.	Area includes all of the States of South Carolina, Florida, Puerto Rico, the Virgin Islands, and parts of Virginia, West Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, and Tennessee.
4	Ohio and Tennessee Drainage Basins, U. S. Public Health Service, Federal Security Agency, 1014–20 Broadway, Cincinnati 2, Ohio.	Area includes parts of the States of Pennsylvania, New York, Maryland, West Virginia, Ohio, Michigan, Indiana, Illinois, Kentucky, Virginia, North Carolina, Tennessee, Mississippi, Alabama, and Georgia.
5	Upper Mississippi and Great Lakes Drainage Basins, U. S. Public Health Service, Federal Security Agency, 69 West Washington St., Chicago 6, Ill.	Area includes all of the State of Wisconsin and parts of North Dakota, South Dakota, Minnesota, Michican, Iowa, Illinois, Indiana, Ohio, and Missouri.
6	Southwest-Lower Mississippi Drainage Basins, U. S. Public Health Service, Federal Security Agency, 215 Commerce St., Little Rock, Ark.	Area includes all of the States of Oklahoma and Arkansas and parts of Colorado, Kansas, Missouri, Kentucky, New Mexico, Tennessee, Mississippi, Louisiana, and Texas.
7	Missouri Drainage Basin, U. S. Public Health Service, Federal Security Agency, 615 Red Cross Bldg., 417 East 13th St., Kansas City 6, Mo.	Area includes all of the State of Nebraska and parts of the States of Montana, North Dakota, South Dakota, Minnesota, Wyoming, Iowa, Colorado, Kansas, and Missouri.
8	Western Gulf and Colorado Drainage Basins, U. S. Public Health Service, Federal Security Agency, 201 Norman Bldg., Lamar St. and Ross Ave., Dallas 2, Tex.	Area includes all of the State of Arizona and parts of the States of Wyoming, Utah, Colorado, Nevada, Louisiana, California, New Mexico, and Texas.
9	California and Great Basin Drainage Basins, U. S. Public Health Service, Federal Security Agency, Room 441 Federal Office Bldg., San Francisco 2, Calif.	Area includes all of Hawaii and parts of Oregon, Idaho, Wyoming, California, Nevada, and Utah.
10	Pacific Northwest Drainage Basins, U. S. Public Health Service, Federal Security Agency, Bldg. 24, Swan Island, Portland 18, Oreg.	Area includes all of Alaska, all of the State of Washington and parts of the States of Idaho, Montana, Oregon, Nevada, Utah, and Wyoming.

(h) *Arctic Health Research Center.* Correspondence should be addressed to:

Medical Officer in Charge, Arctic Health Research Center, U. S. Public Health Service, P. O. Box 960, Anchorage, Alaska.

SEC. 165. *Field organization of the National Institutes of Health.* The field organization includes laboratories or centers which conduct basic research studies in fields of medicine with which the Institutes are concerned. Most of the laboratories or centers are located in universities, hospitals, or other public or private research institutions. Also included are several installations which offer services to people in the community. These are listed below. Inquiries concerning National Institutes of Health field installations should be addressed to the Director, National Institutes of Health, Bethesda, Maryland.

Phoenix Mental Health Center, Phoenix College, Phoenix, Arizona.
Prince Georges County Mental Health Clinic, College Park, Maryland.
Rocky Mountain Laboratory, Hamilton, Montana.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: February 21, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-2698; Filed, Feb. 27, 1951; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

1. Section II, Central Office Organization and Final Delegations of Authority to Central Office Officials, is amended as follows :

a. Paragraph e 2 (d), 14 F. R. 6185 dated October 12, 1949, is amended, to read as follows:

(d) To accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee of the PHA regardless of his duty station, to execute all necessary and proper documents required in connection therewith, and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice.

b. Paragraph 7 is added to Section II e, as follows:

7. The Administrative Assistant to the Comptroller is delegated the power set forth in subparagraph (d) of paragraph 2 above.

2. Section III, Field Organization and Final Delegations of Authority, is amended as follows:

a. Subparagraph (m) is added to Section III b 8, as follows:

(m) Effective October 13, 1950, to execute on behalf of the PHA General Depositary Agreements.

b. Section III b, Paragraph 11, 15 F. R. 5059 dated August 5, 1950, is amended, as follows:

11. With respect to Farm Labor Camps and other properties transferred to the PHA from the Secretary of Agriculture pursuant to the provisions of section 205 of Public Law 475 (81st Congress):

(a) Effective June 19, 1950, to execute on behalf of the PHA extensions of existing Revocable Use Permits, and to execute new Revocable Use Permits to Local Housing Authorities and to present operators.

(b) Effective June 29, 1950:

(1) To execute or approve contracts and contract changes in any amount with respect to the completion, operation, maintenance or repair of such projects, and, with respect to contracts in which the contracting officer is an official subordinate in rank to the Field Office Director, to act as the representative of the head of the department for the purpose of approving such contract changes when the contract documents require the approval of contract changes in excess of $500 by the head of the department or his duly authorized representative; and to execute documents involving any extensions of the contract completion date which may be approvable under the terms of the contract irrespective of whether extra work is involved.

(2) To consent to the annexation of project property by a political subdivision if necessary to facilitate the extension of adequate public facilities or services, including utilities, to such property.

(3) With respect to contracts in which the contracting officer is an official subordinate in rank to the Field Officer Director, to act as representative of the head of the department for the purpose of approving the granting by the contracting officer of the contractor's request for extension of time when the contract permits the waiver by the contracting officer with the approval of the head of the department or his duly authorized representative of the contractor's failure to notify the Government of the causes of delay within the period of time stated in the contract.

(4) With respect to contracts in which the contracting officer is an official subordinate in rank to the Field Office Director, to act as representative of the head of the department for the purpose of approving the adjustment of any claim in connection with changes in the contract where there has not been compliance with the 10-day limitation stipulated in the contract for asserting such claim but where the claim was asserted by the contractor prior to the date of final settlement of the contract.

(5) To execute leases and amendments thereto or extensions of existing leases to Local Housing Authorities and to other local public bodies, or to nonprofit organizations for the operation of such projects.

(6) With the exception of maximum income limits for admission and continued occupancy, to approve statements of management policy and management programs and revisions thereof, including five-year estimates of average annual rent.

(7) To approve annual operating budgets and five-year estimates of average annual expense and revisions thereof.

(8) To execute or approve leases for commercial facilities.

(9) To execute contracts for the purchase and rental of equipment and supplies, for the rental of space, and for the purchase of services other than personal services.

(10) To dispose of personal property, including the power to execute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

(11) To order the publication of advertisements, in accordance with General Accounting Office General Regulation No. 109, Revised.

(c) Effective October 26, 1950, to approve on behalf of the PHA Administration Fund Agreements.

(d) Effective October 26, 1950, to execute contracts for disposal (including financial assistance) to public housing agencies.

(e) Effective November 1, 1950, to approve deficit budgets which are deficits only because of authorized rehabilitation expenses.

c. Section III e, 14 F. R. 1626, dated April 6, 1949, is amended, to read as follows:

e. *Delegations of authority to general housing managers, housing managers and their assistants and management aides.* 1. Pursuant to the provisions of Public Law 67 (73d Congress), and Public Law 412 (75th Congress), as to PWA projects only; Public Laws 671, 781, and 849 (76th Congress), Public Laws 9, 73, and 353 (77th Congress), all as amended, and supplemented; Public Law 600 (79th Congress); Public Laws 862 and 901 (80th Congress); and section 205 of Public Law 475 (81st Congress); general housing managers, housing managers and their assistants, and management aides are delegated, in connection with the management and administration of projects, the power:

(a) To execute contracts for supplies and services (other than personal services) necessary in connection with the operation, maintenance, and repair of projects within approved budgets as follows:

(1) In amounts less than $300 in the open market without advertising for proposals.

(2) In amounts between $300 and $2,000 after advertising for proposals. This requirement of advertising for proposals need not be observed when immediate delivery and performance is required by the public exigency or when only one source of supply is available.

(b) To execute and cancel leases and rental contracts for occupancy of the respective projects.

(c) To approve in writing the compromise of rent claims against tenants or former tenants.

(d) To approve the payment of court costs in connection with any claim against tenants or former tenants.

(e) To execute contracts covering the sale of usable personal property, salvage, and scrap.

(f) To order the publication of advertisements, in accordance with General Accounting Regulation No. 109.

(g) To accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee under their supervision, to execute all necessary and proper documents required in connection therewith, and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice.

d. Paragraph i is added to Section III, as follows:

i. *Delegations of Authority to Field Office Attorneys.* The Field Office Attorney is authorized to accept service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee employed in his respective Field Office, to execute all necessary and proper documents required in connection therewith, and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice.

Date approved: February 8, 1951.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 51-2677; Filed, Feb. 27, 1951; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25865]

LIVESTOCK FROM THE WEST TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to Agent D. Q. Marsh's tariff I. C. C. No. 3664 and Agent C. A. Spaninger's tariff I. C. C. No. 1087.

Commodities involved: Livestock, carloads.

From: Points in western trunk-line territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3664, Supp. 77. C. A. Spaninger's tariff I. C. C. No. 1087, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2692; Filed, Feb. 27, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2563]

WEST PENN ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of February A. D. 1951.

The West Penn Electric Company ("West Penn Electric"), a registered holding company having filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act") and certain rules and regulations promulgated thereunder regarding the following transactions:

West Penn Electric proposes to issue 320,000 shares of new common stock without par value. The shares of this common stock are to be offered to the holders of the presently outstanding common stock of the Company for subscription in the ratio of 1 share of additional common stock for each 10 shares of common stock now held, this right to subscribe being evidenced by subscription warrants to be issued on the basis of 1 subscription warrant for each share of common stock presently owned. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional warrants required to complete a full share subscription or to sell warrants in excess of full share subscriptions. In each case, the purchase or sale may not exceed 9 warrants for any single stockholder. West Penn Electric also proposes to offer to the regular full time employees of the Company, and its majority owned subsidiary companies, a non-transferable privilege to subscribe, at the subscription price, for shares of the new common stock not issued upon the exercise of rights to subscribe. This employee right to purchase is to be limited to a maximum of 150 shares for each employee. Any shares remaining after subscriptions by the stockholders and by employees are to be available to stockholders under an over-subscription privilege of the warrants.

This offering of new common stock is to be underwritten and West Penn Electric proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, West Penn Electric will advise the prospective bidders of the subscription price per share for the shares of new common stock which will also be the price per share at which unsubscribed shares will be sold. Prospective bidders are to specify an aggregate amount of compensation to be paid by the Company for their commitments.

West Penn Electric proposes, if it is considered necessary or desirable, to stabilize the price of the common stock of the Company for the purpose of facilitating the offering and distribution of the new common stock. In connection therewith, the Company may, prior to the acceptance of a bid, purchase shares of its common stock, but not in excess of 32,000 shares, on the New York Stock Exchange or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares, within the above limitation, acquired by the Company through stabilizing transactions.

Notice of the filing of this application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this application-declaration that all of the applicable statutory standards are satisfied and that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that this application-declaration be, and the same is hereby granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale of the 320,000 shares of new common stock by West Penn Electric shall not be consummated until the results of competitive bidding held with respect thereto have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed which order shall contain such further terms and conditions, if any, as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-2632; Filed, Feb. 27, 1951; 8:48 a. m.]

[File No. 70-2555]

NEW ENGLAND POWER CO.

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of February A. D. 1951.

New England Power Company ("NEPCO"), a subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the issue and sale by NEPCO at competitive bidding of $12,000,000 principal amount of its First Mortgage Bonds, Series D, dated February 1, 1951 and maturing February 1, 1981;

The Commission, by order dated February 12, 1951, having granted said application, including the request of the applicant that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be shortened to a period of not less than six days, all subject to the condition that the proposed issue and sale not be consummated until the results of competitive bidding and a supplemental order of the Public Service Commission of New Hampshire with respect thereto had been made a matter of record and a further order entered on the basis thereof, and subject to a reservation of jurisdiction with respect to legal, accounting and auditing fees and expenses;

NEPCO having filed an amendment setting forth the action taken in offering said bonds at competitive bidding and stating that on February 19, 1951 the following bids were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co. Inc...	2¾	101.66	2.7929
Lehman Bros	2¾	101.4289	2.8057
Blyth & Co., Inc	2¾	101.2899	2.8110
Equitable Securities Corp. and Blair, Rollins & Co., Inc	2¾	101.15	2.8179
Merrill Lynch, Pierce, Fenner & Beane	2¾	100.7271	2.8388
Harriman Ripley & Co., Inc	2¾	100.7111	2.8396
The First Boston Corp	2¾	100.589	2.8456
Kuhn, Loeb & Co	2¾	100.48	2.8510

[1] Exclusive of accrued interest from Feb. 1, 1951.

Said amendment further stating that NEPCO has accepted the bid of Halsey, Stuart & Co. Inc. and that the bonds will be issued to the public at an initial price of 102.129 percent of their principal amount, plus accrued interest, resulting in an underwriting spread of 0.469 percent of the principal amount of the bonds or an aggregate of $56,280;

The Public Service Commission of New Hampshire having entered a supplemental order authorizing the sale of the bonds on the proposed price and terms;

Said amendment further setting forth the legal, accounting and auditing services rendered and disbursements made, for which requests for compensation or reimbursement in the following amounts have been received by NEPCO:

Milbank, Tweed, Hope & Hadley Counsel for the underwriters, payable by the underwriters	
Fee	$7,500
Disbursements	750
Lybrand, Ross Bros. & Montgomery Independent public accountant, payable by NEPCO: Fee	2,000

The Commission having considered the record as supplemented and finding no reason for imposing terms and conditions with respect to the price to be received for said bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses specified above are not unreasonable; and it appearing appropriate to the Commission to release the jurisdiction heretofore reserved herein and to grant applicant's request that the order herein become effective upon issuance:

It is ordered, That the jurisdiction reserved in our order of February 12, 1951, herein, be and hereby is released and said application, as amended, be and hereby is granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2683; Filed, Feb. 27, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17368]

PHILLIP A. DIETER

In re: Stock owned by Phillip A. Dieter. F-28-31223.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Phillip A. Dieter, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of Preferred capital stock of Great Western System, Ltd., evidenced by a certificate numbered 49, registered in the name of Phillip A. Dieter, and presently in the custody of the Department of State, Division of Protective Services, 512 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of Common capital stock of Great Western System, Ltd., evidenced by a certificate numbered 64, registered in the name of Phillip A. Dieter, and presently in the custody of the Department of State, Division of Protective Services, 512 Twenty-second Street NW., Washington, D. C., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2653; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17380]

HERMANN AUGUST MEYWALD

Re: Securities owned by personal representatives, heirs, next of kin, legatees and distributees of Hermann August Meywald, also known as Herman August Meywald Erben and as H. Meywald, deceased. F-28-31215.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Herman August Meywald, also known as Herman August Meywald Erben and H. Meywald, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred sixty-three (263) shares of $25.00 par value capital stock of Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago 80, Illinois, a corporation organized under the laws of the State of Indiana, evidenced by certificate numbered 39970 for one hundred (100) shares, certificate numbered 39971 for one hundred (100) shares and certificate numbered 042330 for 63 shares, registered in the name of H. Meywald, together with all declared and unpaid dividends thereon, and

b. Seven (7) shares of $25.00 par value capital stock of Standard Oil Company (New Jersey), 30 Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by certificate numbered CC708554 for two (2) shares, certificate numbered 3C222348 for two (2) shares and certificate numbered 3C330361 for three (3) shares, registered in the name of H. Meywald, presently in the custody of Standard Oil Company (Indiana) 910 South Michigan Avenue, Chicago 80, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Hermann August Meywald, also known as Herman August Meywald Erben and as H. Meywald, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hermann August Meywald, also known as Herman August Meywald Erben and as H. Meywald, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2655; Filed, Feb. 26, 1951; 8:50 a. m.]

[Vesting Order 17330]

META PETERSEN

In re: Estate of Meta Petersen, deceased. File No. D-28-9317; E. T. sec. 12304.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Meta Elsa Hundertmark, Willi Petersen, and Klaus Petersen, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Heinrich Petersen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of Meta Petersen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Francis J. Mulligan, Public Administrator for New York County, New York, as administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Heinrich Petersen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 12, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-2712; Filed, Feb. 27, 1951; 8:53 a. m.]

[Vesting Order 17357]

MARY VAN DER STUCKEN

In re: Estate of Mary van der Stucken, deceased. File No. F-28-18710; E. T. sec. 12107.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Isa Bobrik, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Mary van der Stucken, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Margarete V. Lundin, as Administratrix, C. T. A., D. B. N., acting under the judicial supervision of the Probate Court, Essex County, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2713; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17362]

KAKUJI TOKUNAGA

In re: Rights of Kakuji Tokunaga under insurance contracts. File Numbers F-39-110-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kakuji Tokunaga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies numbered 8554413 and 7870331 issued by the New York Life Insurance Company, New York, New York, to Kakuji Tokunaga, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evi-

dence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2714; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17364]

ANNA WASHEIM

In re: Rights of Anna Washeim under insurance contract. File No. F-28-24665-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Washeim, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8 822 61 M, issued by the Metropolitan Life Insurance Company, New York, New York, to Anna Washeim, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Anna Washeim be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2715; Filed, Feb. 27, 1951; 8:54 a. m.]

[Vesting Order 17386]

ROSETTA OBERWALDER ET AL.

In re: Rights of Rosetta Oberwalder et al. under contract of insurance. F-28-30458-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosetta Oberwalder, Ingrid Lori Oberwalder and Mariachristina Oberwalder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 204721, issued by the West Coast Life Insurance Company, San Francisco, California, to Albert Oberwalder, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rosetta Oberwalder or Ingrid Lori Oberwalder and Mariachristina Oberwalder, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 15, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2716; Filed, Feb. 27, 1951; 8:55 a. m.]

[Vesting Order 17396]

ANTONIE (TONI) BARTHOLDT ET AL.

In re: Rights of Antonie (Toni) Bartholdt et al. under contracts of insurance. Files F-28-24730-H-1; H-2, H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie (Toni) Bartholdt and Hans W. Bartholdt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 4,879,763, No. 4,889,367 and No. 5,205,730, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Hans W. Bartholdt, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 16, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2719; Filed, Feb. 27, 1951; 8:55 a. m.]